



AGENDA OF THE REGULAR MEETING OF
THE CITY COUNCIL
CITY OF BIRCHWOOD VILLAGE
WASHINGTON COUNTY, MINNESOTA
December 13, 2022
7:00 P.M.

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

CALL TO ORDER

PLEDGE OF ALLEGIANCE

APPROVE AGENDA

OPEN PUBLIC FORUM

AWARD CEREMONY

- A. Outgoing Mayor and Councilmember Comments
- B. Presentation of Awards
 - a. City of Birchwood Village Present Awards – Randy Lafoy
 - b. County Commissioner Presents Awards - Stan Karwoski

ANNOUNCEMENTS

- A. Ice rink opening date TBD – watch website for announcement
- B. Rice Creek Watershed District Looking for Citizen Advisory Committee Members – see website for details and how to apply.
- C. Birchwood Christmas Party December 14th, 2022 from 5:30pm – 7:00pm.
- D. Diseased Tree Removal in Public Spaces in Process
- E. Planning Commission position open. Send letter of interest to city clerk by Jan 3, 2023
- F. Final Deer Hunt - December 19 and 20

CITY BUSINESS – CONSENT AGENDA

- A. Approve Treasurer’s Report* (pp. 4-17)
- B. Approve November Meeting Minutes* (pp. 18-27)
- C. Approve Canvassing Meeting Minutes* (p. 28)
- D. Approve RESOLUTION 2022-17 Accepting Donations* (pp. 29-30)
- E. Approve RESOLUTION 2022-21, Designating Polling Place* (p. 31)
- F. Approve NYFS Contract for 2023* (pp. 32-38)
- G. Approve EAB Management Plan* (pp. 39-41)

CITY BUSINESS – REGULAR AGENDA

* Denotes items that have supporting documentation provided

- A. Truth in Taxation/Adoption of Final Levy and Budget* (pp. 42-46)
 - a. Public Hearing
 - b. Review of Proposed 2023 Levy & Budget
 - c. Approve Resolution 2022-19, Final Budget Adoption
 - d. Approve Resolution 2022-20, Final Levy Adoption
- B. Resolution 2022-18, Certification of Delinquent Utility Accounts to the County* (pp. 47-48)
 - a. Public Hearing
 - b. Council Deliberation and Approval
- C. 8 Oak Hill Ct Rooftop Solar Project – CUP Review and Approval* (pp. 49-69)
 - a. Planning Commission Recommendation
 - b. Public Hearing
 - c. Council Deliberation and Approval
- D. Resolution 2022-23 Council Salary* (pp. 70-76)
 - a. Council Deliberation
 - b. Approve Resolution 2022-23
- E. Second Reading ORDINANCE 2022-10-02, Amending Animals Sec 605* (pp. 77-80)
 - a. Public Hearing
 - b. Council Deliberation & Approval
 - c. Approve Resolution 2022-24, Summary Publication
- F. Second Reading ORDINANCE 2022-10-03, Amending Camping Sec 607.400* (pp. 81-83)
 - a. Public Hearing
 - b. Council Deliberation & Approval
 - c. Approve Resolution 2022-25, Summary Publication
- G. Second Reading ORDINANCE 2022-10-04, Amending Public Lake Tracts Sec 617* (pp. 84-88)
 - a. Public Hearing
 - b. Council Deliberation & Approval
 - c. Approve Resolution 2022-26, Summary Publication
- H. Second Reading ORDINANCE 2022-10-05, Amending Fees Sec 701* (pp. 89-92)
 - a. Public Hearing
 - b. Council Deliberation & Approval
 - c. Approve Resolution 2022-27, Summary Publication
- I. Second Reading ORDINANCE 2022-10-06, Fee Schedule Ordinance* (pp. 93-106)
 - a. Public Hearing
 - b. Council Deliberation & Approval
 - c. Approve Resolution 2022-28, Summary Publication
- J. Resolution 2022-05 Lost Lake Discussion* (pp. 107-118)
 - a. Council Deliberation
 - b. Approve Resolution 2022-23

* Denotes items that have supporting documentation provided

- K. Highland/Birchwood Ave Trail Extension Discussion* (p. 119)
- L. Grant monies
 - a. Wildwood Lift station
 - A. Federal
 - B. RCWD
 - b. Lake links
- M. 310/312 Wildwood runoff from driveway* (p. 120)
- N. Review RFP for City Engineer* (pp. 121-131)
- O. Review RFP for City Planner* (pp. 132-141)
- P. 15 Birchwood Lane* (pp. 142-160)
- Q. Mayor Wingfield Updates
 - a. Install Feistner Reserve sign. County is extending a turnout to allow riders to get off path to read it. Need to make sure the new fence does not block lake access
 - b. Council hall mayor board. Needs updating and extra plates added. Hisdahl did it last time. Cost \$200
 - c. False Lamium weeds at Bloomquist need eradication
 - d. City Hall woodpeckers. Andy Sorenson is willing to work on it.
 - e. City hall windows west side. Storm window pending soon, or maybe done already. second window is being built this winter along with basement window well window.
 - f. City Hall rip-rap. Due to excess rains, needs to be monitored and modified as necessary to protect against erosion
 - g. Bloomquist Park. Buckthorn removal needs second cutting/spraying (or goats!) next year to avoid repeat of takeover
 - h. Ash tree trunks and limbs at Elm, Polly's and Bloomquist Parks need posting for free on Craigslist
 - i. Deer update
 - j. Signs
- R. Administrator Updates
 - a. Correction to Public Tree Inspection Results Communication* (p. 161)

ADJOURN

* Denotes items that have supporting documentation provided

For the Period : 11/9/2022 To 12/6/2022

<u>Name of Fund</u>	<u>Beginning Balance</u>	<u>Total Receipts</u>	<u>Total Disbursed</u>	<u>Ending Balance</u>	<u>Less Deposits In Transit</u>	<u>Plus Outstanding Checks</u>	<u>Total Per Bank Statement</u>
General Fund	\$619,577.47	\$263,914.23	\$63,038.15	\$820,453.55	\$237,551.31	\$21,027.20	\$603,929.44
Other Federal Programs	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Comp Plan Grant	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Special Rev Projects	\$3,420.69	\$0.00	\$0.00	\$3,420.69	\$0.00	\$0.00	\$3,420.69
CAPITAL PROJECT FUNDS (401 through 499)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Capital Project PW	\$115,498.31	\$30,000.00	\$33,787.00	\$111,711.31	\$0.00	\$33,787.00	\$145,498.31
Water	\$31,272.58	\$3,412.62	\$3,913.62	\$30,771.58	\$0.00	\$3,843.00	\$34,614.58
Sewer	\$94,178.71	\$2,209.89	\$6,603.69	\$89,784.91	\$0.00	\$5,946.90	\$95,731.81
Water Meter Upgrade Fees	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
American Rescue Act Proceeds	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Engineering Services	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Total	\$863,947.76	\$299,536.74	\$107,342.46	\$1,056,142.04	\$237,551.31	\$64,604.10	\$883,194.83

Jonathan E Fleck	City Council/Town Board	Date
Justin R. McCarthy	City Council/Town Board	Date
Kevin L Woolstencroft	City Council/Town Board	Date
Mary Wingfield	City Council/Town Board, Mayor	Date
Robert Mark Foster	City Council/Town Board	Date

Fund Name: All Funds

Date Range: 11/09/2022 To 12/06/2022

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Description</u>	<u>Void</u>	<u>Account Name</u>	<u>F-A-O-P</u>	<u>Total</u>
11/09/2022	Payroll Period Ending 11/09/2022	32207	Becky Kellen, City Administrator	N	Clerk - Treasurer	100-41401-100-	\$ 1,989.30
	Total For Check	32207					\$ 1,989.30
11/09/2022	Payroll Period Ending 11/09/2022	32209	Tom Nitti, Bookkeeper/Asst Clerk	N	Clerk - Treasurer	100-41401-100-	\$ 736.88
	Total For Check	32209					\$ 736.88
11/09/2022	Payroll Period Ending 11/09/2022	32210	***VOID\$500.82***Jackie Smith, Deputy Clerk	Y	Clerk - Treasurer	100-41401-100-	\$ -
	Total For Check	32210					\$ -
11/09/2022	Companion Animal Control LLC	32211	Animal Control Services -Oct	N	Animal Control	100-41916-314-	\$ 80.00
	Total For Check	32211					\$ 80.00
11/09/2022	City of Roseville	32212*	IT charges Nov	N	General Government Buildings and Plant	100-41940-320-	\$ 386.13
	Total For Check	32212					\$ 386.13
11/09/2022	Tennis Sanitation, LLC	32213*	Recycling for Service Period: Sep - Oct	N	Recycle	100-43300-314-	\$ 2,760.00
	Total For Check	32213					\$ 2,760.00
11/09/2022	Heating & Cooling Exxperts, LLC	32214*	Repair and tune boiler	N	General Government Buildings and Plant	100-41940-300-	\$ 533.00
	Total For Check	32214					\$ 533.00
11/10/2022	IRS - US Treasury	EFT11102022*	Federal Taxes - Q4 2022 - Oct Payment	N	Clerk - Treasurer	100-41401-100-	\$ 1,231.82
		EFT11102022*				100-41401-100-	\$ 288.08
		EFT11102022*				100-41401-100-	\$ 413.11
		EFT11102022*				100-41401-121-	\$ 489.29
	Total For Check	EFT11102022					\$ 2,422.30
11/15/2022	Nitti, Thomas	32215*	Flash drive purchase from Office Max	N	Office Operations Supplies	100-41911-200-	\$ 10.73
	Total For Check	32215					\$ 10.73
11/15/2022	Toshiba America Business Solutions	32216*	Printer Maintenance - 11/09/22-12/08/22	N	Office Operations Supplies	100-41911-314-	\$ 10.62

Fund Name: All Funds
 Dec 13, 2022 Regular City Council Meeting
Date Range: 11/09/2022 To 12/06/2022

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Description</u>	<u>Void</u>	<u>Account Name</u>	<u>F-A-O-P</u>	<u>Total</u>
		Total For Check	32216				\$ 10.62
11/15/2022	TSE, Inc. Work Account	32217*	Janitorial Services - 11/3/22	N	General Government Buildings and Plant	100-41940-314-	\$ 25.00
		Total For Check	32217				\$ 25.00
11/15/2022	Xcel Energy	EFT11152022*	210 Birchwood Ave, 9/18/22-10/17/22	N	Water Utility	601-43180-380-	\$ 16.12
		Total For Check	EFT11152022				\$ 16.12
11/15/2022	Xcel Energy	EFT11152022A*	200 Wildwood Ave, 9/18/22-10/17/22	N	Sewer Utility	605-43190-380-	\$ 32.77
		Total For Check	EFT11152022A				\$ 32.77
11/15/2022	Xcel Energy	EFT11152022B*	407 Lake Ave Lift Station, 9/18/22-10/17/22	N	Sewer Utility	605-43190-380-	\$ 37.14
		Total For Check	EFT11152022B				\$ 37.14
11/22/2022	St. Anthony Village	32218*	Reconciliation Work	N	Unallocated Expenditures	100-49201-430-	\$ 706.00
		Total For Check	32218				\$ 706.00
11/22/2022	USS Minnesota One MT LLC	32219*	Energy Charges - October	N	General Government Buildings and Plant	100-41940-380-	\$ 80.47
		32219*			Sewer Utility	605-43190-380-	\$ 214.58
		32219*				605-43190-380-	\$ 388.92
		Total For Check	32219				\$ 683.97
11/22/2022	Mow Joe Inc	32220*	Fall Leaf Pick up 2022	N	Leaf Pick-Up	100-43110-314-	\$ 3,480.00
		Total For Check	32220				\$ 3,480.00
11/22/2022	White Bear Township	32221*	Contracted Services - Oct	N	Sewer Utility	605-43190-314-	\$ 586.88
		Total For Check	32221				\$ 586.88
11/22/2022	Payroll Period Ending 11/22/2022	32222	Becky Kellen, City Administrator	N	Clerk - Treasurer	100-41401-100-	\$ 1,989.30
		Total For Check	32222				\$ 1,989.30
11/22/2022	Payroll Period Ending 11/22/2022	32223	Tom Nitti, Bookkeeper/Asst Clerk	N	Clerk - Treasurer	100-41401-100-	\$ 792.66
		Total For Check	32223				\$ 792.66
11/22/2022	Amazon	EFT11212022*	Office Supplies - gloves for janitorial work	N	General Government Buildings and Plant	100-41940-220-	\$ 15.97

Fund Name: All Funds
 Dec 13, 2022 Regular City Council Meeting
Date Range: 11/09/2022 To 12/06/2022

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Description</u>	<u>Void</u>	<u>Account Name</u>	<u>F-A-O-P</u>	<u>Total</u>
		Total For Check	EFT11212022				\$ 15.97
11/22/2022	A T & T Mobility	EFT11222022*	Wireless for water tower- Nov 2 - Dec 1	N	Water Utility	601-43180-382-	\$ 54.50
		Total For Check	EFT11222022				\$ 54.50
11/23/2022	Payroll Period Ending 11/09/2022	32225	Payroll, Jackie Smith- Deputy Clerk	N	Clerk - Treasurer	100-41401-100-	\$ 500.82
		Total For Check	32225				\$ 500.82
11/23/2022	TA Schifsky & Sons, Inc.	32226*	Patching and milling overlays on streets	N	Streets and Road Mntnc	100-43101-314-	\$ 5,200.00
		32226*				406-43101-314-	\$ 33,787.00
		Total For Check	32226				\$ 38,987.00
11/23/2022	PERA	EFT11232022*	Retirement funds- Becky Kellen \$366.13, Tom Nitti \$132.83	N	Clerk - Treasurer	100-41401-121-	\$ 498.96
		Total For Check	EFT11232022				\$ 498.96
11/23/2022	Funds Transfer	Trn to Capitol	Annual transfer to Capitol Projects per Budget	N	Transfer To Enterprise Fund	100-49365-720-	\$ 30,000.00
		Total For Check	Trn to Capitol				\$ 30,000.00
12/01/2022	Payroll Period Ending 12/01/2022	32227	Mary Cahill, Treasurer	N	Clerk - Treasurer	100-41401-100-	\$ 239.12
		Total For Check	32227				\$ 239.12
12/01/2022	Payroll Period Ending 12/01/2022	32228	James Rydeen, Maintenance	N	Parks	100-45207-100-	\$ 386.33
		Total For Check	32228				\$ 386.33
12/01/2022	Cahill, Mary	32229*	Postage stamps \$323.40, Microsoft Billing \$161.06	N	General Government Buildings and Plant	100-41940-320-	\$ 161.06
		32229*				605-41430-810-	\$ 323.40
		Total For Check	32229				\$ 484.46
12/01/2022	Rydeen, Jim	32230*	Reimbursement - Park Supplies	N	Parks	100-45207-400-	\$ 26.39
		32230*				100-45207-400-	\$ 39.29
		Total For Check	32230				\$ 65.68
12/01/2022	Kellen, Rebecca	32231*	Zoom	N	Unallocated Expenditures	100-49201-320-	\$ 16.09
		Total For Check	32231				\$ 16.09
12/01/2022	Stoltzman, Cris	32232	Videography - Council Mtgs, 11/15/2022 3 hrs	N	Cable Eqpmt and Service	100-41950-314-	\$ 75.00

Fund Name: All Funds
 Dec 13, 2022 Regular City Council Meeting
Date Range: 11/09/2022 To 12/06/2022

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Description</u>	<u>Void</u>	<u>Account Name</u>	<u>F-A-O-P</u>	<u>Total</u>
		Total For Check	32232				\$ 75.00
12/02/2022	PERA	EFT12/02/2022*	Retirement funds- James Rydeen \$63.82	N	Parks	100-45207-121-	\$ 63.82
		Total For Check	EFT12/02/2022				\$ 63.82
12/02/2022	Xcel Energy	EFT12022022*	Street lighting 10/3/22 - 11/2/2022	N	Street Lighting	100-43160-380-	\$ 1,503.33
		Total For Check	EFT12022022				\$ 1,503.33
12/05/2022	MN Department of Health	32233	Community Water Supply Connection Fee - Q3-2022	N	Water Utility	601-43180-437-	\$ 903.00
		Total For Check	32233				\$ 903.00
12/05/2022	Gopher State One Call	32234*	email tickets	N	Utility Locates	605-42805-314-	\$ 51.30
		Total For Check	32234				\$ 51.30
12/05/2022	Thatcher Engineering, Inc	32235*	City Engineer - engineering services	N	Engineer Service	100-41650-300-	\$ 1,500.00
		32235*				100-41650-300-	\$ 150.00
		32235*				100-41650-300-	\$ 500.00
		32235*				100-41650-300-	\$ 850.00
		32235*				100-41650-300-	\$ 350.00
		32235*				100-41650-300-	\$ 150.00
		Total For Check	32235				\$ 3,500.00
12/05/2022	H.A. Kantrud, P.A.	32236	Attorney Services -Nov 2022	N	Legal Services	100-41601-300-	\$ 1,500.00
		Total For Check	32236				\$ 1,500.00
12/05/2022	City of White Bear Lake Fire	32237	Fire Srvc - Nov 2022	N	Fire	100-42201-314-	\$ 2,737.08
		Total For Check	32237				\$ 2,737.08
12/05/2022	AirFresh Industries, Inc.	32238*	Portable Restrooms- Dec Billing	N	Parks	100-45207-314-	\$ 162.50
		Total For Check	32238				\$ 162.50
12/05/2022	Minutes Solutions	32239*	Minutes for Oct 11 meeting	N	MISCELLANEOUS	100-49001-300-	\$ 305.00
		Total For Check	32239				\$ 305.00
12/05/2022	TSE, Inc. Work Account	32240*	Janitorial Services - 11/17/22	N	General Government Buildings and Plant	100-41940-314-	\$ 25.00
		Total For Check	32240				\$ 25.00

Fund Name: All Funds
 Dec 13, 2022 Regular City Council Meeting
Date Range: 11/09/2022 To 12/06/2022

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Description</u>	<u>Void</u>	<u>Account Name</u>	<u>F-A-O-P</u>	<u>Total</u>
12/05/2022	Manship Plumbing & Heating Inc	32241	Standby - December, Testing and Sewer/water plans for 419B Wildwood	N	Water Utility	601-43180-314-	\$ 700.00
		32241				601-43180-314-	\$ 120.00
		32241				601-43180-314-	\$ 120.00
	Total For Check	32241					\$ 940.00
12/05/2022	Companion Animal Control LLC	32242	Animal Control Services -Nov	N	Animal Control	100-41916-314-	\$ 80.00
	Total For Check	32242					\$ 80.00
12/05/2022	H2O Analytics	32243*	Anuual Support feed for Hoted Software for Water meters	N	Water Utility	601-43180-314-	\$ 2,000.00
	Total For Check	32243					\$ 2,000.00
12/06/2022	Metropolitan Council - Env. Service	32244*	Wastewater Service- Dec	N	Sewer Utility	605-43190-217-	\$ 4,968.70
	Total For Check	32244					\$ 4,968.70
Total For Selected Checks							\$ 107,342.46

Fund Name: All Funds

Date Range: 11/09/2022 To 12/06/2022

<u>Date</u>	<u>Remitter</u>	<u>Receipt #</u>	<u>Description</u>	<u>Deposit ID</u>	<u>Void</u>	<u>Account Name</u>	<u>F-A-P</u>	<u>Total</u>
11/09/2022	JTR Roofing	171735662*	BP2022-155, 205 Wildwood	(11/09/2022) -	N	Building Permits	100-32211-	\$ 244.25
								\$ 244.25
11/10/2022	Loosbrock, Jeremy	171735660*	BP2022-156, 701 Birchwood	(11/10/2022) -	N	Building Permits	100-32211-	\$ 157.25
								\$ 157.25
11/15/2022	VL Builders	171735665*	BP2022-128, 176 Wildwood	(11/15/2022) -	N	Building Permits	100-32211-	\$ 3,270.00
								\$ 3,270.00
11/15/2022	Tom Ryan Remodeling & Construction	171735666*	BP2022-158, 367 Wildwood	(11/15/2022) -	N	Building Permits	100-32211-	\$ 404.25
								\$ 404.25
11/15/2022	Hoffman Refridgeration & Heating	171735667*	BP2022-159, 439 Birchwood CT	(11/15/2022) -	N	Building Permits	100-32211-	\$ 62.92
								\$ 62.92
11/17/2022	VSM Builders	171735663*	BP2022-152, 3 White Pine	(11/17/2022) -	N	Building Permits	100-32211-	\$ 4,056.54
								\$ 4,056.54
11/17/2022	Ramsey/Washington Cable Commission	171735664*	Redistribution Payment - Q3 2022	(11/17/2022) -	N	Refund-Reimbursemnt-Dividend	100-36240-	\$ 402.21
								\$ 402.21
11/17/2022	Pella Northland	171735668*	BP2022-157, 29 Oakridge Dr	(11/17/2022) -	N	Building Permits	100-32211-	\$ 185.77
								\$ 185.77
11/21/2022	4 M Fund	171735669	Interest not recorded from May-Dec 2019, Jan-Dec 2020, and 2021.	(11/21/2022) -	N	Interest Earning	100-36210-	\$ 10,698.73
							Interest Earning	\$ 2,399.51
							Interest Earning	\$ 110.80
								\$ 13,209.04

Fund Name: All Funds
 Dec 13, 2022 Regular City Council Meeting
Date Range: 11/09/2022 To 12/06/2022

<u>Date</u>	<u>Remitter</u>	<u>Receipt #</u>	<u>Description</u>	<u>Deposit ID</u>	<u>Void</u>	<u>Account Name</u>	<u>F-A-P</u>	<u>Total</u>	
11/21/2022	Lindus Construction	171735670*	BP2022-160, 6 Hall Ct	(11/21/2022) -	N	Building Permits	100-32211-	\$ 113.75	
								\$ 113.75	
11/23/2022	Colon, Laura	171735671*	Hall Rental	(11/23/2022) - 1	N	City/Town Hall Rent	100-34101-	\$ 25.00	
								\$ 25.00	
11/23/2022	McCarthy, Justin	171735672*	Refund salary	(11/23/2022) - 1	N	Miscellaneous	100-36140-	\$ 600.00	
								\$ 600.00	
11/23/2022	Mccarthy, Justin	171735673*	Refund Salary	(11/23/2022) - 1	N	Miscellaneous	100-36140-	\$ 900.00	
								\$ 900.00	
11/23/2022	Transfer of funds	171735674	Annual transfer to Capitol Project Fund per Budget	(11/23/2022) -	N	Transfers from other Funds	406-39205-	\$ 30,000.00	
								\$ 30,000.00	
11/28/2022	Residents - via St Anthony Village	171735676	Utility Billing- November	(11/28/2022) - 1	N	Leaf Collection	100-34408-	\$ 95.00	
							Water Consumption	601-37111-	\$ 2,230.03
							Water Utility User Fee	601-37112-	\$ 492.74
							Water Utility User Fee	601-37112-	\$ 75.00
							Water Main-break Surcharge	601-37113-	\$ 401.07
							Special Water Charges	601-37115-	\$ 55.00
							State Surcharge	601-37116-	\$ 47.90
							Penalties and Forfeited Discounts	601-37160-	\$ 110.88
							Sewer Consumption	605-37211-	\$ 760.82
							Sewer Minimum Charge	605-37212-	\$ 1,297.54
							Penalties and Forfeited Discounts	605-37260-	\$ 151.53
								\$ 5,717.51	
11/30/2022	Bonfes Plumbing & Heating	171735675*	BP 2022-161, 1 Five Oaks Lane	(11/30/2022) -	N	Building Permits	100-32211-	\$ 163.99	
								\$ 163.99	
11/30/2022	4 M Fund	171735678	Nov Interest	(11/30/2022) -	N	Interest Earning	100-36210-	\$ 2,636.94	
								\$ 2,636.94	
12/01/2022	Washington County	171735679	Property Tax	(12/01/2022) -	N	General Property Taxes (31001 through 31299)	100-31001-	\$ 237,387.32	

Fund Name: All Funds
 Dec 13, 2022 Regular City Council Meeting
Date Range: 11/09/2022 To 12/06/2022

<u>Date</u>	<u>Remitter</u>	<u>Receipt #</u>	<u>Description</u>	<u>Deposit ID</u>	<u>Void</u> <u>Account Name</u>	<u>F-A-P</u>	<u>Total</u>
Total for Selected Receipts							\$ 237,387.32
							\$ 299,536.74

As on 12/6/2022

Special Rev Projects

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Dock/Lift Permit Fee	0.00	16,275.00	16,275.00
Total Acct 322	0.00	16,275.00	16,275.00
Total Revenues	0.00	16,275.00	16,275.00
Other Financing Sources:			
Total Other Financing Sources	0.00	0.00	0.00
Disbursements:			
Engineer Service			
PROFESSIONAL SERVICES (301 through 319)	0.00	4,900.00	(4,900.00)
Total Acct 416	0.00	4,900.00	(4,900.00)
Recreation			
Miscellaneous (431 through 499)	0.00	200.00	(200.00)
Community Events	0.00	3,000.00	(3,000.00)
Total Acct 451	0.00	3,200.00	(3,200.00)
Parks			
Miscellaneous (431 through 499)	0.00	500.00	(500.00)
Other Equipment	0.00	1,280.00	(1,280.00)
Total Acct 452	0.00	1,780.00	(1,780.00)
Unallocated Expenditures			
Miscellaneous (431 through 499)	0.00	800.00	(800.00)
Total Acct 492	0.00	800.00	(800.00)
Total Disbursements	0.00	10,680.00	(10,680.00)
Other Financing Uses:			
Transfer To Enterprise Fund			
Interfund Transfers	0.00	15,000.00	(15,000.00)
Total Acct 493	0.00	15,000.00	(15,000.00)
Total Other Financing Uses	0.00	15,000.00	(15,000.00)
Beginning Cash Balance		12,825.69	
Total Receipts and Other Financing Sources		16,275.00	
Total Disbursements and Other Financing Uses		25,680.00	
Cash Balance as of 12/06/2022		3,420.69	

As on 12/6/2022

Capital Project PW

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Total Revenues	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
Other Financing Sources:			
Transfers from other Funds	0.00	30,000.00	30,000.00
Total Acct 392	<u>0.00</u>	<u>30,000.00</u>	<u>30,000.00</u>
Total Other Financing Sources	<u>0.00</u>	<u>30,000.00</u>	<u>30,000.00</u>
Disbursements:			
General Government Buildings and Plant			
PROFESSIONAL SERVICES (301 through 319)	0.00	3,200.00	(3,200.00)
Contracted Services	0.00	4,917.00	(4,917.00)
Total Acct 419	<u>0.00</u>	<u>8,117.00</u>	<u>(8,117.00)</u>
Streets and Road Mntnc			
Contracted Services	0.00	33,787.00	(33,787.00)
Total Acct 431	<u>0.00</u>	<u>33,787.00</u>	<u>(33,787.00)</u>
Total Disbursements	<u>0.00</u>	<u>41,904.00</u>	<u>(41,904.00)</u>
Other Financing Uses:			
Total Other Financing Uses	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
Beginning Cash Balance		123,615.31	
Total Receipts and Other Financing Sources		30,000.00	
Total Disbursements and Other Financing Uses		41,904.00	
Cash Balance as of 12/06/2022		111,711.31	

As on 12/6/2022

Water

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Penalty - Late Water/Sewer	0.00	202.57	202.57
Total Acct 341	0.00	202.57	202.57
Miscellaneous	0.00	3,056.14	3,056.14
Total Acct 361	0.00	3,056.14	3,056.14
Water Consumption	0.00	82,177.73	82,177.73
Water Utility User Fee	0.00	30,956.53	30,956.53
Water Main-break Surcharge	0.00	16,094.57	16,094.57
Meter Upgrade Fees	0.00	1,091.24	1,091.24
Special Water Charges	0.00	1,076.37	1,076.37
State Surcharge	0.00	3,095.64	3,095.64
Certified Bills Collections	0.00	25.00	25.00
Administrative Fee Move/Out	0.00	199.16	199.16
Penalties and Forfeited Discounts	0.00	848.07	848.07
Total Acct 371	0.00	135,564.31	135,564.31
Total Revenues	0.00	138,823.02	138,823.02
Other Financing Sources:			
Total Other Financing Sources	0.00	0.00	0.00
Disbursements:			
Financial Administration			
Contracted Services	0.00	4,355.48	(4,355.48)
Total Acct 415	0.00	4,355.48	(4,355.48)
Office Operations Supplies			
Operating Supplies (211 through 219)	0.00	210.40	(210.40)
Newsletter			
Printing and Binding (351 through 359)	0.00	551.04	(551.04)
Total Acct 419	0.00	761.44	(761.44)
Water Utility			
Repair and Maintenance Supplies (221 through 229)	0.00	894.29	(894.29)
Contracted Services	0.00	76,700.27	(76,700.27)
Utility Services (381 through 389)	0.00	19,169.55	(19,169.55)
Utility Services: Water	0.00	787.62	(787.62)
Miscellaneous (431 through 499)	0.00	1,571.42	(1,571.42)
Fees	0.00	3,483.00	(3,483.00)
Wtr/Swr Emergency			
Repair and Maintenance Supplies (221 through 229)	0.00	700.00	(700.00)
PROFESSIONAL SERVICES (301 through 319)	0.00	784.58	(784.58)
Contracted Services	0.00	17,776.75	(17,776.75)
Total Acct 431	0.00	121,867.48	(121,867.48)
MISCELLANEOUS			
Fees	0.00	23.96	(23.96)
Total Acct 490	0.00	23.96	(23.96)
Total Disbursements	0.00	127,008.36	(127,008.36)
Other Financing Uses:			
Total Other Financing Uses	0.00	0.00	0.00
Beginning Cash Balance		18,956.92	
Total Receipts and Other Financing Sources		138,823.02	
Total Disbursements and Other Financing Uses		127,008.36	

As on 12/6/2022

Water

Budget

Actual

Variance

Cash Balance as of 12/06/2022

30,771.58

As on 12/6/2022

Sewer

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Miscellaneous	0.00	266.20	266.20
Total Acct 361	0.00	266.20	266.20
Sewer Consumption	0.00	62,325.56	62,325.56
Sewer Minimum Charge	0.00	50,395.54	50,395.54
Penalties and Forfeited Discounts	0.00	966.23	966.23
Total Acct 372	0.00	113,687.33	113,687.33
Total Revenues	0.00	113,953.53	113,953.53
Other Financing Sources:			
Total Other Financing Sources	0.00	0.00	0.00
Disbursements:			
Postage/Postal Permits			
Refunds and Reimbursements	0.00	827.40	(827.40)
Total Acct 414	0.00	827.40	(827.40)
Financial Administration			
Contracted Services	0.00	2,194.41	(2,194.41)
Total Acct 415	0.00	2,194.41	(2,194.41)
Engineer Service			
PROFESSIONAL SERVICES (301 through 319)	0.00	41,898.49	(41,898.49)
Total Acct 416	0.00	41,898.49	(41,898.49)
Office Operations Supplies			
Operating Supplies (211 through 219)	0.00	257.00	(257.00)
Total Acct 419	0.00	257.00	(257.00)
Utility Locates			
Contracted Services	0.00	541.40	(541.40)
Total Acct 428	0.00	541.40	(541.40)
Sewer Utility			
Sewer - Wastewater Charge	0.00	61,134.37	(61,134.37)
Contracted Services	0.00	21,063.31	(21,063.31)
Utility Services (381 through 389)	0.00	9,401.41	(9,401.41)
Utility Services: Gas Utilities	0.00	122.22	(122.22)
Miscellaneous (431 through 499)	0.00	836.70	(836.70)
Total Acct 431	0.00	92,558.01	(92,558.01)
Total Disbursements	0.00	138,276.71	(138,276.71)
Other Financing Uses:			
Total Other Financing Uses	0.00	0.00	0.00
Beginning Cash Balance		114,108.09	
Total Receipts and Other Financing Sources		113,953.53	
Total Disbursements and Other Financing Uses		138,276.71	
Cash Balance as of 12/06/2022		89,784.91	

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

**MINUTES OF THE CITY COUNCIL MEETING
NOVEMBER 15, 2022, 7:00 P.M.**

MEMBERS:

Mary Wingfield	Mayor
Jon Fleck	Councilmember
Mark Foster	Councilmember
Justin McCarthy	Councilmember
Kevin Woolstencroft	Councilmember (via teleconference)

STAFF:

Becky Kellen	City Administrator
H. Alan Kantrud	City Attorney

Minutes prepared by Anh Nguyen of Minutes Solutions Inc. from a video recording.

1. CALL TO ORDER

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

2. PLEDGE OF ALLEGIANCE

3. APPROVAL OF AGENDA

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

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

- Tighe-Schmitz Hockey Rink

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

- DNR Lost Lake Elevation
- Elections with Washington County
- Planning Commission Open Position
- White Bear Township Sewer Charge Update
- RFP for City Attorney Position
- General Proceedings for City Agenda

4. OPEN PUBLIC FORUM

Ryan Hankins, 183 Wildwood Avenue, expressed gratitude to the residents of Birchwood Village for their civic participation and was in favor of a new Councilmember orientation.

5. ANNOUNCEMENTS

- A. Truth in Taxation Hearing:** The hearing is scheduled to be held at City Hall on December 13, 2022, at 7:00 p.m. prior to the next Council meeting.
- B. City Hall Office Hours:** Effective November 1, 2022, the City Hall office hours have changed to Tuesdays and Thursdays from 10:30 a.m. to 1:30 p.m., and by appointment.
- C. Deer Hunt:** The deer hunt is scheduled for November 28, 2022, through to November 29, 2022; December 11, 2022, through to December 12, 2022; and December 19, 2022, through to December 20, 2022.
- D. Birchwood Village Election:** The Birchwood Village election will be highlighted in a story airing on Fox 9 on November 15, 2022, at 9:00 p.m. A story will also be included in the St. Paul Pioneer Press and the Star Tribune on November 16, 2022.

6. CITY BUSINESS – CONSENT AGENDA

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

- A. Approval of the Treasurer’s Report:** *ACTION – Becky Kellen will reconcile a list of donations accepted by the city and include a resolution to approve all the donations on the agenda for the next Council meeting.*

The Treasurer’s report for the period ending November 8, 2022, was provided for the Council’s review and approval.

- B. Approval of the October Council Meeting Minutes:**

On a motion made by Councilmember McCarthy, seconded by Councilmember Fleck, it was resolved to approve the minutes of the Council meeting held on October 11, 2022, as amended. All in favor; motion carried.

The Council requested the following amendments:

- Guests: Ryan Hankins is the Vice-Chair of the Planning Commission
- Section 6. A.: replace “\$1,500” with “\$15,000”

- C. Approval of Resolution 2022-14 – Suspending Section 609.020 Hunting:** Section 609.020 of the city code will be suspended for the duration of the 2022 deer hunt.
- D. Approval of Resolution 2022-15 – Appointing Mary Cahill as Treasurer:** Mary Cahill was appointed as City Treasurer, effective November 15, 2022.
- E. Approval of Updating the 2022 Beginning Balance for the General Fund and the Special Revenue Fund:** The beginning balance for the 100 – General Fund will be updated by \$25,190.39 and the beginning balance for the 210 – Special Revenue Fund will be updated by \$300.

- F. **Approval of the White Bear Lake Fire Department Contract:** The fire services contract with the White Bear Lake Fire Department is a five-year agreement effective January 1, 2023, through December 31, 2028.

7. **CITY BUSINESS – REGULAR AGENDA**

A. **Ordinance 2022-10-01, Amending Section 307.010 Zoning Permit Application**

- a. **Planning Commission Revision and Approval:** The ordinance was revised to provide more clarity to residents regarding the zoning permit application requirements.

b. **First Reading and Council Deliberation:**

On a motion made by Councilmember McCarthy, seconded by Councilmember Fleck, it was resolved to approve the first reading of Ordinance 2022-10-01, Amending Section 307.010 Zoning Permit Application. All in favor; motion carried.

- c. **Order Second Reading and Public Hearing:** *ACTION – Becky Kellen will publish the second reading and public hearing for Ordinance 2022-10-01, Amending Section 307.010 Zoning Permit Applications.*

B. **Ordinance 2022-10-02, Amending Section 605 Animals**

a. **First Reading and Council Deliberation:**

On a motion made by Councilmember McCarthy, seconded by Councilmember Foster, it was resolved to approve the first reading of Ordinance 2022-10-02, Amending Section 605 Animals, as amended. All in favor; motion carried.

The Council requested the following amendment:

- Section 605.021.2, term; renewal; late penalty charge, replace the second sentence with “New dog permits issued during the second or third year of the term shall have their fee reduced as per the fee schedule.”

b. **Order Second Reading and Public Hearing**

C. **Ordinance 2022-10-03, Amending Section 607.400 Camping**

a. **First Reading and Council Deliberation:**

On a motion made by Councilmember McCarthy, seconded by Councilmember Fleck, it was resolved to approve the first reading of Ordinance 2022-10-03, Amending Section 607.400 Camping, as amended. All in favor; motion carried.

The Council requested the following amendment:

- 607.480, replace “exclusively use” with “reserve”.

b. Order Second Reading and Public Hearing

D. Ordinance 2022-10-04, Amending Section 617 Public Lake Tracts

a. First Reading and Council Deliberation:

On a motion made by Councilmember McCarthy, seconded by Councilmember Foster, it was resolved to approve the first reading of Ordinance 2022-10-04, Amending Section 617 Public Lake Tracts, as amended. All in favor; motion carried.

The Council requested the following amendment:

- Section 617.380 c (5), remove the first sentence.

b. Order Second Reading and Public Hearing

E. Ordinance 2022-10-05, Amending Section 701 Fees

a. First Reading and Council Deliberation:

On a motion made by Councilmember McCarthy, seconded by Councilmember Fleck, it was resolved to approve the first reading of Ordinance 2022-10-05, Amending Section 701 Fees, as presented. All in favor; motion carried.

b. Order Second Reading and Public Hearing: *ACTION – Becky Kellen will publish the second reading and public hearing for Ordinance 2022-10-05, Amending Section 701 Fees.*

F. Ordinance 2022-10-06, Fee Schedule Ordinance

a. First Reading and Council Deliberation:

On a motion made by Councilmember McCarthy, seconded by Councilmember Foster, it was resolved to approve the first reading of Ordinance 2022-10-06, Fee Schedule Ordinance, as amended. All in favor; motion carried.

ACTION – Ryan Hankins will revise the fee schedule to indicate a cost of \$25 for three years of the three-year dog license term, \$20 for two years of the three-year dog license term, and \$15 for one year of the three-year dog license term.

b. Order Second Reading and Public Hearing

G. Ordinance 2022-11-01, Amending Section 201.080 Meters

a. First Reading and Council Deliberation:

On a motion made by Councilmember McCarthy, seconded by Councilmember Fleck, it was resolved to approve the first reading of Ordinance 2022-11-01, Amending Section 201.080 Meters, as amended. All in favor; motion carried.

The Council requested the following amendments:

- A requirement of compliance in order to sell the property.
- Failure to timely report any water meter readings twice in any quarter period is a violation of the code and is a misdemeanor.
- Failure to timely produce a legible and time-stamped water meter reading shall result in double the fee as set in the fee schedule.

b. Order Second Reading and Public Hearing

H. Emerald Ash Borer Tree Management Program

On a motion made by Mayor Wingfield, seconded by Councilmember Fleck, it was resolved to approve the Emerald Ash Borer Tree Management Plan as drafted and to forward a copy of the plan to the Department of Natural Resources (DNR). All in favor; motion carried.

ACTION – Becky Kellen will send a copy of the city’s Emerald Ash Borer Management Plan to the DNR.

I. Bid for Tree Removal on Public Land

On a motion made by Councilmember Foster, seconded by Mayor Wingfield, it was resolved to approve the bid for tree removal on public land by Steve Dean Tree Trimming at a cost of \$21,300. Councilmember McCarthy objected. Motion carried.

John Lund revoked his bid based on a perceived conflict of interest. Mayor Wingfield confirmed that John Lund is legally permitted to provide a bid; however, he is unable to receive funds from the DNR emerald ash borer grant as it prohibits a tree inspector from benefiting from their own markings. Becky Kellen confirmed that John Lund’s bid was higher than the proposed bid from Steve Dean.

A third contractor, Sorenson Companies, expressed interest in providing a bid for the tree removal. Councilmember McCarthy was in support of obtaining a third bid given that John Lund revoked his. H. Alan Kantrud noted it is best practice to obtain at least two or three bids for major projects.

The Council expressed concern regarding the third contractor submitting a lower bid than Steve Dean based on public knowledge of the proposal by Steve Dean Tree Trimming. The Council noted that Steve Dean has historically provided the lowest bids and the city is content with the work provided by the contractor.

J. 15 Birchwood Lane

ACTION – Becky Kellen will include an update on 15 Birchwood Lane on the agenda for the next Council meeting.

ACTION – H. Alan Kantrud will request an official report from Steve Thatcher, the City Engineer, that quantifies the claims of impervious surface excess at 15 Birchwood Lane and will continue to work with the homeowner of 15 Birchwood Lane for compliance.

A letter regarding water from Birchwood Lane that is not draining into the culverts as anticipated and the potential excess of impervious surface was sent to the homeowners of 15 Birchwood Lane in mid-October 2022. A response has not been received.

H. Alan Kantrud met with the homeowners of 15 Birchwood Lane on site and confirmed that the water is draining. There are two ponding areas, and it was discussed whether grinding could help to encourage the flow of water into the swale entering the ditch. The road is not well-crowned but it is draining into the ditch. The homeowners are working with the county to obtain an inlet closer to the county road at the height of the elevation to help the drainage issues.

The Council expressed concern regarding non-compliance and possible impervious surface issues. As per Steve Thatcher, the City Engineer, the homeowners exceeded the work that was approved by Council and surpassed the impervious surface allowance. In addition, additional items were not accounted for that further contributed to an excess of impervious surfaces.

The Council noted that an official report from Steve Thatcher to quantify the claims of impervious surface excess should be obtained before consideration to proceed with legal action. The Council referred to ongoing litigation regarding a similar issue and reiterated that an exception cannot be made for the homeowners.

Further discussion regarding the drainage issues was deferred to spring 2023 pending the completion of the construction work in the area.

K. Mayor and Council Salary Adjustment

A resident reported that the Council missed the deadline to approve the ordinance in 2020 to increase the Council's pay. The state law states that an ordinance must be passed and will only take effect after the next successive election. A review of the previous Council meeting minutes confirmed that the resident's claims were accurate.

The October 2020 meeting minutes reflected that the ordinance was passed and the City Administrator, at the time, processed the increase in pay. In actuality, the motion carried was to close the public hearing for the ordinance; there was no vote to pass the ordinance. The ordinance was not passed until it was included on the consent agenda for the November 2020 Council meeting.

Mayor Wingfield noted that city council salaries were historically never published by ordinance as required by law. She expressed disappointment regarding the undervaluing of the Council's work and service to the community. The new incoming Council will also be affected as the ordinance was never published and consequently cannot take effect until the next election in 2024.

Members of the Council will make their respective repayments.

L. Hall's Marsh Memorandum of Agreement

ACTION – Councilmember McCarthy will send Birchwood Village's response to the Rice Creek Watershed District's Memorandum of Agreement regarding Hall's Marsh as drafted.

M. New Council Workshop

Councilmember McCarthy noted that knowledge will be lost with the three outgoing members of the Council. A new workshop would provide an opportunity to educate the new incoming members of the Council in preparation for their role on the Council.

Councilmember Fleck reported that the League of Minnesota Cities is a professional organization that provides similar workshops to all elected officials every election cycle. He expressed concern regarding allowing a private citizen to lead the workshop in lieu of the League of Minnesota Cities.

Councilmember McCarthy reiterated that Al Mitchell is a former mayor and is an attorney who worked in state government. Al Mitchell wrote the Birchwood Village rules and procedures, is well-versed in the Council's operation, and previously conducted workshop training.

Mayor Wingfield reported that the new incoming members of the Council can meet at any time before January 3, 2023, after which they will become a collective body and will require a quorum to conduct any business. Mayor Wingfield was inclined not to make any sanctions from a municipal standpoint.

Councilmember Fleck expressed concern regarding a violation of the open meeting law and the request for the city to permit a meeting of more than three current and/or new members of the Council before January 3, 2023. Councilmember McCarthy reiterated that he is requesting the city to post a notice and hold an open public meeting where no business affecting the city will be discussed.

The Council did not approve the request to hold an open public meeting in city hall.

N. Tighe-Schmitz Hockey Rink

Councilmember McCarthy and Mayor Wingfield marked boards on the hockey rink that need to be replaced based on cosmetics and/or safety hazards, as well as boards that require additional screwheads and support.

Councilmember McCarthy and Mayor Wingfield investigated the complaints of leveling at the pleasure rink and concluded that several attempts have been made to address the issue; however, the ground is close to the water table and consequently heaves leading to fluctuations in the leveling. Steve Thatcher referred to the area as subject to differential leveling. No further action will be taken.

O. 232 Cedar Street Rental Property

There have been several complaints from residents regarding 232 Cedar Street, including loud noise, late parties, and drug use since the summer of 2022. Councilmember Foster noted recurring concerns regarding rental properties each year and queried whether consideration should be given to a rental ordinance.

Mayor Wingfield noted a city code for excessive use of services. Mayor Wingfield did not recall any specific recurring complaints throughout the summer of 2022 on the sheriff's report. Mayor Wingfield reiterated that the use of the city code for excessive use of services to address problematic properties requires residents to report complaints to the sheriff's office to ensure sufficient documentation.

H. Alan Kantrud echoed Mayor Wingfield's statements regarding reporting to the sheriff's office and confirmed that the sheriff's office is familiar with the residence. H. Alan Kantrud recommended that residents continue to file complaints with the sheriff's office as needed.

H. Alan Kantrud suggested quarterly updates from the deputy to Council to review properties that the sheriff's office is responding to and to obtain feedback on properties that require special attention.

P. Mayor Wingfield Updates

- a. **DNR Lost Lake Elevation:** *ACTION – Mayor Wingfield will draft a resolution to be presented at the next Council meeting stating that the city is on record with the DNR to leave the Lost Lake elevation as is and not to adjust the culvert for any remedial measures.*

There were discussions with the city of Mahtomedi regarding rectifying the issue of elevation of Birchwood Road by lowering the culvert in Lost Lake. The DNR reported this may result in a reduction of half of a foot of Lost Lake.

- b. **Elections with Washington County:** *ACTION – Becky Kellen will follow up with Washington County regarding steps that need to be taken to ensure that Birchwood residents can sit as election judges for the next election.*

A request was made for Washington County to hold the city's elections with the assurance that the city's personnel would be retained as election judges; however, most of the election judges at the last election were not from Birchwood.

A publication will be posted in May 2023 or June 2023 for residents interested in training to sit as an election judge for the next elections.

- c. **Planning Commission Open Position:** *ACTION – Becky Kellen will include the open position on the Planning Commission in the newsletter with an application deadline of January 3, 2023.*
- d. **White Bear Township Sewer Charge Update:** *ACTION – Becky Kellen will contact the contractors used by White Bear Township to obtain more information regarding the high sewer charge from White Bear Township.*
- e. **RFP for City Attorney Position:** Mayor Wingfield suggested a joint meeting between the existing Council and the new Council to discuss an RFP for the City Attorney. Councilmember Fleck and Councilmember McCarthy agreed that the decision regarding an RFP for City Attorney should be made by the new Council.
- f. **General Proceedings for City Agenda:** This item was not discussed.

Q. Administrator Updates

- a. **City Engineer/Planner RFP Update:** *ACTION – Becky Kellen will work with Steve Thatcher and H. Alan Kantrud to review the draft RFPs for the City Engineer and City Planner for presentation at the next Council meeting.*
- b. **Tree Task Force Update:** *ACTION – Becky Kellen will include the Tree Task Force proposal on the agenda for the January 2023 Council meeting.*

The Tree Task Force held their final meeting on October 26, 2022, at which point it was unanimously agreed to proceed with the proposal to the Council. Becky Kellen reported dissent from some members of the Tree Task Force after the fact, who claimed they did not intend to agree with the proposal. The Council agreed to defer the review of the Tree Task Force's proposal to the new Council.

- c. **2023 RCWD Stormwater Management Program:** Councilmember Foster and Becky Kellen will be meeting with the RCWD on November 17, 2022, to discuss the stormwater management program.
- d. **Land Surveys (Ash Path and Feistner Beach):** H. Alan Kantrud reported that a separate bid for the land survey of Ash Path is pending and will be ready for presentation at the next Council meeting.
- e. **Administrator's Performance Review:** *ACTION – The Council will submit any feedback or concerns regarding the City Administrator's performance to H. Alan Kantrud by December 1, 2022, to be forwarded to Councilmember McCarthy.*

Councilmember McCarthy will act as the Council's liaison and conduct the City Administrator's performance review.

- f. **Unpaid Utility Bill Letters Mailed:** Any outstanding payments to be included on property taxes will be reviewed at the next Council meeting.
- g. **Staffing Update:** Becky Kellen provided a staffing update and noted that Tom's onboarding is going well.

- h. Water Meter Installation Update:** This item was not discussed.
- i. Maintenance Updates:** The canoes and kayaks were removed. The hockey rink will be flooded at the beginning of December 2022, weather permitting. The roof cleaning was completed at the end of October 2022, and the boiler check was completed in November 2022. The generator was inspected and reports of natural gas odors are being investigated.

Leaf pickup was completed; however, there were resident complaints of leaves not being picked up. Currently, only 10 to 15 residents are using the city's leaf pickup service. Further discussion was deferred to the Council meeting in April 2023 to determine how to proceed with leaf pickup.

8. ADJOURNMENT

On a motion made by Councilmember McCarthy, seconded by Councilmember Foster and carried unanimously, it was agreed that there was no further business of the Council to transact; the meeting was closed at 8:51 p.m. by Mayor Wingfield.

DISCLAIMER

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

Mayor Mary Wingfield

City Administrator Becky Kellen

Date

Date

**CITY OF BIRCHWOOD VILLAGE
CANVASSING BOARD MEETING
November 18, 2022
5:00PM**

MINUTES

MEMBERS PRESENT: Chair Mary Wingfield; Members Mark Foster, Justin McCarthy, Jon Fleck and Kevin Woolstencroft.

MEMBERS ABSENT: None

STAFF PRESENT: City Administrator-Clerk Rebecca Kellen

Chair Wingfield called the Canvassing Board to order at 5:00pm. The purpose of the Canvassing Board meeting is to certify the results of the municipal elections for Mayor and City Council held on November 8, 2023. The Board reviewed the abstract and Resolution 2022-16, a resolution certifying the results of the municipal election.

Fleck/Woolstencroft motioned to adopt Resolution 2022-16. All members voted to adopt the resolution and certify the election results.

The resolution was adopted.

Fleck/McCarthy 5-0 to adjourn the meeting at 5:04 pm.

Mary Wingfield, Board Chair

ATTEST:

Tobin Lay, City Administrator-Clerk

RESOLUTION NO. 2022-17

A RESOLUTION ACCEPTING DONATIONS TO THE CITY OF BIRCHWOOD VILLAGE.

WHEREAS, the City of Birchwood Village is generally authorized to accept donations of real and personal property pursuant to Minnesota Statutes Section 465.03 for the benefit of its residents, and is specifically authorized to accept gifts.

WHEREAS, the following persons and entities have offered to contribute the cash amounts set forth below to the City:

<u>Name of Donor</u>	<u>Amount</u>
1. Goralski, Nicole	\$2
2. Malles, R	\$5
3. Ford, Margaret	\$1000
4. Fleck, Jon	\$100
5. Sperl, Bridget	\$3150
6. Birchwood Community Club	\$2150

WHEREAS, the terms or conditions of the donations, if any, are as follows:

<u>Donation Number</u>	<u>Terms or Conditions</u>
1. Goralski, Nicole	donation
2. Malles, R	donation
3. Ford, Margaret	Bell tower/City Hall Project
4. Fleck, Jon	City Hall Restoration
5. Sperl, Bridget	Bench and concrete at City Hall
6. Birchwood Community Club	Bench on Jay Path

WHEREAS, all such donations have been contributed to the City for the benefit of its citizens, as allowed by law; and

WHEREAS, the City finds that it is appropriate to accept the donation(s) offered.

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

1. The donation described above is accepted and shall be used as directed for goods or services either alone or in cooperation with others, as allowed by law;
2. The City Treasurer is hereby directed to issue receipts to each donor acknowledging the City's receipt of the donor's donation.

Passed by the City of Birchwood Village this 13th day of December, 2022.

Mary Wingfield - Mayor

Attested:

Rebecca Kellen - Administrator/Clerk

RESOLUTION 2022-21

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

A RESOLUTION DESIGNATING POLLING PLACES FOR 2023 ELECTIONS

WHEREAS, Minnesota Statutes 204B.16, subd 1 requires the City Council, by ordinance or resolution, to designate polling places for the upcoming year; and

WHEREAS, changes to the polling place locations may be made at least 90 days before the next election if one or more of the authorized polling places becomes unavailable for use; and

WHEREAS, changes to the polling place locations may be made in the case of an emergency when it is necessary to ensure a safe and secure location for voting.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Birchwood Village hereby designates the following polling places for elections conducted in the city in 2023:

**Birchwood Village Hall
207 Birchwood Avenue**

AND BE IT FURTHER RESOLVED, that the city clerk is hereby authorized to designate a replacement meeting the requirements of the Minnesota Election Law for any polling place designated in this Resolution that becomes unavailable for use by the city;

AND BE IT FURTHER RESOLVED, that the city clerk is hereby authorized to designate an emergency replacement polling place meeting the requirements of the Minnesota Election Law for any polling place designated in this Resolution when necessary to ensure a safe and secure location for voting;

AND BE IT FURTHER RESOLVED, that the city clerk is directed to send a copy of this resolution and any subsequent polling place designations to the Washington County Elections Office.

Resolution duly seconded and passed this 13th day of December, 2022.

Mary Wingfield, Mayor

Attest:

Rebecca Kellen, City Administrator-Clerk

AGREEMENT

1. PARTIES

This agreement is made and entered into by and between the City of Birchwood, Minnesota (“Municipality”) and Northeast Youth and Family Services (“NYFS”).

2. RECITALS

- a. NYFS is a non-profit social service agency whose mission is to meet the unmet developmental needs of at-risk youth and families within their community environment with emphasis on providing services through collaboration and coordination with existing community resources. These services are available to youth and families residing in the northern suburbs of Ramsey County, including, but not limited to, the municipalities which are signatory to agreements which are identical to this Agreement (“participating municipalities”) and students and families from Independent School Districts 621, 622, 623, 624, 282, and 832.
- b. Through this Agreement the Municipality intends to contract with NYFS to provide such services to its residents and to act as a sponsor of NYFS by providing financial support, a method to establish appropriate services to be provided and policy guidance for its activities.
- c. This Agreement shall be used as the formal agreement between NYFS and each of the participating municipalities. This Agreement is intended to continue the spirit of cooperation and collaboration in the provision of social services between the Municipality and NYFS.

3. TERMS AND CONDITIONS

In consideration of the mutual understandings of this Agreement, the parties hereby agree as follows:

- a. Prior Agreements Cancelled. By execution of this Agreement any prior agreements and amendments thereto between the parties are hereby cancelled.
- b. Services Provided. NYFS shall provide the Municipality and its residents with youth and family programs set forth in the Addendum attached hereto.
- c. Principles of Service and Program Establishment and Operations. On a yearly basis and prior to submission of its annual budget, as provided for hereafter, NYFS shall:

- i. Report regarding proposed changes in services and programs to the Municipality; and
- ii. Establish a fair and open bidding/request for proposal (RFP) process to contract, manage or provide such services and programs, which are not directly provided by NYFS staff.

d. Funding

- i. In addition to the participating municipalities' share of the annual budget, funds for the operation of NYFS will be raised by NYFS endeavoring to secure user fees, grants and appropriations from private organizations, the State of Minnesota, Federal and County agencies, and other legal and appropriate sources.
- ii. The Municipality shall pay annually to NYFS the base amount listed in Exhibit A. This base amount will be adjusted annually for inflation/deflation based on the Standard Metropolitan Statistical Area Consumer Price Index for All Urban Consumers (CPI-U) and municipal population estimates based on MN State Demographic Center. Any adjustment in the payment beyond those indicated by reference to the CPI-U shall require approval of each of the participating municipalities.
- iii. Any new municipality joining into this agreement will pay a base amount annually to NYFS that is on par with the amount paid by current participating municipalities.
- iv. Amounts payable by the Municipality shall be paid to NYFS on or before January 30th of each year, or at a date mutually agreed upon by both parties, to cover the Municipality's share for that year.

e. Board Representation. The Municipality shall have the right to NYFS Board Representation of City Council, staff or community members (as designated by the Municipality and approved by NYFS Board) on the Board of Directors as either a Board Member or Board Advisor.

f. Further Obligations of NYFS. In addition to the obligations set forth elsewhere in this Agreement, this Agreement is further contingent upon NYFS doing the follows:

- i. The Bylaws of NYFS shall be amended to add provisions requiring an open process for contracting services as provided for in paragraph C.2., above, and prohibiting NYFS from supporting or opposing individual candidates for election to public office in any of

the participating municipalities; and adding the requirement that IRS 501.C3 status be maintained.

- ii. On or before June 30, of any year NYFS shall submit the proposed city budgeted amount for the subsequent year.
 - iii. On or before November 30, of any year NYFS shall submit a written report to the Municipality including an Annual Report, the audited financial statement, and a program specific summary of services provided to the municipality; in addition, 30 days from the end of each calendar quarter, NYFS shall submit a written report to the participating municipality.
 - iv. Periodically advising the Municipality of services available through NYFS to the Municipality's residents;
 - v. Establishing a sliding scale for services available through NYFS to the Municipality's residents and periodically advising the Municipality of such fees;
 - vi. Providing other reasonable information requested by the Municipality;
 - vii. Purchasing a policy of liability insurance in the amount of at least \$1,500,000.00, naming the Municipality as an additional insured and providing a copy of the insurance certificate evidencing such policy to the Municipality;
 - viii. Provide the Municipality with a copy of its Articles of Incorporation, Bylaws, Amendments thereto, and the IRS tax exempt status letter;
 - ix. NYFS shall defend and indemnify the Municipality from any and all claims or causes of actions brought against the Municipality of any matter arising out of this Agreement or the services provided pursuant to this Agreement; and,
 - x. Without the written approval of the Municipality, NYFS will not enter into any agreement with any other municipality which differs from the terms and conditions of this Agreement.
- g. Term. The term of this agreement will be through December 31, 2023. Unless either party gives at least 6 months written notice of its intent to cancel this Agreement effective December 31 of the year in which the notice is made, NYFS will continue to provide services to the Municipality if a successor agreement has not been executed prior to the end of the term.

h. (A) Distribution of Assets Upon Dissolution.

If NYFS ceases to operate, the Board of Directors will do one of the following:

- i. Give the assets to one or more non-profit agencies providing similar social services in the northern suburbs of Ramsey County; or,
- ii. Form a new Foundation to fund appropriate social service programming in the northern suburbs of Ramsey County.

The final Distribution of Assets Plan must be approved by the Ramsey County District Court.

(B) Deviation from the Mission.

If the City Council determines that NYFS has materially deviated from its mission (See II. Recitals, A.), the City Council may ask the NYFS Board of Directors to consider dissolving the agency and liquidating the assets. The Board will do one of the following:

- iii. Consider the request and by a majority vote deny it.
- iv. Consider the request and by a majority vote agree to modify the programs to be consistent with the mission.
- v. Consider the request and by a majority vote agree with the request and move to dissolve the agency and liquidate the assets.

IN WITNESS WHEREOF, the parties have executed this Agreement on this date set forth below.

MUNICIPALITY

City of Birchwood

By: _____

Elected Official

Its: _____

Clerk/Manager/Administrator

Dated: _____

NYFS

Northeast Youth & Family Services

By: _____

President/CEO

Its: _____

Chair of the Board of Directors

Dated: _____

12/2022

Northeast Youth & Family Services Municipal Participation Figures	Municipal Contract	Community Advocate	Municipal Contract	Community Advocate	Municipal Contract	Community Advocate	Municipal Contract	Community Advocate
	2022	2022	2023	2023	Board Approved Increase of 8.5 % based on CPI-U	Dollar increase over 2022	Board Approved Increase of 8.5 % based on CPI-U	Dollar increase over 2022
Falcon Heights	\$ 11,286.74		\$ 12,246.11		\$ 959.37			
Little Canada	\$ 21,395.16		\$ 23,213.75		\$ 1,818.59			
Mounds View	\$ 27,455.68	\$ 25,750.00	\$ 29,789.41	\$ 27,938.750	\$ 2,333.73	\$ 2,188.750		
New Brighton	\$ 47,625.14	\$ 10,300.00	\$ 51,673.28	\$ 11,175.50	\$ 4,048.14	\$ 875.50		
North Oaks	\$ 10,926.24		\$ 11,854.97		\$ 928.73			
Roseville	\$ 74,720.32	\$ 20,600.00	\$ 81,071.55	\$ 22,351.00	\$ 6,351.23	\$ 1,751.00		
St. Anthony	\$ 18,678.02	\$ 12,875.00	\$ 20,265.65	\$ 13,969.38	\$ 1,587.63	\$ 1,094.38		
Shoreview	\$ 54,548.80		\$ 59,185.45		\$ 4,636.65			
Birchwood	\$ 1,804.56		\$ 1,957.95		\$ 153.39			
Hugo *	\$ 15,000.00		\$ 16,275.00		\$ 1,275.00			
Mahtomedi	\$ 16,562.40		\$ 17,970.20		\$ 1,407.80			
Vadnais Heights	\$ 27,187.88		\$ 29,498.85		\$ 2,310.97			
City of WBL	\$ 52,443.48	\$ 25,750.00	\$ 56,901.18	\$ 27,938.75	\$ 4,457.70	\$ 2,188.75		
WB Tnship	\$ 22,855.70		\$ 24,798.43		\$ 1,942.73			
Lauderdale	\$ 4,678.26		\$ 5,075.91		\$ 397.65			
Total	\$ 407,168.38	\$ 95,275.00	\$ 441,777.69	\$ 103,373.38	\$ 34,609.31	\$ 8,098.38		

* Hugo splits its support of NYFS with another Community-Based Mental Health agency

Contracted Services

Mental Health Services:

- *Shoreview and White Bear Lake Mental Health Clinics* – licensed mental health staff provide therapy for the emotional health of children, teens, and adults.
- *School-Based Mental Health* – licensed mental health staff provide onsite therapy in the schools for the emotional health of students within Roseville, Mounds View, and White Bear Lake school districts.

Community Service Programs:

- *Youth Diversion* – a coordinated range of services for youth who have committed minor offenses (e.g. shoplifting, chemical/alcohol use, vandalism) to help them focus on positive behavior and prevent recidivism.
- *Community Connections* – This seven-week program helps youth develop social and emotional skills while expanding their horizons and helping them deepen their commitment to their own futures through service, post-secondary education exposure, career exploration, and mentorship.

Non-Contracted Services

Mental Health Services:

- *Northeast Educational & Therapeutic Services (NETS)* – provides therapy and academic support for youth in grades 6-12 with severe mental illnesses who cannot function in traditional school environments.

Community Service Programs:

- *Community Advocate* – This program serves people who have been involved with local law enforcement but have needs that cannot be sufficiently addressed by law enforcement alone. This can include: mental health issues, family instability, medical care and other needs. Addressing these underlying issues reduces the need for law enforcement intervention in the future.

Emerald Ash Borer Management Plan City of Birchwood Village, MN

Purpose:

By implementing the provisions of the Emerald Ash Borer Management Plan, the City is attempting to minimize the disruption to its urban forest due to the inevitable infestation of Emerald Ash Borer (EAB). The City will attempt to distribute costs associated with certain and massive tree death, based on the history of EAB elsewhere in North America, over a manageable time period, and lessen the social and economic impact that an extensive loss would have on the quality of life in our community.

Applicability:

This management plan is applicable to all public properties within the City, including rights-of-way, boulevards, parks and open spaces.

Administration:

The Birchwood Village staff, with help from the City Clerk, shall be responsible for implementing this program and seeing that the provisions are carried out.

Introduction / EAB Background:

Emerald Ash Borer (EAB) is an introduced invasive insect that has now been confirmed in thirty-five (35) states, including Minnesota, and five (5) Canadian provinces. EAB attacks all species of ash trees (*Fraxinus* spp.) found in Minnesota, which include green ash (*Fraxinus pennsylvanica*), white ash (*Fraxinus americana*) and black ash (*Fraxinus nigra*). This is of great concern because Minnesota is home to more than 900 million ash trees statewide and unlike some similar borers in the *Agrilus* genus (such as two lined chestnut borer and bronze birch borer), EAB is not solely an opportunistic pest, it is known to attack both healthy and stressed ash trees alike.

As of the adoption date of this management plan, Washington County is currently in a quarantine status. EAB has been confirmed throughout Washington County. This increases the concern for the Birchwood Village community as it is centrally located in the County.

It is not the adult beetles that are detrimental to ash trees but rather the larvae of EAB (immature stage), which feed on the inner bark of trees, disrupting a tree's ability to transport water and nutrients up to the canopy. As the number of larvae in a tree increases, less and less water and nutrients reach the canopy, resulting in dieback in the upper portions of a tree. By the time visible symptoms are obvious, the population of EAB has grown and likely spread to other trees in the area.

Signs/symptoms of EAB that can help detect an infestation include:

- Increased woodpecker activity/damage
- Bark splitting (vertical slits)
- D-shaped exit holes created by adult insects as they emerge from the tree
- Epicormic branching/shoots near base of tree
- Canopy dieback
- Serpentine (s-shaped) larval galleries that are packed with frass

Making early detection even more difficult is that initial attacks on an ash tree tend to be in the upper canopy. For this reason, increased woodpecker activity is becoming a more reliable early indicator of a possible infestation.

A tree inventory was conducted in the City of Birchwood Village in 2010. The City has about 7% ash trees. Most of these (approximately 25) are concentrated in Polly's Park.

The City will implement the following steps to try and slow the spread of EAB and allocate the costs of managing the tree loss and replacement over multiple budget cycles.

**Ash Management Plan:
City Rights of Way**

1. The City will remove any boulevard Ash trees which are of poor quality and are therefore susceptible to EAB.
2. Any replacement plantings will occur in the spring and fall per the growers' recommendations. Size of new plantings will be determined by available funds and will be submitted to the City Council for approval. Species selection will be chosen with consideration for expanding the community's forest diversity.
3. No new Ash species will be planted until the threat of EAB is eradicated as determined by the USDA and the DNR.

Park Trees:

1. Ash trees in poor condition or fair condition with major defects in maintained portions of parks will be identified and targeted for removal.
2. The City will consider working with the MN Department of Agriculture (MDA) and the MN Department of Natural Resources (DNR) to establish detection trees and traps as needed in city parks for early detection of EAB.
3. Ash trees in remote areas will not be addressed unless in close proximity to a trail or structure where harm and/or damage could result from a failure. However, if an ash tree in a wooded area is found to be infested and it is in the early stages of infestation, said tree(s) may be removed to slow the spread to other areas.
4. Ash trees removed from maintained areas of parks will be replaced budget permitting, again with a focus on species diversity and matching the right tree with the right location.
5. Should ash trees be removed from wooded areas, natural regeneration may be relied upon for reforestation.

Trees on Private Property:

1. Through educational efforts, property owners will be encouraged to diligently monitor their ash trees for any signs of EAB. They can either contact the City's office for additional EAB information or the MDA Arrest the Pest hotline for more information or for a site inspection.
2. The City will also continue to encourage property owners to replace lost trees with species appropriate for the site or even in advance of potential infestation and ash removal. As with public lands, the City encourages property owners to diversify the species on their property to buffer against future insect/disease outbreaks.

Education & Outreach

The City of Birchwood Village will proactively get information to their residents about the EAB including what it is, how to spot it, long term effects, and treatment options. The city will get this information to their residents by means of the website, social media page, and utility billings.

Summary:

It is clear that EAB poses a threat to Birchwood Village's community forest. The City will implement this EAB Management Plan to the extent feasible and as budgets permit. The steps outlined above are based on current knowledge of EAB. This management plan is subject to revision(s) as new information about EAB becomes available and/or as new treatment options are identified. Furthermore, this plan is also subject to revision should state and/or federal policies necessitate plan updates. Revisions to the EAB Management Plan would be subject to City Council approval.

City of Birchwood Village Revenue and Expenditure Trends
 Source: 2022 budget and actuals, 2023 known expenditures

		2021	2022	2023
RECEIPTS				
General Property Taxes (levy)		\$512,000.00	\$512,000.00	\$493,841.00
DISBURSEMENTS				
		2021	2022	2023
GENERAL GOVERNMENT				
Publishing				
Printing and Binding	100-41130-350	\$500.00	\$500.00	\$500.00
Legal Notice Publication (WBP)	100-41130-351	\$2,000.00	\$2,000.00	\$2,000.00
Subtotal Publication		\$2,500.00	\$2,500.00	\$2,500.00
City Council				
Wages and Salaries	100-41310-100	\$8,500.00	\$8,500.00	\$8,500.00
Employer Cont.-Retirement	100-41310-121	\$200.00	\$200.00	\$200.00
Medicare - Employer	100-41401-100	\$130.00	\$130.00	\$130.00
Social Security Employer	100-41401-100	\$530.00	\$530.00	\$530.00
City Council Subtotal		\$9,360.00	\$9,360.00	\$9,360.00
Clerk				
Wages and Salaries	100-41401-100	\$55,000.00	\$43,000.00	\$70,380.00
Employer Cont.-Retirement	100-41401-121	\$4,200.00	\$3,250.00	\$9,853.20
Medicare - Employer	100-41401-100	\$850.00	\$650.00	\$1,055.70
Social Security Employer	100-41401-100	\$3,500.00	\$2,700.00	\$4,574.70
Other Pay (insurance stipend)	100-41401-100	\$0.00	\$0.00	\$0.00
Accounting (Assistant Treasurer, & Deputy Clerk)				
Wages and Salaries	100-41401-100	\$29,815.00	\$18,000.00	\$37,990.00
Employer Cont.-Retirement	100-41401-121	\$2,640.00	\$0.00	\$5,318.60
Medicare - Employer	100-41401-100	\$515.00	\$300.00	\$569.85
Social Security Employer	100-41401-100	\$2,200.00	\$1,500.00	\$2,469.35
Contracted Services (SAV bank rec.)	100-41501-314	\$2,400.00	\$2,400.00	\$2,400.00
Office Support				

Wages and Salaries	100-41401-100	\$1,000.00	\$1,000.00	\$1,000.00
Medicare - Employer	100-41401-100	\$15.00	\$15.00	\$15.00
Social Security Employer	100-41401-100	\$62.00	\$62.00	\$62.00
Admin. Staff Subtotal		\$102,197.00	\$72,877.00	\$135,688.40
Elections				
Wages and Salaries	100-41410-100	\$0.00	\$0.00	\$0.00
Operating Supplies	100-41410-210	\$0.00	\$0.00	\$0.00
Contracted Services (Wash. Cty. JPA)	100-41410-314	\$4,750.00	\$5,510.00	\$5,510.00
Repair & Maint. Supplies	100-41410-220	\$1,140.00	\$1,140.00	\$1,140.00
Elections Subtotal		\$6,090.00	\$6,850.00	\$6,850.00
Office Supplies				
Office Supplies	100-41911-200	\$2,000.00	\$2,100.00	\$2,100.00
Office Equipment	100-41911-230	\$0.00	\$0.00	\$0.00
Contracted Services (Toshiba)	100-41911-314	\$625.00	\$625.00	\$250.00
Postage/Postal Permits				
Office Supplies	100-41430-200	Non Levy	Non Levy	Non Levy
Office Operations Subtotal		\$2,625.00	\$2,725.00	\$2,350.00
Financial Administration				
Fees (banking)	100-41501-437	\$400.00	\$400.00	\$0.00
Subtotal		\$400.00	\$400.00	\$0.00
Insurance - City				
Insurance				
Packaged Liability (incl. gen. liab.)	100-41945-361	\$6,200.00	\$6,500.00	\$8,500.00
Property Insurance	100-41945-362			
Worker's Comp (for employees & contractors per audit)	100-41945-150	\$2,663.00	\$3,100.00	\$3,100.00
Excess Liability	100-41945-369	\$855.00	\$855.00	\$855.00
Insurance Subtotal		\$9,718.00	\$10,455.00	\$12,455.00
Assessing				
Contracted Services	100-41550-314	\$5,550.00	\$5,550.00	\$6,000.00
Legal Services				
Professional Services	100-41601-300	\$18,000.00	\$18,000.00	\$19,000.00
Engineer Service				
Professional Services	100-41650-300	\$7,000.00	\$10,000.00	\$12,000.00
Planner Service				

Professional Services	100-41650-300		\$2,000.00	\$0.00
Planning & Zoning	100-41910-314			
Services Subtotal		\$30,550.00	\$35,550.00	\$37,000.00
City Training & Development				
Training (Admin & Council)	100-41914-310	\$3,000.00	\$3,000.00	\$2,000.00
Travel & Subsistence (Admin trainings)	100-41914-334			
Dues & Subscriptions (LMC memberships, etc.)	100-41914-433	\$1,040.00	\$1,105.00	\$1,137.00
Grants - Counseling Center (NYFS)	100-41905-438	\$2,000.00	\$1,805.00	\$1,805.00
T & D Subtotal		\$6,040.00	\$5,910.00	\$4,942.00
City Hall-Gov't Buildings				
Repair, Operating & Maint. Supplies	100-41940-220	\$765.00	\$810.00	\$810.00
Contracted Services (janitorial)	100-41940-314	\$1,000.00	\$1,000.00	\$1,000.00
Utility Services	100-41940-380	\$3,500.00	\$3,500.00	\$3,500.00
Buildings & Structures	100-41940-520			
I.T./Internet/Telephone (Metro-INET & GovOffice)	100-41940-320	\$9,100.00	\$5,250.00	\$5,250.00
Contracted I.T. Software (Microsoft & iDrive)	100-41940-320		\$900.00	\$900.00
Gov't Bldgs Subtotal		\$14,365.00	\$10,560.00	\$11,460.00
Cable Eqpmt and Service				
Contracted Services (videographer)	100-41950-314			
Communication (Minutes Solutions and zoom)	100-41950-320			\$3,000.00
Communication Subtotal		\$0.00	\$0.00	\$3,000.00
TOTAL Gen Government		\$183,845.00	\$157,187.00	\$225,605.00
PUBLIC SAFETY				
Police				
Contracted Services	100-42101-314	\$63,500.00	\$64,805.00	\$72,500.00
Fire				
Contracted Services	100-42201-314	\$29,545.00	\$32,845.00	\$36,590.00
Building Inspection (non levy)				
Contracted Services	100-42401-314	Non Levy	Non Levy	Non Levy
Fees (variance, cond.use permits)	100-42401-437	Non Levy	Non Levy	Non Levy
Other Protection				
Contracted Services (Code Red)	100-42801-314	\$100.00	\$100.00	\$100.00
Animal Control	100-41916-314	\$1,000.00	\$1,000.00	\$1,000.00

PUBLIC SAFETY TOTAL		\$94,145.00	\$98,750.00	\$110,190.00
PUBLIC WORKS				
Highways, Streets & Roadways				
Repair & Maint. Supplies	100-43101-220			
Contracted Services (Pot Holes)	100-43101-314	\$6,000.00	\$10,000.00	\$14,000.00
Street Sweeping	100-43103-314	\$4,000.00	\$4,000.00	\$4,000.00
Street Maintenance Subtotal		\$10,000.00	\$14,000.00	\$18,000.00
Street Lights				
Utility Services	100-43160-380	\$15,000.00	\$15,000.00	\$16,800.00
Drainage - Structure Care				
Contracted Services (sump cleanout - Schifsky's)	100-43150-314	\$2,000.00	\$2,000.00	\$2,000.00
Fees (mpca)	100-43150-437	\$400.00	\$400.00	\$400.00
Subtotal		\$2,400.00	\$2,400.00	\$2,400.00
Ice and Snow Removal				
Operating Supplies (salt, sand)	100-43125-210	\$5,000.00	\$5,000.00	\$7,500.00
Contracted Services (Birch)	100-43125-314	\$17,000.00	\$17,000.00	\$20,000.00
Snow & Ice Subtotal		\$22,000.00	\$22,000.00	\$27,500.00
Water Utility				
Refunds & Reimbursements	100-43180-810	Non Levy	Non Levy	Non Levy
Sewer Utility				
Refunds & Reimbursements	100-43190-810	Non Levy	Non Levy	Non Levy
TOTAL - Public Works		\$49,400.00	\$53,400.00	\$64,700.00
CULTURE & RECREATION				
Recreation				
Dues & Subscriptions (WBLCD)	100-45101-433	Non Levy	Non Levy	Non Levy
Community Events (Volunteer Recognition)	210-45101-440	Non Levy	Non Levy	Non Levy
TOTAL Recreation		\$0.00	\$0.00	\$0.00
Parks				
Wages and Salaries	100-45207-100	\$21,500.00	\$21,500.00	\$22,800.00
Employer Cont.-Retirement	100-45207-121	\$850.00	\$850.00	\$3,192.00
Medicare - Employer	100-41401-100	\$450.00	\$450.00	\$342.00
Social Security - Employer	100-41401-100	\$1,780.00	\$1,780.00	\$1,596.00
Operating Supplies	100-45207-210			
Repair & Maint. Supply/Contractual	100-45207-400	\$2,000.00	\$2,100.00	\$2,100.00

Contracted Services (porta potty)	100-45207-314	\$2,500.00	\$2,500.00	\$2,500.00
Utility Services	100-45207-380	\$800.00	\$800.00	\$800.00
Fees	100-45207-530			
Projects				
Parks GF Subtotal		\$29,880.00	\$29,980.00	\$35,382.00
TOTAL Parks & Recreation		\$29,880.00	\$29,980.00	\$35,382.00
SANITATION				
Tree Care - Inspection & Removal				
Contracted Services (tree inspector)	100-43104-314	\$1,300.00	\$1,300.00	\$1,300.00
Tree Removal				
Operating Supplies	100-43135-210			
Contracted Services	100-43135-314	\$5,000.00	\$5,000.00	\$5,000.00
Sanitation - Recycling				
Contracted Services (Tennis Sanitation)	100-43300-314	\$14,500.00	\$14,500.00	\$17,664.00
Lawn Care/Maintenance				
Contracted Services	100-45208-100	\$0.00	\$0.00	\$0.00
TOTAL - Sanitation		\$20,800.00	\$20,800.00	\$23,964.00
CONSERVATION - NATURAL RESOURCE				
Fees, Dues & Subscriptions (WBLCD)	100-46101-437	\$2,000.00	\$2,000.00	\$2,000.00
TOTAL - Conservation		\$2,000.00	\$2,000.00	\$2,000.00
UNALLOCATED EXPENDITURES				
Miscellaneous	100-49201-430	\$1,930.00	\$2,000.00	\$2,000.00
Transfer to Capital Projects Fund	100-49360-722	\$30,000.00	\$30,000.00	\$30,000.00
Sewer L/S 1 Project	100-49365-530	\$100,000.00	\$100,000.00	\$0.00
Village Hall Restoration	100-41940-220		\$17,883.00	\$0.00
TOTAL - Other Unallocated		\$131,930.00	\$149,883.00	\$32,000.00
TOTAL OPERATING EXPENDITURES (DISBURSEMENTS)		\$512,000.00	\$512,000.00	\$493,841.00
		<u>2021</u>	<u>2022</u>	<u>2023</u>
Levy	\$	512,000	\$	512,000
Proposed \$\$ Change	\$	23,500	\$	23,500
Proposed % Change		4.81%		4.81%
				\$ 493,841
				-\$18,159.00
				-3.55%

RESOLUTION 2022-19

**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 2023**

WHEREAS, the City of Birchwood Village is required to maintain a budget to fund its regular operations; and

WHEREAS, the City has the legal authority to levy necessary funds to operate; and

WHEREAS, the City continually monitors its expenditures and develops a budget based on a calendar year's expenses.

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 2023, 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 13th day of December 2022.

Mary Wingfield, Mayor

Attest:

Rebecca Kellen, City Administrator-Clerk

RESOLUTION 2022-20

**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 2023**

WHEREAS, the City of Birchwood Village is required to maintain a budget to fund its regular operations; and

WHEREAS, the City has the legal authority to levy necessary funds to operate; and

WHEREAS, the City continually monitors its expenditures and develops a budget based on a calendar year's expenses; and

WHEREAS, the City conducted a Truth In Taxation meeting on December 13th, 2022 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 2023 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 2023, be set at \$493,841.00

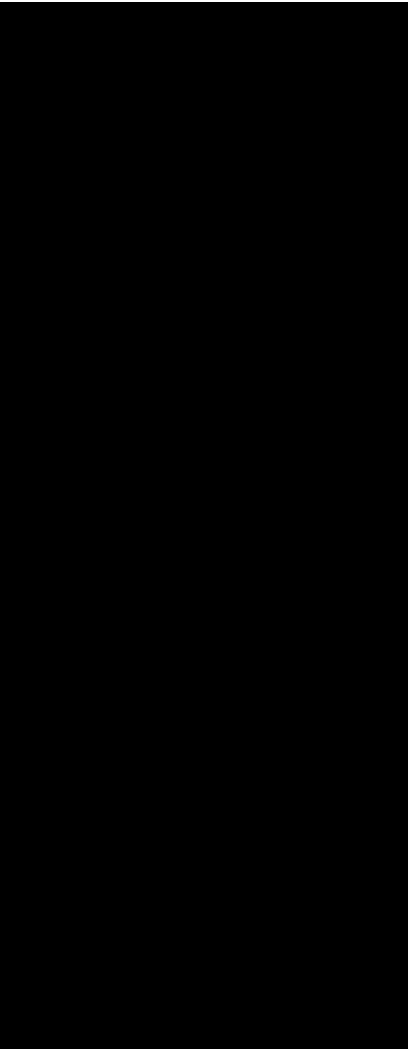
I certify that the City Council of the City of Birchwood Village, Washington County, Minnesota adopted the above Resolution on this 13th day of December 2022.

Mary Wingfield, Mayor

Attest:

Rebecca Kellen, City Administrator-Clerk

CITY OF BIRCHWOOD VILLAGE
PRELIMINARY CERTIFICATION LIST - SUMMARY BALANCES

Customer Number	Customer Name	Cert Payor	Property Address	Tax Parcel	Amount
8163-01		Owner	131 WILDWOOD AVE	19-030-21-33-0003	\$384.12
		Occupied			
8165-00		Owner	135 WILDWOOD AVE	30-030-21-22-0069	\$506.11
		Occupied			
8167-00		Owner	136 WILDWOOD AVE	30-030-21-22-0017	\$1153.30
		Occupied			
8243-01		Tenant	310 WILDWOOD AVE	30-030-21-21-0065	\$988.53
8247-01		Owner	265 CEDAR ST	30-030-21-24-0075	\$658.34
		Occupied			
8251-02		Tenant	312 WILDWOOD AVE	30-030-21-21-0066	\$501.76
8259-00		Owner	2 PARK AVE	30-030-21-13-0040	\$396.90
		Occupied			
8290-00		Owner	297 JAY ST	30-030-21-42-0057	\$2061.31
		Occupied			
8295-01		Owner	509 WILDWOOD AVE	30-030-21-13-0049	\$184.47
		Occupied			
8313-00		Owner	703 BIRCHWOOD AVE	30-030-21-42-0044	\$273.73
		Occupied			
8377-01		Owner	232 CEDAR ST	30-030-21-24-0066	\$986.44
		Occupied			
8377-02		Tenant	232 CEDAR ST	30-030-21-24-0066	\$180.63
8380-01		Tenant	403 BIRCHWOOD AVE	30-030-21-24-0068	\$146.32
8385-00		Owner	124 CEDAR ST	30-030-21-23-0049	\$595.52
		Occupied			
8408-00		Owner	3832 E COUNTY LINE RD	30-030-21-23-0057	\$132.78
		Occupied			
8451-01	Owner	21 OAKRIDGE DR	30-030-21-23-0001	\$484.19	
	Occupied				
8462-02	Owner	179 CEDAR ST	30-030-21-22-0060	\$351.88	
	Occupied				
8475-00	Owner	6 OAKVIEW CT	30-030-21-24-0060	\$882.74	
	Occupied				
8690-01	Owner	15 OAKRIDGE DR	30-030-21-23-0039	\$1088.19	
	Occupied				
					<u>\$11957.26</u>

**CITY OF BIRCHWOOD VILLAGE
STATE OF MINNESOTA**

RESOLUTION 2022-18

RESOLUTION CERTIFYING UNPAID UTILITY CHARGES FOR COLLECTION

WHEREAS, the City of Birchwood Village has identified residents who are delinquent in payment of their utility bills, and

WHEREAS, the City has given notice to those residents that the City Council would conduct a public hearing on December 13, 2022, at which residents who are considered delinquent would have an opportunity to be heard; and

WHEREAS, the City has provided ample opportunity for residents to pay their utility bills.

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

1. The City of Birchwood Village hereby makes the delinquent utility payments on the following accounts a charge against the resident identified and hereby certifies these unpaid charges to the county auditor with taxes against the property served for collection as other taxes are collected.
2. The resident may pay the amount due at any time. If payment is made by 5pm central standard time on December 14, 2022, the delinquency will not be certified to the county.
3. After December 14, 2022, the City Administrator shall transmit a certified copy of this list to the County Auditor to be extended on the property tax lists of the county and such assessment shall be collected and paid in the same manner as property taxes.

I certify that the City Council of the City of Birchwood Village, Washington County, Minnesota adopted the above Resolution on this 13th day of December 2022.

Mary Wingfield, Mayor

Attest:

Rebecca Kellen, City Administrator-Clerk

Permit #	_____
APPROVALS:	
Eng:	_____
Plng	_____
Bldg	_____
for office use only	

Please Note:
All Permits must be accompanied with a checklist and survey



207 Birchwood Ave, Birchwood, MN 55110
651-426-3403 Fax 651-426-7747
Email: info@cityofbirchwood.com

ZONING/CONDITIONAL USE Permit Application

PRINT OR TYPE APPLICATION

Site Information

Address 8 Oak Hill Ct

Is a variance required? Yes No If yes, provide Planning Department information _____

Work Description

Proposed starting date ASAP Completion date Before year's end

ZONING

- Land Disturbance (greater than 100 sq ft/ 50 cubic yds)*
- Beach sand replacement (above the OHWL not to exceed 400 sq ft and/or 50 cubic yds in volume)*
- Decks/platforms (less than 30" above grade not attached to structure with frost ftg)
- Driveways/sidewalks/patio (whose area is greater than 100 sq ft)*
- Fences*
- Retaining Wall*
- Stairs/lifts to lake or water body*
- Shed (144 sq ft)*

CONDITIONAL USE

- Land Disturbance (slopes toward a lake, pond, wetland, Watercourse)*
- Land Disturbance (greater than 400 Sq ft and/or more than 50 cubic yds)*
- Solar Energy System
 - Swimming Pool*
 - Tennis/pickleball courts*
 - Home Occupation
- *PLEASE NOTE- Any person applying for a Conditional Use Permit (301.070) shall fill out and submit to the City Clerk at least (14) days prior to the Planning Commission meeting a "Conditional Use Permit form. A fee to be set by the City Council shall be paid.
- *Surveys are required with permit**

Additional Description: Rooftop Solar PV system on the residence.

Valuation \$33,866

Applicant is: Owner Contractor

Contractor Information

Company name All Energy Solar MN Contractors License # BC665819
Address 1264 Energy Lane City St Paul State MN Zip 55108
Contact person name Colin Buechel
Phone 651-842-9404 Cell _____ Email colin.buechel@allenergysolar.com Fax _____

Homeowner Information

Name Kathryn and Michel Lien
Address 8 Oak Hill Ct
City St Paul State MN Zip 55110
Phone (651) 387-8996 Cell _____ Email _____ Fax 051

NOTICE:

The City and its representative accept no responsibility for error and/or damages caused due to incomplete and/or inaccurate information herein. It is the responsibility of the applicant to ensure the accuracy and completeness of this information.

The City will hold applicant responsible for any damage to public property that occurs in the course of performing the activities of this permit

Any changes to this application will make the permit voidable unless amendments are approved by the City with prior consent. The applicant will provide (separate documents, surveys, and calculations) to the City, showing the affected areas, grade plane, change in elevation, and imperious surface.

The applicant shall comply with all provision of the State Building, Plumbing, Mechanical, Electrical, and Fire Codes, as well as all City Ordinances governing zoning and buildings. The State of Minnesota regulates all electrical work. The continued validity of this permit in contingent upon the applicant's compliance of all work done and materials used, with the plans and specifications herewith submitted, and wit the applicable ordinances of the City.

Under penalty of perjury the applicant declares that the information provided in and enclosed herewith is complete and all documents represented are true and correct representations of the actual project building which will be built in conformance with such representation.

Applicant's signature Colin Buechel Date 10/27/2022

Applicant's printed or typed name Colin Buechel

Owner/Applicant Statement - To be completed only when the homeowner is the permit applicant

I understand the State of Minnesota requires residential contractors, residential remodelers and residential roofers be licensed to work in the State unless they qualify for a specific exemption from the licensing requirements. By signing this statement, I certify that I am building or improving this dwelling myself. I claim to be exempt from state licensing requirements because I am not in the business of building on speculation or for resale. I certify I have not built or improved any other residential structures in the State within the past twelve months. I also acknowledge that, because I do not have a state license, I forfeit any mechanic's lien rights to which I may otherwise have been entitled under MS 514.01.

I further acknowledge I may be hiring independent contractors to perform certain aspects of the improvements on this dwelling, and I understand some of these contractors may be required to be licensed by the State. I understand unlicensed residential contracting, residential remodeling and residential roofing activity is a misdemeanor under Minnesota law, and I forfeit my rights to reimbursement from the Contractors Recovery Fund in the event any contractors I hire are unlicensed.

Homeowner's Signature: _____ Date: _____

Contact the Minnesota Department of Commerce, Enforcement Division to determine if a contractor is licensed or exempt or to check on contractor status. Metro: (651) 296-2594, Outstate: 1 (800) 657-3602, www.commerce.state.mn.us/mainbc.htm

For office use only:

Special Approvals	req	rec	Cert of insurance or cash Escrow		Permit Fees	
Washington County			Soil Investigation Report or Shoring Plan		City Plan Review Fee	\$
Rice County			Existing Conditions Report		Planner Review Fee	\$
WBL Conservation Dist			Demolition Notification		State Surcharge Fee	\$
Dept Natural Resource (DNR)			Construction Signage		Permit Escrow Fee	\$ 3,000.00
City Council			Stormwater/Erosion Control Plan		TOTAL	\$



PROCEDURE FOR OBTAINING A CONDITIONAL USE PERMIT: Any person applying for a Conditional Use Permit shall fill out and submit the permit and completed information below to the City Clerk at least fourteen (14) days prior to the Planning Commission meeting.

Instructions: Please fill out completely before submitting your plans. If you have any questions before or during the review process, please contact the city. To be submitted with permit application.

Information required with application for Solar Energy Systems

<u>Check if submitted</u>	Items required to be submitted for Plan Approval
	Use for which system is being installed
	Description of system including type, capacity, and physical size
	Survey/site plan including locations of Solar Energy System, collector, and other structures
	Engineering calculations to show system is adequate to heat dwelling if solar energy system is to serve as primary heating system. <ul style="list-style-type: none"> a. Evidence system is maintainable. b. Capacity evidence of backup system
	Reasonable care must be taken so as not to restrict the solar radiation falling on adjacent parcels of land.

Plans will be reviewed and approved by the City's Building, Engineering and Planning personnel. Review time will vary depending upon if the application packet and submittals are accurate and complete. Submitting incomplete plans and documents will cause delays to the review process. I acknowledge that the items checked on the list above are included with the submitted plans.

Contact Person: Colin Buechel

Phone #: 651-842-9404 Email: colin.buechel@allenergysolar.com

Signature: Colin Buechel

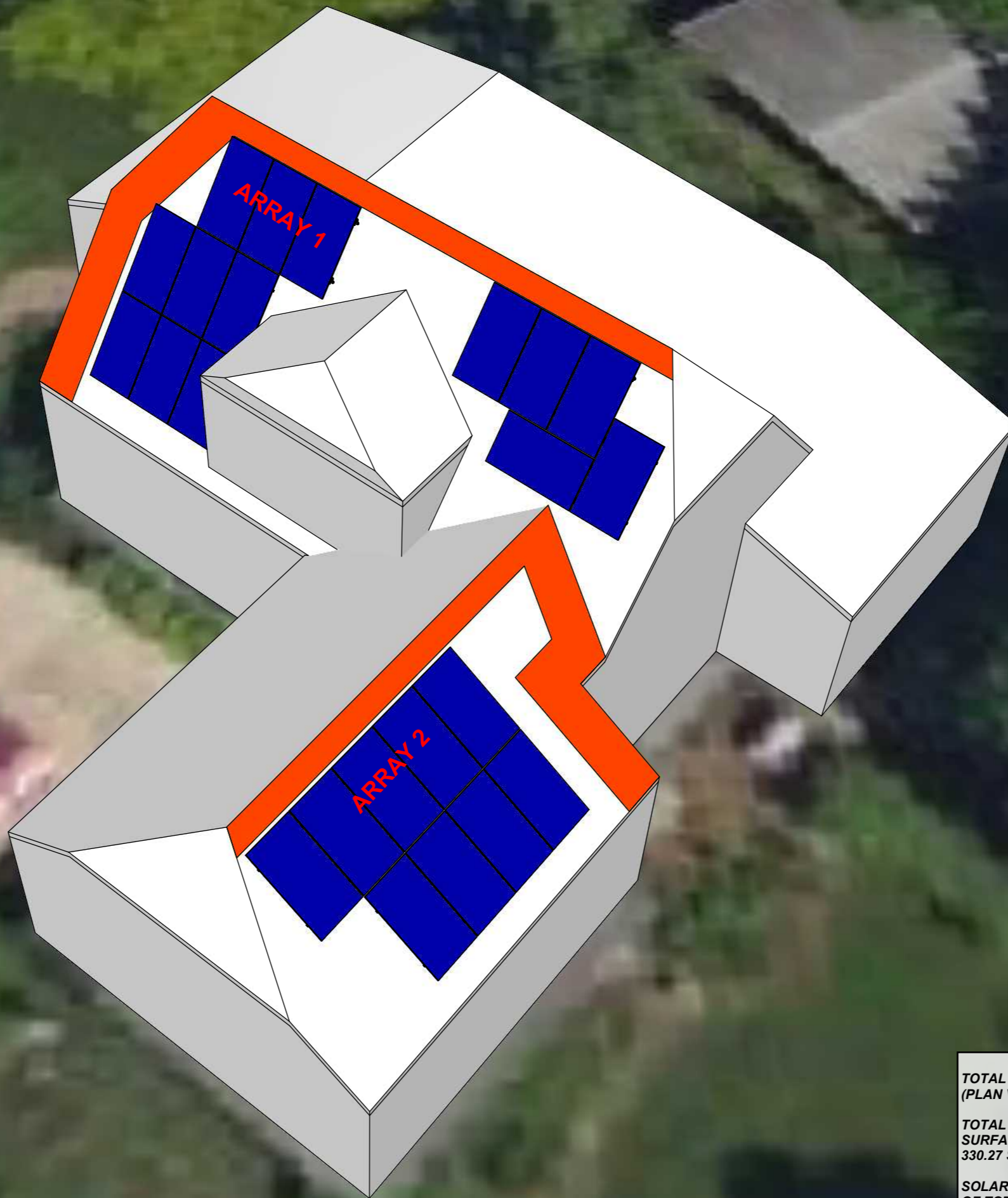


Survey Requirements for
New Homes, Additions, Garages
Zoning and Conditional Use Permits

Please include this sheet with Permit

1. Property lines showing monument locations. Registered surveyor must prepare survey.
2. Bar Scale of drawing. Minimum scale 1' - 50'. Maximum sheet drawing size 24" x 36".
3. Full legal description
4. Dimensions of lot including square footage and north arrow
5. Dimensions of front, rear and side yards, proposed and existing
6. Locations and dimensions of all existing buildings/structures on the lot.
7. Location and dimensions of proposed building/addition/structure, including cantilevers beyond the foundation.
8. Side yard and setback dimensions of buildings/structures on adjacent lots.
9. Location of all easements as shown on record plats.
10. Tree survey & Tree Protection Plan required
11.1 Each lot corner (existing and proposed).
11.2. Grade at the foundation and top of foundation of structures on adjacent lots.
11.3. Grade at the foundation, top of foundation, main floor and garage floor of proposed new construction.
11.4. Lowest point of entry (i.e. doorsill or top of window well) of proposed and existing construction.
11.5. Lowest floor of proposed and existing construction.
11.6. Top of wall and bottom of wall elevations at regular intervals for all retaining walls.
12. Placement and method of erosion control, including construction entrance location.
13. Arrows indicating direction of existing and proposed grades.
14. One foot contours indicating existing and proposed grades
15. Lot coverage calculations.
16. Record of revisions, with revision date, number and description
17. Signature, date and certification of surveyor.

OAK HILL COURT



TOTAL ROOF SURFACE AREA
(PLAN VIEW) : 3731.72 SQ FT

TOTAL SOLAR MODULE
SURFACE AREA (PLAN VIEW) :
330.27 SQ FT

SOLAR PANELS COVER 8.85%
OF TOTAL ROOF SURFACE
AREA IN PLAN VIEW



COMPANY INFORMATION

ALL ENERGY SOLAR, INC
1264 ENERGY LANE
ST PAUL, MN 55108
(800) 620-3370
INFO@ALLENERSOLAR.COM

CLIENT INFORMATION

MICHEAL & KATHRYN LIEN
8 OAK HILL COURT
ST. PAUL, MN 5510
PO 60337

Panel Type

REC 400

of Panels

23

System Size (kW)

9.2

FLUSH MOUNT

NOTES:

1. (23) ENPHASE IQ 7A INVERTER(S)
2. ARRAY 1:
52° TILT, 219° AZIMUTH
3. ARRAY 2:
30° TILT, 129° AZIMUTH

AZIMUTH



REVISIONS

LAST: 10/14/22 CW

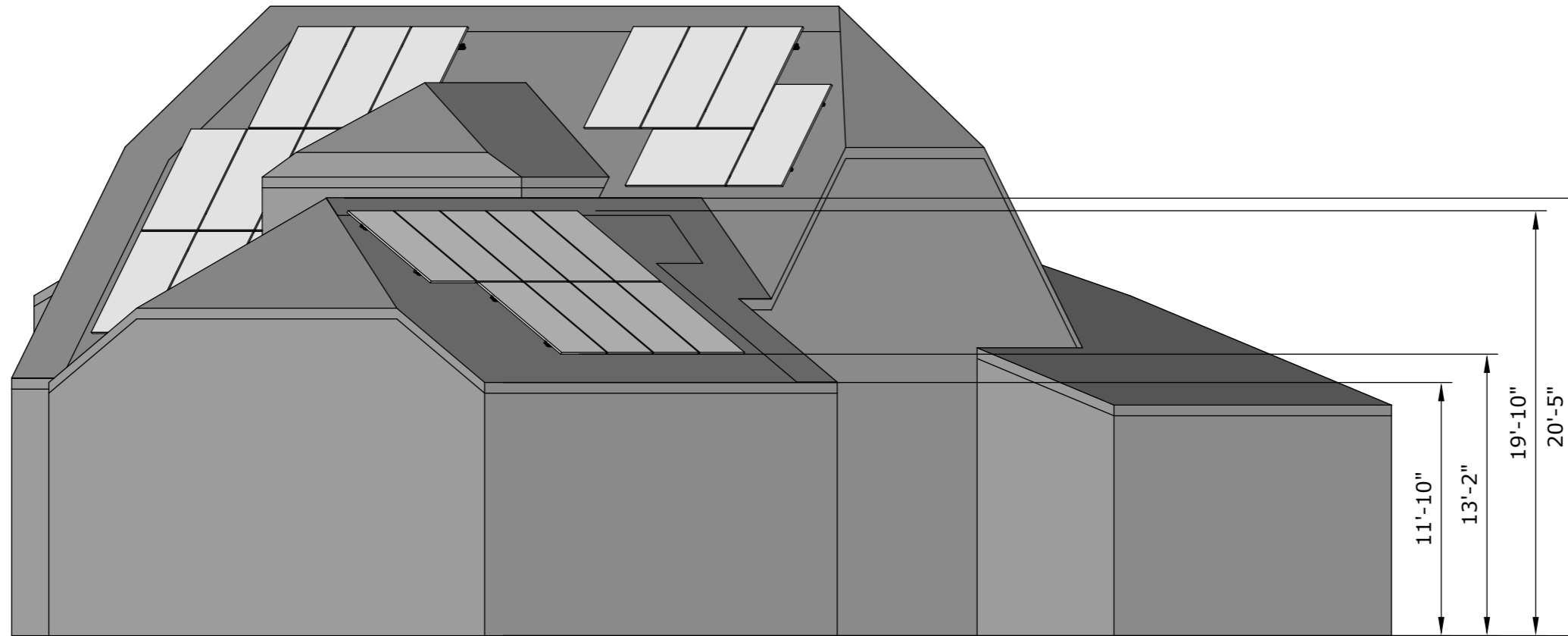
PROJECT-PAGE TITLE

COVER PAGE

PAGE NUMBER

A0

SOUTH ELEVATION



COMPANY INFORMATION

ALL ENERGY SOLAR, INC
 1264 ENERGY LANE
 ST PAUL, MN 55108
 (800) 620-3370
 INFO@ALLEENERGYSOLAR.COM

CLIENT INFORMATION

MICHEAL & KATHRYN LIEN
 8 OAK HILL COURT
 ST. PAUL, MN 5510
 PO 60337

SYSTEM DETAILS

NOTES:

- ELEVATIONS MAY VARY DEPENDING ON GROUND ELEVATION BUT ARE DRAWN TO THE BEST OF OUR ABILITY
- 2x6 TRUSS 24" OC
2x6 RAFTER 16" OC

SETBACKS:

- 18" FROM RIDGE
- 18" FROM BOTH SIDES OF VALLEY
- 36" FROM EDGE

REVISIONS

LAST: 10/14/22 CW

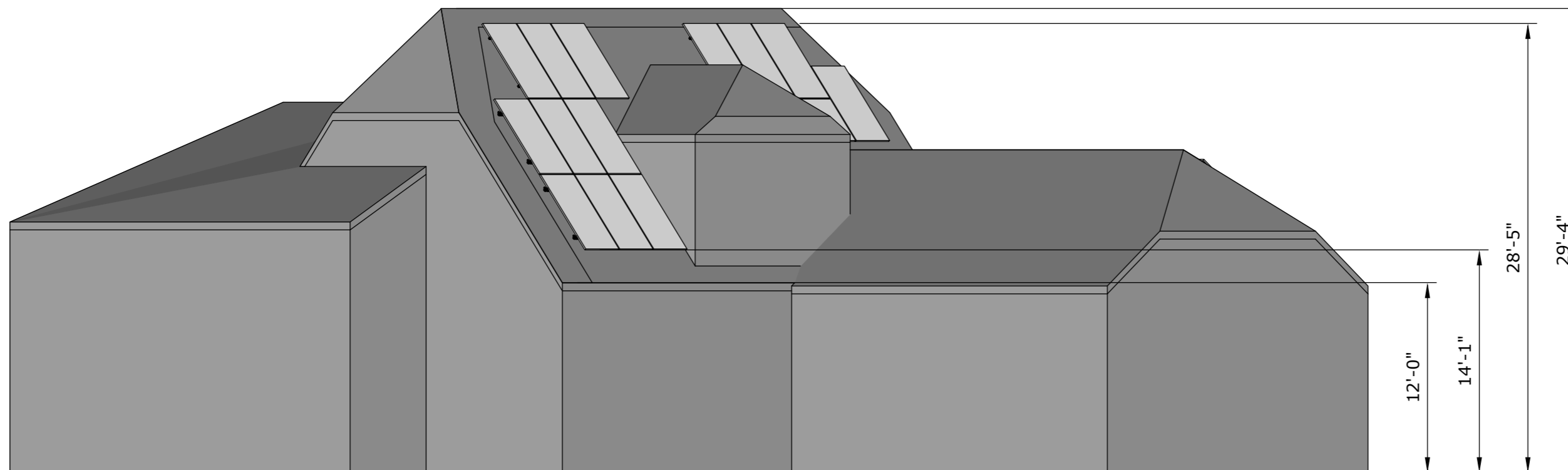
PROJECT-PAGE TITLE

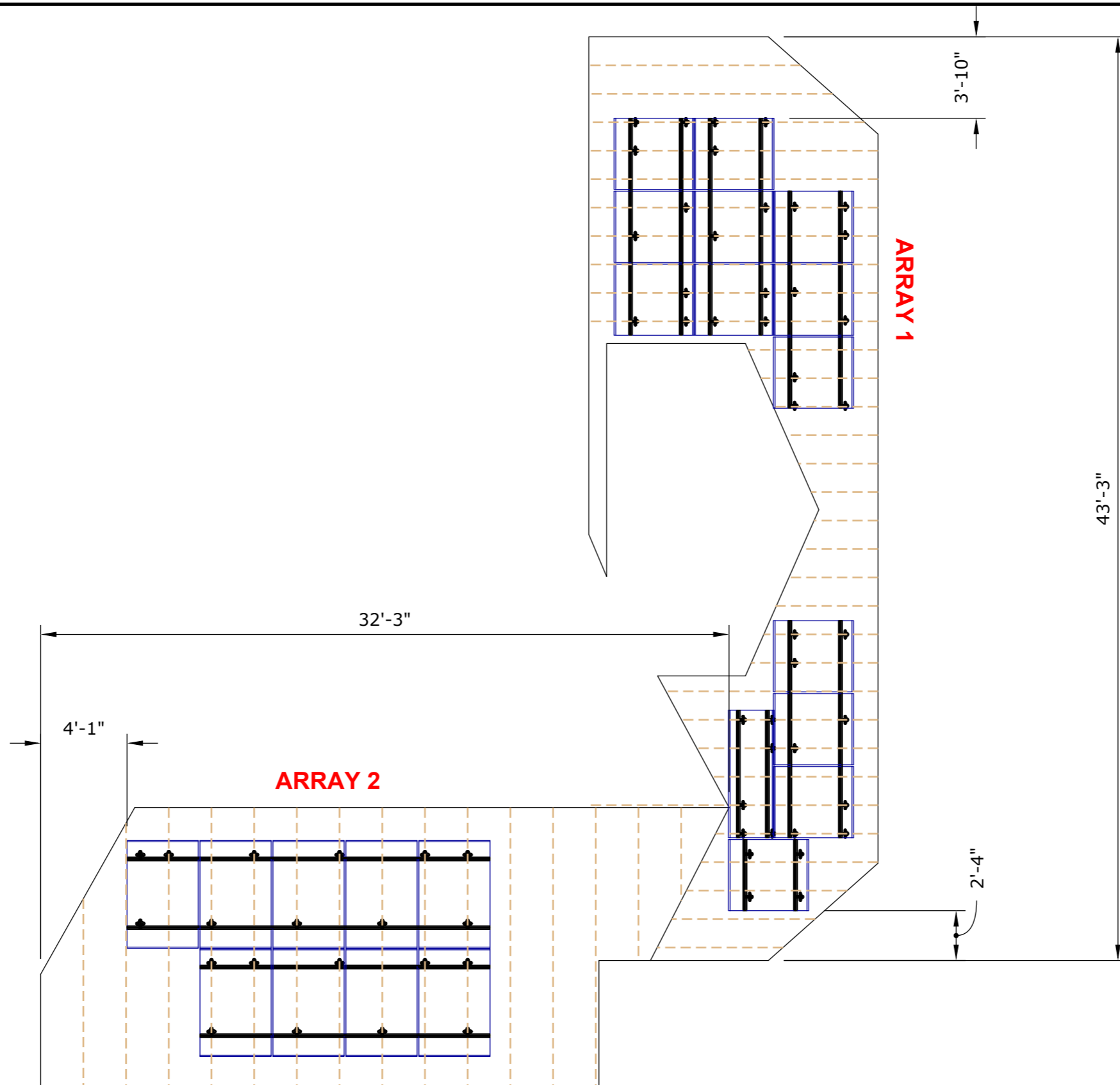
ELEVATION DRAWINGS

PAGE NUMBER

A1_{b56}

WEST ELEVATION





COMPANY INFORMATION

ALL ENERGY SOLAR, INC
 1264 ENERGY LANE
 ST PAUL, MN 55108
 (800) 620-3370
 INFO@ALLEENERGYSOLAR.COM

CLIENT INFORMATION

MICHEAL & KATHRYN LIEN
 8 OAK HILL COURT
 ST. PAUL, MN 5510
 PO 60337

SYSTEM DETAILS

SNAP-N-RACK
 MOUNTING HARDWARE:

1. (62) L-FEET
2. (2) RAIL SPLICES
3. CLAMPS
 (30) MIDCLAMPS
 (32) ENDCLAMPS
4. RAIL LENGTHS:
 (14) 172" RAILS

2x6 TRUSS 24" OC
 2x6 RAFTER 16" OC

**STRINGING TO BE DETERMINED ON SITE*

AZIMUTH



REVISIONS

LAST: 10/14/22 CW

PROJECT-PAGE TITLE

RAIL AND
 STRINGING
 DIAGRAM

PAGE NUMBER

A2₀₅₇

(23) REC REC400AA PURE
 BLACK MODULES

(23) ENPHASE IQ 7A
 INVERTER(S)

CIRCUITS:

(2) CIRCUIT(S) OF 8 MICROS

(1) CIRCUIT(S) OF 7 MICROS

71.70" x 40.00" x 1.2"

MAX CIRCUIT LENGTH (120/240V)	15A BREAKER	20A BREAKER
ENPHASE IQ7	12	16
ENPHASE IQ7+	9	13
ENPHASE IQ7A	8	11

TOTAL ROOF SURFACE AREA
 (PLAN VIEW) : 3731.72 SQ FT

TOTAL SOLAR MODULE
 SURFACE AREA (PLAN VIEW) :
 330.27 SQ FT

SOLAR PANELS COVER 8.85%
 OF TOTAL ROOF SURFACE
 AREA IN PLAN VIEW



COMPANY INFORMATION

ALL ENERGY SOLAR, INC
 1264 ENERGY LANE
 ST PAUL, MN 55108
 (800) 620-3370
 INFO@ALLEENERGYSOLAR.COM

CLIENT INFORMATION

KATHRYN LIEN
 8 OAK HILL COURT
 ST. PAUL, MN 5510
 PO 60337

SYSTEM DETAILS

- NOTES:
- (23) ENPHASE IQ 7A INVERTER(S) = 8.027kW AC
 - ARRAY 1:
 219° AZIMUTH, 52° TILT
 (14) REC 400W = 5.6kW
 - ARRAY 2:
 129° AZIMUTH, 30° TILT
 (9) REC 400W = 3.6kW

ACCOUNT: 51-5935314-5
 PREMISE: 303409522
 METER: 980155911
 CASE NUMBER: 05277590

AZIMUTH



REVISIONS

LAST: 10/14/22 CW

PROJECT-PAGE TITLE

SITE MAP

PAGE NUMBER

A3

DISTANCES

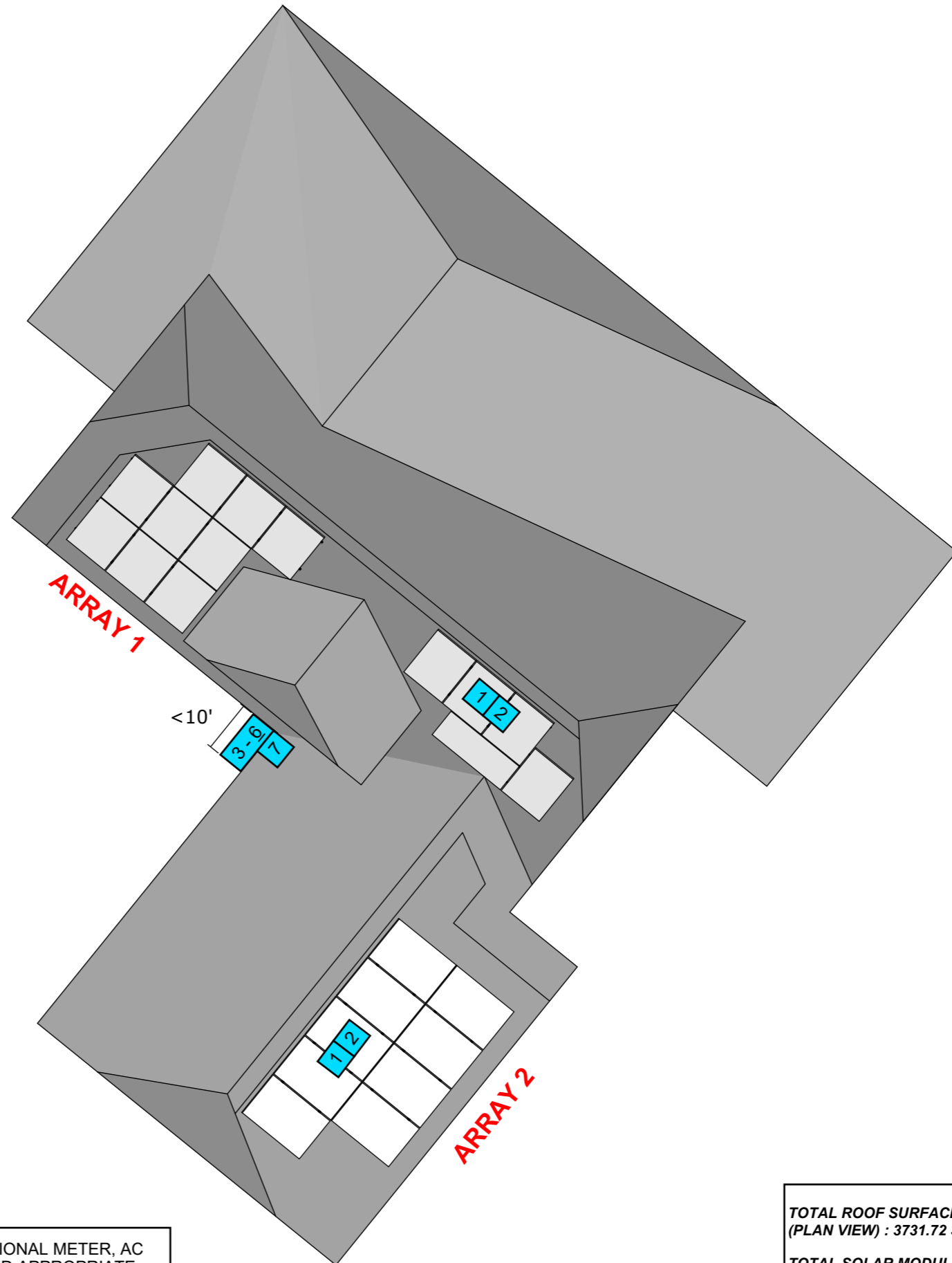
- SOLAR PANELS - INVERTERS: 5' MAX
- INVERTERS - IQ COMBINER PANEL: 50' MAX
- IQ COMBINER PANEL - UTILITY FUSED AC DISCONNECT: 2'
- UTILITY FUSED AC DISCONNECT - BI-DIRECTIONAL METER: 2'
- BI-DIRECTIONAL METER - MAIN ELECTRIC SERVICE: 5'

CALL-OUTS:

- SOLAR PANELS
- INVERTERS
- ENPHASE IQ COMBINER PANEL
- UTILITY FUSED AC DISCONNECT
- BI-DIRECTIONAL METER
- MAIN ELECTRIC SERVICE

OAK HILL COURT

OAKRIDGE DRIVE (≈450 FT)



NOTES:

- LOCATION OF SERVICE PANEL AND ELECTRICAL EQUIPMENT ARE SHOWN. FINAL LOCATION MAY CHANGE
- LOCATION OF SERVICE PANEL AND ADDITIONAL ELECTRICAL EQUIPMENT NOT DRAWN TO SCALE
- PV INTERCONNECTION IS A SECONDARY INTERCONNECTION
- AC DISCONNECT IN READILY ACCESSIBLE LOCATION WITHIN 10' OF MAIN SERVICE METER/BI-DIRECTIONAL METER. 24/7 UNESCORTED KEYLESS ACCESS TO BE PROVIDED FOR UTILITY AC DISCONNECT & BI-DIRECTIONAL METER.**
- PV EQUIPMENT SHALL BE INSTALLED IN ACCORDANCE WITH NEC 690 AND POSTED WITH APPLICABLE WARNINGS, SIGNAGE, AND PLAQUES PER NEC 705-10, 690-17, & 690-64 (b)(5).
- CIRCUITS:
 (2) CIRCUIT(S) OF 8 (15AMPS EACH)

LABELS LOCATED ON BI-DIRECTIONAL METER, AC DISCONNECT, INVERTER(S), AND APPROPRIATE LABELS ON MAIN ELECTRIC SERVICE. ALL LABELS ARE PERMANENT AND DURABLE

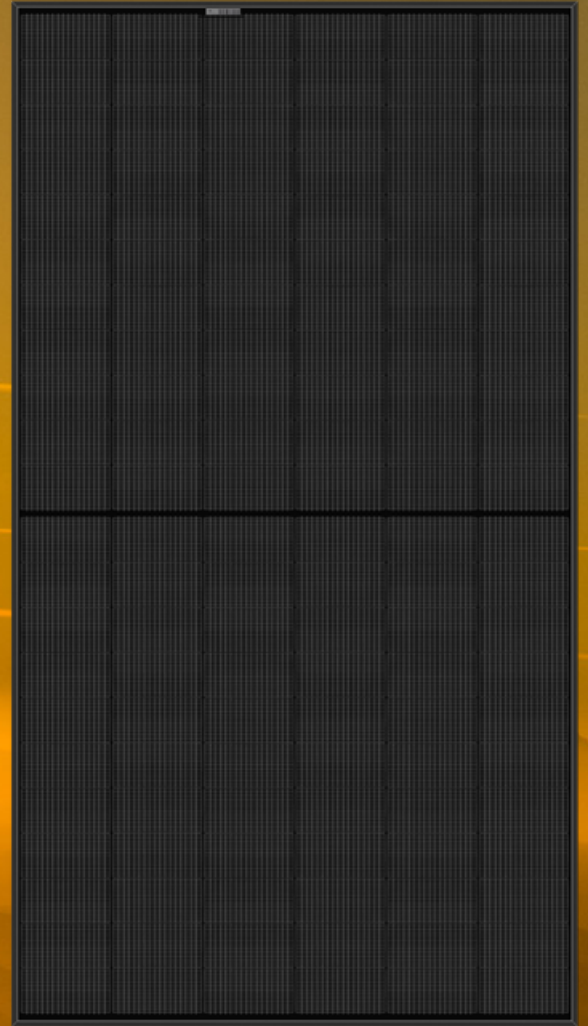
THERE ARE NO CLEARANCE ISSUES DUE TO OVERHEAD POWERLINES.

TOTAL ROOF SURFACE AREA (PLAN VIEW) : 3731.72 SQ FT

TOTAL SOLAR MODULE SURFACE AREA (PLAN VIEW) : 330.27 SQ FT

SOLAR PANELS COVER 8.85% OF TOTAL ROOF SURFACE AREA IN PLAN VIEW

SOLAR'S MOST TRUSTED



REC ALPHA[®] PURE BLACK SERIES

PRODUCT SPECIFICATIONS

400 WP
20.3 $\frac{W}{FT^2}$



ELIGIBLE

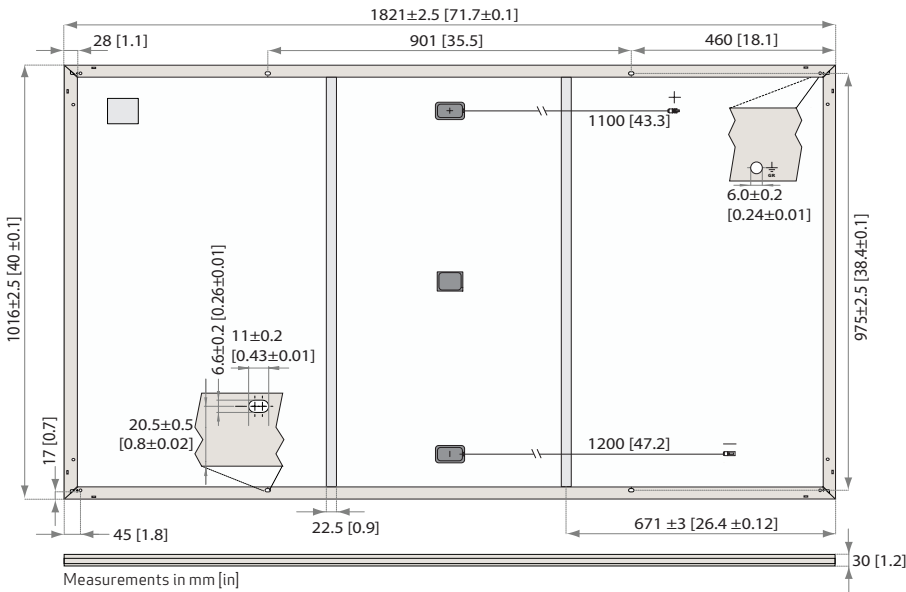


LEAD-FREE
ROHS COMPLIANT

EXPERIENCE



PERFORMANCE



CERTIFICATIONS

IEC 61215:2016, IEC 61730:2016, UL 61730 (Pending)
ISO 14001:2004, ISO 9001:2015, OHSAS 18001:2007, IEC 62941



WARRANTY

	Standard	REC ProTrust	
Installed by an REC Certified Solar Professional	No	Yes	Yes
System Size	All	<25 kW	25-500 kW
Product Warranty (yrs)	20	25	25
Power Warranty (yrs)	25	25	25
Labor Warranty (yrs)	0	25	10
Power in Year 1	98%	98%	98%
Annual Degradation	0.25%	0.25%	0.25%
Power in Year 25	92%	92%	92%

See warranty documents for details. Conditions apply

MAXIMUM RATINGS

Operational temperature:	-40 ... +185°F (-40 ... +85°C)
Maximum system voltage:	1000 V
Maximum test load (front):	+7000 Pa (146 lbs/sq ft)*
Maximum test load (rear):	-4000 Pa (83.5 lbs/sq ft)*
Max series fuse rating:	25 A
Max reverse current:	25 A

* See installation manual for mounting instructions.
Design load = Test load / 1.5 (safety factor)

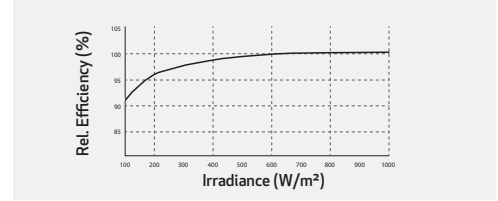
TEMPERATURE RATINGS*

Nominal Module Operating Temperature:	44°C (±2°C)
Temperature coefficient of P _{MAX} :	-0.26 %/°C
Temperature coefficient of V _{OC} :	-0.24 %/°C
Temperature coefficient of I _{SC} :	0.04 %/°C

*The temperature coefficients stated are linear values

LOW LIGHT BEHAVIOUR

Typical low irradiance performance of module at STC:



GENERAL DATA

Cell type:	132 half-cut REC heterojunction cells with lead-free, gapless technology 6 strings of 22 cells in series	Connectors:	Stäubli MC4PV-KBT4/KST4, 12AWG (4mm ²) in accordance with IEC 62852 IP68 only when connected
Glass:	0.13 in (3.2 mm) solar glass with anti-reflection surface treatment	Cable:	12AWG (4mm ²) PV wire, 43+47 in (1.1+1.2m) accordance with EN 50618
Backsheet:	Highly resistant polymer (black)	Dimensions:	71.7 x 40 x 1.2 in (1821 x 1016 x 30 mm)
Frame:	Anodized aluminum (black)	Weight:	45 lbs (20.5 kg)
Junction box:	3-part, 3 bypass diodes, IP67 rated in accordance with IEC 62790	Origin:	Made in Singapore

ELECTRICAL DATA

Product Code*: RECxxxAA Pure Black

	385	390	395	400	405
Power Output - P _{MAX} (Wp)	385	390	395	400	405
Watt Class Sorting - (W)	0/+5	0/+5	0/+5	0/+5	0/+5
Nominal Power Voltage - V _{MPP} (V)	41.2	41.5	41.8	42.1	42.4
Nominal Power Current - I _{MPP} (A)	9.35	9.40	9.45	9.51	9.56
Open Circuit Voltage - V _{OC} (V)	48.5	48.6	48.7	48.8	48.9
Short Circuit Current - I _{SC} (A)	9.99	10.03	10.07	10.10	10.14
Power Density (W/sq ft)	19.3	19.6	19.8	20.1	20.3
Panel Efficiency (%)	20.8	21.1	21.3	21.6	21.9
Power Output - P _{MAX} (Wp)	293	297	301	305	309
Nominal Power Voltage - V _{MPP} (V)	38.8	39.1	39.4	39.7	40.0
Nominal Power Current - I _{MPP} (A)	7.55	7.59	7.63	7.68	7.72
Open Circuit Voltage - V _{OC} (V)	45.7	45.8	45.9	46.0	46.1
Short Circuit Current - I _{SC} (A)	8.07	8.10	8.13	8.16	8.19

Values at standard test conditions (STC: air mass AM1.5, irradiance 10.75 W/sq ft (1000 W/m²), temperature 77°F (25°C), based on a production spread with a tolerance of P_{MAX}, V_{OC} & I_{SC} ±3% within one watt class. Nominal module operating temperature (NMOT: air mass AM1.5, irradiance 800 W/m², temperature 68°F (20°C), windspeed 3.3 ft/s (1 m/s). *Where xxx indicates the nominal power class (P_{MAX}) at STC above.

Founded in 1996, REC Group is an international pioneering solar energy company dedicated to empowering consumers with clean, affordable solar power. As Solar's Most Trusted, REC is committed to high quality, innovation, and a low carbon footprint in the solar materials and solar panels it manufactures. Headquartered in Norway with operational headquarters in Singapore, REC also has regional hubs in North America, Europe, and Asia-Pacific.



Enphase IQ 7A Microinverter

The high-powered smart grid-ready **Enphase IQ 7A Micro™** dramatically simplifies the installation process while achieving the highest system efficiency for systems with 60-cell and 72-cell modules.

Part of the Enphase IQ System, the IQ 7A Micro integrates with the Enphase IQ Envoy™, Enphase IQ Battery™, and the Enphase Enlighten™ monitoring and analysis software.

The IQ Series Microinverters extend the reliability standards set forth by previous generations and undergo over a million hours of power-on testing, enabling Enphase to provide an industry-leading warranty of up to 25 years.



High Power

- Peak output power 366 VA @ 240 VAC and 295 VA @ 208 VAC

Easy to Install

- Lightweight and simple
- Faster installation with improved, lighter two-wire cabling
- Built-in rapid shutdown compliant (NEC 2014 & 2017)

Efficient and Reliable

- Optimized for high powered 60-cell and 72-cell modules
- Highest CEC efficiency of 97%
- More than a million hours of testing
- Class II double-insulated enclosure
- UL listed

Smart Grid Ready

- Complies with advanced grid support, voltage and frequency ride-through requirements
- Envoy and Internet connection required
- Configurable for varying grid profiles
- Meets CA Rule 21 (UL 1741-SA)



Enphase IQ 7A Microinverter

INPUT (DC)		IQ7A-72-2-US	
Commonly used module pairings ¹	295 W–460 W +		
Module compatibility	60-cell, 66-cell, and 72-cell PV modules		
Maximum input DC voltage	58 V		
Power point tracking voltage range ²	18 V–58 V		
Min/Max start voltage	30 V / 58 V		
Max DC short circuit current (module I _{sc}) ³	15 A		
Overvoltage class DC port	II		
DC port backfeed current	0 A		
PV array configuration	1 x 1 ungrounded array; No additional DC side protection required; AC side protection requires max 20A per branch circuit		
OUTPUT (AC)		@ 240 VAC	@ 208 VAC
Peak output power	366 VA	295 VA	
Maximum continuous output power	349 VA	290 VA	
Nominal (L-L) voltage/range ⁴	240 V / 211–264 V	208 V / 183–229 V	
Maximum continuous output current	1.45 A (240 VAC)	1.39 A (208 VAC)	
Nominal frequency	60 Hz		
Extended frequency range	47–68 Hz		
AC short circuit fault current over 3 cycles	5.8 Arms		
Maximum units per 20 A (L-L) branch circuit ⁵	11 (240 VAC)	11 (208 VAC)	
Overvoltage class AC port	III		
AC port backfeed current	18 mA		
Power factor setting	1.0		
Power factor (adjustable)	0.85 leading ... 0.85 lagging		
EFFICIENCY		@240 VAC	@208 VAC
CEC weighted efficiency	97.0 %	96.5%	
MECHANICAL			
Ambient temperature range	-40°C to +60°C		
Relative humidity range	4% to 100% (condensing)		
Connector type: DC (IQ7A-72-2-US)	MC4		
Dimensions (WxHxD)	212 mm x 175 mm x 30.2 mm (without bracket)		
Weight	1.08 kg (2.38 lbs)		
Cooling	Natural convection – No fans		
Approved for wet locations	Yes		
Pollution degree	PD3		
Enclosure	Class II double-insulated, corrosion resistant polymeric enclosure		
Environmental category / UV exposure rating	NEMA Type 6 / outdoor		
FEATURES			
Communication	Power Line Communication (PLC)		
Monitoring	Enlighten Manager and MyEnlighten monitoring options Compatible with Enphase IQ Envoy		
Disconnecting means	The AC and DC connectors have been evaluated and approved by UL for use as the load-break disconnect required by NEC 690.		
Compliance	CA Rule 21 (UL 1741-SA) UL 62109-1, UL1741/IEEE1547, FCC Part 15 Class B, ICES-0003 Class B, CAN/CSA-C22.2 NO. 107.1-01 This product is UL Listed as PV Rapid Shut Down Equipment and conforms with NEC-2014 and NEC-2017 section 690.12 and C22.1-2015 Rule 64-218 Rapid Shutdown of PV Systems, for AC and DC conductors, when installed according manufacturer's instructions.		

1. No enforced DC/AC ratio. See the compatibility calculator at <https://enphase.com/en-us/support/module-compatibility>.

2. CEC peak power tracking voltage range is 38 V to 43 V.

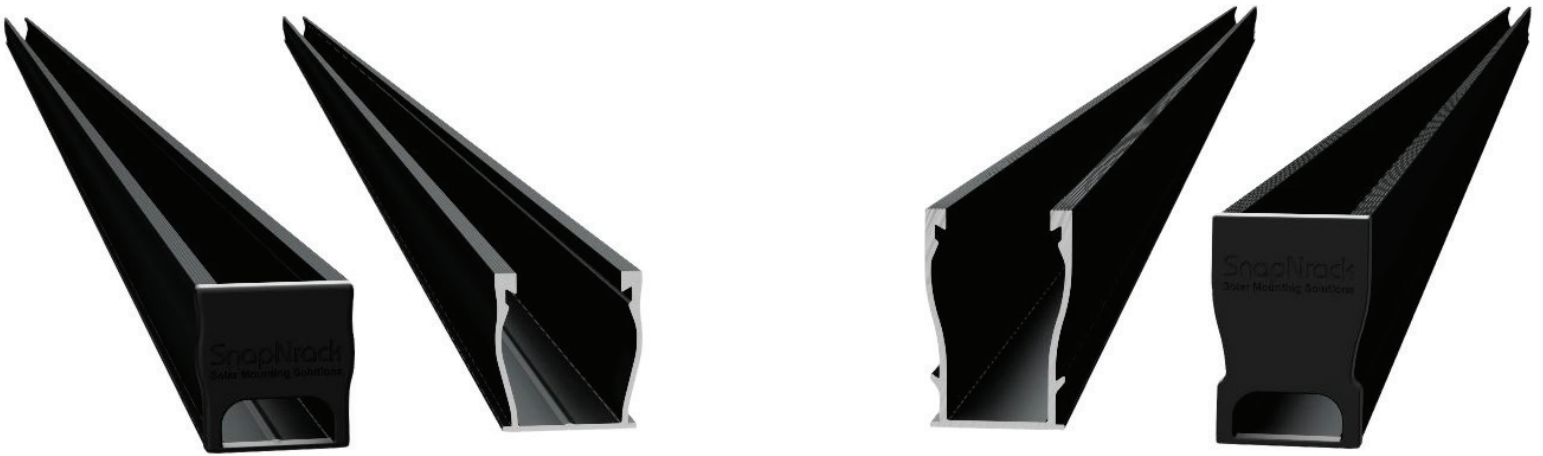
3. Maximum continuous input DC current is 10.2A.

4. Voltage range can be extended beyond nominal if required by the utility.

5. Limits may vary. Refer to local requirements to define the number of microinverters per branch in your area.

To learn more about Enphase offerings, visit enphase.com

Ultra Rail



The Ultimate Value in Rooftop Solar



Industry leading Wire Management Solutions



Mounts available for all roof types



Single Tool Installation



All SnapNrack Module Clamps & Accessories are compatible with both rail profiles

Start Installing Ultra Rail Today

RESOURCES
DESIGN
WHERE TO BUY

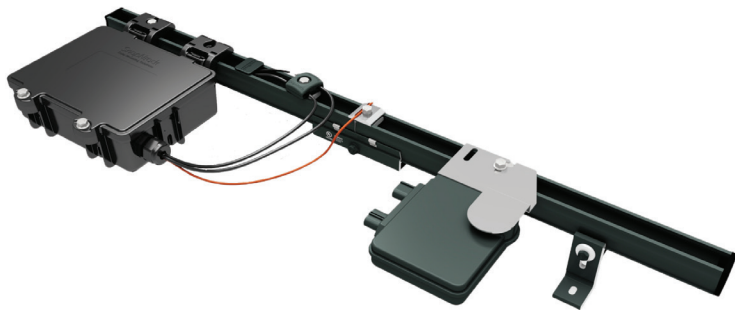
snapnrack.com/resources
snapnrack.com/configurator
snapnrack.com/where-to-buy

SnapNrack Ultra Rail System

A sleek, straightforward rail solution for mounting solar modules on all roof types. Ultra Rail features two rail profiles; UR-40 is a lightweight rail profile that is suitable for most geographic regions and maintains all the great features of SnapNrack rail, while UR-60 is a heavier duty rail profile that provides a larger rail channel and increased span capabilities. Both are compatible with all existing mounts, module clamps, and accessories for ease of install.

The Entire System is a Snap to Install

- New Ultra Rail Mounts include snap-in brackets for attaching rail
- Compatible with all the SnapNrack Mid Clamps and End Clamps customers love
- Universal End Clamps and snap-in End Caps provide a clean look to the array edge



Unparalleled Wire Management

- Open rail channel provides room for running wires resulting in a long-lasting quality install
- Industry best wire management offering includes Junction Boxes, Universal Wire Clamps, MLPE Attachment Kits, and Conduit Clamps
- System is fully bonded and listed to UL 2703 Standard

Heavy Duty UR-60 Rail

- UR-60 rail profile provides increased span capabilities for high wind speeds and snow loads
- Taller, stronger rail profile includes profile-specific rail splice and end cap
- All existing mounts, module clamps, and accessories are retained for the same great install experience



Quality. Innovative. Superior.

SnapNrack Solar Mounting Solutions are engineered to optimize material use and labor resources and improve overall installation quality and safety.

DESCRIPTION:
 Dec 13, 2022 Regular City Council Meeting
**SNAPNRACK, ULTRA RAIL SPEEDSEAL™
 DECKFOOT**

DRAWN BY:

mwatkins

REVISION:

A

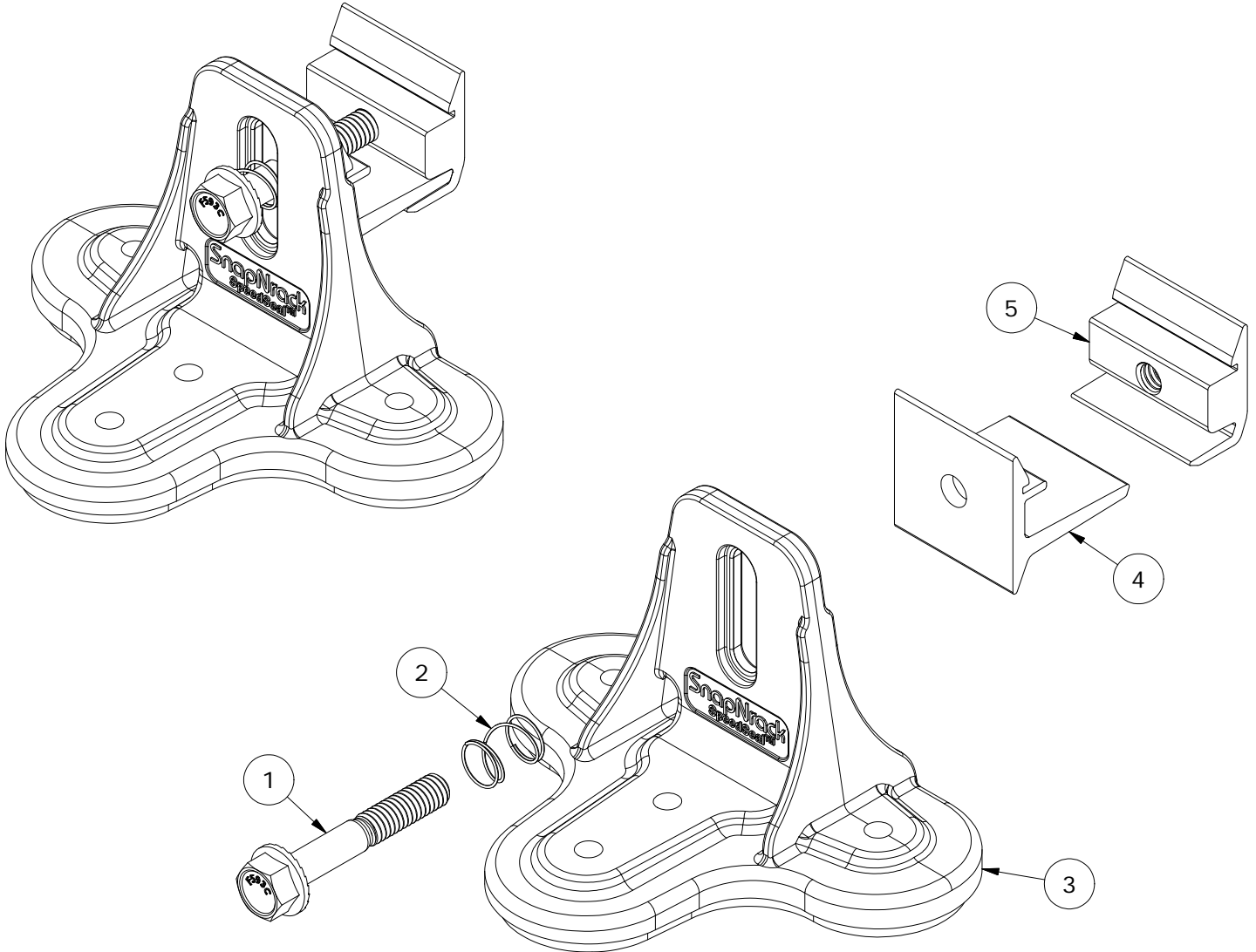
SnapNrack®

PART NUMBER(S):

242-02173, 242-02174

595 MARKET STREET, 29TH FLOOR • SAN FRANCISCO, CA 94105 USA
 PHONE (415) 580-6900 • FAX (415) 580-6902

THE INFORMATION IN THIS DRAWING IS CONFIDENTIAL AND PROPRIETARY. ANY REPRODUCTION, DISCLOSURE, OR USE THEREOF IS PROHIBITED WITHOUT THE WRITTEN CONSENT OF SUNRUN SOUTH LLC.



PARTS LIST

ITEM	QTY	DESCRIPTION
1	1	BOLT, FLANGE, SERRATED, 5/16IN-18 X 1-3/4IN, SS
2	1	SNAPNRACK, RL UNIVERSAL, MOUNT SPRING, SS
3	1	SNAPNRACK, SPEEDSEAL DECKFOOT BASE, SEALING, SILVER / BLACK
4	1	SNAPNRACK, ULTRA RAIL MOUNT THRU PRC, CLEAR
5	1	SNAPNRACK, ULTRA RAIL MOUNT TAPPED PRC, CLEAR

NOTE:
 CAN BE DECK-MOUNTED OR
 RAFTER-MOUNTED

MATERIALS: DIE CAST A380 ALUMINUM, 6000 SERIES ALUMINUM, STAINLESS STEEL, FOAM

DESIGN LOAD (LBS): SEE STRUCTURAL ENGINEERING

OPTIONS:

ULTIMATE LOAD (LBS): SEE STRUCTURAL ENGINEERING

SILVER / BLACK

TORQUE SPECIFICATION: 12 LB-FT

CERTIFICATION: UL 2703, FILE E359313; WIND-DRIVEN RAIN TEST FROM SUBJECT UL 2582

WEIGHT (LBS): 0.65

DESCRIPTION:
 Dec 13, 2022 Regular City Council Meeting
**SNAPNRACK, ULTRA RAIL SPEEDSEAL™
 DECKFOOT**

DRAWN BY:

mwatkins

REVISION:

A

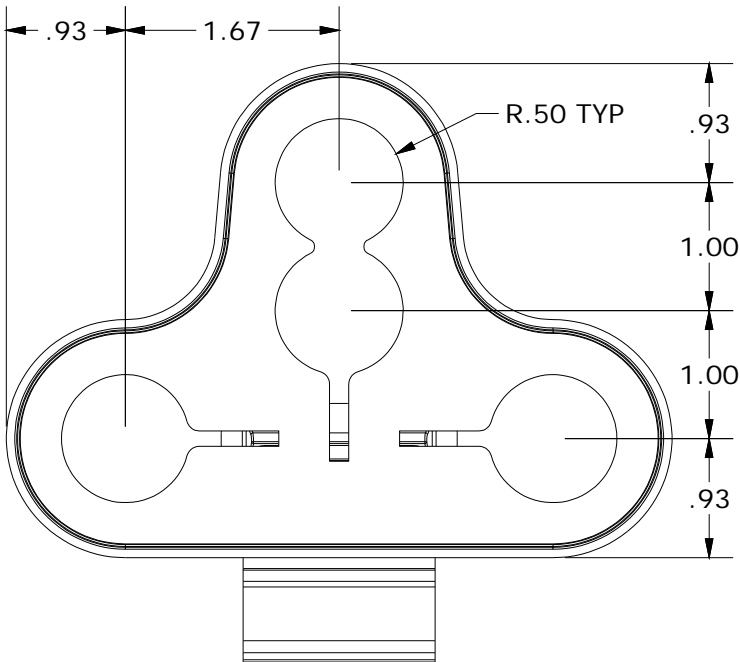
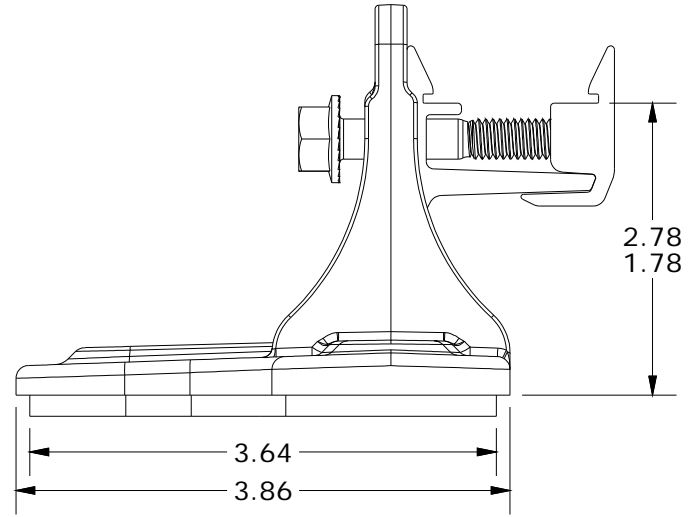
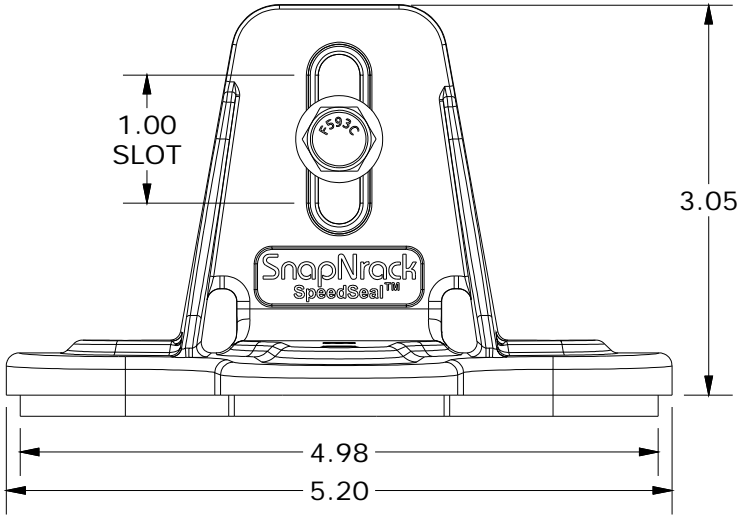
SnapNrack®

PART NUMBER(S):

242-02173, 242-02174

595 MARKET STREET, 29TH FLOOR • SAN FRANCISCO, CA 94105 USA
 PHONE (415) 580-6900 • FAX (415) 580-6902

THE INFORMATION IN THIS DRAWING IS CONFIDENTIAL AND PROPRIETARY. ANY
 REPRODUCTION, DISCLOSURE, OR USE THEREOF IS PROHIBITED WITHOUT THE
 WRITTEN CONSENT OF SUNRUN SOUTH LLC.



Dec 13, 2022 Regular City Council Meeting

RE: 8 Oak Hill Ct Rooftop Solar Project

Steven Thatcher <sthatcher@thatcher-eng.com>

Thu 11/3/2022 9:10 AM

To: Jackie Smith <Jackie.Smith@cityofbirchwood.com>

Cc: Tom Nitti <Tom.Nitti@cityofbirchwood.com>; Rebecca Kellen <Rebecca.Kellen@cityofbirchwood.com>; JOHN T Kramer <INSPJACK@msn.com>

Hi Jackie,

Thanks for the email.

The email from Colin Buechel of All Energy Solar (below) provides information required by the City Code.

It is the opinion of Thatcher Engineering, Inc. (TEI) that the conditional use permit (CUP) application (including the email below) meets City Code requirements for a complete application.

TEI recommends that the City do the notification and procedures for a CUP as stated in City Code 306.080.

Please let me know if you have any questions.

Thanks again,

Steve

Steven Thatcher, PE
Thatcher Engineering Inc.

6201 Creek Valley Road

Edina, MN 55439

Phone: 612-781-2188 Cell: 612-867-7234 Fax: 612-781-2188 Web: www.thatcher-eng.com

From: Jackie Smith <Jackie.Smith@cityofbirchwood.com>**Sent:** Thursday, November 3, 2022 8:54 AM**To:** Steven Thatcher <sthatcher@thatcher-eng.com>**Cc:** Tom Nitti <Tom.Nitti@cityofbirchwood.com>; Rebecca Kellen <Rebecca.Kellen@cityofbirchwood.com>; JOHN T Kramer <INSPJACK@msn.com>**Subject:** Fw: 8 Oak Hill Ct Rooftop Solar Project

Steve:

Please review this email and let us know how you want us to proceed forward.

Thank you.

--

Jackie Smith

City Deputy Clerk

City of Birchwood Village, MN

office: (651) 426-3403

fax: (651) 426-7747

email: jackie.smith@cityofbirchwood.comwebsite: <http://www.cityofbirchwood.com>

Dec 13, 2022 Regular City Council Meeting



From: Colin Buechel <colin.buechel@allenergysolar.com>
Sent: Wednesday, November 2, 2022 9:13 PM
To: Jackie Smith <Jackie.Smith@cityofbirchwood.com>
Cc: Rebecca Kellen <Rebecca.Kellen@cityofbirchwood.com>; JOHN T Kramer <INSPJACK@msn.com>; Tom Nitti <Tom.Nitti@cityofbirchwood.com>
Subject: Re: 8 Oak Hill Ct Rooftop Solar Project

Hello,

This is a solar PV system, it will not serve as a heating system.

There is very little maintenance involved with rooftop solar systems. The system is designed to allow drainage off the system, also the customer is replacing their roof prior to the solar installation so their roof will be brand new. We also have a dedicated service team for customers to call in repairs or storm damage.

I'm not sure what Backup system refers to, but if you are asking if the project involves a battery, then this project does not include electricity storage and it is connected to the grid.

Thank you,

Colin Buechel
Permitting Liaison

Direct: **(651) 842-9404**
Office: **(800) 620-3370**
Website: AllEnergySolar.com



Spread the word about solar & gain rewards!
[Referral Bonus Program](#)

Download our latest eBook
[Making the Switch with All Energy Solar](#)

On Mon, Oct 31, 2022 at 10:14 AM Jackie Smith <Jackie.Smith@cityofbirchwood.com> wrote:

068

Dec 13, 2022 Regular City Council Meeting

Our city engineer has reviewed your application and identified that following additional requirements:

TEI recommends the following to the City:

1. Request the applicant to submit information regarding the following:
 - a. If the solar energy system is to serve as primary heating system, engineering calculations to show system is adequate to heat the dwelling.
 - b. System maintenance.
 - c. Backup system.
- 2.

Once this information is received your application will be reviewed by our planning commission.

If you have any other questions please feel free to contact us.

Thank you

--

Jackie Smith
City Deputy Clerk
City of Birchwood Village, MN
office: (651) 426-3403
fax: (651) 426-7747
email: jackie.smith@cityofbirchwood.com
website: <http://www.cityofbirchwood.com>



From: Colin Buechel <colin.buechel@allenergysolar.com>
Sent: Tuesday, October 25, 2022 10:36 AM
To: City of Birchwood Village <info@cityofbirchwood.com>
Subject: 8 Oak Hill Ct Rooftop Solar Project

Hello,

We were contracted for a rooftop solar PV system on the residence at 8 Oak Hill Ct.

Could you let me know the permit requirements for this project?

Thank you,

Colin Buechel
Permitting Liaison

Direct: **(651) 842-9404**

Dec 13, 2022 Regular City Council Meeting

Office: **(800) 620-3370**

Website: AllEnergySolar.com



Spread the word about solar & gain rewards!

[**Referral Bonus Program**](#)

Download our latest eBook

[**Making the Switch with All Energy Solar**](#)

MEETING MINUTES (Draft)

Birchwood Planning Commission Regular Meeting
City Hall - 7:00 PM Regular Meeting 12/1/2022

REGULAR AGENDA

b. Item B – 8 Oak Hill Ct Rooftop Solar Project Conditional Use Permit

i. Danielle DeMarre – Director of Permissions and Design with All Energy Solar was present representing the system designer and property owner.

ii. Commission discussion included the following:

1. Review of project parties responsible for design, permitting and compliance with City of Birchwood City Code and Minnesota State Electrical Code.
2. Ms DeMarre indicated the project is being reviewed by Xcel Energy and has already addressed interconnect requirements and has received Xcel Energy interconnect permit.
3. Ms. DeMarre clarified Commission plan review questions regarding roof access setbacks for fireman access as addressed in the MN State Electrical Code.
4. Ms. DeMarre indicated the design life of the project is 25 years and at the end of that period the de-commissioning and disposal of the solar array is the total responsibility of the property owner.

iii. **Commission Action:**

1. The advisory motion to recommend approval of the projects Conditional Use Permit as presented was made by Hankins and 2nd by Evans. Vote Yes – 4, No—0 Advisory motion passed.

MAYOR WINGFIELD'S MEMO IN SUPPORT OF RESOLUTION 2022-23 REGARDING COUNCIL PAY RAISE INITIATED IN 2020

(This is not legal advice, rather, it is my reasoning and conclusion to support my vote in favor of the attached resolution)

ISSUE

Recently a resident told Councilmember Justin McCarthy that the 2021 and 2022 city council/mayor pay raises were not properly adopted in 2020. The claim is the ordinance was not published until after the election, and therefore, any increase would not be applicable until January 2023 pursuant to Minn. Stat. § 415.11, Subd. 2.

Minn. Stat. § 415.11. reads as follows:

Subdivision 1. Set by ordinance. Notwithstanding the provisions of any general or special law, charter, or ordinance, the governing body of any statutory or home rule charter city of the second, third or fourth class **may by ordinance** fix their own salaries as members of such governing body, and the salary of the chief elected executive officer of such city, in such amount as they deem reasonable. [Emphasis supplied]

Subd. 2. After next election. No change in salary shall take effect until after the next succeeding municipal election.

It is uncontroverted that the purpose of Minn. Stat. 415.11 is to give the electorate an opportunity to vote out elected officials who voters believe are raising their pay unreasonably.

FACTS

Birchwood elected officials have kept their salaries low, with few pay increases over the decades. In 1981, council members received \$300 annually, the mayor \$600. By 2009, council salary had increased to just \$600 annually, with the mayor receiving \$1500.

Shortly after the 2018 election, Council member Randy LaFoy brought up the subject of a council pay increase. He was told any such raise could not take effect until after the next (2020) election. The council indicated it would consider the matter later in the term in light of that issue.

Subsequently, the Birchwood City council took up increasing council pay at its August 18, 2020 meeting. The agreed upon increases were for council pay of \$1500 and \$2500 for mayor. The increases translated into about \$1 per resident for each of the elected offices.

At the same meeting, those figures were incorporated in the 2021 preliminary budget, and were highlighted in bright yellow ink. The preliminary budget was posted on the city website.

The matter was then set for first hearing at the council's regular September 8, 2020 meeting. The pay increases were unanimously approved at that time, as was the preliminary budget.

Although not required by law, the city council also held a public hearing on the matter October 13, 2020. No one appeared or submitted any comments for consideration.

And if that was not enough, the city provided the following notice of the pay increases in its Fall newsletter, which was mailed to all residents in September, 2020:

CITY NEWS BITS: City Council Salaries:

After many years of the same salary rate, the council is increasing the amounts from \$1500 for mayor and \$600 for council members to \$2500/\$1500. These rates are commensurate with our neighboring communities. More importantly, the service these officials provide is often time consuming and difficult. The council felt the raises were long-overdue.

In addition, a Minnesota League of Women's Voters forum was held October 12, 2020 for the incumbent mayor, an opponent, and four new candidates vying for two council seats. The public was invited to submit questions to the candidates. Not a single person or candidate asked for discussion of the pay increase.

The November 3, 2020 election resulted in the incumbent mayor defeating her opponent 395 to 260, a margin greater than 20 points.

The city clerk subsequently placed the pay raise matter on the November 10, 2020 consent agenda to correct an omission of a second vote-to-approve. The consent agenda was approved unanimously. Due to the clerk's resignation that month, newspaper publication was December 2, 2020.

The pay raise was paid the following year to the elected officials and was listed as part of that December 2021 agenda packet in the Treasurer's Report. No objection was raised.

The pay raise was in the 2022 budget. That budget showed a specific line item for the council/mayor salary pay compared to previous years. No objection was made during the entire budgeting process.

It wasn't until after the November 2022 municipal election that an objection to the process was communicated to Council member McCarthy. That person has requested that Council member McCarthy not divulge his/her identity.

The city attorney prepared a memo for the November 15, 2022 city council meeting. It is unknown why the memo was prepared as this matter had never come before the council for consideration. This endeavor was initiated unilaterally without council direction. Unfortunately, the memo is lacking important facts supplied above and is superficial in its analysis. Here is why:

ARGUMENT

I. The City Council Approved the Council Pay Raise Prior to the November 3, 2020 Election.

The goal of statutory interpretation is to effectuate the legislature's intent. Minn. Stat § 645.16 (2020). To discern this intent, the courts look to the plain meaning of the statutory language. State v. Thompson, 754 N.W. 2d 352, 355 (Minn. 2008). And the courts may read multiple sections of a statute together to determine its plain meaning. Cilek v. Off of Minn Sec'y of State, 941 N.W.2d 411, 415 (Minn. 2020). The courts also look to the common meaning of the words used by the legislature. State v. Haywood, 886 N.W.2d 485, 488 (Minn. 2016). If the language of a statute is subject to more than one reasonable interpretation, the courts consider the canons of construction and other tools to discern legislative intent. State v. Struzyk, 869 N.W.2d 280, 285 (Minn. 2015).

The language of Minn. Stat. § 415.11 does not mandate that the council pay increase proceed by ordinance. That method is permissive. (See Emphasized language supra.) If one construes the language that salary increases must (i.e shall) be done by ordinance, the legislature could have said so. It could have written that salary increases "may be **only** by ordinance". This ambiguity requires the city council to review the legislative intent.

As noted above, it is uncontroverted that the purpose of Minn. Stat. § 415.11 is to give notice to the electorate to decide if the governing representatives raised their pay unreasonably, and vote accordingly. The city council fully performed that obligation.

The Birchwood City council took up the issue of increasing council pay at its August 18, 2020 meeting. At the same meeting, those figures were incorporated in the 2021 preliminary budget, and were highlighted in bright yellow ink. The preliminary budget was posted on the city website.

The pay increase was approved unanimously by the council at its September 8, 2020 meeting. That was sufficient to proceed with the increase the following year.

Here the city sent notice of the increase in its newsletter to every resident in September, two months prior to the 2020 election.

And just to be extremely transparent, the council held a public hearing about the pay increase at its October 13, 2020 council meeting. That, too, was beyond the required parameters for adoption of a pay increase. No one appeared or raised an objection at that hearing.

And despite all this information and notice, the electorate did not choose to unseat the only incumbent on the ballot.

In fact, no one cared about this issue for 25 months. The purpose of Minn. Stat. § 415.11 has been fulfilled by the city.

II. Even if the Council Approval was Perceived as an Imperfect Adoption of an Ordinance, the Doctrine of Substantial Compliance Applies.

In City of Minneapolis v. Wurtele, 291 N.W.2d 386 (1980), The Minnesota Supreme Court noted “the law does not mandate in all cases strict and literal compliance with all procedural requirements. Technical defects in compliance which do not reflect bad faith, undermine the purpose of the procedures, or prejudice the rights of those intended to be protected by the procedures will not suffice to overturn governmental action, particularly where, as here, substantial commitments have been made. This doctrine of "substantial compliance," applied to cases involving public improvements and special assessments, has been cited in major treatises on municipal law. See 11 McQuillin, Municipal Corporations, § 32.119 (1977); 13 McQuillin, Municipal Corporations, § 37.42 (1971); Antieau, Municipal Corporation Law, §§ 14.21, 23.11 (1979).”

The Court went on to note, “It is true that the council was not as precise as it might have been in following the prescribed procedures. On the other hand, appellants were dilatory in protesting the alleged inadequacies. This development project had been under consideration, attended by a great deal of publicity, for over 2 years, yet it was not until the city had made substantial commitments of time and money to the project and then proceeded to acquire the land to implement it that appellants complained of procedural deficiencies.”

In Rhodenbaugh v. City of Bayport, 450 N.W.2d 608 (1990) where the complainant argued the city failed to adopt a resolution as required by statute, the Supreme Court found “[t]he failure of the city council to adopt a resolution as the statute provides, must be evaluated in terms of its injurious or prejudicial effect upon respondents.

Nonobservance of mere directory provisions, slight irregularities, immaterial variances, and minor departures from the letter of the requirement which are not fundamental to the initiation and progress of the improvement, or the levying, confirmation and validity of the assessment, and which are not injurious or prejudicial to the landowners who are called upon to pay, will be disregarded, where there is substantial compliance with requirements. 14 E. McQuillin, Law of Municipal Corporations, § 38.175 (3d ed. 1987) (footnotes omitted)”

The court continues: “In this case, the respondents were neither injured nor prejudiced by the city council’s action in approving the order for special improvement upon motion rather than by resolution. The failure of the city council to strictly comply with the "directory provisions" of section 429.031, subd. 3 did not invalidate subsequent proceedings where the property owners were aware of the effect of the city council's actions, and did not object until after the improvement was constructed.

* * *

The city substantially complied with the requirements of Minn.Stat. § 429.031, subd. 3, and any irregularities were minor and not prejudicial to the property owners.”

As in Wurtele and Rhodenbaugh, the city has met its obligation of substantial compliance and any defect raised more than two years after the fact is minor and not prejudicial to the anonymous complainant.

III. **Public Policy Demands the City Council Take no Further Action**

While courts look at the plain meaning of a statute, “[t]he general terms of a statute are subject to implied exception founded on rules of public policy and the maxims of natural justice so as to avoid absurd and unjust consequences.” Erickson v. Sunset Mem’l Park Ass’n, 259 Minn. 532, 543, 108 N.W.2d 434, 441 (1961). And “[c]ourts should construe a statute to avoid absurd results and unjust consequences.” Am. Family Ins. Crp. v. Schroedl, 616 N.W.2d 273, 278 (Minn. 2000).

The complainant has not claimed lack of notice of the pay increase. Additionally, he/she is asking for an unjust result 25 months after this issue was last addressed by the city council.

CONCLUSION

Clearly, the Birchwood City Council complied with the specific purpose and intent of Minn. Stat. § 415.11. It provided extraordinary notice and opportunity for those to be heard its meetings in August, September and October of 2020. This provided an opportunity for the community to throw out the mayor if the pay raise was deemed unreasonable by the electorate. That did not happen.

A recent article in the Minneapolis Startribune posted this headline: “Technicality costs Birchwood Village council members their raise”. This complaint is nothing but a red herring. The complainant has made no allegation of lack of notice. The city council far exceeded any requirements for notice to protect the public from a clandestine pay increase. Any change in the pay rates approved more than two years ago would be absurd and is unwarranted.

BIRCHWOOD RESOLUTION 2022- 23

WHEREAS, Birchwood elected officials have kept their salaries low, with few pay increases over the decades.

WHEREAS, the Birchwood City council initiated increasing council pay at its August 18, 2020 meeting. The agreed upon increases were for council pay of \$1500 and \$2500 for mayor.

WHEREAS, the increases translate into about \$1 per resident for each of the elected offices.

WHEREAS, those pay increases were then incorporated and highlighted in the 2021 preliminary budget.

WHEREAS, the pay increases were unanimously passed, along with the 2021 preliminary budget, at the city's September 8, 2020 council meeting.

WHEREAS, the approved preliminary budget was posted on the city website.

WHEREAS, the city council also held a public hearing on the matter October 13, 2020. No one appeared or submitted any comments for consideration.

WHEREAS, the city provided the following notice of the pay increase in its Fall (September) 2020 newsletter which was mailed to ALL Birchwood residents:

CITY NEWS BITS: City Council Salaries:

After many years of the same salary rate, the council is increasing the amounts from \$1500 for mayor and \$600 for council members to \$2500/\$1500. These rates are commensurate with our neighboring communities. More importantly, the service these officials provide is often time consuming and difficult. The council felt the raises were long-overdue.

WHEREAS, the purpose of Minn. Stat. 415.11 is to give the electorate opportunity to vote out elected officials who voters believe raised their pay unreasonably.

WHEREAS, the November 3, 2020 election resulted in the only incumbent, the mayor, defeating her opponent 395 to 260, a margin greater than 20 points.

WHEREAS, the City Council may set by ordinance its salaries, but any application of the change must occur after the next municipal election.

WHEREAS, the pay raises were applied in 2021, the year following the November 2020 election.

WHEREAS, the pay raises were also in the 2022 budget. That budget showed a specific line item for the council/mayor salary pay compared to previous years. No objection was made during that entire process.

And WHEREAS, after 25 months of no one taking issue with the pay increases, a resident, who requested anonymity, registered a complaint with a councilmember for a claim of noncompliance with Minn. Stat. § 415.11.

NOW LET IT BE RESOLVED,

The City Council has complied with the notice and intent of Minn. Stat. § 415.11 on multiple occasions over many months and continuing for two years hence, all without objection.

AND LET IT BE FURTHER RESOLVED,

The city council shall take no action to rescind the council salary increases that have been in place since January 1, 2021.

DATE:

Mayor

ATTEST

City Clerk/Administrator

ORDINANCE 2022-10-02

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

**AN ORDINANCE AMENDING SECTION 605 ANIMALS
IN THE CITY CODE**

The City Council of the City of Birchwood Village hereby ordains that Chapter 605 (Animals) of the Municipal Code of the City of Birchwood Village is hereby amended to read as follows:

SECTION 605. ANIMALS

605.028. CHICKENS.

2. License. No person shall keep, maintain or breed chickens on property located within the City of Birchwood Village unless a license is obtained pursuant to the provisions stated herein. Application shall be made on a form provided by the City Clerk or Administrator. The fee shall be established from time to time by resolution as set forth in Chapter 701.

a. A license shall be issued for a period of ~~two~~ three years.

b. Upon completion of the application form and receipt of the license fee, the City Clerk or Administrator shall cause a license to be issued to the applicant.

3. Inspection. The Animal Officer shall, at any reasonable time, be permitted upon the premises where chickens are kept for the purpose of making an inspection to determine compliance with this Chapter.

605.029. MINIATURE VIETNAMESE POT-BELLIED PIGS.

3. License. No person shall keep, maintain Vietnamese pot-bellied pigs on property located within the City of Birchwood Village unless a license is obtained pursuant to the provisions stated herein. Application shall be made on a form provided by the City Clerk or Administrator. The fee shall be established from time to time by resolution as set forth in Chapter 701.

a. A license shall be issued for a period of ~~two~~ three years.

b. Upon completion of the application form, receipt of the license fee, and proof that the Vietnamese potbellied pig is free from pseudorabies, the City Clerk or Administrator shall cause a license to be issued to the applicant.

605.021.2

1. Required; exceptions. Except for police canines, no person shall, without first obtaining a permit in writing from the City Clerk or Administrator, own, keep, harbor, or have custody of any dog over six months of age. ~~However, this section shall not apply to the keeping of small caged birds or aquatic and amphibian animals solely as pets or for police canines of any political subdivision.~~

2. Term; renewal; late penalty charge. Dog permits shall be issued for three-year terms in 2022 and every third year thereafter, and the owner shall pay the fee set in the fee schedule for the year of the term in which the permit is first required. A permit for each licensed dog shall be renewed ~~each even every third year after 2022 by every owner~~ and a permit fee paid. A permit, if not revoked, shall be valid until the end of ~~the permit period~~ the permit deadline three calendar years after the permit deadline in the first year of the term. Renewal permits must be obtained prior to the expiration date, and there shall be a late ~~penalty charge fee~~ on all renewal permits issued applications received after the expiration date for dogs that have been kept in the City for more than fourteen (14) consecutive days.

605.021.1. If the City Administrator receives a complaint or observes a dog and reasonably believes that the dog is kept in violation of 605.021.1, the owner shall pay a Dog License Administrative Fee in addition to the Permit fee and the Late fee. Late and Administrative Fees may be appealed using the procedures in Chapter 310.

605.024(9):

a. Annual fee. The owner of a dangerous dog shall pay ~~an~~ the annual fee ~~as determined by council ordinance, set in the Fee Schedule,~~ in addition to any regular dog licensing fees, to obtain or renew a certificate of registration for a dangerous dog under this section.

b. Annual renewal. ~~The owner of a dangerous dog must renew the registration of the dog annually until the dog is deceased and pay the annual renewal fee as determined by city council ordinance. If the dog is removed from the city, it must be registered as a dangerous dog in its new jurisdiction.~~

605.024(11):

a. Annual fee. The owner of a potentially dangerous dog shall pay ~~an~~ the annual fee ~~as determined by council ordinance set in the Fee Schedule,~~ in addition to any regular dog licensing fees to obtain or renew a certificate of registration for a potentially dangerous dog under this section.

b. Annual renewal. ~~The owner of a potentially dangerous dog must renew the registration of the dog annually until the dog is deceased and pay the annual renewal fee as determined by city council ordinance. If the dog is removed from the city, it must be registered as a potentially dangerous dog in its new jurisdiction.~~

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 13th day of December 2022

Mary Wingfield, Mayor

Attest:

Rebecca Kellen, City Administrator-Clerk

RESOLUTION 2022-24

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

**A RESOLUTION APPROVING SUMMARY PUBLICATION OF
ORDINANCE NO. 2022-10-02, AN ORDINANCE AMENDING SECTION 605 OF
CITY CODE**

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 has adopted Ordinance No. 2022-10-02, which amends the language of City Code Section 605; and

WHEREAS, the new ordinance is lengthy and would be costly for the City to publish in its entirety as required by law for the adoption of an ordinance.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Birchwood Village, Minnesota, as follows:

1. Because the terms of Ordinance 2022-10-02 are lengthy, the City may publish the attached summary of the Ordinance as allowed by statute, and need not publish the entire ordinance. The attached summary clearly informs the public of the intent and effect of the Ordinance. Summary publication has been approved by at least a 4/5 vote of the City Council.
2. The effective date of the Ordinance amendments shall be upon their publication by summary as required by law.

Resolution duly seconded and passed this 13th day of December, 2022.

Mary Wingfield, Mayor

Attest:

Andy Gonyou, City Administrator-Clerk

Please be advised that the City of Birchwood has duly-passed the following
ORDINANCE:

AN ORDINANCE AMENDING & ADDING TO SECTION 605 regarding animals

The following is a SUMMARY of the Ordinance:

On December 13, 2022 the City adopted an Ordinance (2022-10-02) lengthening the permit duration from two to three years for certain animals and clarifying when a permit is needed for dogs.

PLEASE BE ADVISED, this is not the full text of the Ordinance passed and the published material is only a summary. The full text is available for public inspection at the City of Birchwood, 207 Birchwood Avenue, Birchwood, Minnesota 55110 or delivered upon request electronically or by U.S. Mail.

Summary complies with Minn. Stat. §§ 331A.05 subd. 8. & 412.191 subd 4.

ORDINANCE 2022-10-03

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

**AN ORDINANCE AMENDING SECTION 607.400 CAMPING
IN THE CITY CODE**

The City Council of the City of Birchwood Village hereby ordains that Chapter 607.400 (Camping) of the Municipal Code of the City of Birchwood Village is hereby amended to read as follows:

607.400. CAMPING.

607.410. No person shall establish or maintain any camp or other temporary lodging or sleeping place in any Open Space Site, Public Lake Tract or Established Park.

~~607.420. No person shall camp for a period longer than that authorized by the permit.~~

~~607.430. All garbage or refuse of any kind shall be placed in receptacles provided for that purpose.~~

~~607.440. No person shall install permanent camp facilities or physically alter the camp site.~~

~~607.450. No person shall wash cooking and eating utensils, or clean fish except at locations designated for such use.~~

~~607.460. No person shall cut or gather wood on any Open Space Site for fuel other than that provided by the Department and stored for such use.~~

~~607.470. No person shall desert a camp site until the site is thoroughly cleaned.~~

607.480. No person or group of persons shall ~~exclusively use~~ exclude other persons or groups of persons from a park shelter unless a specific permit has been granted by the ~~Director~~ City for such use.

607.490. Permits for shelter use ~~or camping~~ shall be issued to adults only, and said adult shall be on the premises at all times during the duration of the permit.

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 13th day of December 2022

Mary Wingfield, Mayor

Attest:

Rebecca Kellen, City Administrator-Clerk

RESOLUTION 2022-25

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

**A RESOLUTION APPROVING SUMMARY PUBLICATION OF
ORDINANCE NO. 2022-10-03, AN ORDINANCE AMENDING SECTION 607.400 OF
CITY CODE**

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 has adopted Ordinance No. 2022-10-03, which amends the language of City Code Section 607.400; and

WHEREAS, the new ordinance is lengthy and would be costly for the City to publish in its entirety as required by law for the adoption of an ordinance.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Birchwood Village, Minnesota, as follows:

1. Because the terms of Ordinance 2022-10-03 are lengthy, the City may publish the attached summary of the Ordinance as allowed by statute, and need not publish the entire ordinance. The attached summary clearly informs the public of the intent and effect of the Ordinance. Summary publication has been approved by at least a 4/5 vote of the City Council.
2. The effective date of the Ordinance amendments shall be upon their publication by summary as required by law.

Resolution duly seconded and passed this 13th day of December, 2022.

Mary Wingfield, Mayor

Attest:

Andy Gonyou, City Administrator-Clerk

Please be advised that the City of Birchwood has duly-passed the following
ORDINANCE:

AN ORDINANCE AMENDING SECTION 607 regarding camping.

The following is a SUMMARY of the Ordinance:

On December 13, 2022 the City adopted an Ordinance (2022-10-03) clarifying that
“camping” is prohibited in Birchwood on public property.

PLEASE BE ADVISED, this is not the full text of the Ordinance passed and the
published material is only a summary. The full text is available for public inspection
at the City of Birchwood, 207 Birchwood Avenue, Birchwood, Minnesota 55110 or
delivered upon request electronically or by U.S. Mail.

Summary complies with Minn. Stat. §§ 331A.05 subd. 8. & 412.191 subd 4

ORDINANCE 2022-10-04

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

**AN ORDINANCE AMENDING SECTION 617 PUBLIC LAKE TRACTS
IN THE CITY CODE**

The City Council of the City of Birchwood Village hereby ordains that Chapter 617 (Public Lake Tracts) of the Municipal Code of the City of Birchwood Village is hereby amended to read as follows:

~~**617.250 Fees.** A per day charge will be assessed for each day the boat that is not removed from the Public Lake Tract by the end of the Boating Season per fee schedule.~~

617.250 Personal Property Abandonment on Lake Tract. Public use of Lake Tracts is valuable and property abandoned on Lake Tracts diminishes that value. The City shall assess the fee set in the Fee Schedule plus removal and storage, sale and disposal costs for any dock, boat hoist, boat, appurtenance or other personal property that is not allowed by the City or that does not meet the requirements set forth in the Dock Permit approved by the City, including after the end of the Boating Season or during winter storage. If the property is allowed to remain by the Dock Association or by a member of the Dock Association, costs and fees shall be assessed jointly and severally to the member, if any, and the Dock Association. Costs and fees for personal property allowed to remain by a non-member shall be assessed to that person. The City shall dispose of the property pursuant to section 613.

617.255 Fee in Lieu of Removal. At the City's option, the City may defer assessing the fee and costs in 617.250 and removing property. For each day property remains, the City may assess, jointly and severally, to the member, if any, and the Dock Association, or to the non-member, the fee in lieu of removal set in the Fee Schedule for the loss of use of the Lake Tract to the public. On or before the first day the City assesses the fee, the City shall mail a letter to the Dock Association, if it is being assessed, and the property owner, if known, describing the property that is not permitted or allowed.

617.380 Docks, Boat Slips, Boat Hoists, Boat Lifts and Boats.

Boat hoist or "lift" means a structure placed in the water or below the ordinary high-water mark for boat storage, including platforms for storage of personal watercraft.

- (1) Docks, boat slips, boat hoists, boat lifts, shore ramps, and boats shall be installed and configured so as to allow, inasmuch as natural conditions allow, at least 50% of the Public Lake Tract beach area and adjacent water to be available for non-boating activities.
- (2) Docks shall be installed and configured such that:
 - a. Boat hoists, boat lifts and slips shall not extend beyond the end of the dock.

- b. A dock's location shall not unreasonably impede the non-boating beach use.
- c. Boat hoist, boat lift and slip placement shall minimize the need for boats to enter designated swimming areas during ingress or egress.
- (3) Docks shall not exceed the length specified in the WBLCD approved dock license. Dock length shall be consistent with other docks in the vicinity.
- (4) Shore ramps shall not exceed 4 feet in width and 12 feet in length and shall be secured to the shore in a location and manner that does not pose a hazard for persons.
- (5) ~~The City retains the right to inspect all Dock Association docks, boat hoists, boat lifts, boats and shore ramps installed on the Public Lake Tracts to ensure health, safety and well-being and conformance with Minnesota Department of Natural Resources (DNR) Rules, City code and permits.~~ The City shall forward all dock safety non-conformities, concerns or deficiencies to the Dock Association's complaint president via the Dock Liaison for action. The Dock Association shall have seven (7) days to reply in writing to the City addressing the identified deficiencies. The City Council shall thereafter review the matter if necessary.
- (6) Boats installed on any Public Lake Tract shall not exceed twenty-two (22) feet in length on Birch Beach and shall not exceed nineteen (19) feet in length on all other Public Lake Tracts.
- (7) Boat length and width shall be determined by one of the following methods.
- a. First, by the manufacturer's specification, which shall be used without regard to motors, swim platforms or other appurtenances that add to the dimensions, or
- b. Second, by physical measurement of the boat. Length shall be measured at the longest part and width measured at the widest part of the vessel.
- (8) The City Council in its discretion may allow winter storage of boat hoists on a Public Lake Tract. Storage shall require pre-approval by the City Council. The slip fee shall include the cost of winter lift storage.
- (9) Installation and removal of all docks, ~~lifts~~ boat hoists and boat lifts at any Public Lake Tract shall be in compliance with all applicable ~~DNR Minn. Department of Natural Resources~~ Rules.
- (10) Boat canopies shall not be allowed on any boat ~~lift~~ hoists or boat lifts installed or stored on any Public Lake Tract.
- (11) Each owner of a boat hoist or boat lift shall display the registration information supplied by the dock association to the boat hoist or boat lift before it is placed at the Public Lake Tract. The owner shall ensure that the registration information remains visible from the dock and during winter storage.

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 13th day of December 2022

Mary Wingfield, Mayor

Attest:

Rebecca Kellen, City Administrator-Clerk

RESOLUTION 2022-26

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

**A RESOLUTION APPROVING SUMMARY PUBLICATION OF
ORDINANCE NO. 2022-10-04, AN ORDINANCE AMENDING SECTION 617 OF
CITY CODE**

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 has adopted Ordinance No. 2022-10-04, which amends the language of City Code Section 617; and

WHEREAS, the new ordinance is lengthy and would be costly for the City to publish in its entirety as required by law for the adoption of an ordinance.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Birchwood Village, Minnesota, as follows:

1. Because the terms of Ordinance 2022-10-04 are lengthy, the City may publish the attached summary of the Ordinance as allowed by statute, and need not publish the entire ordinance. The attached summary clearly informs the public of the intent and effect of the Ordinance. Summary publication has been approved by at least a 4/5 vote of the City Council.
2. The effective date of the Ordinance amendments shall be upon their publication by summary as required by law.

Resolution duly seconded and passed this 13th day of December, 2022.

Mary Wingfield, Mayor

Attest:

Andy Gonyou, City Administrator-Clerk

Please be advised that the City of Birchwood has duly-passed the following
ORDINANCE:

AN ORDINANCE AMENDING SECTION 617 regarding use of public lake tracts.

The following is a SUMMARY of the Ordinance:

On December 13, 2022 the City adopted an Ordinance (2022-10-04) clarifying rules surrounding the use of boat hoists or lifts.

PLEASE BE ADVISED, this is not the full text of the Ordinance passed and the published material is only a summary. The full text is available for public inspection at the City of Birchwood, 207 Birchwood Avenue, Birchwood, Minnesota 55110 or delivered upon request electronically or by U.S. Mail.

Summary complies with Minn. Stat. §§ 331A.05 subd. 8. & 412.191 subd 4.

ORDINANCE 2022-10-05

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

**AN ORDINANCE AMENDING SECTION 701 FEES
IN THE CITY CODE**

The City Council of the City of Birchwood Village hereby ordains that Chapter 701 (Fees) of the Municipal Code of the City of Birchwood Village is hereby amended to read as follows:

~~701.061 **Late Fee.** In the event a person shall engage in conduct for which a permit or license is required without first paying the appropriate fee and obtaining the permit or license, the fee established shall be doubled.~~

701.061 **Investigation Fee.** If work or activity for which a license or permit is required by the code has been commenced without first obtaining the permit or license, a special investigation shall be made by the City Administrator or their designee to determine the appropriate permits to be applied, and a report issued to the property owner before permits may be issued for the work. An investigation fee equal to and in addition to the required license or permit fees established by the City and listed in the fee schedule shall be collected at the time of application in addition to any required escrows.

701.062 **Additional Fee:** An additional fee, not to exceed actual expenses or the original amount of the fee, whichever is less, shall be paid if the City Council determines that the applicant has changed the project after submission of the initial application, ~~or~~ or if it is necessary to conduct an excessive number of re-inspections of the project in order to ensure compliance with the City Code or the terms of the permit or license.

701.063 ~~Fines~~ **Penalties.** Payment ~~if~~ of any Investigation or Additional Fees shall be in addition to any ~~fines~~ criminal penalties that may be imposed for violation of the City Code.

(k) Vacant building fees:

The owner of a vacant building shall pay ~~an~~ the annual registration fee ~~of one thousand four hundred forty dollars (\$1,440.00)~~ set in the City fee schedule each year the building remains a vacant building. The registration fee is intended to ~~at least partially recoup,~~ and shall be reasonably related to recover the administrative costs for registering and processing the vacant building owner registration form and ~~for the costs of~~ to the City in monitoring to monitor the vacant building site.

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 13th day of December 2022

Mary Wingfield, Mayor

Attest:

Rebecca Kellen, City Administrator-Clerk

RESOLUTION 2022-27

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

**A RESOLUTION APPROVING SUMMARY PUBLICATION OF
ORDINANCE NO. 2022-10-05, AN ORDINANCE AMENDING SECTION 701 OF
CITY CODE**

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 has adopted Ordinance No. 2022-10-05, which amends the language of City Code Section 701; and

WHEREAS, the new ordinance is lengthy and would be costly for the City to publish in its entirety as required by law for the adoption of an ordinance.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Birchwood Village, Minnesota, as follows:

1. Because the terms of Ordinance 2022-10-05 are lengthy, the City may publish the attached summary of the Ordinance as allowed by statute, and need not publish the entire ordinance. The attached summary clearly informs the public of the intent and effect of the Ordinance. Summary publication has been approved by at least a 4/5 vote of the City Council.
2. The effective date of the Ordinance amendments shall be upon their publication by summary as required by law.

Resolution duly seconded and passed this 13th day of December, 2022.

Mary Wingfield, Mayor

Attest:

Rebecca Kellen, City Administrator-Clerk

Please be advised that the City of Birchwood has duly-passed the following
ORDINANCE:

AN ORDINANCE AMENDING SECTION 701 regarding fees.

The following is a SUMMARY of the Ordinance:

On December 13, 2022 the City adopted an Ordinance (2022-10-05) codifying the
City's fee schedule.

PLEASE BE ADVISED, this is not the full text of the Ordinance passed and the
published material is only a summary. The full text is available for public inspection
at the City of Birchwood, 207 Birchwood Avenue, Birchwood, Minnesota 55110 or
delivered upon request electronically or by U.S. Mail.

Summary complies with Minn. Stat. §§ 331A.05 subd. 8. & 412.191 subd 4.

From: Ryan Hankins
 To: Birchwood City Council

Fee Schedule Code change recommendations:

Dog Permit - first year of term	605.021.1(1), 605.021.2	\$25.00	12/2022
Dog Permit - second year or term	605.021.1(1), 605.021.2	\$20.00	12/2022
Dog Permit - third year or term	605.021.1(1), 605.021.2	\$15.00	12/2022

605.021(2) suggestion:

2. Term; renewal; late penalty charge. Dog permits shall be issued for three-year terms in 2022 and every third year thereafter, and the owner shall pay the fee set in the fee schedule for the year of the term in which the permit is first required. A permit for each licensed dog shall be renewed ~~each even every third year after 2022 by every owner~~ and a permit fee paid. A permit, if not revoked, shall be valid until the end of ~~the permit period~~ the permit deadline three calendar years after the permit deadline in the first year of the term. Renewal permits must be obtained prior to the expiration date, and there shall be a late ~~penalty charge fee~~ on all renewal permits issued applications received after the expiration date for dogs that have been kept in the City for more than fourteen (14) consecutive days.

We need to change to 607 like this:

607.480. No person or group of persons shall ~~exclusively use~~ exclude other persons or groups of persons from a park shelter unless a specific permit has been granted by the ~~Director~~ City for such use.

Proposed language for 617.380 paragraph 5. With this language change, the Council may wish to consider how it will determine whether docks, hoists, lifts, and boats are within the allowed parameters and whether docks accessible to the general public can be evaluated for health and safety.

~~(5) The City retains the right to inspect all Dock Association docks, boat hoists, boat lifts, boats and shore ramps installed on the Public Lake Tracts to ensure health, safety and well-being and conformance with Minnesota Department of Natural Resources (DNR) Rules, City code and permits.~~ The City shall forward all dock safety non-conformities, concerns or deficiencies to the Dock Association's complaint president via the Dock Liaison for action. The Dock Association

shall have seven (7) days to reply in writing to the City addressing the identified deficiencies. The City Council shall thereafter review the matter if necessary.

An alternative might be the following. I tried to pare this down (paring down is in regard to authority, not number of words) to provide the minimum necessary authority to the City. Alan may have some thoughts, too.

(5) The City may, without notice, inspect all private property on Lake Tracts and at Dock Association docks in public waters that is accessible for public use to ensure health, safety and well-being. The City may inspect all private property on Lake Tracts and at Dock Association docks in public waters for the additional limited purpose of ensuring compliance with applicable rules, statutes, permits and City Code. This section does not grant the City additional power to inspect private property that is not accessible to the public and is not in plain view, except that if the City cannot determine whether property on Lake Tracts or at Dock Association docks is conforming, it may require, with seven (7) days notice in writing to the property owner, if known, that the property owner provide evidence of compliance satisfactory to the City, such as a manufacturer's certificate, allow inspection, or permanently remove the property. If the property owner is not known or does not demonstrate compliance, the City may deem the property abandoned and apply the remedies in sections 617.250 and 617.255.

~~The City retains the right to inspect all Dock Association docks, boat hoists, boat lifts, boats and shore ramps installed on the Public Lake Tracts to ensure health, safety and well-being and conformance with Minnesota Department of Natural Resources (DNR) Rules, City code and permits.~~

The City shall forward all dock safety non-conformities, concerns or deficiencies to the Dock Association's complaint president via the Dock Liaison for action. The Dock Association shall have seven (7) days to reply in writing to the City addressing the identified deficiencies. The City Council shall thereafter review the matter if necessary.

ORDINANCE 2022-10-06

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

AN ORDINANCE AMENDING THE FEE SCHEDULE

The City Council of the City of Birchwood Village hereby ordains that the Fee Schedule of the Municipal Code of the City of Birchwood Village is hereby amended to read as specified in EXHIBIT A.

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 13th day of December 2022

Mary Wingfield, Mayor

Attest:

Rebecca Kellen, City Administrator-Clerk

CITY OF BIRCHWOOD VILLAGE 2022 FEE SCHEDULE

All fees in this schedule are subject to "Other Inspections and Fees" (under Additional Fees). 12/2022

Category	Description	Code Reference	Amount	Last Revised
ADMINISTRATIVE SERVICE FEES	Compact Disc		\$1.00	
	Copies (Black and White) per page 8 1/2 x 11 or 8 1/2 x 14		\$0.25	
	Copies (Black and White) per page 11 x 17		\$0.35	
	Copies (Color) per page		\$1.00	
	Hall Rental		\$25.00 + \$100.00 refundable deposit	
	Postage & Envelopes for Mailings & Public Hearing Notices		\$1.00 + postage	
	Returned Check	Minnesota Statute 604.113 Subd. 2(a)	\$30.00	
ANIMAL FEES	Chicken License - three years	605.028(2)	\$25.00	12/2022
	Pig License - three years	605.029(3)	\$25.00	12/2022
	Dog Permit - first year of term	605.021.1(1), 605.021.2	\$25.00	12/2022
	Dog Permit - second year or term	605.021.1(1), 605.021.2	\$20.00	12/2022
	Dog Permit - third year or term	605.021.1(1), 605.021.2	\$15.00	12/2022
	Dog Permit Late Fee	605.021.2	\$5.00	12/2022
	Dog Permit Administrative Fee	605.021.2	\$25.00	12/2022
	Potentially dangerous dog or dangerous dog appeal fee		\$100.00	12/2022
	Dangerous dog annual fee	605.024(9)	\$500.00	12/2022
	Potentially dangerous dog annual fee	605.024(11)	\$100.00	12/2022
	Potentially dangerous dog or dangerous dog administrative review fee	605.024(12)	\$100.00	12/2022
DOCK ASSOCIATION FEES	Annual Boat Slip Permit Fee	617.118	Set and collected by Dock Association	
	Annual Dock Permit Fee (\$875 per boat)	617.44, 617.119	\$875 times the number of Boat Slip Permits issued by the Birchwood Dock Association (BDA) on or before April 1, due by April 1. In the event of low water, the greater of the number of boats proposed next year or Boat Slip Permits issued by the BDA in the most recent year. For Boat Slip Permits issued by BDA after April 1, the additional amount is due before the permitted watercraft is placed at the dock.	3/2018

	Lake Tract Personal Property Abandonment Fee	617.250	\$300.00	12/2022
	Fee in Lieu of Personal Property Removal	617.255	\$100.00/day	12/2022
	Boat Hoist Registration Fee	617.380(11)	\$25.00	12/2022
	Annual Feistner Beach Boat Slip Beach Permit		\$1,000.00	1/2021
SMALL CRAFT STORAGE FEES	Annual Small Craft Permit	617.215(2)	\$30.00	7/2022
	Annual Small Craft Permit for household upon proof of adjusted gross income of \$35,000 or less	617.215(2)	no cost	1/2020
	Use of Small Craft Rack without a permit	617.215(3)	\$75.00	
	Small Craft Removal Fee	617.215(3)	\$50.00	
	Post-season Boat Storage Violation Fee	617.240	\$25.00	3/2018
PLANNING AND ZONING FEES, ESCROWS AND DEPOSITS *subject to additional fees, in that section of the fee schedule. All planning and zoning permits require an additional refundable permit escrow when listed.	Conditional Use Permit (CUP) Application or Amendment *	306.010	\$460.00	
	Refundable Conditional Use Permit or CUP Amendment Escrow for permitting costs incurred by city		\$3,000.00	8/2021
	Interim Use Permit Application *	305.020, 305.040(6)	\$400.00	
	Refundable Interim Use Permit Escrow for permitting costs incurred by city	302.050	\$3,000.00	8/2021
	Street Vacation Application *		\$300.00	12/2022
	Refundable Street Vacation Escrow for permitting costs incurred by city	302.050	\$3,000.00	12/2022
	Variance Application *	304.020	\$600.00	4/2021
	Refundable Variance Escrow for staff review time incurred by city	302.050	\$3,000.00	
	Subdivision: Lot Split Application *	308.121	\$225.00	
	Refundable Lot Split Escrow for permitting costs incurred by City	301.055(2)	\$1,000.00	12/2022
	Subdivision: Preliminary Plat Application *	308.040(3)	\$1,000.00	8/2021
	Subdivision: Refundable Preliminary Plat Application Escrow for permitting costs incurred by city	301.055(2)	\$10,000.00	8/2021
	Subdivision: Final Plat Application *	308.050	\$1,000.00	8/2021
	Subdivision: Refundable Final Plat Application Escrow for permitting costs incurred by city	301.055(2)	\$10,000.00	8/2021
	Zoning Permit *	307.010	\$50.00	
	Refundable Zoning Permit Escrow for permitting costs incurred by city	301.055(2)	\$3,000.00	11/2021
	Right-of-Way (ROW) Permit Application Fee *	309.061	\$300.00 + \$100.00 /hour for plan review after two hours	1/2018
Refundable ROW Permit Escrow for permitting costs incurred by city	301.055(2)	\$3,000.00	11/2021	
Right-of-Way Degradation Fee	309.080	Permit holder responsible for actual costs		
Move a building from its present location in Birchwood to any other site, whether or not the new site is within the City. *		\$500.00	12/2022	
Refundable building move escrow for permitting costs incurred by city	301.055(2)	\$1,000.00	12/2022	
Certificate of occupancy		\$25.00	12/2022	

ROOFING,
SIDING
REPLACEMENT,
WINDOW
REPLACEMENT,
AND
BUILDING
PERMIT FEES

Public Property Access Limited License	607.235	\$50.00	1/2019
<i>VALUATION OF STRUCTURE, ADDITION OR ALTERATION</i>		<i>FEE COMPUTATION</i>	
\$1 to \$500 **, **	203.050, Minnesota Statute 326B. 153	\$29.50	
\$501 to \$2,000 **, **	203.050, Minnesota Statute 326B. 153	\$23.50 for the first \$500 + \$3.05 for each additional \$100, or fraction thereof, to and including \$2,000.00.	
\$2,001 to \$25,000 **, **	203.050, Minnesota Statute 326B. 153	\$69.25 for the first \$2,000 + \$14.00 for each additional \$1,000, or fraction thereof, to and including \$25,000.	
\$25,001 to \$50,000 **, **	203.050, Minnesota Statute 326B. 153	\$391.25 for the first \$25,000 + \$10.10 for each additional \$1,000, or fraction thereof, to and including \$50,000.	
\$50,001 to \$100,000 **, **	203.050, Minnesota Statute 326B. 153	\$643.75 for the first \$50,000 + \$7.00 for each additional \$1,000, or fraction thereof, to and including \$100,000.	
\$100,001 to \$500,000 **, **	203.050, Minnesota Statute 326B. 153	\$993.75 for the first \$100,000 + \$5.60 for each additional \$1,000, or fraction thereof, to and including \$500,000.	
\$500,001 to \$1,000,000 **, **	203.050, Minnesota Statute 326B. 153	\$3,233.75 for the first \$500,000 + \$4.75 for each additional \$1,000, or fraction thereof, to and including \$1,000,000.	
\$1,000,001 and up **, **	203.050, Minnesota Statute 326B. 153	\$5,608.75 for the first \$1,000,000 + \$3.15 for each additional \$1,000, or fraction thereof.	
			Using calculator at: https://www.dli.mn.gov/about-department/permit-surcharge-report
State Surcharge	Minnesota Statute 326B. 148		
DEMOLITION FEES	Demolition Permit	203.050	\$100.00 12/2022

UTILITY AVAILABILITY FEES	<p>Prior to connecting, the owner or representative of a building or dwelling constructed in the City must pay the Metropolitan Council Environmental Services (MCES) Sewer Availability Charge (SAC) as set by the Metropolitan Council per Minnesota statute 473.517. Dwelling units replacing an existing dwelling unit with a water meter or that was assessed previously for sanitary sewer and that can establish that a dwelling unit on the lot was connected to the municipal sanitary sewer system before January 1, 2009, or that previously paid the fee for the existing dwelling unit, are exempt from one fee per dwelling unit. This fee must be collected when a plumbing permit for sewer connection or a building permit is issued for construction of dwelling.</p>			
			The most recent fee published by MCES. \$2485.00 as of July, 2022.	
PLUMBING AND FIRE PERMIT FEES	<p>Dwelling units existing or constructed in the City must connect to the municipal sanitary sewer system so long as it is reasonably available. Prior to connecting, the owner or representative must pay the City Sewer Availability Charge (SAC). Dwelling units replacing a dwelling unit with a water meter or that were specially assessed previously for sanitary sewer are exempt from the fee for one dwelling unit. This fee must be collected when a plumbing permit for sewer connection or a building permit is issued for construction of dwelling.</p>			
		202.070	\$5,500.00	8/2021
GAS, HEATING AND MECHANICAL PERMIT FEES	<p>Dwelling units existing or constructed in the City must connect to the municipal water system so long as it is reasonably available. Prior to connecting, the owner or representative must pay the City Water Availability Charge (WAC). Dwelling units replacing a dwelling unit with a water meter or that were specially assessed previously for City water are exempt from the fee for one dwelling unit. This fee must be collected when a plumbing permit for water connection or a building permit is issued for construction of dwelling.</p>			
		201.070	\$3,500.00	8/2021
PLUMBING AND FIRE PERMIT FEES	Plumbing Permit **	202.040	\$100 + \$100/hour after one hour	12/2022
	State Surcharge	Minnesota Statute 326B.148	\$1.00	
GAS, HEATING AND MECHANICAL PERMIT FEES	Fire Sprinkler Permit **	202.040	\$100 + \$100/hour after one hour	12/2022
	State Surcharge	Minnesota Statute 326B.148	\$1.00	
GAS, HEATING AND MECHANICAL PERMIT FEES	Mechanical Permit **	202.040	\$100 + \$100/hour after one hour	12/2022
	State Surcharge	Minnesota Statute 326B.148	\$1.00	
GAS, HEATING AND MECHANICAL PERMIT FEES	Gas Piping Permit (that is not part of mechanical installation) **	202.040	\$100 + \$100/hour after one hour	12/2022
	State Surcharge	Minnesota Statute 326B.148	\$1.00	
GAS, HEATING AND MECHANICAL PERMIT FEES	Air Conditioning Installation Permit **	203.050	\$100 + \$100/hour after one hour	12/2022
	State Surcharge	Minnesota Statute 326B.148	\$1.00	

WATER AND SEWER FEES	Air Conditioning Permit (part of mechanical installation) **	203.050	\$100 + \$100/hour after one hour	12/2022
	State Surcharge	Minnesota Statute 326B.148	\$1.00	
	Fireplace Permit (gas, wood or other type) **	203.050	\$100 + \$100/hour after one hour	12/2022
	State Surcharge	Minnesota Statute 326B.148	\$1.00	
	Residential and non-residential water use: Tier 1 - up to 6,000 gallons	201.090	\$0.00356 per gallon	1/2022
	Residential and non-residential water use: Tier 2 - after 6,000 gallons up to 9,000 gallons	201.090	\$0.00410 per gallon	1/2022
	Residential and non-residential water use: Tier 3 - after 9,000 gallons up to 15,000 gallons	201.090	\$0.00471 per gallon	1/2022
	Residential and non-residential water use: Tier 4 - after 15,000 gallons up to 44,883 gallons	201.090	\$0.00544 per gallon	1/2022
	Residential and non-residential water use: Tier 5 - after 44,883 gallons	201.090	\$0.00623 per gallon	1/2022
	Quarterly Safe Drinking Water Fee	Minnesota Statute 144.3831	The most recent fee assessed by the Minnesota commissioner of health, divided into quarters. \$2.43 as of July, 2022.	
	Sewer Fee (metered, quarterly)	202.110	\$36.00 + \$.00451 per gallon based on first quarter water consumption	6/2019
	Sewer Fee (unmetered, quarterly)	202.110	\$80.00	6/2019
	Water Utility User Fee		\$35.00	12/2022
	Water Main Break Surcharge (as City exhausts budgeted funds for water main breaks)		As required (\$25.00 for June - December, 2022 as of June, 2022)	5/2022
	Street excavation permit *		\$50.00	12/2022
	Refundable Street Excavation Damage Deposit		\$3,000.00	12/2022
	Turning water service on or off at street, including seasonally	201.240	\$150.00	
	Water Meter Installation or Replacement 3/4" or smaller	201.080	\$500.00 + \$150.00 /hour after one hour	12/2022
	Water Meter Installation or Replacement 1" or larger or other non-standard meter	201.080	Cost of meter + \$150.00/hour, with 1 hour minimum	12/2022
	Utility Bill Late Fee	201.100, 202.120	5% of the unpaid balance	
Utility Bill Quarterly Automated Clearing House (ACH) Discount		\$3.00	5/2022	
Non-electronic water meter fee	201.080	\$25.00/quarter	11/2022	
Non-submission of emailed photo of non-electronic water meter	201.080	\$25.00	11/2022	
Open water and sewer account		\$25.00		
Close water and sewer account		\$25.00		

ADDITIONAL FEES (All fees in this schedule are subject to the following charges when required by the City)

Costs to City for damages and liabilities for irrigation system backflow into water system	202.095	actual costs	3/2022
Water meter testing (refundable as described in City code)	201.170	\$300.00	12/2022
Investigation Fee: If work or activity for which a license or permit is required by the code has been commenced without first obtaining the permit or license.	701.061	Up to the amount equal to the permit fee, in addition to the permit fee.	12/2022
Additional Fee: An additional fee, not to exceed actual expenses or the original amount of the fee, whichever is less, shall be paid if the City Council determines that the applicant has changed the project after submission of the initial application, or if it is necessary to conduct an excessive number of re-inspections of the project in order to ensure compliance with the City Code or the terms of the permit or license.	701.062		
Building Official: Inspections outside of normal business hours		\$126.50 + \$63.25 /hour after two hours	6/2019
Building Official: Reinspection fee		\$63.25/hour	6/2019
Building Official: Inspection for which no fee is specifically indicated		\$31.63 + \$63.25/hour after one half hour	6/2019
Building Official: Plan Review fee	Minnesota Statute 326B. 153 Subd. 2	65% of permit fee	6/2019
Building Official: Plan Review fee for similar plans	Minnesota Statute 326B. 153 Subd. 5	25% of permit fee	12/2022
Building Official: Additional plan review for changes, additions or revisions to plans		\$31.63 + \$63.25/hour after one half hour	6/2019
Engineer & Planner: Consult or review land use plans		\$100.00/hour, or the total hourly cost to the city, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages, and fringe benefits of the employees involved, as well as any consulting fees	12/2021
Engineer & Planner: Inspections or other services		\$100.00/hour, or the total hourly cost to the city, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages, and fringe benefits of the employees involved, as well as any consulting fees	12/2021
Attorney: Consultations, reviews and analysis		actual costs, including administrative and overhead costs, and attorney review and analysis expenses	

	Other Professionals: Consultations, reviews and inspections		actual costs, including administrative and overhead costs, and consultant review and analysis expenses	
VACANT BUILDING FEES	Vacant building annual registration fee	407.03(k)	\$360.00 + City costs incurred for property maintenance	
LAW ENFORCEMENT FEES	Excessive Use of Law Enforcement - first incident	406.03(3)(b)	cost, with \$100.00 minimum	
	Excessive Use of Law Enforcement - second incident	406.03(3)(b)	cost, with \$200.00 minimum	
	Excessive Use of Law Enforcement - after second incident	406.03(3)(b)	cost, with \$300.00 minimum	
TREE FEES AND DEPOSITS	Diseased Tree Abatement fee	403.080(c)	\$50.00 + cost of abatement	12/2022
	Significant Tree Removal Replacement deposit	302.055(2)(d)(3)	amount necessary to cover the cost of replacement trees	
COMMUNICATIONS FEES	Permit to install, repair, remove or relocate communications facilities *, **	208.020	\$50.00	12/2022
REFUNDS	Permit, license or fee refund, if the applicant requests a refund within 15 days after payment, and the City has incurred no expenses to process the application.		50% of the fee	4/2018
FOOTNOTES	* Escrow for City Permitting costs is required. Unused portion is returned to applicant.			
	** State Surcharge is required			

RESOLUTION 2022-28

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

**A RESOLUTION APPROVING SUMMARY PUBLICATION OF
ORDINANCE NO. 2022-10-06, AN ORDINANCE AMENDING SECTION 701 OF
CITY CODE**

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 has adopted Ordinance No. 2022-10-06, which amends the City Fee Schedule; and

WHEREAS, the new ordinance is lengthy and would be costly for the City to publish in its entirety as required by law for the adoption of an ordinance.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Birchwood Village, Minnesota, as follows:

1. Because the terms of Ordinance 2022-10-06 are lengthy, the City may publish the attached summary of the Ordinance as allowed by statute, and need not publish the entire ordinance. The attached summary clearly informs the public of the intent and effect of the Ordinance. Summary publication has been approved by at least a 4/5 vote of the City Council.
2. The effective date of the Ordinance amendments shall be upon their publication by summary as required by law.

Resolution duly seconded and passed this 13th day of December, 2022.

Mary Wingfield, Mayor

Attest:

Rebecca Kellen, City Administrator-Clerk

Please be advised that the City of Birchwood has duly-passed the following ORDINANCE:

AN ORDINANCE CODIFYING the City's Fee Schedule.

The following is a SUMMARY of the Ordinance:

On December 13, 2022 the City adopted an Ordinance (2022-10-06) codifying the City's fee schedule.

PLEASE BE ADVISED, this is not the full text of the Ordinance passed and the published material is only a summary. The full text is available for public inspection at the City of Birchwood, 207 Birchwood Avenue, Birchwood, Minnesota 55110 or delivered upon request electronically or by U.S. Mail.

Summary complies with Minn. Stat. §§ 331A.05 subd. 8. & 412.191 subd 4.

CITY OF BIRCHWOOD VILLAGE, WASHINGTON COUNTY, MINNESOTA
RESOLUTION NO. 2022-22

RESOLUTION TO KEEP THE EXISTING LOST LAKE CULVERT INVERT ELEVATIONS IN
THE COUNTY OF WASHINGTON, STATE OF MINNESOTA

WHEREAS, Lost Lake (DNR #82013400) is a natural water body designated as a Natural Environment Lake by the Minnesota Department of Natural Resources;

WHEREAS, Lost Lake is located partially in the City of Birchwood Village and referenced in the 2040 City of Birchwood Village Comprehensive Plan;

WHEREAS, The City of Birchwood Village promotes and provides for the health and recreation of residents at its numerous parks, open spaces, and natural resources in our community;

WHEREAS, Lost Lake provides boating and ice skating recreation, and fishing and wildlife habitat;

WHEREAS, The City of Birchwood Village owns real estate PIN 30.030.21.42.0001, and as such, has riparian rights to Lost Lake;

WHEREAS, the City of Mahtomedi has approached The Minnesota Department of Natural Resources to lower the culvert invert elevation(s) draining Lost Lake to White Bear Lake to correct flooding problems from the 2021 road reconstruction of Birchwood Road; and

WHEREAS, The City of Birchwood Village does not support lowering any culvert invert elevations of Lost Lake because

1. Such a proposal is not the “minimum impact solution to a specific need with respect to all other reasonable alternatives”,
2. There are other reasonable, prudent alternatives, including a raising the Birchwood Road elevation,
3. The City of Birchwood Village residents, including riparian owners, have expressed objections to the proposal.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BIRCHWOOD VILLAGE: the City of Birchwood Village does not support any Lost Lake water elevation change by lowering culvert invert elevations and reducing the amount of water in the lake basin to correct flooding of Birchwood Road.

Date: December 13, 2022

Mary Wingfield, Mayor

Rebecca Kellen, Clerk/Administrator

Scollan, Daniel (DNR)

From: Scollan, Daniel (DNR)
Sent: Monday, November 7, 2022 5:28 PM
To: Samuel Phillips; Jake Newhall
Cc: Gleason, John (DNR)
Subject: RE: Lincolntown Drainage Project Permit - MPARS Application #2022-0604
Attachments: hs_1981-004-LostLake-82-134.pdf; 2013-05-04-1992-6072.pdf; 019731-000 SIGNED PLAN SET 09022022 - Reduced.pdf; HydraulicReport_ToDNR_09062022.pdf

Hello Sam and Jake,

I've learned there are additional, substantial permitting requirements for changing the invert of the Lost Lake outlet culvert under Birchwood Road. In your model that is the culvert from Pond 74 to Pond 151.

DNR's records identify the invert elevation of the outlet of Lost Lake. The 1981 Hydrographic Work Report (attached) measured an invert elevation of 925.62' (NGVD 1929 datum) at the south end of the 3.6' x 2.3' arch-type CMP through Birchwood Road. DNR Permit #1992-6072 (attached) authorized replacement of this culvert with a 27" x 44" arch-type RCP with an invert elevation of 925.68' (NGVD 1929 datum).

Your proposed invert elevation for the new outlet culverts through Birchwood Road in the attached plans is 925.00', NAVD88 datum, which is approximately 0.8' below the established control elevation of Lost Lake.

The other Public Waters involved in the project (82-356W, 82-357W) along Lincolntown Avenue are landlocked basins that are regulated under [Minn. Statute 103G.405](#). Lost Lake (82-134W), however, is a public water with an established control (i.e., runout) elevation, and any change to the control elevation is regulated under [Minn. Statute 103G.407](#). To establish a control elevation for a public water with an outlet that is different than any previously established control level, Minn. Statute 103G.407 requires the acquisition of appropriate easements or property interests from all properties abutting the ordinary high water level of the Public Water. For the application for the Lost Lake outlet changes to proceed, the City of Mahtomedi would need to fully describe the property rights acquired or to be acquired.

These requirements are in addition to the general requirements in DNR's Public Waters Work Rules that require projects be designed as the minimal impact solution to a specific need with respect to all other reasonable alternatives, including the no-build alternative. Alternatives that should be evaluated for Lost Lake include (1) a road raise and (2) a change in the culvert that would increase its capacity without changing the control elevation.

Please also note that unlike the other Public Waters in the project (82-356W, 82-357W), Lost Lake is located in two municipalities, Birchwood Village and Mahtomedi. The previous request for comments on this application did not include Birchwood Village. With the proposed expanded scope of this project to Lost Lake, a new request for comments period is needed and must include Birchwood Village.

Another analysis required for the application for the Lost Lake outlet change to proceed is a determination on the need for an Environmental Assessment Worksheet (EAW) under [Minn. Rule 4410.4300, Subp. 27\(A\)](#), which mandates preparation of an EAW for projects that will change or diminish the course, current, or cross-section of one acre or more of any public water or public waters wetland.

Please let me know if you have questions on these permitting requirements. I'd be happy to meet and discuss next steps.

Best Regards,

Dan Scollan

East Metro Area Hydrologist – Ramsey and Washington Counties
Division of Ecological and Water Resources

Minnesota Department of Natural Resources

1200 Warner Road

St. Paul, MN 55106

Phone: 651-259-5732

Fax: 651-772-7977

Email: daniel.scollan@state.mn.us
mndnr.gov



From: Samuel Phillips <SPhillips@wsbeng.com>
Sent: Monday, November 7, 2022 8:54 AM
To: Scollan, Daniel (DNR) <daniel.scollan@state.mn.us>
Cc: Jake Newhall <jnewhall@wsbeng.com>
Subject: RE: Lincolntown Drainage Project Permit - MPARS Application #2022-0604

Good morning Dan,

I'm reaching out to confirm there is nothing else you need from us on this. Let me know.

Thank you,
Sam

Samuel Phillips
Graduate Engineer - Water Resources
563.608.4018 (o)
WSB | wsbeng.com



For a list of WSB employee licenses and certifications visit [here](#).

This email, and any files transmitted with it, is confidential and is intended solely for the use of the addressee. If you are not the addressee, please delete this email from your system. Any use of this email by unintended recipients is strictly prohibited.

From: Samuel Phillips
Sent: Wednesday, September 21, 2022 8:38 AM
To: Scollan, Daniel (DNR) <daniel.scollan@state.mn.us>
Cc: Jake Newhall <jnewhall@wsbeng.com>
Subject: RE: Lincolntown Drainage Project Permit - MPARS Application #2022-0604

Dan – see attached city resolution in support of the project from last night’s council meeting.

Let me know if you need anything else. Thanks.

From: Scollan, Daniel (DNR) <daniel.scollan@state.mn.us>
Sent: Tuesday, September 6, 2022 3:26 PM
To: Samuel Phillips <SPhillips@wsbeng.com>
Subject: RE: Lincolntown Drainage Project Permit - MPARS Application #2022-0604

EXTERNAL EMAIL

Good Afternoon Sam,

[Here’s my availability in bold:](#)

- Thursday 9/8 (any time) – **Not available**
- Friday 9/9 (12-1) - **Available**
- Monday 9/12 (9-11 or 1-5) – **Available 9-11am**
- Tuesday 9/13 (10-12) – **Available 11-12am**
- Wednesday 9/14 (10-12 or 3-5) - **Available**
- Thursday 9/15 (9-12 or 3-5)) – **Available 3-5pm**

Dan Scollan
East Metro Area Hydrologist – Ramsey and Washington Counties
Division of Ecological and Water Resources

Minnesota Department of Natural Resources
1200 Warner Road
St. Paul, MN 55106
Phone: 651-259-5732
Fax: 651-772-7977
Email: daniel.scollan@state.mn.us
mndnr.gov



From: Samuel Phillips <SPhillips@wsbeng.com>
Sent: Tuesday, September 6, 2022 1:48 PM

To: Scollan, Daniel (DNR) <daniel.scollan@state.mn.us>

Subject: RE: Lincolntown Drainage Project Permit - MPARS Application #2022-0604

Hi Dan,

Due to sustained high water levels in the spring, the City requested we expand our scope on this project. We have added work to alleviate inundation of Birchwood Road as shown on sheets 14, 19, and 20. Could we meet sometime in the next week or two to discuss amending the permit?

Some times that work well for us are:

Thursday 9/8 (any time)

Friday 9/9 (12-1)

Monday 9/12 (9-11 or 1-5)

Tuesday 9/13 (10-12)

Wednesday 9/14 (10-12 or 3-5)

Thursday 9/15 (9-12 or 3-5)

Thanks,

Sam

Samuel Phillips

Graduate Engineer - Water Resources

563.608.4018 (o)

WSB | wsbeng.com



For a list of WSB employee licenses and certifications visit [here](#).

This email, and any files transmitted with it, is confidential and is intended solely for the use of the addressee. If you are not the addressee, please delete this email from your system. Any use of this email by unintended recipients is strictly prohibited. WSB does not accept liability for any errors or omissions which arise as a result of electronic transmission. If verification is required, please request a hard copy.

From: Scollan, Daniel (DNR) <daniel.scollan@state.mn.us>

Sent: Tuesday, June 7, 2022 12:43 PM

To: Samuel Phillips <SPhillips@wsbeng.com>

Cc: Jake Newhall <jnewhall@wsbeng.com>

Subject: RE: Lincolntown Drainage Project Permit - MPARS Application #2022-0604

EXTERNAL EMAIL

Hello Sam,

The request for comment period ended on June 5th. One comment was submitted from DNR's Environmental Review staff:

There are MBS Sites and DNR Native Plant Communities in close proximity to the project. There have also been several invasive species documented in the area, therefore we recommend inspecting and cleaning equipment to prevent the spread of invasive species and only using weed-free fill and seed

Dec 13, 2022 Regular City Council Meeting

mixes. Oak wilt has also been documented within the project area. Therefore, we recommend not conducting tree trimming and removal from April 1 through July 15 unless all cuts and wounds on oaks (Quercus spp.) are painted within 10 minutes with a water soluble paint or shellac. The outer 3 growth rings and bark must be totally covered with paint in order to prevent the spread of oak wilt.

I plan to complete the permit this week.

Best Regards,

Dan Scollan

East Metro Area Hydrologist – Ramsey and Washington Counties
Division of Ecological and Water Resources

Minnesota Department of Natural Resources

1200 Warner Road

St. Paul, MN 55106

Phone: 651-259-5732

Fax: 651-772-7977

Email: daniel.scollan@state.mn.us

mndnr.gov



From: Samuel Phillips <SPhillips@wsbeng.com>

Sent: Tuesday, June 7, 2022 9:59 AM

To: Scollan, Daniel (DNR) <daniel.scollan@state.mn.us>

Cc: Jake Newhall <jnewhall@wsbeng.com>

Subject: RE: Lincolntown Drainage Project Permit - MPARS Application #2022-0604

Good morning Dan,

Do you have any updates on this application?

Thank you,

Sam

Samuel Phillips

Graduate Engineer - Water Resources

563.608.4018 (o)

WSB | wsbeng.com



Dec 13, 2022 Regular City Council Meeting

For a list of WSB employee licenses and certifications visit here.

This email, and any files transmitted with it, is confidential and is intended solely for the use of the addressee. If you are not the addressee, please delete this email from your system. Any use of this email by unintended recipients is strictly prohibited. WSB does not accept liability for any errors or omissions which arise as a result of electronic transmission. If verification is required, please request a hard copy.

From: Scollan, Daniel (DNR) <daniel.scollan@state.mn.us>
Sent: Wednesday, May 11, 2022 11:12 AM
To: Samuel Phillips <SPhillips@wsbeng.com>
Cc: Jake Newhall <jnewhall@wsbeng.com>
Subject: RE: Lincolntown Drainage Project Permit - MPARS Application #2022-0604

EXTERNAL EMAIL

Hello Sam and Jake,

The comment period ends on June 5th.

Best Regards,

Dan Scollan

East Metro Area Hydrologist – Ramsey and Washington Counties
Division of Ecological and Water Resources

Minnesota Department of Natural Resources

1200 Warner Road

St. Paul, MN 55106

Phone: 651-259-5732

Fax: 651-772-7977

Email: daniel.scollan@state.mn.us

mndnr.gov



From: Samuel Phillips <SPhillips@wsbeng.com>
Sent: Wednesday, May 11, 2022 10:19 AM
To: Scollan, Daniel (DNR) <daniel.scollan@state.mn.us>
Cc: Jake Newhall <jnewhall@wsbeng.com>
Subject: RE: Lincolntown Drainage Project Permit - MPARS Application #2022-0604

Hi Dan,

Could you let us know what date the 30-day comment period ends on?

Thanks,
Sam

Samuel Phillips

Graduate Engineer - Water Resources
563.608.4018 (o)
WSB | wsbeng.com



This email, and any files transmitted with it, is confidential and is intended solely for the use of the addressee. If you are not the addressee, please delete this email from your system. Any use of this email by unintended recipients is strictly prohibited. WSB does not accept liability for any errors or omissions which arise as a result of electronic transmission. If verification is required, please request a hard copy.

From: Samuel Phillips
Sent: Friday, May 6, 2022 4:08 PM
To: 'Scollan, Daniel (DNR)' <daniel.scollan@state.mn.us>
Cc: Jake Newhall <jnewhall@wsbeng.com>
Subject: RE: Lincolntown Drainage Project Permit - MPARS Application #2022-0604

Hi Dan,

As a follow up to our phone conversation this afternoon – does the 30 day comment period start today or Monday?

Have a great weekend,
Sam

From: Samuel Phillips
Sent: Thursday, May 5, 2022 10:20 AM
To: 'Scollan, Daniel (DNR)' <daniel.scollan@state.mn.us>
Subject: RE: Lincolntown Drainage Project Permit - MPARS Application #2022-0604

Hi Dan,

I wanted to check in on this. Is there anything else we need to do to get the permit issued?

Thanks,
Sam

From: Samuel Phillips
Sent: Wednesday, April 20, 2022 4:37 PM
To: 'Scollan, Daniel (DNR)' <daniel.scollan@state.mn.us>; Chaldelia Browne <CBrowne@wsbeng.com>
Cc: Jake Newhall <jnewhall@wsbeng.com>; Gleason, John (DNR) <john.gleason@state.mn.us>
Subject: RE: Lincolntown Drainage Project Permit - MPARS Application #2022-0604

Hi Dan,

See attached city council resolution in support of the project. Let me know if you need anything else.

Thanks,
Sam

From: Scollan, Daniel (DNR) <daniel.scollan@state.mn.us>
Sent: Thursday, April 7, 2022 2:25 PM
To: Samuel Phillips <SPhillips@wsbeng.com>; Chaldelia Browne <CBrowne@wsbeng.com>
Cc: Jake Newhall <jnewhall@wsbeng.com>; Gleason, John (DNR) <john.gleason@state.mn.us>
Subject: RE: Lincolntown Drainage Project Permit - MPARS Application #2022-0604

EXTERNAL EMAIL

Good Afternoon Sam,

I've reviewed the updated plan sheet and the memo. Thanks for submitting this update. I'll move forward with requesting comments on this application. One outstanding item to address before I may issue the permit is for the project to go through a public vetting process. In lieu of the items described below (inclusion in local water plan, public hearing), a city resolution in support of the project would be sufficient.

Best Regards,

Dan Scollan

East Metro Area Hydrologist – Ramsey and Washington Counties
Division of Ecological and Water Resources

Minnesota Department of Natural Resources

1200 Warner Road
St. Paul, MN 55106
Phone: 651-259-5732
Fax: 651-772-7977
Email: daniel.scollan@state.mn.us
mndnr.gov



From: Samuel Phillips <SPhillips@wsbeng.com>
Sent: Tuesday, April 5, 2022 4:52 PM
To: Scollan, Daniel (DNR) <daniel.scollan@state.mn.us>; Chaldelia Browne <CBrowne@wsbeng.com>
Cc: Jake Newhall <jnewhall@wsbeng.com>; Gleason, John (DNR) <john.gleason@state.mn.us>
Subject: RE: Lincolntown Drainage Project Permit - MPARS Application #2022-0604

Hi Dan,

Thanks for taking my call today. Attached is an updated plan sheet which reflects moving up the proposed outlet of Pond 80. Also attached is a memo detailing our reasoning for the inverts chosen on the two outlets of concern.

Let me know if you need anything else.

Sam

Samuel Phillips

Graduate Engineer - Water Resources
563.608.4018 (o)
WSB | wsbeng.com



This email, and any files transmitted with it, is confidential and is intended solely for the use of the addressee. If you are not the addressee, please delete this email from your system. Any use of this email by unintended recipients is strictly prohibited. WSB does not accept liability for any errors or omissions which arise as a result of electronic transmission. If verification is required, please request a hard copy.

From: Scollan, Daniel (DNR) <daniel.scollan@state.mn.us>
Sent: Monday, April 4, 2022 5:58 PM
To: Chaldelia Browne <CBrowne@wsbeng.com>
Cc: Roxy Robertson <RRobertson@wsbeng.com>; Samuel Phillips <SPhillips@wsbeng.com>; Gleason, John (DNR) <john.gleason@state.mn.us>
Subject: RE: Lincolntown Drainage Project Permit - MPARS Application #2022-0604

EXTERNAL EMAIL

Hello Chaldelia,

On further review of this application, I realized that the inverts of the proposed culverts draining Public Water Wetland #82-357W (Pond 80) and #82-356W (Ponds 107 and 108) are below the respective ordinary high water level (OHWL) of each basin:

- OHWL of Public Water Wetland #82-357W (Pond 80) = 928.5' NAVD88
Invert of Proposed Culvert = 926.8' NAVD88 (1.7' below OHWL)
- OHWL of Public Water Wetland #82-356W (Ponds 107 and 108) = 927.3' NAVD88
Invert of Proposed Culvert = 926.3' NAVD88 (1.0' below OHWL)

As a result, the permitting considerations for this project are more substantial than an excavation and fill project. I'm happy to schedule a call to discuss, but I'll do my best explain here in writing.

Since the culvert inverts are below the OHWL, they must be permitted as water level controls under Public Waters statutes and rules. The rules that apply depend on whether the public waters involved are landlocked basins or basins with an existing outlet. A landlocked basin is defined as a water basin or wetland with no outlet below its OHWL.

Our records show that both Public Water Wetland #82-357W (Pond 80) and Public Water Wetland #82-356W (Ponds 107 and 108) are landlocked basins. However, please provide the invert elevations for the existing culvert under Forest Trail located between Public Water Wetland #82-356W (Pond 107) and Public Water Wetland #82-353 (Pond 83). It's essential to know whether the invert of this existing culvert is above or below the OHWL of #82-356W to determine whether Public Water Wetland #82-356W is truly landlocked.

The statute for water level controls for landlocked public waters is [Minn. Stat. 103G.405](#) and the applicable rules are [Minn. R. 6115.0220](#) and [6115.0221](#). Before I can proceed on this application, I will need written justification to show that the selected culvert invert and sizing are necessary to prevent adverse impacts to adjoining property and that the design represents the minimal impact solution with respect to all reasonable alternatives. Please note that extra scrutiny is needed for a control elevation (i.e., the culvert invert) more than 1.5' feet below the OHWL of a landlocked basin – the law provides the county and watershed district with the right to file an objection to any proposed control more than 1.5' below the OHWL of a landlocked basin. To meet this requirement, we'll need modeling or other engineering analysis to show that the invert elevation, particularly the one at 82-357W (Pond 80) set at 1.7' below the OHWL, is necessary. If an invert closer to the OHWL is feasible, than the plan may need modification to be permitted by DNR.

The law also requires that a water level control project on a landlocked basin be addressed through a public planning process. Specifically, the project must be addressed in an approved water management plan under Minn. Stat. 103B or 103D (e.g., a watershed management organization or watershed district plan) **OR** in a local water management plan in the case of landlocked basins less than 25 acres in surface area and contained completely within the municipal boundaries of a single city. The local plan requirement in [Minn. Rule 6115.0221, Subp. 4\(A\)](#) would apply for this project. In addition, for water level controls constructed on landlocked basins less than 25 acres in surface area and contained completely within the municipal boundaries of a single city, [Minn. Rule 6115.0221, Subp. 4\(D\)](#) requires the city to hold a public hearing on the proposal.

To summarize, I'll need the following information to complete the application:

- Additional consideration/analysis and justification for the inverts of the proposed culverts draining Public Water Wetland #82-357W (Pond 80) and Public Water Wetland #82-356W (Ponds 107 and 108).
- Project is addressed in local water management plan.
- City holds a public hearing on the proposal.

I'd be happy to discuss this in a virtual meeting.

Best Regards,

Dan Scollan

East Metro Area Hydrologist – Ramsey and Washington Counties
Division of Ecological and Water Resources

Minnesota Department of Natural Resources

1200 Warner Road

St. Paul, MN 55106

Phone: 651-259-5732

Fax: 651-772-7977

Email: daniel.scollan@state.mn.us
mndnr.gov



Dec 13, 2022 Regular City Council Meeting

-----Original Appointment-----

From: Chaldelia Browne <CBrowne@wsbeng.com>

Sent: Thursday, March 10, 2022 9:32 AM

To: Chaldelia Browne; Chaldelia Browne; Roxy Robertson; Samuel Phillips; daniel.scollan@state.mn.us

Subject: Lincolntown Drainage Permit Discussion

When: Thursday, March 10, 2022 2:30 PM-3:00 PM (UTC-06:00) Central Time (US & Canada).

Where: Microsoft Teams Meeting

This message may be from an external email source.

Do not select links or open attachments unless verified. Report all suspicious emails to Minnesota IT Services Security Operations Center.

Microsoft Teams meeting

Join on your computer or mobile app

[Click here to join the meeting](#)

[Learn More](#) | [Meeting options](#)

Dec 13, 2022 Regular City Council Meeting

Highland/Birchwood Ave trail extension

Mary Wingfield <wingfield.mary@gmail.com>

Tue 12/6/2022 8:04 PM

To: Rebecca Kellen <Rebecca.Kellen@cityofbirchwood.com>

There is a unique opportunity to extend the trail from Hall Av at 540 south to the junction with Birchwood Avenue before heading east to pavement. This area is going through an almost complete ownership turnover. This lends itself to proceeding with the objectives and approach outlined in our Comprehensive Plan. This extension also recognizes the Park survey four years ago in which residents expressed their desire for more paths and walkways. It also allows folks to avoid a stretch of Hall Av traffic and enjoy a quiet, forested route.

The city was able to successfully develop Jay Path after that long-time neighbor moved on. This is the first time in sixty years that the city has had the ability to move forward on this trail with little, if any, resistance. This window to move forward is very small.

The path would start at the base of the driveway at Steinhausers (600 Birchwood av). Steinhausers are very supportive of the path and Paul has offered to help cut brush. The Path cuts west behind 612 and 580 Hall. 612 is currently for sale. 580 was sold in 2020. The trail then junctions with Highland. Highland cuts between 580 and 540 Hall.

Clearing would be limited to cleaning up deadfall and removing some brush. I would be willing to coordinate a volunteer group that would include our city worker Jim. It should probably take less than a day.

We would need a rough survey by our city engineer to stake the outer limits of the path. Small brown signs consistent with our city park signs are needed to guide walkers. Total cost would be \$1000. Wood chips and amenities can be considered at a later date.

FYI, The trail would NOT head west to White Pine Lane.

m

Dec 13, 2022 Regular City Council Meeting

One more agenda item

Mary Wingfield <wingfield.mary@gmail.com>

Wed 12/7/2022 9:20 AM

To: Rebecca Kellen <Rebecca.Kellen@cityofbirchwood.com>

310/312 Wildwood runoff from driveway

This matter has remained the same for the past 9 months and is unresolved. See email string below

m

----- Forwarded message -----

From: **Mary Wingfield** <wingfield.mary@gmail.com>

Date: Wed, Oct 26, 2022, 12:49 PM

Subject: 310 312 wildwood av

To: Alan kantrud <Prairiehabaneros@googlemail.com>

Cc: Justin McCarthy <justin.mccarthy@cityofbirchwood.com>

Hi Alan.

This spring the city was prepared to move on the public nuisance of this driveway disgorging debris on wildwood av. With j simning passing, the family said they would be probating the estate and selling the property. I can find no evidence of that happening. You told the family you would be working with them to achieve the city's goals. Where are you with this? Please let me know so we can calendar this for city action.

Thx

m



REQUEST FOR PROPOSALS
FOR
PROFESSIONAL ENGINEERING
SERVICES

PROPOSALS DUE: 2:00PM. March 1, 2023

LOCATION: CITY OF BIRCHWOOD VILLAGE
207 BIRCHWOOD AVENUE
BIRCHWOOD CITY, MN 55110

TABLE OF CONTENTS

- I. PURPOSE OF REQUEST
- II. GENERAL INFORMATION
- III. INSTRUCTIONS TO PROPOSERS
- IV. PROPOSAL CONTENTS
- V. SCOPE OF WORK
- VI. SELECTION
- VII. TERMS AND CONDITONS

CITY OF BIRCHWOOD VILLAGE REQUEST FOR PROPOSALS FOR PROFESSIONAL ENGINEERING SERVICES

I. PURPOSE OF REQUEST

The City of Birchwood Village is requesting qualifications from professional engineering firms for City Engineering Services. The City expects to select an Engineering Firm who will serve the city for an indefinite period, commencing upon approval by Council. Detailed information concerning the city's needs is outlined below.

The community desires to select the best-qualified engineering firm through the RFP process. The ideal firm should have extensive experience in municipal engineering including, but not limited to planning and review of construction projects (public and private), preparation of feasibility reports, infrastructure design, construction inspection, preparation of assessment rolls, plat reviews, public involvement, utility studies, and funding programs and processes. The ideal firm will be a multi-disciplined, full-service firm.

II. GENERAL INFORMATION

- A. The City of Birchwood Village is a small, fully developed residential community located on the southeast shoreline of White Bear Lake of approximately 864 residents and 375 households. The City covers 214 acres in Washington County.
- B. Birchwood Village is a City of the Fourth Class with a City Council form of government. The City Council consists of the Mayor and four council members who are elected at large.
- C. The City of Birchwood Village manages 4.2 miles of bituminous surfaced streets and one gravel roadway (Grotto Street) located off Wildwood Avenue. There are several areas with dedicated street rights-of-way that have not been improved and function today mostly as open space/trail easement areas. These areas are known as Birch, Ash, Elm, Dellwood, and Park Avenues and Jay and Highwood Streets.
- D. There are 13.8 acres of park and public open space land within Birchwood Village. The City's park system includes four park areas, six lake easements that provide access to White Bear Lake, and several undeveloped areas (easements and rights-of-way). Significant natural resources in the community include

White Bear Lake and Halls Marsh. The City's private lot areas and easement areas include extensive tree cover and rolling topography.

- E. Birchwood Village has rolling topography which slopes gradually toward White Bear Lake. The City has 2 permanent rain gardens to help clean and filter water that require regular maintenance. The City is positioned to follow water management strategies and regulations set forth by the governing watershed district, Rice Creek Watershed District (RCWD) under the Metropolitan Surface Water Management Act of 1982.
- F. The City's sewer system has two lift stations, 0 flow meter(s), and 5.3 miles of sewer main.
- G. The City has five employees: one full-time City Administrator-Clerk, one part-time Bookkeeper, a part-time Treasurer, and two on-call maintenance workers. Some municipal services such as sewer maintenance, police and fire protection are contracted primarily from nearby government agencies. Private contractors maintain the water system and provide building inspections and engineering and planning services.

III. INSTRUCTIONS TO PROPOSERS

- A. All proposals should be sent, and all questions and correspondence should be directed to:
 - City of Birchwood Village
 - ATTN: Rebecca Kellen, City Administrator
 - 207 Birchwood Avenue
 - Birchwood Village, MN 55110
 - 651-426-3403
- B. Firms and/or individuals submitting proposals for both Planning Services and Engineering Services should submit a separate proposal for both RFPs.
- C. All proposals must be received no later than 2:00 p.m., March 1, 2023. Seven (7) copies of the proposal must be presented. The copies shall be sealed and clearly identified with "City Engineer and Planner RFP" by the submittal deadline.
- D. To be considered a valid proposal, each proposal must meet the following requirements:

- a. Written proposals received after 2:00 p.m., March 1, 2023 will not be considered.
 - b. Each proposal must be signed by an officer of your company who can be held accountable for all representations.
- E. The proposal shall be limited to a maximum of thirty pages, printed on one side. Additional material, other than that requested by the City of Birchwood Village, will be disregarded.
- F. The City will review the proposals and may schedule interviews for finalists.
- G. Proposers are prohibited from contacting any representatives of the City Council regarding this proposal.

IV. PROPOSAL CONTENTS

- A. Title Page
Show the proposal subject, the name of the proposer's firm, address, telephone number, name of the contact person and the date.
- B. Table of Contents
Include a clear identification of the material by section and page number.
- C. Identification and Qualifications of Assigned Personnel
The ideal firm should have extensive experience in municipal engineering including planning and reviewing of construction project (public and private), preparation of feasibility reports, construction inspection, preparation of assessment rolls, plat review, LGU implementation (WCA and MS4 NPDES), city park development, and utility studies. The ideal firm would be a full-service firm.
- 1. The name of the person who will be responsible for the management and administration of engineering services with the City together with a resume describing that person's experience and qualifications.
 - 2. The names and resumes of the professional staff that will be assigned to provide engineering services to the City.
 - 3. An organizational chart identifying team members and their areas of responsibility.

4. A statement committing the aforementioned staff to this proposal.
 5. Background information concerning the firm, including the number of years in business under this name and the number and breakdown of personnel in the proposing office.
- D. Proposer's Detailed Approach to the Scope of Services
1. The proposal shall address in detailed fashion the approach of the firm or combination of firms to the Scope of Work.
- E. List of References and Potential Conflicts
1. A minimum of five references for public clients shall be provided.
 2. Potential conflicts of interest must be disclosed.
 - a. Indicate whether designated the company represents, or have represented, any client whose representation may conflict with your ability to provide engineering services to the City.
 - b. Indicate whether designated planner or the company currently represent any real estate developers. If so, please identify those companies or persons in detail and provide a percentage breakdown of how much this work represents of your firm's total billings.
 - c. Indicate whether designated planner or the company currently represents any other local units of government having jurisdiction within, or contiguous to, the City of Birchwood Village.
 - d. Identify what procedures your company utilizes to identify and resolve conflicts of interest.
- F. Disclosures and Assurances (Appendix A)
1. Applicant Authority – Assurance that the signator making representations in the proposal on behalf of the proposer has the authority to do so.
 2. Insurance Coverage – Documentation of current insurance coverage and limits, including professional liability insurance shall be provided with the proposal.
- G. Compensation
1. Hourly Rate: Provide an hourly rate sheet for work conducted on individual applications. The work shall include but not be limited to the following services: meetings, site visits, information gathering, plan

reviews, staff reports, council presentations and permit follow-up.

2. For City projects that are larger in scope, an estimate project fee will be submitted to be agreed upon by the City prior to the start of work. If services are to exceed the scope of the project or exceed the approved budget, a change order will be submitted to the City for review and approval.
3. Reimbursable Expenses: Include the proposed rates for reimbursable expenses including mileage for travel, copies, postage for mailings, messenger service, other agencies' plan review fees, etc.
4. Billings: Detailed billings should be submitted monthly and need to include date, time, project address, and specific work performed. Separate invoices will be created for each applicant to simplify billing processes.

V. SCOPE OF WORK

The City of Birchwood Village is searching for a firm that will provide professional engineering services. The general work elements are outlined below.

A. General Engineering Services

- Assists in planning, coordinating, supervising, and evaluating programs, plans, services, equipment, infrastructure, assist with funding solutions.
- Assists in development and implementation of CIPs (capital improvement plans).
- Manage infrastructure issues for the city through proactive planning, monitoring, and operations and maintenance management.
- Develops and recommends policies and procedures for effective operation of the city consistent with city policies and relevant regulations.
- Formulates short- and long-range plans for design and constructing Public Works improvements, including streets, water, sanitary, storm sewer, parks, and buildings.
- Assists in implementing all water resource functions.
- Update city maps and utility records.
- Obtain proper approval and documentation from local, state, and federal authorities prior to implementing projects.
- Provides engineering services on projects and oversees project management for constructing municipal public works projects.
- Assists in planning, layout, and design of city parks, trails, and other recreational amenities.

B. Design and Bidding Services

- Prepare plans and specification for all Public Works projects with the input of city staff. Present plans and specifications to the city council for approval.
- Consults with state and federal agencies having jurisdictional authority over the project as warranted.
- Prepare and send Advertisements for Bids to the legal newspaper and the Construction Bulletin for solicitation of bids.
- Prepare Contract Documents for bidding purposes.
- Review the bids and prepare bid tabulations.
- Help city staff in preparing a recommendation to the city council for the award of contracts.

C. Project Management/Construction Services

- Convene a preconstruction conference with staff, contractor, utility company representatives, etc.
- Perform construction staking and surveying.
- Provide construction observation during construction.
- Prepare and maintain necessary documentation, including photographs and/or video if warranted, and a log of the contractor's progress.
- Convene regular construction progress meetings, as required.
- Prepare, review, and recommend action for proposed change orders.
- Review and recommend final acceptance by the city. Assist the city in ensuring that contractors have been paid and lien waivers have been acquired.
- Provide record drawings upon conclusion of projects to the city.

D. Prepare Engineering Reports and Technical Correspondence

- Determine the need for preliminary studies, reviews all preliminary studies for compliance with ordinances, comprehensive plans, engineering standards, and financial guidelines including:
 - Feasibility Reports
 - Prepare preliminary (and final) assessment rolls
 - Plat review
 - Utility studies
 - Surface water system analysis and design
 - Capital Improvement Program studies
 - Prepare comments regarding reports, plans, and studies of other agencies
 - Presents feasibility studies at public meetings.
- The engineer shall establish and maintain a library of the following records:
 - Permits and applications
 - Contract Documents

- Addenda
- Copies of referenced standard specification
- Project schedules
- Shop drawings and submittals
- Applicable correspondence
- Records of pertinent telephone conversations
- File memoranda, directives, and change orders
- Requests and recommendations for payment
- Project budget and cost information
- Diaries and logs
- Records of noncompliance
- Field test results
- Materials testing reports
- Record Drawings
- Project photographs
- Project studies and reports
- Project progress and meeting minutes
- Other information as necessary or required

E. Participates in city meetings, including:

- Internal and external meetings with city or other engineering firms involving engineering questions and issues.
- Meets with developers and members of the public on proposed development projects to relate the processes and procedures involved with engineering and infrastructure development. Reviews development proposals for conformance with City Standards.
- City council meetings and work sessions, Planning & Zoning Commission meetings, and other city meetings as needed.
- Facilitating/handling public hearings.
- Meet with citizens one on one.

VI. SELECTION

- A. The City of Birchwood Village reserves the right to reject any or all proposals, and is not bound to accept the lowest cost proposal if that proposal is contrary to the best interests of the City.
- B. Selection of the firms to be interviewed shall be based upon, but not limited to, the following criteria:
 1. The firm's approach to and understanding of the Scope of Work.
 2. The firm's experience with similar contracts and clients.
 3. The experience and qualifications of the proposed staff in providing similar services.
 4. The firm's demonstrated ability to deliver work on time and within budget.
 5. The extent of involvement by key personnel.
 6. The extent to which previous clients have found the firm's services acceptable.

7. The firm's most significant qualifications.
8. Previous City experience with the proposing firm, if any.

C. Terms and Conditions

- a. The City of Birchwood Village reserves the right to cancel or amend the request for proposals at any time. The City of Birchwood Village reserves the right to determine the successful respondent. The City of Birchwood Village reserves the right to reject any or all proposals.
- b. The City of Birchwood Village will not be liable for any costs incurred by the firm responding to this request.
- c. The firm shall not assign any interest in this proposal and shall not transfer any interest in the same without the prior written consent of the City of Birchwood Village.
- d. For the purposes of this agreement, the consultant shall be deemed to be an independent contractor, and not an employee of the organization. Any and all agents, servants, or employees of the firm or other persons, while engaged in the performance of any work or services required to be performed by the City of Birchwood Village under this agreement, shall not be considered employees of the City of Birchwood Village and any and all actions which arise as a consequence of any act or omission on the part of the firm, its agents, servants, employees or other persons shall in no way be the obligation or responsibility of the City of Birchwood Village. The consultant, its agents, servants, or employees shall be entitled to none of the rights, privileges, or benefits of organization employees except as otherwise may be stated herein.
- e. No official or employee of the City of Birchwood Village who exercises any responsibilities in the review, approval or carrying out of the proposal shall participate in any decision which affects his or her direct or indirect personal or financial interest.

Request for Proposals and Selection Schedule

City Council Approval of RFP:	January 10, 2023
Advertise and Distribute RFP:	January 13, 2023
RFP Submittal Deadline:	March 1, 2023
Review of Proposals:	March 14, 2023
Interviews:	Scheduled as needed
Appointment of City Engineer:	April 11, 2023
Start Date:	April 27, 2023



REQUEST FOR PROPOSALS
FOR
PROFESSIONAL PLANNING
SERVICES

PROPOSALS DUE: 2:00PM. March 1, 2023

LOCATION: CITY OF BIRCHWOOD VILLAGE
207 BIRCHWOOD AVENUE
BIRCHWOOD CITY, MN 55110

TABLE OF CONTENTS

- I. PURPOSE OF REQUEST
- II. GENERAL INFORMATION
- III. INSTRUCTIONS TO PROPOSERS
- IV. PROPOSAL CONTENTS
- V. SCOPE OF WORK
- VI. SELECTION
- VII. TERMS AND CONDITONS

CITY OF BIRCHWOOD VILLAGE REQUEST FOR PROPOSALS FOR PROFESSIONAL PLANNING SERVICES

I. PURPOSE OF REQUEST

The City of Birchwood Village wishes to contract with an outside consulting firm or individual to provide, as needed, on call planning services, referenced herein after as “City Planner”. The City Planner shall perform such duties as may be set forth within the City’s Municipal Code, General Plan, Zoning Ordinance, Subdivision Regulations, other City codes and ordinances; provide both short-term and long-term planning recommendations; coordinate and process various land use applications; or any additional planning matters as directed by the City.

II. GENERAL INFORMATION

- A. The City of Birchwood Village is a small, fully developed residential community located on the southeast shoreline of White Bear Lake of approximately 864 residents and 375 households. The City covers 214 acres in Washington County.
- B. Birchwood Village is a City of the Fourth Class with a City Council form of government. The City Council consists of the Mayor and four council members who are elected at large.
- C. The City of Birchwood Village manages 4.2 miles of bituminous surfaced streets and one gravel roadway (Grotto Street) located off Wildwood Avenue. There are several areas with dedicated street rights-of-way that have not been improved and function today mostly as open space/trail easement areas. These areas are known as Birch, Ash, Elm, Dellwood, and Park Avenues and Jay and Highwood Streets.
- D. There are 13.8 acres of park and public open space land within Birchwood Village. The City’s park system includes four park areas, six lake easements that provide access to White Bear Lake, and several undeveloped areas (easements and rights-of-way). Significant natural resources in the community include White Bear Lake and Halls Marsh. The City’s private lot areas and easement areas include extensive tree cover and rolling topography.

- E. Birchwood Village has rolling topography which slopes gradually toward White Bear Lake. The City has 2 permanent rain gardens to help clean and filter water that require regular maintenance. The City is positioned to follow water management strategies and regulations set forth by the governing watershed district, Rice Creek Watershed District (RCWD) under the Metropolitan Surface Water Management Act of 1982.
- F. The City's sewer system has two lift stations, 0 flow meter(s), and 5.3 miles of sewer main.
- G. The City has five employees: one full-time City Administrator-Clerk, one part-time Bookkeeper, a part-time Treasurer, and two on-call maintenance workers. Some municipal services such as sewer maintenance, police and fire protection are contracted primarily from nearby government agencies. Private contractors maintain the water system and provide building inspections and engineering and planning services.

III. INSTRUCTIONS TO PROPOSERS

- A. All proposals should be sent, and all questions and correspondence should be directed to:
 - City of Birchwood Village
 - ATTN: Rebecca Kellen, City Administrator
 - 207 Birchwood Avenue
 - Birchwood Village, MN 55110
 - 651-426-3403
- B. Firms and/or individuals submitting proposals for both Planning Services and Engineering Services should submit a separate proposal for both RFPs.
- C. All proposals must be received no later than 2:00 p.m., March 1, 2023. Seven (7) copies of the proposal must be presented. The copies shall be sealed and clearly identified with "City Engineer and Planner RFP" by the submittal deadline.
- D. To be considered a valid proposal, each proposal must meet the following requirements:
 - a. Written proposals received after 2:00 p.m., March 1, 2023 will not be considered.
 - b. Each proposal must be signed by an officer of your company who can be held accountable for all representations.

- E. The proposal shall be limited to a maximum of thirty pages, printed on one side. Additional material, other than that requested by the City of Birchwood Village, will be disregarded.
- F. The City will review the proposals and may schedule interviews for finalists.
- G. Proposers are prohibited from contacting any representatives of the City Council regarding this proposal.

IV. PROPOSAL CONTENTS

- A. Title Page
Show the proposal subject, the name of the proposer's firm, address, telephone number, name of the contact person and the date.
- B. Table of Contents
Include a clear identification of the material by section and page number.
- C. Identification and Qualifications of Assigned Personnel
The ideal firm should have extensive experience in on call planning services, applying Municipal Code, General Plan, Zoning Ordinance, Subdivision Regulations, other City codes and ordinances; providing both short-term and long-term planning recommendations; coordinating and processing various land use applications; and additional planning matters.
 - 1. The name of the person who will be responsible for the management and administration of planning services with the City together with a resume describing that person's experience and qualifications.
 - 2. The names and resumes of the professional staff that will be assigned to provide planning services to the City.
 - 3. An organizational chart identifying team members and their areas of responsibility.
 - 4. A statement committing the aforementioned staff to this proposal.

5. Background information concerning the firm, including the number of years in business under this name and the number and breakdown of personnel in the proposing office.
- D. Proposer's Detailed Approach to the Scope of Services
1. The proposal shall address in detailed fashion the approach of the firm or combination of firms to the Scope of Work.
- E. List of References and Potential Conflicts
1. A minimum of five references for public clients shall be provided.
 2. Potential conflicts of interest must be disclosed.
 - a. Indicate whether designated the company represents, or have represented, any client whose representation may conflict with your ability to provide planning services to the City.
 - b. Indicate whether designated planner or the company currently represent any real estate developers. If so, please identify those companies or persons in detail and provide a percentage breakdown of how much this work represents of your firm's total billings.
 - c. Indicate whether designated planner or the company currently represents any other local units of government having jurisdiction within, or contiguous to, the City of Birchwood Village.
 - d. Identify what procedures your company utilizes to identify and resolve conflicts of interest.
- F. Disclosures and Assurances (Appendix A)
1. Applicant Authority – Assurance that the signator making representations in the proposal on behalf of the proposer has the authority to do so.
 2. Insurance Coverage – Documentation of current insurance coverage and limits, including professional liability insurance shall be provided with the proposal.
- G. Compensation
1. Monthly On-Call Retainer Fee: Provide a monthly retainer rate to include all on-call services including but not be limited to meetings, site visits, information gathering, plan reviews, staff reports, council presentations and permit follow-up.
 2. Reimbursable Expenses: Include the proposed rates for reimbursable expenses including mileage for

- travel, copies, postage for mailings, messenger service, other agencies' plan review fees, etc.
3. Billings: Detailed billings should be submitted monthly and need to include date, time, project address, and specific work performed. Separate invoices will be created for each applicant to simplify billing processes.

V. SCOPE OF WORK

- A. Available to provide planning services on an, as needed, on call basis.
- B. Maintain an accurate understanding of the City's general plan, zoning ordinances, subdivision regulations and other City codes and policies.
- C. Organize the application process in a manner that provides critical information to applicants so that they can gain an understanding of the procedures they must follow and the information they must provide with land use applications.
- D. When applications are more complex than can be conveyed with standard informational materials, meet with applicants to review their proposal, and identify the proper submittal guidelines to assure that there is a clear understanding of what is required for a complete application.
- E. Review and prepare reports on Preliminary, Tentative, and Final Subdivision Maps with input from appropriate consultants and/or departments, to ensure code compliance and to ensure that timely information is delivered to the Planning Commission and City Council so that they can comply with statutory decision deadlines.
- F. Review and prepare reports on zoning and land use applications.
- G. Make appropriate presentations before the Planning Commission and /or City Council as needed.
- H. Coordinate permit review with appropriate commissions, committees, consultants and/or departments.
- I. Prepare written records and reports of investigation and violations of zoning codes; provide on-site field verification or direct others to perform inspections documenting compliance; encourage voluntary compliance and, when necessary, coordinate enforcement of zoning ordinances through communication with landowners and cooperation with the City

Attorney; order the issuance of citations where appropriate; testify in court concerning inspection results if necessary.

- J. Provide administrative support to the Planning Commission by preparing reports, maintaining records, and completing directives of the Planning Commission.
- K. Coordinate with staff and monitor recording of legal documents relating to land use.
- L. Represent the City to residents and applicants in a respectful manner and make reasonable efforts to accurately estimate the cost of application related services.
- M. Attend the regular monthly meetings of the Planning Commission which are held on the fourth Thursday of the month at 7 p.m. Attend City Council meetings which are on the second Tuesdays of the month if planning issues are to be discussed and decisions made.

VI. SELECTION

- A. The City of Birchwood Village reserves the right to reject any or all proposals, and is not bound to accept the lowest cost proposal if that proposal is contrary to the best interests of the City.
- B. Selection of the firms to be interviewed shall be based upon, but not limited to, the following criteria:
 - 1. The firm's approach to and understanding of the Scope of Work.
 - 2. The firm's experience with similar contracts and clients.
 - 3. The experience and qualifications of the proposed staff in providing similar services.
 - 4. The firm's demonstrated ability to deliver work on time and within budget.
 - 5. The extent of involvement by key personnel.
 - 6. The extent to which previous clients have found the firm's services acceptable.
 - 7. The firm's most significant qualifications.
 - 8. Previous City experience with the proposing firm, if any.
- C. Terms and Conditions
 - a. The City of Birchwood Village reserves the right to cancel or amend the request for proposals at any time. The City of Birchwood Village reserves the right to determine the successful respondent. The City of Birchwood Village reserves the right to reject any or all proposals.
 - b. The City of Birchwood Village will not be liable for any costs incurred by the firm responding to this request.

- c. The firm shall not assign any interest in this proposal and shall not transfer any interest in the same without the prior written consent of the City of Birchwood Village.
- d. For the purposes of this agreement, the consultant shall be deemed to be an independent contractor, and not an employee of the organization. Any and all agents, servants, or employees of the firm or other persons, while engaged in the performance of any work or services required to be performed by the City of Birchwood Village under this agreement, shall not be considered employees of the City of Birchwood Village and any and all actions which arise as a consequence of any act or omission on the part of the firm, its agents, servants, employees or other persons shall in no way be the obligation or responsibility of the City of Birchwood Village. The consultant, its agents, servants, or employees shall be entitled to none of the rights, privileges, or benefits of organization employees except as otherwise may be stated herein.
- e. No official or employee of the City of Birchwood Village who exercises any responsibilities in the review, approval or carrying out of the proposal shall participate in any decision which affects his or her direct or indirect personal or financial interest.

Request for Proposals and Selection Schedule

City Council Approval of RFP:	January 10, 2023
Advertise and Distribute RFP:	January 13, 2023
RFP Submittal Deadline:	March 1, 2023
Review of Proposals:	March 14, 2023
Interviews:	Scheduled as needed
Appointment of City Engineer:	April 11, 2023
Start Date:	April 27, 2023



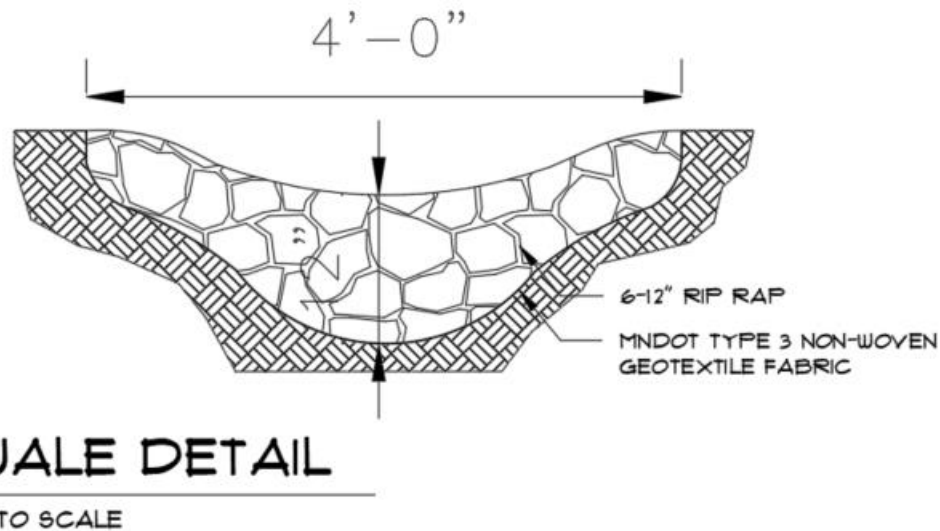
December 1, 2022

Rebecca Kellen
City of Birchwood
207 Birchwood Avenue
Birchwood Village, MN 55110

Dear Ms. Kellen,

DreamScapes Landscaping & Design is providing this letter in response to your letter dated October 14, 2022 to provide additional information regarding the rip rap swale at 15 Birchwood Lane. The detail below shows a section view of how the swale was constructed.

Section View of Swale



There is no impervious rip rap on the property. All rip rap areas are designed to reduce the velocity, and energy of water, such that the flow will not cause erosion. A permeable geo-textile fabric was used between the rock and existing soil to allow water to pass through.

Sincerely,

Clarissa K. Cooper
Landscape Designer
DreamScapes Landscaping & Design, Inc.

Dec 13, 2022 Regular City Council Meeting

Letter regarding swale at 15 Birchwood Lane

Sherwood, Gregory <Gregory.Sherwood@bsci.com>

Mon 12/5/2022 12:34 PM

To: Rebecca Kellen <Rebecca.Kellen@cityofbirchwood.com>; Alan Kantrud <hakantrud@protonmail.com>

 1 attachments (93 KB)

DS Sherwood Letter12_1_22.pdf;

Rebecca and Alan,

Attached is the letter from the landscaping company regarding the swale design on the property. Also, the asphalt in front of the sidewalk has been ground to reduce a slight $\frac{3}{4}$ " ridge that was formed when new asphalt meets the existing asphalt in an effort to reduce any ponding that might occur there.

Regards,

Greg Sherwood

Dec 13, 2022 Regular City Council Meeting

Re: Fw: Fw: Fw: Correspondence for 15 Birchwood Lane

Mary Wingfield <wingfield.mary@gmail.com>

Mon 11/21/2022 4:17 PM

To: Rebecca Kellen <Rebecca.Kellen@cityofbirchwood.com>

Cc: Steven Thatcher <sthatcher@thatcher-eng.com>; Alan Kantrud <hakantrud@protonmail.com>

Actually, i think we need to check in with Steve now to see if the information Sherwood provided matches steve.s facts...i.e. are we comparing apples to apples?

m

On Mon, Nov 21, 2022, 3:19 PM Rebecca Kellen <Rebecca.Kellen@cityofbirchwood.com> wrote:

FYI on the below. Steve - Mary requests that you confer with the expert that 15 Birchwood Lane hires for this.

Rebecca Kellen, MBA

City Administrator - Clerk

City of Birchwood Village, MN

office: (651) 426-3403

fax: (651) 426-7747

email: rebecca.kellen@cityofbirchwood.comwebsite: <http://www.cityofbirchwood.com/>

Confidentiality Notice: The information contained in this e-mail communication and any attached documentation may be privileged, confidential or otherwise protected from disclosure. They are intended for the sole use of intended recipient(s). Any unauthorized review, use, disclosure, distribution or copying is prohibited. The unauthorized disclosure or interception of e-mail is a federal crime. See 18 U.S.C. SEC. 2517(4). If you are not the intended recipient, please contact the sender by replying to this e-mail and destroying/deleting all copies of this message.

From: Mary Wingfield <wingfield.mary@gmail.com>

Sent: Monday, November 21, 2022 1:04 PM

To: Rebecca Kellen <Rebecca.Kellen@cityofbirchwood.com>

Subject: Re: Fw: Fw: Correspondence for 15 Birchwood Lane

He picks the expert. That makes it less than independent. Steve should be involved.

m

On Mon, Nov 21, 2022, 9:35 AM Rebecca Kellen <Rebecca.Kellen@cityofbirchwood.com> wrote:

FYI on the below regarding 15 Birchwood Lane.

Rebecca Kellen, MBA

City Administrator - Clerk

City of Birchwood Village, MN

office: (651) 426-3403

fax: (651) 426-7747

email: rebecca.kellen@cityofbirchwood.comwebsite: <http://www.cityofbirchwood.com/>

Confidentiality Notice: The information contained in this e-mail communication and any attached documentation may be privileged, confidential or otherwise protected from disclosure. They are intended for the sole use of intended recipient(s). Any unauthorized review, use, disclosure, distribution or copying is prohibited. The unauthorized disclosure or interception of e-mail is a federal crime. See 18 U.S.C. SEC. 2517(4). If you are not the intended recipient, please contact the sender by replying to this e-mail and destroying/deleting all copies of this message.

From: H.A.Kantrud <hakantrud@protonmail.com>

Sent: Friday, November 18, 2022 2:13 PM

To: Rebecca Kellen <Rebecca.Kellen@cityofbirchwood.com>

Cc: Steven Thatcher <sthatcher@thatcher-eng.com>

Subject: Re: Fw: Correspondence for 15 Birchwood Lane

FYI, I spent time with Mr. Sherwood yesterday and asked that he provide the independent opinion of a landscape P.E. to support his position, which he is doing.

Dec 13, 2022 Regular City Council Meeting

"Conservatives pride themselves on resisting change, which is as it should be. But intelligent deference to tradition and stability can evolve into intellectual sloth and moral fanaticism, as when conservatives simply decline to look up from dogma because the effort to raise their heads and reconsider is too great." William F. Buckley

Legal Notices: Privileged and Confidential Communication. This electronic transmission, and any documents attached hereto, (a) are protected by the Electronic Communications Privacy Act (18 USC §§ 2510-2521); (b) may contain confidential and/or legally privileged information; and (c) are for the sole use of the intended recipient named above. If you have received this electronic message in error, immediately notify the sender toll free on (855) CELL-SITE, delete this message from all computer memory and all electronic storage devices, destroy all printed and copied documents that contain this message, and utterly erase your entire mind. Any disclosure, copying, distribution, or use of the contents of the information received in error is strictly prohibited, and not very nice, either. IRS Circular 230 Disclosure: Any tax advice contained in this communication including any attachments hereto is not intended or written to be used-and cannot be used-for the purpose of avoiding tax-related penalties under the Internal Revenue Code, or promoting, marketing or recommending to another party any matters addressed herein. Basically, don't commit tax fraud. The IRS goons will get you if you do...they know where you live, and the NSA knows what you write, think, and eat for lunch. E-SIGNATURE Notice: Unless specifically indicated in the body of this message, none of the identifying marks (or even the unidentified chicken scratches) contained in this electronic message are intended by the writer to be a 'signature' or 'electronic signature' or 'electronic authorization' within the meaning of P.L. 106-229, Cal. Civil Code 1633.1 et seq, N.M Stat. § 14-3-15.2 et seq, or any other local, state, federal, tribal, international, or galactic law, statute, code, rule, or deep dark desire. Remember, while I can explain it to you, I can't understand it for you.

Sent with [Proton Mail](#) secure email.

----- Original Message -----

On Friday, November 18th, 2022 at 1:29 PM, Rebecca Kellen <Rebecca.Kellen@cityofbirchwood.com> wrote:

For your review

Rebecca Kellen, MBA
City Administrator - Clerk
City of Birchwood Village, MN
office: (651) 426-3403
fax: (651) 426-7747
email: rebecca.kellen@cityofbirchwood.com
website: <http://www.cityofbirchwood.com/>

Confidentiality Notice: The information contained in this e-mail communication and any attached documentation may be privileged, confidential or otherwise protected from disclosure. They are intended for the sole use of intended recipient(s). Any unauthorized review, use, disclosure, distribution or copying is prohibited. The unauthorized disclosure or interception of e-mail is a federal crime. See 18 U.S.C. SEC. 2517(4). If you are not the intended recipient, please contact the sender by replying to this e-mail and destroying/deleting all copies of this message.

From: Sherwood, Gregory <Gregory.Sherwood@bsci.com>
Sent: Thursday, November 17, 2022 9:42 AM
To: Rebecca Kellen <Rebecca.Kellen@cityofbirchwood.com>
Cc: wingfield.mary@gmail.com <wingfield.mary@gmail.com>; jonathan.fleck1@gmail.com <jonathan.fleck1@gmail.com>; Mark Foster <mark.foster@cityofbirchwood.com>; Justin McCarthy <justin.mccarthy@cityofbirchwood.com>; Ryan Hankins <rhankins@gmail.com>
Subject: RE: Correspondence for 15 Birchwood Lane

Rebecca,

Please find my response to your letter below:

Thank you for providing the As-Built Survey (survey) of 15 Birchwood Lane dated August 31st, 2022, prepared by E. G. Rud and Sons, Inc. The City has reviewed it and has some questions around the impervious surface calculations, the ponding that is occurring, and the water shut off for the house.

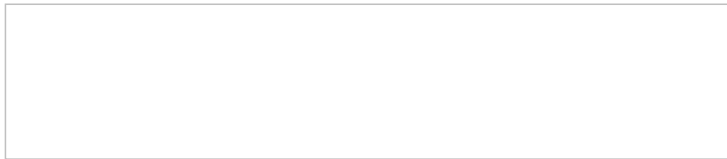
Dec 13, 2022 Regular City Council Meeting

1. What is the impervious surface calculation of the property, including any impervious rip rap and/or covered decks that have impervious surface below?

- a. The survey shows rip rap at 3 locations that is not included in the impervious surface calculations.
- b. The rip rap located on the west side of the garage is not included in the survey nor the impervious calculations.

The rip rap on the west side of the garage is clearly defined on the survey. There are seven clearly marked locations that define the perimeter of the rip rap on the west side of the garage. The rip rap is not included in the impervious calculations because it is, indeed by design, a pervious structure. As water drains from Birchwood Lane and the County line road onto the property, the rip rap serves as a tortuous path for the drainage and significantly increased residence time in the swale, allowing maximum time for the water to adsorb through the permeable membrane below the rip rap and preventing direct flow to the lake. This is obvious to any engineer skilled in the art.

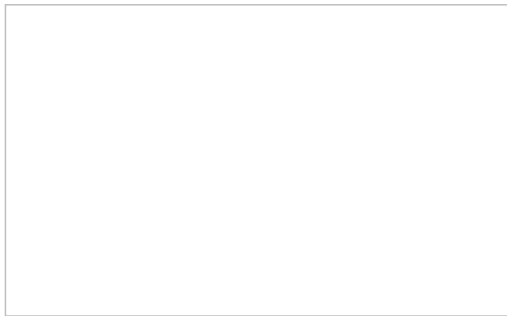
Also, per Birchwood City Code 302.055 LAND DISTURBANCE ACTIVITY STANDARDS part 6:



Again, the rip rap at 15 Birchwood lane is designed to be pervious as stated above and is not included in the impervious calculations. Rip rap is also allowed per Birchwood City Code and is not defined as an impervious structure.

- c. The covered deck that is located on the west side of the house is not included in the survey nor the impervious surface calculations.

Agreed! Our apologies for missing this detail. The cover creates an additional 45 square feet of impervious surface. The current impervious calculation from the as built survey is as Follows:



The addition of 45 square feet brings this to 5,738 SF and a final percentage of 24.7%

Please provide the City with the impervious surface calculations of the property that includes all impervious surfaces including any impervious rip rap and/or covered decks, as applicable.

2. Ponding is occurring at the location and onto the City right of way (see pictures below). What is the plan to eliminate the ponding that is occurring at the location and on the City right of way?

The photos included have very little context associated with them and are misleading. They imply that there is standing water and the drain to the swale is not working. One can see there are raindrops falling into the pools, an indication that the photos were taken during a rain storm. Yes, pools will form as water is actively draining down the street during a rain storm. However, the draining off the street and across the drive is working as witnessed and documented with photos by Alan Kantrud.

Dec 13, 2022 Regular City Council Meeting

3. The City is unable to locate the curb stop to shut off the water at the house, if needed. Please locate the water shut off and provide that information to the City.

We will work with the builder and City to locate the shut off.

One last thing, this letter contained no explicit expectation of a time frame in which we were reply.

Regards,

Greg Sherwood

We look forward to hearing back from you on this and please feel free to contact me at (651) 426-3403 to discuss.

Sincerely,

Rebecca Kellen

City of Birchwood Village Clerk

From: Rebecca Kellen <Rebecca.Kellen@cityofbirchwood.com>

Sent: Friday, October 14, 2022 1:51 PM

To: Sherwood, Gregory <Gregory.Sherwood@bsci.com>

Cc: wingfield.mary@gmail.com; Alan Kantrud <hakantrud@protonmail.com>; Steven Thatcher <sthatcher@thatcher-eng.com>

Subject: {External} Correspondence for 15 Birchwood Lane

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. Be Security Conscious!

Hi Gregory,

I hope this email finds you well. Please see the attached letter regarding your property at 15 Birchwood Lane. Kind regards.

Rebecca Kellen, MBA

City Administrator - Clerk

City of Birchwood Village, MN

office: (651) 426-3403

fax: (651) 426-7747

email: rebecca.kellen@cityofbirchwood.com

Dec 13, 2022 Regular City Council Meeting
website: <http://www.cityofbirchwood.com/>

Confidentiality Notice: The information contained in this e-mail communication and any attached documentation may be privileged, confidential or otherwise protected from disclosure. They are intended for the sole use of intended recipient(s). Any unauthorized review, use, disclosure, distribution or copying is prohibited. The unauthorized disclosure or interception of e-mail is a federal crime. See 18 U.S.C. SEC. 2517(4). If you are not the intended recipient, please contact the sender by replying to this e-mail and destroying/deleting all copies of this message.



CITY OF BIRCHWOOD VILLAGE
207 Birchwood Avenue
Birchwood Village, MN 55110
651-426-3403 (tel) / 651-426-7747 (fax)
info@cityofbirchwood.com

October 14, 2022

Gregory Sherwood
15 Birchwood Lane
Birchwood Village, MN 55110 US

Dear Mr. Sherwood,

Thank you for providing the As-Built Survey (survey) of 15 Birchwood Lane dated August 31st, 2022, prepared by E. G. Rud and Sons, Inc. The City has reviewed it and has some questions around the impervious surface calculations, the ponding that is occurring, and the water shut off for the house.

1. What is the impervious surface calculation of the property, including any impervious rip rap and/or covered decks that have impervious surface below?
 - a. The survey shows rip rap at 3 locations that is not included in the impervious surface calculations.
 - b. The rip rap located on the west side of the garage is not included in the survey nor the impervious calculations.
 - c. The covered deck that is located on the west side of the house is not included in the survey nor the impervious surface calculations.

Please provide the City with the impervious surface calculations of the property that includes all impervious surfaces including any impervious rip rap and/or covered decks, as applicable.

2. Ponding is occurring at the location and onto the City right of way (see pictures below). What is the plan to eliminate the ponding that is occurring at the location and on the City right of way?
3. The City is unable to locate the curb stop to shut off the water at the house, if needed. Please locate the water shut off and provide that information to the City.

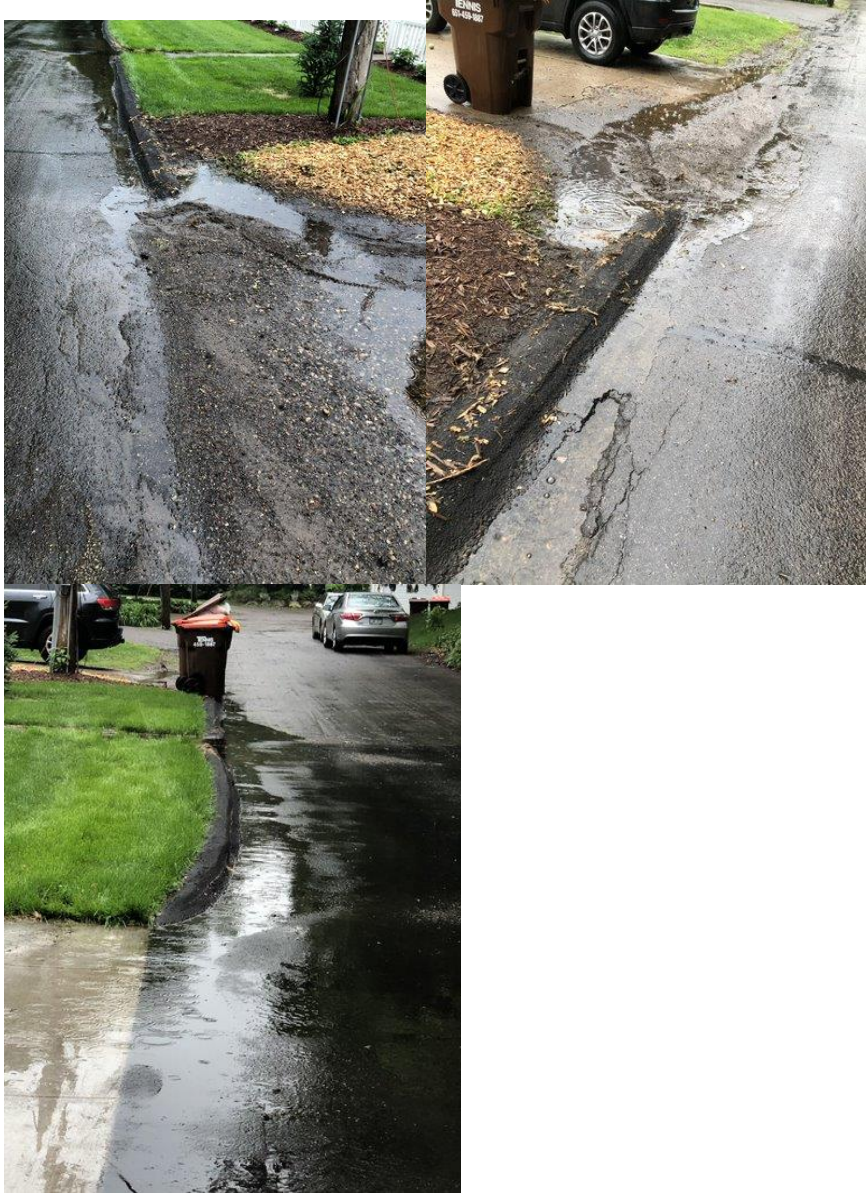
We look forward to hearing back from you on this and please feel free to contact me at (651) 426-3403 to discuss.

Sincerely,

A handwritten signature in black ink, appearing to read 'Rebecca Kellen'.

Rebecca Kellen
City of Birchwood Village Clerk





Dec 13, 2022 Regular City Council Meeting

15 Birchwood Lane - Sherwood Residence - As-built Survey

Steven Thatcher <sthatcher@thatcher-eng.com>

Wed 9/14/2022 12:41 PM

To: Rebecca Kellen <Rebecca.Kellen@cityofbirchwood.com>

Cc: Alan Kantrud (hakantrud@protonmail.com) <hakantrud@protonmail.com>; Mary Wingfield (wingfield.mary@gmail.com) <wingfield.mary@gmail.com>

Hi Rebecca,

Thatcher Engineering, Inc. (TEI) conducted a preliminary review of the As-Built Survey (Survey) of 15 Birchwood Lane prepared by E. G. Rud and Sons, Inc. (Rud) dated August 31, 2022 (attached). The property, 15 Birchwood Lane, is owned by the Sherwood's and Rud is their surveyor. The Survey shows the following:

1. The fence located on the property near the west property line is approximately 40 feet from the Ordinary High-Water Level (OHWL) of White Bear Lake (WBL). City Code 302.020.2 states that the minimum set back distance is 50 feet. This fence does not meet City Code requirements.
 - a. The Sherwood's knew or should have known that the minimum set back distance is 50 feet because the Certificate of Survey (COS) prepared by Rud dated August 13, 2021 (attached) shows that the proposed fence will be 50 feet from the OHWL of WBL.
 - b. This COS also shows that the proposed impervious surface area (ISA) of the property is 5,747 square feet (24.8% of the total area of the property).
2. The ISA of the property based on the Survey is 5,693 square feet (24.6% of the total area of the property). However, the actual ISA of the property is likely greater than City Code required maximum ISA of 25% of the total area of the property because of the following:
 - a. The ISA calculations do not include the following:
 - i. Rip Rap, which is rock and impervious, is shown on the Survey at three (3) locations but not included in the ISA calculations.
 1. The estimated ISA of this Rip Rap is 750 square feet.
 2. The COS prepared by Rud dated August 13, 2021 shows that no Rip Rap was proposed for the property.
 - ii. A covered deck, which is impervious, located on the west side of the house is not shown on the Survey and not included in the ISA calculations.
 1. TEI did not estimate of the ISA of this covered deck because it is not shown on the Survey.
 - iii. Rip Rap located on the west side of the garage is not shown on the Survey and not included in the ISA calculations.
 1. TEI did not estimate of the ISA of this Rip Rap because it is not shown on the Survey.
 - b. A discrepancy of approximately 237 square feet based on the following:
 - i. The Survey's ISA calculations show an ISA of 2,423 square feet for the following:
 1. 2,278 square feet for the house and covered front porch.
 2. 145 square feet for rear patio concrete.
 - ii. The ISA of the same area is estimated to be 2,660 square feet based on the Survey's scale.
 - iii. This ISA based on the Survey's scale is approximately 237 square feet greater than shown in the calculations on the Survey.
 - c. The Survey has insufficient detail to show if the area of the uncovered deck located on the west side of the house is an ISA. City Code 300.020 Impervious Surface, Section 23 states: "EXCEPTIONS 1: Open decks and walkways with open joints at least ¼ inch wide per 8 inch wide board, and areas beneath overhangs less than 2 feet wide, if bare or vegetated soil is beneath the decks or walkways or overhangs, shall not be considered impervious surfaces." Some or all of the uncovered deck area

Dec 13, 2022 Regular City Council Meeting

may be an impervious surface because it appears to be covered by rock (not covered by bare or vegetated soil).

- d. The actual ISA of the property is estimated to be 6,680 square feet (28.8% of the total area of the property) as follows:
 - i. ISA of the property based on the As-Built Survey (Survey) dated August 31, 2022 = 5,693 square feet.
 - ii. The estimated ISA of the Rip Rap shown on the Survey at three (3) locations and not included in the ISA calculations = 750 square feet.
 - iii. The estimated ISA of the discrepancy = 237 square feet.
 - iv. This estimate does not include the Rip Rap located on the west side of the garage, covered deck, or uncovered deck.

- e. The Survey has insufficient detail to show if the stairs near WBL meet the requirements of City Code 302.080 STAIRS AND LIFTS TO LAKE OR WATER BODY.

Emails that I have regarding 15 Birchwood Lane that show additional items are as follows:

1. Email from me dated June 17, 2022.
2. Email from Mary Wingfield dated July 21, 2022.

My email dated June 17, 2022 discussed ponding/flooding on the bituminous surface and City right-of-way (including ponding/flooding of the part of the sidewalk for 15 Birchwood Lane that is on City right-of-way) of Birchwood Lane caused by construction. I will email to you 11 photos of the flooding in the next few emails.

Do you want to schedule a time to discuss how the City should respond with Alan Kantrud and me?

Thanks,
Steve

Steven Thatcher, PE
Thatcher Engineering Inc.

6201 Creek Valley Road
Edina, MN 55439

Phone: 612-781-2188 Cell: 612-867-7234 Fax: 612-781-2188 Web: www.thatcher-eng.com

From: Rebecca Kellen <Rebecca.Kellen@cityofbirchwood.com>
Sent: Thursday, September 1, 2022 11:24 AM
To: Steven Thatcher <sthatcher@thatcher-eng.com>
Cc: Jackie Smith <Jackie.Smith@cityofbirchwood.com>
Subject: Fw: Completed As-built Survey: 15 Birchwood Lane

Hey Steve,
Here is the As-Built survey for 15 Birchwood Lane. Please let me know if there is anything else you need from me on this. Thanks.

Jackie- Can you please print out a copy and put in the in the permanent property file. Thanks.

Rebecca Kellen, MBA
City Administrator - Clerk

City of Birchwood Village, MN

Dec 13, 2022 Regular City Council Meeting
office: (651) 426-3403

fax: (651) 426-7747

email: rebecca.kellen@cityofbirchwood.com

website: <http://www.cityofbirchwood.com/>

Confidentiality Notice: The information contained in this e-mail communication and any attached documentation may be privileged, confidential or otherwise protected from disclosure. They are intended for the sole use of intended recipient(s). Any unauthorized review, use, disclosure, distribution or copying is prohibited. The unauthorized disclosure or interception of e-mail is a federal crime. See 18 U.S.C. SEC. 2517(4). If you are not the intended recipient, please contact the sender by replying to this e-mail and destroying/deleting all copies of this message.

From: Sherwood, Gregory <Gregory.Sherwood@bsci.com>
Sent: Thursday, September 1, 2022 8:33 AM
To: Rebecca Kellen <Rebecca.Kellen@cityofbirchwood.com>
Subject: FW: Completed As-built Survey: 15 Birchwood Lane

Hi Rebecca,

Here is the as built survey for our home. Yeah!

Regards,

Greg

From: Jason Rud <jrud@egrud.com>
Sent: Wednesday, August 31, 2022 3:18 PM
To: Sherwood, Gregory <Gregory.Sherwood@bsci.com>; Andrew Michels <andy@michelshomes.com>
Subject: {External} Completed As-built Survey: 15 Birchwood Lane

Greg and Andy,

Please find attached a copy of our recently completed as-built survey for your home.

If this looks good to you, feel free to submit to the City of Birchwood.

I appreciate the opportunity to be of service on your behalf.

JASON E. RUD, P.L.S. #41578
PRESIDENT

www.egrud.com

MAIN: (651) 361-8200
FAX: (651) 361-8701

~~Dec 13, 2022 Regular City Council Meeting~~
DIRECT: (651) 361-8225

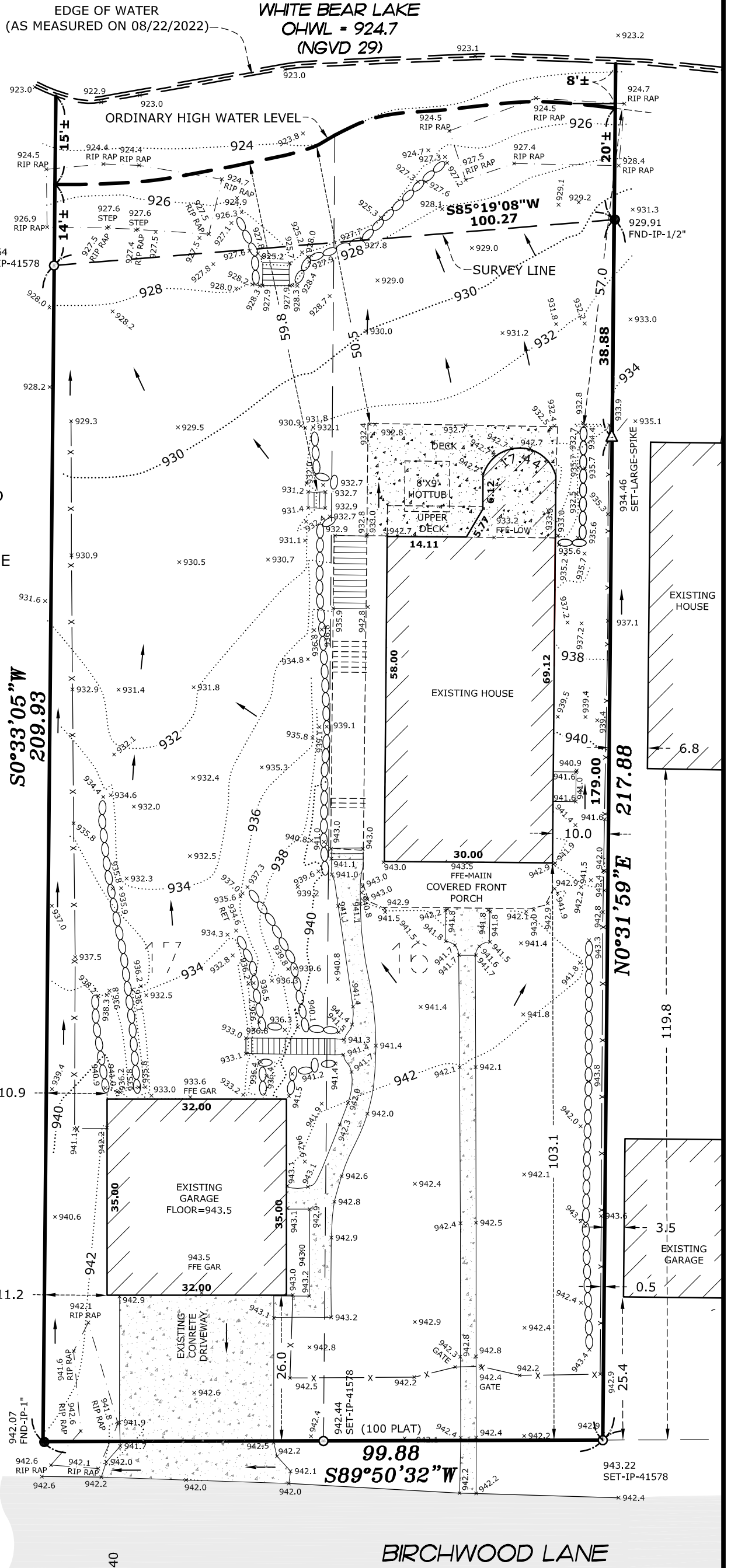
ADDRESS:

6776 Lake Drive NE, Suite 110
Lino Lakes, MN 55014

The electric data is transmitted for your convenience and is the sole property of E. G. Rud & Sons, Inc. By accepting, the recipient agrees to indemnify, hold harmless, and defend E. G. Rud & Sons, Inc., from and against any and all damages, liabilities, claims, losses and expenses (including attorney's fees) arising from the use of this data. This electronic data is subject to change and updates are the responsibility of the recipient. E. G. Rud & Sons, Inc., is not responsible for updating the data or for compatibility with recipient's hardware and / or software. Please check this file for virus contamination prior to use.

AS-BUILT SURVEY

~for~ MICHELS CONSTRUCTION
 ~of~ 15 BIRCHWOOD LANE
 BIRCHWOOD, MN



Lots 16 and 17, BIRCHWOOD, Washington County, Minnesota.

I hereby certify that this plan, survey or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

By: *[Signature]*
 Minnesota License No. 41578
 Dated 31st day of August 2022.

NO.	DATE	DESCRIPTION	BY
1	11-9-21	UPDATE IMPERVIOUS	CMB
2	08-31-22	AS-BUILT SURVEY	BCD
3			

E. G. RUD & SONS, INC.
 Professional Land Surveyors
 6776 Lake Drive NE, Suite 110
 Lino Lakes, MN 55014
 Tel. (651) 361-8200 Fax (651) 361-8701
 www.egrud.com







MEMORANDUM

DATE: 12/07/22

TO: Mayor and City Council
FROM: Rebecca Kellen, City Administrator
COPIED:
SUBJECT: Correction to Public Tree Inspection Results Communication



In the September City Council Meeting the amount estimated to remove infected trees after the initial public tree inspection was inaccurately provided. It was stated that the total anticipated cost to remove identified trees was \$72,825. The correct estimated amount was \$45,010. Polly's Park at \$27,815 was included in the total of \$45,010, and not in addition to, as was originally understood. The correct amount estimated to remove infected trees after the initial 2022 public tree inspection was \$45,010.

Thank you,

Rebecca Kellen

City Clerk