



AGENDA OF THE REGULAR MEETING OF
THE CITY COUNCIL
CITY OF BIRCHWOOD VILLAGE
WASHINGTON COUNTY, MINNESOTA
March 12, 2024
6:45 P.M.

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

Council Member Kathy Weier will be attending the meeting remotely and will be located at Yotel Boston, Studio B Meeting Room, 65 Seaport Boulevard, Boston, MA 02210 Latitude: 42.352329, Longitude: -71.047302

PLEDGE OF ALLEGIANCE

APPROVE AGENDA

OPEN PUBLIC FORUM

ANNOUNCEMENTS

- A. 2024 Board of Appeal and Equalization meeting will be held on April 9 at 6:00 pm.
- B. Canoe and Kayak Rack Applications are being accepted now.
- C. Spring Birchwood Dock Association (BDA) Meeting, Saturday, April 6 at 10 AM.

CITY BUSINESS – CONSENT AGENDA

- A. Approve Treasurer's Report* (pp. 3-36)
- B. Approve Meeting Minutes from February 13, 2024* (pp. 37-42)
- C. Approve Meeting Minutes from February 29, 2024* (pp. 43-45)
- D. Approve Resolution 2024-17, Authorizing Music in the Park* (pp. 46-47)
- E. Approve Resolution 2024-19, Authorizing MMCI Conference* (p. 48)
- F. Approve Lake Links Bike Path Task Force Committee Members* (p. 49)
- G. Approve Road Safety Task Force Committee Members* (p. 50)
- H. Approve Liability Coverage Waiver Form for Property/Casualty Insurance Renewal* (p. 51)

CITY BUSINESS

- A. Engineering Update – Marcus Johnson
 - a. Wildwood Lift Station Update* (p. 52)
 - b. Birchwood Lift Station Construction Inspection and Admin Estimate* (p. 53)
- B. Utility Company Upgrades – Concerns from Jon Manship * (pp. 54-55)

- C. Engineering Fee Appeals* (pp. 56-68)
 - a. Nadja Gale – 419B Wildwood* (pp. 57-59)
 - b. Robert Gray – 207 Birchwood Ave* (pp. 60-61)
 - c. Greg Sherwood – 15 Birchwood Lane* (pp. 62-68)

- D. Recycling Grant Update* (p. 69)

- E. First Reading ORDINANCE 2024-03-01 (402) Solid and Hazardous Waste Management – Ryan Hankins* (pp. 70-80)
 - a. First Reading and Council Deliberation
 - b. Order Second Reading and Public Hearing

- F. First Reading ORDINANCE 2024-03-02 (401) Scavenging of Recycling Materials Prohibited – Ryan Hankins* (p. 81)
 - a. First Reading and Council Deliberation
 - b. Order Second Reading and Public Hearing

- G. 310/312 Wildwood – Ryan Hankins* (p. 82)

- H. Approve Park Signs – Kathy Weier* (p. 83)

- I. Spare Rotator Assembly for Lift Stations* (pp. 84-85)

- J. Discuss Adding a Street Sign at the Intersection of Cedar St and Hall Ave* (p. 86)

- K. Discuss Kayak and Canoe Rack Entry Prior to April 1* (p. 87)

ADJOURN

March Treasurer Report for Council Meeting 3/12

Therese Bellinger <Therese.Bellinger@cityofbirchwood.com>

Tue 3/5/2024 1:48 PM

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

Cc: Mary Cahill <Mary.Cahill@cityofbirchwood.com>

RE: March 2024 Treasurer Report

By: Therese Bellinger

Note: February Bank reconciliation will not be done due to Mary Cahill's absence. It will be completed with our March month end processing.

1. 2023 Annual Permitting Fee for Jack Kramer was approved and paid this February.
City Fee = \$24,562.78, Plan Check Fee = \$7,342.43 Total Paid \$41,905.21
2. League of MN Reimbursement for one lift station claim was received. \$4,756.68
3. League of MN reimbursement for Tony Nickolaus Claim was received. \$5,000.00
4. Dollars were transferred from General Fund #100
\$4,580.10 was transferred to the Sewer Fund #605
\$6,287.74 was transferred to the Water Fund #601
\$30,000 to Capital Improvement Fund #406

Therese

Therese Bellinger

Deputy Clerk

207 Birchwood Ave

Birchwood Village, MN 55110

Office: (651) 426-3403

Fax: (651) 426-7747

Email: therese.bellinger@cityofbirchwood.com

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

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For the Period : 2/7/2024 To 3/5/2024

<u>Name of Fund</u>	<u>Beginning Balance</u>	<u>Total Receipts</u>	<u>Total Disbursed</u>	<u>Ending Balance</u>	<u>Less Deposits In Transit</u>	<u>Plus Outstanding Checks</u>	<u>Total Per Bank Statement</u>
General Fund	\$834,138.07	\$11,678.48	\$117,801.71	\$728,014.84	\$11,829.48	\$159,146.62	\$875,331.98
Road and Bridge	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Other Federal Programs	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Comp Plan Grant	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Tree Canopy Care	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Special Rev Projects	\$10,823.05	\$0.00	\$0.00	\$10,823.05	\$0.00	\$0.00	\$10,823.05
Spec Rev - Warm House	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
REIMBURSED CONTRACTED SERVICES	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Birchwood In Re-hab Bond	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Sewer Re-hab Debt	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
CAPITAL PROJECT FUNDS (401 through 499)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
General Capital Projects	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Capital Project PW	\$75,741.49	\$30,000.00	\$0.00	\$105,741.49	\$30,000.00	\$0.00	\$75,741.49
Water	\$61,856.98	\$6,778.85	\$6,508.47	\$62,127.36	\$6,778.85	\$41,692.31	\$97,040.82
Sewer	\$78,668.14	\$4,991.48	\$11,170.50	\$72,489.12	\$4,991.48	\$34,579.89	\$102,077.53
Transit System	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Sewer Infrastructure	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Water Meter Upgrade Fees	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
American Rescue Act Proceeds	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Engineering Services	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Total	\$1,061,227.73	\$53,448.81	\$135,480.68	\$979,195.86	\$53,599.81	\$235,418.82	\$1,161,014.87

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

Fund Name: All Funds

Date Range: 02/07/2024 To 03/05/2024

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Description</u>	<u>Void</u>	<u>Account Name</u>	<u>F-A-O-P</u>	<u>Total</u>
02/13/2024	IRS - US Treasury	EFT02132024A*	Federal Taxes - Q1 2024 -Jan Payment	N	Clerk - Treasurer	100-41401-100-	\$ 1,336.22
		EFT02132024A*				100-41401-100-	\$ 312.50
		EFT02132024A*				100-41401-100-	\$ 406.70
		Total For Check	EFT02132024A				\$ 2,055.42
02/13/2024	MN Department of Revenue	EFT02132024B*	MN State Tax eFiling - 2024 Q1- Jan pymt	N	Clerk - Treasurer	100-41401-115-	\$ 431.30
		Total For Check	EFT02132024B				\$ 431.30
02/15/2024	Payroll Period Ending 02/15/2024	32825	Office PR 1/28/24 - 2/11/24	N	Clerk - Treasurer	100-41401-100-	\$ 1,066.72
		Total For Check	32825				\$ 1,066.72
02/15/2024	Payroll Period Ending 02/15/2024	32826	Office PR 1/28/24 - 2/11/24	N	Clerk - Treasurer	100-41401-100-	\$ 50.42
		Total For Check	32826				\$ 50.42
02/15/2024	Payroll Period Ending 02/15/2024	32827	Office PR 1/28/24 - 2/11/24	N	Clerk - Treasurer	100-41401-100-	\$ 231.79
		Total For Check	32827				\$ 231.79
02/15/2024	Payroll Period Ending 02/15/2024	32828	Office PR 1/28/24 - 2/11/24	N	Clerk - Treasurer	100-41401-100-	\$ 2,112.61
		Total For Check	32828				\$ 2,112.61
02/15/2024	Payroll Period Ending 02/15/2024	32829	Office PR 1/28/24 - 2/11/24	N	Parks	100-45207-100-	\$ 204.75
		Total For Check	32829				\$ 204.75
02/19/2024	Transfer of funds	transfer 21924A	2023 Transfer of funds for Capital Improvement per council directive 2/13/24	N	Transfer To Enterprise Fund	100-49365-720-	\$ 30,000.00
		Total For Check	transfer 21924A				\$ 30,000.00
02/19/2024	Transfer of Funds	transfer 21924B	2023 Washington Cty tax settlement, transfer of funds to sewer per council directive 21324	N	Transfer To Enterprise Fund	100-49365-720-	\$ 4,580.10
		Total For Check	transfer 21924B				\$ 4,580.10
02/19/2024	Transfer of Funds	transfer 21924C	2023 Washington County tax settlement transfer to Water per council directive 2/13/24	N	Transfer To Enterprise Fund	100-49365-720-	\$ 6,287.74

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		Total For Check	transfer 21924C				\$ 6,287.74
02/22/2024	Liengswangwong, Greg	32830*	Escrow Refund for Variance Deposit--Permit #24-0008 issued on 1/25/24	N	Escrow Refunds	100-49250-810-	\$ 3,000.00
		Total For Check	32830				\$ 3,000.00
02/27/2024	PERA	EFT022724-A*	Retirement funds-PR End 2/11/24--TB, KH, RK, JR	N	Clerk - Treasurer	100-41401-121-	\$ 621.37
		EFT022724-A*			Parks	100-45207-121-	\$ 33.39
		Total For Check	EFT022724-A				\$ 654.76
02/29/2024	Payroll Period Ending 02/29/2024	32831	Office PR 2/11/24-2/24/24	N	Clerk - Treasurer	100-41401-100-	\$ 1,013.45
		Total For Check	32831				\$ 1,013.45
02/29/2024	Payroll Period Ending 02/29/2024	32832	Office PR 2/11/24-2/24/24	N	Clerk - Treasurer	100-41401-100-	\$ 60.65
		Total For Check	32832				\$ 60.65
02/29/2024	Payroll Period Ending 02/29/2024	32833	Office PR 2/11/24-2/24/24	N	Clerk - Treasurer	100-41401-100-	\$ 2,112.61
		Total For Check	32833				\$ 2,112.61
02/29/2024	Payroll Period Ending 02/29/2024	32834	Office PR 2/11/24-2/24/24	N	Parks	100-45207-100-	\$ 295.75
		Total For Check	32834				\$ 295.75
03/01/2024	MENARD'S - OAKDALE	32835*	Maintenance--Supplies for City Hall--handsoap, door stops, salt,	N	General Government Buildings and Plant	100-41940-220-	\$ 44.72
		32835*				100-41940-220-	\$ 0.98
		Total For Check	32835				\$ 45.70
03/01/2024	Manship Plumbing & Heating Inc	32836*	Sewer/Water-Feb Retainer, Locate-Emerg Pole Install Broke Gas Line, Locate for new cable	N	Water Utility	601-43180-314-	\$ 700.00
		32836*				601-43180-314-	\$ 480.00
		32836*			Wtr/Swr Emergency	601-43185-314-	\$ 120.00
		Total For Check	32836				\$ 1,300.00
03/01/2024	Tracy Printing, Inc.	32837*	Envelope Supply For Utility Bill Mailing	N	Office Operations Supplies	100-41911-210-	\$ 426.70
		Total For Check	32837				\$ 426.70
03/01/2024	Toshiba America Business Solutions	32838*	Jan & Feb Monthly Usage Allowance	N	Office Operations Supplies	100-41911-314-	\$ 21.24

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		Total For Check	32838				\$ 21.24
03/01/2024	Gopher State One Call	32839*	Jan 5 Tickets & \$50 Annual Operator Fee	N	Utility Locates	605-42805-314-	\$ 6.75
		32839*				605-42805-314-	\$ 50.00
		Total For Check	32839				\$ 56.75
03/01/2024	Metro - INET	32840*	IT Charges--Feb Tech Support and Domain Renewal	N	General Government Buildings and Plant	100-41940-320-	\$ 501.00
		Total For Check	32840				\$ 501.00
03/01/2024	Core & Main	32841*	Meter Supplies--Ball Corp Stops, Bush No Leads, & Rep Claps	N	Water Utility	601-43180-220-	\$ 42.38
		32841*				601-43180-220-	\$ 419.81
		Total For Check	32841				\$ 462.19
03/01/2024	Companion Animal Control LLC	32842*	Animal Control Services -Jan 24 Retainer Only	N	Animal Control	100-41916-314-	\$ 80.00
		Total For Check	32842				\$ 80.00
03/01/2024	Stoltzman, Cris	32843*	Videography - Council Mtg Feb 13th, Big TV Install, Graphics Setup for Meeting	N	Cable Eqpmt and Service	100-41950-314-	\$ 106.00
		Total For Check	32843				\$ 106.00
03/01/2024	Metropolitan Council - Env. Service	32844*	Jan Waste Water Services	N	Sewer Utility	605-43190-217-	\$ 5,335.64
		Total For Check	32844				\$ 5,335.64
03/01/2024	LRS Portables, LLC	32845*	Portapotty Rental--Tennis crt-406 Birchwood, Schmidts Park-425 Lake Ave	N	Parks	100-45207-314-	\$ 100.00
		Total For Check	32845				\$ 100.00
03/01/2024	USS Minnesota One MT LLC	32846*	Solar Energy Charges - Jan Charges	N	General Government Buildings and Plant	100-41940-380-	\$ 31.60
		32846*			Sewer Utility	605-43190-380-	\$ 84.27
		32846*				605-43190-380-	\$ 152.75
		Total For Check	32846				\$ 268.62
03/01/2024	Minnesota Department of Health	32847*	Community Water Supply Service Connection Fee 1/1/24-3/31/24	N	Water Utility	601-43180-437-	\$ 903.00

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		Total For Check	32847				\$ 903.00
03/01/2024	TSE, Inc. Work Account	32848*	Janitorial Services - 2/1 & 2/15	N	General Government Buildings and Plant	100-41940-314-	\$ 29.95
		32848*				100-41940-314-	\$ 29.95
		Total For Check	32848				\$ 59.90
03/01/2024	Croix Valley Inspections Inc	32849*	Inspection Fees - 2023 Calendar Year	N	Building Inspections Administration	100-42401-314-	\$ 41,905.21
		Total For Check	32849				\$ 41,905.21
03/01/2024	DeYoung, Amy	32850*	Refund for Dog License Payment Not Needed	N	MISCELLANEOUS	100-49001-999-	\$ 15.00
		Total For Check	32850				\$ 15.00
03/01/2024	BrightView Landscapes, LLC.	32851*	Salt&Brine 12/31, 1/8, 1/10, 2/14--Plow on 2/14	N	Ice and Snow Removal	100-43125-210-	\$ 8,050.79
		Total For Check	32851				\$ 8,050.79
03/01/2024	City of St. Anthony Village	32852*	1st Q 2024 Utility Billing	N	Financial Administration	601-41501-314-	\$ 3,778.00
		Total For Check	32852				\$ 3,778.00
03/01/2024	Kodiak Power Solutions	32853*	Wildwood LiftStation: Inspection--Inv#12675723-2nd Check Cut--1st Check Was Not Received	N	Sewer Utility	605-43190-314-	\$ 118.97
		Total For Check	32853				\$ 118.97
03/01/2024	City of White Bear Lake Fire	32854*	Fire Srvc -Mar 2024	N	Fire	100-42201-314-	\$ 3,888.84
		Total For Check	32854				\$ 3,888.84
03/01/2024	City of White Bear Lake Public Work	32855*	Mar 2024 Monthly Public Safety Facility Fire Services	N	Fire	100-42201-314-	\$ 1,196.42
		Total For Check	32855				\$ 1,196.42
03/01/2024	John Wikstrom	32856*	Feb Fees	N	Engineer Service	100-41650-300-	\$ 1,600.00
		Total For Check	32856				\$ 1,600.00
03/01/2024	H.A. Kantrud, P.A.	32857*	Attorney Services -Mar 2024	N	Legal Services	100-41601-300-	\$ 1,500.00
		Total For Check	32857				\$ 1,500.00
03/01/2024	Bellinger, Therese	32858*	Office supplies- Toilet Paper And On Air Sign	N	Office Operations Supplies	100-41911-200-	\$ 100.05

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		Total For Check	32858				\$ 100.05
03/01/2024	Xcel 4094-1	EFT02202024-A ³	Gas Service 12/19/23 - 1/22/24 200 Wildwood Lift Station	N	Sewer Utility	605-43190-380-	\$ 26.22
		Total For Check	EFT02202024-A				\$ 26.22
03/01/2024	Xcel 2335-4	EFT02202024-B ³	Electricity 12/19 - 1/22	N	Water Utility	601-43180-380-	\$ 11.53
		Total For Check	EFT02202024-B				\$ 11.53
03/01/2024	Xcel 9369-0	EFT02202024-C ³	407 Lake Lift Station 12/19 - 1/22	N	Sewer Utility	605-43190-380-	\$ 27.86
		Total For Check	EFT02202024-C				\$ 27.86
03/01/2024	Xcel 6612-4	EFT02202024-D ³	202 Wildwood Ave Lift , 207 Hall gas/electricity , 407 1/2 lift, 423 Lake Ice Rink	N	Parks	100-45207-380-	\$ 28.52
		Total For Check	EFT02202024-D				\$ 28.52
03/01/2024	A T & T Mobility	EFT02222024-A ³	Wireless for water tower- 2/2 - 3/1	N	Water Utility	601-43180-382-	\$ 53.75
		Total For Check	EFT02222024-A				\$ 53.75
03/04/2024	PERA	EFT03042024-A ³	Retirement funds-PR End 2/24/24--TB, RK, JR	N	Clerk - Treasurer	100-41401-121-	\$ 572.87
		EFT03042024-A ³			Parks	100-45207-121-	\$ 48.23
		Total For Check	EFT03042024-A				\$ 621.10
03/05/2024	Press Publications	32859*	Ref #799228 & 799229, Ord Amend Sec 701 2/29, Ord New Fee Schedule 2/29	N	Ordinances and Proceedings	100-41130-351-	\$ 84.00
		32859*				100-41130-351-	\$ 73.57
		Total For Check	32859				\$ 157.57
03/05/2024	Metropolitan Council - Env. Service	32860*	Feb Waste Water Services	N	Sewer Utility	605-43190-217-	\$ 5,335.64
		Total For Check	32860				\$ 5,335.64
03/05/2024	Gopher State One Call	32861*	Feb 24 Tickets	N	Utility Locates	605-42805-314-	\$ 32.40
		Total For Check	32861				\$ 32.40
03/05/2024	Tennis Sanitation, LLC	32862*	Recycling for Service Period: Jan - Feb 2024	N	Recycle	100-43300-314-	\$ 3,128.00
		Total For Check	32862				\$ 3,128.00

Fund Name: All Funds

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03/05/2024	Companion Animal Control LLC	32863*	Animal Control Services -Feb 24 Retainer Only	N	Animal Control	100-41916-314-	\$ 80.00
		Total For Check	32863				\$ 80.00
Total For Selected Checks							\$ 135,480.68

Fund Name: All Funds

Date Range: 02/07/2024 To 03/05/2024

<u>Date</u>	<u>Remitter</u>	<u>Receipt #</u>	<u>Description</u>	<u>Deposit ID</u>	<u>Void</u>	<u>Account Name</u>	<u>F-A-P</u>	<u>Total</u>
02/07/2024	Rosebud Construction	171736001*	BP-24-0008, 23 Birchwood Lane	(02/07/2024) -	N	Building Permits	100-32211-	\$ 670.80
								\$ 670.80
02/10/2024	GT Plumbing and Heating	171736004*	BP 24-0017, 39 Birchwood Lane	(02/10/2024) -	N	Building Permits	100-32211-	\$ 151.00
								\$ 151.00
02/12/2024	Flare Heating and A/C	171736003*	BP 24-0016, 423 Wildwood Ave	(02/12/2024) -	N	Building Permits	100-32211-	\$ 151.00
								\$ 151.00
02/13/2024	Neary, Margaret (SaylerHVAC)	171736002*	BP 24-0015, 469 Lake Ave	(02/13/2024) -	N	Building Permits	100-32211-	\$ 151.00
								\$ 151.00
02/19/2024	Transfer of Funds	171735986	2023 Transfer of funds to the Capital Project Funds per budget & council approval 2/13/24	(02/19/2024) -	N	Transfer From General Fund	406-39201-	\$ 30,000.00
								\$ 30,000.00
02/19/2024	Transfer of Funds	171735998	Washington County reimbursement for tax settlements per council approval 21324	(02/19/2024) -	N	Transfer From General Fund	601-39201-	\$ 6,287.74
								\$ 6,287.74
02/19/2024	Transfer of Funds	171735999	Washington Country tax settlement per council approval	(02/19/2024) -	N	Transfer From General Fund	605-39201-	\$ 4,580.10
								\$ 4,580.10
02/22/2024	Suburban Cable Commission	171736006*	Reimbursement for Q4 Video	(02/22/2024) -	N	Refund-Reimbursemnt-Dividend	100-36240-	\$ 410.75
								\$ 410.75

Fund Name: All Funds

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<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>	
02/22/2024	Heisdorffer, Kevin	171736007*	BP 24-0004, 423 Wildwood Ave	(02/22/2024) -	N	Building Permits	100-32211-	\$ 151.00	
								<hr/>	
								\$ 151.00	
02/22/2024	League of Minnesota Cities	171736008*	BP 117 Wildwood--Outstanding Eng Fees	(02/22/2024) -	N	Building Permits	100-32211-	\$ 5,000.00	
								<hr/>	
								\$ 5,000.00	
02/22/2024	League of Minnesota Cities	171736009*	Claim Reimbursement for Lift #2--Repair, Less \$250 Deductible	(02/22/2024) -	N	Miscellaneous	100-36140-	\$ 4,756.68	
								<hr/>	
								\$ 4,756.68	
02/22/2024	Donnell, Susanne	171736010*	ZP Z24-0001, 1 White Pine Lane	(02/22/2024) -	N	Zoning App Fee	100-32280-	\$ 50.00	
								<hr/>	
								\$ 50.00	
02/23/2024	Webber, Dan	171736005*	BP 24-0020, 4 Oakridge Drive	(02/23/2024) -	N	Building Permits	100-32211-	\$ 186.25	
								<hr/>	
								\$ 186.25	
02/29/2024	Residents - via St Anthony Village	171736011*	Utility Billing Receipts for Feb 2024	(02/29/2024) -	N	Water Consumption	601-37111-	\$ 233.00	
							Water Utility User Fee	601-37112-	\$ 128.03
							Water Main-break Surcharge	601-37113-	\$ 50.08
							State Surcharge	601-37116-	\$ 8.89
							Administrative Fee Move/Out	601-37118-	\$ 50.00
							Penalties and Forfeited Discounts	601-37160-	\$ 21.11
							Sewer Consumption	605-37211-	\$ 300.38
							Sewer Minimum Charge	605-37212-	\$ 96.04
							Penalties and Forfeited Discounts	605-37260-	\$ 14.96
								<hr/>	
								\$ 902.49	
Total for Selected Receipts								<hr/> <hr/> \$ 53,448.81	

As on 3/5/2024

Special Rev Projects

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Total Revenues	0.00	0.00	0.00
Other Financing Sources:			
Total Other Financing Sources	0.00	0.00	0.00
Disbursements:			
Total Disbursements	0.00	0.00	0.00
Other Financing Uses:			
Total Other Financing Uses	0.00	0.00	0.00
Beginning Cash Balance		10,823.05	
Total Receipts and Other Financing Sources		0.00	
Total Disbursements and Other Financing Uses		0.00	
Cash Balance as of 03/05/2024		10,823.05	

As on 3/5/2024

Capital Project PW

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Total Revenues	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
Other Financing Sources:			
Transfer From General Fund	<u>0.00</u>	<u>30,000.00</u>	<u>30,000.00</u>
Total Acct 392	<u>0.00</u>	<u>30,000.00</u>	<u>30,000.00</u>
Total Other Financing Sources	<u>0.00</u>	<u>30,000.00</u>	<u>30,000.00</u>
Disbursements:			
Total Disbursements	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
Other Financing Uses:			
Total Other Financing Uses	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
Beginning Cash Balance		75,741.49	
Total Receipts and Other Financing Sources		30,000.00	
Total Disbursements and Other Financing Uses		<u>0.00</u>	
Cash Balance as of 03/05/2024		105,741.49	

As on 3/5/2024

Water

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Water Consumption	0.00	14,031.85	14,031.85
Water Utility User Fee	0.00	7,482.33	7,482.33
Water Main-break Surcharge	0.00	4,962.44	4,962.44
Special Water Charges	0.00	376.09	376.09
State Surcharge	0.00	509.45	509.45
Administrative Fee Move/Out	0.00	50.00	50.00
Penalties and Forfeited Discounts	0.00	103.82	103.82
Total Acct 371	0.00	27,515.98	27,515.98
Total Revenues	0.00	27,515.98	27,515.98
Other Financing Sources:			
Transfer From General Fund	0.00	6,287.74	6,287.74
Total Acct 392	0.00	6,287.74	6,287.74
Total Other Financing Sources	0.00	6,287.74	6,287.74
Disbursements:			
Financial Administration			
Contracted Services	0.00	3,778.00	(3,778.00)
Total Acct 415	0.00	3,778.00	(3,778.00)
Water Utility			
Repair and Maintenance Supplies (221 through 229)	0.00	462.19	(462.19)
Contracted Services	0.00	24,116.42	(24,116.42)
Utility Services (381 through 389)	0.00	27.45	(27.45)
Utility Services: Water	0.00	107.50	(107.50)
Fees	0.00	903.00	(903.00)
Wtr/Swr Emergency			
Contracted Services	0.00	13,067.42	(13,067.42)
Total Acct 431	0.00	38,683.98	(38,683.98)
Total Disbursements	0.00	42,461.98	(42,461.98)
Other Financing Uses:			
Total Other Financing Uses	0.00	0.00	0.00
Beginning Cash Balance		70,785.62	
Total Receipts and Other Financing Sources		33,803.72	
Total Disbursements and Other Financing Uses		42,461.98	
Cash Balance as of 03/05/2024		62,127.36	

As on 3/5/2024

Sewer

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Sewer Consumption	0.00	9,605.93	9,605.93
Sewer Minimum Charge	0.00	8,745.75	8,745.75
Penalties and Forfeited Discounts	0.00	86.49	86.49
Total Acct 372	0.00	18,438.17	18,438.17
Total Revenues	0.00	18,438.17	18,438.17
Other Financing Sources:			
Transfer From General Fund	0.00	4,580.10	4,580.10
Total Acct 392	0.00	4,580.10	4,580.10
Total Other Financing Sources	0.00	4,580.10	4,580.10
Disbursements:			
Engineer Service			
PROFESSIONAL SERVICES (301 through 319)	0.00	12,786.50	(12,786.50)
Total Acct 416	0.00	12,786.50	(12,786.50)
Utility Locates			
Contracted Services	0.00	99.95	(99.95)
Total Acct 428	0.00	99.95	(99.95)
Sewer Utility			
Sewer - Wastewater Charge	0.00	10,671.28	(10,671.28)
Contracted Services	0.00	3,002.27	(3,002.27)
Utility Services (381 through 389)	0.00	895.34	(895.34)
Miscellaneous (431 through 499)	0.00	10,304.34	(10,304.34)
Total Acct 431	0.00	24,873.23	(24,873.23)
Total Disbursements	0.00	37,759.68	(37,759.68)
Other Financing Uses:			
Total Other Financing Uses	0.00	0.00	0.00
Beginning Cash Balance		87,230.53	
Total Receipts and Other Financing Sources		23,018.27	
Total Disbursements and Other Financing Uses		37,759.68	
Cash Balance as of 03/05/2024		72,489.12	

Date Range : 2/19/2024 To 2/19/2024

<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Claim #</u>	<u>Total</u>	<u>Account #</u>	<u>Account Name</u>	<u>Detail</u>
02/19/2024	Transfer of funds	2023 Transfer of funds for Capital Improvement per council directive 2/13/24	6841	\$30,000.00			
					100-49365-720-	Transfer To Enterprise Fund	\$30,000.00
02/19/2024	Transfer of Funds	2023 Washington Cty tax settlement, transfer of funds to sewer per council directive 21324	6842	\$4,580.10			
					100-49365-720-	Transfer To Enterprise Fund	\$4,580.10
02/19/2024	Transfer of Funds	2023 Washington County tax settlement transfer to Water per council directive 2/13/24	6843	\$6,287.74			
					100-49365-720-	Transfer To Enterprise Fund	\$6,287.74
Total For Selected Claims				\$40,867.84			\$40,867.84

Date Range : 2/19/2024 To 2/19/2024

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

City of Birchwood Village

Receipt # : 171735999*
Date : 02/19/24
Deposit Date/ID : (02/19/2024) -
Received From : Transfer of Funds
Description : Washington Country tax settlement per council approval

Notes :

<u>Fund</u>	<u>Account</u>	<u>Program Code</u>	<u>Amount</u>
605:Sewer	39201:Transfer From General Fund		\$4,580.10
Total Amount			\$4,580.10

Authorized By: _____

City of Birchwood Village

Receipt # : 171735998*
Date : 02/19/24
Deposit Date/ID : (02/19/2024) -
Received From : Transfer of Funds
Description : Washington County reimbursement for tax settlements per council approval 21324

Notes :

<u>Fund</u>	<u>Account</u>	<u>Program Code</u>	<u>Amount</u>
601:Water	39201:Transfer From General Fund		\$6,287.74
Total Amount			\$6,287.74

Authorized By: _____

City of Birchwood Village

Receipt # : 171735986*
Date : 02/19/24
Deposit Date/ID : (02/19/2024) -
Received From : Transfer of Funds
Description : 2023 Transfer of funds to the Capital Project Funds per budget & council approval 2/13/24

Notes :

<u>Fund</u>	<u>Account</u>	<u>Program Code</u>	<u>Amount</u>
406:Capital Project PW	39201:Transfer From General Fund		\$30,000.00
Total Amount			\$30,000.00

Authorized By: _____

Monthly Activity Summary

2/1/2024 - 2/29/2024

Class	Account	Beginning Balance	Contributions	Interest	Checks Paid	Other Withdrawals	Month End Balance
4M	35389 - 101 General Fund	\$1,103,235.87	\$13,954.86	\$4,491.64	(\$103,871.19)	(\$5,331.07)	\$1,012,480.11
4MP	35389 - 101 General Fund	\$58,021.38	\$0.00	\$243.93	\$0.00	\$0.00	\$58,265.31
LTD	35389 - 101 General Fund	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
		\$1,161,257.25	\$13,954.86	\$4,735.57	(\$103,871.19)	(\$5,331.07)	\$1,070,745.42

Date Range : 2/13/2024 To 2/13/2024

<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Claim #</u>	<u>Total</u>	<u>Account #</u>	<u>Account Name</u>	<u>Detail</u>
02/13/2024	IRS - US Treasury	Federal Taxes - Q1 2024 -Jan Payment	6839*	\$2,055.42			
					100-41401-100-	Clerk - Treasurer	\$1,336.22
					100-41401-100-	Clerk - Treasurer	\$312.50
					100-41401-100-	Clerk - Treasurer	\$406.70
02/13/2024	MN Department of Revenue	MN State Tax eFiling - 2024 Q1- Jan pymt	6840*	\$431.30			
					100-41401-115-	Clerk - Treasurer	\$431.30
Total For Selected Claims				\$2,486.72			\$2,486.72

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

CTAS Claim

Claim Number : 6812*

Claim Date : 02/01/2024

To : Therese Bellinger, Claimant
2836 Roosevelt St NE

Approved

St Anthony, MN 55418

Note : Reimburse for MS License for Kathleen, Light bulbs and hand soap for hall

For :

100-41911-430	Office Operations Supplies - Miscellaneous (431 through 499)	\$17.35
100-41940-320	General Government Buildings and Plant - Communication (321 through 329)	\$143.91
Total		\$161.26

Declaration

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

-
Date

-
Signature of Claimant

Paid by Order - Check Number -----

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

tb

Clerk

Date Range : 2/22/2024 To 2/22/2024

<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Claim #</u>	<u>Total</u>	<u>Account #</u>	<u>Account Name</u>	<u>Detail</u>
02/22/2024	Liengswangwong, Greg	Escrow Refund for Variance Deposit--Permit #24-0008 issued on 1/25/24	6844*	\$3,000.00			
					100-49250-810-	Escrow Refunds	\$3,000.00
Total For Selected Claims				\$3,000.00			\$3,000.00

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

Date Range : 2/27/2024 To 2/27/2024

<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Claim #</u>	<u>Total</u>	<u>Account #</u>	<u>Account Name</u>	<u>Detail</u>
02/27/2024	PERA	Retirement funds-PR End 2/11/24--TB, KH, RK, JR	6845*	\$654.76			
					100-45207-121-	Parks	\$33.39
					100-41401-121-	Clerk - Treasurer	\$621.37
Total For Selected Claims				\$654.76			\$654.76

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

Date Range : 2/1/2024 To 3/4/2024

<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Claim #</u>	<u>Total</u>	<u>Account #</u>	<u>Account Name</u>	<u>Detail</u>
03/04/2024	PERA	Retirement funds-PR End 2/24/24--TB, RK, JR	6846*	\$621.10			
					100-45207-121-	Parks	\$48.23
					100-41401-121-	Clerk - Treasurer	\$572.87
Total For Selected Claims				\$621.10			\$621.10

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

Date Range : 2/9/2024 To 3/1/2024

<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Claim #</u>	<u>Total</u>	<u>Account #</u>	<u>Account Name</u>	<u>Detail</u>
03/01/2024	MENARD'S - OAKDALE	Maintenance--Supplies for City Hall--handsoap, door stops, salt,	6847*	\$45.70			
					100-41940-220-	General Government Buildings and Plant	\$44.72
					100-41940-220-	General Government Buildings and Plant	\$0.98
03/01/2024	Manship Plumbing & Heating Inc	Sewer/Water-Feb Retainer, Locate-Emerg Pole Install Broke Gas Line, Locate for new cable	6848*	\$1,300.00			
					601-43180-314-	Water Utility	\$700.00
					601-43180-314-	Water Utility	\$480.00
					601-43185-314-	Wtr/Swr Emergency	\$120.00
03/01/2024	Tracy Printing, Inc.	Envelope Supply For Utility Bill Mailing	6849*	\$426.70			
					100-41911-210-	Office Operations Supplies	\$426.70
03/01/2024	Toshiba America Business Solutions	Jan & Feb Monthly Usage Allowance	6850*	\$21.24			
					100-41911-314-	Office Operations Supplies	\$21.24
03/01/2024	Gopher State One Call	Jan 5 Tickets & \$50 Annual Operator Fee	6851*	\$56.75			
					605-42805-314-	Utility Locates	\$6.75
					605-42805-314-	Utility Locates	\$50.00
03/01/2024	Metro - INET	IT Charges--Feb Tech Support and Domain Renewal	6852*	\$501.00			
					100-41940-320-	General Government Buildings and Plant	\$501.00
03/01/2024	Core & Main	Meter Supplies--Ball Corp Stops, Bush No Leads, & Rep Claps	6853*	\$462.19			
					601-43180-220-	Water Utility	\$42.38
					601-43180-220-	Water Utility	\$419.81

Date Range : 2/9/2024 To 3/1/2024

<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Claim #</u>	<u>Total</u>	<u>Account #</u>	<u>Account Name</u>	<u>Detail</u>
03/01/2024	Companion Animal Control LLC	Animal Control Services -Jan 24 Retainer Only	6854*	\$80.00	100-41916-314-	Animal Control	\$80.00
03/01/2024	Stoltzman, Cris	Videography - Council Mtg Feb 13th, Big TV Install, Graphics Setup for Meeting	6855*	\$106.00	100-41950-314-	Cable Eqpmt and Service	\$106.00
03/01/2024	Metropolitan Council - Env. Service	Jan Waste Water Services	6856*	\$5,335.64	605-43190-217-	Sewer Utility	\$5,335.64
03/01/2024	LRS Portables, LLC	Portapotty Rental--Tennis crt-406 Birchwood, Schmidts Park-425 Lake Ave	6857*	\$100.00	100-45207-314-	Parks	\$100.00
03/01/2024	USS Minnesota One MT LLC	Solar Energy Charges - Jan Charges	6858*	\$268.62	605-43190-380- 100-41940-380- 605-43190-380-	Sewer Utility General Government Buildings and Plant Sewer Utility	\$152.75 \$31.60 \$84.27
03/01/2024	Minnesota Department of Health	Community Water Supply Service Connection Fee 1/1/24-3/31/24	6859*	\$903.00	601-43180-437-	Water Utility	\$903.00
03/01/2024	TSE, Inc. Work Account	Janitorial Services - 2/1 & 2/15	6860*	\$59.90	100-41940-314- 100-41940-314-	General Government Buildings and Plant General Government Buildings and Plant	\$29.95 \$29.95
03/01/2024	Croix Valley Inspections Inc	Inspection Fees - 2023 Calendar Year	6861*	\$41,905.21			

Date Range : 2/9/2024 To 3/1/2024

<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Claim #</u>	<u>Total</u>	<u>Account #</u>	<u>Account Name</u>	<u>Detail</u>
					100-42401-314-	Building Inspections Administration	\$41,905.21
03/01/2024	DeYoung, Amy	Refund for Dog License Payment Not Needed	6862*	\$15.00			
					100-49001-999-	MISCELLANEOUS	\$15.00
03/01/2024	BrightView Landscapes, LLC.	Salt&Brine 12/31, 1/8, 1/10, 2/14--Plow on 2/14	6863*	\$8,050.79			
					100-43125-210-	Ice and Snow Removal	\$8,050.79
03/01/2024	City of St. Anthony Village	1st Q 2024 Utility Billing	6864*	\$3,778.00			
					601-41501-314-	Financial Administration	\$3,778.00
03/01/2024	Kodiak Power Solutions	Wildwood LiftStation: Inspection--Inv#1267572 3-2nd Check Cut--1st Check Was Not Received	6865*	\$118.97			
					605-43190-314-	Sewer Utility	\$118.97
03/01/2024	City of White Bear Lake Fire	Fire Srvc -Mar 2024	6866*	\$3,888.84			
					100-42201-314-	Fire	\$3,888.84
03/01/2024	City of White Bear Lake Public Work	Mar 2024 Monthly Public Safety Facility Fire Services	6867*	\$1,196.42			
					100-42201-314-	Fire	\$1,196.42
03/01/2024	John Wikstrom	Feb Fees	6868*	\$1,600.00			
					100-41650-300-	Engineer Service	\$1,600.00
03/01/2024	H.A. Kantrud, P.A.	Attorney Services -Mar 2024	6869*	\$1,500.00			
					100-41601-300-	Legal Services	\$1,500.00
03/01/2024	Bellinger, Therese	Office supplies- Toilet Paper And On Air Sign	6870*	\$100.05			
					100-41911-200-	Office Operations Supplies	\$100.05

Date Range : 2/9/2024 To 3/1/2024

<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Claim #</u>	<u>Total</u>	<u>Account #</u>	<u>Account Name</u>	<u>Detail</u>
Total For Selected Claims				\$71,820.02			\$71,820.02

Justin R. McCarthy

City Council/Town Board

Date

Katherine A Weier

City Council/Town Board

Date

Margaret Arola Ford

City Council/Town Board, Mayor

Date

Robert Mark Foster

City Council/Town Board

Date

Ryan Q Hankins

City Council/Town Board

Date

Date Range : 2/1/2024 To 3/1/2024

<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Claim #</u>	<u>Total</u>	<u>Account #</u>	<u>Account Name</u>	<u>Detail</u>
02/22/2024	A T & T Mobility	Wireless for water tower- 2/2 - 3/1	6871*	\$53.75	601-43180-382-	Water Utility	\$53.75
02/20/2024	Xcel 4094-1	Gas Service 12/19/23 - 1/22/24 200 Wildwood Lift Station	6872*	\$26.22	605-43190-380-	Sewer Utility	\$26.22
02/20/2024	Xcel 2335-4	Electricity 12/19 - 1/22	6873*	\$11.53	601-43180-380-	Water Utility	\$11.53
02/20/2024	Xcel 9369-0	407 Lake Lift Station 12/19 - 1/22	6874*	\$27.86	605-43190-380-	Sewer Utility	\$27.86
02/20/2024	Xcel 6612-4	202 Wildwood Ave Lift , 207 Hall gas/electricity , 407 1/2 lift, 423 Lake Ice Rink	6875*	\$28.52	100-45207-380-	Parks	\$28.52
Total For Selected Claims				\$147.88			\$147.88

Date Range : 2/1/2024 To 3/1/2024

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

Date Range : 2/5/2024 To 3/5/2024

<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Claim #</u>	<u>Total</u>	<u>Account #</u>	<u>Account Name</u>	<u>Detail</u>
03/05/2024	Press Publications	Ref #799228 & 799229, Ord Amend Sec 701 2/29, Ord New Fee Schedule 2/29	6876*	\$157.57			
					100-41130-351-	Ordinances and Proceedings	\$84.00
					100-41130-351-	Ordinances and Proceedings	\$73.57
03/05/2024	Metropolitan Council - Env. Service	Feb Waste Water Services	6877*	\$5,335.64			
					605-43190-217-	Sewer Utility	\$5,335.64
03/05/2024	Gopher State One Call	Feb 24 Tickets	6878*	\$32.40			
					605-42805-314-	Utility Locates	\$32.40
03/05/2024	Tennis Sanitation, LLC	Recycling for Service Period: Jan - Feb 2024	6879*	\$3,128.00			
					100-43300-314-	Recycle	\$3,128.00
03/05/2024	Companion Animal Control LLC	Animal Control Services -Feb 24 Retainer Only	6880*	\$80.00			
					100-41916-314-	Animal Control	\$80.00
Total For Selected Claims				\$8,733.61			\$8,733.61

Date Range : 2/5/2024 To 3/5/2024

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

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

**MINUTES OF THE CITY COUNCIL MEETING
FEBRUARY 13, 2024, 6:45 P.M.**

MEMBERS:

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

STAFF:

Rebecca Kellen	City Administrator
Alan Kantrud	City Attorney

Minutes prepared by Rebecca Kellen from a video recording.

1. CALL TO ORDER

Mayor Ford called the meeting to order at 6:46 p.m.

2. PLEDGE OF ALLEGIANCE

3. APPROVAL OF AGENDA

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

The following change were made to the agenda:

- Add Resolutions 2024-14, 2024-15, and 2024-16
- Add Discussion on Next Steps to Replace Treasurer who Resigned
- Remove Planning Commission Presentation by William Hullsiek
- Add Discussion of Ash Path Survey

4. OPEN PUBLIC FORUM (0:01:59)

Sara Halverson, Washington County Sheriff's Office, new Patrol Commander introduced herself and commented about the department's commitment to serve Birchwood Village. She indicated Deputy Gibney would be available to attend city council meetings and Deputy Derrick Schweich is the midnight deputy.

Henry Gibney, Washington County Sheriff's Office, introduced himself and told the committee he is here to serve Birchwood Village as the day patrol officer and gave business cards with the 24-hour dispatch number.

Councilmember Hankins asked about rental property oversight. Sara Halverson provided her business card and agreed to get a history on and work with the council on rental property issues. Henry Gibson said they can put these into their system to monitor and provide extra patrols.

Councilmember McCarthy said he thinks it would be helpful for deputies from Washington County Sheriff's Office to attend the city council meetings.

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

5. ANNOUNCEMENTS (0:07:14)

- a. The registration for kayak and canoe rack rental will be available on March 1st and can be found on the website.

6. CONSENT AGENDA (0:7:33)

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

7. CITY BUSINESS

a. Planning Commission Appointment (0:8:11):

- i. **Casey Muhm, 186 Cedar Street, planning commission applicant**, addressed the committee indicating his skills and desire to be a part of the planning commission to become more civically involved. He moved to Birchwood Village in 2019 and has worked for the past decade as a nonpartisan analyst for the MN senate.
- ii. Council member Hankins said that he thinks that Casey will be a good addition to the committee for procedural matters and suggested that the appointment be until December 31st of 2025, a two year appointment and make the other 2 reappointments three year appointments to stagger terms. Casey Muhm is a replacement for Joe Evans.
- iii. Council member McCarthy said that he is supportive of the appointment.

On a motion made by Councilmember McCarthy and seconded by Councilmember Weier, it was resolved to approve appointment of Casey Muhn to the Planning Commission. All in favor. Motion carried.

On a motion made by Councilmember Foster and seconded by Councilmember McCarthy, it was resolved to approve re-appointment of Michelle Maiers-Atakpu and Michael Kraemer to the Planning Commission. All in favor. Motion carried.

b. Utility Rate Increase (0:13:27)

- i. **Shelly Rueckert, Saint Anthony Village Treasurer**, described the process that was used to come up with utility rate adjustments and the factors that are impacting the rates in 2024: White Bear Lake has increased its rates to the city by 9%, Met Council Treatment costs are going up a

little over 6%, estimating about a 20% drop in water usage in 2024, average out a 6 year cost for water main breaks that are reoccurring, and the fact that we have some upcoming engineering costs for the lift station that will occur in 2024. Proposed a \$5 increase to the quarterly fee for the water flat fee and a 4% increase in the no usage fee. The sewer flat fee will be held at the same level as 2023 and a slight increase of 2% for the sewer usage fee. The overall increase in the utility bill will be between 2.5% and 3.75% if you assume the water usage stays the same.

- ii. Councilmember Hankins liked that the flat fee was raised and that she was able to get rid of the watermain break surcharge. He suggested that the fees need to be changed by ordinance and not by a resolution and that the fee schedule ordinance that is passed later includes these fees.
- iii. Council member McCarthy agreed that that it should be passed by ordinance.
- iv. The council decided to include these price increases to the fee schedule ordinance being discussed later in the meeting and pass them by ordinance instead of by resolution.

On a motion by Councilmember McCarthy, seconded by Council member Weier, it was resolved to approve resolution 2024-14: Approving the Transfer of \$30,000 to the City Capital Improvement Fund from the General Fund. All in favor. Motion carried.

On a motion by Councilmember McCarthy, seconded by Councilmember Foster, it was resolved to approve resolution 2024-15: Approving the Transfer of \$4580.10 to the City Sewer Fund from the General Fund. All in favor. Motion carried.

On a motion by Councilmember McCarthy, seconded by Councilmember Foster, it was resolved to approve resolution 2024-16: Approving the Transfer of \$6287.74 to the City Water Fund from the General Fund. All in favor. Motion carried.

c. Second Reading of Ordinance 2024-01-01 (Fees) (24:35)

- i. Councilmember McCarthy discussed the ordinance explaining he went to a flat 5% late fee after 60 days and after 90 days the amount delinquent gets certified to property taxes. He added a notice to residents in section to 701.71. He added more detail to the appeal process and added section 701.82 that suspends additional late fees or collection while the appeal is being made.
- ii. Mayor Ford opened the public hearing. There were no comments. Mayor Ford closed the public hearing.

On a motion by Councilmember Weier, seconded by Councilmember Hankins, it was resolved to approve ordinance 2024-01-01, Fees. All in favor. Motion carried.

On a motion by Councilmember McCarthy, seconded by Councilmember Foster, it was resolved to approve resolution 2024-12, Approving Summary Publication of Ordinance 2024-01-01. All in favor. Motion carried.

d. Second Reading ORDINANCE 2024-01-02 (Fee Schedule) (0:31:35):

- i. Mayor Ford explained that changes were made to include charges for planner and engineering services, some adjustments to permit fees, and that the utility rate increases would also be included that were stated in resolution 2024-10 in the packet.
- ii. Councilmember Weier Reviewed the 4 charges on page 91 of the packet that were deletions.
- iii. Councilmember Hankins said that the citation on page 94 should be changed to reference ordinance 2024-01-01 regarding section 701 instead of the resolution 2023-47.
- iv. Mayor Ford opened the public hearing. There were no comments. Mayor Ford closed the public hearing.

On a motion by Councilmember McCarthy, seconded by Councilmember Hankins, it was resolved to approve ordinance 2024-01-02, Fees Schedule, with the addition of the water and sewer rate increases that are described in 2024-10 and subject to changing the citation on page 94 of the packet, striking resolution 2023-47 and inserting city code section 701. All in favor. Motion carried.

On a motion by Councilmember McCarthy, seconded by Councilmember Weier, it was resolved to approve resolution 2024-13, Approving Summary Publication of Ordinance 2024-01-02. All in favor. Motion carried.

e. Park Maintenance (0:38:26):

- i. Councilmember McCarthy explained that the Parks Committee is suggesting a volunteer sign up sheet for the parks that goes on the website.
- ii. Councilmember Foster asked about the type of tasks that would go on the list to ensure they are not needing oversight.
- iii. Councilmember McCarthy asks attorney Kantrud about possible issues with liability.
- iv. Attorney Kantrud suggested an acknowledgement and waiver for any volunteers that he would put together.
- v. Councilmember McCarthy suggested that the Parks Committee manage the list to ensure the volunteer list has tasks that are appropriate for volunteers.
- vi. Councilmember Weier said that this list contains donation item requests as well as volunteer tasks.

f. Lift Station Update (0:44:46):

- i. Councilmember Hankins explained that the Lift station is still working its way through the EPA and we expect to bid in April and looking at late summer construction. He also indicated there are diagrams in the packet.

g. Insurance Claims for the Lift Station Repairs Update (0:46:02):

- i. Administrator Kellen explained that the invoice for lift station 2 was covered by insurance and that one of two invoices for lift station 3 were covered by insurance.
- ii. Mayor Ford indicated that these were permanent fixes.

h. Ash Path Survey Status (0:49:06):

- i. Attorney Kantrud explained that he reached out to Connie at Cornerstone in late January to ask for an update. She explained that she was in continuing education and that she would get back to him which has not happened yet. He indicated that he would contact her again this week.
- ii. Councilmember McCarthy suggested that pressure needs to be put on Cornerstone to complete the project due to the delay and to give them another month to complete the project or another surveyor should be hired.

i. Treasurer Resignation (0:51:30):

- i. Mayor Ford said that the new Treasurer resigned today and that a replacement will need to be found. She also explained that our current Treasurer, Mary Cahill will be on vacation so a backup for the March City Council meeting will need to be found.
- ii. Councilmember Foster suggested that a good long-term solution may be to contract with another municipality if there is another municipality is interested.
- iii. Councilmember McCarthy suggested that an audit may be necessary if the Treasurer work is outsourced to another municipality and that that is something to consider with respect to cost.

On a motion by Councilmember McCarthy, seconded by Councilmember Weier, it was resolved to authorize Mayor Ford to contract with Saint Anothony Village or another provider for the March meeting for a maximum of \$3000. All in favor. Motion carried.

On a motion by Councilmember McCarthy, seconded by Councilmember Hankins, it was resolved to approve Mayor Ford to put together long-term options for hiring a Treasurer including reposting the job, reaching out to past candidates, and exploring outsourcing to another municipality. All in favor. Motion carried.

8. MEETING CLOSE (0:59:37)

On a motion duly made by Councilmember McCarthy, seconded by Mayor Ford, it was agreed that there was no further business of the Council to transact in an open session; the meeting was closed to the public at 7:46 p.m.

DISCLAIMER

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

Mayor Margaret Ford

City Administrator Becky Kellen

Date

Date

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

**MINUTES OF THE SPECIAL CITY COUNCIL MEETING
FEBRUARY 29, 2024, 7:00 P.M.**

MEMBERS:

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

STAFF:

Rebecca Kellen	City Administrator
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Minutes prepared by Rebecca Kellen.

1. CALL TO ORDER

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

2. APPROVAL OF AGENDA

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

The following change were made to the agenda:

- 232 Cedar Street was moved to the first item on the agenda and Approve Hiring of the Treasurer was moved to the second item.

3. REGULAR AGENDA

a. 232 Cedar Street:

i. Public Forum

- 1. Sergeant Matt Weiland, Civil Unit, Washington County Sheriff's Department**, explained that the property is in mortgage foreclosure and that on Tuesday they were called to the property on a report of suspicious activity. When they arrived at the property they found the individuals had a work order from the bank to lock down the property. The property was sold back to the bank on 8/10/23 and the 6 month redemption period began, which ended on 2/10/24.

2. **Deputy Henry Gibney, Washinton County Sheriff’s Department**, discussed the gas leak incident explaining that there was a strong smell of gas reported and confirmed that an evacuation notice was served to surrounding residents. The gas was shut off by excel energy.
3. **John and Danelle Hartman, 234 Cedar Street**, indicated that a fireplace had been removed and the gas line remained open, which was what caused the incident. They expressed frustration with the comings and goings at 232 Cedar over the past months and that they have been in contact with the property management company and provided them with information.
4. **Harmony Lewis, 236 Cedar Street**, explained that she has been fearful of the ongoings at 232 Cedar with people coming in and out but has avoided contacting law enforcement as she did not feel comfortable doing so.

ii. Council Discussion.

On a motion made by Councilmember McCarthy and seconded by Mayor Ford, it was resolved to direct Attorney Alan Kantrud to work with the Sheriff to recoup excessive law enforcement charges retroactively if possible and going forward, per city code section 406. All in favor. Motion carried.

On a motion made by Councilmember McCarthy and seconded by Councilmember Foster, it was resolved to direct Attorney Alan Kantrud to follow section 407 of the city code and send a demand letter to the bank to register the property and begin proceedings to criminally cite the bank for failing to register with every day being another offense. All in favor. Motion carried.

b. **Approve Hiring of the Treasurer**

- i. **Rebecca Kellen, City Administrator**, indicated that Marsha Olson was recommended by Building Official Jack Kramer, and was interviewed by Mayor Margaret Ford, Mary Cahill and herself. She stated that she checked with Attorney Alan Kantrud who said it is not a legal requirement for the position to be posted. A resume was received, and references contacted who all gave Marsha rave reviews. She requested that the council give approval to move forward in the hiring process with Marsha Olson for City Treasurer.

On a motion by Councilmember McCarthy, seconded by Councilmember Hankins, it was resolved to approve resolution 2024-18: Hire Treasurer. All in favor. Motion carried.

4. **MEETING ADJOURNED**

The meeting was adjourned at 7:41 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

RESOLUTION 2024-17
CITY OF BIRCHWOOD VILLAGE
WASHINGTON COUNTY, MINNESOTA

**A Resolution Authorizing the Holding of a Summer Concert Series in the City of
Birchwood Village on an Annual Basis**

WHEREAS, in the summer of 2011, the City of Birchwood Village held its first summer concert series called Music in the Park, and

WHEREAS, the City has held a Music in the Park concert series every summer since 2011 (except for 2020 during the Covid pandemic), and

WHEREAS, the City has authorized the use and consumption of beer and wine during the concerts in past years with specified restrictions, and

WHEREAS, funding for the Music in the Park series comes from a designated fund called the Parks Special Revenue Fund, and

WHEREAS, the City has taken a separate action every year to authorize the holding and funding of the concert series, and

WHEREAS, the City desires to hold a Music in the Park concert series every summer indefinitely on a continuing basis.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Birchwood Village hereby authorizes the following:

1. The City shall hold a summer music concert series called Music in the Park on an annual basis.
2. Concerts shall be held between the first Sunday in June and the last Sunday in September. The concerts shall be held between the hours of 6:00 and 8:00 p.m. The concerts shall be held in the hockey rink in Tighe-Schmitz Park or in another city park designated by the city administrator.
3. The city administrator shall be responsible for arranging the musicians who perform during each concert series. The city administrator may rely on volunteer help with arranging the musicians or holding the concerts.
4. The City authorizes a yearly budget of \$3700 for Music in the Park. The money for expenses related to Music in the Park shall come from the Parks Special Revenue Fund.
5. Of the budgeted amount, each performing person or group shall be paid \$300. In the event of a rain-out, the performers shall still be entitled to payment. Performers shall be permitted to sell CDs and to provide a tip jar during the concerts.

6. The remaining \$400 of the budget shall be allocated for administrative and staff time related to scheduling, promoting, and facilitating the concerts. The City shall not be required to provide chairs or other seating arrangements or other amenities for audience members.
7. The city administrator is authorized to make all payments due to performers or others related to the concerts without further approval by the City Council.
8. There shall not be more than eleven concerts per season unless additional funding for the event is obtained through donations or further action by the City Council. It shall be permissible for the city administrator to authorize the holding of additional concerts in the event of a rain•. out or other cancellation of a concert from an earlier date, if the budget shall allow.
9. All concerts shall be conducted in accordance with any applicable state and federal requirements related to the Coronavirus pandemic.
10. The City authorizes persons of legal age to possess and consume beer and wine at the site during all summer evening concerts.
11. The city administrator shall summarize the summer concert series at the end of each year in a report to the City Council by the November City Council meeting.
12. The City may amend or repeal this Resolution at any time by placing the matter on a Council agenda.

Passed by the City Council of The City of Birchwood Village, Minnesota this 12th day of March, 2024.

Margaret Ford, Mayor

Attest:

Rebecca Kellen, City Administrator

RESOLUTION 2024-19
CITY OF BIRCHWOOD VILLAGE
WASHINGTON COUNTY, MINNESOTA

A Resolution Authorizing the expenditure of monies for staff training.

WHEREAS, the City has budgeted for the orderly training of City Staff, and

WHEREAS, the City Administrator is considered the City’s Clerk for purposes of those duties, and

WHEREAS, the Minnesota Municipal Clerks Institute conducts annual trainings for City Clerks including the 2024 Annual Conference in Saint Cloud MN on May 6-10, 2024, and

WHEREAS, the City Administrator desires to attend said-conference to maintain her knowledge of City Clerk procedures for the good of the City.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Birchwood Village hereby authorizes the following:

1. Expenditure of a not-to-exceed amount of \$1000.00 (registration, per diem and mileage) for the attendance of the City Administrator at 2024 MCFOA Annual Conference as sponsored by the Minnesota Municipal Clerks Institute scheduled for May 6-10, 2024.

Passed by the City Council of The City of Birchwood Village, Minnesota this 12th day of March, 2024.

Margaret Ford, Mayor

Attest:

Rebecca Kellen, City Administrator

MEMORANDUM

DATE: 2/16/24

TO: City Council
FROM: Rebecca Kellen, City Administrator
COPIED:
SUBJECT: Lake Links Bike Trail Task Force Appointments



Birchwood Village

The following individuals are seeking appointment to the Lake Links Bike Trail Task Force in Birchwood Village. This is a request for the city council to approve the appointments for one year term limits.

Karen Freeberg
Jessica Granec
Jane Wernet
Dyanne Hanson
Mary Cahill
Bryan McGinnis
Ben Creagh
Cora Hankins

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

MEMORANDUM

DATE: 2/16/24

TO: City Council
FROM: Rebecca Kellen, City Administrator
COPIED:
SUBJECT: Road Safety Task Force Appointments



Birchwood Village

The following individuals are seeking appointment to the Road Safety Task Force in Birchwood Village. This is a request for the city council to approve the appointments for one year term limits.

Cora Hankins
Art Arsenault
Ron Malles

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

LIABILITY COVERAGE WAIVER FORM

Members who obtain liability coverage through the League of Minnesota Cities Insurance Trust (LMCIT) must complete and return this form to LMCIT before their effective date of coverage. [Email completed form to your city's underwriter, to pstech@lmc.org](mailto:pstech@lmc.org), or fax to 651.281.1298.

Members who obtain liability coverage from LMCIT must decide whether to waive the statutory tort liability limits to the extent of the coverage purchased. *The decision to waive or not waive the statutory tort limits must be made annually by the member's governing body, in consultation with its attorney if necessary.* The decision has the following effects:

- *If the member does not waive the statutory tort limits*, an individual claimant could recover no more than \$500,000 on any claim to which the statutory tort limits apply. The total all claimants could recover for a single occurrence to which the statutory tort limits apply would be limited to \$1,500,000. These statutory tort limits would apply regardless of whether the member purchases the optional LMCIT excess liability coverage.
- *If the member waives the statutory tort limits and does not purchase excess liability coverage*, a single claimant could recover up to \$2,000,000 for a single occurrence (under the waive option, the tort cap liability limits are only waived to the extent of the member's liability coverage limits, and the LMCIT per occurrence limit is \$2,000,000). The total all claimants could recover for a single occurrence to which the statutory tort limits apply would also be limited to \$2,000,000, regardless of the number of claimants.
- *If the member waives the statutory tort limits and purchases excess liability coverage*, a single claimant could potentially recover an amount up to the limit of the coverage purchased. The total all claimants could recover for a single occurrence to which the statutory tort limits apply would also be limited to the amount of coverage purchased, regardless of the number of claimants.

Claims to which the statutory municipal tort limits do not apply are not affected by this decision.

LMCIT Member Name: _____

Check one:

- The member **DOES NOT WAIVE** the monetary limits on municipal tort liability established by [Minn. Stat. § 466.04](#).
- The member **WAIVES** the monetary limits on municipal tort liability established by [Minn. Stat. § 466.04](#), to the extent of the limits of the liability coverage obtained from LMCIT.

Date of member's governing body meeting: _____

Signature: _____

Position: _____



Real People. Real Solutions.

3507 High Point Drive North
Bldg. 1 Suite E130
Oakdale, MN 55128

Ph: (651) 704-9970
Bolton-Menk.com

MEMORANDUM

Date: 3-6-2024
To: Mayor Margaret Ford
From: Marcus Johnson P.E Bolton & Menk
Subject: Wildwood Lift Station Update

Madam mayor and city council,

The lift station plans are still being drafted and finished. To date we the EPA is still doing their review. To date there is no estimated timeline for when they will be complete.

The previous timeline proposed was:

- EPA review completed???
- Assuming March?
- Finish plans and specifications per EPA's review end of March/start of April.
- Approval of plans in April council meeting April 9th /special meeting if needed.
- Advertise plans and specifications April 10th (need 3-4 weeks to advertise)
- Bidding date April 30th
- Award at council meeting on May 14th
- 9 months wait time for control panel as of 3-1-2024 from city preferred suppliers (originally expecting a 6-month lead time).

Given we are not sure when we will hear back from the EPA, it is my recommendation to hold off on the timeline until we hear back from the EPA. This will push construction back until 2025. If we bid prior to hearing back from the EPA we may see higher in change orders than what it is currently costing the city to maintain the existing lift station. Funding allows us to construct the project in 2025. This will also give my team more time to prepare plans and specifications to meet the EPA's requirements. I still expect bidding to happen this year but longer lead times for the contractor would give us better pricing.

Sincerely,

Bolton & Menk, Inc.

Marcus A. Johnson

Marcus Johnson
Project Engineer



Real People. Real Solutions.

3507 High Point Drive North
Bldg. 1 Suite E130
Oakdale, MN 55128

Ph: (651) 704-9970
Bolton-Menk.com

3-1-2024

City of Birchwood Village

Council,

I was tasked with bringing an estimated Bolton and Menk construction inspection and administration costs to the council. Below are my expected estimations.

Construction Inspection – \$25,000 (Bolton and Menk Service)

- Estimate is based on an hourly rate, estimating roughly 150 hours for part time inspection.
- Estimate includes the following:
 - Preconstruction meeting and submittal review
 - Preconstruction site documentation/mark removals bypass setup
 - 6-8 weeks of the bulk of construction
 - Punchlist, final documentation, and final quantities

Construction Administration - \$10,000 (Bolton and Menk Service)

- Estimate is based on an hourly rate.
- Estimate includes the following:
 - Review weekly payroll reports and fringe benefit plans to verify compliance with Davis Bacon Requirements
 - Monitor Apprentice registrations.
 - Assist the contractor(s) to:
 - Rectify any wage rate errors and document resolution.
 - Secure additional wage classifications, if needed.
 - Prepare monthly disbursement requests for City to review, sign and submit to EPA representative.
 - Prepare closeout checklist items for City to review and submit to EPA representative.

Construction Staking - \$2,000 (Bolton and Menk Service)

- Estimate is based on an hourly rate.
- Staking would consist of staking the Center and offsets of structures, corners of pads, edges of pavement, and forcemain relocation.

Sincerely,

Bolton & Menk, Inc.

Marcus A. Johnson

Marcus Johnson
Project Engineer

MEMORANDUM

DATE: 3/4/24

TO: City Council
FROM: Rebecca Kellen, City Administrator
COPIED:
SUBJECT: Utility Company Upgrades – ROW permits



Birchwood Village

ADMINISTRATION REACHED OUT TO WATER SUPERINTENDENT JOHN MANSHIP TO GET FURTHER INFORMATION ON HIS CONCERNS OUTLINED IN THE PROCEEDING EMAIL. HE INDICATED THAT HE HAD CONCERNS ABOUT POTENTIAL IMPACTS TO THE WATER MAINS IF THERE BECOMES AN OVERLAY OF OTHER INFRASTRUCTURE ON TOP. HE RECOMMENDED THAT HE REVIEW THE ROW PERMITS POSSIBLY IN ADDITION TO MARCUS JOHNSON TO ENSURE THAT THERE WERE NO UNREASONABLE OVERLAYS BEING PERMITTED.

I ALSO SPOKE WITH ENGINEER MARCUS JOHNSON ABOUT THIS AND HE WAS OK WITH JON DOING THE REVIEW, INDICATING THAT HE DID NOT SEE A NEED FOR BOTH HE AND JON TO REVIEW ROW PERMITS, BUT EITHER OR.

ADMINISTRATION REQUESTS THAT COUNCIL DISCUSS THE ROW APPROVAL PROCESS AND DETERMINE WHO SHOULD BE RESPONSIBLE FOR THEIR REVIEW AND APPROVAL.

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

Utility Company Upgrades--Concerns From John Manship

Therese Bellinger <Therese.Bellinger@cityofbirchwood.com>

Thu 2/29/2024 1:33 PM

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

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

John Manship dropped in today. He shared the following concerns;

Birchwood has had several Right of Way permits submitted for cable, new poles, and high wire fiber upgrades this past year—more high wire to occur in April. He is called for all locates to mark the ground in prep for boring etc.

He suggested we give consideration--prior to work being done by the utility contractors—for how this work may interfere with our water line locations. IE: Hall and Cedar water main break shed light on what challenges the location of all of this new cable can present to the repair of existing water mains.

This seems to be a much bigger conversation than I am equipped for, so I have passed it on to you both.

Currently, our process for Right of Way permits is to have Marcus review and approve. Maybe Marcus might provide some light on this concern?

T.

Therese

Therese Bellinger

Deputy Clerk

207 Birchwood Ave

Birchwood Village, MN 55110

Office: (651) 426-3403

Fax: (651) 426-7747

Email: therese.bellinger@cityofbirchwood.com

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

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MEMORANDUM

DATE: 3/1/24

TO: City Council
FROM: Rebecca Kellen, City Administrator
COPIED:
SUBJECT: Engineering Fee Appeals



Birchwood Village

THE CITY REACHED OUT TO THE INDIVIDUALS WHO HAVE OUTSTANDING BILLS OWED TO THE CITY TO INVITE THEM TO THE MARCH CITY COUNCIL MEETING TO DISCUSS THEIR CASES. WE RECEIVED CONFIRMATION FROM ALL 3 THAT THEY WOULD BE IN ATTENDANCE.

ALL 3 PROPERTY OWNERS WERE SENT THEIR LAST NOTICE ON DECEMBER 26TH, 2023. WE RECEIVED A LETTER FROM GREGORY SHERWOOD, 15 BIRCHWOOD LANE, REQUESTING THAT WE WAIVE THE CHARGES. IT IS INCLUDED IN THE PACKET AS WELL AS THE LETTERS THAT WERE SENT BY THE CITY TO ALL 3 PROPERTY OWNERS.

ROBERT GRAY HAS SINCE MOVED FROM HIS BIRCHWOOD HOME TO WHITE BEAR LAKE.

ADMINISTRATION REQUESTS THAT THE CITY COUNCIL HEAR, DISCUSS, AND DECIDE ON THE 3 CASES REGARDING OUTSTANDING DEBT OWED TO THE CITY BY THE PROPERTY OWNERS.

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



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

Re: **Outstanding Money owed for Variance/Building Permit (FOURTH NOTICE)**

Nadja Gale
419 B Wildwood Avenue
Birchwood, MN 55110

December 26, 2023

Dear Nadja,

The City of Birchwood Village has reviewed expenses relating to your variance and building permit. During this review it was discovered that the city paid for expenses incurred by our city engineer. However, some of these expenses were not allocated back to you.

The purpose of this notification is to inform you owe \$1,630 for engineering expenses. Per the terms and conditions of issuing the permit, you are responsible for these additional charges incurred.

Attached is a copy of the Engineering invoice for your review. Additional fees incurred related to your current permit application will be included with that permit. Please send us your payment within thirty days of this notice.

If you wish to appeal an expense presented refer to Birchwood's City Code, section number 300, code numbers 310.01 through 310.030 and follow the appeals process.

Any questions or concerns about this notification should be directed to City Hall at 651-426-3403.

Regards,
Kathleen Hansen
Treasurer



Thatcher Engineering, Inc.
 6201 Creek Valley Road
 Edina, MN 55439
 Phone: 612.781.2188
 www.thatcher-eng.com

Bill To:
 City of Birchwood Village
 207 Birchwood Avenue
 Birchwood, MN 55110

Invoice #: 560
Invoice Date: 1/29/2022
Terms: Net 30
Due date: 2/28/2022

Work Performed Through: 1/26/2022

Project: Birchwood Village - 419 B Wildwood Avenue - Building Permit Application - Nadja Gale

Date	Person	Description	Hours	Rate	Amount
12/2/2021	SWT	Telephone Conference (TC) with Mike Capra regarding sanitary sewer service for 419 B Wildwood Avenue and prepare email.	2.00	85.00	\$170.00
12/3/2021	SWT	TC with Dale Reed and two separate TC's with John Manship and Mike Capra regarding sanitary sewer service for 419 B Wildwood Avenue.	2.00	85.00	\$170.00
12/7/2021	SWT	Review plan in the email dated December 3 from Mike Capra and prepare email regarding sanitary sewer service for 419 B Wildwood Avenue.	1.50	85.00	\$127.50
12/19/2021	SWT	Review plan in the email dated December 3 from Mike Capra and prepare email regarding sanitary sewer service for 419 B Wildwood Avenue.	1.50	85.00	\$127.50
12/21/2021	SWT	Review plan in the email dated December 3 from Mike Capra and prepare email regarding sanitary sewer service for 419 B Wildwood Avenue.	1.00	85.00	\$85.00
1/3/2022	SWT	Review plan in the email dated December 3 from Mike Capra and prepare email regarding sanitary sewer service for 419 B Wildwood Avenue.	6.00	100.00	\$600.00
Balance Due This Invoice					\$1,280.00
Previous Balance					\$0.00
Payments/Credits					\$0.00
Balance Due					\$1,280.00

Engineering and Environmental Solutions



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 6201 Creek Valley Road
 Edina, MN 55439
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 www.thatcher-eng.com

Bill To:
 City of Birchwood Village
 207 Birchwood Avenue
 Birchwood, MN 55110

Invoice #: 627
Invoice Date: 11/29/2022
Terms: Net 30
Due date: 12/29/2022
Work Performed Through: 11/28/2022

Project: Birchwood Village - 419 B Wildwood Avenue - Sewer and Water Permit Application
 Nadja Gale - Midstate Excavating

Date	Person	Description	Hours	Rate	Amount
11/16/2022	SWT	Review sewer and water permit application attached to the email dated November 9, 2022 from Tom Nitti and prepare memorandum regarding sanitary sewer service for 419 B Wildwood Avenue.	2.00	100.00	\$200.00
11/21/2022	SWT	Review sewer and water permit application attached to the email dated November 21, 2022 from Tom Nitti. TC with John Manship. Prepare email.	1.50	100.00	\$150.00
Balance Due This Invoice					\$350.00
Previous Balance					\$0.00
Payments/Credits					\$0.00
Balance Due					\$350.00



207 Birchwood Avenue
Birchwood Village, MN 55110
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www.CityofBirchwood.com

Re: **Outstanding Money owed for Variance/Building Permit (FOURTH NOTICE)**

Robert Gray
2075 Floral Drive
White Bear Lake, MN 55110

December 26, 2023

Robert,

The City of Birchwood Village has reviewed expenses relating to your variance and building permit. During this review it was discovered that the city paid for expenses incurred by our city engineer. However, some of these expenses were not allocated back to you.

The purpose of this notification is to inform you owe \$550 for engineering expenses. Per the terms and conditions of issuing the permit, you are responsible for these additional charges incurred.

You have an overpayment from your final utility bill of \$120.27. We have applied the credit to your outstanding money owed. Your new outstanding balance owed is \$429.73.

Attached is a copy of the Engineering invoice for your review. Please send us your payment within thirty days of this notice.

If you wish to appeal an expense presented refer to Birchwood's City Code, section number 300, code numbers 310.01 through 310.030 and follow the appeals process.

Any questions or concerns about this notification should be directed to City Hall at 651-426-3403.

Regards,
Kathleen Hansen
Treasurer



Thatcher

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6201 Creek Valley Road
Edina, MN 55439
Phone: 612.781.2188
www.thatcher-eng.com

Bill To:
City of Birchwood Village
207 Birchwood Avenue
Birchwood, MN 55110

Invoice #: 614
Invoice Date: 9/28/2022
Terms: Net 30
Due date: 10/28/2022

Work Performed Through: 9/26/2022

Project: Birchwood Village - 523 Hall Avenue - Building Permit Application
from Robert Gray, property owner

Date	Person	Description	Hours	Rate	Amount
9/20/2022	SWT	Review Building Permit Application and prepare email.	1.00	100.00	\$100.00
9/22/2022	SWT	Review Building Permit Application and prepare memorandum.	2.00	100.00	\$200.00
9/23/2022	SWT	Review Building Permit Application and prepare memorandum.	2.50	100.00	\$250.00
Balance Due This Invoice					\$550.00
Previous Balance					\$0.00
Payments/Credits					\$0.00
Balance Due					\$550.00

Engineering and Environmental Solutions

To the City of Birchwood Village Clerk,

January 4, 2024

In response to the request dated December 26th, 2023 from the City of Birchwood for payment of \$7,472.50 for engineering expenses related to building permit request, we kindly refer to Section 310 of Birchwood City code and specifically 310.020 Procedure for Appealing an Administrative Decision our written response to appeal this request. Our reasoning is stated below.

We have worked diligently with the City of Birchwood Village to build a residence that required no variances and fit well in to the current neighborhood. We maintained a patient and professional approach through the process and complied with the multiple requests for changes. Through this experience we learned the construction process within City of Birchwood Village is severely lacking oversight and discipline within the role of the city engineer.

We experienced several circumstances to consider:

- Mr. Thatcher proved very difficult to communicate with as he rarely responded to calls or emails in a timely manner. Our builder, surveyor, and landscaping contractors all voiced frustration at the lack of response. However, when there was a response, it was unclear and cryptic. It took nearly 10 months to obtain a permit to build a garage that required no variances.
- Mr. Thatcher's review of documents was highly inefficient and incomplete, seemingly by design. See in Figure 1 and Figure 2 showing the revision history of our house and garage. It took 13 site surveys to complete the house and 8 site surveys to complete the garage, for a total of 21 surveys at a cost to us of \$1800 to \$2100 per survey. Nearly all these revisions were requested by Mr. Thatcher and of course, his review was required for each revision which in turn created more billable hours for him. Our frustration with this process was brought to the attention of several city council members and the mayor, yet no oversight of this process was implemented.
- An outside legal review of Mr. Thatcher's work revealed one clear example of malfeasance, where a section of a city code was taken out of context and applied to our project as a basis for rejection of approval for the permit. This type of conduct seems standard for Mr. Thatcher that instills confusion, requires more discussion, and increases his billable hours.
- A case in point is included in the current billing dated 7/27/2022. Mr. Thatcher billed no less than 8 times for the same work description – reviewing an escrow refund. Gross inefficiency bordering on unethical behavior that should be reviewed by the City of Birchwood Village and not simply passed on to a resident that is required to request the refund. This adds to the feeling that this is legalized extortion where Mr. Thatcher will deny approval, require some additional information, review, bill, and repeat (in our case, 21 times) with no City of Birchwood oversight.
- We have paid Mr. Thatcher in excess of \$15,000 for "engineering" fees as required by the City of Birchwood Village where there was little to no engineering involved and incurred over \$40,000 in survey costs via his requests.

As a licensed professional engineer in the State of Minnesota, I have been stunned by the behavior displayed by the city engineer, yet powerless to effect change as our project was held hostage unless we

complied with the relentless review cycles. True professional engineers contract for services and timelines with all parties involved before the work begins and are efficient and clear communicators. We believe the current billing from Mr. Thatcher is the responsibility of the City of Birchwood Village as his relationship with the city allowed him to operate in a freeform style and bill indiscriminately with little review.

Regards,

Greg and Kathy Sherwood

15 Birchwood Lane

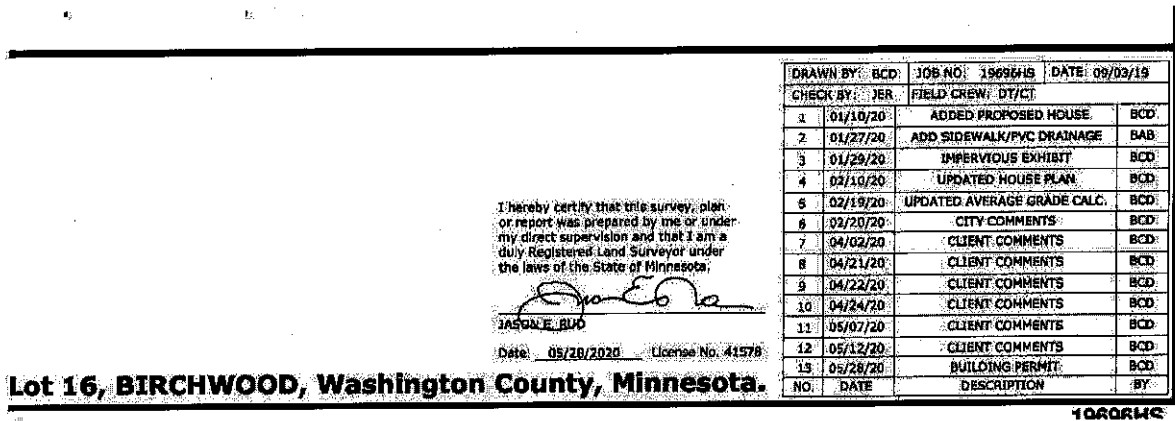


Figure 1 - Revisions of site survey for house construction at 15 Birchwood Lane -13 revisions

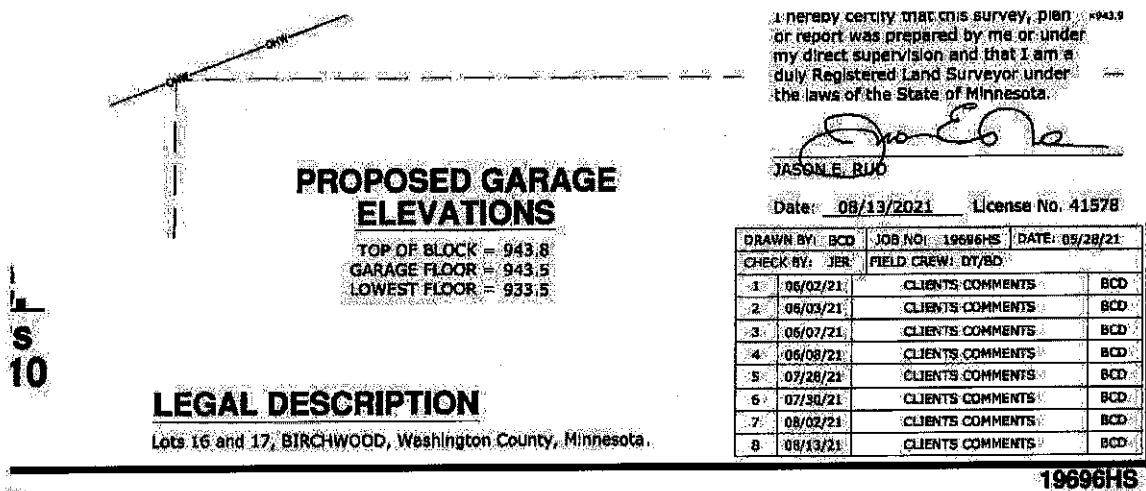


Figure 2 – Revisions of site survey for garage construction at 15 Birchwood Lane- 8 revisions



207 Birchwood Avenue
Birchwood Village, MN 55110
651-426-3403 (tel) / 651-426-7747 (fax)
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Re: **Outstanding Money owed for Variance/Building Permit (THIRD NOTICE)**

Greg and Kathy Sherwood
15 Birchwood Lane
Birchwood, MN 55110

December 26, 2023

Greg and Kathy,

The City of Birchwood Village has conducted a routine audit of expenses relating to several of your variance and building permit applications. During this review it was discovered that the city paid for expenses incurred by our city engineer. However, some of these expenses were not allocated back to you.

The purpose of this notification is to inform you that you owe \$7,472.50 for engineering expenses. Per the terms and conditions of issuing the permit, you are responsible for these additional charges incurred.

Attached are copies of the engineering invoices for your review. Please send us your payment within thirty days of this notice.

If you wish to appeal an expense presented refer to Birchwood's City Code, section number 300, code numbers 310.01 through 310.030 and follow the appeals process.

Any questions or concerns about this notification should be directed to City Hall at 651-426-3403.

Regards,
Kathleen Hansen
Treasurer



Thatcher Engineering, Inc.
 6201 Creek Valley Road
 Edina, MN 55439
 Phone: 612.781.2188
 www.thatcher-eng.com

Bill To:
 City of Birchwood Village
 207 Birchwood Avenue
 Birchwood, MN 55110

Invoice #: 447
Invoice Date: 4/21/2020
Terms: Net 30
Due date: 5/21/2020

Work Performed Through: 4/13/2020

Project: Birchwood Village [REDACTED] *Variance request*
 Variance to Side Yard Setback for walkway/deck and Impervious Area Review - Greg and Kathy Sherwood

Date	Person	Description	Hours	Rate	Amount
1/15/2020	SWT	Review application and plans and prepare email.	2.00	85.00	\$170.00
2/19/2020	SWT	Review application and plans and prepare email.	1.50	85.00	\$127.50
2/25/2020	SWT	Review revised application and plans and reply to Tobin's email.	1.00	85.00	\$85.00
3/28/2020	SWT	Review paver product data sheet, Certificate of Survey and two emails and prepare reply email.	1.50	85.00	\$127.50
3/30/2020	SWT	Review paver product data sheet, Certificate of Survey and email from Tobin Lay and prepare reply email.	1.50	85.00	\$127.50
4/2/2020	SWT	TC's with Eli Rupnow, professional engineer for the property owner.	1.00	85.00	\$85.00
4/3/2020	SWT	Review emails and information from Eli Rupnow.	2.50	85.00	\$212.50
4/4/2020	SWT	Review emails and information from Eli Rupnow.	4.00	85.00	\$340.00
4/5/2020	SWT	Review emails and information from Eli Rupnow.	2.00	85.00	\$170.00
4/6/2020	SWT	Review emails and information from Eli Rupnow.	1.00	85.00	\$85.00
4/7/2020	SWT	Review emails and information from Eli Rupnow and 3 emails from Gregory Sherwood and prepare reply to 3 emails.	5.00	85.00	\$425.00
4/8/2020	SWT	Review emails and information from Eli Rupnow and 3 emails from Gregory Sherwood and prepare reply to 3 emails.	2.00	85.00	\$170.00
Balance Due This Invoice					\$2,125.00
Previous Balance					\$0.00
Payments/Credits					\$0.00
Balance Due					\$2,125.00

Engineering and Environmental Solutions



Thatcher

Thatcher Engineering, Inc.
6201 Creek Valley Road
Edina, MN 55499
Phone: 612.781.2188
www.thatcher-eng.com

Bill To:
City of Birchwood Village
207 Birchwood Avenue
Birchwood, MN 55110

Invoice #: 463
Invoice Date: 6/13/2020
Terms: Net 30
Due date: 7/13/2020
Work Performed Through: 6/12/2020

Project: Birchwood Village - 15 Birchwood Lane
Building Permit Impervious Area Review - Greg and Kathy Sherwood

Date	Person	Description	Hours	Rate	Amount
6/10/2020	SWT	Review permit application and plans from Greg Sherwood and prepare a draft permeable pavement maintenance agreement.	2.00	85.00	\$170.00
6/11/2020	SWT	Review permit application and plans, prepare a draft permeable pavement maintenance agreement, and prepare email to Tobin Lay.	2.50	85.00	\$212.50
		Balance Due This Invoice			\$382.50
		Previous Balance			\$0.00
		Payments/Credits			\$0.00
		Balance Due			\$382.50

6/16/2022	SWT	Review file and escrow refund request for garage and an escrow refund request for fence received May 25, 2022 and prepare email.	8.00	100.00	\$800.00
7/18/2022	SWT	Prepare for and participate in Zoom meeting with Rebecca Kellen regarding escrow refund request for garage and separate TC with Alan Kanrud.	1.50	100.00	\$150.00
Balance Due This Invoice					\$2,600.00
Previous Balance					\$0.00
Payments/Credits					\$0.00
Balance Due					\$2,600.00



Thatcher

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6201 Creek Valley Road
Edina, MN 55439
Phone: 612.781.2188
www.thatcher-eng.com

Bill To:
City of Birchwood Village
207 Birchwood Avenue
Birchwood, MN 55110

Invoice #: 633
Invoice Date: 12/29/2022
Terms: Net 30
Due date: 1/28/2023

Work Performed Through: 12/26/2022

Project: Birchwood Village - 15 Birchwood Lane - Greg and Kathy Sherwood

Date	Person	Description	Hours	Rate	Amount
12/19/2022	SWT	Review document prepared by Clarissa K. Cooper, Landscape Designer of DreamScapes Landscaping & Design, Inc. dated December 1, 2022 and our file. Telephone conference with Rebecca Kellen. Prepare email.	4.00	100.00	\$400.00
Balance Due This Invoice					\$400.00
Previous Balance					\$0.00
Payments/Credits					\$0.00
Balance Due					\$400.00

Engineering and Environmental Solutions

MEMORANDUM

DATE: 3/6/24

TO: City Council
FROM: Rebecca Kellen, City Administrator
COPIED:
SUBJECT: Recycling Grant Update



Birchwood Village

THE CITY HAS APPLIED FOR A RECYCLING GRANT FOR 2024 FOR \$3019 THAT INCLUDES THE FOLLOWING 3 PROJECTS:

PROMOTIONAL AND EDUCATIONAL MATERIALS – THIS WILL HAPPEN BY PROVIDING RESIDENTS WITH EDUCATIONAL MATERIALS THROUGH THE NEWSLETTERS.

ADDING RECYCLING BINS TO THE BEACHES – CURRENTLY ONLY KAY BEACH AND BIRCH BEACH HAVE RECYCLING SO WE WILL BE ADDING RECYCLING TO OTHER BEACHES.

ORDINANCE REVIEW – THIS IS A REVIEW AND UPDATE OF OUR ORDINANCES ABOUT RECYCLING. WASHINGTON COUNTY PROVIDES A FREE SERVICE FOR MUNICIPALITIES WHERE FOTH, A CONSULTING SERVICE, CAN REVIEW OUR ORDINANCES FREE OF CHARGE AND MAKE RECOMMENDATIONS SO THAT OUR ORDINANCES ARE IN LINE WITH THE MOST UP TO DATE RECYCLING PRACTICES.

A FOURTH PROJECT IS IN THE WORKS TO BE ADDED WHICH WILL ALLOW US TO HAVE MORE MONEY FROM THE GRANT – MATTRESS PICK UP. WE ARE STILL WAITING ON MORE INFORMATION TO COME ON THIS HOWEVER IT WILL MOST LIKELY INCLUDE AN EBLAST BEING SENT TO RESIDENTS TO LET THEM KNOW OF A FREE MATTRESS PICK UP SERVICE, 2ND CHANCES, THAT THEY CAN ARRANGE A TIME WITH TO PICK UP OLD MATTRESSES FOR RECYCLING. THIS IS TENTATIVELY SCHEDULED FOR JUNE OR JULY.

ADMINISTRATION WOULD LIKE COUNCIL TO REVIEW THESE PROJECTS AND DETERMINE IF THEY WOULD LIKE FOR ADMINISTRATION TO MOVE FORWARD WITH THE ORDINANCE REVIEW/RECOMMENDATIONS THROUGH FOTH FOR SECTION 402 WHILE IN THE PROCESS OF REVISING THIS ORDINANCE.

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



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

10/18/23
 RE: Rate Adjustment

Dear Rebecca,

Due to an increase from the Ramsey/Washington Recycling & Energy Center (R & E Center), which is where the refuse from the City of Birchwood Village is delivered, Tennis Sanitation L.L.C. must impose a monthly rate adjustment for trash services. I have attached the notice of increase we received from the R & E Center for your review. The chart below details the new rate including the increase of \$1.75 per volume.

2024	Current Base Rate	Increase	New Base Rate	SWM 9.75%	CEC 35%	New Monthly Total
35 Gal	\$16.51	\$1.75	\$18.26	\$1.78	\$6.39	\$26.43
65 Gal	\$20.88	\$1.75	\$22.63	\$2.21	\$7.92	\$32.76
95 Gal	\$24.16	\$1.75	\$25.91	\$2.53	\$9.07	\$37.51

Tennis Sanitation L.L.C. is also requesting a rate adjustment for recycling services by \$0.25 per month. This would bring the total from \$4.00 to \$4.25 per unit per month effective January 1st, 2024. The markets for recyclables remain unpredictable as trends continue to fluctuate which is primarily driven by China’s regulation. Though the domestic markets we utilize are steady at this time, there are changes happening regarding the volume of material they are able to accept, as well as the quality of the product. This in turn adds to the cost of sorting the recycling material to new standards for end markets.

All Birchwood Village residents will receive the following notice on their November invoice. The increase will then be reflected on their January invoice.

“Dear Valued Customer, Due to the increase in tipping fees from the dump, we must unfortunately implement a monthly rate increase. As a result, your next invoice will reflect an adjustment. We want to thank you for your valued loyalty to our company and appreciate your understanding for this necessary price increase.”

These changes will be effective January 1st, 2024. Please let us know if you have any questions or concerns.

Sincerely,

Greg & Willie Tennis

Tennis Recycling, LLC | Sanitation, LLC | Roll-Off, LLC | TBS, LLC



**RAMSEY/WASHINGTON
RECYCLING & ENERGY**
CONNECTING VALUE TO WASTE

September 8, 2023

RE: Official Notice of 2024 Tipping Fee

TO: Solid waste haulers and transfer stations licensed in Ramsey and/or Washington counties

CC: Recycling coordinators in Ramsey and Washington counties

The Ramsey/Washington Recycling & Energy Center (R&E Center) tipping fee for acceptable waste will be \$121.00 per ton in 2024.

Ramsey and Washington counties jointly own and operate the R&E Center, which processes trash to recover resources instead of putting it into landfills. By processing waste, thousands of tons of metal are recycled each year, and waste is turned into a fuel that Xcel Energy uses to generate renewable energy for thousands of homes per year. Processing waste at the R&E Center not only reduces greenhouse gas emissions by avoiding landfills, but the R&E Center also adds jobs and value to the East Metro economy.

The 2024 tipping fee increase covers increased R&E Center operating expenses including labor, transportation of materials, insurance, as well as capital investments being made at the R&E Center. Capital investments support the recovery of additional recyclables from the trash, as well as the separation of food scraps collected as part of the food scraps pickup program that is under development so that they can be composted.

Tipping fees typically account for about 1/3 of a household's trash bill. An average household produces about one ton of trash per year, so the 2024 tipping fee (increased by \$18 per ton over 2023) will increase the cost of trash collection in the average household by about \$1.50 per month. The rest of the bill is related to other costs of running your business, such as transportation, insurance and labor – increases in which you may also be passing on to your customers.

We appreciate your continued support and invite you to tour the R&E Center if you are interested.

- For Ramsey County questions, contact Ryan Lundgren at ryan.lundgren@co.ramsey.mn.us or 612-248-6785.
- For Washington County questions, contact Jenna Venem at jenna.venem@co.washington.mn.us or 262-914-6822.

Sincerely,

David Brummel and Michael Reed
Ramsey/Washington Recycling & Energy

To: Birchwood City Council
From: Ryan Hankins
Re: Cleaning up the Trash (Code)
Or: Recycling the Recycling (Code)

Please see remarks on sections 401 and 402 of the city code that relate to waste and recycling in the “findings and purpose” section below.

The most recent contract for Tennis that I could find is in the May 10, 2016 agenda.

9.1. Present Schedule. As of the date of execution of this Contract, Tennis Sanitation is charging Birchwood residents the following rates:

- 96 gallon container $\$18.90 + \1.84 (SWM) + $\$5.29$ (CEC) = $\$26.03$ /month
- 64 gallon container $\$15.75 + \1.54 (SWM) + $\$4.41$ (CEC) = $\$21.70$ /month
- 35 gallon container $\$11.55 + \1.13 (SWM) + $\$3.23$ (CEC) = $\$15.91$ /month

9.2. Adjustments in Fee Schedule. Tennis Sanitation may adjust the Schedule of Charges from time to time to reflect actual increases in disposal fees and/or county, state, local, and federal taxes. Increases for other reasons must be approved by the City. Tennis Sanitation shall notify the City and individual residents in writing of any increase in rates at least thirty days before such increases shall take effect.

The 2016 contract prescribes that fees for 35-gallon “solid waste” are $\$11.55 + 1.13$ for SWM + 3.23 for CEC = 15.91 /month.

My fees on my last 2022 bill per month for 35-gallon service are $\$14.76 + 1.44$ for SWM + 5.17 for CEC = 21.37 .

My fees on my 2023 bills per month for the same service were $\$16.51 + 1.61$ for SWM + 5.78 for CEC = 23.90

My fees on my 2024 bill per month for same service was: $\$18.26 + 1.78$ for SWM + 6.39 for CEC = 26.43

SWM is “Solid Waste Management,” and “CEC” is County Environmental Charge.

I can’t find a contract that mentions recycling.

For the 7 years from 2016 to 2022, that is an increase of about 3.6% per year in the pre-tax rate. Interestingly, the contract included in the May, 2016 agenda appears to expire December 31, 2013, but renews automatically. However, the memo in the agenda says the contract is in place until at least the end of 2017.

The increase in the pre-tax rate from 2022 to 2023 is 11.9%, and the increase from 2023 to 2024 was 10.6%.

ORDINANCE NO. 2024-03-01

AN ORDINANCE REPLACING ORDINANCE NO. 402, AND TITLED “SOLID AND HAZARDOUS WASTE MANAGEMENT.”

Findings and Purpose:

The purpose of this section is to provide for handling of garbage, recycling, composting and other waste, to protect public health and to limit the visibility and harm of rubbish in the City.

Because the City now contracts with a private hauler to perform waste and recycling pickup, the hauler determines what is eligible for pickup and provides the containers. This change leaves to the hauler and its contract with the City what is authorized and which fees are collected.

Because residents contract directly with the hauler, the hauler can collect unpaid charges privately. The hauler must collect recycling and refuse from every household, but may collect additional fees for collection of yard waste, bulky items or other services. The City may contract with a hauler and pursue tax certification for households that do not contract with an authorized hauler themselves.

The City has the authority to organize solid waste under Minnesota Statute 115A.94.

To reduce traffic and noise, households must use the City’s authorized hauler for regular pickup.

This code divides waste into general categories. These categories correspond to the categories into which our current hauler divides items.

- *Authorized recycling, yard waste, refuse and bulky items include items in each of those categories that are accepted by the hauler.*
- *Unauthorized Items are items the hauler does not accept, and should not be set out for the hauler.*

Several definitions are removed. “Hazardous Waste” is better defined and regulated by the state and county. “Incineration,” “Rear Yard,” “Resource Recovery Facility” and “Sanitary Landfill” are beyond the scope of what the City can reasonably regulate.

The section relating to disposal is significantly updated. Our current hauler provides containers not greater than 96 gallons. The City cannot reasonably enforce any code requiring screening of those containers, so the requirement to screen them is limited to larger sizes. Households must separate items for collection as the hauler requires and must arrange with the hauler for collection of items that do not fit into containers or that are not collected. The penalty for failing to separate items is a petty misdemeanor, however.

The hauler may determine where containers shall be set out; much of Birchwood places containers on only one side of the street and in some areas, residents place containers at a nearby street. Residents must place the containers where the hauler specifies and must allow neighbors to use their right-of-way if necessary. The requirement that containers be within 40 feet from the right-of-way is unreasonable for collection.

Unless the City wants to hire a compost mixing and moistening inspector, have the city clerk approve exceptional compost containers and support compost container rejection appeals to the council, the regulation of compost is overly complex and difficult to enforce. This change requires simply that composting does not result in odors, nuisances or health hazards.

A new section allows for materials to be offered for pickup from the curb or yard, but limits that materials must be picked up within fourteen days, and must be set out no more frequently than every three months.

Previously, only open dumpster fires were forbidden; this change forbids all dumpster fires. Figurative dumpster fires are still allowed at village hall.

Complaints relating to this chapter can be addressed using section 618. Penalties remain a misdemeanor, though penalties are reduced to a petty misdemeanor in one section.

Section 1.

Ordinance No. 402 adopted on _____, and titled “SOLID AND HAZARDOUS WASTE MANAGEMENT” is hereby replaced.

402. SOLID WASTE AND RECYCLING

402.010. **DEFINITIONS.** For the purpose of this chapter, the following terms, phrases, words and their derivations shall have these meanings:

1. **Authorized Hauler.** A person authorized by the City Council to collect and haul refuse.
2. **Authorized Refuse.** All refuse materials that the authorized hauler accepts.
3. **Authorized Recycling.** All recyclable materials that the authorized hauler accepts.

4. Authorized Bulky Item. Any item or material that the authorized hauler accepts only separately from authorized refuse or authorized recycling.
5. Authorized Yard Waste or Compost. All yard waste or compost materials that the authorized hauler accepts.
6. Authorized Materials. All Authorized Refuse, Authorized Recycling, Authorized Bulky Items and Authorized Yard Waste or Compost.
7. Compost. Any above-ground microbial process that converts yard waste to organic soil amendment or mulch by decomposition of material through an aerobic process providing adequate oxygen and moisture.
8. Demolition waste. Waste building materials, packaging, and rubble resulting from construction, remodeling, repair, and demolition of buildings and roads.
9. Disposal. The discharge, deposits, injection, dumping, spilling, leaking, or placing of any solid or hazardous waste or any constituent thereof which may enter the environment or be emitted into the air or discharged into any water, including ground waters.
10. Garbage. Discarded material resulting from the handling, processing, storage, preparation, serving and consumption of food.
11. Recyclable Materials or Recycling. Materials that are separated from mixed municipal solid waste for the purpose of recycling.
12. Refuse. All waste products which are wholly or partly composed of such materials as garbage, rubbish, waste materials, or any other such substance which may become a nuisance and/or a health hazard.
13. Rubbish. All nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, cardboard, tin cans, grass and shrubbery clippings, wood, glass, brick, plaster, bedding, crockery, leaves, dead trees or branches thereof, rags, plastic, and other similar materials.
14. Scavenge or Scavenging. Shall mean the unauthorized collection of recyclable materials that have been set out by residents of the City specifically for participating in curbside recycling programs.

15. Unauthorized Materials. Any material(s) which is/are not (an) Authorized Material(s).

16. Yard Waste. Means grass and lawn clippings, leaves, weeds, garden, soft-bodied, small non-woody shrub trimmings or twigs that are 1/4 inch diameter or less, pine cones, and needles.

402.020. GENERAL. No person shall cause or permit the generation, transportation, disposal or processing of solid or hazardous waste, except in full compliance with the provisions of this chapter.

402.030. DISPOSAL.

1. Refuse, yard waste and recycling containers. Every person shall set out authorized refuse, authorized yard waste and authorized recyclable materials in the container(s) provided by the authorized hauler(s).
2. Screening of containers. Except on the day of collection, refuse, yard waste and recycling containers greater than 96 gallons in volume shall be screened from view.
3. Items outside containers. Authorized bulky items shall be set out separately. Authorized materials that do not fit within the provided containers may be set out separately as specified by the authorized hauler. Such items shall be set out no sooner than one day before the scheduled pickup day.
4. Excess items by arrangement only. No person shall set out bulky items or items outside containers except by prior arrangement with the authorized hauler.
5. Materials for collection. No person shall set out authorized materials, except in the manner the authorized hauler specifies, nor shall any person set out unauthorized materials for collection by the authorized hauler.
6. Separation of materials. No person shall mix two or more types of authorized material(s) for collection by the authorized hauler, nor shall any person place materials in any container not designated for those materials.
7. Time and manner of placement. Each person or household shall place authorized materials for collection in the location and at the time of collection required by the authorized hauler(s). For the purpose of reducing traffic or effort, an authorized hauler

may require placement of materials for collection at a nearby street or across the street from the household.

8. Placement on right-of-way. No person shall prevent any other person from placing materials for collection in a location on a right-of-way specified by the authorized hauler(s). Each person who places containers or materials on another person's right-of-way shall remove the containers or uncollected materials by 11:59 PM on the day of collection.
9. Hazardous waste. Hazardous wastes shall be disposed of as required by Washington County and the state.
10. Resource recovery. Resource recovery is a desirable alternative to collection for disposal in landfill sites. No provision of this chapter shall abridge the right of persons to dispose of refuse in this manner provided storage of the recoverable materials is concealed from public view and such storage is not dangerous to the public health.
11. Demolition waste. All demolition waste must be disposed of in accordance with County regulations.
12. Clean fill. Dirt, stones, etc. used as clean fill is not covered under this chapter.

402.040. COLLECTION SUPERVISED BY CITY COUNCIL. The City Council shall have the authority to make rules and regulations, to authorize haulers by contract, to determine days of collection, types and location of waste containers, to limit or prescribe fees charged by authorized haulers, and such other matters as the City Council deems necessary provided that such are not contrary to the provisions of this Code.

402.045. EXCLUSION OF UNAUTHORIZED HAULERS. No person shall receive regular collection of refuse or recycling from any hauler except an authorized hauler.

402.050. STANDARDS. No person shall cast, place, sweep or deposit any refuse in such manner that it may be carried or deposited by the elements off the property within the City, nor shall any person burn or permit burning of refuse.

402.055. OWNERSHIP The person or household from which the materials originate shall own recyclable materials set out for the purpose of participating in curbside recycling programs until collected by the authorized hauler. Upon collection, the authorized hauler shall own the materials. Nothing in this ordinance shall abridge the right of any individual or household to

give or sell their recyclable materials to any recyclable materials program. No person shall scavenge recyclable materials.

402.070. FEES FOR COLLECTION AND DISPOSAL. The fees for collection and disposal of refuse for each container size shall be set equally for all persons by the City's authorized hauler(s), subject to restrictions imposed by the City Council. The authorized hauler(s) shall not charge a fee to residents for recycling. All amounts due hereunder shall be payable to the authorized hauler, and the authorized hauler may set and collect additional fees for collection of yard waste, compost, bulky items, late payments, or for services other than the scheduled collection of refuse and recycling in the containers provided by the authorized hauler.

402.080. REFUSE COLLECTION REQUIRED. Every owner or resident shall contract with the City's authorized hauler(s) for recycling and refuse collection. In addition to all criminal remedies available to it, the City may contract for recycling and refuse collection for any dwelling unit that does not contract with an authorized hauler and shall charge the costs of the contract and all direct or indirect administrative costs the City incurs. Each charge levied by and pursuant to this section is hereby made a lien upon the corresponding lot, land or premises served hereunder and all such charges which are on July 31 of each year more than thirty (30) days past due and having been properly billed to the occupant of the premises served, shall be certified by the City Administrator to the Auditor of Washington County each year. The City Administrator in so certifying such charges to the County Auditor shall specify the amount thereof, the descriptions of the premises served, the name of the owner thereof, and the amount so certified shall be extended by the County Auditor on the tax rolls against such premises in the same manner as other taxes, and collected by the County Treasurer, and paid to the City Administrator, along with other taxes.

402.085. MATERIALS FOR PICKUP. Unless such acts violate City Code other than this chapter, or create a hazard, obstruction, unsanitary condition or nuisance, any resident may place materials for pickup without cost or for sale on a lot or on street right-of-way. However, no resident or owner of the property shall allow materials to remain for more than 14 days, nor shall any resident place materials for pickup more than twice every three calendar months.

402.090. MAINTENANCE OF LOTS. The owner of a lot shall maintain the lot consisting of weeds, grass lawn, trees, shrubs and other vegetation free and clear of all garbage and rubbish.

1. Rodent harborages prohibited in occupied areas. No occupant of any structure shall accumulate boxes, lumber, scrap metal, or any other similar materials in such a manner that may provide a rodent harborage in or about any dwelling or dwelling unit. Stored materials shall be stacked neatly in piles.

2. Notice to Owners of Unsanitary Conditions. When any unsanitary conditions are found on any property, an agent of the City, shall order the owner or occupant thereof to remove the same, at his or her expense, within a time not to exceed ten days, the exact time to be specified in the notice. This notice shall be served by delivering a copy thereof to the owner, occupant, or agent of the property.

402.100 COMPOSTING. Any resident may compost materials. Composting must not result in objectionable odors or any hazard to health or welfare or a public nuisance.

402.105 COMPLAINTS. The City shall log and investigate any complaint relating to this chapter under Chapter 618 of the City Code.

402.110. PENALTIES. Unless otherwise specified, any person violating any of the provisions of this ordinance by doing any act or failing to any act which constitutes a breach of any section of this ordinance is guilty of a misdemeanor.

402.120. SEPARABILITY. Every section, provisions, or part of this ordinance is declared separable from every other section, provision or part to the extent that if any section, provision or part of the ordinance shall be held invalid, it shall not invalidate any other section, provision or part thereof.

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 _____ day of _____, 2024.

Margaret Ford, Mayor

Attest:

Rebecca Kellen, City Administrator-Clerk

ORDINANCE NO. 2024-03-02

AN ORDINANCE REPEALING ORDINANCE NO. 401, TITLED “SCAVENGING OF RECYCLABLE MATERIALS PROHIBITED.”

Findings and Purpose:

Chapter 401, which regulated a Joint Powers Agreement related to recycling that no longer exists is repealed and the relevant portions were integrated into Chapter 402.

Section 1.

Ordinance No. 401, and titled “SCAVENGING OF RECYCLABLE MATERIALS PROHIBITED” is hereby repealed.

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 _____ day of _____, 2024

Margaret Ford, Mayor

Attest:

Rebecca Kellen, City Administrator-Clerk

To: Birchwood City Council
From: Ryan Hankins
Re: 310 and 312 Wildwood Ave.

The city recently addressed problems at 232 Cedar St. In that case, a house had not been fully secured and invited activities that impacted the quality of life in the neighborhood. The city has been further trying to make some progress in addressing longstanding issues at 310 and 312 Wildwood. While there was some progress in removing tenants at 310 Wildwood in the fall, from a house that may amount to a nuisance and isn't fully secure, several problems remain. The city should address that:

1. Rubbish continues to accumulate at 312 Wildwood Ave.
2. The driveway to 310 and 312 Wildwood is eroding into the street. Additional gravel was added to the driveway in the fall, which contributed to the erosion.
3. 310 Wildwood must be registered with the city as vacant and secured.
4. 310 Wildwood appears to have significant structural problems, and the city may want to consider declaring the property a nuisance and a path toward repair.

While the property owner has suggested that she would sell the properties in the spring, there has been no obvious action toward doing so.

Motion:

Direct city staff to send a letter to the property owner requesting that the property owner:

- a. Within 30 days, register 312 Wildwood as vacant and pay the appropriate fee; and
- b. Within 30 days, remove all rubbish from the property grounds; and
- c. Within 90 days, provide a plan to eliminate erosion into the street from the driveway.

Staff is further directed to provide a report to the council on progress at the April and May council meetings.

If the property owner wishes to proceed down another path, such as by selling the properties putting them up for sale, or entering into a contract with the city, we should discuss other options with her as soon as possible.

Park Hours 6:00 a.m.-9:30 p.m.

- Kay Beach is a designated swimming beach.
- Swim at your own risk. No lifeguard on duty.
- No dogs allowed.
- No motorized vehicles on the beach.
- No motorized boats inside buoyed area.
- Alcohol, smoking, littering, fires, and camping are prohibited.

Be considerate of neighbors and beach users.

Violations: Call Washington County Sheriff- 651-439-9381
Per Birchwood City Code: 607

(Kay)

Park Hours 6:00 a.m.-9:30 p.m.

- Swim at your own risk. No lifeguard on duty.
- Dogs must be on a leash.
- No motorized vehicles on the beach.
- Alcohol, smoking, littering, fires, and camping are prohibited.

Violations: Call Washington County Sheriff- 651-439-9381
Per Birchwood City Code: 607

(other beaches)

Park Hours 6:00 a.m.- 9:30 p.m.

- Dogs must be on a leash.
- Alcohol, smoking, littering, fires and camping are prohibited.

Violations: Call Washington County Sheriff- 651-439-9381
Per Birchwood City Code: 607

(Bloomquist and T.S.)

MEMORANDUM

DATE: 2/28/24

TO: City Council
FROM: Rebecca Kellen, City Administrator
COPIED:
SUBJECT: General Service Repair Quote



Birchwood Village

THE CITY RECEIVED A QUOTE FROM GENERAL SERVICE REPAIR TO REBUILD A SPARE ROTATING ASSEMBLY THAT CAN BE USED AT EITHER LIFT STATION FOR \$3289.80. A SPARE ROTATING ASSEMBLY IS THE MAIN COMPONENT OF THE LIFT STATION HELD INSIDE A PUMP CASING. WHILE WE DO NOT NEED A SPARE FOR EITHER LIFT STATION TO FUNCTION CURRENTLY IT MAY COME IN HANDY IF WE HAVE FURTHER ISSUES WITH EITHER LIFT STATION. THIS INVOICE WOULD NOT BE COVERED BY OUR LEAGUE OF MINNESOTA CITIES INSURANCE CLAIM.

ADMINISTRATION WOULD LIKE TO KNOW IF THE COUNCIL WOULD LIKE TO PURCHASE THE SPARE ROTATING ASSEMBLY OR NOT.

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

Parked Car

J Berg <jkarlsson.1952@gmail.com>

Sun 2/4/2024 3:58 PM

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

Likely already reported: Silver Mercury sedan has been parked in front of 265 Hall for several weeks. Think it might belong to green house across the street with Wildwood Ave. address. Close to the intersection, so it could be hazard for drivers making the turn south from Wildwood Ave, especially if it snows again or is icy.

Also, seems like it would be a good idea to have a street sign on that intersection given that it is already confusing with Cedar/Hall/ Wildwood Ave.

Thanks! Enjoy the nice weather while we can 😊

John Berg
429 Wildwood Ave.
(651) 768-7156

Sent from Mail for Windows

MEMORANDUM

DATE: 3/6/24

TO: City Council
FROM: Rebecca Kellen, City Administrator
COPIED:
SUBJECT: Canoe and Kayak Rack Entry



Birchwood Village

ADMINISTRATION HAS RECEIVED A REQUEST FROM A RESIDENT TO ALLOW THEM TO PLACE THEIR KAYAK ON THE RACKS PRIOR TO APRIL 1ST DUE TO THE WEATHER. WE ANTICIPATE WE MAY RECEIVE ADDITIONAL REQUESTS FOR THE SAME THING.

ADMINISTRATION REQUESTS THAT COUNCIL DISCUSS AND DETERMINE IF IT WOULD BE POSSIBLE FOR RESIDENTS TO PLACE THEIR KAYAKS AND CANOES ON THE RACKS PRIOR TO APRIL 1ST AND WHAT THE APPROPRIATE DATE WOULD BE FOR ALLOWING SUCH.

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