



AGENDA OF A SPECIAL MEETING OF THE
CITY COUNCIL
CITY OF BIRCHWOOD VILLAGE
WASHINGTON COUNTY, MINNESOTA
August 30, 2021
7:00 P.M.

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

CALL TO ORDER

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 30 2021 Special City Council Meeting
Time: **Aug 30, 2021 07:00 PM** Central Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/85663089394?pwd=cGpTOENNbGEzb0NoRmx3THozQTdFZz09>

Meeting ID: 856 6308 9394

Passcode: 776806

CITY BUSINESS – SPECIAL AGENDA

- A. Village Hall Roof Bids* (pp. 3-7)
 - a. Engineering Study
Time Budget: 15 Minutes
- B. 117 Wildwood Avenue – Review of Administrative Decision Regarding Building Permit* (pp. 9-18)
 - a. Council Deliberation

Time Budget: 20 Minutes

C. 2022 Budget Review* (pp. 19-23)

- a. Council Deliberation

Time Budget: 20 Minutes

D. City Code Sec. 301.050* (pp. 25-27)

- a. Council Deliberation

Time Budget: 10 Minutes

E. City Covid-19 Protocols (Mayor Wingfield/Councilmember Fleck)

- a. Council Deliberation

Time Budget: 5 Minutes

ADJOURN

*Denotes item with supporting documentation attached.

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)

- Proposal #2021 COM16 -
REVISED Date: 7 / 8 / 2021 Page 2 of 3

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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
Illinois
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.

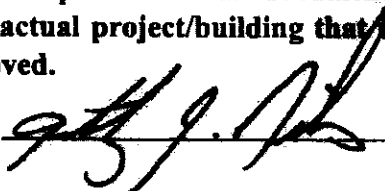
NOTICE:

***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:

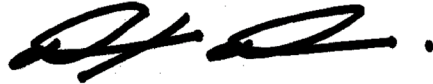
Acting on behalf of the City of Birchwood Village as their Permit Reviewer, I have reviewed the Building Permit Application for the construction of an addition to the existing detached garage at 117 Wildwood Avenue. The application is somewhat unique in that the addition replaces a previous garage that 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 I 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