



AGENDA OF THE REGULAR MEETING OF
THE CITY COUNCIL
CITY OF BIRCHWOOD VILLAGE
WASHINGTON COUNTY, MINNESOTA
September 12th, 2023
6:45 P.M.

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

Council member Ryan Hankins will be attending remotely from Aloft Cupertino Lobby 10165 N De Anza Blvd. Cupertino, CA 95014. Latitude 37.3255, Longitude -122.0329

PLEDGE OF ALLEGIANCE

APPROVE AGENDA

PRESENTATIONS

Washington County Police Representative, Sheriff Dan Starry

OPEN PUBLIC FORUM

ANNOUNCEMENTS

2024 Deer Hunt Dates: October 12-13, October 29-30, November 20-21, December 6-7.

The Birchwood Dock Association will hold its 2023 annual fall meeting on Saturday, September 16th at 10:00 AM at City Hall.

The Parks Committee is requesting volunteers to replace a vacant position. The final decision will be made at the October City Council Meeting.

New permitting software launched September 1st.

Mary Cahill, our Treasurer has resigned after two years of great work on the City's behalf, balancing the books, establishing internal controls and contributing her time and talent with many volunteer hours. She has left the City in a much better place. Many thanks to Mary! She is looking forward to enjoying her retirement but has kindly offered to help with our transition to a replacement.

CONSENT AGENDA

- A. Approve July Meeting Minutes* (pp. 5-10)
- B. Approve August Meeting Minutes* (pp. 11-15)
- C. Approve Deer Hunt Resolution 2023-36* (p. 16-18)
- D. Approve Videographer Pay Increase Resolution 2023-37* (p. 19)
- E. Approve Owl Path Handrail Install – Parks & Natural Resources Committee* (p. 20)
- F. Approve Treasurer’s Report* (pp. 21-47)

CITY BUSINESS – OLD BUSINESS

- A. City Street Project Update – Marcus Johnson, City Engineer
- B. Wildwood Lift station Update – Marcus Johnson, City Engineer
- C. Parks and Natural Resources – Kathy Weier and Justin McCarthy
 - a. Tighe-Schmitz Update * (pp. 48-49)
 - b. Parks and Natural Resources Committee Representatives
 - c. 1st reading of ORDINANCE 2023-09-01 (607) City Parks Systems* (pp. 50-62)
 - i. First Reading and Council Deliberation
 - ii. Order Second Reading and Public Hearing
- D. 2024 Final Preliminary Budget Discussion and Approval* (pp. 63-68)
 - a. Council Discusses Budget
 - b. Council Approves Preliminary Budget
- E. Second Reading of ORDINANCE 2023-05-01: REPEALING AND REPLACING 302.050 IMPERVIOUS SURFACES IN THE CITY CODE* (pp. 69-77)
 - a. Public Hearing
 - b. Council Deliberation & Approval
 - c. Approve RESOLUTION 2023-38 Approving Summary Publication Ord 2023-05-01* (pp. 78-79)
- F. Second Reading of ORDINANCE 2023-05-02: AMENDING 302.020 LAND USE IN THE CITY CODE* (pp. 80-87)
 - a. Public Hearing
 - b. Council Deliberation & Approval
- G. Second Reading of ORDINANCE 2023-05-03: AMENDING THE FEE SCHEDULE* (pp. 88-90)
 - a. Public Hearing

- b. Council Deliberation & Approval

- H. Second Reading of ORDINANCE 2023-06-01: Solar Panels* (pp. 91-98)
 - a. Public Hearing
 - b. Council Deliberation & Approval
 - c. Approve RESOLUTION 2023-39 Approving Summary Publication Ord 2023-06-01* (pp. 99-100)

- I. Second Reading of ORDINANCE 2023-07-01: Zoning Code Requirement and Performance Standards: structure height* (pp. 101-107)
 - a. Public Hearing
 - b. Council Deliberation & Approval
 - c. Approve RESOLUTION 2023-40 Approving Summary Publication Ord 2023-07-01* (pp. 108-109)

- J. Second Reading of ORDINANCE 2023-08-01: Cannabis Ban in Public Spaces* (pp. 110-111)
 - a. Public Hearing
 - b. Council Deliberation & Approval

- K. Second Reading of ORDINANCE 2023-08-02: AN ORDINANCE AMENDING SECTION 617.215 OF ORDINANCE NO. 615 ADOPTED ON MARCH 13, 2018, AND TITLED “PUBLIC LAKE TRACTS” * (pp. 112-115)
 - a. Public Hearing
 - b. Council Deliberation & Approval
 - c. Approve RESOLUTION 2023-41 Approving Summary Publication Ord. 2023-08-02* (pp. 116-117)

CITY BUSINESS – NEW BUSINESS

- L. Lawn Mower Claim* (pp. 118-124)

- M. Website Vendor Discussion* (pp. 125-144)

- N. First reading of ORDINANCE 2023-09-02 setback changes* (pp. 145-148)
 - i. First Reading and Council Deliberation
 - ii. Order Second Reading and Public Hearing

- O. City removal of diseased trees and replacement Grant discussion – Mayor Ford

- P. Treasurer replacement discussion – Mayor Ford
- Q. Fall Street Sweeping* (p. 149) – Council member Ryan Hankins
- R. City Garage Damage * (p. 150) – Council member Ryan Hankins
- S. Wildwood Lift Station Update* (p. 151) – Council member Ryan Hankins
- T. 2024 Technology Services* (pp. 152-176) – Council member Ryan Hankins

ADJOURN

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

**MINUTES OF THE CITY COUNCIL MEETING
JULY 11, 2023, 6:45 P.M.**

MEMBERS:

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

STAFF:

H. Alan Kantrud	City Attorney
Marcus Johnson	City Engineer
Therese Bellinger	City Staff

GUEST:

Heather Gustafson State Senator (from 6:45 p.m. to 6:57 p.m.)

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

1. CALL TO ORDER

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

2. PLEDGE OF ALLEGIANCE

3. APPROVAL OF AGENDA (0:00:33)

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

Council added the following item to the agenda:

- Suggested Birchwood improvements
- Sand removal from streets
- Deer hunt
- Water utility user fees
- Water main break surcharge
- Pothole filling
- Construction site erosion

4. **OPEN PUBLIC FORUM (0:02:36)**

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

5. **PRESENTATION FROM STATE SENOR HEATHER GUSTAFSON (0:03:35)**

State Senator Heather Gustafson introduced herself and stated that the purpose of her visit was to openly communicate with City Council. She highlighted some of the achievements in the last legislative session, which included education and public safety funding for cities. She was the vice-chair of education finance. She opened the floor to questions.

Councilmember McCarthy inquired about additional funding for roads, as the City of Birchwood village has a budget of \$500,000 for road repairs, and the cost of rebuilding one road can be over \$1 million.

Senator Gustafson responded that a bonding session is coming up, and advised Council to inform her of any proposals or any information related to bonding.

Councilmember Foster asked when the public safety funds would be made available.

Senator Gustafson responded that the fund will be available in the fall of 2023 and do not have an expiration date.

With no further questions, Senator Gustafson departed the meeting.

6. **ANNOUNCEMENTS (0:13:11)**

- a. **City Cleanup:** Mayor Ford thanked those to volunteered to help with the City Cleanup.
- b. **Fourth of July Parade:** Mayor Ford noted that the Fourth of July parade was successful and thanked the volunteers for their hard work.

7. **CONSENT AGENDA (0:14:22)**

On a motion made by Mayor Ford, seconded by Councilmember McCarthy, it was resolved to approve Consent Agenda items B, and E, as presented, and to table Consent Agenda Item A to a later meeting. All in favor; motion carried.

8. **CITY BUSINESS – OLD BUSINESS (0:15:45)**

a. **2023-02-VB (127 Wildwood Avenue) Variance (0:15:51):**

On a motion made by Councilmember McCarthy, seconded by Mayor Ford, it was resolved to deny the variance application for the following reasons:

- The Town Engineer’s report found that the addition of the deck as presented would increase the non-conforming nature of the property, and that the denial of the application would not render the lot unusable;
- There was strong opposition from the neighbors;
- Council felt that the City was could not legally approve the variance;
- Council felt that the variance was required as a result of the Applicant’s own choices and not some irregularities in the lot or landscape;

- **Council was concerned about the proposed plan's effects on the run-off into the lake and effect on impervious surfaces.**

All in favor. Motion carried.

The Applicants, Al and Sue Reece, addressed Council. They provided Council with various handouts with renderings of the proposed deck and its potential effects on the abutting property's site lines. The Applicant claimed that a new plan was made and distributed, and that no feedback from abutters was received. The designer's blueprint and a floorplan were included in the handouts. Ms. Reese provided further explanation of the floorplan, and highlighted the changes from the previous plan to ensure that site lines are not obstructed. She presented various artistic renditions of the site lines after the proposed deck's construction. She provided and outlines documentation stated that the impervious surfaces will not change and were immaterial to the variance request. She noted that the house was in a pre-existing, non-conforming location.

Mayor Ford opened to floor to public comment.

Len Pratt, 301 Wildwood Avenue, noted that the proposed deck does not meet the high-water setback regulations. In order for a variance to be issued, the Applicant has to show that the variance was necessary and that no other option exists.

Ellen Maas Pratt commented that no new construction projects have received waivers from the 50-foot setback requirement, and that variances for structures already built have been grandfathered in. She also submitted some photos of the property and noted that she reviewed the documents that were part of the original application and prepared a summary of the issues with the application.

Lucy Maas Holtz noted her opposition to the application and noted that the proposal was incomplete. She also presented a timeline for the project and pointed out some inconsistencies.

b. Ordinance 2023-05-05 – Amending the Utility Availability Fees (1:27:45):

On a motion made by Councilmember McCarthy, seconded by Mayor Ford, it was resolved to approve Resolution 2032-35, approving of summary publication ordinance 2023-05-05. All in favor. Motion carried.

Councilmember Hankins presented a summary of the ordinance. He noted that the resolution number should be changed to 35 because he believed that resolution 34 had already been used.

Mayor Ford opened the floor to public comment.

Naja Gail, 419B Wildwood Avenue, thanked the Council for the clarification on the Code and stated that the ordinance would affect her. The contractor installing her plumbing lines has already applied for a permit and asked if he would need to apply again.

Councilmember Hankins clarified that the ordinance would go into effect on the day that it is published. He advised the resident to wait approximately two weeks and to apply for a new permit without paying for the old one.

c. **2023 Year-End Financial Audit RFP Publication (1:34:00):**

On a motion made by Mayor Ford, seconded by Councilmember Weier, it was resolved to table the 2023 financial audit RFP publication to the Council meeting to be held in August of 2023. All in favor. Motion carried.

Mayor Ford suggested tabling discussion to the next meeting, in order to learn more about the scope of work and what to consider when selecting a firm.

d. **Ordinance 2023-06-01 Solar Panels (1:36:36):**

On a motion made by Councilmember McCarthy, seconded by Councilmember Hankins, it was resolved to table approval of Ordinance 2023-06-01 to a later date. All in favor. Motion carried.

On a motion made by Councilmember McCarthy, seconded by Mayor Ford, it was resolved to schedule time to workshop the conditions for ground-mounted solar panels at a later date. Motion carried.

Councilmember Hankins provided a brief summary of the ordinance and recommended tabling approval to a later date; however, he welcomed Council's suggestions.

Councilmember McCarthy expressed concern regarding the language around the height and setback requirements. He also recommended removing the language regarding visual impacts because they are subjective.

Councilmember Wier suggested that ground-mounted systems be reviewed by the Planning Commission as a variance, because it may have an impact on impervious surfaces, site views, and height.

Mr. Kantrud suggested that Council wants to encourage solar panels; however, making residents go through the variance applicant process can be discouraging. He suggested opting for a Conditional Use Permit instead, which is a simpler process. Councilmember McCarthy advised that roof-mounted units should be approved as soon as possible, and the conditions around ground-mounted units could be workshopped at a later date.

9. **CITY BUSINESS – NEW BUSINESS (1:48:26)**

Mayor Ford elected to return to the following Consent Agenda Items:

a. **Approve Treasurer's Report (Consent Agenda Item C) (1:48:30):**

On a motion made by Mayor Ford, seconded by Councilmember McCarthy, it was resolved to approve the Treasurer's Report, as amended. All in favor. Motion carried.

Councilmember Hankins highlighted some plumbing claims and advised that some of the more costly items should go through Council for approval in the future. He also noted a \$120 curb stop fee that should be paid by the homeowner and removed from the report.

b. Approve Mower Damage Claim (Consent Agenda Item D) (1:52:13):

On a motion made by Councilmember McCarthy, seconded by Mayor Ford, it was resolved to deny payment of the damage claim and to forward it to the insurance company. All in favor. Motion carried.

c. First Reading of Ordinance 2023-07-01 – Building Height (1:54:58):

On a motion by Mayor Ford, seconded by Councilmember Hankins, it was resolved to table the first reading of ordinance 2023-07-01. All in favor. Motion carried.

d. Request for Purchase of City Personal Computer (1:55:23):

On a motion made by Mayor Ford, seconded by Councilmember Foster, it was resolved to approve the computer purchase as amended, and to revisit IT fees at a later date. All in favor. Motion carried.

Theresa Bellinger explained that the City staff require one additional desktop computer which would allow all City staff to work at the same time. This computer would replace the desktop that is currently inoperable.

e. Road Repair Bid from T.A. Shifsky (2:00:53):

On a motion made by Mayor Ford, seconded by Councilmember McCarthy, it was resolved to obtain an additional bid for road repairs which includes miscellaneous pothole repair and water main break repairs at White Pine Road and City Hall, and that Council schedule a special session to review the bid should it be received within two weeks. All in favor. Motion carried.

f. Street Sweeping (2:12:13):

On a motion made by Councilmember McCarthy, seconded by Mayor Ford, it was resolved to include street sweeping in the road repair bids to be reviewed at the special meeting. All in favor. Motion carried.

Councilmember Weier noted that she received several e-mails from residents concerned about street sweeping. Mayor Ford agreed to contact the contractor to verify whether street sweeping was completed. Councilmember McCarthy suggested that the road repair bids include street sweeping. Councilmember Hankins suggested that the contractors completing construction on Wildwood Avenue should be billed for a portion of the street sweeping.

g. Hourly Permit Fees (2:15:34):

On a motion made by Councilmember McCarthy, seconded by Mayor Ford, it was resolved to table the approval of the proposed changes to hourly permit fees. All in favor. Motion carried.

Theresa explained that the intention of the proposed changes is to process permit fees more efficiently. Mr. Kantrud advised Council to table the item so that the City Planner could be included in the conversation.

h. Staff Leave (2:24:36):

On a motion made by Councilmember Weier, seconded by Councilmember McCarthy, it was resolved to grant Rebecca Kellen up to 12 weeks of FMLA time, effective July 5, 2023. All in favor. Motion carried.

Council agreed to hold a special meeting to discuss hiring additional staff during Ms. Kellen's absence.

i. Suggested Improvement Work (2:31:34):

On a motion by Councilmember Weier, seconded by Councilmember McCarthy, it was resolved to organize volunteers to install board on the ice rink and remove fallen trees and branches from the right-of-way. All in favor. Motion carried.

j. Deer Hunt (2:42:15): Councilmember Weier agreed to recruit volunteers to work on the deer hunt. She also agreed to present a proposal at the special Council meeting. It was noted that there have been significant records requests in the past regarding the deer hunt.

k. Water Main Break Surcharge (2:44:15): Councilmember Hankins expressed concern about the cost of the water main breaks, and suggested including a proposal at the special Council meeting. Council expressed support for the idea.

10. ADJOURNMENT

On a motion made by Mayor Ford, seconded by Councilmember Weier and carried unanimously, it was agreed that there was no further business of the Council to transact; the meeting was closed at 9:31 p.m. by Mayor Ford.

DISCLAIMER

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

Mayor Margaret Ford

City Administrator Becky Kellen

Date

Date

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

**MINUTES OF THE CITY COUNCIL MEETING
AUGUST 8, 2023, 6:45 P.M.**

MEMBERS:

Margaret Ford	Mayor
Mark Foster	Councilmember (via teleconference)
Ryan Hankins	Councilmember
Justin McCarthy	Councilmember
Katherine Weier	Councilmember

STAFF:

H. Alan Kantrud	City Attorney
Rebecca Kellen	City Administrator

GUESTS:

Darren DeYoung White Bear Lake Conservation District

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

1. CALL TO ORDER

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

2. PLEDGE OF ALLEGIANCE

3. APPROVAL OF AGENDA (0:00:46)

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

Councilmember McCarthy requested that the following items be added to the agenda:

- Planning Commission Joint Meeting
- 312 Wildwood Avenue
- City Administration and Efficiencies

4. WHITE BEAR LAKE CONSERVATION DISTRICT PRESENTATION (0:02:11)

Darren DeYoung introduced himself to the Council. He provided a brief update regarding the main concerns for White Bear Lake District, including lake quality and the management and prevention of invasive species. Treatments for invasive species have recently taken place, and the lake is being continuously monitored. Some preventative measures include boat checks at public boat launches. Generally, water quality has been Grade A. Other activities of the district include navigation safety issues in the commercial bay areas and issues between property owners on the lake. This year, the water patrol contract hours were increased, and there have not been any significant issues so far.

The Council thanked Mr. DeYoung for the update.

5. OPEN PUBLIC FORUM (0:06:45)

Mayor Ford opened the floor to comments from the public.

Ruth Jensen, 701 Hall Avenue, noted that her property borders on Halls Marsh. She has noted serious degradation of the water, vegetation, and wildlife in the marsh. She believed this was a result of the Priebe Lake outfall project and failure to protect the marsh. The marsh was being used as a wetland treatment facility for stormwater discharge. The correct easements were not obtained to run stormwater pipes through Birchwood and to use the marsh as a treatment facility. She requested that City Council require that Rice Creek obtain the correct easements, alleviate the damage caused, and propose ways to prevent future damage.

Councilmembers Weier and McCarthy noted that Council was in the process of working with City Engineer Marcus Johnson to draft an MOA with Rice Creek, which would include the terms of the easements and would address many of the Halls Marsh concerns.

Darren de Young noted that he was one of the direct recipients of the washout from 310 and 312 Wildwood Avenue, and most of the washout ends up at Elm Easement and is increasing the size of the beach. He encouraged Council to take action.

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

6. CONSENT AGENDA (00:32:32)

On a motion made by Councilmember Hankins, seconded by Councilmember Weier, it was resolved to approve Consent Agenda items C and D as presented. Motion carried.

a. June Meeting Minutes (Consent Agenda Item A) (00:34:12):

On a motion made by Councilmember McCarthy, seconded by Councilmember Weier, it was resolved to approve the Council meeting minutes from June 13, 2023, as amended. Motion carried.

The following changes were made to the minutes of the meeting held on June 13, 2023:

- Variance 127 Wildwood, Section B, page 6: add that the homeowner agreed to a deadline extension.
- Some corrections to the spelling of names.

b. Approve Resolution 2023-35 (00:36:59):

On a motion made by Councilmember McCarthy, seconded by Councilmember Hankins, it was resolved to approve resolution 2023-35, as amended. All in favor. Motion carried.

Council made the following amendments to Resolution 2023-35:

- The deadline was extended to 60 days.
- Council agreed to discuss potential fee offsets at the next meeting.

7. CITY BUSINESS (00:44:51)

a. Public Safety, Sheriff's Contract Discussion (00:44:51): Council received a proposal from the Sheriff's Department that included an increase of approximately \$15,000 for an additional part-time deputy. Councilmembers questioned whether the additional coverage was required, given that Birchwood Village does not have a significant number of calls, and agreed to speak to the Sheriff at the next meeting.

b. 2024 Budget Review and Discussion (00:52:28):

On a motion made by Councilmember Hankins, seconded by Councilmember McCarthy, it was resolved to release an RFP for the audit as soon as possible, and to review the bids at the Council meeting to be held in September of 2023. All in favor. Motion carried.

Council reviewed the first draft of the 2024 operating budget, and agreed to the following changes:

- Legal Notice Publication: Council agreed publish fewer variances and code updates, and to lower the line item to \$2,500.
- Council Salaries: Adjust the expense to reflect those who have declined their salary.
- Audit Expenses: Council agreed to budget \$8,000 for the audit and potentially delay the audit by one or two years, and to seek an RFP.
- Eliminate postage fees related to utility billing, as the funds can be recouped through utility fees.
- Change Professional Services – Engineering to \$18,000.
- Include State of Minnesota public safety funds in of approximately \$38,000 for the Fire Department.
- Increase pothole repair budget to \$30,000.
- Change tree removal to \$15,000.
- Discussed the lift station and whether federal grant funds would be made available.
- Lower City Planner Permit expenses to \$2,000.

Council also agreed to the following actions:

- Examine insurance policies for potential savings.
- Investigate why \$10,000 was budgeted for elections when it is not an election year.
- Seek an RFP for the audit.
- Seek assessor contracts for 2025.
- Becky Kellen will forward Councilmember Hankins information regarding permit fees.
- Councilmembers will work toward raising permit fees to pay for the planner and Civic Plus software, rather than including the planner in the City budget.
- Becky Kellen will investigate whether tech support costs can be reduced.
- Councilmember Hankins will investigate AI alternatives to minute-taking.
- Obtain quotes for street sweeping.
- Councilmember McCarthy will obtain bids for snow removal.
- Council will use community volunteers to flood the ice rink.
- Council will verify the portable toilet figures and tree care figures.
- Council will verify the county reimbursement for recycling.

c. First Reading of Ordinance 2023-08-01 (3:05:18):

On a motion made by Councilmember McCarthy, seconded by Councilmember Hankins, it was resolved to order a second reading of Ordinance 2023-08-01 as presented. All in favor. Motion carried.

Councilmember Hankins questioned whether City Council wanted to allow cannabis smoking in public streets, and whether cannabis smoking should be separated from the existing tobacco smoking code.

- d. **First Reading of Ordinance 2032-08-02 (3:10:30):** Council agreed to forward the ordinance to the Parks Committee.
- e. **Street Repair Update (3:12:41):** Mayor Ford reported that ARC was hired to complete two street repairs and they have substantially completed the work. Council expressed satisfaction with the work to date.
- f. **Storm Damage Update (3:13:22):** Mayor Ford reported that the cleanup was ongoing and thanked those who participated.

8. **CITY BUSINESS – NEW BUSINESS**

- a. **312 Wildwood Avenue (0:26:30):**

On a motion by Councilmember McCarthy, seconded by Mayor Ford, it was resolved to send a letter to the owner of 312 Wildwood Avenue informing them to clean the property and address Council’s concerns. All in favor. Motion carried.

Attorney Kantrud noted that the original owner of 310 Wildwood passed away and the owner has since changed twice. City staff is in the process of drafting a letter stating that the current owner has until September 8, 2023, to clean the property, or the City will have it cleaned at the owner’s expense. Council discussed whether to declare the property a public nuisance, and agreed to invite the owner to the next Council meeting for a discussion.

- b. **Planning Commission Joint Meeting (3:14:35):**

On a motion by Councilmember McCarthy, seconded by Mayor Ford, it was resolved to arrange a joint meeting with the Planning Commission, City Council, City Planner, and City Engineer. All in favor. Motion carried.

Councilmember McCarty reported that the Planning Commission requested a joint meeting with City Council, the City Planner, and the City Engineer.

- c. **Staffing (3:16:38):**

On a motion made by Councilmember McCarthy, seconded by Mayor Ford, it was resolved to schedule a workshop regarding staff efficiency with Council and City Staff. All in favor. Motion carried.

9. **ADJOURNMENT**

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

DISCLAIMER

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

Mayor Margaret Ford

City Administrator Becky Kellen

Date

Date

To: Council

From: Kathy Weier

RE: Deer Hunt –

Council,

The City Council has a contract with the Metro Bow Hunters Resource Base (MBHRB) to reduce an overabundance of Whitetail Deer causing destruction of ornamental plants, trees and property. A group of volunteers have worked to gain signatures and materials necessary for the hunt to move forward.

RESOLUTION NO. 2023-36
CITY OF BIRCHWOOD VILLAGE
WASHINGTON COUNTY, MINNESOTA
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 City of Birchwood Village currently has a contract with Metro Bow Hunters Resource Base (MBHRB) to cull the deer herd within the City of Birchwood Village on an annual basis that runs through 2025, and

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

WHEREAS, the 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 as follows:

1. Section 609.020 of the Birchwood Village City Code be suspended for the duration for the 2023 special archery deer hunt as authorized by the City Council for bow hunters from MBHRB authorized by the City.
2. Hunting to be confined to designated hunt zone only.

Vote in Favor:

Vote Against:

I certify that the City of Birchwood Village adopted the above Resolution

on this ____ day of September, 2023.

ATTEST:

Margaret Ford, Mayor

Rebecca Kellen, City Administrator

RESOLUTION NO. 2023-37

A RESOLUTION: INCREASING PAY TO CRIS STOLTZMAN, CITY VIDEOGRAPHER

WHEREAS Cris Stoltzman has been serving as the City Videographer, responsible for recording council meetings, since his appointment in August 2022; and

WHEREAS Cris Stoltzman has demonstrated technical expertise in ensuring accurate and high-quality recordings of council meetings, enabling transparent and accessible access to important civic information.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Birchwood Village that:

1. The City Council hereby expresses its appreciation of Cris Stoltzman for his contributions as the City Videographer, responsible for recording council meetings.
2. Cris Stoltzman’s hourly rate shall be increased by 6%, from the rate of \$25.00 per hour established at his appointment to the rate of \$26.50 per hour.
3. The terms of Cris Stoltzman’s independent videographer contract shall otherwise remain unchanged.
4. This rate increase shall apply to all services provided on and after September 1, 2023.

Passed by the City Council of the City of Birchwood Village this 12th day of September, 2023.

Mayor

Attested:

City Clerk

CITY OF Birchwood Village
REQUEST FOR COUNCIL ACTION

Meeting Date: 9/12/23	Originating Department: Parks and Natural Resources Committee
Agenda Item: Handrail for Owl Path	
	Estimated Time: ☞ Consent Agenda

Council Action Requested: Motion to approve or deny.

Approve \$2500 for materials and up to \$2500 for employee Ron Koehnle to install a handrail at Owl Path (10 hours at \$25/hr).

Supporting Documents:

Treasurer report for Sept council meeting

Mary Cahill <Mary.Cahill@cityofbirchwood.com>

Tue 9/5/2023 5:27 PM

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

1. I was able to get signed documentation from two prior residents indicating they wanted their outstanding checks VOIDED and reissued. Consequently, I will not have any unclaimed property to report. Since the checks were voided from prior years, I updated the beginning cash balance to reflect the VOIDED checks. The two checks total \$81.65. (\$37.02 and \$44.63). All of our outstanding checks are from 2023!
2. ARC paving for the additional pothole repair bill was \$8,000.
3. LMC submitted a bill for the litigation costs for 469 Lake. The amount was \$3,238.00. I put the amount into the unallocated account. (We don't have a budget for this type of expense)
4. We received a bill from Dec 22,2022 from Alan Kantrud. It was from Cornerstone Surveying for \$1000 for the Curt Feistner beach. Another unallocated expense.
5. In July both Margaret Ford and Kathy Weir reviewed our Birchwood TYD bank reconciliation documentation. (per our internal control document).
6. Bank reconciliation and bank statements included are for July. I am still waiting on a daily summary from the 4M account to complete the August reconciliation.

If you have any questions, please let me know. Thanks!

Mary Cahill

Treasurer

City of Birchwood Village, MN

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For the Period : 8/3/2023 To 9/5/2023

<u>Name of Fund</u>	<u>Beginning Balance</u>	<u>Total Receipts</u>	<u>Total Disbursed</u>	<u>Ending Balance</u>	<u>Less Deposits In Transit</u>	<u>Plus Outstanding Checks</u>	<u>Total Per Bank Statement</u>
General Fund	\$708,256.87	\$20,653.26	\$42,201.72	\$686,708.41	\$0.00	\$34,175.99	\$720,884.40
Road and Bridge	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Other Federal Programs	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Comp Plan Grant	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Tree Canopy Care	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Special Rev Projects	\$15,810.70	\$0.00	\$0.00	\$15,810.70	\$0.00	\$600.00	\$16,410.70
Spec Rev - Warm House	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
REIMBURSED CONTRACTED SERVICES	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Birchwood In Re-hab Bond	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Sewer Re-hab Debt	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
CAPITAL PROJECT FUNDS (401 through 499)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
General Capital Projects	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Capital Project PW	\$79,211.31	\$0.00	\$0.00	\$79,211.31	\$0.00	\$0.00	\$79,211.31
Water	\$50,239.45	\$850.34	\$5,147.45	\$45,942.34	\$0.00	\$5,078.00	\$51,020.34
Sewer	\$89,966.75	\$540.23	\$8,142.53	\$82,364.45	\$0.00	\$6,706.68	\$89,071.13
Transit System	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Sewer Infrastructure	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Water Meter Upgrade Fees	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
American Rescue Act Proceeds	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Engineering Services	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Total	\$943,485.08	\$22,043.83	\$55,491.70	\$910,037.21	\$0.00	\$46,560.67	\$956,597.88

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

Fund Name: All Funds

Date Range: 08/03/2023 To 09/05/2023

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Description</u>	<u>Void</u>	<u>Account Name</u>	<u>F-A-O-P</u>	<u>Total</u>
08/04/2023	Reis, Susan	32564	Escrow refund from VB 2023-3, 127 Wildwood Ave	N	Escrow Refunds	100-49250-810-8	\$ 3,000.00
		Total For Check	32564				\$ 3,000.00
08/09/2023	Amazon	EFT08092023a*	2 cases of 8 1/2 inch paper, 3 ring binder dividers	N	Office Operations Supplies	100-41911-200-	\$ 101.53
		Total For Check	EFT08092023a				\$ 101.53
08/09/2023	Amazon	EFT08092023b*	1 case of 8 1/2 X 14 paper	N	Office Operations Supplies	100-41911-200-	\$ 99.00
		Total For Check	EFT08092023b				\$ 99.00
08/14/2023	Payroll Period Ending 08/14/2023	32565	Therese Bellinger- Deputy Clerk	N	Clerk - Treasurer	100-41401-100-	\$ 1,232.82
		Total For Check	32565				\$ 1,232.82
08/14/2023	Payroll Period Ending 08/14/2023	32566	Rebecca Kellen- Administrator	N	Clerk - Treasurer	100-41401-100-	\$ 2,105.33
		Total For Check	32566				\$ 2,105.33
08/14/2023	IRS - US Treasury	EFT08142023A*	Federal Taxes - Q3 2023 -July Payment	N	Clerk - Treasurer	100-41401-100-	\$ 474.50
		EFT08142023A*				100-41401-100-	\$ 1,340.78
		EFT08142023A*				100-41401-100-	\$ 313.56
		Total For Check	EFT08142023A				\$ 2,128.84
08/14/2023	MN Department of Revenue	EFT08142023B*	MN State Tax eFiling - Q3 2023 July pymt	N	Clerk - Treasurer	100-41401-115-	\$ 507.75
		Total For Check	EFT08142023B				\$ 507.75
08/14/2023	PERA	EFT08142023C*	Retirement funds- Rebecca Kellen, Therese Bellinger, July 30-Aug12	N	Clerk - Treasurer	100-41401-121-	\$ 618.02
		Total For Check	EFT08142023C				\$ 618.02
08/17/2023	Xcel Energy	EFT08172023A*	Electricity for 210 Birchwood Tower, 06/19-07/20	N	Water Utility	601-43180-380-	\$ 15.95
		Total For Check	EFT08172023A				\$ 15.95
08/17/2023	Xcel Energy	EFT08172023B*	Gas for 407 Lake Lift Station, 06/20-07/20	N	Sewer Utility	605-43190-380-	\$ 39.44
		Total For Check	EFT08172023B				\$ 39.44

Fund Name: All Funds

Date Range: 08/03/2023 To 09/05/2023

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Description</u>	<u>Void</u>	<u>Account Name</u>	<u>F-A-O-P</u>	<u>Total</u>
08/17/2023	Xcel Energy	EFT08172023C*	Gas for 200 Wildwood Ave Lift Station, 06/20-07/20	N	Sewer Utility	605-43190-380-	\$ 43.13
	Total For Check	EFT08172023C					\$ 43.13
08/22/2023	A T & T Mobility	EFT08222023a*	Wireless for water tower- Aug2-Sep 1	N	Water Utility	601-43180-382-	\$ 53.50
	Total For Check	EFT08222023a					\$ 53.50
08/30/2023	Xcel Energy	EFT08302023A*	Street Lighting, 07/3-08/02	N	Sewer Utility	605-43190-380-	\$ 1,353.28
	Total For Check	EFT08302023A					\$ 1,353.28
08/31/2023	Payroll Period Ending 08/31/2023	32567	Rebecca Kellen--City Administrator	N	Clerk - Treasurer	100-41401-100-	\$ 2,105.33
	Total For Check	32567					\$ 2,105.33
08/31/2023	Payroll Period Ending 08/31/2023	32568	Therese Bellinger-Deputy Clerk	N	Clerk - Treasurer	100-41401-100-	\$ 1,014.23
	Total For Check	32568					\$ 1,014.23
09/03/2023	PERA	09052023A*	Retirement funds- Rebecca Kellen, Therese Bellinger, Aug13-8/26	N	Clerk - Treasurer	100-41401-121-	\$ 573.94
	Total For Check	09052023A					\$ 573.94
09/03/2023	PERA	09052023B*	Retirement funds- Jim Rydeen	N	Parks	100-45207-121-	\$ 341.32
	Total For Check	09052023B					\$ 341.32
09/03/2023	Payroll Period Ending 09/03/2023	32569	Jim Rydeen- Maintenance	N	Parks	100-45207-100-	\$ 1,925.70
	Total For Check	32569					\$ 1,925.70
09/03/2023	Payroll Period Ending 09/03/2023	32570	Mary Cahill- Treasurer	N	Clerk - Treasurer	100-41401-100-	\$ 184.70
	Total For Check	32570					\$ 184.70
09/03/2023	TSE, Inc. Work Account	32571*	Janitorial Services - 7/20, 8/3, 8/17	N	General Government Buildings and Plant	100-41940-314-	\$ 84.39
	Total For Check	32571					\$ 84.39
09/03/2023	Metro - INET	32572*	IT Charges Aug	N	General Government Buildings and Plant	100-41940-320-	\$ 513.00
	Total For Check	32572					\$ 513.00
09/03/2023	Metropolitan Council - Env. Service	32573*	Wastewater Service-August	N	Sewer Utility	605-43190-217-	\$ 4,968.70
	Total For Check	32573					\$ 4,968.70

Fund Name: All Funds

Date Range: 08/03/2023 To 09/05/2023

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Description</u>	<u>Void</u>	<u>Account Name</u>	<u>F-A-O-P</u>	<u>Total</u>
09/03/2023	League of MN Cities	32574*	Membership Dues 2023-2024	N	City Training and Development	100-41914-433-	\$ 1,165.00
	Total For Check	32574					\$ 1,165.00
09/03/2023	Asphalt Restoration Co. Inc	32575*	road repair	N	Streets and Road Mntnc	100-43101-314-	\$ 8,000.00
	Total For Check	32575					\$ 8,000.00
09/03/2023	LRS Portables, LLC	32576*	Portable Restrooms- Aug Billing	N	Parks	100-45207-314-	\$ 174.00
	Total For Check	32576					\$ 174.00
09/03/2023	City of White Bear Lake Fire	32577	Fire Srvc -Sept 2023	N	Fire	100-42201-314-	\$ 3,049.17
	Total For Check	32577					\$ 3,049.17
09/03/2023	H.A. Kantrud, P.A.	32578	Attorney Services -Sep 2023	N	Legal Services	100-41601-300-	\$ 1,500.00
	Total For Check	32578					\$ 1,500.00
09/03/2023	Stoltzman, Cris	32579	Videography - Council Mtg 8/8, 5 hrs	N	Cable Eqpmt and Service	100-41950-314-	\$ 125.00
	Total For Check	32579					\$ 125.00
09/03/2023	Tennis Sanitation, LLC	32580*	Recycling for Service Period: Jul-Aug 2023	N	Recycle	100-43300-314-	\$ 2,944.00
	Total For Check	32580					\$ 2,944.00
09/03/2023	Bellinger, Therese	32581	Office supplies- floor mat, paper and USB hub	N	Office Operations Supplies	100-41911-200-	\$ 77.65
		32581				100-41911-200-	\$ 124.21
	Total For Check	32581					\$ 201.86
09/03/2023	Steve Dean	32582*	storm cleanup that required bobcat, 5 trees.	N	Tree Removal	100-43135-314-	\$ 500.00
	Total For Check	32582					\$ 500.00
09/03/2023	LMCIT	32583*	Ligitagation costs for 469 Lake Ave	N	Unallocated Expenditures	100-49201-430-	\$ 3,238.00
	Total For Check	32583					\$ 3,238.00
09/03/2023	USS Minnesota One MT LLC	32584	Energy Charges - July Charges	N	General Government Buildings and Plant	100-41940-380-	\$ 162.52
		32584			Sewer Utility	605-43190-380-	\$ 433.36
		32584				605-43190-380-	\$ 785.46
	Total For Check	32584					\$ 1,381.34

Fund Name: All Funds

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09/03/2023	Press Publications	32585*	ORD # 2023-04-02, 04-03, 04-04, PH Sept 12 08/10	N	Ordinances and Proceedings	100-41130-351-	\$ 70.07
		32585*				100-41130-351-	\$ 130.13
		32585*				100-41130-351-	\$ 110.11
		32585*				100-41130-351-	\$ 110.11
	Total For Check	32585					\$ 420.42
09/03/2023	Cornerstone Land Surveying, Inc.	32586*	Land Surveying, Curt Feistner Memorial Preserve	N	Unallocated Expenditures	100-49201-430-	\$ 1,000.00
	Total For Check	32586					\$ 1,000.00
09/03/2023	Manship Plumbing & Heating Inc	32587	Standby, water testing, locates	N	Water Utility	601-43180-314-	\$ 700.00
		32587				601-43180-314-	\$ 120.00
		32587				601-43180-314-	\$ 120.00
	Total For Check	32587					\$ 940.00
09/03/2023	St. Anthony Village	32588*	Q3 Utility Billing	N	Financial Administration	601-41501-314-	\$ 3,278.00
	Total For Check	32588					\$ 3,278.00
09/03/2023	Brunstad, Anthony	32589	Reissue of ck 30718, per request, final utility overpayment from 173 Birchwood Ave	N	Unallocated Expenditures	100-49201-430-	\$ 37.02
	Total For Check	32589					\$ 37.02
09/03/2023	Ohern, Thomas	32590	Reissue of ck 30916, per request, final utility overpayment from 542 Wildwood	N	Unallocated Expenditures	100-49201-430-	\$ 44.63
	Total For Check	32590					\$ 44.63
09/03/2023	Kellen, Rebecca	32591	zoom- final payment	N	Unallocated Expenditures	100-49201-320-	\$ 17.17
	Total For Check	32591					\$ 17.17
09/03/2023	MENARD'S - OAKDALE	32592*	wasp spray, door stops and hook for maintenance room	N	General Government Buildings and Plant	100-41940-400-	\$ 22.43
		32592*			Parks	100-45207-400-	\$ 10.98
	Total For Check	32592					\$ 33.41
09/03/2023	Minutes Solutions	32593*	Minutes for Jul 11 and Aug 8 council meetings	N	MISCELLANEOUS	100-49001-300-	\$ 270.00
		32593*				100-49001-300-	\$ 305.00

Fund Name: All Funds

Date Range: 08/03/2023 To 09/05/2023

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Description</u>	<u>Void</u>	<u>Account Name</u>	<u>F-A-O-P</u>	<u>Total</u>
	Total For Check	32593					\$ 575.00
09/03/2023	Minnesota Department of Health	32594	Community Water Supply Service Connection Fee 07/1-09/30	N	Water Utility	601-43180-437-	\$ 860.00
	Total For Check	32594					\$ 860.00
09/03/2023	Toshiba America Business Solutions	32595*	Printer Maintenance 08/9-09/08	N	Office Operations Supplies	100-41911-314-	\$ 10.62
	Total For Check	32595					\$ 10.62
09/03/2023	White Bear Township	32596*	Contracted Services - August	N	Sewer Utility	605-43190-314-	\$ 519.16
	Total For Check	32596					\$ 519.16
09/05/2023	Bolton & Menk, Inc.	32600*	6/24-7/21,council meeting, mtgs w/ Admin, Halls Marsh, BP, 423 wildwood, 469 Lake	N	Engineer Service	100-41650-300-	\$ 600.00
		32600*				100-41650-300-	\$ 1,117.50
		32600*				100-41650-300-	\$ 149.00
		32600*				100-41650-300-	\$ 298.00
		32600*				100-41650-300-	\$ 223.50
	Total For Check	32600					\$ 2,388.00
09/05/2023	Companion Animal Control LLC	32601*	Animal Control Services -July	N	Animal Control	100-41916-314-	\$ 80.00
	Total For Check	32601					\$ 80.00
Total For Selected Checks							\$ 55,491.70

Fund Name: All Funds

Date Range: 08/03/2023 To 09/05/2023

<u>Date</u>	<u>Remitter</u>	<u>Receipt #</u>	<u>Description</u>	<u>Deposit ID</u>	<u>Void</u>	<u>Account Name</u>	<u>F-A-P</u>	<u>Total</u>	
08/09/2023	Everlasting Exteriors, Inc	171735879*	BP#2023-79, 14 White Pine Lane	(08/09/2023) - 1	N	Building Permits	100-32211-	\$ 186.25	
								\$ 186.25	
08/09/2023	Ramsey/Washington Cable Commission	171735880*	Redistribution payment	(08/09/2023) - 1	N	Refund-Reimbursemnt-Dividend	100-36240-	\$ 4,951.29	
								\$ 4,951.29	
08/09/2023	Ramsey/Washington Cable Commission	171735881*	Reimbursement for Videographer	(08/09/2023) - 1	N	Refund-Reimbursemnt-Dividend	100-36240-	\$ 350.00	
								\$ 350.00	
08/09/2023	MA Peterson Designbuild, INC	171735882*	Reimbursement for engineering fees for 232 Wildwood Ave	(08/09/2023) - 1	N	Building Permits	100-32211-	\$ 850.00	
								\$ 850.00	
08/10/2023	MN Management & Budget	171735890*	Fines	(08/10/2023) -	N	Court Fines	100-35101-	\$ 46.66	
								\$ 46.66	
08/15/2023	Residents - via St Anthony Village	171735891	Utility Billing August	(08/15/2023) - 1	N	Water Consumption	601-37111-	\$ 555.41	
							Water Utility User Fee	601-37112-	\$ 254.86
							State Surcharge	601-37116-	\$ 17.70
							Penalties and Forfeited Discounts	601-37160-	\$ 22.37
							Sewer Consumption	605-37211-	\$ 292.11
							Sewer Minimum Charge	605-37212-	\$ 226.14
							Penalties and Forfeited Discounts	605-37260-	\$ 21.98
								\$ 1,390.57	
08/16/2023	Ashco Exteriors	171735886*	BP#2023-84, 624 Birchwood Ave	(08/16/2023) -	N	Building Permits	100-32211-	\$ 436.05	
								\$ 436.05	

Fund Name: All Funds

Date Range: 08/03/2023 To 09/05/2023

<u>Date</u>	<u>Remitter</u>	<u>Receipt #</u>	<u>Description</u>	<u>Deposit ID</u>	<u>Void</u>	<u>Account Name</u>	<u>F-A-P</u>	<u>Total</u>
08/17/2023	WS&D Permit Service	171735883*	BP Pay for 5 Oakhill Crt - #2023-90	(08/17/2023) - 1	N	Building Permits	100-32211-	\$ 683.75
								\$ 683.75
08/17/2023	Bear Roofing & Ext	171735884*	BP Pay for 425 Birchwood Crts--#2023-89	(08/17/2023) - 1	N	Building Permits	100-32211-	\$ 244.25
								\$ 244.25
08/17/2023	Buerkle, David and Sandra	171735885*	Reimbursement for Engineering fees, 529 Lake Ave	(08/17/2023) - 1	N	Building Permits	100-32211-	\$ 3,750.00
								\$ 3,750.00
08/21/2023	Barnhouse Exteriors, LLC	171735887*	BP#2023-80, 719 Birchwood Ave	(08/21/2023) -	N	Building Permits	100-32211-	\$ 185.90
								\$ 185.90
08/21/2023	Haufmann, Carol	171735889*	BP# 2023-88, 543 Wildwood Ave	(08/21/2023) -	N	Building Permits	100-32211-	\$ 151.00
								\$ 151.00
08/23/2023	Arsenault	171735892*	Chicken License/permit	(08/23/2023) - 1	N	Animal Licenses	100-32240-	\$ 10.00
								\$ 10.00
08/23/2023	Lumen	171735893*	Row Permit# 23, 619-654 Birchwood Ave	(08/23/2023) - 1	N	Building Permits	100-32211-	\$ 3,300.00
								\$ 3,300.00
08/23/2023	Midwest Roofing	171735894*	BP # 2023-91, 19 Birchwood Lane	(08/23/2023) - 1	N	Building Permits	100-32211-	\$ 389.25
								\$ 389.25
08/23/2023	Schaffhausen	171735895*	BP# 2023-81, 262 Wildwood Ave	(08/23/2023) - 1	N	Building Permits	100-32211-	\$ 29.25
								\$ 29.25
08/31/2023	Gale, N	171735896*	BP #2023-82, 419B Wildwood	(08/31/2023) - 1	N	Building Permits	100-32211-	\$ 470.00
								\$ 470.00
08/31/2023	sela Roofing	171735897*	BP #2023-93, 711 Hall	(08/31/2023) - 1	N	Building Permits	100-32211-	\$ 345.75

Fund Name: All Funds

Date Range: 08/03/2023 To 09/05/2023

<u>Date</u>	<u>Remitter</u>	<u>Receipt #</u>	<u>Description</u>	<u>Deposit ID</u>	<u>Void</u>	<u>Account Name</u>	<u>F-A-P</u>	<u>Total</u>
								<u>\$ 345.75</u>
08/31/2023	4M Fund	171735898	Interest Income - 08/31/2022	(08/31/2023) -	N	Interest Earning	100-36210-4	<u>\$ 4,273.86</u>
Total for Selected Receipts								<u>\$ 22,043.83</u>

As on 9/5/2023

Special Rev Projects

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Dock/Lift Permit Fee	0.00	15,750.00	15,750.00
Total Acct 322	0.00	15,750.00	15,750.00
Total Revenues	0.00	15,750.00	15,750.00
Other Financing Sources:			
Total Other Financing Sources	0.00	0.00	0.00
Disbursements:			
Recreation			
Miscellaneous (431 through 499)	0.00	200.00	(200.00)
Community Events	0.00	3,159.99	(3,159.99)
Total Acct 451	0.00	3,359.99	(3,359.99)
Total Disbursements	0.00	3,359.99	(3,359.99)
Other Financing Uses:			
Total Other Financing Uses	0.00	0.00	0.00
Beginning Cash Balance		3,420.69	
Total Receipts and Other Financing Sources		15,750.00	
Total Disbursements and Other Financing Uses		3,359.99	
Cash Balance as of 09/05/2023		15,810.70	

As on 9/5/2023

Capital Project PW

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Total Revenues	0.00	0.00	0.00
Other Financing Sources:			
Total Other Financing Sources	0.00	0.00	0.00
Disbursements:			
Streets and Road Mntnc			
Contracted Services	0.00	32,500.00	(32,500.00)
Total Acct 431	0.00	32,500.00	(32,500.00)
Total Disbursements	0.00	32,500.00	(32,500.00)
Other Financing Uses:			
Total Other Financing Uses	0.00	0.00	0.00
Beginning Cash Balance		111,711.31	
Total Receipts and Other Financing Sources		0.00	
Total Disbursements and Other Financing Uses		32,500.00	
Cash Balance as of 09/05/2023		79,211.31	

As on 9/5/2023

Water

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Water Consumption	0.00	49,300.17	49,300.17
Water Utility User Fee	0.00	31,134.04	31,134.04
Water Main-break Surcharge	0.00	7,415.15	7,415.15
Special Water Charges	0.00	677.08	677.08
State Surcharge	0.00	2,285.90	2,285.90
Certified Bills Collections	0.00	44.49	44.49
Administrative Fee Move/Out	0.00	230.00	230.00
Penalties and Forfeited Discounts	0.00	559.87	559.87
Total Acct 371	0.00	91,646.70	91,646.70
Total Revenues	0.00	91,646.70	91,646.70
Other Financing Sources:			
Total Other Financing Sources	0.00	0.00	0.00
Disbursements:			
Financial Administration			
Contracted Services	0.00	8,556.81	(8,556.81)
Total Acct 415	0.00	8,556.81	(8,556.81)
Newsletter			
Printing and Binding (351 through 359)	0.00	549.61	(549.61)
Total Acct 419	0.00	549.61	(549.61)
Water Utility			
Contracted Services	0.00	51,267.74	(51,267.74)
Utility Services (381 through 389)	0.00	2,586.56	(2,586.56)
Utility Services: Water	0.00	428.00	(428.00)
Fees	0.00	2,537.00	(2,537.00)
Wtr/Swr Emergency			
PROFESSIONAL SERVICES (301 through 319)	0.00	1,406.64	(1,406.64)
Contracted Services	0.00	29,845.28	(29,845.28)
REPAIRS AND MAINTENANCE - CONTRACTUAL (401 through 409)	0.00	83.79	(83.79)
Total Acct 431	0.00	88,155.01	(88,155.01)
Total Disbursements	0.00	97,261.43	(97,261.43)
Other Financing Uses:			
Total Other Financing Uses	0.00	0.00	0.00
Beginning Cash Balance		51,557.07	
Total Receipts and Other Financing Sources		91,646.70	
Total Disbursements and Other Financing Uses		97,261.43	
Cash Balance as of 09/05/2023		45,942.34	

As on 9/5/2023

Sewer

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Sewer Consumption	0.00	43,623.98	43,623.98
Sewer Minimum Charge	0.00	37,009.38	37,009.38
Sewer Only	0.00	29.07	29.07
Penalties and Forfeited Discounts	0.00	357.52	357.52
Total Acct 372	0.00	81,019.95	81,019.95
Total Revenues	0.00	81,019.95	81,019.95
Other Financing Sources:			
Total Other Financing Sources	0.00	0.00	0.00
Disbursements:			
Postage/Postal Permits			
Refunds and Reimbursements	0.00	896.25	(896.25)
Total Acct 414	0.00	896.25	(896.25)
Engineer Service			
PROFESSIONAL SERVICES (301 through 319)	0.00	37,820.00	(37,820.00)
Total Acct 416	0.00	37,820.00	(37,820.00)
Utility Locates			
Contracted Services	0.00	174.20	(174.20)
Total Acct 428	0.00	174.20	(174.20)
Sewer Utility			
Sewer - Wastewater Charge	0.00	39,749.60	(39,749.60)
Contracted Services	0.00	5,465.78	(5,465.78)
Utility Services (381 through 389)	0.00	9,602.88	(9,602.88)
Total Acct 431	0.00	54,818.26	(54,818.26)
Total Disbursements	0.00	93,708.71	(93,708.71)
Other Financing Uses:			
Total Other Financing Uses	0.00	0.00	0.00
Beginning Cash Balance		95,053.21	
Total Receipts and Other Financing Sources		81,019.95	
Total Disbursements and Other Financing Uses		93,708.71	
Cash Balance as of 09/05/2023		82,364.45	

Date Range : 9/3/2023 To 9/3/2023

<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Claim #</u>	<u>Total</u>	<u>Account #</u>	<u>Account Name</u>	<u>Detail</u>
09/03/2023	TSE, Inc. Work Account	Janitorial Services - 7/20, 8/3, 8/17	6607*	\$84.39	100-41940-314-	General Government Buildings and Plant	\$84.39
09/03/2023	Metro - INET	IT Charges Aug	6608*	\$513.00	100-41940-320-	General Government Buildings and Plant	\$513.00
09/03/2023	Metropolitan Council - Env. Service	Wastewater Service-August	6609*	\$4,968.70	605-43190-217-	Sewer Utility	\$4,968.70
09/03/2023	League of MN Cities	Membership Dues 2023-2024	6610*	\$1,165.00	100-41914-433-	City Training and Development	\$1,165.00
09/03/2023	Asphalt Restoration Co. Inc	road repair	6611*	\$8,000.00	406-43101-314-	Streets and Road Mntnc	\$8,000.00
09/03/2023	LRS Portables, LLC	Portable Restrooms- Aug Billing	6612*	\$174.00	100-45207-314-	Parks	\$174.00
09/03/2023	City of White Bear Lake Fire	Fire Srvc -Sept 2023	6613	\$3,049.17	100-42201-314-	Fire	\$3,049.17
09/03/2023	H.A. Kantrud, P.A.	Attorney Services -Sep 2023	6614	\$1,500.00	100-41601-300-	Legal Services	\$1,500.00
09/03/2023	Stoltzman, Cris	Videography - Council Mtg 8/8, 5 hrs	6615	\$125.00	100-41950-314-	Cable Eqpm and Service	\$125.00
09/03/2023	Tennis Sanitation, LLC	Recycling for Service Period: Jul-Aug 2023	6616*	\$2,944.00	100-43300-314-	Recycle	\$2,944.00
09/03/2023	Bellinger, Therese	Office supplies- floor mat, paper and USB hub	6617	\$201.86			

Date Range : 9/3/2023 To 9/3/2023

<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Claim #</u>	<u>Total</u>	<u>Account #</u>	<u>Account Name</u>	<u>Detail</u>
					100-41911-200-	Office Operations Supplies	\$77.65
					100-41911-200-	Office Operations Supplies	\$124.21
09/03/2023	Steve Dean	storm cleanup that required bobcat, 5 trees.	6618*	\$500.00			
					100-43135-314-	Tree Removal	\$500.00
09/03/2023	LMCIT	Ligitagation costs for 469 Lake Ave	6619*	\$3,238.00			
					100-49201-430-	Unallocated Expenditures	\$3,238.00
09/03/2023	USS Minnesota One MT LLC	Energy Charges - July Charges	6620	\$1,381.34			
					605-43190-380-	Sewer Utility	\$785.46
					100-41940-380-	General Government Buildings and Plant	\$162.52
					605-43190-380-	Sewer Utility	\$433.36
09/03/2023	Press Publications	ORD # 2023-04-02, 04-03, 04-04, PH Sept 12 08/10	6621*	\$420.42			
					100-41130-351-	Ordinances and Proceedings	\$70.07
					100-41130-351-	Ordinances and Proceedings	\$130.13
					100-41130-351-	Ordinances and Proceedings	\$110.11
					100-41130-351-	Ordinances and Proceedings	\$110.11
09/03/2023	Cornerstone Land Surveying, Inc.	Land Surveying, Curt Feistner Memorial Preserve	6622*	\$1,000.00			
					100-49201-430-	Unallocated Expenditures	\$1,000.00
09/03/2023	Manship Plumbing & Heating Inc	Standby, water testing, locates	6623	\$940.00			
					601-43180-314-	Water Utility	\$700.00
					601-43180-314-	Water Utility	\$120.00
					601-43180-314-	Water Utility	\$120.00
09/03/2023	St. Anthony Village	Q3 Utility Billing	6624*	\$3,278.00			
					601-41501-314-	Financial Administration	\$3,278.00

Date Range : 9/3/2023 To 9/3/2023

<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Claim #</u>	<u>Total</u>	<u>Account #</u>	<u>Account Name</u>	<u>Detail</u>
09/03/2023	Brunstad, Anthony	Reissue of ck 30718, per request, final utility overpayment from 173 Birchwood Ave	6625	\$37.02	100-49201-430-	Unallocated Expenditures	\$37.02
09/03/2023	Ohern, Thomas	Reissue of ck 30916, per request, final utility overpayment from 542 Wildwood	6626	\$44.63	100-49201-430-	Unallocated Expenditures	\$44.63
09/03/2023	Kellen, Rebecca	zoom- final payment	6627	\$17.17	100-49201-320-	Unallocated Expenditures	\$17.17
09/03/2023	MENARD'S - OAKDALE	wasp spray, door stops and hook for maintenance room	6628*	\$33.41	100-45207-400- 100-41940-400-	Parks General Government Buildings and Plant	\$10.98 \$22.43
09/03/2023	Minutes Solutions	Minutes for Jul 11 and Aug 8 council meetings	6629*	\$575.00	100-49001-300- 100-49001-300-	MISCELLANEOUS MISCELLANEOUS	\$270.00 \$305.00
09/03/2023	Minnesota Department of Health	Community Water Supply Service Connection Fee 07/1-09/30	6630	\$860.00	601-43180-437-	Water Utility	\$860.00
09/03/2023	Toshiba America Business Solutions	Printer Maintenance 08/9-09/08	6631*	\$10.62	100-41911-314-	Office Operations Supplies	\$10.62
09/03/2023	White Bear Township	Contracted Services - August	6632*	\$519.16	605-43190-314-	Sewer Utility	\$519.16

Date Range : 9/3/2023 To 9/3/2023

<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Claim #</u>	<u>Total</u>	<u>Account #</u>	<u>Account Name</u>	<u>Detail</u>
Total For Selected Claims				\$35,579.89			\$35,579.89

Justin R. McCarthy

City Council/Town Board

Date

Katherine A Weier

City Council/Town Board

Date

Margaret Arola Ford

City Council/Town Board, Mayor

Date

Robert Mark Foster

City Council/Town Board

Date

Ryan Q Hankins

City Council/Town Board

Date

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

<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Claim #</u>	<u>Total</u>	<u>Account #</u>	<u>Account Name</u>	<u>Detail</u>
09/05/2023	Bolton & Menk, Inc.	6/24-7/21,council meeting, mtgs w/ Admin, Halls Marsh, BP, 423 wildwood, 469 Lake	6633*	\$2,388.00			
					100-41650-300-	Engineer Service	\$600.00
					100-41650-300-	Engineer Service	\$1,117.50
					100-41650-300-	Engineer Service	\$149.00
					100-41650-300-	Engineer Service	\$298.00
					100-41650-300-	Engineer Service	\$223.50
09/05/2023	Companion Animal Control LLC	Animal Control Services -July	6634*	\$80.00			
					100-41916-314-	Animal Control	\$80.00
Total For Selected Claims				\$2,468.00			\$2,468.00

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

Date Range : 8/14/2023 To 8/14/2023

<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Claim #</u>	<u>Total</u>	<u>Account #</u>	<u>Account Name</u>	<u>Detail</u>
08/14/2023	IRS - US Treasury	Federal Taxes - Q3 2023 -July Payment	6595*	\$2,128.84			
					100-41401-100-	Clerk - Treasurer	\$474.50
					100-41401-100-	Clerk - Treasurer	\$1,340.78
					100-41401-100-	Clerk - Treasurer	\$313.56
08/14/2023	MN Department of Revenue	MN State Tax eFiling - Q3 2023 July pymt	6596*	\$507.75			
					100-41401-115-	Clerk - Treasurer	\$507.75
08/14/2023	PERA	Retirement funds- Rebecca Kellen, Therese Bellinger, July 30-Aug12	6597*	\$618.02			
					100-41401-121-	Clerk - Treasurer	\$618.02
Total For Selected Claims				\$3,254.61			\$3,254.61

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

Date Range : 8/9/2023 To 9/3/2023

<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Claim #</u>	<u>Total</u>	<u>Account #</u>	<u>Account Name</u>	<u>Detail</u>
08/09/2023	Amazon	2 cases of 8 1/2 inch paper, 3 ring binder dividers	6598*	\$101.53	100-41911-200-	Office Operations Supplies	\$101.53
08/09/2023	Amazon	1 case of 8 1/2 X 14 paper	6599*	\$99.00	100-41911-200-	Office Operations Supplies	\$99.00
08/09/2023	A T & T Mobility	Wireless for water tower- Aug2-Sep 1	6600*	\$53.50	601-43180-382-	Water Utility	\$53.50
08/17/2023	Xcel Energy	Electricity for 210 Birchwood Tower, 06/19-07/20	6601*	\$15.95	601-43180-380-	Water Utility	\$15.95
08/17/2023	Xcel Energy	Gas for 407 Lake Lift Station, 06/20-07/20	6602*	\$39.44	605-43190-380-	Sewer Utility	\$39.44
08/17/2023	Xcel Energy	Gas for 200 Wildwood Ave Lift Station, 06/20-07/20	6603*	\$43.13	605-43190-380-	Sewer Utility	\$43.13
08/30/2023	Xcel Energy	Street Lighting, 07/3-08/02	6604*	\$1,353.28	605-43190-380-	Sewer Utility	\$1,353.28
Total For Selected Claims				\$1,705.83			\$1,705.83

Date Range : 8/9/2023 To 9/3/2023

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

Date Range : 8/3/2023 To 9/3/2023

<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Claim #</u>	<u>Total</u>	<u>Account #</u>	<u>Account Name</u>	<u>Detail</u>
09/03/2023	PERA	Retirement funds- Rebecca Kellen, Therese Bellinger, Aug13-8/26	6605*	\$573.94	100-41401-121-	Clerk - Treasurer	\$573.94
09/03/2023	PERA	Retirement funds- Jim Rydeen	6606*	\$341.32	100-45207-121-	Parks	\$341.32
Total For Selected Claims				\$915.26			\$915.26

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

(35389 - 101) City of Birchwood Village - General Fund

4M

Transaction	Trade Date	Settle Date	Description	Redemption	Purchase	Share Price	Shares this Transaction
2143693	07/31/2023	08/01/2023	US Bank Checks Paid Redemption	(\$1,605.33)	\$0.00	\$1.000	(1,605.330)
2143694	07/31/2023	08/01/2023	US Bank Checks Paid Redemption	(\$300.00)	\$0.00	\$1.000	(300.000)
2144115	08/01/2023	08/01/2023	US Bank ACH Redemption, XCEL ENERGY-MIN	(\$1,356.91)	\$0.00	\$1.000	(1,356.910)

Beginning Balance: \$916,132.83 | Ending Balance: \$910,870.59

(35389 - 101) City of Birchwood Village - General Fund (Checking Inflow/Outflow Summary)

4M

Trade Date	Description	Amount
07/31/2023	Checking Outflow	(\$1,905.33)
08/01/2023	Checking Outflow	(\$1,356.91)



City of Birchwood Village

PMA Financial Network
 2135 CityGate Lane
 7th Floor
 Naperville, IL 60563
 Phone: 630-657-6400
 Fax: 630-718-8701

Monthly Activity Summary

7/1/2023 - 7/31/2023

Class	Account	Beginning Balance	Contributions	Interest	Checks Paid	Other Withdrawals	Month End Balance
4M	35389 - 101 General Fund	\$762,124.12	\$320,098.28	\$4,121.44	(\$164,834.87)	(\$5,376.14)	\$916,132.83
4MP	35389 - 101 General Fund	\$56,237.91	\$0.00	\$245.38	\$0.00	\$0.00	\$56,483.29
LTD	35389 - 101 General Fund	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
		\$818,362.03	\$320,098.28	\$4,366.82	(\$164,834.87)	(\$5,376.14)	\$972,616.12

City of Birchwood Village
Bank Reconciliation

US Bank
General Fund #1-801-2001-5920
7/31/2023

Genl Fund 4M #35172-101

US Bank 4M balance	General Fund	\$972,616.12
Outstanding Checks	Outstanding Checks	(21,402.00)
	Deposit on bank not on 4/M	
	Deposit on bank not on 4/M	
	Deposit on bank not on 4/M	
	General Fund Checks clrd not on 4M	(\$3,905.33)
Bank Open Items		
Genl Ledger Open Items		
	Total	<u>\$947,308.79</u>
	Balance Per Cash Control Statement	<u><u>\$947,308.79</u></u>
	DIFFERENCE	\$0.00

TO: Birchwood City Council
FROM: Alan Mitchell, Secretary, Parks and Natural Resources Committee
SUBJECT: **TIGHE-SCHMITZ PARK**
DATE: August 24, 2023

INTRODUCTION. In January 2023, the City Council passed Resolution 2023-13 Directing the Parks Committee to Review Potential Upgrades and Usages of Tighe-Schmitz Park. At each of its monthly meetings beginning in March 2023, the Committee has discussed the matter of what might be done at Tighe-Schmitz Park. Committee members have talked to staff in a couple other cities about their park maintenance activities. They have begun to explore grant opportunities and other mechanisms for funding improvements. Members have gathered information and inspected other parks in our area. Members have inspected Tighe-Schmitz Park itself. In addition, on July 20, 2023, the Committee held a Public Forum to solicit public input regarding concerns and suggestions regarding the use and condition of Tighe-Schmitz Park.

The purpose of this memo is to advise the City Council of what the Committee has learned and observed to date. The Committee has a few recommendations regarding maintenance issues at the Park but does not have any specific recommendations at this time regarding major changes that might be implemented at the Park.

SUMMARY. The Committee provided a detailed summary in the Minutes of the July meeting of what Birchwood residents had to say about Tighe-Schmitz Park at the July 20 public forum. Without repeating the detail included in the Minutes, here is a summary of the major points that were raised.

- Tighe-Schmitz Park gets a lot of use.
- Maintenance of playground equipment and park facilities is important.
- Residents do not want their taxes raised to fund park improvements.
- Drainage is a problem in the park.
- Demolition material and who knows what was buried on the site in the 1960s and earlier.
- Suggestions included community gardens, additional benches, more playground equipment.
- The hockey rink needs to be maintained.
- Strong opposition to a dog park in the area.

On August 17, the Parks Committee, along with Council members McCarthy and Weier, conducted an inspection of Tighe-Schmitz Park including the playground equipment and the hockey rink. The group inspected the playground equipment and found that the equipment was in pretty good shape with only a few maintenance issues needing attention.

The Committee also decided that it would hold another Public Forum sometime this spring after the Committee can put together some ideas for improvements at Tighe-Schmitz Park.

RECOMMENDATIONS. The only recommendations the Parks Committee has at this time involve some minor maintenance steps with the playground equipment.

1. Replace a rotted landscape timber.
2. Replace rusty chains on one of the swings.
3. Replace the seat on one of the toy sand shovels.
4. Remove broken metal on stairs to slide.
5. Replace the grill near the picnic shelter
6. Sand and paint the picnic tables near the shelter.
7. Repair the leaking faucet near the shelter.
8. Remove the backstop in the open field.
9. Have staff conduct its own inspection to determine other needed repairs or maintenance.

FUTURE PLANS. The Committee will continue to explore options for funding future improvements in the Park, including grant options and the Parks Special Revenue Fund. The Committee will develop some proposals for changes and improvements at Tighe-Schmitz Park and present these options at a Public Forum to be held in Spring 2024.

TO: Birchwood City Council
FROM: Alan Mitchell, Secretary, Parks and Natural Resources Committee
SUBJECT: **Possible Revisions of City Code**
DATE: August 24, 2023

INTRODUCTION. In January 2023, the City Council passed Resolution 2023-12 Directing the Parks Committee to Review and Make Recommendations for Revising City Code as It Relates to Parks and Open Spaces. The Parks Committee was created in February 2023, held its first meeting in March and has met monthly since, and has now completed its recommendations regarding amending City Code provisions relating to the parks. The Committee did not attempt to determine when chapter 607 was first adopted but it was certainly decades ago, and the Committee believes that an update is well worth undertaking.

RECOMMENDATION. Here is what the Parks Committee is recommending:

1. Repeal Chapter 607 entitled Open Space, Park Areas and Facilities.
2. Adopt a new Chapter 607 entitled City Park System proposed by the Committee that incorporates many of the provisions in the old chapter 607 and contains new language as well. A copy of the Committee’s specific language accompanies this memo.
3. Repeal sections 617.220, 617.225, 617.230, 617.235, 617.255, and 617.260 because these provisions are included in the new chapter 607 and change the title of Chapter 617 from Public Lake Tracts to Birchwood Dock Associations.

DISCUSSION. More information explaining the changes and describing why the changes are proposed can be found in the Agenda Packets and Minutes of the July and August meetings of the Committee, available on the City webpage. The Council is urged to review those documents for the most detail, but the following discussion highlights the more significant changes being proposed.

1. City Park System. One of the first tasks the Committee undertook was to determine what places in the City should be included within the concept of parks and open spaces. The most descriptive and comprehensive list of all parks in Birchwood is found in the definition of “City Park System” in section 804.020 of the Code, the chapter creating the Parks Special Revenue Fund. The Committee determined to use the term “City Park System” to define everything that is included within the purview of chapter 607. The definition is found in section 607.120.A. The only changes the Committee made were to change Curt Feistner Beach to Curt Feistner Memorial Preserve and Nordling Park to Polly’s Park. The Council might want to update the definition in section 804.020 at some point as well.

There are other terms scattered throughout the City Code relating to park areas, including “Open Space” and Open Space Site” in sections 300.020(36) and (37) and 607.110 and 607.410, and “City Parks and Open Spaces” in 203.060(3)(D)(4)(ii) and 301.060(D)(4), and “Lake Easement

Tracts in 607.300, and “Public Lake Tracts” in 617.11, and “Open Space System” in 607.410, and “Established Park” in 607.410. The Council may want to clean up these provisions at some point but the Committee thought it preferable to amend chapters 607 and 617 to get those changes into effect and the use of different words in these other provisions did not make the provisions difficult to interpret and apply.

The Committee has also used the term Public Lake Tracts,” rather than “Lake Easement Tracts” throughout the chapter because it is the term used in chapter 617.

2. Park Conduct and Activities. The 200 series in the Committee’s recommended chapter 607 – sections 607.200 to 607.216 - are the provisions that regulate public conduct anywhere within the City Park System. These provisions were taken from 607.130, 607.300 to 607.680, and 617.200 to 617.260. They were amended as necessary to conform to the present definition of City Park System and in some respects, which are described in the Agenda Packet material or below, were modified and revised to update the requirements.

3. Smoking. The Committee did consider whether a specific provision should be added to chapter 607 to prohibit smoking anywhere within the City Park System. The Committee determined that such a provision was not necessary in chapter 607 because the City Council was in the process of adopting a separate ordinance, section 610.045, prohibiting smoking in all city-owned facilities.

4. Hours. 607.201.A. The Committee is not recommending any change in the hours the city parks are open to the public – 6:00 a.m. to 9:30 p.m. However, the Committee has suggested language to clarify that a member of the public can enter one of the Public Lake Tracts after hours only if entry is necessary to access a boat on a city-licensed dock, and not for other purposes such as just to have access to the lake, as the present language provides.

5. Fires. 607.207. Subpart A has been changed to eliminate the provision that the public may bring private grills into a city park. The Committee recommends that fires be allowed in the City Park System only where facilities for fires has been provided by the City.

6. Dogs. 607.217. This is a new provision being recommended for adoption by the Committee. What the Committee is proposing is that the Council adopt an ordinance requiring dogs to be restrained at all times while in any part of the City Park System. This would include while the dog is in the water at any Public Lake Tract. This does not include other public areas or private property. In addition, the Committee is recommending that the Council prohibit dogs completely at Kay Beach, since it is a swimming beach frequented by kids and families and is not a beach where boats are docked or even allowed. Also, a separate provision is recommended that requires dog owners and handlers to clean up all waste immediately.

7. Structures. 607.218. This is a new provision for chapter 607 but it is taken from section 617.220, which applies to the Public Lake Tracts. The Committee thought it made sense

to prohibit the construction of structures on any part of the City Park System, unless the City has authorized such construction.

8. Public Lake Tracts. 607.400. Section 607.400 are separate provisions that apply only to the Public Lake Tracts. Some of the provisions are taken from chapter 617.

9. Swimming. 607.400.C. The Committee is recommending that the Council include in the ordinance a provision recognizing that swimming is permitted at all the beaches. The Committee also recommends that the Council include a provision in the ordinance that says that children under the age of ten are not permitted to swim alone and must be accompanied by a parent or other adult with supervisory authority over the child. It seems reasonable to the Committee to require parents and other adults to accompany kids under the age of ten who are swimming at one of the city beaches.

10. Fishing. 607.400.D. The Committee is recommending that the Council include a provision that specifically recognizes that fishing is permitted at all the public beaches, except Kay Beach. This regulation does two things – it recognizes that the public can fish at the city beaches, and that Kay Beach is a swimming beach and no fishing is permitted at any time, regardless of whether people are swimming or not. There is a danger from fish hooks and lures if the public is permitted to fish at a swimming beach.

11. Kay Beach. 607.401 This separate provision that applies only to Kay Beach seems necessary to the Committee in order to emphasize the importance of protecting swimmers from fishing and boating. The Committee anticipates that the City will make proper arrangements to float buoys at any appropriate distance from the dock at Kay Beach to mark off the swimming area. Boats should not be allowed to come any closer and especially not to tie off at the dock.

12. Park Use Permit. 607.500. Presently, sections 607.200 to 607.236 establish requirements and procedures for applying for a permit or a limited license to engage in certain prohibited conduct on public property. The permit (the ordinance doesn't give it any kind of name) is needed to authorize a person to have exclusive use to public property or to engage in some kind of conduct that is otherwise prohibited. The limited license is needed to authorize access to private property from some public space. The Committee is not sure how long ago the permit language was adopted but the limited license requirements were adopted in May 2019. The Committee recommends that the permit and limited license concepts be combined into one permit called a Park Use Permit. Whether a person wants exclusive use of a park space, like for a birthday party, or wants to engage in otherwise restricted conduct, like camp on the beach, or wants to use the public space to access private property, like running a bucket truck into the park to take down a tree on nearby private property, the authorization that is required to do so is a Park Use Permit.

Sections 607.510 to 607.550 then incorporate the existing language, with some modification and streamlining, establishing how to apply for a Park Use Permit and what conditions might be imposed on the permittee. The Council should also be aware that it will be necessary for the

Council to add the Park Use Permit to the fee schedule and determine what the cost should be for applying for such a permit.

13. Director. Presently, the existing provisions in chapter 607 authorize a person called the “Director” to make certain decisions regarding the use and regulation of city parks. Section 607.120(3) defines Director as a City Council member assigned to head the Parks Committee or a duly appointed representative. The Director has authority to make decisions regarding the closing of parks and the use of the parks. See 607.130 (hours and access), 607.210 and 220 (issue and revoke permits), and 607.543 (fires). There is even authorization in section 504.020 for the Director to allow snowmobiles on the public beaches.

The Committee recommends that the authority to issue Park Use Permits and make these other decisions affecting the use of any part of the City Park System rest with the full City Council. The Committee discussed whether the City Administrator could be authorized to make certain decisions, but the Committee thought that it would be necessary to establish procedures for the Administrator to adhere to and establish the right to appeal an Administrator’s decision to the full Council, whether the Administrator authorized or denied the requested use or conduct. The Committee was concerned about the time it would take for the Administrator to make a decision and then allow for an appeal. Similarly, if the Parks Committee were authorized to make certain initial decisions, there would still be issues regarding procedure and timing.

CONCLUSION. The Committee recommends that the City Council consider the proposed amendments the Committee has suggested for chapters 607 and 617, place the matter on an upcoming Council meeting agenda, make any changes it prefers, place the matter on your calendar for a public hearing, and complete the process to amend these two chapters. The Committee is available if you have any questions or further direction. Thank you.

607. BIRCHWOOD PARK SYSTEM

607.100. **PURPOSE.** This Code has been enacted to govern the conduct of members of the public during their use and enjoyment of the City Park System so as to further the safety, health, enjoyment and welfare of all persons in the use thereof.

607.120. **DEFINITIONS.**

A. City Park System. The City Park System includes the following:

- (1) Four dedicated municipal parks known as Tighe-Schmitz Park, Bloomquist Field, Wildwood Avenue Boulevard, and Polly’s Park.
- (2) Six public lake tracts owned by the City known as Curt Feistner Memorial Preserve, Ash Beach, Birch Beach, Elm Beach, Dellwood Beach, and Kay Beach.
- (3) Undeveloped areas known as Out Lot A Lakewood Rearrangement and Hall’s Marsh.
- (4) Birchwood City Hall.
- (5) Existing trails known as the Ash and Grotto Street walkways.
- (6) Unimproved street rights-of-way known as Birch, Ash, Grotto, and Highwood rights-of-way.

B. Law Enforcement Officer. A Law Enforcement Officer is any person duly deputized or commissioned by the Board of Washington County Commissioners, the State of Minnesota, the White Bear Lake Conservation District, or the City for the purpose of enforcing the laws, codes, ordinances, and regulations of their respective jurisdictions.

607.200. **USE OF CITY PARK SYSTEM.** Any person utilizing any part of the City Park System shall comply with all the restrictions and limitations specified in chapter 607 or other provisions of the City Code regulating the use of the City Park System.

607.201 **HOURS AND ACCESS.**

A. Hours. No person shall remain, stop, use or be present within the confines of any part of the City Park System between the hours of 9:30 P.M. and 6:00 A.M. other than on a Public Lake Tract for the purpose of obtaining access to a boat on a city-licensed dock. Exceptions may be made at the discretion of the City Council in the case of emergency or for other reasons the Council may determine necessary or desirable.

B. Access. Any part of the City Park System may be declared closed to the public by the City Council at any time or for any interval of time, either temporarily or at

regular and stated intervals, either entirely or for certain uses. as the Council shall find necessary.

607.202. MOTOR VEHICLES PROHIBITED.

A. Motor Vehicle. A motor vehicle is any car, truck, motorcycle, motorbike, tractor, golf cart, All Terrain Vehicle (ATV) or snowmobile. An electric bicycle is not a motor vehicle under this chapter.

B. Prohibition. No person shall park, drive or operate a motor vehicle within any part of the City Park System except upon roadways, parking areas, or other areas designated for such use, unless a Park Use Permit or Limited License is issued pursuant to part 500 of this chapter to allow such use.

C. Abandoned. The owner of any motor vehicle illegally parked, disabled or abandoned in any part of the City Park System shall be subject to the provisions of City Code chapters 613 (Unclaimed and Abandoned Property) and 614 (Abandoned and Junked Motor Vehicles).

607.203. CAMPING. No person shall establish or maintain any camp or other temporary lodging or sleeping place anywhere in the City Park System.

607.204. PROTECTION OF PROPERTY AND RESOURCES.

A. No person shall tamper with, injure, deface, destroy, disturb, damage or remove any part of building, structure, sign, light pole, drinking fountain, hydrant, table, grill, equipment, statue or other property found in the City Park System.

B. No person shall deface, disturb or remove in any manner any soil, artifact, fossil, rock or other mineral resource in any part of the City Park System..

C. No person shall excavate any ditch, trench, tunnel, or hole in any part of the City Park System.

607.205. PRESERVATION OF VEGETATION.

A. No person shall injure, cut, destroy, mutilate, uproot, disturb, or remove any flower, tree, shrub, or any plant whether wild or cultivated, or any part thereof in the City Park System.

B. No person shall plant or cause to be planted in the City Park System any wild, cultivated or exotic tree, shrub, or plant except in specifically designated areas with the written permission of the City Council.

C. No person shall fell any tree; pick any flowers, trample any flowers, tree seedlings, flower beds, or new turf seedlings in the City Park System.

D. No person shall hitch any animal or fasten, anchor or otherwise attach any wire, rope, cable, signs, posters, or other articles to any tree, shrub or plant in the City Park System.

E. No person shall make any unauthorized use of any part of the City Park System that is detrimental to the turf and soil conditions.

F. No person shall remove any device, apparatus or material installed for the protection, support, or preservation of any tree, shrub or plant in the City Park System.

607.206 **MOLESTING WILDLIFE.** No person shall rob, disturb, or molest the nest, eggs, or young of any birds, or other animals within the confines of the City Park System.

607.207. **FIRES.**

A. No person shall start or maintain a fire in any part of the City Park System except small recreational fires in fireplaces, fire rings, and grills provided for that purpose.

B. Any person who starts or maintains a fire in an authorized area of the City Park System shall exercise continuous supervision from the time the fire is kindled until it is extinguished. No person shall start or maintain a fire that may cause damage or constitute a threat to site vegetation and resources, or cause discomfort to other users of the area.

C. The City Council may prohibit fires for limited periods at any location for any purpose when it is necessary for the continued protection of the City Park System.

607.208 **WASTE AND LITTER.**

A. No person shall throw, cast, drop, pour, spill or discharge or permit to escape in or upon any part of the City Park System or into Public Waters any substance, matter or thing whether solid, liquid, or gas, which shall result in the pollution of said waters, interfere with the conservation management of the water resource, or endanger the health of the public.

B. No person shall deposit, scatter, drop or abandon in any part of the City Park System, any paper, bottles, cans, sewage, cigarette butts, waste, trash, or other debris except in receptacles provided by the City for such purpose. No person shall deposit in any receptacle provided by the City any accumulation of waste or trash generated outside the boundaries of the site.

C. No person shall drop, throw or otherwise leave unattended in any part of the City Park System any lighted matches, burning cigars, cigarettes, tobacco, paper or other combustible material.

607.209 **DISTURBING THE PEACE.**

A. No person or group of persons shall disturb the peace and good order in any part of the City Park System by either work or act.

B. No person or group of persons shall use threatening, abusive, insulting, obscene or indecent language or commit, perform or engage in any lewd, lascivious, obscene or indecent act in any part of the City Park System.

C. No person or group of persons shall engage in fighting, quarreling, wrangling, riotous clamor, or tumult in any part of the City Park System.

D. No person or group of persons shall disturb, harass or interfere with any user or the user's property in any part of the City Park System.

E. No person shall solicit or ask anyone to commit, perform or engage in any lewd, lascivious, obscene or indecent act or behavior in any part of the City Park System.

607.210 **AUDIO DEVICES.** No person shall operate or play any musical instrument, radio, television, record or tape player, loudspeaker, public address system or sound amplifying equipment of any kind in any part of the City Park System in such a manner that the sound emanating therefrom is audible beyond the immediate vicinity of the set or instrument, and subsequently interferes with the use of the area by other users or disturbs the residents of the adjacent property.

607.211. **LOITERING.** No person shall lurk or loiter in or around any toilet or other structure in any part of the City Park System except to use such facility for the purpose for which it is intended.

607.212. **ALCOHOLIC AND INTOXICATING BEVERAGES AND CONTROLLED SUBSTANCES.** No person shall transport, possess, offer for sale, consume or be under the influence of any beer, wine, liquor, other alcoholic or intoxicating beverage in any part of the City Park System except with the approval of the City Council.

607.213. **PARADES, ENTERTAINMENT, PUBLIC MEETINGS.** No processions, parades, pageants, ceremonies, exhibitions, celebrations, training exercises, speeches, entertainment, tournaments, or other public gatherings shall be allowed to pass through or take place in any part of the City Park System or on any parkway except with written permission of the City Council.

607.214 **UNLAWFUL SALES.** No person shall sell, offer for sale, hawk, peddle or lease any object, merchandise or service or carry on any manner of business, or commercial enterprise in any part of the City Park System except those concessions authorized by the City Council.

607.215 **LOST AND FOUND ARTICLES.** Lost or mislaid articles or money or personal property which are found in any part of the City Park System shall be delivered or turned over to the City Administrator. If the lawful owner of any article or money deposited with the City does not claim the same within a period of sixty (60) days, it shall be returned to the finder upon request of the finder.

607.216. POSTED REGULATIONS, DIRECTION SIGNS AND GRAPHICS. No person shall disregard or fail to comply with any posted regulations, directional signs and graphics, barriers or other control devices located within any part of the City Park System.

607.217. DOGS.

A. No person shall allow a dog to be unrestrained in any part of the City Park System. Dogs in any part of the City Park System must be on a leash and under control of the person handling the animal.

B. Any person handling a dog on a leash in any part of the City Park System must clean up all pet waste immediately and properly dispose of the waste in an appropriate container.

C. Dogs are not permitted on any part of Kay Beach. No person shall bring or allow a dog on Kay Beach.

607.218. STRUTURES PROHIBITED No person may place or construct any structure on any part of the City Park System. No person shall place any object upon any part of the City Park System that obstructs access by another to the area or facility.

607.300. ICE SKATING AREAS.

A. No person shall ice skate on city skating rinks in any part of the City Park System between the hours of 9:30 P.M. and 6:00 A.M.

B. Any Law Enforcement Officer and any person so authorized by the City Council may remove any person from a city skating rink who is violating any provision of this Code.

607.400. PUBLIC LAKE TRACTS. In addition to all other restrictions and requirements that apply to the City Park System, the following provisions apply to all the Public Lake Tracts.

A. Definitions. The following definitions apply to section 607.400.

(1). Public Lake Tracts. There are six public lake tracts owned by the City, known as Curt Feistner Memorial Preserve, Ash Beach, Birch Beach, Elm Beach, Dellwood Beach, and Kay Beach.

(2). Small Craft. Small craft shall include canoes, kayaks, paddle boards, and other small non-motorized watercraft.

(3). Boating Season. Boating season is defined in section 617.113.

B. Public Property. All Public Lake Tracts are public property and are open to general recreation.

C. Swimming. Swimming is permitted at all Public Lake Tracts. All swimmers swim at their own risk. Children under the age of ten must be accompanied by a parent or guardian or other person with supervision over the child when swimming at any Public Lake Tract.

D. Fishing. Fishing is permitted at all Public Lake Tracts except Kay Beach. All fishermen fishing from a Public Lake Tract must hold a proper and valid Minnesota fishing license.

E. Small Craft Storage. No person shall store a small craft on any Public Lake Tract except in compliance with the following requirements.

(1). A permit is obtained from the City.

(2). Only Birchwood residents or owners of property in Birchwood may apply for a permit to store small craft on racks located at a Public Lake Tract. The cost for each permit is set forth in the City Fee Schedule. When purchasing a permit, the small craft owner must show proof of residency. The City Administer is authorized to issue or deny a permit request for storage of a small craft at one of the Public Lake Tracts. A sticker accompanying the permit must be placed on each small craft registered with the City.

(3). Residents may not rent their small craft storage spot to non-residents.

(4). Small craft may be stored on a Public Lake Tract only during the Boating Season and the owner shall remove such during the non-boating season. Owners of small craft must not leave any chains or locks on the racks at the end of each Boating Season. As a matter of courtesy, families who own more than one small craft are encouraged to place both on the same rack.

(5). The owner of a small craft on a Public Lake Tract that does not have valid permit attached will be charged an additional fee as set forth in the City Fee Schedule. The City reserves the right to remove the small craft and charge the owner a removal cost as set forth in the City Fee Schedule. The City shall give such notice of its intent as may be required by law before assessing additional fees or removing the small craft.

(6) The owner of a small craft may be assessed for each day any small craft is not removed from the Public Lake Tract by the end of the Boating Season.

F. No Use as Boat Launch. No person shall launch or land any trailered watercraft on or from any shoreline of a Public Lake Tract.

G. No Private Docks. No person shall install a private dock on any Public Lake Tract. A Dock Association may obtain a permit to install a dock on a Public Lake Tract pursuant to the requirements of chapter 617.

H. Parking Prohibited. No person shall park or cause to be parked any house, hauling or boat trailer upon any Public Lake Tract, unless authorized by the City Council.

I. Storage Prohibited. No person shall store or allow to remain on any Public Lake Tract any personal property such as boats, oars, motors, boat hoists, lifts, docks or other equipment for any period of time unless such storage has been authorized by the City Council.

607.401. KAY BEACH. In addition to all other restrictions and requirements established for Public Lake Tracts, the following provisions also apply to Kay Beach.

A. No person shall fish from the shore or from the dock or while in the water at Kay Beach.

B. No motorized boats are permitted inside the buoyed area or where swimmers are swimming nearer the shore.

C. Pursuant to section 607.217.C, dogs are not permitted on Kay Beach at any time.

607.500. PARK USE PERMIT. The City Council may issue a Park Use Permit to any person seeking authorization for the exclusive use of all or portions of any part of the City Park System, or to gain access to their property from any part of the City Park System in a manner that would otherwise violate any provision of this code, or to engage in other conduct in the City Park System that is otherwise prohibited,.

607.510. PERMIT APPLICATION. Any person seeking a Park Use Permit shall submit an application to the City with the following information:

A. The name of the applicant seeking the permit.

B. The nature and scope of the project or use.

C. Why access to the public property is requested.

D. What type and size of equipment or machinery will be used on or across the public property.

E. Is there potential for damage to the public property.

F. How will the damage be minimized.

G. The dates and times that the public property will be used and restored.

H. The names of all persons who will use the permit.

I. Financial security, if applicable, in the amount determined in Section 607.522.

J. Permit Fee. The applicant shall include with the application any fee set from time to time by the City Council for a permit and posted in its fee Schedule.

607.520. FINANCIAL SECURITY.

A. The City may require an applicant to provide financial security if there is potential for damage to the public property.

B. Such financial security shall be based on the reasonable estimate of any possible damage

C. The financial security may include insurance, bond, escrow account, or cash and can be used by the City to pay for any damage remaining after the permit expires.

D. The City shall release the financial security minus any restoration costs incurred by the City within 30 days of the permit expiration.

E. If there is no opportunity for damage to the public property, no financial security shall be required.

607.530. PERMIT CONDITIONS.

A. Any Park Use Permit issued by the City shall describe the following:

- (1) the nature and scope of the project;
- (2) the public property for which access is granted;
- (3) the type of equipment or machinery allowed;
- (4) the potential damage possible and the actions required to minimize such damage;
- (5) the amount of financial security required;
- (6) the date(s) and times for which the access is granted;
- (7) the deadline for any damage restoration; and
- (8) any other reasonable and necessary conditions required to ensure that public property is protected.

B. The City may provide the license holder with an access key during the period of the permit. The permittee shall return the key within three days of the permit expiration.

607.540. PERMIT DECISION. The City shall make a final decision on a Park Use Permit within sixty days of receipt of a complete application, unless the City lawfully

extends the period . The City shall issue a permit if the City determines that the use or conduct is appropriate and can be implemented without causing disruption to use by the general public or damage to the City Park System. The City may impose reasonable conditions in any permit that is issued.

607.550 **PERMIT REVOCATION.** The City may revoke a Park Use Permit at any time if the City determines that any conditions of the permit might be or were violated.

607.600 **LAW ENFORCEMENT AND REGULATIONS.**

A. No person shall willfully resist, refuse or fail to comply with any order, direction or request lawfully given by any law enforcement officer or City employee acting under the authority of the City Council in accordance with this Code.

B. No person shall interfere with, or in any manner hinder any law enforcement officer or City employee during the performance of assigned duties; nor any employee of a contractor or the City engaged in construction repairing or caring for any part of the City Park System, or while in the discharge of duties conferred by this Code.

C Any person violating any of the provisions of this Code may be expelled, at the discretion of a law enforcement officer, from any part of the City Park System where the unlawful conduct has occurred.

City of Birchwood Village Revenue and Expenditure Trends

Source: 2022 budget and actuals, 2023 known expenditures

		2021	2022	2023	2024				
RECEIPTS									
General Property Taxes (levy)		\$512,000.00	\$512,000.00	\$493,841.00	\$557,444.59				
DISBURSEMENTS									
		2021	2022	2023	2024	Comments	2022 Actual	YTD 2023	Notes from 8/8/23 CC Mtg
GENERAL GOVERNMENT									
Publishing									
Printing and Binding	100-41130-350	\$500.00	\$500.00	\$500.00	\$500.00	\$500 for job posting, posting was logged to Misc versus			
Legal Notice Publication (WBP)	100-41130-351	\$2,000.00	\$2,000.00	\$2,000.00	\$2,500.00	inc based on 2023 YTD	\$1,330.00	\$1,752.00	Changed from 3K to 2500.
Subtotal Publication		\$2,500.00	\$2,500.00	\$2,500.00	\$3,000.00				
City Council									
Wages and Salaries	100-41310-100	\$8,500.00	\$8,500.00	\$8,500.00	\$1,200.00	2 council members have declined their 2024 salary. 3 have declined their 2023 salary. Keeping budget as is for	\$8,500.00	NA	Changed from 8500 to 1200 due to 3 councilmembers declining salaries
Employer Cont.-Retirement	100-41310-121	\$200.00	\$200.00	\$200.00	\$0.00	Pera does not apply	\$200.00		
Medicare - Employer	100-41401-100	\$130.00	\$130.00	\$130.00	\$18.00		\$127.50		
Social Security Employer	100-41401-100	\$530.00	\$530.00	\$530.00	\$78.00		\$552.50		
City Council Subtotal		\$9,360.00	\$9,360.00	\$9,360.00	\$1,296.00				
Clerk									
Wages and Salaries	100-41401-100	\$55,000.00	\$43,000.00	\$70,380.00	\$73,195.00	assume 6% inc eff 5/1, Becky started end of April 2022,			
Employer Cont.-Retirement	100-41401-121	\$4,200.00	\$3,250.00	\$9,853.20	\$10,247.30				
Medicare - Employer	100-41401-100	\$850.00	\$650.00	\$1,055.70	\$1,097.93				
Social Security Employer	100-41401-100	\$3,500.00	\$2,700.00	\$4,574.70	\$4,757.68				
Other Pay (insurance stipend)	100-41401-100	\$0.00	\$0.00	\$0.00	\$0.00				
Accounting (Assistant Treasurer, & Deputy Clerk)									
Wages and Salaries	100-41401-100	\$29,815.00	\$18,000.00	\$37,990.00	\$51,306.00	Deputy Clerk and Treasurer, assume 6% inc, Therese started in April 2023 @ \$30 hourly. Assume 30 hrs per week Deputy Clerk, 20 hours per month	\$46,800.00	\$2,400.00	
Employer Cont.-Retirement	100-41401-121	\$2,640.00	\$0.00	\$5,318.60	\$336.00				
Medicare - Employer	100-41401-100	\$515.00	\$300.00	\$569.85	\$769.59				
Social Security Employer	100-41401-100	\$2,200.00	\$1,500.00	\$2,469.35	\$3,334.89				
Contracted Services (SAV bank rec.)	100-41501-314	\$2,400.00	\$2,400.00	\$2,400.00	\$8,000.00	St. Anthony does not complete bank reconciliation, remove, add \$10,000			Changed from 10K to 8K per the 8/8/23 Mtg.
Office Support									

Wages and Salaries	100-41401-100	\$1,000.00	\$1,000.00	\$1,000.00	\$0.00	Has not worked since 2020, too difficult to keep			
Medicare - Employer	100-41401-100	\$15.00	\$15.00	\$15.00	\$0.00				
Social Security Employer	100-41401-100	\$62.00	\$62.00	\$62.00	\$0.00				
Admin. Staff Subtotal		\$102,197.00	\$72,877.00	\$135,688.40	\$153,044.38				
Elections									
Wages and Salaries	100-41410-100	\$0.00	\$0.00	\$0.00	\$0.00				
Operating Supplies	100-41410-210	\$0.00	\$0.00	\$0.00	\$0.00				
Contracted Services (Wash. Cty. JPA)	100-41410-314	\$4,750.00	\$5,510.00	\$5,510.00	\$9,137.00	Confirmed actuals for 2024			
Repair & Maint. Supplies	100-41410-220	\$1,140.00	\$1,140.00	\$1,140.00	\$1,332.00	Confirmed actuals for 2024			
Elections Subtotal		\$6,090.00	\$6,850.00	\$6,850.00	\$10,469.00	Confirmed actuals for 2024			
Office Supplies									
Office Supplies	100-41911-200	\$2,000.00	\$2,100.00	\$2,100.00	\$1,900.00	Donated supplies keeping supply cost down, suggest	\$960.00	\$827.00	
Office Equipment	100-41911-230	\$0.00	\$0.00	\$0.00	\$0.00	2023 purchased web-cam for planning			
Contracted Services (Toshiba)	100-41911-314	\$625.00	\$625.00	\$250.00	\$200.00	printer maintenance fee, currently \$11 month plus any high			
Postage/Postal Permits									
Office Supplies	100-41430-200	Non Levy	Non Levy	Non Levy	\$0.00	added postage costs since mailings are related to a variety of services. Utility mailings, permits, variances, and other notifications			Goes to 0 per the 8/8/23 mtg. •Eliminate postage fees related to utility billing, as the funds can be recouped through utility fees.
Office Operations Subtotal		\$2,625.00	\$2,725.00	\$2,350.00	\$2,100.00				
Financial Administration									
Fees (banking)	100-41501-437	\$400.00	\$400.00	\$0.00	\$0.00	we haven't incurred fees for services			
Subtotal		\$400.00	\$400.00	\$0.00	\$0.00				
Insurance - City									
Insurance									
Packaged Liability (incl. gen. liab.)	100-41945-361	\$6,200.00	\$6,500.00	\$8,500.00	\$ 11,781.00	Comfirmed for 2024	\$8,385.00	\$10,933.00	
Property Insurance	100-41945-362						\$277.00		
Worker's Comp (for employees & contractors per audit)	100-41945-150	\$2,663.00	\$3,100.00	\$3,100.00	\$ 2,768.00	unknown until we have the audit. Leaving the same as	\$2,768.00	\$1,902.00	
Excess Liability	100-41945-369	\$855.00	\$855.00	\$855.00	\$855.00		\$855.00	\$1,200.00	
Insurance Subtotal		\$9,718.00	\$10,455.00	\$12,455.00	\$15,404.00				
Assessing									
Contracted Services	100-41550-314	\$5,550.00	\$5,550.00	\$6,000.00	\$6,500.00	Per new fee schedule from			
Legal Services									
Professional Services	100-41601-300	\$18,000.00	\$18,000.00	\$18,000.00	\$18,000.00	assume same rate			
Engineer Service									

Professional Services	100-41650-300	\$7,000.00	\$10,000.00	\$12,000.00	\$18,000.00	based on actuals for services that are for city only, does not include lift station-part of sewer utility			Went from 25350 to 18K per 8/8/23 mtg.
Planner Service									
Professional Services	100-41650-300		\$2,000.00	\$1,000.00	\$2,000.00	planner is paid \$1600 a month, need to determine how to allocate expense. Contract	0		Updated to 2K per the 8/8/23 meeting
Planning & Zoning	100-41910-314								
Services Subtotal		\$30,550.00	\$35,550.00	\$37,000.00	\$44,500.00				
City Training & Development									
Training (Admin & Council)	100-41914-310	\$3,000.00	\$3,000.00	\$2,000.00	\$2,000.00	Kathy Weier and Becky training for 2023, keep for future needs, 2022 Foster	\$579.00	\$1,462.00	
Travel & Subsistence (Admin trainings)	100-41914-334								
Dues & Subscriptions (LMC memberships, etc.)	100-41914-433	\$1,040.00	\$1,105.00	\$1,137.00	\$1,237.00	assume \$100 inc in 20	\$1,137.00		
Grants - Counseling Center (NYFS)	100-41905-438	\$2,000.00	\$1,805.00	\$1,805.00	\$1,805.00	assume inc based on prior yr	\$1,805.00	\$1,958.00	Went from 2K to \$1805 as per the 8/8/23 meeting
T & D Subtotal		\$6,040.00	\$5,910.00	\$4,942.00	\$5,042.00				
City Hall-Gov't Buildings									
Repair, Operating & Maint. Supplies	100-41940-220	\$765.00	\$810.00	\$810.00	\$2,500.00	many supplies for 2023 have been donated, 2022 included \$1700 for door, 2023 included checks (\$362) plan	\$2,022.00	\$782.00	
Professional Services	100-41940-300								
Contracted Services (janitorial)	100-41940-314	\$1,000.00	\$1,000.00	\$1,000.00	\$1,000.00	TSE \$660, add \$340 for other		\$330.00	
Utility Services	100-41940-380	\$3,500.00	\$3,500.00	\$3,500.00	\$5,000.00	Includes utility services for gas, lighting, solar, plus boiler repair,	\$5,057.00	\$2,409.00	
Buildings & Structures	100-41940-520								
I.T./Internet/Telephone (Metro-INET & GovOffice)	100-41940-320	\$9,100.00	\$5,250.00	\$5,250.00	\$9,351.00	\$513 monthly for Metro- INET, add \$1200 for additional PC support in 2024, hosting fee Gov Office \$600	\$6,744.00	\$3,611.00	Gov office was bought out by Catalis which is now costing \$1995.yr for 2024 (or \$1000)
Contracted I.T. Software (Microsoft & iDrive & permitting technology)	100-41940-320		\$900.00	\$900.00	\$3,100.00	Added the permitting	\$813.00		
Gov't Bldgs Subtotal		\$14,365.00	\$10,560.00	\$11,460.00	\$20,951.00				
Cable Eqpmt and Service									

Contracted Services (videographer)	100-41950-314				\$1,500.00	Cable commission has been reimbursing due to grant. Need to see if continues for 2024.	\$1,722.75	\$787.50	
Communication (Minutes Solutions and zoom)	100-41950-320			\$3,000.00	\$4,180.00	cancelled zoom. Longer meetings, resulting in increased costs, YTD		\$2,090.00	
Communication Subtotal		\$0.00	\$0.00	\$3,000.00	\$5,680.00				
TOTAL Gen Government		\$183,845.00	\$157,187.00	\$225,605.00	\$261,486.38				
PUBLIC SAFETY									
Police									
Contracted Services	100-42101-314	\$63,500.00	\$64,805.00	\$72,500.00	\$91,869.66	Washington County proposes to add one additional person to the force. Note: we should get a grant of \$30 K to help pay for enforcement of police, fire, etc, note: 2022 included	\$65,688.87	6 mo = \$36,216.53	
Fire									
Contracted Services	100-42201-314	\$29,545.00	\$32,845.00	\$36,590.00	\$0.00	new contract amount	\$32,845.00		Went from 37809 to 0 due to grant in that exact amount
Building Inspection (non levy)									
Contracted Services	100-42401-314	Non Levy	Non Levy	Non Levy	Non Levy	paid Inspector \$50,709 for 2022. Non-Levy due to admin salary, permit			
Fees (variance, cond.use permits)	100-42401-437	Non Levy	Non Levy	Non Levy	Non Levy				
Other Protection									
Contracted Services (Code Red)	100-42801-314	\$100.00	\$100.00	\$100.00	\$70.00	lowered due to	\$68.00	\$68.00	
Animal Control	100-41916-314	\$1,000.00	\$1,000.00	\$1,000.00	\$1,200.00	\$80 monthly plus any animal reporting, if resident animal bill resident, if undetermined city	\$1,557.40	\$703.00	
PUBLIC SAFETY TOTAL		\$94,145.00	\$98,750.00	\$110,190.00	\$93,139.66				
PUBLIC WORKS									
Highways, Streets & Roadways									
Repair & Maint. Supplies	100-43101-220								
Contracted Services (Pot Holes)	100-43101-314	\$6,000.00	\$10,000.00	\$14,000.00	\$30,000.00	NOTE: \$33,787 was taken from capital projects fund for 2022, and \$ 32,500 for 2023, additional repair for \$8K expected. Expenses include mill and	\$43,965.00	\$42,500.00	went from 20,500 to 30K per 8/8/23 meeting
Street Sweeping	100-43103-314	\$4,000.00	\$4,000.00	\$4,000.00	\$4,000.00	paid for fall/spring, did not occur in 2022	0	\$3,500.00	
Street Maintenance Subtotal		\$10,000.00	\$14,000.00	\$18,000.00	\$34,000.00				

Street Lights									
Utility Services	100-43160-380	\$15,000.00	\$15,000.00	\$16,800.00	\$ 16,800.00	2023 YTD is for 7 months, keep same	\$17,368.00	\$9,680.00	
Drainage - Structure Care									
Contracted Services (sump cleanout - Schifsky's)	100-43150-314	\$2,000.00	\$2,000.00	\$2,000.00	\$2,000.00	not recorded as occurred. Should			
Fees (mpca)	100-43150-437	\$400.00	\$400.00	\$400.00	\$400.00	not recorded			
Subtotal		\$2,400.00	\$2,400.00	\$2,400.00	\$2,400.00				
Ice and Snow Removal									
	100-43125-210					NOTE: 2023 season was unusual snow fall, plus gas increases. Billing is difficult to determine supplies versus just services. 2022 actuals were significantly less,			
Operating Supplies (salt, sand)		\$5,000.00	\$5,000.00	\$7,500.00	\$20,000.00		\$12,971.00	\$44,868.00	
Contracted Services (Birch)	100-43125-314	\$17,000.00	\$17,000.00	\$20,000.00	\$20,000.00		\$16,941.00	\$31,302.00	
Snow & Ice Subtotal		\$22,000.00	\$22,000.00	\$27,500.00	\$40,000.00				
Water Utility									
Refunds & Reimbursements	100-43180-810	Non Levy	Non Levy	Non Levy	Non Levy				
Sewer Utility									
Refunds & Reimbursements	100-43190-810	Non Levy	Non Levy	Non Levy	Non Levy				
TOTAL - Public Works		\$49,400.00	\$53,400.00	\$64,700.00	\$93,200.00				
CULTURE & RECREATION									
Recreation									
Dues & Subscriptions (WBLCD)	100-45101-433	Non Levy	Non Levy	Non Levy	Non Levy				
	210-45101-440					Music in the park costs \$3000 annually, plus \$200 contribution to WBL for fireworks. Costs			
Community Events (Volunteer, Music in the Park, an firewo		Non Levy	Non Levy	Non Levy	Non Levy				
TOTAL Recreation		\$0.00	\$0.00	\$0.00	\$0.00				
Parks									
	100-45207-100					through June. Assume 6% inc as summer/fall hours	\$15,051.00	\$12,006.09	
Wages and Salaries		\$21,500.00	\$21,500.00	\$22,800.00	\$24,170.00				
Employer Cont.-Retirement	100-45207-121	\$850.00	\$850.00	\$3,192.00	\$3,383.80				
Medicare - Employer	100-41401-100	\$450.00	\$450.00	\$342.00	\$362.55				
Social Security - Employer	100-41401-100	\$1,780.00	\$1,780.00	\$1,596.00	\$1,691.90				
Operating Supplies	100-45207-210								
	100-45207-400	\$2,000.00	\$2,100.00	\$2,100.00	\$1,000.00	2022 included wood chipper, not used in	\$1,624.00	\$571.00	
Repair & Maint. Supply/Contractual						price increase			
Contracted Services (porta potty)	100-45207-314	\$2,500.00	\$2,500.00	\$2,500.00	\$2,930.00	\$185.50 monthly budgeted - excel	\$2,242.50	\$974.60	
Utility Services	100-45207-380	\$800.00	\$800.00	\$800.00	\$685.00	emergency	\$270.00	\$399.72	
Fees	100-45207-530				\$0.00				
Projects									
Parks GF Subtotal		\$29,880.00	\$29,980.00	\$35,382.00	\$36,398.55				
TOTAL Parks & Recreation		\$29,880.00	\$29,980.00	\$35,382.00	\$36,398.55				
SANITATION									
Tree Care - Inspection & Removal									
	100-43104-314	\$1,300.00	\$1,300.00	\$1,300.00	\$5,000.00	need to hire new contractor	\$1,300.00		
Contracted Services (tree inspector)									
Tree Removal									

Operating Supplies	100-43135-210									
Contracted Services	100-43135-314	\$5,000.00	\$5,000.00	\$5,000.00	\$15,000.00	Cost went up substantially due to easements and parks that had Emerald	\$500.00	\$22,500.00	Changed from 20K to 15K per the 8/8/23 mtg	
Sanitation - Recycling										
Contracted Services (Tennis Sanitation)	100-43300-314	\$14,500.00	\$14,500.00	\$17,664.00	\$17,480.00	YTD is for 8 months	\$16,192.00	\$11,592.00		
Lawn Care/Maintenance										
Contracted Services	100-45208-100	\$0.00	\$0.00	\$0.00						
TOTAL - Sanitation		\$20,800.00	\$20,800.00	\$23,964.00	\$37,480.00					
CONSERVATION - NATURAL RESOURCE										
Fees, Dues & Subscriptions (WBLCD)	100-46101-437	\$2,000.00	\$2,000.00	\$2,000.00	\$740.00	actual based on info	\$1,791.00	\$1,100.00		
TOTAL - Conservation		\$2,000.00	\$2,000.00	\$2,000.00	\$740.00					
UNALLOCATED EXPENDITURES										
Miscellaneous	100-49201-430	\$1,930.00	\$2,000.00	\$2,000.00	\$ 2,000.00	catch all, note 2022 Zoom and PC's were				
Transfer to Capital Projects Fund	100-49360-722	\$30,000.00	\$30,000.00	\$30,000.00	\$ 30,000.00	road repair				
Sewer L/S 1 Project	100-49365-530	\$100,000.00	\$100,000.00	\$0.00	\$ -	assume bond or utility billing to cover sewer lift project?				
Village Hall Restoration	100-41940-220		\$17,883.00	\$0.00	\$ 3,000.00	New window for				
Transfer to Water Fund					\$ -					
TOTAL - Other Unallocated		\$131,930.00	\$149,883.00	\$32,000.00	\$35,000.00					
TOTAL OPERATING EXPENDITURES (DISBURSEMENTS)		\$512,000.00	\$512,000.00	\$493,841.00	\$557,444.59					
		<u>2021</u>	<u>2022</u>	<u>2023</u>	<u>2023</u>					
	Levy	\$ 512,000	\$ 512,000	\$ 493,841	\$ 557,445					
	Proposed \$\$ Change	\$ 23,500	\$ 23,500	-\$18,159.00	\$63,603.59					
	Proposed % Change	4.81%	4.81%	-3.55%	12.88%					

TO: City Council

FROM: Justin McCarthy

RE: Rewriting the Impervious Surface Code (302.050). 4/30/2023

Council,

In the beginning of my tenure with the City Council, I was tasked with writing code that would require residents with rain gardens and pervious pavement systems to enter into a maintenance agreement with the City to ensure that the rain gardens and other systems continued to function properly. The natural and logical place for this was 302.050 which defined our requirements for such structures.

During the time I was writing this code, the planning commission recommended that we allow residents who were between 25% and 30% to obtain a building permit without having to follow the variance process if the residents installed the mitigation structures that are laid out in the current version of 302.050.

Since both changes were to section 302.050, I decided to merge these changes. During my editing, I also discovered that nothing in the City code actually *required* a resident to construct any proposed structures. That is, they could apply to the city, obtain a variance, and then fail to build the mitigation structures and the City had limited recourse. I have added provisions to fix this.

We had a draft of this ordinance done in Fall of 2022, but since this is a shoreland ordinance, we need the DNR's approval to amend 302.050. Upon submission to the DNR, the DNR initially denied our proposal. Dan Scollan of the DNR has been very helpful and indicated that the DNR would allow us to have more impervious surface if we add a requirement for a riparian buffer zone for riparian lots. This is due to the DNR's view that impervious surface requirements are both to protect the environment from excessive runoff, but also for habitat purposes. A riparian buffer zone is an area with native plants, grasses, trees, and shrubs that is designed according to DNR standards available at the DNR's website Restore your Shore:

<https://www.dnr.state.mn.us/rys/index.html> . I have therefore included a riparian buffer zone requirement for the Shoreland Impact Zone for riparian lots in accordance with the DNR's request. The amount of riparian buffer zone required to obtain the permit (without a variance) in the attached proposal is based upon the amount of impervious surface over 25%. Dan Scollan has indicated that the DNR would approve the attached impervious surface code.

The planning commission approved the proposed code by a 4-0 vote (1 member was absent) with some minor typographical corrections as well as a suggestion to change the 5 year certification fee from \$200.00 to \$100.00 which I have adopted.

I have had Steve Thatcher review a previous version and he provided some feedback which is in this version.

In consideration of all of the above, I have rewritten 302.050 from the ground up. In sum, it includes the following:

- In the new 302.050, the impervious surface limitation of 25% remains. However, for projects resulting in impervious surface coverage of 25%-30%, a property owner may obtain a special impervious surface permit without a variance by: 1.) having stormwater management practices/structures that infiltrate the total volume of impervious for the lot for a 1.1 inch storm over 48 hours 2.) for riparian lots, a riparian buffer with native plants/grasses from the DNR's restore your shore website equal to 8% of the shoreland impact zone for every 1% over 25% impervious and 3.) executing a maintenance and implementation agreement.
- The new 302.050 updates the requirements for the management practices and structures.
- The new 302.050 requires implementation of any planned structures and includes penalties for failure to implement the structures.
- The new 302.050 requires maintenance agreements that run with the land so that it binds future owners. Maintenance agreements are required to be recorded with the property. The code calls out penalties for failure to perform the maintenance. In addition, the code has several requirements for the maintenance agreements.
- The new 302.050 details emergency maintenance by the City is allowed to protect other residents or City property.

Many thanks to Ryan Hankins, who assisted in the drafting of this document when he was a member of the planning commission. Many thanks as well to the members of the planning commission for their thoughts and review during the April PC meeting.

ORDINANCE 2023-05-01
CITY OF BIRCHWOOD VILLAGE
WASHINGTON COUNTY, MINNESOTA
AN ORDINANCE REPEALING AND REPLACING 302.050 IMPERVIOUS SURFACES
IN THE CITY CODE

The City Council of the City of Birchwood Village hereby ordains that section 302.050 IMPERVIOUS SURFACE of the Municipal Code of the City of Birchwood Village is hereby repealed and replaced with the following:

302.050 Impervious Surfaces and Lot Coverage

1. **Intent.** High levels of impervious surface coverage on lots create excessive stormwater runoff, destroys animal habitat and reduces the natural character of the land. For these reasons, the Minnesota Department of Natural Resources (DNR) requires Cities with shoreland to regulate impervious surface. Stormwater runoff from properties pollutes public waters, erodes land, destroys natural vegetation and can create nuisances to other properties. In addition, the City of Birchwood Village has limited stormwater management facilities throughout the City. As a result, to reduce the unwanted harmful effects of stormwater, it is the policy of the City of Birchwood Village that each property within the City manage its own stormwater to limit runoff into streets, waterways, and neighboring properties. As one way of limiting the stormwater runoff from each property, the City seeks to reduce the impervious surface of properties in the City. Minimizing impervious surface causes more stormwater to be absorbed into the soil and less to flow off the property. This reduces erosion, pollution of public waters and damage to other properties within the City from stormwater.
2. **Definitions.** The following definitions are used in this section:
 - a. **Impervious Surface** is defined as a ground surface covered or compacted with material so as to substantially retard the entry of water into the soil, and to cause water to remain on the surface or to run off the surface in greater quantities or at an increased rate of flow than would occur if there was a natural soil surface. Impervious surfaces shall include improvements utilizing concrete, asphalt, gravel, or other non-porous materials. Examples of impervious surfaces include, but are not limited to, roads, driveways, parking areas, swimming pools, sidewalks, patios, rooftops, and covered decks. Impervious surfaces may also result from compacting unpaved or ungraveled driveways and parking areas. For purposes of this section, pervious pavement systems are not considered impervious surfaces. Open decks and walkways with open joints at least ¼ inch wide per 8 inch wide board, and areas beneath overhangs less than 2 feet wide, if

bare or vegetated soil is beneath the decks or walkways or overhangs is not considered impervious surfaces. Further, any surface approved by the City Engineer using applicable industry standards to be given credit as a “pervious surface” shall be calculated as the area of the surface, times the pervious fraction of the surface.

- b. **Impervious Surface Coverage** is defined as the percentage of a lot covered by impervious surfaces.
 - c. **Retention Volume** is defined as the volume of 1.1 inches of stormwater from the post-construction impervious surfaces. For example, if the lot is 15,000 square feet and the post construction impervious surface coverage is 30%, the Retention Volume would be 30% of 15,000 or 4,500 sq feet * 1.1 inches or 412.5 cubic feet of water that would need to be infiltrated within 48 hours or less.
 - d. **Shore Impact Zone** is the land located between the ordinary high water level of a public water and a line parallel to it at a setback of 50 percent of the required structure setback. The required structure setback from the OHWL in the City of Birchwood Village is 50 feet, and the Shore Impact Zone is 25 feet.
 - e. **Stormwater management structures and best management practices** include any surface water management system or practice that is designed, constructed, or implemented to control stormwater by collecting, conveying, storing, absorbing, inhibiting, treating, using, infiltrating, or reusing water. Example stormwater management structures include rain gardens, infiltration basins, and bioswales.
3. **Impervious Surface Limitation.** Impervious Surface Coverage shall not exceed twenty-five (25) percent of the lot area unless the provisions of either 302.050(4) or 302.050(5) are met.
 4. **Impervious Surface Coverage Permit.** Projects that result in impervious surface coverage that exceeds twenty-five (25) percent but does not exceed thirty (30) percent shall be permitted if the property owner complies with, and demonstrates compliance with, the requirements of Section 302.050(6) to the satisfaction of the City Planner. Property Owners who are dissatisfied with the decision of the City Planner may seek a review of the decision in accordance with the requirements and procedures of section 310.
 - a. Property owners unable or unwilling to comply with 302.050(6) to the satisfaction of the City Planner are not entitled to a permit under this section, but instead may seek a variance according to subsection 302.050(5).
 5. **Variance.** Projects that result in impervious surface coverage that exceeds thirty (30) percent, or those projects that result in impervious surface coverage that exceeds twenty-five (25) percent but does not meet the requirements of 302.050(6) may be permitted if the property owner obtains a variance. To apply for a variance, the property owner shall comply with, and demonstrate compliance with, the requirements of subsection 302.050(6), or shall explain how and why the property owner is unable or unwilling to comply with subsection 302.050(6). In addition to the requirements of subsection 302.050(6), the property owner must follow the procedures and meet the standards

defined in Section 304 for obtaining a variance, including demonstrating to the satisfaction of the City Council that a practical difficulty exists.

- a. **Property owner unable to meet the requirements of 302.050(6).** Any property owner unable or unwilling to meet the requirements of 302.050(6) may still apply for a variance and have the variance application heard according to section 304. In this case, property owner shall enumerate which requirements of section 302.050(6) the property owner does not comply with and explain why the property owner does not comply with each requirement. Additionally, the City Planner shall note in the City Planner's report that the property owner is unable or unwilling to comply with 302.050(6) and shall enumerate the reasons (if known) that the property owner is unable or unwilling to comply with 302.050(6). Property owners are strongly encouraged to comply with 302.050(6).
6. **Requirements.** The following are requirements for applying for a variance from the impervious surface coverage requirements, or for obtaining a permit under 302.050(4).
- a. **Stormwater Management Plan.** The property owner shall provide a stormwater management plan that:
 - i. Documents the proposed development including all impervious surfaces and direction of runoff.
 - ii. Includes calculations showing the Retention Volume.
 - iii. Documents proposed structures and/or best management practices that infiltrate the Retention Volume within a forty-eight (48) hour period or less and meet the requirements of 302.050(7).
 - iv. For variances, provides results from application of the most recent version of the Minnesota MIDS (Minimum Impact Design Standards) Calculator (available on the Minnesota Pollution Control Agency's website), the U.S. Environmental Protection Agency's National Stormwater Calculator, HydroCAD, or another similar stormwater design calculator approved by the City Planner that show that the proposed stormwater management practices meet the required infiltration standard.
 - v. For variances, documents that the rate and volume of stormwater runoff from the property from a hundred year storm is not increased after the proposed project has been completed.
 - b. **Implementation and Maintenance Agreement.** The property owner shall include an implementation and maintenance agreement signed by the property owner or owners for the approved stormwater management practices and structures and for any riparian buffer required under section 6(c). The agreement must include the requirements of 302.050(8).
 - c. **Riparian Lots.**
 - i. **Riparian Buffer Required.** Lots abutting a shoreline of White Bear Lake must install and maintain a riparian buffer zone within the Shore Impact Zone if one does not already exist.
 - a. The buffer shall consist of trees, shrubs, or low ground cover of native plants and understory consistent with natural cover shorelines in accordance with the Minnesota DNR's "Restore Your Shore" guidance.

- b. The buffer shall cover eight (8) percent of the shore impact zone for every one (1) percent of impervious surface exceeding 25%.
 - c. property owners must provide a plan showing the proposed or existing location and size of the Riparian Buffer and the plantings required under (i)(a).
 - d. **Requirement to Record.** The variance or permit shall not be valid unless and until the property owner properly records the variance, permit, and the maintenance agreement with the property records at the Washington County Recorder's Office and submits a copy of the recording to the City for verification.
7. **Requirements of Structures and/or Best Management Practices.** Structures and best management practices used to obtain a permit or variance shall be designed to infiltrate the Retention Volume within forty-eight hours or less. Said structures and best management practices must meet the following requirements:
- a. Comply, where applicable, with the Minnesota Pollution Control Agency's Minnesota Stormwater Manual, National Pollutant Discharge Elimination System (NPDES) stormwater standards, Interlocking Concrete Pavement Institute Manual, or with standards otherwise required by the City Planner.
 - b. Provide a means to visually verify that all structures and best management practices are in working order as approved by the City Planner.
 - c. The base of installed infiltration structures or practices must be a minimum of three feet above the established ground water table or the OHWL of White Bear Lake, whichever is higher.
 - d. The site design must comply with section 302.055 and must minimize changes in ground cover, loss of natural vegetation, and grade change as much as possible.
8. **Maintenance Agreements**
- a. **Requirements of Maintenance and Implementation Agreement for Stormwater Management Structures.** Maintenance agreements required by section 302.050 must contain the following provisions, be signed by the property owner, be recorded as provided for in 302.050(6)(c) and be approved by the City.
 - i. An agreement to implement all stormwater management best practices and construct the stormwater management structures as identified in the stormwater management plan.
 - ii. An identification of the performance standards of the stormwater management structures or best management practices. The property owner will identify the proposed testing protocol and standards to determine how the performance of the structures or best management practices are to be judged.
 - iii. An identification of the type of maintenance and the maintenance intervals.
 - iv. An agreement to perform the identified maintenance and any other repairs, replacement, or other necessary work to maintain the stormwater management structures or stormwater best management practices in a condition consistent with the performance standards for which they were originally designed.
 - v. An identification of the Responsible Party who is responsible for maintenance of the stormwater management best practices and structures. The property

owner shall notify the City within 30 days of any changes to the responsible party.

- vi. An indication that this agreement runs with the land and shall bind future successors in title.
- vii. An agreement to allow the City and its representatives the right-of-entry on the property for the purposes of inspecting the stormwater management structures and best management practices.
- viii. An agreement that should any stormwater management structures or best management practices not be implemented, or fail to operate in a condition consistent with the performance standards for which they were originally designed or pose a threat to public safety, public health, or property as determined by the City Planner, the City may, after reasonable notice to the responsible party, perform any work necessary in order to implement, or bring the structures into a condition consistent with the performance standards for which they were originally designed or to eliminate any threat to public safety, public health, or property. The property owner agrees to pay the costs of any such work performed by the City.
- ix. An agreement to provide to the City, every five years, documentation that the maintenance required by this agreement was completed and to pay the required fee to the City.

b. Requirements for Maintenance and Implementation Agreement for Riparian Buffer

- i. An agreement to implement and preserve the riparian buffer in perpetuity or until the impervious surface coverage of the lot is reduced to 25% or less.
- ii. An identification of the type of maintenance and the maintenance intervals to preserve the riparian buffer.
- iii. An agreement to perform the identified maintenance and any other repairs, replacement, or other necessary work to maintain the riparian buffer in a condition consistent with the original design.
- iv. An identification of the Responsible Party who is responsible for maintenance of the riparian buffer. The property owner shall notify the City within 30 days of any changes to the responsible party.
- v. An agreement that this agreement runs with the land and shall bind future successors in title.
- vi. An agreement to allow the City and its representatives the right-of-entry on the property for the purposes of inspecting the riparian buffer.
- vii. An agreement that should the riparian buffer not be implemented, change character in a way that deviates substantially from the purpose of the original design, or pose a threat to public safety, public health, or property as determined by the City, the City may, after reasonable notice to the responsible party, perform any work necessary in order to implement, or bring the structures into a condition consistent with the original design or to eliminate any threat to public safety, public health, or property. The property owner agrees to pay the costs of any such work performed by the City.

9. **Requirement to implement.** Upon receiving the variance and/or permit under this section, the property owner must construct all proposed structures; all proposed best management practices in accordance with the stormwater management plan; and create all proposed riparian buffers. The proposed structures, implemented best management practices, and riparian buffers shall be constructed as approved by the City Council or City Planner and with any modifications directed by the City Council in granting any necessary variance. Failure to construct all proposed structures, riparian buffers, or to implement all best management practices will render the variance or permit invalid and any improvements constructed pursuant to said variance or permit will be illegal. The City may demolish and remove such improvements at the expense of the property owner. In the alternative, the City may construct the proposed improvements, implement the best management practices, or implement the riparian buffer, and charge the property owner costs for doing so. Such costs may be assessed to the property taxes of the property. This requirement shall run with the property and shall be binding upon all future property owners.
10. **Requirement to perform maintenance.** The property owner is required to perform, or cause to be performed all maintenance identified in the maintenance agreement, as well as any other additional work necessary to keep the stormwater management structures, best management practices, or riparian buffer in a condition consistent with the performance standards for which they were originally designed, including replacement of the structures, best management practices, or riparian buffer if necessary. The City may inspect the stormwater management structures, and/or records of best practices to ensure that the required maintenance is performed, and the City may inspect the riparian buffer to ensure that its condition is consistent with the original design. These requirements shall run with the property and shall be binding upon all future property owners.
11. **City May Perform Maintenance or Replacement.** Should any stormwater management structure or best management practice fail to operate in a condition consistent with the performance standards for which it was originally designed or pose a threat to public safety, public health, or property as determined by the City, or should the riparian buffer deteriorate into a condition inconsistent with the original design, the City may, after reasonable notice to the responsible party, perform any work necessary in order to bring the riparian buffer, stormwater management structure, or best management practice into a condition consistent with the performance standards for which they were originally designed or to eliminate any threat to public safety, public health, or property. The costs of any such work may be assessed to the property owner and may be certified to Washington County for assessment against the property taxes of the property.
12. **Reasonable Notice.** For purposes of this section, reasonable notice normally means 45 days. If, however, the City Planner provides a written opinion that the condition of the Storm Water Management Structure or Riparian Buffer is a danger to public safety, public health, or public or private property, and that 45 days' notice would not be in the best interests of public safety; public health; or the protection of public or private property; the City Administrator shall reduce or eliminate this notice to the extent necessary to protect the public safety; public health; or public or private property.

13. **Certification Required, Maintenance Fee.** Every five years, any property owner obtaining either a permit or a variance shall document that the conditions in the maintenance agreement have been met and shall pay a maintenance fee of an amount set by the Council in order to cover the administrative burden on the City in ensuring compliance with this section. This section applies to any maintenance agreement described in section 302.050.
14. **Remedy for Violations.** In addition to the remedies described above, such as in sections 302.050(9) and 302.050(11), violation of any portion this section, including the maintenance agreement provisions for both riparian buffers or stormwater management practices or structures, are also governed by Section 619.
15. **Severability.** If any section, subsection, sentence, clause, or phrase of this article is for any reason held to be invalid, such invalidity shall not affect the validity or enforceability of the remaining portions of this article. The City Council hereby declares that it would have adopted this article in each section, subsection, sentence, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

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 ___ day of _____ 2022.

Mayor

Attested:

City Clerk

RESOLUTION 2023-38

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

**A RESOLUTION APPROVING SUMMARY PUBLICATION OF ORDINANCE NO.
2023-05-01: AN ORDINANCE REPEALING AND REPLACING 302.050
IMPERVIOUS SURFACES IN THE CITY CODE**

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

WHEREAS, the City has adopted Ordinance No. 2023-05-01, which amends the language of City Code Section 302.050; and

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

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

1. Because the terms of Ordinance 2023-05-01 are lengthy, the City may publish the attached summary of the Ordinance as allowed by statute, and need not publish the entire ordinance. The attached summary clearly informs the public of the intent and effect of the Ordinance. Summary publication has been approved by at least a 4/5 vote of the City Council.
2. The effective date of the Ordinance amendments shall be upon their publication by summary as required by law.

Resolution duly seconded and passed this _____ day of _____, 2023.

Margaret Ford, Mayor

Attest:

Rebecca Kellen, City Administrator-Clerk

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

**AN ORDINANCE AMENDING SECTION 302.050 REGARDING IMPERVIOUS
SURFACE VARIANCES FOR PROJECTS OF A CERTAIN SIZE/IMPACT**

The following is a SUMMARY of the Ordinance:

On September 12, 2023 the City adopted an Ordinance (2023-05-01) to repeal and replace section 302.050 regarding impervious surfaces and a new standard to relieve the need for variances when impervious area is over 25 but less than 30% if certain requirements are met and maintained.

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 2023 – 05-02

**CITY OF BIRCHWOOD VILLAGE
WASHINGTON COUNTY, MINNESOTA
AN ORDINANCE AMENDING 300.020 LAND USE IN THE CITY CODE**

The City Council of the City of Birchwood Village hereby ordains that:

Section 300.020 LAND USE of the Municipal Code of the City of Birchwood Village is hereby amended to read as follows:

300.020. DEFINITIONS. For the purpose of Chapters 300 through 399 certain terms and words are hereby defined as follows:

1. Accessory Structure. A non-habitable one-story detached accessory structures (e.g., tool sheds, storage sheds) provided the floor area does not exceed 144 square feet and a maximum wall height of 12 feet measured from the ground to the top of the top plate.

“AMENDED BY ORDINANCE 2020-02-01; APRIL 14, 2020.”

2. Basement. A story partly underground but having less than 1/2 of its clear height above finished grade.

3. Best Management Practices (BMPs). Erosion and sediment control and water quality management practices that are the most effective and practicable means of controlling, preventing, and minimizing the degradation of surface water, including construction-phasing, minimizing the length of time soil areas are exposed, prohibitions, and other management practices published by state or designated area-wide planning agencies.

Examples of BMPs can be found in the current versions of:

a. The Minnesota Pollution Control Agency publications, “Protecting Water Quality in Urban Areas”, and “Storm-Water and Wetlands: Planning and Evaluation Guidelines for Addressing Potential Impacts of Urban Storm-Water and Snow-Melt Runoff on Wetlands”

b. The Metropolitan Council “Urban Small Sites BMP Manual” (available on disk or at: www.metrocouncil.org/environment/watershed/BMP/manual.htm (address current January 2005)),

c. The United States Environmental Protection Agency “Storm Water Management for Construction Activities: Developing Pollution Prevention Plans and Best Management Practices” (as a reference for BMPs)

d. The Minnesota Department of Transportation “Erosion Control Design Manual”.

4. Board. The Board of Appeals established in Section 304.010.

5. Boathouse. A structure designed and used solely for the storage of boats or boating equipment.
6. Building. Any structure which is built for the support, shelter or enclosures of persons, animals, chattels or movable property of any kind, which is permanently affixed to the land.
7. Building Line. A line parallel to the front lot line or the ordinary high water level at the required setback beyond which a structure may not extend.
8. Business. Any occupation, employment or enterprise wherein merchandise is exhibited or sold, or which occupies time, attention, labor and materials or where services are offered for compensation.
9. Clearcutting. Complete removal of trees or shrubs or woody ground cover in a contiguous patch, strip, row, or block.
10. Conventional Energy System. Any energy system, including supply elements, furnaces, burners, tanks, boilers, related controls, and energy-distribution components, which uses any source(s) of energy other than solar energy. These sources include, but are not limited to gas, oil and electric heating but exclude windmills.
11. Deck. A horizontal, unenclosed platform with or without attached railings, seats, trellises or other features, either attached or functionally related to a principal use.
12. Driveway. See Parking Space.
13. Dwelling. Any building or structure, or part thereof, which is used or intended to be used for living or sleeping.
14. Dwelling Unit. A room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping and cooking.
15. Easement. An interest in land owned by another that permits the owner of such interest the right of limited use or enjoyment of the land in which the interest exists.
16. Easement, Lake. Any tract of land running to and abutting the shoreline of White Bear Lake which is owned by the City, subject to the right of City residents to use for access to White Bear Lake.
17. Family. A family is:
 - a. An individual or 2 or more persons related by blood, marriage or adoption, living together or
 - b. A group of not more than 5 persons who need not be related by blood, marriage or adoption, living together as a single housekeeping unit in a dwelling unit.
18. Fence. A permanent partition, structure, wall or gate erected as a dividing marker or enclosure.

“AMENDED BY ORDINANCE 1997-3; AUGUST 12, 1997.”

19. Final Plat. The final map, drawing or chart on which the subdivider's plan or subdivision is presented to the City Council for approval, and which, if approved, will be submitted to the County Recorder or Registrar of Deeds for recording.

20. Garage. A building or portion of a building used by the tenants of the building on the premises which is designed primarily for the storage of motor vehicles. A detached garage is an accessory structure.

“AMENDED BY ORDINANCE 2000-1; FEBRUARY 8, 2000.”

21. Ground floor area. The ground floor area of any dwelling shall be the sum of the gross horizontal areas of the first floor of living area for each dwelling unit. However, the ground floor area shall not include the basement.

22. Home Occupation. A lawful occupation carried on solely or primarily within a dwelling unit. The occupation is clearly incidental and secondary to the use of the building for dwelling purposes, and does not change the character of the dwelling or accessory structure.

23. Impervious Surface. ~~A ground surface covered or compacted with material so as to substantially retard the entry of water into the soil, and to cause water to remain on the surface or to run off the surface in greater quantities or at an increased rate of flow than would occur if there was a natural soil surface.~~

~~Impervious surfaces shall include improvements utilizing concrete, asphalt, gravel, or other non-porous materials. Examples of impervious surfaces include, but are not limited to, roads, driveways, parking areas, swimming pools, sidewalks, patios, rooftops, and covered decks. Examples of impervious surfaces resulting from compacting are unpaved or ungraveled driveways and parking areas.~~

~~EXCEPTIONS 1: Open decks and walkways with open joints at least ¼ inch wide per 8 inch wide board, and areas beneath overhangs less than 2 feet wide, if bare or vegetated soil is beneath the decks or walkways or overhangs, shall not be considered impervious surfaces.~~

~~EXCEPTION 2: Any surface approved by the City Engineer using applicable industry standards to be given credit as a “pervious surface” shall be calculated as the area of the surface, times the pervious fraction of the surface.~~

Impervious surface is defined in section 302.050.

“AMENDED BY ORDINANCE 2018-08-01; OCTOBER 9, 2018.”

24. Land Disturbance Activity (LDA). Any land change that may result in soil erosion from water or wind and the movement of sediments including, but not limited to, grading, excavating, and filling of land, and removal of vegetation.

EXCEPTION: Gardening or the planting of trees or shrubs shall not be considered to be a land disturbance activity.

25. Lodging Room. A room rented as sleeping and living quarters without cooking facilities either with or without an individual bathroom. In a suite of

rooms without cooking facilities, each room which provides sleeping accommodations shall be counted as one lodging room.

26. Lot. A parcel of land designated by plat, metes and bounds, registered land survey, auditors plot or other accepted means and separated from other parcels or portions by said description for the purpose of sale, lease or separation

27. Lot of Record. A parcel of land, whether subdivided or otherwise legally described, as of January 1, 1975, or approved by the City as a lot subsequent to such date and which is occupied by or intended for occupancy by one principal building or principal use, together with any accessory buildings and such open spaces as required by Chapters 301 through 399, and having its principal frontage upon a street or the lake.

28. Lot, Corner. A lot situated at the junction of and abutting on 2 or more intersecting streets.

29. Lot Line. A property boundary line of any lot.

30. Lot Line, Front. That lot boundary abutting a public street. The owner of a lot abutting two streets may select either street as the front lot line.

31. Lot Width. The shortest distance between lot lines measured at the midpoint of the building line

32. Master Plan. Is a comprehensive plan and includes all plans of the City for land use, transportation facilities and community.

33. Nominal Structure. A non-habitable one-story detached accessory structure (e.g., tool sheds, storage sheds, playhouses, dog house) provided the floor area does not exceed 25 square feet and a maximum wall height of 10 feet measured from the ground to the top of the top plate.

“AMENDED BY ORDINANCE 2020-02-01; APRIL 14, 2020.”

34. Non-Conforming Use. **Non-Conforming Pre-Existing Structure or Use:** Any building or structure which was legally existing on January 1, 1975, or authorized by variance thereafter, which would not conform to the applicable conditions if the building or structure were to be erected under this Code. **Non-Conforming Illegal Structure, Use, or Lot:** A lot, building, structure, premises, or use illegally established when it was initiated, created, or constructed, which did not conform with the applicable conditions or provisions of the City Code for the area in which the structure or use is located.

“AMENDED BY ORDINANCE 2018-05-02; OCTOBER 9, 2018.”

35. Official Map. The map established by the City Council showing the streets, highways and parks theretofore laid out, adopted and established by law and any amendments thereto adopted by the City Council and the subsequent filing of such approved plats.

36. Open Space. Land with no structures upon it.

37. Open Space Site. Any park, beach, open area, special use area, lake easement or other area owned, improved, maintained, operated or otherwise controlled by the City of Birchwood Village for recreational and natural

resource preservation purposes.

38. Ordinary High Water Level. An elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial.

39. Owner. Any individual, firm, association, syndicate, co-partnership, corporation, trust or any other legal entity having a proprietary interest in land, including a sufficient proprietary interest in land sought to be subdivided and/or to commence and maintain proceedings to subdivide the same under this ordinance.

40. Parking Space or Driveway. A suitably surfaced and permanently maintained area on privately owned property either within or outside of a building of sufficient size to store one standard automobile or which provides ingress or egress to the principal or accessory structure of a suitable width for an automobile.

41. Preliminary Plan. The preliminary map, drawing, or chart indicating the proposed layout of the subdivision to be submitted to the City Council for its consideration.

42. Public Utility Use. Transmission facilities of electric power, gas, water, telephone and cable TV.

43. Public Waters. "Public waters" means any waters as defined in Minnesota Statutes, section 105.37, subdivision 14 and 15. In Birchwood, these waters and their shoreland classifications are:

DNR ID #82-167, White Bear Lake, General Development

DNR ID #82-134, Lost Lake, Recreational Development

DNR ID #82-480W, Hall's Marsh, General Development

44. Roadway. The paved portion of the street.

45. Setback. The minimum horizontal distance between a structure and an ordinary high water level, street, road or highway right-of-way or property line.

46. Shoreland. Land located within 1,000 feet of the ordinary high water level of a lake, pond, or wetland.

47. Significant Tree. A healthy coniferous tree six (6) feet or more in height or a healthy deciduous tree eight (8) inches or more in diameter.

48. Solar Energy. Radiant energy (direct, diffuse, or reflected) received from the sun.

49. Solar Energy System. A set of devices whose primary purpose is to collect solar energy and convert or store it for useful purposes including heating and cooling buildings or other energy-using processes, or to produce generated power by means of any combination of collecting, transferring, or converting solar-generated energy.

50. Storage Shed. A storage shed is a detached accessory structure used to shelter household items as well as tools and machinery used for yard maintenance. A trailer, truck box or other vehicle with or without its wheels or in operable or inoperable condition shall not be allowed as a storage shed.

“AMENDED BY ORDINANCE 2000-1; FEBRUARY 8, 2000.”

51. Storm Water. Precipitation runoff, storm water runoff, snow melt runoff, and any other surface runoff and drainage.

52. Street. The land between the road right-of-way lines. "Street" is also a way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place or however otherwise designated. The City Council shall determine when a given street is an "arterial street", "collector street", "cul-de-sac", "local

a. "Arterial Street" is a fast or heavy traffic street of considerable continuity and used primarily as a traffic artery for intercommunication among large areas.

b. "Collector Street" is a street which carries traffic from minor streets to arterial streets, including the principal entrance streets of a residential development and streets for circulation within such a development.

c. "Cul-de-sac" or "Dead-end Street" is a minor street with only one outlet.

d. "Local Street" is a street used primarily for access to abutting properties.

e. "Private Street" is a street serving as vehicular access to two or more parcels of land which is not dedicated to the public but is owned by one or more private parties.

f. "Width, Street" is the shortest distance between the lines delineating the right-of-way of a street.

53. Structure. Anything which is built, constructed or erected: an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner whether temporary or permanent in character including, but not limited to decks, buildings, cabins, manufactured homes, factories, sheds, screen porches, gazebos, platforms, shelters, pergolas, pools, whirlpools, detached garages, car ports, lean-tos, greenhouses, ice fishing houses, towers, and other similar items, except aerial or underground utility lines, such as sewer, electric, telephone, telegraph, gas lines, poles and other supporting facilities.

“AMENDED BY ORDINANCE 2013-08-01; AUGUST 13, 2013.”

54. Structural Alteration. Any change in the supporting members of a building, such as bearing walls, columns, beams or foundation.

55. Subdivider. Is an individual, firm, association, syndicate, co-partnership, corporation, trust or any other legal entity commencing proceedings under this

Code to effect a subdivision of land hereunder for himself or for another.

56. Subdivision. Is the division of a parcel of land into two or more lots or parcels for the purpose of transfer of ownership or building development, or, if a new street is involved, any division of a parcel of land; provided that a division of land which may be ordered or approved by a court or effected by testamentary or intestate provisions, or a division of land for agricultural purposes into lots or parcels of ten acres or more and not involving a new street shall not be deemed a subdivision. The term includes resubdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

57. Variance. The same as that term is defined or described in Minnesota Statutes, Chapter 462. (Procedures and criteria for obtaining variances are provided in The Zoning Code, Chapter 304.)

58. Walkway. An unenclosed area used primarily for foot traffic. A walkway may be paved or covered by a platform which is constructed at grade level and which is at no point more than 1 foot above grade or 4 feet wide.

59. Wetland. An area where water stands near, at, or above the solid surface during a significant portion of most years, saturating the solid surface and supporting a predominantly aquatic form of vegetation. "Wetland" is further defined as a surface water feature which can be classified as a Type 2, 3, 4, 5, 6, 7, or 8 wetland per definitions in the United States Fish and Wildlife Service Circular No. 39 (1971 edition). White Bear Lake is not included as a "wetland" within this definition.

“AMENDED BY ORDINANCE 1995-2; MAY 9, 1995.”

60. Yard, Front. That open space which extends along at right angles to the front line to a depth or width specified in the set-back regulations.

61. Yard, Rear. That open space on the same lot with the principal building located between the rear line of the building and the rear lot line or the ordinary high water level of a lake, pond or wetland, and extending for the full width of the lot.

62. Yard, Side. The open space extending along the side lot between front and rear yards.

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 ___ day of _____ 2022.

Mayor

Attested:

City Clerk

ORDINANCE 2023 – 05-03

**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 as follows:

**CITY OF BIRCHWOOD VILLAGE
WASHINGTON COUNTY, MINNESOTA
AN ORDINANCE AMENDING THE FEE SCHEDULE**

The PLANNING AND ZONING FEES, ESCROWS AND DEPOSITS section of the fee schedule of the Municipal Code of the City of Birchwood Village is hereby amended to read:

PLANNING AND ZONING FEES, ESCROWS AND DEPOSITS *subject to additional fees, in that section of the fee schedule. All planning and zoning permits require an additional refundable permit escrow when listed.	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	12/2022
	Refundable Street Vacation Escrow for permitting costs incurred by city	302.050	\$3,000.00	12/2022
	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	12/2022
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	12/2022
	Refundable building move escrow for permitting costs incurred by city	301.055(2)	\$1,000.00	12/2022
Certificate of occupancy			\$25.00	12/2022

Public Property Access Limited License	607.235	\$50.00	1/2019
<u>Stormwater Management Maintenance Review</u>	<u>302.050(8)</u>	<u>\$100.00</u>	<u>XX/2023</u>

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 ___day of _____ 2022.

Mayor

Attested:

City Clerk

To: Birchwood City Council
From: Ryan Hankins
Re: Solar Ordinance

August Remarks:

I have revised the code to limit systems to 10 inches above the roof surface and to require a conditional use permit for any system other than a rooftop system, which requires such systems to be considered at the planning commission and city council.

It also limits ground-mount systems to those where rooftop solar is not workable: “Ground-mount systems shall be permitted on a lot only where the applicant shows that a ground-mount system meeting the terms of this section can produce at least 125% of the average annual output of a full roof-mount solar installation.”

July Remarks:

Actions:

Request publication of a public hearing notice for the second reading of this ordinance in August.
--

I revised the code somewhat to allow more flexibility on ground-mound systems. Ground-mount is allowed without a conditional use permit, if the installation is less than 30% of the area of the roof and receives more sunlight than an allowable rooftop system.

There was some discussion on the council about how much ground-mount should be allowed. As a compromise, I removed aesthetic restrictions, and allowed ground-mount without a conditional use permit if the system will receive the same amount of sunlight as a feasible rooftop system, and the ground-mount system is less than 30% of the footprint of the principle structure. Ground-mount of up to 50% is allowed with a conditional use permit.

If the council has little interest in aesthetic regulation, it is possible to remove the conditional use permit requirement entirely, and to issue building permits for all solar systems. In Birchwood, the requirements for a conditional use permit and variances are similar anyway.

For useful background, LMC has an excellent resource for those of us who are ready to go beyond food to learn the “permit pyramid” in Minnesota; Cities have a great deal of discretion in ordinances and plans, very little flexibility in the administration and issuance of building permits and a balance with conditional use permits and variances:

<https://www.lmc.org/resources/zoning-decisions/>

June remarks:

The planning commission reviewed the following with me at its May 25 meeting. In addition, Mike Kraemer provided valuable comments, and I have updated the proposed ordinance with all of those comments. I am grateful for that feedback.

ORDINANCE NO. 2023-06-01

AN ORDINANCE AMENDING ORDINANCES NO. 301 TITLED “ZONING CODE: GENERAL PROVISIONS,” NO. 302 TITLED “ZONING CODE: REQUIREMENTS AND PERFORMANCE STANDARDS,” AND NO. 306 TITLED “ZONING CODE: CONDITIONAL USE PERMITS”

The City Council of The City of Birchwood Village, Minnesota ordains:

Section 1. Findings and Purpose.

Solar installations have become commonplace in surrounding areas, but shade in Birchwood has made our own solar development proceed more slowly. As Birchwood’s high tree cover diminishes due to emerald ash borer, sunlight will fall more directly onto houses and garages. Moreover, the Metropolitan Land Use Plan in Minn. Stat. § 473.859 calls for “an element for protection and development of access to direct sunlight for solar energy systems”

A conditional use permit for rooftop solar systems no longer makes sense; these systems can be regulated administratively with building permits without direct planning commission or city council oversight. Ground mount systems have significant enough potential impacts, however, that more oversight may ensure that aesthetic concerns can be addressed.

Because Minn. Stat. § 462.358 Subd. 6 provides that “unusual hardship includes, but is not limited to, inadequate access to direct sunlight for solar energy systems,” we should allow variances.

Section 2. Ordinance No. 302 titled “Zoning Code: Requirements and Performance Standards” is amended to insert section 302.100, to read:

302.100. SOLAR ENERGY INSTALLATIONS

1. Definitions.

- a. **Building-integrated Solar Energy Systems.** A solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems include, but are not limited to, photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights, and awnings.

- b. Grid-intertie Solar Energy System. A photovoltaic solar energy system that is connected to an electric circuit served by an electric utility company.
 - c. Ground-mount. A solar energy system mounted on a rack or pole that rests or is attached to the ground.
 - d. Photovoltaic System. A solar energy system that converts solar energy directly into electricity
 - e. Roof-mount. A solar energy system mounted on a rack that is fastened to or ballasted on a structure roof. Roof-mount systems are accessory to the principal use.
 - f. Solar Collector. The panel or device in a solar energy system that collects solar radiant energy and transforms it into thermal, mechanical, chemical, or electrical energy. The collector does not include frames, supports, or mounting hardware.
 - g. Solar Energy System. A device, array of devices, or structural design feature, the purpose of which is to provide for generation or storage of electricity from sunlight, or the collection, storage and distribution of solar energy for space heating or cooling, daylight for interior lighting, or water heating.
2. Intent. Solar energy is an abundant, renewable, and nonpolluting energy resource and its conversion to electricity or heat is beneficial. The intent of this ordinance is to:
- a. preserve the health, safety and welfare of the community by promoting the safe, effective and efficient use of solar energy systems; and
 - b. promote sustainable building design and management practices to serve current and future generations; and
 - c. implement the solar resource protection element required under the Metropolitan Land Planning Act; and
 - d. reduce dependence on nonrenewable energy resources and decrease air and water pollution that results from the use of conventional energy sources; and
 - e. enhance the reliability and power quality of the power grid and make more efficient use of electric distribution infrastructure; and
 - f. maintain the aesthetic qualities of the City, minimize the visibility of solar systems from roads and shorelines, and reduce impact on neighboring properties.
3. Height and Setback. Solar energy systems must meet the following height and setback requirements:

- a. Building- or roof-mounted solar energy systems shall not exceed the maximum allowed height. For purposes for height measurement, solar energy systems other than building-integrated systems shall not exceed ten inches in vertical height above the surface of the roof.
 - b. Ground-mount solar energy systems shall not exceed six feet in height when oriented at maximum design tilt.
 - c. Solar energy systems must meet the structure setback for the lot on which the system is located, except as allowed below.
 - d. The collector surface and mounting devices for roof-mounted solar energy systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built, unless the collector and mounting system has been explicitly engineered to safely extend beyond the edge and setback standards are not violated. Exterior piping for solar hot water systems shall be allowed to extend beyond the perimeter of the building on a side-yard exposure. Solar collectors mounted on the sides of buildings and serving as awnings are considered to be building-integrated systems and may project as permitted in § 302.020 Subd. 1.
 - e. Ground-mount solar energy systems may not extend into any setback when oriented at minimum design tilt, except as otherwise allowed for building mechanical systems.
4. Visibility. Solar energy systems shall be designed to minimize impacts to the public right-of-way and nearby property, to the extent that doing so does not affect the cost or efficacy of the system. The following standards shall apply:
- a. Building Integrated Photovoltaic Systems. Building integrated photovoltaic solar energy systems shall be allowed regardless of whether the system is visible from the public right-of-way, provided the building component in which the system is integrated meets all required setbacks and performance standards.
 - b. Reflectors. All solar energy systems using a reflector to enhance solar production shall not cause glare from the reflector affecting adjacent or nearby properties.
5. Ground Mount Systems.
- a. Lot Coverage. Ground-mount Solar Systems shall:
 - i. not exceed 30% of the building footprint of the principal structure in total collector area; and
 - ii. not count toward accessory structure limitations; and
 - iii. be exempt from impervious surface standards if the surface under the collector is not impervious surface.
 - b. Roof-mount infeasible. Ground-mount systems shall be permitted on a lot only where the applicant shows that a ground-mount system meeting the terms of this

section can produce at least 125% of the average annual output of a full roof-mount solar installation.

6. Plan Approval Required. All solar energy system permit applications shall provide a site plan for review, including to-scale horizontal and vertical (elevation) drawings. The drawings must show the location of the system on the building or on the property for a ground-mount system, including the property lines.
7. Compliance with Codes and Standards.
 - a. Electric solar energy system components must have a UL or equivalent listing and solar hot water systems must have an SRCC rating.
 - b. All solar energy installations shall be consistent with the State of Minnesota Building Code and shall meet approval of local officials.
 - c. All photovoltaic systems shall comply with the Minnesota State Electric Code.
 - d. Solar thermal systems shall comply with applicable Minnesota State Plumbing Code requirements and with HVAC-related requirements of the Energy Code.
 - e. Grid-intertie solar energy systems shall conform to all electric utility requirements.
8. Utility Notification. The electric utility shall be notified in advance of all grid-intertie solar energy system installations.
9. Permits Required. All solar installations require a building permit.
10. Exception from Conditional Use Permit. A conditional use permit is required in addition to all other permits required, except for:
 - a. building-integrated installations; and
 - b. roof-mount solar installations no more than ten inches above the roof, with each panel within 1 degree of the pitch of the roof and within the bounds of the roof surface.
11. Variances. An applicant with inadequate access to direct sunlight for solar energy systems or another practical difficulty under the terms of § 302.100 may apply for a variance. The variance application shall meet the requirements for plan approval and shall also demonstrate why the requirements of the code cannot be met without practical difficulty.

Section 3. Section 306.060 titled “Solar Energy Systems” of Ordinance No. 306 titled “ZONING CODE: CONDITIONAL USE PERMITS” is repealed.

Section 4. Section 301.070 titled “Conditional Uses” of Ordinance No. 301 titled “ZONING CODE: GENERAL PROVISIONS” is amended to read:

301.070. CONDITIONAL USES. Certain accessory uses permitted within the City have greater than usual chances to present safety hazards, impact on neighboring people and property, reduced aesthetics and nuisance situations. Because of these greater effects, the City requires these uses to be covered under Conditional Use Permits. Applications for Conditional Use Permits must comply with all provisions of Section 306. CONDITIONAL USE PERMITS.

1. A Conditional Use Permit shall be required for the following projects:
 - a. Any land disturbance activity where the slope is toward a lake, pond, wetland, or watercourse leading to such waters, and the alteration is closer to such waters than the structure setback requirement. See Note at end of Section 301.070.
 - b. Any land disturbance activity where such work involves an area greater than four hundred (400) square feet and/or more than fifty (50) cubic yards in volume. See Note at end of Section 301.070.
 - c. Any swimming pool with a capacity over three thousand (3000) gallons or with a depth of over three and one-half (3 1/2) feet of water.
 - d. Any tennis court.
 - e. Any solar energy system for which § 302.100 does not provide an exception.

NOTE: A separate Conditional Use Permit is not required for a land disturbance activity in conjunction with construction as part of a building permit as granted. However, as part of the Building Permit Application, the applicant shall provide information required pursuant to Section 306.030 and shall follow all provisions of Sections 302.050 IMPERVIOUS SURFACES and 302.055 LAND DISTURBANCE ACTIVITY STANDARDS.

Section 5. This ordinance becomes effective from and after its passage and publication.

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

Mayor

Attested:

City Clerk

RESOLUTION 2023-39

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

**A RESOLUTION APPROVING SUMMARY PUBLICATION OF ORDINANCE
NO. 2023-06-01: AN ORDINANCE AMENDING ORDINANCES NO. 301
TITLED “ZONING CODE: GENERAL PROVISIONS,” NO. 302 TITLED
“ZONING CODE: REQUIREMENTS AND PERFORMANCE STANDARDS,”
AND NO. 306 TITLED “ZONING CODE: CONDITIONAL USE PERMITS”**

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

WHEREAS, the City has adopted Ordinance No. 2023-06-01, which amends the language of 301, 302, and 306; and

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

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

1. Because the terms of Ordinance 2023-06-01 are lengthy, the City may publish the attached summary of the Ordinance as allowed by statute, and need not publish the entire ordinance. The attached summary clearly informs the public of the intent and effect of the Ordinance. Summary publication has been approved by at least a 4/5 vote of the City Council.
2. The effective date of the Ordinance amendments shall be upon their publication by summary as required by law.

Resolution duly seconded and passed this _____ day of _____, 2023.

Margaret Ford, Mayor

Attest:

Rebecca Kellen, City Administrator-Clerk

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

**AN ORDINANCE AMENDING SECTION 302 REGARDING CONDITIONAL
USE PERMITS AND SOLAR ENERGY PROJECTS**

The following is a SUMMARY of the Ordinance:

On September 12, 2023 the City adopted an Ordinance (2023-06-01) to amend 302 to add section 302.100 regarding solar energy installation performance standards.

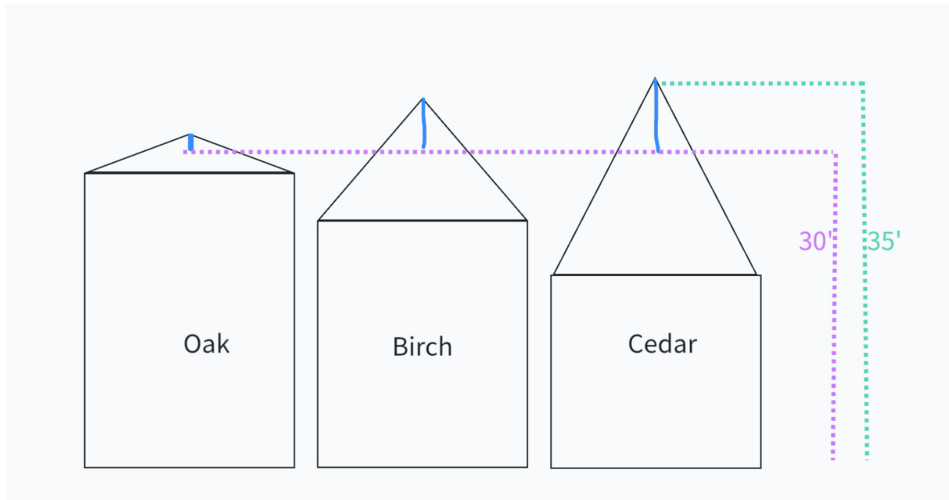
PLEASE BE ADVISED, this is not the full text of the Ordinance passed and the published material is only a summary. The full text is available for public inspection at the City of Birchwood, 207 Birchwood Avenue, Birchwood, Minnesota 55110 or delivered upon request electronically or by U.S. Mail.

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

To: Birchwood City Council
From: Ryan Hankins

Please see a discussion below and in the *findings and purpose* section.

1. [ACTION] Adopt ordinance.



Ryan's marginally helpful diagram.

The height code proposal works like this for most single-family houses: the top 30% of the structure is excluded from calculation, so a house with a more sloped roof can poke up higher above 30 feet. The Oak house with a less sloped roof can must have a lower total height; the Cedar house with a very high pitch occupies less visible space. The purple line shows that the 30 foot maximum. All single-family dwellings remain limited to 35 feet at the tallest point.

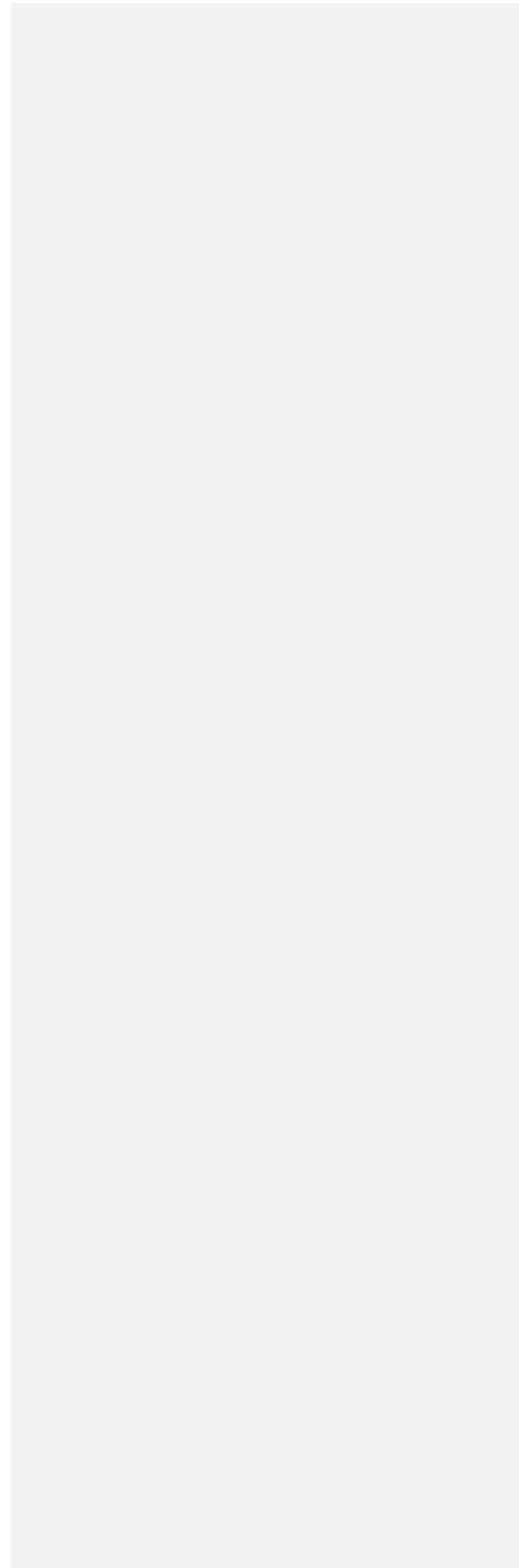
The following chart shows the maximum height based on the width of the house. Of course, if it is always capped at 35 feet. Most houses set the roofline parallel to the long edge of the house, which is typically less than 40 feet.

House Width	40	38	36	34	32	30	28	26	24	
Half of House Width	20	19	18	17	16	15	14	13	12	
3/12 Pitch	3	5.00	4.75	4.50	4.25	4.00	3.75	3.50	3.25	3.00
30% of rise		1.5	1.425	1.35	1.275	1.2	1.125	1.05	0.975	0.9
Maximum Height		31.5	31.425	31.35	31.27	31.2	31.125	31.05	30.975	30.9
4/12 Pitch	4	6.67	6.33	6.00	5.67	5.33	5.00	4.67	4.33	4.00
30% of rise		2	1.9	1.8	1.7	1.6	1.5	1.4	1.3	1.2
Maximum Height		32	31.9	31.8	31.7	31.6	31.5	31.4	31.3	31.2
5/12 Pitch	5	8.33	7.92	7.50	7.08	6.67	6.25	5.83	5.42	5.00
30% of rise		2.5	2.375	2.25	2.125	2	1.875	1.75	1.625	1.5
Maximum Height		32.5	32.375	32.25	32.12	32	31.875	31.75	31.625	31.5
6/12 Pitch	6	10.00	9.50	9.00	8.50	8.00	7.50	7.00	6.50	6.00
30% of rise		3	2.85	2.7	2.55	2.4	2.25	2.1	1.95	1.8
Maximum Height		33	32.85	32.7	32.55	32.4	32.25	32.1	31.95	31.8
8/12 Pitch	8	13.33	12.67	12.00	11.33	10.67	10.00	9.33	8.67	8.00
30% of rise		4	3.8	3.6	3.4	3.2	3	2.8	2.6	2.4
Maximum Height		34	33.8	33.6	33.4	33.2	33	32.8	32.6	32.4
10/12 Pitch	10	16.67	15.83	15.00	14.17	13.33	12.50	11.67	10.83	10.00
30% of rise		5	4.75	4.5	4.25	4	3.75	3.5	3.25	3
Maximum Height		35	34.75	34.5	34.25	34	33.75	33.5	33.25	33
12/12 Pitch	12	20.00	19.00	18.00	17.00	16.00	15.00	14.00	13.00	12.00
30% of rise		6	5.7	5.4	5.1	4.8	4.5	4.2	3.9	3.6
Maximum Height		35	35	35	35	34.8	34.5	34.2	33.9	33.6

As a reference, Mahtomedi defines building height similarly to this proposal, except it allows half the vertical height to stick above the limit (rather than 30%).

Building Height. The vertical distance measured from the average ground level prior to construction to the top cornice line of a flat and mansard roof, to the uppermost point on a

shed, round, or other arch-type roof, or to the midpoint of the tallest gable of a pitched or hipped roof.



ORDINANCE NO. 2023-07-01

AN ORDINANCE AMENDING SECTION 302.045 OF ORDINANCE NO. 302 ADOPTED ON DECEMBER 13, 2016, AND TITLED “ZONING CODE REQUIREMENTS AND PERFORMANCE STANDARDS.”

Findings and Purpose:

Our structural height restrictions limit energy-efficient housing design. New energy code requires 7-inch energy heel, 9-foot ceilings, and building methods that use 18- to 48-inch deep trusses to span open floor plans result in common two-story building heights that can easily exceed the existing code limitation of 30-foot average exposure height on a flat lot. Allowing higher structures when roofs have greater pitch balances goals of regulating structure size and meeting stricter energy codes.

This changes allows the upper 30% of a roof of a house or its attached garage, measured vertically, to protrude above the 30-foot maximum structure height. It limits the amount of the structure that may fill that area, preserving light and space outdoors, but reducing the advantage in expanded interior space that flatter roofs provide over pitched roofs.

Our current code for detached structures has more reasonable results; that is unchanged.

The City Council of The City of Birchwood Village, Minnesota ordains:

Section 1. Section 302.045 of Ordinance No. 302 adopted on December 13, 2016 and titled ZONING CODE REQUIREMENTS AND PERFORMANCE STANDARDS is amended to read:

302.045 STRUCTURAL HEIGHT RESTRICTIONS

1. The height of a structure shall not exceed the maximum structure height for its type in 302.045(2).

2. STRUCTURAL HEIGHT LIMITATION: The maximum height of a structure as calculated by Method A, ~~or Method B~~ or C (see below) is as follows:

<u>Structure type</u> <u>Limitation</u>	<u>Maximum Structure Height</u>
Principal Structure/attached garage	30 feet
Detached garage	18 feet
Detached storage shed	12 feet

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METHOD A: (~~Most a~~Applicable to 3-dimensional structures, e.g. houses and principal structures and attached garages.) ~~The maximum height of a structure is the difference between the elevation of the highest point of the structure and the average elevation of the grade plane. For flat and shed roofs, the height of a structure is the vertical distance measured between the average elevation of the grade plane and the highest point of the roof surface. For mansard roofs, the height of a structure is the vertical distance between the average elevation of the grade plane and the break line. For gable, gambrel and hip roofs, the height of a structure is the vertical distance between the eaves and the average elevation of the grade plane, plus 70% of the vertical distance between the eaves and the structure's highest roof ridge. For gable, gambrel and hip roofs with uneven eaves, the average of the heights of that roof's eaves is used to determine vertical distance.~~ The grade plane shall be calculated based on the method shown in Exhibit A below. Elevation points at the ground level shall be evenly distributed along each façade.

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METHOD B: (Applicable to detached 3-dimensional structures, e.g. detached garages and storage sheds): ~~The height of a structure is the difference between the elevation of the highest point of the structure and the average elevation of the grade plane. The grade plane shall be calculated based on the method shown in Exhibit A below. Elevation points at the ground level shall be evenly distributed along each façade.~~

METHOD ~~CB~~: (~~Most a~~Applicable to structures which are mainly 1- or 2-dimensional, e.g. towers and walls.) ~~The maximum~~ height of a structure is the difference in elevation between any point on the structure and the ground directly below that point.

32. Grading/Fill Limitation

The ~~existing~~ grade of the property shall not be ~~raised around a new building or foundation in order~~ changed to comply with ~~the height requirements of this code restrictions.~~

43. Tallest Point Limitation

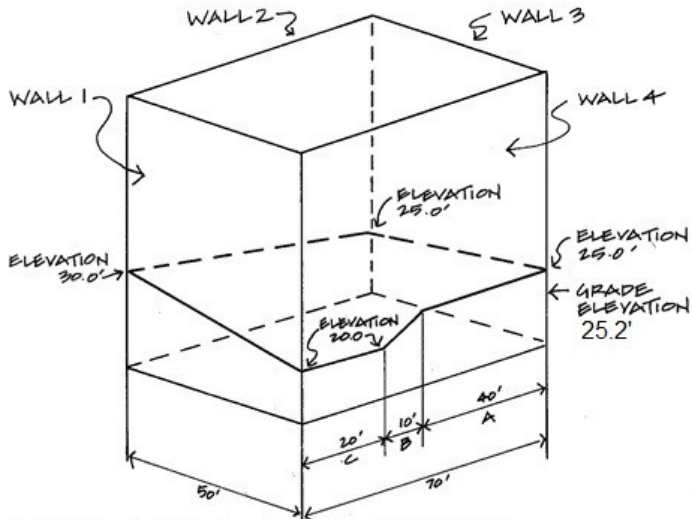
Regardless of the structure height limitations for principal structures specified in section 302.045 subsection 24 above, the lowest point on the façade to the tallest point of a structure shall not exceed 35 feet. Also, the tallest point of an attached garage shall not exceed the height of the tallest point of the principal structure.

54. Exceptions.

The ~~maximum~~ structure height and tallest point limitations established herein shall not apply to chimneys and flues, provided the footprint or horizontal area of the chimney or flue does not exceed 16 square feet and the top of the chimney or flues and does not extend more than three feet above the tallest point of the ~~structure roof.~~

Exhibit A:

ILLUSTRATION 16: GRADE, GRADE ELEVATION



GRADE = AVERAGE GROUND ELEVATION

WALL 1 $\frac{20.0 + 30.0}{2} \times 50 = 1250$

WALL 2 $\frac{30.0 + 25.0}{2} \times 70 = 1925$

WALL 3 $\frac{25.0 + 25.0}{2} \times 50 = 1250$

WALL 4 A- $25.0 \times 40 = 1000$

B- $\frac{25.0 + 20.0}{2} \times 10 = 225$

C- $20.0 \times 20 = \frac{400}{240} = \frac{6050}{240}$

GRADE = $\frac{6050}{240} = 25.2$

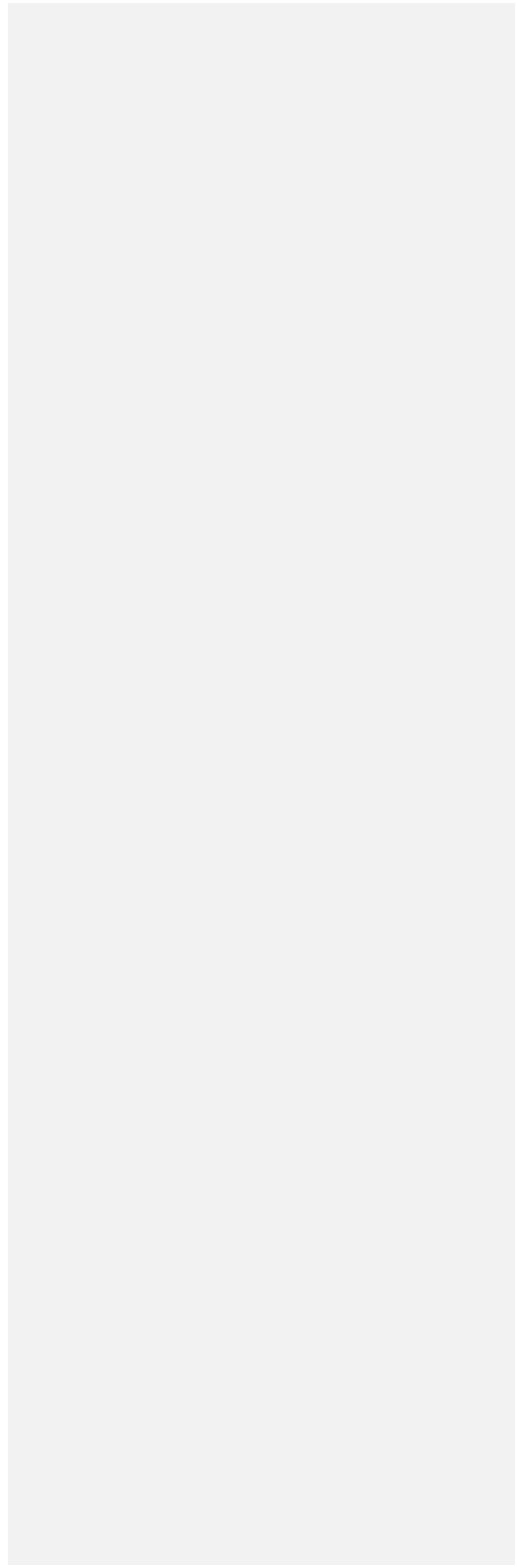
This ordinance becomes effective from and after its passage and publication.

Passed by the City Council of The City of Birchwood Village, Minnesota this ____ day of Month, Year.

Mayor

Attested:

City Clerk



RESOLUTION 2023-40

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

**A RESOLUTION APPROVING SUMMARY PUBLICATION OF ORDINANCE
NO. 2023-07-01: AN ORDINANCE AMENDING SECTION 302.045 OF
ORDINANCE NO. 302 ADOPTED ON DECEMBER 13, 2016, AND TITLED
“ZONING CODE REQUIREMENTS AND PERFORMANCE STANDARDS.**

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

WHEREAS, the City has adopted Ordinance No. 2023-07-01, which amends the language of City Code 302.045; and

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

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

1. Because the terms of Ordinance 2023-07-01 are lengthy, the City may publish the attached summary of the Ordinance as allowed by statute, and need not publish the entire ordinance. The attached summary clearly informs the public of the intent and effect of the Ordinance. Summary publication has been approved by at least a 4/5 vote of the City Council.
2. The effective date of the Ordinance amendments shall be upon their publication by summary as required by law.

Resolution duly seconded and passed this _____ day of _____, 2023.

Margaret Ford, Mayor

Attest:

Rebecca Kellen, City Administrator-Clerk

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

AN ORDINANCE AMENDING SECTION 302.045 REGARDING STRUCTURE HEIGHT RESTRICTIONS

The following is a SUMMARY of the Ordinance:

On September 11, 2023 the City adopted an Ordinance (2023-07-01) to clarify and the methodology of calculating structure height for purposes of building. The clarifications include illustrative aids to assist the user of the code.

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.

Mark Foster <mark.foster@cityofbirchwood.com>

Tue 8/1/2023 1:53 PM

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

And here's the cannabis prohibition in public spaces addition that I would like to discuss. The state government legalized cannabis effective August 1, but left a gap for cities to cover when it comes to use in public spaces. This would just align our ordinances with no tobacco or alcohol use in all publicly owned spaces. We just adjusted 610 a couple of months ago so this just adds cannabis and related products. Please place this as a first reading for next week.

Thanks

Mark

From: Mark Foster

Sent: Monday, July 31, 2023 2:53 PM

To: Rebecca Kellen <Rebecca.Kellen@cityofbirchwood.com>; City of Birchwood Village <info@cityofbirchwood.com>; H.A.Kantrud <BirchwoodLegal@protonmail.com>

Subject: Cannabis Ban in Public Spaces

Good afternoon,

Please add this under my name for the August meeting. Just making a cannabis addition to the tobacco ban in public spaces. Let me know if you need anything additional.

Thanks!

ORDINANCE 2023-08-01
Cannabis Ban in Public Spaces

The City Council of the City of Birchwood Village hereby ordains that:

610. Tobacco, Cannabis, and Cannabis Products of the Municipal Code of the City of Birchwood Village is amended to read as follows.

610. Tobacco, Cannabis, and Cannabis Products

610.045. USE OF TOBACCO, CANNABIS AND CANNABIS PRODUCTS. No person shall use any form of tobacco, e-cigarettes, **cannabis, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products** at or on any public open space, restroom, public lake tract park, warming house, athletic court or field, ice rink, picnic shelter or path, nor shall any person use any form of tobacco, e-cigarettes, **cannabis, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products** at or on any dock association dock, nor at or in any boat at a dock, boat life or boat hoist at a public lake tract, nor at any event on any City street, road or parkway that is open to the public and hosted by the City.

610.060. PENALTIES. Any person who violates this chapter shall be guilty of a misdemeanor.

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 ____th day of _____, 2023

Margaret Ford, Mayor

Attest:

Rebecca Kellen, City Administrator-Clerk

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

AN ORDINANCE AMENDING SECTION 617.215

REGARDING PUBLIC LAKE TRACTS, WATERCRAFT RACKS AND USE

The following is a SUMMARY of the Ordinance:

On September 12, 2023 the City adopted an Ordinance (2022-08-02) to amend
617.215 to define who is eligible for rack spaces and performance standard for them.

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.

From: Ryan Hankins
To: Birchwood City Council
Re: Allowing small craft to remain on beaches in winter

I am putting this forward this month so that we have time to let kayak and canoe rack users know of additional flexibility in winter storage.

[ACTION] Amendment to Small Craft section of Public Lake Tracts ordinance.

ORDINANCE NO. 2023-08-02

AN ORDINANCE AMENDING SECTION 617.215 OF ORDINANCE NO. 615 ADOPTED ON MARCH 13, 2018, AND TITLED “PUBLIC LAKE TRACTS”

Section 1. Findings and Purpose:

This change removes the requirement that small craft be removed in winter. Instead, we can just inspect in the spring and if an unpermitted craft is on the racks, the owner can simply pay the fee. Hopefully if it is easier for owners to resolve the problem (by paying instead of removing), it will reduce overhead. I suspect most owners will still remove their boats, but they don't have to do so.

It also:

- *Makes rack slots available to city employees.*
- *Eliminates that rack slots are available to non-resident property owners.*
- *Requires that each craft have a DNR license, if applicable. This may help us deal with boats that remain on racks that are not being used.*
- *Requires that owners register a valid email address with the City, if they wish to receive reminders.*

Section 2.

Section 617.215, titled “Small Craft” of Ordinance No. 617, and titled “PUBLIC LAKE TRACTS” is hereby amended to read as follows:

617.215 **Small Craft.**

(1) Storage. ~~Only Birchwood~~ Permit holders may store canoes, kayaks, and other ~~small~~ non-motorized watercraft which fit within a single rack space on racks provided by the City located at Lake Tracts City Easements. Permit holders must hold title to the permitted watercraft. ~~may not rent their small craft~~

~~to non-residents. Small Craft shall be stored on a Public Lake Tract only during the Boating Season and the owner shall remove such during the non-boating season. Owners of small craft may must not leave any chains or locks on the racks at the end of each Boating Season. As a matter of courtesy, families who own more than one small craft are encouraged to place both on the same rack.~~

(2) Permit required. ~~On or after January 1 of each year,~~ City Employees, and residents may purchase a small craft permit for each small craft from the City ~~Administrator~~ Clerk ~~to store small craft on racks at City Easements on or after January 1 of each year.~~ A permit shall be valid until April 15 in the year after it is issued. The permit applicant shall acknowledge that notifications from the City depend on the City's record of a valid email address. The cost for each permit is as set forth in ~~the fee schedule~~ Chapter 701. ~~The owner shall place~~ A the sticker provided by the City ~~accompanying the permit must be placed on on~~ each small craft, and the sticker must be visible when the craft is stored in the rack, ~~registered with the City.~~ If a DNR license is required to operate the ~~craftboat~~ on public waters, an unexpired ~~the~~ license sticker must also be attached to the ~~craftboat~~. When purchasing a permit, if the owner is not a City ~~E~~mployee, the small craft owner shall show proof of residency.

(3) Penalty for Violation. The owner of a small craft ~~without~~ determined to not have a valid permit shall pay will be charged the a fee as set forth in ~~the City Fee Schedule~~ Chapter 701. ~~If, after notice~~ If an unpermitted small craft remains on a rack after 30 days' notice by email or if the City does not have a record of the owner's valid email address, the City may apply the remedies in chapter 613. ~~a small craft without a valid sticker remains on a rack, the City may~~ city reserves the right to remove the small craft and charge the owner a removal cost as set forth in Chapter 701.

Section 3. This ordinance becomes effective from and after its passage and publication.

Passed by the City Council of The City of Birchwood Village, Minnesota this _____ day of Month, Year.

Mayor

Attested:

City Clerk

RESOLUTION 2023-41

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

**A RESOLUTION APPROVING SUMMARY PUBLICATION OF ORDINANCE
NO. 2023-08-02: AN ORDINANCE AMENDING SECTION 617.215 OF
ORDINANCE NO. 615 ADOPTED ON MARCH 13, 2018, AND TITLED
“PUBLIC LAKE TRACTS**

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

WHEREAS, the City has adopted Ordinance No. 2023-08-02, which amends the language of City Code 617.215; and

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

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

1. Because the terms of Ordinance 2023-08-02 are lengthy, the City may publish the attached summary of the Ordinance as allowed by statute, and need not publish the entire ordinance. The attached summary clearly informs the public of the intent and effect of the Ordinance. Summary publication has been approved by at least a 4/5 vote of the City Council.
2. The effective date of the Ordinance amendments shall be upon their publication by summary as required by law.

Resolution duly seconded and passed this _____ day of _____, 2023.

Margaret Ford, Mayor

Attest:

Rebecca Kellen, City Administrator-Clerk

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

AN ORDINANCE AMENDING SECTION 617.215

REGARDING PUBLIC LAKE TRACTS, WATERCRAFT RACKS AND USE

The following is a SUMMARY of the Ordinance:

On September 11, 2023 the City adopted an Ordinance (2022-08-02) to amend
617.215 to define who is eligible for rack spaces and performance standard for them.

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.

CITY OF Birchwood Village
REQUEST FOR COUNCIL ACTION

Meeting Date: 9/12/23	Agenda Item: Solberg Lawn Mower Claim
	Estimated Time: 5 Minutes
<p>Council Action Requested: <input type="checkbox"/> Motion to approve or deny.</p> <p>A letter was received by the administrator regarding a lawnmower that was damaged mowing the lawn of a residence that occurred on the city right of way. An insurance claim was filed and denied. Administration requests that city council review the attached information and decide on whether the city should pay damages in the amount of \$1118.86, to cover repairs of the lawnmower.</p> <p>Supporting Documents: <input type="checkbox"/> Attached</p>	

6/6/23

Ms. Kellen:

My college age son mows John Fleck's properties including his residence on 425 Hall Avenue.

On May 31st while mowing the grass along the street, his mower struck a street sign stub that was sticking up approximately 2.5 to 3 inches above the ground. From the force of the blade striking this stub, the mower's engine was ruined due to a bent crankshaft with repairs running over \$1100 estimated (please see attached estimate from Hugo Equipment).

I have included many pictures also of this steel stub. The raw, ragged top edge of it shows it to have been cut off with a welder's cutting torch at some point. This amounts to a dangerous situation, not just for someone mowing, but to any walker, bicyclist, or other person who might fall onto this protruding stub.

It is clear this remaining post should have been removed by the village when the other sign location was established closer to the road as the picture indicates. Why was this not done?

I am asking the City of Birchwood Village to cover the repair costs of the ruined lawn mower, a Toro 21" PROLINE Commercial mower.

Please call me at 651-334-5357 to discuss the next steps.

C. Ryan Solberg
White Bear Lake





SPEED
LIMIT
25





Received 8/21/23

August 10, 2023

Ryan Solberg
5357 West Bald Eagle Blvd.
White Bear Lake, MN 55110

RE: LMCIT CLAIM NO.: GL294952
TRUST MEMBER: City of Birchwood Village
D/OCCURRENCE: May 31, 2023

Dear Mr. Solberg:

The League of Minnesota Cities Insurance Trust provides coverage to our trust member, the city of Birchwood Village. I have completed my investigation into the above-referenced matter and feel the city of Birchwood Village was not negligent for the damage to your property; therefore, we must regretfully deny your claim.

Birchwood Village had no notice of the condition along Hall Ave. prior to this incident. They had not received any calls or complaints prior to this incident. When notified the post was promptly removed.

An equipment operator has a significant duty to ensure the area is clear before mowing, especially when mowing in a new location and along a public roadway.

We regret that we could not provide you with a more favorable resolution to your claim. If you have any questions regarding my decision, please call me at 651-215-4078.

Sincerely,

Derek Krause
Claims Adjuster

c: Rebecca Kellen, City of Birchwood Village,
North Risk Partners, LLC

CITY OF Birchwood Village
REQUEST FOR COUNCIL ACTION

Meeting Date: 9/12/23	Originating Department: Technology
Agenda Item: Birchwood Village Website Vendor	
	Estimated Time: 10 minutes
Council Action Requested: <input type="checkbox"/> Motion to approve new website vendor. GovOffice was bought out by Catalis recently and they contacted me to explain our options for the next contract cycle. The contract we are currently on began in August of 2001. We have been paying \$570 annually, up from just \$300 from when we started with them in 2001. With the new ownership, Catalis, the pricing is increasing. Here are our options as explained to me by a Catalis representative. <ol style="list-style-type: none">1. Move our website onto the Catalis platform. With this comes the price increases (annually) as can be seen on the first page of the attachment. Note that they will not be charging any implementation costs (for the conversion nor redesign). The costs provide site redesigns for year 1 and 4. It is a 4 year contract2. Take a 1-year extension contract for \$1000 annually that does not include the redesigning, meaning our website would remain the same until next year when we could decide to continue on with Catalis or move to another vendor. Please let me know which is the preferred option for the council at this time. Supporting Documents: Attached	



ORDER FORM

Client Information

Client: City of Birchwood Village Address: 207 Birchwood Avenue,
 Contact Name: Rebecca Kellen Birchwood, MN
 Email Address: rebecca.kellen@cityofbirchwood.com 55110
 Phone: (651) 426-3403

Terms and Conditions

Subscription Start Date: August 1, 2023 Payment Method: EFT
 Subscription End Date: July 31, 2027 Auto-Renewal: Yes

Products and Services

	Year 1	Year 2	Year 3	Year 4
Website Management (Sched. A)	\$1,995	\$2,114	\$2,240	\$2,374
SUBTOTAL	\$1,995	\$2,114	\$2,240	\$2,374

Notes

Subscription Fee(s), are invoiced each year on the annual anniversary of this Agreement.
 Fees do not include applicable Taxes.

Acceptance

Client acknowledges and agrees that this Order Form shall become legally binding, and Client shall be bound by the terms and conditions of the Catalis Terms and Conditions found at <https://govcontract.wpengine.com/saas-terms-conditions/>

Effective Date: _____

City of Birchwood Village

Catalis Public Works & Citizen Engagement, LLC

Per: _____

Per: _____

Name: _____

Name: _____

Title: _____

Title: _____



SCHEDULE A – WEB DESIGN AND MAINTENANCE SERVICES

WEBSITE FEATURES INCLUDED	
ALL-INCLUSIVE PACKAGE:	
<i>Basic Municipal Set up Package includes hosting, design, tech support, basic municipal web applications, automatic updates, Mobile View, data backups, and all existing and new website features.</i>	
SSO	Inc.
Admin Dashboard	Inc.
Automatic Feature Updates	Inc.
Accessibility Development	Inc.
Responsive Designs	Inc.
North America Hosting	Inc.
SSL Certificates	Inc.



QUOTATION FOR SERVICE

DATE: 8/28/01

FROM: Tyler Candee (sales@govoffice.com)

Please fill in missing information and mail or fax (651-290-2123) this form along with applicable purchasing information necessary for invoicing.

City: Birchwood, MN
 Population*: 968
 Contact: Jackie Hildebrand
 Address: 207 Birchwood Ave
 City, State, Zip: Birchwood, MN 55110-1610
 Phone: 651-426-3403
 Fax: 651-426-7747
 E-mail: hwood@spacestar.net

Qty.	Description	Unit Price	Extension
1	One-time license fee (Beta)	\$150	\$150
12	Monthly Internet hosting fee (Beta)	\$12.50	\$150
Total:			\$300

Customer Service and Training: GovOffice.com will provide an initial, comprehensive training session (approximate length of 1 hour) plus up to 180 minutes of additional online/telephone customer service through GovOffice.com's customer service center per web site. Additional customer service is available at GovOffice.com's standard rates, currently \$12/hour, billed in 10-minute increments. Custom design work is also available, at a current rate of \$60/hour, 1/2 hour minimum.

Email and List Services: Two (2) e-mail POP accounts per site are provided at no charge. Additional POP accounts are available for \$10.00 per account. List Serve mailings of up to 5,000 text only messages each month are provided at no charge. Additional mailing services are available at a rate of \$10.00 for 10,000 or fewer text only messages.

Domain name registration: Customers may choose from the following options for domain names for web sites: A customer who already owns a domain name (URL) may have that name transferred to the new web site for a \$50.00 set-up fee. Or, at a customer's request, GovOffice.com's customer service center may purchase a new domain name (URL) on behalf of the customer and redirect it to the customer's web site. The domain name may be reserved for two years for a \$90 fee or for one year for a \$55 fee.

* Price quote based on 2000 census population provided by client and is subject to verification and correction.

PURCHASE ORDER INFORMATION

Please include copies of relevant purchase orders, etc, where applicable.

Purchase Order: _____

Purchase Order: _____

Other Info: _____

*OK to bill Jackie Hildebrand
to above address. 9/4/01*

BY PAYING FOR OR UTILIZING THE GOVOFFICE.COM SERVICE, YOU AGREE TO THE

WWW.GOVOFFICE.COM



CITY OF
BIRCHWOOD VILLAGE


207 BIRCHWOOD AVENUE
BIRCHWOOD, MINNESOTA 55110-1827

PH: 651-426-3403
FAX: 651-426-7747

DATE: 9-4-01

FAX TO: Tyler Candee
COMPANY: GovOffice FAX NO: 651-290-2123
FAX FROM: Jackie Hildebrand
RE: Purchase order for web for Cities
PAGES: 2 (This includes transmittal page)

Signed form attached.

 (If you are experiencing problems, please contact us at 426-3403)



Product Summary

Our CMS provides you with the ability to refine all user accounts to restrict access to specific features. For example, you can create an admin user account and provide a specific user with access to edit only specific pages or have access to a specific application. This is a great feature for a larger government that may want to provide departments with access to edit specific sections of a website.

There is no limit to the number of user accounts, and you can enable/disable user accounts at any time. Catalis' CMS is also responsive for any mobile device, and you can edit any pages and use any admin features from a mobile phone, tablet, or computer.

In addition to our standard dashboard and Single-Sign-On (SSO) portal, some key benefits to using Catalis' CMS Package include:

Accessibility

Accessibility Development, SSL Certificates and North American hosting (AWS).

Strong Security

Scan files and behaviour with monitoring and anti-virus software. We have annual penetration tests, and a security committee implementing and updating best practices.

Mobile Responsive Design

This proposal includes a design that will be completely responsive on any mobile device. Your content management system is also responsive and provides you with the ability to edit your website on any mobile device including a smartphone.

Business Directory

Map business locations.

Accordions

The Accordion is a new data type within the CMS. It is like the Quick List data type, but each item is grouped in an expandable/collapsible region.

Air Quality

Display air quality information on your website.

Notices/Announcements/News

The News content type is best for content you want to be scheduled for publication. This content type is also useful for creating a section of announcements that you can easily promote to the homepage using the Promotions feature. The News content type is sorted by publish date.

Document Manager

Centralized file management where videos can be managed.

Boxes (Cards)

Display the content of your items on a page either horizontally or vertically, and as properly fit in any screen size. Click on Add Item to add a new Box.

Calendar

Enter community activities, which can be displayed as a list of events or in a calendar. With the Events content type, you can control when the event should automatically roll off the live site. This helps keep your site free from outdated content.

Intranet

Create password-protected pages.

MyMeetings

Feature your local government's meeting minutes and agendas on your community's website. You simply upload the documents directly to the website and they will be categorized and displayed by date and meeting type.

Opening Slider/Slideshow/Opening Photo

Add an opening photo or photos to make a slideshow.

Dashboard

View and share information about traffic and engagement using Google Analytics 4, dedicated sections for meetings, events, form submissions, and open orders.

Image Gallery

Create an online photo album to post several images and control their order and captions. The images appear as thumbnails, and any image can be enlarged simply by clicking on it.

Alert Banner

Manage alert messages that will appear as a banner to alert people to important information. This is a convenient tool to highlight people's attention to important matters such as service outages.

Jobs Postings

Display details regarding job openings. It gives you the option of formatting your text in a standard flow or developing your own format by entering all the relevant information into the "Comments" text box.

Locations(Maps)

List a series of addresses for tourism, park locations, and land available for development. To add a new location, click on Add Item.

Milestones

The Milestone type is another new data type in the CMS. Milestones were inspired by looking into examples of accordions. The imagery is designed to represent a timeline of events.

Weather

Display weather information on your website.

Advance Admin Access Rights

Create unlimited access accounts for users to log in and update the website. Each user will have their own username and password and the website will track who last made certain edits. Each user will also have permissions set so they can only edit certain pages within the website. Our solution also provides group management.

Person Directory

Display the personnel in your community.

RSS Subscribe

Display local news and news from multiple news sources. You control the feeds and the news automatically appears on your website.

Quick Poll (Polls)

Allow visitors to answer a question on any topic. More than one question can be entered at a time, but each question is treated individually. Add a new Item for each question in the poll.

Promotions

Display the information from one section to another. An example would be taking an events section and placing the information on the home page in the form of a calendar without having to retype any information.

Smart Forms

Create your web forms. Along with the ability to design your forms, you can also edit the confirmation pages and emails for any form submissions. There is no limit to the number of forms you create and manage on your website.

Special Media Icons

Create manageable links to your community's Facebook, Twitter, YouTube Instagram, LinkedIn, or Nextdoor accounts.

Quick List (Lists)

Display information on a page with index links at the top of the page. This is often used when creating a frequently asked questions section, links page, or department forms.

Website Search

Provide visitors the opportunity to locate specific information, including documents, on your site.



ADVANCING GOVERNMENT.
ENGAGING CITIZENS.





WHO WE ARE

Catalis is the transformational SaaS and integrated payments partner powering all levels and sizes of government – municipalities, counties, states, and federal agencies.

Our deep expertise, proven track record, and thoughtfully configured digital solutions have helped public servants across the United States and Canada to deliver at their highest ability on behalf of their communities.

As the leading provider of software solutions for governments and constituents across North America, we're here to help you revitalize your operations and services with modern software fit for the 21st century.



HOW WE DELIVER

We propel clients forward by streamlining workflows, eliminating paper-based processes, and automating systems to better communicate with citizens. Thousands of governments rely on our convenient solutions to increase staff efficiency, productivity, and engagement.

Together, we can empower your agency to implement a digital transformation that meets the needs of tomorrow.



Our Solutions

Our government-focused solutions pair industry expertise with advanced technology to deliver unparalleled benefits. With solutions that enable greater access to data, better citizen service, and more effective technology platforms, we drive agencies beyond the status quo of government processes.

Payments

- Court Payments
- Utility Payments
- Tax Payments
- Child Support Payments
- Wage Garnishment Solutions
- DMV Payments
- Integrated Payment Solutions

Tax & CAMA

- Billing & Collections
- Escrow Payment Management
- Property Valuation Appeals
- Tourist Tax Collection
- Computer Assisted Mass Appraisal Software
- Mapping & Sketching Technology
- Mobile Solutions
- Mass Appraisal Services

Courts & Land Records

- Court Case Management
- Community Justice Case Management
- Jury Management
- Online Dispute Resolution
- Official Records Management
- E-File Solutions





Public Works & Engagement

- Request Management Solutions
- Permitting & License Management
- Mobile Field Inspection
- Website Management
- Meeting Management
- Mass Notification
- Economic Development Dashboard
- Data Visualization
- Grant Management
- Infrastructure Management
- Geographic Information System
- Weed & Pest Management

Regulatory & Compliance

- College Savings (529) and ABLE (529A) Plan Administration
- Unemployment Insurance Solutions
- Regulatory Financial Service Compliance

Why We're Different



Contactless Solutions

Facilitating contactless, self-service solutions to accelerate government digital services and satisfy evolving citizen needs.



Cloud-Based Technologies

Enabling agencies to become more operationally flexible through fully modernized, digital solutions.



Forward-Thinking Innovators

Driving innovation through data-focused, compliant solutions that shape local government workflows today, and in the future.



Premiere Client Experience

Delivering exceptional service from experienced industry leaders to help organizations operate with maximum efficiency.

PAYMENTS

Payment solutions represent a critical component of government operations, from collecting taxes to processing court fees and utility payments. With Catalis' proven solutions, all levels of government can increase revenue collections, exceed constituent expectations, and improve cash flow.

Court Payments

Flexible payment options with transparent pricing and powerful accounting tools for seamless reconciliations

Utility Payments

No-cost payment solution that allows citizens to establish recurring payments, manage monthly bills, and view real-time account data

Tax Payments

Secure, web-based payment portal that offers multi-channel payment options and accurate reporting to expedite payment processes

Child Support Payments

Accessible payment solution to simplify collections, increase efficiency, and review transactions

Wage Garnishment Solutions

Integrated platform to manage employer withheld payments and disbursements, reducing administrative workloads

DMV Payments

User-friendly solutions that enhance the constituent experience for licenses, vehicle registrations, and permits (available in Florida)

Integrated Payment Solutions

Suite of payment capabilities that fit with existing software to strengthen the core function of your organization's payment operations



TAX & CAMA

From small to large tax collection and treasurer's offices, Catalis solutions can serve all-size agencies by simplifying workflows and reducing time-consuming tasks. Our tax solutions are designed for the modern world to support the evolving needs of government offices.

The operational responsibilities of property appraisers and tax assessors require advanced CAMA solutions. Catalis delivers industry-leading solutions that combine powerful technology with responsive support to deliver precise results.

Billing & Collections

Cloud-based solution to streamline workflows and integrate systems for billing, collections, cashing, and more

Escrow Payment Management

Centralized system that enables county and municipal offices to automate payments, improve reporting, and reduce refunds

Property Valuation Appeals

Property tax solution that allows taxpayers to submit petitions, evidence, and filing fees through an online platform

Tourist Tax Collection

Digital platform to facilitate tourist development, occupancy, and bed tax collections through automated payments and notices

Computer Assisted Mass Appraisal Software (CAMA)

Complete solution that delivers accurate, consistent property values for jurisdictions of all sizes

Mapping & Sketching Technology

Dynamic graphical technologies to analyze property data and elevate reporting capabilities

Mobile Solutions

On-the-go solution to collect and sync property data anytime, anywhere, bringing appraisal and assessment technology beyond office walls

Mass Appraisal Services

Comprehensive services including property valuation and data verification to assist local governments in the property assessment process



COURTS & LAND RECORDS

Among the many issues faced by local governments, courts of all sizes share a need for solutions to manage heavy caseloads with limited resources. As more courts consider modernized software to revamp processes, Catalis helps agencies adopt best-in-class solutions that automate workflows and improve citizen access to justice..

Court Case Management

Unified solution to manage case documents, accounting, and event schedules for all court sizes and case types

Community Justice Case Management

Secure software platform to automate tasks and improve day-to-day administration of community-based corrections programs

Jury Management

Dynamic solution that simplifies jury management, supports digital court processes, and elevates the juror experience

Online Dispute Resolution

Online platform to resolve minor cases and routine proceedings, reducing the need for in-person court hearings

Official Records Management

Digital system that records, indexes, and verifies official public records using a scan-first workflow

E-File Solutions

Filing solution to prepare and submit court documents online, eliminating redundant reviews and ensuring information accuracy



PUBLIC WORKS & ENGAGEMENT

Across North America, rural and small urban municipalities are challenged with improving everyday operations. With Catalis' dedicated support and all-in-one solutions, local governments can connect and simplify municipal information to deliver value to residents.

Request Management Solutions

Self-service platform to promptly track, log, and escalate citizen requests

Permitting & License Management

Full-scale solution to issue permits, process licenses, and collect payments

Enterprise Resource Planning

Results-driven system that equips municipalities with customized financial data tools (available in Canada only)

Website Management

Digital solution that supports personalized, user-friendly websites with design, hosting, and development

Meeting Management

Automated solution to streamline meeting scheduling, track agendas, and connect the public with updates

Mass Notification

Communication portal to distribute relevant information via email, text messages, push notifications, social media, and voice calls to communities

Economic Development Dashboard

Community dashboard that empowers citizens to pull data such as demographics, workforce, and education

Data Visualization

Single source for municipality transparency to share data-driven stories and custom reports with citizens

Grant Management

Unified system to manage grants, review funding, and communicate with stakeholders

Infrastructure Management

Advanced solution to track assets and support data-informed decisions on repairs and maintenance

Geographic Information System

One-stop shop to easily view and integrate municipal data including tax, assessment, property, utility, and more

Weed & Pest Management

On-the-go solution to conduct weed and pest inspections in the field using a mobile device

REGULATORY & COMPLIANCE

Adaptable compliance solutions are essential for state, local, and federal agencies. With Catalis' innovative solutions, governments can stay on top of the latest policies and regulations while fulfilling the needs of their citizens.

College Savings (529) and ABLE (529A) Plan Administration

Flexible savings platform to service college savings, prepaid, and ABLE plans, and comply with state-specific requirements

Unemployment Insurance Solutions

Identity proofing and issue management solution to instantly prevent and detect identity-based fraud

Regulatory Financial Service Compliance

Real-time regulatory solutions that provide regulators with the tools they need to protect consumers and promote healthy markets







JOIN THE THOUSANDS OF GOVERNMENT AGENCIES ALREADY PARTNERING WITH CATALIS™

We're here to help you modernize your government.
Contact us to get started.

833-781-8282 | catalisgov.com



To: City Council
From: Justin McCarthy, City Council.
Re: Setback requirements.

Dear members of the City Council. Please find below the attached proposal to amend the city setbacks. I believe that the current 40 foot front setback is extreme and in my conversations with folks in the City, nobody seemed to have an answer as to why the setbacks were so large other than “that’s the way they have always been.”

In my surveys of White Bear Lake, White Bear Township, Mahtomedi, and other communities it seems that 30 feet is more common and accepted. Thus, I have changed the street setbacks to 30 feet. In addition, for corner lots, it seems like folks on corner lots are particularly hit hard. In addition to reducing the setback from 40 feet to 30 feet, I have added a section in the code that allows for reducing the setback an additional 5 feet for the non-address side setback. That is, from 30 to 25 feet for one side.

In addition,

Please provide me with your feedback and/or comments. The exact language of the proposed amendments to 302.020 are given below.

Thanks
Justin

**ORDINANCE NO. 2023-09-02
CITY OF BIRCHWOOD VILLAGE
WASHINGTON COUNTY, MINNESOTA
AN ORDINANCE AMENDING ORDINANCE NO. 302 TITLED “ZONING CODE:
REQUIREMENTS AND PERFORMANCE STANDARDS”**

Findings and Purpose:

The City of Birchwood Village has ascertained that our current setback requirements are not in line with other communities in the area. Furthermore, many structures that are existing do not comply with the current standards. The changes below are to ensure equitable treatment between existing structures and proposed new structures.

The City Council of The City of Birchwood Village, Minnesota ordains:

Ordinance No. 302, and titled “**ZONING CODE: REQUIREMENTS AND PERFORMANCE STANDARDS**” is hereby amended as follows:

302.020. STRUCTURE LOCATION REQUIREMENTS

1. GENERAL REQUIREMENTS. All structures must be located so that minimum setback requirements are met or exceeded. All measurements (in feet) as set forth below shall be determined by measuring from the foundation of the appropriate structure perpendicular to the appropriate lot line.

Exceptions: Front, back, side street and other lot line setback requirements shall not apply to chimneys, flues, belt courses, sills, pilasters, lintels, ornamental features, cornices, eaves, gutters, and the like, provided they do not project more than two (2) feet into a required yard setback.

2. MINIMUM SETBACK REQUIREMENTS:

<u>Lot line or Land Boundary</u>	<u>TYPE OF STRUCTURE</u>		
	<u>Fences and Landscaping Barriers</u>	<u>Driveways & Walkways</u>	<u>All Other Structures</u>
Municipal Street Front, Back, and Side <u>Lot Line</u>	20 <u>10</u> ft.	0	40 ft. <u>30</u> ft.
County Road Front, Back, and Side <u>Lot Line</u>	20 <u>10</u> ft.	0	50 ft. <u>30</u> ft.

<u>Municipal Street or County Road Front, Back, and Side Lot Line for Non- Address Side of Corner Lot</u>	<u>10 ft.</u>	<u>0</u>	<u>25 ft.</u>
Ordinary High Water Level of Lost Lake	75 ft.	75 ft.	75 ft.
Ordinary High Water Level of White Bear Lake, Hall's Marsh, and other wetlands	50 ft.	50 ft.	50 ft.
All Other Lot Lines	0 ft.	1 ft.	10 ft.

The ordinary high water levels of three water bodies have been established to be the following:

ORDINARY HIGH WATER LEVELS (Feet Above Mean Sea Level)

DNR ID #82-167	White Bear Lake	924.7 (NGVD, 1929)
DNR ID #82-134	Lost Lake	925.6 (NGVD, 1929)
DNR ID #82-480W	Hall's Marsh	924.7 (NGVD, 1929)

3. ACCESSORY STRUCTURES. No accessory building or structure, unless an integral part of the principal structure shall be erected, altered, or moved to, within five (5) feet of the principal structure except fences, driveways, walkways, and decks which may be as close as actually abutting the principal structure.

4. SETBACK REQUIREMENTS EXCEPTIONS.

- a. Dock and Pier Setbacks: Setback requirements from the ordinary high water levels shall not apply to piers and docks. Locations of piers and docks shall be controlled by applicable state and local regulations.
- b. Retaining Wall Setbacks: Front, back, side street and other lot line setback requirements shall not apply to retaining walls except that the ordinary high water level setback requirements shall apply to retaining walls.
- c. Nominal Structures: Front, back, side street and other lot line setback requirements shall not apply

to nominal structures such as small arbors, moveable yard furniture, moveable docks, storage boxes, dog houses, mail boxes, library small boxes, lock boxes, flagpoles, lawn ornaments and other similar items, which shall be exempt from setback regulations, but not including decks, platforms, or shelters such as pergolas.

“AMENDED BY ORDINANCE 2013-08-01; AUGUST 13, 2013.”

“AMENDED BY ORDINANCE 2021-01-01; FEBRUARY 9, 2021”

5. STRUCTURES IN WETLANDS. No structures are allowed within any wetlands.

“AMENDED BY ORDINANCE 1997-2; AUGUST 12, 1997.”

“AMENDED BY ORDINANCE 2003-1; FEBRUARY 12, 2003.”

302.030. HIGH WATER ELEVATIONS. All buildings shall be located such that the lowest floor surface is at a level at least three (3) feet in elevation above the highest known water level of any lake, pond, or wetland adjoining the lot. For three water bodies the high known water levels are:

HIGHEST KNOWN WATER LEVELS (Feet Above Mean Sea Level)

DNR ID #82-167	White Bear Lake	926.7 (NGVD, 1929)
DNR ID #82-134	Lost Lake	927.0 (NGVD, 1929)
DNR ID #82-480W	Hall's Marsh	926.7 (NGVD, 1929)

To: Birchwood City Council
From: Ryan Hankins
Re: Fall Street Sweeping

I have heard from several residents that our street sweeping was not completed, or was not comprehensive. I would propose that we request we get at least one bid for street sweeping, for presentation at the 2023 October regular meeting, and that we obtain at least one bid from a vendor other than Schifsky.

To: Birchwood City Council
From: Ryan Hankins
Re: July 6 City Garage Damage

On July 6, 2023, Mary C. reported: “Yesterday evening at approximately 6pm a large oak tree fell on the city garage. I did call North Risk Partners (LMC insurance trust) to report it. I was transferred to voice mail. I left the hall phone number to call.”

Is there any update on whether the city filed an insurance claim? Do we have next steps toward the repair of the garage.

To: Birchwood City Council
From: Ryan Hankins
RE: Wildwood Lift Station

The City has secured 600,000 in total grant money toward the Wildwood lift station replacement. There was a brief remark in the August meeting that the “shovel-ready” design that former City Engineer Steve Thatcher had prepared for thousands or tens of thousands of dollars was not in fact shovel-ready.

I would request an update to the council on the status of the lift station; given that the lift station may cost as much as two years of our typical budgets, it’s important for us to understand the state of the lift station project.

To: Birchwood City Council
From: Ryan Hankins
RE: 2024 technology services.

I obtained a quote from Techie Dudes to get IT services. That quote is \$238 per month and would cover or exceed many of our current services, at lower cost.

The problem is that Metro Inet requires that we give notice by June 1 to cancel... for 2024. I would propose that we consider whether we can pull out of the Metro Inet Contract. I would further propose that we appoint one council member as a "director" of Metro Inet, as each city is entitled to do, and possibly an additional alternate, to ensure our interests are adequately represented.

JOINT POWERS AGREEMENT
FOR THE ESTABLISHMENT OF
THE NORTH EAST METROPOLITAN AREA MUNICIPAL
INTERNETWORKING COLLABORATIVE, TO BE KNOWN AS
“METRO-INET”

TABLE OF CONTENTS

	<u>Page</u>
ARTICLE I GENERAL PURPOSE	1
Section 1.1 Purpose	1
ARTICLE II DEFINITION OF TERMS	1
Section 2.1 Definitions	1
Section 2.1.1 Metro-INET	1
Section 2.1.2 IT Services	1
Section 2.1.3 Board	1
Section 2.1.4 LGU	1
Section 2.1.5 Member	1
Section 2.1.6 Associate	1
Section 2.1.7 Data	2
ARTICLE III MEMBERSHIP	2
Section 3.1 Eligibility	2
Section 3.2 Execution of JPA and Payment of Member Charges.....	2
Section 3.3 Initial Members	2
Section 3.4 Transition of Initial Member IT Services Agreements	2
Section 3.5 Effective Date	2
Section 3.6 New Members	2
Section 3.7 Conditions of Membership	2
Section 3.8 Appointment of Directors	3
ARTICLE IV BOARD OF DIRECTORS	3
Section 4.1 Governing Body.....	3
Section 4.2 Appointment of Alternate Directors	3
Section 4.3 No Proxy Voting	3
Section 4.4 Notice of Change of Director or Alternate Director	3
Section 4.5 Compensation of Directors and Alternate Directors	3
Section 4.6 Number of Votes of Directors	3
Section 4.7 Quorum	4
Section 4.8 Motions	4
Section 4.9 Suspension of Vote	4
Section 4.10 Bylaws	4
Section 4.11 Remuneration of Director Expenses	4
Section 4.12 Removal of Directors	4
Section 4.13 Director Vacancies	4
ARTICLE V MEETINGS AND OFFICERS	4
Section 5.1 Special Meetings.....	4
Section 5.2 Regular Meetings	5

Section 5.3	Notice of Regular Meetings	5
Section 5.4	Public Meetings	5
Section 5.5	Officers	5
Section 5.6	Chair and Vice Chair	5
Section 5.7	Secretary	5
Section 5.8	Officer Vacancies	5
ARTICLE VI POWERS AND DUTIES OF THE BOARD.....		6
Section 6.1	Powers and Duties.....	6
Section 6.2	General Purpose	6
Section 6.3	Governance	6
Section 6.4	Membership Dues	6
Section 6.5	Service Charges	6
Section 6.6	Gifts, Loans and Grants	6
Section 6.7	Annual Audit	6
Section 6.8	Annual Budget	6
Section 6.9	Delegation to Executive Committee	7
Section 6.10	Accumulation and Maintenance of Capital	7
Section 6.11	Data, Data Processing and Management Information Systems	7
Section 6.12	PERA	7
Section 6.13	Necessary and Incidental Powers	7
ARTICLE VII FISCAL AND OPERATIONAL SERVICES; EXECUTIVE DIRECTOR ...		7
Section 7.1	Fiscal and Operations Agent	7
Section 7.2	Executive Director	7
Section 7.3	Term of Executive Director	8
ARTICLE VIII EXECUTIVE COMMITTEE		8
Section 8.1	Membership of Executive Committee	8
Section 8.2	Bylaws of Executive Committee	8
Section 8.3	Quorum	8
Section 8.4	Regular Meetings	8
Section 8.5	Special Meetings	8
Section 8.6	Notice of Meetings	8
Section 8.7	Duties and Responsibilities	8
Section 8.8	Preparation and Modification of Charges	9
ARTICLE IX FINANCIAL MATTERS		9
Section 9.1	Fiscal Year	9
Section 9.2	Adoption of Annual Budget	9
Section 9.3	Cost Sharing Charges	9
Section 9.4	Invoices to Members	9
Section 9.5	Classification of Cost Sharing Charges	10
Section 9.6	Special Financial Assistance from Members	10
Section 9.7	Expenditures	11

Section 9.8	Contracts	11
ARTICLE X	WITHDRAWAL	11
Section 10.1	Notice of Withdrawal	11
Section 10.2	Claim to Assets upon Withdrawal	11
Section 10.3	Financial Obligations upon Withdrawal	11
Section 10.4	Financial Obligations prior to Withdrawal	12
ARTICLE XI	ASSOCIATES	12
Section 11.1	Associates	12
Section 11.2	Admission of Associates	12
Section 11.3	Confirmation of Associate Status	12
Section 11.4	Appointment of Director and Alternate Director	12
Section 11.5	Charges	12
Section 11.6	Application to Become a Member	12
Section 11.7	Notice of Withdrawal as Associate	12
ARTICLE XII	DISSOLUTION	12
Section 12.1	Dissolution	12
Section 12.2	Effectuation of Dissolution	13
Section 12.3	Distribution of Assets and Payment of Outstanding Obligations	13
Section 12.4	Allocation of Deficit	13
Section 12.5	Distribution of Computer Software	13
ARTICLE XIII	INDEMNIFICATION	13
Section 13.1	Cooperative Activity of Single Governmental Unit	13
Section 13.2	Indemnification	13
ARTICLE XIV	AMENDMENT	14
Section 14.1	Amendment of JPA	14
ARTICLE XV	MISCELLANEOUS	14
Section 15.1	Data Practices	14
Section 15.2	Audit	14
Section 15.3	Counterparts	14
Section 15.4	Headings	14
Section 15.5	Severability	14
Section 15.6	Applicable Law	14
ARTICLE XVI	DURATION	15
Section 16.1	Term	15

**JOINT POWERS AGREEMENT FOR THE ESTABLISHMENT OF
THE NORTH EAST METROPOLITAN AREA MUNICIPAL
INTERNETWORKING COLLABORATIVE**

The parties to this joint powers agreement (“JPA”) are local governmental units (“LGUs”) of the State of Minnesota authorized to enter into this JPA. This JPA is made and entered into pursuant to Minnesota Statutes, Section 471.59.

**ARTICLE I
GENERAL PURPOSE**

Section 1.1. Purpose. The general purpose of this JPA is to provide for an organization that the participating Members may jointly and cooperatively provide for the development and operation of IT Services for the use and benefit of the Members, and others. To the extent permitted by law, the Members will support the establishment of the IT Services and seek to expand the number of participating agencies either as Members or as non-Member LGUs receiving services from Metro-INET.

**ARTICLE II
DEFINITION OF TERMS**

Section 2.1. Definitions. The terms defined in this Article shall have the meanings given them for the purposes of this JPA.

Section 2.1.1. Metro-INET. “Metro-INET” means the “North East Metropolitan Area Municipal Internetworking Collaborative,” the organization created by this JPA.

Section 2.1.2. IT Services. “IT Services” means the development, operation and maintenance of advanced internet networking and data services through ownership or lease of any and all systems, equipment, technology or means and methods necessary to provide competitive, up-to-date IT services to Members and non-Member LGUs.

Section 2.1.3. Board. “Board” means the Board of Directors of Metro-INET, consisting of one Director from each LGU participating as a Member of Metro-INET pursuant to this JPA.

Section 2.1.4. LGU. “LGU” means any city, township, independent public safety organization, watershed management organization, watershed district, cable commission or other political subdivision of the State of Minnesota that is qualified to enter into joint powers agreements as defined in Minnesota Statutes, Section 471.59, and as it may be amended from time to time.

Section 2.1.5. Member. “Member” means an LGU that enters into this JPA and is at the time involved, a Member in good standing.

Section 2.1.6. Associate. “Associate” means an LGU that is not a Member but has agreed to affiliate with Metro-INET in accordance with Article XI and other applicable JPA provisions.

Section 2.1.7. Data. “Data” means all information in digital form that can be transmitted or processed.

ARTICLE III MEMBERSHIP

Section 3.1. Eligibility. Any Minnesota LGU is eligible to be a Member of Metro-INET.

Section 3.2. Execution of JPA and Payment of Member Charges. An LGU desiring to be a Member shall execute a copy of this JPA and shall pay all Member charges, prorated if appropriate, under Article IX.

Section 3.3. Initial Members. The initial Members of Metro-INET shall be the City of Roseville (“Roseville”) and those LGUs that are parties to a joint powers agreement or an otherwise existing contractual arrangement for IT Services from Roseville, on or prior to December 31, 2020. Upon the execution of this JPA by an initial Member, the clerk or other corresponding officer shall file with the Roseville City Manager a copy of the executed JPA, together with a certified copy of the authorizing resolution or other action. The resolution authorizing the execution of this JPA shall also designate the Member’s Director and Alternate Director (“Alternate”).

Section 3.4 Transition of Initial Member IT Services Agreements. Any joint powers agreement or contract for IT Services between two or more Metro-INET Members that has not been terminated prior to the Effective Date of this JPA shall be terminated by the affected parties at the earliest possible date, without disrupting the delivery of IT Services to the affected parties. After the Effective Date, any term of an earlier agreement for IT Services still in force shall be interpreted not to conflict with this JPA, which shall supersede the earlier agreement if the earlier agreement and this JPA cannot be reconciled. The Board shall have authority to take any action it deems reasonable and prudent to facilitate the transition to Metro-INET by any initial Member, including the creation of a committee authorized to assist affected parties in the termination of earlier agreements and to seek Board approval of action necessary to facilitate the transition.

Section 3.5. Effective Date. This JPA shall become effective on January 1, 2021 [[or other date agreed upon by the initial Members]] (“Effective Date”). Within thirty (30) days after the Effective Date, the Roseville City Manager shall call the first meeting of the Board, which shall be held not later than fifteen (15) days after the notice has been delivered to each Director and Alternate.

Section 3.6. New Members. LGUs that do not qualify for initial membership under Section 3.3 and seek to join Metro-INET shall be admitted by a vote of the Board as it determines at its organizational meeting, or as soon thereafter as the Board may decide and adopt in the bylaws.

Section 3.7. Conditions of Membership. The Board may impose additional conditions upon the admission of new Members.

Section 3.8. Appointment of Directors. Directors and Alternates shall be appointed by the Member governing body to serve until their successors are appointed and qualified. Directors shall be the chief administrative officer of the Member.

ARTICLE IV BOARD OF DIRECTORS

Section 4.1. Governing Body. Metro-INET shall be governed by a Board of Directors consisting of a Director and Alternate from each Member. At the organizational meeting and annually thereafter, the Board shall elect an executive committee that may advise or act for the Board as the Board may delegate to the executive committee as necessary, upon meetings duly called, as provided in Article VIII.

Section 4.2. Appointment of Alternate Directors. Each Member shall appoint one Alternate to the Director. The Alternate shall be entitled to attend all meetings of the Board and may vote in the absence of the Director.

Section 4.3. No Proxy Voting. There shall be no voting by proxy. All votes must be cast in person at Board meetings by the Director or Alternate, unless the meeting is duly conducted in accordance with Minnesota Statutes, Sections 13D.02 (interactive TV) or 13D.021 (telephone or other electronic means allowed if health pandemic or emergency).

Section 4.4. Notice of Change of Director or Alternate Director. When the Member changes its designated Director or Alternate the Member shall provide written notice to Metro-INET with the name, email address and mailing address of the person so appointed.

Section 4.5. Compensation of Directors and Alternate Directors. Directors and Alternates shall serve without compensation from Metro-INET, but it shall not prevent a Member from providing compensation for its Director or Alternate if such compensation is lawfully authorized by such Member.

Section 4.6. Number of Votes Held by Directors. Unless otherwise expressly provided herein, each Director shall have the number of votes equivalent to the Member's share of Metro-INET's annual budget, as established by the Board and calculated as follows: Each Member's percentage share of Metro-INET's annual budget shall be determined by Member use of Metro-INET IT Services. Said Member share shall be rounded up to the nearest whole number, and that number shall be the Member's total number of votes in any vote of the Board. Members shall have at least one vote. The number of votes for initial Members, and the total votes of the Directors for the initial Board, shall be as set forth in the attached Exhibit A, and is subject to change annually with the addition or subtraction of Members. The number of votes for each Director shall be recalculated annually upon the adoption by the Board of the next fiscal year budget. Upon the addition of a new Member, the Board shall estimate the new Member's share of Metro-INET's annual budget for the period prior to adoption of the succeeding year's budget and assign the proportionate number of votes to the new Member for the remainder of that fiscal year. The number of votes of existing Members shall not change during the year that new Member or Members join Metro-INET.

Section 4.7. Quorum. The presence of at least ten (10) Directors of Members in good standing at a regular or special meeting shall constitute a quorum of the Board allowing it to transact business, provided that the ten Directors hold at least a majority of the total Member votes.

Section 4.8. Motions. A majority of the Member vote totals represented by those Directors present at a meeting is required to pass all motions, unless a greater majority is provided in this JPA.

Section 4.9. Suspension of Vote. A Director, or Alternate shall not be eligible to vote during the time the Member they represent has been notified by Metro-INET that it is in default on any required assessment, contract or other contribution to Metro-INET or regarding security breaches or other acts deemed by the Board to materially impair the quality of IT Services provided by Metro-INET. During the existence of such default, the vote(s) of such Member shall not be counted for the purposes of a meeting quorum or majority on a Board meeting vote. If a Member remains in default for a period of more than forty-five (45) days after written notice on failure to pay any billing from Metro-INET or notice of other default referenced above, the Board may act to terminate the Member from Metro-INET by a majority vote of the Board at a regular meeting or special meeting called for that purpose.

Section 4.10. Bylaws. At the Metro-INET organizational meeting the Board shall adopt bylaws governing its procedures, including but not limited to, the time, place and frequency of its regular meetings or procedures and voting majorities required for certain votes. Such bylaws may be amended from time to time pursuant to Section 4.8 of this JPA.

Section 4.11. Remuneration of Director or Alternate Expenses. The Board shall have no obligation to pay remuneration of Director or Alternate expenses, which shall be subject to the policies of Member appointing them. The Board may, however, in its sole discretion, pay the reasonable and necessary expenses of officers, Directors and Alternates incurred in connection with special duties they undertake on behalf of Metro-INET, but such reimbursement shall not include the expenses incurred solely for attending meetings of Metro-INET within the seven-county Twin Cities metropolitan area.

Section 4.12. Removal of Directors. Any Director or Alternate shall be subject to removal by the governing body of the Member.

Section 4.13. Director Vacancies. A vacancy on the Board shall be promptly filled by the governing body of the Member whose position on the Board is vacant.

ARTICLE V MEETINGS AND OFFICERS

Section 5.1. Special Meetings. Special meetings of the Board may be called: (a) by the chair; (b) by the executive committee; or (c) upon the written request of a majority of the Directors. Subject to an emergency exception, as defined by statute, at least three (3) days' written notice of

special meetings shall be published and given to all Directors and Alternates. Such notice shall include the agenda for the special meeting and the time, date and location of the meeting.

Section 5.2. Regular Meetings. The specific date, time and location of regular meetings of the Board shall be determined by the Board as provided in the Bylaws. The Board shall be required to meet at least four (4) times a year. Its regular meetings shall be held on the dates and at times of each January, April, July and October as determined by the Board at the October meeting and duly published to establish the four regular meetings.

Section 5.3. Notice of Regular Meetings. Notice of regular meetings of the Board shall be given to the Directors and Alternates by the secretary at least fifteen (15) days in advance of the meeting and the agenda for such meetings shall accompany the notice. However, business at regular meetings of the Board need not be limited to matters set forth in the agenda.

Section 5.4. Public Meetings. Meetings of the Board and of the executive committee shall be considered “public” meetings. Notices, agendas, and schedules of such meetings shall be given, maintained and distributed pursuant to the Open Meeting Law, Minnesota Statutes, Section 13D.01, et seq.

Section 5.5. Officers. The officers of the Board shall consist of the chair, vice-chair, secretary and two (2) officers-at-large, who shall be elected by the Directors at the organizational meeting of the Board. The chair and vice-chair shall be elected to three-year (3) terms, commencing at the organizational meeting of the Board and every three (3) years thereafter. The secretary shall be elected to a two-year (2) term, commencing at the organizational meeting of the Board, and shall be elected to three-year (3) terms following the completion of the initial term every three (3) years thereafter. The officers-at-large shall be elected to a one-year (1) term, commencing at the organizational meeting of the Board, and shall be elected to three-year (3) terms following the completion of the initial term every three (3) years thereafter. The intent of the election of officers is to ultimately establish three-year (3), staggered terms of officers with the chair and vice-chair being elected in the same year. Other than the organizational meeting of the Board, new officers shall take office at the adjournment of the meeting of the Board at which they are elected.

Section 5.6. Chair and Vice Chair. The chair shall preside at all meetings of the Board and the executive committee. The vice-chair shall act as chair in the absence of the chair.

Section 5.7. Secretary. The secretary shall be responsible for keeping a record of all of the proceedings of the Board and the executive committee.

Section 5.8. Officer Vacancies. A vacancy shall immediately occur in the office of any officer upon his or her resignation, death or upon ceasing to be an employee of the Member. Upon a vacancy occurring in any office, the Alternate shall serve until the Member appoints a new Director.

ARTICLE VI POWERS AND DUTIES OF THE BOARD

Section 6.1. Powers and Duties. The powers and duties of the Board shall include the powers set forth in this Article.

Section 6.2. General Purpose. The Board shall take such action as it deems necessary and appropriate to accomplish the general purposes of the organization including, but not limited to, the establishment of data processing and information systems, engaging in the development and implementation of the necessary programs therefor, acquiring any necessary site, purchasing any necessary supplies, equipment and machinery, employing any necessary personnel and operating and maintaining any systems for the handling of data processing and management information for the Members and for others. Any of the foregoing activities, or any other activities authorized by the JPA, may be accomplished by entering into contracts, leases or other agreements with others, whenever the Board shall deem this to be advisable.

Section 6.3. Governance. The Board shall have full supervisory control and management of the affairs of Metro-INET including the power to make contracts as it deems necessary to make effective any power to be exercised by Metro-INET pursuant to this JPA; to provide for the prosecution and defense or other participation in actions or proceedings at law in which it may have an interest; to employ such persons as it deems necessary to accomplish its duties and powers on a full-time, part-time or consulting basis; to conduct such research and investigation as it deems necessary on any matter related to or affecting the general purposes of the organization; to acquire, hold and dispose of property both real and personal as the Board deems necessary; and to contract for space, materials, supplies and personnel with a Member or Members or with others.

Section 6.4. Membership Dues. The Board may establish and collect membership dues.

Section 6.5. Service Charges. The Board may establish and collect charges for its services to Members and to others.

Section 6.6. Gifts, Loans and Grants. The Board may accept gifts, apply for and use grants or loans of money or other property from the state, or any other governmental units or organizations and may enter into agreements required in connection therewith and may hold, use and dispose of such moneys or property in accordance with the terms of the gift, grant, loan or agreement relating thereto.

Section 6.7. Annual Audit. The Board shall cause an annual independent audit of the books to be made and shall make an annual financial accounting and report in writing to the Members. Its books and records shall be available for and open to examination by its Members at all reasonable times.

Section 6.8. Annual Budget. The Board shall establish the annual budget for the organization as provided in this JPA.

Section 6.9. Delegation to Executive Committee. The Board may delegate authority to the executive committee of the Board, between Board meetings. Such delegation of authority shall be by resolution of the Board and may be conditioned in such manner as the Board may determine.

Section 6.10. Accumulation and Maintenance of Capital. The Board may accumulate and maintain reasonable working capital reserves and may invest and reinvest funds not currently needed for the purposes of the organization. Such investment and reinvestment shall be in accordance with and subject to the laws applicable to the investment of city funds.

Section 6.11. Data, Data Processing and Management Information Systems. The Board shall make Metro-INET data processing and management information systems available to its Members, subject to reasonable charges for the development and processing thereof. Metro-INET shall not own Member Data, which shall be returned to the Member upon its withdrawal made pursuant to this JPA or upon dissolution.

Section 6.12. PERA. The Board may provide for any of its employees to be members of the Public Employees Retirement Association and may make any required employer contributions to that organization and any other employer contributions which municipalities are authorized or required by law to make.

Section 6.13. Necessary and Incidental Powers. The Board may exercise any other power necessary and incidental to the implementation of its aforementioned powers and duties.

ARTICLE VII FISCAL AND OPERATIONAL SERVICES; EXECUTIVE DIRECTOR

Section 7.1. Fiscal and Operations Agent. The Board shall designate a Member to serve as the fiscal and operations agent of Metro-INET (“Fiscal Agent”). The Fiscal Agent shall provide services as set forth in the JPA and on additional matters as may be determined by the Board through authorization for services by contract with Metro-INET. The Fiscal Agent shall be responsible for management of all of Metro-INET’s funds, for the keeping and storing of Metro-INET’s financial records, recommending to the Board and maintaining adequate insurance coverage of Metro-INET consistent with municipal liability limitations under Minnesota law, and to provide for the annual financial audit and accounting of all Metro-INET related activities. The Fiscal Agent shall be responsible for collecting and preserving all Metro-INET records and data pursuant to the requirements of the Minnesota Government Data Practices Act, Minnesota Statutes, Chapter 13. The Fiscal Agent shall post a fidelity bond or other insurance against loss of organization funds in an amount approved by the Board, at the expense of Metro-INET.

Section 7.2. Executive Director. The Board shall hire an executive director to be responsible for the management of the day-to-day operations of Metro-INET, executing the policy directives of the Board, including, the power to implement contracts authorized by the Board, the prosecution and defense or other participation in actions or proceedings in law; to employ personnel or retain as consultants such persons as he or she may deem necessary to carry out Metro-INET functions; to conduct such research and investigation as necessary on any matter related to or affecting the general purposes of Metro-INET; to manage real and personal property

acquired by Metro-INET; and to investigate, advise the Board regarding contracts for space, materials, supplies and personnel either with a Member or Members or with third parties and coordinating with Members for the implementation of internet connection, system maintenance and data processing. The executive director shall prepare a report to the Board regarding the operations of Metro-INET for each quarterly and annual meeting of the Board.

Section 7.3. Term of Executive Director. The executive director shall serve for an indefinite period as defined by the contract, which may be terminated and the director removed by a vote of a two-thirds majority of the total votes of the Board.

ARTICLE VIII EXECUTIVE COMMITTEE

Section 8.1. Membership of Executive Committee. The Board shall establish an executive committee consisting of five (5) voting members. Its members shall consist of the five (5) officers of the Board as defined in Article V, Section 5.5. The Fiscal Agent and Executive Director shall serve as *ex officio* members of the executive committee in an advisory and non-voting capacity.

Section 8.2. Bylaws of Executive Committee. The executive committee may adopt bylaws governing its own procedures, which shall be subject to this JPA, the bylaws of the Board, and any resolutions or other directives of the Board.

Section 8.3. Quorum. Three (3) members of the executive committee shall constitute a quorum and a majority of the executive committee members present at a meeting where a quorum exists may act, notwithstanding the number of votes held by each member in accordance with Article IV, Section 4.6.

Section 8.4. Regular Meetings. The specific date, time and location of regular meetings of the executive committee shall be determined by the executive committee. The executive committee shall meet at least four (4) times a year. Notice of regular meetings of the executive committee shall be given to the members of the executive committee and the executive director at least seven (7) days in advance and the agenda for such meetings shall accompany the notice.

Section 8.5. Special Meetings. Special meetings of the executive committee may be called by the chair or upon the call of any two other members of the executive committee. The date, time and location of the special meeting shall be fixed by the person or persons calling it. At least three (3) days advance written notice of such special meeting shall be given to all members of the executive committee by the person or persons calling the meeting.

Section 8.6. Notice of Meetings. Pursuant to the Open Meeting Law, all meetings of the executive committee shall be noticed and published at least three (3) days prior to the meeting.

Section 8.7. Duties and Responsibilities. The executive committee shall have the following duties and responsibilities: (a) to exercise the powers and perform the duties delegated to it by the Board and subject to such conditions and limitations as may be imposed by the Board; (b) to cause to be prepared a proposed annual budget each year which shall be submitted to the

Board at least thirty (30) days before the annual meeting for the Board's review and ratification; and (c) to present a full report of its activities at each regular meeting of the Board.

Section 8.8. Preparation and Modification of Charges. The executive committee shall have the responsibility to prepare and modify charges for the use of the programs and facilities of Metro-INET, both as to Members and non-members, subject to Board approval.

ARTICLE IX FINANCIAL MATTERS

Section 9.1. Fiscal Year. The fiscal year of Metro-INET shall be the calendar year.

Section 9.2. Adoption of Annual Budget. The annual budget of Metro-INET must be adopted in the following manner:

- (a) prior to May 1 the Board will supply each member with a proposed preliminary budget for the coming fiscal year;
- (b) prior to the meeting of the Board in July the Board will supply each Member with a proposed budget adjusted for withdrawal notifications received pursuant to Article XI;
- (c) the annual budget for the coming fiscal year shall be adopted at the July Board meeting.

Promptly after adoption of the budget, the Board must mail copies of the budget to the chief administrative officer of each Member. Upon adoption of the budget each Member is obligated to Metro-INET for the budgeted revenues and cost sharing charges fixed by the Board for the ensuing fiscal year in accordance with this Article.

Section 9.3. Cost Sharing Charges. The Board shall have authority to fix cost sharing charges for all Members in an amount sufficient to provide the funds required by the budgets of the organization. The Board shall notify the chief administrative officer of each Member of the amounts of such charges, on or before May 1 of each year. The Board shall prepare, and may amend, a document setting forth the cost sharing charges and policies for Members and rates for services provided to non-members. Such document(s) and policies shall be made available to Members for review and comment upon request.

Section 9.4. Invoices to Members. Invoices for all charges shall be sent to the Members by the Fiscal Agent and shall be due when rendered. Any Member whose charges have not been paid within forty-five (45) days after the date of the invoice may be declared in default by the Board or executive committee and shall not be entitled to further voting privileges nor to have its Director hold any office nor to use any Metro-INET facilities or programs until such time as the default is cured and Metro-INET has been paid in full. Additionally, in the event that such charges have not been paid within forty-five (45) days of the date of the invoice, and such default remains uncured after a reasonable time following notice to cure, the membership of such Member may be

terminated by a majority vote of the Board. In the event of a dispute between the Member and the Board as to the amount which is due and payable, the Member shall nevertheless make such payment in order to preserve its status as a Member, but such payment may be made under protest and without prejudice with respect to the Member's right to dispute the amount of the charge and to pursue any legal remedies available to it.

Section 9.5. Classification of Cost Sharing Charges. The charges to the Members of Metro-INET shall be divided, for cost sharing purposes, into three different classes, as further described in Exhibit A to this JPA and incorporated herein:

- (a) Core Services ("*Class 1 Charges*"). Class 1 Charges shall cover all of Metro-INET's general administrative and operational expenses for core services in having a member participate as a domain member of Metro-INET. Core services are generally defined as services provided by Metro-INET that provides IT support to the Member and its employees to conduct the Member's business. These core services may change over time upon Board approval based on different needs of Members. Changes in the delivery of Class 1 Charges shall be paid by each Member as fixed monthly, quarterly or annual membership dues, as determined by the Board. The amount of Class 1 Charges required to be paid by each Member shall be determined annually by the executive committee, upon approval by the Board. Class 1 Charges shall be prorated to new Members and not retroactively applied to them.
- (b) Supplemental Services ("*Class 2 Charges*"). Class 2 Charges shall cover the costs of design and development of computer programs and systems and other capital costs for services requested by the Member. Supplemental services are generally defined as services provided by Metro-INET at the request of the Member to meet its specific needs. These supplemental services may change over time upon Board approval based on different needs of Members and changes in the delivery of such services. Class 2 Charges shall be paid by each Member as fixed monthly, quarterly or annual membership dues, as determined by the Board. The amount of Class 2 Charges required to be paid by each Member shall be determined annually by the executive committee, upon approval by the Board. Class 2 Charges shall not be retroactively applied to new Members.
- (c) Necessary Additional Charges ("*Class 3 Charges*"). Class 3 Charges shall cover the costs of system operation and maintenance in serving non-members, on an "as requested" basis as determined by the Board when it deems such charges necessary. The amount of such charges that are applicable to each non-member shall be determined by the Board. The amount of the charges shall cover all costs incurred by Metro-INET in providing these services to the non-member. The Board shall have authority to negotiate and enter into contracts with non-members receiving Class 3 Charges.

Section 9.6. Special Financial Assistance from Members. It is anticipated that certain Members may be in a position to extend special financial assistance to Metro-INET in the form of grants, or other in-kind payments including use of facilities or other infrastructure deemed beneficial to Metro-INET. The Board shall credit any such in-kind payment against any charges

which the granting Member would otherwise have to pay. The Board may also enter into an agreement, as a condition to any such grant, that it will credit all or a portion of such grant towards charges which have been made or in the future may be made against one or more specified Members.

Section 9.7. Expenditures. Board funds may be expended by the Board in accordance with procedures established by law for the expenditure of funds by cities. Orders, checks, drafts and other legal instruments shall be signed by the chair or vice-chair and countersigned by the secretary or such other person as shall be designated by the Board.

Section 9.8. Contracts. Contracts shall be let and purchases shall be made in accordance with the legal requirements applicable to contracts and purchases by Minnesota cities.

ARTICLE X WITHDRAWAL

Section 10.1. Notice of Withdrawal. Any Member may at any time prior to June 1 of a given year, give written notice of withdrawal from Metro-INET. Written notice of withdrawal submitted prior to June 1 shall be a timely withdrawal and the Member shall not be responsible for its share of the next year's budget not already made the obligation of the Member by a prior, multi-year budget commitment approved by the Board. The withdrawing Member's financial obligation prior to withdrawal upon timely notice will be based on the Class 1, 2 and 3 Charges outstanding for the remainder of the calendar year and additional years for which the Board committed Metro-INET to such financial obligation while the Member was with Metro-INET as a Member. In such case the Member shall be responsible for the net present value of its a pro rata share of such commitment. Written notice of withdrawal after June 1, shall be untimely for purposes of withdrawal prior to the next calendar year but shall serve as notice for withdrawal effective the year following. A Member's nonpayment of charges as set forth herein or its failure to comply with Metro-INET operational security requirements or other policy prescribed by the Board, without cure after written notice and a reasonable time to cure, shall constitute the Member's notice of withdrawal from Metro-INET as determined by the Board pursuant to Section 4.8 at a regular or special meeting. All Member withdrawals shall take effect at the end of the applicable fiscal year, unless otherwise provided by the Board.

Section 10.2. Claim to Assets upon Withdrawal. A Member's withdrawal from Metro-INET at a time when such withdrawal does not result in dissolution of the organization shall forfeit the Member's claim to any assets of the organization except that it shall have access to any software developed for its use while it was a Member in accordance with and subject to the provisions of Article XIII, Section 13.5(b).

Section 10.3. Financial Obligations upon Withdrawal. Upon withdrawal the Member shall continue to be responsible (1) for all of its prorated share of any unpaid Class 2 Charges; (2) for its share of Class 1 Charges to the effective date of withdrawal; (3) for its share of any Class 3 Charges to the effective date of withdrawal; and (4) for any contractual obligations it has separately incurred with Metro-INET.

Section 10.4. Financial Obligations prior to Withdrawal. A Member who has not given notice of withdrawal on or before June 1 of a given year is obligated for the budgeted revenues and the cost sharing charges fixed by the Board for the ensuing fiscal year in accordance with Article IX.

ARTICLE XI ASSOCIATES

Section 11.1. Associates. It is understood that certain LGUs may desire to enter into a contractual arrangement with Metro-INET for limited IT Services. Such LGUs may affiliate with Metro-INET as “Associates.”

Section 11.2. Admission of Associates. An LGU desiring to become an Associate may do so in the same manner as is applicable to becoming a Member, except as otherwise provided in this Article.

Section 11.3. Confirmation of Associate Status. At the time of joining Metro-INET as an Associate, the LGU shall indicate in writing that it is not joining as a Member but as an Associate.

Section 11.4. Appointment of Director and Alternate Director. An Associate may appoint a Director and an Alternate Director to the Board but such Director (or Alternate) shall be without voting power, shall not be eligible to serve as an officer and shall not be counted for quorum purposes.

Section 11.5. Charges. The Board shall establish the charges to be paid by Associates and for that purpose it may classify Associates in accordance with their varying circumstances.

Section 11.6. Application to Become a Member. An Associate may apply for membership status and become a Member upon the requisite vote as required in Article III, Section 3.5.

Section 11.7. Notice of Withdrawal as Associate. An Associate may discontinue its association with Metro-INET at any time by giving written notice of withdrawal to the secretary. Withdrawal shall not relieve such withdrawing Associate from its obligation to pay any charges which the Associate has incurred up to the time of withdrawal.

ARTICLE XII DISSOLUTION

Section 12.1. Dissolution. Metro-INET shall be dissolved whenever: (1) the total number of remaining Members is less than five; or (2) by two-thirds of the votes represented by all Members of the Board.

Section 12.2. Effectuation of Dissolution. In the event of dissolution, the Board shall determine the measures necessary to effectuate the dissolution and shall provide for the taking of such measures as promptly as circumstances permit and subject to the provisions of this JPA.

Section 12.3. Distribution of Assets and Payment of Outstanding Obligations. Upon dissolution, the remaining assets of Metro-INET and payment of all of its outstanding obligations, the remaining assets of Metro-INET shall be distributed among the then existing Members in proportion to their contributions, as determined by the Board.

Section 12.4. Allocation of Deficit. If, upon dissolution, there is an organizational deficit, such deficit shall be charged to and paid by the Members on a pro rata basis, based upon the Class 1 and 2 Charges incurred by such Members during the two years preceding the event which gave rise to the dissolution.

Section 12.5. Distribution of Computer Software. In the event of dissolution the following provisions shall govern the distribution of computer software owned by or licensed to Metro-INET:

- (a) All such software shall be an asset of Metro-INET.
- (b) A Member or former Member may use (but may not authorize reuse by others) any software developed during its membership upon (1) paying any unpaid sums due Metro-INET; (2) paying the costs of taking such software; and (3) complying with reasonable rules and regulations of the Board relating to the taking and use of such software. Such rules and regulations may include a reasonable time within which such software must be taken by any Member or former Member desiring to do so.

ARTICLE XIII INDEMNIFICATION

Section 13.1. Cooperative Activity of Single Governmental Unit. Metro-INET shall be considered a separate and distinct public entity to which the Members have transferred all responsibility and control for actions taken pursuant to this JPA. To the fullest extent permitted by law, actions by the Members pursuant to this JPA are intended to be and shall be construed as a “cooperative activity” and it is the intent of the Members that they shall be deemed a “single governmental unit” for the purposes of liability, as set forth in Minnesota Statutes, Section 471.59, subdivision 1a (a); provided further that for purposes of that statute, each Member expressly declines responsibility for the acts or omissions of the other party. The Members are not liable for the acts or omissions of the other Members except to the extent to which they have agreed in writing to be responsible.

Section 13.2. Indemnification. Metro-INET shall defend, indemnify and hold harmless the Members against all claims, losses, liabilities, suits, judgments, costs and expenses arising out of action or inaction of the Board, its Directors or Alternates, the Fiscal Agent, the executive director and other employees or agents of Metro-INET pursuant to this JPA. Metro-INET shall defend and indemnify the employees of any Member acting pursuant to the JPA except for any act or omission for which the Member’s employee is guilty of malfeasance, willful neglect of duty or

bad faith. A Member shall defend, indemnify and hold harmless Metro-INET against all claims, losses, liabilities, suits, judgments, costs, and expenses arising out of action or inaction of the Member regarding the Member's Data. This JPA to defend and indemnify does not constitute a waiver by Metro-INET or any Member of the limitations on liability provided by Minnesota Statutes, Chapter 466.

ARTICLE XIV AMENDMENT

Section 14.1. Amendment of JPA. This JPA sets forth all understandings of the Members. All prior agreements, understandings, representations whether consistent or inconsistent, verbal or written, concerning this JPA, are merged into and superseded by this written JPA. No modification or amendment to the JPA shall be binding unless all Members agree in writing to the proposed change or amendment.

ARTICLE XV MISCELLANEOUS

Section 15.1. Data Practices. The Members agree to comply with the Minnesota Government Data Practices Act, Minnesota Statutes, Chapter 13, as it applies to all data created, collected, received, stored, used, maintained or disseminated by Metro-INET. If a Member receives a request to release the data referred to in this section, it must immediately notify the executive director. The executive director will give the Member who has received the data request instructions concerning the release of the data to the requester before the data is released.

Section 15.2. Audit. The books, records and documents relevant to this JPA are subject to audit by the Members and the State of Minnesota at reasonable times upon written notice.

Section 15.3. Counterparts. This JPA may be executed simultaneously in two or more counterparts, each of which will be deemed an original, but all of which together will constitute one and the same instrument.

Section 15.4. Headings. The subject headings of the sections and subsections of the JPA are included for purposes of convenience only, and shall not affect the construction of interpretation of any of its provisions.

Section 15.5. Severability. In case any one or more of the provisions of this JPA shall be invalid, illegal, or unenforceable in any respect, the validity, legality and enforceability of the remaining provisions contained in this JPA will not in any way be affected or impaired thereby.

Section 15.6. Applicable Law. This JPA shall be governed by and construed in accordance with the laws of the State of Minnesota. Any disputes, controversies, or claims arising out of this JPA shall be heard in Minnesota state district or courts with the venue being in Ramsey County, and the Members waive any objection to the jurisdiction of these courts, whether based on convenience or otherwise.

ARTICLE XVI
DURATION

Section 16.1. Term. This JPA shall continue in effect indefinitely until terminated in accordance with its terms.

IN WITNESS WHEREOF, the undersigned local governmental unit has caused this JPA to be signed and delivered on its behalf.

(Name of LGU)

By: _____

Its: _____

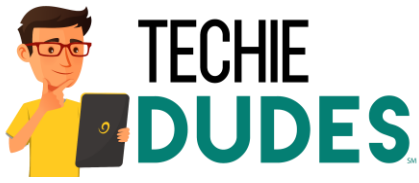
By: _____

Its: _____

Dated: _____, 20____.

2024 BUDGET SUMMARY

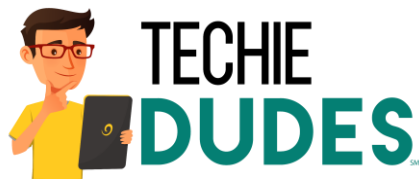
BV	Birchwood Village	Annual Personnel Charge	Annual Operating Charge	Annual Capital Charge	TOTAL
		\$ 4,295	\$ 1,576	\$ 139	\$ 6,010
A1	USER SUPPORT	\$ 662	\$ 88	\$ 51	\$ 802
A2	COMPUTER SUPPORT	\$ 1,921	\$ 112	\$ -	\$ 2,033
A3	EXCHANGE EMAIL SUPPORT	\$ -	\$ -	\$ -	\$ -
A4	WINDOWS SERVER SUPPORT	\$ -	\$ -	\$ -	\$ -
A5	NETWORK SYSTEM SUPPORT	\$ 591	\$ 36	\$ -	\$ 626
A6	LAN/WAN	\$ 346	\$ 318	\$ 41	\$ 704
ADM	ADMIN	\$ 106	\$ 273	\$ -	\$ 379
V01	CISCO TELEPHONY	\$ 451	\$ 476	\$ 9	\$ 936
S01	ADOBE SUBSCRIPTIONS	\$ -	\$ 138	\$ -	\$ 138
S02	MOBILITY SERVICES	\$ 174	\$ 97	\$ 8	\$ 279
S03	OPEN PROGRAM	\$ -	\$ -	\$ -	\$ -
S04	LASERFICHE	\$ -	\$ -	\$ -	\$ -
S05	MILESTONE VMS	\$ -	\$ -	\$ -	\$ -
S06	ARBITRATOR VPU/BWC	\$ -	\$ -	\$ -	\$ -
S07	FACILITY WI-FI	\$ 45	\$ 37	\$ 31	\$ 112
S08	vSAN	\$ -	\$ -	\$ -	\$ -
S09	S2 CARD ACCESS	\$ -	\$ -	\$ -	\$ -
S10	CISCO SMARTNET	\$ -	\$ -	\$ -	\$ -
S11	FIBER MAINTENANCE	\$ -	\$ -	\$ -	\$ -
S12	OPEN PROGRAM	\$ -	\$ -	\$ -	\$ -



City of Birchwood Village

IT Managed Services Proposal

207 Birchwood Avenue
Birchwood, MN 55110



To: City of Birchwood Village

From: Techie Dudes

Project Statement

Project Title: IT Managed Services Proposal

General Description

Techie Dudes will provide IT Service to provide setup & ongoing IT Service and support for existing functional computers and network owned by City of Birchwood Village. Should the scope and timeline detailed in this Scope of Work require a change due to a customer request, delay or circumstances that are outside of Techie Dudes control, then pricing may be adjusted by applying current time and material rates in the form of an Installation Change Order ("ICO") to this contract or via a Move/Add/Change ("MAC") order outside of this contract. Modification to this SOW requires the approval of both the customer and Techie Dudes prior to any changes being implemented on-site.

Network Security & Disaster Recovery project

Techie Dudes proposes to setup of Acronis protection and monitoring. We will install and configure Acronis tools into your existing computers and network. Techie Dudes will coordinate with the customer and onsite personnel as necessary to assure timely completion.

Special Considerations

- Work will be performed during normal business hours (8am-5pm M-F) when on customer location during onboarding process.

Techie Dudes Responsibilities

- Conduct work between the hours of 8:00AM and 5:00PM local time Monday through Saturday with the intent to complete project on time.
- Dispatch technicians equipped to complete any or all of the above quoted work when they arrive onsite.
- 24/7 break/fix and emergency support is available at 2023 T&M Service Agreement rates.

Customer Responsibilities

- Provide access to the site between the times of 8:00AM and 5:00PM. Monday through Friday.
- Provide point of contact for the Techie Dudes project manager for issues resolution.
- Provide, in advance, notification of any unique requirements, hazardous locations, security precautions, access restrictions or other extraordinary conditions that may exist and which may affect the execution of the project.
- Provide a resource for access to the site if after hours work is required
- Provide each user "Computer name" and "Password"



Techie Dudes Managed Services Inclusions

- **Standard Package**
 - The Managed Service contract is the highest priority of service when dispatching technicians (our target response time onsite is 1 hour for critical calls)
 - Includes all remote access IT Service
 - Includes all onsite service as needed
 - No trip charges
 - Covers all your computers, unlimited monthly calls
 - Includes new computer setups and transfer from old computers
 - Includes administration of Microsoft office products
 - Includes management of phone system as needed
 - Includes IT Support on all related network equipment such as WiFi, routers, switches, firewalls, VPN's, NAS, and similar network equipment
 - Includes end point Anti-virus and Anti-spyware protection on every computer
 - Includes daily status monitoring of computers, server, and network
 - Includes cloud backup copy of business-critical data and monitoring up to 150 GB of cloud storage
 - Includes troubleshooting printer issues
 - Includes preventative computer maintenance monthly (System scans for infections, junk files removed, SW updates installed and cookies removed)
 - No onboarding costs
 - Includes transition from outside IT Support
 - Includes Free removal and ethical disposal of unwanted electronic equipment
 - Repair parts and materials are not included in the price of this contract and will be billed separately as incurred.
 - Additional projects and additions of net new equipment will be charged at T&M hourly rate
- **Number of Computers: Total of 3 at office location**
- **Number of Locations: 1 office locations**

Managed Service

IT Managed Services	238.00
Tax	\$0.00
Total monthly investment	\$238.00