



AGENDA OF THE REGULAR MEETING OF
THE CITY COUNCIL
CITY OF BIRCHWOOD VILLAGE
WASHINGTON COUNTY, MINNESOTA
January 9, 2024
6:45 P.M.

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

PLEDGE OF ALLEGIANCE

APPROVE AGENDA

OPEN PUBLIC FORUM

ANNOUNCEMENTS

- A. 2024 Schedule of Meetings and Holidays is available on the website* (p. 3)
- B. Welcome New Treasurer, Kathleen Hansen
- C. The Planning Commission is looking for a new member. Please email info@cityofbirchwood.com if interested.
- D. The 2024 Local Board and Open Book Meeting will take place April 9th 2024 at 6:00PM

CITY BUSINESS – CONSENT AGENDA

- A. Approve Treasurer's Report* (pp. 4-39)
- B. Approve Meeting Minutes from November 30, 2023* (pp. 40 - 42)
- C. Approve Meeting Minutes from December 12, 2023* (pp. 43 - 47)
- D. Approve Resolution 2024-01, Designating White Bear Press as the Official Newspaper for Publication* (p. 48-49)
- E. Approve Resolution 2024-02, Naming U.S. Bank and the 4M Fund as Official Depositories of Municipal Funds* (p. 50)
- F. Approve Resolution 2024-03, Approving EFT payments* (p. 51-52)
- G. Approve Resolution 2024-04, Mary Cahill Appreciation* (p. 53-54)

CITY BUSINESS

- A. 23-05-VB (23 Birchwood Lane) Variance
 - a. Review Variance Application* (pp. 55-66)
 - b. Review City Planner Memo* (pp. 67-73)
 - c. Review Planning Commission Meeting Minutes* (pp. 98-101)
 - d. Council Discussion

* Denotes items that have supporting documentation provided

- e. Council Decision
- B. First Reading ORDINANCE 2024-01-01 (701) Fees – Justin McCarthy* (pp. 74-77)
 - a. First Reading and Council Deliberation
 - b. Order Second Reading and Public Hearing
- C. Financial Internal Controls – Margaret Ford* (pp. 78-82)
- D. Lift Stations Issues– Margaret Ford* (p. 83)
- E. Replacement Boards for Ice Rink – Kathy Weier* (pp. 84-85)
 - a. Winter’s Donation Resolution 2024-05* (p. 86)
 - b. Purchase of Replacement Boards Resolution 2024-06* (p. 87)
- F. Fee Schedule Discussion – Margaret Ford* (pp. 88-93)
 - a. Fee Schedule Revisions Resolution 2024-07* (p. 94)
- G. Lift Station – Ryan Hankins* (pp. 95-97)
- H. Halls Marsh Discussion – Justin McCarthy* (p. 102)
 - a. Data Practices Request Resolution 2024-08* (pp. 103-104)

ADJOURN

* Denotes items that have supporting documentation provided



**2024 SCHEDULE OF
REGULAR CITY COUNCIL
MEETINGS**

(Start time 6:45 p.m. at City Hall)

- January 9
- February 13
- March 12
- April 9
- May 14
- June 11
- July 9
- August 6
- September 10
- October 8
- November 12
- December 10

City Staff Office Hours
Tuesdays and Thursdays
10:30 am – 1:30 pm
Or By Appointment
Phone: 651-426-3403

**2024 SCHEDULE OF OFFICIAL
CITY HOLIDAYS**

- New Year's Day** – Mon, Jan 1, 2024
- MLK Jr. Day** – Mon, Jan 15
- Presidents Day** – Mon, Feb 19
- Memorial Day** – Mon, May 27
- Juneteenth** – Wed, July 19
- Independence Day** – Thurs, July 4
- Labor Day** – Mon, Sep 2
- Veterans Day** – Mon, Nov 11
- Thanksgiving** – Thu-Fri, Nov 28-29
- Christmas Day** – Wed, Dec 25

**COMMITTEE/COMMISSION
MEETING SCHEDULE:**

Planning Commission meets the 4th
Thursday of every month.

All other committees meet as needed,
with notice.

For the Period : 12/6/2023 To 1/2/2024

<u>Name of Fund</u>	<u>Beginning Balance</u>	<u>Total Receipts</u>	<u>Total Disbursed</u>	<u>Ending Balance</u>	<u>Less Deposits In Transit</u>	<u>Plus Outstanding Checks</u>	<u>Total Per Bank Statement</u>
General Fund	\$897,289.28	\$47,761.32	\$68,169.95	\$876,880.65	\$5,130.95	\$51,139.19	\$922,888.89
Road and Bridge	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Other Federal Programs	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Comp Plan Grant	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Tree Canopy Care	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Special Rev Projects	\$10,823.05	\$0.00	\$0.00	\$10,823.05	\$0.00	\$0.00	\$10,823.05
Spec Rev - Warm House	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
REIMBURSED CONTRACTED SERVICES	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Birchwood In Re-hab Bond	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Sewer Re-hab Debt	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
CAPITAL PROJECT FUNDS (401 through 499)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
General Capital Projects	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Capital Project PW	\$75,741.49	\$0.00	\$0.00	\$75,741.49	\$0.00	\$0.00	\$75,741.49
Water	\$54,444.03	\$16,091.82	\$450.23	\$70,085.62	\$0.00	\$880.81	\$70,966.43
Sewer	\$82,838.71	\$8,663.90	\$7,518.28	\$83,984.33	\$0.00	\$7,469.12	\$91,453.45
Transit System	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Sewer Infrastructure	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Water Meter Upgrade Fees	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
American Rescue Act Proceeds	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Engineering Services	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Total	\$1,121,136.56	\$72,517.04	\$76,138.46	\$1,117,515.14	\$5,130.95	\$59,489.12	\$1,171,873.31

<u>Name of Fund</u>	<u>Beginning Balance</u>	<u>Total Receipts</u>	<u>Total Disbursed</u>	<u>Ending Balance</u>	<u>Less Deposits In Transit</u>	<u>Plus Outstanding Checks</u>	<u>Total Per Bank Statement</u>
Justin R. McCarthy	City Council/Town Board						Date
Katherine A Weier	City Council/Town Board						Date
Margaret Arola Ford	City Council/Town Board, Mayor						Date
Robert Mark Foster	City Council/Town Board						Date
Ryan Q Hankins	City Council/Town Board						Date

Treasurer report

Mary Cahill <Mary.Cahill@cityofbirchwood.com>

Tue 1/2/2024 1:02 PM

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

Cc:Therese Bellinger <Therese.Bellinger@cityofbirchwood.com>;Kathleen Hansen <Kathleen.Hansen@cityofbirchwood.com>

Items to note for December:

1. Reconcilement for November is complete and included. December report will be included for the Feb meeting. Reconcilement could not be completed due to timing of reports from our 4M fund.
2. Minimum wage increased to \$8.85, consequently my salary has been increased to minimum wage.
3. The 2024 Fire Service billing increased to \$ 46,666.00. (2023 contract amount \$36,590). In addition, we are being billed for a new public works building. This is a shared cost between all the cities services by White Bear and the expense is allocated based on population. This annual billing is \$14,357.00. These are payable in monthly increments. The signed contract will be included in your packet.
4. We received the grant from MN Management and Budget for \$37,809.00 for the Omnibus bill passed by the MN senate.

Mary Cahill

Treasurer

City of Birchwood Village, MN

email: mary.cahill@cityofbirchwood.com

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



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Fund Name: All Funds

Date Range: 12/06/2023 To 01/02/2024

<u>Date</u>	<u>Remitter</u>	<u>Receipt #</u>	<u>Description</u>	<u>Deposit ID</u>	<u>Void</u>	<u>Account Name</u>	<u>F-A-P</u>	<u>Total</u>
12/12/2023	MN Management & Budget	171735978*	Fines	(12/12/2023) -	N	Court Fines	100-35101-	\$ 17.21
								\$ 17.21
12/13/2023	Mullen, Karen	-171735977*	BP 23-0037 165 Wildwood Ave	(12/13/2023) -	N	Building Permits	100-32211-	\$ 151.00
								\$ 151.00
12/14/2023	Window Installation	-171735978*	BP 23-0038 135 Wildwood Ave	(12/14/2023) -	N	Building Permits	100-32211-	\$ 229.50
								\$ 229.50
12/15/2023	McCarthy, Justin	171735971*	Dog License	(12/15/2023) -	N	Animal Licenses	100-32240-	\$ 20.00
								\$ 20.00
12/15/2023	Wohlwend Concrete	171735972*	BP 404 Birchwood 2023-54	(12/15/2023) -	N	Building Permits	100-32211-	\$ 50.00
								\$ 50.00
12/15/2023	Home Sweet Home	171735973*	BP 154 Wildwood Ave	(12/15/2023) -	N	Building Permits	100-32211-	\$ 273.25
								\$ 273.25
12/22/2023	Brouillet, Derek	-171735979*	BP a23-0089 517 Wildwood Ave	(12/22/2023) -	N	Building Permits	100-32211-	\$ 186.25
								\$ 186.25
12/26/2023	MN Management & Budget	171735979*	Grant for 2023 Fire Services	(12/26/2023) -	N	State Grants and Aid	100-33422-	\$ 37,809.00
								\$ 37,809.00
12/29/2023	Jacon LLC	171735974*	BP 400 Wildwood Ave 2023-118	(12/29/2023) -	N	Building Permits	100-32211-	\$ 200.00
								\$ 200.00
12/29/2023	Donnell, Suzanne	171735975*	Dog License	(12/29/2023) -	N	Animal Licenses	100-32240-	\$ 15.00
								\$ 15.00

Fund Name: All Funds

Date Range: 12/06/2023 To 01/02/2024

<u>Date</u>	<u>Remitter</u>	<u>Receipt #</u>	<u>Description</u>	<u>Deposit ID</u>	<u>Void</u>	<u>Account Name</u>	<u>F-A-P</u>	<u>Total</u>	
12/29/2023	Ramsey/Washington Cable Commission	171735976*	Reimbursement Grant Policy II	(12/29/2023) -	N	Refund-Reimbursemnt-Dividend	100-36240-	\$ 3,572.16	
								<hr/>	
								\$ 3,572.16	
12/29/2023	League of Minnesota Cities	171735980*	Property Casualty Dividend Refund	(12/29/2023) - 1	N	Refund-Reimbursemnt-Dividend	100-36240-	\$ 107.00	
								<hr/>	
								\$ 107.00	
12/31/2023	Residents - via St Anthony Village	171735977	Utility Billing December 23	(12/31/2023) - 1	N	Water Consumption	601-37111-	\$ 9,176.36	
							Water Utility User Fee	601-37112-	\$ 3,917.11
							Water Utility User Fee	601-37112-	\$ 25.00
							Water Main-break Surcharge	601-37113-	\$ 2,560.16
							Special Water Charges	601-37115-	\$ 48.28
							State Surcharge	601-37116-	\$ 271.91
							Penalties and Forfeited Discounts	601-37160-	\$ 93.00
							Sewer Consumption	605-37211-	\$ 4,390.47
							Sewer Minimum Charge	605-37212-	\$ 4,230.05
							Penalties and Forfeited Discounts	605-37260-	\$ 43.38
								<hr/>	
								\$ 24,755.72	
12/31/2023	4 M Fund	171735981*	Dec 23 interest	(12/31/2023) -	N	Interest Earning	100-36210-	\$ 5,130.95	
								<hr/>	
								\$ 5,130.95	
Total for Selected Receipts								<hr/> <hr/>	
								\$ 72,517.04	

Fund Name: All Funds

Date Range: 12/06/2023 To 01/02/2024

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Description</u>	<u>Void</u>	<u>Account Name</u>	<u>F-A-O-P</u>	<u>Total</u>
12/07/2023	Payroll Period Ending 12/07/2023	32739	Dec PR 11/19 - 12/2	N	Clerk - Treasurer	100-41401-100-	\$ 1,066.44
	Total For Check	32739					\$ 1,066.44
12/07/2023	Payroll Period Ending 12/07/2023	32740	Dec PR 11/19 - 12/2	N	Clerk - Treasurer	100-41401-100-	\$ 3.08
	Total For Check	32740					\$ 3.08
12/07/2023	Payroll Period Ending 12/07/2023	32741	Dec PR 11/19 - 12/2	N	Clerk - Treasurer	100-41401-100-	\$ 2,105.33
	Total For Check	32741					\$ 2,105.33
12/07/2023	Payroll Period Ending 12/07/2023	32742	Dec PR 11/19 - 12/2	N	Parks	100-45207-100-	\$ 323.22
	Total For Check	32742					\$ 323.22
12/07/2023	Payroll Period Ending 12/07/2023	32743	Dec PR 11/19 - 12/2	N	Parks	100-45207-100-	\$ 273.00
	Total For Check	32743					\$ 273.00
12/08/2023	PERA	EFT12022023-A ¹	Retirement funds-PR 12/8/2023- Rebecca, Therese, Jim	N	Clerk - Treasurer	100-41401-121-	\$ 427.79
		EFT12022023-A ¹			Parks	100-45207-121-	\$ 7.85
	Total For Check	EFT12022023-A					\$ 435.64
12/11/2023	Catalis LLC	32744*	GovOffice Website Hosting - Re-issue	N	General Government Buildings and Plant	100-41940-320-	\$ 1,000.00
	Total For Check	32744					\$ 1,000.00
12/11/2023	IRS - US Treasury	EFT12.11.23A*	Federal Taxes - Q4 2023 -Nov Payment	N	Clerk - Treasurer	100-41401-100-	\$ 1,391.56
		EFT12.11.23A*				100-41401-100-	\$ 325.44
		EFT12.11.23A*				100-41401-100-	\$ 491.29
	Total For Check	EFT12.11.23A					\$ 2,208.29
12/11/2023	MN Department of Revenue	EFT12.11.23B*	MN State Tax eFiling - Q4 2023 Nov pymt	N	Clerk - Treasurer	100-41401-115-	\$ 498.09
	Total For Check	EFT12.11.23B					\$ 498.09
12/18/2023	Bolton & Menk, Inc.	32745*	Inv # 0326647: 2023 Lift Reconstruction, Design Review, Geotechnical, Grand Coord & Adm	N	Engineer Service	605-41650-300-	\$ 3,562.00

Fund Name: All Funds

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<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Description</u>	<u>Void</u>	<u>Account Name</u>	<u>F-A-O-P</u>	<u>Total</u>
		32745*				605-41650-300-	\$ 74.50
		32745*				605-41650-300-	\$ 431.00
		Total For Check	32745				\$ 4,067.50
12/18/2023	Cahill, Mary	32746*	INV E0800Q61BW: Microsoft 365 Business Basic - Annual Subscription	N	General Government Buildings and Plant	100-41940-320-	\$ 648.00
		Total For Check	32746				\$ 648.00
12/18/2023	Gopher State One Call	32747*	Inv: 3070228 - Missing July 2023 Invoice	N	Utility Locates	605-42805-314-	\$ 36.45
		Total For Check	32747				\$ 36.45
12/18/2023	Kodiak Power Solutions	32748*	Invoice# 12675723:Wildwood LiftStation: Inspection	N	Sewer Utility	605-43190-314-	\$ 118.97
		Total For Check	32748				\$ 118.97
12/18/2023	Merrick Inc.	32749*	Invoice#1906: Q4 mailer--Fall Newsletter	N	Newsletter	601-41960-350-	\$ 180.81
		Total For Check	32749				\$ 180.81
12/18/2023	Metro - INET	32750*	Inv#1601: IT Charges--Dec Tech Support	N	General Government Buildings and Plant	100-41940-320-	\$ 513.00
		Total For Check	32750				\$ 513.00
12/18/2023	Rydeen, Jim	32751*	Oil Snowblower, Rug Doctor, Keys, Bulk Hardware, Gas	N	Office Operations Supplies	100-41911-200-	\$ 13.52
		32751*				100-41911-220-	\$ 37.92
		32751*			Parks	100-45207-220-	\$ 156.34
		32751*				100-45207-220-	\$ 210.57
		32751*				100-45207-220-	\$ 16.99
		Total For Check	32751				\$ 435.34
12/18/2023	Stoltzman, Cris	32752*	Videography - Council Mtg Dec 12, 3 hrs total	N	Cable Eqpmt and Service	100-41950-314-	\$ 79.50
		Total For Check	32752				\$ 79.50
12/18/2023	Toshiba America Business Solutions	32753*	Inv #6170634 Printer Maintenance 12/9 - 1/8/24	N	Office Operations Supplies	100-41911-314-	\$ 10.62
		Total For Check	32753				\$ 10.62

Fund Name: All Funds

Date Range: 12/06/2023 To 01/02/2024

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Description</u>	<u>Void</u>	<u>Account Name</u>	<u>F-A-O-P</u>	<u>Total</u>
12/18/2023	Reiss, Sue	32754*	Escrow Refund: Engineering Charges, Permit Cancellation, Water Meter Install	N	Engineer Service	100-41650-300-	\$(372.50)
		32754*			Unallocated Expenditures	100-49201-999-	\$ 130.00
		32754*			Escrow Refunds	100-49250-999-8	\$ 3,000.00
		32754*			Water Utility	601-43180-380-	\$(500.00)
	Total For Check	32754					\$ 2,257.50
12/20/2023	Payroll Period Ending 12/20/2023	32755	Kathy Weier Council Pay for 2023	N	Mayor	100-41310-100-	\$ 1,385.25
	Total For Check	32755					\$ 1,385.25
12/20/2023	Payroll Period Ending 12/20/2023	32756	Mark Foster Council Pay 2023	N	Mayor	100-41310-100-	\$ 227.05
	Total For Check	32756					\$ 227.05
12/20/2023	Payroll Period Ending 12/16/2023	32757	Dec Office Payroll 12/3/23 - 12/16/23	N	Clerk - Treasurer	100-41401-100-	\$ 1,217.46
	Total For Check	32757					\$ 1,217.46
12/20/2023	Payroll Period Ending 12/16/2023	32758	Dec Office Payroll 12/3/23 - 12/16/23	N	Clerk - Treasurer	100-41401-100-	\$ 171.46
	Total For Check	32758					\$ 171.46
12/20/2023	Payroll Period Ending 12/16/2023	32759	Dec Office Payroll 12/3/23 - 12/16/23	N	Clerk - Treasurer	100-41401-100-	\$ 206.04
	Total For Check	32759					\$ 206.04
12/20/2023	Payroll Period Ending 12/16/2023	32760	Dec Office Payroll 12/3/23 - 12/16/23	N	Clerk - Treasurer	100-41401-100-	\$ 2,105.33
	Total For Check	32760					\$ 2,105.33
12/20/2023	Payroll Period Ending 12/16/2023	32761	Dec Office Payroll 12/3/23 - 12/16/23	N	Parks	100-45207-100-	\$ 704.42
	Total For Check	32761					\$ 704.42
12/21/2023	PERA	EFT12212023*	Retirement funds-PR 12/20/2023- Rebecca, Therese, Jim	N	Clerk - Treasurer	100-41401-121-	\$ 614.88
		EFT12212023*			Parks	100-45207-121-	\$ 118.72
	Total For Check	EFT12212023					\$ 733.60

Fund Name: All Funds

Date Range: 12/06/2023 To 01/02/2024

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Description</u>	<u>Void</u>	<u>Account Name</u>	<u>F-A-O-P</u>	<u>Total</u>
12/22/2023	Xcel Energy	EFT A 12.18.23*	Electric 407 Lake Avenue Lift 10/18-11/16	N	Sewer Utility	605-43190-380-	\$ 24.63
		Total For Check	EFT A 12.18.23				\$ 24.63
12/22/2023	A T & T Mobility	EFT A 12.22.23*	Wireless for water tower- 12/2-1/1	N	Water Utility	601-43180-382-	\$ 53.75
		Total For Check	EFT A 12.22.23				\$ 53.75
12/22/2023	Xcel Energy	EFT B 12.5.23*	EFT B 12.18.23: Electric 207 Birchwood Street Lighting	N	Street Lighting	100-43160-380-	\$ 1,367.08
		Total For Check	EFT B 12.5.23				\$ 1,367.08
12/22/2023	Xcel Energy	EFT C 12.18.23*	EFT C 12.18.23: Electric 200 Wildwood Lift	N	Sewer Utility	605-43190-380-	\$ 24.53
		Total For Check	EFT C 12.18.23				\$ 24.53
12/22/2023	Xcel Energy	EFT D 12.18.23*	EFT D 12.18.23: Electric 210 Water Tower	N	Water Utility	601-43180-380-	\$ 15.67
		Total For Check	EFT D 12.18.23				\$ 15.67
01/02/2024	TSE, Inc. Work Account	32762*	Janitorial Services - 12/7/23 & 12/21/23	N	General Government Buildings and Plant	100-41940-314-	\$ 56.26
		Total For Check	32762				\$ 56.26
01/02/2024	MENARD'S - OAKDALE	32763*	Maintenance--75438,75459,754 47,75443, Misc supplies for rail on Ash/misc repair at hall	N	Parks	100-45207-400-	\$ 36.83
		Total For Check	32763				\$ 36.83
01/02/2024	Steve Dean	32764*	#167730--Take down large tree from summer storm of 2023	N	Tree Removal	100-43135-314-	\$ 400.00
		Total For Check	32764				\$ 400.00
01/02/2024	Manship Plumbing & Heating Inc	32765*	Sewer/Water-December Retainer Fee	N	Water Utility	601-43180-314-	\$ 700.00
		Total For Check	32765				\$ 700.00
01/02/2024	John Wikstrom	32766*	December Fees	N	Engineer Service	100-41650-300-	\$ 1,600.00
		Total For Check	32766				\$ 1,600.00
01/02/2024	Heating & Cooling Exxperts, LLC	32767*	#3739 Repair leak on boiler	N	General Government Buildings and Plant	100-41940-300-	\$ 396.00

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<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Description</u>	<u>Void</u>	<u>Account Name</u>	<u>F-A-O-P</u>	<u>Total</u>
		Total For Check	32767				\$ 396.00
01/02/2024	LRS Portables, LLC	32768*	MP241950--Dec Portable Potty	N	Parks	100-45207-314-	\$ 224.00
		Total For Check	32768				\$ 224.00
01/02/2024	White Bear Township	32769*	202312193207-Contracted Services-Nov - Dec /17	N	Sewer Utility	605-43190-314-	\$ 2,883.30
		Total For Check	32769				\$ 2,883.30
01/02/2024	H.A. Kantrud, P.A.	32770*	Attorney Services -Jan 2024	N	Legal Services	100-41601-300-	\$ 1,500.00
		Total For Check	32770				\$ 1,500.00
01/02/2024	Washington County Sheriff	32771*	Police Services- 219503 July-Dec 2023	N	Police	100-42101-314-	\$ 36,216.54
		Total For Check	32771				\$ 36,216.54
01/02/2024	Therese Bellinger	32772*	Reimburse for lights, paper, files, mouse pads, envelopes, map copies,	N	Office Operations Supplies	100-41911-999-	\$ 197.66
		32772*				100-41911-999-	\$ 39.27
		Total For Check	32772				\$ 236.93
01/02/2024	Minutes Solutions	32773*	Minutes for 11/30/23 council meeting #32890	N	MISCELLANEOUS	100-49001-300-	\$ 200.00
		Total For Check	32773				\$ 200.00
01/02/2024	USS Minnesota One MT LLC	32774*	Energy Charges - Nov Charges #76242	N	General Government Buildings and Plant	100-41940-380-	\$ 48.39
		32774*			Sewer Utility	605-43190-380-	\$ 129.03
		32774*				605-43190-380-	\$ 233.87
		Total For Check	32774				\$ 411.29
01/02/2024	City of White Bear Lake Fire	32775*	Fire Srvc -Jan 2024	N	Fire	100-42201-314-	\$ 3,888.84
		Total For Check	32775				\$ 3,888.84
01/02/2024	City of White Bear Lake Public Work	32776*	January 2024 Monthly Public Safety Facility Fire Services	N	Fire	100-42201-314-	\$ 1,196.42
		Total For Check	32776				\$ 1,196.42
01/02/2024	Companion Animal Control LLC	32777*	Animal Control Services -Dec 23 Retainer Only	N	Animal Control	100-41916-314-	\$ 80.00
		Total For Check	32777				\$ 80.00

Fund Name: All Funds

Date Range: 12/06/2023 To 01/02/2024

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Description</u>	<u>Void</u>	<u>Account Name</u>	<u>F-A-O-P</u>	<u>Total</u>
01/02/2024	Minutes Solutions	32778*	Re-issue check payment for check #32665 - Sept Council 23	N	MISCELLANEOUS	100-49001-300-	\$ 200.00
		Total For Check	32778				\$ 200.00
01/02/2024	BrightView Landscapes, LLC.	32779*	12/9 & 11/26 Spray	N	Ice and Snow Removal	100-43125-210-	\$ 671.50
		32779*				100-43125-210-	\$ 709.90
		Total For Check	32779				\$ 1,381.40
01/02/2024	PERA	EFT01.02.24A*	Retirement funds-PR 12/20/2023- Kathleen	N	Clerk - Treasurer	100-41401-121-	\$ 33.60
		Total For Check	EFT01.02.24A				\$ 33.60
Total For Selected Checks							\$ 76,138.46

As on 12/31/2023

Special Rev Projects

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Dock/Lift Permit Fee	0.00	15,750.00	15,750.00
Total Acct 322	0.00	15,750.00	15,750.00
Total Revenues	0.00	15,750.00	15,750.00
Other Financing Sources:			
Total Other Financing Sources	0.00	0.00	0.00
Disbursements:			
Recreation			
Miscellaneous (431 through 499)	0.00	200.00	(200.00)
Community Events	0.00	3,159.99	(3,159.99)
Total Acct 451	0.00	3,359.99	(3,359.99)
Parks			
REPAIRS AND MAINTENANCE - CONTRACTUAL (401 through 409)	0.00	2,487.65	(2,487.65)
Total Acct 452	0.00	2,487.65	(2,487.65)
Total Disbursements	0.00	5,847.64	(5,847.64)
Other Financing Uses:			
Transfer To Governmental Fund			
Interfund Transfers	0.00	2,500.00	(2,500.00)
Total Acct 493	0.00	2,500.00	(2,500.00)
Total Other Financing Uses	0.00	2,500.00	(2,500.00)
Beginning Cash Balance		3,420.69	
Total Receipts and Other Financing Sources		15,750.00	
Total Disbursements and Other Financing Uses		8,347.64	
Cash Balance as of 12/31/2023		10,823.05	

As on 12/31/2023

Capital Project PW

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Total Revenues	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
Other Financing Sources:			
Total Other Financing Sources	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
Disbursements:			
Engineer Service			
PROFESSIONAL SERVICES (301 through 319)	<u>0.00</u>	<u>3,469.82</u>	<u>(3,469.82)</u>
Total Acct 416	<u>0.00</u>	<u>3,469.82</u>	<u>(3,469.82)</u>
Streets and Road Mntnc			
Contracted Services	<u>0.00</u>	<u>32,500.00</u>	<u>(32,500.00)</u>
Total Acct 431	<u>0.00</u>	<u>32,500.00</u>	<u>(32,500.00)</u>
Total Disbursements	<u>0.00</u>	<u>35,969.82</u>	<u>(35,969.82)</u>
Other Financing Uses:			
Total Other Financing Uses	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
Beginning Cash Balance		111,711.31	
Total Receipts and Other Financing Sources		0.00	
Total Disbursements and Other Financing Uses		<u>35,969.82</u>	
Cash Balance as of 12/31/2023		75,741.49	

As on 12/31/2023

Water

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Water Consumption	0.00	96,530.68	96,530.68
Water Utility User Fee	0.00	46,808.51	46,808.51
Water Main-break Surcharge	0.00	10,000.31	10,000.31
Special Water Charges	0.00	1,025.73	1,025.73
State Surcharge	0.00	3,367.77	3,367.77
Certified Bills Collections	0.00	44.49	44.49
Administrative Fee Move/Out	0.00	478.98	478.98
Penalties and Forfeited Discounts	0.00	893.86	893.86
Total Acct 371	0.00	159,150.33	159,150.33
Total Revenues	0.00	159,150.33	159,150.33
Other Financing Sources:			
Total Other Financing Sources	0.00	0.00	0.00
Disbursements:			
Financial Administration			
Contracted Services	0.00	12,084.81	(12,084.81)
Total Acct 415	0.00	12,084.81	(12,084.81)
Newsletter			
Printing and Binding (351 through 359)	0.00	915.15	(915.15)
Total Acct 419	0.00	915.15	(915.15)
Water Utility			
Repair and Maintenance Supplies (221 through 229)	0.00	247.19	(247.19)
Contracted Services	0.00	82,415.61	(82,415.61)
Utility Services (381 through 389)	0.00	2,134.06	(2,134.06)
Utility Services: Water	0.00	642.25	(642.25)
Fees	0.00	3,397.00	(3,397.00)
Wtr/Swr Emergency			
PROFESSIONAL SERVICES (301 through 319)	0.00	1,406.64	(1,406.64)
Contracted Services	0.00	36,595.28	(36,595.28)
REPAIRS AND MAINTENANCE - CONTRACTUAL (401 through 409)	0.00	83.79	(83.79)
Total Acct 431	0.00	126,921.82	(126,921.82)
Total Disbursements	0.00	139,921.78	(139,921.78)
Other Financing Uses:			
Total Other Financing Uses	0.00	0.00	0.00
Beginning Cash Balance		51,557.07	
Total Receipts and Other Financing Sources		159,150.33	
Total Disbursements and Other Financing Uses		139,921.78	
Cash Balance as of 12/31/2023		70,785.62	

As on 12/31/2023

Sewer

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Sewer Consumption	0.00	62,597.59	62,597.59
Sewer Minimum Charge	0.00	54,538.90	54,538.90
Sewer Only	0.00	29.07	29.07
Penalties and Forfeited Discounts	0.00	602.32	602.32
Total Acct 372	0.00	117,767.88	117,767.88
Total Revenues	0.00	117,767.88	117,767.88
Other Financing Sources:			
Total Other Financing Sources	0.00	0.00	0.00
Disbursements:			
Postage/Postal Permits			
Refunds and Reimbursements	0.00	896.25	(896.25)
Total Acct 414	0.00	896.25	(896.25)
Engineer Service			
PROFESSIONAL SERVICES (301 through 319)	0.00	50,715.75	(50,715.75)
Total Acct 416	0.00	50,715.75	(50,715.75)
Utility Locates			
Contracted Services	0.00	396.95	(396.95)
Total Acct 428	0.00	396.95	(396.95)
Sewer Utility			
Sewer - Wastewater Charge	0.00	55,022.64	(55,022.64)
Contracted Services	0.00	7,788.84	(7,788.84)
Utility Services (381 through 389)	0.00	10,770.13	(10,770.13)
Total Acct 431	0.00	73,581.61	(73,581.61)
Total Disbursements	0.00	125,590.56	(125,590.56)
Other Financing Uses:			
Total Other Financing Uses	0.00	0.00	0.00
Beginning Cash Balance		95,053.21	
Total Receipts and Other Financing Sources		117,767.88	
Total Disbursements and Other Financing Uses		125,590.56	
Cash Balance as of 12/31/2023		87,230.53	

Date Range : 12/8/2023 To 12/8/2023

<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Claim #</u>	<u>Total</u>	<u>Account #</u>	<u>Account Name</u>	<u>Detail</u>
12/08/2023	PERA	Retirement funds-PR 12/8/2023- Rebecca, Therese, Jim	6759*	\$435.64			
					100-41401-121-	Clerk - Treasurer	\$427.79
					100-45207-121-	Parks	\$7.85
Total For Selected Claims				\$435.64			\$435.64

Justin R. McCarthy	City Council/Town Board	Date
Katherine A Weier	City Council/Town Board	Date
Margaret Arola Ford	City Council/Town Board, Mayor	Date
Robert Mark Foster	City Council/Town Board	Date
Ryan Q Hankins	City Council/Town Board	Date

Date Range : 12/2/2023 To 1/2/2024

<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Claim #</u>	<u>Total</u>	<u>Account #</u>	<u>Account Name</u>	<u>Detail</u>
12/31/2023	TSE, Inc. Work Account	Janitorial Services - 12/7/23 & 12/21/23	6784*	\$56.26	100-41940-314-	General Government Buildings and Plant	\$56.26
12/31/2023	MENARD'S - OAKDALE	Maintenance--75438,754 59,75447,75443, Misc supplies for rail on Ash/misc repair at hall	6785*	\$36.83	100-45207-400-	Parks	\$36.83
12/31/2023	Steve Dean	#167730--Take down large tree from summer storm of 2023	6786*	\$400.00	100-43135-314-	Tree Removal	\$400.00
12/31/2023	Manship Plumbing & Heating Inc	Sewer/Water-December Retainer Fee	6787*	\$700.00	601-43180-314-	Water Utility	\$700.00
12/31/2023	John Wikstrom	December Fees	6788*	\$1,600.00	100-41650-300-	Engineer Service	\$1,600.00
12/31/2023	Heating & Cooling Experts, LLC	#3739 Repair leak on boiler	6789*	\$396.00	100-41940-300-	General Government Buildings and Plant	\$396.00
12/31/2023	LRS Portables, LLC	MP241950--Dec Portable Potty	6790*	\$224.00	100-45207-314-	Parks	\$224.00
12/31/2023	White Bear Township	202312193207-Contract ed Services-Nov - Dec /17	6791*	\$2,883.30	605-43190-314-	Sewer Utility	\$2,883.30
12/31/2023	H.A. Kantrud, P.A.	Attorney Services -Jan 2024	6792*	\$1,500.00	100-41601-300-	Legal Services	\$1,500.00
12/31/2023	Washington County Sheriff	Police Services- 219503 July-Dec 2023	6793*	\$36,216.54			

Date Range : 12/2/2023 To 1/2/2024

<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Claim #</u>	<u>Total</u>	<u>Account #</u>	<u>Account Name</u>	<u>Detail</u>
					100-42101-314-	Police	\$36,216.54
12/31/2023	Therese Bellinger	Reimburse for lights, paper, files, mouse pads, envelopes, map copies,	6794*	\$236.93			
					100-41911-999-	Office Operations Supplies	\$197.66
					100-41911-999-	Office Operations Supplies	\$39.27
12/31/2023	Minutes Solutions	Minutes for 11/30/23 council meeting #32890	6795*	\$200.00			
					100-49001-300-	MISCELLANEOUS	\$200.00
12/31/2023	USS Minnesota One MT LLC	Energy Charges - Nov Charges #76242	6796*	\$411.29			
					605-43190-380-	Sewer Utility	\$233.87
					100-41940-380-	General Government Buildings and Plant	\$48.39
					605-43190-380-	Sewer Utility	\$129.03
01/02/2024	City of White Bear Lake Fire	Fire Srvc -Jan 2024	6799*	\$3,888.84			
					100-42201-314-	Fire	\$3,888.84
01/02/2024	City of White Bear Lake Public Work	January 2024 Monthly Public Safety Facility Fire Services	6800*	\$1,196.42			
					100-42201-314-	Fire	\$1,196.42
01/02/2024	Companion Animal Control LLC	Animal Control Services -Dec 23 Retainer Only	6801*	\$80.00			
					100-41916-314-	Animal Control	\$80.00
01/02/2024	Minutes Solutions	Re-issue check payment for check #32665 - Sept Council 23	6802*	\$200.00			
					100-49001-300-	MISCELLANEOUS	\$200.00
01/02/2024	BrightView Landscapes, LLC.	12/9 & 11/26 Spray	6803*	\$1,381.40			
					100-43125-210-	Ice and Snow Removal	\$671.50
					100-43125-210-	Ice and Snow Removal	\$709.90

Date Range : 12/2/2023 To 1/2/2024

<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Claim #</u>	<u>Total</u>	<u>Account #</u>	<u>Account Name</u>	<u>Detail</u>
Total For Selected Claims				\$51,607.81			\$51,607.81

Justin R. McCarthy

City Council/Town Board

Date

Katherine A Weier

City Council/Town Board

Date

Margaret Arola Ford

City Council/Town Board, Mayor

Date

Robert Mark Foster

City Council/Town Board

Date

Ryan Q Hankins

City Council/Town Board

Date

Date Range : 12/11/2023 To 12/11/2023

<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Claim #</u>	<u>Total</u>	<u>Account #</u>	<u>Account Name</u>	<u>Detail</u>
12/11/2023	Catalis LLC	GovOffice Website Hosting - Re-issue	6767*	\$1,000.00	100-41940-320-	General Government Buildings and Plant	\$1,000.00
Total For Selected Claims				\$1,000.00			\$1,000.00

Justin R. McCarthy	City Council/Town Board	Date
Katherine A Weier	City Council/Town Board	Date
Margaret Arola Ford	City Council/Town Board, Mayor	Date
Robert Mark Foster	City Council/Town Board	Date
Ryan Q Hankins	City Council/Town Board	Date

Date Range : 12/18/2023 To 12/18/2023

<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Claim #</u>	<u>Total</u>	<u>Account #</u>	<u>Account Name</u>	<u>Detail</u>
12/18/2023	Reiss, Sue	Escrow Refund: Engineering Charges, Permit Cancellation, Water Meter Install	6782*	\$2,257.50			
					100-49250-999-8	Escrow Refunds	\$3,000.00
					100-41650-300-	Engineer Service	(\$372.50)
					100-49201-999-	Unallocated Expenditures	\$130.00
					601-43180-380-	Water Utility	(\$500.00)
Total For Selected Claims				\$2,257.50			\$2,257.50

Justin R. McCarthy	City Council/Town Board	Date
Katherine A Weier	City Council/Town Board	Date
Margaret Arola Ford	City Council/Town Board, Mayor	Date
Robert Mark Foster	City Council/Town Board	Date
Ryan Q Hankins	City Council/Town Board	Date

Date Range : 12/18/2023 To 12/18/2023

<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Claim #</u>	<u>Total</u>	<u>Account #</u>	<u>Account Name</u>	<u>Detail</u>
12/18/2023	Bolton & Menk, Inc.	Inv # 0326647: 2023 Lift Reconstruction, Design Review, Geotechnical, Grand Coord & Adm	6768*	\$4,067.50			
					605-41650-300-	Engineer Service	\$3,562.00
					605-41650-300-	Engineer Service	\$74.50
					605-41650-300-	Engineer Service	\$431.00
12/18/2023	Cahill, Mary	INV E0800Q61BW: Microsoft 365 Business Basic - Annual Subscription	6769*	\$648.00			
					100-41940-320-	General Government Buildings and Plant	\$648.00
12/18/2023	Gopher State One Call	Inv: 3070228 - Missing July 2023 Invoice	6770*	\$36.45			
					605-42805-314-	Utility Locates	\$36.45
12/18/2023	Kodiak Power Solutions	Invoice# 12675723:Wildwood LiftStation: Inspection	6771*	\$118.97			
					605-43190-314-	Sewer Utility	\$118.97
12/18/2023	Merrick Inc.	Invoice#1906: Q4 mailer--Fall Newsletter	6772*	\$180.81			
					601-41960-350-	Newsletter	\$180.81
12/18/2023	Metro - INET	Inv#1601: IT Charges--Dec Tech Support	6773*	\$513.00			
					100-41940-320-	General Government Buildings and Plant	\$513.00
12/18/2023	Rydeen, Jim	Oil Snowblower, Rug Doctor, Keys, Bulk Hardware, Gas	6774*	\$435.34			
					100-45207-220-	Parks	\$16.99
					100-41911-220-	Office Operations Supplies	\$37.92
					100-41911-200-	Office Operations Supplies	\$13.52
					100-45207-220-	Parks	\$156.34
					100-45207-220-	Parks	\$210.57

Date Range : 12/18/2023 To 12/18/2023

<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Claim #</u>	<u>Total</u>	<u>Account #</u>	<u>Account Name</u>	<u>Detail</u>
12/18/2023	Stoltzman, Cris	Videography - Council Mtg Dec 12, 3 hrs total	6775*	\$79.50	100-41950-314-	Cable Eqpmt and Service	\$79.50
12/18/2023	Toshiba America Business Solutions	Inv #6170634 Printer Maintenance 12/9 - 1/8/24	6776*	\$10.62	100-41911-314-	Office Operations Supplies	\$10.62
Total For Selected Claims				\$6,090.19			\$6,090.19

Justin R. McCarthy	City Council/Town Board	Date
Katherine A Weier	City Council/Town Board	Date
Margaret Arola Ford	City Council/Town Board, Mayor	Date
Robert Mark Foster	City Council/Town Board	Date
Ryan Q Hankins	City Council/Town Board	Date

CTAS Claim

Claim Number : 6798*

Claim Date : 01/02/2024

To : PERA, Claimant
60 Empire Drive
Ste 200
St Paul, MN 55103

Approved

Note : EFT 01.02.24 A

For :
100-41401-121 Clerk - Treasurer - Employer Contributions for
Retirement: PERA Contributions

\$33.60

Total

\$33.60

Declaration

I declare under penalties of law that this account, claim or demand is just and correct and that no part of it has been paid

-
Date

-
Signature of Claimant

Paid by Order - Check Number -----

Filled in my office this ----- day of -----, -----

KH

Clerk

Date Range : 12/11/2023 To 12/11/2023

<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Claim #</u>	<u>Total</u>	<u>Account #</u>	<u>Account Name</u>	<u>Detail</u>
12/11/2023	IRS - US Treasury	Federal Taxes - Q4 2023 -Nov Payment	6765*	\$2,208.29			
					100-41401-100-	Clerk - Treasurer	\$1,391.56
					100-41401-100-	Clerk - Treasurer	\$325.44
					100-41401-100-	Clerk - Treasurer	\$491.29
12/11/2023	MN Department of Revenue	MN State Tax eFiling - Q4 2023 Nov pymt	6766*	\$498.09			
					100-41401-115-	Clerk - Treasurer	\$498.09
Total For Selected Claims				\$2,706.38			\$2,706.38

Justin R. McCarthy	City Council/Town Board	Date
Katherine A Weier	City Council/Town Board	Date
Margaret Arola Ford	City Council/Town Board, Mayor	Date
Robert Mark Foster	City Council/Town Board	Date
Ryan Q Hankins	City Council/Town Board	Date

Date Range : 12/5/2023 To 12/22/2023

<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Claim #</u>	<u>Total</u>	<u>Account #</u>	<u>Account Name</u>	<u>Detail</u>
12/22/2023	A T & T Mobility	Wireless for water tower- 12/2-1/1	6777*	\$53.75	601-43180-382-	Water Utility	\$53.75
12/18/2023	Xcel Energy	Electric 407 Lake Avenue Lift 10/18-11/16	6778*	\$24.63	605-43190-380-	Sewer Utility	\$24.63
12/05/2023	Xcel Energy	EFT B 12.18.23: Electric 207 Birchwood Street Lighting	6779*	\$1,367.08	100-43160-380-	Street Lighting	\$1,367.08
12/18/2023	Xcel Energy	EFT C 12.18.23: Electric 200 Wildwood Lift	6780*	\$24.53	605-43190-380-	Sewer Utility	\$24.53
12/18/2023	Xcel Energy	EFT D 12.18.23: Electric 210 Water Tower	6781*	\$15.67	601-43180-380-	Water Utility	\$15.67
Total For Selected Claims				\$1,485.66			\$1,485.66

Date Range : 12/5/2023 To 12/22/2023

<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Claim #</u>	<u>Total</u>	<u>Account #</u>	<u>Account Name</u>	<u>Detail</u>
	Justin R. McCarthy		City Council/Town Board				Date
	Katherine A Weier		City Council/Town Board				Date
	Margaret Arola Ford		City Council/Town Board, Mayor				Date
	Robert Mark Foster		City Council/Town Board				Date
	Ryan Q Hankins		City Council/Town Board				Date

City of Birchwood Village
Bank Reconciliation

US Bank
General Fund #1-801-2001-5920
11/31/2023

Genl Fund 4M #35172-101

4M balance	General Fund	\$1,182,885.33
Outstanding Checks	Outstanding Checks	<u>(22,769.66)</u>
	Deposit on bank not on 4/M	
	Deposit on bank not on 4/M	
	Deposit on bank not on 4/M	
	General Fund Checks clrd not on 4M	(\$22,363.72) ok Dec
Bank Open Items		
CTAS Open Items		
	Total	<u>\$1,137,751.95</u>
	Balance Per Cash Control Statement	<u>\$1,137,751.95</u>

DIFFERENCE \$0.00

Monthly Activity Summary

11/1/2023 - 11/30/2023

Class	Account	Beginning Balance	Contributions	Interest	Checks Paid	Other Withdrawals	Month End Balance
4M	35389 - 101 General Fund	\$911,432.42	\$248,460.89	\$3,986.95	(\$31,921.40)	(\$6,573.67)	\$1,125,385.19
4MP	35389 - 101 General Fund	\$57,247.91	\$0.00	\$252.23	\$0.00	\$0.00	\$57,500.14
LTD	35389 - 101 General Fund	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
		\$968,680.33	\$248,460.89	\$4,239.18	(\$31,921.40)	(\$6,573.67)	\$1,182,885.33

(35389 - 101) City of Birchwood Village - General Fund

4M

Transaction	Trade Date	Settle Date	Description	Redemption	Purchase	Share Price	Shares this Transaction
2196153	11/30/2023	12/01/2023	US Bank Checks Paid Redemption	(\$22,363.72)	\$0.00	\$1.000	(22,363.720)
				(\$22,363.72)	\$0.00		(22,363.720)

Beginning Balance: \$1,125,385.19 | Ending Balance: \$1,103,021.47

(35389 - 101) City of Birchwood Village - General Fund (Checking Inflow/Outflow Summary)

4M

Trade Date	Description	Amount
11/30/2023	Checking Outflow	(\$22,363.72)

**CITY OF WHITE BEAR LAKE, MINNESOTA
FIRE SERVICES AGREEMENT**

This Fire Services Agreement (“**Agreement**”) is made and entered into by and between the City of White Bear Lake, a Minnesota municipal corporation located at 4701 Highway 61 White Bear Lake, MN 55110 (“**White Bear Lake**”), and City of Birchwood Village, a Minnesota public corporation located at 207 Birchwood Avenue, Birchwood Village, MN 55110 (“**Contracting Jurisdiction**”). White Bear Lake and Contracting Jurisdiction may hereinafter be referred to individually as a “party” or collectively as the “parties.”

RECITALS

- A. White Bear Lake has a fire department (“**Fire Department**”) and is willing to offer fire services to Contracting Jurisdiction in accordance with the terms and conditions of this Agreement.
- B. Contracting Jurisdiction does not have its own fire department and desires to contract with White Bear Lake to receive fire services.

AGREEMENT

In consideration of the mutual promises and agreements hereinafter set forth the parties do hereby agree as follows:

1. **Fire Services.** White Bear Lake agrees to provide, and Contracting Jurisdiction agrees to purchase, fire services (“**Fire Services**”) from White Bear Lake through its Fire Department. The Fire Services provided by White Bear Lake under this Agreement are of the type provided by its Fire Department within its own jurisdiction and include, but are not limited to, fire fighting, rescue services, fire prevention, fire investigation, and emergency medical services. Upon request of Contracting Jurisdiction, the Fire Services provided by White Bear Lake will include fire inspection services for an additional charge.
 - (a) Allocation of Resources. The parties understand the Fire Department’s officer in charge of the particular scene shall exercise judgment to determine, in consideration of all the established policies, guidelines, procedures, and practices, how best to allocate the available resources of the Fire Department under the circumstances of a given situation. Failure to provide Fire Services because of poor weather conditions or other conditions beyond the control of White Bear Lake shall not be deemed a breach of this Agreement.
 - (b) No Guarantee. The parties understand and agree White Bear Lake will endeavor to reasonably provide Fire Services under the given circumstances, but White Bear Lake makes no guarantees that the Fire Services it actually provides in a given situation will meet any particular criteria or standard. White Bear Lake and its officers and employees shall not be liable to Contracting Jurisdiction or any other person for failure to furnish Fire Services under this Agreement or for recalling Fire Services.
2. **Payment.** Contracting Jurisdiction agrees to annually pay White Bear Lake the amount as determined in accordance with this section (“**Payment Amount**”). If White Bear Lake

provides fire inspection services as part of the Fire Services, the Payment Amount will include an additional amount for those services as indicated in this section.

(a) Fire Services Formula. The Payment Amount shall be determined by White Bear Lake using the following factors:

- (1) Projected annual cost of Fire Services as budgeted by White Bear Lake.
- (2) Cost of Fire Department buildings depreciated (straight line) over the asset's useful life.
- (3) Cost of Fire Department vehicles depreciated (straight line) over the asset's useful life.
- (4) Cost of Fire Department equipment depreciated (straight line) over the asset's useful life.
- (5) Cost of dispatch service for Fire Services calls.
- (6) Surcharge for administrative costs five (5%) percent.
- (7) An adjustment (debit or credit) for the prior year's actual charges.
- (8) 35% of total contract costs are allocated based on Contracting Jurisdiction's percentage of tax capacity valuation out of the total area served by Fire Services of White Bear Lake (Dellwood, Birchwood Village, Gem Lake, White Bear Township and White Bear Lake).
- (9) 65% of total contract costs are allocated based on the Contracting Jurisdiction's percentage of population out of the total area served by Fire Services from White Bear Lake.

(b) Fire Inspection Services. If White Bear Lake provides fire inspection services to Contracting Jurisdiction, the additional amount charged as part of the annual Payment Amount shall be determined using the following factors:

- (1) Projected annual cost of the Fire Inspector position as budgeted by White Bear Lake.
- (2) Contracting Jurisdiction's percentage of commercial businesses out of the total area served by fire inspection services from White Bear Lake.

(c) Annual Update. White Bear Lake will give to Contracting Jurisdiction, on or before September 1st of each year, the costs budgeted for the following year and the most recent figures for tax capacity valuation and population.

(d) Invoice. Before the end of each year during the term of this Agreement, White Bear Lake will provide Contracting Jurisdiction an invoice for the Payment Amount for the upcoming year. The invoice shall contain the details used to calculate the Payment Amount.

(e) Payment. Contracting Jurisdiction shall pay the Payment Amount as invoiced to White Bear Lake in four equal installments on or before the first day of January, April, July, and October of each year.

3. **Term**. This Agreement shall be effective on January 1, 2023 and shall have in initial term of five years. This Agreement shall automatically renew effective January 1, 2028 and each year thereafter, unless terminated as provided herein.

4. **Emergency Service Charge.** Contracting Jurisdiction, in its sole discretion, may exercise its authority to impose and collect an emergency service charge on those receiving emergency services, including Fire Services, within Contracting Jurisdiction. White Bear Lake shall have no right to, or interest in, any service fees collected by Contracting Jurisdiction. If Contracting Jurisdiction imposes an emergency service charge it shall provide White Bear Lake a list of the specific types of information it determines it needs collected in order to successfully impose and collect the charge. White Bear Lake shall make a good faith effort to collect the requested information for each service call to the Service Territory and promptly provide Contracting Jurisdiction with the information it collected. The parties understand and agree the information White Bear Lake may turn over to others is limited by federal and state laws.
5. **Service Territory.** White Bear Lake shall provide Fire Services as indicated in this Agreement within the jurisdictional boundaries of Contracting Jurisdiction. That area shall constitute Contracting Jurisdiction's Service Territory for the purposes of this Agreement:
6. **Ownership.** White Bear Lake owns the buildings and equipment associated with the Fire Department and the amounts paid by Contracting Jurisdiction do not give rise to any ownership interest in, or responsibility toward, those items or the Fire Department.
7. **White Bear Lake's Responsibilities.** In addition to any other obligations described herein, White Bear Lake shall:
 - (a) Authorize and direct its Fire Department to provide the Fire Services described herein, including fire inspection services if requested, within Contracting Jurisdiction's Service Territory;
 - (b) Develop a detailed annual operational budget for each year during the term of this Agreement and present it to Contracting Jurisdiction along with sufficient information to explain the items included in the budget figures;
 - (c) Upon Contracting Jurisdiction's request, provide Contracting Jurisdiction access to financial and cost data related to the Fire Department for five years prior to the current service year;
 - (d) Disclose to Contracting Jurisdiction any proposed action White Bear Lake or its Fire Department intends to take that can reasonably be expected to affect the Insurance Services Office Fire Protection Grade in the Service Territory or White Bear Lake's ability to provide the Fire Services; and
 - (e) Promptly disclose to Contracting Jurisdiction any information White Bear Lake can reasonably anticipate will directly affect its ability to perform its obligations under this Agreement.

8. **Contracting Jurisdiction's Responsibilities.** In addition to any other obligations described herein, Contracting Jurisdiction shall:
- (a) Promptly pay White Bear Lake the Payment Amount as indicated above for the year of service;
 - (b) Levy a sufficient amount to pay the Payment Amount each year; and
 - (c) Promptly disclose to White Bear Lake any information Contracting Jurisdiction can reasonably anticipate will directly affect its ability to perform its obligations under this Agreement.
9. **Limitations on Responsibility.** It is understood and agreed Contracting Jurisdiction shall have no responsibility whatsoever toward White Bear Lake's firefighters or other emergency personnel including any employment related issues such as training, supervision, performance reviews, discipline, compensation, benefits, insurance coverages, compliance with any employment related federal, state, and local laws and rules such as OSHA, ERISA, RLSA, FMLA, or any other employment related issues. It is further agreed Contracting Jurisdiction has no responsibility, beyond paying the agreed upon Payment Amount, for acquiring, operating, maintaining, housing, or replacing equipment as needed to provide the Fire Services described herein.
10. **Insurance Requirements.** White Bear Lake shall maintain general liability insurance for its Fire Services and shall include Contracting Jurisdiction as an additional insured for the term of this Agreement. White Bear Lake shall maintain insurance equal to or greater than the maximum liability applicable to municipalities as set forth in Minnesota Statutes, Section 466.04, subdivision 1, as amended. The parties agree the general liability, inland marine, automobile, property, and workers' compensation coverages obtained through the League of Minnesota Cities Insurance Trust constitutes sufficient insurance coverages under this Agreement.
11. **Indemnification.** White Bear Lake agrees to defend and indemnify Contracting Jurisdiction against any claims brought or actions filed against Contracting Jurisdiction or any officer, employee, or volunteer of Contracting Jurisdiction for injury to, death of, or damage to the property of any third person or persons, arising from White Bear Lake's performance of Fire Services under this Agreement. Under no circumstances, however, shall White Bear Lake be required to pay on behalf of itself and Contracting Jurisdiction, any amounts in excess of the limits on liability established in Minnesota Statutes, Chapter 466 applicable to any one party. The limits of liability for Contracting Jurisdiction and White Bear Lake may not be added together to determine the maximum amount of liability for White Bear Lake. The intent of this section is to impose on White Bear Lake a limited duty to defend and indemnify Contracting Jurisdiction for claims arising out of the performance of this Agreement subject to the limits of liability under Minnesota Statutes, Chapter 466. The purpose of creating this duty to defend and indemnify is to simplify the defense of claims by eliminating conflicts between the parties and to permit liability claims against both parties from a single occurrence to be defended by a single attorney.

12. **No Waiver.** Nothing herein shall be construed to waive or limit any immunity from, or limitation on, liability available to either party, whether set forth in Minnesota Statutes, Chapter 466 or otherwise.
13. **Modification.** This writing, including the recitals, which are incorporated herein, contains the entire agreement between the parties and no alterations, variations, modifications, or waivers of the provisions of this agreement are valid unless reduced to writing and signed by both parties.
14. **Subcontracting & Assignment.** White Bear Lake shall not subcontract or assign any portion of this Agreement to another without prior written permission from Contracting Jurisdiction. Services provided to Contracting Jurisdiction pursuant to a mutual aid agreement White Bear Lake has, or may enter into, with another entity does not constitute a subcontract or assignment requiring prior approval of Contracting Jurisdiction so long as White Bear Lake remains primarily responsible for providing Fire Services to Contracting Jurisdiction's Service Territory.
15. **Termination.** This Agreement may be terminated at any time by mutual agreement of the parties. Either party may terminate this Agreement for any reason by personally serving a two-year written notice of termination on the other party. This Agreement shall terminate at the end of the day on December 31st in the year in which the two-year notice period ends (e.g., if the 24 month notice period ends in July, the termination is effective December 31st in the same year). The party serving the notice may withdraw it in writing before the termination is effective. If Contracting Jurisdiction fails to timely pay for the Fire Services according to the schedule established herein, White Bear Lake may terminate this Agreement if Contracting Jurisdiction fails to pay all outstanding amounts within 120 days of written notice and default by White Bear Lake. If Contracting Jurisdiction fails to fully cure its breach before the end of the 120 day notice period, White Bear Lake may immediately terminate this Agreement by providing a written notice of termination to Contracting Jurisdiction. Notice to White Bear Lake shall be served on the City Manager. Notice to Contracting Jurisdiction shall be served on its City Clerk.
16. **Service Contract.** This is a service contract. The parties do not intend to undertake or create, and nothing herein shall be construed as creating, a joint powers agreement, joint venture, or joint enterprise between the parties.
17. **Minnesota Law Governs.** This Agreement shall be governed by and construed in accordance with the internal laws of the State of Minnesota. All proceedings related to this Agreement shall be venued in the State of Minnesota and Ramsey County.
18. **Severability.** The provisions of this Agreement shall be deemed severable. If any part of this Agreement is rendered void, invalid, or otherwise unenforceable, such rendering shall not affect the validity and enforceability of the remainder of this Agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement effective as of the effective date indicated above.

THE CITY OF WHITE BEAR LAKE

CONTRACTING JURISDICTION

By: [Signature]

Its: Mayor

Date: 11-15-22

By: [Signature]

Its: City Manager

Date: 11-15-22

Birchwood village

By: [Signature]

Its: Mayor

Date: Dec 9, 2022

By: [Signature]

Its: City Manager

Date: Nov 29, 2022

MINUTES
CLOSED COUNCIL MEETING
CITY OF BIRCHWOOD VILLAGE
November 30, 2023
6:45pm

CALL TO ORDER:

Mayor Ford calls the meeting to order at 6:45 PM.

MEMBERS PRESENT: Mayor Margaret Ford, Councilmembers: Mark Foster, Justin McCarthy, Ryan Hankins, Kathy Weier

STAFF PRESENT: City Administrator Rebecca Kellen, Treasurer Mary Cahill

OTHERS PRESENT: City Attorney Alan Kantrud, LMC (League of Minnesota Cities) Attorney Paul Merwin

Mayor Ford moved to hold a closed session of the Birchwood City Council under MN STAT. 13D.05 Subd. 3(b) which permits a meeting to be closed to the public when an attorney-client privileged matter is discussed. The purpose of the meeting was to receive advice from Attorney Paul Merwin regarding active litigation in the Nicklaus v. City of Birchwood case.

Mayor Ford made a motion to close the closed session of the meeting. Council member McCarthy seconded the motion to close the closed session of the meeting. All present approved.

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

**MINUTES OF THE CITY COUNCIL MEETING
NOVEMBER 30, 2023, 7:00 P.M.**

MEMBERS:

Margaret Ford	Mayor
Mark Foster	Councilmember
Ryan Hankins	Councilmember
Justin McCarthy	Councilmember
Katherine Weier	Councilmember

PLANNING COMMISSION:

Andy Sorenson	Commissioner
Michelle Maiers-Atakpu	Commissioner
Michael Kraemer	Commissioner
Michael McKenzie	Commissioner
Joe Evans	Commissioner

STAFF:

Rebecca Kellen	City Administrator
Mary Cahill	Treasurer
Therese Bellinger	Deputy Clerk
Jack Kraemer	Building Official
Ben Wikstrom	Consulting Planner
Marcus Johnson	Consulting Engineer

Minutes prepared by Angela Fracassi of Minutes Solutions from a video recording.

1. **APPROVE HIRING OF THE TREASURER (0:00:01)**

On a motion by Councilmember McCarthy, seconded by Councilmember Foster, it was resolved to approve resolution 2023-48, with the amendment that the Treasurer would work up to 20 hours per month. All in favor; motion carried.

Mayor Ford explained that Council has agreed to hire a new Treasurer to replace Mary Cahill. Several candidates were interviewed, and Council has decided to offer the position to Kathleen Hanson. Council discussed the hours and salary for the position. Ms. Cahill clarified that to start, the job would likely require 10 to 20 hours per month. Council thanked Ms. Cahill for her years of service.

2. **JOINT MEETING WITH CITY COUNCIL AND THE PLANNING COMMISSION (0:06:29)**

Mayor Ford explained that the purpose of the joint meeting was to discuss ways to improve processes for City staff and operations.

- a. **Permit Applications (0:7:00):** Ms. Bellinger provided an overview of how the new online permit application software operates. The software first forwards the application to Mr. Kraemer, who then attaches fees and recommends whether Engineering or the City Planner need to be involved. The application is also reviewed by Ms. Kellen prior to being returned to the applicant. Council suggested that these steps and procedures be written down and reviewed by Council, Planning Commission, and Staff. It was noted that permit applications are mainly being submitted online; however, paper applications are occasionally received. Variance applications are still being submitted on paper for the time being.
- b. **Construction and Permit Follow Up, Enforcement, Closeout, and Related Issues (0:22:51):** Mr. Kraemer explained the erosion control process. He also explained that in his inspections, he may check the setbacks and survey stakes. The Planning Commission inquired about landscaping plans that may be on a slope, where the Commission is unsure whether a retaining wall is required. Mr. Kraemer explained that he is sometimes made aware of these, but likely not in every case. He requested that he receive a copy of every variance that he can bring them with him in the field when performing his inspections. City Engineer Mr. Johnson stated that he is typically included in the process when impervious surfaces are involved in the application. The Council, Planning Commission, and staff agreed that the procedures should be explicitly written and reviewed.
- c. **Administration of Variance and CUP Application Processes (0:31:00):** Mr. Kraemer explained that the number and type of inspections depend on the type of job. When a project is completed, Ms. Bellinger receives a copy of the permit with copies of the inspections. Mr.

Wegstrom requested that an alert or notification be sent to him each time a new permit application is filed.

Mr. Johnson then reviewed the process for reviewing impervious surfaces. He explained that his goal when inspecting impervious surfaces is to ensure that the applicant has built according to the specifications on the application. Ms. Cahill noted that in the past, many applicants were confused about timelines and deadlines for submitting materials, and advised that the updated procedures include timelines and deadlines for applicants. It was also noted that notifications to abutters must be distributed within 60 days of the application, along with a newspaper notice. There was some discussion about whether the City Planner should speak to City Council or the Planning Commission rather than the applicant. Mr. Wegstrom responded that he can be available to speak either in person or virtually to contentious applications after his report has been completed.

- d. **Periodic City Code Review Processes and Related Issues (0:50:32):** It was noted that the City had no policy to review code on a regular basis; however, a considerable amount of code had been recently reviewed as a result of feedback from the Commission and the public. City Council welcomed feedback and suggestions from the Planning Commission and City Staff with proposed code changes. Council discussed ways to increase public engagement regarding proposed code changes, such as more email communication and distributing ordinances, and noted the challenges in engaging the public. It was recommended that code be reviewed on a five-year cycle, planned in advance.
- e. **City Policy and Enforcement Protocol Related to Meeting Packets, Agendas, Public Notifications, Supporting Document Submissions (1:02:33):** Ms. Kellen stated that she aims to complete meeting packets on the Thursday prior to the meeting; however, she sometimes receives materials late and must update the package after the deadline. The Planning Commission noted that there have been instances when the agenda is changed and a variance removed but the Applicant was unaware of the change, and inquired whether there is a process for notifying the public of agenda changes. Ms. Kellen explained that the only way to be aware of the change is to check the publicly-posted agenda on the website. Council suggested that abutters could be notified by email if a variance is removed from a meeting agenda.

3. **MEETING CLOSE (1:12:00)**

On a motion duly made by Councilmember McCarthy, seconded by Councilmember Wier it was agreed that there was no further business of the Council to transact. The meeting was closed.

DISCLAIMER

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

Mayor Margaret Ford

City Administrator Becky Kellen

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

**MINUTES OF THE CITY COUNCIL MEETING
DECEMBER 12, 2023, 6:45 P.M.**

MEMBERS:

Margaret Ford	Mayor
Mark Foster	Councilmember
Ryan Hankins	Councilmember
Justin McCarthy	Councilmember
Katherine Weier	Councilmember

STAFF:

Rebecca Kellen	City Administrator
Alan Kantrud	City Attorney

Minutes prepared by Angela Fracassi of Minutes Solutions from a video recording.

1. CALL TO ORDER

Mayor Ford called the meeting to order at 6:45 p.m.

2. PLEDGE OF ALLEGIANCE

3. APPROVAL OF AGENDA (0:00:42)

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

The following changes were made to the agenda:

- Add the appointment of a road safety task force.
- Add discussion of winter road care services.
- Remove discussion of Permitting Fee Reconciliation.

4. OPEN PUBLIC FORUM (0:02:15)

Barton Winter, 15 Oaks Lane, commented that the Parks Committee had requested water costs to flood the rink, and the possible installation of a water meter. He also added his dissatisfaction with the new rink manager and requested access to the equipment shed to ensure ice quality.

On a motion by Councilmember McCarthy, seconded by Councilmember Foster, it was resolved to close the public forum. All in favor. Motion carried.

5. ANNOUNCEMENTS (7:14)

- a. Ice Rink Opening:** The opening date is to be determined, and an announcement will be made on the website.

- b. **Planning Commission:** Planning Commission applications are open. Interested applicants may send a letter of interest to the city clerk by January 3, 2024.
- c. **Lake Links Task Force:** The task force is looking for volunteers. Interested applicants may contact the city clerk.

6. **CONSENT AGENDA (8:14)**

On a motion made by Councilmember Weier, seconded by Councilmember McCarthy, it was resolved to approve the consent agenda items B to F, as presented. All in favor. Motion carried.

a. **Treasurer’s Report (0:08:30):**

On a motion made by Councilmember McCarthy, seconded by Councilmember Hankins, it was resolved to approve the Treasurer’s Report for the period ending December 5, 2023. All in favor. Motion carried.

Mayor Ford commented that over \$200,000 was received after the last Treasurer’s Report was completed, and this amount would be added to the general fund on the Treasurer’s Report for January of 2024, making the general fund balance approximately \$924,300.

7. **CITY BUSINESS (10:13)**

a. **Truth in Taxation/Adoption of Final Levy and Budget (0:10:15):**

- i. **Public Hearing:** Mayor Ford opened the public hearing for comment from the public.

Dick Galina, 217 Wildwood Avenue, noted that his taxes increased by 40%, despite the City’s budget increase of 33%. He inquired about the City’s share of the lift station project, and asked for more detail regarding the road improvement plan.

Councilmember McCarthy responded that the City was still in the process of tendering bids for the lift station project; however, the City was able to secure significant funds from various levels of the government. He added that the tax increase will likely be reduced on the final budget. He also had a document from the City’s engineers that shows which roads need to be repaired. Depending on the type of repair chosen, the cost would be approximately \$850,000; however, repaving all of the affected roads would cost \$11 million, which is outside of the City’s budget. He offered Mr. Galina access to the document. Other increases were due to increased snow removal allocation and increases in the police budget.

Dick Galina inquired about the increase in “General Government” and “Professional Services.” **Councilmember Weier and Mayor Ford** responded that a new part-time employee was added, and the new Treasurer needed to be paid the market rate. The various improvement projects require additional engineering fees; however, it was likely that the engineering fee numbers would decrease in the final budget.

Larry Mahoney, 479 Lake Avenue, noted that administration, engineering services, police, and pothole repairs comprise over 90% of the proposed budget increase.

City Council responded that the administrative staff is required to maintain the level of services, and that other costs would be reduced in the final draft, now that more information regarding costs was available to City Council.

Susie Mahoney, 479 Mahoney Avenue, inquired about the contribution to the capital fund, and the balance of the capital fund. She noted a decrease in fees for utility hookups, and made a complaint regarding snow removal.

City Council responded that the capital fund contribution was \$30,000 for 2025. The previous utility hookup fees were out of the line with neighboring cities. In addition, the City was not legally permitted to make a profit on permitting fees, and therefore the fees had to be reduced. It was noted that discussion of snow removal was on the agenda for this meeting. The capital fund balance was approximately \$75,000, which can be seen in the Treasurer's Report.

John Burke, 171 Wildwood Avenue, noted his surprise at the increase in his tax bill and the City budget. He encouraged Council to rework the budget to lower the tax increase for residents.

Don Hankins, 165 Wildwood Avenue, noted that he was concerned by the increase in staff expenses.

Mayor Ford responded that the previous Treasurer was basically a volunteer, and the new staff member needs to be paid the market rate. In addition, existing staff need a cost of living salary increase.

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

ii. Review of 2024 Levy and Budget (50:15): Council approved the following budget changes:

- Audit expenses were decreased to by \$2,000.
- Engineer Service expenses were decreased by \$18,000.
- Police expenses were decreased by \$4,843.
- Pothole Repair expenses were decreased by \$50,000.
- Village Hall Restoration Window Repair: this item was removed from the budget, resulting in a decrease of \$3,000.
- Minute Taking Expenses: payments to Minutes Solutions were eliminated, resulting in a decrease of \$4,180.
- NYFS expenses were increased by \$95 to \$2,095.
- Recycling expenses were decreased by \$1,500 due to anticipated grant funding.

As a result of the above changes, the budget increase was approximately 16% from 2023.

iii. Resolution 2023-50, Final Budget Adoption (1:21:25):

On a motion made by Councilmember Hankins, seconded by Councilmember McCarthy, it was resolved to approve resolution 2023-50, Final Budget Adoption. All in favor. Motion carried.

iv. Resolution 2023-51, Final Levy Adoption (1:22:23):

On a motion made by Councilmember McCarthy, seconded by Councilmember Foster, it was resolved to approve resolution 2023-51, Final Levy Adoption, as amended, at \$573,534.59. All in favor. Motion carried.

- b. Resolution 2023-52, Certification of Delinquent Utility Accounts to the County (1:29:19):**
- i. Public Hearing:** Mayor Ford opened the public hearing. There were no comments from the public, and the hearing was then closed.
 - ii. Council Deliberation and Approval:**
On a motion made by Councilmember McCarthy, seconded by Councilmember Weier, it was resolved to approve resolution 2023-52 Certification of Delinquent Utility Accounts to the County as presented. All in favor. Motion carried.
- c. Approve Joint Powers Agreement for South Shore Boulevard Trail Management (1:30:30):**
Attorney Kantrud explained that the City is responsible for maintaining the section of the trail that is located within the City limits. Mayor Ford explained that the City would be charged back for the maintenance. Councilmember McCarthy expressed his opposition to the agreement because it allows White Bear Township to spend without any oversight from Birchwood Village, and Birchwood Village would not be able to cancel the contract. Council was unsure about the City's obligations toward trail maintenance. It was decided to investigate this item further and continue the discussion at the next meeting.
- d. Traffic Study Results (1:36:00):**
On a motion made by Councilmember Weier, seconded by Councilmember McCarthy, it was resolved to appoint a traffic safety task force beginning January 1, 2024, and ending June 30, 2024. All in favor. Motion carried.

Mayor Ford agreed to work with the task force and have the task force draft a policy. Ms. Kellen agreed to advertise the task force to the public.
- e. Earned Sick and Safe Time (1:47:32):**
On a motion made by Councilmember McCarthy, seconded by Mayor Ford, it was resolved to amend the City's employment policies so that they are compliant with the new earned sick and safe time requirements. All in favor. Motion carried.
- f. Wildwood Lift Station Status Update (1:49:39):** Council reviewed the lift station update report. Councilmember Hankins added that he anticipated that the project would be under-budget.
- g. 232 Cedar Street Property Vacancy (1:51:35):** Councilmember Hankins reported that the property was vacant and owned by the bank. Attorney Kantrud had sent a legal letter notifying the bank that the property must be registered as vacant. Council anticipated that the property would be up for sale in the future.
- h. 310 and 312 Rental Properties (1:53:30):** Attorney Kantrud reported that he spoke to the owner and there is a potential purchaser for the property, which would result in significant changes.
- i. Snowplow Contract (1:55:24):** Mayor Ford reported that residents have complained that they are being overserved by the current contractors. Mayor Ford volunteered to liaise with the snow removal contractor with Ms. Kellen.

8. **MEETING CLOSE (2:03:19)**

On a motion duly made by Councilmember McCarthy, seconded by Councilmember Weier, it was agreed that there was no further business of the Council to transact in an open session; the meeting was closed to the public at 8:57 p.m.

DISCLAIMER

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

Mayor Margaret Ford

City Administrator Becky Kellen

Date

Date

December 5, 2023

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

Dear Ms. Kellen:

The *White Bear Press* would like to once again be your designated newspaper for 2024.

This is what our subscribers are saying, "Thanks for your publication. Keeps me in touch with local news." "Look forward every week to receive White Bear Press."

Our circulation is audited by Circulation Verification Council, an independent firm. We meet all the requirements under state statutes and our rates follow the guidelines set by the legislature.

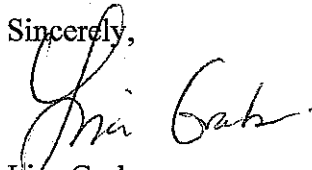
We offer submittal of legal notices by mail, fax at (651) 429-1242, or e-mail your notices to legals@presspubs.com - clearly label them as "Legal Notices."

Due to increased costs, we are asking \$21.02 per column inch, in 7-point type at 9 lines per inch.

Our deadline for legal notices is Thursday by 10:00 a.m. for the following Wednesday's publication. We will do our best to try to accommodate a notice that would be submitted after deadline if we are advised by email and a phone call by the deadline.

We look forward to the opportunity to serve you. We welcome any questions or concerns you may have.

Sincerely,



Lisa Graber
Legal Notice Coordinator

LG:mkk

RESOLUTION 2024-01

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

**A RESOLUTION DESIGNATING THE WHITE BEAR PRESS
AS THE OFFICIAL NEWSPAPER FOR PUBLICATION
FOR ALL CITY LEGAL NOTICES**

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

The White Bear Press is designated as the official newspaper for all City of Birchwood Village legal notices.

I certify that the City of Birchwood Village adopted the above Resolution on this 9th day of January, 2024.

Margaret Ford - Mayor

ATTEST:

Rebecca Kellen
City Administrator-Clerk

RESOLUTION 2024-02

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

**A RESOLUTION NAMING U. S. BANK, N.A. AND THE MINNESOTA MUNICIPAL
MONEY MARKET FUND (A/K/A “4M FUND”) AS THE OFFICIAL DEPOSITORIES
OF MUNICIPAL FUNDS**

SECTION 1. RESOLVED, that U. S. Bank, N.A. and the Minnesota Municipal Money Market Fund (a/k/a “4M Fund”) are hereby designated as depositories for the funds of the City of Birchwood Village. The City Treasurer is authorized to deposit city funds therein.

SECTION 2. RESOLVED ALSO, that before any deposits are made that exceed the amount that is guaranteed by the Federal Deposit Insurance Corporation (FDIC), the depository must supply to the City a corporate surety bond in the amount of at least 10 percent more than the amount on deposit at the depository’s cutoff hour. The bond is subject to the approval of the City Council. The surety bond must be conditioned to repay the above amount or any part thereof upon proper demand therefore and to perform such other duties in connection with the deposit as the council may require.

SECTION 3. RESOLVED FURTHER, that, in lieu of the above bond, the depository may furnish collateral in the manner and to the extent permitted by law. All such collateral must be approved by the City Council and accompanied by a written assignment providing that, upon default, the financial institution shall release to the City on demand, free of exchange or any other charges, the collateral pledged.

SECTION 4. RESOLVED FURTHER, all collateral must be placed in safekeeping in a restricted account at either a Federal Reserve Bank or in an account at a trust department of a commercial bank or other financial institution that is not owned or controlled by the financial institution that is furnishing the collateral. The selection must be approved by the City Council. In case of default upon the part of the depository, the City Council shall have full power and authority to sell such collateral or as much as may be necessary to realize the full amount due the city over such federal guarantee.

This designation is effective until subsequently rescinded by the Birchwood Village City Council.

I certify that the City of Birchwood Village adopted the above Resolution on this 9th day of January, 2024.

Margaret Ford, Mayor

Attest:

Rebecca Kellen
City Administrator-Clerk

RESOLUTION 2024-03

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

A RESOLUTION AUTHORIZING EFTs

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

WHEREAS, the City has established various relationships with vendors including but not limited to:

MN Department of Revenue
MN Labor and Industry (state surcharges)
MN Unemployment
PERA
IRS
Xcel Energy
A T & T Mobility (water tower)

and each is paid through the use of Electronic Funds Transfer (EFT) technology; and

WHEREAS, the City has a Treasurer who actively authorizes these transactions; and

WHEREAS, Minnesota Statute § 471.38 Subdivision 3 authorizes the payment of certain claims through the use of EFT and ACH debits from government accounts provided the City authorizes such activity annually and the City wishes to be compliant with this law.

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

1. In compliance with State law, Minnesota Statute § 471.38 subdivision 3a, the City's Treasurer is hereby authorized to approve EFT and ACH payments to vendors that are paid in that manner provided the following policy controls are employed:
 - a). the disbursing bank shall keep on file a certified copy of the delegation of authority;
 - b). the initiator of the electronic transfer shall be identified;
 - c). the initiator shall document the request and obtain an approval from the designated business administrator, or chief financial officer or the officer's designee, before initiating the transfer;
 - d). a written confirmation of the transaction shall be made no later than one business day after the transaction and shall be used in lieu of a check, order check or warrant required to support the transaction;
 - e). a list of all transactions made by electronic funds transfer shall be submitted to the governing body at its next regular meeting after the transaction.

2. This authorization shall be for CY 2024 and shall be renewed by the City at its annual delegation of authority meeting.

Resolution duly seconded and passed this 9th day of January, 2024.

Margaret Ford, Mayor

Attest:

Rebecca Kellen, City Administrator

RESOLUTION NO. 2024-04

IN RECOGNITION OF HER EXTRAORDINARY SERVICE AND LEADERSHIP, THE CITY OF BIRCHWOOD VILLAGE PRESENTS THIS RESOLUTION IN HONOR OF MARY CAHILL

WHEREAS, Mary Cahill, a resident of the City of Birchwood Village, was appointed to be City treasurer on 7/1/21 and so served until 2/23/23, and

WHEREAS, Ms. Cahill devoted significant time and energy to maintaining the City books and records.

WHEREAS, among here many noteworthy achievements, Ms. Cahill spent significant time and effort at reconciling our accounts. In order to achieve this, Ms. Cahill spent significant time researching old transactions in order to discover the source of balance discrepancies. In addition, Ms. Cahill worked closely with the Mayor and the City Council in rectifying these discrepancies.

WHEREAS, Ms. Cahill worked tirelessly on process improvements to improve the accounting processes of the City, such as by implementing a series of best practices.

WHEREAS, Ms. Cahill has volunteered significant unpaid time to updating City Administrative processes. She has used her wealth of professional financial experience and knowledge of city history to educate staff, Mayor and Council to put us on a transparent and efficient path forward.

WHEREAS, during her tenure, Ms. Cahill has earned the utmost respect of the Mayor, City Council, the City Administrator, and Assistant City Administrator as well as numerous other members of the City.

WHEREAS, the City has found Ms. Cahill to provide intelligent, thoughtful, and detail oriented contributions and found Ms. Cahill to be of the highest character.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Birchwood Village that the City of Birchwood Village hereby expresses its deepest appreciation for the outstanding contributions made by Ms. Cahill during her service to the City and extends its best wishes to her in her future endeavors.

NOW THEREFORE BE IT ALSO RESOLVED, by the City Council of the City of Birchwood Village that a copy of this resolution be entered into the minutes of the Birchwood Village City Council.

I certify that the City of Birchwood Village adopted the above Resolution
on this 9 day of January, 2024

ATTEST:

Margaret Ford, Mayor

Rebecca Kellen
City Administrator-Clerk



City of Birchwood Village
Petition for Variance Application

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

FOR OFFICIAL USE ONLY

Application Received Date: 11-14-23 Amount Paid: \$ 3600.00
Payment Type (Circle One): Cash / Check / Money Order / Credit Card
Check/Money Order #: 1443 #166 #167
Application Complete? Yes No If no, date application was deemed complete: _____
Signature of City Planner: _____ Date: _____

Completed requests for variances submitted prior to the first Thursday of the month will be considered by the Planning Commission at its next meeting on the fourth Thursday of the month. Requests submitted after the first Thursday of the month will be considered at the following meeting. All final decisions on variance applications are made by the City Council, which meets on the second Tuesday every month.

- Name of Applicant(s) Joe Becker / Rosebud Construction
Address 2275 McKnight Rd N #8
City North St. Paul State MN Zip Code 55109
Business Phone 651-260-2368 Home Phone _____
- Address of Property Involved if different from above: 23 Birchwood Lane,
Birchwood Village, MN 55110
- Name of Property Owner(s) if different from above and describe Applicant's interest in the property:
Greg & Vic Liengswangwong
- Specific Code Provision from which Variance is requested: Sec. 302
- Describe in narrative form what the Applicant is proposing to do that requires a variance:
Applicant is applying for home owner who would like
to have a composite deck constructed that breaches
the set back requirements set forth by authorities.

6. Type of Project:

- New Construction (empty lot)
- Addition
- Demolition
- Landscaping
- Repair or removal of nonconforming structure
- Other (describe) _____

7. Type of Structure Involved:

- Single Dwelling
- Garage
- Tennis Court
- Grading/Filling
- Other (describe) deck
- Double Dwelling
- Addition
- Pool

8. Using the criteria from the City Code for a variance (see last page), explain why a variance is justified in this situation and describe what "Practical Difficulties" exist:

The current setbacks limit the size of a deck to only 5' on the west side of the house and to only 3' on the north side of the house. 'Practical Difficulties' would consist of not being able to use the deck for normal deck use functions like eating or relaxing at a table or reclining on a chaise.

9. Describe any measures the Applicant is proposing to undertake if the variance is granted, including measures to decrease the amount of water draining from the property:

Considering the deck boards are at a minimum 1/4" apart, rain water will drain properly through proposed deck.

10. Describe any alternatives the Applicant considered (if any) that do not require a variance:

This would involve constructing a 5' wide or 3' wide deck which is impractical.

11. Can an emergency vehicle (Fire Truck or Ambulance) access all structures on the property after the proposed change? Yes No

12. Does the proposed change bring any other nonconforming use into conformity with the City Building Code? Yes No

If yes, explain: _____

13. Are there other governmental regulations that apply to the proposed action, including requirements of the Rice Creek Watershed District? Yes No

If yes, please identify the regulations AND attach evidence demonstrating compliance:

14. Please provide the applicable information in the following Table:

	EXISTING	PROPOSED	CHANGE
1. Total Square Footage of Lot	11,875.5	same	-0-
2. Maximum Impervious Surface (25% of item 1)	2,968.9	same	-0-
3. Roof Surface	2,047.7	same	-0-
4. Sidewalks	1,517.04	same	-0-
5. Driveways	948.58	same	-0-
6. Other Impervious Surface	548.2	same	-0-
7. Total of Items 3-6	5,061.6	same	-0-
8. Percent Impervious Surface	42.6	same	-0-

15. Please attach the following:

- Legal description of property.
- Plot plan drawn to scale showing existing and proposed new and changed structures on the lot. Also show existing structures on adjacent lots.

Birchwood Lot 14 Subdivision Cd 25052
 Birchwood Add

Criteria for Granting a Variance. Pursuant to Minn. Stat. Sec. 462.357, subd. 6, as it may be amended from time to time, the Planning Commission may issue recommendations to the City Council for variances from the provisions of this zoning code. A variance is a modification or variation of the provisions of this zoning code as applied to a specific piece of property.

Variances to the strict application of the provisions of the Code may be granted, however, no variance may be granted that would allow any use that is prohibited within the City. Conditions and safeguards may be imposed on the variances so granted. A variance shall not be granted unless the following criteria are met:

SUBD. 1.

- A. Variances shall only be permitted
 - i. when they are in harmony with the general purposes and intent of the ordinance and
 - ii. when the variances are consistent with the comprehensive plan.
- B. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance.

SUBD. 2. "Practical difficulties," as used in connection with the granting of a variance, means that

- i. Special conditions or circumstances exist which are peculiar to the land, structure, or building involved.
- ii. The condition which result in the need for the variance were not created by the applicant's action or design solution. The applicant shall have the burden of proof for showing that no other reasonable design solution exists.
- iii. The granting of a variance will result in no increase in the amount of water draining from the property.
- iv. Granting the variance will not impair an adequate supply of light and air to adjacent property, or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, or welfare of the residents of the City.
- v. No variance shall be granted simply because there are no objections or because those who do not object outnumber those who do.
- vi. Financial gain or loss by the applicant shall not be considered if reasonable use for the property exists under terms of the Zoning Code.

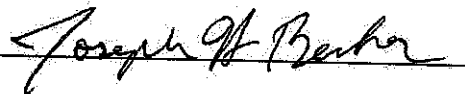
NOTICE:

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

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

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

Signature of Applicant:



Date:

11-8-23

CERTIFICATE OF SURVEY

~for~ GREG LIENGSWANGWONG
 ~of~ 23 BIRCHWOOD LANE



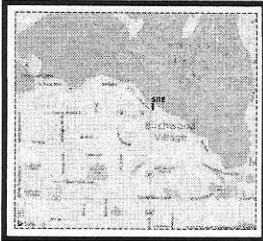
NORTH

GRAPHIC SCALE



VICINITY MAP

PART OF SEC. 19, TWP. 30, RNG. 21



WASHINGTON COUNTY, MINNESOTA
(NO SCALE)

LEGEND

- DENOTES IRON MONUMENT FOUND AS LABELED
- DENOTES GAS METER
- DENOTES POWER POLE
- ⊕ DENOTES ELECTRIC METER
- ✕ DENOTES EXISTING SPOT ELEVATION
- ⊕ DENOTES ELECTRIC METER
- DENOTES STONE RETAINING WALL
- DENOTES BLOCK RETAINING WALL
- DENOTES EXISTING CONTOURS
- DENOTES OVERHEAD WIRE
- DENOTES CONCRETE SURFACE
- DENOTES BITUMINOUS SURFACE
- DENOTES RIP RAP

NOTES

- Field survey was completed by E.G. Rud and Sons, Inc. on 7/29/15.
- Bearings shown are on Washington County datum.
- This survey was prepared without the benefit of title work. Additional easements, restrictions and/or encumbrances may exist other than those shown hereon. Survey subject to revision upon receipt of a current title commitment or an attorney's title opinion.

LEGAL DESCRIPTION

Lot 14, BIRCHWOOD, Washington County, Minnesota.

BENCHMARK

TOP NUT OF HYDRANT AT EAST COUNTY LINE ROAD AND WILLOW AVENUE.
 ELEVATION = 964.68 (NGVD 29)

IMPERVIOUS SURFACE CALCULATIONS

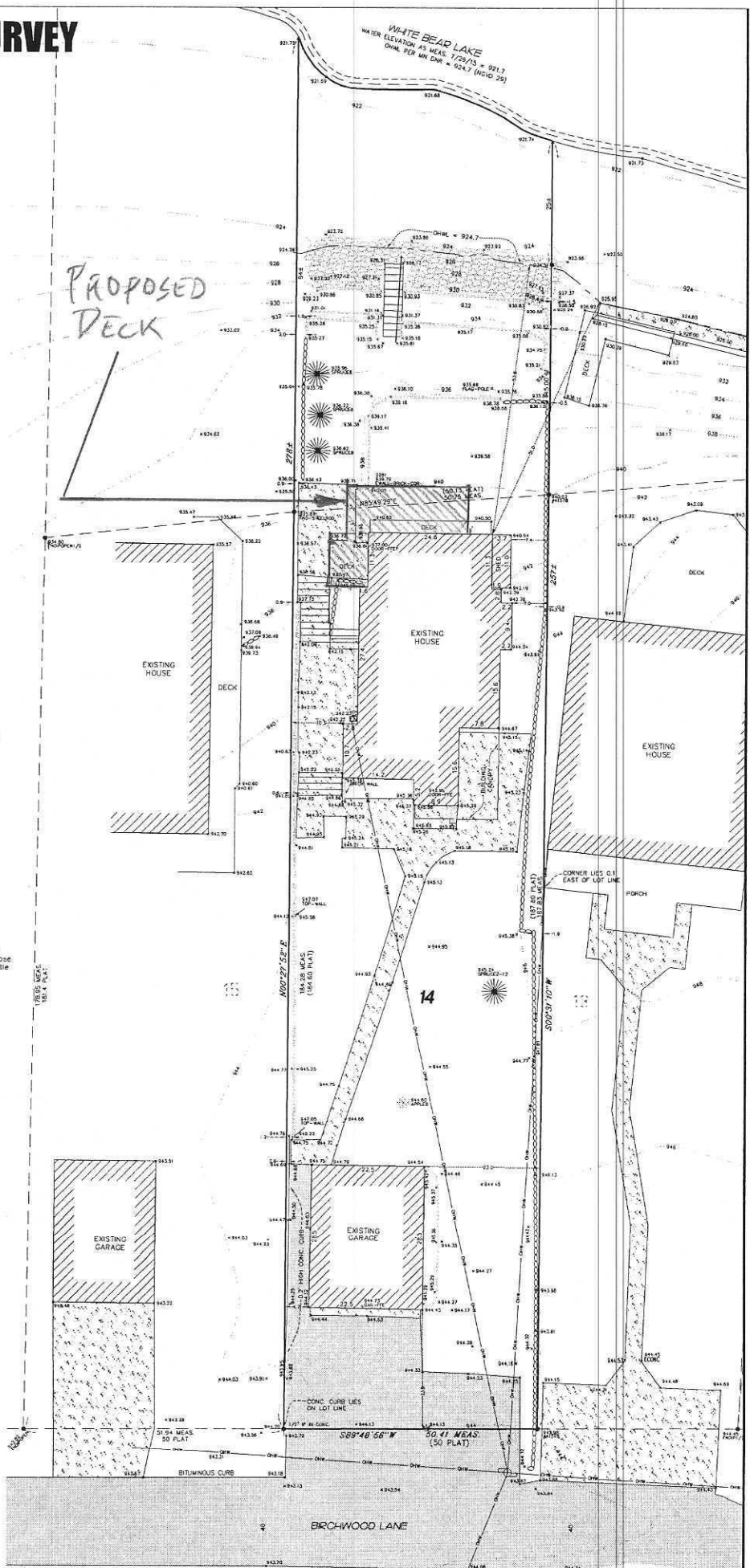
TOTAL LOT AREA (ABOVE OHWL) 11,875.50 S.F. (0.27 ACRES)

EXISTING HOUSE	1,365.40 S.F.
EXISTING GARAGE	642.03 S.F.
EXISTING SHED	40.33 S.F.
EXISTING DRIVEWAY	843.38 S.F.
EXISTING CONCRETE	1,517.04 S.F.
EXISTING STEPS	51.79 S.F.
EXISTING RETAINING WALLS	456.43 S.F.
TOTAL IMPERVIOUS SURFACE	5,061.60 S.F.
PERCENT IMPERVIOUS	42.6%

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

DATE 9/12/2012 License No. 41578

DRAWN BY: BPN	JOB NO: 1548187	DATE: 9/15/15
CHECK BY: ER	SCANNED BY:	
1	05/01/23	IMPERVIOUS CALCULATIONS
2		
3		
NO. DATE	DESCRIPTION	BY



Date: 12/29/2023 - 9:45 AM

Design ID: 338551235595

Estimated Price: \$18,221.37

**Today's estimated price. Future pricing may go up or down. Tax, labor, and delivery not included.*

MENARDS

Design & Buy™ DECK

How to recall and purchase your design at home:



OR

1. On Menards.com, enter "Design & Buy" in the search bar
2. Select the Deck Designer
3. Recall your design by entering Design ID: 338551235595
4. Follow the on-screen purchasing instructions

How to purchase your design at the store:

1. Enter Design ID: 338551235595 at the Design-It Center Kiosk in the Building Materials Department
2. Follow the on-screen purchasing instructions

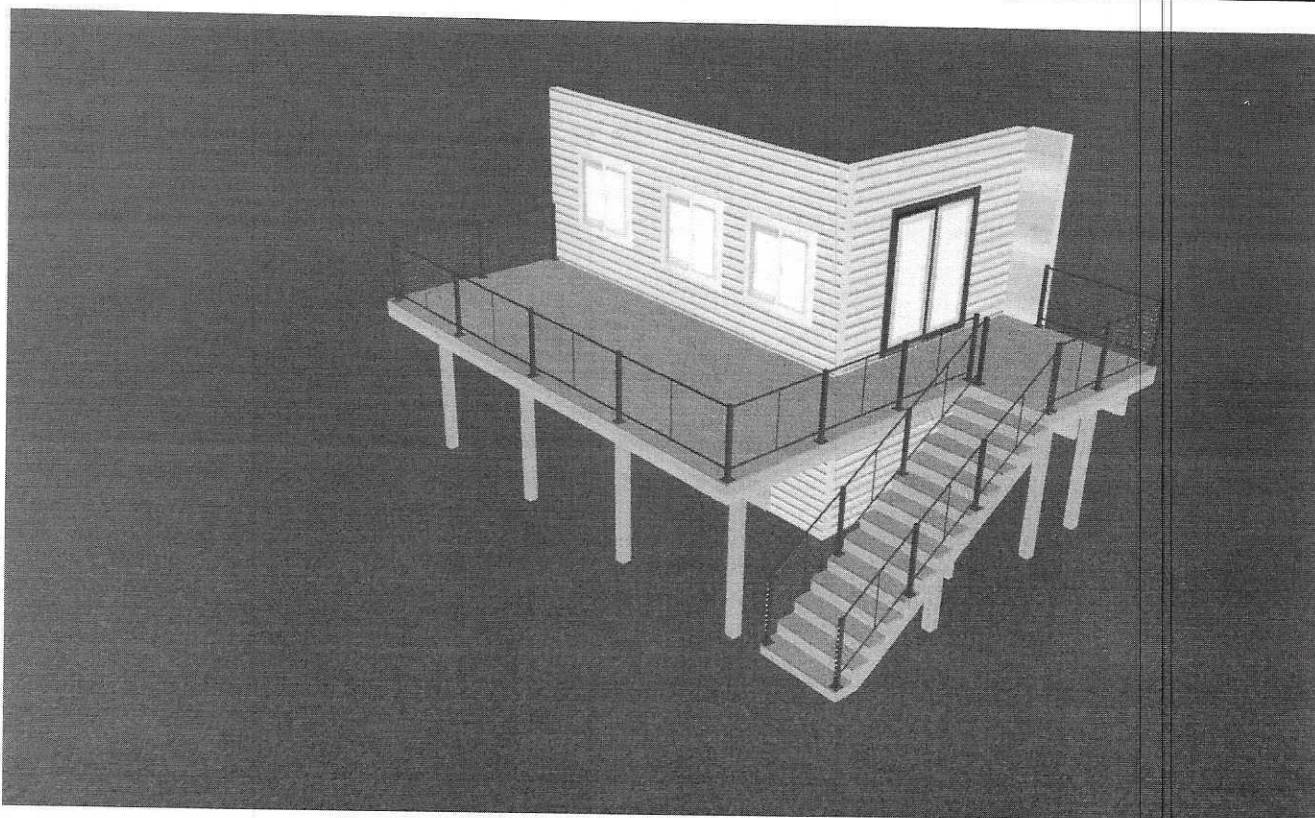


Illustration intended to show general deck size and shape. Some options may not be shown for picture clarity.

Estimated Price: \$18,221.37

**Today's estimated price. Future pricing may go up or down. Tax, labor, and delivery not included.*

Layout dimension sheets are intended as a construction aid. Not all options selected are shown.

Final design should be performed by a registered professional engineer to ensure all applicable building codes and regulations are met. This is an estimate. It is only for general price information. This is not an offer and there can be no legally binding contract between the parties based on this estimate. The prices stated herein are subject to change depending upon the market conditions. The prices stated on this estimate are not firm for any time period unless specifically written otherwise on this form. The availability of materials is subject to inventory conditions. MENARDS IS NOT RESPONSIBLE FOR ANY LOSS INCURRED BY THE GUEST WHO RELIES ON PRICES SET FORTH HEREIN OR ON THE AVAILABILITY OF ANY MATERIALS STATED HEREIN. All information on this form, other than price, has been provided by the guest. Menards is not responsible for any errors in the information on this estimate, including but not limited to quantity, dimension and quality. Please examine this estimate carefully. MENARDS MAKES NO REPRESENTATIONS, ORAL, WRITTEN OR OTHERWISE THAT THE MATERIALS LISTED ARE SUITABLE FOR ANY PURPOSE BEING CONSIDERED BY THE GUEST. BECAUSE OF THE WIDE VARIATIONS IN CODES, THERE ARE NO REPRESENTATIONS THAT THE MATERIALS LISTED HEREIN MEET YOUR CODE REQUIREMENTS.

Date: 12/29/2023 - 9:45 AM

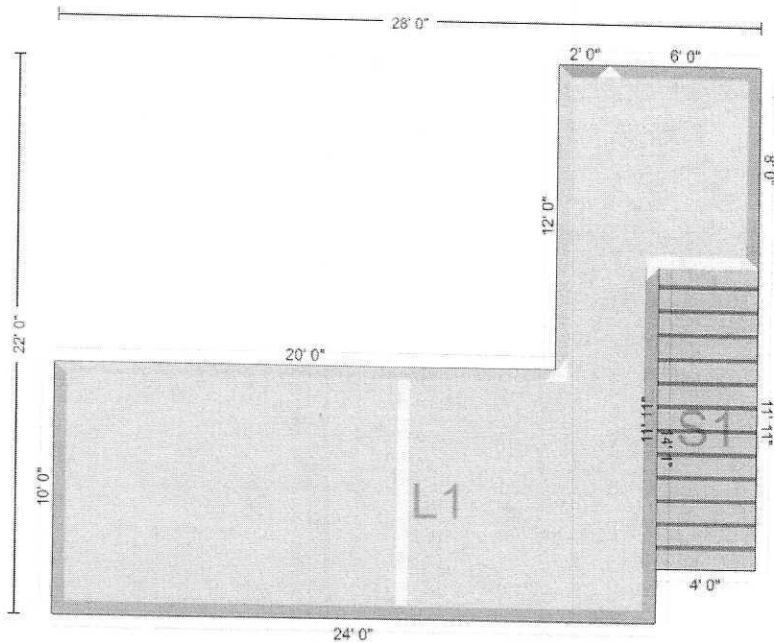
Design ID: 338551235595

Estimated Price: \$18,221.37

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MENARDS

Design & Buy™ DECK



Deck Side Color Legend

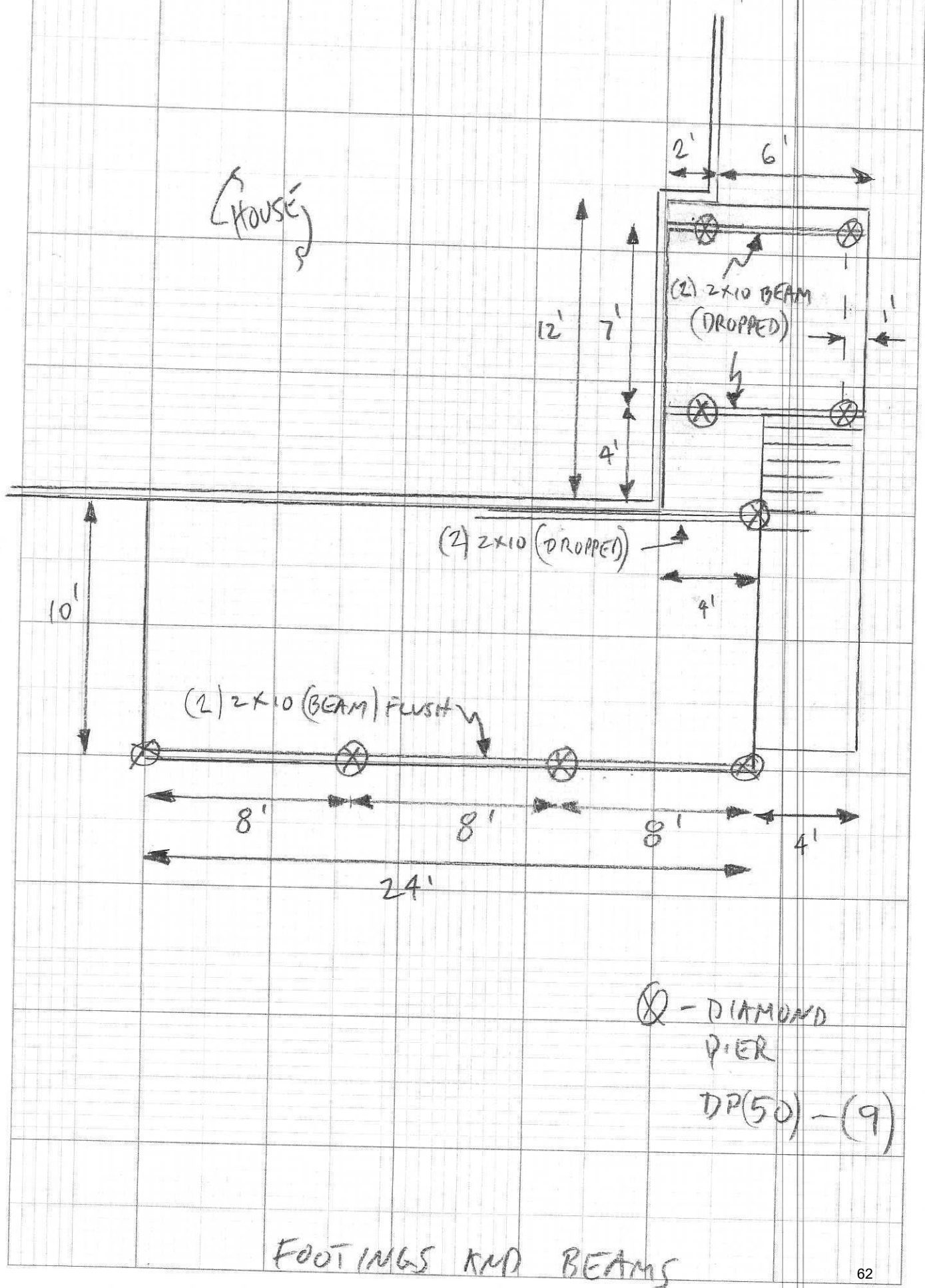
	Open Side/No Railing		Railing
	Unattached Walls		Attached Walls

Illustration intended to show general deck size and shape. Some options may not be shown for picture clarity.

Estimated Price: \$18,221.37

**Today's estimated price. Future pricing may go up or down. Tax, labor, and delivery not included.*

23 BIRCHWOOD LANE, BIRCHWOOD, MN



FOOTINGS AND BEAMS

Date: 12/29/2023 - 9:45 AM

Design ID: 338551235595

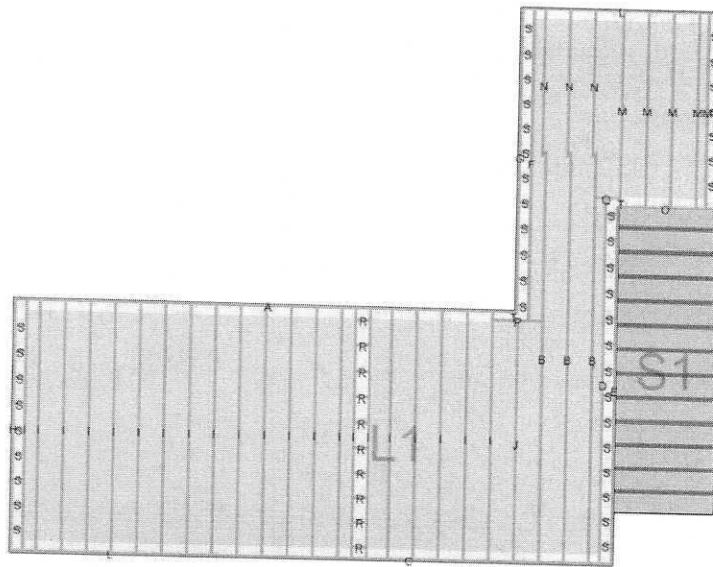
Estimated Price: \$18,221.37

**Today's estimated price. Future pricing may go up or down. Tax, labor, and delivery not included.*

MENARDS

Design & Buy™ DECK

L1 - Joists



Lumber: 2 x 10 AC2

Joist Spacing: 12" on center

Label	Length	Count	Usage
A	20' 0"	1	Ledger Joist
B	16' 2"	3	Internal Joist
C	16' 0"	1	Rim Joist
D	14' 3"	1	Picture Frame Joist
E	14' 1"	1	Rim Joist
F	12' 2"	1	Picture Frame Joist
G	12' 0"	1	Ledger Joist
H	10' 0"	1	Rim Joist
I	9' 9"	21	Internal Joist

Date: 12/29/2023 - 9:45 AM

Design ID: 338551235595

Estimated Price: \$18,221.37

*Today's estimated price. Future pricing may go up or down. Tax, labor, and delivery not included.



Design & Buy™ DECK

L1 - Railing Posts

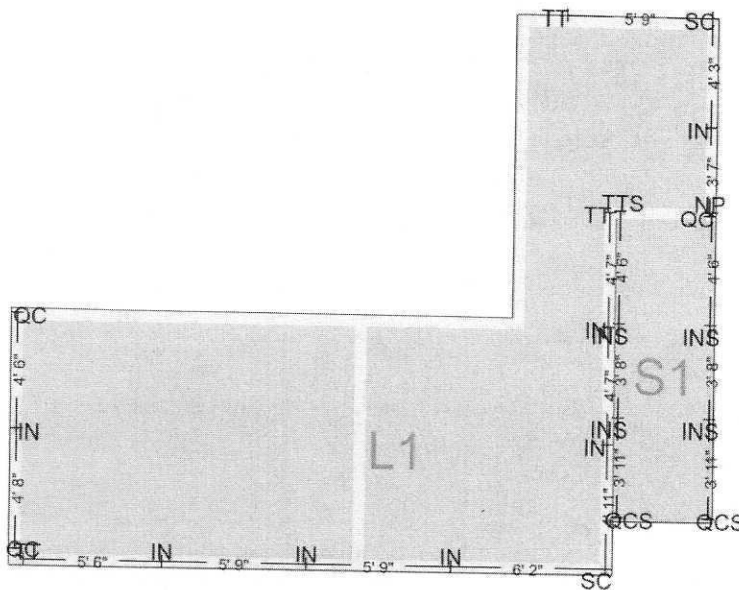


Illustration does not represent all available railing post placement options.
Railing post dimensions are on center.

L1

Label	Count
TT - Threaded Terminal	3
IN - Intermediate	7
SC - Single Corner	2
QC - Quick Connect	3
NP - Newel Pass Through	1
TTS - Threaded Terminal Stair	1

S1

Label	Count
QCS - Quick Connect Stair	2
INS - Intermediate Stair	4

Date: 12/29/2023 - 9:45 AM

Design ID: 338551235595

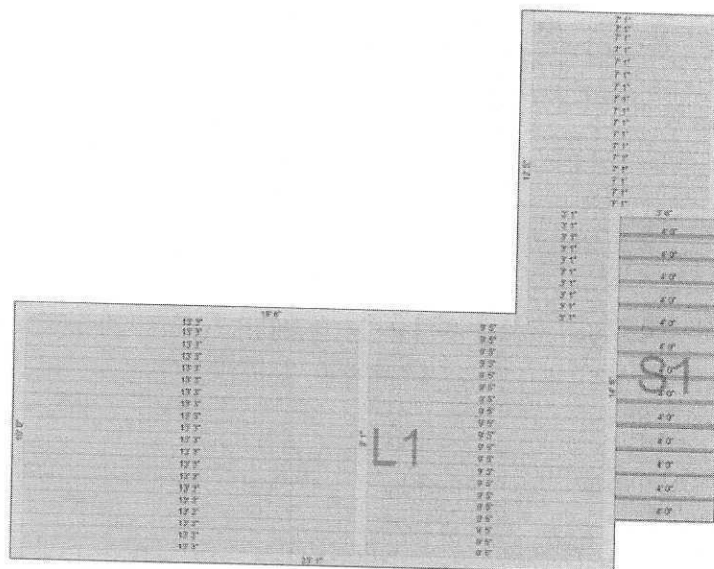
Estimated Price: \$18,221.37

**Today's estimated price. Future pricing may go up or down. Tax, labor, and delivery not included.*

MENARDS®

Design & Buy™ DECK

L1 - Deck Boards and Treads



Lengths displayed are provided as general guide. The deck board lengths and/or quantities may need to be adjusted based on framing or the deck board splice pattern you prefer. Please confirm deck board lengths estimated and quantities prior to the start of your project.

Deck Board

Length	Count	Length	Count	Length	Count	Length	Count
13' 3"	20	9' 5"	20	7' 1"	16	3' 1"	10

Pictureframe

Length	Count	Length	Count	Length	Count	Length	Count
14' 6"	1	10' 0"	1	12' 5"	1	7' 11"	1
23' 1"	1	19' 6"	1	7' 1"	1	3' 6"	1

Date: 12/29/2023 - 9:45 AM

Design ID: 338551235595

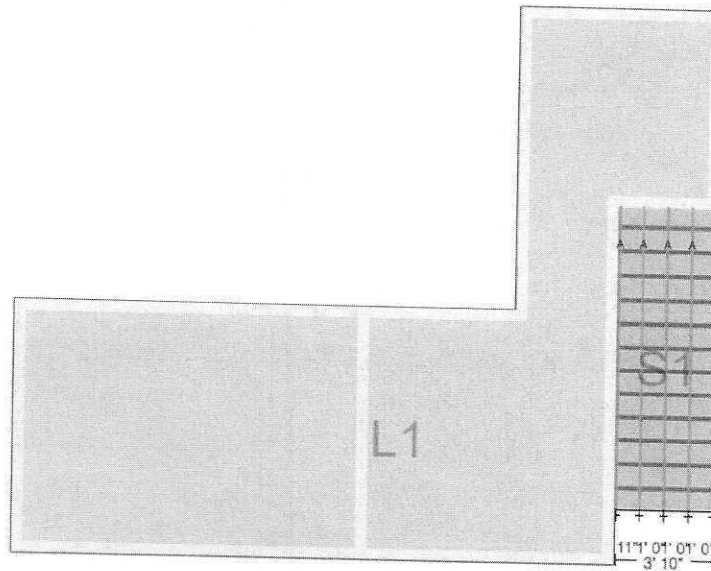
Estimated Price: \$18,221.37

**Today's estimated price. Future pricing may go up or down. Tax, labor, and delivery not included.*

MENARDS

Design & Buy™ DECK

L1 - Stair Framing



S1 - Stringer

Label	Length	Count
A	13' 4"	5

STRINGERS = 10" O.C. MAX PER TIMBERTECH

STAFF REPORT

Meeting Date(s): December 28, 2023 Planning Commission
January 9, 2024 City Council

Scope: Front and Side Yard Setback Variances
Applicant: Liengswangwong property

Representative: Joe Becker, Rosebud Construction
Property Location: 23 Birchwood Lane

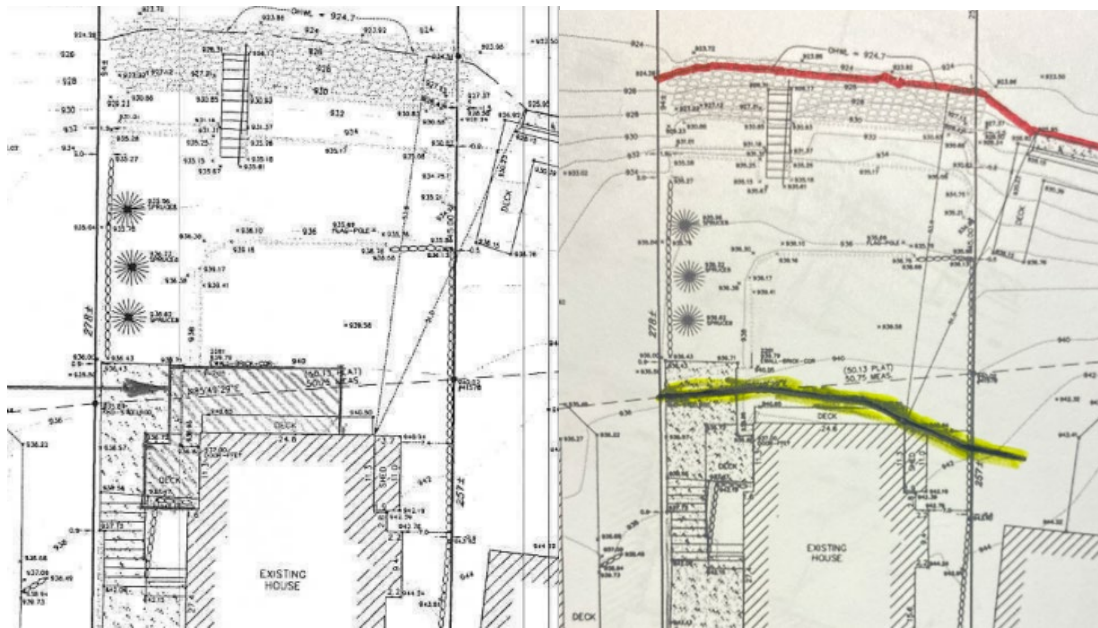
Report prepared by Ben Wikstrom, Planning Consultant

UPDATE FOR JANUARY 9, 2024 CITY COUNCIL MEETING

The Planning Commission held a public hearing and met with the applicants for a lengthy discussion on December 28, 2023. No comments were received by the City in advance of or at the meeting.

The original proposal by the applicant, as outlined and depicted in the report below, was for a main deck area of 14' deep (from the house) and 24' wide. After discussion and at the urging of the commission, the applicant revised the plans to show a 10-foot deck depth at the same width.

The discussion centered mostly on the depth of the deck and what might be an acceptable encroachment into the Ordinary High Water Line setback, which is 50' from White Bear Lake. The revised size is sketched onto the survey below, and the setback line is shown in black and highlighted (the OHWL is in red). The deck will encroach the setback by roughly 7' at the maximum, on the east edge, and 4' to 5' feet on the west edge.



There was limited discussion about the setback on the west, which it appears will be encroached by approximately 3', with the edge of the landing and the stairway to ground level to

be built 7' from the property line. Because there are in-ground stairs and some natural vegetation on that side of the house, and other areas of the house are approximately 7' from the property line, the west encroachment was not seen as a large issue. There were attempts made to lessen the width of the landing and stairs or place the stairs in another location, but with input from staff and the applicant's contractor, it was determined that the stairs are in the most practical location to allow landing and to leave space outside the existing sliding door to reach the proposed deck's main area.

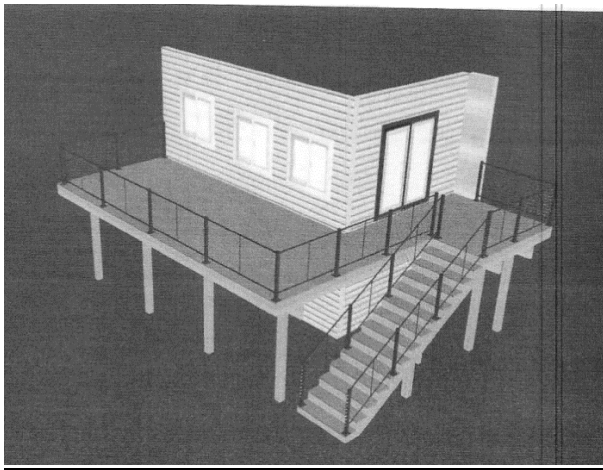
The Planning Commission voted to recommend denial of the proposed 11-foot encroachment of the OHWL setback, while the setback from the west property line was not independently voted upon. Following more discussion, a consensus was reached that the applicant should revise the plans to show a lesser encroachment of the OHWL setback, and a deck depth of 10' was recommended. In order to not reappear before the Planning Commission and to move the process forward, a vote was taken conditioned upon the applicant providing a plan set – which is attached for your review – showing a 10-foot deck depth, which, as stated earlier, is an encroachment of 7'. That vote passed by a 3-2 margin, meaning that the recommendation is for approval of a 7-foot encroachment of the OHWL setback, and for a 3-foot encroachment of the west property line setback.

Note that these measurements are approximate; the survey will need to be updated to show the proposed 10-foot deck with setbacks measured, as well as the setbacks on the west side.

The votes by the City Council should include three variances:

- 1) OHWL setback
- 2) Side setback
- 3) Expansion of a legally non-conforming structure (the existing house has substandard setbacks on the east side and is on a lot of substandard size and width, making it non-conforming).

A rendering of the proposed deck is shown below. Staff will be present at the meeting to provide an overview of the proposed project and the Planning Commission's discussion. The original staff report – written prior to the plans being resubmitted - follows in its entirety.



ATTACHMENTS

1. Application
2. Survey/site plan
3. Deck Plans

BACKGROUND

The Liengswangwong family and their builder are applying for a variance from the side and ordinary high water line setbacks to allow construction of a deck, landing, and stairway on the lake side of their home at 23 Birchwood Lane. The property can be seen in the aerial below, taken from the Washington County GIS website:



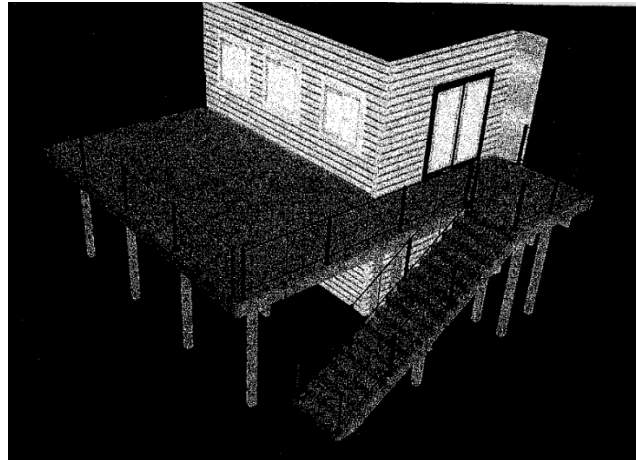
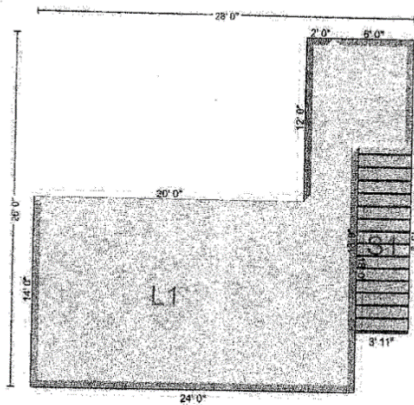
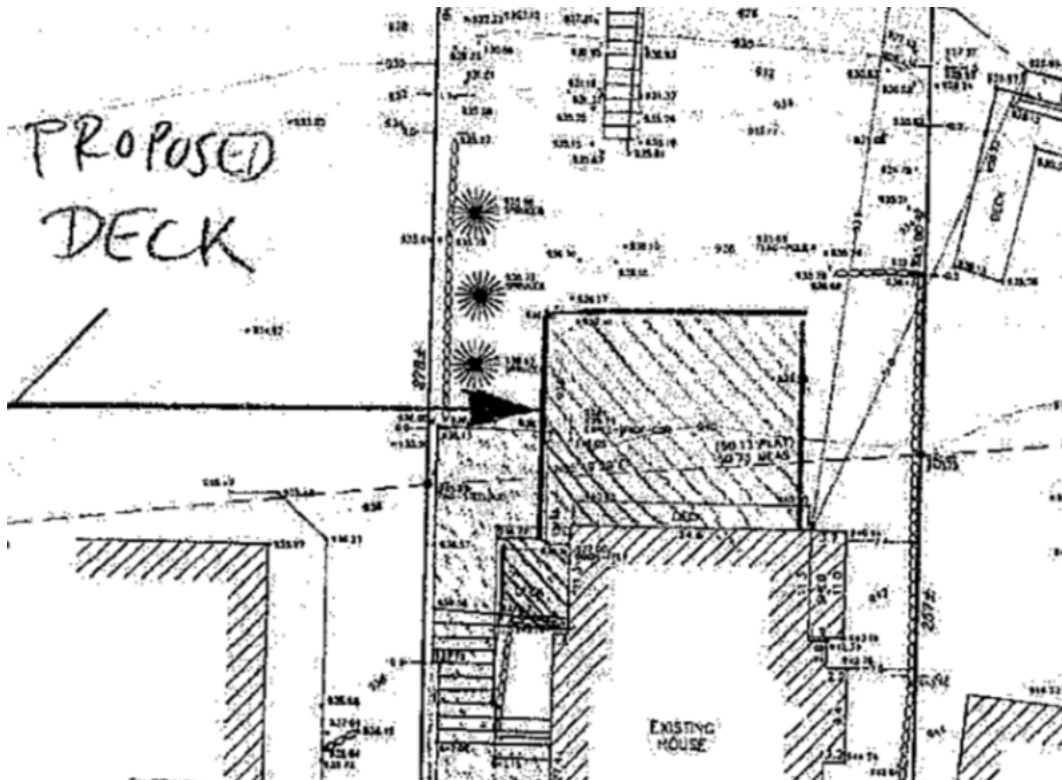
SURROUNDING USES

North: White Bear Lake
East: Single-family home
South: Birchwood Lane and single-family homes
West: Single-family home

PROPOSED CONSTRUCTION

The proposed deck has a main area of 24' in width by 14' in depth, with a landing of 8' in width and varying depth, a portion of which leads to a stairway that lands in the yard no closer to the lake than the deck. See the survey and the drawing and rendering below.

NOTE: The darkened/hatched area showing the proposed deck is drawn too large, according to the scale and described dimensions. More detail can be found in the discussion section.



APPLICANT COMMENT

From the application:

“The current setbacks limit the size of a deck to only 5’ on the west side of the house and only 3’ on the north side of the house. ‘Practical difficulties’ would consist of not being able to use the deck for normal deck use functions...”

This is not how practical difficulties are measured – as you will find below – but the applicant’s contention that a 3-foot wide deck is unreasonable is valid.

STAFF ANALYSIS

For an explanation of a variance analysis, here is an excerpt from the ordinance:

SUBD. 1.

A. Variances shall only be permitted

i. when they are in harmony with the general purposes and intent of the ordinance and

ii. when the variances are consistent with the comprehensive plan.

B. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance.

SUBD. 2. *"Practical difficulties," as used in connection with the granting of a variance, means that:*

i. Special conditions or circumstances exist which are peculiar to the land, structure, or building involved.

ii. The condition which result in the need for the variance were not created by the applicant's action or design solution. The applicant shall have the burden of proof for showing that no other reasonable design solution exists.

iii. The granting of a variance will result in no increase in the amount of water draining from the property.

iv. Granting the variance will not impair an adequate supply of light and air to adjacent property, or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, or welfare of the residents of the City.

v. No variance shall be granted simply because there are no objections or because those who do not object outnumber those who do.

vi. Financial gain or loss by the applicant shall not be considered if reasonable use for the property exists under terms of the Zoning Code.

STAFF COMMENT

Variances like those proposed are subjective based on the leanings of the Planning Commission and City Council. There are arguments to be made for both approval and denial. For instance, the findings for approval of the variances would read like the following:

1. The construction date of the house listed on the County website is 1902; the age of the house predates current ordinances and setbacks and the structure was not built by the applicant.
2. A lakeside deck is a reasonable request that requires a variance to allow a size that becomes usable space.
3. The character of the neighborhood would not be altered with approval of the variance.
4. Neighborhood property values will not be diminished with approval of the variance and construction of the deck.
5. The proposed structure will be built with decking spaced sufficiently so as not to increase impervious surface on the property.

Findings for denial would read as follows:

1. A 14' by 24' deck is not reasonably sized for a deck that requires a variance.
2. A deck in a different configuration could be constructed to lessen the variance and still be considered usable space.
3. The sightlines from the house to the west would be impacted with approval of the variance and construction of the deck.

4. The homes along Birchwood Lane in the vicinity of the subject property meet the setbacks from the OHWL of White Bear Lake, as seen in the aerial below.



DISCUSSION

There are a number of items to consider during the discussion portion of the hearing or meeting.

1. Does the Planning Commission believe that homes are entitled to a deck, and that the proposed size is reasonable? The survey showing the proposed deck appears to not be drawn to scale, and the deck would be smaller than the area drawn (it appears the darkened, main part of the deck is drawn at approximately 26' X 22', whereas the drawings of the deck show 24' X 14'). However, the deck extends 14' from the home, which encroaches the setback by as much as 11', according to the application narrative. Is there a configuration that would allow a walkway from the sliding door around the northwest corner of the home to a deck that extends 10' or 12' toward the lake, and is centered on or on the east side of the house to a width less than 24'? Often a variance is requested to a desired or maximum size, with the ultimate, approved product reduced to a size that is acceptable to the commission or council.
2. Is the stairway considered a reasonable encroachment of the west lot line setback, considering the placement between the homes at the landing and highest portion of the stairway (meaning, the stairway itself doesn't impact the sightline from the west as the stairs extend toward the lake)?
3. Considering that the properties along Birchwood Lane in the vicinity of the subject property generally meet the setback from the lake, is it a troublesome precedent to set in allowing a variance, or one to this extent?

The house on the subject property sits roughly 4' above the house to the west, and 4' below the house to the east, so lines of sight are impacted in terms of elevations. The house to the east, as can be seen in the aerial above and attached survey, is angled away from this property so the views may not be greatly affected from living area windows on that lot. The house to the

west has approximately the same building line angle and the same setback as the subject lot, so the deck is somewhat in the line of sight from the property to west when looking northeast.

NOTE: If a variance is or variances are approved by the City Council to allow construction of the deck, the resolution should include language to approve a variance that allows improvement to and expansion of a legally non-conforming structure. The lot area is substandard in size and width based on today's ordinances for riparian lots. The ordinance requires riparian lots to be 15,000 square feet in minimum area and 80' wide, while this lot is roughly 11,800 square feet in area and 50' wide. Additionally, the setback on the east side of the house, which is required by ordinance to be 10', is substandard (the survey is unreadable, but the setback scales to roughly 7').

**ORDINANCE NO. 2024-01-01
CITY OF BIRCHWOOD VILLAGE
WASHINGTON COUNTY, MINNESOTA
AN ORDINANCE AMENDING CHAPTER 701 OF THE
BIRCHWOOD CITY CODE REGARDING FEES**

Findings and Purpose:

The City of Birchwood Village has had a problem collecting certain fees from residents which negatively affects City operations and significantly increases overhead costs associated with providing services to City residents. Minnesota Statutes, S. 415.01 subdivision 2 states that, “a city has and may exercise within its limits any of the powers conferred by these chapters upon towns.” Minnesota Statutes S. 366.012 authorizes Towns to, “certify to the county auditor of the county in which the recipient of the services owns real property, on or before October 15 for each year, any unpaid service charges which shall then be collected together with property taxes levied against the property.” The City also finds that a method is needed for residents to challenge the imposition of fees or the amount of fees and a process for that is also provided.

***The City Council of The City of Birchwood Village, Minnesota ordains:
Section 701 of the Birchwood Village City Code entitled “Fees” is amended to read:***

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 or organization 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.

701.035. **Payment of Overdue Fees Required.** The City will not process, approve, or issue any building permit, variance, or conditional use permit if the applicant has not paid outstanding balances for previous permit applications, variance applications, or conditional use permit applications regardless of whether said application matured into a permit or variance or was abandoned by the applicant.

701.040. **Refunds.** Upon a request from an applicant rescinding their request for a permit or license, the City will refund one-half (1/2) 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. The permit or license shall then be voided by the City Administrator or Clerk.

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.

701.60. **Additional Fees.** The following fees shall be paid in addition to the original ~~application~~ fee, if the situation is applicable.

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

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

701.63. **Penalties Late Penalties.** Any amounts due to the City, if not paid within sixty (60) days of the mailing date of the invoice by the City, will accrue a late penalty of five percent (5%) per annum of the owed amount. Additional late penalties will accrue each additional sixty (60) days until the amounts due are paid. Payment ~~if~~ of any late fee or additional fees shall be in addition to any fines that may be imposed for violation of the City Code.

702 **Certification to Property Taxes.** Any amounts due for City provided services that are unpaid ninety (days) or more after the mailing date of the invoice by the City which are still unpaid on or before

September 1 of any given year shall be applied as a special assessment against any property owned by the person owing the fee and shall be certified the same to the County Auditor for collection in the same manner as taxes and special assessments are certified and collected in accordance with Minnesota Statutes 366.012 and 415.01.

a. Said fees shall include any late penalties already accrued.

703

Appeal to the City Council. A person or entity owing a fee for city services who disputes the charges, or the amount of the charges, may by written notice, appeal the charges or amount of the charges within 30 days of the mailing date of the invoice for such charges, or within 30 days of enactment of this ordinance for existing charges outstanding at the time of enactment of this ordinance. Such appeal will be heard by the City Council at its next regular meeting. The hearing will be noticed to the person or entity and will provide the person or entity an opportunity to be heard. The decision by the City Council will be deemed final and non-appeal-able except to a court of law of competent jurisdiction.

704

Notice on Invoices. Invoices from the City should contain a notice of the late penalties provided under this section, the certification requirements provided under this section, as well as the right to appeal under this section. The failure of the City to provide such notice shall not affect the rights of the City to collect late penalties or certify the fees to taxes of a property owner.

CITY OF BIRCHWOOD VILLAGE

FINANCIAL INTERNAL CONTROL PROCEDURES

The City of Birchwood Village sets forth financial internal control procedures in order to establish financial processes, separation of duties, ensure continuity, and define City Council oversight for City financial transactions without unduly inhibiting the ability of the City's staff to efficiently and effectively carry out its fiduciary responsibilities.

In developing the internal control procedures, the City has tried to incorporate the separation of duties basic principle that whenever possible, one individual should not handle a financial transaction from beginning to end.

The objective of the City's Financial Internal Control Procedures document is to provide guidelines for the City's staff to ensure that a system of checks and balances is in place. However, due to the part-time status of limited staff it is recognized that circumstances may present that the following processes be adjusted when the need arises. Modifications will be presented to Council or staff as a need presents:

REVENUES AND EXPENSES

1. Payments to the City are receipted, recorded, secured, and deposited in an accurate and timely manner.
2. Disbursements by the City meet the following criteria:
 1. Appropriate – The disbursement is directly related to legitimate City business.
 2. Legitimate – The disbursement is allowed or required by policy, law, contractual agreement, and/or professional standards.
 3. Reasonable – The amount being paid for a product or service is justifiable and where required has met the requirement for competitive bidding.
 4. Funded – Sufficient funding exists to pay for the disbursement.
 5. Accurately recorded – The disbursement amount is consistent with an invoice presented for payment of a service or product provided to the City and is appropriately coded in accordance with the city's budget and State Auditor guidelines.
 6. Supportable – The amount being paid, or the amount of an adjustment is consistent with supporting documentation, standard, situation, or practice.
 7. Timely payment – The date of disbursement is within statutory requirements to avoid late fees being assessed.

8. Authorized - The disbursement is statutory and/or approved by the City Council.
9. Budgeted – The disbursement purpose has been provided for in the City budget or is within the terms of an approved contract.

RECEIPTS

1. Staff will use a numbered, duplicate money receipt or accounting program to document receipt of all cash payments made to the City.
2. The receipt should indicate method of payment with a copy provided to the payee, if desired.
3. For all check payments, staff will stamp the check with the City's bank endorsement stamp indicating "For Deposit Only". An entry will be made in CTAS and shown as an accounting program entry. (Except those checks being forwarded to the City handling the utility billing process for the City of Birchwood). Utility payments made at Birchwood will be logged into an Excel spreadsheet. The spreadsheet will be sent to St. Anthony listing the resident name, address and amount of payment. The spreadsheet will be emailed to St. Anthony Village when payments are due. Checks are mailed to St. Anthony within 3 days of due date.
4. The staff will secure the receipt book along with all payments received daily. Both will be secured in the City's safe.
5. An administrative staff member and Treasurer will investigate and resolve any discrepancies between receipted and deposited amounts.
6. An administrative staff member will
 - i. Code receipts according to statutory requirements or the City's budget guidelines for entry into the City's accounting system,
 - ii. Print and save an electronic copy of the CTAS Receipts Register report for the deposit period covered by the receipts and file for Council documentation and audit review.
7. The Treasurer is to review the CTAS Receipts Register report to ensure the total receipts in the report match the total of the funds received as part of the monthly reconciliation.
8. If the totals do not match, an administrative staff member and Treasurer will investigate and resolve any discrepancies.
9. An administrative staff member or Treasurer will prepare a deposit ticket for the bank deposit, and take the deposit to the bank for processing).
10. Staff will deposit all received payments into the appropriate City bank account weekly.
11. Each month, the Treasurer will provide a copy of the CTAS Receipts Register covering-receipts for the period/month to the City Council as an element of the Treasurer's Report.

DISBURSEMENTS

1. Disbursements of City funds will be made using sequentially numbered, dual signed checks.
2. Checks for claims paid shall have printed or stamped on the reverse side (per statutory requirement), above the space for endorsement “The undersigned payee, in endorsing this check declares that the same is receive in payment of a just and correct claim against the City, and that no part of it has heretofore been paid”.
3. The City Council will authorize all disbursements of City funds, via check or electronic funds transfer (EFT) including those required by law (i.e., PERA, federal and state taxes, state surcharges, financial fees, bank charges, payroll, etc).
4. An administrative staff member will determine or verify, code, and enter validated claims as an entry into CTAS. All Vendor claims must have a written invoice detailing the expense to be paid. Personnel must complete an expense reimbursement form.
5. Each month, the Treasurer will print CTAS Claims List for Approval reports and provide it to the City Council for approval. All supporting documentation will be on file and available for review.
6. If the City Council approves the claims as presented, the date of approval will be notated on the Claims List for Approval report(s) by the Mayor or Deputy Mayor.
7. If a claim(s) is not approved by the City Council, An administrative staff member will strike through all disapproved claims on the Claims List for Approval and present the corrected report to the Mayor or Deputy Mayor for signature. In addition, the meeting minutes shall state actions directed by the City Council disapproved claim.
8. The City Administrator will give an administrative staff member a copy of the *approved* Claims List for Approval report.
9. The Treasurer will use disapproved claims noted on the approved Claims List for Approval to VOID the unapproved claims in the CTAS program. The unapproved claims must be VOIDED in both the Claims and Disbursements modules of CTAS.
10. The Treasurer will provide disbursement checks to be signed at the City Council meeting (NOTE: payroll checks disbursements will occur every other Friday and will not be signed at the council meeting.)
11. The disbursement register will provide the following information for each check or EFT:

Date of the check or EFT,

Check or EFT number

Amount of check or EFT

Description of expense(s)

Fund and Account numbers to be charged.

14. The Treasurer will provide a copy of the CTAS Disbursement Register report with the Treasurer's Report.
15. Staff and City Council should compare the Claims List for Approval report(s) against the Disbursement Register. If there appears to be an error An administrative staff member and Treasurer will work to rectify the discrepancy.
16. Each check must contain two signatures and be signed by the Mayor or Deputy Mayor AND An administrative staff member or Treasurer. The Mayor may elect to use a signature stamp in lieu of a signature. An administrative staff member or Treasurer may be allowed to use the Mayor stamp as directed by the Mayor.
17. The City staff will promptly mail all signed checks.
18. An administrative staff member or Treasurer will attach a CTAS Claim Report to paid invoices along with a portion of the City's check stub or EFT confirmation and place in the City's paid claims files.
19. The Council will establish an annual delegation of authority to make electronic funds transfer. Authorization will be on file at the bank.
20. Any new vendor electronic payment must be approved by the Council prior to initiating the payment.
21. The Treasurer will receive and open all bank statements, reviewing the check images provided to ensure only approved disbursements have been paid. Any discrepancies will be documented, reviewed with an administrative staff member and if needed, presented to the City Council for review.
22. The Treasurer will reconcile the 4M bank account and US Bank account to CTAS on a monthly basis. These reconcilements will be able for review by the 20th of the following month.
23. The bank statements and/or reconciliations will be reviewed by a designated Council member twice a year. Any discrepancies will be resolved by staff with Council review. If needed the issue will be documented and presented to the City Council.
24. In accordance with M.S. 471.425, subd. 2, claims of the City shall be paid within 35 days from the date of receipt, unless disputed or as otherwise stipulated by the terms of a contract. Claims not paid within this time frame may be subject to penalty and interest charges assessed by the vendor, as provided for in M. S. 471.425, subd. 4.
25. Checks that have been issued but not cashed by the payee will go through the unclaimed property process as stated by statues and the Minnesota Department of Commerce guidelines.

Payroll

1. The City Personnel Liaison and City Attorney will develop, and the City Council will approve personnel policies that set out the accounting for vacations, holidays, sick leave and other benefits.
2. Each pay period employees will provide a timesheet for wage payment. Timesheets for each employee will be reviewed and approved by the City Administrator.

3. The Treasurer or an administrative staff member will validate the time listed on the timesheet has been added and totaled correctly. Any discrepancies found will be noted on the timesheet and a copy of the revision given to the City Administrator and employee.
4. If a member of the administrative staff is an exempt salaried employee, they are not required to submit a timecard except when taking vacation or sick leave. The An administrative staff member or Treasurer will process the CTAS payroll checks from approved timesheets presented. The CTAS Net Pay Account Distribution report will be printed, after checks are printed, a portion of the paycheck stub attached to it and filed along with the supporting documentation in the claims folder).
5. The Treasurer or an administrative staff member will review the Net Pay Account Distribution report and the supporting documentation to ensure all payroll payments are made to valid employees, any pay increases were authorized by the City Council.
6. All payroll entries for checks or EFTs processed will be shown on the Disbursement Register report, showing the payroll period and the net pay.
7. CTAS is to be used to print all payroll checks. Live payroll checks require two signatures and EFT (via direct deposit) instruments will be marked NON-NEGOTIABLE and remain unsigned.
8. Paychecks will be provided to employees on the designated pay date.
9. An administrative staff member or Treasurer will prepare all payroll related tax withholding and PERA deposits and reports. PERA and Payroll-related taxes, including employer share, shall be withheld and paid to the appropriate government agency on a timely basis.
10. An administrative staff member or Treasurer will prepare and mail year-end W-2's to employees, 1099's to vendors as needed and respond to inquiries regarding the same.
11. The Treasurer will keep employee records for each employee in CTAS that detail wage rates, benefits, taxes withheld, PERA and any changes in employment status.

Invoices

1. An administrative staff member will generate and distribute invoices or notice of payment due for City permits, fees, goods and/or services such as: City hall rental fees, water meter purchase, etc.
2. CTAS does not generate invoices; as a result, an administrative staff member will use City computer programs to generate invoices.

Lift Stations

Margaret Ford <Margaret.Ford@cityofbirchwood.com>

Fri 12/22/2023 12:36 PM

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

Sent from my iPhone

Hi Becky,

Here is an outline of the lift station issues that arose this week that required immediate attention.

BWLS 2. Public works is recommending immediate repair of the pump due to the condition of the wear plate and impeller. We are in danger of a failure if this pump is not repaired. We are unable to purchase a new pump now to reuse in the new lift station's wet well. The KSB pumps are submersible and the existing pumps are sealed pumps located in the dry side of the existing lift station: Two different types of applications that use different types of pumps so unfortunately that is why purchasing a new pump is not an option.

BWLS 3. Pump #2 in the dry side of the lift station is in need of repair. On 12/20 public works phoned us to share that the lift station is not pumping. We are currently running on one pump. Unfortunately the plug valve that isolates the sewage from the wet side is not operable and needs to be replaced in order to pull pump #2 to repair it.

I sent the two approved quotes for repair by earlier e mail.

Please put this information in the packet and a discussion item on the agenda for the January Council meeting.

Best regards,
Margaret


Fw: Proposals for the purchase of new boards (x8) for the hockey rink, Proposal for access to the equipment shed for Barton Winter, 1 Five Oaks Lane for flooding.

Kathy Weier <Kathy.Weier@cityofbirchwood.com>

Tue 1/2/2024 8:58 PM

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

Cc:Margaret Ford <Margaret.Ford@cityofbirchwood.com>

 2 attachments (298 KB)

Winters board replacement donation resolution.docx; BOARDSPARKSFUND.jpg;

Hello Rebecca,

Attached is a proposal for some board that were proposed to be replaced. As flooding may have started we would plan to replace the boards after this season using funds from the parks fund. The boards look to cost \$257, however Barton Winters has offered a donation of \$100 to cover part of that cost. The parks committee approved the expenditure for the boards (cost remaining plus tax for the 8 boards after the \$100 donation is accepted. I have attached the proposal for the boards as well as the resolution to accept the donation and approve the additional funds for the boards.

Thanks!

Kathy Weier

Birchwood Village City Council Member

From: Barton Winter <bwinter400@hotmail.com>

Sent: Tuesday, December 19, 2023 4:32 PM

To: Parks Committee <parks@cityofbirchwood.com>

Subject: Proposals for the purchase of new boards (x8) for the hockey rink, Proposal for access to the equipment shed for Barton Winter, 1 Five Oaks Lane for flooding.

To the Parks Committee:

I am submitting two proposals (attached) concerning the hockey and skating rinks. Hopefully we will get enough cold weather to have a good season. It looks like December 3 1 or thereabouts we can start flooding. I am proposing that I be given access to the equipment shed and permission to flood and snow blow as necessary as a volunteer. I spoke with Ryan Hankins about flooding costs and he indicated that flooding costs are not significant. If otherwise then lets get to that ballpark figure as soon as possible. We must have lots of data from past years to approximate this.

Also, I am asking that the Parks committee fund the purchase of 8 boards for the hockey rink. These are approximately \$260. The current boards are from 1997 so each new board will last quite a while. I am willing to contribute \$100 at this time and would contribute more if circumstances allow.

Sincerely,

Barton C. Winter
1 Five Oaks Lane
651-429-2766

RESOLUTION NO. 2024-05

RESOLUTION APPROVING ACCEPTANCE OF GIFT

WHEREAS, the City of Birchwood is a Municipality as defined in Minnesota, and,

WHEREAS, the City of Birchwood is authorized to accept "gifts" pursuant to Minnesota Statutes 465.04 as defined in Minnesota, and,

WHEREAS, the City of Birchwood has been asked to accept a \$100 donation for replacement boards for the hockey Rink from Barton Winters, and,

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

1. That the City of Birchwood hereby accepts a \$100 donation pursuant to MN Stat. 465.04.
3. That Margaret Ford -, the Mayor for the City of Birchwood Village, and Rebecca Kellen , the City Clerk, are authorized to sign this Resolution.

Passed and Adopted by the Council on this 9th day of January, 2024.

CITY OF Birchwood Village

By: Margaret Ford
Its Mayor

ATTEST: _____
By: Rebecca Kellen
Its City Clerk

RESOLUTION NO. 2024-06

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

A RESOLUTION APPROVING PURCHASE OF REPLACEMENT BOARDS FOR ICE RINK

WHEREAS, the City of Birchwood is a Municipality as defined in Minnesota, and,

WHEREAS, the City of Birchwood has a recreational ice rink with wooden boards, and,

WHEREAS, the parks committee has reviewed a request for 8 boards to be replaced with an estimate for costs and approved use of the parks funds for the remaining costs for the 8 boards after the receipt of a donation up to \$160 plus tax to be purchased and replaced this year if flooding has not started or after this skating season for next year, and,

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

1. That the City of Birchwood hereby authorizes the use of \$160+ tax from the parks funds to be used for the replacement of 8 boards.
2. That Margaret Ford -, the Mayor for the City of Birchwood Village, and Rebecca Kellen , the City Clerk, are authorized to sign this Resolution.

Passed and Adopted by the Council on this 9th day of January, 2024.

CITY OF Birchwood Village

By: Margaret Ford
Its Mayor

ATTEST: _____
By: Rebecca Kellen
Its City Clerk

January 3, 2024

To: Birchwood City Council

From: Margaret Ford and Kathy Weier

Re: Fee schedule updates to be considered in the January 2024 Council meeting.

Planner Fees: We have funded planner fees from our general fund for most of 2023. We have budgeted \$19,200 for 2024. These funds are generated from the tax levy funded by all residents. We propose that the Planner bill the city at \$100 per hour for each planning project. The city will collect those funds from the residents using the Planner's services. The funds collected will be applied to the \$19,200 budgeted in the general fund. The planner will also track time for city business. Our goal is to reimburse the City for planner expense associated with residents' projects.

We have proposed escrows in the Fee schedule for permits for all projects requiring planning and engineering services.

We have also included language in Addendum A which detail the circumstances under which residents owe fees for city consulting services.

CITY OF BIRCHWOOD VILLAGE 2023 FEE SCHEDULE

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

12/2022

Category	Description	Code	Fee	Last Revised
ADMINISTRATIVE SERVICE FEES	Compact Disc		\$1.00	
	Copies (Black and White) per page 8 1/2 x 11 or 8 1/2 x 14		\$0.25	
	Copies (Black and White) per page 11 x 17		\$0.35	
	Copies (Color) per page		\$1.00	
	Hall Rental		\$25.00 + \$100.00 refundable deposit	
	Postage & Envelopes for Mailings & Public Hearing Notices		\$1.00 + postage	
	Returned Check	Minnesota Statute 604.113 Subd. 2(a)	\$30.00	
ANIMAL FEES	Chicken License - three years	605.028(2)	\$25.00	12/2022
	Pig License - three years	605.029(3)	\$25.00	12/2022
	Dog Permit - first year of term (2022)	605.021.1(1), 605.021.2	\$25.00	12/2022
	Dog Permit - second year or term (2023)	605.021.1(1), 605.021.2	\$20.00	12/2022
	Dog Permit - third year or term (2024)	605.021.1(1), 605.021.2	\$15.00	12/2022
	Dog Permit Late Fee	605.021.2	\$5.00	12/2022
	Dog Permit Administrative Fee	605.021.2	\$25.00	12/2022
	Potentially dangerous dog or dangerous dog appeal fee		\$100.00	12/2022
	Dangerous dog annual fee	605.024(9)	\$500.00	12/2022
	Potentially dangerous dog annual fee	605.024(11)	\$100.00	12/2022
	Potentially dangerous dog or dangerous dog administrative review fee	605.024(12)	\$100.00	12/2022
DOCK ASSOCIATION FEES	Annual Boat Slip Permit Fee	617.118	Set and collected by Dock Association	
			\$875 times the number of Boat Slip Permits issued by the Birchwood Dock Association (BDA) on or before April 1, due by April 1. In the event of low water, the greater of the number of boats proposed next year or Boat Slip Permits issued by the BDA in the most recent year. For Boat Slip Permits issued by BDA after April 1, the additional amount is due before the permitted watercraft is placed at the dock.	
	Annual Dock Permit Fee (\$875 per boat)	617.44, 617.119		3/2018
	Lake Tract Personal Property Abandonment Fee	617.250	\$300.00	12/2022
	Fee in Lieu of Personal Property Removal	617.255	\$100.00/day	12/2022
	Boat Hoist Registration Fee	617.380(11)	\$25.00/owner	12/2022
	Annual Feistner Beach Boat Slip Beach Permit		\$1,000.00	1/2021
SMALL CRAFT STORAGE FEES	Annual Small Craft Permit	617.215(2)	\$30.00	7/2022
	Annual Small Craft Permit for household upon proof	617.215(2)	no cost	1/2020
	Use of Small Craft Rack without a permit	617.215(3)	\$75.00	
	Small Craft Removal Fee	617.215(3)	\$50.00	
	Post-season Boat Storage Violation Fee	617.240	\$25.00	3/2018
PLANNING AND ZONING FEES, ESCROWS AND DEPOSITS *subject to additional fees, in that section of the fee schedule. All planning and zoning permits require an additional	Conditional Use Permit (CUP) Application or Refundable Conditional Use Permit or CUP Amendment Escrow for permitting costs incurred by city	306.010	\$460.00	
			\$3,000.00	8/2021
	Interim Use Permit Application *	305.020, 305.040(6)	\$400.00	
	Refundable Interim Use Permit Escrow for permitting costs incurred by city	302.050	\$3,000.00	8/2021
	Street Vacation Application *		\$300.00	12/2022
	Refundable Street Vacation Escrow for permitting costs incurred by city	302.050	\$3,000.00	12/2022

refundable permit escrow when listed.

Variance Application *	304.020	\$600.00	4/2021
Refundable Variance Escrow for staff review time incurred by city	302.050	\$3,000.00	
Subdivision: Lot Split Application *	308.121	\$225.00	
Refundable Lot Split Escrow for permitting costs incurred by City	301.055(2)	\$1,000.00	12/2022
Subdivision: Preliminary Plat Application *	308.040(3)	\$1,000.00	8/2021
Plat Application Escrow for permitting costs incurred by city	301.055(2)	\$10,000.00	8/2021
Subdivision: Final Plat Application *	308.050	\$1,000.00	8/2021
Subdivision: Refundable Final Plat Application Escrow for permitting costs incurred by city	301.055(2)	\$10,000.00	8/2021
Zoning Permit *	307.010	\$50.00	
Refundable Zoning Permit Escrow for permitting costs incurred by city	301.055(2)	\$3,000.00	11/2021
Move a building from its present location in Birchwood to any other site, whether or not the new site is within the City. *		\$500.00	12/2022
Refundable building move escrow for permitting costs incurred by city	301.055(2)	\$1,000.00	12/2022
Certificate of occupancy		\$25.00	12/2022
Public Property Access Limited License	607.235	\$50.00	1/2019
Stormwater Management Maintenance Review	302.050(8)	\$100.00	9/2023
Permit applications where city planner is consulted.		\$200.00	
Permit applications where city engineer is consulted.		\$500.00	

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

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

UTILITY AVAILABILITY FEES	Metropolitan Council Environmental Services Sewer Availability Charge . (SAC)	202.070	The most recent fee published by MCES. \$2485.00 as of July, 2022.		
	Water Connection Fee (WAC)	202.070	\$1960.00	6/2023	
	Sewer Connection Fee	202.070	\$2,016.00	6/2023	
PLUMBING AND FIRE PERMIT FEES	Plumbing Permit (piping inside the house) **	202.040	\$150 + \$100/hour after one hour	12/2022	
	State Surcharge	Minnesota Statute 326B.148	\$1.00		
	Fire Sprinkler Permit **	202.040	\$150 + \$100/hour after one hour	12/2022	
	State Surcharge	Minnesota Statute 326B.148	\$1.00		
GAS, HEATING AND MECHANICAL PERMIT FEES	Mechanical Permit **	202.040	\$150 + \$100/hour after one hour	12/2022	
	State Surcharge	Minnesota Statute 326B.148	\$1.00		
	Gas Piping Permit (that is not part of mechanical installation) **	202.040	\$150 + \$100/hour after one hour	12/2022	
	State Surcharge	Minnesota Statute 326B.148	\$1.00		
	Air Conditioning Installation Permit **	203.050	\$150 + \$100/hour after one hour	12/2022	
	State Surcharge	Minnesota Statute 326B.148	\$1.00		
	Air Conditioning Permit (part of mechanical installation) **	203.050	\$150 + \$100/hour after one hour	12/2022	
	State Surcharge	Minnesota Statute 326B.148	\$1.00		
FIREPLACE PERMIT FEES	Fireplace Permit (gas, wood or other type) **	203.050	\$150 + \$100/hour after one hour	12/2022	
	State Surcharge	Minnesota Statute 326B.148	\$1.00		
	WATER AND SEWER FEES	Residential and non-residential water use: Tier 1 - up to 6,000 gallons	201.090	\$0.00356 per gallon	1/2022
		Residential and non-residential water use: Tier 2 - after 6,000 gallons up to 9,000 gallons	201.090	\$0.00410 per gallon	1/2022
Residential and non-residential water use: Tier 3 - after 9,000 gallons up to 15,000 gallons		201.090	\$0.00471 per gallon	1/2022	
Residential and non-residential water use: Tier 4 - after 15,000 gallons up to 44,883 gallons		201.090	\$0.00544 per gallon	1/2022	
Residential and non-residential water use: Tier 5 - after 44,883 gallons		201.090	\$0.00623 per gallon	1/2022	
Quarterly Safe Drinking Water Fee		Minnesota Statute 144.3831	The most recent fee assessed by the Minnesota commissioner of health, divided into quarters. \$2.43 as of July, 2022.		
Sewer Fee (metered, quarterly)		202.110	\$36.00 + \$0.00451 per gallon based on first quarter water consumption	6/2019	
Sewer Fee (unmetered, quarterly)		202.110	\$80.00	6/2019	
Water Utility User Fee			\$35.00	12/2022	
Water Main Break Surcharge (as City exhausts budgeted funds for water main breaks)			As required (\$25.00 for June - December, 2022 as of June, 2022)	5/2022	
Street excavation permit *		\$50.00	12/2022		
Refundable Street Excavation Damage Deposit		\$3,000.00	12/2022		
Turning water service on or off at street, including seasonally	201.240	\$150.00			
Water Meter Installation or Replacement 3/4" or smaller	201.080	\$500.00 + \$150.00/hour after one hour	12/2022		

Water Meter Installation or Replacement 1" or larger or other non-standard meter	201.080	Cost of meter + \$150.00/hour, with 1 hour minimum	12/2022
Utility Bill Late Fee	201.100, 202.120	5% of the unpaid balance	
(ACH) Discount		\$3 Discount	5/2022
Non-electronic water meter fee	201.080	\$100.00/quarter	1/2023
Non-submission of emailed photo of non-electronic water meter	201.080	\$100.00	1/2023
Open water and sewer account		\$25.00	
Close water and sewer account		\$25.00	
Costs to City for damages and liabilities for irrigation system backflow into water system	202.095	actual costs	3/2022
Water meter testing (refundable as described in City code)	201.170	\$300.00	12/2022

OTHER FEES. All fees in this schedule are subject to the following charges when required by the City. (See Addendum A regarding unpaid fees.)

Investigation Fee: If work or activity for which a license or permit is required by the code has been commenced without first obtaining the permit or license.	701.061	Up to the amount equal to the permit fee, in addition to the permit fee.	12/2022
Additional Fee: An additional fee, not to exceed actual expenses or the original amount of the fee, whichever is less, shall be paid if the City Council determines that the applicant has changed the project after submission of the initial application, or if it is necessary to conduct an excessive number of re-inspections of the project in order to ensure compliance with the City Code or the terms of the permit or license.	701.062		
Building Official: Inspections outside of normal business hours DELETE		\$126.50 + \$63.25/hour after two hours	6/2019
Building Official: Reinspection fee DELETE		\$63.25/hour	6/2019
Building Official: Inspection for which no fee is specifically indicated DELETE		\$31.63 + \$63.25/hour after one half hour	6/2019
Building Official: Plan Review fee	Minnesota Statute 326B.153 Subd. 2	65% of permit fee	6/2019
Building Official: Plan Review fee for exact same plans	Minnesota Statute 326B.153 Subd. 5	25% of permit fee	12/2022
Building Official: Additional plan review for changes, additions or revisions to plans		\$31.63 + \$63.25/hour after one half hour	6/2019
Planner: Consult or review land use plans		\$100.00/hour, or the total hourly cost to the city, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages, and fringe benefits of the employees involved, as well as any consulting fees	12/2021
Planner: Inspections or other services		\$100.00/hour, or the total hourly cost to the city, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages, and fringe benefits of the employees involved, as well as any consulting fees	12/2021
Engineer: Consult or review land use plans		\$149.00/hour, or the total hourly cost to the city, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages, and fringe benefits of the employees involved, as well as any consulting fees	

	Engineer: Inspections or other services		\$149.00/hour, or the total hourly cost to the city, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages, and fringe benefits of the employees involved, as well as any consulting fees	
	Attorney: Consultations, reviews and analysis		actual costs, including administrative and overhead costs, and attorney review and analysis expenses	
	Other Professionals: Consultations, reviews and inspections		actual costs, including administrative and overhead costs, and consultant review and analysis expenses	
VACANT BUILDING FEES	Vacant building annual registration fee	407.03(k)	\$360.00 + City costs incurred for property maintenance	
LAW ENFORCEMENT FEES	Excessive Use of Law Enforcement - first incident	406.03(3)(b)	cost, with \$100.00 minimum	
	Excessive Use of Law Enforcement - second incident	406.03(3)(b)	cost, with \$200.00 minimum	
	Excessive Use of Law Enforcement - after second incident	406.03(3)(b)	cost, with \$300.00 minimum	
TREE FEES AND DEPOSITS	Diseased Tree Abatement fee	403.080(c)	\$50.00 + cost of abatement	12/2022
	Significant Tree Removal Replacement deposit	302.055(2)(d)(3)	amount necessary to cover the cost of replacement trees	
RIGHT OF WAY FEES	Refundable ROW Excavation Permit Deposit	301.055(2)	\$3,000.00	6/2023
	Obstruction Permit	208B.060(2)	\$200.00	6/2023
	Excavation Permit	208B.060(1)	\$200.00	6/2023
	Small Wireless Facility Permit	208B.060(3)	\$500 up to 5 sites, \$100 for each additional	6/2023
	Delay Fee Minimum	208A.090(3)	\$60 plus \$20 per day each day late over 3 days	6/2023
	Delay Fee, One Lane Blocked to Motor Vehicle	208A.090(3)	\$60 per day	6/2023
	Delay Fee, Fully Blocked to Motor Vehicle Traffic	208A.090(3)	\$100 per day	6/2023
	Refundable Right of Way Non-Excavation Damage Deposit	208A.100(6)	\$3,000.00	6/2023
REFUNDS	Permit, license or fee refund, if the applicant requests a refund within 15 days after payment, and the City has incurred no expenses to process the application.		50% of the fee	4/2018
ADDENDUM A: Notice to applicants applying for permits or using city consulting services	Past due permit expenses: Residents that have past-due permitting expenses may not apply for a new permit until prior permitting expenses are paid.	Resolution 2023-47		11/2023
	Expenses incurred prior to permit application: City fees incurred due to necessary engineering, inspection, or administrative review prior to permit submittal are the resident's responsibility. This also applies to fees incurred for permits that are cancelled, withdrawn or rejected.			
	Permit expenses post permit approval: Occasionally permit expenses arise after permit issuance. These expenses are billed separately and are the resident's responsibility			
	Disputing expenses appeals process: If you wish to appeal an expense presented, you may refer to Birchwood City Code, section number 300, code numbers 310.01 through 310.03 and follow the appeals process.			
FOOTNOTES	* Escrow for City Permitting costs is required. Unused portion is returned to applicant. ** State Surcharge is required			

RESOLUTION NO. 2024-07

RESOLUTION APPROVING CITY FEE AND ESCROW SCHEDULE FOR 2024

WHEREAS, the City of Birchwood Village is a Municipality as defined in Minnesota, and,

WHEREAS, the City of Birchwood Village is authorized to charge for services provided by it in furtherance of its responsibilities to residents and those who wish to utilize city services, and,

WHEREAS, the City of Birchwood Village has a Fee Schedule that provides for the cost of services and required escrows for said services provided by the City to reimburse it for those services, and provide for escrows in the event of damage to city property, unpaid fees or other liability.

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

1. That the City of Birchwood hereby accepts and adopts its 2024 City Fee and Escrow Schedule as presented and/or amended and passed.

3. That the Honorable Margaret Ford, the Mayor for the City of Birchwood Village and Rebecca Kellen, the City Clerk-Administrator, are authorized to sign this Resolution.

Passed and Adopted by the Council on this ____ day of _____-, _____.

CITY OF BIRCHWOOD VILLAGE

By: Margaret Ford
Its Mayor

ATTEST: _____
By: Rebecca Kellen
Its City Clerk-Administrator

To: Birchwood City Council
From: Ryan Hankins
Re: January 2024 Wildwood Lift Station Status update

Bolton and Menck is still drafting the plans for the lift station. The cost estimate will come at the same time the plans are ready. They did not quite get costs prepared for the January meeting. We expect those in February.

Marcus has reached out to the EPA , without response, which is normal. Unless we hear differently, planning appears to be on schedule.

Project Status Line Items

Soil Borings: Boring completed; waiting for final report.

Bolton and Menck plan completion: Plans sufficiently completed for EPA review. Final plans and estimates should be available in ~~January~~ February.

EPA Review: After plan completion and soil borings, it will take between 3 weeks and 2 months. We expect an estimate by mid-December on how long the review will take.

Advertising for bids: After EPA review, month-long process.

Lead times for lift station components: Approximately 4 months after EPA review

Construction: 3-4 weeks duration in late summer or fall 2024.

Previous updates

Bolton & Menk submitted lift station plans to the EPA the week of November 27 for EPA review; Marcus plans to get an update on the time it will take for review by mid-December. The lift station plans that were not submitted should be sufficient for review but are not complete enough for construction.

The soil boring tests and report are being finalized, and some testing remains relating to dewatering. The soil borings are likely to cost around \$4,000. The tests show rock at 20 feet.

Marcus will have lift station cost estimates available to the council in January, but Bolton & Menk's current estimate is \$500,000. The village has grants in the amount of \$580,000. The estimate includes some funds for rock excavation.

Marcus writes that we should be reasonably secure that we can afford the lift station fully within grants. He writes:

“We have 580,000 in grant funds at the moment, with a 500k estimate, our estimate are normally slightly higher to account for bids coming in worse case scenario, so I'd hope bids to come in 450-480,000 ish. Our estimates are based on what we are seeing for numbers for similar project's with some protection in there. The 500,000 is not including any engineering, administrative, or construction inspection services from BMI.

I wouldn't say there is a guarantee, but it is the best estimate we have to date with what we are expecting. Should the scope change, or the city gets the plans and wants to make changes from there, prices obviously has a lot of variables but based on our current estimate, the funds planned to be available with the EPA and the RCWD. It looks like you should easily be able to afford the bids, before the city provides any funds from their budget."

In my opinion, we should budget some funds for Bolton & Menk to oversee, administer and inspect the lift station project construction. Ideally, this will not exceed the \$580,000, but I would suggest we maintain an additional \$50,000 for the project for 2024, over and above grant amounts.

Project Status Line Items

Soil Borings: Boring completed; waiting for final report.

Bolton and Menck plan completion: Plans sufficiently completed for EPA review. Final plans and estimates should be available in January.

EPA Review: After plan completion and soil borings, it will take between 3 weeks and 2 months. We expect an estimate by mid-December on how long the review will take.

Advertising for bids: After EPA review, month-long process.

Lead times for lift station components: Approximately 4 months after EPA review

Construction: 3-4 weeks duration in late summer or fall 2024.

November Updates:

The soil boring work for the Wildwood lift station was completed on October 27, by Haugo Geotechnical, the cheapest bid from Haugo Geotechnical, Braun and AET. The geotechnical report and billing to the city are pending. Environmental Engineer Seth Peterson has been working on the design to get it far enough along to submit the work plan to the EPA to get started with their review. The work plan should be submitted to the EPA in November 2023.

October Updates:

The next steps are soil borings from Braun and plan completion by Bolton and Menck.

Bolton and Menck Environmental Engineer Seth Peterson met at the lift station with Birchwood Water Superintendent John Manship and Birchwood City Engineer Marcus Johnson on Friday, September 29 to take pictures and discuss technical preferences. The following is a rough timeline; a more detailed plan will follow during the plan completion phase.

No action is required of the council right now; this is just an update.

Project Status Line Items

Soil Borings: Waiting for a status update from Braun.

Bolton and Menck plan completion: Will start on plan completion within the next two weeks.

EPA Review: After plan completion and soil borings, will take between 3 weeks and 2 months.
Advertising for bids: After EPA review, month-long process.
Lead times for lift station components: Approximately 4 months after EPA review
Construction: 3-4 weeks duration in Summer, 2024.

MEETING MINUTES (Draft)

Birchwood Planning Commission Regular Meeting

City Hall - 7:00 PM Regular Meeting 12/28/2023

Submitted by Michael Kraemer – secretary

COMMISSIONERS PRESENT: — Andy Sorenson - Chairman, Michelle Maiers-Atakpu, Michael Kraemer, Michael McKenzie, Joe Evans

COMMISSIONERS ABSENT: none

OTHERS PRESENT: Joe Becker, Storm Gregorich, Greg Liengswangwong

TO ORDER: Meeting called to order by Chairman Andy Sorenson at 7:01PM.

1. PUBLIC FORUM
 - a. none
2. APPROVE AGENDA
 - a. Motion by Maiers-Atakpu, 2nd by McKenzie to approve agenda. Vote: Yes -5 , No – 0. Motion to approve agenda passed.
3. REGULAR AGENDA
 - a. Item A – Review/Approve Nov 30, 2023 Planning Commission Meeting Minutes as modified.
 - i. Motion by Evans, 2nd by Kraemer, to approve the minutes. Vote: Yes – 5, No – 0, Motion to approve the minutes as modified passed.
 - b. Item B – 23-05-VB (23 Birchwood Lane) Variance
 - i. Public Forum
 1. Joe Becker from Rosebud Construction was present to answer questions on the proposed deck construction.
 - ii. Review Variance Application
 1. Ben Wickstrom – City Planner reviewed the variance application requested a variance from City Code *320.020 Structure Location Requirements – All Structures must be set back 50’ from the White Bear Lake Ordinary High-Water Level*, to allow the placement of a deck 14’ deep by 24’ wide deck, 11’ into the 50’ set back.
 - iii. Review City Planner Memo
 1. Finding of Fact – The property at 23 Birchwood Lane is a legal non-conforming structure on a sub-standard riparian lot (11,800 sf vs 15,000 sf) and includes non-conforming side yard setback on the east side (7’ vs 10’).
 2. Facts supporting approval of the variance include:
 - a. House was listed as built in 1902 which precedes current City code.

- b. A lakeside deck is a reasonable request.
 - c. The character of the neighborhood would not be significantly altered with approval of the variance.
 - d. Neighborhood property values will not be diminished as a result of variance approval and construction of deck.
3. Fact supporting denial of the variance include:
- a. A 14' x 24' deck is not reasonably sized for a deck that requires a variance.
 - b. A deck of different configuration could be constructed to lessen the variance needs and still be considered useable space.
 - c. The proposed deck stairway would encroach in the west side yard setback by an estimated 3'.
 - d. Sight lines of the house to the west would be impacted with variance approval.
 - e. Homes along Birchwood Lane in the vicinity of the subject property meet the house structure setbacks but not all the deck setbacks from the OHWL of White Bear Lake.
- iv. Commission Finding of Fact
1. Current code and current site conditions allow for a 3' to 5' deep deck to be constructed between lakeside of the house and the 50' OHWL setback line.
 2. The house previously had a wraparound deck that was removed because of its condition.
 3. "Variance Findings Form" Responses
 - a. #1. *Is the request in harmony with the general purpose and intent of the ordinance?*
 - i. Advisory Vote: Yes – 2, No – 3
 - ii. Rationale: Since a variance is requested it is not in harmony with the ordinance.
 - b. #2. *Would granting the variance be consistent with the comprehensive plan?*
 - i. Advisory Vote: Yes – 2, No – 3
 - ii. Rationale: If city code is consistent with comprehensive plan, then if variance is required it is not consistent with comp plan.
 - c. #3. *Are there special conditions or circumstances that are peculiar to the land, structure, or building involved?*
 - i. Advisory Vote: Yes – 4, No – 1

- ii. **Rationale:** The non-conforming lot and location of the house prior to adoption of current city code created site limitations unique to this site.
- d. *#4. Were the special conditions or circumstances created by the applicant's action or design?*
 - i. **Advisory Vote:** Yes – 2, No – 3
 - ii. **Rationale:** Current owner had nothing to do with the on-conforming conditions.
- e. *#5. Will granting the variance result in increase in the amount of water draining from the property?*
 - i. **Advisory Vote:** Yes – 0, No – 5
 - ii. **Rationale:** Deck is proposed to be built to City pervious/impervious standards so no additional runoff should be created.
- f. *#6. Will granting the variance impair an adequate supply of light and air to adjacent property, or unreasonably diminish or impair established property values within the surrounding area or in any other aspect impair the public health, safety, or welfare of the residents of the City?*
 - i. **Advisory Vote:** Yes – 0, No – 5
- g. *#7. The variance must not be granted simply because there are no objections.*
 - i. **Advisory Vote:** Yes – 0, (Was status of objections a consideration in the review of the variance.) No -5.
 - ii. **Rationale:** Commission deliberation and decisions were made without consideration of presence or absence of objections or support.
- h. *#8. Does reasonable use for the property exist under terms of the Zoning Code?*
 - i. **Advisory Vote:** Yes – 5, No – 0
 - ii. **Rationale:** The owner could elect not to construct a deck.

NOTE: Commissioner Michael McKenzie asked that the minutes reflect that he does not find the current Variance Findings Form helpful and would like effort put into revising the format to be more useful.

- v. Commission Recommendation
 - 1. **Non-conforming Use Approval - 23 Birchwood Lane**
 - a. Commission recommends the Council consider recognizing the existing substandard riparian lot and non-conforming side yard setbacks at 23 Birchwood Lane as “practical

difficulties” (i.e. structure was in compliance with code in effect at time of construction) and consider the lot and structure as “legal non-conforming use” during consideration of variance request.

b. Advisory Vote: Yes – 5, No – 0

2. **OHWL 50’ Setback Variance Recommendation**

a. The Commission recommends the Council deny the variance request 23-05-VB (23 Birchwood Lane) for a 14’ deep by 24’ wide deck and supporting stairway.

b. Advisory Vote: Deny – 4, Approve – 1.

3. **OHWL 50’ Setback Variance Re-submittal**

a. The applicant may elect to revise and re-submit variance plan and application to reflect a maximum 10’ deep (house toward OHWL) by 24’ wide deck with a supporting stairway. The resulting deck encroachment into the 50’ OHWL setback encroachment line is estimated to be approximately 5’ on the west side and 7’ on the east side of the deck.

i. Rationale: Current code and current site conditions allow for a 3’ to 5’ deep deck to be constructed between lakeside of the house and the 50’ OHWL setback line. Allowing the installation of a functional deck at a maximum depth of 10’ versus 3’-5’ may be a practical compromise for the property.

ii. Advisory Vote: Yes – 3, No -2. (Yes: Evans, McKenzie, Kraemer. No: Sorenson, Maiers-Atakpu)

iii. Recommended Re-submittal Conditions include:

1. Resubmittal of site survey in readable format identifying revised deck location and layout. (i.e., side yard setback dimensions, location of 50’ OHWL)

2. Revised deck construction plans and details.

4. ADJOURN 8:54 PM

a. Motion by Maiers-Atakpu, 2nd by Evans to adjourn meeting. Vote: Yes – 5, No – 0. Motion passed.

To: City Council

From: Councilmembers McCarthy and Weier; Parks Committee.

Council,

It's been several months since the City sent our proposal to the Rice Creek Watershed District regarding the MOA governing the PLOP project. We have yet to hear back from RCWD other than they were dissatisfied with our initial terms. Their attorneys had contacted Alan Kantrud, our attorney, and insinuated they had an easement or some other legal authorization to deposit their stormwater runoff into Hall's Marsh. We do not believe this is the case, but have asked them for a copy of said easement or other authority. On December 20th, Alan asked again. They have not responded to that request.

In order to get this process moving and to make sure we fully understand our rights and their rights, we are proposing that the City should utilize the Minnesota Data Practices Act to force RCWD to provide a copy of any easement or any other authority authorizing any aspect of the PLOP over any property, including Birchwood Village's property over Hall's Marsh.

If RCWD has an easement, it's important that the City understand what their legal rights over Hall's Marsh is. If RCWD does not have an easement, RCWD should not be suggesting they have such an easement.

Thanks

Councilmember McCarthy, Weier, and Parks Committee

RESOLUTION NO. 2024-08

RESOLUTION DIRECTING THE CITY ATTORNEY TO DRAFT AND FILE A MINNESOTA DATA PRACTICES ACT REQUEST TO REQUEST CERTAIN GOVERNMENT DATA OF RICE CREEK WATERSHED DISTRICT

WHEREAS, Rice Creek Watershed District (RCWD) built and maintains a Priebe Lake Outfall Project (PLOP) which drains, into Hall's Marsh, the overflow street runoff that accumulates in Priebe Lake originating from streets of White Bear Lake.

WHEREAS, Hall's Marsh is owned partially by the City of Birchwood Village and the City desires to have Hall's Marsh maintained in a healthy state,

WHEREAS, RCWD promised, when the PLOP was built, to maintain Hall's Marsh. The City is of the opinion that RCWD has not satisfactorily maintained Hall's Marsh.

WHEREAS, the City of Birchwood Village has no record that RCWD ever obtained an easement to deposit runoff pollution into Halls Marsh.

WHEREAS, certain statements made by attorneys representing RCWD to the City Attorney suggest they have a copy of an easement or other legal documents purporting to give RCWD legal authority for the PLOP.

WHEREAS, upon request by our City Attorney, they have not provided said documents to the City of Birchwood Village.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Birchwood Village that the City of Birchwood Village hereby directs the City Attorney to draft and serve upon RCWD, a data practices act request for, at a minimum the following information:

1. Any easement or other authority relied upon by RCWD that authorizes the drainage of water into Hall's Marsh from the PLOP and for the use of the land on which the pipe runs. Any documents or communications regarding the same.

2. In an email from Ashley Ricci, sent October 10, 2023 to Marcus Johnson, Ashley states that “A watershed district public process (via the predecessor to M.S. 103D) was undertaken at the time of the Priebe Lake outlet project, compensating landowners for damages and establishing the public outlet of Priebe Lake downstream to Hall’s Marsh and out to WBL. When it is useful to the City, perhaps the City’s attorney could engage with the watershed district attorney to review the process details of project establishment. Again, the public already has established rights for access and management of the PLOP system and Hall’s Marsh outlet.”

A.) Any documents or communications related to any payments or compensation made to any landowners for damages and any documents related to rights claimed by RCWD for access and management of the PLOP system and Hall’s Marsh outlet.

B.) Any documents or communications related to the “public process” that was undertaken at the time of the Priebe Lake outlet project.

3. Any other documents or communications that are necessary, in the opinion of the City attorney.

Said request should be for any time range and/or period and should not be limited to any time period.

I certify that the City of Birchwood Village adopted the above Resolution

on this ____ day of January, 2024

ATTEST:

Mayor

City Administrator-Clerk