



AGENDA OF THE REGULAR MEETING OF
THE CITY COUNCIL
CITY OF BIRCHWOOD VILLAGE
WASHINGTON COUNTY, MINNESOTA
July 12, 2021
7:00 P.M.

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

CALL TO ORDER

PLEDGE OF ALLEGIANCE

APPROVE AGENDA

OPEN PUBLIC FORUM

ANNOUNCEMENTS

- A. August and November 2022 City Council Meetings held on the 3rd Tuesday of the month due to polling at Birchwood Village City Hall.
- B. Robert Leeves, Videographer, resignation effective July 31, 2022.
- C. Sheriff Report for June not available as of 7/7/22

CITY BUSINESS – CONSENT AGENDA

- A. Approve Treasurer's Report* (pp. 3-15)
- B. Approve April Meeting Minutes* (pp. 16-24)
- C. Approve May Meeting Minutes* (pp. 25-33)
- D. Approve June 13th, 2022 Special Meeting Minutes* (pp. 34-37)
- E. Approve June 28th, 2022 Special Closed Meeting Minutes* (p. 38)
- F. Resolution 2022-11 Birchwood Village EJ Resolution* (pp. 39-40)

CITY BUSINESS – REGULAR AGENDA

- A. First Reading Ord. 2022-07-01, Amending Section 617* (p. 41)
 - a. Council Deliberation
 - b. Order Second Reading and Public Hearing
- B. Fee Schedule Changes - Ryan Hankins
 - a. Fee Schedule Changes* (pp. 42-54)
 - b. Monthly on call fee for Manship (\$700)
- C. Birch Beach Dock and Amended BDA Application Discussion* (pp. 55-67)

- D. SWPPP Amendments/MS4 Permitting Requirements Council Deliberation for Level of Detail to Adopt – Alan Kantrud* (pp. 68)
- E. Feistner Beach Updated Lease – Alan Kantrud* (pp. 69-70)
- F. Mayor Wingfield Updates
 - a. Appoint Diseased Tree Task Force* (p. 71)
 - b. Temp Contract Law Enforcement Officer (cost pending)
 - c. Emerald Ash Borer Tree Study (grant requirement)
 - d. Crosswalks (4) Painting Bids (pending estimates)
- G. Mayor Wingfield and Councilmember McCarthy Updates
 - a. Birch Beach. Discuss Adding Sand and Water Slide
- H. Administrator Updates
 - a. Ordinance 2022-04-02 still pending DNR approval to move forward with public hearing
 - b. Proposal for Mary Cahill, Assistant Treasurer 6% raise at 1 Year Anniversary* (p. 72)

ADJOURN

For the Period : 6/9/2022 To 7/7/2022

<u>Name of Fund</u>	<u>Beginning Balance</u>	<u>Total Receipts</u>	<u>Total Disbursed</u>	<u>Ending Balance</u>	<u>Less Deposits In Transit</u>	<u>Plus Outstanding Checks</u>	<u>Total Per Bank Statement</u>
General Fund	\$461,255.42	\$329,450.22	\$26,188.63	\$764,517.01	\$3,900.66	\$13,480.23	\$774,096.58
Comp Plan Grant	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Special Rev Projects	\$21,595.69	\$0.00	\$600.00	\$20,995.69	\$0.00	\$300.00	\$21,295.69
CAPITAL PROJECT FUNDS (401 through 499)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Capital Project PW	\$115,498.31	\$0.00	\$0.00	\$115,498.31	\$0.00	\$0.00	\$115,498.31
Water	(\$32,657.76)	\$13,509.15	\$249.39	(\$19,398.00)	\$0.00	\$0.00	(\$19,398.00)
Sewer	\$80,998.29	\$12,096.34	\$8,036.30	\$85,058.33	\$0.00	\$10,148.16	\$95,206.49
Water Meter Upgrade Fees	(\$2,317.31)	\$0.00	\$0.00	(\$2,317.31)	\$0.00	\$0.00	(\$2,317.31)
American Rescue Act Proceeds	(\$47,669.31)	\$48,193.46	\$0.00	\$524.15	\$48,193.46	\$0.00	(\$47,669.31)
Engineering Services	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Total	\$596,703.33	\$403,249.17	\$35,074.32	\$964,878.18	\$52,094.12	\$23,928.39	\$936,712.45

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

Fund Name: All Funds

Date Range: 06/09/2022 To 07/07/2022

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Description</u>	<u>Void</u>	<u>Account Name</u>	<u>F-A-O-P</u>	<u>Total</u>
06/16/2022	USS Minnesota One MT LLC	31955*	Energy Charges - May	N	General Government Buildings and Plant	100-41940-380-	\$ 132.11
		31955*			Sewer Utility	605-43190-380-	\$ 352.29
		31955*				605-43190-380-	\$ 638.52
	Total For Check	31955					\$ 1,122.92
06/16/2022	Hart, Jennifer	31956*	Overpayment of final utility bill	N	Unallocated Expenditures	100-49201-430-	\$ 137.48
	Total For Check	31956					\$ 137.48
06/16/2022	Ciapetta, Nick	31957*	Overpayment on Utility Bill	N	Unallocated Expenditures	100-49201-430-	\$ 17.42
	Total For Check	31957					\$ 17.42
06/16/2022	Johnston, Jacob	31958*	Overpayment of Utility Bill	N	Unallocated Expenditures	100-49201-430-	\$ 85.00
	Total For Check	31958					\$ 85.00
06/16/2022	AirFresh Industries, Inc.	31959*	Portable Restrooms-June Billing	N	Parks	100-45207-314-	\$ 162.50
	Total For Check	31959					\$ 162.50
06/16/2022	LMCIT	31960	Worker's Comp Premium 06122022-06122023	N	City Insurance	100-41945-150-	\$ 2,768.00
	Total For Check	31960					\$ 2,768.00
06/16/2022	American Eagle	31961*	Escrow Refund, Building Permit # 2022-33	N	Escrow Refunds	100-49250-430-8	\$ 3,000.00
	Total For Check	31961					\$ 3,000.00
06/16/2022	Johnson, Ken	31962*	install and remove weight signs	N	Unallocated Expenditures	100-49201-430-	\$ 150.00
	Total For Check	31962					\$ 150.00
06/16/2022	Toshiba Business Solutions	31963*	Printer Maintenance - 06/09/2022-07/08/2022	N	Office Operations Supplies	100-41911-314-	\$ 10.62
	Total For Check	31963					\$ 10.62
06/16/2022	Merrick Inc.	31964*	May mailer	N	Newsletter	601-41960-350-	\$ 179.52
	Total For Check	31964					\$ 179.52
06/16/2022	Metropolitan Council - Env. Service	31965*	Wastewater Service- June	N	Sewer Utility	605-43190-217-	\$ 5,105.97
	Total For Check	31965					\$ 5,105.97

Fund Name: All Funds

Date Range: 06/09/2022 To 07/07/2022

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Description</u>	<u>Void</u>	<u>Account Name</u>	<u>F-A-O-P</u>	<u>Total</u>
06/16/2022	Wingfield, Mary	31966	new door handle, bike mirror	N	Unallocated Expenditures	100-49201-430-	\$ 106.30
		31966				100-49201-430-	\$ 16.40
	Total For Check	31966					\$ 122.70
06/16/2022	Legacy Celtic Music, LLC	31967	Music in the Park- 6/9/22	N	Recreation	210-45101-440-	\$ 300.00
	Total For Check	31967					\$ 300.00
06/16/2022	PERA	EFT 06162022E	Retirement funds- Becky Kellen, City Administrator	N	Clerk - Treasurer	100-41401-121-	\$ 366.13
	Total For Check	EFT 06162022E					\$ 366.13
06/20/2022	American Eagle	31968	Escrow Refund - Permit #2022-24	N	Escrow Refunds	100-49250-430-8	\$ 3,000.00
	Total For Check	31968					\$ 3,000.00
06/20/2022	Tom Ryan Remodeling and Constructio	31969	Escrow Refund - # 2022-38	N	Escrow Refunds	100-49250-430-8	\$ 3,000.00
	Total For Check	31969					\$ 3,000.00
06/20/2022	Minutes Solutions	31970*	Minutes for April and May	N	MISCELLANEOUS	100-49001-300-	\$ 200.00
		31970*				100-49001-300-	\$ 270.00
	Total For Check	31970					\$ 470.00
06/23/2022	A T & T Mobility	06222022A*	6/2-7/1- Water meter	N	Water Utility	601-43180-382-	\$ 53.70
	Total For Check	06222022A					\$ 53.70
06/23/2022	Payroll Period Ending 06/23/2022	31971	Payroll - Rebecca Kellen, City Administrator	N	Clerk - Treasurer	100-41401-100-	\$ 1,989.30
	Total For Check	31971					\$ 1,989.30
06/23/2022	Payroll Period Ending 06/23/2022	31973	Jackie Smith- Deputy Clerk payroll	N	Clerk - Treasurer	100-41401-100-	\$ 469.79
	Total For Check	31973					\$ 469.79
06/23/2022	White Bear Township	31974*	Contracted Services -May	N	Sewer Utility	605-43190-314-	\$ 1,929.67
	Total For Check	31974					\$ 1,929.67
06/23/2022	Brian Ogren	31976	Music In the Park 6/26/22	N	Recreation	210-45101-440-	\$ 300.00
	Total For Check	31976					\$ 300.00
06/23/2022	Kellen de Trujillo, Rebecca	31978	Microsoft 365 Business basic	N	General Government Buildings and Plant	100-41940-320-	\$ 32.21

Fund Name: All Funds

Date Range: 06/09/2022 To 07/07/2022

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Description</u>	<u>Void</u>	<u>Account Name</u>	<u>F-A-O-P</u>	<u>Total</u>
	Total For Check	31978					\$ 32.21
06/23/2022	Croix Valley Inspections Inc	31979	Correction for Inspection Fees - 2021 Calendar Year, remaining amount owed	N	Building Inspections Administration	100-42401-314-	\$ 3,505.34
	Total For Check	31979					\$ 3,505.34
06/23/2022	R Leeves Productions LLC	31980	Videography - Council Mtgs, 06/13 and 06/14	N	Cable Eqpmt and Service	100-41950-314-	\$ 82.50
		31980				100-41950-314-	\$ 137.50
	Total For Check	31980					\$ 220.00
06/30/2022	Xcel Energy	EFT 06162022A*	407 Lake Ave Unit Lift Station	N	Sewer Utility	605-43190-383-	\$ 31.68
	Total For Check	EFT 06162022A					\$ 31.68
06/30/2022	Xcel Energy	EFT 06162022B*	200 Wildwood Ave Unit Lift Station	N	Sewer Utility	605-43190-383-	\$ 32.73
	Total For Check	EFT 06162022B					\$ 32.73
06/30/2022	Xcel Energy	EFT 06162022C	202 Wildwood Lift Station, 207 Birchwood, 407 1/2 Lake Ave & 423 Lake (ice rink)	N	General Government Buildings and Plant	100-41940-380-	\$ 197.34
		EFT 06162022C				100-41940-380-	\$ 548.36
		EFT 06162022C			Parks	100-45207-380-	\$ 20.66
		EFT 06162022C			Sewer Utility	605-43190-380-	\$(35.81)
		EFT 06162022C				605-43190-380-	\$(18.75)
	Total For Check	EFT 06162022C					\$ 711.80
06/30/2022	Xcel Energy	EFT 06162022D*	210 Birchwood Tower	N	Water Utility	601-43180-380-	\$ 16.17
	Total For Check	EFT 06162022D					\$ 16.17
06/30/2022	Xcel Energy	EFT 06302022A*	Street Lighting- 05/03-06/02	N	Street Lighting	100-43160-380-	\$ 1,449.21
	Total For Check	EFT 06302022A					\$ 1,449.21
06/30/2022	PERA	EFT06302022A	Retirement funds- Becky Kellen, City Administrator	N	Clerk - Treasurer	100-41401-121-	\$ 366.13
	Total For Check	EFT06302022A					\$ 366.13
07/06/2022	Payroll Period Ending 07/01/2022	31981	Rebecca Kellen, Administrator	N	Clerk - Treasurer	100-41401-100-	\$ 1,989.30
	Total For Check	31981					\$ 1,989.30
07/06/2022	Payroll Period Ending 07/01/2022	31982	Jim Rydeen- Maintenance	N	Parks	100-45207-100-	\$ 1,249.76

Fund Name: All Funds

Date Range: 06/09/2022 To 07/07/2022

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Description</u>	<u>Void</u>	<u>Account Name</u>	<u>F-A-O-P</u>	<u>Total</u>
		Total For Check	31982				\$ 1,249.76
07/06/2022	Payroll Period Ending 07/01/2022	31983	Jackie Smith, Deputy Clerk	N	Clerk - Treasurer	100-41401-100-	\$ 493.05
		Total For Check	31983				\$ 493.05
07/06/2022	Payroll Period Ending 07/01/2022	31984	Mary Cahill, Assistant Treasurer	N	Clerk - Treasurer	100-41401-100-	\$ 236.22
		Total For Check	31984				\$ 236.22
Total For Selected Checks							\$ 35,074.32

Fund Name: All Funds

Date Range: 06/09/2022 To 07/07/2022

<u>Date</u>	<u>Remitter</u>	<u>Receipt #</u>	<u>Description</u>	<u>Deposit ID</u>	<u>Void</u>	<u>Account Name</u>	<u>F-A-P</u>	<u>Total</u>
06/10/2022	ICC Restoration and Cleaning Servic	171735500*	Building Permit # 2022-40 and escrow deposit	(06/10/2022) -	N	Building Permits	100-32211-	\$ 331.25
						Escrow Deposits	100-36245-	\$ 3,000.00
								\$ 3,331.25
06/10/2022	Dammann, Douglas	171735501*	Building Permit 2022-44	(06/17/2022) -	N	Building Permits	100-32211-	\$ 179.00
								\$ 179.00
06/10/2022	Sigecan, Cameron	171735502*	Building Permit and Escrow	(06/17/2022) -	N	Building Permits	100-32211-	\$ 491.28
						Escrow Deposits	100-36245-	\$ 3,000.00
								\$ 3,491.28
06/10/2022	Canyon Creek Construction, Inc	171735503*	Building Permit # 7909	(06/17/2022) -	N	Building Permits	100-32211-	\$ 9,111.68
								\$ 9,111.68
06/15/2022	Smith, Nicolas	171735499*	Building Permit- 2022-45 and escrow	(06/15/2022) -	N	Building Permits	100-32211-	\$ 186.25
						Escrow Deposits	100-36245-	\$ 3,000.00
								\$ 3,186.25
06/23/2022	Sigecan, Cameron	171735504*	Engineering Fees from building permit	(06/24/2022) -	N	Building Permits	100-32211-	\$ 1,360.00
								\$ 1,360.00
06/23/2022	Wm Hayes Construction	171735505*	Building permit and escrow # 2022-47	(06/24/2022) -	N	Building Permits	100-32211-	\$ 301.85
						Escrow Deposits	100-36245-8	\$ 3,000.00
								\$ 3,301.85
06/23/2022	City of St. Anthony	171735506*	Commerce Energy Assistance	(06/24/2022) -	N	Miscellaneous	100-36140-	\$ 105.00
								\$ 105.00
06/23/2022	Gregory Contracting Inc.	171735507*	Building Permit # 2022-43	(06/24/2022) -	N	Building Permits	100-32211-	\$ 200.50
						Escrow Deposits	100-36245-8	\$ 3,000.00
								\$ 3,200.50

Fund Name: All Funds

Date Range: 06/09/2022 To 07/07/2022

<u>Date</u>	<u>Remitter</u>	<u>Receipt #</u>	<u>Description</u>	<u>Deposit ID</u>	<u>Void</u>	<u>Account Name</u>	<u>F-A-P</u>	<u>Total</u>
06/23/2022	Libra, Brittany	171735508*	Escrow Deposit and Building Permit 2022-39	(06/19/2022) -	N	Building Permits	100-32211-	\$ 186.25
						Escrow Deposits	100-36245-8	\$ 3,000.00
								\$ 3,186.25
06/23/2022	Clear Cut Xteriors, LLC	171735509*	Building Permit # 2022-49 and Escrow	(06/23/2022) -	N	Building Permits	100-32211-	\$ 287.50
						Escrow Deposits	100-36245-	\$ 3,000.00
								\$ 3,287.50
06/23/2022	Clear Cut Xteriors LLC	171735510*	Building Permit # 2022-51 and escrow deposit	(06/23/2022) -	N	Building Permits	100-32211-	\$ 404.25
						Escrow Deposits	100-36245-	\$ 3,000.00
								\$ 3,404.25
06/24/2022	Tschider, Nicole	171735512*	Building Permit # 2022-42	(06/24/2022) -	N	Building Permits	100-32211-	\$ 37.50
								\$ 37.50
06/29/2022	Clear Cut Xteriors, LLC	171735511*	Building Permit # 2022-52 and escrow	(07/01/2022) -	N	Building Permits	100-32211-	\$ 345.75
						Escrow Deposits	100-36245-	\$ 3,000.00
								\$ 3,345.75
06/30/2022	Residents - via St Anthony Village	171735517	Utility Billing - Month of June 2022	(06/30/2022) -	N	Leaf Collection	100-34408-	\$ 335.92
						Leaf Collection	100-34408-5	\$ 24.77
						Water Consumption	601-37111-	\$ 6,430.72
						Water Utility User Fee	601-37112-	\$ 3,372.85
						Water Main-break Surcharge	601-37113-	\$ 3,118.24
						Meter Upgrade Fees	601-37114-	\$ 87.33
						Special Water Charges	601-37115-	\$ 94.36
						State Surcharge	601-37116-	\$ 327.92
						Penalties and Forfeited Discounts	601-37160-	\$ 77.73
						Sewer Consumption	605-37211-	\$ 6,837.45
						Sewer Minimum Charge	605-37212-	\$ 5,186.89
						Penalties and Forfeited Discounts	605-37260-	\$ 72.00
								\$ 25,966.18

Fund Name: All Funds

Date Range: 06/09/2022 To 07/07/2022

<u>Date</u>	<u>Remitter</u>	<u>Receipt #</u>	<u>Description</u>	<u>Deposit ID</u>	<u>Void</u>	<u>Account Name</u>	<u>F-A-P</u>	<u>Total</u>
06/30/2022	Washington County	171735518*	Property Tax	(06/30/2022) -	N	General Property Taxes (31001 through 31299)	100-31001-	\$ 284,664.31
								<hr/>
								\$ 284,664.31
06/30/2022	Anderson, Daniel	171735519*	Dog permit	(06/30/2022) -	N	Animal Licenses	100-32240-	\$ 20.00
								<hr/>
								\$ 20.00
06/30/2022	Lindus Construction	171735520	Building permit and escrow	(06/30/2022) -	N	Building Permits Escrow Deposits	100-32211- 100-36245-	\$ 302.25
								<hr/>
								\$ 3,000.00
								<hr/>
								\$ 3,302.25
06/30/2022	Holstad, Mark	171735521	Dog license	(06/30/2022) -	N	Animal Licenses	100-32240-	\$ 20.00
								<hr/>
								\$ 20.00
06/30/2022	4 M Fund	171735522	Interest	(06/30/2022) -	N	Interest Earning	100-36210-	\$ 554.91
								<hr/>
								\$ 554.91
07/01/2022	MN Management & Budget	171735523*	Am Rescue Act 2nd pymt	(07/01/2022) -	N	Federal Grants - CARES	625-33180-9	\$ 48,193.46
								<hr/>
								\$ 48,193.46
Total for Selected Receipts								<hr/> <hr/> \$ 403,249.17

As on 7/7/2022

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:			
Engineer Service			
PROFESSIONAL SERVICES (301 through 319)	0.00	4,900.00	(4,900.00)
Total Acct 416	0.00	4,900.00	(4,900.00)
Recreation			
Miscellaneous (431 through 499)	0.00	200.00	(200.00)
Community Events	0.00	900.00	(900.00)
Total Acct 451	0.00	1,100.00	(1,100.00)
Parks			
Other Equipment	0.00	1,280.00	(1,280.00)
Total Acct 452	0.00	1,280.00	(1,280.00)
Total Disbursements	0.00	7,280.00	(7,280.00)
Other Financing Uses:			
Total Other Financing Uses	0.00	0.00	0.00
Beginning Cash Balance		12,525.69	
Total Receipts and Other Financing Sources		15,750.00	
Total Disbursements and Other Financing Uses		7,280.00	
Cash Balance as of 07/07/2022		20,995.69	

As on 7/7/2022

Capital Project PW

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Total Revenues	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
Other Financing Sources:			
Total Other Financing Sources	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
Disbursements:			
General Government Buildings and Plant			
PROFESSIONAL SERVICES (301 through 319)	0.00	3,200.00	(3,200.00)
Contracted Services	0.00	4,917.00	(4,917.00)
Total Acct 419	<u>0.00</u>	<u>8,117.00</u>	<u>(8,117.00)</u>
Total Disbursements	<u>0.00</u>	<u>8,117.00</u>	<u>(8,117.00)</u>
Other Financing Uses:			
Total Other Financing Uses	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
Beginning Cash Balance		123,615.31	
Total Receipts and Other Financing Sources		0.00	
Total Disbursements and Other Financing Uses		<u>8,117.00</u>	
Cash Balance as of 07/07/2022		115,498.31	

As on 7/7/2022

Water

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Penalty - Late Water/Sewer	0.00	202.57	202.57
Total Acct 341	0.00	202.57	202.57
Miscellaneous	0.00	3,056.14	3,056.14
Total Acct 361	0.00	3,056.14	3,056.14
Water Consumption	0.00	33,916.38	33,916.38
Water Utility User Fee	0.00	16,682.64	16,682.64
Water Main-break Surcharge	0.00	3,224.74	3,224.74
Meter Upgrade Fees	0.00	470.36	470.36
Special Water Charges	0.00	859.35	859.35
State Surcharge	0.00	1,713.07	1,713.07
Certified Bills Collections	0.00	25.00	25.00
Administrative Fee Move/Out	0.00	50.00	50.00
Penalties and Forfeited Discounts	0.00	187.11	187.11
Total Acct 371	0.00	57,128.65	57,128.65
Total Revenues	0.00	60,387.36	60,387.36
Other Financing Sources:			
Total Other Financing Sources	0.00	0.00	0.00
Disbursements:			
Financial Administration			
Contracted Services	0.00	4,355.48	(4,355.48)
Total Acct 415	0.00	4,355.48	(4,355.48)
Newsletter			
Printing and Binding (351 through 359)	0.00	366.72	(366.72)
Total Acct 419	0.00	366.72	(366.72)
Water Utility			
Repair and Maintenance Supplies (221 through 229)	0.00	894.29	(894.29)
Contracted Services	0.00	31,614.48	(31,614.48)
Utility Services (381 through 389)	0.00	38,421.08	(38,421.08)
Utility Services: Water	0.00	513.52	(513.52)
Miscellaneous (431 through 499)	0.00	1,571.42	(1,571.42)
Fees	0.00	1,720.00	(1,720.00)
Wtr/Swr Emergency			
Repair and Maintenance Supplies (221 through 229)	0.00	700.00	(700.00)
PROFESSIONAL SERVICES (301 through 319)	0.00	784.58	(784.58)
Contracted Services	0.00	17,776.75	(17,776.75)
Total Acct 431	0.00	93,996.12	(93,996.12)
MISCELLANEOUS			
Fees	0.00	23.96	(23.96)
Total Acct 490	0.00	23.96	(23.96)
Total Disbursements	0.00	98,742.28	(98,742.28)
Other Financing Uses:			
Total Other Financing Uses	0.00	0.00	0.00
Beginning Cash Balance		18,956.92	
Total Receipts and Other Financing Sources		60,387.36	
Total Disbursements and Other Financing Uses		98,742.28	
Cash Balance as of 07/07/2022		(19,398.00)	

As on 7/7/2022

Sewer

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Miscellaneous	0.00	266.20	266.20
Total Acct 361	0.00	266.20	266.20
Sewer Consumption	0.00	33,979.01	33,979.01
Sewer Minimum Charge	0.00	27,478.86	27,478.86
Penalties and Forfeited Discounts	0.00	319.92	319.92
Total Acct 372	0.00	61,777.79	61,777.79
Total Revenues	0.00	62,043.99	62,043.99
Other Financing Sources:			
Total Other Financing Sources	0.00	0.00	0.00
Disbursements:			
Engineer Service			
PROFESSIONAL SERVICES (301 through 319)	0.00	41,898.49	(41,898.49)
Total Acct 416	0.00	41,898.49	(41,898.49)
Utility Locates			
Contracted Services	0.00	264.65	(264.65)
Total Acct 428	0.00	264.65	(264.65)
Sewer Utility			
Sewer - Wastewater Charge	0.00	30,635.82	(30,635.82)
Contracted Services	0.00	13,163.91	(13,163.91)
Utility Services (381 through 389)	0.00	4,171.96	(4,171.96)
Utility Services: Gas Utilities	0.00	122.22	(122.22)
Miscellaneous (431 through 499)	0.00	836.70	(836.70)
Total Acct 431	0.00	48,930.61	(48,930.61)
Total Disbursements	0.00	91,093.75	(91,093.75)
Other Financing Uses:			
Total Other Financing Uses	0.00	0.00	0.00
Beginning Cash Balance		114,108.09	
Total Receipts and Other Financing Sources		62,043.99	
Total Disbursements and Other Financing Uses		91,093.75	
Cash Balance as of 07/07/2022		85,058.33	

As on 7/7/2022

American Rescue Act Proceeds

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Federal Grants - CARES	0.00	48,193.46	48,193.46
Total Acct 331	0.00	48,193.46	48,193.46
Total Revenues	0.00	48,193.46	48,193.46
Other Financing Sources:			
Total Other Financing Sources	0.00	0.00	0.00
Disbursements:			
Engineer Service			
PROFESSIONAL SERVICES (301 through 319)	0.00	1,004.00	(1,004.00)
Total Acct 416	0.00	1,004.00	(1,004.00)
Total Disbursements	0.00	1,004.00	(1,004.00)
Other Financing Uses:			
Total Other Financing Uses	0.00	0.00	0.00
Beginning Cash Balance		(46,665.31)	
Total Receipts and Other Financing Sources		48,193.46	
Total Disbursements and Other Financing Uses		1,004.00	
Cash Balance as of 07/07/2022		524.15	

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

**MINUTES OF THE CITY COUNCIL MEETING
APRIL 12, 2022, 7:00 P.M.**

MEMBERS:

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

STAFF:

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

GUESTS:

Ryan Hankins	Planning Commission Vice Chairman
--------------	-----------------------------------

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

1. CALL TO ORDER

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

2. PLEDGE OF ALLEGIANCE

3. APPROVAL OF AGENDA

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

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

- Late Fees for Dog Licenses
- Tree Issues
- Music in the Park

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

- Special Meeting to Interview Candidates for City Administrator
- 369 Wildwood Avenue Re: Request by Steve Thatcher
- White Bear Lake Society Signage Grants
- Dellwood Lift Station
- Wildwood Lift Station Update

- Data Practices Policy

4. **OPEN PUBLIC FORUM**

Barton Winter, 1 Five Oaks Lane, expressed concern regarding the lack of flooding of the ice rink. The resident requested better maintenance of the ice rink and suggested that he be deputized to flood the ice rink as needed.

James Nelson, 256 Wildwood Avenue, expressed concern regarding what the resident felt was regulation of his free speech. The resident reported that he would continue to attend the Council meetings until a response is provided to him by the Council regarding details of the charges that were laid against him.

5. **ANNOUNCEMENTS**

- A. **Social Media:** Follow Birchwood Village on Facebook @BirchwoodCityHall or on Twitter @CityofBirchwood.
- B. **Dock Association:** Mayor Wingfield reported that the Dock Association has three slips available to fill.

6. **ADMINISTRATIVE PRESENTATION**

- A. **Sheriff Report:** A report of law enforcement incidents and citations for March, 2022, was provided for the Council's review.
- B. **Planning Commission Regular Meeting Minutes:** The minutes of the February 24, 2022, Planning Commission meeting was provided for the Council's review.

7. **CITY BUSINESS – CONSENT AGENDA**

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

On a motion made by Councilmember Woolstencroft, seconded by Councilmember McCarthy, it was resolved to approve the meeting minutes of the regular Council meeting held on March 8, 2022, as amended. All in favor; motion carried.

- A. **Approval of the Council Meeting Minutes:** The meeting minutes of the February 8, 2022, regular Council meeting was provided for the Council's review and approval.
- B. **Approval of the Council Meeting Minutes:** Councilmember McCarthy requested the following amendments to the meeting minutes of the March 8, 2022, regular Council meeting:
- Section 8, C, fourth motion: replace "hard cover" with "impervious surface"
 - Section 8, C, third paragraph, remove the first sentence

- C. **Approval of Resolution 2022-07 Re-establishing Precinct Boundaries and Polling Location**
- D. **Approval to Change the Dog License Term to Three Years Retroactive to January 1, 2022**
- E. **Approval of the Treasurer’s Report:** The Treasurer’s Report for the period ending April 7, 2022, was provided for the Council’s review and approval.

8. **CITY BUSINESS – REGULAR AGENDA**

A. **MS4: Storm Water Pollution Prevention Program (SWPPP) Review**

- a. **Public Hearing:** Mayor Wingfield reported that the MS4 permit process is an annual permit to keep residents and the Minnesota Pollution Control Agency (MPCA) informed on the city’s procedures and protocols to protect the water quality.

There were no additional comments for the public hearing.

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

- c. **Council Deliberation:**

On a motion made by Mayor Wingfield, seconded by Councilmember Fleck, it was resolved to approve the SWPPP permit application with no changes and for the application to be forwarded to the MPCA. All in favor; motion carried.

B. **143 Wildwood Avenue – Previous Code Violation**

- a. **Council Deliberation:** *ACTION – Andy Gonyou will confirm with Mary Cahill, the Assistant Treasurer, whether a cheque has been received from the resident at 143 Wildwood Avenue.*

Andy Gonyou confirmed that the resident was notified in writing of the agenda item regarding a previous code violation due to a lack of a permit and improper drainage and grading by the resident’s contractor.

Andy Gonyou reported that the resident informed Mary Cahill, the Assistant Treasurer, that a cheque would be provided for all the monies owed to the city. Andy Gonyou noted that the contractor’s name and contact information was finally provided by the resident following the issuance of a letter indicating that money was owed to the city.

C. 310/312 Wildwood Avenue – Maintenance Code Concerns

- a. **Council Deliberation:** Mayor Wingfield reported that the owner of the property is deceased, and the property will inevitably be sold. The family is working with Alan Kantrud regarding legal proceedings for the property. The Council agreed to defer further action pending the ongoing legal proceedings.

D. First Reading Ordinance 2022-04-02, Repeal and Replace Section 302.050

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

On a motion made by Councilmember McCarthy, seconded by Councilmember Woolstencroft, it was resolved to approve the first reading of Ordinance 2022-04-02, Repeal and Replace Section 302.050. All in favor; motion carried.

ACTION – Andy Gonyou will publish the second reading and public hearing for Ordinance 2022-04-02, Repeal and Replace Section 302.050.

Councilmember McCarthy reported that Ordinance 2022-04-02, Repeal and Replace Section 302.050 would change impervious surface to lot coverage including pervious pavement. Councilmember McCarthy noted that impervious surfaces from 25% to 35% only require an administrative permit as long as conditions are met and approval is obtained from the City Engineer, Steve Thatcher. Impervious surfaces over 35% will trigger the requirement for a variance request. The goal is to minimize the burden of residents coming to Council and the Planning Commission for impervious surfaces less than 35%.

Councilmember McCarthy noted that a maintenance agreement was added because the current ordinance does not explicitly state that applicants must implement the structures included in their plans. The maintenance agreement will be recorded with the county and run with the land to ensure that new owners adhere to the agreement. A small-fee certification must be filed with the city every five years to confirm that maintenance was completed.

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

On a motion made by Councilmember McCarthy, seconded by Councilmember Woolstencroft, it was resolved to proceed with a second reading and public hearing for Ordinance 2022-04-02, Repeal and Replace Section 302.050 at the next Council meeting. All in favor; motion carried.

E. First Reading Ordinance 2022-04-01, Repeal Section 601

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

On a motion made by Councilmember Fleck, seconded by Councilmember McCarthy, it was resolved to approve Ordinance 2022-04-01, Repeal Section 601 and to waive the second reading. All in favor; motion carried.

ACTION – Andy Gonyou will post Councilmember McCarthy’s memo dated March 24, 2022, regarding the Birchwood Sign Ordinance Section 601 repeal and replace on the City of Birchwood website.

ACTION – Andy Gonyou will publish Ordinance 2022-04-01, Repeal Section 601.

Councilmember McCarthy reported that the memo regarding Ordinance 2022-04-01, Repeal Section 601 was not included in the meeting package for the Council’s first reading prior to the meeting.

Alan Kantrud confirmed that a second reading can be waived; however, he advised that a second reading and public hearing for the repeal, along with a first reading of the replacement ordinance, be held at the next Council meeting in May, 2022.

The Council agreed that Section 601 is unconstitutional and should be repealed immediately with no further discussion as a future agenda item.

- b. **Order Second Reading and Public Hearing:** The second reading and public hearing was waived.

F. Personnel – City Administrator/Clerk Update

- a. **Update from Councilmember McCarthy:**

On a motion made by Councilmember McCarthy, seconded by Mayor Wingfield, it was resolved to approve a special meeting to be held on April 18, 2022, at 6:00 p.m. to interview candidates for the role of City Administrator. All in favor; motion carried.

ACTION – Andy Gonyou will post a notice regarding the special meeting to be held on April 18, 2022, on the City of Birchwood website.

ACTION – Alan Kantrud will provide the Council with a list of proposed interview questions for the special meeting on April 18, 2022.

Andy Gonyou submitted a letter of resignation and will be acting as the City Administrator until May 12, 2022. Councilmember McCarthy reported that a job posting was posted on several platforms. There are currently four applicants.

G. Councilmember Reports

- a. **Mayor Wingfield**

- i) **Fee Schedule Amendment:**

On a motion made by Mayor Wingfield, seconded by Councilmember Woolstencroft, it was resolved to approve a \$25 fee for a three-year dog license retroactive to January 1, 2022, with a \$5 early-bird discount up to February 15, 2022, and a \$5 late fee after April 15, 2022. Councilmember McCarthy abstained. Motion carried.

ACTION – Alan Kantrud will determine the non-compliance fee for dog licenses.

Councilmember McCarthy reported a discrepancy between the fee schedule stating triple the consequence for non-compliance of dog licenses and Ordinance 701.061 stating double the consequence. Alan Kantrud suggested the inclusion of “plus any additional fees incurred by the city” to Ordinance 701.061.

Mayor Wingfield suggested that a dog license required for 18 months or less would be \$15, and any license required for longer than 18 months would pay the full amount of \$25.

ii) Tree Follow-Up:

On a motion made by Councilmember Fleck, seconded by Councilmember McCarthy, it was resolved to authorize Mayor Wingfield to arrange the planting of birch clumps around City Hall at a cost not to exceed \$1,500. All in favor; motion carried.

Mayor Wingfield reported that the spruce next to the tennis courts will be planted in mid-May, 2022. Mayor Wingfield suggested planting birch clumps around City Hall. She noted that the birch clumps would be Japanese white birch and not birch that are susceptible to birch borers.

iii) Tennis Court/Animal Access: Mayor Wingfield reported an abundance of dog waste at the tennis court. The Council reported the same issue at the lake and the trails. The Council discussed issuing a reminder for residents to pick up after their dogs.

iv) Sanitary Sewer Survey of 200 Block of Birchwood Avenue: *ACTION – Mayor Wingfield will obtain a quote from Velocity Drain Services for the installation of a camera at the sewer line.*

Mayor Wingfield reported a water main break and Xcel Energy had a gas line severed. John Manship, the City Water Superintendent, suggested installing a camera at the sewer line to ensure no shifting occurred.

v) Backflow Valve Permits: *ACTION – Councilmember McCarthy will review whether any decisions were made by the Council regarding irrigation jets at the right of way.*

Mayor Wingfield reported that John Manship recommended a permit system to ensure that the city’s recently enacted code regarding backflow valves is applicable to all residents with an irrigation system.

The Council discussed various options to ensure all old and new irrigation systems have backflow preventors. Further action was deferred pending further discussion and consideration.

The Council expressed concern regarding contractors installing jets at the right of way. The Council reported past discussions noting that the city would not be liable for any damages to the jets.

- vi) **Road Updates:** Mayor Wingfield reported that T.A. Schifsky & Sons will be investigating the delamination on several roads to confirm whether the contractor's recommendations will change. T.A. Schifsky & Sons will provide a report regarding whether repairs are needed.
- vii) **369 Wildwood Avenue – Request:** *ACTION – Andy Gonyou will inform Steve Thatcher of the Council's authorization for the City Engineer to work with the City Building Official.*

Mayor Wingfield reported that the City Building Official requested Steve Thatcher's assistance due to grading concerns.

- viii) **Music in the Park:**

On a motion made by Mayor Wingfield, seconded by Councilmember Fleck, it was resolved to approve Al Mitchell's resolution regarding an annual Music in the Park event as drafted. All in favor; motion carried.

Mayor Wingfield reported that Al Mitchell drafted a resolution with a budget of \$3,700 for 10 concerts and permitting alcohol in city parks during the event. The resolution would be subject to the Council's review as deemed necessary.

- ix) **Tree Issues:**

On a motion made by Councilmember McCarthy, seconded by Councilmember Fleck, it was resolved to approve the resident's request for an extension until May 26, 2022, to remove the emerald ash borer. All in favor; motion carried.

Mayor Wingfield reported that a resident could not remove the emerald ash borer as required by the city due to weather-related delays with the tree removal service provider.

Mayor Wingfield noted that John Lund has informed the city of ash borers that need to be removed from easements. She has requested that STS remove the trees.

- x) **White Bear Lake Historical Society:**

On a motion made by Councilmember McCarthy, seconded by Councilmember Foster, it was resolved to approve the White Bear

Lake Historical Society to proceed with the six signs at an approximate cost of \$18,000. All in favor; motion carried.

Mayor Wingfield confirmed that the city received the \$10,000 grant for signage. There will be a total of six signs, three at City Hall and one each at Polly's Park, Feistner Reserve, and Hall's Marsh.

xi) Dellwood Lift Station: Mayor Wingfield reported a minimum \$10,000 cost to address a damaged pump and a check valve at the lift station. Mayor Wingfield informed the White Bear Township workers that the Council is not in a position to ascertain the level of work required and to proceed unless heard otherwise from the Council.

xii) Wildwood Lift Station:

On a motion made by Mayor Wingfield, seconded by Councilmember Fleck, it was resolved to adopt Resolution 2022-08 Declaring a Need to Replace a Local Sanitary Sewer Lift Station and Supporting Partnerships and commit to \$120,000 to be allocated from the reserve funds. All in favor; motion carried.

On a motion made by Mayor Wingfield, seconded by Councilmember Fleck, it was resolved that the City of Birchwood Village support Washington County's resolution for the funding of highway intersection improvements at 120 Wildwood Avenue and Trunk Highway 36. All in favor; motion carried.

Mayor Wingfield reported that the city was put into a queue for consideration of authorized monies from the Feds by Representative Betty McCollum's office. Mayor Wingfield drafted a request for 80% subsidies and grant money, and the city would have to match 20%. A similar request was submitted in parallel to Senator Tina Smith's office.

Mayor Wingfield reported that the city will try to secure funding before proceeding with the lift station project. The project will likely take place in 2023 as a response to the funding request will likely not be received until 2023.

Mayor Wingfield advised that she will request that Washington County, and the Rice Creek Watershed District, support the resolution for the Wildwood Lift Station as it benefits White Bear Lake and the surrounding vicinities. In conjunction, Mayor Wingfield reported that Washington County is seeking the city's support of a resolution to obtain funding for highway improvements.

xiii) Data Practices Policy: ACTION – Alan Kantrud will draft a data practices policy.

b. Councilmember McCarthy

- i) **Impervious Surface:** *ACTION – Alan Kantrud and Andy Gonyou will explore any requirements to inform the Department of Natural Resources of any changes regarding the city’s impervious surface ordinances.*

H. City Administrator Update:

- a. **Feistner Beach Raffle Winner Approval:** Mayor Wingfield reported that a contract needs to be drafted to permit the winner of the Feistner Beach Raffle to moor a boat at a cost of \$1,000 per year for a maximum of a three-year period.

9. ADJOURNMENT

On a motion made by Councilmember McCarthy, seconded by Councilmember Fleck and carried unanimously, it was agreed that there was no further business of the Council to transact; the meeting was closed at 8:35 p.m. by Mayor Wingfield.

DISCLAIMER

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

Mayor Mary Wingfield

City Administrator Andy Gonyou

Date

Date

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

**MINUTES OF THE CITY COUNCIL MEETING
MAY 10, 2022, 7:00 P.M.**

MEMBERS:

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

STAFF:

Andy Gonyou	City Administrator
Becky Kellen	Incoming City Administrator
H. Alan Kantrud	City Attorney

GUESTS:

Stan Kowalski	Washington County Commissioner
Kevin Peterson	Project Manager, Public Works Department

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

1. CALL TO ORDER

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

2. PLEDGE OF ALLEGIANCE

3. APPROVAL OF AGENDA

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

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

- Road Closure
- Birchwood Beach Dock
- Park Benches at Tennis Court
- Thursday Office Hours
- Signs Entering Birchwood
- Streetlight Update

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

- Discuss the Treasurer's Report

4. OPEN PUBLIC FORUM

Mary Sue Simmons, 418 Birchwood Court, reported that the tree removal service provider noticed more than one tree infected with beetles. Four infected trees will be removed including trees that may not belong to the resident. Mayor Wingfield advised that a survey of the trees can be arranged through the city.

Randy Elroy, 200 Wildwood Avenue, reported new hires for the Cable Commission including a tech specialist, consultant, and designer for the facility. The Cable Commission will be upgrading the truck and equipment.

Dana Klemp, address unknown, appealed to the Council to reconsider the urgency of moving the Birchwood Beach dock 15 to 20 feet and suggested devising a plan over summer 2022 for implementation in fall 2022.

Lynn Hanson, 700 Hall Avenue, supported Dana Klemp's sentiments.

Trovie White, 3 Oakridge Drive, expressed concern regarding the road issues with Highway 244. The resident reported that the road serves as sidewalk for residents, and the road detours are posing safety concerns. The resident also noted that access to the water at Birchwood Beach is underused, and requests to convert the beach to a more accessible swimming beach have been made for several years.

Barton Winter, 1 Five Oaks Lane, expressed concern regarding the maintenance of the corner boards of the ice rink. The resident recommended white paint in the center of the rink to deflect sunlight and to provide a resident with access to flood and level the figure skating rink to ensure the longevity of rink.

James Nelson, 256 Wildwood Avenue, reported that he has not received a response or an apology from Council. The resident expressed concern regarding the regulation of his sign and requested that the city cover the cost to have the charges removed from his record citing concerns with cross border patrol when entering Canada.

5. ANNOUNCEMENTS

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

B. Road Closure at Old Highway 244: Mayor Wingfield reported that the road closure is causing hardship to the city. The City Commissioner and the Public Works Department are in attendance to help provide solutions.

C. New City Administrator: Becky Kellen will be the new City Administrator as of May 18, 2022.

6. ADMINISTRATIVE PRESENTATION

A. Sheriff Report: A report of law enforcement incidents and citations for April, 2022, was provided for the Council's review.

- B. **Planning Commission Regular Meeting Minutes:** The minutes of the March 24, 2022, Planning Commission meeting was provided for the Council's review.

7. **CITY BUSINESS – CONSENT AGENDA**

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

- A. **Approval of the LBAE Meeting Minutes:** The meeting minutes of the April 12, 2022, LBAE meeting was provided for the Council's review and approval.

- B. **Approval of the Council Meeting Minutes:** The meeting minutes of the April 18, 2022, special Council meeting was provided for the Council's review and approval.

- C. **Approval of the Council Meeting Minutes:** The meeting minutes of the April 25, 2022, special Council meeting was provided for the Council's review and approval.

- D. **Approval of the Treasurer's Report:**

On a motion made by Councilmember Fleck, seconded by Councilmember Woolstencroft, it was resolved to approve the Treasurer's Report for the period ending May 5, 2022. All in favor; motion carried.

ACTION – Mayor Wingfield will review the funds taken out of the special revenue projects fund with Mary Cahill, the Treasurer, and provide an update to Councilmember McCarthy via e-mail.

Councilmember McCarthy reported funds taken out of the special revenue projects fund for fireworks, electric service upgrades for City Hall, and the fence for the water tower. Councilmember McCarthy queried whether the items were allocated to the correct fund.

- E. **Approval of Resolution 2022-08, Workers Compensation Coverage**

8. **CITY BUSINESS – REGULAR AGENDA**

- A. **Road Closure:**

On a motion made by Councilmember Fleck, seconded by Councilmember Foster, it was resolved to approve a hard road closure at Hall Avenue and Jay Street effective May 13, 2022, with adequate signage at the four entrances on the west end leading to the road closure. Councilmember Woolstencroft and Councilmember McCarthy opposed. Motion carried.

ACTION – Public Works will inform the Mahtomedi and White Bear Lake school districts and bus companies of the road closure at Hall Avenue and Jay Street which will affect the school bus route.

ACTION – Kevin Peterson will prepare a detailed mapped plan for the road closures and provide it to the Council.

ACTION – Andy Gonyou and Becky Kellen will issue multiple e-mail blasts to residents regarding the upcoming road closures.

Mayor Wingfield reported concerns of careless driving at Highway 244 including no regard for pedestrians, running stop signs, and speeding. She noted that additional police patrol has not been effective with only one police officer on site. Mayor Wingfield reported that several residents volunteered to open and close the barricades during the road closures to accommodate school buses.

Trovie White, 3 Oakridge Drive, appealed that a detour be arranged to mitigate the heavy traffic or to install speed bumps to deter vehicles from passing through to Mahtomedi. The resident reiterated that Highway 244 is a pedestrian thoroughfare.

Lisa Refeld, address unknown, echoed the same concerns as Trovie White.

Stan Kowalski reported there was no intention to have alternative routes through Birchwood Village. The City Commissioner had a meeting with Wayne Sandberg, the Public Works Director, on May 10, 2022, to discuss options to address the traffic including closing the road, signage, speed bumps or speed trailers.

The City Commissioner noted that he would not oppose a road closure with volunteers opening and closing barricades in the morning and afternoon for school buses; however, the county cannot provide staff to monitor the barricades, and it would be the city's responsibility to obtain volunteers. The Commissioner noted that school buses using the assigned detour road would be better for the integrity of the project and to prevent other motorists from trying to pass the barricades. The sheriff's office agreed to additional patrolling and suggested robust signage.

Kevin Peterson reported that the intended detour was Highway 120 Century Avenue to Highway 694 to Highway 36 and back up Hilton Trail. He noted that Road Closed Ahead signs will be placed at Birchwood Avenue, Wildwood Avenue, and Cedar Avenue. He expressed concerns regarding opening and closing barricades as it confuses motorists and will pose an enforcement challenge for police officers. He noted that the barricades would consist of sand bags and be placed on the east side of the intersection of Hall Avenue and Jay Street. He reiterated that traffic is usually increased for the first two weeks of a project and then subsides.

Councilmember McCarthy queried whether the project manager considered closing Ash Street to local traffic only. Kevin Peterson reported that it was intentional to close the road at Coney Highway 12, east of Birchwood Road and west of Lincoln Town to encourage motorists to go south; however, motorists are not following that route. He confirmed that the City of Mahtomedi does not support closing Birchwood Road.

B. Birchwood Dock Association:

On a motion made by Councilmember Fleck, seconded by Mayor Wingfield, it was resolved to approve the Dock Association moving the dock 10 feet to the west of the previously approved plan by the Conservation District on the condition that the adjoining residents are agreeable to the relocation of the dock. Councilmember McCarthy opposed. Motion carried.

Mayor Wingfield reported that the Dock Association had previously agreed in October, 2021, to move the Birchwood Beach dock 15 to 20 feet to the west to accommodate more swimming space. She noted that the dock is in the middle of a 125-foot easement. The dock has not been moved.

Mayor Wingfield confirmed that the resident on the west side of the dock was receptive to having the silver maple tree on the property trimmed at the trunk to accommodate more space for boats to maneuver. The resident on the other side was also agreeable to moving the deck to the west. H. Alan Kantrud confirmed that if all parties are agreeable, then the Dock Association does not have to obtain approval again from the Conservation District.

The Dock Association expressed concern regarding clear access to the end of the dock and noted that the dock would be below the high-water mark if relocated to the west. The Dock Association noted that it had followed the correct process and procedure for the initial dock application and expressed concern regarding the Council's dismissal of the Dock Association's efforts to follow protocol. The Dock Association recommended that the dock be erected as originally planned and that a plan be devised over summer 2022 for implementation in fall 2022.

Nick Nephew, 20 Birchwood Avenue, stated that he did not feel there is currently inadequate swimming space at Birchwood Beach and noted that an additional 10 feet would ultimately not add much swimming space.

C. First Reading Ordinance 2022-05-01, Section 601

a. First Reading and Council Deliberation:

On a motion made by Councilmember McCarthy, seconded by Councilmember Fleck, it was resolved to approve the first reading of Ordinance 2022-05-01, Section 601 on the condition that the exceptions listed under Section 601.030 A are eliminated, the total square feet is changed to nine, and the section relating to flags under Section 601.050 is eliminated. All in favor; motion carried.

Councilmember McCarthy reported that the sign ordinance was repealed due to constitutional concerns.

The Council expressed concern regarding a lack of resources to regulate and enforce the sign ordinance. The Council reiterated that the content of signs will not be regulated; however, the proposed ordinance will set parameters on the size of signs.

H. Alan Kantrud reported that sign pollution is a problem and noted that too many signs in Birchwood would lead to concerns regarding decreased property values. He advised that signs should be regulated with set limitations. He was in agreement with statements such as "anything not keeping with this is considered a public nuisance".

b. Order Second Reading and Public Hearing:

On a motion made by Councilmember McCarthy, seconded by Councilmember Fleck, it was resolved to proceed with a second reading and public hearing for Ordinance 2022-05-01, Replace Section 601 at the next Council meeting in June, 2022. All in favor; motion carried.

E. Councilmember Reports

a. Mayor Wingfield

i) Fee Schedule Amendment:

On a motion made by Mayor Wingfield, seconded by Councilmember McCarthy, it was resolved to authorize Ryan Hankins, the Vice Chairman of the Planning Commission, to review the fee schedule and work with the city's Treasurer to update the schedule as needed. Motion carried.

Mayor Wingfield reported outdated items on the fee schedule such as seal coating that need to be removed or updated.

ii) Tree Follow-Up:

On a motion made by Mayor Wingfield, seconded by Councilmember Fleck, it was resolved to authorize Steve Thatcher, the City Engineer, to identify the property point lines on the west side of City Hall for demarcation. All in favor; motion carried.

Mayor Wingfield reported questions regarding the city's property lines based on the Washington County assessor's map. Mayor Wingfield noted that confirmation of the property lines should be obtained before proceeding with the planting of the trees at City Hall.

iii) Data Practices Policy:

On a motion made by Mayor Wingfield, seconded by Councilmember McCarthy, it was resolved to adopt the data practices policy to be included in the city's policy handbook. All in favor; motion carried.

iv) Road Updates:

On a motion made by Councilmember Fleck, seconded by Councilmember Foster, it was resolved to authorize Mayor Wingfield to inform T.A. Schifsky & Sons to proceed with the major repairs of the roads at a cost not to exceed \$45,000. All in favor; motion carried.

Mayor Wingfield reported that T.A. Schifsky & Sons recommended a 0.5-inch overlay or a 1.5-inch overlay for a longer lifespan of the road at a cost of \$36,000.

v) **Water Main Surcharge:**

On a motion made by Councilmember Woolstencroft, seconded by Councilmember Fleck, it was resolved to approve a \$25 surcharge for the water main. All in favor; motion carried.

The Council agreed that a \$25 surcharge would allow the city to recuperate water main costs. The surcharge would start in June, 2022, and terminate in December, 2022.

vi) **Park Benches at Tennis Court:**

On a motion made by Councilmember Foster, seconded by Councilmember Woolstencroft, it was resolved to approve the purchase of three park benches at a cost not to exceed \$1,500. All in favor; motion carried.

On a motion made by Councilmember Fleck, seconded by Councilmember McCarthy, it was resolved to authorize Mayor Wingfield to obtain a concrete pad for the bench at Jay Path at a cost not to exceed \$1,500 including bench installation.

Mayor Wingfield reported three broken park benches. She noted that the Rotary may provide benches for the city parks.

Mayor Wingfield reported that the Birchwood Community Club will sponsor the bench at Jay Path and is not included in the three broken park benches. A 5x8-foot concrete pad is needed for the bench.

vii) **Sewer Line Scoping:** Mayor Wingfield reported that the scoping of the sewer line will be conducted on May 11, 2022, at a cost of \$219.

viii) **LMCIT:** *ACTION – Councilmember McCarthy will speak to the insurance adjuster regarding the city's cyber security coverage.*

Mayor Wingfield reported that the city's insurance needs to be renewed. She had a meeting with an insurance adjuster on May 13, 2022, to review the city's coverage. The insurance adjuster will provide a report to the League of Minnesota Cities Insurance Trust, and the city will receive a bill statement.

The Council queried whether the city has cyber security coverage through its partnership with Metro-INET. H. Alan Kantrud reported that \$250,000 is the standard coverage for cyber security.

ix) **Wildwood Lift Station:** *ACTION – Mayor Wingfield will confirm whether the White Bear Township lift station is caged.*

Mayor Wingfield reported that the grant applications have been submitted to Representative Betty McCollum's office and Senator Tina Smith's office.

The Wildwood Lift Station project is on hold pending conformation of the city's eligibility for government funding.

Mayor Wingfield expressed concern regarding the generator at the lift station not being caged.

- x) **Drainage at City Hall:** Mayor Wingfield reported that the erosion pit was filled with logs but must be monitored for ongoing erosion.
- xi) **Thursday Office Hours:** The Council agreed to have office hours on Monday, Tuesday, and Thursday. Jacky Smith will continue to work on Mondays, and Becky Kellen will work from 10:30 a.m. to 1:30 p.m. on Tuesdays and Thursdays.
- xii) **Signs Entering Birchwood:** This item was not discussed due to time constraints.
- xiii) **Streetlight Update:** This item was not discussed due to time constraints.

b. Councilmember McCarthy

i) Administrator Transition:

1. Approve Resolution 2022-09, Administrator Training

On a motion made by Councilmember McCarthy, seconded by Mayor Wingfield, it was resolved to approve Becky Kellen's attendance at the League of Minnesota Cities Clerks Academy for the three-day event to be paid by the city. All in favor; motion carried.

2. Approve Resolution 2022-10, Administrator Cellphone

On a motion made by Mayor Winfield, seconded by Councilmember Fleck, it was resolved to authorize Councilmember Woolstencroft to investigate a cellphone plan with Mint Mobile for the City Administrator's use. All in favor; motion carried.

H. City Administrator Update:

- a. **Kayak Racks for Non-Residents:** Andy Gonyou reported that several non-residents have expressed interest in renting a space on the kayak rack. He confirmed that there was space available.

The Council expressed concern regarding increased traffic from non-residents and noted it is a privilege for Birchwood residents. The Council agreed to leave the kayak rack as is for residents only.

9. **ADJOURNMENT**

On a motion made by Councilmember McCarthy, seconded by Councilmember Fleck and carried unanimously, it was agreed that there was no further business of the Council to transact; the meeting was closed at 10:05 p.m. by Mayor Wingfield.

DISCLAIMER

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

Mayor Mary Wingfield

City Administrator Andy Gonyou

Date

Date

MINUTES
SPECIAL COUNCIL MEETING
CITY OF BIRCHWOOD VILLAGE
June 13, 2022
7:00pm

Meeting recorded and broadcast live

CALL TO ORDER:

Mayor Wingfield calls the meeting to order at 7:00pm

MEMBERS PRESENT: Mayor Wingfield, Councilmembers: Foster, McCarthy, Fleck

STAFF PRESENT: City Administrator Kellen

Mayor Wingfield opened the meeting by introducing the current situation with the road closure that may need to be amended. She stated that we could do nothing, go back to the old situation, or talk about a hybrid situation where we leave the eastbound lane open and not allow westbound traffic coming from the highway. She opened the floor for resident input and indicated that each person should state their name and address before proceeding.

PUBLIC FORUM

- A. Ron Malles 420 Wildwood asked for clarification on the diagram that was included in the packet. Mary Wingfield explained that from Jay to Mahtomedi, the eastbound lane would be open. A barricade would be at the city border with a one-way, speed bumps, and signage. Ron indicated he does not support a one way. He requested to leave it as is and open it up for residents. Leave eastbound open and the rest leave it as it is.
- B. Mike Wernet. Concerns of lots of large trucks traffic and trailers including delivery trucks passing through Birchwood. People have moved the barricades and drive on the shoulder. He is not supportive of the one way.
- C. Mary Kurtz. She enjoys going to Saint Jude's and the library in Mahtomedi and does not appreciate getting blocked out of her path. She has concerns for the community overall.
- D. Gina Loosebruck. She agrees with Ron and is concerned with community issues. Driving around like that with the price of gas is not acceptable. She says remove barricades or keep half of it closed. Keep the 18 wheelers off and keep the road open.
- E. Jesse Granec. Agrees with Gina. Safety issues and keeping out traffic. Mentions forcing compliance versus changing behavior. Put up speed signs. Open or open partway.

- F. Barter Winter. Absolute block has worked fine and there is less traffic now.
- G. Lynn Hanson. Agrees with the Wernets. Barricades are like a revolving door. The main jam is already over. The closure is open more than it's not. Traffic is less now without school going on. Does not support the one-way at hall. Local residents are affected the most. Recommends no closure.
- H. Sarah Nephew. We should work together with all the communities and be inclusive. The decisions made around this road look ugly.
- I. Jeff Boldt. He is a 13-year resident. Speeding has gotten worse year after year. Wants more speed bumps. Concerns about pedestrian crosswalks.
- J. Shelli Heinsch. Concerned about first responders. Do they go the wrong way when the one-way might be set up?
- K. Tom Patsy. Birchwood became the detour. If we open we become the detour. Option to leave it as is.
- L. Adam Seevers. Questions about Google Maps. We should have them mark the road as closed. Not to point people this way. Council indicated that they requested changes on Google Maps that did not happen.
- M. Trisha Lydon. Her friends and family have gotten cut off. She is not proud to live here anymore. People drive too fast regardless.
- N. Barb Winters. She is a longtime resident. Do not close the roads. Do speed bumps and reduce speeds. She does volunteer work at Mahtomedi. Suggested using radar.
- O. James Nelson. Leave it as it is. Do not make it one-way.
- P. Tori Wormwood. Culture of speeding around here. This is not new. Add speed bumps and lower the speed. She pledges to make sure her kids are safe on crosswalks.
- Q. Sharon Muellerleile. This is affecting other communities. Our road is not under construction.
- R. Jason Leopold. He suggested car counters. The number of cars is down now. He has teen drivers and does not like them taking the highway.

COUNCIL DISCUSSION

Councilmember John Fleck is confident that the decision was correct. Safety, volumes. Open but not entirely as wanted.

Councilmember Mark Foster. As Ron stated, the number of vehicles at the onset was intense. Closure has lessened the traffic. It worked. Being neighborly is a two-way street.

Councilmember Justin McCarthy. Voted differently than the council originally but understood the decision. 244 traffic is about 12,000 cars per day. Birchwood became the de facto detour. Speed bumps - about \$15,000. Consider behavior and volume as a safety issue

Mayor Mary Wingfield. No information from the county that this was going to happen. Dangerous traffic issues. Looking for a compromise. Let's keep talking and keep pivoting. The police opened the barricades last week. We have three options. One is to walk away and leave everything as it is. Another option is to have Shifsky do the barrier which is going to cost us money. The third option is to open the road completely.

Councilmember Mark Foster. If we continuously modify, we lose credibility. Mark sees only two options one is keeping it as it is and the other is opening it up. He is not supportive of a one-way.

Councilmember John Fleck. 70 years of speed volume issues with cars in Birchwood. He like the idea of doing some car counting. The west end of the community is quiet. We are missing an opportunity to reduce the cut-through traffic from the West not with Birchwood as a destination. 700 feet of one-way would be good.

Mayor Mary Wingfield. Read Justin's proposal from the previous meeting. Justin did not get a second on that. Currently what we have in place is not working so we need to change it and we have no law enforcement support.

MOTION (McCarthy) /S (Wingfield) re-open Hall Avenue at Jay Street subject to the following: Local traffic only signs; Speed humps on Wildwood and Hall/Cedar (all the County can provide); Stop signs on every intersection and every direction on Hall/Cedar and Wildwood; Get the speed limit display truck from the county; 20 mph throughout Birchwood.

- Counsel discusses the motion. Discussion is around the fact that enforcement has been an issue. Council member Foster has an issue with speed bumps. Councilmember Fleck agrees. Councilmember McCarthy indicates that the detour only adds 1 to 4 minutes to someone's routes. Mayor Wingfield indicates that the engineer says that stop signs do not work. Councilmember Fleck supports the one-way east of Jay on Hall and would like traffic counting. Discussion around Washington counties involvement. Mayor Wingfield says that opening the road could be dangerous.

Aye, McCarthy, Nay: Fleck, Foster, Wingfield. MOTION FAILED.

- Discussed concerns, Councilmember McCarthy, around flooding. Councilmember Fleck says to use time to do a read on traffic. Councilmember Foster has concerns about isolating seven residents with a one-way. Consideration about the buses in the fall. Speed limit and speed bumps further discussion on their temporary use. The cost would be about \$14,000 and the county has agreed to pay for \$10,000 of that and said to send them the balance and they may pay or may not.

MOTION (Fleck) /S (Wingfield): Make it a one way from Jay Street to the Mahtomedi/Birchwood border, the eastbound lane will be opened to one-way traffic and the westbound lane will remain closed to limit traffic entering from the highway.

Aye, McCarthy, Fleck, Wingfield, Nay: Foster
MOTION PASSED: 3-1

MOTION (Fleck) /S (McCarthy): Have Schifsky set up the one way after driveway at 701 Hall.

Aye, McCarthy, Fleck, Wingfield, Nay: Foster
MOTION PASSED: 3-1

Mayor Wingfield -suggested holding off on the speed bumps for now.

**MOTION MADE COUNCILMEMBER MCCARTHY AND SECONDED BY COUNCILMEMBER FLECK TO
ADJOURN**

Aye, McCarthy, Fleck, Foster, Wingfield
MOTION PASSED:4-0

MEETING ADJOURNED

ATTEST

MAYOR WINGFIELD

CITY ADMINISTRATOR REBECCA KELLEN

MINUTES
SPECIAL CLOSED COUNCIL MEETING
CITY OF BIRCHWOOD VILLAGE
June 28, 2022
5:00pm

CALL TO ORDER:

Mayor Wingfield calls the meeting to order at 5:00pm

MEMBERS PRESENT: Mayor Mary Wingfield,
Councilmembers: Mark Foster, Justin McCarthy, Jon Fleck

STAFF PRESENT: City Administrator Rebecca Kellen

OTHERS PRESENT: City Attorney Alan Kantrud, LMC Attorney Paul Merwin

Mayor Wingfield closed the meeting declaring that the meeting was between the City of Birchwood Village as the Client and its Attorney, Paul Merwin¹, to have an "attorney-client" privileged conversation concerning the active litigation in the Nicklaus v. City of Birchwood matter and as such was closed to the public pursuant to Minnesota Statutes, 13D.05 Subd. 3(b), which provides for the closure of meetings that are subject to the, "attorney-client privilege."

A discussion was had between the attorney and client.

Mayor Wingfield opened the meeting and called for a Motion to Adjourn.

Motion by Jon Fleck, second by Justin McCarthy: Motion passed with all ayes.

MEETING ADJOURNED:

Mayor Wingfield adjourned the meeting at 6:18pm

ATTEST:

Mayor Mary Wingfield, Mayor

Rebecca Kellen, City Administrator

¹ Paul Merwin is a staff attorney at the League of Minnesota Cities Insurance Trust, the City's Insurer. The case was determined to be a "covered event" and as such assigned Mr. Merwin as the lead-counsel in representing/defending the City.

RESOLUTION 2022-11

**RESOLUTION APPOINTING ELECTION JUDGES
FOR THE AUGUST 9th, 2022
PRIMARY ELECTION**

BE IT RESOLVED by the City of Birchwood Village, State of Minnesota, as follows:

1. The individuals specified on EXHIBIT A attached hereto, each of whom is qualified to serve as an election judge, are hereby appointed as judges of election for the State Primary election on August 9, 2022 to act as such at the polling places listed on said exhibit.
2. Any individuals not specified on EXHIBIT A to be placed as a replacement or as additional election judges needed up to and including the day of the election shall be appointed at that time.
3. The election judges shall act as clerks of election, count the ballots cast and submit the results to the county and municipality for canvass in the manner provided for in State Primary elections.

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

Mary Wingfield, Mayor

Attest:

Rebecca Kellen, City Clerk

EXHIBIT A

Position	Last Name	First	Precinct
Head Judge	HARDER	ALLISON	Birchwood
Election Judge	BOETTCHER	DALE	Birchwood
Election Judge	RIETVELD	LISA	Birchwood
Election Judge	CARLSON	JESSICA	Birchwood
Election Judge	GRIFFIN	KILLIAN	Birchwood
Election Judge	INDRELIE	KARALYN	Birchwood
Election Judge	ENGBRETSON	CHARLENE	Birchwood
Election Judge	BROWN	NOHEMI	Birchwood
Election Judge	JUDKINS	ROSS	To Be Determined
Election Judge	HENK	KIA	To Be Determined

ORDINANCE 2022-07-01

**CITY OF BIRCHWOOD VILLAGE
WASHINGTON COUNTY, MINNESOTA
AN ORDINANCE REPLACING 617.240 NO DOCS WITHOUT A PERMIT AND
617.250 FEES AND IMPOUNDMENT**

The City Council of the City of Birchwood Village hereby ordains that section 617.240 (No Docks Without a Permit) and 617.250 (Fees and Impoundment) of the Municipal Code of the City of Birchwood Village is hereby amended to read as follows:

617.240 No Dock Without a Permit.

No docks shall be installed on any Public Lake Tract unless:

- (1) The dock, lift, hoist or other non-small-craft is identified with clear identification and contact information of the person or legal entity personally responsible for the article; and
- (2) A Dock Permit for the dock has been issued by the City Council; and
- (3) A WBLCD CUP application for the dock is first approved by the City Council and then the same application is submitted to and approved by the WBLCD; and
- (4) All applicable Chapter 701 Dock Permit Fees and WBLCD dock permit fees have been paid.
- (5) Vehicle and Trailer Parking Prohibited. No person shall park or cause to be parked any house, hauling or boat trailer upon any Public Lake Tract. The City Council may adopt such parking regulations as vehicles thereon as it may deem necessary. Unless such regulations are adopted, parking of vehicles on any Public Lake Tract shall be prohibited.
- (6) Storage Prohibited. No person shall store or allow to remain on any Public Lake Tract any personal property such as boats, oars, motors, boat hoists, lifts, docks or other equipment for any period of time after May 15 other than when in actual use unless such storage has been authorized by the City.

617.250 Fees and Impoundment.

A per day charge will be assessed for each day any small craft, lift, dock or other item that is not removed from the Public Lake Tract by the end of the Boating Season or left on the Public Lake Tract after May 15, per fee schedule as adopted. Any article left on any Public Lake Tract in violation of this Chapter may also be removed and impounded at the owner's expense.

To: Birchwood City Council
From: Ryan Hankins

At the June City Council meeting, we discussed the fee schedule proposal, and I have some additional revisions for consideration. In summary, the areas of the revisions are:

1. Valuation Permit Fees

By contract, 75% of valuation permit and plan review fees go to the building inspector. Thus, for every dollar we increase these fees, the City retains only 25 cents. We may want to revisit how our fees are contractually distributed, but, for now, raising fees adds significant expense to permits without defraying administrative expense as much.

2. Animal Fees and Code

We need to update our code to make animal fees every three years, to simplify fees related to dangerous and potentially dangerous dogs, to assume that birds, fish and amphibians are not types of dogs, and to describe dog permit, late and administrative fees.

3. Lake Tract property abandonment

This code adds fees for the City to remove personal property on lake tracts, or to leave it and charge a fee associated with loss of use of the lake tract. This would give the City some flexibility other than just revocation to handle dock non-conformities.

4. Lake Tract boat hoist registration

This code adds fees for boat hoist registration and asks that stickers be attached to boat hoists. Since the code typically uses "boat hoist" instead of "boat lift," I tried to remove instances of "lift." I revised the code somewhat to include boat hoists in the property kept at lake tracts and in general.

5. Small Craft (kayak and canoe) fees

Birchwood had been charging \$30 for kayak and canoe rack rental. White Bear Lake charges \$45 for residents and \$75 for non-residents. Mahtomedi charges \$50 for residents and \$75 for non-residents. I proposed \$45 to bring us into line with the minimum of those cities. We can continue to offer no-cost rentals to low-income residents.

6. I propose removing the section regulating our extensive Birchwood campsite selections. There's nothing here that would be permitted because parks are closed at night.

List of Proposed Code Changes

307.010 Application. An applicant may apply for a Zoning Permit by filling out a form obtained from the City Office and paying the fee set in the Fee Schedule. The application must at a minimum:

- a. Identify and describe the work to be covered by the permit.
- b. Describe the land on which the proposed work is to be done, by lot, block, tract, and house and street address, or similar description that will readily identify the proposed work.
- c. Indicate the use or occupancy for which the proposed work is intended.
- d. Be accompanied by the following plans:
 - i. Drawing to scale, showing the location of the proposed work and all existing structures, buildings, and improvements on the property.
 - ii. Elevation drawings if the structure has a height dimension (i.e., is not a driveway, walkway, etc).

The City ~~reserves the right to request~~ may require additional information ~~that would help the City necessary~~ to review the application.

605.028. **CHICKENS.**

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

- a. A license shall be issued for a period of ~~two~~ three years.
- b. Upon completion of the application form and receipt of the license fee, the City Clerk or Administrator shall cause a license to be issued to the applicant.

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

605.029. **MINIATURE VIETNAMESE POT-BELLIED PIGS.**

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

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

605.021.2

1. Required; exceptions. Except for police canines, no person shall, without first obtaining a permit in writing from the City Clerk or Administrator, own, keep, harbor, or have custody of any

~~dog over six months of age. However, this section shall not apply to the keeping of small caged birds or aquatic and amphibian animals solely as pets or for police canines of any political subdivision.~~

~~Term; renewal; late penalty charge. A new permit for each dog shall be obtained each even every third year by every owner and a new fee paid. A permit, if not revoked, shall be valid until the end of the permit period the permit deadline three calendar years after the year of application. Renewal permits must be obtained prior to the expiration date, and there shall be a late penalty charge fee on all renewal permits issued applications received after the expiration date, if a permit was required under section 605.021.1. If the City Administrator receives a complaint or observes a dog and reasonably believes that the dog is kept in violation of 605.021.1, the owner shall pay a Dog License Administrative Fee in addition to the Permit fee and the Late fee. Late and Administrative Fees may be appealed using the procedures in Chapter 310.~~

605.024(9):

- ~~a. Annual fee. The owner of a dangerous dog shall pay an the annual fee as determined by council ordinance, set in the Fee Schedule, in addition to any regular dog licensing fees, to obtain or renew a certificate of registration for a dangerous dog under this section.~~
- ~~b. Annual renewal. The owner of a dangerous dog must renew the registration of the dog annually until the dog is deceased and pay the annual renewal fee as determined by city council ordinance. If the dog is removed from the city, it must be registered as a dangerous dog in its new jurisdiction.~~

605.024(11):

- ~~a. Annual fee. The owner of a potentially dangerous dog shall pay an the annual fee as determined by council ordinance set in the Fee Schedule, in addition to any regular dog licensing fees to obtain or renew a certificate of registration for a potentially dangerous dog under this section.~~
- ~~b. Annual renewal. The owner of a potentially dangerous dog must renew the registration of the dog annually until the dog is deceased and pay the annual renewal fee as determined by city council ordinance. If the dog is removed from the city, it must be registered as a potentially dangerous dog in its new jurisdiction.~~

607.400. CAMPING.

~~607.410. No person shall establish or maintain any camp or other temporary lodging or sleeping place in any Open Space Site except by permit and then only in areas specifically designated for such use.~~

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

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

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

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

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

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

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

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

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

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

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

617.380 Docks, Boat Slips, Boat Hoists and Boats.

(1) Docks, boat slips, boat hoists, shore ramps, and boats shall be installed and configured so as to allow, inasmuch as natural conditions allow, at least 50% of the Public Lake Tract beach area and adjacent water to be available for non-boating activities.

(2) Docks shall be installed and configured such that:

- a. Boat hoists and slips shall not extend beyond the end of the dock.
- b. A dock's location shall not unreasonably impede the non-boating beach use.
- c. Boat hoist and slip placement shall minimize the need for boats to enter designated swimming areas during ingress or egress.

(3) Docks shall not exceed the length specified in the WBLCD approved dock license. Dock length shall be consistent with other docks in the vicinity.

(4) Shore ramps shall not exceed 4 feet in width and 12 feet in length and shall be secured to the shore in a location and manner that does not pose a hazard for persons.

(5) The City ~~retains the right to~~ may inspect all Dock Association docks, boat hoists, boats and shore ramps installed on the Public Lake Tracts to ensure health, safety and well-being and conformance with Minnesota Department of Natural Resources (DNR) Rules, City code and permits. The City shall forward all dock ~~safety~~ non-conformities, concerns or deficiencies to the Dock Association's ~~complaint~~ president via the Dock Liaison for action. The Dock Association shall have seven (7) days to reply in writing to the City addressing the identified deficiencies. The City Council shall thereafter review the matter if necessary.

(6) Boats installed on any Public Lake Tract shall not exceed twenty-two (22) feet in length on Birch Beach and shall not exceed nineteen (19) feet in length on all other Public Lake Tracts.

(7) Boat length and width shall be determined by one of the following methods.

a. First, by the manufacturer's specification, which shall be used without regard to motors, swim platforms or other appurtenances that add to the dimensions, or

b. Second, by physical measurement of the boat. Length shall be measured at the longest part and width measured at the widest part of the vessel.

(8) The City Council in its discretion may allow winter storage of boat hoists on a Public Lake Tract. Storage shall require pre-approval by the City Council. The slip fee shall include the cost of winter lift storage.

(9) Installation and removal of all docks and ~~lifts~~ boat hoists at any Public Lake Tract shall be in compliance with all applicable DNR Minn. Department of Natural Resources Rules.

(10) Boat canopies shall not be allowed on any boat ~~lift~~ hoist installed or stored on any Public Lake Tract.

(11) Each owner of a boat hoist shall pay the one-time Boat Hoist Registration Fee set in the Fee Schedule and shall apply the registration sticker supplied by the City to the boat hoist before it is placed at the Public Lake Tract. The owner shall ensure that the sticker remains visible from the dock and during winter storage.

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

701.061 **Investigation Fee.** If work or activity for which a license or permit is required by the code has been commenced without first obtaining the permit or license, a special investigation shall be made before a permit 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.

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

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

(k) Vacant building fees:

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

CITY OF BIRCHWOOD VILLAGE 2022 FEE SCHEDULE

Fees). 7/2022

Category	Description	Reference	Amount	Revised
ADMINISTRATIVE SERVICE FEES	Compact Disc		\$1.00	
	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		refundable deposit	
	Hearing Notices		\$1.00 + postage	
	Returned Check	Statute	\$30.00	
ANIMAL FEES	Chicken License - three years	605.028(2)	\$25.00	7/2022
	Pig License - three years	605.029(3)	\$25.00	7/2022
	Dog Permit - three years	605.021.2	\$20.00	7/2022
	Dog Permit Late Fee	605.021.2	\$5.00	7/2022
	Dog Permit Administrative Fee	605.021.2	\$5.00	7/2022
	Potentially dangerous dog or dangerous dog		\$100.00	7/2022
	Dangerous dog annual fee	605.024(9)	\$500.00	7/2022
	Potentially dangerous dog annual fee	605.024(11)	\$100.00	7/2022
	Potentially dangerous dog or dangerous dog	605.024(12)	\$100.00	7/2022
DOCK ASSOCIATION FEES	Annual Boat Slip Permit Fee	617.118	Set and collected by Dock Association	
			\$750 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 (composed of a per-boat fee of \$650, plus a winter storage fee of \$100 per slip)	617.44, 617.119		3/2018
	Lake Tract Personal Property Abandonment Fee in Lieu of Personal Property Removal	617.250 617.255	\$300.00 \$100.00/day	7/2022
	Boat Hoist Registration Fee	617.380(11)	\$25.00	7/2022
	Annual Feistner Beach Boat Slip Beach		\$1,000.00	1/2021
	Annual Small Craft Permit	617.215(2)	\$45.00	7/2022

CRAFT STORAGE FEES	Annual Small Craft Permit for household	617.215(2)	no cost	1/2020
	Use of Small Craft Rack without a permit	617.215(3)	\$75.00	
	Small Craft Removal Fee	617.215(3)	\$50.00	
	Post-season Boat Storage Violation Fee	617.240	\$25.00	3/2018
PLANNING AND ZONING FEES, ESCROWS AND DEPOSITS *subject to additional fees, in that section of the fee schedule. All planning and zoning permits require an additional refundable permit escrow or damage deposit when listed.	Conditional Use Permit (CUP) Application or	306.010	\$460.00	
	Refundable Conditional Use Permit or CUP Amendment Escrow for permitting costs incurred by city		\$3,000.00	8/2021
	Lot Coverage Permit Application *	302.050	\$460.00	7/2022
	Refundable Lot Coverage Permit Application Escrow for permitting costs incurred by city		\$3,000.00	8/2021
	Lot Coverage Maintenance Review	302.050	\$50.00	7/2022
	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	7/2022
	Refundable Street Vacation Escrow for permitting costs incurred by city	302.050	\$3,000.00	
	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	7/2022
	Subdivision: Preliminary Plat Application *	308.040(3)	\$1,000.00	8/2021
	Subdivision: Refundable Preliminary Plat Application Escrow for permitting costs incurred by city	301.055(2)	\$10,000.00	8/2021
	Subdivision: Final Plat Application *	308.050	\$1,000.00	8/2021
	Subdivision: Refundable Final Plat Application Escrow for permitting costs incurred by city	301.055(2)	\$10,000.00	8/2021
	Zoning Permit *	307.010	\$50.00	
	Refundable Zoning Permit Escrow for permitting costs incurred by city	301.055(2)	\$3,000.00	11/2021
	Right-of-Way (ROW) Permit Application Fee *	309.061	\$300.00 + \$100.00/hour for plan review after two hours	1/2018
	Refundable ROW Permit Escrow for permitting costs incurred by city	301.055(2)	\$3,000.00	11/2021
	Right-of-Way Degradation Fee	309.080	Permit holder responsible for actual costs	
Move a building from its present location in Refundable building move deposit and escrow for permitting costs incurred by city	301.055(2)	\$500.00	7/2022	
Certificate of occupancy		\$25.00	7/2022	
Public Property Access Limited License	607.235	\$50.00	1/2019	
ROOFING, SIDING	VALUATION OF STRUCTURE, ADDITION OR ALTERATION		FEE COMPUTATION	

REPLACEMENT, WINDOW REPLACEMENT, AND BUILDING PERMIT FEES

\$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.	
Refundable damage deposit and escrow for building, re-siding and re-roofing permitting costs incurred by City	301.055(2)	\$3,000.00	11/2021

		Minnesota Statute 326B.148		Using calculator at: https://www.dli.mn.gov/about-department/permit-surcharge-report
DEMOLITION FEES	State Surcharge			
	Demolition Permit **	203.050	\$100.00	7/2022
	Damage deposit for demolition.	301.055(2)	\$3,000.00	11/2021
UTILITY AVAILABILITY FEES	Prior to connecting, the owner or representative of a building or dwelling constructed in the City must pay the Metropolitan Council Environmental Services		The most recent fee published by MCES. \$2485.00 as of July, 2022.	
	Dwelling units existing or constructed in the	202.070	\$5,500.00	8/2021
	Dwelling units existing or constructed in the	201.070	\$3,500.00	8/2021
PLUMBING AND FIRE PERMIT FEES	Plumbing Permit ***	202.040	\$100 + \$100/hour after one hour	7/2022
	State Surcharge	Minnesota Statute 326B.148	\$1.00	
	Fire Sprinkler Permit ***	202.040	\$100 + \$100/hour after one hour	7/2022
	State Surcharge	Minnesota Statute 326B.148	\$1.00	
GAS, HEATING AND MECHANICAL PERMIT FEES	Mechanical Permit ***	202.040	\$100 + \$100/hour after one hour	7/2022
	State Surcharge	Minnesota Statute 326B.148	\$1.00	
	Gas Piping Permit (that is not part of mechanical installation) ***	202.040	\$100 + \$100/hour after one hour	7/2022
	State Surcharge	Minnesota Statute 326B.148	\$1.00	
	Air Conditioning Installation Permit ***	203.050	\$100 + \$100/hour after one hour	7/2022
	State Surcharge	Minnesota Statute 326B.148	\$1.00	
	Air Conditioning Permit (part of mechanical installation) ***	203.050	\$100 + \$100/hour after one hour	7/2022
	State Surcharge	Minnesota Statute 326B.148	\$1.00	
	Fireplace Permit (gas, wood or other type) ***	203.050	\$100 + \$100/hour after one hour	7/2022
	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	201.090	\$0.00410 per gallon	1/2022
	Residential and non-residential water use:			
	Tier 3 - after 9,000 gallons up to 15,000	201.090	\$0.00471 per gallon	1/2022
	Residential and non-residential water use:			
	Tier 4 - after 15,000 gallons up to 44,883	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.	
			\$36.00 + \$.00451 per gallon based on first quarter water consumption	
	Sewer Fee (metered, quarterly)	202.110	\$80.00	6/2019
	Sewer Fee (unmetered, quarterly)	202.110	\$25.00	6/2019
	Water Utility User Fee		\$25.00	1/2022
	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	7/2022
	Refundable Street Excavation Damage Deposit		\$3,000.00	7/2022
	Turning water service on or off at street,	201.240	\$150.00	
	Water Meter Installation or Replacement 3/4" or smaller	201.080	\$500.00 + \$150.00/hour after one hour	7/2022
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	7/2022	
Utility Bill Late Fee	201.100, 202.120	5% of the unpaid balance		
Utility Bill Quarterly Automated Clearing		\$3.00	5/2022	
Open water and sewer account		\$25.00		
Close water and sewer account		\$25.00		
Costs to City for damages and liabilities for	202.095	actual costs	3/2022	
Water meter testing (refundable as described	201.170	\$300.00	7/2022	
ADDITIONAL FEES (All fees in this schedule are subject to the following charges when required by the City)	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.		Up to the amount equal to the permit fee, in addition to the permit fee.	7/2022
	Additional Fee: An additional fee, not to	701.061		
	Building Official: Inspections outside of normal business hours		\$126.50 + \$63.25/hour after two hours	6/2019
	Building Official: Reinspection fee		\$63.25/hour	6/2019

Building Official: Inspection for which no fee is specifically indicated		\$31.63 + \$63.25/hour after one half hour	6/2019
	Minnesota Statute 326B.153		
Building Official: Plan Review fee	Subd. 2	65% of permit fee	6/2019
Building Official: Plan Review fee for similar plans	Minnesota Statute 326B.153 Subd. 5	25% of permit fee	7/2022
Building Official: Additional plan review for changes, additions or revisions to plans		\$31.63 + \$63.25/hour after one half hour	6/2019
Engineer & Planner: Consult or review land use plans		\$100.00/hour, or the total hourly cost to the city, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages, and fringe benefits of the employees involved, as well as any consulting fees	12/2021
Engineer & Planner: Inspections or other services		\$100.00/hour, or the total hourly cost to the city, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages, and fringe benefits of the employees involved, as well as any consulting fees	12/2021
Attorney: Consultations, reviews and analysis		actual costs, including administrative and overhead costs, and attorney review and analysis expenses	

			actual costs, including administrative and overhead costs, and consultant review and analysis expenses	
VACANT BUILDING FEES	Other Professionals: Consultations, reviews and inspections		\$360.00 + City costs incurred for property maintenance	
	Vacant building annual registration fee	407.03(k)		
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	7/2022
	Significant Tree Removal Replacement deposit	302.055(2)(d)(3)	amount necessary to cover the cost of replacement trees	
COMMUNICATIONS FEES	Permit to install, repair, remove or relocate communications facilities *, **	208.020	\$50.00	7/2022
	Refundable communications facility damage deposit and permit escrow for permitting costs incurred by city	301.055(2)	\$3,000.00	11/2021
REFUNDS	Permit, license or fee refund, if the applicant		50% of the fee	4/2018
FOOTNOTES	* Escrow for City Permitting costs is required. Unused portion is returned to applicant.			
	** Refundable Damage Deposit Escrow is required. Unused portion is returned to			
	*** State Surcharge is required			

To be included in agenda packet re: Birch Dock update

Mary Wingfield <wingfield.mary@gmail.com>

Mon 7/4/2022 9:13 PM

To:

- Rebecca Kellen <Rebecca.Kellen@cityofbirchwood.com>

October, 2018 City Council agenda re: BDA application:

"Would like to extend the Birch Dock 16 feet. We would not add any additional boat slips but would like to open up the end of the dock for a better swimming area and better viewing of the lake. Currently we put the boat slips up to the very end of the dock. By pushing out the length of the doc we could open up all of the sides of the 6ft wide platform at the end of Birch dock. We need to talk to the Neighbors, City and WBLCD about this change. We currently are not putting this change in for next year but could if the City and Neighbors feel it's a good idea. Would also need the WBLCD approval if we were to move forward."

Minutes from October make it clear that no amendment was approved.

"Mayor Wingfield, Council Members, Attorney Kantrud and Chris Churchill (BDA): Discussed possibility of an additional dock section and other related BDA procedural and management items. If dock addition is decided on later by BDA then amendment to the permit will be submitted by BDA. b. Authorize BDA to Apply for Dock Permits MOTION WAS MADE BY COUNCILMEMBER LAFOY AND SECONDED BY COUNCILMEMBER AAKRE TO APPROVE THE DOCK PERMIT APPLICATIONS AND AUTHORIZE THE BDA TO SUBMIT THE APPLICATIONS TO WHITE BEAR LAKE CONSERVATION DISTRICT. ALL AYES. MOTION PASSED."

Updates: Birch & Elm docks + amended application WBLCD

Dana Klimp <danaklimp@comcast.net>

Thu 6/30/2022 10:35 AM

To:

- Rebecca Kellen <Rebecca.Kellen@cityofbirchwood.com>;
- Mark Foster <robertmarkfoster@gmail.com>;
- Justin McCarthy <justin.mccarthy@cityofbirchwood.com>;
- Jonathan Fleck <jonathan.fleck1@gmail.com>;
- kevinshouse@access4less.net <kevinshouse@access4less.net>

Cc:

- Berg (BDA board member), Jim <jim@twincitiesmagic.com>;
- Lynn Hanson <lhanson54@comcast.net>;
- Jackola, Alicia <aliciajackola@hotmail.com>;
- Nephew, Sara <sararuthnephew@gmail.com>;
- Nephew (VP BDA 2022 season), Nick <nicknephew1@yahoo.com>;
- Dana Klimp <danaklimp@comcast.net>

📎 1 attachments (9 MB)

BDA amended application WBLCD June 30 2022.pdf;

Saturday, June 25 Birch Dock was moved 10 feet to the west and shortened.

Because of the shallowness of the water it could only be shortened by 6 feet and allow 8 boats.

Dock length approximately 128 feet over water, 12 feet longer than the 2022 approved application.

Elm Dock an 8 foot section was removed and the ramp repositioned. Dock length approximately 64 feet over water, 7 feet longer than the 2022 approved application.

Attached are amendments for the lengths to be submitted to the WBLCD.

Best regards, Dana



Revised 7/18/19
FORM #5: Application for new or renewed multiple user dock, ramp, mooring, and/or permanent structure license. Governed by WBLCD Ordinance #5/12

Office Use Only

Application Number: _____ Other permits obtained Yes No

Date Received in Office _____ Insurance Yes No

Amount of Fee Received \$ _____ Balance Due \$ _____

Approval Date _____ Conditions/Stipulations Yes No

(Type or print all of the following information in black ink to insure good copies)

1. STATUS New Renewal--Identical to last year
 Renewal--Changed from last year
 (NOTE: All next year renewals are due by October 15 this year, to avoid Late Fee.)

2. SITE OWNER INFORMATION: *1 Less slip @ Dellwood & Birch*

Name City of Birchwood Village Day Phone _____
 Street Address 207 Birchwood Ave. Evening Phone _____
 City Birchwood State MN Zip 55110
 Email: _____

3. APPLICANT INFORMATION (if different from owner)

Name Birchwood Dock Association Day Phone _____
 Street Address 414 Birchwood Court Evening Phone _____
 City Birchwood State MN Zip 55110

[The above site information describes property which is riparian to White Bear Lake: and applies pursuant to White Bear Lake Conservation District's Ordinance #5/12 for a new, renewed or revised Multiple Dock, Ramp or Mooring License, in accordance with all data and other information submitted herewith and made a part hereof.]

4. DRAWING INFORMATION The following must accompany all applications, please check boxes for each as you attach them to the application. All must include accurate dock or structure lengths, widths, or mooring positions. If neighboring Authorized Dock Use Areas (ADUAs) have docks or other structures in the lake--accurately show their position on your drawing. Indicate your ADUA with a dashed line. The line may start from where your property lines touch the shoreline and should surround the area you intend to use
- Certified survey and legal description (Note: if certified survey is not available, a drawing (to scale) may be acceptable if accurate and detailed.

- Site plan of structure to overlay survey
- Dock or structure construction detail sheet
- Gas storage detail sheet (if applicable)

5. MULTIPLE USER TYPE: (Please check one)

- Outlot Association
- Multiple Dwelling
- Municipal
- Private Municipal
- Commercial Marina
- Private Club
- Other (please explain) _____

6. SITE USAGE:

- A. Intended use of facility: Provide boating and swimming access to White Bear Lake for property owners of Birchwood Village. This includes docks and boat slips.
- B. Current use of facility: _____
- C. Historical use of facility: _____

7. ADJACENT PROPERTY OWNERS: (all lakeshore within 200 feet either side)

North or West Owner(s): *Full List Attached*

Name _____ Day Phone _____
 Mailing Address _____ Evening Phone _____
 City _____ State _____ Zip _____

Name _____ Day Phone _____
 Mailing Address _____ Evening Phone _____
 City _____ State _____ Zip _____

South or East Owner(s):

Name _____ Day Phone _____
 Mailing Address _____ Evening Phone _____
 City _____ State _____ Zip _____

Name _____ Day Phone _____
 Mailing Address _____ Evening Phone _____
 City _____ State _____ Zip _____

Any other affected parties

Name _____ Day Phone _____
 Mailing Address _____ Evening Phone _____
 City _____ State _____ Zip _____

8. OTHER PERMITS:

8a. All required permits, licenses and approvals have been obtained from the Minnesota Department of Natural Resources and the municipality in which the access to the structure or the dock, ramp, mooring or other is-located:

Yes Please list: _____

No Please explain: _____

8b. Commercial Operators: All commercial operators are required to attach a letter of compliance from the municipality in which the access to or the dock, ramp or mooring is located explaining all required permits, licenses and approvals have been obtained,

Birch Beach – Birchwood Village will allow 10 Maximum- Applying for 8

9. MAXIMUM NUMBER OF WATERCRAFT OR VEHICLES:

<u>By Location</u>		<u>By Use</u>	
At slips	<u>8</u>	For rent, lease, etc.	_____
At slides	_____	For service work	_____
At lifts	_____	For company use	_____
At moorings	_____	For private use	<u>8</u>
At tie-ons	_____	For transient use	_____
At off-lake storage	_____		
Other (describe)	_____	Other (describe)	_____
<u>TOTAL</u>	<u>8</u>	<u>TOTAL</u>	<u>8</u>

10. SITE INFORMATION:

Site lake frontage = 125'
 Water depth 100 feet from shore = _____
 200 feet from shore = _____
 300 feet from shore = _____
 Water depth above measured on _____ (date)

Ramsey County Lake elevation _____ (date) _____ (to be filled in by WBLCD)

11. SERVICES PROVIDED: (Check all that apply) NA

- | | |
|---------------------------------------|---|
| <input type="checkbox"/> Boat Storage | <input type="checkbox"/> Boat Rentals |
| <input type="checkbox"/> Boat Sales | <input type="checkbox"/> Boat Service |
| <input type="checkbox"/> Restaurant | <input type="checkbox"/> Launching Ramp |

BIRCH

Other (Explain) _____

Times open to the public: _____

12. DOCK OR STRUCTURE INFORMATION: *Birch Beach Easement*

- A. Total dock or structure length
- B. Length into the lake from water's edge (including T's and L's)
- C. Width of dock or structure
- D. Projections from dock or structure:
 - 1. Number of projections
 - 2. Length and width of T's, L's or fingers
 - 3. Other projection(s)

128 ft. ~~216'~~ ft.
128 ft. ~~126'~~ ft.
 4' ft.

6/30/23 amendment

6' x 12' ~~1~~ /

7/3 correction

DK 7/3/22

13. ADJOINING PROPERTY OWNERS' INFORMATION:

- A. Distance from (including ends of T's and L's) immediate property lines
 - North / West _____ ft.
 - South / East _____ ft.
- A. Distance from (including ends of T's and L's) adjoining docks.
 - North / West _____ ft.
 - South / East _____ ft.
- C. Lake frontage size of adjoining property owners
 - North / West _____ ft.
 - South / East _____ ft.

55 ft.

70 ft.

14. INSURANCE:

Yes No We have Public liability insurance. Amount \$ 2,000,000
 Expires (date) _____ Company Ekblad, Pardee & Bewall Inc.

Include a copy with application.

15. PARKING:

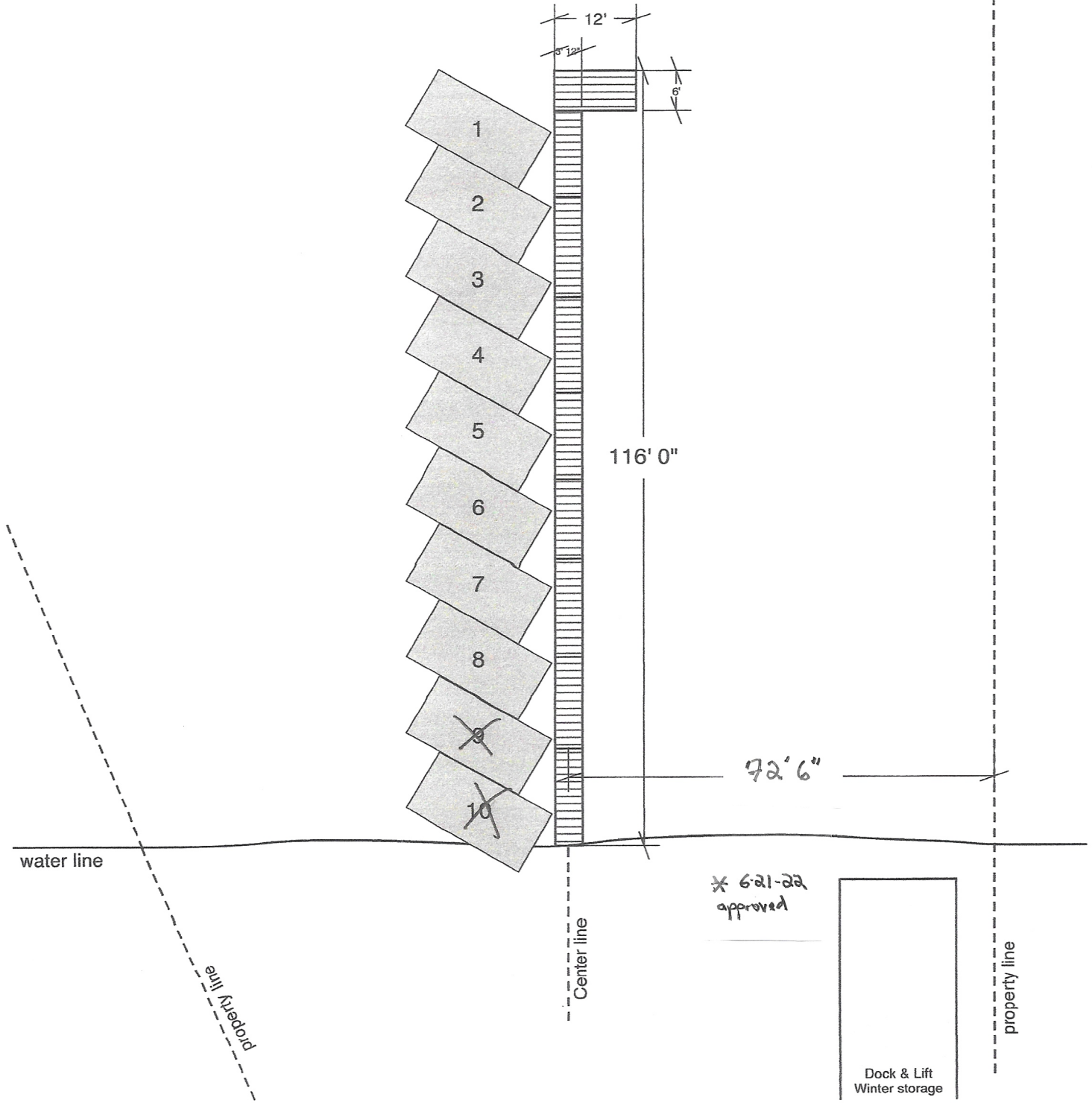
Total parking spaces: None Parking not required (explain) _____

Birch Beach

Approximate Scale 1": 20'

Edited by Mike Evangelist - 8/25/2012

(6-21-22
approved
moved 10' west)



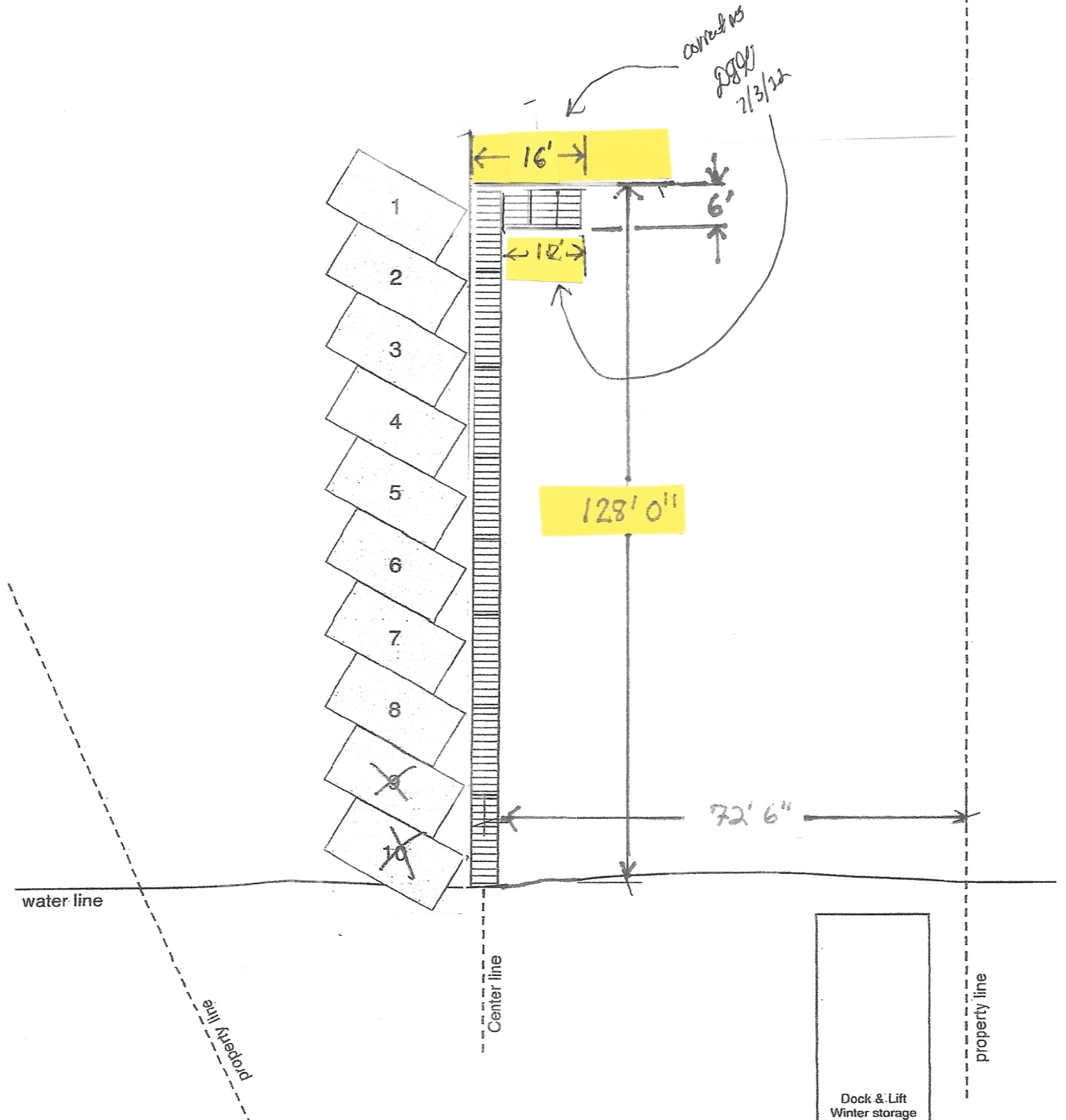
* 6-21-22
approved

Dock & Lift
Winter storage

Birch Beach

Approximate Scale 1" = 20'
Edited by Mike Evangelist - 8/25/2012

7/3/22
plat form correction



Elm Beach – Birchwood Village will allow 6 Maximum- Applying for 4

9. MAXIMUM NUMBER OF WATERCRAFT OR VEHICLES:

<u>By Location</u>		<u>By Use</u>	
At slips	4	For rent, lease, etc.	
At slides		For service work	
At lifts		For company use	
At moorings		For private use	4
At tie-ons		For transient use	
At off-lake storage		Other (describe)	
Other (describe)			
TOTAL	4	TOTAL	4

10. SITE INFORMATION:

Site lake frontage = 50'
Water depth 100 feet from shore = _____
200 feet from shore = _____
300 feet from shore = _____
Water depth above measured on _____ (date)

Ramsey County Lake elevation _____ (date) _____
(to be filled in by WBLCD)

11. SERVICES PROVIDED: (Check all that apply)

NA

- | | |
|---------------------------------------|---|
| <input type="checkbox"/> Boat Storage | <input type="checkbox"/> Boat Rentals |
| <input type="checkbox"/> Boat Sales | <input type="checkbox"/> Boat Service |
| <input type="checkbox"/> Restaurant | <input type="checkbox"/> Launching Ramp |

Other (Explain): _____

Times open to the public: _____

12. DOCK OR STRUCTURE INFORMATION: *Elm Beach Easement*

- A. Total dock or structure length. 64 ft. ~~57'~~ ft. (w/ ^{out} ramp)
- B. Length into the lake from water's edge (including T's and L's) 64 ft. ~~57'~~ ft.
- C. Width of dock or structure 4' ft.
- D. Projections from dock or structure:
 - 1. Number of projections _____
 - 2. Length and width of T's, L's or fingers _____
 - 3. Other projection(s): _____

13. ADJOINING PROPERTY OWNERS' INFORMATION:

- A. Distance from (including ends of T's and L's) immediate property lines:
 - North / West 23' ft.
 - South / East 23' ft.
- B. Distance from (including ends of T's and L's) adjoining docks:
 - North / West _____ ft.
 - South / East _____ ft.
- C. Lake frontage size of adjoining property owners:
 - North / West _____ ft.
 - South / East _____ ft.

14. INSURANCE:

Yes No We have Public liability insurance. Amount \$ 2,000,000
Expires (date) _____ Company Ekblad, Pardee & Bewall Inc.

Include a copy with application.

15. PARKING:

Total parking spaces: None Parking not required (explain) _____

16. SANITARY FACILITIES:

Facilities are provided Yes No Number of units: _____

17. PUMPING SERVICE:

Boat toilet pumping service is provided: Yes No

18. FEES: (See attached License Fee Schedule attached).

Application Fees:	\$60.00 (not refundable)	\$ <u>60</u>
Each approved slip over 4	\$60.00	\$ _____
License deposit (if applicable):		\$ _____
Late fee (renewals only)	Additional \$60 late fee for Applications received after October 15 of current year for next year's license	\$ _____

TOTAL FEE ENCLOSED \$ 60

Elm Beach Easement

19. THIS APPLICATION IS FOR A COMMERCIAL DOCK OR MOORING AREA:

Yes No

If so, an additional \$60 per slip or mooring and an additional \$20 per ramp/skid.

is due as follows: 1/2 of number estimated in April DUE IN APRIL \$ _____

and final 1/2 (or adjusted balance) by the end of August of this license year. DUE END OF AUGUST \$ _____

TOTAL ENCLOSED \$ _____

**All commercial operations must include a copy of their most current DNR Water Use Permit, City of Compliance from the City of White Bear Lake in regards to parking, drawing of site, and copy of Insurance policy with White Bear Conservation District listed as additional insured and stating your insurance is primary (no contributions will be sought from the additional insured's policy)

20. THIS APPLICATION IS FOR A PERMANENT DOCKS OR STRUCTURES IN

THE LAKE

Yes No

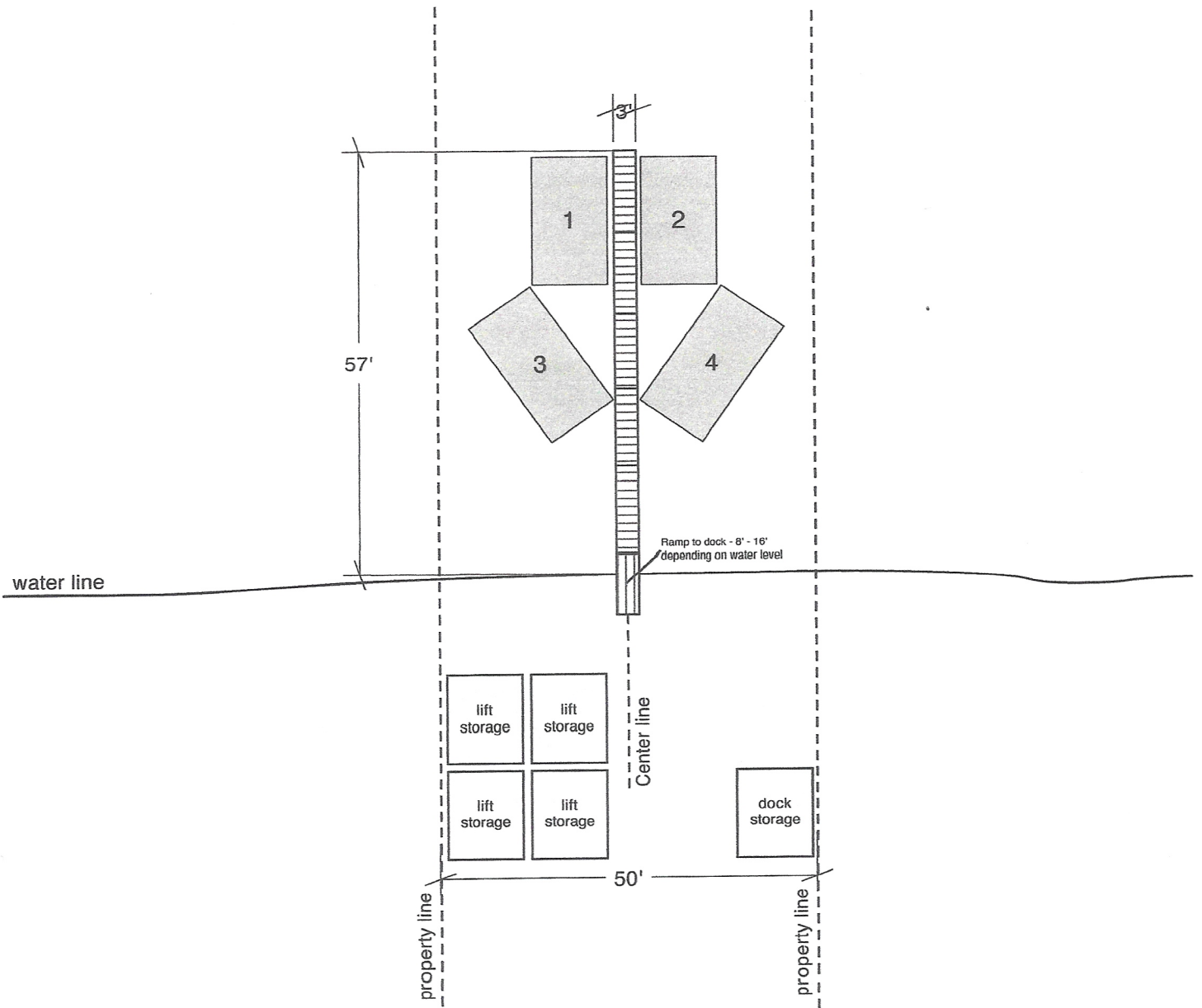
If so, License Fee is	\$5,000.00	\$ _____
Annual Renewal is	\$1,000.	\$ _____

TOTAL ENCLOSED \$ _____

Elm Beach

Approximate Scale 1": 20'

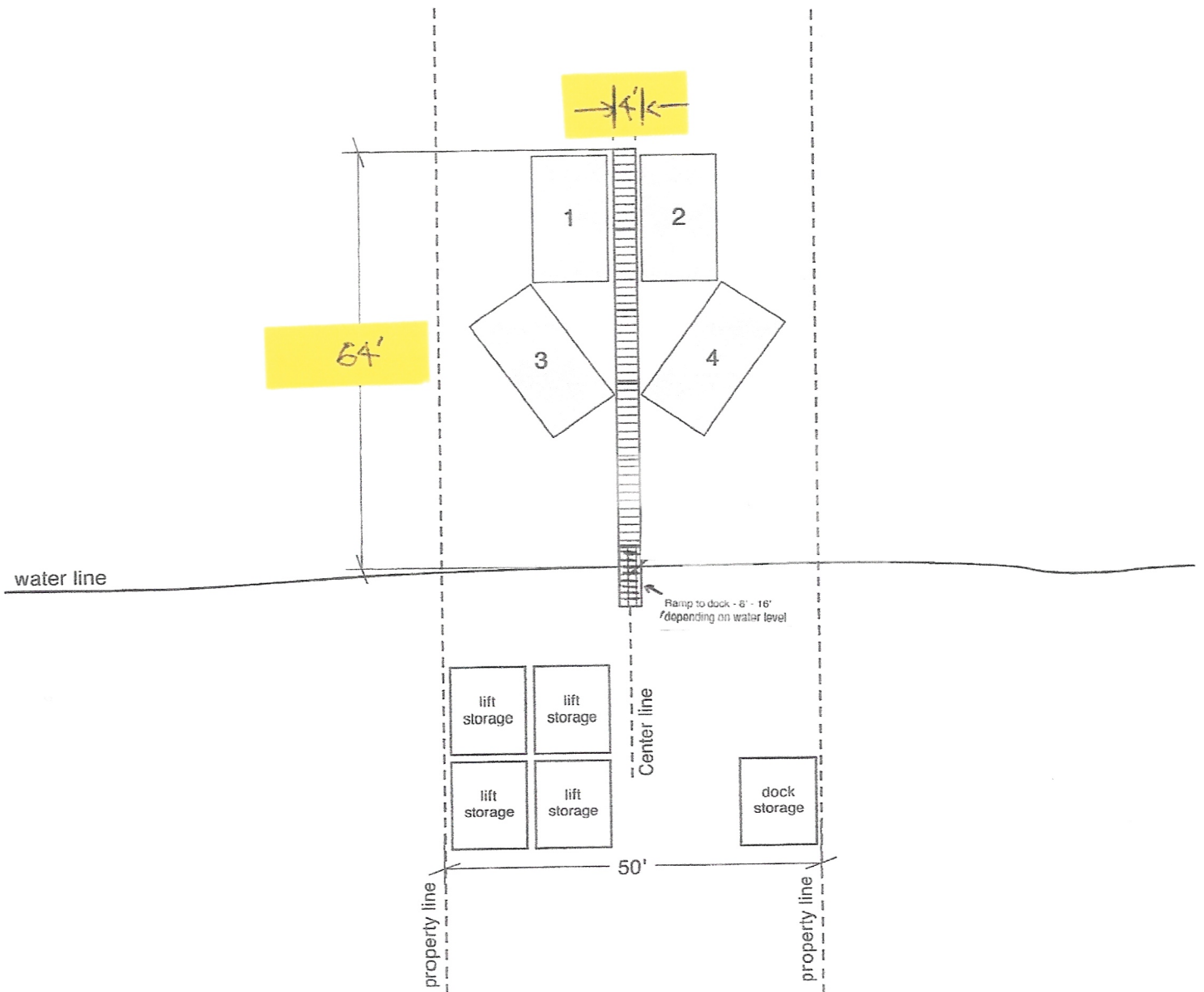
Edited by Mike Evangelist - 10/1/2012



Elm Beach

Approximate Scale 1" = 20'
Edited by Mike Evangelist - 10/1/2012

June 29, 2022 amendment



SWPPP Updates for Birchwood Village

Rebecca Kellen <Rebecca.Kellen@cityofbirchwood.com>

Wed 6/15/2022 10:50 AM

To:

- Alan Kantrud <hakantrud@protonmail.com>

Cc:

- Jon Fleck <jon@makinbacon.com>;
- Steven Thatcher <sthatcher@thatcher-eng.com>

Hi Alan,

As was discussed at last night's meeting, please assist with adding the legal language to bring our SWPPP in compliance with the new permit requirements. The email chain below will be helpful to review.

The current code can be found here: [MS4_SWPPP\(1\).pdf \(cityofbirchwood.com\)](#)

*****Please add the new state requirements found here: [2020 MS4 General Permit - Highlighted Version \(state.mn.us\)](#)

IMPORTANT: we were issued a permit on October 8, 2021 and have one year from this date to update our stormwater program to be in compliance with the new permit requirements.

Based on this I have come up with the following timeline. Please let me know if that seems feasible:

July – 1st hearing

Aug – public hearing

Also note I have copied Jon Fleck on this as he is responsible for Stormwater Drainage & Rain Gardens. And Steve as well so that he is in the loop on these changes. Thank you for your help with this and please let me know if you have any questions. Kind regards.

Rebecca Kellen, MBA

City Administrator - Clerk

City of Birchwood Village, MN

office: (651) 426-3403

fax: (651) 426-7747

email: rebecca.kellen@cityofbirchwood.com

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

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

Feistner Preserve Issues

H.A.Kantrud <BirchwoodLegal@protonmail.com>

Fri 7/1/2022 12:47 PM

To:

- Torie Redpath <torie@redpathonline.com>;
- Rebecca Kellen <Rebecca.Kellen@cityofbirchwood.com>

Ms. Redpath:

I am sending the attached to clarify the decision regarding the lift you are maintaining at the Feistner Preserve since the minutes you requested regarding the same will not be available until the July meeting as they are not approved yet. I hope this provides some comfort knowing that the lift is acceptable to remain there. Please understand that the canopy (including the framework) were specifically not included however.

Have a safe 4th with your family,

H. Alan Kantrud
Birchwood City Attorney

We must fight against the spirit of unconscious cruelty with which we treat the animals. Animals suffer as much as we do. True humanity does not allow us to impose such sufferings on them.

-Albert Schweitzer, philosopher, physician, musician, Nobel laureate (14 Jan 1875-1965)

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

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

H.A. KANTRUD, P.A.
LAWYERS AND COUNSELORS
Post Box 517, Saint Paul, Minnesota 55090
P: 612.743.4242:: F: 651.413.2929

H. Alan Kantrud, Esq.
hakantrud@protonmail.com
direct dial: 612.743.4242

Judy Yang
Personal Assistant

1 July 2022

Joseph Wormwood
Torie Repath
112 Wildwood Avenue
Birchwood, MN 55110

*electronically to Torie Redpath:
Torie@redpathonline.com

RE: Feistner Preserve Issues

Dear Mr. Wormwood & Ms. Redpath:

This office represents the City of Birchwood and was asked to apprise you of the City's awareness of activities in the Feistner Memorial Beach Public Lake Tract that it is attributing to you or your family, friends or agents, that are unauthorized and potentially criminal, but certainly out of the scope of the lease you have with the City to keep a boat in front of that property.

The observed conduct attributable to you includes but is not limited to:

- 1) Destruction of adult (8") Willow tree (public property);
- 2) Unauthorized storage of life jackets, paddles, kayak and other accouterments on the property.

The Agreement will be modified to allow for your boat lift, as the City Council has agreed to that, but the canopy is not allowed, as was also stated and more specific language will be included as well. This area is narrow to begin with and a canopy of any sort is visually unacceptable and this includes the "frame" of said canopy not just the fabric portion. If it is not removed immediately the Agreement will be terminated.

Further destruction of vegetation and the unauthorized storage of personal effects on shore will result in the termination of the Agreement as well.

Tree Task Force Volunteers 2022

Name	Address	Email	Phone	Correspondence	Date Received
Gretchen Johnson	10 White Pine Lane	gjohnson1608@gmail.com	651-341-9131	Hello! I am interested in serving on the tree task force. We live next to Polly's park (10 white pine lane) and already help maintain and care for the entrance and trail. There are many diseased ash trees in there as well as in our neighborhood that should be removed. Contact me at gjohnson1608@gmail.com or 651-341-9131 if you would like my input and assistance on this task force.	6/17/22
John Lund	612 Wildwood	j.lund.612@comcast.net	651-338-1383	Hi I john lund at 612 wildwood ave would like to be on the tree task force.	6/20/22
Ross Jenkins		rejudkins@aol.com		Yes I am interested in working on a program concerning trees, diseases and otherwise. Ross	6/17/22
Mary Simmons	418 Birch wood Courts, White Bear Lake, MN 55110	simmo001@umn.edu	(651)429-6259	Greetings! I would like to serve on the tree task force. I have several trees in my yard and have begun to lose them to disease. I see multiple trees struggling through Birchwood. Trees are vital to our health and sense of natural beauty. Cheers, Mary Sue Simmons (651)429-6259	6/23/22
Tom Patsy	1 Hall Court	tom1263@comcast.net		I would volunteer to be on the TTF. Tom Patsy 1 Hall court	6/22/22

MEMORANDUM

DATE: 7/07/22

TO: Mayor and City Council
FROM: Rebecca Kellen, City Administrator
COPIED:
SUBJECT: Mary Cahill Salary Increase

Birchwood Village

Birchwood Village has previously provided staff with a 6% salary increase at their 1 year anniversary. Mary Cahill has worked as the Assistant Treasurer since 7/1/21. Her current salary is \$8.21/hour. In the nearly 2 months I have worked with Mary she has been instrumental in conducting all payment processing and has taken initiative on investigating credit card options for the city, investigating online payment options, providing data for data requests, and beginning work on the 2023 preliminary budget. Mary has been easy to work with and is professional in her interactions.

In a effort to keep vital staff members it is important to ensure their salaries are competitive and that we are responsive to showing that we value strong performance. In this case, the City Clerk is requesting that Mary Cahill receive a 6% salary increase to show appreciation for her work and maintain her as a valuable staff member.

City Clerk is requesting that City Council approve a 6% salary increase for Mary Cahill effective 1 year from her start date.