



AGENDA OF A SPECIAL MEETING OF THE
CITY COUNCIL
CITY OF BIRCHWOOD VILLAGE
WASHINGTON COUNTY, MINNESOTA
August 24, 2021
6:00 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

In light of the status of the ongoing Covid-19 health pandemic the City of Birchwood Village is conducting this Special meeting using interactive web-based technology. Pursuant to Minnesota Statutes, Chapter 13D. 021 Subdivision 1(1) the City of Birchwood is declaring that, “an in-person meeting or a meeting conducted under section 13D.02 is not practical or prudent because of a health pandemic...”

The meeting will be conducted using the Zoom meeting platform and the details of that are directly below for participating. If you plan to attend it is suggested that you familiarize yourself with the technology in advance. If you plan to participate than you must either 1) send your name, topic you plan to speak on, and the phone number you will be calling from to City Hall by noon the day before the meeting; or 2) join the meeting no later than 6:50pm to coordinate with the Moderator.

The Moderator of the meeting shall be City Administrator Andy Gonyou and all participants, except Council Members, shall have their microphones muted unless recognized by the Mayor. Public Forum shall be honored using this technology and the meeting will be broadcast via the Cable Commission like other meetings.

Topic: Birchwood Village August 24 Special City Council Meeting
Time: **Aug 24, 2021 06:00 PM** Central Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/84583717887?pwd=cDJlL3ZNQXRzS3VoZkczSlZDVIA2UT09>

Meeting ID: 845 8371 7887

Passcode: 435679

APPROVE AGENDA

CITY BUSINESS – REGULAR AGENDA

- A. Second Reading Ord. 2021-07-01, Amending City Code Sec. 308* (pp. 3-41)
 - a. Public Hearing
 - b. Council Deliberation and Approval

Time Budget: 20 Minutes

- B. Second Reading of the 2021 Fee Schedule as Amended* (pp. 43-51)
 - a. Council Deliberation and Approval
Time Budget: 5 Minutes
- C. Village Hall Roof Bids* (pp. 53-57)
 - a. Contractor Introductions
 - b. Contractor Q&A, Council Deliberation
Time Budget: 15 Minutes
- D. 117 Wildwood Avenue – Review of Administrative Decision Regarding Building Permit* (pp. 59-68)
 - a. Council Deliberation
Time Budget: 20 Minutes
- E. 2022 Budget Review* (pp. 69-73)
 - a. Council Deliberation
Time Budget: 20 Minutes
- F. City Code Sec. 301.050* (pp. 75-77)
 - a. Council Deliberation
Time Budget: 10 Minutes
- G. City Covid-19 Protocols (Mayor Wingfield/Councilmember Fleck)
 - a. Council Deliberation
Time Budget: 5 Minutes

ADJOURN

*Denotes item with supporting documentation attached.

ORDINANCE 2021-07-01
CITY OF BIRCHWOOD VILLAGE
WASHINGTON COUNTY, MINNESOTA

AN ORDINANCE AMENDING SUBDIVISION OF LAND
IN THE CITY ZONING CODE

The City Council of the City of Birchwood Village hereby ordains that Chapter 308 (Subdivision of Land) of the Municipal Code of the City of Birchwood Village is hereby amended to read as follows:

SECTION 308. SUBDIVISION OF LAND

308. SUBDIVISION OF LAND

308.010 DEFINITIONS.

Developer: The legal or beneficial owner(s) of a parcel of any land proposed for inclusion in a development, including the holder of an option or contract to purchase.

308.020. APPLICATION OF REGULATIONS. No person shall develop, or subdivide, ~~on~~ any tract of One acre or more which is located within the City except in conformity with the provisions of this Ordinance. City of Birchwood Village Code 301.055 shall be included herein by reference.

308.023. COUNCIL CONDITIONS. The city council may condition its approval on the construction and installation of fully operational sewers, streets, electric, gas, drainage, and water facilities and similar utilities and improvements or, in lieu thereof, on the receipt by the city of a cash deposit, certified check, or irrevocable letter of credit in an amount and with surety and conditions sufficient to ensure the city that the utilities and improvements will be constructed or installed according to the specifications of the city. The city council may condition its approval on compliance with other requirements reasonably related to this chapter and to execute Development Ceontracts embodying the terms and conditions of approval. The city may enforce such agreements and conditions by appropriate legal and equitable remedies

308.025 LAND USE REQUIREMENTS. All standards, requirements, and other provisions of the Zoning Code 302 apply to each parcel created within a subdivision.

"**AMENDED BY ORDINANCE 1995-2; MAY 9, 1995, JANUARY 2021.**"

308.030. ENFORCEMENT.

1. Recording of Plat. No plat of any subdivision shall have any validity or be entitled to recording in the Washington County Recorder's Office until approved by the City

~~Council~~ in the manner prescribed herein. In the event any such unapproved plat is recorded it ~~may~~ shall be considered invalid and the Council ~~may~~ shall institute proceedings to compel the ~~recorder thereof~~ Recorder thereof to have the plat stricken from the records of Washington County.

2. Sale of Land in Subdivision. No owner or agent of the owner of any land located within a subdivision shall transfer, sell, agree to sell, or negotiate to sell any land by reference to, exhibition of, or by the use of a plan, preliminary plat, or plat of a subdivision before ~~such plan such plan, preliminary plat, and or~~ plat has been approved and recorded in the manner prescribed herein.

Any sale or transfer contrary to the provisions of this Chapter is voidable within one year at the option of the buyer. The description of such lot or parcel by metes and ~~bounds, as~~ bounds, as opposed to references to the plan, preliminary plat, or plat itself, in the instrument of transfer, or other documents used in the process of selling or transferring, shall not exempt the transaction from the provisions of this Code.

3. Permits.

a. Permits shall be issued under the provisions of ~~the County Agreement~~ this Chapter and in accordance with ~~in accordance with~~ Chapter 20002.040. ~~(we should review this section)~~

~~b.~~ No permits shall be issued for the installation of domestic supply/ residential wells of any kind. The deployment of TMW's shall not constitute a violation of this section.
b.

4. Revision of Plat After Approval. No changes, erasures, modifications or revisions shall be made to any plat of a subdivision after approval has been given by the Council, and endorsed in writing on the plat, unless the said plat is first re-submitted to the Council.

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Code 308 - page 1

308.040. PROCEDURE: PRELIMINARY PLAT.

~~1.~~ The ~~Developer~~ subdivider shall have a preliminary plat prepared on the basis of the City masterplan requirements and other appropriate government agencies, e.g. County and Watershed District. Subdivisions shall meet the design standards and data required by this ordinance and shall meet Rice Creek Watershed District (RCWD) Rules.

1.

~~2.~~ Submission of application: ~~The Developer (Definitions—Developer: The legal or beneficial owner(s) of a parcel of any land proposed for inclusion in a development, including the holder of an option or contract to purchase.)~~ Developer shall submit to the City Clerk three paper copies and one electronic copy of a complete application. The application shall include and address the informational requirements of the City Code.

3. City fees due and a processing escrow: The application shall include a cash fee and a processing escrow in an amount established by the City Council. The fee and escrow will be used for the expenses of the City in connection with review, approval, or disapproval of said preliminary plat and final plat.

4. Notice of incomplete application: The City Clerk, upon receipt of the application, shall notify the applicant in writing within ~~thirty~~ fifteen (30/15) city business days if the application is found to be incomplete.

~~2.~~ The subdivider shall submit to the City Clerk:

~~a.~~ Three copies of the preliminary plan.

~~b.~~ A cash fee set by the City Council. This fee will be used for the expenses of the City in connection with review, approval, or disapproval of said preliminary plan and final plat.

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~~3.5.~~ The City Clerk shall refer the preliminary plan~~s~~ to the Planning Commission ~~and City Engineer~~. The Planning Commission shall consider the preliminary plat~~s~~ at its next regular scheduled meeting but not earlier than ten (10) days after submission of the preliminary plat~~s~~ to the City Clerk. The ~~Developer/subdivider~~ or a designated representative shall appear ~~4~~ before the Planning Commission in order to answer questions concerning the preliminary plan~~t~~. The Planning Commission shall recommend approval or disapproval of the preliminary plan~~t~~ to the Council.~~4~~

~~4.6.~~ The City Clerk shall also refer the preliminary plat~~s~~ to the City Engineer who shall evaluate the preliminary plat and any engineering issues including any drainage concerns. The engineer shall also advise on how the subdivision meets or does not meet RCWD rules as referenced herein and applicable. The Engineer~~who~~ shall submit at the report to the Planning Commission/City Council at least one week before their hearing on the preliminary plat~~s~~. The Engineer shall then revise their Report and submit their final Report to the ~~shall evaluate the preliminary plat and any engineering issues including any drainage concerns. The engineer shall also advise on how the subdivision meets~~ subdivision meets or or does not meet RCWD rules City Council at least one week before the hearing on the preliminary plat~~s~~.

~~5.~~ The City Council will then set a public hearing on the preliminary plat~~s~~. Such hearing may be held at the next regular meeting of the City Council but not earlier than ten (10)

days after submission to the Council of the preliminary plat. Notice of said hearing shall be sent to all addresses within 300' of the subject property, published in the official newspaper and sent to the Minnesota Department of Natural Resources and Rice Creek Watershed District not less than ten (10) days prior to the hearing.

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308.050. FINAL PLAT.

1. Unless an extension of time is requested by the Developer/subdivider and granted by the Council, the Developer/subdivider shall within six (6) months following approval of the preliminary plat submit to the City Clerk:

a. Six (6) paper copies of the proposed final plat along with one (1) electronic copy. This final plat shall incorporate all changes required by the Council and other appropriate government agencies. Otherwise, it shall conform to the preliminary plat. The final plat may comprise only that portion of the preliminary plat which the Developer/subdivider proposes to record

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Code 308 page 2 and develop at the time. If the final plat is not submitted within six (6) months, the approval of the preliminary plat shall be considered void.

b.a. An up-to-date certified abstract of title or registered property (Torrens) report and such other evidence as the City Attorney may require showing title or control in the applicant.

2. The City Clerk shall refer one copy of the proposed final plat to the City Engineer, one copy to the Secretary of the Washington County Planning Commission, and a copy of each to the telephone, cable, natural gas and electrical utility providers. The City Clerk shall refer the abstract of title or registered property report to the City Attorney for their examination and report.

3. The reports of the City Attorney and City Engineer shall be submitted to the Council within fifteen (15) days after filing of the proposed final plat. The City Engineer shall state whether the final plat and the proposed improvements conform to the engineering standards and specifications established in this Code.

4. The Council shall act on the proposed final plat within sixty (60) days of the date on which it was filed with the City Clerk and deemed complete. No final plat will be approved that:

- a. Does not conform to the approved preliminary plat.
- b. Does not meet the design standards and engineering specifications that apply or are compelled by the City Code.
- c. Does not meet RCWD Rules.

5. If the final plat is approved by the Council, the ~~Developersubdivider~~ shall record it with the Washington County Recorder within (30) days after the date of approval, otherwise the approval shall be considered void.

6. The ~~Developersubdivider~~ shall ~~immediately~~ upon recording, furnish the City Clerk with two reproducible prints of the final plat showing evidence of the recording within two weeks of the recording thereof.

7. Notice of the final plat shall be sent by the ~~Developersubdivider~~ to the Minnesota Department of Natural Resources and the Rice Creek Watershed District within ten (10) days of recording.

1. 308.060. DATA REQUIRED FOR PRELIMINARY PLAT.

~~2.~~

~~3. Submission of adequate information to make a determination of land suitability is required. is required. The preliminary plat shall be submitted in a form that is organized, clear, legible, unambiguous, and capable of being understood. Additional information or modifications may be required by the city administrator/clerk, city engineer, city planning commission, or the City Council, and additional information may be requested during the review process. The information shall include the following:~~

Code 308 page 3

1. Boundary and topographic survey that shows the following:
 - a. Scale one inch (1") equals not more than fifty feet (50'),
 - b. North point indication,
 - c. Existing parcel boundaries of the existing parcel(s) to be replatted with dimensions and area,
 - d. Existing legal description,
 - e. Easements of record,
 - f. Delineated wetland boundaries, to include the ordinary high water level (OHWL) of any lakes or Department of Natural Resources (DNR) waters,
 - g. Floodplain as shown on Federal Emergency Management Agency (FEMA) Flood Insurance Rate ~~IRM~~ Map (FIRM),
 - h. Location and elevation of 100 year floodplain areas,
 - i. Location and elevation of stormwater runoff Emergency Overflow Elevation (EOF).
 - j. The location and elevation of the Finished Floor Elevation (FFE), including basement FFE, of each existing building on a lot directly

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adjacent to the preliminary plat.

k. Encroachments.

~~a-l.~~ Existing topography, buildings, structures, improvements, and other site characteristics within the parcel to be platted and those within three hundred feet (300') outside the boundaries of the subject parcel. The existing topographic contours shall be one ~~(1)~~ foot (1') intervals or less ~~at ten-foot intervals or less from United States Geological Survey maps or more accurate sources, showing limiting site characteristics.~~

m. Location, widths and names of all public streets or rights of way showing type, width and condition of the improvements, if any, which pass through and/or are within three hundred feet (300') of the subject property.

n. The outside boundary of the subject property shall be clearly marked with survey monuments. The survey monuments shall be shown on the boundary and topographic survey drawing.

o. The surface water features required in Minnesota Statutes, Section 505.02, subdivision 1, to be shown on plats, obtained from United States Geological Survey quadrangle topographic maps or more accurate sources.

p. The boundary and topographic survey shall be prepared and signed by a licensed land surveyor.

2. Resource inventory that shows the following:

a. Topographic contours at one foot (1') intervals including contours covering a minimum of three hundred feet (300') of adjacent properties and sufficient to identify tributary areas of watersheds draining onto or through the site. Spot elevations at the overflow point of basins and for existing infrastructure on or adjacent to the site such as pipe, inverts, manhole castings, curbs, etc., shall also be provided.

b. Soils report indicating soil type locations and identification of soil type characteristics such as hydric soils, agricultural capability, depth to bedrock, depth to groundwater, and hydraulic conductivity. The soils report shall have adequate soils information to determine suitability for building and on-site mitigation and handling of surface water and groundwater capabilities for every lot from the most current existing sources ~~and/or~~ from field investigations such as soil boring, percolation tests, or other methods.

c. Hydrologic characteristics, including surface watercourses, floodplains, delineated wetlands, natural swales, and drainage ways; ordinary high water level and 100-year flood elevations of adjoining watercourses, lakes, wetlands, streams, etc., at the date of the survey and approximate high and low water elevations.

d. Tree inventory identifying vegetation of the site including the extent of anticipated vegetation and topographic alterations, near-shore aquatic conditions, including depths, types of bottom sediments, and aquatic vegetation.

e. Information regarding the existing buildings, land use, and natural

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features such as water bodies or wooded areas, roads, driveways, and property boundaries within three hundred feet (300') of the preliminary plat. This information shall be presented on an aerial photograph(s) at a scale of no less than one inch to two hundred feet (1" = 200') with a project overlay map.

f. Information regarding adequacy of domestic water supply and sanitary sewer system.

g. The resource plan shall be prepared and signed by a licensed professional engineer.

3. Preliminary plat that shows the following:

a. The proposed name of the plat, which name shall not duplicate the name of any plat heretofore recorded in Washington County.

b. Date of application, name, address, phone numbers and applicable license or registration number of the owner, Developer, agent, applicant, engineer, surveyor, planner, attorney or other principal involved in the development of the plat.

c. The ~~Developer~~subdivider shall submit a statement that the area being subdivided is under ownership or control of the ~~Developer~~subdivider. ~~The statement shall Also included shall be~~ the date of preparation of the statement.

d. Proof of ownership or legal interest in the property.

e. Existing comprehensive plan land use and zoning designation within and abutting the proposed plat; any zoning changes needed and reference to any zoning or similar land use actions that are pertinent to the proposed development.

f. Boundary lines and ownership of adjoining land.

g. Total acreage of the land to be subdivided and total upland area (land above the ordinary high water mark of existing wetlands, lakes and rivers).

h. Boundary line survey and legal description.

i. North arrow and graphic engineering scale of one inch equals one fifty feet (1" = 50').

j. Existing covenants, liens, or encumbrances.

k. Proposed lot lines, dimensions, and the gross and buildable acreage of each lot; when lots are located on a curve in a road or cul-de-sac, the lot width at the building setback line shall be shown; proposed lot and block numbers.

l. Building pad, minimum building setbacks shown on each lot indicating dimensions of the setbacks.

m. Proposed Finished Floor Elevation (FFE), including basement FFE, of each proposed building.

n. Layout of streets, showing right of way widths, centerline street grades

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and radii of all curbs, and names of streets. The name of any street heretofore used in the city or its environs shall not be used, unless the proposed street is an extension of an already named street, in which event, the name shall be used.

o. Access, right of way widths, driveways, and street classifications shall be consistent with city standards in Section 308.080, Section 308.090, Section 308.095, Section 308.100, Section 308.110, Section 308.130 and Section 308.140.~~XXXXXXXXXX~~

p. Parks, trails, or other areas intended for public use or common ownership.

q. Any additional information requested by the City Engineer or City Council.

r. Dates of plan preparation and revision dates.

s. All delineated wetlands and the ordinary high water level (OHWL) of DNR protected waters.

t. Location of 100 year floodplain.

u. Location and widths of proposed pedestrian ways and utility easements.

~~b-v.~~ Layout, numbers and dimensions of lots (per City Code).

~~e-~~

~~d-w.~~ Minimum (per City Code) front and side-street building setback lines indicating dimensions.

~~e-~~

~~f-x.~~ Areas, other than streets, pedestrian ways and utility easements, intended to be dedicated or reserved for public use, including the size of such area or areas in acres.

~~g-~~

y. Proposed use of all parcels, and if zoning change is contemplated, proposed rezoning

z. The preliminary plat shall be prepared and/or attested to ~~signed~~ by a Minnesota-licensed professional engineer (PE).

4. Preliminary grading, drainage and erosion control plan that shows the following:

a. Scale at one inch equals one fifty feet (1" = 50') maximum.

b. North point indication.

c. Location of natural features including, but not limited to, tree lines, delineated wetlands, watercourses, ponds, lakes, streams, drainage channels, ordinary high water level (OHWL) and 100-year storm elevations, bluffs, steep slopes, etc.

d. Existing contour elevations (existing grade elevations) at one foot (1') intervals shown as dashed lines for the subject property.

e. Proposed contour elevations (proposed grade elevations) at one foot (1') intervals shown as solid lines.

f. Proposed plan for surface water management, ponding, drainage and flood control, including the normal water level and high water level of all ponds and watercourses including those which drain beyond the

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- boundaries of the subdivision.
- g. Proposed plan for groundwater management including subsurface drains, disposals, ponding, and flood controls.
 - h. Location of all existing storm sewer facilities including pipes, manholes, catch basins, ponds, swales and drainage channels within three hundred feet (300') of the subject property. Existing pipe sizes, type, grades, rim and invert elevations and normal and high water elevations shall be included.
 - i. If the subject property is within or adjacent to a 100-year floodplain, flood elevation and locations shall be shown.
 - j. Spot elevations at drainage break points and directional arrows indicating site, swale and lot drainage.
 - k. Lot and block numbers, building style, building pad location and Finished Floor Elevation (FFE) of the lowest floor, other floors and garage slab for each building on each lot.
 - l. Locations, sizes, grades, rim and invert elevations of all proposed stormwater facilities, including ponds, to serve the preliminary plat.
 - m. The location and purpose of existing easements encumbering the parcel(s) subject to the replating.
 - n. All soil erosion and sediment control measures to be incorporated during and after construction shall be shown. All erosion and sediment control plans shall be in accordance with Minnesota Pollution Control Agency's best management practices. Locations and standard detail plates for each measure shall be included on the plan.
 - o. All revegetation measures proposed for the subject property shall be included on the plan, including tree replacement, seed and mulch types and application rates. Such tree replacement plan shall specify plant location(s) variety and size. See Section 308.110(6).
 - h.p. _____ Delineate the 20' point past any building footprint and 5' beyond any driveways. ~~See, where~~ Section 308.110(6)2.055 applies.
 - q. The configuration of drainage areas and calculations for 1-year, 10-year, and 100-year flood elevations. The configuration of drainage areas and calculations for up to a 500-year flood elevation shall be identified when required by the City Engineer ~~or City Council.~~
 - r. The rate and volume of stormwater runoff from the 1-year, 10-year, and 100-year storms after development shall be less than or equal to the rate and volume of stormwater runoff from the 1-year, 10-year, and 100-year storms before development.**
 - s. Location and elevation of 100 year floodplain.
 - t. Location and elevation of stormwater runoff ~~Emergency Overflow Elevation (EOF).~~ The purpose is to show where stormwater runoff will flow when a storm that is greater than a 100 year storm occurs.
 - u. The elevation of the lowest building opening elevation of existing and proposed buildings shall be a minimum of two (2) feet above the ~~Emergency Overflow Elevation (EOF).~~

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v. Layout of proposed streets showing centerline gradients, section widths, and typical cross sections.

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w. Proposed methods of controlling stormwater runoff and erosion, both during and after construction activities.

x. Date of plan preparation and dates of all revisions.

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y. Delineate the 20' point past any building footprint and 5' beyond any driveways, where Section 302.055 applies.

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z. The preliminary grading, drainage and erosion control plan shall be prepared and signed by a licensed professional engineer.

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5. Groundwater Hydrological Study that includes the following:

a. Installation of temporary monitoring wells (TMW).

- Prior to the installation of the TMW, the Developer shall submit to the City Engineer a plan that shows the number, location, surface elevations, estimated depths, and construction method of the TMW. The plan shall also show the anticipated finished grade of the area surrounding the TMW locations.
- Prior to the installation of the TMW, the Developer shall obtain approval of the number, location, estimated depth, and construction method of the TMW from the City Engineer.
- Prior to the installation of the TMW, the Developer shall also send the necessary well installation notification and permit applications submitted to the Minnesota Department of Health (MDH) and other necessary regulatory agencies, if applicable, to the City Engineer.
- The minimum number of TMW shall be four (4) per acre (Example: If the boundary and topographic survey shows the area of the existing parcel boundaries to be platted is 3.7 acres, the minimum number of TMW shall be 15 (4 TMW per acre x 3.7 acres = 14.8 TMW, round up)).

b. Collection of a minimum of twelve (12) groundwater elevation recordings (one per month) from each TMW for a minimum of twelve (12) months.

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- After obtaining the above recordings, the Developer shall continue obtaining monthly groundwater elevation recordings from each TMW until the hydrological report is approved by the City Engineer.
- If the City Engineer determines that the hydrological report is incomplete or inconclusive, the City Engineer will may require the Developer to continue obtaining groundwater elevation recordings from each TMW for an additional twelve (12) months or longer and the City Engineer may require the Developer to prepare one or more additional hydrological reports if additional data is collected beyond twelve (12)

months.

c. Results of in-field or laboratory tests of soil to support the hydrological model including but not limited to hydraulic conductivity and infiltration (double ring infiltrometer tests). The double ring infiltrometer tests shall be conducted at the proposed bottom elevation of any proposed infiltration area.

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d. A hydrological model.

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- After obtaining the above recordings, the Developer shall prepare a hydrological model comparing existing conditions to proposed conditions that accounts for groundwater inputs/outputs, stormwater inputs/outputs, common and extreme precipitation scenarios, including proposed conditions after development based on an estimate of groundwater elevations during the highest annual precipitation of the last 100 years (Extreme Scenario #1), and how they impact surface water runoff and groundwater elevations at the area of the hydrological study.
- Definition: Extreme Scenario #1 is an analysis of proposed conditions after development based on an estimate of groundwater elevations during the highest annual precipitation of the last 100 years and how they impact surface water runoff and groundwater elevations at the area of the hydrological study. For this analysis, the following is needed:
 - The existing groundwater elevations from the collection of the twelve (12) groundwater elevation recordings.
 - The annual precipitation from the National Weather Service Twin Cities Area Reporting Station during the collection of the twelve (12) groundwater elevation recordings.
 - The annual precipitation from the National Weather Service Twin Cities Area Reporting Station during the highest annual precipitation of the last 100 years (https://www.dnr.state.mn.us/climate/historical/acis_stn_dat_a_monthly_table.html).
 - The difference between the highest annual precipitation of the last 100 years and the annual precipitation during the collection of the twelve (12) groundwater elevation recordings.
 - Estimate of the groundwater elevations during the highest annual precipitation of the last 100 years based on the difference between (a) the highest annual precipitation of the last 100 years and (b) the annual precipitation during the collection of the twelve (12) groundwater elevation recordings.
 - Estimate the after development groundwater elevations based on (a) the highest annual precipitation of the last 100

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years (b) the difference between the highest annual precipitation of the last 100 years and the annual precipitation during the collection of the twelve (12) groundwater elevation recordings.

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e. Groundwater chemistry analysis.

- If temporary groundwater dewatering is required or proposed, the Developer shall collect at least one round of representative groundwater samples from the TMW for appropriate chemistry analysis and characterization.

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f. A hydrological report including, but not be limited to, the following:

- Boundary and topographic survey required in Section 1 above.
- Resource inventory required in Section 2 above.
- Preliminary plat required in Section 3 above.
- Preliminary grading, drainage and erosion control plan required in Section 4 above.
- Evidence required in Section 6 below.
- Suitability Analysis Study required in Section 7 below.
- Preliminary utility plan required in Section 8 below.
- Results of soil tests required in Section 9.i. below.
- Build-out plan (ghost plat) required in Section 9.k. below.
- Elevation of the top of each TMW.
- Elevation of the ground surface at each TMW.
- Location of each TMW.
- Well completion logs and documentation of applicable notifications, fees and permits obtained for construction.
- Results of groundwater elevation recordings.
- Results of daily weather tracking during the hydrological study.
- Results of research regarding historical daily weather including ~~weather extremes-wet and dry periods of time~~ from the National Weather Service Twin Cities Area Reporting Station and, if available, a National Weather Service Reporting Station near the City of Birchwood Village (Historical Weather).
- The hydrological model outlined in Section 5.d. including, but not limited to, the following:
 - Analysis of the existing groundwater conditions including groundwater elevations, contours, depths below the ground surface (BGS), and flow direction.

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- Analysis of the proposed groundwater conditions including Extreme Scenario #1 groundwater elevations, groundwater mounding elevations, contours, depths BGS and flow direction based on wet and dry periods of time.
- Analysis of precipitation events and conditions during the hydrological study.
- Comparison of the Historical Weather to the precipitation events and conditions during the hydrological study.
- Groundwater chemistry results and recommendations for necessary discharge permits if groundwater dewatering and discharge will be required.
- The hydrological report shall be prepared and signed by a licensed professional engineer.

ter Analysis Study that shows the following:

A groundwater analysis study shall be conducted by the Developer that includes (1) the installation of temporary monitoring wells, (2) obtaining a minimum of five (5) groundwater elevation recordings from each well for a minimum of five (5) months, and (3) a study report.

This report shall include, but not be limited to, the following:

Analysis of the existing groundwater conditions including groundwater elevations, contours, depths below the ground surface (BGS), and flow direction.

Analysis of the proposed groundwater conditions including groundwater elevations, groundwater mounding elevations, contours, depths BGS and flow direction.

Plan preparer (The plan shall be prepared and signed by a licensed professional engineer).

6. Evidence

The Developer shall provide the following evidence in a report:

- The groundwater elevation and potential temporary groundwater dewatering system shall have no detrimental impact on surrounding properties after development.
- The groundwater elevations and groundwater mounding elevations after development (including Extreme Scenario #1) will be more than four (4) feet below the lowest Finished Floor Elevation (FFE) of existing and proposed buildings in the area for mitigating the potential for groundwater intrusion.
- Supplementary engineering data required by the City Engineer.
- The Evidence preparer (The hydrological report shall be prepared and signed by a licensed professional engineer).

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- ence
- ~~Evidence that groundwater elevation and groundwater control after development control is at least ten (10) feet below level of finished grade or proposed plan for solving groundwater problems.~~
 - ~~Evidence that the Ground water elevation and groundwater control after development shall have additionally mean that no impacts on shall be borne by surrounding properties 3.~~
 - ~~Evidence that shows that the groundwater elevations and groundwater mounding elevations after development will be more than four (4) feet below the lowest Finished Floor Elevation (FFE) of existing and proposed buildings in the area.~~
 - ~~Any supplementary engineering data required by the City Engineer.~~
 - ~~Evidence preparer (The evidence shall be prepared and signed by a licensed professional engineer).~~
 - ~~Evidence that groundwater control is at least ten (10) feet below level of finished grade or proposed plan for solving groundwater problems. Ground water control shall additionally mean that no impacts shall be borne by surrounding properties 3. Any supplementary engineering data required by the City Engineer.~~

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7. Suitability Analysis Study that shows the following:

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- a. A suitability analysis study shall be provided which shows that each lot created through subdivision is suitable in its natural state for the proposed use with minimal alteration for the purposes of creating structures and managing the increased surface water from the added impervious surface. This analysis shall consider susceptibility to flooding, existence of wetlands, soil and rock formations with severe limitations for development, severe erosion potential, steep topography, inadequate water supply or run-off mitigation capabilities, or any other feature of the natural land likely to be harmful to the health, safety, or welfare of future residents of the proposed subdivision, the residents of the existing adjacent properties or of the community.
- b. The suitability analysis study shall be prepared and signed by a licensed professional engineer.

4.

8. Preliminary utility plan that shows the following:

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- a. Scale at one inch equals one fifty feet (1" = 50') maximum.
- b. The location, dimensions, and purpose of all easements.
- c. Location and size of existing sanitary sewers, water mains, hydrants, culverts, or other underground facilities within the subject property and to a distance of three hundred feet (300') beyond the outside boundary of the proposed plat. Data such as grades, invert elevations, and location of catch basins, manholes and hydrants shall also be shown.
- d. Location and size of proposed sanitary sewers, water mains, hydrants, culverts and other stormwater facilities, or other underground facilities within the subject project and to a distance of three hundred feet (300') beyond the outside boundary of the proposed plat. Data such as grades,

invert elevations, and location of catch basins, manholes and hydrants shall also be shown.

e. Water mains and hydrants shall be provided to serve the subdivision by extension of an existing municipal system.

f. Municipal sanitary sewer trunk facilities, laterals and service connections shall be designed and installed in accordance with the design standards approved by the City Engineer.

g. The location of hydrants and valves for all proposed water mains.

h. All other utilities shall be located and designed in accordance with the requirements of the City Engineer.

i. Date of plan preparation and dates of all revisions.

j. The preliminary utility plan shall be prepared and signed by a licensed professional engineer).

9. Additional information required

a. Any trail/sidewalks or walkway within the preliminary plat shall be constructed along with streets and utilities and shall be clearly marked on a site map and which shall be an attachment to all sales agreements for individual lots.

b. A Development Contract agreement that includes a financial security to ensure completion of common facilities, trails, and landscaping shall be provided to the City.

c. Documents outlining the content of proposed conservation easements, restrictive covenants, deed restrictions, and establishment of homeowners' associations for review. Where the plat is intended to include common open spaces, these documents shall address ownership and long term maintenance of these open space areas.

d. Information or easements showing how public utilities, drainage, and roads can be extended to serve adjacent properties.

e. Landscape and screening plans showing landscape plantings for street boulevards and subdivision entrances. Such plans shall specify plant locations, varieties, and sizes, and include elevations of monument signs and the location, ownership, and maintenance responsibilities of the monument signs.

f. Park, trail, and walkway sidewalk plans.

g. ~~As required by the City Engineer,~~ a traffic study for the subdivision including traffic generation, traffic distribution of the existing capacity of existing streets, and resulting level of service (LOS) of existing streets at the subdivision build-out shall be conducted, unless it is not required in the opinion of the City Engineer.

h. Examples of housing product; illustration of building footprint, floor plans, and building elevations.

i. Soil tests for areas where streets are proposed and other soil information as requested by the City Engineer.

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- j. One (1) copy of a wetland replacement plan shall be provided (if applicable).
- k. A build-out plan (ghost plat) illustrating a realistic future urban lot and block layout and street system. Development represented by this ghost plat shall be consistent with the future land use as depicted in the comprehensive plan.
- l. Other information deemed appropriate by City Administrator/Clerk, City Engineer, City Planning Commission, or City Council.

~~a. harmful to the health, safety, or welfare of future residents of the proposed subdivision or of the community.~~

~~b. Topographic contours at ten-foot intervals or less from United States Geological Survey maps or more accurate sources, showing limiting site characteristics.~~

~~c. The surface water features required in Minnesota Statutes, Section 505.02, subdivision 1, to be shown on plats, obtained from United States Geological Survey quadrangle topographic maps or more accurate sources.~~

~~d. Adequate soils information to determine suitability for building and on-site mitigation and handling of surface water capabilities for every lot from the most current existing sources or from field investigations such as soil boring, percolation tests, or other methods.~~

~~e. Information regarding adequacy of domestic water supply; extent of anticipated vegetation and topographic alterations, tree inventory map; near-shore aquatic conditions, including depths, types of bottom sediments, and aquatic vegetation; and proposed methods of controlling stormwater runoff and erosion, both during and after construction activities; and~~

~~f. Location of 100-year floodplain areas from existing maps and data.~~

~~g. Proposed name of subdivision, which name shall not duplicate or be alike in pronunciation of the name of any previously recorded plat in Washington County.~~

~~h. Location by section, town, range or by other legal description.~~

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~~i. Names and addresses of the owner, subdivider, surveyor and designer of the plan. The subdivider shall submit a statement that the area being subdivided is under ownership or control of the subdivider. Also included shall be the date of preparation.~~

~~5. A suitability analysis study shall be provided which shows that each lot created through subdivision is suitable in its natural state for the proposed use with minimal alteration for the purposes of creating structures and managing the increased surface water from the added impervious surface. This analysis shall consider susceptibility to flooding, existence of wetlands, soil and rock formations with severe limitations for development, severe erosion potential, steep topography, inadequate water supply or run off mitigation capabilities, or any other feature of the natural land likely to be harmful to the health, safety, or welfare of future residents of the proposed subdivision or of the community.~~

~~6. Existing Conditions in Tract and In Surrounding Area to a Distance of 100 feet:~~

~~a. Boundary line of proposed subdivision, clearly indicated.~~

~~b. Any non residential zoning district.~~

Code 308 page 4

~~e. Total approximate acreage.~~

~~d. Platted streets, railroad right of way and utility easements.~~

~~e. Boundary lines and ownership of adjoining unsubdivided land.~~

~~f. Permanent buildings and structures.~~

~~g. Sewers, water mains, culverts or other underground facilities.~~

~~h. Topography, showing lakes, watercourses, and marsh areas; contour intervals shall be no less than ten (10) feet apart. Contour lines shall be shown by means of dashed lines on the preliminary plan. The scale shall be sufficient to show the flow of surface water.~~

~~7. Subdivision Design Features:~~

~~a. Layout of proposed streets, showing right of way, widths and names of streets. The name of any street heretofore used in the City or its environs shall not be used unless the proposed street is an extension of an already named street, in which event the name shall be used. The street layout shall cover the whole ownership tract.~~

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~~b. Location and widths of proposed pedestrian ways and utility easements.~~

~~e. Layout, numbers and dimensions of lots (per City Code).~~

~~d. Minimum (per City Code) front and side street building setback lines indicating dimensions.~~

~~e. Areas, other than streets, pedestrian ways and utility easements, intended to be dedicated or reserved for public use, including the size of such area or areas in acres.~~

~~f. Proposed use of all parcels, and if zoning change is contemplated, proposed rezoning.~~

308.070. DATA REQUIRED FOR FINAL PLAT.

1. Plans for water supply, sewage disposal, drainage and stormwater runoff control/mitigation.

1.

2.

~~2. Evidence that groundwater control is at least ten (10) feet below level of finished grade or proposed plan for solving groundwater problems. Ground water control shall additionally mean that no impacts shall be borne by surrounding properties 3. Any supplementary engineering data required by the City Engineer.~~

~~Code 308 page 5~~

3. Data required under regulation of County Surveyor - accurate angular and lineal dimensions for all lines, angles, and curvature used to describe boundaries, street easements, areas to be reserved for public use, and other important features. Dimensions of lot lines shall be shown in feet and hundredths.

4.3. When lots are located on a curve or when side lot lines are at angles other than 90 degrees, the width of the setback at the building line shall be shown.

5.4. An identification system for all lots and blocks.

6.5. True angles and distances tied to the nearest established street lines or official monuments (not less than three) which shall be accurately described in the plat.

7.6. Municipal, township, county, or section lines accurately tied to the lines of the subdivision by distances and angles.

7. Complete curve data, including radii, internal angles, points and curvatures, tangent bearings, and lengths of all areas.

308.071. ADDITIONAL DATA REQUIRED FOR FINAL PLAT.

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1. A large scale, reduced scale eleven inches by seventeen inches (11" x 17"), and electronic copies of the preliminary plat and of supporting documents illustrating all changes and conditions that were required as part of preliminary plat approval (number of copies to be determined by the City, ~~Administrator~~Clerk). This revised preliminary plat will provide the historical record of the subdivision approval by which subsequent final plats shall be considered.
2. One up to date (within 3 months) title insurance commitment for the property being subdivided, as may be required by the City Attorney.
3. One copy of any title declaration, conservation easements, deed restrictions, restrictive covenants, homeowners' association documents, or common interest community documents.
4. Documents and information necessary to fulfill the conditions of approval of the preliminary plat.
5. Final plat.
 - a. Land dedicated as public park shall be labeled as outlot(s) on the final plat and provide city access. The deed for said outlot(s) shall be given to the city with the final plat.
 - b. Name and address of the registered surveyor of the plat with certification by such surveyor on the form required by Minnesota statutes section 505.021, as may be amended.
 - c. Statement dedicating all easements for installation and maintenance of utilities and drainage facilities over, under, and along the areas designated as drainage and utility easements, all of which provide city access.
 - d. Statement dedicating all streets or other rights of way to the public.
6. Final grading and construction plans.
7. Copies of permits from the Department of Natural Resources (DNR), Army Corps of Engineers, Minnesota Pollution Control Agency (MPCA), Minnesota Department of Health (MDH), RCWD, and other agencies as applicable. Such permits shall be required as conditions of final plat approval.
8. Final stormwater management plan.
9. Final groundwater management plan.
10. Final wetland report and mitigation plan.
11. Final tree preservation and ~~plan~~ replacement plan.
12. Development ~~Ce~~contract.
13. Upon finalization of the ~~D~~development ~~Ce~~contract, the City ~~Administrator~~Clerk shall have the final copy of the contract signed by the Developer, Mayor and the Clerk, ~~all appropriate parties~~. The ~~D~~development ~~Ce~~contract shall be recorded against the property.
14. Financial securities shall be posted with the city as outlined in the ~~D~~development ~~Ce~~contract.
15. Final grading and utility plans shall be approved by the City Engineer and made a part of the ~~D~~development ~~Ce~~contract.
 - a. No grading shall be allowed until after approval of a preliminary plat and a ~~d~~development ~~Ce~~contract for the grading.
 - b. No construction/installation of sanitary sewer or water facilities or streets shall be allowed until approval of a final plat and a ~~D~~development ~~Ce~~contract for the sewer, water, and streets.
16. Additional final plat information as follows:
 - a. Accurate angular and linear dimensions for all lines, angles, and curvatures.

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used to describe boundaries, streets, easements, areas to be reserved for public use, trees, and other important features; lot lines to show dimensions in feet and hundredths.

b. Certification by a registered land surveyor, ~~to the effect~~ that the plat represents a survey made by ~~that person~~ ~~him~~ and that monuments and markers shown thereon exist as located and that all dimensional and geodetic details are correct.

9. ~~Accurate location of all monuments.~~

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~~10. Certification by a registered land surveyor to the effect that the plat represents a survey that monuments and markers shown thereon exist as located and all dimensions and geodetic details are correct.~~

~~11.8.~~ Notarized certification by owner, and by any mortgage holder of record, of the adoption of the plan, and the dedication of streets and other public areas.

~~12.9.~~ Certifications showing that all taxes currently due on the property to be subdivided have been paid in full.

308.080. DESIGN STANDARDS - STREETS.

1. General Design. The design of all streets shall be considered in their relation to public safety; existing and planned streets, efficient circulation of traffic; topographical conditions, run-off/storage of stormwater; and proposed users of the land to be served by such streets. Stormwater runoff shall be controlled on developed property into existing storm sewers or other control measures.:-

The arrangement of streets in new subdivisions shall make provisions for the appropriate continuation of existing streets in adjoining areas. Where adjoining areas are not subdivided, the arrangement of streets in new subdivisions shall make provision for the proper projection of streets and all infrastructure (sewer, water and all utilities) shall be installed to the property boundary.-

Code 308 - page 6

When a new subdivision adjoins unsubdivided land susceptible to being divided, thenew streets including sewer water and other utilities, shall be carried to the boundaries on such unsubdivided land.

2. Width. All right-of-way widths shall be sixty feet (60').

~~2. conform to the following minimum dimensions:~~

~~Arterial streets 70 feet Collector streets 60 feet Local streets 50 feet~~

3. Reverse Curves. Tangents of at least 50 feet in length shall be introduced between reverse curves on ~~collector~~ streets.

4. Street Grades. All center line gradients shall be at least 0.3 percent. The existing contours and grades shall be maintained in so far as reasonable as determined by the City Engineer and the City Council, and shall not exceed six percent 6%. ~~the following:~~

~~Collector streets 4 percent~~

~~Local streets 6 percent~~

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5. ~~Local~~ Streets. ~~S~~Local streets shall be so aligned that their use by through-traffic will be

discouraged.

6. Street Jogs. Street jogs with center-line off-sets of less than 125 feet shall be avoided.

7. Safe Intersections. ~~It must be evidenced that~~ all street intersections and confluences shall encourage safe and efficient traffic flow.

8. Alleys. Alleys are not permitted in residential areas.

9. No outlet road design. Maximum length of no outlet streets shall be 500 feet measured along the center line from the intersection of origin to end of right-of-way. Each no outlet shall be provided at the closed end with a turn-around having a T-shaped hammerhead design with a pavement dimension of 20 feet wide by 60 feet long. The right-of-way width shall be 650 feet minimum. .

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10. Reserve Strips. Reserve strips controlling access to streets shall be prohibited except under conditions approved by the Council.

11. Private Streets. Private streets shall not be approved nor shall public improvements be approved for any previously existing private street.

12. Hardship to Owners of Adjoining Property Avoided. The street arrangements shall not be such as to cause hardship to owners of adjoining property in platting their own land and providing convenient access to it.

13. Intersections. In general, streets shall intersect at right angles.

Code 308 - page 7

14. Corners. Curb lines at residential street corners shall be rounded on a radius of not less than 15 feet, although greater radii may be required where deemed necessary by the Council.

15. Street Width. ~~The minimum street width shall be 20 feet. This width does not include the required surmountable concrete curb and gutter which is 28 inches wide. Therefore, the minimum street width from back of curb to back of curb is 24.66 feet.~~

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~~14.16.~~ Street Curb and Gutter. The street curb and gutter shall be surmountable concrete curb and gutter that is 28 inches wide with a 4 inch high concrete curb. The curb and gutter shall meet the requirements of the City Engineer.

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308.090. DESIGN STANDARDS.

1. ~~4.~~ Utilities. Easements at least 10 feet wide, centered on rear and other lot lines shall be provided for drainage and utilities, where necessary. They shall have continuity of alignment from block to block. At deflection points, easements for pole-line anchors shall be provided where necessary. Easements of at least 10 feet wide shall be dedicated for drainage and utility and maintenance purposes from the edge of the new subdivision where it abuts existing development.

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2. Monuments. Subdivision name monuments are not permitted.

"AMENDED BY ORDINANCE 1995-2; MAY 9, 1995".

308.095 LAND DISTURBANCE ACTIVITY Refer to the provisions of Sections 302.050 IMPERVIOUS SURFACES, 302.055 LAND DISTURBANCE ACTIVITY STANDARDS, and 306.030 CONDITIONAL USE PERMIT FOR LAND DISTURBANCE ACTIVITY for additional requirements.

1. Management Criteria for Permanent Facilities.

- a. The Developer shall install or construct, on or for the proposed land disturbing or development activity, all stormwater management facilities necessary to manage the rate and volume of stormwater runoff from the 1-year, 10-year, and 100-year storms. The rate and volume of stormwater runoff from the 1-year, 10-year, and 100-year storms after development shall be less than or equal to the rate and volume of stormwater runoff from the 1-year, 10-year, and 100-year storms before development.
- b. An applicant shall install or construct, on or for the proposed land disturbing or development activity, all stormwater management facilities necessary to manage increased runoff for a one hundred-year storm peak discharge rates existing before the proposed development shall not be increased, and accelerated channel erosion will not occur as a result of the proposed land disturbing or development activity. The RCWD rules and provisions shall be observed and adhered to in all storm-water management facilities utilized. All permanent management facilities shall be designed to minimize the need for maintenance, to provide access for maintenance purposes and to be structurally sound. **A surety bond shall be provided by the Developer for guaranteed performance of permanent facilities for not less than ten years.**
 - i. For subdivisions which provide no direct outlet to any of the city's stormwater systems which drain to a public water body, a hydrological study shall be prepared by the Developer's engineer to ensure there is no additional drainage to other properties.
 - ii. If the hydrological study determines that the proposed subdivision will have an adverse drainage impact or create drainage to adjacent properties, the applicant shall install or construct a direct connection to the City's existing facilities by piping to the city's stormwater system that drains to a public water body or provide another alternative solution that shall not include storage on site and shall be approved by the City Engineer.

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- iii. The applicant's plan shall meet applicable RCWD Rules.
- iv. The applicant shall be fully financially responsible for all costs incurred in the study, design and construction of any storm water drainage facilities pursuant to the application of this code.

~~The developer~~applicant shall use the natural topography and land cover such as wetlands, ponds, natural swales, and depressions that exist before as they exist before development to-

a. ~~to~~

b. _____
e. _____

~~d.c. Code 308 page 8 to the degree that they can to accommodate the additional flow of water without compromising the integrity of the wetland or pond.~~

~~e.d. For subdivisions where a hydrological impact study has shown that the proposed development has no adverse drainage impact under 305.095 (This reference should be verified) (a) on other properties, the following stormwater management practices shall apply in developing a storm water management plan in the following order of preference:~~

- ~~f.i. Infiltration of runoff water on-site, if suitable soil conditions are present;~~
- ~~g.ii. Flow attenuation by use of open vegetated swales and natural depressions;~~
- ~~h.iii. Storm water retention facilities; and~~
- ~~iv. Storm water detention facilities.~~

~~e. A combination of successive Best Management Practices (BMP's) may be used to achieve the applicable minimum control requirements specified in subsection (d) above. Justification shall be provided for the method(s) selected.~~

~~f. The elevation of the lowest building opening elevation of existing and proposed buildings shall be a minimum of two (2) feet above the Emergency Overflow Elevation (EOF).~~

~~i. _____~~

~~j. A combination of successive Best Management Practices (BMP's) may be~~

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1. Management Criteria for Permanent Facilities:

a. An applicant shall install or construct, on or for the proposed land disturbing or development activity, all stormwater management facilities necessary to manage increased runoff for a one hundred year storm peak discharge rates existing before the proposed development shall not be increased, and accelerated channel erosion will not occur as a result of the proposed land disturbing or development activity. The RCWD rules and provisions shall be observed and adhered to in all storm water management facilities utilized. All permanent management facilities shall be designed to minimize the need for maintenance, to provide access for maintenance purposes and to be structurally sound. A surety bond shall be provided by the subdivider for guaranteed performance of permanent facilities for not less than ten years. (i) For subdivisions which provide no direct outlet to any of the city's stormwater systems which drain to a public water body, a hydrological study shall be prepared by the engineer to ensure there is no additional drainage to other properties. (ii) If the hydrological study determines that the proposed subdivision will have an adverse drainage impact or create drainage to adjacent properties, the applicant shall install or construct a direct connection to the City's existing facilities by piping to the city's stormwater system that drains to a public water body or provide another alternative solution that shall not include storage on site and shall be approved by the City Engineer. (iii) The applicant's plan shall meet applicable RCWD Rules. (iv) The applicant shall be fully financially responsible for all costs incurred in the study, design and construction of any storm water drainage facilities pursuant to the application of this code.

~~e. The applicant shall use the natural topography and land cover such as wetlands, ponds, natural swales, and depressions as they exist before development~~

~~Code 308 page 8~~

~~to the degree that they can to accommodate the additional flow of water without compromising the integrity of the wetland or pond.~~

~~d. For subdivisions where a hydrological impact study has shown that the proposed development has no adverse drainage impact under 305.005(a) on other properties, the following stormwater management practices shall apply in developing a storm water management plan in the following order of preference:~~

- ~~(i) Infiltration of runoff water on-site, if suitable soil conditions are present;~~
- ~~(ii) Flow attenuation by use of open vegetated swales and natural depressions;~~
- ~~(iii) Storm water retention facilities; and~~
- ~~(iv) Storm water detention facilities.~~

~~e. A combination of successive Best Management Practices (BMP's) may be~~

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~~used to achieve the applicable minimum control requirements specified in subsection (c) above. Justification shall be provided for the method(s) selected.~~

~~2-1.~~ Design Standards for Detention Facilities. Stormwater detention facilities constructed in the City of Birchwood Village shall be designed according to the most current technology as reflected in the Minnesota Pollution Control Agency publication "~~Minnesota Stormwater Manual~~Protecting Water Quality in Urban Areas," and shall contain, at a minimum, the following design factors:

- a. A permanent pond volume capacity equal to or greater than the runoff expected from a 10 inch rainfall for the fully developed site;
- b. A permanent pond length-to-width ratio of 3:1 or greater;
- c. A minimum protective shelf extending ten feet into the permanent pond with a slope of 10:1, beyond which the slopes should not exceed 3:1;
- d. A permanent buffer strip of vegetation surrounding the permanent pond at a minimum width of 16.5 feet;
- e. All stormwater detention facilities shall have a device to keep oil, grease, and other floatable material from moving downstream as a result of normal operations;
- f. Storm water detention facilities for new development must be sufficient to limit peak flows in each subwatershed to those that existed before the development for the 100-year storm event. All calculations and hydrologic models/information used in determining peak flows shall be submitted along with the storm water management plan;

~~Code 308 page 9~~

- g. All stormwater detention facilities must have a forebay to remove coarse-grained particles prior to discharge into any downstream watercourse or waterbody.

~~2.~~ Catch Basins. ~~If deemed appropriate by the City Engineer, a~~All newly installed or rehabilitated catch-basins shall be provided with a sump area for the collection of coarse-grained material ~~if deemed appropriate by the City Engineer.~~ Catch basin without a sump area is preferred by the City.

~~3.~~

~~4-3.~~ Drainage Easements. Where a subdivision is traversed by a water course, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially ~~with~~to the lines of such water course, together with such further width or construction or both, as will be adequate for storm-water run-off, as determined by the City Engineer. The easement shall include ~~not only~~ the stream channel ~~and, but also~~ adjoining areas that have been subject to flooding in years of heavy runoff.

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5-4. Inspection and Maintenance. All stormwater management facilities shall be designed to minimize the need for maintenance, to provide access for maintenance purposes, and to be structurally sound. All stormwater management facilities shall have a plan of operation and maintenance that ensures continued effective removal of pollutants carried in stormwater runoff. It shall be the responsibility of the applicant to obtain any necessary easements or other property interests to allow access to the water management facilities for inspection and maintenance purposes.

6-5. Models/Methodologies/Computations. Hydrologic models and design methodologies used for the determination of runoff and analysis of stormwater management structures shall be approved by the City Engineer. Plans, specifications, and all computations for water management facilities submitted for review shall be prepared and signed by a registered professional engineer.

7-6. Water Management Plans. Stormwater management plans shall be consistent with watershed and groundwater management plans adopted by governmental jurisdictions in accordance with Minnesota Statutes 103B.231 and 103B.255 and RCWS Rule C-respectively.

"AMENDED BY ORDINANCE 1995-2; MAY 9, 1995."

308.100. DESIGN STANDARDS - BLOCKS.

1. Length. Block lengths shall not exceed 1800 feet and, if possible, shall should not be less than 400 feet in length.
2. Arrangement. A block shall be so designated as to provide two tiers of lots unless topographic conditions necessitate a single tier of lots.
3. Pedestrian Ways. In blocks over 1200 feet long, a pedestrian way or easement of up to 25 feet may be required by the Council in locations deemed necessary to public health, convenience and necessity.

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308.110. DESIGN STANDARDS - LOTS.

1. Location. All lots shall abut by their full frontage on a publicly dedicated street.
2. Corner Lots. Corner lots shall be platted at least 15 feet wider than the minimum lot size required.
3. Side Lot Lines. Side lot lines shall be substantially at right angles or radial to the street lines.
4. Water Courses. Lots abutting upon a water course, drainage way, channel, or stream

shall have an additional depth or width as required to assure house sites that are not subject to flooding.

5. Features. In the subdividing of any land, due regard shall be shown for all natural features, such as tree-~~vegetation-growth~~, water courses, historic spots or similar conditions, which, if preserved, will add attractiveness and stability to the proposed development.

6. Clear cutting. Clear cutting of trees shall be prohibited except as necessary for placing public facilities and roads and private and public structures. Clear cutting of trees shall also be allowed on land within twenty (20) feet of buildings and five (5) feet of driveways.

7. Lot Remnants. All remains of lots below minimum size left over after subdividing a larger tract may be added to adjacent lots, or deeded to the city for public access/use.

308.120 LAND DEDICATION FOR PUBLIC SITES AND OPEN SPACES OR FEE IN LIEU

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A. Required: As a prerequisite to final plat approval, and at the sole determination by the city, applicants and/or developers shall dedicate land for parks, playgrounds, public open spaces or trails and/or shall make a cash contribution to the city's park and trail fund roughly related to the anticipated effect of the plat on the park and trail system. The amounts listed in this section are the city's best estimate of the dedication or cash contribution needed to offset the effect on those systems. The requirement may also be satisfied with a combination of land and cash if approved by the city council.

B. Land Eligibility:

1. The land dedicated for parks and trails shall be in addition to property dedicated for streets, alleys, easements, or other public ways. Land to be dedicated shall be reasonably suitable for its intended use as determined by the city and shall be at a location convenient to the public to be served. Factors used in evaluating the adequacy of proposed park and recreation areas shall include size, shape, topography, geology, hydrology, tree cover, access, and location.

2. To be eligible for park dedication credit, land dedicated is to be located outside of drainage ways, wetlands, floodplains or ponding areas. Grades exceeding twelve percent (12%) or areas unsuitable for park development shall not be considered for dedication as defined by the city engineer. Park land to be dedicated shall be above the ordinary high water level as approved by the city engineer.

3. Land area conveyed or dedicated to the city shall not be used in calculating density requirements of the city zoning ordinance and shall be in addition to and not in lieu of open space requirements for planned unit developments.

4. Where private open space for park and recreation purposes is provided in a proposed subdivision, such areas shall not be used for credit against the requirement of dedication for park and recreation purposes, unless the city council finds it is in the public interest to do so.

5. The park and/or walkway dedication requirements of this section shall be in addition to, and not in lieu of, sidewalk installation requirements of the city.

C. Developer Conference: The developer shall confer with city staff and/or the city council at the time the preliminary plat is under consideration to secure a recommendation as to the location of any property that should be dedicated to the public, such as parks, playgrounds or other public property for recreational use. The preliminary plat shall show the location and dimensions of all

areas to be dedicated in this manner. Such contribution requirement recommendation(s) will be sent to the planning commission for review and comment and subsequently to the city council for their approval.

D. Consistency with Plans:

1. When a proposed park, playground, recreational area, or other public ground has been indicated in the city's official map, comprehensive plan, or parks and trails plan, and is located in whole or in part within a proposed plat, it shall be dedicated to the city. If the applicant elects not to dedicate an area in excess of the land required hereunder for a proposed public site that the city feels is in the public interest to acquire, the city may consider acquiring the excess land through purchase or condemnation.

2. All land proposed for trail dedication shall be subject to approval by the city council and approval by the city council. Such lands shall also correspond and conform to the city's parks and trails plan.

E. Dedication and Cash Contribution Requirements: The city, upon consideration of the particular type of development, may require that a lesser parcel of land should be dedicated due to particular features of the development. In such cases, a cash contribution shall be required above the land dedication to ensure that compensation is received for the full amount of the impact on the city's park and trail system.

1. Land Dedications: In all new subdivisions where land dedication is to be required, ten percent (10%) of the gross area subdivided, or a different percentage as the city council determines necessary as a result of the subdivision approval, shall be dedicated for public parks, trails, or open space.

2. Cash Contributions: When a subdivision is proposed, the developer shall make a land dedication for public park use, or the city may require a fee in lieu of such land dedication based upon average buildable land value in the city. ~~Cash contributions shall be consistent with the city's fee schedule.~~

3. Combined Land Dedication/Cash Contributions: The city may elect, at its sole discretion, to receive a combination of cash, land, and development of the land for park and/or trail use. The city shall determine the cash contribution that would be required under subsection E2 of this section, as if no land dedication were to be made. From this amount, the city shall subtract the fair market value of the buildable land that the city requires as a dedication and the value of the development of the land.

4. Fair Market Value: Fair market value shall be determined as of the time of final subdivision approval in accordance with the following:

a. The city and the developer may agree as to the fair market value, or the fair market value may be based upon a correct appraisal submitted to the city by the subdivider at the subdivider's expense.

b. If the city disputes such appraisal, the city may, at the subdivider's expense, obtain an appraisal of the property by a qualified real estate appraiser, which appraisal shall be conclusive evidence of the fair market value of the land.

5. Cash Payment Requirements:

a. Park cash contributions shall be calculated and established at the time of final plat approval. The city council may require the payment at the time of final plat approval or at a later time under terms agreed upon in the development agreement. Delayed payment shall include interest at a rate set by the city council.

b. Cash contributions for parks and trails shall be deposited in the city's park fund and or trail fund and shall only be used for park acquisition or development and trail acquisition or development as determined by the city. Additionally, said funds may be utilized anywhere within

the city park and trail systems.

6. Park Maintenance: When land is dedicated and deeded to the city for park purposes, it shall be the responsibility of the city to maintain such dedicated property.

7. Platting Requirements: Land dedication to the city shall be in the form of outlots and shall provide adequate public access (as determined by the city). Such outlets shall be deeded to the city by warranty deed and shall be free and clear of all liens and encumbrances including special assessments.

~~308.120. PUBLIC LAND. The City Council reserves the right to decline approval of a subdivision if due regard is not shown for the preservation of all natural features such as large trees, water courses, scenic points, historical spots and similar community assets which, if preserved, will add attractiveness and stability to the proposed development of the property.~~

~~In all new subdivisions, a minimum of ten percent (10%) of the gross area subdivided shall be dedicated for public recreation space or other public use. The dedicated percent of the gross area subdivided shall be in addition to property dedicated for streets, alleys, easements, or other public ways. No areas may be dedicated for public use until such areas have been approved by the City Council as suitable and necessary for the public health, safety, convenience, and general welfare or at the option of the City Council, the subdivider/Developer may be required to pay an appropriate fee based on value of land per lot for parks and recreation.~~

308.130. REQUIRED IMPROVEMENTS. Prior to granting of final approval, the ~~Developer/subdivider~~ shall have installed or shall have furnished adequate Financial Guarantee/bond for the installation of the following and comply with ~~city code~~ Section 301.055:

1. Monuments. Monuments shall be placed at all block corners, angle points, points of curves in streets and at intermediate points as shown on the final plat, and as required by the City Engineer. Pipes or steel rods shall be placed at the corners of each lot and at

~~Code 308 — page 11~~ each intersection of street centerlines. All U.S., State, County, or other official benchmarks, monuments or triangular stations in or adjacent to the property shall be preserved in precise position.

2. Streets.

a. Surfacing. All streets shall be improved with a plant mix bituminous surface.

b. Curb and gutter ~~with storm management cutouts.~~ These shall be provided along all streets.

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3. Water mains. The public water facilities shall be used. All connections shall be subject to the approval of the City Engineer.
4. Sanitary Sewer. In all cases the ~~Developer/subdivider~~ shall be required to install sanitary sewers and connect the same to such trunk line sewers.
5. Storm water drainage. Such facilities and easements shall be installed as will adequately provide for the drainage of surface waters onto the subdivision property.
6. Street Name Signs. These shall be placed at all street intersections within or abutting the subdivision.
7. Stop Signs. Stop signs or yield right-of-ways signs shall be placed on all streets intersecting a thoroughfare or ~~collector~~ street, if the City deems advisable.
8. Trunk Facilities. Where a water main, sanitary sewer, or storm sewer, or storm drain facility should, according to the City Plan, be constructed at a larger size to serve areas outside the subdivision, the larger facility should be constructed, the incremental cost to be borne by the City, which shall reserve the right to assess any benefitting properties.
9. Specifications. All of the required improvements shall conform to the engineering standards and specifications of this Code.
10. Financing. Before approval of the final plat of a subdivision the City Council must be satisfied that all improvements required by Section 308.130 and 308.140 have been constructed or in lieu of the of the completion of the improvements, a ~~letter of credit bond executed by a surety company~~, based on an estimate by the City Engineer, ~~and~~ Development Contract Agreement shall be furnished by the ~~Developer/subdivider in an amount equal to one and one fourth of the cost of construction of such improvements.~~ The ~~letter of credit and Development Contract Agreement~~ surety will be subject to the condition that the improvements will be completed within a maximum of ~~one (1) five (5) years~~ after approval of the final plat and, ~~in the event they event they are~~ not completed, the City shall proceed with the work and hold the ~~Developer owner~~ and the ~~letter of credit bonding~~ company jointly responsible for the costs thereof. As an alternative, the ~~Developer/subdivider~~ may deposit a certified check with, and payable to, the City Clerk, in place of the ~~letter of credit surety bond~~.

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308.140. ENGINEERING STANDARDS AND SPECIFICATIONS. Conformity with all engineering standards and specifications as described herein, or security for performance thereof, shall be required prior to approval of a final plat.

1. Monuments. All lot corner pipes or steel rods shall be one-half inch in diameter placed flush with the finished lot grade. All quarter corners, sixteenth corners and section corners, if encountered within or adjoining a plat, shall be duly described and tied and placed in a three foot deep by six inch round concrete monument. All monuments must be

placed in the field as part of the final plat process. No delays in placement of monumentation will be granted.

2. Street Grading. ~~After the installation of street and curb and gutter and approval by the City Engineer, the ground surface grades, after approval by the City Engineer, shall be graded with a six inch concrete, beveled, curb or bevel curb, a~~ 0.3 foot rise above the curb to the property line and a slope of not greater than three to one from the property line to natural ground. A sub-base and base for road or plant mix surfacing shall be established for a seven ton minimum load in compliance with Minnesota Department of Transportation minimum standards and meet the approval of the City Engineer.

3. Street Surfacing. A surfaced road shall be required for all streets. A hot plant mix specification meeting Minnesota Department of Transportation Spec 2331 shall be required and shall be applied to a thickness to comply with the requirements of the Minnesota Department of Transportation for seven (7) ton minimum load.

4. Curb and Gutter. ~~The street curb and gutter shall be surmountable concrete curb and gutter that is 28 inches wide with a 4 inch high concrete curb. The curb and gutter shall meet the requirements of the City Engineer. Permanent type curb shall be installed to meet City Engineer's specifications. All curb shall be beveled concrete unless otherwise approved by the City Engineer.~~

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5. Water Main. A minimum water main diameter of six (6) inches and the of material, specified by the City Engineer, shall be required.

6. Sanitary Sewer. A sanitary sewer of 8" (inch) polyvinyl chloride (PVC) shall be required as minimum size placed at not less than 0.34 percent grade, except for a dead end section where a 0.45 percent minimum grade shall be required. House service "wyes" shall be four (4) inches in diameter. ~~Root repellent joint material and yarns are required.~~

7. House Services. Each house service shall be run from the main to the property line where a cap or plug shall be placed until the service is extended to the house. A ~~One (1) three-fourth~~ inch copper water service, corporation cock and curb box and stop and four (4) inch sewer service, each composed of material approved by the City Engineer as minimum requirements and may be placed in a common trench.

Individual Wells are not permitted.

8. All electrical service shall be undergrounded ~~where available.~~

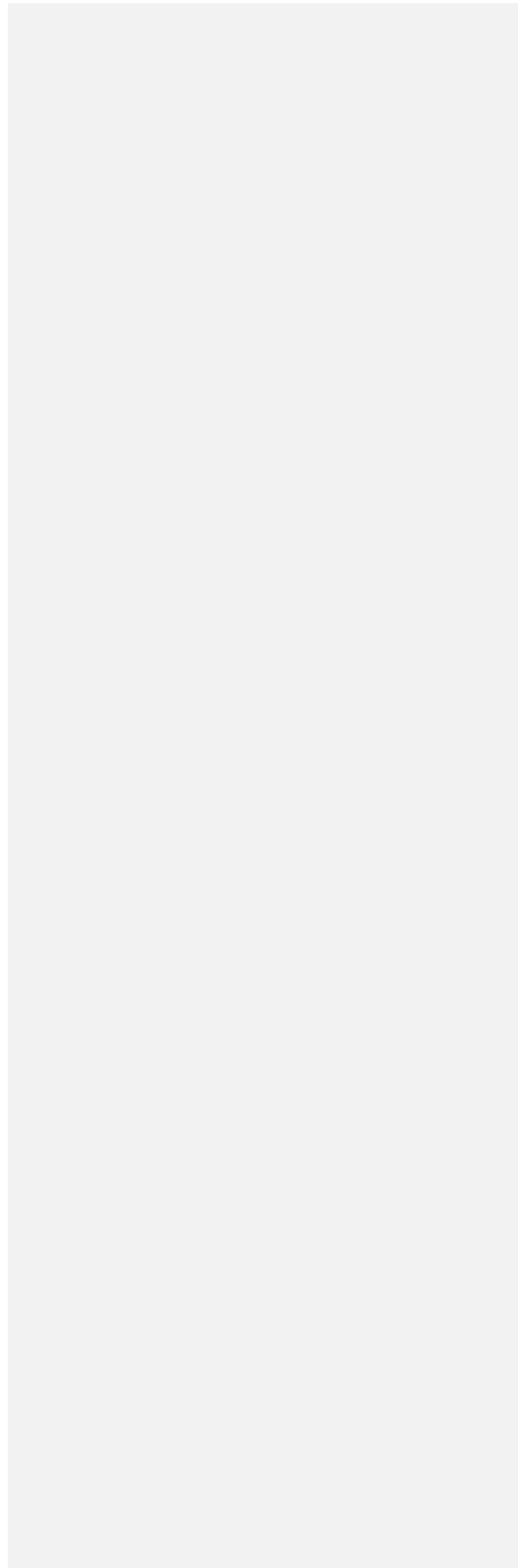
9. Storm Water Management Where a master plan or storm sewer district has been established the drainage network shall conform to the adopted plan and RCWD Rule C.

Code 308 - page 13

10. Street Signs. All street and traffic signs shall be furnished and installed by the ~~Developer~~ subdivider in accordance with specifications furnished by the City.

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11. Inspection. All improvements required on site as described under engineering standards shall be inspected during construction by the City Engineer at the expense of



the ~~Developer~~subdivider. This inspection shall include aggregate samples, bituminous mix samples, concrete samples and visual inspection of projects during the installation of work.

308.150. VARIANCES. Where there are practical difficulties or unnecessary hardships ~~in the way of~~ carrying out the strict letter of the provisions of this Code, the Council shall have the power to vary the requirements of this Code in accordance with Minnesota Statutes, Chapter 462, and in harmony with the general purpose and intent thereof, so that the public health, safety, and general welfare may be secured and substantial justice done. The ~~Developer~~subdivider shall petition the City for a variance, at which time it will be reviewed by the Planning Commission, City Staff and City Council.

308.160. BUILDING PERMITS. No building permit shall be issued for the construction of any building, structure or improvement on any land subdivided by these Land Use Regulations until all requirements of the Land Use Regulations have been fully complied with. Nothing herein contained shall deprive the Council of the right to withhold a building permit for the protection of the health, safety or welfare of the City.

"AMENDED BY ORDINANCE 2005-1; APRIL 12, 2005; JANUARY 2021."

308.170. INSTALLATION OF IMPROVEMENTS.

1. All public improvements for new subdivisions shall be furnished and installed at the sole expense of the developer. If any improvement installed within the subdivision will be of substantial benefit to lands beyond the boundaries of the subdivision, provision may be made for causing a portion of the cost of the improvement (representing the benefit to such lands) to be allocated in accordance with city policies and shall be outlined in the ~~D~~evelopment ~~C~~ontract ~~a~~greement.
2. Prior to installation of any required improvements by the developer and prior to approval of the final plat, the developer shall enter into a ~~D~~evelopment ~~C~~ontract and provide cash escrow, letter of credit, or similar guarantees to the city related to performance, and/or for installation of public improvements, and/or developer-~~to~~ installed improvements.
3. The developer shall furnish and construct improvements at the developer's sole cost and in accordance with plans and specifications and usual development contract conditions. This shall include provision for supervision of details of construction by the City Engineer and shall grant to the City Engineer authority to coordinate the work and improvements to be done under said ~~D~~evelopment ~~C~~ontract by any subcontractor authorized to proceed ~~thereunder and with any other work being done or contracted by the city in the vicinity.~~ The Development ~~C~~ontract ~~a~~greement shall require all public and private utility material standards and installation requirements to be met and shall be approved by the City Engineer.
4. The Development Contract ~~a~~greement shall require the applicant to make an escrow deposit or furnish an irrevocable letter of credit or certified check determined by the city. The amount of the deposit or security is to be based on the City Engineer's estimate of the total cost of the improvements to be furnished under the Development ~~C~~ontract, including the cost of inspection. The deposit amount shall be equal to one hundred fifty percent (150%) of the City Engineer's estimate.

~~On request of the applicant, but at the sole discretion of the city, the contract may provide for completion of part or all of the improvements covered thereby prior to acceptance of the plat. In such event, and if evidence is presented that the described work and improvements have been paid~~

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for, the amount of the deposit may be reduced in a sum equal to the estimated cost of the improvements so completed prior to the acceptance of the plat.

- 5. Required improvements shall be completed by the developer within the time specified within the approved Development Contract; provided that the city council for good cause may extend the period of time in which the improvements must be installed.
- 6. If the required improvements are not completed within the specified time period or a period approved by the city council as herein above provided, all financial securities shall be turned over to the city and applied toward the cost of the required improvements. Any balance after the improvements have been made shall be returned to the developer upon written request.
- 7. No developer shall be permitted to start work on any other subdivision improvements without special written approval of the city council.

308.180. FINANCIAL GUARANTEE.

The Development Contract agreement shall require the developer to make an escrow deposit or provide a certified check or irrevocable letter of credit as determined by the city. The escrow deposit, certified check or irrevocable letter of credit shall conform to the requirements of this section.

- 1. Escrow Deposit Or Certified Check:
 - a. If an escrow deposit or certified check is required, the escrow deposit or certified check shall be made to the City in an amount equal to the total costs for all improvements to be furnished and installed by the developer, pursuant to the Development Contract, which have not been completed prior to approval of the plat. The total costs shall include costs of inspection by the city.
 - b. The city shall be entitled to reimburse itself out of said escrow deposit or for any cost and expense incurred by the city for completion of the work (including legal fees) in case of default of the developer under said Development Contract, and for any damages sustained on account of any breach thereof.
 - c. Upon completion of the work and termination of any liability, the balance remaining in said escrow deposit shall be refunded to the applicant.
- 2. Irrevocable Letter Of Credit:
 - a. If the applicant is required to furnish an irrevocable letter of credit, the sum shall be payable to the order of the city and delivered to the city in an amount as estimated by the City Engineer of all the improvements to be furnished and installed by the applicant, pursuant to the Development Contract, which have not been completed prior to the approval of the plat. The total costs shall include costs of inspection by the city.
 - b. The irrevocable letter of credit shall be approved as to form by the city attorney and filed with the city administrator/clerk.
 - c. The city shall be entitled to reimburse itself out of said letter of credit for any cost and expense incurred by the city for completion of work (including legal fees) in case of default of the applicant under said Development Contract, and for any damages sustained on account of any breach thereof.

308.190. DEVELOPMENT CONTRACT.

- 3. Prior to commencing grading or the installation of any required improvements and prior to approval of the final plat, the developer shall enter into a written Development Contract with the city requiring the developer to furnish, construct, and complete said grading and improvements in accordance with plans and specifications and usual Development Contract agreement conditions and/or pay appropriate costs for improvements or other costs associated with the plat. Further, the Development Contract shall provide for the development of any restrictions, covenants, easements, signage, park or open space requirements, or other conditions of the approved

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- preliminary plat, and provide for proper execution, recording, and other action required. Approval of the Development Contract shall be by city council resolution.
4. For a project involving a phasing plan, the initial Development Contract shall allow for grading, wetland mitigation, and installation of stormwater management facilities on the entire site included in the approved preliminary plat. Such work may begin after approval of the preliminary plat but only after approval, execution, and recording of the Development Contract and payment of financial securities. Such work shall comply with the approved grading plan.
 5. The construction of streets, facilities for sanitary sewer and water, and other improvements beyond grading, wetland, and stormwater facilities shall not begin until approval of a final plat. Each subsequent phase shall require a separate Development Contract for improvements beyond those covered in previous contracts. Improvements in each phase shall not begin until the final plat for that phase is approved and the Development Contract for the phase is approved, executed, and recorded.
 6. The initial Development Contract (for grading) may address construction of streets and facilities for sanitary sewer and water for the first phase and list the financial securities and other requirements. However, the Development Contract shall stipulate that the work on these improvements shall not begin until approval of the final plat for the first phase and the provision of all financial securities by the developer.
 7. Each approved and executed Development Contract shall be recorded with the County against the parcel(s) involved. Each Development Contract shall state that it is binding upon the developer, his/her or their heirs, personal representative, and assigns. It shall stipulate that:
 - a. All improvements called for in the plat, or in any supplementary contracts, shall be complete within the time specified by the city.
 - b. No private construction shall be conducted on any lots in the plat or filing of applications for building permits for construction on said lots until all improvements required under city regulations for the proposed subdivision have been made or arranged in a manner provided in this section.
 8. The Development Contract shall include provisions for construction work inspection by the city and assurance that the developer will conform to current testing requirements and quality control procedures of the city. The developer shall provide documentation from a qualified testing laboratory and/or registered professional engineer that all improvements have been constructed in accordance with the requirements of the approved plans and specifications.
 9. The Development Contract shall require the developer to provide a certification from a land surveyor or engineer that the land included in the plat has been graded in conformance with the approved grading plan prior to the issuance of building permits.
 10. The Development Contract shall require the developer to provide a financial security to ensure payment of fees related to the subdivision and completion of all improvements.
 11. The Development Contract shall require the developer to require any property owner or builder to submit to the City with a building permit application a Certificate of Survey prepared and signed by a licensed land surveyor that shows, as a minimum, the following:
 - a. Existing contours.
 - b. Proposed contours.
 - c. Property corners.
 - d. Setbacks.
 - e. Easements.
 - f. Location of proposed building.
 - g. Location where trees may be removed and where tree removal is prohibited. See Section

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308.110 (6) which states "Clear cutting of trees shall be prohibited except as necessary for placing public facilities and roads and private and public structures. Clear cutting of trees shall also be allowed on land within twenty (20) feet of buildings and five (5) feet of driveways.

12. A time schedule for completion of the work shall be determined by the city upon recommendation of the City Engineer after consultation with the developer and shall be reasonable in relation to the work to be done, the seasons of the year, and proper coordination with construction activity in the subdivision.

13. The Development Contract shall include action remedies in the event of default including:

c. The city may complete the improvements by contract or force and obtain reimbursement of its costs from the posted security deposit.

d. The city reserves the right to withhold building permits for violation of any terms of the Development Contract.

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 24th day of August, 2021

Mary Wingfield, Mayor

Attest:

Andy Gonyou, City Administrator-Clerk

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CITY OF BIRCHWOOD VILLAGE 2021 FEE SCHEDULE

All fees in this schedule are subject to "Other Inspections and Fees" (under Additional Fees) when required by the City

GENERAL FEES

Compact Disk.....	\$1.00 per disk
Copies (Black and White).....	\$0.25 per page 8 ½ x 11 and 8 ½ x 14 \$0.35 per page 11 x 17
Copies (Color).....	\$1.00 per page
Chicken / Pig License.....	\$10.00 for two years; late fee after Feb. 15
Dog License.....	\$20.00 bi-annual; late fee after Feb. 15
Facsimile.....	\$1.00 first page; \$0.50 each additional page
Hall Rental.....	\$25.00 plus \$100.00 refundable deposit
Postage & Envelopes for Mailings & Public Hearing Notices.....	\$1.00 plus postage
Public Property Access Limited License (§607.235).....	\$50.00
Returned Check.....	\$30.00

DOCK ASSOCIATION FEES

Dock Permit Fee: \$750 (\$650 per boat slip user 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.

SMALL CRAFT STORAGE FEES

Annual Small Craft Permit.....	\$30.00*
Use of Small Craft Rack without a Permit.....	\$75.00
Small Craft Removal Fee.....	\$50.00
Post Boat Storage Boating Season Violation Fee.....	\$25.00 per diem

*waived upon proof of adjusted annual gross income of \$35,000 or less.

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.....	\$600.00
<u>Preliminary Plat Application Fee.....</u>	<u>\$1,000.00</u>
<u>Final Plat Application Fee.....</u>	<u>\$1,000.00</u>

***subject to additional fees infra**

Zoning Permits: Shed, Driveway, or Fence.....\$30.00
 - (plus City Engineer’s review time and materials)
 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)

PERMIT ESCROWS FOR DAMAGE

Subdivision.....\$~~10,7~~
 000
 Lot Split.....n/a
 Variance.....\$3000
 Conditional Use Permit.....\$3000
 (amended and new)
 All other Land uses*.....\$3000
 (Including building, driveway, grading, fence and retaining wall permits)

*Unless specifically exempted by the City Administrator and/or Building Official pursuant to Chapter 301.055.

BUILDING PERMIT FEES

TOTAL VALUATION	FEE
\$1.00 to \$500.00	\$29.50
\$501.00 to \$2,000.00	\$23.50 for the first \$500.00 plus \$3.05 for each additional \$100.00 or fraction thereof, to and including \$2,000.00
\$2001.00 to \$25,000.00	\$69.25 for the first \$2,000.00 plus \$14.00 for each additional \$1,000.00 or fraction thereof, to and including \$25,000.00
\$25,001.00 to \$50,000.00	\$391.25 for the first \$25,000.00 plus \$10.10 for each additional \$1,000.00 or fraction thereof, to and including \$50,000.00
\$50,001.00 to \$100,000.00	\$643.75 for the first \$50,000.00 plus \$7.00 for each additional \$1,000.00 or fraction thereof, to and including \$100,000.00.
\$100,001.00 to \$500,000.00	\$993.75 for the first \$100,000 plus \$5.60 for each additional \$1,000.00 or fraction thereof, to and including \$500,000.00
\$500,001.00 to \$1,000,000.00	\$3,233.75 for the first \$500,000.00 plus \$4.75 for each additional \$1,000.00 or fraction thereof, to and including \$1,000,000.00

\$1,000,001.00 and up	\$5,608.75 for the first \$1,000,000.00 plus \$3.15 for each additional \$1,000.00 or fraction thereof.
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DEMOLITION AND WRECKING OF BUILDINGS FEES

\$25.00 for the first 1,000 square feet, plus \$10.00 for each additional 1,000 square feet or fraction thereof. The minimum permit fee is \$25.00.

SEAL COATING FEES

\$4.50 per linear foot of roadway

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GRADING FEES

Plan Review Fees:

<u>100 cubic yards or less</u>	<u>No fee</u>
<u>101 to 1,000 cubic yards</u>	<u>\$40</u>
<u>1,001 to 10,000 cubic yards</u>	<u>\$50</u>
<u>10,001 to 100,000 cubic yards</u>	<u>\$50 for first 10,000 cubic yards</u> <u>\$25 for each additional 10,000 or fraction thereof.</u>
<u>101,000 to 200,000 cubic yards</u>	<u>\$300 for first 100,000 cubic yards</u> <u>\$15 for each additional 10,000 or fraction thereof.</u>
<u>200,001 cubic yards or more</u>	<u>\$400 for first 200,000 cubic yards</u> <u>\$10 for each additional 10,000 or fraction thereof.</u>

Permit Fees:

<u>100 cubic yards or less</u>	<u>\$25</u>
<u>101 to 1,000 cubic yards</u>	<u>\$40 for first 100 cubic yards</u> <u>\$25 for each additional 100 or fraction thereof.</u>
<u>1,001 to 10,000 cubic yards</u>	<u>\$200 for first 1,000 cubic yards</u> <u>\$20 for each additional 1,000 or fraction thereof.</u>
<u>10,001 to 100,000 cubic yards</u>	<u>\$350 for first 10,000 cubic yards</u> <u>\$75 for each additional 10,000 or fraction thereof.</u>
<u>101,000 cubic yards or more</u>	<u>\$1,000 for first 100,000 cubic yards</u> <u>\$40 for each additional 10,000 or fraction thereof.</u>

UTILITY CONNECTION FEES

Buildings or dwellings existing or constructed in the City of Birchwood Village must connect to the municipal water and sanitary sewer system so long as it is reasonably available. Prior to connecting to public utilities, the owner or representative must pay the following fees:

- (a) Metropolitan Council Sewer Access Charge SAC fee as established by the Metropolitan Council per state statute MN 473.517.
- (b) City Sewer Connection (SAC) Fees.

(1) ~~Per lot.....\$3,500.00Single~~
~~Family Dwellings.....\$500.00 per home~~

~~(2) Two Family Dwellings.....\$1000.00 per dwelling~~

- (c) Water Connection (WAC) Fees

(1) ~~Per lot.....\$5,500.00Single~~
~~Family Dwellings.....\$500.00 per home~~

~~(2) Two Family Dwellings.....\$1,000.00 per dwelling~~

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CERTIFICATE OF OCCUPANCY

If a permit shall require a certificate of occupancy, a fee of \$10.00 shall be paid at the time of issuance.

PLUMBING PERMIT FEES

Plumbing Fixture Unit Fees:

Residential fee (minimum permit fee)	\$25.00
Non-Residential fee (minimum permit fee)	\$35.00
For each fixture or fixture opening.....	\$10.00
For each gas piping outlet, stove, dryer etc.	\$5.00
For each water heater and/or vent.....	\$30.00
For each lawn sprinkler system backflow protection device.....	\$20.00
For each atmospheric-type vacuum breaker.....	\$1.00
For each backflow protection device (other than items 6 & 7)	\$20.00
Clothes washers: First five or less.....	\$20.00
For each additional unit.....	\$7.00
For each flammable waste trap or catch basin.....	\$5.00
For each sewage ejector.....	\$15.00
For each water softener.....	\$20.00
For each ground run for existing buildings.....	\$15.00
For each water distribution piping extension or alteration.....	\$20.00
For each rainwater leader.....	\$10.00
Main gas line.....	\$10.00
Sewer and Water: Unit Fee Schedule:	
Street excavation/refundable deposit.....	\$25.00/\$1,500
For each water tap.....	\$20.00
For each sewer tap.....	\$20.00
For each residential water line installation or repair.....	\$30.00

For each residential sewer line installation or repair.....	\$30.00
For each non-residential water line installation or repair.....	\$45.00
For each non-residential sewer line installation or repair.....	\$45.00
For each hydrostatic and conductivity test.....	\$45.00
Storm Sewer.....	\$30.00

Value-Based Repairs/Alterations: Unit Fee Schedule:

Repair or alteration of any plumbing system based on value:

-First \$100.00 (of value)	\$15.00
-For each additional \$100.00 (of value) or fraction thereof.....	\$2.00

Backflow Protection Test Filing Fee: For each RPZ or double check/double gate valve.....\$15.00

HEATING PERMIT FEES

For the installation of any new or replacement central heating and/or air conditioning system, or in floor heating with heat source, the permit fee is 1% of estimated cost or the minimum, whichever is greater.

Minimum Fee - Heating system.....	\$60.00
Minimum Fee - Air Conditioning.....	\$30.00
Minimum Fee - Heating and Air Conditioning.....	\$90.00

(a) For each appliance or piece of equipment regulated by the code, but not classed in other appliance categories, or for which no other fee is listed in the code, the fee is 1% of the estimated cost or \$25.00, whichever is greater.

(b) For the extension or alteration of ductwork in one and two family dwellings whereby the work is supplemental to a current building permit, the permit fee is 1% of the estimated value or \$20.00, whichever is greater.

(c) For the installation or alteration of each process piping system, the fee is 1% of the estimated value or \$30.00, whichever is greater.

(d) For the installation of a fireplace, the fee is 1% of the estimated cost or \$25.00, whichever is greater.

(e) For a review of plans and other data the fee is equal to 25% of the permit fee or \$ ##.00, whichever is greater.

ELECTRICAL FEES

Electrical fees shall be applied as established in Minnesota Statutes Section 326B.37.

FIRE SPRINKLER SYSTEM FEES

- (a) For each fire suppression cooking hood extinguisher system.....\$30.00
- (b) For each bath or tank system.....\$30.00
- (c) For each automatic fire suppression system
 - 1 to 10 heads, including risers.....\$30.00
 - Each additional 10 heads or fraction thereof.....\$3.00
- (d) For each on site fire hydrant.....\$35.00
- (e) Building standpipe systems per building.....\$50.00
- (f) Fire Alarm.....\$30.00
- (g) Fire Permit Plan Review Fee.....50% of the permit fee

STATE SURCHARGE FEES

If the fee for the permit issued is fixed in amount the surcharge is equivalent to one-half mil (0.0005) of the fee or \$5.00, whichever amount is greater. For all other permits the surcharge is as follows:

VALUATION OF STRUCTURE, ADDITION OR ALTERATION	SURCHARGE COMPUTATION
\$1,000,000 or less	.0005 x valuation
\$1,000,000 to \$2,000,000	\$500 + .0004 x (Value - \$1,000,000)
\$2,000,000 to \$3,000,000	\$900 + .0003 x (Value - \$2,000,000)
\$3,000,000 to \$4,000,000	\$1200 +.0002 x (Value - \$ 3,000,000)
\$4,000,000 to \$5,000,000	\$1400 +.0001 x (Value - \$ 4,000,000)
Greater than \$5,000,000	\$1500 +.00005 x (Value - \$ 5,000,000)

BUILDING MOVING FEES

The fee to move a building from its present location in Birchwood to any other site, whether or not the new site is within Birchwood, shall be \$100.00.

WATER AND SEWER RELATED FEES

Water Use.....	\$21/Qtr base fee plus:
Tier 1 - \$2.56 per additional 100 cubic feet (CF) up to 800 CF;	
Tier 2 - \$2.95 per additional 100 CF after 801 up to 2,000 CF;	
Tier 3 - \$3.39 per additional 100 CF after 2,001 up to 4,000 CF;	
Tier 4 - \$3.91 per additional 100 CF after 4,001 up to 10,000 CF;	
Tier 5 - \$4.48 per additional 100 CF after 10,000 CF;	
State Surcharge - \$1.59	
Sewer Fee (metered, quarterly)	\$36.00 base fee
PLUS: \$3.37 per 100 CF based on first quarter water consumption	
Sewer Fee (unmetered, quarterly).....	\$80.00
Outside sewer/water installation or repair permit.....	
	\$60.50
Turning water service on or off at street.....	\$150.00
Water Meter Replacement (time and materials)	\$400.00 (plus \$150/hr after first hour)
Self-install (approval required).....	
	\$200.00
Utility Bill Late Fee.....	5% of the unpaid balance
ACH Discount.....	\$2/Qtr
Utility Account Fees – Open.....	\$25.00
Close.....	\$25.00

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 tripled or \$50, whichever is greater.

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.

Additional fees paid when incurred by the City (examples below)

Other Inspections and Fees: All fees in this schedule are subject to the following charges when required by the City:

- Building Official
 - Inspections outside of normal business hours (min. charge – two hours)\$63.25 /hr*
 - Re-inspection fee\$63.25 /hr*
 - Inspection for which no fee is specifically indicated (min. charge – ½ hour).....\$63.25 /hr*

- Plan Review.....65% of the building permit fee
 - Additional plan review for changes, additions or revisions to plans (min. ½ hour).....\$63.25 / hr*
- Engineer/~~Planner~~
- Consult and/or plan review (bldg., zoning, C.U.P., variance, etc.).....\$85.00 /hr*
 - Inspections or both.....actual costs**

Planner

- Consult and/or plan review (bldg., zoning, C.U.P., variance, etc.).....\$100.00 /hr*
- Inspections or both.....actual costs**

Attorney

- Consult, review and/or analysis.....actual costs**

Other Professionals

- Consult, review, and/or inspect.....actual costs**

*Or the total hourly cost to the city, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages, and fringe benefits of the employees involved, as well as any consulting fees

**Actual cost includes administrative and overhead costs, and attorney consultant review and analysis expenses

REFUNDS

The City will refund ½ of the fee for the permit or license if the applicant requests a refund within 15 days after the fee is paid and no action has been taken by the City on the request for the permit or license.

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PROPOSAL

August 21, 2021

Faxed _____
Mailed _____

SUBMITTED TO: City of Birchwood

ATTENTION: Mary
PHONE: 651-653-1022

Email: wingfield.mary@gmail.com

JOB NAME: REROOF (2) FLAT ROOF AREAS - APPROXIMATELY 1200 SQ FT
JOB LOCATION: 207 BIRCHWOOD AVE

Remove all roofing and roof insulation from roof and premises. .

Remove and replace the wet or deteriorated wood roof deck. See unit price at end of bid.

Install one (1) layer of 3 ½” and (1) layer of 4” isocyanurate roof insulation. Mechanically attached first layer with (1) fastener per 4 sf. Install one (1) layer of ½” fiberboard . Set Second layer of isocyanurate roof insulation and ½” fiberboard in solid moppings of asphalt.

Taper insulation down at scuppers creating sump areas for better drainage.

Install fiber cant at walls and curbs

Install new asphalt and gravel roof using four (4) plies of Type IV fiberglass felts and mineral surfaced modified bitumen membrane flashings. Furnished with manufacturers 10 years guarantee.

Install ice and water shield at parapet walls.

Install new 24 gauge prefinished galvanized iron wall coping with 22 gauge galvanized iron conituous keeper.

Install new prefinished galvanized iron scuppers

Install new prefinished galvanized iron counterflashing at walls.

Install new metal sleeve with umbrella hood at stacks.

Install new sewer vent caps.

We propose to furnish material and labor – complete in accordance with above specifications, for the sum of: **\$41,873.00.**

Unit Price-

#1 Remove and replace deteriorated wood roof deck at \$19.00/ sq ft

Unit Pricing will be an extra charge added to our base price.

Alternate Options

Alternate #1

Owner will remove the half round wood panel from walls. We will install new ice and water shield. We will install new 24-gauge prefinished galvanized iron wall panels. Approximately 324 sq ft. **Add to our Base Bid \$9,720.00**

Alternate #2

Approximately 600 sq ft of shingles, Remove existing shingles. Install new ice and water shield. Install new roofing felt. Install new Certainteed Landmark laminated shingle. We will remove wood siding at inside of parapet walls and cover with prefinished metal. At roof edge we will install prefinished D Edge. **Add to our base bid the net sum of \$10,938.00**

NOTE:

1. Roof insulations and roofing products are very volatile at this time. Due to this volatility on pricing, our bids are subject to change after 14 days. Any additional cost increase incurred will be passed on directly to each bid project.
2. Disconnect and reconnect roof top equipment will be taken care of by owner.

DUE TO THE VOLATILITY OF THE MARKET OUR PROPOSAL IS GOOD ONLY FOR 14 DAYS, SUBJECT TO REVIEW THEREAFTER.

Terms of payment: Net 30 days. NOTE: This proposal is valid for 14 days. It may be withdrawn or modified if not accepted during this time. All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements are contingent upon strikes, accidents or delays beyond our control. Owner is to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workman’s Compensation Insurance.

Authorized Signature: _____

Collin K. Prochnow

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

Date of Acceptance: _____ Signature: _____

BRUETTE ROOFING, INC.

9270 Otchipwe Avenue N.
Stillwater, MN 55082
(Office) 651-439-5746
(Fax) 651-762-1836
email) bbrulette@msn.com
Licensed/Insured

- Proposal -
#2021 COM16
REVISED Date: 7 / 8 / 2021
Page 1 of 3

Submitted To:
CITY OF BIRCHWOOD VILLAGE
Attn: Mary Wingfield
207 Birchwood Avenue
Birchwood, MN 55110
Main: 651-426-3403 / Mary Wingfield: 651-653-1022 / (email) info@cityofbirchwood.com

We hereby propose to furnish the materials and perform the labor necessary for the completion of:

BASE BID: Re-roof Entire Building (Flat Roofs / Lower & Upper):

Protect building, property & landscaping from debris.

Removal, disposal & clean up of existing roofing & insulation.

(Upper Roof): Install 7 & 1/4 inches of Expanded Polystyrene (R-40) with 1/2 inch per foot sloping cricket across lower wall to scupper.

(Lower Roof): Install (R-40) EPS with 1/4 inch per foot slope & 1/2" per foot sloping cricket to scupper.

(Both Upper & Lower) Install 1/2" high density wood fiberboard insulation top layer, anchored to wind uplift code. Install 60 mil FULLY ADHERED EPDM (rubber membrane) roof system to meet or exceed manufacturer's & industry standards with:

- Reinforced perimeter strip at all walls to ensure good securement of membrane.
- Seams spliced double width in lieu of minimum.
- All corners double wrapped.
- New 24 gauge PREFINISHED metal scuppers, set in Water-Cut-Off before flashing.
- New pre-molded plumbing stack.
- Fabricate & install 24 gauge PREFINISHED metal wall cap with 6" wide cover plates on joint.
- Fabricate & install 24 gauge PREFINISHED metal open face downspout for lower roof.
- Clean job site & removal of debris.

All workmanship per manufacturers & NRCA recommended guidelines (Member)

10 YEAR WARRANTY ON WORKMANSHIP

& MEMBRANE (No Cost)

BASE BID/Flat Roofs: \$ 24,355.00

ALT. #1/Deduct :

R-30 EPS insulation in lieu of R-40 (in Base Bid).

ALT. #1/Deduct: < - 700.00 >

ALT. #2 / Flat Roofs:

For Polyisocyanurate insulation in lieu of that in Base Bid.

(May not be available until November or December)

ALT. #2/Flat Roofs: + 2,346.58

ALT. #3 / Flat Roofs / Manufacturers' Warranty:

A. 20 Year Membrane Warranty .

ALT. #3 / A: + 200.00

B. 10 Year Labor & 15 Year Warranty on Membrane.

B: + 500.00

C. 20 Year Membrane & Labor (Workmanship) Warranty.

C: + 950.00

(continued)

Submitted To:
CITY OF BIRCHWOOD VILLAGE
Attn: Mary Wingfield
207 Birchwood Avenue
Birchwood, MN 55110
Main: 651-426-3403 / Mary Wingfield: 651-653-1022 / (email) info@cityofbirchwood.com

Roofing continued:

SHINGLE ROOF / BASE BID:

Removal, disposal & clean up of existing roofing.
Install PREFINISHED metal drip edge.
Install Ice & Water Shield 6 ft. up from bottom edge, along & up walls & under flat roof scupper.
Install Owens Corning TruDefinition Duration shingles manufacturers limited lifetime warranty along with :

- New PREFINISHED metal shingle tins & dormer flashing at walls.
- New plumbing stack.
- New "B" exhaust roof flashing storm collar & cap.
- Clean job site & removal of debris.

All workmanship per manufacturers & NRCA recommended guidelines (Member)
10 YEAR WARRANTY ON WORKMANSHIP

BASE BID/Shingle Roofs: \$ 3,405.00

ALT. #4:

Install Prefinished metal gutter & one downspout. ALT. #4: + 515.00

NOTE: BIDS ARE BASED ON INSTALLING ROOF BEFORE NEW SIDING IS INSTALLED.

NOTES:

Contractor provided permit additional/extra.
Any unforeseen carpentry work to deteriorated areas (deck or misc.) billed at Time & Materials basis.
Owner responsible for disconnection & re-hook up of any gas, electrical, satellite or cable related items.

We shall perform the aforementioned (tax included) for the sum of: **DOLLARS** **\$**

Payment to be as followed: Owner agrees that all other payments required under this contract shall be due and payable within ten (10) days of date of invoice whether billing is for job preparation, materials stored, work completed each month or final payment request. Owner agrees that Contractor may charge interest at the annual rate of eighteen percent (1.5% per month), unless a lesser percentage is required by law. If payments are not made when due, interest, costs incidental to collection and attorney fees (if an attorney is retained for collection) shall be added to the unpaid balance. Contractor reserves the right, without penalty from Owner, to stop work on the project if Owner does not make payment to the Contractor when due. Owner hereby releases Contractor of notice requirement for lien rights in the event payments are not made when due as outlined in the paragraph. This proposal may be withdrawn by us if not accepted within 30 days. This proposal is based on the work being started within thirty (30) days from the date of this proposal.

(continued)

- Proposal #2021 COM16 -
REVISED Date: 7 / 8 / 2021 Page 3 of 3

Submitted To:
CITY OF BIRCHWOOD VILLAGE
Attn: Mary Wingfield
207 Birchwood Avenue
Birchwood, MN 55110
Main: 651-426-3403 / Mary Wingfield: 651-653-1022 / (email) info@cityofbirchwood.com

Roofing continued:

Asphalt products, isocyanurate/Polyisocyanurate insulation, steel products and other roofing products are sometimes subject to unusual and severe price volatility and availability due to political and other conditions that are beyond the control of Bruette Roofing, Inc. If there is a substantial increase in these or other roofing products between the date of this proposal and the time when the work is to be performed, the amount of this proposal/contract may be increased to reflect the additional cost to obtain the materials, upon advance notice and submittal of written documentation to Customer.

All agreements contingent upon strikes, accidents or delays beyond our control. Does not include cost or liability for asbestos removal. Owner to carry fire, tornado and other necessary insurance upon above work. Workman’s Compensation and General Liability insurance on above work to be taken out by

BRUETTE ROOFING, INC.

Respectfully submitted – Brad Bruette – Per Bruette Roofing, Inc.

ACCEPTANCE OF PROPOSAL:

DATE: _____ SIGNATURE: _____

(A) ANY PERSON OR COMPANY SUPPLYING LABOR OR MATERIAL FOR THIS IMPROVEMENT TO YOUR PROPERTY MAY FILE A LIEN AGAINST YOUR PROPERTY IF THAT PERSON OR COMPANY IS NOT PAID FOR THE CONTRIBUTIONS.

(B) UNDER MINNESOTA LAW, YOU HAVE THE RIGHT TO PAY PERSONS WHO SUPPLIED LABOR OR MATERIAL FOR THIS IMPROVEMENT DIRECTLY AND DEDUCT THIS AMOUNT FROM OUR CONTRACT PRICE, OR WITHHOLD THE AMOUNTS DUE THEM FROM US UNTIL 120 DAYS AFTER COMPLETION OF THE IMPROVEMENT UNLESS WE GIVE YOU A LIEN WAIVER SIGNED BY PERSONS WHO SUPPLIED ANY LABOR OR MATERIAL FOR THE IMPROVEMENT AND WHO GAVE YOU TIMELY NOTICE.

DATE: _____ SIGNATURE: _____

- City Copy -



City of Birchwood Village

Building Permit Application

207 Birchwood Ave, Birchwood, MN 55110
 Phone: 651-426-3403 Fax: 651-426-7747
 Email: info@cityofbirchwood.com

Jack Kramer – Building Official
 10090 Oakgreen Avenue North
 Stillwater, MN 55082
 Office Ph. # 651-351-5051
 Pager # 651-847-9157

Two Sets of Plans Received: yes
 Date Issued: 8.14.2021
 Permit No: 2021-61

ATTACH A SITE PLAN

Project Address: 117 Wildwood Ave White Bear Lake mn 55110

Permit Applicant: Anthony Nickolaus Phone No: 651-214-1594

Contractor License No: _____ Expiration Date: _____

Homeowner (if different): _____ Phone No: _____

Type of Construction: Garage Valuation: \$ 15000.00 [#] 21,600.00
 Sq. Feet: 720 Length: 30' Width: 24' Height: 10' walls 4/12 Pitch

PIN: _____ Proximity to Wetlands or Lakeshore: _____

Setbacks: Front Yard 40' Rear Yard N/A Side Yards 2.5' & 2.5'

Proposed % Impervious Surface of the Lot (upon completion): _____

Removal of Trees and/or Vegetation: YES NO Explain: 1 oak that st. cloix tree said should be removed so to inside lot.

Is there potential for damage to City property (e.g. street, curb, grass): YES NO Explain: _____

Description of Work (including the intended use and occupancy of the proposed work): Have site plan & set backs and dimensions on plan that Doug Parks has. Putting up new structure (tree fell and destroyed existing structure)

SPECIAL APPROVALS	Required	Received
Washington County		
Rice Creek Watershed		
WBL Conservation Dist		
Dept Natural Resource		
City Council		

Cert. of Insurance OR Cash Escrow	<u>ROOD</u>	
Soil Investigation Report OR Shoring Plan	<u>N/A</u>	
Existing Conditions Report	<u>N/A</u>	
Demolition Notifications	<u>N/A</u>	
Construction Signage	<u>N/A</u>	
Stormwater / Erosion Control Plan		

Plan Check Fee	\$ <u>227.01</u>
City Fee	\$ <u>349.25</u>
Planner Fee	\$ <u>50.00</u>
State Surcharge Fee	\$ <u>10.80</u>
Permit Escrow Fee	\$ <u>3,000.00</u>
TOTAL	\$ <u>3,637.06</u>

Permit Approved 8.14.2021
 by the City of Birchwood
 Village
 Jack Kramer
 Bldg Official



City of Birchwood Village Petition for Variance Application

207 Birchwood Ave, Birchwood, MN 55110
Phone: 651-426-3403 Fax: 651-426-7747
Email: info@cityofbirchwood.com

FOR OFFICIAL USE ONLY

Application Received Date: _____ Amount Paid: \$ _____

Payment Type (Circle One): **Cash / Check / Money Order / Credit Card**

Check/Money Order # _____

Application Complete? Yes No If no, date application was deemed complete: _____

Signature of City Planner: _____ Date: _____

Completed requests for variances submitted prior to the first Thursday of the month will be considered by the Planning Commission at its next meeting on the fourth Thursday of the month. Requests submitted after the first Thursday of the month will be considered at the following meeting. All final decisions on variance applications are made by the City Council, which meets on the second Tuesday every month.

1. Name of Applicant(s) Tommy and Stacy Nickolas
 Address 117 Wildwood Ave
 City White Bear Lake State MN Zip Code 55110
 Business Phone 651-214-1594 Home Phone _____

2. Address of Property Involved if different from above: _____

3. Name of Property Owner(s) if different from above and describe Applicant's interest in the property:

4. Specific Code Provision from which Variance is requested: _____

5. Describe in narrative form what the Applicant is proposing to do that requires a variance:

Garage expansion where a pre-existing structure was in place taken down due to the falling on it. non-confirming as to structure. Located within the 10'-0" side yard set back and the 40'-0" front yard set back.

6. Type of Project:

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

Other (describe): pre-existing structure destroyed by falling tree
want to put up new structure

7. Type of Structure Involved:

- | | |
|---|--|
| <input type="checkbox"/> Single Dwelling | <input type="checkbox"/> Double Dwelling |
| <input checked="" type="checkbox"/> Garage | <input type="checkbox"/> Addition |
| <input type="checkbox"/> Tennis Court | <input type="checkbox"/> Pool |
| <input type="checkbox"/> Grading/Filling | |
| <input type="checkbox"/> Other (describe) _____ | |

8. Using the criteria from the City Code for a variance (see last page), explain why a variance is justified in this situation and describe what "Practical Difficulties" exist:

pre-existing structure was destroyed by tree falling
need variance re to side and front yard
set backs

9. 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:

want need to change grade

10. Describe any alternatives the Applicant considered (if any) that do not require a variance:

11. Can an emergency vehicle (Fire Truck or Ambulance) access all structures on the property after the proposed change? Yes No

Criteria for Granting a Variance. Pursuant to Minn. Stat. Sec. 462.357, subd. 6, as it may be amended from time to time, the Planning Commission 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

- i. Special conditions or circumstances exist which are peculiar to the land, structure, or building involved.
- ii. 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.
- iii. The granting of a variance will result in no increase in the amount of water draining from the property.
- iv. 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.
- v. No variance shall be granted simply because there are no objections or because those who do not object outnumber those who do.
- vi. Financial gain or loss by the applicant shall not be considered if reasonable use for the property exists under terms of the Zoning Code.

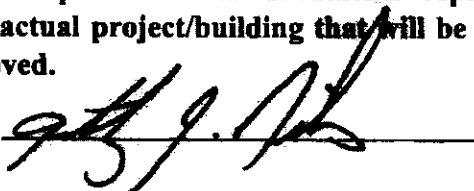
NOTICE:

***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 property that occurs in the course of performing the activities of this permit.**

***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 that will be built in conformance with such representation if approved.**

Signature of Applicant: _____



Date: 8-10-21

12. Does the proposed change bring any other nonconforming use into conformity with the City Building Code? Yes No

If yes, explain: _____

13. 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 AND attach evidence demonstrating compliance:

14. 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)			
3. Roof Surface			
4. Sidewalks			
5. Driveways			
6. Other Impervious Surface			
7. Total of Items 3-6			
8. Percent Impervious Surface			

15. Please attach the following:

- Legal description of property.
- Plot plan drawn to scale showing existing and proposed new and changed structures on the lot. Also show existing structures on adjacent lots.

*I met with Doug Danks on site. Doug HAS legal certified survey and proposed structure placement on a plan sent in. Plan includes description of property
 Plot Plan drawn that shows total square footage of lot and all pervious and impervious surface
 Thank you *[Signature]**

Douglas Danks Associates

142 Wildwood Avenue
Birchwood, MN 55110
Phone 612-306-1096

August 16, 2021

Mr. Andy Gonyou, City Administrator
City of Birchwood Village
207 Birchwood Village
Birchwood Village, MN 55110

Project: 117 Wildwood Avenue – Garage Addition Building Permit 2021

Mr. Gonyou:

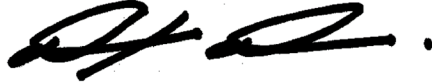
Acting on behalf of the City of Birchwood Village as their Permit Reviewer, I have reviewed the Building Permit Application for the construction of an addition to the existing detached garage at 117 Wildwood Avenue. The application is somewhat unique in that the addition replaces a previous garage that was destroyed by a fallen tree. In addition, a previous Building Permit Application was submitted to the City of Birchwood Village without action. I find this permit application to be complete. I also find the proposed garage addition to be in compliance with the City of Birchwood Village City Code based on the following:

1. The existing detached garage is a pre-existing non-conforming structure, located within the front and west side yard setbacks. The proposed garage addition is outside of extends away from the front yard setback. It is also located slightly farther from the west property line and does not intensify the non-conforming condition of the existing garage. The sum of the west and east side yard setbacks to the proposed garage addition is greater than 20'-0". City Code Section 301.050 Non-Conforming Uses Part 5 allows a non-conforming structure to be expanded if it does not increase the non-conformity and the sum of the setbacks on either side of the structure is not less than 20'-0"
2. The additional roof area associated with the construction of the proposed garage addition does not increase the amount of impervious surface on the property, since it is located over the concrete slab-on-grade floor surface for the previous garage structure that was destroyed.
3. The structure height for the proposed garage addition at its tallest point is approximately 14'-6", less than the maximum 18'-0" tallest point limitation in the City Code.
4. In discussions with the applicant, it was agreed that the additional paving surface indicated as "PLAN PAVING" on the application survey would increase the impervious surface area on the site and would not be installed with the construction of the garage addition. Further, a Variance Application

would be required if the applicant were to add the additional paving area in the future.

Please let me know if either you or the applicant have questions regarding my permit review, or if additional clarification is required.

Regards,

A handwritten signature in black ink, appearing to read 'D. Danks', followed by a period.

Doug Danks

From: [Jackie Onischuk](#)
To: [Steven W. Thatcher](#); "JOHN T Kramer"
Cc: "[Douglas Danks](#)"; [Andy Gonyou](#); [H.A.Kantrud](#)
Subject: Re: 117 Wildwood - Garage
Date: Tuesday, August 17, 2021 2:44:33 PM

Thank you for getting back to me.

I will let the homeowner know that his garage is good to go.

Thanks

Jackie

From: Steven W. Thatcher <sthatcher@thatcher-eng.com>
Sent: Tuesday, August 17, 2021 10:27 AM
To: Jackie Onischuk; 'JOHN T Kramer'
Cc: 'Douglas Danks'
Subject: RE: 117 Wildwood - Garage

Caution: This email originated outside our organization; please use caution.

Hi Jackie,

This morning Doug Danks and I talked. We agreed that there is no need for review by me for the proposed work.

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

From: Jackie Onischuk [mailto:Jackie.Onischuk@cityofbirchwood.com]
Sent: Monday, August 16, 2021 9:20 AM
To: 'JOHN T Kramer' <INSPJACK@msn.com>
Cc: 'Steven Thatcher' <sthatcher@thatcher-eng.com>; 'Douglas Danks' <douglasdanks@uscorp.net>
Subject: RE: 117 Wildwood - Garage

Morning:

This is just an update on 117 Wildwood garage.

I have received an approval today from Jack Kramer on the garage.

Doug and Steve: Let me know if you need anything more from the homeowner.

Thank you.

Jackie

City Deputy Clerk

City of Birchwood Village, MN

office: (651) 426-3403

fax: (651) 426-7747

email: jackie.onischuk@cityofbirchwood.com

website: <http://www.cityofbirchwood.com/>



From: Jackie Onischuk <Jackie.Onischuk@cityofbirchwood.com>

Sent: Friday, August 13, 2021 12:03 PM

To: 'Douglas Danks' <douglasdanks@uscorp.net>

Cc: 'Steven Thatcher' <sthatcher@thatcher-eng.com>; 'JOHN T Kramer' <INSPJACK@msn.com>;

Jackie Onischuk <Jackie.Onischuk@cityofbirchwood.com>

Subject: 117 Wildwood - Garage

Hi:

I have enclosed a permit and drawings along with a survey of the proposed garage for 117 Wildwood.

This was a permit that the homeowner was going to build last year but they decided to wait. They are also building the screen porch which has been approved.

Please let me know what additional information they might need to proceed with this garage

Thank you

Jackie

City Deputy Clerk

City of Birchwood Village, MN

office: (651) 426-3403

fax: (651) 426-7747

email: jackie.onischuk@cityofbirchwood.com

website: <http://www.cityofbirchwood.com/>



	A	B	N	O	P	Q	R	S
1	City of Birchwood Village Revenue and Expenditure Trends							
2			2017	2018	2019	2020	2021	2022
3								
4	RECEIPTS							
5	General Property Taxes (levy)		\$326,299.00	\$354,500.00	\$364,000.00	\$488,500.00	\$512,000.00	\$512,000.00
43	NON-LEVY REVENUE		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
44	ALL REVENUE - including levy		\$326,299.00	\$354,500.00	\$364,000.00	\$488,500.00	\$512,000.00	\$512,000.00
45	TOTAL REVENUES		\$326,299.00	\$354,500.00	\$364,000.00	\$488,500.00	\$512,000.00	\$512,000.00
46								
47	DISBURSEMENTS							
48			2017	2018	2019	2020	2021	2021
49	GENERAL GOVERNMENT							
50	Publishing							
51	Printing and Binding (City Codes)	100-41130-350	\$80.00	\$0.00	\$0.00	\$500.00	\$500.00	\$500.00
52	Legal Notice Publication (WBP)	100-41130-351	\$2,000.00	\$2,000.00	\$2,000.00	\$2,000.00	\$2,000.00	\$2,000.00
53	Subtotal Publication		\$2,080.00	\$2,000.00	\$2,000.00	\$2,500.00	\$2,500.00	\$2,500.00
54	City Council							
55	Wages and Salaries	100-41310-100	\$3,900.00	\$3,900.00	\$3,900.00	\$3,900.00	\$8,500.00	\$8,500.00
56	Employer Cont.-Retirement	100-41310-121		\$195.00	\$195.00	\$195.00	\$200.00	\$200.00
58	Medicare - Employer	100-41401-100		\$57.00	\$57.00	\$57.00	\$130.00	\$130.00
59	Social Security Employer	100-41401-100		\$242.00	\$242.00	\$242.00	\$530.00	\$530.00
62	City Council Subtotal		\$3,900.00	\$4,394.00	\$4,394.00	\$4,394.00	\$9,360.00	\$9,360.00
63	Clerk							
64	Wages and Salaries	100-41401-100	\$65,000.00	\$65,000.00	\$66,500.00	\$68,163.00	\$55,000.00	\$43,000.00
67	Employer Cont.-Retirement	100-41401-121		\$9,100.00	\$5,000.00	\$5,000.00	\$4,200.00	\$3,250.00
69	Medicare - Employer	100-41401-100		\$943.00	\$960.00	\$1,200.00	\$850.00	\$650.00
70	Social Security Employer	100-41401-100		\$4,030.00	\$4,100.00	\$4,800.00	\$3,500.00	\$2,700.00
73	Other Pay (insurance stipend)	100-41401-100		\$6,000.00	\$6,000.00	\$6,216.00	\$0.00	\$0.00
76	Accounting (Assistant Treasurer, & Deputy Clerk)							
77	Wages and Salaries	100-41401-100	\$5,000.00	\$7,128.00	\$8,640.00	\$7,344.00	\$29,815.00	\$18,000.00
78	Employer Cont.-Retirement	100-41401-121		\$1,000.00	\$700.00	\$600.00	\$2,640.00	\$0.00
79	Medicare - Employer	100-41401-100		\$105.00	\$200.00	\$150.00	\$515.00	\$300.00
80	Social Security Employer	100-41401-100		\$448.00	\$700.00	\$600.00	\$2,200.00	\$1,500.00
81	Contracted Services (SAV bank rec.)	100-41501-314					\$2,400.00	\$2,400.00
84	Office Support							
85	Wages and Salaries	100-41401-100			\$1,000.00	\$1,000.00	\$1,000.00	\$1,000.00
86	Medicare - Employer	100-41401-100			\$15.00	\$15.00	\$15.00	\$15.00
87	Social Security Employer	100-41401-100			\$60.00	\$60.00	\$62.00	\$62.00
88	Admin. Staff Subtotal		\$70,000.00	\$93,754.00	\$93,875.00	\$95,148.00	\$102,197.00	\$72,877.00

	A	B	N	O	P	Q	R	S
89	Elections							
90	Wages and Salaries	100-41410-100	\$1,750.00	\$1,750.00	\$1,750.00	\$1,750.00	\$0.00	\$0.00
91	Operating Supplies	100-41410-210	\$125.00	\$125.00	\$125.00	\$125.00	\$0.00	\$0.00
92	Contracted Services (Wash. Cty. JPA)	100-41410-314					\$4,750.00	\$5,510.00
93	Repair & Maint. Supplies	100-41410-220	\$500.00	\$500.00	\$500.00	\$500.00	\$1,140.00	\$1,140.00
95	Legal Notice Publication	100-41410-351	\$200.00	\$200.00	\$200.00	\$200.00	\$200.00	\$200.00
96	Elections Subtotal		\$2,575.00	\$2,575.00	\$2,575.00	\$2,575.00	\$6,090.00	\$6,850.00
97	Office Supplies							
98	Office Supplies	100-41911-200	\$2,000.00	\$2,000.00	\$2,000.00	\$2,000.00	\$2,000.00	\$2,100.00
101	Office Equipment	100-41911-230	\$800.00	\$800.00	\$800.00	\$800.00	\$0.00	\$0.00
103	Contracted Services (Toshiba)	100-41911-314	\$375.00	\$625.00	\$625.00	\$625.00	\$625.00	\$625.00
104	Postage/Postal Permits							
105	Office Supplies	100-41430-200	\$650.00	\$200.00	Non Levy	Non Levy	Non Levy	Non Levy
107	Office Operations Subtotal		\$3,825.00	\$3,625.00	\$3,425.00	\$3,425.00	\$2,625.00	\$2,725.00
108	Financial Administration							
110	Fees (banking)	100-41501-437	\$400.00	\$400.00	\$400.00	\$400.00	\$400.00	\$400.00
111	Subtotal		\$400.00	\$400.00	\$400.00	\$400.00	\$400.00	\$400.00
112	Insurance - City							
113	Insurance							
114	Packaged Liability (incl. gen. liab.)	100-41945-361	\$6,100.00	\$5,499.00	\$5,400.00	\$5,200.00	\$6,200.00	\$6,500.00
115	Property Insurance	100-41945-362	\$2,400.00					
116	Worker's Comp (for employees & contractors per audit)	100-41945-150	\$1,600.00	\$2,159.00	\$2,500.00	\$2,526.00	\$2,663.00	\$3,100.00
118	Excess Liability	100-41945-369	\$1,000.00	\$855.00	\$855.00	\$855.00	\$855.00	\$855.00
121	Insurance Subtotal		\$11,250.00	\$8,513.00	\$8,755.00	\$8,581.00	\$9,718.00	\$10,455.00
122	Assessing							
123	Contracted Services	100-41550-314	\$5,450.00	\$6,300.00	\$6,200.00	\$6,352.00	\$5,550.00	\$5,550.00
124	Legal Services							
125	Professional Services	100-41601-300	\$7,000.00	\$18,000.00	\$18,000.00	\$18,000.00	\$18,000.00	\$18,000.00
126	Engineer Service							
127	Professional Services	100-41650-300	\$7,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$7,000.00	\$10,000.00
128	Planner Service							
129	Professional Services	100-41650-300						\$2,000.00
131	Planning & Zoning	100-41910-314	\$0.00					
132	Services Subtotal		\$19,950.00	\$29,800.00	\$29,200.00	\$29,352.00	\$30,550.00	\$35,550.00
133	City Training & Development							
134	Training (Admin & Council)	100-41914-310		\$2,005.00	\$2,500.00	\$3,500.00	\$3,000.00	\$3,000.00
135	Travel & Subsistence (Admin trainings)	100-41914-334		\$600.00	\$1,200.00	\$1,200.00		
136	Dues & Subscriptions (LMC memberships, etc.)	100-41914-433	\$1,040.00	\$215.00	\$220.00	\$1,300.00	\$1,040.00	\$1,040.00
138	Grants - Counseling Center (NYFS)	100-41905-438	\$2,000.00	\$2,000.00	\$2,000.00	\$2,000.00	\$2,000.00	\$1,805.00
139	T & D Subtotal		\$3,040.00	\$4,820.00	\$5,920.00	\$8,000.00	\$6,040.00	\$5,845.00

	A	B	N	O	P	Q	R	S
140	City Hall-Gov't Buildings							
141	Repair, Operating & Maint. Supplies	100-41940-220	\$500.00	\$500.00	\$765.00	\$765.00	\$765.00	\$810.00
143	Contracted Services (janitorial)	100-41940-314	\$600.00	\$750.00	\$1,000.00	\$1,000.00	\$1,000.00	\$1,000.00
145	Utility Services	100-41940-380	\$4,500.00	\$3,500.00	\$3,500.00	\$3,500.00	\$3,500.00	\$3,500.00
146	Buildings & Structures	100-41940-520						
147	I.T./Internet/Telephone (Metro-INET & GovOffice)	100-41940-320	\$5,200.00	\$6,000.00	\$6,250.00	\$6,250.00	\$9,100.00	\$5,250.00
148	Contracted I.T. Software (Microsoft & iDrive)	100-41940-320						\$900.00
149	Gov't Bldgs Subtotal		\$10,800.00	\$10,750.00	\$11,515.00	\$11,515.00	\$14,365.00	\$10,560.00
150	Cable Eqpmt and Service							
151	Contracted Services (videographer)	100-41950-314						
152	Communication	100-41950-320						
157	Communication Subtotal		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
158	TOTAL Gen Government		\$127,820.00	\$160,631.00	\$162,059.00	\$165,890.00	\$183,845.00	\$157,122.00
159	PUBLIC SAFETY							
160	Police							
161	Contracted Services	100-42101-314	\$52,000.00	\$53,000.00	\$57,600.00	\$59,500.00	\$63,500.00	\$64,805.00
162	Fire							
163	Contracted Services	100-42201-314	\$20,000.00	\$21,139.00	\$22,000.00	\$29,715.00	\$29,545.00	\$32,845.00
164	Building Inspection (non levy)							
166	Contracted Services	100-42401-314	Non Levy	Non Levy	Non Levy	Non Levy	Non Levy	Non Levy
167	Fees (variance, cond.use permits)	100-42401-437	\$100.00	\$500.00	Non Levy	Non Levy	Non Levy	Non Levy
168	Other Protection							
169	Contracted Services (Code Red)	100-42801-314	\$150.00	\$100.00	\$100.00	\$100.00	\$100.00	\$100.00
172	Animal Control	100-41916-314	\$1,000.00	\$900.00	\$900.00	\$1,000.00	\$1,000.00	\$1,000.00
176	PUBLIC SAFETY TOTAL		\$73,250.00	\$75,639.00	\$80,600.00	\$90,315.00	\$94,145.00	\$98,750.00
177	PUBLIC WORKS							
180	Highways, Streets & Roadways							
181	Repair & Maint. Supplies	100-43101-220	\$1,000.00	\$500.00	\$500.00			
182	Contracted Services (Pot Holes)	100-43101-314	\$5,000.00	\$3,000.00	\$5,500.00	\$6,000.00	\$6,000.00	\$10,000.00
183	Street Sweeping	100-43103-314	\$4,000.00	\$4,000.00	\$4,000.00	\$4,000.00	\$4,000.00	\$4,000.00
187	Street Maintenance Subtotal		\$10,000.00	\$7,500.00	\$10,000.00	\$10,000.00	\$10,000.00	\$14,000.00
188	Street Lights							
189	Utility Services	100-43160-380	\$18,000.00	\$19,000.00	\$16,000.00	\$16,000.00	\$15,000.00	\$15,000.00
190	Drainage - Structure Care							
192	Contracted Services (sump cleanout - Schifsky's)	100-43150-314	\$1,600.00	\$1,600.00	\$2,000.00	\$2,000.00	\$2,000.00	\$2,000.00
193	Fees (mpca)	100-43150-437	\$400.00	\$400.00	\$400.00	\$400.00	\$400.00	\$400.00
194	Subtotal		\$2,000.00	\$2,000.00	\$2,400.00	\$2,400.00	\$2,400.00	\$2,400.00
195	Ice and Snow Removal							
196	Operating Supplies (salt, sand)	100-43125-210	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00
197	Contracted Services (Birch)	100-43125-314	\$11,000.00	\$10,000.00	\$10,000.00	\$17,000.00	\$17,000.00	\$17,000.00
198	Snow & Ice Subtotal		\$16,000.00	\$15,000.00	\$15,000.00	\$22,000.00	\$22,000.00	\$22,000.00

	A	B	N	O	P	Q	R	S
199	Water Utility							
200	Refunds & Reimbursements	100-43180-810				Non Levy	Non Levy	Non Levy
201	Sewer Utility							
202	Refunds & Reimbursements	100-43190-810				Non Levy	Non Levy	Non Levy
204	TOTAL - Public Works		\$46,000.00	\$43,500.00	\$43,400.00	\$50,400.00	\$49,400.00	\$53,400.00
205	CULTURE & RECREATION							
206	Recreation							
208	Dues & Subscriptions (WBLCD)	100-45101-433	\$200.00	Non Levy	Non Levy	Non Levy	Non Levy	Non Levy
209	Community Events (Volunteer Recognition)	210-45101-440	\$1,500.00	Non Levy	Non Levy	Non Levy	Non Levy	Non Levy
210	TOTAL Recreation		\$1,700.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
211	Parks							
212	Wages and Salaries	100-45207-100	\$10,000.00	\$10,000.00	\$20,000.00	\$21,500.00	\$21,500.00	\$21,500.00
213	Employer Cont.-Retirement	100-45207-121			\$1,560.00	\$850.00	\$850.00	\$850.00
217	Medicare - Employer	100-41401-100		\$70.00	\$450.00	\$450.00	\$450.00	\$450.00
218	Social Security - Employer	100-41401-100		\$300.00	\$1,780.00	\$1,780.00	\$1,780.00	\$1,780.00
222	Operating Supplies	100-45207-210						
223	Repair & Maint. Supply/Contractual	100-45207-400	\$500.00	\$600.00	\$1,500.00	\$1,500.00	\$2,000.00	\$2,100.00
225	Contracted Services (porta potty)	100-45207-314	\$2,000.00	\$3,000.00	\$2,500.00	\$2,500.00	\$2,500.00	\$2,500.00
226	Utility Services	100-45207-380	\$1,000.00	\$600.00	\$800.00	\$800.00	\$800.00	\$800.00
227	Fees	100-45207-530						
232	Projects			\$1,000.00	\$0.00	\$0.00		
233	Parks GF Subtotal		\$13,500.00	\$15,570.00	\$28,590.00	\$29,380.00	\$29,880.00	\$29,980.00
234	TOTAL Parks & Recreation		\$15,200.00	\$15,570.00	\$28,590.00	\$29,380.00	\$29,880.00	\$29,980.00
235	SANITATION							
236	Tree Care - Inspection & Removal							
237	Contracted Services (tree inspector)	100-43104-314		\$500.00	\$1,300.00	\$1,300.00	\$1,300.00	\$1,300.00
238	Tree Removal							
239	Operating Supplies	100-43135-210						
241	Contracted Services	100-43135-314	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00
242	Sanitation - Recycling							
243	Contracted Services (Tennis Sanitation)	100-43300-314	\$10,000.00	\$10,000.00	\$10,000.00	\$12,200.00	\$14,500.00	\$14,500.00
245	Lawn Care/Maintenance							
246	Contracted Services	100-45208-100	\$10,000.00	\$9,000.00	\$0.00	\$0.00	\$0.00	\$0.00
248	TOTAL - Sanitation		\$25,000.00	\$24,500.00	\$16,300.00	\$18,500.00	\$20,800.00	\$20,800.00
249	CONSERVATION - NATURAL RESOURCE							
250	Fees, Dues & Subscriptions (WBLCD)	100-46101-437	\$1,885.00	\$2,000.00	\$2,000.00	\$2,000.00	\$2,000.00	\$2,000.00
252	TOTAL - Conservation		\$1,885.00	\$2,000.00	\$2,000.00	\$2,000.00	\$2,000.00	\$2,000.00

	A	B	N	O	P	Q	R	S
253	UNALLOCATED EXPENDITURES							
258	Miscellaneous	100-49201-430	\$7,144.00	\$2,660.00	\$1,051.00	\$2,015.00	\$1,930.00	\$5,000.00
262	Transfer to Capital Projects Fund	100-49360-722	\$30,000.00	\$30,000.00	\$30,000.00	\$30,000.00	\$30,000.00	\$30,000.00
263	Sewer L/S 1 Project	100-49365-530				\$100,000.00	\$100,000.00	\$100,000.00
264	Village Hall Restoration	100-41940-220						\$14,948.00
266	TOTAL - Other Unallocated		\$37,144.00	\$32,660.00	\$31,051.00	\$132,015.00	\$131,930.00	\$149,948.00
	TOTAL OPERATING EXPENDITURES (DISBURSEMENTS)		\$326,299.00	\$354,500.00	\$364,000.00	\$488,500.00	\$512,000.00	\$512,000.00
267								
268								
269								
270								
271	Levy					<u>2019</u>	<u>2020</u>	<u>2021</u>
272	Proposed \$\$ Change					\$ 364,000	\$ 488,500	\$ 512,000
273	Proposed % Change					\$ 9,500	\$ 124,500	\$ 23,500
274						2.68%	34.20%	4.81%
275								0.00%
276								

MEMORANDUM



TO: Birchwood Village City Council
FROM: Mary Wingfield, Mayor
SUBJECT: City Code Sec. 301.050
DATE: August 20, 2021

Dear Council,

I asked the council at our last meeting to reconsider 301.050 and abandon it in its entirety and to instead use the variance procedure if an applicant cannot comply with the zoning code.

The practical matter is that a non-conforming use improvement should either meet code or require a variance. The 301.050 code only muddies that question with all sorts of variables but offers no clear, consistent guidance when actually applied.

The purpose of the 301.050 is 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."

One need only to see the problem of the application of 301.050 to 117 Wildwood where a non-conforming use permit was recently issued for a garage within feet of their neighbor's property without a variance request. But/for the preexisting non-conforming use trigger, the permit would have required such a variance. It would also require the strict scrutiny of a practical difficulty. It would also require notice to the neighbors. None of those things happened, yet all of those things would be required of any other conforming property.

Consider the variances recently granted at 143 Wildwood. The house is on an undersized lot (less than 9000 feet) and therefore, falls short of the 60% rule for a riparian lot (15,000 sq. feet). Yet, 301.050 (7) states "no provision of this section shall be interpreted as negating the provisions of 302.015 (undersized lots)."

302.015 requires 60% of the required zoning provisions/dimensions. So, did we ignore 301.050 (7) even though we thought the plan was appropriate?

Consider also the fact the the house was in conformance with the front set back. A garage is being attached now creating a front set back of 22.6 feet. I.e. the house is now only 56.5% of the required 40 feet. This variance has created a new non.conforming use yet we granted a variance because we thought the design was appropriate.

Code 301.050 (5) provides that a "structure representing a non.conforming use may be expanded, provided (b) the sum of the setbacks on either side of the structure is not LESS than 20 feet." (Emphasis included). The plan for 143 Wildwood shows a western side dimension at one point at 8.1 feet and an eastern dimension of 11.2. Again, the council thought the design was appropriate.

Also, consider 301.050 (3). "If a non Conforming use is damaged or destroyed to the extent of 50% or more of it's replacement cost for any reason (including remodeling or rebuilding),

according to the estimate of the building inspector ..., any reconstruction must conform to the provisions of the Zoning Code...". Hasn't the council ignored this provision as it relates to 419b Wildwood?

The question in these cases is what value did the language of 301.050 add to the council's calculation? Put it another way, if an applicant shows a practical difficulty, shouldn't that be enough? And isn't that what we actually did in the case of 143 Wildwood?

As a final thought, do subd (2), (4) or (6) add anything to the equation? So what are we left in 301.050 with that gives the council (and planning commission) any guidance? I suggest we end this headache.

301.050. NON-CONFORMING USES.

A. Definition: Non-Conforming Use. See definition in Section 300.020.34

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 shall not be enlarged, modified, changed, extended (either horizontally or vertically) or structurally altered, unless such changes bring the Non-Conforming Pre-Existing Structure 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 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 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 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 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.

“AMENDED BY ORDINANCE 2018-05-02; OCTOBER 9, 2018.”

Thank you,
Mary Wingfield, Mayor

RESOLUTION 2021-21

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

**A RESOLUTION APPROVING SUMMARY PUBLICATION OF
ORDINANCE NO. 2021-07-01, AN ORDINANCE AMENDING SECTION 308 OF
CITY CODE**

WHEREAS, the City of Birchwood Village is a political subdivision, organized and existing under the laws of the State of Minnesota; and

WHEREAS, the City has adopted Ordinance No. 2021-07-01, which amends the language of City Code Section 308; and

WHEREAS, the new ordinance is lengthy and would be costly for the City to publish in its entirety as required by law for the adoption of an ordinance.

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

1. Because the terms of Ordinance 2021-07-01 are lengthy, the City may publish the attached summary of the Ordinance as allowed by statute, and need not publish the entire ordinance. The attached summary clearly informs the public of the intent and effect of the Ordinance. Summary publication has been approved by at least a 4/5 vote of the City Council.
2. The effective date of the Ordinance amendments shall be upon their publication by summary as required by law.

Resolution duly seconded and passed this 24th day of August, 2021.

Mary Wingfield, Mayor

Attest:

Andy Gonyou, City Administrator-Clerk

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

**AN ORDINANCE DELETING, AMENDING & ADDING TO SECTION 308
OF THE CITY CODE REGARDING SUBDIVISIONS IN THE CITY**

The following is a SUMMARY of the Ordinance:

On August 24, 2021 the City adopted an Ordinance (2021-07-01) to renovate and update the requirements for subdivisions to be applied for and approved due to the substantial passage of time and environmental changes in the last 15 years. The changes primarily reflect the desire to ensure that future subdivisions in the City do not negatively impact surrounding properties from an environmental point of view.

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

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