



AGENDA OF THE REGULAR MEETING OF
THE CITY COUNCIL
CITY OF BIRCHWOOD VILLAGE
WASHINGTON COUNTY, MINNESOTA
October 9, 2018
7:00 P.M.

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

CALL TO ORDER

PLEDGE OF ALLEGIANCE

APPROVE AGENDA

OPEN PUBLIC FORUM

ANNOUNCEMENTS

- A. Buckthorn Pulling Party – Oct. 27 & 28, 9-11am
- B. Fall Leaf Pickup – Dates TBD
- C. Fire Hydrant Flushing – Oct 15-26
- D. TEDxMaht. 2018 – Oct 28, 3pm at White Bear Unitarian Universalist Church in Maht.
- E. City Elections – Nov 6 at City Hall
- F. WWI Armistice Commemoration – Nov 11, 11:11am at City Hall
- G. We are social, follow us on Facebook/Twitter and/or register for the email listserv

VARIANCE / CONDITIONAL USE HEARING

- A. Variance Case No. 18-03-VB for 27 Birchwood Ln – Resolution No. 2018-18* (pp. 5-46)
 - a. Public hearing
 - b. Council deliberation and approval
 - c. Approve Resolution 2018-18

Time Budget: 30 Minutes

ADMINISTRATIVE PRESENTATION

- A. Parks Committee Update (see minutes)* (p. 47)

CITY BUSINESS – CONSENT AGENDA

- A. Approve Regular Meeting Minutes from September 11, 2018* (pp. 49-55)
- B. Approve Special Meeting Minutes from September 26, 2018* (pp. 57-58)
- C. Approve Treasurer’s Report* (pp. 59-69)
- D. Approve Resolution No. 2018-19: Appointment of Additional Election Judges 2018* (pp.71-72)

* Denotes items that have supporting documentation provided

CITY BUSINESS – REGULAR AGENDA

- A. Sheriff Report and Presentation* (p. 73)
Time Budget: 10 Minutes
- B. Roads Committee Update and Recommendations* (pp. 75-78)
 - a. Appointing Seth Plunkett to Committee
 - b. Signage at Birchwood Ave & Cedar St
 - c. East County Line Rd parking
 - d. Tree trimming along Cedar/Hall
 - e. Grotto St repairs
 - f. Street striping
 - g. Street sweeping*Time Budget: 10 Minutes*
- C. Birchwood Dock Association (BDA)
 - a. Review and approve BDA's annual dock permit application – authorize BDA to apply for dock permits* (pp. 79-118)
 - b. Review and approve 2019 Dock Management Contract* (pp. 119-123)*Time Budget: 10 Minutes*
- D. Non-Conforming Uses (300.020.34 & 301.050)* (pp. 125-127)
 - a. Public hearing
 - b. Third reading and final vote Ordinance 2018-05-02*Time Budget: 10 Minutes*
- E. Variances and Appeals (304.040)* (pp. 129-132)
 - a. Public hearing
 - b. Third reading and final vote Ordinance 2018-04-01*Time Budget: 10 Minutes*
- F. Impervious Surface Definition (300.020.23)* (p. 133)
 - a. Public hearing
 - b. Second reading and final vote Ordinance 2018-08-01*Time Budget: 10 Minutes*
- G. Fee Schedule Amendments – ROW & Late Fees* (p. 135)
 - a. Council review and approval*Time Budget: 5 Minutes*
- H. Noise Ordinance, Section 616 (Wingfield)* (pp. 137-138)
 - a. Council deliberation*Time Budget: 8 Minutes*
- I. Administrative Enforcement (Wingfield)* (pp. 139-147)
 - a. Council deliberation*Time Budget: 8 Minutes*
- J. Birchwood Centennial Preparations* (pp. 149-152)
 - a. City Hall renovations / improvements
 - b. Digitizing historical records*Time Budget: 10 Minutes*

* Denotes items that have supporting documentation provided

- K. League's Annual Metro Meeting
 - a. Approve Council Member attendance
Time Budget: 5 Minutes
- L. Council Member Reports:
 - a. Mayor Wingfield
 - i. Utility Committee update
 - ii. Home ordinance restrictions removed in 2012
 - iii. Yoga
 - iv. Schifsky quotes
Time Budget: 10 Minutes
- M. City Administrator's Report
 - a. Barton Winter WBLCD resignation
 - b. Additional kayak racks* (p. 153)
 - c. Tree inspection results
 - d. Warming house heater
Time Budget: 15 Minutes

ADJOURN

* Denotes items that have supporting documentation provided

MEMORANDUM



Birchwood Village

TO: Birchwood City Council
FROM: Tobin Lay, City Administrator
SUBJECT: Variance Case No. 18-03-VB

Dear Mayor and Council Members,

Enclosed is a Variance and Conditional Use Permit applications from Terence & Mary Kay O'Loughlin (Case No. 18-03-VB) to replace/repair a landslide area in their back yard that recently slide into the lake.

The Planning Commission reviewed this request at a special meeting on Thurs Oct 4, 2018 and passed recommendations in the form of Resolution 2018-18. Unfortunately, the newspaper notice for public hearing didn't print as planned so the public hearing has been rescheduled to tonight's meeting.

Notices have been mailed to each of the neighboring properties within 200 ft. and to the DNR and RCWD, as required; responses are enclosed.

Approval was granted previously for this same request in 2013 but it was not acted on within the required one year time period so is no longer effective. That approval is also enclosed for your reference.

Request/Recommendation

The Planning Commission requests Commissioners:

- 1) Hold the public hearing during the Oct 9th City Council meeting; and
- 2) Review and approve enclosed Resolution 2018-18 to approve Variance No. 18-03-VB.

Thanks!

Regards,
Tobin Lay

RESOLUTION 2018-18

**RESOLUTION APPROVING A CONDITIONAL USE PERMIT
AND
VARIANCES
FOR
27 BIRCHWOOD LANE
WITHIN THE CITY OF BIRCHWOOD VILLAGE, MINNESOTA**

WHEREAS, a proposal dated September 28, 2018 has been submitted by Terence and Mary Kay O’Loughlin requesting a conditional use permit and variances from the City of Birchwood Village Zoning Code:

1. A Conditional Use Permit for land disturbance activity where the slope of the land is toward a lake and the alteration is closer to the lake than the structure setback requirement, per Code Section 301.070.1.a;
2. A 50-foot variance from the 50-foot setback requirement for retaining walls, per Code Section 302.020.4.c, in order to locate one retaining wall at the Ordinary High Water Level (OHWL) and two additional walls per Northland exhibit C2.0;
3. A 20-foot variance to grade within 20 feet of the OHWL, per Code section 302.020.4.c;
4. A 4-foot side yard setback in order to construct the new stairs per Code Section 302.020.2;
5. A variance from the 25% impervious area limit not to exceed the existing 30.2% lot cover – the site being grandfathered-in at 30.2% (this was in City Resolution 2013-13 regarding this property) – achieved with offsetting storm water management mitigation BMP as approved by the City Engineer;
6. A variance for a 48” wide stair from the 44-inch maximum width for stairways, per 302.080.2 (a variance request was in City Resolution 2013-13 regarding this property).

WHEREAS, the Planning Commission has reviewed the request and made its recommendation as required by the City Zoning Code on October 4, 2018; and

WHEREAS, a public hearing has been held as required by the City Zoning Code on October 9, 2018 by the City Council; and

WHEREAS, the proposed wall(s) will stabilize the soil while attempting to maintain the natural slope of the land as much as safely possible; and

WHEREAS, the City Council has considered the advice and recommendations of the Planning Commission regarding the effect of the proposed variances 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 the public safety in the surrounding areas; and

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

For the Conditional Use Permit:

1. The proposal is consistent with the City's Comprehensive Plan.
2. The proposal is consistent with existing and future land uses in the area.
3. The proposal conforms to the Zoning Code requirements.
4. That the special conditions attached in the form of a conditional use permit are hereby approved.
5. That the proposed action will not:
 - a. Impair an adequate supply of light and air to adjacent property,
 - b. Unreasonably diminish or impair established property values within the surrounding area,
 - c. In any other respect impair the public health, safety or welfare or the residents of the City.
 - d. Depreciate values in the area.
 - e. Over-burden neither the existing public services nor the capacity of the City to serve the area.
 - f. Alter traffic generation beyond the capabilities of the streets serving the site.

For the Variances:

1. That the proposed actions will not:
 - a. Impair an adequate supply of light and air to adjacent property,
 - b. Unreasonably diminish or impair established property values within the surrounding area,
 - c. In any other respect impair the public health, safety or welfare or the residents of the City.
2. That the variances are proved necessary in order to secure for the applicant the right or rights enjoyed by others in the same area of the district.
3. That the variances are not being granted simply because there are no objections or because those who do not object outnumber those who do.
4. That a financial gain or loss by the applicant is not a consideration.
5. Special conditions or circumstances exist which are peculiar to the land involved.

FURTHER, BE IT RESOLVED, that the City Council of the City of Birchwood Village hereby approves the requested conditional use permit and variances 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 306.090, if within one (1) year after granting the conditional use permit and variances, the use has not been completed or utilized, the permit shall become null and void unless a petition for extension of time in which to complete or utilize the use has been granted by the City Council.
3. Any violation of any condition set forth by this resolution shall be a violation of the City code and of the Conditional Use Permit and the City Council, after notification and procedures per Section 306.090, may terminate the Conditional Use Permit.
4. The applicant shall verify their property lines and have the property pins exposed throughout construction, including at the time of inspection, to insure that all work is contained within the limits of the property.

5. The proposed contours shall tie into the existing contours along the side lot lines so that the project does not affect adjacent properties.
6. The design depicted in sheet C2.0 indicating two additional retaining walls above the existing shoreline wall.
7. Revised site plan sheet C2.0 be submitted showing the corrected location setback and dimensions for a wood framed or composite deck stair construction.
8. Submit impervious surface calculations with additional impervious surface areas created by the new retaining walls construction and the percentage of impervious surface and area of impervious surface added by the riprap areas above the OHWL.
9. Drawings and description of the BMP proposed to offset the increase in impervious surface area maintaining the current 30.2% site impervious surface area.

Prior to the City signing this resolution, the applicant shall:

1. Obtain all necessary approvals from the Department of Natural Resources, the Rice Creek Watershed District, the White Bear Lake Conservation District, and any Agency, Department or Government entity which has jurisdiction over the project.
2. Submit a copy of all approvals to the City.
3. The applicant must submit a plan for the stairway signed by a professional engineer licensed in Minnesota to the City of Birchwood Village showing all necessary construction data including location, design, dimensions and construction materials before construction may begin. The plan shall meet the requirements of City Code Section 302.080.2. The plan in application shows a stairway, but not the details needed to determine whether or not the stairway construction will meet Code requirements including stairways shall be anchored and supported with pilings or footings.
4. Provide plans to the City signed by a professional engineer licensed in Minnesota that show the proposed construction work that:
 - a. Meets the requirements of the Department of Natural Resources, the Rice Creek Watershed District, the White Bear Lake Conservation District, and any Agency, Department or Government entity which has jurisdiction over the project.
 - b. The retaining walls to be installed.
 - c. The Rip Rap to be installed, if any.
5. Sign and return a copy of the resolution to the City Administrator as evidence of consent to comply with the conditions stated therein.

Prior to installing any retaining wall the applicant shall:

1. Set pins at the OHWL.

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

Ayes:
Nays:

Passed:

Mary Wingfield, Mayor

Attest: Tobin Lay, City Administrator-Clerk

.....
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 outlines above.

Applicant's Signature

Date

Tobin Lay

From: Steven W. Thatcher <sthatcher@thatcher-eng.com>
Sent: Monday, October 1, 2018 2:32 PM
To: Tobin Lay
Subject: RE: Variance Materials - 27 Birchwood Lane RCWD #18-127R

Tobin,

In accordance with your request, Thatcher Engineering Inc. (TEI) prepared this Report based on our findings to date. TEI reviewed the following documents (“Documents”):

1. Letter from Terence O’Loughlin (O’Loughlin) to you dated September 28, 2018.
2. Request for Variance from O’Loughlin to City of Birchwood Village dated September 28, 2018.
3. Application for a Conditional Use Permit from O’Loughlin to City of Birchwood Village dated September 28, 2018.
4. Resolution Approving a Conditional Use Permit and Seven Variance for 27 Birchwood Lane (Resolution 2013-13) dated July 10, 2013.
5. Proposal from Chris Ochs, LAC Enterprises dba Windsor Companies (Windsor), to O’Loughlin dated September 26, 2018.
6. Proposal from Yardmasters Landscape, Inc. (Yardmaster) to O’Loughlin dated September 18, 2018.
7. Certificate of Survey prepared by E. G. Rud & Sons, Inc. dated March 26, 2009.
8. Plan sheets C1.0, C2.0, C3.0, C4.0, and C5.0 (Plans) prepared and signed by Jon E. Aamodt, P.E. of Northland Consulting Engineers on September 27, 2018.

TEI’s analysis is as follows:

1. Document #1 shows that O’Loughlin requests approval for work including either:
 - a. Repair and restore hill to former elevations and contours using geogrid soil stabilization and plant slope stabilization shrubs (see separate proposals and drawings of Windsor Companies and Yardmaster Landscapes attached to Applications); or
 - b. Build 1 or 2 new upper segmental block walls (see drawings of Northland).
2. Document #5 shows that Windsor states “Please keep in mind this may only be a temporary fix as there is no guarantee the hillside will stay in place and not erode upon severe weather conditions again.”
3. Document #8 shows Plans of the proposed work including the following:
 - a. “Owners Option – If Approved. MNDOT Type 2 RIPRAP.”
4. Documents #1 through #8 do not show the following:
 - a. Whether or not the Owner is proposing to construct “Owners Option – If Approved. MNDOT Type 2 RIPRAP.”
 - b. Which contractor will perform the work (Windsor or Yardmaster).

TEI’s Recommendations to the City of Birchwood Village are as follows:

1. Approve contingent on the following:
 - a. Approval of the Department of Natural Resources, Rice Creek Watershed District, and White Bear Lake Conservation District (City Code 306.030 paragraph 2) including whether or not Department of Natural Resources, Rice Creek Watershed District, and White Bear Lake Conservation District will approve the construction of MNDOT Type 2 RIPRAP.
 - b. The appropriate conditions shown in Resolution Approving a Conditional Use Permit and Seven Variance for 27 Birchwood Lane (Resolution 2013-13) dated July 10, 2013 (Document #4).

- c. Approval is only for the work in the Plans prepared and signed by Jon E. Aamodt, P.E. of Northland Consulting Engineers on September 27, 2018 (Document #8).

Please let me know if you have any questions.

Thanks,
Steve

Steven Thatcher, PE
Thatcher Engineering Inc.

6201 Creek Valley Road
Edina, MN 55439
Phone: 612-781-2188 Cell: 612-867-7234 Fax: 612-781-2188 Web: www.thatcher-eng.com

301. ZONING CODE: GENERAL PROVISIONS

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

1. A Conditional Use Permit shall be required for the following projects:

- a. Any land disturbance activity where the slope is toward a lake, pond, wetland, or watercourse leading to such waters, and the alteration is closer to such waters than the structure setback requirement. See Note at end of Section 301.070.
- b. Any land disturbance activity where such work involves an area greater than four hundred (400) square feet and/or more than fifty (50) cubic yards in volume. See Note at end of Section 301.070.
- c. Any swimming pool with a capacity over three thousand (3000) gallons or with a depth of over three and one-half (3 1/2) feet of water.
- d. Any tennis court.
- e. Any solar energy system for heating, cooling, electrical generation or other purposes.
- f. Home occupation.

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

306. ZONING CODE: CONDITIONAL USE PERMITS

306.010. PROCEDURE FOR OBTAINING CONDITIONAL USE PERMIT. Any person applying for a Conditional Use Permit (see Section 301.070 for uses requiring a permit) shall fill out and submit to the City Clerk at least fourteen (14) days prior to the Planning Commission meeting a "Conditional Use Permit form" (copies available at City Hall). A fee, to be set by the City Council, shall be paid.

306.020. CONDITIONAL USE REQUIREMENTS AND STANDARDS. Applications for Conditional Uses must include Required Information and demonstrate that the Requirements and Standards for each Conditional Use will be met. See Section 301.070 for uses requiring Conditional Use Permits.

306.030. CONDITIONAL USE PERMIT FOR LAND DISTURBANCE ACTIVITY.

1. Purpose. The purpose of Section 306.030 is to control or eliminate storm water runoff, soil erosion, and sedimentation in the City and adjacent jurisdictions.
2. No permit for any land disturbance activity shall be granted until the applicant obtains all necessary approvals from the Department of Natural Resources, the Rice Creek Watershed District, the White Bear Lake Conservation District, and any Agency, Department or Government entity which has jurisdiction over the project.
3. Required Information in Application for Land Disturbance Activity
 - a. Plans: Existing, Construction, and Final Site Plans must include detail on how the applicant intends to control and minimize erosion and storm water runoff and to follow Section 302.050 IMPERVIOUS SURFACES and Section 302.055 LAND DISTURBANCE ACTIVITY STANDARDS. A combination of successive Best Management Practices may be used to achieve the standards and requirements.

Existing Site Plan: A map of existing site conditions showing the site and immediately adjacent areas, including:

1. The name and address of the applicant, date and scale of drawings, and number of sheets.
2. Location of the tract on map of the City of Birchwood Village.
3. Existing topography with a contour interval appropriate to the topography of the land, but in no case having a contour interval greater than two (2) feet. Include designation of areas that have the potential for serious erosion problems, e.g. slope of greater than twelve (12) percent.
4. A delineation of all streams, public waters, and wetlands located on and immediately adjacent to the site and any classification given to the water bodies by the Minnesota Department of Natural Resources, The Minnesota Pollution Control Agency, and/or the U.S. Army Corps of Engineers.
5. Location and dimensions of existing storm water drainage systems and natural drainage patterns on and immediately adjacent to the site with delineation of the direction rate at which storm

water in conveyed from the site and identification of the receiving streams, public waters, wetland, and/or on-site locations.

6. A description of the soils of the site, including a map indicating soil types of the areas to be disturbed.
7. Location of existing vegetative cover.
8. Locations of highest known water levels of adjoining lakes, ponds, and wetlands.
9. Location and size of existing structures.

Site Construction Plan. A site construction plan including:

1. Locations, dimensions, and volumes of all proposed land disturbance activities including any vegetation proposed for removal.
2. Locations and dimensions of all temporary soil and construction material stockpiles.
3. Locations and dimensions of all construction site erosion control and permanent stabilization measures to meet City and State Codes both during and after the construction process.
4. Schedule of anticipated starting and ending dates of each land disturbance activity and construction site erosion control, storm water runoff control, and inspection and maintenance activity.

Plan of Final Site Conditions. A plan of final site conditions at the same scale as the existing site map showing the site changes including:

1. Finished grading shown at same contour interval as provided above to clearly indicate proposed changes, pre-existing topography, and final conditions.
 2. A landscape plan including dimensions, locations, type, and description of all proposed landscape materials which will be on the site.
 3. A drainage plan of the developed site including final storm water drainage systems and natural drainage patterns on and immediately adjacent to the site with delineation of the direction in which storm water in conveyed from the site.
 4. The proposed size, alignment, and intended uses of all structures to be on the site.
 5. Location and sizes of all areas which will be paved or covered with other impervious material including a description of the materials used.
 6. Location of any fill or excavation on slopes greater than twelve (12) percent for review for permanent slope stability.
 7. Any other information which would help the City in reviewing the plan.
- b. Demonstration that the work will not adversely affect the water or wildlife of lakes, ponds, or wetlands into which water from the altered land will drain, or adversely affect adjacent parcels of land.

- c. Exception: The Building Official may waive the submission of construction documents and other data if the nature of the work applied for is such that reviewing of this information is not necessary to obtain compliance with the code.

306.080. NOTIFICATION AND PROCEDURES FOR CONDITIONAL USE PERMITS

1. Notice of Conditional Use Permit application shall be mailed at least 10 days prior to the Planning Commission meeting to each owner of property within 200 feet of the property to which the Conditional Use Permit relates, and when applicable to the Department of Natural Resources. The City Clerk shall mail such notices. The City shall also give such notice as may be required by state statute.
2. The City Clerk shall refer the permit application to the Planning Commission. The Planning Commission shall consider the petition at its next regular meeting.
3. The petitioner or his/her representative shall appear before the Planning Commission at the next regularly scheduled meeting in order to answer questions concerning the proposed conditional use.
4. The Planning Commission will consider possible adverse effects of the proposed conditional use and what additional requirements may be necessary to prevent such adverse effects.
5. The Planning Commission is authorized to recommend Conditional Use Permits.
6. The recommendation by the Planning Commission is to be forwarded to the Council for action.
7. The report of the Planning Commission shall be placed on the agenda of the Council at its next regular meeting following referral from the Planning Commission. The council must take action on the application within sixty (60) days after receiving the report of the Planning Commission. If it grants the Conditional Use Permit, the Council may impose conditions it considers necessary to protect the public health, safety and welfare. Notice of final action shall be sent when applicable to the Minnesota Department of Natural Resources within ten (10) days.
8. The Council may require posting of a bond or other guarantee to insure compliance with its conditions.
9. Each Conditional Use Permit issued by the City shall be recorded with the County Recorder.
10. The City shall make a decision on a Conditional Use Permit within the time limitation of Minnesota Statutes Section 15.99.

306.090 REVOCATION.

1. A violation of any condition set forth or required by the City Council in granting a Conditional Use Permit shall be a violation of this Code, and the City Council after Notification and Procedures per Section 306.090, may terminate the Conditional Use Permit.
2. A Conditional Use Permit shall become null and void one year after it was granted, unless made use of within the year, or a longer period of time if prescribed by the Council at the time the permit is issued.

APPLICANT'S LETTER

Mr. Tobin Lay
Administrator
City of Birchwood

September 28, 2018

Re: Request for conditional use and variance permits – 27 Birchwood Lane.

Dear Mr. Lay,

Enclosed are Applications for conditional use and variance permits necessary to repair the recent damage to our property from a mudslide, and to prevent another occurrence in the future. In general, the work that we ask the permits to approve consists of the following:

- (a) Remove the soil on the shore from the mudslide and replace in the hole on the hill;
- (b) Remove the existing stairs to allow repair and reinforcement of the existing wall on the OHWL and, after repair to the wall, relocate the stairs;
- (c) Repair and reinforce the existing wall on the OHWL with a new 6" thick concrete wall between the existing buttresses (see plans and specifications of Northland Consulting Engineers attached to Applications; work to done by Gunderson Construction Co., White Bear);
- (d) Alternatively, either:
 - (i) Repair and restore hill to former elevations and contours using geogrid soil stabilization and plant slope stabilizing shrubs (see separate proposals and drawings of Windsor Companies and Yardmaster Landscapes attached to Applications); or
 - (ii) Build 1 or 2 new upper segmental block walls (see drawings of Northland).

We look forward to seeing you at the Planning Committee meeting Thursday, October 4 at 7 p.m. Thank you, Tobin, for you all your help in managing this matter.

Sincerely,

Terence O'Loughlin

REQUEST FOR VARIANCE

1. Date of Application: 9/28/18

(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) EBERCE + MARYKAY O'LOUGHLIN, LIFE ESTATE COVEES JOSEPH C. GAYLORD, REMAINDERMAN COVEER

Address 27 BIRCHWOOD LAKE

City BIRCHWOOD, WA

O'LOUGHLIN Business Phone

651 247-2868

GAYLORD Home Phone

651 895-3054

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.

SEE # 2

5. Specific Code Provision from which Variance is Requested. 301.070.1.a;

302.020.4.c; 302.055.2a4; 302.080.2a+c; 302.050.

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

- (a) REMOVE SOIL FROM BEACH TO HOLE ON HILL FROM MUDSLIDE;
(b) EITHER BUILD 1 OR 2 NEW UPPER WALL(S) OR, ALTERNATIVELY, REPAIR + RESTORE HILLSIDE TO PRIOR CONFIGURATION + CONTOUR;
(c) REMOVE AND RELOCATE STAIRS;
(d) REINFORCE EXISTING LOWER WALL? SEE ATTACHED

DRAWINGS FROM NORTHLAND ENGINEER/D & LANDSCAPE ARCHITECTS. WORK PROPOSALS FROM WINDSOR AND YARD MASTER. SIGNATURE OF APPLICANT(S) [Signature]

[Signature]

7. Type of Project

New Construction (empty lot) _____

Addition _____

Demolition _____

Landscaping _____

Repair or removal of nonconforming structure AND REINFORCE EXISTING WALL ✓

Other (describe) REMOVE AND RELOCATE STAIRS ✓

BUILD 1 OR 2 NEW UPPER WALLS

8. Type of Structure Involved

Single Dwelling _____

Garage _____

Tennis Court _____

Grading/Filling ✓

Double Dwelling _____

Addition _____

Pool _____

Other Accessory (describe) ✓ SEE #6+7

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 DAMAGE CAUSED BY THE MUDSLIDE CANNOT
BE REPAIRED, AND ANOTHER MUDSLIDE CANNOT
BE PREVENTED, UNLESS THE REQUESTED
VARIANCES ARE GRANTED

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 DRAWINGS

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

THERE ARE NO ALTERNATIVES

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.

CHECKING WITH DNR + RICE CREEK

15. Please provide the applicable information in the following Table

	Existing	Proposed	Change
1. Total Square Footage of Lot			
2. Maximum impervious surface (25% of item 1)			0
3. Roof Surface			
4. Sidewalks			0
5. Driveways			0
6. Other impervious surface			0
7. Total of items 3-6			
8. Percent impervious surface			

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.

SBE ATTACHED SURVEY WHICH INCLUDES LEGAL DESCRIPTION

2. Criteria for Granting a Variance. Variances may only be granted in Minnesota Statutes, Chapter 462.

Variances to the strict application of the provisions of the Code may be granted, however, no variance may be granted that would allow any use that is prohibited within the City. Conditions and safeguards may be imposed on the variances so granted. A variance shall not be granted unless the following criteria are met:

- a. Special conditions or circumstances exist which are peculiar to the land, structure, or building involved.
- b. The condition which result in the need for the variance were not created by the applicant's action or design solution. The applicant shall have the burden of proof for showing that no other reasonable design solution exists.
- c. The variance is proved necessary in order to secure for the applicant the right or rights that are enjoyed by other owners in the same area of the district.
- d. The granting of a variance will result in no increase in the amount of water draining from the property.
- e. Granting the variance will not impair an adequate supply of light and 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.
- f. No variance shall be granted simply because there are no objections or because those who do not object outnumber those who do.
- g. Financial gain or loss by the applicant shall not be considered if reasonable use for the property exists under terms of the Zoning Code.

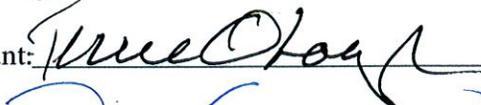
NOTICE:

***The City and its representatives accept no responsibility for errors and/or damages caused due to incomplete and/or inaccurate information herein. It is the responsibility of the applicant to ensure the accuracy and completeness of this information.**

***The City will hold applicant responsible for any damage to public streets & roadways in the course of construction, landscape, excavating, filing and grading operations.**

***Under penalty of perjury the applicant declares that the information provided in and enclosed herewith is complete and all documents represented are true and correct representations of the actual project/building which will be built in conformance with such representation if approved.**

Signature of Applicant:



Date:

9/27/18



CUP APPLICATION



City of Birchwood Village CONDITIONAL USE PERMIT APPLICATION

City of Birchwood Village
207 Birchwood Avenue
Birchwood, MN 55110

Office Ph. # 651-426-3403
Email: info@cityofbirchwood.com

Two Sets of Plans Received: _____

Date Issued: _____

Permit No: _____

Project Address: 27 BIRCHWOOD LANE

Permit Applicant: TERENCE + MARY KAY O'LOUGHLIN Phone No: SEE BELOW

▪ Contractor License No: _____ Expiration Date: _____

Homeowner: TERENCE + MARY KAY O'LOUGHLIN, LIFE ESTATE OWNERS Phone No: CELL: 651 247 2868
HOME: 651 426-2033

Permit For: Land Disturbance Swimming Pool Tennis Court Solar Energy Home Occupation

Area / Volume / Capacity of use: _____

Sq. Feet: _____ Length: _____ Width: _____ Height: _____

Legal of Site Location: SEE LEGAL DESCRIPTION IN ATTACHED SURVEY

PID#: _____

Proximity to Wetlands or Lakeshore: 5-6'

Setbacks: Front Yard _____ Rear Yard Side/s Yard _____

Description of Work (required site plan is attached) SEE APPLICATION FOR VARIANCES & ATTACHED DRAWINGS

Special Approvals	Required	Received	Not Required
Washington County			
Rice Creek Watershed			
Dept Natural Resource			
Wild Conservation Dist			

Permit Fee	\$
Plan Reviewer Fee	\$
State Surcharge Fee	\$

Supporting Information: Explain how the use will meet all of the applicable standards and conditions in Section 306 of the Zoning Code. Attach additional sheets if necessary.

SEE DRAWINGS ATTACHED TO VARIANCE APPLICATION

RESOLUTION NO. 2013-13

**RESOLUTION APPROVING A CONDITIONAL USE PERMIT
AND SEVEN VARIANCES FOR 27 BIRCHWOOD LANE
WITHIN THE CITY OF BIRCHWOOD VILLAGE, MINNESOTA**

WHEREAS, a proposal (13-2-SB) has been submitted by Terrance and Mary Kay O'Loughlin requesting a conditional use permit and seven variances from the City of Birchwood Village Zoning Code:

- A Conditional Use Permit for a land disturbance activity where the slope of the land is toward a lake and the alteration is closer to the lake than the structure setback requirement, per Code Section 301.070.1.a;
- A 50-foot variance from the 50-foot setback requirement for two retaining walls, per 302.020.4.c, in order to locate one retaining wall at the OHWL and a second wall approximately 12 feet back from that;
- A 20-foot variance to grade within 20 feet of the Ordinary High Water Level, per 302.055.2.a.4;
- A 6-foot variance from the 10-foot side yard setback in order to construct the new top flight of stairs in the existing location: 4 feet from the north property line.
- A 2-foot, 8-inch variance from the 4-foot height limit, per 302.080.2.a, in order to construct one retaining wall 6 feet 8 inches tall (with only 5 feet 8 inches exposed) and a second retaining wall at 4-feet in height;
- A 4-inch variance from the 44-inch maximum width for stairways, per 302.080.2.a, in order to construct stairs which are 48 inches wide;
- A 70-square-foot variance from the 32-square foot maximum size for a landing, per 302.080.2.c, in order to construct a landing that is no more than 102 square feet in size and no more than 4 feet in width;
- A 4.4% variance from the 25% impervious area limit to allow 34.6% lot cover – the site being grandfathered-in at 30.2% (per 302.050); and

At the following Site:

ADDRESS: 27 Birchwood Lane

LEGAL DESCRIPTION: Lot 13, BIRCHWOOD, and all that part of Lot 12 BIRCHWOOD, lying between the westerly line of said Lot 12 extended to the shore of White Bear Lake and a line drawn from the southwest corner of said Lot 12 to said lakeshore that intersects a line drawn easterly at right angles to said west line at a point 192.48 feet northerly from said southwest corner and which said point of intersection is 4 feet east of said westerly line, according to the plat thereof on file and of record in the office of the County Recorder, Washington County, MN (PID #: 1903021330016); and

WHEREAS, the Planning Commission has held a public hearing as required by the City Zoning Code on June 4, 2013; and

WHEREAS, the proposed walls will stabilize the soil while attempting to maintain the natural slope of the land as much as safely possible; and

WHEREAS, the City Council has considered the advice and recommendations of the Planning Commission regarding the effect of the proposed variances 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; and

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

For the Conditional Use Permit:

1. The proposal is consistent with the city's Comprehensive Plan.
2. The proposal is consistent with existing and future land uses in the area.
3. The proposal conforms to the Zoning Code requirements.
4. That the special conditions attached in the form of a conditional use permit are hereby approved.
5. That the proposed action will not:
 - a. Impair an adequate supply of light and air to adjacent property,
 - b. Unreasonably diminish or impair established property values within the surrounding area,
 - c. In any other respect impair the public health, safety or welfare or the residents of the City.
 - d. Depreciate values in the area
 - e. Over-burden neither the existing public services nor the capacity of the City to service the area.
 - f. Alter traffic generation beyond the capabilities of the streets serving the site.

For the Variances:

1. That the proposed actions will not:
 - a. Impair an adequate supply of light and air to adjacent property,
 - b. Unreasonably diminish or impair established property values within the surrounding area,
 - c. In any other respect impair the public health, safety or welfare or the residents of the City.
2. That the variances are proved necessary in order to secure for the applicant the right or rights enjoyed by other owners in the same area of the district.
3. That the variances are not being granted simply because there are no objections or because those

who do not object outnumber those who do.

4. That a financial gain or loss by the applicant is not a consideration.
5. Special conditions or circumstances exist which are peculiar to the land involved.

FURTHER, BE IT RESOLVED, that the City Council of the City of Birchwood Village hereby approves the requested conditional use permit and variances 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 306.090, if within one (1) year after granting the conditional use permit and variances, the use has not been completed or utilized, the permit shall become null and void unless a petition for an extension of time in which to complete or utilize the use has been granted by the City Council.
3. Any violation of any condition set forth by this resolution shall be a violation of the City code and of the Conditional Use Permit and the City Council, after notification and procedures per Section 306.090, may terminate the Conditional Use Permit.
4. *The applicant shall obtain a zoning permit for the work prior to beginning any grading or construction activity.*
5. The applicant shall verify their property lines and have the property pins exposed throughout construction, including at the time of inspection, to insure that all work is contained within the limits of the property.
6. Maximum height of the wall closest to the OHWL is 6 feet, 8 inches. Maximum exposed height of the wall closest to the OHWL is 5 feet, 8 inches. Maximum height of the second wall (both actual and exposed) is 4 feet.
7. The proposed contours shall tie into the existing contours along the side lot lines so that the project does not affect adjacent properties.
8. The pervious paver landing shall be shaped as shown on the site plan and 3-D graphic – not as shown on the landscape plan.

Prior to the issuance of a zoning permit, the applicant shall:

9. Sign and return a copy of the resolution to the City Clerk as evidence of consent to comply with the conditions stated therein.
10. Provide stormwater calculations for the proposed pavers showing the rate of infiltration, to be reviewed and approved by the City Engineer. (Should be designed to accommodate the 2.8-inch rain event within 48 hours.)

- 11. Provide a stormwater mitigation feature to off-set the amount of new impervious area proposed. The feature should be designed to infiltrate at the 2.8-inch rain fall event within 48 hours. Design to be reviewed and approved by the City Engineer.
- 12. Provide soil borings or other infiltration test to document that the existing soils can infiltrate at the proposed rates. Data to be approved by the City Engineer.
- 13. Provide proof of neighbor's permission to enter their property for the construction period.
- 14. Provide structural wall plans signed by a licensed structural engineer.
- 15. Revise the landscape plan to identify the rip rap material and to show the planting between the upper and lower walls. Revised landscape plan subject to approval by the staff planner.
- 16. Revise the plan to reflect the following elevations: the toe of bottom wall shall be placed at 924.4, the top of the bottom wall shall be at 931.0. There shall be at least 11 feet between the bottom wall and the upper wall and the grade shall rise at least 3 feet between the two. The toe of the upper wall shall be placed at 934.0 and the top of the upper wall shall be at 938.0. The rip rap on the waterward side of the bottom wall shall be at least one foot in height at a 3 to 1 slope, unless otherwise required by the DNR.
- 17. Revise the plan to show a 36-inch tall standard guard rail at the top of the bottom wall, design to meet 4-inch sphere standard.

During grading and construction activity on site, the applicant shall:

- 18. Install a silt fence at the toe of the slope.
- 19. Set pins at the OHWL, prior to installing the water-ward retaining wall.

The foregoing resolution, offered by Council member HULLSICK and supported by Council member LAGRY, was declared carried on the following vote:

Ayes: WINGFIELD, O'NEILL, LAGRY, HULLSICK, WINGFIELD

Nays: _____

Passed: _____

Mary Wingfield
Mary Wingfield, Mayor

Cindie J. Reiter, Interim City Clerk

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

 7/10/13
Applicant's Signature Date

Drafted by Samantha Crosby,
White Bear Lake City Planner
4701 Highway 61, White Bear Lake, MN 55110

CERTIFICATE OF SURVEY

~for~ TERRY O'LOUGHLIN
~of~ 27 BIRCHWOOD LANE
WHITE BEAR LAKE, MN 55110

DESCRIPTION OF SURVEYED PROPERTY:

Lot 13 BIRCHWOOD and all that part of Lot 12 BIRCHWOOD, lying between the westerly line of said Lot 12 extended to the shore of White Bear Lake and a line drawn from the southwest corner of said Lot 12 to said lakeshore that intersects a line drawn easterly at right angles to said west line at a point 192.48 feet northerly from said southwest corner and which said point of intersection is 4 feet east of said westerly line, according to the plat thereof on file and of record in the office of the County Recorder, Washington County, Minnesota.

NOTES

- Field survey was completed by E.G. Rud and Sons, Inc. on 3/26/09.
- Bearings shown are based upon Washington County Datum (NAD 83).
- This survey was prepared without the benefit of title work. Additional easements, restrictions and/or encumbrances may exist other than those shown hereon. Survey subject to revision upon receipt of a current title commitment or an attorney's title opinion.
- BENCHMARK: Top nut hydrant at the intersection of East County Line Rd and Birchwood Ln. Elevation = 948.45 (NGVD 29 datum)

LEGEND

- DENOTES IRON MONUMENT FOUND AS LABELED
- DENOTES IRON MONUMENT SET, MARKED RLS# 41578
- ○ ○ ○ ○ DENOTES RETAINING WALL
- ▨ DENOTES CONCRETE SURFACE
- ▨ DENOTES BITUMINOUS SURFACE
- DENOTES EXISTING CONTOURS
- x 952.36 DENOTES EXISTING SPOT ELEVATION

IMPERVIOUS SURFACE CALCS:

Total parcel area above OHWL = 10,657 sq. ft.
 Area of house and front porch = 2265 sq. ft.
 Area of concrete sidewalk = 815 sq. ft.
 Area of concrete support system for retaining wall = 136 sq. ft.
 Total impervious surface area = 3216 sq. ft.
 Impervious surface coverage = 30.2%

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

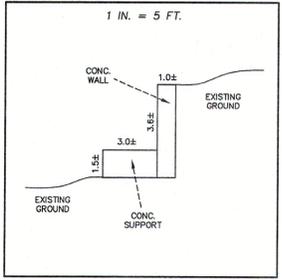
Jason E. Rud
 JASON E. RUD
 Date: 3/26/2009 License No. 41578



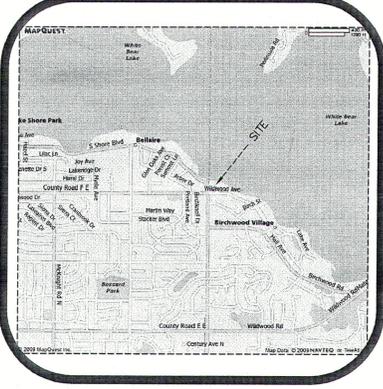
SITE PHOTOS



TYPICAL RETAINING WALL CROSS SECTION



VICINITY MAP



WASHINGTON COUNTY, MINNESOTA (NO SCALE)

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2			
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1/2" IP IN CONC. (50.00 PLAT) 50.34 MEAS.

90.34 MEAS. (90 PLAT)

39.98 MEAS. (40 PLAT)

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CONCRETE

- MIXING, BATCHING, TRANSPORTING, PLACING, AND CURING OF ALL CONCRETE, AND SELECTION OF CONCRETE MATERIALS, SHALL CONFORM TO ACI 301, "SPECIFICATION FOR STRUCTURAL CONCRETE FOR BUILDINGS," EXCEPT AS NOTED BELOW. PROPORTIONS OF AGGREGATE TO CEMENTITIOUS PASTE SHALL BE SUCH AS TO PRODUCE A DENSE, WORKABLE MIX THAT CAN BE PLACED WITHOUT SEGREGATION OR EXCESS FREE SURFACE WATER.
- ALL CONCRETE USED IN SURFACES EXPOSED TO THE WEATHER SHALL CONTAIN AN ACCEPTABLE ADMIXTURE TO PRODUCE AIR-ENTRAINED CONCRETE WITH TOTAL AIR CONTENT, AS NOTED IN THE CONCRETE MIX SPECIFICATION TABLE. TOLERANCE FOR AIR CONTENT SHALL BE +/-1 PERCENT. AIR CONTENT SHALL BE MEASURED AT THE DISCHARGE OF THE TRUCK. IF CONCRETE IS PUMPED, AIR CONTENT SHALL BE MEASURED AT THE DISCHARGE END OF THE PUMP LINE. TESTS FOR AIR CONTENT SHALL MEET ASTM C172 REQUIREMENTS.

CONCRETE MIX DESIGN TABLE

LOCATION	f _c ' (PSI)	TEST AGE (DAYS)	MAX W/C RATIO	AIR CONTENT (%)	MAX. AGGREGATE SIZE
MISCELLANEOUS CONCRETE, .	4,500	28	0.45	6.0	1"

REINFORCING STEEL

- ALL REINFORCING SHALL BE NEW BILLET STOCK ASTM A615, GRADE 60, UNLESS NOTED OTHERWISE. BARS SHALL BE SECURELY TIED IN PLACE WITH #16 DOUBLE-ANNEALED IRON WIRE. BARS SHALL BE SUPPORTED ON ACCEPTABLE CHAIRS. REINFORCING STEEL SHALL BE DETAILED IN ACCORDANCE WITH THE ACI "MANUAL OF STANDARD PRACTICE FOR DETAILING OF REINFORCED CONCRETE STRUCTURES." CONTRACTOR SHALL COORDINATE REINFORCING STEEL PLACEMENT DETAILS AND PROVIDE TEMPLATES FOR PLACING STEEL IN CONGESTED AREAS AS NECESSARY.
- NO REINFORCING BARS SHALL BE SPLICED BY WELDING
- WELDING OR TACK WELDING OF REINFORCING BARS TO OTHER BARS OR TO PLATES, ANGLES, ETC, IS PROHIBITED,

ADHESIVE ANCHORS

- ACCEPTABLE ADHESIVE (EPOXY) ANCHORS SHALL BE AS FOLLOWS:
 - INSTALLED IN CONCRETE:
 - HILTI "HIT-HY 200" (ICC-ES ESR-3187)
 - SIMPSON STRONG-TIE "SET-XP" (ICC-ES ESR-2508)
 - APPROVED ALTERNATE WITH A CURRENT ICC-ES REPORT
- UNLESS NOTED OTHERWISE, ANCHORS SHALL BE ASTM A615, GRADE 60 REINFORCING STEEL DOWELS.
- HOLES SHALL BE DRILLED WITH ROTARY IMPACT HAMMER OR EQUIVALENT METHOD TO PRODUCE A HOLE WITH A ROUGH INSIDE SURFACE. CORE DRILLING HOLES IS NOT PERMITTED.
- NO REINFORCING SHALL BE CUT TO INSTALL ADHESIVE ANCHORS.
- TWO-PART ADHESIVES SHALL BE MIXED, APPLIED, AND CURED IN STRICT ACCORDANCE WITH THE MANUFACTURER'S PUBLISHED INSTALLATION INSTRUCTIONS IN THE ICC-ES REPORT. ALL PLACEMENT AND CURING SHALL BE CONDUCTED WITH CONCRETE AND AIR TEMPERATURES ABOVE 50 DEGREES FAHRENHEIT. ADHESIVE SHALL BE APPLIED ONLY TO CLEAN, DRY CONCRETE. POSITIVE PROTECTION SHALL BE PROVIDED SO THAT ANCHORS ARE NOT DISTURBED DURING THE CURING PERIOD.
- DEFECTIVE OR ABANDONED HOLES SHALL BE FILLED WITH NON-SHRINK GROUT OR AN INJECTABLE ADHESIVE MATCHING THE ADJACENT CONCRETE COMPRESSIVE STRENGTHS. NOTIFY THE STRUCTURAL ENGINEER OF DEFECTIVE OR ABANDONED HOLES IN WALLS AND COLUMNS. THESE ELEMENTS MAY REQUIRE NON-SHRINK GROUT WITH A COMPRESSIVE MODULUS OF ELASTICITY MATCHING THAT OF THE ADJACENT CONCRETE.

NONSHRINK GROUT

- GROUT SHALL BE AN APPROVED NONSHRINK CEMENTITIOUS GROUT CONTAINING NATURAL AGGREGATES DELIVERED TO THE JOB SITE IN FACTORY PREPACKAGED CONTAINERS REQUIRING ONLY THE ADDITION OF WATER.
- THE MINIMUM 28-DAY COMPRESSIVE STRENGTH SHALL BE AT LEAST 6,000 PSI.
- GROUT SHALL BE MIXED, APPLIED, AND CURED STRICTLY IN ACCORDANCE WITH THE MANUFACTURER'S PRINTED INSTRUCTIONS.

LATERAL PRESSURE ON SUBGRADE WALLS

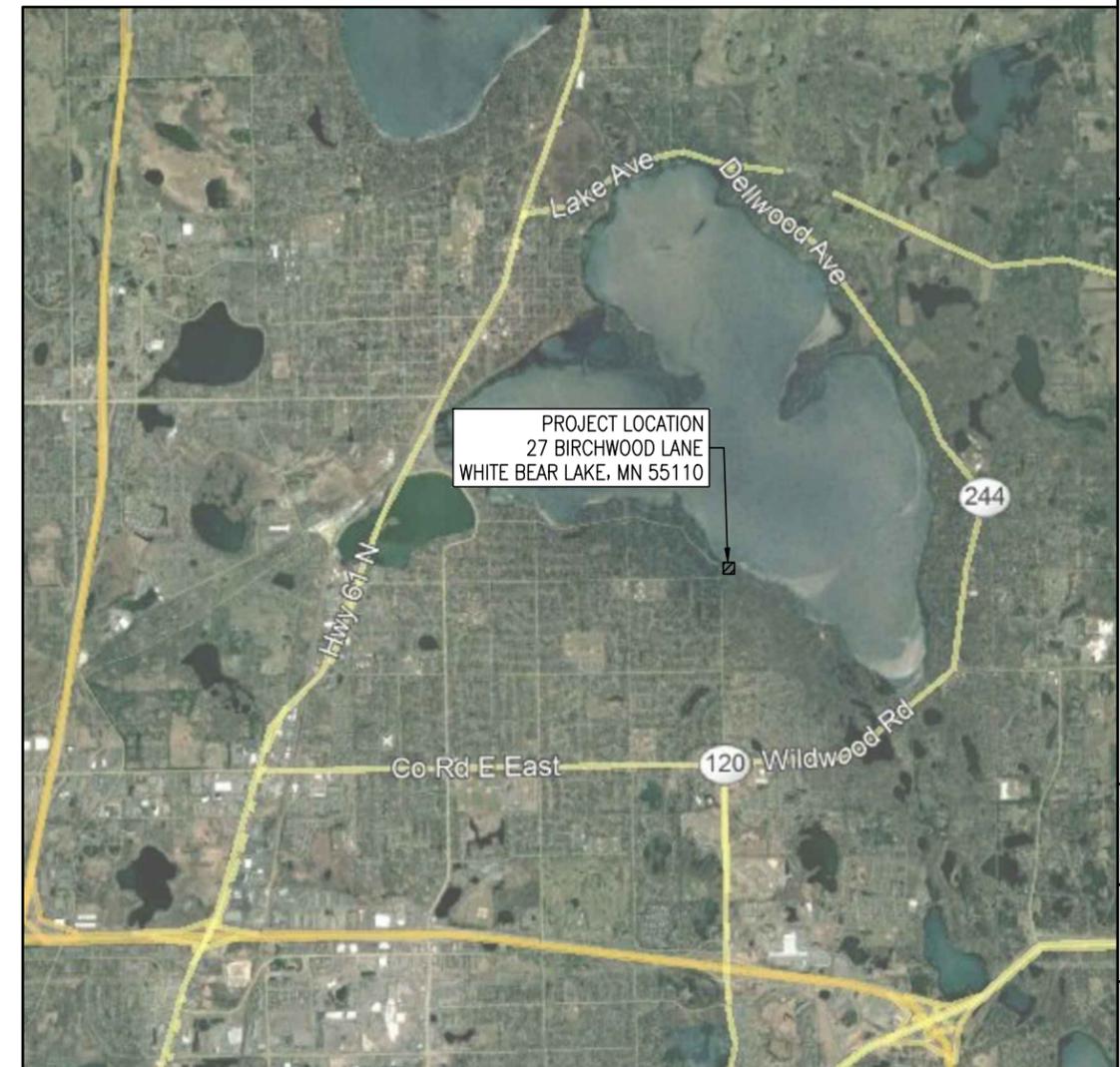
- THE DESIGN PRESSURES FOR SUBGRADE WALLS ARE BASED ON A "DRAINED" CONDITION.

EXISTING STRUCTURE

- EXISTING STRUCTURAL DIMENSIONS AND MEMBER SIZES ARE FOR REFERENCE ONLY. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS IN THE FIELD PRIOR TO FABRICATION. THE CONTRACTOR SHALL VERIFY THE ACTUAL CONFIGURATION OF EXISTING CONSTRUCTION AND THE CONDITION OF THE STRUCTURE BEFORE BEGINNING WORK.
- ANY DISCREPANCIES OF UNSOUND CONDITIONS SHALL BE REPORTED TO THE ENGINEER FOR RESOLUTION BEFORE BEGINNING WORK.

GENERAL WALL AND GRADING NOTES:

- MATERIAL FOR LEVELING PAD SHALL BE COMPACTED SAND OR GRAVEL, OVERSIZED AS SHOWN AND COMPACTED TO 95% MODIFIED PROCTOR DENSITY.
- DRAINAGE AGGREGATE SHALL BE ANGULAR, CLEAN STONE WITH 75-100% PASSING #3/4 SIEVE, 0-60% PASSING #4, 0-50% PASSING #40 AND 0-5% PASSING #200 SIEVE, COPACTED TO 95% STANDARD PROCTOR DENSITY.
- DRAINAGE PIPE SHALL BE PERFORATED PVC WRAPPED WITH GEOTECTILE ASTM F 405 OR ASTM F 758
- REINFORCED BACKFILL SHALL BE SHALL BE ANGULAR GRAVEL WITH 100% PASSING 1" SIEVE, 20-100% PASSING #4, 0-60% PASSING #40 AND 0-10% PASSING #200 SIEVE.
- REFER TO ATTACHED STANDARD MANUFACTURER DETAILS FOR ADDINIONAL SEGMENTAL WALL INFORMATION
- THE SEGMENTAL RETAINING WALL DESIGN IS BASED ON VERSA-LOCK TYPE WALL. IF THE OWNER WISHES TO UTILIZE A DIFFERENT WALL SYSTEM, SUBMIT SHOP DRAWINGS AND CALCULATIONS CERTIFIED BY A MN PROFESSIONAL ENGINEER FOR REVIEW PRIOR TO ORDERING ANY MATERIAL.
- CLASS 2 RIP RAP SHALL BE ANGULAR OR CRUSHED AND PLACED ON MN DOT TYPE 3 GEOTEXTILE FABIC (THIS A A PERMEABLE FABRIC).
- DEPTH OF GEOTEXTILE WALL REINFORCING EMBEDMENT SHALL BE EQUAL TO THE RETAINED HEIGHT FOR THE PROJECT. (i.e. IF THE WALL RETAINS 4'-0" OF EARTH THE EMBEDMENT DEPTH SHALL BE AT LEAST 4'-0".)
- GEOTEXTILE WALL REINFORCING SHALL BE PLACED AT EVERY THIRD BLOCK AS SHOWN.



VICINITY MAP

Northland
Consulting Engineers L.L.P.
Structural, Civil and Forensic Engineering Services
Voice: (612) 971-5905
Fax: (612) 717-7779
www.nce-engineers.com

TERRY O'LOUGHLIN
SLOPE CORRECTIONS
27 BIRCHWOOD LANE, WHITE BEAR LAKE, MN 55110

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly licensed Professional Engineer under the laws of the State of Minnesota.
09-27-18
Lic. No: 24838
Engineer: Jon E. Aarnoot

PROJ #: 18-550
DATE: 09-27-18
DRAWN BY: TTP
CHECKED BY: JEA

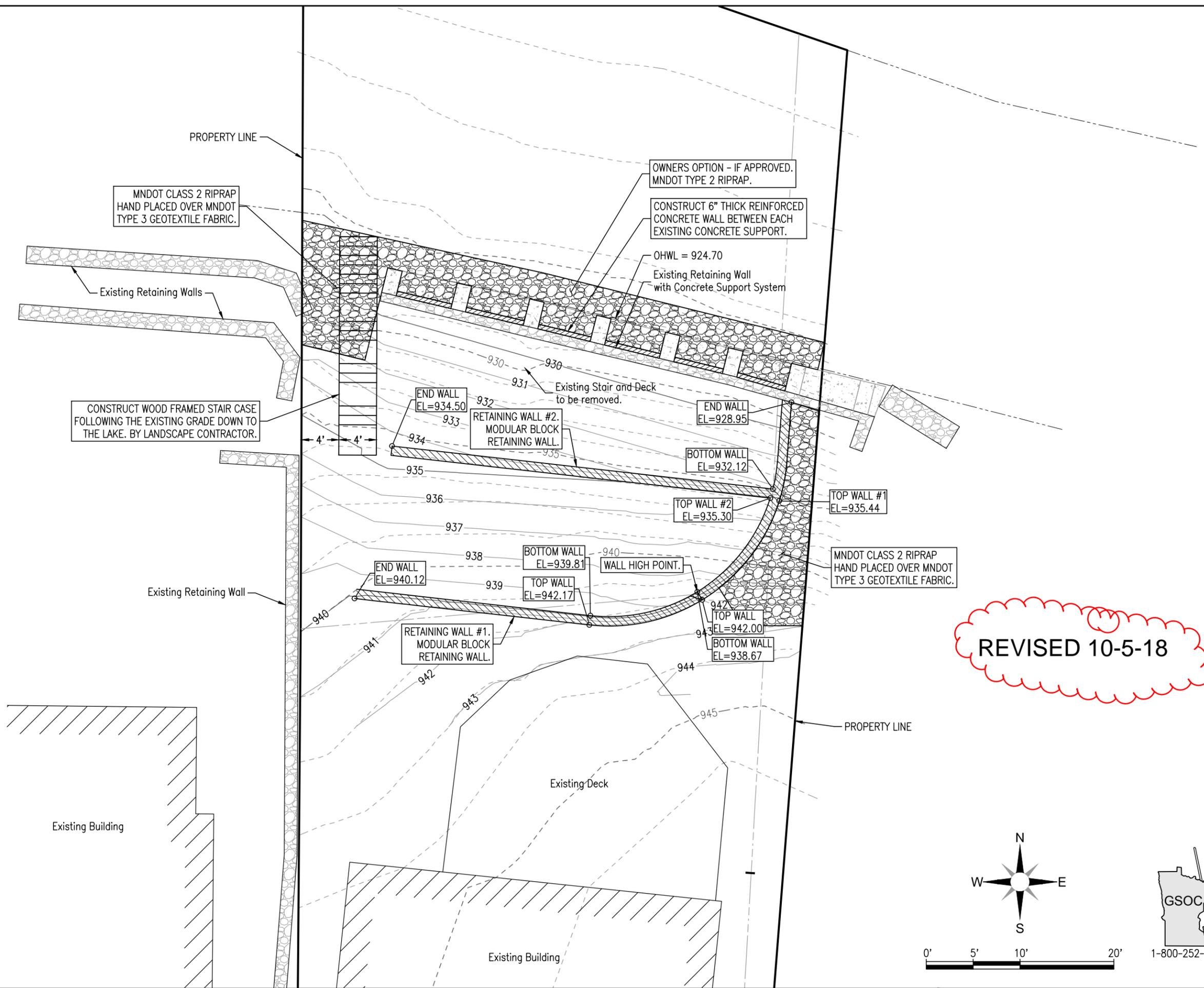
STRUCTURAL NOTES

SHEET

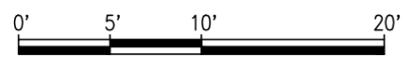
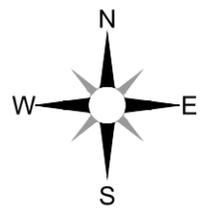
C1.0

S:\A JOBS UNDER DESIGN\18-550\27 Birchwood Lane - Retaining Wall\18-550 Trace.dwg Sep 27, 2018 - 3:49pm Trent

S:\A JOBS UNDER DESIGN\18-550 27 Birchwood Lane - Retaining Wall\18-550 Trace.dwg Oct 05, 2018 - 10:00am Trent



REVISED 10-5-18



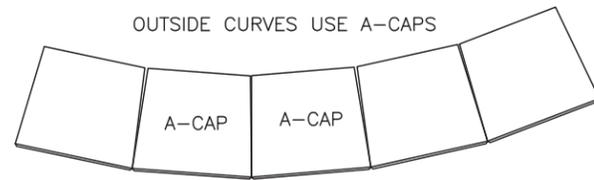
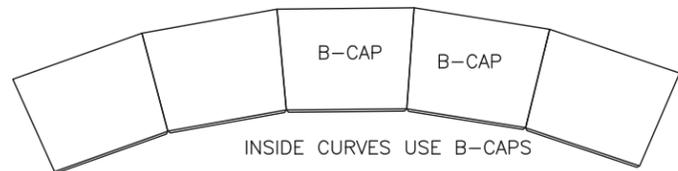
1-800-252-1166

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Jon E. Aarnoot
 Engineer: Jon E. Aarnoot
 Lic. No: 24838
 09-27-18

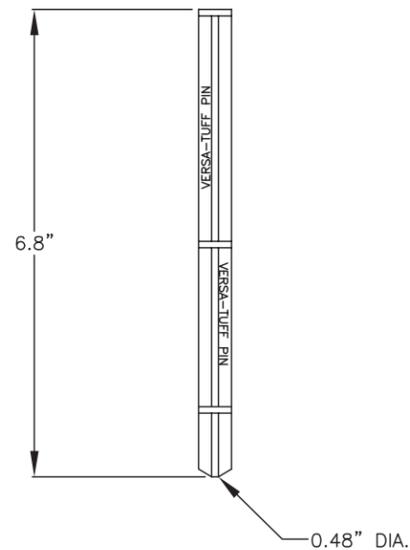
PROJ #: 18-550
 DATE: 09-27-18
 DRAWN BY: TTP
 CHECKED BY: JEA

SITE PLAN
 SHEET
C2.0



CAPPING DETAIL-PLAN VIEW

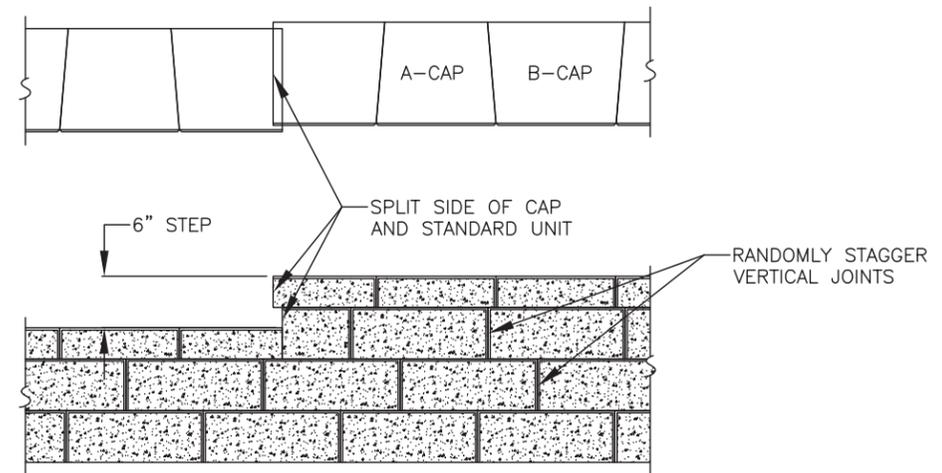
CURVES
SCALE: NONE



VERSA-TUFF PIN

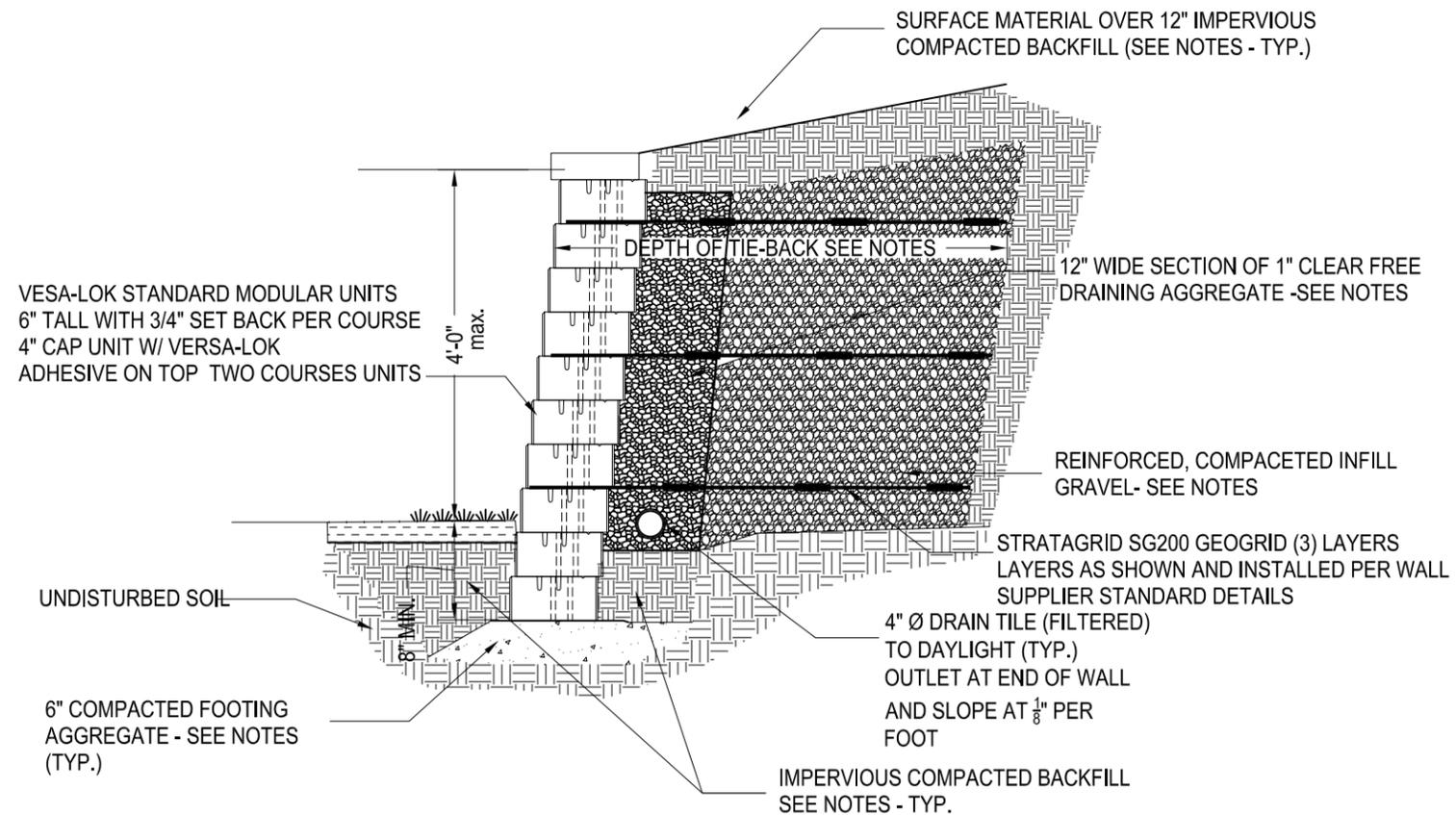
PIN DIMENSIONS
SCALE: NONE

FOR STRAIGHT WALLS, ALTERNATE A-CAP AND B-CAP



CAPPING DETAIL-PROFILE

STEP AT TOP OF WALL
SCALE: NONE



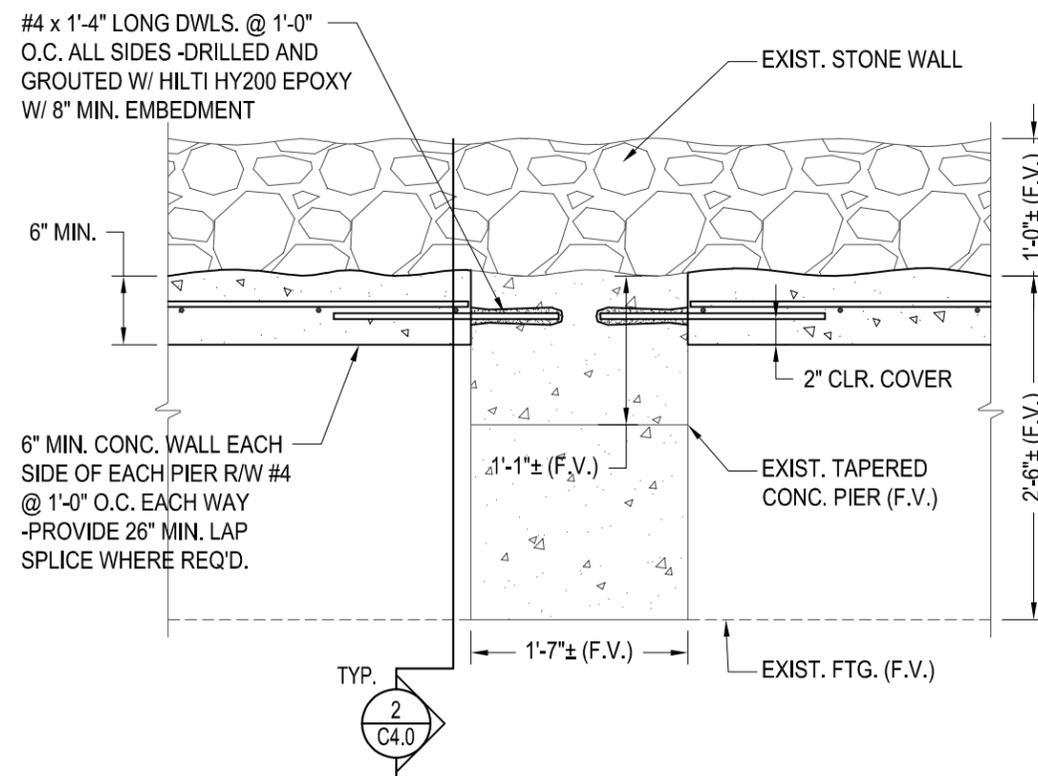
1
C3 **TYPICAL SECTION**
1/2" = 1'-0"

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly licensed Professional Engineer under the laws of the State of Minnesota.
Jon E. Aarmoot
Engineer: Jon E. Aarmoot
09-27-18
Lic. No: 24838

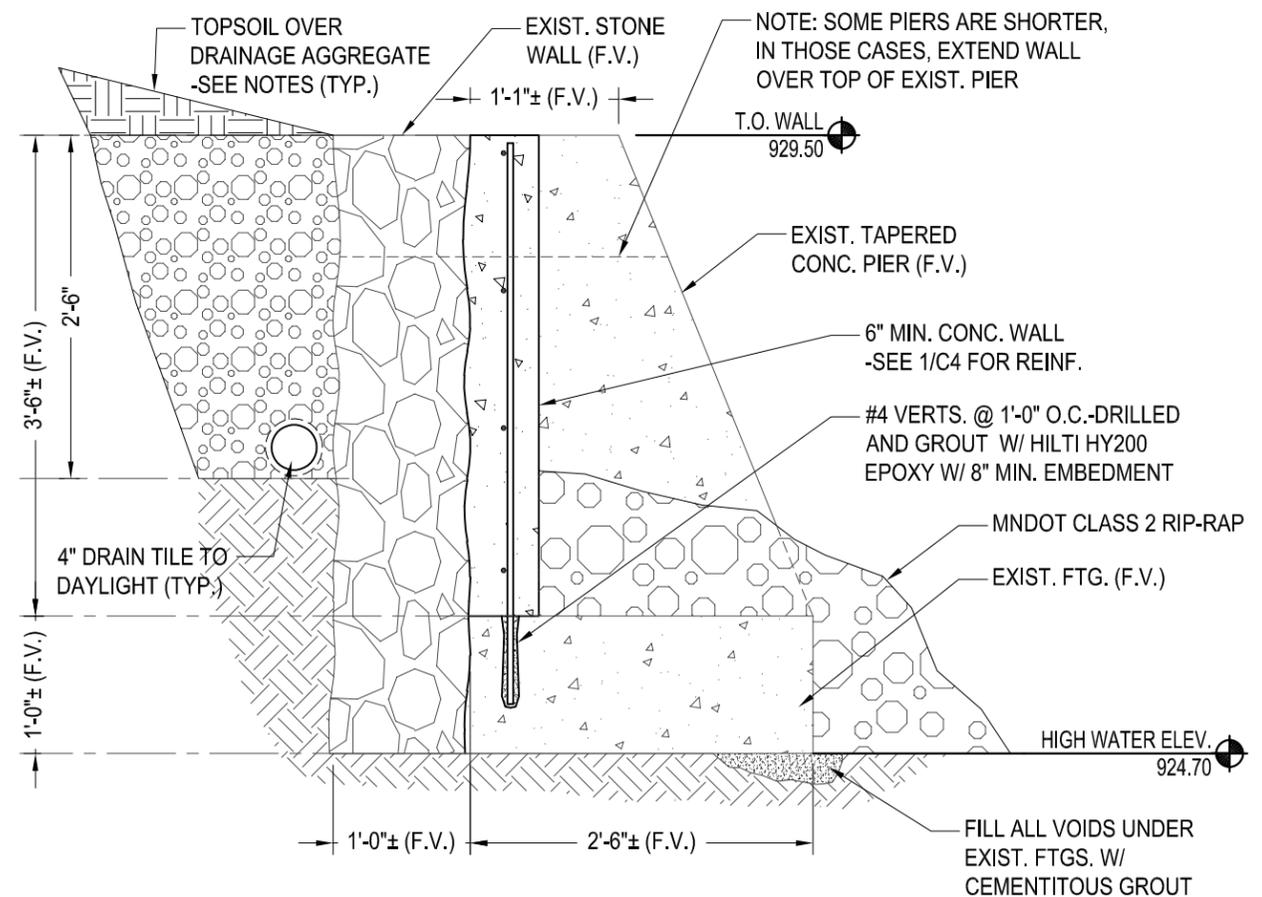
PROJ #: 18-550
DATE: 09-27-18
DRAWN BY: TTP
CHECKED BY: JEA

DETAILS
SHEET
C3.0

S:\A JOBS UNDER DESIGN\18-550 27 Birchwood Lane - Retaining Wall\18-550 Trace.dwg Sep 27, 2018 - 3:49pm Trent



1 PLAN VIEW @ EXISTING PIER
C4.0 3/4"=1'-0"



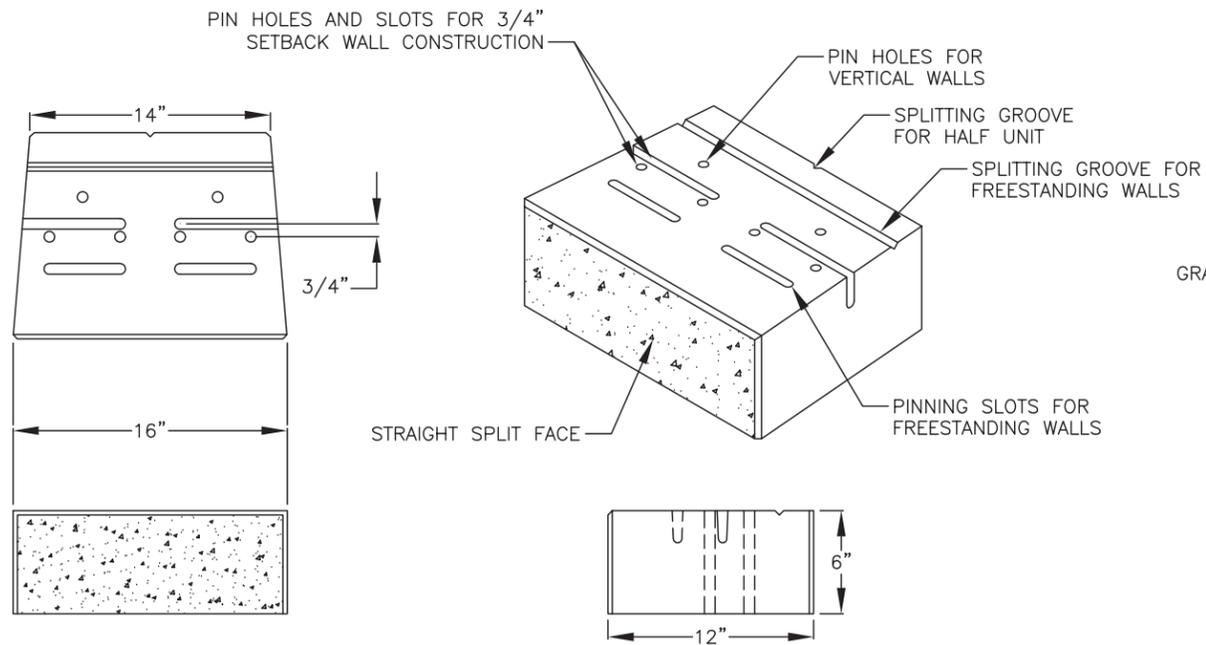
2 SECTION @ EXISTING PIER
C4.0 3/4"=1'-0"

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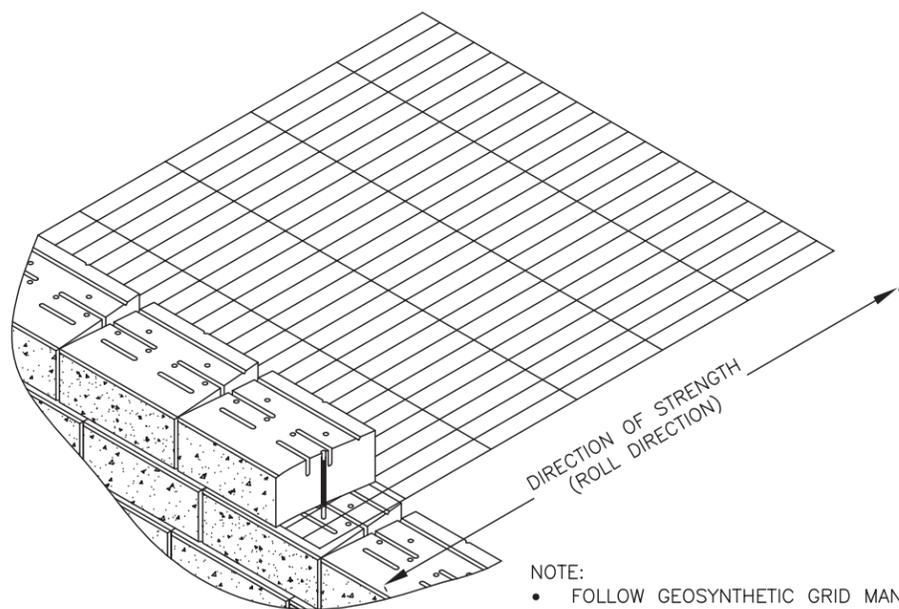
Don E. Aarnoot
Engineer: Jon E. Aarnoot
09-27-18
Lic. No: 24838

PROJ #: 18-550
DATE: 09-27-18
DRAWN BY: TTP
CHECKED BY: JEA

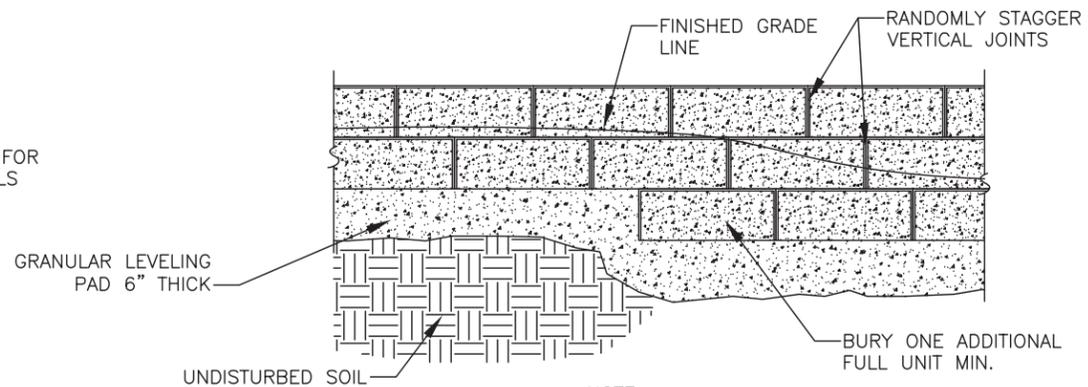
DETAILS
SHEET
C4.0



VERSA-LOK UNIT
UNIT DIMENSIONS
SCALE: NONE

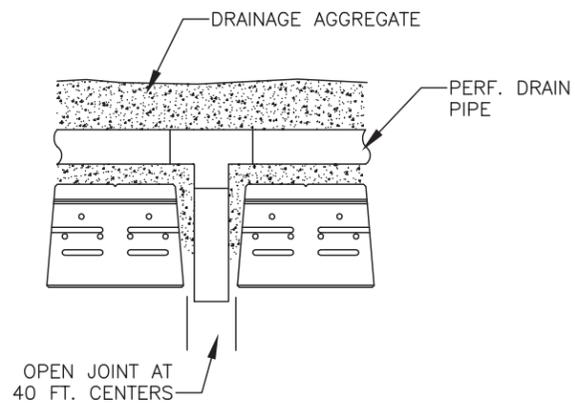


GEOSYNTHETIC INSTALLATION DETAIL
SCALE: NONE

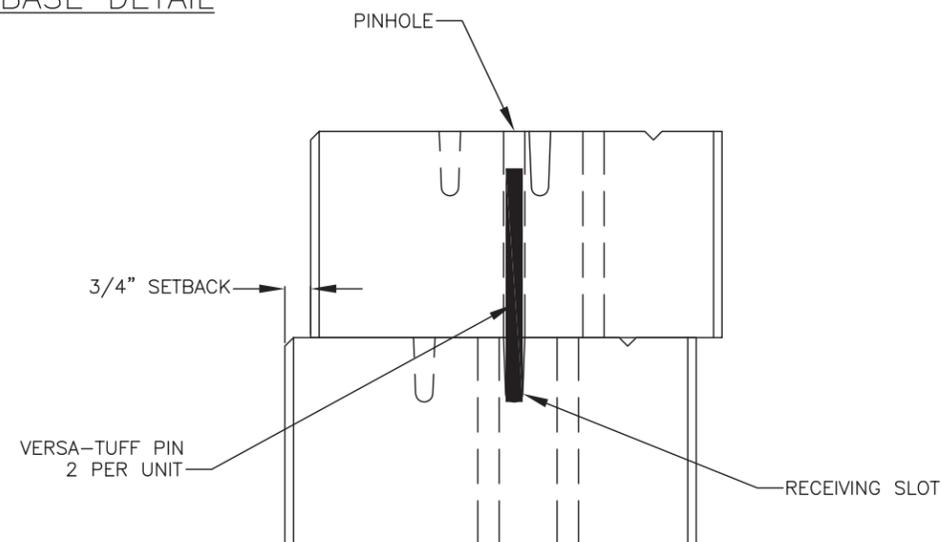


- NOTE:
- LIMIT CHANGES IN BASE ELEVATION TO 6" PER STEP TO AVOID DIFFERENTIAL SETTLEMENT
 - STEP AS NEEDED TO MINIMIZE BURIED UNITS AND MAINTAIN MINIMUM REQUIRED EMBEDMENT

STEPPING BASE DETAIL
SCALE: NONE



DRAIN DETAIL
SCALE: NONE



PINNING DETAIL
CROSS SECTION
SCALE: NONE

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly licensed Professional Engineer under the laws of the State of Minnesota.

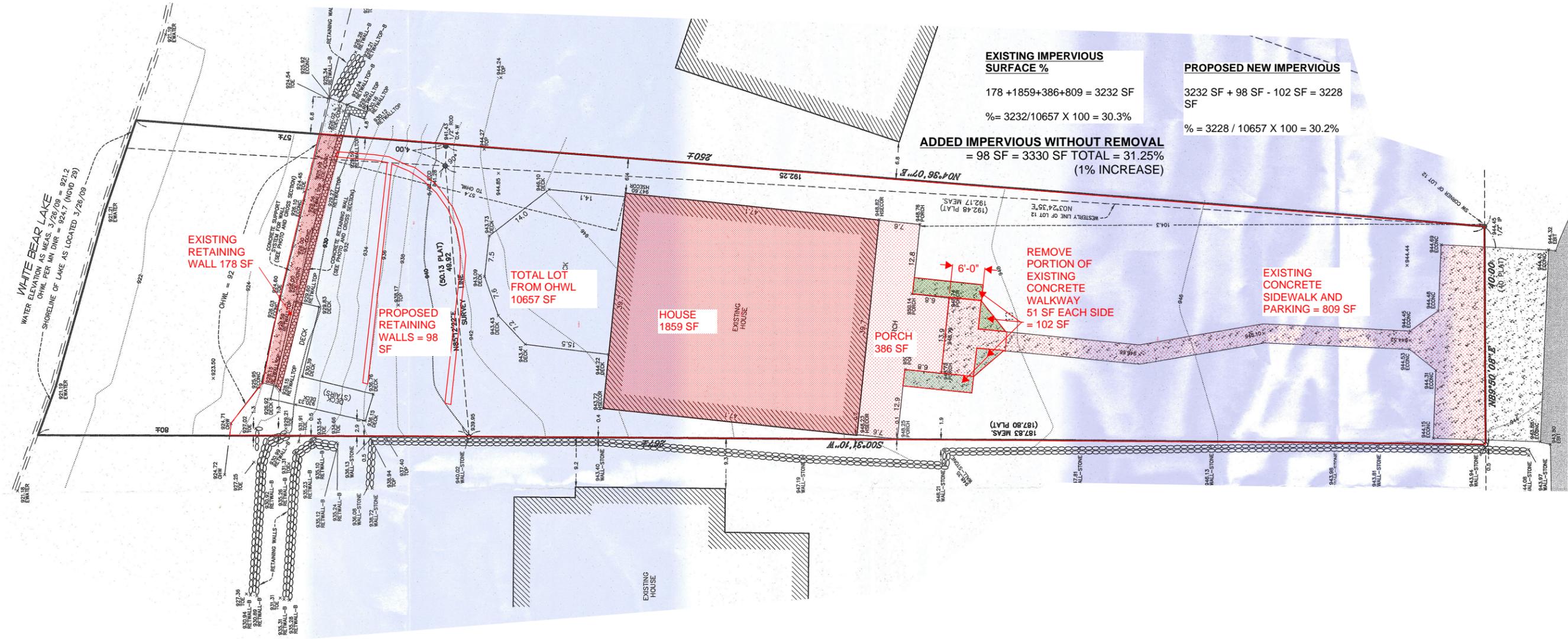
Jon E. Aarmoot
Engineer: Jon E. Aarmoot
09-27-18
Lic. No: 24838

PROJ #: 18-550
DATE: 09-27-18
DRAWN BY: TTP
CHECKED BY: JEA

DETAILS

SHEET
C 5.0

IMPERVIOUS SURFACE CALCULATIONS



I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly licensed Professional Engineer under the laws of the State of Minnesota.

San E. Aarmot
Engineer: Jon E. Aarmot
09-27-18
Lic. No: 24838

PROJ #: 18-550
DATE: 09-27-18
DRAWN BY: TTP
CHECKED BY: JEA

IMPERVIOUS SURFACE INFORMATION

SHEET
C 6.0

**OPTION 2 - REPAIR SLOPE
- NOT RECOMMENDED**



GEOGRID SLOPE RENOVATION

**TERRY OLOUGHLIN
27 BIRCHWOOD LANE
WHITE BEAR LAKE, MN 55110**

Sales: Chris Ochs
BACK YARD SLOPE RENOVATION
27 Birchwood Lane White Bear Lake, MN 55110

Est ID: EST1053172
Date: Sep-26-2018

Email: tjol1938@gmail.com
Phone:

- All necessary and applicable Taxes are included below -

• **PROPOSAL NOTES:**

Project scope is as follows:

1. Excavate remaining area proposed for geogrid soil stabilization
2. Install geogrid and replace soils with compaction every 6 inches in height, repeat for a total of 4 layers
3. Include erosion control tubing to reduce rain water runoff
4. Staple heavy duty erosion control blanket on top of compacted area
5. Plant slope stabilizing shrubs to complete project

*Please keep in mind this may only be a temporary fix as there is no guarantee the hillside will stay in place and not erode upon severe weather conditions again.

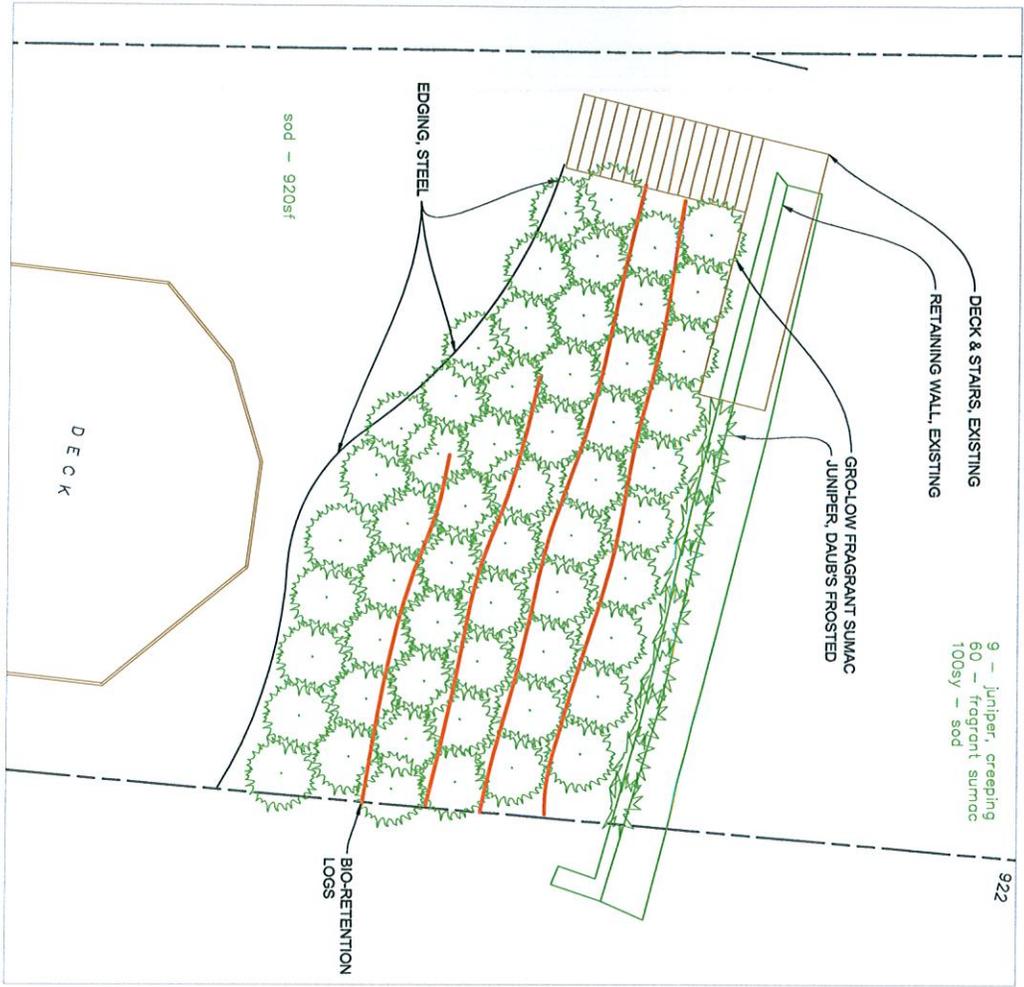
Windsor Companies has suggested a tiered block or concrete retaining walls with heavily rooting plants as a preferable solution for steep hillside erosion control.

HILLSIDE RESTORATION GEOGRID	\$46,886.26
HILLSIDE RESTORATION GG - PLANTING	\$5,109.02
Subtotal	\$51,995.28
Taxes	\$35.93
Estimate Total	\$52,031.21

LAC Enterprises dba Windsor Companies
1175 Hwy 36 East
St. Paul

P.6514820205
F.6514820607

www.windsorcompanies.com
info@windsorcompanies.com
page 1 of 2



1 PLANTING PLAN
Scale: 1/8"=1'-0"



Gro-Low Fragrant Sumac (60)



Daub's Frosted Juniper (16)

REV NO.	DATE	DESCRIPTION

DESIGNER: WINDSOR COMPANIES
 PROJECT: 27 BIRCHWOOD LN, BIRCHWOOD, MN
 DATE: 10/09/20
 DRAWN BY: gpb
 CHECKED BY: gpb
 SCALE: 1/8"=1'-0"
 SHEET # L102

WINDSOR COMPANIES
 online portfolio: www.windsorcompanies.com
 T: 851.482.0206 / F: 851.482.0807
 1175 Highway 28 East / Saint Paul MN 55108
 LANDSCAPE DESIGN, INSTALLATION & MAINTENANCE
WINDSOR COMPANIES IS A DIVISION OF W.A. GARDNER GROUP, INC.

OLAUGHLIN
27 Birchwood Ln
Birchwood, mn
 Landscape Site Plan

**OPTION 2 - REPAIR SLOPE
- NOT RECOMMENDED**

PROPOSAL

PROPOSAL #
2122



YARDMASTERS LANDSCAPES, INC.
4157 Omaha Ave N
Stillwater, MN 55082
(651) 439-1750
info@yardmasterslandscapes.com

www.yardmasterslandscapes.com

ARCHITECT
DATE 9/18/2018
BILLING ADDRESS
Terry O'Loughlin
27 Birchwood Ln.
Birchwood, MN 55110
PHONE (Primary) 651-247-2868
PHONE (Alternate)
EMAIL tjol1938@gmail.com

PROJECT ADDRESS

LANDSCAPE CONSTRUCTION CONTRACT

QTY	UOM	ITEM	DESCRIPTION	TOTAL
1	EA	Misc Expense	Install multi sized river rock along entire shoreline on 6 Oz. Erosion fabric Specs include Size of granite boulders, 6" to 14"	8,150.00
1	ea	Misc Expense	Repair hillside Specs include Fill hole with compactible clay/soil mix in 12" lifts then lay geogrid enforcement over entire area. Approx. 4 to 6 lifts of clay soil and geogrid are required Install sod to match top of yard grade, stake solid (includes cleaning up soils that slid down the hill	43,000.00
1	ea	Misc Expense	Option: Install modular block retaining wall approx 6 ft. in from concrete wall at bottom of hill Specs include Install 8" diamond block wall approx 6 ft. tall wall, 50 ft. long, including base course with 2 layers of geogrid, 12" of compacted CS base under wall, 16" of 3/4 clear washed rock behind wall with filter fabric separator/drain pipes and outpouts behind wall (45,663.00)	0.00
			MIN Sales Tax	0.00

Thank you for the opportunity to bid your project.

YARDMASTERS LANDSCAPES, Inc. hereby proposes to furnish time and materials as described and specified here FOR THE SUM OF

\$51,150.00

Signing of this proposal binds both parties to the price, work description, specifications, conditions and payment agreement as detailed above.

Client Signature _____ Date _____

Salesperson Signature _____ Date _____

Tobin Lay

From: Sorensen, Jenifer (DNR) <jenifer.sorensen@state.mn.us>
Sent: Thursday, October 4, 2018 3:39 PM
To: Terence OLoughlin
Cc: Samantha Berger; Tobin Lay
Subject: RE: 27 Birchwood Lane
Attachments: MPARS Account Overview & Permit Overview Descriptions_06102015.pdf; MPARS Create_an_Account_Sign-In_Instructions_06102015.pdf; Public Account Overview.pdf; Public Apply for a New Permit.pdf; Oloughlin Sea Wall - Final Signed 9-27-18.pdf; Shoreline Alterations - Riprap.pdf

Terry –

Thanks for sending me the design plans for the proposed repairs to the retaining wall (attached). The part of the project that I'm looking at is at the lake's ordinary high water elevation (OHW). The repairs to the wall at the shoreline are at and below the OHW of White Bear Lake (924.7 feet, NGVD 1929), so a [DNR public waters permit is required](#).

If the proposed riprap meets DNR's no permit required criteria listed in the attached flyer, then this part of the project won't need to be issued a permit by DNR. The design plan doesn't provide specs for the riprap, so please confirm with your engineer that the riprap would meet DNR's criteria. Based on photos I've seen of your shoreline, I don't see why the proposed riprap wouldn't be able to meet the criteria on DNR's riprap flyer, and I think it would be hard for you to justify requesting more armoring than is allowed without a DNR permit.

You will apply for a public waters permit through DNR's online permitting and reporting system, [MPARS](#). I've attached some help files to get you started, and please feel free to contact me if you have questions about the permit application process. You'll apply for a public waters permit and the permit use will be retaining wall. An invoice will be sent by email to you, which you'll pay by credit card in MPARS. I'll be the person who will review the permit application. As we discussed, since the City of Birchwood Village and Rice Creek Watershed District are both aware of this project and have been working with you, I will shorten the agency comment period to help speed up DNR's permitting process.

As part of the application, please provide a scaled drawing or engineering plan showing the design of the proposed project, with a sediment and erosion control plan. Other criteria for DNR review/approval (see [MN Rules 6115.0211 Subpart 5](#)):

- Adequate engineering studies are performed of foundation conditions, tiebacks, internal drainage, construction materials, and protection against flanking.
- The wall should not be an intrusion upon the area and must be consistent with all applicable local, state, and federal plans and programs for the water body.
- Encroachment below the OHW is held to the absolute minimum necessary for construction.

Jen

Jenifer Sorensen
East Metro Area Hydrologist (Ramsey and Washington Counties)
Division of Ecological and Water Resources

Minnesota Department of Natural Resources
1200 Warner Road
St Paul, MN 55106
Phone: 651-259-5754

Tobin Lay

From: Terence OLoughlin
Sent: Thursday, October 4, 2018 2:51 PM
To: Tobin Lay
Subject: Fwd: RCWD Review File #18-127R; O'Laughlin

FYI

Begin forwarded message:

From: Samantha Berger <SBerger@ricecreek.org>
Subject: RCWD Review File #18-127R; O'Laughlin
Date: October 4, 2018 at 2:47:27 PM CDT
To: Terence OLoughlin

Terry,

Upon review a District permit would not be required for the retaining wall work at your property. While the area is located within the floodplain, the project would qualify as shoreline stabilization and therefore would not be subject to permitting. For more information see District Rule E.2.

Thanks, and good luck with the project.

Sam

Samantha Berger,
SBerger@ricecreek.org
District Technician
Rice Creek Watershed District
4325 Pheasant Ridge Drive NE #611
Blaine, MN 55449-4539
Direct: (763) 398-3084
www.ricecreek.org



[Please consider following the RCWD on Facebook.](#)

From: Terence OLoughlin
Sent: Thursday, October 04, 2018 2:32 PM
To: Samantha Berger <SBerger@ricecreek.org>
Subject:

Tobin Lay

From: Terence OLoughlin
Sent: Thursday, October 4, 2018 10:45 PM
To: Tobin Lay
Subject: Re: 27 Birchwood Lane

FYI - WBLCD does not need to be involved. Terry

On Oct 4, 2018, at 4:41 PM, White Bear Lake Conservation District <wblcd@msn.com> wrote:

Tobin had asked our board about this and the board said we did not need to be involved.

Thank you

Kim

Get [Outlook for iOS](#)

From: Terence OLoughlin
Sent: Thursday, October 4, 2018 3:35:26 PM
To: wblcd@msn.com
Subject: 27 Birchwood Lane

District Members - We live on the lake in Birchwood. We recently experienced a severe mudslide on our bank next to the lake. Attached below are the Plans we have submitted to the City of Birchwood for a Permit for work to repair the mudslide damage, reinforce an existing retaining wall, and install additional retaining walls to prevent a future occurrence, which Plan will be considered tonight at a Birchwood Planning Commission meeting, and by the City Council next Tues 10/9. The Plans have also been submitted to the DNR and Rice Creek for approval. Please advise whether the WB Conservation District needs to be involved or approve our plans. Terry O'Loughlin

Tobin Lay

From: MJ LaVigne
Sent: Thursday, October 4, 2018 5:10 PM
To: BVInfoEmail
Cc: Mary O'Loughlin
Subject: Variance for wall

Dear Tobin,

Sorry to submit this so late. My husband and I are the next door neighbors to the O'Loughlin's. We live at 31 Birchwood Lane. We have no objection to their re-enforcement of the wall on the lakeshore.

We have talked with them about their plans for an upper wall close to their house. We understand that they plan to give more consideration to their plans before going ahead with it. We think that is wise.

We hope you approve the wall on the lakeshore, as that seems the best course to keep the bank from eroding further.

Thank you,
Mary Jane LaVigne

Sent from my iPhone

PARKS COMMITTEE MINUTES

Agenda for 9/25/18 Park and Rec Meeting

Approve multiple meeting minutes

Discuss Council response:

Deer culling

dog waste containers

picnic tables

Horseshoe play area

PIP

Minutes of 9/25/18

Convened at 7pm

Members present: HC, BS, AV, JN

Approved minutes of meetings Feb, Mar, Apr, May, June, July and August

Deer culling- table the issue indefinitely

Dog waste containers - tabled until spring and see how the waste stations are used and where new ones may be needed.

picnic tables - discussed the tables are not what we expected. Will need to find different tables for next purchase. Recommend rearranging the tables within the city - 3 new ones under shelter in Tighe and move those 3 to current locations of new tables.

Recommend a new ADA compliant table for Tighe

Talk to Tobin Re: wood chips, basketball backboards, painting hockey rink (John Lund), balance sheet for Parks account.

Agenda for 10/23:

PIP

Horseshoe pit

update on city council

Adjourned 7:52pm

**CITY OF BIRCHWOOD VILLAGE
REGULAR CITY COUNCIL MEETING
SEPTEMBER 11, 2018**

MINUTES

Members Present: Mayor Mary Wingfield & Councilmembers Kevin Woolstencroft, Trilby White, Randy LaFoy and Jessi Aakre.

Staff Present: City Administrator Tobin Lay and City Attorney Alan Kantrud.

Others Present: Jackie Reis, John Redpath, Bill Foussard, Craig Drake, Marilyn Emerson, Tom Heinz, Sue Heinz, Judy Walker, Houstoun Clinch and Doug Danks.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

Mayor Wingfield: Called the regular meeting to order at 7:00 pm. The Pledge of Allegiance was recited.

APPROVE AGENDA

Mayor Wingfield: Added Pet Waste Stations. Changed Regular Agenda Item F to "Status of Code Enforcement".

Administrator Lay: Requested to add budget meeting to the Administrator's Report.

MOTION WAS MADE BY COUNCILMEMBER LAFOY AND SECONDED BY COUNCILMEMBER WOOLSTENCROFT TO APPROVE THE AGENDA AS AMENDED. ALL AYES. MOTION PASSED.

OPEN PUBLIC FORUM

ANNOUNCEMENTS

- A. Village Pickleball – Every Saturday, 9am at the hockey rink
- B. Bell Tower Eagle Scout Project – Donations are appreciated and still being accepted
- C. Please check with City Hall for lost & found items
- D. We are social. Follow us on Facebook and Twitter and/or register for the email listserv

ADMINISTRATIVE PRESENTATION

- A. Sheriff Report

CITY BUSINESS – CONSENT AGENDA

- A. Approve Regular Meeting Minutes from August 23, 2018
- B. Approve Treasurer's Report

MOTION WAS MADE BY COUNCILMEMBER LAFOY AND SECONDED BY COUNCILMEMBER WHITE TO APPROVE THE CONSENT AGENDA. ALL AYES. MOTION PASSED.

CITY BUSINESS – REGULAR AGENDA

- A. Interim Council Member Selection
 - a. Review Letters of Interest

Administrator Lay: Provided brief background of the process. Stated Jessi Aakre was lone letter of interest received.

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER LAFOY TO SEAT JESSI AAKRE AS INTERIM COUNCIL MEMBER. ALL AYES. MOTION PASSED.

b. Select and Swear In Candidate

Administrator Lay: Swore in Jessi Aakre as Interim City Council Member.

B. Greater White Bear Lake Community Foundation (GWBLCF) Presentation

GWBLCF Leaders: Introduced GWBLCF. Stressed importance of local saving, investment and community action. Introduced group's offerings.

C. East County Line Road Parking

Administrator Lay: Provided background information on the no parking signage along East County Line Road.

a. Council Deliberation

Sue Heinz (3840 East County Line Road): Asserted parking along the busy street is an important public safety issue.

Administrator Lay: Stated last year's letter to effected residents received several favorable, one neutral and no unfavorable responses.

Mayor Wingfield and Council Members: Discussed the issue in detail.

Tom Heinz (3840 East County Line Road): Reiterated that street parking and speeding along East County Line Road are important safety issues. Thanked Council and voiced appreciation for the no parking signage.

Councilmember White: Stated appreciation for the no parking signage also and added that maximizing the public usefulness of city streets will require options for safety and management alternatives on a citywide scale.

Mayor and Council Members: Referred this to the Roads Committee for further research and recommendations

D. Planning Commission Recommendations

Doug Danks (Planning Commission): Updated Council regarding escrow fees as proposed. Suggested it would benefit the City to stick closely with State statute language to be adaptable.

a. Second Reading of Ordinance 2018-05-02, Non-conforming Uses (300.020.34 & 301.050) and order public hearing

Mayor, Council Members, Administrator Lay and Doug Danks (Planning Commission): Discussed proposed Ordinance 2018-05-02.

MOTION WAS MADE BY COUNCILMEMBER WOOLSTENCROFT AND SECONDED BY COUNCILMEMBER WHITE TO ORDER A PUBLIC HEARING FOR ORDINANCE 2018-05-02 AT OCTOBER MEETING. ALL AYES. MOTION PASSED.

b. Second Reading of Ordinance 2018-04-01, Variances and Appeals (304.040) and order public hearing

Mayor, Council Members and Attorney Kantrud: Discussed the proposed ordinance language briefly.

Mayor Wingfield: Recommended "Planning" be inserted before "Commission" each time it occurs. Recommended 304.070 include "notice must to be sent in writing to property owner with sufficient detail as to reasons for the denial of any variance application or appeal".

MOTION WAS MADE BY COUNCILMEMBER LAFOY AND SECONDED BY COUNCILMEMBER WHITE TO ORDER A PUBLIC HEARING FOR ORDINANCE 2018-04-01 AT OCTOBER MEETING AS AMENDED. ALL AYES. MOTION PASSED.

- c. First Reading of Ordinance 2018-08-01, Impervious Surface Definition (300.020.23) and order public hearing

Mayor Wingfield: Addressed defining impervious surfaces. Asked to include swimming pools as an example of impervious surface.

Doug Danks (Planning Commission): Agreed. Provided background on impervious surfaces and its management.

Mayor, Council Members, Attorney Kantrud and Doug Danks (Planning Commission): Discussed at length.

Attorney Kantrud: Recommended language remains in order to serve as the fundamental ordinance document.

MOTION MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER AAKRE TO ORDER A PUBLIC HEARING FOR ORDINANCE 2018-08-01 AT OCTOBER MEETING. ALL AYES. MOTION PASSED.

E. Fee Schedule Amendments

- a. Escrow Additions (ROW & Easement)

Mayor, Council Members, Administrator Lay, Attorney Kantrud and Doug Danks (Planning Commission): Discussed proposed escrow fees to protect rights of way and easements.

Attorney Kantrud: Stated fees must correlate to actual costs incurred by the City such as administrative and staff time.

Mayor Wingfield: Learned from the City Water Superintendent that much of the right of way fees were being spent on his time locating utilities and that those expenditures had not been considered in the current fee amount.

Mayor and Council Members: Decided to amend right of way fees on the fee schedule to cover other administrative time and materials. To be reviewed again in October.

Mayor Wingfield: Highlighted damage to Dellwood Beach to illustrate recent access, use and abuse of City property. She proposes a usage agreement be used for access to the easements and parks.

Mayor, Council Members, Administrator Lay and City Attorney Kantrud: Discussed definition, scope and approach to an analysis of city property use.

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER WHITE TO ASSIGN THE PLANNING COMMISSION TO REVIEW AND RECOMMEND ACTION ON CITY PROPERTY ACCESS AND USE WITH A MORATORIUM ON THE USE OF EASEMENTS FOR PRIVATE PURPOSES UNTIL ISSUE IS RESOLVED, WITH THE EXCEPTION OF THE BIRCHWOOD DOCK ASSOCIATION OR EMERGENCIES. ALL AYES. MOTION PASSED.

- b. Building Permit and Escrow Fees

Mayor, Council Members, Administrator Lay and Attorney Kantrud: Discussed proposed escrow fees for building permits.

Doug Danks (Planning Commission): Clarified escrow money should be held in an escrow account. Stated Planning Commission concerns include permit requirements related to projects not abutting City property and smaller, more property-inclusive projects are subject to escrows. Provided examples of risk as related to City property and what should trigger an escrow. Stated Planning Commission recommends options that either escrow amounts may be imposed at discretion of Building Official or City Administrator, the escrow amount could equal a percentage of project or no escrows could be levied unless damage occurs. Doesn't believe residents should have more encumbrances on building projects.

Mayor Wingfield: Stated that in order to improve City's ability to recover damages option one or two is more attractive.

Mayor, Council Members, Attorney Kantrud and Doug Danks (Planning Commission): Continued discussion.

Doug Danks (Planning Commission): Asked Council to add provisions that detail known issues, such as the storage of project-related materials in the right of way, regardless of interior or exterior work being done.

Attorney Kantrud: Recommended provisions be added to make property owner responsible for all associated costs, such as roadway or curb damage and recommended an irrevocable letter of credit be used for large projects.

Doug Danks (Planning Commission): Suggested escrows may be tied to a need for a building permit.

Mayor and Council Members: Decided to gather community feedback first and the topic will be revisited in November. Asked Attorney Kantrud and Administrator Lay to create proposed language to the fee schedule and permit applications.

F. Status of Code Enforcement – Section 605: Animals, Rabies

Mayor Wingfield: Introduced issue with a recent personal story with a dog attack. Asked Council Members for input on code enforcement.

Attorney Kantrud: Stated section 605.085 integrates State Statute 347 and is written with respect to dangerous dogs.

Mayor and Council Members: Discussed Section 605, animals, rabies and code enforcement.

Houstoun Clinch (164 Wildwood Avenue): Stated he is a Veterinarian. Informed Council if labeled a “dangerous animal” it must be restrained at all times via steel chain or fence. Suggested ordinance may be worded more decisively.

Attorney Kantrud: Asserted the matter is likely a contract performance issue.

Mayor, Council Members, Administrator Lay, Attorney Kantrud and Houstoun Clinch (164 Wildwood Ave): Continued discussion of Section 605 with respect to animals, rabies, code enforcement and enforcement service contract.

Administrator Lay: Assures Council considerable work has been done on this issue. Provided background and informed Council as to the status of this case. Asked for direction provided the work already performed and present status.

Mayor, Council Members, Administrator Lay, Attorney Kantrud and Houstoun Clinch (164 Wildwood): Continued discussion of Section 605 with respect to animals, rabies, code enforcement and enforcement service contract.

Administrator Lay: Stated he has spoken with the sheriff sgt., dog catcher, and the Mayor has spoken with Sheriff Starry and will speak with the County Commissioner. The owner has received an initial citation but the sheriff dept. requires subsequent actions be a result of deputy witness of violations. Requested direction on issue.

Mayor, Council Members, Attorney Kantrud and Houstoun Clinch (164 Wildwood): Continued discussion.

Mayor and Council Members: Noted for the record this is a problematic, ongoing issue. Requested staff invite the sheriff to attend a future Council meeting to discuss further.

G. Birchwood Docks

a. Docks Committee Purpose

Administrator Lay: Provided a recent history of the Docks Committee and asked for further direction from Council.

Houstoun Clinch (Docks Committee): Stated Docks Committee would want a third member and to review the contract if continued.

Mayor Wingfield, Council Members and Houstoun Clinch (Docks Committee): Discussed the Docks Committee. They determined that the purpose of the Committee had been fulfilled and there was no additional need for the Committee.

MOTION WAS MADE BY COUNCILMEMBER LAFOY AND SECONDED BY COUNCILMEMBER WHITE TO DISBAND THE DOCKS COMMITTEE. ALL AYES. MOTIONS PASSED.

b. 2019 Dock Management Contract

Administrator Lay: Requested direction from Council regarding the 2019 Dock Management contract.

Mayor, Council Members and Attorney Kantrud: Discussed the 2019 dock management contract.

Attorney Kantrud: Advised no changes to the contract and a renewal of term dates unless an issue is discovered.

Mayor and Council Members: Continued discussion. Directed Administrator Lay to use the 2018 contract for 2019 and to send the 2019 contract to the Birchwood Dock Association for review and to add the item to October's agenda for approval.

H. Roads Committee Update & Recommendations

a. Review Recommendations

Mayor, Council Members and Administrator Lay: Discussed Committee's recommendations, including street signage, traffic safety and repaving Lake Avenue.

Mayor and Council Members: Decided to revisit the repaving of Lake Avenue in December or early next year.

b. Advise if joint meeting is still desired

Mayor and Council Members: Decided no joint meeting is necessary.

c. Wildwood Avenue Sink Hole

Administrator Lay: Provided background and a bid from T.A. Schifsky to repair sinkhole at Grotto and Wildwood Ave.

MOTION WAS MADE BY COUNCILMEMBER LAFOY AND SECONDED BY COUNCILMEMBER WOOLSTENCROFT TO APPROVE REPAIR OF THE GROTTA AND WILDWOOD AVENUE SINKHOLE UP TO \$3,000. ALL AYES. MOTION PASSED.

Judy Walker (Parks Committee): Requested to provide the Parks Committee Update.

I. Parks Committee Update

a. Deer Culling

Houstoun Clinch (Parks Committee): Requested public hearing on culling deer in City limits. Stated John Lund has a great deal of information prepared and that it apparently must happen within regular bow hunting season.

Mayor, Council Members and Houstoun Clinch (Parks Committee): Discussed deer culling within City limits.

Mayor and Council Members: Decided Parks Committee should hold an open house on topic and report back in October.

b. Emerald Ash Borer (EAB)

Houstoun Clinch (Parks Committee): Requested tree disease ordinance be updated to include ash borer and other diseases not currently covered.

Administrator Lay: Stated EAB is already in neighboring communities but not Birchwood so the ordinance has not been triggered for that disease. Recommended an overhaul of tree ordinance and set up a task force of professionals for comprehensive amendments.

Mayor, Council Members, Administrator Lay, Attorney Kantrud and Houstoun Clinch (Parks Committee): Discussed EAB, tree inspections, hiring an arborist, potential bidders, and scope of project and tree ordinance language.

Mayor and Council Members: Directed Administrator Lay to identify what an arborist would charge for services.

c. Dog Waste Stations

Houstoun Clinch (Parks Committee): Thanked city maintenance staff for installation of the waste stations and the three local veterinary hospitals that donated the receptacles.

Mayor, Council Members and Houston Clinch (Parks Committee): Discussed dog waste stations in great detail.

Mayor and Council Members: Asked Parks Committee to look into other waste station locations, the acquisition of additional bins and if the city should remove the baskets on receptacles near City garbage cans instead. Thanked Houston Clinch and Judy Walker for their time.

J. Council Member Reports

a. Mayor Wingfield

i. Reconvening Utility Committee

Mayor Wingfield: Stated sewer usage and rates are increasing and there are now extra costs for water meter readings due to a premium for service. Asserted these premiums are less than the expenses of new readout infrastructure.

Mayor Wingfield and Administrator Lay: Recommend Utility committee reconvene to evaluate and recommend new sewer/water utility rates.

ii. Tree Inspections

Mayor Wingfield: Researched tree inspections and found no constitutional issue. Recommended no change in approach.

iii. Fee Schedule Amendment

Mayor Wingfield, Council Members, Administrator Lay and Attorney Kantrud: Discussed fee schedule penalties in detail.

Mayor and Council Members: Agreed the penalty must cover at minimum administrative and staff costs.

Mayor and Council Members: Tabled discussion citing time constraints.

K. City Administrator's Report

a. Additional Kayak Racks

Administrator Lay: This year's demand was higher than the number of racks available.

Councilmember Woolstencroft: Excused himself from the meeting citing early morning work obligations.

Councilmember White: Proposed the item be tabled, also citing time constraints.

Mayor and Council Members: Tabled the item.

b. Videographer Rate Increase

Administrator Lay: Informed Council that the City Videographer was requesting an increase in compensation after completing a satisfactory first year with the City.

Mayor Wingfield: Offered friendly amendment to apply retro pay to August 2018 for hours worked at new hourly amount.

Councilmember White: Proposed amendment to include or ensure there is compensation to videographer in the instance of cancellation of scheduled meetings.

MOTION WAS MADE BY COUNCILMEMBER LAFOY AND SECONDED BY COUNCILMEMBER AAKRE TO APPROVE THE VIDEOGRAPHER RATE INCREASE TO \$22.50/HR. PAY WILL OCCUR RETROACTIVELY TO AUGUST 2018 CANCELLED MEETING. CITY ATTORNEY KANTRUD WILL CONFIRM OR DRAFT LANGUAGE TO INCLUDE VIDEOGRAPHER PAY IN CASE OF THE CANCELLATION OF SCHEDULED MEETINGS AS AMENDED. ALL AYES. MOTION PASSED.

c. SL-Serco Meter Reading Contract

Administrator Lay: Provided background and stated Council may approve contract as-is to cover 2018 services. A three-year service contract is anticipated by year's end. Recommended maintaining water meter reading services with vendor.

MOTION WAS MADE BY COUNCILMEMBER WHITE AND SECONDED BY COUNCILMEMBER LAFOY TO ACCEPT THE SL-SERCO WATER METER READING CONTRACT AS PROPOSED. ALL AYES. MOTION PASSED.

Councilmember White: Thanked City Administrator Lay for his work on the issue.

d. Bell Tower Dedication Ceremony

Administrator Lay: Updated Council. Stated donations are still being accepted and numbers are not yet final.

Mayor, Council Members and Administrator Lay: Briefly discussed the Bell Tower project expenses.

Mayor Wingfield: Added there are items such as the commemorative plaque that still have to be completed. Stated Boy Scouts offered assistance on future projects to the tower and amount should be paid through the parks fund, history and culture.

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER WHITE TO AUTHORIZE THE PAYMENT OF \$2,200 FROM THE PARKS FUND TO PAY FOR THE BELL TOWER PROJECT EXPENDITURES. ALL AYES. MOTION PASSED.

Administrator Lay: Requested a dedication ceremony date be set and recommended the last week in September.

Mayor and Council Members: Decided Mayor Wingfield and City Administrator Lay will set a date and inform Council.

e. Replace Fire Hydrant at Warming House

Administrator Lay: Provided estimate details from City Water Superintendent John Manship. Noted City of Mahtomedi generously donated a used fire hydrant. Stated the goal for installation is October at latest.

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER LAFOY TO APPROVE THE FIRE HYDRANT PLUG INSTALLATION FOR \$4,500 OUT OF PARKS FUND. ALL AYES. MOTION PASSED.

f. Schedule Special Budget Meeting

Administrator Lay: Informed council a Survey Monkey will be sent to schedule meeting before September 30th.

g. Plugged City Storm Drains

Administrator Lay: T.A. Schifsky can propose a bid, but must inspect prior to bidding to determine cause.

Mayor Wingfield: Stated despite inspection costs this vendor has been professional and historically the most affordable.

MOTION WAS MADE BY COUNCILMEMBER LAFOY AND SECONDED BY COUNCILMEMBER AAKRE TO APPROVE UP TO \$2000 TO INVESTIGATE AND REPAIR THE PLUGGED DRAINS IF POSSIBLE USING T.A. SCHIFSKY.

ADJOURN

MOTION WAS MADE BY COUNCILMEMBER WHITE AND SECONDED BY COUNCILMEMBER AAKRE TO ADJOURN THE MEETING. ALL AYES. MOTION PASSED. MEETING ADJOURNED AT 10:07 PM CST.

ATTEST:

Mary Wingfield
Mayor

Tobin Lay
City Administrator - Clerk

**CITY OF BIRCHWOOD VILLAGE
SPECIAL CITY COUNCIL MEETING
September 26, 2018**

MINUTES

MEMBERS PRESENT: Mayor Mary Wingfield; Council Members: Randy LaFoy, Kevin Woolstencroft and Jessi Aakre. Councilmember Trilby White was absent.

STAFF PRESENT: Tobin Lay, City Administrator

OTHERS PRESENT: None

Mayor Wingfield called the special meeting to order at 7:00 p.m.

CITY BUSINESS - REGULAR AGENDA

A. 2019 Budget Proposal

a. Review and Discuss

Administrator Lay: He lead Council Members through the proposed budget worksheet, introducing each line item that had a significant change either increase or decrease and answered questions. The initial proposed budget was for \$371,394.00, which amounted to a 4.77% increase over 2018.

Mayor and Council Members: They discussed each change and made adjustments to many. Council Members introduced additional projects not yet funded on the budget; most were deferred to future discussions regarding capital improvement expenditures. The final proposed budget was reduced to \$364,000.00; a 2.68% increase over 2018.

Councilmember Aakre: She excused herself from the meeting due to other previously scheduled obligations.

b. Approve for Submission

MOTION WAS MADE BY COUNCILMEMBER LAFOY AND SECONDED BY COUNCILMEMBER WOOLSTENCROFT TO APPROVE THE PROPOSED 2019 LEVY FOR \$364,000.00. ALL AYES. MOTION PASSED.

ADJOURN

MOTION WAS MADE BY COUNCILMEMBER LAFOY AND SECONDED BY MAYOR WINGFIELD TO ADJOURN THE MEETING. ALL AYES. MOTION PASSED. MEETING ADJOURNED AT 8:33 P.M.

Mary Wingfield
Mayor

ATTEST:

Tobin Lay
City Administrator-Clerk

For the Period : 9/11/2018 To 10/4/2018

<u>Name of Fund</u>	<u>Beginning Balance</u>	<u>Total Receipts</u>	<u>Total Disbursed</u>	<u>Ending Balance</u>
General Fund	\$699,197.05	\$1,131.36	\$23,380.42	\$676,947.99
Road and Bridge	\$0.00	\$0.00	\$0.00	\$0.00
Comp Plan Grant	(\$1,100.00)	\$0.00	\$0.00	(\$1,100.00)
Tree Canopy Care	\$0.00	\$0.00	\$0.00	\$0.00
Special Rev Projects	\$18,042.40	\$0.00	\$35.38	\$18,007.02
Spec Rev - Warm House	\$40.00	\$0.00	\$0.00	\$40.00
REIMBURSED CONTRACTED SERVICES	(\$7,285.26)	\$0.00	\$0.00	(\$7,285.26)
Birchwood In Re-hab Bond	(\$577.08)	\$0.00	\$0.00	(\$577.08)
Sewer Re-hab 2008 Debt	\$19,907.03	\$0.00	\$0.00	\$19,907.03
CAPITAL PROJECT FUNDS (401 through 499)	\$0.00	\$0.00	\$0.00	\$0.00
Capital Improvement Projects	\$0.00	\$0.00	\$0.00	\$0.00
Capital Project PW	\$66,233.91	\$0.00	\$0.00	\$66,233.91
Water	\$39,504.54	\$0.00	\$0.00	\$39,504.54
Sewer	\$34,892.99	\$0.00	\$5,281.98	\$29,611.01
Transit System	\$0.00	\$0.00	\$0.00	\$0.00
Sewer Infrastructure	\$0.00	\$0.00	\$0.00	\$0.00
Engineering Services	\$0.00	\$0.00	\$0.00	\$0.00
Total	\$868,855.58	\$1,131.36	\$28,697.78	\$841,289.16

Fund Name: All Funds

Date Range: 09/11/2018 To 10/04/2018

<u>Date</u>	<u>Remitter</u>	<u>Receipt #</u>	<u>Description</u>	<u>Deposit ID</u>	<u>Void</u>	<u>Account Name</u>	<u>F-A-P</u>	<u>Total</u>
09/25/2018	Maas, Ellen	171734490*	Donation - Bell Tower Project	(09/25/2018) -	N	Contributions and Donations from Private Sources	100-36230-	\$ 50.00
								\$ 50.00
09/25/2018	Oyloe, Jordon	171734491*	Building Permit	(09/25/2018) -	N	Building Permits	100-32211-	\$ 30.00
								\$ 30.00
09/25/2018	O'Loughlin, Terence & Mary Kay	171734492*	Variance	(09/25/2018) -	N	Building Permits	100-32211-	\$ 300.00
								\$ 300.00
09/25/2018	Sonrise Design & Construction, Inc.	171734493*	Building Permit	(09/25/2018) -	N	Building Permits	100-32211-	\$ 124.25
								\$ 124.25
09/25/2018	Great Plains Windows & Doors	171734494*	Building Permit - Tell	(09/25/2018) -	N	Building Permits	100-32211-	\$ 84.70
								\$ 84.70
09/25/2018	Beckman, Claudia & Jefferson, Kent	171734495*	Building Permit	(09/25/2018) -	N	Building Permits	100-32211-	\$ 99.00
								\$ 99.00
09/25/2018	Sundquist, Amber	171734496*	Rental - Village Hall - 10/28/2018	(09/25/2018) -	N	City/Town Hall Rent	100-34101-	\$ 25.00
								\$ 25.00
09/25/2018	C.J. Homeservices, LLC	171734497*	Building Permit - Anderson	(09/25/2018) -	N	Building Permits	100-32211-	\$ 68.25
								\$ 68.25
09/25/2018	Select Exteriors	171734498*	Building Permit	(09/25/2018) -	N	Building Permits	100-32211-	\$ 157.25
								\$ 157.25
09/25/2018	Polar Plumbing, Inc.	171734499*	Building Permit	(09/25/2018) -	N	Building Permits	100-32211-	\$ 56.25
								\$ 56.25

Fund Name: All Funds

Date Range: 09/11/2018 To 10/04/2018

<u>Date</u>	<u>Remitter</u>	<u>Receipt #</u>	<u>Description</u>	<u>Deposit ID</u>	<u>Void</u>	<u>Account Name</u>	<u>F-A-P</u>	<u>Total</u>
09/25/2018	Apollo Heating & Air	171734500*	Building Permit - TM784	(09/25/2018) -	N	Building Permits	100-32211-	\$ 20.00
								<u>\$ 20.00</u>
09/25/2018	MN Management & Budget	171734501*	Court Fines - August 2018	(09/25/2018) -	N	Court Fines	100-35101-	\$ 16.66
								<u>\$ 16.66</u>
10/01/2018	Stockwell, Peggy & James	171734507*	Donation - Bell Tower Project 2018	(10/01/2018) -	N	Contributions and Donations from Private Sources	100-36230-	\$ 100.00
								<u>\$ 100.00</u>
Total for Selected Receipts								<u><u>\$ 1,131.36</u></u>

Fund Name: All Funds

Date Range: 09/11/2018 To 10/04/2018

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Description</u>	<u>Void</u>	<u>Account Name</u>	<u>F-A-O-P</u>	<u>Total</u>
09/14/2018	Payroll Period Ending 09/14/2018	30220	Administrator	N	Clerk - Treasurer	100-41401-100-	\$ 1,817.66
	Total For Check	30220					\$ 1,817.66
09/14/2018	Payroll Period Ending 09/14/2018	30221	Administrator - Insurance	N	Clerk - Treasurer	100-41401-100-	\$ 420.12
	Total For Check	30221					\$ 420.12
09/14/2018	Payroll Period Ending 09/12/2018	30222	Maintenance - Jim Rydeen	N	Parks	100-45207-100-	\$ 1,482.93
	Total For Check	30222					\$ 1,482.93
09/14/2018	PERA	EFT091418A*	Employee Retirement - Tobin	N	Clerk - Treasurer	100-41401-121-	\$ 350.00
	Total For Check	EFT091418A					\$ 350.00
09/21/2018	Ruehle, Gene	30223*	Reimbursement - Bell Tower Project	N	Parks	100-45207-430-	\$ 1,509.32
	Total For Check	30223					\$ 1,509.32
09/28/2018	Payroll Period Ending 09/28/2018	30224	Administrator - Payroll	N	Clerk - Treasurer	100-41401-100-	\$ 1,817.66
	Total For Check	30224					\$ 1,817.66
09/28/2018	St. Paul Stamp Works, Inc	30225*	Council Member Nameplate - Jessi Aakre	N	Office Operations Supplies	100-41911-200-	\$ 19.25
	Total For Check	30225					\$ 19.25
09/28/2018	PERA	EFT092818A*	Employee Retirement - Tobin	N	Clerk - Treasurer	100-41401-121-	\$ 350.00
	Total For Check	EFT092818A					\$ 350.00
09/28/2018	IRS - US Treasury	EFT092818B	Q3 2018 - August Payment	N	Clerk - Treasurer	100-41401-100-	\$ 2,347.05
	Total For Check	EFT092818B					\$ 2,347.05
10/01/2018	Payroll Period Ending 10/01/2018	30226	Administrator - Insurance	N	Clerk - Treasurer	100-41401-100-	\$ 420.12
	Total For Check	30226					\$ 420.12
10/01/2018	Payroll Period Ending 10/01/2018	30227	Treasurer/Deputy Clerk - EAB Tree Grant 2018	N	Clerk - Treasurer	100-41401-100-	\$ 227.50
	Total For Check	30227					\$ 227.50
10/01/2018	TSE Inc. - Work Account	30228*	Janitorial Services - 09/06/2018	N	General Government Buildings and Plant	100-41940-314-	\$ 25.00
62	Total For Check	30228					\$ 25.00

Fund Name: All Funds

Date Range: 09/11/2018 To 10/04/2018

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Description</u>	<u>Void</u>	<u>Account Name</u>	<u>F-A-O-P</u>	<u>Total</u>
10/01/2018	Leeves, Robert	30229*	Videographer - Retro Pay 08/23/2018 + RCC Meeting 09/11/2018	N	Cable Eqpmt and Service	100-41950-314-	\$ 21.39
		30229*				100-41950-314-	\$ 95.63
		Total For Check	30229				\$ 117.02
10/01/2018	Ronnan, Kenny	30230	Videographer for Meeting - 09/26/18	N	Cable Eqpmt and Service	100-41950-314-	\$ 67.50
		Total For Check	30230				\$ 67.50
10/01/2018	League of MN Cities	30231*	Training - 2018 Regional Meeting	N	City Training and Development	100-41914-433-	\$ 75.00
		Total For Check	30231				\$ 75.00
10/01/2018	Steve Dean Tree Trimming	30232	Removal of 2 large broken tree limbs hanging above Hall Ave & Hall Ct - 08/21/2018	N	Tree Removal	100-43135-314-	\$ 100.00
		Total For Check	30232				\$ 100.00
10/01/2018	National Band & Tag Company	30233*	Animal License Tags - 1 box of 100	N	Office Operations Supplies	100-41911-210-	\$ 49.53
		Total For Check	30233				\$ 49.53
10/01/2018	City of White Bear Lake	30234*	Fire Services - October 2018	N	Fire	100-42201-314-	\$ 1,694.75
		Total For Check	30234				\$ 1,694.75
10/01/2018	Lund, John	30235*	Emergency Tree Removal - September 2018	N	Tree Removal	100-43135-314-	\$ 65.00
		30235*				100-43135-314-	\$ 390.00
		Total For Check	30235				\$ 455.00
10/01/2018	AirFresh Industries, Inc.	30236*	Standard Portable Restroom Rental (2) - Sept 2018	N	Parks	100-45207-314-	\$ 162.50
		Total For Check	30236				\$ 162.50
10/01/2018	Metropolitan Council - Env. Service	30237*	Wastewater Service - Oct 2018.	N	Sewer Utility	605-43190-217-	\$ 4,411.24
		Total For Check	30237				\$ 4,411.24
10/01/2018	Gopher State One Call	30238*	Locates (21 Tickets) - Aug 2018	N	Utility Locates	605-42805-314-	\$ 28.35
		Total For Check	30238				\$ 28.35
10/01/2018	Barco Products Company	30239*	Steel Frame Picnic Table	N	Parks	100-45207-587-	\$ 3,602.18

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Fund Name: All Funds

Date Range: 09/11/2018 To 10/04/2018

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Description</u>	<u>Void</u>	<u>Account Name</u>	<u>F-A-O-P</u>	<u>Total</u>
		Total For Check	30239				\$ 3,602.18
10/01/2018	Highland Products Group	30240*	Basketball Backboards and Rims with Nets (2) - "The Park Catalog and Facilities Online"	N	Parks	100-45207-587-	\$ 1,402.68
		Total For Check	30240				\$ 1,402.68
10/01/2018	Toshiba Business Solutions	30241*	Maintenance - 08/10/2018	N	Office Operations Supplies	100-41911-314-	\$ 34.60
		Total For Check	30241				\$ 34.60
10/01/2018	Allstream	30242*	Analog Phone Line - 09/23/18 to 10/22/18	N	General Government Buildings and Plant	100-41940-320-	\$ 45.87
		Total For Check	30242				\$ 45.87
10/01/2018	City of Roseville	30243*	IT & Phone Services - Sept 2018	N	General Government Buildings and Plant	100-41940-320-	\$ 366.00
		30243*				100-41940-320-	\$ 62.12
		Total For Check	30243				\$ 428.12
10/01/2018	Press Publications	30244*	Legal Notice Publications x 9 units	N	Ordinances and Proceedings	100-41130-351-	\$ 48.45
		30244*				100-41130-351-	\$ 48.45
		30244*				100-41130-351-	\$ 48.45
		Total For Check	30244				\$ 145.35
10/01/2018	Wingfield, Mary	30245	Reimbursement for Large Stamp Purchase - Sept 2018	N	Postage/Postal Permits	605-41430-200-	\$ 268.00
		Total For Check	30245				\$ 268.00
10/01/2018	Xcel Energy	EFT100118A*	Street Lights, Gas for Street lighting & Electric PTax Refund - 08/03/2018 to 09/02/2018	N	Street Lighting	100-43160-380-	\$ 670.86
		EFT100118A*				100-43160-380-	\$ 505.46
		EFT100118A*				100-43160-383-	\$ 46.15
		EFT100118A*				100-43160-810-	\$(15.18)
		Total For Check	EFT100118A				\$ 1,207.29
10/01/2018	Xcel Energy	EFT100118B*	Gas for Generator - 08/16/2018 to 09/17/2018	N	Sewer Utility	605-43190-383-	\$ 27.84
		Total For Check	EFT100118B				\$ 27.84
64							
10/01/2018	Xcel Energy	EFT100118C*	Electric Utility Billing - 08/18/2018 to 09/17/2018	N	General Government Buildings and Plant	100-41940-380-	\$ 127.25

Fund Name: All Funds

Date Range: 09/11/2018 To 10/04/2018

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Description</u>	<u>Void</u>	<u>Account Name</u>	<u>F-A-O-P</u>	<u>Total</u>
		EFT100118C*			Parks	100-45207-380-	\$ 11.20
		EFT100118C*			Sewer Utility	605-43190-380-	\$ 173.96
		EFT100118C*				605-43190-380-	\$ 50.95
		EFT100118C*				605-43190-380-	\$ 321.64
		Total For Check	EFT100118C				\$ 685.00
10/01/2018	Amazon	EFT100118D*	Pet Waste Bags - 1000 (14 mic)	N	Parks	210-45207-210-	\$ 35.38
		Total For Check	EFT100118D				\$ 35.38
10/01/2018	PERA	EFT100118E*	Employee Retirement - Paul	N	Clerk - Treasurer	100-41401-121-	\$ 100.80
		Total For Check	EFT100118E				\$ 100.80
10/02/2018	IRS - US Treasury	EFT100218A	Q3 2018 - September Payment	N	Clerk - Treasurer	100-41401-100-	\$ 1,684.08
		Total For Check	EFT100218A				\$ 1,684.08
10/02/2018	MN Department of Revenue	EFT100218B	State Tax Filing - Q3 2018	N	Clerk - Treasurer	100-41401-115-	\$ 1,083.09
		Total For Check	EFT100218B				\$ 1,083.09
Total For Selected Checks							\$ 28,697.78

As on 10/4/2018

Special Rev Projects

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Dock/Lift Permit Fee	0.00	12,050.00	12,050.00
Total Acct 322	0.00	12,050.00	12,050.00
Park Fees	0.00	220.00	220.00
Total Acct 347	0.00	220.00	220.00
Total Revenues	0.00	12,270.00	12,270.00
Other Financing Sources:			
Total Other Financing Sources	0.00	0.00	0.00
Disbursements:			
Recreation			
Miscellaneous: Dues and Subscriptions	0.00	200.00	(200.00)
Community Events	0.00	1,500.00	(1,500.00)
Total Acct 451	0.00	1,700.00	(1,700.00)
Parks			
Operating Supplies (211 through 219)	0.00	35.38	(35.38)
Misc	0.00	220.00	(220.00)
Total Acct 452	0.00	255.38	(255.38)
Total Disbursements	0.00	1,955.38	(1,955.38)
Other Financing Uses:			
Total Other Financing Uses	0.00	0.00	0.00
Beginning Cash Balance		7,692.40	
Total Receipts and Other Financing Sources		12,270.00	
Total Disbursements and Other Financing Uses		1,955.38	
Cash Balance as of 10/04/2018		18,007.02	

As on 10/4/2018

Water

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Water Fee	0.00	49,827.64	49,827.64
Penalty - Late Water/Sewer	0.00	389.89	389.89
State and Misc fees	0.00	1,474.73	1,474.73
Total Acct 341	0.00	51,692.26	51,692.26
Water Main Break	0.00	3,044.05	3,044.05
Total Acct 349	0.00	3,044.05	3,044.05
Delinquent Water/Sewer Fees	0.00	1,460.42	1,460.42
Total Acct 361	0.00	1,460.42	1,460.42
Total Revenues	0.00	56,196.73	56,196.73
Other Financing Sources:			
Total Other Financing Sources	0.00	0.00	0.00
Disbursements:			
Financial Administration			
Contracted Services	0.00	7,721.97	(7,721.97)
Total Acct 415	0.00	7,721.97	(7,721.97)
Water Utility			
Repair and Maintenance Supplies (221 through 229)	0.00	216.50	(216.50)
Contracted Services	0.00	44,892.02	(44,892.02)
Fees	0.00	1,686.00	(1,686.00)
Wtr/Swr Emergency			
Repair and Maintenance Supplies (221 through 229)	0.00	400.00	(400.00)
Professional Services: Medical and Dental Fees	0.00	10,749.90	(10,749.90)
Total Acct 431	0.00	57,944.42	(57,944.42)
Total Disbursements	0.00	65,666.39	(65,666.39)
Other Financing Uses:			
Total Other Financing Uses	0.00	0.00	0.00
Beginning Cash Balance		48,974.20	
Total Receipts and Other Financing Sources		56,196.73	
Total Disbursements and Other Financing Uses		65,666.39	
Cash Balance as of 10/04/2018		39,504.54	

As on 10/4/2018

Sewer

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Penalty - Late Water/Sewer	0.00	494.59	494.59
Sewer Fee	0.00	75,592.34	75,592.34
Total Acct 341	0.00	76,086.93	76,086.93
SPECIAL ASSESSMENTS	0.00	16,978.01	16,978.01
Delinquent Water/Sewer Fees	0.00	1,460.42	1,460.42
Total Acct 361	0.00	18,438.43	18,438.43
Total Revenues	0.00	94,525.36	94,525.36
Other Financing Sources:			
Total Other Financing Sources	0.00	0.00	0.00
Disbursements:			
Postage/Postal Permits			
OFFICE SUPPLIES (201 through 209)	0.00	1,041.60	(1,041.60)
Total Acct 414	0.00	1,041.60	(1,041.60)
Engineer Service			
PROFESSIONAL SERVICES (301 through 319)	0.00	4,960.00	(4,960.00)
Total Acct 416	0.00	4,960.00	(4,960.00)
Office Operations Supplies			
OFFICE SUPPLIES (201 through 209)	0.00	37.93	(37.93)
Total Acct 419	0.00	37.93	(37.93)
Utility Locates			
Contracted Services	0.00	187.55	(187.55)
Total Acct 428	0.00	187.55	(187.55)
Sewer Utility			
Sewer - Wastewater Charge	0.00	39,701.16	(39,701.16)
PROFESSIONAL SERVICES (301 through 319)	0.00	67,972.50	(67,972.50)
Contracted Services	0.00	7,689.75	(7,689.75)
Utility Services (381 through 389)	0.00	8,038.26	(8,038.26)
Utility Services: Gas Utilities	0.00	282.17	(282.17)
Total Acct 431	0.00	123,683.84	(123,683.84)
Total Disbursements	0.00	129,910.92	(129,910.92)
Other Financing Uses:			
Total Other Financing Uses	0.00	0.00	0.00
Beginning Cash Balance		64,996.57	
Total Receipts and Other Financing Sources		94,525.36	
Total Disbursements and Other Financing Uses		129,910.92	
Cash Balance as of 10/04/2018		29,611.01	

As on 10/4/2018

Capital Project PW

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Total Revenues	0.00	0.00	0.00
Other Financing Sources:			
Total Other Financing Sources	0.00	0.00	0.00
Disbursements:			
Total Disbursements	0.00	0.00	0.00
Other Financing Uses:			
Total Other Financing Uses	0.00	0.00	0.00
Beginning Cash Balance		66,233.91	
Total Receipts and Other Financing Sources		0.00	
Total Disbursements and Other Financing Uses		0.00	
Cash Balance as of 10/04/2018		66,233.91	

MEMORANDUM



Birchwood Village

TO: Birchwood City Council
FROM: Tobin Lay, City Administrator
SUBJECT: Appointment of Additional Election Judges

Dear Mayor and Council Members,

Two more individuals need to be appointed Election Judges to serve at Nov 6th General Elections; see enclosed Resolution 2018-19. Thanks!

Request/Recommendation

Staff requests Council:

- 1) Approve Resolution 2018-19 to appoint additional Election Judges.

Thanks!

Regards,
Tobin Lay

RESOLUTION 2018-19

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

**A RESOLUTION APPOINTING ADDITIONAL ELECTION
JUDGES FOR THE NOVEMBER 6, 2018 GENERAL ELECTION**

BE IT RESOLVED by the City Council of the City of Birchwood Village, Washington County, Minnesota as follows:

1. The persons below named are hereby appointed additional judges for the General Elections to be held in the City of Birchwood Village, County of Washington, State of Minnesota, on Tuesday, November 6, 2018.

Name
Lisa Rietveld
Dennis Murray

Whereupon, this Resolution was declared duly passed and adopted.

As certified by the City Clerk this 9th day of October, 2018 for the City of Birchwood Village.

Mary Wingfield, Mayor

Attest:

Tobin Lay, City Administrator-Clerk

MEMORANDUM



TO: Birchwood City Council
FROM: Tobin Lay, City Administrator
SUBJECT: Sheriff Report

Birchwood Village

Dear Mayor & City Council Members:

Below is a reporting of all law enforcement incidents and citations for September 2018.

Per Council’s request, a deputy is present to provide an annual policing update and answer questions. The Council had also asked for someone from the Sheriff Dept to speak to Council about the recent dog attack but staff is told that no officer with direct knowledge of that attack will be available for this meeting. Staff has invited the Dept to find someone to attend the Nov Council meeting to discuss accordingly.

INCIDENTS

WASHINGTON COUNTY SHERIFFS OFFICE

BIRCHWOOD

- 9/3/2018 1:20:13 PM WC18034124 XXX Birchwood Ave, BIRCHWOOD ANIMAL COMPLAINT
- 9/4/2018 7:16:43 AM WC18034204 XXX Birchwood Ave, BIRCHWOOD THEFT
- 9/4/2018 10:35:10 PM WC18034297 XX Wildwood Park, BIRCHWOOD PARK COMPLAINT
- 9/5/2018 10:02:28 PM WC18034460 XX Wildwood Park, BIRCHWOOD PARKING COMPLAINT
- 9/7/2018 11:59:10 AM WC18034675 XXX Wildwood Ave, BIRCHWOOD PARKING COMPLAINT
- 9/8/2018 1:53:25 PM WC18034842 XX Oakhill Ct, BIRCHWOOD 911 ABANDONED/HANGUP/OPEN LINE
- 9/16/2018 11:35:31 AM WC18036043 XXX Wildwood Ave, BIRCHWOOD DUMPING COMPLAINT
- 9/19/2018 9:50:24 AM WC18036522 XXX Birchwood Ave, BIRCHWOOD ordinance violation
- 9/21/2018 12:35:34 PM WC18036859 XX Oakridge Dr, BIRCHWOOD ACCIDENT
- 9/22/2018 11:08:29 AM WC18037012 XXX Cedar St, BIRCHWOOD PARKING COMPLAINT
- 9/24/2018 12:24:55 PM WC18037287 XXX Lake Ave, BIRCHWOOD ALARM-BUSINESS/RES/FIRE/MEDICAL/ETC
- 9/26/2018 10:27:46 AM WC18037594 XXX Hall Ave, BIRCHWOOD PARKING COMPLAINT
- 9/27/2018 4:46:31 PM WC18037823 XXX Wildwood Ave, BIRCHWOOD SHOTS FIRED/SHOOTING COMPLAINT

Citations for: Birchwood

9/1/2018 To 9/30/2018

Agcy	Date	Citation Number	Badge	Officer Name	Citation Type	Block	Street Name	Str Sfx	Cross Street Name	Cross St Sfx	City	Literal Description	Statute
WCSO	9/10/2018	820031825301	WC11400	R. Boleen	Citation	0	HALL AVE		JAY AVE N		Birchwood	DL-Drive After Suspension/DAS MOV-Insurance-Owner Fail To Produce Proof-No Proof of insurance	171.24.1
WCSO	9/10/2018	820031825301	WC11400	R. Boleen	Citation	0	HALL AVE		JAY AVE N		Birchwood	DL-Drive After Suspension/DAS MOV-Insurance-Owner Fail To Produce Proof-No Proof of insurance	169.791.4
WCSO	9/21/2018	820022826401	WC1202	J. Stringer	Citation	0	OAKRIDGE DR				Birchwood	Traffic Collision - Failure to Notify Owner of Damaged Property	169.09.5

Thanks!

Regards,
Tobin Lay

MEMORANDUM



Birchwood Village

TO: Birchwood City Council
FROM: Tobin Lay, City Administrator
SUBJECT: Roads Committee Recommendations

Dear Mayor and Council Members,

The Roads & Streets Committee has made the following recommendations for your consideration and approval:

Appointing Seth Plunkett to Committee

Committee recommends accepting Seth PLUNKETT 306 Wildwood to the roads committee.

Signage at Birchwood Ave & Cedar St

The committee recommends we order another yellow sign 'oncoming traffic does not stop' to replace the red one on cedar and Birchwood Ave. Residents have said the small red and white sign is hard to see and we agree. We have two yellow and blacks on either side of Cedar that work well.



East County Line Rd parking

No parking signs are in place on the Birchwood sign of street. Residents should complain to law enforcement as needed. If sheriff does not enforce we should re-examine our law enforcement contract.

Tree trimming along Cedar/Hall

We need to discuss near miss with excel energy person tree falling from canopy over cedar hall. We recommend our tree inspector mark trees and bid for removal.

Grotto St Repairs

Recommend we get a bid from Schifsky to repair Grotto St washout. Class 5 or similar.

Street striping

Recommend we get bid for painting lines first thing May 1st right after street sweeping.

Street sweeping

Also we are checking appetite for 1 additional street cleaning a year (3 total) for after storms. Bid and schedule only if needed.

Request/Recommendation

Staff requests Council:

- 1) Review and discuss Roads Committee recommendations as listed above.

Thanks!

Regards,
Tobin Lay

ROADS COMMITTEE MINUTES

**Birchwood Village
Roads and Streets Committee Minutes - Draft
September 1st, 2018 - 6:30 PM
Village Hall**

Present: Tom Stangl, Ben Creagh, Gene Ruehle, John Anderson
Seth Plunkett

Prev minutes accept: Gene motions, John 2nds, approved

Changes to agenda

Public forum- none

1. Tom - Tobin's responses to email
 - A. Iris and Wildwood Stop signs: stop sign change
 - B. Elm beach area has trees have possibility to disrupt asphalt
 - C. Weed control: Mary is city weed inspector
 - D. Status on Lake Street: City funds or assessing residents?
Was to be discussed in September
This will also be discussed by the Council on Tuesday. I think they will ask for a joint meeting with the Roads Committee so you might want to start thinking of that.
2. Tom - Update on Lake street
3. John - "Oncoming Traffic Does Not Stop" Cedar Street and Birchwood Ave
John motions, Gene 2nds, motion passes
4. Group East co line parking
Residents should complain to law enforcement
5. Tom - signs. Stop ahead. Secure 6
6. Tom - Radar sign sept 6
No appetite for radar enforcement
7. Gene:
 - A. Grotto Street. Needs some attention--erosion
Shiftsky be notified to repair Grotto street between Hall Ave and Wildwood Ave
Gene motions, Ben 2nds, passed
 - B. Trees along Cedar and Hall Streets need to be trimmed--a work man with Xcel had a near miss with with a falling huge tree limb this past week. I think we need to advise the Council, as to cost, as a 2019 budget item!

8. Potential new members for Roads Committee
Seth Plunkett
David Heiden
9. A number of my neighbors think the traffic pattern has changed on Wildwood Ave.
Request Wildwood street between Cedar Street and Owl St along the park
10. Tom: Suggest we get bid for painting lines first thing May 1 right after street sweeping.
Also we are checking appetite for 1 street cleaning a year after storms. Bid and schedule only if needed.
- 11 We will plan to survey for 2019 chip seal in spring. Right now no roads seeing immediate need.
11. Committee recommends Seth Plunkett (306 Wildwood) to be on committee

Messages for Tobin and/or council:

- Ask for update on stop sign change Iris and Wildwood
- Did tree discussion
- Weeds on Cedar/Hall
- What do we need for Lake Street funding
- Approve new sign Birchwood Ave, Cedar St
- Residents should complain to law enforcement, if not contact council

If no items for our next meeting we will meet December 3rd at 6:30pm

Adjourn: Ben motions, Gene 2nds. 7:30

BDA CITY PERMIT APPLICATION

APPROVAL FORM FOR ASSOCIATION DOCK PLANS

CITY OF BIRCHWOOD VILLAGE

(TO BE SUBMITTED TO CITY CLERK PRIOR TO OCTOBER 25, 2018)

Date 10-1-2018

Beach Association Name Birchwood Dock Association

Beach Association Contact Person Chris Churchill

Phone # 612-961-2254

Beach Association Officers:

President – Chris Churchil Phone # 612-961-2254

Vice President – Dana Klimp Phone # 612-364-5440

Secretary – Mary Sue Simmons Phone # 651-429-6259

Treasurer – Lynn Hanson Phone # 651-246-0848

Member At Large-- Debra Harrod Phone # 612-246-4612

Amount of Association Dues: \$35 - \$650

Include the following when submitted form:

1. Drawing to scale of dock configuration, boat slip placement, length of boats, and property lines of easement.
2. A current membership list including identification of officers.
3. Current bylaws/changes of association.
(NOTE: ONLY NEEDED IF CHANGES HAVE BEEN MADE.)
4. Treasurer's report from the current year.
5. Minutes from the last annual meeting.
6. Placement plan if lifts are stored on easement in the winter.

Beach club members with boats or lifts at any of the easements are reminded that a certificate of liability insurance is required to be turned into City Hall by May 1st of every year.

IS THERE A CHANGE FROM PREVIOUS YEAR? _____ YES ___X___ NO

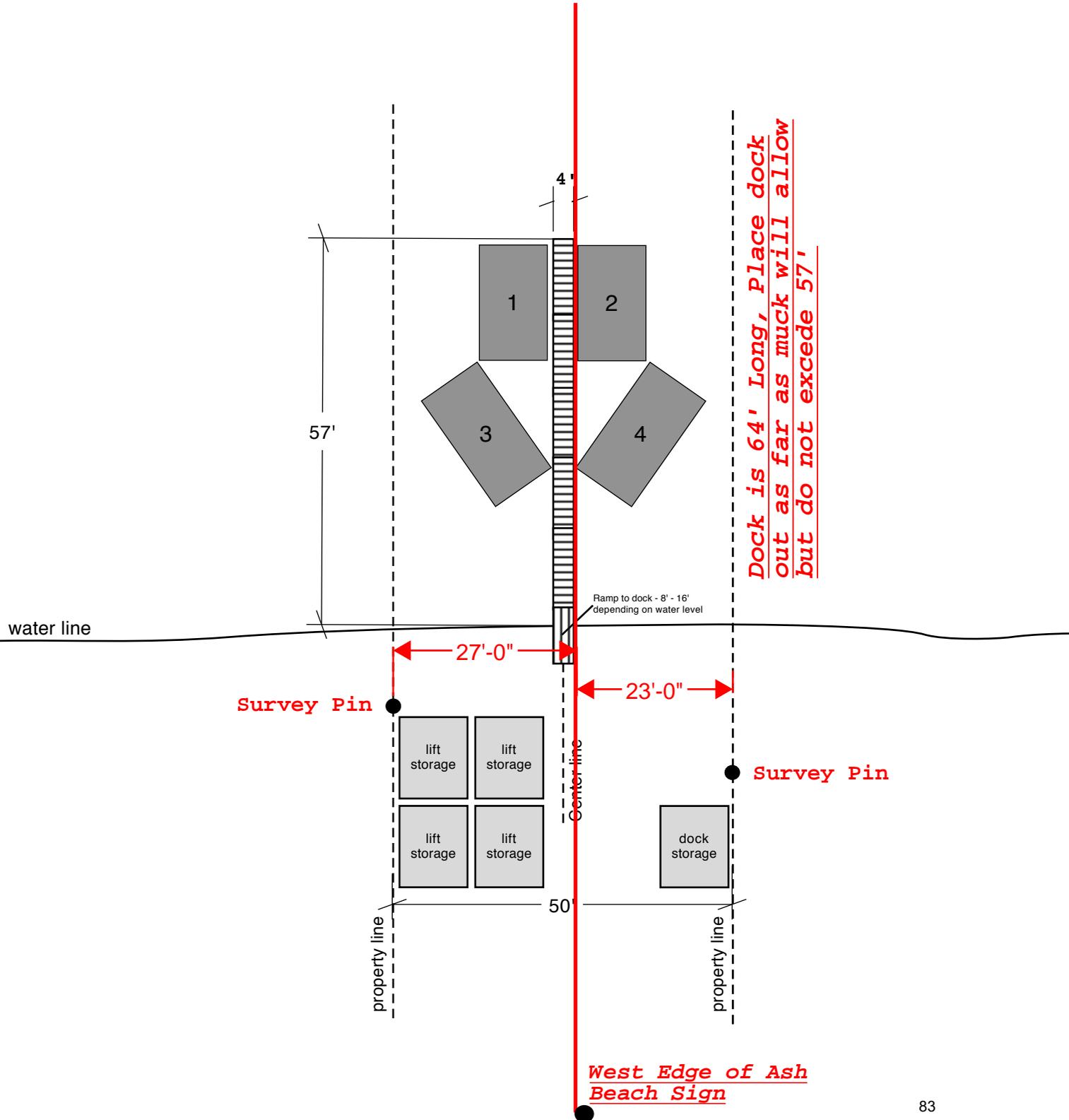
BDA Improvements

Would like to extend the Birch Dock 16 feet. We would not add any additional boat slips but would like to open up the end of the dock for a better swimming area and better viewing of the lake. Currently we put the boat slips up to the very end of the dock. By pushing out the length of the dock we could open up all of the sides of the 6ft wide platform at the end of Birch dock. We need to talk to the Neighbors, City and WBLCD about this change. We currently are not putting this change in for next year but could if the City and Neighbors feel it's a good idea. Would also need the WBLCD approval if we were to move forward.

Elm Beach

Approximate Scale 1" = 20'

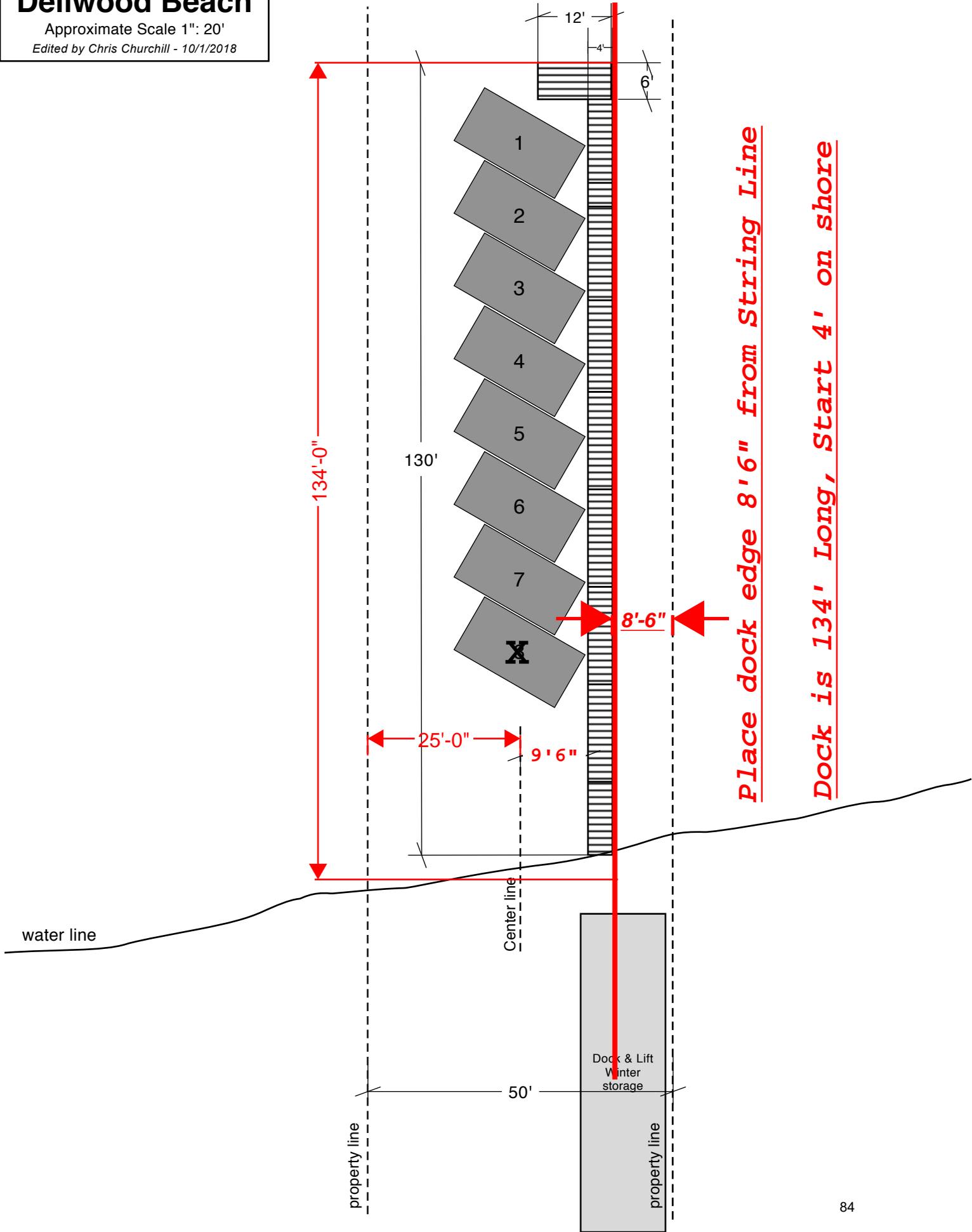
Edited by Chris Churchill - 10/1/2018



Dellwood Beach

Approximate Scale 1" = 20'

Edited by Chris Churchill - 10/1/2018



Slip Assignments

	2017		Fall 2018
	<i>Status</i>	<i>Name</i>	<i>Current Season (of 6)</i>
Ash			
	1 assigned	Chris Sorenson	2
	2 assigned	Dan & Lianna Colestock	1.3
	3 assigned	Roger Madison	2
	4 assigned	Jody Lallak	0.5
	5 assigned	Steph and David Heiden	3
	6		
Birch			
	1 assigned	Marc & Kelly Paradise	2
	2 assigned	Houstoun Clinch	3
	3 assigned	Devon & Arika Quick	2
	4 assigned	Dan & Melissa Werra	2
	5 assigned	Mark & Susan Glander	3
	6 assigned	Claudio Danus	1.6
	7 assigned	Mark & Jill Greseth	1.6
Dellwood			
	1 assigned	Randy Felt	2
	2 assigned	Ron & Kathy Malles	2
	3 assigned	Mike Evangelist	3
	4 assigned	Paul Steinhauser	2
	5 assigned	Urho & Pamela Rahkola	2
	6 assigned	John Arlandson	1.6
	7		
Elm			
	1 assigned	John Elias	2
	2 assigned	Dana & Lori Klimp	2

BDA MEMBERSHIP ROSTER

	<u>First Name</u>	<u>Last Name</u>		<u>First Name</u>	<u>Last Name</u>
1	John & Martha	Arlandson	45	Jennifer & Jason	Tell
2	Bob & Nancy	Brydges	46	Ted & Joanne	Thornquist
3	Chris & Angie	Churchill	47	Daniel & Sarah	Webber
4	Houston	Clinch	48	Dan & Melissa	Werra
5	Dan & Lianna	Colestock	49	Phillip & Karen	Winter
6	Sandy & Claudio	Danus			
7	John	Elias			
8	Mike	Evangelist			
9	Randy & Jackie	Felt			
10	Stephen & Nancy	Ferry			
11	Mark & Susan	Glander			
12	Deborah	Gohl			
13	Mark & Jill	Greseth			
14	Lynn & Dyanne	Hanson			
15	Debra	Harrod			
16	Mary	Hauser			
17	David & Steph	Heiden			
18	Karen	Holmen			
19	Greg & Bonnie	Hubbard			
20	Tyler & Gretchen	Johnson			
21	Dana & Lori	Klimp			
22	Jody	Lallak			
23	Robert & Diane	Landberg			
24	Karen Hagen & Brian	Lind			
25	John	Lund			
26	Roger & Donna	Madison			
27	Ron	Malles			
28	Alan	Mitchell			
29	Charles	Moore			
30	Joshua & Melissa	Nerlien			
31	Gary & Judith	Oakins			
32	Richard & Traci	Oni			
33	Jordon	Oyloe			
34	Marc & Kelly	Paradise			
35	Devon & Arika	Quick			
36	Urho & Pam	Rahkola			
37	Maureen	Seibert			
38	Mary Sue	Simmons			
39	Chris	Sorenson			
40	Andrew	Sorenson			
41	Robert Dean	Stanton			
42	Paul & Meryl	Steinhauser			
43	Ron & Mary	Sternal			
44	James & Peggy	Stockwell			

Birchwood Dock Association Officers - 2019

President

Chris Churchill 612-961-2254 chris.churchill@bestbuy.com
140 Birchwood Ave.

Vice President

Dana Klimp 612-364-5440 danaklimp@comcast.net
414 Birchwood Ct.

Treasurer

Lynn Hanson 651-246-0848 lhanson54@comcast.net
700 Hall Ave.

Secretary

Mary Sue Simmons 651-429-6259 simmo001@umn.edu
418 Birchwood Cts.

Member at Large

Debbie Harrod 612-246-4612 debbieharrod@hotmail.com
483 Lake Ave.

Complaint Managers

Mary Sue Simmons 651-429-6259
Lynn Hanson 651-246-0848
Chris Churchill 651-429-7915

<u>7-Apr</u>	<u>Balance Spring Meeting 2018</u>		\$	5,295.16
4/9/2018	Deposit	\$	9,100.00	\$ 14,395.16
4/9/2018	Deposit	\$	455.00	\$ 14,850.16
4/9/2018	Thornquist correction	\$	(5.00)	\$ 14,845.16
4/13/2018	Service Charge	\$	(5.00)	\$ 14,840.16
4/20/2018	Deposit	\$	6,500.00	\$ 21,340.16
4/20/2018	Deposit	\$	315.00	\$ 21,655.16 BC
5/1/2018	Deposit	\$	6,570.00	\$ 28,225.16
5/4/2018	Card Withdrawal - Minute Key	\$	(10.16)	\$ 28,215.00
5/7/2018	Vibo Marine - docks	\$	(6,539.14)	\$ 21,675.86
5/8/2018	Deposit	\$	4,985.00	\$ 26,660.86
5/11/2018	Insurance	\$	(2,241.12)	\$ 24,419.74
5/14/2018	Service Charge	\$	(5.00)	\$ 24,414.74
5/17/2018	Birchwood Village - Dock Fee's	\$	(11,950.00)	\$ 12,464.74
5/25/2018	Deposit	\$	1,272.00	\$ 13,736.74
5/25/2018	Menards	\$	(51.38)	\$ 13,685.36
5/31/2018	Miller Mobile Marine - Dock install	\$	(2,745.00)	\$ 10,940.36 Balance Check
6/4/2018	Deposit	\$	235.00	\$ 11,175.36
6/14/2018	Service Charge	\$	(5.00)	\$ 11,170.36
6/14/2018	Dock Equipment	\$	(42.93)	\$ 11,127.43
6/15/2018	Carter Johnson Refond - wait list	\$	(200.00)	\$ 10,927.43
7/16/2018	Service Charge	\$	(5.00)	\$ 10,922.43
7/26/2018	Secretary of State Filings & Fee's	\$	(35.00)	\$ 10,887.43
8/14/2018	Service Charge	\$	(5.00)	\$ 10,882.43 Balance Check
8/27/2018	Post Office	\$	(50.00)	\$ 10,832.43
8/27/2018	Deposit - Howard -Wait List	\$	200.00	\$ 11,032.43
<u>8-Sep</u>	<u>Balance Fall Meeting 2018</u>			\$ 11,032.43 9/8/2018 Balance
	Deposits Held	\$	(3,400.00)	\$ 7,632.43 Available Balance
	Dock Out	\$	(3,000.00)	\$ 4,632.43
	WBLCD	\$	(650.00)	\$ 3,982.43
<u>7-Apr</u>	<u>Balance Spring Meeting 2018</u>			\$ 5,295.16
	Deposits	\$	29,632.00	\$ 34,927.16
	Dock Purchase & Equipment	\$	(6,643.61)	\$ 28,283.55
	Insurance	\$	(2,241.12)	\$ 26,042.43
	Dock Install	\$	(2,745.00)	\$ 23,297.43
	Refunds	\$	(205.00)	\$ 23,092.43
	Office Expense's	\$	(110.00)	\$ 22,982.43
	Birchwood Village - Dock Fee's	\$	(11,950.00)	\$ 11,032.43

Birchwood Dock Association

Spring Meeting April 8, 2018 Village Hall

Minutes

President Klimp called the meeting to order at 9:30 am.

The **Agenda** was reviewed and a topic added: Invasive Species contractor.
Several members have the DNR certification to cover this need.

Old Business

Fall 2017 Meeting Minutes approved

Treasurer Report \$5292 balance

617 Ordinance changes – present recent events to those present.

Churchill did summary of events – committee formed by Mayor to simplify solving any problems arising out of Ordinance 617 review

It appears that the Mayor has attempted to takeover the dock association. She is trying to get payments by slip holders to City and BDA written into one check and then BDA sends check to City for their fee. So, BDA becomes collection agent for City.

City manages the list, all other inquiries go to the Dock Association. The roles of City and BDA need clarification.

Wait List - once on you are offered a slip at each easement and refuse it, the City can remove your name from the list.

Insurance required – amount for boat owner liability discussed.

The Council conducted an Oct 25th workshop with the BDA. Goal is to give it a year and see how it works. Council agreed to \$350 for boat and lift storage for City fees. However, the Council threw away the workshop agreement and raised the City slip fee to \$750.

This should have been done through the committee. City sees the BDA as a revenue generator.

Noted by a member – At end of fall – council agreed that BDA could raise the boat fee so all resident to improve Ord 617.

Some history: An empty slip triggered a new committee with Nino. Nino presented hours of work to council and recommended for the City to take it over. Turned down by council. BDA owns and insures the docks.

\$750 to City is a fact now – noted by officers.

Treasurer reviewed proposed budget and set a \$35 for a general member and which gives voting rights within membership. City wants the payment before boats go out (\$15,750) as of April 1 at 21 boats. If BDA does not fill all slips, that is BDA problem. Fee Ord never finalized by Dock Committee or Council. If we have 21 boats one year and then 10 next year, we still get charged for 21?

Various comments from membership:

Vote for slips - people stated who would take a slip for \$1300. We need 18 to meet out budget
Add about \$100 to each boat slip person if we only get 17 or 18 or so.

BDA is not comparable to commercial market. Paying market rate is absurd. We have lifts and have to make this investment. We need insurance and checks in hand. Need to reach out to absent people and see if they want slip for \$1300.

Lynn – we gave application to City based on \$350 fee and they cashed our \$400 check and approved it in Jan. but held it from WBLCD and still not reviewed by them so we have no permit. With \$350 negotiated deal we could make it work based on old 617. Unfair tariff imposed just a few weeks ago. If Council says we do not accept \$350 fee and then officers or association walk out the door.

Motion to boating members that this is how we approach it (Lynn) and there will be no docks for 1 year. BDA owns docks and we might have to move lifts and docks off property. Motion withdrawn.

Megan Malvey - fee increase happened in Council mtg. No discussion of what money would be used for in that council mtg.

Malles – We could hold off on a new dock. Value of asset is great.

Why not charge for hockey rink, etc? Slippery slope to charge fees for use.

Dana moved to purchase new docks - passed.

Chris – hire installer for docks for \$6000 in/out: Motion to accept bid - passed.

Dock managers: Arlandson - Elm Birch – Greseth Ash – Heiden Dellwood - Malles

Dock in date will be determined with installer.

Submitted by Mary Sue Simmons, Secretary

Birchwood Dock Association

Fall 2018 Meeting Minutes

Village Hall

Called to order at 9:40 am by President Klimp

Presentation of dock configurations for 2019 – for members and neighbors:

Ash 6 applied for, 8 allowed

Birch 8 applied for, 10 allowed

Elm 2 applied for, 4 allowed. Slight change of dock at end

Dellwood 7 applied for, 8 allowed

25 slips applied for for 2019

Mowing issue at Dellwood – weeds not whipped. All easements need trimming.

President's Report – a strenuous season with council. Will soon be in contract negotiation with City.

Treasurer's Report – detailed listing of bank transactions

\$5295 to \$3982 expenses decreased

\$2400 for budget number for insurance

City revenue - \$15,750

We pay city for boats in 2019 based on number of boats in water in 2018

If City raises its boat fee for 2019 and/or WBLCD raises slip fees, costs will go up.

Treasurer's Report – approved by members present.

Issues: if water goes down and we lose boat slips, not fair to pay next year for boats we had this year.

If City or BDA raise fees, it becomes an obstacle to people using slips due to high costs.

Can docks go in sooner? Ice out and schedule of installers affected

this date this year, docks went in two weeks after ice went out.

Should we have a contract for the 6-year use of slip and an agreement with costs that stay in place for those years

People moved here to get boat access, wait on list, pay fees, buy boat and lift and then have a problem with costs. They may now have to consider giving up boat.

Wait list folks are nervous about how rates may increase.

Dec 15 is Ord 617 date when folks must commit to a boat slip and pay fee.

Spring 2018 minutes – Approved by members present.

Slip availability looks good for next season.

Contract with City – will come up on Sept 2018 Council agenda

Dock Association will do permit application to City and WBLCD in Oct.

Officers – Lynn will resign as treasurer. MS will resign as secretary. Chris will stay on as president.

Klimp will take on vice president role.

Dock out date will be in Oct. Churchill will notify boat people to move boats off.

BIRCHWOOD DOCK ASSOCIATION BYLAWS

ARTICLE 1. NAME

The name of the organization is the Birchwood Dock Association.

ARTICLE 2. PURPOSE

The purpose of the Birchwood Dock Association is to manage and install docks on the Public Lake Tracts owned by the City of Birchwood for the use and enjoyment of the members of the Association and to protect and indemnify Association members from liability arising from the use and maintenance of the docks.

ARTICLE 3. MEMBERSHIP IN THE ASSOCIATION

Section 1. Open to Residents. Residents and property owners in the City of Birchwood are eligible to join the Birchwood Dock Association. All full-time residents of a household shall be included when a person at the residence joins the Association, although each household shall have only one vote.

Commented [CC(1): Change to : Residents and property owners in the City of Birchwood are Birchwood Dock Association members. All full-time residents of a household shall be included when a person at the residence joins the Association, although each household shall have only one vote.

Section 2. Boating Members. Residents who obtain a boat slip on a dock maintained by the Association are considered boating members.

~~**Section 3. Dock Use Only Members.** Residents who want access to the docks but who do not desire to obtain a boat slip are eligible to join as dock use only members.~~

Commented [CC(2): Remove now that every resident is a member and we don't have fee's for just being a dock Member.

Section 4. City Boat Slip Waiting List. Residents may place their name on the City Boat Slip Waiting List as regulated by City procedures and ordinances.

ARTICLE 4. FEES AND DUES

Section 1. Initiation Fees. A resident joining the Association as a boating member shall pay an initiation fee established by the Board of Directors. A resident joining the Association as a dock use only member shall be required to pay an initiation fee.

Section 2. Annual Dues. All members of the Association shall pay the annual dues established by the Board of Directors. The Board may establish higher annual dues for those boating members who have usable boat slips than for boating members without a usable slip. The annual dues for dock use only members shall be set at a reasonable amount that reflects the costs associated with maintaining the docks, including the costs of insurance.

Section 3. Special Assessments. The Board shall have the authority to impose special assessments on all dock members. The Board shall inform the members of the purpose and reasons for any special assessments.

Section 4. Acceptance of Funds. The Board shall have the authority to accept any gifts and donations on behalf of the Association. The Association may engage in fundraising activities.

ARTICLE 5. BOARD OF DIRECTORS

Section 1. Creation. There shall be a Board of Directors consisting of five Directors – the President, the Vice President, the Secretary, the Treasurer, and a member at large ~~who shall be selected by the other four other members.~~

Section 2. Terms. The members of the Board of Directors shall serve one year terms but may be re-elected for consecutive terms. The term of the members of the Board of Directors shall run from January 1 to December 31.

Section 3. Election. The President, the Vice President, the Secretary, and the Treasurer shall be elected by the members of the Association. A majority of those voting is sufficient to elect the Board members. All elections shall occur at a meeting of the Association held in the fall of the year before the terms of the present members expire on December 31. No household shall have more than one vote.

Section 4. Duties of the Board. The Board of Directors shall be responsible for the conduct of the Association’s business and has authority to make decisions on behalf of the Association. The Board shall establish initiation fees, the annual dues, and any special assessments. The Board shall be responsible for calling meetings of the Association. The Board shall maintain a list of members of the Association and shall have the responsibility to facilitate boat slip assignments to the boating members each spring, following procedures established by the City. The Board shall have other duties as more specifically defined in these bylaws.

Section 5. Vacancy. A Director may resign at any time by giving written notice to the Secretary and President. When a vacancy shall occur on the Board of Directors, for any reason, the President, after soliciting the advice of the other Board members, shall appoint a qualified person to fill the remaining term of the person who vacated the position, unless the vacancy shall occur less than two months before the next election, in which case the position shall remain open until the position is filled by election. If the position of President shall become vacant, the Vice President shall serve until the next election.

Section 6. No Compensation. Members of the Board of Directors shall receive no compensation for service on the Board or for service as an officer. Nor shall Board members and officers receive any priority status regarding the selection of boat slips on any dock. Board members and officers shall pay all applicable fees and dues.

Section 7. Meetings of the Board. The Board of Directors may meet upon the call of the President or upon the request of two Board members. Three members must be present for the Board to conduct a meeting and to take any action. A majority vote of those present and voting is required for the Board to make a decision. The President shall determine whether notice of the meeting shall be given and the extent of any notice. The Board can decide to close any meeting of the Board to the Association members and to the public. The President shall report to the

Commented [CC(3)]: Change to: There shall be a Board of Directors consisting of five Directors – the President, the Vice President, the Secretary, the Treasurer, and a member at large.

They want the member at large just like the board of directors.

Association at each meeting of the Association about any Board meetings that were held in the interim since the previous Association meeting.

Commented [CC(4)]: Clean up wanted here. I think with all the open meeting fights between the city and other residents they want us to post meeting keep things transparent. We should meet to talk more on this one.

ARTICLE 6. OFFICERS

Section 1. President. There shall be a President of the Association. The President shall have the authority to speak for the Association consistent with actions of the Board of Directors and these bylaws. The President shall have the authority to call regular or special meetings of the Association and shall preside at all meetings of the Association.

Section 2. Vice President. There shall be a Vice President of the Association. The Vice President shall serve in the absence of the President.

Section 3. Secretary. There shall be a Secretary of the Association. The Secretary shall maintain the Minutes of all meetings of the Association and keep the books and records of all financial transactions of the Association.

Section 4. Treasurer. The Treasurer shall keep the books and records of all financial transactions of the Association. The Treasurer shall have the authority to sign checks and pay bills on behalf of the Association.

Section 5. Dock Management Teams. Each Public Lake Tract shall have a Dock Management Team consisting of the two most senior boating members at each public lake tract, or elected members serving as Dock Manager and an Assistant Dock Manager.

- A. **Dock Manager.** The Dock Manager will have the responsibility to coordinate dock installation and removal, oversee any required dock maintenance issues, and prepare documents required for necessary dock permit applications of the Association.
- B. **Assistant Dock Manager.** The Assistant Dock Manager will have the duty to assist the dock manager in his/her responsibilities and serve in the absence of the Manager.

Section 5. Election of Dock Managers. Dock Management Teams will be elected volunteers by a majority vote of the members of the Association who are present and voting at the meeting when the election is held. All elections shall occur at a meeting of the Association held in the fall of the year before the terms of the present members expire on December 31. No household shall have more than one vote.

ARTICLE 7. ASSOCIATION MEETINGS

Section 1. Regular Meetings. The Board of Directors shall schedule at least two regular meetings of the Association, one in the spring and one in the fall.

Section 2. Special Meetings. Two members of the Board of Directors or the President may call for a special meeting of the Association at any time.

Section 3. Quorum. A quorum shall consist of a majority of the Board, regardless of how many Association members are present.

Section 4. Notice of Meetings. The President shall provide written notice through the U.S. Post Office or by e-mail of all Association meetings at least five days in advance of the meeting. The notice shall be provided to all members of the Association and to the landowners within 200 feet in both directions from any Public Lake Tract where the Association maintains or is proposing to maintain a dock. The President shall also provide notice to the Birchwood City Clerk.

Section 5. Participation. All members of the Association shall be entitled to be heard at a meeting of the Association. The Board may allow nonmembers to be heard.

ARTICLE 8. DOCK AUTHORIZATION

Section 1. Birchwood Authorization. Each fall the Board of Directors shall determine what docks and boat slips the Association would like to maintain in the following summer season on the Public Lake Tracts owned by the City of Birchwood. The Board of Directors shall be responsible for preparing all necessary paperwork and documentation, in consultation with the Dock Managers, to apply to the City for the appropriate authorization.

Section 2. White Bear Lake Conservation District Authorization. The Board of Directors shall be responsible for preparing all necessary paperwork and documentation to assist the City in obtaining a permit for all docks and boat slips on Lake Easement Tracts from the White Bear Lake Conservation District.

ARTICLE 9. BOAT SLIP ASSIGNMENT

Section 1. Slip Assignment. The Dock Association acknowledges that the city will manage the assignment and relinquishment of boat slip privileges, but the dock association will manage the assignments of the specific boat slip and individual uses. At the spring meeting of the Association, the Board of Directors shall determine which members are entitled to which of the available boat slips that have been authorized by the City of Birchwood and the White Bear Lake Conservation District by using the City's Consolidated Wait List. The person at the top of the list has the number one priority, and so on down the list. The Board shall continue down the list until all available slips have been accounted for.

Section 2. Slip Refusal. Any member on the Wait List who has a high enough priority to qualify for a boat slip may refuse to moor a boat in the assigned slip that particular year for any reason without losing their rotation position. The boat slip shall become available to the next person lower in priority on the Wait List.

ARTICLE 10. COMMITTEES

Commented [CC(5): Changes wanted here that relate to the "Meeting of the Board". Now that everyone in Birchwood is part of the association is it better to post meetings with the city clerk. In the end it would be just an email to the clerk and they would post it on the web site and put a paper copy outside the city hall. Once again I think the fights with the open meeting laws cause folks to apply this to everyone. Also a way to get transparency, folks would like to see the meeting notes, financials. Could be a good way to share info with the city on these basic things. Also use the city to help us post our info and share with other residents. Another item to talk through.

Section 1. Creation. The Board of Directors may create such committees as it deems advisable. The Board shall determine the size of the committee, its duration, its charge, and any other terms the Board determines appropriate. Any Association member may ask the Board to create a committee.

Section 2. Appointment. The Board of Directors shall appoint the members of all committees that are created. A person does not need to be a member of the Association to be appointed to a committee.

Section 3. Duration. The Board of Directors shall determine whether a committee is a permanent committee or a temporary committee. Temporary committees shall expire on a date certain established by the Board. Permanent committees shall continue until such time as the Board determines to terminate the committee. The Board may terminate a committee, whether permanent or temporary, at any time.

ARTICLE 11. CONDUCT OF MEMBERS

Section 1. Behavior. All members shall comply with the requirements of these bylaws and any other rules or regulations established by the Board of Directors. Members shall act in a manner that is courteous and respectful during meetings of the Association and when using the Public Lake Tracts and the docks.

Section 2. City Requirements. All members of the Association shall comply with requirements imposed by the City that apply to the Public Lake Tracts or to the docks or the boats.

ARTICLE 12. LOSS OF MEMBERSHIP.

Section 1. Revocation. A member of the Association may have his or her membership revoked by the Board of Directors for failure to comply with the conduct expected under Article 10 or for other conduct detrimental to the Association. No person's membership shall be revoked without providing the person an opportunity to address the Board of Directors. Revocation shall apply to the entire household. Any person whose membership has been revoked shall not be entitled to reimbursement of any fees, dues, or assessments paid to the Association. If the member is a boating member, the member shall be required to vacate the slip within ten days of the revocation. In lieu of revocation, the Board may determine to suspend a person's membership and to impose conditions on continued membership.

Section 2. Reinstatement. Any member whose membership has been revoked by the Board of Directors under Section 1 may apply for reinstatement one year or more after the action by the Board revoking the membership. If the person is a boating member, the person shall go to the bottom of the boating list upon reinstatement.

ARTICLE 13. INSURANCE

The Association and its (boating) members shall maintain, as a minimum, the insurance types and limits required by the City.

ARTICLE 14. INDEMNIFICATION

The Association shall indemnify its officers, members, and agents from any liability for acts of the Association or its members to the extent permitted by law.

ARTICLE 15. ASSOCIATION ASSETS

Section 1. Acquisition. The Association may acquire such assets as the Board determines appropriate to carry out the functions of the Association. Without limitation, this includes docks, boats, boat lifts, and money. The Board may also determine to dispose of any assets through sale, transfer, or discarding.

Section 2. Liquidation. The duration of the corporate existence shall be perpetual until dissolution. Upon the dissolution of the organization, assets of the corporation shall be distributed for one or more nonprofit or exempt purposes to qualified organizations under state or federal law. Or, shall be distributed to the federal government or state or local government, for public purpose.

ARTICLE 16. AMENDMENT OF BYLAWS

These bylaws may be amended at a regular or special meeting of the Association by a two-thirds (2/3) vote of all eligible members. No proposed amendments may be brought to the membership for a vote unless the specific text of the amendment is provided to the members at least ten days before the meeting.

These bylaws adopted this __22nd____ day of __January____, 2011

BDA WBLCD APPLICATION

**Birchwood Dock Association
2019
Boating Season
WBLCD
Application Fee**

<u>Lake Tract - Boats</u>	<u>Dock</u>	<u>Add. Boats \$50</u>	<u>Shore Ramps \$10</u>	<u>Total</u>
Ash - 6	\$ 50	\$ 100	\$ -	\$ 150
Birch - 8	\$ 50	\$ 200	\$ -	\$ 250
Elm - 4	\$ 50	\$ -	\$ -	\$ 50
Dellwood - 7	\$ 50	\$ 200	\$ -	\$ 250
			WBLCD FEE	\$ 700
		<u>7 @ Dellwood vs 6</u>		



FORM #2: Application for new or renewed multiple user dock, ramp and/or mooring license. Governed by WBICD Ordinance #5&12.

Office Use Only

Application Number: _____ Other permits obtained Yes NO
 Date Received in Office _____ Insurance Yes No
 Amount of Fee Received \$ _____ Balance Due _____
 Approval Date _____ Conditions/Stipulations Yes No

(Type or print all of the following information in black ink to insure good copies)

1. STATUS New **Renewal--Identical to last year**

(NOTE: All next year renewals are due by October 15 to avoid Late Fee.)

2. SITE OWNER INFORMATION:

Name **City of Birchwood Village** Day Phone _____
 Street Address: **207 Birchwood Ave.** Evening Phone _____
 City: **Birchwood** State **MN** Zip **55110** _____
 Email **info@cityofbirchwood.com**

3. APPLICANT INFORMATION (if different from owner)

Name **Birchwood Dock Association** Day Phone **612-961-2254** _____
 Street Address **140 Brichwood Ave.** Evening Phone _____
 City **Birchwood** State Zip **55110** _____
 Email **christopherh.churchill@gmail.com**

[The above site information describes property which is riparian to White Bear Lake; and applies pursuant to White Bear Lake Conservation District's Ordinance #5 for a new, renewed or revised Multiple Dock, Ramp or Mooring License, in accordance with all data and other information submitted herewith and made a part hereof.]

4. DRAWING INFORMATION The following must accompany all applications, please check boxes for each as you attach them to the application. All must include accurate dock lengths, widths, and mooring positions. If neighboring Authorized Dock Use Areas (ADUAs) have docks or other structures in the lake=accurately show their position on your drawing. Indicate your ADUA with a dashed line. The line may start from where your property lines touch the shoreline and should surround the area you

intend to use Certified survey and legal description (Note: if certified survey is not available, a drawing (to scale) may be acceptable if accurate and detailed.

- Site plan of dockage to overlay survey Dock construction detail sheet
- Gas storage detail sheet (if applicable)

5. MULTIPLE USER TYPE: (Please check one)

- Outlot Association Multiple Dwelling Municipal
 Private Municipal Commercial ***x Private Club***
 Other (please explain) _____ Marina _____

6. SITE USAGE:

A. Intended use of facility: ***Provide boating and swimming access to White Bear Lake for property owners of Birchwood Village. This includes docks and boat slips.*** _____

B. Current use of facility: ***Same*** _____

C. Historical use of facility: ***Same*** _____

7. ABUTTING PROPERTY OWNERS: (all lakeshore within 200 feet either side)

North or West Owner(s):

Name _____ Day Phone _____
Mailing Address ***Full List Attached*** Evening Phone _____
City _____ State __ Zip _____

Name ~----- Day Phone _____
Mailing Address _____ Evening Phone _____
City _____ State __ Zip _____

South or East Owner(s):

Name ~----- Day Phone _____
Mailing Address _____ Evening Phone _____
City _____ State __ Zip _____

Name _____ Day Phone _____
Mailing Address _____ Evening Phone _____
City _____ State __ Zip _____

Any other affected parties

Name _____ Day Phone _____
Mailing Address _____ Evening Phone _____
City _____ State __ Zip _____

Birchwood Lake Tract Neighbors

	<u>First Name</u>	<u>Last Name</u>	<u>Address</u>	<u>City</u>	<u>Zip</u>	<u>Public Lake Tract</u>
1	James & Patsy	Ramberg	131 Wildwood Ave.	Birchwood	MN 55110	Ash - Neighbor
2	Ross & Evanna	Judkins	135 Wildwood Ave.	Birchwood	MN 55110	Ash - Neighbor
3	John	Kruse	139 Wildwood Ave.	Birchwood	MN 55110	Ash - Neighbor
4	Tom	Delmont	143 Wildwood Ave.	Birchwood	MN 55110	Ash - Neighbor
5	Suzanne	Walfort	145 Wildwood Ave.	Birchwood	MN 55110	Ash - Neighbor
6	Joseph	Allaben	153 Wildwood Ave.	Birchwood	MN 55110	Ash - Neighbor
7	Roger & Mary	Kurtz	159 Wildwood Ave.	Birchwood	MN 55110	Ash - Neighbor
8	David	Malger	161 Wildwood Ave.	Birchwood	MN 55110	Ash - Neighbor
1	Steven & Nancy	Ferry	191 Wildwood Ave.	Birchwood	MN 55110	Birch - Neighbor
2	Nancy	Calderon	195 Wildwood Ave.	Birchwood	MN 55110	Birch - Neighbor
3	Keri	Pakonen	199 Wildwood Ave.	Birchwood	MN 55110	Birch - Neighbor
4	Thomas & Susan	Schway	201 Wildwood Ave.	Birchwood	MN 55110	Birch - Neighbor
5	Ted & Joanne	Thornquist	205 Wildwood Ave.	Birchwood	MN 55110	Birch - Neighbor
6	Richard	Galena	217 Wildwood Ave.	Birchwood	MN 55110	Birch - Neighbor
7	David Vail & Ann	Butler Vail	221 Wildwood Ave.	Birchwood	MN 55110	Birch - Neighbor
1	Kenneth	Broen	243 Wildwood Ave.	Birchwood	MN 55110	Elm - Neighbor
2	Trude	Harmon	780 Como Ave.	St. Paul	MN 55103	Elm - Neighbor
3	Craig & Peggy	Witthaus	259 Wildwood Ave.	Birchwood	MN 55110	Elm - Neighbor
4	Brian	Kraft	267 Wildwood Ave.	Birchwood	MN 55110	Elm - Neighbor
5	Ellen Maas & Len	Pratt	301 Wildwood Ave.	Birchwood	MN 55110	Elm - Neighbor
6	David	Pratt	309 Wildwood Ave.	Birchwood	MN 55110	Elm - Neighbor
7	Ralph & Patricia	Liebsch	315 Wildwood Ave.	St. Paul	MN 55101	Elm - Neighbor
8	Paul	Edwards	321 Wildwood Ave.	Birchwood	MN 55110	Elm - Neighbor
1	Terry & Jessica	Granec	363 Lakewood Lane	Birchwood	MN 55110	Dellwood -Neighbor
2	Chris & Natalie	Olson	365 Lakewood Lane	Birchwood	MN 55110	Dellwood -Neighbor
3	Anthony & Christina	Demars	407 Lake Ave.	Birchwood	MN 55110	Dellwood -Neighbor
4	Jerry Carlson & Jackie	Jarosz	409 Lake Ave.	Birchwood	MN 55110	Dellwood -Neighbor
5	Don & Kathleen	Madore	413 Lake Ave.	Birchwood	MN 55110	Dellwood -Neighbor
6	Coyleen	Davidson	425 Lake Ave.	Birchwood	MN 55110	Dellwood -Neighbor

8. OTHER PERMITS: All required permits, licenses and approvals have been obtained

from the Minnesota Department of Natural Resources and the municipality in which the access to or the dock, ramp or mooring is located, other:

X Yes Please list: **City of Birchwood Village**

ONo Please explain: _____

9. MAXIMUM NUMBER OF WATERCRAFT:

Ash Beach – Birchwood Village will allow 8 Maximum- Applying for 6

<u>By Location</u>	<u>By Use</u>
At slips	For rent, lease, etc.
At slides	For service work
At lifts 6	For company use
At moorings	For private use 6
At tie-ons	For transient use
At off-lake storage	
Other (describe)	Other (describe)
TOTAL 6	TOTAL 6

10. SITE INFORMATION:

Site lake frontage = **50 Feet**

Water depth 100 feet from shore

Varies due to lake elevation

200 feet from shore =

300 feet from shore =

Water depth above measured on _____ (date)

Ramsey County Lake elevation _____ (date)

(to be filled in by WBLCD)

11. SERVICES PROVIDED: (Check all that apply) **NA**

Boat Storage Boat Rentals

Boat Sales Boat Service

Other (Explain) _____

Restaurant

Launching Ramp

Times open to the public: _____

12. DOCK INFORMATION:

Ash Beach

- A. Total dock length (into the lake) **100** ft.
- B. Length from water's edge
(including T's and L's) **100** ft.
- C. Width of Dock **4** ft.
- D. Projections from dock:
 - 1. Number of projections **1**
 - 2. Length and width of T's, L's or fingers
4'
 - 3. Other projection(s)

13. ADJOINING PROPERTY OWNERS' INFORMATION:

- A. Distance from (including ends of T's and L's)
immediate property lines ft.
 - North / West **34Ft.**
 - South / East **8 Ft.**
- B. Distance from (including ends of T's and L's)
adjoining docks. ft.
 - North / West ft.
 - South / East ft.
- C. Lake frontage size" of adjoining property owners ft.
 - North / West
 - South / East '

14. INSURANCE:

X Yes No We have Public liability insurance. Amount \$ **2,000,000** _____
Expires (date) _____ Company **Ekblad, Pardee & Bewall, Inc.** _____

15. PARKING:

Total parking spaces: **None** _____ Parking not required (explain) _____

16. SANITARY FACILITIES:

Facilities are provided Yes **X** No _____ Number of units: _____

17. PUMPING SERVICE:

Boat toilet pumping service is provided Yes No

18. FEES: (See attached License Fee Schedule)

Application Fee: \$50.00	\$	50 _____
Fee for each approved slip over four: \$50.00	\$	100 _____
Late Fee: \$50.00 (Renewals sent after 12/31/07)	\$	_____
Watercraft storage racks: \$5.00 for each craft stored	\$	_____
License deposit (if applicable)	\$	_____

Ash Beach TOTAL FEE ENCLOSED \$ **150**

This application is for a commercial dock or mooring area:

Yes No

If yes, an additional \$50.00 per slip or mooring and an additional \$10.00 per ramp/skid is due as follows:

112 of total fee amount in April

DUE IN APRIL \$ _____

and final 112 (or adjusted balance) in August of this license year.

DUE END OF AUGUST \$ _____

I certify that the information provided herein and the attachments hereto are true and correct statements. I understand that any License issued may be revoked by the District for violation of any WBLCD Code. I agree to reimburse the District for any legal, surveying, engineering, inspection, maintenance or other expenses incurred by the district. I, also, understand that the District may require a deposit to cover these expenses. I consent to permitting officers and agents of the District to enter the premises at all reasonable times to investigate and to determine whether or not there is compliance with the codes of the District.

Authorized Signature: **Chris Churchill**

Date **Fall 2018**

Print name and title: **Chris Churchill – President Birchwood Dock Assoc.**

Phone: **612-961-2254**

Relationship to riparian owner **Citizen of Birchwood Village** _____

Any questions, call Administrative Secretary at: (651) 429-8520 FAX (651) 429-8500
 Email: wblcd@msn.com website <http://www.wblcd.org>

Return this application and all attachments to: White Bear Lake Conservation District
 4701 Highway 61
 White Bear Lake, MN 55110

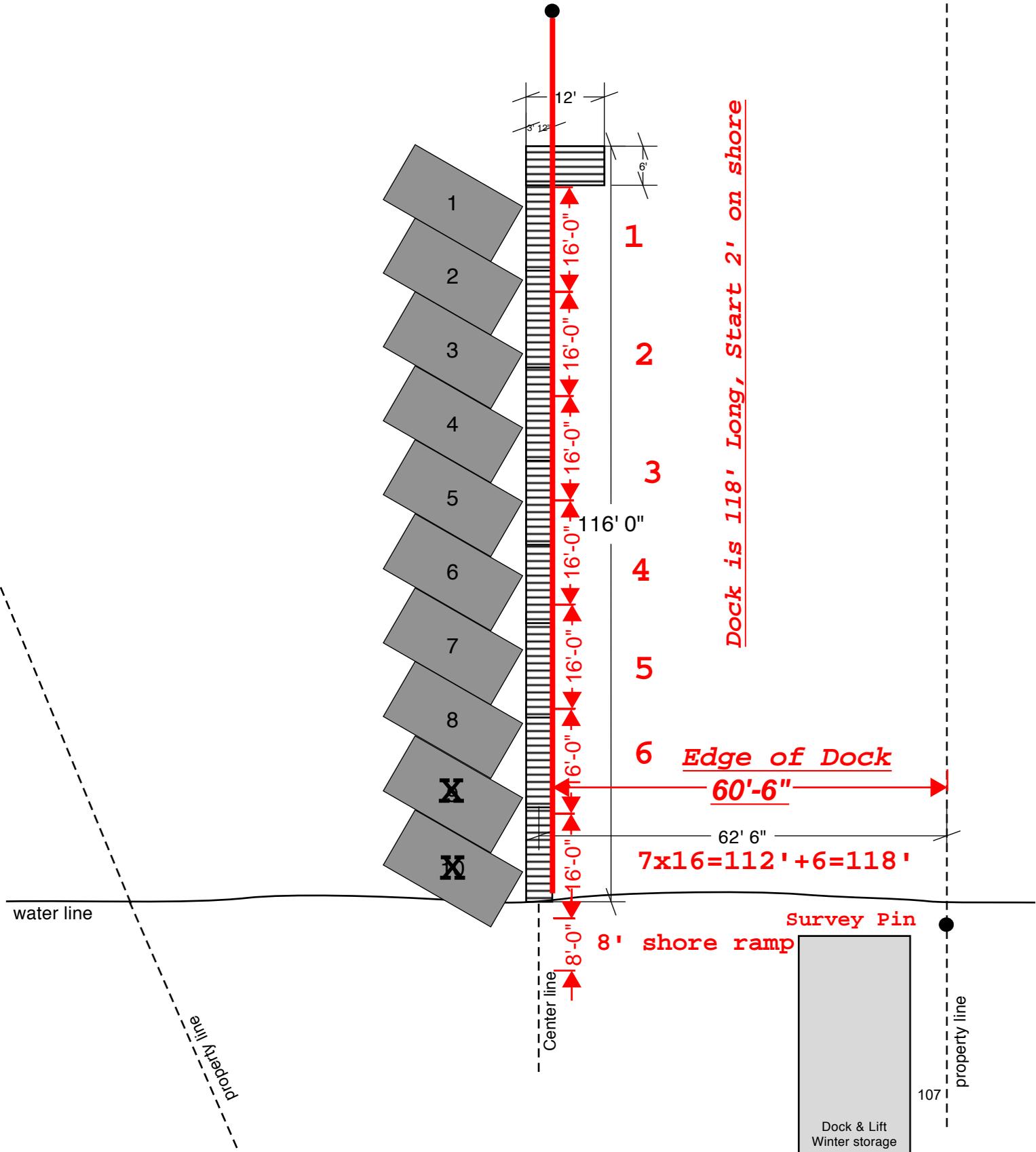
(All applications approved at a board meeting; meetings are held 3rd Tuesday of the month at 7:00 p.m. in White Bear Lake City Hall.)

Birch Beach

Approximate Scale 1" = 20'

Edited by Chris Churchill - 10/1/2018

Satellite Tower across Lake



8. OTHER PERMITS: All required permits, licenses and approvals have been obtained

from the Minnesota Department of Natural Resources and the municipality in which the access to or the dock ramp or mooring is located other:

Yes Please list: City of Birchwood Village

No Please explain: _____

9. MAXIMUM NUMBER OF WATERCRAFT:

Birch Beach – Birchwood Village will allow 10 Maximum- Applying for 8

<u>By Location</u>	<u>By Use</u>
At slips	For rent, lease, etc.
At slides	For service work
At lifts 8	For company use
At moorings	For private use 8
At tie-ons	For transient use
At off-lake storage	
Other (describe)	Other (describe)
TOTAL 8	TOTAL 8

10. SITE INFORMATION:

Site lake frontage = **125 Feet**

Water depth 100 feet from shore

Varies due to lake elevation

200 feet from shore =

300 feet from shore =

Water depth above measured on _____ (date)

Ramsey County Lake elevation _____ (date)

(to be filled in by WBLCD)

11. SERVICES PROVIDED: (Check all that apply) **NA**

Boat Storage Boat Rentals

Boat Sales Boat Service

Restaurant Launching Ramp

Other (Explain) _____

Times open to the public: _____

12. DOCK INFORMATION:

Birch Beach

- E. Total dock length (into the lake) **116** ft.
- F. Length from water's edge (including T's and L's) **116** ft.
- G. Width of Dock **4** ft.
- H. Projections from dock:
 - 4. Number of projections **1**
 - 5. Length and width of T's, L's or fingers **8'**
 - 6. Other projection(s)

13. ADJOINING PROPERTY OWNERS' INFORMATION:

- A. Distance from (including ends of T's and L's) immediate property lines
 - North / West **60 Ft.** _____ ft.
 - South / East **60 Ft.** _____ ft.
- B. Distance from (including ends of T's and L's) adjoining docks.
 - North / West _____ ft.
 - South / East _____ ft.
- C. Lake frontage size" of adjoining property owners
 - North / West _____ ft.
 - South / East _____ ft.

14. INSURANCE:

Yes No We have Public liability insurance. Amount \$ **2,000,000** _____
Expires (date) _____ Company **Ekblad, Pardee & Bewall, Inc.** _____

16. PARKING:

Total parking spaces: **None** _____ Parking not required (explain) _____

17. SANITARY FACILITIES:

Facilities are provided Yes No _____ Number of units: _____

17. PUMPING SERVICE:

Boat toilet pumping service is provided Yes No

18. FEES: (See attached License Fee Schedule)

Application Fee: \$50.00	\$	50 _____
Fee for each approved slip over four: \$50.00	\$	200 _____
Late Fee: \$50.00 (Renewals sent after 12/31/07)	\$	_____
Watercraft storage racks: \$5.00 for each craft stored	\$	_____
License deposit (if applicable)	\$	_____

Birch Beach TOTAL FEE ENCLOSED \$ **250**

This application is for a commercial dock or mooring area:

Yes No

If yes, an additional \$50.00 per slip or mooring and an additional \$10.00 per ramp/skid is due as follows:

112 of total fee amount in April

DUE IN APRIL \$ _____

and final 112 (or adjusted balance) in August of this license year.

DUE END OF AUGUST \$ _____

I certify that the information provided herein and the attachments hereto are true and correct statements. I understand that any License issued may be revoked by the District for violation of any WBLCD Code. I agree to reimburse the District for any legal, surveying, engineering, inspection, maintenance or other expenses incurred by the district. I, also, understand that the District may require a deposit to cover these expenses. I consent to permitting officers and agents of the District to enter the premises at all reasonable times to investigate and to determine whether or not there is compliance with the codes of the District.

Authorized Signature: **Chris Churchill**

Date **Fall 2018**

Print name and title: **Chris Churchill – President Birchwood Dock Assoc.**

Phone: **612-961-2254**

Relationship to riparian owner **Citizen of Birchwood Village** _____

Any questions, call Administrative Secretary at: (651) 429-8520 FAX (651) 429-8500

Email: wblcd@msn.com website <http://www.wblcd.org>

Return this application and all attachments to: White Bear Lake Conservation District

4701 Highway 61

White Bear Lake, MN 55110

(All applications approved at a board meeting; meetings are held 3rd Tuesday of the month at 7:00 p.m. in White Bear Lake City Hall.)

8. OTHER PERMITS: All required permits, licenses and approvals have been obtained

from the Minnesota Department of Natural Resources and the municipality in which the access to or the dock, ramp or mooring is located, other:

X Yes Please list: **City of Birchwood Village**

ONo Please explain: _____

9. MAXIMUM NUMBER OF WATERCRAFT:

Elm Beach – Birchwood Village will allow 6 Maximum- Applying for 4

<u>By Location</u>	<u>By Use</u>
At slips	For rent, lease, etc.
At slides	For service work
At lifts 4	For company use
At moorings	For private use 4
At tie-ons	For transient use
At off-lake storage	
Other (describe)	Other (describe)
TOTAL 4	TOTAL 4

10. SITE INFORMATION:

Site lake frontage = **50 Feet**
Water depth 100 feet from shore
Varies due to lake elevation
200 feet from shore =
300 feet from shore =
Water depth above measured on _____ (date)
Ramsey County Lake elevation _____ (date)
(to be filled in by WBLCD)

11. SERVICES PROVIDED: (Check all that apply) **NA**

- Boat Storage Boat Rentals
 Boat Sales Boat Service

Other (Explain) _____

- Restaurant Launching Ramp

Times open to the public: _____

12. DOCK INFORMATION:

Elm Beach

- I. Total dock length (into the lake) **57** ft.
- J. Length from water's edge
(including T's and L's) **57**
- K. Width of Dock **4** ft.
- L. Projections from dock:
 - 7. Number of projections _____ ft.
 - 8. Length and width of T's, L's or fingers
 - 9. Other projection(s)

13. ADJOINING PROPERTY OWNERS' INFORMATION:

- A. Distance from (including ends of T's and L's)
immediate property lines
 - North / West **23 Ft.**
 - South / East **23 Ft.** _____ ft.
- B. Distance from (including ends of T's and L's)
adjoining docks.
 - North / West _____ ft.
 - South / East _____ ft.
- C. Lake frontage size" of adjoining property owners
 - North / West _____ ft.
 - South / East ' _____ ft.

14. INSURANCE:

Yes No We have Public liability insurance. Amount \$ **2,000,000** _____
Expires (date) _____ Company **Ekblad, Pardee & Bewall, Inc.** _____

17. PARKING:

Total parking spaces: **None** _____ Parking not required (explain) _____

18. SANITARY FACILITIES:

Facilities are provided Yes No Number of units: _____

17. PUMPING SERVICE:

Boat toilet pumping service is provided Yes No

18. FEES: (See attached License Fee Schedule)

Application Fee: \$50.00	\$	50 _____
Fee for each approved slip over four: \$50.00	\$	_____
Late Fee: \$50.00 (Renewals sent after 12/31/07)	\$	_____
Watercraft storage racks: \$5.00 for each craft stored	\$	_____
License deposit (if applicable)	\$	_____

Elm Beach TOTAL FEE ENCLOSED \$ **50**

This application is for a commercial dock or mooring area:

Yes No

If yes, an additional \$50.00 per slip or mooring and an additional \$10.00 per ramp/skid is due as follows:

112 of total fee amount in April	DUE IN APRIL	\$ _____
and final 112 (or adjusted balance) in August of this license year.	DUE END OF AUGUST	\$ _____

I certify that the information provided herein and the attachments hereto are true and correct statements. I understand that any License issued may be revoked by the District for violation of any WBLCD Code. I agree to reimburse the District for any legal, surveying, engineering, inspection, maintenance or other expenses incurred by the district. I, also, understand that the District may require a deposit to cover these expenses. I consent to permitting officers and agents of the District to enter the premises at all reasonable times to investigate and to determine whether or not there is compliance with the codes of the District.

Authorized Signature: **Chris Churchill** Date **Fall 2018**

Print name and title: **Chris Churchill – President Birchwood Dock Assoc.**

Phone: **612-961-2254**

Relationship to riparian owner **Citizen of Birchwood Village** _____

Any questions, call Administrative Secretary at: (651) 429-8520 FAX (651) 429-8500
 Email: wblcd@msn.com website <http://www.wblcd.org>

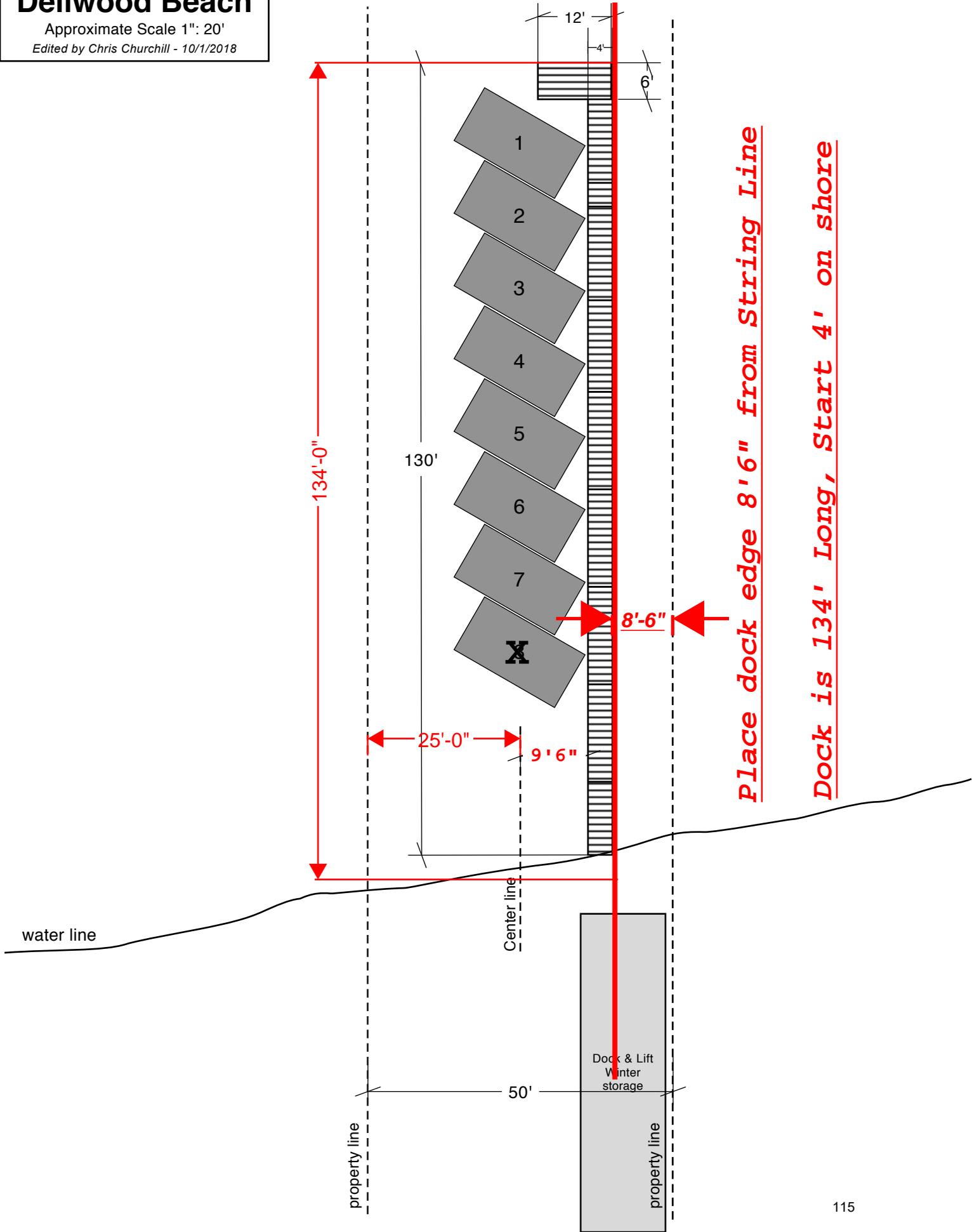
Return this application and all attachments to: White Bear Lake Conservation District
 4701 Highway 61
 White Bear Lake, MN 55110

(All applications approved at a board meeting; meetings are held 3rd Tuesday of the month at 7:00 p.m. in White Bear Lake City Hall.)

Dellwood Beach

Approximate Scale 1" = 20'

Edited by Chris Churchill - 10/1/2018



8. OTHER PERMITS: All required permits, licenses and approvals have been obtained

from the Minnesota Department of Natural Resources and the municipality in which the access to or the dock, ramp or mooring is located, other:

Yes Please list: **City of Birchwood Village**

No Please explain: _____

9. MAXIMUM NUMBER OF WATERCRAFT:

Dellwood Beach – Birchwood Village will allow 8 Maximum- Applying for 7

<u>By Location</u>	<u>By Use</u>
At slips	For rent, lease, etc.
At slides	For service work
At lifts 7	For company use
At moorings	For private use 7
At tie-ons	For transient use
At off-lake storage	
Other (describe)	Other (describe)
TOTAL 7	TOTAL 7

10. SITE INFORMATION:

Site lake frontage = **50 Feet**

Water depth 100 feet from shore

Varies due to lake elevation

200 feet from shore =

300 feet from shore =

Water depth above measured on _____ (date)

Ramsey County Lake elevation _____ (date)

(to be filled in by WBLCD)

11. SERVICES PROVIDED: (Check all that apply) **NA**

Boat Storage Boat Rentals

Other (Explain) _____

Boat Sales Boat Service

Restaurant Launching Ramp

Times open to the public: _____

12. DOCK INFORMATION:
Dellwood Beach

- M. Total dock length (into the lake) **130** ____ ft.
- N. Length from water's edge
(including T's and L's) **130** ____ ft.
- O. Width of Dock **4** ____ ft.
- P. Projections from dock:
 - 10. Number of projections **2**
 - 11. Length and width of T's, L's or fingers
8'
 - 12. Other projection(s)

13. ADJOINING PROPERTY OWNERS' INFORMATION:

- A. Distance from (including ends of T's and L's)
immediate property lines _____ ft.
 - North / West **28 Ft.**
 - South / East **10 Ft.**
- B. Distance from (including ends of T's and L's)
adjoining docks. _____ ft.
 - North / West Varies upon placement _____ ft.
 - South / East Varies upon placement _____ ft.
- C. Lake frontage size" of adjoining property owners _____ ft.
 - North / West + or - 60 Ft.
 - South / East ' + or - 90 Ft.

14. INSURANCE:

Yes No We have Public liability insurance. Amount \$ **2,000,000** _____
Expires (date) _____ Company **Ekblad, Pardee & Bewall, Inc.** _____

18. PARKING:

Total parking spaces: **None** _____ Parking not required (explain) _____

19. SANITARY FACILITIES:

Facilities are provided Yes No Number of units: _____

17. PUMPING SERVICE:

Boat toilet pumping service is provided Yes No

18. FEES: (See attached License Fee Schedule)

Application Fee: \$50.00	\$	50	_____
Fee for each approved slip over four: \$50.00	\$	200	_____
Late Fee: \$50.00 (Renewals sent after 12/31/07)	\$		
Watercraft storage racks: \$5.00 for each craft stored	\$		_____
License deposit (if applicable)	\$		_____

Dellwood Beach TOTAL FEE ENCLOSED \$ 250

This application is for a commercial dock or mooring area:

Yes No

If yes, an additional \$50.00 per slip or mooring and an additional \$10.00 per ramp/skid is due as follows:

112 of total fee amount in April		
	DUE IN APRIL	\$ _____
and final 112 (or adjusted balance) in August of this license year.		
	DUE END OF AUGUST	\$ _____

I certify that the information provided herein and the attachments hereto are true and correct statements. I understand that any License issued may be revoked by the District for violation of any WBLCD Code. I agree to reimburse the District for any legal, surveying, engineering, inspection, maintenance or other expenses incurred by the district. I, also, understand that the District may require a deposit to cover these expenses. I consent to permitting officers and agents of the District to enter the premises at all reasonable times to investigate and to determine whether or not there is compliance with the codes of the District.

Authorized Signature: **Chris Churchill** _____ Date **Fall 2018**

Print name and title: **Chris Churchill – President Birchwood Dock Assoc.**

Phone: 612-961-2254

Relationship to riparian owner **Citizen of Birchwood Village** _____

Any questions, call Administrative Secretary at: (651) 429-8520 FAX (651) 429-8500
 Email: wblcd@msn.com website <http://www.wblcd.org>

Return this application and all attachments to: White Bear Lake Conservation District
 4701 Highway 61
 White Bear Lake, MN 55110

(All applications approved at a board meeting; meetings are held 3rd Tuesday of the month at 7:00 p.m. in White Bear Lake City Hall.)

2019 DOCK MANAGEMENT CONTRACT

CONTRACT FOR DOCK MANAGEMENT

This Contract, made and entered into this 9th day of October 2018, by and between The City of Birchwood Village (hereinafter referred to as the “City”), a municipal corporation organized under the laws of the state of Minnesota with offices at, 207 Birchwood Ave, Birchwood, MN 55110, and The Birchwood Dock Association (hereinafter referred to as the “Contractor”), a Minnesota corporation, with offices at 418 Birchwood Courts, Birchwood, MN 55110.

WHEREAS, the City has exclusive jurisdiction of and to its shore-land public easements abutting White Bear Lake and,

WHEREAS, the City manages those easements in the interest of the public and specifically to provide bathing and boating access to White Bear Lake and,

WHEREAS, the City has adopted in its Municipal Code, Chapter 617, a local Ordinance guiding the management of those easements abutting White Bear Lake and,

WHEREAS, the City has the authority, pursuant to Chapter 617, to contract with a third party vendor to prosecute the management of the easements abutting White Bear Lake including but not limited to the management of docks that are placed on said easements and,

WHEREAS, the Contractor was organized specifically to manage the docks that are placed on the public easements abutting White Bear Lake and,

WHEREAS, both parties believe it is in their mutual and best interest to enter into agreement for the provisions of dock management at the City’s designated public lake tracts and,

WHEREAS, the Parties desire to formalize their relationship by execution of this Contract;

NOW, THEREFORE, IT IS MUTUALLY AGREED BY THE PARTIES, as follows:

1. **Parties.** The Parties to this Contract are The City of Birchwood Village, and the Birchwood Dock Association.
2. **Recitals.** The above recitals are hereby incorporated into this Agreement by reference.
3. **Term.** The term of this Contract shall be from the day of execution until October 31st, 2019. This contract may be renewed after expiration of the initial term upon agreement of the parties.

3.1 Equipment Provided. The Contractor shall provide all equipment necessary to administer the contract without contribution by City in any way except by special agreement in writing.

3.2 Storage. The Contractor is responsible for providing for storage of its materials except that the City shall provide a location onsite that is accessible to the Contractor for storage

of the docks and boat lifts when off-season and not installed during the boating season, nominally from October to May.

3.3 Direction. Deployment of resources will be at the sole discretion of the Contractor so long as consistent with the requirement of Chapter 617 of the Birchwood Village City Code.

3.4 Remuneration. The Contractor shall be charged at the following rate:

3.4.1 \$750 (\$650 per slip permitted plus \$100 per stored boat lift) payable in full by April 1 of the boating season. In the event of low water, the fee shall be at least the fee amount multiplied by the number of boat slip users at the end of the previous boating season or the number of boat slip users for the following boating season, whichever is greater.

4. Performance Standards and Operation

4.1 Equipment Damage. The Contractor shall be responsible for safekeeping of its equipment, including, but not limited to, fire damage, theft and graffiti to the equipment. This provision shall in no way limit the Contractor's right or ability to seek repayment for damages caused to its equipment from persons who are responsible for the damages.

4.2 Customer Notice. The Contractor shall be responsible for advising and monitoring individual slip holders regarding their duty to safeguard their personal property from damage.

4.3 Employee Safety. The Contractor shall provide and maintain all safety accommodations for the use and protection of its employees as may be necessary to provide for their health and welfare and the City shall not be held responsible for injury or death of Contractor personnel.

4.4 Applicable Regulations. The Contractor shall comply with all applicable ordinances of the City and with all laws and rules of the County, the State of Minnesota and its agencies relating to the management of the docks. The full text of Ordinance 617 is attached hereto as Exhibit A and incorporated by reference. Any terms that conflict shall be resolved in favor of the meaning and intent of the Ordinance.

4.5 Licenses. The Contractor shall maintain always all licenses required by state, county, and local government for the services, including proper licensing for all personnel employed or contracted by the Contractor.

4.6 Complaints. Complaint procedure is addressed by the City Code, Section 617.460 and the Contractor shall establish and maintain an office with supervision and a telephone number for accepting complaints and other calls. The address and telephone number of such office shall be provided to the City, and the Contractor shall promptly notify the City in writing of any changes in either. The Contractor shall respond to all calls and

complaints promptly and courteously. The Contractor shall maintain a written record of all complaints received and the action taken in response.

5. **Contact Person.** It is expected that the City’s primary contact with the Contractor shall occur via its president. In the event that s/he is known or expected to be unavailable to accept communications from the City, then the Contractor shall provide an alternative contact person’s name and phone number for such purposes.
6. **Payment.** For complete and satisfactory performance of the duties and actions assigned to the Contractor within this agreement, the Contractor is permitted to collect additional fees of slip holders as determined by the Contractor.
7. **Independent Contractor.** The Contractor and its employees, agents or subcontractors shall be deemed an independent contractor for purposes of all services to be provided under this Contract. Nothing contained in this Contract is intended or should be construed as creating the relationship of co-partners or joint ventures. Unless otherwise agreed by the parties, the Contractor shall provide its own tools and equipment and shall select its own manner and method of performing its services. The Contractor and its employees, agents or subcontractors shall not be considered an employee of the City for any purpose, and shall waive, release, and not be entitled to any of the benefits usually accorded regular employees, including but not limited to severance pay, health insurance benefits, PERA, unemployment benefits, retirement credits, worker’s compensation coverage, or any other rights or benefits that accrue to City’s employees, if any.
8. **Notice to parties.** Notices required to be provided pursuant to this Contract shall be given by United States Mail to the following addresses, by personal service, or fax, or by e-mail if the parties agree:

To the Contractor:	To the Owner:
BDA (Auth. Agent) 418 Birchwood Courts Birchwood, MN 55110	City Administrator City of Birchwood Village 207 Birchwood Avenue Birchwood, MN 55110 Phone: 651-426-3403

9. **Insurance.** The Contractor shall maintain appropriate insurance coverage to cover its activities at all times while this Contract is in effect, in at least the following amounts:
 - General Comm. Liability: \$2,000,000/\$2,000,000
 - Worker’s Comp (if applicable): Per Statute or \$500,000 per injury, whichever is greater

Any lapse of insurance coverage shall be cause for the City to immediately terminate the Contract. All policies evidencing insurance required by this paragraph shall insure the Contractor for any act or omission, including negligence of the Contractor or of the Contractor’s employees or

agents, in connection with the performance of the services herein, including claims arising out of the use of or operation of any vehicles used by the Contractor or the Contractor's employees or agents in performing the services.

- 10. Indemnity.** The Parties agree to defend, indemnify and hold harmless each other, their agents, officers, and employees from any and all demands, claims, causes of action, liabilities, losses, damages, costs, expenses including reasonable attorney's fees, suits, demands and judgments of any nature, because of bodily injury to, or death of, any person or persons and/or because of damages to property including loss of use from any cause whatsoever, which may be asserted against the Party on account of any act or omission, including negligence of the Party or the Party's employees or agents, in connection with their performance. The Parties agree to defend any action brought against the other on any such matters, and to pay and satisfy any judgment entered thereon together with all costs and expenses incurred in connection therewith. Contractor shall provide for the City to be named as an additional insured on its Declarations Page and provide the same to the City within 14 days of this Agreement being fully-executed. Additionally, Contractor shall ensure that any Cancellations or changes of Endorsement communications are copied to City during the active terms of the Agreement
- 11. Transfer of Rights and Obligations.** The Contractor shall not assign, transfer, or subcontract its obligations under this Contract without notice to and approval of the City. Any attempt to assign or transfer or subcontract this Contract in whole or in part without prior approval of the City shall be grounds for immediate termination of the Contract.
- 12. Nondiscrimination.** The Contractor agrees that during the term of this Contract, it will not within the State of Minnesota discriminate against any employee or applicant for employment because of race, color, creed, sex, national origin, or ancestry and will include a similar provision in all subcontract(s) entered into for the performance hereof. This paragraph is included in this Contract to comply with provisions of Minnesota Statutes § 181.59. Violation of this statute is a misdemeanor, and if violated, will permit the City to cancel this Contract.
- 13. Costs and Attorneys Fees.** The prevailing party in any dispute arising out of this Contract shall be entitled to reimbursement of its costs and attorneys' fees in asserting or defending its rights hereunder against the non-prevailing party.
- 14. Merger, Amendment & Savings Clause.** It is understood and agreed that the entire Contract between the parties is contained herein and that this Contract supersedes all oral agreements, negotiations, and past practices between the parties relating to the subject matter. This Contract may be amended at any time by mutual agreement of the City and the Contractor. Any amendments shall be in writing to be effective. If any section of this Contract is found to be invalid or not enforceable, the remainder of the Contract shall remain in force and binding.
- 15. Non-Conforming Services.** The acceptance by the City of any services non-conforming with the terms of this agreement or the foregoing by the City of any rights or remedies it is entitled to under the terms of this agreement shall not constitute a waiver of the City's rights to conforming services or any such rights or remedies in respect to any subsequent breach or default of the terms

of this agreement. The rights and remedies of the City provided or referred to under the terms of the agreement will be cumulative and not mutually exclusive.

16. Termination. This Contract shall terminate upon the expiration of the term as provided in Paragraph 3. Upon termination of the Contract, the relationship shall end, except for the damage obligations of the parties under Paragraph 4 and the indemnity obligations of the Contractor under Paragraph 10. If the Contractor fails to perform any of the provisions of this Contract or so fails to administer the work as to endanger the performance of the Contract, this shall constitute default. Unless the Contractor's default is promptly remedied, the City may, upon written notice, immediately cancel this Contract in its entirety. The Contractor may terminate this Agreement at anytime in writing if the City fails to perform any of its requirements within this Agreement upon written notice of same.

16.1. Condition Upon Termination. Upon termination of this Agreement the Contractor shall vacate entirely, leaving no equipment or storage not otherwise agreed between the parties and agree to return premises, including all city-owned equipment, to the City in the same condition and repair as it was upon occupancy, except for reasonable wear and tear, but not including breakage or damage caused by the Contractor's actions or inaction.

17. Governing Law. The laws of Minnesota shall govern the interpretation and enforcement of this Contract. The parties consent to the jurisdiction and venue of the Washington County District Court for all disputes arising hereunder.

IN WITNESS WHEREOF, the Parties have caused this Contract to be executed as of the dates set forth below.

City of Birchwood Village

By: _____
Tobin Lay, Administrator

Dated: _____

By: _____
Mary Wingfield, Mayor

Dated: _____

Birchwood Dock Association

By: _____
Chris Churchill, President

Dated: _____

ORDINANCE 2018-05-02

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

**AN ORDINANCE AMENDING
NON-CONFORMING USES IN CITY CODE**

The City Council of the City of Birchwood Village hereby ordains that Section 300.020.34 of Chapter 300 (Land Use) and Section 301.050 of Chapter 301 (Zoning Code: General Provisions) of the Municipal Code of the City of Birchwood Village are hereby amended as follows:

SECTION 300: LAND USE

300.020.34 Non-Conforming Use. ~~Any building, structure or use of land lawfully in existence as of January 1, 1975, or authorized by variance thereafter, which does not conform with the January 1, 1975, Zoning Code, as the same may be amended from time to time.~~Non-Conforming Pre-Existing Structure or Use: Any building or structure which was legally existing on January 1, 1975, or authorized by variance thereafter, which would not conform to the applicable conditions if the building or structure were to be erected under this Code. ~~Such a structure or use may be continued but may not be extended, expanded, intensified, or changed unless to a conforming use.~~Non-Conforming Illegal Structure, Use, or Lot: A lot, building, structure, premises, or use illegally established when it was initiated, created, or constructed, which did not conform with the applicable conditions or provisions of the City Code for the area in which the structure or use is located.

SECTION 301: ZONING CODE: GENERAL PROVISIONS

301.050. NON-CONFORMING USES.

A. Definition: Non-Conforming Use. See definition in Section 300.20.34

B. Pre-Existing Structures or Uses: A non-conforming use may be continued so long as it remains otherwise lawful, subject to the provisions of paragraphs (1) through (7) below, in order to ensure that the non-conforming use will not be intensified and that, over time, the non-conforming use will, where possible, be brought into conformity with the Zoning Code.

1. A Non-Conforming Pre-Existing Structure use shall not be enlarged, modified, changed, extended (either horizontally or vertically) or structurally altered, unless such changes bring the Non-Conforming Pre-Existing Structure use into conformity with the Zoning Code. (Exception: A non-conforming use, lawfully located within 60% of all required setbacks, may be structurally altered if the alterations do not change the horizontal or vertical dimensions of the structure and otherwise conform to the Zoning Code.)

2. A non-conforming use shall not be moved to any other part of the parcel of land upon which the same was constructed unless the move would bring the structure and its use into conformity with the Zoning Code.
3. ~~If a non-conforming use is damaged or destroyed to an extent of 50% or more of its replacement cost for any reason (including remodeling or rebuilding), according to the estimate of the building inspector as approved by the City Council, any reconstruction must conform to the provisions of the Zoning Code. If any Non-Conforming Pre-Existing Structure or Use is destroyed by fire or other peril to the extent of greater than 50 percent of its estimated market value, as indicated in the records of the county assessor at the time of damage, and no building permit has been applied for within 180 days of when the property is damaged, any replacement or reconstruction must conform to the provisions of the Zoning Code.~~ (Exception: If the non-conforming use that is to be reconstructed came into being as the result of a previously granted variance, the Council, after review, may continue the variance if the owner demonstrates that the conditions under which that variance was granted continue to exist.)
4. Normal maintenance of a Non-Conforming Pre-Existing Structure ~~that represents a non-conforming use~~ is permitted, including necessary non structural repairs and incidental alterations which do not physically extend or intensify the non-conforming use.
5. Notwithstanding paragraph (1) above, a Non-Conforming Pre-Existing Structure ~~representing a non-conforming use~~ may be expanded, provided:
 - a. That such expansion does not increase the non-conformity in any dimension (vertical or horizontal), does not create a new non-conforming use, and in itself conforms with the Zoning Code; and
 - b. The sum of the setbacks on either side of the structure is not LESS than 20 feet.
6. When any Non-Conforming Pre-Existing use of land or of a building or structure ~~shall be abandoned or is~~ discontinued for a period in excess of one year, such land, building, or structure shall thereafter be used only as allowed by this Code.
7. No provision of this section shall be interpreted as negating the provisions of 302.015 (Undersized Lots).

C. Illegal Structures, Uses, or Lots: Any replacement or reconstruction of any kind of a Non-Conforming Illegal Structure, Use, or Lot must conform to the provisions of the Zoning Code.

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 9th day of October, 2018

Attest:

Mary Wingfield
Mayor

Tobin Lay
City Administrator-Clerk

ORDINANCE 2018-04-01**CITY OF BIRCHWOOD VILLAGE
WASHINGTON COUNTY, MINNESOTA****AN ORDINANCE AMENDING VARIANCE PROVISIONS IN CITY CODE**

The City Council of the City of Birchwood Village hereby ordains that Chapter 304 (Variances and Appeals) of the Municipal Code of the City of Birchwood Village is hereby amended to read as follows:

SECTION 304. ZONING CODE: VARIANCES AND APPEALS.

304.010. BOARD OF APPEALS. ~~The City Council is hereby established as the Board of Appeals (Board) and shall have the power to hear and decide appeals in which it is alleged that there is an error in any administrative order, requirement, decision or determination made in the interpretation or enforcement of the Zoning Code. The Planning Commission is hereby established as the Board of Appeals (Board). When acting as the Board, the Planning Commission will have the power to hear and advise the Council on the following matters:~~

- ~~1. Requests for variances from the literal provisions of the Zoning Code; and~~
- ~~2. Appeals in which it is alleged that there is an error in any administrative order, requirement, decision or determination made in the interpretation or enforcement of the Zoning Code.~~

304.030020. APPEALS OF ADMINISTRATIVE DECISIONS.

1. A person who deems himself aggrieved by an alleged error in any order, requirement, decision or determination made in the interpretation and enforcement of ~~this ordinance~~ the Zoning Code, may appeal to the Board -by filing a written appeal with the City Clerk within 30 days after the date of such order, requirement, decision or determination. The appeal shall fully state the order to be appealed and the relevant facts of the matter.

2. The Board shall conduct a public hearing within 60 days after the filing of a written appeal. The Board shall make its decision after considering the oral and written views of all interested persons expressed at the public hearing.

304.020030. PETITIONS FOR VARIANCES. The Planning Commission is hereby established to hear and advise the Council on requests for variances from the literal provisions of the Zoning Code. The owner or owners -of land to which the variance relates may file a petition for a variance with the Clerk. The petition shall be made on forms provided by the City Clerk. The petition shall be accompanied by plans described below and by all required fees. The City may require the petitioner to submit a certificate by a registered professional land surveyor verifying the location of all buildings, setbacks and building

coverage, and certifying other facts that in the opinion of the City are necessary for evaluation of the petition.

304.040. VARIANCE REQUIREMENTS AND CRITERIA. Petitions for Variances must include all Required Information and demonstrate that Criteria for each Variance are met.

1. Required Information.

- a. Legal description and address of parcel. Name, address, and phone number of applicant (and of the owner if owner is not the applicant).
- b. Plot plan drawn to scale. Elevation contour lines may be required.
- c. ~~Plan showing existing and proposed new and changed structures on the lot. Existing structures on adjacent lots must also be shown.~~
- d. Evidence demonstrating compliance with the Rice Creek Watershed District's and other Governmental Units' regulations may be required. (See Section 303.040.)

2. Criteria for Granting a Variance. ~~Variances may only be granted in Minnesota Statutes, Chapter 462. Pursuant to Minn. Stat. Sec. 462.357, subd. 6, as it may be amended from time to time, the Planning Commission, acting as a Board of Appeals and Adjustments, may issue recommendations to the City Council for variances from the provisions of this zoning code. A variance is a modification or variation of the provisions of this zoning code as applied to a specific piece of property.~~

Variances to the strict application of the provisions of the Code may be granted, however, no variance may be granted that would allow any use that is prohibited within the City. Conditions and safeguards may be imposed on the variances so granted. A variance shall not be granted unless the following criteria are met:

SUBD. 1.

A. Variances shall only be permitted

- i. when they are in harmony with the general purposes and intent of the ordinance and
- ii. when the variances are consistent with the comprehensive plan.

B. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance.

SUBD. 2. "Practical difficulties," as used in connection with the granting of a variance, means that

- ai. Special conditions or circumstances exist which are peculiar to the land, structure, or building involved.
- bii. The condition which result in the need for the variance were not created by the applicant's action or design solution. The applicant shall have the burden of proof for showing that no other reasonable design solution exists.

~~e. The variance is proved necessary in order to secure for the applicant the right or rights that are enjoyed by other owners in the same area of the district.~~

~~diii.~~ The granting of a variance will result in no increase in the amount of water draining from the property.

~~eiv.~~ Granting the variance will not impair an adequate supply of light and 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.

~~fv.~~ No variance shall be granted simply because there are no objections or because those who do not object outnumber those who do.

~~gvi.~~ Financial gain or loss by the applicant shall not be considered if reasonable use for the property exists under terms of the Zoning Code.

304.050. VARIANCE HEARING AND RECOMMENDATION BY THE BOARDPLANNING COMMISSION.~~4.~~ Within 60 days after the City ~~Clerk~~ determines that a variance petition is complete, and all required fees and information, including plans, drawings and surveys, have been received, ~~or within 60 days after the filing of an appeal of an administrative decision,~~ the BoardPlanning Commission shall conduct a public hearing and after hearing the oral and written views of all interested persons, the BoardPlanning Commission shall make its recommendation to the City Council by a majority vote at the same meeting or at a specified future meeting thereof.

304.060. NOTICE OF HEARINGS.

1. Notice of variance hearings shall be mailed not less than ten (10) days before the date of the hearing to the person who filed the petition for variance, to the Minnesota Department of Natural Resources, and to each owner of property situated wholly or partially within 200 feet of the property lines to which the variance relates.

2. A notice of hearing for appeals of administrative decisions shall be published in the official newspaper of the City not less than ten days before the hearing. A notice shall also be mailed to the appellant.

3. No new notice need be given for any hearing which is continued ~~by the Board~~ to a specified future date.

304.070. FINAL DECISION. The Council shall decide all appeals of administrative decisions and petitions for variances~~and appeals~~. The decision shall be made not later than 30 days after the date of the hearing. Notice of the decision shall be mailed to the applicant with regard to any denial and explanation as to why.

304.080. FORM OF ACTION TAKEN AND RECORD THEREOF. The Council shall maintain a record of its proceedings relative to the petition for variance or appeal ~~which shall include the minutes of its meetings and final order concerning the variance petition or appeal of administrative decision.~~ When applicable, notice of the final order shall be sent to the Minnesota Department of Natural Resources within ten (10) days.

304.090. REVOCATION. A violation of any condition set forth or required in granting a variance shall be a violation of this Code and automatically terminates the variance. A variance shall become null and void one year after it was granted, unless made use of within the year or such longer period prescribed by the Council.

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 9th day of October, 2018

Mary Wingfield
Mayor

Attest:

Tobin Lay
City Administrator-Clerk

ORDINANCE 2018-08-01

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

**AN ORDINANCE AMENDING IMPERVIOUS SURFACE
PROVISIONS IN CITY CODE**

The City Council of the City of Birchwood Village hereby ordains that Section 300.020.23 of Chapter 300 (Land Use) of the Municipal Code of the City of Birchwood Village is hereby amended as follows:

SECTION 300: LAND USE

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

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

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

EXCEPTION 2: Unless otherwise considered a pervious surface percentage approved by the City Engineer using applicable industry standards.

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 9th day of October, 2018

Attest:

Mary Wingfield
Mayor

Tobin Lay
City Administrator-Clerk

PROPOSED FEE SCHEDULE AMENDMENTS

CITY OF BIRCHWOOD VILLAGE 2018 FEE SCHEDULE

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PLANNING AND ZONING FEES

Comprehensive Plan Amendment Application Fee.....	\$500.00
Conditional Use Permit Application Fee.....	\$400.00
Home Occupation Permit Application Fee.....	\$100.00
Interim Use Permit Application Fee.....	\$400.00
Planned Unit Development Application Fee.....	\$650.00
Rezoning Application Fee.....	\$650.00
Subdivision: Minor Subdivision/Lot Split Application Fee.....	\$225.00
Subdivision Preliminary Plat Application Fee.....	\$450.00
Street Vacation.....	\$150.00
Variance Application Fee.....	\$300.00
Zoning Permits: Shed, Driveway, or Fence.....	\$30.00
Right-of-Way Permit Application Fee.....	\$250.00
- (plus time and materials for Engineer’s review time extending beyond two hours; plus time and materials for utility locates)	

ADDITIONAL FEES

Late Fee: In the event a person shall engage in conduct for which a permit or license is required without first paying the appropriate fee and obtaining the permit or license, the fee established shall be ~~doubled~~tripled.

Additional Fee: An additional fee, not to exceed actual expenses or the original amount of the fee (whichever is less), shall be paid if the City Council determines that the applicant has changed the project after submission of the initial application, or if it is necessary to conduct an excessive number of reinspections of the project in order to ensure compliance with the City Code or the terms of the permit of license.

Fines: Payment of any late fee or additional fees shall be in addition to any fines that may be imposed for violation of the City Code.

MEMORANDUM



Birchwood Village

TO: Birchwood City Council
FROM: Mary Wingfield, Mayor
SUBJECT: Noise Ordinance, Section 616

NOISE ORDINANCE ISSUE

Currently our code reads: 616.040. SPECIFIC PROHIBITIONS. Between the hours of 10:00 P.M. and 7:00 A.M., the following activities are prohibited:....

Research shows other cities have quiet periods that start any time from 7 PM to 10 PM for the remainder of the night.

Recent events have suggest the council should revisit whether the period for loud noise should be changed.

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enclosed: Section 616

616. EXCESSIVE NOISE.

616.010. INTENT. The purpose of this article is to protect and promote the public health, safety, and general welfare by restricting activities that emit noise

616.020. ADOPTION BY REFERENCE. The Minnesota Pollution Control Agency standards adopted pursuant to Minnesota Statutes Chapter 116, and established in Minnesota Rules Chapter 7030, are adopted by reference and incorporated herein, as these standards now exist and are hereafter amended or adopted. All land in the City is within Noise Area Classification 1 defined in said standards.

616.030. GENERAL PROHIBITION. No person shall make or cause to be made any distinct and loud noise that unreasonably annoys, disturbs, injures, or endangers the comfort, repose, health, peace, safety, or welfare of any person, or precludes their enjoyment of property or adversely affects their property's value. This general prohibition is not limited by the specific prohibitions of the following paragraph.

616.040. SPECIFIC PROHIBITIONS. Between the hours of 10:00 P.M. and 7:00 A.M., the following activities are prohibited:

1. Construction activities, including grading and excavating, related to buildings, roadways, and utilities.
2. Operation of tools and domestic maintenance equipment powered by external air compressors, electricity, or internal combustion engines including, but not limited to, use of lawn mowers, hedge clippers, chain saws, mulchers, garden tillers, edgers, leaf blowers, or other similar domestic power maintenance equipment. Snow removal, trash collection, and street sweeping equipment are exempt from this provision.
3. Construction, repair, or servicing of automobiles, recreational vehicles, motorboats, or other equipment if noise from that activity is audible beyond the limits of the property on which it is being conducted.
4. Any party or gathering of people from which noise emanates of a sufficient volume or of such nature to disturb unreasonably the peace, quiet, or repose of other persons.
5. Use or operation of any radio receiving set, musical instrument, CD player, paging system, loudspeaker, sound amplifier, machine, or other device for the production or reproduction of sound in a distinct and loudly audible manner so as to disturb the peace, quiet, and comfort of any person nearby.

616.050. EXCEPTION FOR EMERGENCY WORK. Noise created exclusively in the performance of emergency work to preserve the public health, safety, or welfare, or in the performance of emergency work necessary to restore a public service or eliminate a public hazard shall be exempt from the provisions of this ordinance. Any person responsible for such emergency work shall take all reasonable actions to minimize the amount of noise.

"ADOPTED BY ORDINANCE 2004-1; JANUARY 13, 2004".

MEMORANDUM



Birchwood Village

TO: Birchwood City Council
FROM: Mary Wingfield, Mayor
SUBJECT: Administrative Enforcement

ADMINISTRATIVE ENFORCEMENT PROVISIONS

The city currently can only enforce most of its code provisions by criminal court action. Cities have adopted an Administrative Code to enable swifter, more efficient compliance of code infractions. (Dellwood just adopted such last month). This code is a standard approach to addressing this concern.

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enclosed: sample administrative enforcement provisions

ADMINISTRATIVE ENFORCEMENT PROVISIONS



1-5-1: INTENT AND PURPOSE:

1-5-2: DEFINITIONS:

1-5-3: PROCEDURE:

1-5-4: APPEALS:

1-5-5: FAILURE TO PAY AND CORRECT AND ABATE THE OFFENSE:

1-5-6: SUBSEQUENT VIOLATIONS:

1-5-1: INTENT AND PURPOSE:

The administrative enforcement procedures established within this chapter are intended to provide the City with an informal, cost effective and more efficient alternative to criminal prosecution or civil litigation for certain violations of this Code. The City retains the right, at its sole discretion, to enforce provisions of this Code by bringing criminal charges or commencing civil litigation in any case where the City determines it is appropriate or necessary, but finds that an administrative process is beneficial to the residents of the City and further finds that such a process is a legitimate and necessary alternative method of enforcing Code violations.

1-5-2: DEFINITIONS:

As used in this chapter, the following words and terms shall have the meanings ascribed to them in this section:

CODE COMPLIANCE OFFICER: Any officer of the Washington County Sheriff's Department, any employee of the City of Birchwood Village, any person or company contracted to provide Code enforcement services who has received official authority by the City of Birchwood Village City Council to enforce this Code. There may be more than one person designated as Code Compliance Officer at any given time.

CODE OFFENSE: A violation of any section, subdivision, paragraph or provision of this Code and is subject to a civil penalty determined according to a schedule adopted by resolution of the City of Birchwood Village City Council from time to time and payable directly to the City Treasurer. Each day the violation exists constitutes a separate Code offense.

OWNER: An individual, association, syndicate, partnership, corporation, limited liability company, trust or any other legal entity holding an equitable or legal ownership interest in land, buildings, structures, dwelling unit(s) or other property.

PERSON: A natural person of either sex, a firm, partnership, corporation, limited liability company, any other association of people, and includes the manager or agent of that person or organization.

1-5-3: PROCEDURE:

- A. Administrative Notice: A Code Compliance Officer may issue, either in person or by United States first class mail, an administrative notice to a person suspected or known to have committed a Code offense and/or to be the owner of property upon which a Code offense is being committed. The administrative notice shall identify the Code offense, the location upon which the Code offense occurred or is occurring, and the recommended corrective action for the Code offense. The administrative notice may also state that the alleged violator has, at the discretion of the Code Compliance Officer, up to fifteen (15) days to correct or abate the Code offense. If the alleged violator and/or owner of property upon which a Code offense is being committed is unable to correct or abate the Code offense within the prescribed time, that person may request in writing an extension of no more than thirty (30) additional days from the Code Compliance Officer. Any extension granted by the Code Compliance Officer shall be in writing and shall specifically state the date of expiration. If the Code offense is not corrected or abated, as outlined in the administrative notice, within the prescribed time or any extension thereto, the Code Compliance Officer may issue a citation, as provided in subsection B of this section.
- B. Citation: A Code Compliance Officer is authorized to issue a citation upon the belief that a Code offense has occurred, whether or not an administrative notice has first been issued in regard to said Code offense. The citation shall be given to the person responsible for the violation and/or to the owner of the property upon which the violation has occurred, either by personal service or by United States first class mail. Said citation shall state the nature of the Code offense, the time and date said Code offense occurred, the civil penalty applicable to that Code offense as set forth in a schedule of civil penalties which shall be adopted by resolution of the City Council from time to time, and the manner for paying the civil penalty or requesting a hearing before a Hearing Officer to contest the citation.
- C. Response To Citation; Payment Of Penalty: Once a citation is issued, the alleged violator and/or the owner of the property upon which the violation has occurred shall, within fifteen (15) days of the time of issuance of the citation, either pay the civil penalty set forth in the citation or request a hearing in writing according to the procedure set forth in this chapter. The civil penalty may be paid either in person at City Hall, or by United States first class mail, postage prepaid and postmarked within said prescribed fifteen (15) days. Payment of the civil penalty shall be deemed to be an admission of the Code offense.

1-5-4: APPEALS:

A. Appeal To Hearing Officer:

1. Request For Hearing; Hearing Held: Any person contesting a citation issued pursuant to this chapter may, within fifteen (15) days of the time of issuance of the citation, request a hearing before a Hearing Officer. Any request for a hearing before a Hearing Officer shall be made in writing on a form provided by the City for such a request and either delivered personally to the City at City Hall or mailed to the City by United States first class mail, postage prepaid and postmarked within said prescribed fifteen (15) days. The hearing shall be held at City Hall within thirty (30) days of the date the City received a timely written notice that a hearing has been requested. Failure to attend the hearing constitutes a waiver of the violator's rights to an administrative hearing and an admission of the violation. A Hearing Officer may waive this result upon good cause shown. A determination of good cause shall be made by the Hearing Officer, but does specifically not include forgetfulness or intentional delay.
2. Hearing Officer: The City Council shall, by resolution from time to time, appoint a list of persons authorized to act as a Hearing Officer. The Hearing Officer is authorized to conduct an informal hearing to determine if a Code offense has occurred. The Hearing Officer may be compensated by the City for such hearings and related findings. The Hearing Officer shall have the authority to uphold or dismiss the citation or reduce, stay or waive the civil penalty imposed upon such terms and conditions as the Hearing Officer shall determine. The Hearing Officer's decision shall be made in writing on a form provided by the City for such purpose. A copy of the Hearing Officer's decision shall be served by United States first class mail upon the person requesting the hearing. The Hearing Officer's decision is final, except for appeal of the Hearing Officer's decision in limited cases to the City Council, as set forth herein.
3. Conduct Of Hearing: At the hearing, the parties will have the opportunity to present testimony, documents and exhibits and question witnesses. The Hearing Officer shall tape record the proceedings and receive testimony and exhibits. Strict rules of evidence will not apply. The Hearing Officer must receive and give weight to evidence, including hearsay evidence, that possesses probative value commonly accepted by reasonable and prudent persons in the conduct of their affairs.

B. Appeal Of Hearing Officer Decision:

1. The Hearing Officer's decision shall be appealable to the City Council only for the following matters:
 - a. An alleged failure to obtain a required permit, license, or other approval from the City Council as required by this Code;
 - b. An alleged violation of a permit, license, or other approval, or the conditions attached to the permit, license or approval, that was issued by the City Council; or

- c. An alleged violation of regulations governing a person or entity who has received a license issued by the City Council.
2. An appeal to the City Council of the Hearing Officer's decision must be made in writing on a form provided by the City for such an appeal and must be served on the City Clerk by United States first class mail, postage prepaid, within ten (10) days after the date of the Hearing Officer's decision.
3. A timely appeal will be heard by the City Council after a notice of hearing is served by the City upon the appellant in person or by certified mail at least ten (10) days in advance of the date of the hearing. The parties to the hearing will have an opportunity to present oral or written arguments regarding the Hearing Officer's decision.
4. The City Council shall consider the record, the Hearing Officer's decision, and any additional arguments before making a determination. The City Council is not bound by the Hearing Officer's decision, but may adopt all or part of the Hearing Officer's decision. The City Council's decision may be voted upon and given at the hearing or may be given in writing within fifteen (15) days of the hearing.
5. The failure of the appellant to appear in front of the City Council or participate in the appeal constitutes a waiver of the violator's right of appeal and an admission of the violation. The Council may waive the result upon good cause shown. The determination of a showing of good cause shown shall be made solely at the discretion of the City Council but does not include forgetfulness and intentional delay.

1-5-5: FAILURE TO PAY AND CORRECT AND ABATE THE OFFENSE:



- A. In the event a person charged with a Code offense fails to pay the civil penalty and correct or abate the Code offense for which a citation was issued within the prescribed time, a late charge of fifteen percent (15%) shall be imposed thereon for each seven (7) days the civil penalty remains unpaid and the Code offense remains uncorrected or unabated beyond the due date.
- B. An unpaid civil penalty and accrued late charges will constitute a personal obligation of the person(s) to whom the citation was issued, and the City shall have the right to collect such unpaid civil penalty and accrued late charges, together with the City's costs and reasonable attorney fees, in criminal or civil proceedings.
- C. Pursuant to Minnesota Statutes section 429.101, Minnesota Statutes section 514.67 and other applicable law, a lien in the amount of the civil penalty and any accrued late charges may be assessed against the property where the Code offense occurred and

collected in the same manner as taxes. Any such assessment shall not preclude the City from issuing additional citations for a continuing Code offense, nor shall it preclude the City from making additional assessments against the same property resulting from a continuing or new Code offense.

- D. The City may suspend or revoke a license or permit or other approval associated with the Code offense if the civil penalty and accrued late charges are not timely paid.

1-5-6: SUBSEQUENT VIOLATIONS:  

If a second citation for a Code offense is issued by the City to the alleged violator and/or owner of the property upon which the violation has occurred within twenty four (24) months of the issuance of a previous citation for the same Code offense, the civil penalty shall increase by twenty five percent (25%) over the scheduled civil penalty amount. If a third citation for a Code offense is issued by the City to the alleged violator and/or the owner of the property upon which the violation has occurred within twenty four (24) months of the issuance of a previous citation for the same Code offense, the civil penalty shall increase by fifty percent (50%) over the scheduled civil penalty amount. If a fourth citation for a Code offense is issued by the City to the alleged violator and/or the owner of the property upon which the violation has occurred within twenty four (24) months of the issuance of a previous citation for the same Code offense, the civil penalty shall increase by one hundred percent (100%) over the scheduled civil penalty amount.

Administrative enforcement civil penalties:			
		animal violations	50 .00 First violation \$100.00 Second Violation \$200 each subsequent violation of the same offense in a one year period
		zoning violations - except signs	200 .00
		nuisance, sign ordinance, and building regulation violations)	200 .00

		Nuisance abatement fee	\$200.00 + costs incurred
	False alarm charge:		
		Fire	No charge for first 3 alarms, \$200.00 for fourth alarm, \$200.00 + \$50.00 for each successive alarm per calendar year
		All other code violations not enumerated above	\$200.00

OTHER FEE OPTIONS....

Offense	Amount
Parking violations	
Snowbird/parking on street after 2-inch snowfall	\$32
No parking between 2 a.m. and 6 a.m., Nov. 1-April 1	\$32
Other parking	\$25
Watering violations	
Watering lawn/odd-even first violation	\$50
No watering between noon and 5 p.m. first violation	\$50
Other Violations	
Vicious animal	\$50
Other animal	\$25
Recreational fire	\$25

Use of city parks after hours	\$25
Deposit of snow or ice in right-of-way	\$25
Sump pump discharge creating ice on street	\$25
Hydrant use without city approval	\$50
Noise violation	\$50
Nuisance ordinance	\$100
Permit not obtained	\$50
Tobacco violation by an employee	\$50
Tobacco violation by a licensee	\$75
Dumping illegally	\$50
Erosion control	\$50
Building/plumbing/HVAC/electric code violation	\$100
Conditions of approval	\$50
Grading	\$50
Hours of operation	\$50
Lawn maintenance/noxious weeds	\$100
Non-access to meter fee after second notice	\$50
Sign ordinance	\$100
Unfinished construction project	\$100

Zoning Ordinance	\$100
Public property infringement	\$50
Fire Code violation	\$100
Rental license violation	\$100
Non-access to meter fee after 2nd notice	\$50

MEMORANDUM

TO: Birchwood City Council
FROM: Tobin Lay, City Administrator
SUBJECT: Birchwood Centennial Preparations



Dear Mayor and Council Members,

During the September 26th special budget meeting, the issue of City Hall renovations was raised and tabled for a future discussion.

Mayor Wingfield has asked me to place this item on the agenda to allow Council Members to continue this discussion in preparation for Birchwood's 2021 Centennial celebrations. City Hall is in need of many repairs, as has been indicated in a 2010 inspection report conducted by White Bear Lake's building inspector. This report included an assessment of the life span for each component of the building. This report has been sent to each of you and is also available for the public tonight.

Several of you have suggested that an inspection be performed again since the last report is already 8 years old. Mayor Wingfield has spoken to an independent engineer to determine potential costs for such an inspection and will provide her findings tonight.

Additionally, Mayor Wingfield has discovered a potential grant through the Greater White Bear Lake Foundation (GWBLF) and has spoken to the White Bear Area Historical Society to determine how much it would cost to digitize Birchwood's historical city records. Enclosed is a related memo from Mayor Wingfield and a proposed budget for this project.

Request/Recommendation

Staff requests Council:

- 1) Discuss the findings of the 2010 Inspection Report;
- 2) Determine if a new inspection should be performed;
- 3) Prioritize the capital improvements needed to the building;
- 4) Schedule the improvements leading up to the 2021 centennial anniversary; and
- 5) Discuss the potential records digitizing project and grant.

Thanks!

Regards,
Tobin Lay

MEMORANDUM

TO: GREATER WHITE BEAR LAKE FOUNDATION BOARD
FROM: CITY OF BIRCHWOOD VILLAGE BY ITS MAYOR MARY WINGFIELD, AND THE WHITE BEAR LAKE AREA HISTORICAL SOCIETY BY ITS EXEC DIRECTOR SARA M. HANSON
SUBJECT: CITY OF BIRCHWOOD VILLAGE RECORD PRESERVATION GRANT REQUEST
DATE: 10/4/2018

The City of Birchwood Village is requesting a grant for the preservation and cataloging of its historical records which date back nearly a hundred years. Those documents are currently held in the basement of the Village Hall and are at risk of loss and decay--there are no duplicate/backup records. The City lacks staff and resources to catalog and preserve this rich, unique history.

The City will be celebrating its centennial in 2021. The City is already planning for commemorating this milestone: a resident has volunteered to coordinate the event(s) and the City's historic World War II civil defense warning system (a large cast iron bell) has just been erected in a tower at the Village Hall.

The City has reached out to the White Bear Lake Area Historical Society (WBLAHS) for its assistance and expertise to preserve its records. The timing for this project is important. By digitizing the records of the Birchwood Village, the City Council and the WBLAHS will be better prepared to commemorate the upcoming centennial. The WBLAHS has assessed its collection of resources pertaining to Birchwood Village and identified a gap in the historical record. This anniversary is an opportunity to remedy that gap and enhance the volume of available resources relating to Birchwood Village that is available to historians and other researchers.

The original documents will be better preserved by having digital copies available for review reducing the wear and damage of the originals as well as providing back up sets off-site to ensure that a copy survives in the event of fire, water or other damage to the originals. In addition, the City needs to create a commemorative marker for the bell and a study of the records would likely help document the history and events surrounding the bell's history.

The White Bear Lake Area Historical Society proposes a multi-faceted approach to the ongoing preservation of the history of Birchwood Village and providing the community access to that story. An immediate need is the preservation of historic village records, including the Village Minute Books.

An inventory of the records available includes thirty ledger books and binders with an estimated total of 8,000 pages spanning 1921-2012. The minutes beyond 2012 were born digital and are already available online therefore requiring no further scanning or processing.

The White Bear Lake Area Historical Society proposes breaking the project into three phases over the next three years, processing approximately thirty years per phase.

Each phase would:

- Digitize the pages of each ledger;
- Index the data in the records;
- Provide online access at whitebearhistory.org to the index of information and email or in-person access to the full digital data record;
- Provide copies of digitized records and index on a drive to the Birchwood Village;
- Retain two digital sets of the records as back up for future generations.

The time to scan, prepare the digital files and create a useable database of the information is estimated to be approximately 700 WBLAHS hours per year of the project. Based on a time study and past projects of a similar nature, approximately 50 pages can be scanned in a hour and 4 pages data-based per hour.

Realizing the limitations presented in municipal budgets and the value of this project to both the City of Birchwood Village and the WBLAHS, the WBLAHS proposes an approximate 3:1 match of staff hours to be committed to this project and to spread the total cost of services and supplies to Birchwood Village over the three-year term as annual phases of \$4,000 each in 2019, 2020 and 2021 for a total project budget of \$12,000. This cost proposal is determined to be well under market rate due to the value the WBLAHS sees in this project and the shared resource it would provide.

This funding request would enable the City to embark on Phase I of this project. By creating this new data base, generations for years to come will benefit from access and learning about the history of Birchwood Village.

**PROPOSED BUDGET
- RECORDS DIGITIZING**

Birchwood Record Scanning Project - Phase 1

Income

Greater WBA Community Foundation	\$ 4,000.00
WBLAHS /In-kind Time	\$ 11,444.00
	\$ 15,444.00

Expenses

Scanning 2600 pages @50 pages/hour (52 hours at \$22/hour)	\$ 1,144.00
Databasing 2600 pages @ 4 pages/hour (650 hours at \$22/hour)	\$ 14,300.00
	\$ 15,444.00

MEMORANDUM**Birchwood Village**

TO: Birchwood City Council
FROM: Tobin Lay, City Administrator
SUBJECT: Additional Kayak Racks

Dear Mayor and Council Members,

Kayak/canoe racks are a high demand commodity in Birchwood. We currently offer 49 slots on 9 racks spread out on every beach easement except Kay and Kurt Feistner Memorial Preserve. Even with 49 slots, we have additional demand.

I was asked to request the Parks Committee discuss whether to build additional racks and if so, recommend where to place these new racks.

The Parks and Natural Resources Committee discussed this topic accordingly and recommends building at least two (2) additional racks to be placed at Birch and Dellwood easements.

Request/Recommendation

The Parks Committee recommends Council:

- 1) Approve the construction and installation of two (2) additional racks to be placed at Birch and Dellwood easements.

Thanks!

Regards,
Tobin Lay