



AGENDA OF THE PLANNING  
COMMISSION  
CITY OF BIRCHWOOD VILLAGE  
WASHINGTON COUNTY, MINNESOTA  
June 27, 2019  
7:00 P.M.

**CALL TO ORDER**

**APPROVE AGENDA**

**REGULAR AGENDA**

- A. Welcome Newly Appointed Commissioner Michael Kraemer – Introductions\* (pp. 3-4)
- B. Review Draft Ordinance 2019-04-01 Amending Permit Requirements (203.040)\* (pp. 5-12)
- C. Review/Approve April 25, 2019 Meeting Minutes\* (p. 13)
- D. Elect Officers\* (p. 15)

**ADJOURN**

\* Denotes items that have supporting documentation provided



# MEMORANDUM



**Birchwood Village**

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**TO:** Birchwood Planning Commission  
**FROM:** Tobin Lay, City Administrator  
**SUBJECT:** Welcome Commissioner Kraemer

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Dear Commissioners,

During the June City Council Meeting, the Birchwood City Council appointed Michael Kraemer to fill Doug Dank's vacant seat on the Commission. Michael's letter to the City Council is enclosed and briefly summarizes his experience.

As Michael indicates in his letter, he travels some during the winter months and may miss multiple Commission meetings. Michael doesn't believe, however, that his absence will violate the attendance requirements as provided in Sec 303.040.

Please introduce yourselves to each other and welcome Michael to the Commission.

**Request/Recommendation**

Please introduce yourselves to Michael Kraemer. Thanks!

Regards,  
Tobin Lay

Enclosure(s)

## **Tobin Lay**

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**From:** Mike Kraemer  
**Sent:** Monday, June 3, 2019 1:54 PM  
**To:** BVInfoEmail  
**Subject:** Michael Kraemer's Application for Open Position on Village Planning Commission

Dear Honorable Mayor and City Council:

Please consider this email my formal application as candidate for the open position on the Village Planning Commission.

Michael Kraemer  
471 Lake Ave  
Birchwood, MN 55110

My wife Candice and I have lived in Birchwood for the past two years, moving here after 28 years from the City of Grant, MN. We have attempted to get involved in the communities in which we have lived and I would welcome the chance to serve as a member of the village Planning Commission.

As a professional civil engineer, I respect the role the Planning Commission plays, and have some working knowledge of its challenges having served as the consulting city engineer for communities for 43 years.

I am impressed with the individuals currently on the Commission and would welcome the chance of serve with them.

I was upfront with City Administer Tobin Lay and indicated that during some winter months I may periodically be gone (usually during Jan, Feb, or Mar) but will make every effort to work around Planning Commission dates. I trust that with the availability of today's technology I can remain an active Commission member and execute my responsibilities. If you feel this causes concerns and reason for denial of my candidacy I totally understand.

Thank you for your consideration and I would welcome any questions you may have.

Sincerely,

Michael Kraemer

# MEMORANDUM



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**TO:** Birchwood Planning Commission  
**FROM:** Tobin Lay, City Administrator  
**SUBJECT:** Ordinance 2019-04-01 Amending Permit Req.

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**Birchwood Village**

Dear Commissioners,

The Planning Commission has been working on amendments to Building Permit requirements much of this year. Commissioners passed a recommendation in April but I have a suggestion I'd like you to consider about those recommendations.

I suggest Commissioners NOT delete "nominal structures" from the list of exemptions under Ord. 2019-04-01 Sec. 203.040.2.A.12.

Nominal Structures is a term that is defined and used in the City Building Code. Omitting this term from Ord. 2019-04-01 could lead to confusion regarding whether nominal structures need permits or not. Commissioner Doug Danks believed that they should NOT require a permit. After consulting with the City Attorney, I concur. Please consider adding nominal structures back to the list of exemptions.

Meanwhile, the City Council has been drafting road escrow provisions this year in Sec 301 to apply to all activity that could damage the City right-of-ways. This month the Council removed some of the language from the proposed ordinance that they had been considering. Council Members asked that the Planning Commission consider those removed sections for implementation elsewhere in the building code.

Since the removed sections relate to the work Commissioners have been doing with Ordinance 2019-04-01, now would be an appropriate time to discuss these sections. These sections could be used in Sec 203.

Enclosed are the sections Council would like Commissioners to consider. These sections were drafted by Attorney **Alan Kantrud, who is attending** this meeting to assist you in your new assignment.

## **Request/Recommendation**

City Council requests Commissioners:

- 1) Consider adding "nominal structures" back to the exemption list under Ord. 2019-04-01 Sec. 203.040.2.A.12; ALSO
- 2) Review the enclosed assignment from the City Council; and
- 3) Consider implementing all or portions of this material in other Building Code.

Thanks!

Regards,  
Tobin Lay

Enclosure(s)

*The City Council has asked the Planning Commission to consider the following provisions for adoption in the Building Code. These provisions originated from the City Attorney for use in a road escrow ordinance the City Council is working on but the Council did not use these provisions there. Would these be appropriate in Sec 203 or other Building Codes?*

**Certificate of insurance; coverage.** The applicant must furnish the city with a certificate of insurance evidencing the following required coverage:

- Commercial general liability, including XCU (explosion, collapse and underground) coverage.
  - Bodily injury.
    - \$1,000,000.00 each occurrence.
    - \$1,000,000.00 aggregate products and completed operations.
  - Property damage.
    - \$1,000,000.00 each occurrence.
    - \$1,000,000.00 aggregate.
- Comprehensive automobile liability (owned, nonowned, hired).
  - Bodily injury.
    - \$1,000,000.00 each occurrence.
    - \$1,000,000.00 each accident.
  - Property damage. Property damage: \$1,000,000.00 each occurrence.
- The minimum insurance coverage must be maintained until six months after the demolition has been completed or, if a new dwelling is being constructed, a certificate of occupancy has been issued. The city must be named as an additional insured.

**Soils investigation report and shoring plan.** Based upon soil types, topography, the location of adjacent structures and other pertinent information, the building official shall determine if a soils investigation report and/or shoring plan is necessary. If the building official determines that a soils report is necessary, the applicant shall have a soil report prepared and signed by a licensed professional soil scientist or licensed professional engineer. If the building official determines a shoring plan is necessary, the applicant must provide a detailed plan to ensure that adjacent property will not be damaged by reducing lateral support for driveways, foundations, fences or lawns caused by excavation, demolition or construction activity. The soils report and shoring plan must be approved by the building official. The permit holder must adhere to the approved plan(s).

**Written notification of demolition.** For a demolition permit, at least 15 calendar days before demolition commences, the permit holder must provide written notification to all property owners within 300 feet of the perimeter of the demolition site notifying the property owners of the proposed demolition and building plans, if applicable, and invite them to a neighborhood meeting. The neighborhood meeting must be held at least five days before demolition commences. A sign must also be posted on the demolition site at least five days before demolition commences identifying the nature of the demolition, the permit holder, a contact name and phone number, and the site address. The sign must also provide a city phone number to call with any questions, complaints or concerns. The dimension of the sign must be between five and six square feet. The sign and the content of the sign must be visible from the street. The sign must be kept in place until the completion of demolition.

**Signage of construction.** For a building permit, a sign must be posted on the permit site at least five days before construction commences identifying the nature of the construction, the permit holder, a contact name and phone number, and the site address. The sign must also provide a city phone number to call with any questions, complaints or concerns. The dimension of the sign must be between five and six square feet. The sign and the content of the sign must be visible from the street. The sign must be kept in place until a certificate of occupancy has been issued.

**Stormwater and erosion control plans.** For a building permit, the applicant must submit stormwater and erosion control plans prepared and signed by a licensed professional engineer. The plans must be approved by the city engineer and the permit holder must adhere to the approved plans. The stormwater management plan must detail how stormwater will be controlled to prevent damage to adjacent property and adverse impacts to the public stormwater drainage system. The erosion control plan must document how proper erosion and sediment control will be maintained on a continual basis to contain on-site erosion and protect on- and off-site vegetation. Permit holder must protect all storm drain inlets with sediment capture devices at all time during the project when soil disturbing activities may result in sediment laden stormwater runoff entering the inlet. The permit holder is responsible for preventing or minimizing the potential for unsafe conditions, flooding, or siltation problems. Devices must be regularly cleaned out and emergency overflow must be an integral part of the device to reduce the flooding potential. Devices must be placed to prevent the creation of driving hazards or obstructions.

#### **PERMIT STANDARDS.**

- The permit holder must comply with the state building code, state statutes and this Code.
- Deliveries of equipment and material to the site, work crews on site and construction and demolition activity are prohibited except between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday, and 9:00 a.m. and 6:00 p.m. on Saturday. Work is prohibited on Sundays and holidays.
- The permit holder must repair any damage to public property, streets, and sidewalks. If damage occurs to the foregoing, it must be repaired within three working days after the damage occurs, unless the permit holder has received written permission from the building official to delay repairs to a later specified date.
- The permit holder must maintain a five-foot parking setback from driveways and a 30-foot parking setback from intersections. When parking on a street, a vehicle must be completely located on the street surface, parallel to and within 12 inches of the curb. Vehicles in violation of these requirements may be towed in accordance with Minn. Stats. § 168B.035. On-street parking of equipment other than licensed motor vehicles is prohibited. Stopping, standing or parking a vehicle is prohibited, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device, in any of the following places:
  - On a boulevard between the sidewalk and roadway;
  - Within five feet of the intersection of any public or private driveway or alley with any street or highway;
  - Where the vehicle will block a fire escape or the exit from any building;
  - Where temporary signs prohibit parking.

- Parking is allowed on local streets if a 12-foot wide area is open for the traveled portion of the road. Off-street and off-site parking for on-site workers is required to the extent practicable.
  - City Parks and Open Spaces shall not be used for parking vehicles or staging materials or equipment.
  - Police officers, community service officers, and City Staff shall be responsible for enforcing the parking requirements and parking regulations of this section.
- The permit holder must install and maintain a rock entrance pad or its equivalent at each location where vehicles enter or exit the construction site, at locations approved by the building official.
- The site must be maintained in a neat and orderly condition. Prior to leaving the construction site at the end of each day, the permit holder must remove empty cans, paper, plastic and other material that is not needed for construction from the site or deposit them in a dumpster. The permit holder must sweep streets and boulevard areas and keep adjacent properties clean from waste, materials or refuse resulting from operations on the site. Inoperable equipment and equipment not being used on the site must be removed within 24 hours after it becomes inoperable or is no longer in use. All materials related to the project must be stockpiled in appropriate areas on-site. Debris must be contained on the project site. No material may be deposited or stockpiled on the public streets, boulevards, sidewalks or adjacent property. At the end of each working day, the permit holder must remove any soil, trash or debris that washed or was deposited on any street or public space and must remove any trash or debris that washed or was deposited on any adjacent property.
- Dust control is the responsibility of the permit holder. As weather permits, materials subject to demolition shall be thoroughly dampened with water so as to prevent dust. The permit holder must eliminate dust problems immediately upon receiving notice from the building official that there is a dust problem.
- No building material, temporary sanitary facilities, dumpster or equipment may be placed within street right-of-way, or on a sidewalk. Motor vehicles may not be parked or stopped on a sidewalk. Public sidewalks must be left open and unobstructed at all times.
- Prior to commencing demolition, protective fencing approved by the building official must be installed around boulevard trees and trees that will not be removed.

**ORDINANCE 2019-04-01**

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

**AN ORDINANCE AMENDING PERMIT REQUIREMENTS  
AND STANDARDS IN CITY BUILDING CODE**

The City Council of the City of Birchwood Village hereby ordains that Chapter 203 (Zoning Code: City Building Regulations) of the Municipal Code of the City of Birchwood Village is hereby amended as follows:

**SECTION 203. CITY BUILDING REGULATIONS**

...

203.040. PERMITS ~~REQUIRED~~.

1. **Required.** An owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert, or replace any gas, mechanical, electrical, plumbing system, or other equipment, the installation of which is regulated by the code; or cause any such work to be done, shall first make application to the building official and obtain the required permit.

2. **Work exempt from permit.** Exemptions from permit requirements of the code do not authorize work to be done in any manner in violation of the code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

A. **Building:**

(1) one-story detached accessory structures, used as tool and storage sheds, playhouses, and similar uses, provided the floor area does not exceed 144 square feet;

~~(2) fences (zoning permit is required);~~

(3) retaining walls that are not over four feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II, or III-A liquids;

(4) water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2 to 1;

~~(5) sidewalks and driveways (zoning permit is required);~~

(6) painting, papering, flooring finishes (non-structural), cabinets, countertops, and similar finish work;

(7) temporary motion picture, television, and theater stage sets and scenery;

(8) prefabricated swimming pools installed entirely above ground accessory to dwelling units constructed to the provisions of the International Residential Code or R-3 occupancies constructed to the

provisions of the International Building Code, which do not exceed both 5,000 gallons in capacity and a 24-inch depth;

(9) window awnings supported by an exterior wall that do not project more than 54 inches from the exterior wall and do not require additional support, when constructed under the International Residential Code or Group R-3 and Group U occupancies constructed to the provisions of the International Building Code;

(10) movable cases, counters, and partitions not over five feet, nine inches in height; and

(11) swings and other playground equipment-;

(12) nominal structures.

B. Electrical: all electrical permits must be obtained through the Minnesota Dept. of Labor & Industry.

3. **Emergency repairs.** If equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted to the building official within the next working business day.

4. **Repairs.** Application or notice to the building official is not required for ordinary repairs to structures. The repairs shall not include the opening or removal of any wall, partition, or portion of a wall or partition, the removal or cutting of any structural beam or load bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, replacement, or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring, or mechanical or other work affecting public health or general safety.

5. **Application for permit.** To obtain a permit, the applicant shall file an application in writing on a form furnished by the Department of Building Safety for that purpose. The application shall:

A. identify and describe the work to be covered by the permit for which application is made;

B. describe the land on which the proposed work is to be done by legal description, street address, or similar description that will readily identify and definitely locate the proposed building or work;

C. indicate the use and occupancy for which the proposed work is intended;

D. indicate the type of construction;

E. be accompanied by construction documents and other information as required by the code;

F. state the valuation of the proposed work;

G. be signed by the applicant, or the applicant's authorized agent; and

H. give other data and information required by the building official.

6. **Action on application.** The building official shall examine or cause to be examined applications for permits and amendments within a reasonable time after filing. If the application or the construction documents do not conform to the

requirements of pertinent laws, the building official shall reject the application and notify the applicant of the reasons. The building official shall document the reasons for rejecting the application. The applicant may request written documentation of the rejection and the reasons for the rejection. When the building official is satisfied that the proposed work conforms to the requirements of the code and applicable laws and ordinances, the building official shall issue a permit.

7. **Time limitation of application.** An application for a permit for any proposed work shall be considered abandoned 180 days after the date of filing, unless the application has been pursued in good faith or a permit has been issued; except that the building official is authorized to grant one or more extensions of time for additional periods not exceeding 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

8. **Validity of permit.** The issuance or granting of a permit or approval of plans, specifications, and computations, shall not be construed to be a permit for any violation of the code or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of the code or other ordinances of the jurisdiction are not valid. Any permit issued becomes invalid if the work authorized by the permit is suspended or abandoned for more than 180 days. The 180 days commences the first day the work was suspended or abandoned.

9. **Expiration.** Every permit issued expires unless the work authorized by the permit is commenced within 180 days after its issuance. The building official shall grant, in writing, extensions of time, for periods not more than 180 days each if the applicant demonstrates justifiable cause for the extension to the building official.

10. **Suspension or revocation.** The building official may suspend or revoke a permit issued under the code if the permit is issued in error; on the basis of incorrect, inaccurate, or incomplete information; or in violation of any ordinance or regulation or the code.

11. **Information and placement of permit.** The building permit or a copy shall be kept on the site of the work until the completion of the project. Pursuant to Minnesota Statutes, section 15.41, the permit shall specify the name and address of the applicant, and the general contractor, if one exists. All construction permits shall be posted in a conspicuous and accessible place at the premises or site of construction.

12. **Responsibility.** Every person who performs work for the installation or repair of building, structure, electrical, gas, mechanical, or plumbing systems, for which the code is applicable, shall comply with the code. The person, firm, or organization securing the permit is responsible for code compliance for the work being performed.

~~1. No person, firm or corporation shall erect, construct, enlarge, alter, repair, move, improve, convert, or demolish any building or structure in the City or cause the same to be done, without first obtaining from the city a separate building permit for each such building or structure.~~

~~2. It shall be unlawful for any person, partnership, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, convert, demolish, equip, use, occupy or maintain any building or structure in the City of Birchwood Village or cause the same to be done contrary to,~~

~~or in violation of any of the provisions of this Code. Any person, partnership, firm or corporation violating any of the provisions of this Code shall be guilty of a misdemeanor, and shall be guilty of a separate offense for each and every day, or portion thereof, during which any violation of the provisions of this Code is committed, continued or permitted.~~

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

Adopted by the City of Birchwood Village City Council this 13<sup>th</sup> day of August, 2019

Attest:

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

\_\_\_\_\_  
Tobin Lay  
City Administrator-Clerk

CITY OF BIRCHWOOD VILLAGE  
PLANNING COMMISSION MEETING  
April 25, 2019  
MINUTES

COMMISSIONERS PRESENT: John Lund, Jozsef Hegedus, Andy Sorenson, Mark Foster

Chair John Lund called the meeting to order at 7:01 pm

APPROVE AGENDA – John Lund motioned to approve the agenda. Mark Foster seconded. All ayes. Motion passed.

REGULAR AGENDA

- A. Review/Approve March 28, 2019 meeting minutes. John Lund seconded All ayes. Motion passed.
- B. Discuss Request to Change Hall Avenue Addresses. John Lund recommended change to 708 will become 723 Birchwood Avenue, 710 will become 725 Birchwood Avenue, 712 will become 727 Birchwood Avenue. Andy Sorenson motioned, Mark Foster seconded. All ayes. Motion passed.
- C. Discuss Amending Permit Requirements. John Lund recommended striking current 203.040, replace with new Section 203.040-1300.0120 permits-subp.4. Strike 2-3-6-7<sup>14</sup> Mark Foster motioned, Andy Sorenson seconded. All ayes. Motion passed.

ADJOURN at 7:27pm. Motion was made by John Lund, seconded by Andy Sorenson. All ayes. Motion passed.



# MEMORANDUM



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**TO:** Birchwood Planning Commission  
**FROM:** Tobin Lay, City Administrator  
**SUBJECT:** Elect Officers

**Birchwood Village**

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Dear Commissioners,

Now that the Commission is fully seated, please proceed with electing officers for the remainder of 2019. According to Sec 303.030, you must elect at least a Chairperson and a Vice-Chairperson. You may create and fill other offices as you deem necessary.

**Request/Recommendation**

Please elect officers for the remainder of 2019. Thanks!

Regards,  
Tobin Lay