



AGENDA
CITY OF BIRCHWOOD VILLAGE
REGULAR MEETING OF THE CITY COUNCIL
CITY OF BIRCHWOOD VILLAGE
207 BIRCHWOOD AVENUE
WASHINGTON COUNTY, MINNESOTA
DECEMBER 11, 2012
7:00 P.M

CALL TO ORDER – PLEDGE OF ALLEGIANCE

APPROVE AGENDA

COMMUNITY EVENTS AND ANNOUNCEMENTS

OPEN PUBLIC FORUM

CITY BUSINESS – CONSENT CALENDAR

1. Approval of the Minutes of the November 13, 2012 Canvassing Board Meeting (see exhibit)
2. Approval of the Minutes of the November 13, 2012 Regular Meeting (see exhibit)
3. Acceptance of Financial Report and Approval of Disbursements (see exhibit)
4. Approval of the Hiring of Joseph Morgan as an Ice Rink Warming House Attendant at a wage of \$8.00 per hour, conditioned on Mr. Morgan passing a background check (see exhibit)
5. Approval of RESOLUTION 2012-31 Directing Unspent Parks Operating Funds to be Placed in the Parks Special Revenue Fund (see exhibit)

CITY BUSINESS – REGULAR ORDER

6. 7:15 PUBLIC HEARING: TRUTH IN TAXATION> ADOPTION OF FINAL LEVY AND BUDGET
 - a. Review of Proposed 2013 City Budget and Levy (Harper – see exhibit)
 - b. Presentation of Parks Committee Revised 2013 Budget and Work Plan (Lund – see exhibit)
 - c. Public Comment on Proposed Budget and Levy
 - d. Consideration of Paying Funding Request of \$1,000.00 to the Washington County Historical Society as a contribution for the acquisition and improvement of real property housing the Society from unspent 2012 budget dollars (Mitchell)
 - e. RESOLUTION 2012-32 Establishing Street Sign Replacement Line Item in the Capital Projects – Public Works Fund and Designating \$3,000.00 of Unspent Dollars from the Streets and Road Maintenance General Fund Line Item to be Allocated to Said Street Sign Replacement Line Item (Harper – see exhibit)
 - f. RESOLUTION 2012-33> Final Levy Adoption: Council Deliberation and Consideration of Approval (Powers – see exhibit)
 - g. RESOLUTION 2012-34> Final Budget Adoption: Council Deliberation and Consideration of Approval (Powers – see exhibit)

Time Budget: 75 minutes

7. **8:30 RESOLUTION 2012-35/ORDINANCE 2012-11 Adopting City Code Chapter 618 City Administrative Complaint Process (Mitchell/Sampair – see exhibits)**
 - a. **Review of Ordinance (Mitchell & Sampair)**
 - b. **Public Hearing**
 - c. **Council Deliberation and Consideration of Approval****Time Budget: 15 minutes**

8. **8:45 RESOLUTION 2012-36/ORDINANCE 2012-12 Adopting City Code Chapter 619 Penalties and Enforcement (Mitchell/Sampair – see exhibits)**
 - a. **Review of Ordinance (Mitchell & Sampair)**
 - b. **Public Hearing**
 - c. **Council Deliberation and Consideration of Approval****Time Budget: 15 minutes**

9. **9:00 Report on Cost to Trim the Tree Canopy over the City Streets (Lund – see exhibit)**
Time Budget: 15 minutes

10. **9:15 City Engineer Report (Elfering – see exhibit)**
 - a. **Update on Land Survey of Tighe-Schmitz Park and Dellwood & Kay Beach Easements**
 - b. **Street Capital Improvement Plan Summary**
 - c. **SPRWS 2012 Summary of Work To Date****Time Budget: 15 minutes**

11. **9:30 Council Reports**
 - a. **Resignation of Council Member Anthony Sampair (Sampair - see exhibit)**
 - b. **RESOLUTION 2012-37 Accepting the Resignation of Council Member Sampair and Declaring a Council Vacancy (Powers – see exhibit)****Time Budget: 15 minutes**

12. **9:45 Recognition of Outgoing Elected Officials (Powers)**
Time Budget: 5 minutes

13. **9:50 Next Meetings**
 - a. **December 13, 2012: Workshop with Incoming Council**
 - b. **January 8, 2013: City Council Organizational Meeting****Time Budget: 10 minutes**

14. **10:00 ADJOURN**



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EXECUTIVE SUMMARY – DECEMBER 11, 2012 CITY COUNCIL MEETING

NOTE: This executive summary is provided to give a broader detail on the various agenda items. This summary is to be used as an adjunct to the agenda packet, and should not be considered a substitute for reading the agenda packet.

CONSENT CALENDAR: There are four items on the consent calendar, as follows:

1. Approval of the Minutes of the November 13, 2012 Canvassing Board meeting
2. Approval of the Minutes of the November 13, 2012 Regular Meeting
3. Acceptance of the Financial Report & Approval of Disbursements
4. Approval of the Hiring of Joseph Morgan as an Ice Rink Warming House Attendant at a wage of \$8.00 per hour, conditioned on Mr. Morgan passing a background check. A review of Mr. Morgan's employment application indicates that he is over the age of 18; City policy requires background checks on all prospective employees over 18 years old.
5. Approval of Resolution 2012-31 Directing Unspent Parks Operating Funds to be placed in the Parks Special Revenue Fund. Council Member Harper brought this matter to the Council's attention. The Parks Committee bylaws state, and this resolution memorializes, the transfer of the 2012 unspent funds budgeted to the Parks and Natural Resource Committee to the Parks Special Revenue Fund for future use for non-operating expenses such as capital projects and park improvements. City Code § 804 established the Fund; § 804.060 prohibits use of Fund dollars for financing operational costs.

CITY BUSINESS – REGULAR ORDER:

6. **PUBLIC HEARING> TRUTH IN TAXATION> ADOPTION OF FINAL LEVY AND BUDGET:** Minnesota Statutes 275.065 mandates a public hearing before certifying a final levy to the County. The City Council approved a preliminary levy of \$336,013 for 2012 payable in 2013; this dollar amount may be decreased by the Council but may not be increased. The proposed levy represents an increase of \$11,013 (3.4%) from this year's levy.

There are several exhibits included in the agenda packet under this item, as follows: (a) The proposed budget spreadsheet which includes unofficial changes made to the document since it was preliminarily approved in September; (b) the revised Parks Committee budget and work plan that incorporates usage of the Parks Special Revenue Fund for non-operating expenses; (c) Resolution 2011-32 that establishes a "Street Sign Replacement" line item in the Capital Projects – Public Works Fund to pay for the federally-

mandated (currently suspended) street sign retroreflectivity standards, and designates \$3,000,000 of unspent dollars from the "Streets and Road Maintenance" general fund line item for initial funding; (d) Resolution 2012-33 adopting the Final Levy; and (e) Resolution 2012-34 adopting the Final Budget. It is important to note that if the City Council approves the budget different than that presented in the enclosed exhibit, a separate budget document will need to be provided to staff for attachment to Resolution 2011-34. Additionally, the resolution adopting a final levy needs to be approved prior to adopting the resolution approving the final budget; that is because the final levy amount is incorporated into the budget exhibit as a revenue stream.

As part of the budget discussion, the Council directed that final disposition of whether to contribute \$1,000.00 to the Washington County Historical Society for the Society's acquisition and improvement of real property in Stillwater that will house the Society's offices and artifacts will be paid with unspent 2012 dollars or accounted for in the 2013 budget be decided at this meeting. Staff believes it is appropriate to have this discussion as part of the Council's overall deliberation of the 2013 final budget.

QUESTIONS: Should the City Council fund the request of \$1,000.00 for the Washington County Historical Society's acquisition and improvement of real property in Stillwater from unspent 2012 dollars? Should the City Council approve Resolution 2012-32 establishing a "Street Sign Replacement" line item in the Capital Projects-Public Works fund for allocating dollars for the eventual replacement of the City's street signs to conform with federally-mandated retroreflectivity standards? Should the City Council approve Resolution 2012-33 approving the final levy? Should the City Council approve Resolution 2012-34 approving the final budget?

6. RESOLUTION 2012-35/ORDINANCE 2012-11 ADOPTING CITY CODE CHAPTER 618 CITY ADMINISTRATIVE COMPLAINT PROCESS: Over the course of the past 9 months, the Council has reviewed its process of addressing complaints. Currently, the city's process to address complaints resides in the outdoor storage code. Because not all complaints are related to outdoor storage, the Council desired language specifying a method and procedure for processing all complaints regarding potential violations of the City Code to be codified as a separate code.

The Council started review of the draft ordinance at the March 2012 meeting. The revised draft Ordinance 618 before the Council for review and consideration of approval incorporates suggestions made by Mayor Mitchell and Council Members Harper and Sampair.

The Council held a public hearing on the initial iteration of the draft ordinance at its April 10, 2012 meeting. The Council at that time directed the Planning Commission to review the ordinance and provide the Council with its collective guidance. The Planning Commission reviewed the ordinance at its May 1, 2012 meeting; its only comment was that the "violations were spelled out with more specific fine for different violations."

Over the course of the summer, Mayor Mitchell and Council Member Sampair worked out differences in the ordinance. The next time the subject was presented to the Council was at its October 9, 2012 meeting, when the second public hearing was held. While most of the differences between Mitchell and Sampair/Harper were addressed, two versions were still presented: a Mitchell version and a Sampair/Harper version. The largest difference in the two versions remains administrative fines: Harper/Sampair's version calls for administrative penalties up to \$500.00 per day, while Mitchell's version does not call for administrative penalties. At the end of discussion, the Council tabled

consideration of the draft ordinance until such time that the two iterations were merged into one document.

The current version of the draft ordinance eliminates administrative penalties; instead, they are housed in the companion ordinance (619) addressing penalties and enforcement. A copy of the current version of the draft ordinance 618 is included in the agenda packet as an exhibit.

The Council held public hearings on the proposed ordinance on April 10, 2012 and October 9, 2012. The Council has the authority to adopt this ordinance as revised or adopt a version that is further revised. If the Council decides that any revisions create a substantial change to the original draft of the ordinance the Council could order another public hearing.

QUESTION: Should the City Council approve Resolution 2012-35 adopting Ordinance 2012-11 that codifies an administrative complaint process?

7. RESOLUTION 2012-36/ ORDINANCE 2012-12 ESTABLISHING CITY CODE SECTION 619 (PENALTIES AND ENFORCEMENT)> REVIEW OF DRAFT AND CONSIDERATION OF ADOPTION: Please see previous discussion about Resolution 2012-35/Ordinance 2012-11. This draft ordinance establishes a general procedure for responding to code violations, and should be considered in tandem with Ordinance 2012-11. While this draft did not generate a level of discussion amongst Council members such that a Planning Commission review was desired, the main point of disagreement amongst Council members – the imposition of administrative fines – has been removed from 618 and placed in 619. Specifically, Section 619.050 (Fines, Fees, and Abatement Costs) calls for the Council to have the authority to charge the property owner a minimum fine of \$150.00, reduced from the \$500.00 fine that was discussed previously by the Council.

QUESTION: Should the City Council approve Resolution 2012-36 adopting Ordinance 2012-12 that sets forth a range of penalties and methods of enforcement action for violations of the City Code?

9. REPORT ON COST TO TRIM THE TREE CANOPY OVER THE CITY STREETS: At the October 9, 2012 Council meeting, the City Council directed staff to develop a cost estimate for trimming the tree canopy over the City's streets back to a height of 14 feet. While City Code Section 606.020 deems "all limbs of trees or shrubs which are less than 12 feet above the surface of any street" (subs. 1) to be a nuisance, there is no ordinance prohibition on trimming the urban tree canopy higher than 12 feet. John Lund and Steve Dean developed a cost estimate per the direction of the Council; the estimated cost is \$8,350.00. A copy of the cost estimate is included in the agenda packet as an exhibit.

The City's 2012 current tree removal budget – as of the November Council financial report – has \$1,817.00 remaining; the proposed 2013 tree removal budget anticipates \$5,000.00 for tree removal. There are no line items for tree trimming in either budget; tree care and inspection has \$88.72 remaining in it for 2012. If the Council decides to approve performance of the work, it would need to come up with \$1,533.00 from this year's budget in order to fully fund the work (assuming that the entire \$5,000.00 for tree removal in 2013 is used for this purpose; staff does not recommend that!)

Remaining areas of the 2012 budget that are likely to end up under budget include City Training and Development (\$1,841.00 remaining as of November); City Hall – Government Buildings (\$3,339.81 remaining as of November) ; Utility – Drain Structure Care (\$1,400.00 remaining as of November). These three line items has a total of \$6580.81 yet to be spent (again as of November) that could be used for this purpose.

QUESTION: Should the City Council approve the \$8,350.00 expenditure for trimming the tree canopy over the City streets? If so, where should be City come up with the funding?

10ab. RESIGNATION OF COUNCIL MEMBER SAMPAIR> RESOLUTION 2012-37 ACCEPTING THE RESIGNATION OF COUNCIL MEMBER SAMPAIR AND DECLARING A COUNCIL VACANCY: On December 5, 2012, city staff received the enclosed correspondence from Council Member Sampair that expressed his desire to resign from the Council effective December 12, 2012. A copy of Tony's resignation letter is included in the agenda packet as an exhibit. Minn. Stat. § 351.01 requires Council resignations to be in writing and signed by the resigning Council member. Subdivision 3(b) of that statute calls for the resignation to take effect at 12:01am on the date stated by Council Member Sampair as the effective date of his resignation.

The next step in the process is for the Council to accept (with regret, I'm sure) Council Member Sampair's resignation and to declare a vacancy on the City Council. Minn. Stat. § 412.02, Subd. 2(a) calls for the Council to fill the vacancy by Council appointment "until the qualification of a successor elected at a special election to fill the unexpired portion of the term." The Council recently went through this exercise with the resignation of former Council Member Mark Peterson. Unlike the vacancy created by Peterson's resignation, Sampair's term of office ends on January 5, 2015; as a result, a "special election" is not required as the seat would have come up anyway at the 2014 General Election.

Staff has prepared Resolution 2012-37, which accepts the resignation of Council Member Sampair, declares the vacancy, adopts a procedure for filling the vacancy, and requests letters of application to fill the vacancy.

QUESTION: Should the City Council adopt Resolution 2012-37?

CITY OF BIRCHWOOD VILLAGE
CANVASSING BOARD MEETING
November 13, 2012

MINUTES

MEMBERS PRESENT: Chair Alan Mitchell; Members Barb Carson, Jane Harper and Bill Hullsiek

MEMBERS ABSENT: Members Tony Sampair

STAFF PRESENT: City Clerk Dale Powers

Mitchell called the Canvassing Board to order @ 7:00pm. The Canvassing Board meeting is to certify the results of the municipal elections for Mayor and City Council held on November 6, 2012. The Board reviewed Resolution 2012-CB-01, a resolution certifying the results of the municipal election.

Harper/Carson 4-0 (Sampair absent) to adopt Resolution 2012-CB-01.

Mitchell then asked the Clerk to put up on the overhead the Birchwood results for the other races on the ballot, and noted that the voter turnout – 645 voters and 689 pre-registered voters – was impressive.

Mitchell commented that he would like to schedule a workshop with the incoming and present Council members for sometime after the December 11th Council meeting to assist in the transition. **Mitchell** noted that the Clerk is putting together a packet of materials for the new members. **Mitchell** asked Council members to check their calendars and let him know what date will work best for them.

Harper/Carson 4-0 (Sampair absent) to adjourn the meeting @7:09pm.

Dale Powers
City Clerk

CITY OF BIRCHWOOD VILLAGE
REGULAR CITY COUNCIL MEETING
November 13, 2012

MINUTES

MEMBERS PRESENT: Mayor Alan Mitchell; Council Members Barb Carson, Jane Harper, Bill Hullsiek (until 7:15pm), Tony Sampair (@7:25pm), and Kevin Woolstencroft (upon his swearing in @7:15pm)

STAFF PRESENT: City Engineer Kristie Elfering, City Clerk Dale Powers, and City Attorney Kevin Sandstrom

OTHERS PRESENT: Katie Cavanor and John Lund

Mitchell called the regular meeting to order @ 7:09pm, and the Pledge of Allegiance was recited.

SWEARING IN OF NEW COUNCIL MEMBER: **Mitchell** announced that Kevin Woolstencroft, having been elected to fill the unexpired term of Mark Peterson, will be sworn in and seated as Peterson's replacement, succeeding Hullsiek.

AGENDA APPROVAL: **Mitchell** mentioned that he wanted the Council to discuss scheduling public hearings for the revised complaints ordinance and penalties and enforcement ordinance, and thought placing it as the first item of business after the consent calendar, or when Council Member Sampair arrived, would be appropriate. **Mitchell** also wanted to discuss the White Bear Lake Conservation District's formation of a Lake Level Restoration Committee, which if created as presently proposed will have 2 Birchwood residents on it, and to have the City Clerk advertise letters of interest to serve on this Committee; **Harper** thought that was better discussed under Council Reports.

Harper/Carson 4-0 (Sampair absent) to approve the agenda for the September 11, 2012 Regular Meeting, as amended to include discussion on scheduling a public hearing for the revised complaints and penalties ordinances for the December Council meeting, and also to discuss the Lake Level Restoration Committee under "Council Reports".

COMMUNITY EVENTS AND ANNOUNCEMENTS: **Mitchell** mentioned that on Thursday, November 15th, at 6:30, the Isaak Walton League is sponsoring a program at the Wildwood Library in Mahtomedi, featuring Perry Jones of the United States Geological Survey, to talk about the lake levels on White Bear Lake. **Mitchell** also noted that Saturday, December 8th is the date of the Birchwood Community Club's annual Christmas Party. **Carson** wanted to thank the many volunteers, such as Brian Lind (and fellow veteran Paul), Ron & Kathy Malles, Bob Carson, Brad Kunkler, and others who helped clear out two huge trailers full of buckthorn at the Curt Feistner easement.

OPEN PUBLIC FORUM: No one wished to address the Council at this time.

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48 **CONSENT CALENDAR: Harper/Carson unanimous to approve the following consent calendar items:**

- 49
- 50 1. **Approval of the Minutes of the October 9, 2012 Regular Meeting**
- 51 2. **Acceptance of the Financial Report and Disbursements Register as prepared by the City**
- 52 **Treasurer and presented to the City Council on November 13, 2012 in the amount of**
- 53 **\$27,683.12, including Check #'s 27477-27497, and Electronic Funds Transfers FED102012,**
- 54 **MN2012, and PERA103112**
- 55 3. **Approval of RESOLUTION 2012-28 Adopting the Washington County All-Hazard Mitigation**
- 56 **Plan**
- 57 4. **Approval of RESOLUTION 2012-29 Authorizing the Council Liaison to Parks to Sign Time Cards**
- 58 **for Seasonal Rink Attendants**
- 59 5. **Approval of hiring Maya Comfort, Nick Hovland, Caitlin Howe, and Johnny Dow as Ice**
- 60 **Rink/Warming House Attendants, contingent on Howe and Dow passing background checks)**

61

62 6. **RESOLUTION 2012-30> CERTIFICATION OF DELINQUENT UTILITY BILLS: Powers reviewed the**

63 **process of certifying delinquent bills, and noted that City staff in October sent out notices to residents**

64 **who are over 2 billing cycles late on utility bill payments with an amount owing of over \$200.00, alerting**

65 **them that the Council will consider certifying the delinquencies in November. Powers noted that this**

66 **level of communication resulted in reducing the number of utility bills to be certified to six, with a**

67 **payment received today. Powers concluded by saying that even after certification, the City traditionally**

68 **has given residents until 2 weeks before the deadline for final levy certification to pay the late utility bill**

69 **and avoid having that bill certified. Mitchell said that he has before him a new draft from what was in**

70 **the agenda packet that removes from certification the property for which the homeowner made the**

71 **payment today and clarifies that certification of the delinquent utility bills will not be done until after**

72 **December 14.**

73

74 **Mitchell opened the public hearing at 7:23pm and, after noting no members of the audience wished to**

75 **address the Council on this matter, closed the public hearing.**

76

77 **Harper/Woolstencroft 4-0 (Sampair absent) to approve Resolution 2012-30 as amended.**

78 7. **REVISED COST ESTIMATE> RIVIERA DRIVE STORMWATER POND CLEANOUT: Elfering went over**

79 **the memo she provided for the agenda packet, noting that at the time the Council voted to pay 2/9ths**

80 **of the cost of the cleanout, it had been provided only a basic idea of the pond's drainage area from the**

81 **City of White Bear Lake and no information from Ramsey County. Elfering noted that since that time,**

82 **Ramsey County has agreed to participate in the cost of the pond; however, their level of participation is**

83 **based on a drainage area map obtained from Washington County. Elfering said that the revised**

84 **participation percentages indicate that Birchwood's share of the cost will go up slightly, from 2/9ths**

85 **(22.2%) to 24%, resulting in an additional cost of \$151.12 to the City that brings the total cost of the**

86 **City's share of the pond cleanout to \$2,040.00.**

87

88 **Mitchell noted that the Star Tribune published an article about stormwater ponds in general and**

89 **featured the Riviera Drive pond, and said the article mentioned that there was very little contamination**

90 **of the pond.**

91

92 **Harper/Woolstencroft 4-0 (Sampair absent) to authorize the additional \$151.12 payment and the total**

93 **cost of the City's share of the pond cleanout to \$2,040.00.**

94

95 *Sampair arrived @ 7:25pm.*

96

97 **5a. CONSIDERATION OF HOLDING A PUBLIC HEARING ON THE PROPOSED COMPLAINTS**

98 **ORDINANCE 618 AND THE PROPOSED PENALTIES & ENFORCEMENT ORDINANCE 619:** Mitchell noted

99 that with a full Council present, he wanted to talk about scheduling a public hearing on the proposed

100 Ordinance 618 regarding complaints and the proposed Ordinance 619 regarding penalties and

101 enforcement of the City ordinances, and recommended scheduling these public hearings for the

102 December Council meeting. Harper asked about the areas of agreement and any remaining differences;

103 Sampair said that the only remaining area of difference has to do with administrative penalties, which

104 can be discussed at the December meeting.

105

106 *Sampair/Mitchell unanimous to schedule public hearings on the proposed Ordinances 618 and 619 at*
107 *the December 11th Council meeting.*

108

109 **8a. DRAFT REVISIONS TO THE PARKS COMMITTEE BY-LAWS TO INCLUDE A PER DIEM POLICY:**

110 Harper brought this matter to the Council's attention, noting that the Planning Commission currently

111 gets a \$99 annual per diem and that she believes the Parks Committee should receive a \$10.00 per

112 meeting per diem for the work they do at Committee meetings. Harper commented that the current

113 City budgets allows for a Parks per diem, but there isn't any policy for the actual payment of the per

114 diem, and believes placing the policy in the by-laws would be appropriate. Harper noted that Parks

115 Committee members would not be paid for attending work sessions, only the monthly Committee

116 meetings. Harper concluded by saying that the City's 2012 budget has a \$1,560.00 line item for per

117 diems, and the Planning Commission's per diem takes up \$495.00 of that amount, leaving \$1,065.00 to

118 pay Parks Committee per diems; Harper added that with 9 Parks Committee members and 12 meetings

119 per year, the amount to be paid if all members attended the meetings would be \$1,080.00, slightly

120 above the amount budgeted for non-Planning Commission per diems. Harper said that not all members

121 attend monthly meetings.

122

123 Harper referred to a proposed amendment to the draft calling for an accounting of attendance in July,

124 stating that the time to account for attendance should be in December at the end of the fiscal year;

125 Mitchell said that the amendment was his, but was concerned about an accounting in December since

126 there may be a meeting in December that would be missed. Powers noted that traditionally the Parks

127 Committee does not meet in December, which should make for an accurate accounting on December 1.

128 Harper also commented on language in the new draft directing the City Treasurer to pay the annual per

129 diem amount within ten days of certification of attendance and said that should not be included

130 because it may not always be possible to comply with that requirement.

131

132 Harper noted that her proposal is to pay the per diems retroactive to the beginning of 2012, and said

133 that it would be best to have two motions – one motion for adoption of the revision to the by-laws and

134 a second motion to make the payments retroactive to January 2012.

135

136 *Harper/Sampair unanimous to approve the change in the Parks Committee by-laws to pay a \$10 per*

137 *diem to each member for each meeting attended and to call for the Committee chair to certify to the*

138 *City Treasurer by December 1st of each year the number of meetings attended by each member.*

139

140 *Harper/Sampair unanimous to make the Parks per diem payments retroactive to January 2012.*

141

142 **8b. REVIEW OF PARKS COMMITTEE 2013 BUDGET AND WORK PLAN:** Lund and Cavanor discussed
143 with the Council the Committee's proposed 2013 work plan and each line item of the budget, and noted
144 that the funds dedicated for capital improvements in the Parks Special Revenue Fund will be reserved
145 for future application to the proposed warming house at Tighe-Schmitz Park. Cavanor expressed a
146 concern that the \$14,000 budget assigned to Parks covers only a minimal amount of park services and
147 \$1,800.00 for maintenance and repair, and does not account for updating deteriorating facilities such as
148 the tennis court and walking path for which the City has made substantial investments. Harper clarified
149 with Cavanor that in the preliminary budget the City set \$14,000.00 in levy and \$9,900.00 in the Parks
150 Special Revenue Fund, yet the Committee came in with a budget of \$14,000 and you (Cavanor) are
151 saying that there is additional work that needs to be done. Cavanor said that the Committee was not
152 sure the \$9,900.00 was available to the Parks Committee, and advised the Council that the Committee
153 would like to take an inventory of the parks equipment and facilities and come up with a maintenance
154 plan and schedule. Cavanor asked whether the Parks Special Revenue Fund can be used for that
155 purpose. Harper noted that the Council defined what the Fund can be used for and the definition is
156 broad and not limited to capital, but can't be used for supplies. Cavanor said the Committee will come
157 up with a maintenance schedule and come back to the Council for authority to spend money on that
158 schedule. Harper asked that the Committee's revised budget – including activities paid from the Parks
159 Special Revenue Fund – be presented at the December meeting so it can be incorporated into the final
160 budget approved by the Council at the December meeting.

161
162 Cavanor next addressed the matter of left over dollars in the Parks budget, and requested that any
163 unspent dollars be put in the Parks Special Revenue Fund. Harper responded by saying that the Council
164 would need to take action for the requested direction of unspent dollars at a subsequent meeting.

165
166 Harper also wanted to clarify the line item for weed control, stating that she conferred with the City
167 Treasurer that weed control in the City's budget for parks is for milfoil eradication at the beaches.
168 Harper noticed that there is no line item in the Parks budget for non-milfoil weed control. Cavanor said
169 that the Committee was left with the impression that weed control was to be paid for out of non-Parks
170 funds, and said that the revised Parks budget will incorporate non-milfoil weed control.

171
172 Mitchell commented that he believes the Council would like to see a work plan document that details a
173 multi-year plan with some narrative to it.

174
175 **9. REVIEW AND CONSIDERATION OF ADJUSTING THE HOURLY WAGE OF THE CABLECASTER:**

176 Powers advised the Council that the City's cablecaster has requested a salary adjustment from his
177 current \$14.00 per hour. Powers said the cablecaster is proposing a salary adjustment to \$19.00 per
178 hour, plus 2 hours for setup and shutdown work at \$22.50 per hour. Powers informed the Council that
179 he surveyed the other cities covered under the Ramsey Washington Suburban Cable Commission and
180 found that Birchwood's pay rate was at the low end of the scale; Mahtomedi's was the highest paying at
181 \$22.50 per hour. Powers went over his memo on the subject, noting that Birchwood receives \$2,000.00
182 each year to pay for cablecasting services, and that any unused dollars are lost. Powers recommended
183 that the salary of the cablecaster be adjusted to \$22.50 per hour, stating that for a four hour meeting
184 each month, the City would pay the cablecaster \$1,080.00 per year, which would be 100% reimbursed
185 by the Cable Commission.

186
187 *Sampair/Carson 4-0 (Harper absent) to adjust the hourly pay of the cablecaster to \$22.50 per hour,*
188 *effective November 13, 2012.*

189

190 **10. COUNCIL REPORTS:** Mitchell mentioned that he would like to have a workshop with the
191 present and new Mayor and Council members as a transition, and requested that Councilmembers
192 check their calendars for availability. Mitchell also noted that he met with the White Bear Lake area
193 mayors and learned that the White Bear Lake Conservation District is likely to create a Lake Level
194 Restoration Committee and that the proposal calls for 2 representatives from each of the 5 communities
195 and wants the Clerk to get notice out to the public about these openings. Harper said that it wasn't clear
196 if the Committee would be populated by Board members or public members, and mentioned that
197 Suzanne Donnell, who along with Harper represents Birchwood on the Conservation District Board,
198 expressed interest in serving on the Committee. Mitchell indicated that the draft resolution being
199 circulated among the mayor called for a 12-member committee with 2 public members from each
200 community and 2 members from the existing Board.

201
202 **10a. CITY ENGINEER REPORT:** Elfering stated that it has been her pleasure to serve as the City's
203 engineer for the past 12 years, and that with regret Elfering and Associates will be ending its association
204 with the City effective December 31, 2012. Elfering provided the Council with a letter of resignation. The
205 Council, also with regrets, accepted the news and praised Kristie for the service she has provided the
206 City.

207
208 **11. NEXT MEETING> DECEMBER 11, 2012 – TOPICS:** Mitchell mentioned the following topics to be
209 discussed at the December 11, 2012 Council meeting: final levy and budget for 2013; consider paying
210 \$500.00 for the White Bear Lake lake level study and \$1,000.00 for the Washington County Historical
211 Society with 2012 dollars; Ordinances 618 and 619 regarding complaints and penalties & enforcement;
212 O'Loughlin CUP and variance request; naming lake level restoration committee members; and a
213 Christmas social at 6:30pm. Harper asked that staff prepare draft resolutions for Council review
214 pertaining to moving any unspent dollars in the Parks budget to the Parks Special Revenue Fund, and
215 that the \$3,000.00 designated in the general fund for set aside for street sign replacement be placed in
216 a special account for that purpose. Mitchell would also like to get the old/new Council member
217 workshop set up.

218
219 **12. ADJOURN:** Harper/Carson unanimous to adjourn the meeting @ 8:30pm.
220
221
222
223

224 _____
225 Dale Powers
City Clerk

**INSERT
AGENDA ITEM**

3

**FINANCIAL
REPORT**

AND

DISBURSEMENT

LIST

HERE

APPLICATION FOR EMPLOYMENT

PERSONAL INFORMATION

DATE OF APPLICATION: 03 DEC 12

Name: MORGAN JOSEPH P
Last First Middle

Address: 336 LABORE RD 205 LITTLE CANADA MN 55117
Street (Apt) City/State Zip

Alternate Address: _____
Street City/State Zip

Contact Information: _____
Home Telephone Mobile Telephone

How did you learn about our company?

POSITION SOUGHT: LEVEL 1 RINK ATTENDANT Available Start Date: 15 DEC 12

Desired Pay Range: 10 hr + Are you currently employed? yes
Hourly or Salary

AVAILABLE EVENINGS TUE, THU, FRI, SAT, SUN

EDUCATION

	Name and Location	Graduate? - Degree?	Major / Subjects of Study
High School	White Bear Lake	yes	
College or University	Vermilion College	yes	AA
Specialized Training, Trade School, etc...	Century College	yes	EMT
Other Education	Century College	yes	ASSOCIATES IN CODING.

Please list your areas of highest proficiency, special skills or other items that may contribute to your abilities in performing the above mentioned position.

I HAVE HELD THE POSITION PREVIOUSLY AND I AM LIKED AND WORK WELL WITH THE PARKS STAFF AND VOLUTEERS.

STATE OF MINNESOTA
COUNTY OF WASHINGTON
CITY OF BIRCHWOOD VILLAGE

RESOLUTION 2012-31

Directing Unspent Parks Operating Funds to be Placed in the Parks Special Revenue Fund

WHEREAS, the City Council of the City of Birchwood Village, on May 8, 2012 adopted Ordinance 2012-08 establishing a Parks Special Revenue Fund (hereinafter referred to as "the Fund") for the purpose of funding improvements to the land and facilities within the City Park System; and

WHEREAS, said Ordinance 2012-08 has been codified as Section 804 of the Birchwood City Code; and

WHEREAS, Subsection 804.040 of said Ordinance establishes funding mechanisms for the Fund as dock fees paid by the dock association, boat slip permit fees paid by residents, all boat slip storage permit fees paid by residents, and such other revenues as may be directed by the City Council to be placed in the Fund; and

WHEREAS, the City Council on July 12, 2011, adopted bylaws for the Parks Committee stating that any budgeted unexpended funds in an amount up to \$5,000.00 be carried forward for the purposes of funding park activities; and

WHEREAS, the City Council desires to place any budgeted Parks operating funds unspent at the end of the fiscal year into the Fund.

BE IT RESOLVED that the City Council hereby directs that any budgeted Parks operating funds be placed in the Parks Special Revenue Fund to be rebudgeted for future park-related purposes, effective with those budgeted funds unspent at the end of the 2012 fiscal year.

Adopted by the City Council on this 11th day of December, 2012.

Approved:

Alan Mitchell, Mayor

Attest:

Dale Powers, City Clerk/Coordinator

A		F	G	H	I	J	K
City of Birchwood Village Revenue and Expenditure Trends							
1		2011	2012	2012	2013 Proposed		
2		Actual	Budget	Est. Actual	Levy	Other Revenue	
3		RECEIPTS					
4							
5	General Property Taxes (levy)	315,354	325,000	325,000	336,013		
6	LICENSES AND PERMITS						
7	Business Licenses and Permits		100	0			
8	Building Permits	10,659	8,500	8,200		8,500	REDUCE
9	Plan Check Fee		0	0			
10	Variances	206	0	0			
11	Dog Licenses	25	1,000	750		200	
12	INTERGOVERNMENTAL REVENUES						
13	Federal Grants and Aids	0	0	0			
14	State Grants and Aid	0	0	0			
15	State of MN Pera	238	238	238		238	
16	Local Grants and Aids	13,404	0	0			
17	Recycle Grant	1,678	1,650	1,650		1,000	
18	Cable Commission Grant	7,595	7,000	8,000		7,000	
19	CHARGES FOR SERVICES	0	0	0			
20	GENERAL GOVERNMENT						
21	City Hall Rent & Garage Rent	350	500	500		500	
22	Certified Bills		0	0			
23	Delinquent Utilities - Garb/CEC		0	248			
24	PUBLIC SAFETY						
25	HIGHWAYS AND STREETS						
26	CULTURE AND RECREATION						
27	Park Fees	0	0	0			
28	OTHER CHARGES						
29	State & Misc Fees		0	0			
30	Sales Tax		0	0			
31	FINES AND FORFEITS						
32	Fines	735	1,000	650		650	

	A	F	G	H	I	J	K
33	Forfeits						
34	MISCELLANEOUS REVENUES						
35	Surcharge		0	0			
36	Interest Earnings	33	1,000	25		50	
37	Contrib. & Donations-Private	725	400	700		500	
38	Refunds and Reimbursements	250	0	300			
39	Sale of Investments		0	0			
40	Recycling Charge (Maht/Willernie)		0	0			
41	Cable/Excess Franchise Fee		0	0			
42	Miscellaneous	2,741	500	0		100	
43	NON-LEVY REVENUE		21,888	21,261	0	18,738	
44	ALL REVENUE - including levy		346,888	346,261	336,013	18,738	
45	TOTAL RECEIPTS	353,993	452,088	346,261	336,013	18,738	
46			incl. cap prj				
47							
48		2,011					
49	GENERAL GOVERNMENT						
50	Publishing						
51	Printing and Binding	91	175	100	100		
52	Legal Notice Publication	1,683	2,000	3,500	2,000		
53	Subtotal Publication	1,774	2,175	3,600	2,100	0	
54	City Council						
55	Wages and Salaries	4,415	2,700	2,600	4,200	0	
56	Clerk						
57	Wages and Salaries	57,501	56,000	56,050	58,240		
58	Federal Tax - Employee	0					
59	State Tax - Employee	0					
60	Employer Cont. - Retirement	0					
61	Retirement - Employee	0					
62	Medicare - Employer	0					
63	Social Security Employer	0					
64	Medicare - Employee	0					
65	Soc Security - Employee	0					

	A	F	G	H	I	J	K
66	Other Pay	0					
67	Mileage	42					
68	Recording and Reporting	0					
69	Accounting (Treasurer)						
70	Professional Services	0					
71	Admin. Staff Subtotal	57,543	56,000	56,050	58,240	0	
72	Elections						
73	Wages and Salaries	0	3,500	3,500	0		
74	Operating Supplies	0	100	100	0		
75	Repair & Maint. Supplies	470	500	500	500		
76	Mileage	0	50	50	0		
77	Legal Notice Publication	0	250	250	0		
78	Elections Subtotal	470	4,400	4,400	500	0	
79	Office Supplies						
80	Office Supplies	2,236	2,500	2,000	2,000		
81	Operating Supplies	78	100	100	100		
82	Repair & Maint. Supplies	0	0	0	0		
83	Office Equipment	1,953	1,000	500	800		
84	Small Tools & Minor Equip	0	300	200	250		
85	Contracted Services	1,425	375	375	375		
86	Postage/Postal Permits	0					
87	Office Supplies	642	800	650	650		
88	Refunds & Reimbursements	0		0	0		
89	Office Operations Subtotal	6,334	5,075	3,825	4,175	0	
90	Financial Administration						
91	Auditing Services	15,143			0		
92	Fees (banking)	393	400	400	400		
93	Subtotal	15,536	400	400	400	0	
94	Insurance - City						
95	Insurance						
96	General Liability Ins.	6,980	4,355	3,754	3,800		
97	Property Insurance	2,619	2,500	2,183	2,200		
98	Worker's Comp (for employees)	2,447	1,800	2,113	1,100		

4

	A	F	G	H	I	J	K
99	Vehicle Insurance	69	72	69	70		
100	Excess Liability	900	927	90	90		
101	Crime Coverage	118	125	118	120		
102	Municipal		745	0	0		
103	Insurance Subtotal	13,133	10,524	8,327	7,380	0	
104	Assessing						
105	Contracted Services	5,324	5,325	5,436	5,450		
106	Legal Services						
107	Professional Services	7,004	8,000	7,800	7,200		
108	Engineer Service						
109	Professional Services	5,491	6,000	4,500	8,000		
110	Per Diem	475	1,560	1,560	1,560		
111	Grants						
112	Grants (pandemic 2008)	200			0		
113	Grants Counseling Center 2011	2,022	3,200	1,941	1,825		
114	Planning & Zoning	46			0		
115	Services Subtotal	20,562	24,085	21,237	24,035	0	
116	City Training & Development						
117	Training	1,609	700	500	1,200		
118	Transportation	247	100	100	100		
119	Dues & Subscriptions	992	1,000	1,100	1,035		
120	T & D Subtotal	2,848	1,800	1,700	2,335	0	
121	City Hall-Gov't Buildings						
122	Repair, Operating & Maint. Supplies	3,843	3,300	2,500	2,800		
123	Professional Services	6,904	0	0	0		
124	Contracted Services	924	700	800	800		
125	Telephone	1,298	1,300	1,400	1,450		
126	Utility Services	3,298	4,000	3,500	3,500		
127	Buildings & Structures	0	0	0	0		
128	Computer/Internet	0	0	0	0		
129	Gov't Bldgs Subtotal	16,267	9,300	8,200	8,550	0	
130	Cable Eqpmnt and Service						
131	Contracted Services	1,064	1,200	700		800	

	A	F	G	H	I	J	K
132	Communication	0	0	0	0		
133	Newsletter						
134	Operating Supplies	0		180	25		
135	Contracted Services	446					
136	Printing and Binding	0	400	200	100		
137	Communication Subtotal	1,510	1,600	1,080	125	800	
138	TOTAL Gen Government	140,392	118,059	111,419	112,040	800	
139	PUBLIC SAFETY						
140	Police						
141	Contracted Services	88,505	90,935	89,776	91,348		
142	Fire						
143	Contracted Services	20,078	20,500	21,317	20,593		
144	Building Inspection (non levy)						
145	Small Tools and Minor Equipment	175					
146	Contracted Services	8,237	8,700	8,500		8,200	
147	Fees (variance, cond.use permits)	170	700	500		200	
148	Other Protection						
149	Contracted Services (Code Red)	0	68	95	100		
150	Dept. of Labor Fees	0					
151	County Environmental Charge	0					
152	Animal Control	857	925	882	697	200	
153	Operating Supplies	0					
154	Refuse Collection	0					
155	Refunds & Reimbursements	0					
156	PUBLIC SAFETY TOTAL	118,022	121,828	121,070	112,738	8,600	
157	PUBLIC WORKS						
158	Improv Other than Bldg	0	0				
159	Survey Public Spaces	0	6,800	6,800	0		
160	Highways, Streets & Roadways						
161	Repair & Maint. Supplies		1,000	600	750		
162	Contracted Services	10,292	6,000	5,000	6,000		
163	Street Sweeping		4,000	3,900	4,000		

	A	F	G	H	I	J	K
164	Seal Coat				12,500	12,500	
165	Crack Sealing	0			5,000	5,000	
166	Street Signs	266	3,000	3,000	1,500		
167	Street Maintenance Subtotal	10,558	14,000	12,500	29,750	17,500	
168	Street Lights						
169	Utility Services	14,679	15,000	15,000	15,600	0	
170	Drainage - Structure Care						
171	Stormwater Pond						
172	Contracted Services	2,042	2,800	2,800	800		
173	Fees	117	600	400	400		
174	Subtotal	2,159	3,400	3,200	1,200	0	
175	Ice and Snow Removal						
176	Operating Supplies (salt, sand)	0	5,000	4,600	5,000		
177	Contracted Services	10,319	12,000	10,500	11,000		
178	Snow & Ice Subtotal	40,140	17,000	15,100	16,000	0	
179	Water Utility						
180	Refunds & Reimbursements	474	0	0	0		
181	Sewer Utility						
182	Refunds & Reimbursements	270	0	0	0		
183	Weed Control <i>\$135 moved to line 232</i>	0	0	0	0		
184	TOTAL - Public Works	744	56,200	52,600	62,550	17,500	
185	CULTURE & RECREATION						
186	Recreation						
187	Operating Supplies	96	100	0	0		
188	Dues & Subscriptions	0	200	200	200		
189	Community Events	1,325	1,700	1,700	1,700		
190	TOTAL Recreation				1,900		
191	Parks						
192	Wages and Salaries	5,490	5,900	4,800	7,500		
193	Federal Tax - Employee						
194	State Tax - Employee						
195	Unemployment Compensation						
196	Medicare - Employer						

	A	F	G	H	I	J	K
197	Social Security - Employer						
198	Social Security - Employee						
199	Medicare - Employee						
200	Office Supplies						
201	Operating Supplies	979	350	440	450		
202	Repair & Maint. Supply/Contractual	223	1,530	1,600	1,600		
203	Professional Services	374					
204	Contracted Services	3,438	360	1,600	1,600		
205	Utility Services	901	900	1,128	1,150		
206	Fees	0					
207	Buildings & Structures	1,336	1,660	1,660	1,700		
208	Furniture and Fixtures	0					
209	Garbage Pickup	0					
210	Tree Removal	0	600	850	0		
211	Parks Project	0	0	0	0	9,900	
212	Parks GF Subtotal	12,741	11,300	12,078	14,000		
213	TOTAL Parks & Recreation	14,162	13,300	13,978	15,900	9,900	
214	SANITATION						
215	Tree Car - Inspection & Removal						
216	Contracted Services	450	800	800	0		
217	Tree Removal						
218	Operating Supplies	0	250				
219	Diseased Trees	0	0	0	0		
220	Contracted Services	3,991	2,300	2,300	5,000		
221	Sanitation - Recycling						
222	Contracted Services	11,047	11,050	11,500	12,000		
223	Recycling grant projects		1,650	1,000	0		
224	Lawn Care/Maintenance						
225	Contracted Services	5,065	6,000	5,100	6,000		
226	Weed Control - MILFOIL	135	1,700	1,700	1,200		
227	TOTAL - Sanitation	20,688	23,750	22,400	24,200	0	
228	CONSERVATION - NATURAL RESOURCE						
229	Fees, Dues & Subscriptions	1,609	1,700	1,697	2,082		

	A	F	G	H	I	J	K
230	USGS Lake Study	0	4,000	4,000	500		
231	TOTAL - Conversation	1,609	5,700	5,697	2,582	0	
232	UNALLOCATED EXPENDITURES						
233	Other Pay	2,122					
234	Operating Supplies	0					
235	Refunds & Reimbursements	0					
236	Sales Tax	0					
237	Miscellaneous	6,061	3,051	3,051	6,500		
238	Surcharge	0					
239	Gopher State and Locates	0					
240	Purchase of Investment	0					
241	Transfer to Capital Projects Fund	0					
242	Transfer to Sewer Fund	0					
243	Transfer to Water Fund	0					
244	TOTAL - Other Unallocated	8,183	3,051	3,051	6,500	0	
245	TOTAL OPERATING EXPENDITURES (DISBURSEMENTS)	371,336	341,888	330,215	336,510	36,800	
246							
247					373,310 Budget Approved		
248							
249							
250	Levy				<u>2,012</u>	<u>2,013</u>	
251	Proposed \$\$ Change				\$ 325,000.00	\$ 336,013.00	
252	Proposed % Change				\$	\$ 11,013.00	
253						3.38	
254							
255							
256							
257							
258							

Parks Committee Proposed Budget/Work Plan For 2013

Category/ Item	2012 Budget	2013 Proposed Budget (General Fund))	2013 proposed Budget (Parks Project Fund)
Wages and Salaries (incl. taxes, Medicare and SS)			
winter student	5300	7500	
summer student	600	600	
hockey rink manager			
Total	5900	8100	
Operating Supplies			
landscape supplies – plants for Nordling Park			200
Total			200
Repair and Maintenance			
Hockey rink equipment: replacement of hoses and scraper		655	
Hockey rink repairs: paint for ice rink floor			1100
Hockey rink repairs: replacement boards for ice rink		0	
Paint and repairs for picnic tables and benches			120
Playground and playground equipment(Tighe-Schmitz and Bloomquist)	350	0	
tennis court – maintenance (repair and weed control)	100		1000
baseball field – drag and weed control – twice for season		120	
Walkway maintenance - Tighe-Schmitz (one time)			
Tighe-Schmitz weed control – twice for season			
Easements – Dellwood, Kay, Elm, Ash, and Birch –weed control on sand beaches		675	

Parks Committee Proposed Budget/Work Plan For 2013

Easements – Dellwood, Kay, Elm, Birch, and Ash and Wildwood - weed control			
Elm Easement project			
Basketball nets		0	
Soccer nets		0	
hockey net replacement		150	
volleyball court		0	
flag	100	0	
Total		1600	2220
Professional Services			
fountain hook up	360	0	
Total		0	
Contracted Services			
port a potty	1800	1800	
Total		1800	
Building & Structures			
Warming house rental	1100	1600	
Warming house hook up	560		
Total		1600	
Utility Services			
XCEL	900	900	
Total		900	
TOTAL	12,700	14,000	2420

12/3/2012

Proposed Work Plan for 2013

Wages and Salaries:

Winter: Hockey rink Budget 7,500 @\$8 per hour

Summer: Budget 600 @ \$8 per hour

Operating Supplies:

Nordling Park project (continuation of project – purchase of additional native plants and signage)

Repair and Maintenance:

Hockey rink equipment: 2 hoses and 1 scraper

Hockey net replacement: \$150

Hockey rink repairs: paint for floor (materials only, labor to be provided by summer help))

Picnic tables and benches: paint and repair (materials only, labor to be provided by John Lund)

Tennis Court: repair and maintenance: removal of pads, blowing off court, weed removal, tree root removal . Compact court at root area.

Baseball field maintenance and weed control: weed control and dragging 2 Xs during the season (- \$52 per time)

Easements (Dellwood, Kay, Elm, Birch, Ash) sand beach area(only) mowed and weed whipped (once per month for 5 months) (KEJ Enterprises - @\$45 per hour + disposal = \$675)

Contracted Services:

Port a Potty – Tighe-Schmitz and tennis court = 87.13 per month plus winter service, charges applied as billed

Warming house rental – length of rental dependent on season (Nov 16th to Feb 15), charges applied as billed

Warming house hook up

Utility Services:

12 months of service, charges applied as billed

STATE OF MINNESOTA
COUNTY OF WASHINGTON
CITY OF BIRCHWOOD VILLAGE

RESOLUTION 2012-32

Establishing Street Sign Replacement Line Item in the Capital Projects – Public Works Fund for the Placement of Budgeted and Unspent Streets and Road Maintenance Funds at the End of Each Fiscal Year

WHEREAS, the City of Birchwood Village has established a Capital Projects-Public Works Fund for the accounting of miscellaneous long-term public works projects in the City; and

WHEREAS, the City Council, in response to a federal directive to replace streets signs as part of a retroreflectivity mandate, budgeted \$3,000.00 in the 2012 fiscal year budget as part of a multi-year program to replace said signs during the 2015 fiscal year; and

WHEREAS, the federal mandate has been temporarily suspended; and

WHEREAS, the City Council desires to establish a line item in the Capital Projects – Public Works Fund for future placement of funds budgeted for street sign replacement, to be expended when the mandate is renewed.

BE IT RESOLVED that the City Council hereby established a line item under the “Capital Projects – Public Works” fund entitled “Street Sign Replacement”; and

BE IT FURTHER RESOLVED that the City Council directs that any budgeted and unspent funds under the General Fund line item titled “Streets and Road Maintenance” be placed in said “Street Sign Replacement” line item under the “Capital Projects – Public Works” fund, effective with those budgeted funds unspent at the end of the 2012 fiscal year.

Adopted by the City Council on this 11th day of December, 2012.

Approved:

Alan Mitchell, Mayor

Attest:

Dale Powers, City Clerk/Coordinator

RESOLUTION 2012-33

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

**A RESOLUTION ADOPTING THE FINAL LEVY ON REAL PROPERTY
LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF
BIRCHWOOD VILLAGE, WASHINGTON COUNTY, MINNESOTA PAYABLE
IN FISCAL YEAR 2013**

WHEREAS, the City of Birchwood Village, Washington County, Minnesota is required to maintain a budget for its fiscal operations; and

WHEREAS, the City of Birchwood Village, Washington County, Minnesota has the legal authority to use its taxing authority to levy necessary funds to operate the City; and

WHEREAS, the City of Birchwood Village, Washington County, Minnesota is continually monitoring its budget and develops a fiscal budget based on a calendar year.

WHEREAS, the City conducted a Truth In Taxation meeting on December 11, 2012 to solicit public input on the proposed levy.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Birchwood Village, Washington County, Minnesota that the 2012 levy on real property located within the corporate limits of the City of Birchwood Village, Washington County, Minnesota, payable on property taxes in the year 2013, be set at \$ _____ .00

I certify that the City Council of the City of Birchwood Village, Washington County, Minnesota adopted the above Resolution on this 11th day of December 2012.

Alan Mitchell, Mayor

Attest:

Dale Powers
City Clerk

RESOLUTION 2012-34

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

A RESOLUTION ADOPTING THE FINAL BUDGET FOR THE MUNICIPAL OPERATIONS OF THE CITY OF BIRCHWOOD VILLAGE, WASHINGTON COUNTY, MINNESOTA FOR FISCAL YEAR 2013

WHEREAS, the City of Birchwood Village, Washington County, Minnesota is required to maintain a budget for its fiscal operations; and

WHEREAS, the City of Birchwood Village, Washington County, Minnesota has the legal authority to use its taxing authority to levy necessary funds to operate the City; and

WHEREAS, the City of Birchwood Village, Washington County, Minnesota is continually monitoring its budget and develops a fiscal budget based on a calendar year.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Birchwood Village, Washington County, Minnesota that the final budget for the municipal operations of the City of Birchwood Village, Washington County, Minnesota, for fiscal year 2013, and as indicated in the attached exhibit, is hereby adopted.

I certify that the City Council of the City of Birchwood Village, Washington County, Minnesota adopted the above Resolution on this 11th day of December 2012.

Alan Mitchell, Mayor

Attest:

Dale Powers
City Clerk

EXPLANATION OF COMPLAINTS ORDINANCE

CHAPTER 618

I. INTRODUCTION

Presently section 615.040 (entitled ENFORCEMENT) establishes certain procedures for responding to complaints about alleged violations of chapter 615. Chapter 615 (entitled EXTERIOR STORAGE) places restrictions on what may be stored outdoors.

New chapter 618 is intended to replace 615.040 and to update the procedures for responding to complaints. In addition, a new chapter 619 is being proposed to provide generally for enforcement of city code requirements. Chapter 619 establishes certain remedies available to the City when violations of the code occur; these remedies are available whether or not a complaint has been filed with the City.

II. Section 618.010 - GENERALLY

The language in this section is taken from the Note at the beginning of present section 615.040. It simply recognizes that it is in the best interests of the City and its residents to resolve alleged code violations amicably between neighbors and without City involvement. The language is written broadly so it applies to all code violations, not just exterior storage requirements.

III. Section 618.020 - COMPLAINT

This section provides that any person may file a complaint with the City regarding an alleged code violation. The City will provide a form for a complainant to use in filing a complaint. Because chapter 618 applies to all code violations, not just exterior storage, the complainant must identify the specific code provision that has allegedly been violated. Because it is possible that the violation occurred on public property or on property not owned by the alleged violator, the complainant must also identify the property where the violation occurred or is occurring.

The proposed language recognizes that the City need not accept an anonymous complaint. The staff will decide whether an anonymous complaint warrants acceptance and follow-up.

The Minnesota Data Practices Act, Minnesota Statutes chapter 13, provides in section 13.44 that the name of the person who files a complaint regarding the use of real property shall be classified as confidential and not available to the public or to the owner of the real property. A sentence is included in the proposed ordinance stating that the City will maintain the confidentiality of complainants when required to do so under that statute. It should be mentioned that Minnesota Statutes § 13.44 does not apply when the complaint does not involve real property. Because chapter 618 applies to all code violations, some alleged violations may involve conduct and not real property. A firearm violation under chapter 609 would be an example.

IV. Section 618.025 – COMPLAINT CODE BOOK

This section establishes that City staff will maintain a log book of all written complaints received. And all oral complaints that are investigated. The Minnesota Data Practices Act requires that all confidential data (such as the name of the complainant) to be redacted from the log book.

V. Section 618.030 - INVESTIGATION

This section establishes procedures to be followed after a complaint is filed. The City staff will conduct an investigation of the complaint and report to the City Council. The staff has discretion regarding how extensive an investigation to conduct. It may involve simply contacting the person who allegedly engaged in the unlawful conduct. Hopefully, most complaints will result in an amicable resolution of the situation and there will be no action for the Council to take.

Once the staff completes its investigation, it will file a written summary with the City Council. This written summary will be a public document, with confidential names and other information redacted if required by law.

VI. Section 618.040 – NOTICE OF VIOLATION

In those cases where a situation cannot be resolved at the staff level, the Council has the authority to take action. While the City staff conducts the investigation, it is only the Council that can decide to take action. If the City Council determines that a violation exists, the Council will direct that the violator be sent a Notice of Violation. This is essentially a letter identifying the violation that has been found and directing the alleged violator to comply with the ordinance that the Council determined has been violated within a specified timeframe. The Notice may specify certain actions the Council expects the alleged violator to take.

In the more egregious or serious situations, the City Council could decide to take enforcement action immediately, without going through the steps outlined in chapter 618, and seek an injunction or file criminal charges. See sections 619.010 and 619.020 and 619.040.

VII. Section 618.050 – COUNCIL CONSIDERATION

This section provides that City staff can bypass the procedures in this Ordinance and bring a violation directly to the City Council for guidance and direction. Additionally, this Section directs City staff, after issuance of a Notice of Violation and in the instance where the alleged violator does not bring the subject property into compliance within the prescribed deadline, to bring the matter to the City Council. Finally, the complainant and the alleged violator shall be given notice of the Council meeting at which the matter will be considered.

The discussion can be as formal as the situation demands. In most cases it will likely involve the staff and the alleged violator explaining their sides of the situation. The complainant may or

may not appear before the City Council. Reports and other written documentation might be provided to the City Council.

VIII. Section 618.060 – COUNCIL ACTION

This section provides that the City Council has options available to it to abate an alleged violation. One specific option is to actually abate the violation itself. Whether or not the City can go on private property and abate a specific violation will have to be determined in consultation with the City's attorneys at the time of the proposed action, but if abatement is appropriate and lawful, that is one tool available to the City. Other options including issuing an order to undertake specific actions to abate the situation or going to court for judicial remedies. Upon request of the alleged violator, the City may conduct a public hearing on the matter as required by law. Finally, if the City Council determines that no violation has occurred, it shall advise the complainant and the alleged violator of said determination/

IX. Section 618.070 – FINAL RESOLUTION

This section provides that the final resolution of the complaint be registered in the log book.

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

RESOLUTION 2012-35

**A Resolution Approving Ordinance 2012-11 Establishing City Code Chapter 618
(COMPLAINTS)**

WHEREAS, the City of Birchwood Village is a political subdivision, organized and existing under the laws of the State of Minnesota; and

WHEREAS, the City of Birchwood Village has adopted a city code establishing various requirements regulating conduct within the city limits; and

WHEREAS, occasionally persons file complaints with the City alleging that they have observed violations of city code provisions; and

WHEREAS, there are no general provision in the city code describing the manner in which the City will handle complaints that are filed; and

WHEREAS, the City Council deems it appropriate to establish a single process for handling complaints regardless of the city code provision involved; and

WHEREAS, it is appropriate to look to neighbors and city staff to resolve complaints before involving the City Council; and

WHEREAS, the City Council reviewed the draft Ordinance and approved its language for review by the public at a public hearing, as required by the City Council's Rules of Procedure; and

WHEREAS, the City Council held a public hearing on April 10, 2012; and

WHEREAS, the City Council referred the matter to the Planning Commission for review and comment; and

WHEREAS, the Planning Commission reviewed the proposed ordinance and provided written comments to the City Council; and

WHEREAS, the City Council held subsequent public hearings on October 9, 2012 and December 11, 2012; and

WHEREAS, the proposed Ordinance is deemed by the City Council to be reasonable and appropriate.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BIRCHWOOD VILLAGE, MINNESOTA, AS FOLLOWS:

1. That Sections 615.040 and 615.050 of the Municipal Code of the City of Birchwood Village are hereby deleted and removed in their entirety and replaced with the new Chapter 618.
2. That the text of the new Chapter 618 is as indicated on the attached exhibit.
3. The effective date of this Ordinance shall be upon publication as required by law.

Adopted by the City Council on this 11th day of December, 2012.

Approved:

Alan Mitchell, Mayor

Attest:

Dale Powers, City Clerk

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

AN ORDINANCE ADOPTING CITY ADMINISTRATIVE COMPLAINT PROCESS, CHAPTER 618

THE COUNCIL OF THE CITY OF BIRCHWOOD VILLAGE ORDAINS:

- 1. That Sections 615.040 and 615.050 of the Municipal Code of the City of Birchwood Village are hereby deleted and removed in their entirety and replaced with the new Chapter 618 set forth below.**
- 2. That Chapter 618 (Administrative Complaints) of the Municipal Code of the City of Birchwood Village is hereby adopted as follows:**

618. ADMINISTRATIVE COMPLAINTS

618.010. GENERALLY. A violation of any provision of the Municipal Code of the City of Birchwood Village may be subject to sanctions. It is in the best interest of all residents of the City to try to resolve all problems regarding nuisances and other violations of the city code by polite personal contact between residents. If such personal contact does not satisfactorily correct a particular situation or there may be reasons that a resident does not desire to use that approach, then the following steps may be followed.

618.020. COMPLAINT. Any person may file a complaint with the City on a form provided by the City. The complaint shall identify with specificity the conduct complained about, the persons and/or properties involved, and, if known, the specific ordinance provision that is allegedly being violated. Anonymous complaints and incomplete written complaints and oral complaints may be accepted at the discretion of City staff. The name of the complainant who complains about the use of real property will be classified as confidential data at all times pursuant to the provisions of Minnesota Statutes Section 13.44.

618.025. COMPLAINT LOG BOOK. The City shall maintain a log of all written complaints that are received, anonymous or not, and all oral complaints that are investigated. City staff shall enter in the log book the resolution of each complaint upon completion of the matter. The names of complainants shall not be identified in the log book.

618.030. INVESTIGATION. Upon receipt of a written complaint or upon acceptance of an oral or anonymous complaint, or upon its own volition, or upon direction of the City Council, City staff shall conduct an investigation of the matter to determine if a violation exists. The staff may

request assistance of law enforcement personnel, the City of White Bear Lake Planning and Zoning Department, the Birchwood Planning Commission, or City Council members in conducting an investigation into a complaint. The person(s) investigating the matter, or City staff, shall summarize the results of the investigation in a written report. All written reports shall be placed on file and shall be public documents but no confidential or non-public data shall be disclosed.

618.040. NOTICE OF VIOLATION. If after investigation, it is determined by the investigators that a violation has occurred or is occurring, City Staff and any other investigators shall attempt to work with the alleged violator and complainant to informally and expeditiously remedy the situation by achieving compliance with the code. If such informal resolution is unsuccessful or not timely, the City staff or other investigators may document the alleged violation in writing in a Notice of Violation and serve the Notice on the alleged violator by mail or other method. Said Notice of Violation shall set forth the nature, date, and time of the violation, the name of the official issuing the Notice, the action the alleged violator shall take to comply with the ordinance provision or provisions that are being violated, and a specific deadline for taking the compliance action that is no longer than sixty days from the date of the Notice. The Notice shall also advise the alleged violator that if compliance is not attained by the deadline, the matter will be brought to the City Council for consideration of additional sanctions. The Notice shall advise the alleged violator that he or she may file a written request for a public hearing within ten days of receipt of the Notice. Upon receipt of a timely request for a public hearing, the Council shall conduct such hearing as may be required by law.

618.050. COUNCIL CONSIDERATION. City staff may at any time bring the matter to the attention of the City Council. If a Notice of Violation is issued pursuant to Section 618.040 and the alleged violator does not undertake the specified actions within the established deadline, City staff shall bring the matter to the attention of the City Council. The alleged violator and the complainant (if there is one) shall be given notice of the Council meeting at which the matter will be considered.

618.060. COUNCIL ACTION. Upon consideration of an alleged violation, if the Council determines that a violation has occurred or is occurring, the City may take any enforcement action deemed appropriate to address the situation, including directing the alleged violator to take certain action within a specified time period, seeking criminal or civil penalties or an injunction, or, if authorized by law, taking abatement action itself to remedy the violation, or pursuing any other enforcement action available to the City. The City may document its action in a Notice of Violation or other order or written document. Upon request of the alleged violator, the City shall hold a public hearing on the matter as required by law. If the Council determines that no violation has occurred, it shall advise the complainant and the alleged violator of such determination.

618.070. FINAL RESOLUTION. The City shall document in the log book the final resolution of each complaint that is registered.

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 11th day of December, 2012

Attest: _____ Mayor
Alan Mitchell

Attest: _____, City Clerk
Dale Powers

EXPLANATION OF PENALTIES AND ENFORCEMENT ORDINANCE

CHAPTER 619

I. INTRODUCTION

Scattered throughout the city code are provisions describing the enforcement options and penalties available when the city code is violated. See sections 607.910, 610.060, 614.080, and 615.040, for example.

Generally, the City has the authority to go to court and seek criminal misdemeanor penalties on a violator and to seek civil judicial remedies such as an injunction. This new chapter 619 is designed to put all these penalty and enforcement provisions in one place and to clarify that regardless of the code provision that is being violated, these penalties and remedies are available to the City.

II. Section 619.010 – MISDEMEANOR

Violation of the Birchwood City Code is a misdemeanor. Misdemeanors are punishable by up to 90 days in jail and a \$1000 fine. Minnesota Statutes §§ 609.03 and 609.033. If the state were to provide in statute that a particular crime was more serious than a misdemeanor, the person could be charged with the more serious offense.

III. Section 619.020 – INJUNCTION

This section is a recognition that the City of Birchwood could elect to go to court to seek a court order enjoining certain conduct that violates the city code. The City, of course, would have to prove that it was entitled to the injunction, either a temporary one or a permanent one, under applicable law in a court of law.

IV. Section 619.030 – CITY INVESTIGATION

The City does not need to wait for a complaint to be filed under chapter 618 to decide to conduct an investigation into an alleged violation. A matter could come to the attention of the city staff or Council without a complainant first coming forward. The Council could decide to ask the staff or the Parks Committee or the Planning Commission to conduct an investigation on its own initiative.

The Council cannot take any administrative action, such as issuing a Notice of Violation or an abatement order, without first providing the alleged violator with an opportunity to be heard. The person could elect to request a hearing before the Planning Commission under section 618.050.

V. Section 619.040 – CITY OPTIONS

The fact that the City cannot take administrative action without first notifying the person and providing an opportunity for hearing does not mean the City could not elect to go directly to court. In more serious situations, the City could decide to go directly to court, and that is what this section makes clear.

VI. Section 619.050 – FINES, FEES, AND ABATEMENT COSTS

This Section describes monetary sanctions available to the City in its response to violations of the City Code. These sanctions are in addition to abatement of the nuisance as authorized in Section 618.060. This Section also grant authority to the City Council to certify unpaid costs associated with investigation of complaints and abatement of nuisances on the property taxes of the subject property, much like unpaid utility bills.

VII. Section 619.060 - COLLECTION

This section is similar to section 618.080 in intent. It makes clear that if a person owes the City money relating to an enforcement action, the City may exercise any available remedies to collect the money owed. If the person is a property owner in the city, the City may certify the amount owed to the County Auditor for collection in the same manner as property taxes and special assessments.

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

RESOLUTION 2012-36

**A Resolution Approving Ordinance 2012-12 Establishing City Code Chapter 619
(PENALTIES AND ENFORCEMENT)**

WHEREAS, the City of Birchwood Village is a political subdivision, organized and existing under the laws of the State of Minnesota; and

WHEREAS, the City Council desires to adopt an ordinance that describes the penalties that may attach, and the enforcement options available to, the City for violations of the Birchwood City Code; and

WHEREAS, the City Council reviewed the draft Ordinance and approved its language for review by the public at a public hearing, as required by the City Council's Rules of Procedure; and

WHEREAS, the City Council held a public hearing on April 10, 2012; and

WHEREAS, the City Council referred the matter to the Planning Commission for review and comment; and

WHEREAS, the Planning Commission reviewed the proposed ordinance on May 1, 2012 and provided written comments to the City Council; and

WHEREAS, the City Council held a second public hearing on December 11, 2012; and

WHEREAS, the proposed Ordinance is deemed by the City Council to be reasonable and appropriate.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BIRCHWOOD VILLAGE, MINNESOTA, AS FOLLOWS:

1. That Chapter 619 of the City Code, entitled PENALTIES AND ENFORCEMENT, is hereby established.
2. That the text of the new Chapter 619 is as indicated on the attached exhibit.
3. The effective date of this Ordinance shall be upon publication as required by law.

Adopted by the City Council on this 11th day of December , 2012.

Approved:

Alan Mitchell, Mayor

Attest:

Dale Powers, City Clerk

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

**AN ORDINANCE ADOPTING CHAPTER 619 (PENALTIES AND ENFORCEMENT) DESCRIBING THE
PENALTIES THAT MAY ATTACH AND THE ENFORCEMENT OPTIONS AVAILABLE TO THE CITY FOR
CODE VIOLATIONS**

**THE COUNCIL OF THE CITY OF BIRCHWOOD VILLAGE ORDAINS THAT
CHAPTER 619 (PENALTIES AND ENFORCEMENT) OF THE MUNICIPAL CODE OF
THE CITY OF BIRCHWOOD VILLAGE IS HEREBY ADOPTED AS FOLLOWS:**

619. PENALTIES AND ENFORCEMENT

619.010. MISDEMEANOR. Any person who violates any provision of the City of Birchwood Code shall be guilty of a misdemeanor, unless state law provides for a different criminal penalty.

619.020. INJUNCTION. The City of Birchwood may seek to enjoin any conduct that is in violation of the City of Birchwood Code.

619.030. CITY INVESTIGATION. Whether or not a complaint has been filed under chapter 618, the City Council may elect to conduct an investigation into any alleged violation of the City Code. The Council may ask the Planning Commission or the Parks and Natural Resources Committee or other city employee to investigate an alleged violation and report back to the Council. After investigation, the Council may ask the alleged violator to implement certain actions or to refrain from certain conduct. The Council shall not take any action without providing the alleged violator notice of the matter and providing the person an opportunity to be heard before the Council. The alleged violator may request that the City hold a public hearing on the matter pursuant to section 618.050 of the Code.

619.040. CITY OPTIONS. The City may at any time elect to commence civil or criminal action against a person who is alleged to have violated any provision of the City Code, regardless of whether an investigation has been conducted or a hearing has been requested and held.

619.050. FINES, FEES, AND ABATEMENT COSTS. Sanctions referred to in this Ordinance and in City Code Section 618 can include fines, fees, and abatement costs charged for investigating each particular violation. A minimum fine of \$150 will be placed on all violators found to be in noncompliance with this Ordinance, noncompliance with resolutions, or found by the City Council to be in violation of the ordinance after a Notice of Violation and/or a hearing on the

specific complaint. Fees and abatement costs will be charged to the homeowner based on all fees and abatement costs for the investigation and action required by the city. This can include city staff time, city attorney time, city engineer time, city court costs & fees, abatement costs and fees. This can be assessed to the property owner's taxes if not paid in accordance with payment terms per this city code.

619.060. COLLECTION. The City may, after obtaining a court order directing the violator to pay a fine, fees, costs, disbursements, attorneys' fees or any other monies to the City, seek to recover such monies through any method available to the City. If the violator is a property owner in the City of Birchwood, the City may extend such sum owed as a special tax against the property upon which the violation occurred and to certify the same to the County Auditor for collection in the same manner as taxes and special assessments are certified and collected, as otherwise allowed by law.

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 11th day of December, 2012

Attest: _____ Mayor
Alan Mitchell

Attest: _____, City Clerk
Dale Powers

Trees at roads edge in Birchwood

Code: LM =means limb LB = means light brush

Numbers at left of page are home address

1 oak ridge LB & LM

1 oak hill court & oak ridge trim maple over road LB

7 oak hill ct LB

1 oakview LB & 2 trees

21 oak ridge LB

5 oak lane 1 LM

Corner of five oaks & birchwood Ave 2 LM

Cost 500.00

429 Birchwood ct 2 LM

Birchwood ct LB

Cost 100.00

End of Birchwood ave by hall court & nordling LB

Mow edges

Cost 300.00

401 Birchwood ave & hall LB

215 Hall LB

219 Birchwood ave LB

Cost 350.00

Bloomquist park & village hall lot 5 LM 1 tree

cost 400.00

179 Birch st LM

210 Birch st LB

201 to 210 trim edges

cost 300.00

118 Birchwood ave LM

140 Birchwood ave LM

133 Birchwood ave LM

127 Birchwood ave LM

125 Birchwood ave LM

107 Birchwood ave LB

20 to 5 Birchwood ave LB trim edge cost 600.00

6 White pine ln LB cost 300.00

Cedar to hall court LB & 1 tree cost 450.00

Hall to white pine lane

431 hall 1 tree

435 hall LB

Grato step area 6 large limbs cost 600.00

White pine lane to Mahtomedi sign on hall LB cost 600.00

305 jay 1large LM & LB

297 jay 2 LM

290 jay LM

294 jay LM

296 jay LB cost 500.00

Wildwood ave to wildwood park

612 wildwood ave LB

608 wildwood ave LB

600 wildwood ave LM

543 wildwood ave LM

523 wildwood ave LB

<u>429 wildwood ave LB</u>	
<u>400 wildwood ave 1 tree</u>	<u>cost 600.00</u>
<u>Cedar LB</u>	<u>cost 100.00</u>
<u>Wildwood park 3 large LM</u>	<u>cost 500.00</u>
<u>Owl st 2 trees & LB</u>	<u>cost 350.00</u>
<u>183 wildwood ave LM</u>	
<u>164 birchwood ave 1 LM</u>	
<u>145 birchwood ave 2 LM</u>	
<u>125 birchwood ave 1 tree & 1 Lm</u>	
<u>Birchwood ave & ECL 1 tree</u>	<u>cost 500.00</u>
<u>Lake Ave</u>	
<u>365 lake ave LM & LB</u>	<u>cost 100.00</u>
<u>409 lake ave 1 tree 1 LM</u>	<u>cost 300.00</u>
<u>483 lake ave 1 tree 1 trim</u>	
<u>505 lake ave 2 LM & LB</u>	<u>cost 150.00</u>
<u>315 to 533 cut fallen tree light trim</u>	<u>cost 200.00</u>
<u>533 to 613 1large limb & LB</u>	<u>cost 200.00</u>
<u>Total cost to trim trees to 14' by road edge</u>	<u>cost 8,350.00</u>



Memo

TO: Honorable Mayor and City Council Members
FROM: Kristie Elfering, City Engineer
DATE: December 3, 2012
RE: Easement Surveys

As Council is aware we had our Surveyor's review three City owned properties to aid in determining the property boundaries. We have completed our review and have the following information for the City Council.

- Tighe Schmitz Park – We have staked the west line of Park Avenue adjacent to Tighe Schmitz Park in the field. We also researched title documents to confirm that Park Avenue is still considered City right-of-way.
- Dellwood "Easement" – As previously mentioned Dellwood "Easement" was platted in both Lakewood Park First Addition and Lakewood Park Third Division. Lakewood Park First Addition did provide for a 25-foot width; however Lakewood Park Third Addition did not specify a perpendicular width. Based on the monuments found to the east of Dellwood it is our opinion that the width of Dellwood is as shown on the attached exhibit. Dellwood was vacated in 1955 as a public street; however our title document search indicates that Birchwood Village is the owner in fee simple title.
- Kay "Easement" – Kay "Easement" was platted in Lakewood Park Third Division. Kay was vacated in 1955; however our title document search indicates that Birchwood Village is the owner in fee simple title. The south side of Kay "Easement" is shown per the Tenth Judicial District Court File No. 763 and is monumented by the Judicial Landmarks. This property boundary is well defined unlike the north property boundary. The lots to the north of Kay "Easement" have been surveyed by numerous firms including:
 - Georgi-Schmidt & Associates
 - Suburban Engineering
 - Lake & Land Surveying, Inc.
 - Cornerstone Land Surveying, Inc.
 - Otto Associates Engineer and Land Surveyors, Inc.

We have found monuments from the various surveys that were completed that are in conflict with each other. In our opinion the north property boundary of Kay "Easement" most closely corresponds to the monumentation set by Otto, which

agrees with the north line of Kay Street as established by Suburban and Cornerstone. This line most closely matches with the record plat distances based on additional found monuments in Block 1. Council will note that this does not result in a consistent 50-foot width of Kay. As noted on the survey the only way to legally determine the north property boundary will be to complete a title registration or boundary line agreement as was completed on the south side.

Council should be aware that some of the issue with the property boundaries for the lake easements is that the water level of White Bear Lake is much lower than when originally platted. The property lines on the exhibits are simply extended from their termination point to the present water's edge.

If you have any questions please feel free to contact me at (763) 780-0450 ext. 2. I will also be in attendance at the December 11th, 2012 Council meeting.

NO.	DATE	REVISION DESCRIPTION

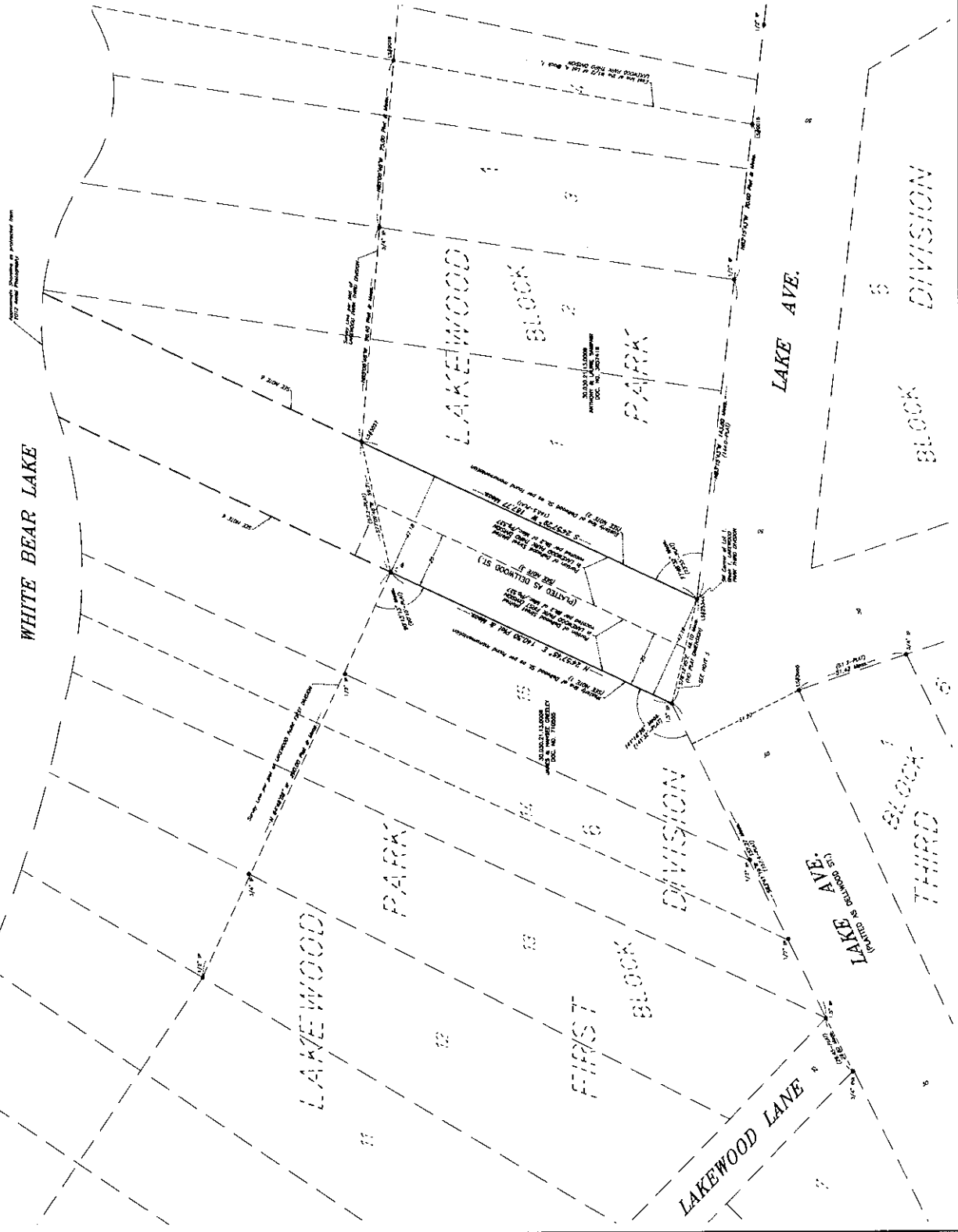
1. REBER COUNTY HAS THE PLANNING
ON BEHALF OF THE BOARD OF SUPERVISORS
APPROVED AND PAID FOR BY A
RESOLUTION PASSED BY THE BOARD OF SUPERVISORS
ON APRIL 14, 2009.
2. THE PLANNING BOARD HAS REVIEWED
THE PLAN AND APPROVED IT.
3. THE PLANNING BOARD HAS REVIEWED
THE PLAN AND APPROVED IT.
4. THE PLANNING BOARD HAS REVIEWED
THE PLAN AND APPROVED IT.

DEEDWOOD STREET
EASEMENT EXHIBIT



• DEEDWOOD STREET ADJACENT
BOUNDARY SHOWN ARE ASSUMED

NOTES:
1. The boundary line of Deedwood Street is shown as per
the survey monuments. The boundary monuments are
shown as per the survey monuments.
2. The boundary line of Deedwood Street is shown as per
the survey monuments. The boundary monuments are
shown as per the survey monuments.
3. The portion of Deedwood Street adjacent to the
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monuments. The boundary monuments are shown as
per the survey monuments.
10. The portion of Deedwood Street adjacent to the
Deedwood Street is shown as per the survey
monuments. The boundary monuments are shown as
per the survey monuments.



NO	DATE	REVISION DESCRIPTION

PRINTED NAME: FRANK B. RYAN
 DATE: 10/27/2012
 LIT NO: 12382

EASEMENT EXHIBIT
KAY STREET

- NOTES:**
- The portion of Kay Street existing between the intersection of Kay Street and White Bear Lake and the intersection of Kay Street and Lake Ave. is shown as a 20-foot wide easement owned by the City of Minneapolis. This easement was established by Ordinance 10000, dated August 1, 1989, and is shown as a 20-foot wide easement owned by the City of Minneapolis. This easement was established by Ordinance 10000, dated August 1, 1989, and is shown as a 20-foot wide easement owned by the City of Minneapolis.
 - The portion of Kay Street existing between the intersection of Kay Street and White Bear Lake and the intersection of Kay Street and Lake Ave. is shown as a 20-foot wide easement owned by the City of Minneapolis. This easement was established by Ordinance 10000, dated August 1, 1989, and is shown as a 20-foot wide easement owned by the City of Minneapolis.
 - The portion of Kay Street existing between the intersection of Kay Street and White Bear Lake and the intersection of Kay Street and Lake Ave. is shown as a 20-foot wide easement owned by the City of Minneapolis. This easement was established by Ordinance 10000, dated August 1, 1989, and is shown as a 20-foot wide easement owned by the City of Minneapolis.

1. The portion of Kay Street existing between the intersection of Kay Street and White Bear Lake and the intersection of Kay Street and Lake Ave. is shown as a 20-foot wide easement owned by the City of Minneapolis. This easement was established by Ordinance 10000, dated August 1, 1989, and is shown as a 20-foot wide easement owned by the City of Minneapolis.

2. The portion of Kay Street existing between the intersection of Kay Street and White Bear Lake and the intersection of Kay Street and Lake Ave. is shown as a 20-foot wide easement owned by the City of Minneapolis. This easement was established by Ordinance 10000, dated August 1, 1989, and is shown as a 20-foot wide easement owned by the City of Minneapolis.

3. The portion of Kay Street existing between the intersection of Kay Street and White Bear Lake and the intersection of Kay Street and Lake Ave. is shown as a 20-foot wide easement owned by the City of Minneapolis. This easement was established by Ordinance 10000, dated August 1, 1989, and is shown as a 20-foot wide easement owned by the City of Minneapolis.

4. The portion of Kay Street existing between the intersection of Kay Street and White Bear Lake and the intersection of Kay Street and Lake Ave. is shown as a 20-foot wide easement owned by the City of Minneapolis. This easement was established by Ordinance 10000, dated August 1, 1989, and is shown as a 20-foot wide easement owned by the City of Minneapolis.

5. The portion of Kay Street existing between the intersection of Kay Street and White Bear Lake and the intersection of Kay Street and Lake Ave. is shown as a 20-foot wide easement owned by the City of Minneapolis. This easement was established by Ordinance 10000, dated August 1, 1989, and is shown as a 20-foot wide easement owned by the City of Minneapolis.

6. The portion of Kay Street existing between the intersection of Kay Street and White Bear Lake and the intersection of Kay Street and Lake Ave. is shown as a 20-foot wide easement owned by the City of Minneapolis. This easement was established by Ordinance 10000, dated August 1, 1989, and is shown as a 20-foot wide easement owned by the City of Minneapolis.

7. The portion of Kay Street existing between the intersection of Kay Street and White Bear Lake and the intersection of Kay Street and Lake Ave. is shown as a 20-foot wide easement owned by the City of Minneapolis. This easement was established by Ordinance 10000, dated August 1, 1989, and is shown as a 20-foot wide easement owned by the City of Minneapolis.

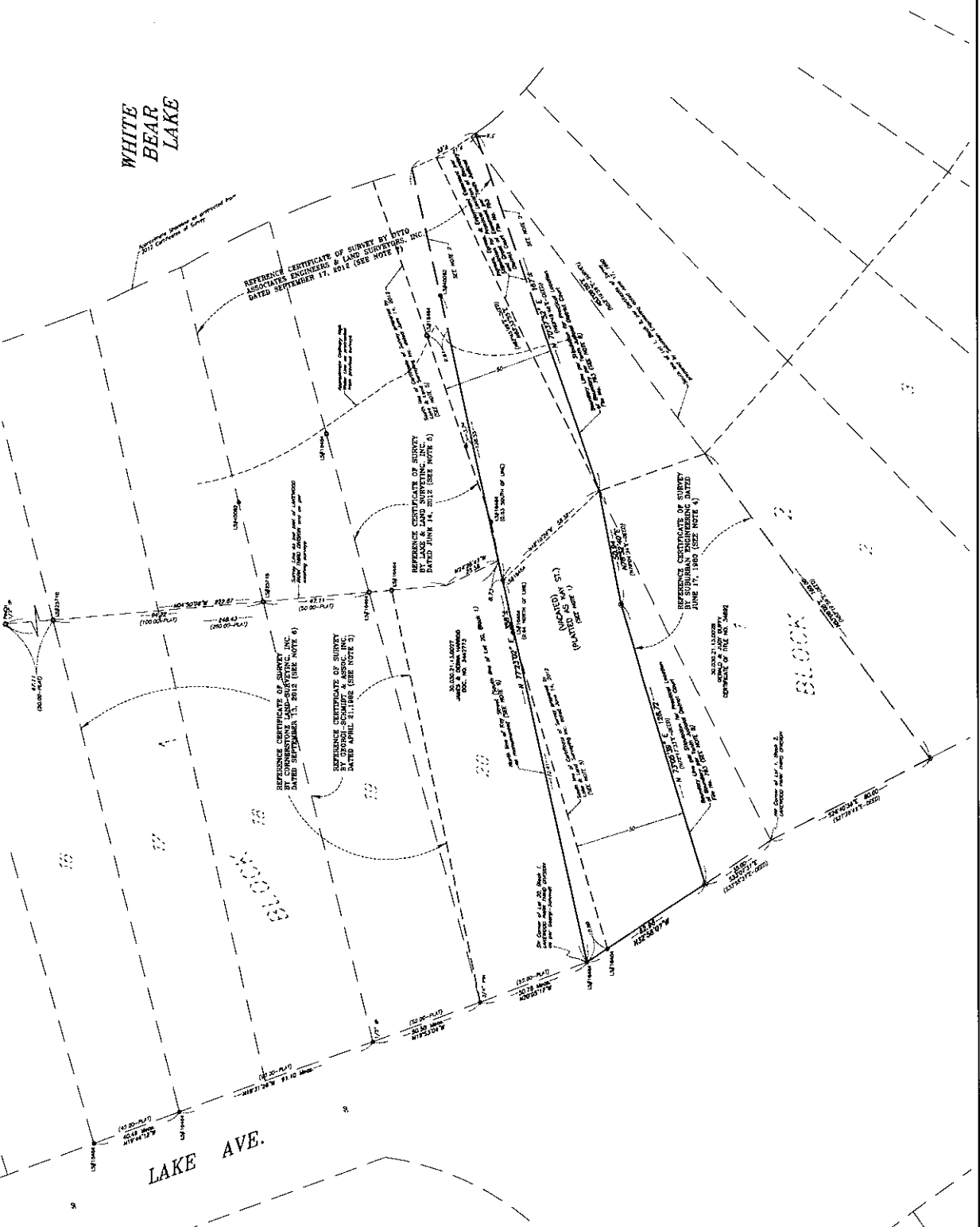
8. The portion of Kay Street existing between the intersection of Kay Street and White Bear Lake and the intersection of Kay Street and Lake Ave. is shown as a 20-foot wide easement owned by the City of Minneapolis. This easement was established by Ordinance 10000, dated August 1, 1989, and is shown as a 20-foot wide easement owned by the City of Minneapolis.

9. The portion of Kay Street existing between the intersection of Kay Street and White Bear Lake and the intersection of Kay Street and Lake Ave. is shown as a 20-foot wide easement owned by the City of Minneapolis. This easement was established by Ordinance 10000, dated August 1, 1989, and is shown as a 20-foot wide easement owned by the City of Minneapolis.

10. One of the numerous discrepancies between surveys is the location of the centerline of Kay Street. The centerline of Kay Street is shown as a 20-foot wide easement owned by the City of Minneapolis. This easement was established by Ordinance 10000, dated August 1, 1989, and is shown as a 20-foot wide easement owned by the City of Minneapolis.

11. No existing improvements were located.

12. Existing improvements have been re-measured and shown as a 20-foot wide easement owned by the City of Minneapolis. This easement was established by Ordinance 10000, dated August 1, 1989, and is shown as a 20-foot wide easement owned by the City of Minneapolis.



WHITE BEAR LAKE

LAKE AVE.

BLOCK 16

BLOCK 17



Memo

TO: Honorable Mayor and City Council Members

FROM: Kristie Elfering, City Engineer

DATE: December 3, 2012

RE: Street Maintenance Plan

The City has been reviewing and updating a Capital Improvements Plan (CIP) for various components of the City's infrastructure in the past two years. One of the largest components is the street network. There have been numerous discussions on what the appropriate level of maintenance should be for the various streets. To aid in that discussion, Goodview completed the first pavement rating of the City's street network. The product of the rating study is a numerical number for each street between 0 and 100. The study results are attached to this memo.

The rating and corresponding level of maintenance for the street is a little flexible. We have attached how four Cities and the Army Corps of Engineers determined that the rating system should be applied. The rating is similar to what we would recommend that Birchwood apply. There are four roads that are under a rating of 70. They are

<u>Street</u>	<u>Rating</u>
Owl Street	17
Cedar Street/Hall Avenue	52
Oakridge Drive	66
Wildwood Avenue	69

Owl Street is in a state of severe deterioration. However, it is a dead end street and only two homes access it for their driveways. The remaining three roads see a higher volume of traffic and are used by the adjacent property owners and City residents. Cedar Street/Hall Avenue is within the pavement rating where all systems would recommend a more advanced method of rehabilitation than a seal coat and crack fill. Wildwood Avenue and Oakridge Drive have ratings in the high 60's. However, they have deterioration along the edge of the street pavement adjacent to private driveways. There have been numerous concerns from residents about the break-up of the street and the impact to their driveway.

Due to the pavement rating under 70 and other concerns we would recommend that the three roads be further reviewed for a mill and overlay or reclamation. This type of improvement would not address any drainage issues along the street and would provide for the same road width and street grade. A more extensive and costly project would need to be undertaken to make any substantial drainage improvements.

We have attached a final spreadsheet that indicates the pavement history for the roads and an anticipated schedule for maintenance for the next cycle. Council is aware that in the past the City has undertaken projects on a three year cycle and will need to determine the size of projects it would like to undertake. Seal coating is typically completed on a roadway every four (4) to eight (8) years depending on vehicular traffic and wear conditions. The streets were seal coated as part of a three year project in 2007, 2008, and 2010.

If you have any questions please feel free to contact me at (763) 780-0450 ext. 2. I will also be in attendance at the December 11th, 2012 Council meeting.

GoodPointe Technology
PCI Summary Report
City of Birchwood Village, Minnesota

Army Corps of Engineers - Strategy Ranges* for PCI

- 0 - 35: Reconstruct Candidates
- 36-55: Reclamation/Overlay Candidates
- 56-90: Seal Coat Candidates
- 90-100: Routine Maintenance (crack sealing, etc) Candidates

*Range may be adjusted for functional class, traffic/usage volumes, and utility needs.

STREET: FROM ST. =>TO ST.	PCI	LENGTH	WIDTH
Owl Street: Wildwood Ave.=>End of Street	13	300	22
Cedar St/Hall Ave: East County Line Rd. =>City Limits	52	4,500	28
Oakridge Drive: Cedar St./Hall Ave.=>Center of Cul-de-Sac	66	1,700	25
Wildwood Avenue: East County Line Rd. =>Owl Street	69	1,700	23
Birchwood Avenue: East County Line Rd. =>Cedar St./Hall Ave	71	1,700	19
Wildwood Avenue: 625' South of Owl Street=>Hall Ave.	73	2,600	23
Birchwood Lane: East County Line Rd. =>Wildwood Ave.	77	450	17
Rice Lane: Birchwood Ave.=>End of Street	80	180	12
Cedar Street: Hall Ave. =>Wildwood Ave.	81	280	23
Birchwood Avenue: End of Street=>City Limits/End of Street	81	1,150	18
Birchwood Avenue: Cedar Street./Hall Ave =>150' past Birchwood Ct.	81	910	20
Wildwood Avenue (One Way North): Owl Street=>625' South of Owl Street	82	625	20
Wildwood Avenue (One Way South): Owl Street=>625' South of Owl Street	83	625	20
Birchwood Court: Birchwood Ave.=>Center of Cul-de-Sacs	83	800	25
Oakview Court: Oakridge Drive=>Center of Cul-de-Sac	85	450	26
Oakhill Court: Oakridge Drive=>Center of Cul-de-Sac	85	150	26
Lakewood Lane: Lake Ave.=>End of Street	87	130	15
Lake Avenue: Wildwood Ave.=>Iris Street	87	1,200	23
Birch Street: Birchwood Ave. =>End of Street	88	250	19
Jay Street: Hall Ave=>Center of Cul-de-Sac	88	800	23
Iris Street: Wildwood Ave.=>Lake Ave.	89	550	23
White Pine Lane: Hall Ave.=>Center of Cul-de-Sacs	89	840	25
Hall Court:Hall Ave. =>Center of Cul-de-Sac	90	210	25
Five Oaks Lane: Oakridge Drive=>Birchwood Lane	91	350	24
Lake Avenue: Iris Street=>End of Street	94	540	16

PCI Rating Strategy

Improvement/ Maintenance Method	Army Corps of Engineers 0 - 35	Maplewood* 0 - 40	Woodbury*** 0 - 35	Roseville 0 - 35	Bloomington 0 - 35
Reconstruct					
Overlay/Reclaim	36 - 55	41 - 70	36 - 60	0 - 65	36 - 65
Seal Coat	56 - 90		61 - 90	66 - 90	66 - 90
Routine Maintenance	90 - 100	71 - 100			

*Maplewood stopped seal coating program in 2006 due to issue with bonding.

***Woodbury no longer undertakes partial Mill and Overlay projects.

Birchwood Village Street Information

	Length (ft)	Width (ft)	Area (sf)	Recommended Maintenance Mill or Reclamation	Last Seal Coat	Last Crack Seal	Mill & Overlay	Mill & Overlay	Paved
Cedar St/Hall Ave	4,650	28	130,200	Mill or Reclamation	2005	2010	1993		1964
Birchwood Avenue	1,725	20	34,500	Seal Coat	2007	2010	1996	1984	1964
Birchwood Lane	450	18	8,100	Seal Coat	2007	2010	1996	1984	1964
Wildwood Avenue	5,000	23	115,000	Mill or Reclamation	2007	2010	1996	1984	1964
Oakridge Drive	1,750	25	43,750	Mill or Reclamation	2008	2008	1998	Portion - 1984	1967
Oakview Court	520	25	13,000	Seal Coat	2008	2008	1998		1967
Oakhill Court	520	25	13,000	Seal Coat	2008	2008	1998		1967
Five Oaks Lane	360	24	8,640	Seal Coat	2008	2008	1998	1984	1964
Birchwood Avenue	925	20	18,500	Seal Coat	2008	2008	1997	1984	1964
Birchwood Court	830	25	20,750	Seal Coat	2008	2008	1997		1975
Birch Street	290	19	5,510	Seal Coat	2008	2008	1997	1984	1964
Rice Lane	180	12	2,160	Seal Coat	2008	2008	1997	1984	1964
Lake Avenue	1,840	25	46,000	Seal Coat	2010	2008	1999	1984	1964
Cedar Street	300	25	7,500	Seal Coat	2010	2008	1998	1984	1964
Hall Court	210	25	5,250	Seal Coat	2010	2008	1996		1975
White Pine Lane	840	25	21,000	Seal Coat	2010	2008	1996		1975
Jay Street	850	25	21,250	Seal Coat	2010	2010	1999		
Birchwood Avenue	1,200	25	30,000	Seal Coat	2010	2010	1999	1984	1964
Iris Street	550	25	13,750	Seal Coat	2010	2010	1999	1984	1964

4.35 miles

*Does not include Owl Street, Grotto Street, or Lakewood Lane 1984, 1996, 1997, 1998, and 1999 Mill and Overlay were 100% assessed

10c

XFINITY Connect

bwclerk@comcast.net

± Font Size ±

RE: SPRWS 2012 Summary of Work To Date

From : Kristi Elfering
<kelfering@elferingeng.com>

Tue, Dec 04, 2012 02:43 PM

Subject : RE: SPRWS 2012 Summary of Work To
Date

To : bwclerk@comcast.net

Reply To : kelfering@elferingeng.com

Dale,

I spoke to Steve Schneider the General Manager and Dave Wagner the Distribution Division Manager of Saint Paul Regional Water Services regarding the hydrants and valves that did not simply state ok. In general it is their opinion that all of the hydrants and valves are operational and functioning at this time. The notes in the side column are items for their crews to watch. For example, the notes on the hydrants that they are hard to turn is relative. They stated that sometimes the hydrants loosen up simply by virtue of being maintained and operated properly each year. The other options are of course that they stay the same or get worse. It is their opinion that everything be operated again next year keeping in mind what was found this year and then determine if anything has advanced to the state that more repairs or replacement is necessary. In the CIP that was put together we are budgeting for annual operation and assuming that as the system ages replacement will be necessary.

Thanks,

Kristie Elfering
Elfering & Associates
10062 Flanders Court NE
Blaine, MN 55449
Ph: 763-780-0450 Ext. 2
Fax: 763-780-0452
Kelfering@elferingeng.com

From: bwclerk@comcast.net [mailto:bwclerk@comcast.net]

Sent: Wednesday, November 28, 2012 6:27 AM

To: kelfering@elferingeng.com

Subject: SPRWS 2012 Summary of Work To Date



BOARD OF WATER COMMISSIONERS

RECD NOV 26 2012

President: **Matt Anfang** ♦ Vice President: **Amy Brendmoen**

Commissioners: **James Bykowski** ♦ **Gregory Kleindl** ♦ **Kathy Lantry** ♦ **Chris Tolbert** ♦ **Will Rossbach**

November 19, 2012

Dale Powers, City Clerk
City of Birchwood Village
207 Birchwood Avenue
Birchwood Village, Minnesota 55110

Subject: SPRWS 2012 Summary of Work To Date

Dear Mr. Powers:

Saint Paul Regional Water Services and the Board of Water Commissioners are pleased to provide this summary of work we have provided the city of Birchwood Village from April of 2012 to present. All of this work was completed under the existing Operations and Maintenance agreement between the Board and Birchwood Village.

Hydrant Inspections

All of the hydrants in the Birchwood Village system were located, flushed and received light maintenance between the dates of September 11-21, 2012. A report of this activity is enclosed and includes notes for the city to consider.

Water Valve Inspections

All of the water valves in the Birchwood Village system were located, brought to grade (if necessary), cleaned out and operated between the dates of September 11-21, 2012. A report of this activity is enclosed and includes notes for the city to consider.

Record Compilation

The as-built records received from Birchwood Village have been incorporated into the SPRWS GIS mapping system and available to our crews in the field. We have labeled the valves and hydrants using a number system and have scanned and linked the paper as-builts to the GIS maps so they can also be accessed remotely if necessary during an event. I have enclosed a paper copy of the water system to Birchwood Village for your use.

Other Activities

Since the beginning of the contract period, SPRWS has also provided:

- Responded to 65 Gopher State One Call requests and have physically located Birchwood Village facilities in 27 of those instances (through October 10, 2012).
- Responded to 3 requests for service shut-offs for plumbers or homeowners
- Responded to 1 field investigation for water in the street
- Worked with Elfering Engineering and replaced 3 water meters in the city.

These activities are covered under the Operations and Maintenance agreement.

SAINT PAUL REGIONAL WATER SERVICES

Stephen P. Schneider, General Manager

1900 Rice St., Saint Paul, MN 55113-6810 ♦ TTY: 651-266-6299 ♦ 651-266-6350

Saint Paul Regional Water Services provides quality water services to the following cities:

Arden Hills • Falcon Heights • Lauderdale • Little Canada • Maplewood • Mendota • Mendota Heights • Roseville • Saint Paul • West St. Paul



City of Birchwood Village
November 19, 2012
Page 2

In addition, SPRWS responded to one broken water main in February of 2012. The repair was made in accordance with our Emergency Maintenance contract and billed separately from the previously listed activities.

In accordance with the terms of both agreements, I am pleased to inform you that the schedule of charges in each agreement will not change in 2013. One item that may change is our actual labor costs charged under the Emergency Maintenance contract. The collective bargaining process is underway for a new CBA for 2013. The new wages will be available on-line when that process is complete.

SPRWS strives to provide all of our customers with great service. I offer the information included in this letter for Birchwood Village to understand the services you are receiving in accordance with your contracts with us. If there is anything we can do to improve our delivery of services, please feel free to contact me and we can discuss any issues you have. We look forward to a long and mutually beneficial working arrangement for many years to come.

Sincerely,



Stephen P. Schneider
General Manager

Enclosures

Birchwood Village - Hydrants

National Standard Threads on all Hydrants.

Hyd Num	LOCATION	MAIN	DEAD_END	GATED	Flow Time	Comments
BWVH01	EAST COUNTY LINE ROAD @ EASEMENT, NE COR.	6	NO	NO	15	OK
BWVH02	EAST COUNTY LINE ROAD, 1ST HYD S OF CEDAR STREET - E SIDE	6	NO	NO	5	HARD TO OPEN
BWVH03	EAST COUNTY LINE ROAD, 2ND HYD S OF CEDAR STREET - E SIDE	6	NO	NO	5	HARD TO OPEN
BWVH04	EAST COUNTY LINE ROAD @ CEDAR STREET, NE COR.	6	NO	NO	5	OK
BWVH05	EAST COUNTY LINE ROAD, 1ST HYD N OF CEDAR STREET - E SIDE	6	NO	NO	5	HARD TO OPEN
BWVH06	EAST COUNTY LINE ROAD @ BIRCHWOOD AVENUE, NE COR.	6	NO	NO	5	OK
BWVH07	EAST COUNTY LINE ROAD @ BIRCHWOOD LANE, SE COR.	6	NO	NO	8	NO WASTE
BWVH08	BIRCHWOOD LANE @ BIRCHWOOD AVENUE, SW COR.	6	NO	NO	5	NO WASTE
BWVH09	WILDWOOD AVENUE @ ASH STREET, NW COR.	6	NO	NO	5	OK
BWVH10	WILDWOOD AVENUE, BET. ASH STREET & BIRCH STREET - N SIDE	6	NO	NO	5	OK
BWVH11	WILDWOOD AVENUE @ BIRCH STREET, NW COR.	6	NO	NO	5	OK
BWVH12	WILDWOOD AVENUE, 1ST HYD S OF BIRCH STREET	4	NO	YES	10	WP-1 GATED
BWVH13	WILDWOOD AVENUE @ CEDAR STREET, NE COR.	6	NO	NO	5	OK
BWVH14	WILDWOOD AVENUE @ LAKE AVENUE, NE COR.	6	NO	NO	5	OK
BWVH15	WILDWOOD AVENUE @ GROTTO STREET, NE COR.	6	NO	NO	5	OK
BWVH16	WILDWOOD AVENUE, BET. IRIS STREET & GROTTO STREET - N SIDE	6	NO	NO	5	HARD TO OPEN
BWVH17	WILDWOOD AVENUE @ IRIS STREET, NE COR.	6	NO	NO	7	OK
BWVH18	LAKE AVENUE @ DEAD END, E OF IRIS STREET	4	YES	NO	15	VERY DIRTY - DEAD END
BWVH19	LAKE AVENUE, 1ST HYD N OF IRIS STREET - W SIDE	6	NO	YES	5	OK
BWVH20	LAKE AVENUE, 2ND HYD N OF IRIS STREET - W SIDE	6	NO	NO	5	FOUND W/"OUT SERVICE SIGN". FLUSHED & DRAINED. OK
BWVH21	TIGE-SCHMITZ PARK, 1ST HYD S OF LAKE AVENUE	4	YES	NO	6	OK
BWVH22	LAKEWOOD LANE @ DEAD END, N OF LAKE AVENUE	4	YES	NO	14	OK
BWVH23	BIRCHWOOD AVENUE @ ASH STREET, NE COR.	6	NO	NO	5	OK
BWVH24	BIRCHWOOD AVENUE, BET. ASH STREET & BIRCH STREET - N SIDE	6	NO	NO	5	OK
BWVH25	BIRCHWOOD AVENUE @ BIRCH STREET, SE COR.	6	NO	NO	15	OK
BWVH26	BIRCHWOOD AVENUE @ FIVE OAKS LANE, NW COR.	6	NO	NO	5	OK
BWVH27	BIRCHWOOD COURTS, 1ST HYD S OF BIRCHWOOD AVENUE - N SIDE	6	NO	NO	5	NORTH NOZZLE CAULKING PUSHING OUT /LEAKS
BWVH28	BIRCHWOOD COURTS @ CUL-DE-SAC, NW COR.	6	YES	NO	10	LOW - BUT, OPERATING FINE
BWVH29	CEDAR STREET, BET EAST COUNTY LINE ROAD & OAKRIDGE DRIVE - S	6	NO	NO	5	OK
BWVH30	CEDAR STREET @ OAKRIDGE DRIVE, NE COR.	6	NO	NO	5	VERY HARD TO OPEN, WOULDN'T TAKE OIL
BWVH31	OAKRIDGE DRIVE @ FIVE OAKS LANE, SW COR.	6	YES	NO	5	OK

Birchwood Village - Hydrants

National Standard Threads on all Hydrants.

Hyd Num	LOCATION	MAIN	DEAD_END	GATED	Flow Time	Comments
BWVH32	OAKRIDGE DRIVE, BET OAKHILL COURT & CUL-DE-SAC - W SIDE	6	NO	NO	5	OK
BWVH33	OAKRIDGE DRIVE, BET OAKVIEW COURT & CUL-DE-SAC - N SIDE	6	NO	NO	5	3" NORTH NOZZLE, CAULKING LEAKS, NEEDS FLAG
BWVH34	OAKRIDGE DRIVE @ CUL-DE-SAC	6	NO	NO	5	OK
BWVH35	OAKVIEW COURT @ CUL-DE-SAC, E OF OAKRIDGE DRIVE	6	YES	NO	25	OK
BWVH36	OAKHILL COURT @ CUL-DE-SAC, W OF OAKRIDGE DRIVE	6	NO	NO	10	OK
BWVH37	HALL COURT @ CUL-DE-SAC, W OF HALL AVENUE	6	YES	NO	10	OK
BWVH38	WHITE PINE LANE @ CUL-DE-SAC, W OF HALL AVE	6	YES	NO	10	LOW - BUT, OPERATING FINE
BWVH39	HALL AVENUE @ DEAD END, E OF JAY STREET	6	YES	NO	5	OK
BWVH40	BIRCHWOOD AVENUE @ DEAD END, S OF JAY STREET	6	YES	NO	10	OK
BWVH41	BIRCHWOOD AVENUE @ DEAD END, N OF JAY STREET	6	YES	NO	10	OK
BWVH42	JAY STREET @ CUL-DE-SAC, S OF BIRCHWOOD AVENUE	6	YES	NO	10	OK
BWVH43	HALL AVENUE, BET JAY STREET & WHITE PINE LANE - E SIDE	6	NO	NO	10	OK
BWVH44	HALL AVENUE @ GROTTO STREET, SE COR.	6	NO	NO	10	OK
BWVH45	WHITE PINE LANE, BET HALL AVENUE & CUL-DE-SAC - N SIDE	6	YES	NO	10	OK
BWVH46	HALL AVENUE, 1ST HYD N OF HALL COURT - E SIDE	6	NO	NO	5	OK
BWVH47	HALL AVENUE @ CEDAR STREET, SE COR.	6	NO	NO	5	OK
BWVH48	WILDWOOD AVENUE, 2ND HYD S OF BIRCH STREET	4	NO	NO	5	HARD TO OPEN
BWVH49	BIRCHWOOD AVENUE @ JAY STREET, SE COR.	6	YES	NO	5	OK
BWVH50	CEDAR @ BRICHWOOD SE COR.	6	NO	NO	10	OK

Birchwood Village - Valves

ValveNum	ON STREET	CROSS_STRE	DIAMETER	Operated	Comments
BWVV01	EAST COUNTY LINE ROAD	EASEMENT	6"	OK	ok
BWVV02	EAST COUNTY LINE ROAD	EASEMENT	6"	OK	ok
BWVV03	EAST COUNTY LINE ROAD	EASEMENT	6"	OK	ok
BWVV04	EASEMENT	EAST COUNTY LINE ROAD	6"	OK	ok
BWVV05	EASEMENT	EAST COUNTY LINE ROAD	6"	OK	ok
BWVV06	EASEMENT	EAST COUNTY LINE ROAD	8"	OK	ok
BWVV07	EAST COUNTY LINE ROAD	CEDAR STREET	6"	OK	Cleaned Out/ ok
BWVV08	EAST COUNTY LINE ROAD	BIRCHWOOD AVENUE	6"	OK	ok
BWVV09	EAST COUNTY LINE ROAD	BIRCHWOOD AVENUE	6"	OK	Bent Box/ Catchable
BWVV10	EAST COUNTY LINE ROAD	WILDWOOD AVENUE	6"	OK	5' WE East Cty Rd, 6' NS Wildwood Ave. DIVIDING GATE-Closed
BWVV11	BIRCHWOOD AVENUE	EAST COUNTY LINE ROAD	6"	OK	ok
BWVV12	WILDWOOD AVENUE	ASH STREET	6"	OK	Cleaned Out/ ok
BWVV13	WILDWOOD AVENUE	BIRCH STREET	4"	OK	ok
BWVV14	WILDWOOD AVENUE	BIRCH STREET	4"	OK	Cleaned Out/ ok
BWVV15	WILDWOOD AVENUE	CEDAR STREET	6"	OK	Cleaned Out/ ok
BWVV16	DELLWOOD STREET	WILDWOOD AVENUE	6"	OK	Cleaned Out/ ok
BWVV17	WILDWOOD AVENUE	LAKE AVENUE	6"	OK	ok
BWVV18	WILDWOOD AVENUE	IRIS STREET	6"	OK	ok
BWVV19	IRIS STREET	WILDWOOD AVENUE	6"	OK	Cleaned Out/ ok
BWVV20	IRIS STREET	LAKE AVENUE	6"	OK	Cleaned Out, raised w/ 2" riser
BWVV21	LAKE AVENUE	IRIS STREET	6"	OK	ok
BWVV22	LAKE AVENUE	TIGE-SCHMITZ PARK	6"	OK	ok
BWVV23	LAKWOOD LANE	LAKE AVENUE	4"	OK	ok
BWVV24	BIRCHWOOD AVENUE	BIRCH STREET	6"	OK	Under Asphalt. Raised 1" w/riser. Patched by Barthol
BWVV25	BIRCHWOOD AVENUE	BIRCH STREET	2"	OK	ok
BWVV26	CEDAR STREET	BIRCHWOOD AVENUE	6"	OK	ok
BWVV27	BIRCHWOOD AVENUE	CEDAR STREET	6"	OK	ok

Birchwood Village - Valves

ValveNum	ON_STREET	CROSS_STRE	DIAMETER	Operated	Comments
BWV28	BIRCHWOOD AVENUE	CEDAR STREET	6"	OK	ok
BWV29	BIRCHWOOD AVENUE	FIVE OAKS LANE	6"	OK	ok
BWV30	FIVE OAKS LANE	BIRCHWOOD AVENUE	6"	OK	ok
BWV31	CEDAR STREET	EAST COUNTY LINE ROAD	6"	OK	ok
BWV32	OAKRIDGE DRIVE	CEDAR STREET	6"	OK	ok
BWV33	OAKRIDGE DRIVE	FIVE OAKS LANE	6"	OK	ok
BWV34	OAKHILL COURT	OAKRIDGE DRIVE	6"	OK	ok
BWV35	OAKRIDGE DRIVE	OAKHILL COURT	6"	OK	ok
BWV36	OAKRIDGE DRIVE	CUL-DE-SAC	6"	OK	ok
BWV37	EASEMENT	OAKRIDGE DRIVE	6"	OK	ok
BWV38	OAKRIDGE DRIVE	OAKVIEW COURT	6"	OK	ok
BWV39	OAKVIEW COURT	OAKRIDGE DRIVE	6"	OK	Raised to Grade, ok
BWV40	EASEMENT	OAKHILL COURT	6"	OK	ok
BWV41	HALL AVENUE	CEDAR STREET	6"	OK	ok
BWV42	HALL COURT	HALL AVENUE	6"	OK	Raised to Grade, ok
BWV43	WHITE PINE LANE	HALL AVENUE	6"	OK	ok
BWV44	HALL AVENUE	WHITE PINE LANE	6"	OK	ok
BWV45	HALL AVENUE	HIGHWOOD STREET	6"	OK	ok
BWV46	HALL AVENUE	JAY STREET	6"	OK	ok
BWV47	HALL AVENUE	JAY STREET	6"	OK	Found open, only 5 turns
BWV48	JAY STREET	HALL AVENUE	6"	OK	ok
BWV49	JAY STREET	HALL AVENUE	6"	OK	Raised to grade w/2" Riser. Ok
BWV50	JAY STREET	BIRCHWOOD AVENUE	6"	OK	ok
BWV51	BIRCHWOOD AVENUE	JAY STREET	6"	OK	Cover needs replacing. Ok
BWV52	JAY STREET	BIRCHWOOD AVENUE	6"	OK	Raised to grade w/2" riser. Ok
BWV53	WILDWOOD AVENUE	BIRCH STREET	4"	OK	ok - HYD VALVE FOR HYD 12
BWV54	LAKE AVENUE	Across from 483 Lake	6"	OK	ok - HYD VALVE FOR HYD 19

11AB

Date: 12-5-12

To: Birchwood City Council

From: Council Member Tony Sampair

Re: Resignation Notice

Dear Mayor, Council and Staff,

It is with great honor and pride, and a hint of remorse that I hear by announce my resignation effective to December 12th, 2012. Due to the life goals my wife and I have, and the demand of a new business opportunity, it is necessary for me to move on and allow someone with the ability to commit the time necessary for what the new council will demand.

I am so proud of how the present city council has worked together over these last two years to achieve so many great things for this city. It was a pleasure working with you all.

Sincerely,

Tony Sampair

Birchwood City Council

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

RESOLUTION 2012-37

A Resolution Accepting the Resignation of Council Member Anthony Sampair, Declaring a Council Vacancy, and Adoption of Procedures for Filling the Council Vacancy

WHEREAS, Anthony Sampair, on December 5, 2012 submitted his letter of resignation as Council Member to the City, effective at the end of the December 11, 2012; and

WHEREAS, the City Council of the City of Birchwood Village thanks Council Member Sampair for his service to the Council and the Birchwood Village community.

NOW THEREFORE BE IT RESOLVED, that the Birchwood Village City Council accepts with regret the resignation of Anthony Sampair from the City Council; and

BE IT FURTHER RESOLVED, that the Birchwood Village City Council hereby declares there to be a vacancy on the Council as of November 12, 2012 for an unexpired term that ends on January 5, 2015; and

BE IT FURTHER RESOLVED, that pursuant to the authority vested in the Birchwood Village City Council by Minnesota Statutes Chapter 412.02, subd. 2a, that the vacancy shall be filled by appointment; and

BE IT FURTHER RESOLVED, that the Birchwood Village City Council directs City staff to cause to be published in the City's official newspaper and the City's quarterly newsletter, and otherwise publicized, the intent of the City Council to fill this vacancy by appointment; and

BE IT FURTHER RESOLVED, that the Birchwood Village City Council hereby, and until the close of business on Wednesday, January 3, 2013, solicits statements of interest in serving as a Council Member from interested and qualified Birchwood Village residents.

Adopted by the City Council on this 11th day of December, 2012.

Approved:

Alan Mitchell, Mayor

Attest:

Dale Powers, City Clerk/Coordinator

412.02 MS 1945 [Repealed, 1949 c 119 s 110]

412.02 CITY ELECTIONS; OFFICERS, TERMS, VACANCIES, CITY EMPLOYEES.

Subdivision 1. **Officers elected.** The following officers shall be elected for the terms and in the years shown and in the cities described in the table.

Officer	Number of Years in Term	Year Elected	City Elected
Mayor	Two or four	Every two years except where four years is otherwise provided pursuant to statute	Every statutory city
Clerk	Four	Every four years in year when treasurer is not elected	Every statutory standard plan city in which there is no clerk-treasurer
Treasurer	Four	Every four years in year in which clerk is not elected	Every statutory standard plan city in which there is no clerk-treasurer
Clerk-Treasurer	Four	Every four years in year in which one council member is elected	Every statutory standard plan city where such office exists pursuant to subdivision 3
Three Council members	Four	Two every four years and one in alternative election	Every statutory standard plan city with a council of five
Four Council members	Four	Two each election	Every statutory optional plan city with a council of five
Five Council members	Four	Three every four years and two in alternative election	Every statutory standard plan city with a council of seven
Six Council members	Four	Three each election	Every statutory optional plan city with a council of seven

Subd. 1a. **City council; city employees.** Neither the mayor nor any city council member may be employed by the city. For purposes of this subdivision, "employed" refers to full-time permanent employment as defined by the city's employment policy.

Subd. 2. **Term.** Terms of elective officers shall commence on the first Monday in January following the election at which the officer is chosen. All officers chosen and qualified as such shall hold office until their successors qualify.

Subd. 2a. **Vacancy.** Except as otherwise provided in subdivision 2b, a vacancy in an office shall be filled by council appointment until an election is held as provided in this subdivision. In case of a tie vote in the council, the mayor shall make the appointment. If the vacancy occurs before the first day to file affidavits of candidacy for the next regular city election and more than two years remain in the unexpired term, a special election shall be held at or before the next regular city election and the appointed person shall serve until the qualification of a successor elected at a special election to fill the unexpired portion of the term. If the vacancy occurs on or after the first day to file affidavits of candidacy for the regular city election or when less than two

years remain in the unexpired term, there need not be a special election to fill the vacancy and the appointed person shall serve until the qualification of a successor. The council must specify by ordinance under what circumstances it will hold a special election to fill a vacancy other than a special election held at the same time as the regular city election.

Subd. 2b. Inability or refusal to serve. A vacancy in the office of mayor or council member may be declared by the council when the officeholder is unable to serve in the office or attend council meetings for a 90-day period because of illness, or because of absence from or refusal to attend council meetings for a 90-day period. If any of the preceding conditions occurs, the council may, after it has by resolution declared a vacancy to exist, fill the vacancy at a regular or special council meeting for the remainder of the unexpired term, or until the person is again able to resume duties and attend council meetings, whichever is earlier. When the person is again able to resume duties and attend council meetings, the council shall by resolution remove the temporary officeholder and restore the original officeholder.

Subd. 3. Clerk, treasurer combined; audit standards. (a) In cities operating under the standard plan of government the council may by ordinance adopted at least 60 days before the next regular city election combine the offices of clerk and treasurer in the office of clerk-treasurer, but such an ordinance shall not be effective until the expiration of the term of the incumbent treasurer or when an earlier vacancy occurs. After the effective date of the ordinance, the duties of the treasurer and deputy treasurer as prescribed by this chapter shall be performed by the clerk-treasurer or a duly appointed deputy. The offices of clerk and treasurer may be reestablished by ordinance.

(b) If the offices of clerk and treasurer are combined as provided by this section and the city's annual revenue for all governmental and enterprise funds combined is more than the amount in paragraph (c), the council shall provide for an annual audit of the city's financial affairs by the state auditor or a public accountant in accordance with minimum auditing procedures prescribed by the state auditor. If the offices of clerk and treasurer are combined and the city's annual revenue for all governmental and enterprise funds combined is the amount in paragraph (c), or less, the council shall provide for an audit of the city's financial affairs by the state auditor or a public accountant in accordance with minimum audit procedures prescribed by the state auditor at least once every five years, which audit shall be for a one-year period to be determined at random by the person conducting the audit.

(c) For the purposes of paragraph (b), the amount in 2004 is \$150,000, and in 2005 and after, \$150,000 adjusted for inflation using the annual implicit price deflator for state and local expenditures as published by the United States Department of Commerce.

Subd. 4. [Repealed, 1973 c 34 s 7]

Subd. 5. [Repealed, 1983 c 359 s 151]

Subd. 6. Council increased or reduced. The council may by ordinance adopted at least 60 days before the next regular city election submit to the voters of the city the question of whether the city council should be increased or reduced to seven or five members. The ordinance shall include a schedule of elections and terms to accomplish the change. The proposal shall be voted on at the next city general election and, if approved by a majority of those voting on the question, go into effect in accordance with the schedule.

History: 1959 c 675 art 6 s 30; 1961 c 230 s 1; 1963 c 799 s 5; 1963 c 811 s 1; 1965 c 417 s 1-4; 1967 c 289 s 2; 1973 c 34 s 1; 1973 c 123 art 2 s 1 subd 2; art 2 s 2; 1973 c 492 s 7; 1974 c