



AGENDA OF THE
REGULAR MEETING OF THE CITY COUNCIL
CITY OF BIRCHWOOD VILLAGE
207 BIRCHWOOD AVENUE
WASHINGTON COUNTY, MINNESOTA
MARCH 8, 2011
7:00 P.M.

CALL TO ORDER – PLEDGE OF ALLEGIANCE

APPROVE AGENDA

CITY BUSINESS – CONSENT CALENDAR

1. Approval of the Minutes of the February 8, 2011 Regular Meeting (see exhibit)
2. Approval of the Minutes of the February 22, 2011 Workshop & Regular Meeting (see exhibit)
3. Approval of Resolution 2011-07: Authorizing the reimbursement of a previously abated amount of an unpaid utility bill, certified to Washington County erroneously as delinquent and paid to the City by Washington County, with City funds (see exhibit)

COMMUNITY EVENTS AND ANNOUNCEMENTS

OPEN PUBLIC FORUM

CITY BUSINESS

4. 7:15 Financial Report and Approval of Disbursements (Reiter – see exhibit)
 - a. Request by the Parks Committee for reimbursement of \$75.29 to the Mounds View School District for providing refreshments for Hockey Day Minnesota (John Lund – see exhibit)
 - b. Request for the disbursement of \$1,803.00 of previously budgeted funds for the purchase of 2 desktop computers and networking hardware (Powers – see exhibit)Time Budget: 30 minutes
5. 7:45 DOCKET 2011-01-02: Draft Policy on Rules of Procedure> PUBLIC COMMENT
Time Budget: 15 minutes
6. 8:00 DOCKET 2011-01-02: Draft Policy on Rules of Procedure> Council review and action
Time Budget: 15 minutes
7. 8:00 Lottery to Determine Ranking of Names on the Boat Slip List (Powers – see exhibit)
Time Budget: 15 minutes
8. 8:15 DOCKET 2011-03-01: Draft Resolution 2011-06/Ordinance 2011-01 Amending Chapter 617 of the Birchwood City Code by deleting all references to boat width-> Review and approve as to form and to schedule a public hearing (Powers – see exhibits)
Time Budget: 15 minutes
9. 8:30 DOCKET 2011-03-02: USGS Lake Level Study-> Funding decision (Mitchell – see exhibit)
Time Budget: 15 minutes
10. 8:45 DNR Outdoor Recreation Grant Program: Request Authority to apply for grant (Lund – see exhibit)
Time Budget: 15 minutes

11. 9:00 Review of Street Sweeping Bids (Powers – see exhibit)
Time Budget: 5 minutes
12. 9:05 DOCKET 2011-03-04: Draft Petty Cash Fund Policy - Consideration of Adoption (Powers – see exhibit)
Time Budget: 10 minutes
13. 9:15 City Clerk's Report (Powers – see exhibit)
 - a. City Clerk Out of the Office – MCFOA Conference – March 15-18
 - b. City Clerk Out of the Office – APA National Conference – April 7-13
 - c. Deadline for March 22, 2011 Agenda – March 14, 2011Time Budget: 5 minutes
14. 9:20 City Engineer's Report (Elfering – see exhibit)
 - a. Catch Basin RFP Ad placed in WB Press; bid opening 11:00 on Thursday, March 17
 - b. OtherTime Budget: 10 minutes
15. 9:30 Next Meeting – March 22, 2011 – Workshop Topics
 - a. Police & Fire (WBL)
 - b. Parks Committee – review 2011 work plan and proposed expenditures
 - c. OtherTime Budget: 15 minutes
16. 9:45 ADJOURN

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**CITY OF BIRCHWOOD VILLAGE
REGULAR CITY COUNCIL MEETING
February 8, 2011**

MINUTES

MEMBERS PRESENT: Acting Mayor Jane Harper; Council Members Barb Carson, Mark Peterson, and Tony Sampair

MEMBER ABSENT: Mayor Alan Mitchell

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

OTHERS PRESENT: Richard Galena, Jim Greeley, Randy LaFoy, John Lund, Bryan McGinniss, Gene Ruehle, and Tom Delmont

Harper called the regular meeting to order @ 7:02pm, and the Pledge of Allegiance was recited.

AGENDA APPROVAL:

Carson/Sampair unanimous to approve the agenda for the February 8, 2011 Regular Meeting, excepting that Item # 1 (Approval of the Minutes of the January 11, 2011 Regular Meeting) be removed from the Consent Calendar for further discussion under City Business.

CONSENT CALENDAR:

Sampair/Carson 4-0 (Mitchell absent) to approve the minutes of the January 25, 2011 Workshop and Regular Meeting.

Sampair/Carson 4-0 (Mitchell absent) to adopt Resolution 2011-05 authorizing Council Member Barbara Carson to sign time cards for the seasonal rink attendants.

APPROVAL OF THE MINUTES OF THE JANUARY 11, 2011 REGULAR MEETING: Peterson commented that he would like the minutes to reflect that Chad Peterson, who was approved for hire as a seasonal rink attendant, actually ended his employment with the City on January 10. Peterson did not want anyone thinking there was a "quid pro quo" going on. Peterson also noted some typing errors in the document.

Peterson/Sampair 4-0 (Mitchell absent) to approve the minutes of the January 11, 2011 Regular Meeting as amended.

COMMUNITY EVENTS AND ANNOUNCEMENTS: Harper noted the following community events:

- Hockey Day Minnesota is this coming Saturday (February 11). Birchwood Village is participating in Hockey Day Minnesota with an event at Ollie Washburn Rink from 11-2.
- State Representative Carol McFarlane is hosting a meeting on February 10th from 6:30-8:30pm to discuss a proposed study by the United State Geological Survey (USGS) of White Bear Lake. Representing the City at this meeting are Council Members Harper and Sampair.

- 48 • The City's Finance Committee will be meeting at 9:00am on Saturday, March 5, 2011 at City Hall.

49
50 **OPEN FORUM:** No public comments were made.

51
52 **FINANCIAL REPORT AND APPROVAL OF DISBURSEMENTS:** Reiter reviewed with the Council the
53 financial report and disbursement requests, noted that the last page of the report is a summary of the
54 2010 budgeted vs. actual expenses. Reiter went over the City's investments in the general fund as well
55 as the enterprise funds (sewer, water). Harper asked whether this information could be put on the City's
56 web site; Reiter recommends waiting until the audit is complete as the numbers may change between
57 now and then. Reiter further stated that state law requires the audit to be presented to the State
58 Auditor by March 31, and HLB will present their audit report at the March 22nd Council meeting.

59
60 Reiter advised the Council that year to date costs for snow removal are \$6,151.00, but most cities are
61 having an issue with that with the snowy winter. As well, Reiter noted that the City has not received all
62 of the bills from the water main break, specifically Capra and the City of White Bear Lake. Harper noted
63 that she had asked staff to provide comparisons between budgeted and actual expenses to the Council
64 on a monthly basis, and to watch the expenses for snow removal particularly.

65
66 Peterson asked whether the Council will be receiving year to date comparisons of this year's expenses
67 vs. 2010. Harper responded that staff will be providing Council with current year actual vs. budgeted
68 expenditures. Reiter further noted that it is a goal to provide the Council with a 3-year time horizon for
69 budget comparisons and find trends that may be considered by the Council when budgeting in the
70 future.

71
72 Sampair asked staff about the costs for the water main break of last month. Reiter responded that the
73 City hasn't received all of the bills yet and so can't give an exact total. Powers noted that the City
74 experienced a major break and the costs will be in the low five figures. Elfering noted that the leak most
75 likely had been going on for a period of time before it hit the surface, and generated a lot of water.
76 Sampair asked whether the City's budgeted \$15,600 amount for water main breaks would be
77 exhausted. Reiter said it would; Powers noted that there will be additional work to be done later on –
78 such as filling in the hole in Cedar Street – that are ongoing that will be charged against the water main
79 break and paid for by the Water Fund.

80
81 *Harper/Carson 4-0 (Mitchell absent) to approve the submitted disbursement requests.*

82
83 **ADDITIONAL HOURS FOR THE CITY TREASURER TO WORK ON CITY AUDIT:** Harper noted that the City
84 Treasurer's employment agreement is for 12 hours a week. During the audit season, however, the audit
85 team will need Cindie available for consultation when they are onsite at City Hall the week of February
86 28 – March 4. In addition, the audit team at HLB Tautges Redpath has communicated with Cindie on
87 required documents to be pulled for review by the audit team. Reiter noted that there are two reports
88 to be submitted, as the audit firm submits its report and the City also submits a report. Harper said that
89 these additional duties are beyond the scope of Cindie's regular duties and can't be performed within
90 the confines of 12 hours a week. Peterson asked Cindie how many additional hours in total does she feel
91 she will need, and Reiter responded that 40 total additional hours should be sufficient.

92
93 *Harper/Carson 4-0 (Mitchell absent) to approve up to 40 additional hours for the City treasurer in*
94 *preparation for the 2010 audit.*

95

96 **INCIDENTAL SPENDING POLICY:** Powers reviewed the draft policy, and related its genesis as coming
97 from a concern of former Mayor Wingfield that, other than a general \$400.00 per incident limit on
98 incidental expenses, there are no policies further regulating these types of expenditures. The draft
99 policy defines "incidental"; appoints the City Clerk as the authorized agent to approve incidental
100 expenditures; details the mechanism for approval and denial of requests; provides for an appeal
101 process; provides for Council approval of the incidental expenses at its next meeting where other
102 disbursements are reviewed; and addresses remedies for abuse of the authorized agent's discretion.
103 Powers recommends changing the phrase "City Clerk" to "authorized agent" in Sections 3 and 4 of the
104 policy.

105
106 Harper asked about how this policy impacts the section of the City's financial internal control
107 procedures that deals with the petty cash fund. Powers responded that while some expenditures
108 governed under this policy would be paid for from the petty cash fund, there are other expenditures
109 regulated by this policy that would be invoiced. In effect, Powers noted, the proposed policy is broader
110 than the petty cash fund. Harper noted that she has requested staff to develop a policy for the petty
111 cash fund for presentation at the March 8, 2011 Council meeting.

112
113 Harper wanted clarification on Section 1 (d) that the proposed expenditure is within the City's adopted
114 budget for that category. Powers suggested rephrasing the sentence to clarify as follows: "There are
115 sufficient budgeted funds in the fund subaccount for the expenditure."

116
117 *Carson/Peterson 4-0 (Mitchell absent) to approve the draft Incidental Purchasing and Spending Policy,*
118 *amended to change the words "City Clerk" with "authorized agent" in Sections 3 and 4, and by*
119 *rewording Section 1d to read "There are sufficient funds in the budgeted fund account for the*
120 *expenditure."*

121
122 **REVIEW OF TREE REMOVAL PROPOSAL:** Carson reviewed the proposal from Steve Dean, and asked if
123 there were any questions from the Council. Peterson asked whether some money should be set aside
124 for planting of shrubs to act as a sound and visual barrier. Carson mentioned that was a good idea and
125 she can bring the matter up at the next Parks Committee meeting. Harper asked about whether
126 grinding of the stumps was part of the bid; Carson confirmed that it was, but can't be done until spring.
127 Harper asked whether the trees to be removed will be marked; Carson confirmed that they will be
128 marked. Harper finally wanted confirmation that the expense was in the budget; Carson confirmed that
129 the funding will need to come out of the Parks budget because the trees are not dead.

130
131 *Carson/Peterson 4-0 (Mitchell absent) to approve of the expenditure of \$1,874.69 to take down and*
132 *remove debris of large ash, large boxelder, small boxelder and clump of buckthorn, grind stumps and*
133 *remove debris from the western edge of the tennis courts; and to trim and remove branches from four*
134 *oaks overhanging the fence, removal of a small boxelder from the northeastern corner of the tennis*
135 *courts, all as bid by Steve Dean.*

136
137 **DOCKET 2011-01-02: DRAFT POLICY ON RULES OF PROCEDURE> APPROVE DRAFT LANGUAGE AND SET**
138 **A PUBLIC COMMENT PERIOD DATE:** Harper mentioned that this is a policy that Mayor Mitchell has
139 developed and would like a public comment period at the March 8, 2011 meeting. Harper noted that
140 tonight is an opportunity for Council Members to comment on the draft. Sampair would like to remove
141 discussion on conflict of interest and save it for a later time.

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143 Hearing no other comments from the other members, Harper made the following suggestions:

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- Page 2, Section 2.08: Add (e) as follows-> "On an annual basis, at the January meeting, acknowledge the pay of the Mayor and Council Members", per the recommendation of the 2009 audit.
 - **Sandstrom** noted that increases in Council pay cannot take place without an intervening general election, and recommends that the Council address this at the organizational meeting each January after the general election.
 - Page 6, Section 4.05: Add language granting the Council the authority to remove items from the agenda.
 - Page 8, Section 5.04, subsection (d): Thinks the last sentence "Only two amendments may be made to an original motion, in order to avoid confusion" is confusing, but will leave it in there until Mayor Mitchell gets back to explain his reasoning for the language.
 - Page 8, Section 5.05: Add language referencing variance and conditional use permits, and also add a sentence stating that the resolution shall be complete enough to serve as the record of findings to support the action taken.
- Powers** commented that the Council is placing a heavy burden on that resolution and should be written or at least reviewed by the City Attorney. **Sandstrom** noted that while that level of burden is a worthy goal, statute allows for reliance on the entire record as a basis for findings leading to its decision.
- Page 10, Section 6.04: Strike the word "video".
 - Page 10, Section 7.02, subsection (b): Strike the reference to 20 days as a notice requirement.

Reiter asked about Section 6.06, which addresses data retention, and mentioned that for most small cities, adoption of the full retention schedule is rare. Instead, smaller cities use bits and pieces of the schedule. **Harper** noted that she would like to see the city move toward a more comprehensive approach to records retention. **Powers** asked the City Attorney whether it can adopt the Records Retention Policy with this policy. **Sandstrom** responded that a records retention policy should be adopted by resolution separate from this policy. **Harper** directed staff to research this matter and bring its findings back to the Council prior to adoption of this policy.

Powers asked whether the words "public hearing" should be replaced with "public comment period" so as not to confuse the public. **Harper** agreed with that suggestion.

Sampair made the following suggestions:

- Page 12, Section 8.03, subsection (g): Strike the second sentence-> "No comment period shall be longer than twenty days from the close of the hearing."
- Page 12, Section 8.04: Insert "or City Council" between "officer" and "may".

Harper/Sampair 4-0 (Mitchell absent) to approve the draft language as amended and to schedule a public comment period for this policy at the March 8, 2011 regular meeting.

DOCKET 2011-01-07: BIRCH STREET> CHANGING THE NAME OF LOWER BIRCH STREET TO OWL STREET:
COUNCIL DIRECTION: **LaFoy** presented his request to change the name of lower Birch Street – that part of the street conjoining with Wildwood Avenue – to Owl Street, and mentioned that there are occasions that motorists attempt to access upper Birch Street from Wildwood Avenue, only to be frustrated by the

190 lack of access. **LaFoy** shared maps with the Council that exhibit differences in access. Some of the maps
191 show Birch Street as a through street, including MN/DOT.

192
193 **Peterson** asked when the City is required to change out the signs; **Powers** said that 2015 is when the
194 mandate takes place. Powers also noted that, in addition to the \$80.00 sign cost, there are public
195 hearing, survey, and recording costs. In response to Peterson's question about whether the residents
196 can change the sign themselves, **Elfering** mentioned that as long as the change is in conformance with
197 existing regulations, there is nothing prohibiting them from changing the sign themselves. **Sandstrom**
198 noted that the change would require an ordinance, which requires publication of notice and the
199 ordinance itself, as well as recording costs and perhaps survey costs. **Sandstrom** confirmed that the City
200 has the authority to pass the costs onto the applicants and a contract should be drafted to effect that
201 request. **Peterson** noted that if there are public safety concerns, the applicants should not be required
202 to pay the entire cost.

203
204 The Council directed staff to find out what the costs are for the change and meet with LaFoy and
205 McGinniss to see whether there is continued interest in proceeding with the request.

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207 **DOCKET 2011-01-08: AMENDING THE EMPLOYMENT AGREEMENT OF THE CITY CLERK:** Harper noted
208 the following changes to the city clerk's contract:

- 209
210
- Attendance at city council meetings is to count toward "normal office" hours, not "out of office" hours.
 - Changing from 4 to 6 the number of hours accrued each month for vacation, as well as from 4 to 6 the number of hours of paid time for each legal holiday.
 - Changing who reviews the Clerk's time sheet from the Council to the Mayor or Deputy Mayor.
 - Change "personnel director" to "deputy mayor".
 - Delete reference to a start date for the agreement.
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218 ***Harper/Sampair 4-0 (Mitchell absent) to approve the amended employment agreement with the City***
219 ***Clerk.***

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221 **CITY CLERK'S REPORT:** Powers reviewed with the Council the program materials for the Municipal
222 Clerks and Finance Officers (MCFOA) Annual Conference in St. Cloud on March 15-18. The cost of the
223 conference has been budgeted for at \$220.00; however, for first time attendees the cost is reduced to
224 \$180.00. There is a seminar on Microsoft Publisher that costs \$45.00, bringing the total cost of
225 attendance to \$225.00. Powers noted that since he is responsible for creating the newsletter, using
226 Microsoft Publisher as the platform for the newsletter would be beneficial to the City.

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228 ***Sampair/Peterson 4-0 (Mitchell absent) to approve the \$225.00 expenditure for the City Clerk to***
229 ***attend the MCFOA Annual Conference and the Microsoft Publisher seminar in St. Cloud.***

230
231 **VOLUNTEER ACCIDENT COVERAGE:** Powers reviewed with the Council the enclosed materials relating to
232 volunteer accident coverage offered by the League of Minnesota Cities Insurance Trust (LMCIT). This
233 coverage was approved last year as part of the annual renewal of the City's insurance policies; however,
234 staff was not diligent in adding the coverage in a timely manner. The coverage is in force at this time and
235 will be part of the renewal package for Council review and consideration in June.

236

237 NEWSLETTER DEADLINE: Powers announced that the deadline for getting items in the March newsletter
238 is Friday, February 18.

239
240 POSTING OF COMMUNITY EVENTS AND ANNOUNCEMENTS ON THE COMMUNITY ACCESS CHANNEL:
241 Powers informed the Council that the Ramsey Washington Suburban Cable Commission (RWSCC) has
242 the ability to post community events and announcements on the City's community access channel. The
243 City's cablecaster, Kenny Ronnan, has offered to come in and post these items on the access channel,
244 and Kenny's pay is reimbursable to the City similar to his pay for cablecasting Council meetings.

245
246 CITY ENGINEER'S REPORT: Elfering reviewed with the Council materials relating to the proposed
247 installation of three catch basins, and mentioned that this item has been on the City's radar screen since
248 2009 when the City applied for a 50% cost-share grant from the Rice Creek Watershed District (RCWD)
249 for installation of these catch basins to remove some of the suspended solids from the stormwater
250 before it entering White Bear Lake. The grant was approved, but the City hesitated in proceeding with
251 installation due to a concern about whether other pollutants could be removed with these catch basins.
252 Elfering noted that catch basins are not designed primarily to remove pollutants from the stormwater.
253 Elfering advised the Council that the City is facing a deadline of June 19, 2011 to complete the project. In
254 speaking with RCWD, the District indicated that since this is a relatively small project that it would not
255 extend the deadline for project completion.

256
257 Peterson mentioned that he has reviewed the engineering reports from Thatcher and Houston, and that
258 the Thatcher report cited that to remove phosphorus from the storm water that rain gardens are the
259 preferred way to do that, and how does that square with this project. Elfering responded that these
260 catch basins are only a part of the solution to the issue, and alluded that rain gardens are an integral
261 part of the solution, but without the catch basins the rain gardens would be overrun with water, forcing
262 some pollutants to bypass the rain gardens. Elfering noted that at this time, she is requesting approval
263 to prepare construction bid documents and put the project out for bid with a 10-day window to
264 respond. Elfering concluded that she intends on having the bids reviewed at the March 22, 2011 regular
265 meeting.

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267 ***Peterson/Sampair 4-0 (Mitchell absent) to authorize the City Engineer to prepare construction bid***
268 ***specifications and to receive the bids; and to present the bid results at the March 22, 2011 regular***
269 ***meeting.***

270
271 NEXT MEETING – FEBRUARY 22, 2011 – POSSIBLE ITEMS: The Council discussed topics for the February
272 22, 2011 workshop meeting. Harper noted that there will be an action item at that meeting, as the
273 Council will be reviewing the dock permit application and by-laws at the workshop and approving them
274 that night. In addition, Harper would like to discuss fees for storage of canoes and small watercraft on
275 the public lake tracts (the City already charge fees for boat storage). Carson indicated that she would
276 like to talk about Nordling Park at the workshop; Harper asked if Nordling Park can be discussed at the
277 March 8th meeting, since the dock matters will most likely dominate the February workshop meeting.
278 The consensus of the Council was to discuss Nordling Park and the building inspection report at the first
279 March meeting and the parks work plan at the second March meeting; and a meeting with White Bear
280 Lake police and fire at the April workshop.

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282 ADJOURN: Sampair/Carson 4-0 (Mitchell absent) to adjourn the meeting @ 9:05pm.

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Acting Mayor Jane Harper

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289 ATTEST:

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Dale Richard Powers, MA, AICP

293 City Clerk

DRAFT

CITY OF BIRCHWOOD VILLAGE
REGULAR CITY COUNCIL MEETING
February 22, 2011

MINUTES

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

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

OTHERS PRESENT: Mike Evangelist, Richard Galena, Dyan Hanson, Lynn Hanson, John Lund, Erica Peterson, Gene Ruehle, and Mary Sue Simmons

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

AGENDA APPROVAL: *Harper/Carson unanimous to approve the agenda for the February 22, 2011 Regular Meeting, as amended to include a report from the City Engineer on the water main break that occurred last weekend.*

DOCK APPLICATION REVIEW AND CONSIDERATION OF APPROVAL: L. Hanson and Evangelist reviewed with the Council the submitted dock application of the Birchwood Dock Association. Discussion ensued between the Council and L. Hanson and Evangelist on a variety of issues pertaining to the application.

The following members of the public spoke on the issue: Dick Galena, Gene Bowar, Jon Fleck, John Lund, Mary Sue Simmons

Sampair/Harper unanimous to approve the application to the White Bear Lake Conservation District as presented to the City Council, as follows: Ash Beach -100 foot dock, 5 slips on the west side of the dock; Birch Beach - 116 foot dock, 5 slips on the west side of the dock; Elm Beach: 57 foot dock, 4 slips – 2 on each side; Dellwood Beach: 130 foot dock, 5 slips on the west side of the dock and 1 shore slip at the SE corner; Kay Beach: 76 foot dock – swimming dock only, no boat slips, and as amended to correct language on page 2 of the WBLCD application.

Harper/Sampair unanimous to have Mark Peterson represent the City before the White Bear Lake Conservation District on the application approval.

Peterson raised the issue of amending the ordinance to allow for boats wider than 7 feet. The Council directed Powers to submit draft language to eliminate the boat width standard for review at the March 8 meeting.

Harper/Sampair unanimous to extend the "open enrollment" until March 4, 2011, and to schedule the lottery for the purpose to populating and ranking the remaining spots on the Boat Slip List for the March 8, 2011 Council meeting.

DRAFT

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49 **Harper/Peterson unanimous to waive the requirement of Section 617.410 (4) of the Public Lake Tract**
50 **Ordinance that those who are offered a boat slip permit have until March 1 to accept or reject the**
51 **permit.**

52
53 **WATER MAIN BREAK:** Elfering reviewed with the Council the particulars of the water main break at
54 Wildwood and Hall Avenues from last Saturday, and noted that this break was relatively minor as
55 compared to the January break.

56
57 **REVIEW OF TREE AND SHRUBBERY PURCHASE BY THE PARKS COMMITTEE:** E. Peterson reviewed with
58 the Council the Parks Committee request of \$1,500.00 for the purchase of trees and shrubbery for
59 Nordling Park. Discussion ensued between the Council and E. Peterson on the matter.

60
61 **Carson/Peterson unanimous to authorize an expenditure of \$1,500.00 for the purchase of trees and**
62 **shrubbery at Nordling Park, per the submitted exhibit.**

63
64 **DISCUSSION AND POSSIBLE ACTION ON AUDITOR'S CONCERNS AND POTENTIAL ADDITIONAL**
65 **COMPENSATION:** Sandstrom reviewed with the Council matters that were brought to the attention of
66 the Office of the State Auditor by former Mayor Mary Wingfield and former Council Member Anthony
67 Nardecchia, and noted that state law requires the City's audit firm to investigate these allegations. Per
68 the letter of engagement between the City and the audit firm, any work that may result in additional
69 charges to the City must be approved by the City Council beforehand. Discussion ensued between the
70 Council and Sandstrom on this matter.

71
72 **Harper/Sampair unanimous to direct the City Attorney to communicate with HLB Tautges Redpath**
73 **that it does not authorize additional charges at this time, and to authorize the Mayor (or Deputy**
74 **Mayor in the Mayor's absence) to communicate directly with HLB Tautges Redpath on audit concerns.**

75
76 **DISCUSSION OF STORAGE FEES FOR CANOES AND SMALL WATERCRAFT:** Powers reviewed with the
77 Council his findings on what other cities charge for storage of canoes and small watercraft on municipal
78 canoe racks. Discussion ensued among Council members on this matter. The Council directed Harper
79 and Powers to work together on this matter and bring it back to the Council when it is ready.

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81 **ADJOURN:** Without a motion, Mitchell adjourned the meeting @9:40pm.

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87 Mayor Alan Mitchell

88 ATTEST:

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91 Dale Powers
92 City Clerk

RESOLUTION 2011- 07

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

**A RESOLUTION AUTHORIZING THE REIMBURSEMENT OF A PREVIOUSLY
ABATED AMOUNT OF AN UNPAID UTILITY BILL, CERTIFIED TO
WASHINGTON COUNTY ERRONEOUSLY AS DELINQUENT AND PAID TO THE
CITY BY WASHINGTON COUNTY, WITH CITY FUNDS**

WHEREAS, the City Council has recognized that certain delinquent utility bills were certified twice to Washington County as delinquent; and

WHEREAS, when these situations are identified to the City, the City Council by resolution abates the erroneous amount of the delinquent utility bill and forwards said resolution to Washington County; and

WHEREAS, the City Council adopted Resolution 2011-02 authorizing certain abatements and forwarded said resolution to Washington County; and

WHEREAS, Washington County indicated to the City that the request for abatement for one of the properties indicated in Resolution 2011-02 has been denied due to the fact that the County has already paid the City the amount of the requested abatement; and

WHEREAS, it is now the City's responsibility to reimburse the impacted property owner.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Birchwood Village that the following dollar amount, representing the erroneous amount of the certified delinquent utility bills and previously authorized for abatement by Resolution 2011-02, be hereby reimbursed to the following property owner, identified herein by PID number, by City bank draft:

PID 30.030.21.42.0057 (297 Jay Street): \$1,008.49

I certify that the City of Birchwood Village adopted the above Resolution on this 8th day of March, 2011.

Alan Mitchell, Mayor

ATTEST:

Dale Powers
City Clerk



Property Records and
Taxpayer Services

Kevin Corbid
Director

February 11, 2011

RECD FEB 15 2011

City of Birchwood
207 Birchwood Ave
White Bear Lake MN 55110

RE: 30.030.21.42.0057
OWNER: Roger & Teri Irvine
PROPERTY ADDRESS: 297 Jay St, Birchwood MN 55110

To Whom It May Concern:

This letter is to inform you that your application for abatement, to reduce the 2009 special assessment on the above referenced parcel, has been denied.

Per County Abatement Policy, Special Assessment abatements will only be approved if the assessment is unpaid. Our records indicate the taxes were paid in full in 2009 so you will have to refund the special assessment to the property owner.

If you have any other questions, please feel free to contact me at 651-430-6107.

Sincerely,

Joyce L.
Assessment Program Coordinator

jl

CC: Roger & Teri Irvine

DUE TO THE DEMANDS OF ASSISTING HLB
TAUTGES REDPATH WITH THE 2010 AUDIT,
THE FINANCIAL REPORT AND LIST OF
DISBURSEMENTS FOR COUNCIL APPROVAL
WILL BE ELECTRONICALLY DISTRIBUTED TO
THE COUNCIL ON MONDAY, MARCH 7.

SmartZone Communications Center

birchwoodvillage@comcast.ne

± Font size -

RE: \$75.29 expenditure - Hockey Day

From : Debbie Harrod <debbieharrod@hotmail.com>

Wed Mar 2 2011 9:26:03 AM

Subject : RE: \$75.29 expenditure - Hockey Day**To :** Birchwood Village <birchwoodvillage@comcast.net>, j lund 612 <j.lund.612@comcast.net>, bbcn@comcast.net**Cc :** almbirchwood@comcast.net

John,

Per your request:

Items that were donated to the Birchwood Hockey Day:

10 Pizzas from Domino's Approximately \$120.00
12 Dairy Queen gift certificates Approximately \$45.00
10 Donetelli's Gift certificates Approximately \$37.50

Totaling \$202.50

Plus whatever you and anyone else got for donations.

Date: Tue, 1 Mar 2011 19:46:20 +0000
From: birchwoodvillage@comcast.net
To: j.lund.612@comcast.net; debbieharrod@hotmail.com; bbcn@comcast.net
CC: almbirchwood@comcast.net
Subject: \$75.29 expenditure - Hockey Day

I have reviewed the request for payment submitted by Mounds View Public Schools. I am especially concerned about the fact that the expenditure (apparently) was not accounted for in the 2011 Parks Budget. As well, while the Parks by-laws are proposed to be amended to allow for additional authority for the Parks Committee to spend budgeted money, those by-laws have yet to be approved. Finally, I do not see any record that the City Council authorized this expenditure.

Consequently, I have no choice but to return the invoice to John Lund, and encourage John to bring this matter to the Council's attention for approval.

CITY OF BIRCHWOOD VILLAGE

Dale Richard Powers, MA, AICP
City Clerk
207 Birchwood Avenue
Birchwood Village, MN 55110
651-426-3403 phone
651-426-7747 fax
320-493-8930 cell

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Compar, Inc.
10301 Yellow Circle Drive
Minnetonka, Minnesota 55343-9101
United States
http://www.comparinc.com



Quote	
Date	Jan 31, 2011 9:16 AM CST
Doc #	21684 - rev 1 of 1
Description	HP Desktops
SalesRep	Brestrup, Rick (P) 952-945-2282
Customer Contact	None

Customer
City of Birchwood Village (CO0790)
207 Birchwood Avenue
Birchwood Village, Minnesota 55110

Bill To
City of Birchwood Village
Powers, Dale
207 Birchwood Avenue
Birchwood Village, Minnesota 55110
(P) 651-426-3403

Ship To
City of Birchwood Village
Powers, Dale
207 Birchwood Avenue
Birchwood Village, Minnesota 55110
(P) 651-426-3403

Customer PO: None	Terms: Net 30 Days	Ship Via: UPS Ground
Special Instructions: None		Carrier Account #: None

Item Description	Part #	Qty	Yes	Unit Price	Total
1 HP Elite 8000 Operating System Windows 7 Professional 32 bit Windows 7 Professional 32 bit Processor Intel Core i5 650 processor 3.2GHz OR Intel Core2Duo processor 3.16GHz (E8500) - one offering only Intel Core2Duo processor 3.16GHz (E8500) V-pro activated Specify Yes or No Yes RAM - capacity, type and open slots 4 GB memory DDR3, two open slots 4GB DDR3, two open slots RAM - speed Specify memory speed 1333MHz Hard Drive - capacity, type and rpms 160 GB SATA hard drive 7200 rpm 250GB SATA 7200rpm Sound Integrated sound Integrated sound Network Integrated Gigabit ethernet (Specify make, model) Integrated Gigabit ethernet (Intel 82567LM) Optical Drive CD-RW/DVD-ROM combo DVD-RW/CD-RW Case Specify primary case type (desktop, SFF, etc.) SFF PCI slots One open PCI slot One open PCI slot PCI X-16 slots One open PCI Express x-16 slot One open PCI Express x-16 slot Diskette drive (3.5 inch) Specify included or not included Not included (not available) Video - type Integrated video Integrated video (Intel GMA 4500) Keyboard Standard 104-key keyboard PS/2 Keyboard Mouse Optical mouse PS/2 Mouse Parallel port Specify included or not included Included Serial port Specify included or not included Included P/S 2 keyboard port Specify included or not included Included P/S 2 mouse port Specify included or not included Included USB port(s) Six USB 2.0 ports Ten USB 2.0 ports eSATA port Specify included or not included Included Bluetooth Specify included or not included Not included (not available) Warranty Three year next working day on site warranty Three year next working day on site warranty VPAT registration filed Specify Yes or No Yes Hyperlink to VPAT registration Provide web address of VPAT information (if available) http://vausnzpro.austin.hp.com/508Accessibility/vpat_DetailedReport_hp.aspx?Detail=Detail&requiredPartNumber=1239&Displayvpat_id=5390&strfDate=12/11/2009&strfFamDescription=H P%20Compaq%208000%20Elite%20SFF%20PC%20(Win7%2032-bit) Energy-Star Energy Star compliant per v5.0 Energy Star 5.0 Category B EPEAT EPEAT gold level EPEAT Gold	COMHPDT-1010	2	Yes	\$612.00	\$1,224.00
2 Belkin Components - SURF N300 11N WIRELESS ROUTER	F7D6301	1	Yes	\$41.35	\$41.35
3 Belkin Surf & Share Wireless USB Adapter Network adapter - Hi-Speed USB - 802.11b, 802.11g, 802.11n	F7D2101	2	Yes	\$43.69	\$87.38
4 HP Compaq LA1905wg LCD display - TFT - 19" - widescreen - 1440 x 900 / 60 Hz - 250 cd/m2 - 1000:1 - 3000:1 (dynamic) - 5 ms - 0.2835 mm - DVI-D, VGA, DisplayPort - black, brushed aluminum - Smart Buy	NM360A8#ABA	2	Yes	\$164.00	\$328.00

Subtotal: \$1,680.73
Tax (7.275%): \$122.27
Shipping: \$0.00
Total: \$1,803.00

Please fax all orders to 952-945-2286

Compar Contract Information
State Contract: 436390
Vendor Number: 060824013-00

These prices do NOT include applicable taxes, insurance, shipping, delivery, setup fees, or any cables or cabling services or material unless specifically listed above. All prices are subject to change without notice. Supply subject to availability.

SmartZone Communications Center

birchwoodvillage@comcast.net

± Font size ±

RE: December deals from Best Buy

From : Corinne Schultz <Corinne.Schultz@bestbuy.com>
Subject : RE: December deals from Best Buy
To : birchwoodvillage <birchwoodvillage@comcast.net>

Thu Dec 30 2010 12:15:51 PM

 1 attachment

Hi Dale!

Here is some commercial grade units . I included HPs onsite service plan as well as additional memory for the computers which you will want. Let me know any questions you have. Thank you!

Quotation Number: 224106739

Best Buy For Business
 7601 Penn Avenue South
 Richfield, MN 55422-3645

To: Greg Donovan
 City of the Village of Birchwood
 207 BIRCHWOOD AVE
 SAINT PAUL, MN 55110

Info:
 Requested Date: 12/29/10
 Expiration Date: 01/12/11
 Customer Number: 1146396
 Customer PO#: N/A
 Payment Type: Account

From:
Corinne.Schultz@bestbuy.com
 Business Professional
 Best Buy For Business
 Phone: 612-292-0227
 Ext. 20227
 Fax: 952-430-9949

Dear Greg Donovan,

Thank you for requesting the following quote from Best Buy For Business.

Sold To:
 Greg Donovan
 City of the Village of Birchwood
 207 BIRCHWOOD AVE
 SAINT PAUL, MN 55110

Bill To:
 Greg Donovan
 City of the Village of Birchwood
 207 BIRCHWOOD AVE
 SAINT PAUL, MN 55110

Ship To:
 Greg Donovan
 City of the Village of Birchwood
 207 BIRCHWOOD AVE
 SAINT PAUL, MN 55110

QTY	DESCRIPTION	ITEM#/MFR#	PRICE	EXT. PRICE
2	<u>HP Compaq Elite 8100 - Core i7 870 2.93 GHz</u> Availability: Usually ships in 1 - 2 weeks Catalog: Business	BB11166304 12060 LA007UT#ABA	\$993.53	\$1,987.06
2	<u>HP 3Y 4H 9X5 ONSITE PROMO DT ONLY HWSUPP</u> Availability: Usually ships in 1 - 2 weeks Catalog: Business	BB11184184 12060 HN790E	\$89.99	\$179.98
2	<u>HP Compaq LA2205wq - LCD display - TFT - 22"</u> Availability: In Stock Catalog: Business	BB11048008 12060 NM274A8#ABA	\$213.73	\$427.46
8	<u>HP memory - 4 GB - DIMM 240-pin - DDR3</u>	BB11193521	\$98.13	\$785.04

Availability: Usually ships in 1 - 2 weeks 12060
 Catalog: Business VH638AT

 2 Norton AntiVirus 2011 - complete package BB11143143 \$39.00 \$78.00
 14490
 Availability: In Stock 21069880
 Catalog: Business

 2 Cables to Go patch cable - 14 ft BB10082154 \$12.99 \$25.98
 10760
 Availability: In Stock 27134
 Catalog: Business

 1 D-Link Wireless N 300 Router DIR-615 - wireless BB10763802 \$59.99 \$59.99
router - 802.11b/g/n - desktop 11460
 DIR-615
 Availability: In Stock
 Catalog: Business

Notes:

 Product Total: \$3,543.51
 Standard Delivery: \$99.38
 Est. Tax: \$259.56

 Quote Total: \$3,902.45
 =====

If you have questions or require additional information, please contact me. If you would like to place this order online simply use this link: <http://www.bestbuybusiness.com/bbf/en/US/direct/bestbuy?cmd=QuoteDisplay&ShoppingCartKey=224106739>

Best Buy For Business is pleased to provide the quote you requested. We realize you have numerous options for procuring IT Products and appreciate that you contacted us. We will honor the prices on this quote through the expiration date identified above.

Given the rapid change in technology and product availability, Best Buy For Business cannot guarantee all the items on this quote will be available for purchase in the future. In that case, we will work together to make changes or modifications to your quote or order.

Thank you for partnering with Best Buy For Business on this opportunity.

Sincerely,
 Corinne Schultz
 Best Buy For Business
www.bestbuybusiness.com

[Conditions of Use](#) | [Legal Conditions](#) | [Privacy Policy](#) | [Returns Policy](#)

From: birchwoodvillage [mailto:birchwoodvillage@comcast.net]
Sent: Thursday, December 30, 2010 11:46 AM
To: Schultz, Corinne
Subject: Re: December deals from Best Buy

At this time, all we need is the hardware. The City has a vendor for setup. Thanks!

CITY OF BIRCHWOOD VILLAGE

Dale Richard Powers, MA, AICP
 City Clerk
 207 Birchwood Avenue

City of Birchwood Village

Rules of Procedure

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

ARTICLE 1 GENERAL REQUIREMENTS

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

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

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

ARTICLE 2 COUNCIL MEETINGS

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

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

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

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

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

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

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

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

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

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

2.10. NOTICE OF MEETINGS.

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

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

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

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

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

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

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

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

ARTICLE 3 AGENDAS

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

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

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

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

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

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

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

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

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

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

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

ARTICLE 4 CONDUCT OF MEETINGS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE 5 COUNCIL ACTION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE 6 RECORDKEEPING

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

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

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

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(d) Time the meeting was called to order.

(e) Approval of Minutes approved at the meeting.

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

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

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

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

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

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

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

ARTICLE 7 ORDINANCES

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

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

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

FINAL DRAFT – FOR PUBLIC COMMENT

(b) Notice. The council shall give ~~twenty days~~ notice of the proposed adoption of the ordinance or amendment in the same manner as notice of a regular meeting is given. The notice shall include a summary of the ordinance language and indicate where a complete copy of the proposed ordinance may be reviewed. The notice shall inform the public that they will be permitted to submit oral comments at the public hearing and advise the public of how and when it may submit written comments on the proposed ordinance.

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

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

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

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

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

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

ARTICLE 8 PUBLIC HEARINGS

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

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

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

FINAL DRAFT – FOR PUBLIC COMMENT

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

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

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

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

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

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

(g) The presiding officer shall announce whether a period of time for the public to submit written comments will be established. ~~No comment period shall be longer than twenty days from the close of the hearing.~~ If a comment period is established, the council shall not take final action on the matter that is the subject of the hearing until after close of the comment period.

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

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

ARTICLE 9 COMMITTEES AND POLICIES

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

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

Adopted this ____ day of _____, 2011

Dale F. Powers,
City Clerk

Alan Mitchell
Mayor

<u>Seniority</u>	<u>Name</u>	<u>Address</u>	<u>Joined</u>	<u>Years Used</u>	<u>1st</u>	<u>2nd</u>	<u>3rd</u>	<u>Fee Paid</u>
1	Jason Tell	697 Hall Avenue	2008	1				yes
2	Mike Evangelist	364 Wildwood Av	2010	1				yes
3	Christina Rauch	215 Cedar Street	2009	0	Birch			yes
4	Phil Sutherland	106 Wildwood Av	2009	0				yes
5	Randy Felt	286 Jay Street	2001	0	Dellwood	Birch	Ash	yes
6	Doug Krinke	429 Wildwood Av	2001	0				yes
7	Lynn Hanson	700 Hall Av	2003	0				yes
8	Chris Churchill	140 Birchwood Av	2006	0	Birch	Dellwood	Ash	yes
9	Michael Ebbott	160 Birchwood Av	2006	0				yes
10	John Arlandson	19 Oakridge Dr	2007	0				yes
11	Therese Norton	164 Wildwood Av	2007	0				yes
12	Adam Fischer	184 Cedar St	2008	0				yes
13	Tom & Carly Nelson	4 Five Oaks Lane	2008	0				yes
14								
15								
16								
17								
18								
19								

Lottery

1	Belisle	3980 E Co Ln Rd						yes
2	Berg	419A Wildwood Av						yes
3	Bowar	11 White Pine Ln						yes
4	Broomell	422 Birchwood Cts						yes
5	Donovan	2 Hall Ct						yes
6	Elias	9 Oakhill Ct						yes
7	Fleck	425 Hall Ave.						yes
8	Gibson	179 Cedar St						yes
9	Kaluzniak	180 Wildwood Av						yes
10	Klimp	414 Birchwood Cts						yes
11	Korich	7 White Pine Ln						yes
12	Lund	608 Wildwood Ave.						yes
13	Malles	420 Wildwood Av						yes
14	Manske	706 Birchwood Av						yes
15	McCormick-Sperl	110 Birchwood Av						yes
16	Mitchell	23 Oakridge Dr						yes
17	Morehead	5050 Wildwood Av						yes
18	Nigon	16 White Pine						yes
19	Oyloe	533 Wildwood Av						yes
20	Samuelson	5 Birchwood Av						yes
21	Scanlan	17 White Pine Ln						yes
22	Simmons	418 Birchwood Cts						yes

CITY OF BIRCHWOOD VILLAGE
COUNTY OF WASHINGTON
STATE OF MINNESOTA
ORDINANCE 2011-01

AN ORDINANCE AMENDING SECTION 617.380(6) OF ORDINANCE CHAPTER-61 [PUBLIC LAKE TRACT ORDINANCE] TO DELETE REFERENCES TO MAXIMUM BOAT WIDTH AS FOLLOWS:

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617.380 Docks, Boat Slips, and Boats.

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

Deleted: and seven (7) feet in width

Deleted: and seven (7) feet in width

**State of Minnesota
County of Washington
City of Birchwood Village
Resolution No. 2011-06**

**A Resolution Approving Ordinance 2011-01 Amending Section 617.380 (6) to Delete
References to Boat Width**

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

WHEREAS, the City has adopted Ordinance No. 2010-02, deleting Code Sections 607.300 to 607.380 and adding Chapter 617: Public Lake Tracts, to the City Code, and

Deleted: a lengthy

Deleted: containing approximately 18 pages;

WHEREAS, Section 617.380 (6) of Chapter 617, which references dimensions of boats to be installed on any Public Lake Tract, mandates a maximum width of seven (7) for said boats; and

WHEREAS, several boat owners have advised the Council that boats 18 feet and longer are usually wider than seven feet wide; and

Deleted: testimony at the February 22, 2011 regular Council Meeting revealed issues in the utility of the boat slip by the majority of the public if said maximum width was enforced; and

WHEREAS, boats 18 to 22 feet can still fit on a ten foot wide boat lift, which is the typical size for a boat lift for recreational boats; and

WHEREAS, the City Council held a public hearing on April 12, 2011 to elicit comment on the proposed ordinance amendment; and

Deleted: WHEREAS, the City Council desires to amend Section 617.380 (6) of the Public Lake Tract Ordinance to delete all references to boat width; and ¶

WHEREAS, the City Council desires to amend Section 617.380 (6) of the Public Lake Tract Ordinance to delete all references to boat width.

Deleted: WHEREAS, the City Council desires to amend Chapter 617 in the manner prescribed above.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF CITY OF BIRCHWOOD VILLAGE, MINNESOTA, AS FOLLOWS:

1. That Section 617.380 (6) of the Public Lake Tract Ordinance be amended to read as follows:

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

2. The effective date of the Ordinance amendment shall be upon its adoption by the Birchwood City Council and publication as required by law.

Adopted by the City Council on this ____ day of _____, 2011 by the following vote:

Approved:

Alan Mitchell, Mayor

Attest:

Dale Powers, City Clerk

TO: Dale Powers, Clerk

FROM: Alan Mitchell, Mayor

SUBJECT: Funding of Lake Level Study

DATE: February 28, 2011

The United State Geological Survey is contemplating undertaking a study of the lake level of White Bear Lake. The USGS has about \$94,000 in cash and some additional inkind work available for the study and is looking for another \$104,000 in cash from various partners. The likely partners are Ramsey County, Washington County, the Pollution Control Agency, the White Bear Lake Conservation District, Washington County Conservation District, the White Bear Lake Homeowners Association, and the cities around the lake (White Bear, Birchwood, Mahtomedi, Dellwood, and White Bear Township). There may be a few other private and public donors who will be willing to contribute.

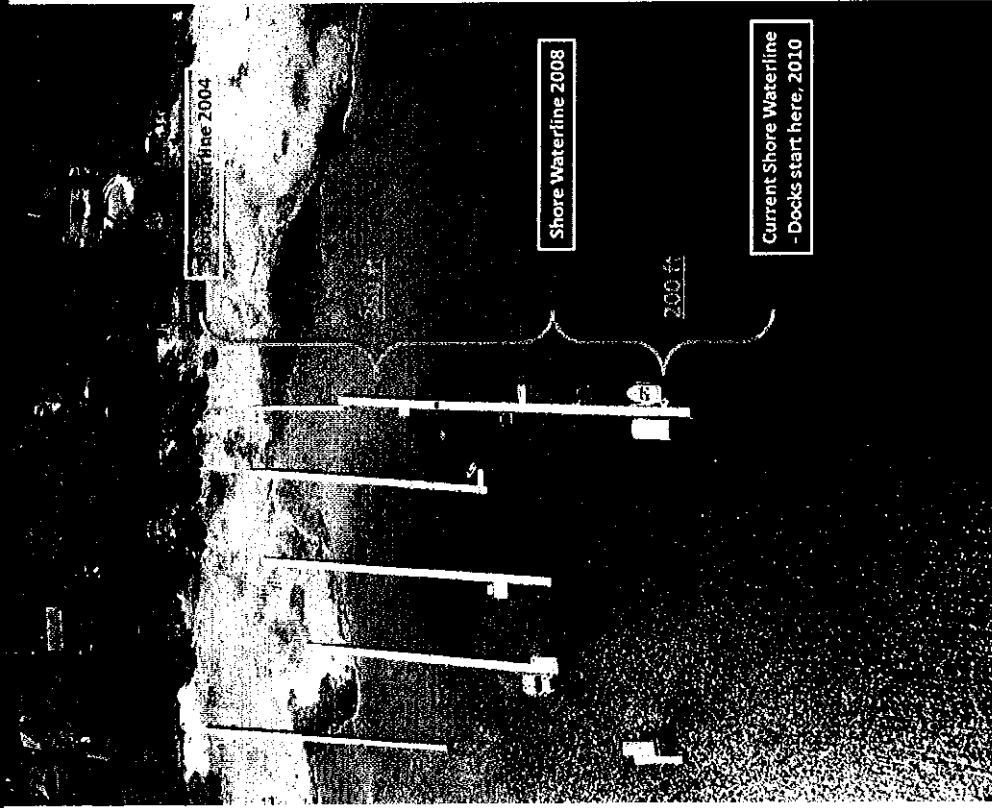
I attended a meeting at the USGS offices on Thursday, February 24, 2011, to discuss funding of the study. At that meeting the Pollution Control Agency representative said that agency would contribute \$25,000 to the study. A Washington County rep said they would be seeking Board approval for \$5,000 to \$10,000 per year. It appeared that the cities around the lake might be asked to contribute \$40,000 or more over a two year period (2011 and 2012) for the study. I said that it was reasonable to expect every interested party to contribute, but that Birchwood would not agree to pay as much as the City of White Bear Lake. One approach that was discussed was to have the cities split the share attributed to them as a whole in the same proportion as they pay to the WBL Conservation District.

Regardless of how the matching funds are raised, there is an urgency to obtain commitments and for the study to get underway. The USGS is looking for funding commitments to be made by March 15 and to execute a contract by around April 1, 2011. The study would commence shortly thereafter. The WBL Conservation District will likely become the lead agency to implement the contract and monitor progress.

The Birchwood City Council needs to discuss whether it will be willing to contribute to the overall cost of the study, and if so, how much and where would the money come from. In order to advise the Conservation District of Birchwood's involvement by the March 15 deadline, this matter needs to be on the agenda for the March 8 meeting.

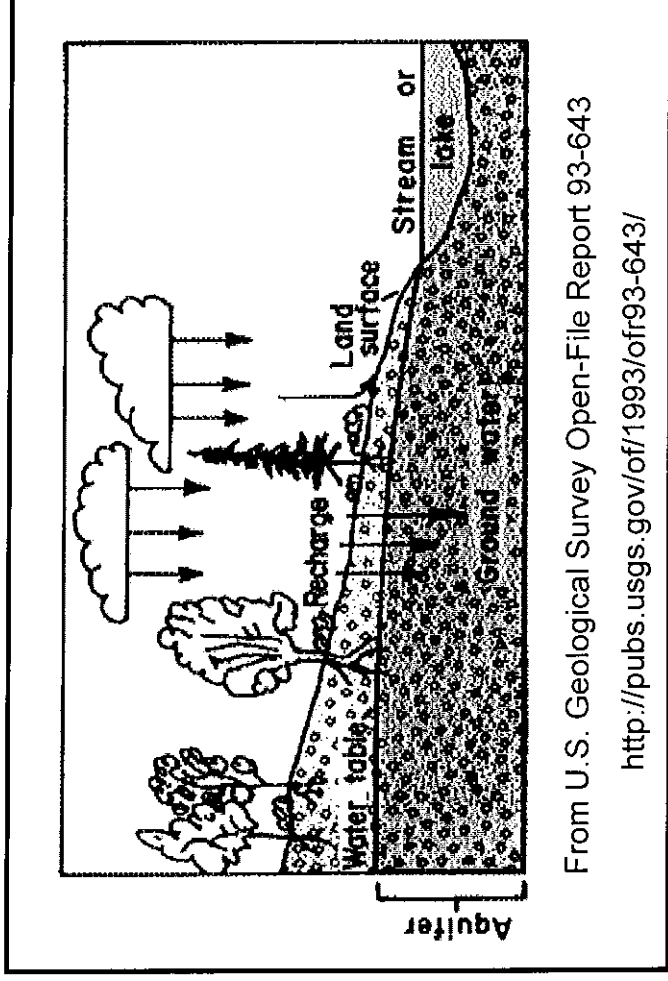
You can distribute this memo to the other council members as part of the March 8 council packet.

Potential USGS/Cooperator White Bear Lake Study: Characterizing Groundwater/Surface Water Interactions



Potential Cooperator: Groundwater and Surface-Water
Interaction Partners

Groundwater



From U.S. Geological Survey Open-File Report 93-643

<http://pubs.usgs.gov/of/1993/of93-643/>

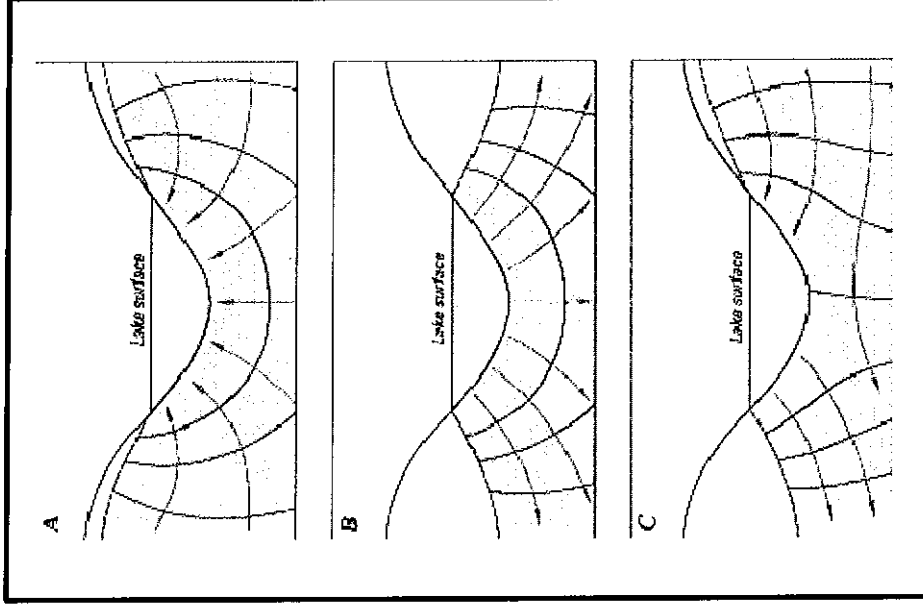
Groundwater - water below the land surface that totally filling openings in underground rocks and sediments

Water table - top of groundwater

Recharge - water that seeps from the land surface down to the groundwater

Underground rocks and sediments containing enough groundwater for water supplies

Groundwater/Lakes Interactions



Lakes can

- A) receive groundwater inflow
- B) lose water to groundwater
- C) or both

From USGS Circular 1139

<http://pubs.usgs.gov/circ/circ1139/>

Possible Reasons for Low Lake Levels

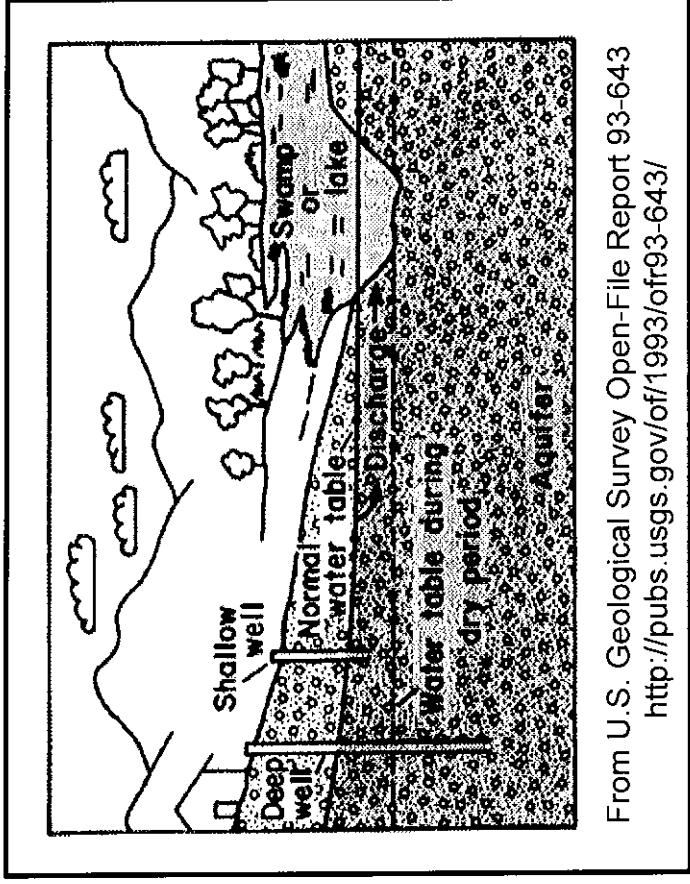
Less rainfall

Less groundwater flow to lakes

or

more water flow from lakes to groundwater due to

- 1) more groundwater pumping - wells
- 2) less recharge to groundwater - i.e. water diversions



From U.S. Geological Survey Open-File Report 93-643
<http://pubs.usgs.gov/of/1993/of93-643/>

What will we get from the USGS/Cooperator White Bear Lake Study?

The study will determine

- the extent of factors (i.e. groundwater, precipitation) controlling lake levels
 - where groundwater is coming from that supports the lake
 - where groundwater enters and lake water leaves the lake
 - an estimate of how much groundwater is entering the lake
 - Data collection needed to improve management of groundwater that control lake levels
- * Although the proposed study will not investigate a solution to lower lake levels (i.e. augmentation), it will provide data necessary to evaluate a solution



How will the study address lower lake levels?

The study will determine

How is it happening - lower precipitation, lower groundwater inflow, or higher lake water outflow to groundwater

Why is it happening - determine and characterize the mechanisms/ processes controlling lake levels

Solutions? Provide data necessary to evaluate solutions (i.e. what-if scenarios).



Proposed Study Budget

Federal Government Calendar

<u>Cooperating Agencies</u>	<u>FY2011</u> (Oct. 2010 – Sept. 2011)	<u>FY2012</u> (Oct. 2011 – Sept. 2012)	<u>Total</u>
Groundwater and Surface Water Interaction Partners (GWSWIP)	\$62,317	\$42,381	\$104,698
U.S. Geological Survey – Cooperative Water Program	\$52,207	\$42,381	\$94,598
Total **	\$114,524	\$84,762	\$199,286

** Funding for portions of the Synoptic Survey, Thermal Imagery Survey
Mini Piezometer/Seepage Meter Survey from USGS, NRP and LRSP

Proposal Required Funding from GWSWIP Group

<u>Due Dates</u>	<u>Required Funding from GWSWIP Group</u>	<u>Total Funding Contribution to Date By FY</u>
July 15, 2011	\$ 31,158	\$ 31,158
September 15, 2011	\$ 31,159	[REDACTED] FY 2011
<hr/>		
January 15, 2012	\$ 10,595	\$10,595
April 15, 2012	\$ 10,595	\$21,190
July 15, 2012	\$ 10,595	\$31,785
September 15, 2012	\$ 10,596	[REDACTED] FY 2012
Total	\$ 104,698	

Birchwood Parks & Natural Resources Committee

Warming House

1. Building	8,253.00
2. Concrete	7,060.00
3. Electric	4,000.00
4. Rubber floor ----592 SF	1,161.00
5. Benches --inside 32 LF -----outside 28LF	500.00
6. Paint	600.00
7. Gutters & down spouts 60LF @ 12.43 LF	746.00
8. Labor to construct - <i>no concrete</i>	9,945.00
9. Demo of old bldg & dumpster 30 Yard	1,000.00
10. permit	500.00
11. Sub total	23,820.00
12. With labor for the wood part of warming house	33,765.00
13. Windows & mic	6,235.00
14. Total project cost	40,000.00

Outdoor Recreation Grant Program

Program Manual

MN Department of Natural Resources

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- Grant Awards and Match Requirements
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I. Program Information

The Outdoor Recreation Grant Program assists local governments in acquiring parkland and developing or redeveloping outdoor recreation facilities. Applications must be submitted by **March 31** to be eligible for funding assistance for the current year. Applicants are eligible to receive more than one grant.

FUNDING

The program finances projects using federal funds through the Land and Water Conservation Fund (LAWCON). Historically, some state dollars authorized by the Minnesota State Legislature have been available. The amount of grant dollars available for distribution each year varies. Applications are solicited in advance of the actual appropriation to ensure that projects are ready to start after the funding becomes available.

GRANT AWARDS AND MATCH REQUIREMENTS

Grant awards are typically for 50 percent of the total eligible project costs. The remaining 50 percent "local share" can consist of cash or the value of materials, labor and equipment usage provided by the local sponsor or by local donations or any combination thereof. Costs must be incurred and paid for before reimbursement can be made. Grant agreements generally expire within 24 months and projects must be completed by then.

ELIGIBLE APPLICANTS: Cities, counties, townships and recognized tribal governments. (Tribal governments are not eligible for grants funded by state appropriations.)

Note: The applicant must be the current or intended owner and manager of the property to be acquired or developed. Multi-organization collaboration is not required for this program.

ELIGIBLE PROJECTS:

- * Acquisition of land for future development of outdoor recreation facilities. Recreation facilities must be developed within three years from the date of acquisition.
- * Development, redevelopment or rehabilitation of outdoor recreation facilities on land already owned by the applicant. **The applicant must own the land.**
- * A combination of land acquisition and development, redevelopment or rehabilitation of outdoor recreation facilities.

ELIGIBLE RECREATION FACILITIES: One or more of the following facilities must be included in a proposed project.

- Boat/Canoe Access Sites
- Campgrounds
- Fishing Piers/Shore Fishing Areas
- Ice/In-Line Skating Rinks/Parks
- Nature Study/Observation Areas
- Picnic Shelters
- Playgrounds
- Sports Fields and Courts
- Swimming Beaches and Outdoor Pools

- Trails (non-motorized internal park trails)

ELIGIBLE RECREATION SUPPORT FACILITIES: The following facilities are also eligible for funding as part of a grant application that contains at least one facility from the eligible recreation facilities list above.

- Change Houses, Restrooms, Shower Buildings and Warming Houses
 - Fencing, Lighting and Signs
 - Landscaping and Natural Area Restoration
 - Park Roads and Parking Areas (**may not** exceed 40% of the total project cost)
 - Permanent Benches, Seats, Drinking Fountains, Grills, Picnic Tables, Trash Receptacles and Fire Pits
 - Walkways

INELIGIBLE FACILITIES AND COSTS: Ineligible facilities or costs are those items that cannot be funded with an Outdoor Recreation Grant or included as part of the local match requirement. The following list includes common types of ineligible facilities. A determination of eligibility will be made by the Department of Natural Resources with final approval by the Legislative Commission on Minnesota Resources.

- Administrative Expenses/ Design and Engineering in excess of 10% of the Total Project Cost.
- Concession-only Buildings
- Decorative Fountains, Statues and Plaques
- Dredging, Water Impoundments and Dams
- Facilities not available for general public use
- Golf Courses
- Indoor Recreational Facilities (ie: ice arenas, enclosed swimming pools, etc.)
 - 1 Land already in public ownership
 - 2 Legal Fees
 - 2 Motorized Trails
 - 3 Non Permanent Skate Park Ramps and Equipment
- Press Boxes
- Sewer to Campsites
- Shooting Ranges

II. The Application Process

To receive an application, complete and return an [Application Request Form](#). This can be completed online or you can submit by mail or e-mail. We urge applicants to submit the request form no later January 31st to ensure adequate time to complete your grant application. This will allow adequate time to meet certain application requirements, such as holding a public hearing, having the project reviewed for any needed permits, completion of an appraisal, etc.

After submitting the Application Request Form, the application forms will be sent to you. Completed applications must be postmarked by **March 31st**. This program is very competitive. Staff members are available to discuss your project or review application materials. You are encouraged to submit any draft application or materials by March 1st if you would like staff to provide comments.

APPRAISAL REQUIREMENTS

The application must include a self-contained appraisal report for land to be acquired. Appraisals must be performed by a qualified licensed appraiser and meet the Uniform Appraisal Standards for Federal Land Acquisition (UASFLA). The appraisal must include the DNR as an intended user and the landowner or designated representative must be given an opportunity to accompany the appraiser during the inspection of the property. Appraisals must have an effective date within 13 months of the application deadline.

Appraisals will be reviewed by the state to ensure that they meet applicable standards. If the appraisal is not accepted, the applicant will be contacted for additional clarification or modification. If you or the appraiser have any questions, please contact the program staff assigned to your area prior to completing the appraisal assignment.

THE COMPETITIVE REVIEW AND SELECTION PROCESS

The program is competitive and requires a review and selection process to make funding determinations and awards. The review and selection process will take place after March 31, and funding announcements will be made in summer. Completed applications received after the deadline will not be eligible for funding consideration. Program staff will review applications and, if necessary, a site visit will be conducted.

Minnesota's 2008-2012 State Comprehensive Outdoor Recreation Plan

The 2008-2012 State Comprehensive Outdoor Recreation Plan (SCORP) is Minnesota's outdoor recreation policy plan. This plan was developed with the input of Minnesota outdoor and natural resource leaders. It establishes outdoor recreation priorities for Minnesota to assist outdoor recreation and natural resource managers, the state legislature, and the executive branch in decision-making about the state's outdoor recreation system and sets out criteria for awarding grants consistent with these identified priorities. A majority of the review and selection process will focus on guidelines outlined in the 2008-2012 SCORP. Applications are assessed to ensure that the proposed project is consistent with priorities established in the SCORP document.

The SCORP priorities for Minnesota outdoor recreation selection guidelines are focused on three of the four strategies addressed in the *Minnesota's 2008-2012 State Comprehensive Outdoor Recreation Plan*. These strategies support the overall goal to increase participation in outdoor recreation by all Minnesotans and visitors.

Strategy 1: Acquire, protect and restore Minnesota's natural resource base on which outdoor recreation depends. This includes obtaining prime outdoor recreation areas throughout the state prior to anticipated land use changes.

Focus areas: Acquisition, protection or restoration of land or other natural resources that will provide or enhance public outdoor recreation opportunities and/or located in an area of rapid population growth; acquisition of potential prime outdoor recreation areas that may otherwise be threatened by anticipated land use changes; acquisition of land in areas that protect water quality; and/or acquisition of land in areas that protect key threatened habitats. Also considered will be whether the applicant has adopted programs to evaluate, regulate, fund and provide incentives for land and natural resource protection.

Strategy 2: Develop and maintain a sustainable and resilient outdoor recreation infrastructure.

Focus areas: Redevelopment, renovation or rehabilitation of current infrastructure, including improvements for safety, accessibility and energy efficiency. In addition, projects that result in sustaining the environmental infrastructure, such as water resources, native habitat, plants, animals, etc.

Strategy 3: Promote increased outdoor recreation participation through targeted programming and outreach.

Focus areas: Projects that result in more opportunities to participate with peers and family in nature-based outdoor recreation experiences through schools, youth programs, etc., for young people, people from diverse cultural communities or new immigrant communities and seniors. In addition, projects that help support nature education initiatives to ensure "no child left inside" address constraints to outdoor recreation such as economic issues, facility design, public awareness, safety or security issues and/or provide better access to outdoor recreation areas for people for whom limited mobility, cost, distance from recreation areas or other factors restrict participation.

The complete SCORP document is available in the Grants category of the DNR website at www.mndnr.gov.

Additional review components:

The review will then assess the design of the proposed project and existing park facilities. Project design should be compatible with the physical characteristics of the site, consistent with generally accepted engineering and architectural design standards, in accordance with accessibility standards and minimize risk to the health and safety of users. In addition to the design, the review will look at the commitment of the applicant to accomplish the proposed project and to protect and preserve the funded recreation facility. This commitment is assessed through measures such as whether adequate operation and maintenance costs have been developed for the proposed project and if the applicant has committed some of its own resources to the project.

AWARD OF FUNDS

Announcement of funding approvals will take place after the review and selection process is complete. All applicants will receive official written notification regarding their request for funding. If your proposed project has received preliminary approval for funding, you will be contacted regarding additional information requirements needed before an agreement can be processed. These requirements may include Minnesota Historical Society review, a deed restriction and other details.

If the Minnesota Historical Society (MHS) determines that there is a potential for the site to yield historical or archeological information, you will be contacted and provided instructions on hiring an archeological consultant to perform an on-site survey and to coordinates with the MHS to ensure the project will have no adverse effects on these resources. These surveys are to be funded by the applicant and must be completed before grant funds can be reimbursed.

Projects cannot begin until all final documentation has been submitted and a grant agreement has been completed. This process can take three months to complete. Most projects can expect to begin in the fall. Any project costs incurred prior to the start date of the grant agreement will not be eligible for reimbursement. Nor can they be considered as part of the required local match.

Payment of grant funds to the local sponsor is on a reimbursement basis. The grant recipient must initially expend monies that are then reimbursed under the terms of the grant agreement. Ten percent of the grant funds will be retained until a final inspection has been completed.

GRANTS AND PUBLIC INFORMATION

Under [MN Statute 13.599](#), responses to a request for proposal are nonpublic until the application deadline is reached. At that time, the name and address of the grantee, and the amount requested becomes public.

After the application evaluation process is completed, data (except trade secret data) becomes public. Data created during the evaluation process is nonpublic until the negotiation of the grant agreement with the selected grantee(s) is completed.

[MN Statute 13.44](#) categorizes estimated or appraised value of real property prior to purchase and sale as confidential data on individuals or protected nonpublic data. See also Minnesota Government Data Privacy Act for more information. This information, along with corresponding budget information, will be redacted from the applications before making them public.

III. Program Requirements

LAND RETENTION REQUIREMENTS

- 1) **CONVERSION OF USE:** It is the intention of the State that the property acquired under an agreement shall exist in the Grantee's ownership and be maintained and managed consistent with the purpose identified in the application. The Grantee shall not at any time convert any property acquired or developed pursuant to the agreement to uses other than the permitted uses specified in this agreement without the prior written approval of the State. The State will consider a conversion request only after the following pre-requisites have been met:
 1. All practical alternatives to the conversion have been evaluated and rejected on a sound basis.
 2. The Grantee has agreed to replace the converted lands with other lands of at least equal fair market value and reasonably equivalent recreational usefulness as determined by the State.

The State shall have the authority to approve or disapprove conversion requests.

- 2) **DEED RESTRICTION REQUIREMENT:** The Grantee will be required to record a condition with the deed of the property acquired and, if necessary, adjacent lands owned by the applicant. The condition is to ensure that the property will be permanently managed and maintained consistent with the purpose identified in the application, and that the property may not be used for any other purpose without written approval from the State. The specific language for the condition will depend on the funding source provided and will be stated in the grant agreement.

The Site Boundary Map submitted with your application will delineate and establish the property boundaries subject to the grant agreement. Therefore, it is very important that any existing public facilities and any known future public facilities (e.g., wells, lift stations, roadway improvements, etc.) are clearly identified and excluded from the boundaries of the project. The site boundaries should include only the property that the project sponsor plans on managing for outdoor recreation uses in perpetuity.

REPORTING REQUIREMENTS

It is the policy of the State of Minnesota to monitor progress on state grants by requiring grantees to submit written progress reports at least annually until all grant funds have been expended and all of the terms in the grant agreement have been met. A progress report form will be provided by program staff. Grant payments shall not be made on grants with past due progress reports unless program staff have given the grantee a written extension.

MONITORING REQUIREMENTS

It is the policy of the State of Minnesota to conduct at least one monitoring visit per grant period on all state grants of over \$50,000 and to conduct at least annual monitoring visits on grants of over \$250,000.

CLOSEOUT PROCEDURES

Upon completion of your project, a final billing must be submitted to our office no later than 30 days after the expiration date on your agreement. Program staff will complete a final inspection of the project. The inspection will focus on ensuring that the project was completed in accordance with the grant agreement, that facilities developed are accessible and a funding acknowledgment sign is installed. If any problems are revealed during the inspection, they will need to be corrected before you receive final reimbursement for your grant and the official closeout notification for your project.

All expenditures are subject to verification by an independent state audit and, therefore, you must retain all project records for a period of at least six years after you receive the official closeout notification letter.

Periodic post-completion inspections will be conducted to ensure that the site is being properly operated and maintained and that no conversion of use has occurred.

ACKNOWLEDGMENT SIGN

All projects acquired or developed with assistance from this program must display a state approved funding acknowledgment sign at the main entrance to the park. The grant program staff will provide the specific sign information.

AVAILABILITY TO USERS

Public property, facilities & programs that receive state assistance and future development of a site that has received state assistance shall be open to entry by all persons regardless of race, color, national origin, religion or sex. No person shall, on the basis of disability, be excluded from participation in any program or activity receiving state assistance. Finally, discrimination on the basis of residence, including preferential reservation, membership or annual permit systems is prohibited except to the extent that reasonable differences in admission and other fees may be maintained on the basis of residence. Fees charged to non-residents cannot exceed twice that charged to residents and must be comparable to fees charged at other state or local facilities.

IV. Contact Information

Audrey Mularie, Southern Minnesota, North Metro
audrey.mularie@state.mn.us or (651) 259-5549

[mularie@state](mailto:mularie@state.mn.us)

te.mn.usor (651) 259-5549

mularie@state.mn.us (651) 259-5549

Outdoor Recreation, Regional Park and Parks Legacy Grant Programs

2011 APPLICATION INSTRUCTIONS

Please read the application carefully to be sure that you have completed it in accordance with the instructions provided. Applicants may utilize the form provided for each item presented in the application or reproduce it in the same format. Applications that are completed correctly will receive points in the ranking process. For example, maps and building plans must contain all of the information requested in the application to receive ranking points. Please do not send your applications in binders, folders, or other plastic – a simple clip is enough. **Use Item 1 – Application Summary** as your cover sheet.

These programs are very competitive. Staff members are available to discuss your project or review application materials. You are encouraged to submit any draft application or materials by March 1st if you would like staff to provide comments.

For assistance, please contact

Joe Hiller

651/259-5538

joe.hiller@.state.mn.us

Audrey Mularie

651/259-5549

audrey.mularie@.state.mn.us

DNR Information Center: 1-888-646-6367 (Outside of the Metro Area)
651/296-6157 (Metro Area)

You may now submit your completed application either by mail or electronically.

By mail: Submit your application (extra copies are no longer required) to:

Local Grants Program
Department of Natural Resources
Division of Parks and Trails
500 Lafayette Road, Box 52
St. Paul, Minnesota 55155-4052

Applications must be received or postmarked by March 31, 2011

Electronically: Send a pdf version of your application Joe or Audrey at the email address above. Have them confirm that your application has arrived in a useable form by the

March 31, 2011 deadline.

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**ITEM 1 - APPLICATION SUMMARY
2011 Application**

Check program(s) that this application covers.

<input type="checkbox"/>	Outdoor Recreation Grant Program
<input type="checkbox"/>	Regional Park Grant Program
<input type="checkbox"/>	Park Legacy Grants

Applicant Information:		
Applicant Organization:		
Contact Person:		
Title:		
Mailing Address:		
Phone:		
E-mail address:		
Park Information:		
Project Name:		
County:		
Existing Park Acreage:		
Proposed Activities with this Application:		
Acres to be purchased:		
Facilities to be developed or redeveloped:		
Financial Information: Match is the required minimum percent of the total project cost that must be contributed by the applicant. See Item 6 below for the type of match allowed by each program.		
Total Project Cost:		
Program	Grant Request	Match
Outdoor Recreation Minimum Match 50%		
Regional Park Minimum Match 40%		

Parks Legacy Minimum Match 25%		
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ITEM 2a - PROJECT NARRATIVE

Provide a one-page description of your project.

1. Describe the park history. Include the date the park was established, list all existing structures and facilities such as trails and parking lots, and the year they were built.
2. Describe what recreation facilities will be developed or rehabilitated and any lands that will be acquired.
3. Describe your region’s need for these facilities and how they will complement existing recreation facilities.

ITEM 2b - REGIONAL SIGNIFICANCE (if applicable)

To be eligible for Regional Park and Park Legacy grants, parks must meet the criteria listed in the [Regional Park Program Manual](#) and [Park Legacy Program Manual](#). The criteria for both programs are the same with the exception of the additional Park Legacy requirement for the seven county metro area.

Please explain why this park is considered a regional park.

1. Address the size, any unique attributes and the geographic area from which it draws visitors.
2. Describe what types of recreational activities are currently provided in the park. Are any of these activities not otherwise available or scarce within the region or use area?

ITEM 3 - PROJECT SITE EVALUATION

All applicants must prepare and submit a Project Site Evaluation using the format shown below. The project site evaluation will provide information necessary to determine the impacts of the project, if any, on the environmental and cultural resources of the area.

The following sources of information may be helpful in completing the evaluation:

Endangered Species:

Information on animals and plants that are endangered, threatened or merit special consideration or management is available from the Minnesota Natural Heritage Program/Nongame Wildlife Program, Section of Wildlife, Department of Natural Resources (DNR). A booklet entitled Minnesota’s List of Endangered and Threatened Animal Species, that includes a list of all species of Minnesota's animals and plants listed under the provisions of the Federal Endangered Species Act of 1973, Public Law 93-205, and/or Minnesota Statute 84.0895, is available from the DNR by calling (651) 296-6157 or (888) 646-6367 or at the DNR website www.dnr.state.mn.us/ets.

Additional information may be obtained by calling the Division of Ecological Resources information number at (651) 259-5100. The DNR is also developing biological surveys on a county-by-county basis on sensitive natural habitats and rare plant and animal species. Several publications are available which provide detailed information on these subjects. Additional information may be obtained from your DNR Regional Office.

Wetlands:

Minnesota has adopted a "no-net-loss" wetlands policy. Each state agency must ensure that its activities, including state sponsored, financed or assisted projects, do not contribute to the loss or diminishment of the many important values of wetlands. Unavoidable impacts must be minimized and compensatory mitigation must be provided for all values that have been lost or diminished. It is very important, therefore, that the project site evaluation identify all possible wetlands impacts of the proposed project. This will help in determining whether any changes in project scope or design may be required or whether mitigation measures must be undertaken. The basic reference for wetland determination will be the National Wetlands Inventory produced by the U. S. Fish and Wildlife Service and available at the DNR. Questions regarding implementation of the "no-net-loss" policy and identification of wetlands may be directed to the Ecological Resources Division, DNR at (651) 259-5100.

PROJECT SITE EVALUATION - FORMAT

Please prepare a project site evaluation using the following format and subject categories. Try to address all of the points covered under each category and be as specific as possible. It is important that the project site evaluation be a complete and accurate assessment of the natural and/or scenic characteristics of the area and the likely impacts of the project, either positive or negative, on those characteristics.

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

A. Present Land Use: Describe the present land use of the proposed project site. Is the property to be acquired a high priority inholding or addition crucial to the use of, ecological integrity of, or access to an existing natural or scenic area? Address any other impacts the proposed project may have on the present land use of the project site or adjacent lands.

B. Environmental Intrusions: Describe all man-made developments on, above, below or adjacent to the proposed project site, including buildings, utility poles and lines, roads, driveways, pipelines, sewer and water lines, fences, ditches, bridges, billboards, railroad tracks, and related structures or facilities. Explain how these intrusions, if any, might affect the use, protection, and enjoyment of the proposed project site and what measures will be taken to minimize any adverse impacts. All existing and future overhead power lines serving the park must be placed underground. The cost of placing the power lines underground can be included in this application.

C. Fish and Wildlife: Indicate whether the proposed project site is on, or adjacent to, a national, state or local wildlife management area, park or natural area. Describe the known fish and wildlife species common to the project site and any known species that are listed as endangered, threatened or of special concern. Describe the likely impacts of the proposed project on habitat, population levels, and any other factors related to the fish and wildlife resources.

D. Vegetation: Describe the major plant species and communities common to the project site and any known species that are listed as endangered, threatened or of special concern. Describe the distribution of major plant communities or types on the site. Indicate the extent of cutting, clearing, removal or other disturbance that will result from the proposed project, as well as any restoration and/or protection activities planned as part of the project.

E. Water Resources: Describe any existing wetland areas on or adjacent to the proposed project site. Indicate any likely physical disturbances of these wetlands, including (but not limited to) draining and filling that would result from the proposed project. Describe any other potential impacts to wetlands, such as water level fluctuations or water pollution that may result from the proposed project. Discuss possible alternatives that would avoid or minimize negative wetland impacts. Also describe any other water resources on or adjacent to the site, proposed uses of surface or groundwater, and any possible impacts on these resources, including depletion or pollution, resulting from the proposed project. Explain how the proposed project would help to protect water quality on or adjacent to the site.

F. Geologic and Physiographic Features: Describe any interesting, unique or fragile geologic and/or physiographic features on the proposed project site and any likely impacts on these features that would result from the proposed project. Also describe any proposed protection activities or measures to provide public education, interpretation and enjoyment of these resources.

G. Air Quality/Noise: Describe any temporary or permanent air or noise pollution that will result from the development and use of the site and the impacts on adjacent land uses or land owners.

H. Historical and Archeological Significance: Describe the type and location of any known historical or archeological features within or adjacent to the proposed project site. Indicate, if known, whether any of these features are registered or eligible for nomination to the State or National Register of Historic Places. Describe any likely impacts on these historical and archeological features that would result from the proposed project.

I. Transportation: Describe the likely impact of the proposed project on vehicular traffic within and adjacent to the proposed project site, including whether the project will result in any additional road building or rerouting, closing, or upgrading of existing roads. Describe the impacts of these activities on the proposed project site and adjacent areas. Indicate, also, whether the proposed project site will be served by mass transit or other forms of public transportation.

II. Description of the Proposed and Future Management Activities

A. Land Management and Protection: Discuss the proposed size of the area and what impacts that may have on the ability to properly protect the site and its resources. Address the potential for acquiring control over adjacent land uses that might otherwise adversely affect the property. What long term management measures will be employed on this property and adjacent lands to ensure that future generations will continue to enjoy the natural amenities (such as, restoration efforts, exotic species control, etc). Discuss specific protection measures that are either in place or planned (such as zoning or other land development restrictions, etc.).

B. Public Access:

1) Describe what public access and use is planned for the site. Discuss any design or programming elements that will be employed to increase access to previously underserved groups such as children, elderly, low income, minorities, or persons with physical disabilities.

ITEM 4 – EFFICIENCY OF DESIGN AND MATERIALS

In accordance with Minnesota Statutes, this program encourages facility design and use of materials that are low maintenance, energy efficient and environmentally sensitive.

1. Describe how your design and material selection for the proposed project will result in greater durability, resistance to vandalism and/or lower long-term operation and maintenance costs.
2. Describe how your design and material selection for the proposed project will result in reduced energy use, reduced water use, use of recyclable and recycled materials, and/or similar measures to reduce environmental impacts.
3. Does your project include any renewable energy such as wind or solar components?
4. If any emerging technologies will be employed, will interpretive materials be provided to educate visitors about them?

ITEM 5a - COST BREAKDOWN

Land Acquisition

Identify the land to be acquired, state the number of acres and the total cost from the appraisal for each parcel. Also, include the expected acquisition date. Your application must include a current self-contained appraisal report for each parcel to be acquired with this grant. The appraisals must conform to the standards as described in Item 10 - Property Deed or Appraisal(s).

Parcel Identification Number or location	Acres	Appraised Value	Expected Acquisition Date
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	Total	\$	

ITEM 6 - APPLICANT MATCH

Provide detailed information on the match for each program that you are applying to including the amount and source of matching funds. Donations must be documented with a letter indicating the donation and its dollar value . Park Legacy match must be cash.

Match requirements:

Outdoor Recreation must be at least 50% but can include cash or the value of materials, labor and equipment usage by the local sponsor or by donations or any combination thereof.

Regional Park must be at least 40% but can include cash or the value of materials, labor and equipment usage by the local sponsor or by donations or any combination thereof.

Park Legacy must be at least a 25% cash match or legally enforceable cash commitments.

It is important that your project be ready for implementation as soon as possible following the grant award notification. The required match should either be in place or should be attainable within a reasonable period following notification of the grant award. Grant funds that are tied up for lengthy periods, or projects that are canceled result in inefficient use of scarce grant resources.

ITEM 7 - APPLICANT'S RESOLUTION

BE IT RESOLVED that _____ act as legal sponsor for the

(Applicant)

project contained in the Outdoor Recreation, Regional Park and/or Park Legacy Application to be submitted on _____ and that _____ is hereby
(Day, Month, Year) (Title of Authorized Official)
authorized to apply to the Department of Natural Resources for funding of this project on behalf of _____.
(Applicant)

BE IT FURTHER RESOLVED that _____ has the legal authority
(Applicant)
to apply for financial assistance, and financial capability to meet the match requirement and ensure adequate construction, operation, maintenance and replacement of the proposed project for its design life.

BE IT FURTHER RESOLVED that _____ has not incurred
(Applicant)
any development costs described on Item 5b and has not entered into a written purchase agreement to acquire the property described on Item 5a.

BE IT FURTHER RESOLVED that upon approval of its application by the state,
_____ may enter into an agreement with the State of Minnesota
(Applicant)
for the above-referenced project, and that _____ certifies that it will
(Applicant)
comply with all applicable laws and regulations as stated in the grant agreement including dedicating the park property for outdoor recreation uses into perpetuity.

NOW, THEREFORE BE IT RESOLVED that _____ is hereby
(Title of Authorized Official)
authorized to execute such agreements as are necessary to implement the project on behalf of the applicant.

I CERTIFY THAT the above resolution was adopted by the _____
(City Council, County Board, etc.)
of _____ on _____.
(Applicant) (Date)

SIGNED:

WITNESSED:

(Signature)

(Signature)

(Title) (Date)

(Title) (Date)

ITEM 8 - PROJECTED OPERATION AND MAINTENANCE COSTS

Estimate the projected maintenance and operations costs for the proposed facility for the time periods outlined below. In developing these estimates it is important to consider not only the routine costs (such as labor, materials, utility costs and equipment costs), but also periodic major repairs or preventive maintenance (such as seal coating or replacement of plumbing, lighting, aglime, turf, etc.).

Each applicant should assess the particular needs of their specific project. It is not sufficient to simply reference the overall park and recreation budget and suggest that the operations and maintenance costs for the proposed project are somehow covered within that budget. You will be expected to have made a careful, thorough assessment of the specific cost impact of the proposed project. Cost estimates may be explained in a narrative or table format. However, actual dollar figures must be included for each identified cost.

These estimates should be made available at the public hearing (see Item 9).

I. Time Period:

The time period needs to be long enough to reflect the ongoing operation and maintenance costs, future repairs and preventive maintenance measures for the proposed project. Provide an estimate for each of the following time periods.

- Annually
- Every 3-5 years
- Every 10 years
- Every 20 years

II. Cost Factors:

Depending on the type of project proposed, estimates should be made for:

- | | |
|--------------------|---------------------------|
| - Utility costs | - Repair and replacements |
| - Grounds keeping | - Vandalism |
| - Waste management | - Vehicle costs |
| - Services | - Others (?) |

III. Inflation:

Factor in reasonable inflation rates into the estimate.

ITEM 9 - PUBLIC HEARING

A minimum of one public hearing must be held to obtain citizen input on this proposed grant application. A regular park board, city council, town board or county board meeting is not considered a public hearing unless the meeting, or a portion of the meeting, was specifically noticed and identified as a public hearing.

The hearing must be held prior to, but not more than, 18 months before the submission of the application. Notice of the public hearing must follow the applicant's normal public hearing notice requirements and specifically mention the proposed grant application. Please attach a copy of the legal requirements for your public notification process and evidence that they were followed.

A copy of the public notice and the minutes from the hearing must be submitted with your application. The minutes should reflect that the following information was provided at the hearing:

- Project scope and the type of activities involved
- Implementation schedule
- Overall cost and the proposed financing for the project
- Costs to be assessed to community residents
- Other associated project costs such as maintenance expenses, etc.

ITEM 10 - PROPERTY DEED OR APPRAISAL(S)

For All Projects: Include a legal description or copy of the deed(s) to all lands within the existing park boundary. If this boundary differs from the boundary show in ITEM 17 – Recreational Site Plan, please explain here.

For Acquisition Projects: Include a current self-contained appraisal report for each parcel listed in your Cost Breakdown. Appraisals must have an effective date within 13 months of the application deadline.

Outdoor Recreation Grant Program: Appraisals must be performed by a qualified licensed appraiser and meet the Uniform Appraisal Standards for Federal Land Acquisition (UASFLA). The appraisal must include the DNR and the National park Service as intended users and the landowner or designated representative must be given an opportunity to accompany the appraiser during the inspection of the property.

Regional Park and Park Legacy: Appraisals must be performed by a qualified licensed appraiser and meet the Uniform Standards of Professional Appraisal Practice (USPAP). The appraisal must include the DNR as an intended user and the landowner or designated representative must be given an opportunity to accompany the appraiser during the inspection of the property.

Appraisals will be reviewed by the state to ensure that they meet applicable standards. If the appraisal is not accepted, the applicant will be contacted for additional clarification or

modification. If you or the appraiser have any questions, please contact the program staff assigned to your area prior to completing the appraisal assignment.

To ensure the appraiser you hire understands the appraisal requirements, we suggest you use the sample engagement letter provided in Attachment A.

All grant agreements will require the project sponsor to record a condition with the deeds to all lands owned by the applicant within the park. The condition is to ensure that the property shall be permanently managed and maintained for outdoor recreation purposes consistent with the approved grant agreement and that the property will not be converted to any uses other than those permitted in the grant agreement without the prior written approval of the State. The specific language for the condition will depend on the funding source and will be stated in the grant agreement.

ITEM 11 – AVAILABILITY FOR PUBLIC USE

This grant program makes use of public funds to assist communities with park projects. Therefore, all facilities within the park must be designed and available for general public use and open during typical park hours. This includes restrooms, picnic shelters, athletic facilities, and playgrounds and other structures. For campground facilities, a minimum of 50% of the campground spaces must be available for short-term rental and an equitable method of allocating long-term rentals shall be used. No fixed improvements such as decks, porches, or signs are allowed.

State the specific hours of operation and any current or anticipated programmed use for the facilities proposed to be funded with this application. Saying the park will be open during normal park hours is not specific. Also describe any arrangements with local sports organizations, clubs or city programs for the use of the facilities including league play and tournaments. Explain how this may impact facility availability to the general public.

Wetlands and Public Waters Permits

Development or alteration of shoreline adjacent to rivers, streams, lakes, and other public water bodies may require a written permit issued by the Minnesota Department of Natural Resources (DNR). In addition, projects involving work within waters and wetlands may require a permit from the U.S. Army Corps of Engineers (COE). The following types of projects may require a permit:

- swimming beach development or enrichment
- boat or canoe launch ramps
- seasonal or permanent docks/piers
- wetland drainage or impoundment

ITEM 12 - PERMITS

- riprap or bank stabilization
-
- vegetation removal
- dredging or filling
- adding or removing plant materials in protected waters below the ordinary high water line (DNR Fisheries permit)

The only way to determine whether a waters permit is required is to contact both the DNR and the COE directly. Please provide your project information to the permitting agencies at least 30 days before you submit your project. Ask them to send you a letter with their decision. **A copy of your letter must be submitted with the application and if received by the application deadline, a copy of their response.** Their response should be forwarded as soon as possible if received after the application deadline.

Contact Information

[U.S Army Corps of Engineers Regulatory Functions](#)

[Department of Natural Resources: Public Waters Work Permits](#)

Recreational Camping Areas

Campgrounds must comply with state laws and rules set by the Minnesota Department of Health. A summary of these requirements is available at [Summary of General Requirements for Recreational Camping Areas](#). You must submit plans and receive approval for the development of a recreational camping area to the MN Department of Health or your local health authority before construction begins. Upon completion of the campground, a license application, license fee and inspection by the area health inspector is required. A copy of the license must be submitted with your final payment request.

ITEM 13 - STATEMENT OF ACCESSIBILITY

Recipients must comply with the Americans with Disability Act (ADA). For each facility you propose to develop or rehabilitate, describe in detail how it will be made accessible. In addition, all critical components of the park must be made accessible even if they are not part of this application proposal. Critical components include, but are not limited to parking, restroom, drinking fountains and accessible routes to all facilities. **This program requires all access routes to be a minimum of 5 feet wide.**

This section is an important factor in selecting those applications that will be awarded grants.

Applications that do not give enough information to determine the degree of accessibility typically do not rank high enough for funding. If you use outside contractors, be sure they are aware of the accessibility requirements.

The following guidelines will help you design your facilities. Copies can be ordered from the U.S. Access Board at (800) 872-2253, or downloaded from their website at <http://www.access-board.gov>.

1. Americans with Disabilities Act (ADA), Americans with Disability Act Accessibility Guidelines for Buildings and Facilities (ADAAG).

The amended accessibility guidelines include a new section 15 that provides standards for recreation facilities such as boating and fishing facilities, golf and swimming pools. Also included in the new amended guidelines, is a definition of "Area of Sport Activity" and requirements for accessible routes to the area of sport activities and sport courts.

2. Regulatory Negotiation Committee Final Report on Accessibility Guidelines for Outdoor Developed Areas.

Until incorporated into the ADAAG standards, the final report for outdoor developed areas should be used for designing recreational facilities such as campgrounds, picnic areas, trails, and beaches.

3ADA Accessibility Guidelines (ADAAG) for Play Areas 2000.

These guidelines should be used when developing or renovating playgrounds.

ITEM 14 – USGS TOPOGRAPHICAL MAP

A United States Geological Survey (USGS) map or similar topographical map at a scale of 1:24,000 is required for all projects (an aerial photo without topographic lines is not sufficient). Outline the proposed park boundaries on this map

ITEM 15 - LOCATION MAP

Provide a location map that shows how to drive to your park. Please provide written directions with your map. _____

ITEM 16 - RECREATIONAL SITE PLAN

A site plan is required for all projects. This site plan must clearly identify the acquisition and/or development proposed for the project. The plan should include enough detail to determine design details such as facility orientation and layout, accessibility, etc. All plans must include the

following:

- Title "Recreation Site Plan" and the project name
- Location of all recreation and support facilities
- Access routes connecting each facility
- Entire park property and all adjacent land uses
- All lakes, rivers, streams and wetlands
- Acreage of the park and/or each parcel to be acquired
- Legend including a north direction arrow, graphic bar scale, county and date

Graphic Bar Scale example:

A Text Scale such as 1" = 500' is not acceptable.

The site plan must be signed and dated by the applicant.

If your proposal includes development or redevelopment of a playground or skate park, a separate plan must be submitted in addition to the site plan (see Item 19).

Color Coding

Red - Delineate the boundary of the park. This should coincide with the area described in Item 10 - Property Deed or Appraisal(s) and should include all contiguous lands currently owned by the applicant and managed for public recreation.

Green - Existing facilities that will remain.

Yellow - Highlight all proposed acquisition and proposed facilities.

Blue - Highlight any future acquisition and future facilities.

The site plan is used to evaluate the design and accessibility of your project. These are both critical factors in selecting projects for funding. **ITEM 17 - BUILDING AND TRAIL PLANS**

Building Plans

Building plans are required for all structures identified in the proposed development and must include the following:

- Front and side views.
- A floor plan with all dimensions.
- A proposed materials list.
- The specific facilities that will be accessible to persons with disabilities (toilet, sink, etc.).

When preparing your building plans, make certain that the engineer or consultant is aware of the accessibility standards of this grant program (see Item 14 – Statement of Accessibility). Any

facility constructed, as part of the proposed project that does not meet the standards will have to be renovated before receiving any grant funds.

Common accessibility requirements overlooked during the design and construction of a facility include the following:

- Accessible route (width, slope and surface)
- Level entrance, correct door hardware and sufficient clear floor space
- Height of counters, telephones, hand dryers, towel dispensers, etc.
- Accessible water faucets and drinking fountains
- Standard accessible restroom stall space (at least 5' x 5')
- Accessible picnic tables and grills

Trail Plans

Trail plans are required for projects that include the development of any type of trail and should include the following:

- A typical cross section of the trail.
- The trail width, surfacing and base materials

For the purposes of this grant program a multipurpose trail should be designed to a minimum 8' width. In some cases this minimum width may not be adequate and a width of 10' or more may be appropriate. All access routes must be a minimum of 5 feet wide.

ITEM 18 - PLAYGROUND PLANS AND SKATE PARK PLANS

Playground Plans

Priority will be given to playground designs that provide a high degree of safety and accessibility. The facility should be designed to provide an integrated play setting for both children and parents/care providers of all abilities.

Playground facilities should be designed using the [Americans with Disabilities Act \(ADA\) Accessibility Guidelines for Play Areas](#). Applications that do not include enough information to determine the degree of accessibility typically do not rank high enough for funding.

The plan must:

- Show all the proposed playground components and all existing components that will remain. Label each component with its name and the height of its useable surfaces.
- Indicate which components are ground level and which are elevated.
- Highlight in yellow all accessible components.

- Identify all type(s), depth(s) and location(s) of the fall-protection surfacing.
- Highlight in green all accessible surface areas.
- Include a graphic bar scale and north direction arrow.
- The playground plan must be signed and dated by the applicant.

The playground must be built according to the plan provided if a grant is awarded.

Skate Park Plans

Skate Park plans are required for projects that include the development of any type of skate park and should include the following:

- Show boundary of the skate park area.
- Layout of the skate park components.
- Height and type of each skate park component.
- Include a graphic bar scale and north direction arrow.
- The skate park plan must be signed and dated.

Attachment A

Sample Engagement Letter

<<Date>>

<<Appraiser Name>>

<<Appraiser Address>>

Re: <<Title of Acquisition>>

Dear <<Appraiser Name>>:

<<Applicant Name>> is pleased to submit to you this letter of engagement. It outlines our understanding regarding the terms and conditions under which you are directed to complete a fair market value appraisal of the <<Title of Acquisition>>, containing approximately << ___ >> acres located in <<County>> County, Minnesota, with an address of <<address>>

The appraisal will establish the fair market value of the land together with improvements of contributory value, if any. The estate to be appraised is Fee Simple Title. The appraisal will be performed in accordance with the <<Uniform Appraisal Standards for Federal Land Acquisition (UASFLA) for the Outdoor Recreation Grant Program>> or the <<Uniform Standards of Professional Appraisal Practice (USPAP) for the Regional Park and Park Legacy Grant Program.>> (insert for the appropriate program)

In addition to <<Applicant Name>>, the State of Minnesota (and the National Park Service – if using UASFLA standards) must be named as an intended user. You understand that the appraisal report must be self-contained and may need to be reviewed and approved by these entities. Any technical corrections to the appraisal report required by <<Applicant Name>> and/or the State in the course of their review and acceptance will be performed within the fee set forth below. You will provide << ___ >> original copies (must provide enough copies to insure that the DNR Local Grants Unit gets 1 original) of the completed appraisal report. The appraisal will be completed on or before <<Completion Date>>. The cost of the appraisal will not exceed <<Appraisal Cost>>, including expenses. Payment in full will be made by <<Applicant Name>> subject to receipt of an invoice from you.

Please indicate your acceptance of this engagement by a signature in the space provided at the bottom of this letter and return a copy to me. I will contact you regarding notice to proceed.

Sincerely,

<<Applicant Contact>>
<<Applicant Name>>

Accepted this <<Acceptance Date>>

<<Appraiser Name>>
<<Appraiser's Business Name >>

By: _____

Its: _____

1 (11)

KEJ Enterprises
 611 Florence Ave.
 Mahtomedi, Minnesota 55115
 651-775-0843

PROPOSAL

1411

TO City Of Birchwood 207 Birchwood Ave. Birchwood, Mn. 55110	PHONE 651-426-3403	DATE 2/25/2011
	JOB NAME / LOCATION Sweeping proposal for 2011	
	JOB NUMBER 651-426-7747 Fax	JOB PHONE

We hereby submit specifications and estimates for:

Sweeping proposal for 2011:

Spring and fall sweeping, sweep city sreetes, remove sand and debris away.

any aditonal sweeping thru the course of the year will be Billed out at: \$75.00 per hour.

A gas fuel surcharge is in effect if gas goes above \$4.00 a gallon.

We Propose hereby to furnish material and labor — complete in accordance with the above specifications, for the sum of:
Three Thousand Seven Hundred and 00/100 Dollars dollars (\$) **3,700.00**

Payment to be made as follows:

\$1850.00 after Spring sweep, \$1850.00 after Fall sweep

All material is guaranteed to be as specified. All work to be completed in a professional manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado, and other necessary insurance. Our workers are fully covered by Worker's Compensation Insurance.

Authorized Signature _____

[Handwritten Signature] 2/24/11

Note: This proposal may be withdrawn by us if not accepted within

30 days.

Acceptance of Proposal — The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Signature _____

Signature _____

Date of Acceptance: _____

CITY OF BIRCHWOOD VILLAGE, WASHINGTON COUNTY, MINNESOTA
PETTY CASH FUND POLICY

12

OVERVIEW. The City of Birchwood Village vested in itself the authority to establish a petty cash fund by adoption of the Amended Financial Internal Control document on January 25, 2011. This document establishes a policy for use of the petty cash fund.

PURPOSE. The purpose of the petty cash fund is for the purchase of small items in cases of emergencies, when the regular routine of requesting City Council approval of the disbursement would not be practical.

RESPONSIBILITY. The City Clerk is the responsible party for administration and management of the petty cash fund. In the absence of the City Clerk, the City Treasurer is vested as the responsible party. Only a responsible party may disburse cash from the petty cash fund.

MANAGEMENT. At any given point in time, the petty cash funds are reconcilable to the cash on hand and the cash receipts to document the use of the fund. At any given point in time, the cash on hand plus the cash receipts should equal the amount of the petty cash fund.

AMOUNT OF THE PETTY CASH FUND. The amount of the petty cash fund shall be established by the City Council. The City Council, by adoption of this policy, establishes as \$100.00 the amount of the petty cash fund. The City Council has the sole authority to increase or decrease the amount of the petty cash fund.

MAXIMUM AMOUNT OF INDIVIDUAL DISBURSEMENT. Currently there is no maximum amount for individual disbursements from the petty cash fund. The size of the petty cash fund is limited in size and therefore the City has not adopted a policy to limit the size of the individual disbursements. In addition, the City has not limited the number of times a petty cash fund may be replenished, which would limit the number of disbursements in any one year.

RECEIPTS REQUIRED. Because of the size and nature of the petty cash fund, the City does not use a voucher system for petty cash disbursements. Instead, actual cash receipts are maintained as accounting records to substantiate the cash balances on hand. The disbursements of petty cash are controlled by the authorized personnel who have the responsibility to monitor the petty cash fund.

PETTY CASH FUND REPLENISHMENT REQUESTS. All replenishment requests for petty cash are reviewed by the City Council. The supporting documentation is reviewed for accuracy and reasonableness before the replenishment is authorized. Once the replenishment is authorized, the supporting documentation is removed from the petty cash fund box and filed under "petty cash activity".

OVERSIGHT OF PETTY CASH FUND. The City Council hereby establishes a policy to monitor the petty cash fund. On a periodic basis, surprise cash counts are to be performed by City Council members to substantiate cash balances on hand.

This policy is hereby adopted by the City Council of the City of Birchwood Village this 8th day of March, 2011.

Alan Mitchell, Mayor

Attest:

Dale Powers, City Clerk