



AGENDA OF THE REGULAR MEETING OF  
THE CITY COUNCIL  
CITY OF BIRCHWOOD VILLAGE  
WASHINGTON COUNTY, MINNESOTA  
December 10, 2024  
6:45 P.M.

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

**PLEDGE OF ALLEGIANCE**

**Commissioner Karwoski Certificate Presentations to Departing Mayor and Councilmembers**

**APPROVE AGENDA**

**OPEN PUBLIC FORUM**

**ANNOUNCEMENTS**

- A. Ice Rink Opening Date TBD – Watch the Website for Announcement.
- B. Upcoming Deer Hunt Dates: December 13-14 (if needed).
- C. December Planning Commission meeting on December 19<sup>th</sup> due to the holidays.
- D. Birchwood Christmas Party December 15, 2024, from 1pm – 3pm

**CITY BUSINESS – CONSENT AGENDA**

- A. Approve November Treasurer’s Report\* (pp. 4-39)
- B. Approve November 12, 2024 Canvass Meeting Minutes\* (pp. 40-41)
- C. Approve November 12, 2024 Meeting Minutes\* (pp. 42-50)
- D. Approve RESOLUTION 2024-46 Polling Place\* (p. 51)
- E. Approve RESOLUTION 2024-47 Accepting 2024 Donations\* (p. 52)
- F. Approve Animal Impound Update\* (pp. 53-57)
- G. Approve TSE Rate Increase for Custodial Work\* (pp. 58-59)
- H. Approve NYSF Agreement for 2025\* (pp. 60-75)
- I. Approve Firewall Quote from Techie Dudes\* (p. 76)

**CITY BUSINESS**

- A. Appeal Regarding Building Permit at 483 Lake
  - a. Public Hearing

- b. Review and Discussion of Appeal
  - i. Appeal\* (pp. 77-81)
  - ii. Building Permit\* (pp. 82-101)
  - iii. City Engineer Response to Appeal\* (pp. 102-104)
  - iv. Revised Plans from Building Inspector\* (pp. 105-128)
  - v. Response Letter from Residents at 483 Lake\* (pp. 129-136)
  - vi. Planning Commission Meeting Minutes\* (pp. 137-141)
  - vii. Additional Information Received from 483 Residents/Contractors\* (pp. 142-143)
- c. Council Deliberation and Vote
- B. Utility Rate Increase – Shelly Rueckert\* (pp. 144-147)
  - a. Approve RESOLUTION 2024-54, 2025 Water and Sewer Rate Increase\* (pp. 148-149)
- C. 20 MPH Speed Limit throughout Birchwood Road Safety – Cora Hankins - tentative\*
  - a. Cora Hankins Presentation of Policy and Studies\* (pp. 150-160)
  - b. Approve RESOLUTION 2024-53, Adopting Reduced Speed Limit of 20 mph on City Owned Residential Roadways\* (p. 161)
- D. Lift Station Bids – Marcus Johnson\* (pp. 162-163)
- E. Truth in Taxation/Adoption of Final Levy and Budget
  - a. Public Hearing
  - b. Review of Proposed 2025 Levy & Budget \* (pp. 164-171)
  - c. Approve RESOLUTION 2024-48, Final Budget Adoption\* (p. 172)
  - d. Approve RESOLUTION 2023-49, Final Levy Adoption\* (p. 173)
- F. Approve RESOLUTION 2024-50, Certification of Delinquent Utility Accounts to the County\* (pp. 174-175)
  - a. Public Hearing
  - b. Council Deliberation and Approval
- G. Second Reading ORDINANCE 2024-11-01 (302.055) Run Off Changes\* (pp. 176-179)
  - a. Public Hearing
  - b. Council Deliberation and Approval

- H. Second Reading ORDINANCE 2024-03-01 (402) Solid and Hazardous Waste Management\* (pp. 180-188)
  - a. Public Hearing
  - b. Council Deliberation and Approval
  - c. Approve RESOLUTION 2024-55 Resolution Approving Summary Publication of Ordinance 2024-03-01\* (pp. 189-190)
- I. Second Reading ORDINANCE 2024-03-02 (401) Scavenging of Recycling Materials Prohibited\* (p. 191)
  - a. Public Hearing
  - b. Council Deliberation and Approval
- J. Attorney Update – Margaret Ford\* (pp. 192-198)
- K. New Variance Application – Ryan Hankins\* (pp. 199-204)
- L. Hockey Rink Board Replacement – Kathy Weier\* (pp. 205-206)
  - a. Approve RESOLUTION 2024-51 Approving Acceptance of Gift\* (p. 207)
  - b. Approve RESOLUTION 2024-52 Approving Purchase of Replacement Boards for Ice Rink\* (p. 208)
- M. Administrator Updates
  - a. Tree Stewart\* (pp. 209-211)
  - b. Technology Conversion Update\* (p. 112-213)

**ADJOURN**



Fund Name: All Funds

Date Range: 11/01/2024 To 11/30/2024

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Description</u>	<u>Void</u>	<u>Account Name</u>	<u>F-A-O-P</u>	<u>Total</u>
11/04/2024	City of White Bear Lake Public Work	33177*	Nov 2024 Monthly Public Safety Facility Fire Services	N	Fire	100-42201-314-	\$ 1,196.42
	<b>Total For Check</b>	<b>33177</b>					<b>\$ 1,196.42</b>
11/04/2024	City of White Bear Lake Fire	33178*	Fire Srvc -Nov 2024	N	Fire	100-42201-314-	\$ 3,888.84
	<b>Total For Check</b>	<b>33178</b>					<b>\$ 3,888.84</b>
11/04/2024	City of White Bear Lake	33179*	Quarterly Water Billing 6/17/24-9/17/24	N	Water Utility	601-49415-314-	\$ 15,437.56
	<b>Total For Check</b>	<b>33179</b>					<b>\$ 15,437.56</b>
11/04/2024	Gopher State One Call	33180*	Sept 32 Tickets	N	Utility Locates	605-49455-314-	\$ 43.20
	<b>Total For Check</b>	<b>33180</b>					<b>\$ 43.20</b>
11/04/2024	H.A. Kantrud, P.A.	33181*	Attorney Services -Nov 2024	N	Legal Services	100-41601-300-	\$ 1,500.00
	<b>Total For Check</b>	<b>33181</b>					<b>\$ 1,500.00</b>
11/04/2024	Heating & Cooling Exxperts, LLC	33182*	#4003 Annual Maintenance on Boiler and AC, Performed safety checks, new flame sensor added	N	General Government Buildings and Plant	100-41940-300-	\$ 1,390.00
	<b>Total For Check</b>	<b>33182</b>					<b>\$ 1,390.00</b>
11/04/2024	John Wikstrom	33183*	Oct City Planner Fees	N	General Fund Engineering Expense	100-41925-300-	\$ 1,600.00
	<b>Total For Check</b>	<b>33183</b>					<b>\$ 1,600.00</b>
11/04/2024	Kodiak Power Solutions	33184*	Generator Annual Service & Inspection,	N	Water Utility	605-49415-314-	\$ 165.17
		33184*				605-49415-314-	\$ 285.00
	<b>Total For Check</b>	<b>33184</b>					<b>\$ 450.17</b>
11/04/2024	League of MN Cities Insurance Trust	33185*	Workers Comp Coverage Premium	N	City Insurance	100-41945-361-	\$ 1,201.00
	<b>Total For Check</b>	<b>33185</b>					<b>\$ 1,201.00</b>
11/04/2024	Manship Plumbing & Heating Inc	33186*	Sewer/Water-Sept Retainer, ,	N	Water Utility	601-49415-314-	\$ 800.00
		33186*	Water testing, Locates			601-49415-314-	\$ 120.00
		33186*				601-49415-314-	\$ 240.00
	<b>Total For Check</b>	<b>33186</b>					<b>\$ 1,160.00</b>

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11/04/2024	Menards - Oakdale	33187*	Maintenance Supplies--Ash Path Fencing	N	Parks	100-45207-400-	\$ 292.55
		33187*				100-45207-400-	\$ 501.83
	<b>Total For Check</b>	<b>33187</b>					<b>\$ 794.38</b>
11/04/2024	Menard's - MAPLEWOOD	33188*	Maintenance Supplies--Ash Path Fencing	N	General Government Buildings and Plant	100-41940-400-	\$ 494.57
		33188*				100-41940-400-	\$ 51.92
		33188*				100-41940-400-	\$ 517.40
		33188*				100-41940-400-	\$ 397.29
		33188*				100-41940-400-	\$ 325.49
	<b>Total For Check</b>	<b>33188</b>					<b>\$ 1,786.67</b>
11/04/2024	Merrick Inc.	33189*	Q3 mailer--Newsletter	N	Newsletter	601-49435-350-	\$ 184.24
	<b>Total For Check</b>	<b>33189</b>					<b>\$ 184.24</b>
11/04/2024	Metro - INET	33190*	IT Charges--Oct Tech Support and Personnel Recovery.	N	General Government Buildings and Plant	100-41940-320-	\$ 501.00
	<b>Total For Check</b>	<b>33190</b>					<b>\$ 501.00</b>
11/04/2024	Metropolitan Council - Env. Service	33191*	Sept Waste Water Services	N	Sewer Utility	605-49465-217-	\$ 5,335.64
	<b>Total For Check</b>	<b>33191</b>					<b>\$ 5,335.64</b>
11/04/2024	Nugent Sealcoating and Paving	33192*	Fall Street Sweeping	N	Street Sweeping	100-43103-314-	\$ 2,000.00
	<b>Total For Check</b>	<b>33192</b>					<b>\$ 2,000.00</b>
11/04/2024	Press Publications	33193*	Ref #809076, Election Notice	N	Ordinances and Proceedings	100-41130-351-	\$ 147.14
	<b>Total For Check</b>	<b>33193</b>					<b>\$ 147.14</b>
11/04/2024	Press Publications	33194*	Ref #816642, PH Appeal	N	Ordinances and Proceedings	100-41130-351-	\$ 73.57
	<b>Total For Check</b>	<b>33194</b>					<b>\$ 73.57</b>
11/04/2024	Toshiba America Business Solutions	33195*	Oct Monthly Usage Allowance	N	Office Operations Supplies	100-41911-314-	\$ 10.62
	<b>Total For Check</b>	<b>33195</b>					<b>\$ 10.62</b>
11/04/2024	Top Green Co	33196*	Lawn Services for Sept--2 mows	N	Parks	100-45207-400-	\$ 1,734.00
	<b>Total For Check</b>	<b>33196</b>					<b>\$ 1,734.00</b>
11/04/2024	TSE, Inc. Work Account	33197*	Janitorial Services - 10/3 and 10/17	N	General Government Buildings and Plant	100-41940-314-	\$ 29.95
		33197*				100-41940-314-	\$ 29.95
	<b>Total For Check</b>	<b>33197</b>					<b>\$ 59.90</b>

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11/04/2024	USS Minnesota One MT LLC	33198*	Solar Energy - June Charges	N	General Government Buildings and Plant	100-41940-380-	\$ 135.49
		33198*			Sewer Utility	605-49465-380-	\$ 361.28
		33198*				605-49465-380-	\$ 654.82
	<b>Total For Check</b>	<b>33198</b>					<b>\$ 1,151.59</b>
11/04/2024	White Bear Township	33199*	Equipment and PW Charges	N	Sewer Utility	605-49465-314-	\$ 3,435.28
	<b>Total For Check</b>	<b>33199</b>					<b>\$ 3,435.28</b>
11/04/2024	USS Minnesota One MT LLC	33200*	Solar Energy - Sept Charges	N	General Government Buildings and Plant	100-41940-380-	\$ 135.38
		33200*			Sewer Utility	605-49465-380-	\$ 360.99
		33200*				605-49465-380-	\$ 654.30
	<b>Total For Check</b>	<b>33200</b>					<b>\$ 1,150.67</b>
11/04/2024	Stoltzman, Cris	33201*	Videography - Council Mtg--10/8, 3 hrs Charged	N	Cable Eqpmt and Service	100-41950-314-	\$ 82.68
	<b>Total For Check</b>	<b>33201</b>					<b>\$ 82.68</b>
11/04/2024	USS Minnesota One MT LLC	33202*	Solar Energy - April Charges--	N	General Government Buildings and Plant	100-41940-380-	\$ 107.34
		33202*			Sewer Utility	605-49465-380-	\$ 286.23
		33202*				605-49465-380-	\$ 518.79
	<b>Total For Check</b>	<b>33202</b>					<b>\$ 912.36</b>
11/04/2024	H2O Analytics	33203*	Annual Support feed for Hosted Software for Water meters	N	Water Utility	601-49415-314-	\$ 2,000.00
	<b>Total For Check</b>	<b>33203</b>					<b>\$ 2,000.00</b>
11/04/2024	Companion Animal Control LLC	33204*	Animal Control Services - Mar	N	Animal Control	100-41916-314-	\$ 80.00
	<b>Total For Check</b>	<b>33204</b>					<b>\$ 80.00</b>
11/04/2024	Gopher State One Call	33205*	Oct 20 Tickets	N	Utility Locates	605-49455-314-	\$ 27.00
	<b>Total For Check</b>	<b>33205</b>					<b>\$ 27.00</b>
11/04/2024	Therese Bellinger	33206*	Reimburse for Stamps, Misc Office Supply, MS License	N	Office Operations Supplies	100-41911-200-	\$ 76.70
		33206*			Data Processing	100-41920-230-	\$ 43.50
		33206*			Postage/Postal Permits	100-49495-200-	\$ 219.00
	<b>Total For Check</b>	<b>33206</b>					<b>\$ 339.20</b>

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11/04/2024	Miller Excavating Inc	33208*	Clean Storm Sewers, 165, 301 x's 2, 409 Wildwood, 264 Cedar.	N	Storm Drainage	605-43150-380-	\$ 1,400.00
		<b>Total For Check</b>	<b>33208</b>				<b>\$ 1,400.00</b>
11/04/2024	Techie Dudes	eft10142024*	October IT Services	N	Phone/IT	100-41955-314-	\$ 247.00
		<b>Total For Check</b>	<b>eft10142024</b>				<b>\$ 247.00</b>
11/04/2024	Xcel 4094-1	eft10162024-a*	Gas Service 8/19/24-9/18/24 200 Wildwood Lift Station	N	Water Utility	605-49415-380-	\$ 28.62
		<b>Total For Check</b>	<b>eft10162024-a</b>				<b>\$ 28.62</b>
11/04/2024	Xcel 9369-0	eft10162024-b*	407 Lake Lift Station 8/19/24-9/18/24	N	Sewer Utility	605-49465-380-	\$ 28.62
		<b>Total For Check</b>	<b>eft10162024-b</b>				<b>\$ 28.62</b>
11/04/2024	Xcel 2335-4	eft10172024-a*	Electricity 8/18/24-9/17/24	N	Water Utility	601-49415-380-	\$ 10.44
		<b>Total For Check</b>	<b>eft10172024-a</b>				<b>\$ 10.44</b>
11/04/2024	Xcel 2307-8	eft10172024-b*	Street Lighting 10/30/24	N	Street Lighting	100-43160-380-	\$ 1,349.47
		<b>Total For Check</b>	<b>eft10172024-b</b>				<b>\$ 1,349.47</b>
11/04/2024	A T & T Mobility	eft10222024*	Wireless for water tower- 10/2/24-11/1/24	N	Water Utility	601-49415-382-	\$ 53.75
		<b>Total For Check</b>	<b>eft10222024</b>				<b>\$ 53.75</b>
11/06/2024	Payroll Period Ending 11/06/2024	33209	Office Payroll 10/20/24-11/2/24	N	Clerk - Treasurer	100-41401-100-	\$ 843.80
		<b>Total For Check</b>	<b>33209</b>				<b>\$ 843.80</b>
11/06/2024	Payroll Period Ending 11/06/2024	33210	Office Payroll 10/20/24-11/2/24	N	Clerk - Treasurer	100-41401-100-	\$ 2,188.51
		<b>Total For Check</b>	<b>33210</b>				<b>\$ 2,188.51</b>
11/06/2024	Payroll Period Ending 11/06/2024	33211	Office Payroll 10/20/24-11/2/24	N	Parks	100-45207-100-	\$ 357.07
		<b>Total For Check</b>	<b>33211</b>				<b>\$ 357.07</b>
11/06/2024	Payroll Period Ending 11/06/2024	33212	Office Payroll 10/20/24-11/2/24	N	Parks	100-45207-100-	\$ 552.37
		<b>Total For Check</b>	<b>33212</b>				<b>\$ 552.37</b>
11/06/2024	PERA	eft11062024*	Retirement funds-PR 10/20/24-11/2/24, TB,BK,JR	N	Clerk - Treasurer	100-41401-121-	\$ 554.36
		<b>Total For Check</b>	<b>eft11062024*</b>		Parks	100-45207-121-	\$ 94.05
			<b>eft11062024</b>				<b>\$ 648.41</b>



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11/14/2024	IRS - US Treasury	EFT111424A	Federal Taxes - Q4 2024 -October Payment	N	Clerk - Treasurer	100-41401-100-	\$ 378.36
		EFT111424A				100-41401-100-	\$ 1,376.80
		EFT111424A				100-41401-100-	\$ 322.00
		<b>Total For Check</b>	<b>EFT111424A</b>				<b>\$ 2,077.16</b>
11/14/2024	MN Department of Revenue	EFT111424B	MN State Tax eFiling - 2024 Q4- October pymt	N	Clerk - Treasurer	100-41401-115-	\$ 498.30
		<b>Total For Check</b>	<b>EFT111424B</b>				<b>\$ 498.30</b>
11/21/2024	Payroll Period Ending 11/21/2024	33213	Office Payroll 11/3/24 - 11/16/24	N	Clerk - Treasurer	100-41401-100-	\$ 1,104.52
		<b>Total For Check</b>	<b>33213</b>				<b>\$ 1,104.52</b>
11/21/2024	Payroll Period Ending 11/21/2024	33214	Office Payroll 11/3/24 - 11/16/24	N	Clerk - Treasurer	100-41401-100-	\$ 2,188.51
		<b>Total For Check</b>	<b>33214</b>				<b>\$ 2,188.51</b>
11/21/2024	Payroll Period Ending 11/21/2024	33215	Office Payroll 11/3/24 - 11/16/24	N	Parks	100-45207-100-	\$ 434.29
		<b>Total For Check</b>	<b>33215</b>				<b>\$ 434.29</b>
11/25/2024	PERA	11252024-A*	Retirement funds-PR 11/3/24-11/16/24, TB,BK, JR	N	Clerk - Treasurer	100-41401-121-	\$ 60.81
		11252024-A*			Parks	100-45207-121-	\$ 619.57
		<b>Total For Check</b>	<b>11252024-A</b>				<b>\$ 680.38</b>
<b>Total For Selected Checks</b>							<b>\$ 64,364.35</b>

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Date Range: 11/01/2024 To 11/30/2024

<u>Date</u>	<u>Remitter</u>	<u>Receipt #</u>	<u>Description</u>	<u>Deposit ID</u>	<u>Void</u>	<u>Account Name</u>	<u>F-A-P</u>	<u>Total</u>
11/01/2024	Apollo HVAC	171736224*	Plumbing Permit 24-0114, 6 Oakhill Ct	(11/01/2024) - ach	N	LICENSES AND PERMITS	100-32001-	\$ 151.00
								<b>\$ 151.00</b>
11/06/2024	Hoffman HVAC	171736225*	Mechanical Permit 24-0120, 8 Oakhill Crt	(11/06/2024) - ach	N	LICENSES AND PERMITS	100-32001-	\$ 151.00
								<b>\$ 151.00</b>
11/06/2024	Lakeland Contractors	171736226*	Building Permit 24-0119, 184 Cedar St	(11/06/2024) - ach	N	LICENSES AND PERMITS	100-32001-	\$ 287.65
								<b>\$ 287.65</b>
11/07/2024	Heisdorffer, Kevin	171736227*	Pay for Engineering Serv, 423 Wildwood Ave	(11/07/2024) - ach	N	LICENSES AND PERMITS	100-32001-	\$ 74.50
								<b>\$ 74.50</b>
11/08/2024	Palmer, Kylea	171736228*	Rightaway Permit 24-0122, 654 Birchwood Ave	(11/08/2024) - ach	N	LICENSES AND PERMITS	100-32001-	\$ 274.50
								<b>\$ 274.50</b>
11/13/2024	Xcel Energy-Mary Carey	171736229*	Rightaway Permit 24-0122, 654 Birchwood Ave	(11/13/2024) - ach	N	LICENSES AND PERMITS	100-32001-	\$ 274.50
								<b>\$ 274.50</b>
11/13/2024	Bardon, Lisa	171736230*	Zoning Permit z24-0014, 437 Birchwood Crts	(11/13/2024) - ach	N	LICENSES AND PERMITS	100-32001-	\$ 60.00
								<b>\$ 60.00</b>
11/14/2024	Egress Window	171736231*	BP 24-0121, 9 Oakridge Dr	(11/14/2024) - ach	N	LICENSES AND PERMITS	100-32001-	\$ 83.50
								<b>\$ 83.50</b>
11/29/2024	Bolten-Menk	171736220*	Reimbursement for Envelopes for Lead Pipe Letter	(11/29/2024) - ck	N	Miscellaneous	100-36140-	\$ 95.00
								<b>\$ 95.00</b>

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11/29/2024	Pakonen, Richard	171736221*	Dog License-2 ea for 199 Wildwood Ave	(11/29/2024) - ck	N	Animal Licenses	100-32240-	\$ 60.00
								<b>\$ 60.00</b>
11/29/2024	Telcom	171736222*	Escrow for Rightaway 24-0123, 157 Birchwood	(11/29/2024) - ck	N	Escrow Deposits	100-36245-	\$ 3,000.00
								<b>\$ 3,000.00</b>
11/29/2024	Telcom	171736223*	Permit Fee 24-0123--for Rightaway, 157 Birchwood	(11/29/2024) - ck	N	LICENSES AND PERMITS	100-32001-	\$ 274.50
								<b>\$ 274.50</b>
11/29/2024	4 M Fund	171736232	November 24 interest	(11/29/2024) -	N	Interest Earning	100-36210-	\$ 4,114.31
						Interest Earning	100-36210-	\$ 232.24
								<b>\$ 4,346.55</b>
11/29/2024	Residents - via St Anthony Village	171736233	Utility Billing Receipts for November 2024	(11/29/2024) -	N	Water Consumption	601-37111-	\$ 700.72
						Water Utility User Fee	601-37112-	\$ 735.87
						Water Main-break Surcharge	601-37113-	\$ 159.39
						Special Water Charges	601-37115-	\$ 97.34
						State Surcharge	601-37116-	\$ 47.37
						Administrative Fee Move/Out	601-37118-	\$ 99.21
						Penalties and Forfeited Discounts	601-37160-	\$ 115.56
						Sewer Consumption	605-37211-	\$ 701.01
						Sewer Minimum Charge	605-37212-	\$ 701.88
								<b>\$ 3,358.35</b>
11/29/2024	MN Management & Budget	171736234	Fines	(11/29/2024) -	N	Court Fines	100-35101-	\$ 126.65
								<b>\$ 126.65</b>
<b>Total for Selected Receipts</b>								<b>\$ 12,617.70</b>

As on 12/31/2024

Special Rev Projects

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
<b>Receipts:</b>			
Dock/Lift Permit Fee	0.00	14,000.00	14,000.00
<b>Total Acct 322</b>	<b>0.00</b>	<b>14,000.00</b>	<b>14,000.00</b>
<b>Total Revenues</b>	<b>0.00</b>	<b>14,000.00</b>	<b>14,000.00</b>
<b>Other Financing Sources:</b>			
<b>Total Other Financing Sources</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
<b>Disbursements:</b>			
Recreation			
Miscellaneous (431 through 499)	0.00	200.00	(200.00)
Community Events	0.00	3,600.00	(3,600.00)
<b>Total Acct 451</b>	<b>0.00</b>	<b>3,800.00</b>	<b>(3,800.00)</b>
<b>Total Disbursements</b>	<b>0.00</b>	<b>3,800.00</b>	<b>(3,800.00)</b>
<b>Other Financing Uses:</b>			
<b>Total Other Financing Uses</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
<b>Beginning Cash Balance</b>		<b>10,823.05</b>	
<b>Total Receipts and Other Financing Sources</b>		<b>14,000.00</b>	
<b>Total Disbursements and Other Financing Uses</b>		<b>3,800.00</b>	
<b>Cash Balance as of 12/31/2024</b>		<b>21,023.05</b>	

As on 12/31/2024

Capital Project PW

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
<b>Receipts:</b>			
<b>Total Revenues</b>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
<b>Other Financing Sources:</b>			
Transfer From General Fund	0.00	30,000.00	30,000.00
<b>Total Acct 392</b>	<u>0.00</u>	<u>30,000.00</u>	<u>30,000.00</u>
<b>Total Other Financing Sources</b>	<u>0.00</u>	<u>30,000.00</u>	<u>30,000.00</u>
<b>Disbursements:</b>			
General Fund Engineering Expense			
PROFESSIONAL SERVICES (301 through 319)	0.00	395.00	(395.00)
Capital Project Engineering Expense			
PROFESSIONAL SERVICES (301 through 319)	0.00	114,185.92	(114,185.92)
<b>Total Acct 419</b>	<u>0.00</u>	<u>114,580.92</u>	<u>(114,580.92)</u>
Sewer Engineering Expense			
PROFESSIONAL SERVICES (301 through 319)	0.00	632.00	(632.00)
<b>Total Acct 494</b>	<u>0.00</u>	<u>632.00</u>	<u>(632.00)</u>
<b>Total Disbursements</b>	<u>0.00</u>	<u>115,212.92</u>	<u>(115,212.92)</u>
<b>Other Financing Uses:</b>			
<b>Total Other Financing Uses</b>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
<b>Beginning Cash Balance</b>		75,741.49	
<b>Total Receipts and Other Financing Sources</b>		30,000.00	
<b>Total Disbursements and Other Financing Uses</b>		<u>115,212.92</u>	
<b>Cash Balance as of 12/31/2024</b>		(9,471.43)	

As on 12/31/2024

Water

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
<b>Receipts:</b>			
Water Consumption	0.00	67,907.49	67,907.49
Water Utility User Fee	0.00	46,419.79	46,419.79
Water Main-break Surcharge	0.00	22,650.84	22,650.84
Special Water Charges	0.00	1,673.31	1,673.31
State Surcharge	0.00	3,007.02	3,007.02
Administrative Fee Move/Out	0.00	1,207.51	1,207.51
Penalties and Forfeited Discounts	0.00	1,162.50	1,162.50
<b>Total Acct 371</b>	<b>0.00</b>	<b>144,028.46</b>	<b>144,028.46</b>
<b>Total Revenues</b>	<b>0.00</b>	<b>144,028.46</b>	<b>144,028.46</b>
<b>Other Financing Sources:</b>			
Transfer From General Fund	0.00	6,287.74	6,287.74
<b>Total Acct 392</b>	<b>0.00</b>	<b>6,287.74</b>	<b>6,287.74</b>
<b>Total Other Financing Sources</b>	<b>0.00</b>	<b>6,287.74</b>	<b>6,287.74</b>
<b>Disbursements:</b>			
Financial Administration			
Contracted Services	0.00	16,176.00	(16,176.00)
<b>Total Acct 415</b>	<b>0.00</b>	<b>16,176.00</b>	<b>(16,176.00)</b>
Water Utility			
Repair and Maintenance Supplies (221 through 229)	0.00	1,300.31	(1,300.31)
Contracted Services	0.00	97,858.54	(97,858.54)
Utility Services (381 through 389)	0.00	101.15	(101.15)
Utility Services: Water	0.00	721.21	(721.21)
Fees	0.00	3,483.00	(3,483.00)
Wtr/Swr Emergency			
PROFESSIONAL SERVICES (301 through 319)	0.00	3,297.88	(3,297.88)
Contracted Services	0.00	29,165.90	(29,165.90)
Newsletter			
Printing and Binding (351 through 359)	0.00	558.11	(558.11)
<b>Total Acct 494</b>	<b>0.00</b>	<b>136,486.10</b>	<b>(136,486.10)</b>
<b>Total Disbursements</b>	<b>0.00</b>	<b>152,662.10</b>	<b>(152,662.10)</b>
<b>Other Financing Uses:</b>			
<b>Total Other Financing Uses</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
<b>Beginning Cash Balance</b>		<b>70,785.62</b>	
<b>Total Receipts and Other Financing Sources</b>		<b>150,316.20</b>	
<b>Total Disbursements and Other Financing Uses</b>		<b>152,662.10</b>	
<b>Cash Balance as of 12/31/2024</b>		<b>68,439.72</b>	

As on 12/31/2024

Sewer

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
<b>Receipts:</b>			
Refund-Reimbursemnt-Dividend	0.00	18,932.70	18,932.70
<b>Total Acct 362</b>	<b>0.00</b>	<b>18,932.70</b>	<b>18,932.70</b>
Sewer Consumption	0.00	53,777.66	53,777.66
Sewer Minimum Charge	0.00	48,325.61	48,325.61
Penalties and Forfeited Discounts	0.00	846.58	846.58
<b>Total Acct 372</b>	<b>0.00</b>	<b>102,949.85</b>	<b>102,949.85</b>
<b>Total Revenues</b>	<b>0.00</b>	<b>121,882.55</b>	<b>121,882.55</b>
<b>Other Financing Sources:</b>			
Transfer From General Fund	0.00	4,580.10	4,580.10
<b>Total Acct 392</b>	<b>0.00</b>	<b>4,580.10</b>	<b>4,580.10</b>
<b>Total Other Financing Sources</b>	<b>0.00</b>	<b>4,580.10</b>	<b>4,580.10</b>
<b>Disbursements:</b>			
Storm Drainage			
Utility Services (381 through 389)	0.00	1,400.00	(1,400.00)
<b>Total Acct 431</b>	<b>0.00</b>	<b>1,400.00</b>	<b>(1,400.00)</b>
Water Utility			
Contracted Services	0.00	1,020.17	(1,020.17)
Utility Services (381 through 389)	0.00	203.68	(203.68)
Utility Locates			
Contracted Services	0.00	602.15	(602.15)
Sewer Utility			
Sewer - Wastewater Charge	0.00	71,456.53	(71,456.53)
Contracted Services	0.00	41,654.30	(41,654.30)
Utility Services (381 through 389)	0.00	12,694.60	(12,694.60)
Sewer Engineering Expense			
PROFESSIONAL SERVICES (301 through 319)	0.00	43,369.00	(43,369.00)
Postage/Postal Permits			
Communications: Postage	0.00	296.14	(296.14)
<b>Total Acct 494</b>	<b>0.00</b>	<b>171,296.57</b>	<b>(171,296.57)</b>
<b>Total Disbursements</b>	<b>0.00</b>	<b>172,696.57</b>	<b>(172,696.57)</b>
<b>Other Financing Uses:</b>			
<b>Total Other Financing Uses</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
<b>Beginning Cash Balance</b>		<b>87,230.53</b>	
<b>Total Receipts and Other Financing Sources</b>		<b>126,462.65</b>	
<b>Total Disbursements and Other Financing Uses</b>		<b>172,696.57</b>	
<b>Cash Balance as of 12/31/2024</b>		<b>40,996.61</b>	

Monthly Activity Summary

11/1/2024 - 11/30/2024

Class	Account	Beginning Balance	Contributions	Interest	Checks Paid	Other Withdrawals	Month End Balance
4M	35389 - 101 General Fund	\$1,095,200.16	\$7,124.68	\$4,114.31	(\$61,703.16)	(\$6,708.00)	\$1,038,027.99
4MP	35389 - 101 General Fund	\$60,324.13	\$0.00	\$232.24	\$0.00	\$0.00	\$60,556.37
LTD	35389 - 101 General Fund	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
		<b>\$1,155,524.29</b>	<b>\$7,124.68</b>	<b>\$4,346.55</b>	<b>(\$61,703.16)</b>	<b>(\$6,708.00)</b>	<b>\$1,098,584.36</b>



**Activity Summary (35389-101) General Fund**

**11/1/2024 - 11/30/2024**

<b>Investment Pool Summary</b>	<b>4M</b>	<b>4MP</b>
Beginning Balance	\$1,095,200.16	\$60,324.13
Dividends	\$4,114.31	\$232.24
Purchases	\$7,124.68	\$0.00
Checks Paid	(\$61,703.16)	\$0.00
Other Redemptions	(\$6,708.00)	\$0.00
Ending Balance	\$1,038,027.99	\$60,556.37
Average Monthly Rate	4.668%	4.683%
Share Price	\$1.000	\$1.000
<b>Total</b>	<b>\$1,038,027.99</b>	<b>\$60,556.37</b>
<b>Total Fixed Income</b>		<b>\$0.00</b>
<b>Account Total</b>		<b>\$1,098,584.36</b>

**Your PMA Representative**  
Laura Hamacher  
(612) 509-2563  
lhamacher@pmanetwork.com

**City of Birchwood Village**  
Marsha Olson  
207 Birchwood Ave  
Birchwood, MN 55110



**PMA Financial Network**  
2135 CityGate Lane, 7th Floor  
Naperville, IL 60563

Transaction Activity (35389-101) General Fund

4M 11/1/2024 - 11/30/2024

Transaction	Trade Date	Settle Date	Description	Redemption	Purchase	Share Price	Shares this Transaction
2342169	10/31/2024	11/01/2024	US Bank Checks Paid Redemption	(\$620.72)	\$0.00	\$1.000	(620.720)
2342170	11/01/2024	11/01/2024	US Bank Deposit Package Purchase	\$0.00	\$2,283.03	\$1.000	2,283.030
2342623	11/01/2024	11/01/2024	US Bank ACH Redemption, XCEL ENERGY-MN	(\$1,349.47)	\$0.00	\$1.000	(1,349.470)
2343488	11/04/2024	11/04/2024	US Bank ACH Redemption, TECHIE DUDES	(\$247.00)	\$0.00	\$1.000	(247.000)
2343489	11/04/2024	11/04/2024	US Bank ACH Purchase, TSYS/TRANSFIRST	\$0.00	\$151.00	\$1.000	151.000
2344714	11/06/2024	11/06/2024	US Bank ACH Redemption, TECHIE DUDES	(\$1,020.95)	\$0.00	\$1.000	(1,020.950)
2344978	11/06/2024	11/07/2024	US Bank Checks Paid Redemption	(\$3,000.00)	\$0.00	\$1.000	(3,000.000)
2345258	11/07/2024	11/07/2024	US Bank ACH Redemption, MN PERA	(\$648.41)	\$0.00	\$1.000	(648.410)
2345259	11/07/2024	11/07/2024	US Bank ACH Purchase, TSYS/TRANSFIRST	\$0.00	\$438.65	\$1.000	438.650
2345464	11/07/2024	11/08/2024	US Bank Checks Paid Redemption	(\$2,188.51)	\$0.00	\$1.000	(2,188.510)
2345465	11/08/2024	11/08/2024	US Bank Deposit Package Purchase	\$0.00	\$577.87	\$1.000	577.870
2345799	11/08/2024	11/08/2024	US Bank ACH Purchase, TSYS/TRANSFIRST	\$0.00	\$74.50	\$1.000	74.500
2346042	11/08/2024	11/12/2024	US Bank Checks Paid Redemption	(\$843.80)	\$0.00	\$1.000	(843.800)
2346599	11/12/2024	11/12/2024	US Bank ACH Purchase, TSYS/TRANSFIRST	\$0.00	\$274.50	\$1.000	274.500
2346996	11/12/2024	11/13/2024	US Bank Checks Paid Redemption	(\$297.30)	\$0.00	\$1.000	(297.300)
2347590	11/13/2024	11/14/2024	US Bank Checks Paid Redemption	(\$909.44)	\$0.00	\$1.000	(909.440)
2347591	11/13/2024	11/14/2024	US Bank Checks Paid Redemption	(\$1,600.00)	\$0.00	\$1.000	(1,600.000)
2347988	11/14/2024	11/14/2024	US Bank ACH Purchase, MN State-MMB	\$0.00	\$126.65	\$1.000	126.650
2347989	11/14/2024	11/14/2024	US Bank ACH Purchase, TSYS/TRANSFIRST	\$0.00	\$334.50	\$1.000	334.500
2348260	11/14/2024	11/15/2024	US Bank ACH Redemption, IRS	(\$2,077.16)	\$0.00	\$1.000	(2,077.160)
2348261	11/15/2024	11/15/2024	US Bank Deposit Package Purchase	\$0.00	\$936.10	\$1.000	936.100
2348669	11/15/2024	11/15/2024	US Bank ACH Redemption, MN DEPT OF REVEN	(\$498.30)	\$0.00	\$1.000	(498.300)
2348670	11/15/2024	11/15/2024	US Bank ACH Purchase, TSYS/TRANSFIRST	\$0.00	\$83.50	\$1.000	83.500
2349421	11/18/2024	11/18/2024	US Bank ACH Redemption, XCEL ENERGY-MN	(\$27.56)	\$0.00	\$1.000	(27.560)

2349422	11/18/2024	11/18/2024	US Bank ACH Redemption, XCEL ENERGY-MN	(\$28.88)	\$0.00	\$1.000	(28.880)
2349423	11/18/2024	11/18/2024	US Bank ACH Redemption, XCEL ENERGY-MN	(\$9.96)	\$0.00	\$1.000	(9.960)
2349770	11/18/2024	11/19/2024	US Bank Checks Paid Redemption	(\$2,581.71)	\$0.00	\$1.000	(2,581.710)
2350281	11/19/2024	11/20/2024	US Bank Checks Paid Redemption	(\$2,000.00)	\$0.00	\$1.000	(2,000.000)
2350282	11/19/2024	11/20/2024	US Bank Checks Paid Redemption	(\$1,786.67)	\$0.00	\$1.000	(1,786.670)
2350997	11/20/2024	11/21/2024	US Bank Checks Paid Redemption	(\$4,948.62)	\$0.00	\$1.000	(4,948.620)
2350998	11/20/2024	11/21/2024	US Bank Checks Paid Redemption	(\$1,500.00)	\$0.00	\$1.000	(1,500.000)
2351295	11/21/2024	11/21/2024	US Bank ACH Redemption, AMAZON BUSINESS	(\$15.98)	\$0.00	\$1.000	(15.980)
2351526	11/21/2024	11/22/2024	US Bank Checks Paid Redemption	(\$19,526.14)	\$0.00	\$1.000	(19,526.140)
2351527	11/22/2024	11/22/2024	US Bank Deposit Package Purchase	\$0.00	\$1,633.30	\$1.000	1,633.300
2352104	11/22/2024	11/25/2024	US Bank Checks Paid Redemption	(\$9,396.99)	\$0.00	\$1.000	(9,396.990)
2352105	11/22/2024	11/25/2024	US Bank Checks Paid Redemption	(\$1,196.42)	\$0.00	\$1.000	(1,196.420)
2352580	11/25/2024	11/25/2024	US Bank ACH Redemption, ATT	(\$53.95)	\$0.00	\$1.000	(53.950)
2352581	11/25/2024	11/25/2024	US Bank ACH Redemption, MN PERA	(\$680.38)	\$0.00	\$1.000	(680.380)
2352878	11/25/2024	11/26/2024	US Bank Checks Paid Redemption	(\$1,400.00)	\$0.00	\$1.000	(1,400.000)
2353416	11/26/2024	11/27/2024	US Bank Checks Paid Redemption	(\$2,000.00)	\$0.00	\$1.000	(2,000.000)
2353417	11/26/2024	11/27/2024	US Bank Checks Paid Redemption	(\$43.20)	\$0.00	\$1.000	(43.200)
2353713	11/27/2024	11/27/2024	US Bank ACH Redemption, QUANTUM FIBER	(\$50.00)	\$0.00	\$1.000	(50.000)
2354001	11/27/2024	11/29/2024	US Bank Checks Paid Redemption	(\$5,863.64)	\$0.00	\$1.000	(5,863.640)
2354002	11/29/2024	11/29/2024	US Bank Deposit Package Purchase	\$0.00	\$211.08	\$1.000	211.080
11165778	11/30/2024	11/30/2024	Dividend Reinvest	\$0.00	\$4,114.31	\$1.000	4,114.310
				<b>(\$68,411.16)</b>	<b>\$11,238.99</b>		<b>(57,172.170)</b>

Beginning Balance: \$1,095,200.16 | Ending Balance: \$1,038,027.99

**Transaction Activity (35389-101) General Fund**

4MP 11/1/2024 - 11/30/2024

Transaction	Trade Date	Settle Date	Description	Redemption	Purchase	Share Price	Shares this Transaction
11165779	11/30/2024	11/30/2024	Dividend Reinvest	\$0.00	\$232.24	\$1.000	232.240
				<b>\$0.00</b>	<b>\$232.24</b>		<b>232.240</b>

Beginning Balance: \$60,324.13 | Ending Balance: \$60,556.37

## Current Portfolio

11/30/2024

Type	Code	Holding Id	Trade Date	Settle Date	Maturity Date	Description	Cost	Rate	NAV	Face/Par	Market Value
4M				11/30/2024		4M Account Balance	\$1,038,027.99	4.668%	\$1.000	\$1,038,027.99	\$1,038,027.99
4MP				11/30/2024		4MP Account Balance	\$60,556.37	4.683%	\$1.000	\$60,556.37	\$60,556.37
							<b>\$1,098,584.36</b>			<b>\$1,098,584.36</b>	<b>\$1,098,584.36</b>

**Time and Dollar Weighted Average Portfolio Yield:** n/a

**Weighted Average Portfolio Maturity:** n/a

Note: Weighted Yield & Weighted Average Portfolio Maturity are calculated using "Market Value" and are only based on the fixed rate investments.

## Portfolio Summary

Type	Allocation (%)	Allocation (\$)	Description
4M	94.488%	\$1,038,027.99	4M Account
4MP	5.512%	\$60,556.37	4MP Account

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**Cost** is comprised of the total amount you paid for the investment including any fees and commissions.

**Rate** is the average monthly rate for liquid investments or the rate on the last business day of the month for SDA investments or the yield to maturity or yield to worst for fixed term investments.

**Face/Par** is the amount received at maturity for fixed rate investments.

**Market Value** reflects the market value as reported by an independent third-party pricing service. Certificates of Deposit and other assets for which market pricing is not readily available from a third-party pricing service are listed at "Cost".

## 4M MONTHLY STATEMENT DISCLAIMER

### 4M and 4M Plus Activity Summary

This section shows all of the activity in the 4M and 4M Plus shares. The Average Rate represents the average net interest rate over the previous month which is then annualized. Income Summary represents the interest earned for the Month and Fiscal Year to Date.

Information regarding the 4M Fund investment objectives, risks, charges and expenses can be found in the 4M Fund Information Statement, which can be obtained at [www.4MFund.com](http://www.4MFund.com) or by calling PMA at the phone number listed.

An investment in 4M and 4M Plus is not insured or guaranteed by the FDIC or any other governmental agency. Although the 4M and 4M Plus seek to maintain a stable value of \$1.00 per share, it is possible to lose money by investing in the 4M and 4M Plus.

Securities and municipal advisory brokerage services (investments purchased with proceeds from a municipal securities issuance), and investments cleared through our clearing firm, Pershing LLC, are offered through PMA Securities, LLC, a broker-dealer and municipal advisor registered with the SEC and MSRB, and a member of FINRA and SIPC. All other products and brokerage services are generally provided by PMA Financial Network, LLC. Thus, certificates of deposit ("CD"), savings deposit accounts ("SDA") and commercial paper ("CP") may be executed through either PMA entity, as applicable, depending on whether the investment was purchased with proceeds derived from municipal securities. PMA Securities, LLC and PMA Financial Network, LLC are operated under common ownership and are affiliated with PMA Asset Management, LLC.

### Fixed Rate Investment Activity

This section shows all of the fixed term investments purchased and sold, maturities, interest received, and activity. This will include all CD, SDA, CP, securities and money market funds purchased through PMA Financial Network, LLC or PMA Securities, LLC as applicable. It also shows the approximate market value of each security whose price is obtained from an independent source believed to be reliable. However, PMA cannot guarantee their accuracy. This data is provided for informational purposes only. Listed values should not be interpreted as an offer to buy or sell at a specific price. CD's and CP are listed at their original cost. Redemption of a CD prior to maturity may result in early withdrawal penalties. Market values are based on the last day of the month for which this report date range is ending. If the run date of this report is prior to the end of the current month, the market values are listed as equivalent to the cost values.

### Money Market Fund

The Rate shown for the money market fund represents the average net interest rate over the previous month which is then annualized. Information regarding the money market fund's investment objectives, risks, charges and expenses can be found in the money market fund's prospectus, which can be obtained by calling PMA at the phone numbers listed. The performance data featured represents past performance, which is no guarantee of future results. Investment returns will fluctuate. Current performance may be higher or lower than the performance data quoted. Please call PMA for the most recent performance figures.

The performance data featured represents past performance, which is no guarantee of future results. Investment returns will fluctuate. Current performance may be higher or lower than the performance data quoted. Please call PMA for the most recent performance figures.

### Additional Disclosures

All funds, and/or securities are located and safe kept in an account under the client's name at their custodial bank. Any certificates of deposit listed are located in the client's name at the respective bank. Any money market fund shares are held directly with the money market fund. It is recommended that any oral communications be re-confirmed in writing to further protect your rights, including rights under the Securities Investor Protection Act.

### Debt Securities

Some debt securities are subject to redemption prior to maturity. In the event of a partial or whole call of a security, the securities call will be automatically selected on a random basis as is customary in the securities industry. The probability that your securities will be selected is proportional to the amount of your holdings relative to the total holdings. Redemption prior to maturity could affect the yield represented. Additional information is available upon request.

A financial statement of PMA Securities, LLC is available for inspection at its office or a copy will be mailed to you upon written request.

PLEASE ADVISE PMA AND OUR CLEARING FIRM, PERSHING LLC, IMMEDIATELY OF ANY INACCURACY OR DISCREPANCY ON YOUR STATEMENT. FOR A CHANGE OF ADDRESS OR QUESTIONS REGARDING YOUR ACCOUNT, PLEASE NOTIFY YOUR PMA REPRESENTATIVE. ANY ORAL COMMUNICATIONS SHOULD BE RE-CONFIRMED IN WRITING.

### How to Contact PMA

Please call (630) 657-6400 or write to us at PMA, 2135 CityGate Lane, 7th Floor, Naperville, Illinois 60563.

### How to Contact Pershing, LLC

Please call (201) 413-3330 or write to Pershing, LLC, One Pershing Plaza, Jersey City, New Jersey, 07399

In accordance with FINRA Rule 2267, PMA Securities, LLC is providing the following information in the event you wish to contact FINRA. You may call (301) 590-6500 or write to FINRA at 1735 K Street NW, Washington, D.C. 20006-1500. In addition to the public disclosure number (800) 289-9999, FINRA provides an investor brochure which describes their Public Disclosure Program. Additional information is also available at [www.finra.org](http://www.finra.org).

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<b>4M balance</b>	<b>General Fund</b>	\$1,098,584.36
<b>Outstanding Checks</b>	Outstanding Checks	\$ (2,988.51)
	Deposit Cleared US 11/29, 4M 12/02	\$ 3,429.50
	EFT Cleared Bank November / CTAS December	\$ 247.00
	EFT Cleared Bank November / CTAS December	\$ 1,020.95
	EFT Cleared Bank November / CTAS December	\$ 9.96
	EFT Cleared Bank November / CTAS December	\$ 28.88
	EFT Cleared Bank November / CTAS December	\$ 27.56
	EFT Cleared Bank November / CTAS December	\$ 15.98
	EFT Cleared Bank November / CTAS December	\$ 53.95
	EFT Cleared Bank November / CTAS December	\$ 50.00
<b>Bank Open Items</b>	US Bank Correction - Being Researched by	\$455.58
	US Bank (Ref # JLS1505511)- Utility Deposit.	
	MN Dept Revenue - went through bank twice.	\$511.55
	Quantum Fiber - Need to enter into CTAS	\$50.00
		<u>\$1,101,496.76</u>
	<b>Balance Per Cash Control Statement</b>	<u>\$1,101,496.76</u>
	DIFFERENCE	\$0.00



Date Range : 10/6/2024 To 11/6/2024

<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Claim #</u>	<u>Total</u>	<u>Account #</u>	<u>Account Name</u>	<u>Detail</u>
11/06/2024	PERA	Retirement funds-PR 10/20/24-11/2/24, TB,BK,JR	7226*	\$648.41			
					100-41401-121-	Clerk - Treasurer	\$554.36
					100-45207-121-	Parks	\$94.05
<b>Total For Selected Claims</b>				<b>\$648.41</b>			<b>\$648.41</b>

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

Date Range : 11/14/2024 To 11/14/2024

<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Claim #</u>	<u>Total</u>	<u>Account #</u>	<u>Account Name</u>	<u>Detail</u>
11/14/2024	IRS - US Treasury	Federal Taxes - Q4 2024 -October Payment	7227	\$2,077.16			
					100-41401-100-	Clerk - Treasurer	\$378.36
					100-41401-100-	Clerk - Treasurer	\$1,376.80
					100-41401-100-	Clerk - Treasurer	\$322.00
11/14/2024	MN Department of Revenue	MN State Tax eFiling - 2024 Q4- October pymt	7228	\$498.30			
					100-41401-115-	Clerk - Treasurer	\$498.30
<b>Total For Selected Claims</b>				<b>\$2,575.46</b>			<b>\$2,575.46</b>

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

Date Range : 10/21/2024 To 11/25/2024

<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Claim #</u>	<u>Total</u>	<u>Account #</u>	<u>Account Name</u>	<u>Detail</u>
11/25/2024	PERA	Retirement funds-PR 11/3/24-11/16/24, TB,BK,JR	7229*	\$680.38			
					100-41401-121-	Clerk - Treasurer	\$60.81
					100-45207-121-	Parks	\$619.57
<b>Total For Selected Claims</b>				<b>\$680.38</b>			<b>\$680.38</b>

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

Date Range : 11/2/2024 To 12/2/2024

<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Claim #</u>	<u>Total</u>	<u>Account #</u>	<u>Account Name</u>	<u>Detail</u>
12/02/2024	Buberl Black Dirt, Inc	Black Dirt for Beach Maintenance	7230*	\$25.50	100-45207-400-	Parks	\$25.50
12/02/2024	Bituminous Roadways	2024 Pavement Rehab	7231*	\$107,785.42	406-41935-300-	Capital Project Engineering Expense	\$107,785.42
12/02/2024	City of St. Anthony Village	4th Q 2024 Utility Billing	7232*	\$4,178.00	601-41501-314-	Financial Administration	\$4,178.00
12/02/2024	City of White Bear Lake Public Work	Dec 2024 Monthly Public Safety Facility Fire Services	7233*	\$1,196.38	100-42201-314-	Fire	\$1,196.38
12/02/2024	City of White Bear Lake Fire	Fire Srvc -Dec 2024	7234*	\$3,888.36	100-42201-314-	Fire	\$3,888.36
12/02/2024	Cornerstone Land Surveying, Inc.	Land Survey Ash Path-2023--2nd Time	7235*	\$775.00	100-43195-314-	Survey - Public Property	\$775.00
12/02/2024	John Wikstrom	Nov City Planner Fees	7236*	\$1,600.00	100-41925-300-	General Fund Engineering Expense	\$1,600.00
12/02/2024	LRS Portables, LLC	Nov Portable Potty	7237*	\$798.00	100-45207-314-	Parks	\$798.00
12/02/2024	Mary Wingfield	Refund for duplicate payment of candacy filing for Mayor	7238*	\$2.00	100-41410-430-	Elections	\$2.00
12/02/2024	Metro - INET	IT Charges--Dec Tech Support	7239*	\$501.00	100-41940-320-	General Government Buildings and Plant	\$501.00

Date Range : 11/2/2024 To 12/2/2024

<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Claim #</u>	<u>Total</u>	<u>Account #</u>	<u>Account Name</u>	<u>Detail</u>
12/02/2024	MENARD'S - OAKDALE	Supplies for Ash Path Fencing	7240*	\$292.55	100-41940-220-	General Government Buildings and Plant	\$292.55
12/02/2024	Metropolitan Council - Env. Service	Oct, Nov Waste Water Services	7241*	\$10,671.28	605-49465-217- 605-49465-217-	Sewer Utility Sewer Utility	\$5,335.64 \$5,335.64
12/02/2024	Minnesota Department of Health	Community Water Supply Service Connection Fee for 10/1/24 - 12/31/24	7242*	\$903.00	601-49415-437-	Water Utility	\$903.00
12/02/2024	Press Publications	Ref #720497, 720518, 819076, Disply check pay and notice of election	7243*	\$221.81	100-41130-351-	Ordinances and Proceedings	\$221.81
12/02/2024	Press Publications	Ref #820001--legal, wildwood ave lift station	7244*	\$252.24	100-41130-351-	Ordinances and Proceedings	\$252.24
12/02/2024	Regents of the University of MN	Oak Wilt Test on oak at Ash Path	7245*	\$65.00	100-45207-400-	Parks	\$65.00
12/02/2024	Tennis Sanitation, LLC	Recycling for Service Period: sept - oct 2024	7246*	\$3,128.00	100-43300-314-	Recycle	\$3,128.00
12/02/2024	Top Green Co	Lawn Services for Oct & Nov. Mowing and leaf clean up	7247*	\$3,834.50	100-45207-400-	Parks	\$3,834.50
12/02/2024	Toshiba America Business Solutions	Nov Monthly Usage Allowance	7248*	\$10.62	100-41911-314-	Office Operations Supplies	\$10.62

Date Range : 11/2/2024 To 12/2/2024

<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Claim #</u>	<u>Total</u>	<u>Account #</u>	<u>Account Name</u>	<u>Detail</u>
12/02/2024	TSE, Inc. Work Account	Janitorial Services - 11/7 & 11/21	7249*	\$59.90			
					100-41940-314-	General Government Buildings and Plant	\$29.95
					100-41940-314-	General Government Buildings and Plant	\$29.95
12/02/2024	Therese Bellinger	Reimburse for stamps and paper and MS Licensing	7250*	\$1,103.94			
					100-41911-200-	Office Operations Supplies	\$365.19
					100-41920-230-	Data Processing	\$738.75
12/02/2024	USS Minnesota One MT LLC	Solar Energy - Oct Charges--	7251*	\$759.45			
					605-49465-380-	Sewer Utility	\$431.84
					100-41940-380-	General Government Buildings and Plant	\$89.35
					605-49465-380-	Sewer Utility	\$238.26
12/02/2024	Stoltzman, Cris	Videography - Council Mtg--11/12, 3.5 hrs Charged	7252*	\$96.46			
					100-41950-314-	Cable Eqpm and Service	\$96.46
12/02/2024	Washington County Sheriff	Police Services- 219503 July - Dec 2024	7253*	\$44,064.53			
					100-42101-314-	Police	\$44,064.53
12/02/2024	White Bear Township	Clean LS @ & 3, Add new conduit for new antenna cable and grounding protection	7254*	\$4,028.66			
					605-49465-314-	Sewer Utility	\$4,028.66
12/02/2024	Jim Rydeen	Reimbursement for cost to dispose of landscape timbers from ash easement	7255*	\$80.00			
					100-45207-220-	Parks	\$80.00

Date Range : 11/2/2024 To 12/2/2024

<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Claim #</u>	<u>Total</u>	<u>Account #</u>	<u>Account Name</u>	<u>Detail</u>
12/02/2024	Bolton & Menk, Inc.	Oct Consult with 160 Cedar Street on changes of land survey. HO will be billed for serv	7256*	\$79.00	100-41925-300-	General Fund Engineering Expense	\$79.00
12/02/2024	Bolton & Menk, Inc.	Oct Consult with 423 Wildwood. Imperv calc review to meet code. Approved & billed	7257*	\$79.00	100-41925-300-	General Fund Engineering Expense	\$79.00
12/02/2024	Bolton & Menk, Inc.	Sept Consult with 700 Birchwood on Lot Split. HO billed.	7258*	\$316.00	100-41925-300-	General Fund Engineering Expense	\$316.00
12/02/2024	Bolton & Menk, Inc.	Aug Council Meeting and General Engineering	7259*	\$695.00	100-41925-300-	General Fund Engineering Expense	\$300.00
					100-41925-300-	General Fund Engineering Expense	\$395.00
12/02/2024	Bolton & Menk, Inc.	Sept Council Meeting and General Engineering	7260*	\$1,197.50	100-41925-300-	General Fund Engineering Expense	\$300.00
					100-41925-300-	General Fund Engineering Expense	\$897.50
12/02/2024	Bolton & Menk, Inc.	Oct Council Meeting and General Engineering	7261*	\$3,861.50	100-41925-300-	General Fund Engineering Expense	\$300.00
					100-41925-300-	General Fund Engineering Expense	\$3,561.50

Date Range : 11/2/2024 To 12/2/2024

<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Claim #</u>	<u>Total</u>	<u>Account #</u>	<u>Account Name</u>	<u>Detail</u>
12/02/2024	Bolton & Menk, Inc.	Road Improvement Management and Review	7262*	\$948.00	406-41935-300-	Capital Project Engineering Expense	\$948.00
12/02/2024	Bolton & Menk, Inc.	Aug-160 Cedar Street Appeal Memo	7263*	\$948.00	100-41925-300-	General Fund Engineering Expense	\$948.00
12/02/2024	Bolton & Menk, Inc.	Oct Road Improvement Plan	7264*	\$2,686.00	406-41935-300-	Capital Project Engineering Expense	\$2,686.00
12/02/2024	Bolton & Menk, Inc.	Sept 2023 Lift Station Lift Reconstruction-Design & Project Engineer	7265*	\$3,354.00	605-49485-300-	Sewer Engineering Expense	\$3,354.00
12/02/2024	Bolton & Menk, Inc.	Permit Review for Row Permit 30 Oakridge Dr, HO Billed	7266*	\$79.00	100-41925-300-	General Fund Engineering Expense	\$79.00
12/02/2024	Bolton & Menk, Inc.	Road Improvement Plan--Speed Limit and Project Engineering	7267*	\$426.50	406-41935-300-	Capital Project Engineering Expense	\$426.50
<b>Total For Selected Claims</b>				<b>\$204,991.10</b>			<b>\$204,991.10</b>



Date Range : 11/2/2024 To 12/2/2024

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

Date Range : 11/2/2024 To 12/2/2024

<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Claim #</u>	<u>Total</u>	<u>Account #</u>	<u>Account Name</u>	<u>Detail</u>
12/02/2024	Manship Plumbing & Heating Inc	Sewer/Water-Nov Retain, Water testing, Locates, Drink Fountain Shut Dn, Copper Pipe Report	7268*	\$1,400.00			
					601-49415-314-	Water Utility	\$800.00
					601-49415-314-	Water Utility	\$120.00
					601-49415-314-	Water Utility	\$240.00
					601-49415-314-	Water Utility	\$120.00
					601-49415-314-	Water Utility	\$120.00
<b>Total For Selected Claims</b>				<b>\$1,400.00</b>			<b>\$1,400.00</b>

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

Date Range : 11/1/2024 To 12/2/2024

<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Claim #</u>	<u>Total</u>	<u>Account #</u>	<u>Account Name</u>	<u>Detail</u>
11/04/2024	Techie Dudes	Nov IT Services	7269*	\$247.00	100-41955-314-	Phone/IT	\$247.00
11/06/2024	Techie Dudes	New Laptop for Mobile CTAS Software	7270*	\$1,020.95	100-41911-230-	Office Operations Supplies	\$1,020.95
11/22/2024	A T & T Mobility	Wireless for water tower- 11/2-12/1	7271*	\$53.95	601-49415-382-	Water Utility	\$53.95
11/21/2024	Quantum Fiber	Nov Internet Service Fee	7272*	\$50.00	100-41955-314-	Phone/IT	\$50.00
11/14/2024	Xcel 2335-4	Electricity 9/17/24-10/16/24	7273*	\$9.96	601-49415-380-	Water Utility	\$9.96
11/15/2024	Xcel 4094-1	Gas Service 9/18-10/17 200 Wildwood Lift Station	7274*	\$28.88	605-49415-380-	Water Utility	\$28.88
11/15/2024	Xcel 9369-0	407 Lake Lift Station 9/19-10/17	7275*	\$27.56	605-49465-380-	Sewer Utility	\$27.56
11/21/2024	Amazon	Tape for AV Room	7276*	\$15.98	100-41950-320-	Cable Eqpmt and Service	\$15.98
<b>Total For Selected Claims</b>				<b>\$1,454.28</b>			<b>\$1,454.28</b>

Date Range : 11/1/2024 To 12/2/2024

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

Date Range : 11/3/2024 To 12/3/2024

<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Claim #</u>	<u>Total</u>	<u>Account #</u>	<u>Account Name</u>	<u>Detail</u>
12/03/2024	Metropolitan Council - Env. Service	Dec Waste Water Services	7277*	\$5,131.86	605-49465-217-	Sewer Utility	\$5,131.86
12/03/2024	Press Publications	Ref #820001,821788, 821789--legal, wildwood ave lift station, appeal of ad, proposed ord	7278*	\$410.99	100-41130-351-	Ordinances and Proceedings	\$410.99
12/03/2024	Gopher State One Call	Nov 11 Tickets	7279*	\$14.85	605-49455-314-	Utility Locates	\$14.85
12/03/2024	Companion Animal Control LLC	Animal Control Services - Nov	7280*	\$80.00	100-41916-314-	Animal Control	\$80.00
<b>Total For Selected Claims</b>				<b>\$5,637.70</b>			<b>\$5,637.70</b>

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

Date Range : 11/3/2024 To 12/3/2024

<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Claim #</u>	<u>Total</u>	<u>Account #</u>	<u>Account Name</u>	<u>Detail</u>
12/03/2024	Universal Services Inc	Escrow Refund for #2023-98-Underground cable for Hall, Jay, and Wildwood	7281*	\$3,000.00	100-49250-810-	Escrow Refunds	\$3,000.00
12/03/2024	Nickolaus, Tony	Escrow Refund-24-0089, 117 Wildwood-Work Inspected and Final Complete	7282*	\$3,000.00	100-49250-810-	Escrow Refunds	\$3,000.00
12/03/2024	D&D Services	Escrow Refund, 24-0041, 1 White Pine Ln--Work Completed and Confirmed Repaired	7283*	\$3,000.00	100-49250-810-	Escrow Refunds	\$3,000.00
12/03/2024	Lumen Technologies	Escrow Refund for N-758024 & N-958024. Row 22 and 23. Birchwood, Wildwood, Oakridge, Jay	7284*	\$6,000.00	100-49250-810- 100-49250-810-	Escrow Refunds Escrow Refunds	\$3,000.00 \$3,000.00
<b>Total For Selected Claims</b>				<b>\$15,000.00</b>			<b>\$15,000.00</b>

Date Range : 11/3/2024 To 12/3/2024

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

**CITY OF BIRCHWOOD VILLAGE  
CANVASSING BOARD MEETING  
November 12, 2024**

**MINUTES**

**MEMBERS PRESENT: Chair Margaret Ford; Members Justin McCarthy, Ryan Hankins and Kathy Weier.**

**STAFF PRESENT: City Clerk-Administrator Rebecca Kellen**

Minutes prepared by Rebecca Kellen from a video recording.

**Chair Ford** called the Canvassing Board to order at 6:30PM.

**A. Roll Call** was taken by administrator Kellen.

**B. Unfinished Business.** There was no unfinished business to discuss.

**C. New Business**

**1. Certify Election Results for November 5, 2024 General Election as tabulated by Washington County**

- i. Mayor Ford explained purpose of the Canvassing Board meeting is to certify the results of the municipal elections for Mayor and City Council held on November 5, 2024. She read the election results provided by Washington County.

**On a motion made by Councilmember McCarthy, seconded by Councilmember Weier, it was resolved to accept the Washington County election results. All in favor; motion carried.**

**On a motion made by Mayor Ford, seconded by Councilmember McCarthy, it was resolved to approve resolution 2024-44, a resolution certifying the results of the municipal election held on November 5<sup>th</sup>, 2024. All in favor; motion carried.**

**D. Adjourn**

**On a motion made by Councilmember Hankins, seconded by Councilmember Weier, it was resolves to adjourn the meeting. All in favor; motion carries.**

**The meeting was closed at 6:33 p.m.**

\_\_\_\_\_  
Margaret Ford Board Chair

ATTEST:



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Rebecca Kellen, City Clerk-Administrator

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

**MINUTES OF THE CITY COUNCIL MEETING  
November 12, 2024, 6:45 P.M.**

**MEMBERS:**

Margaret Ford	Mayor
Ryan Eisele	Councilmember
Ryan Hankins	Councilmember
Kathy Weier	Councilmember
Justin McCarthy	Councilmember

**STAFF:**

Rebecca Kellen	City Administrator
Marcus Johnson	City Engineer
Ben Wickstrom	City Planner

Minutes prepared by Rebecca Kellen from a video recording.

**1. CALL TO ORDER**

A. Mayor Ford called the meeting to order at 6:46PM.

**2. APPROVE AGENDA**

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

**3. PUBLIC FORUM (0:20:03)**

**Mayor Ford opened the public forum.**

**Barton Winter, 1 Five Oaks Lane, expressed concerns about the leveling of the pleasure rink, trees existing near the rink, and suggested and discussed ideas about a white surface on the rink. He also expressed concerns about parking at 160 Cedar during construction.**

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

**4. ANNOUNCEMENTS (0:24:15)**

A. Truth in Taxation Hearing on December 10th at 6:45 PM at City Hall.

- B. Upcoming Deer Hunt Dates: November 21-22, and December 13-14 (if needed).
- C. November and December Planning Commission meetings have been rescheduled due to the holidays. The rescheduled meeting will be on November 20th and December 19th.
- D. Yoga will be held at City Hall on Tuesday mornings from 9-10AM beginning November 12th. Donations are accepted for the use of the Village Hall.

**5. CONSENT AGENDA (0:25:02)**

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

A. Item C - Approve Council Meeting Schedule & Official Holidays 2025

- a. The council discussed needing the approval on this at this meeting and they decided to accept the calendar and amend it in the future if needed.

**On a motion made by Councilmember Hankins, seconded by Councilmember Weier, it was resolved to approve consent item C, Approving Council Meeting Schedule & Official Holidays 2025. All in favor. Motion carried.**

**6. CITY BUSINESS (0:26:49)**

A. Accept Councilmember Resignation / Appoint Interim Councilmember

**On a motion made by Councilmember McCarthy, seconded by Councilmember Weier, it was resolved to approve Resolution 2024-43 Accepting Mark Foster Resignation. All in favor. Motion carried.**

- a. Mayor Ford expressed gratitude to Mark Foster for his service to the City of Birchwood Village.

**On a motion made by Councilmember McCarthy, seconded by Mayor Ford, it was resolved to approve Resolution 2024-45 – Resolution Appointing New Council Member, Ryan Eisele. All in favor. Motion carried.**

- b. Councilmember Ryan Eisele read and signed the Oath and was welcomed to the council.

B. Engineering Updates – Marcus Johnson (0:29:24)

- a. Liftstation Update

1. **Engineer Johnson** said that contractors are looking at the specs and plans and they are answering questions and that will close on the 4<sup>th</sup> of December. The bids will be brought to the December meeting to decide on a contractor. He said that bidding is closed until the end date and they will review the bids, draft a summary to be in the agenda, and make a recommendation which will most likely be the lowest bid as long as it meets the contract requirements. He said they are working through the KSP pumps issue to ensure they are US supplied..
- b. Oakridge Dr. Drainage Issues / 2025 Payment Improvements Process (0:34:28)
1. Engineer Johnson said that a boring was considered at the low point for an infiltration system and he said that Bolten and Menk does not recommend this as a long term fix as it can fail rapidly.
  2. The council discussed costs and benefits of the options. Engineer Johnson said the \$130,000 is the worst-case scenario. He said to consider adjusting the CIP, Roads Plan. He said that the driveway and road need to be adjusted. He said the grade of the road is the same but the water is being retained at that low spot because the road is smoother. Engineer Johnson said he thinks a survey prior to the rework would reduce future problems. Construction cost would be about \$100,000 and the survey another \$30,000. Engineer Johnson said that about \$5-10,000 is due to rework and the rest is reshuffling. They talked about possible additional costs to repair other driveways. Engineer Johnsons suggested a contract and a bond and a survey going forward and possibly an open house.
  3. Councilmember Weier asked about a temporary solution and Engineer Johnson said the boring would need to be done right away because contractors are ending work for the season and Engineer Johnson asked about the possibility of maintenance dig a ditch. The council discussed the timing due to the ground freezing.
  4. **Andrew Jackola, 15 Oakridge Dr,** said that for the immediate term what he wants is to get the water away from the driveway. He said he is OK with cutting a ditch in his yard as a temporary solution as long as it is handled in for the longer term in the spring.
  5. Councilmember McCarthy suggested that if Maintenance cannot do it then maybe Steve Dean can and should be completed this week if possible.

**On a motion made by Councilmember McCarthy, seconded by councilmember Weier, it was resolved to direct staff to implement a temporary fix with a ditch and**

**authorize Engineer Johnson to do the survey to put in a long-term solution. All in favor. Motion carried.**

**c. Mahtomedi Lost Lake Improvements (0:57:38)**

1. Engineer Johnson said he attended an open house on the project and there was a lot of opposition to it and so City staff was going to revisit the plans and consider revisions. They also sent him the hydro cad modeling and said it is not worth looking at until they have a solution proposed. Engineer Johnson showed the map of the area and the council discussed. He said that more information will come once they propose a new plan.

**C. Halls' Marsh Maintenance Discussion – Kathy Weier (1:01:36)**

1. Councilmember Weier said that a letter was received from residents Jensen's regarding some drainage issues with Halls Marsh so they need to reach out to RCWD and they also just sent a response to the PLOP. Engineer Johnson said he will look into this and draft a response.
2. Councilmember McCarthy said there were some objections from people on Priebe lake from drawing down Priebe lake so there is less urgency in addressing our concerns. He said they met with them in April and were trying to add Halls Marsh to their maintenance agreement and that response just came back from RCWD. He said he is uncertain as to how many issues were address. He said another issue is that the outlet to the Marsh is plugged and he said that this repair can happen in the winter.
3. **Ruth Jensen, 701 Hall Ave**, said that the pipe is not clogged but there is junk in front of it. She expressed concerns with the curb not functioning as it should be. She said a few days ago water was flowing in from Priebe but nothing was leaving.

**D. 20 MPH Speed Limit throughout Birchwood (1:09:20)**

- a. Mayor Ford said that Engineer Johnson looked into the need for a traffic study. Councilmember Hankins discussed the risks involved with moving forward without a study that were documented by Bolten and Menk, namely that traffic tickets are hard to uphold and there is a risk of losing access to state funding.
- b. Mayor Ford asked about the project being citizen led and discussed this being a possibility. Councilmember McCarthy said that as long as the policies are in place and meet the statue then a citizen led group could be utilized and review the requirements.

- c. Councilmember McCarthy said that all roads should be considered.
- d. Mayor Ford said that the Road Safety Committee is no longer meeting.
- e. **Cora Hankins, 165 Wildwood Ave**, said that she is going to contact someone from Mahtomedi about how they did it. She talked about a MnDOT study. She said Hall/Cedar could be recommended for this. She said that the Roads Committee thought the amount needed to complete the study was not reasonable so they wanted to reconsider looking at safety through the Lake Links Bike trail group instead of reducing the speed limit.
- f. Mayor Ford said the next challenge would be to get a citizen led group together to do this work to which Cora Hankins said she is not sure what would be needed for that work and if the committee should continue.
- g. Councilmember McCarthy reviewed what the citizen led group would need to accomplish and gave Mrs. Hankins guidance on how to accomplish the requirements.
- h. Cora Hankins said she is interested in continuing the Road Safety Task Force and recruiting new members if needed.
- i. Councilmember Hankins asked that the agenda item be held until the committee has some information to share.

**On a motion made by Councilmember McCarthy, seconded by Mayor Ford, it was resolved to approve the continuance of the Road Safety Task Force. All in favor. Motion carried.**

E. First Reading Ordinance 2024-11-01 (302.055) Run Off Changes (0:50:00)

- a. Councilmember McCarthy said this change clarifies the language and makes it less able to be inaccurately interpreted. He said the point is to avoid flooding so he made that clearer. He said the planning commission reviewed it and approved it with some engineering recommendations noted in his memo.

**On a motion made by Councilmember McCarthy, seconded by Mayor Ford, it was resolved to move Ordinance 2024-11-01 to a second reading and public hearing. All in favor. Motion carried.**

F. First Reading of Ordinance 2024-03-01 (402) Solid and Hazardous Waste Management – (1:28:38)

- a. Administrator Kellen explained that based on past revisions from councilmember Hankins and FOTH ordinance 401 has been combined into 402, making 1 recycling and solid waste ordinance and explained that she made some comments on the copy that the council may want to consider.
- b. Councilmember Hankins said that for 402.030, points 3 and 4, which he said are in contradiction. The council discussed screening. The council suggested getting rid of both 3 and 4.
- c. Councilmember McCarthy expressed frustration in regards to the length of the ordinance and expressed concerns with 402.055, Ownership.
- d. Councilmember Weier discussed adding correct numbering and removing “Charges become a lien” and “throwing litter from vehicles”.
- e. Councilmember McCarthy made some suggestions around “carts” and agreed to review the proposed ordinance and make recommendations for the final reading.

**On a motion made by Mayor Ford, seconded by Councilmember Weier, it was resolved to order a second reading and public hearing of Ordinance 2024-03-01 (402) Solid and Hazardous Waste Management. All in favor. Motion carried.**

Mayor Ford invited resident **Mike Werner, 711 Hall Ave**, to make comments, and he discussed his concerns and some of the history with Halls Marsh, Lost Lake and Mahtomedi.

G. First Reading Ordinance 2024-03-02 (401) Scavenging of Recycled Materials Prohibited. (1:46:00)

- a. Councilmember Hankins said that 401 is being merged into 402 because there was a lot of outdated information in there.

**On a motion made by Mayor Ford, seconded by Councilmember Hankins, it was resolved to order a second reading and public hearing of Ordinance 2024-03-02 (401) Scavenging of Recycled Materials. All in favor. Motion carried.**

H. 2025 Budget Discussion (1:49:50)

- a. Mayor Ford explained that she likes to include the budget so any changes can be made and/or recommended by council or the public can make comments, to which there were none.

**On a motion made by Mayor Ford, seconded by Councilmember McCarthy, it was resolved to table the 2025 Budget discussion until next council meeting. All in favor. Motion carried.**

I. Planner Salary Discussion – Ben Wickstrom– (1:50:31)

- a. Planner Ben Wickstrom said he was hired in April 2023 and understood that he was to revisit his salary after a year. He said that the previous engineer did planning services as well and so there was some assumptions made during negotiating salary that he would like revisited. He thought that the timing was appropriate since it has been over a year, the budget is being finalized, and a new council is coming in. His proposal is to go back to his original contract amount. He mentioned his memo and his accounting of hours spent.
- b. Mayor Ford asked about billed back time to which Planner Wickstrom discussed how he has been tracking billing back and various situations where it has or has not applied.
- c. Councilmember McCarthy said that he is not sure that being on retainer is working as hoped and he prefers billing the homeowner directly and having an hourly rate. The council and planner discussed using an hourly rate as opposed to a monthly fee. Planner Wickstrom discussed his fees in other communities ranging from \$85 to \$140. He said \$120 to \$135 range would be acceptable.
- d. Councilmember Weier reminded the council that time will need to be charged for attending meetings. The council and planner Wickstrom discussed meeting time.
- e. Councilmember Hankins asked questions about fees in other cities to which Planner Wickstrom said there are some fees that are lower in Birchwood and the two decided to follow up on what makes sense for Birchwood.
- f. The council discussed time spent on appeals and considering an appeal fee.
- g. The council discussed the ½ hour consultation time and billing practices. Councilmember McCarthy said they Planner Wickstrom should be sure to bill the resident after ½ hour. Planner Wickstrom explained how other communities he works with does billing.
- h. Councilmember Hankins said that the timing is difficult due to the budget not being able to be increased and the council discussed



options that would work without increasing the budget. Councilmember McCarthy said that billing needs to be implemented after ½ of planners time. Councilmember Hankins discussed increasing the amount residents are charged after the ½ hour free time to subsidize the first 30 minutes of use. He said the ½ hour is covered by the monthly fee and then the extra time, after 30 minutes is passed back through to the planner.

- i. Councilmember Eisele asked about condensed version of the code that could be easier for residents to understand, and the council suggested “Building in Birchwood Village” is a pamphlet provided online and could be put next to the planners name on the website.
- j. The council discussed keeping the retainer and then do the bill through to residents for after ½ of time, tracking it per property, and not providing services to realtors.
- k. \$130 was decided upon for the planner rate to bill back for property consultations after ½ hour..
- l. Mayor Ford said she would work with Attorney Kantrud on updating the contract for Planner Wickstrom.
- m. Councilmember McCarthy asked that Administrator Kellen come up with a proposal for an appeal fee. Councilmember Hankins said he would look into if/what other cities charge for appeals. Administrator Kellen discussed the timing of the appeals in the code. The council discussed complaints versus appeals.

**On a motion made by Mayor Ford, seconded by Councilmember Hankins, it was resolved to have Mayor Ford work with Attorney Kantrud to update the contract for Planner Wickstrom and update it to an hourly rate of \$130 with the retainer being the same as it is now. All in favor. Motion carried.**

J. Administrator Updates – (2:48:58)

- a. City Attorney Resignation, effective 11/20/24. The council discussed options and Mayor Ford said she would reach out to Attorney Kantrud to see if he would be willing to stay for a couple of months to ensure a smooth transition. They asked Administrator Kellen to do an RFP if Attorney Kantrud cannot stay on. The council discussed the possibility of the LMC or their resources being able to provide temporary assistance, or other city’s resources.

- b. Technology Conversion Update. November 19<sup>th</sup> is the day the city will be porting to their new phone system.
- c. Delinquent Utility Bills will be certified to property taxes after approved at the next council meeting.
- d. Tree Inspection Results Update – City is waiting on the estimate to remove the 13 hazardous trees and the results were received back from the U of M that the tree at Ash Beach does not have Oak Wilt.
- e. Recycling Grant Update – Ordinance updates are in process and other grant deliverables on track.

**7. MEETING CLOSE (2:57:56)**

**On a motion duly made by Councilmember McCarthy, seconded by Councilmember Hankins, it was agreed that there was no further business of the Council to transact in an open session; the meeting was closed to the public at 9:24 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

**RESOLUTION 2024-46**

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

**A RESOLUTION DESIGNATING POLLING PLACES FOR 2025 ELECTIONS**

**WHEREAS**, Minnesota Statutes 204B.16, subd 1 requires the City Council, by ordinance or resolution, to designate polling places for the upcoming year; and

**WHEREAS**, changes to the polling place locations may be made at least 90 days before the next election if one or more of the authorized polling places becomes unavailable for use; and

**WHEREAS**, changes to the polling place locations may be made in the case of an emergency when it is necessary to ensure a safe and secure location for voting.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Birchwood Village hereby designates the following polling places for elections conducted in the city in 2025:

**Birchwood Village Hall  
207 Birchwood Avenue**

**AND BE IT FURTHER RESOLVED**, that the city clerk is hereby authorized to designate a replacement meeting the requirements of the Minnesota Election Law for any polling place designated in this Resolution that becomes unavailable for use by the city;

**AND BE IT FURTHER RESOLVED**, that the city clerk is hereby authorized to designate an emergency replacement polling place meeting the requirements of the Minnesota Election Law for any polling place designated in this Resolution when necessary to ensure a safe and secure location for voting;

**AND BE IT FURTHER RESOLVED**, that the city clerk is directed to send a copy of this resolution and any subsequent polling place designations to the Washington County Elections Office.

Resolution duly seconded and passed this 10<sup>th</sup> day of December, 2024.

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

Attest:

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

**RESOLUTION NO. 2024-47**

**A RESOLUTION ACCEPTING DONATIONS TO THE CITY OF BIRCHWOOD VILLAGE.**

**WHEREAS**, the City of Birchwood Village is generally authorized to accept donations of real and personal property pursuant to Minnesota Statutes Section 465.03 for the benefit of its residents, and is specifically authorized to accept gifts.

**WHEREAS**, the following persons and entities have offered to contribute the cash amounts set forth below to the City, and the terms or conditions of the donations, if any, are as follows:

3/6/24	\$60	Artist Group Donations
3/14/24	\$60	Artist Group Donations
3/28/24	\$40	Artist Group Donations
7/30/2024	\$59.04	Bouy Chain Hardware Purchase - William Hullsiek

**WHEREAS**, all such donations have been contributed to the City for the benefit of its citizens, as allowed by law; and

**WHEREAS**, the City finds that it is appropriate to accept the donation(s) offered.

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

1. The donation described above is accepted and shall be used as directed for goods or services either alone or in cooperation with others, as allowed by law;
2. The City Treasurer is hereby directed to issue receipts to each donor acknowledging the City's receipt of the donor's donation.

Passed by the City of Birchwood Village this 10th day of December, 2024.

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

Attested:

\_\_\_\_\_  
Rebecca Kellen - Administrator/Clerk

## Important Animal Impound Update

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**From** ACO H. <aco@companionanimalcontrol.com>

**Date** Mon 11/18/2024 10:14 AM

**To** ACO H. <aco@companionanimalcontrol.com>

 1 attachment (169 KB)

Companion Animal Care Agreement 2025.pdf;

Good Morning,

Due to staffing issues and lack of kennel space, Otter Lake Animal Care Center has determined they are no longer able to provide care for impound animals effective January 1st. This is an unanticipated change, but we've secured an interim impound agreement solution to ensure animals have a safe place to go while the Companion Animal Center is under construction until May 2025.

**Please see the attached document for the animal impound agreement, respectfully requested to be added to your December council agenda.**

Please let me know if you have any questions or concerns, thank you!

**Brit Harmon**, MPA, NCACO, WCHO

Owner of Companion Animal Control

🌐 [www.companionanimalcontrol.com](http://www.companionanimalcontrol.com)

📞 (715) 220-1332

📍 Serving MN & WI

**An Important Update:**

In cooperation with the Companion Animal Control Agreement, your municipality currently impounds animals under contract with Otter Lake Animal Care in Hugo. However, due to staffing challenges and inadequate building space for housing impound animals the clinic has determined they are no longer able to provide animal impound services as of January 1st, 2025. This was **an unanticipated change**, so to ensure animals have a safe place to go we've secured impound space with Northwoods Humane Society (NHS) in Wyoming, MN. This is an interim solution; NHS will serve as the impound until construction of the Companion Animal Center in Oakdale is complete in May 2025.

**This means the Companion Animal Impound Service Agreement is to become effective January 1st instead of waiting until May 2025. The final version of this agreement is designed to save municipalities impound costs. Please add this item to your December consent agenda to ensure signatures by January 1<sup>st</sup>, so animal control services in your community can continue as normal. Once the Companion Animal Center is complete in May, 2025 this contract will remain in effect and there will not be any need for an additional or modified contract.**

**About the Companion Animal Care Impound Service Agreement:**

The locations for animal impounding in Washington County, MN is extremely limited, the CAC agreement will provide affordable services to municipalities through lower per-animal fees and affordable monthly retainers based on the human population of each jurisdiction. This ensures that kennel spaces are held empty to be available for impound animals from contract municipalities. Based on CAC data from 2023, the CAC contract on average reduces annual costs to municipalities by \$1,200. Comparison below:

<b>Alternative Impound Services</b>	<b>Companion Animal Care Services</b>
Unclaimed animals \$232-\$285 per animal Owner-claimed animals \$28-\$35 administrative fee charged to the municipality	Unclaimed animals \$200 per animal Owner-claimed animals \$0 administrative fee charged to the municipality
Additional fee of \$75 per day for housing dangerous or aggressive animals Stray bite quarantine fee of \$630, charged to municipalities regardless of fees paid by owner	No additional fees for aggressive or dangerous animals Bite quarantine required to be paid by owner in advance to avoid municipality fees, stray bite quarantine \$500
Owner information provided to municipality quarterly, limiting ability to invoice owners for restitution of costs	Owner information provided to municipality monthly, enhancing ability to invoice owners for restitution of costs

**All communication and invoicing will still come from CAC**, so if you have any questions or concerns, please let me know as soon as possible.

**Brit Harmon, MPA, NCACO, WCHO**  
**Companion Animal Companies**

🌐 [www.companionanimalcontrol.com](http://www.companionanimalcontrol.com)

📞 (715) 220-1332

**Companion Animal Care LLC  
and**

---

<Municipality>

**Agreement for Animal Impound Services**

**1. Companion Animal Care (CAC) Agrees To:**

- a. Housing for stray or abandoned animals that are lawfully retrieved by municipality's law enforcement officer (LEO) or Companion Animal Care (CAC).
- b. For stray animals that are brought into the location by a citizen and CAC verifies the animal was retrieved within the municipality jurisdiction, CAC may but under no circumstances is required to, accept animals dropped off at the facility as its capabilities and space may permit.
- c. Housing to be provided under kennel licensing by the Minnesota Board of Animal Health is defined to include kennel space, outdoor time, daily cleaning, food and water.
- d. Herd management vaccination following our standard vaccination protocols, as well as medically necessary and/or emergency care for sick or injured animals impounded.
- e. Provide compassionate euthanasia services as deemed necessary by CAC and performed by a licensed veterinarian. These services may be provided at the end of the legally required holding period or in the case of a medical situation that requires immediate euthanasia.
- f. Animal placement services to ensure live outcomes for as many animals as possible, including private adoptions, transfer to 501c3 rescues and animal welfare organizations. All animals will be evaluated for these outcomes throughout their legally required holding period to determine the most appropriate outcome for each animal while ensuring the safety of the public.
- g. Provide animal rabies quarantine or diagnostic service as required by state statute for felines, canines and ferrets that have bitten a person.
- h. Hold animals for the legally required Minnesota stray holding period of 5 business days or until reclaimed by owner within this holding period.
- i. Municipality may request and view CAC policies at any time.
- a. CAC may choose to place any animal in a temporary foster home to ensure a live outcome, such as animals with compromised immune systems, pregnant, injuries, age related risks, etc. during the mandatory stray hold period.
- b. CAC may choose to accept owner surrendered animals (not including non-stray/at large or abandoned animals) at no cost to the municipality.
- c. CAC has the sole discretion to return any animal to the animal's owner or authorized caretaker with or without impoundment, including the ability to waive any fees assessed.
- d. CAC is not responsible for collecting any fees from an owner for a municipality.
- e. CAC is not responsible for sick or injured animals that are left after hours by a law enforcement officer. Outside treatment must be sought for these animals prior to leaving the animals at the CAC facility when staff members are not on duty.
- f. Municipality law enforcement officers must contact CAC for guidance prior to any seized animal being brought to CAC that is not stray or abandoned. Ability to house animals that are not stray or abandoned is not guaranteed through this contract.
- g. CAC has the sole authority for the disposition of all animals that have not been reclaimed upon the expiration of the legally designated holding period.
- h. CAC will not accept un-handleable feral cats, with the exception of bite quarantines and/or injured animals, without prior approval by CAC.
- i. CAC shall not be mandated to perform any service that contradicts the organization's mission and/or philosophical beliefs regarding animal welfare.

### 3. Municipality Agrees To:

- a. Pay the designated as outlined below.
  - i. To ensure kennel spaces will be reserved/available for animals from each municipality, a monthly retainer fee based on the current human population within the municipal jurisdiction according to the United States Census Bureau estimations. Retainer fee categories are as follows:

<u>Human Population</u>		<u>Fee</u>
A.	<1,000	\$45
B.	1,001-2,000	\$75
C.	2,001-4,000	\$100
D.	4,001-8,000	\$200
E.	>8,000	\$300
  - ii. Standard stray, seized or abandonment fee of \$200 per canine or feline and a \$50 fee per “other” domestic animals (rabbits, guinea pigs, birds etc.) not reclaimed by its owner.
  - iii. If an animal is reclaimed by an owner, the municipality will not be charged for housing.
  - iv. Litters of canines or felines under 8 weeks of age will count as one animal fee, not individual animal fees.
  - v. A disposal fee of \$75 for ‘deceased on arrival’ animals.
  - vi. A fee up to \$150 to medically stabilize or euthanize an animal as deemed necessary.
  - vii. A bite/rabies quarantine fee of \$50 per day for unclaimed stray animals held the entirety of the state mandated 10-day holding period to the municipality.
  - viii. If the owner of a bite quarantine animal is known prior to intake, the owner is responsible for the entirety of the fee to be paid up-front and housing fees will not be charged to the municipality.
- b. If Municipality utilizes law enforcement officers, LEOs will adhere to the drop off procedures set forth by CAC including animal housing at the location and paperwork. Drop off procedures and paperwork training for law enforcement officers will be provided.
- c. Adhere to state laws and local ordinances that apply to animals. Municipality is responsible for ensuring its ordinances are not contradictory to the services outlined in this agreement, that ordinances are not contradictory to Minnesota State Statutes. Such as that the holding periods for animals within the municipality ordinance are the same length as the holding periods (i.e. number of days) as Minnesota State Statutes.
- d. Be available to members of your community to resolve their concerns related to the actions of your law enforcement officers and your municipality’s procedures, policies and requirements.

### 4. Administration:

- a. CAC will bill the municipality at during the first week of each month to the email address(s) provided. Payment is expected within 30 days of receipt of billing, any billing disputes must be raised within 10 days of receipt of billing by email or phone.
- b. CAC agrees to maintain all data received from Municipality in the same manner as Municipality as required under the Minnesota Government Data Practices Act, Minnesota Statutes, Chapter 13.

### 5. Insurance Requirements.

- a. CAC shall procure and maintain, at its expense, general liability insurance coverage in the amounts listed below and shall provide to Municipality a Certificate of Insurance as evidence that the coverages are in full force and effect.:
  - i. General Aggregate: \$2,000,000
  - ii. Products and Completed Operations \$2,000,000
  - iii. Each Occurrence: \$1,000,000



- iv. Personal and Advertising Injury: \$1,000,000
- v. Damage to Premises: \$100,000
- a. CAC agrees to comply with all applicable worker compensation laws in Minnesota.

**6. Indemnification:**

- a. To the fullest extent permitted by law, CAC agrees to defend and indemnify Municipality, and its officers, employees, and volunteers, from and against all claims, damages, losses, and expenses, including attorney fees, arising out of or resulting from the performance of work under this agreement; but only to the extent caused in whole or in part by the negligent acts, errors or omissions of CAC, CAC's subcontractor(s), or anyone directly or indirectly employed or hired by CAC, or anyone for whose acts CAC may be liable. CAC agrees this indemnity obligation shall survive the completion or termination of this agreement.
- b. To the fullest extent permitted by law, Municipality agrees to defend and indemnify CAC, and its officers, employees, and volunteers, from and against all claims, damages, losses, and expenses, including attorney fees, arising out of or resulting from the performance of work under this agreement; but only to the extent caused in whole or in part by the negligent acts, errors or omissions of Municipality, or anyone directly or indirectly employed or hired by Municipality, or anyone for whose acts Municipality may be liable. Municipality agrees this indemnity obligation shall survive the completion or termination of this agreement.

**7. Term:**

- a. This Contract shall become effective upon its execution by both parties and continue annually, subject to termination upon 30-day advance written notification of termination by either party. Fees will be evaluated by CAC on an annual basis for cost-of-living adjustments up to 10%, any adjustments will be communicated in writing to Municipality. No amendment or modification of this agreement shall be effective unless made in writing and signed by both the Municipality and CAC. All provisions of this contract relating to insurance, indemnity and compliance with the State Data Practices act shall survive termination to the full extent needed for the protection of the Municipality and Contractor.
- b. If requested by either party at any time a contractual review shall be completed for the purpose of determining the effectiveness of the program, review costs and to implement improvement measures.

This agreement is entered into on the \_\_\_\_ day of \_\_\_\_\_, 202\_\_ by



\_\_\_\_\_  
 Brittany Harmon, Owner & Operator  
 Companion Animal Care

\_\_\_\_\_  
 Signed on behalf of Municipal Authority

\_\_\_\_\_  
 Printed Name and Title

## TSE 2025 Contract

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**From** Jim Freeman <jfreeman@tse-inc.org>  
**Date** Mon 11/25/2024 8:42 AM  
**To** Rebecca Kellen <Rebecca.Kellen@cityofbirchwood.com>

Hi Rebeca,

I hope that 2024 was a great year for you. We are starting to look at 2025 and know that the state of MN will be raising the minimum wage from \$10.85 to \$11.13. Starting January 1st we will start paying Steve the \$11.13 rate, this will increase our TSE billable rate to \$13.35, please let us know if this is okay or if you have any questions.

Thank you,

*Jim Freeman*

*Chief Business Development Officer*

**TSE-Inc.**

2027 Rice St

Roseville, MN 55113

651.489.2595 ext. 213

[www.tse-inc.org](http://www.tse-inc.org)

**SAVE A TREE! PLEASE DO NOT PRINT THIS EMAIL UNLESS IT IS NECESSARY.**

"This message and any attachments are solely for the intended recipient and may contain confidential or privileged information. If you are not the intended recipient, any disclosure, copying, use, or distribution of the information included in this message and any attachments is prohibited. If you have received this communication in error, please notify us by reply e-mail and immediately and permanently delete this message and any attachments. Thank you."



## Change Notification from TSE, Inc.

Name of worker: Steve Ryan

Contracted Job Site: Birchwood Village

Hourly Rate: \$11.13/hr.

Job Title: Maintenance

Date: 1/1/25

## AGREEMENT

### 1. PARTIES

This agreement is made and entered into by and between the City of Birchwood, Minnesota (“Municipality”) and Northeast Youth and Family Services (“NYFS”).

### 2. RECITALS

- a. NYFS is a non-profit social service agency whose mission is to meet the unmet developmental needs of at-risk youth and families within their community environment with emphasis on providing services through collaboration and coordination with existing community resources. These services are available to youth and families residing in the northern suburbs of Ramsey and Washington County, including, but not limited to, the municipalities which are signatory to agreements which are identical to this Agreement (“participating municipalities”) and students and families from Independent School Districts 621, 622, 623, 624, 282, and 832.
- b. Through this Agreement the Municipality intends to contract with NYFS to provide such services to its residents and to act as a sponsor of NYFS by providing financial support, a method to establish appropriate services to be provided and policy guidance for its activities.
- c. This Agreement shall be used as the formal agreement between NYFS and each of the participating municipalities. This Agreement is intended to continue the spirit of cooperation and collaboration in the provision of social services between the Municipality and NYFS.

### 3. TERMS AND CONDITIONS

In consideration of the mutual understandings of this Agreement, the parties hereby agree as follows:

- a. Prior Agreements Cancelled. By execution of this Agreement any prior agreements and amendments thereto between the parties are hereby cancelled.
- b. Services Provided. NYFS shall provide the Municipality and its residents with youth and family programs set forth in the Addendum attached hereto.
- c. Principles of Service and Program Establishment and Operations. On a yearly basis and prior to submission of its annual budget, as provided for hereafter, NYFS shall:

- i. Report regarding proposed changes in services and programs to the Municipality; and
- ii. Establish a fair and open bidding/request for proposal (RFP) process to contract, manage or provide such services and programs, which are not directly provided by NYFS staff.

d. Funding

- i. In addition to the participating municipalities' share of the annual budget, funds for the operation of NYFS will be raised by NYFS endeavoring to secure user fees, grants and appropriations from private organizations, the State of Minnesota, Federal and County agencies, and other legal and appropriate sources.
- ii. The Municipality shall pay annually to NYFS the base amount listed in Exhibit A. This base amount will be adjusted annually for inflation/deflation based on the Standard Metropolitan Statistical Area Consumer Price Index for All Urban Consumers (CPI-U) and municipal population estimates based on MN State Demographic Center. Any adjustment in the payment beyond those indicated by reference to the CPI-U shall require approval of each of the participating municipalities.
- iii. Any new municipality joining into this agreement will pay a base amount annually to NYFS that is on par with the amount paid by current participating municipalities.
- iv. Amounts payable by the Municipality shall be paid to NYFS on or before January 30<sup>th</sup> of each year, or at a date mutually agreed upon by both parties, to cover the Municipality's share for that year.

e. Board Representation. The Municipality shall have the right to NYFS Board Representation of City Council, staff or community members (as designated by the Municipality and approved by NYFS Board) on the Board of Directors as either a Board Member or Board Advisor.

f. Further Obligations of NYFS. In addition to the obligations set forth elsewhere in this Agreement, this Agreement is further contingent upon NYFS doing the follows:

- i. The Bylaws of NYFS shall be amended to add provisions requiring an open process for contracting services as provided for in paragraph C.2., above, and prohibiting NYFS from supporting or opposing individual candidates for election to public office in any of

the participating municipalities; and adding the requirement that IRS 501.C3 status be maintained.

- ii. On or before June 30, of any year NYFS shall submit the proposed city budgeted amount for the subsequent year.
  - iii. On or before December 31, of any year NYFS shall submit a written report to the Municipality including an Annual Report, the audited financial statement, and a program specific summary of services provided to the municipality; in addition, biannually NYFS shall submit a written report to the participating municipality.
  - iv. Periodically advising the Municipality of services available through NYFS to the Municipality's residents;
  - v. Establishing a sliding scale for services available through NYFS to the Municipality's residents and periodically advising the Municipality of such fees;
  - vi. Providing other reasonable information requested by the Municipality;
  - vii. Purchasing a policy of liability insurance in the amount of at least \$1,500,000.00, naming the Municipality as an additional insured and providing a copy of the insurance certificate evidencing such policy to the Municipality;
  - viii. Upon Request NYFS will provide the Municipality with a copy of its Articles of Incorporation, Bylaws, Amendments thereto, and the IRS tax exempt status letter;
  - ix. NYFS shall defend and indemnify the Municipality from any and all claims or causes of actions brought against the Municipality of any matter arising out of this Agreement or the services provided pursuant to this Agreement; and,
  - x. Without the written approval of the Municipality, NYFS will not enter into any agreement with any other municipality which differs from the terms and conditions of this Agreement.
- g. Term. The term of this agreement will be through December 31, 2025. Unless either party gives at least 6 months written notice of its intent to cancel this Agreement effective December 31 of the year in which the notice is made, NYFS will continue to provide services to the Municipality if a successor agreement has not been executed prior to the end of the term.

h. (A) Distribution of Assets Upon Dissolution.

If NYFS ceases to operate, the Board of Directors will do one of the following:

- i. Give the assets to one or more non-profit agencies providing similar social services in the northern suburbs of Ramsey County; or,
- ii. Form a new Foundation to fund appropriate social service programming in the northern suburbs of Ramsey County.

The final Distribution of Assets Plan must be approved by the Ramsey County District Court.

(B) Deviation from the Mission.

If the City Council determines that NYFS has materially deviated from its mission (See II. Recitals, A.), the City Council may ask the NYFS Board of Directors to consider dissolving the agency and liquidating the assets. The Board will do one of the following:

- iii. Consider the request and by a majority vote deny it.
- iv. Consider the request and by a majority vote agree to modify the programs to be consistent with the mission.
- v. Consider the request and by a majority vote agree with the request and move to dissolve the agency and liquidate the assets.

**IN WITNESS WHEREOF**, the parties have executed this Agreement on this date set forth below.

**MUNICIPALITY**

**City of Birchwood**

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

Elected Official

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

Clerk/Manager/Administrator

Dated: \_\_\_\_\_

**NYFS**

**Northeast Youth & Family Services**

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

Its: President/CEO

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

Its: Chair of the Board of Directors

Dated: \_\_\_\_\_





**Northeast Youth & Family Services  
Municipal Participation Figures**

	<b>Municipal Contract 2024</b>	<b>Community Advocate 2024</b>	<b>Municipal Contract 2025</b>	<b>Community Advocate 2025</b>	<b>Board Approved Increase of 3.5% based on CPI-U</b>	<b>Dollar increase over 2024</b>	<b>Board Approved Increase of 3.5% based on CPI-U</b>	<b>Dollar increase over 2024</b>
Falcon Heights	\$ 12,846.17		\$ 13,295.79		\$ -	\$ 449.62		
Little Canada	\$ 24,351.22		\$ 25,203.52		\$ -	\$ 852.29		
Mounds View	\$ 31,249.09	\$ 29,307.75	\$ 32,342.81		\$ -	\$ 1,093.72	\$ 30,333.52	\$ 1,025.771
New Brighton	\$ 54,205.27	\$ 11,723.10	\$ 56,102.45		\$ -	\$ 1,897.18	\$ 12,133.41	\$ 410.31
North Oaks	\$ 12,435.86		\$ 12,871.12		\$ -	\$ 435.26		
Roseville	\$ 85,044.05	\$ 23,446.20	\$ 88,020.59		\$ -	\$ 2,976.54	\$ 24,266.82	\$ 820.62
St. Anthony	\$ 21,258.67	\$ 14,653.87	\$ 22,002.72		\$ -	\$ 744.05	\$ 15,166.76	\$ 512.89
Shoreview	\$ 62,085.53		\$ 64,258.53		\$ -	\$ 2,172.99		
Birchwood	\$ 2,053.89		\$ 2,125.77		\$ -	\$ 71.89		
Hugo *	\$ 17,072.48		\$ 17,670.01		\$ -	\$ 597.54		
Mahtomedi	\$ 18,850.74		\$ 19,510.52		\$ -	\$ 659.78		
Vadnais Heights	\$ 30,944.29		\$ 32,027.34		\$ -	\$ 1,083.05		
City of WBL	\$ 59,689.33	\$ 29,307.75	\$ 61,778.46		\$ -	\$ 2,089.13	\$ 30,333.52	\$ 1,025.77
WB Tnship	\$ 26,013.56		\$ 26,924.03		\$ -	\$ 910.47		
Lauderdale	\$ 5,324.63		\$ 5,510.99		\$ -	\$ 186.36		
Arden Hills	\$ 23,303.54		\$ 24,119.16		\$ -	\$ 815.62		
<b>Total</b>	<b>\$ 486,728.34</b>	<b>\$ 108,438.67</b>	<b>\$ 503,763.83</b>		<b>\$ 17,035.49</b>	<b>\$ 112,234.02</b>	<b>\$ 3,795.35</b>	

\* Hugo splits its support of NYFS with another Community-Based Mental Health agency

**NORTHEAST YOUTH & FAMILY SERVICES**

3490 Lexington Avenue N.  
Shoreview, MN 55126 US  
651-486-3808  
jennifer.prock@nyfs.org  
www.nyfs.org



**INVOICE**

BILL TO  
City of Birchwood Village

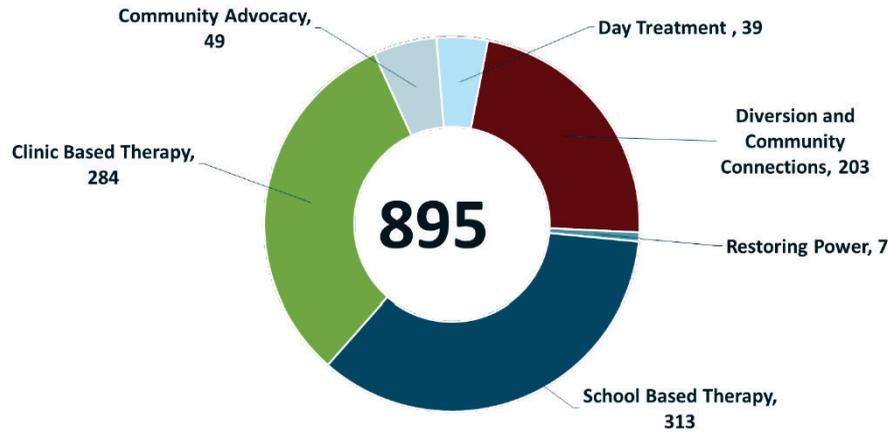
INVOICE 1582  
DATE 01/01/2025  
TERMS Net 30  
DUE DATE 01/31/2025

ACTIVITY	QTY	RATE	AMOUNT
Municipality Service Contract Mental Health Services Contract between City and NE Youth & Family Services	1	2,125.77	2,125.77
SUBTOTAL			2,125.77
TAX			0.00
TOTAL			2,125.77
BALANCE DUE			<b>\$2,125.77</b>

# Client Statistics

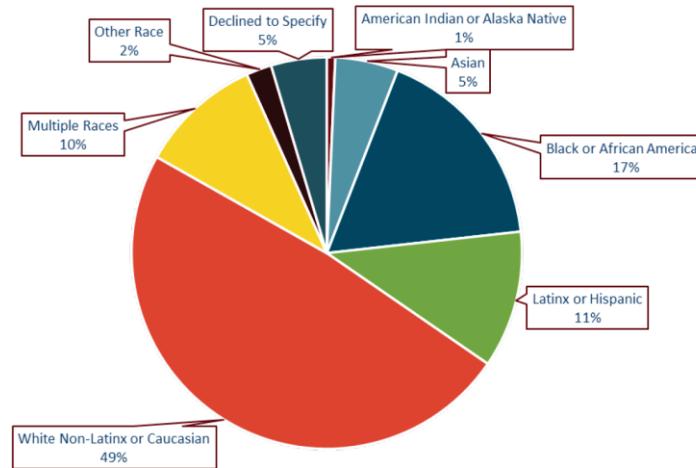
July 1, 2025 – June 30, 2024

## Total Clients Served



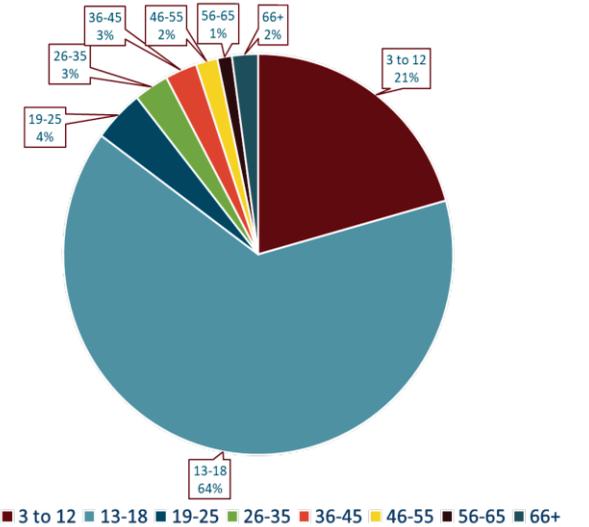
- 895 Clients Served
  - 290 more clients served than last year
  - 48% increase in clients served
- 24,083 total appointments
  - 12,453 more appointments than last year
  - 107% increase in appointments

## Race/Ethnicity

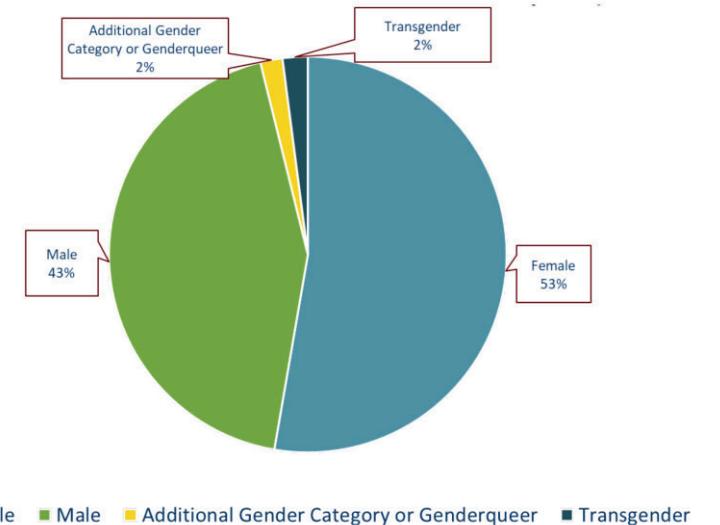


- American Indian or Alaska Native
- Black or African American
- White Non-Latinx or Caucasian
- Other Race
- Asian
- Latinx or Hispanic
- Multiple Races
- Declined to Specify

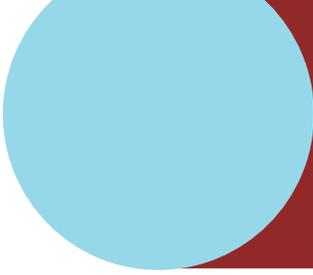
## Ages



## Gender Identity



- Female
- Male
- Additional Gender Category or Genderqueer
- Transgender



# Transforming Lives

**NYFS**  
Northeast Youth  
& Family Services

Our mission is to transform lives by ensuring access to care that nurtures healing, cultivates community, and inspires hope.

# Welcome

Northeast Youth & Family Services is a community-driven, trauma-informed, and culturally responsive mental health and community service agency.

We serve clients of all ages and specialize in supporting youth and their families.

Our commitment to equity, authenticity, and community-driven services provides hope for many in our community who face financial, cultural, linguistic, and logistical barriers to care. Our sliding-fee scale means our doors are open to all, regardless of financial circumstances. Our focus on transformative relationships informs our collaboration with families, school staff, and law enforcement and enhances the positive impact on our clients and the communities we serve.

**Together, we are doing so much more than we could ever achieve on our own.**



community-  
centered



committed

## Mental Health Services

NYFS mental health services are culturally responsive, trauma informed, and community-centered.

### Mental Health Clinics

We collaborate with clients to identify their goals and develop a plan to help reduce challenging symptoms and increase their mental health and wellbeing. **We believe healing and growth occur when clients can better understand their needs and experiences through a supportive relationship with a skilled, compassionate provider.**

Our goal is to offer clients quality mental health treatment within the context of their culture and lived experiences. We provide individual, couple, family, and group psychotherapy services attuned to the needs of each client, and we are the only nonprofit clinic in our area that specializes in serving youth and families. Our providers have a diverse array of training and experience and offer specialized child-centered play therapy, art therapy, trauma-focused therapy, and child and adolescent psychiatry services. We are proud to meet clients where they are in their health and healing journey.

### School-Based Mental Health

Our school-based services provide mental health support to students in four northeast metro school districts. **Staff provide individual and group therapy to address issues related to trauma, depression, anxiety, and other concerns to elementary, middle, and high school youth.**

NYFS therapists collaborate with school staff to support student mental health needs in the classroom. Therapists also serve as a resource for schools, sharing their expertise while helping staff attend to the mental health needs of the school as a whole. This helps create better social, emotional, and academic outcomes for students, teachers, and schools.

### Day Treatment Program

Our Day Treatment program offers therapeutic support to youth who are struggling with mental health symptoms that negatively affect their daily functioning. Our services are trauma-informed, culturally-responsive and individualized. We serve teens age 12-18 and specialize in serving those who have experienced trauma and are coping with moderate to severe anxiety or depression. We combine coping skills and behavioral interventions with group, individual, and family therapy. Our half-day therapeutic programming is paired with half-day educational services in partnership with the Mounds View School District. **With these supports, youth are better able to identify, express, and regulate their emotions, heal from challenging past experiences, and connect with their families and communities in positive ways.**

SERVING CHILDREN  
AGES 4 AND UP, YOUTH,  
& ADULTS

INDIVIDUAL, COUPLES,  
AND FAMILY THERAPY

IN-PERSON & TELEHEALTH

CLINIC IN SHOREVIEW  
& WHITE BEAR LAKE

We serve clients  
seeking care for:

- depression & anxiety
- relationship concerns
- parenting support
- identity exploration & development
- traumatic experiences
- attention challenges
- autism
- mood & psychotic disorders
- and a variety of goals related to enhancing mental health and relationships.

empower



support

NYFS.ORG

## Community Services

### Diversion Program

The Diversion Program is an alternative to the traditional juvenile justice system that works with youth ages 12–17 who have justice system involvement including theft, disorderly conduct, or alcohol/drug use. **Using restorative principles, we help youth address the incident and harm caused, rebuild their lives, and get back on track.** Youth attend one-to-one consultations, educational seminars with their parents, perform community service, and if applicable, pay restitution. Youth may also complete service projects, write apology letters to those they have harmed, and participate in chemical use testing. The program works to reduce the number of negative contacts youth have with law enforcement while significantly reducing the likelihood that they will reoffend in the future.

### Community Connections Program

The Community Connections Program is **a seven-week, group-based experience for youth that builds social skills, self-confidence, and resilience through career exploration, self-reflection, volunteer activities, and contacts with other community service organizations.** It is offered to youth who would benefit from deeper and healthier connections with peers, adults, and their community. Components of the program include community service, work skills identification, and development of key life skills. Youth benefit from social connections with their peers and supportive adults while learning about resources in their community that will help them now and in the future. Youth are also introduced to activities that promote healthy living through nutrition, fitness, routine setting, time management, goal setting and moderation. Combined together, these components foster self-awareness, confidence, social skill development, and resilience.

### Community Advocate Program

Through partnerships with five local law enforcement departments, our Community Advocate Program co-creates public safety by supporting citizens who have needs outside of the scope of law enforcement. The program serves adults who have had repeated contact with law enforcement and have underlying needs that cannot be resolved by law enforcement alone. The advocate provides crisis intervention services, mental health support, referrals for chemical health services, assists with homelessness prevention, and support for survivors of abuse. **By serving as a bridge between law enforcement, case managers, caregivers, and family members, the advocate is able to improve the quality of life of our clients while reducing reliance on law enforcement.**

The last few years have been really tough on our youth. A lot of those connections, and feeling like being a part of a community, have gone away. Youth and their families are really struggling and that's why programs like these are so important.

– Erika Scheider, Roseville Chief of Police



## Organizational Values

### Equity, Inclusion, and Belonging

We are dedicated to creating an **inclusive, accessible, and accepting environment** that embraces diverse perspectives and backgrounds. It is our responsibility to work toward systemic justice and provide care individualized to client needs.

### Authenticity

We strive to be **genuine, grounded, and true to our values** in order to be both trusting and trustworthy. We are invested in learning and we approach each encounter with humility and sincerity.

### Community Driven

Our services are driven by the strengths and needs of our community. Through collaboration with clients and community members we ensure **our services are financially, logistically, linguistically, and culturally accessible.**

### Integrity

We are **accountable, ethical, fiscally responsible, transparent, and dedicated** to aligning our decisions with our organizational values.

### Transformative Relationships

We believe that healing and growth happen in the context of **empathic, client-centered, intentional relationships.** We bear witness to our clients' journeys with curiosity and kindness to promote transformational change.

### Innovation

We look beyond what is and imagine what could be. We stay on the leading edge of care by **encouraging our clients and staff to explore their passions and strengths** with a creative and playful spirit.

### Wellbeing

We believe that staff wellness and work sustainability are key to providing excellent mental health care. We understand the importance of organizational supports for secondary traumatic stress and are **committed to a family-first work philosophy for staff.**

We envision a world where thriving individuals and families are the building blocks of safe, unified communities established through a network of empowered and collaborative partnerships.

Transforming lives together.



innovative



passionate





# NYFS is here for you, because of you.

If you need help –  
reach out today.

If you can offer help –  
please donate.

## TO MAKE AN APPOINTMENT:

Call us at **651-486-3808** or visit  
**[nyfs.org/request-appointment](https://nyfs.org/request-appointment)**

## TO DONATE:

Go to **[nyfs.org/donate](https://nyfs.org/donate)**  
or **mail** your donation to:

3490 Lexington Ave. N.  
Shoreview, MN 55126



Transforming Lives

Shoreview Headquarters  
3490 Lexington Avenue North, Suite 205  
Shoreview, MN 55126  
Phone: (651) 486-3808  
Fax: (651) 486-3858

White Bear Lake Clinic  
1280 North Birch Lake Blvd.  
White Bear Lake, MN 55110  
Phone: (651) 429-8544  
Fax: (651) 407-5301

## OUR PARTNERS

### MUNICIPALITIES

Arden Hills  
Birchwood Village  
Falcon Heights  
Hugo  
Little Canada  
Lauderdale  
Mahtomedi  
Mounds View  
New Brighton  
North Oaks  
Roseville  
St. Anthony  
Shoreview  
Vadnais Heights  
White Bear Lake  
White Bear Township

### SCHOOL DISTRICTS

Roseville Area Schools  
Mounds View Public Schools  
St. Anthony-  
New Brighton Schools  
White Bear Lake  
Area Schools

### PUBLIC SAFETY

Mounds View  
New Brighton  
Ramsey County  
Attorney's Office  
Roseville  
St. Anthony  
White Bear Lake

NYFSorg   
Northeast Youth &  
Family Services 

**NYFS.ORG**

# Restoring Power

Our Restoring Power program supports victim-survivors who have experienced a range of abusive behaviors from others, including emotional, psychological, physical, technological, and sexual violence.



We work with children, adolescents, and adults. In our work with youth, we recognize and help to heal the effects of witnessing violence, even when the child has not directly experienced abuse.

## We support individuals and families as they seek safety in many different ways.

People come to NYFS with a variety of situations and needs, which can include:

- The family wants to stay together and for the violence to stop
- A person is in the process of leaving or has left an abusive relationship
- The relationship violence was years or decades ago and the person is interested in deepening their healing and sense of connection to themselves, others, and/or a larger sense of meaning and purpose.

If you think you or someone you care for has experienced any form of abuse or trauma, please reach out today to get support and resources to help you seek safety and recovery.

## NYFS offers many different services within our Restoring Power Program:

- Safety planning
- Emotional support and coping skills
- Learning about abuse, its effects, and opportunities for healing
- Information about victim rights and resources
- Case management and resource referral
- Legal advocacy: court and law enforcement interview accompaniment, applying for an Order for Protection or Harassment and Restraining Order
- Individual Therapy: for all ages and is typically helpful for reducing mental health symptoms of trauma
- Group Therapy: a variety of groups for all ages

### Take Your Next Step.

Visit [nyfs.org/community/domestic-violence-and-sexual-assault-services](https://nyfs.org/community/domestic-violence-and-sexual-assault-services).

To make an appointment, call 651-486-3808 or visit [nyfs.org/start/appointment](https://nyfs.org/start/appointment).



#### RESOURCES:



What constitutes abuse?



The effects of witnessing violence on youth.

**SCAN THE QR CODES WITH YOUR PHONE TO LEARN MORE**

**NYFS**  
Northeast Youth  
& Family Services

Transforming Lives

Transforming lives by ensuring access to care that nurtures healing, cultivates community, and inspires hope.

NYFSorg 

Northeast Youth & Family Services 

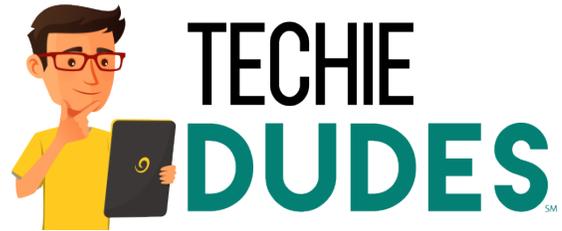
**NYFS.ORG**

#### LOCATIONS:

Shoreview Clinic  
3490 Lexington Ave N  
Suite 205  
Shoreview, MN 55126  
(651) 486-3808

White Bear Lake Clinic  
1280 North Birch Lake Blvd.  
White Bear Lake, MN 55110  
(651) 429-8544

**Techie Dudes**  
 3550 Labore Rd  
 Vadnais Heights, MN 55110 US  
 651-330-6483  
 jborglum@techiedudes.com  
 www.techiedudes.com



## Quote

### ADDRESS

Therese Bellinger  
 City of Birchwood Village  
 207 Birchwood Avenue  
 Birchwood, Minnesota 55110  
 United States

### SHIP TO

Therese Bellinger  
 City of Birchwood Village  
 207 Birchwood Avenue  
 Birchwood, Minnesota 55110  
 United States

QUOTE # 1479

DATE 11/26/2024

DATE	ACTIVITY	DESCRIPTION	QTY	RATE	AMOUNT
	<b>WatchGuard products</b>	WatchGuard T25 basic security wit 3 year subscription	1	986.25	986.25T
	<b>Ubiquiti AC Pro WiFi 6</b>	Ubiquiti AC Pro WiFi 6 Access point	1	243.36	243.36T
SUBTOTAL					1,229.61
TAX					102.98
<b>TOTAL</b>					<b>\$1,332.59</b>

Accepted By

Accepted Date

October 24, 2024

Rebecca Kellen  
City Administer  
207 Birchwood Ave.  
Birchwood Village, MN 55110

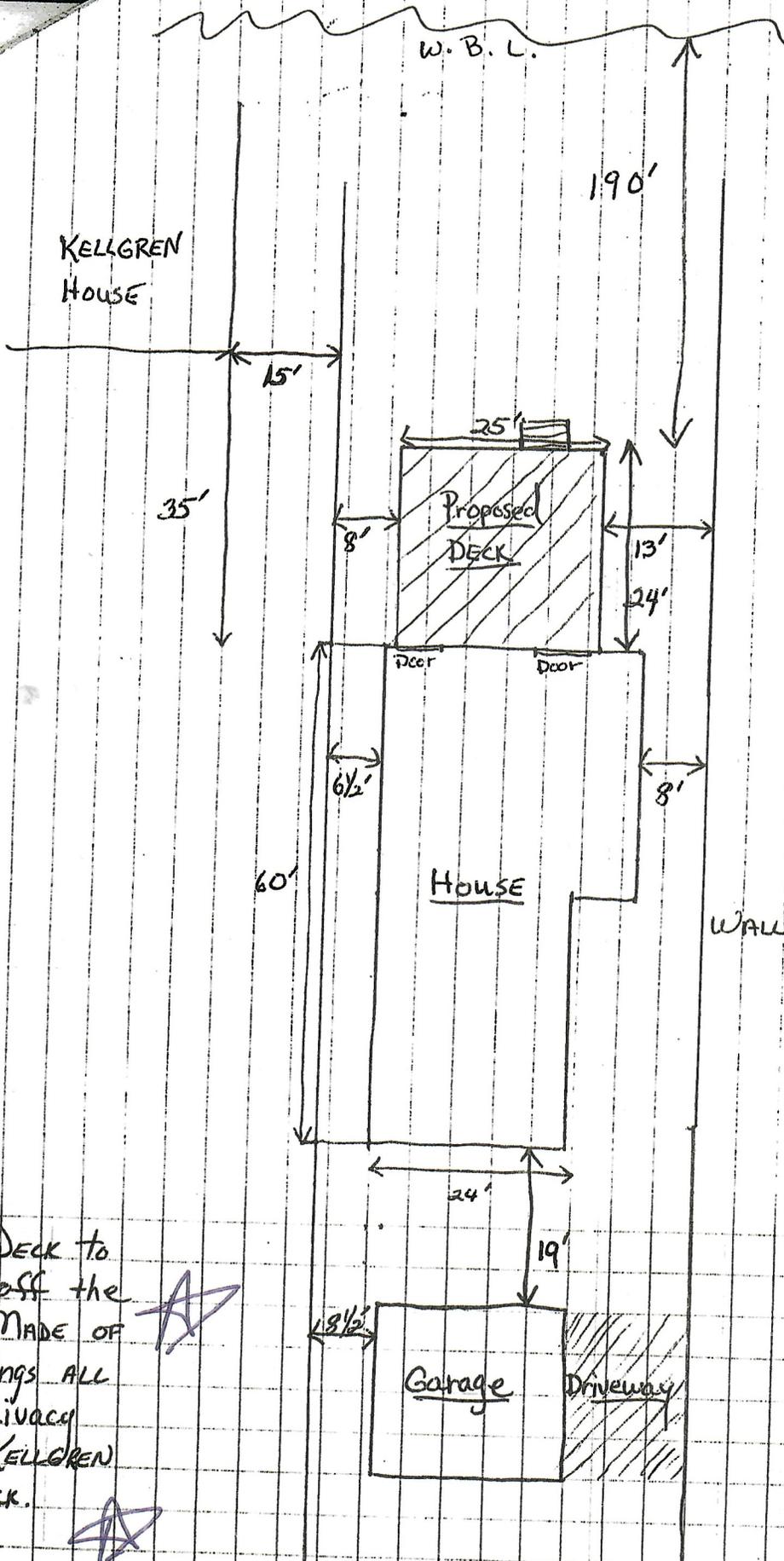
Rebecca,

I am writing to let you know that [REDACTED] want to make an "administrative appeal" of the decision by the City to allow the Harrods at 483 Lake Ave to construct their pergola and wall. To begin with [REDACTED] were never notified of the Harrod's plan to reconstruct their non-conforming deck and to add a wall to their deck as well as a pergola complete with a roof. The Zoning code requires that [REDACTED] be notified of this construction.

I have been looking at the Village of Birchwood City ordinances with a particular interest to the land and zoning use. To begin with the wall that the Harrods intend to build will not be a continuation of what they already had. Although your letter date October 17, 2024 said, that a like structure is allowed for replacement, the fence they had was something that could be seen through, it was a privacy fence. The Harrods themselves labeled it as a fence in their 2009 plan they submitted to the city when they added on to their home. The wall they intend to build will be solid and will add another 20 feet of siding, [REDACTED]. Making the amount of siding of the Harrod's house 104 feet running 5 feet from the lot line. The wall they are having constructed will anchor the pergola they are also building. The pergola is a structure which will have walls and a roof. The pergola is not a continuation of a former structure rather is a new structure on a non-conforming deck. The roof will add 332 square feet of impervious surface to their impervious surface ratio that is most likely now over the allowed surface ratio of 25 percent since their addition in 2009 also added 1472 square feet to their impervious surface. The roof will also direct rain that formerly went through the deck slats and down to the ground, [REDACTED]. Since the pergola is being built on a non-conforming deck this is a new non-conforming structure which requires a variance.

I feel that [REDACTED] have a very strong case for the appeal of the decision made by the city. On October 8<sup>th</sup>, 2024 [REDACTED] asked for a "cease and desist" order for this construction. The Harrods have previously ignored the city ordinances. When they built a fence in June of 2016, the ordinance and their permit allowed for a six-foot fence. They put up a seven-foot fence. When [REDACTED] appealed to the city council they concluded that the fence was built and they couldn't ask the Harrods to take it down. [REDACTED] chose not to bring any legal action at that time. I would be very concerned that they build the pergola and again it would be allowed although not legal. This time [REDACTED] will not be averse to taking legal action.

[REDACTED]



Copy of Nicholson's plan for original deck.

KAY BEACH Look at St

One change:  
The length of deck will be 20 ft. instead of 24 ft.

★  
★  
★  
PROPOSED DECK to be 3-3 1/2' off the WIND. MADE OF WOOD. RAILINGS ALL WIND. PRIVACY SCREEN ON KELGREN SIDE OF DECK.

★  
★  
★  
DIMENSIONS:  
DECK 24' X 25'

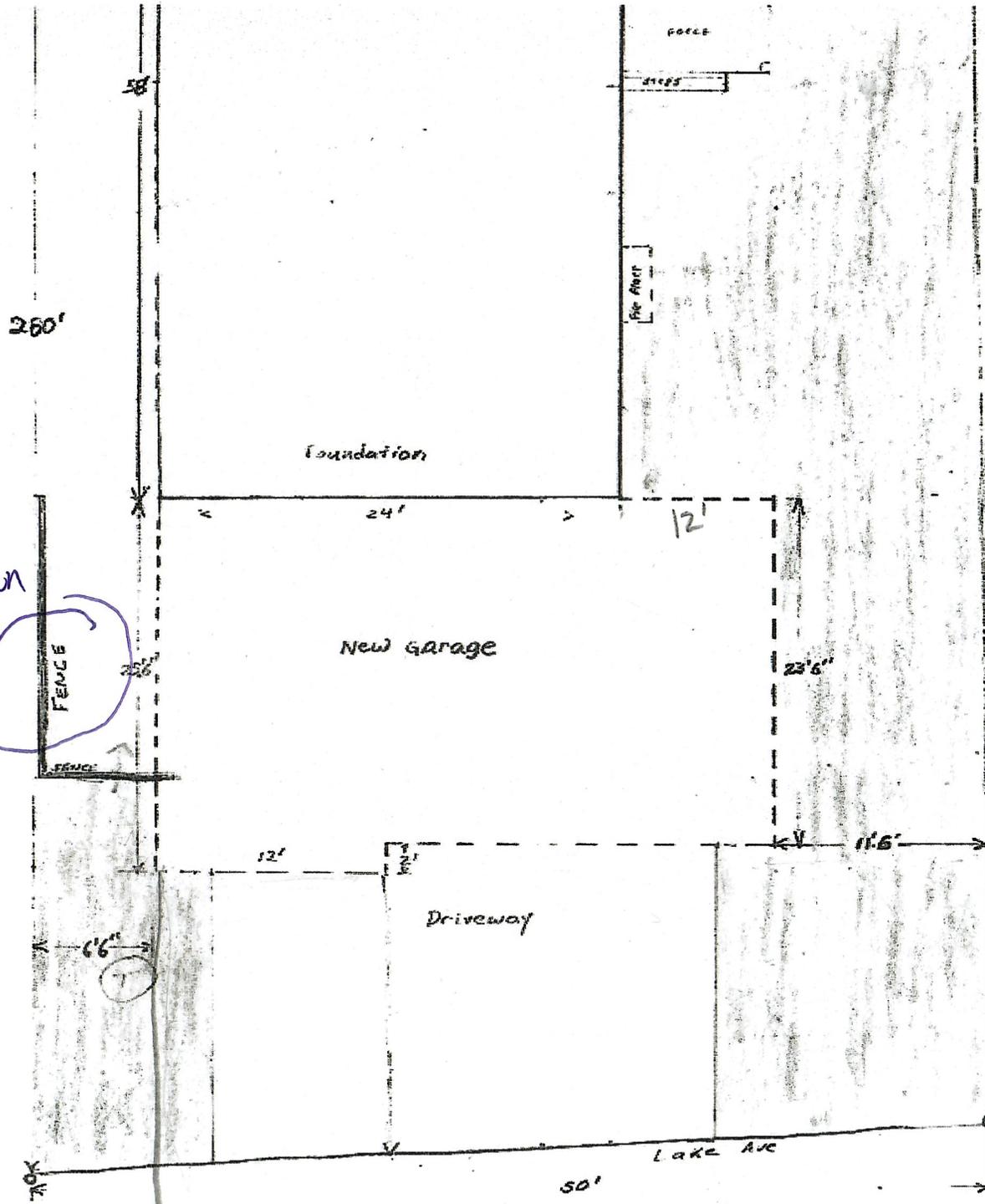
1 SQ. = 5 FT.

483 LAKE AVE.  
ROBERT/ROBIN NICHOLSON  
426-4074









Their description

Harrod's

Kay Beach

#24-0095

# City of Birchwood Village BUILDING PERMIT INSPECTION RECORD CARD

--- Do Not Remove ---

SITE ADDRESS 483 Lake Ave  
 NATURE OF WORK Pergola-Deck  
 USE OF BUILDING RES  
 BUILDING PERMIT NO. 24-0095 DATE ISSUED 8/29/24  
 CONTRACTOR \_\_\_\_\_ OWNER \_\_\_\_\_

INSPECTIONS REQUIRED	APPROVED BY INSPECTOR	DATE APPROVED	COMMENTS
FOOTINGS			
<b><u>ROUGH-INS</u></b> DO NOT PLACE CONCRETE UNTIL ABOVE HAS BEEN SIGNED			
FOUNDATION			
ELECTRICAL			
PLUMBING INTERIOR			
HEATING			
FRAMING			
DO NOT INSULATE OR COVER WALLS UNTIL ABOVE ARE SIGNED			
INSULATION			
DO NOT COVER WALLS UNTIL ABOVE IS SIGNED			
LATH/WALLBOARD			
DO NOT TAPE OR PLASTER UNTIL ABOVE IS SIGNED (INTERIOR OR EXTERIOR)			
<b><u>FINALS</u></b>			
ELECTRICAL			
PLUMBING			
HEATING			
MECHANICAL			
GAS LINE AIR TESTS			
SEPTIC/SEWER			
BUILDING FINAL			CERTIFIED - DATE SUBMITTED:
DO NOT OCCUPY UNTIL ABOVE IS SIGNED			

### NOTICE

This card must be posted near electrical service cabinet prior to rough-in inspections and maintained until all inspections have been approved. On buildings and additions where no service cabinet is available, card shall be placed near main entrance.

PLEASE CALL 24 HOURS PRIOR TO INSPECTIONS  
 PHONE: 651-351-5051    EMAIL: [inspjack@msn.com](mailto:inspjack@msn.com)  
 CELL: 651-269-5633



APPROVED

Permit#: 24-0095

### Permit

**Application Date:** August 26, 2024  
**Permit#:** 24-0095  
**Location:** 483 LAKE AVE, CITY OF BIRCHWOOD  
**Applicant Name:** Debbie Harrod  
**Email:** debbielharrod@gmail.com  
**Property Owner Name:** HARROD JAMES J & DEBRA L  
**Property Owner Email:** debbielharrod@gmail.com  
**Contractor:** Keller Construction  
**Contractor Email:** No Available  
**Contractor License:** BC787590

**Expiration Date:** February 26, 2025  
**Parcel #:** 3003021130027  
**Permit Type/use:** Building Permit  
**Address:** 483 Lake Ave  
**Phone:** 6122464612  
**Address:** 483 LAKE AVE, WHITE BEAR LAKE MN 55110  
**Phone:**  
**Address:** 1444 2nd Ave, Newport, MN 55055  
**Phone:**  
**Project Valuation:** \$15,000

**License Expires on:** 3 / 31 / 25

**DESCRIPTION OF WORK:** Original permit applied for in 2020--Extended per JK but will provide updated design. Permit was paid in 2020 but additional fees will apply due to changes in scope. Work to be done: Replace existing deck and wall due to rotting footings and wood. Add a screen perogola on top of deck.

### Fees

Date	Description	Paid Date	Amount	Paid	Balance
September 6, 2024	Building Permit Fee		\$111.25		
September 9, 2024	Plan Check Fee		\$72.31		
September 9, 2024	State Surcharge		\$2.40		
<b>TOTAL: Permit Fees</b>			<b>\$185.96</b>		<b>\$185.96</b>

### Inspectors

Please allow 24 hours minimum notice for inspection requests.

Inspection Type	Inspector Name	Contact Information
Building /HVAC/ Plumbing	Jack Kramer	Phone: 651-351-5051 Email: inspjack@msn.com
Sewer Water	John Manship	Phone: 651-426-9386
Electrical	Don Edel	Phone: 507-210-8233

### Birchwood Village Contacts

Main Phone# 651-426-3403  
 Email Address:  
 therese.bellinger@cityofbirchwoodvillage.com

Permit Approved On: 8 / 29 / 24  
 By the City of Birchwood Village

JK approved  
 Jack Kramer - Building Official

\_\_\_\_\_/\_\_\_\_\_  
 Ben Wikstrom - City Planner Date

\_\_\_\_\_/\_\_\_\_\_  
 Marcus Johnson - City Engineer Date

## City of Birchwood Village

Intellipay <noreply@intellipay.com>

Tue 9/3/2024 1:09 PM

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

## City of Birchwood Village

### Payment Receipt

Debbie Harrod

483 Lake Ave

Unit 10

Cape Coral MN 33904

6122464612

debbielharrod@gmail.com

**Your payment was successfully processed.**

Thank you. Your payment has been received.

Customer Account:	Buliding
Invoice:	C44637006
<b>Payment Amount:</b>	<b>\$185.96</b>
<b>Service Fee:</b>	<b>\$5.58</b>
<b>Payment Total:</b>	<b>\$191.54</b>
Payment Date:	09/03/2024
Card Number:	4..7806
Name on Card:	Debbie Harrod
Card Type:	Visa Card
Authorization Code:	05553D
Reference Number	C44637006P77556534
Comments:	
Payment Origin:	Online Payment Terminal
Agent:	Online Payment Page
Merchant#:	M8145

### Building/Planning/Zoning Permit

Permit Type:	Buliding
Permit Number:	23-0095

Thank you,  
City of Birchwood Village



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
09/03/2024

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an **ADDITIONAL INSURED**, the policy(ies) must have **ADDITIONAL INSURED** provisions or be endorsed. If **SUBROGATION IS WAIVED**, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> Rooke Johnson & Renslow Insurance 10050 Crosstown Circle Suite #105 Eden Prairie MN 55344-3349		<b>CONTACT NAME:</b> Lisa Wendell CISR <b>PHONE (A/C, No, Ext):</b> (952) 931-9999 <b>E-MAIL ADDRESS:</b> lisaw@rjinsurance.com		<b>FAX (A/C, No):</b> (952) 931-0096	
<b>INSURED</b> Daniel James Keller 1444 2nd Ave Newport MN 55055-1117		<b>INSURER(S) AFFORDING COVERAGE</b> INSURER A: West Bend Mutual Insurance			<b>NAIC #</b> 15350
		INSURER B:			
		INSURER C:			
		INSURER D:			
		INSURER E:			
		INSURER F:			

**COVERAGES**      **CERTIFICATE NUMBER:** CL2411224121      **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> <b>COMMERCIAL GENERAL LIABILITY</b> <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:			0969012	02/13/2024	02/13/2025	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 Additional Insured \$
A	<b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input checked="" type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY			0969012	02/13/2024	02/13/2025	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ PIP-Basic \$ 10,000
	<b>UMBRELLA LIAB</b> <input type="checkbox"/> OCCUR <b>EXCESS LIAB</b> <input type="checkbox"/> CLAIMS-MADE DED    RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$ PER STATUTE    OTH-ER
	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) <input type="checkbox"/> Y/N If yes, describe under DESCRIPTION OF OPERATIONS below		N/A				E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Certificateholder is Additional Insured on above General Liability Policy

**CERTIFICATE HOLDER**

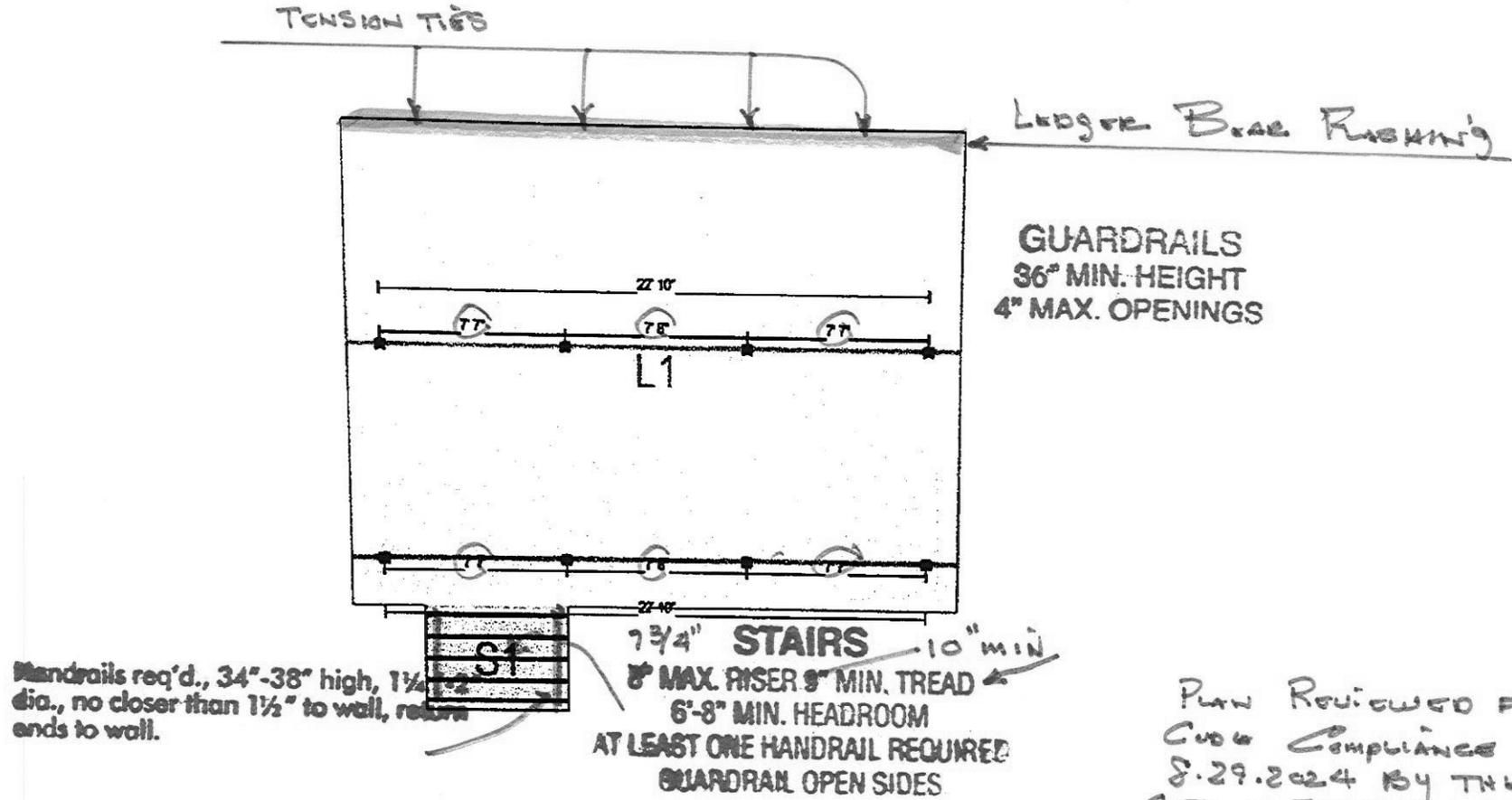
City of Birchwood 207 Birchwood Ave  St Paul MN 55110
--

**CANCELLATION**

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.  AUTHORIZED REPRESENTATIVE <i>Lisa Wendell</i>
--

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# L1 - Posts and Footings



PLAN REVIEWED F.I.E  
CODE COMPLIANCE  
8.29.2024 BY THE  
CITY OF BIRCHWOOD VILLAGE  
JACK KRAMER  
BLDG OFFICIAL

Dimensions displayed are from center of post to center of post.

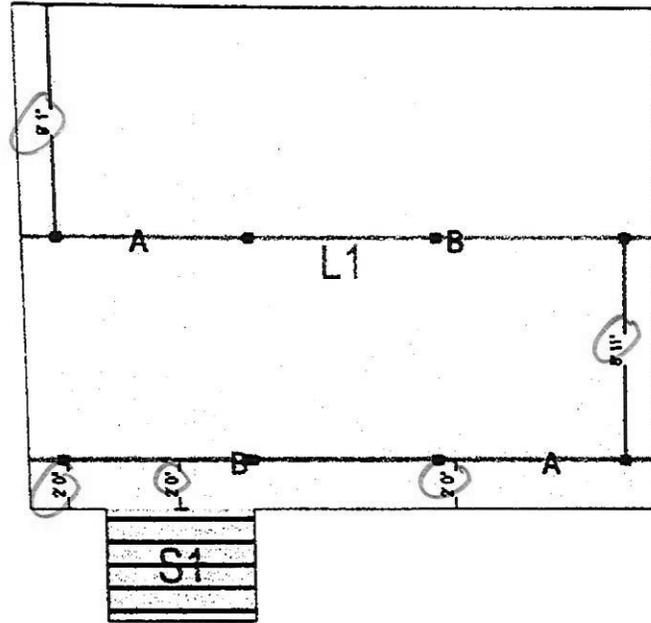
## L1 - Framing Posts

Label  
A

Post Size  
6x6

Count  
8

# L1 - Beams

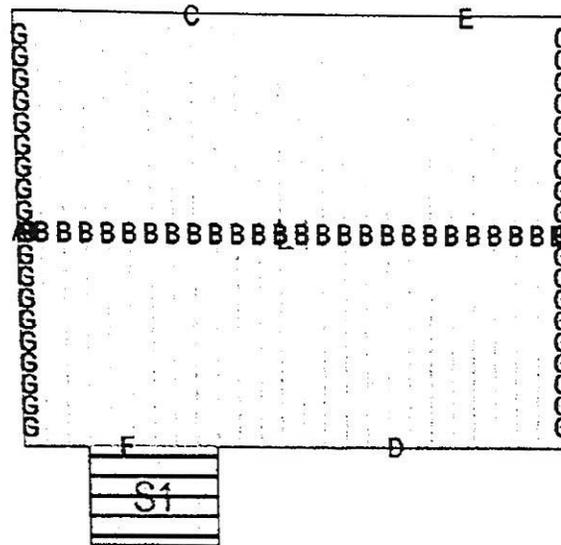


2 boards nailed together is 2 ply

**L1 - Lumber: 2 ply - 2 x 10 AC2**

Label	Length	Count
A	8' 11"	2 ✓
B	16' 7"	2 ✓

# L1 - Joists



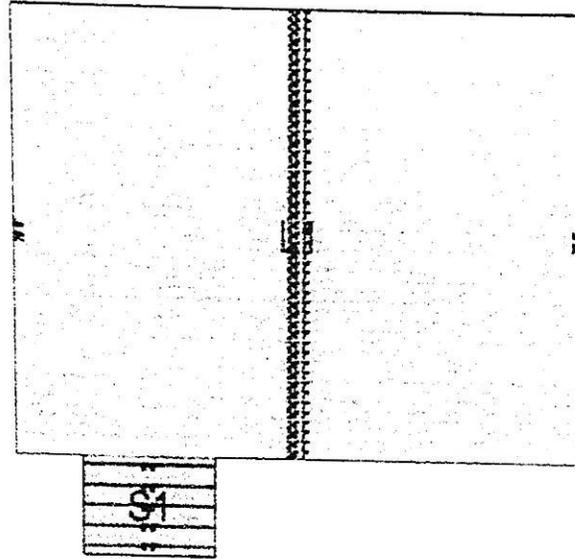
**Lumber: 2 x 10 AC2**

**Joist Spacing: 12" on center**

Label	Length	Count	Usage
A	20' 0"	2	Rim Joist ✓
B	19' 9"	26	Internal Joist ✓
C	16' 0"	1	Ledger Joist ✓
D	16' 0"	1	Rim Joist ✓
E	9' 3"	1	Ledger Joist ✓
F	9' 3"	1	Rim Joist ✓
G	4"	38	Picture Frame Joist ✓



# L1 - Deck Boards and Treads



Decking over 240" is shown as one length and decking must be spliced - multiple lengths of decking may be estimated. The deck board lengths and/or quantities may need to be adjusted based on framing or the deck board splice pattern you prefer. Please review the deck board lengths and quantities prior to the start of your project. A divider board may be added to improve the look and eliminate splices. To add dividers, recall the design and add a divider on the Design>Decking tab in the program.

## Deck Board

Length	Count
24' 7"	43

## Pictureframe

Length	Count	Length	Count
20' 0"	2	24' 7"	2

# L1 - Railing Posts

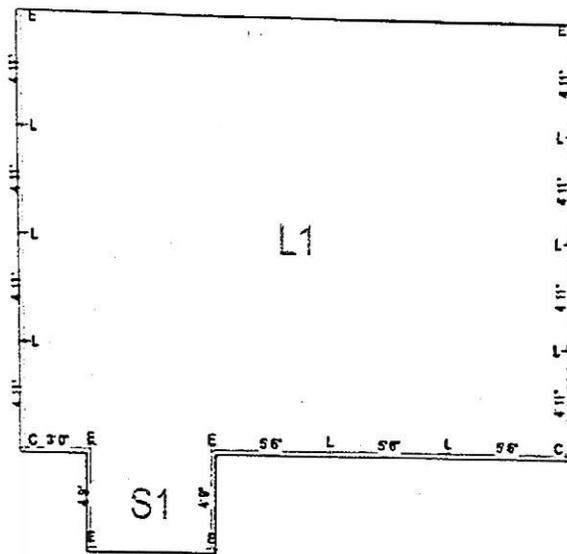


Illustration does not represent all available railing post placement options.  
Railing post dimensions are on center.

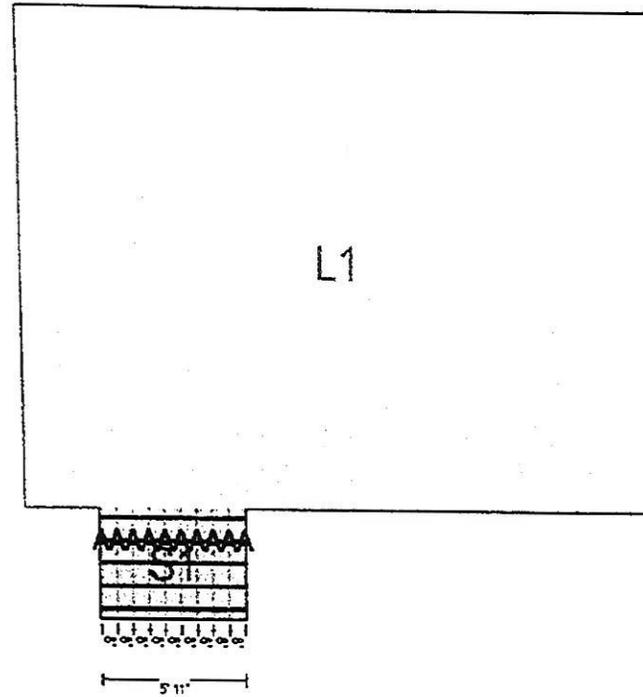
## L1

Label	Count
C - Corner Post	2 ✓
E - End Post	4 ✓
L - Line Post	8 ✓

## S1

Label	Count
E - End Post	2 ✓

# L1 - Stair Framing



**S1 - Stringer**

**Label**  
A

**Length**  
4' 8"

**Count**  
10 ✓

Goal is to replace existing deck and privacy wall that has deteriorated with same size and add a screened in 16'6" x 20' pergola. ✓

Plans are drawn as 1/4"=1'

Actual sizes will vary to conform to actual existing deck dimensions

### ***Deck***

Decking material will be composite and built to Menards plan. ✓

Footings will be diamond pier type footings with 60" rods. ✓

Railing will be Westbury Verticable railing. ✓

All framing will be replaced and treated lumber will be used. ✓

### ***Pergola***

Rough cut dimensional cedar will be used ✓

6x6 posts

2x10 double header (see detail A) ✓

2x8 pergola rafters 2' on center ✓

2x4 screen supports ✓

Ornamental wood ties rafters clips will be used at both header and wall side ✓

All fasteners will be ACQ rated ✓

A screen door will be added on side B, location to be determined ✓

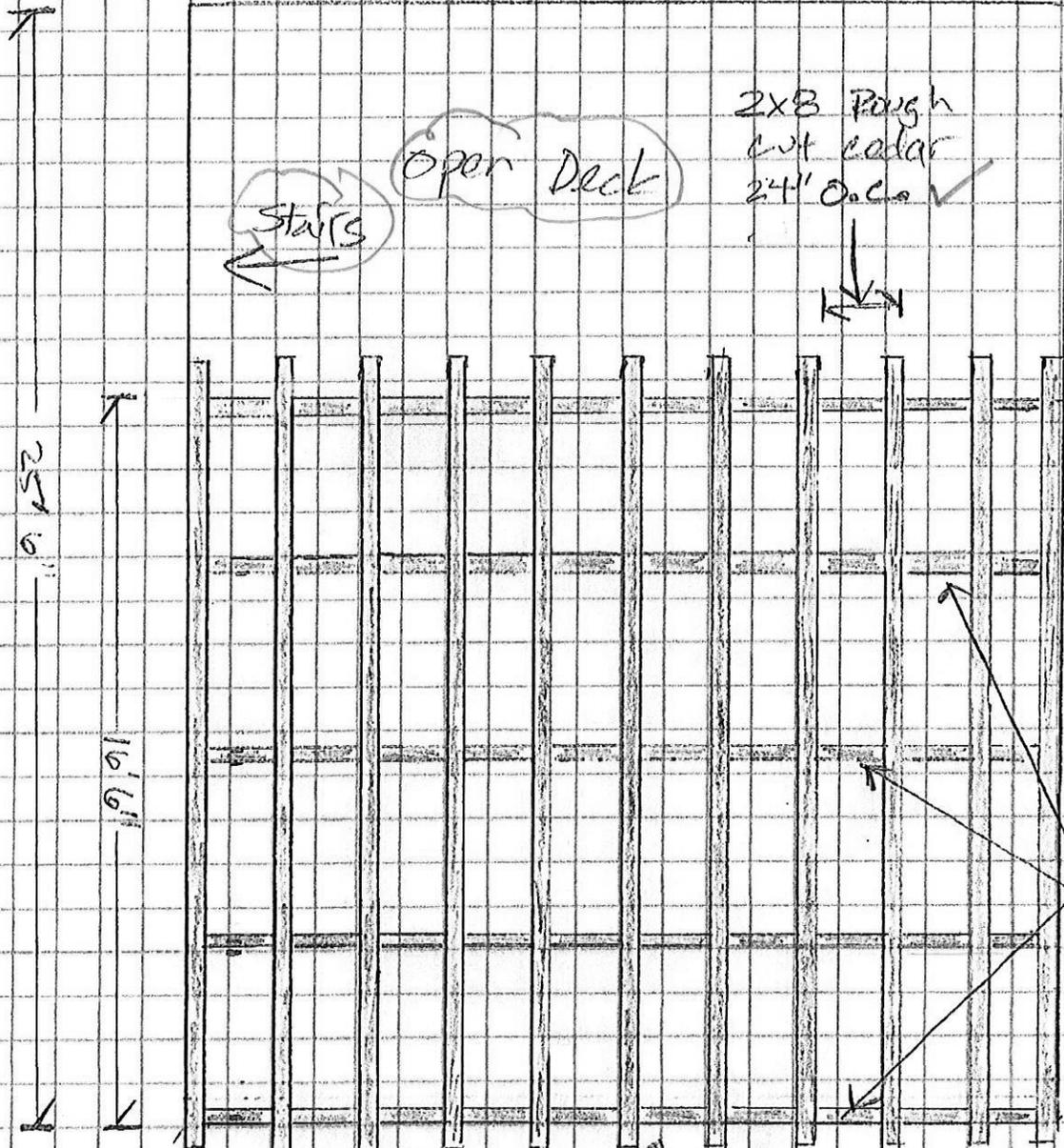
Inside of side D wall will be finished with reclaimed cedar on top 2/3 and

bottom 1/3 will be corrugated galvanized steel ✓

Outside of side D wall will be finished with siding to match home ✓

Side D wall will be framed 16" on center with green treated materials. The top will be flashed with steel or aluminum and slightly pitched away to prevent standing water ✓

Side B



Stairs

Open Deck

2x8 Rough cut cedar 24" O.C.

Side A

Horse Side

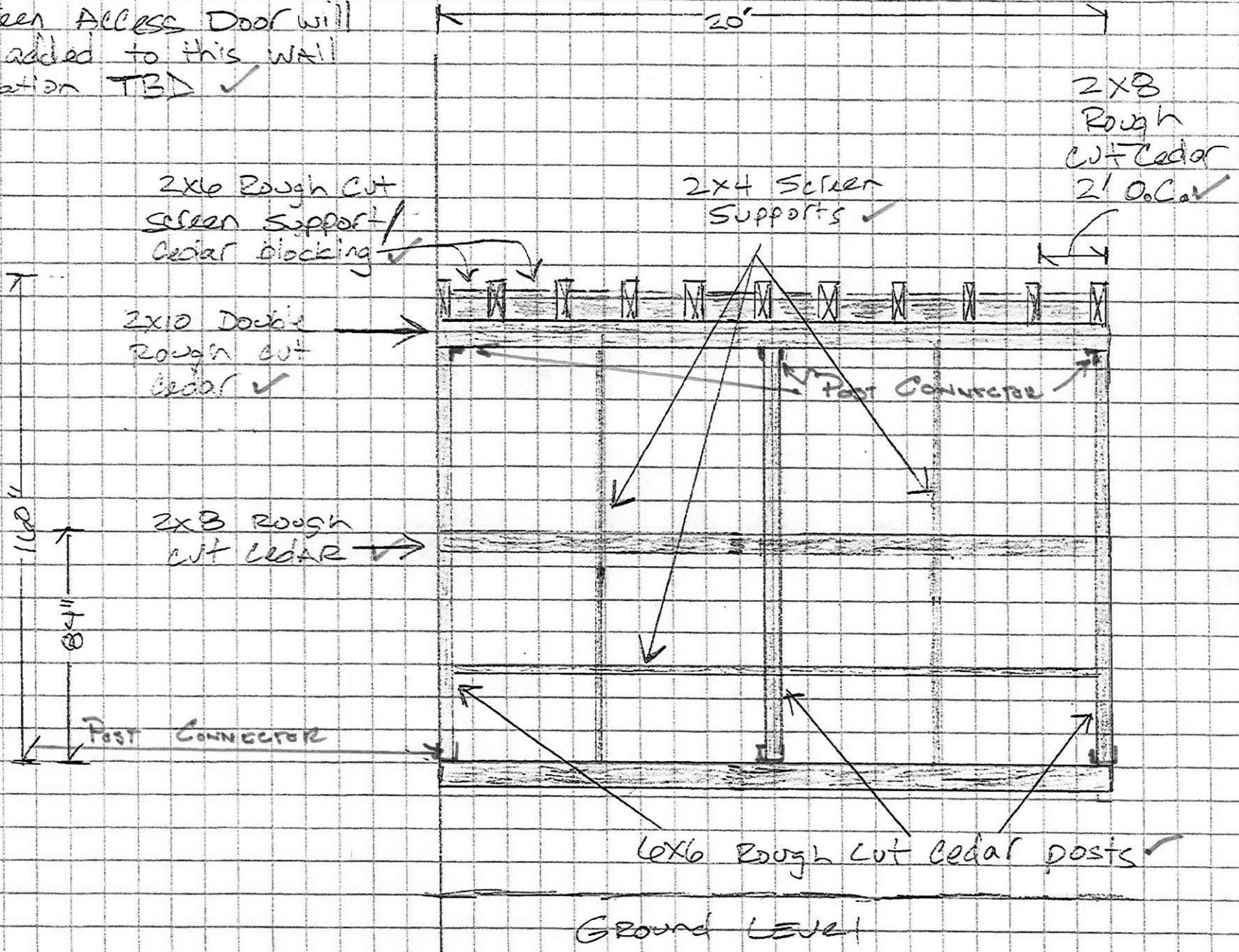
2x10 Rough cut cedar blocking Screen supports

Side D

Sided solid 2x4 wall to Match Home

Side B

Screen Access Door will  
Be added to this wall  
Location TBD ✓



View from Lake / Side C

1/4" = 1 foot

4/12 roof to match Home

192

2x4 Rough cut cedar  
screen supports

2x8 Rough cut cedar

6" overhang

Sided solid wall to match Home

10x10 Cedar Rough cut posts

GROUND LEVEL

stairs

140"

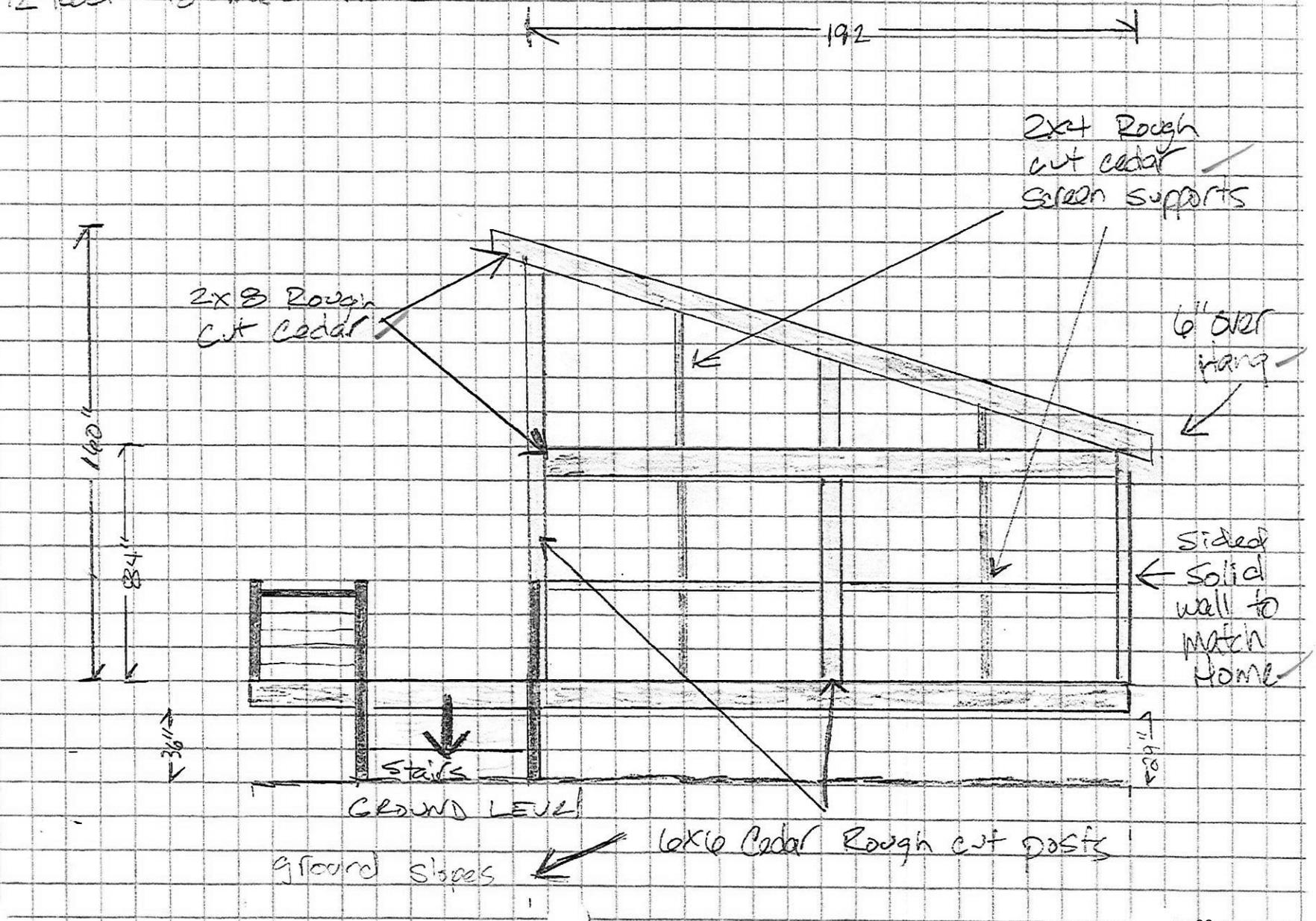
84"

36"

48"

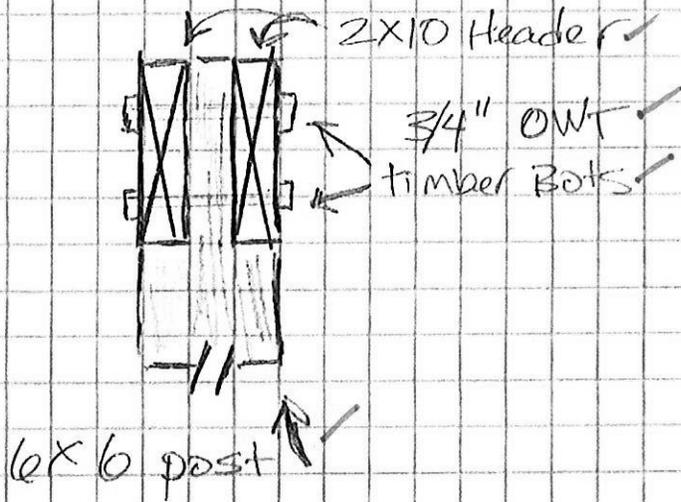
Page 5

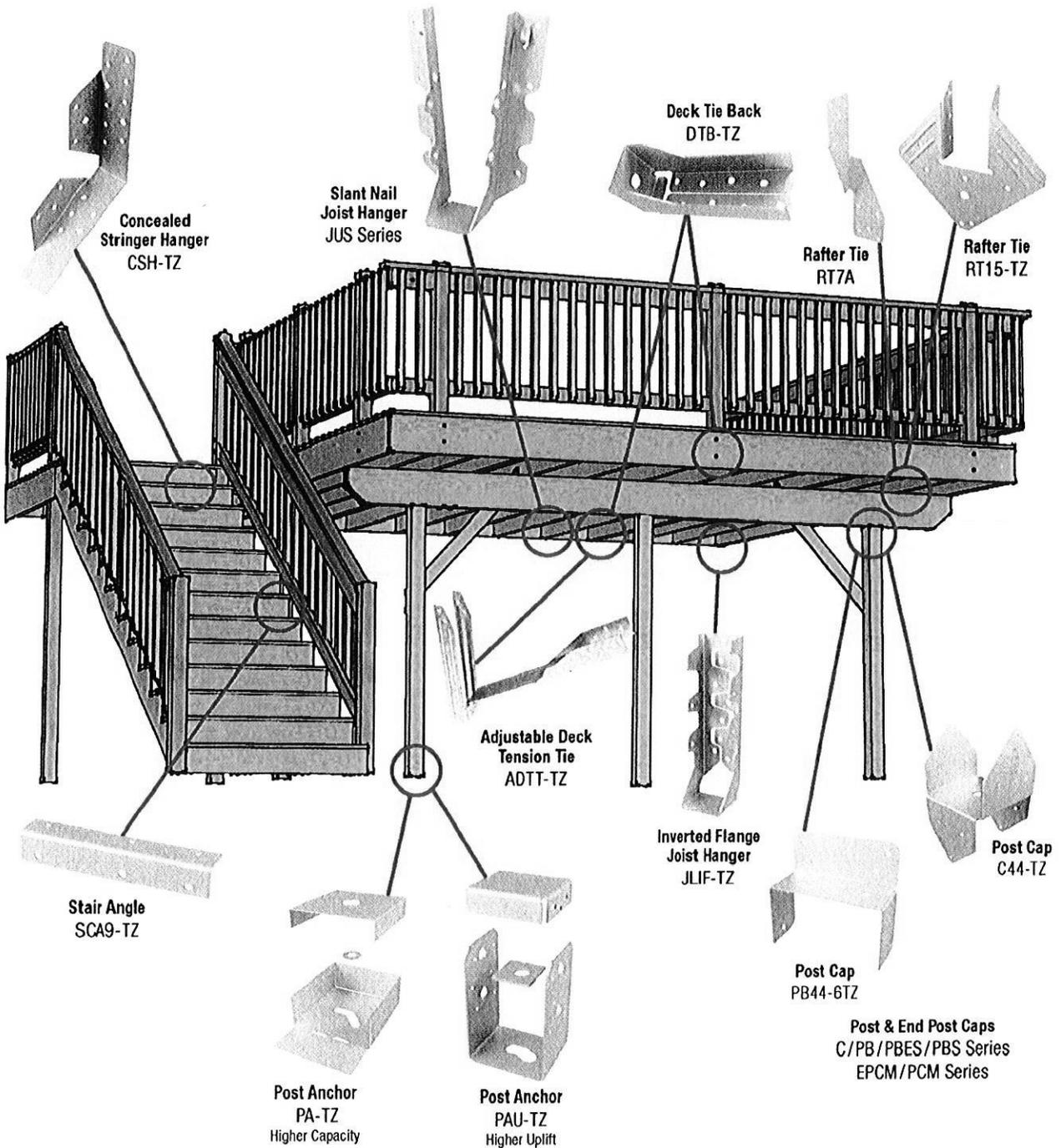
Debbie Harford / Keller Construction





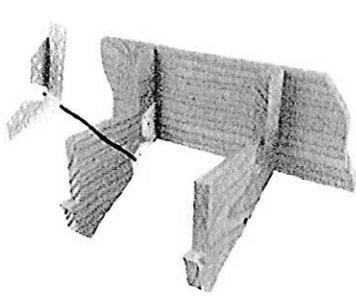
Detail A



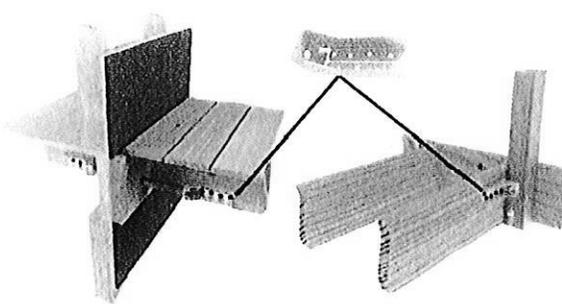


Disclaimer: Some of the products displayed are optional and not estimated

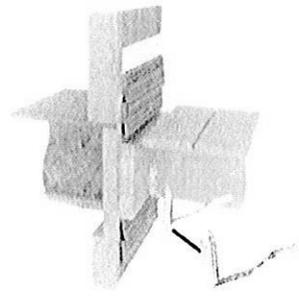
Customer Service 1-800-328-5934 • MiTek-US.com



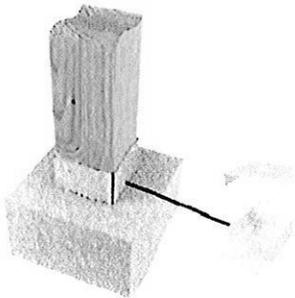
Typical CSH-TZ installation



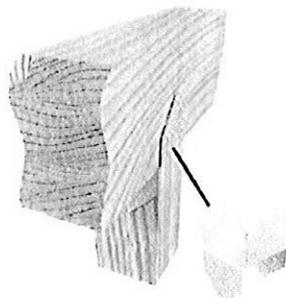
Typical DTB-TZ installations



Typical ADTT-TZ installation



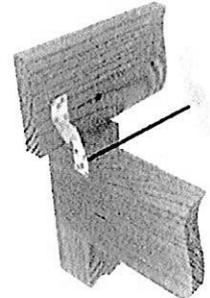
Typical PA-TZ installation



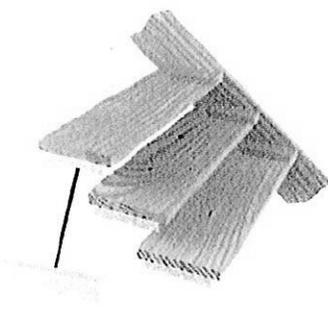
Typical C44-TZ installation



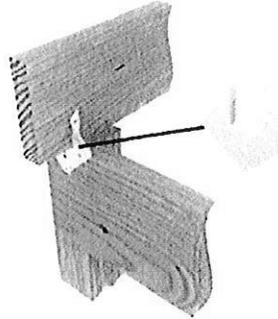
Typical PB44-6TZ installation



Typical RT7A installation



Typical SCA9-TZ installation



Typical RT15-TZ installation

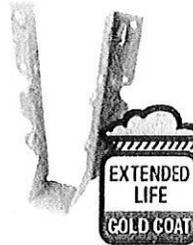
The type and quantity of fasteners used to install MiTek products is critical to connector performance. MiTek has a full range of structurally-rated fasteners for wood frame structures. Hot-dip galvanized, stainless steel, and Gold Coat corrosion resistant finishes are available for exterior applications.



MiTek Deck Hardware is available in Triple Zinc (TZ) and Gold Coat (GC).



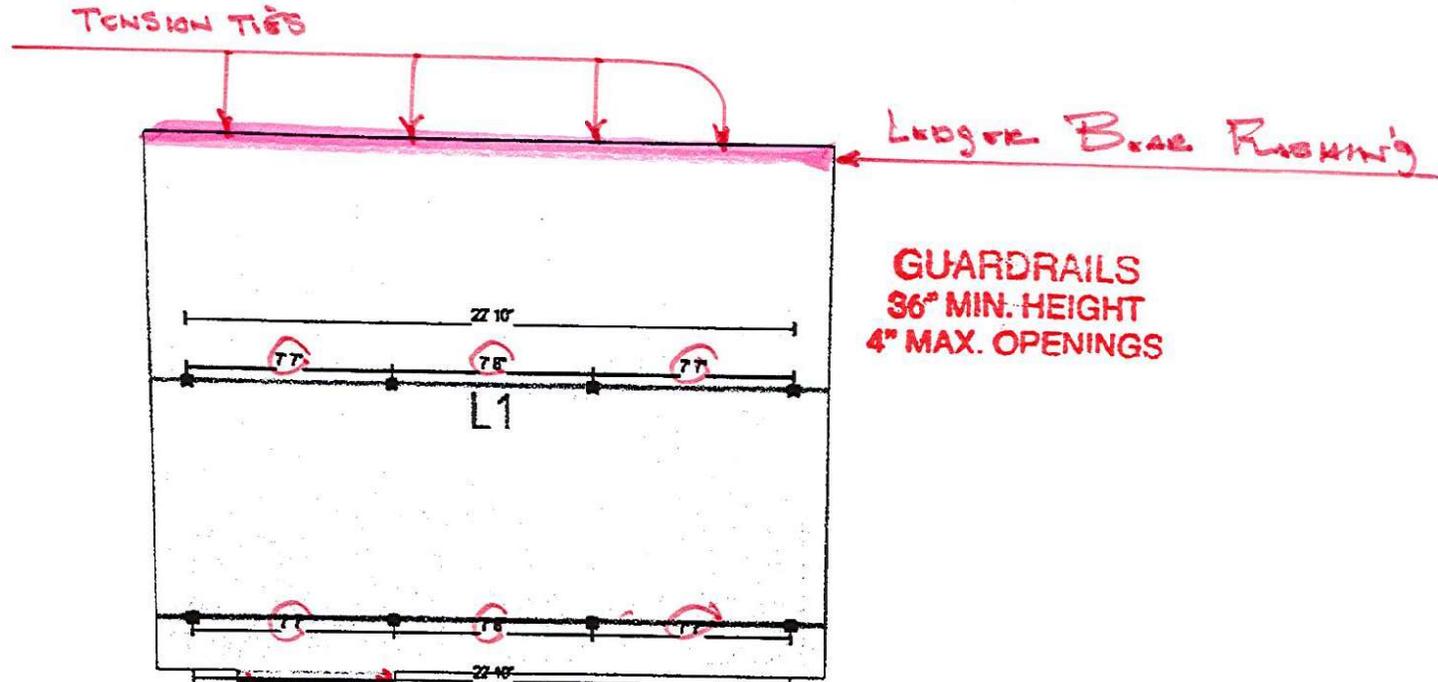
**TZ galvanizing** provides a prefabrication coating of 1.85 (G-185) ounces of zinc per square foot of surface area (both sides) measured in accordance with ASTM A 653. Use with Hot-dip galvanized fasteners.



**Gold Coat** is a proprietary multi-layer protection system. It is comprised of an organic top coat barrier layer and a zinc layer placed over a steel substrate. Use with Gold Coat or Hot-dip galvanized fasteners.

Customer Service 1-800-328-5934 • [MiTek-US.com](http://MiTek-US.com)

# L1 - Posts and Footings



**GUARDRAILS**  
 36" MIN. HEIGHT  
 4" MAX. OPENINGS

Handrails req'd., 34"-38" high, 1 1/2" dia., no closer than 1 1/2" to wall, return ends to wall.



**7 3/4" STAIRS** - 10" MIN  
 8" MAX. RISER 9" MIN. TREAD  
 6'-8" MIN. HEADROOM  
 AT LEAST ONE HANDRAIL REQUIRED  
 GUARDRAIL OPEN SIDES

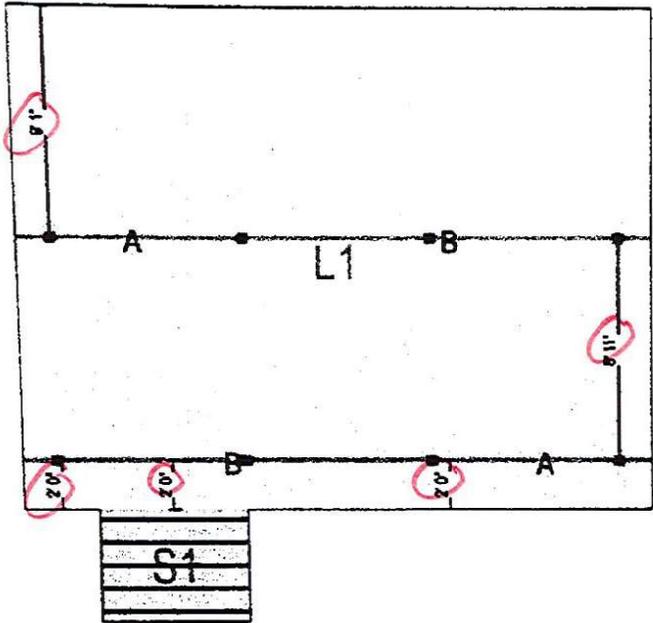
Plan Reviewed P.E.  
 Code Compliance  
 8.29.2024 BY THE  
 CITY OF BIRCHWOOD VILLAGE  
 JAMIE KRAMER  
 BLDG. OFFICIAL

Dimensions displayed are from center of post to center of post.

## L1 - Framing Posts

Label	Post Size	Count
A	6x6	8

# L1 - Beams



2 boards nailed together is 2 ply

**L1 - Lumber: 2 ply - 2 x 10 AC2**

Label	Length	Count
A	8' 11"	2 ✓
B	16' 7"	2 ✓

# memo

To: Mayor Ford and Birchwood Village City Council  
Chair Sorenson and Birchwood Village Planning Commission  
Rebecca Kellen, City Administrator

From: Ben Wikstrom, Planning Consultant

CC:

Date: November 20 PC Meeting; December 10 CC Meeting

Re: Planner Response to 483 Lake Avenue Appeal by Larry and Susie Mahoney

---

Each claim made in the appeal letter is summarized below, followed by my response as the Planning Consultant to the City. I will not include any of the “back-and-forth” since the letter was submitted.

**Claim: Zoning code requires neighbors to be notified of construction**

Response: The zoning ordinance requires notification of neighbors with whom a property line is shared when a fence is being constructed along that line; a building permit does not require notification of neighbors.

**Claim: Wall being constructed is not a continuation or like replacement of what was previously a privacy fence and labeled as such on previous plans**

Response: What was previously on the site and what is being constructed in no way meets the ordinance definition of a fence. What someone labeled it on a building permit sketch previously has no bearing on the definition or determination. It is a structure built onto a deck, as it was before. Whether or not it is a like replacement is the purpose of this hearing, and will be discussed further at the end of this response.

**Claim: This will add 20 feet of siding, 5 feet from line, making 104 feet of continuous siding**

Response: Part of this is the appeal to the City; the question is whether the siding is an expansion of a legal, non-conforming structure. The length of the siding has no bearing on the decision. For clarification, the house may be 5’ from the property line, but the deck and wall are not. Based on information from previous permits and court decisions, the deck is estimated to be 7.75’ from the property line.

**Claim: Pergola will be “anchored” by the wall**

Response: This is false. The “ceiling” joists of the pergola may be tacked to the wall to allow the screen to be secured or for general stability, but the building inspector and I ensured that the pergola was not supported by the wall.

**Claim: Pergola will have a roof and increase impervious**

Response: This is false; the pergola has screen material on all sides, including the ceiling/roof. There will be no increase in impervious, and the amount of impervious on the subject property has not been investigated.

**Claim: Pergola is a non-conforming structure built on a non-conforming deck, so a variance is required**

Response: The building inspector and I ensured that the pergola is not supported by the wall. It is supported by footings below and inside the footprint of the deck. Other types of construction may have been possible – such as a pergola kit one would place on the deck, or using post base anchors on the surface of the deck or notched construction on the deck joists, etc. – but this construction type makes the most sense and isn’t non-conforming.

**Claim: A 7-foot fence was erected in 2016, when 6’ is allowed by ordinance**

Response: This has no bearing on the current appeal.

**General response to appeal and pertinent subjects**

I have spoken twice to the appellants and twice (since the appeal) to the landowners. There has been much made of the history between these properties and owners, both in the appeal letter and in my conversations with each. Most of that is not germane to the code interpretation and the decision you will make. However, it is my understanding that the deck setback was made non-conforming by a court decision to allow an “adverse possession” of approximately 3.5 feet of property along the shared boundary. (The deck is approximately 47 years old, while the court decision was in the past 15 years.) While still not a critical component of this case, much of the appeal letter was written to suggest that this is a “non-conforming deck,” or an expansion of a non-conforming situation. Officially, that is true, and is the reason we are holding this hearing; the deck and the wall on it are “legally non-conforming” structures because of the side yard setback of approximately 7.75’. That setback came about by a court decision rendered without the setback ramification in mind. This may be pertinent to some of the findings of this case. The City Attorney, in one response to questions about the appeal, agreed that this is important to this case, regarding the setback issue.

In general, the appellants argue that the structure in question is a wall, when it used to be a fence. As stated above, the structure in no way would meet the definition of a fence. I assume the appellant is talking about the opaqueness from a certain angle, but that has no bearing on the definition of the structure. Here is the question that should end all discussion about what the structure is: if the wall (or fence, according to the appellant) that was torn down was proposed today for the first time, what kind of permit would be required? A fence permit or a building permit? It would be a building permit, no question.

While the level of opaqueness does not define the structure, the fact that it is a wall rather than a fence is important, as a wall has no opaqueness requirement, regardless of height, placement, setback, etc. The focus of this appeal is only whether the addition of siding onto the wall is an expansion of a legally, non-conforming structure (expansion is not allowed by statute). The previous wall could be seen

through from a certain angle, and the siding would not allow that. Whether you would consider that an expansion is the reason we are here. My contention upon first hearing of a complaint is that a wall by definition is a wall, and if the size is the same, then it is not being expanded; when this became an appeal, it is our responsibility to allow the appellant to be heard, to present the facts, and to render a decision through the process.

I will be available for questions at the meeting, and may have further comment or a verbal presentation, depending on the order of things.

Note: It was stated at one point that the siding is closer to the property line than the old wall. While siding is not among the exceptions to setbacks listed in the ordinance, that may be because it is even less of an encroachment than those exceptions listed. Additionally, a setback is measured to the foundation or lowest side wall of a structure, not to the siding. Considering these factors, I contend that the siding width is negligible when considering the setback, and would not constitute a further encroachment. Finally, the wall that was built of 2"x6" framing is now a 2"x4" frame, meaning the overall width is less, even with the addition of siding. It is true that the outside edge of the wall is at the same setback as previously, meaning the siding does overhang the edge of the deck by the width of the siding; this is the measurement I believe should be considered negligible due to the fact that setbacks are measured to the foundation (or lowest wall if the foundation is not exposed), and would match with the intent of listing exceptions to the setback in the zoning ordinance. Put another way, if a survey for a building permit showed the outside edge of a house/wall/deck/etc., it would show the measurement on the ground, not a measurement to the elevation of any siding, railing, exterior window sill, etc.



**FW: Revisions**

---

**From** JOHN T Kramer <INSPJACK@msn.com>

**Date** Sat 10/26/2024 1:45 PM

**To** dkeller99@gmail.com <dkeller99@gmail.com>

**Cc** Rebecca Kellen <Rebecca.Kellen@cityofbirchwood.com>; H.A.Kantrud <hakantrud@protonmail.com>

 2 attachments (7 MB)

Harrod 10\_21\_24.pdf; 428\_24-0095, 483 lake ave PERMIT-.pdf;

Hell Dan,

The City has received an appeal on Friday regarding this project. The appeal is with regard to the siding that you planning to install on the wall ,which adjoins the neighboring property.

Based the appeal process the city requires you not to install the siding on the wall. The remainder of the work can continue, however the siding issue will need to be addressed by the Planning Commission.

Thank you, for your anticipated cooperation.

Jack Kramer

Building Official

---

**From:** Dan Keller <dkeller99@gmail.com>

**Sent:** Monday, October 21, 2024 7:46 PM

**To:** inspjack@msn.com; benwikstrom@gmail.com; Debbie Harrod <debbielharrod@gmail.com>

**Subject:** Revisions

Attached are the revisions as we discussed today.

Jack there is choices on how to notch the 6x6 bottom at the wall on page 7. I feel that two smaller notches equaling 1 1/2" bilaterally would be more stable than 1 1/2" notch on one side. Thoughts?

Dan Keller

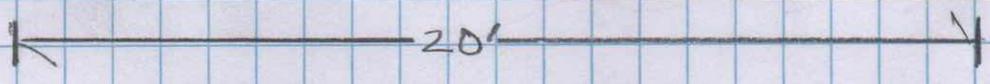
651.775.4014

### Changes made

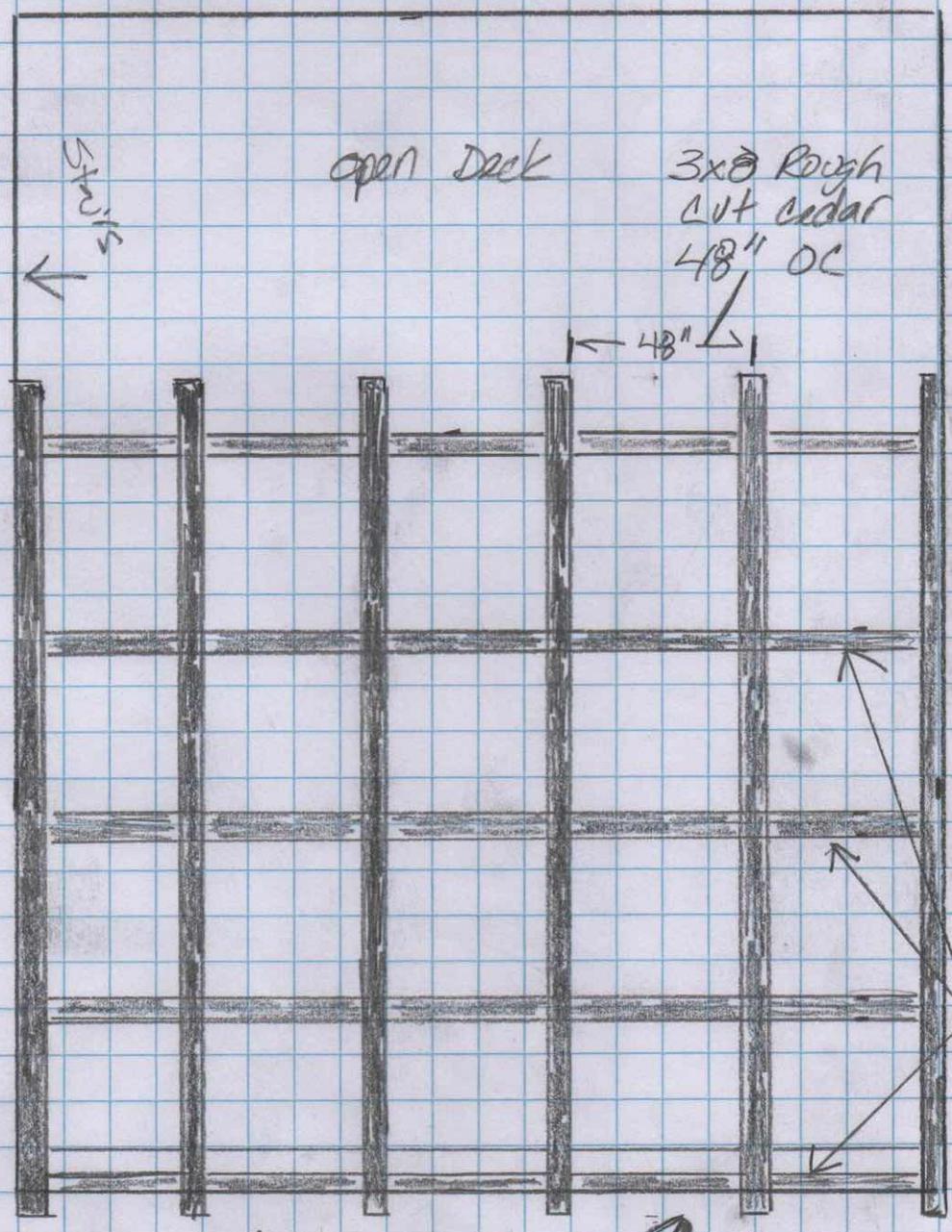
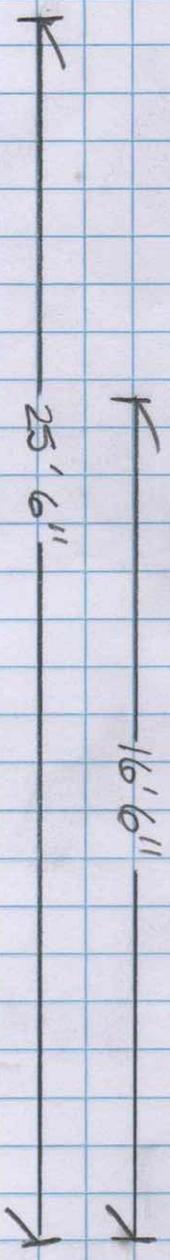
- Center posts removed from side B and side C
- Header for B will change from Double 2x10 to a Triple 2x10 to accommodate load.
- Rafter will no longer be supported by side D wall, they will be supported by Header inside Pergola (page 5)
- Rafter spacing will increase from 2' o.c. to 4' o.c.
- Screen supports will be added as needed to walls
- Railing changed to 4x4 Cedar posts with cable system

SIDE B

1/4" = 1 Foot



SIDE C



SIDE A  
Horse Side

2x6 cedar Blocking  
screen supports

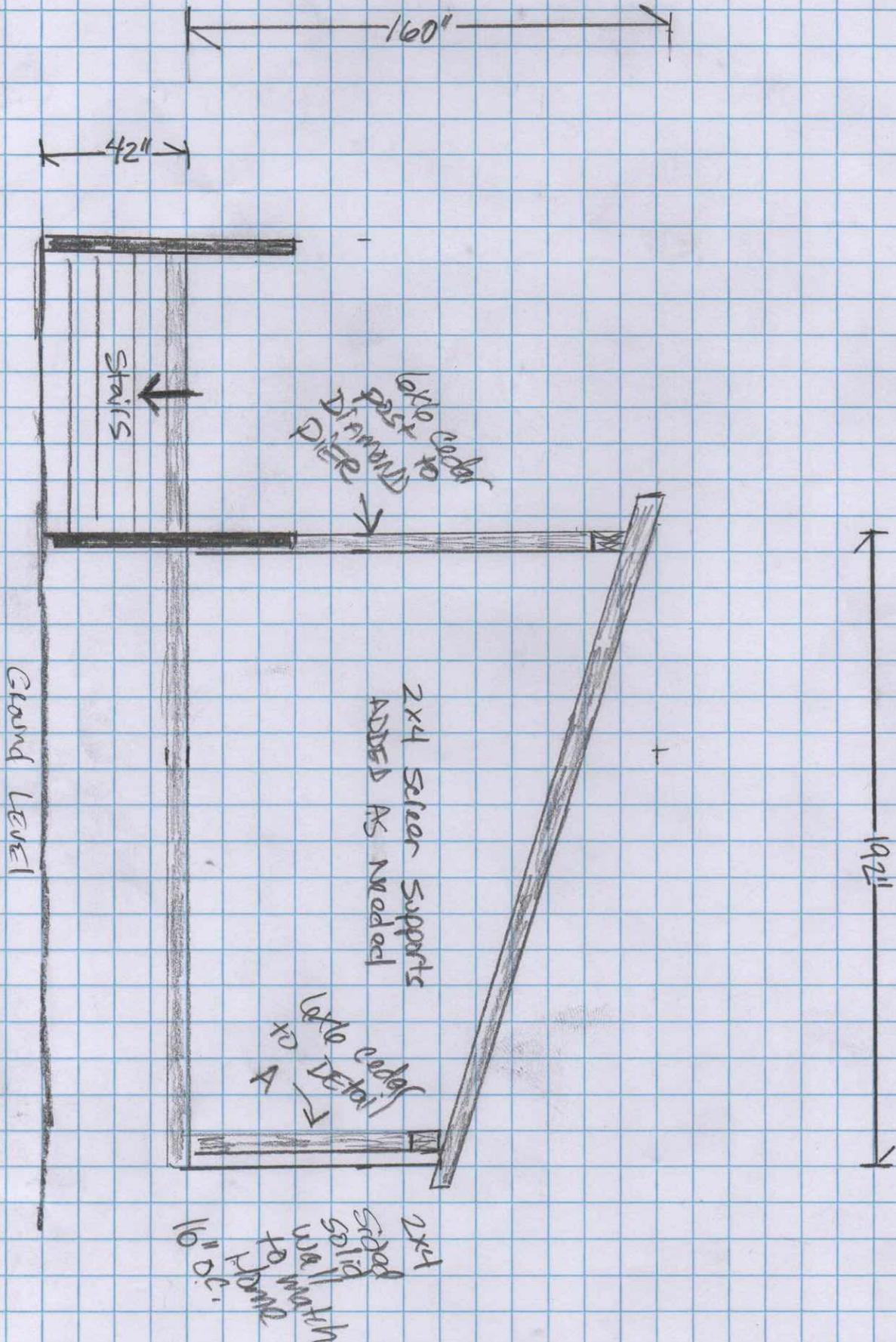
sided solid 2x4 wall to  
match home

SIDE D



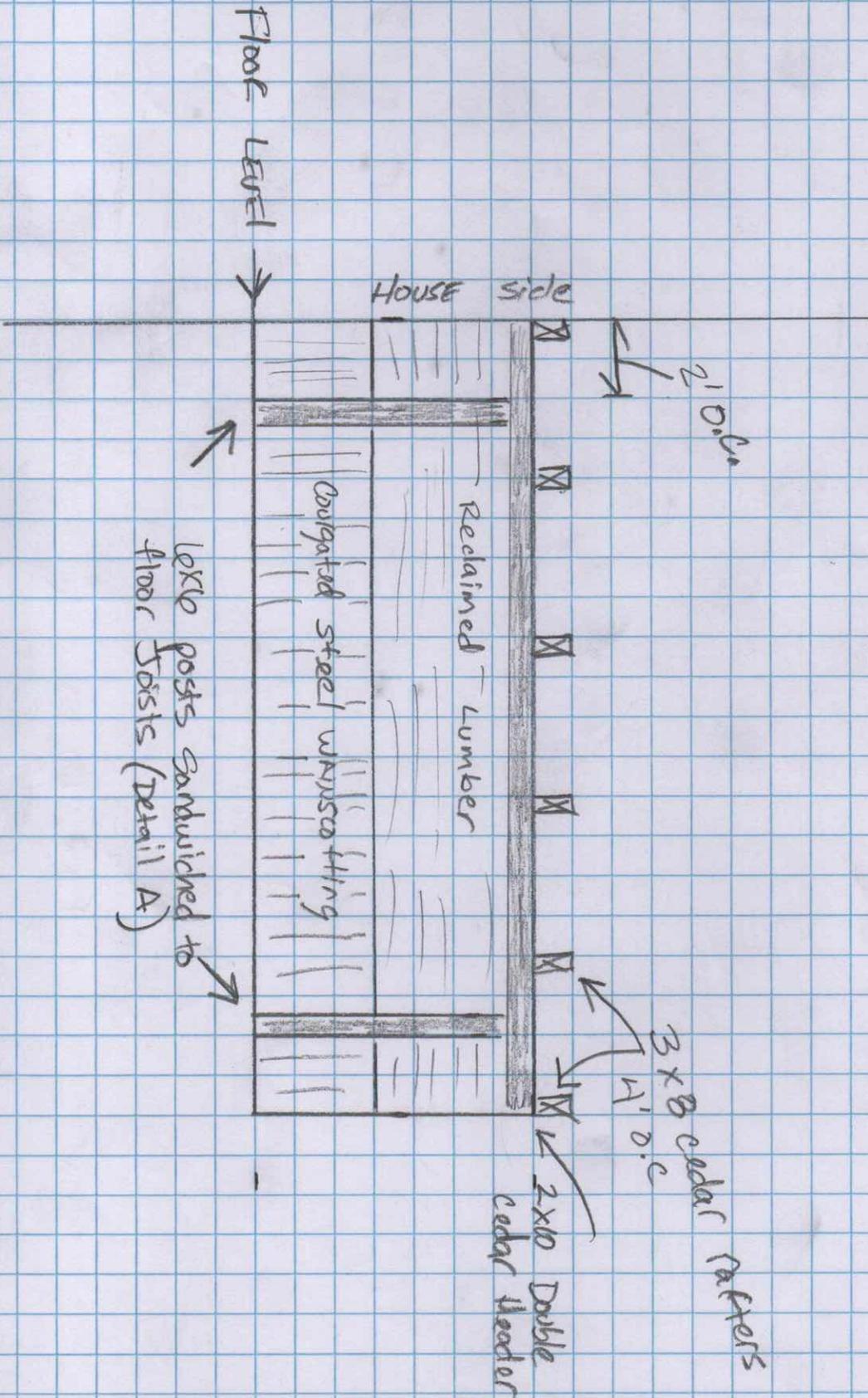
1/4" = 1 Foot

VIEW FROM LAKE / SIDE C



1/4" = 1 Foot

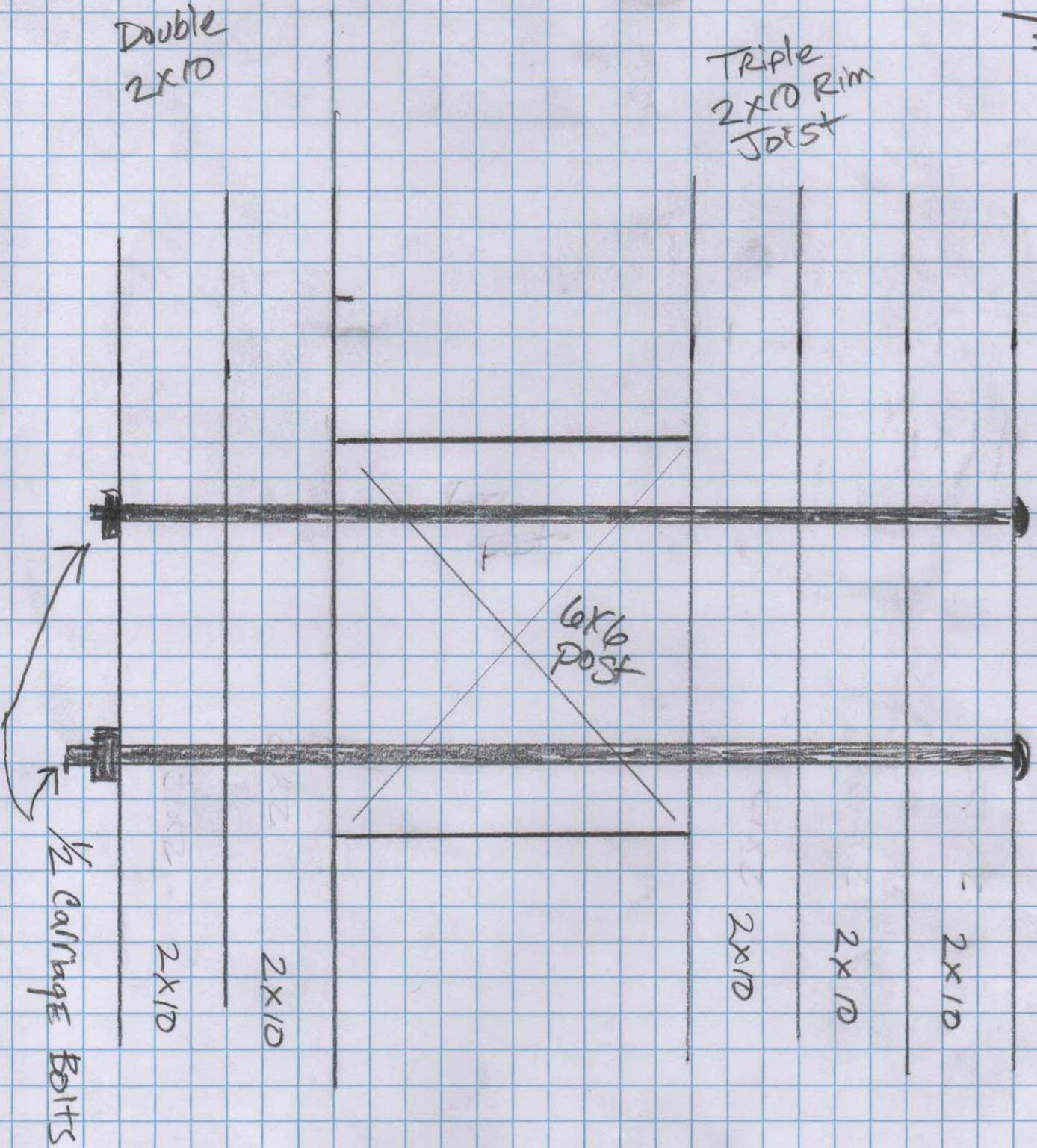
SIDE D / VIEW FROM INSIDE

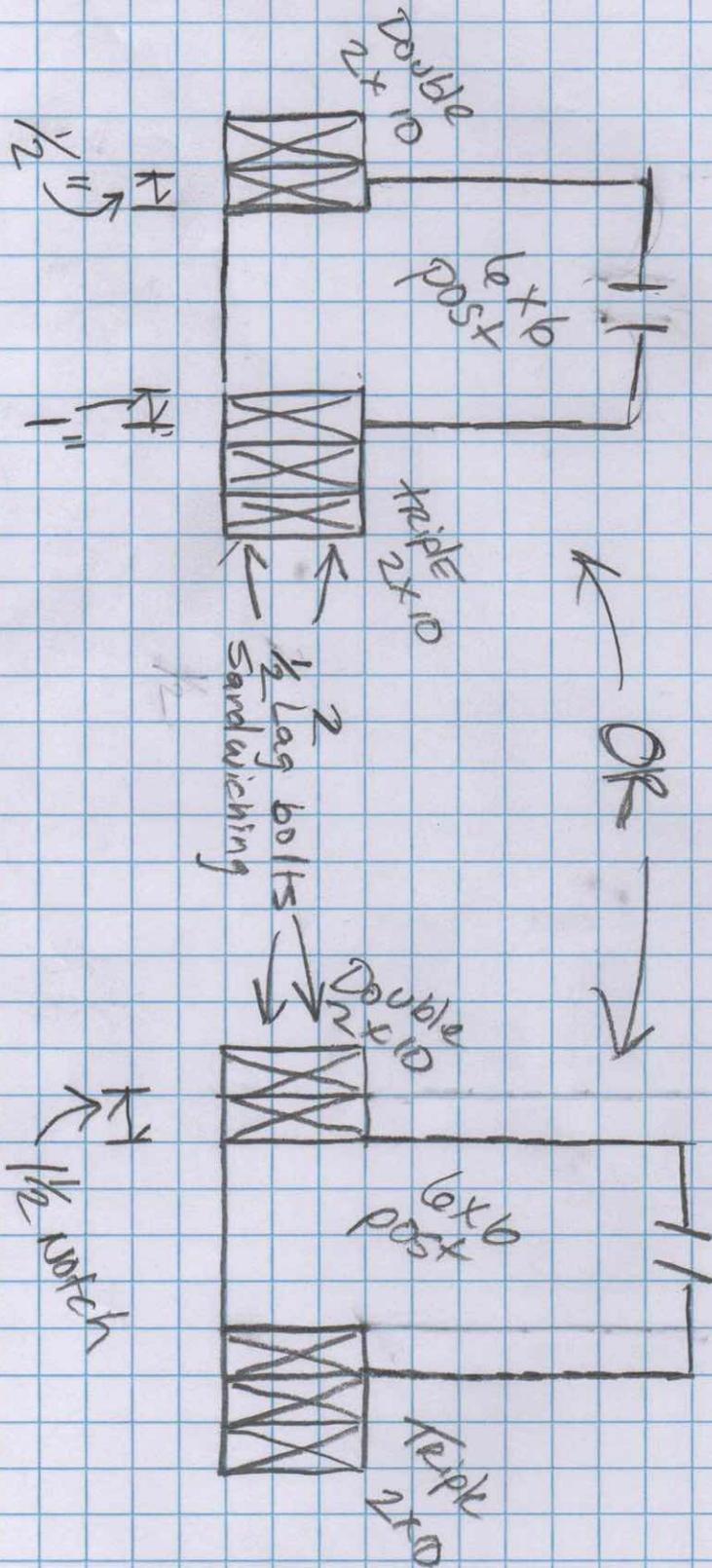


10x10 posts sandwiched to floor joists (Detail A)

1/2" = 1"

DETAIL A View From ABOVE





6x6 post notch at wall  
SIDE VIEW

would it be better to notch the 6x6  
1/2" on one sided  
and 1" on the other  
side  
OR  
1/2" on the outboard  
side





Permit#: 24-0095

### Permit

**Application Date:** August 26, 2024  
**Permit#:** 24-0095  
**Location:** 483 LAKE AVE, CITY OF BIRCHWOOD  
**Applicant Name:** Debbie Harrod  
**Email:** debbielharrod@gmail.com  
**Property Owner Name:** HARROD JAMES J & DEBRA L  
**Property Owner Email:** debbielharrod@gmail.com  
**Contractor:** *Homeowner*  
**Contractor Email:** debbielharrod@gmail.com  
**Contractor License:**  
**License Expires on:** *Homeowner*

**Expiration Date:** February 26, 2025  
**Parcel #:** 3003021130027  
**Permit Type/use:** Building Permit  
**Address:** 483 Lake Ave  
**Phone:** 6122464612  
**Address:** 483 LAKE AVE, WHITE BEAR LAKE MN 55110  
**Phone:**  
**Address:**  
**Phone:** 6122464612  
**Project Valuation:** \$\$15,000

**DESCRIPTION OF WORK:** Original permit applied for in 2020--Extended per JK but will provide updated design. Permit was paid in 2020 but additional fees will apply due to changes in scope. Work to be done: Replace existing deck and wall due to rotting footings and wood. Add a screen perogola on top of deck.

### Fees

Date	Description	Paid Date	Amount	Paid	Balance
September 3, 2024	Plan Check Fee		\$72.31		
September 3, 2024	State Surcharge		\$2.40		
September 3, 2024	Building Permit Fee		\$111.25		
<b>TOTAL: Permit Fees</b>			<b>\$185.96</b>		<b>\$185.96</b>

### Inspectors

Please allow 24 hours minimum notice for inspection requests.

Inspection Type	Inspector Name	Contact Information
Building /HVAC/ Plumbing	Jack Kramer	Phone: 651-351-5051 Email: inspjack@msn.com
Sewer Water	John Manship	Phone: 651-426-9386
Electrical	Don Edel	Phone: 507-210-8233

### Birchwood Village Contacts

Main Phone# 651-426-3403  
 Email Address:  
 therese.bellinger@cityofbirchwoodvillage.com

Permit Approved On: \_\_\_\_ / \_\_\_\_ / \_\_\_\_  
 By the City of Birchwood Village

\_\_\_\_\_  
 Jack Kramer - Building Official  
 \_\_\_\_\_ / \_\_\_\_ / \_\_\_\_  
 Ben Wikstrom - City Planner Date  
 \_\_\_\_\_ / \_\_\_\_ / \_\_\_\_  
 Marcus Johnson - City Engineer Date

## City of Birchwood Village

Intellipay <noreply@intellipay.com>

Tue 9/3/2024 1:09 PM

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

## City of Birchwood Village

### Payment Receipt

Debbie Harrod

483 Lake Ave

Unit 10

Cape Coral MN 33904

6122464612

debbielharrod@gmail.com

**Your payment was successfully processed.**

Thank you. Your payment has been received.

Customer Account:	Buliding
Invoice:	C44637006
<b>Payment Amount:</b>	<b>\$185.96</b>
<b>Service Fee:</b>	<b>\$5.58</b>
<b>Payment Total:</b>	<b>\$191.54</b>
Payment Date:	09/03/2024
Card Number:	4..7806
Name on Card:	Debbie Harrod
Card Type:	Visa Card
Authorization Code:	05553D
Reference Number	C44637006P77556534
Comments:	
Payment Origin:	Online Payment Terminal
Agent:	Online Payment Page
Merchant#:	M8145

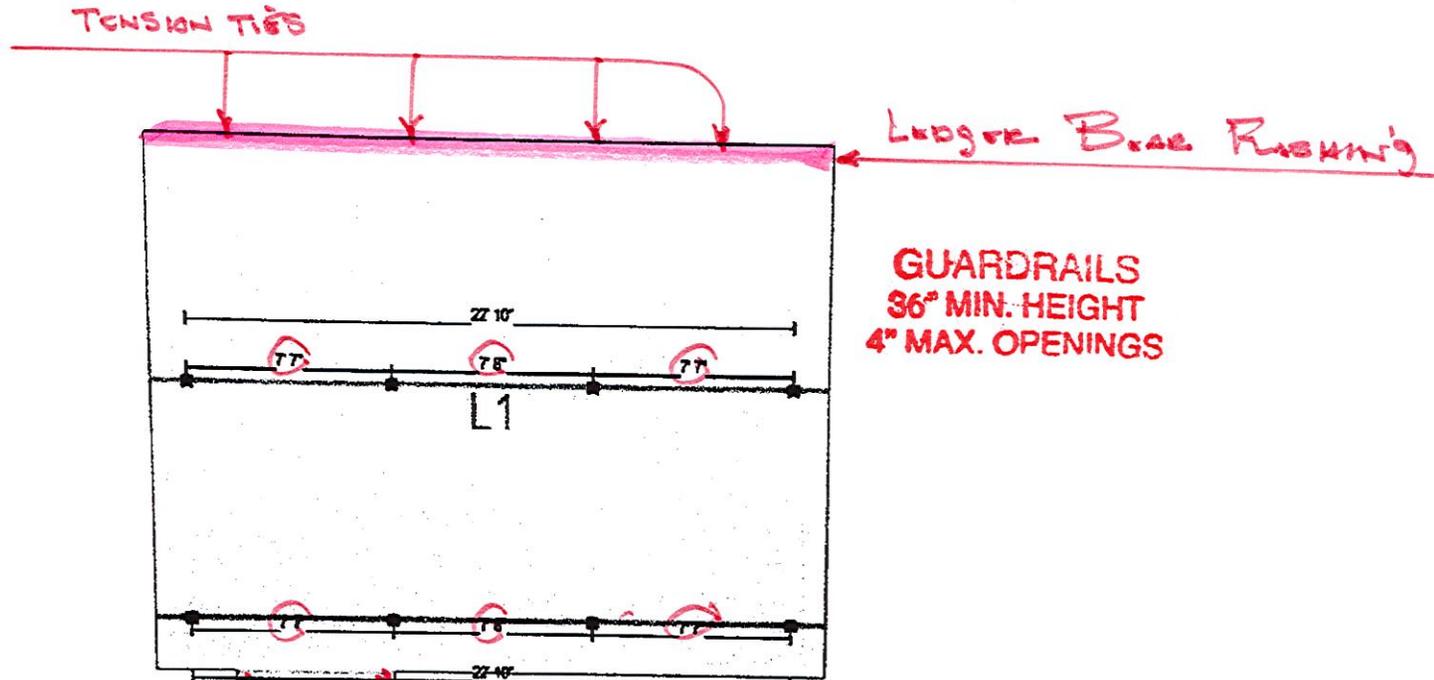
### Building/Planning/Zoning Permit

Permit Type: Buliding

Permit Number: 23-0095

Thank you,  
City of Birchwood Village

# L1 - Posts and Footings



Handrails req'd., 34"-38" high, 1 1/4" dia., no closer than 1 1/2" to wall, return ends to wall.

**7 3/4" STAIRS** - 10" min  
**8" MAX. RISER 9" MIN. TREAD**  
**6'-8" MIN. HEADROOM**  
**AT LEAST ONE HANDRAIL REQUIRED**  
**GUARDRAIL OPEN SIDES**

Plan Reviewed F.I.E  
 Code Compliance  
 8.29.2024 By THE  
 CITY OF BIRCHWOOD VILLAGE  
 JAMIE KRAMER  
 BLDG. OFFICIAL

Dimensions displayed are from center of post to center of post.

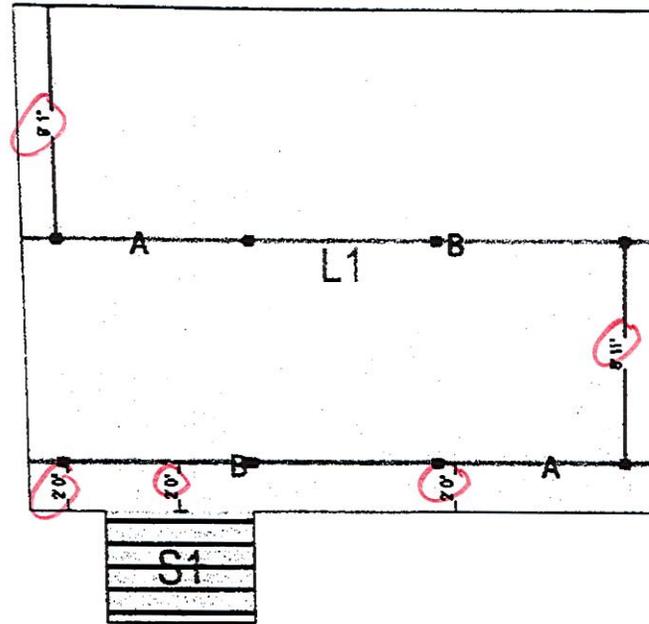
## L1 - Framing Posts

**Label**  
 A

**Post Size**  
 6x6

**Count**  
 8

# L1 - Beams

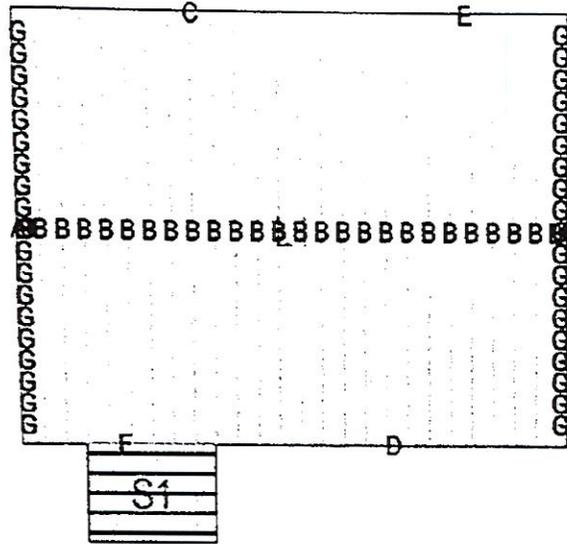


2 boards nailed together is 2 ply

**L1 - Lumber: 2 ply - 2 x 10 AC2**

Label	Length	Count
A	8' 11"	2 ✓
B	16' 7"	2 ✓

# L1 - Joists

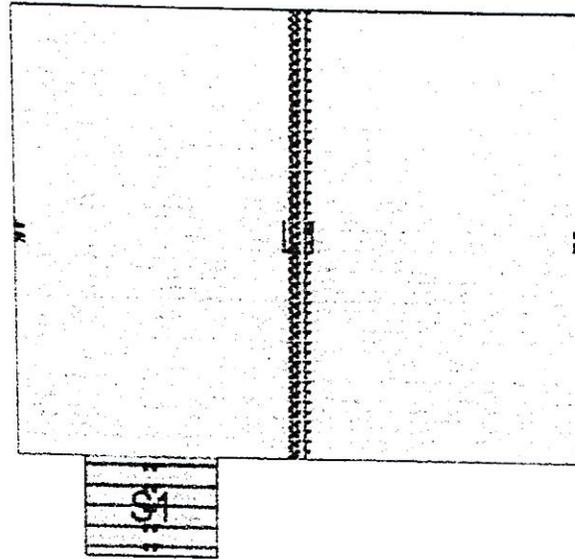


**Lumber: 2 x 10 AC2**

**Joist Spacing: 12" on center**

Label	Length	Count	Usage
A	20' 0"	2	Rim Joist ✓
B	19' 9"	26	Internal Joist ✓
C	16' 0"	1	Ledger Joist ✓
D	16' 0"	1	Rim Joist ✓
E	9' 3"	1	Ledger Joist ✓
F	9' 3"	1	Rim Joist ✓
G	4"	38	Picture Frame Joist ✓

# L1 - Deck Boards and Treads



Decking over 240" is shown as one length and decking must be spliced - multiple lengths of decking may be estimated. The deck board lengths and/or quantities may need to be adjusted based on framing or the deck board splice pattern you prefer. Please review the deck board lengths and quantities prior to the start of your project. A divider board may be added to improve the look and eliminate splices. To add dividers, recall the design and add a divider on the Design>Decking tab in the program.

## Deck Board

Length	Count
24' 7"	43

## Pictureframe

Length	Count	Length	Count
20' 0"	2	24' 7"	2

# L1 - Railing Posts

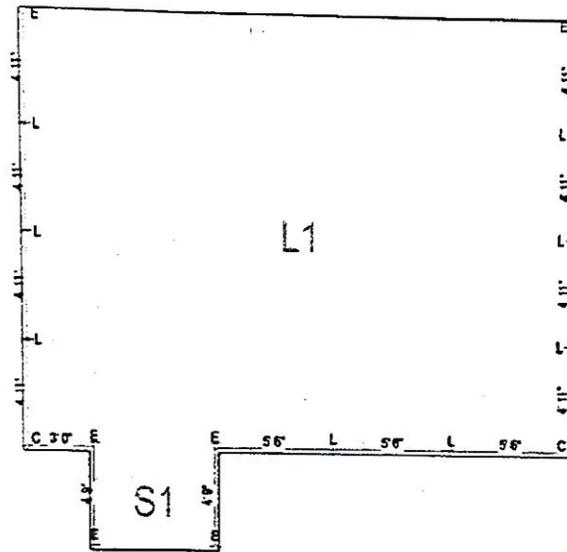


Illustration does not represent all available railing post placement options.  
Railing post dimensions are on center.

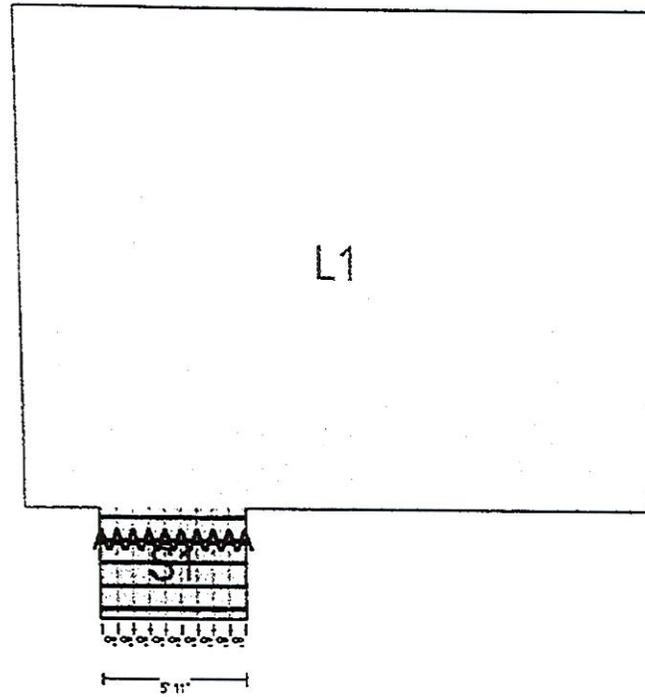
## L1

Label	Count
C - Corner Post	2 ✓
E - End Post	4 ✓
L - Line Post	8 ✓

## S1

Label	Count
E - End Post	2 ✓

# L1 - Stair Framing



## S1 - Stringer

Label  
A

Length  
4' 8"

Count  
10 ✓



Goal is to replace existing deck and privacy wall that has deteriorated with same size and add a screened in 16'6" x 20' pergola. ✓

Plans are drawn as 1/4"=1'

Actual sizes will vary to conform to actual existing deck dimensions

### **Deck**

Decking material will be composite and built to Menards plan. ✓

Footings will be diamond pier type footings with 60" rods. ✓

Railing will be Westbury Verticable railing. ✓

All framing will be replaced and treated lumber will be used. ✓

### **Pergola**

Rough cut dimensional cedar will be used ✓

6x6 posts

2x10 double header (see detail A) ✓

2x8 pergola rafters 2' on center ✓

2x4 screen supports ✓

Ornamental wood ties rafters clips will be used at both header and wall side ✓

All fasteners will be ACQ rated ✓

A screen door will be added on side B, location to be determined ✓

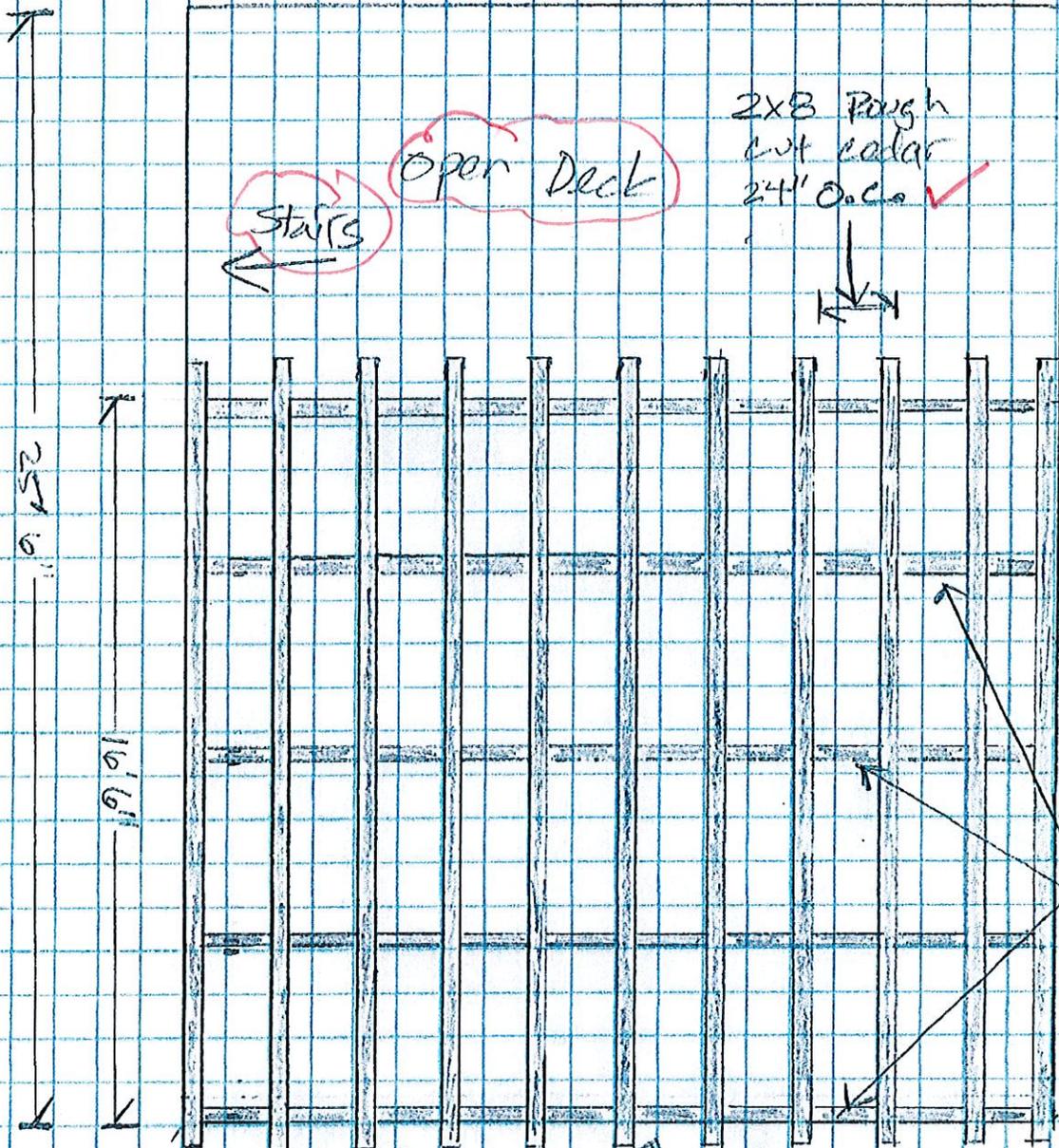
Inside of side D wall will be finished with reclaimed cedar on top 2/3 and

bottom 1/3 will be corrugated galvanized steel ✓

Outside of side D wall will be finished with siding to match home ✓

Side D wall will be framed 16" on center with green treated materials. The top will be flashed with steel or aluminum and slightly pitched away to prevent standing water ✓

Side B



Open Deck

Stairs

2x8 Rough cut cedar 24" O.C. ✓

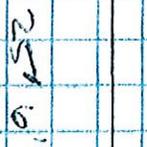
Side A  
Horse side

2x10 Rough cut cedar blocking screen supports ✓

Sided solid 2x4 wall to match home ✓

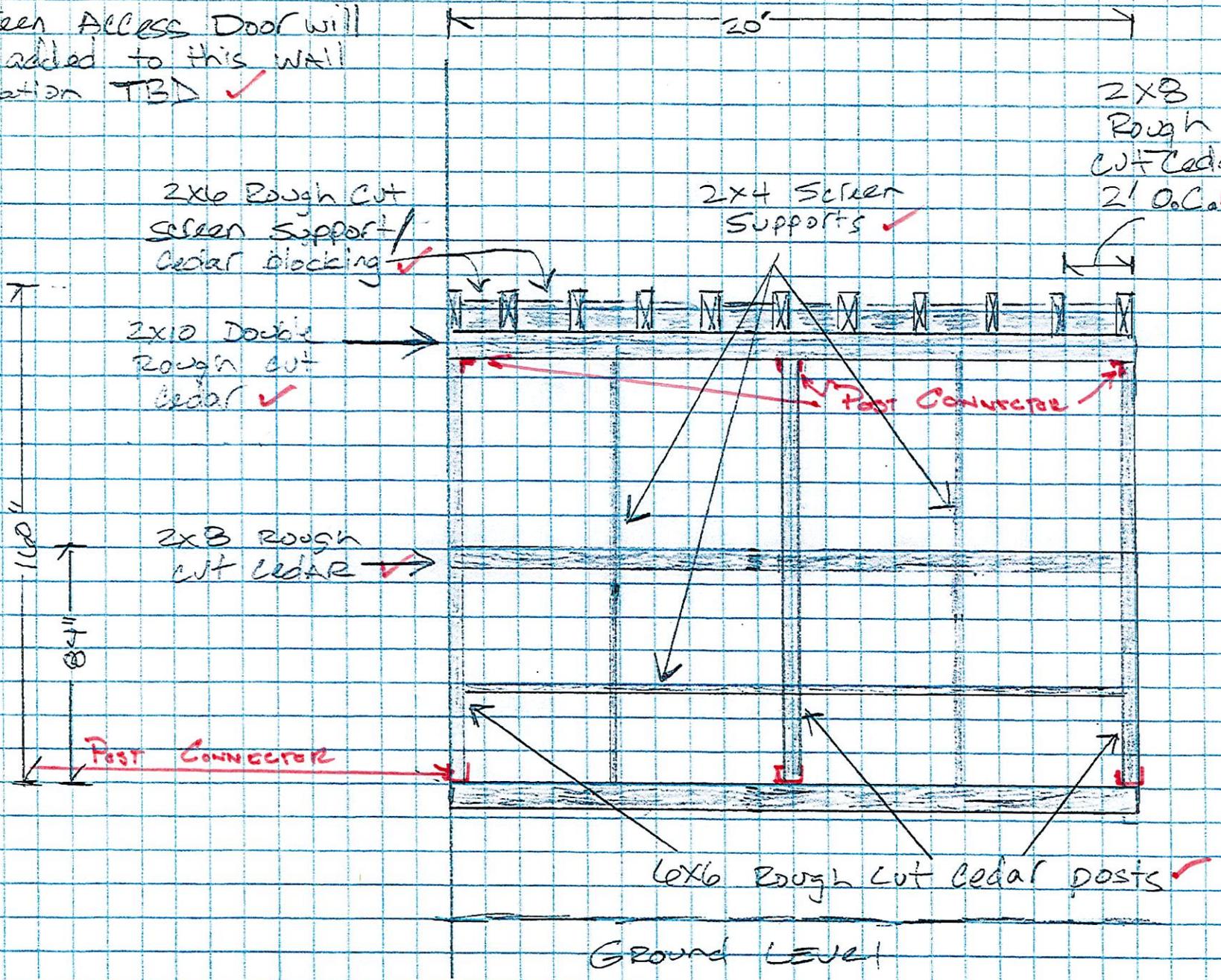
Side C

Side D



Side B

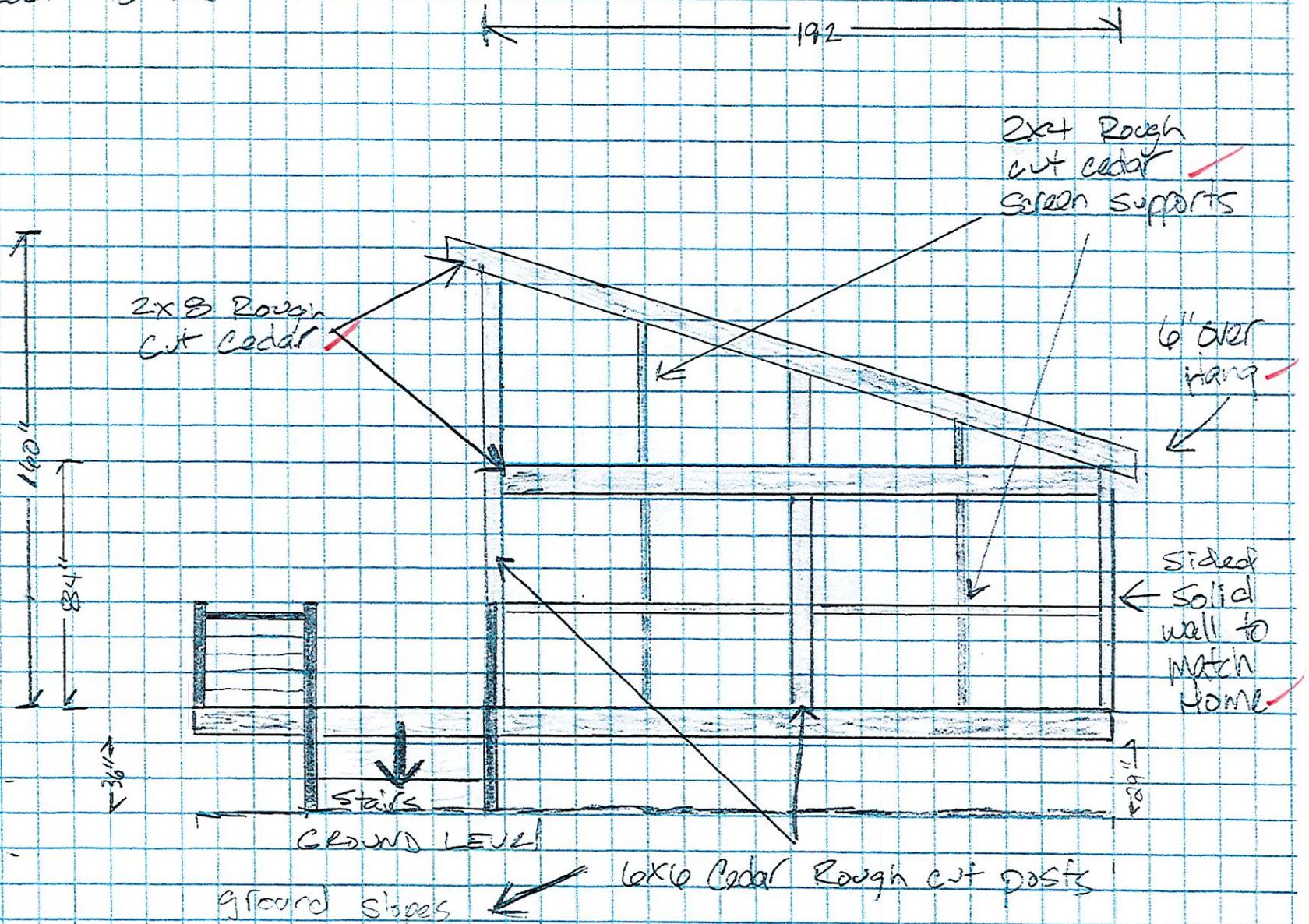
Screen Access Door will  
Be added to this wall  
Location TBD ✓



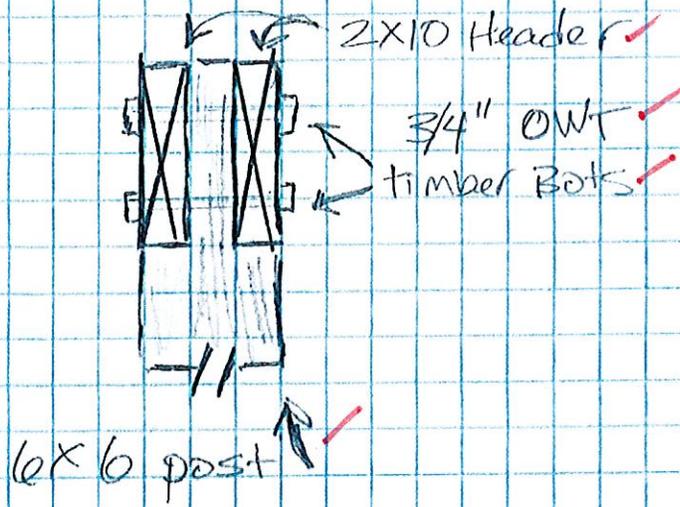
# View from Lake / Side C

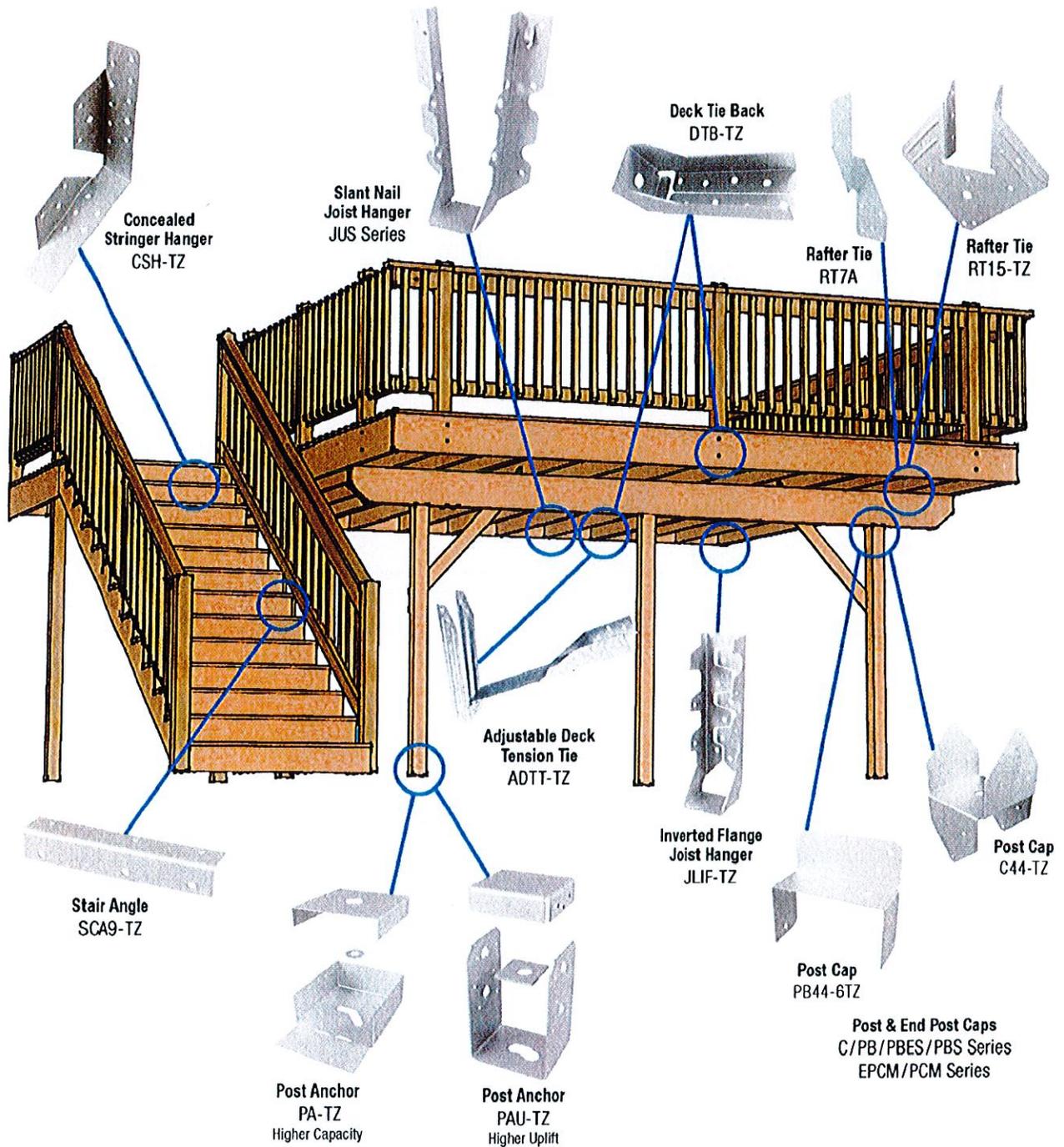
1/4" = 1 Foot

4/12 roof to match Home



Detail A

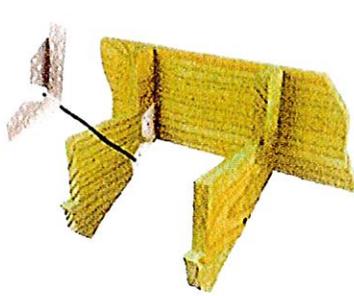




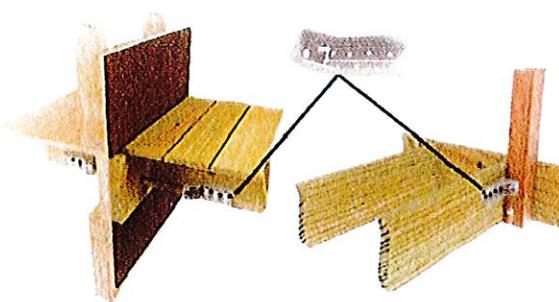
Disclaimer: Some of the products displayed are optional and not estimated

Customer Service 1-800-328-5934 • [MiTek-US.com](http://MiTek-US.com)

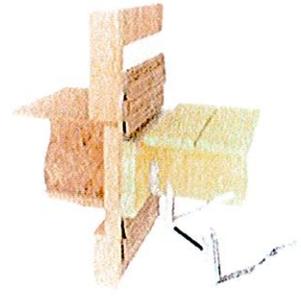
# Deck Hardware Installation



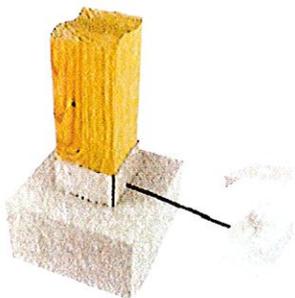
Typical CSH-TZ installation



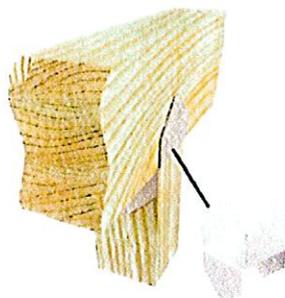
Typical DTB-TZ installations



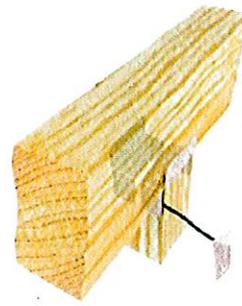
Typical ADTT-TZ installation



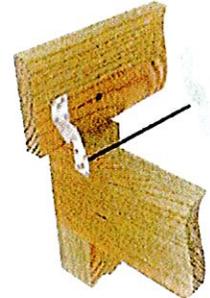
Typical PA-TZ installation



Typical C44-TZ installation



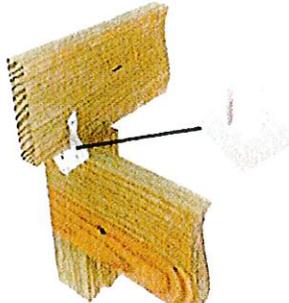
Typical PB44-6TZ installation



Typical RT7A installation



Typical SCA9-TZ installation



Typical RT15-TZ installation

The type and quantity of fasteners used to install MiTek products is critical to connector performance. MiTek has a full range of structurally-rated fasteners for wood frame structures. Hot-dip galvanized, stainless steel, and Gold Coat corrosion resistant finishes are available for exterior applications.



## MiTek Deck Hardware is available in Triple Zinc (TZ) and Gold Coat (GC).



**TZ galvanizing** provides a prefabrication coating of 1.85 (G-185) ounces of zinc per square foot of surface area (both sides) measured in accordance with ASTM A 653. Use with Hot-dip galvanized fasteners.



**Gold Coat** is a proprietary multi-layer protection system. It is comprised of an organic top coat barrier layer and a zinc layer placed over a steel substrate. Use with Gold Coat or Hot-dip galvanized fasteners.

Customer Service 1-800-328-5934 • MiTek-US.com



Permit # 24-0095

We applied for a permit with the city to rebuild our 47 year old deck/wall in 2020. The city issued us a permit. It was during covid and building supplies were not readily available, so we waited.

In the summer of '24 we decided to do the project. We worked with the city personnel, building inspector, city planner, building commission to update the plan that was approved on 9/3/24. We updated the plan again to include more construction detail. That plan was approved on 10/21/24. The plan was approved 3 times by the city without a variance. (2020, Sept. of 2024 and Oct. 2024).

We explained to all people involved that there would be a complaint. We asked the city planner if he needed to come out to look at the deck and wall before we tore it down. He stated in an email August 14th, 2024. **"Bottom line-looking at this from my perspective as the planner, I don't need to review anything further based on our conversations and what you sent."** (see email)

The builder tore the deck and wall down.

We diligently worked with city staff and building officials to make sure this plan was in compliance throughout the planning process.

Facts in response to the initial complaints:

- The deck plan was approved 3 times without a variance by city officials.
- The deck, wall and pergola are constructed per the approved building permit.
- **The wall has already been determined to be a wall NOT a fence.**(See city response, Oct 24th, 24)
- City response **"The new wall does not have to match the appearance or construction of the previous wall"** (Oct 24th, 2024).
- The building inspector, Jack Kramer, explained to us why the pre- existing structure (the wall) does not meet the definition of a fence; it was attached to the house and built on the top of the deck.
- The wall can be constructed in the same size and height as it was previously built. We built it smaller and more conforming...
- The wall was a 2" by 6" wall and is now a 2" by 4" wall.
- The wall is 2 inches narrower, and 1 inch shorter making it more conforming.
- The wall had vertical louvered slats. We asked the building inspector if we could build a solid wall and he said **"I don't believe a solid wall vs open makes a difference"**. (See email Aug 14th, 24). This is considered an improvement, since the wall was 47 years old and not structurally sound.
- We planned a solid wall with siding. Two **approved** plans state **"siding to match the house"**.
- The builder (a small business owner) purchased all the materials to construct the deck, pergola and wall with siding. (special order non returnable).
- The builder suggested matching the wall with the house siding to make it look nice for the Mahoneys side, even though they state it is **"Impossible"** to see the wall from their lot. (see attached pic and court case, #82-CV-20-3615).

- We were told by the city planner we could rebuild the wall with “like” materials. We are building the wall with wood, the same material. We have been told by the city planner multiple times that a **“wall is a wall and can be solid”**.
- We want a solid wall because our neighbors, the Mahoneys’, have cameras with microphones attached to their garage which is very close to our deck. They also sit in chairs that are right next to our deck. They can hear **everything** we say. This is an invasion of privacy and harassment.

The wall has **ZERO** effect on the Mahoney’s as they cannot even see the wall. (See pic). They even admit in court case (#82-cv-20-3615 dated 4/21/21 see attached) **“that they (the Mahoneys) planted over 30 evergreen trees for year round privacy....making it nearly impossible to see the Harrod’s home.”** Yet the Mahoneys say they don’t want to look at our long house structure even though it is **“IMPOSSIBLE TO SEE”**. There is **NO NEGATIVE** impact or hardship to the Mahoney’s or their property.

Response for additional complaints from the appeal:

- In their appeal Mahoney’s added that we labeled it as a “fence on the plan from the 2009 garage plan”. This is incorrect. This was a totally different structure that was back by the road and it was in the ground.
- Mahoney’s claim that the wall is 5 feet from the lot line, which is also incorrect. It’s greater than 7.75 feet and this can be verified by our registered survey.
- Our 47 year old deck was in compliance with current code setbacks until the Mahoney’s **adverse possessed** (stole) 3.5 feet of our property on 11-24-2015 (court case # 82-CV-13-301) which caused our deck to be non-conforming with current code. Now, in Oct 2024 they are complaining about an issue **they created by adverse possessing (stealing) 3.5 feet of our property, in a court of law.** (See attached judges decision from 11/24/2015).
- The impervious surface complaint is irrelevant because there is no roof.
- “The Harrod’s have previously ignored city ordinances” is not true and slanderous. We never put up a 7 foot fence. We built a 6 foot fence per city code and our issued building permit.

We have documented over 22 unsubstantiated complaints by the Mahoneys, since 2008 using the city, courts, police, and White Bear Lake conservation district etc... as venues of harassment towards us, making it **IMPOSSIBLE** for us to enjoy our own property.

The Mahoney’s are once again using the city to **harass** us, and invade our privacy. This is a **frivolous** complaint and appeal.

State statue #394.36 says.....Any non-conformity can be continued through, repair, replacement, restoration, maintenance or improvement. Putting siding on a wall is simply an improvement.

**Please support our city building officials and staff’s decision on our building permit, which has already been approved 3 times.**

Regards,

The Harrods, 483 Lake Ave



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

[REDACTED]

October 17, 2024

Re: Complaint Regarding 483 Lake Permit

Dear [REDACTED]

The City has investigated your complaint regarding the building permit issued for 483 Lake dated October 8<sup>th</sup>, 2024.

The valuation of the project on the permit that was issued was \$15,000, as indicated by the applicant. The City does not police this issue specifically as it does not directly impact the planning, zoning and building that the City does concern itself with. In these cases, the role of the City's Assessor is to review all Birchwood Village's issued building permits and ensure that increases in property values are applied if construction work raises the property value of a given property as a result of the work. The Assessor, in fact, has assured me that he does his own valuation despite what an applicant may write on a permit; so project valuations and their effect on property values, for assessment-purposes, are determined independently by the City's Assessor, with the permit as a guide more than anything.

The other concern in your complaint was the possible need for a variance due to the replacement of a structural divider that you suspect of being converted into a wall. Our City Building Official and City Planner have investigated this issue based on your complaint. To that end, here is an email I received from our City Planner, Ben Wickstrom, regarding your concern that the structure that existed is being converted into a wall.

"After reviewing the submitted materials and a letter sent by a complainant, and discussing the matter with the City Attorney, it is my opinion that the structure in question (that has been removed and is planned to be replaced) did not meet the ordinance definition of a "fence," and was, by definition, a wall. This allows replacement of the wall in the same location and to the same dimensions. The new wall does not have to match the appearance or construction of the previous wall; a "like" structure is what is allowed as a replacement. The important thing when considering the state statute and the local ordinance related to legally non-conforming

structures is that the wall is not increased in size or placed in a location that changes (increases) the non-conforming aspect."

Based on this assessment, the City will not order work to stop on the project. The City Planner and City Building Official are continuing to monitor the project for compliance.

Per the City Code: if you want to make a formal, "administrative appeal," of the decision to issue the building permit, pursuant to Section 310, that window of time runs from the date of the decision out 30 days at which point the opportunity to, "appeal," a decision on the matter closes.

If you elect to appeal the decision regarding the issuance of the building permit, your appeal will be heard by the Planning Commission and ultimately by the City Council. A decision will be rendered by the Council either upholding the decision or overturning it. In the case of the propriety of the issuance of a building permit: the Council may uphold the issuance in its entirety, suspend the permit for other/additional information, modify the permit with additional requirements or rescind the permit entirely. Please make any administrative appeal you would like regarding this decision within 30 days of the date of this letter.

Thank you for your concern regarding this matter and please contact the City if other matters are observed that require further review of this project.

Regards,



Rebecca Keilen  
City Administrator  
City of Birchwood Village



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## 483 Lake Ave Birchwood Deck Permit #2020.57

1 message

---

**Ben Wikstrom** <benwikstrom@gmail.com>  
To: Debbie Harrod <debbielharrod@gmail.com>  
Cc: Jim Cell <jharrod444@gmail.com>

Wed, Aug 14, 2024 at 5:02 PM

Debbie,

Thank you for sending these. I think I understand the location of the wall by your description and the aerial I looked at. If you are replacing that in the exact dimensions (or smaller) than existing, that is not a problem. I don't believe a solid wall vs. open makes a difference. As for the pergola, I don't have any concerns from a planning and zoning perspective and wouldn't require a separate permit for that. It might be worth checking with the building inspector if the fees for the permit will need to be changed since, as I mentioned, the permit fee is based on valuation of the project. I don't know if that is of any concern to him or the City, or if his inspections change (which would require a higher fee based on what he bills the City).

I hope that all makes sense. Bottom line - looking at this from my perspective as the planner, I don't need to review anything further based on our conversation and what you sent.

Thank you.

Ben Wikstrom  
Planning Consultant  
City of Birchwood Village

[Quoted text hidden]



Harrod's ~~Deck~~ Deck

View From Mahoney's Lot

Third, Mrs. Mahoney does not even handle the video security cameras, Mr. Mahoney does. Mr. Mahoney testified he occasionally charges them in his upstairs office. He advised the Harrods in November 2019 the camera was not connected. (Resp't Ex. No. 106, p. 1 ("The camera you mentioned upstairs is not even connected.")). The Mahoney home also sits entirely in front of the Harrod home. There is a fence and over thirty evergreen trees the Mahoneys planted for year-round privacy at the property boundary making it nearly impossible to see the Harrod home. Yet, despite this reality, Mrs. Harrod perceives this as harassment.

Fourth, the water cover on the detached garage by Lake Avenue was believed to be

17. As described above in detail, until the Harrods' 2012 Lake & Land survey, for all intents and purposes, the Mahoney property consisted of the land immediately north of the stone/cement wall along the streetside of their property, in a straight line up to the edge of wooden retaining wall on the lakeside of the property. The Mahoneys made improvements on the land, maintained the land, planted trees and grass on the land, erected permanent benches on the land, and paid taxes for the land.

18. As a matter of law, the Mahoneys have established that they have acquired title by adverse possession for a boundary at the edge of the stone/cement wall and continuing down to the end of the wooden wall by the lake and legally described by Mr. Thurmes as follows:

That part of Lots 18, 19 and 20, Block 1, LAKEWOOD PARK THIRD DIVISION and that part of Government Lot 2, Section 30, Township 30, Range 21, Washington County, Minnesota, described as follows:

COMMENCING at the southwest corner of the Southeast Quarter of said Section 30; thence on an assumed bearing of North 89 degrees 44 minutes 40 seconds East along the south line of the Southeast Quarter of said Section 30 a distance of 749.36 feet; thence North 00 degrees 15 minutes



MEETING MINUTES (Draft)

Birchwood Planning Commission Regular Meeting

City Hall - 7:00 PM Regular Meeting 11/20/2024

Submitted by Michael Kraemer – secretary

COMMISSIONERS PRESENT: – Andy Sorenson - Chairperson, Michael Kraemer, Casey Muhm, Michael McKenzie, Michelle Maiers-Atakpu

COMMISSIONERS ABSENT: None

OTHERS PRESENT: Susan Mahoney, Larry Mahoney, Jack Kramer – City Building Official, Ben Wikstrom – City Planner, Rebecca Kellen – City Administrator, Debbie and Jim Harrod (via Zoom meeting)

1. CALL TO ORDER: Chairman Sorenson called meeting to order at 7:00 PM.
2. PUBLIC FORUM
  - a. None
3. APPROVE AGENDA
  - a. Motion by Maiers-Atakpu, 2<sup>nd</sup> by Muhm to approve agenda. Vote: Yes -5, No – 0. Motion passed.
4. REGULAR AGENDA
  - a. Item A – Review/Approve October 24, 2024 Planning Commission Meeting Minutes.
    - i. Motion by Muhm, 2<sup>nd</sup> by Maiers-Atakpu to approve the minutes. Vote: Yes – 5, No – 0, Motion passed.
  - b. Item B – Appeal Regarding Approval of the Building Permit at 483 Lake.
    - i. Review of Appeal
      1. Input was received from Larry and Susan Mahoney, Jack Kramer – City Building Official, and Ben Wickstrom – City Planner, and Deb Harrod.
    - ii. Recommendation on the Appeal for the City Council.
      1. Based on discussion and input from the Mahoney’s, city staff present, and the Planning Commission, the Appeal review process was set up to review, discuss and evaluate the Appeal based on the applicable Village Codes that were determined to reflect and respond to the issues presented in the Mahoney Appeal Letter dated October 24, 2024. Larry and Susan Mahoney were asked at the beginning of the Appeal Review process to add any ordinances or requirements to their appeal that they believed should be addressed. The Mahoney’s were asked if the code

standards proposed to be addressed (and listed below) composed their appeal, and they did not add additional standards.

a. The city codes that were suggested as applicable to the Appeal included the following:

- i.* 302.070 (2) – Notification to Neighbors (for Fence Construction}
- ii.* 302.020 – Structure Location Requirements (Setback Requirements)
- iii.* 302.050 – Impervious Surfaces and Lot Coverage
- iv.* 302.070 (4) – Fence Height
- v.* 304.040 – Variance Requirements and Criteria

2. Planning Commission Findings

a. 302.070 (2) – Notification to Neighbors (for Fence Construction)

i. **Claim:** Zoning code requires neighbors to be notified of construction.

1. **Planner’s Memo Response:** ..”The zoning ordinance requires notification of neighbors with whom a property line is shared when a fence is being constructed along that line; a building permit does not require notification of neighbors.”

ii. **Claim:** Wall being constructed is not a continuation or like replacement of what was previously a privacy fence and labeled as such on previous plans.

1. **Planner’s Memo Response:** ...” What was previously on the site and what is being constructed in no way meets the ordinance definition of a fence. What someone labeled it on a building permit sketch previously has no bearing on the definition or determination. It is a structure built onto a deck, as it was before. Whether or not it is a like replacement is the purpose of this hearing,” ... “While the level of opaqueness does not define the structure, the fact that it is a wall rather than a fence is important, as a wall has no opaqueness requirement, regardless of height, placement, setback, etc.”

**iii. Planning Commission Recommendation:**

Advisory motion by McKenzie, 2<sup>nd</sup> by Maiers-Atakpu that the appeal claims of “improper notification for fence construction” and “The wall being constructed is not a continuation of like replacement” be denied. Commission supports the staff determined the structure is being built in the same footprint and the replacement deck vertical structure meets the definition of a wall and not a fence and thus has no opaqueness requirements thus the addition of siding is not an expansion of a non-conforming use. Advisory vote: 5 – yes, 0 – No.

**b. 302.020 – Structure Location Requirements (Setback Requirements)**

i. **Claim:** This will add 20 feet of siding, 5 feet from line, making 104 feet of continuous siding.

1. **Planner’s Memo Response:** “Part of this is the appeal to the City; the question is whether the siding is an expansion of a legal, non-conforming structure. The length of the siding has no bearing on the decision. For clarification, the house may be 5’ from the property line, but the deck and wall are not. Based on information from previous permits and court decisions, the deck is estimated to be 7.75’ from the property line and is being built in the same location.”

ii. **Planning Commission Recommendation:** Motion by Maiers-Atakpu and 2<sup>nd</sup> by Sorenson that the appeal be denied on this point since the deck structure can legally be re-built in its original location and the length of the siding has no bearing on the decision. Advisory vote 5 – yes, 0 – No.

**c. 302.050 – Impervious Surfaces and Lot Coverage**

i. **Claim:** Pergola will have a roof and increase impervious.

1. **Planner Memo Response:** “This is false; the pergola has screen material on all sides, including the ceiling/roof. There will be no

increase in impervious, and the amount of impervious on the subject property has not been investigated.

**ii. Planning Commission Recommendation:**

Planning Commission recommends denying the appeal related to this claim. This claim is false and the inaccuracy of the claim was verbally acknowledged by the Mahoney's at the meeting. Advisory motion by Muhn and 2<sup>nd</sup> by Sorenson declaring this claim of increased impervious is a moot point that should be denied in the appeal. Advisory Vote: 5 – yes, 0 – no.

d. 302.070 (4) – Fence Height

**i. Claim:** (Raised verbally by Susan Mahoney at the Planning Commission meeting.) The newly constructed vertical wall component on the replacement deck appears taller than the previous wall component.

1. The Harrod's builder indicated through the Harrods (on the Zoom call) that the newly constructed wall structure is 1.5" shorter than the previous wall structure. The Planning Commission asked that the builder submit that statement in writing to the City Council.

**ii. Planning Commission Recommendation:** The Appeal be denied relative to this claim upon written verification from builder.

e. 304.040 – Variance Requirements and Criteria

**i. Claim:** Pergola is a non-conforming structure built on a non-conforming deck, so a variance is required.

1. **Planner's Memo Response:** "The building inspector and I ensured that the pergola is not supported by the wall. It is supported by footings below and inside the footprint of the deck. Other types of construction may have been possible – such as a pergola kit one would place on the deck, or using post base anchors on the surface of the deck or notched construction on the deck

joists, etc. – but this construction type makes the most sense and isn't non-conforming."

- ii. **Planning Commission Recommendation:** Motion by McKenzie and 2<sup>nd</sup> by Maiers-Atakpu to decline the appeal on this claim as the pergola is a free-standing structure, was identified and paid for as part of the building permit and is not an expansion of the legal non-conforming structure. Advisory vote: 5 – yes, 0 – no.

f. **Planning Commission Recommendation Summary**

- 1. It is the recommendation of the Planning Commission that the Administrative Appeal of the Building Permit for deck reconstruction and pergola construction at 483 Lake Ave as filled by the Mahoney's in their letter dated October 24, 2024, be denied in its entirety.

ADJOURN 8:14 PM

- c. Motion by Muhm, 2<sup>nd</sup> by Maiers-Atakpu to adjourn meeting. Vote: Yes - 5, No – 0. Motion passed.

To: Birchwood City Council members  
From: The Harrods, 483 Lake Ave  
Date: 11/30/24

This a follow up letter, to Mahoney's appeal against the city regarding 483 Lake Ave deck project permit, (Heard by the Planning Commission on 11-20-24). The Mahoney's original complaint stated 2 issues, the cost of the deck and contending the wall on our deck was a fence. The city responded to these complaints appropriately.

The Mahoney's appealed the city's decision and added 7 more complaints to the appeal. During this meeting, the Mahoney's added several more complaints including the height of the wall. Our contractor had to write a statement that the wall is 1 ½ inches shorter than the old wall. (Attached is his statement). The Mahoney's should **NOT** be able to continue to add complaints to their appeal.

The Mahoney's have been fishing for code violations since we started our deck project. The reality is, there is no code violation and there is no hardship. In fact, they cannot even see it from their house. This is simply Mahoney's chosen method of harassment towards us. It has been going on for over 20 years and will continue if there are no consequences. The city needs to bill the Mahoney's for city staff and contractors time.

The Mahoney's have cost the citizens of Birchwood thousands of dollars with their frivolous, baseless complaints. The taxpayers of Birchwood should not be burdened with these costs.

The Harrod's

# Memo

Date: 11/22/24

To: Birchwood Village city council

From: Dan Keller, Keller Construction

RE: 483 Lake Ave Deck project, Building permit # 24-0095

I attended the planning commission meeting on November 20<sup>th</sup> and was asked by the commission to provide this information to the council.

**The height of the new wall that is attached to the deck is 1 ½ inches shorter than the original wall. This makes it more conforming.**

The new wall is also 2 inches narrower than the old wall as it was a 2 by 6” and it is now 2 by 4”.

To: Mayor and Council Members of the City of Birchwood Village

From: Shelly Rueckert / City of St. Anthony Village -Utility Billing

Date: 12/3/2024

Re: 2025 Proposed Utility rates

The 2025 proposed budgets for Water and Sewer funds and proposed rate adjustments are a result of the following process:

- The water and sewer fund recent year's operations have been reviewed for:
  - Reoccurring costs run rates.
  - 2025 Increases in Met Council Treatment rate for sanitary sewer -5.6% (2024 - 6.8%)
  - 2025 increases in the rates of water purchased from The City of White Bear Lake - 8% (2024 - 9%)
  - Revenues earned from usage charges and flat fees.
  - The cost of watermain breaks since 2020.
  - Bid results for lift station construction costs associated were not available for the agenda packet.
    - The known cost to the City is the \$20,000 match for the grant.
    - To fund the grant match, a flat fee of \$14.50 per quarter would be necessary. That fee could be retired in the 2026 rate process
    - If the accepted construction bid exceeds the grant related funding, further funding using sewer fees can be discussed at the Council meeting.
    - Please note that the \$14.50 sewer lift station fee has been included in the resolution.
  
- Rate adjustments were proposed at amounts that would ensure that net operating income in each fund would be sufficient if:
  - Watermain break costs exceed the five -year average.
  - Water usage for 2025 is comparable to 2024.
  - The City's Water 2024 usage rates were impacted due to an 8% increase in the cost of water from WBL.
  - Proposed sewer usage rates represent a 4% increase over 2024 rates.

These factors result in the proposed rate adjustments table on the next page.



**Water Fund**

Rates	2024	2025	2025 \$ Increase
Flat fee	40.00	50.00	\$ 10.00
Wm break surcharge / METER REP FEE	-		
Tier 1	3.74	4.30	\$ 0.56
Tier 2	4.31	4.95	\$ 0.65
Tier 3	4.95	5.64	\$ 0.69
Tier 4	5.71	6.45	\$ 0.74
Tier 5	6.54	7.33	\$ 0.78
USAGE BILLING INCREMENT	1,000 gallons	1,000 gallons	
Combined Flat fees % Decrease	-3%	35%	
Blended Usage rate % increase	5%	14%	

**Sewer Fund**

Rates	2024	2025
Sewer Flat Fee	<b>\$36.00</b>	<b>\$36.00</b>
Sewer Unmetered Fee	<b>\$81.60</b>	<b>\$84.85</b>
Sewer Metered Usage Rate	<b>\$4.60</b>	<b>\$4.78</b>
<b>Lift Station replcement fee</b>	<b>\$0.00</b>	<b>\$14.50</b>
USAGE BILLING INCREMENT	<b>1,000 gallons</b>	<b>1,000 gallons</b>
Flat fee % CHANGE	NA	NA
Usage rate % increase	<b>2.00%</b>	<b>4.00%</b>

The 2025 proposed water and sewer budgets are attached are attached.

If the rates are approved as proposed please have the attached rates sheet signed and indicate the quarter in which the rates will be effective (either the 3/1/25 or the 6/1/25 billing)

**WATER FUND**

	2024 ESTIMATED ACTUAL AT 12/31/2024	Estimated cost of water from 1st quarter main breaks	2024 ESTIMATED ACTUAL TRUE MARGINS	2025 Projected Operations
<b>Revenues</b>				
Water Flat Fee	\$ 50,295		\$ 50,295	\$ 70,000
Water Usage	77,043		77,043	87,829
Wm break surcharge	22,651		22,651	
Special charges and move in/out	2,584		2,584	2,000
delinquent ub collections	6,288		6,288	5,411
State Surcharge	3,276		3,276	3,412
Penalties	1,255		1,255	1,381
<b>Total</b>	<b>163,393</b>	<b>-</b>	<b>163,393</b>	<b>170,033</b>
<b>Expenses</b>				
Cost of Water (City of WBL)	77,136	(12,080)	65,056	71,561
Litigation fee				
Surcharge (pass through)	3,412		3,412	3,412
Meter reading/Tower- IT /Elect/ ATT	5,354		5,354	5,568
Maintenance (Manship)	15,775		15,775	15,142
Maintenance supplies	1,645		1,645	2,114
Billing / supplies / stuffing	12,661		12,661	13,040
Postage	-		-	
Misc. ( main breaks )	32,344	12,080	44,424	36,272
<b>Total</b>	<b>148,327</b>	<b>(0)</b>	<b>148,326</b>	<b>147,109</b>
<b>Net Income</b>	<b>\$ 15,066</b>	<b>\$ 0</b>	<b>\$ 15,066</b>	<b>\$ 22,923</b>
<b>Net Income -Usage</b>	<b>(16,258)</b>	<b>12,080</b>	<b>(4,177)</b>	<b>392</b>
<b>Net Income -Fixed</b>	<b>31,324</b>	<b>(12,080)</b>	<b>19,244</b>	<b>22,531</b>
	<b>15,066</b>	<b>0</b>	<b>15,066</b>	<b>22,923</b>

Rates	RATES AT YEAR END 2024	2025 proposed rates	2025 \$ Increase	2025 % Increase
Flat fee	40.00	50.00	\$ 10.00	20.00%
Wm break surcharge / METER REP FEE	-			
Tier 1	3.74	4.30	\$ 0.56	13.04%
Tier 2	4.31	4.95	\$ 0.65	13.04%
Tier 3	4.95	5.64	\$ 0.69	12.28%
Tier 4	5.71	6.45	\$ 0.74	11.50%
Tier 5	6.54	7.33	\$ 0.78	10.71%
USAGE BILLING INCREMENT	1,000 gallons	1,000 gallons		
Combined Flat fees % Decrease	-3%	35%		
Usage rate % increase	5%	14%		

<b>Minimum fund balance (Year end cash balance target)</b>		
45% of annual Water expense (represents highest qtr.'s est cash expenditure)		66,199
Reserve for above budgeted watermain breaks		10,000
Greater reduction in water use/ margin		3,996
<b>Minimum fund balance calculated</b>		<b>80,195</b>
<b>Estimated Cash -year end 2024</b>		<b>80,836</b>
<b>Fund Balance surplus</b>		<b>641</b>

City of WBL Rates	2021	2022	2023	2024	2025	2025 \$ Increase
WIF FEE	17.50	21.00	30.00	37.50	41.25	3.75
6" MTER REPL FEE	-	110.00	110.00	111.10	113.32	2.22
WATER BASE TIER 1	1.40	1.56	1.59	1.75	1.90	0.15
WATER BASE TIER 2	1.45	1.62	1.64	1.82	1.97	0.15
WATER BASE TIER 3	1.62	1.81	1.84	2.03	2.20	0.17
WATER ABOVE BASE		1.96	1.98	2.19	2.38	0.19
				2023	2024	2024
WM break average cost			GM on water	35,503	11,987	16,268
2020-2024	26,986.00	5 yr Average	GM %	35%	16%	19%
	30,224	5 yr Average plus 12% inflation factor				
	36,272	2 year average plus 3%				

**SEWER FUND**

	2023	2024 ESTIMATED ACTUAL AT 12/31/2024	2025 Projected Operations	
<b>Revenues</b>				
Sewer Flat Fee	\$ 50,321	\$ 47,622	\$ 48,528	No Change
Sewer Unmetered fee	6,109	4,896	5,091	Unmetered sewer fee (15 Acct.s)
Sewer Metered Usage	65,272	58,078	60,401	Increase usage rate to keep up with increasing Met Council treatment costs
Certified bills		4,580	4,672	57% usage 43% flat
Penalties	602	987	1,007	
Insurance proceeds (LS Repair)		18,933		
Lift station replacement fee			20,416	To fund grant match requirement - flat fee \$14.50
<b>Total</b>	<b>122,304</b>	<b>135,096</b>	<b>140,114</b>	
<b>Expenses</b>				
Treatment cost (MCES)	55,023	63,664	61,788	2023 reflects only 11 months of pmts, 2024 and 2025 includes 12 months.
Maintenance (WBT)	6,287	24,331	21,500	<b>ASSUME 2024 WBT COSTS ARE UP DUE TO LS ISSUES. 2025 assume similar activity level with LS replacement work in progress .</b>
Maintenance (Others/Kodiak)	1,582	2,789	1,800	2024 INCLUDES 1,400 OF STORM WATER REPAIRS
ENGINEER- THACHER	37,820			2024 budget note -Engineer disbursements associated with a new lift improvements are planned for 2024. Therefore, a \$45,000 allowance for finalizing the engineering and engineer's oversight of construction was included in the budget .
ENGINEER- BOLTON	12,896	42,515	22,500	2025 budget note - Estimated Engineer costs related to oversight of Lift Station replacement
Lift station rehab		19,257	20,000	<b>Grant match construction costs</b>
Postage / Office supplies	896	296	350	
Electric/Gas	10,689	9,322	9,788	
Misc-Locates +	397	3,092	450	2024 INCLUDES \$2,460 SAC PMT TO MET COUNCIL - REIMBURSEMENT FROM GENERAL FUND POSSIBLE IF FEE WAS COLLECTED ON BP
<b>Total</b>	<b>125,590</b>	<b>165,266</b>	<b>138,176</b>	
<b>Net Income</b>	<b>\$ (3,285)</b>	<b>\$ (30,170)</b>	<b>\$ 1,938</b>	
<b>Net Income -Usage</b>	<b>\$ 16,358</b>	<b>\$ 1,921</b>	<b>\$ 6,367</b>	
<b>Net Income -Fixed</b>	<b>\$ 18,176</b>	<b>\$ 10,748</b>	<b>\$ 17,655</b>	
<b>Lift Station project net expense</b>	<b>\$ (37,820)</b>	<b>(42,839)</b>	<b>(22,084)</b>	
	<b>\$ (3,285)</b>	<b>\$ (30,170)</b>	<b>\$ 1,938</b>	

Rates	2023	2024	2025	
Sewer Flat Fee	\$36.00	\$36.00	\$36.00	
Sewer Unmetered Fee	\$80.00	\$81.60	\$84.85	
Sewer Metered Usage Rate	\$4.51	\$4.60	\$4.78	
<b>Lift Station replacement fee</b>		\$0.00	\$14.50	
USAGE BILLING INCREMENT	1,000 gallons	1,000 gallons	1,000 gallons	
Flat fee % CHANGE		NA	NA	
Usage rate % increase		2.00%	4.00%	MCES rate increase in 2025 - 5.6% 2024- 6.8%

**45% of annual Sewer expense ( MCES bills one month in advance)**

<b>Minimum fund balance calculated</b>	52,621.88
<b>Estimated Cash at 12/31/2024</b>	57,063.00
<b>2024 Fund Balance surplus</b>	<u>4,441.12</u>

**RESOLUTION 2024-54**

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

**A RESOLUTION APPROVING THE 2025 WATER AND SEWER RATE INCREASES**

**WHEREAS**, the City purchases its water from the City of White Bear Lake which is then provided to the residential customers, the residents, of the City, AND

**WHEREAS**, the City is periodically notified by the City of White Bear Lake of adjustments to the rates for water, AND

**WHEREAS**, the City then must periodically adjust the rates charged to residents for the provisioning of water, AND

**WHEREAS**, the City periodically adjusts its sewer rates to take into account the adjustments made for handling the material as well as to reimburse itself for watermain and other infrastructure repairs, AND

**WHEREAS**, the City administers its water and sewer billing with the assistance of the City of Saint Anthony Village which analyzes these accounts and periodically calls for the adjustments to the City’s water and sewer rates based on the available data and projections, AND

**WHEREAS**, the City has received the recommendations from the City of Saint Anthony Village for adjustments in the City’s Water and Sewer rates for 2025 as shown in the table here:

<u>Water Rates</u>	<u>2025</u>	<u>Sewer Rates</u>	<u>2025</u>
Water flat fee per Qtr.	\$50.00	Sewer flat fee per Qtr.	\$36.00
Water usage rate per 1,000 gallons		Sewer usage rate per 1,000 gallons	\$4.78
Tier 1	\$4.30	Unmetered sewer fee	\$84.85
Tier 2	\$4.95	Lift Station replcement fee	\$14.50
Tier 3	\$5.64		
Tier 4	\$6.45		
Tier 5	\$7.33		

**NOW, THEREFORE, BE IT RESOLVED**, that the City of Birchwood Village hereby adopts the rate adjustments as recommended above for the 2025 calendar year and authorizes the City of Saint Anthony Village to make those adjustments beginning with the \_\_\_\_\_ scheduled billing cycle.

This designation is effective until subsequently rescinded or modified by the Birchwood Village City Council.

I certify that the City of Birchwood Village adopted the above Resolution on this \_\_\_<sup>th</sup> day of \_\_\_\_\_, 2024.

---

Margaret Ford, Mayor

Attest:

---

Rebecca Kellen  
City Administrator-Clerk

# **THE CITY OF BIRCHWOOD VILLAGE STATE OF MINNESOTA**

## **ROAD SAFETY POLICY**

---

### **PURPOSE / BACKGROUND**

This document outlines policies for determining the speed limits on streets owned and maintained by the City of Birchwood Village (the City). The policy is being implemented to improve vehicle and pedestrian safety on the streets within the City.

The City is a residential only community that does not have sidewalks currently. Therefore pedestrians and cyclists use the sides of the roadways for their travels, thus putting them in potential danger from approaching motorists. The City contains no county or state roadways and the City receives no funding from either the State of Minnesota or Washington County.

Reducing speed limits on local streets are in line with national trends toward lower urban speed limits to support overall safety for motorists, pedestrians and cyclists. Recently the cities of Minneapolis and St. Paul along with other neighboring cities have announced they are lowering speed limits on their roadways. The fundamental basis to improving overall safety for all users on the roadways is by reducing motorist's speed and it increases the amount of reaction time of all parties to avoid collisions and/or reduce the severity if contact is made. Please review Appendix B for additional data regarding lowering speed limits.

The City will address speed limit related concerns based upon guidelines from Minnesota Statutes, Minnesota Department of Transportation (MnDOT) policies, Minnesota Manual of Uniform Traffic Control Devices (MnMUTCD), and engineering judgment speed.

The current speed limit on streets owned by the City of Birchwood Village is 25 MPH which was the statutory urban speed limit set by the Minnesota State Legislature prior to 2019. Minnesota Statutes Section 169.14 now allows Cities to establish speed limits on City streets under their jurisdiction based on the statutory speed listed within that document.

In 2019, the Minnesota State Legislature passed a Statute granting Cities the authority to adopt a reduced speed limit of 25 MPH on residential roadway under their jurisdiction. Additionally, the Statute grants Cities the authority to further reduce speed limits below 25 MPH on roadways under their jurisdiction provided the Cities completes a technical evaluation per the procedures detailed in the State Statute. County and State roads are not included in this authority.

Speed limits adopted using the 2019 State Legislation would not be in effect unless the City erects signs designating the speed limit on the street which the speed limit applies.

On June 6, 2024 a Public Forum was attended by the City's residents and Washington County Law Enforcement Officers and the overwhelming response was a desire to reduce motorist speeds on roads in the City. Not a single person was opposed to the idea of a uniform 20 MPH speed limit for the City

### **Method to Communicate Speed Limit Changes**

Upon approval by the City Counsel in making changes to the speed limit the City may elect to communicate these changes using any or all of the following methods:

- Erect and/or change sign(s) designating the speed limit on the affected roadways; which may include fluorescent color flags.
- Direct Email to the residents of the City
- Include the changes in the quarterly Birchwood Newsletter
- Post a notice in the local newspaper; which may include a feature article
- Post a notice on the City website
- Post a notice on the Birchwood Community social media page
- Post a notice outside of City Hall

# **THE CITY OF BIRCHWOOD VILLAGE STATE OF MINNESOTA**

## **ROAD SAFETY POLICY**

### **PROCEDURE TO SET SPEED LIMIT ON CITY STREETS**

The primary citywide statutory speed limit in the City of Birchwood Village is 20-25 MPH based on Minnesota Statute Section 169.14 which grants the local road authority (City Council) with power to establish a reduced speed limit on a local street if the street in question meets the statutory requirements and the City Council adopts the reduced speed limit.

Signs will be posted on streets throughout the City identifying the Citywide 20 MPH speed limit and indicating that the speed limit applies to all streets within the city's boundaries.

See **Appendix A** for five(5) years of road hazard data for the City. As seen in the appendix 34 reported events have been documented by Washington County Records

See **Appendix B** that shows summaries of five(5) different studies regarding setting vehicle speed limits to 20 MPH and the various positive outcomes as a result

See **Appendix C** that is a map of the City.



**Appendix A**

**City of Birchwood Road Hazards Report for Five(5) years – Washington County Records**

Number	Case No.	Created On	Description	streetAddress	CallForServiceNarrative text	
1	18-0032836	WC18025030	Jul 8, 2018, 7:47:57 AM	Traffic Hazard-R	Wildwood Ave / Hall Ave	[2] DAVENPORT WAS IN THE MIDDLE OF THE ROAD - COMP MOVED IT TO SHOULDER.
2	19-0233576	WC19053360	Dec 11, 2019, 8:49:09 AM	Traffic Hazard	Cedar St / Oakridge Dr	[1] BLUE FORD FOCUS BROKE DOWN IN LANE OF TRAFFIC. RP WILL BE GETTING A TOW STARTED.
3	19-0235866	WC19053842	Dec 14, 2019, 4:31:45 PM	MVA: Non-Injury	Birchwood Ave / East County Line Rd	[1] TOYOTA CAMERY VS VOLVO / NO INJURIES / BLOCKING // COMPS VEH WONT START
4	19-0244541	WC19055779	Dec 28, 2019, 10:03:06 AM	Traffic Hazard	East County Line Rd / Birchwood Ln	[1] 2006 WHITE CHEVY SILVERADO WITH SNOWMOBILE IN THE BACK. AAA ORDERED BUT SAID IT COULD TAKE UP TO 4 HOURS
5	19-0245830	WC19056064	Dec 30, 2019, 2:57:36 PM	MVA: Non-Injury	233 Wildwood Ave	[1] SEE RP - STRUCK A PARKED CAR,
6	20-0074099	WC20016232	Apr 25, 2020, 4:20:46 PM	Traffic Hazard	310 Wildwood Ave	[1] POWER LINE HANGING IN DRIVEWAY - LOW VOLTAGE LINE  Comment: [1] WATER MAIN PROBLEM AT THE DETOUR//COMP WORKS FOR THE CITY WILL BE CLOSED FOR MOST OF THE DAY COMP SAYS A DEPUTIES SHOULD BE AWARE IN CASE THERE IS AN EMERGENCY IN THE AREA Comment: [1] BLACK FORD PICK UP / HIT A RETAINING WALL / LAST SEEN WB
7	20-0084989	WC20018459	May 11, 2020, 8:06:18 AM	Traffic Hazard	Hall Ave / Cedar St	
8	20-0134628	WC20030134	Jul 16, 2020, 8:54:51 PM	MVA: Hit & Run Non-Inju	704 Hall Ave	Comment: [1] SUBARU SUV MISSED THE TURN AND SPUN OUT, BLOCKING THE NB LANE OF TRAFFIC ON EAST COUNTY LINE, PARTY OUT WALKING AROUND THE VEHICLE W/CELL PHONE
9	20-0216585	WC20050838	Nov 12, 2020, 12:00:57 PM	MVA: Non-Injury	East County Line Rd / Birchwood Ln	Comment: [1] CALL RP RE: ROAD CONDITIONS AND CONCERNS-- OCCURRED YESTERDAY
10	20-0235926	WC20056070	Dec 14, 2020, 1:07:33 PM	Traffic Hazard	10 Birchwood Ln	Comment: [1] CALL RP - DAUGHTER STRUCK A STREET SIGN LAST EVENING. SIGN IS DOWN.
11	21-0218286	WC21054762	Nov 14, 2021, 1:20:18 PM	MVA: Non-Injury	Birchwood Ave / East County Line Rd	Comment: [1] TREE FELL ON THE ROADWAY, COMPLETELY BLOCKING
12	21-0240443	WC21060423	Dec 19, 2021, 6:38:26 AM	Traffic Hazard	236 Cedar St	Comment: [1] BLUE AUDI VS SUBARU OUTBACK...NEIGHBORS...NO INJ...NOT BLOCKING
13	22-0065962	WC22015127	Apr 19, 2022, 8:05:24 AM	MVA: Non-Injury	Oakridge Dr / Five Oaks Ln	Comment: [1] CITIZENS BLOCKING THE ROAD - "MASS CHAOS" Comment: [5] STATES "CITIZENS CLOSED THE ROAD AND THEY'RE STANDING THERE BLOCKING IT" - STATES SHE LIVES RIGHT THERE AND THEY WEREN'T LETTING HER GET TO HER HOUSE
14	22-0082323	WC22019211	May 13, 2022, 6:45:08 PM	Traffic Hazard	Jay St / Birchwood Ave	Comment: [1] MALE 35 YO - WHITE / DRIVING WHITE SUV UNK PLATE / KNOCKED OVER ROAD WORK AT HALL AND JAY / SOMEONE PUT THE SIGN BACK UP AND SAME MALE CAME BACK AND KNOCKED IT OVER AGAIN / SIGN IS CURRENTLY DOWN / ONGOING ISSUE
15	22-0099623	WC22023693	Jun 7, 2022, 9:19:56 AM	Traffic Hazard	701 Hall Ave	Comment: [1] RP STATED MALE TOOK ALL THE ROAD CLOSURE SIGNS AND THREW THEM INTO THE DITCH / JUST OCCURED /
16	22-0099801		Jun 7, 2022, 1:27:32 PM	Traffic Hazard-P	15 Birchwood Ln	Comment: [1] CALL RP RE: ROAD CLOSED SIGNS KEEP GETTING PUT BACK UP -- ROAD NO LONGER CLOSED
17	22-0099862	WC22023766	Jun 7, 2022, 2:43:31 PM	Traffic Hazard	Hall Ave / Birchwood Rd	Comment: [1] BARRICADES HAVE BEEN MOVED FROM THE ROAD - CREATING A HAZARD.
18	22-0119750	WC22029493	Jul 4, 2022, 11:46:57 PM	Traffic Hazard	711 Hall Ave	Comment: [1] RED AUDI VS HONDA PILOT/NOT BLOCKING/NO INJURIES
19	22-0142184	WC22035735	Aug 3, 2022, 3:24:35 PM	MVA: Non-Injury	711 Hall Ave	Comment: [1] RP STATED THERE IS TRK THAT HIT RETAINING WALL / AIRBAGS DEPLOYED
20	22-0200191	WC22051364	Oct 29, 2022, 3:31:56 AM	MVA: Non-Injury	EAST COUNTY LINE RD / WILDWOOD AVE	Comment: [1] CALL COMP WHO WAS IN AN ACCIDENT LAST WEEK BUT D/N CALL THE POLICE. CAR WAS TOWED. (WC22051364)
21	22-0201398	WC22051696	Oct 31, 2022, 9:08:11 AM	MVA: Non-Injury	Wildwood Ave / East County Line Rd	Comment: [1] INFO FROM RAMSEY COUNTY-SILVER MINI VAN INTO A RETAINING WALL. NO INJURIES.
22	22-0210455	WC22054259	Nov 14, 2022, 8:24:01 AM	MVA: Non-Injury	Wildwood Ave / East County Line Rd	Comment: [1] LARGE DOWN IN THE ROAD ROAD BLOCKING THE ENTIRE STREET - POWER IS ALSO OUT
23	22-0230212	WC22059724	Dec 16, 2022, 12:11:16 AM	Traffic Hazard	164 Wildwood Ave	Comment: [1] RP STATED THAT A WHITE SUV IS AT THE CORNER OF RP'S PROPERTY THAT LOOKS LIKE IT WAS IN AN ACCIDENT // RP STATES THAT THERE IS A TOW ALREADY ON SCENE Comment: [1] CALL COMP - YESTERDAY AN EMPLOYEE WAS INVOLVED IN AN ACCIDENT INFRONT OF THIS RESD IN A COMPANY VEH WITH A NEIGHBOR.
24	22-0236728	WC22061354	Dec 26, 2022, 7:17:25 PM	MVA: Non-Injury	264 Cedar St	Comment: [1] VEH HIT SEVERAL MAILBOXES. VEH LEFT UNK DIRECTION
25	22-0236951	WC22061422	Dec 27, 2022, 7:42:29 AM	MVA: Non-Injury	121 Cedar St	Comment: [2] UNOCCUPIED TOW TRUCK BLOCKING TRAFFIC ON THE CORNER. RP DOESN'T THINK AN EMERGENCY VEH COULD GET THROUGH IF NEEDED.
26	23-0081241	WC23020797	Apr 30, 2023, 11:34:44 PM	MVA: Non-Injury	3864 East County Line Rd	Comment: [1] NEED A TEMPORARY STOP SIGN AT CORNER OF JAY/WILDWOOD/HALL AND CEDAR ALL MEET....BAG IS STILL THERE...
27	23-0133971	WC23034200	Jul 4, 2023, 4:44:26 PM	Traffic Hazard	Cedar St / Hall Ave	Comment: [1] CALL RP RE: PROPERTY DAMAGE HIT AND RUN - OCCURRED 11/16/23
28	23-0164880	WC23041646	Aug 13, 2023, 11:44:11 AM	Traffic Hazard	700 Hall Ave	Comment: [1] TRANSFERED IN FROM RAMSEY - CALLER HUNGUP - VM ON CB - RAMSEY CONFIRMED THERE WAS AN ACCIDENT BUT UNK IF INJURY
29	23-0234310	WC23060073	Nov 29, 2023, 11:16:26 AM	MVA: Hit & Run Non-Inju	720 Birchwood Ave	Comment: [1] TRANSFERED IN FROM RAMSEY - CALLER HUNGUP - VM ON CB - RAMSEY CONFIRMED THERE WAS AN ACCIDENT BUT UNK IF INJURY
30	23-0241249	WC23062002	Dec 10, 2023, 3:25:23 PM	MVA: Unknown Injury	EAST COUNTY LINE RD N / WILDWOOD AVE	Comment: [1] PEOPLE DOING CONSTRUCTION ON HOUSES IN AREA // B/T 112 - 128 WILDWOOD -- ADV THEIR TRUCKS ARE PARKED BLOCKING RDWAY
31	23-0241249	WC23062002	Dec 10, 2023, 4:00:53 PM	MVA: Unknown Injury	EAST COUNTY LINE RD N / EAST COUNTY LINE RD	Comment: [1] ORANGE BRANCO VS SUBARU - AIRBAGS DEPLOYED - RP NOT INVOLVED - UNK INJS - STATING ONE OF THE DRIVERS IS ELDERLY
32	24-0113607	WC24031744	Jun 19, 2024, 12:03:40 PM	Traffic Hazard	Wildwood Ave / Birchwood Ln	Comment: [1] *PHONE CALL REQ* OCC'D NB ON EAST COUNTY LINE RD --- COMP NOT ON SCENE ANYMORE.
33	24-0123867	WC24034811	Jul 3, 2024, 11:20:29 AM	MVA: Unknown Injury	Wildwood Ave / East County Line Rd	
34	24-0140566	WC24039752	Jul 25, 2024, 7:11:58 PM	MVA: Non-Injury	Wildwood Ave / East County Line Rd	

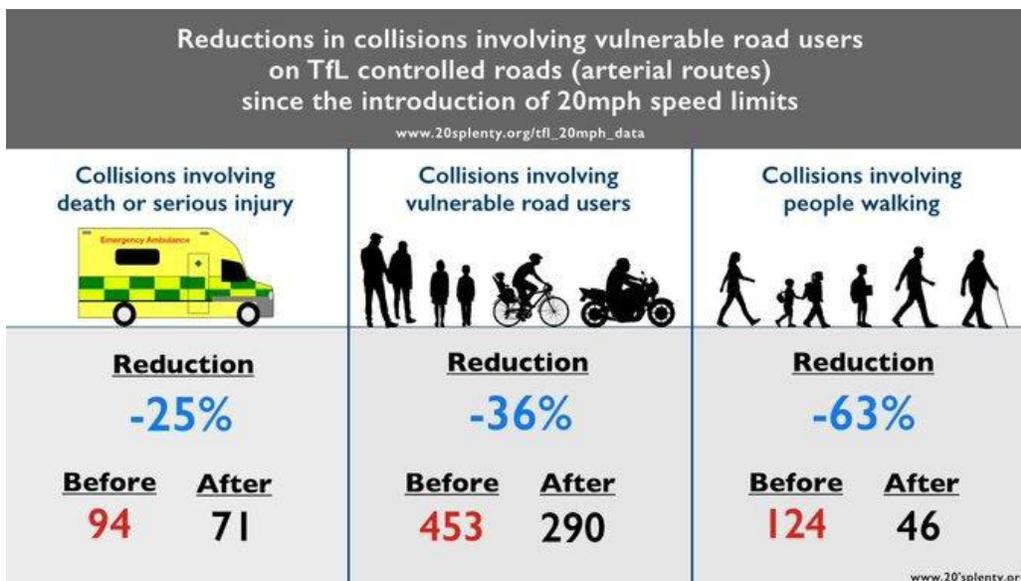
# APPENDIX B

## 20 MPH SPEED STUDIES

A review of multiple studies implementing a 20 MPH speed limit, shows a reduction in vehicle crashes, injuries and casualties. When combined with enforcement and publicity, there will be a further reduction in injuries and crashes. Birchwood as a residential community can institute enforcement and publicity to provide safety for walkers, bikers, and vehicle drivers. Several studies are presented below:

### 1)

Studies from the 20's Plenty for Us is a not-for-profit organization that was formed in 2007 and recently incorporated as 20's Plenty for Us CIC. We campaign for a speed limit of 20mph on streets where people and motor vehicles mix to help communities to make their streets, towns and villages better places to be. We do not represent a particular sector of society or mode of transport. Our supporters include children, adults and the elderly. They drive cars, vans and HGVs; they cycle; they walk or scoot; some even ride horses...



Of course 20mph seems slow to drivers. That's the whole point. And it also seems slower, calmer, cleaner, safer and quieter for all the people

who are not in cars and living their lives in communities. It's why #20splenty where people are.

**REDUCING SPEED LIMITS FROM 30MPH TO 20MPH TYPICALLY RESULTS IN MORE THAN 20% FEWER CASUALTIES**

With post implementation results from more and more authorities that have already adopted wide-area 20mph limits, there is clear evidence of the benefits in casualty reduction.

- **Why Reducing Vehicle Speeds in Built-Up Areas to 20mph Matters.**
- **Speed reduction is significant to casualty levels because:**

“If average speeds were reduced by 1 mph, the accident rate would fall by approximately 6% on urban main roads and residential roads with low average speeds”.

**Where speeds are reduced to 20 mph through traffic calming, casualties fall by around two-fifths. The definitive study of the impact of these is the TfL commissioned study by the London School of Hygiene and Tropical Medicine in 2009 entitled 20 mph Zones and Road Safety in London.**

**The study looked at casualties in a total of 399 zones which had been implemented in London between 1990/91 and 2007/08. In summary this study found that “The time series regression analysis estimated a 42% reduction (95% CI 36%, 48%) in all casualties within 20 mph zones compared with outside areas, adjusting for an annual background decline in casualties of 1.7% on all roads in London”.**

## 2)

Several robust evaluations of the effects of reducing posted speed limits in Edmonton, Alberta, found that speeds and crashes on collector and local streets in residential areas decreased significantly when posted limits were lowered by 10 km/h (~6 mph). These changes in posted limits were supported with extensive publicity and enforcement, but no changes were made to the roadway. These reductions in speed limits were associated with a 50% reduction in fatal and injury crashes, a 26% reduction in total crashes, and an 18% reduction in PDO crashes (Islam & El-Basyouny, 2015).

If a lower speed limit yields reduced operating speeds, crashes and injuries are expected to decrease (Elvik et al., 2019). Small changes in average speed can, on average, yield significant changes in crash and injury outcomes, but results can vary, in part related to roadway infrastructure, enforcement levels and other factors.

## 3)

### **30% URBAN FUEL SAVINGS JUSTIFY A WIDE AREA 20MPH SPEED LIMIT POLICY**

FEB 06, 2023

Reducing peak road speeds where people are saves energy and significant cash. New research from Future Transport shows fuel efficiency peaks with speed capped at 20mph. This “real life” model factors in stop/start urban traffic. Less acceleration saves precious resources as over twice as much energy is required to get to 30mph. Drivers get up to 10p per mile fuel saving without trips taking longer. That's a 30% saving in urban fuel costs.

#### 4)

From the **NHTSA** (National Highway Traffic Safety Administration) part of the US Department of Transportation comes studies on 20 MPH speed limits:

##### **Lower limits in urban areas**

Convincing evidence exists that lowering speed limits can reduce average travel speed and crashes in urban areas, even if no or few changes are made to the roadways. However, results achieved may depend on having sufficient enforcement and supporting publicity and communications that reinforce the lower limit and enhance speeding deterrence.

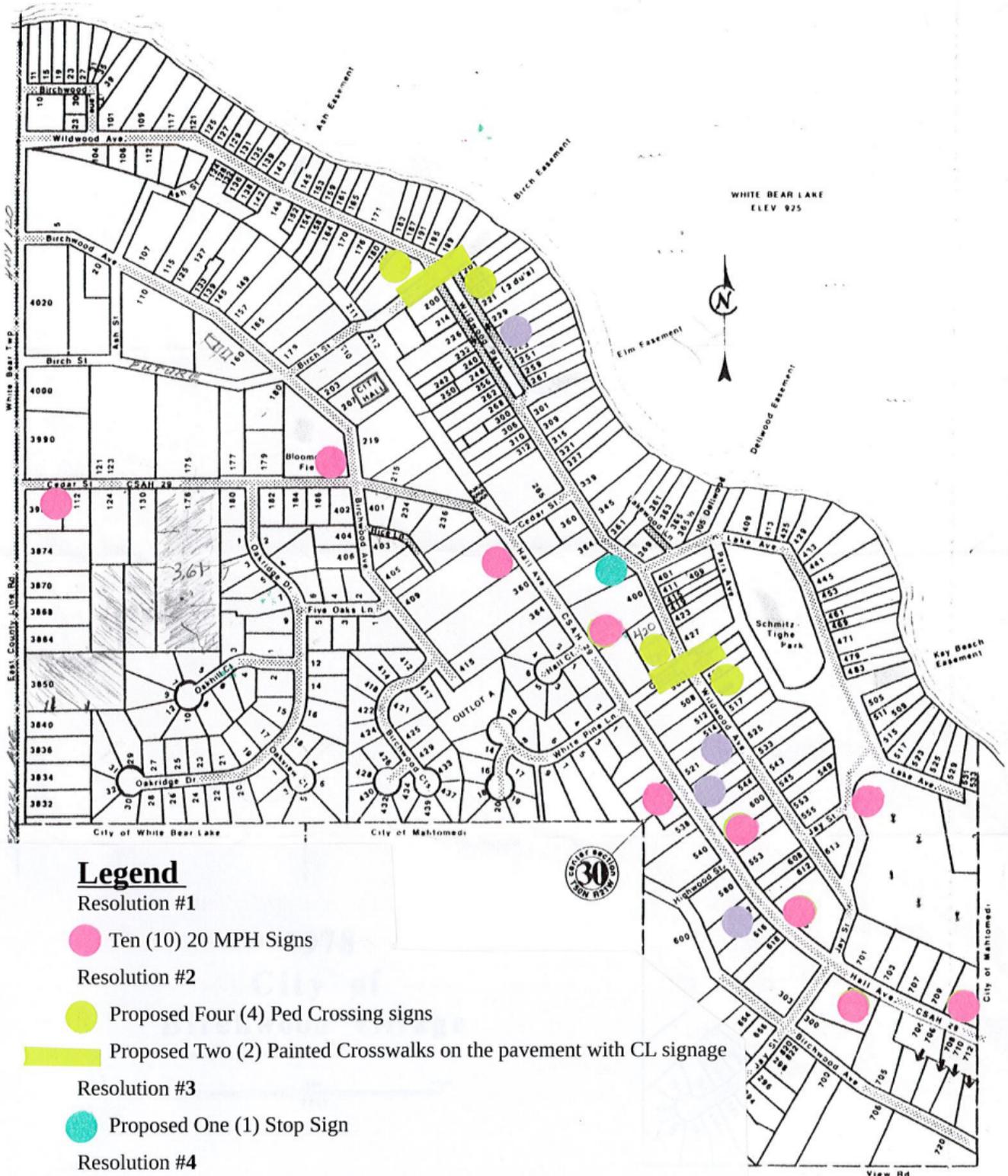
#### 5)

Other international studies provide additional support that lowering urban limits can reduce speeds and road trauma. Crash-based studies (with comparison groups) from Bristol, U.K., estimated that crashes were reduced in response to lowering city-wide speed limits from 30 to 20 mph (Bornioli et al., 2020)

- Vision Zero Speed Limit Resolutions: An increasing number of cities are adopting the objectives of Vision Zero to prevent reckless driving, increase safety for all road users, and mitigate injuries and fatalities. A range of measures can be used to achieve objectives through speed limit reductions, automated enforcement of speeding violations using an expansive network of speed cameras, media campaigns, and engineering measures such as speed humps. (Health Resources in Action, 2013).

# Appendix C

# Map of the City of Birchwood Village



Speed studies were completed in Birchwood in 2024 by the Washinton County Sheriff Department.

### Highest Speeds Summary Report

Title/Location: 509HallSEbrwd  
Sign Address: 38641120120002

Measurement Period: 05/24/24 12:00:03 AM to 05/29/24 12:30:02 PM  
Reporting Period: 05/24/24 12:00:03 AM to 05/29/24 12:30:02 PM

Total number of vehicles: 1209	Lowest Log Speed Setting: 5 MPH	Highest Log Speed Setting: 100 MPH
Posted Speed Limit: 20 MPH	Average Speed: 20 MPH	
25th Percentile Speed: 15 MPH	50th Percentile Speed: 20 MPH	85th Percentile Speed: 29 MPH
Total Vehicles For:		
Below 14: 249	14 - 22: 462	23 - 31: 464
32 - 40: 29	41 - 49: 5	50 - 58: 0
59 - 67: 0	68 - 76: 0	77 - 85: 0
Above 86: 0		

### Highest Speeds Summary Report

Title/Location: 509HallSEbrwd  
Sign Address: 38641120120002

Measurement Period: 05/16/24 12:00:00 PM to 05/21/24 12:30:01 PM  
Reporting Period: 05/16/24 12:00:00 PM to 05/21/24 12:30:01 PM

Total number of vehicles: 1468	Lowest Log Speed Setting: 5 MPH	Highest Log Speed Setting: 100 MPH
Posted Speed Limit: 20 MPH	Average Speed: 19 MPH	
25th Percentile Speed: 14 MPH	50th Percentile Speed: 20 MPH	85th Percentile Speed: 30 MPH
Total Vehicles For:		
Below 14: 375	14 - 22: 493	23 - 31: 524
32 - 40: 73	41 - 49: 3	50 - 58: 0
59 - 67: 0	68 - 76: 0	77 - 85: 0
Above 86: 0		



**CITY OF BIRCHWOOD VILLAGE  
STATE OF MINNESOTA**

**RESOLUTION 2024-53**

**A RESOLUTION ADOPTING  
REDUCED SPEED LIMIT OF 20 MPH ON CITY OWNED RESIDENTIAL ROADWAYS**

**WHEREAS,** beginning in 2019 authority was given to cities to adopt a reduced speed limit of 20 mph on residential roadways under city jurisdiction per Minnesota Statute 169.14; and

**WHEREAS,** the City of Birchwood Village is a walkable Village, without sidewalks, has hidden driveways, is a residential community with small children and has limited road sight lines. Uniformly setting the speed limit to 20 MPH will provide for safer streets and reduce the likelihood of accidents, casualties, and injuries. Making Birchwood safe for pedestrians, walkers, bikers and vehicles is of utmost importance. Slower speeds on our streets make travel safer for everyone no matter how they get around.

**WHEREAS,** following adoption, staff will install new speed limit signs and the lower speed limits go into effect immediately and; the public will be notified through email, newsletter and newspaper,

**NOW THEREFORE BE IT RESOLVED,** by the City Council of the City of Birchwood Village to adopt a reduced speed limit of 20 mph for all city owned residential roadways.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2024.

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

ATTEST: \_\_\_\_\_  
City Clerk, Rebecca Kellen



Real People. Real Solutions.

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

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

12-4-2024

City of Birchwood Village

Council,

**Wildwood Lift Station Reconstruction**

On 12/3/2024 bidding closed for the upcoming lift station reconstruction. For a reminder, the engineers estimate was expecting the bids to come in at \$605,000, as discussed in the October council meeting. We received 4 bids, with the results of those bids are shown in the table below.

Contractor	Base Bid Total
Twin Cities Utilities LLC	\$450,898.19
S.M. Hentges & Sons, Inc.	\$585,037.21
Pember Companies, Inc.	\$631,200.00
Meyer Contracting Inc.	\$747,444.10

Twin Cities Utilities LLC requested to remove their low bid on 12/4/2024 at 12:50pm. See attached letter for their reasoning. Bolton and Menk reviewed the remaining three applications and did not see any discrepancies with the remaining three bids. The recommendation would be to go with S.M. Hentges & Sons, Inc. as the next low bidder at \$585,037.21.

Please feel free to contact me at [marcus.johnson@bolton-menk.com](mailto:marcus.johnson@bolton-menk.com) or 507-440-0537 with any questions.

Sincerely,

**Bolton & Menk, Inc.**



To Whom this concerns,

I would like to withdraw my bid proposal due to discrepancies with the bid for Birchwood Village. Numerous mistakes in the bid proposal and bid bond not being correct for the 5%. I made a system mistake as my dewatering and sanitary bypassing weren't included in my bid. I apologize for the inconvenience on my behalf on not being properly prepared for the bid, and I should have never submitted the bid with not all the proper documents filled out.

Thank you,

Rene' Garcia

Twin Cities Utilities LLC

CITY OF BIRCHWOOD VILLAGE  
PROPOSED BUDGET 2025

\* Rev: 09/10/2024

Actual 2021	Actual 2022	Actual 2023	Actual Thru 7/9	Budget 2024	Prop Budget 2025
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100 - GENERAL FUND

100: GENERAL FUND RECEIPTS

Taxes

General Property Taxes	\$ 525,758	\$ 526,595	\$ 507,476	\$ 454	\$ 573,535	\$ 618,134	A
Total Property Taxes	\$ 525,758	\$ 526,595	\$ 507,476	\$ 454	\$ 573,535	\$ 618,134	

Licenses and Permits

Business Licenses and Permits

Licenses & Permits	\$ 180	\$ -	\$ 2,153	\$ 15	\$ -	\$ 500	
Total Business Licenses and Permits	\$ 180	\$ -	\$ 2,153	\$ 15	\$ -	\$ 500	

Non-Business Licenses and Permits

Building Permits	\$ 49,463	\$ 90,328	\$ 85,905	\$ 50,343	\$ -	\$ 90,000	
Kayak/Canoe Permits	\$ 2,065	\$ 1,740	\$ 1,710	\$ 1,965	\$ -	\$ 1,700	
Zoning Permits	\$ 1,045	\$ 370	\$ 300	\$ -	\$ -	\$ 300	
Animal Licenses	\$ 680	\$ 1,160	\$ 110	\$ 110	\$ -	\$ 100	
Dock/Lift Permit Fee	\$ -	\$ 1,000	\$ -	\$ -	\$ -	\$ -	B
Zoning App Fee	\$ -	\$ 1,588	\$ -	\$ 50	\$ -	\$ -	
Total Non-Business Licenses and Permits	\$ 53,253	\$ 96,186	\$ 88,025	\$ 52,468	\$ -	\$ 92,100	

Intergovernmental Revenues (Igr)

Federal IGR

Federal Grants & Aid	\$ -	\$ 960	\$ -	\$ 3,192	\$ -	\$ 3,192	C
Total State Igr	\$ -	\$ 960	\$ -	\$ 3,192	\$ -	\$ 3,192	

State IGR

State Grants & Aid	\$ 22,477	\$ -	\$ 37,809	\$ -	\$ -	\$ 603,000	D
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Rent Total Igr from Other Local Governmental Units

	\$ 22,477	\$ -	\$ 37,809	\$ -	\$ -	\$ 603,000	
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Charges for Services

General Government

Charges for Services	\$ -	\$ -	\$ -	\$ 750	\$ -	\$ -	E
City/Town Hall Rent	\$ 91	\$ 380	\$ 520	\$ 475	\$ -	\$ 400	
General Government	\$ -	\$ -	\$ -	\$ 960	\$ -	\$ -	F
Total General Government	\$ 91	\$ 380	\$ 520	\$ 2,185	\$ -	\$ 400	

Fines and Forfeits

Fines

Court Fines	\$ 2,060	\$ 2,832	\$ 934	\$ 66	\$ -	\$ 950	G
Total Fines	\$ 2,060	\$ 2,832	\$ 934	\$ 66	\$ -	\$ 950	

Other Revenues

Miscellaneous	\$ 4,840	\$ 3,108	\$ -	\$ 21	\$ -	\$ -	
Interest Earning	\$ -	\$ 27,670	\$ 48,393	\$ 27,584	\$ -	\$ 48,000	
Contributions of Donations from Private Sources	\$ 510	\$ 6,407	\$ 20	\$ 180	\$ -	\$ 250	
Refund-Reimbursement-Dividend	\$ 9,489	\$ 9,283	\$ 17,757	\$ 7,026	\$ -	\$ 9,500	
Escrows Deposits	\$ 15,200	\$ 162,000	\$ 30,000	\$ 9,000	\$ -	\$ 35,000	
Total Other Revenues	\$ 30,039	\$ 208,467	\$ 96,170	\$ 43,811	\$ -	\$ 92,750	

CITY OF BIRCHWOOD VILLAGE  
 PROPOSED BUDGET 2025

\* Rev: 09/10/2024

Other Financing Sources

Inter Fund Transfers In

Transfers from Other Funds

Total Inter Fund Transfers In

TOTAL GENERAL FUND RECEIPTS

Actual 2021	Actual 2022	Actual 2023	Actual Thru 7/9	Budget 2024	Prop Budget 2025
\$ 25,040	\$ 15,000	\$ 2,500	\$ -	\$ -	\$ -
\$ 25,040	\$ 15,000	\$ 2,500	\$ -	\$ -	\$ -
\$ 670,868	\$ 856,106	\$ 738,903	\$ 102,191	\$ 573,535	\$ 1,411,026

CITY OF BIRCHWOOD VILLAGE  
PROPOSED BUDGET 2025

\* Rev: 09/10/2024  
100: GENERAL FUND DISBURSEMENTS

General Government

General Government

Refunds & Reimbursements

Total Other General Government

Actual 2021	Actual 2022	Actual 2023	Actual Thru 7/9	Budget 2024	Prop Budget 2025
\$ -	\$ -	\$ 140	\$ -	\$ -	\$ -
\$ -	\$ -	\$ 140	\$ -	\$ -	\$ -

Legislative

Ordinance & Proceedings

Printing & Binding: Legal Notices Publishing

Total Legislative

\$ 1,787	\$ 1,330	\$ 4,344	\$ 336	\$ 3,000	\$ 3,000
\$ 1,787	\$ 1,330	\$ 4,344	\$ 336	\$ 3,000	\$ 3,000

Executive

Mayor and City Council

Wages & Salaries

Employer Contributions for Retirement: PERA Contributions

Total Executive

\$ 7,779	\$ 5,840	\$ 1,612	\$ -	\$ 4,500	\$ 8,500
\$ 443	\$ 250	\$ -	\$ -	\$ 360	\$ 680
\$ 8,222	\$ 6,090	\$ 1,612	\$ -	\$ 4,860	\$ 9,180

City/Town Clerk

Clerk - Deputy Clerk - Treasurer

Wages & Salaries

State Tax - Employee

Employer Contributions for Retirement: PERA Contributions

Fees

\$ 63,971	\$ 81,527	\$ 103,524	\$ 63,042	\$ 134,501	\$ 143,000
\$ 3,555	\$ 4,811	\$ 7,153	\$ 3,534	\$ 10,760	\$ 11,200
\$ 6,314	\$ 9,107	\$ 12,974	\$ 8,581	\$ 10,583	\$ 11,100
\$ 10	\$ -	\$ -	\$ -	\$ -	\$ -

Elections

Repair & Maintenance Supplies

Contracted Services - Election Judges

Recording & Reporting: Utility Services - Water

Printing & Binding: Legal Notices Publishing

Total City/Town Clerk

\$ 1,150	\$ 1,185	\$ 1,185	\$ -	\$ 1,332	\$ 1,500
\$ -	\$ 8,969	\$ -	\$ 1,332	\$ 9,137	\$ -
\$ -	\$ -	\$ -	\$ 1,247	\$ -	\$ -
\$ -	\$ 305	\$ -	\$ -	\$ -	\$ -
\$ 75,001	\$ 105,904	\$ 124,836	\$ 77,736	\$ 166,313	\$ 166,800

Financial Administration

Financial Administration

Contracted Services - Financial Administration

Communications: Postage

Fees

\$ -	\$ -	\$ 527	\$ -	\$ 6,000	\$ -
\$ -	\$ -	\$ 28	\$ -	\$ -	\$ -
\$ -	\$ -	\$ 81	\$ -	\$ -	\$ -

Assessing

Contracted Services

Total Financial Administration

\$ 5,671	\$ 11,919	\$ 5,646	\$ 6,432	\$ 6,500	\$ 6,700
\$ 5,671	\$ 11,919	\$ 6,282	\$ 6,432	\$ 12,500	\$ 6,700

Law

Legal Services

Professional Services

Professional Services: Legal Fees

\$ 19,500	\$ 16,500	\$ 19,500	\$ 10,500	\$ 18,000	\$ 20,000
\$ -	\$ -	\$ 3,238	\$ 7,011	\$ -	\$ 3,500

Personnel Administration

Printing & Binding: General Notices & Public Information

Total Law

\$ -	\$ -	\$ 1,126	\$ -	\$ -	\$ 500
\$ 19,500	\$ 16,500	\$ 23,864	\$ 17,511	\$ 18,000	\$ 24,000

CITY OF BIRCHWOOD VILLAGE  
PROPOSED BUDGET 2025

\* Rev: 09/10/2024

Other General Government

Grants

	Actual 2021	Actual 2022	Actual 2023	Actual Thru 7/9	Budget 2024	Prop Budget 2025	
Grants	\$ 1,752	\$ 1,805	\$ 1,958	\$ 2,054	\$ 2,054	\$ 2,100	M

Planning & Zoning

Professional Services - Planning - Ben	\$ 1,750	\$ -	\$ 12,000	\$ 11,200	\$ 5,000	\$ 22,500	
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Contracted Services - Planning	\$ 6,120	\$ -	\$ -	\$ -	\$ -	\$ -	
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City Training & Development

Training	\$ 175	\$ 304	\$ 1,462	\$ 1,228	\$ 2,000	\$ 2,000	
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Miscellaneous: Dues & Subscriptions - LMC	\$ 1,103	\$ 1,412	\$ 1,195	\$ -	\$ 1,237	\$ 1,250	
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Animal Control

Contracted Services	\$ 800	\$ 1,557	\$ 1,148	\$ 400	\$ 1,200	\$ 1,200	N
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Software Expense

Miscellaneous: Dues & Subscriptions	\$ 30	\$ -	\$ 4,000	\$ 2,100	\$ -	\$ 2,100	O
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General Fund Engineering Expense

Professional Services - Engineering	\$ -	\$ -	\$ 19,886	\$ 8,443	\$ 12,000	\$ 14,500	P
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General Government Buildings & Plant

Office Supplies	\$ 405	\$ 946	\$ 1,932	\$ 1,079	\$ 1,900	\$ 2,000	
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Operating Supplies: Cleaning Supplies	\$ -	\$ -	\$ 16	\$ 330	\$ -	\$ 100	
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Repair & Maintenance Supplies	\$ 54	\$ 2,022	\$ 327	\$ 379	\$ 2,500	\$ 2,500	
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Office Equipment	\$ -	\$ 25	\$ 412	\$ -	\$ -	\$ -	
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Professional Services	\$ -	\$ 2,676	\$ 304	\$ 396	\$ -	\$ -	
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Contracted Services - Cleaning	\$ 344	\$ 516	\$ 576	\$ 416	\$ 4,100	\$ 750	Q
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Communication	\$ 10,151	\$ 6,184	\$ 8,388	\$ 3,191	\$ 9,351	\$ 5,000	R
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Utility Services	\$ 1,889	\$ 2,381	\$ 2,879	\$ 437	\$ 5,000	\$ 5,000	S
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Repairs & Maintenance	\$ 238	\$ 259	\$ 332	\$ 462	\$ 200	\$ 450	
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City Insurance

Workers Compensasion	\$ 3,237	\$ 2,768	\$ 1,902	\$ 2,095	\$ 2,768	\$ 3,000	
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Insurance: General Liability	\$ 7,297	\$ 8,385	\$ 10,933	\$ 12,430	\$ 11,781	\$ 13,100	
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Insurance: Property	\$ -	\$ 277	\$ -	\$ -	\$ -	\$ -	
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Excess Liability	\$ -	\$ 855	\$ 1,200	\$ -	\$ 855	\$ 1,200	
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Cable Equipment & Service

Office Equipment	\$ -	\$ -	\$ 3,445	\$ 480	\$ -	\$ -	
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Contracted Services	\$ 1,937	\$ 1,723	\$ 1,710	\$ 663	\$ 1,500	\$ 1,750	
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Communication	\$ -	\$ -	\$ 6,435	\$ 870	\$ -	\$ -	
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Miscellaneous: Dues & Subscriptions	\$ -	\$ -	\$ 160	\$ -	\$ -	\$ -	
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Refund of Overpayment of Permit Fees

Refunds and Reimbursements	\$ -	\$ -	\$ 417	\$ 395	\$ -	\$ -	
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Kayak/Canoe Permit Labels

Office Supplies	\$ -	\$ -	\$ 168	\$ -	\$ -	\$ -	
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Total Other General Government	\$ 37,283	\$ 34,094	\$ 83,185	\$ 49,047	\$ 63,446	\$ 80,500	
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CITY OF BIRCHWOOD VILLAGE  
PROPOSED BUDGET 2025

\* Rev: 09/10/2024

Public Safety

Police

Contracted Services

Total Police

Fire

Contracted Services

Total Fire

Building Administration

Contracted Services - Inspector

Total Fees Department of Labor & Industry

Total Builing Inspections

Other Protection

Contracted Services - Code Red

Total Other Protection

Highways Streets & Roadways

Highways Streets & Roadways

Contracted Services - Pothole Repair / Crack Seal/ Seal Coat

Street Sweeping

Contracted Services

Tree Care

Contracted Services - Tree Inspector

Ice & Snow Removal

Operating Supplies: Salt & Sand

Contracted Services

Tree Removal

Contracted Services - Steve Dean

Street Lighting

Utility Services

Survey-Public Property

Professional Services

Total Highways Streets & Roadways

Recycling

Recycling

Contracted Services - Recycling

Total Other Recycling

	Actual 2021	Actual 2022	Actual 2023	Actual Thru 7/9	Budget 2024	Prop Budget 2025
Contracted Services	\$ 42,019	\$ 96,073	\$ 36,217	\$ 36,217	\$ 87,027	\$ 97,575
Total Police	\$ 42,019	\$ 96,073	\$ 36,217	\$ 36,217	\$ 87,027	\$ 97,575
Contracted Services	\$ 31,823	\$ 30,108	\$ 39,327	\$ 35,597	\$ -	\$ 65,087
Total Fire	\$ 31,823	\$ 30,108	\$ 39,327	\$ 35,597	\$ -	\$ 65,087
Contracted Services - Inspector	\$ 22,196	\$ 21,932	\$ 50,709	\$ 41,905	\$ -	\$ 60,000
Total Fees Department of Labor & Industry	\$ 1,108	\$ 2,169	\$ 2,184	\$ 716	\$ -	\$ 2,200
Total Builing Inspections	\$ 23,304	\$ 24,100	\$ 52,893	\$ 42,621	\$ -	\$ 62,200
Contracted Services - Code Red	\$ 68	\$ 68	\$ 68	\$ -	\$ 70	\$ 70
Total Other Protection	\$ 68	\$ 68	\$ 68	\$ -	\$ 70	\$ 70
Contracted Services - Pothole Repair / Crack Seal/ Seal Coat	\$ 42,293	\$ 10,000	\$ 11,250	\$ -	\$ 50,000	\$ 100,000
Contracted Services	\$ 2,124	\$ -	\$ 3,500	\$ 2,000	\$ 4,000	\$ 4,000
Contracted Services - Tree Inspector	\$ 1,300	\$ 1,300	\$ -	\$ -	\$ 5,000	\$ 5,000
Operating Supplies: Salt & Sand	\$ 3,273	\$ 12,971	\$ 44,868	\$ 15,935	\$ 20,000	\$ 20,000
Contracted Services	\$ 9,512	\$ 16,941	\$ 31,302	\$ 806	\$ 20,000	\$ 20,000
Contracted Services - Steve Dean	\$ 6,607	\$ 500	\$ 23,000	\$ 4,387	\$ 15,000	\$ 15,000
Utility Services	\$ 14,896	\$ 16,072	\$ 16,472	\$ 6,400	\$ 16,800	\$ 17,000
Professional Services	\$ -	\$ -	\$ 1,000	\$ 3,740	\$ -	\$ 2,000
Total Highways Streets & Roadways	\$ 86,065	\$ 63,575	\$ 131,393	\$ 33,631	\$ 130,800	\$ 183,000
Contracted Services - Recycling	\$ 14,352	\$ 16,192	\$ 17,480	\$ 9,200	\$ 15,980	\$ 20,400
Total Other Recycling	\$ 14,352	\$ 16,192	\$ 17,480	\$ 9,200	\$ 15,980	\$ 20,400



CITY OF BIRCHWOOD VILLAGE

PROPOSED BUDGET 2025

\* Rev: 09/10/2024

Culture & Recreation

Parks and City Maintenance

	Actual 2021	Actual 2022	Actual 2023	Actual Thru 7/9	Budget 2024	Prop Budget 2025
Wages & Salaries	\$ 15,866	\$ 15,051	\$ 23,020	\$ 9,639	\$ 24,170	\$ 25,200
Employer Contributions for Retirement: PERA Contributions	\$ 2,223	\$ 1,490	\$ 3,391	\$ 1,378	\$ 3,383	\$ 3,525
Medicare - Employer	\$ -	\$ -	\$ -	\$ -	\$ 363	\$ 750
Social Security - Employer	\$ -	\$ -	\$ -	\$ -	\$ 1,692	\$ 1,800
Operating Supplies: Pet Waste Bags	\$ -	\$ -	\$ 50	\$ -	\$ -	\$ 50
Repair & Maintenance Supplies	\$ -	\$ 132	\$ 918	\$ 236	\$ -	\$ 500
Repair & Maintenance Supplies: Sign Repair Materials	\$ -	\$ -	\$ 9	\$ 591	\$ -	\$ -
Professional Services	\$ -	\$ -	\$ 185	\$ -	\$ -	\$ 8,000
Contracted Services - Porta Potties	\$ 1,923	\$ 6,508	\$ 2,717	\$ 1,318	\$ 2,930	\$ 3,025
Utility Services	\$ 75	\$ 270	\$ 400	\$ 29	\$ 685	\$ 400
Repairs & Maintenance	\$ 4,578	\$ 1,624	\$ 730	\$ 50	\$ 1,000	\$ 3,000
Lake Links Trail Maintenance	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,000
Miscellaneous	\$ 2,348	\$ 8,704	\$ -	\$ -	\$ -	\$ -
<b>Total Parks</b>	<b>\$ 27,013</b>	<b>\$ 33,779</b>	<b>\$ 31,418</b>	<b>\$ 13,240</b>	<b>\$ 34,222</b>	<b>\$ 48,250</b>

U

Conservation of Natural Resources

Fees	\$ 2,220	\$ 1,791	\$ 1,100	\$ 740	\$ 740	\$ 1,150
<b>Total Other Conservation of Natural Resources</b>	<b>\$ 2,220</b>	<b>\$ 1,791</b>	<b>\$ 1,100</b>	<b>\$ 740</b>	<b>\$ 740</b>	<b>\$ 1,150</b>

V

Miscellaneous Expenditures

Professional Services	\$ 920	\$ 2,925	\$ -	\$ -	\$ -	\$ -
Miscellaneous	\$ 30	\$ 605	\$ -	\$ -	\$ -	\$ -
Refunds & Reimbursements	\$ 15	\$ 113	\$ 60	\$ -	\$ -	\$ -
<b>Total Other Miscellaneous Expenditures</b>	<b>\$ 965</b>	<b>\$ 3,643</b>	<b>\$ 60</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>

Miscellaneous - Unallocated Expenditures

Office Supplies	\$ -	\$ 69	\$ -	\$ -	\$ -	\$ -
Office Equipment	\$ -	\$ 1,423	\$ -	\$ -	\$ -	\$ -
Contracted Services	\$ -	\$ 1,052	\$ -	\$ -	\$ -	\$ -
Commuications	\$ 85,339	\$ 685	\$ -	\$ -	\$ -	\$ -
Miscellaneous	\$ 441	\$ 25,215	\$ -	\$ 12,281	\$ 2,000	\$ 500
Fees	\$ -	\$ 199	\$ -	\$ -	\$ -	\$ -
Refunds & Reimbursements	\$ -	\$ 2,878	\$ -	\$ -	\$ -	\$ -
<b>Total Miscellaneous - Unallocated Expenditures</b>	<b>\$ 85,780</b>	<b>\$ 31,521</b>	<b>\$ -</b>	<b>\$ 12,281</b>	<b>\$ 2,000</b>	<b>\$ 500</b>

W

Escrow Refunds

Miscellaneous	\$ -	\$ 24,100	\$ -	\$ -	\$ -	\$ -
Refunds & Reimbursements	\$ -	\$ 144,100	\$ 18,000	\$ 6,000	\$ -	\$ 30,000
<b>Total Escrow Refunds</b>	<b>\$ -</b>	<b>\$ 168,200</b>	<b>\$ 18,000</b>	<b>\$ 6,000</b>	<b>\$ -</b>	<b>\$ 30,000</b>

Other Financing Uses: Transfer to Enterprise Funds

Interfund Transfers - Capital Improvement Fund	\$ -	\$ 32,317	\$ -	\$ 40,868	\$ 30,000	\$ 12,614
<b>Total Other Financing Uses</b>	<b>\$ -</b>	<b>\$ 32,317</b>	<b>\$ -</b>	<b>\$ 40,868</b>	<b>\$ 30,000</b>	<b>\$ 12,614</b>

Proprietary Fund Expenses

Sewer Engineering Expenses

Professional Services - Engineering	\$ 33,635	\$ 51,912	\$ -	\$ -	\$ -	\$ 600,000
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TOTAL GENERAL FUND DISBURSEMENTS

<b>\$ 494,707</b>	<b>\$ 729,116</b>	<b>\$ 573,189</b>	<b>\$ 381,956</b>	<b>\$ 568,959</b>	<b>\$ 1,411,026</b>
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**CITY OF BIRCHWOOD VILLAGE  
PROPOSED BUDGET 2025 NOTES**

**A** The budget is made using a cash basis of accounting. This spreadsheet Includes both levy and non levy items for tranparency. This is the reason the disbursements are increased from the 2024 budget.

2024 Levy	2025 Proposed Levy	Change
\$ 573,534.59	\$ 618,134.00	7.78%

**B** The Dock/Lift Permit Fees have been moved to the Special Revenue Fund.

**C** Recycling Grant.

**D** This number includes:

Gas Tax	\$ 23,000.00
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The following are for the Liftstation:

EPA Federal Grant	\$ 480,000.00	
RCWD	\$ 100,000.00	** This can be used towards
Total	\$ 603,000.00	the city match of \$120,000.00.

**E** The actual in 2024 was from Jason Tell for reimbursement of planning services.

**F** The actual in 2024 was from Elizabeth Simning for a vacant building registration fee.

**G** The actuals in 2022 were elevated due to city road closures and detours resulting in elevated fines. Sarah Halvorson from Washington County is investigating the low 2024 numbers.

**H** WBL Press Publications.

**I** This amount is made up of the following:

Mayor	\$ 2,500.00	
City Council	\$ 6,000.00	(\$1,500.00 * 4 Members)
	\$ 8,500.00	

**J** Three positions:

2024 Budget	\$ 134,501.00
Less Past Treasurer	\$ 1,050.00
	\$ 133,451.00
Clerk/Deputy 4%	\$ 138,789.04
Add New Treasurer	\$ 4,200.00
Total	\$ 142,989.04

**K** League of MN Cities Legal.

**L** Advertising for Open Positions.

**M** Northeast Youth and Family Services.

**N** Companion Animal Control.

**O** The City's permitting software purchased from Civic Plus. The initial investment of \$4,000 with yearly charges of \$2,100 every year after.

**P** Bolton & Menk.

**Q** Cleaning Services - TSE, Inc.

**R** Metro INET and forecasted Techie Dudes, internet and phone lines.

**CITY OF BIRCHWOOD VILLAGE  
PROPOSED BUDGET 2025 NOTES**

**S** USS Minnesota One MT LLC

<b>T</b>	Road Maintenance	\$ 67,614.00
	Potholes	\$ 15,000.00
	Council Addition	\$ 17,386.00
	Seal Coat & Crack S Total	<span style="border: 1px solid black;">\$ 100,000.00</span>

**U** Budget number includes \$8,000 for contracted lawn services.

**V** White Bear Lake Conservation Fees.

**W** The actual in 2024 was paid to General Service Repair for lift station repair.

**RESOLUTION 2024-48**

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

**A RESOLUTION ADOPTING THE FINAL BUDGET FOR THE MUNICIPAL  
OPERATIONS OF THE CITY OF BIRCHWOOD VILLAGE, WASHINGTON  
COUNTY, MINNESOTA FOR FISCAL YEAR 2025**

**WHEREAS**, the City of Birchwood Village is required to maintain a budget to fund its regular operations; and

**WHEREAS**, the City has the legal authority to levy necessary funds to operate; and

**WHEREAS**, the City continually monitors its expenditures and develops a budget based on a calendar year's expenses.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Birchwood Village, Washington County, Minnesota that the final budget for the municipal operations of the City of Birchwood Village, Washington County, Minnesota, for fiscal year 2024, and as indicated in the attached exhibit, is hereby adopted.

I certify that the City Council of the City of Birchwood Village, Washington County, Minnesota adopted the above Resolution on this 10th day of December 2024.

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

Attest:

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

**RESOLUTION 2024-49**

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

**A RESOLUTION ADOPTING THE FINAL LEVY ON REAL PROPERTY LOCATED  
WITHIN THE CORPORATE LIMITS OF THE CITY OF BIRCHWOOD VILLAGE,  
WASHINGTON COUNTY, MINNESOTA PAYABLE IN FISCAL YEAR 2025**

**WHEREAS**, the City of Birchwood Village is required to maintain a budget to fund its regular operations; and

**WHEREAS**, the City has the legal authority to levy necessary funds to operate; and

**WHEREAS**, the City continually monitors its expenditures and develops a budget based on a calendar year's expenses; and

**WHEREAS**, the City conducted a Truth In Taxation meeting on December 10<sup>th</sup>, 2024 to solicit public input on the proposed levy.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Birchwood Village, Washington County, Minnesota that the 2024 levy on real property located within the corporate limits of the City of Birchwood Village, Washington County, Minnesota, payable on property taxes in the year 2025, be set at \$ \_\_\_\_\_.

I certify that the City Council of the City of Birchwood Village, Washington County, Minnesota adopted the above Resolution on this 10th day of December 2024.

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

Attest:

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

**CITY OF BIRCHWOOD VILLAGE  
STATE OF MINNESOTA**

**RESOLUTION 2024-50**

**RESOLUTION CERTIFYING UNPAID UTILITY CHARGES FOR COLLECTION**

**WHEREAS**, the City of Birchwood Village has identified residents who are delinquent in payment of their utility bills, and

**WHEREAS**, the City has given notice that the City Council would conduct a public hearing on December 10, 2024, at which time residents who are considered delinquent would have an opportunity to be heard; and

**WHEREAS**, the City has provided ample opportunity for residents to pay their utility bills.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BIRCHWOOD VILLAGE, MINNESOTA**

1. The City of Birchwood Village hereby makes the delinquent utility payments on the following accounts a charge against the resident identified and hereby certifies these unpaid charges to the county auditor with taxes against the property served for collection as other taxes are collected.
2. The resident may pay the amount due at any time. If payment is made by 5pm central standard time on December 10, 2024, the delinquency will not be certified to the county.
3. After December 10, 2024, the City Administrator shall transmit a certified copy of this list to the County Auditor to be extended on the property tax lists of the county and such assessment shall be collected and paid in the same manner as property taxes.

I certify that the City Council of the City of Birchwood Village, Washington County, Minnesota adopted the above Resolution on this 10th day of December 2024.

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

Attest:

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

CITY OF BIRCHWOOD VILLAGE

PRELIMINARY CERTIFICATION LIST - SUMMARY BALANCES

Customer	Customer Name	Cert Payor	Property A	Tax Parcel	Amount
8162-01		Owner Occupied		25-30-22-11-0005	\$373.52
8167-00		Owner Occupied		30-030-21-22-0017	\$1,022.99
8247-01		Owner Occupied		30-030-21-24-0075	\$869.52
8259-00		Owner Occupied		30-030-21-13-0040	\$929.28
8290-00		Owner Occupied		30-030-21-42-0057	\$1,257.49
8347-02		Owner Occupied		30-030-21-22-0070	\$1,307.87
8451-01		Owner Occupied		30-030-21-23-0001	\$1,175.34
8462-02		Owner Occupied		30-030-21-22-0060	\$777.59
8469-01		Owner Occupied		30-030-21-23-0025	\$484.70
8475-00		Owner Occupied		30-030-21-24-0060	\$813.22
8690-01		Owner Occupied		30-030-21-23-0039	\$949.29
					\$9,960.81

**To: City Council**  
**From: Justin McCarthy, Council**  
**Re: Amending City Code 302.055**

Dear Council,

An appeal recently came up in which City Code section 302.055 was cited against a recent home building project. The City Engineer noted that a literal interpretation of the ordinance would prevent construction of any houses (as the houses are typically built higher than the road so that runoff drains to the road) in Birchwood as well as making almost all existing houses in Birchwood non-conforming.

While the City Engineer interpreted the ordinance in that case in a manner he deemed reasonable (with both the planning commission and City Council agreeing with him), I am proposing language amending the ordinance to reflect this reading to provide more clarity to homeowners.

Since this is a section of City Code relating to land use, this was reviewed by the planning commission in their October meeting. The meeting minutes reflected that they approved the change by a 4-0 vote subject to “the engineer’s analysis on properties lying within or affecting land locked basins (i.e. no outlet) shall include an evaluation of the potential impacts to surrounding property from a 48 hr – 100 year probability event.” I have made this change to the below proposal.

Thanks  
Justin McCarthy



**ORDINANCE 2024 – 11-01**

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

**AN ORDINANCE AMENDING SECTION 302.055 “Land Disturbance Activity Standards”**

The City Council of the City of Birchwood Village hereby ordains that section 302.055 “Land Disturbance Activity Standards” is hereby amended in the Municipal Code of the City of Birchwood Village as follows:

**302.055 Land Disturbance Activity Standards**

...

2. The following are Specific Standards:

a. Land Use Standards

~~1. No construction or alteration of new or existing structures or land topography shall be done so as to increase the rate of storm water runoff from the parcel as compared to the runoff rate before such construction or alteration unless:~~

~~(i) The City has a storm water drainage system which will accommodate this additional water flow without increasing the overall rate at which water leaves the City or enters public waters; and/or~~

~~(ii) Adequate storm water runoff measures and facilities are constructed to retain storm water on the lot and reduce the runoff rate such that the total rate from the lot is not increased; and/or~~

~~(iii) The construction or alteration results in a substantial reduction in storm water caused soil erosion on the lot, and the quantity of silt and/or other water borne pollutants leaving the lot is reduced.~~

New construction or significant modifications shall be designed and constructed such that, in the opinion of the City Engineer, the construction or modifications do not cause significant adverse effects on adjacent properties (including City property) due to stormwater runoff, including but not limited to erosion, flooding, or damage to structures or landscaping. Calculations for this section shall be based on a 24-hour, 10-year storm event as defined by local meteorological data. Properties lying within or affecting land locked basins (i.e., no outlet) shall also include an evaluation of the potential impacts to surrounding property from a 48 hr – 100 year probability event.

...

MEETING MINUTES (Draft)

Birchwood Planning Commission Regular Meeting

City Hall - 7:00 PM Regular Meeting 10/24/2024

Submitted by Michael Kraemer – secretary

COMMISSIONERS PRESENT: – Andy Sorenson - Chairperson, Michael Kraemer, Casey Muhm, Michael McKenzie, Michelle Maiers-Atakpu

COMMISSIONERS ABSENT: None

OTHERS PRESENT: Suzie Mahoney, Larry Mahoney, Emily Morehead

1. TO ORDER: Sorenson called meeting to order at 7:00 PM.
2. PUBLIC FORUM
  - a. Larry and Suzie Mahoney 479 Lake Ave spoke about their concern over the deck modification permit granted to 483 Lake Ave. The Mahoney’s indicated they had filed a complaint with the City Council on October 8, 2024 about the deck modification permit. The Mahoneys inquired if the Planning Commission had any recommendations on how they could contest the permit and stop the current construction. Planning Commission Chairman Andy Sorenson informed the Mahoneys that the Planning Commission had no jurisdiction over the matter since the Commission had no involvement in the review and approval of the any element of the permit.
3. APPROVE AGENDA
  - a. Motion by Maiers-Atakpu, 2<sup>nd</sup> by Muhm, 2<sup>nd</sup> to approve agenda. Vote: Yes -5, No – 0. Motion passed.
4. REGULAR AGENDA
  - a. Item A – Review/Approve August 22, 2024 Planning Commission Meeting Minutes.
    - i. Motion by Muhm, 2<sup>nd</sup> by Maiers-Atakpu to approve the minutes. Vote: Yes – 5, No – 0, Motion passed.
  - b. Item B – 4 Five Oaks Lane Concept Plan Review.
    - i. Planning Commission was asked to provide preliminary comments on a concept plan to extend the garage/master bedroom addition from the face of the walkout garage 30’ to within 21’ – 4” of the city street ROW. The face of the current structure is 51’ – 4” from the ROW. City Code 302.020 STRUCTURE LOCATION REQUIREMENTS dated 09/02/2023 sets structure set back from city streets at 30’.
    - ii. **Action Taken:** The Planning Commission not finding circumstances of code imposed undo hardship suggested current plan was not in compliance with City Code and that the property owners work with

their architect to bring the proposed addition design in compliance with existing City Code.

c. Item C – Ordinance 2024-11-01 (302.055) Run Off Changes

- i. Planning Commission was asked to review draft language of Ordinance 2024-11-01 LAND DISTURBANCE ACTIVITY STANDARDS related to site runoff considerations. The previous ordinance sited *“No increase in runoff **rate** shall occur.”* The proposed language changed that threshold to *“in the opinion of the City Engineer, the construction or modifications do not cause significant adverse effects on adjacent properties (including City property) due to stormwater runoff, including but not limited to erosion, flooding, or damage to structures or landscaping. Calculations for this section shall be based on a 24-hour, 10-year storm event as defined by local meteorological data.”*
- ii. **Action Taken/ Recommendation:** The Planning Commission accepted the language modification with the caveat that the engineer’s analysis on properties lying within or effecting land locked basins (i.e. no outlet) shall include an evaluation of the potential impacts to surrounding property from a 48 hr – 100 year probability event. Advisory Vote: Yes – 4, No – 0.

ADJOURN 7:49 PM

- d. Motion by Maiers-Atakpu , 2<sup>nd</sup> by Muhm to adjourn meeting. Vote: Yes - 5, No – 0. Motion passed.

**ORDINANCE 2024 – 03-01**  
**CITY OF BIRCHWOOD VILLAGE**  
**WASHINGTON COUNTY, MINNESOTA**  
**AN ORDINANCE AMENDING SECTION 402 "SOLID AND HAZARDOUS WASTE**  
**MANAGEMENT"**

**Section 1.**

Ordinance No. 402 titled "SOLID AND HAZARDOUS WASTE MANAGEMENT" is hereby replaced.

**402. SOLID WASTE AND RECYCLING**

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

1. Authorized Hauler. Any person, firm, corporation, association, partnership, or other entity that collects or transports Mixed Municipal Solid Waste (MMSW) that is generated in the City and is authorized by the City Council to collect and haul.
2. Authorized Mixed Municipal Solid Waste. Waste that is acceptable at the Designated Facility. Acceptable waste shall include garbage, and other municipal Solid Waste from residential and community activities that is generated and collected in aggregate and is not otherwise defined herein as Unacceptable Waste. No amount of Hazardous Waste or Infectious Waste that is regulated by law is acceptable at the Designated Facility. All household waste is Acceptable Waste unless it is otherwise regulated or prohibited by law.
3. Authorized Recycling. Materials that are separated from MMSW for the purpose of Recycling, which materials will be identified by the City Council, City's Solid Waste Contractor, and at least be inclusive of the Washington County standard list of residential curbside Recyclables. The list of Recyclable Material shall be provided to customers and updated on a regular basis as marketplace changes for recyclables.
4. Authorized Bulky Waste. Any item or material that the authorized hauler accepts only separately from authorized refuse or authorized recycling. Furniture, large toys, bicycles, lawnmowers, lawn chairs, carpet, and other Solid Waste with weights or volumes greater than those allowed for bags or carts. Bulky Waste does not include construction debris, hazardous waste, or Consumer Electronics.

5. Authorized Yard Waste or Compost. All yard waste or compost materials that the authorized hauler accepts. Means green/lawn clippings, leaves, weeds, garden waste (tomato vines, carrot tops, cucumber vines, etc.) soft-bodied plants (flowers and vegetable plants) small non-woody shrub trimmings or twigs (1/4-inch diameter maximum), pine cones and needles.
6. Authorized Materials. All Authorized Refuse, Authorized Recycling, Authorized Bulky Items and Authorized Yard Waste or Compost.
7. Compost or Composting. Any aboveground microbial process that converts organic materials to a soil amendment or mulch by decomposition of material through an aerobic process providing adequate oxygen and moisture.
8. Demolition waste. Waste building materials, packaging, and rubble resulting from construction, remodeling, repair, and demolition of buildings and roads.
9. Disposal. The discharge, deposits, injection, dumping, spilling, leaking, or placing of any solid or hazardous waste or any constituent thereof which may enter the environment or be emitted into the air or discharged into any water, including groundwater.
10. Food Scraps. Food scraps are discarded organized waste from unused food or food residue.
11. Food Scraps Pickup Program (FSPP). Ramsey and Washington Counties' food scraps pickup program is a program that allows Ramsey and Washington County participants to collect and dispose of food scraps using program-specific bags that are co-collected with mixed municipal solid waste. After collection, the program-specific bags are separated from mixed municipal solid waste and recycled. Material to be collected shall follow the food scraps pickup program's list of accepted material.
12. Recycling. The process of collecting and preparing Recyclable Materials for the purpose of reusing the materials in their original form or using them in manufacturing processes that do not cause the destruction of Recyclable Materials in a manner that precludes further use.
13. Recyclable Materials. Materials that are separated from MMSW for the purpose of Recycling, which materials will be identified by the City Council, City's Solid Waste Contractor, and at least be inclusive of the Washington County standard list of

residential curbside Recyclables.

14. Residential Dwelling Unit (RDU). RDU shall include single dwellings and can include up to four multi-dwelling residences including residential manufactured homes and businesses operating out of a residence.
15. Solid Waste or Waste. Garbage, and other discarded solid materials including solid waste materials and waste sludges resulting from industrial, commercial, and agricultural operations and from community activities, but does not include hazardous waste, animal waste used as fertilizer, earthen fill, boulders, rock, solids or dissolved material in domestic sewage or other significant pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste water to effluents, dissolved materials in irrigation return flows, or other common water pollutants.
16. Unauthorized Materials. Any material(s) which is/are not (an) Authorized Material(s).

402.020. DISPOSAL.

1. Authorized Materials. Authorized refuse, authorized recycling, and authorized yard waste must be placed in the container(s) provided by the authorized hauler(s).
2. Cart placement. It is the responsibility of all persons occupying or controlling any residence to:
  - a. Place containers issued by the Authorized Hauler containing Authorized Materials at the curb for collection, and at ground level, or as directed by the Authorized Hauler.
3. Items outside containers. Authorized Bulky Waste items shall be set out separately. Authorized materials that do not fit within the provided containers may be set out separately as specified by the authorized hauler.
4. Materials for collection. No person shall set out authorized materials except in the manner the Authorized Hauler specifies, nor shall any person set out Unauthorized Materials for collection by the Authorized Hauler.
5. Separation of materials. No person shall place authorized materials in any container not designated for those materials, nor shall any person mix authorized materials for collection for which the Authorized Hauler requires separation.

6. Hours of operation. Collection of authorized materials must comply with the City's Noise Ordinance. Collection of authorized materials shall not start before 7:00 a.m. or continue after 7:00 p.m. on the evening of the same date (Monday through Friday).

Exceptions to collection hours shall be affected only upon the mutual agreement of the City and hauler. Exceptions may include holidays, landfill operations, or when the hauler and City reasonably determine that an exception is necessary in order to complete collection on an existing collection route due to unusual circumstances. The City has the final decision in all exceptions.

7. Recycling. The city's contracted hauler is required to pick up authorized recycling materials at every Residential Dwelling that secures a container specified by the Authorized hauler.
8. Materials for non-collection pickup. Unless such acts violate City Code other than this chapter, or create a hazard, obstruction, unsanitary condition or nuisance, materials may be placed out for others to pick up without cost or for sale on a lot or on street right-of-way. However, no resident or owner of the property shall allow materials to remain for more than seven days.
9. Hazardous waste. Hazardous waste shall be disposed of as required by Washington County and the state of Minnesota.
10. Resource recovery. Resource recovery is a desirable alternative to collection for disposal in landfill sites. No provision of this chapter shall abridge the right of persons to dispose of refuse in this manner provided storage of the recoverable materials is concealed from public view and such storage is not dangerous to the public health.
11. Demolition waste. All demolition waste must be disposed of in accordance with County regulations. Residents may contract with their own waste hauler to utilize roll-off dumpsters to dispose of construction debris.
12. Clean fill. Dirt, stones, etc. used as clean fill is not covered under this chapter.

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

Authorized Hauler agrees that during the life of the contract, the Authorized Hauler will not, within the state of Minnesota, discriminate against any employee or applicant for employment because of race, color, creed, national origin, ancestry, or sex and will include a similar provision in all subcontracts entered into for the performance thereof.

402.040. LICENSING AND LICENSEE RESPONSIBILITIES; COUNTY LICENSE REQUIRED. It shall be unlawful for any person to collect Solid Waste from any person for a fee or other charge or under contract within the City without having first secured a license from the County. This Ordinance requires that appropriate licenses be obtained from Washington County for the establishment and operation of Solid Waste Management activities and Facilities. The City may have the right and duty to approve and consider all license applications submitted to the County for operation of all Solid Waste Management activities, Sites, or Facilities, and hauling services within the City.

402.050. EXCLUSION OF UNAUTHORIZED HAULERS. The purpose of city-authorized haulers is to reduce traffic on city streets and roads, to reduce noise and pollution, and to secure better contract terms for collection. No person shall receive regular collection of authorized materials from any hauler except an Authorized Hauler.

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

402.070. WASTE COLLECTION REQUIRED. Every RDU shall contract with the City's Authorized Hauler(s) for Recycling and Waste Materials collection. Residential services will be outlined in the contract between the City and the Authorized Hauler(s). Every owner must ensure Recycling and Waste collection are provided at each dwelling within 30 days of occupancy. Such service must be maintained during occupancy.

In addition to all criminal remedies available to it, the City may contract for recycling and refuse collection for any residence that does not contract with an Authorized Hauler and shall charge the costs of the contract and all direct or indirect administrative costs the City incurs.

402.080 ILLEGAL WASTE DISPOSAL.



1. No person shall sweep or deposit any authorized or unauthorized materials in any public place or public way except in public containers.
2. Persons owning or occupying property shall keep any right-of-way bordering their property free of litter.
3. No person shall cast, place, sweep or deposit any authorized or unauthorized materials in such manner that it may be carried or deposited by the elements off the property within the City.
4. No person shall burn authorized or unauthorized mixed municipal solid waste, authorized or unauthorized recycling.
5. No person shall bury authorized or unauthorized materials.

402.090. UNLICENSED OPEN DUMPS. It shall be a violation of this Ordinance for any Person to operate an Open Dump. Waste placed in Open Dumps or illegally Disposed of shall be collected and transported to a licensed Waste Facility for proper Disposal by the Property Owner or other Person(s) determined by the City to be responsible for the illegal activity. The responsible party shall submit a closure plan for City review and shall close the dump in accordance with the following provisions.

1. The responsible party shall notify the City at least 10 days prior to commencement of excavation/removal activity at the subject Site. A receipt or other documentation approved by the City that indicates satisfactory and legal Disposal of the subject Solid Waste shall be submitted to the City no later than 14 days after Disposal.
  - a. Implementation of a water monitoring program may be required by the City based on the Open Dump's potential to adversely affect the public's health and the environment. Any required water monitoring program shall be conducted pursuant to MPCA rules, guidelines, procedures, and policies. Plans to protect the ground and surface water shall be approved by the City prior to implementation.
  - b. Surface water must be diverted around and away from the Open Dump.
  - c. Remove all containerized liquids, Hazardous Waste, and other items specified by the City for proper Processing or Disposal. Potentially Recyclable Materials may be removed for Processing or Marketing.
  - d. Establish and maintain final grade between 2% and 25% to promote surface water run-off without excessive erosion.
  - e. Establish vegetative cover consisting of shallow rooted perennials or other suitable vegetation.

- f. The Owner of the property on which the Open Dump is located shall place on record an instrument with the Washington County Recorder, in a form prescribed by the City, placing the public on notice of the existence and location of the Open Dump and of the obligations placed upon parties holding an interest in the property and the restrictions which may affect the use of the property.

402.100 ABANDONMENT AND STORAGE OF BULKY WASTE. No person shall have any abandoned, unattended, or discarded refrigerator or other similar appliance which has an airtight door or lid with a snaplock or other locking device which may not be released from the inside, on any lot, or in any structure.

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

1. Rodent harborages prohibited in occupied areas. No occupant of any structure shall accumulate boxes, lumber, scrap materials, construction debris or any other similar materials in such a manner that may provide a rodent harborage in or about any dwelling. Stored materials shall be stacked neatly in piles.
2. Notice to Owners of Unsanitary Conditions. When any unsanitary conditions are found on any property, an agent of the City shall order the owner or occupant thereof to remove the same, at his or her expense, within a time not to exceed ten days, the exact time to be specified in the notice. This notice shall be served by delivering a copy thereof to the owner, occupant, or agent of the property.

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

402.130. INSPECTION. The City shall have the right and duty to inspect containers set out on public right-of-way for collection to determine if the property Owner is in compliance with the provisions of this Ordinance.

402.140. ADDITIONAL REQUIREMENTS AND PROVISIONS.

1. Waivers or Modifications. Due to the great variability in the types of Solid Wastes and their existing and potential management methods, the City may waive or modify the strict application of the provisions of this Ordinance by reducing or waiving certain

requirements when such requirements are unnecessary or impractical, provided such a waiver or modification will not endanger the public health, safety, welfare, or the environment. The City may impose reasonable additional requirements through Solid Waste Management activity or Facility-specific license conditions when deemed necessary to protect the public health, safety, welfare, or the environment.

2. Agency Approval. No modification or waiver may be granted if it would result in noncompliance with Minn. Rules Chapter 7035 unless such modification or waiver has been granted by the Minnesota Pollution Control Agency.

3. Promotion of Public Health, Safety, and Welfare. Where the conditions imposed by any provision of this Ordinance are either more restrictive or less restrictive than comparable conditions imposed by any other provisions of this Ordinance, or any other applicable law, Ordinance, rule, and regulation, the provision which establishes the higher standards for the promotion and protection of the public health, safety, and welfare shall prevail.

4. Construction. This Ordinance shall not be construed to hold the City or the County or any officer or employee responsible thereof for any damage to Persons or property by reason of the inspection or reinspection authorized herein provided, or by reason of the approval or disapproval of equipment or licensing herein, nor for any action in connection with the inspection or control of Solid Waste or in connection with any other official duties.

5. No Consent. Nothing contained in this Ordinance shall be deemed to be a consent, license, or permit to locate, construct, operate, or maintain any Solid Waste Facility, or to carry on any activity.

6. Severability. If any provision of this Ordinance or the application thereof to any Person or circumstance is held invalid, said invalidity does not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and for this purpose the provisions of the Ordinance are severable.

#### 402.150 ENFORCEMENT.

1. INJUNCTIVE RELIEF. In the event of a violation or a threat of violation of this Ordinance, the City may institute appropriate actions or proceedings, including requesting injunctive relief to prevent, restrain, correct, or abate such violations or threatened violations.

2. CIVIL ACTION OR COST AS SPECIAL TAX. If a person fails to comply with the provisions of this Ordinance, the City may recover the cost incurred for corrective action in a civil action in any court of competent jurisdiction or, at the discretion of the County Board, the costs may be certified to the County Auditor as a special tax against the real property.
3. CITATION. The City may issue citations for violations of this Ordinance.

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

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

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

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

Adopted by the City of Birchwood Village City Council this 10th day of December, 2024.

---

Margaret Ford, Mayor

Attest:

---

Rebecca Kellen, City Administrator-Clerk

**RESOLUTION 2024-55**

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

**A RESOLUTION APPROVING SUMMARY PUBLICATION OF  
ORDINANCE NO. 2024-03-01, AN ORDINANCE AMENDING SECTION 402 "SOLID  
AND HAZARDOUS WASTE MANAGEMENT"**

**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. 2024-03-01, which amends the language of City Code Section 402; 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 2024-03-01 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 \_\_\_\_\_<sup>th</sup> day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
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 COMBINING CHAPTER 401 & 402 REGARDING THE  
HANDLING OF WASTE IN THE CITY OF BIRCHWOOD VILLAGE.**

The following is a SUMMARY of the Ordinance:

On December 10, 2024 the City adopted an Ordinance (2024-03-01) which operates to combine two sections of the City Code, 401 and 402, which reduces redundancy and brings terms up to contemporary standards. The disposal section is also updated to better suit the needs of the City and define different categories of waste.

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

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

**ORDINANCE NO. 2024-03-02**

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

*Findings and Purpose:*

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

**Section 1.**

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

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

Adopted by the City of Birchwood Village City Council this 10th day of December, 2024

---

Margaret Ford, Mayor

Attest:

---

Rebecca Kellen, City Administrator-Clerk

**AGREEMENT FOR LEGAL SERVICES  
BETWEEN THE CITY OF BIRCHWOOD  
VILLAGE AND H. A. KANTRUD, P.A.**

**THIS AGREEMENT** is by and between the **CITY OF BIRCHWOOD VILLAGE**, a Minnesota municipal corporation ("City") and **H. A. KANTRUD, P.A.**, a Minnesota corporation ("Attorney").

**NOW, THEREFORE**, in consideration of the mutual undertakings herein, the parties hereto agree as follows:

**1. ACCEPTANCE OF PROPOSAL.**

A. The Attorney shall furnish and perform general civil municipal and code enforcement legal services for the City.

B. The Attorney shall be engaged as an independent contractor and not as a City employee. The Attorney is free to contract with other entities.

**2. CONTRACT TIME.**

A. The Attorney shall serve at the pleasure of the City Council and may be terminated without cause by resolution of the City Council, provided that the Attorney is given ninety (90) ~~thirty (30)~~ days written notice before the termination becomes effective.

B. The Attorney may terminate the contract at any time, provided that the Attorney shall give the City ninety (90) ~~thirty (30)~~ days written notice before the termination becomes effective.

**3. COMPENSATION.**

A. The City agrees to pay Attorney for services rendered pursuant hereto at an annual base rate of \$30,000.00 ~~\$18,000.00~~ per year, payable to attorney in the same manner as it is currently



paid, in monthly installments of ~~\$2,500.00~~\$1,500.00. Special projects, appeals, legislative activities or protracted civil litigation for which the City requests representation shall be billable separately and in addition to the base retainer rate. Direct expenses such as printing, copying, equipment rental and travel expenses shall be itemized and billed separately as well and approved separately. These compensation provisions may be amended from time to time by agreement of the parties.

B. Any costs, fees, income recovered in the course of litigation or prosecution shall be forwarded to the City unless otherwise preapproved as compensation.

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4. **INSURANCE.** The Attorney will purchase and maintain sufficient insurance to protect Attorney against claims for legal malpractice.

5. **ANNUAL REVIEW.** The Attorney's performance may be reviewed annually or more often as deemed appropriate by the City Council.

6. **MISCELLANEOUS.**

A. *Governing Law.* This Agreement shall be governed by the laws of the State of Minnesota.

B. *Assignment.* The Attorney may not assign or refer any of the legal services to be performed hereunder without the consent of the City of Birchwood Village.

C. *Effective Date.* This Agreement shall be effective ~~January 1, 2018~~ December 15, 2024 ~~September 13, 2022~~ and shall continue indefinitely. This Agreement shall not be modified or amended without the approval in writing of the parties.

Dated: \_\_\_\_\_, 20\_\_\_\_

Dated: \_\_\_\_\_, 20\_\_\_\_

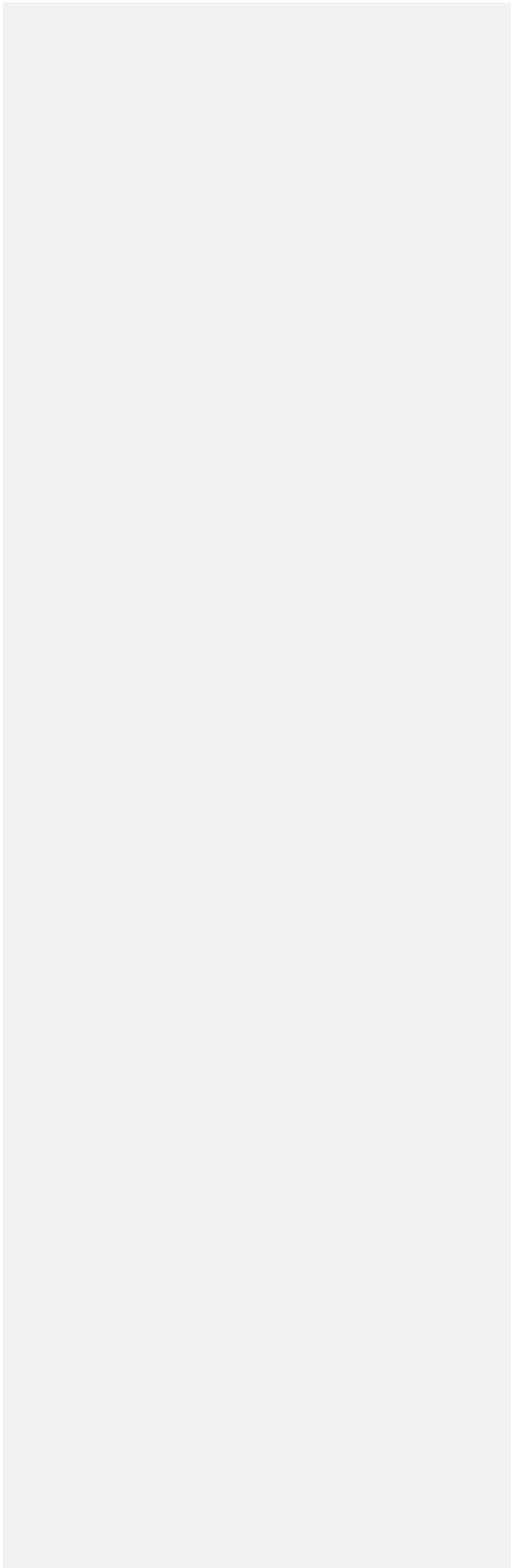
**CITY OF BIRCHWOOD VILLAGE**

**H. A. KANTRUD, P.A.**

By: Margaret Ford~~Mary Wingfield~~, Mayor

By: \_\_\_\_\_ H. A. Kantrud

And Tobin Lay~~Rebecca Kellen~~, City Administrator



## **INTRODUCTION**

The City Council of the City of Birchwood Village invites interested law firms and individuals with municipal law experience to submit written proposals to provide City Attorney services to the City. As City Attorney, the selected law firm or individual will be expected to provide a wide range of legal services. The City Attorney will be selected by the City Council and will work closely with the City staff.

## **GENERAL INFORMATION**

The City of Birchwood Village is in Washington County, with a population of approximately 864 residents and 375 households. The City covers 214 acres. Birchwood Village's City Council is comprised of a Mayor and four (4) council persons. The City has five employees: one full-time City Administrator, one part-time Bookkeeper, a part-time Treasurer, and two on-call maintenance workers. Some municipal services such as sewer maintenance, police and fire protection are contracted primarily from nearby government agencies. Private contractors currently maintain the water system and provide building inspections and engineering and planning services.

## **BASIC SERVICES REQUESTED**

Basic services, for the purpose of this proposal, shall include those legal services generally understood within the field of municipal law which fall within the category of "general counsel" work, and shall include, but not necessarily be limited to the following:

- Routine legal advice, telephone and personal consultations with the City Council, City Clerk, and department heads or authorized representatives.
- Assistance in preparation and review of Ordinances, Resolutions, Agreements, Contracts, Forms, Notices, Certificates, Deeds, and other documents required by the City.
- Attendance at City Council regular meetings upon request as well as other special meetings as requested. Regular meetings are held on the second Tuesday of each month beginning at 6:45 P.M.
- Attendance at other board, commission, and committee meetings upon request.
- Attendance of meetings with City Staff, upon request.
- Legal advice and opinions concerning legal matters that affect the City.
- Legal work pertaining to property acquisitions, property disposals, public improvements, easement dedications, and right-of-way vacations.
- Legal work pertaining to the water and sewer department.
- Enforcement of City Codes, zoning regulations and building standards through administrative and judicial actions.
- Monitoring of pending and current state and federal legislation and court decisions, as appropriate.
- Coordination of outside legal counsel, as needed and as directed by the City Council and City Staff.

## **BACKGROUND**

Describe the nature of your practice or your law firm's qualifications for providing City Attorney services. Include a professional chronology for the individual who will be designated to serve as City Attorney, as well as for others whom you anticipate being involved with providing legal services to the City.

Provide the overall capabilities, qualifications, training, and areas of expertise for each of the principals, partners, and associates of the law firm, including the length of employment for each person and his/her area of specialization.

- Legal training and number of years of practice, including date of admission to the Minnesota Bar Association, number of years of municipal or other local public sector law practice as full-time government attorney and/or in a private law office specializing in local government.
- Professional affiliations.
- Knowledge of and experience with Minnesota Municipal Law or other public sector experience.
- Litigation experience and demonstration of a good court record. Cite examples.
- Knowledge and practice of law relating to land use and planning, environmental law, risk management, development, general plans, real estate, and other related law.
- Experience in the preparation and review of ordinances and resolutions.
- Types of clientele represented and years representing each.
- Office location(s) and accessibility to the City.

If the firm/individual, or any of the attorneys employed by the firm, have ever been sued by cities or other clients for malpractice, been the subject of complaints filed with the State Bar, or had discipline imposed by the State Bar, please provide information about the nature of the incident, the dates of when the matter began and was concluded, and the results of the situation.

## **CITY/CITY ATTORNEY RELATIONSHIP**

Describe how you would structure the working relationship between the City Attorney and the City Council and City Staff.

Define the standard time frame for response by the City Attorney to direction and /or inquiry from the City Council or City Staff.

Describe the systems or mechanisms that would be established for monthly reporting of the status of projects, requests, and litigation.

## **CLIENTS/CONFLICT OF INTEREST**

Indicate whether you or your law firm represent or have represented any client which representation may conflict with your ability to serve as City Attorney.

What procedures does your firm utilize to identify and resolve conflicts of interest?

If appointed, the Attorney shall not accept any client or project which would knowingly place it in a conflict of interest with the services to be provided to the City.

For the person to be designated as City Attorney, list all public clients that person presently represents as city attorney or general counsel, along with the meeting dates and times for each governing body.

## **COMPENSATION**

The present City Attorney provides basic services at a monthly retainer amount. It is anticipated that the City Council may expect the firm/individual selected as City Attorney to also provide services under a similar system. The City is prepared, however, to consider alternative payment arrangements.

- Please describe how the firm intends to provide legal services, either on a retainer basis, hourly rate, or on a different basis. If a retainer is utilized, list services which would be included under the retainer. Define what type (s) of work you would consider to be extra or specialized work that would be billed in addition to basic services. State the hourly rates for designated City Attorney and associates for such specialized services.
- If the hourly rate billing is preferred, state the hourly rates for the designated City Attorney and associates for general work and for special services such as litigation and prosecution.
- Define the type and unit rates for reimbursement for expenses such as mileage, reproduction of documents, faxed documents, e-mail documents and work processing charges.

## **PROFESSIONAL REFERENCES**

Provide three professional references for the individual designated as City Attorney, including addresses and work telephone numbers.

## **EVALUATION AND SELECTION PROCESS**

Proposals will be screened and the top candidates will be selected by the Personnel Committee and/or City Council.

- Depth and breadth of experience and expertise in the practice of law, specifically in those areas most often encountered in municipal government operations.
- Capability to perform legal services promptly and in a manner that permits the City Council and Staff to meet established deadlines and to operate in an effective and efficient manner.
- Degree of availability for quick response to inquiries that arise out of day-to-day operating questions or problems.
- Degree to which firm and individual attorneys stay current through continued professional development and active communication with practitioners in the municipal law field.
- Communications skills.
- Cost of services; and
- Other qualifications/criteria, as deemed appropriate by the City Council.

The contract will require that the individual or law firm selected as City Attorney maintain general liability, automobile, workers' compensation, and errors and omissions insurance. The contract will also contain provisions requiring the selected individual or law firm to indemnify the City and provide that the City Attorney is an independent contractor serving at the will of the City Council. Other required provisions will include the City Council's right to terminate the agreement, at its sole discretion, upon the provision of the notice.

## **SELECTION SCHEDULE**

The City of Birchwood Village intends to proceed with the following tentative schedule for the selection.

Request for Proposals Distributed	December 16, 2024
Proposal Due Date	January 17, 2025 (3:00 P.M.)
Review of Proposals	January 20 – 31, 2025
Interviews and Selection	February 11, 2025
City Council Awards Contract	February 11, 2025

## **SUBMITTAL REQUIREMENTS**

Law firms or individuals interested in submitting proposals for the City Attorney shall submit 2 complete copies of the proposal along with a proposed contractual agreement, in a sealed envelope bearing the caption, "Birchwood Village City Attorney Proposal". The envelope shall be delivered to

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

Proposals must be received at the above address by 3:00 P.M. Late proposals will not be considered.

The City Council reserves the right to reject all proposals, to request additional information concerning any proposal for purposes of clarification, to accept or negotiate any modification to any proposal following the deadline for receipt of all proposals, and to waive any irregularities if such would serve the best interests of the City as determined by the Council.

## **CONTACT INFORMATION**

Direct all inquiries regarding the Request for Proposals to City Administrator Rebecca Kellen 207 Birchwood Avenue, Birchwood, MN 55110, at 651-426-3403, [Rebecca.kellen@cityofbirchwood.com](mailto:Rebecca.kellen@cityofbirchwood.com)

To: Birchwood City Council  
From: Ryan Hankins  
Re: New Variance Application Form

The following variance application form is closer to our requirements, and should be posted to the website. The city attorney has reviewed it.



**CITY OF BIRCHWOOD VILLAGE  
VARIANCE APPLICATION**

**207 Birchwood Ave., Birchwood, MN 55110  
651-426-3403 • info@cityofbirchwood.com**

**FOR OFFICIAL USE ONLY**  
(per Minn. Stat. 15.99)

Application Received Date: \_\_\_\_\_

Amount Paid: \$ \_\_\_\_\_

Date of Payment: \_\_\_\_\_

Payment Type:

- Cash
- Check (Number: \_\_\_\_\_ )
- Credit Card

Application Complete:

Yes

No - Other

Deficiency: \_\_\_\_\_

\_\_\_\_\_

Application Withdrawn by Applicant  
Date: \_\_\_\_\_

Date of Determination: \_\_\_\_\_

Date Notice of Deficiency Sent:

\_\_\_\_\_

- Variance Deadline Extended, because:
- Applicant requested extension.
- City staff require additional time to evaluate the application.
- The state or another agency must review the application.
- The application was received too late for city staff to process and place on the agenda of the next Planning Commission meeting.

Date Variance Extension Letter Sent:

Length of Extension: \_\_\_\_\_ days

*Completed applications for variances submitted on or before the **first of each month** will generally be considered by the Planning Commission at its next meeting on the fourth Thursday of that month. Applications submitted after the first of the month will generally be considered the following month.*



*Upon recommendation of the Planning Commission, the City Council will consider and decide the variance application at the City Council's next meeting.*

A. Applicant's Name:

Telephone:

Home:

Work/Cell:

B. Address (Street, City, State, ZIP):

---

C. Property Owner's Name (If different from above):

Telephone

Home: \_

Work/Cell:

D. Location of Project:

E. Legal Description:

F. Description of Proposed Project:

G. Specify each section of the City Code for which a variance is sought:

H. Explain how you wish to vary from the applicable provisions of the ordinance:

I. Please attach a site plan or accurate survey as may be required by ordinance, a Plot plan drawn to scale showing existing and proposed new and changed structures on the lot, and existing structures on adjacent lots.

J. Please answer the following questions as they relate to your specific variance request:

1. In your opinion, is the variance in harmony with the purposes and intent of the ordinance?

Yes

No

Why or why not?

2. In your opinion, is the variance consistent with the comprehensive plan?

Yes

No

Why or why not?

3. In your opinion, does the proposal put property to use in a reasonable manner?

- Yes       No

Why or why not?

4. In your opinion, are there circumstances unique to the property?

- Yes       No

Why or why not?

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5. In your opinion, will the variance maintain the essential character of the locality?

- Yes       No

Why or why not?

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K. Are other governmental permits required for the project, including requirements of the Rice Creek Watershed District? Please attach copies of permits, or evidence they are unnecessary.

- Yes       No

Which permits are required?

L. After the proposed project, will the impervious surface of the lot exceed 25 percent?

- Yes       No

Please include the information in the following table.

	EXISTING	PROPOSED	CHANGE
1. Total Square Footage of Lot			
2. Maximum Impervious Surface			
3. Roof Surface			
4. Sidewalks			
5. Driveways			
6. Other Impervious Surface			
7. Total of Items 3-6			
8. Impervious Surface Infiltrated			
9. Item 8 subtracted from Item 7			
10. Percent Impervious Surface			

The Planning Commission and City Council must make affirmative findings on each of the five criteria in question J in order to grant a variance. The applicant for a variance has the burden of proof to show that all of the criteria have been satisfied.

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

The applicant declares that they are familiar with application fees and other associated costs and with the procedural requirements of the City Code and other applicable ordinances, and that, with the exception of the City Code listed in question G, the proposed project conforms to the City Code, that the information provided in and enclosed herewith is complete and that all documents represented are true and correct representations of the actual project/building that will be built in conformance with such representation if approved.

Applicant's Signature: \_\_\_\_\_

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

Fee Owner's Signature: \_\_\_\_\_

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

304.020 Variance Application Requirements. Before consideration of a variance, an application for variance shall be made on forms provided by the City Clerk. The application shall be accompanied by the required information described below and by all required fees. Each application must include at a minimum:

- a) The legal description and address of parcel.
- b) Name, address, and phone number of applicant (and of the owner if owner is not the applicant).
- c) Plot plan drawn to scale. Elevation contour lines are required.
- d) Plan showing existing and proposed new and changed structures on the lot.
- e) Existing structures on adjacent lots.
- f) A certificate by a registered professional land surveyor verifying the location of all buildings, setbacks, and building coverage.
- g) A certificate by a registered professional land surveyor certifying other facts that in the opinion of the City are necessary for evaluation of the application.
- h) A separate enumeration of each section of the code to which a variance is requested along with a demonstration that the criteria set forth in section 304.040 are met for each enumerated section.
- i) Evidence demonstrating compliance with regulations of other governmental units when required by provisions of this code, State Law, or regulations of other governmental units. Non-limiting examples of government units which may have applicable regulations include the State of Minnesota, Rice Creek Watershed District, Minnesota Department of Natural Resources, White Bear Lake Conservation District, and the Minnesota Pollution Control Agency.
- j) Other documentation as applicable and as required by the City Code for the type of variance sought (see for example the impervious surface requirements of 302.050)

## REQUEST FOR FUNDING ADDITIONAL BOARDS FOR THE HOCKEY RINK

I am requesting funding for additional boards for the hockey rink. These boards are either decaying substantially or cracked substantially with additional defects such as knots. I will install these boards.

Material Southern Pine Grade #2 Ground Contact Treated Lumber from Menards AC2

2" x 10" wide boards (for the top rail)

1. 2" x 10" x 6' \$11.92 x 1 board = \$11.92
2. 2" x 10" x 16' \$26.55 x 5 boards = \$132.75

Total= \$144.67

2" x 12" wide boards for the vertical boards

3. 2" x 12" x 16' \$37.98 x 3 boards = \$113.94
4. 2" x 12" x 18' \$ 51.37 x 1 board = \$51.37
5. 2" x 12" x 8' \$18.44 x 5 boards = \$92.20

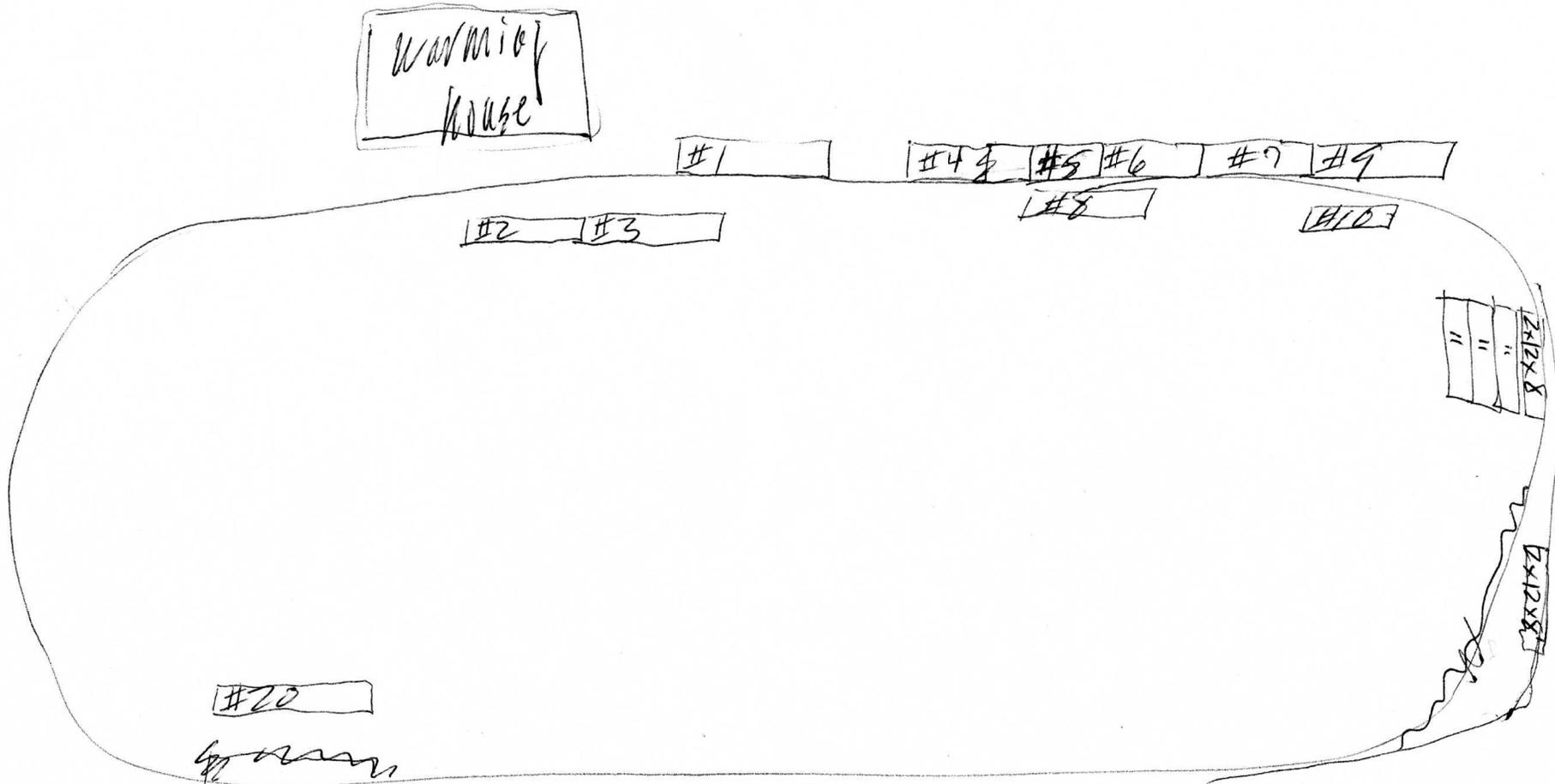
Total = \$257.51

Delivery \$ 113 (under 20,000lbs)

Overall Total \$515.18

I will pay ½ of this so the rest is approx. \$250

Approximate location of  
boards to be replaced



**RESOLUTION NO. 2024-51**

**RESOLUTION APPROVING ACCEPTANCE OF GIFT**

WHEREAS, the City of Birchwood is a Municipality as defined in Minnesota, and,

WHEREAS, the City of Birchwood is authorized to accept "gifts" pursuant to Minnesota Statutes 465.04 as defined in Minnesota, and,

WHEREAS, the City of Birchwood has been asked to accept a \$250 donation for replacement boards for the hockey Rink from Barton Winters, and,

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

1. That the City of Birchwood hereby accepts a \$250 donation pursuant to MN Stat. 465.04.
3. That Margaret Ford -, the Mayor for the City of Birchwood Village, and Rebecca Kellen , the City Clerk, are authorized to sign this Resolution.

Passed and Adopted by the Council on this 10th day of December, 2024.

CITY OF Birchwood Village

\_\_\_\_\_  
By: Margaret Ford  
Its Mayor

ATTEST: \_\_\_\_\_  
By: Rebecca Kellen  
Its City Clerk

**RESOLUTION NO. 2024-52**

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

**A RESOLUTION APPROVING PURCHASE OF REPLACEMENT BOARDS FOR ICE RINK**

WHEREAS, the City of Birchwood is a Municipality as defined in Minnesota, and,

WHEREAS, the City of Birchwood has a recreational ice rink with wooden boards, and,

WHEREAS, the parks committee has reviewed a request for 5 boards to be replaced with an estimate for costs and approved use of the parks funds for the remaining costs for the 5 boards after the receipt of a donation up to \$250 plus tax to be purchased and replaced this year if flooding has not started or after this skating season for next year, and,

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

1. That the City of Birchwood hereby authorizes the use of \$250+ tax from the parks funds to be used for the replacement of 5 boards.
2. That Margaret Ford -, the Mayor for the City of Birchwood Village, and Rebecca Kellen , the City Clerk, are authorized to sign this Resolution.

Passed and Adopted by the Council on this 10th day of December, 2024.

CITY OF Birchwood Village

\_\_\_\_\_  
By: Margaret Ford  
Its Mayor

ATTEST: \_\_\_\_\_  
By: Rebecca Kellen  
Its City Clerk



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**RE: (Birchwood ) Are you in need of a tree steward?**

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**From** Jessica Sahu.Teli <JSahu.Teli@mnwcd.org>

**Date** Wed 11/13/2024 3:59 PM

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

Rebecca,

I am excited that you are on board! Here is a little more information about everyone's responsibilities. I am available to answer any other questions you might have tomorrow 11am- 5:30pm and Friday 10am to 5pm.

Have a great evening!

-Jessica

-

-

Host Site Responsibilities:

1. Tree Steward Liability waivers (according to cities legal team).
2. Provide a supervisor for the Tree Stewards to receive assignments from and report to.
3. Self-identify high needs areas for Tree Steward maintenance.
4. Provide at least 25 hours of work/ community events per year for tree stewards to complete
  - a. The hope is that tree stewards will continuously serve city when needed.

WCD Responsibilities:

1. Facilitate the training of Tree Steward through the U of M Extension.
2. Match the tree stewards with a city host site.
3. Collect data on hours served and work completed by Tree Stewards (from My Impact)
4. Provide tree stewards opportunities to network and get together as a cohort.
5. Provide future continuing education opportunities.

-

Tree Steward Responsibilities:

1. Report to city supervisor for assignments to complete.
2. Report hours and accomplishments on My Impact.com
3. Complete 25 hours of work per year in tree care maintenance or community events

Safety Expectations of Tree Stewards:

- Wear safety vests, protective eyewear, helmet,
- Wear closed shoes
- Prune branches within arm's reach both feet on the ground
- Pruned branches 2 inches or smaller
- Don't prune branches near power lines

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**From:** Rebecca Kellen [mailto:Rebecca.Kellen@cityofbirchwood.com]

**Sent:** Tuesday, November 12, 2024 2:58 PM

**To:** Jessica Sahu.Teli <JSahu.Teli@mnwcd.org>; City of Birchwood Village <info@cityofbirchwood.com>

**Subject:** Re: (Birchwood ) Are you in need of a tree steward?

Yes, we would definitely be interested in something like this. We currently contract with an inspector who does our annual inspection but overall it would be very helpful to have someone on hand to help with tree issues as they come up throughout the year. I am unclear what "hosting" would entail, however we are definitely in need of assistance in managing trees so we are open to hear more information about this program. Thank you.

Rebecca Kellen, MBA  
City Clerk-Administrator  
City of Birchwood Village, MN  
office: (651) 426-3403  
fax: (651) 426-7747  
email: [rebecca.kellen@cityofbirchwood.com](mailto:rebecca.kellen@cityofbirchwood.com)  
website: <http://www.cityofbirchwood.com/>

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**From:** Jessica Sahu.Teli <[JSahu.Teli@mnwcd.org](mailto:JSahu.Teli@mnwcd.org)>  
**Sent:** Tuesday, November 5, 2024 4:13 PM  
**To:** City of Birchwood Village <[info@cityofbirchwood.com](mailto:info@cityofbirchwood.com)>  
**Subject:** (Birchwood ) Are you in need of a tree steward?

Dear Rebecca,

I am working with the U of M extension to train a cohort of Tree Stewards this Spring ( April 5<sup>th</sup> & 12<sup>th</sup> ) to serve in Washington County. Tree Stewards will be trained in: basic tree biology and identification, best practices for planting, mulching, watering, staking, fertilizing, trunk protection, developmental pruning of young trees, pruning suckers and sprouts, and common tree disease, pests, and defects. I am updating our list of foresters'/ forestry management personnel for each city in Washington County for the purpose of volunteer placement of our Tree Stewards (10 hrs. min.) **Please answer the following questions.**

1. Who is in-charge of caring for the trees in city and parks and on city property?
2. Are you interested in hosting a tree steward to help your department manage the trees on public lands?

Thank you for your time and have a great day!

**Jessica Sahu Teli**  
Water Education Senior Technician

Washington Conservation District  
455 Hayward Ave. N  
Oakdale, MN 55128  
[Jsahu.teli@mnwcd.org](mailto:Jsahu.teli@mnwcd.org)  
651.315.8927 office

# MEMORANDUM

DATE: 12/02/24

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TO: City Council  
FROM: Rebecca Kellen, City Administrator  
COPIED:  
SUBJECT: Tech Conversion Update



**Birchwood Village**

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**December Update:** The City phone number was successfully ported to the new provider and everything seems to be running smoothly. Headsets were recommended by Techie Dudes and purchased. SCCTV representatives met with Techie dudes to discuss the transition and discovered that the Firewall had not been purchased. The original firewall quote provided and approved by council was inaccurate and not purchased by Techie Dudes so they provided a new quote that is in the packet for approval and purchased the firewall in preparation for the “cut over”. The “cut over” is scheduled for 12/12/24. A meeting is scheduled for 12/3/24 with Techie Dudes and Metro Inet to discuss the “cut over”.

**November Update:** The LOA required to Port to city phone number to the new provider was completed in October and sent to Techie Dudes. Techie Dudes has established 11/19/24 as the day that the port will occur. The City is waiting on more instructions from Techie Dudes on what to expect on that day. The City informed SCCTV that the port date is scheduled for 11/19/24.

**October Update:** Internet was purchased and brought into the building on 9/26/24. Tech Ean from Techie Dudes was present for the installation and will let us know when the internet should be connected to our systems. 2 lines of Microsoft Teams Phone with Calling Plan purchased. Techie Dudes is assisting getting an LOA from Microsoft to port the phone number. Staff is grateful for the support of Techie Dudes representative Ean who has also assisted in corresponding with Metro INET during the conversion.

## **September Update:**

### **Internet**

Staff spoke with Cindy Arko at SCCTV and she said that it is not possible to set up billing for our internet service through SCCTV. SCCTV voted last November to end the Municipal Equipment Fund Grant, which was originally suppose to expire in 2019 but had been extended, and the final funds distributed. We will receive an annual check for an undetermined amount depending on the results of their annual audit. However, there is no way to set up billing directly to SCCTV for internet.

Century Link, [Title \(getquantumfiber.com\)](http://getquantumfiber.com), provides 500 megabit internet services with no installation fees and no contract required for \$50/month. According to the representative this can be set up via ACH. **Staff asks for approval to purchase and set up a monthly ACH to Century Link for internet services. See Resolution 2024-40, attached.**

**Phone Service**

So far, one line of Microsoft Teams Phone with Calling Plan has been purchased. Staff has questions about porting one phone number to 2 line to ask council.

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