



AGENDA OF THE REGULAR MEETING OF
THE CITY COUNCIL
CITY OF BIRCHWOOD VILLAGE
WASHINGTON COUNTY, MINNESOTA
April 12, 2015
7:00 P.M.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

APPROVE AGENDA

OPEN PUBLIC FORUM

ANNOUNCEMENTS

The City of Birchwood would like to acknowledge the accomplishments and hard work of former Washington County Commissioner Ted Bearth who passed away last month.

PLANNING COMMISSION

- A. Nancy Calderon – 195 Wildwood Avenue - A request for a 5 foot side yard (from the 10 foot requirement) requirement per Code Section 302.020.2*
- B. Jeff Boldt – 435 Hall Ave – A request allowing an increase percentage of slope from city code 302.055.2.a.5 which allows for a max fill or excavated slope to be no more than 30%*

CITY BUSINESS – CONSENT AGENDA

- A. Approval of Regular Meeting March 8, 2016 Minutes*
- B. Approval of Resolution 2016-09 allowing Beer-Wine consumption at Summer Concerts in the Park *
- C. Approval of Resolution 2016-1-16 Approving State of Minnesota Joint Powers Agreements with the City of Birchwood on behalf of its City Attorney*

CITY BUSINESS – REGULAR AGENDA

- A. Approval of Treasurer's Report*
- B. Second Reading of Tree Preservation Language to City Code*

* Denotes items that have supporting documentation provided

- a. Public Hearing
- b. Council Deliberation and Consideration of Approval
- C. Second Reading of City Code 302.045: Height Restrictions*
 - a. Public Hearing
 - b. Council Deliberation and Consideration of Approval
- D. Water Rate Discussion*
- E. Sheriff's Report*
- F. Kayak Racks: Adding an additional rack at Birch/Dellwood Easement
- G. Metropolitan Council: Supporting Principles*
- H. Speed Signs: Council Member Anderson*
- I. 4-Way Intersection Discussion*
- J. City Administrator Report
 - City Branding
 - Halls Marsh Update
 - Generator Update*
- K. City Attorney's Report

ADJOURN

* Denotes items that have supporting documentation provided



MEMORANDUM

TO: Birchwood City Council
FROM: Mike Anderson, City Administrator
DATE: April 7, 2016
SUBJECT: Variance Request 195 Wildwood

Garage at 195 Wildwood Ave

The Birchwood Planning Commission has recommended approval for the Variance Request from the side yard setback.

Facts:

- 1) Lot is undersized for open area lot width
- 2) Proposed garage is setback prevailing distance from neighbors garage
- 3) Proposed garage is located further from the existing side yard setback
- 4) Off street parking is screened from Wildwood Avenue
- 5) Neighbors are in favor of proposed garage location (City Administrator has supporting letters)
- 6) Proposed garage is clustered with neighbors allowing side lot line to provide more open space along Wildwood Avenue

Conditions of Approving Variance

- 1) Guttering garage and collect rain water from garage roof to be mitigated in landscape (rain garden/French drain) between garage and Wildwood Ave

If you have questions please direct them to the City Clerk at Mike.Anderson@CityofBirchwood.com or call City Hall at 651-426-3403.

**CITY OF BIRCHWOOD VILLAGE
MEMORANDUM**

TO: Birchwood Village City Council
FROM: Mike Anderson, City Administrator
DATE: Tuesday, April 12, 2016
CASE NO: 15-02-VB
APPLICANT: Nancy Calderon
LOCATION: 195 Wildwood Avenue

REQUEST

The applicant is requesting a variance from provisions 1, 3 and 5 of City Code 301.050, to allow for structural alterations while extending the vertical and horizontal dimensions of a current non-conforming use with a total project cost that exceeds 50% of the dwelling's current assessed value. The property located at 195 Wildwood Avenue is classified as non-conforming as the front right corner of the existing garage is set back about 10 feet from the municipal street lot line, as opposed to 40 feet required by City Code 302.020.2. Also the side yard setback is required by City Code 302.020.2 to be 10 feet from the property line. The request is to keep the garage approximately 5 feet from the side yard setback.

This property currently has 31% of impervious surface, City Code only allows for 25%. The new construction with French Drain will bring the percentage down to 25%.

The applicant's proposal consists of tearing down and rebuilding a new unattached garage slightly north of the existing structure.

SITE CHARACTERISTICS

The subject site is 15,206-square feet in size. The property contains a single-family residence with a double-stall, unattached garage. The property slopes from south to north with majority of the slope coming and the northern end of the site towards the

lake. There's also a drainage ditch running between the existing garage and Wildwood Avenue.

PRACTICAL DIFFICULTY

- 1) The applicant desires to have the garage located at the prevailing setback of the neighbors to the west of their property. This will preserve as much contiguous yard space as possible and minimize view of cars parked on the property.
- 2) Lot is undersized for open area lot width.

STATUTORY REQUIREMENTS FOR PERMITTING VARIANCES

Minnesota State Statute 462.357 allows for a variance to be permitted only when:

(1) The proposed use is in harmony with the general purposes and intent of the City's zoning ordinance; (2) The variance is consistent with the City's comprehensive plan; and, (3) The applicant establishes that there are practical difficulties in complying with the zoning ordinance. Statutory criteria used to establish a practical difficulty include: (a) The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance; (b) The plight of the landowner is due to circumstances unique to the property not created by the landowner; and (c) The variance, if granted, will not alter the essential character of the locality.

ANALYSIS

Although the property located at 195 Wildwood Avenue is classified as non-conforming, City Code 301.050.1 allows for the proposed structural alterations to be completed without the issuance of a variance as the current structure is lawfully located within 60% of all required setbacks. However, this provision of City Code does not allow structural alterations to be completed while also expanding the vertical and/or horizontal dimensions of the structure without the issuance of a variance.

City Code 302.020.4 allows for the prevailing municipal street setback of structures in the immediate vicinity to be used as the minimum setback of a new structure following Planning Commission recommendation and Council approval. In this case, however, using the prevailing municipal street setback would not increase the property's non-conformity, which is not allowed per City Code 301.050.5 without the issuance of a variance.

JUSTIFICATION FOR RECOMMENDING VARIANCE APPROVAL

All along the north side of Wildwood Avenue, numerous garages are located less than 40 feet from the road right-of-way. Therefore, it can be argued that if approved, this variance would not alter the essential character of the locality.

The applicant's proposed garage demolition is supported in the Housing Plan section of the City's Comprehensive Plan. As Principle 4 states, "The City of Birchwood Village supports a community of well-maintained housing and neighborhoods." Additionally, a general housing goal in the Comprehensive Plan is "the continued maintenance of all dwelling units in a habitable and presentable condition." In this case the new garage would fit this category.

City code 302.045.1 allows for the average structure height of an unattached garage to be 18ft. This proposal would fit this category.

Finally, while the applicant's current impervious surface is at 31.6% this new construction would drop that percentage below the required 25% required by City Code after the installation of a French Drain between the proposed garage location and Wildwood Avenue.

JUSTIFICATION FOR RECOMMENDING VARIANCE DENIAL

A primary goal of the City of Birchwood Village's Zoning Ordinance is "to ensure that a non-conforming use is not intensified and that, over time, the non-conforming use will, where possible, be brought into conformity with the Zoning Code." If this variance were to be approved, the unattached garage located at 195 Wildwood Avenue would not conform to the current zoning code. Therefore, it could be argued that the applicant's proposed use is not in harmony with the general purposes and intent of the City's Zoning Ordinance.

CONDITIONS

The requested variance may be approved, subject to the following conditions:

1. All application materials, maps, drawings and descriptive information submitted with this application shall become part of the building permit.

2. Per City Code 304.090, the variance shall become null and void if the project has not been completed or utilized within one year after the date it was granted, subject to petition for extension by the City Council.
3. The applicant shall obtain a building permit prior to beginning construction.
4. The applicant shall verify their property lines and have the property pins exposed at the time of inspection.
5. Land alteration may not cause adverse impact upon or result in additional drainage onto abutting property or White Bear Lake. The applicant shall install gutters or employ other solutions should drainage issues arise.
6. The applicant shall confirm with the power company the necessary distance from the overhead power lines prior to construction if needed.

Recommendation by Planning Commission

Planning Commission has voted 4-0 in favor of recommending this variance to Council subject to the following condition:

- 1) The garage is guttered, collecting rain water from the garage roof to be mitigated in landscape (French Drain) between garage and Wildwood Avenue.

ATTACHMENTS

1. Draft Resolution of Approval (post meeting)
2. Application Form with Impervious Area Calculations
3. Applicant's Narrative
4. Current Survey and Survey with Proposed Garage Addition
5. Site/Elevation Plans

REQUEST FOR VARIANCE

1. Date of Application: _____

(Requests for variances submitted prior to the 15th of the month will be considered by the Planning Commission at its next meeting on the first Tuesday of the month. Requests submitted after the 15th will be considered at the following meeting. All final decisions on variance applicants are made by the city council, which meets on the second Tuesday of every month.)

2. Name of Applicant(s) Nancy Calderon

Address 195 Wildwood Ave

City Birchwood

Business Phone 651-353-0975 Home Phone 651-779-9709

3. Address of Property Involved if different from above

4. Name of Property Owner(s) if different from above and describe applicant's interest in the property.

5. Specific Code Provision from which Variance is Requested. SIDE YARD SETBACK

6. Describe in narrative form what the applicant is proposing to do that requires a variance.

DEMOLISH EXISTING DETACHED TWO STALL GARAGE,
CONSTRUCT NEW DETACHED TWO STALL GARAGE
WITH FRONT YARD SETBACK TO MATCH NEIGHBOR'S
GARAGE AND KEEP EXISTING SIDE YARD SETBACK.

SIGNATURE OF APPLICANT(S) Nancy J Calderon

7. Type of Project

New Construction (empty lot) _____
Addition _____
Demolition _____
Landscaping _____
Repair or removal of nonconforming structure _____
Other (describe) _____
CONSTRUCTION OF NEW DETACHED GARAGE.

8. Type of Structure Involved

| | | | |
|-----------------|----------------|----------------------------|-------|
| Single Dwelling | _____ | Double Dwelling | _____ |
| Garage | <u>X</u> _____ | Addition | _____ |
| Tennis Court | _____ | Pool | _____ |
| Grading/Filling | _____ | Other Accessory (describe) | _____ |

9. Using the criteria in the city code for a variance (set forth in the attached sheet), explain why a variance is justified in this situation and describe what hardship would result from denial of the variance.

EXISTING GARAGE HAS DETERIORATED FROM
WATER DAMAGE AND NEEDS TO BE REPLACED.
THE NEW ENLARGED GARAGE WILL PROVIDE
PARKING FOR PICKUP AND STORAGE OF
TOOLS/EQUIPMENT INSIDE RATHER THAN OUTSIDE.

10. Describe any measures the applicant is proposing to undertake if the variance is granted, including measures to decrease the amount of water draining from the property.

IMPERVIOUS SURFACE AREA WILL BE
REDUCED.

11. Describe any alternatives the applicant considered (if any) that do not require a variance.

12. Can an emergency vehicle (Fire Truck or Ambulance) access all structures on the property after the proposed change? Yes No
13. Does the proposed change bring any other nonconforming use into conformity with the city building code? Yes No

If yes, explain NEW GARAGE FRONT YARD SETBACK
MERITS AVERAGING REQUIREMENTS

14. Are there other governmental regulations that apply to the proposed action, including requirements of the Rice Creek Watershed District? Yes No
If yes, please identify the regulations.

15. Please provide the applicable information in the following Table

| | Existing | Proposed | Change |
|-----------------------------------------------|----------|----------|--------|
| 1. Total Square Footage of Lot | 15,206 | 15,206 | |
| 2. Maximum impervious surface (25% of item 1) | 3,801 | 3,801 | |
| 3. Roof Surface | 2,483 | 2,129 | +246 |
| 4. Sidewalks | 236 | 118 | -118 |
| 5. Driveways | 2,082 | 1,749 | -339 |
| 6. Other impervious surface | | | |
| 7. Total of items 3-6 | 4,801 | 4,596 | -211 |
| 8. Percent impervious surface | 31.6 | 30.2 | |

16. Please attach the following:
- Legal description of property
 - Plot Plan drawn to scale showing existing and proposed structures on the lot. Also show structures on adjacent lots.

City Of Birchwood Village

BUILDING ZONING

ADDENDUM TO: PERMIT APPLICATION

| | |
|------------------------------------|----------------------------------------|
| Name <i>Nancy Calderon</i> | Date |
| Address <i>195 Wildwood Ave</i> | City & State <i>Birchwood, Minn</i> |

If Application is for a Zoning Permit Application, indicate:

Type of Project

- New construction
- Addition
- Grading, filling, or other land disturbance activity
- Repair or move non-conforming structure
- Other (describe)

Type of Structure(s)

- Retaining Wall
- Fence
- Accessory structure
- Sidewalk, patio or driveway
- Deck, or platform
- Land disturbance activity
- Stairs or lift to lake

Narrative Description of project:

DEMOLISH EXISTING TWO STALL GARAGE AND BUILD NEW DETACHED TWO STALL GARAGE.

Impervious Surface Calculation:

[Complete this section for retaining walls, accessory structures, sidewalks, driveways, decks, patios, platforms, or any other increase in impervious surface.]

| Show area calculations in square feet: | Existing | Proposed | Change |
|----------------------------------------------------------|----------|----------|--------|
| 1. Total area of lot | 15,206 | 15,206 | |
| 2. Maximum impervious surface (25% of item 1) | 3,801 | 3,801 | |
| 3. Area of roof surfaces | 2,483 | 2,729 | +246 |
| 4. Area of sidewalks | 236 | 110 | -110 |
| 5. Area of driveways | 2,000 | 1,749 | -339 |
| 6. Area of other impervious surfaces | | | |
| 7. Total of items 3 through 6 | 4,807 | 4,596 | -211 |
| 8. Percent impervious surface (item 7 divided by item 1) | 31.6 | 30.2 | |

Required attachments:

- Drawing to scale showing existing and proposed structures, and all other impervious surfaces, and indicating setback of proposed work.
- Elevation drawing for retaining walls, fences, accessory structures, and decks.
- Other information that may be required by the City staff in order to evaluate and approve the application for permit.

SIGNATURE OF APPLICANT(S) *Nancy Calderon* Date *1/7/11*
 _____ Date _____

Calderon/
Lessor
Garage

OWNER/CLIENT
Nancy Calderon/Robi Lessor
186 Wildwood Avenue
Bridgwood, MN 55110

CONSULTANTS:

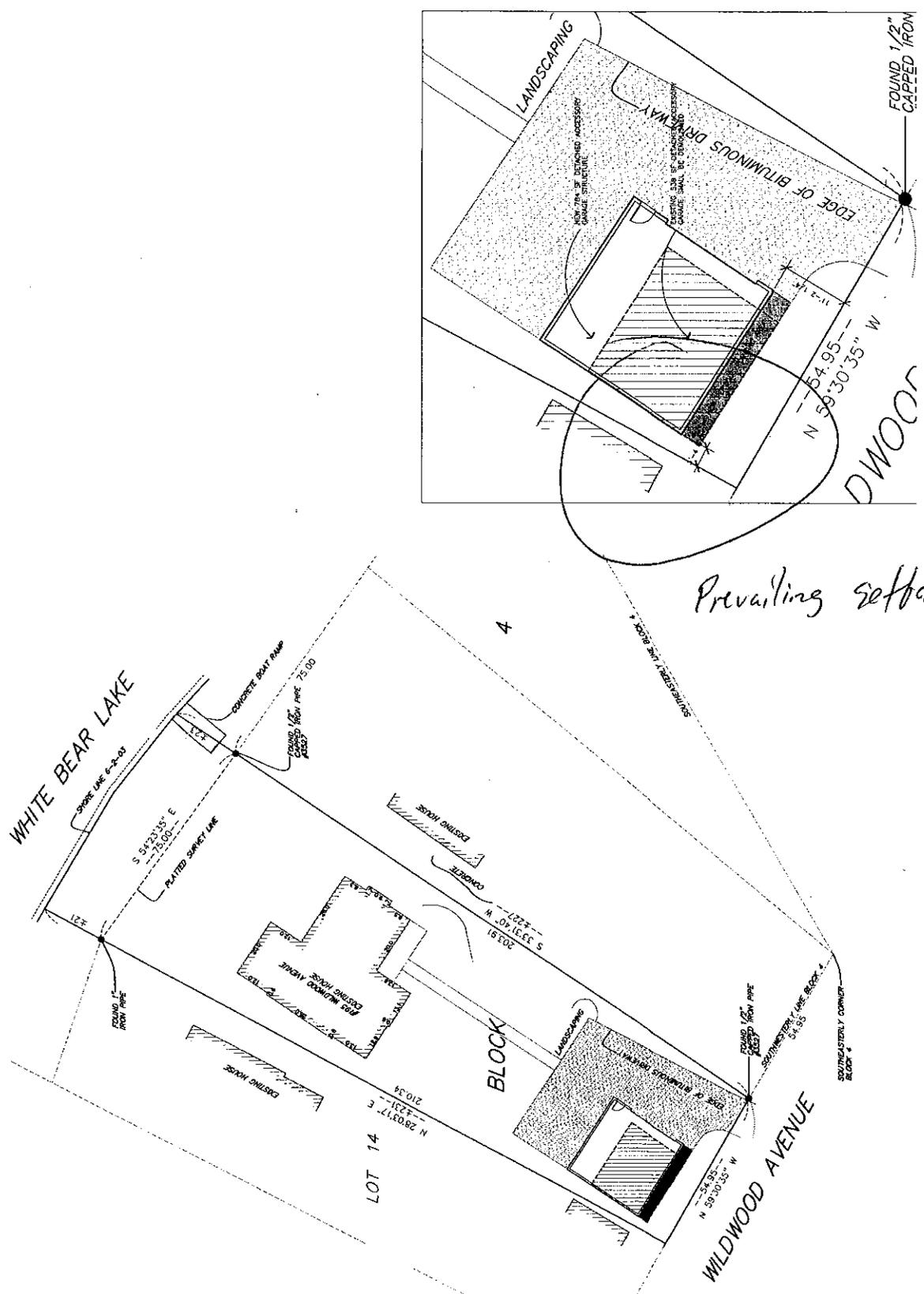
ASSOCIATES

527 North 4th Street
Bridgwood, MN 55002
Tel: 952-432-1199
Fax: 952-432-1199

design@calderonl.com
THESE PLANS, SPECIFICATIONS AND NOTES ARE THE PROPERTY OF CALDERON/LESSOR ASSOCIATES. NO PART OF THESE PLANS, SPECIFICATIONS AND NOTES ARE TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF CALDERON/LESSOR ASSOCIATES.

| NO. | DESCRIPTION | DATE |
|-----|------------------|----------|
| 1 | ISSUE FOR PERMIT | 03/11/18 |
| 2 | ISSUE FOR PERMIT | 03/11/18 |
| 3 | ISSUE FOR PERMIT | 03/11/18 |
| 4 | ISSUE FOR PERMIT | 03/11/18 |
| 5 | ISSUE FOR PERMIT | 03/11/18 |
| 6 | ISSUE FOR PERMIT | 03/11/18 |
| 7 | ISSUE FOR PERMIT | 03/11/18 |
| 8 | ISSUE FOR PERMIT | 03/11/18 |
| 9 | ISSUE FOR PERMIT | 03/11/18 |
| 10 | ISSUE FOR PERMIT | 03/11/18 |

SCHMATIC DESIGN
OVERALL SITE
PLAN & ENLARGED
SITE PLAN
DATE: 03/11/18
SCALE: AS NOTED
PROJECT: 133.181



Prevailing setback

**Calderon/
Lessaard
Garage**
185 Highland Avenue
Brimley, MN 55110

CLIENT
Nancy Calderon/Peg Lessaard
185 Highland Avenue
Brimley, MN 55110

CONSULTANTS

ASSOCIATES

807 North 4th Street
Brimley, MN 55110
Tel: 612-423-1239
Fax: 612-423-1239
info@calderonlessaard.com

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NO. _____ **DESCRIPTION** _____ **DATE** _____
APPROVED _____ **DATE** _____

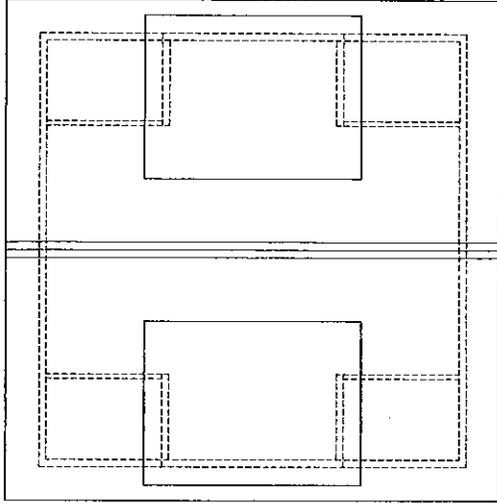
SCHEMATIC DESIGN

FLOOR PLANS &
 ROOF PLAN

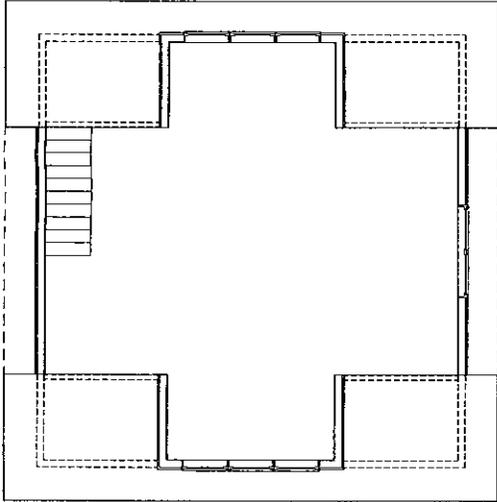
DATE: 03/11/16

SCALE: 1/8"=1'-0"

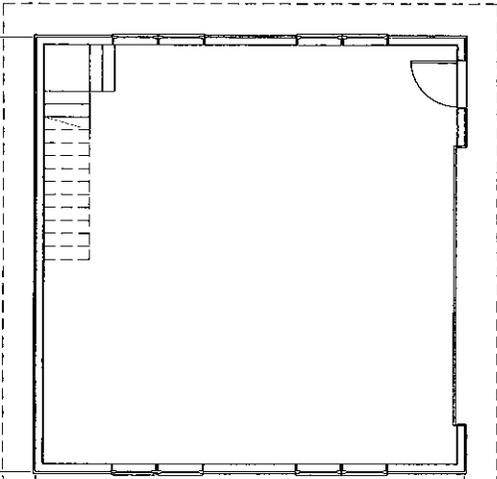
DATE: 1/1/16



3 ROOF PLAN
42.9



2 STORAGE LEVEL FLOOR PLAN
42.9



1 MAIN LEVEL FLOOR PLAN
42.9

RESOLUTION NO. _____

**RESOLUTION APPROVING A VARIANCE FROM
THE CITY OF BIRCHWOOD VILLAGE ZONING CODE
FOR 195 WILDWOOD AVENUE**

WHEREAS, a proposal (15-02-VB) has been submitted by Nancy Calderon to the City Council requesting a variance from the City of Birchwood Village at the following site:

ADDRESS: 195 Wildwood Ave

WHEREAS, THE APPLICANT SEEKS THE FOLLOWING: A variance from provisions 1, 3 and 5 of City Code 301.050 to allow for structural alterations while extending the vertical and horizontal dimensions of a current non-conforming use with a total project cost that exceeds 50% of the dwelling's current assessed value.; and

WHEREAS, the Planning Commission has held a public hearing as required by the City Zoning Code on April 5, 2016; and

WHEREAS, the request was determined to be reasonable and not out of character with the immediate neighborhood and City's Comprehensive Plan; and

WHEREAS, the City Council has considered the advice and recommendations of the Planning Commission regarding the effect of the proposed variance upon the health, safety, and welfare of the community and its Comprehensive Plan, as well as any concerns related to compatibility of uses, traffic, property values, light, air, danger of fire, and risk to public safety in the surrounding areas;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Birchwood Village after reviewing the proposal, that the City Council accepts and adopts the following findings of the Planning Commission:

1. That granting the variance will be in harmony with the general purpose and intent of this Code.
2. That granting the variance will not impair an adequate supply of light or air to adjacent property, or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, or welfare of the residents of the City.
3. That the non-conforming use of neighboring lands, structures, or buildings is not the sole grounds for issuance of the variance.

FURTHER, BE IT RESOLVED, that the City Council of the City of Birchwood Village hereby approves the requested variance subject to the following conditions:

1. All application materials, maps, drawings and descriptive information submitted with this application shall become part of this permit.
2. Per Section 304.090, the variance shall become null and void if the project has not been completed or utilized within one (1) year after the date it was granted, subject to petition for extension by the City Council.
3. The applicant shall obtain a building permit prior to beginning construction.
4. The applicant shall verify their property lines and have the property pins exposed at the time of inspection.
5. Land alteration may not cause adverse impact upon or result in additional drainage onto abutting property or White Bear Lake. The applicant shall install gutters or employ other solutions should drainage issues arise.
6. Water service line must be sized appropriately for proposed additions.
7. The applicant shall confirm with the power company the necessary distance from the overhead powerlines prior to construction.

The foregoing resolution, offered by _____ and supported by _____, was declared carried on the following vote:

Ayes:
Nays:
Absent:

Mary Wingfield, Mayor

ATTEST:

Mike Anderson, City Administrator

Approval is contingent upon execution and return of this document to the City Administrator.
I have read and agree to the conditions of this resolution as outlined above.

Applicant's Signature

Date

Mike Anderson

From: Nancy Calderon [njcalderon@comcast.net]
Sent: Tuesday, March 15, 2016 11:51 AM
To: Mike Anderson
Cc: 'RICK LESSARD'
Subject: FW: Garage Plan

From: Keri Pakonen [mailto:rpakonen@hotmail.com]
Sent: Monday, March 07, 2016 12:28 PM
To: Nancy Calderon
Subject: Re: Garage Plan

Here it is in writing for you:

Keri & Richard Pakonen (199 Wildwood) will support the plan that Nancy C and Rick L desire for their garage size and location.

We also agree that moving the garage back another 40 feet makes no sense. Many garages along Wildwood Avenue are at the same setback as their garage is presently. It would also be preferable for them to tear down their existing garage and build a new one in the similiar location.

Let me know what else you need, Nancy.

Good luck!
KJ

Sent from my iPhone

On Mar 7, 2016, at 12:18 PM, Nancy Calderon <njcalderon@comcast.net> wrote:

Hi Keri, Rich, Steve and Nancy,

Rick attended the Birchwood Planning Commission meeting Feb. 2. Our garage plan was tabled until April 5th and 12th because letters were not sent out by the city to neighbors as required. In conversation with the planning commission one of the members expressed a desire to have us move our garage location to 40 feet from the road ROW. This would put the garage in the grass area between the parking area and the house. We are not going to do this. Our plan is to keep our garage similar to where it currently is. We are looking at setting our new garage 4 feet back from the road to be in line with Ferry's garage. Most members seemed to be in approval of our plan.

We discussed how moving the garage to the 40 foot setback would negatively impact the neighbor's and our houses:

Mike Anderson

From: Randy LaFoy [rlafoy@gmail.com]
Sent: Thursday, April 07, 2016 7:50 AM
To: nancy calderon
Cc: Mike Anderson
Subject: Variance Request

Nancy and Rick,

I think the changes you are proposing your garage and property would be a great improvement and we don't see any problems.

Randy and Margaret

Nancy & Donald Diez
187 Wildwood

They are ok w/
neighbors garage



MEMORANDUM

TO: Birchwood City Council
FROM: Mike Anderson, City Administrator
DATE: April 7, 2016
SUBJECT: Variance Request 435 Hall Avenue

Garage at 435 Hall Avenue

The Birchwood Planning Commission has recommended approval for the Variance Request from 30% slope requirement in City Code 302.055: section 2A: #5. Surrounding Neighbors have also voiced their support that the City Administrator has those letters on file at City Hall.

Practical Difficulties

- 1) Topography on site
- 2) Safety of children
- 3) Contractor controlled the process or lack there of

Conditions of Approving Variance

- 1) Hydro seeding the slope to prevent erosion
- 2) Always maintaining and repairing slope conditions as needed

If you have questions please direct them to the City Clerk at Mike.Anderson@CityofBirchwood.com or call City Hall at 651-426-3403.

**CITY OF BIRCHWOOD VILLAGE
MEMORANDUM**

TO: Birchwood Village City Council
FROM: Mike Anderson, City Administrator
DATE: Tuesday, April 12, 2016
CASE NO: 16-01-VB
APPLICANT: Jeff Boldt
LOCATION: 435 Hall Ave

REQUEST

The applicant is requesting a variance from provision 302.055: under section 2a "Land Use Standards" #5 which states "No fill or excavated slopes shall be greater than thirty (30) percent.

SITE CHARACTERISTICS

The subject site is 12,017-square feet in size. The property contains a single-family residence with a double-stall garage. The property slopes from south to north with some slope from west to east running toward the city easement (Grotto).

PRACTICAL DIFFICULTY

- 1) Current topography on site.
- 2) Safety of children.
- 3) Controller of process.

STATUTORY REQUIREMENTS FOR PERMITTING VARIANCES

Minnesota State Statute 462.357 allows for a variance to be permitted only when:
(1) The proposed use is in harmony with the general purposes and intent of the City's zoning ordinance; (2) The variance is consistent with the City's comprehensive plan;

and, (3) The applicant establishes that there are practical difficulties in complying with the zoning ordinance. Statutory criteria used to establish a practical difficulty include: (a) The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance; (b) The plight of the landowner is due to circumstances unique to the property not created by the landowner; and (c) The variance, if granted, will not alter the essential character of the locality.

ANALYSIS

Although the work has been done prior to the variance application process, the applicant was unaware of the need to do so and is seeking a variance to exceed the thirty (30) percent slope that is required in City Code 302.055; Section 2A; Subsection 5.

City Code 302.055.2a.5 allows for the max slope percentage of 30%, this variance would allow for the slope to exceed the excavation slope percentage and bring this property into a non conforming use.

JUSTIFICATION FOR RECOMMENDING VARIANCE APPROVAL

It can be argued that this site has erosion issues that need to be addressed. The applicant states that the issue was great enough that the materials and a/c unit around the house began to pull away from the home causing more of the foundation wall to show.

This home was originally built on a side sloping hill. The spring runoff from this property assists with runoff issues that are ongoing throughout Grotto Street (City Easement). The existing design with a flat space will now allow for water to soak into the ground rather than run down the previous existing slope causing erosion issues. Also note that the previous slope of the land was over 30%.

There are several locations throughout Birchwood that you could argue do not meet the 30% slope required by City Code.

This will allow for a safe play area for children that reside in the home.

JUSTIFICATION FOR RECOMMENDING VARIANCE DENIAL

A primary goal of the City of Birchwood Village's Zoning Ordinance is "to ensure that a non-conforming use is not intensified and that, over time, the non-conforming use will, where possible, be brought into conformity with the Zoning Code." If this variance were to be approved, the existing slope will not meet the current city code of 30% slope therefore not being brought into conformity.

The applicant was not made aware of the City Permit process which needs to happen prior to any building, excavating, or landscaping plans. Therefore you could argue that this project did not follow the process to receive a building permit.

CONDITIONS

The requested variance may be approved, subject to the following conditions:

1. All application materials, maps, drawings and descriptive information submitted with this application shall become part of the building permit.
2. Per City Code 304.090, the variance shall become null and void if the project has not been completed or utilized within one year after the date it was granted, subject to petition for extension by the City Council.
3. The applicant shall obtain a building permit prior to completing construction/excavation.
4. The applicant shall verify their property lines and have the property pins exposed at the time of inspection.
5. Land alteration may not cause adverse impact upon or result in additional drainage onto abutting properties or White Bear Lake.
6. The applicant shall submit a vegetative plan to help assist with water runoff (applicant has agreed to hydro seed to MN Dot standards for slopes)

ATTACHMENTS

1. Draft Resolution of Approval
2. Application Form with necessary drawings
3. Applicant's Narrative
4. Current Survey and Survey with Proposed Land Alterations/Vegetative plan

REQUEST FOR VARIANCE

1. Date of Application: 3/1/16

(Requests for variances submitted prior to the 15th of the month will be considered by the Planning Commission at its next meeting on the first Tuesday of the month. Requests submitted after the 15th will be considered at the following meeting. All final decisions on variance applicants are made by the city council, which meets on the second Tuesday of every month.)

2. Name of Applicant(s) Jeff Boldt

Address 435 Hall Avenue

City Birchwood Village

Business Phone 651-485-3290 Home Phone _____

3. Address of Property Involved if different from above
Same as above

4. Name of Property Owner(s) if different from above and describe applicant's interest in the property.
Same as above

5. Specific Code Provision from which Variance is Requested. 302.055-Land Disturbance Activity Standards

6. Describe in narrative form what the applicant is proposing to do that requires a variance.
See attached

SIGNATURE OF APPLICANT(S) [Signature]

7. Type of Project

- New Construction (empty lot) _____
- Addition _____
- Demolition _____
- Landscaping _____ ✓
- Repair or removal of nonconforming structure _____
- Other (describe) _____

8. Type of Structure Involved

- | | | | |
|-----------------|---------|----------------------------|-------|
| Single Dwelling | _____ | Double Dwelling | _____ |
| Garage | _____ | Addition | _____ |
| Tennis Court | _____ | Pool | _____ |
| Grading/Filling | _____ ✓ | Other Accessory (describe) | _____ |

9. Using the criteria in the city code for a variance (set forth in the attached sheet), explain why a variance is justified in this situation and describe what hardship would result from denial of the variance.

See attached

10. Describe any measures the applicant is proposing to undertake if the variance is granted, including measures to decrease the amount of water draining from the property.

See attached

11. Describe any alternatives the applicant considered (if any) that do not require a variance.

See attached

12. Can an emergency vehicle (Fire Truck or Ambulance) access all structures on the property after the proposed change? Yes No
13. Does the proposed change bring any other nonconforming use into conformity with the city building code? Yes No

If yes, explain _____

14. Are there other governmental regulations that apply to the proposed action, including requirements of the Rice Creek Watershed District? Yes No
If yes, please identify the regulations.

15. Please provide the applicable information in the following Table

| | Existing | Proposed | Change |
|-----------------------------------------------|-----------------------|---------------|--------|
| 1. Total Square Footage of Lot | 12,017 | 12,017 | 0 |
| 2. Maximum impervious surface (25% of item 1) | 3,004 | 3,004 | 0 |
| 3. Roof Surface | Approx. 1,000 sq. ft. | 1,000 sq. ft. | 0 |
| 4. Sidewalks | NA | NA | NA |
| 5. Driveways | 1,248 | 1,248 | 0 |
| 6. Other impervious surface | 64 | 64 | 0 |
| 7. Total of items 3-6 | 2,312 | 2,312 | 0 |
| 8. Percent impervious surface | 19% | 19% | 0 |

16. Please attach the following:
- Legal description of property
 - Plot Plan drawn to scale showing existing and proposed structures on the lot. Also show structures on adjacent lots.

6. Describe in narrative form what the applicant is proposing to do that requires a variance.

- I would like to start by sincerely apologizing for not applying for a permit prior to having the work done on my property. Neither I nor my contractor was aware of the limit of fill and a requirement for a conditional use permit prior to work being started. Additionally there was a misunderstanding on the maximum slope limit and needing a variance, our understanding of the code was that the maximum slope allowed without applying for a variance is 30 degrees and not 30%. I was rushed to get the work done not knowing what was required to do so, please accept my apology as we can hopefully move forward to a resolution to this.

- Genadek Landscaping and Excavating brought in 32 dump truck loads of structural clay based soil and black dirt to create a flat useable space in the back and side yard. Due to the existing elevation change on my property the slope of the back and side yard needed to be graded above the 30% stated within the Birchwood City Code. Due to certain elevation change points in the backyard it was not possible to create a 30% (3.3 foot run to 1 foot rise) or less slope from the foundation to the back property line, this is detailed further below.

9. Using the criteria in the city code for a variance (set forth in the attached sheet), explain why a variance is justified in this situation and describe what hardship would result from denial of the variance.

- The main reason we need to do the proposed grading work is for the safety and enjoyment of my property for my 3 young children. Having lived on Hall Avenue for 7 years, we've already experienced some close calls having balls rolling into the street and cars speeding by. The entire street is lined with trees which make it nearly impossible for drivers to see anyone in their yards or driveways. Additionally, there's been an ongoing speeding problem on that street. My children should be able to play outside safely and this was the only feasible option to create flat useable space for them.

- There was an existing erosion and run-off problem in the back and side yard that had to be remedied. The erosion was so bad at some points that my AC unit on the side of the house was starting to pull away from the house. The house was built on the side of severely sloping land. If you look at the attached map detailing the previous contour and slope, it will show in general the direction of the previous slope. Every spring with the snow melting and rain there's been a run-off issue on the city easement area that's graveled (Grotto Street). Although most of the issue is coming from Hall and down the stairway to Grotto, the existing slope of my property contributed to that. The current design with flat space above allows time for all water to soak into the ground above rather than a constant slope coming from the house. There were also several points that had a slope over 30%.

- I obtained several bids/plans from other contractors that were all different retaining wall solutions (boulder, limestone, Versa-Loc etc.). None of these plans were nearly within our budget considering some of the bids were in excess of \$50,000. The other aspect of the retaining wall idea, if it were feasible, is that it does not fit aesthetically with the area I (we) live. In talks with neighbors over the course of a year that belief was shared. My direct neighbors have stated they preferred not to stare at a tiered 120 by 8 foot retaining wall out their window. The proposed design is the most natural fit for our area.

- As stated in my response to question 6, sloping the yard gradually from the property line to the foundation would not allow for a 30% (3.3 foot run to 1 foot rise). There's area of the back property line that had an elevation change of approximately 8.5 feet. The distance from the foundation to the back property line is 27.4 feet in some areas. If you multiply 8.5×3.3 (run) that would require 28.05 feet of land measuring from the foundation to the back property boundary which I do not have. Even if it would allow for a 30% slope that's not a suitable playing area for any young child, my children would have a hard time doing anything on a slope like that let alone falling down the hill.

- The hardship that would result in this if the variance was denied would be that my kids would not have a safe useable place to play. I've researched this for over a year, if I had known this required a conditional use permit and variance and it would be denied I would have left it as is and moved. As stated above the previous condition did not suit the needs of my family. It would also be a significant hit financially if it needed to be altered or moved, again this was the only design that was within our budget.

- The previous condition of my back and side yard was an absolute eyesore to not only me but my neighbors and the several people that use the walkway on the easement down to the lake. Additionally, the section of city land that was disturbed due to the bobcat accessing my property was an eyesore as it was comprised of tree limbs and tall weeds. This is a win-win situation for everyone including myself, my neighbors and the whole community as I've upgraded the appearance of not only my property but the section of city land as well. The work done will not only increase the value of my property but all surrounding properties as well all while maintaining the natural state of Birchwood.

- I also want to note that I will be applying for a permit to install a privacy fence that will be lined across the top of the hill. This will mitigate any risk of someone falling down the hill and is also a much safer option then having a shallower slope and a fence at the bottom of the hill (although as I've described above this is not an option under the current city code restriction of no slope over 30%).

- I've attached letters from 3 of my neighbors closest to my property supporting the work that was done and the plan going forward. I understand variances are not granted solely off of whether there's opposition but believe the positive response from the people that are most impacted should be weighted more heavily.

- I've also attached pictures of properties throughout Birchwood where there are clearly man-made slopes over the 30% limit within the city code. I haven't listed the addresses for privacy of the owners. Considering this and the fact that many areas of Birchwood have natural slopes greater than 30% I believe the plans I've stated are sound and pose no risk of erosion/run-off which is the sole purpose of having a slope limit. Additionally after having various discussions with the Planning Commission and researching slopes I want to pose the question of whether the city code is intended to state the maximum slope by percentage rather than degrees. All areas of the slope are less than 30 degrees.

10. Describe any measurements the applicant is proposing to undertake if the variance is granted, including measures to decrease the amount of water draining from the property.

- Upon completion of the grading work in December, the first snow fall came. I installed a silt fence at the bottom of the slope and an erosion control blanket on all areas of the slope. This was installed to prevent any erosion/run-off to surrounding properties until the weather allows for the vegetation plan to be completed.

- Please refer to the attached summary detailing the vegetation plan. I've consulted with several professionals and will be hiring Don Dalton with Dalton Landscaping who does sub-contracting work for Abrahamson's Landscaping and specializes in hydro-seeding. Dalton Landscaping will be rolling up the existing erosion control blanket and hydro-seeding all areas of the slope and the city area that was disturbed with a low-grow and annual mix of fescue grass. This grass will grow 8-10 inches in an un-mowed sloped environment and will be a good fit aesthetically for our area. The vegetation plan mirrors what MNDOT does for all highway and bridge embankment work. Considering MNDOT uses this exact same hydro-seeding technique on much steeper and longer slopes, there should be no concern that the vegetation established will allow runoff down the hill. I want to emphasize that with the new grading in place that this will actually decrease the amount of runoff compared to the previous state of my yard.

- My wife and I take great pride in our home which I believe is evidenced by the amount of money, time and effort we've put into our home over the last 7 years. The slope of the hill will be closely maintained by me and/or professionals as needed. As I've presented in the vegetation plan and above points there should be no concern if this same technique works for

the State of Minnesota. I would not invest money in a project like this if I wasn't confident in the soundness of the plan and the research I've done.

11. Describe any alternatives the applicant considered (if any) that do not require a variance.

- As mentioned above, there were essentially 2 other alternatives that were remotely possible which would not have required a variance. The first being installing a retaining wall in which I obtained various bids over the course of a year. Financially this was not nearly within my budget, nor would it be aesthetically fit in Birchwood. The second alternative would have been grading a shallower slope (3.3 foot run to 1 foot rise). As I've displayed above this percentage of slope was not possible given the layout and elevation change my property has. Additionally, if it were possible to have a slope of 30% this would not be suitable for my children to reasonably and safely enjoy. If the second option were the only possibility (considering option one was not within my budget), I would not have even considered doing anything to my land. I would have been forced to sell my house and find a more suitable house that fits my family's needs.

435 Hall Avenue
Jeff + Allison Boldt

12,017 Square Feet

HALL AVENUE

111 ft

DRIVEWAY

113.60 ft.

17.5 ft

HOUSE

DECK

Area Not Altered,
Natural Slope

430
Wildwood
Avenue

112.78 ft

Retaining Wall

Retaining Wall

Flat Grade

27.4 ft
27.4 ft
36 ft

Flat Grade

2.9 to 1
53.63%
24.1

Power Pole

Area Not Altered,
Natural Slope

2.1
to 1
46.17%
20.8°

101 ft.

Vegetation Re-stored - City Easement

City Easement - Grotto Street

506 Wildwood Avenue

435 Hall Avenue
Jeff + Allison Boldt

12,017 Square Feet

HALL AVENUE

DRIVEWAY

HOUSE

DECK

Area Not Altered,
Natural Slope

430
Wildwood
Avenue

113 ft

113.60 ft.

17.5 ft

Retaining Wall

Retaining Wall

Flat Grade

Flat Grade

27.4 ft

112.78 ft

27.4 ft

2.9 to 1 slope

53.62%

24.1°

Power Pole

Area Not Altered,
Natural Slope

2.1

to 1 slope

46.17%

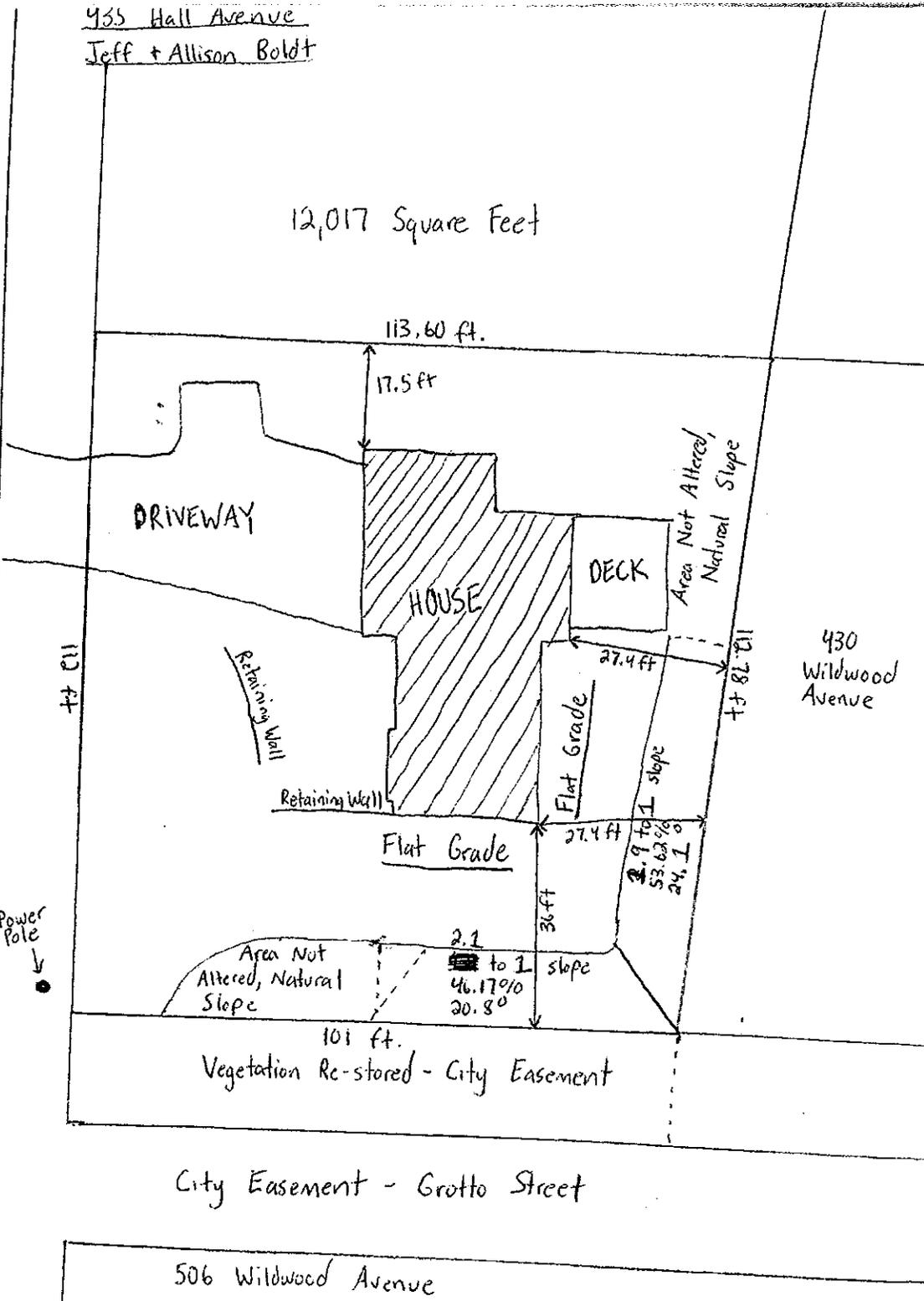
20.8°

101 ft.

Vegetation Re-stored - City Easement

City Easement - Grotto Street

506 Wildwood Avenue



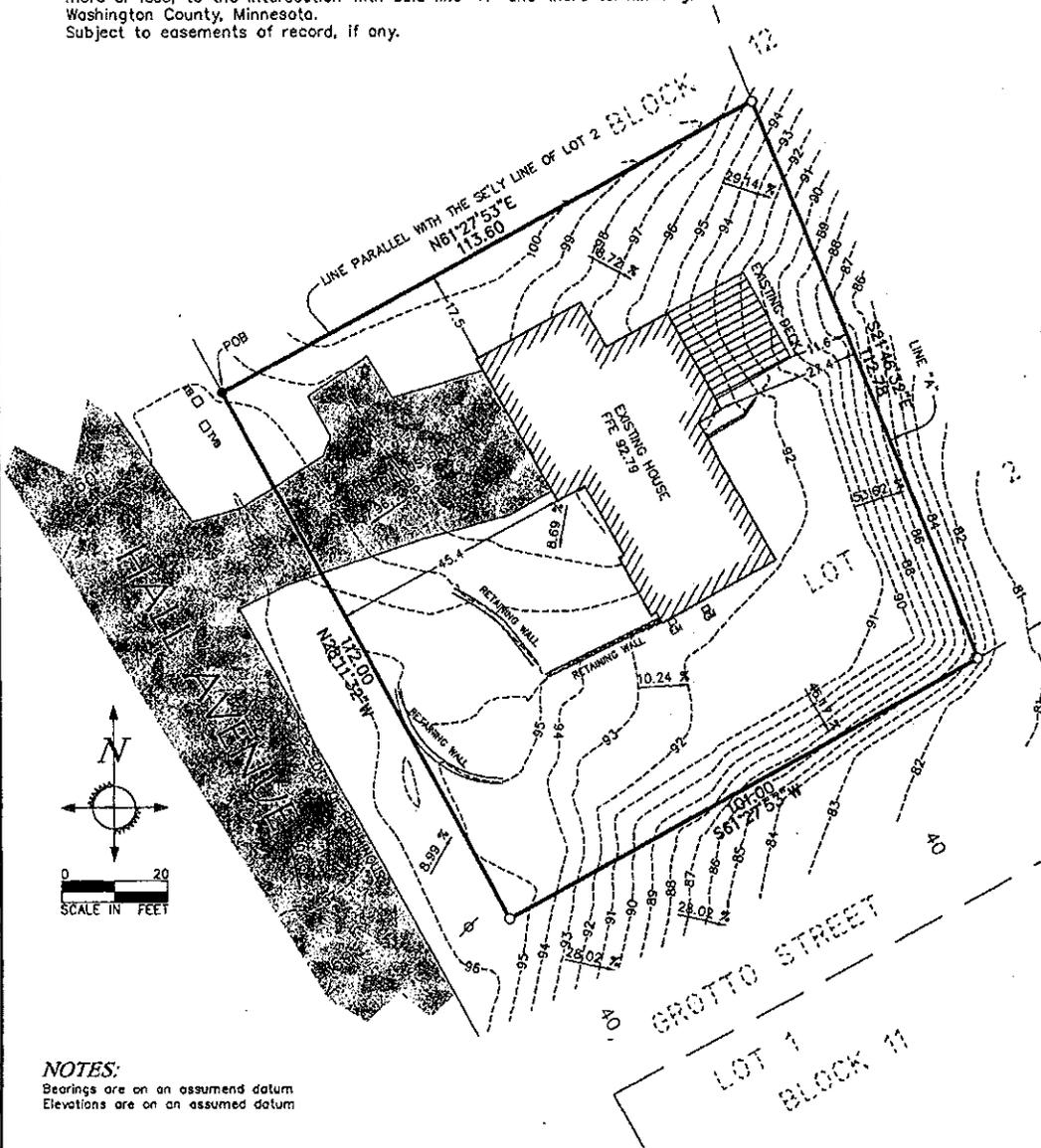
CERTIFICATE OF SURVEY FOR JEFF BOLDT

PROPERTY ADDRESS

435 Hall Avenue
Birchwood MN 55110

DESCRIPTION: FROM TAX RECORDS

That part of Lot 2, Block 12, LAKEWOOD PARK 3RD ADDITION, lying Southwesterly of a point on Southeasterly line of said Lot, said point being 101 feet Northeastly of the most Southerly corner of said Lot to a point on Northwesterly line of said Lot 2, being 125 feet Northeastly of Northwesterly corner of said Lot said line being designated as line "A" and lying Southeastly of following described line: Commencing at the most Southerly corner of said Lot 2; thence Northwesterly along the Southwesterly line of said Lot 112 feet to the point of beginning; thence Northeastly and parallel to the Southeasterly line of said Lot, 113.59 feet more or less, to the intersection with said line "A" and there terminating.
Washington County, Minnesota.
Subject to easements of record, if any.



NOTES:

Bearings are on an assumed datum
Elevations are on an assumed datum

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the state of Minnesota.

Theresa K. Foster

Theresa K. Foster
DATE _____ LIC. NO. MN 47223

LEGEND:

- Denotes Iron Monument Found
- Denotes Iron Monument set and marked with RLS 47223
- ⊠ Denotes Telephone Pedestal
- TV□ Denotes TV Pedestal
- EV□ Denotes Electric Box
- GM□ Denotes Gas Meter
- ⊕ Denotes Power Pole



1440 Arcade St. Suite 250
Saint Paul, MN 55106
Phone: 651-766-0112
Fax: 651-779-0206
E-mail: info@mpasso.com

Supplement To Vegetation Plan

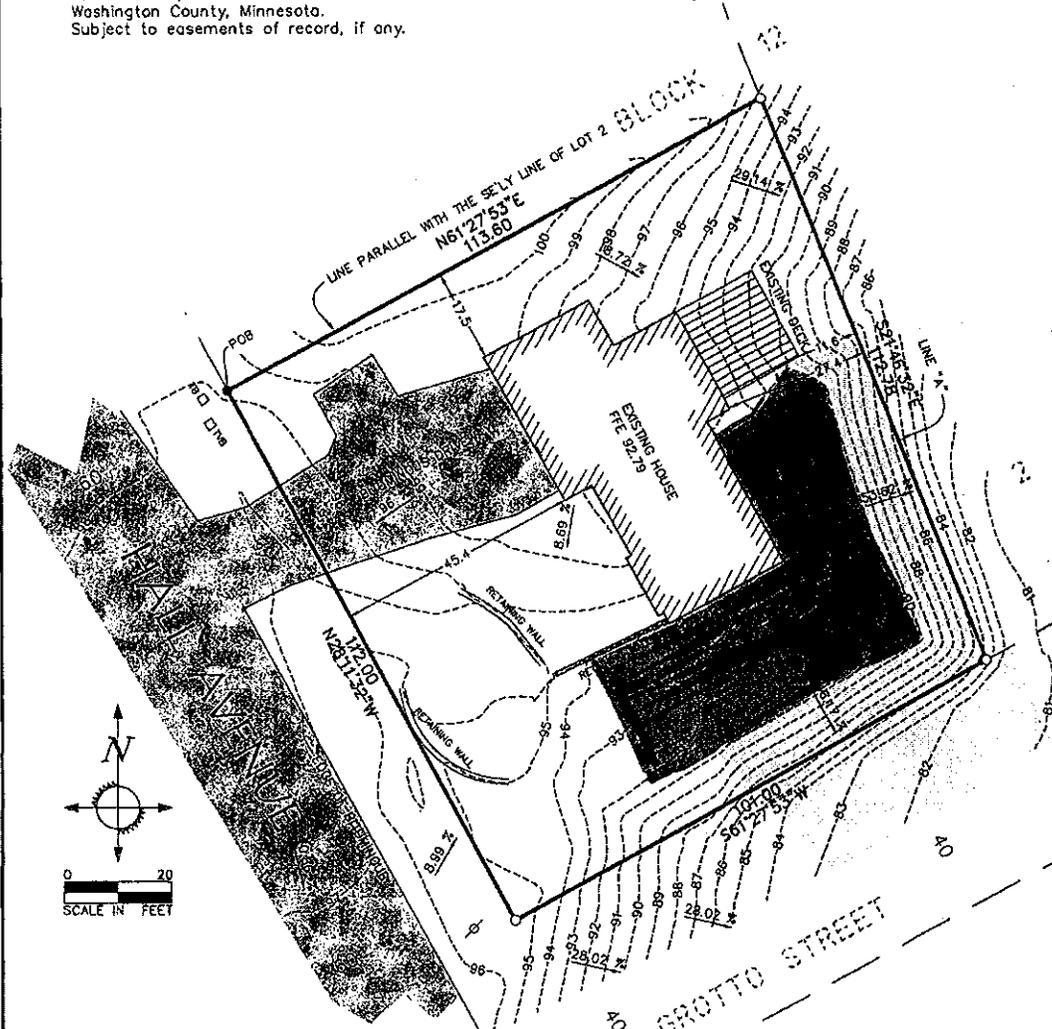
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Washington County, Minnesota.
Subject to easements of record, if any.



NOTES:

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Theresa K. Foster
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- TS □ Denotes Telephone Pedestal
- TV □ Denotes TV Pedestal
- EM □ Denotes Electric Box
- GM □ Denotes Gas Meter
- ⊕ Denotes Power Pole

Hydrated Kentucky Bluegrass
Hydrated Fescue Grass



1440 Arcade St. Suite 250
Saint Paul, MN 55106
Phone: 651-766-0112
Fax: 651-778-0206
E-mail: info@mpassco.com

Proposal

Page # _____ of _____ pages

| | | | |
|------------------------------------------|-------|--------------|------------------------------|
| Proposal Submitted To: Jeff Boldt | | Job Name | Job # |
| Address 435 hall Ave | | Job Location | |
| White Bear Lake MN. | | Date | Date of Plans 3-10-16 |
| Phone # | Fax # | Architect | |

We hereby submit specifications and estimates for:

Pull up straw roll Prep Soil for
Seed, Hydroseed Sloping area with
low growing Fescue Grass with mixture
of fast growing annual seed
Mix would have starter fertilizer in it

| | |
|-----------------------|-------------------|
| Sod for flat area | 1,200 |
| Hydroseed slope | 500 |
| | <u>1700</u> Total |
| Hydroseed entire area | 900 ⁰⁰ |

We propose hereby to furnish material and labor — complete in accordance with the above specifications for the sum of:

\$ _____ Dollars

with payments to be made as follows: _____

Any alteration or deviation from above specifications involving extra costs will be executed only upon written order, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents, or delays beyond our control.

Respectfully submitted **Jan Dalton**

Note — this proposal may be withdrawn by us if not accepted within _____ days.

Acceptance of Proposal

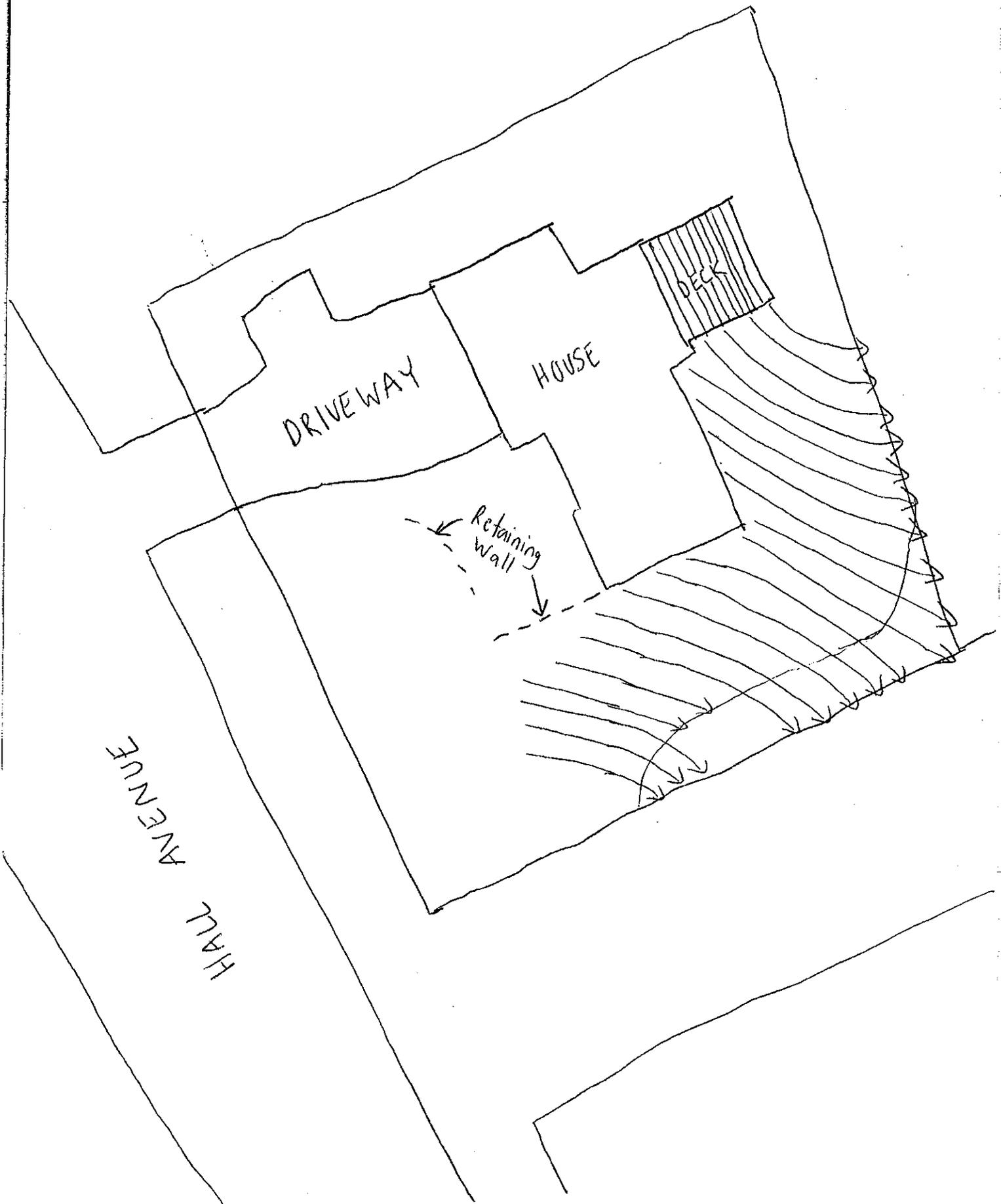
The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payments will be made as outlined above.

Signature _____

Date of Acceptance _____

Signature _____

Previous Water Drainage



RESOLUTION NO. _____

**RESOLUTION APPROVING A VARIANCE FROM
THE CITY OF BIRCHWOOD VILLAGE ZONING CODE
FOR 435 HALL AVENUE**

WHEREAS, a proposal (16-01-VB) has been submitted by Jeff Boldt to the City Council requesting a variance from the City of Birchwood Village at the following site:

ADDRESS: 435 Hall Avenue

WHEREAS, THE APPLICANT SEEKS THE FOLLOWING: A variance from City Code 302.055 of a max slope of 30%.; and

WHEREAS, the Planning Commission has held a public hearing as required by the City Zoning Code on April 5, 2016; and

WHEREAS, the request was determined to be reasonable and not out of character with the immediate neighborhood and City's Comprehensive Plan; and

WHEREAS, the City Council has considered the advice and recommendations of the Planning Commission regarding the effect of the proposed variance upon the health, safety, and welfare of the community and its Comprehensive Plan, as well as any concerns related to compatibility of uses, traffic, property values, light, air, danger of fire, and risk to public safety in the surrounding areas;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Birchwood Village after reviewing the proposal, that the City Council accepts and adopts the following findings of the Planning Commission:

1. That granting the variance will be in harmony with the general purpose and intent of this Code.
2. That granting the variance will not affect erosion or drainage issues on surrounding properties or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, or welfare of the residents of the City.
3. That the non-conforming use of neighboring lands, structures, or buildings is not the sole grounds for issuance of the variance.

FURTHER, BE IT RESOLVED, that the City Council of the City of Birchwood Village hereby approves the requested variance subject to the following conditions:

1. All application materials, maps, drawings and descriptive information submitted with this application shall become part of this permit.

March 2, 2016

To whom it may concern:

We understand and have no objection to our neighbors, Jeff and Allison Boldt (435 Hall Avenue, Birchwood, MN), having the grading work done as it stands right now.

We've discussed on multiple occasions the work being done and do not have any concerns regarding the slope of the hillside abutting the city easement near our home. With the vegetation plan in place to restore the slope with a mixture of rye grass and other long term durable plants there's no concern on our part for runoff or erosion.

Thank you for your understanding.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark Anderson', written over a horizontal line.

Mark Anderson
506 Wildwood Avenue
Birchwood, MN

March 2, 2016

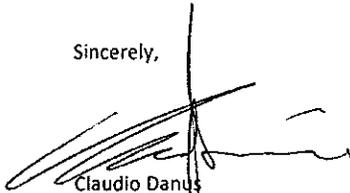
To whom it may concern:

We understand and have no objection to our neighbors, Jeff and Allison Boldt (435 Hall Avenue, Birchwood, MN), having the grading work done as it stands right now.

We've discussed on multiple occasions the work being done and do not have any concerns regarding the slope of the hillside or the placement of easterly slope toe. We both had the understanding that our property line was at a previously placed stake installed by a previous owner. Our plans are to plant shrubbery along that property line at some point anyway.

Thank you for your understanding.

Sincerely,

A handwritten signature in black ink, appearing to read 'Claudio Danus', written over a vertical line that extends from the word 'Sincerely,'.

Claudio Danus
430 Wildwood Avenue
Birchwood, MN

March 2, 2016

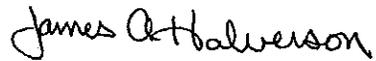
To whom it may concern:

We understand and have no objection to our neighbors, Jeff and Allison Boldt (435 Hall Avenue, Birchwood, MN), having the grading work done as it stands right now.

We have no concerns of the slope or vegetation plan posing any negative impact on our property or any surrounding areas. This will not only create a safe place for their children to play but we believe this is a great thing for Birchwood as a whole considering the previous condition the area was in.

Thank you for your understanding.

Sincerely,



Jim & Judy Halverson
431 Hall Avenue
Birchwood, MN

Mike Anderson

From: Kathy [mallesk12@gmail.com]
Sent: Wednesday, March 23, 2016 2:18 PM
To: Mike Anderson
Subject: Re: Variance request for 435 Hall Ave.

My concern is that the long, steep slope (45 plus degrees?) around the house would result in soil erosion and runoff into the property directly below at 430 Wildwood Ave. and into the Grotto walkway on the city easement to the south. The runoff would eventually reach the street and lake. Also, by removing all the existing trees and undergrowth from an area that previously had natural terracing and by adding fill to make a raised back yard, the Bolt's created an aesthetic issue which contributes to decreasing the property value of 430 Wildwood Ave.

I think the city engineers should be satisfied that erosion would not occur, whether by terracing, retaining walls, boulders, drain pipes, plantings, or a combination. (That is a shady area, so plantings may not be suitable for the steeper slope.) I also think the city should require that maintenance be required by the current and future owners to prevent erosion. And if not, then the city should provide special damage insurance to the neighbors below.

On a separate note, the wooded strip of land that runs along Grotto just south of the yards at 435 Hall Ave and 430 Wildwood Ave. has been greatly cleared out, and loads of wood chips have been placed there by the 506 Wildwood Ave. residents to make a larger driveway. Also 506 dumps the riding mower grass clippings there, so people have complained about the rotting stench it creates. I thought that this was a city easement and that permission was needed to alter it.

Kathy Malles

420 Wildwood Ave.

651-238-1444

**CITY OF BIRCHWOOD VILLAGE
REGULAR CITY COUNCIL MEETING
March 8, 2016**

MINUTES

MEMBERS PRESENT: Mayor Mary Wingfield; Council members: Kevin Woolstencroft, Mark Anderson, Bill Hullsiek, and Randy LaFoy.

STAFF PRESENT: Mike Anderson, City Administrator and Alan Kantrud, City Attorney.

OTHERS PRESENT: Residents Kathy Huntley and Rachel Schuler

Mayor Wingfield called the regular meeting to order at 7:00 p.m. The Pledge of Allegiance was recited.

AGENDA APPROVAL:

MOTION WAS MADE BY COUNCIL MEMBER LAFOY AND SECONDED BY COUNCIL MEMBER ANDERSON TO APPROVE THE AGENDA AS PRESENTED. ALL AYES. MOTION PASSED.

OPEN PUBLIC FORUM:

No one stood.

ANNOUNCEMENTS: Jacob Wetterling Presentation on April 19th at St. Andrew's Church, 6:30-7:15pm. This is free of charge and is sponsored by the City of Birchwood, White Bear Lake Community Ed & Mahtomedi public schools. The presentation will also be televised and rebroadcasted.

Ice rink has officially closed – thanks to Scott Howe for all of his efforts running and maintaining the rink & warming house this winter.

CITY BUSINESS – CONSENT AGENDA

MOTION WAS MADE TO APPROVE CONSENT AGENDA BY COUNCIL MEMBER LAFOY AND SECONDED BY COUNCIL MEMBER HULLSIEK. ALL AYES. MOTION PASSED.

CITY BUSINESS - REGULAR AGENDA

A. Approval of Treasurer's Report

Council Member LaFoy asked about whether the positive balance can be put to a better investment program. Mayor and Council members deliberated this idea – the City has looked into this in the recent past but found no better solution.

Mayor Wingfield asked about the LED flood light expense – existing City Hall flood light was replaced.

MOTION WAS MADE BY COUNCIL MEMBER LAFOY AND SECONDED BY COUNCIL MEMBER HULLSIEK TO APPROVE THE TREASURER'S REPORT. ALL AYES. MOTION PASSED.

B. Sheriff's report update

Mayor Wingfield: Sheriff's department is being very proactive within the city – about 7 citations for various violations within the past month.

Council Member LaFoy: Residents are also being watchful and reporting violations.

C. Conflict of Interest Language

Mayor Wingfield: City does not have existing general policy regarding Conflict of Interest. This language was generated from City Attorney Kantrud and is covers standard problems such as self dealing. Language includes failure to conform clause that could result in forfeiture of office.

Council Members: Deliberated the language.

MOTION WAS MADE BY COUNCIL MEMBER WOOLSTENCROFT AND SECONDED BY COUNCIL MEMBER ANDERSON TO ADOPT POLICY AS WRITTEN BUT WITH FORMATTING CHANGES. ALL AYES. MOTION PASSED AND EFFECTIVE IMMEDIATELY.

D. Safe Zone Ordinance

Crime Prevention Committee Members Kathy Huntley & Rachel Schuler: Updated Council on progress made by the committee regarding the Safe Zone Ordinance language. The committee will continue its research on the legal ramifications related to proposed ideas and asks Council to extend existing ordinance, removing the family exception, until the work of the committee has been completed and a new ordinance has been developed and approved by Council.

City Attorney Kantrud & Council Members: deliberated the committee's request.

MOTION WAS MADE BY COUNCIL MEMBER ANDERSON AND SECONDED BY COUNCIL MEMBER LAFOY TO EXTEND THE CURRENT CODE, REMOVING THE FAMILY EXCEPTION, UNTIL NOVEMBER 24, 2016. ALL AYES. MOTION PASSED.

City Attorney Kantrud & Council Members: discussed Attorney General's reaction to City's request for legal opinion on this ordinance; currently no response.

MOTION WAS MADE BY COUNCIL MEMBER LAFOY AND SECONDED BY COUNCIL MEMBER WOOLSTENCROFT TO WAIVE THE SECOND READING OF THE SAFE ZONE ORDINANCE. ALL AYES. MOTION PASSED.

Council Member LaFoy: The second reading was waived in interest of extending the ordinance while all council members were present, as some will be absent from the March Council Meeting.

Mayor Wingfield: The second reading was also waived because the residents have participated actively in this ordinance and the language has been read many times to them.

City Attorney Kantrud: Through the Council's zoning power, this interim ordinance has been extended for the following 6 months so that the city can complete its study of a particular problem that is of interest to the city.

E. Structure Height Ordinance 302.045

Mayor Wingfield: Proposes postponing the reading of this language to April so that the planning commission can look at it one more time and to let the DNR approve the language first.

City Attorney Kantrud and Council Members: Deliberated on the ordinance and update on the planning commission's actions. Will make formatting corrections.

Administrator Anderson: Read aloud a written letter from Planning Commissioner Danks to council members. The letter requests more time for the Planning Commission to deliberate the ordinance.

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCIL MEMBER HULLSIEK TO POSTPONE THE SECOND READING OF THE ORDINANCE UNTIL APRIL COUNCIL MEETING AND TO SEND IT TO THE DNR FOR APPROVAL. FOUR AYES, ONE NO. MOTION PASSED.

F. Tree Preservation Ordinance

City Attorney Kantrud: Reminded Council of the actions taken on this ordinance in the last council meeting and introduced changes made to the ordinance since then.

City Attorney Kantrud and Council Members: Deliberated on the changes.

G. Lift Station Repairs

Administrator Anderson: Discussed problems to City's lift station impellers that were discovered by White Bear Township. Average impeller life should be 10 years but maybe less in Birchwood because of sand and debris.

Mayor and Council Members: Deliberated on the problem and how to correct it. Administrator Anderson to check with White Bear Township for a possible existing engineering report/analysis and to issue a public report on the problem.

H. Digital Speed Signs Update

Council Member Anderson: Provided update on progress.

Mayor and Council Members: Council Member LaFoy to assist Council Member Anderson on this project.

I. LED Street Lights Update

Council Member LaFoy: Provided update on progress. LED's will pay of themselves within 3-5 years.

Mayor and Council Members: Deliberated this issue.

J. Cable Franchise Update

Council Member LaFoy: Provided update on progress.

K. Park Maintenance Contracts

Administrator Anderson: Updated mayor and council members on contracts for park maintenance.

Mayor and Council Members: Deliberated and gave Administrator Anderson authority to select a company and enter into contract with them.

L. Building Personnel/Plan Reviewer

Administrator Anderson: Updated mayor and council on this project.

Mayor and Council Members: Deliberated and asked Administrator Anderson questions. Administrator Anderson to obtain a revised contract from Attorney Kantrud.

M. City Attorney Report

Administrator Anderson: Attorney Kantrud to email council members his report; he had to leave the meeting early.

ADJOURN

MOTION WAS MADE BY COUNCIL MEMBER WOOSTENCROFT AND SECONDED BY COUNCIL MEMBER ANDERSON TO ADJOURN THE MEETING. ALL AYES. MOTION PASSED. MEETING ADJOURNED AT 8:33 P.M.

Mike Anderson
City Administrator-Clerk

Mary Wingfield
Mayor

ATTEST:

RESOLUTION 2016-09

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

**A Resolution Authorizing Persons of Legal Age to Possess and Consume Beer and Wine
during 2016 Music in the Park Summer Evening Concerts**

At a regular meeting of the City Council of the City of Birchwood Village held on Tuesday, April 12, 2016, at Birchwood City Hall, 207 Birchwood Avenue, Birchwood, Minnesota, with the following members present: Mayor Mary Wingfield, Councilmembers Mark Anderson, Bill Hullsiek, Randy LaFoy, and Kevin Woolstencroft, and the following absent: none, the Birchwood City Council resolved:

WHEREAS, each summer, the City of Birchwood Village sponsors Sunday evening concerts located within City parks; and,

WHEREAS, City Code Section 607.641 allows the Birchwood City Council to authorize the use and consumption of beer and wine in public park spaces during designated times; and,

WHEREAS, the Birchwood Parks Commission recommends the City Council approve Resolution 2016-09.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Birchwood Village hereby authorizes persons of legal age to possess and consume beer and wine during 2016 summer evening concerts.

Voting in Favor:

Voting Against:

Resolution duly seconded and passed this 12th day of April, 2016.

Mary Wingfield
Mayor

Attest:

Mike Anderson
City Administrator-Clerk

RESOLUTION NO. 2016-1-16

RESOLUTION APPROVING STATE OF MINNESOTA JOINT POWERS AGREEMENTS WITH THE CITY OF BIRCHWOOD ON BEHALF OF ITS CITY ATTORNEY

WHEREAS, the City of Birchwood on behalf of its Prosecuting Attorney desires to enter into Joint Powers Agreements with the State of Minnesota, Department of Public Safety, Bureau of Criminal Apprehension to use systems and tools available over the State's criminal justice data communications network for which the City is eligible. The Joint Powers Agreement further provide the City with the ability to add, modify and delete connectivity, systems and tools over the five year life of the agreement and obligates the City to pay the costs for the network connection.

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

1. That the State of Minnesota Joint Powers Agreements by and between the State of Minnesota acting through its Department of Public Safety, Bureau of Criminal Apprehension and the City of Birchwood on behalf of its Prosecuting Attorney, are hereby approved. Copies of the Joint Powers Agreement is attached to this Resolution and made a part of it.
2. That the City Attorney-, Alan Kantrud or his or her successor, is designated the Authorized Representative for the Prosecuting Attorney. The Authorized Representative is also authorized to sign any subsequent amendment or agreement that may be required by the State of Minnesota to maintain the City's connection to the systems and tools offered by the State.

To assist the Authorized Representative with the administration of the agreement, Mayor Mary Wingfield appointed as the Authorized Representative's designee.

3. That Mary Wingfield-, the Mayor for the City of Birchwood and Mike Anderson, the City Clerk, are authorized to sign the State of Minnesota Joint Powers Agreements.

Passed and Adopted by the Council on this 12th day of April, 2016.

CITY OF BIRCHWOOD

By: Mary Wingfield
Its Mayor

ATTEST: _____
By: Mike Anderson
It's City Clerk

City of Birchwood Village

Cash Control Statement

04/07/2016

For the Period 02/10/2016 to 04/07/2016

| <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 | \$552,243.98 | \$8,359.45 | \$26,517.43 | \$534,086.00 | | | |
| Special Rev Projects | \$2,800.02 | \$200.00 | \$2,325.00 | \$675.02 | | | |
| Spec Rev - Warm House | \$0.00 | \$0.00 | \$0.00 | \$0.00 | | | |
| Sewer 2004 Bonds | \$0.00 | \$0.00 | \$0.00 | \$0.00 | | | |
| Birchwood In Re-hab Bond | \$0.00 | \$0.00 | \$0.00 | \$0.00 | | | |
| Sewer Re-hab 2008 Debt | \$8,424.62 | \$0.00 | \$0.00 | \$8,424.62 | | | |
| Cap Project - PW | \$25,591.12 | \$0.00 | \$0.00 | \$25,591.12 | | | |
| Water Enterprise Fund | \$20,235.39 | \$624.99 | \$5,392.65 | \$15,467.73 | | | |
| Sewer Enterprise Fund | \$70,590.46 | \$784.30 | \$13,735.79 | \$57,638.97 | | | |
| Sewer Infrastructure | \$3,845.00 | \$0.00 | \$0.00 | \$3,845.00 | | | |
| Total | \$683,730.59 | \$9,968.74 | \$47,970.87 | \$645,728.46 | \$4,042,964.77 | \$4,453,013.81 | \$1,055,777.50 |

City of Birchwood Village

Receipts List

04/07/2016

Date range: 03/09/2016 to 04/07/2016

| Remitter | Date | Receipt # | Total | Description | Deposit ID | Void | Account # | Detail |
|-------------------------|------------|-----------|----------|------------------------------|----------------|------|-----------|----------|
| Horizon Contractors Inc | 03/09/2016 | 1660 | \$762.83 | Permit | (03/09/2016) - | No | 100-32210 | \$762.83 |
| Resident Felt | 03/14/2016 | 1661 | \$20.00 | Kayak/Canoe Permit | (03/14/2016) - | No | 100-32220 | \$20.00 |
| MN STATE | 03/14/2016 | 1662 | \$218.33 | Court Fine | (03/14/2016) - | No | 100-34170 | \$218.33 |
| Resident Vreeland | 03/14/2016 | 1663 | \$20.00 | Kayak/Canoe Permit | (03/14/2016) - | No | 100-32220 | \$20.00 |
| Resident Klimp | 03/14/2016 | 1664 | \$20.00 | Kayak/Canoe Permit - Cash | (03/14/2016) - | No | 100-32220 | \$20.00 |
| Resident Greseth | 03/23/2016 | 1665 | \$200.00 | Boat Slip Wait List Fee | (03/23/2016) - | No | 100-32220 | \$20.00 |
| Resident Hough | 03/23/2016 | 1666 | \$10.00 | Dog License - 2 Years - Cash | (03/23/2016) - | No | 210-32260 | \$200.00 |
| Resident Simmons | 03/23/2016 | 1667 | \$10.00 | Kayak/Canoe Permit - Cash | (03/23/2016) - | No | 100-32240 | \$10.00 |
| Resident Glander | 03/23/2016 | 1668 | \$10.00 | Kayak/Canoe Permit | (03/23/2016) - | No | 100-32220 | \$10.00 |
| Resident Glander | 03/23/2016 | 1669 | \$20.00 | Dog License - 2 Years x 2 | (03/23/2016) - | No | 100-32220 | \$10.00 |
| Resident Olson | 03/23/2016 | 1670 | \$20.00 | Kayak/Canoe Permit x 2 | (03/23/2016) - | No | 100-32240 | \$20.00 |
| Resident Boldt | 03/23/2016 | 1671 | \$300.00 | Variance Request | (03/23/2016) - | No | 100-32220 | \$20.00 |
| Resident Steinhauser | 03/23/2016 | 1672 | \$20.00 | Kayak/Canoe Permit x 2 | (03/23/2016) - | No | 100-32280 | \$300.00 |
| Resident Cavanor | 03/23/2016 | 1673 | \$10.00 | Kayak/Canoe Permit | (03/23/2016) - | No | 100-32220 | \$20.00 |
| Resident Ruehle | 03/23/2016 | 1674 | \$10.00 | Kayak/Canoe Permit | (03/23/2016) - | No | 100-32220 | \$10.00 |
| Treeful, Linda | 04/07/2016 | 1680 | \$10.00 | Kayak Rack | (04/07/2016) - | No | 100-32220 | \$10.00 |
| Glowing Hearth & Home | 04/07/2016 | 1681 | \$76.65 | Building Permit | (04/07/2016) - | No | 100-32220 | \$10.00 |
| Total Comfort | 04/07/2016 | 1682 | \$62.50 | Building Permit | (04/07/2016) - | No | 100-32210 | \$76.65 |
| Gagnon, Sarah | 04/07/2016 | 1683 | \$10.00 | Kayak permit | (04/07/2016) - | No | 100-32210 | \$62.50 |
| Hegedus, J | 04/07/2016 | 1684 | \$10.00 | Kayak Permit | (04/07/2016) - | No | 100-32220 | \$10.00 |
| Nietz, A | 04/07/2016 | 1685 | \$10.00 | Kayak Permit | (04/07/2016) - | No | 100-32220 | \$10.00 |
| Danus, S | 04/07/2016 | 1686 | \$20.00 | Kayak Permit | (04/07/2016) - | No | 100-32220 | \$10.00 |
| | | | | | | | 100-32220 | \$20.00 |

City of Birchwood Village

Receipts List

04/07/2016

| Remitter | Date | Receipt # | Total | Description | Deposit ID | Void | Account # | Detail |
|------------------------------------|------------|-----------|----------|-----------------|----------------|------|-----------|-------------------|
| Randall & Sons | 04/07/2016 | 1687 | \$331.25 | Building Permit | (04/07/2016) - | No | 100-32210 | \$331.25 |
| Metro Heating & Cooling | 04/07/2016 | 1688 | \$30.50 | Building Permit | (04/07/2016) - | No | 100-32210 | \$30.50 |
| Residents | 04/07/2016 | 1689 | \$20.00 | Kayak Permit | (04/07/2016) - | No | 100-32220 | \$20.00 |
| Aichele, C | 04/07/2016 | 1690 | \$20.00 | Kayak Permit | (04/07/2016) - | No | 100-32220 | \$20.00 |
| Carter Custom Conrtuction | 04/07/2016 | 1691 | \$374.46 | Building Permit | (04/07/2016) - | No | 100-32210 | \$374.46 |
| Independent Living Solutions | 04/07/2016 | 1692 | \$171.36 | Building Permit | (04/07/2016) - | No | 100-32210 | \$171.36 |
| Total For Selected Receipts | | | | | | | | \$2,797.88 |

City of Birchwood Village

Disbursements List

04/07/2016

Date range: 03/09/2016 to 04/07/2016

| Vendor | Date | Check # | Total | Description | Void | Account # | Detail |
|-------------------------------------|------------|----------|------------|---------------------------------------------------|------|---------------|------------|
| On-Site Sanitation Inc | 03/09/2016 | 29109 | \$97.98 | Rental Monthly Unit | No | 100-45200-305 | \$97.98 |
| Tennis Sanitation, LLC | 03/09/2016 | 29110 | \$1,656.00 | Recycling Contract Jan-Feb 2016 | No | 100-43300-305 | \$1,656.00 |
| Gopher State One Call | 03/09/2016 | 29111 | \$18.85 | Locates (13 Tickets) | No | 100-42805-305 | \$18.85 |
| St. Anthony Village | 03/09/2016 | 29112 | \$2,072.65 | Q1 2016 UB Admin | No | 601-41500-305 | \$2,072.65 |
| Toshiba Business Solutions, USA Inc | 03/14/2016 | 29113 | \$1.23 | Quarterly Maintenance 1st Qtr 2016 - Balance | No | 100-41420-305 | \$1.23 |
| Payroll Period Ending 03/15/2016 | 03/15/2016 | 29114 | \$1,410.79 | | No | 100-41400-100 | \$1,410.79 |
| PERA | 03/15/2016 | EFT31516 | \$274.40 | Employee Retirement | No | 100-41400-121 | \$274.40 |
| Birch | 03/16/2016 | 29115 | \$450.00 | Snow Plow Services | No | 100-43125-305 | \$450.00 |
| Scott Howe | 03/23/2016 | 29116 | \$77.43 | Reimbursement for Ice Risk/Warming House Supplies | No | 100-45200-810 | \$77.43 |
| Payroll Period Ending 03/29/2016 | 03/29/2016 | 29117 | \$1,410.79 | | No | 100-41400-100 | \$1,410.79 |
| PERA | 03/29/2016 | EFT32916 | \$274.40 | Employee Retirement | No | 100-41400-121 | \$274.40 |
| Manship Plumbing & Heating Inc | 04/07/2016 | 29118 | \$1,150.00 | Monthly Standby/locates | No | 601-43180-305 | \$1,150.00 |
| Gopher State One Call | 04/07/2016 | 29119 | \$24.65 | Locates (17 Tickets) | No | 100-42805-305 | \$24.65 |
| Metropolitan Council Env. Service | 04/07/2016 | 29120 | \$4,080.09 | Wastewater Service March 2016 | No | 605-43190-217 | \$4,080.09 |
| Menards - Oakdale | 04/07/2016 | 29121 | \$15.58 | Office Supplies | No | 100-41420-200 | \$15.58 |
| TSE, INC | 04/07/2016 | 29122 | \$46.00 | City Hall Janitorial Services X2 | No | 100-41940-305 | \$46.00 |
| Press Publications | 04/07/2016 | 29123 | \$486.08 | Legal Notice Publications x3 | No | 100-41130-351 | \$486.08 |
| On-Site Sanitation Inc | 04/07/2016 | 29124 | \$98.68 | Rental Monthly Unit | No | 100-45200-305 | \$98.68 |
| On-Site Sanitation Inc | 04/07/2016 | 29125 | \$97.55 | Rental Monthly Unit | No | 100-45200-305 | \$97.55 |
| Birch | 04/07/2016 | 29126 | \$180.00 | Snow Plow Services | No | 100-43125-305 | \$180.00 |
| Washington County | 04/07/2016 | 29127 | \$409.93 | Snowplow Materials | No | 100-43100-305 | \$409.93 |
| Washington County | 04/07/2016 | 29128 | \$1,396.55 | Snowplow Materials | No | 100-43100-305 | \$1,396.55 |

City of Birchwood Village

Disbursements List

04/07/2016

| Vendor | Date | Check # | Total | Description | Void | Account # | Detail |
|----------------------------------|------------|----------|------------|--------------------------------------------|------|--------------------------------|----------------------|
| On-Site Sanitation Inc | 04/07/2016 | 29129 | \$11.91 | unit materials | No | | |
| Andrew Sorenson Construction LLC | 04/07/2016 | 29130 | \$150.00 | City Hall Maint. | No | 100-45200-305 | \$11.91 |
| Innovative Office Solutions LLC | 04/07/2016 | 29131 | \$200.69 | Office Supplies (paper, envelopes, labels) | No | 100-45200-430 | \$150.00 |
| MIN City/County Management Ass. | 04/07/2016 | 29132 | \$100.00 | Membership Dues | No | 100-41420-200 | \$200.69 |
| Washington County | 04/07/2016 | 29133 | \$787.22 | Snowplow Materials | No | 100-41500-300 | \$100.00 |
| White Bear Lake Fireworks Fund | 04/07/2016 | 29134 | \$200.00 | Annual Contribution - 2016 | No | 100-43100-305 | \$787.22 |
| SL - serco | 04/07/2016 | 29135 | \$310.00 | Meter Read - (2/17-2/19) | No | 100-45100-433 | \$200.00 |
| Ronnan, Kenny | 04/07/2016 | 29136 | \$45.00 | Services | No | 601-43180-305 | \$310.00 |
| League of MN Cities | 04/07/2016 | 29137 | \$20.00 | Workshop | No | 100-41950-305 | \$45.00 |
| League of MN Cities | 04/07/2016 | 29138 | \$20.00 | Workshop | No | 100-41920-433 | \$20.00 |
| City of White Bear Lake | 04/07/2016 | 29139 | \$1,568.75 | Fire Services - March 2016 | No | 100-41920-433 | \$20.00 |
| Xcel Energy | 04/07/2016 | EFT24616 | \$844.85 | electric for lift stations | No | 100-42200-305 | \$1,568.75 |
| Xcel Energy | 04/07/2016 | EFT4616 | \$1,253.65 | electric for lift street lights | No | 100-41940-380 605-43190-380 | \$179.42 \$665.43 |
| | | | | | | 100-43160-380 | \$1,253.65 |

Total For Selected Checks

\$21,241.70

\$21,241.70

City of Birchwood Village Financial Report by Account Number (YTD)

04/07/2016

As of 04/07/2016

| General Fund | <u>Budget</u> | <u>Actual</u> | <u>Variance</u> |
|---------------------------------|---------------------|--------------------|----------------------|
| Receipts: | | | |
| General Property Taxes | \$108,766.33 | \$0.00 | (\$108,766.33) |
| Total Acct 310 | \$108,766.33 | \$0.00 | (\$108,766.33) |
| Building Permits | \$0.00 | \$8,017.47 | \$8,017.47 |
| Kayak/Canoe Permit | \$0.00 | \$240.00 | \$240.00 |
| Dog Licenses | \$0.00 | \$230.00 | \$230.00 |
| Zoning App Fee | \$0.00 | \$300.00 | \$300.00 |
| Total Acct 322 | \$0.00 | \$8,787.47 | \$8,787.47 |
| General Government | \$0.00 | \$590.63 | \$590.63 |
| City Hall and Garage Rent | \$0.00 | \$75.00 | \$75.00 |
| State and Misc fees | \$0.00 | \$5,220.04 | \$5,220.04 |
| Total Acct 341 | \$0.00 | \$5,885.67 | \$5,885.67 |
| Miscellaneous | \$0.00 | \$50.00 | \$50.00 |
| Total Acct 361 | \$0.00 | \$50.00 | \$50.00 |
| Interest Earnings | \$0.00 | \$125.78 | \$125.78 |
| Total Acct 362 | \$0.00 | \$125.78 | \$125.78 |
| Total Revenues | \$108,766.33 | \$14,848.92 | (\$93,917.41) |
| Other Financing Sources: | | | |
| Sale of Investments | | \$0.00 | |
| Transfers from other Funds | | \$0.00 | |
| Disbursements: | | | |
| Publishing | \$693.33 | \$996.77 | (\$303.44) |
| Total Acct 411 | \$693.33 | \$996.77 | (\$303.44) |
| City Council | \$1,300.00 | \$796.70 | \$503.30 |
| Total Acct 413 | \$1,300.00 | \$796.70 | \$503.30 |
| Clerk - Treasurer | \$21,875.00 | \$18,357.27 | \$3,517.73 |
| Elections | \$858.33 | \$0.00 | \$858.33 |
| Office Operations/Supplies | \$933.33 | \$550.62 | \$382.71 |
| Postage/Postal Permits | \$216.67 | \$125.34 | \$91.33 |
| Total Acct 414 | \$23,883.33 | \$19,033.23 | \$4,850.10 |
| Financial Administration | \$133.33 | \$100.00 | \$33.33 |
| Accounting | \$1,666.67 | \$0.00 | \$1,666.67 |
| Assessing | \$1,816.67 | \$600.00 | \$1,216.67 |
| Total Acct 415 | \$3,616.67 | \$700.00 | \$2,916.67 |
| Legal Services | \$2,333.33 | \$0.00 | \$2,333.33 |
| Engineer Service | \$2,333.33 | \$0.00 | \$2,333.33 |
| Total Acct 416 | \$4,666.67 | \$0.00 | \$4,666.67 |
| Grants | \$666.67 | \$1,534.00 | (\$867.33) |
| Planning and Zoning | \$166.67 | \$0.00 | \$166.67 |
| City Training and Development | \$346.67 | \$40.00 | \$306.67 |
| City Hall-Gov't Buildings | \$1,833.33 | \$1,072.41 | \$760.92 |

City of Birchwood Villagegerim Financial Report by Account Number (YTD)

04/07/2016

| | | | |
|--------------------------------------|---------------------|---------------------|----------------------|
| City Insurance | \$2,500.00 | \$437.00 | \$2,063.00 |
| Cable Eqmpt and Service | \$0.00 | \$196.88 | (\$196.88) |
| Phone/IT | \$1,733.33 | \$670.44 | \$1,062.89 |
| Total Acct 419 | \$7,246.67 | \$3,950.73 | \$3,295.94 |
| Police | \$17,000.00 | \$24,415.47 | (\$7,415.47) |
| Total Acct 421 | \$17,000.00 | \$24,415.47 | (\$7,415.47) |
| Fire | \$6,666.67 | \$6,209.67 | \$457.00 |
| Total Acct 422 | \$6,666.67 | \$6,209.67 | \$457.00 |
| Building Inspection | \$33.33 | \$13,138.89 | (\$13,105.56) |
| Total Acct 424 | \$33.33 | \$13,138.89 | (\$13,105.56) |
| Other Protection | \$33.33 | \$129.88 | (\$96.55) |
| Utility Locates | \$0.00 | \$172.50 | (\$172.50) |
| Animal Control | \$300.00 | \$279.50 | \$20.50 |
| Total Acct 428 | \$333.33 | \$581.88 | (\$248.55) |
| Streets and Road Mntnc | \$2,000.00 | \$14,033.70 | (\$12,033.70) |
| Street Sweeping | \$1,333.33 | \$0.00 | \$1,333.33 |
| Ice and Snow Removal | \$5,333.33 | \$6,440.25 | (\$1,106.92) |
| Tree Removal | \$1,666.67 | \$3,040.00 | (\$1,373.33) |
| Utility - Drain Structure Care | \$666.67 | \$0.00 | \$666.67 |
| Street Lights | \$6,000.00 | \$4,531.91 | \$1,468.09 |
| Total Acct 431 | \$17,000.00 | \$28,045.86 | (\$11,045.86) |
| Recycle | \$3,333.33 | \$3,312.00 | \$21.33 |
| Total Acct 433 | \$3,333.33 | \$3,312.00 | \$21.33 |
| Lawn Care/Mntnc | \$3,333.33 | \$0.00 | \$3,333.33 |
| Total Acct 450 | \$3,333.33 | \$0.00 | \$3,333.33 |
| Recreation | \$133.33 | \$200.00 | (\$66.67) |
| Total Acct 451 | \$133.33 | \$200.00 | (\$66.67) |
| Parks | \$4,166.67 | \$7,138.76 | (\$2,972.09) |
| Total Acct 452 | \$4,166.67 | \$7,138.76 | (\$2,972.09) |
| CONSERVATION - NATURAL RESOURC | \$628.33 | \$0.00 | \$628.33 |
| Total Acct 461 | \$628.33 | \$0.00 | \$628.33 |
| Unallocated Expenditures | \$4,431.33 | \$30.00 | \$4,401.33 |
| Total Acct 492 | \$4,431.33 | \$30.00 | \$4,401.33 |
| Other Financing Uses | \$10,000.00 | \$0.00 | \$10,000.00 |
| Total Acct 493 | \$10,000.00 | \$0.00 | \$10,000.00 |
| Total Disbursements | \$108,466.33 | \$108,549.96 | (\$83.63) |
| Other Financing Uses: | | | |
| Purchase of Investments | | \$0.00 | |
| Transfers to other Funds | | \$0.00 | |
| Beginning Cash Balance | | \$627,787.04 | |
| Cash Balance as of 04/07/2016 | | \$534,086.00 | |

City of Birchwood Villagegerim Financial Report by Account Number (YTD)

04/07/2016

As of 04/07/2016

Special Rev Projects

| | <u>Budget</u> | <u>Actual</u> | <u>Variance</u> |
|--------------------------------------|---------------|-------------------|---------------------|
| Receipts: | | | |
| Dock/Lift Permit Fee | \$0.00 | \$200.00 | \$200.00 |
| Total Acct 322 | \$0.00 | \$200.00 | \$200.00 |
| | | | |
| Total Revenues | \$0.00 | \$200.00 | \$200.00 |
| | | | |
| Other Financing Sources: | | | |
| Sale of Investments | | \$0.00 | |
| Transfers from other Funds | | \$0.00 | |
| | | | |
| Disbursements: | | | |
| Parks | \$0.00 | \$2,325.00 | (\$2,325.00) |
| Total Acct 452 | \$0.00 | \$2,325.00 | (\$2,325.00) |
| | | | |
| Total Disbursements | \$0.00 | \$2,325.00 | (\$2,325.00) |
| | | | |
| Other Financing Uses: | | | |
| Purchase of Investments | | \$0.00 | |
| Transfers to other Funds | | \$0.00 | |
| | | | |
| Beginning Cash Balance | | \$2,800.02 | |
| | | | |
| Cash Balance as of 04/07/2016 | | \$675.02 | |

City of Birchwood Village Financial Report by Account Number (YTD)

04/07/2016

As of 04/07/2016

Spec Rev - Warm House

| | <u>Budget</u> | <u>Actual</u> | <u>Variance</u> |
|--------------------------------------|---------------|---------------|-----------------|
| Receipts: | | | |
| Total Revenues | \$0.00 | \$0.00 | \$0.00 |
| Other Financing Sources: | | | |
| Sale of Investments | | \$0.00 | |
| Transfers from other Funds | | \$0.00 | |
| Disbursements: | | | |
| Total Disbursements | \$0.00 | \$0.00 | \$0.00 |
| Other Financing Uses: | | | |
| Purchase of Investments | | \$0.00 | |
| Transfers to other Funds | | \$0.00 | |
| Beginning Cash Balance | | \$0.00 | |
| Cash Balance as of 04/07/2016 | | \$0.00 | |

City of Birchwood Village Financial Report by Account Number (YTD)

04/07/2016

As of 04/07/2016

| Sewer 2004 Bonds | <u>Budget</u> | <u>Actual</u> | <u>Variance</u> |
|--------------------------------------|---------------|---------------|-----------------|
| Receipts: | | | |
| Total Revenues | \$0.00 | \$0.00 | \$0.00 |
| Other Financing Sources: | | | |
| Sale of Investments | | \$0.00 | |
| Transfers from other Funds | | \$0.00 | |
| Disbursements: | | | |
| Total Disbursements | \$0.00 | \$0.00 | \$0.00 |
| Other Financing Uses: | | | |
| Purchase of Investments | | \$0.00 | |
| Transfers to other Funds | | \$0.00 | |
| Beginning Cash Balance | | \$0.00 | |
| Cash Balance as of 04/07/2016 | | \$0.00 | |

City of Birchwood Villagegerim Financial Report by Account Number (YTD)

04/07/2016

As of 04/07/2016

| Birchwood In Re-hab Bond | <u>Budget</u> | <u>Actual</u> | <u>Variance</u> |
|--------------------------------------|----------------------|----------------------|------------------------|
| Receipts: | | | |
| Total Revenues | \$0.00 | \$0.00 | \$0.00 |
| Other Financing Sources: | | | |
| Sale of Investments | | \$0.00 | |
| Transfers from other Funds | | \$0.00 | |
| Disbursements: | | | |
| Total Disbursements | \$0.00 | \$0.00 | \$0.00 |
| Other Financing Uses: | | | |
| Purchase of Investments | | \$0.00 | |
| Transfers to other Funds | | \$0.00 | |
| Beginning Cash Balance | | \$0.00 | |
| Cash Balance as of 04/07/2016 | | \$0.00 | |

City of Birchwood Villagerim Financial Report by Account Number (YTD)

04/07/2016

As of 04/07/2016

| Sewer Re-hab 2008 Debt | <u>Budget</u> | <u>Actual</u> | <u>Variance</u> |
|--------------------------------------|----------------------|----------------------|------------------------|
| Receipts: | | | |
| Total Revenues | \$0.00 | \$0.00 | \$0.00 |
| Other Financing Sources: | | | |
| Sale of Investments | | \$0.00 | |
| Transfers from other Funds | | \$0.00 | |
| Disbursements: | | | |
| Total Disbursements | \$0.00 | \$0.00 | \$0.00 |
| Other Financing Uses: | | | |
| Purchase of Investments | | \$0.00 | |
| Transfers to other Funds | | \$0.00 | |
| Beginning Cash Balance | | \$8,424.62 | |
| Cash Balance as of 04/07/2016 | | \$8,424.62 | |

City of Birchwood Villagegerim Financial Report by Account Number (YTD)

04/07/2016

As of 04/07/2016

Cap Project - PW

| | <u>Budget</u> | <u>Actual</u> | <u>Variance</u> |
|--------------------------------------|---------------|--------------------|----------------------|
| Receipts: | | | |
| Total Revenues | \$0.00 | \$0.00 | \$0.00 |
| Other Financing Sources: | | | |
| Sale of Investments | | \$0.00 | |
| Transfers from other Funds | | \$0.00 | |
| Disbursements: | | | |
| Sewer Utility | \$0.00 | \$23,167.79 | (\$23,167.79) |
| Total Acct 431 | \$0.00 | \$23,167.79 | (\$23,167.79) |
| Total Disbursements | \$0.00 | \$23,167.79 | (\$23,167.79) |
| Other Financing Uses: | | | |
| Purchase of Investments | | \$0.00 | |
| Transfers to other Funds | | \$0.00 | |
| Beginning Cash Balance | | \$48,758.91 | |
| Cash Balance as of 04/07/2016 | | \$25,591.12 | |

City of Birchwood Village Financial Report by Account Number (YTD)

04/07/2016

As of 04/07/2016

Water Enterprise Fund

| | <u>Budget</u> | <u>Actual</u> | <u>Variance</u> |
|-------------------------------|---------------|--------------------|----------------------|
| Receipts: | | | |
| Water Fee | \$0.00 | \$10,187.18 | \$10,187.18 |
| Penalty - Late Water/Sewer | \$0.00 | \$55.43 | \$55.43 |
| State and Misc fees | \$0.00 | \$342.58 | \$342.58 |
| Total Acct 341 | \$0.00 | \$10,585.19 | \$10,585.19 |
| | | | |
| Total Revenues | \$0.00 | \$10,585.19 | \$10,585.19 |
| Other Financing Sources: | | | |
| Sale of Investments | | \$0.00 | |
| Transfers from other Funds | | \$0.00 | |
| Disbursements: | | | |
| Financial Administration | \$0.00 | \$2,072.65 | (\$2,072.65) |
| Total Acct 415 | \$0.00 | \$2,072.65 | (\$2,072.65) |
| Water Utility | \$0.00 | \$8,662.40 | (\$8,662.40) |
| Total Acct 431 | \$0.00 | \$8,662.40 | (\$8,662.40) |
| | | | |
| Total Disbursements | \$0.00 | \$10,735.05 | (\$10,735.05) |
| Other Financing Uses: | | | |
| Purchase of Investments | | \$0.00 | |
| Transfers to other Funds | | \$0.00 | |
| | | | |
| Beginning Cash Balance | | \$15,617.59 | |
| | | | |
| Cash Balance as of 04/07/2016 | | \$15,467.73 | |

City of Birchwood Villagegerim Financial Report by Account Number (YTD)

04/07/2016

As of 04/07/2016

Sewer Enterprise Fund

| | <u>Budget</u> | <u>Actual</u> | <u>Variance</u> |
|--------------------------------------|---------------|--------------------|----------------------|
| Receipts: | | | |
| Penalty - Late Water/Sewer | \$0.00 | \$109.85 | \$109.85 |
| Sewer Fee | \$0.00 | \$15,705.01 | \$15,705.01 |
| Total Acct 341 | \$0.00 | \$15,814.86 | \$15,814.86 |
| | | | |
| Total Revenues | \$0.00 | \$15,814.86 | \$15,814.86 |
| Other Financing Sources: | | | |
| Sale of Investments | | \$0.00 | |
| Transfers from other Funds | | \$0.00 | |
| Disbursements: | | | |
| Sewer Utility | \$0.00 | \$30,612.48 | (\$30,612.48) |
| Total Acct 431 | \$0.00 | \$30,612.48 | (\$30,612.48) |
| | | | |
| Total Disbursements | \$0.00 | \$30,612.48 | (\$30,612.48) |
| Other Financing Uses: | | | |
| Purchase of Investments | | \$0.00 | |
| Transfers to other Funds | | \$0.00 | |
| | | | |
| Beginning Cash Balance | | \$72,436.59 | |
| | | | |
| Cash Balance as of 04/07/2016 | | \$57,638.97 | |

City of Birchwood Village Financial Report by Account Number (YTD)

04/07/2016

As of 04/07/2016

Sewer Infrastructure

| | <u>Budget</u> | <u>Actual</u> | <u>Variance</u> |
|--------------------------------------|---------------|-------------------|-----------------|
| Receipts: | | | |
| Total Revenues | \$0.00 | \$0.00 | \$0.00 |
| Other Financing Sources: | | | |
| Sale of Investments | | \$0.00 | |
| Transfers from other Funds | | \$0.00 | |
| Disbursements: | | | |
| Total Disbursements | \$0.00 | \$0.00 | \$0.00 |
| Other Financing Uses: | | | |
| Purchase of Investments | | \$0.00 | |
| Transfers to other Funds | | \$0.00 | |
| Beginning Cash Balance | | \$3,845.00 | |
| Cash Balance as of 04/07/2016 | | \$3,845.00 | |



MEMORANDUM

TO: Birchwood City Council
FROM: Mike Anderson, City Administrator
DATE: March 28, 2016
SUBJECT: Tree Preservation Ordinance

Tree Preservation Ordinance

The City of Birchwood and their residents have recently been concerned about the clear cutting of trees on resident lots and new building construction sites. To maintain the beauty of Birchwood, the City Council has acted on these concerns by requesting a Tree Preservation Ordinance be put in place that will help eliminate such cuttings and help keep the character of Birchwood.

The purpose of this ordinance is to preserve and protect the City and to minimize the loss of trees and other vegetation. Trees provide benefits of scenic beauty, visual and sound barriers, winter and summer energy conservation, wildlife habitat, erosion control, and air quality. The removal of buckthorn, silver maples, green ash is still permitted with this ordinance.

The Birchwood Planning Commission and resident Bryan McGinnis have put together a suggested ordinance and will be providing the language to the City Council at the Council Meeting on April 12 at 7 p.m. The draft language is available by request by contacting City Hall or the City Clerk.

If you have questions please direct them to the City Clerk at Mike.Anderson@CityofBirchwood.com or call City Hall at 651-426-3403.

April 7, 2016

(Delete 302.060. VEGETATIVE ALTERATIONS, and include this material in a new section "d" of 302.055 LAND DISTURBANCE ACTIVITY STANDARDS)

2. The following are Specific Standards:

.....

d. Natural Environment Area and Tree Preservation

The purpose of this section is to preserve and protect the Natural Environment Areas (NEA) of the City and to reduce the loss of trees and other vegetation. Trees provide benefits of scenic beauty, visual and sound barriers, winter and summer energy conservation, wildlife habitat, erosion control, and air quality. The removal of woody, non-noxious, vegetation in NEAs and other land in the City shall be carried out in accordance with the following criteria:

1. Requirements and Standards

(i) Clearcutting Clearcutting of trees shall be prohibited within all NEAs, except as necessary for placing public facilities and roads, and private and public structures. Clearcutting of trees shall also be allowed on land within 20 feet of buildings and 5 feet of driveways.

(ii) Removal of Trees – Replacement Required Whenever significant trees, defined as healthy coniferous trees six (6) feet or more in height or deciduous trees eight (8) inches or more in diameter, are to be removed, Parts (ii). 1, 2, & 3. shall be followed. Trees covered under part 1.(iii) are not included in Part 1. (ii).

1. Replacement Standards. At a minimum in NEAs, trees that are removed shall be replaced at a rate of one (1) tree replaced for each three (3) significant trees lost. At a minimum in areas that are not NEAs trees that are removed shall be replaced at a rate of one (1) tree replaced for each one (1) significant tree lost. Replacement trees shall be no less than two and one half (2½) inches in diameter for deciduous trees and six (6) feet tall for coniferous trees. Replacement shall be completed within one (1) year of the removal of tree(s) or one (1) year of the conclusion of development or construction activities. For activities requiring permits, the City may require the applicant to provide the City with a cash deposit, surety bond or letter of credit to secure the applicant's obligation to replace the lost trees

Additional Requirements:

2. As a condition of any subdivision, Land Disturbance Activity, or building permit, the applicant shall follow Part (ii).1 to replace any significant trees which are damaged or destroyed as a result of development or construction activities.

3. When Part (i) allows clear cutting on any part of an NEA that is within 10 feet of a side or rear property lot line, the property owner shall provide, as part of the permit application, a plan for restoration of that area to provide vegetative screening reasonably

equivalent to that provided by the original NEA. If significant trees are removed, replacement per Part (ii).1. shall be done.

(iii) Removal – No Replacement. On any parcel the removal of trees, limbs or branches, and other plants that are dead, diseased or pose safety hazards, and of all box elder, green ash, silver maple, American elm, and buckthorn trees of any size is permitted. No replacement trees are required.

(iv) Any existing vegetative buffer strips along any property lot lines shall be maintained, or made more dense, a distance of ten feet wide in from all property lot lines to provide vegetative screening. Replacement of vegetation type(s) is permitted as long as the resultant screening is reasonably equivalent to that provided by the original vegetation.

(v) All cutting, pruning and trimming of trees must be based on sound forest management practices for individual tree species.

(vi) Vegetation Alterations on Lots Abutting Water.

Limited removal or alteration of vegetation on lots abutting lakes, ponds, or wetlands, is allowed subject to the following standards:

1. Clearcutting or intensive clearing of vegetation is not allowed.
2. Limited clearing of trees, subject to 302.055.2.d.1.(ii) and (iii), and shrubs, and cutting, pruning, and trimming of trees is allowed to provide a view to the water from the principal dwelling site and to accommodate the placement of buildings, stairways and landings, picnic areas, access paths, beach and watercraft access areas, and permitted water-oriented accessory structures or facilities, provided that:
 - (a) The screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced.
 - (b) Vegetation which is removed must be replaced with other vegetation which is equally effective in retarding water runoff and preventing erosion.
 - (c) A protective buffer strip of vegetation at least 16.5 feet in width shall be maintained abutting the shorelines of all wetlands.

(vii) Land Disturbance Activities shall be conducted on no more than one-third (1/3) of the surface area of a lot at any time. All Activities on the site shall be conducted in a logical sequence to minimize the area of bare soil exposed at any one time.

Erosion Control, (mulch, fiber matting or similar) shall be applied within 2 weeks of the finish of Land Disturbance Activities. Permanent vegetative cover, sod, or plantings shall be provided as soon as possible but not exceeding 1 year after the completion of Land Disturbance Activities.

2. Nonconformity. Any use which lacks reasonable screening of development on lots abutting lakes, ponds, or wetlands, or which does not provide for adequate erosion control on any property within the City, is a Nonconformity. When a development or building permit is sought for property with nonconforming vegetative or erosion conditions, a recovery plan must be submitted by the permit applicant and approved prior to permit issuance. The recovery plan must provide for reasonable screening of shoreland development, protection of soil from erosion, surface water shading and a schedule for implementation to meet the purposes of 302.055.d. Natural Environment Area and Tree Preservation.

3. Variance. When a variance is requested for non-compliance with section 302.055.d.1 Natural Environment Area Preservation, the land owner, to meet the purposes of 302.055.d.1, shall submit a plan to plant evergreens, lilacs, and other vegetative dense plants or trees to provide screening to mitigate the loss of vegetation.

(Changes in 300.020 Definitions)

Birchwood 300.020 DEFINITIONS

9. Clearcutting. Complete removal of trees or shrubs or woody ground cover in a contiguous patch, strip, row or block.

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

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

(Add a definition to 300.020 DEFINITIONS)

32.a. Natural Environment Area (NEA): A contiguous area greater than 400 square feet where there has been no periodic mowing, cultivation, raking, gardening, or similar activity. This area would usually contain trees greater than 3 inches in diameter and numerous mature shrubs and small trees. A lot may contain more than one such area.

RESOLUTION: SUMMARY OF ORDINANCE 302.055

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

AN ORDINANCE AMENDING THE CITY'S ZONING CODE TO HELP PRESERVE THE TREES IN BIRCHWOOD. CITY CODE 302.060: VEGITATIVE ALTERATIONS WILL BE CHANGES TO 302.055: LAND DISTURBANCE ACTIVITIE STANDARDS.

The following is a SUMMARY of the Ordinance:

On April 12, 2016 the City amended Code 302.055 to help preserve the natural landscape of Birchwood and not allow for clear cutting of trees on residential property and new building sites.

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

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



MEMORANDUM

TO: Birchwood City Council
FROM: Mike Anderson, City Administrator
DATE: March 28, 2016
SUBJECT: Building Code: 302.045

Height Restrictions

The City of Birchwood and their residents have been concerned about the height of new structures being built in the City. Six months ago, the City Council asked the Planning Commission to revise and update the current ordinance 302.045 to better assist applicants and staff in interpreting the code so it can be clearly defined.

The current code as written has caused confusion when using it to address structure height. The existing code, which has been in place since 2000, was never approved by the DNR. In recent months, the City Council has been looking at ways to address maximum structure height without significant alterations of the natural landscape and ensuring the code applies to all home designs in an equitable manner.

The City passed a first reading at the March council meeting and has forwarded the proposed code to the DNR. The second reading and public hearing will be at the April 12 Council Meeting.

If you have questions please direct them to the City Clerk at Mike.Anderson@CityofBirchwood.com or call City Hall at 651-426-3403.

302. ZONING CODE: REQUIREMENTS AND PERFORMANCE STANDARDS

302.010. LOT REQUIREMENTS. All lots created after the date of enactment of this ordinance must conform to the following dimensions, utilizing only that land above the ordinary high water level of any lake, pond, or wetland.

1. Minimum lot size per dwelling unit:

| | |
|--------------------------------|----------------|
| Lots abutting lake or wetland: | 15,000 sq. ft. |
| All other lots | 12,000 sq. ft. |

2. Minimum lot width at front building line and at the ordinary high water level of any lake or wetland:

| | |
|-------------------------------------|---------|
| Lots containing two dwelling units: | 135 ft. |
| All other lots: | 80 ft. |

302.015. UNDERSIZED LOTS. Any lot which was held in a single ownership of record as of January 1, 1975, and which does not meet the requirements of this Code as to area, width, or other open space may nevertheless be utilized for single-family detached dwelling purposes provided the measurements of such area, width, or open space are at least 60% of that required.

302.020 STRUCTURE LOCATION REQUIREMENTS

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

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

2. MINIMUM SETBACK REQUIREMENTS:

TYPE OF STRUCTURE

| <u>Lot line or Land Boundary</u> | <u>Fences</u> | <u>Driveways & Walkways</u> | <u>All Other Structures</u> |
|-----------------------------------------------------------------------------------------|---------------|-------------------------------------|---------------------------------|
| Municipal Street Front, Back, and Side | 20 ft. | 0 | 40 ft. |
| County Road Front, Back, and Side | 20 ft. | 0 | 50 ft. |
| Ordinary High Water Level of Lost Lake | 75 ft. | 75 ft. | 75 ft. |
| Ordinary High Water Level of White Bear Lake, Hall's Marsh, and other wetlands | 50 ft. | 50 ft. | 50 ft. |
| All Other Lot Lines | 0 ft. | 1 ft. | 10 ft. |

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

ORDINARY HIGH WATER LEVELS (Feet Above Mean Sea Level)

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

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

4. SETBACK REQUIREMENTS EXCEPTIONS.

a. Street and Highway Setbacks: If structures on adjacent lots, existing as on January 1, 1975, have lesser street or highway setbacks from those required, the minimum setback of a new structure may conform to the prevailing setback in the immediate vicinity. The City Council shall, upon recommendation of the Planning Commission, determine the necessary minimum front yard setback in such areas.

b. Dock and Pier Setbacks: Setback requirements from the ordinary high water levels shall not apply to piers and docks. Locations of piers and docks shall be controlled by applicable state and local regulations.

b. Retaining Wall Setbacks: Front, back, side street and other lot line setback requirements shall not apply to retaining walls except that the ordinary high water level setback requirements shall apply to retaining walls.

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

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

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

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

HIGHEST KNOWN WATER LEVELS (Feet Above Mean Sea Level)

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

302.040. STRUCTURE REQUIREMENTS.

1. Each dwelling unit must have a floor area of at least 900 square feet.
2. The maximum square footage of a storage shed is 144 square feet. No person shall place automobiles, vans, or trucks in a storage shed.

302.045 HEIGHT RESTRICTIONS

1. Structure Height Limitation.

No structure height (as defined in subsection 3 below) shall exceed the structure height limitation specified below for each type of structure.

| <u>Structure type</u> | <u>Structure Height Limitation</u> |
|-------------------------------------|-------------------------------------------|
| Principal structure/attached garage | 25 feet |
| Detached accessory storage shed | 12 feet |
| Detached accessory garages | 18 feet |

2. Tallest Point Limitation

Regardless of the structure height limitations specified in subsection 1 above, which measure to an average roof level, the tallest point of a structure shall not exceed 35 feet above the grade plane (as defined in subsection 3 below). Also, the tallest point of an attached garage shall not exceed the height of the tallest point of the principal structure.

3. Method of Measurement

a. Structure Height

The structure height is the vertical distance between the grade plane and a point on the highest roof of the principal structure as defined by (1) the highest point of the coping of a flat roof or (2) the deck line of a mansard roof or (3) a level halfway between the highest point of a sloped roof and the average roof plane See Exhibits A and B.

Exhibit A.

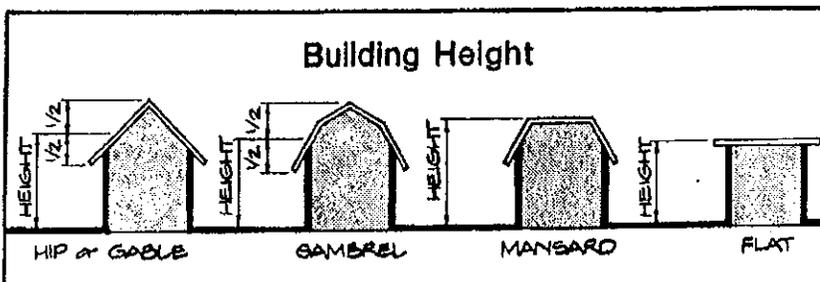
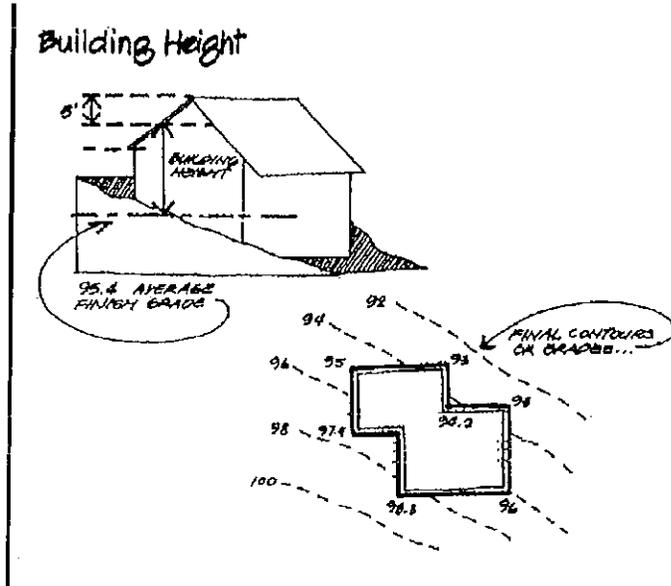


Exhibit B.



b. Grade Plane

The grade plane is the average level of finished grade at the structure as determined by the following:

- 1) Points of grade elevation are taken at the structure foundation where grade is level to the building façade or where grade slopes down to a building façade.
- 2) Where grade slopes away from a structure and the property line is less than six feet from the structure, grade plane is the average level of the lowest points between the building and property line.
- 3) Where grade slopes away from a structure and the property line is greater than six feet from the structure, grade plane is the average level of the lowest points less than 6 feet from the structure.

Note: When more than 4 corner points are used to determine the grade plane, points should be evenly distributed along any façade. Grade plane shall be calculated based on the method of averaging grade elevation at the structure in Exhibit C.

c. Site Elevation Plane

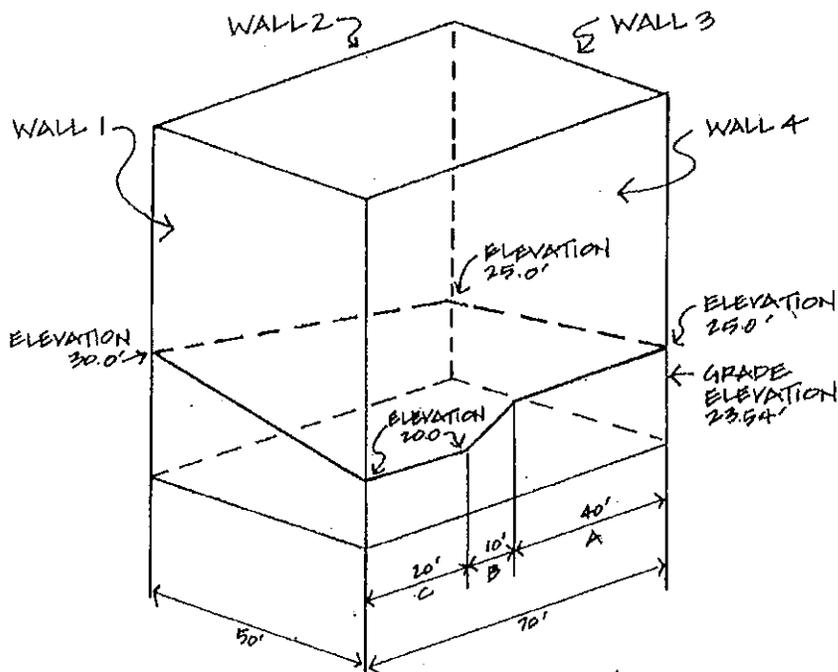
The site elevation plane is the average distance between the finished grade plane at the structure and the grade plane of the original elevations. Site elevation plane shall be calculated by points evenly distributed along the footprint of the proposed structure. Elevation plane shall be calculated based on the method of averaging the ground elevation using the same mathematical approach used in exhibit C. For purpose of this section, all differentials shall be measured in a positive number.

d. Roof Plane

The roof plane is the average level of finished roof line at the base of the principle structure's roof. When more than four corner points are used to determine the roof plane, points should evenly be distributed along every façade. Roof plane shall be calculated based on the method of averaging roof elevation using the same mathematical approach used in Exhibit C.

Exhibit C.

ILLUSTRATION 16: GRADE, GRADE ELEVATION



GRADE = AVERAGE GROUND ELEVATION

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

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

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

$$\text{WALL 4 A - } 25.0 \times 40 = 1000$$

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

$$\text{C - } 20.0 \times \frac{20}{2} = \frac{400}{5650}$$

$$\text{GRADE} = \frac{5650}{240} = 23.54$$

4. Exceptions.

The structure height and tallest point limitations established herein shall not apply to chimneys and flues provided the footprint or horizontal area of the chimney or flue does not

RESOLUTION: SUMMARY OF ORDINANCE 302.045

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

AN ORDINANCE AMENDING THE CITY'S ZONING CODE TO DEFINE AND REGULATE THE STRUCTRE HEIGHT BUILDING CODE 302.045.

The following is a SUMMARY of the Ordinance:

On April 12, 2016 the City amended Code 302.045 to better define the average structure height limitations to new buildings in Birchwood.

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

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



MEMORANDUM

TO: Birchwood City Council
FROM: Mike Anderson, City Administrator
DATE: March 28, 2016
SUBJECT: Water Rates

Water Rates

White Bear Lake has recently increased its fees for water. The fee structure going forward is 13 cents higher per unit (100 cu ft) now, plus 10 cents per unit for usage over winter base rate. There is another fee increase (10 cents/unit) scheduled for 2017. White Bear Lake has stated the reason for the increase was significant litigation fees for the WBL water level lawsuit.

The city of Birchwood adjusted its tiered rates and raised usage fees last year to correct deficiencies in the water fund. Those rates anticipated this rate increase from White Bear Lake.

The Water fund has rebounded from negative figures the past few years to \$20,591 as of 4/1/16. In addition, there have been no water main breaks the past winter.

The water committee has informally reviewed these rate increases and recommends that the city monitor the water fund to ensure costs are being covered. That information will be reviewed this fall as well as to address the 2017 increase by White Bear Lake.

If you have questions please direct them to the City Clerk at Mike.Anderson@CityofBirchwood.com or

call City Hall at 651-426-3403.

Washington County Sheriff's Office
 CONTRACT ICR's
 Contract Report for BIRCHWOOD
 For the Period 3/01/16 To 3/31/16

| Date | Time | ICR # | ID# | Street Name | Complaint |
|---------|----------|-----------|------|--------------|--------------------------------|
| 3/01/16 | 12:26:04 | 116007414 | | HINMAN DR | RECEIPT# 160001205 |
| 3/01/16 | 20:47:32 | 116007476 | 0091 | BIRCHWOOD AV | NOISE COMPLAINT |
| 3/02/16 | 0:33:47 | 116007485 | 1209 | CEDAR ST | POSSIBLE THEFT OF MAIL |
| 3/04/16 | 17:26:36 | 116007924 | 0091 | WILDWOOD AV | WELFARE CHECK |
| 3/05/16 | 11:29:49 | 116007981 | 0115 | HALL AV | SPEEDING 44 IN A 25 |
| 3/06/16 | 1:42:07 | 116008037 | 0197 | WILDWOOD AV | MEDICAL LEVEL 3 |
| 3/06/16 | 7:42:47 | 116008052 | 0115 | CEDAR ST | STOP SIGN VIOLATION |
| 3/06/16 | 13:46:52 | 116008087 | 0075 | WILDWOOD AV | NOISE COMPLAINT |
| 3/07/16 | 17:49:58 | 116008271 | 0111 | HALL AV | DIRECTED PATROL |
| 3/10/16 | 9:57:15 | 116008615 | | WILDWOOD AV | WARRANT / WCSO / CR16479 |
| 3/10/16 | 15:13:53 | 116008711 | 0082 | HALL AV | LOOSE DOG |
| 3/11/16 | 10:24:27 | 116008785 | | BIRCHWOOD CT | RECEIPT# 160001399 |
| 3/12/16 | 10:27:10 | 116008958 | 0068 | WILDWOOD AV | THEFT REPORT |
| 3/13/16 | 9:15:26 | 116009062 | 0115 | HALL AV | SPEEDING 38 IN A 25 |
| 3/16/16 | 18:11:00 | 116009554 | 0177 | HALL AV | ALARM |
| 3/17/16 | 11:15:20 | 116009634 | 0128 | WILDWOOD AV | 5 TON PER AXEL REST. |
| 3/18/16 | 9:49:54 | 116009752 | 0128 | OAKRIDGE DR | ATTEMPTED SCAM |
| 3/18/16 | 23:23:36 | 116009880 | 0178 | HALL AV | ALARM |
| 3/19/16 | 16:44:31 | 116009934 | 0118 | LAKE AV | BURG ALARM |
| 3/20/16 | 9:02:37 | 116009973 | 0115 | CEDAR ST | LOST DOG INFO |
| 3/21/16 | 16:21:29 | 116010142 | 0124 | LAKE AV | RES BURG ALARM |
| 3/21/16 | 21:52:39 | 116010181 | 0177 | WILDWOOD AV | MEDICAL LEVEL 3 |
| 3/22/16 | 11:00:40 | 116010244 | 0115 | WILDWOOD AV | MEDICAL *LEVEL 1* |
| 3/23/16 | 6:35:25 | 116010363 | 1202 | OAKRIDGE DR | BREAK IN |
| 3/23/16 | 13:30:48 | 116010435 | 0115 | HALL AV | SPEEDING, 38 IN A 25 |
| 3/23/16 | 13:49:58 | 116010440 | 0115 | HALL AV | SPEEDING, 40 IN A 25 |
| 3/26/16 | 14:53:48 | 116010842 | 0068 | JAY ST | FOUND MAIL |
| 3/27/16 | 12:14:48 | 116010903 | 0077 | WILDWOOD AV | ANIMAL CONCERN **CALL COMP WIT |
| 3/28/16 | 15:11:08 | 116010999 | 0100 | OAKHILL CT | OFFICER INFO |
| 3/28/16 | 16:08:23 | 116011013 | 0084 | WILDWOOD AV | DRONE QUESTIONS |
| 3/29/16 | 20:33:01 | 116011182 | 0068 | HALL AV | ACCIDENT **RSTK SGT *S |
| 3/30/16 | 22:42:49 | 116011328 | 0076 | OAKVIEW CT | FRAUD REPORT |

Total ICRs Processed: 32

** END OF REPORT **



MEMORANDUM

TO: Birchwood City Council
FROM: Mike Anderson, City Administrator
DATE: March 28, 2016
SUBJECT: Supporting Principles for Reform of the Metropolitan Council

Supporting Principles for Reform of the Metropolitan Council

The City of Birchwood received information from Dakota County regarding the lack of accountability from the Metropolitan Council as its scopes of authority and involvement in regional issues continue to expand. Dakota County believes that an updated Metropolitan Council governance structure, one that makes the Council accountable to the regional constituency of those impacted by its decisions, would benefit this region greatly. Dakota County is seeking support from local government agencies and asking the City Council to adopt the attached resolution calling for substantive change to the Met Council.

If you have questions please direct them to the City Clerk at Mike.Anderson@CityofBirchwood.com or call City Hall at 651-426-3403.

RESOLUTION 2016-10

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

**SUPPORTING PRINCIPLES FOR REFORM OF THE METROPOLITAN
COUNCIL**

WHEREAS, regional planning and local government cooperation is vital to the continued success of the Minneapolis-St. Paul Metropolitan Area; and

WHEREAS, the Metropolitan Council is, by statute, the regional planning agency for the Minneapolis-St. Paul Metropolitan Area, with broad authority, including the ability to levy taxes, charge fees and set regional policy; and

WHEREAS, cities and counties are the entities most directly affected by policies and financial decisions of the Metropolitan Council, making them the primary constituents of the Metropolitan Council; and

WHEREAS, the Metropolitan Council's scope of authority and involvement in regional issues has expanded significantly over the years; and

WHEREAS, a governmental entity, particularly one with taxing authority, to be effective, must be credible, and responsive and accountable to those it represents; and

WHEREAS, the appointment of Metropolitan Council members resides solely with the Governor, effectively making the Governor the primary constituent of the Metropolitan Council; and

WHEREAS, many cities and counties believe that the Metropolitan Council lacks accountability and responsiveness to them as direct constituents; and

WHEREAS, many cities and counties believe that the authority to impose taxes and set regional policy should be the responsibility of local government elected officials; and

WHEREAS, reform is necessary to ensure that the Metropolitan Council is an effective, responsive, and accountable partner for regional development and progress.

NOW, THEREFORE, BE IT RESOLVED, That the Metropolitan Council, due to its taxing and policy authority, should be accountable to a regional constituency of those impacted by its decisions; and

BE IT FURTHER RESOLVED, That the Metropolitan Council should not operate as a state agency answerable to only one person, the Governor, as it does in its current form; and

BE IT FURTHER RESOLVED, That the City of Birchwood Village supports reform of the Metropolitan Council that adheres to the following principles:

- I. A majority of the members of the Metropolitan Council shall be elected officials, appointed from cities and counties within the region;
- II. Metropolitan cities shall directly control the appointment process for city representatives to the Metropolitan Council;
- III. Metropolitan counties shall directly appoint their own representatives to the Metropolitan Council;
- IV. The terms of office for any Metropolitan Council members appointed by the Governor shall be staggered and not coterminous with the Governor;
- V. Membership on the Metropolitan Council shall include representation from every metropolitan county government;
- VI. The Metropolitan Council shall represent the entire region, therefore voting shall be structured based on population and incorporate a system of checks and balances.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Birchwood Village hereby approves Resolution 2016-10 in Supporting Principles for Reform of the Metropolitan Council

Voting in Favor:

Voting Against:

Resolution duly seconded and passed this 12th day of April, 2016.

Mary Wingfield, Mayor

Attest:

Mike Anderson
City Administrator-Clerk



MEMORANDUM

TO: Birchwood City Council
FROM: Mike Anderson, City Administrator
DATE: March 28, 2016
SUBJECT: Electronic Speed Signs/ 4 Way Stop at Hall Ave, Jay St. and Wildwood Ave

Electronic Speed Signs

The City of Birchwood continues to be concerned about the traffic and speed on Hall/Cedar Ave despite lower speed limits and narrower driving lanes previously imposed. The City recently purchased pedestrian crosswalk signs that has since gone missing and vandalized. To help decrease the speeding on the City's main roads, the Council is looking into purchasing electronic speed signs that will be posted throughout town. Council Member Mark Anderson will have an update on these signs at the April 12 Council Meeting.

All Way Stops on Hall and Cedar Avenues

To address the increase of traffic and speeding along Cedar/Hall Avenue. Residents have been solicited in the immediate area of Jay/Wildwood/Hall, as well as Cedar/Oakridge. They are in favor of an all way stop signs at those intersections. In addition to a recent Hit & Run that has caused injury along with the increased traffic shows that this area needs more traffic control. Local law enforcement supports this idea as well. The council will be reviewing this matter at the Council Meeting on April 12 at 7 p.m.

If you have questions please direct them to the City Clerk at Mike.Anderson@CityofBirchwood.com or call City Hall at 651-426-3403.



MEMORANDUM

TO: Birchwood City Council
FROM: Mike Anderson, City Administrator
DATE: April 6, 2016
SUBJECT: Generator

Back Up Generator for Wildwood Lift Station

The City of Birchwood has sought out quotes from select companies for a generator at the Wildwood Lift Station. The purpose of this generator is to back up the lift station in case of a power outage. The current storage level is 15 minutes. If the power fails and 15 minutes pass, sewage would then begin to back up in resident households. By purchasing this backup generator, this problem will not occur.

The City Council accepted a proposal at the February Council Meeting for a 60KW generator. Since then, Interstate Power Systems has informed us that the 60KW generator will not have sufficient power to start and run the lift station in a power outage. They now recommend a 70KW generator that will have sufficient power to run the stations pumps. With Council approval, this generator will come with an additional cost of approximately \$3,000.

This estimated process will last 3-4 months. Once the new quote is signed and submitted, it will take 9 weeks for the company to receive the generator from the manufacturer and another two weeks for installation. This project will be completed by the August Council Meeting.

If you have questions please direct them to the City Clerk at Mike.Anderson@CityofBirchwood.com or call City Hall at 651-426-3403.