



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

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

PLEDGE OF ALLEGIANCE

APPROVE AGENDA

OPEN PUBLIC FORUM

ANNOUNCEMENTS

- 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.

CITY BUSINESS – CONSENT AGENDA

- A. Approve November Treasurer's Report* (pp. 3-28)
- B. Approve October 8, 2024, Meeting Minutes* (pp. 29-42)
- C. Approve Council Meeting Schedule & Official Holidays 2025* (p. 43)

CITY BUSINESS

- A. Accept Councilmember Resignation / Appoint Interim Councilmember*
 - a. Approve Resolution 2024-43 Mark Foster Resignation* (p. 44)
 - b. Appoint and Swear In Interim Councilmember* (p. 45)
 - c. Resolution 2024-45 – Resolution Appointing New Council Member* (pp. 46-47)
- B. Engineering Updates – Marcus Johnson

- a. Liftstation Update* (p. 48)
- b. Oakridge Dr. Drainage Issues / 2025 Payment Improvements Process* (pp. 49-51)
- c. Mahtomedi Lost Lake Improvements
- C. Halls' Marsh Maintenance Discussion – Kathy Weier* (pp. 52-61)
- D. 20 MPH Speed Limit throughout Birchwood* (pp. 62-69)
- E. First Reading Ordinance 2024-11-01 (302.055) Run Off Changes* (pp. 70-73)
 - a. First Reading and Council Deliberation
 - b. Order Second Reading and Public Hearing
- F. First Reading ORDINANCE 2024-03-01 (402) Solid and Hazardous Waste Management* (pp. 74-101; note pp. 85-101 are red line version)
 - a. First Reading and Council Deliberation
 - b. Order Second Reading and Public Hearing
- G. First Reading ORDINANCE 2024-03-02 (401) Scavenging of Recycling Materials Prohibited* (p. 102)
 - a. First Reading and Council Deliberation
 - b. Order Second Reading and Public Hearing
- H. 2025 Budget Discussion* (pp. 103-110)
- I. Planner Salary Discussion – Ben Wickstrom* (pp. 111-112)
- J. Administrator Updates
 - a. City Attorney Resignation* (p. 113)
 - b. Technology Conversion Update * (p. 114)
 - c. Delinquent Utility Bill Certification* (p. 115)
 - d. Tree Inspection Results Update* (p. 116)
 - e. Recycling Grant Update* (p. 117)

ADJOURN

For the Period : 10/1/2024 To 10/31/2024

<u>Name of Fund</u>	<u>Beginning Balance</u>	<u>Total Receipts</u>	<u>Total Disbursed</u>	<u>Ending Balance</u>	<u>Less Deposits In Transit</u>	<u>Plus Outstanding Checks</u>	<u>Total Per Bank Statement</u>
General Fund	\$871,607.69	\$7,494.67	\$13,090.79	\$866,011.57	\$0.00	\$4,909.78	\$870,921.35
Special Rev Projects	\$21,023.05	\$0.00	\$0.00	\$21,023.05	\$0.00	\$300.00	\$21,323.05
Capital Project PW	\$102,374.49	\$0.00	\$0.00	\$102,374.49	\$0.00	\$0.00	\$102,374.49
Water	\$66,501.65	\$25,373.51	\$0.00	\$91,875.16	\$0.00	\$0.00	\$91,875.16
Sewer	\$52,858.34	\$19,100.80	\$0.00	\$71,959.14	\$0.00	\$118.97	\$72,078.11
Total	\$1,114,365.22	\$51,968.98	\$13,090.79	\$1,153,243.41	\$0.00	\$5,328.75	\$1,158,572.16

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

Fund Name: All Funds
Date Range: 10/01/2024 To 10/31/2024

Date	Remitter	Receipt #	Description	Deposit ID	Void	Account Name	F-A-P	Total
10/01/2024	Builders and Remodelers	171736207*	BP 24-0104, 5 Five Oaks Lane	(10/01/2024) - ach	N	Building Permits	100-32211-	\$ 156.97
								\$ 156.97
10/01/2024	TruNorth Solar	171736208*	BP 24-0102, 515 Lake Ave	(10/01/2024) - ach	N	Building Permits	100-32211-	\$ 587.64
								\$ 587.64
10/01/2024	Wolf River Electric	171736209*	BP 24.0103, 123 Cedar Street	(10/01/2024) - ach	N	Building Permits	100-32211-	\$ 469.20
								\$ 469.20
10/10/2024	MN Management & Budget	171736219*	Fines	(10/10/2024) -	N	Court Fines	100-35101-	\$ 56.66
								\$ 56.66
10/17/2024	White Bear Plumbing	171736210*	BP 24-0108, 327 Wildwood Ave	(10/17/2024) - ach	N	Building Permits	100-32211-	\$ 151.00
								\$ 151.00
10/21/2024	Marsh Heating	171736211*	BP 24-0109, 4020 E Cty Line Rd	(10/21/2024) - ach	N	Building Permits	100-32211-	\$ 151.00
								\$ 151.00
10/22/2024	Johnson, Marion	171736212*	BP 24-0113, 237 Wildwood Ave	(10/22/2024) - ach	N	Building Permits	100-32211-	\$ 151.00
								\$ 151.00
10/23/2024	Brian Air America	171736213*	BP 24-0112, 176 Wildwood Ave	(10/23/2024) - ach	N	Building Permits	100-32211-	\$ 151.00
								\$ 151.00
10/24/2024	Century Link	171736214*	BP 24-0096, 195 Wildwood Ave	(10/24/2024) - ach	N	Building Permits	100-32211-	\$ 274.50
								\$ 274.50
10/25/2024	Centurylink	171736218*	BP 24-0106	(10/25/2024) - EFT	N	Building Permits	100-32211-	\$ 274.50
								\$ 274.50

Fund Name: All Funds
Date Range: 10/01/2024 To 10/31/2024

<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>
10/29/2024	1st Team Exteriors	171736215*	BP 24-0116, 256 Wildwood Ave	(10/29/2024) - ach	N	Building Permits	100-32211-	\$ 302.00
								<u>\$ 302.00</u>
10/31/2024	4 M Fund	171736216	October 24 interest	(10/31/2024) -	N	Interest Earning	100-36210-	\$ 4,521.96
							100-36210-	\$ 247.24
								<u>\$ 4,769.20</u>
10/31/2024	Residents - via St Anthony Village	171736217	Utility Billing Receipts for October 2024	(10/31/2024) -	N	Water Consumption	601-37111-	\$ 14,051.90
							601-37112-	\$ 9,816.20
							601-37112-	\$ 73.95
							601-37113-	\$ 267.11
							601-37115-	\$ 399.74
							601-37116-	\$ 622.69
							601-37160-	\$ 141.92
							605-37211-	\$ 9,832.05
							605-37212-	\$ 9,156.88
							605-37260-	\$ 111.87
								<u>\$ 44,474.31</u>
Total for Selected Receipts								<u>\$ 51,968.98</u>

Fund Name: All Funds
Date Range: 10/01/2024 To 10/31/2024

Date	Vendor	Check #	Description	Void	Account Name	F-A-O-P	Total
10/01/2024	Companion Animal Control LLC	33167	Animal Control Services -June & July 24 Retainer Only	N	Animal Control	100-41916-314-	\$ 80.00
		33167				100-41916-314-	\$ 80.00
	Total For Check	33167					\$ 160.00
10/10/2024	Payroll Period Ending 10/10/2024	33168	Office Payroll 9-22-24 thru 10/5/24	N	Clerk - Treasurer	100-41401-100-	\$ 799.19
	Total For Check	33168					\$ 799.19
10/10/2024	Payroll Period Ending 10/10/2024	33169	Office Payroll 9-22-24 thru 10/5/24	N	Clerk - Treasurer	100-41401-100-	\$ 2,188.51
	Total For Check	33169					\$ 2,188.51
10/10/2024	Payroll Period Ending 10/10/2024	33170	Office Payroll 9-22-24 thru 10/5/24	N	Parks	100-45207-100-	\$ 714.82
	Total For Check	33170					\$ 714.82
10/10/2024	Payroll Period Ending 10/10/2024	33171	Office Payroll 9-22-24 thru 10/5/24	N	Clerk - Treasurer	100-41401-100-	\$ 185.33
	Total For Check	33171					\$ 185.33
10/10/2024	Payroll Period Ending 10/10/2024	33172	Office Payroll 9-22-24 thru 10/5/24	N	Parks	100-45207-100-	\$ 737.97
	Total For Check	33172					\$ 737.97
10/11/2024	MN Department of Revenue	EFT101124A	MN State Tax eFiling - 2024 Q3- September pymt	N	Clerk - Treasurer	100-41401-115-	\$ 511.55
	Total For Check	EFT101124A					\$ 511.55
10/11/2024	MN Department of Labor and Industry	EFT101124B	Building Permit Surcharge - Q3- 2024	N	Building Inspections Administration	100-42401-437-	\$ 40.84
	Total For Check	EFT101124B					\$ 40.84
10/11/2024	IRS - US Treasury	EFT101124C	Federal Taxes - Q3 2024 -September Payment	N	Clerk - Treasurer	100-41401-100-	\$ 430.55
		EFT101124C				100-41401-100-	\$ 1,406.30
		EFT101124C				100-41401-100-	\$ 328.90
	Total For Check	EFT101124C					\$ 2,165.75

Fund Name: All Funds
Date Range: 10/01/2024 To 10/31/2024

Date	Vendor	Check #	Description	Void	Account Name	F-A-O-P	Total
10/11/2024	MN Department of Revenue	EFT101124D	MN State Tax eFiling - 2024 Q3-September pymt	N	Clerk - Treasurer	100-41401-115-	\$ 24.15
Total For Check		EFT101124D					\$ 24.15
10/24/2024	Payroll Period Ending 10/24/2024	33173	Office Payroll 10/6/24 - 10/19/24	N	Clerk - Treasurer	100-41401-100-	\$ 682.09
Total For Check		33173					\$ 682.09
10/24/2024	Payroll Period Ending 10/24/2024	33174	Office Payroll 10/6/24 - 10/19/24	N	Clerk - Treasurer	100-41401-100-	\$ 2,188.51
Total For Check		33174					\$ 2,188.51
10/24/2024	Payroll Period Ending 10/24/2024	33175	Office Payroll 10/6/24 - 10/19/24	N	Parks	100-45207-100-	\$ 560.82
Total For Check		33175					\$ 560.82
10/24/2024	Payroll Period Ending 10/24/2024	33176	Office Payroll 10/6/24 - 10/19/24	N	Parks	100-45207-100-	\$ 694.06
Total For Check		33176					\$ 694.06
10/24/2024	PERA	EFT10242024-A ³	Retirement funds-PR 09/22/24-10/5/24, TB,BK,JR,MO	N	Clerk - Treasurer	100-41401-121-	\$ 603.36
Total For Check		EFT10242024-A ³			Parks	100-45207-121-	\$ 103.32
		EFT10242024-A					\$ 706.68
10/24/2024	PERA	EFT10242024-B ⁴	Retirement funds-PR 10/6/24 - 10/19/24, TB,BK,JR	N	Clerk - Treasurer	100-41401-121-	\$ 611.93
Total For Check		EFT10242024-B ⁴			Parks	100-45207-121-	\$ 118.59
		EFT10242024-B					\$ 730.52
Total For Selected Checks							\$ 13,090.79

As on 10/31/2024

Special Rev Projects

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

As on 10/31/2024

Capital Project PW

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Total Revenues	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
Other Financing Sources:			
Transfer From General Fund	0.00	30,000.00	30,000.00
Total Acct 392	<u>0.00</u>	<u>30,000.00</u>	<u>30,000.00</u>
Total Other Financing Sources	<u>0.00</u>	<u>30,000.00</u>	<u>30,000.00</u>
Disbursements:			
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	2,340.00	(2,340.00)
Total Acct 419	<u>0.00</u>	<u>2,735.00</u>	<u>(2,735.00)</u>
Sewer Engineering Expense			
PROFESSIONAL SERVICES (301 through 319)	0.00	632.00	(632.00)
Total Acct 494	<u>0.00</u>	<u>632.00</u>	<u>(632.00)</u>
Total Disbursements	<u>0.00</u>	<u>3,367.00</u>	<u>(3,367.00)</u>
Other Financing Uses:			
Total Other Financing Uses	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
Beginning Cash Balance		75,741.49	
Total Receipts and Other Financing Sources		30,000.00	
Total Disbursements and Other Financing Uses		<u>3,367.00</u>	
Cash Balance as of 10/31/2024		102,374.49	

As on 10/31/2024

Water

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Water Consumption	0.00	67,206.77	67,206.77
Water Utility User Fee	0.00	45,683.92	45,683.92
Water Main-break Surcharge	0.00	22,491.45	22,491.45
Special Water Charges	0.00	1,575.97	1,575.97
State Surcharge	0.00	2,959.65	2,959.65
Administrative Fee Move/Out	0.00	1,108.30	1,108.30
Penalties and Forfeited Discounts	0.00	1,046.94	1,046.94
Total Acct 371	0.00	142,073.00	142,073.00
Total Revenues	0.00	142,073.00	142,073.00
Other Financing Sources:			
Transfer From General Fund	0.00	6,287.74	6,287.74
Total Acct 392	0.00	6,287.74	6,287.74
Total Other Financing Sources	0.00	6,287.74	6,287.74
Disbursements:			
Financial Administration			
Contracted Services	0.00	11,998.00	(11,998.00)
Total Acct 415	0.00	11,998.00	(11,998.00)
Water Utility			
Repair and Maintenance Supplies (221 through 229)	0.00	1,300.31	(1,300.31)
Contracted Services	0.00	77,860.98	(77,860.98)
Utility Services (381 through 389)	0.00	80.75	(80.75)
Utility Services: Water	0.00	613.51	(613.51)
Fees	0.00	2,580.00	(2,580.00)
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	373.87	(373.87)
Total Acct 494	0.00	115,273.20	(115,273.20)
Total Disbursements	0.00	127,271.20	(127,271.20)
Other Financing Uses:			
Total Other Financing Uses	0.00	0.00	0.00
Beginning Cash Balance		70,785.62	
Total Receipts and Other Financing Sources		148,360.74	
Total Disbursements and Other Financing Uses		127,271.20	
Cash Balance as of 10/31/2024		91,875.16	

As on 10/31/2024

Sewer

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Refund-Reimbursemnt-Dividend	0.00	18,932.70	18,932.70
Total Acct 362	0.00	18,932.70	18,932.70
Sewer Consumption	0.00	53,076.65	53,076.65
Sewer Minimum Charge	0.00	47,623.73	47,623.73
Penalties and Forfeited Discounts	0.00	846.58	846.58
Total Acct 372	0.00	101,546.96	101,546.96
Total Revenues	0.00	120,479.66	120,479.66
Other Financing Sources:			
Transfer From General Fund	0.00	4,580.10	4,580.10
Total Acct 392	0.00	4,580.10	4,580.10
Total Other Financing Sources	0.00	4,580.10	4,580.10
Disbursements:			
Water Utility			
Contracted Services	0.00	570.00	(570.00)
Utility Services (381 through 389)	0.00	146.18	(146.18)
Utility Locates			
Contracted Services	0.00	531.95	(531.95)
Sewer Utility			
Sewer - Wastewater Charge	0.00	55,449.61	(55,449.61)
Contracted Services	0.00	34,190.36	(34,190.36)
Utility Services (381 through 389)	0.00	9,131.91	(9,131.91)
Sewer Engineering Expense			
PROFESSIONAL SERVICES (301 through 319)	0.00	40,015.00	(40,015.00)
Postage/Postal Permits			
Communications: Postage	0.00	296.14	(296.14)
Total Acct 494	0.00	140,331.15	(140,331.15)
Total Disbursements	0.00	140,331.15	(140,331.15)
Other Financing Uses:			
Total Other Financing Uses	0.00	0.00	0.00
Beginning Cash Balance		87,230.53	
Total Receipts and Other Financing Sources		125,059.76	
Total Disbursements and Other Financing Uses		140,331.15	
Cash Balance as of 10/31/2024		71,959.14	

City of Birchwood Village Bank Reconciliation	US Bank General Fund #1-801-2001-5920 10/31/2024	Genl Fund 4M #35172-101
4M balance	General Fund	\$1,155,524.29
Outstanding Checks	Outstanding Checks	(5,328.75)
	Deposit on bank not on 4/M	2,283.03
	Deposit on bank not on 4/M	
Bank Open Items	US Bank Correction - Being Researched by	\$455.58
	US Bank (Ref # JLS1505511)- Utility Deposit.	
	MN Dept Revenue - went through bank twice.	\$511.55 Will research with MN DOR
	Quantum Fiber - Need to enter into CTAS	\$50.00
	Xcel - Bank October / CTAS November	\$28.62
	Xcel - Bank October / CTAS November	\$28.62
	Xcel - Bank October / CTAS November	\$10.44
	Techie Dudes - Bank October / CTAS November	\$247.00
	ATT - Bank October / CTAS November	\$53.75
	Check 33161 Cleared US Bank 10/31, 4M 11/01	(\$59.90)
	Check 33175 Cleared US Bank 10/31, 4M 11/01	(\$560.82)
CTAS Open Items		
		<u>\$1,153,243.41</u>
	Balance Per Cash Control Statement	<u>\$1,153,243.41</u>
	DIFFERENCE	\$0.00

Activity Summary (35389-101) General Fund

10/1/2024 - 10/31/2024

Investment Pool Summary		4M	4MP
Beginning Balance		\$1,090,163.37	\$60,076.89
Dividends		\$4,521.96	\$247.24
Purchases		\$44,916.75	\$0.00
Checks Paid		(\$36,437.75)	\$0.00
Other Redemptions		(\$7,964.17)	\$0.00
Ending Balance		\$1,095,200.16	\$60,324.13
Average Monthly Rate		4.831%	4.845%
Share Price		\$1.000	\$1.000
Total		\$1,095,200.16	\$60,324.13
Total Fixed Income			\$0.00
Account Total			\$1,155,524.29

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

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



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

Transaction Activity (35389-101) General Fund

4M 10/1/2024 - 10/31/2024

Transaction	Trade Date	Settle Date	Description	Redemption	Purchase	Share Price	Shares this Transaction
2328652	10/01/2024	10/01/2024	US Bank ACH Purchase, TSYS/TRANSFIRST	\$0.00	\$156.97	\$1.000	156.970
2328902	10/01/2024	10/02/2024	US Bank ACH Redemption, IRS	(\$1,780.52)	\$0.00	\$1.000	(1,780.520)
2329256	10/02/2024	10/02/2024	US Bank ACH Redemption, XCEL ENERGY-MN	(\$1,347.60)	\$0.00	\$1.000	(1,347.600)
2329257	10/02/2024	10/02/2024	US Bank ACH Redemption, TECHIE DUDES	(\$247.00)	\$0.00	\$1.000	(247.000)
2329258	10/02/2024	10/02/2024	US Bank ACH Redemption, MN DEPT OF REVEN	(\$433.26)	\$0.00	\$1.000	(433.260)
2329259	10/02/2024	10/02/2024	US Bank ACH Purchase, TSYS/TRANSFIRST	\$0.00	\$1,056.84	\$1.000	1,056.840
2330683	10/04/2024	10/07/2024	US Bank Checks Paid Redemption	(\$470.78)	\$0.00	\$1.000	(470.780)
2330684	10/07/2024	10/07/2024	US Bank Deposit Package Purchase	\$0.00	\$1,738.87	\$1.000	1,738.870
2330685	10/07/2024	10/07/2024	US Bank Deposit Package Purchase	\$0.00	\$6,078.03	\$1.000	6,078.030
2331175	10/07/2024	10/07/2024	US Bank ACH Purchase, BIRCHWOOD	\$0.00	\$28,911.43	\$1.000	28,911.430
2332907	10/10/2024	10/10/2024	US Bank ACH Purchase, MN State-MMB	\$0.00	\$56.66	\$1.000	56.660
2333144	10/10/2024	10/11/2024	US Bank Checks Paid Redemption	(\$3,348.51)	\$0.00	\$1.000	(3,348.510)
2333701	10/11/2024	10/15/2024	US Bank ACH Redemption, IRS	(\$2,165.75)	\$0.00	\$1.000	(2,165.750)
2333702	10/11/2024	10/15/2024	US Bank Checks Paid Redemption	(\$799.19)	\$0.00	\$1.000	(799.190)
2333703	10/15/2024	10/15/2024	US Bank Deposit Package Purchase	\$0.00	\$3,858.76	\$1.000	3,858.760
2334256	10/15/2024	10/15/2024	US Bank ACH Redemption, MN Dept of Labor	(\$40.84)	\$0.00	\$1.000	(40.840)
2334257	10/15/2024	10/15/2024	US Bank ACH Redemption, MN DEPT OF REVEN	(\$511.55)	\$0.00	\$1.000	(511.550)
2334258	10/15/2024	10/15/2024	US Bank ACH Redemption, MN DEPT OF REVEN	(\$535.70)	\$0.00	\$1.000	(535.700)
2334734	10/15/2024	10/16/2024	US Bank Checks Paid Redemption	(\$8,813.96)	\$0.00	\$1.000	(8,813.960)
2335346	10/16/2024	10/17/2024	US Bank Checks Paid Redemption	(\$6,043.38)	\$0.00	\$1.000	(6,043.380)
2335347	10/16/2024	10/17/2024	US Bank Checks Paid Redemption	(\$237.00)	\$0.00	\$1.000	(237.000)
2335977	10/17/2024	10/18/2024	US Bank Checks Paid Redemption	(\$2,491.97)	\$0.00	\$1.000	(2,491.970)
2335978	10/18/2024	10/18/2024	US Bank Deposit Package Purchase	\$0.00	\$1,338.73	\$1.000	1,338.730
2336383	10/18/2024	10/18/2024	US Bank ACH Redemption, XCEL ENERGY-MN	(\$28.62)	\$0.00	\$1.000	(28.620)

2336384	10/18/2024	10/18/2024	US Bank ACH Purchase, TSYS/TRANSFIRST	\$0.00	\$151.00	\$1.000	151.000
2337143	10/21/2024	10/21/2024	US Bank ACH Redemption, XCEL ENERGY-MN	(\$10.44)	\$0.00	\$1.000	(10.440)
11120939	10/18/2024	10/21/2024	Bank ACH Redemption, XCEL ENERGY-MN	(\$28.62)	\$0.00	\$1.000	(28.620)
2337521	10/21/2024	10/22/2024	US Bank Checks Paid Redemption	(\$10.62)	\$0.00	\$1.000	(10.620)
2337834	10/22/2024	10/22/2024	US Bank ACH Purchase, TSYS/TRANSFIRST	\$0.00	\$151.00	\$1.000	151.000
2338086	10/22/2024	10/23/2024	US Bank Checks Paid Redemption	(\$5,085.26)	\$0.00	\$1.000	(5,085.260)
2338376	10/23/2024	10/23/2024	US Bank ACH Purchase, TSYS/TRANSFIRST	\$0.00	\$274.50	\$1.000	274.500
2338641	10/24/2024	10/24/2024	US Bank Deposit Package Purchase	\$0.00	\$265.46	\$1.000	265.460
2338900	10/24/2024	10/24/2024	US Bank ACH Redemption, ATT	(\$53.75)	\$0.00	\$1.000	(53.750)
2338901	10/24/2024	10/24/2024	US Bank ACH Purchase, INTELLIPAY	\$0.00	\$151.00	\$1.000	151.000
2338902	10/24/2024	10/24/2024	US Bank ACH Purchase, TSYS/TRANSFIRST	\$0.00	\$151.00	\$1.000	151.000
2339113	10/24/2024	10/25/2024	US Bank Checks Paid Redemption	(\$2,188.51)	\$0.00	\$1.000	(2,188.510)
2339464	10/25/2024	10/25/2024	US Bank ACH Redemption, MN PERA	(\$730.52)	\$0.00	\$1.000	(730.520)
2339465	10/25/2024	10/25/2024	US Bank ACH Purchase, TSYS/TRANSFIRST	\$0.00	\$274.50	\$1.000	274.500
2339721	10/25/2024	10/28/2024	US Bank Checks Paid Redemption	(\$3,266.48)	\$0.00	\$1.000	(3,266.480)
2340181	10/28/2024	10/28/2024	US Bank ACH Redemption, QUANTUM FIBER	(\$50.00)	\$0.00	\$1.000	(50.000)
2340485	10/28/2024	10/29/2024	US Bank Checks Paid Redemption	(\$3,000.00)	\$0.00	\$1.000	(3,000.000)
2341012	10/29/2024	10/30/2024	US Bank Checks Paid Redemption	(\$682.09)	\$0.00	\$1.000	(682.090)
2341328	10/30/2024	10/30/2024	US Bank ACH Purchase, TSYS/TRANSFIRST	\$0.00	\$302.00	\$1.000	302.000
11135507	10/31/2024	10/31/2024	Dividend Reinvest	\$0.00	\$4,521.96	\$1.000	4,521.960
				(\$44,401.92)	\$49,438.71		5,036.790

Beginning Balance: \$1,090,163.37 | Ending Balance: \$1,095,200.16

Transaction Activity (35389-101) General Fund

4MP 10/1/2024 - 10/31/2024

Transaction	Trade Date	Settle Date	Description	Redemption	Purchase	Share Price	Shares this Transaction
11135518	10/31/2024	10/31/2024	Dividend Reinvest	\$0.00	\$247.24	\$1.000	247.240
				\$0.00	\$247.24		247.240

Beginning Balance: \$60,076.89 | Ending Balance: \$60,324.13

Current Portfolio

10/31/2024

Type	Code	Holding Id	Trade Date	Settle Date	Maturity Date	Description	Cost	Rate	NAV	Face/Par	Market Value
4M				10/31/2024		4M Account Balance	\$1,095,200.16	4.831%	\$1.000	\$1,095,200.16	\$1,095,200.16
4MP				10/31/2024		4MP Account Balance	\$60,324.13	4.845%	\$1.000	\$60,324.13	\$60,324.13
							\$1,155,524.29			\$1,155,524.29	\$1,155,524.29

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	94.780%	\$1,095,200.16	4M Account
4MP	5.220%	\$60,324.13	4MP Account

Index

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 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.

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Date Range : 10/1/2024 To 11/4/2024

<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Claim #</u>	<u>Total</u>	<u>Account #</u>	<u>Account Name</u>	<u>Detail</u>
10/14/2024	Techie Dudes	October IT Services	7189*	\$247.00	100-41955-314-	Phone/IT	\$247.00
10/16/2024	Xcel 4094-1	Gas Service 8/19/24-9/18/24 200 Wildwood Lift Station	7190*	\$28.62	605-49415-380-	Water Utility	\$28.62
10/16/2024	Xcel 9369-0	407 Lake Lift Station 8/19/24-9/18/24	7191*	\$28.62	605-49465-380-	Sewer Utility	\$28.62
10/17/2024	Xcel 2335-4	Electricity 8/18/24-9/17/24	7192*	\$10.44	601-49415-380-	Water Utility	\$10.44
10/30/2024	Xcel 2307-8	Street Lighting 10/30/24	7193*	\$1,349.47	100-43160-380-	Street Lighting	\$1,349.47
10/22/2024	A T & T Mobility	Wireless for water tower- 10/2/24-11/1/24	7194*	\$53.75	601-49415-382-	Water Utility	\$53.75
Total For Selected Claims				\$1,717.90			\$1,717.90

Date Range : 10/1/2024 To 11/4/2024

<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Claim #</u>	<u>Total</u>	<u>Account #</u>	<u>Account Name</u>	<u>Detail</u>
	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 : 10/4/2024 To 11/4/2024

<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Claim #</u>	<u>Total</u>	<u>Account #</u>	<u>Account Name</u>	<u>Detail</u>
11/04/2024	Miller Excavating Inc	Clean Storm Sewers, 165, 301 x's 2, 409 Wildwood, 264 Cedar.	7225*	\$1,400.00			
					605-43150-380-	Storm Drainage	\$1,400.00
Total For Selected Claims				\$1,400.00			\$1,400.00

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

Date Range : 10/4/2024 To 11/4/2024

<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Claim #</u>	<u>Total</u>	<u>Account #</u>	<u>Account Name</u>	<u>Detail</u>
11/04/2024	Miller Excavating Inc	Clean Storm Sewers, 165, 301 x's 2, 409 Wildwood, 264 Cedar.	7225*	\$1,400.00			
					605-43150-380-	Storm Drainage	\$1,400.00
Total For Selected Claims				\$1,400.00			\$1,400.00

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

Date Range : 10/4/2024 To 11/4/2024

<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Claim #</u>	<u>Total</u>	<u>Account #</u>	<u>Account Name</u>	<u>Detail</u>
11/04/2024	City of White Bear Lake Public Work	Nov 2024 Monthly Public Safety Facility Fire Services	7195*	\$1,196.42			
					100-42201-314-	Fire	\$1,196.42
11/04/2024	City of White Bear Lake Fire	Fire Srvc -Nov 2024	7196*	\$3,888.84			
					100-42201-314-	Fire	\$3,888.84
11/04/2024	City of White Bear Lake	Quarterly Water Billing 6/17/24-9/17/24	7197*	\$15,437.56			
					601-49415-314-	Water Utility	\$15,437.56
11/04/2024	Gopher State One Call	Sept 32 Tickets	7198*	\$43.20			
					605-49455-314-	Utility Locates	\$43.20
11/04/2024	H.A. Kantrud, P.A.	Attorney Services -Nov 2024	7199*	\$1,500.00			
					100-41601-300-	Legal Services	\$1,500.00
11/04/2024	Heating & Cooling Exxperts, LLC	#4003 Annual Maintenance on Boiler and AC, Performed safety checks, new flame sensor added	7200*	\$1,390.00			
					100-41940-300-	General Government Buildings and Plant	\$1,390.00
11/04/2024	John Wikstrom	Oct City Planner Fees	7201*	\$1,600.00			
					100-41925-300-	General Fund Engineering Expense	\$1,600.00
11/04/2024	Kodiak Power Solutions	Generator Annual Service & Inspection,	7202*	\$450.17			
					605-49415-314-	Water Utility	\$165.17
					605-49415-314-	Water Utility	\$285.00
11/04/2024	League of MN Cities Insurance Trust	Workers Comp Coverage Premium	7203*	\$1,201.00			
					100-41945-361-	City Insurance	\$1,201.00

Date Range : 10/4/2024 To 11/4/2024

<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Claim #</u>	<u>Total</u>	<u>Account #</u>	<u>Account Name</u>	<u>Detail</u>
11/04/2024	Manship Plumbing & Heating Inc	Sewer/Water-Sept Retainer, , Water testing, Locates	7204*	\$1,160.00			
					601-49415-314-	Water Utility	\$800.00
					601-49415-314-	Water Utility	\$120.00
					601-49415-314-	Water Utility	\$240.00
11/04/2024	Menards - Oakdale	Maintenance Supplies--Ash Path Fencing	7205*	\$794.38			
					100-45207-400-	Parks	\$292.55
					100-45207-400-	Parks	\$501.83
11/04/2024	Menard's - MAPLEWOOD	Maintenance Supplies--Ash Path Fencing	7206*	\$1,786.67			
					100-41940-400-	General Government Buildings and Plant	\$494.57
					100-41940-400-	General Government Buildings and Plant	\$51.92
					100-41940-400-	General Government Buildings and Plant	\$517.40
					100-41940-400-	General Government Buildings and Plant	\$397.29
					100-41940-400-	General Government Buildings and Plant	\$325.49
11/04/2024	Merrick Inc.	Q3 mailer--Newsletter	7207*	\$184.24			
					601-49435-350-	Newsletter	\$184.24
11/04/2024	Metro - INET	IT Charges--Oct Tech Support and Personnel Recovery.	7208*	\$501.00			
					100-41940-320-	General Government Buildings and Plant	\$501.00
11/04/2024	Metropolitan Council - Env. Service	Sept Waste Water Services	7209*	\$5,335.64			
					605-49465-217-	Sewer Utility	\$5,335.64
11/04/2024	Nugent Sealcoating and Paving	Fall Street Sweeping	7210*	\$2,000.00			
					100-43103-314-	Street Sweeping	\$2,000.00

Date Range : 10/4/2024 To 11/4/2024

<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Claim #</u>	<u>Total</u>	<u>Account #</u>	<u>Account Name</u>	<u>Detail</u>
11/04/2024	Press Publications	Ref #809076, Election Notice	7211*	\$147.14			
					100-41130-351-	Ordinances and Proceedings	\$147.14
11/04/2024	Press Publications	Ref #816642, PH Appeal	7212*	\$73.57			
					100-41130-351-	Ordinances and Proceedings	\$73.57
11/04/2024	Toshiba America Business Solutions	Oct Monthly Usage Allowance	7213*	\$10.62			
					100-41911-314-	Office Operations Supplies	\$10.62
11/04/2024	Top Green Co	Lawn Services for Sept--2 mows	7214*	\$1,734.00			
					100-45207-400-	Parks	\$1,734.00
11/04/2024	TSE, Inc. Work Account	Janitorial Services - 10/3 and 10/17	7215*	\$59.90			
					100-41940-314-	General Government Buildings and Plant	\$29.95
					100-41940-314-	General Government Buildings and Plant	\$29.95
11/04/2024	USS Minnesota One MT LLC	Solar Energy - June Charges	7216*	\$1,151.59			
					605-49465-380-	Sewer Utility	\$654.82
					100-41940-380-	General Government Buildings and Plant	\$135.49
					605-49465-380-	Sewer Utility	\$361.28
11/04/2024	White Bear Township	Equipment and PW Charges	7217*	\$3,435.28			
					605-49465-314-	Sewer Utility	\$3,435.28
11/04/2024	USS Minnesota One MT LLC	Solar Energy - Sept Charges	7218*	\$1,150.67			
					605-49465-380-	Sewer Utility	\$654.30
					100-41940-380-	General Government Buildings and Plant	\$135.38
					605-49465-380-	Sewer Utility	\$360.99

Date Range : 10/4/2024 To 11/4/2024

<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Claim #</u>	<u>Total</u>	<u>Account #</u>	<u>Account Name</u>	<u>Detail</u>
11/04/2024	Stoltzman, Cris	Videography - Council Mtg--10/8, 3 hrs Charged	7219*	\$82.68			
					100-41950-314-	Cable Eqpm and Service	\$82.68
11/04/2024	USS Minnesota One MT LLC	Solar Energy - April Charges--	7220*	\$912.36			
					605-49465-380-	Sewer Utility	\$518.79
					100-41940-380-	General Government Buildings and Plant	\$107.34
					605-49465-380-	Sewer Utility	\$286.23
11/04/2024	H2O Analytics	Annual Support feed for Hosted Software for Water meters	7221*	\$2,000.00			
					601-49415-314-	Water Utility	\$2,000.00
11/04/2024	Companion Animal Control LLC	Animal Control Services - Mar	7222*	\$80.00			
					100-41916-314-	Animal Control	\$80.00
11/04/2024	Gopher State One Call	Oct 20 Tickets	7223*	\$27.00			
					605-49455-314-	Utility Locates	\$27.00
11/04/2024	Therese Bellinger	Reimburse for Stamps, Misc Office Supply, MS License	7224*	\$339.20			
					100-49495-200-	Postage/Postal Permits	\$219.00
					100-41911-200-	Office Operations Supplies	\$76.70
					100-41920-230-	Data Processing	\$43.50
Total For Selected Claims				\$49,673.13			\$49,673.13

Date Range : 10/4/2024 To 11/4/2024

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

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

**MINUTES OF THE CITY COUNCIL MEETING
October 8, 2024, 6:45 P.M.**

MEMBERS:

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

STAFF:

H. Alan Kantrud	City Attorney
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 6:45PM.

2. APPROVE AGENDA

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

A. The following changes were made to the agenda:

- a. Councilmember McCarthy added Approve John Waller Reappointment to the RCWD.
- b. Councilmember Hankins removed item G, Resolution 2024-43 James Nelson Apology.

3. PUBLIC FORUM (0:05:16)

Mayor Ford opened the public forum.

Ruth Jensen, 701 Hall Ave expressed concerns with an anonymous letter that was received by Birchwood residents. She said it is the anonymity of the letter that concerns her and she thinks that Birchwood should denounce the activity. She asked that council go on record denouncing the use of such types of letters and encourage transparent factual communications. She discussed her concerns with the details of the letter. She said she had

submitted a data request that was initially not fulfilled but later it was and she found that information had been requested from the City. She said she hopes that the council does something to be more forthright in the future.

Mayor Ford explained that the letter did not come from the City and that the City is not connected to the letter whatsoever.

Nick Leeves, 3 Oakview Ct, said that the anonymity of the letter is of concern and he thinks it is not a nice way of doing things.

Administrator Kellen explained that no email addresses or physical addresses were given out by the City and attorney Kantrud added that this information was not given out because it is considered private data.

Councilmember McCarthy said that you can get information like addresses off the MN Secretary of State website and the Washington County website so to say that the source of the addresses had to be the City is inaccurate.

Ryan Eisele, 421 Birchwood Ct, thanked the council for their service and said he has enjoyed watching the meetings. He said that regarding the letter and its contents, his opinion is that a simple mistake was made that should be acknowledged, and then move on.

Kathy Leeves, said that the anonymous nature of the letter bothered her and that it was cowardly. She said that she now feels like there is someone in the community she cannot trust but she does not know who. She said it has not helped her attitude about living in the neighborhood and she felt it was a nasty thing to do.

Art Arsenault, 432 Birchwood Ct, said that he has noted that people are upset about the anonymity of the letter, however no one has questioned the factual nature of the letter.

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

4. ANNOUNCEMENTS (0:17:04)

- A. Truth in Taxation Hearing on December 10th at 6:45 PM at City Hall.
- B. Fall Clean Up Day is October 12th from 10AM – 12PM.
- C. Canoes and Kayaks need to be off the racks by 10/31/24.
- D. Upcoming Deer Hunt Dates: October 17-18, November 1-2, November 21-22, and December 13-14 (if needed).
- E. November and December Planning Commission meetings have been rescheduled due to the holidays. The rescheduled meeting will be on November 20th and December 19th.
- F. Northeast Youth and Family Services, NYSF, will be having an open house on October 24th from 4:30PM – 6PM, launching their Domestic Violence and Sexual Assault advocacy and therapeutic services. For more information go to nysf.org.

5. CONSENT AGENDA (0:18:50)

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

A. Item F - Approve Resolution 2024-42 Approving the Purchase of Adobe

- a. Councilmember Weier noted that the name of the resolution needs to be corrected, to which councilmember Hankins suggested that it be named as it is listed in the agenda.

On a motion made by Councilmember Weier, seconded by Councilmember McCarthy, it was resolved to change the title of Resolution 2024-42 to Approve the Purchase of Adobe and approve consent item F, Approving the Purchase of Adobe, as amended. All in favor. Motion carried.

6. CITY BUSINESS (0:21:17)

A. Appeal Regarding Approval of the Building Permit at 160 Cedar

- a. Mayor Ford explained that this was discussed in the previous meeting, however the public forum was missed so it is being done today.

Mayor Ford provided an opportunity for citizens to address the council and opened the public record.

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

- b. Attorney Kantrud explained that the Council does not have to revote unless there is something that came up that would have caused them to alter their decision.

B. Roads Committee Proposals (0:22:45)

- a. 20 MPH Speed Limit throughout Birchwood
 - 1. The Council and Attorney Kantrud discussed the requirements to change the speed limits to 20 MPH and whether those requirements had been met.
 - 2. **Cora Hankins, 165 Wildwood Ave**, said that she looked at St. Anthony Village and Mahtomedi policies and that she thought St. Anthony Village's were more relevant to Birchwood. She referred to the resolution in the packet and said she was not sure they needed to go through all the requirements to change

the speed limit. She expressed frustration with the process and said there are sidewalks and limited sightlines in Birchwood and lowering the speed limits will increase safety.

3. Mayor Ford expressed gratitude for the work that Cora and the group have done and asked Attorney Kantrud for his opinion on what is needed next to which he responded that Birchwood will need to conduct their own study and analysis with regard to MN Statue 169.14.5h.
4. Mayor Ford asked Mrs. Hankins to work with Attorney Kantrud and Engineer Johnson to get the required documents.

On a motion made by Councilmember McCarthy, seconded by Councilmember Hankins, it was resolved to approve Attorney Kantrud and Engineer Johnson to work with the Road Safety Committee to get the required documents in place to reduce the speed limit to 20 MPH throughout Birchwood Village. All in favor. Motion carried.

- b. Two new crosswalks on Wildwood Ave at Birch Beach/Owl and Grotto (0:32:35)

1. Councilmember Weier said she supports the proposal but that she wants the one at Owl put in after the lift station goes in. She also suggested an additional sign further up on Wildwood to notify people that there is a crosswalk.

On a motion made by Councilmember Weier, seconded by councilmember Foster, it was resolved to approve 2 crosswalks pending the completion of the lift station for the one at Owl, and the second one at Grotto as soon as possible, with crosswalk signage. All in favor. Motion carried.

- c. Addition of a stop sign on Wildwood Ave at 368 Wildwood Ave., going east (0:34:55)

1. Councilmember Foster said he does not think there is a huge demand for this.
2. Councilmember McCarthy said that he thinks that additional signage is needed saying that traffic from Lake does not stop.

On a motion made by Mayor Ford, seconded by councilmember McCarthy, it was resolved to approve the addition of a stop sign on Wildwood Ave at 368 Wildwood Ave., going east, with an additional sign saying that traffic coming up the hill on Lake does not stop. Councilmembers McCarthy, Hankins, and Weier and Mayor Ford in favor. Councilmember Foster opposed. Motion carried.

- d. Solar powered radar speed signs (0:38:23)
 - 1. The Council discussed the cost, the shade issue in Birchwood, and the possibility of future grant money.
 - 2. Mayor Ford said that the Lake Links Trail Task Force may be able to use some of the grant money for this.

On a motion made by Mayor Ford, seconded by councilmember McCarthy, it was resolved to approve tabling the solar powered radar sign resolution and to do further study on obtaining grants. All in favor. Motion carried.

C. Soccer at Tighe-Schmidt (0:39:56)

- a. **Wade Jackson and Dustin Crastinal, Mahtomedi Soccer Board Representatives** expressed interest in using Tighe-Schmidt for the use of soccer practice for youth soccer 11U-13U in the fall and spring/summer (Memorial Day through 4th of July) seasons for a 9 v 9 field. He said that many of the kids on the team live locally and they are looking for a partnership with Birchwood and the Association. They said that the only car parked during practices would be the coach's. They said that they would rent the field, and right now they are renting in Hugo so it would be nice to have practice closer.
- b. Councilmember Weier discussed a grant for \$85,000 that will be used to address drainage issues at the park in 2025/26. She said this may affect the surface of the park.
- c. Councilmember McCarthy said he is in support of the idea, however the park can get quite wet.
- d. Mr. Jackson said they would be looking to use the park in 2025 and that time would be needed to make sure the goal locations and layout of the park are acceptable. He also said he would like to meet with Zach, the parks Committee Chair, and then bring some additional information to the next City Council meeting.
- e. Councilmember Weier invited the representatives to the Parks Committee meeting.

On a motion made by Councilmember McCarthy, seconded by Councilmember Hankins, it was resolved to approve staff to work with Mahtomedi Soccer Board Associates to set up an agreement for soccer practice in 2025 that would be approved at a future meeting. All in favor. Motion carried.

D. Engineering Updates (0:50:00)

- a. 700 Birchwood Lane – Lot Split

1. **Planner Ben Wickstrom** explained that the simple subdivision is in order and from a planning and zoning perspective there is a garage that will need to be moved to meet set back and the applicant will need to work with Mahtomedi on their code requirements. He said that water and sewer is being extended from Birchwood running down the west property line, and there is an access easement there for walking access. He said a low point behind each house will be used which is how it is now. He said he recommends approval.
2. **Bill Hullsiek, 700 Birchwood Lane**, said there is a low spot and all the properties adjacent drain toward there and there is a valley where the water naturally flows. There is a catch basin on one of the adjacent properties but that is not part of the property. He said none of this will be modified. He said he is using the 25-year average.

On a motion made by Mayor Ford, seconded by Councilmember McCarthy, it was resolved to approve the lot split at 700 Birchwood Lane, pending the review and positive recommendation of the City Engineer and compliance with any recommendations made by the City Engineer. All in favor. Motion carried.

b. Engineering Update and Council Approve Lift Station Plans (0:56:07)

1. Engineer Johnson said that we are waiting for the final approval from the EPA and acknowledgment from the MPCA that they have received the material. He referred to the estimated timeline and cost and said that part of the BABBA regulations requires the use of locally sourced materials which means a lot more paperwork. He said he added a 10% contingency.
2. Councilmember McCarthy asked Administrator Kellen post the plans and specs to the website.
3. Engineer Johnson explained that there is a lot of paperwork because of the EPA requirements and said he would like approval on the plans to be able to go out for bids.

On a motion made by Mayor Ford, seconded by Councilmember McCarthy, it was resolved to approve the plans and specs contained in the materials today and proceed to advertise for bids. All in favor. Motion carried.

c. 15 Oakridge Dr. Drainage Issues (1:00:26)

1. Engineer Johnson referred to page 217 of the packet for options. He gave 2 options. The first is to bring the storm sewer from the cul-de-sac at Oakridge Dr down, which is his least favorite option. His favorite options is to modify and adjust the

grades to start moving the road up and getting that low point out of there. He said the grade is the same as before. He said that the cheapest option is to go to the storm sewer, sending a pipe down and there would be a little bit of patchwork on Oakridge Dr. He said the other option is a lot more expensive, like \$150,000-\$200,000 based on the quotes we saw this year. Another option would be to shape a ditch, which could be a temporary solution until a more permanent solution can be found. He discussed shaping the grass where the low points are creating a trench, in the right of way.

2. Councilmember McCarthy asked how it could have gotten worse after the road work, to which Engineer Johnson said that he does not know.
3. Councilmember Weier asked about a survey to which Engineer Johnson said that they looked at the worst areas of roads but did not look into the design of the road. He said that this should be avoided in the future and Engineer Johnson recommended a contract manual for timeline accountability and doing a road survey prior to road work, for future projects.
4. Engineer Johnson recommended getting a survey and redoing the Capital Improvement Plan to incorporate survey costs.
5. **Andrew Jakola, 15 Oakridge Dr.** said that he had previous issues with water pooling, but it was not close to as large as it is now after the road work. He said that when their neighbors use their sprinklers, they get water pooling at the end of their driveway. He said it is about 3 inches deep and takes 48 hours for it to dry. He said it prohibits people from coming to their home without walking on the grass and he has concerns about what will happen in the winter when it freezes.
6. Councilmember McCarthy suggested a catch basis and Engineering Johnson said soil borings will need to be taken to see if that is possible.

On a motion made by Mayor Ford, seconded by Councilmember McCarthy, it was resolved to approve Engineer Johnson to begin the process of getting soil borings to determine if there is an immediate solution and investigate all options for a temporary solution with the understanding that we will work on a longer term solution. All in favor. Motion carried.

d. Mahtomedi Lost Lake Improvements (1:00:26)

1. Councilmember McCarthy said that he thought that Mahtomedi already requested approval on this, and they said no, to which Councilmember Foster said he did not recall that. Councilmember McCarthy said he thought he recalled that the

reasoning was because reducing the level of the lake to fix the engineering mistake of not making that high enough was not something they wanted to do. He also asked about and expressed concerns about the possible effects to Hall's Marsh.

2. Engineer Johnson said he recommends getting hydroplane modeling to be able to check the levels. Councilmember McCarthy said he thinks Mahtomedi should be doing the hydroplane modeling and providing that to us. Engineer Johnson said he has not seen that yet but he thinks it has probably been completed by Mahtomedi based on the approvals they have from the DNR.
3. Engineer Johnson said that this is a short term solution until Mahtomedi and the DNR can agree on a longer term solution.
4. The Council discussed that the City has a small sliver next to Lost Lake so Birchwood is a stakeholder.
5. Engineer Johnson said it would only be lowering the lake in flooding situations.
6. The Council discussed the engineering costs required with "having a seat at the table".
7. Engineer Johnson said that Mahtomedi is requesting a response within 30 days to which the council said they are not comfortable moving forward without the modeling because they are concerned with the effects of Hall's Marsh.

On a motion made by Mayor Ford, seconded by Councilmember McCarthy, it was resolved to approve 3 hours of Engineer Johnson's time to initiate a seat at the table and explore asking Mahtomedi to pay for that time. All in favor. Motion carried.

e. Tighe-Schmidt Drainage Improvements (1:19:08)

1. Engineer Johnson mentioned the soccer planning and the construction could be flexible and he thinks it would not take too much time. He said that as long as council is OK with it, Lori Tella is asking Bolten and Menk to help with the design to create rain gardens in the park to help catch the drainage. It would be focused around the ice rink and head towards the park. The low area is holding water so it will make that area look better and be more useable. He said he believes his fees will be covered by grant money.

f. 2024 Road Improvements (1:21:34)

1. Engineer Johnson said the missed potholes were done this past week. He said for next year he recommends a contract manual and getting a survey so issues can be planned for. He welcomed additional feedback.
2. Councilmember Weier asked which road is on the schedule for next year to which Engineer Johnson said that Birchwood Ave, mill and overlay, is included but this could be adjusted to fit within budget. He said he would make sure the crosswalk is included in the lift station plans. He said the road work invoice amount is what was approved in April. He said a proposal could be presented next month to begin those conversations for next year's road work.

E. Approve Review of the Water Improvement Project Plans for Tighe-Schmidt by the City Engineer – (1:25:52)

- a. Councilmember Weier said that they received \$75,000 and \$10,000 grant to be used for water management at Tighe-Schmidt and the parks committee recommends that the Washington Conservation team help build the plan and construction details and they asked that Marcus be consulted to tie ins in the infrastructure in the park as an engineer resource. She said she is waiting to hear if engineering fees can be covered in the grant and once confirmed they will report back.

On a motion made by Councilmember Weier, seconded by Councilmember Hankins, it was resolved to approve allowing Washington County Conservation District to consult with Marcus after the plan has been developed for the water management grant use in Tighe-Schmidt park. All in favor. Motion carried.

On a motion made by Councilmember McCarthy, seconded by Mayor Ford, it was resolved to authorize \$7500 from the special revenue fund to be used if necessary to get this project rolling if the grant money cannot be used to cover it. All in favor. Motion carried.

F. 2025 Budget Discussion

- a. Mayor Ford explained that the budget cannot be increased but it can be lowered prior to the December final certification. She asked if there were any questions and hearing none, she said the item will be tabled until next meeting.

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.

G. Reappointment of John Waller– (1:30:55)

- a. Councilmember McCarthy said he talked to John Waller and he asked if they had heard anything from RCWD about Hall's Marsh which is receiving White Bear Lake stormwater from Priebe lake. He said there had been some progress with a meeting that was held where a maintenance plan was to be put in place and that has not yet happened. He said John called about that and said he would follow up and also mentioned that he was up for reappointment and a letter of recommendation from Birchwood would be nice. Councilmember McCarthy said he drafted a letter recommending his reappointment and he is asking the council to approve it on behalf of the council to be sent to the Washington County Board of Commissioners. (see attachment)

On a motion made by Councilmember McCarthy, seconded by Councilmember Weier, it was resolved to approve the letter recommending the reappointment of John Waller on behalf of the City Council and have Administrator Kellen send it to the Washington County Commissioners. All in favor. Motion carried.

H. Ash Path Fence Update – (1:32:43)

- a. Attorney Kantrud explained that there was some damage to the fence that the City was attempting to put up at Ash Path and he is in the process of completing a criminal complaint. He discussed an email inquiry from a resident asking why the fence was necessary.
- b. Administrator Kellen requested confirmation from the City Council regarding resuming work.
- c. Mayor Ford said that the project should be resumed to which the council agreed.

On a motion made by Councilmember McCarthy, seconded by Councilmember Hankins, it was resolved to approve continuation of the fence installation at Ash Path. All in favor. Motion carried.

- d. Councilmember Hankins asked about the personal property that remains on the City property. He said there is some landscaping materials, a pallet, flat patio stones, that could be removed by the City. Attorney Kantrud said he would review the letter that the City had previously sent to the property owner to see if it was sufficient to cover the current personal property on City property and he said that it makes sense to give sufficient notice to remove it and if it is not removed, then the City should remove it.
- e. Councilmember Foster said that the whole purpose of the fence is to avoid these types of conflicts so that the line is delineated. The council went on to discuss the fence.

I. Administrator Updates (1:43:49).

a. 160 Cedar St SAC and WAC Charges

1. Administrator Kellen explained that Deputy Clerk Therese Bellinger researched this and the lot that had the existing water and sewer line, 150 Cedar, will be the one to have the SAC and WAC fees waived.

b. Special Assessments

1. Administrator Kellen asked about the unpaid vacant building registration for 131 Wildwood, since it has been demolished to which Attorney Kantrud suggested that this is a mute issue since the structure is now gone.
2. Councilmember Hankins suggested that the vacant building fee for the owner at 310/312, Liz Simning, be waived as well, and the council discussed.
3. Councilmember Foster said that the difference is that 131 Wildwood has been taken care of while 310/312 Wildwood is still a vacant building.

On a motion made by Mayor Ford, seconded by Councilmember Foster, it was resolved to waive the vacant building registration fee for 131 Wildwood. Councilmember Foster, McCarthy, Weier, and Mayor Ford in favor. Councilmember Hankins opposed. Motion carried.

4. Administrator Kellen explained that she received the list of residents who have delinquent utility billing charges and a letter will be sent to them in October giving them 30 days to pay and for those that do not, they will be approved at the December City Council meeting to be certified to the county for a Special Assessment.

c. Technology Update –

1. Administrator Kellen explained that the internet has been brought into the building, but it is not hooked up yet. Techie Dudes was present during the installation. She said that Techie Dudes is working on the LOA to move our current phone number to our new one. She said that the 2 phone lines have been purchased.
2. Councilmember Hankins asked if there are any additional authorizations that are needed to which Administrator Kellen said that she is not aware of any at this time.

- d. Tree Inspection Update – Administrator Kellen said there were 13 trees that were listed as hazardous, and Steve Dean is giving an estimate to remove the 13 trees. She said there is 1 tree on Ash Beach that is suspected to have Oak Wilt and the inspector recommended to have a sample sent to the U of M to have it tested. She also said she is working with a couple of residents on possible reports of Oak Wilt.
- e. 2024 Music in the Park Recap – Administrator Kellen referred to the update provided by Al Mitchell and thanked him for his volunteerism.
- f. Food Scrap Pickup – Administrator Kellen explained that this is a new program that was launched October 1st for Washington County. The Council discussed how the new program works.

J. Mayor Ford thanked Councilmember Foster for his time and contributions to the City Council as he is moving and this will be his last meeting on the City Council.

7. **MEETING CLOSE (2:01:15)**

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 8:43 p.m.

DISCLAIMER

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

Mayor Margaret Ford

City Administrator Becky Kellen

Date

Date

To: Council
From: Justin McCarthy
RE: John Waller Reappointment

All, John Waller's term on the Rice Creek Watershed District (RCWD) is coming to an end soon and he will have to be reappointed by the Washington County Board of Commissioners. John indicated to me by phone that a letter of recommendation would be appreciated. As such, I have taken the liberty of drafting a short letter on behalf of the City Council that I would like the Council to approve.

City Council
Birchwood Village
207 Birchwood Ave
Birchwood Village MN, 55110
10/08/2024

Washington County Board of Commissioners
14949 62nd St. N.,
Stillwater MN, 55082

Dear Washington County Commissioners,

The Birchwood Village City Council writes to strongly recommend the reappointment of John Waller to the Rice Creek Watershed District Board. His tireless advocacy for both Washington County and Birchwood Village has made a significant impact on our community and the preservation of our natural resources.

John has been an unwavering champion for Birchwood Village to Rice Creek Watershed District, consistently advocating for the fulfillment of the Watershed's decades old commitments made to manage and protect Hall's Marsh from the pollution caused by Priebe Lake. His dedication to ensuring that this vital ecosystems receive the attention and care it deserves has been invaluable to our community.

In addition to his work on Hall's Marsh preservation, John has been a trusted voice for all of Washington County, representing our interests with passion and integrity. He understands the unique challenges we face and works collaboratively to find solutions that benefit our residents and the environment alike.

Reappointing John Waller to the Rice Creek Watershed District Board would not only honor his past contributions but would also ensure that our community continues to have strong leadership and advocacy in matters that affect our natural resources. His knowledge, dedication, and commitment to service are qualities that we believe are essential for the role.

Thank you for considering this recommendation. We believe that John's reappointment would be a significant asset to the Rice Creek Watershed District and our community at large.

Sincerely,

City Council
Birchwood Village



2025 SCHEDULE OF REGULAR CITY COUNCIL MEETINGS

(Start time 6:45 p.m. at City Hall)

January 14
February 11
March 11
April 8
May 13
June 10
July 8
August 12
September 9
October 14
November 12 (Wed)
December 9

City Staff Office Hours
Tuesdays and Thursdays
10:30 am – 1:30 pm
Or By Appointment
Phone: 651-426-3403

2025 SCHEDULE OF OFFICIAL CITY HOLIDAYS

New Year's Day – Wed, Jan 1, 2024

MLK Jr. Day – Mon, Jan 20

Presidents Day – Mon, Feb 17

Memorial Day – Mon, May 26

Juneteenth – Thurs, June 19

Independence Day – Fri, July 4

Labor Day – Mon, Sep 1

Veterans Day – Tues, Nov 11

Thanksgiving – Thu-Fri, Nov 27-28

Christmas Day – Thurs, Dec 25

COMMITTEE/COMMISSION MEETING SCHEDULE:

Planning Commission meets the 4th
Thursday of every month.

Parks and Natural Resources Committee
meets the 3rd Tuesday of every month.

RESOLUTION NO. 2024-43

A RESOLUTION ACCEPTING RESIGNATION AND DECLARING A VACANCY.

WHEREAS, the Birchwood Village City Council has received the written resignation of Mark Foster, effective on October 13, 2024.

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

1. The council accepts Mark Foster's resignation as described above.

The council declares that a vacancy exists on council effective on October 14, 2024.

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

Mayor

Attested:

City Clerk



OATH OF OFFICE

*State of Minnesota
County of Washington*

CITY OF BIRCHWOOD VILLAGE

I, Ryan Eisele, do solemnly swear to support the Constitution of the United States, the Constitution of the State of Minnesota, and to discharge faithfully the duties of the office of Councilmember of the City of Birchwood Village, Minnesota, to the best of my judgment and ability, so help me God.

Signature

Subscribed and sworn to before me this 12th day of November 2024.

*Rebecca Kellen
City Administrator-Clerk*

RESOLUTION 2024-45

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

**APPOINTING AND SWEARING IN RYAN EISELE TO FILL THE VACANT
CITY COUNCIL SEAT**

At the regular meeting of the City Council of the City of Birchwood Village held on Tuesday, November 12, 2024, with the following members present: Mayor Ford and Council members, McCarthy, Hankins and Weier, and the following absent: none; the Birchwood Village City Council resolved:

WHEREAS, The City of Birchwood Village has a current vacancy on the City Council due to the resignation of Mark Foster following his move from the City at the end of October; and

WHEREAS, The City of Birchwood Village conducted an election on Tuesday November 5, 2024 and two residents were elected to the City Council for the two seats that were open on the ballot; and

WHEREAS, The City of Birchwood Village has identified Ryan Eisele as the top vote-getter in his race for the City Council and;

WHEREAS, The City of Birchwood Village desires to make an appointment to its City Council to fill the aforementioned-vacancy; and

WHEREAS, The City of Birchwood Village has identified Ryan Eisele as the top vote-getter in his race for the City Council and,

WHEREAS, The City of Birchwood Village finds it appropriate to appoint Ryan Eisele prior to the regular installation date in January as the top vote-getter and in order to fill the vacancy on the Council.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Birchwood Village hereby appoints Ryan Eisele to the City Council of the City Birchwood Village and orders the taking of his Oath and his seating on the Council immediately thereafter.

Voting in Favor:

Voting Against:

Abstaining Vote:

Resolution duly seconded and passed this 12th day of November, 2024.

Margaret Ford, Mayor

Attest:

Rebecca Kellen, City Administrator-Clerk



11-5-2024

City of Birchwood Village

Council,

Wildwood Lift Station Reconstruction

- Plans and specifications have been posted on Quest and White bear press as of 10/30.
- 12/4 Close Bidding
- 12/12 Council to review bids/approve a bidder

Since the last council meeting Bolton and Menk discovered that we may have a issue with the City's preferred KSB pumps in the EPA's supplier requirements. EPA requires all project materials to be locally supplied. To date, there are very few options for this. Bolton and Menk are working with the EPA, White Bear township staff to find a solution to meet the EPA's requirements.

Please feel free to contact me at marcus.johnson@bolton-menk.com or 507-440-0537 with any questions.

Sincerely,

Bolton & Menk, Inc.

Marcus Johnson PE
Associate Project Engineer



Real People. Real Solutions.

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

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

11-5-2024

City of Birchwood Village

Council,

Oakridge Dr. Drainage Issues/2025 Pavement Project

- Attached is the boring quote for researching if it is possible to install a raingarden off the edge of the road on each side near 15 Oakridge Dr.
 - Bolton and Menk's Drainage Team does not recommend pursuing this option, as many of these systems this small are known to have a short life span.
 - Bolton and Menk recommends adjusting the CIP to resolve the drainage issue here and moving the remainder of Oakridge Drive for approximately \$130,000.
 - The breakdown of this would be \$100,000 for the construction cost, \$18,000 for engineering and surveying, and the remainder being project contingency.
 - In addition to this, we would add alternates of crack filling and seal coating, should prices be favorable and there is additional budget remaining.
 - With the project, we would have the option to pursue the RCWD Storm Sewer Grant, should the city need to extend storm sewer down to accommodate for an additional low point.
 - At this time, based on rough onsite measurements, I do not believe the city will need to extend storm sewer, but will not know for sure until a survey has been completed.

Please feel free to contact me at marcus.johnson@bolton-menk.com or 507-440-0537 with any questions.

Sincerely,

Bolton & Menk, Inc.

Marcus A. Johnson

Marcus Johnson PE
Associate Project Engineer

Haugo GeoTechnical Services
2825 Cedar Avenue South
Minneapolis, MN 55407
Website: www.Haugogts.com

HGTS Project # 24-0868
Client: City of Birchwood Village
Project: Oakridge Dr Rain Gardens
Location: Birchwood Village, MN
Date: 10/24/2024

Table 1 Summary of Estimated Costs

					QTY	UNITS	PRICE(\$)	SUM(\$)
	<u>BORINGS</u>	# BORINGS	DEPTH					
500	MOBILIZATION				1	EACH	750	750
501	BORINGS - SPT DRILLING (0-30')	2	@	14.5	29	LF	24	696
501	BORINGS - SPT DRILLING (30-50')					LF	27	
501	BORINGS - SPT DRILLING (50-100')					LF	30	
501	BORINGS - CONT SAMPLE (0-30')					LF	27	
501	BORINGS - MUD ROTARY (0-30')					LF	30	
501	BORINGS - MUD ROTARY (30-50')					LF	35	
501	BORINGS - MUD ROTARY (60-100')					LF	40	
206	HAND AUGER PROBE					EACH		
513	SEAL BOREHOLES					LF	4	
	<u>REPORTS</u>							
690	GEOTECHNICAL REPORT					EACH		
692	SUMMARY/BUILDABILITY LETTER					LS		
611B	BORING LOGS				2	EACH	40	80
	<u>ADDITION FIELD WORK</u>							
505	GPS SOIL BORINGS				1	LS	150	150
750	DAILY PER DIEM					DAY	300	
508	INSTALL PIEZOMETERS					EACH	300	
511	WATER LEVEL MEASUREMENTS					TRIP	120	
541	JARS/12 PER CASE**					CASE	25	
541A	ROCK CORE BOXES (WAX CARDBOARD)					EACH	10	
521	SNOW REMOVAL					HOUR	175	
528	SHELBY TUBE					EACH	100	
524	BITUMINIOUS PATCHING					LS	100	
	<u>LAB TESTING</u>							
408	MOISTURE CONTENT					TEST	15	
403	SIEVE ANALYSIS (BAG SAMPLE)					TEST	140	
407	#200 WASH				4	TEST	35	140
414	#200 WASH & FINE SIEVE					TEST	75	
	ATTERBURG					TEST	140	
	<u>PROJECT DETAILS</u>							
503	UTILITY MEET/STAKE BORINGS				1	LS	300	300
503A	PRIVATE UTILITY LOCATE					LS		
612	PROJECT ENGINEER				2	HOUR	150	300
602	PROJECT MANAGER				2	HOUR	130	260
518	MDH PROJECT PERMIT*					EACH	75	
519	MDH PAPERWORK					HOUR	90	
TOTAL							\$	2,676.00

Additonal Services

*Minnesota sites, number of pemits vary on boring location, required for 24.5' or greater borings

**if needed, we will provide jars for the noted rate

Additional drilling services will be invoiced at the above noted rates.

We assume boring locations will be provided or staked

We will charge \$4 per lineal foot to seal the borings, if required.

Snow removal, if required will be invoiced at \$175 per hour.

In the event that the site is not ready when our crew arrives, we will charge \$250 per hour of stand-by time. If any private utilities are present on site, we expect you to locate them in advance or notify us and we will have located at an additional cost.

PRELIMINARY COST ESTIMATE

2025 Pavement Maintenance Project
Birchwood Village, Minnesota
Reclaim, Reshape, Repave Oakridge Drive

DATE: 11/5/2024

ITEM NO.	ITEM	QTY	UNIT	UNIT PRICE	TOTAL
2025 Pavement Maintenance Project					
1	Mobilization	1	LS	\$5,000.00	\$5,000.00
2	Traffic Control	1	LS	\$2,000.00	\$2,000.00
3	Reclaim Existing Bituminous	2167	SY	\$10.00	\$21,666.67
4	Finished Grading	2167	SY	\$2.00	\$4,333.33
5	Haul Off Excess Material	100	CY	\$50.00	\$5,000.00
6	Type SP 12.5 Wearing Course Mixture (2,B) - Lower Lift	260	TON	\$80.00	\$20,800.00
7	Type SP 9.5 Wearing Course Mixture (1.5,B) - Upper Lift	200	TON	\$80.00	\$16,000.00
8	Bituminous Tack Coat	174	GAL	\$5.00	\$870.00
9	Sawing Pavement	30	LF	\$10.00	\$300.00
10	Adjust Gate Valve	2	LF	\$500.00	\$1,000.00
11	Adjust Manhole Casting	4	LF	\$500.00	\$2,000.00
12	Driveway Replacement	4200	SQ FT	\$5.00	\$21,000.00

Total Estimated Construction Cost	\$99,970.00
Permitting, Administrative, Legal, Engineering & Material Testing	\$17,994.60
10% Contingencies	\$11,796.46
Total Estimated Project Costs	\$129,761.06

Hall's Marsh Maintenance

From Ruth Jensen <rwelterj@gmail.com>

Date Sun 10/13/2024 6:12 PM

To Margaret Ford <Margaret.Ford@cityofbirchwood.com>; Mark Foster <mark.foster@cityofbirchwood.com>; Rebecca Kellen <Rebecca.Kellen@cityofbirchwood.com>; Justin McCarthy <justin.mccarthy@cityofbirchwood.com>; Kathy Weier <Kathy.Weier@cityofbirchwood.com>; Ryan Hankins <Ryan.Hankins@cityofbirchwood.com>

Cc bud Jensen <jbasegraphics@q.com>

 8 attachments (15 MB)

InletDepth2_20240929.jpg; Inlet_20240929.jpg; InletDepth1_20240929.jpg; Inlet_20241013.jpg; Fish_Weir_20150713.jpg; Outlet3_20241013.jpg; Outlet2_20241013.jpg; Outlet1_20240929.jpg;

Hello Mayor Ford, Council Members, and Ms. Kellen.

As long-time Marsh dwellers, we want to share with you a couple of concerns about Hall's Marsh inlet and outlet maintenance. The first problem is that mud and debris are blocking the bottom half of the outlet culvert. (Photos attached.) If the blockage is not cleared, the Marsh will likely flood badly next spring, and also back up into Tighe-Schmitz Park before it reaches the Emergency Overflow Outlets.

The problem is ongoing, because instead of replacing the original big timber and metal fish weir that used to protect the outflow culvert from beavers, as well as from outgoing bogs, logs, debris, and mud, RCWD/HEI put in a tiny concrete curb. The area between the curb and the culvert is constantly completely filled with mud, and it does nothing to protect the culvert. Earlier this summer, we mentioned this to RCWD's Tom Schmidt, who took such prompt action on the beaver dam problems that caused flooding this spring. However, nothing has been done about the blockage. No doubt a more formal request from the City is needed.

The second concern is one we have asked RCWD/HEI about several times without ever receiving an acknowledgment of the question, let alone an answer: Why is there always water in the inlet culvert?

Per HEI documents, the inlet pipe elevation is 923.22, and the outlet culvert elevation is supposed to be slightly lower, at 923. Presumably, inflow should make it all the way out of the pipe and into the Marsh, but that is never the case. The inlet always has standing water, even when there is no water at the outlet; this indicates a problem with the way Priebe runoff goes (or fails to go) through the Marsh, due to sediment build-up and vegetation overgrowth during the last 40 years.

In the winter, the water in the inlet culvert freezes, which is destructive to concrete. Also, since the drainage pipe under Tighe-Schmitz has practically no slope, there must be water freezing in that, too. Has RCWD accepted the need for easements and maintenance responsibility for the PLOP pipes running under Birchwood (and Mahtomedi, and White Bear Lake) land and into the Marsh? These topics should be brought to John Waller, our Washington County RCWD Board Member.

Thank you for your work to protect and improve Hall's Marsh.

Ruth and Bud Jensen













CURB AREA FULL OF
MUD, CULVERT
HALF BLOCKED.



**CURB AREA FILLED
WITH MUD; CULVERT
HALF BLOCKED.**



FW: City of Birchwood Village Speed limit Question

From Marcus Johnson <Marcus.Johnson@bolton-menk.com>

Date Tue 10/22/2024 10:07 AM

To Alan Kantrud <hakantrud@protonmail.com>; Rebecca Kellen <Rebecca.Kellen@cityofbirchwood.com>

Alan and Rebecca,

See below on our traffic engineers thoughts on lowering the speed limit.

Thoughts on how the city would like to proceed. Do we still want the national data from our past studies?

Thanks,

Marcus Johnson, PE

Project Engineer | Associate

Bolton & Menk, Inc.

Mobile: (507) 440-0537

From: Bryan Nemeth <Bryan.Nemeth@bolton-menk.com>

Sent: Thursday, October 17, 2024 11:19 AM

To: Marcus Johnson <Marcus.Johnson@bolton-menk.com>

Cc: Brian Bachmeier <Brian.Bachmeier@bolton-menk.com>; Scott McBride <Scott.McBride@bolton-menk.com>; Jacob Bongard <Jacob.Bongard@bolton-menk.com>

Subject: RE: City of Birchwood Village Speed limit Question

Marcus,

Unfortunately, this is not something that can be done on the cheap. A full study would be needed.

If a city wants to set their own speed limits, the language in Statute requires cities to basically pass a Speed Limit Policy that outlines the procedures for how speed limits are set on the jurisdiction's roadways and the procedure to set speed limits needs to be based on a traffic engineering study. This is not an inexpensive effort but with the size of the city and with experience doing other ones I think we could probably keep it to around \$25,000 since so few roadways, should be pretty straightforward, and we can use information from other policies we have completed. Just have to run through the steps and documentation, and not collect any actual speed data. Just takes times to gather all the information, safety review, existing speed limits, mapping, developing the policy, etc. Again no speed data collection to verify current speeds as agencies always seem to want this information. Policies we have completed for most communities have cost between \$50K and \$75K.

Of note in the statute it mentions establishing speed limits without conducting an engineering and traffic investigation but later mentions the policy that must include analysis of safety, engineering, and traffic analysis, and also communications. The first part is in relation to doing a study for each roadway by itself (like how MnDOT does it) that would not be needed if a policy covers the entire city. Instead just follow the adopted policy that includes some of the same elements but on a much larger scale and only has to be done once.

Subd. 5h. **Speed limits on city streets.** A city may establish speed limits for city streets under the city's jurisdiction other than the limits provided in subdivision 2 without conducting an engineering and traffic investigation. This subdivision does not apply to town roads, county highways, or trunk highways in the city. A city that establishes speed limits pursuant to this section must implement speed limit changes in a consistent and understandable manner. The city must erect appropriate signs to display the speed limit. A city that uses the authority under this subdivision must develop procedures to set speed limits based on the city's safety, engineering, and traffic analysis. At a minimum, the safety, engineering, and traffic analysis must consider national urban speed limit guidance and studies, local traffic crashes, and methods to effectively communicate the change to the public.

Another option to the city has is to set speed limits on the residential roadways to 25 mph. This is allowed by current statute.

§ Subd. 2. **Speed limits.** (a) Where no special hazard exists the following speeds shall be lawful, but any speeds in excess of such limits shall be prima facie evidence that the speed is not reasonable or prudent and that it is unlawful; except that the speed limit within any municipality shall be a maximum limit and any speed in excess thereof shall be unlawful:

- (1) 30 miles per hour in an urban district;
 - (2) 65 miles per hour on noninterstate expressways, as defined in section 160.02, subdivision 18b, and noninterstate freeways, as defined in section 160.02, subdivision 19;
 - (3) 55 miles per hour in locations other than those specified in this section;
 - (4) 70 miles per hour on interstate highways outside the limits of any urbanized area with a population of greater than 50,000 as defined by order of the commissioner of transportation;
 - (5) 65 miles per hour on interstate highways inside the limits of any urbanized area with a population of greater than 50,000 as defined by order of the commissioner of transportation;
 - (6) ten miles per hour in alleys;
 - (7) 25 miles per hour in residential roadways if adopted by the road authority having jurisdiction over the residential roadway; and
 - (8) 35 miles per hour in a rural residential district if adopted by the road authority having jurisdiction over the rural residential district.
- (b) A speed limit adopted under paragraph (a), clause (7), is not effective unless the road authority has erected signs designating the speed limit and indicating the beginning and end of the residential roadway on which the speed limit applies.
- (c) A speed limit adopted under paragraph (a), clause (8), is not effective unless the road authority has erected signs designating the speed limit and indicating the beginning and end of the rural residential district for the roadway on which the speed limit applies.
- (d) Notwithstanding section 609.0331 or 609.101 or other law to the contrary, a person who violates a speed limit established in this subdivision, or a speed limit designated on an appropriate sign under subdivision 4, 5, 5b, 5c, or 5e, by driving 20 miles per hour or more in excess of the applicable speed limit, is assessed an additional surcharge equal to the amount of the fine imposed for the speed violation, but not less than \$25.

I will note that I have heard of a few cities have tried to just set speed limits themselves with no policy. Has not gone well with threats for taking away State Aid dollars and not allowing transportation funding to go to those communities since the cities have willfully violated State Statutes. Also any violations of the speed limits can be won in court by the violators since there is no policy in conformance with State Statute that backs up why the speed limit was set the way it was.

Also of note, the city cannot set speed limits for any roadway not under their jurisdiction such as county, township, or state roadways. Additionally, if there are roadways that are on a shared border with a community, any speed limits recommended by the policy cannot be established or changed until that community also has an adopted speed limit policy.

Bryan

Bryan Nemeth, P.E., PTOE
Principal Transportation Engineer
bryan.nemeth@bolton-menk.com

Bolton & Menk, Inc.

111 Washington Avenue South, Suite 650

Minneapolis, MN 55401

Mobile: 612-802-9538

Bolton-Menk.com

RE: City of Birchwood Village Speed limit Question

From Marcus Johnson <Marcus.Johnson@bolton-menk.com>

Date Wed 10/23/2024 2:34 PM

To Arthur Arsenault <arsenaultarthur@yahoo.com>; Rebecca Kellen <Rebecca.Kellen@cityofbirchwood.com>; Margaret Ford <Margaret.Ford@cityofbirchwood.com>; Cora Hankins <skierlady1@gmail.com>; Ron Malles <mallesron@gmail.com>

Cc Alan Kantrud <hakantrud@protonmail.com>

Design standards are normally a 4-5' one way bike line or 8' for a two-way bike lane. With the one-way typically would have one on each side.

I am showing in my file 28' of pavement, I will run out and check that tomorrow. So that would be close to be within code. I will verify the minimum lane width for cedar and what we need for a clear zone.

I would be recommended to have a survey of this are done and verify that our horizontal curves are safe at minimum along with our ditch slopes are safe and meet the Minnesota bike facility standards. As to the side, I will follow up after tomorrow with my recommendation.

Thanks,

Marcus Johnson, PE
Project Engineer | Associate
Bolton & Menk, Inc.
Mobile: (507) 440-0537

From: Arthur Arsenault <arsenaultarthur@yahoo.com>

Sent: Wednesday, October 23, 2024 1:56 PM

To: Rebecca Kellen <Rebecca.Kellen@cityofbirchwood.com>; Margaret Ford <Margaret.Ford@cityofbirchwood.com>; Cora Hankins <skierlady1@gmail.com>; Ron Malles <mallesron@gmail.com>

Cc: Alan Kantrud <hakantrud@protonmail.com>; Marcus Johnson <Marcus.Johnson@bolton-menk.com>

Subject: Re: City of Birchwood Village Speed limit Question

All,

Per Bryan's email to Marcus last week, I think the cost to pursue a uniform 20 MPH speed limit city wide is not worth it at this point in time.

Marcus,

The only other safety proposal that was suggested by numerous residents was to create a pedestrian and bike lane on Cedar Street/Hall Avenue. Could the City of Birchwood Village do this by moving/biasing the painted road center line with the amount existing pavement? Also could you share with us lane width minimum dimensions on roadways with speed limits set at 25 MPH? Finally could you provide your opinion on which side of the roadway this Ped & Bike lane would be best suited, if there is enough road surface?

Thanks in advance,

Sent from Yahoo Mail for iPhone

On Wednesday, October 23, 2024, 10:30 AM, Rebecca Kellen
<Rebecca.Kellen@cityofbirchwood.com> wrote:

Hi Roads Committee,
Please read through Marcus's email below from Bolton and Menk's Principal Transportation Engineer, regarding the requirements and potential costs of reducing the speed limit. 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
website: <http://www.cityofbirchwood.com/>

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From: Marcus Johnson <Marcus.Johnson@bolton-menk.com>
Sent: Tuesday, October 22, 2024 10:07 AM
To: Alan Kantrud <hakantrud@protonmail.com>; Rebecca Kellen <Rebecca.Kellen@cityofbirchwood.com>
Subject: FW: City of Birchwood Village Speed limit Question

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Thoughts on how the city would like to proceed. Do we still want the national data from our past studies?

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Bryan

Bryan Nemeth, P.E., PTOE

Principal Transportation Engineer

bryan.nemeth@bolton-menk.com

Bolton & Menk, Inc.

111 Washington Avenue South, Suite 650

Minneapolis, MN 55401

Mobile: 612-802-9538

Bolton-Menk.com

BIKE LANE DIMENSIONS

Preferred and minimum bike lane widths are shown in EXHIBIT 5-36: Bike Lane Dimensions. Bike lane widths are measured from the center of the bike lane line(s) toward the curb. Bicyclists require a nine-inch horizontal clearance from a vertical curb.

If a gutter pan is present, it is not included as part of the bike lane width unless the gutter is incorporated into the width of the bike lane and results in no longitudinal joint or seams parallel to a bicyclist's line of travel. If there are no joints or seams, the nine inches of the gutter pan adjacent to the curb can be considered clearance to the vertical curb. If there is no gutter pan, such as in cases where a roadway has been overlaid to its full width, a nine-inch clearance from the vertical curb is necessary.

Start with preferred widths, as this offers the greatest likelihood of attracting the Interested but Concerned bicyclist. Use minimum dimensions only in constrained situations. When adjacent to parking, wider bike lanes are recommended, as a portion of the bike lane will be within the door zone (EXHIBIT 5-37: Bike Lane Dimensions). Where higher motor vehicle speeds and volumes exist, choose a width at the high end of the ranges noted. Seven feet allows people bicycling to ride side-by-side and pass within the bike lane.

EXHIBIT 5-36: Bike Lane Dimensions

BIKE LANE	PREFERRED WIDTH (FT)	MINIMUM WIDTH (FT)
Adjacent to edge of pavement or gutter pan	5-7*	4
Between travel lanes or buffers	5-7	4
Adjacent to parking (without buffer)	6-7*	5

* if more than 7 feet are available, consider a buffered bike lane. Drivers may confuse overly wide bike lanes without a buffer or separation as a parking or travel lane.

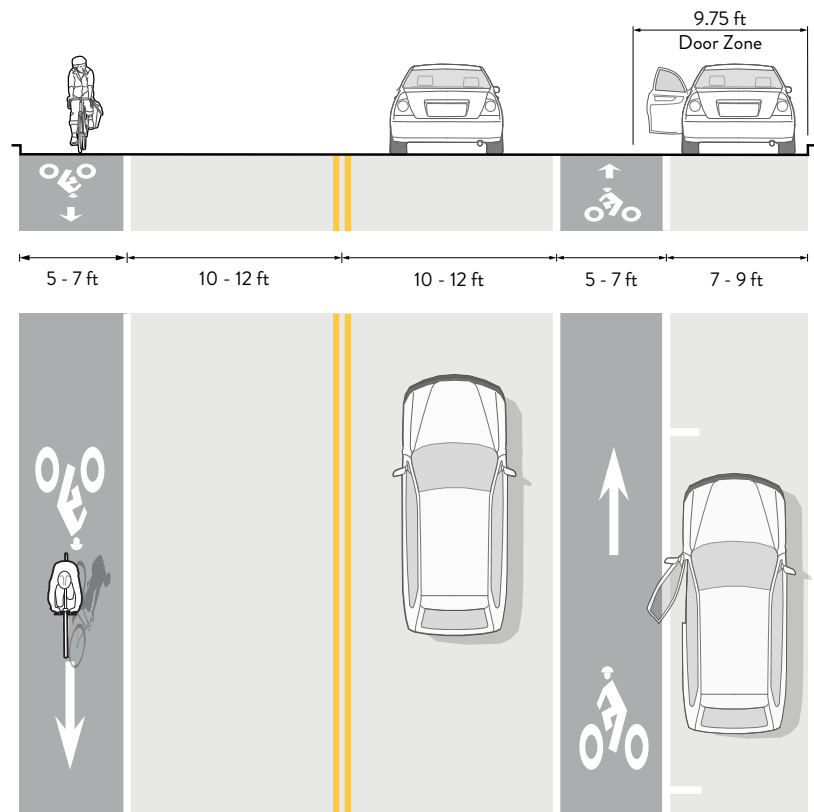


EXHIBIT 5-37: Bike Lane Dimensions

ROADWAY SURFACE INCONSISTENCIES

Manholes, drainage grates, or other obstacles should be set flush with the paved roadway. Roadway surface inconsistencies pose a threat to safe riding conditions for bicyclists. Manholes, access panels or other drainage elements should be constructed with no variation in the surface. The maximum allowable tolerance in vertical roadway surface is a quarter of an inch.

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, 2nd by Muhm, 2nd 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, 2nd 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 , 2nd 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. 2024-03-01 adopted on ____, and titled "SOLID AND HAZARDOUS WASTE MANAGEMENT" is hereby replaced.

402. SOLID WASTE AND RECYCLING

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

1. Authorized Hauler. 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 Item. 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.

Commented [AL1]: Let's plan to discuss this use of the word "Authorized"

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. Garbage. Discarded material resulting from the handling, processing, storage, preparation, serving, and consumption of food.
13. 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.
14. 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.
15. 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.

16. 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.
17. Scavenge or Scavenging. Shall mean the unauthorized collection of recyclable materials that have been set out by residents of the City specifically for collection by City or County authorized haulers.
18. Unauthorized Materials. Any material(s) which is/are not (an) Authorized Material(s).

402.030. DISPOSAL.

1. Refuse, yard waste, and recycling containers. Every person shall set out authorized refuse, authorized yard waste, and authorized recyclable materials in the container(s) provided by the authorized hauler(s).
2. Carts. Carts or Curbside Carts will be provided to all RDUs for their Authorized Waste, Authorized Yard Waste, and Authorized Recyclable materials. The Authorized Hauler shall furnish and deliver Carts for MMSW and Recycling in small, medium, and large sizes to Residential Dwellings. Residents shall be allowed to choose the number and size of the Cart(s) for their residence and will be billed according to the Rate Schedule as established by resolution of the City Council. Carts will remain the property of the Contractor. Additional carts can be requested at the expense of the RDU owner.
 - a. Additional MMSW may be placed for pickup in sealed black bags.
 - b. It is the property owner's responsibility to clean any litter resulting from disturbed bagged MMSW.
3. Cart placement and time of day. It is the responsibility of all persons occupying or controlling any residence to:
 - a. Place garbage and/or recycling carts at the curb for collection, and at ground level, or as directed by the Authorized Hauler.
 - b. On non-collection days said containers shall be screened from view. If carts are stored outside, they shall be secured and maintained in a stationary manner.

- c. Carts shall not be set out for garbage and/or recycling pickup earlier than 3:00 p.m. on the day preceding garbage and/or recycling pickup.
- d. Carts shall be retrieved and returned to the premises 24 hours after collection. by 11:59 p.m. on the day of collection.

Commented [RK2]: Council may want to discuss

- 4. Screening of containers. Except on the day of collection, refuse, yard waste, and recycling containers greater than 96 gallons in volume shall be screened from view.
- 5. 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. Such items shall be set out no sooner than one day before the scheduled pickup day and only with prior arrangement with the Authorized Hauler.
- 6. 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.
- 7. Separation of materials. No person shall place materials for collection by the Authorized Hauler in any container not designated for those materials, nor shall any person mix materials for collection for which the Authorized Hauler requires separation.
- 8. Hours of operation. Collection of residential and commercial waste streams must be respectful of the City's Noise Ordinance. Collection of residential waste, recyclables, and yard waste 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.

- 9. Recycling. The city's contracted hauler is required to pick up recyclable materials at every Residential Dwelling that secures a Recycling Cart. The City Council, by approving the Contractor, establishes recyclable materials as stated in the Washington County Standard List of Recyclables. In the event the City, County, or State changes the list of recyclable materials, the City's contracted hauler shall begin collection of any additional recyclable materials not listed within 30 days of the adoption of the resolution unless written approval is obtained from the City.

Commented [RK3]: This is new

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Authorized Hauler shall:

- a. Make available single-sort recycling services to all properties.
- b. Provide each new customer with detailed instructions on how to prepare recyclables for collection.
- c. Notify customers at least 30 days in advance before changing their recycling collection system and provide detailed instructions on how to prepare recyclables under the system.
- d. Notify customers at least once each year of proper recyclables preparation for collection, including the list of recyclable materials as defined in the Washington County Standard List of Recyclables.

Authorized Hauler shall not landfill or incinerate any recyclable materials collected, nor sell, trade, or give materials to any person or business for the purpose of landfilling or incinerating said materials without the prior written consent of the City, the County, and the state of Minnesota.

10. 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, nor shall any resident place materials for pickup more than twice every three calendar months.
11. Hazardous waste. Hazardous waste shall be disposed of as required by Washington County and the state.
12. 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.
13. Demolition waste. All demolition waste must be disposed of in accordance with County regulations.
14. Clean fill. Dirt, stones, etc. used as clean fill is not covered under this chapter.

402.040. COLLECTION SUPERVISED BY CITY COUNCIL. All Solid Waste, MMSW, or Recycling Materials (hereinafter collectively referred to as "Solid Waste") accumulated in or at

RDUs in the city shall be collected, conveyed, and disposed of under supervision of the 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.XXX. 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.

402.045. 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 refuse or recycling from any hauler except an Authorized Hauler. It shall be unlawful for any person who is not authorized by the City or County to take or collect recyclable material set out for authorized collection programs within the City.

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

402.055. OWNERSHIP. The person or household from which the materials originate shall own recyclable materials set out for the purpose of participating in curbside recycling programs until collected by the authorized hauler. Upon collection, the authorized hauler shall own the materials. Nothing in this ordinance shall abridge the right of any individual or household to give or sell their recyclable materials to any recyclable materials program. No person shall scavenge recyclable materials.

402.070. FEES FOR COLLECTION AND DISPOSAL. The fees for collection and disposal of 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.

CHARGES BECOME A LIEN. Each charge levied by and pursuant to this section is hereby made a lien upon the corresponding lot, land or premises served hereunder and all such charges which are on July 31 of each year more than 30 days past due and having been properly billed to the occupant of the premises served, shall be certified by the City Administrator to the Auditor of Washington County each year. The City Administrator in so certifying such charges to the County Auditor shall specify the amount thereof, the descriptions of the premises served, the name of the owner thereof, and the amount so certified shall be extended by the County Auditor on the tax rolls against such premises in the same manner as other taxes, and collected by the County Treasurer, and paid to the City Administrator, along with other taxes.

Commented [RK5]: They pay directly to Tennis

Commented [AL6R5]: This is part of original 402 ordinance

402.080. 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.

DEPOSITING WASTE INTO PUBLIC PROPERTY. No person shall sweep or deposit any litter in any public place or public way except in public containers. Persons owning or occupying property shall keep any right-of-way bordering their property free of litter.

401.201.00 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.

401.201.10 THROWING LITTER FROM VEHICLES. No person shall throw or deposit any litter from a vehicle upon any public place or public place except in public containers. Any person convicted of this section shall be punished per section 401.320. Enforcement.

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

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

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.

401.200.20. SCAVENGING. No person shall scavenge or otherwise collect MMSW, Recyclables, Bulky Waste, Food Scraps, or Yard Wastes from containers or from public or private property unless licensed therefore by the County or unless permission of the owner of any such materials has been given.

401.200.30. BURYING AND BURNING PROHIBITED. No person shall bury any MMSW, recyclable materials, or other waste materials within the City and no person shall burn MMSW, or other waste materials.

401.200.40. ILLEGAL DUMPING/UNAUTHORIZED DUMPING. It shall be a violation of this Ordinance for any Person to Dispose of Solid Waste within Birchwood Village.

401.200.50. 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.

401.200.60. **SOLID WASTE DISPOSAL PROHIBITION.** No person shall discharge or dispose of Recyclables, Bulky Waste, MMSW, Source-Separated Organic Material (SSOM), Yard Wastes, or Hazardous Wastes in any street, alley, drive, park, playground, or other public place, or upon privately owned property.

401.310. **ADDITIONAL REQUIREMENTS AND PROVISIONS.**

401.310.10. **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.

401.310.20. 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.

401.310.30. 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.

401.310.40. 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.

401.310.50. 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.

401.310.60. 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.

ENFORCEMENT.

401.320.20. MISDEMEANOR. Any Person within the City who violates this Ordinance, except for an activity or at a Site or Facility for which a license has been granted, or who shall permit such a violation to exist on the premises under his control, or who shall fail to take action to abate the existence of the violation within the specified time period when ordered or notified to do so by the City, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished therefore, as provided by law. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

401.320.30. 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.

401.320.40. 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.

401.320.50. CITATION. The City may issue citations for violations of this Ordinance.

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

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

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

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

Adopted by the City of Birchwood Village City Council this XXth day of [MONTH], 2024.

Margaret Ford, Mayor

Attest:

Rebecca Kellen, City Administrator-Clerk

RED LINE VERSION

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

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

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

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

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

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

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

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

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

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

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

~~I can’t find a contract that mentions recycling.~~

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

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

ORDINANCE NO. _____

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

Findings and Purpose:

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

Because the City now contracts with a private hauler to perform waste and recycling pickup, the hauler determines what is eligible for pickup and provides the containers. This change leaves to the hauler and its contract with the City what is authorized and which fees are collected. Because residents contract directly with the hauler, the hauler can collect unpaid charges privately. The hauler must collect recycling and refuse from every household, but may collect additional fees for collection of yard waste, bulky items or other services. The City may contract with a hauler and pursue tax certification for households that do not contract with an authorized hauler themselves.

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

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

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

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

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

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

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

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

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

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

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

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Section 1.

Ordinance No. 402 adopted on ____, and titled "SOLID AND HAZARDOUS WASTE MANAGEMENT" is hereby replaced.

402. SOLID WASTE AND RECYCLING

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

1. Authorized Hauler. ~~Any person, firm, corporation, association, partnership, or other entity that collects or transports MMSW that is Generated in the City and is A person~~ authorized by the City Council to collect and haul ~~refuse~~.

Commented [AL2]: Let's plan to discuss the use of the word "Authorized"

2. ~~Authorized Refuse Mixed Municipal Solid-Waste (MMSW).~~ All refuse materials that the authorized hauler accepts. 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

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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.

2. _____

Authorized Recycling. ~~All recyclable materials that the authorized hauler accepts.~~ 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.

3. _____

4. Authorized Bulky Item. 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.~~

3.

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.~~

4.

5-6. Authorized Materials. All Authorized Refuse, Authorized Recycling, Authorized Bulky Items and Authorized Yard Waste or Compost.

6-7. Compost or Composting. Any above-ground microbial process that converts ~~yard waste organic materials~~ to ~~organic~~ a soil amendment or mulch by decomposition of material through an aerobic process providing adequate oxygen and moisture.

7-8. 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

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environment or be emitted into the air or discharged into any water, including ground waters.

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.

8.

12. Garbage. Discarded material resulting from the handling, processing, storage, preparation, serving and consumption of food.

13. 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.

9.

14. Recyclable Materials, ~~or Reeyeling. Materials that are separated from mixed municipal solid waste for the purpose of 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.

10.—Residential Dwelling Unit (RDU): Residential Dwelling Unit 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.

16. Solid Waste or Waste, ~~Refuse. All waste products which are wholly or partly composed of such materials as garbage, rubbish, waste materials, or any other such substance which may become a nuisance and/or a health hazard.~~ Garbage, and other discarded solid materials including solid waste materials and waste sludges resulting from industrial, commercial, and agricultural operations and from community activities,

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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.

11.

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~~12. Rubbish. All nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, cardboard, tin cans, grass and shrubbery clippings, wood, glass, brick, plaster, bedding, crockery, leaves, dead trees or branches thereof, rags, plastic, and other similar materials.~~

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~~17.~~

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18. Scavenge or Scavenging. Shall mean the unauthorized collection of recyclable materials that have been set out by residents of the City specifically ~~for participating in curbside recycling programs for collection by City or County authorized haulers.~~

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

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~~15.20. Waste Materials. Materials such as paper, cardboard, tin cans, grass and shrubbery clippings, wood, glass, brick, plaster, bedding, crockery, leaves, dead trees or branches thereof, rags, plastic, and other similar materials, any other material which is a nuisance or a health hazard.~~

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~~16.21. Yard Waste. Means grass and lawn clippings, leaves, weeds, garden, soft bodied, small non woody shrub trimmings or twigs that are 1/4 inch diameter or less, pine cones, and needles.~~

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402.030. DISPOSAL.

1. Refuse, yard waste and recycling containers. Every person shall set out authorized refuse, authorized yard waste and authorized recyclable materials in the container(s) provided by the authorized hauler(s).

2. Carts. Carts or Curbside Carts will be provided to all RDUs for their Authorized Waste, Authorized Yard Waste and Authorized Recyclable materials. The Authorized Hauler shall furnish and deliver Carts for MMSW and Recycling in small, medium, and large

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sizes to Residential Dwellings. Residents shall be allowed to choose the number and size of the Cart(s) for their residence and will be billed according to the Rate Schedule as established by resolution of the City Council. Carts will remain the property of the Contractor. Additional carts can be requested at the expense of the RDU owner.

- a. Additional MMSW may be placed for pickup in sealed black bags.
- b. It is the property owner's responsibility to clean any litter resulting from disturbed bagged MMSW.

3. Cart placement and time of day. It is the responsibility of all persons occupying or controlling any residence to:

- a. Place garbage and/or recycling carts at the curb ~~or alley~~ for collection, and at ground level ~~no more than forty (40) feet from the right of way of the nearest street,~~ or as directed by the Authorized Hauler.
- b. On non-collection days said containers shall be screened from view. If carts are stored outside, they shall be secured and maintained in a stationary manner.
- c. Carts shall not be set out for garbage and/or recycling pickup ~~earlier than 3:00 p.m. on the day preceding garbage and/or recycling pickup.~~
- ~~d. Carts shall be retrieved and returned to the premises 24 hours after collection, by 11:59 PM on the day of collection.~~

~~2.4.~~ Screening of containers. Except on the day of collection, refuse, yard waste and recycling containers greater than 96 gallons in volume shall be screened from view.

~~3.5.~~ Items outside containers. Authorized ~~b~~Bulky Waste items shall be set out separately. Authorized Mmaterials that do not fit within the provided containers may be set out separately as specified by the authorized hauler. Such items shall be set out no sooner than one day before the scheduled pickup day and only with prior arrangement with the Authorized Hauler.

~~4.6.~~ Excess items by arrangement only. ~~No person shall set out Authorized Bbulky Waste items or items outside containers except by prior arrangement with the Aauthorized Hhauler.~~

~~5.7.~~ Materials for collection. No person shall set out ~~A~~authorized Mmaterials, except in the manner the ~~A~~authorized Hhauler specifies, nor shall any person set out ~~U~~unauthorized Mmaterials for collection by the ~~A~~authorized Hhauler.

8. Separation of materials. No person shall place materials for collection by the ~~a~~Aauthorized Hhauler in any container not designated for those materials, nor shall any

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person mix materials for collection for which the Authorized Hauler requires separation.

9. Hours of operation. Collection of residential and commercial waste streams must be respectful of the City's Noise Ordinance. Collection of residential waste, recyclables, and yard waste 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).

6. 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.

10. Time and manner of placement. ~~Each person or household shall place authorized materials for collection in the location and at the time of collection required by the authorized hauler(s). For the purpose of reducing traffic or effort, an authorized hauler may require placement of materials for collection at a nearby street or across the street from the household.~~

7.

11. Placement on right of way. ~~No person shall prevent any other person from placing materials for collection in a location on a right of way specified by the authorized hauler(s). Each person who places containers or materials on another person's right of way shall remove the containers or uncollected materials by 11:59 PM on the day of collection.~~

12. Recycling. The city's contracted hauler is required to pick up recyclable materials at every Residential Dwelling that secures a Recycling Cart. The city council, by ~~resolution~~, approving the Contractor, establishes recyclable materials as stated in the Washington County Standard List of Recyclables. In the event the city, county, or state changes the list of recyclable materials, the city's contracted hauler shall begin collection of any additional recyclable materials not listed within 30 days of the adoption of the resolution unless written approval is obtained from the city.

Authorized Hauler shall;

- a. Make available single-sort recycling services to all properties.
- b. Provide each new customer with detailed instructions on how to prepare recyclables for collection.

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c. Notify customers at least thirty (30) days in advance before changing their recycling collection system and provide detailed instructions on how to prepare recyclables under the system.

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d. Notify customers at least once each year of proper recyclables preparation for collection, including the list of recyclable materials as defined in the Washington County Standard List of Recyclables.

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Authorized Hauler shall not landfill or incinerate any recyclable materials collected, nor sell, trade, or give materials to any person or business for the purpose of landfilling or incinerating said materials without the prior written consent of the City, the County, and the State of Minnesota.

13. ~~402.085. MATERIALS FOR PICKUP~~Materials for 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, nor shall any resident place materials for pickup more than twice every three calendar months.

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9.14. Hazardous waste. Hazardous wastes shall be disposed of as required by Washington County and the state.

10.15. 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.

11.16. Demolition waste. All demolition waste must be disposed of in accordance with County regulations.

17. Clean fill. Dirt, stones, etc. used as clean fill is not covered under this chapter.

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12.

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

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Materials (hereinafter collectively referred to as “Solid Waste”) accumulated in or at Residential Dwellings Units (RDUs) in the city shall be collected, conveyed, and disposed of under supervision of the 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.XXX. 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.

402.045. 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 refuse or recycling from any hauler except an Aauthorized Hauler. It shall be unlawful for any person who is not authorized by the City or County to take or collect recyclable material set out for authorized collection programs within the City.

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

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

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

402.070. FEES FOR COLLECTION AND DISPOSAL. The fees for collection and disposal of 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.

CHARGES BECOME A LIEN. Each charge levied by and pursuant to this section is hereby made a lien upon the corresponding lot, land or premises served hereunder and all such charges which are on July 31 of each year more than thirty (30) days past due and having been properly billed to the occupant of the premises served, shall be certified by the City Administrator to the Auditor of Washington County each year. The City Administrator in so certifying such charges to the County Auditor shall specify the amount thereof, the descriptions of the premises served, the name of the owner thereof, and the amount so certified shall be extended by the County Auditor on the tax rolls against such premises in the same manner as other taxes, and collected by the County Treasurer, and paid to the City Administrator, along with other taxes.

402.080. WASTE COLLECTION REQUIRED. Every ~~owner or resident~~ Residential Dwelling Unit shall contract with the City's ~~a~~ A authorized ~~H~~ H hauler(s) for ~~R~~ R ecycling and Waste Materials collection. Residential services will be outlined in the contract between the City and the Authorized Hauler(s). Every owner must ensure ~~R~~ R ecycling and ~~Waste~~ 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 ~~A~~ A authorized ~~H~~ H hauler and shall charge the costs of the contract and all direct or indirect administrative costs the City incurs.

DEPOSITING WASTE INTO PUBLIC PROPERTY. No person shall sweep or deposit any litter in any public place or public way except in public containers. Persons owning or occupying property shall keep any right-of-way bordering their property free of litter.

401.201.00 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.

401.201.10 THROWING LITTER FROM VEHICLES. No person shall throw or deposit any litter from a vehicle upon any public place or public place except in public containers. Any person convicted of this section shall be punished per section 401.320. Enforcement.

~~Each charge levied by and pursuant to this section is hereby made a lien upon the corresponding lot, land or premises served hereunder and all such charges which are on July 31 of each year more than thirty (30) days past due and having been properly billed to the occupant of the premises served, shall be certified by the City Administrator to the Auditor of Washington County each year. The City Administrator in so certifying such charges to the County Auditor shall specify the amount thereof, the descriptions of the premises served, the name of the owner thereof, and the amount so certified shall be extended by the County Auditor on the tax rolls against such premises in the same manner as other taxes, and collected by the County Treasurer, and paid to the City Administrator, along with other taxes.~~

~~402.085. MATERIALS FOR PICKUP. Unless such acts violate City Code other than this chapter, or create a hazard, obstruction, unsanitary condition or nuisance, 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, nor shall any resident place materials for pickup more than twice every three calendar months.~~

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

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

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.

401.200.20. SCAVENGING. No person shall scavenge or otherwise collect MMSW, Recyclables, Bulky Waste, Food Scraps or Yard Wastes from containers or from public or private property unless licensed therefore by the County or unless permission of the owner of any such materials has been given.

401.200.30. BURYING AND BURNING PROHIBITED. No person shall bury any MMSW, recyclable materials, or other waste materials within the city and no person shall burn MMSW, or other waste materials.

401.200.40. ILLEGAL DUMPING/UNAUTHORIZED DUMPING. It shall be a violation of this Ordinance for any Person to Dispose of Solid Waste within Birchwood Village.

401.200.50. 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.

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.

401.200.60. SOLID WASTE DISPOSAL PROHIBITION. No person shall discharge or dispose of Recyclables, Bulky Waste, MMSW, Source-Separated Organic Material (SSOM), Yard Wastes, or Hazardous Wastes in any street, alley, drive, park, playground, or other public place, or upon privately owned property.

401.310. ADDITIONAL REQUIREMENTS AND PROVISIONS.

401.310.10. 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.

401.310.20. 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.

401.310.30. 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.

401.310.40. 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.

401.310.50. 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.

401.310.60. 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.

ENFORCEMENT.

401.320.20. MISDEMEANOR. Any Person within the City who violates this Ordinance, except for an activity or at a Site or Facility for which a license has been granted, or who shall permit such a violation to exist on the premises under his control, or who shall fail to take action to abate the existence of the violation within the specified time period when ordered or notified to do so by the City, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished therefore, as provided by law. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

401.320.30. 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.

401.320.40. 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.

401.320.50. CITATION. The City may issue citations for violations of this Ordinance.

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

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

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

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

Adopted by the City of Birchwood Village City Council this XXth day of ~~May~~[MONTH], 2024.

Margaret Ford, Mayor

Attest:

Rebecca Kellen, City Administrator-Clerk

ORDINANCE NO. 2024-03-02

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

Findings and Purpose:

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

Section 1.

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

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

Adopted by the City of Birchwood Village City Council this _____ day of _____, 2024

Margaret Ford, Mayor

Attest:

Rebecca Kellen, City Administrator-Clerk

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

Legislative

Ordinance & Proceedings

Printing & Binding: Legal Notices Publishing

Total Legislative

Executive

Mayor and City Council

Wages & Salaries

Employer Contributions for Retirement: PERA Contributions

Total Executive

City/Town Clerk

Clerk - Deputy Clerk - Treasurer

Wages & Salaries

State Tax - Employee

Employer Contributions for Retirement: PERA Contributions

Fees

Elections

Repair & Maintenance Supplies

Contracted Services - Election Judges

Recording & Reporting: Utility Services - Water

Printing & Binding: Legal Notices Publishing

Total City/Town Clerk

Financial Administration

Financial Administration

Contracted Services - Financial Administration

Communications: Postage

Fees

Assessing

Contracted Services

Total Financial Administration

Law

Legal Services

Professional Services

Professional Services: Legal Fees

Personnel Administration

Printing & Binding: General Notices & Public Information

Total Law

Actual 2021	Actual 2022	Actual 2023	Actual Thru 7/9	Budget 2024	Prop Budget 2025
\$ -	\$ -	\$ 140	\$ -	\$ -	\$ -
\$ -	\$ -	\$ 140	\$ -	\$ -	\$ -
\$ 1,787	\$ 1,330	\$ 4,344	\$ 336	\$ 3,000	\$ 3,000
\$ 1,787	\$ 1,330	\$ 4,344	\$ 336	\$ 3,000	\$ 3,000
\$ 7,779	\$ 5,840	\$ 1,612	\$ -	\$ 4,500	\$ 8,500
\$ 443	\$ 250	\$ -	\$ -	\$ 360	\$ 680
\$ 8,222	\$ 6,090	\$ 1,612	\$ -	\$ 4,860	\$ 9,180
\$ 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	\$ -	\$ -	\$ -	\$ -	\$ -
\$ 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
\$ -	\$ -	\$ 527	\$ -	\$ 6,000	\$ -
\$ -	\$ -	\$ 28	\$ -	\$ -	\$ -
\$ -	\$ -	\$ 81	\$ -	\$ -	\$ -
\$ 5,671	\$ 11,919	\$ 5,646	\$ 6,432	\$ 6,500	\$ 6,700
\$ 5,671	\$ 11,919	\$ 6,282	\$ 6,432	\$ 12,500	\$ 6,700
\$ 19,500	\$ 16,500	\$ 19,500	\$ 10,500	\$ 18,000	\$ 20,000
\$ -	\$ -	\$ 3,238	\$ 7,011	\$ -	\$ 3,500
\$ -	\$ -	\$ 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

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	
Contracted Services - Planning	\$ 6,120	\$ -	\$ -	\$ -	\$ -	\$ -	
City Training & Development							
Training	\$ 175	\$ 304	\$ 1,462	\$ 1,228	\$ 2,000	\$ 2,000	
Miscellaneous: Dues & Subscriptions - LMC	\$ 1,103	\$ 1,412	\$ 1,195	\$ -	\$ 1,237	\$ 1,250	
Animal Control							
Contracted Services	\$ 800	\$ 1,557	\$ 1,148	\$ 400	\$ 1,200	\$ 1,200	N
Software Expense							
Miscellaneous: Dues & Subscriptions	\$ 30	\$ -	\$ 4,000	\$ 2,100	\$ -	\$ 2,100	O
General Fund Engineering Expense							
Professional Services - Engineering	\$ -	\$ -	\$ 19,886	\$ 8,443	\$ 12,000	\$ 14,500	P
General Government Buildings & Plant							
Office Supplies	\$ 405	\$ 946	\$ 1,932	\$ 1,079	\$ 1,900	\$ 2,000	
Operating Supplies: Cleaning Supplies	\$ -	\$ -	\$ 16	\$ 330	\$ -	\$ 100	
Repair & Maintenance Supplies	\$ 54	\$ 2,022	\$ 327	\$ 379	\$ 2,500	\$ 2,500	
Office Equipment	\$ -	\$ 25	\$ 412	\$ -	\$ -	\$ -	
Professional Services	\$ -	\$ 2,676	\$ 304	\$ 396	\$ -	\$ -	
Contracted Services - Cleaning	\$ 344	\$ 516	\$ 576	\$ 416	\$ 4,100	\$ 750	Q
Communication	\$ 10,151	\$ 6,184	\$ 8,388	\$ 3,191	\$ 9,351	\$ 5,000	R
Utility Services	\$ 1,889	\$ 2,381	\$ 2,879	\$ 437	\$ 5,000	\$ 5,000	S
Repairs & Maintenance	\$ 238	\$ 259	\$ 332	\$ 462	\$ 200	\$ 450	
City Insurance							
Workers Compensasion	\$ 3,237	\$ 2,768	\$ 1,902	\$ 2,095	\$ 2,768	\$ 3,000	
Insurance: General Liability	\$ 7,297	\$ 8,385	\$ 10,933	\$ 12,430	\$ 11,781	\$ 13,100	
Insurance: Property	\$ -	\$ 277	\$ -	\$ -	\$ -	\$ -	
Excess Liability	\$ -	\$ 855	\$ 1,200	\$ -	\$ 855	\$ 1,200	
Cable Equipment & Service							
Office Equipment	\$ -	\$ -	\$ 3,445	\$ 480	\$ -	\$ -	
Contracted Services	\$ 1,937	\$ 1,723	\$ 1,710	\$ 663	\$ 1,500	\$ 1,750	
Communication	\$ -	\$ -	\$ 6,435	\$ 870	\$ -	\$ -	
Miscellaneous: Dues & Subscriptions	\$ -	\$ -	\$ 160	\$ -	\$ -	\$ -	
Refund of Overpayment of Permit Fees							
Refunds and Reimbursements	\$ -	\$ -	\$ 417	\$ 395	\$ -	\$ -	
Kayak/Canoe Permit Labels							
Office Supplies	\$ -	\$ -	\$ 168	\$ -	\$ -	\$ -	
Total Other General Government	\$ 37,283	\$ 34,094	\$ 83,185	\$ 49,047	\$ 63,446	\$ 80,500	

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 Building 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
\$ 42,019	\$ 96,073	\$ 36,217	\$ 36,217	\$ 87,027	\$ 97,575
\$ 42,019	\$ 96,073	\$ 36,217	\$ 36,217	\$ 87,027	\$ 97,575
\$ 31,823	\$ 30,108	\$ 39,327	\$ 35,597	\$ -	\$ 65,087
\$ 31,823	\$ 30,108	\$ 39,327	\$ 35,597	\$ -	\$ 65,087
\$ 22,196	\$ 21,932	\$ 50,709	\$ 41,905	\$ -	\$ 60,000
\$ 1,108	\$ 2,169	\$ 2,184	\$ 716	\$ -	\$ 2,200
\$ 23,304	\$ 24,100	\$ 52,893	\$ 42,621	\$ -	\$ 62,200
\$ 68	\$ 68	\$ 68	\$ -	\$ 70	\$ 70
\$ 68	\$ 68	\$ 68	\$ -	\$ 70	\$ 70
\$ 42,293	\$ 10,000	\$ 11,250	\$ -	\$ 50,000	\$ 100,000
\$ 2,124	\$ -	\$ 3,500	\$ 2,000	\$ 4,000	\$ 4,000
\$ 1,300	\$ 1,300	\$ -	\$ -	\$ 5,000	\$ 5,000
\$ 3,273	\$ 12,971	\$ 44,868	\$ 15,935	\$ 20,000	\$ 20,000
\$ 9,512	\$ 16,941	\$ 31,302	\$ 806	\$ 20,000	\$ 20,000
\$ 6,607	\$ 500	\$ 23,000	\$ 4,387	\$ 15,000	\$ 15,000
\$ 14,896	\$ 16,072	\$ 16,472	\$ 6,400	\$ 16,800	\$ 17,000
\$ -	\$ -	\$ 1,000	\$ 3,740	\$ -	\$ 2,000
\$ 86,065	\$ 63,575	\$ 131,393	\$ 33,631	\$ 130,800	\$ 183,000
\$ 14,352	\$ 16,192	\$ 17,480	\$ 9,200	\$ 15,980	\$ 20,400
\$ 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
\$ 15,866	\$ 15,051	\$ 23,020	\$ 9,639	\$ 24,170	\$ 25,200
\$ 2,223	\$ 1,490	\$ 3,391	\$ 1,378	\$ 3,383	\$ 3,525
\$ -	\$ -	\$ -	\$ -	\$ 363	\$ 750
\$ -	\$ -	\$ -	\$ -	\$ 1,692	\$ 1,800
\$ -	\$ -	\$ 50	\$ -	\$ -	\$ 50
\$ -	\$ 132	\$ 918	\$ 236	\$ -	\$ 500
\$ -	\$ -	\$ 9	\$ 591	\$ -	\$ -
\$ -	\$ -	\$ 185	\$ -	\$ -	\$ 8,000
\$ 1,923	\$ 6,508	\$ 2,717	\$ 1,318	\$ 2,930	\$ 3,025
\$ 75	\$ 270	\$ 400	\$ 29	\$ 685	\$ 400
\$ 4,578	\$ 1,624	\$ 730	\$ 50	\$ 1,000	\$ 3,000
\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,000
\$ 2,348	\$ 8,704	\$ -	\$ -	\$ -	\$ -
\$ 27,013	\$ 33,779	\$ 31,418	\$ 13,240	\$ 34,222	\$ 48,250

Conservation of Natural Resources

\$ 2,220	\$ 1,791	\$ 1,100	\$ 740	\$ 740	\$ 1,150
\$ 2,220	\$ 1,791	\$ 1,100	\$ 740	\$ 740	\$ 1,150

Miscellaneous Expenditures

\$ 920	\$ 2,925	\$ -	\$ -	\$ -	\$ -
\$ 30	\$ 605	\$ -	\$ -	\$ -	\$ -
\$ 15	\$ 113	\$ 60	\$ -	\$ -	\$ -
\$ 965	\$ 3,643	\$ 60	\$ -	\$ -	\$ -

Miscellaneous - Unallocated Expenditures

\$ -	\$ 69	\$ -	\$ -	\$ -	\$ -
\$ -	\$ 1,423	\$ -	\$ -	\$ -	\$ -
\$ -	\$ 1,052	\$ -	\$ -	\$ -	\$ -
\$ 85,339	\$ 685	\$ -	\$ -	\$ -	\$ -
\$ 441	\$ 25,215	\$ -	\$ 12,281	\$ 2,000	\$ 500
\$ -	\$ 199	\$ -	\$ -	\$ -	\$ -
\$ -	\$ 2,878	\$ -	\$ -	\$ -	\$ -
\$ 85,780	\$ 31,521	\$ -	\$ 12,281	\$ 2,000	\$ 500

Escrow Refunds

\$ -	\$ 24,100	\$ -	\$ -	\$ -	\$ -
\$ -	\$ 144,100	\$ 18,000	\$ 6,000	\$ -	\$ 30,000
\$ -	\$ 168,200	\$ 18,000	\$ 6,000	\$ -	\$ 30,000

Other Financing Uses: Transfer to Enterprise Funds

\$ -	\$ 32,317	\$ -	\$ 40,868	\$ 30,000	\$ 12,614
\$ -	\$ 32,317	\$ -	\$ 40,868	\$ 30,000	\$ 12,614

Proprietary Fund Expenses

Sewer Engineering Expenses

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

\$ 494,707	\$ 729,116	\$ 573,189	\$ 381,956	\$ 568,959	\$ 1,411,026
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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

T	Road Maintenance	\$ 67,614.00
	Potholes	\$ 15,000.00
	Council Addition	\$ 17,386.00
	Seal Coat & Crack S Total	\$ 100,000.00

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.

memo

To: Birchwood Village City Council
Rebecca Kellen, City Administrator

From: Ben Wikstrom, Planning Consultant

CC:

Date: November 12, 2024

Re: Planning Consultant Fees

With the finalizing of the 2025 budget upcoming, I have recently discussed briefly with Mayor Ford, Administrator Kellen, and others the retainer fee for planning consulting services. Upon my hiring in April of 2023, I was asked to cut my fee proposal by 1/3, with the understanding that the fee would be revisited in 12 months after the hours required of the position became clear (the previous consultant doubled as the City Engineer, and wasn't sure how the hours split between the two positions).

For the past 18 months, I have kept a rough estimate of the hours per month that I have worked for Birchwood Village. The breakdown is as follows:

0-5 hrs/month:	1 month
5-10 hrs/month:	2 months
10-15 hrs/month:	2 months
15-20 hrs/month:	4 months
20-25 hrs/month:	5 months
25+ hrs/month:	4 months

I assumed the 25+ hour months would be outliers (and two have been well beyond 25 hours), but they have been more frequent than anticipated, so perhaps they are not. Spending 6-8 hours per week on some difficult projects or during busier times, especially when adding meeting time, has not been uncommon. Overall, I estimate that the average month has required 21-23 hours per month. After 18 months, I don't see this average being uncommon in the future, or diminishing.

My initial proposal was for \$2,400 per month, which was submitted following a virtual meeting with Administrator Kellen and a follow-up discussion with Mr. Thatcher and a fellow consultant (a common acquaintance) concerning the demands of the job and typical duties. During the City Council meeting at which I was officially hired, I was asked to cut that fee to \$1,600 and revisit the contract after one year. Following 18 months of employment, I believe that the initial estimate and proposal was quite accurate.

Please keep in mind that I don't charge a separate meeting fee or mileage traveled, which was another discussion at the time of hiring. It was estimated that Mr. Thatcher attended "a couple or few" meetings each year; in my time as consultant, I have traveled to Birchwood to attend either Planning Commission or City Council meetings or meet with residents 17 times in 18 months.

I respectfully request that the City Council consider approving a fee that will match my initial proposal of \$2,400 per month, with a review of my contract as well as my performance after 12 months (each 12 months, should you decide to renew my contract). I have received positive feedback regarding my work and my rapport with residents, and believe that I have fulfilled the needs of the City to or beyond the expected level of consultants.

Regardless of what you decide, please know that I have enjoyed working with the Mayor and City Council, the Planning Commission, and city staff, and I hope everyone can say the same about me! If there is any feedback that can be provided to ensure that I improve my service to you, please contact me at any time.

Note:

It is my understanding that the Council has approved measures to recoup some of the costs of the consultants from the applicants that utilize (or require, perhaps) services beyond a typical staff/resident interaction, so that should offset some of the costs going forward.

H.A. KANTRUD, P.A.
LAWYERS AND COUNSELORS
Postal Service Box 517, Saint Paul, MN 55090
612.743.4242 (fax 651.413.2929)

H. Alan Kantrud, Esq.
hakantrudpa@protonmail.com

Judy Yang
Personal Assistant

31 October, 2024

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

RE: Notice of Termination of Contract

Dear Ms. Kellen:

Please accept this correspondence as written Notice of Termination on behalf of the firm as to the on-going representation of the City. As per the contract that governs the relationship: the last day of formal representation by this office will be November 30, 2024.

Very truly yours,

A handwritten signature in black ink, appearing to read 'H. Alan Kantrud', with a large, stylized initial 'H' and 'K'.

H. Alan Kantrud, Principal
H. A. Kantrud, P.A.

MEMORANDUM

DATE: 10/30/24

TO: City Council
FROM: Rebecca Kellen, City Administrator
COPIED:
SUBJECT: Tech Conversion Update



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.

MEMORANDUM

DATE: 11/05/24

TO: City Council
FROM: Rebecca Kellen, City Administrator
COPIED:
SUBJECT: Delinquent Utility Bills Update



Birchwood Village

Delinquent utility bill letters were mailed to residents on 10/15/2024 and payments are due postmarked by November 15th. Any accounts that remain delinquent after that date will be assessed to property taxes.

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

MEMORANDUM

DATE: 11/06/24

TO: City Council
FROM: Rebecca Kellen, City Administrator
COPIED:
SUBJECT: Tree Inspection Update



November Meeting Update: The City is waiting on the estimate from Steve Dean regarding removal of the 13 trees that were marked as hazardous by the tree inspector. The sample of the tree with suspected Oak Wilt was sent to the U of M for sampling. The City received documentation from one of 2 residents with suspected Oak Wilt that an arborist did not find any Oak Wilt on their property.

October Meeting Update: The City received the results of the tree inspection and met with the inspector to review them as well as Mayor Ford to determine next steps, including which trees should be slated for removal. Of the 183 trees in Birchwood that were assessed, 13 were marked as a hazard by the tree inspector. Steve Dean, who has done tree removal for the City in the past, was given the list of 13 hazardous trees plus one diseased Oak to give the City an estimate of what it would cost for removal. Per the Inspector's recommendation the City will be sending a sample of the Oak to the University of Minnesota to confirm the disease. Also, letters have been sent to the 2 residents' locations where the inspector identified Oak Wilt on private property.

September Meeting Update: The city received the following email from our tree inspection that the inspection has been completed. The map that was included in the following email is not working properly but we have reached out regarding this and will provide information as it becomes available. The following pages also include the results of the specific areas that the city asked the inspector to review, based on past evidence of potential tree issues. The city will follow measures set forth in city code 403.080 to notice affected landowners.

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

MEMORANDUM

DATE: 11/06/24

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



NOVEMBER UPDATE:

- Ordinance Review – Staff has met with FOTH and councilmember Ryan Hankins provided feedback to FOTH to incorporate into the ordinance. The Ordinances are on for first reading in Nov.
- Bins in Parks and City Hall – Clearer signage (stickers) have been added to the garbage and recycling bins in the parks, beaches and City Hall.

SEPTEMBER UPDATE:

- Met with FOTH on 8/22/24 and 8/28/24 to discuss revisions to 401 and 402 in preparation for the September city council review of the draft. They recommended making these into 1 ordinance and provided a draft. **Staff would like for city council to review and revisions from FOTH and determine if they would like any edits and also to move it to first reading.**
- The council decided to use stickers rather than metal signs for bin labels. Sample stickers have been ordered.

AUGUST UPDATE: This is an update on where we are at with our 4 grant deliverables for our Washington County Grant in the amount of \$3192.

- Ordinance Review – Staff has met with FOTH and they are in the process of reviewing our city code sections 401 and 402.
- Promotional and Educational Materials – Spring and Summer Newsletter included information about recycling and several Washington County Recycling Events have been shared over Facebook.
- Mattress Recycling – Took Place in June, 2024. There was a total of 22 Birchwood Village residents that participated.
- Bins in Parks and City Hall – Staff has been working with the MN Chamber of Commerce Representatives who recommended we add recycling bins to Dellwood, Tighe-Schmitz, and Elm. These 3 bins, free of charge, have been placed. The other recommendation was to add clearer signage to the area, possible including metals signs but at a minimum suggested stickers/labels. **Staff would like city councils' opinion on adding metal signage to the beaches with for recycling.** See the attached pages.

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