



**AGENDA OF THE
REGULAR MEETING OF THE CITY COUNCIL
CITY OF BIRCHWOOD VILLAGE
207 BIRCHWOOD AVENUE
WASHINGTON COUNTY, MINNESOTA
FEBRUARY 14, 2012
7:00 P.M.**

CALL TO ORDER – PLEDGE OF ALLEGIANCE

APPROVE AGENDA

COMMUNITY EVENTS AND ANNOUNCEMENTS

OPEN PUBLIC FORUM

CITY BUSINESS – CONSENT CALENDAR

1. Approval of the Minutes of the January 10, 2012 Regular Meeting (see exhibit)
2. Acceptance of the Financial Report and Approval of Disbursements (see exhibit)
3. Approval of \$210.00 expenditure for the City Clerk to attend the 2012 Municipal Clerks and Finance Officers Annual Conference March 20-23 in St. Cloud (see exhibit)
4. Approval of hiring Maya Comfort as a Level 2 Rink Attendant at \$8.00 per hour (see exhibit)
5. Approval of RESOLUTION 2012-## Accepting a Donation of \$575.00 from Writers Unlimited (see exhibit)

CITY BUSINESS – REGULAR ORDER

6. 7:15 Approval of RESOLUTION 2012-## Amending the City's Fund Balance Policy to bring it in line with the requirements of the Governmental Accounting Standards Board (Harper - see exhibit)
Time Budget: 10 minutes
7. 7:25 Approval of RESOLUTION 2012-## Approving the Pay Equity Implementation Form (Powers - see exhibit)
Time Budget: 10 minutes
8. 7:35 Proposed Warming House Grant (see exhibit)
 - a. PUBLIC HEARING
 - b. Discussion and Consideration of Proceeding with Application ProcessTime Budget: 40 minutes
9. 8:15 Ordinance Relating to Fees/Approval of 2012 Fee Schedule (Harper – see exhibit)
 - a. PUBLIC HEARING
 - b. Adoption of Chapter 701 amendments
 - c. Adoption of fee scheduleTime Budget: 15 minutes

10. 8:30 Peddler's Ordinance: Review of the City of White Bear Lake's Ordinance (see exhibit)
Time Budget: 10 minutes
11. 8:40 Review of Proposals for General Road Repair, Sign Repair and Replacement, Emergency Tree Removal, Parks Maintenance, and Street Sweeping (see exhibit)
Time Budget: 20 minutes
12. 9:00 Amendment of Personnel Committee Bylaws (Mitchell – see exhibit)
Time Budget: 15 minutes
13. 9:15 City Clerk's Report (Powers – see exhibits)
 - a. Records Retention Project Update
 - b. Washington County All-Hazard Mitigation Plan – Consideration of UpdatingTime Budget: 15 minutes
14. 9:30 City Engineer's Report (Elfering – see exhibit)
Time Budget: 10 minutes
15. 9:40 Council Member Reports
Time Budget: 10 minutes
16. 9:50 Next Meeting – March 13, 2012: Topics
Time Budget: 10 minutes
17. 10:00 ADJOURN

CITY OF BIRCHWOOD VILLAGE
REGULAR CITY COUNCIL MEETING
January 10, 2012

MINUTES

MEMBERS PRESENT: Mayor Alan Mitchell; Council Members Jane Harper, Mark Peterson, and Tony Sampair.

MEMBER ABSENT: Council Member Barb Carson

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

OTHERS PRESENT: Joann Haus and John Lund.

Mitchell called the regular meeting to order @ 7:00pm, and the Pledge of Allegiance was recited.

AGENDA APPROVAL: *Harper/Peterson 4-0 (Carson absent) to approve the agenda for the December 13, 2011 Regular Meeting, amended to add Item # 6a (Transfer of Funds from Parks to Capital Projects Fund for purchase of snowthrower, and Request for additional hours for the City Treasurer for completion of year-end reports)*

CONSENT CALENDAR: *Peterson/Harper 4-0 (Carson absent) to approve the following consent calendar items:*

1. *Approval of the Minutes of the December 13, 2011 Regular Meeting.*
2. *Acceptance of the Financial Report and Disbursements Register as prepared by the City Treasurer and presented to the City Council on January 10, 2012, including Check #'s 26896-26897, 26907-26928, 26930-26944 and Electronic Funds Transfers SC122011 and PERA121511.*
3. *Approval of hiring Corey Johnson as Level 2 Rink Attendant.*
4. *Approval of the list of scheduled dates and times for monthly regular Council meetings.*
5. *Approval of the list of observed 2012 City holidays.*
6. *Approval of Resolution 2012-01 Implementing the Expected Sign Life Sub-Method of the Management Method of Maintaining Sign Retroreflectivity Per the Standards of the Federal Highway Administration.*

COMMUNITY EVENTS AND ANNOUNCEMENTS: Mitchell noted the following:

- Martin Luther King Jr. Day is January 16th, and there will be a breakfast commemorating the life of Dr. King at the Minneapolis Convention Center that day. Speaking at that event will be Nontombi Naomi Tutu, daughter of South African Archbishop and Nobel Prize winner Desmond Tutu. In addition, the 3rd annual NE Area Community Breakfast will be held at the White Bear Unitarian Universalist Church in Mahtomedi at 7:00am; tickets are \$5.00 and a simulcast of the Minneapolis event will be shown.
- On January 21, weather permitting the annual golf tournament on White Bear Lake will be held, and noted that proceeds from the event go to the food shelf.

- 48 • On February 2, the Common Table returns, sponsored by the Birchwood Community Club. The
49 guest speaker is Sarah Markoe-Hanson, Executive Director of the White Bear Lake Historical
50 Society, and the topic is gangsters.
51 • January 21 is Hockey Day in Minnesota; there are no events in Birchwood, and the main event is
52 on Lake Minnetonka.
53 • February 7 is Precinct Caucus night.
54

55 **OPEN PUBLIC FORUM:** Haus addressed the Council with a concern about door-to-door solicitors, and
56 noted that White Bear Lake has an ordinance requiring solicitors to get a license from the City. The
57 Council directed staff to research this matter and bring it back to the Council.
58

59 **REQUEST FOR COUNCIL DIRECTION ON WHAT FUND TO PAY FOR THE SNOWTHROWER:** Harper shared
60 with the Council the background on this item, and noted that last year the Parks Committee was funded
61 through two sources: \$13,000 from the general fund and \$5,000 from the special revenue parks fund
62 (dock fees, etc.). Harper continued by saying that when the Council discussed the Parks Committee
63 budget for 2012, the Committee requested approval for a snowthrower; Harper noted that while the
64 Committee was under the \$18,000 total budget for 2011, it was over the \$13,000 that comes from the
65 general fund. Harper said that the \$5,000 portion of the budget that comes from the special revenue
66 parks fund is only to be spent on park improvements, and noted that there was discussion at that
67 meeting on whether the snowthrower purchase is to be considered a park improvement. Harper related
68 that the spending restriction for the \$5,000 was established by motion by a previous Council with
69 revenue coming from boat and dock fees; as a Council, there has been no discussion about defining
70 what a park improvement is. Reiter shared with the Council a document on park expenditures and
71 wanted it on the record that there are statutory regulations on park expenditures.
72

73 Peterson asked whether a snowthrower should be considered a capital expenditure; Reiter said she
74 doesn't consider it to be a capital expenditure, and Harper said that typically a capital expenditure
75 involves something that lasts more than 1 year and costing more than \$1,000; however, equipment is
76 generally excluded. Harper noted that since there isn't a good definition of park improvement for the
77 Council to work with, she recommends that the expenditure to come out of the special revenue parks
78 fund.
79

80 *Sampair/Peterson 4-0 (Carson absent) to direct the City Treasurer to take the cost of the snowthrower*
81 *out of the Special Revenue Parks Fund.*
82

83 **CITY TREASURER REQUEST FOR ADDITIONAL HOURS FOR COMPLETION OF ANNUAL FINANCIAL**

84 **REPORT:** Harper noted that Reiter is requesting an additional amount of hours to complete the year-end
85 financial report as required by the Office of the State Auditor, and noted that this report was done in the
86 past by the audit firm as part of the audit; since there is no audit this year, Reiter will be taking this on
87 herself. When asked how many hours will be needed to complete this task; Reiter responded that a
88 maximum of 40 additional hours between now and March 31, 2012 should be enough.
89

90 *Harper/Sampair 4-0 (Carson absent) to approve up to 40 additional hours, between now and March*
91 *31, 2012, for the City Treasurer to complete the annual financial reports.*
92

93 **WARMING HOUSE GRANT>CONSIDERATION OF AUTHORIZING A PUBLIC HEARING:** Lund, Parks

94 Committee Chair, addressed the Council on this matter and noted that the Parks Committee held a
95 public informational meeting on the proposed warming house grant in December. Lund added that 3

96 people attended the public informational meeting and that all liked the proposal. **Lund** related that the
97 next step in the process, one that is required as part of the application process, is for the City Council to
98 conduct a public hearing on the proposed warming house grant; the minutes from the public hearing are
99 to be included as part of the application package.

100
101 **Lund** also noted that he had talked to City of White Bear Lake Chief Building Official Ben Eggan about
102 this project, and Eggan advised Lund that the City won't need a general contractor and will work with
103 Lund on the project; no contractor's license is needed.

104
105 **Harper** made the following comments:

- 106
- 107 • What is it we're asking the public to comment on; there is no exhibit in front of me. What is it
 - 108 we're going to put out there to the public?
 - 109 • The Council had an extensive discussion on this matter a month or two ago, I haven't seen
 - 110 anything brought forward that addresses the concerns we had at that time.
 - 111 • When we set a public hearing usually there's something that the Council is comfortable with and
 - 112 recommends for approval. The Council has not done that yet and perhaps it is premature to
 - 113 schedule a public hearing until that time.
- 114

115 **Lund** responded that the requested information will be ready for Council review at the February
116 meeting; **Harper** responded that perhaps the public hearing should be held in March in order to give the
117 Council time to review the proposal at the February meeting and recommend that the application go
118 forward. **Mitchell** responded that the proposal was in the Council packet in November and asked Lund
119 if that is the proposal; **Lund** responded in the affirmative. **Harper** asked whether there have been any
120 changes made to the proposal since that time; **Lund** responded that there have not been any changes
121 made since November. **Sampair** asked Lund if any of the attendee's at the December public
122 informational meeting recommended any changes to the plan; **Lund** replied that all of them like the
123 proposal and did not recommend any changes to it. **Sampair** commented that perhaps the resolution
124 authorizing the application and making the financial commitment to ½ of the cost be delayed until
125 March in order to allow time for any changes recommended as a result of the public hearing to be
126 incorporated into the plan. **Harper** noted that the Council was told in November that the warming house
127 is part of a larger proposal and that so far she hasn't see any details about the larger improvements;
128 consequently, she is unsure of the scope of the entire project and asked Lund what is the scope of the
129 project? **Lund** responded by saying that for now the warming house is the only part of the project clearly
130 defined at this time; plans for parking lots or paths will not be firmed up before February. **Harper** also
131 asked whether bids have been solicited for the work, in order to make sure the \$40,000 figure is
132 accurate; **Lund** said the bidding process is ongoing and the costs are going up. **Harper** asked Lund
133 whether a budget will be ready a week or two prior to the public hearing; **Sampair** asked whether the
134 submittal can be brought to City Hall by February 1 so that it can go up on the City's website. **Lund** said
135 he would try; he needed to talk to Katie Cavanor about that.

136
137 ***Sampair/Peterson 3-1 (Harper opposed; Carson absent) to authorize a public hearing on the proposed***
138 ***warming house grant at the February 14, 2012 Council meeting, and that the application package is to***
139 ***be posted on the City's website before February 4, 2012.***

140
141 **APPROVAL OF THE MAYOR'S 2012 COUNCIL APPOINTMENTS:** **Mitchell** reviewed with the Council the
142 list of his Council appointments, and noted that he wanted to get Council Members Peterson and
143 Sampair – since they are the only members guaranteed to be on the Council after this year – involved

144 with the budget and personnel to provide some carryover and continuity. **Mitchell** noted that he
145 proposes to appointed Peterson to the Budget Committee and Sampair to the Personnel Committee.
146 **Peterson** commented that citizens should also be named to some of these committees, and noted the
147 budget expertise of Larry Walker as an example. **Mitchell** responded that he thought that was a good
148 idea that will need to be included when writing the by-laws for the Budget Committee.

149
150 ***Peterson/Sampair 4-0 (Carson absent) to approve Mayor Mitchell's 2012 Council Appointments as***
151 ***presented.***

152
153 **APPROVAL OF THE 2012 APPOINTMENTS AND ASSIGNMENTS:** **Mitchell** reviewed with the Council the
154 lists of 2012 appointments and assignments, and noted that the City is statutorily required to annually
155 appoint the Acting Mayor, Official Depository, and Official Newspaper.

156
157 ***Sampair/Peterson 4-0 (Carson absent) to approve the appointment of Council Member Jane Harper as***
158 ***Acting Mayor.***

159
160 ***Harper/Sampair 4-0 (Carson absent) to approve the naming of US Bank, N. A. as the City's Official***
161 ***Depository.***

162
163 ***Peterson/Mitchell 4-0 (Carson absent) to approve the naming of the White Bear Press as the City's***
164 ***Official Newspaper.***

165
166 **Mitchell** noted that the list of 2012 appointment and assignments contains an error in that the
167 Personnel Committee consists of himself and Sampair instead of Harper and Sampair. **Harper**
168 commented on the two vacancies on the White Bear Lake Conservation District and volunteered to
169 serve on an interim basis on the District Board until a replacement can be found, preferring to take the
170 seat expiring the soonest.

171
172 ***Mitchell/Peterson 4-0 (Carson absent) to approve the appointment of Jane Harper as one of the City's***
173 ***two representatives on the White Bear Lake Conservation District Board, on an interim basis for the***
174 ***term expiring in June 2012.***

175
176 **ORDINANCE RELATING TO INTERIM USE PERMITS>REVIEW OF DRAFT AND CONSIDERATION OF**
177 **SCHEDULING A PUBLIC HEARING:** **Mitchell** reviewed the set of draft revisions to the City Code that, if
178 adopted, establish Interim Use Permits in the City as an alternative to Conditional Use Permits, and
179 recommends having the Planning Commission review the drafts and make a recommendation to the City
180 Council.

181
182 ***Harper/Sampair 4-0 (Carson absent) to refer this matter to the Planning Commission for review and***
183 ***comment.***

184
185 **ORDINANCE RELATING TO COMPLAINTS>REVIEW OF DRAFT AND CONSIDERATION OF SCHEDULING A**
186 **PUBLIC HEARING:** **Mitchell** reviewed the set of draft revisions to the City Code that, if adopted, would
187 establish a procedure for processing and investigating complaints, and recommends having the Planning
188 Commission review the drafts and make a recommendation to the City Council.

189
190 ***Harper/Sampair 4-0 (Carson absent) to refer this matter to the Planning Commission for review and***
191 ***comment.***

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ORDINANCE RELATING TO ORDINANCE ENFORCEMENT & PENALTIES>REVIEW OF DRAFT AND CONSIDERATION OF SCHEDULING A PUBLIC HEARING: Mitchell reviewed the set of draft revisions to the City Code that, if adopted, would establish a procedure for enforcement of the ordinances of the City and provide the City an option for either civil or criminal action. Mitchell recommends having the Planning Commission review the drafts and make a recommendation to the City Council.

Harper/Sampair 4-0 (Carson absent) to refer this matter to the Planning Commission for review and comment.

ORDINANCE RELATING TO FEES/APPROVAL OF 2012 FEE SCHEDULE>REVIEW OF DRAFT AND CONSIDERATION OF SCHEDULING A PUBLIC HEARING: Harper reviewed the set of draft revisions to the City Code that, if adopted, would remove the fees from the ordinance and establish a separate fee schedule that could be amended by motion or resolution. Harper noted that it was almost a year ago that she worked with the City Attorney to get all of the fees into one location in the ordinance; currently fees are scattered throughout the code book or in various resolutions. Harper related that it is a good idea to review the fees at the January meeting, in concert with budget adoption. The City Attorney advised the Council that the City could adopt the fees by motion as opposed to ordinance. The City wouldn't need to publish an ordinance every time a fee changed. Harper recommends scheduling a public hearing at the February council meeting.

Harper/Sampair 4-0 (Carson absent) to schedule a public hearing at the Council's February meeting on the proposed revised Chapter 701, as amended to remove 701.040, and the fee schedule as proposed, amended to remove the reference to Infrastructure Water Fee and Sewer Water Inspection per hour rate due to lack of a proposed fee for those services, and the inclusion of the fees currently in Section 617 (Public Lake Tracts).

REVIEW OF PROPOSALS FOR PROVISIONING OF SHARED SERVICES: Elfering shared with the Council a memo she drafted on this matter, saying that she had met with White Bear Lake (WBL) to request a bid to go with the bid previously submitted by Saint Paul Regional Water Services (SPRWS). Elfering noted that the two bids are similar except as it relates to servicing the City's hydrants; WBL would perform annual flushing of the hydrants; SPRWS would also perform annual maintenance of the hydrants in addition to the flushing. Elfering went over with the Council what SPRWS intends to do as part of the annual hydrant maintenance. Peterson asked whether WBL was aware of what SPRWS was proposing for annual hydrant maintenance; Elfering responded that WBL was aware, but could not commit the staffing to perform that level of maintenance. When asked by the Council for a recommendation, Elfering stated that each proposal has its merits and it's up to the Council to choose which bid it is more comfortable with; each can respond to an emergency within a reasonable amount of time. Peterson noted that each bid is competitive and perhaps it makes sense for the City to not put all of its eggs in one basket, so to speak.

Mitchell/Sampair 4-0 (Carson absent) to enter into a contract with Saint Paul Regional Water Services for certified water operator services.

Harper/Peterson 4-0 to authorize the Mayor to work with the City Attorney to draft and execute the contract with Saint Paul Regional Water Services.

239 **CITY ATTORNEY'S REPORT:** Sandstrom discussed with the Council the open meeting law, data practices
240 act, and the gift statute.

241
242 **CITY COUNCIL REPORTS:** Mitchell advised the Council that the White Bear Lake School District is hosting
243 a luncheon on January 25th and elected officials and staff are invited to attend. Mitchell also noted that
244 the next quarterly report from the United States Geological Survey on the lake level study will be
245 presented at the February meeting of the White Bear Lake Conservation District.

246
247 **Sampair** noted that the hockey rink is being heavily used and volunteers can always come down and
248 shovel snow and otherwise help keep the rink in good shape.

249
250 **NEXT MEETING>FEBRUARY 14, 2012: TOPICS:** Mitchell said that there will be 2 public hearings
251 scheduled for February – one for the warming house grant and the other on the changes to the fee
252 ordinance. Mitchell also noted that comments from the Planning Commission on the draft ordinances
253 relating to interim uses, complaints, and investigations should be received for review at the February
254 meeting.

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256 **ADJOURN:** Harper/Mitchell 4-0 (Carson absent) to adjourn the meeting at 9:10pm.

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Dale Powers
City Clerk

**INSERT ITEM # 2
ACCEPTANCE OF
FINANCIAL REPORT
AND APPROVAL OF
STATEMENT OF
DISBURSEMENTS
HERE**



CITY OF BIRCHWOOD VILLAGE
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MEMORANDUM

DATE: February 6, 2012
TO: City Council
FROM: City Clerk-Coordinator Dale Powers
RE: Approval of \$210.00 expenditure for registration to the Annual Conference of the Minnesota Municipal Clerks and Finance Officers Association

=====
Attached to this memo is the agenda of the upcoming annual conference of the Minnesota Municipal Clerks and Finance Officers Association. Please note that I will be moderating two sessions; one relating to urban agriculture and one relating to rewriting zoning ordinances.

The dates of the conference are Tuesday, March 20 through Friday, March 23. The \$210.00 expenditure has been provided for in the City's 2012 budget under Training and Development. Since the conference is in St. Cloud, no travel or hotel reimbursement is necessary.

Agenda

TUESDAY, MARCH 20, 2012

- 12:30-1:00 PM On-Site Check-in for Half-Day Seminar
- 1:00-4:30 **Half-day Seminar: Redistricting & Beyond — Getting Ready to Elect A President**
- 5:00-8:00 On-Site Conference Check-In
- 7:00-9:00 Conference Gathering — Activities in Hospitality Suite

WEDNESDAY, MARCH 21, 2012

- 8:00 AM On-Site Conference Check-In and Continental Breakfast
- 9:00 Welcome and Presentation of Colors
- 9:15 **KEYNOTE ADDRESS:**
Laugh for the Health of It!
- 10:15 Break
- 10:45 **CONCURRENT SESSIONS I** (CHOOSE ONE)
1. Understanding & Calculating Net Tax Capacity Rates
2. New Updates on Variance Law
3. Facilitating Council/Staff Relations
4. Leading From Your Soul
5. Small Cities (under 5,000) Roundtables
- 12:00 NOON Luncheon
MCMC & CMC Recognition Awards
- 1:15 PM **GENERAL SESSION:**
Ethical Leadership in the Public Sector
- 2:30 Break
- 2:45 **CONCURRENT SESSIONS II** (CHOOSE ONE)
6. Conquering the Budget Development Process
7. Urban Agriculture
8. Coaching for Improved Performance
9. Future Technologies You Need to Know Now!
10. From the Tower to the Faucet
- 4:00-6:30 Free Time to visit the City of St. Cloud
(Note: Dinner is NOT included in registration fee)
- 6:30-8:00 **The Spirit of MCFOA** (snacks, beverages, etc.)
- 7:00 Formal greetings, introductions & "getting to know you" activities
- 8:00-12:00 Dance with DJ

THURSDAY, MARCH 22, 2012

- 8:00 AM Sit Down Breakfast
MCFOA Business Meeting and Oath of Office
- 9:05 **GENERAL SESSION:**
Election Training & Recent Changes
- 10:30 Refreshment Break in Exhibit Area
Silent Auction Opens
(Exhibits Open until 4:00 PM)
- 11:15 **CONCURRENT SESSIONS III** (CHOOSE ONE)
11. Preparing for Your Retirement (90 minutes)
12. Franchise Fees: Are They for You?
13. Keys to Effective Performance Management
14. Collaboration: A Toolkit for Getting More Results From a Partnership
15. Liquor Licensing
16. Data Practices
- 12:30 NOON Lunch in the Exhibit Area
- 1:45 PM **CONCURRENT SESSIONS IV** (CHOOSE ONE)
17. Retiree and Post Age-65 Health Care Strategies
18. Rewriting Your Zoning Ordinance
19. Leading Change From the Middle
20. Take the Shock Out of Your Electronic Files
21. Lawful Gambling & City Responsibilities
22. Mystery of the Open Meeting Law
- 3:00 Refreshment Break in Exhibit Area
- 4:00 Exhibits Close
Silent Auction Closes/Winners Claim Merchandise
- 4:00 Free Time
- 6:00 Reception
- 7:00 Banquet & Entertainment
- 9:00 Dance with DJ

FRIDAY, MARCH 23, 2012

- 8:00 AM Light Refreshments
- 8:30 **FINALE GENERAL SESSION:**
Celebrating the Past, Embracing the Future
- 10:30-11:30 Brunch, and CEU Certificate pick-up

Keynote Presentations

Wednesday Keynote Address

Laugh for the Health of It!

Robin Getman, President, InterACT Group

Are you serious about having fun? Need to lighten up? This session is for you. High energy, fast-paced fun, jam-packed with useful tips and techniques to help you develop your laugh response and handle challenging situations with a smile.

Think about your interactions with other people. When, where and with whom do you feel most at ease? Most likeable? Most fun? If you're like most people, you're at your best wherever, whenever and with whomever you share laughter and lightness.

Laugh and learn as Robin Getman, your facilitator of fun, helps you identify ways to relax, renew and restore (and look forward to coming to work each day!). This session will tickle your funny bone, sharpen your customer service and do wonders your self-esteem.

What you'll learn...

- Proven health benefits of laughter.
- Laughter exercises you can use the rest of your life
- Fun dammentals that ensure helpful, not harmful, humor in the workplace.

Wednesday General Session

Ethical Leadership in the Public Sector

David Schultz, Professor, Editor, Journal of Public Affairs Education (JPAE) Hamline University School of Business

What does it mean to be ethical in the public sector? Is being a good person enough to being an ethical employee or public servant? Why do good people or organizations do bad things? Should you follow the same rules that managers or workers adopt in the private or non-profit sectors? This class uses case studies and hypothetical examples to distinguish managerial ethics in government from that in the private, and nonprofit sectors. Emphasis will be upon identifying what is unique about public sector ethical values and how they affect leadership and management decisions.

Thursday General Session

Election Training & Recent Changes

The Office of the Minnesota Secretary of State

The Office of the Secretary of State will offer training on city clerk election duties highlighting recent changes in statutes and rules affecting city clerks in their role as election administrators. Included will be discussion on clerk duties for candidate filings, campaign practices, ballot preparation, recruitment and appointment of election judges, absentee voting and post-election audit activities. Certificates of attendance will be provided to be returned to your county auditor to count towards maintaining your municipal election administrator certification.



Friday Finale General Session

Celebrating the Past, Embracing the Future

Rick Olson, President, Rick Olson Seminars

Today we celebrate **75 great years** for the MCFOA. The conference has done the following things: provided meaningful networking opportunities, created a great forum for exchanging ideas, and spotlighted helpful resources. Today we celebrate a great past.

Tomorrow brings a new set of challenges and opportunities. There will be no shortage of change. If you don't like change, you will like irrelevance even less. In this session, we will look at the keys to effectively navigate through change.

Concurrent Sessions I ~ Wednesday, 10:45 AM to 12:00 NOON

1 Understanding & Calculating Net Tax Capacity Rates

Wayne Stein, Auditor, Ottertail County

This session will provide participants with an understanding of basic property tax terminology, the required information needed to calculate net tax capacity rates, the sources available to obtain the required information, examples of how to calculate a net tax capacity rate and examples of how to calculate a gross property tax for a specific parcel.

2 New Updates on Variance Law

Desyl Peterson, City Attorney, Minnetonka

This land use session will include a discussion of prior variance law; changes in statutory interpretation by Minnesota Supreme Court; adoption of new variance law; standards governing variances under new law and case studies applying new standards.

3 Facilitating Council/Staff Relations

David Unmacht, Senior Vice President & Director of Human Services, Springsted, Incorporated

Often times it is the subtle and not so obvious factors that make a difference in an organization. From the citizens perspective the relationships between the elected officials and the city staff are not necessarily relevant to their experiences or their individual understanding of city hall. Yet, for the staff, the working relationships with the City Council are of primary importance – for a lot of reasons. Among them are morale, pride, confidence and ultimately the ability to deliver on the expectations and service levels that are expected by elected officials. The most successful public sector entities don't take these relationships for granted; they work on them and specifically develop ideas and strategies to enhance and improve the relations. This interactive session will provide valuable lessons and ideas on how you can strive to achieve excellent working relationships between staff and elected officials.

4 Leading From Your Soul

Robin Getman, Wednesday Keynote Presenter

Personal power in organizations increases when people begin leading from their souls rather than positions of authority—when leaders leverage external and internal power. External power (the capacity to act) is represented by confidence, competence, expertise, titles, success, degrees, stature, money, self-esteem and recognition. Internal power (the capacity to reflect) emerges out of our inner self, our souls and our deepest values. The integration of the two reveals who you really are and your life purpose. Attend this session to learn how to:

- Define and examine six stages of power in organizations
- Challenge traditional belief systems about power that continue to define “success”
- Distinguish between transactional and transformational leadership
- Identify ways to enhance personal effectiveness and expand influence
- Grow your leadership skills to become more (or less!) visible
- Help other people realize their full potential

5 Small Cities Roundtables

(populations under 5,000)

The ever popular roundtable discussions are back. These discussions provide the opportunity for attendees from small cities to connect with their colleagues from the same-size cities. Through a facilitated discussion, you will discover similar issues, possible solutions to problems and trade tools and techniques that can help you “back home.”

2012 MCFOA
Health and Wellness
Sponsor

Feel Better.
Save Money.



HealthPartners is “stepping” in to help us get healthy at the MCFOA Conference this year. When you check in, you will receive a pedometer. Wear this to count your steps at the conference. During Friday’s brunch, HealthPartners will present the person with the highest step count with a prize!

Have fun . . .
and get healthy!

Concurrent Sessions II ~

Wednesday, 2:45 to 4:00 PM

6 Conquering the Budget Development Process

Doug Green, Client Representative, Springsted, Inc.

For a Clerk/Administrator in Minnesota, summers should be a time to enjoy the outdoors, if it weren't for the development of the annual budget hanging over your head. This presentation will give you the tools to manage the budget development process, from the initial planning through the certification of your levy. Best practices from the League of Minnesota Cities, the Government Finance Officers Association, and experienced practitioners will be highlighted and disseminated to session participants. In this session, attendees will learn:

- A process to develop an annual operating budget
- What analytical tools are needed to effectively analyze the choices provided in the development process and the impact on taxpayers
- How to identify the many roadblocks and pitfalls that can throw the process off track and how to avoid them

MODERATED BY DALE POWERS

*7 Urban Agriculture: A Farm in the City?

Suzanne Rhees, AICP, Principal Planner, Parks and Trails Division, Minnesota Department of Natural Resources, and other presenters to be determined

Urban agriculture, from backyard livestock to commercial farming operations, is rapidly gaining popularity in cities large and small. Activities such as compost operations and produce sales, structures such as chicken coops, greenhouses or hoop houses, can all pose new challenges that may not be addressed in city zoning, environmental and sanitation regulations. This session will focus on how these new or expanding land uses can be managed to prevent or minimize conflicts and to maximize the benefits of local food production.

8 Coaching for Improved Performance

Mary Texer, Director, IT Industry Relations & Partnerships, Advance IT Minnesota

The difference between a high performing employee and one that does not meet expectations can be in the coaching they receive. The challenge comes in preparing for and then coaching employees. Boiled down to the basics, coaching is simply a series of well prepared for (and ultimately documented) conversations. During this session you will look at the conversations, discuss common mistakes made and situations you have encountered.

Conversation 1: Identify the problem; Clarify expectations; Describe what success looks like; Develop and agree to an action plan; Set the date/time for the next touch base.

Conversation 2: Check on progress—Next steps if progress is being made; Next steps if progress is not being made.

Conversation 3: Check on progress—Next steps if progress continues to be made; Next steps if progress is not being made. The last conversation/step is your organization's formal performance improvement plan and the consequences that flow from that.

9 Future Technologies You Need to Know Now!

Dr. David Bouchard, Professor and Coordinator of Graduate MIS, Metropolitan State University

This session will provide an overview on understanding of new technological evolution and planning techniques as well as examples of exciting new technologies. Dr. Bouchard will discuss new technology trends, concepts and management principles and provide an update on a variety of Information Technology (IT) trends that show promise for the near and mid-range future. He will discuss using lifecycle approaches to maximize technological benefit and return at minimum cost as well as how to use the best ideas and approaches to help understand your constituents and improve services in cost-effective ways. Time for questions and answers will be a valuable portion of this session which will be geared to the non-technical professional.

10 From the Tower to the Faucet

Jeff Dale, Water Circuit Rider; Teri Osterman, Financial Services Planner; and Frank Stuemke, Wastewater Trainer, Rural Water Association

Managing your water and wastewater systems is a Multi-Million Dollar business. As the Administrator/Clerk-Treasurer do you know what your licensed operator(s) needs to do every day to keep these systems in compliance? More importantly, if your operator "walks" what do you need to know to remain in compliance and protect the public health? Attendees at this class will learn; minimum licensing and training requirements, every day and monthly reporting requirements for operators, setting sustainable water and sewer rates, financial planning with Dashboard and complying with Minnesota's Water Conservation Rule. Most municipalities struggle with adequate funding and loss of local government aid, find out what services are available to your city "free of charge". Learn what services are available at greatly reduced cost. Learn what every operator and administrative personnel need to know and where to find it. Learn about new regulations that WILL affect your water and wastewater systems.

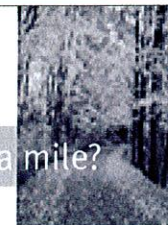
Sapphire Sponsor



Are your funds going the extra mile?

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www.4Mfund.com



More info contact
Pat Harris
612.376.7017
pat.harris@rbc.com

Concurrent Sessions III ~

Thursday, 11:15 AM to 12:30 PM

11 Preparing for Your Retirement-PERA and More

(This session will be 90 minutes in length.)

Carol Mladek, PERA Educational Representative & Mary Kusske, CFP and President of Kusske Financial in Burnsville

No matter what age you are today, you should learn more about retirement. Attend this session to hear everything you wanted to know about PERA, including contributions, building service credits, pension calculations and options, applications procedures, disability, survivor benefits and more. Retirement: Crisis, Chaos, Choices? Mary will bring her 25 years of experience in financial advice and address issues that everyone needs to understand as they prepare for their retirement.

12 Franchise Fees: Are They For You?

Dave Callister, Financial Advisor, Ehlers & Associates, Inc.

Under current state law, a city may require franchise agreements for gas and electric providers operating within the city limits. Franchise agreements provide the terms for which utility companies may operate in the public right of way. As part of the franchise agreement, the city reserves the right to levy a franchise fee to the private utility as a way of recouping costs the city incurs as a result of allowing the utility to operate within the city. What is the maximum amount a city can impose in franchise fees? How do you start collecting fees? In this session you will learn:

- The types of franchise fees and limits on fees you can collect
- For what you can use franchise fee
- How to implement franchise fees

The very nature of franchise fees is controversial due to imposing new fees on users. At the end of this session, you will have an understanding of franchise fees to help you determine whether or not they are right for you.

13 Keys to Effective Performance Management

Joyce Hottinger, Assistant Human Resources Director, and Laura Kushner, Director of Human Resources, League of Minnesota Cities

What are the most important aspects of managing employee performance? How do you make it happen in your organization? Where should you start? This session will help you understand the key elements of a successful performance management system and how to implement it for your city.

14 Collaboration: A Toolkit for Getting More Results From a Partnership

Karen Ray, President, Karen Ray Associates

Many communities are partnering with towns next door to jointly offer services — from plowing to parks management to operating license bureaus. Many communities are working with their own residents in partnership to enhance municipal government. This session describes a set of tools you can use to make partnerships more effective. Topics include: getting buy-in from leaders; clarifying expectations; managing joint budget discussions; stop planning and start acting; as well as getting the right people to the table to do the work.

15 Liquor Licensing

C. Mike Polla, Special Investigator; and Al Erickson, Licensing Specialist, Alcohol & Gambling Enforcement Division, Minnesota Department of Public Safety

Back by popular demand, this year the "liquor licensing" session will include the items City Clerks don't handle every day including: What is a restaurant and why is this important to know; wine licenses—strong beer; special events and festivals; temporary licenses; city owned buildings; caterers and other special items. There will also be ample time for questions and answers.

16 Data Practices: To Infinity and BEYOND!! (Not)

Corrine Heine, Attorney, Kennedy & Graven Chartered

Do you feel overwhelmed by the infinitesimal detail of the data practices statute? Do you wish for a hero to swoop in and rescue you from record retention nightmares? Corrine Heine can't do that. She will, however, identify and eradicate the data practices and record retention issues that threaten human existence—or at the very least — she will review and provide solutions to problems that threaten our patience. Issues covered will include: classification of data on elected officials, appointed commission members, and employees; record retention schedules; Tennessean warnings; email; and more.

Turquoise Sponsor



AT Group

Employee Benefits for Public Groups

877-902-8898

Health, Life, Dental, Disability & Vision Insurance

Concurrent Sessions IV ~

Thursday, 1:45 to 3:00 PM

17 Retiree and Post Age 65 Health Care Strategies

Bill Singer, Senior Sales Representative, AT Group

We all think about those days in our retirement when we will not have to get up before the sun. Some of us have enough years of service that we can retire early, some of us are going to have to work until we are eligible for Social Security and lately we have seen more people than ever work well past age 65. For many the biggest question they have heading into retirement is about their Health Coverage. From the employees perspective it would be great to know what our health coverage options are:

- Can I get an individual plan?
- Can I and should I stay on my group's plan?
- Can I just go on Medicare?

From the employer's perspective there are a lot of questions:

- How do the retirees affect my premium cost?
- Are our active employees going to pay higher premiums because of the retirees?
- Should we offer lifetime retiree coverage?
- How does Medicare coordinate with our current health plan – who pays first?
- Should my post 65 employees stay on our group plan or can I give them a plan of their own?
- How do Medicare supplements figure into this whole picture?

This session will provide you with answers from an employee and employers perspective and help you to develop the best strategy for your own situation as well as the best plan for your city.

MODERATED BY DALE POWERS 18 Rewriting Your Zoning Ordinance

Jean Coleman, Attorney & Planner, CR Planning, Inc.

Has someone in your community recently requested a zoning permit for a wind tower or doggy-day-care and you couldn't find it in your current zoning ordinance? Was your zoning ordinance written in the 70's? Did you recently update you community's comprehensive plan? If you answered yes to any of these questions, it may be time to rewrite your zoning ordinance. This session provides basic steps to updating or rewriting it; including organizational and drafting tips, how to gather public input and adoption requirements.

19 Leading Change From the Middle

Bob Lewis, President/Author, IT Catalysts, Inc.

You have a design: How the organization should change, and what the change should look like. You have a plan: What has to get done to make the change happen, and who's going to do it. Now what? Organizations resist change. They have to — they're built to be the way they are and everything reinforces it. The session will provide a framework you need to overcome the factors that conspire to make change fail.

20 Take the Shock Out of Your Electronic Records" Stay on your grid with organization and preparation for your project.

A panel of City Clerks will share their cities unique path from paper-based to electronic recordkeeping. Each city is at a different place in the journey and has valuable information on the opportunities and challenges of electronic records. Since there is no one-size-fits-all solution to electronic records, this session will provide a range of ideas for all size cities to consider.

21 Lawful Gambling & City Responsibilities *Steve Pedersen, Licensing Supervisor, Minnesota Gambling Control Board*

This session will emphasize full time gambling including illegal activities, city payments, city approvals and form filing with the Gambling Control Board. Pedersen will also cover contact information for questions and city responsibilities in regards to lawful gambling.

22 The Mystery of the Open Meeting Law

Corrine Heine, Attorney, Kennedy & Graven Chartered

Mayor Bumpkis told city clerk Carolyn Keene of his plans to assemble the council. Bumpkis told Keene to do "what needs to be done." Clerk Carolyn was none too keen on the idea. The mayor said the meeting would be "open and shut" — but would it ??? Keene called in attorney Corrine Heine. Heine was no Nancy Drew, but Keene knew she could help solve the mysteries of the Open Meeting Law by shining some light on those vexing gray areas in the law. Heine was no stranger to council members with email and Facebook. And she knew how to identify a serial meeting. Yes, with Heine's help, Keene could do what she needed to do.





CITY OF BIRCHWOOD VILLAGE
207 Birchwood Avenue
Birchwood Village, MN 55110
651-426-3403 tel
651-426-7747 fax
birchwoodvillage@comcast.net

MEMORANDUM

DATE: February 6, 2012
TO: City Council
FROM: City Clerk-Coordinator Dale Powers
RE: Application of Maya Kristine Comfort for the position of Seasonal Rink Attendant

=====
Parks Committee Chair John Lund forwarded the application of Maya Kristine Comfort for the position of Seasonal Rink Attendant, with a recommendation to hire.

Since Ms. Comfort is under the age of 18, per the direction of the Council no background check was conducted.

APPLICATION FOR EMPLOYMENT

PERSONAL INFORMATION

DATE OF APPLICATION: 1/26/12

Name: Comfort Maya Kristine
Last First Middle

Address: Eloba St. White Bear Lake, MN 55110
Street City/State Zip

Alternate Address: _____
Street City/State Zip

Contact Information: _____
Home Telephone Mobile Telephone Email

How did you learn about our company?

POSITION SOUGHT: Ice Rink Attendant Available Start Date: a.s.a.p.

Desired Pay Range: \$8.00 per hour Are you currently employed? No
Hourly or Salary

EDUCATION

	Name and Location	Graduate? – Degree?	Major / Subjects of Study
High School	Mahtomedi High School	currently in 10th grade	expected graduation in 2014
College or University			
Specialized Training, Trade School, etc...			
Other Education			

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

I volunteer each year at my school's summer band camp.
I am in my symphonic band class, but I also
perform in two extracurricular bands, jazz band and Pep band.

PREVIOUS EXPERIENCE

Please list beginning from most recent

Dates Employed	Company Name	Location	Role/Title
2008 - present	N/A	White Bear Lake	Babysitter

Job notes, tasks performed and reason for leaving:

I am a Red cross certified babysitter. I work for several different families. References available upon request.

Dates Employed	Company Name	Location	Role/Title

Job notes, tasks performed and reason for leaving:

Dates Employed	Company Name	Location	Role/Title

Job notes, tasks performed and reason for leaving:

Dates Employed	Company Name	Location	Role/Title

Job notes, tasks performed and reason for leaving:

RESOLUTION 2012-##

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

**A RESOLUTION ACCEPTING A DONATION OF CASH FROM WRITERS
UNLIMITED**

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Birchwood Village that:

The City Council accepts a cash donation of \$575.00 from Writers Unlimited.

I certify that the City of Birchwood Village adopted the above Resolution on this 14th day of February, 2012.

Alan Mitchell, Mayor

ATTEST:

Dale Powers
City Clerk

Writers



Unlimited

Date: *January 26, 2012*

To: City of Birchwood Village
Dale Powers, Birchwood City Clerk

From: Writers Unlimited
Mary Miller, Membership Coordinator,
Jean Barnum, Co-Founder

Dear Dale,

We are enclosing a check in the amount of ^{\$}575.00 as our contribution to the City of Birchwood Village in gratitude for the continued privilege of using the community center for our twice-a-month Wednesday morning writers group meetings, from February to November.

Writers Unlimited is dedicated to the nurture and support of beginning, as well as advanced writers; as they develop their works-in-progress in preparation for the market place, and eventual publication. The quiet confines of the hall provide an ideal setting for manuscript readings and group discussion, and for this we are deeply grateful to the staff and the City Council.

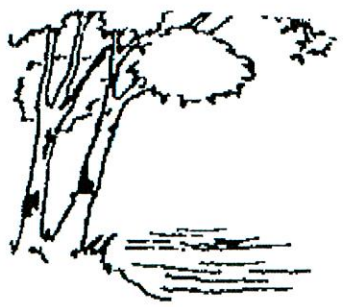
Sincerely,

Jean Barnum, *Jean Barnum*

Mary Miller, *M.M.*

for

Writers Unlimited



CITY OF BIRCHWOOD VILLAGE
207 Birchwood Avenue
Birchwood Village, MN 55110
651-426-3403 tel
651-426-7747 fax
birchwoodvillage@comcast.net

MEMORANDUM

DATE: February 6, 2012
TO: City Council
FROM: Council Member Jane Harper
RE: Explanation of Fund Balance Policy Revision

=====

Enclosed with this memo is a draft resolution that revises the definitions of the City's fund balances. The existing fund balance definitions are unreserved; unreserved, undesignated; unreserved, designated; and reserved.

The Governmental Accounting Standards Board (GASB), in its Statement No. 54, changed the definitions to be used for the various fund balance categories, as follows: nonspendable, restricted, committed, assigned, and unassigned. A copy of the summary of GASB Statement No. 54 is attached to this memo as an exhibit.

The draft resolution, also attached to this memo as an exhibit, approves amending the City's Fund Balance Policy consistent with these changes.



Summaries / Status

Summary of Statement No. 54 *Fund Balance Reporting and Governmental Fund Type Definitions* (Issued 02/09)

The objective of this Statement is to enhance the usefulness of fund balance information by providing clearer fund balance classifications that can be more consistently applied and by clarifying the existing governmental fund type definitions. This Statement establishes fund balance classifications that comprise a hierarchy based primarily on the extent to which a government is bound to observe constraints imposed upon the use of the resources reported in governmental funds.

The initial distinction that is made in reporting fund balance information is identifying amounts that are considered *nonspendable*, such as fund balance associated with inventories. This Statement also provides for additional classification as restricted, committed, assigned, and unassigned based on the relative strength of the constraints that control how specific amounts can be spent.

The *restricted* fund balance category includes amounts that can be spent only for the specific purposes stipulated by constitution, external resource providers, or through enabling legislation. The *committed* fund balance classification includes amounts that can be used only for the specific purposes determined by a formal action of the government's highest level of decision-making authority. Amounts in the *assigned* fund balance classification are intended to be used by the government for specific purposes but do not meet the criteria to be classified as restricted or committed. In governmental funds other than the general fund, assigned fund balance represents the remaining amount that is not restricted or committed. *Unassigned* fund balance is the residual classification for the government's general fund and includes all spendable amounts not contained in the other classifications. In other funds, the unassigned classification should be used only to report a deficit balance resulting from overspending for specific purposes for which amounts had been restricted, committed, or assigned. Governments are required to disclose information about the processes through which constraints are imposed on amounts in the committed and assigned classifications.

Governments also are required to classify and report amounts in the appropriate fund balance classifications by applying their accounting policies that determine whether restricted, committed, assigned, and unassigned amounts are considered to have been spent. Disclosure of the policies in the notes to the financial statements is required.

This Statement also provides guidance for classifying stabilization amounts on the face of the balance sheet and requires disclosure of certain information about stabilization arrangements in the notes to the financial statements.

The definitions of the general fund, special revenue fund type, capital projects fund type, debt service fund type, and permanent fund type are clarified by the provisions in this Statement. Interpretations of certain terms within the definition of the special revenue fund type have been provided and, for some governments, those interpretations may affect the activities they choose to report in those funds. The capital projects fund type definition also was clarified for better alignment with the needs of preparers and users. Definitions of other governmental fund types also have been modified for clarity and consistency.

The requirements of this Statement are effective for financial statements for periods beginning after June 15, 2010. Early implementation is encouraged. Fund balance reclassifications made to conform to the provisions of this Statement should be applied retroactively by restating fund balance for all prior periods presented.

How the Changes in This Statement Will Improve Financial Reporting

The requirements in this Statement will improve financial reporting by providing fund balance categories and classifications that will be more easily understood. Elimination of the *reserved* component of fund balance in favor of a *restricted* classification will enhance the consistency between information reported in the government-wide statements and information in the governmental fund financial statements and avoid confusion about the relationship between reserved fund balance and restricted net assets. The fund balance classification approach in this Statement will require governments to classify amounts consistently, regardless of the fund type or column in which they are presented. As a result, an amount cannot be classified as restricted in one fund but unrestricted in another. The fund balance disclosures will give users information necessary to understand the processes under which constraints are imposed upon the use of resources and how those constraints may be modified or eliminated. The clarifications of the governmental fund type definitions will reduce uncertainty about which resources can or should be reported in the respective fund types.

Unless otherwise specified, pronouncements of the GASB apply to financial reports of

all state and local governmental entities, including general purpose governments; public benefit corporations and authorities; public employee retirement systems; and public utilities, hospitals and other healthcare providers, and colleges and universities.
Paragraph 3 discusses the applicability of this Statement.

**FUND BALANCE POLICY
CITY OF BIRCHWOOD VILLAGE
(In accordance with GASB #54)**

Policy

The city shall maintain adequate financial reserves to: meet cash flow needs; fund short-term capital improvements and special one-time projects; meet emergencies; and mitigate the effects of unexpected fluctuations in revenues or expenditure needs. The city shall maintain the Spendable-Unassigned portions of the fund balance between 40 and 50 percent of the budgeted operating expenditures or six months of operating revenue whichever is greater and as measured on December 31st of each year.

Definitions

Fund Balance

The difference between assets and liabilities in a governmental fund. There are five types of governmental funds: general fund, special revenue funds, debt service funds, capital projects funds and enterprise funds.

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Non-spendable Fund Balance

The amount of a fund balance that cannot be spent because it is either not in spendable form or there is a legal or contractual requirement for the funds to remain intact.

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Spendable Fund Balance

The amount of fund balance that is available for appropriation based on the constraints that control how specific amounts can be spent. The following categories define the revenue source and the level of force of the constraint on spending. Categories should be supported by actual plans approved by the governing body, an appropriate officer, grant providers or enabling legislation.

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Restricted Fund Balance

That portion of the Spendable Fund Balance that reflects constraints on spending because of legal restrictions stipulated by outside parties such as encumbrances for goods or services, grantors outstanding at the end of the year, and any legal restrictions based on state statutes or grant requirements placed on the use for specific purposes.

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Committed Fund Balance

That portion of the Spendable Fund Balance that reflects constraints that the city has imposed upon itself by a formal action of the city council (e.g. an ordinance or resolution). This constraint must be imposed prior to year end but the amount can be determined at a later date.

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Assigned Fund Balance

That portion of the Spendable Fund Balance that reflects funds intended to be used by the city for specific purposes assigned by more informal operational plans such as capital goods replacement; the constraint is not imposed by external parties or by formal council action. In governmental funds other than the General Fund the Assigned Fund Balance represents the amount that is not restricted or limited.

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Unassigned

The residual classification for the city's General Fund. It includes all spendable amounts not contained in the other classifications and, therefore, not subject to any constraints. Unassigned amounts are available for any purpose. These are the current resources available for which there are no government self-imposed limitations or set spending plan. Unassigned funds are

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commonly used for emergency expenditures and to cover expenditures for revenues not yet received.

Guidelines

1. The city will maintain the Spendable – Unassigned Fund Balance at an appropriate level by:
 - a. Designating an amount of financial resources that are to be available for times of an emergency. An emergency may occur when budget deficits arise from significant revenue losses or expenditure increases; when there is a temporary revenue shortfall or when the city incurs an unpredicted expenditure.
 - b. Developing a specific plan for increasing or decreasing the level of Spendable – Unassigned Fund Balance to bring it into compliance with the policy when the Spendable – Unassigned Fund Balance doesn't match the policy.
 - c. Designating a portion of any year-end budget surplus for major projects such as street improvements or water treatment system upgrades. The city shall hold these financial resources in a designated account for the specified purpose.
 - d. Designating a portion of any year-end budget surplus to increase the Spendable – Unassigned Fund Balance.
2. The Spendable – Unassigned Fund Balance may be above the range when saving for a major project or purchase and in anticipation of taking on an expensive capital project.
3. For any planned use of the Spendable – Unassigned Fund Balance lance below the minimum level, the city shall adopt a plan to restore the fund balance to the targeted level.
4. Spendable – Unassigned Fund Balance The policy should be reviewed every 3 years or more often if conditions change.
5. At the end of each fiscal year, the city will report the portion of the fund balance that is not in spendable form as Non-spendable Fund Balance on the financial statements.
6. At the end of each fiscal year, the city will report Restricted Fund Balance for amounts that have applicable legal restrictions per GASB #54, as well as encumbrances or funds restricted by enabling legislation.
7. Prior to the end of each fiscal year, the city will report Committed Fund Balance for long-term loan receivables such as advances to other funds and similar accounts.
- 4.8. At the end of each fiscal year, the city will report Assigned Fund Balance for equipment replacement according to the city's capital improvement plan.

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RESOLUTION 2012-##

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

A RESOLUTION AMENDING THE CITY'S FUND BALANCE POLICY TO MAKE IT
CONSISTENT WITH THE GOVERNMENT ACCOUNTING STANDARDS BOARD'S
STATEMENT NUMBER 54

WHEREAS, the City Council has established a policy on fund balances; and

WHEREAS, the current fund balance policy contains definitions for (a) unreserved; (b) unreserved, undesignated; (c) unreserved, designated; and (d) reserved fund balances; and

WHEREAS, the Governmental Accounting Standards Board (GASB), in its Statement Number 54, established new definitions and practices for (a) nonspendable; (b) restricted; (c) committed; (d) assigned; and (e) unassigned fund balances; and

WHEREAS, the City Council desires to maintain consistency in its Fund Balance policy with the standards of GASB.

**NOW THEREFORE, THE COUNCIL OF THE CITY OF BIRCHWOOD VILLAGE
ORDAINS:**

THAT the City's Fund Balance Policy is hereby amended as indicated to reflect the new definitions and practices as promulgated by GASB in its Statement Number 54; and

THAT the City's Fund Balance Policy, as amended, is attached to this resolution as an exhibit.

I certify that the City Council of the City of Birchwood Village adopted the above Resolution on this 14th day of February, 2012.

Alan Mitchell, Mayor

ATTEST:

Dale Powers
City Clerk

**FUND BALANCE POLICY
CITY OF BIRCHWOOD VILLAGE
(In accordance with GASB #54)**

Policy

The city shall maintain adequate financial reserves to: meet cash flow needs; fund short-term capital improvements and special one-time projects; meet emergencies; and mitigate the effects of unexpected fluctuations in revenues or expenditure needs. The city shall maintain the Spendable-Unassigned portions of the fund balance between 40 and 50 percent of the budgeted operating expenditures or six months of operating revenue whichever is greater and as measured on December 31st of each year.

Definitions

Fund Balance

The difference between assets and liabilities in a governmental fund. There are five types of governmental funds: general fund, special revenue funds, debt service funds, capital projects funds and enterprise funds.

Non-spendable Fund Balance

The amount of a fund balance that cannot be spent because it is either not in spendable form or there is a legal or contractual requirement for the funds to remain intact.

Spendable Fund Balance

The amount of fund balance that is available for appropriation based on the constraints that control how specific amounts can be spent. The following categories define the revenue source and the level of force of the constraint on spending. Categories should be supported by actual plans approved by the governing body, an appropriate officer, grant providers or enabling legislation.

Restricted Fund Balance

That portion of the Spendable Fund Balance that reflects constraints on spending because of legal restrictions stipulated by outside parties such as encumbrances for goods or services, grantors outstanding at the end of the year, and any legal restrictions based on state statutes or grant requirements placed on the use for specific purposes.

Committed Fund Balance

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Assigned Fund Balance

That portion of the Spendable Fund Balance that reflects funds intended to be used by the city for specific purposes assigned by more informal operational plans such as capital goods replacement; the constraint is not imposed by external parties or by formal council action. In governmental funds other than the General Fund the Assigned Fund Balance represents the amount that is not restricted or limited.

Unassigned

The residual classification for the city's General Fund. It includes all spendable amounts not contained in the other classifications and, therefore, not subject to any constraints.

Unassigned amounts are available for any purpose. These are the current resources available for which there are no government self-imposed limitations or set spending plan.

Unassigned funds are commonly used for emergency expenditures and to cover expenditures for revenues not yet received.

Guidelines

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 - a. Designating an amount of financial resources that are to be available for times of an emergency. An emergency may occur when budget deficits arise from significant revenue losses or expenditure increases; when there is a temporary revenue shortfall or when the city incurs an unpredicted expenditure.
 - b. Developing a specific plan for increasing or decreasing the level of Spendable – Unassigned Fund Balance to bring it into compliance with the policy when the Spendable – Unassigned Fund Balance doesn't match the policy.
 - c. Designating a portion of any year-end budget surplus for major projects such as street improvements or water treatment system upgrades. The city shall hold these financial resources in a designated account for the specified purpose.
 - d. Designating a portion of any year-end budget surplus to increase the Spendable – Unassigned Fund Balance.
2. The Spendable – Unassigned Fund Balance may be above the range when saving for a major project or purchase and in anticipation of taking on an expensive capital project.
3. For any planned use of the Spendable – Unassigned Fund Balance lance below the minimum level, the city shall adopt a plan to restore the fund balance to the targeted level.
4. Spendable – Unassigned Fund Balance The policy should be reviewed every 3 years or more often if conditions change.
5. At the end of each fiscal year, the city will report the portion of the fund balance that is not in spendable form as Non-spendable Fund Balance on the financial statements.
6. At the end of each fiscal year, the city will report Restricted Fund Balance for amounts that have applicable legal restrictions per GASB #54, as well as encumbrances or funds restricted by enabling legislation.
7. Prior to the end of each fiscal year, the city will report Committed Fund Balance for long-term loan receivables such as advances to other funds and similar accounts.
8. At the end of each fiscal year, the city will report Assigned Fund Balance for equipment replacement according to the city's capital improvement plan.

RESOLUTION 2012-##

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

**A RESOLUTION APPROVING THE INFORMATION SUBMITTED TO THE STATE OF MINNESOTA
REGARDING PAY EQUITY REPORTING**

WHEREAS, the State of Minnesota, through the passage and signing in 1984 of the Local Government Pay Equity Act (hereinafter referred to as "the Act"), requires local governments to ensure that its pay structure does not discriminate on the basis of gender; and

WHEREAS, cities with one of more employees must file a pay equity implementation report every three years; and

WHEREAS, the City of Birchwood Village last filed a pay equity report in 2009 and, therefore, is required to file a pay equity report before January 31, 2012; and

WHEREAS, based on the compliance requirements of Minnesota Rule 3920.0400, Subpart 1C, the City must pass the alternative analysis test as described in Minnesota Rule 3920.0600; and

WHEREAS, based on reviewing said Rule it is the City Council's opinion that the City has passed the alternative analysis test; and

WHEREAS, City staff, after consultation with Minnesota Pay Equity Coordinator Faith Zwemke, on January 31, 2012 filed a provisional pay equity report stating that the City Council will formally approve said report at its February 14, 2012 Council meeting, thereby meeting the requirement of timely filing of the pay equity report.

NOW THEREFORE, THE COUNCIL OF THE CITY OF BIRCHWOOD VILLAGE ORDAINS:

THAT the City Council approves the electronic filing of the attached pay equity report; and

THAT Mayor Mitchell hereby approves of the typing of his name as Chief Elected Official on the electronic form as directed by the Minnesota Department of Management and Budget.

I certify that the City Council of the City of Birchwood Village adopted the above Resolution on this ____ day of _____, 2012.

Alan Mitchell, Mayor

ATTEST:

Dale Powers
City Clerk

Minnesota Pay Equity Management System - Birchwood Village(12-Submitted)

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[See Results-->](#)

Jurisdiction: ID # 453 - Birchwood Village

Number of cases found: 5

<u>View/Add</u>	<u>Export</u>	<u>Report Year</u>	<u>Case ID</u>	<u>Case Description</u>	<u>Case Status</u>	<u>Edit</u>	<u>Delete</u>
View Jobs	Export Jobs	1998	1	1998 DATA	In Compliance		
View Jobs	Export Jobs	2001	2	2001 DATA	In Compliance		
View Jobs	Export Jobs	2006	3	2006 DATA	In Compliance		
View Jobs	Export Jobs	2009	4	2009 DATA	In Compliance		
View Jobs	Export Jobs	2012	1	2012 DATA	Submitted		
Add New Case							

Jurisdiction # 453 - Birchwood Village || Report Year 2012 || Case # 1 - 2012 DATA

Number of jobs in this case: 2

<u>Job Nbr</u>	<u>Title</u>	<u>Males</u>	<u>Females</u>	<u>Points</u>	<u>Min Sal</u>	<u>Max Sal</u>	<u>Yrs To Max</u>	<u>Yrs Srv</u>	<u>Exceptional Srv</u>
2	Coordinator-Clerk	1	0	238	2950.00	2950.00	0.00	2.00	
3	Treasurer	0	1	404	3293.00	3293.00	0.00	3.00	

We have worked to ensure this product is accessible and compliant with the standard WCAG 2.0 level AA. We have tested accessibility using the JAWS software from Freedom Scientific. We found it to work correctly for us. If you find errors in accessibility, please let us know at pay.equity@state.mn.us so that we can follow up.

Thank you.

Minnesota Pay Equity Management System - Birchwood Village(12-No Submission)

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Pay Equity Implementation Form

Information entered on this page is not saved until you click "sign and submit." This page may be printed and shared with your governing body for approval. After you receive approval, you will need to come back to this page, complete the necessary information, then click "sign and submit."

Part A: Jurisdiction Identification

Jurisdiction: Birchwood Village
207 Birchwood Avenue
Birchwood Village

Jurisdiction Type: CITY - City

Contact:	Name	Title	Phone	Email
	Dale Powers	City Coordinator	651-426-3403	bwclerk@comcast.net

Part B: Official Verification

1. The job evaluation system used measured skill, effort responsibility and working conditions and the same system was used for all classes of employees.

The system used was:
Other (specify)

I believe the Alternate Analysis Test was used, the same that was used in 2009.

Describe:

2. Health Insurance benefits for male and female classes of comparable value have been evaluated and

There is no difference and female classes are not at a disadvantage.

3. An official notice has been posted at:

Clerk's Office

(prominent location)

informing employees that the Pay equity Implementation Report has been filed and is available to employees upon request. A copy of the notice has been sent to each exclusive representative, if any, and also to the public library.

The report was approved by:

Birchwood Village City Council

(governing body)

Alan Mitchell

(chief elected official)

Mayor

(title)

Checking this box indicates the following:

- signature of chief elected official
- approval by governing body
- all information is complete and accurate, and
- all employees over which the jurisdiction has final budgetary authority are included

Part C: Total Payroll

57,732 is the annual payroll for the calendar year just ended December 31.



CONNECTING & INNOVATING
SINCE 1913

HUMAN RESOURCES & BENEFITS INFORMATION
**LOCAL GOVERNMENT PAY EQUITY ACT:
AN OVERVIEW**

In 1984 the Minnesota Legislature passed a bill extending pay equity to local governments in the State. The law requires each local government to analyze its pay structure for evidence of inequities, and to report this information to the Department of Employee Relations (the “department”).

Concept of Pay Equity

Compensation programs have three parts:

- ✓ Pay level - the level an employer pays in comparison to other employers;
- ✓ Pay structure - the relationships among jobs in an organization; and
- ✓ Pay method - the set of policies and procedures for paying individual employees.

Pay equity is designed to address the problem of a wage structure in which there is one pay pattern for jobs performed mostly by men and another pay pattern for jobs performed mostly by women. Pay equity affects pay structure, NOT pay level or pay method. An employer can still have a pay level that is different than other employers. The city can still pay more to recognize individuals’ seniority and performance. One way to do this is to establish salary ranges for each job class and reward employees for seniority, performance or both by moving them through the salary range.

Job Evaluation System

Every city must use a job evaluation system to determine the comparable work value of the work performed by each class of its employees. System options are: use the state job match, use or modify systems used by other public employers, design your own system, or purchase a privately owned (consultant’s) system. No matter what job evaluation system is used, it must be updated to account for:

- ✓ New employee classes; and
- ✓ Any changes in factors affecting the comparable work value of existing classes.

Cities should be aware that (1) when substantially modifying their job evaluation system or adopting a new system they must notify the Commissioner of the Department of Employee Relations (the “commissioner”); and (2) the results of any job evaluation system and subsequent reports may be used in any proceeding or action alleging discrimination.

Pay Equity & Bargaining Units

- ✓ Cities must meet and confer with the exclusive representatives of their employees on the development or selection of a job evaluation system.
- ✓ A report containing the results of the job evaluation system must be provided to the exclusive representatives of the employees to be used by both parties in contract negotiations.
- ✓ In interest arbitration (for any class other than balanced) the arbitrator shall consider pay equity, including results of a job evaluation study and any employee objections to said study, together with other standards appropriate to interest arbitration.
- ✓ The provisions of the Pay Equity Act do not diminish a city's duty to bargain in good faith.

Pay Equity Implementation Report

Cities with one or more **employees** must file a pay equity implementation report every three years as required by the department. Per MN Statutes 179A.03, subdivision 14:

Generally, an employee is one who works an average of at least 14 hours per week or 35 percent of the normal work week & 67 working days per calendar year; or one who works in a position filled for more than 67 working days in a calendar year. See MN Statutes for further information on temporary, seasonal and student employees.

The information in the report is public data governed by Chapter 13. The form which cities must use is provided by the department and requires that the following information be submitted:

- ✓ A list of all job classes in the political subdivision
- ✓ The number of employees in each class
- ✓ The number of female employees in each class
- ✓ An identification of each class as male-dominated, female-dominated, or balanced
- ✓ The comparable work value of each class as determined by the job evaluation system
- ✓ The minimum and maximum salary for each class and the amount of time in employment required to qualify for the maximum
- ✓ Any additional cash compensation
- ✓ Any other information requested by the commissioner

Based on the pay equity implementation report and any other information requested by the department, a number of tests are used to analyze the information submitted and determine compliance/noncompliance. Detailed information on testing methods is available in MN Rules, Chapter 3920.0400.

Noncompliance

If a city is found not in compliance, a notice will be issued to that city. A city in disagreement with such a finding may notify the commissioner and will be given a defined period of time during which additional information may be submitted for reconsideration of the finding.

- ✓ In the event that compliance is not achieved within the defined time period set by the commissioner, the commissioner will notify the city and the commissioner of revenue

that the city is subject to a five percent reduction in the aid that would otherwise be payable to that city, or to a fine of \$100 per day, whichever is greatest.

- ✓ Cities may appeal the imposition of a penalty by filing a notice of appeal with the commissioner within 30 days of the commissioner's notification to the city of the penalty. No penalty may be imposed while an appeal is pending.

Maintaining Pay Equity

Per the Act, cities must maintain equitable pay relationships and submit additional reports as required by the department (generally every third year). The department monitors compliance on an ongoing basis and reports to the legislature annually. The procedures for imposing/appealing penalties still applies to those cities found in compliance at one time, but found not in compliance at a future date.

Pay Equity Information Resources

MN Department of Employee Relations
Faith Zwemke, Pay Equity Coordinator
(651) 259-3761

League of Minnesota Cities
Rebecca Hardel, HR
(651) 281-1217

If you have any additional questions, please contact the LMC HR & Benefits Department at 651-281-1200.

HR & Benefits 07/2011

3920.0400 COMPLIANCE REVIEW.

Subpart 1. **Compliance requirements.** This part identifies the tests a jurisdiction must pass to be found in compliance. If a jurisdiction fails any of the tests which apply to that jurisdiction, as described in items A to D, the department must find the jurisdiction not in compliance.

A. A jurisdiction with six or more male-dominated classes and one or more salary ranges must pass the statistical analysis test described in part 3920.0500.

B. A jurisdiction with four or five male-dominated classes and one or more salary ranges, and a jurisdiction with more than three male-dominated classes and no salary ranges, must pass the statistical analysis test described in part 3920.0500 or, if that test is not passed, the alternative analysis test described in part 3920.0600.

C. A jurisdiction with three or fewer male-dominated classes must pass the alternative analysis test described in part 3920.0600.

D. All jurisdictions must pass all the other tests described in part 3920.0700.

Subp. 2. **Basis for analysis.** The statistical analysis test and the alternative analysis test are based on the maximum monthly salaries and on the job evaluation ratings listed in the jurisdiction's implementation report, except as provided in items A and B.

A. If a jurisdiction has no salary ranges, the analysis is based on the highest actual salary paid for each class.

B. If a jurisdiction provides different benefits to male-dominated and female-dominated classes of comparable work value as explained in part 3920.0300, subpart 6, and if those differences represent a disadvantage to any female-dominated class, the department must add the jurisdiction's benefits contribution limit to the maximum monthly salary or to the highest salary actually paid for each class.

Subp. 3. **Data review.** Before completing the compliance review, the department must mail to each jurisdiction a printout showing the data derived from the jurisdiction's implementation report which will be used in determining compliance for that jurisdiction. The department may not make a compliance decision for a period of 14 days after the date shown on the printout mailed to the jurisdiction. If a jurisdiction submits written notification to the department within the 14-day period that any of those data are in error, the department must review the data and correct any bona fide data entry errors before making a compliance decision.

Statutory Authority: *MS s 43A.04*

History: *17 SR 712*

Posted: *August 7, 2009*

3920.0600 ALTERNATIVE ANALYSIS TEST.

Subpart 1. **Scope.** This part applies to:

- A. a jurisdiction with three or fewer male-dominated classes;
- B. a jurisdiction with four or five male-dominated classes, when the jurisdiction has an underpayment ratio of less than 80.0 percent as explained in part 3920.0500, subpart 6; and
- C. a jurisdiction with no salary ranges for any of its classes, when the jurisdiction has an underpayment ratio of less than 80.0 percent as explained in part 3920.0500, subpart 6.

Subp. 2. **Criteria for alternative analysis test.** To pass the alternative analysis test, a jurisdiction must meet one of the following criteria:

- A. an initial review shows that salary, or salary plus benefits, for female-dominated classes is not consistently below that of male-dominated classes of comparable work value, as described in subpart 4;
- B. for classes with no salary ranges, differences in years of service explain the underpayment for all underpaid female-dominated classes, as described in subpart 6;
- C. for classes with no salary ranges, differences in performance, separately or in combination with differences in years of service, explain the underpayment for all underpaid female-dominated classes, as described in subpart 7; or
- D. for classes with no salary ranges, combined differences in years of service and performance explain the underpayment for some of the underpaid female-dominated classes, and the remaining number of underpaid female-dominated classes is 20.0 percent, or less, of female-dominated classes in the jurisdiction, as explained in subparts 6 and 7.

Subp. 3. **Basis for alternative analysis.** The analysis is based on the maximum monthly salaries and job evaluation ratings listed in the jurisdiction's implementation report, except as described below. If the jurisdiction has no salary ranges, the analysis is based on the highest actual salary paid for each class. If a jurisdiction provides different benefits to male-dominated and female-dominated classes of comparable work value, and if those differences represent a disadvantage to any female-dominated class, the analysis is based on the jurisdiction's benefits contribution limit plus the maximum monthly salary, or on the jurisdiction's benefits contribution limit plus the highest salary actually paid for each class.

Subp. 4. **Initial review.** The department must conduct an initial review to determine whether salary, or salary plus benefits, for female-dominated classes is not consistently below that of male-dominated classes of comparable work value. The department must examine salary or salary plus benefits for each female-dominated class using the criteria

in items A to D, and must identify each female-dominated class which is underpaid. For purposes of this part, "underpaid" means paid less than the level established by these criteria.

The department must count the number of underpaid female-dominated classes and calculate underpaid female-dominated classes as a percentage of all female-dominated classes in the jurisdiction. If 20.0 percent or a smaller percentage of female-dominated classes are underpaid according to the criteria in items A to D, the department must find that the jurisdiction has passed the alternative analysis test. If more than 20.0 percent of female-dominated classes are underpaid according to these criteria, the department must proceed as explained in subpart 5.

A. If there are any female-dominated classes with higher job evaluation ratings than male-dominated classes, and there are no male-dominated classes with ratings higher than those female-dominated classes, the amount of salary or salary plus benefits for each of those female-dominated classes must be equal to or higher than the amounts for each lower-rated male-dominated class.

B. If there are any female-dominated classes with job evaluation ratings falling between lower-rated and higher-rated male-dominated classes, the amount of salary or salary plus benefits for each of the female-dominated classes must fall between the amounts for the male-dominated classes.

C. If there are any female-dominated classes with the same job evaluation ratings as male-dominated classes, the amount of salary or salary plus benefits for each of those female-dominated classes must be equal to or higher than the amounts for any of the male-dominated classes. This criterion does not apply if there are any male-dominated classes which are rated higher than the female-dominated class, but which receive salary or salary plus benefits amounts equal to or lower than the amounts for the female-dominated class.

D. If there are any female-dominated classes with job evaluation ratings lower than all male-dominated classes, those female-dominated classes must be compensated as reasonably in proportion to their job evaluation ratings as other classes in the jurisdiction.

Subp. 5. **Failure to meet initial review standard.** If more than 20.0 percent of female-dominated classes are underpaid according to the criteria in subpart 4, the department must determine whether the jurisdiction has salary ranges for its classes.

A. If there is no salary range for one or more underpaid female-dominated classes, or if there is no salary range for one or more male-dominated classes with which the underpaid female-dominated classes are being compared, the department must analyze years of service under subpart 6.

B. If there are salary ranges for the underpaid female-dominated class and for all male-dominated classes with which the female-dominated class is being compared, the department must find that the jurisdiction has failed the alternative analysis test and is not in compliance.

Subp. 6. **Years of service.** The department must analyze the years of service for employees in female-dominated and male-dominated classes in the situation described in subpart 5, item A. For each of the underpaid female-dominated classes, the department must determine whether differences in years of service explain the underpayment.

The department must then count the remaining number of underpaid female-dominated classes for which years of service do not explain the underpayment, and evaluate the result as explained in items A to C.

A. If the remaining number of underpaid female-dominated classes is 20.0 percent or a smaller percentage of female-dominated classes in the jurisdiction, the department must find that the jurisdiction has passed the alternative analysis test.

B. If the remaining number of underpaid female-dominated classes is more than 20.0 percent of female-dominated classes, and if the jurisdiction has no salary ranges for any of its classes, the department must request and analyze any documents about performance differences submitted by the jurisdiction, as explained in subpart 7.

C. If the remaining number of underpaid female-dominated classes is more than 20.0 percent of female-dominated classes, and if the jurisdiction has salary ranges for some or all of its classes, the department must find that the jurisdiction has failed the alternative analysis test and is not in compliance.

Subp. 7. **Performance.** In the situation described in subpart 6, item B, if a jurisdiction reported that documentation of performance differences is available, as explained in part 3920.0300, subpart 7, the department must request the documentation from the jurisdiction. The department must find that a jurisdiction which does not submit this information within the time set by the department has submitted an incomplete or inaccurate report, as explained in part 3920.0700, subpart 2.

The department must analyze the documentation in each case where a female-dominated class is underpaid according to subpart 4. For each of these female-dominated classes, the department must decide whether differences in performance explain the underpayment, separately or in combination with information about years of service for classes without salary ranges.

The department must then count the remaining number of underpaid female-dominated classes for which neither years of service nor performance explain the underpayment, and evaluate the result as explained in items A and B.

A. If the remaining number of underpaid female-dominated classes represents 20.0 percent or a smaller percentage of female-dominated classes in the jurisdiction, the department must find that the jurisdiction has passed the alternative analysis test.

B. If the remaining number of underpaid female-dominated classes represents more than 20.0 percent of female-dominated classes, the department must find that the jurisdiction has failed the alternative analysis test and is not in compliance.

Statutory Authority: *MS s 43A.04*

History: *17 SR 712*

Posted: *August 7, 2009*



CITY OF BIRCHWOOD VILLAGE
207 Birchwood Avenue
Birchwood Village, MN 55110
651-426-3403 tel
651-426-7747 fax
birchwoodvillage@comcast.net

MEMORANDUM

DATE: February 7, 2012
TO: City Council
FROM: City Clerk-Coordinator Dale Powers
RE: Proposed Warming House Grant

=====

The Parks and Natural Resources Committee has been reviewing potential funding sources to pay for a new warming house by the Tighe-Schmitz hockey rink. The Committee found out that the project may be eligible for a grant from the Minnesota DNR Outdoor Recreation Grant Program. At the November 2011 meeting, the City Council authorized Parks to proceed with the project; however, it withheld formal support for the project. The Committee conducted a public informational meeting in December to "roll out" the proposal and the solicit community input. John Lund, chair of the Committee, addressed the Council at its January 2012 meeting and said that 3 residents attended the public informational meeting and all three expressed support for the proposal.

As part of the submittal requirements, the City is required to conduct a public hearing and also adopt a resolution of financial support for the project. The City Council approved scheduling a public hearing at the February 14th Council meeting to solicit public comment on the proposal. Notice was published in the January 25th edition of the White Bear Press.

The City Council also directed the Parks Committee to submit its proposal to staff for posting on the City's web site at least 10 days before the public hearing. Staff received the proposal on Monday, February 6th and posted it that day.

PRINTER'S AFFIDAVIT OF PUBLICATION

Week of
Jan. 24-25

AFFIDAVIT OF PUBLICATION

STATE OF MINNESOTA)
County of Ramsey)

**CITY OF BIRCHWOOD VILLAGE
WASHINGTON COUNTY, MINNESOTA
NOTICE OF PUBLIC HEARING
MINNESOTA DEPARTMENT OF NATURAL RESOURCES
OUTDOOR RECREATION GRANT
PROPOSED APPLICATION
FEBRUARY 14, 2012**

NOTICE is hereby given that the City Council will be holding a public hearing at 7:00pm on Tuesday, February 14, 2012 at the Birchwood Village Hall, 207 Birchwood Avenue, Birchwood Village, Minnesota.

The purpose of the public hearing is to hear testimony from the public on a proposed Outdoor Recreation Grant application from the City to the Minnesota Department of Natural Resources (DNR). The grant would assist in the funding of improvements at Tighe-Schmitz Park.

At the public hearing, the following items will be discussed: project scope and the type of activities involved; implementation schedule; overall cost and the proposed financing for the project; costs to be assessed to community residents; and other associated project costs such as maintenance expenses, etc.

A copy of the proposed grant application will be posted online on the City's website <http://birchwoodvillage.gov/office.com> after February 1, 2012.

Dale Powers, City Clerk-Coordinator
City of Birchwood Village
Published one time in the White Bear Press on January 25, 2012.

er, or the publisher's designated agent, being duly sworn, on oath
the publisher, or the publisher's designated agent and an employee
aper known as the **WHITE BEAR PRESS**, and that I have full
the facts which are stated below:

wspaper has complied with all of the requirements constituting
as a qualified newspaper, as provided by Minnesota Statute
A.07, and other applicable laws, and amended.

**City of Birchwood Village
Notice of Public Hearing on February 14, 2012
Outdoor Recreation Grant Proposed Application**

hed was cut from the columns of said newspaper and was printed
for one week on **WEDNESDAY**, the **25TH** day of **JANUARY**,

Printed below is a copy of the lower case alphabet from A to Z, both
inclusive, which is hereby acknowledged as being the size and kind of type used
in the composition and publication of the notice:

abcdefghijklmnopqrstuvwxyz

BY: _____
TITLE: Publisher

Subscribed and sworn to before me on this **26TH** day of **JANUARY**, 2012.



Myrna L. Press
Notary Public, Minnesota

RATE INFORMATION

- (1) Lowest classified rate paid by commercial users for comparable space. \$ _____
(Line, word or inch rate)
- (2) Maximum rate allowed by law for the above matter. \$ _____
(Line, word or inch rate)
- (3) Rate actually charged for the above matter. \$ **14.15/INCH**
(Line, word or inch rate)

**ITEM 1 - APPLICATION SUMMARY
2012 Outdoor Recreation Application**

Applicant Information:		
Applicant Organization:	<u>City of Birchwood Village</u>	
Contact Person:	<u>John Lund</u>	
Title:	<u>Chair of the Parks and Natural resources Committee</u>	
Mailing Address:	<u>207 Birchwood Avenue</u>	
Phone:	<u>651-426-3403 or 651-335-1383</u>	
E-mail address:	<u>bwclerk@comcast.net</u>	
Park Information:		
Project Name:	<u>Tighe-Schmitz Park ice skating renovation project</u>	
County:	<u>Washington</u>	
Existing Park Acreage:	<u>2.50</u>	
Proposed Activities with this Application:		
Acres to be purchased:	<u>N/A</u>	
Facilities to be developed or redeveloped:		
<p><u>The proposed project involves the renovation and expansion of the ice skating facilities and area at Tighe-Schmitz park. The project would involve repairing the existing ice hockey rink. Also the project would include the construction of a pleasure skating rink that would be adjacent to the hockey rink. The project would also include the construction of a warming house that would include a handicap accessible satellite bathroom and handicap accessible entrance. Finally, the project would include the addition of a handicap accessible parking space with a concrete sidewalk connecting the parking space with the rinks and warming house area.</u></p>		
Financial Information: Match is the required minimum percent of the total project cost that must be contributed by the applicant. See Item 6 below for the type of match allowed.		
Total Project Cost:	<u>\$45,000 (preliminary)</u>	
Program	<u>Grant Request</u>	<u>Match</u>
Outdoor Recreation Minimum Match 50%	<u>\$22,500 (preliminary)</u>	<u>\$22,500 (preliminary)</u>

2012 Outdoor Recreation Grant Program Application and Attached Documents – Preliminary Draft

Item 2a – Project Narrative

1. The City of Birchwood Village is a small community of single family homes situated on the south shore of White Bear Lake between the communities of White Bear Lake and Mahtomedi. It is approximately 214 acres in size with a population of approximately 1000 residents. Birchwood was first developed in the early 1900's as a community of summer cottages that was served by the streetcar line that came from St. Paul and ran through the community. Birchwood Village was incorporated as a village in 1921 and was converted by the state legislature to a city of the fourth class in 1974.

The proposed ice skating renovation project is planned for Tige- Schmitz Park. Tige-Schmitz Park is located on the northeastern edge of the city. In 1923 the tract of land that makes up the park was deeded to the village by several private landowners to be used specifically for "park purposes". At that time this area consisted of marsh and swamp lands. In the 1950s the marsh and swamp area was filled in by the village and the community began to use this area as a recreational park. In the late 1980s a small shed was brought to the park and was used as a warming house for the make shift ice rink that was located at the park at that time. In 1997 a hockey ice rink was constructed. A children's playground and a picnic shelter were erected at approximately the same time and adjacent to the picnic area a rain garden was later installed. A baseball field was later added as well as two athletic nets that enable the open areas of the park to be used as a sports field. Across the street from the park are two lake easements (Dellwood and Kay) providing access to White Bear Lake for the residents of Birchwood. In 2007 a walking path was constructed running along the west side of the park. South east of the park area is an area known as Hall's Marsh. Hall's Marsh is approximately 6 acres in size and is a dedicated nature preserve. The proposed project will not affect this area.

2. The proposed renovation project would begin with the renovation of the current hockey rink. The renovation plan would include repairing the side boards and the rink surface of the existing rink. The next step of the renovation project would be the creation of an open skating rink or "pleasure" rink to the east of the existing hockey rink. This addition would create greater access and encourage more participation in outdoor activities by expanding the available skating area and providing a separate skating area for younger children and their families and older adults. This rink would be constructed by covering the proposed area with a plastic sheet that would be held in place by a wooden frame. This area would then be flooded along with the hockey ice rink. The project also includes the construction of a new warming house and the demolition of a shed that has been used as a warming house in the past but has been condemned. The construction of the new warming house would be in the same location as the shed. The proposed warming house would be erected on a monolithic concrete slab with a steel roof and concrete composite siding for easy maintenance and energy efficiency. The warming house plan consists of a warming area which will be heated with an electric heater, a storage area for equipment, a breezeway that will connect the warming house to the ice rinks and an attached handicap

accessible satellite bathroom. Benches will be attached on the outside on two sides of the warming house to provide outdoor seating. Finally, the project includes creating a handicap parking space with van accessibility and a four foot wide asphalt sidewalk connecting the parking space to the warming house and rinks.

The proposed project will be constructed on land that was deeded Birchwood in 1923 "for park purposes". This project would be consistent with the deeded purpose. The proposed project does not require the acquisition of any new land.

3. The current hockey rink is used by Birchwood residents as well as residents from the surrounding communities throughout the winter season. The construction of a usable pleasure rink for ice skating will increase access to the park area for all ages including families with young children and older adults. By including benches and a breeze way, the use of the ice rink facility will be more attractive and accessible for families and will permit parents and grandparents to watch their children or grandchildren while they skate. The construction of a new warming house will increase the usability of the ice rink facility by providing a safe and secure area for skaters to relax and keep warm. The construction of a new warming house will also increase energy efficiency and be more cost effective. The addition of a handicap parking space and connecting sidewalk from the parking space to the warming house area will create a safer environment and ensure accessibility. With the addition of a warming house, the pleasure rink, and the parking space and sidewalk this area will have the capacity to accommodate more skaters of all ages and abilities. With the addition of an adequate warming house and skating capacity, community activities could be held such as outdoor hockey tournaments and other skating activities. Birchwood has also had inquiries from youth hockey associations regarding the use of the hockey rink for practice time. These opportunities could be explored by Birchwood with an adequate warming house and a more accessible facility. As an example, Birchwood currently puts on Hockey Day which is a day during the winter season where the community gathers together at the skating rink and participates in games and skating contests with food and prizes donated by a number of nearby businesses. This activity could be greatly improved with the addition of more skating opportunities, an adequately sized warming house, and the availability of outdoor seating.

Item 3 – Project Site Evaluation

The proposed project consists of the renovation of the existing hockey rink, the development of a "pleasure" skating rink next to the hockey rink, the construction of a new warming house, and the construction of a handicap parking space and connecting sidewalk. The renovation of the current recreational skating facility within the park will increase accessibility to this recreational area while making the area safer, more accessible, and more energy efficient. This project will not involve the development of new park areas. No new land will need to be acquired. The project will not conflict with or impact any wetland areas. This project will not endanger the natural habitat of the plants and animals of the area.

I . Description of the Environment and the Environmental Impact of the Proposed Project.

- A. **Present Land Use:** The proposed project will not change the present land use of the area. In fact, this area can only be used "for park purposes". Also, this project does not require the relocation of current buildings or structures with the exception of the demolition of the contaminated shed. The construction of the new warming house will be at the same location as the demolished shed. The pleasure rink will be adjacent to the hockey rink which is currently an empty field. Currently this space is flooded each winter to try and create an ice rink. However, creating an adequate skating surface has been difficult since there is no structure or floor and until the ground is sufficiently frozen a skating surface cannot be attained. The frame and plastic sheeting will provide the structure needed to create an adequate skating surface and the sheeting and frame can be removed at the end of each season thereby allowing the area to continue to act as a natural catch basin for storm water runoff during the rest of the year.
- B. **Environmental Intrusions:** The proposed project site is at Tige – Schmitz Park which contains several recreational developments. This project does not anticipate changing any of the current man- made developments in the park or the adjacent area. The current recreational developments consist of an old shed that has been used in the past as a warming house and the existing ice hockey rink. There is a playground area and a picnic shelter. There is a rain garden. There is a baseball field. With the exception of the shed and the hockey rink, this project will not affect the use of these other recreational facilities nor will these other facilities affect the proposed project. The project does include the renovation of the existing hockey rink and the demolition of the shed. The demolition of the shed will in fact remove an environmental hazard from the area since the shed cannot be used for anything but storage due to mold. Further the construction of a new warming house will be on a concrete slab that will provide a solid foundation for the warming house and will prevent water from entering the house. The new warming house will be located on the same site as the old shed. The new warming house will be approximately 8 feet bigger than the shed and will include a warming room measuring 12 feet by 24 feet and a storage area measuring 12 feet by 8 feet. A breezeway will be attached connecting the house with the rinks that will measure 14 feet by 13 feet.

In terms of other manmade developments currently at or near the project site there is a road on the east edge of the park a walking path of crushed granite on the west side of the park. There are sewer mains located under the road and on the west side of the park. There is a culvert from the park that discharged into Hall's Marsh. A lift station (Dellwood) is located across the street from the park on the north side. This lift station was completely replaced in 2004. There

is currently a wooden fence separating the north edge of the park and the road. Power lines extend into the park from a utility pole located at the street. These lines provide power to the lights surrounding the existing hockey rink. During the past couple years a rented trailer has been brought to the park as a temporary warming house and a line has been installed from the pole to the trailer providing the trailer with electricity. The proposed project does not anticipate any change to the lights surrounding the existing rink and the existing lights will be sufficient to provide lighting for the pleasure rink. A line will extend to the new warming house. As part of the construction of the new warming house these power lines will be placed underground.

This project will not affect the current sewer mains, lift station or the road. This project will not affect current water runoff or drainage patterns. The nearby nature preserve will not be affected. The shoreline of White Bear Lake will not be affected. This project should not disturb or affect the surrounding surface waters. The construction of the warming house should not create erosion and sedimentation issues.

- C. **Fish and Wildlife:** The proposed project site does not involve a wildlife management area and should not affect the current wildlife or wildlife habitat of this area. The park is located in a residential area and the wildlife is common to an urban residential setting – squirrels, deer, and rabbits for the most part. The proposed project involves an area in the park that is already developed for recreational use and the proposed project will not change the natural habitat of the wildlife that is presently found in the area.

- D. **Vegetation:** The park area consists of trees and bushes that are indigenous to the area such as oak, maple, elm, pine. The proposed project will not change the current vegetation within the proposed project site. No cutting, clearing, or removal of plants or trees or other vegetation is anticipated.

- E. **Water Resources:** Northeast of the park is an area called Hall's Marsh. This area is a dedicated nature preserve. However, this area is sufficiently far enough away from the proposed project site so that it will not be disturbed by the project. There is also a permanent rain garden located at the northeast corner of the park. Again this area is far enough away as to not be affected by the proposed project. The park is also across the street from White Bear Lake. The shoreline of the lake is over 1000 feet from the proposed project and should not be affected.

- F. **Geologic and Physiographic Features:** There are no interesting, unique or fragile geological or physiographic features on the proposed project site.

- G. **Air Quality/Noise:** It is not anticipated that the proposed project will increase the air or noise pollution in the area. The existing hockey ice rink currently has outdoor lights and that feature will not be changed nor does the project include additional lighting. In preparing for this project the parks and natural resource committee held an informal public meeting to provide the adjacent homeowners and other residents the opportunity to learn about the proposed project and to voice any concerns or objections, including concerns over an increase in noise due to an anticipated increase in access to this recreational area. There were no objections raised. In fact several nearby homeowners stated that they liked the sound of the skaters and hockey games and would welcome the potential increase in the use of the area. There was one homeowner who voiced his displeasure with the current overall use of the area as a recreational park and expressed a desire that the entire park area be returned to its original marsh state.
- H. **Historical and Archeological Significance:** There are no known historical or archeological features within or adjacent to the proposed project site.
- I. **Transportation:** It is anticipated that with the enhancement of the ice skating area and the increase in access to the area that traffic will increase. To address this possible impact, a specified parking area with designated parking spaces has been included in the proposed project. This will address neighborhood concerns of parking congestion at the facility. While mass transit service is available to Birchwood it is not anticipated that this mode of transportation will be a viable option to the renovated park area. Most of the users of the park currently drive or walk to the area. It is not anticipated that this will change.

II. Description of the Proposed and Future Management Activities

- A. **Land Management and Protection:** Since the proposed project does not require the acquisition of additional land or changing the current use of the park area, land management and protection should not be an issue. The project site was deeded to the Village of Birchwood in 1923 "for park purposes". Based on this deed the city is restricted from using this area for any other purpose. The area surrounding the park is residentially developed and is zoned as such so it cannot be used for any other purpose. The proposed project will enhance the park area and will ensure that the area continues to be used for outdoor recreational purposes. Birchwood Village takes the preservation of its parks and natural resources very seriously. Several years ago the Birchwood City council created a parks and natural resources committee to ensure the preservation of the public areas within the city.
- B. **Public Access:** The proposed project will provide enhance access to this area by increasing the available skating opportunities, by providing a new more energy efficient warming house, and

by offering a handicap parking area and connecting walkway. By adding the pleasure skating rink this area will be more inviting and accessible to skaters of all ages and abilities while allowing the more experienced skaters to continue to enjoy the hockey rink. The construction of a new warming house will provide a safer and more comfortable area for skaters to relax and warm up. The proposed warming house will also be handicap accessible allowing individuals with disabilities to ability to enjoy the area. The inclusion of a handicap accessible satellite bathroom and parking space will improve accessibility to the park facilities year round. It is anticipated that by creating an ice skating facility with greater ice skating capacity, improved accessibility, adequate warming house space, and improved parking access, the use of this recreational area will not only benefit Birchwood residents but also the residents of surrounding communities s who do not have access to an outdoor skating facility.

Item 4 – Efficiency of Design and Materials (more is needed)

1. The proposed project has been designed to enhance energy efficiency. The new warming house will be constructed with materials and will use a structural design that will result in greater energy efficiency and durability. A steel roof with a guaranteed life of over 50 years and cement board siding with a guaranteed life of over 20 years are part of the warming house construction plan. The plan includes windows that heat smart, metal clad and energy efficient. By using these materials it is anticipated that the besides being more energy efficient the maintenance costs will be lower. The warming house will also be constructed on a monolithic cement slab that will provide adequate sloping for drainage.
2. The warming house will be heated with an electric heater and with the design and material selection it is anticipated that the construction will be more energy efficient.
3. There is no renewable energy proposed as part of this project.
4. There are no emerging technologies proposed as part of this project.

Item 5a – Cost Breakdown –Land Acquisition

No land will be acquired for this project.

Item 5b- Cost Breakdown – Development

See attached **document A** (to be added – John Lund working on – an estimate of the known costs to date is attached). Birchwood has not incurred any development costs in terms of preparing the proposed project or grant application documents. These services were all provided on a volunteer basis.

Item 6 – Applicant Match

The total estimated cost of the proposed project is \$43,000 (this may change - still need to add cost of repair of the hockey rink, pleasure rink materials and sidewalk addition. Also need to take into account that the project will not be started until the spring of 2013 – the current estimates of materials will have to be adjusted for inflation) The local share for this project will be \$21,55 (this will change based on the final cost breakdown). It is anticipated that the labor to construct the warming house and pleasure rink and to repair the hockey rink will be donated by skilled laborers and unskilled volunteers who are residents of Birchwood and who have indicated a willingness to volunteer their labor and time for this project. The demolition of the old warming house, the concrete work and the electrical work for the warming house will be done by licensed professionals. The project will be overseen by a licensed contractor. The value of the donated labor is estimated at approximately \$10,000. (See attached **document B** for the estimated value of the donated skilled and unskilled labor – to be added – John Lund is working on) The rest of the local match or approximately \$11,500 will be budgeted in the 2013 tax levy proposed by the city??? (this is for the city council to determine)

Item 7 – Resolution

(to be added)

Item 8 – Projected Operation and Maintenance Costs

The attached **document C** (to be added – John Lund is working on) contains the estimates for ongoing operation and maintenance costs, future repairs and preventive maintenance costs, future repairs and preventive maintenance measures for the proposed project for each of the following time periods: annually; every 3-5 years; every 10 years; and every 20 years. This document also contains the estimates for utility costs; services; repair and replacements. An inflation rate of 5% has been factored into the estimate. (This document will be available to the public at the public hearing on February 14, 2012.)

Item 9 – Public Hearing

There have been a number of opportunities in the past several months for the public to receive information on the proposed project and to provide community input on the grant application. The proposed project and possible grant application was first brought to the city council by the parks and natural resources committee at the regularly scheduled city council meeting in early November of 2011. An informal community meeting was held on December 12, 2011, by the parks and natural resources committee in order to provide the public with information regarding the proposed project and to provide the community with an opportunity to give the committee feedback on the proposed project as well as additional ideas for the project. This meeting was posted in accordance with the public notification process and was included in the quarterly Birchwood newsletter that is mailed to every household with the utilities bill.

The required public hearing is scheduled for February 14, 2012, as part of the regular city council meeting. The normal public hearing notices for regular council meetings requires the city to post a notice and an agenda of each meeting on the bulletin board outside city hall at least three days in advance of the meeting. In calculating the number of days for providing notice, the first day that the notice is given is not counted, but the day of the meeting is counted. The city is also required to the extent reasonable to post notice of all meetings on the city website and to provide notice by email of all meetings to individuals who have requested notice by email. (City of Birchwood Village Rules of Procedure, Article 2, 2.10, attached as **document D**)

Notice will be provided in accordance with normal notice requirements. Copies of the posted notice and agenda as well as the minutes of the meeting will be attached as **document E**. (add more once the public hearing has not noticed and has taken place)s

Item 10 – Property Deed

The legal description of the park area is as follows:

All of Block numbered Five(5), Lakewood Park Third Division

A copy of the quitclaim deed for the park area is attached as **document F**.

Item 11 – Availability for Public Use

The purpose of this proposed project is to renovate and rehabilitate the recreational skating area that is already a vibrant part of Birchwood's community. The skating rink is used by a number of residents from Birchwood and from the surrounding communities since it is one of the few outdoor community skating rinks in the area that is open to the public. Presently the recreational skating area is in need of

renovation. The hockey rink structure needs repair and the current warming house is unusable and is an environmental hazard. Although a trailer has been rented for the past couple seasons to provide warming house services this is not a permanent solution for the community and is not cost effective in the long term.

The proposed construction of a new warming house will provide a bigger space to accommodate more skaters which has been a problem over the past few seasons. The new warming house will also be handicap accessible. The addition of the pleasure skating rink will increase the skating opportunities and accessibility to the area especially for the younger children and their families and for older adults. There are times when the hockey rink is used by teenagers or young adults for organized hockey games. By constructing a pleasure skating rink adjacent to the hockey rink skaters of all abilities will have access to the area during such times.

Currently the community puts on a Hockey Day celebration one weekend during the season. During this celebration hockey games are played as well as other skating activities for the children. If the facilities at the skating area are improved with the construction of a new and more accessible warming house it is anticipated that more outdoor activities will be planned for the community. Some examples that have been discussed by residents of the community is sponsoring a local hockey tournament and providing ice practice time to local youth hockey associations. The park and skating rinks are open daily to the general public from the early morning to 9:30 at night. The ice rink is currently maintained by seasonal city employees and volunteers who make sure that the rink is cleared of snow and that the ice is maintained and accessible to whomever shows up to skate. The proposed handicap accessible satellite restroom and parking space will be available for use at any time year round.

Item 12 - Permits

It is not anticipated that the proposed project will need a wetlands or public water permit from the Department of Natural Resources. A city building permit will be required.

Item 13 – Statement of Accessibility

The construction plan of the proposed warming house complies with the Americans with Disabilities Act (ADA). The entrance to the warming house will be five and a half feet wide and will be equipped with an accessible lever handle and threshold with an automatic door closer. The proposed satellite restroom will be handicap accessible and will be available for use all year round. The warming house and the restroom will be accessible from the parking area by a sidewalk. A handicap accessible parking space will be created on an existing paved area with the appropriate signage and striping. A four foot wide asphalt sidewalk will be constructed connecting the handicap accessible parking space with the warming house and rink area.

Item 14 – USGS Topographical Map

The map is attached as **document G.**

Item 15 - Location Map

Map quest maps as well as map quest directions to Tige –Schmitz Park and the proposed project location from the Department of Natural Resources St. Paul location are attached as **document H.**

Item 16 – Recreational Site Plan

The recreational site plan is attached as **document I.**

Item 17 – Building and Trail Plans

The warming house building plans are attached as **document J.**

Item 18 – Playground Plans and Skate Park Plans

Not applicable

Document List (not complete)

Document A - Project Cost Breakdown (incomplete)

Document B - Donated Labor Costs (not included, John working on)

Document C - Operation and Maintenance Costs (not included, John working on)

Document D - City of Birchwood Rules of Procedure

Document E - Copy of the Posted Public Hearing Notice, Agenda and Meeting Minutes (not included)

Document F – Park Deed

Document G - Topographical Map (not included, too cumbersome to copy)

Document H - Map Quest Directions and Map

Document I – Recreational Site Plan

Document J – Building Plans

Ice Rink Renovation Project Cost Breakdown	
ITEM – Warming House	ESTIMATED COST
Architectural services	1,600
Demo of old warming house with dumpster (30YD)	1,000
Boring sample and test	845
Permit	500
Building materials (lumber, trusses, insulation, roofing, siding, fence and doors)	8,253
Concrete work (includes the removal of the existing slab, floating slab, steel mesh, post foundation, slab for satellite)	10,760
Electrical work	6,000
Rubber floor – 592 SF	1,161
Benches – inside 32LF; outside 28LF	500
Gutters/down spouts – 60LF @12.43LF	746
Paint	600
Windows	1,018
SUBTOTAL warming house	32,983
ITEM – Ice Rink Repairs	
SUBTOTAL - repairs	
ITEM – Pleasure Rink	
SUBTOTAL – pleasure rink	
ITEM - Sidewalk	
SUBTOTAL - sidewalk	
Labor (donation)	10,000
TOTAL	

City of Birchwood Village

Rules of Procedure

The City Council of the City of Birchwood Village hereby adopts the following Rules of Procedure to guide the actions and conduct of the City Council, staff, and the public in the performance of city business.

ARTICLE 1 GENERAL REQUIREMENTS

1.01. AUTHORITY. The City of Birchwood is authorized to adopt rules of procedure and provide for order at city council meetings pursuant to Minn. Stat. § 412.191.

1.02. PURPOSE. The purpose of these Rules of Procedure is to establish procedures for the conduct of the city council and to provide for orderly and respectful communications between and among council members, city staff, and citizens to promote the efficient working of the public's business at city council meetings.

1.03. STATE LAW. All meetings of the city council shall be conducted in accordance with requirements of state law. The requirements of these Rules of Procedure shall be interpreted and applied consistent with other applicable requirements of state law. In the event state law shall impose requirements that are in addition to the requirements of these procedures or inconsistent with these procedures, the state law shall prevail.

ARTICLE 2 COUNCIL MEETINGS

2.01. COUNCIL MEETINGS. Article 2 establishes requirements for scheduling and noticing city council meetings.

2.02. LOCATION. All meetings, including regular, special, recessed, and continued meetings, shall be held at the city hall, unless otherwise designated pursuant to Minn. Stat. § 13D.04.

2.03. REGULAR MEETINGS. A schedule of regular meetings shall be kept on file with the city clerk.

2.04. SPECIAL MEETINGS. A special meeting is a meeting that is held at a time or location different from that of a regular meeting. A special meeting may be called by the mayor or any two city council members by filing a request for the meeting with the city clerk at least three days before the meeting. The mayor or council members calling for a special meeting shall designate the purpose of the meeting. No special meeting shall be scheduled without first confirming that a quorum will be able to attend.

2.05. EMERGENCY MEETINGS. An emergency meeting is a special meeting called because of circumstances that, in the judgment of the city council, require immediate consideration by the council. An emergency meeting may be called by the mayor or any two city council members. No emergency meeting shall be scheduled without first confirming that a quorum will be able to attend.

2.06. CLOSED MEETINGS; OPEN MEETING LAW. The Minnesota Open Meeting Law, Minnesota Statutes chapter 13D, allows some meetings to be closed to the public for defined purposes. No meeting of the city council shall be closed to the public except in conformance with the requirements of the Open Meeting Law. When a meeting is to be closed, the presiding officer shall state in public on the record before closing the meeting, the reason for closing the meeting and the state statute that permits closure. The presiding officer shall give a summary of the discussion at the closed meeting at the first open meeting following the closed meeting.

2.07. RECESSED OR CONTINUED MEETINGS. When a meeting is recessed or continued, the presiding officer shall state, pursuant to Minn. Stat. § 13D.04, subd. 4, the time and place for the next meeting to occur. The time and place shall be noted in the Minutes.

2.08. ORGANIZATIONAL MEETING. The council shall conduct its organizational meeting concurrent with the first regular council meeting in January of each year to:

- (a) Appoint an acting mayor pursuant to Minn. Stat. § 412.121.
- (b) Select an official newspaper pursuant to Minn. Stat. § 412.831.
- (c) Select an official depository for city funds.
- (d) Establish the schedule for regular city council meetings.
- (e) At the organizational meeting held the January after a general election, acknowledge the pay for the Mayor and Council members.

2.09. WORKSHOPS. The mayor or two council members may call for a workshop. A workshop is a meeting of the council with other governmental bodies or organizations or persons for the purpose of advising the council about matters of interest to the city and the council. A quorum need not be present to hold a workshop. The council shall not take any formal action at a workshop unless proper notice is given in advance that such action may be taken and a quorum is present.

2.10. NOTICE OF MEETINGS.

(a) *Notice Generally.* The council shall give such notice of all meetings of any kind as shall be required by state law.

(b) *Posted Notice.* The city shall post a notice and an agenda of each meeting on the bulletin board outside city hall at least three days in advance of the meeting, except for emergency meetings.

(c) *Emergency Meetings.* Posted or published notice of an emergency meeting is not required. However, the city will make a good faith effort to notify each news outlet that has filed a written request for notice. Notice must be given by telephone or any other method to notify members of the public body. The notice must include the subject of the meeting.]

(d) *Recessed or Continued Meetings.* If the time and place of a recessed or continued meeting are stated at the meeting that is recessed or continued, no additional notice of the meeting is required. However, if the time and place are not stated, the notice procedures for special meeting shall be required. Additional notice may be given if time and circumstances permit.

(e) *Workshops.* The council shall give at least three days notice of a workshop by posting notice on the bulletin board outside city hall and by whatever other means the council determines are appropriate.

(f) *Days.* In calculating the number of days for providing notice, the first day that the notice is given is not counted, but the day of the meeting is counted. If the meeting day is a Saturday, Sunday, or legal holiday, that day is omitted from the calculation.

(g) *Webpage.* The city shall to the extent reasonable post notice of all meetings and workshops on the city webpage.

(h) *E-mail.* The city shall provide notice via e-mail of all meetings and workshops to individuals who have requested such notice and provided an e-mail address to the city.

ARTICLE 3 AGENDAS

3.01. AGENDA. The city clerk shall prepare an agenda for all city council meetings and workshops in accordance with the requirements of Article 3.

3.02. COUNCIL MEMBER ITEMS. The mayor and any city council member may request that an item be placed on a meeting agenda. The clerk shall determine whether to place the matter on the agenda, considering the number of items already on the agenda and whether supporting materials are available and the urgency of the matter. The clerk shall advise the council at the next meeting of all requested items that were not placed on the agenda. The council may direct the clerk to include the item or items on a future meeting agenda.

3.03. PUBLIC ITEMS. Any person may request that an item be placed on a council agenda. All requests to place an item on an agenda shall describe the subject matter to be

considered by the council and any action requested. The clerk may require the person to submit the request in writing. The clerk shall determine whether or not to place the item on the agenda. The clerk shall advise the council at the next meeting of all items that were requested to be placed on the agenda that were not included. The council may direct the clerk to include the item or items on a future meeting agenda or may take such other action as the council deems appropriate. Any person whose requested agenda item has not been placed on the agenda may appear at the council meeting and bring the matter to the attention of the council pursuant to section 3.06 and 4.08 (Public Forum).

3.04. CONSENT AGENDA. The clerk may include a consent agenda for items that can be approved by the council without discussion and with only one motion and vote. Any item on the consent agenda may be removed from consideration by the request of any one council member. Any item removed from the consent agenda shall be placed on the regular agenda for discussion and consideration at a time determined by the presiding officer.

3.05. MINUTES. The agenda shall include an item for consideration of the Minutes from the previous meeting or meetings if such Minutes are available.

3.06. PUBLIC FORUM. Each regular meeting shall include a time for the public to address the council on any matter. This item shall be placed early in the agenda to accommodate the public. The public forum item may be used to announce upcoming community events.

3.07. ACTION ITEMS. Other than for routine matters like approval of Minutes and adoption of the agenda, the clerk shall include with each item on the agenda a description of the action the council will consider taking.

3.08. DOCKET NUMBERS. The clerk may assign a docket number to each major item on a meeting agenda. The docket number, once assigned, shall continue with the matter for future reference and action.

3.09. AVAILABILITY OF AGENDA. The agenda for any meeting, except an emergency meeting, shall be prepared at least five days in advance of the meeting. The agenda shall be posted on the city bulletin board at city hall and posted on the city webpage.

3.10. DELIVERY TO COUNCIL. For all regular meetings the agenda for each meeting, along with any supporting materials for the various items on the agenda, shall be delivered to each council member at least five days in advance of the meeting. For emergency meetings and special meetings, the clerk shall deliver the required materials as far in advance of the meeting as time permits. Delivery may be by mail or e-mail or by actual delivery to the council member. The council may allow additional written materials to be submitted after this date or at the meeting but the council can also determine to postpone consideration of the matter to allow additional time to consider late-filed information.

ARTICLE 4 CONDUCT OF MEETINGS

4.01. CONDUCT OF MEETINGS. All meetings of the council shall be conducted in accordance with the requirements and procedures set forth in Article 4.

4.02. QUORUM. No meeting of the city council shall occur without the presence of a quorum. A simple majority of the council – three members – shall constitute a quorum for the valid transaction of any scheduled business to come before the council.

4.03. MEETING CANCELLATION. The clerk shall cancel any scheduled meeting of the city council when it is determined that a quorum will not be present for the meeting. In such event, the clerk shall post notice of the cancellation on the bulletin board outside city hall and provide notice to all council members by e-mail or telephone and to all individuals who have requested to be notified by e-mail of all council meetings. Any subsequent meeting scheduled after cancellation of a meeting shall occur only after compliance with applicable notice requirements.

4.04. PRESIDING OFFICER. The mayor shall preside at all meetings of the city council, unless the mayor is absent, in which case the deputy mayor shall preside. In the absence of both the mayor and the deputy mayor, the city clerk shall call the meeting to order and the remaining three council members shall decide who shall preside. The presiding officer shall have the following duties and authority:

(a) *Preserve Order.* The presiding officer shall preserve order and decorum, enforce the requirements of chapter 104, and determine all questions of procedure and order, subject to the final decision of the council on appeal as provided in paragraph (e).

(b) *Council Discussion.* The presiding officer shall determine which member has the right to speak and may move matters to a vote once the officer has determined that all members have had an opportunity to speak.

(c) *Motions and Voting.* The presiding officer may determine whether a motion or proposed amendment is in order and may call members to order. The presiding officer may make motions, second motions, speak on any question, and vote on any matter properly before the council.

(d) *Adjourn Meetings.* If considered necessary to preserve order, the presiding officer may adjourn or continue a meeting to another time or suspend a meeting for a specified time.

(e) *Appeal of Ruling.* In the event a council member disagrees with the ruling of the presiding officer on a procedural matter, the council member may make a motion to appeal the decision to the full council. The member making the motion may speak once on the motion and the presiding officer may explain the ruling, and other council members may speak once on the motion. Once both the maker of the motion and the presiding officer have been heard, the matter shall be voted on by the council.

4.05. ADOPTION OF AGENDA. The council shall follow the agenda that has been prepared for the meeting, but the council may add, delete, and/or re-order the agenda at the start of the meeting prior to adopting the agenda. When the council determines that a matter not on the agenda should be considered at the meeting in order to avoid delay, the matter may be added to the agenda. The presiding officer may switch the order of items on the agenda in order to accommodate schedules or other requests.

4.06. DECORUM OF COUNCIL MEMBERS. The following rules of decorum shall apply to all council meetings.

(a) All council members shall assist the presiding officer in preserving order and decorum and in providing for the efficient operation of the meeting.

(b) No councilmember shall engage in conduct that delays or interrupts the proceedings or which hinders honest, respectful discussion and debate.

(c) All council members shall conduct themselves in a courteous manner that recognizes the validity of differing points of view and promotes the ideal of democratic discussion and debate free of insult, slander, and personal attacks and threats.

4.07. PUBLIC PARTICIPATION. Members of the public are generally not allowed to participate in council discussion and deliberation. Members of the public shall not engage in conversation or other behavior that may disrupt proceedings of the council. Members of the public shall refrain from applauding unless invited to do so by the presiding officer. The presiding officer may recognize a member of the public and allow the person to speak to an agenda item under terms established by the presiding officer. A member of the public who is permitted to speak may be asked questions by the council members. Speakers shall comply with the requirements of section 4.08(b).

4.08. PUBLIC FORUM. A limited forum for members of the public to speak with the council will be provided on the agenda for regular meetings. Public comments during the public forum are subject to these limitations:

(a) Speakers may be requested to sign up prior to speaking and provide a name, address, and brief summary of the subject matter they wish to address.

(b) Speakers must be recognized by the presiding officer before speaking and may be limited to three minutes for comment. Speakers must direct their remarks toward the presiding officer. Speakers shall not use obscene, profane or threatening language, nor conduct themselves in a threatening, loud, or boisterous manner that disrupts the conduct of the meeting or the security of the public. When multiple speakers appear to speak on the same topic, comments should not be repetitive. The presiding officer may request speakers to appoint a spokesperson.

(c) The presiding officer may place a time limit on the public comment period if necessary to allow for the conduct of city business. If there is not sufficient time at the

meeting to hear all public comments, the comment period may be deferred to another meeting.

(d) Council will generally not respond at the same meeting to an issue initially raised by a member of the public. The council may request that additional information be gathered and identify persons who will be asked to undertake that task.

ARTICLE 5 COUNCIL ACTION

5.01. COUNCIL ACTION. The city council shall take action on items in accordance with the provisions of Article 5.

5.02. PROPER MEETING. The council shall not take any official action as a council except at a properly called and noticed meeting of the council.

5.03. DELIBERATION. Each council member shall be permitted to participate in council deliberation of an item on the agenda. Deliberation may occur before and after a motion has been made. No council member shall speak until recognized by the presiding officer.

5.04. MOTIONS. A motion is a request by a council member for formal action by the city council. Motions shall be made and considered in accordance with the following provisions:

(a) *Making Motions.* Any city council member including the presiding officer shall be entitled to make and second motions. All motions must be seconded before being discussed. Only one motion at a time shall be considered and debated by the city council.

(b) *Objections.* Any member of the council may object to a motion if the member believes the motion is not in order. A motion is in order if:

- (i) it is germane to the item under consideration, and
- (ii) made at a proper time in the proper format, and
- (iii) does not violate any rule of law, and
- (iv) is not made for the purpose of delaying the proceedings.

An objection must be made immediately following the motion before debate begins and at no other time. Before ruling, the presiding officer shall allow the objector and then the mover to explain their positions on why the motion is or is not in order. The presiding officer shall determine whether the motion is in order, subject to appeal of the ruling. If the presiding officer rules that the motion is out of order, the motion shall not be considered.

(c) *Debate on a Motion.* Only one motion may be considered at a time in debate. A council member must be recognized by the presiding officer before speaking to the motion. The presiding officer may limit the amount of time any one council member may speak to the motion.

(d) *Amendment of Motion.* Any council member may move to amend a motion at any time before a vote is taken. The amendment requires a second. If the amendment is acceptable to the mover and seconder of the original motion, the amendment shall be considered a friendly amendment and no vote of the council is required to replace the original motion with the amended motion.

(e) *Motion to Withdraw a Motion.* A motion to withdraw a motion can be made by the maker of the motion before it is seconded and the motion will be withdrawn. After a second is received, the seconder must agree to the withdrawal.

(f) *Motion to Limit Debate.* Any council member may move to limit debate on a motion under consideration. The motion must be seconded. The mover shall identify the length of time debate should occur. The motion itself is not subject to debate.

(g) *Motion to Table.* Any council member may move to table a motion at any time. The motion must be seconded. The motion is not subject to debate. The motion need not identify a length of time to table the motion but a date or time may be specified. A motion that has been tabled may be taken off the table by action of the council but the matter must be properly on the agenda in order to be taken off the table and acted upon.

(h) *Motion to Call the Question.* Any council member may move to call the question. The motion must be seconded. The motion is not subject to debate. If the motion passes, debate shall cease and the council shall vote on the motion before it.

5.05. RESOLUTIONS. The council shall determine those matters that are of such significance that action on the matter shall be taken by resolution rather than by motion. Such action may include approval of contracts, licenses, and permits, the adoption or amendment of city policies, rules, and ordinances, receipt of grants, donations, and other funds, and adoption of budgets. All resolutions shall be written and numbered in a manner consistent with the city's record keeping practices. All resolutions shall be acted upon in accordance with the provisions of these procedures. In the case of land use resolutions, the resolution should contain the findings of fact leading to the proposed decision of the Council.

5.06. VOTING. All votes of the city council shall be conducted in accordance with the following:

(a) No action shall be taken by the city council except upon a majority vote of the council, unless state law requires more than a majority on a particular matter. If only three members of the council are present and constitute the quorum, a matter may pass on a vote of two to one, unless state law provides otherwise or unless the matter is the

adoption or amendment of an ordinance, which shall require three votes regardless of the size of the quorum. If a matter shall end in a two to two tie vote, no action shall be taken but the matter may be placed on the agenda for a future agenda, unless state law provides otherwise. In the event a matter incurring a tie vote is placed on a future meeting agenda, any member may change his or her vote from one meeting to the next.

(b) Any council member or the clerk may ask the presiding officer to restate the motion that is being voted upon prior to the actual vote.

(c) The votes of the city council shall be taken by voice vote. Any member may call for a roll call vote on any motion or resolution. On a roll call vote, the clerk shall call on council members in random order so the same council member is not called upon first with every roll call vote.

(d) At the conclusion of every vote the presiding officer shall announce the results of the vote.

(e) Any member who abstains from voting because of a conflict of interest or other reason shall state on the record the reason for abstaining.

(f) A clear statement of the action voted upon and the votes of each member shall be stated in the Minutes of the meeting.

5.07. RECONSIDERATION. Any matter acted upon by the council may be reconsidered at a subsequent meeting or at any time until the deadline for an appeal has expired or as otherwise provided by state law. Only a council member who voted in the majority on the original action can make a motion for reconsideration. The matter must be on the agenda for the meeting and can be acted upon according to the provisions of these rules.

ARTICLE 6 RECORDKEEPING

6.01. MINUTES. The clerk shall prepare and maintain Minutes of each council meeting. Minutes of workshops shall not be required. The Minutes of each meeting shall be posted on the city webpage after approval by the council.

6.02. CONTENT OF MINUTES. The Minutes shall contain at a minimum the following:

- (a) The city council members who are present at the meeting.
- (b) The type of meeting (regular, special, continued, emergency).
- (c) Date and place the meeting was held.
- (d) Time the meeting was called to order.

(e) Approval of Minutes approved at the meeting.

(f) A description of all action of the council, including the name of the member making any motion and the member seconding the motion and the vote of each council member on the motion.

(g) Ordinances, contracts, and other documents approved by the council shall not be included in the Minutes but shall be maintained on file in the city hall by the clerk. Resolutions shall be included in the Minutes, although the documents that are the subject of the resolution shall not be included.

(h) The Minutes shall not constitute a transcript of the proceedings and shall not contain lengthy descriptions of council discussion of agenda items.

6.03. CODE BOOK. The Clerk shall maintain a Code Book containing the city ordinances that are in effect.

6.04. RECORDING OF MEETINGS. The clerk shall maintain a video or audio recording of each city council meeting for which such a recording is available.

6.05. WEBPAGE. The city clerk shall post on the city webpage such information as the clerk deems appropriate or as is required by chapter 104 or the city council. The city clerk shall maintain an up-to-date code book on the city webpage.

6.06. DATA RETENTION. The council hereby adopts the Minnesota City General Records Retention Schedule (revised 2008) on file with the Minnesota Historical Society, State Archives Department. The city shall not destroy or discard any information required to be maintained by law except in conformance with this Schedule.

ARTICLE 7 ORDINANCES

7.01. PROPOSED ORDINANCE. Any council member may bring to the attention of the council a proposed ordinance or a proposed amendment to an existing ordinance if the matter is properly on the agenda. The proposed ordinance or amendment shall be presented to the council in writing.

7.02. PROCEDURE FOR ADOPTION. No new ordinance or amendment to an existing ordinance shall be adopted except in accordance with the following procedures:

(a) *Proposal.* The council shall first pass a motion to propose the adoption of a new ordinance or ordinance amendment. The language of the ordinance or ordinance amendment shall be in writing at the time of the action. No ordinance or amendment may be passed by the council at the meeting at which it is introduced.

(b) *Notice.* The council shall give notice of the proposed adoption of the ordinance or amendment in the same manner as notice of a regular meeting is given. The

notice shall include a summary of the ordinance language and indicate where a complete copy of the proposed ordinance may be reviewed. The notice shall inform the public that they will be permitted to submit oral comments at the public hearing and advise the public of how and when it may submit written comments on the proposed ordinance.

(c) *Public Hearing.* The council shall hold a public hearing as part of a council meeting on the proposed ordinance or amendment. The hearing shall be held in accordance with the requirements of Article 8.

(d) *Adoption.* The city council may take action on the ordinance or amendment any time after completion of the public hearing.

(e) *Majority Decision.* No ordinance or ordinance amendment shall be adopted by the council except upon the vote of a majority of the council members, regardless of how many constitute a quorum at the meeting at which the matter is decided.

7.03. Publication. After adoption of a new ordinance or ordinance amendment, the city shall publish notice of the adoption and the ordinance itself in the official newspaper of the city. The city may elect to publish a summary of the ordinance if the ordinance is lengthy provided four council members vote to do so and approve the summary.

7.04. EFFECTIVE DATE. Unless the city council provides differently in the adoption of the ordinance or amendment, the new language shall be effective after publication in the official newspaper. The clerk shall record the new ordinance in the code book within twenty days after publication.

7.05. CODE BOOK. Upon completion of the procedures to adopt an ordinance or an amendment, the clerk shall record the new ordinance in the code book.

ARTICLE 8 PUBLIC HEARINGS

8.01. HEARING REQUIRED. A public hearing shall be held whenever required by city ordinance, state law, or order of the city council.

8.02. PUBLIC NOTICE. Whenever a public hearing will be held, the city shall give notice of the hearing in the same manner as for the council meeting at which the hearing will be held. The city shall give such other notice as may be required by city ordinance or state law. The matter that is the subject of the hearing shall be included on the agenda for the meeting.

8.03. CONDUCT OF HEARINGS. Each public hearing shall be conducted in accordance with the following:

(a) The presiding officer shall open the hearing and announce the purpose of the public hearing.

(b) The presiding officer may call upon staff or other council members to make any opening statements if appropriate.

(c) The presiding officer shall recognize members of the public who would like to address the council and enter comments into the record. Persons making oral statements may be asked questions by members of the council. The presiding officer may ask commenters to limit the amount of time they speak or to select a spokesperson to represent a group of people if time becomes an issue.

(d) The presiding officer shall accept written comments into the record.

(e) The presiding officer shall identify any written comments that were received from persons not wishing to speak at the hearing and enter those into the record. The presiding officer may elect to have the written comments read into the record if appropriate. The presiding officer may refuse to accept unsigned, anonymous written comments.

(f) After every person who wishes to speak has had an opportunity to do so, the presiding officer shall close the public meeting.

(g) The presiding officer shall announce whether a period of time for the public to submit written comments will be established. If a comment period is established, the council shall not take final action on the matter that is the subject of the hearing until after close of the comment period.

8.04. CONTINUATION OF HEARING. The presiding officer may elect to continue a public hearing if necessary to accommodate all members of the public who wish to speak.

8.05. COUNCIL ACTION. Any time after completion of the public hearing, including the day of the hearing, or any time after the close of a public comment period if one is established, the council may take action on the matter.

ARTICLE 9 COMMITTEES AND POLICIES

9.01. COMMITTEES. The city council may establish a committee to assist the council in carrying out its duties. Whenever the council creates a committee, it shall give the committee a name, establish its purpose, determine the number of members and their terms, and determine whether any compensation will be provided to members who serve on the committee. The council shall also determine whether the committee shall expire on a date certain or continue until further action of the council. The council's action in creating a committee shall be reduced to writing and may be placed on the city webpage by the clerk.

9.02. POLICIES. The council may adopt policies regulating matters within the jurisdiction of the council. All policies shall be in writing. The council may adopt a new policy or amend an existing policy at any time, provided the matter is properly on a council meeting agenda. The clerk shall maintain a handbook containing all policies adopted by the council and place all policies adopted by the council on the city webpage.

Adopted this _____ day of _____, 2011

Dale F. Powers,
City Clerk

Alan Mitchell
Mayor

QUITCLAIM DEED.

INDENTURE, Made this 6th day of November in the year of our Lord One Thousand Nine
Twenty-three (1923), between Clarence H. Smith, unmarried of Ramsey County, Minnesota;
Harry and Matilda Hacker, husband and wife of Washington County, Minnesota, J. Merritt
Richter and Amy C. Rice, husband and wife, of Washington County, Minnesota; Fred W. Richter and Mina
Lillian Richter, husband and wife, of Ramsey County, Minnesota; and Richard A. Walsh, Jr., un-
married of Ramsey County, and State of Minnesota, parties of the first part and "Village of Birch-
Lake" of Washington, State of Minnesota, party of the second part:

WITNESSETH, That the said party of the first part, in consideration of the sum of One (1.
Dollar) and other valuable consideration to them, in hand paid by the said party of the sec-
ond part, the receipt whereof is hereby acknowledged, do hereby grant, Bargain, Sell, Remise,
Release, Quit-Claim and Convey unto the said party of the second part its successors and assigns
forever, for park purposes, all the following tract or parcel of land lying and being in the Co-
unty of Washington and State of Minnesota, described as follows, to-wit:

All of Block numbered Five (5), Lakewood Park Third Division,
according to the map or plat thereof on file and of record in the
office of the Register of Deeds in and for said Washington County.

TO HAVE AND TO HOLD, The above Quit-Claimed premises, together with all the hereditaments
and appurtenances thereunto belonging or in anywise appertaining, unto the said party of the
second part, its successors and assigns, FOREVER.

The following rights are reserved by the parties of the first part viz: That in the
event the party of the second part should attempt to use or otherwise permit the use of the
above described premises or any part or portion thereof other than for park purposes then and
in that event said premises shall revert back to and the title become vested in the parties
of the first part their heirs and assigns forever.

That no building of whatsoever nature or kind shall be erected or placed upon said premises
without the consent, in writing, of the owners of three-fourths of the abutting property of said
Block Five (5).

That no large trees be permitted to grow on obstructions be placed upon said premises or
any part thereof so as to shut off the view of White Bear Lake.

That the foregoing reservations shall run with said land and bind the heirs, successors
and assigns of the parties thereto respectively, and any person or party hereto, their successors
or assigns, may by proper proceedings enforce the provisions and reservations contained in this
instrument.

IN TESTIMONY WHEREOF, The said parties of the first part have hereunto set their hands and
seals the day and year first above written.

Signed, Sealed and Delivered
in the Presence of
Florence C. Rasmussen
May Clark.

Clarence H. Smith SEAL
J. Merritt Rice SEAL
Amy C. Rice SEAL
Harry Hacker SEAL
Matilda Hacker SEAL
Fred W. Richter SEAL
Mina Lillian Richter SEAL
Richard A. Walsh, Jr. SEAL

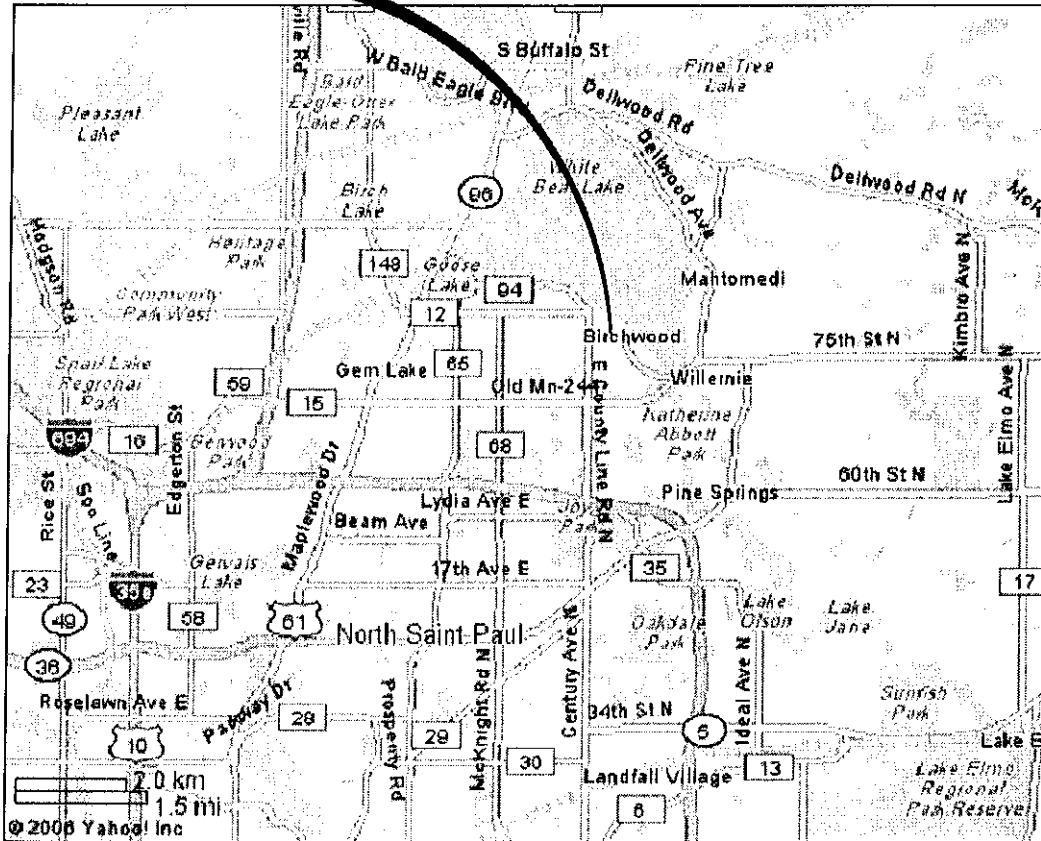
STATE OF MINNESOTA) SS.
COUNTY OF RAMSEY)

On this 6th day of November, A. D. 1923, before me a Notary Public within and for said
County, personally appeared Clarence H. Smith, unmarried, Harry Hacker and Matilda Hacker, hus-
band and wife; J. Merritt Rice and Amy C. Rice, husband and wife; Fred W. Richter and Mina Lillian
Richter, husband and wife, Richard A. Walsh, Jr. unmarried, to me known to be the persons des-
cribed in and who executed the foregoing instrument, and acknowledged that they executed the
same as their free act and deed.

May Clark MAY CLARK,
Notary Public, Ramsey County, Minnesota
My Commission Expires Nov. 26, 1929.

(Notarial Seal)

CITY OF BIRCHWOOD VILLAGE



UPDATED 9/08

DEERING & ASSOCIATES

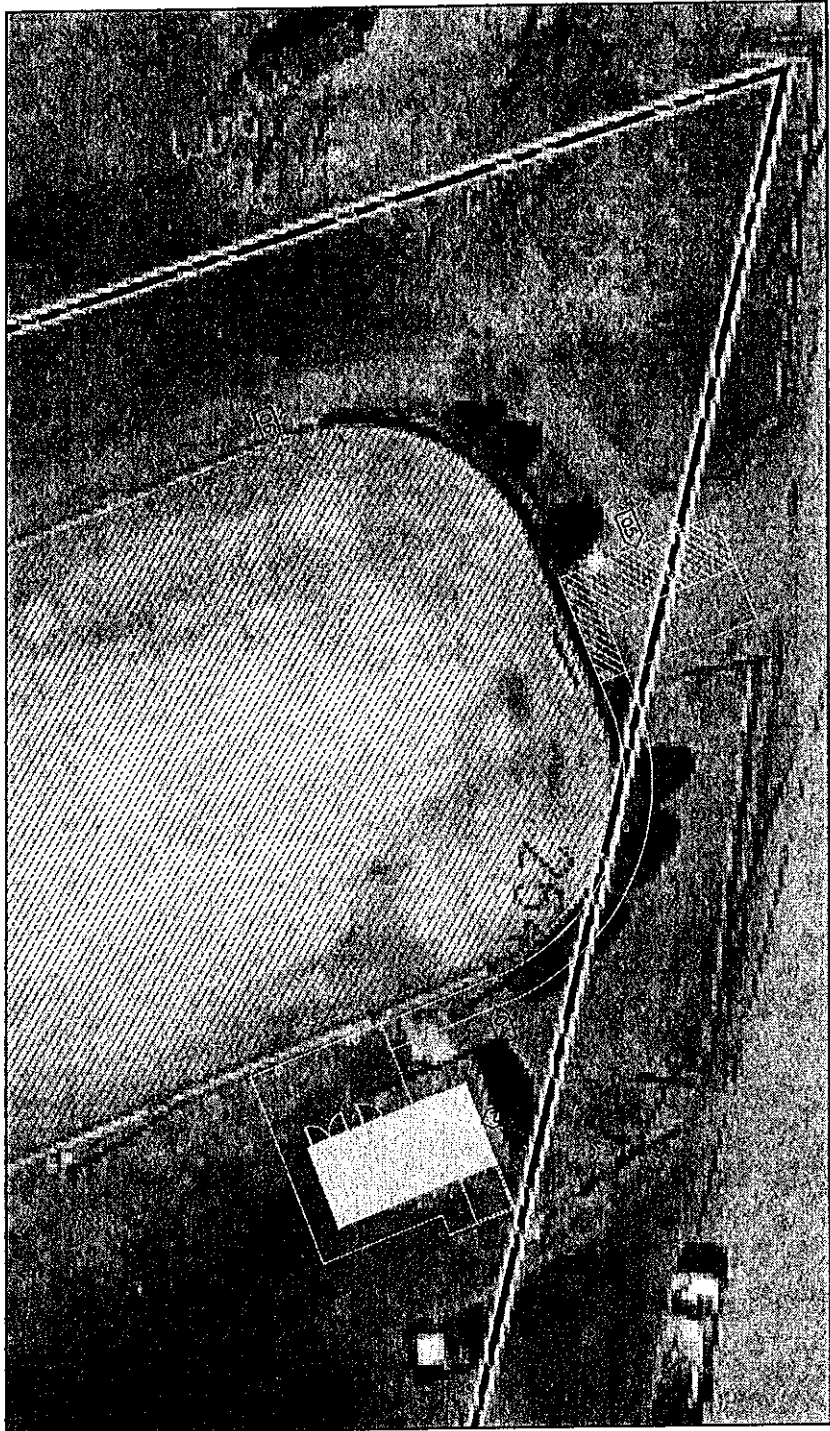


10082 FLANDERS COURT NE
BLAINE, MN 55449
PH: (763) 790-0450
FAX: (763) 790-0452

**CITY OF BIRCHWOOD VILLAGE
LOCATION MAP**

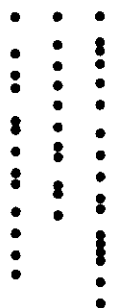
FIGURE

1



- 01 EXISTING WARMING HOUSE WILL BE DEMOLISHED
- 02 PROPOSED WARMING HOUSE AND EQUIPMENT STORAGE STRUCTURE LOCATION
- 03 CONCRETE SLAB-ON-GRADE PAVING 1/4"=1'-0" MAXIMUM SLOPE AS REQUIRED FOR DRAINAGE
- 04 4'-0" WIDE ASPHALT SIDEWALK, 1/4"=1'-0" MAXIMUM SLOPE AS REQUIRED FOR DRAINAGE
- 05 STRIPING AND SIGNAGE FOR VAN ACCESSIBLE PARKING SPACE AND ACCESS ASLE AT EXISTING ASPHALT PAVED PARKING AREA
- 06 EXISTING HOCKEY RINK

0 10' 20' 30'



Tight-Schmitz Park
 City of Birchwood Village, MN 55110

CLIENT:
 City of Birchwood Village
 207 Birchwood Avenue
 City of Birchwood Village, MN 55082
 (Contact: John Lund 651.338.1383)

Douglas Danks
 Associates
 807 North 4th Street
 Stillwater, MN, 55082
 Tel. 651.430.2139
 email@douglasdanksassociates.com

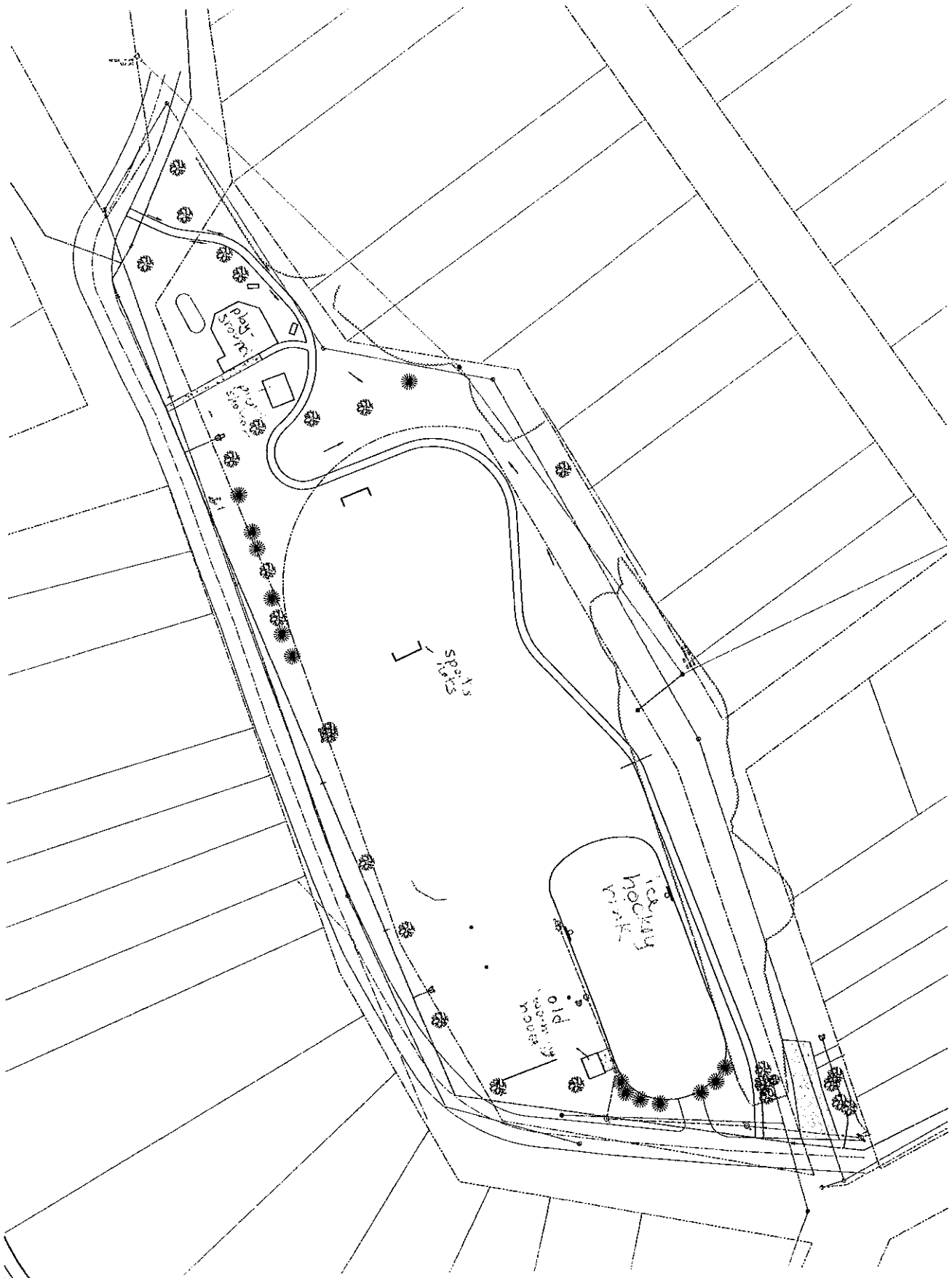
REV	DESCRIPTION	DATE

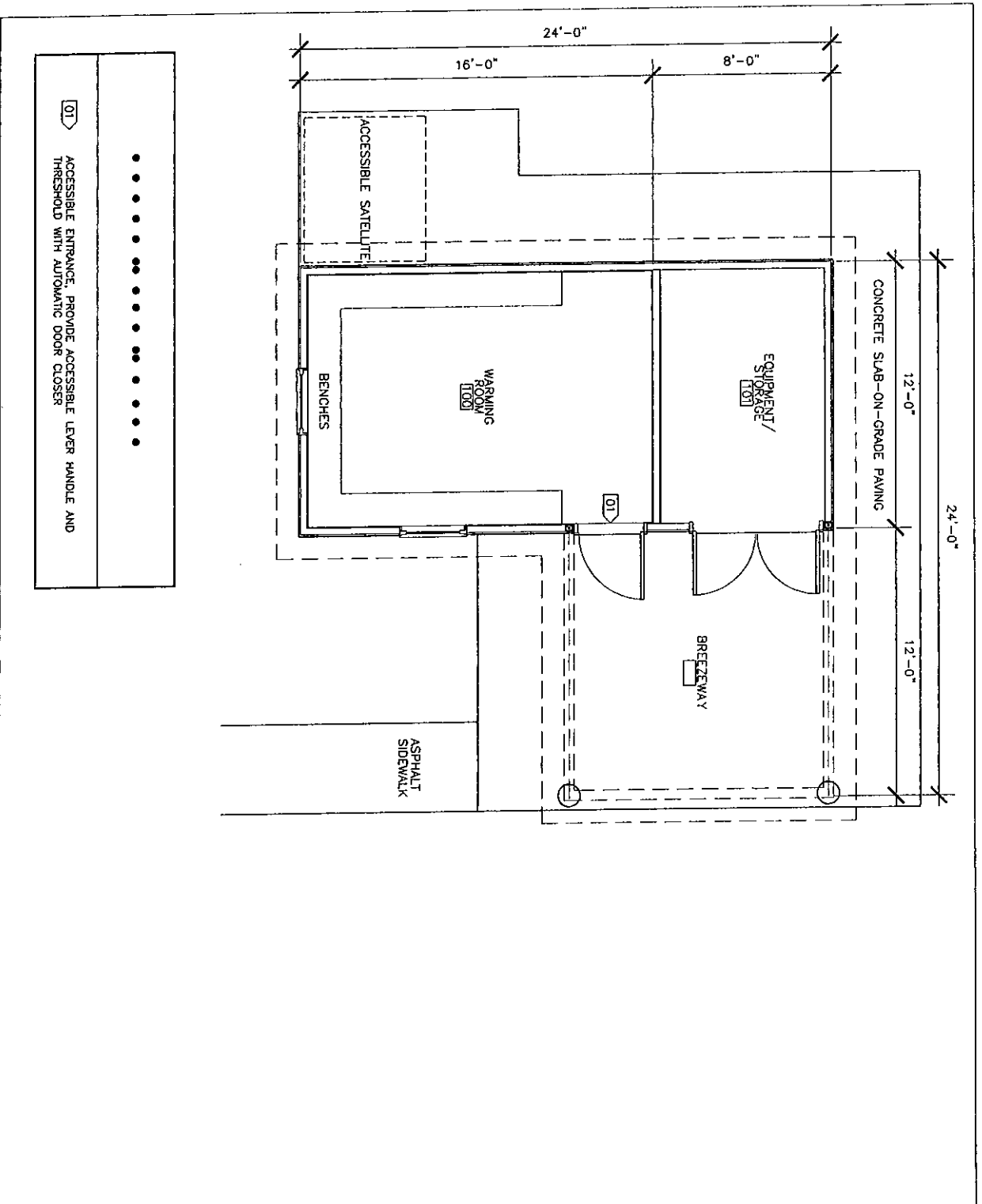
SCHEMATIC DESIGN


RECREATIONAL SITE PLAN

DATE: 01/30/12
 SCALE: AS NOTED
 PROJECT: 078 091
 DRAWN: DDA


Document I





 ACCESSIBLE ENTRANCE, PROVIDE ACCESSIBLE LEVER HANDLE AND THRESHOLD WITH AUTOMATIC DOOR CLOSER



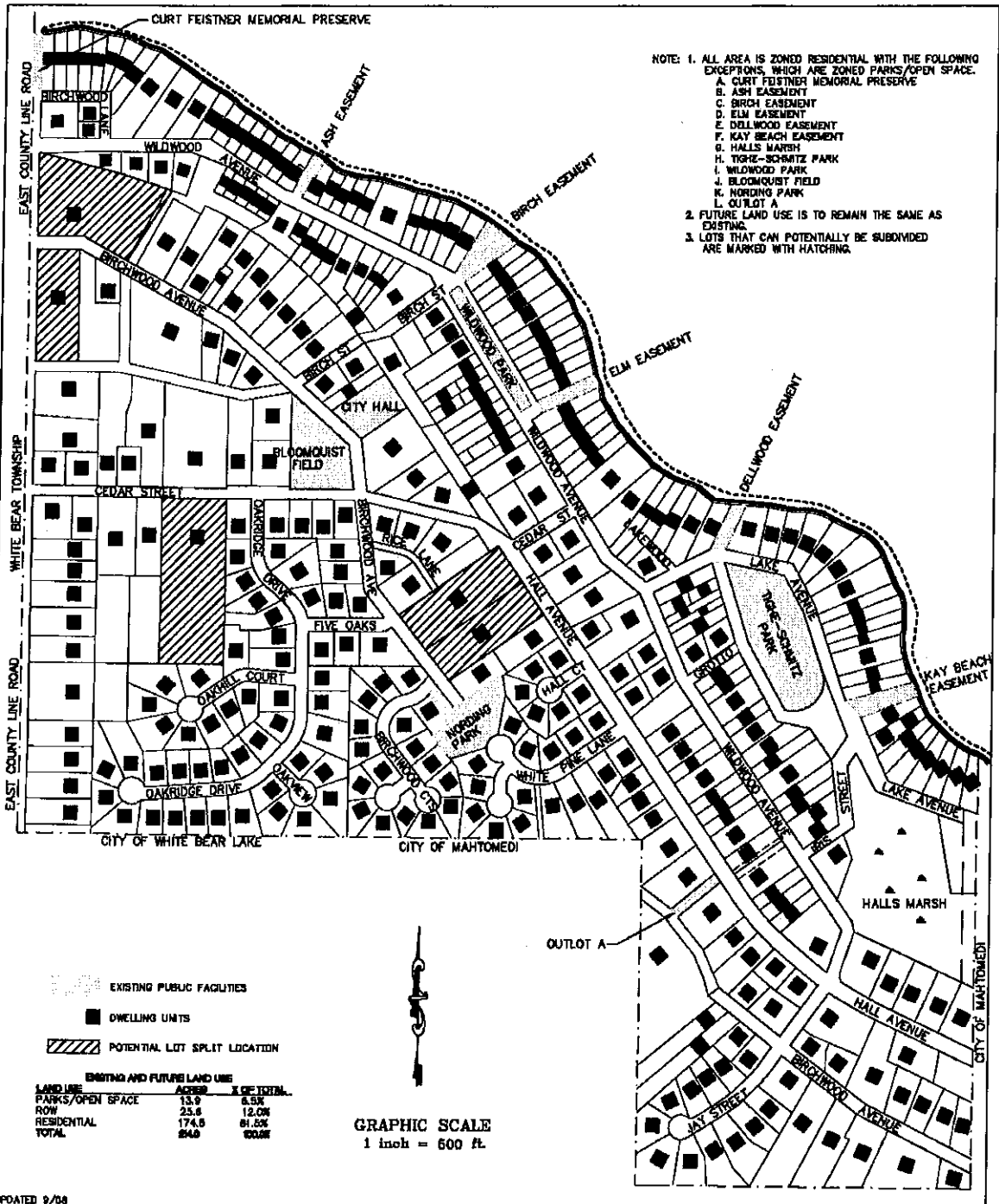
 NORTH
 SCHEMATIC DESIGN
 FLDR PLAN
 DATE: 01/30/12
 SCALE: 1/4"=1'-0"
 PROJECT: 078_091
 DRAWN: DDA

ASSOCIATES
 807 North 4th Street
 Stillwater, MN 55082
 Tel 651.430.2139
 email@douglasdankassociates.com

CLIENT:
 City of Birchwood Village
 207 Birchwood Avenue
 City of Birchwood Village, MN 55082
 (Contact: John Lund 651.338.1383)

Tighe-Schmitz Park
 City of Birchwood Village, MN 55110

•••••
 •••••
 •••••
 •••••
 •••••



UPDATED 9/08

ELFERING & ASSOCIATES

10082 FLANDERS COURT NE
BLAINE, MN 55419
PH: (763) 780-0480
FAX: (763) 780-0482

CITY OF BIRCHWOOD VILLAGE
ZONING MAP
LAND USE PLAN
FUTURE LAND USE PLAN

FIGURE
II



CITY OF BIRCHWOOD VILLAGE
207 Birchwood Avenue
Birchwood Village, MN 55110
651-426-3403 tel
651-426-7747 fax
birchwoodvillage@comcast.net

MEMORANDUM

DATE: February 7, 2012
TO: City Council
FROM: Dale Powers, City Clerk-Coordinator
RE: Ordinance Relating to Fees/Approval of 2012 Fee Schedule

=====

This matter comes before the Council due to a desire to have a single document that states all of the fees charged by the City. Council Member Harper recommends taking the specific amount of the fee out of the ordinance, referencing only the existence of a fee schedule. **Council Member Harper will be leading the discussion on this topic.**

The City Council reviewed the draft documents and authorized a public hearing for the February City Council meeting to solicit public comment on the draft revisions.

There are changes to the draft documents from what was reviewed by the Council in January. The Council deleted the clause that incorporated the City of White Bear Lake's building and zoning fee schedule "by reference"; although the fees are the same as WBL's, the City Council thought incorporation by reference might prove too confusing to the public. Instead, the fee schedule will be the City's and the amounts of the fees will be the same as WBL's. The second change was to populate the section of the City Code that addresses refunds of boat slip permits (617.420). The third change was to delete references to services that the City has not yet established a fee (infrastructure water fee and sewer/water inspection fee).

RESOLUTION 2012-##

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

A RESOLUTION AMENDING CHAPTER 701 (FEES) OF THE BIRCHWOOD CITY CODE

WHEREAS, the City Council is desirous of establishing a uniform and comprehensive system of fees for requests relating to official controls, information, licenses, permits, applications or other matters handled by the City; and

WHEREAS, the City desires to establish a generalized fee ordinance with a separate and more specific fee schedule to be adopted and amended from time to time by resolution; and

WHEREAS, the City Council does not intend to change any of the fees that are presently established; and

WHEREAS, having building permit fees identical to those of the City of White Bear Lake will make it easier for White Bear Lake to administer the Birchwood requirements; and

WHEREAS, the building permit fees imposed by the City of White Bear Lake are reasonable and consistent with fees charged by municipalities in the area.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF BIRCHWOOD VILLAGE
ORDAINS:**

THAT Chapter 701 of the Municipal Code of the City of Birchwood Village is hereby amended to delete the same in its entirety and substitute the following therefore:

701. FEES

701.005. The City of Birchwood Village is authorized to impose fees, rates, or charges.

701.010. Fee Schedule. A schedule of fees shall be established by resolution of the City Council, and may be amended from time to time by the City Council.

701.020. Fee Required. Every person applying for a permit or license or other action from the City shall pay a fee as indicated in the fee schedule.

701.030. Payment of Fee. The fee shall be paid at the time of application of the permit or license. The City will not process the permit or license application until the appropriate fee has been paid, nor will the City issue the permit or license until the fee has been paid.

701.040. Refunds. Except for permits relating to dock and boat permits, the City will refund ½ of the fee for the permit or license if the applicant requests a refund within fifteen (15)

days after the fee is paid and no action has been taken by the City on the request for the permit or license. Dock and boat permit refunds are governed by City Code 617.420.

701.050. Other Requirements. Payment of the appropriate fee does not guarantee that a permit or license will be issued. An applicant for a permit or license must also comply with all other requirements of the City Code.

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 14th day of February, 2012.

Attest: _____ Mayor
Alan Mitchell

Attest: _____, City Clerk
Dale Powers

**CITY OF BIRCHWOOD VILLAGE
COUNTY OF WASHINGTON
STATE OF MINNESOTA
ORDINANCE 2012-##**

**AN ORDINANCE AMENDING CHAPTER 701 (FEES) OF THE BIRCHWOOD CITY
CODE**

THE CITY COUNCIL OF THE CITY OF BIRCHWOOD VILLAGE, WASHINGTON COUNTY, MINNESOTA DOES ORDAIN THAT CHAPTER 701 OF THE BIRCHWOOD CITY CODE IS HEREBY AMENDED TO DELETE THE SAME IN ITS ENTIRETY AND SUBSTITUTED WITH THE FOLLOWING TEXT:

701. FEES

701.005. The City of Birchwood Village is authorized to impose fees, rates, or charges.

701.010. Fee Schedule. A schedule of fees shall be established by resolution of the City Council, and may be amended from time to time by the City Council.

701.020. Fee Required. Every person applying for a permit or license or other action from the City shall pay a fee as indicated in the fee schedule.

701.030. Payment of Fee. The fee shall be paid at the time of application of the permit or license. The City will not process the permit or license application until the appropriate fee has been paid, nor will the City issue the permit or license until the fee has been paid.

701.040. Refunds. Except for permits relating to dock and boat permits, the City will refund ½ of the fee for the permit or license if the applicant requests a refund within fifteen (15) days after the fee is paid and no action has been taken by the City on the request for the permit or license. Dock and boat permit refunds are governed by City Code 617.420.

701.050. Other Requirements. Payment of the appropriate fee does not guarantee that a permit or license will be issued. An applicant for a permit or license must also comply with all other requirements of the City Code.

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 _____ of _____,
(Day) (Month) (Year)

Attest: _____ Mayor
Alan Mitchell

Attest: _____, City Clerk
Dale Powers

CITY OF BIRCHWOOD VILLAGE 2012 FEE SCHEDULE

GENERAL FEES

Compact Disk.....	\$1.00 per disk
Copies (Black and White).....	\$0.10 per page 8 ½ x 11 and 8 ½ x 14 \$0.20 per page 11 x 17
Copies (Color).....	\$0.50 per page
Dog License.....	\$10.00 bi-annual; \$3.00 late fee if paid after February 15
-Replacement Dog Tag.....	\$1.00
Facsimile.....	\$1.00 first page; \$0.50 each additional page
Hall Rental.....	\$25.00 plus \$100.00 refundable deposit
Postage & Envelopes for Mailings & Public Hearing Notices...	\$0.11 plus postage
Returned Check.....	\$30.00

DOCK ASSOCIATION FEES

Boat Lift Storage.....	\$100.00 per lift
Dock Association Boat Slip Permit.....	\$200.00 per slip
Dock Association Dock Permit.....	\$100.00 per dock
Dock Application Review Fee.....	\$150.00

PLANNING AND ZONING FEES

Comprehensive Plan Amendment Application Fee.....	\$500.00
Conditional Use Permit Application Fee.....	\$400.00
Home Occupation Permit Application Fee.....	\$100.00
Interim Use Permit Application Fee.....	\$400.00
Planned Unit Development Application Fee.....	\$650.00
Rezoning Application Fee.....	\$650.00
Subdivision: Minor Subdivision/Lot Split Application Fee.....	\$225.00
Subdivision Preliminary Plat Application Fee.....	\$450.00
Street Vacation.....	\$150.00
Variance Application Fee.....	\$206.00
Zoning Permits: Shed, Driveway, or Fence.....	\$ 30.00

BUILDING PERMIT FEES

TOTAL VALUATION	FEE
\$1.00 to \$500.00	\$29.50
\$501.00 to \$2,000.00	\$23.50 for the first \$500.00 plus \$3.05 for each additional \$100.00 or fraction thereof, to and including \$2,000.00
\$2001.00 to \$25,000.00	\$69.25 for the first \$2,000.00 plus \$14.00 for each additional \$1,000.00 or fraction thereof, to and including \$25,000.00

\$25,001.00 to \$50,000.00	\$391.25 for the first \$25,000.00 plus \$10.10 for each additional \$1,000.00 or fraction thereof, to and including \$50,000.00
\$50,001.00 to \$100,000.00	\$643.75 for the first \$50,000.00 plus \$7.00 for each additional \$1,000.00 or fraction thereof, to and including \$100,000.00.
\$100,001.00 to \$500,000.00	\$993.75 for the first \$100,000 plus \$5.60 for each additional \$1,000.00 or fraction thereof, to and including \$500,000.00
\$500,001.00 to \$1,000,000.00	\$3,233.75 for the first \$500,000.00 plus \$4.75 for each additional \$1,000.00 or fraction thereof, to and including \$1,000,000.00
\$1,000,001.00 and up	\$5,608.75 for the first \$1,000,000.00 plus \$3.15 for each additional \$1,000.00 or fraction thereof.

Other Inspections and Fees:

Inspections outside of normal business hours . . . (Minimum charge - two hours)	\$47.00 per hour*
Re-inspection fees	\$47.00 per hour*
Inspection for which no fee is specifically indicated (Minimum charge - one-half hour) . . .	\$47.00 per hour*
Additional plan review required by changes, additions or revisions to Plans (minimum charge - one-half hour).	\$47.00 per hour*
Outside consultants for plan checking and inspections or both	Actual costs**

*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.

**Actual cost includes administrative and overhead costs.

DEMOLITION AND WRECKING OF BUILDINGS FEES

\$25.00 for the first 1,000 square feet, plus \$10.00 for each additional 1,000 square feet or fraction thereof. The minimum permit fee is \$25.00.

GRADING FEES

Plan Review Fees:

<u>100 cubic yards or less</u>	<u>No fee</u>
<u>101 to 1,000 cubic yards</u>	<u>\$40</u>
<u>1,001 to 10,000 cubic yards</u>	<u>\$50</u>
<u>10,001 to 100,000 cubic yards</u>	<u>\$50 for first 10,000 cubic yards</u> <u>\$25 for each additional 10,000 or fraction thereof.</u>
<u>101,000 to 200,000 cubic yards</u>	<u>\$300 for first 100,000 cubic yards</u> <u>\$15 for each additional 10,000 or fraction thereof.</u>
<u>200,001 cubic yards or more</u>	<u>\$400 for first 200,000 cubic yards</u> <u>\$10 for each additional 10,000 or fraction thereof.</u>

Permit Fees:

<u>100 cubic yards or less</u>	<u>\$25</u>
<u>101 to 1,000 cubic yards</u>	<u>\$40 for first 100 cubic yards</u> <u>\$25 for each additional 100 or fraction thereof.</u>
<u>1,001 to 10,000 cubic yards</u>	<u>\$200 for first 1,000 cubic yards</u>

	<u>\$20 for each additional 1,000 or fraction thereof.</u>
<u>10,001 to 100,000 cubic yards</u>	<u>\$350 for first 10,000 cubic yards</u> <u>\$75 for each additional 10,000 or fraction thereof.</u>
<u>101,000 cubic yards or more</u>	<u>\$1,000 for first 100,000 cubic yards</u> <u>\$40 for each additional 10,000 or fraction thereof.</u>

UTILITY CONNECTION FEES

Buildings or dwellings existing or constructed in the City of Birchwood Village must connect to the municipal water and sanitary sewer system so long as it is reasonably available. Prior to connecting to public utilities, the owner or representative must pay the following fees:

(a) Metropolitan Council Sewer Access Charge SAC fee as established by the Metropolitan Council per state statute MN 473.517.

(b.) City Sewer Connection (SAC) Fees.

- | | | |
|-----|-------------------------|------------------------|
| (1) | Single Family Dwellings | \$500.00 per home |
| (2) | Two Family Dwellings | \$1000.00 per dwelling |

(c) Water Connection (WAC) Fees

- | | | |
|-----|-------------------------|-------------------------|
| (1) | Single Family Dwellings | \$500.00 per home |
| (2) | Two Family Dwellings | \$1,000.00 per dwelling |

CERTIFICATE OF OCCUPANCY

If a permit shall require a certificate of occupancy, a fee of \$10.00 shall be paid at the time of issuance.

PLUMBING PERMIT FEES

Plumbing Fixture Unit Fees:

Residential fee (minimum permit fee)	\$25.00
Non-Residential fee (minimum permit fee)	\$35.00
For each fixture or fixture opening	\$10.00
For each gas piping outlet, stove, dryer etc.	\$ 5.00

For each water heater and/or vent	\$30.00
For each lawn sprinkler system backflow protection device	\$20.00
For each atmospheric-type vacuum breaker	\$ 1.00
For each backflow protection device (other than items 6 & 7)	\$20.00
Clothes washers: First five or less	\$20.00
For each additional unit	\$ 7.00
For each flammable waste trap or catch basin	\$ 5.00
For each sewage ejector	\$15.00
For each water softener	\$20.00
For each ground run for existing buildings	\$15.00
For each water distribution piping extension or alteration	\$20.00
For each rainwater leader	\$10.00
Main gas line	\$10.00

Sewer and Water: Unit Fee Schedule:

Street excavation/refundable deposit	\$25.00/\$1,500
For each water tap	\$20.00
For each sewer tap	\$20.00
For each residential water line installation or repair	\$30.00
For each residential sewer line installation or repair	\$30.00
For each non-residential water line installation or repair	\$45.00
For each non-residential sewer line installation or repair	\$45.00
For each hydrostatic and conductivity test	\$45.00
Storm Sewer	\$30.00

Value-Based Repairs/Alterations: Unit Fee Schedule:

Repair or alteration of any plumbing system based on value:	
-First \$100.00 (of value)	\$15.00
-For each additional \$100.00 (of value) or fraction thereof	\$ 2.00

Backflow Protection Test Filing Fee: For each RPZ or double check/double gate valve \$15.00

HEATING PERMIT FEES

For the installation of any new or replacement central heating and/or air conditioning system, or in floor heating with heat source, the permit fee is 1% of estimated cost or the minimum, whichever is greater.

Minimum Fee - Heating system \$60.00

Minimum Fee - Air Conditioning \$30.00

Minimum Fee - Heating and Air Conditioning \$90.00

(a) For alteration or repair to any central heating and/or air conditioning system, the permit fee is 1% of the estimated cost or \$20.00, whichever is greater.

(b) For each appliance or piece of equipment regulated by the code, but not classed in other appliance categories, or for which no other fee is listed in the code, the fee is 1% of the estimated cost or \$25.00, whichever is greater.

(c) For the extension or alteration of ductwork in one and two family dwellings whereby the work is supplemental to a current building permit, the permit fee is 1% of the estimated value or \$20.00, whichever is greater.

(d) For the installation, alteration, or repair of each process piping system, the fee is 1% of the estimated value or \$30.00, whichever is greater.

(e) For the installation of a fireplace, the fee is 1% of the estimated cost or \$25.00, whichever is greater.

(f) For a review of plans and other data the fee is equal to 25% of the permit fee or \$ ##.00, whichever is greater.

ELECTRICAL FEES

Electrical fees shall be applied as established in Minnesota Statutes Section 326B.37.

FIRE SPRINKLER SYSTEM FEES

(a) For each fire suppression cooking hood extinguisher system \$30.00

(b) For each bath or tank system \$30.00

(c) For each automatic fire suppression system
1 to 10 heads, including risers \$30.00
Each additional 10 heads or fraction thereof \$ 3.00

(d) For each on site fire hydrant \$35.00

- (e) Building standpipe systems per building \$50.00
- (f) Fire Alarm \$30.00
- (g) Fire Permit Plan Review Fee 50% of the permit fee

STATE SURCHARGE FEES

If the fee for the permit issued is fixed in amount the surcharge is equivalent to one-half mil (0.0005) of the fee or \$5.00, whichever amount is greater. For all other permits the surcharge is as follows:

VALUATION OF STRUCTURE, ADDITION OR ALTERATION	SURCHARGE COMPUTATION
\$1,000,000 or less	.0005 x valuation (minimum \$5.00)
\$1,000,000 to \$2,000,000	\$500 + .0004 x (Value - \$1,000,000)
\$2,000,000 to \$3,000,000	\$900 + .0003 x (Value - \$2,000,000)
\$3,000,000 to \$4,000,000	\$1200 + .0002 x (Value - \$ 3,000,000)
\$4,000,000 to \$5,000,000	\$1400 + .0001 x (Value - \$ 4,000,000)
Greater than \$5,000,000	\$1500 + .0005 x (Value - \$ 5,000,000)

BUILDING MOVING FEES

The fee to move a building from its present location in Birchwood to any other site, whether or not the new site is within Birchwood, shall be \$100.00.

WATER AND SEWER RELATED FEES

- Water Use...\$13.25 for the first 800 cubic feet; \$1.65 per additional 100 cubic feet; plus \$1.59 state surcharge
- Sewer Fee (metered, quarterly)...\$28.00 for the first 800 cubic feet; \$3.50 per additional 100 cubic feet
- Sewer Fee (unmetered, quarterly).....\$40.00
- Outside sewer/water installation or repair permit.....\$60.50
- Turning water service on or off at street.....\$150.00
- Utility Bill Late Fee......5% of the unpaid balance

ADDITIONAL FEES

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.

Investigative 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 reinspections of the project in order to ensure compliance with the City Code or the terms of the permit or license.

Fines: Payment of any late fee or additional fees shall be in addition to any fines that may be imposed for violation of the City Code.

REFUNDS

The City will refund $\frac{1}{2}$ of the fee for the permit or license if the applicant requests a refund within 15 days after the fee is paid and no action has been taken by the City on the request for the permit or license.