



**AGENDA OF THE REGULAR MEETING OF  
THE CITY COUNCIL  
CITY OF BIRCHWOOD VILLAGE  
WASHINGTON COUNTY, MINNESOTA  
November 15, 2022  
7:00 P.M.**

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

**The Canvassing Board of the City of Birchwood will be convening on November 15, 2022, at 7:00 p.m. at City Hall to certify the results of the 2022 election. The regular city council meeting will be being thereafter.**

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**APPROVE AGENDA**

**OPEN PUBLIC FORUM**

**ANNOUNCEMENTS**

- A. Truth In Taxation Hearing on December 13, 2022 at 7pm at City Hall
- B. Effective 11/1/22 office hours have changed to Tuesdays and Thursdays, 10:30am to 1:30pm, and by appointment.

**CITY BUSINESS – CONSENT AGENDA**

- A. Approve Treasurer's Report\* (pp. 3-17)
- B. Approve October Meeting Minutes\* (pp. 18-25)
- C. Approve RESOLUTION 2022-14 Suspending Section 609.020 Hunting\* (p. 26)
- D. Approve RESOLUTION 2022-15 Appointing Mary Cahill Treasurer\* (p. 27)
- E. Approval Updating the 2022 Beginning Balance for the 100 - General Fund by \$25,190.39 and the 210- Special Revenue Fund by \$300\* (p. 28-29)
- F. Approve White Bear Lake Fire Department Contract\* (pp. 30-36)

**CITY BUSINESS – REGULAR AGENDA**

- A. ORDINANCE 2022-10-01, Amend Sec. 307.010 Zoning Permit Application \* (p. 37)
  - a. Planning Commission Reviewed, Revised, and Approved
  - b. First Reading & Council Deliberation
  - c. Order Second Reading & Public Hearing
- B. ORDINANCE 2022-10-02, Amending Animals Sec 605\* (pp. 38-39)
  - a. First Reading, Public Hearing & Council Deliberation

\* Denotes items that have supporting documentation provided

- b. Either Order or Waive Second Reading & Public Hearing
  - c. Approve Summary Publication, if second reading waives\* (p. 40)
- C. ORDINANCE 2022-10-03, Amending Camping Sec 607.400\* (p. 41)
  - a. First Reading & Council Deliberation
  - b. Either Order or Waive Second Reading & Public Hearing
  - c. Approve Summary Publication\* (p. 42)
- D. ORDINANCE 2022-10-04, Amending Public Lake Tracts Sec 617\* (pp. 43-44)
  - a. First Reading & Council Deliberation
  - b. Either Order or Waive Second Reading & Public Hearing
  - c. Approve Summary Publication\* (p. 45)
- E. ORDINANCE 2022-10-05, Amending Fees Sec 701\* (pp. 46-47)
  - a. First Reading & Council Deliberation
  - b. Either Order or Waive Second Reading & Public Hearing
  - c. Approve Summary Publication\* (p. 48)
- F. ORDINANCE 2022-10-06, Fee Schedule Ordinance\* (pp. 49-56)
  - a. First Reading & Council Deliberation
  - b. Either Order or Waive Second Reading & Public Hearing
  - c. Approve Summary Publication\* (p. 57)
- G. ORDINANCE 2022-11-01, Amending Section 201\* (pp. 58-59)
  - a. First Reading & Council Deliberation
  - b. Order Second Reading & Public Hearing
- H. EAB Tree Management Program – Mayor Wingfield\* (pp. 60-63)
- I. Bid for Tree Removal on Public Land\* (p. 64)
- J. 15 Birchwood Lane – Mayor Wingfield
- K. Mayor and Council Salary Adjustment – Councilmember McCarthy\* (p. 65)
- L. Hall’s March MOA – Councilmember McCarthy\* (pp. 66-67)
- M. New Council Workshop – Councilmember McCarthy\* (pp. 68-70)
- N. 232 Cedar Rental Property – Councilmember Foster
- O. Administrator Updates
  - a. City Engineer/Planner FRP Update
  - b. Tree Task Force Update
  - c. 2023 RCWD Stormwater Management Grant Program
  - d. Land Surveys (Ash Path and Feistner Beach)
  - e. Schedule Administrator’s Performance Review\* (p. 71)
  - f. Unpaid Utility Bill Letters Mailed
  - g. Staffing Update
  - h. Water Meter Installation Update
  - i. Maintenance updates

**ADJOURN**

\* Denotes items that have supporting documentation provided

For the Period : 10/7/2022 To 11/8/2022

<u>Name of Fund</u>	<u>Beginning Balance</u>	<u>Total Receipts</u>	<u>Total Disbursed</u>	<u>Ending Balance</u>	<u>Less Deposits In Transit</u>	<u>Plus Outstanding Checks</u>	<u>Total Per Bank Statement</u>
General Fund	\$617,515.95	\$11,908.85	\$35,594.26	\$593,830.54	\$1,813.14	\$18,756.43	\$610,773.83
Other Federal Programs	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Comp Plan Grant	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Special Rev Projects	\$2,895.69	\$525.00	\$300.00	\$3,120.69	\$525.00	\$300.00	\$2,895.69
CAPITAL PROJECT FUNDS (401 through 499)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Capital Project PW	\$115,498.31	\$0.00	\$0.00	\$115,498.31	\$0.00	\$0.00	\$115,498.31
Water	\$19,908.66	\$36,265.95	\$24,902.03	\$31,272.58	\$0.00	\$3,346.57	\$34,619.15
Sewer	\$85,273.24	\$21,122.35	\$12,216.88	\$94,178.71	\$0.00	\$6,079.97	\$100,258.68
Water Meter Upgrade Fees	(\$2,317.31)	\$2,317.31	\$0.00	\$0.00	\$2,317.31	\$0.00	(\$2,317.31)
American Rescue Act Proceeds	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$524.15	\$524.15
Engineering Services	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<b>Total</b>	<b>\$838,774.54</b>	<b>\$72,139.46</b>	<b>\$73,013.17</b>	<b>\$837,900.83</b>	<b>\$4,655.45</b>	<b>\$29,007.12</b>	<b>\$862,252.50</b>

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

Fund Name: All Funds

Date Range: 10/07/2022 To 11/08/2022

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Description</u>	<u>Void</u>	<u>Account Name</u>	<u>F-A-O-P</u>	<u>Total</u>
10/07/2022	Payroll Period Ending 10/07/2022	32165	Jim Rydeen- Maintenance	N	Parks	100-45207-100-	\$ 1,472.67
	<b>Total For Check</b>	<b>32165</b>					<b>\$ 1,472.67</b>
10/07/2022	Payroll Period Ending 10/07/2022	32166	Doug Hough, Maintenance	N	Parks	100-45207-100-	\$ 587.21
	<b>Total For Check</b>	<b>32166</b>					<b>\$ 587.21</b>
10/07/2022	Payroll Period Ending 10/07/2022	32167	Mary Cahill- Assistant Treasurer	N	Clerk - Treasurer	100-41401-100-	\$ 318.21
	<b>Total For Check</b>	<b>32167</b>					<b>\$ 318.21</b>
10/07/2022	Manship Plumbing & Heating Inc	32168	Standby - October, locates, city hall sink faucets, shutoff valves	N	Water Utility	601-43180-314-	\$ 700.00
		32168				601-43180-314-	\$ 360.00
		32168				601-43180-314-	\$ 220.00
	<b>Total For Check</b>	<b>32168</b>					<b>\$ 1,280.00</b>
10/07/2022	H.A. Kantrud, P.A.	32169	Attorney Services -Sept 2022	N	Legal Services	100-41601-300-	\$ 1,500.00
	<b>Total For Check</b>	<b>32169</b>					<b>\$ 1,500.00</b>
10/07/2022	City of White Bear Lake Fire	32170	Fire Srvc - Sept 2022	N	Fire	100-42201-314-	\$ 2,737.08
	<b>Total For Check</b>	<b>32170</b>					<b>\$ 2,737.08</b>
10/07/2022	Hough, Doug	32171	Gas for mowing	N	Parks	100-45207-314-	\$ 44.12
	<b>Total For Check</b>	<b>32171</b>					<b>\$ 44.12</b>
10/13/2022	Payroll Period Ending 10/13/2022	32172	Becky Kellen, City Administrator	N	Clerk - Treasurer	100-41401-100-	\$ 1,989.30
	<b>Total For Check</b>	<b>32172</b>					<b>\$ 1,989.30</b>
10/13/2022	Payroll Period Ending 10/13/2022	32173	Jackie Smith, Deputy Clerk	N	Clerk - Treasurer	100-41401-100-	\$ 485.30
	<b>Total For Check</b>	<b>32173</b>					<b>\$ 485.30</b>
10/13/2022	IRS - US Treasury	EFT10132022A*	Federal Taxes - Q3 2022 - Sept Payment	N	Clerk - Treasurer	100-41401-100-	\$ 977.88
		EFT10132022A*				100-41401-100-	\$ 228.70
		EFT10132022A*				100-41401-100-	\$ 380.75
	<b>Total For Check</b>	<b>EFT10132022A</b>					<b>\$ 1,587.33</b>
10/13/2022	MN Department of Revenue	EFT10132022B	MN State Tax eFiling - Q3 2022	N	Clerk - Treasurer	100-41401-115-	\$ 1,751.67
	<b>Total For Check</b>	<b>EFT10132022B</b>					<b>\$ 1,751.67</b>

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10/13/2022	MN Department of Labor and Industry	EFT10132022C	Building Permit Surcharge - Q3 2022	N	Building Inspections Administration	100-42401-437-	\$ 553.22
		<b>Total For Check</b>	<b>EFT10132022C</b>				<b>\$ 553.22</b>
10/13/2022	PERA	EFT10132022D	Retirement funds- Rebecca Kellen	N	Clerk - Treasurer	100-41401-121-	\$ 366.13
		<b>Total For Check</b>	<b>EFT10132022D</b>				<b>\$ 366.13</b>
10/19/2022	TSE, Inc. Work Account	32174*	Janitorial Services - 10/6, 9/15	N	General Government Buildings and Plant	100-41940-314-	\$ 50.00
		<b>Total For Check</b>	<b>32174</b>				<b>\$ 50.00</b>
10/19/2022	Toshiba America Business Solutions	32175*	Printer Maintenance - 10/09/22-11/08/22 Excess Usage charge \$14.99	N	Office Operations Supplies	100-41911-314-	\$ 25.61
		<b>Total For Check</b>	<b>32175</b>				<b>\$ 25.61</b>
10/19/2022	Press Publications	32176*	Ordinance Summary	N	Ordinances and Proceedings	100-41130-351-	\$ 76.28
		<b>Total For Check</b>	<b>32176</b>				<b>\$ 76.28</b>
10/19/2022	Brian Ogren	32177	Reissue check for Music In the Park 6/26/22. lost ck 31976	N	Recreation	210-45101-440-	\$ 300.00
		<b>Total For Check</b>	<b>32177</b>				<b>\$ 300.00</b>
10/19/2022	City of Roseville	32178*	IT charges Oct	N	General Government Buildings and Plant	100-41940-320-	\$ 386.13
		<b>Total For Check</b>	<b>32178</b>				<b>\$ 386.13</b>
10/19/2022	Kellen, Rebecca	32179*	Zoom	N	Unallocated Expenditures	100-49201-320-	\$ 16.09
		<b>Total For Check</b>	<b>32179</b>				<b>\$ 16.09</b>
10/19/2022	Gopher State One Call	32180*	email tickets	N	Utility Locates	605-42805-314-	\$ 47.25
		<b>Total For Check</b>	<b>32180</b>				<b>\$ 47.25</b>
10/19/2022	Companion Animal Control LLC	32181	Animal Control Services -Sep	N	Animal Control	100-41916-314-	\$ 80.00
		<b>Total For Check</b>	<b>32181</b>				<b>\$ 80.00</b>
10/19/2022	Metropolitan Council - Env. Service	32182*	Wastewater Service- Oct	N	Sewer Utility	605-43190-217-	\$ 5,105.97
		<b>Total For Check</b>	<b>32182</b>				<b>\$ 5,105.97</b>
10/19/2022	Minutes Solutions	32183*	Minutes for Sep 13 meetings	N	MISCELLANEOUS	100-49001-300-	\$ 200.00
		<b>Total For Check</b>	<b>32183</b>				<b>\$ 200.00</b>

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10/19/2022	AirFresh Industries, Inc.	32184*	Portable Restrooms- Oct Billing	N	Parks	100-45207-314-	\$ 162.50
	<b>Total For Check</b>	<b>32184</b>					<b>\$ 162.50</b>
10/19/2022	Stoltzman, Cris	32185	Videography - Council Mtgs, 10/11/2022 4.5 hrs	N	Cable Eqpmt and Service	100-41950-314-	\$ 103.50
	<b>Total For Check</b>	<b>32185</b>					<b>\$ 103.50</b>
10/19/2022	City of White Bear Lake	32186	Quarterly Water Billing 06/09-09/21	N	Water Utility	601-43180-314-	\$ 22,015.78
	<b>Total For Check</b>	<b>32186</b>					<b>\$ 22,015.78</b>
10/19/2022	Merrick Inc.	32187*	Q3 mailer & special mailing	N	Unallocated Expenditures	100-49201-430-	\$ 147.81
		32187*			Newsletter	601-41960-350-	\$ 184.32
	<b>Total For Check</b>	<b>32187</b>					<b>\$ 332.13</b>
10/19/2022	MENARD'S - OAKDALE	32188*	Supplies- for street marking	N	Streets and Road Mntnc	100-43101-220-	\$ 18.10
		32188*			Parks	100-45207-400-	\$ 14.97
		32188*				100-45207-400-	\$(14.98)
	<b>Total For Check</b>	<b>32188</b>					<b>\$ 18.09</b>
10/19/2022	USS Minnesota One MT LLC	32189*	Energy Charges - September	N	General Government Buildings and Plant	100-41940-380-	\$ 121.76
		32189*			Sewer Utility	605-43190-380-	\$ 324.68
		32189*				605-43190-380-	\$ 588.48
	<b>Total For Check</b>	<b>32189</b>					<b>\$ 1,034.92</b>
10/19/2022	Amazon	EFT10182022*	Office Supplies	N	Office Operations Supplies	100-41911-200-	\$ 13.98
	<b>Total For Check</b>	<b>EFT10182022</b>					<b>\$ 13.98</b>
10/19/2022	Birchwood Community Club	UNVOID 31615	CK # 31615 VOIDED in error, did clear bank on 12/7/21	N	General Government Buildings and Plant	100-41940-220-	\$ 45.70
	<b>Total For Check</b>	<b>UNVOID 31615</b>					<b>\$ 45.70</b>
10/26/2022	Payroll Period Ending 10/26/2022	32190	Tom Nitti, Bookkeeper/Asst Clerk	N	Clerk - Treasurer	100-41401-100-	\$ 495.14
	<b>Total For Check</b>	<b>32190</b>					<b>\$ 495.14</b>
10/26/2022	Payroll Period Ending 10/26/2022	32191	Jackie Smith, Deputy Clerk	N	Clerk - Treasurer	100-41401-100-	\$ 376.76
	<b>Total For Check</b>	<b>32191</b>					<b>\$ 376.76</b>
10/26/2022	Payroll Period Ending 10/26/2022	32192	Becky Kellen, City Administrator	N	Clerk - Treasurer	100-41401-100-	\$ 1,989.30
	<b>Total For Check</b>	<b>32192</b>					<b>\$ 1,989.30</b>

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10/27/2022	PERA	EFT10272022A*	Retirement funds- Rebecca Kellen	N	Clerk - Treasurer	100-41401-121-	\$ 366.13
		<b>Total For Check</b>	<b>EFT10272022A</b>				<b>\$ 366.13</b>
10/27/2022	PERA	EFT10272022B*	Retirement funds- Tom Nitti	N	Clerk - Treasurer	100-41401-121-	\$ 81.31
		<b>Total For Check</b>	<b>EFT10272022B</b>				<b>\$ 81.31</b>
10/28/2022	Xcel Energy	EFT10032022*	Street lighting 8/3/22 - 9/2/22	N	Street Lighting	100-43160-380-	\$ 1,493.33
		<b>Total For Check</b>	<b>EFT10032022</b>				<b>\$ 1,493.33</b>
10/28/2022	Xcel Energy	EFT10142022A*	407 Lake Ave 8/17/22-9/18/22	N	Sewer Utility	605-43190-380-	\$ 37.27
		<b>Total For Check</b>	<b>EFT10142022A</b>				<b>\$ 37.27</b>
10/28/2022	Xcel Energy	EFT10142022B*	200 Wildwood Ave 8/17/22-9/18/22	N	Sewer Utility	605-43190-380-	\$ 33.26
		<b>Total For Check</b>	<b>EFT10142022B</b>				<b>\$ 33.26</b>
10/28/2022	Xcel Energy	EFT10142022C*	210 Birchwood Ave 8/17/22-9/18/22	N	Water Utility	601-43180-380-	\$ 16.43
		<b>Total For Check</b>	<b>EFT10142022C</b>				<b>\$ 16.43</b>
10/28/2022	A T & T Mobility	EFT10222022*	Wireless for water tower- Oct 2-Nov 1	N	Water Utility	601-43180-382-	\$ 55.50
		<b>Total For Check</b>	<b>EFT10222022</b>				<b>\$ 55.50</b>
10/28/2022	Xcel Energy	EFT10282022*	Street lighting 9/3-10/02/22	N	Street Lighting	100-43160-380-	\$ 1,500.94
		<b>Total For Check</b>	<b>EFT10282022</b>				<b>\$ 1,500.94</b>
11/01/2022	Payroll Period Ending 11/01/2022	32193	Jim Rydeen, Maintenance	N	Parks	100-45207-100-	\$ 896.25
		<b>Total For Check</b>	<b>32193</b>				<b>\$ 896.25</b>
11/01/2022	Payroll Period Ending 11/01/2022	32194	Mary Cahill, Treasurer	N	Clerk - Treasurer	100-41401-100-	\$ 290.21
		<b>Total For Check</b>	<b>32194</b>				<b>\$ 290.21</b>
11/01/2022	Manship Plumbing & Heating Inc	32195	Standby - November, locates, turn off water, repair faucets at the hall	N	Water Utility	601-43180-314-	\$ 700.00
		32195				601-43180-314-	\$ 240.00
		32195				601-43180-314-	\$ 120.00
		32195				601-43180-314-	\$ 290.00
		<b>Total For Check</b>	<b>32195</b>				<b>\$ 1,350.00</b>
11/01/2022	City of White Bear Lake Fire	32196	Fire Srvc - Oct 2022	N	Fire	100-42201-314-	\$ 2,737.08

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		<b>Total For Check</b>	<b>32196</b>				<b>\$ 2,737.08</b>
11/01/2022	H.A. Kantrud, P.A.	32197	Attorney Services -Oct 2022	N	Legal Services	100-41601-300-	\$ 1,500.00
		<b>Total For Check</b>	<b>32197</b>				<b>\$ 1,500.00</b>
11/02/2022	TA Schifsky & Sons, Inc.	32198*	Misc crack filling	N	Streets and Road Mntnc	100-43101-314-	\$ 4,800.00
		<b>Total For Check</b>	<b>32198</b>				<b>\$ 4,800.00</b>
11/02/2022	Press Publications	32199*	Election Notice	N	Elections	100-41410-351-	\$ 305.12
		<b>Total For Check</b>	<b>32199</b>				<b>\$ 305.12</b>
11/02/2022	White Bear Township	32200*	Contracted Services - Sep	N	Sewer Utility	605-43190-314-	\$ 164.69
		<b>Total For Check</b>	<b>32200</b>				<b>\$ 164.69</b>
11/02/2022	TSE, Inc. Work Account	32201*	Janitorial Services - 10/20	N	General Government Buildings and Plant	100-41940-314-	\$ 25.00
		<b>Total For Check</b>	<b>32201</b>				<b>\$ 25.00</b>
11/03/2022	Kodiak Power Solutions	32202*	Lift Maint & Insp - Lake Ave & Wildwood Lifts	N	Sewer Utility	605-43190-314-	\$ 376.98
		32202*				605-43190-314-	\$ 376.98
		<b>Total For Check</b>	<b>32202</b>				<b>\$ 753.96</b>
11/03/2022	Thatcher Engineering, Inc	32203*	City Engineer - engineering services	N	Engineer Service	100-41650-300-	\$ 300.00
		32203*				100-41650-300-	\$ 150.00
		32203*				100-41650-300-	\$ 200.00
		32203*				100-41650-300-	\$ 600.00
		<b>Total For Check</b>	<b>32203</b>				<b>\$ 1,250.00</b>
11/03/2022	Kellen, Rebecca	32204*	Zoom	N	Unallocated Expenditures	100-49201-320-	\$ 16.09
		<b>Total For Check</b>	<b>32204</b>				<b>\$ 16.09</b>
11/03/2022	Gopher State One Call	32205*	email tickets	N	Utility Locates	605-42805-314-	\$ 55.35
		<b>Total For Check</b>	<b>32205</b>				<b>\$ 55.35</b>
11/03/2022	AirFresh Industries, Inc.	32206*	Portable Restrooms- Nov Billing	N	Parks	100-45207-314-	\$ 162.50
		<b>Total For Check</b>	<b>32206</b>				<b>\$ 162.50</b>
11/03/2022	Metropolitan Council - Env. Service	32208*	Wastewater Service- Nov	N	Sewer Utility	605-43190-217-	\$ 5,105.97
		<b>Total For Check</b>	<b>32208</b>				<b>\$ 5,105.97</b>



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11/03/2022	PERA	EFT11032022A*	Retirement funds- James Rydeen	N	Parks	100-45207-121-	\$ 152.10
		<b>Total For Check</b>	<b>EFT11032022A</b>				<b>\$ 152.10</b>
11/04/2022	Transfer	Transfer110420;	Per Council meeting on 10/11/2022- zero out water meter upgrade transfer from water fund.	N	Transfer To Enterprise Fund	100-49365-720-	\$ 2,317.31
		<b>Total For Check</b>	<b>Transfer110420;</b>				<b>\$ 2,317.31</b>
<b>Total For Selected Checks</b>							<b>\$ 73,013.17</b>

Fund Name: All Funds

Date Range: 10/07/2022 To 11/08/2022

<u>Date</u>	<u>Remitter</u>	<u>Receipt #</u>	<u>Description</u>	<u>Deposit ID</u>	<u>Void</u>	<u>Account Name</u>	<u>F-A-P</u>	<u>Total</u>
10/07/2022	Arko Exteriors, Inc	171735626*	BP# 2022-129, 620 Birchwood Ave	(10/07/2022) -	N	Building Permits	100-32211-	\$ 331.25
								<b>\$ 331.25</b>
10/07/2022	The Construction Group	171735631*	BP2022-130, 2 White Pine	(10/07/2022) -	N	Building Permits	100-32211-	\$ 229.66
								<b>\$ 229.66</b>
10/10/2022	Charter, Nathan	171735632*	BP2022-133, 15 Oakridge	(10/10/2022) -	N	Building Permits	100-32211-	\$ 215.25
								<b>\$ 215.25</b>
10/10/2022	Jeppesen, Jason	171735633*	BP2022-132, 697 Hall	(10/10/2022) -	N	Building Permits	100-32211-	\$ 563.25
								<b>\$ 563.25</b>
10/11/2022	Voyager Siding Inc	171735634*	BP2022-135, 287 Jay St	(10/11/2022) -	N	Building Permits	100-32211-	\$ 287.45
								<b>\$ 287.45</b>
10/12/2022	MN Management & Budget	171735639*	Fines	(10/12/2022) -	N	Court Fines	100-35101-	\$ 216.63
								<b>\$ 216.63</b>
10/13/2022	Twin City Homeworks LLC	171735627*	BP#2022-126, 5 Oaks Lane	(10/13/2022) -	1	N Building Permits	100-32211-	\$ 316.75
								<b>\$ 316.75</b>
10/13/2022	Birchwood Community Club	171735628*	Donation for Bench on Jay Path	(10/13/2022) -	1	N Contributions and Donations from Private Sources	100-36230-	\$ 2,150.00
								<b>\$ 2,150.00</b>
10/13/2022	Bear Roofing & Exteriors	171735629*	BP#2022-127, 24 Oakridge	(10/13/2022) -	1	N Building Permits	100-32211-	\$ 345.75
								<b>\$ 345.75</b>
10/13/2022	American Eagle Home Improvement	171735635*	BP2022-136, 136 Wildwood	(10/13/2022) -	N	Building Permits	100-32211-	\$ 302.25
								<b>\$ 302.25</b>
10/13/2022	Preisler Company LLC	171735636*	BP2022-134, 9 Oakridge Drive	(10/13/2022) -	N	Building Permits	100-32211-	\$ 414.72

Fund Name: All Funds

Date Range: 10/07/2022 To 11/08/2022

<u>Date</u>	<u>Remitter</u>	<u>Receipt #</u>	<u>Description</u>	<u>Deposit ID</u>	<u>Void</u>	<u>Account Name</u>	<u>F-A-P</u>	<u>Total</u>
								<u>\$ 414.72</u>
10/14/2022	Twin Cities Siding Prof	171735637*	BP2022-139, 22 Oakridge	(10/14/2022) -	N	Building Permits	100-32211-	\$ 200.50
								<u>\$ 200.50</u>
10/17/2022	Drain Pro Plumbing	171735638*	BP2022-140, 701 Hall	(10/17/2022) -	N	Building Permits	100-32211-	\$ 20.50
								<u>\$ 20.50</u>
10/19/2022	Walker Roofing	171735630*	BP2022-137 121 Wildwood	(10/19/2022) - 1	N	Building Permits	100-32211-	\$ 171.63
								<u>\$ 171.63</u>
10/19/2022	Vibar, James	171735640*	BP2022-141, 453 Lake	(10/19/2022) -	N	Building Permits	100-32211-	\$ 758.75
								<u>\$ 758.75</u>
10/20/2022	MSP Plumbing, Heating & Air	171735641*	BP2022-142, 613 Wildwood	(10/20/2022) -	N	Building Permits	100-32211-	\$ 31.10
								<u>\$ 31.10</u>
10/24/2022	G and H Heating & Air	171735642*	BP2022-143, 515 Lake	(10/24/2022) -	N	Building Permits	100-32211-	\$ 62.00
								<u>\$ 62.00</u>
10/24/2022	Tacheny Exteriors	171735643*	BP2022-138, 517 Wildwood	(10/24/2022) -	N	Building Permits	100-32211-	\$ 272.93
								<u>\$ 272.93</u>
10/27/2022	Art Group	171735644*	Art Group Hall Rental	(10/27/2022) - 1	N	City/Town Hall Rent	100-34101-	\$ 10.00
								<u>\$ 10.00</u>
10/27/2022	Andrew Sorenson Construction	171735645*	Hall Rental	(10/27/2022) - 1	N	City/Town Hall Rent	100-34101-	\$ 25.00
								<u>\$ 25.00</u>
10/27/2022	Bear Roofing Exteriors	171735646*	BP2022-131, 1 Oakhill	(10/27/2022) - 1	N	Building Permits	100-32211-	\$ 331.25
								<u>\$ 331.25</u>
10/27/2022	Bear Roofing & Exteriors	171735647*	BP2022-145, 417 Birchwood	(10/27/2022) - 1	N	Building Permits	100-32211-	\$ 316.75
								<u>\$ 316.75</u>

Fund Name: All Funds

Date Range: 10/07/2022 To 11/08/2022

<u>Date</u>	<u>Remitter</u>	<u>Receipt #</u>	<u>Description</u>	<u>Deposit ID</u>	<u>Void</u>	<u>Account Name</u>	<u>F-A-P</u>	<u>Total</u>
10/31/2022	Residents - via St Anthony Village	171735648	Utility Billing- October	(10/31/2022) - 1	N	Water Consumption	601-37111-	\$ 23,826.26
						Water Utility User Fee	601-37112-	\$ 5,812.46
						Water Main-break Surcharge	601-37113-	\$ 5,253.41
						Meter Upgrade Fees	601-37114-	\$ 349.63
						Special Water Charges	601-37115-	\$ 60.00
						State Surcharge	601-37116-	\$ 566.08
						Penalties and Forfeited Discounts	601-37160-	\$ 398.11
						Sewer Consumption	605-37211-	\$ 11,804.26
						Sewer Minimum Charge	605-37212-	\$ 9,015.37
						Penalties and Forfeited Discounts	605-37260-	\$ 302.72
								<b>\$ 57,388.30</b>
10/31/2022	4 M Fund	171735653	Interest	(10/31/2022) -	N	Interest Earning	100-36210-	\$ 2,272.20
								<b>\$ 2,272.20</b>
11/01/2022	Swanson, Charles	171735649*	BP2022-26A, 421 Birchwood CT	(11/01/2022) -	N	Building Permits	100-32211-	\$ 34.60
								<b>\$ 34.60</b>
11/01/2022	Apollo Heating & Plumbing	171735650*	BP2022-145, 529 Lake	(11/01/2022) -	N	Building Permits	100-32211-	\$ 117.55
								<b>\$ 117.55</b>
11/01/2022	Binder Heating & Air Conditioning	171735651*	BP2022-151, 268 Wildwood	(11/01/2022) -	N	Building Permits	100-32211-	\$ 63.50
								<b>\$ 63.50</b>
11/02/2022	Transfer	171735652	Transfer from general fund to zero out water meter fund per council 10/11/22 meeting	(11/02/2022) -	N	Transfer From General Fund	620-39201-	\$ 2,317.31
								<b>\$ 2,317.31</b>
11/03/2022	Birchwood Dock Association	171735654*	BDA Boat Slip Payment	(11/03/2022) - 1	N	Dock/Lift Permit Fee	210-32260-	\$ 525.00
								<b>\$ 525.00</b>
11/03/2022	Buildtec Contracting Co	171735655*	BP2022-149, 525 Lake Ave	(11/03/2022) - 1	N	Building Permits	100-32211-	\$ 258.31
								<b>\$ 258.31</b>

Fund Name: All Funds

Date Range: 10/07/2022 To 11/08/2022

<u>Date</u>	<u>Remitter</u>	<u>Receipt #</u>	<u>Description</u>	<u>Deposit ID</u>	<u>Void</u>	<u>Account Name</u>	<u>F-A-P</u>	<u>Total</u>
11/03/2022	Bear Roofing & Exteriors	171735656*	BP2022-150, 200 Wildwood	(11/03/2022) - 1	N	Building Permits	100-32211-	\$ 436.05
								<hr/> <b>\$ 436.05</b> <hr/>
11/03/2022	Martin Plumbing	171735657*	BP2022-147, 529 Lake	(11/03/2022) - 1	N	Building Permits	100-32211-	\$ 204.45
								<hr/> <b>\$ 204.45</b> <hr/>
11/03/2022	WS&D Permit Service	171735658*	BP2022-153, 31 Birchwood	(11/03/2022) - 1	N	Building Permits	100-32211-	\$ 698.68
								<hr/> <b>\$ 698.68</b> <hr/>
11/04/2022	4 M Fund	171735659*	Interest	(11/04/2022) -	N	Interest Earning	100-36210-	\$ 250.14
								<hr/> <b>\$ 250.14</b> <hr/>
<b>Total for Selected Receipts</b>								<hr/> <b>\$ 72,139.46</b> <hr/>

As on 11/8/2022

## Special Rev Projects

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
<b>Receipts:</b>			
Dock/Lift Permit Fee	0.00	16,275.00	16,275.00
<b>Total Acct 322</b>	<b>0.00</b>	<b>16,275.00</b>	<b>16,275.00</b>
<b>Total Revenues</b>	<b>0.00</b>	<b>16,275.00</b>	<b>16,275.00</b>
<b>Other Financing Sources:</b>			
<b>Total Other Financing Sources</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
<b>Disbursements:</b>			
Engineer Service			
PROFESSIONAL SERVICES (301 through 319)	0.00	4,900.00	(4,900.00)
<b>Total Acct 416</b>	<b>0.00</b>	<b>4,900.00</b>	<b>(4,900.00)</b>
Recreation			
Miscellaneous (431 through 499)	0.00	200.00	(200.00)
Community Events	0.00	3,000.00	(3,000.00)
<b>Total Acct 451</b>	<b>0.00</b>	<b>3,200.00</b>	<b>(3,200.00)</b>
Parks			
Miscellaneous (431 through 499)	0.00	500.00	(500.00)
Other Equipment	0.00	1,280.00	(1,280.00)
<b>Total Acct 452</b>	<b>0.00</b>	<b>1,780.00</b>	<b>(1,780.00)</b>
Unallocated Expenditures			
Miscellaneous (431 through 499)	0.00	800.00	(800.00)
<b>Total Acct 492</b>	<b>0.00</b>	<b>800.00</b>	<b>(800.00)</b>
<b>Total Disbursements</b>	<b>0.00</b>	<b>10,680.00</b>	<b>(10,680.00)</b>
<b>Other Financing Uses:</b>			
Transfer To Enterprise Fund			
Interfund Transfers	0.00	15,000.00	(15,000.00)
<b>Total Acct 493</b>	<b>0.00</b>	<b>15,000.00</b>	<b>(15,000.00)</b>
<b>Total Other Financing Uses</b>	<b>0.00</b>	<b>15,000.00</b>	<b>(15,000.00)</b>
<b>Beginning Cash Balance</b>		<b>12,525.69</b>	
<b>Total Receipts and Other Financing Sources</b>		<b>16,275.00</b>	
<b>Total Disbursements and Other Financing Uses</b>		<b>25,680.00</b>	
<b>Cash Balance as of 11/08/2022</b>		<b>3,120.69</b>	

As on 11/8/2022

Capital Project PW

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
<b>Receipts:</b>			
<b>Total Revenues</b>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
<b>Other Financing Sources:</b>			
<b>Total Other Financing Sources</b>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
<b>Disbursements:</b>			
General Government Buildings and Plant			
PROFESSIONAL SERVICES (301 through 319)	0.00	3,200.00	(3,200.00)
Contracted Services	0.00	4,917.00	(4,917.00)
<b>Total Acct 419</b>	<u>0.00</u>	<u>8,117.00</u>	<u>(8,117.00)</u>
<b>Total Disbursements</b>	<u>0.00</u>	<u>8,117.00</u>	<u>(8,117.00)</u>
<b>Other Financing Uses:</b>			
<b>Total Other Financing Uses</b>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
<b>Beginning Cash Balance</b>		<b>123,615.31</b>	
<b>Total Receipts and Other Financing Sources</b>		<b>0.00</b>	
<b>Total Disbursements and Other Financing Uses</b>		<u><b>8,117.00</b></u>	
<b>Cash Balance as of 11/08/2022</b>		<b>115,498.31</b>	

As on 11/8/2022

Water

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
<b>Receipts:</b>			
Penalty - Late Water/Sewer	0.00	202.57	202.57
<b>Total Acct 341</b>	<b>0.00</b>	<b>202.57</b>	<b>202.57</b>
Miscellaneous	0.00	3,056.14	3,056.14
<b>Total Acct 361</b>	<b>0.00</b>	<b>3,056.14</b>	<b>3,056.14</b>
Water Consumption	0.00	79,947.70	79,947.70
Water Utility User Fee	0.00	30,388.79	30,388.79
Water Main-break Surcharge	0.00	15,693.50	15,693.50
Meter Upgrade Fees	0.00	1,091.24	1,091.24
Special Water Charges	0.00	1,021.37	1,021.37
State Surcharge	0.00	3,047.74	3,047.74
Certified Bills Collections	0.00	25.00	25.00
Administrative Fee Move/Out	0.00	199.16	199.16
Penalties and Forfeited Discounts	0.00	737.19	737.19
<b>Total Acct 371</b>	<b>0.00</b>	<b>132,151.69</b>	<b>132,151.69</b>
<b>Total Revenues</b>	<b>0.00</b>	<b>135,410.40</b>	<b>135,410.40</b>
<b>Other Financing Sources:</b>			
<b>Total Other Financing Sources</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
<b>Disbursements:</b>			
Financial Administration			
Contracted Services	0.00	4,355.48	(4,355.48)
<b>Total Acct 415</b>	<b>0.00</b>	<b>4,355.48</b>	<b>(4,355.48)</b>
Office Operations Supplies			
Operating Supplies (211 through 219)	0.00	210.40	(210.40)
Newsletter			
Printing and Binding (351 through 359)	0.00	551.04	(551.04)
<b>Total Acct 419</b>	<b>0.00</b>	<b>761.44</b>	<b>(761.44)</b>
Water Utility			
Repair and Maintenance Supplies (221 through 229)	0.00	894.29	(894.29)
Contracted Services	0.00	73,760.27	(73,760.27)
Utility Services (381 through 389)	0.00	19,153.43	(19,153.43)
Utility Services: Water	0.00	733.12	(733.12)
Miscellaneous (431 through 499)	0.00	1,571.42	(1,571.42)
Fees	0.00	2,580.00	(2,580.00)
Wtr/Swr Emergency			
Repair and Maintenance Supplies (221 through 229)	0.00	700.00	(700.00)
PROFESSIONAL SERVICES (301 through 319)	0.00	784.58	(784.58)
Contracted Services	0.00	17,776.75	(17,776.75)
<b>Total Acct 431</b>	<b>0.00</b>	<b>117,953.86</b>	<b>(117,953.86)</b>
MISCELLANEOUS			
Fees	0.00	23.96	(23.96)
<b>Total Acct 490</b>	<b>0.00</b>	<b>23.96</b>	<b>(23.96)</b>
<b>Total Disbursements</b>	<b>0.00</b>	<b>123,094.74</b>	<b>(123,094.74)</b>
<b>Other Financing Uses:</b>			
<b>Total Other Financing Uses</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
<b>Beginning Cash Balance</b>		<b>18,956.92</b>	
<b>Total Receipts and Other Financing Sources</b>		<b>135,410.40</b>	
<b>Total Disbursements and Other Financing Uses</b>		<b>123,094.74</b>	



As on 11/8/2022

Water

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Cash Balance as of 11/08/2022		31,272.58	

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

**MINUTES OF THE CITY COUNCIL MEETING  
OCTOBER 11, 2022, 7:00 P.M.**

**MEMBERS:**

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

**STAFF:**

Becky Kellen	City Administrator
H. Alan Kantrud	City Attorney

**GUESTS:**

Greg Peterson	Fire Chief, White Bear Lake Fire Department
Paul Merwin	Attorney, League of Minnesota Cities
Ryan Hankins	Chair, Planning Commission

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

**1. CALL TO ORDER**

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

**2. PLEDGE OF ALLEGIANCE**

**3. APPROVAL OF AGENDA**

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

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

- Computer Security
- Emerald Ash Borer Management Program
- Letter to Rice Creek Watershed District (RCWD)
- RFP for City Engineer
- Water Meter Installation Update
- 15 Birchwood Lane
- Tree Removal Bids
- City Hall Update
- Excel Road Repair
- City Clerk Contract Correction

**4. OPEN PUBLIC FORUM**

**Barton Winter, 1 Five Oaks Lane**, requested that the corner boards at the rink be replaced before the upcoming winter season, and offered to flood the rink.

**James Nelson, 256 Wildwood Avenue**, expressed concern regarding the role of politics in the community and the city's complaints-driven policy.

**5. ANNOUNCEMENTS**

- A. Truth in Taxation Hearing:** The hearing is scheduled to be held at City Hall on December 13, 2022, at 7:00 p.m.
- B. Canvassing Board Meeting:** The meeting is scheduled in conjunction with the Council meeting to be held on November 15, 2022, at 7:00 p.m.
- C. City Engineer Retirement:** Steve Thatcher, the City Engineer, will be retiring effective April 26, 2023.

**6. ADMINISTRATIVE PRESENTATION**

- A. 2023 TNT Summary Budget and Supplemental Mailing Info:** The \$1,500 dock fee revenue and \$10,000 for the emerald ash borers are non-levy items that were erroneously allocated as levy items due to a scrivener's error.
- B. Planning Commission Meeting Minutes:** *ACTION – The Planning Commission will review the Council's notes regarding the proposed code changes and present any implementations to the Council at the next Council meeting.*

*ACTION – Becky Kellen will remove the Planning Commission meeting minutes from Council meeting packages moving forward and only circulate them to the Council for review via e-mail and for posting on the city's website for residents to view.*

The minutes of the Planning Commission meeting held on April 28, 2022, were provided for the Council's review.

**7. CITY BUSINESS – CONSENT AGENDA**

**On a motion made by Councilmember Woolstencroft, seconded by Councilmember McCarthy, it was resolved to approve the consent agenda except for items A and C, as amended. All in favor; motion carried.**

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

**On a motion made by Councilmember McCarthy, seconded by Councilmember Foster, it was resolved to approve the Treasurer's Report for the period ending October 6, 2022. All in favor; motion carried.**

**On a motion made by Councilmember McCarthy, seconded by Councilmember Fleck, it was resolved to approve the allocation of the American Rescue Act fund balance of \$524.15 to the deficit of \$2,317.31 for the water meter upgrade fees, with the remaining deficit to be covered by a transfer of funds from the general fund. All in favor; motion carried.**

*ACTION – Becky Kellen will clarify with the animal rescue service that cat pick-up is not included in the city’s contract and the city is not to be charged for any cat pick-ups.*

*ACTION – Becky Kellen will consult with Mary Cahill for clarification regarding the high sewer charge for White Bear Township.*

**B. Approval of the September Council Meeting Minutes:** The minutes of the Council meeting held on September 13, 2022, were provided for the Council’s review and approval.

**C. Approval of the 2023 Birchwood Dock Association (BDA) White Bear Lake Conservation District (WBLCD) Application:**

**On a motion made by Councilmember McCarthy, seconded by Councilmember Fleck, it was resolved to approve the BDA’s WBLCD application as presented. Mayor Wingfield opposed; motion carried.**

The BDA held a meeting and agreed to continue with the docks at 128 feet; however, the Council approved the docks at 128 feet on the condition that the docks return to 116 feet in 2023. Councilmember Fleck suggested establishing guidelines to base the dock length on the lake water level.

**Nick Nephew, 20 Birchwood Avenue**, agreed with Councilmember Fleck’s suggestion regarding the lake water level. He reported that the docks can be reduced to 116 feet in 2024 as there are two boats with a one-year term remaining and the BDA does not have a process to eliminate boaters prematurely. He confirmed that the Birch dock will continue to be located 10 feet to the west as requested by Council moving forward.

**Mayor Wingfield** noted that the dock was extended in 2018, 2019, and 2020, to accommodate the two aforementioned boats and expressed concern regarding the Council rewarding a decision that was made by the BDA without the Council’s knowledge and consent. Mayor Wingfield was not willing to provide retroactive consent for one more year given that the dock was not originally authorized by Council.

**D. Approval of the Snowplow Contract:** The contract with BrightView Landscapes is effective during the winter season 2023.

**E. Approval of Resolution 2022-13 – Birchwood Village November Election Judge Resolution:** The resolution appointed election judges for the November 8, 2022, state general election.

**F. Approval of Surveyor for Ash Path Property Survey:** The Council approved the subcontracting of Lake and Land Surveying Inc. by Thatcher Engineering Inc.

**8. CITY BUSINESS – REGULAR AGENDA**

**A. White Bear Lake Fire Department Update**

Greg Peterson, the Fire Chief of the White Bear Lake Fire Department provided an update and highlighted the following:

- There was a 14% increase in call volume in 2021 and an 8% increase in call volume in 2022 with an estimated 5,312 calls for service in 2022.
- The call volume is expected to continue to rise year-over-year due to density and the aging population, with the majority of calls related to medical assistance.
- Staffing level is usually between four to eight people between firefighters, paramedics, captains, and chief officers. The fire department is continuing to hire full-time firefighters and paramedics.
- There is an average of 14 calls per day with an average response time of six minutes and 10 seconds.
- The fire department recently implemented a rule that the last available ambulance is reserved to provide service directly to the communities served.
- The fire department started a rescue training program.
- The Public Safety Facility renovation will replace the current fire station and add a police garage. Bids were opened on October 11, 2022, and construction will begin in March 2023 for completion in June 2024.

**B. First Reading of Fee Schedule**

*ACTION – Becky Kellen will include the fee schedule for public hearing and second reading at the next Council meeting.*

Mayor Wingfield suggested increasing the water utility user fee from \$25 to \$35 per quarter, as per Shelly Rueckert, to decrease the water main break surcharge fees. The Council agreed that the administrative fee for dog licenses will be \$25 to account for the city administrator's time.

The Council requested the following amendments to the fee schedule:

- Section 605.021.2, second paragraph, replace “every third year” with “on a three-year schedule starting 2022”.
- Section 607.490, remove “camping” as the city does not issue camping permits.

**C. Tree Inspection Update**

John Lund reported high volumes of emerald ash borers on the south side of Birchwood, which resulted in a stop to the tree inspections. Additional information from the Tree Task Force will be provided to Council at the next Council meeting.

**D. 2023 RCWD Stormwater Management Grant Program**

The RCWD has offered up to an additional \$100,000 to supplement the grant for the sewer lift station. Councilmember Mark Foster will spearhead the application.

**E. Speed and Danger on Birchwood Streets**

*ACTION – Councilmember Fleck will reach out to the Minnesota Department of Transportation (MnDOT) to discuss Birchwood’s options to address speeding in small communities.*

Councilmember Fleck reported that speeding on Wildwood Avenue is an ongoing issue that poses safety risks to children. Residents have expressed concern regarding pedestrians being unable to safely access city amenities such as the park and lake. The Council discussed whether to perform a traffic study to confirm a speeding and volume issue.

The Council agreed to remove all cones on Hall Avenue citing right-of-way for snowplows during the upcoming winter season and to ensure adequate space for vehicles to maneuver around pedestrians.

**F. Feistner Beach Update**

H. Alan Kantrud provided an update on the title project for Curt Feistner Memorial Preserve. The Council must undergo registration, which will likely include a court order.

**G. Tree Inspector Resignation and RFP**

This item was deferred as the next tree inspection will be in the spring or summer of 2023.

**H. Approval of Hiring of Bookkeeper**

*ACTION – Becky Kellen will provide the Council with an update regarding the new bookkeeper’s onboarding process after two weeks.*

A background check on the new bookkeeper was initiated and results are pending. The new bookkeeper’s contract with the city of Birchwood will take effect on October 13, 2022, and will include up to 24 hours of work per week at a rate of \$23 per hour.

The Council agreed to revert to open office days on Tuesdays and Thursdays only and by appointment.

**I. Crack and Seal Partnership Opportunity**

**On a motion made by Mayor Wingfield, seconded by Councilmember McCarthy, it was resolved to authorize T.A. Shifsky & Sons to continue crack sealing at a cost not to exceed \$5,000. All in favor; motion carried.**

The Council noted it would not partner with Washington County on its crack sealing program, citing higher costs through the county.

**J. Computer Security**

*ACTION – Becky Kellen will work with Councilmember McCarthy to determine whether a third computer should be registered on the Metro-INET network.*

Metro-INET does not prevent phishing scams and comparative cybersecurity is provided through Microsoft Office. Becky Kellen noted that Metro-INET offers technical support in addition to cybersecurity.

**K. Emerald Ash Borer Management Program**

*ACTION – Mayor Wingfield will provide Becky Kellen with Lamberton’s management plan for the Council’s review for implementation while awaiting updates from the Tree Task Force.*

The emerald ash borer grant is \$10,000 but requires a management plan. The grant money will be allocated to tree removal.

**L. Letter to Rice Creek Watershed District**

Ruth Jensen reported that the RCWD drafted a memorandum of agreement (MOA) stating that sediment from the entrance of Hall’s Marsh would be removed on the condition that the Council removes all objections to emptying Priebe Lake, and that the city will maintain the vegetation in the marsh; however, there was no mention of an easement and a maintenance agreement.

The RCWD stated that the water from Priebe Lake would be treated water that runs to Hall’s Marsh; however, Ruth Jensen noted that Priebe Lake is not large or deep enough to serve as a treatment facility, which the RCWD is aware of.

The Council reported that meeting minutes from the 1970s indicate that the RCWD assured Birchwood Village that it would maintain Hall’s Marsh in order to obtain permission to use the easement for Priebe Lake.

The Council noted that the RCWD is only focusing on sediment in the outlet and the chemicals found from the water testing. The RCWD intends to clear the source of the chemicals before clearing Hall’s Marsh of the chemicals. The MOA also includes a plan to clear sediment every five years. The Council expressed concern that the MOA includes an obligation for the RCWD to investigate the water issues but no obligation to take action to mediate the water issues.

The Council authorized Councilmember McCarthy, Ruth Jensen, and Bud Jensen to draft a proposed counter plan for the easement agreement between the RCWD and the city, to be reviewed by the City Attorney.

**M. RFP for City Engineer**

*ACTION – Becky Kellen will obtain an RFP for a city engineer, and a planner if possible, from the League of Minnesota Cities in preparation for the Council to interview candidates in January 2023.*

**N. Water Meter Update**

**On a motion made by Councilmember McCarthy, seconded by Councilmember Fleck, it was resolved to approve issuing a letter to respective homeowners stating that the new Kamstrup water meters designated by the Council to transmit to the city's water towers must be installed by November 1, 2022, as per city code 201.080, failing which homeowners will risk a citation. All in favor; motion carried.**

*ACTION – Becky Kellen will confirm with John Manship as to how his fees are being charged to homeowners.*

*ACTION – Becky Kellen will issue a notice to homeowners with outstanding water meter installations that the new water meter must be installed by November 1, 2022, failing which the homeowner will be fined.*

One resident is adamantly against the installation of the new water meter due to concerns of radiotelemetry waves. Mayor Wingfield reported that Shelly Rueckert confirmed the resident can install a generic water meter but must provide a picture every quarter. There will be an additional charge to accommodate the resident's request and the water bill will be processed separately from other resident bills.

The Council agreed that the basis for some of the fines will be the fees incurred for John Manship's time at a rate of \$110 per hour.

**O. Impervious Surface Excess – 15 Birchwood Lane**

The homeowner of 15 Birchwood Lane provided a certificate of survey; however, clarifications regarding the rip rap and the deck are required. Becky Kellen is in the process of drafting a letter to the homeowner of 15 Birchwood Lane regarding three issues, including the ponding on the road, unclear impervious surface calculations based on the certificate of survey, and two water meter issues. The letter will be sent by October 14, 2022.

**P. Tree Removal Bids**

*ACTION – Councilmember Fleck will conduct a walk around with Steve Dean and John Lund to obtain bids to drop and stack, as well as drop and remove, the trees identified for immediate removal due to danger risks for presentation for approval to the Council at the next Council meeting.*

John Lund is prevented by law, as a result of the emerald ash borer grant monies, to provide a tree removal bid.

Only the trees identified by John Lund as posing a danger to roads and pedestrians will be removed. The respective trees will need to be demarcated separately to distinguish from other marked trees.

**Q. City Hall Update**

The updates to City Hall have been well received by residents.



**R. Xcel Energy Road Repair**

*ACTION – If road repairs are not completed by October 15, 2022, Becky Kellen will send a letter to Xcel Energy on October 17, 2022, advising that the city will charge a fine of \$100 per day for non-compliance until the road is repaired.*

The road by Cedar Avenue has not been repaired since May 2022. Steve Thatcher informed Xcel Energy that the city will charge \$100 per day for non-compliance and that the permit issued by the city to the vendor has expired. Xcel Energy informed Becky Kellen that the repairs will be completed by October 15, 2022.

**S. City Clerk Contract Correction**

H. Alan Kantrud reported he is working on eliminating a specific federal declaration as by law it does not apply to the City Administrator.

**9. CLOSED MEETING**

**On a motion made by Councilmember McCarthy, seconded by Councilmember Fleck, it was resolved to close the open Council meeting to recess to the closed Council meeting as permitted by attorney-client privilege to discuss active litigation pursuant to Minnesota Statute Chapter 13D subd. 3(b). All in favor; motion carried.**

The closed meeting will include an update regarding the status of the lawsuit for a building permit request for the Nickolaus residence to build one foot away from the neighbor’s property line, and a second lawsuit for a building permit request for the Barthel residence to exceed the impervious surface allowance.

Mayor Wingfield reported it is a closed meeting as the nature of privacy far outweighs the matter of keeping the meeting open in a balancing act. Actionable decisions that will affect any resident’s property rights will be taken in the open meeting.

The meeting recessed to a closed meeting at 8:03 p.m. and reconvened at 8:33 p.m.

**10. ADJOURNMENT**

**On a motion made by Councilmember Fleck, seconded by Councilmember Foster and carried unanimously, it was agreed that there was no further business of the Council to transact; the meeting was closed at 10:23 p.m. by Mayor Wingfield.**

**DISCLAIMER**

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

\_\_\_\_\_  
Mayor Mary Wingfield

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

**RESOLUTION 2022-14**

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

**A RESOLUTION SUSPENDING CITY ORDINANCE  
SECTION 609.020 FOR SPECIAL BOW HUNT**

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

**WHEREAS**, the deer herd in Birchwood Village is estimated to be three (3) times the recommended size by the Minnesota Department of Natural Resources (DNR) for the City; and

**WHEREAS**, the City Council has approved a contract with Metro Bowhunters Resource Base (MBRB) to thin the deer herd in Birchwood Village; and

**WHEREAS**, City Ordinance Section 609.020 prohibits hunting within the City by any means.

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

1. Section 609.020 of the Birchwood Village City Code be suspended for the duration of the 2022 special archery deer hunt as authorized by the City Council for bow hunters from MBRB authorized by the City.
2. Hunting be confined to designated hunt zone only.

Voting in Favor:

Voting Against:

Resolution duly seconded and passed this 15<sup>th</sup> day of November, 2022.

Attest:

\_\_\_\_\_  
Mary Wingfield, Mayor

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

**RESOLUTION 2022-15**

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

**APPROVING THE HIRING AND APPOINTMENT OF MARY CAHILL AS  
CITY TREASURER, EFFECTIVE NOVEMBER 15, 2022.**

At a regular meeting of the City Council of the City of Birchwood Village held on Tuesday, November 15, 2022, at Birchwood City Hall, 207 Birchwood Avenue, Birchwood, Minnesota, with the following members present: Mayor Mary Wingfield, Councilmembers Mark Foster, Justin McCarthy, Jon Fleck, and Kevin Woolstencroft, and the following absent: none, the Birchwood City Council resolved:

**WHEREAS,** The City of Birchwood Village will employ Mary as City Treasurer for 10 hours/month; and

**WHEREAS,** The City of Birchwood Village will compensate Mary Cahill at a rate of pay of \$8.70/hour

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Birchwood Village hereby approves the hiring and appointment of Mary Cahill as City Treasurer, effective November 15, 2022.

Voting in Favor:

Voting Against:

Resolution duly seconded and passed this 15<sup>th</sup> day of November, 2022.

---

Mary Wingfield, Mayor

Attest:

---

Rebecca Kellen  
City Administrator-Clerk

### Birchwood Reconciliation Progress

Mary Cahill <Mary.Cahill@cityofbirchwood.com>

Fri 11/4/2022 1:58 PM

To: Justin McCarthy <justin.mccarthy@cityofbirchwood.com>; Rebecca Kellen <Rebecca.Kellen@cityofbirchwood.com>; Mary Wingfield <wingfield.mary@gmail.com>; Shelly Rueckert <shelly.rueckert@savmn.com>

Cc: Trenton Sax <trenton.sax@savmn.com>

Trenton and I have been working on the bank reconciliation. We have been able to review and identify differences from 2020 to date. We've also identified some issues from 2019. The approximate difference is now at \$18,877.01. Laura from 4M will be providing me with the interest earned for July-Dec 2019. Once I get the interest amount provided, I will log the interest and provide an exact amount of our remaining difference. See chart below for the components that makeup the difference. I'm confident we are moving in the right direction. Our goal is to identify the remaining differences by the end of 2022, and to complete the research and make the appropriate adjustments by first quarter of 2023. Please let me know if you have any questions.

Birchwood Difference	
Difference As of 9/30/22	\$71,459.32
2020 and 2021 CKS Voided	-\$25,490.39
2020 and 2021 Interest not booked in CTAS	-\$2,510.31
2019 May/Jun Interest not booked in CTAS	-\$2,951.78
2019 Estimated interest July-Dec not booked in CTAS	-\$10,214.85
2021 Receipts Difference	-\$1,640.25
2020 Difference between receipts and disbursements	-\$9,774.73
<b>SUM</b>	<b>\$18,877.01</b>

What we discovered today and it was verified with Mark Albarado from the Office of the State Auditor that CTAS does not update the beginning balance for a fund when the transaction is voided from a previous year. What I need you to bring to the council for approval is the authorization to update the beginning balance for the 100 - General Fund by \$25,190.39 and the 210- Special Revenue Fund by \$300. See chart below for an itemized detail of the amounts. These are all checks that were voided in CTAS. Mark recommended we have this on file so in the event someone looks at our treasurer reports we have a record of why the balances were altered.

<b>Checks that were cancelled or reissued in prior years</b>				
<b><u>Payee</u></b>	<b><u>Check #</u></b>	<b><u>Amount</u></b>	<b><u>CTAS fund</u></b>	<b>2016</b>
Mark Anderson	29432	\$554.10	100- General Fund	VOID
<b><u>Payee</u></b>	<b><u>Check #</u></b>	<b><u>Amount</u></b>	<b><u>CTAS fund</u></b>	<b>2020</b>
Structural Tower Services	31208	\$18,230.00	100- General Fund	VOID
<b><u>Payee</u></b>	<b><u>Check #</u></b>			<b>2021</b>
Priscilla Thomas	31526	\$300.00	210- Special Revenue Fund	VOID
Core & Main	31566	\$237.12	100- General Fund	VOID
Core & Main	31632	\$413.87	100- General Fund	VOID
Mow Joe Inc	31675	\$5,755.30	100- General Fund	VOID
<b>Total</b>		<b>\$25,490.39</b>		

Mary Cahill  
 Treasurer  
 City of Birchwood Village, MN  
 email: [mary.cahill@cityofbirchwood.com](mailto:mary.cahill@cityofbirchwood.com)  
 website: <http://www.cityofbirchwood.com>



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## City of White Bear Lake

4701 Highway 61 N.  
White Bear Lake, Minnesota 55110  
651-429-8526 | [www.whitebearlake.org](http://www.whitebearlake.org)

October 18, 2022

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

Dear Ms. Kellen,

The current Fire Service Agreement with the City of White Bear Lake expires on December 31, 2022. Enclosed is a new five-year agreement covering the period from January 1, 2023 through December 31, 2028.

The agreement was reviewed by city administration and the City Attorney, and restructured based on the League of Minnesota Cities template service agreement. The agreement was updated with current practices and requirements of all parties. The document further outlines terms including *fire fighting*, *rescue services*, *fire prevention*, *fire investigation*, and *emergency medical services*. The overall terms of the proposed agreement have not changed.

New to this agreement is the option for your community to receive fire inspection services at an additional cost. Please see the agreement for details. The agreement is set to be effective January 1, 2023 and will automatically renew effective January 1, 2028. It may be terminated by serving a two-year written notice.

If the attached agreement is agreeable to the City of Birchwood Village, please sign and return two original copies to Caley Longendyke at the address listed above. Once we receive the signed agreements, they will be processed and one original executed copy will be provided to you.

Thank you for allowing WBLFD to serve your community. We appreciate the continued partnership. Please feel free to reach out with questions.

Sincerely,

Lindy Crawford  
City Manager

Encls.

c.c. Greg Peterson, Fire Chief

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

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

**RECITALS**

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

**AGREEMENT**

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

**THE CITY OF WHITE BEAR LAKE**

**CONTRACTING JURISDICTION**

By: \_\_\_\_\_

By: \_\_\_\_\_

Its: Mayor \_\_\_\_\_

Its: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

By: \_\_\_\_\_

By: \_\_\_\_\_

Its: City Manager \_\_\_\_\_

Its: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

**ORDINANCE 2022-10-01**

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

**AN ORDINANCE AMENDING SECTION 307.010 ZONING PERMIT APPLICATION  
IN THE CITY ZONING CODE**

The City Council of the City of Birchwood Village hereby ordains that Chapter 307 (Zoning Code: Zoning Permit) of the Municipal Code of the City of Birchwood Village is hereby amended to read as follows:

**SECTION 307. ZONING CODE: ZONING PERMIT**

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

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

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

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

Adopted by the City of Birchwood Village City Council this 15<sup>th</sup> day of November 2022

\_\_\_\_\_  
Mary Wingfield, Mayor

Attest:

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

**ORDINANCE 2022-10-02**

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

**AN ORDINANCE AMENDING SECTION 605 ANIMALS  
IN THE CITY CODE**

The City Council of the City of Birchwood Village hereby ordains that Chapter 605 (Animals) of the Municipal Code of the City of Birchwood Village is hereby amended to read as follows:

**SECTION 605. ANIMALS**

**605.028. CHICKENS.**

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

a. A license shall be issued for a period of ~~two~~ three years.

b. Upon completion of the application form and receipt of the license fee, the City Clerk or Administrator shall cause a license to be issued to the applicant.

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

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

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

a. A license shall be issued for a period of ~~two~~ three years.

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

**605.021.2**

1. Required; exceptions. Except for police canines, no person shall, without first obtaining a permit in writing from the City Clerk or Administrator, own, keep, harbor, or have custody of any dog over six months of age. ~~However, this section shall not apply to the keeping of small caged birds or aquatic and amphibian animals solely as pets or for police canines of any political subdivision.~~

Term; renewal; late penalty charge. Dog permits shall be issued for three-year terms in 2022 and every third year thereafter. New dog permits issued during the second year of the term shall have their fee reduced by one third and new dog permits issued during the third year of the term shall have their fee reduced by two thirds. A permit for each licensed dog shall be renewed each even every third year after 2022 by every owner and a permit fee paid. A permit, if not revoked, shall be valid until the end of ~~the permit period~~ the permit deadline three calendar years after the permit deadline in the first year of the term. Renewal permits must be obtained prior to the expiration date, and there shall be a late ~~penalty charge fee~~ on all renewal permits issued applications received after the expiration date, if a permit was required under section

605.021.1. If the City Administrator receives a complaint or observes a dog and reasonably believes that the dog is kept in violation of 605.021.1, the owner shall pay a Dog License Administrative Fee in addition to the Permit fee and the Late fee. Late and Administrative Fees may be appealed using the procedures in Chapter 310.

605.024(9):

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

605.024(11):

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

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

Adopted by the City of Birchwood Village City Council this 15<sup>th</sup> day of November 2022

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Mary Wingfield, Mayor

Attest:

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Rebecca Kellen, City Clerk-Administrator

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

AN ORDINANCE AMENDING & ADDING TO SECTION 605 regarding animals

The following is a SUMMARY of the Ordinance:

On November 15, 2022 the City adopted an Ordinance (2022-10-02) lengthening the permit duration from two to three years for certain animals and clarifying when a permit is needed for dogs.

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

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



**ORDINANCE 2022-10-03**

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

**AN ORDINANCE AMENDING SECTION 607.400 CAMPING  
IN THE CITY CODE**

The City Council of the City of Birchwood Village hereby ordains that Chapter 607.400 (Camping) of the Municipal Code of the City of Birchwood Village is hereby amended to read as follows:

**607.400. CAMPING.**

607.410. No person shall establish or maintain any camp or other temporary lodging or sleeping place in any Open Space Site, Public Lake Tract or Established Park.

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

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

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

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

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

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

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

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

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

Adopted by the City of Birchwood Village City Council this 15<sup>th</sup> day of November 2022

\_\_\_\_\_  
Mary Wingfield, Mayor

Attest:

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

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

AN ORDINANCE AMENDING SECTION 607 regarding camping.

The following is a SUMMARY of the Ordinance:

On November 15, 2022 the City adopted an Ordinance (2022-10-03) clarifying that “camping” is prohibited in Birchwood on public property.

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

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

**ORDINANCE 2022-10-04**

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

**AN ORDINANCE AMENDING SECTION 617 PUBLIC LAKE TRACTS  
IN THE CITY CODE**

The City Council of the City of Birchwood Village hereby ordains that Chapter 617 (Public Lake Tracts) of the Municipal Code of the City of Birchwood Village is hereby amended to read as follows:

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

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

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

**617.380 Docks, Boat Slips, Boat Hoists, Boat Lifts and Boats.**

Boat hoist or "lift" means a structure placed in the water or below the ordinary high-water mark for boat storage, including platforms for storage of personal watercraft.

- (1) Docks, boat slips, boat hoists, boat lifts, shore ramps, and boats shall be installed and configured so as to allow, inasmuch as natural conditions allow, at least 50% of the Public Lake Tract beach area and adjacent water to be available for non-boating activities.
- (2) Docks shall be installed and configured such that:
  - a. Boat hoists, boat lifts and slips shall not extend beyond the end of the dock.
  - b. A dock's location shall not unreasonably impede the non-boating beach use.

- c. Boat hoist, boat lift and slip placement shall minimize the need for boats to enter designated swimming areas during ingress or egress.
- (3) Docks shall not exceed the length specified in the WBLCD approved dock license. Dock length shall be consistent with other docks in the vicinity.
- (4) Shore ramps shall not exceed 4 feet in width and 12 feet in length and shall be secured to the shore in a location and manner that does not pose a hazard for persons.
- (5) The City ~~retains the right to~~ may inspect all Dock Association docks, boat hoists, boat lifts, boats and shore ramps installed on the Public Lake Tracts to ensure health, safety and well-being and conformance with Minnesota Department of Natural Resources (DNR) Rules, City code and permits. The City shall forward all dock ~~safety non-conformities,~~ concerns or deficiencies to the Dock Association's ~~complaint president~~ via the Dock Liaison for action. The Dock Association shall have seven (7) days to reply in writing to the City addressing the identified deficiencies. The City Council shall thereafter review the matter if necessary.
- (6) Boats installed on any Public Lake Tract shall not exceed twenty-two (22) feet in length on Birch Beach and shall not exceed nineteen (19) feet in length on all other Public Lake Tracts.
- (7) Boat length and width shall be determined by one of the following methods.
- a. First, by the manufacturer's specification, which shall be used without regard to motors, swim platforms or other appurtenances that add to the dimensions, or
- b. Second, by physical measurement of the boat. Length shall be measured at the longest part and width measured at the widest part of the vessel.
- (8) The City Council in its discretion may allow winter storage of boat hoists on a Public Lake Tract. Storage shall require pre-approval by the City Council. The slip fee shall include the cost of winter lift storage.
- (9) Installation and removal of all docks, ~~lifts~~ boat hoists and boat lifts at any Public Lake Tract shall be in compliance with all applicable DNR Minn. Department of Natural Resources Rules.
- (10) Boat canopies shall not be allowed on any boat ~~lift~~ hoists or boat lifts installed or stored on any Public Lake Tract.
- (11) Each owner of a boat hoist or boat lift shall display the registration information supplied by the dock association to the boat hoist or boat lift before it is placed at the Public Lake Tract. The owner shall ensure that the registration information remains visible from the dock and during winter storage.

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

Adopted by the City of Birchwood Village City Council this 15<sup>th</sup> day of November 2022

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Mary Wingfield, Mayor

Attest:

---

Rebecca Kellen, City Administrator-Clerk

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

AN ORDINANCE AMENDING SECTION 617 regarding use of public lake tracts.

The following is a SUMMARY of the Ordinance:

On November 15, 2022 the City adopted an Ordinance (2022-10-04) clarifying rules surrounding the use of boat hoists or lifts.

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

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

**ORDINANCE 2022-10-05**

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

**AN ORDINANCE AMENDING SECTION 701 FEES  
IN THE CITY CODE**

The City Council of the City of Birchwood Village hereby ordains that Chapter 701 (Fees) of the Municipal Code of the City of Birchwood Village is hereby amended to read as follows:

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

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

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

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

(k) Vacant building fees:

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

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

Adopted by the City of Birchwood Village City Council this 15<sup>th</sup> day of November 2022

\_\_\_\_\_  
Mary Wingfield, Mayor

Attest:

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

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

AN ORDINANCE amending Section 701.

The following is a SUMMARY of the Ordinance:

On November 15, 2022 the City adopted an Ordinance (2022-10-05) amending Section 701 removing late fees and replacing the same with investigative fees and removing the fee for vacant buildings in order to add it to the fee schedule.

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

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



**ORDINANCE 2022-10-06**

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

**AN ORDINANCE AMENDING THE FEE SCHEDULE**

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

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

Adopted by the City of Birchwood Village City Council this 15<sup>th</sup> day of November 2022

\_\_\_\_\_  
Mary Wingfield, Mayor

Attest:

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

## EXHIBIT A

### CITY OF BIRCHWOOD VILLAGE 2022 FEE SCHEDULE

All fees in this schedule are subject to "Other Inspections and Fees" (under Additional Fees). 11/2022

Category	Description	Code Reference	Amount	Last Revised
ADMINISTRATIVE SERVICE FEES	Compact Disc		\$1.00	
	Copies (Black and White) per page 8 1/2 x 11 or 8 1/2 x 14		\$0.25	
	Copies (Black and White) per page 11 x 17		\$0.35	
	Copies (Color) per page		\$1.00	
	Hall Rental		\$25.00 + \$100.00 refundable deposit	
	Postage & Envelopes for Mailings & Public Hearing Notices		\$1.00 + postage	
		Minnesota Statute 604.113		
	Returned Check	Subd. 2(a)	\$30.00	
ANIMAL FEES	Chicken License - three years	605.028(2)	\$25.00	7/2022
	Pig License - three years	605.029(3)	\$25.00	7/2022
	Dog Permit - three years	605.021.1(1), 605.021.2	\$20.00	7/2022
	Dog Permit Late Fee	605.021.2	\$5.00	7/2022
	Dog Permit Administrative Fee	605.021.2	\$25.00	7/2022
	Potentially dangerous dog or dangerous dog appeal fee		\$100.00	7/2022
	Dangerous dog annual fee	605.024(9)	\$500.00	7/2022
	Potentially dangerous dog annual fee	605.024(11)	\$100.00	7/2022
	Potentially dangerous dog or dangerous dog administrative review fee	605.024(12)	\$100.00	7/2022
DOCK ASSOCIATION FEES	Annual Boat Slip Permit Fee	617.118	Set and collected by Dock Association	
			\$875 times the number of Boat Slip Permits issued by the Birchwood Dock Association (BDA) on or before April 1, due by April 1. In the event of low water, the greater of the number of boats proposed next year or Boat Slip Permits issued by the BDA in the most recent year. For Boat Slip Permits issued by BDA after April 1, the additional amount is due before the permitted watercraft is placed at the dock.	
	Annual Dock Permit Fee (\$875 per boat)	617.44, 617.119		3/2018
	Lake Tract Personal Property Abandonment Fee	617.250	\$300.00	7/2022

	Fee in Lieu of Personal Property Removal	617.255	\$100.00/day	7/2022
	Boat Hoist Registration Fee	617.380(11)	\$25.00	7/2022
	Annual Feistner Beach Boat Slip Beach Permit		\$1,000.00	1/2021
SMALL CRAFT STORAGE FEES	Annual Small Craft Permit	617.215(2)	\$30.00	7/2022
	Annual Small Craft Permit for household upon proof of adjusted gross income of \$35,000 or less	617.215(2)	no cost	1/2020
	Use of Small Craft Rack without a permit	617.215(3)	\$75.00	
	Small Craft Removal Fee	617.215(3)	\$50.00	
	Post-season Boat Storage Violation Fee	617.240	\$25.00	3/2018
		Conditional Use Permit (CUP) Application or Amendment *	306.010	\$460.00
	Refundable Conditional Use Permit or CUP Amendment Escrow for permitting costs incurred by city		\$3,000.00	8/2021
	Interim Use Permit Application *	305.020, 305.040(6)	\$400.00	
	Refundable Interim Use Permit Escrow for permitting costs incurred by city	302.050	\$3,000.00	8/2021
	Street Vacation Application *		\$300.00	7/2022
	Refundable Street Vacation Escrow for permitting costs incurred by city	302.050	\$3,000.00	
	Variance Application *	304.020	\$600.00	4/2021
	Refundable Variance Escrow for staff review time incurred by city	302.050	\$3,000.00	
	Subdivision: Lot Split Application *	308.121	\$225.00	
	Refundable Lot Split Escrow for permitting costs incurred by City	301.055(2)	\$1,000.00	7/2022
	Subdivision: Preliminary Plat Application *	308.040(3)	\$1,000.00	8/2021
	Subdivision: Refundable Preliminary Plat Application Escrow for permitting costs incurred by city	301.055(2)	\$10,000.00	8/2021
	Subdivision: Final Plat Application *	308.050	\$1,000.00	8/2021
	Subdivision: Refundable Final Plat Application Escrow for permitting costs incurred by city	301.055(2)	\$10,000.00	8/2021
	Zoning Permit *	307.010	\$50.00	
	Refundable Zoning Permit Escrow for permitting costs incurred by city	301.055(2)	\$3,000.00	11/2021
	Right-of-Way (ROW) Permit Application Fee *	309.061	\$300.00 + \$100.00 /hour for plan review after two hours	1/2018
	Refundable ROW Permit Escrow for permitting costs incurred by city	301.055(2)	\$3,000.00	11/2021
	Right-of-Way Degradation Fee	309.080	Permit holder responsible for actual costs	
	Move a building from its present location in Birchwood to any other site, whether or not the new site is within the City. *		\$500.00	7/2022

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

Refundable building move escrow for permitting costs incurred by city	301.055(2)	\$1,000.00	11/2021
Certificate of occupancy		\$25.00	7/2022
Public Property Access Limited License	607.235	\$50.00	1/2019
<i>VALUATION OF STRUCTURE, ADDITION OR ALTERATION</i>		<i>FEE COMPUTATION</i>	
\$1 to \$500 **, **	203.050, Minnesota Statute 326B. 153	\$29.50	
\$501 to \$2,000 **, **	203.050, Minnesota Statute 326B. 153	\$23.50 for the first \$500 + \$3.05 for each additional \$100, or fraction thereof, to and including \$2,000.00.	
\$2,001 to \$25,000 **, **	203.050, Minnesota Statute 326B. 153	\$69.25 for the first \$2,000 + \$14.00 for each additional \$1,000, or fraction thereof, to and including \$25,000.	
\$25,001 to \$50,000 **, **	203.050, Minnesota Statute 326B. 153	\$391.25 for the first \$25,000 + \$10.10 for each additional \$1,000, or fraction thereof, to and including \$50,000.	
\$50,001 to \$100,000 **, **	203.050, Minnesota Statute 326B. 153	\$643.75 for the first \$50,000 + \$7.00 for each additional \$1,000, or fraction thereof, to and including \$100,000.	
\$100,001 to \$500,000 **, **	203.050, Minnesota Statute 326B. 153	\$993.75 for the first \$100,000 + \$5.60 for each additional \$1,000, or fraction thereof, to and including \$500,000.	
\$500,001 to \$1,000,000 **, **	203.050, Minnesota Statute 326B. 153	\$3,233.75 for the first \$500,000 + \$4.75 for each additional \$1,000, or fraction thereof, to and including \$1,000,000.	
\$1,000,001 and up **, **	203.050, Minnesota Statute 326B. 153	\$5,608.75 for the first \$1,000,000 + \$3.15 for each additional \$1,000, or fraction thereof.	

		Minnesota Statute 326B.148		<a href="https://www.dli.mn.gov/about-department/permit-surcharge-report">Using calculator at: https://www.dli.mn.gov/about-department/permit-surcharge-report</a>
DEMOLITION FEES	State Surcharge			
	Demolition Permit	203.050	\$100.00	7/2022
UTILITY AVAILABILITY FEES	<p>Prior to connecting, the owner or representative of a building or dwelling constructed in the City must pay the Metropolitan Council Environmental Services (MCES) Sewer Availability Charge (SAC) as set by the Metropolitan Council per Minnesota statute 473.517. Dwelling units replacing an existing dwelling unit with a water meter or that was assessed previously for sanitary sewer and that can establish that a dwelling unit on the lot was connected to the municipal sanitary sewer system before January 1, 2009, or that previously paid the fee for the existing dwelling unit, are exempt from one fee per dwelling unit. This fee must be collected when a plumbing permit for sewer connection or a building permit is issued for construction of dwelling.</p> <p>Dwelling units existing or constructed in the City must connect to the municipal sanitary sewer system so long as it is reasonably available. Prior to connecting, the owner or representative must pay the City Sewer Availability Charge (SAC). Dwelling units replacing a dwelling unit with a water meter or that were specially assessed previously for sanitary sewer are exempt from the fee for one dwelling unit. This fee must be collected when a plumbing permit for sewer connection or a building permit is issued for construction of dwelling.</p>			The most recent fee published by MCES. \$2485.00 as of July, 2022.
		202.070	\$5,500.00	8/2021
		201.070	\$3,500.00	8/2021
PLUMBING AND FIRE PERMIT FEES	Plumbing Permit **	202.040	\$100 + \$100/hour after one hour	7/2022
	State Surcharge	Minnesota Statute 326B.148	\$1.00	
	Fire Sprinkler Permit **	202.040	\$100 + \$100/hour after one hour	7/2022

GAS, HEATING AND MECHANICAL PERMIT FEES	State Surcharge	Minnesota Statute 326B. 148	\$1.00	
	Mechanical Permit **	202.040	\$100 + \$100/hour after one hour	7/2022
	State Surcharge	Minnesota Statute 326B. 148	\$1.00	
	Gas Piping Permit (that is not part of mechanical installation) **	202.040	\$100 + \$100/hour after one hour	7/2022
	State Surcharge	Minnesota Statute 326B. 148	\$1.00	
	Air Conditioning Installation Permit **	203.050	\$100 + \$100/hour after one hour	7/2022
	State Surcharge	Minnesota Statute 326B. 148	\$1.00	
	Air Conditioning Permit (part of mechanical installation) **	203.050	\$100 + \$100/hour after one hour	7/2022
	State Surcharge	Minnesota Statute 326B. 148	\$1.00	
	Fireplace Permit (gas, wood or other type) **	203.050	\$100 + \$100/hour after one hour	7/2022
State Surcharge	Minnesota Statute 326B. 148	\$1.00		
WATER AND SEWER FEES	Residential and non-residential water use: Tier 1 - up to 6,000 gallons	201.090	\$0.00356 per gallon	1/2022
	Residential and non-residential water use: Tier 2 - after 6,000 gallons up to 9,000 gallons	201.090	\$0.00410 per gallon	1/2022
	Residential and non-residential water use: Tier 3 - after 9,000 gallons up to 15,000 gallons	201.090	\$0.00471 per gallon	1/2022
	Residential and non-residential water use: Tier 4 - after 15,000 gallons up to 44,883 gallons	201.090	\$0.00544 per gallon	1/2022
	Residential and non-residential water use: Tier 5 - after 44,883 gallons	201.090	\$0.00623 per gallon	1/2022
	Quarterly Safe Drinking Water Fee	Minnesota Statute 144.3831	The most recent fee assessed by the Minnesota commissioner of health, divided into quarters. \$2.43 as of July, 2022.	
	Sewer Fee (metered, quarterly)	202.110	\$36.00 + \$.00451 per gallon based on first quarter water consumption	6/2019
	Sewer Fee (unmetered, quarterly)	202.110	\$80.00	6/2019
	Water Utility User Fee		\$35.00	1/2022

Water Main Break Surcharge (as City exhausts budgeted funds for water main breaks)		As required (\$25.00 for June - December, 2022 as of June, 2022)	5/2022
Street excavation permit *		\$50.00	7/2022
Refundable Street Excavation Damage Deposit		\$3,000.00	7/2022
Turning water service on or off at street, including seasonally	201.240	\$150.00	
Water Meter Installation or Replacement 3/4" or smaller	201.080	\$500.00 + \$150.00 /hour after one hour	7/2022
Water Meter Installation or Replacement 1" or larger or other non-standard meter	201.080	Cost of meter + \$150.00/hour, with 1 hour minimum	7/2022
Utility Bill Late Fee	201.100, 202.120	5% of the unpaid balance	
Utility Bill Quarterly Automated Clearing House (ACH) Discount		\$3.00	5/2022
Non-electronic water meter fee		\$25.00/quarter	11/2022
Non-submission of emailed photo of non-electronic water meter		\$25.00	11/2022
Open water and sewer account		\$25.00	
Close water and sewer account		\$25.00	
Costs to City for damages and liabilities for irrigation system backflow into water system	202.095	actual costs	3/2022
Water meter testing (refundable as described in City code)	201.170	\$300.00	7/2022
Investigation Fee: If work or activity for which a license or permit is required by the code has been commenced without first obtaining the permit or license.	701.061	Up to the amount equal to the permit fee, in addition to the permit fee.	7/2022
Additional Fee: An additional fee, not to exceed actual expenses or the original amount of the fee, whichever is less, shall be paid if the City Council determines that the applicant has changed the project after submission of the initial application, of if it is necessary to conduct an excessive number of re-inspections of the project in order to ensure compliance with the City Code or the terms of the permit or license.	701.062		
Building Official: Inspections outside of normal business hours		\$126.50 + \$63.25 /hour after two hours	6/2019
Building Official: Reinspection fee		\$63.25/hour	6/2019
Building Official: Inspection for which no fee is specifically indicated		\$31.63 + \$63.25/hour after one half hour	6/2019
Building Official: Plan Review fee	Minnesota Statute 326B. 153 Subd. 2	65% of permit fee	6/2019
Building Official: Plan Review fee for similar plans	Minnesota Statute 326B. 153 Subd. 5	25% of permit fee	7/2022
Building Official: Additional plan review for changes, additions or revisions to plans		\$31.63 + \$63.25/hour after one half hour	6/2019

ADDITIONAL FEES (All fees in this schedule are subject to the following charges when required by the City)

	Engineer & Planner: Consult or review land use plans		\$100.00/hour, or the total hourly cost to the city, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages, and fringe benefits of the employees involved, as well as any consulting fees	12/2021
	Engineer & Planner: Inspections or other services		\$100.00/hour, or the total hourly cost to the city, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages, and fringe benefits of the employees involved, as well as any consulting fees	12/2021
	Attorney: Consultations, reviews and analysis		actual costs, including administrative and overhead costs, and attorney review and analysis expenses	
	Other Professionals: Consultations, reviews and inspections		actual costs, including administrative and overhead costs, and consultant review and analysis expenses	
VACANT BUILDING FEES	Vacant building annual registration fee	407.03(k)	\$360.00 + City costs incurred for property maintenance	
LAW ENFORCEMENT FEES	Excessive Use of Law Enforcement - first incident	406.03(3)(b)	cost, with \$100.00 minimum	
	Excessive Use of Law Enforcement - second incident	406.03(3)(b)	cost, with \$200.00 minimum	
	Excessive Use of Law Enforcement - after second incident	406.03(3)(b)	cost, with \$300.00 minimum	
TREE FEES AND DEPOSITS	Diseased Tree Abatement fee	403.080(c)	\$50.00 + cost of abatement	7/2022
	Significant Tree Removal Replacement deposit	302.055(2)(d)(3)	amount necessary to cover the cost of replacement trees	
COMMUNICATIONS FEES	Permit to install, repair, remove or relocate communications facilities *, **	208.020	\$50.00	7/2022
REFUNDS	Permit, license or fee refund, if the applicant requests a refund within 15 days after payment, and the City has incurred no expenses to process the application.		50% of the fee	4/2018
FOOTNOTES	* Escrow for City Permitting costs is required. Unused portion is returned to applicant. **State Surcharge is Required			



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

AN ORDINANCE CODIFYING the City's Fee Schedule.

The following is a SUMMARY of the Ordinance:

On November 15, 2022 the City adopted an Ordinance (2022-10-06) codifying the City's fee schedule.

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

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

**ORDINANCE 2022-11-01**

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

**AN ORDINANCE AMENDING SECTION 201.080 METERS**

The City Council of the City of Birchwood Village hereby ordains that Section 201.080 (Meters) of the Municipal Code of the City of Birchwood Village is hereby amended to read as follows:

201.080. METERS. The City will monitor water usage by consumers through ~~a water meter furnished by the City, Kamstrup Electronic Water Meters, of the kind especially~~ designated by the Council. Every household or other final consumer of City water must have its own meter. A suitable place, safe from frost and other damage, and accessible for examination and reading must be provided at the expense of the consumer. Any water meter that is not the designated Kamstrup Electronic Water Meter will require manual readings and a non-electronic water meter fee as designated in the fee schedule. For any water meter that is not the designated Kamstrup Electronic Water Meter, a timestamped photo of the resident's current meter reading must be emailed to the city or its designee between the first and the fifteen of Feb, May, Aug and Nov or the Non-Submission Fee designated in the fee schedule will be imposed. Failure to timely report any water meter reading three times in any four-quarter period is a violation of this code. Submitting an intentionally erroneous reading is a violation of this code

Meters shall be installed by the City at the owner's expense. All meters shall be under the control and supervision of the City and shall be sealed by the proper City employees. No person other than City employees or other person designated by the City in charge of said work shall break said seals.

Consumers must keep their service pipes, attachments, and meters in order, and must protect them from frost.

In case of the breakage or stoppage of any meter, the consumer shall immediately notify the City. Any repairs necessary shall be made at the expense of the owner, except in the case of normal wear and tear.

In cases where the meters are difficult to access by the officers of the City, or are exposed to danger from frost, the water shall be shut off from such premises until the obstruction is removed or the danger is avoided.

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

Adopted by the City of Birchwood Village City Council this 15<sup>th</sup> day of November 2022

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Mary Wingfield, Mayor

Attest:

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Rebecca Kellen, City Administrator-Clerk

## **Emerald Ash Borer Management Plan City of Birchwood Village, MN**

### **Purpose:**

By implementing the provisions of the Emerald Ash Borer Management Plan, the City is attempting to minimize the disruption to its urban forest due to the inevitable infestation of Emerald Ash Borer (EAB). The City will attempt to distribute costs associated with certain and massive tree death, based on the history of EAB elsewhere in North America, over a manageable time period, and lessen the social and economic impact that an extensive loss would have on the quality of life in our community.

### **Applicability:**

This management plan is applicable to all public properties within the City, including rights-of-way, boulevards, parks and open spaces.

### **Administration:**

The Birchwood Village staff, with help from the City Clerk, shall be responsible for implementing this program and seeing that the provisions are carried out.

### **Introduction / EAB Background:**

Emerald Ash Borer (EAB) is an introduced invasive insect that has now been confirmed in thirty-five (35) states, including Minnesota, and five (5) Canadian provinces. EAB attacks all species of ash trees (*Fraxinus* spp.) found in Minnesota, which include green ash (*Fraxinus pennsylvanica*), white ash (*Fraxinus americana*) and black ash (*Fraxinus nigra*). This is of great concern because Minnesota is home to more than 900 million ash trees statewide and unlike some similar borers in the *Agrilus* genus (such as two lined chestnut borer and bronze birch borer), EAB is not solely an opportunistic pest, it is known to attack both healthy and stressed ash trees alike.

As of the adoption date of this management plan, Washington County is currently in a quarantine status. EAB has been confirmed throughout Washington County. This increases the concern for the Birchwood Village community as it is centrally located in the County.

It is not the adult beetles that are detrimental to ash trees but rather the larvae of EAB (immature stage), which feed on the inner bark of trees, disrupting a tree's ability to transport water and nutrients up to the canopy. As the number of larvae in a tree increases, less and less water and nutrients reach the canopy, resulting in dieback in the upper portions of a tree. By the time visible symptoms are obvious, the population of EAB has grown and likely spread to other trees in the area.

Signs/symptoms of EAB that can help detect an infestation include:

- Increased woodpecker activity/damage
- Bark splitting (vertical slits)
- D-shaped exit holes created by adult insects as they emerge from the tree
- Epicormic branching/shoots near base of tree
- Canopy dieback
- Serpentine (s-shaped) larval galleries that are packed with frass

Making early detection even more difficult is that initial attacks on an ash tree tend to be in the upper canopy. For this reason, increased woodpecker activity is becoming a more reliable early indicator of a possible infestation.

A tree inventory was conducted in the City of Birchwood Village in 2010. The City has about 7% ash trees. Most of these (approximately 25) are concentrated in Polly's Park.

The City will implement the following steps to try and slow the spread of EAB and allocate the costs of managing the tree loss and replacement over multiple budget cycles.

### **Ash Management Plan:**

#### **City Rights of Way**

1. The City will remove any boulevard Ash trees which are of poor quality and are therefore susceptible to EAB.
2. Any replacement plantings will occur in the spring and fall per the growers' recommendations. Size of new plantings will be determined by available funds and will be submitted to the City Council for approval. Species selection will be chosen with consideration for expanding the community's forest diversity.
3. No new Ash species will be planted until the threat of EAB is eradicated as determined by the USDA and the DNR.

#### **Park Trees:**

1. Ash trees in poor condition or fair condition with major defects in maintained portions of parks will be identified and targeted for removal.
2. The City will consider working with the MN Department of Agriculture (MDA) and the MN Department of Natural Resources (DNR) to establish detection trees and traps as needed in city parks for early detection of EAB.
3. Ash trees in remote areas will not be addressed unless in close proximity to a trail or structure where harm and/or damage could result from a failure. However, if an ash tree in a wooded area is found to be infested and it is in the early stages of infestation, said tree(s) may be removed to slow the spread to other areas.
4. Ash trees removed from maintained areas of parks will be replaced budget permitting, again with a focus on species diversity and matching the right tree with the right location.
5. Should ash trees be removed from wooded areas, natural regeneration may be relied upon for reforestation.

#### **Trees on Private Property:**

1. Through educational efforts, property owners will be encouraged to diligently monitor their ash trees for any signs of EAB. They can either contact the City's office for additional EAB information or the MDA Arrest the Pest hotline for more information or for a site inspection.
2. The City will also continue to encourage property owners to replace lost trees with species appropriate for the site or even in advance of potential infestation and ash removal. As with public lands, the City encourages property owners to diversify the species on their property to buffer against future insect/disease outbreaks.

The City of Birchwood Village will proactively get information to their residents about the EAB including what it is, how to spot it, long term effects, and treatment options. The city will get this information to their residents by means of the website, social media page, and utility billings.

**Summary:**

It is clear that EAB poses a threat to Birchwood Village's community forest. The City will implement this EAB Management Plan to the extent feasible and as budgets permit. The steps outlined above are based on current knowledge of EAB. This management plan is subject to revision(s) as new information about EAB becomes available and/or as new treatment options are identified. Furthermore, this plan is also subject to revision should state and/or federal policies necessitate plan updates. Revisions to the EAB Management Plan would be subject to City Council approval.

## **EAB PREPAREDNESS ON PRIVATE PROPERTY**

4. City of Birchwood Tree Ordinance is in the process of being updated to include the EAB threat. The same parameters concerning Dutch Elm Disease and Oak Wilt are appropriate measures to slow the spread of EAB.
5. The City will enforce relevant sections of housing code should it receive complaints about EAB infected trees.
6. It would be prudent for property owners to establish a relationship with an ISA Certified Arborist now in the event that ash evaluation or removal is desired.
7. The City encourages property owners to replace trees lost with non-Ash species suitable to the site, or to plant new trees in advance of EAB infestation and ash removal as a way to maintain tree canopy cover and reduce the large economic and environmental impact of the Emerald Ash Borer.

## **HOW INSECTICIDAL TREATMENTS WORK**

Adult Emerald Ash Borers feed on Ash leaves from mid-May through late June. Females lay their eggs 2 weeks after emergence and the eggs hatch in 1-2 weeks. These larvae bore through the bark and into the cambium. The cambium is that layer between the bark and the wood where nutrient levels are highest and this is where the greatest damage occurs. As these larvae feed on the cambium they severely damage the circulatory system of the tree causing it to decline and eventually die. Trees treated with a systemic insecticides will prevent the feeding adult from becoming reproductively mature, therefore reducing the amount of viable larvae.

Less larvae, less damage to the cambium.

## **CONCLUSION**

The City of Birchwood Village will apply Dinotefuran, a noninvasive, systemic bark spray that can be applied with a garden sprayer on the lower five to six feet of the Ash trunk annually from mid-May to mid-June.. Dinotefuran application can be applied without licensing or certification and has been shown to be as effective as those products and application methods only available to professionals. That being said, the City Gardener will consult with the USDA and local DNR forestry agent before purchasing and implementing any spray program for EAB.

Steve Dean  
Tree Trimming  
651-426-9254

Client Name: City of Birchwood  
651-426-3403

Proposal Form  
For City of Birchwood diseased trees

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Take down 57 trees and 1 cottonwood limb. Remove brush and small debris leaving all wood greater than 5 inches in diameter. Wood will be left in piles in lengths no longer than 6 feet, within 20 feet of the base of the tree and/or where it falls.

Location of trees (all trees are numbered and tagged):

Polly's Park: 1, 2, 3, 4, 8, 14, 16, 17, 18, 19, 20, 21, 37, 38, 57, 58, 59, 62, 102, 202, 203

Bloomquist Park: 107, 108, 151

Elm Beach: 109, 110, 111, 112, 113, 114, 115, 116

Ash Path: 118

City Streets: 117, 119, 120, 121, 122, 132, 133, 134, 135, 136, 137, 138, 140, 141, 142, 143, 144, 147, 148, 149, 152, 153, 154, 201

1 Cottonwood limb overhanging Hall Ave. at 364 Hall Ave.

Steve Dean Tree Trimming will perform the necessary work to complete the work described above in an orderly fashion and to be completed by 4-15-2023 for the sum of \$21,300 (Twenty One Thousand Three Hundred dollars). Billing will be invoiced monthly as work is completed.

Any changes or alterations to proposal will be agreed upon in writing by both parties and may result in extra charges over and above the estimate.

Proposal is contingent upon weather, accidents or delays beyond our control.

Steve Dean  
Tree Trimming

Acceptance of Proposal:  
Client: City of Birchwood

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Signature: \_\_\_\_\_



## St. Anthony Village Recommendation for Correction

### BIRCHWOOD OVERPAYMENT

MAYOR –

Paid \$2,500 in 2021.

Pay \$500 in 2022.

Will total the correct \$3,000 (2 x \$1,500) for the two year period

COUNCIL MEMBERS LEAVING –

Fleck & Wollstencroft

Paid \$1,500 in 2021

Don't pay in 2022

Request \$322.95 from each for overpayment

(\$300 plus employer share of FICA)

COUNCIL MEMBERS RETURNING –

Foster & McCarthy

Paid \$1,500 in 2021

Don't pay in 2022

Pay \$300 in 2023

Will total the correct \$1,800 (3 x \$600) for the three year period

To: Council

From: Ruth Jensen, Bud Jensen, Justin McCarthy, Kathy Weier,

Re: Birchwood's Response to the RCWD MOA re: Halls Marsh

Council,

I met with Bud and Ruth Jensen as well as Kathy Weier about the proposed RCWD MOA. We would recommend providing the following response to RCWD:

As a baseline to negotiations, any agreement with RCWD will be memorialized in an easement given by Birchwood Village to RCWD with an accompanying agreement spelling out the terms of our agreement. The agreements will be recorded with the easements and shall run with the land. The agreement will also govern how, and when, RCWD can draw down Priebe.

Birchwood requests RCWD obtain the information listed below:

1. The maximum available volume of Priebe Lake and the water level at which PLOP outflow begins, plus the maximum and average used (if any) volumes in Pond A, Pond D, and Tadpole Pond.
2. The average (over the past five years) used volume and water level of Priebe Lake.
3. The stormwater volume entering Priebe Lake from WBL storm sewer pipes and runoff after rainfall events of .25", .5", 1", 1.5", and 2".
4. The stormwater volume held, and for how long, in Priebe during/after such rainfall events.
5. An analysis of Priebe's outflow for nutrient, sediment, and chemical concentrations, and their total amounts, for such rainfall events.
6. The number of storm sewer pipes and acreage draining into Priebe when Permit #80-6087 was granted in 1979, and what percentage of that acreage was developed; the current number of pipes and developed acreage draining into Priebe.
7. Core sediment samples from locations **throughout** Hall's Marsh to identify the distribution, depth and composition of sediment deposits from Priebe Lake runoff since 1979. An analysis of the chemical compositions of these samples, including testing for PAH's.
8. A bathymetric survey of Hall's Marsh bottom to identify blockages to water flow through the Marsh from the inlet to the outlet. (The inlet pipe should not be holding 6" or more of standing water, as it currently does, when the lake level is below the outlet pipe into WBL, and no water is leaving via the outlet to WBL.)

Depending on the answers to 1-8 above, Birchwood would like RCWD, White Bear Lake, and/or Mahtomedi to agree to the following:

1. Reduce the nutrients and contaminants in the Priebe Lake outflow to an environmentally acceptable level prior to entering Hall's Marsh. This may be done by dredging Priebe to ensure

it serves as a holding pond, building new holding ponds, using existing holding ponds, or by any means RCWD can discover that does not burden Birchwood Village.

2. RCWD must also commit funds to the cleanup and restoration of Hall's Marsh.

a. Remove sediment buildup as determined by core samples and analysis, *throughout* Hall's Marsh.

b. Test for sediment buildup and pollutants (including PAHs), using multiple core samples, every five years.

c. Remove PAHs identified.

d. Since 1979, the influx of impaired, nutrient-laden stormwater overflow from Priebe has caused excess vegetative growth, including algae and pondweed. Sediment build-up and pollution are present. Two years of flooding in 2015 - 2017, resulting from lack of outlet maintenance, destroyed all shoreline vegetation around the Marsh, and resulted in purple loosestrife and other invasive species infestation.

e. Ensure that water flowing from the PLOP outlet drains into the far end of Hall's Marsh and the Lake. Currently, despite record dry conditions where parts of Hall's Marsh are so dry one can walk on it and not get muddy, there is almost 6 inches of water in the PLOP pipe.

3. Legal descriptions must specify all Birchwood land under which the PLOP pipeline travels, from the point it enters at the Mahtomedi/Birchwood border until it exits into Mahtomedi's portion of Hall's Marsh. RCWD will be financially responsible for the surveys to establish legal descriptions, as well as for legal costs to write and record the Easements and Appendices.

4. On a regular basis, analyze Priebe's outflow for algae, sediment, and nutrient content (e.g., during /after rainfall events of .25", .5", 1", etc.)

5. Analyze, on a regular basis, the nutrient content in Hall's Marsh water.

6. Analyze the outflow, if any, from Hall's Marsh into White Bear Lake for algae, sediment, and nutrient content during/after the rainfall events.

7. Develop mutually agreeable standards on acceptable water quality for Priebe prior to any drawdown is allowed. Also, develop mutually agreeable standards re: volume and rate of drawdown to protect Birchwood Village, Hall's Marsh, and wildlife from flooding.

8. Inspect the drainage pipes through Birchwood and beneath Tighe Schmitz Park at least every 5 years, and the outlets into Hall's Marsh and into White Bear Lake semi-annually, for obstructions, damage, or degradation. Clear and/or repair as necessary.

9. Build a weir to protect the WBL drainage culvert from obstruction by bogs and debris. Inspect it for obstruction and damage at least annually.

To: Council  
From: Justin McCarthy  
Re: New Council Orientation

All,

In January, 3 out of 5 members of the Council will be new, including Mayor. Al Mitchel has agreed to hold an orientation workshop for the Council. I've attached an agenda and materials for the workshop. While not all members of the current Council need attend, it would be good to use City Hall and allow the public to attend.

**WORKSHOP AGENDA  
ORIENTATION FOR NEW CITY COUNCIL  
DECEMBER 2022**

**I. Birchwood is a Statutory City**

Cities are either statutory cities or charter cities.  
Weak mayor- council plan.  
City staff

**II. Council Meetings**

Organizational Meeting  
Quorum Required – three members are a quorum.  
Meeting Remotely  
Public Participation

**III. Rules of Procedure**

**IV. Meeting Notice/Agendas**

Notice  
Agenda  
Agenda Packet  
Agenda Adoption  
Minutes.

**V. Council Action**

Motions  
Resolutions.

**VI. Open Meeting Law/Data Practices Act.**

Meetings  
Emails  
Data Practices Act.

**VII. Budget/Levy**

Preliminary (September each year)  
Final (December each year)  
Relationship between budget and levy  
Different accounts and special funds  
Paying the bills

**VIII. City Code**

Overview

Process for making amendments  
Amendments under consideration  
Changes in last two years  
Enforcement.  
Complaint Log Book.

**IX. City Committees**

Creation  
Active Committees  
Task Forces

**X. Policies**

**XI. Contracts**

**XII. Other Questions and Issues**

To: Birchwood Village City Council

From: Justin McCarthy – Councilmember in charge of personnel

RE: Rebecca Kellen’s evaluation.

Dear Council,

Becky started in May 2022 and thus it is six months into her time as City Administrator.

If we are interested in a preliminary evaluation at this time, I have included some potential questions you might want to consider when thinking about Becky’s performance. These questions are not intended to be a rigid framework for evaluation, but only intended to spark discussion. The questions are not in any particular order.

- Is Becky an effective communicator and does he keep Council adequately informed on city issues and events?
- Are agenda items and supporting documents appropriate and brought to Council in sufficient time for deliberations?
- Does Becky follow up promptly on Council requests for information or action without having to be reminded?
- Does Becky have adequate knowledge of City affairs?
- Does Becky exercise good judgment?
- Does Becky properly manage, along with our Treasurer, the financial affairs of Birchwood Village?
- Does Becky manage City employees properly?
- Does Becky manage and maintain City property properly?
- Does Becky pay proper attention to details to avoid things “slipping through the cracks”?
- Does Becky put in enough time and effort to perform to your expectations?
- Does Becky prioritize tasks appropriately?
- Does Becky make a positive impression on citizens in Birchwood Village?
- Is Becky effective when representing Birchwood in dealing with other agencies?
- How does Becky respond to criticism?

Furthermore, we may wish to verify that Becky is receiving the guidance and resources he needs to complete his job. For example, we may wish to ask Becky questions about the support he has been given, such as:

- Do you feel you have been given access to the training necessary to do your job?
- Do you feel that you know who to contact if you have questions?
- Do you have the resources (computers, etc...) to effectively do your job?
- How do you feel it is going?
- Is there anything that you feel is preventing you from fulfilling your duties?

Thank you

Justin McCarthy