



AGENDA OF THE REGULAR MEETING OF
THE CITY COUNCIL
CITY OF BIRCHWOOD VILLAGE
WASHINGTON COUNTY, MINNESOTA
May 12, 2020
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 Governor’s Executive Order regarding social-distancing and restrictions on gatherings, the City of Birchwood Village is conducting its May 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 Tobin Lay 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.

City of Birchwood Village is inviting you to a scheduled Zoom meeting.

Join Zoom Meeting

<https://zoom.us/j/91891772241?pwd=SU5UZkkwTDBkNytoR2Q5ZEdCSFZGQT09>

Meeting ID: 918 9177 2241

Password: 384079

One tap mobile

+16465588656,,91891772241#,,#384079# US (New York)

+13126266799,,91891772241#,,#384079# US (Chicago)

Dial by your location

* Denotes items that have supporting documentation provided

- +1 646 558 8656 US (New York)
- +1 312 626 6799 US (Chicago)
- +1 669 900 9128 US (San Jose)
- +1 253 215 8782 US
- +1 301 715 8592 US
- +1 346 248 7799 US (Houston)

Meeting ID: 918 9177 2241

Password: 384079

Find your local number: <https://zoom.us/j/abOuUt6lqb>

PLEDGE OF ALLEGIANCE

APPROVE AGENDA

OPEN PUBLIC FORUM

ANNOUNCEMENTS

- A. Fire Hydrant Flushing
- B. Writer's Club journals
- C. NYFS Caring for Mental Health
- D. Toilet Efficiency Rebates
- E. Don't Flush Rags or Shirts Down the Toilet
- F. Ticks & Swimming
- G. Fraud, Scams
- H. We are social, follow us on Facebook/Twitter and/or register for the email listserv

ADMINISTRATIVE PRESENTATION

- A. Sheriff Report* (pp. 5-6)
- B. Snow Removal Contracts* (p. 7)

CITY BUSINESS – CONSENT AGENDA

- A. Approve Regular Meeting Minutes from April 14, 2020* (pp. 9-13)
- B. Approve Treasurer's Report* (pp. 15-24)
- C. Approve MS4 Public Hearing for June Council Meeting – Storm Water Pollution Prevention Program
- D. Approve Resolution 2020-16: Approving Coverage for City Workers' Compensation Insurance Policy* (p. 25)
- E. Approve Resolution 2020-17: Declining to Waive the Statutory Monetary Limits on Municipal Tort Liability Established by Minnesota Statutes 466.04* (p. 27)
- F. Approve 2020 Municipal Recycling Grant and Authorize Administrator Lay to Sign* (pp. 29-34)

CITY BUSINESS – REGULAR AGENDA

- A. Variance Case No. 20-01-VB for 15 Birchwood Lane* (pp. 35-80)
 - a. Review Applicant Request & Planning Commission Recommendation

* Denotes items that have supporting documentation provided

- b. Council Deliberation
 - c. Approve Resolution 2020-18
Time Budget: 30 Minutes
- B. East County Line Rd Update – Begin at 8:00pm
 - a. County Presentation
 - b. Approve Mayor or Staff to Sign Plans for Bidding
Time Budget: 15 Minutes
- C. Leftover Boat Slips* (pp. 81-89)
 - a. Council Deliberation
Time Budget: 15 Minutes
- D. Wildwood Ave Traffic Calming (LaFoy)
 - a. Council Deliberation
Time Budget: 10 Minutes
- E. Approve Coverage for Liability Insurance Policy* (p. 91)
 - a. Council Deliberation and Approval
Time Budget: 2 Minutes
- F. City’s Water Meter to WBL (Wingfield)
 - a. Council Deliberation and Approval
Time Budget: 5 Minutes
- G. COVID-19 Response
 - a. Portapotty (Bloomquist Park)
 - b. Events: Garage Sale, Music in the Park, July 4th, Elections (polling place), Public Meetings, Hall rentals
 - c. Approve Resolution 2020-19: Allowing Beer and Wine Consumption at Music in the Park Summer Music Concerts* (p. 93)
Time Budget: 15 Minutes
- H. City Project No. 2019-3 – Emergency Lift Station Bypass* (pp. 95-103)
 - a. Approve Change Order Request 1
 - b. Approve Peterson Companies Pay Application 3
 - c. Approve Disable SCADA System Alarm
 - d. Approve Power Pole Removal
Time Budget: 15 Minutes
- I. Diseased Trees
 - a. Public Discussion
 - b. Council Deliberation and Approval
Time Budget: 15 Minutes
- J. Sewer Line Jetting (Wingfield)
 - a. Council Deliberation
Time Budget: 5 Minutes

* Denotes items that have supporting documentation provided

- K. Tighe-Schmitz Park Improvements – hockey rink surface
 - a. Update
 - b. Public Discussion

Time Budget: 10 Minutes
- L. City Attorney Report
 - a. 11 Birchwood Ln Utility Easement Update
 - b. Lake Tract Surveys Update

Time Budget: 5 Minutes
- M. Council Member Reports:
 - a. Mayor Wingfield
 - i. Newsletter
 - ii. WBL Water Rates* (pp. 105-106)

Time Budget: 10 Minutes
 - b. Councilmember LaFoy
 - i. Clearing Brush at Curt Feistner Memorial Preserve

Time Budget: 5 Minutes
- N. City Administrator’s Report
 - a. City Trailer
 - b. Kay Beach Handicap Parking

Time Budget: 10 Minutes

ADJOURN

* Denotes items that have supporting documentation provided

MEMORANDUM



Birchwood Village

TO: Birchwood City Council
FROM: Tobin Lay, City Administrator
SUBJECT: Sheriff Report
DATE: May 7, 2020

Dear Mayor & City Council Members:

Below is a reporting of law enforcement incidents and citations for April 2020:

Incident Summary Report PUBLIC

From: 4/1/2020 12:00:00 AM To: 4/30/2020 11:59:59 PM

WASHINGTON COUNTY SHERIFFS OFFICE



BIRCHWOOD VILLAGE - 20

4/3/2020 11:24:57 AM	WC20013212	Tighe-Schmitz Park, BIRCHWOOD VILLAGE	PARK CHECK
4/4/2020 1:53:51 PM	WC20013336	XXX WILDWOOD AVE, BIRCHWOOD VILLAGE	BURNING COMPLAINT
4/11/2020 6:54:14 PM	WC20014328	XXX Wildwood Ave, BIRCHWOOD VILLAGE	DISTURBANCE
4/13/2020 10:49:43 AM	WC20014496	XXX Wildwood Ave, BIRCHWOOD VILLAGE	FOLLOW UP
4/15/2020 5:15:01 PM	WC20014798	XXX Wildwood Ave, BIRCHWOOD VILLAGE	MAIL THEFT
4/19/2020 12:46:44 PM	WC20015337	XXX Wildwood Ave, BIRCHWOOD VILLAGE	FOUND PROPERTY/ITEM
4/19/2020 10:52:27 PM	WC20015408	XXX Cedar St, BIRCHWOOD VILLAGE	BURNING COMPLAINT
4/20/2020 11:24:04 AM	WC20015455	XXX Cedar St, BIRCHWOOD VILLAGE	CITIZEN/PUBLIC ASSIST
4/20/2020 8:32:38 PM	WC20015519	XXX Cedar St, BIRCHWOOD VILLAGE	FOLLOW UP
4/20/2020 8:49:49 PM	WC20015521	XXX Wildwood Ave, BIRCHWOOD VILLAGE	FOLLOW UP
4/21/2020 11:11:25 AM	WC20015574	XXX Wildwood Ave, BIRCHWOOD VILLAGE	BURNING COMPLAINT
4/21/2020 11:32:25 AM	WC20015578	XXX Wildwood Ave, BIRCHWOOD VILLAGE	CITIZEN/PUBLIC ASSIST
4/21/2020 2:17:55 PM	WC20015593	Lofts Lake Ct, BIRCHWOOD VILLAGE	DUMPING COMPLAINT
4/22/2020 9:29:28 PM	WC20015828	Hall Ave / White Pine Ln, BIRCHWOOD VILLAGE	CITIZEN/PUBLIC ASSIST
4/23/2020 5:17:23 PM	WC20015946	XX Birchwood Ave, BIRCHWOOD VILLAGE	MAIL THEFT
4/25/2020 9:04:49 AM	WC20016176	19XXX -299 WILDWOOD AVE, BIRCHWOOD VILLAGE	PARKING VIOLATION
4/25/2020 4:19:48 PM	WC20016232	XXX Wildwood Ave, BIRCHWOOD VILLAGE	CITIZEN/PUBLIC ASSIST
4/26/2020 11:08:19 AM	WC20016331	Tighe-Schmitz Park, BIRCHWOOD VILLAGE	PARK CHECK
4/28/2020 3:14:44 PM	WC20016596	XXX Wildwood Ave, BIRCHWOOD VILLAGE	ORDINANCE VIOLATION
4/28/2020 3:30:25 PM	WC20016600	XXX HALL AVE, BIRCHWOOD VILLAGE	FOLLOW UP

TOTAL INCIDENTS: 20

Citations for: Birchwood

4/1/2020 To 4/30/2020

Agcy	Date	Citation Number	Badge	Officer Name	Citation Type	Block	Street Name	Str Sfx	Cross Street Name	Cross St Sfx	City	Literal Description	Statute
WCSO	4/13/2020	820031010401	WC1209	C. Rice	Citation	0	WILDWOOD AVE				Birchwood	BW - Unlicensed animal	605.021
WCSO	4/19/2020	820027011001	WC1297	R. Corniea	Citation	0	CEDAR ST				Birchwood	BW - Open burning prohibited	604.010
WCSO	4/25/2020	820031011601	WC178	J. McDonough	Written Warning	290	WILDWOOD AVE				Birchwood	BW - Failure to drive on paved surface	607.810
WCSO	4/25/2020	820031011602	WC178	J. McDonough	Written Warning	290	WILDWOOD AVE				Birchwood	BW - Failure to drive on paved surface	607.810
WCSO	4/28/2020	820012011901	WC1209	C. Rice	Citation	0	WILDWOOD AVE				Birchwood	BW - Lot maintenance, unsanitary conditions	402.090.2

Regards,
Tobin Lay

MEMORANDUM



Birchwood Village

TO: Birchwood City Council
FROM: Tobin Lay, City Administrator
SUBJECT: Snow Removal Contracts
DATE: May 7, 2020

Hello Mayor and Council Members,

The City's contracts with Birch Inc. and B.F. Lauzon Enterprises for snow plowing services have expired. I will be searching for providers to submit bids over the summer and present a recommendation to the City Council this fall.

If members of the City Council or residents have recommendations or suggestions they would like me to consider during this search, please send those to City Hall. Thanks!

Regards,
Tobin Lay

**CITY OF BIRCHWOOD VILLAGE
REGULAR CITY COUNCIL MEETING
April 14th, 2020**

MINUTES

MEMBERS PRESENT: Mayor Mary Wingfield; Council Members: Randy LaFoy, Kevin Woolstencroft, Jonathan Fleck, & Jessi Aakre.

STAFF PRESENT: Tobin Lay, City Administrator; Alan Kantrud, City Attorney.

OTHERS PRESENT: Meeting held virtually through Zoom.

Mayor Wingfield called the regular meeting to order at 7:00pm and explained the reason for the meeting being conducted virtually via the Zoom platform as is permitted by Minnesota State Statute. The pledge of allegiance was recited.

AGENDA APPROVAL

Mayor Wingfield: Added the approval of the City of Birchwood Village's State of Emergency declaration to the agenda.

MOTION WAS MADE BY COUNCILMEMBER LAFOY AND SECONDED BY COUNCIL MEMBER AAKRE TO APPROVE THE ADGENDA AS AMENDED. ALL AYES. MOTION PASSED.

OPEN PUBLIC FORUM

- A. **Barton Winters:** Detailed research he had conducted for possible changes to the hockey rink.

ANNOUNCEMENTS

- A. Leaf Pick Up April 20th & 27th. RSVP Required – see enclosed flier for detail
- B. We are social, follow us on Facebook/Twitter and/or register for the email listserv

LOCAL EMERGENCY

Approve Resolution 2020-15, Local Emergency

MOTION WAS MADE BY COUNCILMEMBER AAKRE AND SECONDED BY COUNCIL MEMBER LAFOY TO APPROVE RESOLUTION 2020-15. ALL AYES. MOTION PASSED.

ADMINISTRATIVE PRESENTATION

- A. Sheriff Report
- B. BDA Boat Slip Update

CONSENT AGENDA

- A. Approve Regular Meeting Minutes from March 10, 2020
- B. Approve Treasurer's Report
- ~~C. Approve Resolution 2020-10, Fund Transfers~~
- D. Approve Resolution 2020-13, Special Assessment Policy Amendments
- E. Ratify Purchase of Copy Machine
- ~~F. Approve Extension Request for Variance Case No. 20-01-VB; 15 Birchwood Lane~~

Mayor Wingfield: Pulled Consent Agenda items C and F for further deliberation.

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

- C. Approve Resolution 2020-10, Fund Transfers
 - a. **Mayor Wingfield:** Modified language in the second clause to reflect that some projects have already been completed.

MOTION WAS MADE BY COUNCILMEMBER LAFOY AND SECONDED BY COUNCIL MEMBER AAKRE TO APPROVE RESOLUTION 2020-10 AS AMENDED. ALL AYES. MOTION PASSED.

- F. Approve Extension Request for Variance Case No. 20 01 VB, Birchwood Lane
 - Administrator Lay:** Explained request for extension from the Sherwood's.
 - Attorney Kantrud:** Explained statutory requirements for extensions.

MOTION WAS MADE BY COUNCILMEMBER FLECK AND SECONDED BY COUNCIL MEMBER AAKRE TO APPROVE EXTENSION REQUEST FOR VARIANCE CASE NO. 20-01-VB, 15 BIRCHWOOD LANE. ALL AYES. MOTION PASSED.

CITY BUSINESS – REGULAR AGENDA

- A. Second Reading Ordinance 2017-07-01, Sec. 615 Exterior Storage
 - a. Public Hearing

Mayor Wingfield opened the Public Hearing at 07:29pm.

MOTION WAS MADE BY COUNCILMEMBER LAFOY AND SECONDED BY COUNCIL MEMBER FLECK TO CLOSE THE PUBLIC HEARING AT 07:32. ALL AYES. MOTION PASSED.

- b. Council Deliberation and Approval
 - i. Council agreed upon two changes to the ordinance language.
- c. Approve Resolution 2020-11, Summary Publication

MOTION WAS MADE BY COUNCILMEMBER FLECK AND SECONDED BY COUNCIL MEMBER LAFOY TO APPROVE SECOND READING OF ORDINANCE 2017-07-01, SEC. 615 AS AMENDED. ALL AYES. MOTION PASSED.

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER LAFOY TO RATIFY PREVIOUS VOTES TO CONSENT THAT ALL PREVIOUS VOTES WERE UNANIMOUS. ROLL CALL VOTE: WINGFIELD; AYE, FLECK; AYE, AAKRE; AYE, LAFOY; AYE, WOOLSTENCROFT; AYE. MOTION PASSED.

MOTION WAS MADE BY COUNCILMEMBER LAFOY AND SECONDED BY COUNCIL MEMBER FLECK TO APPROVE RESOLUTION 2020-11, SUMMARY PUBLICATION. ROLL CALL VOTE: LAFOY; AYE, AAKRE; AYE, FLECK; AYE, WOOLSTENCROFT; AYE, WINGFIELD; AYE. MOTION PASSED.

- B. Second Reading Ordinance 2020-02-01, Sec. 300 Nominal & Accessory Structures Definitions
 - a. Public Hearing

Mayor Wingfield opened the Public Hearing at 07:43pm.

MOTION WAS MADE BY COUNCILMEMBER LAFOY AND SECONDED BY COUNCIL MEMBER WOOLSTENCROFT TO CLOSE THE PUBLIC HEARING. ROLL CALL VOTE: WINGFIELD; AYE, FLECK; AYE, WOOLSTENCROFT; AYE, LAFOY; AYE, AAKRE; AYE. MOTION PASSED.

- b. Council Deliberation and Approval

MOTION WAS MADE BY COUNCILMEMBER WOOLSTENCROFT AND SECONDED BY COUNCILMEMBER AAKRE TO APPROVE ORDINANCE 2020-02-01, SEC. 300 NOMINAL & ACCESSORY STRUCTURES DEFINITIONS AS AMENDED. ROLL CALL VOTE: WINGFIELD; AYE, WOOLSTENCROFT; AYE, FLECK; AYE, AAKRE; AYE, LAFOY; AYE. MOTION PASSED.

- c. Approve Resolution 2020-12, Summary Publication

MOTION WAS MADE BY COUNCILMEMBER LAFOY AND SECONDED BY COUNCIL MEMBER WOOLSTENCROFT TO APPROVE RESOLUTION 2020-12, SUMMARY PUBLICATION. ROLL CALL VOTE: WINGFIELD; AYE, WOOLSTENCROFT; AYE, FLECK; AYE, AAKRE; AYE, LAFOY; AYE. MOTION PASSED.

- C. Tighe-Schmitz Park Improvements – baseball diamond, pleasure rink alignment, hockey rink surface
 - a. Public Discussion

Mayor & Council Members: Directed City staff to turn baseball diamond into grass field.

- b. Council Deliberation and Approval

- D. Water Main Break Surcharge
 - a. Council Deliberation and Approval

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER LAFOY TO APPROVE A \$17 SURCHARGE TO EACH UTILITY CUSTOMER FOR THE REMAINING 2020 BILLING CYCLES. ROLL CALL VOTE: WINGFIELD; AYE, FLECK; AYE, AAKRE; AYE, WOOLSTENCROFT; AYE, LAFOY; AYE. MOTION PASSED.

- E. City Responses to COVID-19
 - a. Suspension of utility late fees

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER AAKRE TO APPROVE SUSPENSION OF LATE FEES AS DESCRIBED IN THE MEMO ON PAGE 55 OF THE AGENDA PACKET. ROLL CALL VOTE: WINGFIELD; AYE, AAKRE; AYE, FLECK; AYE, WOOLSTENCROFT; AYE, LAFOY; AYE. MOTION PASSED.

- b. Tennis court, playgrounds, port-a-potties

- i. Council deliberated on actions to take. Agreed upon keeping open the tennis courts, beaches, closing the playgrounds, placing a sign advising of social distancing, & deferring action on port-a-potties to the Regular City Council Meeting in May 2020.
 - c. Lawn care, spring clean-up, etc.
 - i. Council directed maintenance staff to continue performing lawn care
 - d. City docks, kayaks
 - i. Council directed maintenance staff to put out dock at Kay Beach
- F. Lake Links Trail Update
 - a. Water Connection
 - b. Traffic Calming
- G. Washington County Cooperative Weed Management agreement
 - a. Council Deliberation and Approval

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER LAFOY TO APPROVE ENTERING INTO AGREEMENT WITH THE WASHINGTON COUNTY COOPERATIVE WEED MANAGEMNT PROGRAM. ROLL CALL VOTE: WINGFIELD; AYE, WOOLSTENCROFT; AYE, LAFOY; AYE, AAKRE; AYE, FLECK; AYE. MOTION PASSED.

- H. City Park Address Assignments
 - a. Council Deliberation and Assignment
 - i. Council deliberated options for all parks and beaches.
 - b. Approve Resolution 2020-14

MOTION WAS MADE BY COUNCILMEMBER WOOLSTENCROFT AND SECONDED BY COUNCILMEMBER LAFOY TO APPROVE RESOLUTION 2020-14 AS AMENDED. ROLL CALL VOTE: AAKRE; AYE, FLECK; AYE, WOOLSTENCROFT; AYE, LAFOY; AYE, WINGFIELD; AYE. MOTION PASSED.

- I. City Attorney Report
 - a. 11 Birchwood Ln Utility Easement Update
 - b. Survey Quotes

Attorney Kantrud: Informed Council of his progress for both.

- J. Council Member Reports
 - a. Mayor Wingfield
 - i. Water Meter Upgrades Update
 - 1. **Mayor Wingfield:** Informed Council on the progress and opined that project may need to be postponed to 2021 due to the COVID-19 pandemic.

- K. City Administrator's Report
 - a. Diseased Trees
 - i. **Council Members:** Asked for a public discussion on this at the May 12 meeting.
 - b. Mahtomedi Garden Club Grant
 - c. Old Storage Items

ADJOURN

MOTION WAS MADE BY COUNCILMEMBER WOOLSTENCROFT AND SECONDED BY COUNCILMEMBER FLECK TO ADJOURN THE MEETING. ROLL CALL VOTE: LAFOY; AYE, AAKRE; AYE, WOOLSTENCROFT; AYE, WINGFIELD; AYE, FLECK; AYE. MOTION PASSED. MEETING ADJOURNED AT 8:45 PM.

ATTEST:

Mary Wingfield
Mayor

Tobin Lay
City Administrator - Clerk

For the Period : 4/14/2020 To 5/8/2020

<u>Name of Fund</u>	<u>Beginning Balance</u>	<u>Total Receipts</u>	<u>Total Disbursed</u>	<u>Ending Balance</u>
General Fund	\$88,793.92	\$116,631.89	\$17,863.44	\$187,562.37
Road and Bridge	\$0.00	\$0.00	\$0.00	\$0.00
Comp Plan Grant	(\$4,040.00)	\$0.00	\$0.00	(\$4,040.00)
Tree Canopy Care	\$0.00	\$0.00	\$0.00	\$0.00
Special Rev Projects	\$28,919.85	\$0.00	\$0.00	\$28,919.85
Spec Rev - Warm House	\$40.00	\$0.00	\$0.00	\$40.00
REIMBURSED CONTRACTED SERVICES	(\$7,285.26)	\$0.00	\$0.00	(\$7,285.26)
General Debt Service (Identify) (Inactive)	\$0.00	\$0.00	\$0.00	\$0.00
Birchwood In Re-hab Bond	(\$25,181.54)	\$0.00	\$0.00	(\$25,181.54)
Sewer Re-hab Debt	\$27,765.44	\$0.00	\$0.00	\$27,765.44
CAPITAL PROJECT FUNDS (401 through 499)	\$0.00	\$0.00	\$0.00	\$0.00
Capital Improvement Projects	\$0.00	\$0.00	\$0.00	\$0.00
Municipal State Aid Streets - Construction (Inactive)	\$0.00	\$0.00	\$0.00	\$0.00
Capital Project PW	\$66,233.91	\$0.00	\$68,618.60	(\$2,384.69)
Water	(\$507.76)	\$0.00	\$1,080.00	(\$1,587.76)
Sewer	\$79,625.97	\$0.00	\$61,754.25	\$17,871.72
Transit System	\$0.00	\$0.00	\$0.00	\$0.00
Sewer Infrastructure	\$0.00	\$0.00	\$0.00	\$0.00
Engineering Services	\$0.00	\$0.00	\$0.00	\$0.00
Total	\$254,364.53	\$116,631.89	\$149,316.29	\$221,680.13

**CONSENT B
TREASURER'S REPORT**

Fund Name: All Funds

Date Range: 04/14/2020 To 05/08/2020

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Description</u>	<u>Void</u>	<u>Account Name</u>	<u>F-A-O-P</u>	<u>Total</u>
04/16/2020	Gonyou, Andrew	30969*	Presidential Primary Election Judge 2020	N	Elections	100-41410-100-	\$ 110.00
		Total For Check	30969				\$ 110.00
04/16/2020	Boettcher, Dale	30970*	Presidential Primary Election Judge 2020	N	Elections	100-41410-100-	\$ 322.50
		Total For Check	30970				\$ 322.50
04/16/2020	Sternal, Ronald	30971*	Presidential Primary Election Judge 2020	N	Elections	100-41410-100-	\$ 180.00
		Total For Check	30971				\$ 180.00
04/16/2020	Hulett, Amy	30972*	Presidential Primary Election Judge 2020	N	Elections	100-41410-100-	\$ 127.50
		Total For Check	30972				\$ 127.50
04/16/2020	Engebretson, Charlene	30973*	Presidential Primary Election Judge 2020	N	Elections	100-41410-100-	\$ 80.00
		Total For Check	30973				\$ 80.00
04/16/2020	Rietveld, Lisa	30974*	Presidential Primary Election Judge 2020	N	Elections	100-41410-100-	\$ 90.00
		Total For Check	30974				\$ 90.00
04/16/2020	Cahill, Mary	30975*	Presidential Primary Election Judge 2020	N	Elections	100-41410-100-	\$ 190.00
		Total For Check	30975				\$ 190.00
04/16/2020	Kapsner, Sue	30976*	Presidential Primary Election Judge 2020	N	Elections	100-41410-100-	\$ 170.00
		Total For Check	30976				\$ 170.00
04/22/2020	City of Birchwood Village	TRF042220*	Project #s: 2019-1, 2019-2, 2019-3	N	Transfer To Governmental Fund	406-49360-720-	\$ 66,000.00
		TRF042220*				605-49360-720-	\$ 50,000.00
		Total For Check	TRF042220				\$ 116,000.00
04/24/2020	Payroll Period Ending 04/24/2020	30977	Administrator	N	Clerk - Treasurer	100-41401-100-	\$ 1,913.04
		Total For Check	30977				\$ 1,913.04

Fund Name: All Funds

Date Range: 04/14/2020 To 05/08/2020

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Description</u>	<u>Void</u>	<u>Account Name</u>	<u>F-A-O-P</u>	<u>Total</u>
04/24/2020	Payroll Period Ending 04/24/2020	30978	Treasurer - Deputy Clerk	N	Clerk - Treasurer	100-41401-100-	\$ 152.13
	Total For Check	30978					\$ 152.13
04/27/2020	PERA	EFT042720A*	Administrator - Retirement - Tobin Lay	N	Clerk - Treasurer	100-41401-121-	\$ 367.02
	Total For Check	EFT042720A					\$ 367.02
04/27/2020	PERA	EFT042720B*	Treasurer/Deputy Clerk - Retirement - Andy Gonyou	N	Clerk - Treasurer	100-41401-121-	\$ 25.39
	Total For Check	EFT042720B					\$ 25.39
04/30/2020	Xcel Energy	EFT043020A*	Xcel Street Light Bill: 03.03.2020 - 04.02.2020	N	Street Lighting	100-43160-380-	\$ 1,205.36
	Total For Check	EFT043020A					\$ 1,205.36
05/06/2020	Toshiba Business Solutions	30979*	Maintenance - 02/01/2020 - 04/09/2020 & replacement printer	N	Office Operations Supplies	100-41911-230-	\$ 28.75
		30979*			Unallocated Expenditures	406-49201-430-	\$ 2,618.60
	Total For Check	30979					\$ 2,647.35
05/06/2020	City of White Bear Lake	30980*	Fire Services - Apr 2020	N	Fire	100-42201-314-	\$ 2,476.25
	Total For Check	30980					\$ 2,476.25
05/06/2020	H.A. Kantrud, P.A.	30981*	Attorney Fees - Apr 2020	N	Legal Services	100-41601-300-	\$ 1,500.00
	Total For Check	30981					\$ 1,500.00
05/06/2020	Thatcher Engineering, Inc	30982*	City Engineering Services - Mar & Apr 2020 Projects	N	Engineer Service	100-41650-300-	\$ 807.50
		30982*				100-41650-300-	\$ 2,125.00
		30982*				100-41650-300-	\$ 170.00
		30982*				100-41650-300-	\$ 170.00
		30982*				605-41650-300-	\$ 85.00
	Total For Check	30982					\$ 3,357.50
05/06/2020	Leeves, Robert	30983*	Videographer - Apr 2020	N	Cable Eqpmt and Service	100-41950-314-	\$ 132.37
	Total For Check	30983					\$ 132.37
05/06/2020	Menards - Oakdale	30984*	Maintenance Supplies	N	Parks	100-45207-400-	\$ 76.58
	Total For Check	30984					\$ 76.58

Fund Name: All Funds

Date Range: 04/14/2020 To 05/08/2020

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Description</u>	<u>Void</u>	<u>Account Name</u>	<u>F-A-O-P</u>	<u>Total</u>
05/06/2020	Press Publications	30985*	Legal Notice Publications - Apr 2020	N	Ordinances and Proceedings	100-41130-351-	\$ 93.80
		30985*				100-41130-351-	\$ 93.80
	Total For Check	30985					\$ 187.60
05/06/2020	Gopher State One Call	30986*	Billable Tickets (34) - Apr 2020	N	Utility Locates	605-42805-314-	\$ 45.90
	Total For Check	30986					\$ 45.90
05/06/2020	USS Minnesota One MT LLC	30987*	Energy Charges - Mar 2020	N	General Government Buildings and Plant	100-41940-380-	\$ 98.26
		30987*			Sewer Utility	605-43190-380-	\$ 474.90
		30987*				605-43190-380-	\$ 262.02
	Total For Check	30987					\$ 835.18
05/06/2020	Tennis Sanitation, LLC	30988*	Recycling for Service Period: Mar - Apr 2020	N	Recycle	100-43300-314-	\$ 2,392.00
	Total For Check	30988					\$ 2,392.00
05/06/2020	Metropolitan Council - Env. Service	30989*	Wastewater Service - June 2020	N	Sewer Utility	605-43190-217-	\$ 4,948.50
	Total For Check	30989					\$ 4,948.50
05/06/2020	Companion Animal Control LLC	30990*	Animal Control Services - Apr 2020	N	Animal Control	100-41916-314-	\$ 80.00
	Total For Check	30990					\$ 80.00
05/06/2020	Washington County - Property & Tax	30991*	Special Assessment Billing - 2020	N	Assessing	100-41550-314-	\$ 132.00
	Total For Check	30991					\$ 132.00
05/06/2020	City of Roseville	30992*	IT Services May 2020	N	General Government Buildings and Plant	100-41940-320-	\$ 580.00
	Total For Check	30992					\$ 580.00
05/06/2020	White Bear Township	30993*	Response to High Level Alarm at Lift Station 2	N	Sewer Utility	605-43190-314-	\$ 218.50
	Total For Check	30993					\$ 218.50
05/06/2020	White Bear Township	30994*	Inspection of both Lift Stations	N	Sewer Utility	605-43190-314-	\$ 218.50
	Total For Check	30994					\$ 218.50
05/06/2020	White Bear Township	30995*	Repairs to Lift Station 2	N	Sewer Utility	605-43190-430-	\$ 4,343.63
	Total For Check	30995					\$ 4,343.63

Fund Name: All Funds

Date Range: 04/14/2020 To 05/08/2020

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Description</u>	<u>Void</u>	<u>Account Name</u>	<u>F-A-O-P</u>	<u>Total</u>
05/06/2020	Wingfield, Mary	30996*	Reimbursement - US Postal Stamps	N	Office Operations Supplies	605-41911-200-	\$ 316.80
		Total For Check	30996				\$ 316.80
05/06/2020	Lay, Tobin	30997*	Reimbursement - City Hall Supplies & Zoom account for Apr & May 2020 Virtual CC Mtgs	N	Office Operations Supplies	100-41911-200-	\$ 15.56
		30997*			Unallocated Expenditures	100-49201-430-	\$ 16.06
		30997*				100-49201-430-	\$ 16.06
		Total For Check	30997				\$ 47.68
05/06/2020	Manship Plumbing & Heating Inc	30998*	Standby, Testing, & Locates - Mar 2020	N	Water Utility	601-43180-314-	\$ 600.00
		30998*				601-43180-314-	\$ 480.00
		30998*				605-43180-314-	\$ 120.00
		Total For Check	30998				\$ 1,200.00
05/06/2020	White Bear Township	30999*	Response to High Level Alarm at Lift Station 2	N	Sewer Utility	605-43190-314-	\$ 720.50
		Total For Check	30999				\$ 720.50
05/06/2020	LMCIT	31000*	Claim Deductible	N	Unallocated Expenditures	100-49201-430-	\$ 250.00
		Total For Check	31000				\$ 250.00
05/08/2020	Mow Joe Inc	31002*	Spring Clean Up 2020	N	Leaf Pick-Up	100-43110-314-	\$ 1,676.51
		Total For Check	31002				\$ 1,676.51
Total For Selected Checks							\$ 149,316.29

Fund Name: All Funds

Date Range: 04/14/2020 To 05/08/2020

<u>Date</u>	<u>Remitter</u>	<u>Receipt #</u>	<u>Description</u>	<u>Deposit ID</u>	<u>Void</u>	<u>Account Name</u>	<u>F-A-P</u>	<u>Total</u>
04/17/2020	WS & D Permit Service, Inc.	171734838*	Building Permit	(04/25/2020) -	N	Building Permits	100-32211-	\$ 200.71
								\$ 200.71
04/19/2020	CJ Homeservices LLC	171734835*	Building Permit	(04/25/2020) -	N	Building Permits	100-32211-	\$ 51.18
								\$ 51.18
04/22/2020	City of Birchwood Village	171734834*	Project #s: 2019-1, 2019-2, 2019-3	(04/22/2020) -	N	Transfers from other Funds	100-39205-	\$ 50,000.00
						Transfers from other Funds	100-39205-	\$ 66,000.00
								\$ 116,000.00
04/25/2020	Nickolaus, Anthony & Stacy	171734836*	Easement Lmtd. License	(04/25/2020) -	N	LICENSES AND PERMITS	100-32001-	\$ 50.00
								\$ 50.00
04/25/2020	Residents	171734839*	2020 - 2021 Dog License Deposit 5	(04/25/2020) -	N	Animal Licenses	100-32240-	\$ 20.00
						Animal Licenses	100-32240-	\$ 40.00
						Animal Licenses	100-32240-	\$ 20.00
						Animal Licenses	100-32240-	\$ 20.00
						Animal Licenses	100-32240-	\$ 20.00
								\$ 120.00
04/25/2020	Residents	171734840*	Kayak/Canoe Permit Deposit #2	(04/25/2020) -	N	Kayak/Canoe Permits	100-32212-	\$ 30.00
						Kayak/Canoe Permits	100-32212-	\$ 30.00
						Kayak/Canoe Permits	100-32212-	\$ 30.00
						Kayak/Canoe Permits	100-32212-	\$ 30.00
						Kayak/Canoe Permits	100-32212-	\$ 60.00
						Kayak/Canoe Permits	100-32212-	\$ 30.00
								\$ 210.00
Total for Selected Receipts								\$ 116,631.89

As on 5/8/2020

Special Rev Projects

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Dock/Lift Permit Fee	0.00	12,750.00	12,750.00
Total Acct 322	0.00	12,750.00	12,750.00
Miscellaneous	0.00	500.00	500.00
Total Acct 361	0.00	500.00	500.00
Total Revenues	0.00	13,250.00	13,250.00
Other Financing Sources:			
Total Other Financing Sources	0.00	0.00	0.00
Disbursements:			
Recreation			
Miscellaneous (431 through 499)	0.00	200.00	(200.00)
Total Acct 451	0.00	200.00	(200.00)
Parks			
Operating Supplies (211 through 219)	0.00	1,283.61	(1,283.61)
Repair and Maintenance Supplies (221 through 229)	0.00	100.00	(100.00)
Contracted Services	0.00	340.00	(340.00)
Miscellaneous (431 through 499)	0.00	4,961.33	(4,961.33)
Total Acct 452	0.00	6,684.94	(6,684.94)
Total Disbursements	0.00	6,884.94	(6,884.94)
Other Financing Uses:			
Total Other Financing Uses	0.00	0.00	0.00
Beginning Cash Balance		22,554.79	
Total Receipts and Other Financing Sources		13,250.00	
Total Disbursements and Other Financing Uses		6,884.94	
Cash Balance as of 05/08/2020		28,919.85	

As on 5/8/2020

Capital Project PW

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Total Revenues	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
Other Financing Sources:			
Total Other Financing Sources	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
Disbursements:			
Unallocated Expenditures			
Miscellaneous (431 through 499)	0.00	2,618.60	(2,618.60)
Total Acct 492	<u>0.00</u>	<u>2,618.60</u>	<u>(2,618.60)</u>
Total Disbursements	<u>0.00</u>	<u>2,618.60</u>	<u>(2,618.60)</u>
Other Financing Uses:			
Transfer To Governmental Fund			
Interfund Transfers	0.00	66,000.00	(66,000.00)
Total Acct 493	<u>0.00</u>	<u>66,000.00</u>	<u>(66,000.00)</u>
Total Other Financing Uses	<u>0.00</u>	<u>66,000.00</u>	<u>(66,000.00)</u>
Beginning Cash Balance		66,233.91	
Total Receipts and Other Financing Sources		0.00	
Total Disbursements and Other Financing Uses		<u>68,618.60</u>	
Cash Balance as of 05/08/2020		(2,384.69)	

As on 5/8/2020

Water

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Water Fee	0.00	22,155.60	22,155.60
Total Acct 341	0.00	22,155.60	22,155.60
Total Revenues	0.00	22,155.60	22,155.60
Other Financing Sources:			
Total Other Financing Sources	0.00	0.00	0.00
Disbursements:			
Financial Administration			
Contracted Services	0.00	1,979.25	(1,979.25)
Total Acct 415	0.00	1,979.25	(1,979.25)
Newsletter			
Printing and Binding (351 through 359)	0.00	303.60	(303.60)
Total Acct 419	0.00	303.60	(303.60)
Water Utility			
Repair and Maintenance Supplies (221 through 229)	0.00	918.58	(918.58)
Contracted Services	0.00	29,401.82	(29,401.82)
Fees	0.00	860.00	(860.00)
Wtr/Swr Emergency			
Repair and Maintenance Supplies (221 through 229)	0.00	900.00	(900.00)
PROFESSIONAL SERVICES (301 through 319)	0.00	1,765.74	(1,765.74)
Contracted Services	0.00	11,502.08	(11,502.08)
Total Acct 431	0.00	45,348.22	(45,348.22)
MISCELLANEOUS			
Miscellaneous (431 through 499)	0.00	22,707.50	(22,707.50)
Total Acct 490	0.00	22,707.50	(22,707.50)
Unallocated Expenditures			
Miscellaneous (431 through 499)	0.00	2,720.95	(2,720.95)
Total Acct 492	0.00	2,720.95	(2,720.95)
Total Disbursements	0.00	73,059.52	(73,059.52)
Other Financing Uses:			
Total Other Financing Uses	0.00	0.00	0.00
Beginning Cash Balance		49,316.16	
Total Receipts and Other Financing Sources		22,155.60	
Total Disbursements and Other Financing Uses		73,059.52	
Cash Balance as of 05/08/2020		(1,587.76)	

As on 5/8/2020

Sewer

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Building Permits	0.00	144.90	144.90
Total Acct 322	0.00	144.90	144.90
Sewer Fee	0.00	49,986.53	49,986.53
Total Acct 341	0.00	49,986.53	49,986.53
Total Revenues	0.00	50,131.43	50,131.43
Other Financing Sources:			
Total Other Financing Sources	0.00	0.00	0.00
Disbursements:			
Engineer Service			
PROFESSIONAL SERVICES (301 through 319)	0.00	85.00	(85.00)
Total Acct 416	0.00	85.00	(85.00)
Office Operations Supplies			
OFFICE SUPPLIES (201 through 209)	0.00	316.80	(316.80)
Total Acct 419	0.00	316.80	(316.80)
Utility Locates			
Contracted Services	0.00	135.05	(135.05)
Total Acct 428	0.00	135.05	(135.05)
Water Utility			
Contracted Services	0.00	120.00	(120.00)
Wtr/Swr Emergency			
Contracted Services	0.00	6,860.50	(6,860.50)
Sewer Utility			
Sewer - Wastewater Charge	0.00	29,691.00	(29,691.00)
Contracted Services	0.00	22,717.95	(22,717.95)
Utility Services (381 through 389)	0.00	3,173.47	(3,173.47)
Utility Services: Gas Utilities	0.00	128.21	(128.21)
Miscellaneous (431 through 499)	0.00	4,343.63	(4,343.63)
Total Acct 431	0.00	67,034.76	(67,034.76)
Total Disbursements	0.00	67,571.61	(67,571.61)
Other Financing Uses:			
Transfer To Governmental Fund			
Interfund Transfers	0.00	50,000.00	(50,000.00)
Total Acct 493	0.00	50,000.00	(50,000.00)
Total Other Financing Uses	0.00	50,000.00	(50,000.00)
Beginning Cash Balance		85,311.90	
Total Receipts and Other Financing Sources		50,131.43	
Total Disbursements and Other Financing Uses		117,571.61	
Cash Balance as of 05/08/2020		17,871.72	

RESOLUTION 2020-16

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

**APPROVING COVERAGE FOR CITY WORKERS' COMPENSATION
INSURANCE POLICY**

At a regular meeting of the City Council of the City of Birchwood Village held virtually through video and telephone conferencing on Tuesday, May 12, 2020, via Zoom Video Communications, Inc., with the following members present: Mayor Mary Wingfield, Council Members Jon Fleck, Jessi Aakre, Randy LaFoy, and Kevin Woolstencroft, and the following absent: none, the Birchwood Village City Council resolved:

WHEREAS, the City of Birchwood Village has workers' compensation insurance coverage through the League of Minnesota Cities Insurance Trust (LMCIT); and

WHEREAS, the City's workers' compensation insurance policy must be renewed by June 12, 2020.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Birchwood Village, pursuant to Minnesota Statute 176.011, subd. 9(6), the Minnesota Workers' Compensation Act, members of the following groups are included in the City's worker's compensation coverage:

1. Members of the Birchwood City Council;
2. Members of all Birchwood advisory commissions; and,
3. Volunteers working for the City of Birchwood Village.

Voting in Favor:

Voting Against:

Resolution duly seconded and passed this 12th day of May, 2020.

Mary Wingfield, Mayor

Attest:

Tobin Lay, City Administrator-Clerk

RESOLUTION 2020-17

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

**A Resolution Declining to Waive the Statutory Monetary Limits on Municipal Tort
Liability Established by Minnesota Statute 466.04**

At a regular meeting of the City Council of the City of Birchwood Village held virtually through video and telephone conferencing on Tuesday, May 12, 2020, via Zoom Video Communications, Inc., with the following members present: Mayor Mary Wingfield, Council Members Jon Fleck, Jessi Aakre, Randy LaFoy, and Kevin Woolstencroft, and the following absent: none, the Birchwood Village City Council resolved:

WHEREAS, cities obtaining liability coverage from the League of Minnesota Cities Insurance Trust must decide whether or not to waive the statutory tort liability limits to the extent of coverage purchased.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Birchwood Village hereby does not waive the monetary limits on municipal tort liability established by Minnesota Statute 466.04.

Voting in Favor:

Voting Against:

Resolution duly seconded and passed this 12th day of May, 2020.

Mary Wingfield
Mayor

Attest:

Tobin Lay
City Administrator-Clerk

**2020
GRANT AGREEMENT
FOR
MUNICIPAL RECYCLING GRANT DISTRIBUTION**

THIS AGREEMENT made and entered into by and between the County of Washington, hereinafter referred to as the "County", and the City of Birchwood Village, 207 Birchwood Avenue, Birchwood MN 55110, hereinafter referred to as the "Grantee".

WHEREAS, the County desires to encourage and provide opportunities for residential recycling to reduce the County's reliance on solid waste disposal facilities, and

WHEREAS, the Washington County Board of Commissioners has budgeted funds to be used to further develop recycling projects in the County.

NOW, THEREFORE, the parties hereto agree as follows:

1. Term:

The term of the Agreement shall be from the date this Agreement is approved by the County to December 31, 2020.

2. The County's Obligations:

The County will pay the Grantee an amount of up to \$1,677.50 which is to be used for recycling program expenses in 2020. Payment will be within 60 days of execution of this Agreement.

3. The Grantee's Obligations:

- a. The Grantee agrees to follow their 2020 Municipal Recycling Grant Application and the guidelines therein (Exhibit A).
- b. The Grantee will use all recycling grant money received in 2020 as a result of this Agreement, for base funding activities, recycling projects, and public education related to recycling, as indicated in Exhibit A. If all recycling grant funds are not used within the grant period, the Grantee must return unexpended funds to the County unless the County approves utilizing the unspent funds for recycling projects the following year.
- c. The Grantee shall sign and return this Agreement to the County by July 1, 2020. Failure to do so will result in a reduction or loss of grant funds.
- d. The Grantee agrees to support State efforts in obtaining hauler reports by ensuring compliance through ordinance, contract or license requirements and the ability to exercise punitive actions, if needed.
- e. The Grantee will prepare and submit annual work plan project reports to the County. The reports shall cover the time period from January 1 to December 31 and shall be submitted to the County by January 31st of the year following the reporting period. The annual reports are available on the County's Municipal Recycling Grant Application and Reporting software (Re-TRAC Connect).
- f. Pursuant to Minnesota Statutes Sections 115A.46 and 115A.471, all waste generated by city/township government activities (including city/town halls, public

works buildings, parks, and for city/townships that arrange for waste services on behalf of their residents) shall be delivered to the Ramsey/Washington Recycling and Energy Center in Newport for disposal. Failure to comply with this provision shall constitute a breach of this Grant Agreement.

- g. The parties agree that if the Grantee contracts or otherwise arranges for municipal solid waste hauling service on behalf of its residents and/or businesses and the Grantee issues bills for this service, the Grantee shall bill the County Environmental Charge (CEC) as a separate line item on the solid waste bill and shall make reasonable effort to collect the CEC. Exception to this provision is if the licensed hauler collected the CEC for the previous year. All County Environmental Charges collected shall be remitted to the County according to section 14.5 of Washington County Ordinance #178 or its replacement, Ordinance #194, effective July 1st, 2014. Failure of the Grantee to comply with this provision shall constitute a breach of this Grant Agreement and will result in loss of grant funds.

4. Indemnification and Insurance:

- a. The Grantee agrees it will defend, indemnify and hold harmless the County, its officers and employees against any and all liability, loss, costs, damages, and expenses which the County, its officers, or employees may hereafter sustain, incur, or be required to pay arising out of the negligent or willful acts or omissions of the Contractor/Consultant in the performance of this agreement.
- b. The Grantee agrees that in order to protect itself, as well as the County, under the indemnity provisions set forth above, it will at all times during the term of this Agreement, keep in force the following insurance protection in the limits specified:
 - 1. Commercial General Liability/Professional Liability with contractual liability coverage in the amount of the County's tort liability limits set forth in Minnesota Statute 466.04 and as amended from time to time.
 - 2. Automobile coverage in the amount of the County's tort liability limits set forth in Minnesota Statute 466.04 and as amended from time to time.
 - 3. Worker's Compensation in statutory amount. (if applicable)

Prior to the effective date of this Agreement, the Grantee will furnish the County with a current and valid proof of insurance certificate indicating insurance coverage in the amounts required by this agreement. This certificate of insurance shall be on file with the County throughout the term of the agreement. As a condition subsequent to this agreement, Grantee shall insure that the certificate of insurance provided to the County will at all times be current. The parties agree that failure by the Vendor to maintain a current certificate of insurance with the County shall be a substantial breach of the contract and payments on the contract shall be withheld by the County until a certificate of insurance showing current insurance coverage in amounts required by the contract is provided to the County.

Any policy obtained and maintained under this clause shall provide that it shall not be cancelled, materially changed, or not renewed without thirty days notice thereof to the County.

5. Data Practices:

All data collected, created, received, maintained, or disseminated for any purposes by the activities of Grantee because of this Agreement is governed by the Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13, as amended, the Minnesota Rules implementing such Act now in force or as adopted, as well as Federal regulations on data privacy.

6. Condition Subsequent:

It is understood and agreed that in the event that reimbursement to the County from state sources is not obtained and continued at a level sufficient to allow the Grant, the obligations of each party hereunder shall thereupon be reviewed to determine the necessity of renegotiating all or parts of this Agreement.

7. Records Availability and Retention:

Pursuant to Minnesota Statute Section 16C.05, Subd. 5, the Grantee agrees that the County, the State Auditor, or any of their duly authorized representatives at any time during normal business hours and as often as they may reasonably deem necessary, shall have access to and the right to examine, audit, excerpt, and transcribe any books, documents, papers, records, etc. which are pertinent to the accounting practices and procedures of the Grantee and involve transactions relating to this Agreement.

Grantee agrees to maintain these records for a period of six (6) years from the date of termination of this Agreement.

8. Independent Contractor:

Nothing contained in this Agreement is intended or should be construed as creating the relationship of co-partners or joint ventures with the County. No tenure or any rights or benefits, including Worker's Compensation, Unemployment Insurance, medical care, sick leave, vacation leave, severance pay, PERA, or other benefits available to County employees, shall accrue to the Grantee or employees of the Grantee performing services under this Agreement.

9. Nondiscrimination:

During the performance of this Agreement, the Grantee agrees to the following: No person shall, on the grounds of race, color, religion, age, sex, sexual preference or orientation, disability, marital status, public assistance status, criminal record, creed or national origin,

be excluded from full employment rights in, participation in, be denied the benefits of, or be otherwise subjected to discrimination under any and all applicable Federal and State Laws against discrimination.

10. Firearms Prohibited:

Unless specifically required by the terms of this contract or the person it is subject to an exception provided by 18 USC§ 926B or 926BC (LEOSA) no provider of services pursuant to this contract or subcontractors shall carry or possess a firearm on county premises or while acting on behalf of Washington County pursuant to the terms of this agreement. Violation of this provision is grounds for immediate suspension or termination of this contract.

11. Noncompliance by Grantee:

If the County finds that there has been a failure to comply with the provisions of this Agreement, the County may terminate the Agreement at any time following seven (7) days written notice to the Grantee and upon failure of the Grantee to cure the default within the seven day period. The County will require the Grantee to repay the grant funds in full or in a portion determined by the County. Nothing herein shall be construed so as to limit the County's legal remedies to recover grant funds.

12. Termination:

This Agreement may be canceled by either party upon thirty (30) days written notice. Notice to the Cities shall be mailed to the City Administrator or to the City Clerk if there is no Administrator. Notice to Townships shall be mailed to the Township Clerk. Notice shall be sent to the official business address of the City or Township. Notice to the County shall be mailed to: Department of Public Health and Environment, 14949 62nd Street N, PO Box 6, Stillwater, MN 55082-0006.

13. Merger and Modification:

- a. It is understood and agreed that the entire Agreement between the parties is contained here and that this Agreement supersedes all oral agreements and negotiations between the parties relating to the subject matter. All items referred to in this Agreement are incorporated or attached and are deemed to be part of this Agreement.
- b. Any material alterations, variations, modifications, or waivers of provisions of this Agreement shall be valid only when they have been reduced to writing as an Amendment and signed by the parties.

14. Force Majeure Events::

For purposes of this agreement, "Force Majeure" refers to an event that by its nature is

unforeseen, or, if it was foreseen, was beyond reasonable control by either party, and includes COVID-19. With a Force Majeure event of COVID-19, the parties agree to 1) make an attempt to reschedule any such municipally planned events impacted by COVID-19 included but not limited to community clean-ups, collection events, planned performances, and promotional campaigns, or 2) substitute the impacted event with other acceptable recycling efforts as outline in Exhibit A of this agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement on the dates indicated below.

GRANTEE

WASHINGTON COUNTY

BY _____

BY _____

TITLE _____

Lowell R. Johnson, Director
Department of Public Health
and Environment

DATE _____

DATE _____

APPROVED AS TO FORM

BY: /s/ Rick Hodsdon
Ass't Washington Co. Attorney

DATE: 5/1/2020

MEMORANDUM



Birchwood Village

TO: Birchwood City Council
FROM: Tobin Lay, City Administrator
SUBJECT: Variance Case No. 20-01-VB
DATE: May 8, 2020

Hello Mayor and Council Members,

Enclosed is the Variance application from Greg & Kathy Sherwood (Case No. 20-01-VB) for the following variances to allow demolition and rebuild of the principal structure at 15 Birchwood Lane that allows for two-stories on top of a walkout with proper roof slope, ceiling heights and rear deck access:

1. A 3.5' (42") variance from the 10-foot sideyard setback requirement for a suspended deck walkway from the front yard to the back deck (attached to the principal structure), per 302.020;
2. A 3.5' (42") variance from the 2-foot eave exception in 302.020.1 to allow the entire front porch to be covered; and
3. A 1'2" (26") variance from the 30-foot structure height limitation, per 302.045.

The Planning Commission held a public hearing and reviewed this request on January 23 and February 20, 2020. The Commission recommended approval of the first and third variance requests – they did not approve the second request. Commissioners asked that the applicants not cover the portion of the front porch that encroaches the west sideyard beyond the allowed 2-foot eave from the house.

Commissioners also discussed the applicants' plan to replace existing impervious surfaces on the lot with a pervious paver system because the lot currently exceeds the max. allowed 25% impervious surface coverage. Commissioners did not approve a variance for impervious surfaces, nor did the applicants request one, but Commissioners requested that the applicants work with the City Engineer to determine an appropriate paver system that would bring the lot's impervious surface coverage into compliance with City requirements.

During the March 10, 2020 City Council meeting, the Council requested that the new paver system and the dispute about the southeast corner property pin be resolved prior to and be presented for the Councils review. The property pin dispute has been resolved (see enclosed letter) and the paver system is expected to be finalized in time for the May 12th City Council meeting.

In addition to the enclosed application materials, I've also enclosed memoranda from City Engineer Steve Thatcher regarding the variance request and the property pin resolution letter to help guide you in your review.

Request/Recommendation

The applicants, Planning Commission, and staff requests Council Members:

- 1) Review and discuss the enclosed materials; and
- 2) Make a final decision on the variance request.

Thanks!



CITY OF BIRCHWOOD VILLAGE
207 Birchwood Avenue, Birchwood, MN 55110
Phone: 651-426-3403 / Fax: 651-426-7747

PAID
JAN 13 PAID

REQUEST FOR VARIANCE

FOR OFFICIAL USE ONLY

Application Received Date: 1/13/2020 Amount Paid: \$ 309.04
Payment Type (Circle One): Cash / Check / Money Order / Credit Card
Check/Money Order # 2408 & 8148
Application Complete? Yes No If no, date application was deemed complete: _____
Signature of City Planner: [Signature] Date: 1/22/20

Completed requests for variances submitted prior to the first Friday 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 Friday 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) Greg & Kathy Sherwood
Address 15 Birchwood Lane
City Birchwood Village State MN Zip Code 55110
Business Phone 651-271-6112 (Greg) Home Phone 651-270-9699 (Kathy)

2. Address of Property Involved if different from above: n/a

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

4. Specific Code Provision from which Variance is requested: 302.020 & 302.045, 302.020.1

5. Describe in narrative form what the Applicant is proposing to do that requires a variance:
The applicant is proposing to add a walkway/deck on the West side of the property. This would encroach into the side yard setback by 42". The client is proposing a design that is 26" over the maximum avg. height of 30' (32' 2" max.).

Variance of 5.6 feet for eve on front west side of porch (if required) A.A.

6. Type of Project:

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

7. Type of Structure Involved:

- | | |
|---|--|
| <input checked="" type="checkbox"/> Single Dwelling | <input type="checkbox"/> Double Dwelling |
| <input 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:
See the attached Appendix to this document.

The form for this variance application did not allow for all the text we needed
to provide an explanation, so we typed it up an an Appendix.

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:
Same as above (#8) - please see Appendix

10. Describe any alternatives the Applicant considered (if any) that do not require a variance:
Same as above (#8) - please see Appendix

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

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

If yes, explain: Driveway, walk and patio are designed to provide pervious performance

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	11854	11854	
2. Maximum Impervious Surface (25% of item 1)	2963.5	2963.5	
3. Roof Surface	1825	2737.37	912
4. Sidewalks			
5. Driveways	1385	81.51	-1303.49
6. Other Impervious Surface		53.5	53.5
7. Total of Items 3-6	3210	2872.38	-337.62
8. Percent Impervious Surface	27.1%	24.23%	-2.9%

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.

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.

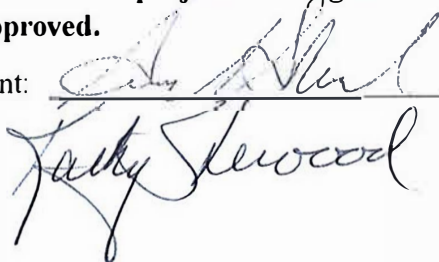
NOTICE:

***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.**

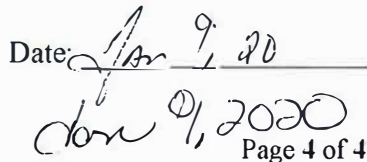
***The City will hold applicant responsible for any damage to public streets & roadways in the course of construction, landscape, excavating, filing and grading operations.**

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

Signature of Applicant: _____



Date: _____


Jan 9, 2020
Page 4 of 4

Appendix to City of Birchwood Village Request for Variance Form

Please note: We have answered 8, 9 & 10 from the Variance form in free text format because the PDF template on the City website did not allow us to add more lines and shrank the text to a tiny font as we typed our responses. Thank you for your understanding.

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

First, we would like to commend the village for developing City Codes that clearly aim to protect the *‘feel’* of the neighborhood, the views of neighboring properties, and the environmental responsibility for the lake. The existing home/cabin on this property is failing. There were multiple “significant” issues found on inspection including a failing foundation, inappropriately designed and ill-maintained concrete lot drainage mechanisms, floor joists on 24” or greater centers with significant cracks and settling, lake water / drainage backing up into the basement, and significant black mold. As such, the costs to repair and restore this home far exceed building from scratch.

We intend to make every effort to design our new home to fit in and blend seamlessly with the lovely neighborhood. As well, we will have the opportunity to significantly improve the health of the lake by removing old and dysfunctional impervious materials, replacing them with pervious materials, and addressing non-compliant run-off and drainage issues from the former structures. In the end, we have the goal of building a new cottage that will look like it’s “always been there”. This lot is small, steep and very narrow, so we are doing our best to design a new home to comply with the Village codes, however, we have two items that we need to request a variance for:

302.020 Structure Location Requirements

The very narrow lawns on either side of the home that provide access from the front yard to the back are steep with heavy tree coverage. Given this topography, there is no way to get from the front yard to the back without either building landscaping stairs (which would also require a variance due to the extremely narrow width of the lot or building a suspended narrow deck walkway from the front to the back deck. We feel the cantilevered deck walkway is more environmentally friendly solution in that water would drip from the deck board spaces to the lawn beneath vs. building a stair that would act as a high- volume water channel. The current home has a narrow (3’wide) pervious deck type walkway (main level suspended over the West

side lawn by 42") that leads from the front porch to the back deck, with a small staircase from the deck to the back lawn. We would like to incorporate this feature into the new home.

302.045 Structural Height Restrictions

As you know, the Birchwood Village City Code maximum average height restriction for a home is 30.' This narrow and steep lot naturally facilitates a walk-out basement on the lake side, where the front of the home is at ground level. Given the topography of this lot, it is impossible for us to design a home that has standard ceilings and still allow for adequate floor joists, HVAC runs, and roof structure. The architects have tried and tried to make it work, but the best we can do is 6' outer walls sloping up to 8' ceilings on the upper floor. Additionally, the roof slope when incorporating a 30' maximum average height is so low that we have concerns about snow accumulation.

Several homes on Birchwood Lane have similar topographical challenges and are clearly out of compliance with the 30' restriction (which was added to the codes after these homes were presumably built).

Of greatest importance when requesting a height variance is the impact on the neighbors. We fully understand and embrace the idea that you don't want people building structures that maximize, through height, lake views for one home while obstructing the views of surrounding homes further from the lake. In the case of this lot, which is directly on the lake, there are no homes across the street /behind us. There is a steep hill, with the old farmhouse on the corner of South Shore & Wildwood, which is set far back from Birchwood Lane, and is placed at an elevation significantly higher than our property. The addition of 26", which would allow us to build a narrow, low-profile two-story home with proper roof slope and ceiling heights, would in no way impinge on any neighboring views of the lake.

In summary, we need twenty-six inches to make it work given the topography of this lot.

Possibly 302.020.1 Structural Location Requirements

It is unclear if this variance is required. The maximum eve called out in this requirement is 2 feet. The roof structure on the front and west side of the design shows a two feet eve. If the roof section is considered an eve and not a part of the roof, then the "eve" measures 5'6". This may not be a consideration for the committee, but it is included in the spirit of completeness.

9. Describe any measure the Applicant is proposing to undertake if the variance is granted, including measure to decrease the amount of water draining from the property:

We are working with the natural topography of the lot and plan to make no changes to the current lawn slope. That said, we plan to convert all possible current impervious surfaces

(driveways, patios, walkways and decking) to pervious materials that will better allow the water to seep into the ground vs. running directly into the lake. The existing home on the property has significant drainage issues, failing gutters and failing concrete run-off mechanisms that do not meet today's standards for environmental protection. These will all be address through the rebuild and will be inspected as a matter of course through the building permit process.

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

We spent months since purchasing the home, working with the architects to design a neighborhood appropriate cottage that complies with the 30' limitation. The resulting designs either forced a compromise on the ceiling height on all floors or required a nearly flat roof. The designs had no street appeal – rather they looked like a flat-roofed French pole barn... We tried lowering the ceiling heights on the second floor to add a slope to the roof but were only able to get the external walls to 6 feet height, and the centerline (maximum peak) of the house to 8 feet.

Regarding the West side deck/walkway, there is only one other solution that we have come up with. We would have to request a different variance to put landscaping stairs from the front yard to the back, but we felt this was not as environmentally friendly as a suspended deck walkway where the rain can fall through for moisture absorption in the soil.

**CITY OF BIRCHWOOD VILLAGE
MEMORANDUM**

TO: Birchwood Village Planning Commission

FROM: Thatcher Engineering, Inc.

DATE: February 20, 2020

APPLICANT: Greg & Kathy Sherwood, 15 Birchwood Lane, Birchwood Village, MN

LOCATION: 15 Birchwood Lane

REQUEST

Variance request #1: The Applicant is requesting a variance from City Code 302.020.

1. The applicant requests a 42 inch (3 feet – 6 inch) variance from the 10 foot side yard setback requirement.
2. The request is for a deck/walkway on the west side of the property from the front porch to the back deck and to allow the front porch portion of that walkway to be covered by the roof.
3. The deck/walkway would encroach into the side yard setback 42 inches.

Variance request #2: The Applicant also requests a variance from City Code 302.045.

1. The applicant requests a 26 inch (2 feet – 2 inch) variance from the 30-foot average structure height limitation.
2. The request is for a taller structure to allow a home with standard ceilings and roof because of the topography and narrow lot.
3. The proposed structure height would exceed the 30-foot average structure height limitation by 26 inch (2 feet – 2 inch).

Variance request #3: The Applicant also requests a variance from City Code 302.020.1.

Exceptions

1. Variance of 5.6 feet for eave on front west side of porch (if required).

The proposed structure meets the maximum height limitation of 35 feet.

This property currently does not conform to City Code 302.050 because the existing impervious surface coverage of the lot is 27.1%. If approved, this project will reduce the impervious surface coverage of the lot by 14.8% (from 27.1% to 23.09%).

SITE CHARACTERISTICS

The subject site is 11,854 square feet in size above the OHWL. The property is a narrow lot (47.71 feet wide) that contains a single-family residence with an unattached garage. The property abuts the lake on the north and Birchwood Lane on the south.

PRACTICAL DIFFICULTY

- 1) The lot is extremely narrow and long, leaving little side yard to work with.
- 2) The lot has steep slopes and topography challenges.

STATUTORY REQUIREMENTS FOR PERMITTING VARIANCES

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

- (1) The proposed use is in harmony with the general purposes and intent of the City's zoning ordinance;
- (2) The variance is consistent with the City's comprehensive plan; and,
- (3) The applicant establishes that there are practical difficulties in complying with the zoning ordinance.

Statutory criteria used to establish a practical difficulty include:

- (1) The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance;
- (2) The plight of the landowner is due to circumstances unique to the property not created by the landowner; and
- (3) The variance, if granted, will not alter the essential character of the locality.

CTY CODE REQUIREMENTS FOR PERMITTING VARIANCES

Sec 304.040 of the City Code states:

Variations 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. Variations 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. Variations 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.

ANALYSIS

The property is an extremely narrow lot. City Code 302.015 allows undersized lots to be utilized for single-family detached dwelling purposes provided the measurements of such area, width, or open space are at least 60% of that required.

JUSTIFICATION FOR RECOMMENDING VARIANCE APPROVAL

Variance request #1: The applicant requests a 42 inch (3 feet – 6 inch) variance from the 10 foot side yard setback requirement.

This lot is an extremely narrow lot that provides little side yard space to work with. Because of how narrow this and neighboring lots are, the homes are almost completely hidden from the street by the garages that fill almost the entire width of the property.

Additionally, this project proposes to decrease the lot's impervious surface coverage by removing existing impervious surface and including pervious pavers.

Accordingly, this project would preserve the essential character of the locality, and would even decrease the impervious surface coverage of the property.

Variance request #2: The applicant requests a 26 inch (2 feet – 2 inch) variance from the 30-foot average structure height limitation.

This lot is an extremely narrow lot that provides little side yard space to work with. Because of how narrow this and neighboring lots are, the homes are almost completely hidden from the street by the garages that fill almost the entire width of the property.

Additionally, this project proposes to decrease the lot's impervious surface coverage by removing existing impervious surface and including pervious pavers.

Accordingly, this project would preserve the essential character of the locality, and would even decrease the impervious surface coverage of the property.

Variance request #3: Variance of 5.6 feet for eve on front west side of porch (if required).

Justification for recommending approval depends on the City Code definition of eve and whether or not the future roof over the porch is considered not an eve.

JUSTIFICATION FOR RECOMMENDING VARIANCE DENIAL

Variance request #1: The applicant requests a 42 inch (3 feet – 6 inch) variance from the 10 foot side yard setback requirement.

A primary goal of the City of Birchwood Village's Zoning Ordinance is "to ensure that a non-conforming use is not intensified and that, over time, the non-conforming use will, where possible, be brought into conformity with the Zoning Code."

The following could be argued:

- i. That they are in harmony with the general purposes and intent of the ordinance.
- ii. That the variances are not consistent with the comprehensive plan.
- iii. That the applicant for the variance has not established that there are practical difficulties in complying with the zoning ordinance.

If this variance were to be denied, the non-conforming use (impervious surface) would continue.

Variance request #2: The applicant requests a 26 inch (2 feet – 2 inch) variance from the 30-foot average structure height limitation.

A primary goal of the City of Birchwood Village’s Zoning Ordinance is “to ensure that a non-conforming use is not intensified and that, over time, the non-conforming use will, where possible, be brought into conformity with the Zoning Code.”

It could be argued that the applicant’s proposed use is not in harmony with the general purposes and intent of the City’s Zoning Ordinance.

If this variance were to be denied, the non-conforming use (impervious surface) would continue.

Variance request #3: Variance of 5.6 feet for eve on front west side of porch (if required).

Justification for recommending denial depends on the City Code definition of eve and whether or not the future roof over the porch is considered not an eve.

CONDITIONS

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

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

**REGULAR A
CITY PLANNER FINDINGS**



**BIRCHWOOD VILLAGE
Variance Findings Form
Completed by Thatcher Engineering, Inc.
February 20, 2020**

EACH OF THE FOLLOWING CRITERIA MUST BE SATISFIED TO APPROVE

#1: Is the request in harmony with the general purposes and intent of the ordinance?

The specific Ordinance **states** 1) Sec 302.020 states that all structures must be located so that minimum setback requirements are met or exceeded; Measurements shall be determined from the foundation of the structure perpendicular to the appropriate lot line; Side yard setback for structures is 10 feet and only 1 foot for walkways; and Walkways and decks may abut the principal structure.

2) Sec 302.045.1 states that the structure height limitation for principal structures is 30 feet. It provides two methods to determine the height and Method A, which is intended for houses, states that the max. height of a structure is the difference between the elevation of the highest point of the structure and the average elevation of the grade plane. Elevation points at the ground level shall be evenly distributed along each façade. Sec 302.045.3 states that regardless of the above structure limitations, the lowest point on the façade to the tallest point of a structure shall not exceed 35 feet. Sec 302.045.4 provides an exception to these rules for chimneys and flues provided their footprint or horizontal area does not exceed 16 square feet at their top and they do not extend more than 3 feet above the tallest point of the structure.

3) Sec 302.020.1 provides an exception to the setback rule for eaves, up to 2 feet.

the purpose of which is to 1) Provide adequate and safe access around the principal structure without endangering structures on abutting properties. Allow walkways next to the property line (these do not typically pose a risk to abutting properties). Allow walkways and decks to abut the principal structure, which is normal industry practice.

2) Maintain the existing character of the Village by limiting the height of buildings and to limit the obstruction of others' views.

3) Allow standard industry width for eaves of 2 foot.

The proposed variance **is for:** 1) 42" variance from the side yard setback for a deck walkway from the front porch to the back deck and to allow the front porch portion of that walkway to be covered by the roof.

2) 26" variance from the 30-foot structure height limitation.

3) 42" variance from the 2-foot eave exception to allow the entire front porch to be covered.

This variance **is/is not** in harmony with the purpose and intent of the specific Ordinance **because:** 1) The variance for an uncovered walkway **IS** in harmony because it poses no threat to the abutting property because walkways (of any material) are allowed in this setback area anyway, up to 1 foot from the property line. Because the walkway is attached to the principal structure does not increase any risk to the abutting property. In fact, making the walkway into a deck increases the pervious surface of the lot, which is important because this lot is narrow and it abuts the lake – reducing runoff into the lake is desirable.

2) The variance to the structure height limitation **IS** in harmony because although the average grade plane of Method A is greater than 30 feet, the tallest point of the structure remains at 35 feet as provided in Sec 302.045.3. The steep grade of this lot make using Method A more difficult. And the presence of 302.045.3 implies that the City Council foresaw cases where the provided Method A and B may not be appropriate, thereby requiring the need to establish an absolute max. height of 35 feet. Accordingly, granting this variance would maintain the existing character of the Village and would not obstruct the view of others any more than is already allowed under City Code.

3) The roof covering this portion of the walkway/porch should not be considered an eave because it is part of the

roof that covers the entire porch – unless the entire porch roof is to be considered an eave. However, the variance to cover the front porch beyond the foundation and into the 10-foot side yard setback is **NOT** in harmony because it extends the roofline of the principal structure to the property line and increases the risk of fire jumping to any structure placed on the abutting property up to its side yard setback.

#2: Would granting the variance be consistent with the comprehensive plan?

The Comprehensive Plan contains **the following policies and goals regarding this request:** Maintain the existing character of the community; Maintain a high quality and affordable residential environment; Ensure that all new housing conforms to the accepted standards of planning, design and construction, including standards that respect natural hydrology and unique physical features; Require that the protection of wetlands and lake shore be an integral part of land development; Prevent alteration which would inhibit the role of wetlands, lakeshore or open space in the hydrologic system or an ecological system. (Birchwood Village 2010 Comprehensive Plan, Land Use Plan).

Granting the variance **is/is not** consistent with the comprehensive plan **because:** Granting the variance **IS** consistent because it will provide a cottage-style principal structure that adds to the existing character of the community; it will maintain a high quality residential environment because the structure will be of high quality design and build and it will be consistent with the affordable residential environment of the neighborhood; it conforms to accepted standards of planning, design and construction because it will be built to the highest industry standards and will respect the natural hydrology of the lot by not altering the lot; it increases the protection of the lakeshore by reducing the impervious surface of the lot; there are no alterations to the lot that will inhibit the role of the lakeshore in the hydrologic system.

#3: Are there special conditions or circumstances that are peculiar to the land, structure, or building involved?

There **are/are no** circumstances unique to the property that would prevent compliance with the specific Ordinance **because:** 1) There are **NO** circumstances unique to this property that would prevent the principal structure from complying with the Ordinance. However, allowing the variance for a deck walkway is closer aligned with the spirit of the overall building code and comprehensive plan because it allows less coverage of the lot and what coverage there is allows rain access to the ground. Furthermore, allowing the deck walkway is in harmony with the intent of the Ordinance because walkways are allowed to encroach up to 1 foot of the side yard property line and although the proposed walkway is attached to the principal structure like a deck, it is a narrow walkway, just like a concrete walkway on the ground would be. The alternative would be to place the walkway on the ground, which would not require a variance but would increase the impervious surface, and then install a staircase in the backyard to the deck.

2) There **ARE** circumstances unique to this property that limit the effectiveness of using Method A in Sec 302.045. The steep grade of the lot towards the lake make it difficult to meet the required average grade plane while still adhering to the max. height limitation of 35 feet.

3) There are **NO** circumstances unique to this property that would prevent the principal structure from complying with the Ordinance.

#4: Were the special conditions or circumstances created by the applicant's action or design solution?

The conditions that resulted in the need for the variance **were/were not** created by the applicant **because:**

1) N/A – there are no special conditions or circumstances.

2) The conditions were **NOT** created by the applicant but are part of the existing grade of the lot.

3) N/A – there are no special conditions or circumstances.

#5: Will granting a variance result in any increase in the amount of water draining from the property?

Granting the variance **will/will not** increase the amount of water that drains from the property **because:**

- 1) Granting the Variance will **NOT** increase the water drainage; in fact, it will decrease it. It will remove an impervious walkway on the ground and allow water to access the ground beneath the deck walkway.
- 2) Granting this Variance will **NOT** affect the amount of water that drains from the property.
- 3) Granting a variance to cover the front porch portion of the deck walkway **WILL** increase the water drainage but any increase will be mitigated by the removal of other impervious surfaces on the lot, such as the driveway and walkway to the house from the garage – the overall impervious surface of the lot will be reduced.

#6: Will granting the variance 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?

Granting the variance **will/will not** impair light and air to adjacent property, or diminish or impair property values in the area, or impair the public health, safety, or welfare of Birchwood residents **because:**

- 1) Granting the variance for the uncovered walkway will **NOT** do any of those things.
- 2) Granting the variance for height will **NOT** do any of those things beyond what is already permitted in the City Code. Because of the existing grade of the lot, the street view of the home will resemble a normal two-story house, not unlike others in the neighborhood and throughout the City.
- 3) Granting the variance for the covered front porch **WILL** impair the safety of the abutting property owner by increasing the fire risk to their structures.

#7: A variance must not be granted simply because there are no objections or because those who do not object outnumber those who do?

Has this variance been granted only because of the number of objections to the request: Yes No

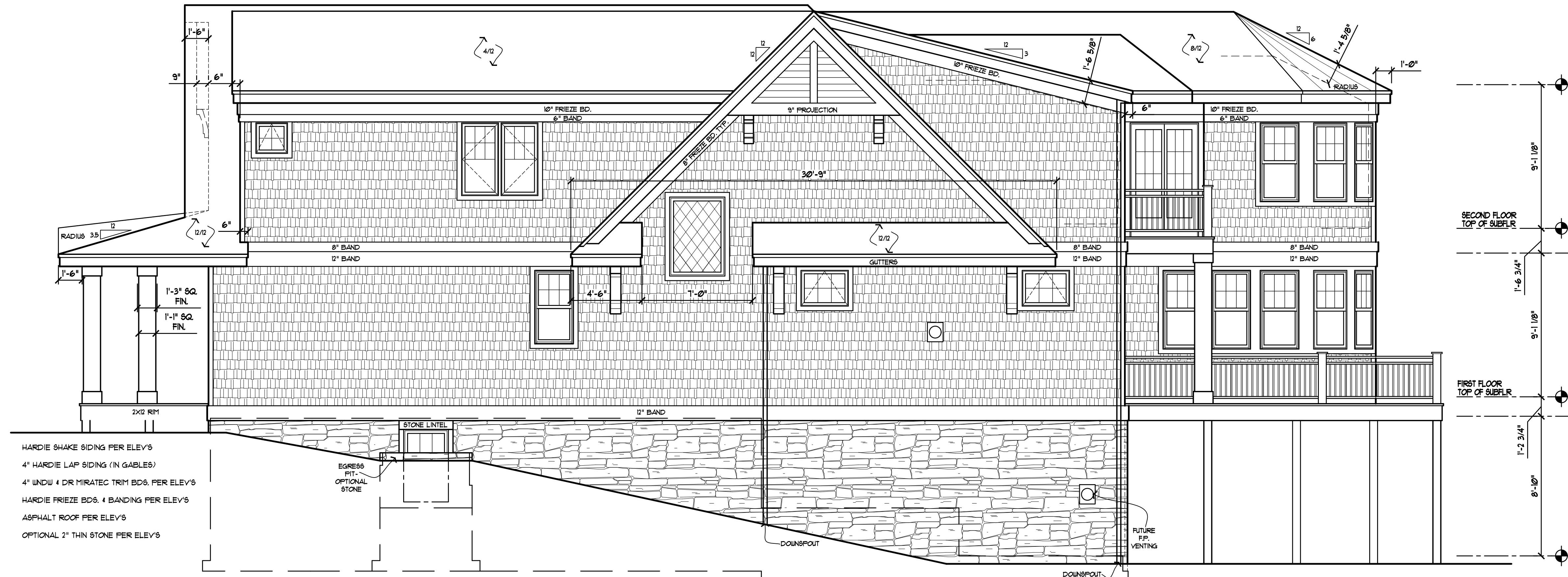
Explain: None that I'm aware of.

#8: Does reasonable use for the property exist under terms of the Zoning Code?

Reasonable use for the property **does/does not** exist under terms of the Zoning Code **because:** _____

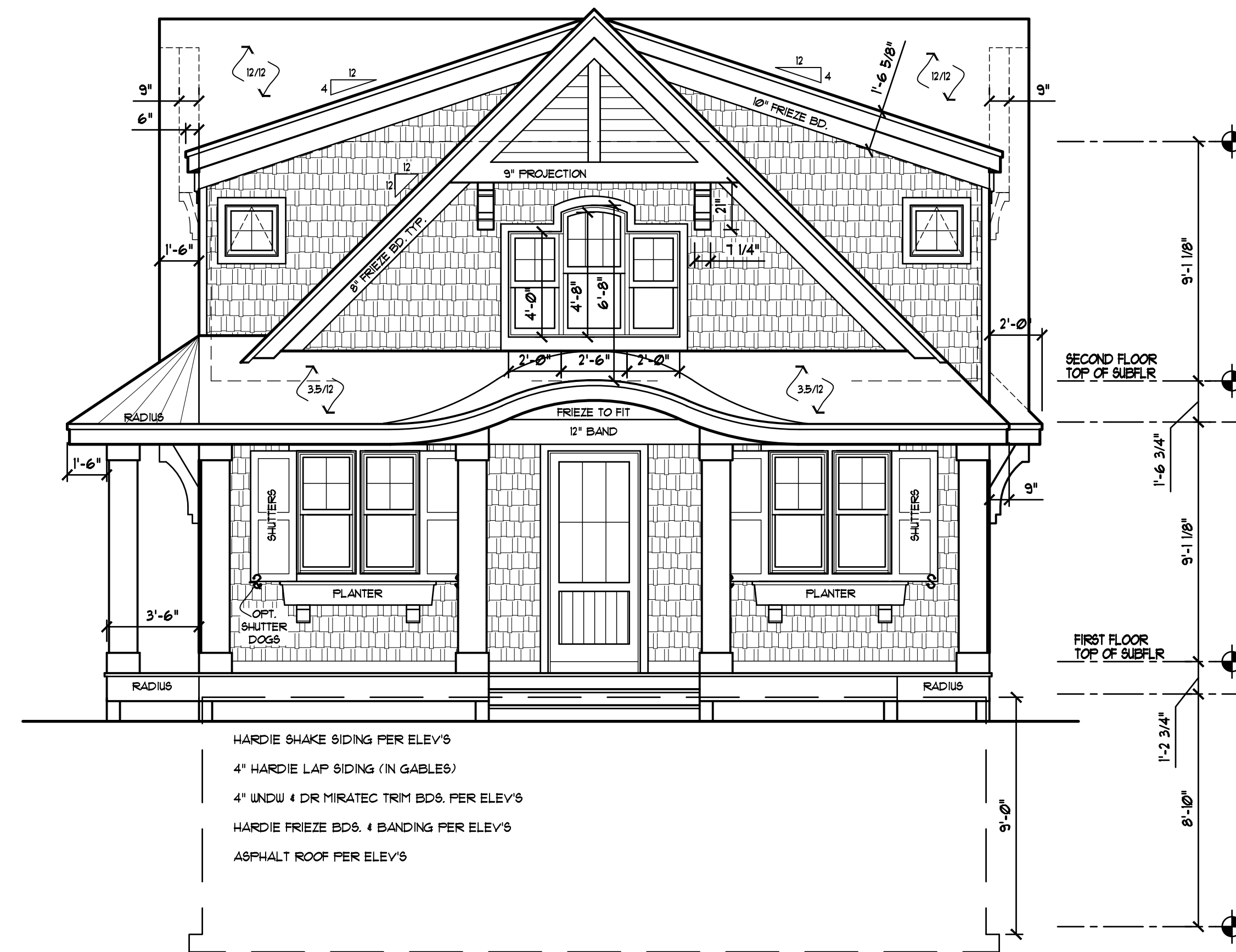
Reasonable use **DOES** exist.

(If reasonable use of the property *does* exist under terms of the Zoning Code, the applicant's financial gain or loss shall not be considered in your decision).



2 RIGHT SIDE ELEVATION
SCALE: 1/4"=1'-0"

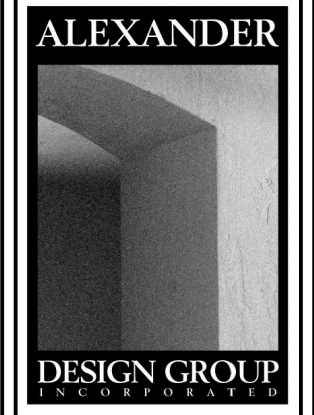
- HARDIE SHAKE SIDING PER ELEV'S
- 4" HARDIE LAP SIDING (IN GABLES)
- 4" UNDU 4 DR MIRATEC TRIM BDS, PER ELEV'S
- HARDIE FRIEZE BDS, 4 BANDING PER ELEV'S
- ASPHALT ROOF PER ELEV'S
- OPTIONAL 2" THIN STONE PER ELEV'S



1 FRONT ELEVATION
SCALE: 1/4"=1'-0"

- HARDIE SHAKE SIDING PER ELEV'S
- 4" HARDIE LAP SIDING (IN GABLES)
- 4" UNDU 4 DR MIRATEC TRIM BDS, PER ELEV'S
- HARDIE FRIEZE BDS, 4 BANDING PER ELEV'S
- ASPHALT ROOF PER ELEV'S

**REGULAR A
HOUSE PLANS**



401 EAST LAKE STREET
WAYZATA, MN 55391
Phone: 952.473.8777
FAX: 952.473.8222

ISSUE DATE:
10 MARCH 2020
PREVIOUS ISSUE DATES:

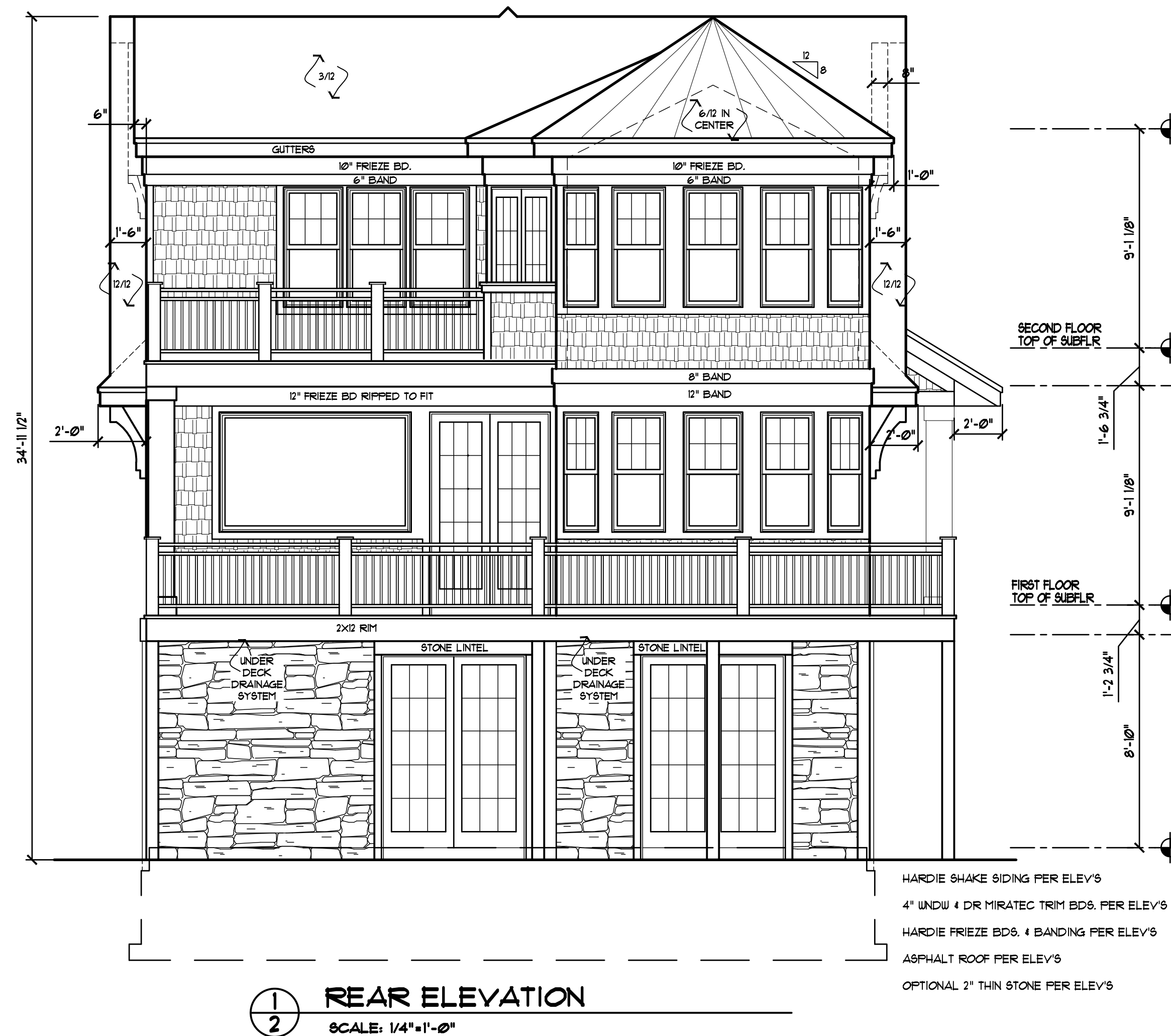
DRAWING DESCRIPTION:
ELEVATIONS

BID SET ONLY
NOT FOR CONSTRUCTION

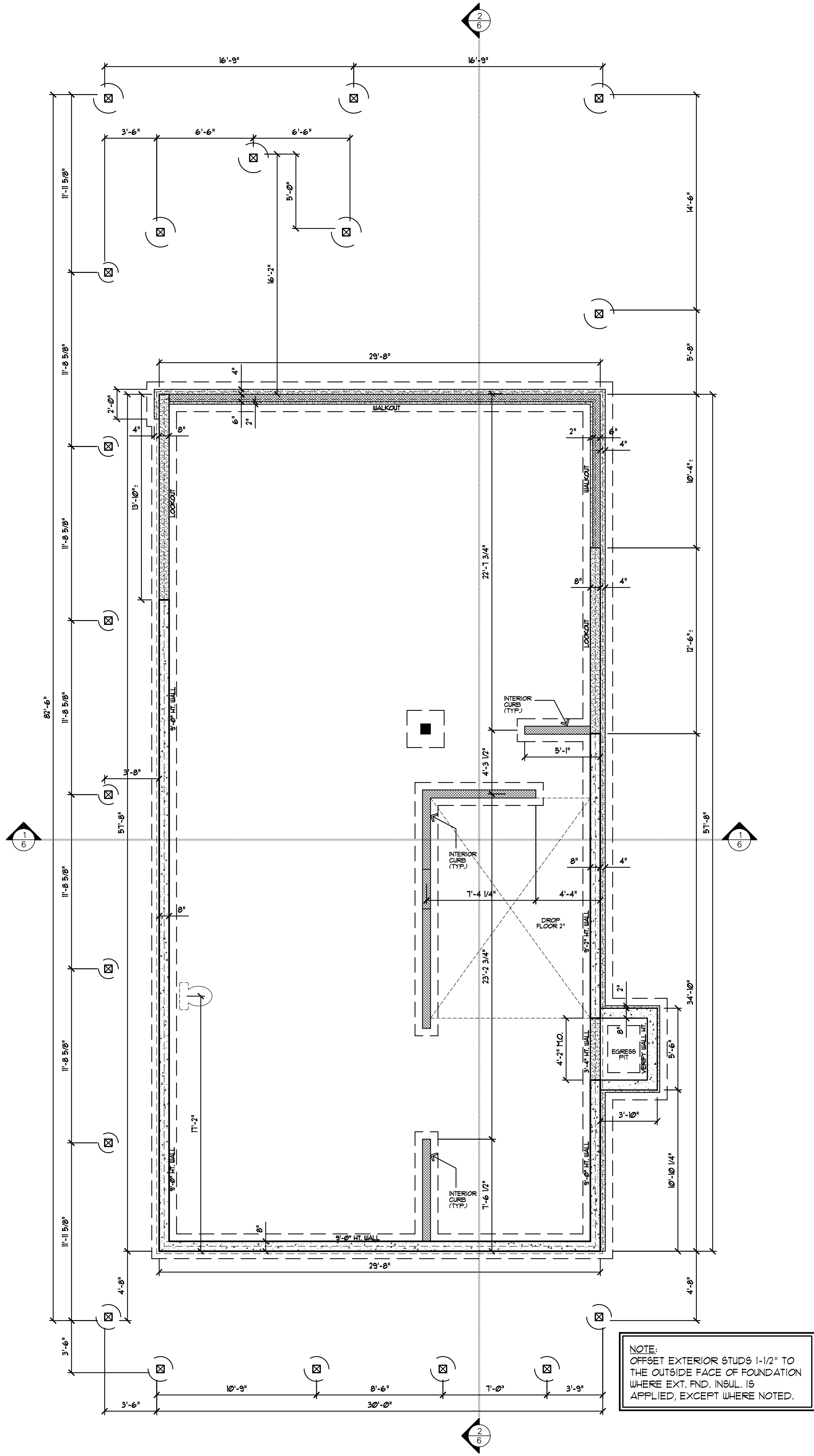
SHERWOOD RESIDENCE
15 BIRCHWOOD LN
BIRCHWOOD, MN
MICHEL'S HOMES



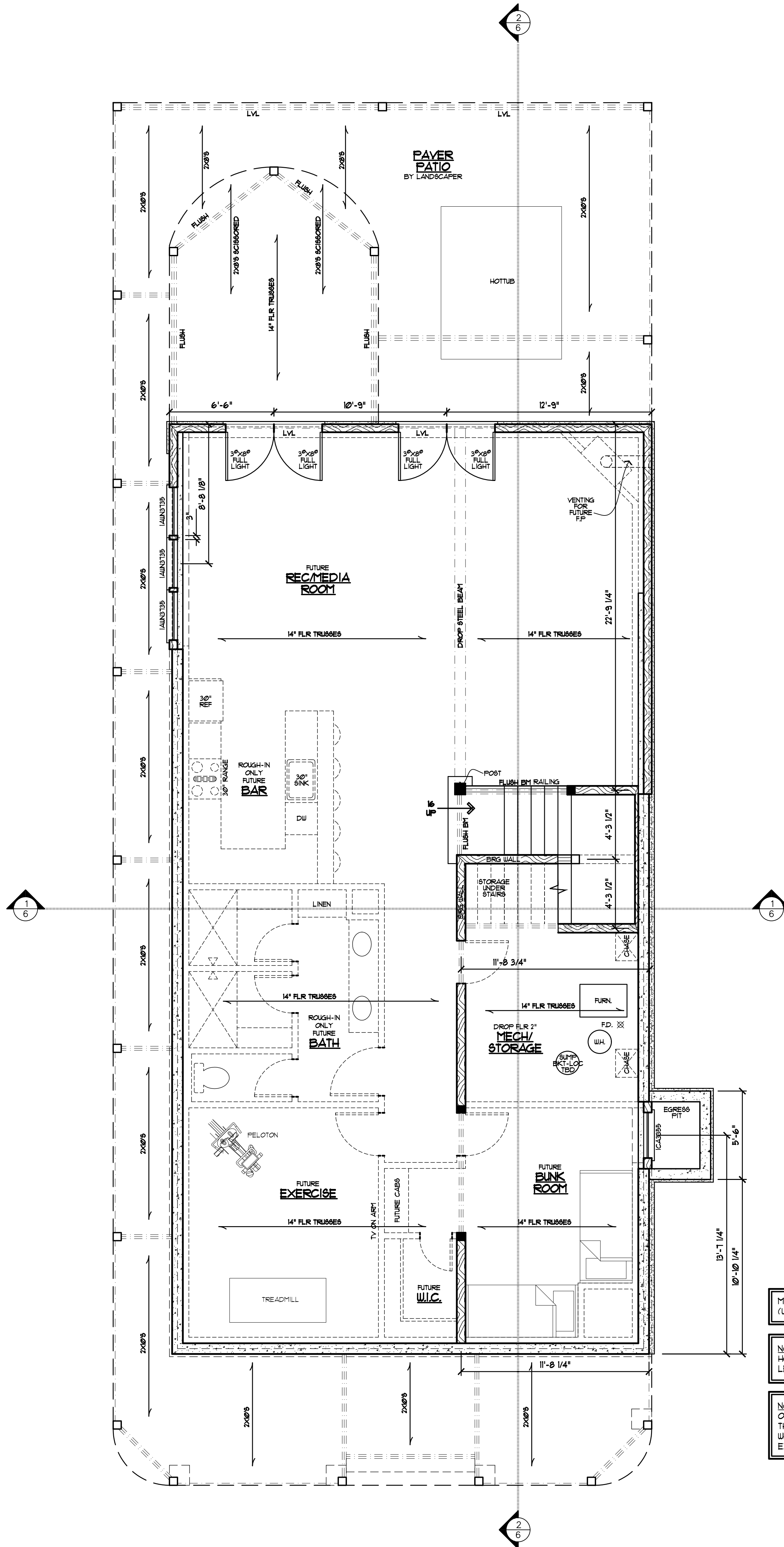
2 LEFT SIDE ELEVATION
SCALE: 1/4"=1'-0"



1 REAR ELEVATION
SCALE: 1/4"=1'-0"



FOUNDATION PLAN
SCALE: 1/4"=1'-0"



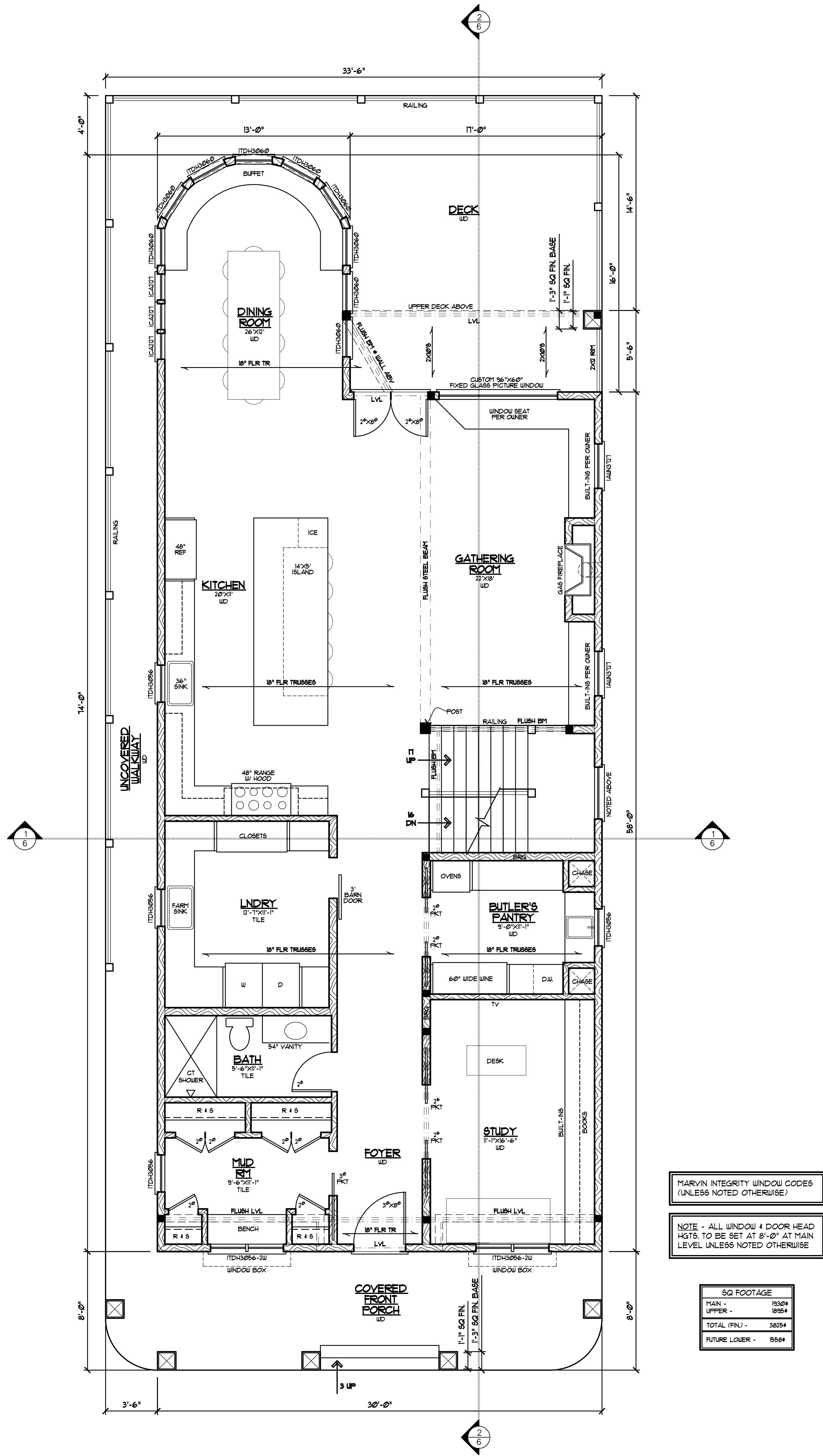
MARVIN INTEGRITY WINDOW CODES
(UNLESS NOTED OTHERWISE)

NOTE - ALL WINDOW & DOOR HEAD
HGTs. TO BE SET AT 8'-0" AT LWR
LEVEL UNLESS NOTED OTHERWISE

NOTE:
OFFSET EXTERIOR STUDS 1-1/2"
TO THE OUTSIDE FACE OF FOUNDATION
WHERE EXT. FND. INSUL. IS APPLIED,
EXCEPT WHERE NOTED.

SQ FOOTAGE	
MAIN -	1530#
UPPER -	1855#
TOTAL (FIN) -	3385#
FUTURE LOWER -	1558#

1
3 LOWER LEVEL FLOOR PLAN
SCALE: 1/4"=1'-0"

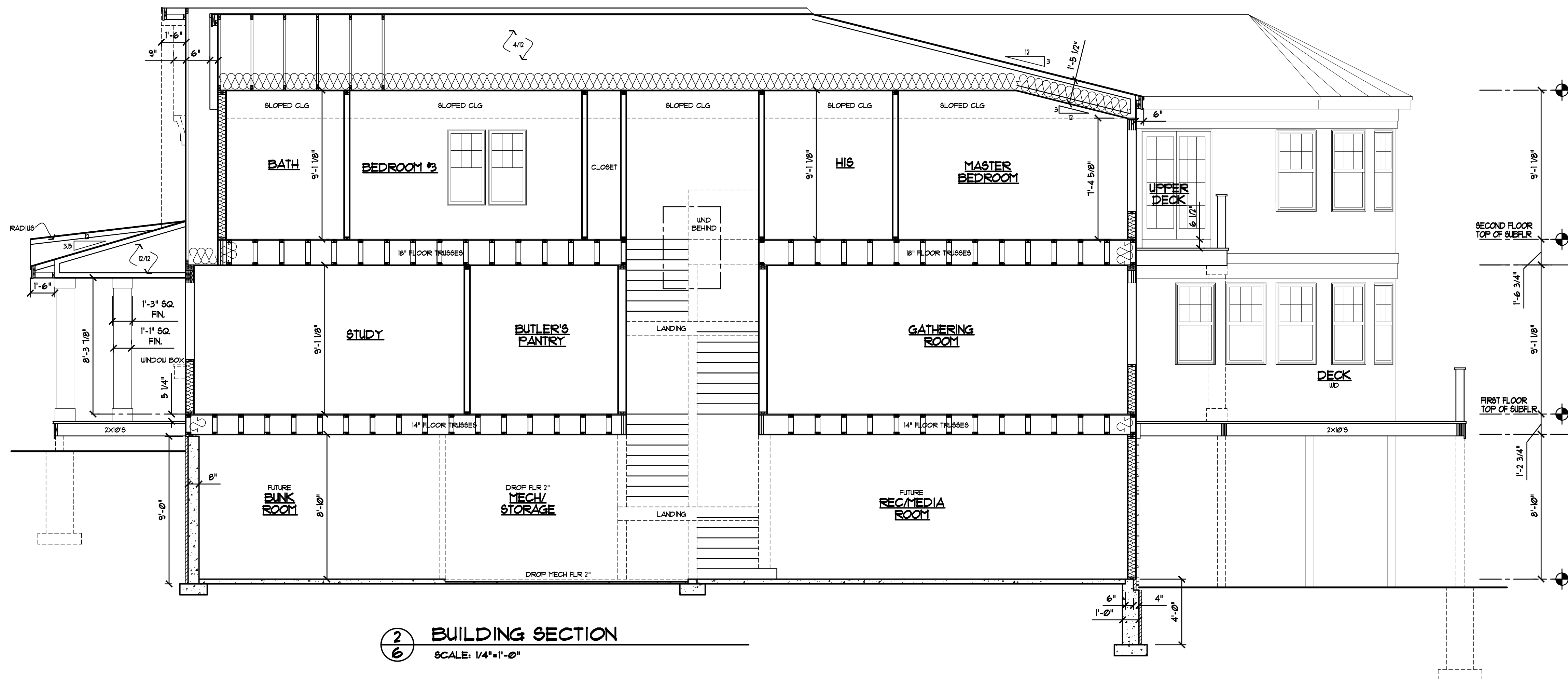


MARVIN INTEGRITY WINDOW CODES (UNLESS NOTED OTHERWISE)

NOTE - ALL WINDOW & DOOR HEAD HGTS. TO BE SET AT 8'-0" AT MAIN LEVEL UNLESS NOTED OTHERWISE

SQ FOOTAGE	
MAIN	7330#
UPPER	1929#
TOTAL (FNU)	3402#
FUTURE LOWER	1950#

1 MAIN LEVEL FLOOR PLAN
4 SCALE: 1/4" = 1'-0"



2
6 BUILDING SECTION
SCALE: 1/4"=1'-0"

NOTE:
THESE DESIGN DRAWINGS AND SPECIFICATIONS ARE INSTRUMENTS OF SERVICE AND AS SUCH REMAIN THE EXCLUSIVE PROPERTY OF ALEXANDER DESIGN GROUP, INC. AND ARE NOT TO BE COPIED, REPRODUCED, DISTRIBUTED OR USED FOR ANY OTHER PROJECT EXCEPT WITH THE WRITTEN CONSENT OF ALEXANDER DESIGN GROUP, INC.

NOTE:
ALEXANDER DESIGN GROUP, INC. ASSUMES NO RESPONSIBILITY FOR STRUCTURAL OR DIMENSIONAL ERRORS OR OMISSIONS. ALEXANDER DESIGN GROUP, INC. ASSUMES NO RESPONSIBILITY FOR THE WORKMANSHIP OF THE SUB-CONTRACTORS. THE CONTRACTOR AND/OR OWNER MUST VERIFY AND CHECK ALL NOTES, DETAILS, ELEVATIONS, SECTIONS & FLOOR PLANS AND NOTIFY ALEXANDER DESIGN GROUP, INC. OF ANY ERRORS OR OMISSIONS FOR POSSIBLE CORRECTION PRIOR TO THE START OF CONSTRUCTION. NO WARRANTIES, EXPRESS OR IMPLIED, INCLUDING COMPLIANCE OF THIS PLAN WITH APPLICABLE BUILDING CODE REQUIREMENTS, ARE MADE EXCEPT THOSE IN WRITING, SIGNED BY ALEXANDER DESIGN GROUP, INC. ALEXANDER DESIGN GROUP, INC. SHALL NOT BE LIABLE FOR ANY CONSEQUENTIAL OR INCIDENTAL DAMAGES.

ROOF CONSTRUCTION:
ROOF VENTS AS REQD. - 1/2"Ø.
ASPHALT SHINGLES - PER MANE INSTALL REQUIREMENTS.
FELT PAPER w/ ICE & WATER SHIELD.
5/8" OSB ROOF SHEATHING.
WOOD TRUSSES @ 24" O.C. - ENGINEERED BY SUPPLIER.
BAFFLE @ EACH TRUSS SPACE.
R-49 BLOW-IN INSULATION.
POLY VAPOR BARRIER - 6 MIL.
5/8" GYP. BD. CEILING.

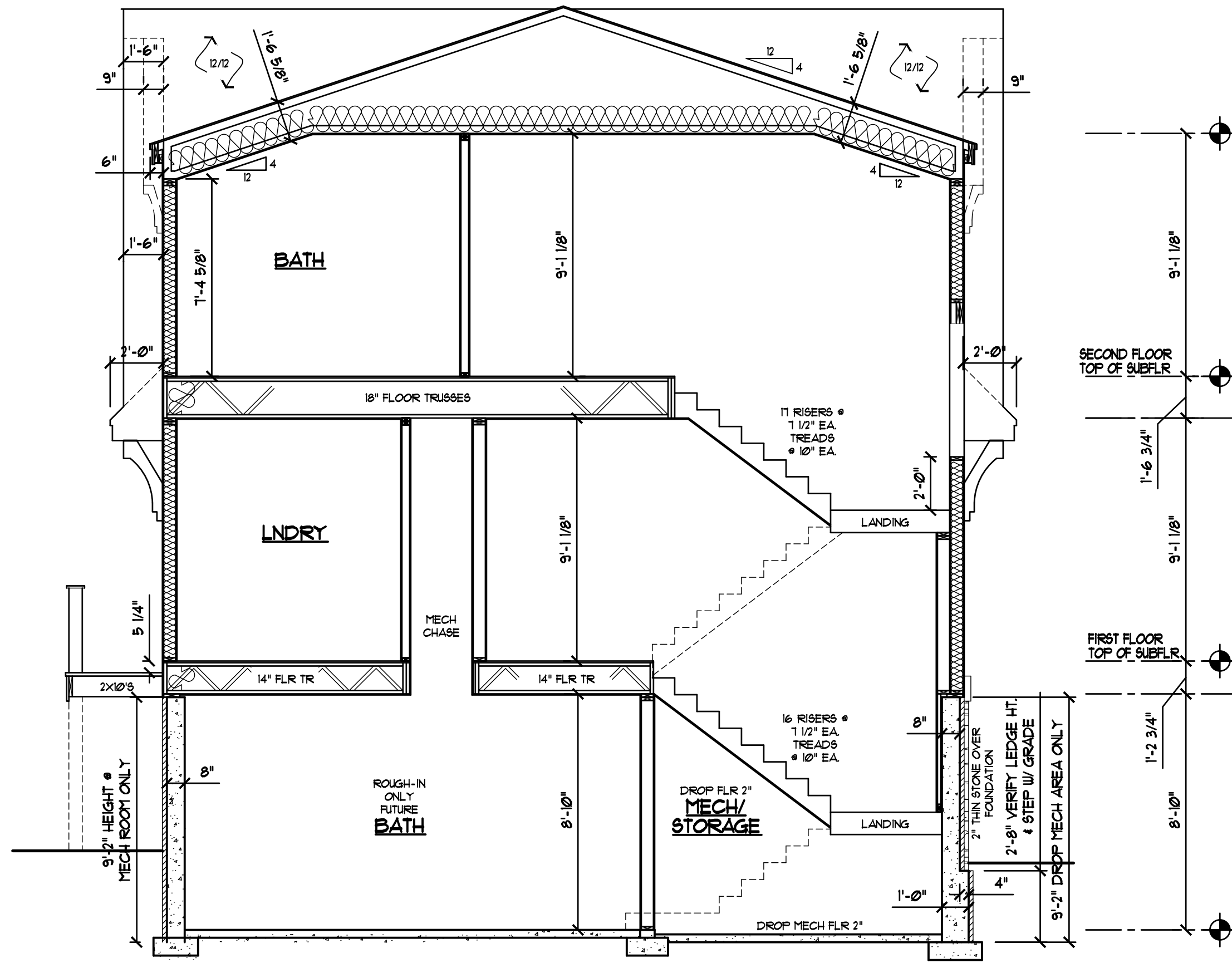
SOFFIT/FASCIA CONSTRUCTION:
HARDI SOFFIT w/ CONT. VENTS.
5/4" x 10" HARDI FASCIA BD.
5/4" x 3" HARDI TRIM BD.

WALL CONSTRUCTION:
SIDING/STONE PER ELEVATIONS.
2 LAYERS GRADE 10" BUILDING PAPER.
1/2" PL WOOD SHEATHING.
2x6 STUDS @ 16" O.C.
3" SPRAY 1" FOAM INSUL & SEALER - R-20 MIN OR FIBER GLASS Batts.
CONTINUOUS POLY VAPOR BARRIER - 6 MIL. - SEAL ALL SEAMS & PENETRATIONS.
1/2" GYP. BD. - TAPED, SANDED, PAINTED.

FLOOR CONSTRUCTION:
FINISHED FLOOR.
3/4" T. & G. PLYWOOD SUBFLOOR.
FLOOR TRUSSES (PER PLAN) @ 16" O.C. UNLESS OTHERWISE NOTED - OR PER TRUSS DESIGNER.
SPRAYED U-FOAM INSUL. @ R11 R-21.
5/8" GYP. BD. @ FINISHED AREAS.

FOUNDATION:
1/2" x 14" ANCHOR BOLTS @ 5' O.C. SEE ENGN. FOR DETAILS.
2x6 & 2x8 TREATED SILL & SEALER. SEE ENGN. FOR DETAILS.
8" W. FURRED CONG. WALLS MIN. - (SEE DETAILS & PLANS).
2x4 FLOORING @ 16" O.C. - HOLD OUT 1/2" FROM CONG. - 2x4 TRIM SILL PLATE.
R-15 INSUL & SEALER OR EQUAL.
8" x 16" CONG. FTG. w/ 2- #4's CONT. MIN. - (SEE DETAILS & PLANS).
WATCHDOG WATERPROOFING OR EQUAL.
3 1/2" CONG. SLAB.
2" RIGID INSULATION.
POLY VAPOR BARRIER.
INTERIOR AND EXTERIOR DRAIN TILE TO SUMP BUCKET.

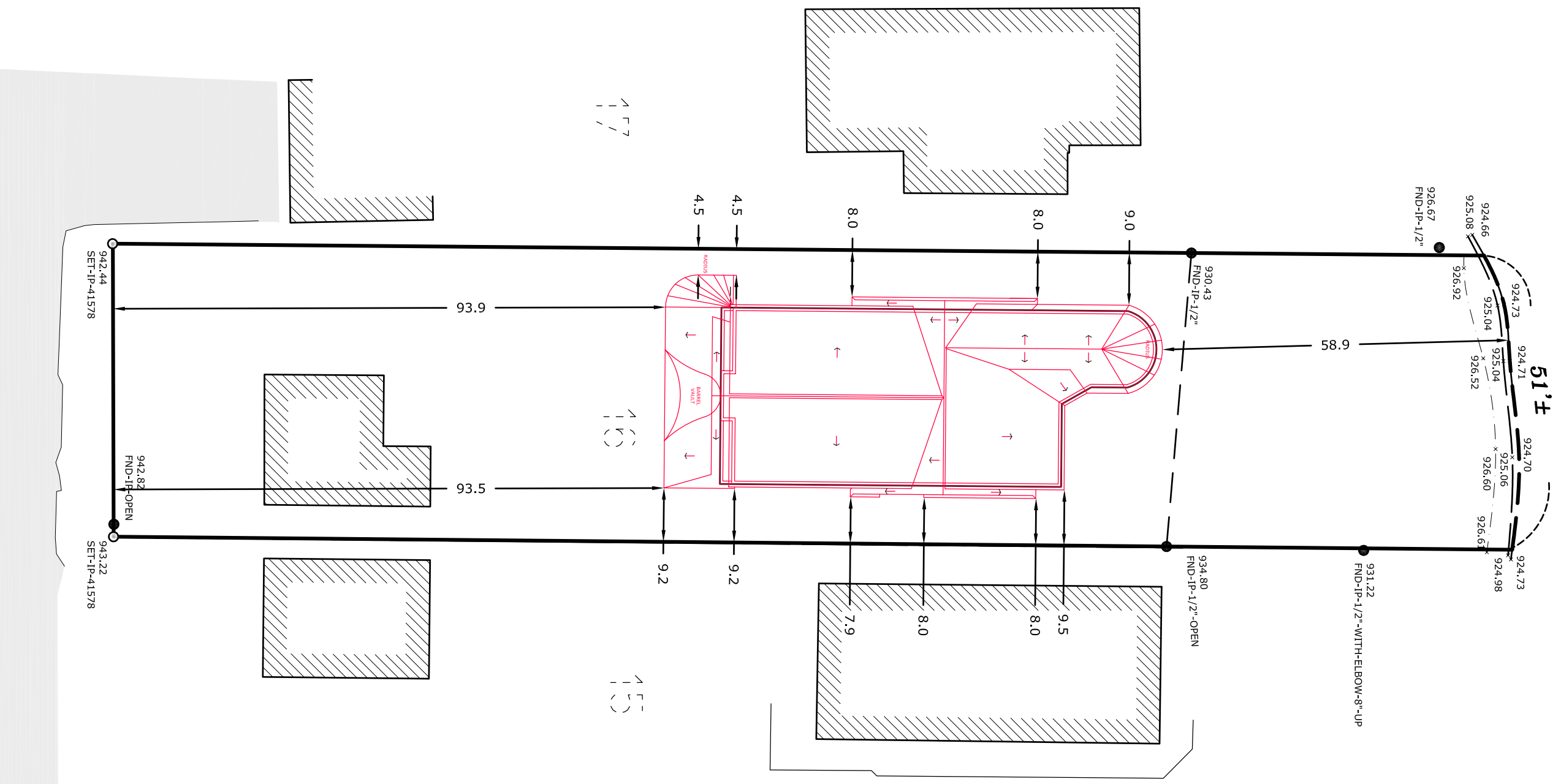
GENERAL CONSTRUCTION NOTES:
ALL EXTERIOR DIMENSIONS TAKEN FROM OUTSIDE OF SHEATHING.
EXTERIOR STUD OFFSET FROM FOUNDATION 1-1/4" OF FACE OF FOUNDATION WHERE EXTERIOR FOUNDATION INSULATION IS APPLIED, EXCEPT WHERE NOTED.
ALL DIMENSIONS SHALL HAVE PRECEDENCE OVER SCALED DRAWINGS.
ALL DIMENSIONS & CONDITIONS TO BE VERIFIED BY GENERAL CONTRACTOR.
ALL STRUCTURAL COMPONENTS & CONNECTIONS TO BE ENGINEERED BY SUPPLIER.
ALL WDW HEADERS TO BE 2-2x10 UNLESS OTHERWISE NOTED.
ALL WDW ABUTTING CONCRETE TO BE TREATED.
VERIFY ANGLES WITH FLOORPLANS (45° UNLESS OTHERWISE NOTED).
CONSTRUCTION SHOULD BE PERFORMED TO CURRENT STATE OF MINNESOTA BUILDING & ENERGY CODES AND TO LOCAL INDUSTRY STANDARDS & STANDARD INDUSTRY PRACTICES.
ALL WINDOWS AND DOORS SHOULD BE INSTALLED PER MANUFACTURER'S INSTALLATION REQUIREMENTS.
ALL STUCCO SHALL BE INSTALLED PER MINNESOTA LATH AND PLASTER BUREAU GUIDELINES.
ALL WEATHER RESISTIVE BARRIERS SHALL BE INSTALLED PER IRC SEC. R1032 AS AMENDED BY THE STATE OF MINNESOTA RULES SECTION 1309.0101.



1
6 BUILDING SECTION
SCALE: 1/4"=1'-0"

ROOF OVERHANG EXHIBIT

~for~ MICHELS CONSTRUCTION
 ~of~ 15 BIRCHWOOD LANE
 BIRCHWOOD, MN



Lot 16, BIRCHWOOD, Washington County, Minnesota.

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

Dated 11th day of February 2020.

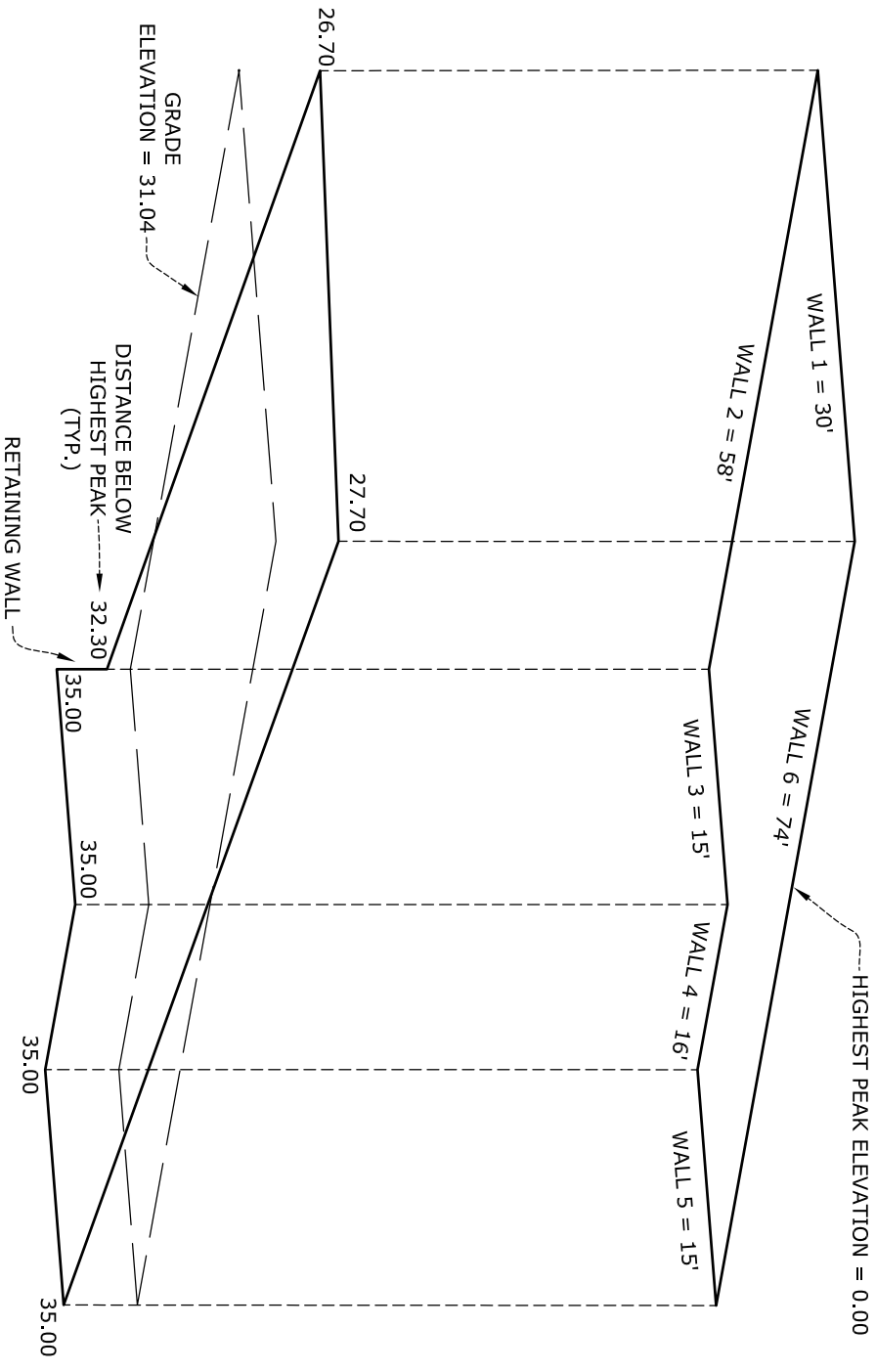
By: *[Signature]*
 Minnesota License No. 41578

BEARING DATUM: Washington		SCALE: 1" = 20'
REVISIONS		
1		JOB NO. 19696HS
2		DATE: 02-11-20
3		DRAWN BY: BCD
NO.	DATE	DESCRIPTION
		BY
		CREW: DT/CT

E. G. RUD & SONS, INC.
 Professional Land Surveyors
 6776 Lake Drive NE, Suite 110
 Lino Lakes, MN 55014
 Tel: (651) 361-8200 Fax: (651) 361-8701
 www.egrud.com

GRADE ELEVATION EXHIBIT (METHOD A)

~for~ MICHELS CONSTRUCTION
 ~of~ 15 BIRCHWOOD LANE
 BIRCHWOOD, MN



AVERAGE GRADE AROUND HOUSE CALC.

$$\begin{aligned} \text{WALL 1} &= \frac{27.70 + 26.70}{2} \times 30.00 = 816.00 \\ \text{WALL 2} &= \frac{26.70 + 32.30}{2} \times 58.00 = 1,711.00 \\ \text{WALL 3} &= \frac{35.00 + 35.00}{2} \times 15.00 = 525.00 \\ \text{WALL 4} &= \frac{35.00 + 35.00}{2} \times 16.00 = 560.00 \\ \text{WALL 5} &= \frac{35.00 + 35.00}{2} \times 15.00 = 525.00 \\ \text{WALL 6} &= \frac{35.00 + 27.70}{2} \times 74.00 = 2,319.90 \\ \hline \text{GRADE} &= \frac{6,456.90}{208.00} = 31.04 \end{aligned}$$

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

Jason E. RUP
 JASON E. RUP

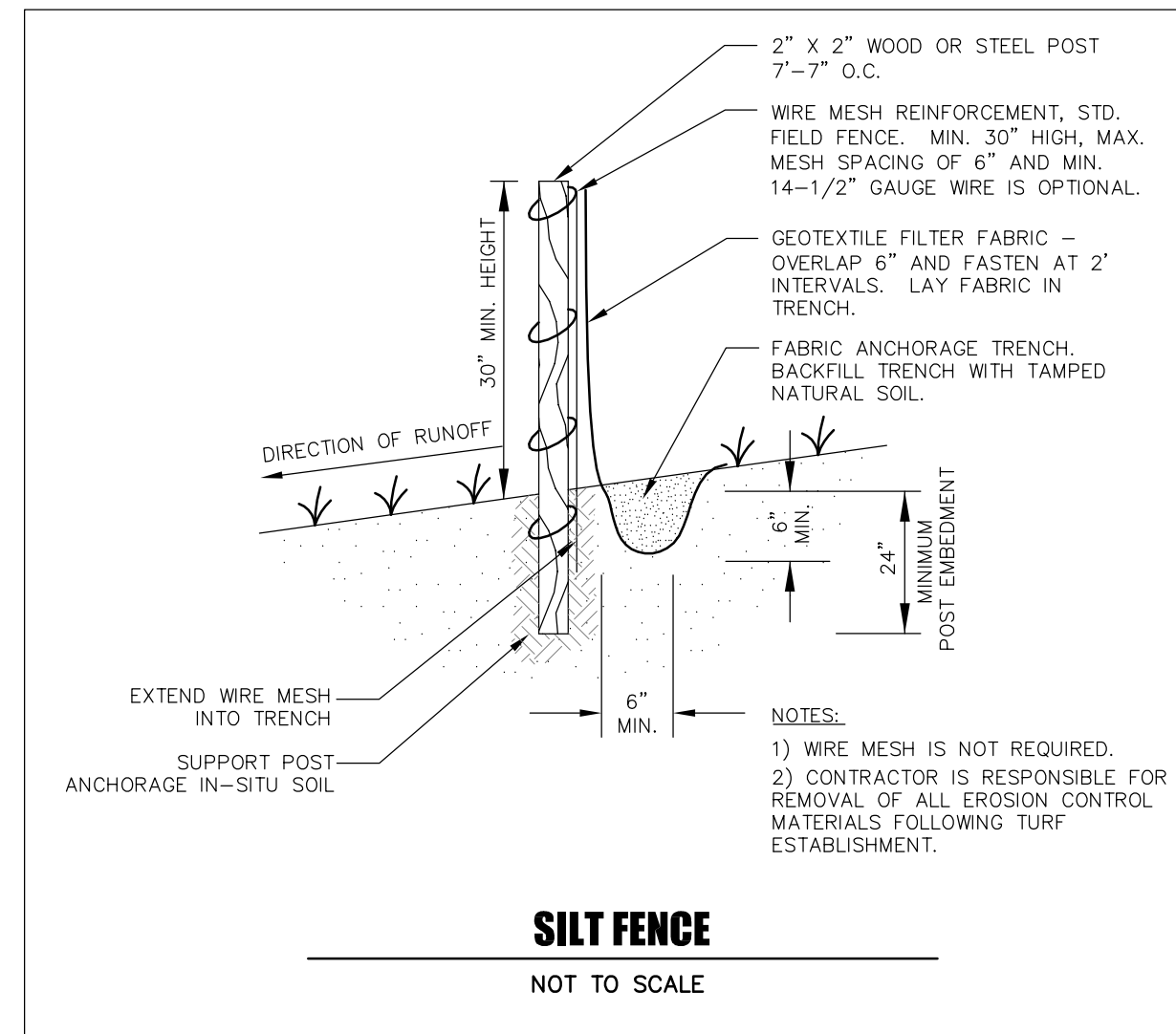
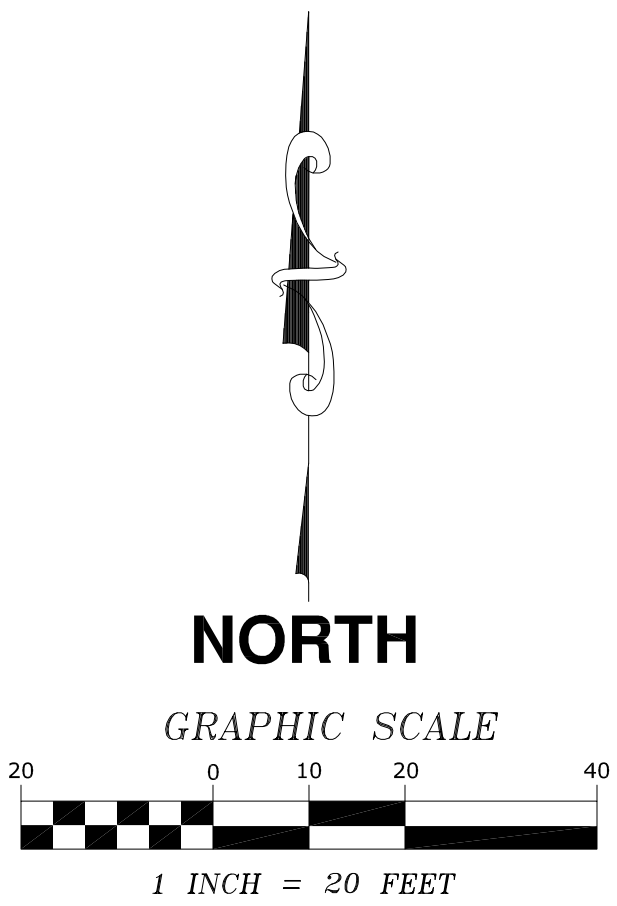
Date: 02/20/2020 License No. 41578

**Lot 16, BIRCHWOOD,
 Washington County, Minnesota.**

DRAWN BY:	BCD	JOB NO:	19696HS	DATE:	02/19/20
CHECK BY:	JER	FIELD CREW:	DT/CT		
NO.	DATE	DESCRIPTION			BY
1	02/20/20	CITY COMMENTS			BCD
2					
3					

CERTIFICATE OF SURVEY

~for~ MICHELS CONSTRUCTION
 ~of~ 15 BIRCHWOOD LANE
 BIRCHWOOD, MN



SILT FENCE
NOT TO SCALE

LEGEND

- DENOTES IRON MONUMENT FOUND
- DENOTES IRON MONUMENT SET
- ▲ DENOTES FOUND PKNAIL
- 1011.2 DENOTES EXISTING ELEVATION
- DENOTES AIR CONDITIONING UNIT
- DENOTES ELECTRICAL BOX
- DENOTES GUY WIRE
- DENOTES HYDRANT
- DENOTES POWER POLE
- DENOTES RETAINING WALL
- DENOTES OVERHEAD WIRE
- DENOTES SILT FENCE
- DENOTES BITUMINOUS SURFACE
- DENOTES PROPOSED PAVER SURFACE

TREE DETAIL

- DENOTES ELEVATION
- DENOTES TREE QUANTITY
- DENOTES TREE SIZE IN INCHES
- DENOTES TREE TYPE

BENCHMARK

TOP NUT OF HYDRANT AT EAST COUNTY LINE ROAD AND BIRCHWOOD LANE.
 ELEVATION = 948.45 (NGVD 29)

NOTES

- Field survey was completed by E.G. Rud and Sons, Inc. on 09/06/19.
- Bearings shown are on Washington County datum.
- Parcel ID Number: 19-030-21-33-0019.
- Curb shots are taken at the top and back of curb.
- This survey was prepared without the benefit of title work. Additional easements, restrictions and/or encumbrances may exist other than those shown hereon. Survey subject to revision upon receipt of a current title commitment or an attorney's title opinion.

(10 AND 9 FOOT POURED WALL WALKOUT)

PROPOSED ELEVATIONS

MAIN FLOOR = 942.89
 TOP OF 10 FOOT WALL = 942.7
 LOWEST FLOOR = 933.2
 TOP OF FOOTING = 932.7

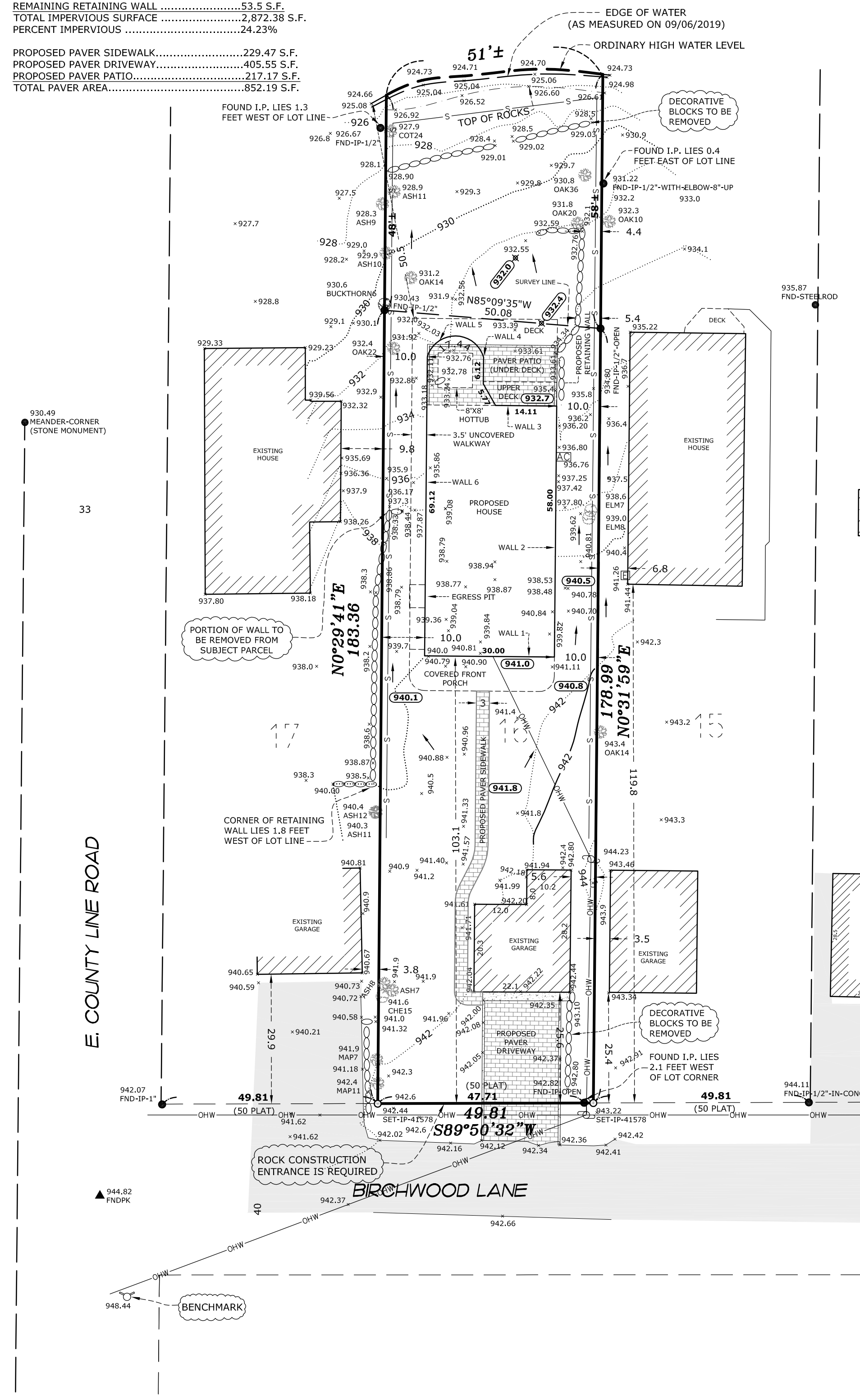
PROPOSED SITE PLAN

PROPOSED IMPERVIOUS SURFACE CALCULATIONS

TOTAL LOT AREA (ABOVE OHWL)11,854 S.F.
 PROPOSED HOUSE + COVERED PORCH2,206.50 S.F.
 EXISTING GARAGE530.87 S.F.
 EXISTING + PROPOSED CONCRETE81.51 S.F.
 REMAINING RETAINING WALL53.5 S.F.
 TOTAL IMPERVIOUS SURFACE3,872.38 S.F.
 PERCENT IMPERVIOUS24.23%

PROPOSED PAVER SIDEWALK229.47 S.F.
 PROPOSED PAVER DRIVEWAY405.55 S.F.
 PROPOSED PAVER PATIO217.17 S.F.
 TOTAL PAVER AREA852.19 S.F.

WHITE BEAR LAKE
 OHWL = 924.7
 (NGVD 29)

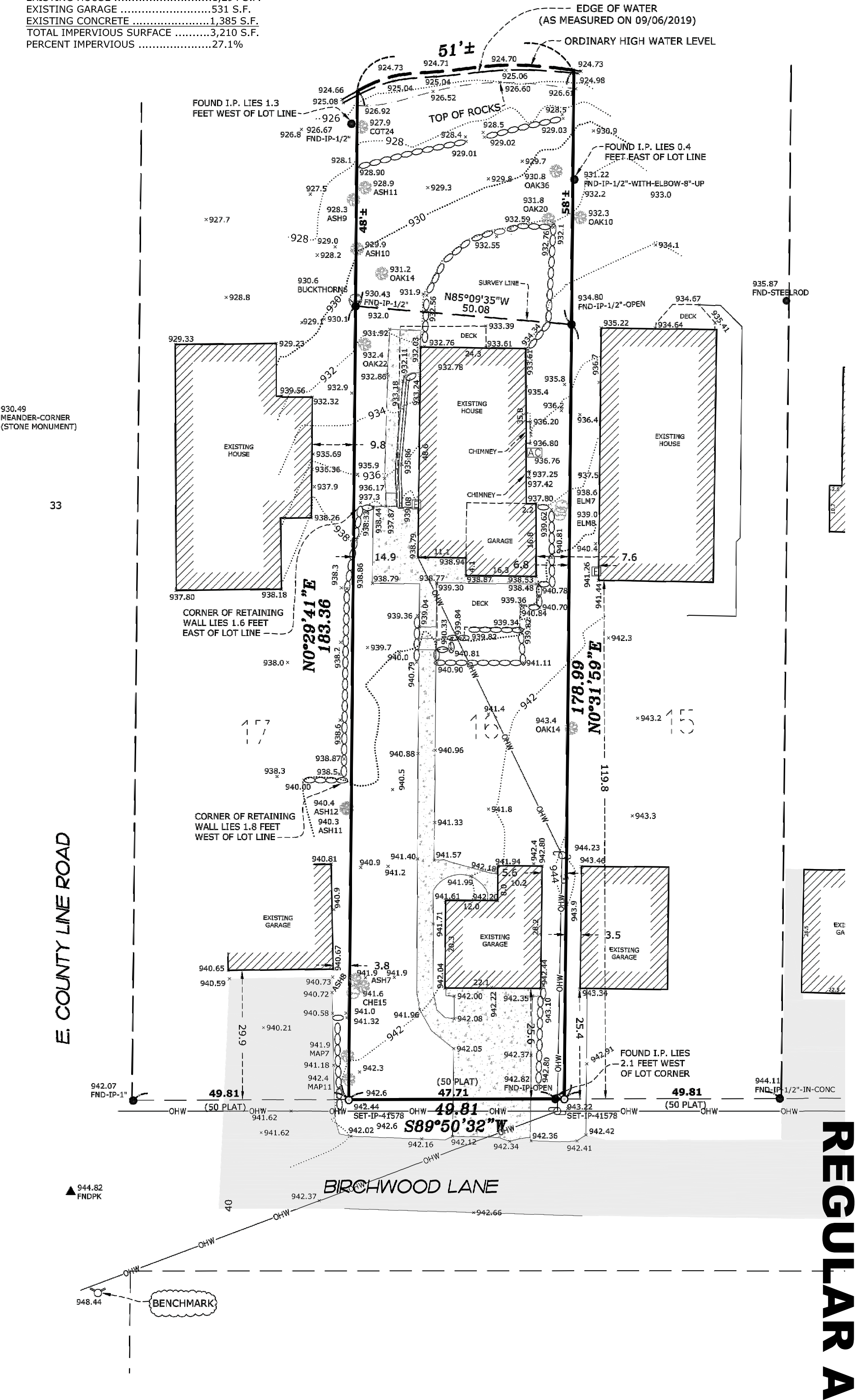


EXISTING CONDITIONS

EXISTING IMPERVIOUS SURFACE CALCULATIONS

TOTAL LOT AREA (ABOVE OHWL)11,854 S.F.
 EXISTING HOUSE1,294 S.F.
 EXISTING GARAGE531 S.F.
 EXISTING CONCRETE1,385 S.F.
 TOTAL IMPERVIOUS SURFACE3,210 S.F.
 PERCENT IMPERVIOUS27.1%

WHITE BEAR LAKE
 OHWL = 924.7
 (NGVD 29)



REGULAR A

E. G. RUD & SONS, INC.
 Professional Land Surveyors
 6776 Lake Drive NE, Suite 110
 Lino Lakes, MN 55014
 Tel. (651) 361-8200 Fax (651) 361-8701

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

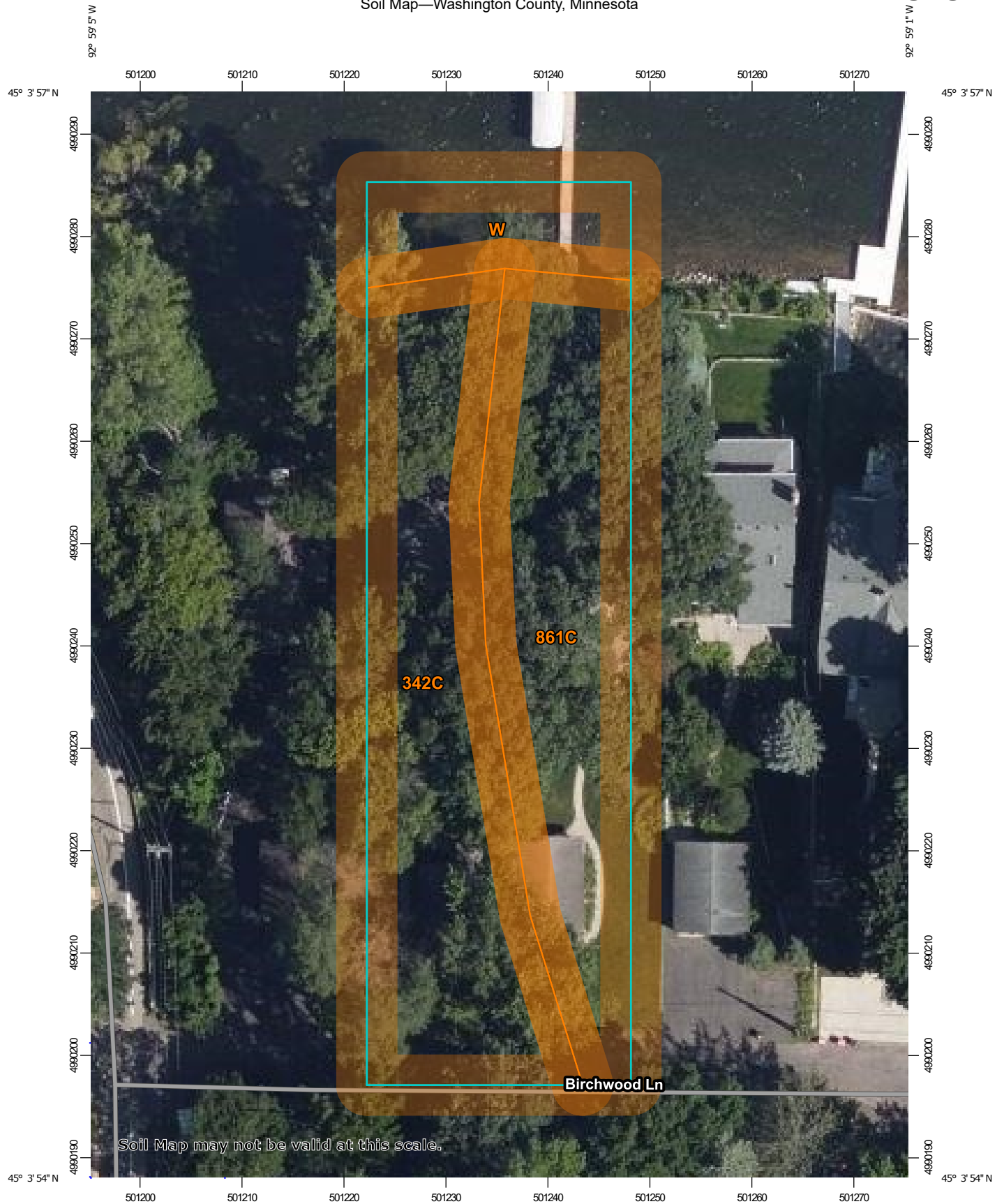
Jason E. Rud
 JASON E. RUD
 Date: 05/07/2020 License No. 41578

NO.	DATE	DESCRIPTION	BY
1	01/10/20	ADDED PROPOSED HOUSE	BCD
2	01/27/20	ADD SIDEWALK/PVC DRAINAGE	BAB
3	01/29/20	IMPERVIOUS EXHIBIT	BCD
4	02/10/20	UPDATED HOUSE PLAN	BCD
5	02/19/20	UPDATED AVERAGE GRADE CALC.	BCD
6	02/20/20	CITY COMMENTS	BCD
7	04/02/20	CLIENT COMMENTS	BCD
8	04/21/20	CLIENT COMMENTS	BCD
9	04/22/20	CLIENT COMMENTS	BCD
10	04/24/20	CLIENT COMMENTS	BCD
11	05/07/20	CLIENT COMMENTS	BCD

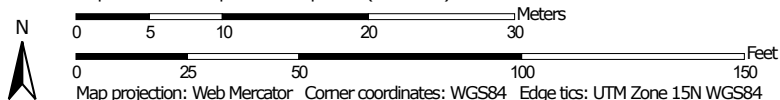
Lot 16, BIRCHWOOD, Washington County, Minnesota.

REGULAR A PAVER SYSTEM

Soil Map—Washington County, Minnesota



Map Scale: 1:517 if printed on A portrait (8.5" x 11") sheet.




Natural Resources
Conservation Service

Web Soil Survey
National Cooperative Soil Survey


3/27/2020
Page 1 of 3

MAP LEGEND

Area of Interest (AOI)

 Area of Interest (AOI)

Soils

 Soil Map Unit Polygons

 Soil Map Unit Lines

 Soil Map Unit Points

Special Point Features



Blowout



Borrow Pit



Clay Spot



Closed Depression



Gravel Pit



Gravelly Spot



Landfill



Lava Flow



Marsh or swamp



Mine or Quarry



Miscellaneous Water



Perennial Water



Rock Outcrop



Saline Spot



Sandy Spot



Severely Eroded Spot



Sinkhole



Slide or Slip



Sodic Spot



Spoil Area



Stony Spot



Very Stony Spot



Wet Spot



Other



Special Line Features

Water Features



Streams and Canals

Transportation



Rails



Interstate Highways



US Routes



Major Roads



Local Roads

Background



Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:15,800.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service

Web Soil Survey URL:

Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Washington County, Minnesota

Survey Area Data: Version 15, Sep 16, 2019

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Aug 8, 2019—Aug 9, 2019

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
342C	Kingsley sandy loam, 6 to 12 percent slopes	0.3	48.1%
861C	Urban land-Kingsley complex, 3 to 15 percent slopes	0.2	41.4%
W	Water	0.1	10.5%
Totals for Area of Interest		0.6	100.0%



Map Unit Composition

Map units consist of 1 or more soil types, commonly referred to as "components".

Component Name	Geomorphic Position	Area Fraction	Component Type	Horizon Data
Soil Type 1 Kingsley	<i>moraines / Shoulder</i>	90%	Major Soil Type	YES
Soil Type 2 Freeon		4%	Inclusion	Similar Data [1]*
Soil Type 3 Ronneby		3%	Inclusion	None
Soil Type 4 Rosholt		3%	Inclusion	Similar Data [2]*

Note: links to horizon data marked with an * are approximate.

Map Unit Data [What is a Map Unit?](#)

Cartographic information about this map unit.

Map Unit Name:	<i>Kingsley sandy loam, 6 to 12 percent slopes</i>
Map Unit Type:	Consociation
Map Unit Symbol:	342C
Map Unit Area:	<i>1858 acres total in survey area</i>

[Raw Map Unit Data](#)
[Raw Component Data \(All Components\)](#)

Map Unit Aggregated Data

Generalized soils information within this map unit.

Farmland Class:	<i>Farmland of statewide importance</i>
Available Water Storage (0-100cm):	<i>14.47 cm</i>
Max Flood Freq:	<i>None</i>
Drainage Class (Dominant Condition):	Well drained
Drainage Class (Wettest Component):	Well drained
Hydric Conditions:	<i>0</i>
[Annual] Min. Water Table Depth:	<i>n/a</i>
[April-June] Min. Water Table Depth:	<i>n/a</i>
Min Bedrock Depth:	<i>n/a</i>

[Raw Aggregated Map Unit Data](#)

Associated Point Data

Links to any NSSL point data within this map unit.



Map Unit Composition

Map units consist of 1 or more soil types, commonly referred to as "components".

Component Name	Geomorphic Position	Area Fraction	Component Type	Horizon Data
Soil Type 1 Urban land	<i>moraines / Shoulder</i>	60%	Major Soil Type	None
Soil Type 2 Kingsley	<i>moraines / Shoulder</i>	35%	Major Soil Type	YES

Note: links to horizon data marked with an * are approximate.

Map Unit Data [What is a Map Unit?](#)

Cartographic information about this map unit.

Map Unit Name: *Urban land-Kingsley complex, 3 to 15 percent slopes*

Map Unit Type: [Complex](#)

Map Unit Symbol: 861C

Map Unit Area: 9570 acres total in survey area

[Raw Map Unit Data](#)

[Raw Component Data \(All Components\)](#)

Map Unit Aggregated Data

Generalized soils information within this map unit.

Farmland Class: *Not prime farmland*

Available Water Storage (0-100cm): 14.78 cm

Max Flood Freq: *None*

Drainage Class (Dominant Condition):

Drainage Class (Wettest Component): [Well drained](#)

Hydric Conditions: 0

[Annual] Min. Water Table Depth: *n/a*

[April-June] Min. Water Table Depth: *n/a*

Min Bedrock Depth: *n/a*

[Raw Aggregated Map Unit Data](#)

Associated Point Data

Links to any NSSL point data within this map unit.

Rainfall Distribution for 100-year storm

0.05 hour increments

15 Birchwood Lane

22april2020

Rainfall Intensity Hydrograph - 100yr Rainfall Event Distribution

Time	Rainfall Intensity		Time	Rainfall Intensity above 3 in/hr	Average Rate	Total Rainfall above 3 in/hr
[hr]	[in/hr]		[hr]	[in/hr]	[in/hr]	[in]
11.8	2.5	>	0	-0.5		
11.85	3.55	>	0.05	0.55	0.025	0.00125
11.9	3.55	>	0.1	0.55	0.55	0.0275
11.95	6.69	>	0.15	3.69	2.12	0.106
12	6.69	>	0.2	3.69	3.69	0.1845
12.05	12.18	>	0.25	9.18	6.435	0.32175
12.1	12.18	>	0.3	9.18	9.18	0.459
12.15	3.55	>	0.35	0.55	4.865	0.24325
12.2	3.55	>	0.4	0.55	0.55	0.0275
12.25	2.5	>	0.45	-0.5	0.025	0.00125
CUMULATIVE:						1.372

48-hour Drawdown Capacity Calculation

Infiltration Rate:	0.2 in/hr
Drawdown Duration:	48 hr
Rainfall Depth Accomodated:	9.6 in
100-yr Rainfall Depth:	7.36 in

Borgert Paver Calculations

Sherwood Residence

15 Birchwood Lane

03april2020

Section	Thickness [in]	Void Ratio	Storage Capacity [CI/SF]
Paver	3.125	0.13	0.41
Bedding Course	1.75	0.3	0.53
Base Reservoir	4	0.3	1.20
Subbase Reservoir	15	0.4	6.00
			<hr/> 8.13
Atlas 14 100-yr Rainfall Depth:			7.36
Excess Capacity in Designed System:			0.77

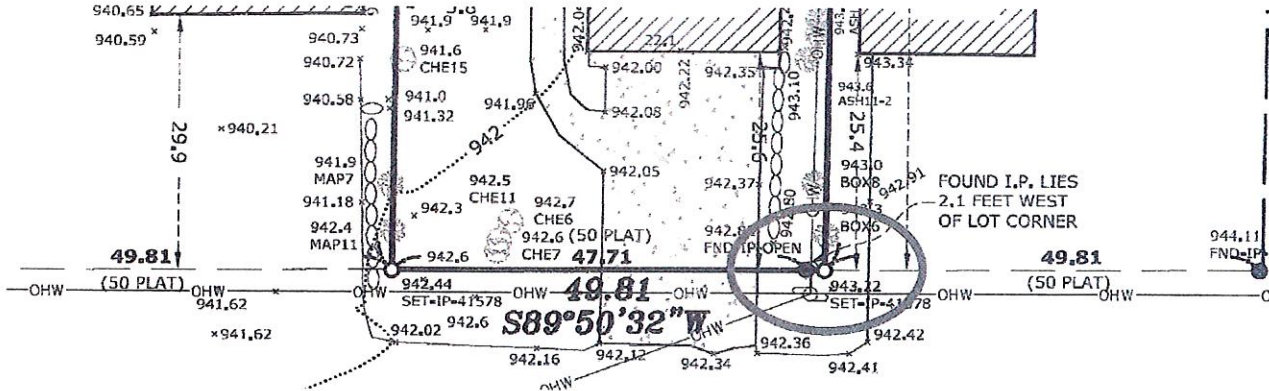
Tobin Lay
City Administrator-Clerk
207 Birchwood Avenue
City of Birchwood Village, MN 55110

April 20, 2020

**REGULAR A
PROPERTY PIN**

Dear Tobin,

As you are aware, the recent survey of our property, located at 15 Birchwood Lane, City of Birchwood Village, Minnesota, identified a discrepancy in the location of a property corner monument. This monument is a pin located at the southeast corner of the lot. An enlargement of the pin location from the full survey is shown below.



The survey was completed by E.G. Rud & Sons. Jason Rud located a 1901 survey of the three lots referenced in his survey. The 1901 survey showed all three lots measuring 50 feet wide. With the correct pin location, the modern-day measurements reveal all three lots are 49.81 feet wide. There is a utility pole located very close to the pin location that is a likely reason the pin was disturbed.

Kathy and I have discussed these details with the owners of 19 Birchwood Lane, Todd and Amanda Stanhope. Having reviewed the details above and walking the property, Todd and Amanda are satisfied that the new pin placed by Jason Rud during the latest survey is in the correct location, and each of our lots is exactly 49.81 feet wide.

As a result, the Sherwoods and Stanhopes collectively agree that there is no property dispute between us. Please take this letter, signed by all parties, as confirmation of alignment.

Greg Sherwood

[Signature]
4-20-20

Kathy Sherwood

[Signature]
4-20-20

Dr. Todd Stanhope

[Signature]

Amanda Stanhope

[Signature]

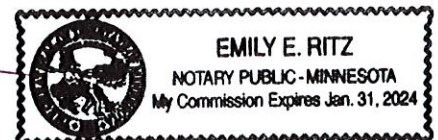
State of Minnesota
County of Ramsey
on 5th May 2020
Signed By Todd Stanhope &
Amanda Stanhope.

[Signature]
Notary Public

Best Regards,

Greg Sherwood

[Signature]



RESOLUTION NO. 2020-18

**RESOLUTION APPROVING A VARIANCE FROM
THE CITY OF BIRCHWOOD VILLAGE ZONING CODE
FOR 15 BIRCHWOOD LANE**

WHEREAS, a proposal (20-01-VB) has been submitted by Greg and Kathy Sherwood to the City Council requesting a variance from the City of Birchwood Village at the following site:

ADDRESS: 15 Birchwood Lane

WHEREAS, THE APPLICANT SEEKS THE FOLLOWING:

1. A 3.5' (42") variance from the 10-foot sideyard setback requirement for a suspended deck walkway from the front yard to the back deck (attached to the principal structure), per 302.020;
2. A 3.5' (42") variance from the 2-foot eave exception in 302.020.1 to allow the entire front porch to be covered;
3. A 1'2" (26") variance from the 30-foot structure height limitation, per 302.045; and

WHEREAS, the Planning Commission has held a public hearing as required by the City Zoning Code on January 23 and February 20, 2020; and

WHEREAS, the request was determined to be in harmony with the general purposes and intent of the ordinance; be consistent with the comprehensive plan; have special conditions or circumstances to the land, structure, or building; conditions were not created by the property owner's action or design solution; and

WHEREAS, the decision to grant the variance will result in no increase in the amount of water draining from the property; 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; and was not made simply because there were no objections or because those who do not object outnumber those who do; and

WHEREAS, either reasonable use for the property was not found to exist under terms of the Zoning Code or if reasonable use of the property was found to exist, financial gain or loss by the property owner was not considered; and

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Birchwood Village after reviewing the proposal, that the City Council accepts and adopts the findings of the Planning Commission as previously explained.

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

1. All application materials, maps, drawings and descriptive information submitted with this application shall become part of this permit. All materials submitted with this approved variance shall constitute minimal compliance standards and any changes to such shall render this permit voidable.
2. Per Section 304.090, the variance shall become null and void if the project has not been completed or utilized within one (1) year after the date it was granted, subject to petition for extension by the City Council.
3. The applicant shall obtain a building permit prior to beginning construction and the construction shall be subject to the satisfaction and approval of the Building Official and City Planner.
4. The applicant shall verify their property lines and have the property pins exposed at the time of inspection.
5. Land alteration may not cause adverse impact upon or result in additional drainage onto abutting property or White Bear Lake.
6. The applicant shall confirm with the power company the necessary distance from the overhead power lines prior to construction if needed.

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

Ayes:

Nays:

Mary Wingfield, Mayor

ATTEST:

Tobin Lay, City Administrator

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

Applicant's Signature

Date

Birchwood Dock Association Slip Filling Recommendations

Provided: 03-MAY-2020

By: David Heiden, BDA President

To: Birchwood Village City Council

Birchwood City Council,

On 26-Mar-2020, Tobin Lay informed the Birchwood Docks Association (BDA) that the City Council will be looking into amending Sec. 617 to ensure the slips are filled up each year. The BDA and City Council are very much aligned and in agreement that filling all available dock slips is in the best interests of both the BDA and Birchwood City Council. Keeping all the slips filled each year is crucial for ensuring BDA dues per slip holder remain economical, while also allowing for adequate funding to maintain and replace the docks as needed. The BDA also understands that the city uses fees from slip holders to fund the 804 Parks Special Revenue Fund, and therefore, has an interest in keeping the slips at 100% capacity. Tobin specified that City Council would like BDA to offer some suggestions to this effect. The response to that request is laid out below.

Preface

New Slip holder Target Market Limitations:

It is important to first note that the BDA has a limited target market for new slip holders. BDA slip holders and wait list members already include nearly 10% of all Birchwood Village households, with 23 slips having been filled for 2020 as of 30-Apr-2020. We have an additional six households on the wait list, who either passed for the year or are waiting for a position at Birch Beach for a boat greater than 19 feet in length. Additionally, we have verbal interest in the remaining available slip for this season. I do not know the numbers surrounding % household involvement rates in other amenities provided by the city, particularly those that involve for-use fees, but I am already proud that the BDA encompasses such a large portion of all Birchwood Village households.

The BDA is limited to slip holders whose households are within Birchwood Village, but we are further limited in potential new slip holders due to other constraints. From 357 total households in Birchwood Village, we can subtract the following subsets of residents who we can reasonably not expect to sign up for a new slip:

- Households with lakeshore already attached to their property (Approximately 70-75)
- Households currently with slips, or on the wait list (Approximately 30).
- Households with frequent access to a personal cabin, slip a boat elsewhere, or otherwise do not see value in maintaining a second boat slip with the BDA (Approximately 80).¹
- Households who have boats longer than permitted in the BDA and therefore must slip elsewhere (Approximately 5-10).
- Households who were previously slip holders with the BDA within the last few years, and chose not to renew (for various reasons) (Approximately 10).

¹ This number may be hard to capture, based on the assumption that a quarter of residents have access to a cabin, although that number may be even higher. A quarter of Birchwood Village households is approximately 80 households.

Target New Slipholder Makeup

Using 357 total households in Birchwood Village, per the Birchwood website², and based on the assumptions above, there are approximately 150 households in Birchwood Village that are potential new slip holders whom we can market to. Understanding the target market of new slip holders is key to determining what changes can be made to attract potential new slip holders. As it is understood by the BDA, our target market of new slip holders meet the following criteria:

- Household willing to have a boat under the designated length limits when typical boats are getting larger
- New households moving into Birchwood Village who have likely been sold on White Bear Lake access
- Households who have the time and finances to maintain a slip, lift and boat
- Households who see the value of maintaining a slip with the BDA over a private marina on White Bear Lake
- Households who have some community involvement or community attachment, preferring to slip their boat with the communal BDA over a private marine that provides additional benefits.
- Households who have had positive experiences with the BDA and want to return.

² [2030 Plan Link](#)

Recommendations to 617:

Recommendation 1: Increase Slips for Longer Boats (Changes to 617.380(6))

We have an increase in demand for longer boat slips that only Birch beach can support. We currently have two wait list members waiting for slips at Birch and we have given out estimates of 2-3 year waits to potential new slip holders interested in Birch Beach. We have received information requests for boats up to 25' in length, which have had to be turned away. It is my understanding that these boat owners then go to private marinas that can accommodate them. The BDA understands that there will always be limits on boat lengths that we can accommodate due to the easement widths and maintaining good relationships with the lakeshore-owning neighbors. However, the BDA does advise reconsidering length limits on certain easements to be inclusive of longer boats where feasible.

Birch Beach, with its' 75-foot frontage on the lake, has been able to support the larger pontoons and ski boats that are becoming increasingly more popular. The BDA suggests that Elm and Dellwood could support slightly larger boat limits as well. Allowing boat lengths up to 21' at those two additional docks would allow for nine additional slips to be available for boats 19-21' in length. This would allow more of the Birch Beach wait list members to take the slip vacancies and shorten the wait list overall.

The BDA recommends increasing the limits set forth in 617.380(6) for Birch Beach to 25' boats and increasing Elm and Dellwood beaches to 21'.

Recommendation 2: Larger number of slips allowable on Birch Beach (Changes to 617.370(12))

As previously stated, we have an increase in demand for longer boat slips that only Birch beach can support. Birch Beach's longer lakeshore could allow for longer boat lengths, but it could also allow for a larger dock or a different dock configuration to accommodate more slips of the same sizes. While 617.370(12) does allow for up to 10 slips at Birch Beach, the current straight dock design and length that the BDA utilizes can only accommodate up to eight slips per season. The BDA has done initial investigation and discussion into potentially adding a "T" or "L" to the dock to accommodate additional boats.

The BDA recommends that 617.370(12) is amended to allow for two additional slips at Birch Beach, for 12 total.

The BDA recommends that the City Council consider allowing a future dock configuration which could allow for additional slips to be placed at Birch Beach, pending WBLCD approval.

Recommendation 3: Minimize City Fee Increases (Changes to 617.360)

The city's fees have increased significantly in recent years. Our target market for new slip holders are those who can financially maintain a boat but are also looking for the most cost-efficient option that is also convenient. BDA slip holders understand that they are receiving a value for their slip fees, but that they are not receiving the same benefits they may elsewhere.

Our slip holders understand the financial and community benefits:

- They are paying less for their slip with the BDA than they would at a private marina on White Bear Lake.
- They are a part of a community organization with a net positive in the community

Our slip holders also understand the financial and organizational disadvantages:

- They are required to carry additional insurances
- They must supply their own a boat lift (including delivering it for the first year)
- They do not have access to other accommodations provided by a private marina (such as lighting, power, or gas on-site).
- They are part of a community organization with a volunteer executive board, not a full-time staff (and may be asked to volunteer to continue the community organization)
- Prior to the drafting of 617, the BDA was a known point of contention within community politics, even among new households to the neighborhood.

The BDA knows that our slip holders have weighed the pros and cons listed above and have chosen to slip their boat with the BDA in Birchwood Village. Keeping slip holder dues, and therefore city fees, to a minimum is key to ensuring that decision is one in favor of the BDA and Birchwood Village. In order to meet that requirement, the BDA attempts to keep slip fees as low as possible to maintain a net zero balance year over year. The BDA has strict twice annual oversight of its' budget and follows the dues collections constraints outlined in 617.330 (2). Limits on maximum city fees could also be constrained through 617 changes to allow for a maximum total slip fee.

The BDA recommends amending 617.360 to include a subpart following 617.330(2) that constrains additional fees paid per slip holder to the city up to a total slip fee no greater than an agreed upon percentage of the median private marina on White Bear Lake for equivalent size boats.

The BDA recommends amending 617.360 to tie increases in slip fees against published long-term plans to be paid out of the Special Parks Fund laid out in 804.

Recommendation 4: Alteration of Slip Renewal Dates (617.370(1-4))

The BDA relies on returning slip holders to return to the wait list and renew boat slips for an additional six-year term. The BDA loses 1% of its' total slip holder market for every four households who forfeit or do not want to return to the BDA. Knowing that our target audience is already limited, we must continue to meet the needs of our current slip holders the best we can.

One item that has arisen in the previous few years since 617 was enacted is that the renewal due date set forth in 617.370(1) of December 15th, occurs right at the end of the year, and at a holiday time where members are not considering an additional four-figure expense for the following summer. The members have understood that the BDA is following city code; however the renewal due date could be adjusted to a more accommodating date and still allow the BDA time to find new slip holders, should returning members choose to forfeit their slip.

When filling and assigning slips, the BDA standard practice is to place returning slip holders on the same dock they were on previously. New slip holders are assigned per the order on the wait list and on a first-come-first-serve basis as new applications come in; in practice, there is very little adjustment made to slip assignments. A March 1st deadline to provide the city with slip assignments per 617.370(3) is largely a redundant task due to the April 1st deadline to provide final payment of all slips assigned per 617.360(4). Also, in the last several years, the "rush" of new interest in slips has occurred within the two weeks leading up to the installation of the docks (at the end of April), as Birchwood Residents begin to think about summer. This uptick in interest occurs after the official start of the boating season per 617.113.

The BDA recommends adjusting the date set forth in 617.370(1) to be: February 15.

The BDA recommends removing section 617.370(3) as it is redundant with 617.360(4)

Recommendation 5: Allow more than one slip per household (Changes to 617.370 (6))

We had one instance this spring where the son of a new slip holder was also interested in purchasing a slip for the summer. We had to turn this potential slip holder away to be in compliance, with the city code, but could have filled an otherwise empty slip. The BDA understands the intention of 617.370(6), as we do not want to limit the number of households that can have boat slips. However, if the Council is looking for ways to ensure all slips are filled every year, this could be a potential source of new slip holders during years where there are additional spots available.

The BDA recommends altering 617.370(6) to allow persons or households to be permitted an additional (1) boat slip on the Public Lake Tracts if there are otherwise empty slips following the processes outlined in 617.400 by June 1st. This additional slip would be a one-year slip permit.

Recommendations to 804 Marketing of Community Park Improvements

Understanding that the BDA is made up entirely of households who have a community attachment and are willing to be apart of a community organization, the BDA has been starting to find ways to promote that slip and storage fees paid to the city go directly to the Parks Special Revenue Fund. Further, we understand that many of our potential new slip holders are recent transplants to Birchwood Village. Realtors selling homes in this community use the BDA as a selling point, and it raises the value of our non-lakeshore homes compared to similar comparable homes in White Bear Lake, Mahtomedi and Grant. The BDA understands that it is in the mutual best interest for the city and the BDA that both access to the docks, and the community benefit from the fees collected, are advertised and made widely available to the public.

The BDA recommends that the city amend city code 804 to mandate the release of regular budget summaries and projects completed so that both the BDA and city can use those reports for the marketing to prospective new slip holders.

Cleanup and Maintenance of the Easements (Changes to 804.060)

AS outlined above, many slip holders choose to keep their boats with the BDA due to a sense of community. Part of that social contract they have undertaken includes taking pride in keeping our community beaches clean, to make swimming safer and keep the park more attractive. Many in the larger community see the area around the docks, kayak racks, and shoreline at the easements as a function and responsibility of the BDA. Therefore, when the easements appear unkept, it reflects negatively on the BDA. These negative perceptions lead to BDA slip holders being perceived as bad stewards of the parks, which in turn discourages our community-minded membership from renewing as slip holders in the future. Some small clean-up and revitalization efforts to clean up the easements at the shoreline could break this cycle, as our slip holders are very community driven and conscientious in their regular use of the docks. The photos in Figure 1 below provide some examples of areas that could benefit from a clean-up project.

The BDA recommends amending 804.060 to allow for the payment of operational routine grounds maintenance costs associated with maintain the lakeshore and surrounding areas of the easements.



Figure 1: Left: Brush along the west side of the Birch Beach dock, which hinders the total number of slips available. Middle: General debris and washed ashore items on Ash Beach. Right: An engine block and cinder blocks piled up on Ash Beach (Photos taken 25APR20. David Heiden)

Conclusion

On 26-Mar-2020, Tobin Lay informed the Birchwood Docks Association (BDA) that the City Council will be looking into amending to Sec. 617 to ensure the slips are filled up each year. The BDA has provided some additional information on current slip usage numbers and rates of slip usage across potential slip holders, limitations to which households in Birchwood Village are potential new slip holders, and our target market for new slip holders. The BDA has then provided ten recommendations to alter City Codes 617 and 804 to attract, retain and return new slip holders.

I appreciate the City Council reaching out the Birchwood Dock Association for our input and to work together on this issue. I look forward to working with you in the future to help improve our community.

Thank you.

A handwritten signature in black ink, appearing to read 'D. Heiden', with a stylized flourish at the end.

David Heiden
Birchwood Docks Association President
242 Wildwood Ave
birchwooddocks@gmail.com

Appendix A: Current Slip Holders (03-May-2020)

2020 Birchwood Dock Association Slip Assignments			Updated 5/3/2020	
Status	Name	Years Remaining	Insurance Confirmed, or Additional Note	
Ash (<19')				
1	assigned	Roger Madison	3	
2	assigned	Dan & Lianna Colestock	4	
3	assigned	Chris Sorenson	3	
4	assigned	Wayne Kazmierczak	6	\$1M
5	assigned	Steph and David Heiden	2	\$1M
6	assigned	Nick & Sara Nephew	6	
Birch (<22')				
1	assigned	Houstoun Clinch	2	
2	assigned	Lynn Hanson	5	
3	assigned	Troy Morehead	6	
4	assigned	Curt & Rachel Schuler	6	\$1M
5	assigned	Claudio Danus	4	
6	assigned	Andrew & Alicia Jackola	6	
7	assigned	Aaron Will	6	
8	assigned	Mark & Jill Greseth	4	
Dellwood (<19')				
1	assigned	Megan Schaffhausen	5	
2	assigned	Smith Bradley	6	
3	assigned	Paul Steinhauer	3	
4	assigned	Nancy Standish	6	
5	assigned	John Arlandson	4	\$1M
6	open	Samantha Arsenault (Verbal Commitment)	6	
7	open	Mick Hughes (Verbal Commitment)	6	
Elm (<19')				
1	assigned	John Elias	3	
2	assigned	Dana & Lori Klimp	3	\$1M
2		23		
Open		Spaces Used		

Appendix B: Current Wait List (03-May-2020)

2020 Wait List		Updated 5/3/2020		
Position	Name	Date added to	Easement Desired	2020 Notes
1	Laura Manske	2/22/2011		Passed
2	John McCormick	2/22/2011		Passed
3	Jason Tell	10/17/2015		Passed
4	Phil Sutherland	10/14/2016		Passed
5	Tami Heart	10/31/2016		Unresponsive
6	Aaron Will	7/31/2017	Birch	Assigned Birch
7	Nick & Sara Nephew	9/18/2017	Birch	Assigned Ash
8	Curt & Rachel Schuler	10/2/2017	Birch	Assigned Birch
9	David Howard	8/16/2018	Birch	Passed on Dellwood
10	John Warner	3/21/2019	Birch	Passed on Dellwood
11	Nancy Standish	9/19/2019	Dellwood	Assigned Dellwood
12	Wayne Kazmierczak	3/30/2020	Birch	Assigned Ash
Verbal	Samantha Arsenault	N/A	Dellwood	
Verbal	Mick Hughes	N/A	Dellwood	
2020 Assigned Slips				
Position	Name	Date Added to	Assignment	
6	Aaron Will	7/31/2017	Birch	
7	Nick & Sara Nephew	9/18/2017	Ash	
8	Curt & Rachel Schuler	10/2/2017	Birch	
11	Nancy Standish	9/19/2019	Dellwood	
12	Wayne Kazmierczak	3/30/2020	Ash	

Description	Response	Comments
-------------	----------	----------

Data security breach expenses limit

The standard limit for first party data breach response expenses is \$250,000 annual aggregate, but members can increase this limit to \$500,000 for an additional premium charge. Does the city want to increase the limit?

Yes No

Cyber security survey

Who is the member’s primary responsible party for cyber security?

Does the member conduct cybersecurity awareness training for all employees at least annually?

Yes No

Does the member have a computer use policy that outlines use of personal computing devices, data storage locations, and data security access?

Yes No

Does the member have a firewall?

Yes No

Does the member update anti-virus / malware software monthly?

Yes No

Does the member update Windows software monthly?

Yes No

Does the member back data up frequently, so that it can be restored in the event of a ransomware or other cyber security event?

Yes No

RESOLUTION 2020-19

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

**A RESOLUTION AUTHORIZING PERSONS OF LEGAL AGE
TO POSSESS AND CONSUME BEER AND WINE DURING
THE 2020 MUSIC IN THE PARK SUMMER CONCERTS**

At a regular meeting of the City Council of the City of Birchwood Village held virtually through video and telephone conferencing on Tuesday, May 12, 2020, via Zoom Video Communications, Inc., with the following members present: Mayor Mary Wingfield, Council Members Jon Fleck, Jessi Aakre, Randy LaFoy, and Kevin Woolstencroft, and the following absent: none, the Birchwood Village City Council resolved:

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

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

WHEREAS, the Birchwood City Council has approved similar resolutions for possession and consumption of beer and wine during previous year's concert series.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Birchwood Village hereby authorizes persons of legal age to possess and consume beer and wine during the 2020 summer music concerts.

Voting in Favor:

Voting Against:

Resolution duly seconded and passed this 12th day of May, 2020.

Mary Wingfield, Mayor

Attest:

Tobin Lay, City Administrator-Clerk

Tobin Lay

From: Steven W. Thatcher <sthatcher@thatcher-eng.com>
Sent: Monday, April 27, 2020 1:12 PM
To: Tobin Lay
Cc: 'Brad Nelson'; John Dreshar
Subject: Birchwood Village - Emergency Lift Station Bypass - Peterson Companies - Change Order Request 1 and Pay Application 3
Attachments: Pay Application 3 - Birchwood Village.pdf; 2019-11-26 Peterson Companies Change Order Request 1 - Temporary Signs.pdf
Follow Up Flag: Follow up
Flag Status: Flagged

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

Tobin,

Attached is Peterson Companies' (Peterson) Change Order Request #1 dated October 7, 2019 in the amount of \$2,696.70 for temporary signs. Thatcher Engineering recommends that the City of Birchwood Village approve this Change Order Request. If approved, the revised contract amount will be as follows:

1. Original Contract Amount = \$353,355.00.
2. Change Order Request #1 = \$2,696.70.
3. Revised Contract Amount = \$356,031.70.

Also attached is Peterson's Pay Application #3 dated April 24, 2020 in the amount of \$18,323.45. This pay request reduces the retainage to zero and pays for the work already conducted in Change Order Request #1 because the remaining work is on hold (waiting for a reply from Washington County). My records show that the City of Birchwood Village has paid Peterson \$296,908.25 to date.

Thatcher Engineering recommends that the City of Birchwood Village pay Peterson Companies, Inc. \$18,323.45.

Please let me know if you have any questions.

Thanks,
Steve

**Steven Thatcher, PE
Thatcher Engineering Inc.**

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



**REGULAR H.a
CHANGE ORDER**

8326 WYOMING TRAIL
CHISAGO CITY, MN 55013
(P) 651.257.6864
(F) 651.257.3393
PETERSONCOMPANIES.NET

CHANGE ORDER REQUEST

Date: 10/7/19
Project: Birchwood Village Sanitary Sewer
COR Number: 1

Thatcher Engineering, Inc.
6201 Creek Valley Road
Edina, MN 55439

Description: Temporary Signage

The following pricing is to add temporary signs where the new road meets the existing road until locates clear. Once locates clear, permanent signs will be air driven until the wear course of bituminous is paved. Once the wear course is paved, the permanent signs will be removed.

Description	Labor / Material	QTY	Unit of Measure	Unit Price	Total
Supervision	superintendent	3	HRS	\$149.00	\$447.00
10% markup	10% markup	0.1	%	\$447.00	\$44.70
Signage work	Safety Signs	1	LS	\$2,100.00	\$2,100.00
5% markup	5% markup	0.05	%	\$2,100.00	\$105.00
				TOTAL	\$2,696.70

Please feel free to call if you have any questions.

Sincerely,

Brad Nelson
VP of Project Management
651.257.0301



QUOTATION

DATE: 11/26/2019

LETTING DATE:

PROJECT: Birchwood Village

LOCATION: White Bear Lake

Nickcornell@safetysigns-mn.com

SAFETY SIGNS IS A CERTIFIED DBE/WBE/TGB CONTRACTOR.

ITEM #	DESCRIPTION	SIZE	QTY	PRICE	EXT
	Dip w/Down Arrow	30x30	4	\$ 525.00	\$ 2,100.00

price includes temping signs until locates clear. Installation and removal

TOTAL \$ 2,100.00

Safety Signs LLC

No Bond No Retainage. All Items Tied Unless Arrangements Are Made To Split Items Off.

The Above Prices Include Sales Tax. Please Sign Below To Acknowledge Approval.

Mail or Fax Back So Material Or Supplies Needed Can Be Ordered So Installation Will Not Be Delayed

Quote Only Valid For 25 Days. Thank You. Nick Cornell

An Equal Opportunity Employer

NAME _____ DATE _____
 19784 Kenrick Ave. • Lakeville, MN 55044 • Phone (952) 469-6700 • Fax (952) 469-6689

Offices located in Lakeville, Rogers, Blaine, Rochester, Mankato & Duluth



**REGULAR H.b
PAY APPLICATION**

To: City of Birchwood Village
207 Birchwood Avenue
Birchwood, MN 55110-1610

Project: Emergency Lift Station Bypass
2732 South Shore Blvd
White Bear Lake, MN 55110-3920

Application No: 3
Invoice No: 42073
Invoice Date: 4/24/2020
Terms: Net 30
Due Date: 5/24/2020
Period To: 4/24/2020
Project No: 19225F

From: Peterson Companies, Inc.
8326 Wyoming Trail
Chisago City, MN 55013
(651) 257-6864

Original Contract Sum 353,335.00
Change Orders to Date 2,696.70
Revised Contract Sum 356,031.70
Completed to Date..... 315,231.70
Retainage..... 0.00
Total Earned less Retainage 315,231.70
Previous Billings 296,908.25
Current Payment Due 18,323.45



ITEM No.	DESCRIPTION	CONTRACT QUANTITY	UNIT	UNIT COST	CONTRACT COST	PRIOR QUANTITY	PRIOR VALUE	CURRENT QUANTITY	CURRENT VALUE	TOTAL QUANTITY TO DATE	TOTAL VALUE TO DATE	DUE THIS REQUEST
1	Preconstruction Surface Recording	1	LS	800.00	800.00	1	800.00	0	0.00	1	800.00	0.00
2	Preconstruction Pipe Recording	1	LS	2500.00	2,500.00	1	2,500.00	0	0.00	1	2,500.00	0.00
3	Traffic Control Plan	1	LS	6000.00	6,000.00	1	6,000.00	0	0.00	1	6,000.00	0.00
4	Survey & Stake	1	LS	4000.00	4,000.00	1	4,000.00	0	0.00	1	4,000.00	0.00
5	Saw Cut Bituminous	1	LS	500.00	500.00	1	500.00	0	0.00	1	500.00	0.00
6	Remove Bituminous Pavement	1	LS	63000.00	63,000.00	1	63,000.00	0	0.00	1	63,000.00	0.00
7	8" PVC SDR 35 Sanitary Sewer	247	LF	52.00	12,844.00	247	12,844.00	0	0.00	247	12,844.00	0.00
8	8" PVC SDR 26 Sanitary Sewer	124	LF	109.00	13,516.00	124	13,516.00	0	0.00	124	13,516.00	0.00
9	Standard Manhole (8' deep)	4	EA	5000.00	20,000.00	4	20,000.00	0	0.00	4	20,000.00	0.00
10	Extra Depth Manhole	19	VF	225.00	4,275.00	19	4,275.00	0	0.00	19	4,275.00	0.00
11	Connect to existing sanitary	2	EA	5000.00	10,000.00	2	10,000.00	0	0.00	2	10,000.00	0.00
12	Testing of newly installed sanitary sewer pipe.	1	LS	2000.00	2,000.00	1	2,000.00	0	0.00	1	2,000.00	0.00
13	Clean, Video Tape & Report SS from (A) MH 20A to MH 20E	1	LS	2000.00	2,000.00	0	0.00	0	0.00	0	0.00	0.00
14	Subgrade Prep	1	LS	10000.00	10,000.00	1	10,000.00	0	0.00	1	10,000.00	0.00
15	24" Select Granular Borrow - MnDOT Spec 3149	1	LS	31600.00	31,600.00	1	31,600.00	0	0.00	1	31,600.00	0.00
16	6" Aggregate Base Class 6	1	LS	13000.00	13,000.00	1	13,000.00	0	0.00	1	13,000.00	0.00
17	3" Thick 2360 Type SP 12.5 Bituminous NW (SPNWB430B)	1	LS	33000.00	33,000.00	1	33,000.00	0	0.00	1	33,000.00	0.00
18	2" Thick 2360 Type SP 12.5 BW (SPWEB440F) - First Layer	1	LS	32000.00	32,000.00	1	32,000.00	0	0.00	1	32,000.00	0.00
19	2" Thick 2360 Type SP 12.5 BW (SPWEB440F) - Second Layer	1	LS	31000.00	31,000.00	0	0.00	0	0.00	0	0.00	0.00
20	Bituminous Tack Coat between Bit - MnDOT Spec 2357	1	LS	3600.00	3,600.00	0.5	1,800.00	0	0.00	0.5	1,800.00	0.00
21	F and I Bituminous Curb	1	LS	2000.00	2,000.00	1	2,000.00	0	0.00	1	2,000.00	0.00
22	Adjust Manholes and Gate Valves	1	LS	5000.00	5,000.00	1	5,000.00	0	0.00	1	5,000.00	0.00
23	Furnish and Install (F & I) and Maintain Silt Fence	1	LS	1400.00	1,400.00	1	1,400.00	0	0.00	1	1,400.00	0.00

ITEM No.	DESCRIPTION	CONTRACT QUANTITY	UNIT	UNIT COST	CONTRACT COST	PRIOR QUANTITY	PRIOR VALUE	CURRENT QUANTITY	CURRENT VALUE	TOTAL QUANTITY TO DATE	TOTAL VALUE TO DATE	DUE THIS REQUEST
24	F & I and Maintain Erosion Control at Catch Basins	1	LS	1500.00	1,500.00	1	1,500.00	0	0.00	1	1,500.00	0.00
25	Remove Silt Fence and Erosion Control at Catch Basins	1	LS	500.00	500.00	0	0.00	0	0.00	0	0.00	0.00
26	Excavate, F & I 4-inch thick insulation over 70 LF of SS	1	LS	1500.00	1,500.00	1	1,500.00	0	0.00	1	1,500.00	0.00
27	Manhole 20E (Section 32301 SS Special Conditions)	1	LS	20100.00	20,100.00	1	20,100.00	0	0.00	1	20,100.00	0.00
28	Lift Station (Section 32301 SS Special Condition)	1	LS	20200.00	20,200.00	1	20,200.00	0	0.00	1	20,200.00	0.00
29	F&I 6" Topsoil and Sod, incl. Sod staking pre MNDOT 2575	1	LS	4000.00	4,000.00	0	0.00	0	0.00	0	0.00	0.00
30	As-Built survey and As-Built plan	1	LS	1500.00	1,500.00	0	0.00	0	0.00	0	0.00	0.00
Change Order 1												
31	Temporary signage	1	LS	2696.70	2,696.70	0	0.00	1	2,696.70	1	2,696.70	2,696.70
					356,031.70		312,535.00		2,696.70		315,231.70	2,696.70

**REGULAR H.d
POWER POLE**



THIS POLE IS NOW OBSOLETE AND NEEDS TO BE REMOVED

Billing Rates:

In review of the City’s water fund expenditures, we identified a few significant operational expenditures that do not apply to Birchwood residents and could be considered in calculating reduced tiered billing rates for the City of Birchwood. After deducting the expenditures identified below, the revised operational costs calculate to be 82% of total budgeted expenditures:

Water Fund 2020 Budgeted expenditures	\$ 1,594,039
Expenditures not related to Birchwood service:	
Fire hydrant and gate valve items	(29,400)
Residential water meter supplies	(93,000)
Contracted water meter reading services	(42,000)
Informational brochures for residents	(2,900)
Watermain and hydrant repairs	(110,000)
Contracted services for locater requests	(2,000)
Adjusted budget expenditures	<u>1,314,739</u>
Percentage of total budgeted expenditures	82%

2020 Commercial Reduced to 82% for Birchwood per 100 cubic feet

Tier 1	0-8 Units	1.31
Tier 2	8-27 Units	1.35
Tier 3	27-75 Units	1.52
Above base	>75 Units	1.64

2020 Commercial - Approved Rates for WBL Customers per 100 cubic feet

Tier 1	1.60
Tier 2	1.65
Tier 3	1.85
Above base	2.00

2020 Residential Approved Rates for WBL Customers per 100 cubic feet

Above 8	1.65
Non-Winter	2.00

Lake Level Litigation Fee:

The City charges \$4.00 quarterly for each residential household served with City water. We anticipate the lake level litigation fee to end in the beginning of 2021. This fee was established to cover the legal costs expended to preserve the existing water service infrastructure. All residents in White Bear Lake and Birchwood benefit from those efforts and share equally in supporting the legal costs.

New Meter:

The City installed the current MXU Sensus meter for Birchwood service in 2008. The register head on the meter is not sending out reads due to damage from standing water in the meter pit. The pit is usually dry; however, high water levels and the spring runoff created the standing water. Our Water Department Foreman called Sensus to get a new register head but the unit is obsolete. The existing meter is a Sensus 6 inch turbo meter. The replacement meter will be a 6 inch Neptune Turbine Pro Coder USG pit meter. The meter and register should fit in place of the old meter and will operate even if submerged in water. The Water Department will suck the water out of the pit to make the replacement. The road will not have to be torn up for the meter change. The replacement cost is \$4,596.93.