



AGENDA OF THE REGULAR MEETING OF
THE CITY COUNCIL
CITY OF BIRCHWOOD VILLAGE
WASHINGTON COUNTY, MINNESOTA
April 12, 2022
7:00 P.M.

NOTE: Due to Open Meeting Law restrictions, the City Council may be discussing agenda items for the first time. Your patience and understanding is appreciated during this process.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

APPROVE AGENDA

OPEN PUBLIC FORUM

ANNOUNCEMENTS

- A. We are social, follow us on Facebook at @BirchwoodCityHall or Twitter at @CityofBirchwood

ADMINISTRATIVE PRESENTATION

- A. Sheriff Report* (pp. 3-6)
- B. Planning Commission Meeting Minutes from February 24, 2022* (pp. 7-14)

CITY BUSINESS – CONSENT AGENDA

- A. Approve Regular Meeting Minutes from February 8, 2022* (pp. 15-24)
- B. Approve Regular Meeting Minutes from March 8, 2022* (pp. 25-36)
- C. Approve Resolution 2022-07 Reestablishing Precinct Boundaries and Polling Location* (pp. 37)
- D. Approve changing Dog License term to 3 years retroactive to January 1, 2022
- E. Approve Treasurer's Report* (pp. 39-55)

CITY BUSINESS – REGULAR AGENDA

- A. MS4: Storm Water Pollution Prevention Program Review* (pp. 57-64)
 - a. Public Hearing
Time Budget: 10 Minutes
- B. 143 Wildwood Avenue
 - a. Council deliberation on previous code violation
Time Budget: 10 Minutes
- C. 310/312 Wildwood Avenue
 - a. Council deliberation on maintenance code concerns
Time Budget: 10 Minutes
- D. First Reading Ord. 2022-04-02, Repeal & Replace Sec. 302.050* (pp. 65-70)
 - a. First Reading & Council Deliberation
 - b. Order Second Reading & Public Hearing

Time Budget: 10 Minutes

- E. First Reading Ord. 2022-04-01, Repealing Sec. 601* (pp. 71-72)
 - a. First Reading & Council Deliberation
 - b. Order Second Reading and Public Hearing

Time Budget: 10 Minutes

- F. Personnel – City Administrator/Clerk Update* (pp. 73)
 - a. Update from Councilmember McCarthy

Time Budget: 10 Minutes

- G. Council Member Reports:
 - a. Mayor Wingfield* (pp. 75)
 - i. Fee Schedule Amendment
 - ii. Tree Follow-Up
 - iii. Tennis Court/Animal Access
 - iv. Sanitary Sewer Survey of 200 block of Birchwood Avenue
 - v. Backflow Valve Permits
 - vi. Road Updates

- A. City Administrator Update
 - a. Feistner Beach Raffle Winner Approval

Time Budget: 5 Minutes

ADJOURN

*Denotes items that have supporting materials attached

BIRCHWOOD VILLAGE, MN MARCH 2022

WASHINGTON COUNTY SHERIFF'S OFFICE

MONTHLY NEWSLETTER



MARCH SERVICE AWARDS

25 YEARS OF SERVICE



PAM BRADSHAW
Public Safety Telecommunicator

15 YEARS OF SERVICE



SGT. JACQUELINE DAHMS
Jail Operations Sergeant

15 YEARS OF SERVICE



DEPUTY MATT O'HARA
Coordinated Response Team

Pedestrian Traffic Safety

how to keep yourself (and your pup) safe..

With warmer weather on the horizon, we can expect a lot more pedestrian and bicycle traffic in our communities. Pedestrian safety is all of our responsibilities, including drivers. In partnership with Toward Zero Deaths (TZD) and AAA, Washington County is promoting a four-week awareness campaign on "Pedestrian & Pup Traffic Safety" via their [Facebook](#) page. The campaign highlights the importance of being **alert**, **visible**, & **predictable**. In addition, the

PEDESTRIAN & PUP TRAFFIC SAFETY

PROTECT you and your dog while walking outside, this **FRIENDSHIP** is **FUR REAL!**

BE PREDICTABLE.

BE ALERT. Keep your head up and phone down.

BE VISIBLE. Use a reflective harness, leash, or a light up collar.

Don't let it be a RUFF DAY!

BE VISIBLE. BE ALERT. BE PREDICTABLE.

Sheriff's Office would like to remind motorists to reduce dangerous driving behaviors by following speed limits, slowing down at intersections, and yielding to bicyclists and pedestrians.

Washington County Drug "Take Back" Event

Washington County

Household Prescription Drug "Take Back" Event

April 23 - 10 a.m. - 1 p.m.

Mahtomedi	Mahtomedi Middle School 8100 75th St. N. Mahtomedi, MN 55115
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The Washington County Sheriff's Office and Washington County Public Health & Environment proudly partner in a drug collection program. Over 40 tons of prescription medication have been collected since the program's conception in 2013. As part of this effort, Washington County is holding a

Drug "Take Back" event on April 23rd at the Mahtomedi Middle School. For more information, including acceptable items and year-round disposal locations, call 651-275-7475 or visit our website at www.co.washington.mn.us/meds.



EMPLOYEE SPOTLIGHT



Blake Trantham
CRIME ANALYST

Blake has been with the Sheriff's Office for 11 years, having spent the last 8 serving as one our Crime Analysts.

Most of Blake's time is spent assisting our General Investigators with their cases, including identifying and researching suspects, analyzing and mapping phone records, and compiling and analyzing crime data to determine trends and patterns in criminal activity in our communities. Blake also assists the Washington County Drug Task Force, the East Metro Human Trafficking Task Force, our Special Investigations Unit, Patrol Unit, and Digital Forensics Unit.

Prior to the Sheriff's Office, Blake worked for the Minnesota Revisor's Office, Ramsey County Corrections, and was a police officer. He graduated from the University of Northern Iowa with a Bachelor of Arts in Criminology and Sociology. Having grown up in Iowa, Blake is an avid Hawkeye fan, enjoys trail running, and recently discovered he can hold his breath for over 3 ½ minutes. He and his wife have been residents of Stillwater for nearly 20 years.

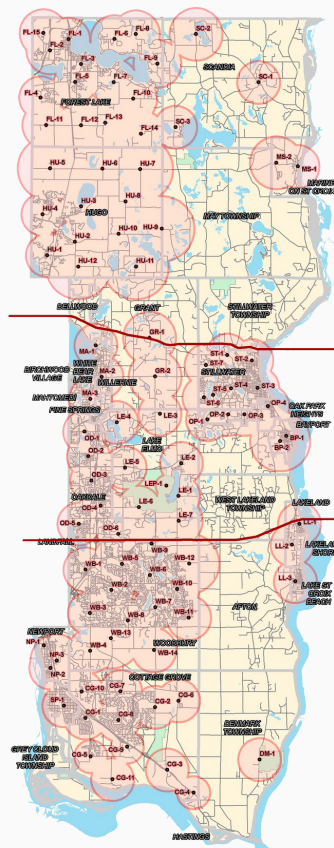
Severe Weather Awareness Week what you need to know...

Severe Weather Awareness Week (April 4-8, 2022) is a week dedicated to increasing awareness of steps individuals, businesses, and families can take to better prepare for weather-related emergencies. Each day of the week holds a dedicated theme, including alerts and warnings; severe weather, lightning and hail; floods; tornadoes; and extreme heat. The Sheriff's Office will be posting about each day's theme on our social media outlets, so follow along for more information!

The statewide Tornado Drill Day is on Thursday, April 7th. The outdoor warning sirens as indicated on the map are owned and maintained by local jurisdictions unless they are located on county-owned or privately owned property. Absent of real severe weather, the outdoor warning sirens will be tested at 1:45 p.m. and again at 6:45 p.m. During the 1:45 p.m. activation, the Washington County Sheriff's Office Emergency Communications Response Center, (formerly known as the 911 Communications Center) will test each of the three activation zones: North, South, and All-County. Visit our Facebook page or our website for more information on Severe Weather Awareness week and what you can do to prepare!

- **Kelli Matzek**, Deputy Director
Washington County Emergency Management

Washington County Emergency Outdoor Warning Sirens



U Text. U Drive. U Pay.

The Washington County Sheriff's Office will be participating in the National Highway Traffic Safety Administration (NHTSA) high-visibility distracted driving enforcement campaign April 4th through the 11th. Texting and other forms of distracted driving have reached epidemic levels, and thanks to officers and deputies across our nation, a strong law enforcement presence will make this annual campaign a success by saving many lives.



Incident Summary Report PUBLIC

From:3/1/2022 12:00:00 AM To:3/31/2022 11:59:59 PM



WASHINGTON COUNTY SHERIFFS OFFICE

BIRCHWOOD VILLAGE - 12

3/10/2022 12:16:56 AM	WC22009397	Century Ave / Wildwood Ave, BIRCHWOOD VILLAGE	TRAFFIC STOP
3/10/2022 7:30:19 AM	WC22009424	40XXX -599 WILDWOOD AVE, BIRCHWOOD VILLAGE	DIRECTED PATROL
3/11/2022 6:28:41 PM	WC22009647	XX Oakhill Ct, BIRCHWOOD VILLAGE	MEDICAL
3/12/2022 8:42:44 AM	WC22009720	40XXX -598 WILDWOOD AVE, BIRCHWOOD VILLAGE	DIRECTED PATROL
3/16/2022 11:52:28 AM	WC22010389	XXX Lake Ave, BIRCHWOOD VILLAGE	PUBLIC WORKS CONCERN
3/19/2022 9:45:40 AM	WC22010781	70XXX -715 HALL AVE, BIRCHWOOD VILLAGE	DIRECTED PATROL
3/20/2022 9:08:26 AM	WC22010910	20XXX -221 BIRCHWOOD AVE, BIRCHWOOD VILLAGE	DIRECTED PATROL
3/22/2022 11:03:57 AM	WC22011196	XXX Cedar St, BIRCHWOOD VILLAGE	911 ABANDONED/HANGUP/OPEN LINE
3/24/2022 6:18:41 AM	WC22011443	XXX Hall Ave, BIRCHWOOD VILLAGE	911 ABANDONED/HANGUP/OPEN LINE
3/25/2022 12:50:40 PM	WC22011678	XXX Jay St, BIRCHWOOD VILLAGE	MEDICAL
3/25/2022 6:25:51 PM	WC22011728	XXX Cedar St, BIRCHWOOD VILLAGE	CITIZEN/PUBLIC ASSIST
3/25/2022 8:57:11 PM	WC22011741	XXX Birchwood Ct, BIRCHWOOD VILLAGE	911 ABANDONED/HANGUP/OPEN LINE

TOTAL INCIDENTS: 12

Citations for: Birchwood

3/1/2022 To 3/31/2022

Agcy	Date	Citation Number	Badge	Officer Name	Citation Type	Block	Street Name	Str Sfx	Cross Street Name	Cross St Sfx	City	Literal Description	Statute
WCSO	3/10/2022	820031206901	WC133 96	Z. Nelson	Citation	0	CENTURY AVE		WILDWOOD AVE		Birchwood	DL-Drive After Revocation/DAR	171.24.2

MEETING MINUTES (Final)

Birchwood Planning Commission Regular Meeting

Zoom Virtual Meeting – 7:00 PM Meeting 2/24/2022

Submitted by Michael Kraemer – acting secretary

COMMISSIONERS PRESENT: – Andy Sorenson – Chairman, Ryan Hankins – Vice Chairman, Michelle Maiers-Atakpu, Joe Evans, Michael Kraemer.

COMMISSIONERS ABSENT:

OTHERS PRESENT: Steve Thatcher – City Engineer. Kevin Heisdorffer, Mary Ellen Coldwood, Michael Sharratt, Daniel Schmidt (Sather Berquist), Greg Sherwood, Kathy Sherwood, Kyle Hunt, Mary Jane LaVigne, Dave Buerkle, Sandy Buerkle, Larry Mahoney, Allen Christian

CALL TO ORDER Meeting called to order by Chairman Andy Sorenson at 7:02 PM.

1. PUBLIC FORUM – none
2. APPROVE AGENDA
 - a. Motion by Hankins, 2nd by Maiers-Atakpu to move all variance public hearings to the first part of the agenda. Vote: Yes – 5, No – 0 Motion passed.
 - b. Motion to approve amended agenda by Hankins, 2nd by Maiers-Atakpu, Vote: Yes – 5, No – 0. Motion to approve amended agenda passed.
3. REGULAR AGENDA
 - a. **Variance Case No. 22-01-VB (469 Lake Ave)**
 - i. **Public Hearing Comments**
 1. City Engineer Thatcher gave overview of the applicants proposed actions as follows:
 - a. Remove the existing house.
 - b. Install a new house with attached garage.
 - c. Not remove the existing garage.
 2. City Engineer Thatcher gave overview of the resultant five (5) variance requirements identified in his February 17, 2022 report memo.
 - a. Variance Request #1 (Minimum Lot Width Requirement)
 - b. Variance Request #2 (Minimum Setback Requirements for the Driveway)
 - c. Variance Request #3 (Minimum Setback Requirement for the North Side Yard)
 - d. Variance Request #4 (Minimum Setback Requirement for the South Side Yard)
 - e. Variance Request #5 (Impervious Surfaces)

3. Michael Kraemer – 471 Lake Ave requested items and concerns identified in his 2.24.2022 email to City Administrator, City Engineer and Planning Commission concerns be addressed as conditions in the variance approval.
4. Kyle Hunt and Daniel Schmidt – Barthel builder and engineer indicated the Kraemer’s requests and those of neighbor are a priority for Dr. Barthel and his design team.
5. Commissioner Maiers-Atakpu inquired if the Barthel team had considered removing the existing garage to avoid the need for the driveway setback variance. Kyle Hunt responded that Dr. Barthel wanted to keep the existing garage and removal was not an option.
6. 7:31 PM Motion to close the public hearing by Sorenson, 2nd by Hankins. Vote Yes – 5, No – 0. Public hearing was closed.

ii. Finding of Fact/ Recommended Action

1. As identified in city engineer Steve Thatcher’s February 17, 2022 report memo the building plans and permit required five distinct variance requests.

a. Variance Request #1 (Minimum Lot Width Requirement)

i. Finding of Fact

1. The lot is a pre-existing non-conforming under sized lot with a lot width dimension at the proposed building line of 42’ compared to a City Code requirement of 48’.
2. An existing older sub-standard home does exist on the lot and increasing the lot width dimension is out of the applicant’s control creating a practical hardship.

ii. Planning Commission Recommended Action:

1. Motion by Maiers-Atakpu and 2nd by Hankins to determined “buildable” and allow the applicant to construct a home on the undersized 42’ wide lot via variance to City Code 302.015 UNDERSIZED LOTS as requested in the application.
2. Advisory Vote: Yes – 4, No – 0. Kraemer abstained.

b. Variance Request #2 (Minimum Setback Requirements for the Driveway)

i. Finding of Fact

1. The applicant is requesting variance from the 1' minimum setback from property line for driveway construction. The driveway as currently proposed is approximately 0.3' of the south property line.
 2. This conflict is being created by the applicant's desire to save the existing detached garage while still providing driveway access to a garage attached to the proposed house. The applicant feels the attached garage is critical to his aging in-place on the site.
 3. Additional actions could be considered that might allow better compliance with the Code's 1' setback without derailing the project. These might include reducing the proposed 8' drive width and moving the driveway snug up against the existing garage so a variance would not be required.
 4. The practical difficulty results from the applicant's desire to keep the existing garage.
- ii. Planning Commission Recommended Action:
 1. Motion by Maiers-Atakpu, 2nd by Sorenson to deny the request for variance. Advisory Vote: Yes – 4, No – 0, Kraemer abstained. Motion passed to deny variance.
- c. **Variance Request #3 (Minimum Setback Requirement for the North Side Yard)**
- i. Finding of Fact
 1. The pre-existing narrow lot creates challenges to construction of a quality home structure and still achieve 10' side yard setbacks as required by City Code.
 2. The applicant has redesigned and reduced the structure the structure width from 32' to 28'
 3. This will resultant northside side yard setbacks are 8.5' for 57.5' along the house and 7.5' for 14.5' of the house.
 - ii. Planning Commission Recommended Action:

1. Motion by Hankins, 2nd by Maiers-Atakpu, 2nd by Sorenson to approve the request for variance. Advisory Vote: Yes – 4, No – 0, Kraemer abstained. Motion passed to recommend approval.
- d. **Variance Request #4 (Minimum Setback Requirement for the South Side Yard)**
- i. **Finding of Fact**
 1. The pre-existing narrow lot creates challenges to construction of a quality home structure and still achieve 10’ side yard setbacks as required by City Code.
 2. The applicant has redesigned and reduced the structure the structure width from 32’ to 28’
 3. This will resultant southside side yard setbacks are 8.5’ for a portion of the house and 7.9’ for remainder of the house.
 - ii. **Planning Commission Recommended Action:**
 1. Motion by Maiers-Atakpu, 2n by Hankins to approve the request for variance. Advisory Vote: Yes – 4, No – 0, Kraemer abstained. Motion passed to recommend approval.
- e. **Variance Request #5 (Impervious Surfaces)**
- i. **Finding of Fact**
 1. City Engineer – Steve Thatcher has reviewed the proposed pervious paver system and supporting calculations and has recommended that the applicant has fulfilled the requirements of the City Code 302.050 IMPERVIOUS SURFACES.
 - ii. **Planning Commission Recommended Action:**
 1. Motion by Maiers-Atakpu, 2n by Hankins to approve the request for variance. Advisory Vote: Yes – 4, No – 0, Kraemer abstained. Motion passed to recommend approval.
- f. **Addition of Conditions to Variance Approval**
- i. **Finding of Facts**
 1. In his February 27, 2022 report on 469 Lake Ave application for variance City Engineer Steve Thatcher has included a list of seven

“Conditions” that should be considered in conjunction with the variance request.

2. The Kraemer Family at 471 Lake Ave have submitted a February 24, 2022 email list to the Planning Commission and City Engineer of concerns and condition for consideration towards the applicant’s variance approval.

ii. Planning Commission Recommended Action:

1. Motion by Rankins, 2nd by Sorenson to have City Engineer Steve Thatcher incorporate the Kraemer’s conditions/considerations of approval into his list of Conditions and make inclusion of both condition of variance approval. Advisory Vote: Yes – 4, No – 0, Kraemer abstained.

2.

b. Variance Case No. 22-02-VB (15 Wildwood Lane)

i. Public Hearing Comments

1. City Engineer Thatcher gave overview of his February 4, 2022 report memo discussing the requested variance from City Code 302.020 STRUCTURE LOCATION REQUIREMENTS and elimination of the 20’fence setback requirement for county road.
2. Kathy Sherwood indicated that at a previous meeting the City Council had determined that City Code 302.020 (I.e. 20’ fence setback requirement from a county road) does not apply to their lot as the Curt Feistner Park separates the county road from 15 Birchwood Lane.
3. Commissioner Hankins shared the content of an email from City Attorney Cantrud that a variance was the only way to solve the fence location question.
4. Neighbor Mary Jane LaVigne shared:
 - a. The neighborhood anxiously awaits the completion of the Sherwood project so final restoration and clean up of the site can proceed.
 - b. She felt the previous variance process had allowed the garage to be placed too close to the busy intersection of Wildwood Lane and County Line Road and should not be repeated for the fence placement request.
 - c. The Sherwood variance request had not presented any compelling reason a variance to City the fence setback code should be allowed.

5. 7:47 PM Motion by Maiers-Atakpu, 2nd by Evans to close the public hearing. Vote Yes – 5, No – 0 Public hearing was closed.

ii. Finding of Facts/Recommended Action

1. Finding of Facts

- a. The Sherwoods maintain that at a July, 2021 meeting the City Council determined that their proposed detached garage at 15 Wildwood Lane did not need a variance as it was exempt from the 20' County Road setback because Curt Feistner Park isolated their west property line from the East County Line Road ROW and made the county setback requirement null and void.
- b. The Sherwoods maintain the same exemption should apply to their request to put a fence along their west property line and should exempt them from the City Code requirement that fences must be set back 20' from a county road right of way, making the requirement for a variance null and void.
- c. No documents were available in the Planning Commission packets to demonstrate what property lines really existing in the field nor what was the basis for the Council's decision that the Sherwood's west property line is exempt from the requirements of the City's County Road set back requirements.

2. Planning Commission Recommended Action:

- a. Motion by Maiers-Atakpu, 2nd by Sorenson to forward the issue back to the Council and City staff without a recommendation because of lack and information and knowledge of the Council's July 2021 "exempt" discussion. Motion included asking the Council to get a clear opinion from City attorney on whether a variance is required or not. Advisory Vote: Yes -5, No -0. Motion to send it back to Council with no recommendations passed.

c. Variance Case No. 22-03-VB (529 Lake Ave)

i. Public Hearing Comments

1. City Engineer Thatcher gave overview of his February 18, 2022 report identifying
 - a. Variance Request #1 (Non-Conforming Uses Requirement) resulted from need to raise the roof on a non-conforming structure.
 - b. Variance Request #2 (Impervious Surfaces) resulted from plans to remove and expand the existing garage and add living space above the garage.
2. Susan Wells, designer for the Buerkle's

- a. She indicated the variance request related to Non-Conforming Uses Requirements was driven by structural deficiencies in the roof system of the existing structure.
 - b. She indicated the existing roof structure system does not meet code and needs to be totally removed and reconstructed to meet building and energy code. To meet code the roof elevation will need to be raised by 7" to gain minimum code "truss heel height". Since existing wall heights and roof pitch are at code minimums the only way to improve the roof is to raise it. The raising of the roof dimension is currently not allowed to be performed to a non-conforming structure per City Code so a variance is required.
3. 8:03 PM Motion by Hankins, 2nd by Maiers-Atakpu to close the Public Hearing. Vote Yes – 5, No – 0. Public hearing was closed.

ii. Finding of Facts/Recommended Action

1. Variance Request #1 (Non-Conforming Uses Requirement)

a. Finding of Facts

- i. The need to raise the roof on a non-conforming structure is a health, safety, building and energy code requirement and needs attention. The need for the variance is not the result of any action by the applicant.
- ii. The action needed is a variance to allow increasing the roof height in the non-conforming areas of the remaining structure outside the City's setback areas.

b. Planning Commission Recommended Action:

- i. Motion by Hankins, 2nd by Sorenson to recommend approval of Variance Request #1 as requested. Advisory Vote: Yes – 5, No – 0. Motion passed.

2. Variance Request #2 (Impervious Surface Mitigation)

a. Finding of Facts.

- i. The proposed addition to the house meets all the Code setbacks and related code requirements except the Impervious Surface goal of 25% which will be mitigated by use of raingarden.
- ii. The impervious surface post construction will be less than preconstruction area. The amount of impervious surface post construction will be mitigated.

- iii. According to City Steve Thatcher February 18, 2022 report the proposed raingarden mitigation meets all the requirements of Section 302.050 Impervious Surfaces.
 - b. Planning Commission Recommended Action:
 - i. Motion by Evans, 2nd by Maiers-Atakpu to recommend approval of Variance #2 Impervious Surfaces as proposed PLUS add the “Conditions” (1-5) related to periodic maintenance, testing, and reporting back to City at a minimum of every 5 years intervals, identified in Steve Thatcher February 18, 2002 report memo. Advisory Vote: Yes – 5, No – 0. Motion passed to recommend approval.
 - d. Suggested Language for Impervious Surface Section of Code
 - i. No action taken.
 - e. Review/Approve February 10, 2022 Meeting Minutes
 - i. Motion by Edwards, 2nd by Hankins to approve minutes. Vote: Yes – 5 Minutes Approved.
4. Adjourn 10:26 PM
- a. Motion by Kraemer, 2nd by Hankins to adjourn meeting. Vote: Yes – 5, No – 0 Meeting adjourned.

**CITY OF BIRCHWOOD VILLAGE
207 BIRCHWOOD AVENUE
BIRCHWOOD, MINNESOTA**

**MINUTES OF THE CITY COUNCIL MEETING
VIA TELECONFERENCE
FEBRUARY 8, 2022, 7:00 P.M.**

MEMBERS:

Mary Wingfield	Mayor
Jon Fleck	Councilmember
Mark Foster	Councilmember
Justin McCarthy	Councilmember
Kevin Woolstencroft	Councilmember

STAFF:

Andy Gonyou	City Administrator
H. Alan Kantrud	City Attorney

Minutes prepared by Anh Nguyen of Minutes Solutions Inc. from an audio recording.

1. CALL TO ORDER

In light of the status of the ongoing COVID-19 health pandemic, the City of Birchwood Village is conducting its February 2022, meeting using interactive web-based technology. Pursuant to *Minnesota Statutes, Chapter 13D.021 Subdivision 1(1)*, the City of Birchwood Village is declaring that, “an in-person meeting or a meeting conducted under section 13D.02 is not practical or prudent because of a health pandemic...”.

Mayor Wingfield called the meeting to order at 7:01 p.m.

2. PLEDGE OF ALLEGIANCE

3. APPROVAL OF AGENDA

On a motion made by Councilmember Fleck, seconded by Councilmember McCarthy, it was resolved to approve the agenda, as amended. All in favor; motion carried.

Mayor Wingfield requested the addition of the following items to the agenda:

- State of the City
- Sewer Rate Recalibration
- Delinquencies and ACH Recovery
- Emerald Ash Borer Grant
- Potential Special Meeting for Approval of Subdivision Application

Councilmember McCarthy requested the addition of the following item to the agenda:

- Hall's Marsh Update

Councilmember Foster requested the addition of the following item to the agenda:

- Sign Ordinance Clarification

City Administrator Andy Gonyou requested the addition of the following items to the agenda:

- Online Payment Processing
- Deputy Clerk Cost of Living Increase Request

4. **OPEN PUBLIC FORUM**

Barton Winter, 1 Five Oaks Lane, expressed concern regarding ice build-up on the rubber mats at the ice rink, thin ice on the crown of the rink up until January 20, 2022, and areas of the rink along Lake Avenue that are showing grass. He reported several opportunities to flood the Lake Avenue side of the ice rink; however, Jim, the city worker has refused to flood the rink since December 31, 2021.

Barton Winter reported that the ice rink was flooded 23 times last winter compared to 12 times this winter. He noted that the ice rink has had good to very good ice since the end of January thanks to efforts by Andy Sorenson.

James Nelson, 256 Wildwood Avenue, reported that he received a misdemeanor citation in the mail from Washington County for an unauthorized sign. He expressed concern regarding the lack of liberty and equality from the city, and referenced residents who have had signs erected on their yard for the past two years. He queried whether the aforementioned residents would receive a citation from Washington County if he filed a complaint.

James Nelson reported that the citation he received, with no prior notice from the city, carries a penalty of up to 90 days in jail. He referred to city code 618 which includes polite discourse, a notice of violation, and an investigation, of which he received none of the considerations. He noted that Councilmember Fleck had a Black Lives Matter sign that was erected for more than 30 days and was oversized according to city code.

He stated that he would continue to erect his sign on February 9, 2022, and the city will have to follow its code and allow for an open and transparent investigation.

5. **ANNOUNCEMENTS**

- A. **Social Media:** Follow Birchwood Village on Facebook @BirchwoodCityHall or on Twitter @CityofBirchwood.

6. **STATE OF THE CITY**

Mayor Wingfield provided a year-end review of the state of the city of Birchwood Village and highlighted the following:

- The city has a new water meter tower. This was accomplished through funds received for COVID-19 support. An additional \$3,000 was received from STS dismantling the old water meter equipment for scrap metal.
- The exterior of the city hall building was restored, the roof was moved from R5 to R42, the drainage was improved, and the steps were made safe.
- The city remains debt-free and its assets are higher at year-end compared to the beginning of the year.
- The city tapped into alternative funding, including Legacy Funds, Lake Links, net council funding from finalizing the comprehensive plan, the American Rescue Fund, and COVID-19 support.
- The 2022 budget remains the same as the previous fiscal year.
- Signage improved and additional signs will come through the assistance of a grant application and the White Bear Historical Society.
- Most areas were cleared of buckthorn, shelter trees were planted by volunteers at the ice rink, and Birch Path was repaved.
- The emerald ash borer in Polly's Park continues to be a challenge.
- Mary Cahill joined the city's staff as Assistant Treasurer.
- Andy Gonyou completed his first year as City Administrator.
- The city converted from Metro-INET to its own private cloud thanks to the efforts of Councilmember McCarthy and Ryan Hankins.
- The Subdivision Task Force completed their job, to study and evaluate the need to update and modernize the City's regulations and requirements as they relate to subdivisions, as well as other duties, in a timely matter.
- The meeting minutes are being prepared by a Canadian minute taking service.
- The city celebrated its centennial and now has a city slogan.
- Major projects to be completed include the Lake Links project, Hall's Marsh, and the Wildwood Lift Station.

7. **ADMINISTRATIVE PRESENTATION**

- A. **Sheriff Report:** A report of law enforcement incidents and citations for January 2022, was provided for the Council's review.
- B. **Planning Commission Regular Meeting Minutes:** The minutes of the December 16, 2021, Planning Commission meeting was provided for the Council's review.

8. **CITY BUSINESS – CONSENT AGENDA**

On a motion made by Councilmember Woolstencroft, seconded by Councilmember Fleck, it was resolved to approve the consent agenda as presented. All in favor; motion carried.

- A. **Approval of the Regular Meeting Minutes:** The meeting minutes of the November 9, 2021, regular Council meeting was provided for the Council's review and approval.

- B. **Approval of the Special Meeting Minutes:** The meeting minutes of the December 27, 2021, special Council meeting was provided for the Council's review and approval.
- C. **Approval of the Regular Meeting Minutes:** The meeting minutes of the January 11, 2022, regular Council meeting was provided for the Council's review and approval.
- D. **Approval of the Treasurer's Report:** The Treasurer's Report for the period ending February 3, 2022, was provided for the Council's review and approval.
- E. **Approval of Directional Signage for Lake Links Trail split (Wildwood Avenue and Cedar Avenue; Hall Avenue and Wildwood Avenue)**
- F. **Approval of Written Version of Policy Establishing Zoning and Variance Application Intake Procedure**

9. **CITY BUSINESS – REGULAR AGENDA**

A. **Planning Commission Discussion**

- a. Andy Gonyou reported that the Planning Commission will hold a special meeting by February 11, 2022, and a package will be provided for the Council's review at the next Council meeting in March 2022.

Mayor Wingfield encouraged the Council to provide feedback to the Planning Commission regarding any items that need to be addressed. The Planning Commission will take the concerns into consideration at the special meeting and present at the next Council meeting.

B. **First Reading of Ordinance 2022-02-01, Amending Section 404**

- a. **Council Deliberation and Approval:**

On a motion made by Councilmember McCarthy, seconded by Councilmember Foster, it was resolved to approve Ordinance 2022-02-01, Amending Section 404. All in favor; motion carried.

- b. **Order Second Reading and Public Hearing:** A second reading and public hearing will be held at the next Council meeting. H. Alan Kantrud confirmed that *Ordinance 2022-02-01* does not need to be published in the press.

C. **First Reading of Ordinance 2022-02-02, Amending Section 302.050**

- a. **Council Deliberation:** *ACTION – Councilmember McCarthy will review and discuss the amendments to Section 302.050 for Ordinance 2022-02-02 with Steve Thatcher and the Planning Commission.*

Councilmember McCarthy reported that Steve Thatcher, the City Engineer, has not had an opportunity to review the amendments to *Ordinance 2022-02-02*.

Councilmember McCarthy suggested adding a requirement of meeting Section 304 regarding variances, including showing a practical difficulty.

Councilmember Fleck queried how to log the stormwater maintenance agreement into property records so that subsequent owners are aware of their liability. H. Alan Kantrud confirmed that the agreement can be recorded against the property at the Washington County recorder's office. It would be included in the ownership and encumbrance report.

The Council agreed to defer the approval of *Ordinance 2022-02-02* pending a review by Steve Thatcher.

- b. **Order Second Reading and Public Hearing:** The second reading and public hearing was deferred pending the approval of the first reading.

D. First Reading of Ordinance 2022-02-03, Repealing Section 301.065

- a. **Council Deliberation and Approval:**

On a motion made by Councilmember McCarthy, seconded by Councilmember Fleck, it was resolved to approve Ordinance 2022-02-03, Repealing Section 301.065. All in favor; motion carried.

Councilmember McCarthy reported that undue hardship is no longer the proper legal standard in accordance with Minnesota Statutes.

- b. **Order Second Reading and Public Hearing:** A second reading and public hearing will be held at the next Council meeting.

E. First Reading of Ordinance 2022-02-04, Amending Section 302.055

- a. **Council Deliberation and Approval:**

On a motion made by Councilmember McCarthy, seconded by Councilmember Woolstencroft, it was resolved to approve Ordinance 2022-02-04, Amending Section 302.055. All in favor; motion carried.

- b. **Order Second Reading and Public Hearing:** A second reading and public hearing will be held at the next Council meeting.

F. First Reading of Ordinance 2022-02-05, Repealing and Replacing Section 304

- a. **Council Deliberation and Approval:**

On a motion made by Councilmember McCarthy, seconded by Councilmember Fleck, it was resolved to approve Ordinance 2022-02-05, Repealing and Replacing Section 304. All in favor; motion carried.

- b. **Order Second Reading and Public Hearing:** A second reading and public hearing will be held at the next Council meeting. H. Alan Kantrud confirmed that publication is not required. He recommended that the Council prepare a summary.

G. First Reading of Ordinance 2022-02-06, Adding Section 310

a. Council Deliberation and Approval:

On a motion made by Councilmember McCarthy, seconded by Councilmember Woolstencroft, it was resolved to approve Ordinance 2022-02-04, Adding Section 310. All in favor; motion carried.

- c. **Order Second Reading and Public Hearing:** A second reading and public hearing will be held at the next Council meeting.

H. First Reading of Ordinance 2022-02-07, Adding Irrigation Standards

a. Council Deliberation and Approval:

On a motion made by Councilmember McCarthy, seconded by Councilmember Woolstencroft, it was resolved to approve Ordinance 2022-02-07, Adding Irrigation Standards, pending the amendments requested by Mayor Wingfield. All in favor; motion carried.

- b. **Order Second Reading and Public Hearing:** A second reading and public hearing will be held at the next Council meeting.

I. Councilmember Reports

a. Mayor Wingfield

i) Village Hall Front Door:

On a motion made by Mayor Wingfield, seconded by Councilmember McCarthy, it was resolved to approve the purchase of a fiberglass front door for Village Hall from Palmer-Donavin at a cost of \$3,185 to be installed by Historic Designs. All in favor; motion carried.

The Council agreed to defer further discussion regarding the placement of a mailbox.

ii) Ladder Stairs to Feistner Park and Trees in Water:

On a motion made by Mayor Wingfield, seconded by Councilmember McCarthy, it was resolved to direct the City Maintenance workers, Ron Koehnle and Jim Rydeen, to prepare a plan for the construction and installation of the ladder stairs at Feistner Park. All in favor; motion carried.

Mayor Wingfield noted that ladder stairs are required to make Feistner Park accessible.

Mayor Wingfield reported trees at Feistner Park that appear to be debris along the water's edge and require removal. The Council agreed to direct the City Maintenance workers to manage the tree debris in conjunction with the installation of the stairs.

iii) Green Ash Removal:

On a motion made by Councilmember Woolstencroft, seconded by Councilmember Foster, it was resolved to approve Steve Dean Tree Trimming to remove the green ash behind City Hall along with a boxelder and dead snag at a cost of \$400. All in favor; motion carried.

Mayor Wingfield reported that the green ash is severely leaning. The tree is a liability and must be removed.

iv) Street Light Inventory: *ACTION – The Council will review the value of the streetlights located at 520 Hall Avenue, at the end of Lakewood Lane, the two lights on eastern, westbound Wildwood Avenue at Wildwood Park, and the lights on the east end of Lake Avenue for discussion at the next Council meeting.*

v) Salt/Sand for Roadways: The Council agreed to request that the plowing contractor only use salt as needed on hills and areas with stop signs, and to limit the use of salt in other areas.

vi) Sewer Rate Recalibration:

On a motion made by Mayor Wingfield, seconded by Councilmember McCarthy, it was resolved to approve the amendment of the 2022 fee schedule to include the sewer rate of \$0.00451 per gallon in lieu of the previous \$3.37 per 100 cubic feet. All in favor; motion carried.

ACTION – Andy Gonyou will amend the 2022 fee schedule to include the sewer rate of \$0.00451 per gallon, and correct the water rate to show \$0.003 per gallon.

vii) Delinquencies and ACH Recovery: Mayor Wingfield reported that Mary Cahill conducted an internal audit and discovered accounts where payments were not withdrawn; the accounts were not recharged and were marked as paid. Notices have been provided to the owners of the accounts in question. The city is not charging interest on the outstanding payments and is only requesting payment in full of the original amounts incurred.

viii) Emerald Ash Borer Grant:

On a motion made by Mayor Wingfield, seconded by Councilmember McCarthy, it was resolved to authorize Andy Gonyou to proceed with

submitting a grant application for the emerald ash borer grant through the DNR. All in favor; motion carried.

Mayor Wingfield reported that the emerald ash borer grant through the Department of Natural Resources (DNR) is a 25% match grant from the city. The funds would be prioritized for cutting and de-stumping the ash borer trees. The deadline for the grant application is March 4, 2022.

- ix) Potential Special Meeting for Approval of Subdivision Application:**
ACTION – Andy Gonyou will publish an announcement on the virtual special Council meeting scheduled for February 28, 2022, at 7:00 p.m. in the newspaper.

Mayor Wingfield reported that she spoke to Husnik Homes regarding the Webber property and the subdivision. With Steve Thatcher's approval on the subdivision, a hearing for the minor subdivision can be held in conjunction with a preliminary plat and final plat approval in one joint meeting. Mayor Wingfield offered to hold a special meeting so the developer can proceed with the project.

b. Councilmember McCarthy

- i) Hall's Marsh Update:** Councilmember McCarthy reported that an easement granting the Rice Creek Watershed District (RCWD) the right to deposit stormwater into Hall's Marsh was never obtained.

Councilmember McCarthy reported that he engaged with a contact at the DNR and confirmed the DNR has no enforcement jurisdiction over the Hall's Marsh issue. Councilmember McCarthy is working in conjunction with H. Alan Kantrud to prepare letters to be issued to the RCWD and the City of White Bear Lake within the next few days.

The Council discussed communicating with media pending a response from the RCWD.

Councilmember McCarthy and Mayor Wingfield will attend an open forum held by the RCWD in late February 2022 for local government leaders regarding the Priebe Lake project.

c. Councilmember Foster

- i) Sign Ordinance Clarification:** *ACTION – Mayor Wingfield will work with Councilmember McCarthy and H. Alan Kantrud to create a sign ordinance that is in accordance with the Constitution and the state law to present at the next Council meeting.*

Mayor Wingfield reported that the city's sign ordinance is in conflict with the state law with regard to election signs, and some case laws that suggest the city's ordinance is also not in compliance.

Mayor Wingfield noted that several complaints were received regarding James Nelson's sign. Mayor Wingfield confirmed a city policy requiring that

a letter be issued to the violator prior to a citation; however, a letter was not issued. Mayor Wingfield noted that the Sheriff's office tried to contact James Nelson multiple times before issuing the citation.

H. Alan Kantrud confirmed that the citation has been dismissed. He noted that the violation was due to the sign being erected longer than permitted for a temporary sign.

d. City Administrator Andy Gonyou

i) Online Payment Processing:

On a motion made by Mayor Wingfield, seconded by Councilmember Fleck, it was resolved to approve the termination of the contract with Intel Pay if a full refund of the amount owed to the city is not provided, and to authorize Andy Gonyou to discontinue the ACH payments and seek a replacement online payment processing service provider. All in favor; motion carried.

Mayor Wingfield reported that the city was informed there would be no cost to the city for the online payment processing platform by Intel Pay; however, the city has been charged \$50 per month with additional service fees if the city does not process more than \$1,500 per month. Mayor Wingfield was not aware that a contract was signed agreeing to a five-year agreement with Intel Pay.

Andy Gonyou reported that the city entered into the agreement with Intel Pay via consent agenda in June 2020. He noted that the service fees were not included in the contract. Andy Gonyou confirmed that a letter was issued to Intel Pay stating that the provider was in breach of the contract, and the contract would be terminated if the city does not receive a refund for the charges within 30 days. A refund must be issued by February 26, 2022. A response to the letter has not been received.

ii) Deputy Clerk Cost of Living Increase Request:

On a motion made by Mayor Wingfield, seconded by Councilmember Foster, it was resolved to authorize a 6% raise increase for Jackie Smith, the city's deputy clerk. All in favor; motion carried.

Andy Gonyou reported that Jackie Smith has been the city's deputy clerk for one year, effective February 3, 2022. He recommended the same 6% raise as was provided to the City Administrator, in conjunction with the cost of living.

10. NEXT MEETING

The next Council meeting will be held at a date and time to be determined.

11. ADJOURNMENT

On a motion made by Councilmember Woolstencroft, seconded by Councilmember McCarthy and carried unanimously, it was agreed that there was no further business of the Council to transact; the meeting was closed at 9:02 p.m. by Mayor Wingfield.

DISCLAIMER

The above minutes should be used as a summary of the motions passed and issues discussed at the meeting of the members of the Birchwood Village City Council. This document shall not be considered to be a verbatim copy of every word spoken at the meeting.

Mayor Mary Wingfield

City Administrator Andy Gonyou

Date

Date

**CITY OF BIRCHWOOD VILLAGE
207 BIRCHWOOD AVENUE
BIRCHWOOD, MINNESOTA**

**MINUTES OF THE CITY COUNCIL MEETING
VIA TELECONFERENCE
MARCH 8, 2022, 7:00 P.M.**

MEMBERS:

Mary Wingfield	Mayor
Jon Fleck	Councilmember
Mark Foster	Councilmember
Justin McCarthy	Councilmember
Kevin Woolstencroft	Councilmember

STAFF:

Andy Gonyou	City Administrator
H. Alan Kantrud	City Attorney
Steve Thatcher	City Engineer

GUESTS:

Ryan Hankins	Planning Commission Vice Chairman
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Minutes prepared by Anh Nguyen of Minutes Solutions Inc. from an audio recording.

1. CALL TO ORDER

In light of the status of the ongoing COVID-19 health pandemic, the City of Birchwood Village is conducting its March 2022, meeting using interactive web-based technology. Pursuant to *Minnesota Statutes, Chapter 13D.021 Subdivision 1(1)*, the City of Birchwood Village is declaring that, "an in-person meeting or a meeting conducted under section 13D.02 is not practical or prudent because of a health pandemic...".

Mayor Wingfield called the meeting to order at 7:00 p.m.

2. PLEDGE OF ALLEGIANCE

3. APPROVAL OF AGENDA

On a motion made by Councilmember Woolstencroft, seconded by Councilmember Foster, it was resolved to approve the agenda, as amended. All in favor; motion carried.

Mayor Wingfield requested the addition of the following items to the agenda:

- Planning Commission Discussion

- T.A. Schifsky & Sons Bid
- Ring Camera for City Hall
- Fence Tower Announcement
- Impervious Surface Code Adopted by the City of Mahtomedi

City Administrator Andy Gonyou requested that the following item be deferred until the April 2022 Council meeting:

- Approval of the Regular Meeting Minutes from February 8, 2022

4. **OPEN PUBLIC FORUM**

James Nelson, 256 Wildwood Avenue, requested that Council meetings resume to in-person as community members are eager to speak to the Council in person. He referred to the Birchwood Village newsletter and expressed concern regarding Mayor Wingfield reporting that Birchwood Village has never regulated content on signs. He noted this was a contradiction to the treatment he received as a result of his sign.

James Nelson reported that his sign followed size limitations and was not erected for more than 30 days in a calendar year, yet he was not provided an opportunity for polite discussion before being issued a citation. He reported that he would be attending the next in-person Council meeting with the support of fellow residents.

5. **ANNOUNCEMENTS**

- A. **Social Media:** Follow Birchwood Village on Facebook @BirchwoodCityHall or on Twitter @CityofBirchwood.

6. **ADMINISTRATIVE PRESENTATION**

- A. **Sheriff Report:** A report of law enforcement incidents and citations for February 2022, was provided for the Council's review.
- B. **Planning Commission Regular Meeting Minutes:** The minutes of the February 10, 2022, Planning Commission meeting was provided for the Council's review.

7. **CITY BUSINESS – CONSENT AGENDA**

On a motion made by Councilmember McCarthy, seconded by Councilmember Fleck, it was resolved to approve the consent agenda as presented. All in favor; motion carried.

- A. **Approval of the Special Meeting Minutes:** The meeting minutes of the February 15, 2022, special Council meeting was provided for the Council's review and approval.
- B. **Approval of the Treasurer's Report:** The Treasurer's Report for the period ending March 3, 2022, was provided for the Council's review and approval.

8. CITY BUSINESS – REGULAR AGENDA

A. 176 Cedar Street Lot Split

a. **Public Hearing:** Steve Schad expressed concern regarding the number of trees that will be removed to accommodate the construction of houses. He queried the management of the potential water runoff. He was not in favor of the lot split and requested that the Council strictly adhere to city codes regarding water management and tree removal, and that variances regarding lot setbacks not be approved.

b. **On a motion made by Councilmember Woolstencroft, seconded by Councilmember Foster, it was resolved to close the public hearing. All in favor; motion carried.**

c. **Council Deliberation:**

On a motion made by Councilmember Fleck, seconded by Councilmember Woolstencroft, it was resolved to approve the lot split at 176 Cedar Street. All in favor; motion carried.

Mayor Wingfield requested that the builder, Paul Husnik of Husnik Homes, direct any questions to the City Attorney, H. Alan Kantrud, or the City Administrator, Andy Gonyou.

B. Planning Commission Discussion

a. *ACTION – Councilmember McCarthy will incorporate the feedback from the Planning Commission into a maintenance agreement for review at the next Council meeting in April 2022.*

ACTION – Councilmember McCarthy will send Ryan Hankins a draft of the maintenance agreement before the next Council meeting.

Ryan Hankins reported that the Planning Commission has done considerable work on the impervious surface code including transitioning to conditional use permits, refining language, and clarifying how the City Engineer evaluates the code. The Planning Commission requested feedback from the Council regarding the aforementioned changes, as well as guidance on pervious pavement surfaces.

C. Variance Case No. 22-01-VB

a. **Council Deliberation:**

On a motion made by Councilmember Woolstencroft, seconded by Councilmember Fleck, it was resolved to deny the driveway variance request on the basis that it does not meet practical difficulty and the solution presented by the applicant is due to the applicant's own initiative. All in favor; motion carried.

On a motion made by Councilmember McCarthy, seconded by Councilmember Woolstencroft, it was resolved to approve the variance request for the south side yard setback of 7.9 feet on the basis of practical difficulties due to a narrow lot. All in favor; motion carried.

On a motion made by Councilmember McCarthy, seconded by Councilmember Woolstencroft, it was resolved to approve the variance request for the north side yard setback of 7.5 feet for the cantilever bump out and 8.5 feet for the existing structure as presented on the basis of practical difficulties due to a narrow lot that expands towards the lake, and for the preservation of the existing sightlines for the neighbors, and on the condition that the house not be expanded closer to the lake and be recorded with Washington County. All in favor; motion carried.

On a motion made by Mayor Wingfield, seconded by Councilmember Woolstencroft, it was resolved to deny the variance request for impervious surface on the basis that it does not meet practical difficulty and exceeds 25% hard cover as per city code. Councilmember Foster voted no. Motion carried.

Mayor Wingfield noted that the Council needs to be cognizant of the city's 60-day policy as the application was submitted on February 8, 2022, and will expire before the next Council meeting in April 2022.

Ryan Hankins reported that the Planning Commission recommended to approve all variance requests except the minimum setback requirement for the driveway due to reasonable use for the property under the current zoning code.

The Council agreed with the Planning Commission's recommendations. The Council expressed concern regarding the driveway being too close to the neighbor and the potential for runoff into the neighboring property.

H. Alan Kantrud confirmed that the variance request for the south side yard would set a new setback of 7.9 feet and the city code allows a maximum projection of 2 feet from the setback. The builder, Kyle Hunt, noted that the fireplace has a 1-foot projection from the setback.

Mayor Wingfield accepted the 8.5 feet setback from the lot on the condition that the house, including bump outs, cantilevers, or eaves, does not approach closer than 8 feet to the lot line to allow open space for neighbors on either side to build if they wish.

The applicant confirmed that he had no intention of encroaching towards the lake in the future and agreed to record the stipulation with Washington County for property records.

Steve Thatcher confirmed the project has an impervious surface of 29.56% and 42.7% including the pervious pavers. Mayor Wingfield reminded the Council that an impervious surface over 35% has not been historically permitted by the Council.

The application is incompatible with the city's open space, values, and the Council's decisions in the past. Mayor Wingfield expressed concern regarding setting a precedent and reiterated that the Council imposed a standard to deny any variance request over 25% impervious surface. Mayor Wingfield denied the request based on the builder's inability to mitigate the impervious surface down to 25% as per city code or to present a practical difficulty.

H. Alan Kantrud advised the Council to follow past precedent but noted that it is not acceptable to inject terms that are not included in the city code to the applicant's current variance request. He confirmed that if the builder can decrease the impervious surface to 25% or less, it is within city code and a variance is not required.

The Council agreed to waive the application fee if another variance request is required for the same issue.

D. Variance Case No. 22-02-VB

a. Council Deliberation:

On a motion made by Mayor Wingfield, seconded by Councilmember Fleck, it was resolved to approve the variance request to erect a fence 61 feet back from Birchwood Lane on the west property line and 50 feet south of the White Bear Lake high water mark, on the basis that the county line road is intended to keep property far back from the right of way but East County Line Road turns away from the lot and presents a practical difficulty, and on the condition that permission is obtained from Washington County. All in favor; motion carried.

Mary Jane LaVigne, a resident of Birchwood Village, expressed concern that a variance was granted, without proper notification to neighbors, for the construction of the applicant's driveway given its close proximity to a busy intersection. She objected to the fence citing interference with green space and no practical difficulty to warrant a fence.

Mayor Wingfield confirmed that the city code permits a fence not within 20 feet of the right of way. She noted that the Council had previously indicated that the side yard setback to the county line did not apply to the applicant because Feistner Beach intervened the county road and the property. This was erroneous and Feistner Beach does not sit in between East County Line Road and the property.

The applicant agreed to move the start of the fence to the back of the garage. This would be 61 feet away from the right of way of Birchwood Lane and on the property line until 50 feet south of the White Bear Lake high water mark.

A letter of no objection from Washington County is required before the applicant can obtain a fence permit, as recommended by H. Alan Kantrud.

b. Approve Resolution 2022-06, Authorizing Extension: A resolution was passed on March 8, 2022. to authorize a 60-day extension for decision in the variance case of 22-02-VB. thus extending the deadline to May 24, 2022.

E. Variance Case No. 22-03-VB

a. Council Deliberation:

On a motion made by Mayor Wingfield, seconded by Councilmember McCarthy, it was resolved to approve the variance request to modify the roof to allow the encroachment as requested. All in favor; motion carried.

On a motion made by Councilmember McCarthy, seconded by Councilmember Fleck, it was resolved to approve the variance request to reduce the impervious surface from 30.3% to 29%. All in favor; motion carried.

Ryan Hankins noted that the variance request will update the roof to meet current energy efficiency standards.

Steve Thatcher reported that the applicant has agreed to a maintenance agreement for their raingarden.

F. Wildwood Avenue Lift Station

a. Update from City Engineer: Steve Thatcher reported that he is preparing the plans and specifications, to be ready by May 3, 2022. The surveying of existing structures in the area will be completed weather permitting.

A notice will be posted in the newspaper and bids will be opened on June 7, 2022. The bids will be reviewed at the Council meeting on June 14, 2022. The contractor would start no earlier than the weekend of July 4, 2022, with completion aimed for December 5, 2022.

Mayor Wingfield reported no funding from the state. Any funding support would be in the form of low interest loans. She noted that the Council recovered funds from the removal of the Birchwood Lane Lift Station for the past three years, but would have to continue the capital improvement plan to cover the \$500,000 expenditure for the project.

Mayor Wingfield reiterated that the current Wildwood Avenue Lift Station is not OSHA compliant and is a liability. Steve Thatcher also noted that the above ground lift station is in a hazardous position next to the road.

G. Second Reading of Ordinance 2022-02-01, Amending Section 404

a. Public Hearing:

On a motion made by Councilmember Woolstencroft, seconded by Councilmember Foster, it was resolved to close the public hearing. All in favor; motion carried.

Councilmember McCarthy reported that unused definitions, a screen requirement, and inaccurate cross references to state billing code were removed.

There were no comments for the public hearing.

b. Council Deliberation and Approval:

On a motion made by Councilmember McCarthy, seconded by Councilmember Woolstencroft, it was resolved to approve Ordinance 2022-02-01, Amending Section 404. All in favor; motion carried.

c. Approve Resolution 2022-05, Summary Publication:

On a motion made by Councilmember McCarthy, seconded by Councilmember Fleck, it was resolved to approve Resolution 2022-05, Summary Publication. All in favor; motion carried.

H. Second Reading of Ordinance 2022-02-03, Repealing Section 301.065

a. Public Hearing:

On a motion made by Councilmember Woolstencroft, seconded by Councilmember Fleck, it was resolved to close the public hearing. All in favor; motion carried.

Councilmember McCarthy reported that requirements for obtaining variances and administrative appeals were separated, refined, and streamlined. He noted that Section 301.065 referred to an old standard that was not removed from the city code.

There were no comments for the public hearing.

b. Council Deliberation and Approval:

On a motion made by Councilmember Woolstencroft, seconded by Councilmember McCarthy, it was resolved to approve Ordinance 2022-02-03, Repealing Section 301.065. All in favor; motion carried.

c. Order Publication: *ACTION – Andy Gonyou will order the publication of Ordinance 2022-02-03, Repealing Section 301.065.*

I. Second Reading of Ordinance 2022-02-04, Amending Section 302.055

a. Public Hearing:

On a motion made by Councilmember McCarthy, seconded by Councilmember Woolstencroft, it was resolved to close the public hearing. All in favor; motion carried.

Councilmember McCarthy reported that unnecessary verbiage was removed.

There were no comments for the public hearing.

b. Council Deliberation and Approval:

On a motion made by Councilmember McCarthy, seconded by Councilmember Woolstencroft, it was resolved to approve Ordinance 2022-02-04, Amending Section 302.055. Councilmember Fleck abstained. Motion carried.

c. Order Publication: *ACTION – Andy Gonyou will order the publication of Ordinance 2022-02-04, Amending Section 302.055.*

J. Second Reading of Ordinance 2022-02-05, Repealing and Replacing Section 304

a. Public Hearing:

On a motion made by Councilmember McCarthy, seconded by Councilmember Foster, it was resolved to close the public hearing. Councilmember Fleck abstained. All in favor; motion carried.

Councilmember McCarthy reported that repealing and replacing Section 304 provided more clarity for applicants to easily understand city code with respect to variances.

There were no comments for the public hearing.

b. Council Deliberation and Approval:

On a motion made by Councilmember McCarthy, seconded by Councilmember Woolstencroft, it was resolved to approve Ordinance 2022-02-05, Repealing and Replacing Section 304. Councilmember Fleck abstained. All in favor; motion carried.

c. Approve Resolution 2022-04, Summary Publication:

On a motion made by Councilmember McCarthy, seconded by Councilmember Foster, it was resolved to approve Resolution 2022-04, Summary Publication. Councilmember Fleck abstained. All in favor; motion carried.

K. Second Reading of Ordinance 2022-02-06, Adding Section 310

a. Public Hearing:

On a motion made by Councilmember McCarthy, seconded by Councilmember Woolstencroft, it was resolved to close the public hearing. Councilmember Fleck abstained. All in favor; motion carried.

Councilmember McCarthy reported that the old administrative appeals section was removed and placed into a separate section.

There were no comments for the public hearing.

b. Council Deliberation and Approval:

On a motion made by Councilmember McCarthy, seconded by Councilmember Foster, it was resolved to approve Ordinance 2022-02-06, Adding Section 310. All in favor; motion carried.

c. Order Publication: ACTION – Andy Gonyou will order the publication of Ordinance 2022-02-06, Adding Section 310.

L. Second Reading of Ordinance 2022-02-07, Adding Irrigation Standards

a. Public Hearing:

On a motion made by Councilmember McCarthy, seconded by Councilmember Woolstencroft, it was resolved to close the public hearing. Councilmember Fleck abstained. All in favor; motion carried.

There were no comments for the public hearing.

b. Council Deliberation: Mayor Wingfield reported that the addition of irrigation standards was required to ensure the city's water system remains safe, and that the burden remains on any landowner with an irrigation system to properly provide a backflow valve to prevent contamination of city water.

c. Order Publication: ACTION – Andy Gonyou will order the publication of Ordinance 2022-02-07, Adding Irrigation Standards.

M. COVID-19 Protocols

a. Council Deliberation:

On a motion made by Mayor Wingfield, seconded by Councilmember Woolstencroft, it was resolved to return to in-house meetings and to rescind the mask mandate following the adjournment of the Council meeting on March 8, 2022. Councilmember Fleck abstained. All in favor; motion carried.

The Council discussed resuming with in-person meetings at City Hall based on the current status of the COVID-19 situation. Andy Gonyou expressed his support for in-person meetings.

N. Councilmember Reports

a. Mayor Wingfield

- i) **Streetlights:** *ACTION – Mayor Wingfield will confirm that there is no charge for Xcel Energy to replace the bulbs for the streetlights at the east end of Wildwood Park with LED bulbs.*

ACTION – Mayor Wingfield will request that Xcel Energy install a longer arm at the streetlight for better lighting on the road at no charge.

ACTION – Councilmember McCarthy will speak to his neighbors regarding the two private streetlights at the end of his street.

ACTION – Mayor Wingfield will request that the city workers trim the tree on Owl Street that is currently obstructing the streetlight as reported by Councilmember Foster.

Mayor Wingfield noted that street lighting should be uniform. The Council authorized Mayor Wingfield to arrange for the streetlight bulbs in question to be changed.

- ii) **Dog Licenses:** *ACTION – Andy Gonyou will amend the fee schedule to reflect that dog license are valid for three years and will present it to the Council at the next Council meeting.*

Mayor Wingfield noted that the rabies vaccine is valid for three years, which does not coincide with the city's dog license of two years. The Council agreed it would be an administrative burden not to have the license coincide with the vaccine.

Mayor Wingfield reported that part of the fee from dog licenses is allocated to dog patrolling at a cost of \$80 per month.

- iii) **Data Practices Requests:** *ACTION – Andy Gonyou will draft a data practices request policy to be included on the consent agenda for the next Council meeting.*

Mayor Wingfield suggested that staff inform the Council when a data practice request is received. This will help determine how much staff time is allocated to data practices requests and how often the requests are received.

- iv) **Snow Plowing Services:** *ACTION – Mayor Wingfield will inform the snow plowing contractor that the clean-up work on March 9, 2022, is not required.*

Mayor Wingfield reported that the snowfall to date is 20.8 inches and expenses on snow plowing to date is \$17,000. The budget for snow plowing is \$22,000. The city has not been billed for the most recent heavy snowfall. The Council agreed that additional clean-up is not required given the warmer weather.

v) **T.A. Schifsky & Sons Bid:**

On a motion made by Mayor Wingfield, seconded by Councilmember Woolstencroft, it was resolved to approve the bid provided by T.A Schifsky & Sons for crack filling, patching, and watermain breaks, to be completed in May 2022. All in favor; motion carried.

ACTION – Mayor Wingfield will confirm that street sweeping can be completed in tandem with the work by T.A. Schifsky & Sons.

Mayor Wingfield noted a potential surcharge based on current oil prices.

vi) **Ring Camera for City Hall:** The Council agreed to install a Ring camera at City Hall.

Mayor Wingfield reported that the camera would monitor the front of City Hall, the garage across the street, and the bell tower at a monthly cost of \$3.

vii) **Fence Tower Announcement:** Mayor Wingfield reported that the fence post will be erected at the water tower receiver in a few weeks.

viii) **Impervious Surface Code Adopted by the City of Mahtomedi:** *ACTION – Mayor Wingfield will obtain the ordinance from Mahtomedi’s city attorney and will present it to the Council, the Planning Commission, and the City Attorney for review.*

b. **Councilmember McCarthy**

i) **Sign Ordinance:**

On a motion made by Councilmember McCarthy, seconded by Councilmember Fleck, it was resolved to suspend the enforcement of Section 601 effective immediately. All in favor; motion carried.

ACTION – Andy Gonyou will include the repealing of the current sign ordinance for public hearing on the agenda for the next Council meeting.

Councilmember McCarthy presented a proposal to repeal the city’s current sign ordinance. He noted constitutional concerns along with concerns that the current ordinance allows commercial signage with no time limit compared to non-commercial signage. He is working on a content neutral, size-based, revised ordinance and will present it at the next Council meeting.

H. Alan Kantrud advised city staff not to enforce the current sign ordinance, no criminal citations be issued pursuant to the sign ordinance, and no complaints regarding the sign ordinance be entertained pending the formal repeal of the ordinance at the next Council meeting. H. Alan Kantrud confirmed that a second reading can be waived as there is no state law requiring two readings.

- ii) **Administrative Complaint Procedure:** Councilmember McCarthy reported a misinterpretation of the city’s ordinance by the public and the media. A revision is pending.
- ii) **Hall’s Marsh Update:** Councilmember McCarthy reported that the Priebe Lake inlet structure was completed; however, the dam eroded overnight and resulted in running water from the pipe into Hall’s Marsh. A meeting with the Rice Creek Watershed District (RCWD) was held regarding the breach in which Councilmember McCarthy reiterated that the RCWD requires permission from Birchwood Village to draw down Priebe Lake.

A RCWD workshop was held on March 7, 2022, where staff were directed to develop a comprehensive plan and will be working with Birchwood Village. Councilmember McCarthy confirmed that a letter was sent to the RCWD, the City of White Bear Lake, and the City of Mahtomedi as previously discussed.

9. **NEXT MEETING**

The next Council meeting will be held at a date and time to be determined.

10. **ADJOURNMENT**

On a motion made by Councilmember McCarthy, seconded by Councilmember Woolstencroft and carried unanimously, it was agreed that there was no further business of the Council to transact; the meeting was closed at 10:39 p.m. by Mayor Wingfield.

DISCLAIMER

The above minutes should be used as a summary of the motions passed and issues discussed at the meeting of the members of the Birchwood Village City Council. This document shall not be considered to be a verbatim copy of every word spoken at the meeting.

Mayor Mary Wingfield

City Administrator Andy Gonyou

Date

Date

RESOLUTION 2022-07

**CITY OF BIRCHWOOD VILLAGE
WASHINGTON COUNTY, MINNESOTA**

**A RESOLUTION RE-ESTABLISHING UNCHANGED PRECINCTS AND POLLING
PLACES IN THE CITY OF BIRCHWOOD VILLAGE, WASHINGTON COUNTY**

WHEREAS, the boundaries of the City of Birchwood Village precinct, which consists of the territory of the City of Birchwood Village, remain unchanged following state legislative redistricting; and

WHEREAS, the City Council of the City of Birchwood Village want to re-establish the City of Birchwood Village precinct with the same boundaries as permitted and required by Minnesota Statutes 204B.14, Subdivision 3 (c)c; and

WHEREAS, the City of Birchwood Village wants to re-establish the polling place for the City of Birchwood Village precinct and have it remain at Village Hall, 207 Birchwood Avenue, Birchwood Village, MN 55110.

NOW, THEREFORE, BE IT RESOLVED that the City Council re-establishes that the boundaries of the City of Birchwood Village precinct are unchanged and re-establishes said district with the same boundaries pursuant to Minnesota Statutes 204B.14, subdivision 3 (c).

BE IT FURTHER RESOLVED, that the designated polling place for the City of Birchwood Village precinct is re-established and remains located at Village Hall, 207 Birchwood Avenue, Birchwood Village, MN 55110 in accordance with Minnesota Statutes 204 B.16.

Resolution duly seconded and passed this 12th day of April, 2022.

Mary Wingfield, Mayor

Attest:

Andy Gonyou, City Administrator-Clerk

For the Period : 3/3/2022 To 4/7/2022

<u>Name of Fund</u>	<u>Beginning Balance</u>	<u>Total Receipts</u>	<u>Total Disbursed</u>	<u>Ending Balance</u>
General Fund	\$513,703.69	\$24,097.51	\$76,402.04	\$461,399.16
Other Federal Programs (Inactive)	\$0.00	\$0.00	\$0.00	\$0.00
Comp Plan Grant	\$0.00	\$0.00	\$0.00	\$0.00
Special Rev Projects	\$9,025.69	\$15,000.00	\$0.00	\$24,025.69
Spec Rev - Warm House (Inactive)	\$0.00	\$0.00	\$0.00	\$0.00
REIMBURSED CONTRACTED SERVICES (Inactive)	\$0.00	\$0.00	\$0.00	\$0.00
General Debt Service (Identify) (Inactive)	\$0.00	\$0.00	\$0.00	\$0.00
Birchwood In Re-hab Bond (Inactive)	\$0.00	\$0.00	\$0.00	\$0.00
Sewer Re-hab Debt (Inactive)	\$0.00	\$0.00	\$0.00	\$0.00
CAPITAL PROJECT FUNDS (401 through 499)	\$0.00	\$0.00	\$0.00	\$0.00
General Capital Projects (Inactive)	\$0.00	\$0.00	\$0.00	\$0.00
Municipal State Aid Streets - Construction (Inactive)	\$0.00	\$0.00	\$0.00	\$0.00
Capital Project PW	\$123,615.31	\$0.00	\$0.00	\$123,615.31
Water	(\$35,988.01)	\$12,238.68	\$1,298.65	(\$25,047.98)
Sewer	\$117,176.61	\$12,776.58	\$10,656.30	\$119,296.89
Water Meter Upgrade Fees	(\$2,317.31)	\$0.00	\$0.00	(\$2,317.31)
American Rescue Act Proceeds	(\$46,665.31)	\$0.00	\$1,004.00	(\$47,669.31)
Engineering Services	\$0.00	\$0.00	\$0.00	\$0.00
Total	\$678,550.67	\$64,112.77	\$89,360.99	\$653,302.45

Fund Name: All Funds

Date Range: 03/03/2022 To 04/07/2022

<u>Date</u>	<u>Remitter</u>	<u>Receipt #</u>	<u>Description</u>	<u>Deposit ID</u>	<u>Void</u>	<u>Account Name</u>	<u>F-A-P</u>	<u>Total</u>
03/03/2022	Malles, R	171735372*	Kayak Rental	(03/03/2022) -	N	Kayak/Canoe Permits	100-32212-	\$ 30.00
						Contributions and Donations from Private Sources	100-36230-	\$ 5.00
								\$ 35.00
03/03/2022	White, Trilby	171735373*	Kayak Rentals	(03/03/2022) -	N	Kayak/Canoe Permits	100-32212-	\$ 60.00
								\$ 60.00
03/03/2022	Westphal, Cynthia	171735374*	Kayak rental	(03/04/2022) -	N	Kayak/Canoe Permits	100-32212-	\$ 30.00
								\$ 30.00
03/03/2022	Gobler, Molly	171735375*	Dog license	(03/04/2022) -	N	Animal Licenses	100-32240-	\$ 20.00
								\$ 20.00
03/03/2022	Loren, Melissa	171735376*	Dog License	(03/04/2022) -	N	Animal Licenses	100-32240-	\$ 20.00
								\$ 20.00
03/03/2022	Hoppe, Louanne	171735377*	Hall Rental for Art classes	(03/04/2022) -	N	City/Town Hall Rent	100-34101-	\$ 10.00
								\$ 10.00
03/03/2022	Olson, Leona	171735378*	Hall Rental for art classes	(03/04/2022) -	N	City/Town Hall Rent	100-34101-	\$ 10.00
								\$ 10.00
03/03/2022	Goren, Marianne	171735379*	Hall rental for art classes	(03/04/2022) -	N	City/Town Hall Rent	100-34101-	\$ 10.00
								\$ 10.00
03/10/2022	Residents - via St Anthony Village	171735382	Utility Billing - February 2022	(02/18/2022) -	N	Leaf Collection	100-34408-	\$ 70.00
						Leaf Collection	100-34408-5	\$ 4.79
						Water Consumption	601-37111-	\$ 254.13
						Water Utility User Fee	601-37112-	\$ 138.20
						Special Water Charges	601-37115-	\$ 91.91
						State Surcharge	601-37116-	\$ 15.87
						Penalties and Forfeited Discounts	601-37160-	\$ 31.92
						Sewer Consumption	605-37211-	\$ 153.50
						Sewer Minimum Charge	605-37212-	\$ 235.17

Fund Name: All Funds
 April 12, 2022 Regular City Council Meeting
Date Range: 03/03/2022 To 04/07/2022

<u>Date</u>	<u>Remitter</u>	<u>Receipt #</u>	<u>Description</u>	<u>Deposit ID</u>	<u>Void</u>	<u>Account Name</u>	<u>F-A-P</u>	<u>Total</u>
						Penalties and Forfeited Discounts	605-37260-	\$ 21.54
								\$ 1,017.03
03/10/2022	Olson Construction and Remodeling	171735383*	Building Permit # 2022-15	(02/28/2022) -	N	Building Permits	100-32211-	\$ 563.25
						Escrow Deposits	100-36245-8	\$ 3,000.00
								\$ 3,563.25
03/10/2022	Rankin, Emunah	171735384*	Kayak permit	(03/11/2022) -	N	Kayak/Canoe Permits	100-32212-	\$ 30.00
								\$ 30.00
03/10/2022	Klimp, Lori	171735385*	2 Kayak Permits	(03/11/2022) -	N	Kayak/Canoe Permits	100-32212-	\$ 60.00
								\$ 60.00
03/10/2022	Steinhauser, Meryl	171735386*	2 Kayak permits	(03/11/2022) -	N	Kayak/Canoe Permits	100-32212-	\$ 60.00
								\$ 60.00
03/10/2022	Lafoy, Randy	171735387*	Kayak Permit	(03/11/2022) -	N	Kayak/Canoe Permits	100-32212-	\$ 30.00
								\$ 30.00
03/10/2022	Cavanor, Katherine	171735388*	Kayak Permit	(03/11/2022) -	N	Kayak/Canoe Permits	100-32212-	\$ 30.00
								\$ 30.00
03/10/2022	Twin Cities Siding	171735389*	Building Permit and Escrow	(03/11/2022) -	N	Building Permits	100-32211-	\$ 331.03
						Escrow Deposits	100-36245-8	\$ 3,000.00
								\$ 3,331.03
03/11/2022	MN Management & Budget	171735423	Fines	(03/11/2022) -	N	Court Fines	100-35101-	\$ 362.42
								\$ 362.42
03/16/2022	Vadnais, John	171735396*	Bldg Permit	(03/16/2022) -	N	Building Permits	100-32211-	\$ 47.55
								\$ 47.55
03/17/2022	Perfection Heating and Air	171735397*	Building Permit	(03/17/2022) -	N	Building Permits	100-32211-	\$ 91.22
								\$ 91.22
03/18/2022	Ramsey/Washington Cable Commission	171735390*	Laptop Reimbursement	(03/18/2022) -	N	Refund-Reimbursemnt-Dividend	100-36240-	\$ 912.68

Fund Name: All Funds
 April 12, 2022 Regular City Council Meeting
Date Range: 03/03/2022 To 04/07/2022

<u>Date</u>	<u>Remitter</u>	<u>Receipt #</u>	<u>Description</u>	<u>Deposit ID</u>	<u>Void</u>	<u>Account Name</u>	<u>F-A-P</u>	<u>Total</u>	
								\$ 912.68	
03/18/2022	Atakpu, Peter	171735391*	Hall Rental - March 27	(03/18/2022) -	N	City/Town Hall Rent	100-34101-	\$ 25.00	
								\$ 25.00	
03/18/2022	Mullan, Julia	171735392*	2 Kayak Permits	(03/18/2022) -	N	Kayak/Canoe Permits	100-32212-	\$ 60.00	
								\$ 60.00	
03/18/2022	Cummins, Robert	171735393*	Kayak permit	(03/18/2022) -	N	Kayak/Canoe Permits	100-32212-	\$ 30.00	
								\$ 30.00	
03/18/2022	McCarthy, Jessa	171735394*	Dog permit	(03/18/2022) -	N	Animal Licenses	100-32240-	\$ 120.00	
								\$ 120.00	
03/18/2022	Safebasements of MN, Inc	171735395*	Bldg Permit, and Escrow # 2022-16	(03/18/2022) -	N	Building Permits	100-32211-	\$ 99.13	
							Escrow Deposits	100-36245-8	\$ 3,000.00
								\$ 3,099.13	
03/18/2022	Homeworks Services	171735398*	Building Permit	(03/18/2022) -	N	Building Permits	100-32211-	\$ 142.32	
								\$ 142.32	
03/21/2022	Sherwood, Gregory	171735399*	Zoning Permit	(03/21/2022) -	N	Zoning App Fee	100-32280-	\$ 1,587.50	
								\$ 1,587.50	
03/21/2022	Champion Plumbing	171735400*	Building Permit # 2022-20	(03/21/2022) -	N	Building Permits	100-32211-	\$ 99.20	
								\$ 99.20	
03/24/2022	Hegedus, Jozsef	171735401*	Kayak permit	(03/25/2022) -	N	Kayak/Canoe Permits	100-32212-	\$ 30.00	
								\$ 30.00	
03/24/2022	Wandmacher, Cathryn	171735402*	Canoe Permit	(03/25/2022) -	N	Kayak/Canoe Permits	100-32212-	\$ 30.00	
								\$ 30.00	
03/24/2022	McCarthy, Jessa	171735403*	Building Permit and Escrow	(03/25/2022) -	N	Building Permits	100-32211-	\$ 4,137.52	
							Escrow Deposits	100-36245-	\$ 3,000.00
								\$ 7,137.52	

Fund Name: All Funds
 April 12, 2022 Regular City Council Meeting
Date Range: 03/03/2022 To 04/07/2022

<u>Date</u>	<u>Remitter</u>	<u>Receipt #</u>	<u>Description</u>	<u>Deposit ID</u>	<u>Void</u>	<u>Account Name</u>	<u>F-A-P</u>	<u>Total</u>	
03/24/2022	Mow Joe, Inc	171735404*	Feistner Dock	(03/25/2022) -	N	Dock/Lift Permit Fee	100-32260-	\$ 1,000.00	
								\$ 1,000.00	
03/24/2022	Simanski, Julie	171735405*	Dog License	(03/25/2022) -	N	Animal Licenses	100-32240-	\$ 20.00	
								\$ 20.00	
03/24/2022	Stillwater Insurance CO	171735406*	Insurance payment received for sign damage	(03/25/2022) -	N	Miscellaneous	100-36140-	\$ 453.58	
								\$ 453.58	
03/25/2022	Sigecan, Cameron	171735424*	Engineering Fees	(03/25/2022) -	N	Miscellaneous	100-36140-	\$ 467.50	
								\$ 467.50	
03/29/2022	Champion Plumbing	171735422*	Building Permit	(03/29/2022) -	N	Building Permits	100-32211-	\$ 70.25	
								\$ 70.25	
03/31/2022	Simanski, Julie	171735414*	Dog license late fee	(04/01/2022) -	N	Animal Licenses	100-32240-	\$ 40.00	
								\$ 40.00	
03/31/2022	Birchwood Dock Association	171735415*	BDA Boat Slip Payment	(04/01/2022) -	N	Dock/Lift Permit Fee	210-32260-	\$ 15,000.00	
								\$ 15,000.00	
03/31/2022	Residents - via St Anthony Village	171735420	Utility Billing - March 2022	(03/31/2022) -	N	Leaf Collection	100-34408-	\$ 506.56	
							Leaf Collection	100-34408-5	\$ 35.63
							Administrative Fee Move/Out	100-37118-	\$ 104.18
							Penalty - Late Water/Sewer	601-34160-	\$ 91.74
							Water Consumption	601-37111-	\$ 7,377.19
							Water Utility User Fee	601-37112-	\$ 3,498.75
							Water Main-break Surcharge	601-37113-	\$ 72.06
							Meter Upgrade Fees	601-37114-	\$ 320.70
							State Surcharge	601-37116-	\$ 346.21
							Sewer Consumption	605-37211-	\$ 6,548.88
							Sewer Minimum Charge	605-37212-	\$ 5,742.20
							Penalties and Forfeited Discounts	605-37260-	\$ 75.29
								\$ 24,719.39	
04/01/2022	Academy Heating and Air	171735419*	Building Permit	(04/01/2022) -	N	Building Permits	100-32211-	\$ 61.20	

Fund Name: All Funds
 April 12, 2022 Regular City Council Meeting
Date Range: 03/03/2022 To 04/07/2022

<u>Date</u>	<u>Remitter</u>	<u>Receipt #</u>	<u>Description</u>	<u>Deposit ID</u>	<u>Void</u>	<u>Account Name</u>	<u>F-A-P</u>	<u>Total</u>
								<u>\$ 61.20</u>
04/04/2022	Omstead, Polly	171735416*	Annual dues for Art group	(04/08/2022) -	N	City/Town Hall Rent	100-34101-	<u>\$ 10.00</u>
								<u>\$ 10.00</u>
04/04/2022	Schaffhausen, Mark	171735417*	3 Kayak permits	(04/08/2022) -	N	Kayak/Canoe Permits	100-32212-	<u>\$ 90.00</u>
								<u>\$ 90.00</u>
04/04/2022	Wallace, Rosemary	171735418*	2 kayak permits	(04/08/2022) -	N	Kayak/Canoe Permits	100-32212-	<u>\$ 60.00</u>
								<u>\$ 60.00</u>
04/04/2022	McKiernan, Maureen	171735421*	Kayak permit	(04/04/2022) -	N	Kayak/Canoe Permits	100-32212-	<u>\$ 30.00</u>
								<u>\$ 30.00</u>
Total for Selected Receipts								<u><u>\$ 64,112.77</u></u>

Fund Name: All Funds

Date Range: 03/03/2022 To 04/07/2022

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Description</u>	<u>Void</u>	<u>Account Name</u>	<u>F-A-O-P</u>	<u>Total</u>
03/03/2022	Wingfield, Mary	31780	Reimbursement - Ice rink supplies, nozzles for hose	N	Parks	100-45207-400-	\$ 50.94
	Total For Check	31780					\$ 50.94
03/03/2022	Metropolitan Council - Env. Service	31805*	Wastewater Service- March	N	Sewer Utility	605-43190-217-	\$ 5,105.97
	Total For Check	31805					\$ 5,105.97
03/03/2022	Croix Valley Inspections Inc	31806*	Inspection Fees - 2021 Calendar Year	N	Building Inspections Administration	100-42401-314-	\$ 18,426.23
	Total For Check	31806					\$ 18,426.23
03/03/2022	Tennis Sanitation, LLC	31807*	Recycling for Service Period: Jan-Feb 2022	N	Recycle	100-43300-314-	\$ 2,760.00
	Total For Check	31807					\$ 2,760.00
03/03/2022	Steve Dean	31808*	Tree Trimming	N	Tree Removal	100-43135-314-	\$ 400.00
	Total For Check	31808					\$ 400.00
03/03/2022	CARter Custom Construction	31809*	Escrow refund	N	Escrow Refunds	100-49250-810-8	\$ 3,000.00
	Total For Check	31809					\$ 3,000.00
03/03/2022	Press Publications	31810*	Legal Notice Publications - Feb 2022	N	Ordinances and Proceedings	100-41130-351-	\$ 66.75
	Total For Check	31810					\$ 66.75
03/03/2022	Manship Plumbing & Heating Inc	31811	Standby - March	N	Water Utility	601-43180-314-	\$ 600.00
	Total For Check	31811					\$ 600.00
03/03/2022	H.A. Kantrud, P.A.	31812	Attorney Services -Feb 2022	N	Legal Services	100-41601-300-	\$ 1,500.00
	Total For Check	31812					\$ 1,500.00
03/03/2022	City of White Bear Lake Fire	31813	Fire Srvc - Feb 2022	N	Fire	100-42201-314-	\$ 2,737.08
	Total For Check	31813					\$ 2,737.08
03/03/2022	R Leeves Productions LLC	31814	Videography - Council Mtgs, 2/8 & 2/15	N	Cable Eqpmt and Service	100-41950-314-	\$ 82.50
		31814				100-41950-314-	\$ 82.50
	Total For Check	31814					\$ 165.00

Fund Name: All Funds
 April 12, 2022 Regular City Council Meeting
Date Range: 03/03/2022 To 04/07/2022

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Description</u>	<u>Void</u>	<u>Account Name</u>	<u>F-A-O-P</u>	<u>Total</u>
03/03/2022	Payroll Period Ending 03/03/2022	31815	Jackie Smith, Deputy Clerk, payroll	N	Clerk - Treasurer	100-41401-100-	\$ 611.64
	Total For Check	31815					\$ 611.64
03/03/2022	Payroll Period Ending 03/03/2022	31816	Andy Gonyou, City Administrator	N	Clerk - Treasurer	100-41401-100-	\$ 1,287.87
	Total For Check	31816					\$ 1,287.87
03/03/2022	Payroll Period Ending 03/03/2022	31818	Payroll, Mary Cahill, Assistant Treasurer	N	Clerk - Treasurer	100-41401-100-	\$ 373.37
	Total For Check	31818					\$ 373.37
03/03/2022	PERA	EFT03032022A*	Retirement funds- Andy Gonyou, City Administrator	N	Clerk - Treasurer	100-41401-121-	\$ 244.85
		EFT03032022A			Street Lighting	100-43160-380-	\$ 1,454.83
	Total For Check	EFT03032022A					\$ 1,699.68
03/03/2022	PERA	EFT03032022B*	Retirement funds- Jim Rydeen	N	Clerk - Treasurer	100-41401-121-	\$ 341.58
	Total For Check	EFT03032022B					\$ 341.58
03/10/2022	City of Roseville	31821*	IT charges March	N	General Government Buildings and Plant	100-41940-320-	\$ 386.13
	Total For Check	31821					\$ 386.13
03/10/2022	Companion Animal Control LLC	31822*	Animal Control Services -February	N	Animal Control	100-41916-314-	\$ 80.00
	Total For Check	31822					\$ 80.00
03/10/2022	Gopher State One Call	31823*	locates	N	Utility Locates	605-42805-314-	\$ 12.15
	Total For Check	31823					\$ 12.15
03/10/2022	Hankins, Ryan	31824	Microsoft licensing	N	General Government Buildings and Plant	100-41940-320-	\$ 119.34
	Total For Check	31824					\$ 119.34
03/10/2022	AirFresh Industries, Inc.	31825*	Portable Restrooms-Feb/Mar Billing	N	Parks	100-45207-314-	\$ 325.00
	Total For Check	31825					\$ 325.00
03/17/2022	Gopher State One Call	31826*	email tickets	N	Utility Locates	605-42805-314-	\$ 9.45
	Total For Check	31826					\$ 9.45
03/17/2022	Minutes Solutions	31827*	Minutes	N	MISCELLANEOUS	100-49001-300-	\$ 200.00

Fund Name: All Funds
 April 12, 2022 Regular City Council Meeting
Date Range: 03/03/2022 To 04/07/2022

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Description</u>	<u>Void</u>	<u>Account Name</u>	<u>F-A-O-P</u>	<u>Total</u>
		Total For Check	31827				\$ 200.00
03/17/2022	White Bear Township	31828*	Contracted Services -Feb 2022	N	Sewer Utility	605-43190-314-	\$ 468.34
		Total For Check	31828				\$ 468.34
03/17/2022	Toshiba Business Solutions	31829*	Printer Maintenance - 03/9/22-04/08/22	N	Office Operations Supplies	100-41911-314-	\$ 10.62
		Total For Check	31829				\$ 10.62
03/17/2022	Payroll Period Ending 03/17/2022	31830	Jackie Smith, Deputy Clerk	N	Clerk - Treasurer	100-41401-100-	\$ 655.10
		Total For Check	31830				\$ 655.10
03/17/2022	Payroll Period Ending 03/17/2022	31831	Andy Gonyou, City Administrator	N	Clerk - Treasurer	100-41401-100-	\$ 1,208.26
		Total For Check	31831				\$ 1,208.26
03/22/2022	Washington County - Property & Tax	31838*	2020 Assessment Fees	N	Assessing	100-41550-314-	\$ 6,264.93
		Total For Check	31838				\$ 6,264.93
03/22/2022	PERA	EFT03222022A*	Retirement funds- Andy Gonyou	N	Clerk - Treasurer	100-41401-121-	\$ 228.54
		EFT03222022A*			Water Utility	601-43180-382-	\$ 55.30
		Total For Check	EFT03222022A				\$ 283.84
03/24/2022	Wingfield, Mary	31832	Reimbursement - Hall Front door down payment	N	General Government Buildings and Plant	100-41940-220-	\$ 1,700.00
		Total For Check	31832				\$ 1,700.00
03/24/2022	TSE, Inc. Work Account	31833*	Janitorial Services - 3/3/22	N	General Government Buildings and Plant	100-41940-314-	\$ 28.13
		Total For Check	31833				\$ 28.13
03/24/2022	R Leeves Productions LLC	31834*	Videography - Council Mtgs, 3/8/22	N	Cable Eqpmt and Service	100-41950-314-	\$ 125.58
		Total For Check	31834				\$ 125.58
03/30/2022	IRS - US Treasury	EFT03112022A	Federal Taxes - Q1 2021 - Feb Payment	N	Clerk - Treasurer	100-41401-100-	\$ 1,187.70
		EFT03112022A				100-41401-100-	\$ 277.76
		EFT03112022A				100-41401-100-	\$ 371.01
		Total For Check	EFT03112022A				\$ 1,836.47
03/30/2022	Xcel Energy	EFT03182022A*	Lift station electricity- 1/19-2/17	N	Water Utility	601-43180-380-	\$ 15.44

Fund Name: All Funds
 April 12, 2022 Regular City Council Meeting
Date Range: 03/03/2022 To 04/07/2022

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Description</u>	<u>Void</u>	<u>Account Name</u>	<u>F-A-O-P</u>	<u>Total</u>
		Total For Check	EFT03182022A				\$ 15.44
03/30/2022	Xcel Energy	EFT03182022B*	Lift Stations and Ice Rink Electricity, Hall Gas and Electric	N	General Government Buildings and Plant	100-41940-380-	\$ 152.92
		EFT03182022B*				100-41940-380-	\$ 376.31
		EFT03182022B*				100-41940-380-	\$(38.73)
		EFT03182022B*			Parks	100-45207-380-	\$ 115.32
		EFT03182022B*			Sewer Utility	605-43190-380-	\$(760.17)
		EFT03182022B*				605-43190-380-	\$ 556.31
		EFT03182022B*				605-43190-380-	\$(187.15)
		EFT03182022B*				605-43190-380-	\$ 374.57
		EFT03182022B*				605-43190-380-	\$(103.26)
		Total For Check	EFT03182022B				\$ 486.12
03/30/2022	Xcel Energy	EFT03182022C*	Lift Station Gas- 200 Wildwood Ave	N	Sewer Utility	605-43190-380-	\$ 32.73
		Total For Check	EFT03182022C				\$ 32.73
03/30/2022	Xcel Energy	EFT03182022D*	Lift Station Gas- 407 Lake Ave	N	Sewer Utility	605-43190-380-	\$ 30.59
		Total For Check	EFT03182022D				\$ 30.59
03/30/2022	Xcel Energy	EFT03302022A*	Street lighting	N	Street Lighting	100-43160-380-	\$ 1,451.39
		Total For Check	EFT03302022A				\$ 1,451.39
03/31/2022	Payroll Period Ending 03/31/2022	31835	Jackie Smith, Deputy Clerk	N	Clerk - Treasurer	100-41401-100-	\$ 555.10
		Total For Check	31835				\$ 555.10
03/31/2022	Payroll Period Ending 03/31/2022	31836	Jim Rydeen- Maintenance	N	Parks	100-45207-100-	\$ 295.75
		Total For Check	31836				\$ 295.75
03/31/2022	Payroll Period Ending 03/31/2022	31837	Andy Gonyou, City Administrator	N	Clerk - Treasurer	100-41401-100-	\$ 989.24
		Total For Check	31837				\$ 989.24
03/31/2022	Payroll Period Ending 03/31/2022	31839	Mary Cahill- Assistant Treasurer	N	Clerk - Treasurer	100-41401-100-	\$ 235.87
		Total For Check	31839				\$ 235.87
03/31/2022	Cahill, Mary	31840*	Classified ad in the St Paul Pioneer Press	N	Unallocated Expenditures	100-49201-430-	\$ 176.00
		Total For Check	31840				\$ 176.00
03/31/2022	Thatcher Engineering, Inc	31841*	City Engineer - engineering services	N	Engineer Service	100-41650-300-	\$ 200.00

Fund Name: All Funds
 April 12, 2022 Regular City Council Meeting
Date Range: 03/03/2022 To 04/07/2022

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Description</u>	<u>Void</u>	<u>Account Name</u>	<u>F-A-O-P</u>	<u>Total</u>
		31841*				100-41650-300-	\$ 400.00
		31841*				100-41650-300-	\$ 1,150.00
		31841*				100-41650-300-	\$ 350.00
		31841*				100-41650-300-	\$ 12,900.00
		31841*				625-41650-300-	\$ 1,004.00
		Total For Check	31841				\$ 16,004.00
03/31/2022	Core & Main	31842*	water supplies-	N	Water Utility	601-43180-220-	\$ 27.91
		Total For Check	31842				\$ 27.91
03/31/2022	AirFresh Industries, Inc.	31843*	Portable Restrooms-Apr Billing	N	Parks	100-45207-314-	\$ 162.50
		Total For Check	31843				\$ 162.50
03/31/2022	Safe Basements of MN, Inc.	31844*	Escrow Reimbursement	N	Escrow Refunds	100-49250-810-8	\$ 3,000.00
		Total For Check	31844				\$ 3,000.00
03/31/2022	Andrew Gonyou	31845*	zoom - March 30-Apr 29	N	Unallocated Expenditures	100-49201-320-	\$ 16.09
		Total For Check	31845				\$ 16.09
03/31/2022	Press Publications	31846*	Legal Notice Publications - Mar 2022	N	Ordinances and Proceedings	100-41130-351-	\$ 629.33
		Total For Check	31846				\$ 629.33
03/31/2022	City of White Bear Lake Fire	31847	Fire Srvc - Mar 2022	N	Fire	100-42201-314-	\$ 2,737.08
		Total For Check	31847				\$ 2,737.08
03/31/2022	Manship Plumbing & Heating Inc	31848	Standby - April	N	Water Utility	601-43180-314-	\$ 600.00
		Total For Check	31848				\$ 600.00
03/31/2022	H.A. Kantrud, P.A.	31849	Attorney Services -Mar 2022	N	Legal Services	100-41601-300-	\$ 1,500.00
		Total For Check	31849				\$ 1,500.00
03/31/2022	City of White Bear Lake	31850	***VOID\$2737.08***Fire Service - March	Y	Water Utility	601-43180-314-	\$ -
		Total For Check	31850				\$ -
04/04/2022	Gopher State One Call	31852*	email tickets	N	Utility Locates	605-42805-314-	\$ 10.80
		Total For Check	31852				\$ 10.80
04/04/2022	Smith, Jackie	31853	Office supplies- address labels	N	Office Operations Supplies	100-41911-200-	\$ 17.17
		Total For Check	31853				\$ 17.17
04/04/2022	Companion Animal Control LLC	31854*	Animal Control Services -March	N	Animal Control	100-41916-314-	\$ 80.00

Fund Name: All Funds
 April 12, 2022 Regular City Council Meeting
Date Range: 03/03/2022 To 04/07/2022

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Description</u>	<u>Void</u>	<u>Account Name</u>	<u>F-A-O-P</u>	<u>Total</u>
		Total For Check	31854				\$ 80.00
04/05/2022	PERA	EFT04052022A*	Retirement funds- Andy Gonyou	N	Clerk - Treasurer	100-41401-121-	\$ 183.64
		Total For Check	EFT04052022A				\$ 183.64
04/05/2022	PERA	EFT04052022B*	Retirement funds- Jim Rydeen	N	Parks	100-45207-121-	\$ 48.22
		Total For Check	EFT04052022B				\$ 48.22
04/07/2022	Cahill, Mary	31856*	Classified ad credit in the St Paul Pioneer Press and paper for the office	N	Office Operations Supplies	100-41911-200-	\$ 100.91
		31856*			Unallocated Expenditures	100-49201-430-	\$(58.00)
		Total For Check	31856				\$ 42.91
04/07/2022	Metropolitan Council - Env. Service	31857*	Wastewater Service- April	N	Sewer Utility	605-43190-217-	\$ 5,105.97
		Total For Check	31857				\$ 5,105.97
04/07/2022	Heating & Cooling Exxperts, LLC	31858*	Boiler repair	N	General Government Buildings and Plant	100-41940-300-	\$ 710.00
		Total For Check	31858				\$ 710.00
04/07/2022	City of Roseville	31859*	IT charges April	N	General Government Buildings and Plant	100-41940-320-	\$ 386.13
		Total For Check	31859				\$ 386.13
04/07/2022	Press Publications	31860*	Legal Notice Publications - Mar 2022	N	Ordinances and Proceedings	100-41130-351-	\$ 114.43
		31860*			Unallocated Expenditures	100-49201-430-	\$ 103.00
		Total For Check	31860				\$ 217.43
04/07/2022	StarTribune	31861*	City Clerk Ad	N	Unallocated Expenditures	100-49201-430-	\$ 315.00
		Total For Check	31861				\$ 315.00
04/07/2022	Wingfield, Mary	31863	Reimbursement - Drop box for residents	N	Unallocated Expenditures	100-49201-200-	\$ 69.00
		Total For Check	31863				\$ 69.00
04/07/2022	MN Department of Labor and Industry	EFT 04072022A	Building Permit Surcharge - Q1 2022	N	Building Inspections Administration	100-42401-437-	\$ 390.13
		Total For Check	EFT 04072022A				\$ 390.13
Total For Selected Checks							\$ 89,360.99

As on 4/7/2022

Water

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Penalty - Late Water/Sewer	0.00	202.57	202.57
Total Acct 341	0.00	202.57	202.57
Miscellaneous	0.00	3,056.14	3,056.14
Total Acct 361	0.00	3,056.14	3,056.14
Water Consumption	0.00	16,735.39	16,735.39
Water Utility User Fee	0.00	8,049.06	8,049.06
Water Main-break Surcharge	0.00	72.06	72.06
Meter Upgrade Fees	0.00	320.70	320.70
Special Water Charges	0.00	608.58	608.58
State Surcharge	0.00	872.63	872.63
Penalties and Forfeited Discounts	0.00	35.83	35.83
Total Acct 371	0.00	26,694.25	26,694.25
Total Revenues	0.00	29,952.96	29,952.96
Other Financing Sources:			
Total Other Financing Sources	0.00	0.00	0.00
Disbursements:			
Financial Administration			
Contracted Services	0.00	2,138.88	(2,138.88)
Total Acct 415	0.00	2,138.88	(2,138.88)
Newsletter			
Printing and Binding (351 through 359)	0.00	187.20	(187.20)
Total Acct 419	0.00	187.20	(187.20)
Water Utility			
Repair and Maintenance Supplies (221 through 229)	0.00	894.29	(894.29)
Contracted Services	0.00	11,619.18	(11,619.18)
Utility Services (381 through 389)	0.00	38,373.74	(38,373.74)
Utility Services: Water	0.00	343.82	(343.82)
Miscellaneous (431 through 499)	0.00	1,040.04	(1,040.04)
Fees	0.00	860.00	(860.00)
Wtr/Swr Emergency			
Repair and Maintenance Supplies (221 through 229)	0.00	700.00	(700.00)
Contracted Services	0.00	17,776.75	(17,776.75)
Total Acct 431	0.00	71,607.82	(71,607.82)
MISCELLANEOUS			
Fees	0.00	23.96	(23.96)
Total Acct 490	0.00	23.96	(23.96)
Total Disbursements	0.00	73,957.86	(73,957.86)
Other Financing Uses:			
Total Other Financing Uses	0.00	0.00	0.00
Beginning Cash Balance		18,956.92	
Total Receipts and Other Financing Sources		29,952.96	
Total Disbursements and Other Financing Uses		73,957.86	
Cash Balance as of 04/07/2022		(25,047.98)	

As on 4/7/2022

Sewer

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Miscellaneous	0.00	266.20	266.20
Total Acct 361	0.00	266.20	266.20
Sewer Consumption	0.00	16,418.85	16,418.85
Sewer Minimum Charge	0.00	14,200.28	14,200.28
Penalties and Forfeited Discounts	0.00	182.45	182.45
Total Acct 372	0.00	30,801.58	30,801.58
Total Revenues	0.00	31,067.78	31,067.78
Other Financing Sources:			
Total Other Financing Sources	0.00	0.00	0.00
Disbursements:			
Utility Locates			
Contracted Services	0.00	86.45	(86.45)
Total Acct 428	0.00	86.45	(86.45)
Sewer Utility			
Sewer - Wastewater Charge	0.00	20,423.88	(20,423.88)
Contracted Services	0.00	3,996.99	(3,996.99)
Utility Services (381 through 389)	0.00	477.15	(477.15)
Utility Services: Gas Utilities	0.00	57.81	(57.81)
Miscellaneous (431 through 499)	0.00	836.70	(836.70)
Total Acct 431	0.00	25,792.53	(25,792.53)
Total Disbursements	0.00	25,878.98	(25,878.98)
Other Financing Uses:			
Total Other Financing Uses	0.00	0.00	0.00
Beginning Cash Balance		114,108.09	
Total Receipts and Other Financing Sources		31,067.78	
Total Disbursements and Other Financing Uses		25,878.98	
Cash Balance as of 04/07/2022		119,296.89	

As on 4/7/2022

Special Rev Projects

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Dock/Lift Permit Fee	0.00	15,000.00	15,000.00
Total Acct 322	0.00	15,000.00	15,000.00
Total Revenues	0.00	15,000.00	15,000.00
Other Financing Sources:			
Total Other Financing Sources	0.00	0.00	0.00
Disbursements:			
Engineer Service			
PROFESSIONAL SERVICES (301 through 319)	0.00	3,500.00	(3,500.00)
Total Acct 416	0.00	3,500.00	(3,500.00)
Total Disbursements	0.00	3,500.00	(3,500.00)
Other Financing Uses:			
Total Other Financing Uses	0.00	0.00	0.00
Beginning Cash Balance		12,525.69	
Total Receipts and Other Financing Sources		15,000.00	
Total Disbursements and Other Financing Uses		3,500.00	
Cash Balance as of 04/07/2022		24,025.69	

As on 4/7/2022

Capital Project PW

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Total Revenues	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
Other Financing Sources:			
Total Other Financing Sources	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
Disbursements:			
Total Disbursements	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
Other Financing Uses:			
Total Other Financing Uses	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
Beginning Cash Balance		123,615.31	
Total Receipts and Other Financing Sources		0.00	
Total Disbursements and Other Financing Uses		<u>0.00</u>	
Cash Balance as of 04/07/2022		123,615.31	

As on 4/7/2022

American Rescue Act Proceeds

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Total Revenues	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
Other Financing Sources:			
Total Other Financing Sources	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
Disbursements:			
Engineer Service			
PROFESSIONAL SERVICES (301 through 319)	0.00	1,004.00	(1,004.00)
Total Acct 416	<u>0.00</u>	<u>1,004.00</u>	<u>(1,004.00)</u>
Total Disbursements	<u>0.00</u>	<u>1,004.00</u>	<u>(1,004.00)</u>
Other Financing Uses:			
Total Other Financing Uses	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
Beginning Cash Balance		(46,665.31)	
Total Receipts and Other Financing Sources		0.00	
Total Disbursements and Other Financing Uses		<u>1,004.00</u>	
Cash Balance as of 04/07/2022		(47,669.31)	

**THE CITY OF BIRCHWOOD VILLAGE
STORM WATER POLLUTION PREVENTION PROGRAM PLAN (SWPPP)**

202.100. ILLICIT DISCHARGE DETECTION AND ELIMINATION: PURPOSE AND OBJECTIVES. The purpose of this Ordinance is to provide for the health, safety and general welfare of the citizens of Birchwood Village through the regulation of non-stormwater discharges to the storm drainage system to the maximum extent practicable as required by the State and Federal Law. This Ordinance establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with the requirements of the National Pollutant Discharge Elimination System (NPDES) MS4 permit process.

The objectives of this Ordinance are:

202.100.1. To regulate the contribution of pollutants to the municipal separate storm sewer system by stormwater discharges by any user.

202.100.1.2. To prohibit Illicit Connections and Discharges to the municipal separate storm sewer system.

202.100.1.3. To establish legal authority to carry out all inspection, surveillance, and monitoring procedures necessary to ensure compliance with this ordinance.

202.100.2. DEFINITIONS. For the purpose of this ordinance, the following terms shall have the following meanings:

202.100.2.1. Authorized Enforcement Agency: employees or designees of Birchwood Village or the Minnesota Pollution Control Agency (MPCA) as designated to enforce this Ordinance.

202.100.2.2. Best Management Practices (BMP's): Schedule of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly into stormwater, receiving waters, or stormwater conveyance systems. Best Management Practices also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

202.100.2.3. Clean Water Act: The Federal Water Pollution Control Act (33 U.S.C., 1251 et seq.), and any subsequent amendments thereto.

202.100.2.4. Construction Activity: Activities subject to NPDES Construction Permits. These include construction projects resulting in land disturbance of one acre or more and projects that disturb less than one acre if they are part of a larger common plan of development. Such activities include but are not limited to clearing and grubbing,

grading, excavating, and demolition.

- 202.100.2.5. Hazardous Materials: Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment, when improperly treated, stored, transported, disposed of, or otherwise managed.
- 202.100.2.6. Illicit Connections: An illicit connection is defined as either of the following: Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter a storm drain system including, but not limited to, any conveyances which allow any non-stormwater discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by the City or, any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by the City.
- 202.100.2.7. MPCA: Minnesota Pollution Control Agency
- 202.100.2.8. National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit: A permit issued by the Environmental Protection Agency (EPA) (or by the State of Minnesota under the authority delegated pursuant to 33 U.S.C., 1342(b)) that authorizes the discharge of pollutants to Waters of the State, whether the permit is applicable on an individual, group, or general area-wide-basis.
- 202.100.2.9. Non-Stormwater Discharge: Any discharge to the storm drain system that is not composed entirely of storm water.
- 202.100.2.10. Person: Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.
- 202.100.2.11. Pollutant: Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquids, solid wastes, and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

- 202.100.2.12. Premises: Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and boulevards.
- 202.100.2.13. Storm Drainage System: Publicly-owned facilities by which stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, infiltration, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.
- 202.100.2.14. Storm Water: Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.
- 202.100.2.15. Storm Water Pollution Prevention Plan (SWPPP): A document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution and contamination at a site and the actions to eliminate or reduce pollutant discharges to Stormwater, Stormwater Conveyance Systems, and/or Receiving Waters to the maximum extent practicable.
- 202.100.2.16. City: Birchwood Village
- 202.100.2.17. Wastewater: Any water or other liquid, other than uncontaminated stormwater, discharged from a property.
- 202.100.2.18. Waters of the State: All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State of Minnesota or any portion thereof
- 202.100.3. APPLICABILITY. This Ordinance shall apply to all water entering the storm drain system generated on any developed or undeveloped lands unless explicitly exempted by an authorized enforcement agency.
- 202.100.4. RESPONSIBILITY FOR ADMINISTRATION. Birchwood Village shall administer, implement, and enforce the provisions of this Ordinance. Any powers granted or duties imposed upon the MPCA may be delegated in writing by the City Engineer of Birchwood Village to persons or entities acting in the beneficial interest of or in the employ of the City.
- 202.100.5. ULTIMATE RESPONSIBILITY. The standards set forth herein and promulgated pursuant to this Ordinance are minimum standards; therefore this Ordinance does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.
- 202.100.6. DISCHARGE PROHIBITIONS.

202.100.6.1. Prohibition of Illegal Discharges. No person shall discharge or cause to be discharged into the municipal storm drain system or Waters of the State any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than stormwater. The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

202.100.6.1.1. The following discharges are exempt from discharge prohibitions established by this Ordinance: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising groundwater, groundwater infiltration to storm drains, uncontaminated pumped groundwater, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wetland flows, swimming pools (if dechlorinated-typically less than one PPM Chlorine), fire fighting activities, and any other water source not containing pollutants.

202.100.6.1.2. Discharges specified in writing by the MPCA as being necessary to protect the health and safety.

202.100.6.1.3. Dye testing is an allowable discharge, but requires a verbal notification to the City clerk 48-hours prior to the start of the test.

202.100.6.1.4. The prohibition shall not apply to any non-stormwater discharge permitted under the NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the MPCA or Federal EPA, provided that the other applicable laws and regulations, and provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

202.100.6.2. Prohibition of Illicit Connections.

202.100.6.2.1. The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.

202.100.6.2.2. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

202.100.6.2.3. A person is considered to be in violation of this Ordinance if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

202.100.7. SUSPENSION OF MS4 ACCESS.

202.100.7.1. Suspension due to Illicit Discharges in Emergency Situations. Birchwood Village

may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or Waters of the State. If the violator fails to comply with a suspension order issued in an emergency, the City may take such steps as deemed necessary to prevent or minimize damage to the MS4 or the Waters of the State, or to minimize danger to persons.

202.100.7.2. Suspension due to the Detection of Illicit Discharge. Any person discharging to the MS4 in violation of this Ordinance may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The City will notify a violator of the proposed termination of its MS4 access.

202.100.7.3. Restoration of Access. A person violates this Ordinance by restoring MS4 access to a premises that had access suspended or terminated pursuant to this Section. Restoration of access may only occur with prior written approval of the City.

202.100.8. MONITORING OF DISCHARGES.

202.100.8.1. Applicability. This section applies to all facilities that have stormwater discharges associated with industrial activity, or construction activity as defined in this Ordinance.

202.100.8.2. If an officer or agent of the City has been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this Ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this Ordinance or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the City may seek issuance of a search warrant from any court of competent jurisdiction.

202.100.9. REQUIREMENT TO PREVENT, CONTROL, AND REDUCE STORMWATER POLLUTANTS BY USE OF THE BEST MANAGEMENT PRACTICES. Birchwood Village has adopted requirements identifying Best Management Practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of stormwater, the storm drain system, or Waters of the State. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or Waters of the State through the use of these structural and non-structural best management practices. Further, any person responsible for a property or premise, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural best management practices to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions

of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliant with the provisions of this section. These best management practices shall be part of a stormwater pollution prevention plan (SWPPP) as necessary for compliance with these requirements of the NPDES permit.

202.100.10. WATERCOURSE PROTECTION. Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

202.100.11. NOTIFICATION OF SPILLS. Notwithstanding any other requirements of law, as soon as any person responsible for a property has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into stormwater, the storm drain system, or Waters of the State, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such a release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. An owner or lessee is responsible for the residential property they own or occupy. For commercial and industrial property, responsible persons include an owner, but not be limited to the tenant, the operator, and an emergency response officer for the facility or operation. In the event of the release of non-hazardous materials, said person shall notify the City in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to Birchwood Village within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

202.100.12. ENFORCEMENT.

202.100.12.1. Whenever Birchwood Village finds that a person has violated a prohibition or failed to meet a requirement of this Ordinance, the City may order compliance by written Notice of Violation to the responsible person. Such a notice may require without limitation:

202.100.12.1.1. The performance of monitoring, analyses, and reporting;

202.100.12.1.2. The elimination of illicit connections or discharges;

202.100.12.1.3. The violating discharges, practices, or operations shall cease and desist;

202.100.12.1.4. The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property; and

202.100.12.1.5. Payment of a fine to cover administrative and remediation costs; and

202.100.12.1.6. The implementation of source control or treatment best management practices; and

202.100.12.1.7. The deadline within which to remedy the violation.

202.100.12.2. If the abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

202.100.13. APPEAL OF NOTICE OF VIOLATION. Any person receiving a Notice of Violation may appeal the determination of the City. The notice of appeal must be received by the City within 15 days from the date of the Notice of Violation. The appeal shall be heard by the City Council within 30 days from the date of the receipt of the notice to appeal. The decision of the Board of Supervisors shall be final.

202.100.14. ENFORCEMENT MEASURES AFTER APPEAL. If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, within the deadline extended by the decision of the City Council, then representatives of the City shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be declared unlawful for any person, owner, agent, or person in possession of any premises to refuse to allow the City or designated contractor to enter upon the premises for the purposes set forth above.

202.100.15. COST OF ABATEMENT OF THE VIOLATION. Within 30 days after the abatement of the violation, the owner of the property will be notified of the cost of the abatement, including administrative costs and a 25% surcharge, and the deadline to pay the abatement costs. The property owner may file a written protest objecting to the costs and payment terms of the abatement within 15 days. The appeal shall be heard by the City Council within 30 days from the date of the receipt of the notice of appeal. If the amount due is not paid within a timely manner as determined by the decision of the City Council after hearing the appeal, the charges will be filed with Washington County and shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.

- 202.100.16. INJUNCTIVE RELIEF. The provisions of this Ordinance are intended to prevent the occurrence of events which would likely create immediate and irreparable harm to public facilities and the public health if they occurred. If a person has violated or continues to violate the provisions of this Ordinance, the authorized enforcement agency may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.
- 202.100.17. COMPENSATORY ACTION. In lieu of enforcement proceedings, penalties, and remedies authorized by this Ordinance, the authorized enforcement agency may impose upon violator alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, lake and/or creek cleanup, etc.
- 202.100.18. VIOLATIONS DEEMED A PUBLIC NUISANCE. In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this Ordinance is a threat to public health, safety, and welfare, and is declared and deemed a nuisance and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.
- 202.100.19. CRIMINAL PROSECUTION. Any person that violates this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof, may be subject to the maximum fine and imprisonment allowed by State law. Each day on which such violation exists or continues, shall constitute a separate offense punishable to the maximum extent of the law. The authorized enforcement agency may recover all attorney's fees, court costs, and other expenses associated with the enforcement of this Ordinance, including sampling and monitoring expenses.
- 202.100.20. REMEDIES NOT EXCLUSIVE. The remedies listed in this Ordinance are not exclusive of any other remedies available under any applicable Federal, State, or Local law and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.

ADOPTED BY ORDINANCE 2013-06-01; JUNE 11, 2013

MEMORANDUM

DATE: 04/07/2022

TO: City Council
FROM: Justin McCarthy, City Councilmember
SUBJECT: Impervious Surface Code Rewrite



The City's impervious surface ordinance causes significant burden on the Planning Commission and the City Council through numerous variance requests.

To lessen this burden, the Planning Commission had proposed allowing projects with lot coverage percentages between 25%-35% to be approved through a permitting process and only requiring a variance for those with impervious surface above 35%. The idea is that projects having lot coverage below 35% pose little danger to the community as long as the proper procedures are followed. In these instances, the City's goals of managing runoff can be achieved through a review by the City Engineer that verifies that the Applicant's design can properly infiltrate the required 1.1 inches of rainfall over 48 hours. This is not a policy decision, but a scientific analysis that can be achieved by an administrative review.

Once the Applicant's project exceeds 35% of lot coverage, both the potential harm of the project and City's policy goals of preserving green space also become implicated and a Council review is necessary in the form of a variance.

Additionally, while pervious pavement systems are beneficial to homeowners and the City in comparison to impervious pavement, the City does have an interest in limiting its usage as well as approving their design, construction, and ensuring their adequate maintenance. In addition, the City has an interest in protecting green space on lots. To that end, we are using the term "lot coverage" to mean impervious surfaces AND pervious pavement systems and limiting lot coverage rather than impervious surfaces. By doing this, we are effectively regulating pervious pavement systems, which may have been considered pervious surface under the old code (depending on the interpretation of the old code). Please note that we chose this alternative term rather than to define impervious surfaces to include pervious pavement which might have caused confusion.

Finally, I have incorporated the maintenance agreement language that I have been working on for some time. I would also direct the City Attorney to come up with sample agreements that incorporate the provisions in this section so that homeowners and builders can easily fill in the blanks to ease the burden on them.

Many thanks to Ryan Hankins, Mayor Wingfield, the Planning Commission, and Steve Thatcher. This was a team effort involving many people to put this together.

Thank you,
Justin McCarthy
City Councilmember

ORDINANCE 2022-04-02

**CITY OF BIRCHWOOD VILLAGE
WASHINGTON COUNTY, MINNESOTA
AN ORDINANCE REPEALING AND REPLACING 302.050 IMPERVIOUS SURFACES IN
THE CITY CODE**

The City Council of the City of Birchwood Village hereby ordains that section 302.050 IMPERVIOUS SURFACE of the Municipal Code of the City of Birchwood Village is hereby repealed and replaced with the following:

302.050 Impervious Surfaces and Lot Coverage

1. **Intent.** Stormwater runoff from properties pollutes public waters, erodes land, and can create nuisances to other properties. The City of Birchwood Village has limited stormwater management facilities throughout the City. As a result, to reduce the unwanted harmful effects of stormwater, it is the policy of the City of Birchwood Village that each property within the City manage its own stormwater in a manner to limit the occurrence of stormwater runoff into streets, waterways, and neighboring properties. As one way of limiting the stormwater runoff from each property, the City seeks to reduce the impervious surface of properties in the City. Minimizing impervious surface means that more stormwater is absorbed into the soil and less flows off the property. This reduces erosion, pollution of public waters and damage to other properties within the City from stormwater. It is the City of Birchwood policy to maintain and preserve green space and to protect property values and the health, safety, and welfare of all residents. This section is intended to balance the amount of man-made surfaces against the benefits of retaining the natural character of properties.
2. **Definitions.** The following definitions are used in this section:
 - a. **Impervious Surface** is defined as a ground surface covered or compacted with material so as to substantially retard the entry of water into the soil, and to cause water to remain on the surface or to run off the surface in greater quantities or at an increased rate of flow than would occur if there was a natural soil surface. Impervious surfaces shall include improvements utilizing concrete, asphalt, gravel, or other non-porous materials. Examples of impervious surfaces include, but are not limited to, roads, driveways, parking areas, swimming pools, sidewalks, patios, rooftops, and covered decks. Examples of impervious surfaces resulting from compacting include unpaved or ungraveled driveways and parking areas. For purposes of this section, pervious pavement systems are not considered impervious surfaces.
 - b. **Impervious Surface Coverage** is defined as the percentage of a lot covered by impervious surfaces.
 - c. **Lot Coverage** is defined as the percentage of a lot covered by both impervious surfaces and pervious pavement systems or other non-natural areas.
 - d. **Pervious Pavement Systems** are defined as any pavement system designed to limit runoff of stormwater and infiltrate it into the soil below. Examples include permeable pavers, porous pavers, pervious pavers, and pervious pavement.

- e. **Retention Volume** is defined as the volume of 1.1 inches of stormwater from the post-construction impervious surfaces. For example, if the lot is 15,000 square feet and the post construction impervious surface coverage is 35%, the Retention Volume would be 35% of 15,000 or 5,250 sq feet * 1.1 inches or 481.25 cubic feet of water that would need to be infiltrated within 48 hours or less.
 - f. **Stormwater management structures and best management practices** include any surface water management system or practice that is designed, constructed, or implemented to control stormwater by collecting, conveying, storing, absorbing, inhibiting, treating, using, infiltrating, or reusing water. Example stormwater management structures include pervious pavement systems; rain gardens; infiltration basins; and bioswales.
- 3. **Lot Coverage Limitation.** Lot coverage shall not exceed twenty-five (25) percent of the lot area unless the provisions of either 302.050(4) or 302.050(5) are met.
- 4. **Lot Coverage Permit.** Projects that result in lot coverage that exceeds twenty-five (25) percent but does not exceed thirty-five (35) percent shall be permitted if the applicant complies with the requirements of Section 302.050(6) to the satisfaction of the City Engineer. Applicants who are dissatisfied with the opinion of the City Engineer may seek a review of the decision of the City Engineer in accordance with the requirements and procedures of section 310.
 - a. Applicants unable or unwilling to comply with 302.050(6) to the satisfaction of the City Engineer are not entitled to a permit under this section, but instead may seek a variance according to subsection 302.050(5).
- 5. **Variance.** Projects that result in lot coverage that exceeds thirty-five (35) percent, or those projects that result in impervious surface coverage that exceeds twenty-five (25) percent but do not meet the requirements of 302.050(4) may be permitted if the applicant obtains a variance. To apply for a variance, the applicant shall comply with, and demonstrate compliance with, the requirements of subsection 302.050(6); or explain how and why the Applicant is unable or unwilling to comply with subsection 302.050(6). In addition to the requirements of subsection 302.050(6), the applicant must follow the procedures and meet the standards defined in Section 304 for obtaining a variance, including demonstrating to the satisfaction of the City Council that a practical difficulty exists.
 - a. **Applicant unable to meet the requirements of 302.050(6).** Any applicant unable or unwilling to meet the requirements of 302.050(6) may still apply for a variance and have the variance application heard according to section 304. In this case, Applicant shall enumerate which requirements of section 302.050(6) the Applicant does not comply with and why. Additionally, the City Engineer shall note in the City Engineer's report that the Applicant is unable or unwilling to comply with 302.050(6) and shall enumerate the reasons (if known) that the applicant is unable or unwilling to comply with 302.050(6). Applicants are strongly encouraged to comply with 302.050(6).
- 6. **Requirements.** The following are requirements for applying for a variance or permit for the lot coverage requirements.
 - a. **Stormwater Management Plan.** The applicant shall provide a stormwater management plan that:

- i. Documents the proposed development including the area(s) of impervious surfaces and direction of runoff.
 - ii. Includes calculations showing the Retention Volume.
 - iii. Documents proposed structures and/or best management practices that infiltrate the Retention Volume within a forty-eight (48) hour period or less and meet the requirements of 302.050(7).
 - iv. For variances, provides results from application of the most recent version of the Minnesota MIDS (Minimum Impact Design Standards) Calculator (available on the Minnesota Pollution Control Agency's website), the U.S. Environmental Protection Agency's National Stormwater Calculator, HydroCAD, or another similar stormwater design calculator approved by the City Engineer that show that the proposed stormwater management practices meet the required infiltration standard.
 - v. For variances, documents that the rate and volume of stormwater runoff from the property from a hundred year storm after development is not increased.
 - b. **Implementation and Maintenance Agreement.** The applicant shall include an implementation and maintenance agreement signed by the property owner or owners for the approved stormwater management practices and structures. The agreement must include the requirements of 302.050(8).
 - c. **Requirement to Record.** The variance or permit shall not be valid unless and until the applicant properly records the variance or permit and the maintenance agreement with the property records at the Washington County Recorder's Office and submits a copy of the recording to the City for verification.
7. **Requirements of Structures and/or Best Management Practices.** Structures and/or best management practices used to obtain a permit or variance shall be designed to infiltrate the Retention Volume within forty-eight (48) hours or less. Said structures and/or best management practices must meet the following requirements:
 - a. Comply, where applicable, with the Minnesota Pollution Control Agency's Minnesota Stormwater Manual, National Pollutant Discharge Elimination System (NPDES) stormwater standards, Interlocking Concrete Pavement Institute Manual, or with standards otherwise required by the City Engineer.
 - b. Provide a means to visually verify that the structures and/or best management practices are in working order as approved by the City Engineer.
 - c. The base of installed infiltration structures or practices must be a minimum of three (3) feet above the established ground water table or the OHWL of White Bear Lake, whichever is higher.
 - d. The site design must comply with section 302.055 and must minimize changes in ground cover, loss of natural vegetation, and grade change as much as possible.
8. **Requirements of Maintenance and Implementation Agreement.** Maintenance agreements required by section 302.050 must contain the following provisions, be signed by the property owner, be recorded as provided for in 302.050(6)(c) and be approved by the City Attorney.
 - a. An agreement to implement the stormwater management plan by implementing the stormwater best management practices and/or constructing the stormwater management structures as identified in the stormwater management plan.
 - b. An identification of the performance standards of the stormwater management structures or best management practices. The applicant will identify the proposed testing protocol

- and standards to determine how the performance of the structures or best management practices are to be judged.
- c. An identification of the type of maintenance and the maintenance intervals.
 - d. An agreement to perform the identified maintenance and any other repairs, replacement, or other necessary work to maintain the stormwater management structures or stormwater best management practices in a condition consistent with the performance standards for which they were originally designed.
 - e. An identification of the Responsible Party who is responsible for maintenance of the stormwater management best practices and structures. The applicant shall notify the City within 30 days of any changes to the responsible party.
 - f. An agreement that this agreement runs with the land and shall bind future successors in title.
 - g. An agreement to allow the City and its representatives the right-of-entry on the property for the purposes of inspecting the stormwater management structures and best management practices.
 - h. An agreement that should any stormwater management structures or best management practices not be implemented, or fail to operate in a condition consistent with the performance standards for which they were originally designed or pose a threat to public safety, public health, or property as determined by the City Engineer, the City may, after reasonable notice to the responsible party, perform any work necessary in order to implement, or bring the structures into a condition consistent with the performance standards for which they were originally designed or to eliminate any threat to public safety, public health, or property. The applicant agrees to pay the costs of any such work performed by the City.
 - i. An agreement to provide to the City, every three years, documentation that the maintenance required by this agreement was completed and to pay the required fee to the City.
9. **Requirement to implement Stormwater Management Plan.** Upon receiving the variance and/or CUP, the property owner must construct the proposed structures and/or implement the best management practices in accordance with the stormwater management plan as approved by the City Council or City Engineer, with any modifications directed by the City Council in granting any necessary variance. Failure to construct the proposed structures and/or implement the best management practices will render the variance or permit invalid and any such structures or construction built pursuant to said variance or permit will be deemed illegal. Such structures may be torn down at the expense of the property owner. In the alternative, the City may construct the proposed structures and/or implement the best management practices and charge the property owner costs for doing so. Such costs may be assessed to the property taxes of the property. This requirement shall run with the property and shall be binding upon all future property owners.
10. **Requirement to perform maintenance.** The property owner is required to perform, or cause to be performed, maintenance as identified in the maintenance agreement, as well as any other additional work necessary to keep the stormwater management structures or best management practices in a condition consistent with the performance standards for which they were originally designed, including replacement of the structures or best management practices if necessary. The City may inspect the stormwater management structures and/or best practices to ensure that the required maintenance is performed. This requirement shall run with the property and shall be binding upon all future property owners.

11. **City May Perform Maintenance or Replacement.** Should any stormwater management structure or best management practice fail to operate in a condition consistent with the performance standards for which they were originally designed or pose a threat to public safety, public health, or property as determined by the City Engineer, the City may, after reasonable notice to the responsible party, perform any work necessary in order to bring the stormwater management structure or best management practice into a condition consistent with the performance standards for which they were originally designed or to eliminate any threat to public safety, public health, or property. The costs of any such work may be assessed to the property owner and may be certified to Washington County for assessment against the property taxes of the property.
12. **Reasonable Notice.** For purposes of this section, reasonable notice normally means 45 days. If, however, the City Engineer provides a written opinion that the condition of the Storm Water Management Structure is a danger to public safety, public health, or public or private property, and that 45 days' notice would not be in the best interests of public safety; public health; or the protection of public or private property; the City Administrator shall reduce or eliminate this notice to the extent necessary to protect the public safety; public health; or public or private property.
13. **Certification Required, Maintenance Fee.** Every five years, any property owner obtaining either a CUP or a variance shall document that the conditions in the maintenance agreement have been met and shall pay a maintenance fee of an amount set by the Council in order to cover the administrative burden on the City in ensuring compliance with this section.

Remedy for Violations. In addition to the remedies described above, such as in sections 302.050(9) and 302.050(11), violation of this section is also governed by Section 619.

EFFECTIVE DATE: This Ordinance shall be in full force and effect from and after its passage and approval and publication as required by law.

Adopted by the City of Birchwood Village City Council this 10th day of May, 2022.

Mary Wingfield, Mayor

Attest:

Andy Gonyou, City Administrator-Clerk

MEMORANDUM

DATE: 03/24/2022

TO: City Council
FROM: Justin McCarthy, City Councilmember
SUBJECT: Birchwood Sign Ordinance Section
601 repeal and replacement



Due to some potential constitutionality concerns, *See e.g., City of Ladue et al. v. Gilleo*, 512 U.S. 43 (1994), I would recommend repealing our current sign ordinance today and beginning the process to replace it with one that more clearly regulates time, place, and manner and eschews any content-based regulations (e.g., commercial vs. non-commercial).

When considering the replacement language, I would direct the Council to the League of Minnesota Cities which has a comprehensive document describing sign ordinances and providing guidance here: <https://www.lmc.org/resources/sign-ordinances-and-the-first-amendment/> (last visited 2/26/2022). I've listed some of the guidance from that section below. Please note that this list is not a comment on our current/previous sign ordinance but intended as a guide to help us when we consider a replacement. According to the LMC, a good sign ordinance should:

- Not regulate based on content. That is, if you have to look at what the sign says to determine how its regulated, the ordinance is not content neutral.
- Not favor commercial speech over noncommercial speech.
- Further substantial government interests, such as traffic safety or aesthetics, without regulating more than necessary to accomplish their objectives.
- Leave ample alternative channels for communication, such as limiting the size of signs but still allowing signs.
- Include a statement of purpose
- Include a substitution clause that provides that for every commercial sign allowed, any non-commercial message could be legally substituted.
- Include a severability clause
- Include an election season pre-emption clause required by state law (Minn. Stat. § 211B.045). Under this law, municipalities must allow noncommercial signs of any size or number during election season, which runs from 46 days before the state general primary until 10 days after the state general election.
- Adopt regulations based on time place and manner.
 - general limitations on the number and size of signs have withstood constitutional challenges since such limitations have nothing to do with a sign's message, and they further governmental interests in protecting property values, preventing distractions for drivers, or avoiding clutter.

I have included a resolution repealing the current ordinance and a proposed new resolution for consideration.

Thank you,
Justin McCarthy
City Councilmember

ORDINANCE 2022-04-01

**CITY OF BIRCHWOOD VILLAGE
WASHINGTON COUNTY, MINNESOTA
AN ORDINANCE REPEALING CHAPTER 601 SIGNS AND BILLBOARDS**

The City Council of the City of Birchwood Village hereby ordains that Chapter 601 (SIGNS AND BILLBOARDS) of the Municipal Code of the City of Birchwood Village is hereby repealed.

EFFECTIVE DATE: This Ordinance shall be in full force and effect from and after its passage and approval and publication as required by law.

Adopted by the City of Birchwood Village City Council this 10th day of May, 2022.

Mary Wingfield, Mayor

Attest:

Andy Gonyou, City Administrator-Clerk

MEMORANDUM

DATE: 04/07/2022

TO: City Council
FROM: Andy Gonyou, City Administrator/Clerk
SUBJECT: Copy of City Administrator/Clerk Job Posting



City Clerk Position

Birchwood Village is looking for a City Clerk. Job may be full-time or $\frac{3}{4}$ time depending on the needs of the right candidate. Salary range is 55k – 75k for full time position (which will be adjusted if the candidate prefers a $\frac{3}{4}$ position) plus negotiated benefits for healthcare and vacation. Job duties would include managing the City, preparing for and running the City Council meetings, implementing policy set by the City Council, and managing a small team of City employees. Some work from home available, but physical presence at City Hall for part of the week required. While a background or degree in city administration or other management may be preferred, we are open to considering candidates from other backgrounds. Bachelor's degree or higher preferred but not required. We are looking for someone who enjoys working with community leaders to creatively solve problems, uses good judgment in handling the day-to-day problems of the City, and who enjoys working with local residents to meet their needs. Send resume or letter of interest to info@cityofbirchwood.com or to City Hall at 207 Birchwood Avenue, Birchwood MN, 55110 by April 8, 2022. No phone calls please.

EEO

The city of Birchwood Village is committed to building a diverse, welcoming and respectful workforce. We seek and welcome candidate applications from historically underrepresented groups, such as BIPOC (Black, Indigenous, People of Color) women, LGBTQ+, and those living with disabilities as well as veterans.

Thank you,
Andy Gonyou
City Administrator/Clerk

MEMORANDUM

DATE: 04/07/2022

TO: City Council
FROM: Mary Wingfield, Mayor
SUBJECT: Background Information on Agenda Items



Consent agenda--fee schedule: dog license three years retroactive to Jan 2022 \$25.

Under my name:

Fee schedule amendment: water utility surcharge \$20/next three quarters (June/Sept/Dec) due to excess watermain breaks

Tree follow-up.

7 Spruce on east side of tennis courts (previously approved)

Three birch clumps (\$540 each) adjacent to city hall parking lot

Dog Pooh accumulations on Tennis courts. Do we prohibit dogs from entering. Enforceability?

Camera survey sanitary sewer 200 block of Birchwood ave. This is where the multiple water and gas breaks occurred. John manship recommends.

Backflow valve on irrigation systems. Manship recommends a yearly permit system for all to protect public water system. Could we employ a one-time permit application process?

Roads update: certain roads are delaminating...shifsky will be providing update on proposed repairs for May meeting

Thank you,
Mary Wingfield
Mayor