



AGENDA OF THE REGULAR MEETING OF  
THE CITY COUNCIL  
CITY OF BIRCHWOOD VILLAGE  
WASHINGTON COUNTY, MINNESOTA  
June, 2023  
6:45 P.M.

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

**\*\*\*OFFSITE COUNCIL MEMBER PARTICIPATION NOTICE:**

Council Member Kathy Weier will be participating from Calvert Room, Adele H. Stamp Student Union, University of Maryland, 3972 Campus Dr, College Park, MD 20742, until 9 PM CST.

**PLEDGE OF ALLEGIANCE**

**APPROVE AGENDA**

**OPEN PUBLIC FORUM**

**PRESENTATIONS**

- A. MN Arborist Presentation - Gail Nozal

**ANNOUNCEMENTS**

- B. Welcome New Deputy Clerk, Therese Bellinger.
- C. Birchwood Village is accepting comments on its Storm Water Pollution Prevention Program and MS4 permit. Information can be found on the website.
- D. SCCTV will be doing a promotional segment on Music in the Park.
- E. The National MS Race will conclude at Century College on June 11th.
- F. Please meet at City Hall on June 17<sup>th</sup> from 9 AM to 12 PM for Birchwood Community Clean-Up. All are welcome!
- G. Congratulations to Councilmember Mark Foster and his family on the birth of their new baby!

**CONSENT AGENDA**

- A. Approve May Meeting Minutes\* (pp. 4-10)
- B. Approve Treasurer's Report\* (pp. 11-53)
- C. Approve Community Club's Requests for 4<sup>th</sup> of July Parade\* (p. 54)
- D. Approve Parks Committee's Request to Obtain Bids for Birch Beach Rain Garden\* (p. 55)
- E. Approve Parks Committees Request for \$5000 from the Special Revenue Fund and to Obtain Bids for a Handrail at Owl Path\* (pp. 56-57)
- F. Approve 2024 Washington County Election Services JPA\* (pp. 58-67)

\* Denotes items that have supporting documentation provided

## **CITY BUSINESS – OLD BUSINESS**

- A. 2023-02-VB (127 Wildwood) Variance \* (pp. 68-88)
  - a. Council deliberation

*Time Budget: 10 Minutes*
  
- B. 2023-04-VB (423 Wildwood) Variance \* (pp. 89-113)
  - a. Council Deliberation

*Time Budget: 10 Minutes*
  
- C. Road Plan Proposal – Mayor Margaret Ford\* (p. 114)

*Time Budget: 10 Minutes*
  
- D. Second Reading ORDINANCE 2023-04-02 Fee Schedule\* (pp. 115-124)
  - a. Public Hearing
  - b. Council Deliberation & Approval
  - c. Approve RESOLUTION 2023-28 Approving Summary Publication Ord. 2023-4-02

*Time Budget: 10 Minutes*
  
- E. Second Reading ORDINANCE 2023-04-03 (615) Exterior Storage\* (pp. 125-126)
  - a. Public Hearing
  - b. Council Deliberation & Approval

*Time Budget: 10 Minutes*
  
- F. Second Reading ORDINANCE 2023-04-04 (208/309) Regulating Public Rights of Way\* (pp. 127-157)
  - a. Public Hearing
  - b. Council Deliberation & Approval
  - c. Approve RESOLUTION 2023-33 Approving Summary Publication Ord. 2023-04-04

*Time Budget: 10 Minutes*
  
- G. Second Reading ORDINANCE 2023-05-05 amending the utility availability fees and sections 201, titled “city water systems” and section 202, titled “city plumbing and sewage system”\* (pp. 158-165)
  - a. Public Hearing
  - b. Council Deliberation & Approval
  - c. Approve RESOLUTION 2023-34 Approving Summary Publication Ord. 2023-05-05\* (p. 206)

*Time Budget: 10 Minutes*

\* Denotes items that have supporting documentation provided



H. Review CPA bids – Council Member Ryan Hankins\* (pp. 166-193)

*Time Budget: 5 Minutes*

I. Council Salary Update – City Attorney Alan Kantrud

*Time Budget: 5 Minutes*

G. Permitting Fee Discussion\* (pp. 194-196)

**CITY BUSINESS – NEW BUSINESS**

A. First Reading Ordinance 2023-06-01 (Solar Panels): an ordinance amending ordinances no. 301 titled “zoning code: general provisions,” no. 302 titled “zoning code: requirements and performance standards,” and no. 306 titled “zoning code: conditional use permits”\* (pp. 197-203)

a. First Reading and Council Deliberation

b. Order Second Reading and Public Hearing

*Time Budget: 10 Minutes*

H. Metropolitan Council Lake Links Trail Grant \*(pp. 204-205)

*Time Budget: 10 Minutes*

**ADJOURN**

\* Denotes items that have supporting documentation provided

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

**MINUTES OF THE CITY COUNCIL MEETING  
MAY 9, 2023, 6:45 P.M.**

**MEMBERS:**

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

**STAFF:**

H. Alan Kantrud	City Attorney
Mary Cahill	Treasurer

**GUESTS:**

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

**1. CALL TO ORDER**

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

**2. PLEDGE OF ALLEGIANCE**

**3. APPROVAL OF AGENDA**

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

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

- New Business: Bear Update

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

- New Business: Small Tree Update

**4. OPEN PUBLIC FORUM (0:01:53)**

**Barton Winter, 150 Oaks Lane:** The resident stated that he recently had a bear in his backyard that broke two birdfeeder poles. He contacted the city clerk, who informed him that residents were notified; however he stated that in his conversations, his neighbors claimed they had not received the notification. He also stated that hockey rink maintenance was unsatisfactory, and questioned whether the Mayor was spending significant time outside of the community.

**Jim Nelson, 256 Wildwood:** The resident noted that some areas of the neighborhood needed cleaning. He suggested some City sponsored cleanup days. He also recommended the resolving the council pay issue.

**On a motion made by Councilmember Foster, seconded by Councilmember Weier, it was resolved to close the open public forum. All in favor; motion carried.**

**5. BIRCHWOOD VILLAGE FINANCIAL CONTROLS (0:06:50)**

**On a motion made by Councilmember Hankins, seconded by Councilmember McCarthy, it was resolved direct staff to assemble an RFP for a CPA review of the financial controls, to be reviewed by Council at the next meeting. All in favor; motion carried.**

Mary Cahill explained that the Councilmembers received updated copies of the financial controls, which have not been updated since 2010. The City of Birchwood Village sets forth financial internal control procedures to establish financial processes, separation of duties, ensure continuity, and define City Council oversight. She gave an overview of the team who worked to draft the updated document for Council's review and eventual approval.

She noted that the section regarding petty cash had been deleted, as most purchasing now takes place online or using credit cards. She also noted that the updated document emphasized that two people would always be responsible for overseeing finances as opposed to just one.

Upon review of the documents, Council made the following recommendations:

- The Council questioned the use of the mayor's signature stamp as stated under the Disbursements section, and suggested more clarification regarding the phrase "as directed by the mayor" by adding a phrase to the effect of "for a particular authorized payment."
- That the document be reviewed by an independent CPA prior to approval.
- Edit the language to more clearly state that any future changes to the financial control must be presented to Council for approval.
- A change in language to clarify that City Administrator is an exempt salaried employee, and that exempt employees do not have to submit timecards.
- Disbursements, 4, Expense Reimbursement Form, should say "staff" instead of "personnel" for clarification reasons.
- Disbursements, 24, should include that state statute allows the Council to sign off on expenses between meeting if a majority of Councilmembers approve.

The Council agreed to review the updated draft at a subsequent Board meeting.

**6. CITY BUSINESS – CONSENT AGENDA (0:45:00)**

**On a motion made by Councilmember Foster, seconded by Councilmember Weier, it was resolved to approve Consent Agenda items A, C, D, E, F, and 4. All in favor; motion carried.**

**a. Resolution 2023-31 Authorizing the Suspension of Rules (0:49:50):**

**On a motion made by Councilmember Foster, seconded by Councilmember Hankins, it was resolved to approve Resolution 2023-31 as amended. All in favor; motion carried.**

- b. April Meeting Minutes (1:07:05):** The following change was made to the minutes of the meeting held on April 11, 2023:
- Councilmember Weier was present at the meeting.

**On a motion made by Councilmember McCarthy, seconded by Mayor Ford, it was resolved to approve the minutes of the meeting held on April 11, 2023, as amended. All in favor; motion carried.**

**c. Schifsky Road Maintenance Bid (1:09:30):**

**On a motion made by Councilmember Foster, seconded by Councilmember McCarthy, it was resolved to approve the quote for road maintenance from Schifsky, at a cost of \$50,315. Motion carried.**

It was noted that the bid was significantly overbudget at \$50,315, when the amount budgeted was \$14,000. Last year's contract totaled \$33,787. Council noted the need to budget more for street repair in the future, and verified whether the funds were available prior to approval.

**d. Annual \$200 Contribution to White Bear Lakes Fireworks Fund (1:22:50):**

**On a motion made by Councilmember Hankins, seconded by Councilmember Foster, it was resolved to approve a one-time \$200 contribution to White Bear Lakes Fireworks Fund. All in favor; motion carried.**

**e. Permitting Fee (1:23:45):** The Council agreed to defer discussion to a later date.

**f. Approve City Tree Inspection Invitation to Bid (1:29:00):**

**On a motion made by Councilmember McCarthy, seconded by Councilmember Weier, it was resolved to approve the city tree inspection RFB as presented. All in favor; motion carried.**

Council made the following suggestions to the contract:

- Gender neutral language be used.
- An insurance requirement be added.
- A clause be added to prohibit going onto private property.
- That regular mail be used rather than registered mail for notices.

**g. Resolution 2023-30 Authorizing the Adjustment of Fund Balances (1:36:58):**

**On a motion made by Councilmember Hankins, seconded by Councilmember McCarthy, it was resolved to approve resolution 2023-30 authorizing the adjustment of fund balances. Motion carried.**

**7. CITY BUSINESS – OLD BUSINESS**

**A. Variance 2023-03-VB, 529 Lake Ave (0:50:36)**

**a. Public Hearing:**

**On a motion made by Councilmember Hankins, seconded by Councilmember McCarthy, it was resolved to close the public hearing.**

b. **Review and Discussion:**

On a motion made by Councilmember McCarthy, seconded by Councilmember Foster, it was resolved to approve variance 302.055 ss2a4, subject to the conditions established by the Planning Commission. All in favor; motion carried.

On a motion made by Councilmember McCarthy, seconded by Councilmember Foster, it was resolved to approve variance 302.02.04, subject to the conditions established by the Planning Commission. All in favor; motion carried.

On a motion made by Councilmember McCarthy, seconded by Councilmember Hankins, it was resolved to approve variance 302.050, subject to the conditions established by the Planning Commission. All in favor; motion carried.

B. **Second Reading, Ordinance 2023-04-01 (304.035) Variances (1:38:41)**

a. **Public Hearing:**

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

b. **Council Deliberation and Approval:**

On a motion made by Councilmember McCarthy, seconded by Mayor Ford, it was resolved to adopt Ordinance 2023-04-~~02-01~~ (304.035), as presented. All in favor; motion carried.

C. **First Reading, Ordinance 2023-04-03 (Code 615) Exterior Storage(1:43:13)**

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

On a motion made by Councilmember McCarthy, seconded by Mayor Ford, it was resolved to forward Ordinance 2023-04-03 (Code 615) to a second reading and a public hearing, as presented. All in favor; motion carried.

D. **First Reading, Ordinance 2023-04-04 (208/309) Regulating Public Rights of Way (1:43:49)**

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

On a motion by Councilmember McCarthy, seconded by Mayor Ford, it was resolved to forward Ordinance 2032-04-02 (208/209) to a second reading and a public hearing, as amended. All in favor; motion carried.

Council made the following suggestions:

- Item 36 should not include water main breaks.
- Page 129, Section 123, Definition of Right of Way: Private property easements need to be clarified.
- Page 135, Permit Requirements: Add the phrase "if applicable."
- Page 136, Small Wireless: Lower the height from 50 feet.
- Page 136, Number 4, Small Wireless: Add the fee schedule.
- Page 147, Appeal: Impose a time limit on appeals.

**Commented [RK1]:** Missing Ord. 2023-04-02 before this to be added.

**Commented [RK2]:** Timestamps need to be corrected.

**E. Ash Path Survey Update (1:55:37)**

Alan Kantrud presented a of the survey area map. Council identified the area to be pinned, with the intention of keeping the public off of private property.

**8. CITY BUSINESS – NEW BUSINESS**

a. **Councilmember Weier Updates (2:03:40):** Councilmember Weier requested that an arborist attend the next Council meeting to discuss options for tree treatment and maintenance.

b. **Councilmember McCarthy Update (2:05:00):** Councilmember McCarthy contacted DNR regarding the black bear living in the area. They advised that they no longer relocate bears, and if it gets aggressive to contact the sheriff. Residents are advised to remove birdfeeders and to secure garbage cans. He also researched private options to relocate the bear, but was unsuccessful.

c. **Mayor Ford Updates (2:09:34):**

- **Birchwood Road Condition Discussion:** Mayor Ford advised that Birchwood Road would be discussed at the next Council meeting. She was in the process of researching federal grants. It is her intention to but a strategic plan in place, and she will create an outline for the next Council meeting.
- **Lake Links Trail Discussion (2:13:00):** Mayor Ford suggested potentially forming a committee or including the trail in the Road Committee's purview, to be further discussed at the next meeting.
- **South Shore Blvd Construction Update (2:15:00):** Mayor Ford reported that the target date for completion of July 4, 2023.

**A. First Reading Ordinance 2023-05-01 Repealing and Replacing Impervious Surfaces in the City Code (302.050) (2:16:09)**

Councilmember McCarthy summarized the ordinance.

a. **First Reading and Council Deliberation:** Council asked for several clarifications. McCarthy emphasized that residents would still be able to obtain a variance under the ordinance.

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

**On a motion made by Councilmember Weier, seconded by Councilmember Hankins, it was resolved to forward ordinance 2023-05-01 to a second reading and a public hearing as presented. All in favor; motion carried.**

**B. First Reading ORDINANCE 2023-05-02 Amending 302.020 LAND USE IN THE CITY CODE (2:27:41)**

a. **First Reading and Council Deliberation:** Councilmember McCarthy provided a summary of the ordinance.

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

**On a motion made by Councilmember Hankins, seconded by Councilmember McCarthy, it was resolved to forward ordinance 2023-05-02 to a second reading. All in favor; motion carried.**

**C. First Reading Ordinance 2023-05-03 Amending the Fee Schedule (2:28:53)**

**a. First Reading and Council Deliberation:** Councilmember McCarthy provided a summary of the ordinance. Council discussed an appropriate fee, and recommended \$100.

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

**On a motion made by Councilmember McCarthy, seconded by Councilmember Hankins, it was resolved to forward ordinance 2032-05-03 to a second reading as amended. All in favor; motion carried.**

**D. First Reading Ordinance 2023-02-01: Removing Solar Panels from CUP (2:30:40)**

Council agreed to table the discussion of two ordinances regarding solar panels to the next Council meeting.

**E. First Reading Ordinance 2023-05-05 (Fee schedule 201/202) Utility Availability (2:31:18)**

**a. First Reading and Council Deliberation:** Councilmember Hankins provided a summary of the ordinance.

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

**On a motion made by Councilmember McCarthy, seconded by Mayor Ford, it was resolved to forward Ordinance 2023-05-05 to a second reading and a public hearing. All in favor; motion carried.**

**c. Safe Streets and Roads for All (SS4A) Grant Program (2:37:07):** Mayor Ford noted that that program will be added to her roads proposal.

**d. Administrator Compensation (2:38:53):**

**On a motion made by Councilmember Hankins, seconded by Councilmember Weier, it was resolved to approve a 6% compensation increase for the Council Administrator effective May 1, 2023, and that any further compensation increase would be discussed after completing a performance review. All in favor; motion carried.**

**9. ADJOURNMENT**

**On a motion made by Councilmember McCarthy, seconded by Mayor Ford and carried unanimously, it was agreed that there was no further business of the Council to transact; the meeting was closed at 9:36 p.m. by Mayor Ford.**

**DISCLAIMER**

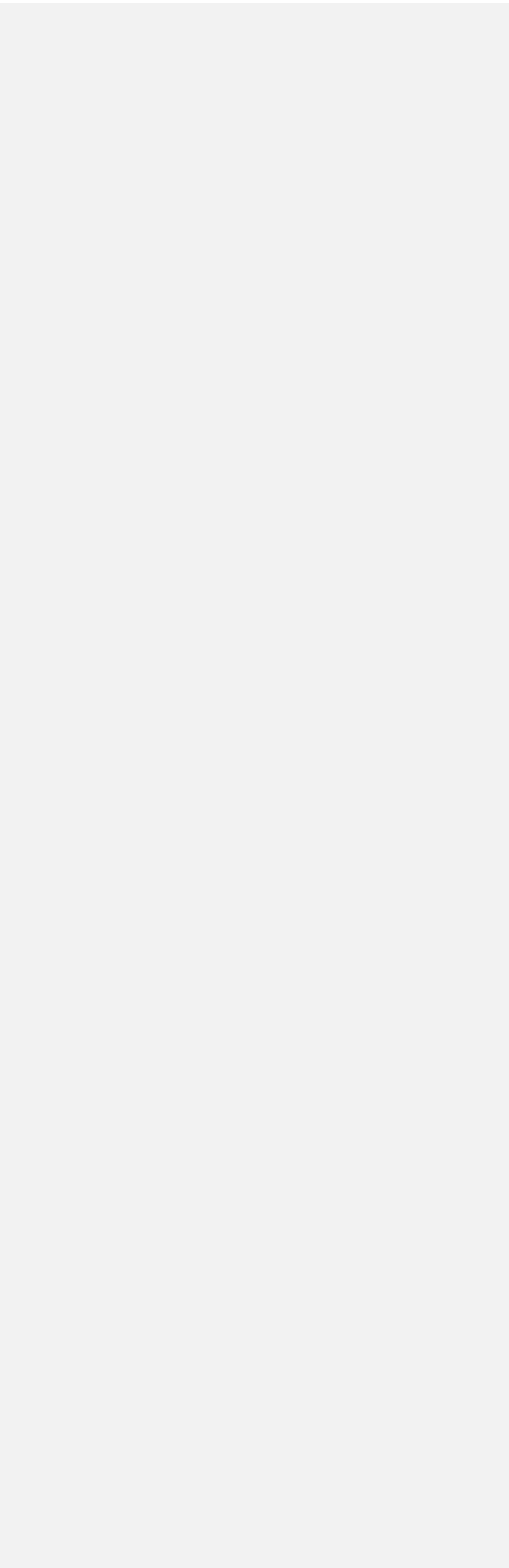
The above minutes should be used as a summary of the motions passed and issues discussed at the meeting. This document shall not be considered a verbatim copy of every word spoken at the meeting.

\_\_\_\_\_  
Mayor Margaret Ford

\_\_\_\_\_  
City Administrator Becky Kellen

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date





## Treasurer report

Mary Cahill <Mary.Cahill@cityofbirchwood.com>

Wed 6/7/2023 5:41 PM

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

You'll see a large number of claims list to approve this month. That is due to staff training. Items to call out for the treasurer report include:

1. I paid the Large Schifsky bill that includes street sweeping for spring and fall. I did inquire to them what the status of the patching/overlay is and I'm waiting to hear back from them. See breakdown of the expenses in the disbursement register.
2. During reconciliation for April I discovered an error in the Utility billing from St. Anthony. I had to delete the entry and re-enter to balance. This would impact the receipts register reviewed at the May council meeting.
3. I included the spreadsheet used to balance April and May bank statements.

Mary Cahill

Treasurer

City of Birchwood Village, MN

email: [mary.cahill@cityofbirchwood.com](mailto:mary.cahill@cityofbirchwood.com)

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



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For the Period : 5/4/2023 To 6/7/2023

<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	\$561,752.10	\$7,188.86	\$47,417.09	\$521,523.87	\$520.00	\$35,629.76	\$556,633.63
Road and Bridge	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Other Federal Programs	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Comp Plan Grant	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Tree Canopy Care	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Special Rev Projects	\$19,170.69	\$0.00	\$3,359.99	\$15,810.70	\$0.00	\$3,359.99	\$19,170.69
Spec Rev - Warm House	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
REIMBURSED CONTRACTED SERVICES	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Birchwood In Re-hab Bond	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Sewer Re-hab Debt	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
CAPITAL PROJECT FUNDS (401 through 499)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
General Capital Projects	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Capital Project PW	\$111,711.31	\$0.00	\$32,500.00	\$79,211.31	\$0.00	\$32,500.00	\$111,711.31
Water	\$64,122.31	\$1,191.12	\$5,944.13	\$59,369.30	\$1,191.12	\$5,875.00	\$64,053.18
Sewer	\$83,092.54	\$1,135.86	\$12,645.01	\$71,583.39	\$1,135.86	\$12,656.91	\$83,104.44
Transit System	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Sewer Infrastructure	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Water Meter Upgrade Fees	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
American Rescue Act Proceeds	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Engineering Services	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<b>Total</b>	<b>\$839,848.95</b>	<b>\$9,515.84</b>	<b>\$101,866.22</b>	<b>\$747,498.57</b>	<b>\$2,846.98</b>	<b>\$90,021.66</b>	<b>\$834,673.25</b>

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

Fund Name: All Funds

Date Range: 05/04/2023 To 06/07/2023

<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>
05/09/2023	Payroll Period Ending 05/09/2023	32439	Payroll Rebecca Kellen City Administrator	N	Clerk - Treasurer	100-41401-100-	\$ 1,998.27
	<b>Total For Check</b>	<b>32439</b>					<b>\$ 1,998.27</b>
05/09/2023	Payroll Period Ending 05/09/2023	32440	Payroll Therese Bellinger Deputy Clerk	N	Clerk - Treasurer	100-41401-100-	\$ 841.91
	<b>Total For Check</b>	<b>32440</b>					<b>\$ 841.91</b>
05/09/2023	IRS - US Treasury	EFT05092023-A*	Federal Taxes - Q2 2023 -April Payment	N	Clerk - Treasurer	100-41401-100-	\$ 226.86
		EFT05092023-A*				100-41401-100-	\$ 832.88
		EFT05092023-A*				100-41401-100-	\$ 194.78
	<b>Total For Check</b>	<b>EFT05092023-A</b>					<b>\$ 1,254.52</b>
05/09/2023	MN Department of Revenue	EFT05092023-B*	MN State Tax eFiling - Q2 2023 April pymt	N	Clerk - Treasurer	100-41401-115-	\$ 314.28
	<b>Total For Check</b>	<b>EFT05092023-B</b>					<b>\$ 314.28</b>
05/09/2023	PERA	EFT05092023-C*	Retirement funds- Jim Rydeen--Month of April	N	Parks	100-45207-121-	\$ 82.58
	<b>Total For Check</b>	<b>EFT05092023-C</b>					<b>\$ 82.58</b>
05/09/2023	PERA	EFT05092023-D*	Retirement funds- Therese and Becky--Payroll 4/23 - 5/6/2023	N	Clerk - Treasurer	100-41401-121-	\$ 517.33
	<b>Total For Check</b>	<b>EFT05092023-D</b>					<b>\$ 517.33</b>
05/12/2023	H.A. Kantrud, P.A.	32441*	Attorney Services -May 2023	N	Legal Services	100-41601-300-	\$ 1,500.00
	<b>Total For Check</b>	<b>32441</b>					<b>\$ 1,500.00</b>
05/12/2023	TSE, Inc. Work Account	32442*	Janitorial Services - 4/20/23	N	General Government Buildings and Plant	100-41940-314-	\$ 28.13
	<b>Total For Check</b>	<b>32442</b>					<b>\$ 28.13</b>
05/12/2023	Metro - INET	32443*	IT Charges May	N	General Government Buildings and Plant	100-41940-320-	\$ 513.00
	<b>Total For Check</b>	<b>32443</b>					<b>\$ 513.00</b>
05/12/2023	Metropolitan Council - Env. Service	32444*	Wastewater Service-May	N	Sewer Utility	605-43190-217-	\$ 4,968.70
	<b>Total For Check</b>	<b>32444</b>					<b>\$ 4,968.70</b>

Fund Name: All Funds

Date Range: 05/04/2023 To 06/07/2023

<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>
05/12/2023	Washington County - Property & Tax	32445*	2023 Special Asmt Billing	N	Assessing	100-41550-314-	\$ 138.00
	<b>Total For Check</b>	<b>32445</b>					<b>\$ 138.00</b>
05/12/2023	City of White Bear Lake Fire	32446*	Fire Srvc -May 2023	N	Fire	100-42201-314-	\$ 3,049.17
	<b>Total For Check</b>	<b>32446</b>					<b>\$ 3,049.17</b>
05/12/2023	Press Publications	32447*	***VOID\$678.98*** APRIL Ads--Var 23-02, 23-03, ORD 23-01, 23-02, 23-03,04-01, 02, 03, and Serv Fees	Y	Ordinances and Proceedings	100-41130-351-	\$ -
		32447*				100-41130-351-	\$ -
		32447*				100-41130-351-	\$ -
		32447*				100-41130-351-	\$ -
		32447*				100-41130-351-	\$ -
		32447*				100-41130-351-	\$ -
	<b>Total For Check</b>	<b>32447</b>					<b>\$ -</b>
05/12/2023	Press Publications	32448*	APRIL Ads --ORD 23-01	N	Ordinances and Proceedings	100-41130-351-	\$ 80.08
	<b>Total For Check</b>	<b>32448</b>					<b>\$ 80.08</b>
05/12/2023	Companion Animal Control LLC	32449*	Animal Control Services -April	N	Animal Control	100-41916-314-	\$ 80.00
	<b>Total For Check</b>	<b>32449</b>					<b>\$ 80.00</b>
05/15/2023	All Energy Solar, Inc	32451	Escrow Reimbursement, BP # 2022-170, 8 Oak Hill	N	Escrow Refunds	100-49250-810-8	\$ 3,000.00
	<b>Total For Check</b>	<b>32451</b>					<b>\$ 3,000.00</b>
05/19/2023	Xcel Energy	05182023EFTA*	***VOID\$32.20***407 Lake Ave--3/22/23 - 4/20/23	Y	Sewer Utility	100-43190-380-	\$ -
	<b>Total For Check</b>	<b>05182023EFTA</b>					<b>\$ -</b>
05/19/2023	Xcel Energy	05182023EFTB*	***VOID\$33.84***200 Wildwood-Electricity Service--3/22/23 - 4/20/23	Y	Street Lighting	100-43160-380-	\$ -
	<b>Total For Check</b>	<b>05182023EFTB</b>					<b>\$ -</b>
05/19/2023	Xcel Energy	05182023EFTC*	***VOID\$15.63***210 Birchwood-Electricity Service--3/22/23 - 4/20/23	Y	Street Lighting	100-43160-380-	\$ -
	<b>Total For Check</b>	<b>05182023EFTC</b>					<b>\$ -</b>

Fund Name: All Funds

Date Range: 05/04/2023 To 06/07/2023

<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>
05/19/2023	Xcel Energy	05182023EFTD*	***VOID\$142.64***202 Wildwood, 207 Birchwood, 407 1/2 Lake, 423 Lake--3/2 thru 4/19/23	Y	Sewer Utility	100-43190-380-	\$ -
		05182023EFTD*				100-43190-380-	\$ -
		05182023EFTD*				100-43190-380-	\$ -
		05182023EFTD*			Parks	100-45207-380-	\$ -
		<b>Total For Check</b>	<b>05182023EFTD</b>				<b>\$ -</b>
05/19/2023	LRS Portables, LLC	32453*	Portable Restrooms- May Billing	N	Parks	100-45207-314-	\$ 174.00
		<b>Total For Check</b>	<b>32453</b>				<b>\$ 174.00</b>
05/19/2023	Toshiba America Business Solutions	32454*	Printer Maintenance -5/9 - 6/8/2023	N	Office Operations Supplies	100-41911-314-	\$ 10.62
		<b>Total For Check</b>	<b>32454</b>				<b>\$ 10.62</b>
05/19/2023	White Bear Lake Fireworks Fund	32455*	Annual Contribution - 2023	N	Recreation	210-45101-430-	\$ 200.00
		<b>Total For Check</b>	<b>32455</b>				<b>\$ 200.00</b>
05/19/2023	TSE, Inc. Work Account	32456*	Janitorial Services - 5/4/23	N	General Government Buildings and Plant	100-41940-314-	\$ 26.88
		<b>Total For Check</b>	<b>32456</b>				<b>\$ 26.88</b>
05/22/2023	A T & T Mobility	EFT05222023A*	Wireless for water tower- May 2 thru June 1	N	Water Utility	601-43180-382-	\$ 53.50
		<b>Total For Check</b>	<b>EFT05222023A</b>				<b>\$ 53.50</b>
05/24/2023	Amy & Adams	32459	Music in the Park 6/25/2023	N	Recreation	210-45101-440-	\$ 300.00
		<b>Total For Check</b>	<b>32459</b>				<b>\$ 300.00</b>
05/24/2023	Scottie Miller	32460	Music in the Park- 07/16/2023	N	Recreation	210-45101-440-	\$ 300.00
		<b>Total For Check</b>	<b>32460</b>				<b>\$ 300.00</b>
05/24/2023	Dale Dahlquist	32461	Music in the Park- July 23, 2023	N	Recreation	210-45101-440-	\$ 300.00
		<b>Total For Check</b>	<b>32461</b>				<b>\$ 300.00</b>
05/24/2023	Legacy Celtic Music, LLC	32462	Music in the Park- 7/30/23	N	Recreation	210-45101-440-	\$ 300.00
		<b>Total For Check</b>	<b>32462</b>				<b>\$ 300.00</b>
05/24/2023	Brian Ogren	32463	Music In the Park 8/6/2023	N	Recreation	210-45101-440-	\$ 300.00
		<b>Total For Check</b>	<b>32463</b>				<b>\$ 300.00</b>

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05/24/2023	Harmonic Relief	32464	Music In The Park 7/11/23	N	Recreation	210-45101-440-	\$ 300.00
		<b>Total For Check</b>	<b>32464</b>				<b>\$ 300.00</b>
05/24/2023	Lutmer, Tom	32465	Music in the Park- June 18, 2023	N	Recreation	210-45101-440-	\$ 300.00
		<b>Total For Check</b>	<b>32465</b>				<b>\$ 300.00</b>
05/24/2023	Jennifer Eckes	32466	Music In The Park 7/9/2023	N	Recreation	210-45101-440-	\$ 300.00
		<b>Total For Check</b>	<b>32466</b>				<b>\$ 300.00</b>
05/24/2023	Fabulous Fairlanes	32467	Music In The Park 8/20/2023	N	Recreation	210-45101-440-	\$ 300.00
		<b>Total For Check</b>	<b>32467</b>				<b>\$ 300.00</b>
05/24/2023	Payroll Period Ending 05/24/2023	32468	Rebecca Kellen--City Administrator	N	Clerk - Treasurer	100-41401-100-	\$ 2,158.84
		<b>Total For Check</b>	<b>32468</b>				<b>\$ 2,158.84</b>
05/24/2023	Payroll Period Ending 05/24/2023	32469	Therese Bellinger--Deputy Clerk	N	Clerk - Treasurer	100-41401-100-	\$ 1,144.78
		<b>Total For Check</b>	<b>32469</b>				<b>\$ 1,144.78</b>
05/24/2023	Xcel Energy	EFT05182023A*	202 Wildwood, 207 Birchwood, 407 1/2 Lake, 423 Lake--3/2 thru 4/19/23	N	General Government Buildings and Plant	100-41940-380-	\$ 168.00
		EFT05182023A*			Parks	100-45207-380-	\$ 52.58
		EFT05182023A*			Sewer Utility	605-43190-380-	\$(63.07)
		EFT05182023A*				605-43190-380-	\$(14.87)
		<b>Total For Check</b>	<b>EFT05182023A</b>				<b>\$ 142.64</b>
05/24/2023	Xcel Energy	EFT05182023B*	407 Lake Ave 3/23-23 thru 4/20/23	N	Sewer Utility	605-43190-380-	\$ 32.20
		<b>Total For Check</b>	<b>EFT05182023B</b>				<b>\$ 32.20</b>
05/24/2023	Xcel Energy	EFT05182023C*	200 Wildwood Ave 3/23-23 thru 4/20/23	N	Sewer Utility	605-43190-380-	\$ 33.84
		<b>Total For Check</b>	<b>EFT05182023C</b>				<b>\$ 33.84</b>
05/24/2023	Xcel Energy	EFT05182023D*	210 Birchwood Ave 3/23-23 thru 4/20/23	N	Water Utility	601-43180-380-	\$ 15.63
		<b>Total For Check</b>	<b>EFT05182023D</b>				<b>\$ 15.63</b>
05/24/2023	PERA	EFT05242023A*	Retirement funds- Therese and Becky--Payroll 5/7 thru 5/20	N	Clerk - Treasurer	100-41401-121-	\$ 611.17
		<b>Total For Check</b>	<b>EFT05242023A</b>				<b>\$ 611.17</b>

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05/24/2023	PERA	PERA*	***VOID\$611.17***Retirement funds- Therese and Becky--Payroll 5/7 thru 5/20	Y	Clerk - Treasurer	100-41401-121-	\$ -
		<b>Total For Check</b>	<b>PERA</b>				<b>\$ -</b>
06/02/2023	Rebecca Kellen	32470*	Reimbursement For Becky--St Cloud Training-miles, meals and office supplies	N	Office Operations Supplies	100-41911-200-	\$ 16.35
		32470*			City Training and Development	100-41914-310-	\$ 124.45
		<b>Total For Check</b>	<b>32470</b>				<b>\$ 140.80</b>
06/02/2023	Therese Bellinger	32471*	Reimbursement for Therese--Poop waste bags	N	Parks	100-45207-430-	\$ 49.66
		<b>Total For Check</b>	<b>32471</b>				<b>\$ 49.66</b>
06/02/2023	Washington County - Property & Tax	32472*	2023 Special Asmt Billing--Approved by MC	N	Assessing	100-41550-314-	\$ 5.32
		<b>Total For Check</b>	<b>32472</b>				<b>\$ 5.32</b>
06/02/2023	Minutes Solutions	32473*	Minutes for May 9th Council Meeting	N	MISCELLANEOUS	100-49001-300-	\$ 270.00
		<b>Total For Check</b>	<b>32473</b>				<b>\$ 270.00</b>
06/02/2023	Press Publications	32474*	May Ads --Legal 2023-04-01--#775867	N	Ordinances and Proceedings	100-41130-351-	\$ 70.07
		<b>Total For Check</b>	<b>32474</b>				<b>\$ 70.07</b>
06/02/2023	Press Publications	32475*	May Ads --Legal 2023-04-04--#775866	N	Ordinances and Proceedings	100-41130-351-	\$ 50.05
		<b>Total For Check</b>	<b>32475</b>				<b>\$ 50.05</b>
06/02/2023	Menard's - MAPLEWOOD	32476*	Maintenance Expense--Steel post, floor cleaner	N	General Government Buildings and Plant	100-41940-400-	\$ 15.56
		32476*			Parks	100-45207-400-	\$ 8.99
		<b>Total For Check</b>	<b>32476</b>				<b>\$ 24.55</b>
06/02/2023	TSE, Inc. Work Account	32477*	Janitorial Services - 5/18/23	N	General Government Buildings and Plant	100-41940-314-	\$ 28.13
		<b>Total For Check</b>	<b>32477</b>				<b>\$ 28.13</b>



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06/02/2023	League of MN Cities Insurance Trust	32478*	Work Comp Coverage Premium--Period 6/12/22-6/12/23	N	Insurance - employee	100-41912-150-	\$ 1,902.00
	<b>Total For Check</b>	<b>32478</b>					<b>\$ 1,902.00</b>
06/02/2023	Minnesota Department of Health	32479*	Community Water Supply Service Connection Fee 4/1/23-6/30/23	N	Water Utility	601-43180-437-	\$ 860.00
	<b>Total For Check</b>	<b>32479</b>					<b>\$ 860.00</b>
06/02/2023	Thatcher Engineering, Inc	32480*	City Engineer -Permit and Doc Review-4 Oakridge Dr	N	Engineer Service	100-41650-300-	\$ 400.00
	<b>Total For Check</b>	<b>32480</b>					<b>\$ 400.00</b>
06/02/2023	Thatcher Engineering, Inc	32481*	City Engineer -Zoning Review for Fence--23 Birchwood Lane	N	Engineer Service	100-41650-300-	\$ 50.00
	<b>Total For Check</b>	<b>32481</b>					<b>\$ 50.00</b>
06/02/2023	Thatcher Engineering, Inc	32482*	City Engineer-Review Landscape Design by Dreamscapes--15 Birchwood Lane	N	Engineer Service	100-41650-300-	\$ 300.00
	<b>Total For Check</b>	<b>32482</b>					<b>\$ 300.00</b>
06/02/2023	White Bear Township	32483*	Contracted Services - April 2023	N	Sewer Utility	605-43190-314-	\$ 1,409.69
	<b>Total For Check</b>	<b>32483</b>					<b>\$ 1,409.69</b>
06/02/2023	USS Minnesota One MT LLC	32484*	Energy Charges - April Charges	N	General Government Buildings and Plant	100-41940-380-	\$ 113.73
		32484*			Sewer Utility	605-43190-380-	\$ 303.28
		32484*				605-43190-380-	\$ 549.69
	<b>Total For Check</b>	<b>32484</b>					<b>\$ 966.70</b>
06/02/2023	Payroll Period Ending 06/02/2023	32485	Mary Cahill--Treasurer, Period May 2023	N	Clerk - Treasurer	100-41401-100-	\$ 218.77
	<b>Total For Check</b>	<b>32485</b>					<b>\$ 218.77</b>
06/02/2023	Payroll Period Ending 06/02/2023	32486	Jim Rydeen-Maintenance-May 2023	N	Parks	100-45207-100-	\$ 1,240.05
	<b>Total For Check</b>	<b>32486</b>					<b>\$ 1,240.05</b>

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06/06/2023	Ellen Maas	32487*	Music In The Park--6/4 Performance	N	Recreation	210-45101-440-	\$ 300.00
		<b>Total For Check</b>	<b>32487</b>				<b>\$ 300.00</b>
06/06/2023	MENARD'S - OAKDALE	32488*	Maintenance Exp--steel post, floor cleaner Inv# 67235	N	Parks	100-45207-400-	\$ 8.99
		32488*			MISCELLANEOUS	100-49001-200-	\$ 15.56
		<b>Total For Check</b>	<b>32488</b>				<b>\$ 24.55</b>
06/06/2023	Rebecca Kellen	32489*	Reimbursement for Becky Kellen--May Hotel Exp for St Cloud Training	N	City Training and Development	100-41914-310-	\$ 477.52
		<b>Total For Check</b>	<b>32489</b>				<b>\$ 477.52</b>
06/06/2023	Allan Mitchell	32490*	Reimbursement for Signs for Music In The Park	N	Recreation	210-45101-440-	\$ 159.99
		<b>Total For Check</b>	<b>32490</b>				<b>\$ 159.99</b>
06/06/2023	Gopher State One Call	32491*	Email tickets- May	N	Utility Locates	605-42805-314-	\$ 41.85
		<b>Total For Check</b>	<b>32491</b>				<b>\$ 41.85</b>
06/06/2023	Companion Animal Control LLC	32492*	Animal Control Services -May	N	Animal Control	100-41916-314-	\$ 80.00
		<b>Total For Check</b>	<b>32492</b>				<b>\$ 80.00</b>
06/06/2023	PERA	EFT06072023A*	***VOID\$98.18***Retirement Funds--Jim Rydeen--May	Y	Parks	100-45207-121-	\$ -
		<b>Total For Check</b>	<b>EFT06072023A</b>				<b>\$ -</b>
06/07/2023	Manship Plumbing & Heating Inc	32493*	Standby -May	N	Water Utility	601-43180-314-	\$ 700.00
		<b>Total For Check</b>	<b>32493</b>				<b>\$ 700.00</b>
06/07/2023	TA Schifsky & Sons, Inc.	32494*	Patching and milling overlays on streets, Street Sweeping and watermain break hole repair	N	Streets and Road Mntnc	100-43101-314-	\$ 10,000.00
		32494*			Street Sweeping	100-43103-314-	\$ 3,500.00
		32494*			Streets and Road Mntnc	406-43101-314-	\$ 32,500.00
		32494*			Wtr/Swr Emergency	601-43185-314-	\$ 4,315.00
		<b>Total For Check</b>	<b>32494</b>				<b>\$ 50,315.00</b>
06/07/2023	LRS Portables, LLC	32495*	Portable Restrooms- June Billing	N	Parks	100-45207-314-	\$ 185.50
		<b>Total For Check</b>	<b>32495</b>				<b>\$ 185.50</b>

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06/07/2023	Metro - INET	32496*	IT Charges June	N	General Government Buildings and Plant	100-41940-320-	\$ 513.00
	<b>Total For Check</b>	<b>32496</b>					<b>\$ 513.00</b>
06/07/2023	City of White Bear Lake Fire	32497*	Fire Srvc -June 2023	N	Fire	100-42201-314-	\$ 3,049.17
	<b>Total For Check</b>	<b>32497</b>					<b>\$ 3,049.17</b>
06/07/2023	Kodiak Power Solutions	32498*	Lake Ave Lift Station: Annual Service	N	Sewer Utility	605-43190-314-	\$ 415.00
	<b>Total For Check</b>	<b>32498</b>					<b>\$ 415.00</b>
06/07/2023	Press Publications	32499*	Reissue of CK# 32448, Press Pubs didn't receive in mail. ORD # 2023-23-02	N	Ordinances and Proceedings	100-41130-351-	\$ 80.08
	<b>Total For Check</b>	<b>32499</b>					<b>\$ 80.08</b>
06/07/2023	H.A. Kantrud, P.A.	32500	Attorney Services -June 2023	N	Legal Services	100-41601-300-	\$ 1,500.00
	<b>Total For Check</b>	<b>32500</b>					<b>\$ 1,500.00</b>
06/07/2023	Wikstrom, John	32501	City Planning fees 1/2 month April, May, Contracted amount \$ 1600	N	Engineer Service	100-41650-300-	\$ 2,400.00
	<b>Total For Check</b>	<b>32501</b>					<b>\$ 2,400.00</b>
06/07/2023	Metropolitan Council - Env. Service	32502*	Wastewater Service-June	N	Sewer Utility	605-43190-217-	\$ 4,968.70
	<b>Total For Check</b>	<b>32502</b>					<b>\$ 4,968.70</b>
06/07/2023	Michaels Homes	32503	Escrow Deposit Refund, 15 Birchwood Lane	N	Escrow Refunds	100-49250-810-8	\$ 3,000.00
	<b>Total For Check</b>	<b>32503</b>					<b>\$ 3,000.00</b>
<b>Total For Selected Checks</b>							<b>\$ 101,866.22</b>

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05/04/2023	Emma Solheim	171735813*	Kayak Permit EFTB	(05/11/2023) -	N	Kayak/Canoe Permits	100-32212-	\$ 30.00
								<b>\$ 30.00</b>
05/11/2023	Rachel Schuler	171735805*	Kayak Permit	(05/11/2023) - 1	N	Kayak/Canoe Permits	100-32212-	\$ 60.00
								<b>\$ 60.00</b>
05/11/2023	Raymond Aalderks	171735806*	Kayak Permit	(05/11/2023) - 1	N	Kayak/Canoe Permits	100-32212-	\$ 60.00
								<b>\$ 60.00</b>
05/11/2023	Wayne Kazmierczak	171735807*	Kayak Permit	(05/11/2023) - 1	N	Kayak/Canoe Permits	100-32212-	\$ 30.00
								<b>\$ 30.00</b>
05/11/2023	Theresa Schertz	171735808*	Hall Rental	(05/11/2023) - 1	N	City/Town Hall Rent	100-34101-	\$ 25.00
								<b>\$ 25.00</b>
05/11/2023	Leonard Pratt	171735809*	Permit Pay--#2023-25, 301 Wildwood	(05/11/2023) - 1	N	Building Permits	100-32211-	\$ 404.25
								<b>\$ 404.25</b>
05/11/2023	Jonathon Shellenberger	171735810*	Permit Pay--#2023-33, 402 Birchwood	(05/11/2023) - 1	N	Building Permits	100-32211-	\$ 157.25
								<b>\$ 157.25</b>
05/11/2023	Bear Roofing & Exteriors	171735811*	Permit Pay-- #2023-35, 267 Wildwood	(05/11/2023) - 1	N	Building Permits	100-32211-	\$ 302.25
								<b>\$ 302.25</b>
05/11/2023	The Window Store	171735821*	Permit 2023-34, 25 Oak Ridge EFT-C	(05/19/2023) -	N	LICENSES AND PERMITS	100-32001-	\$ 157.25
								<b>\$ 157.25</b>
05/11/2023	Hail Pro LLC	171735822*	Permit 2023-38, 426 Birchwood EFT-D	(05/19/2023) -	N	LICENSES AND PERMITS	100-32001-	\$ 200.41
								<b>\$ 200.41</b>

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05/12/2023	Brian Kraft	171735820*	Permit 2023-35, 267 Wildwood EFT-B	(05/19/2023) -	N	LICENSES AND PERMITS	100-32001-	\$ 362.25
								<hr/> <b>\$ 362.25</b>
05/13/2023	Jagged Edge Builders	171735819*	Permit 2023-37, 612 Hall EFT-A	(05/19/2023) -	N	LICENSES AND PERMITS	100-32001-	\$ 389.25
								<hr/> <b>\$ 389.25</b>
05/18/2023	Samantha Smith	171735823*	Permit 2023-40, 264 Cedar EFT-E	(05/19/2023) -	N	LICENSES AND PERMITS	100-32001-	\$ 50.00
								<hr/> <b>\$ 50.00</b>
05/19/2023	Bonebright, Alicia	171735814*	Kayak Rental	(05/19/2023) - 1	N	Kayak/Canoe Permits	100-32212-	\$ 30.00
								<hr/> <b>\$ 30.00</b>
05/19/2023	Nelson-Spavin, Margaret	171735815*	Kayak Rental	(05/19/2023) - 1	N	Kayak/Canoe Permits	100-32212-	\$ 30.00
								<hr/> <b>\$ 30.00</b>
05/19/2023	Dupey, Dwight	171735816*	Kayak & Canoe Rental	(05/19/2023) - 1	N	Kayak/Canoe Permits	100-32212-	\$ 60.00
								<hr/> <b>\$ 60.00</b>
05/19/2023	Fleck, Susan	171735817*	Kayak Rental	(05/19/2023) - 1	N	Kayak/Canoe Permits	100-32212-	\$ 30.00
								<hr/> <b>\$ 30.00</b>
05/19/2023	Ramsey/Washington Cable Commission	171735818*	Redistribution Payment - Q1 2023	(05/19/2023) - 1	N	Refund-Reimbursemnt-Dividend	100-36240-	\$ 437.50
								<hr/> <b>\$ 437.50</b>
05/22/2023	Lundberg, Britta	171735825*	Kayak permit	(05/22/2023) -	N	Kayak/Canoe Permits	100-32212-	\$ 30.00
								<hr/> <b>\$ 30.00</b>
05/30/2023	Binder Heating and Air Conditioning	171735826*	BP #2023-43, 201 Wildwood Ave	(05/30/2023) -	N	Building Permits	100-32211-	\$ 151.00
								<hr/> <b>\$ 151.00</b>
05/31/2023	4 M Fund	171735824	May interest	(05/31/2023) -	N	Interest Earning	100-36210-	\$ 3,672.45
								<hr/> <b>\$ 3,672.45</b>
05/31/2023	Residents - via St Anthony Village	171735827	***VOID\$2322.59***Utility Billing-May	(05/31/2023) -	Y	Water Consumption	601-37111-	\$ -

Fund Name: All Funds

Date Range: 05/04/2023 To 06/07/2023

<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>
						Water Utility User Fee	601-37112-	\$ -
						Water Utility User Fee	601-37112-	\$ -
						Water Main-break Surcharge	601-37113-	\$ -
						State Surcharge	601-37116-	\$ -
						Penalties and Forfeited Discounts	601-37160-	\$ -
						Sewer Consumption	605-37211-	\$ -
						Sewer Minimum Charge	605-37212-	\$ -
						Sewer Only	605-37213-	\$ -
						Penalties and Forfeited Discounts	605-37260-	\$ -
								<b>\$ -</b>
05/31/2023	Residents - via St Anthony Village	171735828	Utility Billing May 2023	(05/31/2023) -	N	Water Consumption	601-37111-	\$ 589.85
						Water Utility User Fee	601-37112-	\$ 476.46
						Water Utility User Fee	601-37112-	\$ 25.00
						Water Main-break Surcharge	601-37113-	\$ 21.95
						State Surcharge	601-37116-	\$ 32.72
						Penalties and Forfeited Discounts	601-37160-	\$ 45.14
						Sewer Consumption	605-37211-	\$ 487.70
						Sewer Minimum Charge	605-37212-	\$ 539.46
						Sewer Only	605-37213-	\$ 64.41
						Penalties and Forfeited Discounts	605-37260-	\$ 44.29
								<b>\$ 2,326.98</b>
06/06/2023	Lumen	171735829*	ROW permit engineering fees row permits # 021 and 022	(06/06/2023) -	N	Building Permits	100-32211-	\$ 200.00
						Building Permits	100-32211-	\$ 250.00
								<b>\$ 450.00</b>
06/06/2023	Jozsef Hegedus	171735830*	Kayak Rack Payment	(06/06/2023) -	N	Kayak/Canoe Permits	100-32212-	\$ 30.00
								<b>\$ 30.00</b>
06/06/2023	Alan Bachman	171735831*	Kayak Rack Payment	(06/06/2023) -	N	Kayak/Canoe Permits	100-32212-	\$ 30.00
								<b>\$ 30.00</b>
06/06/2023	Cynthia Moran	171735832*	Art Group Donation	(06/06/2023) -	N	Contributions and Donations from Private Sources	100-36230-	\$ 10.00
								<b>\$ 10.00</b>
<b>Total for Selected Receipts</b>								<b>\$ 9,515.84</b>

As on 6/7/2023

Special Rev Projects

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
<b>Receipts:</b>			
Dock/Lift Permit Fee	0.00	15,750.00	15,750.00
<b>Total Acct 322</b>	<b>0.00</b>	<b>15,750.00</b>	<b>15,750.00</b>
<b>Total Revenues</b>	<b>0.00</b>	<b>15,750.00</b>	<b>15,750.00</b>
<b>Other Financing Sources:</b>			
<b>Total Other Financing Sources</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
<b>Disbursements:</b>			
Recreation			
Miscellaneous (431 through 499)	0.00	200.00	(200.00)
Community Events	0.00	3,159.99	(3,159.99)
<b>Total Acct 451</b>	<b>0.00</b>	<b>3,359.99</b>	<b>(3,359.99)</b>
<b>Total Disbursements</b>	<b>0.00</b>	<b>3,359.99</b>	<b>(3,359.99)</b>
<b>Other Financing Uses:</b>			
<b>Total Other Financing Uses</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
<b>Beginning Cash Balance</b>		<b>3,420.69</b>	
<b>Total Receipts and Other Financing Sources</b>		<b>15,750.00</b>	
<b>Total Disbursements and Other Financing Uses</b>		<b>3,359.99</b>	
<b>Cash Balance as of 06/07/2023</b>		<b>15,810.70</b>	

As on 6/7/2023

Capital Project PW

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
<b>Receipts:</b>			
Total Revenues	0.00	0.00	0.00
<b>Other Financing Sources:</b>			
Total Other Financing Sources	0.00	0.00	0.00
<b>Disbursements:</b>			
Streets and Road Mntnc			
Contracted Services	0.00	32,500.00	(32,500.00)
Total Acct 431	0.00	32,500.00	(32,500.00)
Total Disbursements	0.00	32,500.00	(32,500.00)
<b>Other Financing Uses:</b>			
Total Other Financing Uses	0.00	0.00	0.00
Beginning Cash Balance		111,711.31	
Total Receipts and Other Financing Sources		0.00	
Total Disbursements and Other Financing Uses		32,500.00	
Cash Balance as of 06/07/2023		79,211.31	



As on 6/7/2023

Sewer

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
<b>Receipts:</b>			
Sewer Consumption	0.00	29,233.42	29,233.42
Sewer Minimum Charge	0.00	24,254.93	24,254.93
Sewer Only	0.00	29.07	29.07
Penalties and Forfeited Discounts	0.00	189.49	189.49
<b>Total Acct 372</b>	<b>0.00</b>	<b>53,706.91</b>	<b>53,706.91</b>
<b>Total Revenues</b>	<b>0.00</b>	<b>53,706.91</b>	<b>53,706.91</b>
<b>Other Financing Sources:</b>			
<b>Total Other Financing Sources</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
<b>Disbursements:</b>			
Postage/Postal Permits			
Refunds and Reimbursements	0.00	896.25	(896.25)
<b>Total Acct 414</b>	<b>0.00</b>	<b>896.25</b>	<b>(896.25)</b>
Engineer Service			
PROFESSIONAL SERVICES (301 through 319)	0.00	37,820.00	(37,820.00)
<b>Total Acct 416</b>	<b>0.00</b>	<b>37,820.00</b>	<b>(37,820.00)</b>
Utility Locates			
Contracted Services	0.00	141.80	(141.80)
<b>Total Acct 428</b>	<b>0.00</b>	<b>141.80</b>	<b>(141.80)</b>
Sewer Utility			
Sewer - Wastewater Charge	0.00	29,812.20	(29,812.20)
Contracted Services	0.00	4,154.61	(4,154.61)
Utility Services (381 through 389)	0.00	4,351.87	(4,351.87)
<b>Total Acct 431</b>	<b>0.00</b>	<b>38,318.68</b>	<b>(38,318.68)</b>
<b>Total Disbursements</b>	<b>0.00</b>	<b>77,176.73</b>	<b>(77,176.73)</b>
<b>Other Financing Uses:</b>			
<b>Total Other Financing Uses</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
<b>Beginning Cash Balance</b>		<b>95,053.21</b>	
<b>Total Receipts and Other Financing Sources</b>		<b>53,706.91</b>	
<b>Total Disbursements and Other Financing Uses</b>		<b>77,176.73</b>	
<b>Cash Balance as of 06/07/2023</b>		<b>71,583.39</b>	

As on 6/7/2023

Water

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
<b>Receipts:</b>			
Water Consumption	0.00	34,566.75	34,566.75
Water Utility User Fee	0.00	19,467.30	19,467.30
Water Main-break Surcharge	0.00	7,364.86	7,364.86
Special Water Charges	0.00	324.56	324.56
State Surcharge	0.00	1,481.58	1,481.58
Certified Bills Collections	0.00	44.49	44.49
Administrative Fee Move/Out	0.00	180.00	180.00
Penalties and Forfeited Discounts	0.00	393.60	393.60
<b>Total Acct 371</b>	<b>0.00</b>	<b>63,823.14</b>	<b>63,823.14</b>
<b>Total Revenues</b>	<b>0.00</b>	<b>63,823.14</b>	<b>63,823.14</b>
<b>Other Financing Sources:</b>			
<b>Total Other Financing Sources</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
<b>Disbursements:</b>			
Financial Administration			
Contracted Services	0.00	2,250.81	(2,250.81)
<b>Total Acct 415</b>	<b>0.00</b>	<b>2,250.81</b>	<b>(2,250.81)</b>
Newsletter			
Printing and Binding (351 through 359)	0.00	360.96	(360.96)
<b>Total Acct 419</b>	<b>0.00</b>	<b>360.96</b>	<b>(360.96)</b>
Water Utility			
Contracted Services	0.00	26,090.34	(26,090.34)
Utility Services (381 through 389)	0.00	2,539.07	(2,539.07)
Utility Services: Water	0.00	267.50	(267.50)
Fees	0.00	1,677.00	(1,677.00)
Wtr/Swr Emergency			
PROFESSIONAL SERVICES (301 through 319)	0.00	1,050.44	(1,050.44)
Contracted Services	0.00	21,691.00	(21,691.00)
REPAIRS AND MAINTENANCE - CONTRACTUAL (401 through 409)	0.00	83.79	(83.79)
<b>Total Acct 431</b>	<b>0.00</b>	<b>53,399.14</b>	<b>(53,399.14)</b>
<b>Total Disbursements</b>	<b>0.00</b>	<b>56,010.91</b>	<b>(56,010.91)</b>
<b>Other Financing Uses:</b>			
<b>Total Other Financing Uses</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
<b>Beginning Cash Balance</b>		<b>51,557.07</b>	
<b>Total Receipts and Other Financing Sources</b>		<b>63,823.14</b>	
<b>Total Disbursements and Other Financing Uses</b>		<b>56,010.91</b>	
<b>Cash Balance as of 06/07/2023</b>		<b>59,369.30</b>	

Date Range : 5/9/2023 To 5/9/2023

<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Claim #</u>	<u>Total</u>	<u>Account #</u>	<u>Account Name</u>	<u>Detail</u>
05/09/2023	IRS - US Treasury	Federal Taxes - Q2 2023 -April Payment	6454*	\$1,254.52			
					100-41401-100-	Clerk - Treasurer	\$226.86
					100-41401-100-	Clerk - Treasurer	\$832.88
					100-41401-100-	Clerk - Treasurer	\$194.78
05/09/2023	MN Department of Revenue	MN State Tax eFiling - Q2 2023 April pymt	6455*	\$314.28			
					100-41401-115-	Clerk - Treasurer	\$314.28
05/09/2023	PERA	Retirement funds- Jim Rydeen--Month of April	6456*	\$82.58			
					100-45207-121-	Parks	\$82.58
05/09/2023	PERA	Retirement funds- Therese and Becky--Payroll 4/23 - 5/6/2023	6457*	\$517.33			
					100-41401-121-	Clerk - Treasurer	\$517.33
<b>Total For Selected Claims</b>				<b>\$2,168.71</b>			<b>\$2,168.71</b>

Date Range : 5/9/2023 To 5/9/2023

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

Date Range : 5/11/2023 To 5/11/2023

<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Claim #</u>	<u>Total</u>	<u>Account #</u>	<u>Account Name</u>	<u>Detail</u>
05/11/2023	H.A. Kantrud, P.A.	Attorney Services -May 2023	6458*	\$1,500.00	100-41601-300-	Legal Services	\$1,500.00
05/11/2023	TSE, Inc. Work Account	Janitorial Services - 4/20/23	6459*	\$28.13	100-41940-314-	General Government Buildings and Plant	\$28.13
05/11/2023	Metro - INET	IT Charges May	6460*	\$513.00	100-41940-320-	General Government Buildings and Plant	\$513.00
05/11/2023	Metropolitan Council - Env. Service	Wastewater Service-May	6461*	\$4,968.70	605-43190-217-	Sewer Utility	\$4,968.70
05/11/2023	Washington County - Property & Tax	2023 Special Asmt Billing	6462*	\$138.00	100-41410-220-	Elections	\$138.00
05/11/2023	City of White Bear Lake Fire	Fire Srvc -May 2023	6463*	\$3,049.17	41550-314 100-42201-314-	Fire	\$3,049.17
05/11/2023	<del>Press Publications</del>	APRIL Ads--Var 23-02, 23-03, ORD 23-01, 23-02, 23-03,04-01, 02, 03, and Serv Fees	6464*	\$678.98	100-41130-351- 100-41130-351- 100-41130-351- 100-41130-351- 100-41130-351- 100-41130-351- 100-41130-351-	Ordinances and Proceedings	\$160.16 \$160.16 \$80.08 \$80.08 \$80.08 \$110.11 \$8.31
05/11/2023	Press Publications	APRIL Ads --ORD 23-01	6465*	\$80.08	100-41130-351-	Ordinances and Proceedings	\$80.08
05/11/2023	Companion Animal Control LLC	Animal Control Services -April	6466*	\$80.00	100-41916-314-	Animal Control	\$80.00

*Delete already paid VO ID*

Date Range : 5/11/2023 To 5/11/2023

<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Claim #</u>	<u>Total</u>	<u>Account #</u>	<u>Account Name</u>	<u>Detail</u>
Total For Selected Claims				\$11,036.06			\$11,036.06

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

Date Range : 5/15/2023 To 5/15/2023

<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Claim #</u>	<u>Total</u>	<u>Account #</u>	<u>Account Name</u>	<u>Detail</u>
05/15/2023	All Energy Solar, Inc	Escrow Reimbursement, BP # 2022-170, 8 Oak Hill	6467	\$3,000.00	100-49250-810-8	Escrow Refunds	\$3,000.00
<b>Total For Selected Claims</b>				<b>\$3,000.00</b>			<b>\$3,000.00</b>

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Justin R. McCarthy

City Council/Town Board

Date

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Katherine A Weier

City Council/Town Board

Date

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Margaret Arola Ford

City Council/Town Board, Mayor

Date

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Robert Mark Foster

City Council/Town Board

Date

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Ryan A Hankins

City Council/Town Board

Date

Date Range : 5/18/2023 To 5/18/2023

<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Claim #</u>	<u>Total</u>	<u>Account #</u>	<u>Account Name</u>	<u>Detail</u>
05/18/2023	Xcel Energy	202 Wildwood, 207 Birchwood, 407 1/2 Lake, 423 Lake--3/2 thru 4/19/23	6476*	\$142.64			
					605-43190-380-	Sewer Utility	(\$14.87)
					100-41940-380-	General Government Buildings and Plant	\$168.00
					605-43190-380-	Sewer Utility	(\$63.07)
					100-45207-380-	Parks	\$52.58
05/18/2023	Xcel Energy	407 Lake Ave 3/23-23 thru 4/20/23	6477*	\$32.20			
					605-43190-380-	Sewer Utility	\$32.20
05/18/2023	Xcel Energy	200 Wildwood Ave 3/23-23 thru 4/20/23	6478*	\$33.84			
					605-43190-380-	Sewer Utility	\$33.84
05/18/2023	Xcel Energy	210 Birchwood Ave 3/23-23 thru 4/20/23	6479*	\$15.63			
					601-43180-380-	Water Utility	\$15.63
<b>Total For Selected Claims</b>				<b>\$224.31</b>			<b>\$224.31</b>



Date Range : 5/18/2023 To 5/18/2023

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

Date Range : 5/17/2023 To 5/24/2023

<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Claim #</u>	<u>Total</u>	<u>Account #</u>	<u>Account Name</u>	<u>Detail</u>
05/18/2023	Amy & Adams	Music in the Park 6/25/2023	6480	\$300.00	210-45101-440-	Recreation	\$300.00
05/18/2023	Scottie Miller	Music in the Park- 07/16/2023	6481	\$300.00	210-45101-440-	Recreation	\$300.00
05/18/2023	Dale Dahlquist	Music in the Park- July 23, 2023	6482	\$300.00	210-45101-440-	Recreation	\$300.00
05/18/2023	Legacy Celtic Music, LLC	Music in the Park- 7/30/23	6483	\$300.00	210-45101-440-	Recreation	\$300.00
05/18/2023	Brian Ogren	Music In the Park 8/6/2023	6484	\$300.00	210-45101-440-	Recreation	\$300.00
05/18/2023	Harmonic Relief	Music In The Park 7/11/23	6485	\$300.00	210-45101-440-	Recreation	\$300.00
05/18/2023	Lutmer, Tom	Music in the Park- June 18, 2023	6486	\$300.00	210-45101-440-	Recreation	\$300.00
05/18/2023	Jennifer Eckes	Music In The Park 7/9/2023	6487	\$300.00	210-45101-440-	Recreation	\$300.00
05/18/2023	Fabulous Fairlanes	Music In The Park 8/20/2023	6488	\$300.00	210-45101-440-	Recreation	\$300.00

Date Range : 5/17/2023 To 5/24/2023

<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Claim #</u>	<u>Total</u>	<u>Account #</u>	<u>Account Name</u>	<u>Detail</u>
Total For Selected Claims				\$2,700.00			\$2,700.00

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Justin R. McCarthy

City Council/Town Board

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Date

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Katherine A Weier

City Council/Town Board

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Date

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Margaret Arola Ford

City Council/Town Board, Mayor

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Date

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Robert Mark Foster

City Council/Town Board

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Date

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Ryan A Hankins

City Council/Town Board

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Date

Date Range : 5/19/2023 To 5/19/2023

<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Claim #</u>	<u>Total</u>	<u>Account #</u>	<u>Account Name</u>	<u>Detail</u>
05/19/2023	LRS Portables, LLC	Portable Restrooms- May Billing	6468*	\$174.00	100-45207-314-	Parks	\$174.00
05/19/2023	Toshiba America Business Solutions	Printer Maintenance -5/9 - 6/8/2023	6469*	\$10.62	100-41911-314-	Office Operations Supplies	\$10.62
05/19/2023	White Bear Lake Fireworks Fund	Annual Contribution - 2023	6470*	\$200.00	210-45101-430-	Recreation	\$200.00
05/19/2023	TSE, Inc. Work Account	Janitorial Services - 5/4/23	6471*	\$26.88	100-41940-314-	General Government Buildings and Plant	\$26.88
<b>Total For Selected Claims</b>				<b>\$411.50</b>			<b>\$411.50</b>

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

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

<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Claim #</u>	<u>Total</u>	<u>Account #</u>	<u>Account Name</u>	<u>Detail</u>
05/22/2023	A T & T Mobility	Wireless for water tower- May 2 thru June 1	6506*	\$53.50	601-43180-382-	Water Utility	\$53.50
<b>Total For Selected Claims</b>				<b>\$53.50</b>			<b>\$53.50</b>

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

CTAS Claim

Claim Number : 6490\*

Claim Date : 05/24/2023

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

Approved

Note : EFT05242023A

For :

100-41401-121

Clerk - Treasurer - Employer Contributions for  
Retirement: PERA Contributions

\$611.17

**Total**

**\$611.17**

Declaration

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

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-  
Date

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-  
Signature of Claimant

Paid by Order - Check Number -----

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

TB

\_\_\_\_\_  
Clerk

Date Range : 5/31/2023 To 5/31/2023

Date	Vendor	Description	Claim #	Total	Account #	Account Name	Detail
05/31/2023	Rebecca Kellen	Reimbursement For Becky--St Cloud Training-miles, off supply, meals	6491*	\$140.80	100-41911-200	office supplies	\$16.35
					100-41914-310-	City Training and Development	124.45
							\$140.80
05/31/2023	Therese Bellinger	Reimbursement for Therese--Poop waste bags	6492*	\$49.66	100-45207-995-430	Parks	Tot 140.80
05/31/2023	Washington County - Property & Tax	2023 Special Asmt Billing--Approved by MC	6493*	\$5.32	100-41550-314-	Assessing	\$5.32
05/31/2023	Minutes Solutions	Minutes for May 9th Council Meeting	6494*	\$270.00	100-49001-300-	MISCELLANEOUS	\$270.00
05/31/2023	Press Publications	May Ads --Legal 2023-04-01--#775867	6495*	\$70.07	100-41130-351-	Ordinances and Proceedings	\$70.07
05/31/2023	Press Publications	May Ads --Legal 2023-04-04--#775866	6496*	\$50.05	100-41130-351-	Ordinances and Proceedings	\$50.05
05/31/2023	Menard's - <del>MAPLEWOOD</del> <sup>oakdale</sup>	Maintenance Expense--Steel post, floor cleaner	6497*	\$24.55	100-45207-400-100-41940-400-	Parks General Government Buildings and Plant	\$8.99 \$15.56
05/31/2023	TSE, Inc. Work Account	Janitorial Services - 5/18/23	6498*	\$28.13	100-41940-314-	General Government Buildings and Plant	\$28.13
05/31/2023	League of MN Cities Insurance Trust	Work Comp Coverage Premium--Period 6/12/22-6/12/23	6499*	\$1,902.00	100-41912-150-	Insurance - employee	\$1,902.00

Report Last Updated: 08/29/2014

Date Range : 5/31/2023 To 5/31/2023

<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Claim #</u>	<u>Total</u>	<u>Account #</u>	<u>Account Name</u>	<u>Detail</u>
05/31/2023	Minnesota Department of Health	Community Water Supply Service Connection Fee 4/1/23-6/30/23	6500*	\$860.00	601-43180-437-	Water Utility	\$860.00
05/31/2023	Thatcher Engineering, Inc	City Engineer -Permit and Doc Review-4 Oakridge Dr	6501*	\$400.00	100-41650-300-	Engineer Service	\$400.00
05/31/2023	Thatcher Engineering, Inc	City Engineer -Zoning Review for Fence--23 Birchwood Lane	6502*	\$50.00	100-41650-300-	Engineer Service	\$50.00
05/31/2023	Thatcher Engineering, Inc	City Engineer-Review Landscape Design by Dreamscapes--15 Birchwood Lane	6503*	\$300.00	100-41650-300-	Engineer Service	\$300.00
05/31/2023	White Bear Township	Contracted Services - April 2023	6504*	\$1,409.69	605-43190-314-	Sewer Utility	\$1,409.69
05/31/2023	USS Minnesota One MT LLC	Energy Charges - April Charges	6505*	\$966.70	605-43190-380- 100-41940-380- 605-43190-380-	Sewer Utility General Government Buildings and Plant Sewer Utility	\$549.69 \$113.73 \$303.28
<b>Total For Selected Claims</b>				<b>\$6,526.97</b>			<b>\$6,526.97</b>



Date Range : 5/31/2023 To 5/31/2023

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

Date Range : 5/31/2023 To 5/31/2023

<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Claim #</u>	<u>Total</u>	<u>Account #</u>	<u>Account Name</u>	<u>Detail</u>
05/31/2023	MENARD'S - OAKDALE	Maintenance Exp--steel post, floor cleaner Inv# 67235	6508*	\$24.55	100-45207-400- 100-49001-200-	Parks MISCELLANEOUS	\$8.99 \$15.56
05/31/2023	Rebecca Kellen	Reimbursement for Becky Kellen--May Hotel Exp for St Cloud Training	6509*	\$477.52	100-41914-310-	City Training and Development	\$477.52
05/31/2023	Allan Mitchell	Reimbursement for Signs for Music In The Park	6510*	\$159.99	210-45101-440-	Recreation	\$159.99
05/31/2023	Gopher State One Call	Email tickets- May	6511*	\$41.85	605-42805-314-	Utility Locates	\$41.85
05/31/2023	Companion Animal Control LLC	Animal Control Services -May	6512*	\$80.00	100-41916-314-	Animal Control	\$80.00
<b>Total For Selected Claims</b>				<b>\$783.91</b>			<b>\$783.91</b>

Date Range : 5/31/2023 To 5/31/2023

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

Date Range : 5/7/2023 To 6/7/2023

<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Claim #</u>	<u>Total</u>	<u>Account #</u>	<u>Account Name</u>	<u>Detail</u>
06/07/2023	Manship Plumbing & Heating Inc	Standby -May	6514*	\$700.00			
					601-43180-314-	Water Utility	\$700.00
<b>Total For Selected Claims</b>				<b>\$700.00</b>			<b>\$700.00</b>

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

Date Range : 6/7/2023 To 6/7/2023

<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Claim #</u>	<u>Total</u>	<u>Account #</u>	<u>Account Name</u>	<u>Detail</u>
06/07/2023	TA Schifsky & Sons, Inc.	Patching and milling overlays on streets, Street Sweeping and watermain break hole repair	6515*	\$50,315.00			
					100-43101-314-	Streets and Road Mntnc	\$10,000.00
					406-43101-314-	Streets and Road Mntnc	\$32,500.00
					100-43103-314-	Street Sweeping	\$3,500.00
					601-43185-314-	Wtr/Swr Emergency	\$4,315.00
06/07/2023	LRS Portables, LLC	Portable Restrooms- June Billing	6516*	\$185.50			
					100-45207-314-	Parks	\$185.50
06/07/2023	Metro - INET	IT Charges June	6517*	\$513.00			
					100-41940-320-	General Government Buildings and Plant	\$513.00
06/07/2023	City of White Bear Lake Fire	Fire Srvc -June 2023	6518*	\$3,049.17			
					100-42201-314-	Fire	\$3,049.17
06/07/2023	Kodiak Power Solutions	Lake Ave Lift Station: Annual Service	6519*	\$415.00			
					605-43190-314-	Sewer Utility	\$415.00
06/07/2023	Press Publications	Reissue of CK# 32448, Press Pubs didn't receive in mail. ORD # 2023-23-02	6520*	\$80.08			
					100-41130-351-	Ordinances and Proceedings	\$80.08
06/07/2023	H.A. Kantrud, P.A.	Attorney Services -June 2023	6521	\$1,500.00			
					100-41601-300-	Legal Services	\$1,500.00

Date Range : 6/7/2023 To 6/7/2023

<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Claim #</u>	<u>Total</u>	<u>Account #</u>	<u>Account Name</u>	<u>Detail</u>
Total For Selected Claims				\$56,057.75			\$56,057.75

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Justin R. McCarthy

City Council/Town Board

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Date

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Katherine A Weier

City Council/Town Board

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Date

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Margaret Arola Ford

City Council/Town Board, Mayor

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Date

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Robert Mark Foster

City Council/Town Board

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Date

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Ryan A Hankins

City Council/Town Board

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Date

Date Range : 6/7/2023 To 6/7/2023

<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Claim #</u>	<u>Total</u>	<u>Account #</u>	<u>Account Name</u>	<u>Detail</u>
06/07/2023	Wikstrom, John	City Planning fees 1/2 month April, May, Contracted amount \$ 1600	6522	\$2,400.00			
					100-41650-300-	Engineer Service	\$2,400.00
<b>Total For Selected Claims</b>				<b>\$2,400.00</b>			<b>\$2,400.00</b>

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

Date Range : 6/7/2023 To 6/7/2023

<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Claim #</u>	<u>Total</u>	<u>Account #</u>	<u>Account Name</u>	<u>Detail</u>
06/07/2023	Metropolitan Council - Env. Service	Wastewater Service-June	6523*	\$4,968.70			
					605-43190-217-	Sewer Utility	\$4,968.70
<b>Total For Selected Claims</b>				<b>\$4,968.70</b>			<b>\$4,968.70</b>

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Justin R. McCarthy

City Council/Town Board

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Date

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Katherine A Weier

City Council/Town Board

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Date

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Margaret Arola Ford

City Council/Town Board, Mayor

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Date

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Robert Mark Foster

City Council/Town Board

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Date

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Ryan A Hankins

City Council/Town Board

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Date



Date Range : 6/7/2023 To 6/7/2023

<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Claim #</u>	<u>Total</u>	<u>Account #</u>	<u>Account Name</u>	<u>Detail</u>
06/07/2023	Michaels Homes	Escrow Deposit Refund, 15 Birchwood Lane	6524	\$3,000.00	100-49250-810-8	Escrow Refunds	\$3,000.00
<b>Total For Selected Claims</b>				<b>\$3,000.00</b>			<b>\$3,000.00</b>

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Justin R. McCarthy

City Council/Town Board

Date

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Katherine A Weier

City Council/Town Board

Date

---

Margaret Arola Ford

City Council/Town Board, Mayor

Date

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Robert Mark Foster

City Council/Town Board

Date

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Ryan A Hankins

City Council/Town Board

Date

City of Birchwood Village  
Bank Reconciliation

US Bank  
General Fund #1-801-2001-5920  
5/31/2023

Genl Fund 4M #35389-101

<b>US Bank 4M balance</b>	<b>General Fund</b>	\$836,692.17
<b>Outstanding Checks</b>	Outstanding Checks	(13,825.51)
	Deposit on bank not on 4/M	333.71 ok June
	Deposit on bank not on 4/M	
	Deposit on bank not on 4/M	
<b>Bank Open Items</b>	General Fund Checks clrd not on 4M	(\$25.65) ok June

Genl Ledger Open Items

total	<u>\$823,174.72</u>
<b>Balance Per Cash Control Statement</b>	<u><u>\$823,174.72</u></u>

DIFFERENCE \$0.00

City of Birchwood Village  
Bank Reconciliation

US Bank  
General Fund #1-801-2001-5920  
4/30/2023

Genl Fund 4M #35389-101

<b>US Bank 4M balance</b>	<b>General Fund</b>	\$883,386.28
<b>Outstanding Checks</b>	Outstanding Checks	(20,573.14)
	Deposit on bank not on 4/M	990.40 ok May
	Deposit on bank not on 4/M	
	Deposit on bank not on 4/M	
	General Fund Checks clrd not on 4M	(\$80.00) ok May
<b>Bank Open Items</b>		

Genl Ledger Open Items

total	\$863,723.54
<b>Balance Per Cash Control Statement</b>	<u>\$863,723.54</u>

DIFFERENCE \$0.00

**CITY OF Birchwood Village**  
**REQUEST FOR COUNCIL ACTION**

<b>Meeting Date:</b> June 13, 2023	<b>Originating Department:</b> Community Club
<b>Agenda Item:</b> Community Club Requests for 4 <sup>th</sup> of July Parade	<b>Presenter:</b> Kathy Weier
	<b>Estimated Time:</b> <input checked="" type="checkbox"/> Consent Agenda <input type="checkbox"/> 5 Min. <input type="checkbox"/> 10 Min. <input type="checkbox"/> 30 Min. <input type="checkbox"/> 45 Min. <input type="checkbox"/> 1 Hour
<p><b>Council Action Requested:</b>  <input type="checkbox"/> Information/Review    <input checked="" type="checkbox"/> Motion to approve...<input type="checkbox"/> Motion to deny...    <input type="checkbox"/> Other    <input type="checkbox"/> Budget Change</p> <p>(Please word the motion below as you would like it to appear in the minutes.)</p> <p>... the city closing the road for the 4<sup>th</sup> of July parade event, putting an additional toilet on Elm for the parade and having it picked up after, and having maintenance put barricades up before and after the parade.</p> <p><b>Background: (Attach additional pages if needed)</b></p> <p>Councilmember Kathy Weier is working with the Community Club on the 4<sup>th</sup> of July Parade Planning and has requested the above approvals from the City Council to proceed with planning.</p> <p><b>Supporting Documents:</b>    <input type="checkbox"/> Attached    <input checked="" type="checkbox"/> None</p>	

\\COUNCIL\REQUEST FOR COUNCIL ACTION FORM.DOC

**CITY OF Birchwood Village**  
**REQUEST FOR COUNCIL ACTION**

<b>Meeting Date:</b> June 13, 2023	<b>Originating Department:</b> Parks Committee
<b>Agenda Item:</b> Birch Beach Rain Garden	<b>Presenter:</b> Justin McCarthy
	<b>Estimated Time:</b> <input checked="" type="checkbox"/> Consent Agenda <span style="float: right;"><input type="checkbox"/> 5 Min.</span> <span style="float: right;"><input type="checkbox"/> 10 Min.</span> <input type="checkbox"/> 30 Min. <span style="float: right;"><input type="checkbox"/> 45 Min.</span> <span style="float: right;"><input type="checkbox"/> 1 Hour</span>

**Council Action Requested:**

Information/Review   
 Motion to approve...   
 Motion to deny...   
 Other   
 Budget Change

... the City obtain bids for vacuuming the rain garden out.

**Background:**

To: Council  
From: Parks Committee

RE: Birch Beach Rain Garden

Council,  
Council-members McCarthy and Weier as well as Parks and Natural Resources Committee member Hegedus met with Washington Conservation District representative Cameron Blake regarding the Birch Beach rain garden. Runoff from Owl street and Wildwood enters the system through a road drain where it settles in a holding sump. The holding sump then drains though the raingarden on the side of Birch Beach.

There is significant water pooling and scum accumulation near the outlet of the holding sump in Birch beach. Ideally, there would be no water pooling at all and that water would flow through the system to the lake. However, Cameron did find evidence that some water was flowing though the system to the lake, thus, while the rain garden is not ideally designed, it does function to a degree. At some point, we should consider rebuilding the structure to drain better. However, given our current fiscal tightness due to the rough winter, it may be best to wait a few years or to seek grants.

In the meantime, Cameron recommended having the scum and standing water vacuumed out by a vaccum truck. Thus, we are proposing that the City obtain bids for vacuuming the rain garden out.

**Supporting Documents:**    Attached    None

**CITY OF Birchwood Village**  
**REQUEST FOR COUNCIL ACTION**

<b>Meeting Date:</b> June 13, 2023	<b>Originating Department:</b> Parks Committee
<b>Agenda Item: Handrail at Owl</b>	<b>Presenter:</b> Kathy Weier
	<b>Estimated Time:</b> <input checked="" type="checkbox"/> Consent Agenda <input type="checkbox"/> 5 Min. <input type="checkbox"/> 10 Min. <input type="checkbox"/> 30 Min. <input type="checkbox"/> 45 Min. <input type="checkbox"/> 1 Hour
<b>Council Action Requested:</b> <input type="checkbox"/> Information/Review <input checked="" type="checkbox"/> Motion to approve... <input type="checkbox"/> Motion to deny... <input type="checkbox"/> Other <input type="checkbox"/> Budget Change  ...up to \$5,000 to be set aside to have a railing installed and would like to request the city get bids from potential contractors for the parks committee to review and recommendation to the City Council.	
<b>Background:</b>  The parks committee had a request for and discussed adding a handrail to the owl path to allow easier accessibility to that path in wet / inclement weather. It was approved by the committee to request funds from the special revenue fund budget to install this rail. The attached is an estimate of the materials (based on Lowes prices, which a contractor might be able to obtain for less) for a railing similar to the wood and metal version that lines grotto and they would anticipate the total cost would be twice this estimated materials when including hired labor to install this railing, they are therefore requesting up to \$5,000 to be set aside to have a railing installed and would like to request the city get bids from potential contractors for the parks committee to review and recommendation to the City Council.  The Cost Estimate for Owl Street Handrail (materials only) at Lowes is attached.	
<b>Supporting Documents:</b> <input checked="" type="checkbox"/> Attached <input type="checkbox"/> None	

## Cost Estimate for Owl Street Handrail

### Overview:

This cost is for a 100 foot handrail with construction similar to that of the handrail on the Grotto path. The handrail would consist of 4x4 posts, 2x6 boards to which the handrail would secure, and a 2x6 top. The handrail itself would be aluminum.

All items with the exception of the hole digger were priced at Lowe's. This estimate does not include labor or tax and only serves as a general idea of what a railing might cost. Prices may be better elsewhere.

### Supply List and Cost:

**\$233.64** Item # 552328, **18- 4x4x8** This allows for 4 feet below and above ground and 5 ½ feet on center spacing between posts.

**\$109.80** Item # 197849, **10- 2x6x10** These are the boards to which the handrail would attach.

**\$136.80** Item # 198476, **10- 2x6x12** These are for the top.

**\$1,138.50** **DOLLE 1.5-in x 79-in Anthracite Painted Aluminum Handrail,**  
Item #922362, **15 sections needed**

**\$222.04** Item #922372 **Dolle 2.25-in x 0.125-in Anthracite Finished Stainless Steel Connector,14 needed**

**\$411.40** **DOLLE Prova 1.875-in x 2.625-in Anthracite Painted Stainless Steel Handrail Bracket,** Item #922368 Model #86140, **11 packages needed**

**\$18.38** **DOLLE 1.5-in x 1.5-in Anthracite Painted Stainless Steel End Cap,** Item #922364 Model #86070

**\$29.98** Item # 9479, **5 lbs 3 inch deck screws**

**\$73.44** Item # 10387, **18 60 lb bags of Quickcrete**

**\$119,** **24 hour power post hole digger(EZ Auger, towable) rental** from White Bear Rental

**\$2,492.98- Total Cost Estimate, excluding tax and labor**



**CITY OF Birchwood Village**  
**REQUEST FOR COUNCIL ACTION**

<b>Meeting Date:</b> June 13, 2023	<b>Originating Department:</b> Elections
<b>Agenda Item: Elections Services Joint Powers Agreement (JPA)</b>	<b>Presenter:</b> NA
	<b>Estimated Time:</b> <input checked="" type="checkbox"/> Consent Agenda <span style="float: right;"><input type="checkbox"/> 5 Min.</span> <span style="float: right;"><input type="checkbox"/> 15 Min.</span> <input type="checkbox"/> 30 Min. <span style="float: right;"><input type="checkbox"/> 45 Min.</span> <span style="float: right;"><input type="checkbox"/> 1 Hour</span>

**Council Action Requested:**

Information/Review   
 Motion to approve...   
 Motion to deny...   
 Other   
 Budget Change

(Please word the motion below as you would like it to appear in the minutes.)

...the Washington County Election Services Joint Powers Agreement and 2024 costs.

**Background: (Attach additional pages if needed)**

Washington County has made some changes to the elections JPA, as can be seen in tracked changes in the following pages, including but not limited to outline responsibilities for election equipment, precinct size limits, polling place designation, candidacy filing, liability, and canvassing. They are asking for the executed JPA to be completed by mid-July. The City requests a motion to approve the following Election Services Joint Powers Agreement.

Included following the JPA, are the 2024 fees. The 2024 JPA fee of \$9137 went up slightly from 2022 of \$8969 . 2024 Estimated Actual Costs are based on 3 elections. The maintenance cost is in addition to the \$9137 total estimate. The City will incorporate the numbers into the 2024 budgeting process.

Washington County is hoping to replace the voting booths for Birchwood Village.

**Supporting Documents:**   
 Attached   
 None

**Department Head Signature/Date:**   
   
6/1/23

**Administrator Signature/Date:**   
   
6/1/23

**ACTION TAKEN**   
 Approved   
 Denied   
 Tabled   
 Accepted Report   
 Other



**Date of Action:** \_\_\_\_\_

**Comments:**

**Administrator's Signature/Date:**

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## **AGREEMENT FOR ELECTION SERVICES**

THIS AGREEMENT, made and entered into this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by and between the City of \_\_\_\_\_, a Minnesota municipal corporation, herein referred to as the "City", and Washington County, a body politic and corporate, herein referred to as "County" pursuant to the authority contained in Minnesota Statutes 471.59, which authorizes the joint and cooperative exercise of powers common to contracting parties by agreement.

WITNESS:

**WHEREAS**, the County has certain election related duties imposed upon it under Minnesota election law and other relevant state and federal laws; and

**WHEREAS**, the City has certain election related duties imposed upon it under Minnesota election law and other relevant state and federal laws; and

**WHEREAS**, the City and County agree that efficiencies and economies of scale make it desirable for the County to assume some of the City's election related responsibilities; and

**WHEREAS**, MINN. STAT. § 471.59 authorizes local governmental units to enter into joint powers agreements with other governmental units to perform on behalf of that unit any service or function which that government would be authorized to provide for itself.

**NOW, THEREFORE**, pursuant to MINN. STAT. § 471.59 and the various Chapters of the Minnesota Election Laws, the County and City (hereinafter "Parties") agree as follows:

### **SECTION ONE - PARTIES**

The City hereby contracts with the County to perform, and the County hereby agrees to perform, the election services hereinafter described. This agreement shall apply to the Statewide Primary Elections, the Statewide General Elections, and any other required election.

### **SECTION TWO - SERVICES**

#### **COUNTY RESPONSIBILITIES**

The County shall perform the following election duties which are assigned to the City under Minnesota election law and other relevant state and federal laws:

- A. The County shall be responsible for recruitment, training, and assignment of election judges.

- B. The County shall be responsible to determine the pay rate of election judges and for the payment of the election judges' salaries and other authorized mileage and expenses.
- C. The County shall arrange for the use of optical scan voting systems, assistive voting devices, electronic rosters, and attendant other required polling place equipment for every primary, special or general election identified in this agreement.
- D. The County will coordinate with the City for the placement and use of City owned election equipment at each polling place.

a. Election equipment for purposes of this agreement shall mean voting booths, polling place signs, flags, stands and City supply boxes.

a.i. If election equipment provided for use at each polling place is not the exact equipment purchased by the City, it will be comparable.

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a.ii. In the event that additional or replacement election equipment is needed at a polling place, the County shall purchase the equipment and bill the City for the cost of this additional or replacement election equipment. The County will notify the City of the need for election equipment and provide costs prior to the purchase.

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b. The County shall store the City election equipment in County facilities during the duration of the agreement.

i. At the termination of this agreement, the County will return all City election equipment stored in County facilities to the City.

ii. Notwithstanding anything in this agreement that may be to the contrary, the City shall be responsible to replace any lost, stolen, damaged or destroyed City election equipment and will hold the County harmless if any of the City's election equipment is lost, stolen, damaged or destroyed while in the care and custody of the County.

E. The County shall inform the City of the number of registered voters in each of its precincts within 5 business days of February 1<sup>st</sup> of each odd numbered year.

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F. The County shall provide the City an estimate of costs for the next even numbered year election cycle by March 31<sup>st</sup> of each odd numbered year.

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G. The County shall provide the City an estimate of costs for the next year's annual equipment maintenance by March 31<sup>st</sup> of each year.

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G.H. The County shall arrange coordinate for the use of polling places on Election Day in the City.

H.I. The County shall be responsible to provide election forms, supplies and other related materials for each polling place and to publish any required primary or general sample ballots.

H.J. The County shall conduct preliminary tests and public accuracy tests of voting systems and publish and post notices of the public accuracy tests.

K. The County shall be responsible for the programming of optical scan voting systems, assistive voting devices, and electronic rosters for the City.

H.L. The County shall be responsible for the programming, layout, and printing of ballots for the City.

a. The county shall pay the ballot costs for State Elections.

b. Ballot costs for any other election will be paid by the election authority as a reimbursement of actual cost or direct payment by the election authority.

b.i. Election authority is defined as the city, town, or school district calling for the election.

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K.M. The County shall administer absentee voting for the City.

a. The county shall pay for the absentee voting costs for State Elections.

b. Absentee voting costs for any other election will be paid by the election authority per the county fee schedule.

H.N. The County shall be responsible for the compiling and reporting of election results and election statistics and providing election related information to the Minnesota Office of the Secretary of State's election reporting system.

~~H.O. The County shall be responsible for providing the City an abstract and results reports to be reviewed by the City Canvass Board. on behalf of the City provide to City officials, candidates and the public information and assistance relating to election procedures.~~

O. The County shall be responsible for administering the Post-Election Review for the City's precincts.

P. The County shall on behalf of the City provide to City officials, candidates, and the public information and assistance relating to election procedures.

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- a. Notwithstanding the above subparagraph, the County shall not be responsible to provide the City with legal advice concerning questions related to election law, and the City will seek any such advice from the City Attorney and other City officials.

**CITY RESPONSIBILITIES**

The City shall be responsible for the following under this agreement:

- A. The City shall designate a principal contact person for the County. This individual shall be available to assist as necessary on election day.
- B. The City shall provide the County with election equipment to be utilized at each polling place.
  - a. Election equipment for purposes of this Agreement shall mean voting booths, polling place signs, flags, flag stands and City supply boxes.

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C. The City shall be responsible for determining precinct boundary changes.

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- a. The City shall not establish a precinct with more than 4,500 registered voters.
  - i. The City will receive a list of the number of registered voters in each precinct from the County within 5 business days of February 1<sup>st</sup> of each odd numbered year. The City shall make a boundary change for any precincts on this list exceeding 4,500 registered voters. The boundary change must occur before December 31<sup>st</sup> of the odd numbered year.
  - ii. The City shall pay the costs for the required notifications to voters of a precinct boundary change.
  - iii. The City and County may mutually determine a boundary change be delayed and reevaluated in the next odd numbered year.

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D. The City shall be responsible for establishing polling places, ~~and~~ preparing the resolution, ~~and~~ requesting approval of the resolution by ~~for~~ the City Council, ~~and determining precinct boundary changes.~~

- a. The County shall review and approve the establishment of polling places prior to approval by the City.
- b. Any formal agreements for the polling place facility are to be made between the City and the polling place. The City will make the polling place available to County personnel.

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D.E. The City shall provide to the County the title and text of City ballot questions and provide the certification of candidate names for City offices as soon as they are available after the resolution is finalized or the Affidavit of Candidacy is filed.

~~E.F.~~ The City shall prepare a resolution authorizing the County to designate an absentee ballot board for the purpose of accepting and rejecting ballots for the City.

~~F.G.~~ The City shall perform the duties of candidate filing officer, providing to candidates the candidate filing packets. ~~Candidate filing packets shall include acceptance of affidavits of candidacy, petitions and information to campaign committees.~~

~~H.~~ The City shall administer initial and ongoing campaign financial reporting and economic disclosure activities; prepare, post, and publish election notices; and post sample ballots at the City Office, ~~and conduct the official canvass of election results following each City election.~~

~~G.I.~~ The City shall conduct the official canvass of election results following each City election.

- a. The City shall provide the date of the City Canvass Board meeting at least 30 days before each election.

~~H.J.~~ The City shall retain election records for a period not less than twenty-two (22) months after each City election and retain a permanent archive of election results.

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### **SECTION THREE - RECOUNTS**

The parties recognize that under Minnesota State law the City Clerk or designee serves as the recount official for recounts conducted by the City Council or City Canvassing Board. If mutually agreed by the Parties, a County official may act as the recount official. ~~—~~The Parties will determine the duties, responsibilities and cost reimbursements for any such recount agreement.

### **SECTION FOUR - LEGAL REPRESENTATION**

The County shall not be responsible to provide the City with legal advice concerning questions of election law, and the City will seek such legal advice from its City Attorney. Moreover, the City Attorney shall approve in a timely manner the format of the City ballot prior to the ballot being printed. The County Attorney shall advise and represent the County in its performance of this Agreement.

### **SECTION FIVE – LIABILITY**

The parties total liability under this agreement shall be governed by Minnesota Statute 471.59, subd. 1a. Each party agrees that it will be responsible for the acts or omissions of its officials, agents, and employees, and the results thereof, in carrying out the terms of this agreement, to the extent authorized by law and shall not be responsible for the acts or omissions of the other parties and the results thereof. For the purposes of determining total liability for damages, the participating governmental units are considered to be a single governmental unit, the total liability of which shall not exceed the limits for a single governmental unit as provided in Minnesota Statute 446.04, subd. 1.

### **SECTION FIVE-SIX - AGREEMENT PRICE**

The City shall pay a fee to the County ~~each year~~ for election services each year they have an election. The election fee schedule is approved by the County Board each year and establishes the fee(s) associated with each election ~~year type~~. The City will be billed for election services upon the completion of the election cycle. The County will provide an invoice to the City no later than 60 days after the last election in the cycle payable 30 days after providing said billing.

The City will be billed for the actual costs of appointed election judges salaries, ~~and other~~ authorized mileage and other expenses to perform duties within their election precincts.

The City will be billed for any required legal publication costs.

~~The City will be billed for additional or replacement Election Equipment, if needed at a polling place.~~

**SECTION SIX-SEVEN - INDEPENDENT CONTRACTOR**

It is understood and agreed between the parties that the County is an independent contractor and not an employee of the City. The City shall not be required to maintain any insurance coverage needed in connection with the performance of the County services, including but not limited to automobile liability insurance, workers compensation insurance and public liability insurance.

**SECTION SEVEN-EIGHT - -DURATION AND TERMINATION**

This agreement shall commence on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ and remain in force until terminated by either party giving the other party a six-month written notice of its intent to terminate the agreement. Mutual agreement of both parties can terminate the agreement immediately, however the agreement cannot be cancelled during an even numbered year.

**SECTION EIGHT-NINE – ENTIRE AGREEMENT**

It is understood and agreed that the entire agreement of the Parties is contained herein, and that this agreement terminates, replaces, and supersedes the prior Joint Powers Agreement between the parties entered into on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

IN WITNESS WHEREOF, the parties hereto have made and executed this agreement the day and year first above written.

CITY OF \_\_\_\_\_

WASHINGTON COUNTY

By \_\_\_\_\_  
Mayor

By \_\_\_\_\_  
County Board Chair

Attest \_\_\_\_\_  
City Clerk

By \_\_\_\_\_  
County Administrator

Recommended By:

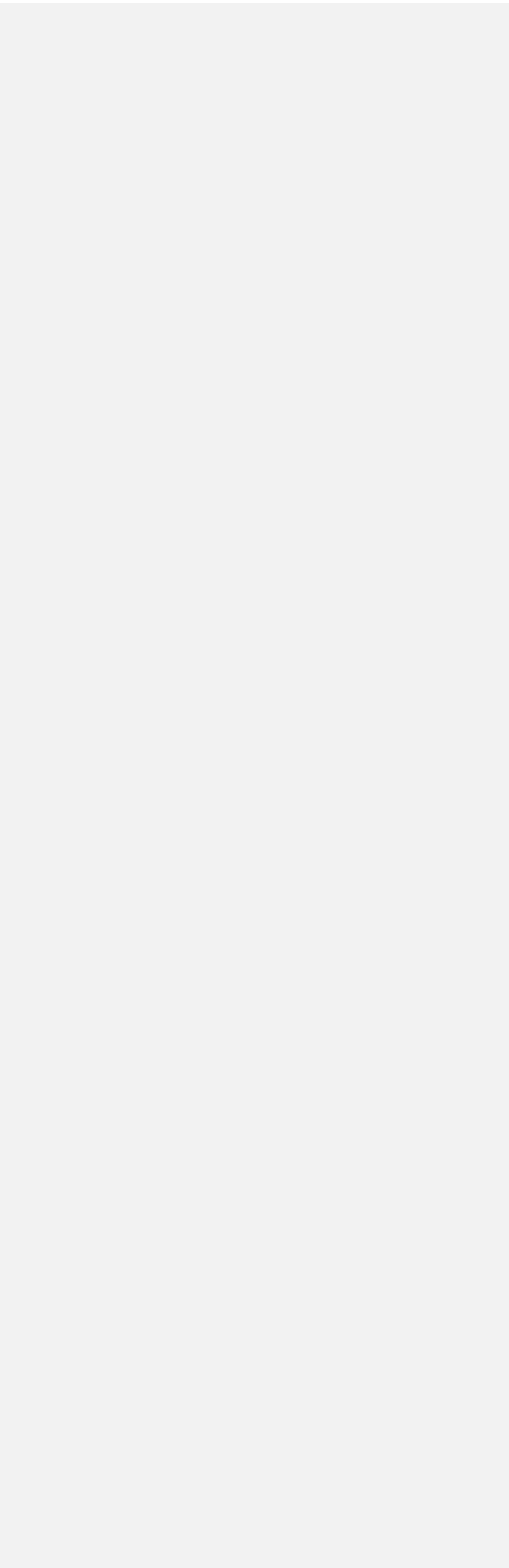
\_\_\_\_\_

Director, Property Records and Taxpayer Services

Approved as to form by:

\_\_\_\_\_

Assistant Washington County Attorney





<b>2024 JPA Fees - Birchwood</b>			
<b>2022 JPA Fees</b>	<b>Precinct Number</b>	<b>2024 JPA Fee</b>	<b>% Change from 2022 Fees</b>
\$6,334	1	\$5,137	-18.90%

<b>Election Services for JPA</b>
Election Staff Time (Planning/coordination, equipment testing, recruitment, hiring, scheduling election judges, election judge training, clerk training, polling place scheduling, polling place equipment pack in & out, odd-year work for even-year election)
Delivery of Equipment
Storage of Equipment & Supplies
Election Day Supplies
Mileage
Inflation

<b>2024 Estimated Actual Costs</b>	<b>\$4,000</b>
<b>Total 2024 Estimated Election Costs</b>	<b>\$9,137</b>

<b>Annual Maintenance</b>	<b>\$1,332</b>
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MEETING MINUTES (Draft)

Birchwood Planning Commission Regular Meeting

City Hall - 7:00 PM Regular Meeting 5/25/2023

Submitted by Michael Kraemer – secretary

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

COMMISSIONERS ABSENT

OTHERS PRESENT: Council Member – Justin McCarthy, Council Member – Ryan Hankins, Sue Reiss, Al Reiss, Ellen Maas, Kenneth Mass, Jamie Heisdorffer, Kevin Heisdorffer, John Berg, Ben Wikstrom – New City Consulting Planner, Rebecca Kellen – City Administrator, Ann Tessler, Swan Mercer, Lucy Voltz, Jim Berg, Judy Berg, John Berg

TO ORDER: Meeting called to order by Chairman Andy Sorenson at 7:00 PM.

1. PUBLIC FORUM – No one present
2. APPROVE AGENDA
  - a. Maiers-Atakpu, moved, 2<sup>nd</sup> by McKenzie, to approve the agenda as presented.  
Vote: Yes – 5, No – 0. Motion to approve agenda passed.
3. REGULAR AGENDA
  - a. Item A – Review/Approve April 27, 2023, Meeting Minutes
    - i. Motion by McKenzie, 2<sup>nd</sup> by Evans to approve the minutes. Vote: Yes – 5, No – 0, Motion to approve the minutes passed.
  - b. Item B - Introduction of Ben Wikstrom – Newly hired consulting City Planner
  - c. Item C – 2023-02-VB (127 Wildwood Ave) Variance.
    - i. Public Forum –
      1. Sue Riess presented a handout to the Commission that included:
        - a. Photo of existing deck at lake shore proposed to be removed.
        - b. Enlarged plat showing location of existing house, existing deck at the lake, and site of proposed deck to be added on house.
        - c. “Areas Planned for Change or Redevelopment” segment from City 2040 Comprehensive Plan
        - d. DNR – Healthy Shorelines paper from MNDNR discussing what a Shore Impact Zone.
      2. Sue Riess discussed following:
        - a. Existing deck is too close to OHW. (8 feet away from OHW)
        - b. Existing deck abuts and sits on the common north property line.

- c. Proposed new deck attached to remodeled house would be 35 feet from OHW (City code requires 50')
  - 3. Sue Riess offered following comments on why City Engineer – Steve Thatcher’s review memo comments were incorrect.
    - a. Engineer’s comments that the relocated deck was not in harmony with City ordinance and not consistent with the comprehensive plan was incorrect in that the relocated deck would solve some of the property line setback requirements and eliminate the existing structure within the OHW.
    - b. She stated that since the existing remodeled house was non-conforming (I.e. within 50’ of OHW) the only way for any deck on the lake side of the house could be conforming was by variance.
  - 4. Lucy Voltz spoke in opposition to the granting of the variance. She indicated the following points:
    - a. The structure at 127 Wildwood Ave. has always been close to the bluff line.
    - b. She felt the addition of the deck on the lake side of the structure would impact the sight lines from their property which is the lot to the north of 127 Wildwood Ave since their house honors the 50 foot set back from the OHW.
  - 5. Ellen Maas spoke in opposition to the granting of the variance and asked why the deck location and setbacks were not taken into consideration when the existing structure reconstruct occurred over the past year. She stated the lower deck on the water is not a visual impact because of the elevation of the slope, but the addition of the deck on the house would be.
  - 6. Ken Maas spoke in opposition to the granting of the variance indicating the addition of a 26’ x 9.5’ deck on the lake side of the house is not a small deck especially given the bluff line is 6’ to 11’ away.
  - 7. Closed Public Hearing at 7:37.
- ii. Review Variance Application
  - 1. Commission Finding of Fact
    - a. The existing deck and the proposed deck relocation to the lakeside of the house are both in violation of City Code 302.020 Structure Location Requirements.
    - b. The existing deck falls within the DNR and the City’s Shore Impact Zone and the Bluff Impact Zones.

- c. The existing deck could qualify to be grandfathered in for potential rehabilitation and repair.
- d. The Planning Commission agrees with the property owner that the removal of the deck down at the waterfront would be a benefit to the aesthetics of the White Bear Lake lakeshore.

iii. Discussion and Recommendations to City Council

1. Commission Recommendation's.

- a. The granting of the variance is in harmony with the city ordinance. Advisory Vote: Is Not – 4, Is – 1.
- b. The granting of the variance is consistent with the Comprehensive Plan. Advisory Vote: Is Not – 4, Is – 1
- c. Are the circumstances unique to the property? Advisory Vote: Is unique – 2, Is not unique – 3
- d. Where the circumstances created by the applicant's actions? Advisory Vote: Yes – 5. No – 0
- e. Does reasonable use exist under the code? Advisory Vote: Yes – 5, No – 0
- f. ***PLANNING COMMISSION ACTION.*** The Commission recommends deny the variance because of none compliance with City code and availability of reasonable uses under city code. Advisory Vote: Yes – 5, No -0

d. Item D – 2023-04-VB (423 Wildwood Ave) Variance.

i. Public Forum

- 1. John Berg – 429 Wildwood Ave spoke in favor of the development and granting of the variance.
- 2. Jim Berg – 419A Wildwood Ave spoke and indicate he was generally in favor of the granting of the variance provided the contours and access to his property remained in place and as is.
- 3. Jonathan Fleck – 400 Wildwood submitted a letter in opposition to the granting of the on the basis of safety concerns non-code shorter driveway lengths.

ii. Review Variance Application

- 1. Property owners Kevin and Jamie Heisdorffer presented their application.
- 2. The Heisdorffer's indicated they attempted to match the nature of the neighborhood wherein due to aggressive slopes the houses sit below the garages on the lot.
- 3. The aggressive lot slope created challenges to meet the City building height restriction code which they achieved

4. The Heisdorffer's had worked with Steve Thatcher to work up options for creation of a pervious paver system. No details were provided with the application and must be checked to see if compliance with the City's Impervious Surface code needs a separate variance application.
  5. Kevin Heisdorffer submitted an email dated 2:26 PM, May 23, 2023 rescinding the request for variance on the north property line setback. They indicated they will comply with the code required 10' setback.
- iii. Comments by City Planner
1. City Planner - Ben Wickstrom that he had review the proposed plan indicating the following:
    - a. Proposed detached 3-car garage and loft style house was a reasonable use for a difficult site.
    - b. He felt it was the best option for the site and did not change the character of the neighborhood.
    - c. The need to work with the 35' change in elevation of the site created unique challenges to the site.
    - d. "Set-back averaging" proposed of the site was commonly done.
- iv. Discussion and Recommendations to City Council
1. Commission Finding of Fact
    - a. The granting of the variance is in harmony with the city ordinance. Advisory Vote: Is Not – 4, Is – 1.
    - b. The granting of the variance is consistent with the Comprehensive Plan. Advisory Vote: Is Not – 4, Is – 1
    - c. Are the special circumstances unique to the property? Advisory Vote: Is unique – 5, Is not unique – 0
    - d. Where the circumstances created by the applicants' actions? Advisory Vote: Yes – 5. No – 0
    - e. Does reasonable use exist under the code? Advisory Vote: Yes – 5, No – 0
    - f. **PLANNING COMMISSION ACTION. Motion by Sorenson and 2<sup>nd</sup> by Maiers-Atakpu, to recommend approval of the Variance with conditions. Advisory Vote: Yes – 5, No -0**
  2. **Conditions of Support**
    - a. Modify the variance to require a 30' structure setback from the street ROW
    - b. The pervious paver system design and construction and perpetual maintenance agreement (which is to be registered with the property) shall be reviewed by and get

the approval of the City Planner and City Engineer before the variance application goes before the City Council for consideration.

c. Advisory Vote: Yes – 5, No – 0.

e. Item E – Solar Panel Proposed Ordinance Review

i. Review and Discussion

1. The Commission reviewed the sample revised Solar Ordinance submitted by Council Member Hankins. We applaud Councilor Hankins effort to make city code as thorough as possible

ii. Discussion and Make Recommendation to City Council

1. **PLANNING COMMISSION ACTION:** The Commission recommends adoption of the Solar Ordinance with Commission edits by the City Council. Advisory Vote: Yes – 5, No -0.

f. Item F – New Variance Application Form Review

i. Review and Discussion:

1. The Commission reviewed a sample revised Variance Application form submitted by Council Member Hankins. We applaud Councilor Hankins effort to make city forms as simple and useful as possible.

2. **PLANNING COMMISSION ACTION:** It was suggested the proposed Variance Application form be submitted to the new City Planner for review and input and then brought back to the Planning Commission for review.

4. ADJOURN 9:27 PM

a. Motion by Evans, 2<sup>nd</sup> by McKenzie to adjourn meeting. Vote: Yes – 5, No – 0.  
Motion passed.



**City of Birchwood Village**  
**Petition for Variance Application**

207 Birchwood Ave, Birchwood, MN 55110  
 Phone: 651-428-3403 Fax: 651-428-7747  
 Email: info@cityofbirchwood.com

**FOR OFFICIAL USE ONLY**

Application Received Date: 2/28/2023 Amount Paid: \$ 3600.00  
 Payment Type (Circle One): Cash  Check / Money Order / Credit Card  
 Check/Money Order # 5005 (\$3000); 5006 (\$600)  
 Application Complete? Yes  No  If no, date application was deemed complete: \_\_\_\_\_  
 Signature of City Planner: [Signature] Date: 3/2/2023

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

1. Name of Applicant(s) Alan & Susan Reiss (AI & Spc)  
 Address 20693 N. Enchantment Dr.  
 City Surprise State AZ Zip Code 85387  
 Cell Business Phone 612-418-4066 Home Phone N/A
2. Address of Property Involved if different from above:  
127 Wildwood Ave., Birchwood, MN 55110
3. Name of Property Owner(s) if different from above and describe Applicant's interest in the property:  
N/A
4. Specific Code Provision from which Variance is requested: See Exhibit A attached
5. Describe in narrative form what the Applicant is proposing to do that requires a variance:  
See Exhibit A attached

6. Type of Project:

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

Other (describe) Relocation of 2 non-conforming pre-existing structures

7. Type of Structure Involved:

- |  |  |
|--|--|
| <input type="checkbox"/> Single Dwelling | <input type="checkbox"/> Double Dwelling |
| <input type="checkbox"/> Garage          | <input type="checkbox"/> Addition        |
| <input type="checkbox"/> Tennis Court    | <input type="checkbox"/> Pool            |
| <input type="checkbox"/> Grading/Filling |  |

Other (describe) Deck and 'Steps to Lawn'

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

see Exhibit A attached

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

see Exhibit A attached

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

see Exhibit A attached

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



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

If yes, explain: However, it reduces/lessens the severity of the non-conformance - see Exhibit A attached for details.

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

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

N/A

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

	Approved Remodel EXISTING In Progress	PROPOSED	CHANGE
1. Total Square Footage of Lot	8,417	8,417	0
2. Maximum Impervious Surface (25% of item 1)	2,104	2,104	0
3. Roof Surface	1,919	1,919	0
4. Sidewalks	204	204	0
5. Driveways	64	64	0
6. Other Impervious Surface	238	238	0
7. Total of Items 3-6	2,424	2,424	0
8. Percent Impervious Surface	28.8%	28.8%	0

15. Please attach the following:

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

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

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

**SUBD. 1.**

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

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

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

**NOTICE:**

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

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

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

Signature of Applicant: Susan S. Reiss Date: 2-20-2023

Alan T. Reiss

**127 Wildwood Avenue, Birchwood Village, MN**  
**Variance Application**  
**Exhibit A**

**Variance Form #4 - Specific Code Provision from which Variance Is requested:**

1. Minimum Setback Requirement. Variance is requested for relocation of a deck and "Steps to Lawn" from City Code 302.020 (2) that states the minimum setback requirement from the High Water Level of White Bear Lake is 50'.

**Variance Form #5 - Describe in narrative form what the Applicant is proposing to do that requires a variance:**

1. Background:

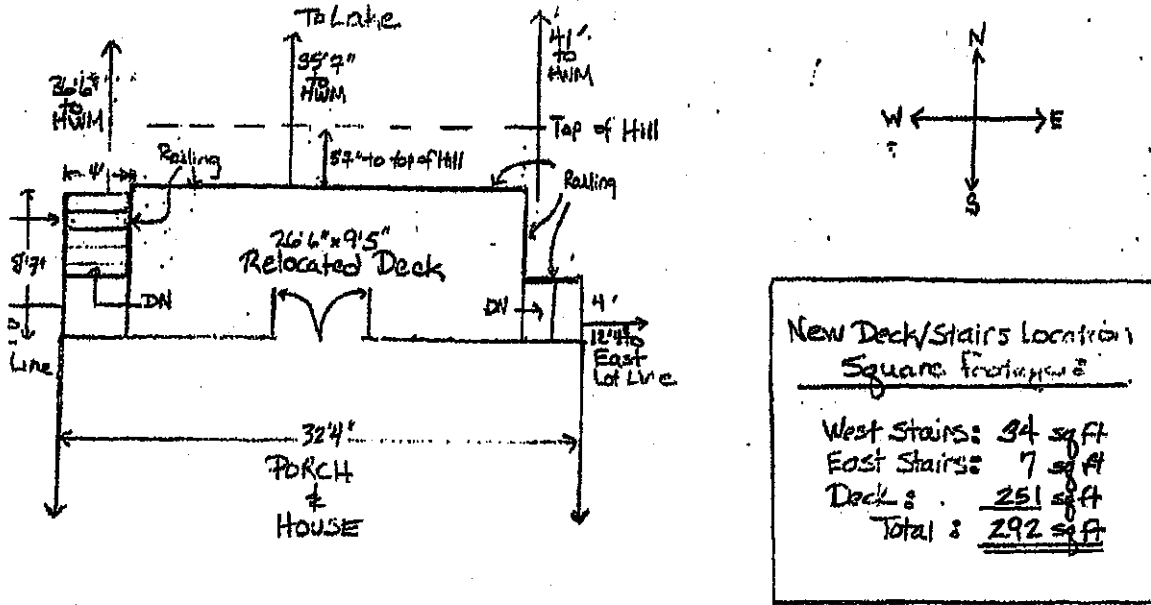
- a. The property currently has a non-conforming pre-existing deck at the water's edge. Details of existing deck:
  - i. Setback from the High Water mark: 8'
  - ii. Setback from the West lot line: 0' (deck is abutting the lot line)
  - iii. Setback from the East lot line: (N/A – located on West side of property)
  - iv. Dimensions: 17'9"x13'8", Area: 242.64 square feet
- b. The property currently has non-conforming pre-existing "Steps to Lawn". They are located on the Northwest side of the house. Details of the steps:
  - i. Setback from the High Water mark: 42'
  - ii. Setback from the West lot line: 4' (infringement of side lot line setbacks)
  - iii. Setback from the East lot line: (N/A – located on West side of property)
  - iv. Dimensions: 3'8"x 13'5", Area: 49.58 square feet

2. Proposal:

- a. We would like to clean up the lakeshore by relocating the existing deck and attaching it as a new structure to the North side of the house. Along with the deck relocation, we would like to relocate the "Steps to Lawn" as a new structure attached to and servicing the deck. Their new locations would still be non-conforming, but this proposal lessens the severity of the non-conformance. Details of the deck area (deck and steps) in the new location:
  - i. Setback from High Water mark: 35'7" (moving the deck area from 8' from the High Water mark to 35'7" making it 27'7' further away from the High Water mark, a significant improvement)
  - ii. Setback from the West lot line: 10' (the deck and steps would be relocated out of the West side lot line setback area making the deck and steps compliant with side lot line code, another significant improvement)
  - iii. Setback from the East lot line: 12' 4" (keeping deck and steps out of the East lot line setback area)
  - iv. Dimensions: Irregular, Area: 292 square feet (basically the same size as existing deck and steps combined (242.64+49.58=292.22))
- b. The drawing at the top of the next page shows the specifics of the new deck and steps location in more detail.

**127 Wildwood Avenue, Birchwood Village, MN  
Variance Application  
Exhibit A**

**Relocated Deck and Steps Plan**



**Variance Form #8 – Using the criteria from the City Code for a variance (see last page), explain why a variance is justified in this situation and describe what “Practical Difficulties” exist:**

**1. SUBD 1 A.:**

**i. Harmony with the General Purposes and Intent of the Ordinance:**

We believe the relocation of two non-conforming pre-existing structures (deck and “Steps to Lawn”) are in harmony with the general purposes and intent of the ordinance. While the deck and steps new location would still be non-conforming, it would significantly lessen the severity of the non-conformance by moving the new combined structure further away from the High Water mark – from 8’ to about 35’7” an improvement of 27’7” AND, it would eliminate their side lot line setback infringements. In addition, the old rickety structure at the water’s edge (the deck) would no longer be an eye-sore from the lake as it would be relocated as a new structure away from the lake. The relocations would be preferred to their current locations and would, therefore, better harmonize with the purpose and intent of the ordinance.

**ii. Consistent with the Comprehensive Plan:**

Per the Comprehensive Plan, maintaining the historical perspective of the community is extremely important. Our house was built in 1910, 11 years before Birchwood was incorporated as a village and later as a city. The house and its

**127 Wildwood Avenue, Birchwood Village, MN**  
**Variance Application**  
**Exhibit A**

location on the lot embodies that historical perspective as it was originally built as a lake home and has a deck on the lakeside - a quintessential feature of the house. The first bullet point under Community Goals states; "Maintain the existing character of the community through preservation of the single-family residential land use and neighborhood patterns". We believe a deck area on the lakeside of the house is important; it promotes the historical perspective of why the house was initially built - lake enjoyment.

**2. SUBD 2 (Practical Difficulties):**

- i. Our lot is undersized and the house's original non-conforming pre-existing location on the lot offers no space for a compliant lakeside deck.
- ii. In order to have a lakeside deck area, there are two options:
  - Option 1: "Keep, maintain, and perform incidental alterations" to the current deck and "Steps to Lawn" in their current locations. This option would not make any improvement toward code compliance.
  - OR
  - Option 2: Relocate the deck to clean up the shoreline and bring it into significantly better compliance with the High Water mark setback requirement. In addition, relocate the "Steps to Lawn" and add them as part of the deck structure. The deck and steps relocations would eliminate their side setback infringements and bring their side lot line setbacks into compliance.

We think Option 2 (deck and steps relocation) is the better option for us, our neighbors, and the City of Birchwood Village.

- iii. The impervious surface will not change – see commentary under Variance Form #9 in the next section.
- iv. Granting the variance will not impair an adequate supply of light and air to adjacent properties. We feel property values of neighboring properties would only benefit from a cleaned-up lakeshore and a well-constructed deck area that would replace poorly located structures.

**Variance Form #9 - Describe any measures the Applicant is proposing to undertake if the variance is granted, including measures to decrease the amount of water draining from the property:**

1. Deck and stairs in their new locations will be built compliant to Code 300.020 (23) Exception 1 ("open joints ¼ inch wide per 8 inch wide board"). As such, impervious surface would not be increased.

**127 Wildwood Avenue, Birchwood Village, MN**  
**Variance Application**  
**Exhibit A**

**Variance Form #10 – Describe any alternatives the Applicant considered (if any) that do not require a variance:**

As mentioned previously, there are two options for the deck and stairs. See #ii under practical difficulties.

**Variance Form #15 – Please attach the following:**

Legal Description of the property:

**LEGAL DESCRIPTION**

All of Lot A, Block 3, of LAKEWOOD PARK FIRST DIVISION, according to the plat thereof on file and of record in the office of the Register of Deeds in and for Washington County, Minnesota, except the Southeasterly 100 feet of Lot 1 of BIRCHWOOD being that part thereof lying West of a line drawn parallel to the West line of said Lot 1 and 55 feet Easterly thereof, together with that portion of Wildwood Avenue vacated by Court Decree filed in Book 64 of Deeds, page 151, including any portion of any street or alley adjacent thereto, vacated or to be vacated.

AND

Westerly 51.12 feet of Lot A, Block 3, LAKEWOOD PARK FIRST DIVISION.

Plot Plan drawn to scale showing existing and proposed new and changed structures on the lot. See Page 5 of this Exhibit.

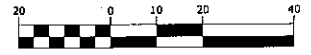
Also show existing structures on adjacent lots. See Page 5 of this Exhibit.



# CERTIFICATE OF SURVEY

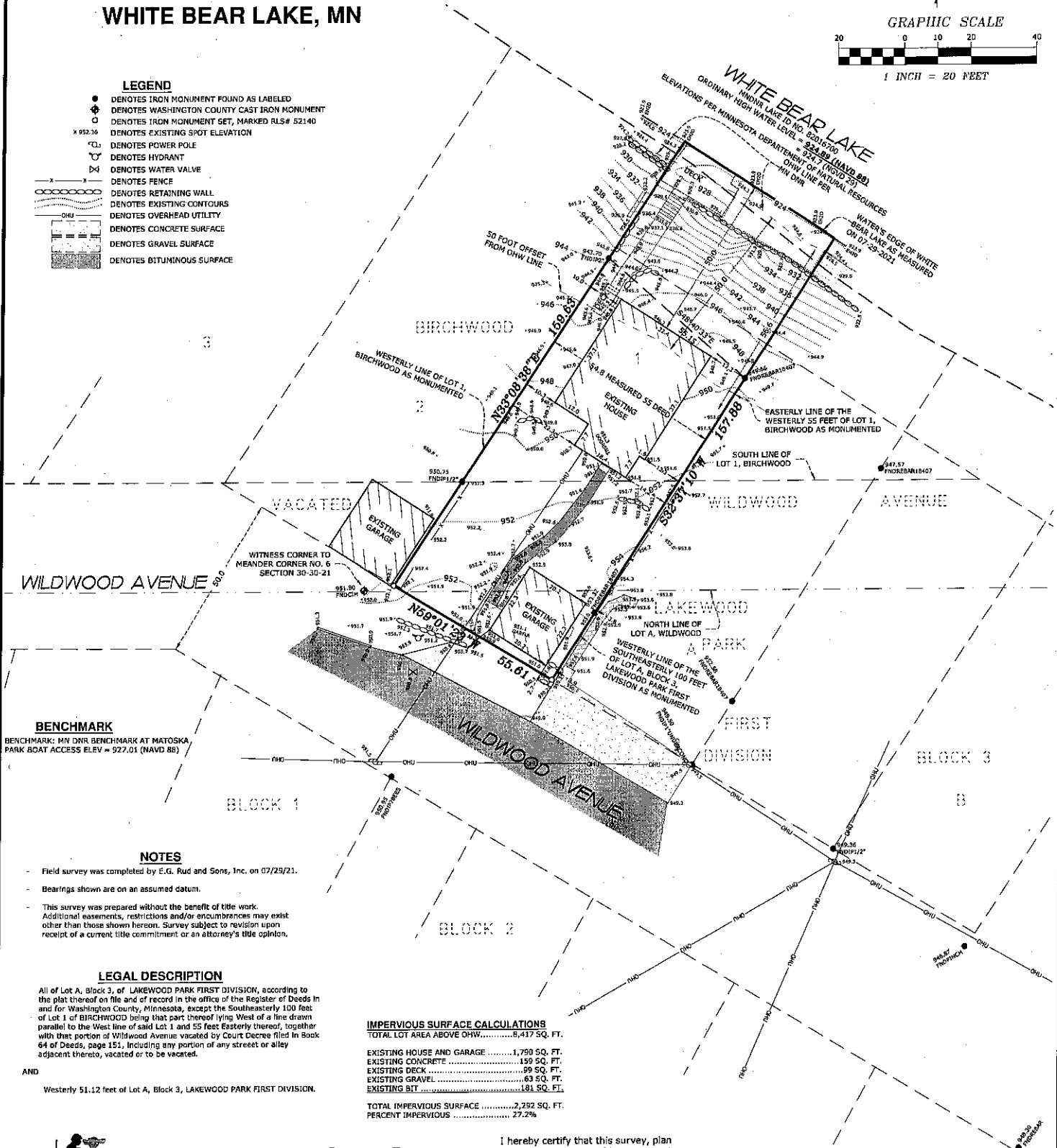
~for~ SUE REISS  
 ~of~ 127 WILDWOOD AVENUE  
 WHITE BEAR LAKE, MN

GRAPHIC SCALE



## LEGEND

- DENOTES IRON MONUMENT FOUND AS LABELED
- ⊕ DENOTES WASHINGTON COUNTY CAST IRON MONUMENT
- DENOTES IRON MONUMENT SET, MARKED RLS# 52140
- 1952.76 DENOTES EXISTING SPOT ELEVATION
- ⊕ DENOTES POWER POLE
- ⊕ DENOTES HYDRANT
- ⊕ DENOTES WATER VALVE
- DENOTES FENCE
- DENOTES RETAINING WALL
- DENOTES EXISTING CONTOURS
- DENOTES OVERHEAD UTILITY
- DENOTES CONCRETE SURFACE
- DENOTES GRAVEL SURFACE
- DENOTES BITUMINOUS SURFACE



**BENCHMARK**  
 BENCHMARK: MY DNR BENCHMARK AT MATOSKA PARK BOAT ACCESS ELEV = 927.01 (NAVD 88)

## NOTES

- Field survey was completed by E.G. Rud and Sons, Inc. on 07/29/21.
- Bearings shown are on an assumed datum.
- This survey was prepared without the benefit of title work. Additional easements, restrictions and/or encumbrances may exist other than those shown hereon. Survey subject to revision upon receipt of a current title commitment or an attorney's title opinion.

## LEGAL DESCRIPTION

All of Lot A, Block 3, of LAKEWOOD PARK FIRST DIVISION, according to the plat thereof on file and of record in the office of the Register of Deeds in and for Washington County, Minnesota, except the Southeastly 100 feet of Lot 1 of BIRCHWOOD being that part thereof lying West of a line drawn parallel to the West line of said Lot 1 and 55 feet Easterly thereof, together with that portion of Wildwood Avenue vacated by Court Decree filed in Book 64 of Deeds, page 151, including any portion of any street or alley adjacent thereto, vacated or to be vacated.

## IMPERVIOUS SURFACE CALCULATIONS

TOTAL LOT AREA ABOVE OHW.....	5,417 SQ. FT.
EXISTING HOUSE AND GARAGE.....	1,790 SQ. FT.
EXISTING CONCRETE.....	159 SQ. FT.
EXISTING DECK.....	99 SQ. FT.
EXISTING GRAVEL.....	83 SQ. FT.
EXISTING BIT.....	184 SQ. FT.
<b>TOTAL IMPERVIOUS SURFACE.....</b>	<b>2,292 SQ. FT.</b>
<b>PERCENT IMPERVIOUS.....</b>	<b>27.2%</b>

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

*D.S.H.*  
 DANIEL S. HANSEN

Date: 08/30/2021 License No. 52140

DRAWN BY: BCD	JOB NO: 210862TS	DATE: 07/28/2021	
CHECK BY: DSH	FIELD CREW: DT/CT		
1	8-26-2021	BUILDING OFFSET DISTANCES DSH	
2	8-30-2021	AREA ABOVE OHW UPDATED DSH	
3			
NO.	DATE	DESCRIPTION	BY

**E.G. RUD & SONS, INC.**  
 EST. 1977  
 Professional Land Surveyors  
 6776 Lake Drive NE, Suite 110  
 Lino Lakes, MN 55014  
 Tel. (651) 361-8200 Fax (651) 361-8701



**CITY OF BIRCHWOOD VILLAGE  
MEMORANDUM**

---

**TO:** Rebecca Kellen, City of Birchwood Village Administrator-Clerk  
**FROM:** Thatcher Engineering, Inc.  
**DATE:** March 2, 2023  
**REGARDING:** Variance Application  
**APPLICANT:** Al and Sue Reiss, 20693 N. Enchantment Drive, Surprise, AZ 85387  
**PROPERTY OWNER(S):** Al and Sue Reiss  
**LOCATION:** 127 Wildwood Avenue, Birchwood Village, MN 55110

---

**BACKGROUND**

On February 28, 2023, the City Birchwood Village (City) received an application for one (1) variance for 127 Wildwood Avenue signed by both Al and Sue Reiss (Applicant) on February 20, 2023 (Application). The property owner intends to do the following:

1. Relocate two (2) non-conforming pre-existing structures (the existing deck located at White Bear Lake (WBL) water's edge and the existing "Steps to Lawn" located between WBL and the existing house).
2. The proposed structures will be attached to the north side (lake side) of the existing house.

The Applicant is making the request because they would like to clean up the lakeshore.

**REQUEST**

The Application requests the following variance:

**Variance Request #1 (Minimum Setback Requirements):** The Applicant is requesting a variance from City Code 302.020.2 MINIMUM SETBACK REQUIREMENTS.

City Code 302.020.2 STRUCTURE LOCATION REQUIREMENTS - MINIMUM SETBACK REQUIREMENTS:

1. City Code 302.020.2: the required minimum setback from the "Ordinary High Water Level of White Bear Lake, Hall's Marsh, and other wetlands" to "All Other Structures" is fifty (50) feet.
  - a. A variance is needed from this requirement because the Application shows the proposed structures to be less than the City Code required minimum setback of fifty (50) feet.

**SITE CHARACTERISTICS**

The size of the existing lot above the Ordinary High Water Level (OHWL) of WBL is 8,417 square feet according to a certificate of survey prepared by E. G. Rud & Sons, Inc. dated August 30, 2021 (attached). The lot is small and narrow (about 55 feet wide) and contains a single-family residence and detached garage.

**PRACTICAL DIFFICULTY**

The lot is small and extremely narrow and long.

**STATUTORY REQUIREMENTS FOR PERMITTING VARIANCES**

Minnesota State Statute 394.27 subdivision 7 states:

Variations shall only be permitted when they are in harmony with the general purposes and intent of the official control and when the variations are consistent with the comprehensive plan. Variations may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the official control. "Practical difficulties," as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by an official control; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties...

**CITY CODE REQUIREMENTS FOR PERMITTING VARIANCES**

Sec 304.040 of the City Code states:

Standards for Variations. Variations may be granted when the applicant for the variance establishes:

1. That there are practical difficulties in complying with the zoning ordinance;

2. That the proposed structure or use is in harmony with the general purposes and intent of the ordinance; and

3. That the proposed structure or use is consistent with the City's comprehensive plan.

"Practical difficulties", as used in connection with the granting of a variance, means that i.) the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance, ii.) the plight of the landowner is due to circumstances unique to the property not created by the landowner; and iii.) the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties.

## **ANALYSIS**

The existing structures are non-conforming pre-existing structures because of the following:

1. City Code 302.015 states: "Any lot of record as of January 1, 1975, which remains in its then-existing dimensions and which does not meet the requirements of this Code may nevertheless be utilized for single-family detached dwelling purposes provided the requirements of 302.010 are at least 60% of those as required."
  - a. The size of the existing lot above the Ordinary High Water Level (OHWL) of White Bear Lake is 8,417 square feet.
  - b. City Code 302.010.1 requires a minimum lot size for a lot abutting a lake of 15,000 square feet.
  - c. The existing lot size (8,417 square feet) is less than the City Code required minimum lot size of 9,000 square feet (15,000 feet x 60%).
2. The existing house is setback about 46 feet from the Ordinary High Water Level of White Bear Lake (according to the certificate of survey prepared by E. G. Rud & Sons, Inc.) which is less than the City Code required minimum setback of 50 feet (City Code 302.020.2).
3. The existing deck is within the City Code required minimum setback.
4. The existing "Steps to Lawn" is within the City Code required minimum setback.

A Variance for existing lot size is not required for the following reason:

1. A variance is not required for lot size because the existing lot size (8,417 square feet) is a preexisting condition.

A Variance for impervious surface is not required for the following reason:

1. The work proposed does not increase the impervious surface coverage of the lot because the impervious surface coverage will not change and the impervious surfaces are within one stormwater drainage basin (watershed).

Based on TEI's understanding that this lot will continue to contain one dwelling unit, a variance is not needed from the minimum lot width requirement because the lot width (approximately 55 feet) is more than the City Code required minimum lot width of 48 feet (80 feet x 60%).

The Application proposes no grading work between the existing house and WBL. Thus, no variance is needed for this work because no work will be within 20 feet of WBL.

## **REASONS FOR RECOMMENDING VARIANCE APPROVAL**

### **Variance request #1 (Minimum Setback Requirements):**

1. The lot is small and extremely narrow and long.
2. This project would preserve the essential character of the locality.

## **REASONS FOR RECOMMENDING VARIANCE DENIAL**

### **Variance request #1 (Minimum Setback Requirements):**

1. A primary goal of the City of Birchwood Village's Zoning Ordinance is "to ensure that a non-conforming use is not intensified and that, over time, the non-conforming use will, where possible, be brought into conformity with the Zoning Code."
2. The following could be argued:
  - a. That the Application is not in harmony with the general purposes and intent of the ordinance.
  - b. That the variance is not consistent with the comprehensive plan.
  - c. That the Applicant for the variance has not established that there are practical difficulties in complying with the zoning ordinance.

## **ADDITIONAL INFORMATION**

Additional information or variance requests from other City Code requirements may be required by the City depending on the work proposed by the Applicant and the information provided to show the proposed work.

## **CONDITIONS**

In accordance with City Code 304.035, a variance shall become null and void one year after it was granted, unless made use of within the year or such longer period as prescribed by the Council.

In accordance with City Code 302.050.1.k., a variance shall not be valid unless the applicant properly records the variance at the property records office at Washington County and a copy of the recording is properly returned to the City for verification.

If approved, a requested variance may be approved subject to the following conditions:

1. All application materials, maps, drawings, and descriptive information submitted with this application shall become part of the building permit.
2. Land alteration may not cause adverse impact upon abutting property.



207 Birchwood Avenue  
Birchwood Village, MN 55110  
651-426-3403 (tel) / 651-426-7747 (fax)  
Info@CityofBirchwood.com  
www.CityofBirchwood.com

Re: Variance 2023-02-VB Extension

April 28, 2023

Al and Sue Reiss  
20693 ENCHANTMENT DR N  
SURPRISE, AZ 85387

Dear Mr. and Mrs. Reiss,

The City of Birchwood Village received a request for variance with a case number of 23-02-VB; and the City will be extending the final decision-making deadline on such variance until June 13<sup>th</sup>, 2023, due to the need to send renotification of the public hearing to the surrounding residents referencing the correct property address. We invite you to attend the City Council meeting on June 13<sup>th</sup>, 2023, at 6:45 PM as well as the Planning Commission Meeting on May 25<sup>th</sup> at 7:00 PM, where a public hearing for the variance request will be held. Please let me know if you have any questions.

Regards,  
Rebecca Kellen  
City Administrator

MEETING MINUTES (Draft)

Birchwood Planning Commission Regular Meeting

City Hall - 7:00 PM Regular Meeting 5/25/2023

Submitted by Michael Kraemer – secretary

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

COMMISSIONERS ABSENT

OTHERS PRESENT: Council Member – Justin McCarthy, Council Member – Ryan Hankins, Sue Reiss, Al Reiss, Ellen Maas, Kenneth Mass, Jamie Heisdorffer, Kevin Heisdorffer, John Berg, Ben Wikstrom – New City Consulting Planner, Rebecca Kellen – City Administrator, Ann Tessler, Swan Mercer, Lucy Voltz, Jim Berg, Judy Berg, John Berg

TO ORDER: Meeting called to order by Chairman Andy Sorenson at 7:00 PM.

1. PUBLIC FORUM – No one present
2. APPROVE AGENDA
  - a. Maiers-Atakpu, moved, 2<sup>nd</sup> by McKenzie, to approve the agenda as presented.  
Vote: Yes – 5, No – 0. Motion to approve agenda passed.
3. REGULAR AGENDA
  - a. Item A – Review/Approve April 27, 2023, Meeting Minutes
    - i. Motion by McKenzie, 2<sup>nd</sup> by Evans to approve the minutes. Vote: Yes – 5, No – 0, Motion to approve the minutes passed.
  - b. Item B - Introduction of Ben Wikstrom – Newly hired consulting City Planner
  - c. Item C – 2023-02-VB (127 Wildwood Ave) Variance.
    - i. Public Forum –
      1. Sue Riess presented a handout to the Commission that included:
        - a. Photo of existing deck at lake shore proposed to be removed.
        - b. Enlarged plat showing location of existing house, existing deck at the lake, and site of proposed deck to be added on house.
        - c. “Areas Planned for Change or Redevelopment” segment from City 2040 Comprehensive Plan
        - d. DNR – Healthy Shorelines paper from MNDNR discussing what a Shore Impact Zone.
      2. Sue Riess discussed following:
        - a. Existing deck is too close to OHW. (8 feet away from OHW)
        - b. Existing deck abuts and sits on the common north property line.

- c. Proposed new deck attached to remodeled house would be 35 feet from OHW (City code requires 50')
  - 3. Sue Riess offered following comments on why City Engineer – Steve Thatcher’s review memo comments were incorrect.
    - a. Engineer’s comments that the relocated deck was not in harmony with City ordinance and not consistent with the comprehensive plan was incorrect in that the relocated deck would solve some of the property line setback requirements and eliminate the existing structure within the OHW.
    - b. She stated that since the existing remodeled house was non-conforming (I.e. within 50’ of OHW) the only way for any deck on the lake side of the house could be conforming was by variance.
  - 4. Lucy Voltz spoke in opposition to the granting of the variance. She indicated the following points:
    - a. The structure at 127 Wildwood Ave. has always been close to the bluff line.
    - b. She felt the addition of the deck on the lake side of the structure would impact the sight lines from their property which is the lot to the north of 127 Wildwood Ave since their house honors the 50 foot set back from the OHW.
  - 5. Ellen Maas spoke in opposition to the granting of the variance and asked why the deck location and setbacks were not taken into consideration when the existing structure reconstruct occurred over the past year. She stated the lower deck on the water is not a visual impact because of the elevation of the slope, but the addition of the deck on the house would be.
  - 6. Ken Maas spoke in opposition to the granting of the variance indicating the addition of a 26’ x 9.5’ deck on the lake side of the house is not a small deck especially given the bluff line is 6’ to 11’ away.
  - 7. Closed Public Hearing at 7:37.
- ii. Review Variance Application
  - 1. Commission Finding of Fact
    - a. The existing deck and the proposed deck relocation to the lakeside of the house are both in violation of City Code 302.020 Structure Location Requirements.
    - b. The existing deck falls within the DNR and the City’s Shore Impact Zone and the Bluff Impact Zones.



- c. The existing deck could qualify to be grandfathered in for potential rehabilitation and repair.
    - d. The Planning Commission agrees with the property owner that the removal of the deck down at the waterfront would be a benefit to the aesthetics of the White Bear Lake lakeshore.
  - iii. Discussion and Recommendations to City Council
    - 1. Commission Recommendation's.
      - a. The granting of the variance is in harmony with the city ordinance. Advisory Vote: Is Not – 4, Is – 1.
      - b. The granting of the variance is consistent with the Comprehensive Plan. Advisory Vote: Is Not – 4, Is – 1
      - c. Are the circumstances unique to the property? Advisory Vote: Is unique – 2, Is not unique – 3
      - d. Where the circumstances created by the applicant's actions? Advisory Vote: Yes – 5. No – 0
      - e. Does reasonable use exist under the code? Advisory Vote: Yes – 5, No – 0
      - f. **PLANNING COMMISSION ACTION. The Commission recommends deny the variance because of none compliance with City code and availability of reasonable uses under city code. Advisory Vote: Yes – 5, No -0**
- d. Item D – 2023-04-VB (423 Wildwood Ave) Variance.
  - i. Public Forum
    - 1. John Berg – 429 Wildwood Ave spoke in favor of the development and granting of the variance.
    - 2. Jim Berg – 419A Wildwood Ave spoke and indicate he was generally in favor of the granting of the variance provided the contours and access to his property remained in place and as is.
    - 3. Jonathan Fleck – 400 Wildwood submitted a letter in opposition to the granting of the on the basis of safety concerns non-code shorter driveway lengths.
  - ii. Review Variance Application
    - 1. Property owners Kevin and Jamie Heisdorffer presented their application.
    - 2. The Heisdorffer's indicated they attempted to match the nature of the neighborhood wherein due to aggressive slopes the houses sit below the garages on the lot.
    - 3. The aggressive lot slope created challenges to meet the City building height restriction code which they achieved

4. The Heisdorffer's had worked with Steve Thatcher to work up options for creation of a pervious paver system. No details were provided with the application and must be checked to see if compliance with the City's Impervious Surface code needs a separate variance application.
  5. Kevin Heisdorffer submitted an email dated 2:26 PM, May 23, 2023 rescinding the request for variance on the north property line setback. They indicated they will comply with the code required 10' setback.
- iii. Comments by City Planner
1. City Planner - Ben Wickstrom that he had review the proposed plan indicating the following:
    - a. Proposed detached 3-car garage and loft style house was a reasonable use for a difficult site.
    - b. He felt it was the best option for the site and did not change the character of the neighborhood.
    - c. The need to work with the 35' change in elevation of the site created unique challenges to the site.
    - d. "Set-back averaging" proposed of the site was commonly done.
- iv. Discussion and Recommendations to City Council
1. Commission Finding of Fact
    - a. The granting of the variance is in harmony with the city ordinance. Advisory Vote: Is Not – 4, Is – 1.
    - b. The granting of the variance is consistent with the Comprehensive Plan. Advisory Vote: Is Not – 4, Is – 1
    - c. Are the special circumstances unique to the property? Advisory Vote: Is unique – 5, Is not unique – 0
    - d. Where the circumstances created by the applicants' actions? Advisory Vote: Yes – 5. No – 0
    - e. Does reasonable use exist under the code? Advisory Vote: Yes – 5, No – 0
    - f. **PLANNING COMMISSION ACTION. Motion by Sorenson and 2<sup>nd</sup> by Maiers-Atakpu, to recommend approval of the Variance with conditions. Advisory Vote: Yes – 5, No -0**
  2. Conditions of Support
    - a. Modify the variance to require a 30' structure setback from the street ROW
    - b. The pervious paver system design and construction and perpetual maintenance agreement (which is to be registered with the property) shall be reviewed by and get

the approval of the City Planner and City Engineer before the variance application goes before the City Council for consideration.

c. Advisory Vote: Yes – 5, No – 0.

e. Item E – Solar Panel Proposed Ordinance Review

i. Review and Discussion

1. The Commission reviewed the sample revised Solar Ordinance submitted by Council Member Hankins. We applaud Councilor Hankins effort to make city code as thorough as possible

ii. Discussion and Make Recommendation to City Council

1. **PLANNING COMMISSION ACTION:** The Commission recommends adoption of the Solar Ordinance with Commission edits by the City Council. Advisory Vote: Yes – 5, No -0.

f. Item F – New Variance Application Form Review

i. Review and Discussion:

1. The Commission reviewed a sample revised Variance Application form submitted by Council Member Hankins. We applaud Councilor Hankins effort to make city forms as simple and useful as possible.

2. **PLANNING COMMISSION ACTION:** It was suggested the proposed Variance Application form be submitted to the new City Planner for review and input and then brought back to the Planning Commission for review.

4. ADJOURN 9:27 PM

a. Motion by Evans, 2<sup>nd</sup> by McKenzie to adjourn meeting. Vote: Yes – 5, No – 0.  
Motion passed.



# City of Birchwood Village

## Petition for Variance Application

207 Birchwood Ave, Birchwood, MN 55110

Phone: 651-426-3403 Fax: 651-426-7747

Email: info@cityofbirchwood.com

### FOR OFFICIAL USE ONLY

Application Received Date: 4/19/23

Amount Paid: \$3600.00

Payment Type: **Check**

Check#290 (fee) #291 (escrow)

Application Complete? Yes No If no, date application was deemed complete: \_\_\_\_\_

Signature of City Planner: \_\_\_\_\_ Date: \_\_\_\_\_

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

1. Name of Applicant(s) Kevin & Jamie Heisdorffer

Address 423 Wildwood Ave

City Birchwood Village State MN Zip Code 55406

Business Phone \_\_\_\_\_ Home Phone 972-467-6565

2. Address of Property Involved if different from above: \_\_\_\_\_

3. Name of Property Owner(s) if different from above and describe Applicant's interest in the property:  
\_\_\_\_\_  
\_\_\_\_\_

4. Specific Code Provision from which Variance is requested: 302.020

5. Describe in narrative form what the Applicant is proposing to do that requires a variance:

1) Build garage setback 26.01' from property line along Wildwood Ave, placed in-line with existing structures on adjacent properties.

2) Build new garage setback 8.02' from northern property line.

6. Type of Project:

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

7. Type of Structure Involved:

- |   |  |
|---|--|
| <input type="checkbox"/> Single Dwelling        | <input type="checkbox"/> Double Dwelling |
| <input checked="" type="checkbox"/> Garage      | <input type="checkbox"/> Addition        |
| <input type="checkbox"/> Tennis Court           | <input type="checkbox"/> Pool            |
| <input type="checkbox"/> Grading/Filling        |  |
| <input type="checkbox"/> Other (describe) _____ |  |

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

The lot is practically difficult to build on based on the existing topography of the lot (not practical to push the garage further down the hill), width of the lot (not practical for side entry garage), and encroachments of existing adjacent properties (both over the property line, as well as within current setback requirements). We plan to locate the garage in-line with existing structures on adjacent properties and believe this location is in harmony with the intent of the ordinance, consistent with comprehensive plan, and maintains the character of Birchwood.

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

Applicant is proposing to build new family home on vacant lot to add to the character of the neighborhood and increase revenue for the City. Applicant will decrease the amount of water draining from the property by means of rain garden, terracing, and pervious surface.

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

Many alternatives were considered. Attached garage not practical due to existing topography of the lot (steep slope). Side entry garage not practical due to width of lot. Entry from unimproved Park Ave not practical. Tuck-under garage and building consolidation not practical due to height restrictions.

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

emergency vehicle access from Wildwood Ave and un-improved Park Ave

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

If yes, explain: \_\_\_\_\_  
 \_\_\_\_\_

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

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

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

	<b>EXISTING</b>	<b>PROPOSED</b>	<b>CHANGE</b>
<b>1. Total Square Footage of Lot</b>	12,808 SF	12,808 SF	0
<b>2. Maximum Impervious Surface (25% of item 1)</b>	3,202 SF	3,202 SF	0
<b>3. Roof Surface</b>	0	2,882 SF (h + g)	2,882
<b>4. Sidewalks</b>	110 SF	172 SF	62
<b>5. Driveways</b>	0	0	0
<b>6. Other Impervious Surface</b>	0	148 SF (future)	148
<b>7. Total of Items 3-6</b>	110 SF	3,202 SF	3,092
<b>8. Percent Impervious Surface</b>	0.9 %	25.0 %	24.1%

15. Please attach the following:

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

\* Please see attached Site Survey, Proposed Site Plan, Proposed Grading Plan, and preliminary Design Documents attached to this application.

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

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

**SUBD. 1.**

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

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

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

**NOTICE:**

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

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

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

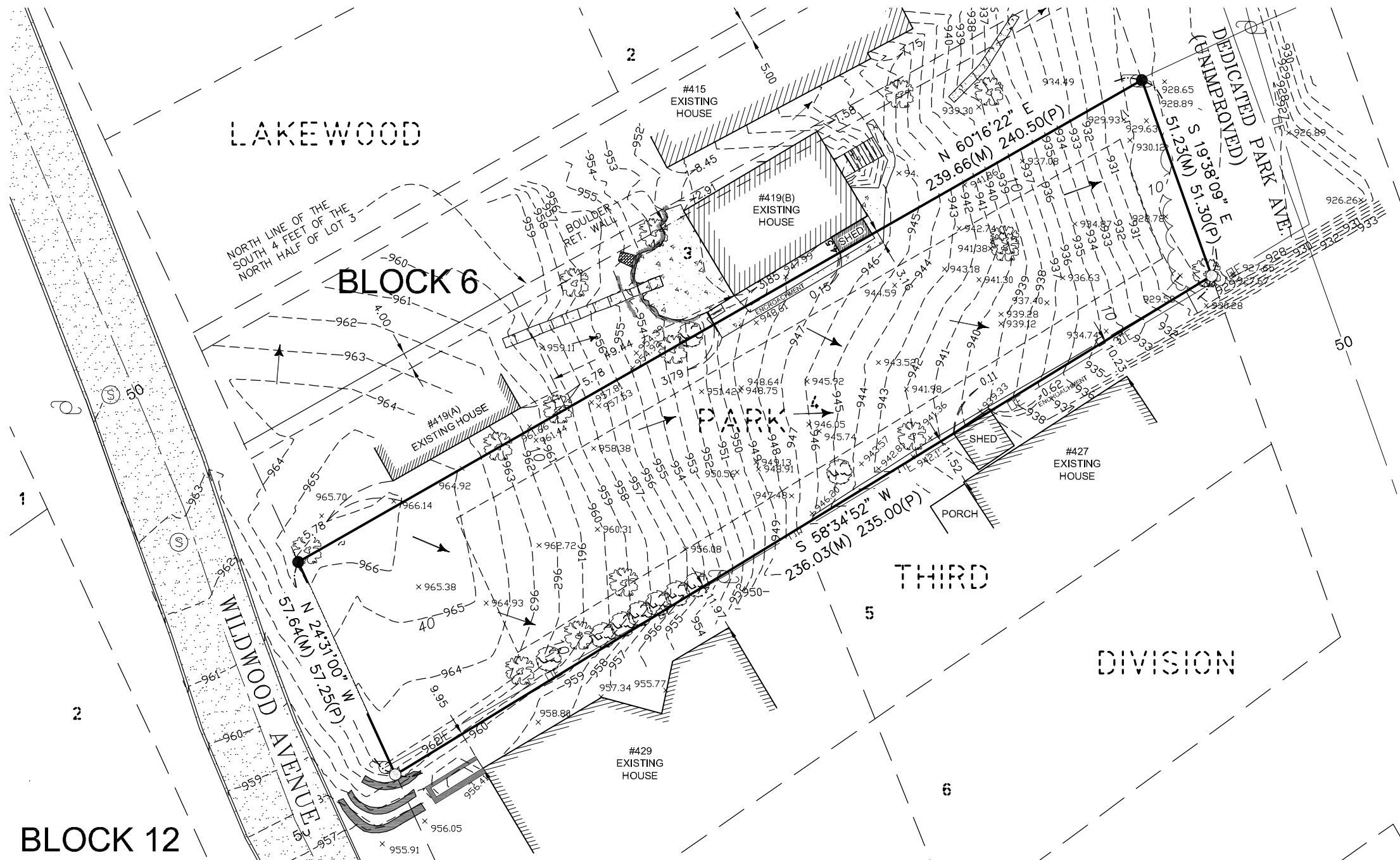
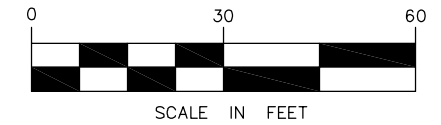
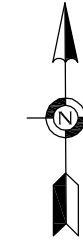
Signature of Applicant: Kevin & Jamie Heisdorffer Date: 4/7/2023

# EXISTING TOPOGRAPHY

-for-

## KEVIN HEISDORFFER

Call 48 Hours before digging  
**GOPHER STATE ONE CALL**  
 Twin Cities Area 651-454-0002  
 MN. Toll Free 1-800-252-1166



### LEGEND

- DENOTES FOUND PROPERTY IRON
- DENOTES SET 1/2" X 18" REBAR WITH PLASTIC CAP "PLS 25105"
- DENOTES BOUNDARY LINE
- DENOTES LOT LINE
- - - DENOTES PROPERTY LINE
- x999.99 DENOTES EXISTING SPOT ELEVATION
- DENOTES CONCRETE SURFACE
- - - 999 - DENOTES EXISTING CONTOUR LINE
- FFE DENOTES FINISH FLOOR ELEVATION
- DENOTES BITUMINOUS SURFACE
- DENOTES BUSH
- DENOTES DECIDUOUS TREE
- DENOTES TREE LINE
- OE— DENOTES OVERHEAD ELECTRIC
- DENOTES WOOD FENCE
- DENOTES ELECTRIC POWER POLE
- ⊙ DENOTES SANITARY MANHOLE
- DENOTES RETAINING WALL
- (M) DENOTES MEASURED DISTANCE
- (P) DENOTES PLATTED DISTANCE
- ← DENOTES DRAINAGE FLOW

### NOTES

1. THE BASIS OF THE BEARING SYSTEM IS ASSUMED.
2. NO SPECIFIC SOIL INVESTIGATION HAS BEEN COMPLETED
3. CONTRACTOR SHALL VERIFY PROPOSED ELEVATIONS.
4. NO TITLE INFORMATION WAS PROVIDED FOR THIS SURVEY. THIS SURVEY DOES NOT PURPORT TO SHOW ALL EASEMENTS OF RECORD.
5. EXISTING UTILITIES AND SERVICES SHOWN HEREON OWNER LOCATED EITHER PHYSICALLY ON THE GROUND DURING THE SURVEY OR FROM EXISTING RECORDS MADE AVAILABLE TO US OR BY RESIDENT TESTIMONY. OTHER UTILITIES AND SERVICES MAY BE PRESENT. VERIFICATION AND LOCATION OF UTILITIES AND SERVICES SHOULD BE OBTAIN FROM THE OWNERS OF RESPECTIVE UTILITIES BY CONTACTING GOPHER STATE ONE CALL AT (651) 454-0002 PRIOR TO ANY DESIGN, PLANNING OR EXCAVATION.

### BUILDING SETBACKS

ZONING: R1-1 - LOW DENSITY  
 SINGLE FAMILY-ISLAND  
 HOUSE: FRONT = 40 FT.  
 REAR = 10 FT.  
 SIDE = 10 FT.

### EXISTING HARDCOVER

PORTION OF EXISTING SHED 4 SQ. FT.  
 EXISTING CONC. SURFACE 110 SQ. FT.  
 TOTAL IMPERVIOUS AREA 114 SQ. FT.  
 TOTAL LOT AREA 12,808 SQ. FT.  
 EXISTING HARDCOVER 0.89%

### REFERENCE BENCHMARK

ELEVATION = 919.53 (NGVD 29) MNDOT DISK  
 "MICHEL".

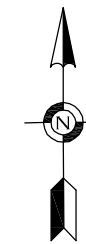
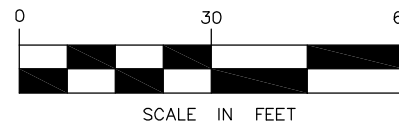
### LEGAL DESCRIPTION

Lot 4, Block 6, LAKEWOOD PARK THIRD DIVISION,  
 Washington County, Minnesota, according to the recorded  
 plat thereof.

NO.	DATE	DESCRIPTION	BY



# SITE PLAN



Call 48 Hours before digging  
**GOPHER STATE ONE CALL**  
 Twin Cities Area 651-454-0002  
 MN. Toll Free 1-800-252-1166

### LEGEND

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- DENOTES TREE LINE
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- ⊙ DENOTES SANITARY MANHOLE
- DENOTES RETAINING WALL
- (M) DENOTES MEASURED DISTANCE
- (P) DENOTES PLATTED DISTANCE
- ← DENOTES DRAINAGE FLOW

### PROPOSED LEGEND

- DENOTES PROPOSED 2-STORY HOUSE
- DENOTES PROPOSED 1 STORY GARAGE & OFFICE
- DENOTES PROPOSED DECK
- DENOTES PROPOSED SHED
- DENOTES PROPOSED CONCRETE
- xxx.x DENOTES PROPOSED GRADE
- DENOTES PROPOSED BOULDER RETAINING WALL
- DENOTES PROPOSED DOWNSPOUT

### NOTES

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NO.	DATE	DESCRIPTION	BY

BLOCK 12

LAKEWOOD

BLOCK 6

THIRD

DIVISION

#### BUILDING SETBACKS

ZONING: R1-I - LOW DENSITY  
 SINGLE FAMILY-ISLAND  
 HOUSE: FRONT = 40 FT.  
 REAR = 10 FT.  
 SIDE = 10 FT.

#### EXISTING HARDCOVER

PORTION OF EXISTING SHED 4 SQ. FT.  
 EXISTING CONC. SURFACE 110 SQ. FT.  
 TOTAL IMPERVIOUS AREA 114 SQ. FT.  
 TOTAL LOT AREA 12,808 SQ. FT.  
 EXISTING HARDCOVER 0.9%

#### PROPOSED HARDCOVER

PROPOSED 2-STORY HOUSE 1,610 SQ. FT.  
 PROPOSED FUTURE SHED 89 SQ. FT.  
 PROPOSED 1-STORY GARAGE 1,272 SQ. FT.  
 PROPOSED CONCRETE SIDEWALKS 172 SQ. FT.  
 PROPOSED FUTURE HOT TUB 49 SQ. FT.  
 TOTAL IMPERVIOUS AREA 3,192 SQ. FT.  
 TOTAL LOT AREA 12,808 SQ. FT.  
 PROPOSED HARDCOVER 24.9%

NOTE: 100% CREDIT APPLY TO PERMEABLE DRIVEWAY AND SIDEWALKS

#### REFERENCE BENCHMARK

ELEVATION = 919.53 (NGVD 29) MNDOT DISK "MICHEL".

#### LEGAL DESCRIPTION

Lot 4, Block 6, LAKEWOOD PARK THIRD DIVISION, Washington County, Minnesota, according to the recorded plat thereof.

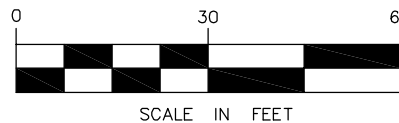
I HEREBY CERTIFY THAT THIS SURVEY WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION, AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

*Vlad Sivriver*  
 VLADIMIR SIVRIVER L.S. NO. 25105 DATED: 03/09/23

**EDS** ENGINEERING DESIGN & SURVEYING  
 6480 Wayzata Blvd. Minneapolis, MN 55426  
 OFFICE: (763) 545-2800 FAX: (763) 545-2801  
 EMAIL: info@edsmn.com WEBSITE: http://edsmn.com

JOB NAME: KEVIN HEISDORFFER	FIELD WORK DATE: 11/09/2022	DRAWN BY: GST	PROJECT NO.: 22-209
LOCATION: 423 WILDWOOD AVENUE BIRCHWOOD VILLAGE, MN 55110	FIELD BOOK NO.: EDS-15	CHECKED BY: VS	SHEET NO. 02

# GRADING AND DRAINAGE PLAN



Call 48 Hours before digging  
**GOPHER STATE ONE CALL**  
 Twin Cities Area 651-454-0002  
 MN. Toll Free 1-800-252-1166

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## PROPOSED LEGEND

- DENOTES PROPOSED 2-STORY HOUSE
- DENOTES PROPOSED 1 STORY GARAGE & OFFICE
- DENOTES PROPOSED DECK
- DENOTES PROPOSED SHED
- DENOTES PROPOSED CONCRETE
- XXX.X DENOTES PROPOSED GRADE
- DENOTES PROPOSED GRAIN GARDEN
- DENOTES PROPOSED BOULDER RETAINING WALL
- DENOTES PROPOSED DOWNSPOUT
- DENOTES TREE TO BE REMOVED
- DENOTES TREE TO BE SAVED
- XXX.X DENOTES PROPOSED CONTOURS
- ← DENOTES PROPOSED DRAINAGE FLOW

## NOTES

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NO.	DATE	DESCRIPTION	BY

LAKEWOOD

BLOCK 6

Setback Line of Existing Adjacent Properties

BLOCK 12

THIRD DIVISION

### LEGAL DESCRIPTION

Lot 4, Block 6, LAKEWOOD PARK THIRD DIVISION, Washington County, Minnesota, according to the recorded plat thereof.

### REFERENCE BENCHMARK

ELEVATION = 919.53 (NGVD 29) MNDOT DISK "MICHEL".

### PROPOSED HARDCOVER

PROPOSED 2-STORY HOUSE	1,610 SQ. FT.
PROPOSED FUTURE SHED	89 SQ. FT.
PROPOSED 1-STORY GARAGE	1,272 SQ. FT.
PROPOSED CONCRETE SIDEWALKS	172 SQ. FT.
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TOTAL IMPERIOUS AREA	3,192 SQ. FT.
TOTAL LOT AREA	12,808 SQ. FT.
PROPOSED HARDCOVER	24.9%

NOTE: 100 % CREDIT APPLY TO PERMEABLE DRIVEWAY AND SIDEWALKS

### BUILDING SETBACKS

ZONING: R1-I - LOW DENSITY  
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 SIDE = 10 FT.

I HEREBY CERTIFY THAT THIS SURVEY WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION, AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

*Vlad Sivriver*  
 VLADIMIR SIVRIVER L.S. NO. 25105 DATED: 03/09/23

JOB NAME: KEVIN HEISDORFFER

LOCATION: 423 WILDWOOD AVENUE  
 BIRCHWOOD VILLAGE, MN 55110

FIELD WORK DATE: 11/09/2022

FIELD BOOK NO.: EDS-15

DRAWN BY: GST

CHECKED BY: VS

PROJECT NO.: 22-209

SHEET NO. C3



**ENGINEERING DESIGN & SURVEYING**  
 6480 Wayzata Blvd. Minneapolis, MN 55426  
 OFFICE: (763) 545-2800 FAX: (763) 545-2801  
 EMAIL: info@edsmn.com WEBSITE: http://edsmn.com



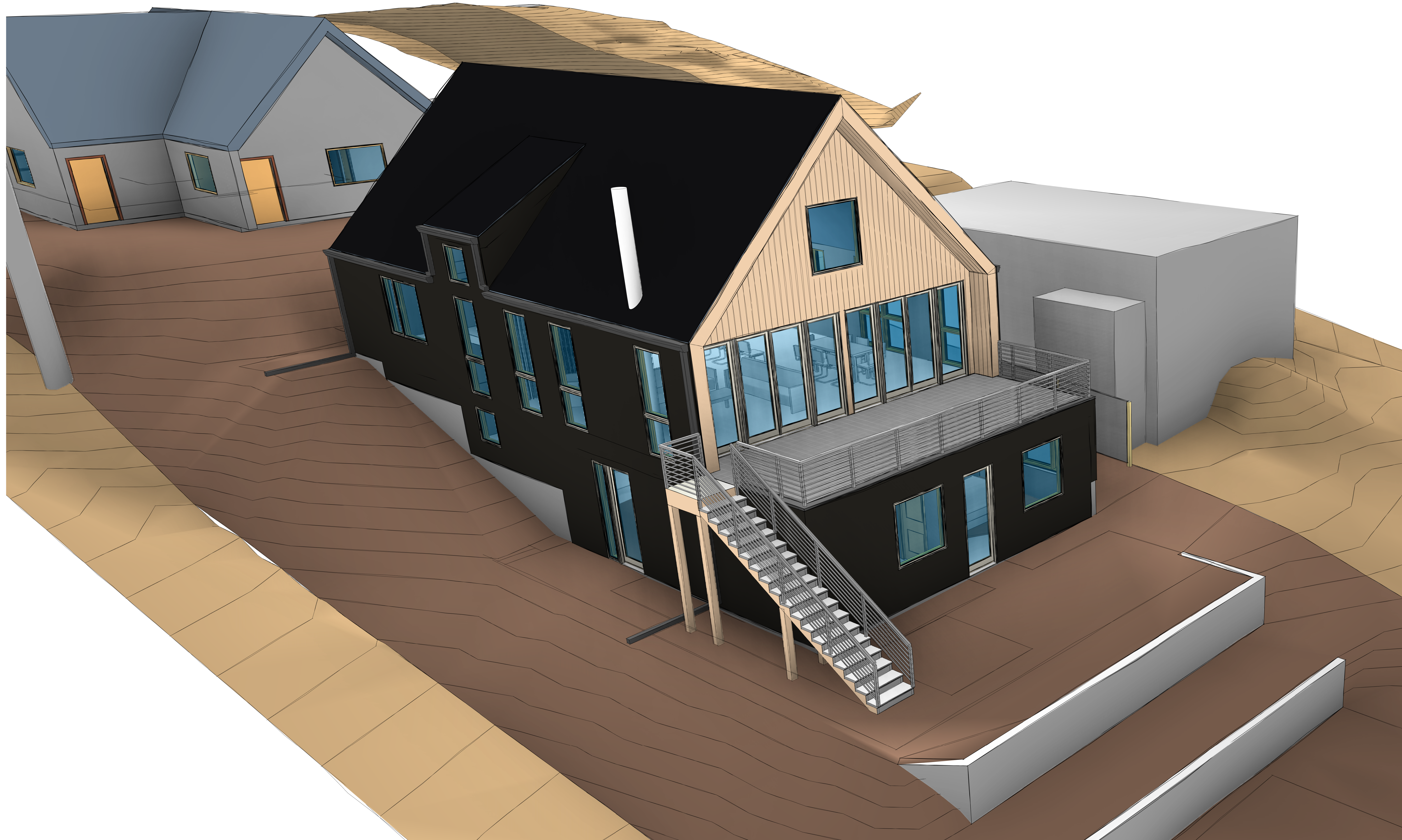


# Heisdorffer House Proposal

423 Wildwood Avenue, White Bear Lake, MN 55110

## SHEET LIST

1	COVER	4/7/23
2	SITE AND FOUNDATION PLAN	4/7/23
3	FLOOR PLANS	4/7/23
4	HOUSE ELEVATIONS EXTERIOR	4/7/23
5	SECTIONS	4/7/23
6	GARAGE PLAN AND ELEVATIONS	4/7/23
7	ISOMETRIC VIEWS EXTERIOR	4/7/23



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one

612-816-0242  
www.cvstudioone.com

ALL INFORMATION FROM THIS PLAN SET IS TO BE CHECKED AND APPROVED WITH LOCAL BUILDING CODES PRIOR TO CONSTRUCTION.

ALL STRUCTURAL INFORMATION IS TO BE CHECKED AND APPROVED BY A LICENSED STRUCTURAL ENGINEER PRIOR TO CONSTRUCTION.

LAYOUT INFORMATION AND DIMENSIONAL DATA, INCLUDING ALL SPECIFIED PRODUCTS, IS TO BE CHECKED AND APPROVED BY THE OWNER, GENERAL CONTRACTOR, AND TRADE CONTRACTOR(S) PRIOR TO CONSTRUCTION.

UTILIZING THIS PLAN SET WILL EXECUTE ACCEPTANCE OF THE "CVT STUDIO ONE AGREEMENT"

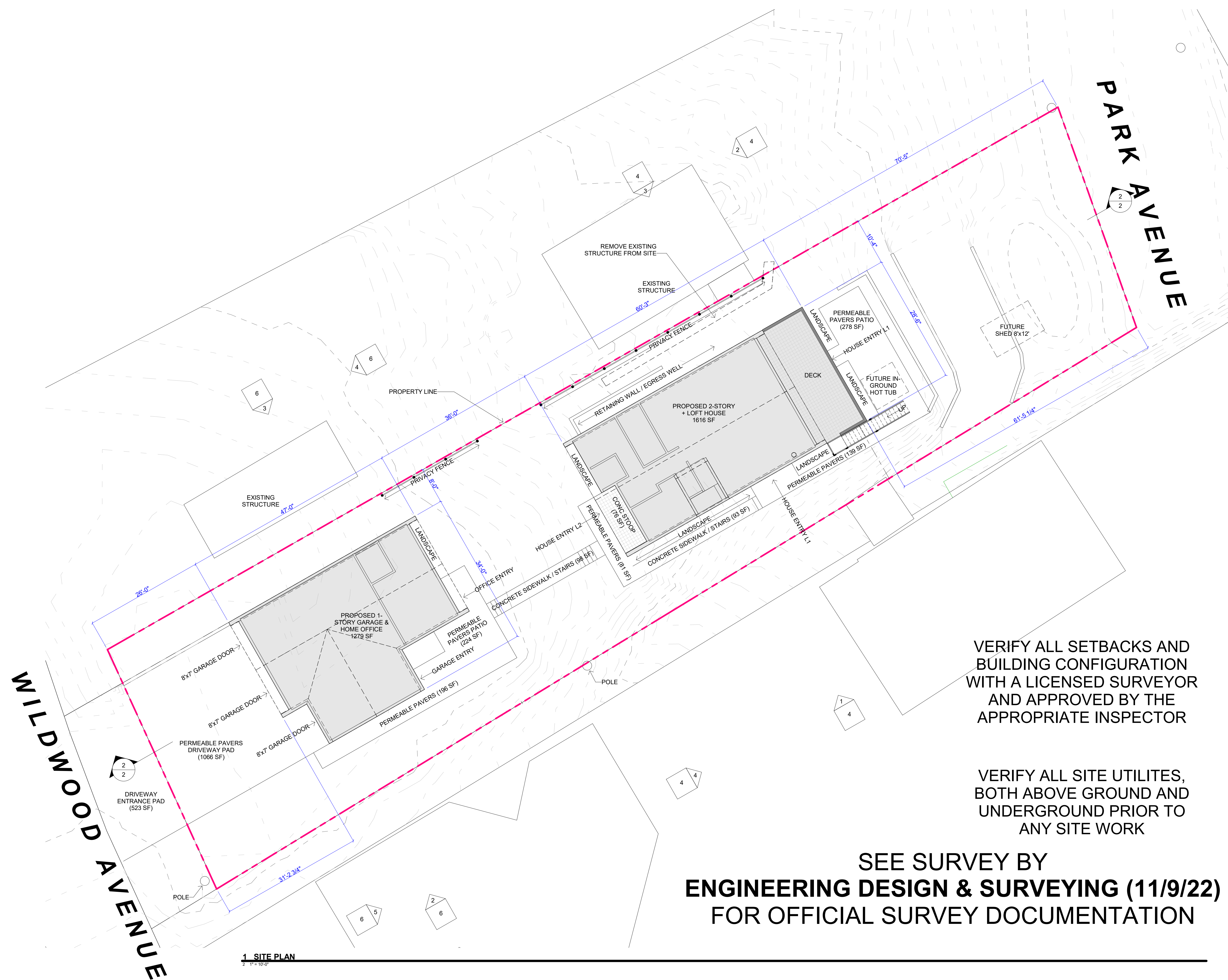
PROJECT:  
HEISDORFFER HOUSE  
423 WILDWOOD AVENUE  
WHITE BEAR LAKE, MN  
KEVIN & JAMIE HEISDORFFER

SHEET ISSUED: 4/7/23

COVER

1



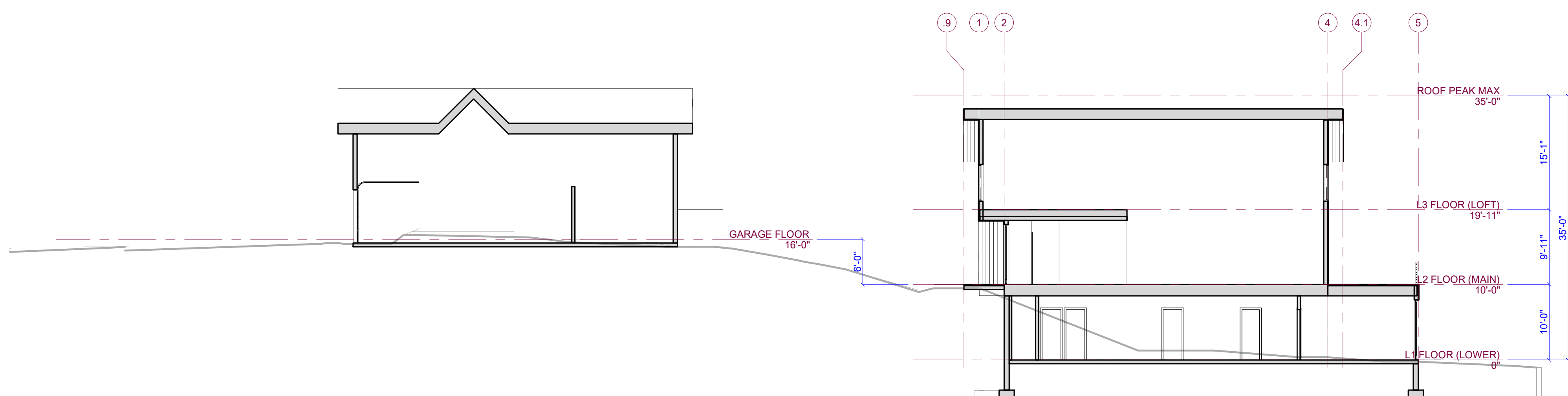


1 SITE PLAN  
2 1" = 10'-0"

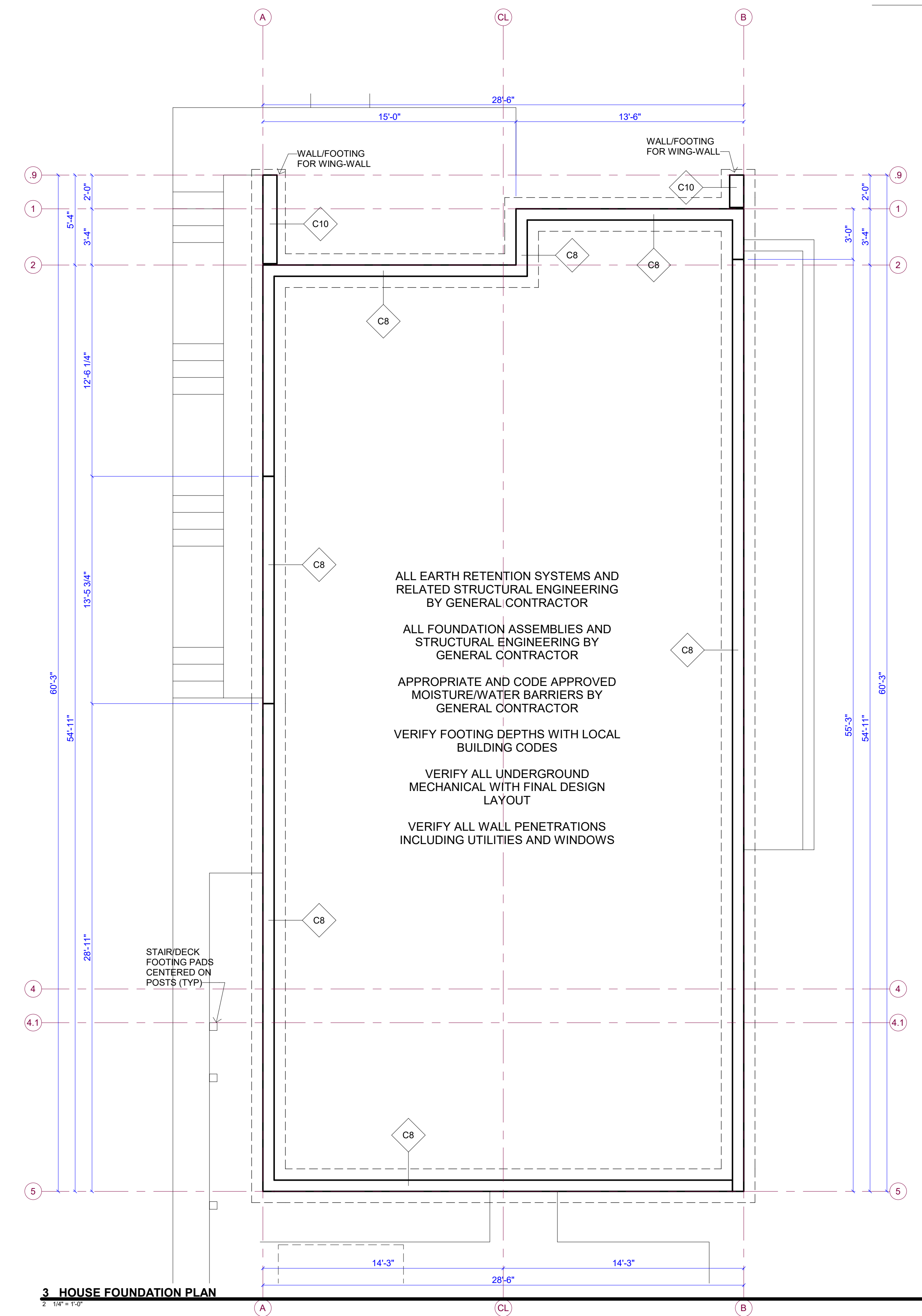
VERIFY ALL SETBACKS AND BUILDING CONFIGURATION WITH A LICENSED SURVEYOR AND APPROVED BY THE APPROPRIATE INSPECTOR

VERIFY ALL SITE UTILITES, BOTH ABOVE GROUND AND UNDERGROUND PRIOR TO ANY SITE WORK

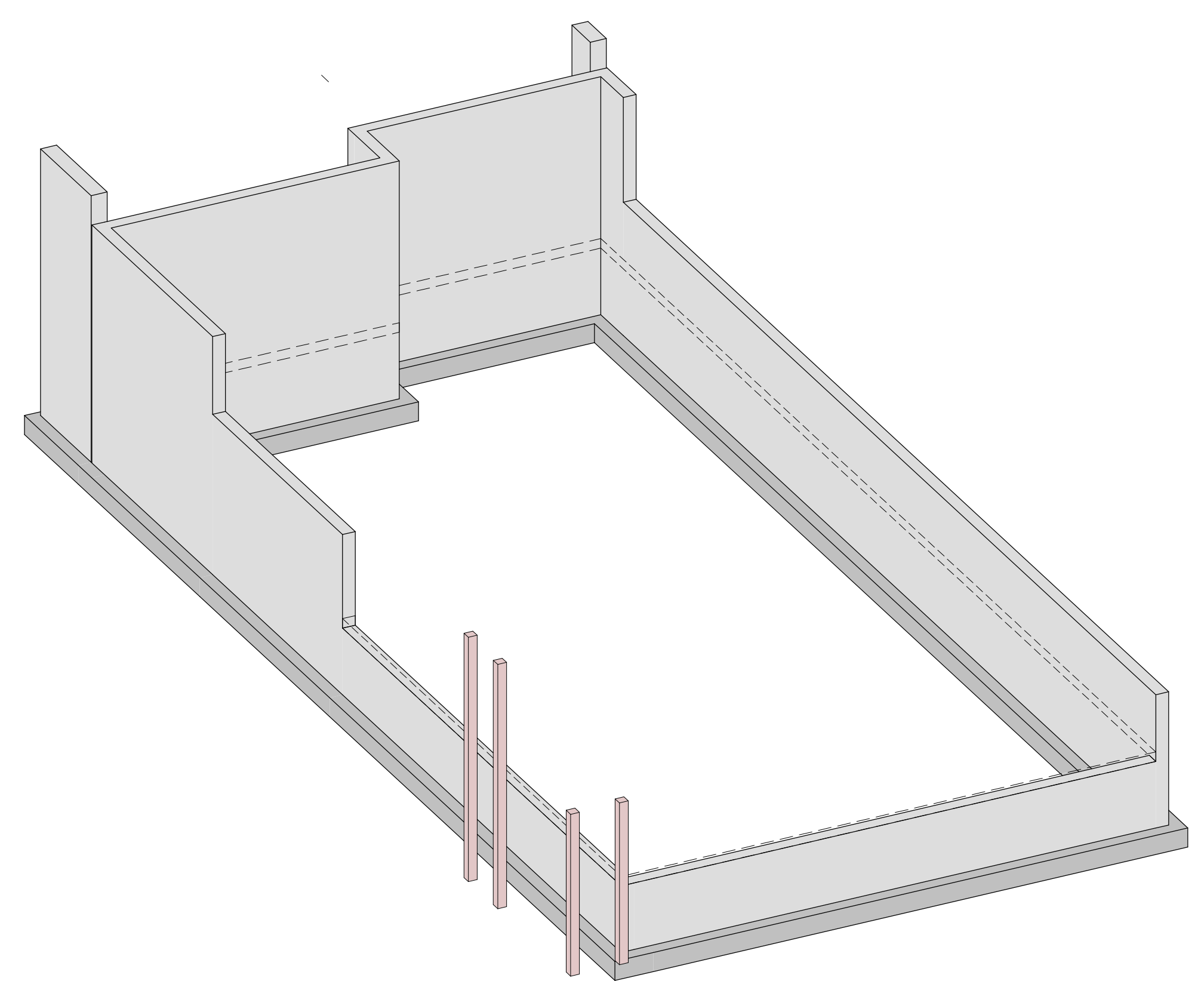
SEE SURVEY BY **ENGINEERING DESIGN & SURVEYING (11/9/22)** FOR OFFICIAL SURVEY DOCUMENTATION



2 SITE SECTION 1  
2 1" = 10'-0"



3 HOUSE FOUNDATION PLAN  
2 1/4" = 1'-0"



4 ISO HOUSE FOUNDATION

**cvT studio one**  
612-816-0242  
www.cvTstudioone.com

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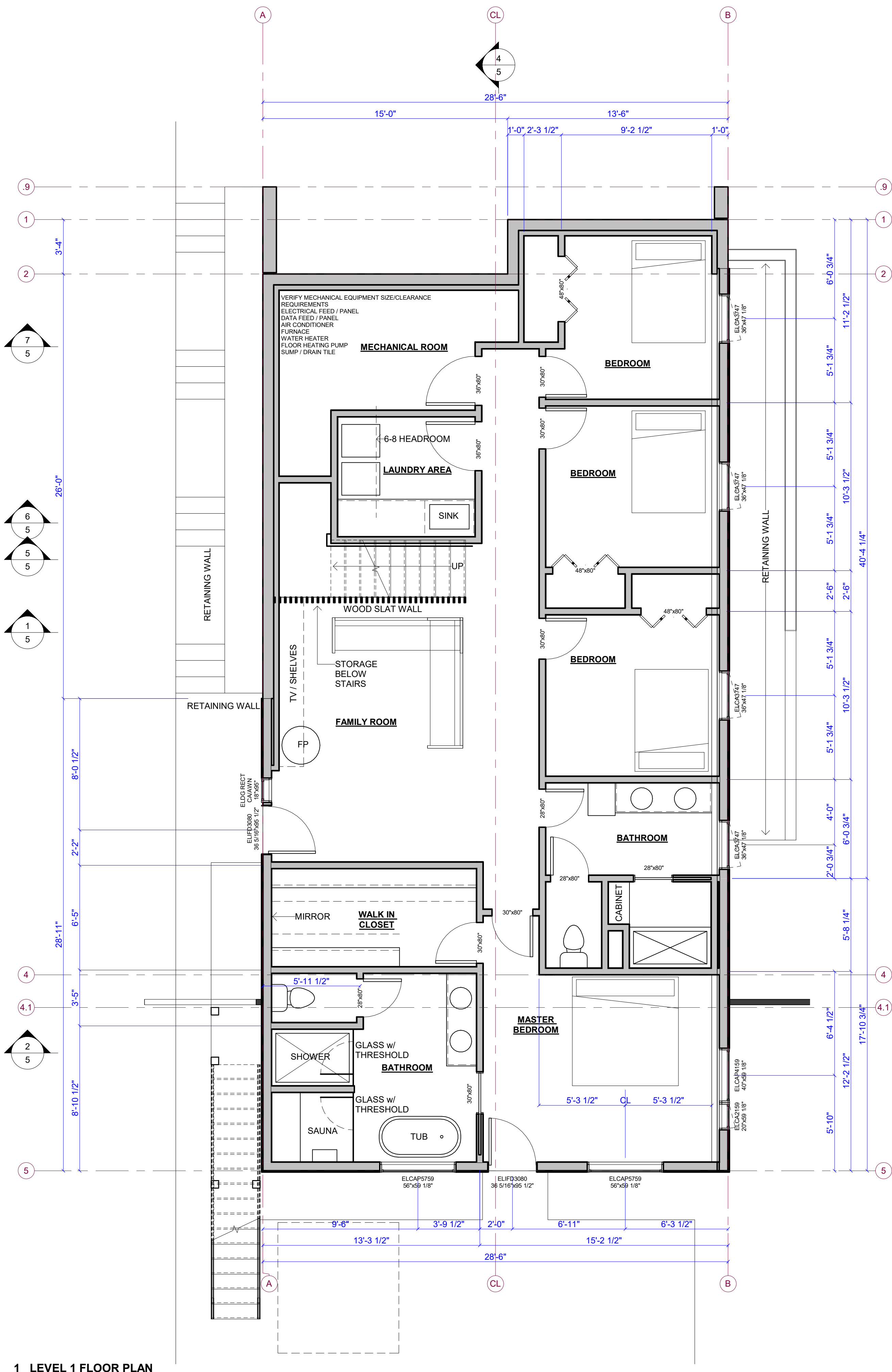
PROJECT:  
HEISDORFFER HOUSE  
423 WILDWOOD AVENUE  
WHITE BEAR LAKE, MN  
KEVIN & JAMIE HEISDORFFER

SHEET ISSUED: 4/7/23

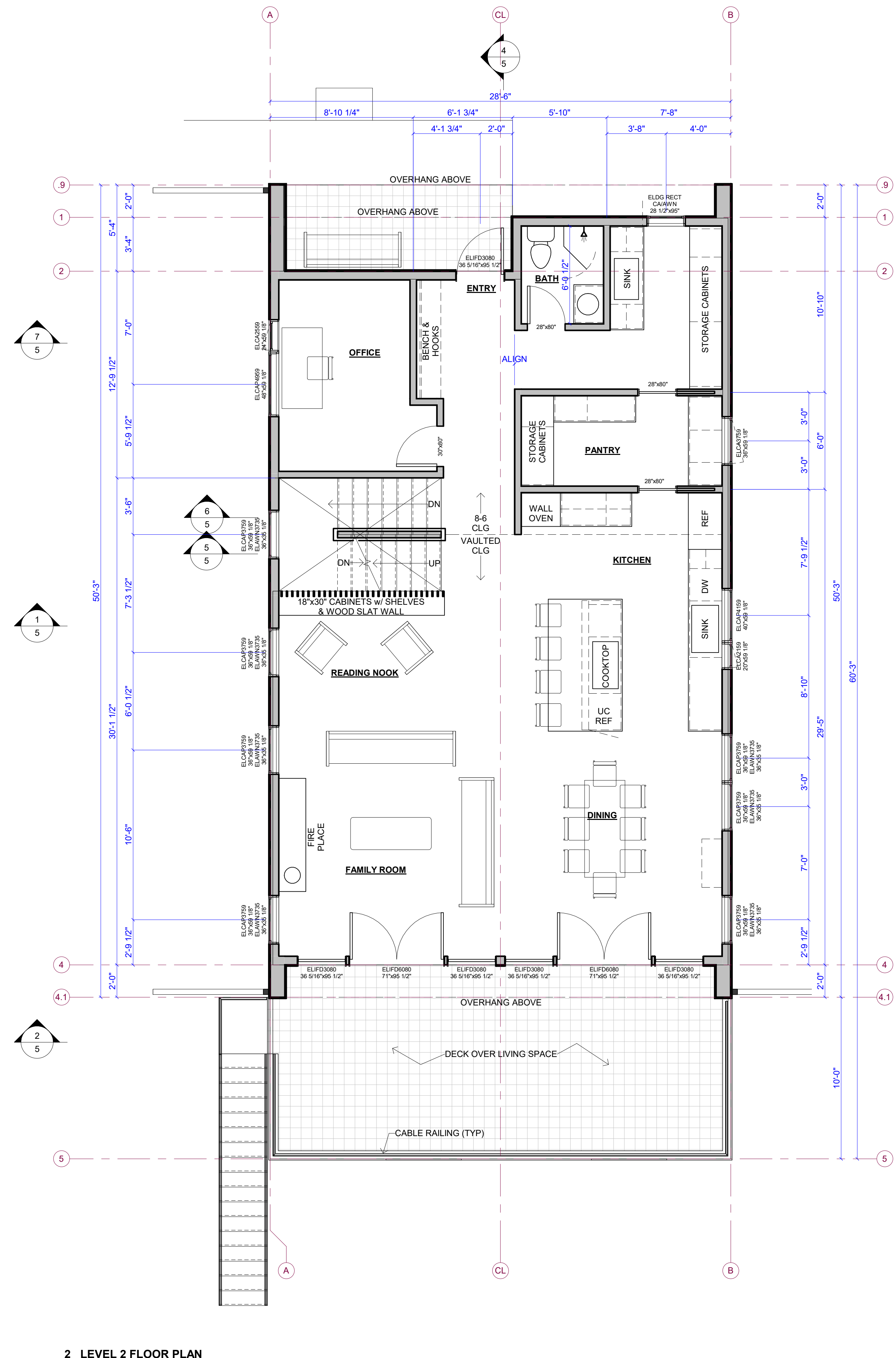
SITE AND FOUNDATION PLAN

**2**

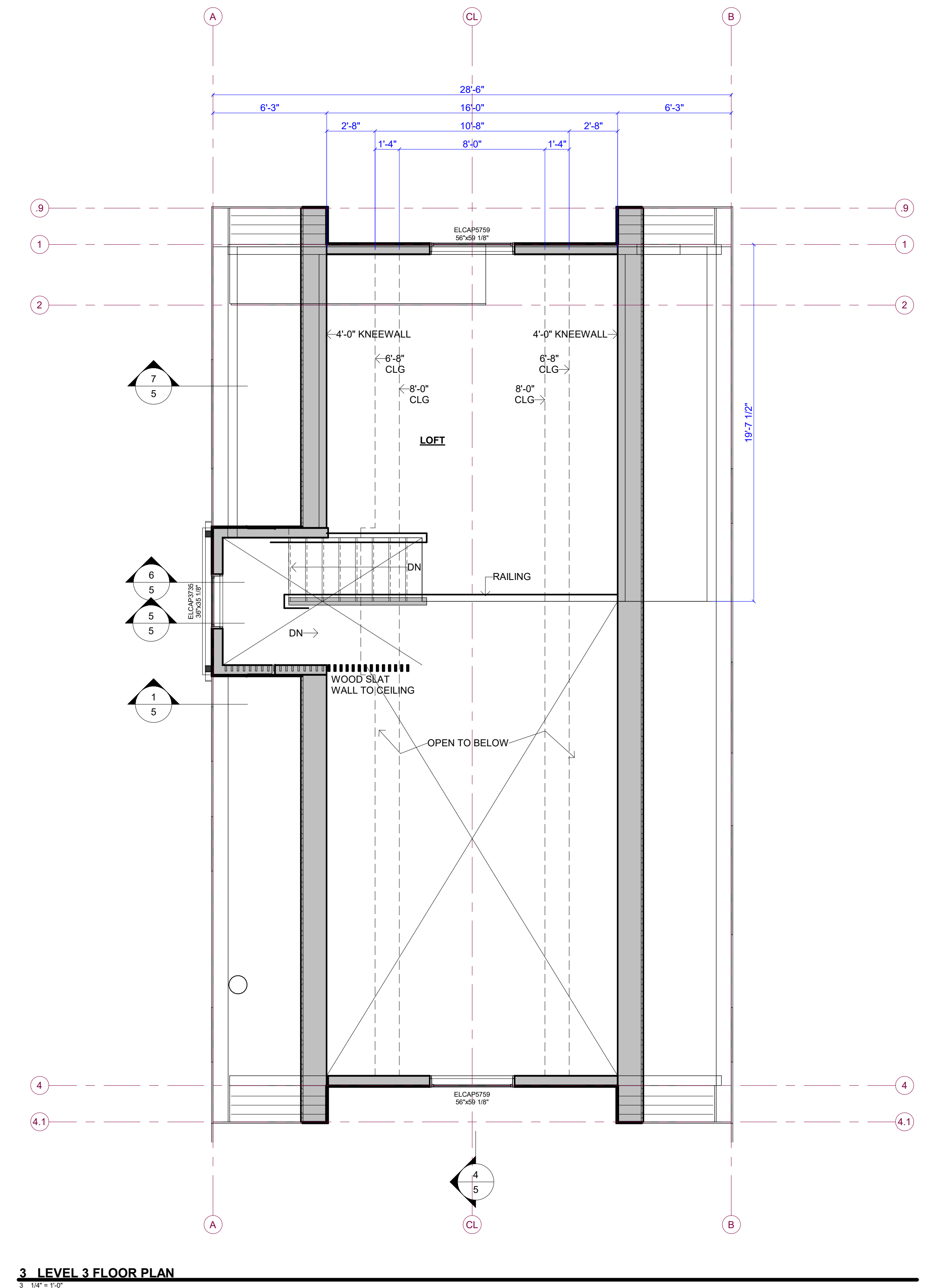




1 LEVEL 1 FLOOR PLAN  
3-10-17



2 LEVEL 2 FLOOR PLAN  
3-10-17

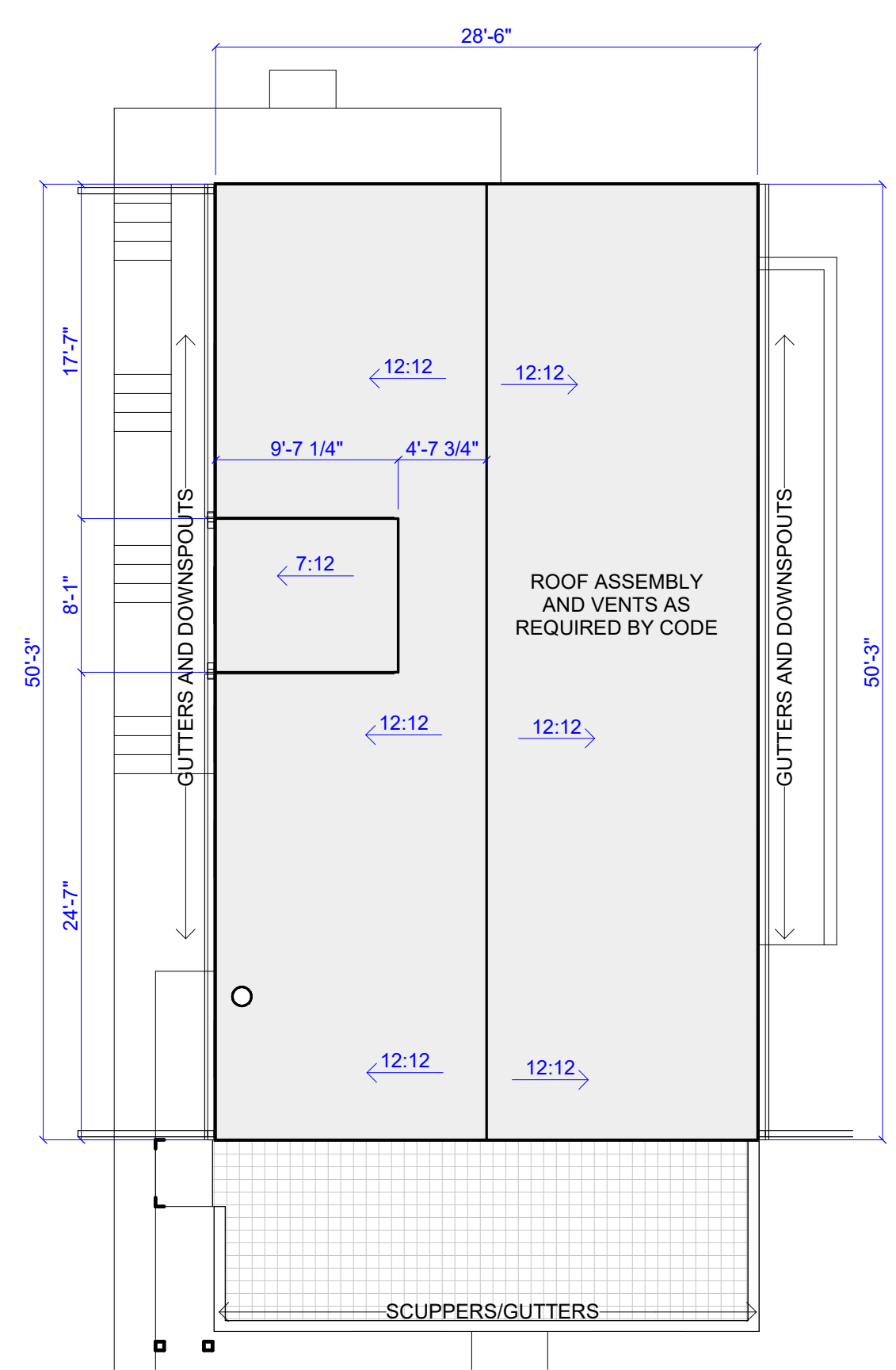


3 LEVEL 3 FLOOR PLAN  
3-10-17

DOOR SCHEDULE						
MANUFACTURER	TYPE	SIZE	TYPE MARK	LEVEL	QTY	
	Door-Garage-Embossed_Panel	8'-0" x 7'-0"	2-4x6-16	GARAGE FLOOR	3	
TYPE TBD	6-PANEL SWINGING	28" x 80"	2-4x6-8	GARAGE FLOOR	1	
TYPE TBD	6-PANEL SWINGING	36" x 80"	3-0x6-8	GARAGE FLOOR	3	
TYPE TBD	INT 6-PANEL POCKET	28" x 80"	(P) 2-4x6-8	L1 FLOOR (LOWER)	1	
TYPE TBD	INT 6-PANEL SWINGING	28" x 80"	2-4x6-8	L1 FLOOR (LOWER)	3	
TYPE TBD	INT 6-PANEL SWINGING	30" x 80"	2-6x8-8	L1 FLOOR (LOWER)	5	
TYPE TBD	INT 6-PANEL POCKET	30" x 80"	(P) 2-4x6-8	L1 FLOOR (LOWER)	1	
TYPE TBD	INT 6-PANEL SWINGING	36" x 80"	3-0x6-8	L1 FLOOR (LOWER)	2	
TYPE TBD	INT PANEL BH-FOLD	48" DBL	4-0x6-8	L1 FLOOR (LOWER)	3	
Marvin Windows and Doors	Door-Entry-Marvin-Inswinging_1_Panel_French_Door-Elevate	ELIFD3080	2-6x6-12	L1 FLOOR (LOWER)	2	
TYPE TBD	INT 6-PANEL POCKET	28" x 80"	(P) 2-4x6-8	L2 FLOOR (MAIN)	2	
TYPE TBD	INT 6-PANEL SWINGING	28" x 80"	2-4x6-8	L2 FLOOR (MAIN)	1	
TYPE TBD	INT 6-PANEL SWINGING	30" x 80"	2-6x8-8	L2 FLOOR (MAIN)	1	
Marvin Windows and Doors	Door-Entry-Marvin-Inswinging_1_Panel_French_Door-Elevate	ELIFD3080	2-6x6-12	L2 FLOOR (MAIN)	5	
Marvin Windows and Doors	Door-Entry-Marvin-Inswinging_2_Panel_French_Door-Elevate	ELIFD6080	2-6x6-11	L2 FLOOR (MAIN)	2	
					35	

WINDOW SCHEDULE						
MANUFACTURER	TYPE	SIZE	TYPE MARK	LEVEL	QTY	
	generic TYPE TBD	7'-2" x 4'-8"	22	GARAGE FLOOR	3	
Marvin Windows and Doors	Window-Casement-Marvin-Picture-Elevate	CUSTOM 18"x95"	2-6x8-14	L1 FLOOR (LOWER)	1	
Marvin Windows and Doors	Window-Awning-Marvin-Elevate	ELAWN3735	2-6x8-1	L1 FLOOR (LOWER)	1	
Marvin Windows and Doors	Window-Casement-Marvin-Elevate	ELCA2159	2-6x8-3	L1 FLOOR (LOWER)	1	
Marvin Windows and Doors	Window-Casement-Marvin-Elevate	ELCA3747	2-6x8-2	L1 FLOOR (LOWER)	4	
Marvin Windows and Doors	Window-Casement-Marvin-Picture-Elevate	ELCAP4159	2-6x8-7	L1 FLOOR (LOWER)	1	
Marvin Windows and Doors	Window-Casement-Marvin-Picture-Elevate	ELCAP759	2-6x8-9	L1 FLOOR (LOWER)	2	
Marvin Windows and Doors	Window-Awning-Marvin-Picture-Elevate	CUSTOM 28-1/2"x95"	2-6x8-15	L2 FLOOR (MAIN)	1	
Marvin Windows and Doors	Window-Awning-Marvin-Elevate	ELAWN3735	2-6x8-1	L2 FLOOR (MAIN)	7	
Marvin Windows and Doors	Window-Casement-Marvin-Elevate	ELCA2159	2-6x8-3	L2 FLOOR (MAIN)	1	
Marvin Windows and Doors	Window-Casement-Marvin-Elevate	ELCA2599	2-6x8-4	L2 FLOOR (MAIN)	1	
Marvin Windows and Doors	Window-Casement-Marvin-Elevate	ELCA3759	2-6x8-5	L2 FLOOR (MAIN)	1	
Marvin Windows and Doors	Window-Casement-Marvin-Picture-Elevate	ELCAP759	2-6x8-11	L2 FLOOR (MAIN)	7	
Marvin Windows and Doors	Window-Casement-Marvin-Picture-Elevate	ELCAP4159	2-6x8-7	L2 FLOOR (MAIN)	1	
Marvin Windows and Doors	Window-Casement-Marvin-Picture-Elevate	ELCAP4959	2-6x8-8	L2 FLOOR (MAIN)	1	
Marvin Windows and Doors	Window-Casement-Marvin-Picture-Elevate	ELCAP3735	2-6x8-6	L3 FLOOR (LOFT)	1	
Marvin Windows and Doors	Window-Casement-Marvin-Picture-Elevate	ELCAP759	2-6x8-9	L3 FLOOR (LOFT)	2	
					36	

**GENERAL NOTES:**  
 GENERAL CONTRACTOR TO REVIEW ALL STRUCTURAL, MECHANICAL, FINISH COMPONENTS, AND OVERALL BUILDING DESIGN ARE COMPLIANT WITH CODES AND APPROPRIATE INSTALLATION STANDARDS.  
 \*EXTERIOR WALL AND ROOF CONSTRUCTION TBD.  
 \*INTERIOR WALLS TO BE 2X4 + WALL FINISH MATERIAL TBD.  
 \*CEILING FINISH MATERIAL TBD.  
 \*FLOOR FINISHES TBD.  
 --VERIFY ALL FLOOR FINISHES WITH OWNER AND GENERAL CONTRACTOR.  
 \*WINDOWS ARE DRAWN WITH GENERIC-SIZE PLACEHOLDERS.  
 --SPECIFY WINDOW TYPE (CASEMENT, DBL HUNG, ETC) TBD.  
 \*EXTERIOR FINISHES:  
 VERIFY ALL EXTERIOR FINISH MATERIALS WITH OWNER AND GENERAL CONTRACTOR, VERIFY IMPACT OF EXTERIOR FINISHES WITH OTHER ELEMENTS INCLUDING WINDOWS, DOORS, AND MECHANICAL.  
 --SIDING - TBD.  
 --ROOF - TBD.  
 --SOFFIT/FASCIA - TBD.  
 \*ROOF AND FLOOR STRUCTURES AND SUPPORTING MEMBERS INCLUDING FOOTINGS, WALLS, RETAINING WALLS, HEADERS, COLUMNS, BEAMS, ETC TO BE TO BE STRUCTURALLY DESIGNED BY GENERAL CONTRACTOR.  
 --WHEN THE STRUCTURAL MEMBERS ARE SELECTED, CAREFULLY REVIEW THE IMPACT OF THE MEMBER SIZES WITH THE BUILDING DESIGN AND LAYOUT.  
 \*LIGHTING AND CEILING FANS TBD.  
 \*MECHANICAL SIZES AND CLEARANCES TO BE VERIFIED PRIOR TO CONSTRUCTION. CHECK MECHANICAL ROOM SIZE REQUIREMENTS.  
 --ROUTING OF ALL MEP WORK BY GENERAL CONTRACTOR, VERIFY ROUTING REQUIREMENTS WITH FRAMING AND FINISHES.  
 \*FIRE, SMOKE, AND CARBON MONOXIDE DETECTORS TO BE INSTALLED AS REQUIRED BY CODE.  
**ROOF NOTES:**  
 \*ROOF AND SOFFIT VENTS AS REQUIRED.  
 \*ROOF UNDERLAY MATERIALS AS REQUIRED PER CODE.  
 \*INSULATION AND VAPOR BARRIER AT INTERIOR AS REQUIRED BY CODE.



4 ROOF PLAN  
3-10-17

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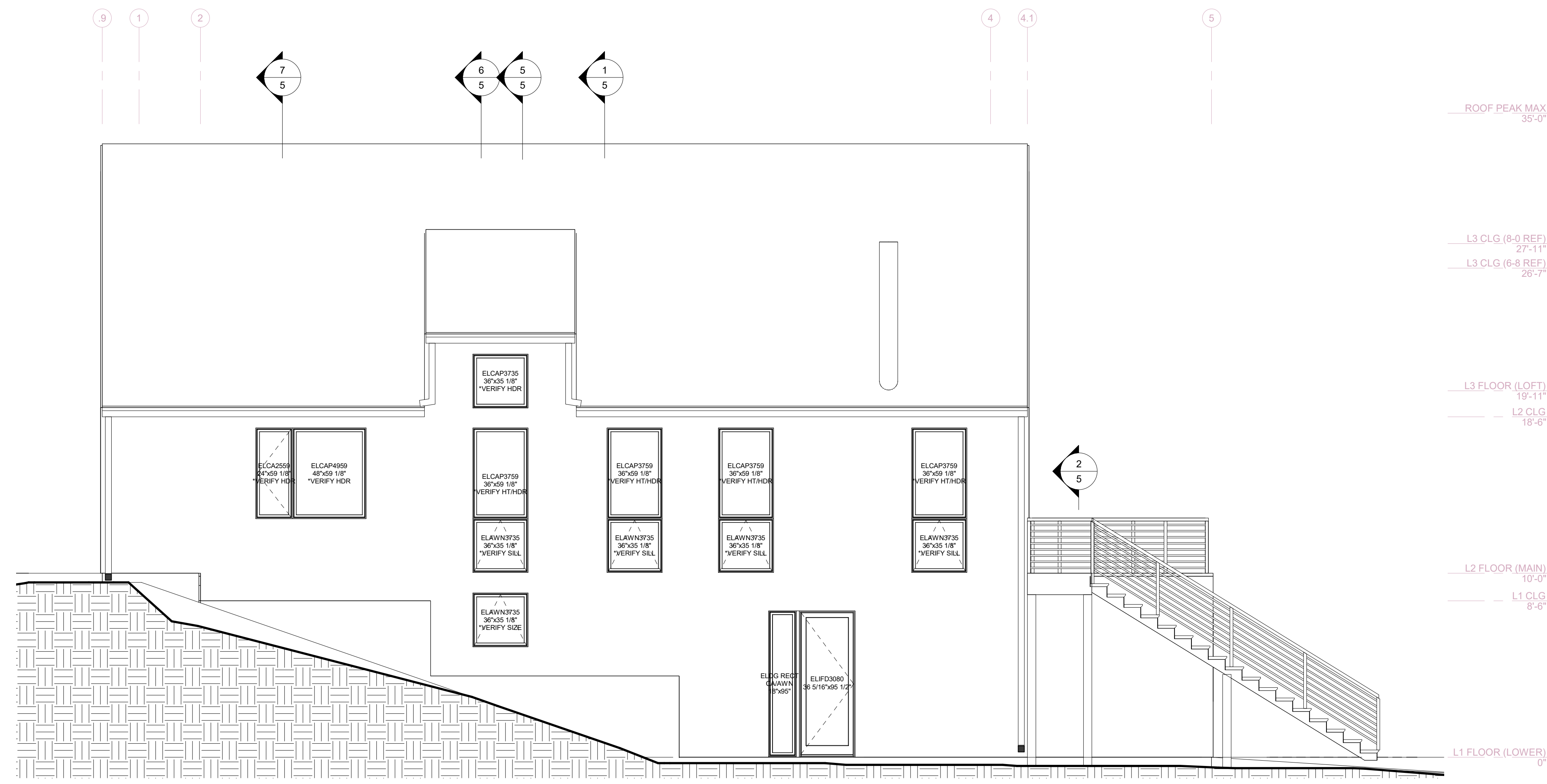
**PROJECT:**  
 HEISDORFFER HOUSE  
 423 WILDWOOD AVENUE  
 WHITE BEAR LAKE, MN  
 KEVIN & JAMIE HEISDORFFER

SHEET ISSUED: 4/7/23

**FLOOR PLANS**

**3**





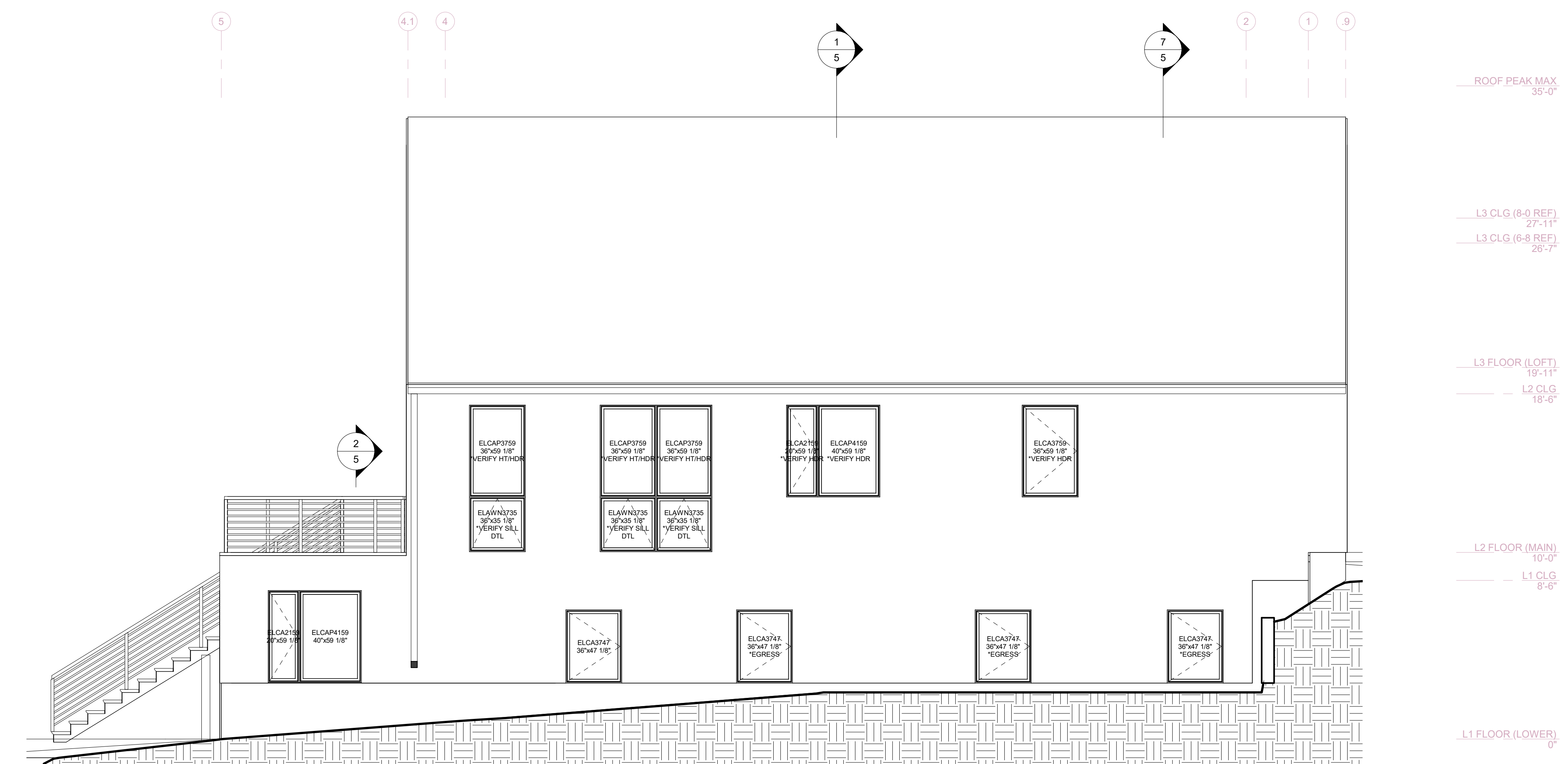
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4/25/23



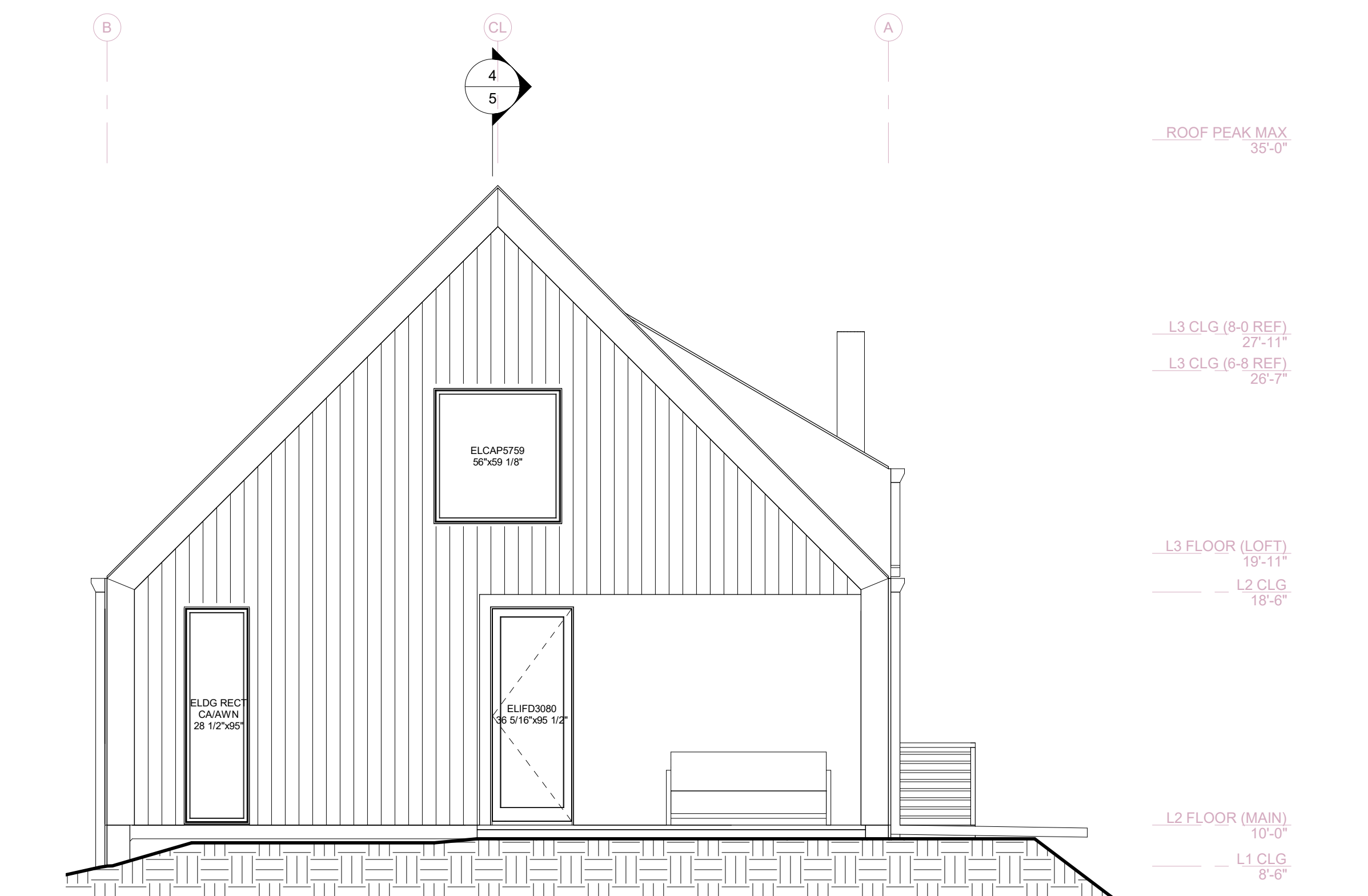
2 HOUSE EAST ELEVATION (PARK/LAKE)

4/25/23



3 NORTH ELEVATION (SIDE)

4/25/23



4 HOUSE WEST ELEVATION (WILDWOOD/GARAGE)

4/25/23

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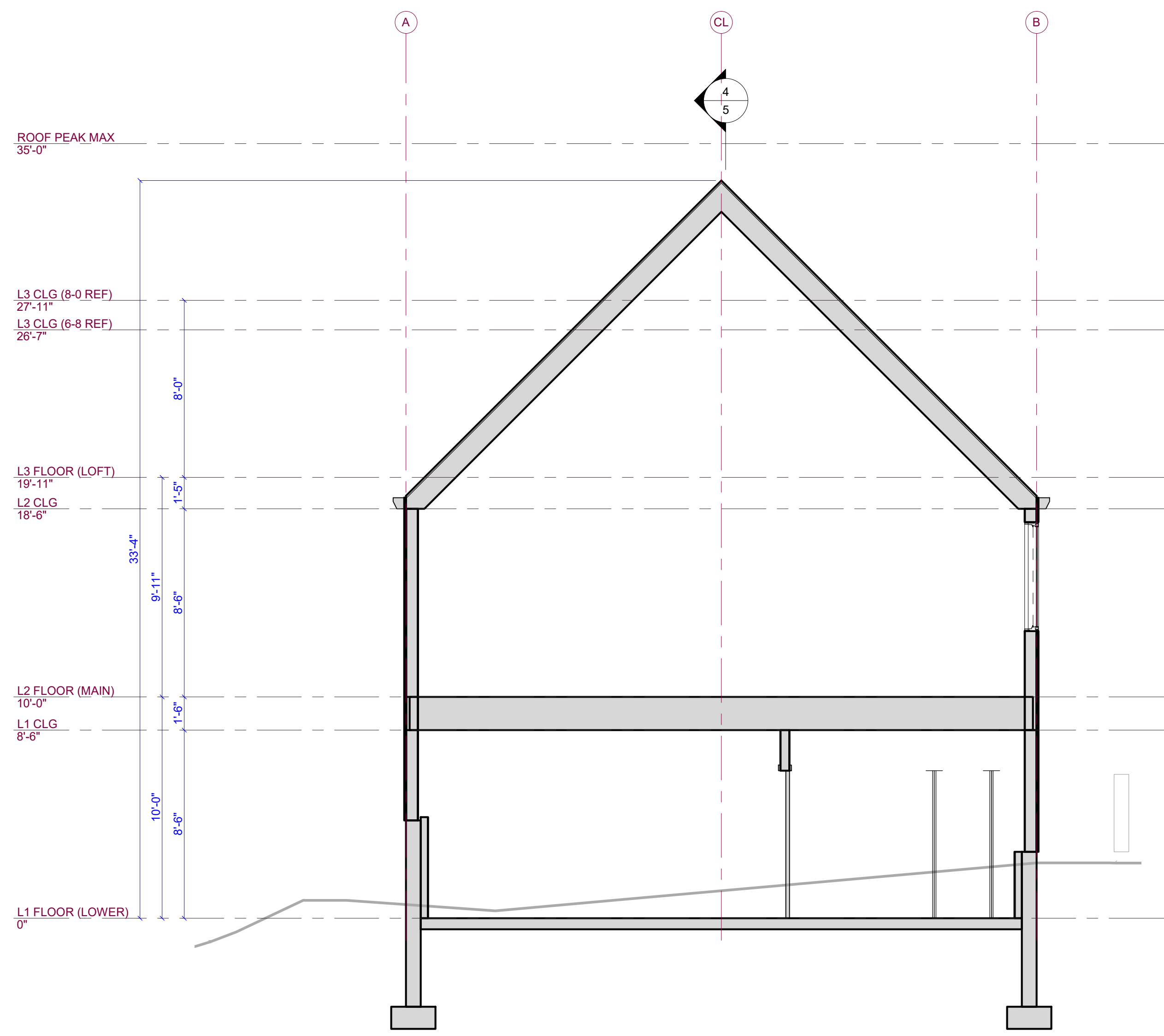
HEISDORFFER HOUSE  
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WHITE BEAR LAKE, MN  
KEVIN & JAMIE HEISDORFFER

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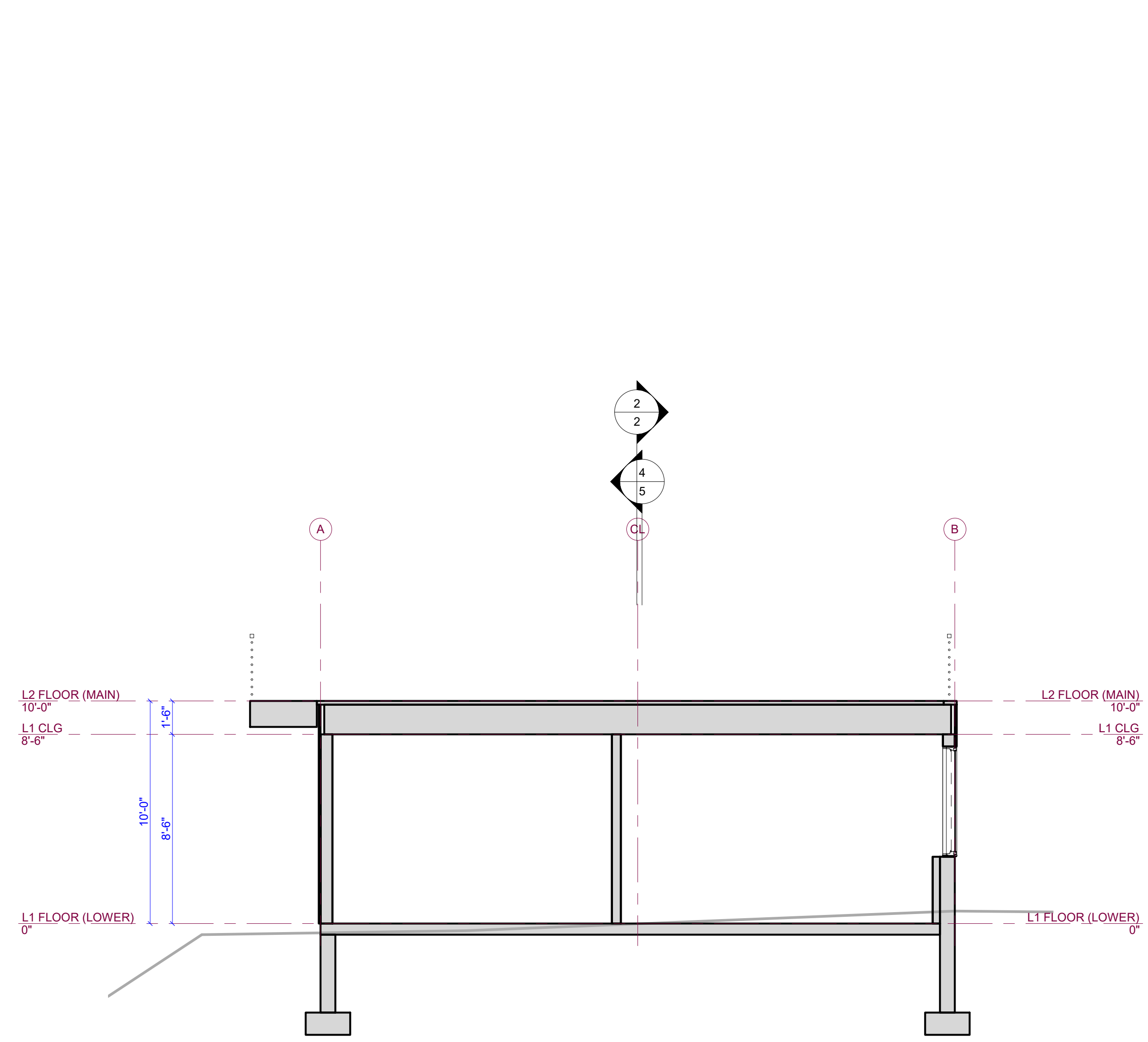
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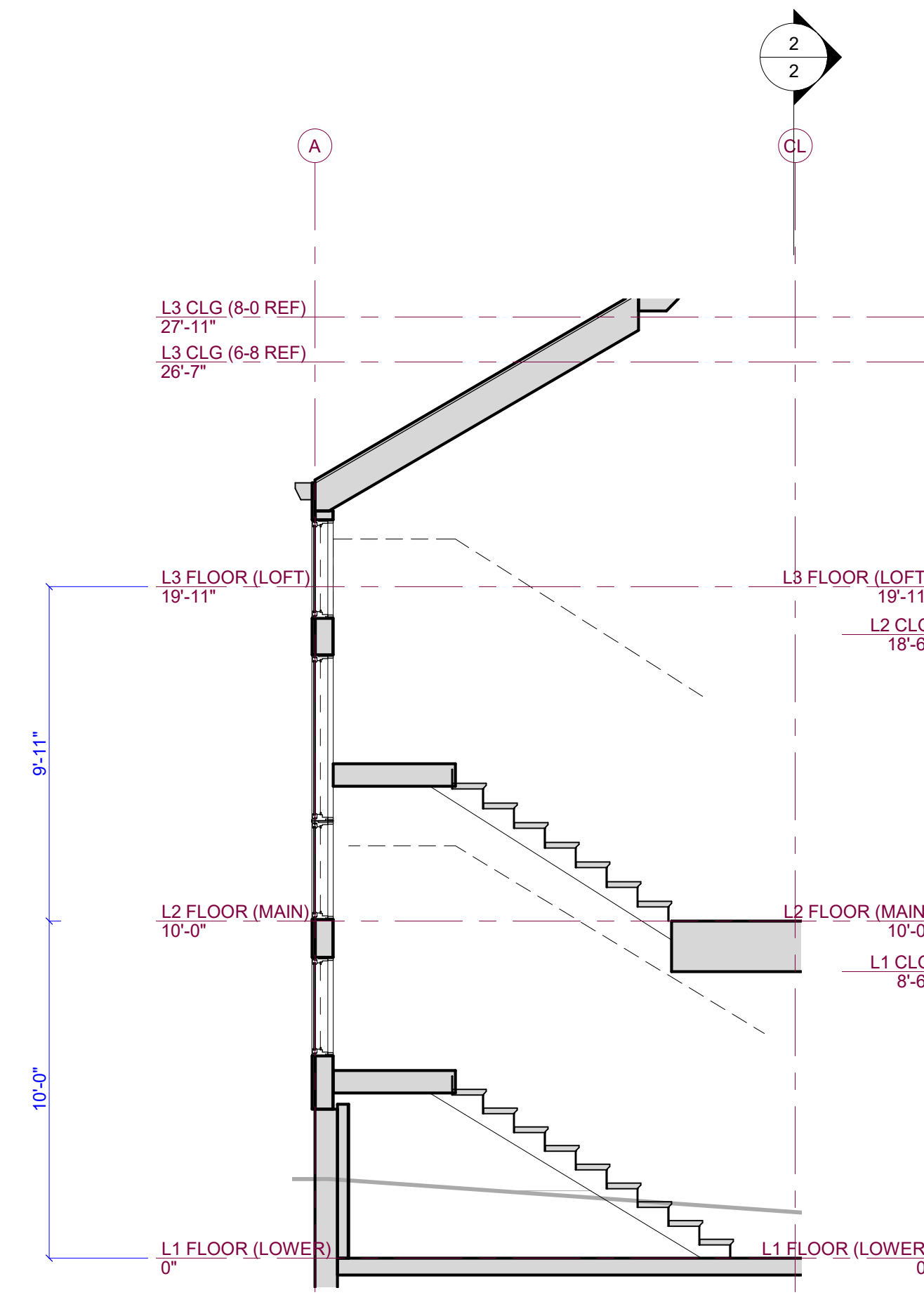
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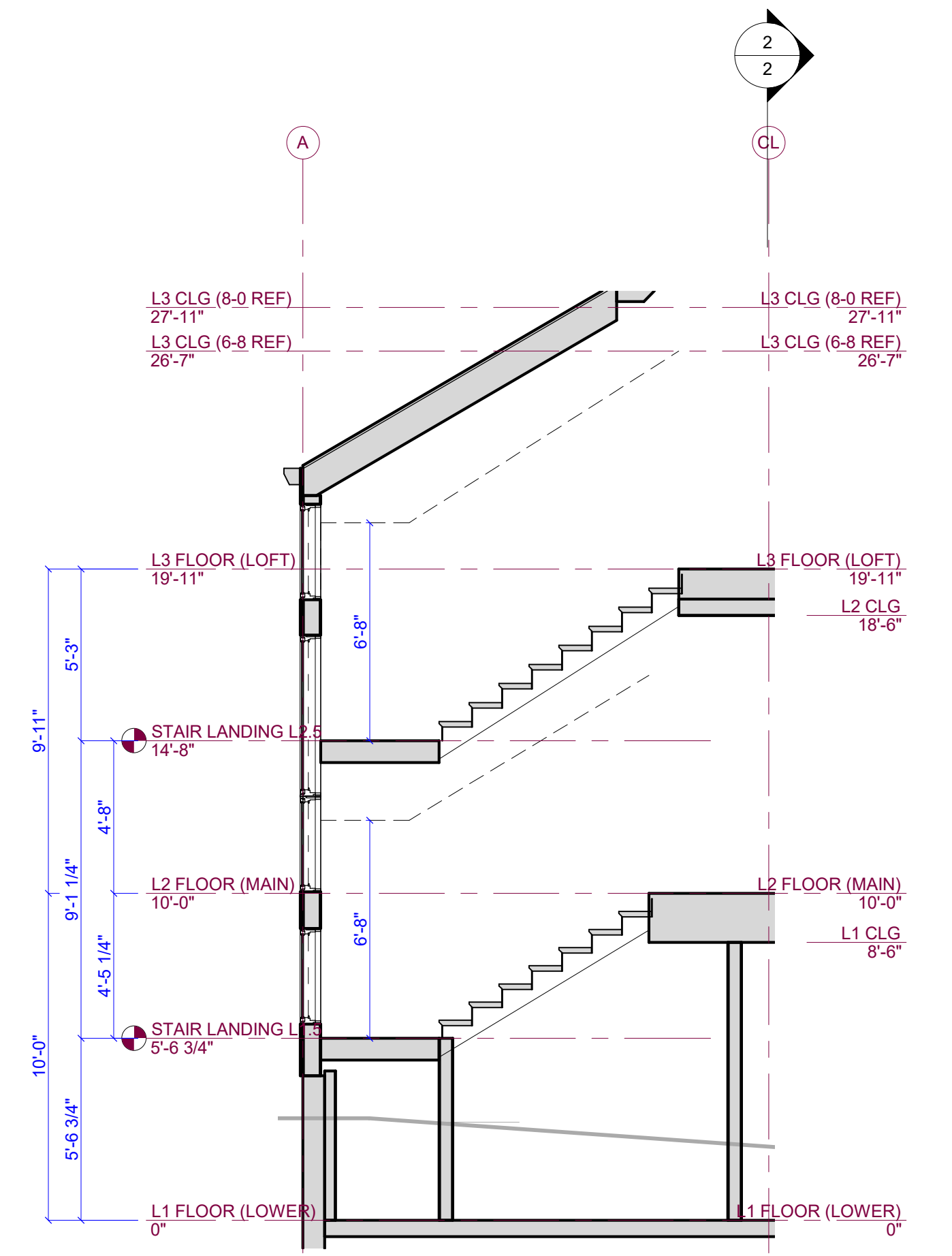
1 Section 1 - WIDTH THROUGH L1 AND L2



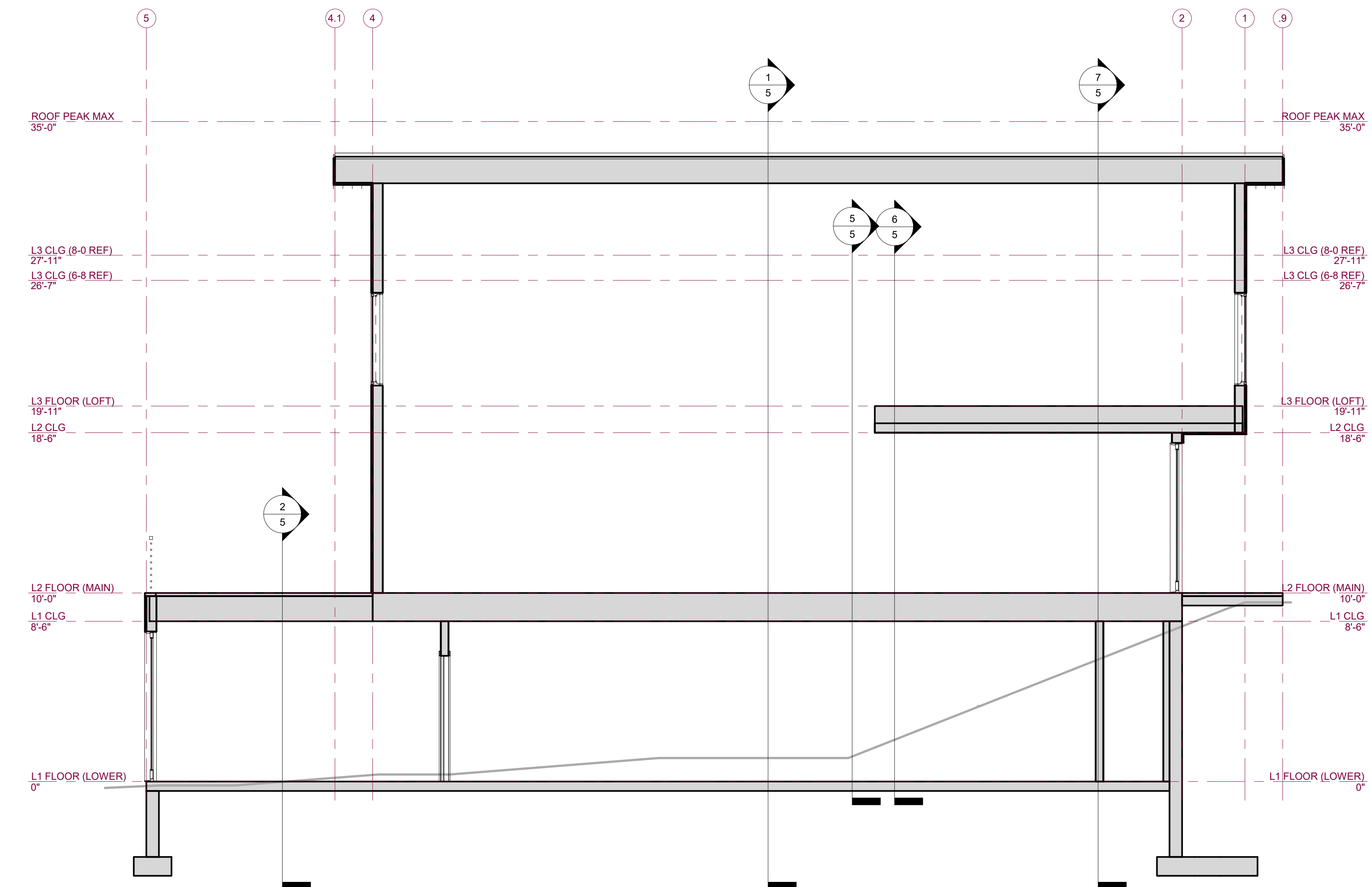
2 Section 2 - WIDTH THROUGH L1 AND DECK



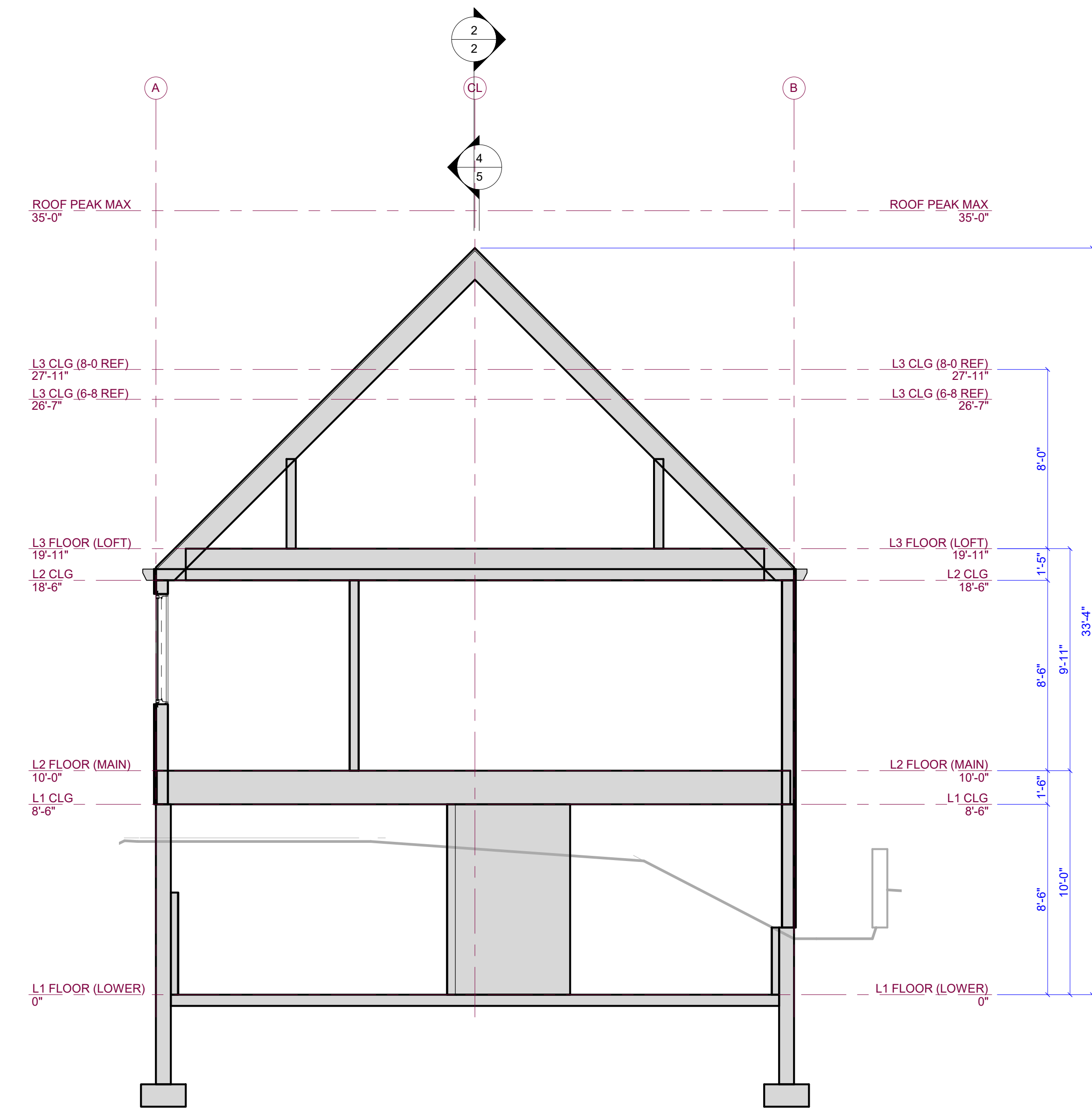
5 Section - STAIRS 1



6 Section - STAIRS 2



4 Section 4 - LENGTH



7 Section 5 - WIDTH THROUGH ALL LEVELS

BUILDING SECTIONS ARE INTENDED TO BE GENERIC.

WALL, ROOF, FOUNDATION, AND OTHER DETAILS TO BE PROVIDED BY THE STRUCTURAL ENGINEER, ARCHITECT, AND CONTRACTORS FOR THE RELATED SCOPE OF WORK.

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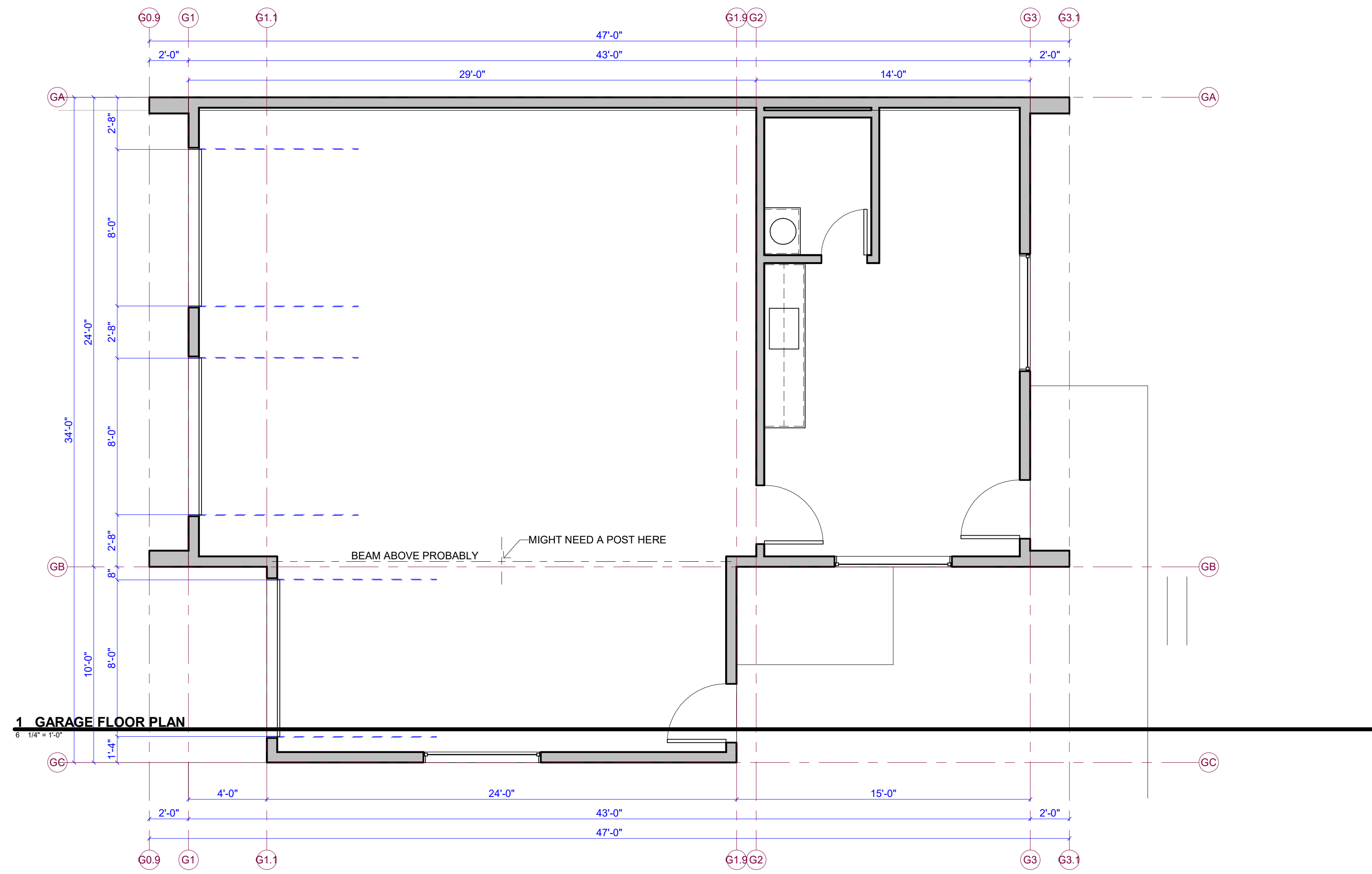
PROJECT:  
HEISDORFFER HOUSE  
423 WILDWOOD AVENUE  
WHITE BEAR LAKE, MN  
KEVIN & JAMIE HEISDORFFER

SHEET ISSUED: 4/7/23

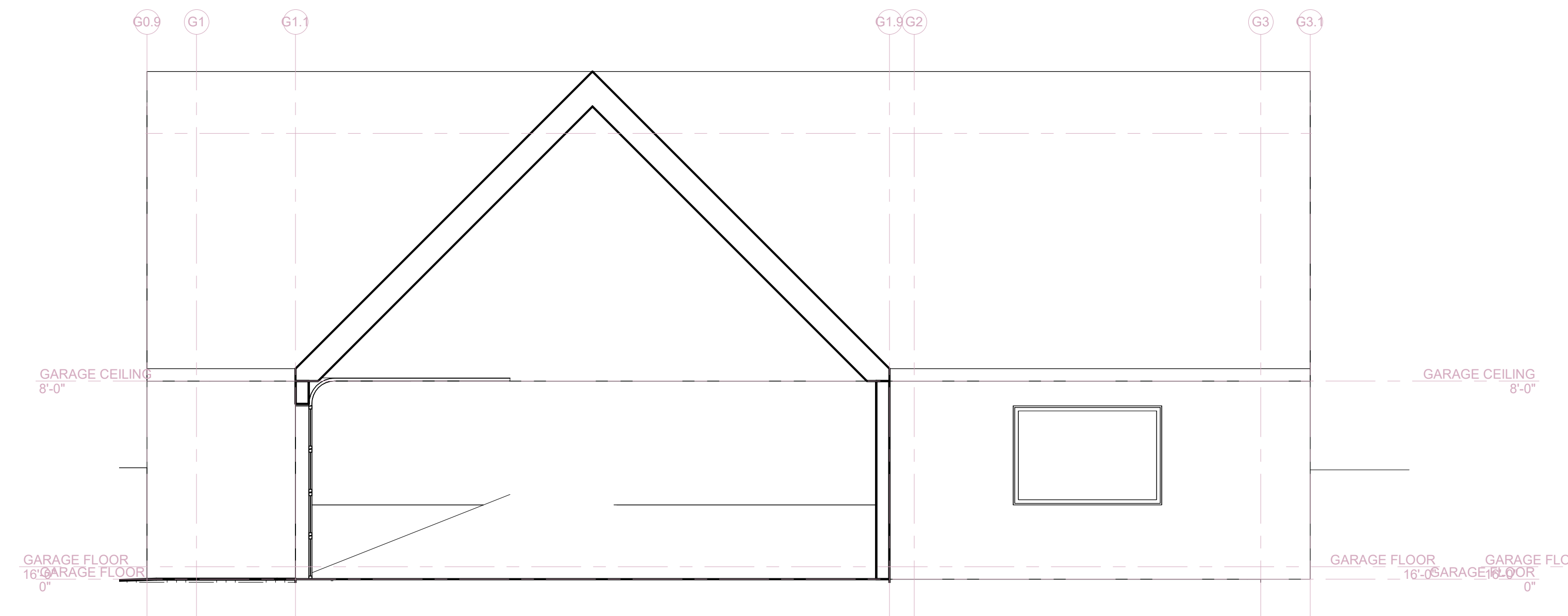
SECTIONS

5

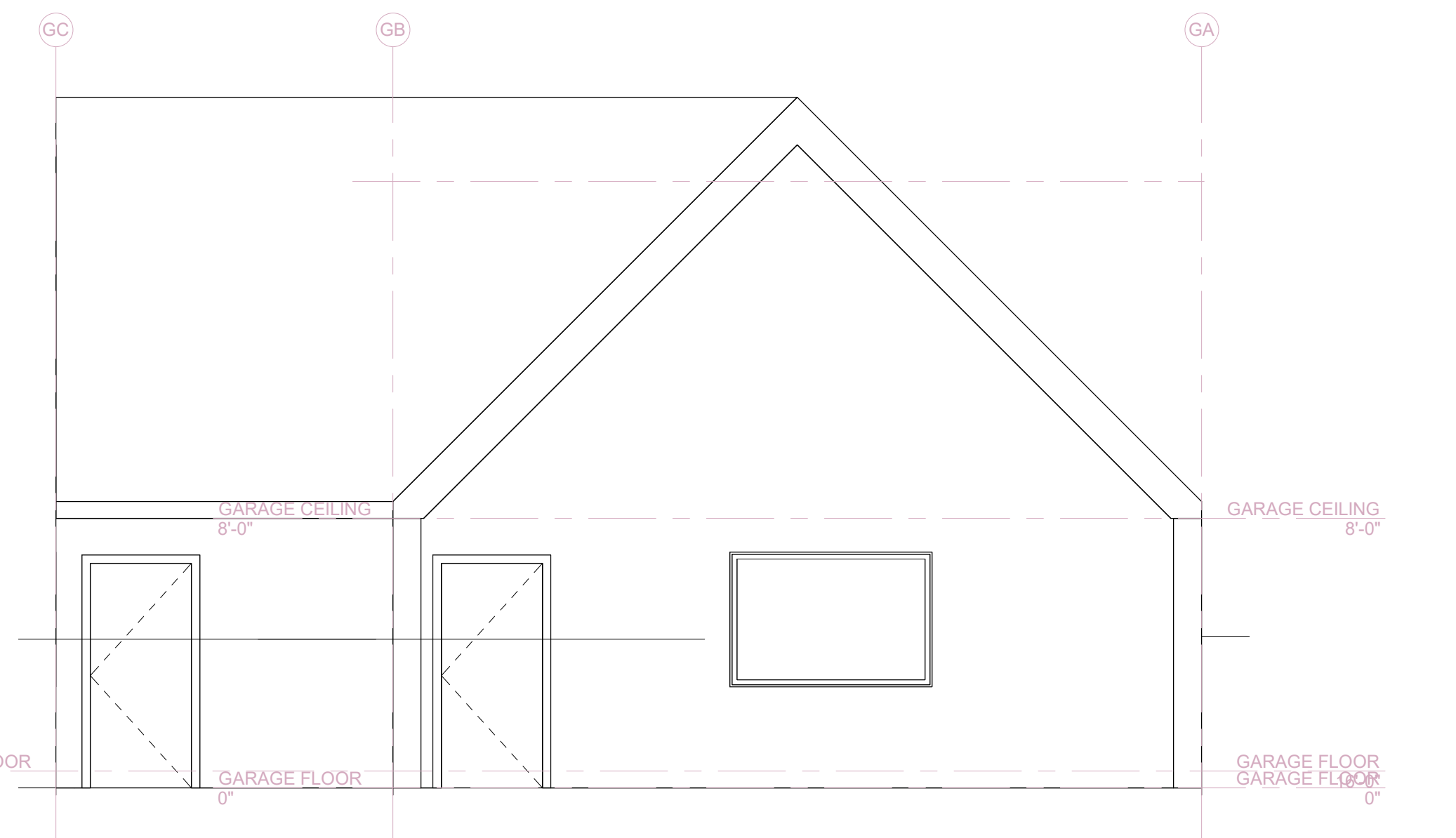
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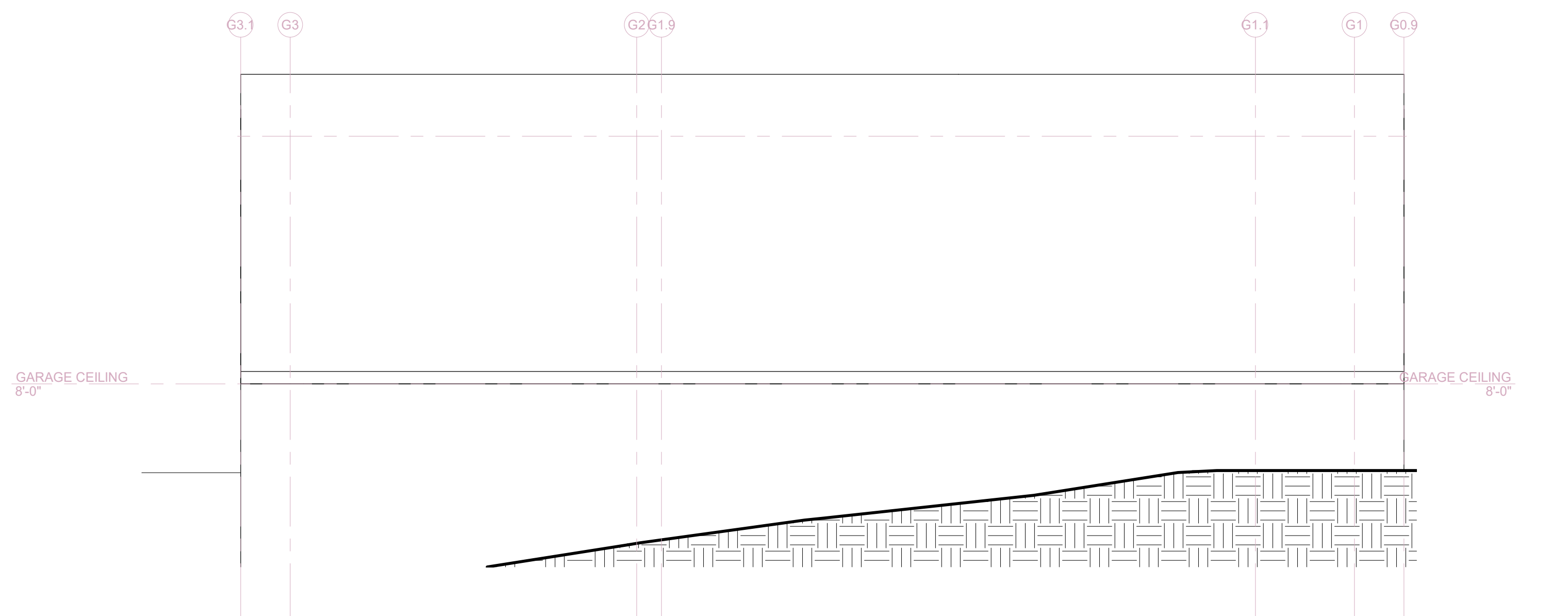
1 GARAGE FLOOR PLAN



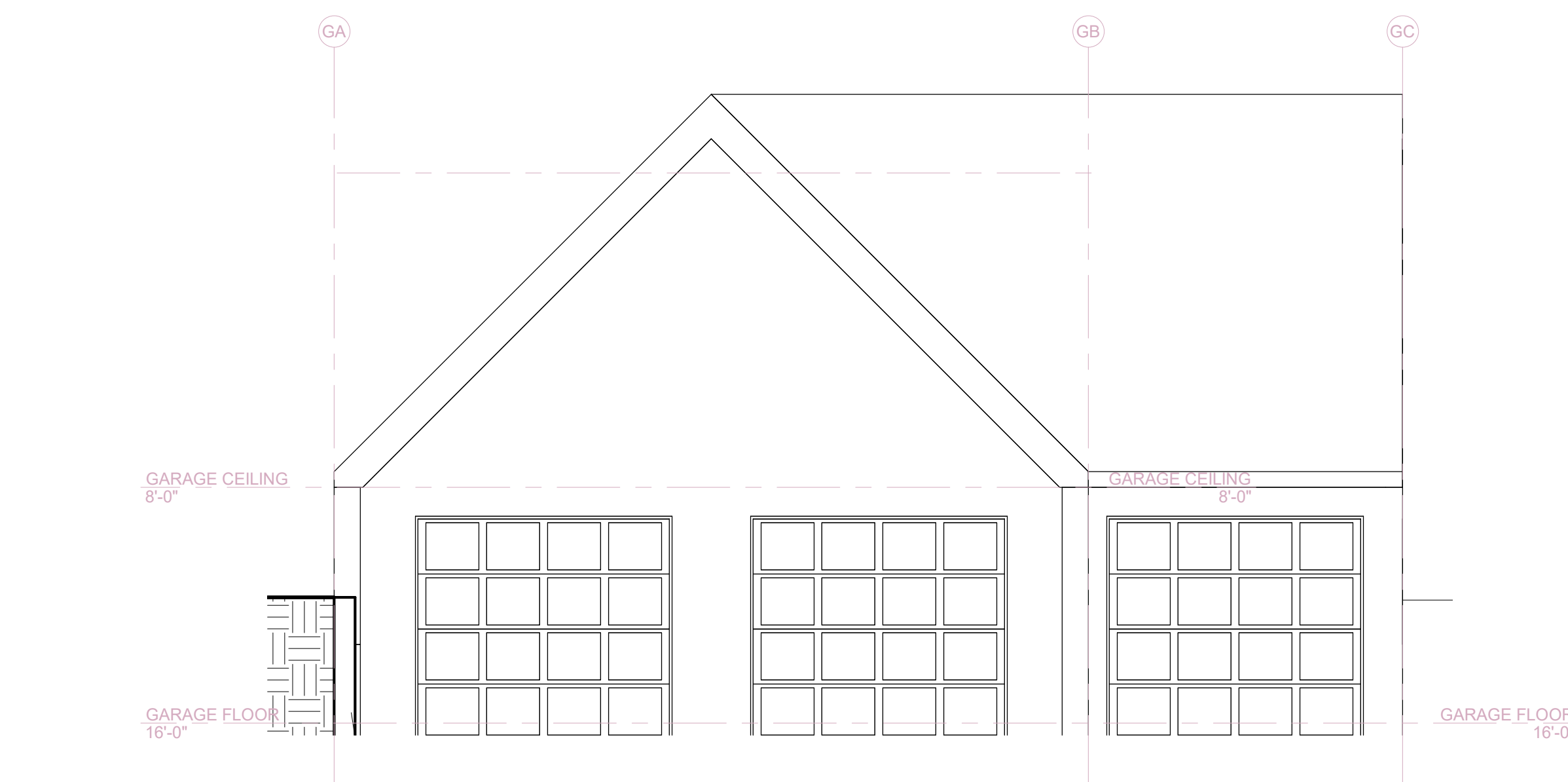
2 GARAGE SOUTH ELEVATION (SIDE)



4 GARAGE EAST ELEVATION (HOUSE/PARK/LAKE)



3 NORTH ELEVATION (SIDE)



5 GARAGE WEST ELEVATION (WILDWOOD)

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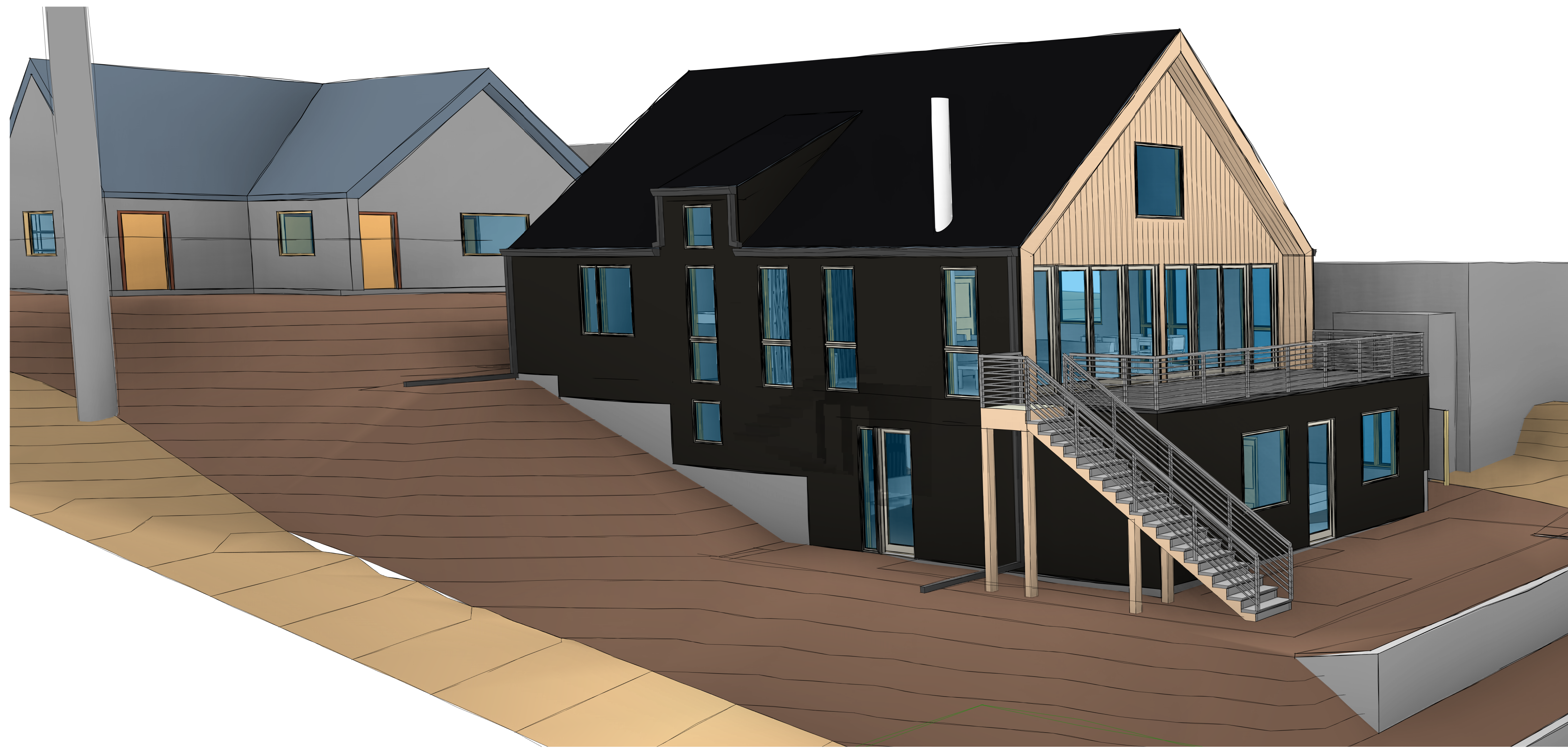
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**GARAGE PLAN AND ELEVATIONS**

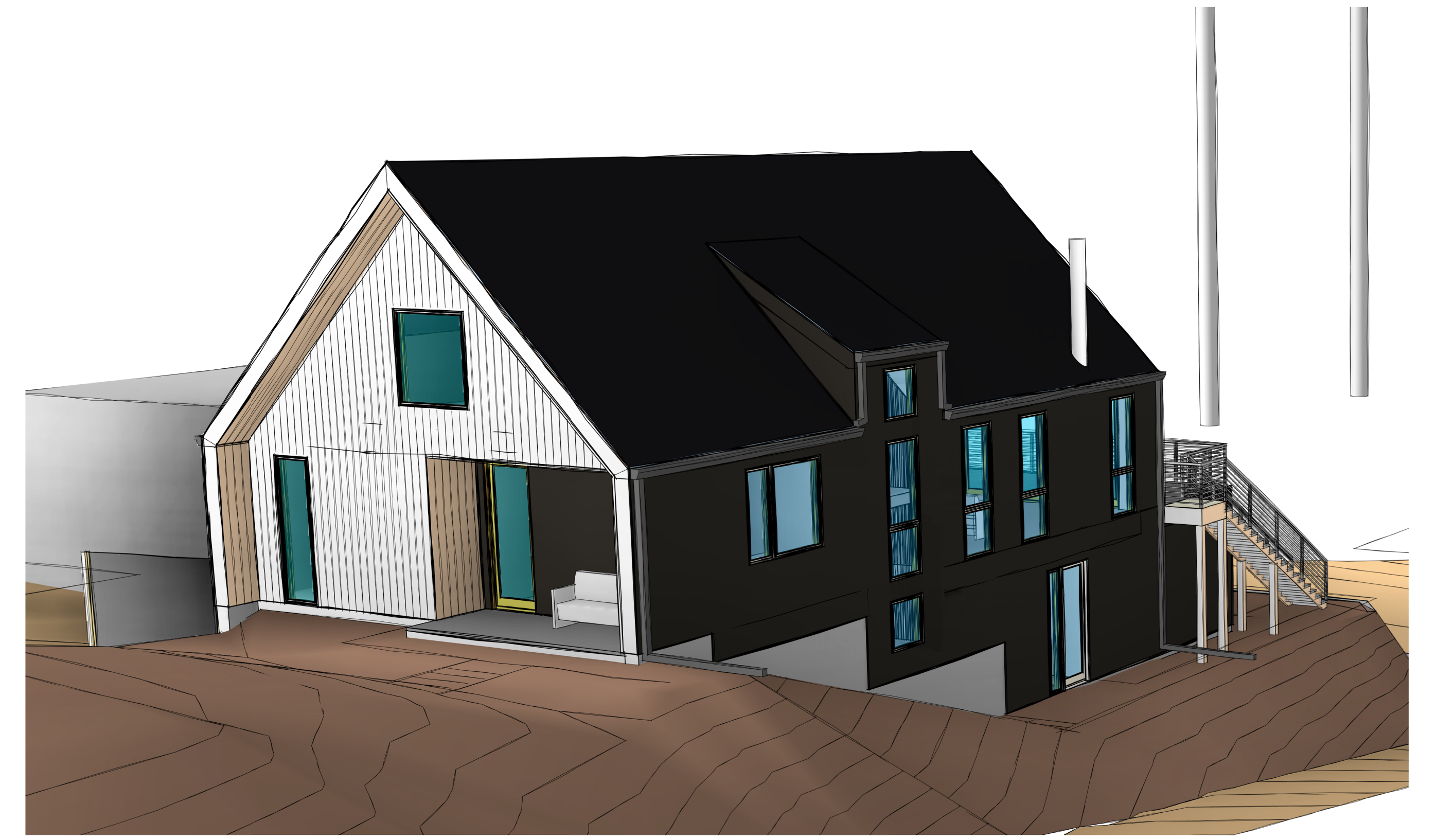
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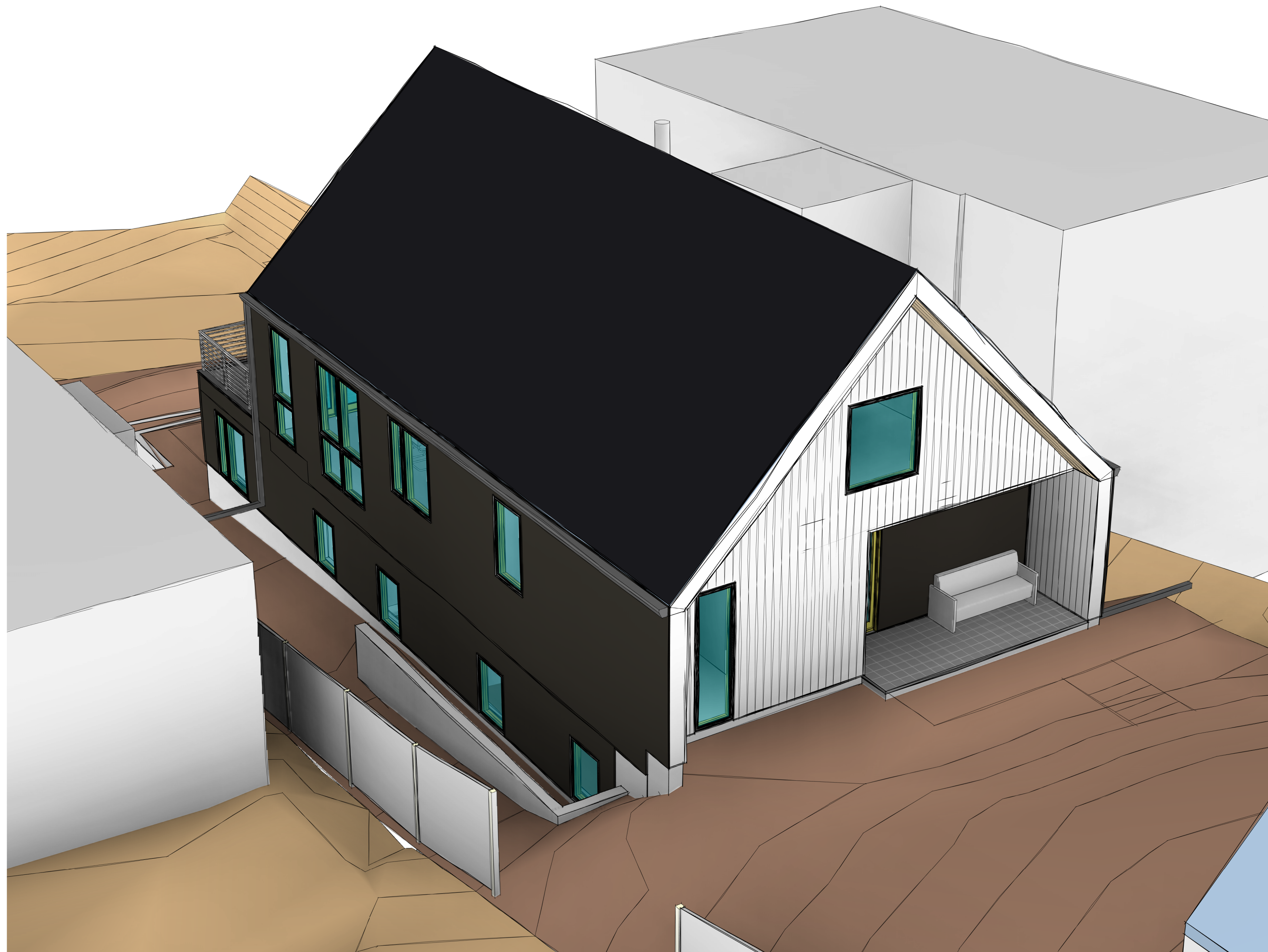




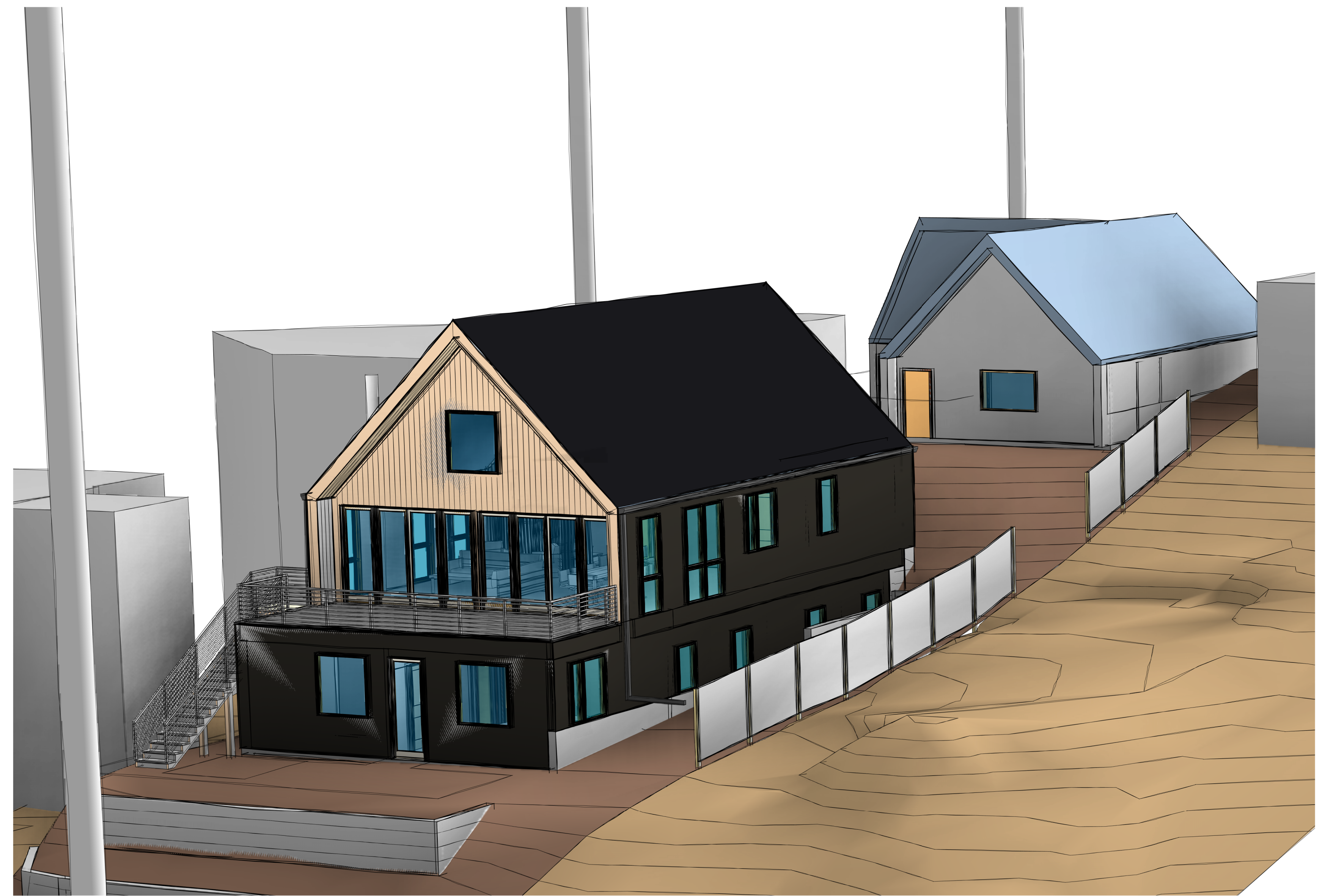
1 ISO4



4 ISO5



3 ISO2



2 ISO3

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HEISDORFFER HOUSE  
423 WILDWOOD AVENUE  
WHITE BEAR LAKE, MN  
KEVIN & JAMIE HEISDORFFER

SHEET ISSUED: 4/7/23

ISOMETRIC VIEWS EXTERIOR



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# STAFF REPORT

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**Meeting Date(s):** May 25, 2023 Planning Commission  
June 2023 City Council

**Scope:** Front and Side Yard Setback Variances  
**Applicant:** Kevin and Jamie Heisdorffer

**Representative:**  
**Property Location:** 423 Wildwood Avenue  
**P.I.D.:**  
**Zoning:**

Report prepared by Ben Wikstrom, Planning Consultant

---

## ATTACHMENTS

1. Application
2. Existing Conditions
3. Site Plan
4. Grading and Drainage Plan
5. Renderings and Building Plans

## BACKGROUND

Kevin and Jamie Heisdorffer have applied for front and side yard setback variances to allow construction of a detached garage that does not meet the required setbacks. The applicants are constructing a single-family home on the vacant lot at 423 Wildwood Avenue. See the aerial and site plan/survey below for more information.



**SURROUNDING USES**

North: Single-family home and detached garage (setbacks encroached)  
East: Unimproved Park Avenue and Tighe-Schmitz Park  
South: Two single-family homes (setbacks encroached by one house and a shed)  
West: Wildwood Avenue and single-family homes

**PROPOSED CONSTRUCTION**

The single-family home will sit on the east half of the lot, shown in light green on the depiction below, as excerpted from the submitted site plan. The home will meet the required setbacks.

There is a rain garden proposed to filter runoff on the east and lower end of the property (see grading and drainage plan attached to the application). The proposed construction is within the impervious surface limits required by ordinance, as can be seen by the calculations shown in the application and on the site plan.

The detached garage is proposed to be a three-stall garage with an office area on the east side, toward the house. The proposed setbacks for the garage are as follows:

- Street side: 26.01' (40' required by ordinance)**
- South side: 13.60' (10' required by ordinance)**
- North side: 8.02' (10' required by ordinance)**



**APPLICANT COMMENT**

From the application:

*“The lot is practically difficult to build on based on the existing topography of the lot (not practical to push the garage further down the hill), width of the lot (not practical for side entry garage), and encroachments of existing adjacent properties (both over the property line, as well as within current setback requirements). We plan to locate the garage in-line with existing structures on adjacent properties and believe this location is in harmony with the intent of the ordinance, consistent with comprehensive plan, and maintains the character of Birchwood.”*

and

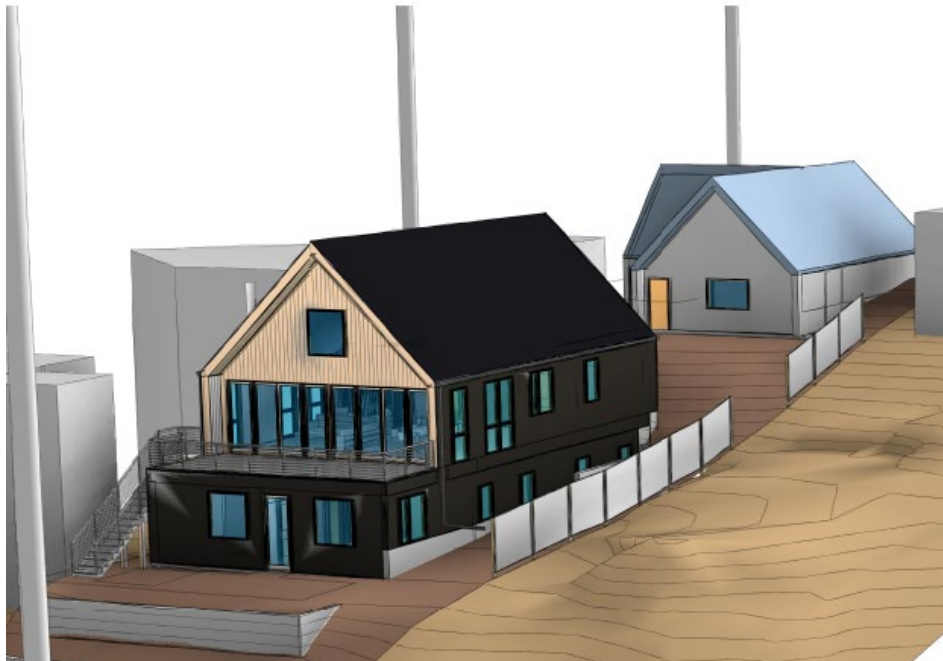
*“Many alternatives were considered. Attached garage not practical due to existing topography of the lot (steep slope). Side entry garage not practical due to width of lot. Entry from unimproved Park Ave not practical. Tuck-under garage and building consolidation not practical due to height restrictions.”*

**STAFF ANALYSIS**

The house meets the requirements of the ordinance, so the analysis that follows pertains to the detached garage and office structure.

The outer wall dimensions of the detached garage and office are 34' X 43'. The two-stall portion of the garage is 24' X 29', which is typical. The third stall is 10' X 24'. The office takes up the remainder of the structure, roughly 24' X 14'. Note that the dimensions shown on the site plan excerpt above are slightly larger; this is the roof dimension for the purpose of measuring impervious surface.

A rendering of the proposed construction is shown here (garage in background):



The proposed location of the structure is in line with neighboring structures along Wildwood Avenue (the blue line on the site plan excerpt above shows the line). With the spacing from the house and steps needed to descend the slope, the front setback is seen as reasonable and the variance request results from the natural grade of the site.

The side setback on the north side is not out of character for the neighborhood, and even the adjacent properties. There is room to have a conforming (as it pertains to the side yard setbacks) location, as explained in the staff comment section at the end of this report. The character and reasonableness "tests" are met with the proposed location, while the practical difficulty of the north-south placement should be addressed by the applicant.

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

SUBD. 1.

*A. Variances shall only be permitted*

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

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

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

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

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

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

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

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

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

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

### **STAFF COMMENT**

The proposed front setback matches the character of the neighborhood and the variance seems to be warranted based on topography, surrounding uses (and placements), and overall practical difficulty in moving the proposed location east and down the hill or shrinking the proposed size.

The only practical – from a location standpoint – solution would be to remove the office from the rear of the garage and locate the structure further from the road. However, the applicant is within the impervious limits allowed by ordinance (so a building of the proposed size is allowed), and the aforementioned surrounding uses seem to make the proposed location reasonable.

The proposed north side setback of 8.02' also meets the character of the neighborhood test, and the width of the structure is reasonable for a three-car garage. Whether the garage can be shifted south 2' to meet both side yard setbacks without the need for the side yard setback variance should be addressed by the applicant.

## 423 Wildwood Ave building variance

Jon Fleck <jon@makinbacon.com>

Tue 5/9/2023 3:17 PM

To: **City of Birchwood Village** <info@cityofbirchwood.com>

Planning Commission members;

Thank you all for all that you do! I know it is thankless - and yet important work that you do on behalf of Birchwood.

Thank you for the notification regarding the construction of a home at 423 Wildwood. My wife, Susan and I were the previous owners of the 423 Wildwood property and currently own 160 feet of frontage at 400 Wildwood, as well as our primary residence at 425 Hall Ave. I'm well versed on that lot having contemplated construction there myself.

We are thrilled to have a young family invest in a new home on that lot. When we sold it - their young family is what we really embraced!

I discourage the applicants from seeking a setback variance from the road. It will result in a non compliant structure that brings with it a short driveway on a hill. Carving out a garage in to that hillside, with an attached home, lends itself well to that topography. A detached garage and an outdoor walk down to a home in my view is far less desirable, unsafe and counter to staying within the street setback code.

I do not believe there is a practical difficulty on the north side of the lot that would support a variance. I am opposed to this request. If anything, that home/garage should be placed further from the structures that are both currently within a few feet of that property line. Frankly, I would stay away from either of those structures for a number of reasons.

Although I appreciate the challenges of building on that lot - it appears that both of these requests are driven by preference vs practical difficulty.

I will not be able to attend the 25th but do appreciate your service, your investment in our community and our soon to be new neighbors!

Sincerely,

Jonathan Fleck  
400 Wildwood  
425 Hall



423 Wildwood Ave building variance (case No. 23-04-VB)

May 22, 2023

To: City of Birchwood Village Planning Commission and City Council

I recently received notification of the proposed new construction at 423 Wildwood Ave. My 98 year young mother, Josephine Simes, and I are the owners of the adjoining property at 419A Wildwood Ave.

In 2023 we are celebrating 80 years that four (4) generations of my family have enjoyed being a part of Birchwood Village.

We look forward to meeting our new neighbors.

We have several concerns regarding the new construction and the possibility of it having a negative impact on our property and our ability to use our property. We do not have central air and rely on the windows for ventilation. The large structure and fence as proposed threaten to impair both our ability for fresh air and daylight. The large structure appears to cast a permanent shadow on our cottage blocking the daylight and air flow.

Another concern is the large roof line directing water and snow melt toward our property.

In addition, the fence along the garage may block access to our storage box and the fence forward of the proposed house may interfere with access to our easement across the balance of 419B Wildwood Ave.

Keeping the set back requirements from the street by setting the garage into the hill, would keep the height of the garage lower, slow the runoff to the street -by having a less steep slope, maintain access to our storage area and keep the air space and daylight open to our cottage at 419A.

For the reasons above and the hardships the variance would create we are opposed to this request.

Thank you for your time and consideration.

Best regards,

Jim Berg  
419A Wildwood AV  
651.260.9333  
Jim@TwinCitiesMagic.com

Proposal to create a Birchwood Road-Works plan for 2024-2027 budget years  
Submitted by Margaret Ford, Mayor, June 6, 2023

This proposal has three steps that are targeting a late August 2023 deadline so that we as Council members can authorize cost-effective road improvements for 2024-2027. This 3 year plan will look at the state of our roads to identify those situations where a larger spend in the short-term will save us annual repairs in the medium-term.

The proposal has three steps:

- 1) **Learn:** Authorize funds for our city engineer to: (Due date, July 11)
  - a. Collect and review Birchwood plans and road work expenses over the past 10 years or so.
  - b. Identify road repairs that would be beneficial, but are not scheduled at this time. (Deferred maintenance.)
  - c. Identify roads not likely to need repair.
  - d. Plan for needed changes to accommodate walking and biking.
  - e. Conclusion: Describe to the City Council the state of our roads. A brief description of history of cost of repairs and a fee proposal to create a detailed plan for 2024-7.
- 2) **Assess:** Authorize fees to prepare a detailed Roads Plan 2024-7. (Due Date, August 8)
  - a. Identify High Impact repairs, cost and timing: these are the roads most used and most in need of repair and with substantial annual maintenance costs. (The cost and timing will be estimates based on engineer and/or vendor estimates.)
  - b. Identify medium impact repairs: roads where the repairs will save us money. (The cost and timing same as above.)
  - c. Identify roads not likely to need repairs in the next 3 years.
  - d. City Council will review and discuss recommended draft plan for 2024-7.
  - e. A 2024 plan will emerge and be approved for getting vendor bids.
- 3) **Decide:** Setting final budget for approval from recommendations in Plan. (Due date, late August special meeting)
  - a. Ask for bids from vendors for proposed 2024 work (based on city council approval of recommendations in e. above).
  - b. Approximate repair costs (based on 2024 pricing) targeted for 2025.
  - c. Approximate repair costs (based on 2024 pricing) targeted for 2026.
  - d. Approximate repair costs (based on 2024 pricing) targeted for 2027.

This is a 3 step process to move us through the learning about what we have done, assess what we could do, and decide on a budget and plan for our roads. We will invite community input at each step. Identifying which roads will be repaired vs. resurfaced will be based on the experience and judgement of the City Engineer and vendor. It's important to keep the broader value to the community in mind. This 3 step process moves deliberately towards an informed plan that will allow us as a City Council and Community to make the necessary trade-off decisions and incorporate or note, and include in future plans the unexpected issues that emerge.



To: Birchwood City Council  
From: Ryan Hankins  
Re: Righting and Rewriting the right-of-way-code

*June 13 remarks:*

Discussion in May related to how much the city can limit wireless support structures. The maximum height to which the city can limit those structures is 50 feet.

Minn Stat. § 237.163 Subd. 3b(b):

A local government unit must not limit the placement of small wireless facilities, either by minimum separation distances between small wireless facilities or maximum height limitations, except that each wireless support structure installed in the right-of-way after May 31, 2017, shall not exceed 50 feet above ground level, unless the local government unit agrees to a greater height, subject to local zoning regulations, and may be subject to separation requirements in relation to other wireless support structures.

*May 9 remarks:*

First, statute limits significantly how much the city can regulate right-of-way. In general, we are limited to permitting for obstructions, excavations and wireless facilities:

Minn Stat. § 237.163 Subd. 2 (in part):

A local government unit may, by ordinance ... require a telecommunications right-of-way user seeking to excavate or obstruct a public right-of-way for the purpose of providing telecommunications services to obtain a right-of-way permit to do so and to impose permit conditions consistent with the local government unit's management of the right-of-way.

Minn Stat. § 237.163 Subd. 3a (in part):

A local government unit may require a telecommunications right-of-way user to obtain a permit or permits under this section to place a new wireless support structure or collocate a small wireless facility in a public right-of-way managed by the local government unit.

Style Definition: Heading 2

Style Definition: Heading 3

Style Definition: Heading 4

Style Definition: Heading 5

Style Definition: Heading 6

Style Definition: Title

Additionally, we can require fees for those permits we can issue, plus for registration, but we cannot necessarily require permits for the hanging of cables.

Minn Stat. § 237.163 Subd. 6 (in part):

A local government unit may recover its right-of-way management costs by imposing a fee for registration, a fee for each right-of-way or small wireless facility permit.

Thus, I have added a reference to a fee that the city council may impose in the fee schedule for registration, but I have not added that fee. This would be the most likely fee that a resident would have to pay.

We are also unable to require a franchise fee or other fees that aren't authorized.

Minn Stat. § 237.163 Subd. 7 (in part):

No local government unit may require a telecommunications right-of-way user to obtain a franchise or pay for the use of the right-of-way.

...

Except as provided in this chapter or required by federal law, a local government unit shall not adopt or enforce any regulation on the placement or operation of communications facilities in the right-of-way where the entity is already authorized to operate in the right-of-way, and shall not regulate or impose or collect fees on communications services except to the extent specifically provided for in the existing authorization, and unless expressly required by state or federal statute.

*April 11 remarks:*

Our existing right-of-way code is from a previous version of the right-of-way code derived from the League of Minnesota Cities model ordinance. The model ordinance has been updated since that time, or else our current ordinance underwent many changes. Since CenturyLink/Lumen appears to be upgrading facilities, revision is appropriate.

The purpose of Right-of-Way regulation is largely to ensure that the city can regulate utilities and telecommunications as permitted by statute only if the city exercises its powers to do so in an ordinance. LMC indicates that a recital is necessary, which our existing code lacks:

Cities must “opt in” by exercising the authority given to them in state law. A recital in the preamble of the ordinance is necessary, and is included in the model right-of-way ordinances provided.

Because this section of code is large, complex, and the LMC model is constructed with consideration for federal and state laws and regulations and case law, it makes sense for our ordinance to hew as closely as possible to the model; this proposal modifies the model to make it appropriate for Birchwood, while keeping section numbers similar, making reference to the current model and adaptation to a similar future model easier.

Significant portions of the current right-of-way code have sections that go beyond the statutory powers of the city; our current code could be unenforceable, and utility or telecommunications companies might not be as forgiving as we'd hope.

In order to minimize the changes from the model, a previous modification to Birchwood's ordinance regulating dumpsters and portable storage units is better placed in Chapter 615 relating to Exterior Storage, and a change to that Chapter is proposed here.

This ordinance also fits better in the 2xx section relating to city services and building regulation, with chapters regulating gas and electric utilities.

White Bear Lake has a section similar to §208A.060, without additional exceptions. §208A.060(3) does have a section exempting gardens.

Additionally, the "exceptions" section of our existing ordinance is broad:

309.044 **EXCEPTIONS.** The following are not subject to the requirements of this Section:

1. Person or Persons planting or maintaining pre-approved boulevard surface plantings or gardens.
2. Person or Persons installing mail boxes or private sidewalk from street or curb to dwelling or commercial structure.
3. Person or Persons engaged in commercial or private snow removal activities.
4. Person or Persons installing street furnishings.
5. Person or Persons installing irrigation systems.
6. City of Birchwood Village.
7. Persons acting as agents, contractors or subcontractors for a registrant who has properly registered in accordance with this Section.

Because any subsurface work in a right-of-way risks harm to facilities, current exemptions are tantamount to exempting government vehicles from stopping at stop signs.

I asked Kyle Hartnett at the League of Minnesota Cities this question and he responded:

Typically, a driveway would require a right of way permit because the applicant would be excavating the right of way. Annual registration is typically required for “facilities” placed in the ROW. Typically, the ordinance will note that facilities relate to telecommunication assets. Therefore, a mailbox or driveway would not be required to annually report to the city.

I made the following modifications to the model to make clearer that registration applies to work on *facilities* in right-of-way, not *right-of-way* itself.

Registration. Each person authorized to occupy or use, or who seeks to occupy or use, the right-of-way ~~to~~ place any equipment or facilities ~~in or on the right of way~~, including persons with installation and maintenance responsibilities by lease, sublease, or assignment, must register with the city. Registration will consist of providing application information.

Registration Prior to Work. No person may, in any right-of-way, construct, install, repair, remove, relocate, or perform any other work on, or use any facilities or any part thereof, ~~in any right of way~~ without first being registered with the city.

The existing communications code has several sections relating to traffic management: flaggers, notice of traffic closure, and parking prohibited. These sections are covered in other code or may be unnecessary.

Because this code repeals a section of zoning code, Minnesota Statute §462.357 Subd. 4. requires a referral to the planning commission for its recommendation.

Four documents follow:

1. Amendment to fee schedule.
2. Amendment to Chapter 615.
3. Repeal of Chapter 208 and 309, and enactment of Chapter 208A.
4. LMC Recommendation for Summary Publication of Ordinance 208A.

Today:

I move to place this item on the Planning Commission’s agenda for its next meeting, and request that it consider this memo, provide advice to the City Council, and make a recommendation on the repeal of Chapter 309, as required by Minnesota Statute §462.357 Subd. 4.

Future:

Direct staff to generate a permit form for:

1. Excavation.
2. Obstruction.
3. Small Wireless Facility

**ORDINANCE 2023-04-02**

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

**AN ORDINANCE AMENDING THE FEE SCHEDULE**

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

EFFECTIVE DATE: This Ordinance shall be in full force and effect from and after its passage and approval and publication as required by law.

Adopted by the City of Birchwood Village City Council this \_\_\_\_<sup>th</sup> day of \_\_\_\_\_, 2023

\_\_\_\_\_  
Margaret Ford, Mayor  
Attest:

\_\_\_\_\_  
Rebecca Kellen, City Administrator-Clerk

EXHIBIT A.

PLANNING AND ZONING FEES, ESCROWS AND DEPOSITS *subject to additional fees, in that section of the fee schedule. All planning and zoning	Conditional Use Permit (CUP) Application or Amendment *	306.010	\$460.00	
	Refundable Conditional Use Permit or CUP Amendment Escrow for permitting costs incurred by city		\$3,000.00	
	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	
	Street Vacation Application *		\$300.00	

permits require an additional refundable permit escrow when listed.

	Refundable Street Vacation Escrow for permitting costs incurred by city	302.050	\$3,000.00	
	Variance Application *	304.020	\$600.00	
	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	
	Subdivision: Preliminary Plat Application *	308.040(3)	\$1,000.00	
	Subdivision: Refundable Preliminary Plat Application Escrow for permitting costs incurred by city	301.055(2)	\$10,000.00	
	Subdivision: Final Plat Application *	308.050	\$1,000.00	
	Subdivision: Refundable Final Plat Application Escrow for permitting costs incurred by city	301.055(2)	\$10,000.00	
	Zoning Permit *	307.010	\$50.00	
	Refundable Zoning Permit Escrow for permitting costs incurred by city	301.055(2)	\$3,000.00	
	Right of Way (ROW) Permit Application Fee *	309.061	<del>\$300.00</del> + <del>\$100.00/hour</del> for plan review after two hours	
	Refundable ROW Permit Escrow for permitting costs incurred by city	301.055(2)	\$3,000.00	
	Right of Way Degradation Fee	309.080	Permit holder responsible for actual costs	
	Move a building from its present location in Birchwood to any other site, whether or not the new site is within the City. *		\$500.00	
	Refundable building move escrow for permitting costs incurred by city	301.055(2)	\$1,000.00	
	Certificate of occupancy		\$25.00	

Public Property Access Limited License	607.235	\$50.00	
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<u>RIGHT OF WAY FEES</u>	<u>Refundable ROW Excavation Permit Deposit</u>	<u>301.055(2)</u>	<u>\$3,000.00</u>	
	<u>Obstruction Permit</u>	<u>208B.06(2)</u>	<u>\$200</u>	
	<u>Excavation Permit</u>	<u>208B.060(1)</u>	<u>\$200</u>	
	<u>Small Wireless Facility Permit</u>	<u>208B.060(3)</u>	<u>\$500.00 up to 5 sites, \$100.00 for each additional</u>	
	<u>Delay Fee: minimum</u>	<u>208A.090(3)</u>	<u>\$60 plus \$20 / day each day late over 3 days</u>	
	<u>Delay Fee: one lane blocked to motor vehicle traffic</u>	<u>208A.090(3)</u>	<u>\$60 / day</u>	
	<u>Delay Fee: fully blocked to motor vehicle traffic</u>	<u>208A.090(3)</u>	<u>\$100 / day</u>	
	<u>Refundable Right-of-Way Non-Excavation Damage Deposit</u>	<u>208A.100(6)</u>	<u>\$3,000.00</u>	

<u>COMMUNICATIONS FEES</u>	<u>Permit to install, repair, remove or relocate communications facilities *,**</u>	<u>208.020</u>	<u>\$50.00</u>	<u>12/2022</u>
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**RESOLUTION 2023-28**

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

**A RESOLUTION APPROVING SUMMARY PUBLICATION OF  
ORDINANCE NO. 2023-04-02: AN ORDINANCE AMENDING THE FEE SCHEDULE.**

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

**WHEREAS**, the City has adopted Ordinance No. 2023-04-02, which amends the fee schedule; and

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

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

1. Because the terms of Ordinance 2023-04-02 are lengthy, the City may publish the attached summary of the Ordinance as allowed by statute, and need not publish the entire ordinance. The attached summary clearly informs the public of the intent and effect of the Ordinance. Summary publication has been approved by at least a 4/5 vote of the City Council.
2. The effective date of the Ordinance amendments shall be upon their publication by summary as required by law.

Resolution duly seconded and passed this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Margaret Ford, Mayor

Attest:

\_\_\_\_\_  
Rebecca Kellen, City Administrator-Clerk

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

AN ORDINANCE SETTING THE CITY'S FEE SCHEDULE FOR VARIOUS PERMITS  
PURSUANT TO BIRCHWOOD CITY CODE.

The following is a SUMMARY of the Ordinance:

On June 13, 2023 the City adopted an Ordinance  
(2023-04-02) setting the City's Fee Schedule for services/  
permits.

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

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

**ORDINANCE NO. 2023-04-03**

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

**AN ORDINANCE ADOPTING SECTION 060 OF ORDINANCE NO. 615 ADOPTED ON  
JULY 11, 1995, AND TITLED “EXTERIOR STORAGE.”**

**Section 1.** Findings and Purpose.

*The repeal of Chapter 309 removes a prohibition on roll-off or portable, on-demand storage containers in streets. The City has a public interest in allowing the free flow of traffic and preventing obstructions in streets, but this section is better placed in Chapter 615 of the City Code, because that chapter relates more closely to exterior storage than right-of-way issues.*

**Section 2.** Enactment.

Section 615.060, Ordinance No. 615 of the City Code is hereby adopted, to read as follows:

615.060 TEMPORARY OUTDOOR STORAGE CONTAINERS. Temporary outdoor storage containers include, but are not limited to, portable on-demand storage units and roll-off dumpsters. All temporary outdoor storage containers shall be regulated by this section. No person shall allow any temporary outdoor storage container to be placed or to remain in any street, roadway, parkway or alley.

Passed by the City Council of The City of Birchwood Village, Minnesota this \_\_\_\_ day of February, 2023.

EFFECTIVE DATE: This ordinance becomes effective on the date of its publication, or upon the publication of a summary of the ordinance as provided by M.S. § 412.191, subd. 4, as it may be amended from time to time, which meets the requirements of M.S. § 331A.01, subd. 10, as it may be amended from time to time.

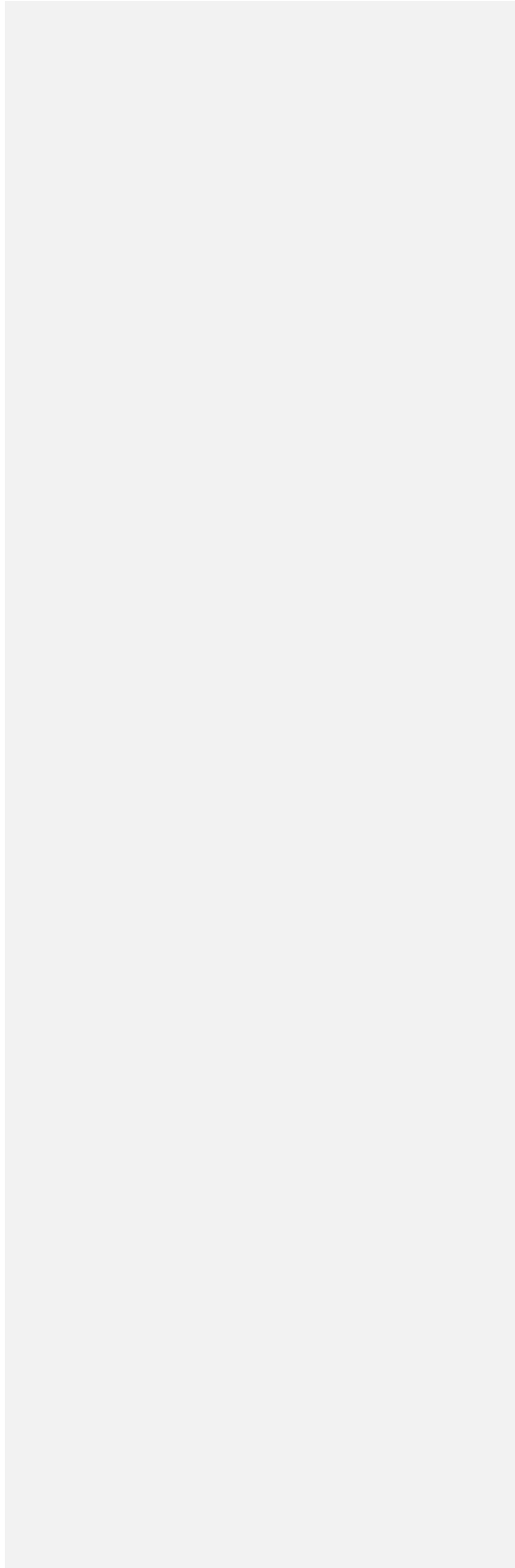
Adopted by the City of Birchwood Village City Council this \_\_\_\_th day of \_\_\_\_\_, 2023

\_\_\_\_\_  
Margaret Ford, Mayor

Attest:

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Rebecca Kellen, City Administrator-Clerk



**ORDINANCE NO. 2023-04-04**

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

**AN ORDINANCE TO ENACT A NEW CHAPTER OF THE CODE OF ORDINANCES TO ADMINISTER AND REGULATE THE PUBLIC RIGHTS-OF-WAY IN THE PUBLIC INTEREST, TO PROVIDE FOR THE ISSUANCE AND REGULATION OF RIGHT-OF-WAY PERMITS AND TO REPEAL SECTIONS 208 TITLED “COMMUNICATIONS” AND 309 TITLED “PUBLIC RIGHT-OF-WAY” OF THE CITY CODE**

**THE CITY COUNCIL OF THE CITY OF BIRCHWOOD VILLAGE, WASHINGTON COUNTY, MINNESOTA ORDAINS:**

**Section 1. Repeal.**

Chapters 208 and 309 of the City Code are hereby repealed in their entirety.

**Section 2. Enactment.**

Chapter 208A of the Code of Ordinances is hereby enacted, to read as follows:

**Chapter 208A**

**Right-of-way Management**

208A.010. FINDINGS, PURPOSE, AND INTENT.The city desires to regulate telecommunications right-of-way users without undue burden of permitting or regulation of the public, to regulate uses within the right-of-way and to reduce risks to telecommunications and utilities facilities. Except for telecommunciations and utilities users, the city strives to limit the requirements in this section to the reduction of risk of harm to telecommunicatons or utilities facilities. The city further endeavors not to require fees beyond those required in other chapters, nor registration for typical residential excavation for driveways, mailboxes, gardens, tree maintenance and plantings.

The purpose of this code is to provide for the health, safety, and welfare of citizens and to ensure the integrity of its streets and the appropriate use of the rights-of-way. The city strives to keep its rights-of-way in a state of good repair and free from unnecessary encumbrances.

Accordingly, the city hereby enacts this new chapter of this code relating to right-of-way permits and administration. This chapter imposes reasonable regulation on the placement and maintenance of facilities and equipment currently within its rights-of-way or to be placed therein at some future time. It is intended to complement the regulatory roles of state and federal agencies. Under this chapter, persons excavating and obstructing the rights-of-way will bear financial responsibility for their work. Finally, this chapter provides

for recovery of out-of-pocket and projected costs from persons using the public rights-of-way.

This chapter shall be interpreted consistently with Minnesota Statutes, sections 237.16, 237.162, 237.163, 237.79, 237.81, and 238.086 (the “Act”) and the other laws governing applicable rights of the city and users of the right-of-way. This chapter shall also be interpreted consistent with Minn. R. 7819.0050–7819.9950 and Minn. R., ch. 7560 where possible. To the extent any provision of this chapter cannot be interpreted consistently with the Minnesota Rules, that interpretation most consistent with the Act and other applicable statutory and case law is intended. This chapter shall not be interpreted to limit the regulatory and police powers of the city to adopt and enforce general ordinances necessary to protect the health, safety, and welfare of the public.

208A.020. ELECTION TO MANAGE THE PUBLIC RIGHTS-OF-WAY. Pursuant to the authority granted to the city under state and federal statutory, administrative and common law, the city hereby elects, pursuant to Minn. Stat. 237.163 subd. 2(b), to manage rights-of-way within its jurisdiction.

208A.030. DEFINITIONS. The following definitions apply in this chapter of this code. References hereafter to “sections” are, unless otherwise specified, references to sections in this chapter. Defined terms remain defined terms, whether or not capitalized.

1. Abandoned Facility. A facility no longer in service or physically disconnected from a portion of the operating facility, or from any other facility, that is in use or still carries service. A facility is not abandoned unless declared so by the right-of-way user.
2. Applicant. Any person requesting permission to excavate, obstruct, or otherwise place facilities in a right-of-way.
3. City. The city of Birchwood Village, Minnesota. For purposes of section 208A.290, city also means the city’s elected officials, officers, employees, and agents.
4. Collocate or Collocation. To install, mount, maintain, modify, operate, or replace a small wireless facility on, under, within, or adjacent to an existing wireless support structure or utility pole that is owned privately, or by the city or other governmental unit.
5. Commission. The State of Minnesota Public Utilities Commission.

6. Construction Performance Bond. Any of the following forms of security provided at permittee's option:
  - Individual project bond;
  - Cash deposit;
  - Security of a form listed or approved under Minn. Stat. § 15.73, subd. 3;
  - Letter of Credit, in a form acceptable to the city;
  - Self-insurance, in a form acceptable to the city;
  - A blanket bond for projects within the city, or other form of construction bond, for a time specified and in a form acceptable to the city.
7. Degradation. A decrease in the useful life of the right-of-way caused by excavation in or disturbance of the right-of-way, resulting in the need to reconstruct such right-of-way earlier than would be required if the excavation or disturbance did not occur.
8. Degradation Cost. Subject to Minn. R. 7819.1100, means the cost to achieve a level of restoration, as determined by the city at the time the permit is issued, not to exceed the maximum restoration shown in plates 1 to 13, set forth in Minn. R., parts 7819.9900 to 7819.9950.
9. Degradation Fee. The estimated fee established at the time of permitting by the city to recover costs associated with the decrease in the useful life of the right-of-way caused by the excavation, and which equals the degradation cost.
10. Delay Fee. The fee imposed as a result of unreasonable delays in right-of-way excavation, obstruction, patching, or restoration as established by permit.
11. Emergency. A condition that (1) poses a danger to life or health, or of a significant loss of property; or (2) requires immediate repair or replacement of facilities in order to restore service to a customer.
12. Equipment. Any tangible asset used to install, repair, or maintain facilities in any right-of-way.
13. Excavate. To dig into or in any way remove or physically disturb or penetrate any part of a right-of-way.
14. Excavation Permit. The permit which, pursuant to this chapter, must be obtained before a person may excavate in a right-of-way. An Excavation permit allows the holder to excavate that part of the right-of-way described in such permit.

15. Excavation Permit Fee. Money paid to the city by an applicant to cover the costs as provided in Section 208A.130.
16. Facility or Facilities. Any tangible asset in the right-of-way used to provide Utility or Telecommunications Service.
17. Five-Year Project Plan. Shows projects adopted by the city for construction within the next five years.
18. Local Representative. A local person or persons, or designee of such person or persons, authorized by a registrant to accept service and to make decisions for that registrant regarding all matters within the scope of this chapter.
19. Management Costs. The actual costs the city incurs in managing its rights-of-way, including such costs, if incurred, as those associated with registering applicants; issuing, processing, and verifying right-of-way or small wireless facility permit applications; inspecting job sites and restoration projects; maintaining, supporting, protecting, or moving user facilities during right-of-way work; determining the adequacy of right-of-way restoration; restoring work inadequately performed after providing notice and the opportunity to correct the work; and revoking right-of-way or small wireless facility permits. Management costs do not include payment by a telecommunications right-of-way user for the use of the right-of-way, unreasonable fees of a third-party contractor used by the city including fees tied to or based on customer counts, access lines, or revenues generated by the right-of-way or for the city, the fees and cost of litigation relating to the interpretation Minn. Stat. §§ 237.162 or 237.163; or any ordinance enacted under those sections, or the city fees and costs related to appeals taken pursuant to Section 208A.310 of this chapter.
20. Obstruct. To place any tangible object in a right-of-way so as to hinder free and open passage over that or any part of the right-of-way, or so as to hinder maintenance of any city asset.
21. Obstruction Permit. The permit which, pursuant to this chapter, must be obtained before a person may obstruct a right-of-way, allowing the holder to hinder free and open passage over the specified portion of that right-of-way, for the duration specified therein.
22. Obstruction Permit Fee. Money paid to the city by a permittee to cover the costs as provided in Section 208A.130.



23. Patch or Patching. A method of pavement replacement that is temporary in nature. A patch consists of (1) the compaction of the subbase and aggregate base, and (2) the replacement, in kind, of the existing pavement for a minimum of two feet beyond the edges of the excavation in all directions. A patch is considered full restoration only when the pavement is included in the city's five-year project plan.
24. Pavement. Any type of improved surface that is within the public right-of-way and that is paved or otherwise constructed with bituminous, concrete, aggregate, or gravel.
25. Permit. Has the meaning given "right-of-way permit" in this ordinance.
26. Permittee. Any person to whom a permit to excavate or obstruct a right-of-way has been granted by the city under this chapter.
27. Person. An individual or entity subject to the laws and rules of this state, however organized, whether public or private, whether domestic or foreign, whether for profit or nonprofit, and whether natural, corporate, or political.
28. Probation. The status of a person that has not complied with the conditions of this chapter.
29. Probationary Period. One year from the date that a person has been notified in writing that they have been put on probation.
30. Registrant. Any person who (1) has or seeks to have its equipment or facilities located in any right-of-way, or (2) in any way occupies or uses, or seeks to occupy or use, the right-of-way or place its facilities or equipment in the right-of-way.
31. Restore or Restoration. The process by which an excavated right-of-way and surrounding area, including pavement and foundation, is returned to the same condition and life expectancy that existed before excavation.
32. Restoration Cost. The amount of money paid to the city by a permittee to achieve the level of restoration according to plates 1 to 13 of Minnesota Public Utilities Commission rules.
33. Public Right-of-Way or Right-of-Way. The area on, below, or above a public roadway, highway, street, cartway, bicycle lane, or public sidewalk and

[boulevard](#) in which the city has an interest, including other dedicated rights-of-way for travel purposes and utility easements of the city [and extending to the adjacent property boundary](#). A right-of-way does not include the airwaves above a right-of-way with regard to cellular or other non-wire telecommunications or broadcast service.

34. Right-of-Way Permit. Either the excavation permit, the obstruction permit, the small cell permit or any combination thereof depending on the context, required by this chapter.
35. Right-of-Way User. (1) A telecommunications right-of-way user as defined by Minn. Stat. 237.162, subd. 4; or (2) a person owning or controlling a facility in the right-of-way that is used or intended to be used for providing utility service, and who has a right under law, franchise, or ordinance to use the public right-of-way.
36. Service or Utility Service. Includes (1) those services provided by a public utility as defined in Minn. Stat. 216B.02, subds. 4 and 6; (2) services of a telecommunications right-of-way user, including transporting of voice or data information; (3) services of a cable communications systems as defined in Minn. Stat. ch. 238; (4) natural gas or electric energy or telecommunications services provided by the city; (5) services provided by a cooperative electric association organized under Minn. Stat., ch. 308A; and (6) water, and sewer, including service laterals, steam, cooling, or heating services.
37. Service Lateral. An underground facility that is used to transmit, distribute or furnish gas, electricity, communications, or water from a common source to an end-use customer. A service lateral is also an underground facility that is used in the removal of wastewater from a customer's premises.
38. Small Wireless Facility. A wireless facility that meets both of the following qualifications:
  1. each antenna is located inside an enclosure of no more than six cubic feet in volume or could fit within such an enclosure; and
  2. all other wireless equipment associated with the small wireless facility provided such equipment is, in aggregate, no more than 28 cubic feet in volume, not including electric meters, concealment elements, telecommunications demarcation boxes, battery backup power systems, grounding equipment, power transfer switches, cutoff switches, cable,

conduit, vertical cable runs for the connection of power and other services, and any equipment concealed from public view within or behind an existing structure or concealment.

39. Supplementary Application. An application made to excavate or obstruct more of the right-of-way than allowed in, or to extend, a permit that had already been issued.
40. Temporary Surface. The compaction of subbase and aggregate base and replacement, in kind, of the existing pavement only to the edges of the excavation. It is temporary in nature except when the replacement is of pavement included in the city's two-year plan, in which case it is considered full restoration.
41. Trench. An excavation in the pavement, with the excavation having a length equal to or greater than the width of the pavement.
42. Telecommunications Right-of-Way User. A person owning or controlling a facility in the right-of-way, or seeking to own or control a facility in the right-of-way that is used or is intended to be used for providing wireless service, or transporting telecommunication or other voice or data information. For purposes of this chapter, a cable communication system defined and regulated under Minn. Stat. ch. 238, and telecommunication activities related to providing natural gas or electric energy services, a public utility as defined in Minn. Stat. § 216B.02, a municipality, a municipal gas or power agency organized under Minn. Stat. ch. 453 and 453A, or a cooperative electric association organized under Minn. Stat. ch. 308A, are not telecommunications right-of-way users for purposes of this chapter except to the extent such entity is offering wireless service.
43. Two Year Project Plan. Shows projects adopted by the city for construction within the next two years.
44. Utility Pole. A pole that is used in whole or in part to facilitate telecommunications or electric service.
45. Wireless Facility. Equipment at a fixed location that enables the provision of wireless services between user equipment and a wireless service network, including equipment associated with wireless service, a radio transceiver, antenna, coaxial or fiber-optic cable, regular and backup power supplies, and a small wireless facility, but not including wireless support structures, wireline backhaul facilities, or cables between utility poles or wireless support structures,

or not otherwise immediately adjacent to and directly associated with a specific antenna.

46. Wireless Service. Any service using licensed or unlicensed wireless spectrum, including the use of Wi-Fi, whether at a fixed location or by means of a mobile device, that is provided using wireless facilities. Wireless service does not include services regulated under Title VI of the Communications Act of 1934, as amended, including cable service.

47. Wireless Support Structure. A new or existing structure in a right-of-way designed to support or capable of supporting small wireless facilities, as reasonably determined by the city.

208A.040. ADMINISTRATION. The City Administrator is the principal city official responsible for the administration of the rights-of-way, right-of-way permits, and the ordinances related thereto. The City Administrator or City Council may delegate any or all of the duties hereunder. The City Engineer shall advise the city on permits, enforcement and the administration of this chapter.

208A.060. REGISTRATION AND RIGHT-OF-WAY OCCUPANCY.

1. Registration. Each person authorized to occupy or use, or who seeks to occupy or use the right-of-way to place any equipment or facilities, including persons with installation and maintenance responsibilities by lease, sublease, or assignment, must register with the city before performing work in any right-of-way. Registration will consist of providing application information.
2. Registration Prior to Work. No person may, in any right-of-way, construct, install, repair, remove, relocate, or perform any other work on, or use any facilities or any part thereof, without first being registered with the city.
3. Exceptions. The following activities shall not be deemed to use or occupy the right-of-way, and neither permits, registration, nor other requirements under this chapter shall apply, if constructed without obstructing any city street or roadway or other public use of the right-of-way. However, nothing herein relieves a person from complying with the provisions of the Minn. Stat. ch. 216D, Gopher One Call Law, nor from complying with any other chapter of the city code.
  - a. A person may, without violating this chapter, maintain trees and may plant or maintain herbaceous growth, plantings or gardens within the right-of-way.

- b. A person may, without violating this chapter, excavate to a depth of less than twelve (12) inches, if construction or replacement does not degrade any portion of a city street or roadway available to the public, and may construct or replace asphalt, concrete, or other driveway, parkway or walkway materials located entirely on the right-of-way.
- c. A person may, without violating this chapter, excavate to a depth of less than twenty four (24) inches and place or replace an official USPS-approved mailbox.

208A.070. REGISTRATION INFORMATION.

- 1. Information Required. Registration shall be requested on an application form produced by the city. The information provided to the city at the time of registration shall include, but not be limited to:
  - a. Each registrant's name, Gopher One-Call registration certificate number, address and email address, if applicable, and telephone and facsimile numbers.
  - b. The name, address, and email address, if applicable, and telephone and facsimile numbers of a local representative. The local representative or designee shall be available at all times. Current information regarding how to contact the local representative in an emergency shall be provided at the time of registration.
  - c. A certificate of insurance or self-insurance:
    - i. Verifying that an insurance policy has been issued to the registrant by an insurance company licensed to do business in the state of Minnesota, or a form of self-insurance acceptable to the city;
    - ii. Verifying that the registrant is insured against claims for personal injury, including death, as well as claims for property damage arising out of the (i) use and occupancy of the right-of-way by the registrant, its officers, agents, employees, and permittees, and (ii) placement and use of facilities and equipment in the right-of-way by the registrant, its officers, agents, employees, and permittees, including, but not limited to, protection against liability arising from completed operations, damage of underground facilities, and collapse of property;
    - iii. Naming the city as an additional insured as to whom the coverages required herein are in force and applicable and for whom defense will be provided as to all such coverages;
    - iv. Requiring that the city be notified thirty (30) days in advance of cancellation of the policy or material modification of a coverage term; and
    - v. Indicating comprehensive liability coverage, automobile liability coverage, workers' compensation and umbrella coverage established by

the city in amounts sufficient to protect the city and the public and to carry out the purposes and policies of this chapter.

- vi. The city may require a copy of the actual insurance policies.
  - vii. If the person is a corporation, a copy of the certificate is required to be filed under state law as recorded and certified to by the secretary of state.
- d. A copy of the person's order granting a certificate of authority from the Minnesota Public Utilities Commission or other authorization or approval from the applicable state or federal agency to lawfully operate, where the person is lawfully required to have such authorization or approval from said commission or other state or federal agency.
- e. Any other information deemed necessary by the city to adequately protect the health, safety, and welfare of the city.
2. Notice of Changes. The registrant shall keep all of the information listed above current at all times by providing to the city information as to changes within fifteen (15) days following the date on which the registrant has knowledge of any change.

#### 208A.080. REPORTING OBLIGATIONS.

1. Operations. Each registrant shall, at the time of registration and by December 1 of each year, file a construction and major maintenance plan for underground facilities with the city. Such plan shall be submitted using a format designated by the city and shall contain the information determined by the city to be necessary to facilitate the coordination and reduction in the frequency of excavations and obstructions of rights-of-way.
- a. The plan shall include, but not be limited to, the following information:
  - b. The locations and the estimated beginning and ending dates of all projects to be commenced during the next calendar year (in this section, a "next-year project"); and
  - c. To the extent known, the tentative locations and estimated beginning and ending dates for all projects contemplated for the five years following the next calendar year (in this section, a "five-year project").

The term "project" in this section shall include both next-year projects and five-year projects.

By January 1 of each year, the city will have available for inspection in the city's office a composite list of all projects of which the city has been informed of the annual plans. All registrants are responsible for keeping themselves informed of the current status of this list.

Thereafter, by February 1, each registrant may change any project in its list of next-year projects, and must notify the city and all other registrants of all such changes in said list. Notwithstanding the foregoing, a registrant may at any time join in a next-year project of another registrant listed by the other registrant.

2. Additional Next-Year Projects. Notwithstanding the foregoing, the city will not deny an application for a right-of-way permit for failure to include a project in a plan submitted to the city if the registrant has used commercially reasonable efforts to anticipate and plan for the project.

#### 208A.090. PERMIT REQUIREMENT.

1. Permit Required. Except as otherwise provided in this code, no person may obstruct or excavate any right-of-way, or install or place facilities in the right-of-way, without first having obtained the appropriate right-of-way permit from the city to do so.
  - a. Excavation Permit. An excavation permit is required by a registrant to excavate that part of the right-of-way described in such permit and to hinder free and open passage over the specified portion of the right-of-way by placing facilities described therein, to the extent and for the duration specified therein.
  - b. Obstruction Permit. An obstruction permit is required by a registrant to hinder free and open passage over the specified portion of right-of-way by placing equipment described therein on the right-of-way, for the purposes of installing, placing, maintaining or accessing facilities, to the extent and for the duration specified therein. An obstruction permit is not required if a person already possesses a valid excavation permit for the same project.
  - c. Small Wireless Facility Permit. A small wireless facility permit is required by a registrant to erect or install a wireless support structure, to collocate a small wireless facility, or to otherwise install a small wireless facility in the specified portion or the right-of-way, to the extent specified therein, provided that such permit shall remain in effect for the length of time the facility is in use, unless lawfully revoked.
2. Permit Extensions. No person may excavate or obstruct the right-of-way beyond the date or dates specified in the permit unless (i) such person makes a supplementary application for another right-of-way permit before the expiration of the initial permit, and (ii) a new permit or permit extension is granted.

3. Permit Exception for City Work. Work performed on city facilities and directed by the Water Superintendent or City shall be exempt from fees and permit requirements. However, the City shall file and maintain plans of its right-of-way work.

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3.4. Delay Fee. In accordance with Minn. Rule 7819.1000 subp. 3 and notwithstanding 208A.090(2) of this Section, the city shall establish and impose a delay fee for unreasonable delays in right-of-way excavation, obstruction, patching, or restoration. The delay fee shall be established from time to time by the City Council.

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4.5. Permit Display. Permits issued under this chapter shall be conspicuously displayed or otherwise available at all times at the indicated work site and shall be available for inspection by the city.

208A.100. PERMIT APPLICATIONS. Application for a permit is made to the city on forms approved by the City Administrator or the city's designee. Right-of-way permit applications shall contain, and will be considered complete only upon compliance with, the requirements of the following provisions:

1. Registration with the city pursuant to this chapter.
2. Submission of a completed permit application form, including all required attachments, and scaled drawings showing the location and area of the proposed project and the location of all known existing and proposed facilities and all other information deemed relevant by the City Engineer.
3. All applicable~~Payment~~ payments of money due the city for:
  - a. permit fees, estimated restoration costs, if owed by applicant, and other management costs;
  - b. prior obstructions or excavations;
  - c. any undisputed loss, damage, or expense suffered by the city because of applicant's prior excavations or obstructions of the rights-of-way or any emergency actions taken by the city; and
  - d. franchise fees or other charges, if applicable.
4. Payment of disputed amounts due the city by posting security or depositing in an escrow account an amount equal to at least 110 percent of the amount owing.
5. Posting an additional or larger construction performance bond for additional facilities when applicant requests an excavation permit to install additional facilities and the city deems the existing construction performance bond inadequate under applicable standards.
6. Posting a construction performance bond deposit for right-of-way work on facilities that does not involve excavation, or depositing into an escrow account the amount in the fee schedule.



208A.110. ISSUANCE OF PERMIT; CONDITIONS.

1. Permit Issuance. If the applicant has satisfied the requirements of this chapter, the city shall issue a permit.
2. Conditions. The city may impose reasonable conditions upon the issuance of the permit and the performance of the applicant thereunder to protect the health, safety, and welfare or when necessary to protect the right-of-way and its current use. In addition, a permittee shall comply with all requirements of local, state, and federal laws, including but not limited to Minn. Stat. §§ 216D.01 - .09 (Gopher One Call Excavation Notice System) and Minn. R., ch. 7560.
3. Small Wireless Facility Conditions. In addition to 208A.110(2), the erection or installation of a wireless support structure, the collocation of a small wireless facility, or other installation of a small wireless facility in the right-of-way, shall be subject to the following conditions:
  - a. A small wireless facility shall only be collocated on the particular wireless support structure, under those attachment specifications, and at the height indicated in the applicable permit application.
  - b. No new wireless support structure installed within the right-of-way shall exceed 50 feet in height without the city's written authorization, provided that the city may impose a lower height limit in the applicable permit to protect the public health, safety and welfare or to protect the right-of-way and its current use, and further provided that a registrant may replace an existing wireless support structure exceeding 50 feet in height with a structure of the same height subject to such conditions or requirements as may be imposed in the applicable permit.
  - c. No wireless facility may extend more than 10 feet above its wireless support structure.
  - d. Where an applicant proposes to install a new wireless support structure in the right-of-way, the city may impose separation requirements between such structure and any existing wireless support structure or other facilities in and around the right-of-way.
  - e. Where an applicant proposes collocation on a decorative wireless support structure, sign or other structure not intended to support small wireless facilities, such equipment shall be consistent with the city's aesthetic standards regarding wireless equipment as adopted by the city. Such standards shall ensure that wireless equipment is installed with a stealth design and that equipment does not detract from the character of the area in which it is installed. In addition, the city shall adopt standards that ensure city assets can continue to effectively perform their

intended function. Standards shall be made available with the application required for a small cell permit.

- f. Where an applicant proposes to replace a wireless support structure, the city may impose reasonable restocking, replacement, or relocation requirements on the replacement of such structure.
- g. A permit will be deemed void if the approved equipment is not installed within one year of issuance of the permit.

- ~~4. Small Wireless Facility Agreement. A small wireless facility shall only be collocated on a small wireless support structure owned or controlled by the city, or any other city asset in the right-of-way, after the applicant has executed a standard small wireless facility collocation agreement with the city. The standard collocation agreement may require payment of up to the fees and costs set forth in Minn. Stat. § 237.163 Subd. 6, following:~~
- ~~1. Up to \$150 per year for rent to collocate on the city structure; and~~
  - ~~2. \$25 per year for maintenance associated with the collocation; and~~
  - ~~3. A monthly fee for electrical service as follows:~~
    - ~~a. \$73 per radio node less than or equal to 100 maximum watts;~~
    - ~~b. \$182 per radio node over 100 maximum watts; or~~
    - ~~c. The actual costs of electricity, if the actual costs exceed the foregoing.~~

The standard collocation agreement shall be in addition to, and not in lieu of, the required small wireless facility permit, provided, however, that the applicant shall not be additionally required to obtain a license or franchise in order to collocate. Issuance of a small wireless facility permit does not supersede, alter or affect any then-existing agreement between the city and applicant,

#### 208A.120. ACTION ON SMALL WIRELESS FACILITY PERMIT APPLICATIONS.

- 1. Deadline for Action. The city shall approve or deny a small wireless facility permit application within 90 days after filing of such application or within any timeline established by state law. The small wireless facility permit, and any associated building permit application, shall be deemed approved if the city fails to approve or deny the application within the review periods established in this section.
- 2. Consolidated Applications. An applicant may file a consolidated small wireless facility permit application addressing the proposed collocation of up to 15 small wireless facilities, or a greater number if agreed to by a local government unit, provided that all small wireless facilities in the application:
  - a. are located within a two-mile radius;
  - b. consist of substantially similar equipment; and

- c. are to be placed on similar types of wireless support structures.

In rendering a decision on a consolidated permit application, the city may approve some small wireless facilities and deny others, but may not use denial of one or more permits as a basis to deny all small wireless facilities in the application.

3. Tolling of Deadline. The 90-day deadline for action on a small wireless facility permit application may be tolled if:
  - a. The city receives applications from one or more applicants seeking approval of permits for more than 30 small wireless facilities within a seven-day period. In such case, the city may extend the deadline for all such applications by 30 days by informing the affected applicants in writing of such extension; or
  - b. the applicant fails to submit all required documents or information and the city provides written notice of incompleteness to the applicant within 30 days of receipt the application. Upon submission of additional documents or information, the city shall have ten days to notify the applicant in writing of any still-missing information; or
  - c. the city and a small wireless facility applicant agree in writing to toll the review period.

208A.130. PERMIT FEES.

1. Registration Fee. The City may set in the fee schedule and impose a fee to recover the cost of managing right-of-way registration and reporting.
2. Excavation Permit Fee. The city shall set in the fee schedule and impose an excavation permit fee in an amount sufficient to recover the following costs:
  - a. the city management costs;
  - b. degradation costs, if applicable.
3. Obstruction Permit Fee. The city shall set in the fee schedule and impose an obstruction permit fee in an amount sufficient to recover the city management costs.
4. Small Wireless Facility Permit Fee. The city shall set in the fee schedule and impose a small wireless facility permit fee in an amount sufficient to recover:
  - a. the management costs; and
  - b. city engineering, make-ready, and construction costs associated with collocation of small wireless facilities.

5. Payment of Permit Fees. No excavation permit, obstruction permit, or small cell permit shall be issued without payment of all required fees. The city may allow the applicant to pay such fees within thirty (30) days of billing.
6. Non Refundable. Permit fees that were paid for a permit that the city has revoked for a breach as stated in Section 208A.230 are not refundable.
7. Application to Franchises. Unless otherwise agreed to in a franchise, management costs may be charged separately from and in addition to the franchise fees imposed on a right-of-way user in the franchise.

208A.140. RIGHT-OF-WAY PATCHING AND RESTORATION.

1. Timing. The work to be done under the excavation permit, and the patching and restoration of the right-of-way as required herein, must be completed within the dates specified in the permit, increased by as many days as work could not be done because of circumstances beyond the control of the permittee or when work was prohibited as unseasonal or unreasonable under Section 208A.170.
2. Patch and Restoration. Permittee shall patch its own work. The city may choose either to have the permittee restore the right-of-way or to restore the right-of-way itself.
  - a. City Restoration. If the city restores the right-of-way, permittee shall pay the costs thereof within thirty (30) days of billing. If, following such restoration, the pavement settles due to permittee's improper backfilling, the permittee shall pay to the city, within thirty (30) days of billing, all costs associated with correcting the defective work.
  - b. Permittee Restoration. If the permittee restores the right-of-way itself, it shall at the time of application for an excavation permit post a construction performance bond in accordance with the provisions of Minn. Rule 7819.3000.
  - c. Degradation Fee in Lieu of Restoration. In lieu of right-of-way restoration, a right-of-way user may elect to pay a degradation fee. However, the right-of-way user shall remain responsible for patching and the degradation fee shall not include the cost to accomplish these responsibilities.
3. Standards. The permittee shall perform excavation, backfilling, patching, and restoration according to the standards and with the materials specified by the city and shall comply with Minn. Rule 7819.1100.
4. Duty to Correct Defects. The permittee shall correct defects in patching or restoration performed by permittee or its agents. The permittee upon notification from the city, shall

correct all restoration work to the extent necessary, using the method required by the city. Said work shall be completed within five (5) calendar days of the receipt of the notice from the city, not including days during which work cannot be done because of circumstances constituting force majeure or days when work is prohibited as unseasonable or unreasonable under Section 208A.170.

5. Failure to Restore. If the permittee fails to restore the right-of-way in the manner and to the condition required by the city, or fails to satisfactorily and timely complete all restoration required by the city, the city at its option may do such work. In that event the permittee shall pay to the city, within thirty (30) days of billing, the cost of restoring the right-of-way. If permittee fails to pay as required, the city may exercise its rights under the construction performance bond.

#### 208A.150. JOINT APPLICATIONS.

1. Joint application. Registrants may jointly apply for permits to excavate or obstruct the right-of-way at the same place and time.
2. Shared fees. Registrants who apply for permits for the same obstruction or excavation, which the city does not perform, may share in the payment of the obstruction or excavation permit fee. In order to obtain a joint permit, registrants must agree among themselves as to the portion each will pay and indicate the same on their applications.
3. With city projects. Registrants who join in a scheduled obstruction or excavation performed by the city, whether or not it is a joint application by two or more registrants or a single application, are not required to pay the excavation or obstruction and degradation portions of the permit fee, but a permit would still be required.

#### 208A.160. SUPPLEMENTARY APPLICATIONS.

1. Limitation on Area. A right-of-way permit is valid only for the area of the right-of-way specified in the permit. No permittee may do any work outside the area specified in the permit, except as provided herein. Any permittee which determines that an area greater than that specified in the permit must be obstructed or excavated must before working in that greater area (i) make application for a permit extension and pay any additional fees required thereby, and (ii) be granted a new permit or permit extension.
2. Limitation on Dates. A right-of-way permit is valid only for the dates specified in the permit. No permittee may begin its work before the permit start date or, except as provided herein, continue working after the end date. If a permittee does not finish the work by the

permit end date, it must apply for a new permit for the additional time it needs, and receive the new permit or an extension of the old permit before working after the end date of the previous permit. This supplementary application must be submitted before the permit end date.

208A.170. OTHER OBLIGATIONS.

1. Compliance with Other Laws. Obtaining a right-of-way permit does not relieve permittee of its duty to obtain all other necessary permits, licenses, and authority and to pay all fees required by the city or other applicable rule, law or regulation. A permittee shall comply with all requirements of local, state and federal laws, including but not limited to Minn. Stat. §§ 216D.01-.09 (Gopher One Call Excavation Notice System) and Minn. R., ch. 7560. A permittee shall perform all work in conformance with all applicable codes and established rules and regulations, and is responsible for all work done in the right-of-way pursuant to its permit, regardless of who does the work.
2. Prohibited Work. Except in an emergency, and with the approval of the city, no right-of-way obstruction or excavation may be done when seasonally prohibited or when conditions are unreasonable for such work.
3. Interference with Right-of-Way. A permittee shall not so obstruct a right-of-way that the natural free and clear passage of water through the gutters or other waterways shall be interfered with. Private vehicles of those doing work in the right-of-way may not be parked within or next to a permit area, unless parked in conformance with city parking regulations. The loading or unloading of trucks must be done solely within the defined permit area unless specifically authorized by the permit.
4. Trenchless Excavation. As a condition of all applicable permits, permittees employing trenchless excavation methods, including but not limited to Horizontal Directional Drilling, shall follow all requirements set forth in Minn. Stat. ch. 216D and Minn. R., ch. 7560 and shall require potholing or open cutting over existing underground utilities before excavating, as determined by the city engineer.

208A.180. DENIAL OR REVOCATION OF PERMIT.

1. Reasons for Denial. The city may deny a permit for failure to meet the requirements and conditions of this chapter or if the city determines that the denial is necessary to protect the health, safety, and welfare of the public or when necessary to protect the right-of-way and its current use and any city asset or facility.

2. Procedural Requirements. The denial or revocation of a permit must be made in writing and must document the basis for the denial. The city must notify the applicant or right-of-way user in writing within three business days of the decision to deny or revoke a permit. If an application is denied, the right-of-way user may address the reasons for denial identified by the city and resubmit its application. If the application is resubmitted within 30 days of receipt of the notice of denial, no additional application fee shall be imposed. The city must approve or deny the resubmitted application within 30 days after submission.

208A.190. INSTALLATION REQUIREMENTS. The excavation, backfilling, patching and restoration, and all other work performed in the right-of-way shall be done in conformance with Minn. R. 7819.1100 and 7819.5000 and other applicable local requirements, in so far as they are not inconsistent with the Minn. Stat., §§ 237.162 and 237.163. Installation of service laterals shall be performed in accordance with Minn. R., ch 7560 and these ordinances. Service lateral installation is further subject to those requirements and conditions set forth by the city in the applicable permits and/or agreements referenced in Section 208A.240(2) of this ordinance.

208A.200. INSPECTION.

1. Notice of Completion. When the work under any permit hereunder is completed, the permittee shall furnish a completion certificate in accordance Minn. Rule 7819.1300 or other as built documentation as deemed necessary by the city.
2. Site Inspection. Permittee shall make the work site available to the city and to all others as authorized by law for inspection at all reasonable times during the execution of and upon completion of the work.
3. Authority of the City.
  - a. At the time of inspection, the city may order the immediate cessation of any work which poses a serious threat to the life, health, safety, or well-being of the public.
  - b. The city may issue an order to the permittee for any work that does not conform to the terms of the permit or other applicable standards, conditions, or codes. The order shall state that failure to correct the violation will be cause for revocation of the permit. Within ten (10) days after issuance of the order, the permittee shall present proof to the city that the violation has been corrected. If such proof has not been presented within the required time, the city may revoke the permit pursuant to Section 208A.230.

208A.210. WORK DONE WITHOUT A PERMIT.

1. Emergency Situations. Each registrant shall immediately notify the city of any event regarding its facilities that it considers to be an emergency. The registrant may proceed to take whatever actions are necessary to respond to the emergency. Excavators' notification to Gopher State One Call regarding an emergency situation does not fulfill this requirement. Within two (2) business days after the occurrence of the emergency, the registrant shall apply for the necessary permits, pay the fees associated therewith, and fulfill the rest of the requirements necessary to bring itself into compliance with this chapter for the actions it took in response to the emergency.

If the city becomes aware of an emergency regarding a registrant's facilities, the city will attempt to contact the local representative of each registrant affected, or potentially affected, by the emergency. In any event, the city may take whatever action it deems necessary to respond to the emergency, the cost of which shall be borne by the registrant whose facilities occasioned the emergency.

2. Non-Emergency Situations. Except in an emergency, any person who, without first having obtained the necessary permit, obstructs or excavates a right-of-way must subsequently obtain a permit and shall pay double the normal fee for said permit, pay double all the other fees required by the city code, deposit with the city the fees necessary to correct any damage to the right-of-way, and comply with all of the requirements of this chapter.

208A.220. SUPPLEMENTARY NOTIFICATION. If the obstruction or excavation of the right-of-way begins later or ends sooner than the date given on the permit, permittee shall notify the city of the accurate information as soon as this information is known.

208A.230. REVOCAION OF PERMITS.

1. Substantial Breach. The city reserves its right, as provided herein, to revoke any right-of-way permit without a fee refund, if there is a substantial breach of the terms and conditions of any statute, ordinance, rule or regulation, or any material condition of the permit. A substantial breach by permittee shall include, but shall not be limited to, the following:
  - a. The violation of any material provision of the right-of-way permit.
  - b. An evasion or attempt to evade any material provision of the right-of-way permit, or the perpetration or attempt to perpetrate any fraud or deceit upon the city or its citizens.
  - c. Any material misrepresentation of fact in the application for a right-of-way permit.



- d. The failure to complete the work in a timely manner, unless a permit extension is obtained or unless the failure to complete work is due to reasons beyond the permittee's control.
  - e. The failure to correct, in a timely manner, work that does not conform to a condition indicated on an order issued pursuant to 208A.200.
2. Written Notice of Breach. If the city determines that the permittee has committed a substantial breach of a term or condition of any statute, ordinance, rule, regulation, or any condition of the permit, the city shall make a written demand upon the permittee to remedy such violation. The demand shall state that continued violations may be cause for revocation of the permit. A substantial breach, as stated above, will allow the city, at its discretion, to place additional or revised conditions on the permit to mitigate and remedy the breach.
3. Response to Notice of Breach. Within twenty-four (24) hours of receiving notification of the breach, permittee shall provide the city with a plan, acceptable to the city, that will cure the breach. Permittee's failure to so contact the city, or permittee's failure to timely submit an acceptable plan, or permittee's failure to reasonably implement the approved plan, shall be cause for immediate revocation of the permit. Further, permittee's failure to so contact the city, or permittee's failure to submit an acceptable plan, or permittee's failure to reasonably implement the approved plan, shall automatically place the permittee on probation for one (1) full year.
4. Cause for Probation. From time to time, the city may establish a list of conditions of the permit, which if breached will automatically place the permittee on probation for one full year, such as, but not limited to, working out of the allotted time period or working on right-of-way grossly outside of the permit authorization.
5. Automatic Revocation. If a permittee, while on probation, commits a breach as outlined above, permittee's permit will automatically be revoked and permittee will not be allowed further permits for one full year, except for emergency repairs.
6. Reimbursement of City Costs. If a permit is revoked, the permittee shall also reimburse the city for the city's reasonable costs, including restoration costs and the costs of collection and reasonable attorneys' fees incurred in connection with such revocation.

208A.240. MAPPING DATA.

1. Information Required. Each registrant and permittee shall provide mapping information required by the city in accordance with Minn. R. 7819.4000 and

7819.4100. Within ninety (90) days following completion of any work pursuant to a permit, the permittee shall provide the city accurate maps and drawings certifying the “as-built” location of all equipment installed, owned, and maintained by the permittee. Such maps and drawings shall include the horizontal and vertical location of all facilities and equipment and shall be provided consistent with the city’s electronic mapping system, when practical or as a condition imposed by the city. Failure to provide maps and drawings pursuant to this subsection shall be grounds for revoking the permit holder’s registration.

2. Service Laterals. All permits issued for the installation or repair of service laterals, other than minor repairs as defined in Minn. R. 7560.0150, subp. 2, shall require the permittee’s use of appropriate means of establishing the horizontal locations of installed service laterals and the service lateral vertical locations in those cases where the city reasonably requires it. Permittees or their subcontractors shall submit to the city evidence satisfactory to the city of the installed service lateral locations. Compliance with this 208A.240(2) and with applicable Gopher State One Call law and Minnesota Rules governing service laterals installed after Dec. 31, 2005, shall be a condition of any city approval necessary for:
  - a. payments to contractors working on a public improvement project, including those under Minn. Stat. ch. 429; and
  - b. city approval under development agreements or other subdivision or site plan approval under Minn. Stat. ch. 462. The City Engineer shall reasonably determine the appropriate method of providing such information to the city. Failure to provide prompt and accurate information on the service laterals installed may result in the revocation of the permit issued for the work or future permits to the offending permittee or its subcontractors.

208A.250. LOCATION AND RELOCATION OF FACILITIES.

1. Placement. Placement, location, and relocation of facilities must comply with the Act, with other applicable law, with other applicable standards adopted by the city engineer, and with Minn. R. 7819.3100, 7819.5000, and 7819.5100, to the extent the rules do not limit authority otherwise available to cities.
2. Corridors. The city may assign a specific area within the right-of-way, or any particular segment thereof as may be necessary, for each type of facility that is or, pursuant to current technology, the city expects will someday be located within the right-of-way. All excavation, obstruction, or other permits issued by the city involving the installation or replacement of facilities shall designate the proper corridor for the facilities at issue. Any registrant who has facilities in the right-of-way in a position at variance with the corridors

established by the city shall, no later than at the time of the next reconstruction or excavation of the area where the facilities are located, move the facilities to the assigned position within the right-of-way, unless this requirement is waived by the city for good cause shown, upon consideration of such factors as the remaining economic life of the facilities, public safety, customer service needs, and hardship to the registrant.

3. Nuisance. One year after the passage of this chapter, any facilities found in a right-of-way that have not been registered shall be deemed to be a nuisance. The city may exercise any remedies or rights it has at law or in equity, including, but not limited to, abating the nuisance or taking possession of the facilities and restoring the right-of-way to a usable condition.
4. Limitation of Space. To protect the health, safety, and welfare of the public, or when necessary to protect the right-of-way and its current use, the city shall have the power to prohibit or limit the placement of new or additional facilities within the right-of-way. In making such decisions, the city shall strive to the extent possible to accommodate all existing and potential users of the right-of-way, but shall be guided primarily by considerations of the public interest, the public's needs for the particular utility service, the condition of the right-of-way, the time of year with respect to essential utilities, the protection of existing facilities in the right-of-way, and future city plans for public improvements and development projects which have been determined to be in the public interest.

208A.260. PRE-EXCAVATION FACILITIES LOCATION. In addition to complying with the requirements of Minn. Stat. 216D.01-.09 ("One Call Excavation Notice System") before the start date of any right-of-way excavation, each registrant who has facilities or equipment in the area to be excavated shall mark the horizontal and vertical placement of all said facilities. Any registrant whose facilities are less than twenty (20) inches below a concrete or asphalt surface shall notify and work closely with the excavation contractor to establish the exact location of its facilities and the best procedure for excavation.

208A.270. DAMAGE TO OTHER FACILITIES. When the city does work in the right-of-way and finds it necessary to maintain, support, or move a registrant's facilities to protect it, the city shall notify the local representative as early as is reasonably possible. The costs associated therewith will be billed to that registrant and must be paid within thirty (30) days from the date of billing. Each registrant shall be responsible for the cost of repairing any facilities in the right-of-way which it or its facilities damage. Each registrant shall be responsible for the cost of repairing any damage to the facilities of another registrant caused during the city's response to an emergency occasioned by that registrant's facilities.

208A.280. RIGHT-OF-WAY VACATION. Reservation of right. If the city vacates a right-of-way that contains the facilities of a registrant, the registrant's rights in the vacated right-of-way are governed by Minn. R. 7819.3200.

208A.290. INDEMNIFICATION AND LIABILITY. By registering with the city, or by accepting a permit under this chapter, a registrant or permittee agrees to defend and indemnify the city in accordance with the provisions of Minn. Rule 7819.1250.

208A.300. ABANDONED AND UNUSABLE FACILITIES.

1. Discontinued Operations. A registrant who has determined to discontinue all or a portion of its operations in the city must provide information satisfactory to the city that the registrant's obligations for its facilities in the right-of-way under this chapter have been lawfully assumed by another registrant.
2. Removal. Any registrant who has abandoned facilities in any right-of-way shall remove it from that right-of-way if required in conjunction with other right-of-way repair, excavation, or construction, unless this requirement is waived by the city.

208A.310. APPEAL. A right-of-way user that:

1. has been denied registration;
2. has been denied a permit;
3. has had a permit revoked;
4. believes that the fees imposed are not in conformity with Minn. Stat. § 237.163, subd. 6; or
5. disputes a determination of the city regarding Section 208A.230(2) of this ordinance,

may have the denial, revocation, fee imposition, or decision reviewed, upon written request, by the City Council. [The appeal shall be subject to the time limits and procedures within Chapter 310 of the city code.](#) The City Council shall act on a timely written request at its next regularly scheduled meeting, provided the right-of-way user has submitted its appeal with sufficient time to include the appeal as a regular agenda item. A decision by the City Council affirming the denial, revocation, or fee imposition will be in writing and supported by written findings establishing the reasonableness of the decision.

208A.320 RESERVATION OF REGULATORY AND POLICE POWERS. A permittee's rights are subject to the regulatory and police powers of the city to adopt and enforce general ordinances as necessary to protect the health, safety, and welfare of the public.

208A.330 SEVERABILITY. If any portion of this chapter is for any reason held invalid by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof. Nothing in this chapter precludes the city from requiring a franchise agreement with the applicant, as allowed by law, in addition to requirements set forth herein.

Passed by the City Council of The City of Birchwood Village this \_\_\_\_ day of Month, Year.

EFFECTIVE DATE: This ordinance becomes effective on the date of its publication, or upon the publication of a summary of the ordinance as provided by M.S. § 412.191, subd. 4, as it may be amended from time to time, which meets the requirements of M.S. § 331A.01, subd. 10, as it may be amended from time to time.

Adopted by the City of Birchwood Village City Council this \_\_\_\_th day of \_\_\_\_\_, 2023

\_\_\_\_\_  
Margaret Ford, Mayor

Attest:

\_\_\_\_\_  
Rebecca Kellen, City Administrator-Clerk

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

**A summary of an ordinance to enact a new Chapter of the City of Birchwood Village Code of Ordinances to administer and regulate the public rights of way in the public interest, and to provide for the issuance and regulation of right-of-way permits.**

1. The City Council has adopted a lengthy ordinance administering and regulating the public rights of way in the public interest and providing for issuance and regulation of right-of-way permits. The purpose of this summary is to inform the public of the intent and effect of the ordinance and to publish only a summary of the ordinance pursuant to Minnesota Statutes, section 412.191, with the full ordinance being on file in the office of the City Clerk during regular office hours.
2. The City of Birchwood Village Code of Ordinances is amended by adding a new chapter, Chapter 208A. The new chapter provides essentially as follows:

**Sec. 208A.010. Findings, Purpose, and Intent.**

States the reason and the need for the city to more effectively manage the public rights of way.

**Sec. 208A.020. Election to Manage the Public Rights of Way.**

States the intent of the Council to manage the public right of way pursuant to and in accordance with the authority given to it under state and federal statutory, administrative, and common law.

**Sec. 208A.030. Definitions.**

Certain words in the ordinance are defined here. This section also incorporates definitions adopted by the Minnesota Public Utilities Commission in state rules.

**Sec. 208A.040. Administration.**

Names the principal city official responsible for the administration of the city right-of-way ordinance.

**Sec. 208A.060. Registration and Right-of-Way Occupancy and Sec. 208A.070. Registration Information.**

Requires those using and occupying the public rights of way to register with the city and provide basic essential information.

**Sec. 208A.080. Reporting Obligations.**

Defines some minimum reporting obligations for utilities planning to do work in the public rights of way, including schedules for anticipated work.

**Secs. 208A.090. Permit Requirement; 208A.100, Permit Applications; 208A.110, Issuance of Permit Conditions; and 208A.120, Action on Small Wireless Facility Permit Applications, and 208A.130, Permit Fees.**

Describes the requirements for obtaining a permit and paying appropriate permit fees before excavating or in any way obstructing the public rights of way.

**Sec. 208A.140. Right-of-Way Patching and Restoration.**

Contains the requirements for restoring the public rights of way after excavation, and adopts the restoration standards contained in Minnesota Public Utilities Commission rules.

**Sec. 208A.150. Joint Applications.**

**Sec. 208A.160. Supplementary Applications.**

**Sec. 208A.170. Other Obligations.**

**Sec. 208A.180. Denial of Permit.**

Specifies the grounds for denying a right-of-way permit.

**Sec. 208A.190. Installation Requirements.**

Specifies that the installation of utility facilities in the public rights of way shall comply with city requirements and applicable rules of the Minnesota Public Utilities Commission.

**Sec. 208A.200. Inspection.**

**Sec. 208A.210. Work Done Without a Permit.**

**Sec. 208A.220. Supplementary Notification.**

**Sec. 208A.230. Revocation of Permits.**

Describes the grounds and procedures for revoking right-of-way permits.

**Sec. 208A.240. Mapping Data.**

Adopts rules of the Minnesota Public Utilities Commission describing the mapping information that must be provided by those placing utility facilities in the public rights of way.

**Sec. 208A.250. Location and Relocation of Facilities.**

Describes the requirement regarding location of utilities and further adopts Minnesota Public Utilities Commission rules regarding the circumstances when utilities can be forced to relocate their facilities.

**Sec. 208A.260. Pre-Excavation Facilities Location.**

**Sec. 208A.270. Damage to Other Facilities.**

**Sec. 208A.280. Right-of-Way Vacation.**

**Sec. 208A.290. Indemnification and Liability.**

Specifies the circumstances in which those placing facilities in the public rights of way will be required to defend and indemnify the city for actions brought against the city.

**Sec. 208A.300. Abandoned and Unusable Facilities.**

**Sec. 208A.310. Appeal.**

Describes the process for challenging a city's decision involving application of this ordinance.

**Section 208A.320 Reservation of Regulatory and Police Powers.**

**Sec. 208A.330. Severability.**

3. The City Council has determined that publication of the title and summary of the rights-of-way management ordinance as set forth in this summary will clearly inform the public of the intention and effect of the ordinance. The Council also directs that only the title and this summary be published. A copy of the entire text of the ordinance shall be posted in the \_\_\_\_ library.



**RESOLUTION 2023-32**

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

**A RESOLUTION APPROVING SUMMARY PUBLICATION OF ORDINANCE NO. 2023-04-04: AN ORDINANCE TO ENACT A NEW CHAPTER OF THE CODE OF ORDINANCES TO ADMINISTER AND REGULATE THE PUBLIC RIGHTS-OF-WAY IN THE PUBLIC INTEREST, TO PROVIDE FOR THE ISSUANCE AND REGULATION OF RIGHT-OF-WAY PERMITS AND TO REPEAL SECTIONS 208 TITLED “COMMUNICATIONS” AND 309 TITLED “PUBLIC RIGHT-OF-WAY” OF THE CITY CODE**

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

**WHEREAS**, the City has adopted Ordinance No. 2023-04-04, which enacts a new chapter of the code of ordinances to administer and regulate the public rights-of-way in the public interest, to provide for the issuance and regulation of right-of-way permits and to repeal sections 208 titled “communications” and 309 titled “public right-of-way” of the city code; and

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

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

1. Because the terms of Ordinance 2023-04-04 are lengthy, the City may publish the attached summary of the Ordinance as allowed by statute, and need not publish the entire ordinance. The attached summary clearly informs the public of the intent and effect of the Ordinance. Summary publication has been approved by at least a 4/5 vote of the City Council.
2. The effective date of the Ordinance amendments shall be upon their publication by summary as required by law.

Resolution duly seconded and passed this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Margaret Ford, Mayor

Attest:

---

Rebecca Kellen, City Administrator-Clerk

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

AN ORDINANCE REPEALING SECTIONS 208 & 309 AND REPLACING WITH SECTION 208A REGARDING ADMINISTRATION OF RIGHT OF WAY IN THE CITY OF BIRCHWOOD

The following is a SUMMARY of the Ordinance:

On June 13, 2023 the City adopted an Ordinance (2023-04-04) repealing its existing ROW Ordinances as found in Sections 208 and 309 of the current City Code and replacing them with one new Section (208A) that updates and codifies the management and administration of the City's Right of Way property, including the authorized uses and users thereof.

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

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

To: Birchwood City Council  
From: Ryan Hankins  
Subject: City Water and Sewer Connection Fees

June Remarks:

I updated the title as follows and corrected the sections of the ordinance.

**AN ORDINANCE AMENDING THE UTILITY AVAILABILITY FEES IN THE CITY FEE SCHEDULE, ~~AMENDING SECTIONS 201.060 AND 201.070~~ AND 201.071 OF ORDINANCE NO. 201, TITLED “CITY WATER SYSTEMS” AND SECTIONS 202.060 AND 202.070 OF ORDINANCE NO. 202, TITLED “CITY PLUMBING AND SEWAGE SYSTEM”**

I also made the following changes to bring this code into consistency with other variance applications; the variance application and related engineering fees are paid at the time of variance application, but the city does not collect the fees for the permit the variance allows until the variance is approved and an application for that permit is made.

All costs ~~involved~~ for the variance and engineering review shall be paid by the applicant ~~along with the other required fees~~ at the time of variance application. Multiple connections shall pay charges and receive credits as in 202.070.

May Remarks:

Our fees to establish water and sewer connections are higher than those of our neighboring cities and add expense to construction. Currently, for new construction, one must pay \$5500 for sewer and \$4500 for water to the city, plus \$2485 for sewer to Met Council, plus \$3000 in refundable deposits. \$14,485 has caused concerns among property owners. These are fees that are paid the first time a residence is connected to city water and sewer. In addition, property owners encounter unexpected fees if their connections to city water or sewer have been shared with a neighbor. Met Council justifies its fee because each time a new connection to its sewer system is established, it must add sewer treatment capacity.

Met Council establishes a “grandfather” date of January 1, 2009, and properties connected to its sewer system before this date are not assessed for a new connection. Met council also waives fees if a fee was previously paid for a residence. Technically, if a dwelling is demolished anywhere in Birchwood, the city receives a credit for replacement, but most cities pass this along to the property owner. This change makes our code consistent with Met Council and eliminates the need to figure out whether a particular property paid a special assessment many years in the past.

Because 14 years have elapsed since the “grandfather” period ended in 2009, a property owner connected to water and sewer would have paid, under current rates, \$144 per year (\$36 per quarter) in base sewer fees and \$140 per year (\$35 per quarter) in base water fees. Thus, I propose we set our fees at 14 years of fees, or \$2016 for new sewer connections and \$1960 for new water connections. Under Minn. Statute § 462.353, “fees must be fair, reasonable, and proportionate and have a nexus to the actual cost of the service for which the fee is imposed,” and this proposal

provides a reasonable basis for those fees, because the base rates are related to the cost of providing unconsumed service.

Birchwood has largely funded recent water and sewer maintenance and improvements through water and sewer bill fees and tax levies, rather than special assessments, and these costs have been borne by properties with and without connections to water and sewer. The references to assessments might require significant research to determine the amount that must be paid, there is significant ambiguity in what those amounts might be, and no reference exists to the fee schedule itself. Indeed, none of our most recent improvements for the cellular tower, wireless meters, lift stations or generators was funded through special assessment. Therefore, we have less justification than cities with newer systems funded by special assessment to collect large fees. Thus, I propose we decrease our fees from \$5500 for a sewer connection to \$2016, and from \$4500 for a water connection to \$1960.

Although we provide sewer services to some residences outside of Birchwood, west of Highway 120, we do not expect new connections from new construction. Thus, although we might reasonably assign higher fees to properties not subject to our tax levy, it is unlikely that we will ever collect fees from those properties.

We also appear to have no prohibition on obstructive contributions to sanitary sewer systems, such as disposable wipes or diapers, even though the city has requested residents avoid this use of the sewer.

Fee comparison:

	Sewer (single-family dwelling)	Water (single-family dwelling)
White Bear Lake	\$650	\$650
Oakdale	\$550	\$800
Mahtomedi	\$1435	\$1235
Birchwood (current)	<b>\$5500</b>	<b>\$4500</b>
Birchwood (proposed)	<b>\$2016</b>	<b>\$1960</b>

This amounts to a decrease of 63% from our previous sewer connection rates and 56% from our previous water connection rates.

**ORDINANCE NO. 2023-05-05**  
**CITY OF BIRCHWOOD VILLAGE**  
**WASHINGTON COUNTY, MINNESOTA**

**AN ORDINANCE AMENDING THE UTILITY AVAILABILITY FEES IN THE CITY FEE SCHEDULE, SECTIONS 201.070 AND 201.071 OF ORDINANCE NO. 201, TITLED “CITY WATER SYSTEMS” AND SECTIONS 202.060 AND 202.070 OF ORDINANCE NO. 202, TITLED “CITY PLUMBING AND SEWAGE SYSTEM”**

The City Council of the City of Birchwood Village hereby ordains that:

**Section 1.** The Fee Schedule of the Municipal Code of the City of Birchwood Village is amended to read as specified in EXHIBIT A.

**Section 2.** Section 201.070 of Ordinance 201 is amended to read as follows:

201.070. NEW CONNECTION - COST.

For a water service connection, water service lines and shut-off boxes shall be installed, water mains shall be tapped and pipes laid within the right-of-way, at the expense, including materials and labor, of the property owner, by a licensed plumber bonded to operate in the City. Only City employees or duly authorized licensed plumbers shall tap water mains, lay pipe from main to property line and install shut-off boxes, the cost of which, including both material and labor, shall hereafter be paid by the consumer requesting the same, and any consumer whose property has not been specially assessed for a connection charge shall pay an additional sum as set by the City Council. The property owner shall also pay the fee set in the fee schedule for connection of each dwelling unit to the City water system. The fee shall relate to the cost of establishing and providing the water system. However, the City shall waive one fee if the dwelling unit, or a dwelling unit that the dwelling unit replaces, including after a lot split, subdivision or consolidation;

1. was connected to City water service, with or without a water meter, before January 1, 2009; or
2. previously paid the fee; or
3. had an approved water meter installed and sealed by the City.

Not more than one fee shall be waived for each dwelling unit replaced. Where an existing water main cannot be used to establish a connection, the City may assess additional costs.

**Section 3.** Section 201.071 of Ordinance 201 is amended to read as follows:

201.071. MULTIPLE CONNECTIONS. Multiple connections of more than one building to a single building sewer or sewer service line shall be permitted only by special application

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to the City variance. These types of multiple connections are strongly discouraged and shall be stringently reviewed by the City Building Official, City Engineer, Planning Commission and City Council. To apply for a variance, the applicant shall submit a detailed sketch showing location, grades and special structures to the City, and shall describe the practical difficulty. Engineer for review prior to applying for a permit. All costs involved for the variance and engineering review shall be paid by the applicant along with the other required fees at the time of issuance of the permit variance application. The charge for the cost of the trunk lines, lift station, force mains and disposal facilities shall be levied against each property sought to be connected either through single sewer services or multiple connections. Multiple connections shall pay charges and receive credits as in 202.070.

**Section 4.** Section 202.060 of Ordinance 202 is amended to read as follows:

202.060. USE OF PUBLIC SANITARY SEWER SYSTEM REQUIRED. To protect the general health and welfare of the City, it is required that the liquid wastes from any plumbing system of any residence, dwelling or building be discharged into the public sanitary sewer system. Outside toilets or cesspools are not permitted. This does not prohibit the use of portable chemical toilet facilities on public property or construction sites.

**Section 5.** Section 202.070 of Ordinance 202 is amended to read as follows:

202.070. CONNECTING TO SEWER LINE. Sewer service lines shall be installed at the expense, including materials and labor, of the property owner within the right-of-way by a licensed plumber bonded to operate in the City. Before connecting to the City sanitary sewer, the property owner shall pay the fee set in the fee schedule. The fee shall relate to the cost of establishing and providing the City sanitary sewer system. In addition, the property owner shall pay to the City the Metropolitan Council Environmental Services Sewer Access Charge (MCES SAC). However, the City shall waive one City fee and one MCES SAC if the dwelling unit, or a dwelling unit that the dwelling unit replaces, including after a lot split, subdivision or consolidation:

1. was connected to City sanitary sewer service before January 1, 2009; or
2. previously paid the City fee and MCES SAC.

These fees and charges shall apply to connections to City sanitary sewer from properties inside or outside of the City. Not more than one City fee and one MCES SAC shall be waived for each dwelling unit replaced. Where an existing sewer main cannot be used to establish a connection, the City may assess additional costs.

No connection shall be made to any sanitary sewer serving the property of any person or occupants of the land, parcel or buildings affected unless all assessments for such sewer, or such installments due and payable, have been paid in full, and unless such owner, occupant or user has paid or provided for the payment of the full and proportionate share of the utility, which share shall be payable as follows:

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~~202.070.1. For service to the property for which a sewer service line has not been previously installed from the main sewer line to the property line, the owner, occupant or user shall contract with a licensed plumber for the installation of said line and all payments required shall be assumed by the owner, occupant, or user. Only plumbers bonded to operate in the City shall be allowed to install service lines within public right of way.~~

~~202.070.2. For service to property outside of the City, the owner, occupant or user shall pay to the City at the time of application for permit an amount not less than the payments made by or charges placed against comparable properties for like service within the City in an amount as may be established by the City Council.~~

EFFECTIVE DATE: This ordinance becomes effective on the date of its publication, or upon the publication of a summary of the ordinance as provided by M.S. § 412.191, subd. 4, as it may be amended from time to time, which meets the requirements of M.S. § 331A.01, subd. 10, as it may be amended from time to time.

Adopted by the City of Birchwood Village City Council this \_\_\_\_th day of \_\_\_\_\_, 2023

\_\_\_\_\_  
Margaret Ford, Mayor

Attest:

\_\_\_\_\_  
Rebecca Kellen, City Administrator-Clerk



EXHIBIT A.

Category	Description	Code	Fee	Last Revised
UTILITY AVAILABILITY FEES	Metropolitan Council Environmental Services Sewer Availability Charge	202.070	The most recent fee published by MCES. \$2485.00 as of July, 2022.	6/2023
	Water Connection Fee	201.070	\$1960.00	6/2023
	Sewer Connection Fee	202.070	\$2016.00	6/2023

**RESOLUTION 2023-34**

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

**A RESOLUTION APPROVING SUMMARY PUBLICATION OF ORDINANCE NO. 2023-04-04: AN ORDINANCE TO ENACT A NEW CHAPTER OF THE CODE OF ORDINANCES TO ADMINISTER AND REGULATE THE PUBLIC RIGHTS-OF-WAY IN THE PUBLIC INTEREST, TO PROVIDE FOR THE ISSUANCE AND REGULATION OF RIGHT-OF-WAY PERMITS AND TO REPEAL SECTIONS 208 TITLED “COMMUNICATIONS” AND 309 TITLED “PUBLIC RIGHT-OF-WAY” OF THE CITY CODE**

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

**WHEREAS**, the City has adopted Ordinance No. 2023-05-05, which enacts a new chapter of the code of ordinances to administer and regulate the public rights-of-way in the public interest, to provide for the issuance and regulation of right-of-way permits and to repeal sections 208 titled “communications” and 309 titled “public right-of-way” of the city code; and

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

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

1. Because the terms of Ordinance 2023-05-05 are lengthy, the City may publish the attached summary of the Ordinance as allowed by statute, and need not publish the entire ordinance. The attached summary clearly informs the public of the intent and effect of the Ordinance. Summary publication has been approved by at least a 4/5 vote of the City Council.
2. The effective date of the Ordinance amendments shall be upon their publication by summary as required by law.

Resolution duly seconded and passed this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Margaret Ford, Mayor

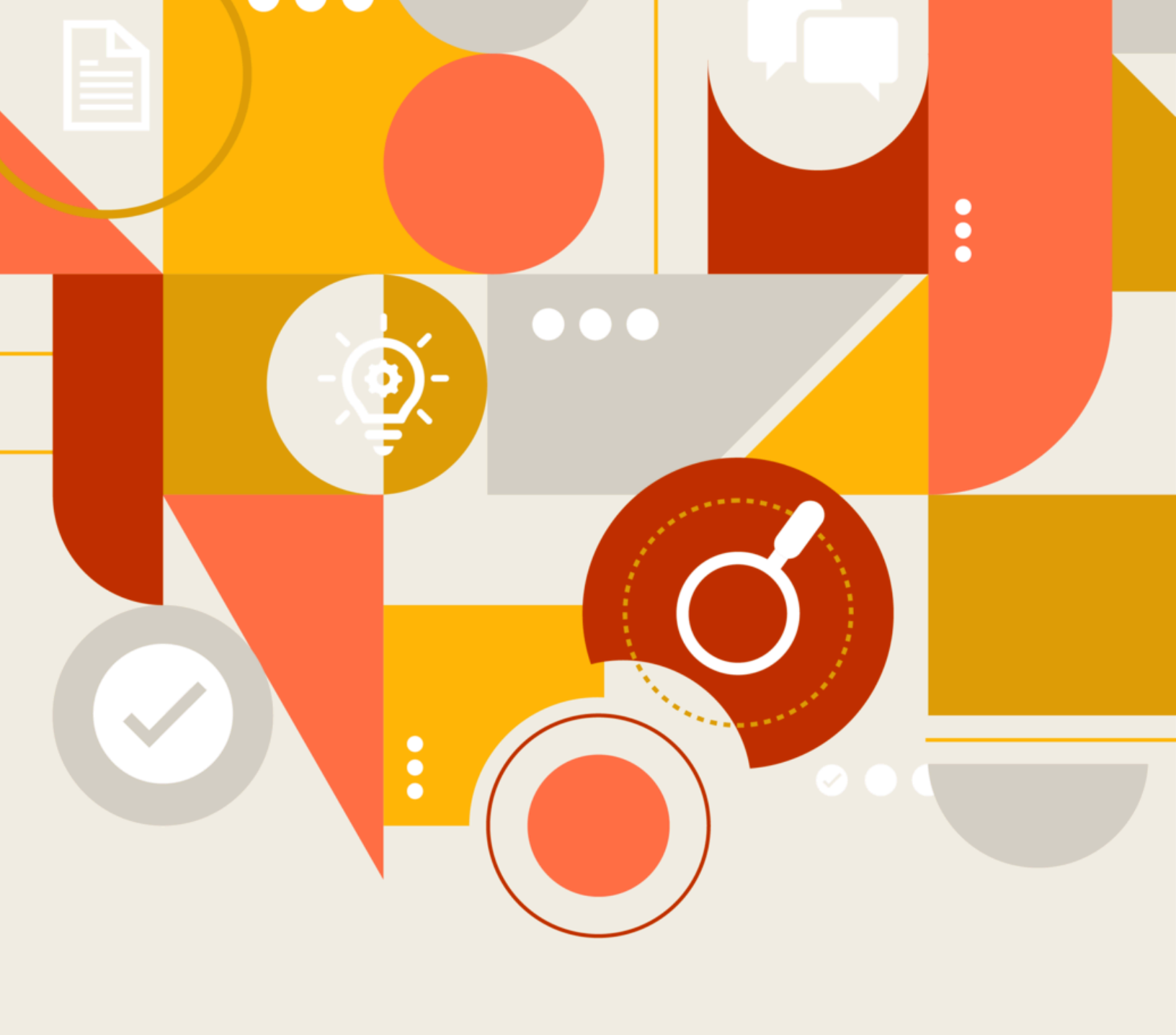
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Rebecca Kellen, City Administrator-Clerk

**CITY OF Birchwood Village**  
**REQUEST FOR COUNCIL ACTION**

<b>Meeting Date:</b> June 13, 2023	<b>Originating Department:</b> Finance
<b>Agenda Item:</b> Review Accounting Services Proposals	<b>Presenter:</b> Ryan Hankins
	<b>Estimated Time:</b> <input type="checkbox"/> Consent Agenda <span style="float: right;"><input checked="" type="checkbox"/> 5 Min.</span> <span style="float: right;"><input type="checkbox"/> 10 Min.</span> <input type="checkbox"/> 30 Min. <span style="float: right;"><input type="checkbox"/> 45 Min.</span> <span style="float: right;"><input type="checkbox"/> 1 Hour</span>
<b>Council Action Requested:</b> <input checked="" type="checkbox"/> Information/Review <input type="checkbox"/> Motion to approve... <input type="checkbox"/> Motion to deny... <input type="checkbox"/> Other <input type="checkbox"/> Budget Change  Review Accounting Services Proposals  <b>Background:</b>  Council Member Ryan Hankins obtained the following bids for accounting services to review city controls and procedures. The Abdo proposal is hourly, and the Redpath proposal includes dollar-amount estimates.  <b>Supporting Documents:</b> <input checked="" type="checkbox"/> Attached	



SERVICE PROPOSAL FOR

# City of Birchwood

207 Birchwood Ave, Birchwood, Minnesota 55110

May 25, 2023

[abdosolutions.com](http://abdosolutions.com) | Mankato, MN - Edina, MN - Scottsdale, AZ

**Abdo**  
Financial  
Solutions

Proposed by

**Jean McGann, CPA**

President and Partner | Abdo

President | Abdo Financial Solutions

[jean.mcgann@abdofs.com](mailto:jean.mcgann@abdofs.com)

P 952.715.3059

167



Ryan Hankins, Council Member  
City of Birchwood  
207 Birchwood Ave  
Birchwood, Minnesota 55110

May 25, 2023

Dear Ryan,

Thank you for the opportunity to submit this proposal to the City of Birchwood, Minnesota (the City) for accounting services. Based on our past experience with cities of comparable size and complexity, we believe our structured contract with defined outcomes offered through Abdo Financial Solutions, LLC (Abdo FS), would provide the City with excellent financial services.

We believe our solution will result in the City receiving high-level information and continual improvement of processes.

Our proposal is based on the needs of the City as we discussed and the experiences we have had working with other cities. This proposal outlines the scope of services we believe will address the needs of the City.

The following are a few ways, in which, our Financial Solutions team can support the City:

- The City currently has one staff member that handles multiple functions. Abdo will review information, provide recommendations as needed, and support the city staff member.
- Internal controls is an area Abdo can provide guidance in to mitigate the risk of fraud occurring.
- Abdo Financial Solutions will be available to address questions the city staff member may have.

The term of this contract shall be from July 1, 2023, through December 31, 2024.

An Abdo FS representative will perform services remotely as noted on the Scope of Services page. Services will also be performed remotely as necessary.

The investment required for our services is indicated on the value page, and this quote remain valid for thirty (30) days.

Abdo FS acknowledges the City has retained an independent registered municipal advisor (IRMA) to assist and advise the City in evaluating information relating to the issuance of municipal securities and/or municipal financial products. Abdo FS acknowledges the City will rely on advice from their IRMA. Abdo FS will have no recourse against the City or its IRMA, regarding action or inaction relating to evaluating, commenting on, or responding to financial projects or information received under this Agreement. Abdo FS acknowledges it is not the registered independent municipal advisor retained by the City.

Abdo FS would like to thank the City for the opportunity to propose on these services. We look forward to exceeding your expectations and developing our long-term, mutually beneficial relationship.

Sincerely,

**Abdo Financial Solutions**



**Jean McGann, CPA**

President and Partner | Abdo

President | Abdo Financial Solutions, LLC

# Value

We at Abdo FS help cities achieve their financial goals.

Our fees range from \$170 to \$445 per hour based upon the experience and level of the individuals to be assigned to perform your work. Fees are also based on the assumption and limitations outlined in the Scope of Services. Below are the fees for our services.

STAFF LEVEL	HOURLY RATES
Partner	\$445
Senior Manager	\$325
Manager	\$265
Senior Associate	\$205 - \$225
Associate/Accounting Specialist	\$170 - \$185

While this quote reflects hourly rates, there are a few options to consider:

**Option 1: Monthly Services:** The investment by the City is estimated at \$2,500 - \$3,500 per month

**Option 2: Quarterly Services:** The investment by the City is estimated at \$3,500 - \$4,500 per quarter.

**Option 3:** The City chooses to purchase a block of hours each month. For instance, if the City purchased six hours a month, the investment would be \$1,650 per month; ten hours per month would be \$2,725.

This quote is valid for thirty (30) days.

Services will be invoiced hourly on a monthly basis.

In an effort to reduce environmental impact, you will receive printable, downloadable PDFs of your report. To receive one (1) paper report, you will be charged \$150 for a set-up fee. Additional paper copies will be charged at the rate of \$50 per report.

We do not believe in charging for phone calls or emails during the year. When our communications identify additional service needs, we will provide you with an expected fee range.



# Scope of Services

ABDO FS CONTRACT TASK	CLIENT RESPONSIBILITY	FREQUENCY
<b>Cash and Investment Monitoring</b>		
Review cash and investments reconciliation	Provide statements and reconciled cash and investments work papers	Monthly
Prepare report for City Council		Monthly
<b>Financial Review</b>		
Review monthly budget to actual reports for coding errors	Review and provide input	Monthly
Review journal entries and payroll entries to ensure accuracy	Review and provide input	Bi-weekly
Review payroll and other monthly/quarterly reports	Review and provide input	Quarterly
<b>Miscellaneous</b>		
Provide assistance on a as-needed basis		As-needed



# Appendix

ADDITIONAL INFORMATION



# The Abdo Difference

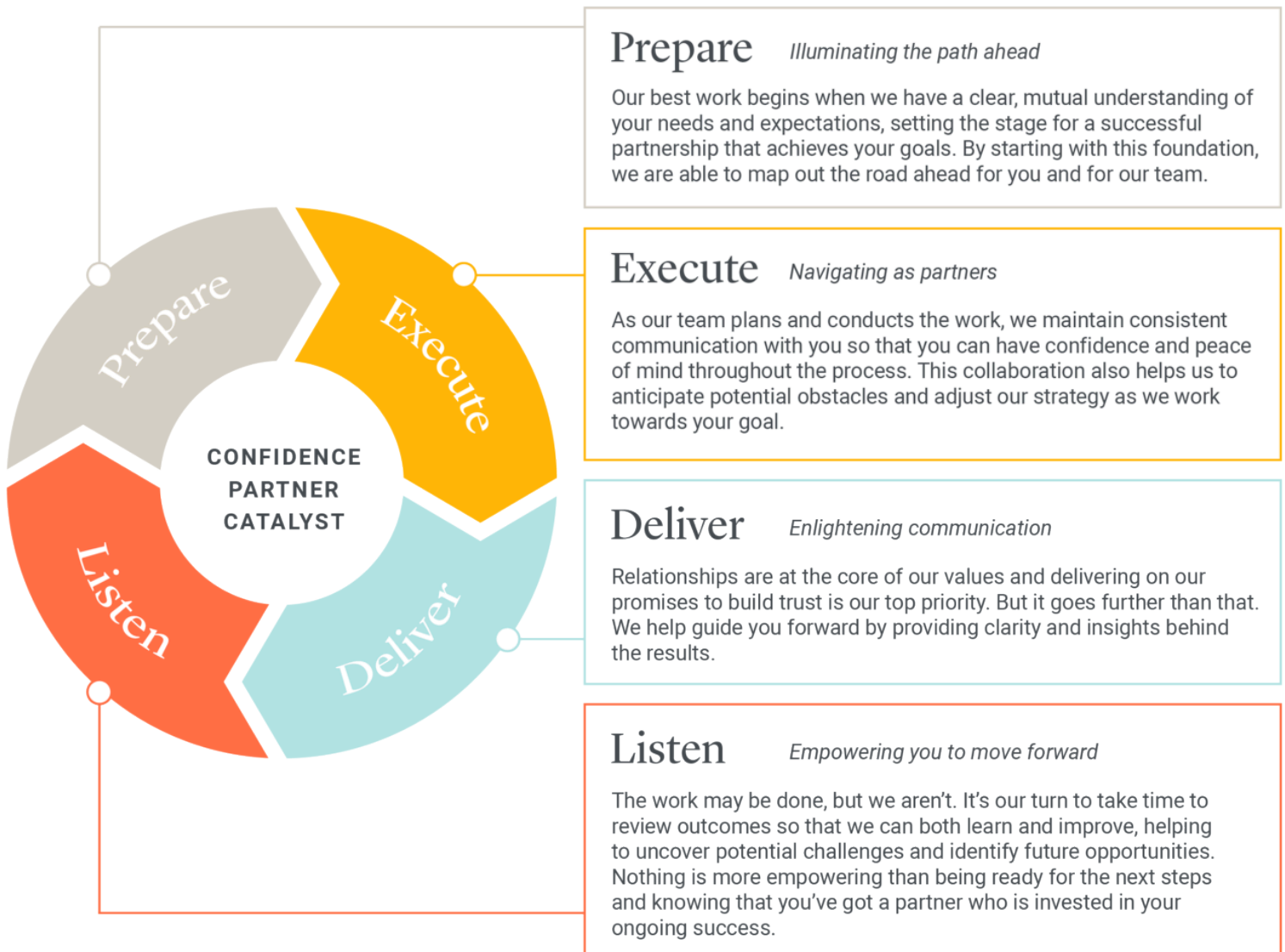
At Abdo, we believe in the importance of relationships. This core value is the foundation of our approach to delivering the best experience and outcomes for our clients. It's inherent in our people and the way we work. We know that for our clients to be successful, it takes more than having experience and credentials – we take the time to listen to their unique motivations, goals, and challenges. We truly care about their journey and where their path leads.

Our process is built around a deep commitment to every client:

*We light the path forward so you can proceed with **confidence**.*

*We're the **partner** you can trust to help you along the way.*

*We're the **catalyst** who empowers you to reach your goals.*



# Your Team

Based on our ability to provide the requested services, our shared core values, and an understanding of your unique needs, we have the resources, knowledge, people and services to light the path forward for your city.

We have assembled a team with relevant experience who are committed to working with you to ensure success. Each team member is briefly profiled below, and full biographies can be provided upon request.



**JEAN MCGANN, CPA**

**Partner and President**  
*jean.mcgann@abdofs.com*  
**P** 952.715.3059



**ASHLEY FELDEWERD**

**Manager**  
*ashley.feldewerd@abdofs.com*  
**P** 952.715.3060



**HEATHER WEIS**

**Accounting Specialist**  
*heather.weis@abdofs.com*  
**P** 952.395.9332





# Government Experience

You can have confidence in our years of experience performing consulting services, the quality of the accounting services we offer and our understanding of the unique challenges our clients face in the government space. Since 1963, we've served cities just like yours. With an unwavering commitment to streamlining processes, training staff, and finding technology-based solutions, we proudly offer excellence in city consulting and auditing. Out of our 180-strong, talented staff, over 40 team members are 100% focused on government clients, which include over 100 cities and other governmental entities. By serving cities across Minnesota, we have become experts in the nuances of how to best support your city. Our expertise affords you a consulting experience that is painless. We do this by communicating up front, coming fully prepared, and being available throughout the year to support you.

## PROCESS

Our methods are centered around incorporating technology to deliver unparalleled solutions for government organizations. In addition to our consulting experience, our firm expertly performs outsourcing for governments giving us a wealth of experience in a consulting role. We don't believe in a one-size-fits-all mentality. So together, we'll focus on the needs that are relevant to your city and provide the right services to meet them with a customized methodology based on your needs. We're focused on developing creative, customized solutions to help your city mitigate costs and boost efficiency.

## FOCUS

Through continuous training and growth opportunities, we've established an environment with a focus on serving government entities. We spend more than 100 hours training and onboarding to ensure success for our clients. We truly hope that you partner with us to light the path forward for your organization.

## OUR QUALIFICATIONS

- GFOA and MnGFOA Association members
- Government operations training
- MSRB Municipal Advisor Qualified Representatives (Series 50 and Series 54)
- Consulting services for over 100 cities
- We've assisted many municipalities in preparing for the GFOA's Certificate of Achievement for Excellence awards in financial reporting



**OUR FINANCIAL MANAGEMENT AND CONSULTING SERVICES INCLUDE:**

- Budget process development
- Capital improvement planning
- Cash flow analysis
- Cost containment processes
- Debt management plans
- ERP system consulting
- Federal and State relations/grant consulting
- Finance Director services
- Financial management plans
- Financial reporting and analysis
- Fleet: Operations and replacement rate analysis
- Interim accounting and financial services
- Internal control evaluation
- Long-term strategic planning
- Payroll processing
- Policy development
- Process flows and efficiencies
- Project management
- Quarterly and monthly reporting to management
- Reconciliations
- Software implementation
- Utility/fee analysis
- Year-end audit preparation and financial statement preparation



# Why Partner with Abdo

## LIGHTING THE PATH FORWARD

In a world of ever-changing complexity, people need caring, empathetic and highly skilled professionals they can depend on to provide the right advice and solutions for them. Our clients seek growth and success, but also want security and confidence. For nearly 60 years, Abdo has provided insights for our clients to help them achieve their goals.

That same innovative spirit is also what has earned us the title of being one of the top accounting firms in the Midwest. Abdo is a better firm today because of the efforts we made to support a culture driven by our core values of growth, relationships, and teamwork.

With this foundation in place, we have successfully helped our clients identify and break through their own growth barriers. Every challenge they face is an opportunity for us to listen, understand and empower them with solutions and a plan to achieve their goals. It's fulfilling to serve as the catalyst that helps them overcome obstacles that block their progress.

When it comes to our working relationships, we are partners. We're confidants. We're the catalyst that sparks true business growth, providing guidance through every challenge and opportunity along the way.

## ABOUT ABDO

Abdo is a full-service accounting and consulting firm that delivers customized strategies and innovative solutions to help businesses, governments and nonprofits succeed. With more than 180 professionals and nearly six decades of experience, Abdo is ranked as one of the top accounting firms in the Midwest. It is a licensed CPA firm with offices located in Minneapolis and Mankato, Minnesota, and Scottsdale, AZ. Abdo's commitment to its clients is to gain in-depth knowledge of their unique challenges, opportunities, and needs. Through this consultative approach, Abdo partners with organization leaders to light the path forward to confidently reach their goals.

*"Listening to our clients' needs, understanding their challenges, and adjusting how we work together is key to our partnership with the people we serve."*

-- Steve McDonald, CPA | Managing Partner





# *An ongoing quest to be better, together*

## **OUR COMMITMENT TO DIVERSITY, EQUITY, & INCLUSION**

At Abdo, we recognize the need for continuous improvement in diversity, equity and inclusion initiatives throughout our firm and the accounting industry at large. We believe that when we understand each other better, we grow better together.

Over the past year, we have increased our efforts to promote diversity, equity, and inclusion within our firm and community through implicit/unconscious bias, anti-harassment, and interview training. Our Diversity, Equity, and Inclusion Committee continues to implement new ideas, projects, and initiatives to move our firm forward through learning, understanding, and improving on these issues.

We continue to increase our number of women at the highest leadership level. We strive for continued growth in our ability to attract and retain women and people of color within our firm and we are working towards greater equity and diversity for all within our industry.

In order to build a more inclusive work environment, the firm has implemented diversity and inclusion education through partnering with expert speakers and trainers. Please let us know if you have any ideas on how we can improve diversity, equity, and inclusion at Abdo.



**61%**

*of our employees  
are female*



**51%**

*of our  
management level  
employees are  
female*



**23%**

*of our interns this  
year were people  
of color*



## ABDO DIVERSE SCHOLARSHIP & INTERNSHIP PROGRAM

Abdo was a proud co-sponsor of the AICPA PCPS George Willie Ethnically Diverse Student Scholarship & Internship, which allows 10 ethnically diverse accounting students the opportunity to be awarded internships with a firm that has been selected by the AICPA. Upon conclusion of this successful partnership, we were inspired to create our own DEI Sponsorship program, annually awarding a rising diverse accounting student a scholarship & internship.



# DEI Initiatives



## PARTNERSHIP WITH NABA

Abdo is proud to sponsor the Minnesota State University, Mankato Chapter of NABA (National Association of Black Accountants) Inc. NABA is committed to increasing the number of African Americans in the accounting and finance professions and to promoting their success. As a firm, we are invested in not only increasing diversity within our organization but support diversifying the industry as a whole. We are committed to providing guidance and mentorship along with financial support to this organization.



## GREATER MANKATO GROWTH DEI COLLABORATIVE

Abdo is a founding sponsor and member of Greater Mankato Growth's (the Mankato region's chamber of commerce) DEI Collaborative. This collaborative was formed to discuss what we could do as individuals, organizations, and the community to increase diversity and make our community a welcoming one. Together, we explored our individual biases, developed action plans to make a difference within our organization, and pledged to continue the work to make our community inclusive.

## CEO ACTION PLEDGE

We are proud signatories of the CEO Action Pledge, a pledge signed by CEOs from different sectors, sizes, and geographical area to support more inclusive workplaces. As part of this pledge, we work toward goals including DEI education and recruiting. We promise to have the difficult conversations and make our firm, and this industry—one that better reflects the communities we live and work.



## YWCA

We are committed to the continued support and advancement of women in our firm and in our communities. One of the ways we do this is through a partnership with YWCA Mankato, an organization whose mission is dedicated to eliminating racism, empowering women, and promoting peace, justice, freedom and dignity for all. We are proud sponsors of the Elizabeth Kearney Women's Leadership Program, Women's Leadership Conference, and Women of Distinction event.



## COMMUNITY INVOLVEMENT

Every year, we come together as a firm to participate in what we call a "Day of Action." This gives us an opportunity to give back to organizations within our communities that support underserved populations. You can catch us volunteering at a food shelf, building houses, or helping at an After School Program. In addition, the firm pledges 24 hours of VTO (Volunteer Time Off), for each employee to volunteer at the nonprofit of their choosing. We truly believe we are better, together.



# Proposal for the City of Birchwood



JUNE 5, 2023



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# Engagement Overview

# Engagement Overview

## Our Understanding

Based on Redpath and Company's discussions with Council Member Hankins, we understand that the City of Birchwood ("the City") would like to engage outside assistance to complete an internal control and risk assessment of existing City policies and procedures.

Leveraging our subject matter experts, Redpath will gain an understanding of the City's finance and accounting function, key process pain points, and current control deficiencies. As discussed with Council Member Hankins, an internal control and process assessment will provide actionable recommendations for improvement versus simply identifying deficiencies.

Redpath will tailor the project plan to best fit the City's needs. Because the City has not had an external audit or review completed in more than ten years, we recommend the expanded scope Option 2 offers.

## Assessment Options

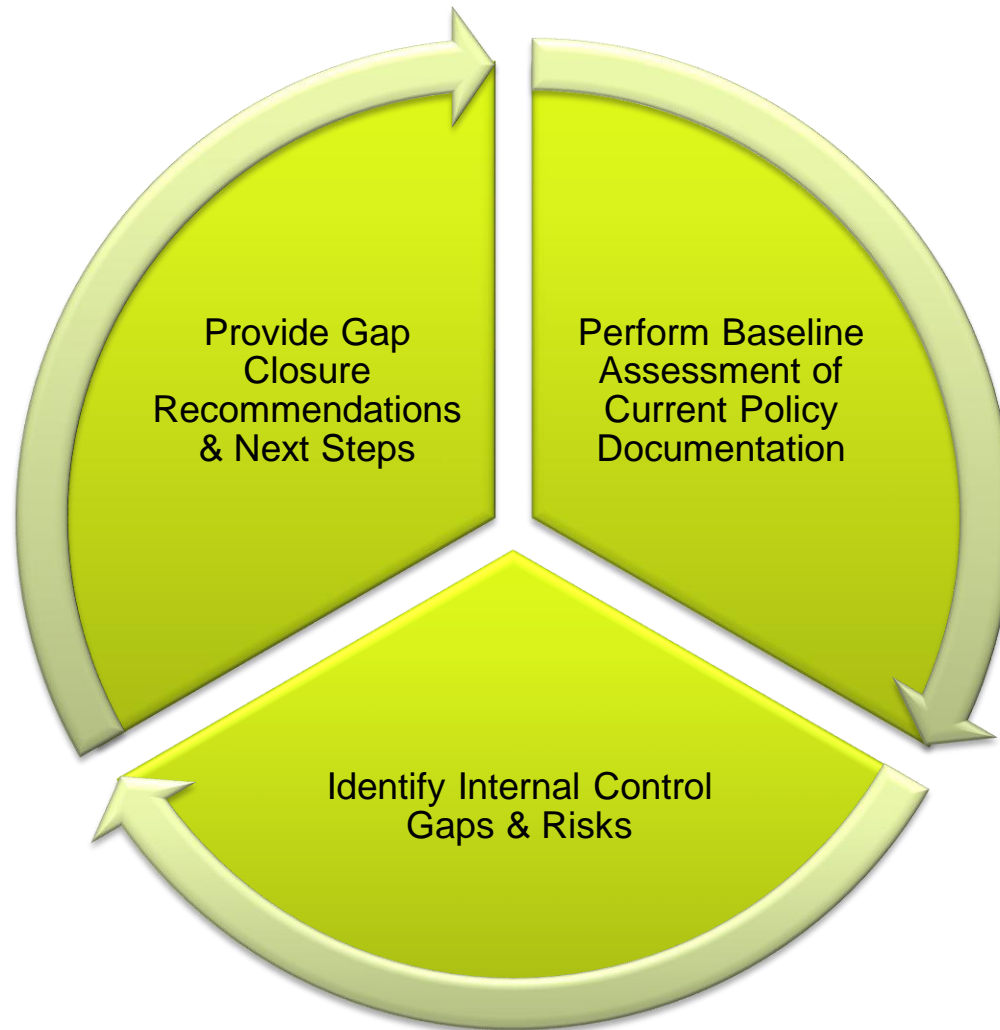
- ▶ **Option 1:** Baseline Policy Assessment
  - Scope: Existing Accounting and Finance-related Policy Documentation.
  
- ▶ **Option 2:** Policy and Process Assessment
  - Scope: Existing Accounting and Finance-related Policies and Process Documentation, Stakeholder Input, Financial Reporting.



# Our Approach

# Our Approach: Baseline Assessment (Option 1)

Our Redpath team will gain an understanding of the City's policies and current control weaknesses and make recommendations to improve upon the City's existing policies and procedures.



## Deliverables

- ✓ Accounting & Finance-related Policy and Process Risks Identified and Summarized (based on review of existing policy documentation).
- ✓ Recommendations to Address Gaps.
- ✓ Prioritization of Recommendations (Effort vs. Impact).
- ✓ Close Out Meeting.

# Our Approach: Policy & Process Assessment (Option 2)

Our Redpath team will gain an understanding of the City's finance and accounting function, pain points, and current control weaknesses and process inefficiencies, and make recommendations for improvement. Throughout the engagement, we will work side-by-side with the City and provide weekly status updates on progress towards agreed upon key objectives.



## Deliverables

- ✓ Accounting & Finance-related Policy and Process Risks and Inefficiencies Identified and Summarized (based on existing policy and process documentation and stakeholder interviews).
- ✓ Recommendations to Address Internal Control Gaps and Process Inefficiencies.
- ✓ Prioritization of Recommendations (Effort vs. Impact).
- ✓ Close Out Meeting.



# Professional Fees

Based on the proposed scope of work, availability of information, and other assumptions that will be outlined in our engagement letter, it is estimated the professional fees for this engagement will be within the below stated range based on a build-up of our hourly rates.

	Estimated Duration	Estimated Fees
Option 1: Baseline Assessment	2 weeks	\$5,000
Option 2: Policy & Process Assessment	3 – 4 weeks	\$7,000 - \$9,500

**Estimated Fee Notes:**

- 1) We will bill incurred out-of-pocket expenses for any travel required and on a pre-approved basis for any other required items.
- 2) Redpath anticipates leveraging a team of two – three part-time resources to support this engagement. Resources will include our Performance Optimization Practice Lead.

**Key Timing and Fee Assumptions:**

- Dedicated Functional Support – fees and timing are based on the assumption that stakeholders will be identified and available on designated days.
- We will report our accomplishments and deliverables every week so that you have control over the engagement at all times.
- If the City requests additional services or procedures, we will discuss and agree upon fees prior to performing.



# Appendix

# About Redpath and Company

200

Total Employees

22

Consulting  
Services Professionals

1,000 +

Clients Served in 2022

## Top industries

Manufacturing/Distribution  
Construction/Real Estate/Engineering  
Private Equity  
ESOP  
Technology / SaaS  
Nonprofit  
Government

## Redpath and Company

Redpath and Company helps clients make more informed decisions that contribute to their financial well-being by providing proactive, innovative, and value-driven certified public accounting services for closely-held businesses, government entities, and nonprofit organizations. The firm started operations in 1971 and is 100% employee owned (ESOP). With offices located in downtown St. Paul (headquarters) and White Bear Lake, Minnesota, the firm ranks as one of the top CPA firms in the Twin Cities with approximately 200 employees.



## Leverage a Network of Global Resources

Redpath and Company is a member firm of HLB International, a world-wide network of professional independent accounting firms and business advisors. HLB's network of firms in 150 countries with more than 25,000 partners and staff is committed to delivering high quality assurance, advisory, and tax services—and is dedicated to helping our clients grow across borders. Learn more about our network at [www.hlb.global](http://www.hlb.global).

WE ARE AN  
INDEPENDENT  
MEMBER OF



THE GLOBAL  
ADVISORY AND  
ACCOUNTING  
NETWORK

# Why Redpath?

## Commitment to Satisfaction



With Redpath and Company, Client Managers are held accountable to deliver on the Redpath promise of unparalleled service and unmatched value by spending time with their clients to identify issues and solutions unique to their business. Our Team values long-term relationships and provides proactive, innovative services to client.

## More Value for Your Dollar Spent



Because we are focused on solving, not selling, clients benefit from efficient service delivery that translates into a greater value. While serving as a hands-on partner, our teams oversee the detailed objectives of the engagement. Project scopes and fees are established through a collaborative process, so you understand what is being delivered—and at what cost.

## Range of Expertise



As a CPA firm with a broad range of public accounting, industry, and consulting experience, Redpath can effectively deliver advisory services to address your evolving short and long-term goals. In addition, our change management methodology runs throughout each engagement and focuses on consistent communication, training, and stakeholder buy-in to ensure your team is set up for success.

## A Better Fit for Your Business



Clients do not have to choose a large national or international firm to obtain Big 4 experience—and then become an afterthought. With Redpath and Company, they have a better choice: a CPA firm with all the necessary experience and capabilities, providing an unrivaled level of attention and service. Not only will clients be able to leverage that experience and those resources now, but they will have a firm positioned to be there for them in the future as well.

# Dedicated to Serving Government Entities

Redpath and Company has provided services to local Government entities for more than fifty years.

Government entities we have had the privilege to service include:

## Cities

Andover<sup>1</sup>  
Blaine<sup>1</sup>  
Cambridge<sup>1,2</sup>  
Champlin<sup>1,2</sup>  
Chanhassen<sup>1,2</sup>  
Columbia Heights<sup>1,2</sup>  
Columbus  
Eagan<sup>1,2</sup>  
Fridley<sup>1,2</sup>  
Grand Rapids<sup>1,2</sup>  
Lake Elmo<sup>1</sup>  
Lino Lakes<sup>1</sup>  
Oakdale<sup>1,2</sup>  
Oak Park Heights  
Pine City  
Roseville<sup>1,2</sup>  
St. Anthony Village<sup>2</sup>  
St. Louis Park<sup>1,2</sup>  
Waconia<sup>1,2</sup>

## Counties

Cook

## Housing Authorities

Cambridge HRA  
Columbia Heights EDA/HRA  
Cook County CDA  
Fridley HRA  
Grand Rapids HRA  
Itasca County HRA<sup>2</sup>  
Pine County HRA  
St. Cloud HRA<sup>2</sup>  
St. Louis Park Housing Authority<sup>2</sup>  
Washington County CDA<sup>1,2</sup>

## Charter Schools

Harvest Best Academy<sup>2</sup>  
Duluth Public Schools Academy<sup>2</sup>  
High School for Recording Arts<sup>2</sup>  
Metro Schools<sup>2</sup>  
Parnassus Preparatory School<sup>2</sup>  
Partnership Academy<sup>2</sup>  
Rochester Math & Science Academy<sup>2</sup>  
Rochester STEM Academy  
Seven Hills Preparatory Academy<sup>2</sup>  
The Mastery School  
Urban Academy<sup>2</sup>

## Specialty

Metropolitan Emergency Services Board  
Minnesota Valley Transit Authority<sup>1,2</sup>  
Metropolitan Mosquito Control District  
Three Rivers Park District<sup>1</sup>

## Watersheds / Water Management

Carnelian-Marine-St. Croix  
Minnehaha Creek  
Mississippi Water Management Organization  
Nine Mile Creek  
Ramsey-Washington Metro  
Rice Creek  
Valley Branch

## Joint Ventures

St. Croix Valley Cable Communications Commission  
Quad Cities Cable Communications Commission  
Anoka-Champlin Fire Department

## Fire Relief Organizations

Grand Rapids

1 - GFOA Certificate Holder; 2 - Required a federal single audit for 2021

# Redpath's Service Offerings

## Accounting & Management Outsourcing

- Fractional CFO/controller
  - Strategic plan consulting
  - Banking relationship assistance
  - Insurance/risk review
  - Advisor to CEO
  - Finance staff mentoring/coaching
  - Revenue/cash flow forecasting
  - Process improvement
- Accounting services
  - Monthly or quarterly accounting
  - Month-end close
  - Financial statement preparation
  - A/R & A/P processing
  - Sales & use tax filings
  - Records management
- Payroll services
  - Multi-state withholding
  - Payroll tax credits
  - Federal/state agency notice support
  - Employee fringe benefit taxation
  - Payroll tax planning/forecasting
  - Payroll system consulting
  - Payroll processing
  - Payroll tax return filings
  - TPA administration

## Audit & Attestation

- Financial statement audit
- Compliance audit
- Employee benefit plan audit
- FAR (indirect cost rate) audit
- Review
- Agreed-upon procedures

## Business Tax

- Tax planning/compliance
- Entity structuring
- Business succession planning
- Tax credits
- Cost segregation studies
- Multi-state income tax

## Employee Benefits

- Plan facilitation
- Annual administration
- Required government reporting

## ESOP Planning

- Feasibility studies
- Implementation

## Estate, Gift, & Trust

- Wealth transfer planning
- Estate tax exposure calculations
- Tax planning/compliance
- Charitable trust planning/compliance
- Foreign trust reporting/compliance

## Financial Planning

- Goal-based planning
- Cash flow analysis/budgeting
- Investment analysis
- Stock option planning

## International Tax

- International tax planning
- Structuring of acquisitions/dispositions
- Repatriation planning
- Foreign tax credit planning
- Legal entity rationalization/restructuring
- Transfer pricing
- International tax compliance
- U.S. and non-U.S. tax audits
- Business advisory services

## M&A Advisory

- Corporate & deal strategy
  - Growth strategy
  - Acquisition strategy
  - Target screening
  - Corporate finance
  - M&A modeling & valuation
  - *Deal & Value Creation* playbook
- Transaction Advisory
  - Financial diligence
  - Tax diligence
  - Operations diligence
  - IT diligence
  - Transaction readiness
  - Tax structuring
  - Closing advisory
- M&A Integration

## Performance & Process Optimization

- Financial planning/analysis
- Operating model advisory
- Targeted assessment
- Internal control remediation/audit readiness
- Accounting/HR/payroll process optimization
- Working capital/cash flow management

## Personal Tax

- Tax planning/preparation
- IRS representation
- Retirement planning
- College funding
- Cash flow analysis/budgeting
- Insurance analysis
- Investment analysis
- Social Security analysis
- Passive Activity Losses (PAL)

## Sales & Use Tax

- Tax research
- Taxability/procedures
- Nexus reviews
- State/local registrations
- Sales tax preparation
- Refunds/claims

## State & Local Taxation (SALT)

- Tax preparation/compliance
- Apportionment methodology
- Audit assistance
- Voluntary disclosure
- Tax incentives/exemptions review
- Personal property tax preparation

## Valuation Services

- Financial reporting/taxation
  - Estate, gift, and inheritance tax
  - Charitable contributions support
  - 409A valuations
  - Intangible asset valuation
  - Purchase price allocation
  - Fair value reporting
- Transaction support
- Forensic/litigation
  - Dissolution/dissenting shareholder
  - Damage and lost profit estimates





**CITY OF Birchwood Village**  
**REQUEST FOR COUNCIL ACTION**

<b>Meeting Date:</b> June 13, 2023	<b>Originating Department:</b> Permitting
<b>Agenda Item:</b> Permitting Fee	<b>Presenter:</b> Mark Foster
	<b>Estimated Time:</b> <input type="checkbox"/> Consent Agenda <input checked="" type="checkbox"/> 5 Min. <input type="checkbox"/> 10 Min. <input type="checkbox"/> 30 Min. <input type="checkbox"/> 45 Min. <input type="checkbox"/> 1 Hour

**Council Action Requested:**

- Information/Review   
 Motion to approve...
 Motion to deny...
 Other     
 Budget Change

Review and discuss options for offsetting the Permitting Software technology and City Planner fees, considering whether these fees are to be paid through the levy or through permitting, and determine a reasonable permitting fee if any.

... motion to approve a specific permitting fee (if a fee is determined) effective on a particular date, specifying which types of permits the fee is to apply to

**Background:**

In January of 2023 the City Council approved the purchase of permitting software and requested that the City come up with a calculation for a permitting fee to offset the software costs.

In April of 2023, the City contracted a City Planner that is paid a monthly retainer, not billing on hours spent per address. Previously, since City Engineer and Planning services were provided by the same individual, planning fees were invoices per address and on an hourly basis, as is the current billing system with the newly contract City Engineer. In this case the billing for City engineering services will remain the same, attached and billed to residential properties prompted by invoices. On the other hand, the new city planner is paid a monthly retainer and for this reason, the previous “engineering fees” that were attached to many permits will be replaced by monthly retainer fees that do not correspond specifically to any one address, since the contract was negotiated with an approximate time commitment per month.

If the City wishes the permittee(s) to incur these fees a permitting fee would need to be assessed. If not, the fees may be paid through the levy, or perhaps there are alternative sources.

For these expenses, the City will need to determine if 1) it wants these fees covered by the property taxes of all residents (meaning that it is included in the budgeting for 2024 and no additional permit fee is incurred), or 2) the fees applied to all permits applied for and/or issued, or 3) applied to a particular set of permits (i.e. building permits) applied for and/or issued, and if 2) or 3), when does that become effective or what is the schedule of payment.

In the May City Council meeting a first draft was considered and it is included below. Below is another option to consider for a permitting fee that offsets planner and technology fees, in which case the



technology fee is not part of any added permit fee while the planning fees are, and this applies to all issued permits, and would be effective immediately.

Also note that It has been confirmed with Building Official Jack that we can add the fee without him being a participant in its disbursements.

### **Option to consider for a permitting fee that offsets planner and technology fees**

- The City expects approximately 110 permits for 2023 and thereafter.
- **The 2K annual technical fee will pay for itself** in terms of efficiency gains. The city recommends that the financial impact to the city is less than the actual costs due to reasons of efficiency gains. For these reasons, the city recommends reducing the actual costs of the fee impact from \$2000 to \$500 for 2024 and to \$0 thereafter. For the fee impact of \$500 for 2024, the city recommends that that technology fee be worked into the city budget for technology improvements.
- **The 2K one time technology implementation fee was paid** upon City Council approval.
- **The City recommends adding a \$175 fee per permit application to cover annual city planning fees of \$19200.**

**Supporting Documents:** ■ Attached



MEMORANDUM

Date: 5/3/23

TO: Mayor and City Council

FROM: Rebecca Kellen, City Administrator

COPIED: Mary Cahill

SUBJECT: Permitting fee to Offset Permitting Software and Planner Expenses

The City estimated a permitting fee to cover the costs of the newly approved permitting software and planning fees.

The City forecasts approximately 110 permits for 2023.

- Average number of permits received from over the past 3 years is 127. (78 in 2020, 103 in 2021, 199 in 2022).
- Total number of permits forecasted for 2023 is 92, based on the receipt of 23 permits in the first quarter.
- An average of the average number of permits received in the past 3 years and the forecasted amount for 2023 is an estimated 110 permits per year.

The City forecasts permitting expenses related to permitting software and planner fees to be \$23200 annually for the first year.

- Year one costs for the permitting software = \$4000.
- Annual cost of planner fees = \$19200 (1600 monthly planning fee \* 12 months).

The City recommends a \$210 nonrefundable fee added to any existing fees for all permits applications submitted, to offset technology and planning permit related expenses. The City recommends the fee schedule be updated to reflect the new charges effective June 1<sup>st</sup>. The City recommends that a similar analysis be completed on an annual basis to ensure that the fees and expenses remain in balance.

Thank you,

Rebecca Kellen

City Administrator

To: Birchwood City Council  
From: Ryan Hankins  
Re: Solar Ordinance

The planning commission reviewed the following with me at its May 25 meeting. In addition, Mike Kraemer provided valuable comments, and I have updated the proposed ordinance with all of those comments. I am grateful for that feedback.

**ORDINANCE NO. 2023-06-01**

**AN ORDINANCE AMENDING ORDINANCES NO. 301 TITLED “ZONING CODE: GENERAL PROVISIONS,” NO. 302 TITLED “ZONING CODE: REQUIREMENTS AND PERFORMANCE STANDARDS,” AND NO. 306 TITLED “ZONING CODE: CONDITIONAL USE PERMITS”**

**The City Council of The City of Birchwood Village, Minnesota ordains:**

**Section 1.** Findings and Purpose.

*Solar installations have become commonplace in surrounding areas, but shade in Birchwood has made our own solar development proceed more slowly. As Birchwood’s high tree cover diminishes due to emerald ash borer, sunlight will fall more directly onto houses and garages. Moreover, the Metropolitan Land Use Plan in Minn. Stat. § 473.859 calls for “an element for protection and development of access to direct sunlight for solar energy systems”*

*A conditional use permit for rooftop solar systems no longer makes sense; these systems can be regulated administratively with building permits without direct planning commission or city council oversight. Ground mount systems have significant enough potential impacts, however, that more oversight may ensure that aesthetic concerns can be addressed.*

*Because Minn. Stat. § 462.358 Subd. 6 provides that “unusual hardship includes, but is not limited to, inadequate access to direct sunlight for solar energy systems,” we should allow variances.*

**Section 2.** Ordinance No. 302 titled “Zoning Code: Requirements and Performance Standards” is amended to insert section 302.100, to read:

**302.100. SOLAR ENERGY INSTALLATIONS**

**1. Definitions.**

- a. **Building-integrated Solar Energy Systems.** A solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems include, but are not limited to, photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights, and awnings.

- b. Grid-intertie Solar Energy System. A photovoltaic solar energy system that is connected to an electric circuit served by an electric utility company.
  - c. Ground-mount. A solar energy system mounted on a rack or pole that rests or is attached to the ground.
  - d. Photovoltaic System. A solar energy system that converts solar energy directly into electricity
  - e. Roof-mount. A solar energy system mounted on a rack that is fastened to or ballasted on a structure roof. Roof-mount systems are accessory to the principal use.
  - f. Solar Collector. The panel or device in a solar energy system that collects solar radiant energy and transforms it into thermal, mechanical, chemical, or electrical energy. The collector does not include frames, supports, or mounting hardware.
  - g. Solar Energy System. A device, array of devices, or structural design feature, the purpose of which is to provide for generation or storage of electricity from sunlight, or the collection, storage and distribution of solar energy for space heating or cooling, daylight for interior lighting, or water heating.
2. Intent. Solar energy is an abundant, renewable, and nonpolluting energy resource and its conversion to electricity or heat is beneficial. The intent of this ordinance is to:
- a. preserve the health, safety and welfare of the community by promoting the safe, effective and efficient use of solar energy systems; and
  - b. promote sustainable building design and management practices to serve current and future generations; and
  - c. implement the solar resource protection element required under the Metropolitan Land Planning Act; and
  - d. reduce dependence on nonrenewable energy resources and decrease air and water pollution that results from the use of conventional energy sources; and
  - e. enhance the reliability and power quality of the power grid and make more efficient use of electric distribution infrastructure; and
  - f. maintain the aesthetic qualities of the City, minimize the visibility of solar systems from roads and shorelines, and reduce impact on neighboring properties.
3. Height and Setback. Solar energy systems must meet the following height and setback requirements:

- a. Building- or roof-mounted solar energy systems shall not exceed the maximum allowed height. For purposes for height measurement, solar energy systems other than building-integrated systems shall be given an equivalent exception to height standards as chimneys and flues.
  - b. Ground-mount solar energy systems shall not exceed four feet in height when oriented at maximum design tilt.
  - c. Solar energy systems must meet the structure setback for the lot on which the system is located, except as allowed below.
  - d. The collector surface and mounting devices for roof-mounted solar energy systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built, unless the collector and mounting system has been explicitly engineered to safely extend beyond the edge and setback standards are not violated. Exterior piping for solar hot water systems shall be allowed to extend beyond the perimeter of the building on a side-yard exposure. Solar collectors mounted on the sides of buildings and serving as awnings are considered to be building-integrated systems and may project as permitted in § 302.020 Subd. 1.
  - e. Ground-mounted solar energy systems may not extend into any setback when oriented at minimum design tilt, except as otherwise allowed for building mechanical systems.
4. Visibility. Solar energy systems shall be designed to minimize visual impacts from the public right-of-way, to the extent that doing so does not affect the cost or efficacy of the system. The following standards shall apply:
- a. Building Integrated Photovoltaic Systems. Building integrated photovoltaic solar energy systems shall be allowed regardless of whether the system is visible from the public right-of-way, provided the building component in which the system is integrated meets all required setbacks and performance standards.
  - b. Aesthetic restrictions.
    - i. Ground-mount solar energy systems shall not be visible from the shoreline or the closest edge of any public right-of-way. Conditions of approval may be required to ensure ground-mount solar systems are not visible.
    - ii. Roof-mount systems shall have the same finished pitch as the roof and shall be no more than ten inches above the roof.
  - c. Reflectors. All solar energy systems using a reflector to enhance solar production shall minimize glare from the reflector affecting adjacent or nearby properties.
5. Ground Mount Systems.
- a. Lot Coverage. Ground-mount Solar Systems shall:

- i. not exceed 30% of the building footprint of the principal structure in total collector area; and
    - ii. not count toward accessory structure limitations; and
    - iii. be exempt from impervious surface standards if the surface under the collector is not impervious surface.
  - b. Roof-mount infeasible. Ground-mount systems shall be permitted on a lot only where the applicant shows that a roof-mount solar installation is infeasible.
6. Plan Approval Required. All solar energy system permit applications shall provide a site plan for review, including to-scale horizontal and vertical (elevation) drawings. The drawings must show the location of the system on the building or on the property for a ground-mount system, including the property lines.
7. Compliance with Codes and Standards.
  - a. Electric solar energy system components must have a UL or equivalent listing and solar hot water systems must have an SRCC rating.
  - b. All solar energy installations shall be consistent with the State of Minnesota Building Code and shall meet approval of local officials.
  - c. All photovoltaic systems shall comply with the Minnesota State Electric Code.
  - d. Solar thermal systems shall comply with applicable Minnesota State Plumbing Code requirements and with HVAC-related requirements of the Energy Code.
  - e. Grid-intertie solar energy systems shall conform to all electric utility requirements.
8. Utility Notification. The electric utility shall be notified in advance of all grid-intertie solar energy system installations.
9. Permits Required. All solar installations require a building permit.
10. Exception from Conditional Use Permit. A conditional use permit is required in addition to all other permits required, except for:
  - a. building-integrated installations; and
  - b. roof-mount solar installations no more than ten inches above the roof, with the same pitch as the roof and within the bounds of the roof surface.
11. Variances. An applicant with inadequate access to direct sunlight for solar energy systems or another practical difficulty under the terms of § 302.100 may apply for a variance. The variance application shall meet the requirements for plan approval and shall also demonstrate why the requirements of the code cannot be met without practical difficulty.

**Section 3.** Section 306.060 titled “Solar Energy Systems” of Ordinance No. 306 titled “ZONING CODE: CONDITIONAL USE PERMITS” is repealed.

**Section 4.** Section 301.070 titled “Conditional Uses” of Ordinance No. 301 titled “ZONING CODE: GENERAL PROVISIONS” is amended to read:

301.070. CONDITIONAL USES. Certain accessory uses permitted within the City have greater than usual chances to present safety hazards, impact on neighboring people and property, reduced aesthetics and nuisance situations. Because of these greater effects, the City requires these uses to be covered under Conditional Use Permits. Applications for Conditional Use Permits must comply with all provisions of Section 306. CONDITIONAL USE PERMITS.

1. A Conditional Use Permit shall be required for the following projects:

- a. Any land disturbance activity where the slope is toward a lake, pond, wetland, or watercourse leading to such waters, and the alteration is closer to such waters than the structure setback requirement. See Note at end of Section 301.070.
- b. Any land disturbance activity where such work involves an area greater than four hundred (400) square feet and/or more than fifty (50) cubic yards in volume. See Note at end of Section 301.070.
- c. Any swimming pool with a capacity over three thousand (3000) gallons or with a depth of over three and one-half (3 1/2) feet of water.
- d. Any tennis court.
- e. Any solar energy system ~~for heating, cooling, electrical generation or other purposes for which § 302.100 does not provide an exception.~~

NOTE: A separate Conditional Use Permit is not required for a land disturbance activity in conjunction with construction as part of a building permit as granted. However, as part of the Building Permit Application, the applicant shall provide information required pursuant to Section 306.030 and shall follow all provisions of Sections 302.050 IMPERVIOUS SURFACES and 302.055 LAND DISTURBANCE ACTIVITY STANDARDS.

**Section 5.** This ordinance becomes effective from and after its passage and publication.

Passed by the City Council of The City of Birchwood Village this \_\_\_\_\_ day of Month, Year.



Mayor

Attested:

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City Clerk

## White Bear Lake Trail and Route - Lake Links Trail

Behrens, Roger F (MMB) <Roger.Behrens@state.mn.us>

Tue 6/6/2023 9:59 AM

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

Cc:Heather.Giesel@metc.state.mn.us <Heather.Giesel@metc.state.mn.us>

Hello,

I am reaching out to you because your locality received a state bonding appropriation below under the recently enacted bonding bill, Laws 2023, Chapter 72. Your grant will be administered by the Metropolitan Council and Heather Giesel of the Metropolitan Council will draft the grant agreement.

Subd. 7.

4,000,000

### White Bear Lake Trail and Route

(a) To the Metropolitan Council for grants to complete design and construction of a multiuse paved trail and route for pedestrians, bicycles, and wheelchairs around White Bear Lake in Ramsey and Washington Counties.

(b) \$2,600,000 of this appropriation is for a grant to Ramsey County to design and construct trail improvements, consistent with the completed preliminary engineering, along South Shore Boulevard between White Bear Avenue and marked Trunk Highway 120 and to pave an existing dirt path within the Ramsey County Beach and Water Park from the entrance to the park at Highway 96 to the northeast edge of the park.

(c) \$1,400,000 of this appropriation is for a grant to the city of Mahtomedi to design, construct, and equip elements of the trail and route along or proximate to Birchwood Road, Wildwood Beach Road, and on or in the proximity of Briarwood Road, consistent with the completed preliminary engineering, and final design and specification, subject to approval of the commissioner of transportation with regard to elements of the trail and route that are within or adjacent to the right-of-way of marked Trunk Highway 244.

(d) Up to \$70,000 of the amount remaining after substantial completion of the project described in paragraph (c) is for a grant to the city of Birchwood Village to predesign, design, construct, furnish, and equip a Lake Links Trail segment extending through the city of Birchwood Village and connecting to Lakes Links Trail segments in adjacent communities to complete a loop around White Bear Lake.

(e) Notwithstanding Minnesota Statutes, section 16A.642, the bond sale authorization and appropriation of bond proceeds for these projects are available until December 31, 2026.

I am attaching a link to our publication, "Capital Grants Manual," which contains useful information to assist you in working through the grant process.

<https://mn.gov/mmb/debt-management/capital-projects/capital-grants-manual/>

The checklist starting on page 4 is just for your use to assist you in making sure you have addressed all the steps necessary to obtain your grant. Each of the topics listed in the checklist is discussed in greater detail in the manual. The manual will help familiarize you with the following topics, among others:

- Predesign submission (unless your project is exempt)
- Legislative review and notification
- Local match and full funding requirements – Your full funding documentation should be sent to me and to your grant administrator

Contact Heather Giesel at [heather.giesel@metc.state.mn.us](mailto:heather.giesel@metc.state.mn.us) and she will give you additional information about the grant agreement process.

Please let me know if you have any questions now or at any time as you move through the grant process. Congratulations on getting the appropriation!

**Roger Behrens**

Capital Bonding Coordinator | Debt Management Division  
Minnesota Management and Budget  
651-201-8131

**Minnesota Management and Budget**

658 Cedar Street, Saint Paul, MN 55155  
[mn.gov/mmb](http://mn.gov/mmb)



[[mn.gov/mmb](http://mn.gov/mmb)]



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

AN ORDINANCE AMENDING SECTIONS 201 AND 202 REGARDING WATER AND SEWER CONNECTIONS IN THE CITY OF BIRCHWOOD

The following is a SUMMARY of the Ordinance:

On June 13, 2023 the City adopted an Ordinance (2023-05-05) which revises the City Code as it relates to the provisioning of water and sewer service(s) to addresses in the City and how those connections are paid for, including credit for connections previously paid and a formula for assessing new connections.

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

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