

**SUBLIMENTAL PACKET OF THE REGULAR MEETING OF  
THE CITY COUNCIL  
CITY OF BIRCHWOOD VILLAGE  
WASHINGTON COUNTY, MINNESOTA  
October 12, 2021  
7:00PM**

SPECIAL MEETING MINUTES (Draft)

Birchwood Planning Commission Special Meeting

Zoom Virtual Meeting – 6:00 PM Meeting 10/7/2021

Submitted by Michael Kraemer – acting secretary

COMMISSIONERS PRESENT: – Andy Sorenson – Chairman, Ryan Hankins – Vice Chairman, Michelle Maiers-Atakpu, Joe Evans Michael Kraemer.

COMMISSIONERS ABSENT:

OTHERS PRESENT: Darren DeYoung, Luke Wippler, Jonathan Miller, Ken and Lynell Vandermeer, Suzie and Larry Mahoney, Steve Thatcher, Tony Nickolaus, Ralph Heimer, Scott Freeberg, Alyson Landmark, Scott and Karen Freeberg.

1. CALL TO ORDER Meeting called to order by Chairman Andy Sorenson at 6:02 PM.
2. PUBLIC FORUM – no one spoke
3. APPROVE AGENDA
  - a. Moved Maiers-Atakpu Second Hankins. To approve agenda as listed. Vote Yes – 5, No – 0. Motion passed.
4. **Agenda Item A - Variance Case No. 21-04-VB (117 Wildwood Avenue) – Garage Construction**
  - a. Public Hearing
    - i. Opened 6:04 PM
    - ii. Closed 6:21 PM
    - iii. Comments:
      1. A public comment memo dated October 3,2021 submitted by Ralph Heimer, 109 Wildwood Ave, Birchwood requesting denial of the variance was emailed to Commission members on 10.3.2021and not included in packets. Mr. Heimer presented the email at the public hearing.
      2. August 26, 2021 memo from Doug Danks retracting his previous report approving building permit was sent out via email to Commission members on 10.6.2021 and not included in packets.

Commission determined that since plan reviewer's report was not public information, it could not be discussed during the meeting.

b. Review & Discuss

i. **Variance Request #1 – Section 301.050 Non-Conforming Uses**

1. Planning Commission Findings:

- a. Jonathan Miller, attorney representing Nickolaus property indicated permit to build new 24' x 30' garage as replacement of original 14' x 16' shed was issued on August 18, 2021 and then rescinded. Nickolaus maintain they were not told the reason why.
- b. Mr Miller indicated the reason the 180-day deadline to rebuild after the June 22,2020 destruction of the old shed was missed because of pandemic and City staff response delays and not responsibility of property owner.
- c. Tony Nickolaus, property owner, expressed concerns over the lack of continuity and follow through on part of City staff. Mr. Nickolaus expressed displeasure that variance request was required and notification printed in local paper using their name without their knowledge or permission.
- d. Commissioner Maiers-Atakpu reiterated, rebuilding and expanding an existing non-conforming detached garage, is not the perpetuation of a non-conforming use but rather the expansion which is prohibited by code.
- e. Due to lack of verifiable documentation of issues and accusations on both sides of the discussion and due to lack of presence of members of City staff involved in this project review, a motion was made by Hankins to close the discussion. 2<sup>nd</sup> by Maiers-Atakpu. Vote: Yes – 5, No – 0.  
Motion passed.

ii. Planning Commission Action:

1. Motion by Hankins a second by Maiers-Atakpu to make no determination because application is not complete because of the conflicting nature of the documentation. Vote Yes- 5, No -0  
Motion passed. No determination made.

**5. Agenda Item B - Variance Case No. 21-05-VB/Conditional Use Permit (339 Wildwood Avenue)**

a. Public Hearing

- i. Opened 6:54 PM
- ii. Closed 7:06 PM
- iii. Comments:

1. Luke Wippler explained the purpose of the proposed lakeside retaining wall is to protect against slope erosion, provide methods to safely traverse the hillside and provide for safe boat lift and dock storage.
2. Scott Freeberg neighbors to 339 Wildwood Ave raised questions on the construction limits and final restoration plans.
3. Review memo by City Engineer Thatcher Engineering identified four separate variance issues identified in the global variance request for variance from the retaining wall setback from the OHW. For purposes of clarity the four variance requests were discussed and voted on separately. The results are indicated in the following.

b. Review & Discuss

**i. Variance Request #1 – Code 302.020 – Structure Location Requirements**

1. Planning Commission Finding:

- a. The proposed retaining wall distance is 20' – 25' from the OHW'. This is not in compliance with the Code 50' setback 302.020 – Structure Location Requirements.
- b. Practical difficulties related to slope stability that supports and defends why the retaining wall should be constructed.
- c. Other methods of slope stability exist such as vegetative ground cover and plantings. Owner's preference is to utilize boulder retaining wall to stabilize the slope midway and provide protection uphill for upcoming shoreline rip rap installation.
- d. Commissioner Kraemer indicated that in his opinion the retaining wall was being requested as a convenience for storage of dock and boat lifts and did not represent practical difficulties any different than other properties on the lake where permits for retaining walls had been denied.

2. Planning Commission Recommendations:

- a. Motion to recommend approval of Variance #1.
  - i. Motion: Sorenson, 2<sup>nd</sup> Evans, Vote: Yes – 3, No – 2. Kraemer & Maiers-Atakpu dissenting. Motion passed.

**ii. Variance Request #2 – Code 302.050 - Impervious Surface Requirements**

1. Planning Commission Findings:

- a. The property is not in compliance with City Code with an impervious surface ration of 28%. The variance if approved would increase that ratio to 29%.

- b. City Engineer – Steve Thatcher, September 22, 2021 memo states that on September 20, 2021 the applicant successfully provided the information which supports the proposed work will meet the conditions of Variance #2

2. Planning Commission Action:

- a. Motion to recommend approval of Variance Request #2 – Impervious Surface requirements via incorporating proposed mitigation measures and including adding all of “Conditions” 1- 5 identified in the 9.22.2021 Thatcher Engineering Review memo. Motion by Kraemer, 2<sup>nd</sup> Sorenson, Vote: Yes – 5, No – 0 Motion passed.

**iii. Variance Request #3 – Code 302.055 - Grading Within 20 Feet of OHW**

1. Planning Commission Findings:

- a. According to City Engineer Thatcher’s September 22, 2021 memo and City Plan Reviewer Doug Danks September 22, 2021 memo on 338 Wildwood Avenue – Revised Variance, Zoning Permit and Conditional Use Permit Applications 2021 the retaining wall and associated land disturbances as proposed have been revised to locate the work outside the 20’-0” setback from the OHW. As a result, this variance is not needed.

2. Planning Commission Action:

- a. No action taken as this variance is not needed per the relocation of the wall and associated grading.

**iv. Variance Request #4 – City Code 302.070 – City Fence Ordinance Part 5 Retaining Walls in Excess of 4’**

1. Planning Commission Findings

- a. The preliminary drawings show potential boulder wall build height of 5’. No professional engineering certification or plan was provided.
- b. City Engineer Steve Thatcher (in attendance) indicated the boulder retaining wall plans exposed wall face is 4’ in height and is compliant with Code. No variance required.

2. Planning Commission Action

- a. No action taken as Planning Commission determined no variance was necessary.

**6. Agenda Item C - Variance Case No. 21-06-VB (469 Lake Avenue)**

- a. Planning Commission member Michael Kraemer recused himself from the Commission for this topic because the Variance relates to the property adjacent to his home.

**b. Variance Request #1 – Variance from City Code 302.050 (IMPERVIOUS SURFACES)**

i. Public Hearing

1. Opened 7:50
2. Closed 8:06
3. Comments:

- a. Mike and Candice Kraemer submitted a public comment memo on Case No. 21-06-VB (469 Lake Avenue) dated 10.5.2021 to the City Administrator Gonyou and the Commission.
- b. Dr. Barthel explained his plans to rebuild the existing home to better accommodate his life style.
- c. Brent Stevens, builder explained the driveway paver and runoff infiltration system proposed for the property. Mr Stevens indicated the resultant impervious ratio of 32% would be reduced to a resultant impervious ratio of 23% using the PaveDrain system.
- d. Suzie Mahoney – 479 Lake Ave
  - i. Expressed concern that the proposed driveway adjacent to Kraemer property line may create operational problems long term.
  - ii. Expressed concern about the amount of lot area taken up by the house structure and long term impact and declined of the pervious areas.
- e. Larry Mahoney – 479 Lake Ave
  - i. Expressed concern that the proper maintenance program be utilized to keep the pervious paver and infiltration systems functioning.
  - ii. Shared that the City of Mahtomedi is experiencing operational problems with pervious paver systems and now considers pavers as impervious surfaces.

ii. Review & Discuss

1. Planning Commission Findings

- a. September 24, 2021 variance review memo for City Engineer Steve Thatcher states the variance request does not provide all the information needed to show that the proposed work will meet the conditions of Variance Request.
- b. City Engineer Steve Thatcher indicated he had received additional infiltration system design information from Brent Stevens site designer for 469 Lake Ave, just prior to

the meeting but had not had a chance to review the information. Mr. Thatcher was particularly concerned about the challenge to meet the 3' separation required by Code between the OHW/ground water and the bottom of the infiltration system.

- c. Brent Stevens – drainage system designer for 469 Lake Ave indicated a paver/drainage system maintenance agreement would be part of the system design.
- d. Commissioner Hankins questioned the 6' side yard setback indicated on the plans. Commissioner Hankins indicated he felt the builder was in error assuming the Code 302.015 60% threshold for pre-existing small lots applies to the Codes setback requirements also.
- e. Brent Stevens, (builder) indicated City Plan Reviewer Doug Danks had informed them application of the 60% factor from Code 302.015 applies to side yard setbacks also. Mr Stevens indicated Mr. Danks had indicated no variance application related to side yard setbacks was required. Mr. Danks was not available to confirm this statement.

2. Planning Commission Action

- a. Motion by Sorenson to recommend approval of Variance Request #1 – Variance from City Code 302.050 IMPERVIOUS SURFACES using mitigation measures to achieve the 25% guideline provided the conditions of the impervious surface code are met, approved, and signed off on by City Engineer. This includes an accepted stormwater management plan filed with deed for operation, testing and maintenance of the infiltration system as proposed by the homeowner. 2<sup>nd</sup> by Evans, Vote: Yes – 3, No – 1 Hankins dissenting, Kraemer abstaining. Motion carried.

**7. Additional Advisory Recommendations to Council**

- a. Planning Commission recommends the City Council authorize the Planning Commission to review and make recommendations on:
  - i. Code Section 302.020 – Structure Location Requirements. In particular focus on the rationale surrounding the 50' setback requirements for retaining walls.
  - ii. Impervious Surface Ratios
  - iii. Setback requirements for small lots.
- b. The Planning Commission recommends the City Council, City Staff, and Planning Commission hold a joint discussion to improve the communication and information transfer related to permitting, variances, and project review.

- i. Prior to this 10.7.2021 meeting it appears the three variance applications considered at the meeting had been in the City's que for over a month, with incomplete, missing, and outdated reports and documents. In addition, meeting and property notifications, web site postings of support documents were late and incomplete. We must do better.
- ii. Add "date received" documentation on any and all applications.
- iii. Establish application routing and signoff protocol.

## **8. Adjournment**

- a. At 8:37 PM motion by Hankins and 2<sup>nd</sup> by Maiers-Atakpu to adjourn the meeting.  
Vote: Yes – 5, No – 0. Motion passed.

To: City Council

From: Justin McCarthy, Councilmember

Re: Hall's Marsh

Hall's Marsh is owned by the City of Birchwood Village and several property owners in Birchwood. In the late 1970's Rice Creek Watershed District (RCWD) approved a project to construct an outlet from Priebe Lake in the City of White Bear Lake to convey excess stormwater runoff that accumulates in Priebe Lake to Hall's Marsh. From the available evidence that I have seen, RCWD promised the City of Birchwood Village that RCWD would be responsible for the continuing maintenance of both the conveyance structure AND Hall's Marsh. Since that time, very little maintenance has occurred on Hall's Marsh.

There is a potential that the untreated stormwater runoff from Priebe Lake has polluted Hall's Marsh. Despite this, and despite RCWD's promises to maintain Hall's Marsh, RCWD does not seem interested in living up to its promises by even testing Hall's Marsh or the runoff from Priebe Lake – much less cleaning Hall's Marsh if pollution is found.

Despite this, it appears that a group of homeowners on Priebe Lake in the city of White Bear Lake is demanding that RCWD take action to clean up Priebe Lake. As part of those efforts, RCWD is installing a new outlet that allows for an adjustable height so that RCWD can draw down Priebe Lake to apparently clean out the lake bottom.

The result of this is that additional (potentially) polluted stormwater runoff from Priebe Lake will flow into Hall's Marsh where it will make the situation there worse. I do not believe the City should accept this, nor do I believe the City should continue to accept untreated stormwater runoff from the City of White Bear Lake. This project benefits only residents of the City of White Bear Lake, while all the burdens and costs



are apparently (according to RCWD) ours to bear. This is not right, fair, and is potentially actionable.

At our September meeting we approved a motion asking RCWD to take responsibility for maintaining and cleaning the Marsh. Subsequently, I have learned that in order to perform the drawdown, RCWD needs permission from the DNR.

I ask the Council to approve the attached resolution memorializing our motion from last month and setting forth our objections to the continuing situation involving Hall's Marsh and to any additional attempts by RCWD to make the situation worse. This resolution will serve as our official notice to the DNR of our objections as well as our official demand to RCWD to clean up the mess they created and to prevent that mess from being a problem in the future.

Furthermore, I suggest that the Council authorize Steve Thatcher, our City Engineer, to assess the environmental situation with respect to Hall's Marsh so that we are clear whether, and what kind of damage, is being done.

I have also attached, for the public's information, a communication that the Council received from Bud and Ruth Jensen as I feel it would be important to the community on what the current status of the outlet is and how it came to be. Bud and Ruth have done an excellent job staying on top of this situation and providing Council with information about the issues with Hall's Marsh.

**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION DISAPPROVING OF ANY DRAWDOWN OF  
PRIEBE LAKE BY THE RICE CREEK WATERSHED DISTRICT  
(RCWD); DIRECTING THAT RCWD CLEAN UP AND  
MAINTAIN HALL'S MARSH; AND DIRECTING THAT RCWD  
AGREE TO PREVENT FUTURE POLLUTION FROM  
STORMWATER RUNOFF INTO HALL'S MARSH FROM  
PRIEBE LAKE**

**WHEREAS**, the City of Birchwood Village and several Residents thereof own the Public Water Wetland known as Hall's Marsh, DNR Water No. 82-480 W. Hall's Marsh has an outlet into White Bear Lake; **AND**

**WHEREAS**, a portion of the property was conveyed by Indenture of Title dated June 9, 1976 to the City of Birchwood Village. The Indenture of Title requires that the property conveyed is specifically dedicated for, and is to be preserved as, a wildlife sanctuary in perpetuity; **AND**

**WHEREAS**, Birchwood Village has a responsibility to protect the environment of Hall's Marsh and its function as a Minnesota public wetland to comply with the terms of the above referenced Indenture; **AND**

**WHEREAS**, the policy of Minnesota law (MEPA) requires that public water wetlands be protected from environmental degradation and abuse, and be preserved for the public good; **AND**

**WHEREAS**, in 1979, Rice Creek Watershed District (RCWD) ordered and authorized Priebe Lake Outfall Project No. 76-11-1, designed whereby the overflow waters of Priebe Lake, a Lake that was reshaped for use as a storm water pond for the City of White Bear Lake and which lies within the City of White Bear Lake, would be conveyed to Hall's Marsh and through Hall's Marsh to White Bear Lake; **AND**

**WHEREAS**, in meetings with the City of Birchwood Village leading up to the RCWD Order to approve Priebe Lake Outfall Project No. 76-11-1, RCWD made representations to the City of Birchwood Village that RCWD would be responsible for maintaining Hall's Marsh as part of the Project; **AND**

**WHEREAS**, RCWD states in its Resolution 2021-13 that the Priebe Lake Outfall Project is a, "District Facility," which RCWD has the duty to maintain and repair; **AND**

**WHEREAS**, since the completion of the Priebe Lake Outfall Project No. 76-11-1 in 1980, RCWD has sent untreated stormwater from Priebe Lake into and through Hall's Marsh and into White Bear Lake as part of the Project; **AND**

**WHEREAS**, since the completion of Project No. 76-11-1, RCWD has failed to take any actions to assess, alleviate, or reduce the potential harmful environmental effects on Hall's Marsh resulting from the project and has denied any responsibility to maintain or protect Hall's Marsh; **AND**

**WHEREAS**, further, the years of untreated stormwater outflow from Priebe Lake into Hall's Marsh have potentially led to a buildup of sediment and pollution in Hall's Marsh that may have caused degradation and damage to the water, land, vegetation, and wildlife in Hall's Marsh and by extension, White Bear Lake, potentially violating MEPA; **AND**

**WHEREAS**, RCWD now seeks to upgrade the outlet to Hall's Marsh in Priebe Lake to allow water drawdowns in Priebe Lake. RCWD intends to obtain a permit from the Department of Natural Resources (DNR) to achieve this objective. If the untreated stormwater from Priebe Lake is polluting Hall's Marsh, this project will increase the amount of polluted stormwater runoff entering Hall's Marsh and White Bear Lake from Priebe Lake; **AND**

**WHEREAS**, The City of Birchwood Village seeks to protect its citizens who live adjacent to Hall's Marsh; protect public property and wetlands; protect White Bear Lake; and to put a stop to any pollution entering Birchwood Village from Priebe Lake and the City of White Bear Lake; **AND**

**NOW, THEREFORE BE IT RESOLVED**, by the City Council of the City of Birchwood Village that the City will no longer tolerate the failure of RCWD to abide by its promise to maintain Hall's Marsh. RCWD has violated this promise by its inaction in failing to assess the environmental conditions of Hall's Marsh and in allowing any degradation found therein that is the direct or proximate result of the conveyance of untreated stormwater from the City of White Bear Lake to Hall's Marsh. Such environmental degradation would unduly burden the citizens of Birchwood Village for the exclusive benefit of a select group of citizens of the City of White Bear Lake. **AND**

**NOW THEREFORE BE IT RESOLVED**, that in furtherance of this objective, the City of Birchwood Village hereby seeks to prevent any further damage to the ecosystem of Hall's Marsh. As such, the City hereby notifies the Minnesota Department of Natural Resources (DNR) and RCWD that it is opposed to the application for, and the granting of, any permits to RCWD or any other entity to perform any drawdown of Priebe Lake that increases the flow of any water to Hall's Marsh from Priebe Lake over what would naturally occur given the as-designed outlet elevation. This objection to be maintained at least until the environmental effects of the Priebe Lake project on Hall's Marsh are assessed, any damage is rectified, and controls are put into place to prevent future degradation. **AND**

**BE IT ALSO RESOLVED**, by the City Council of the City of Birchwood Village that the City of Birchwood Village hereby expects RCWD to fulfill the terms of their promise to maintain Hall's Marsh. This includes maintaining the environmental quality of Hall's Marsh. As such, the City Council of The City of Birchwood Village hereby directs RCWD to perform an environmental analysis to determine the extent to which Hall's Marsh is polluted and to clean up any pollution found to the satisfaction of the City Council of the City of Birchwood Village; **AND**

**BE IT ALSO RESOLVED**, by the City Council of the City of Birchwood Village that the City of Birchwood Village hereby authorizes the City Engineer of the City of Birchwood Village to perform an independent environmental analysis of Hall's Marsh; **AND**

**BE IT ALSO RESOLVED**, by the City Council of the City of Birchwood Village that the City of Birchwood Village hereby directs RCWD to implement an ongoing testing and remediation plan to detect, prevent, and cleanup any future pollution to Hall's Marsh and White Bear Lake resulting from stormwater entering Hall's Marsh from Priebe Lake; **AND**

**BE IT FINALLY RESOLVED**, that the City of Birchwood Village hereby objects to any continuing discharge of untreated stormwater to Hall's Marsh from Priebe Lake and hereby directs the RCWD to implement pollution controls on any stormwater entering Hall's Marsh prior to such stormwater entering the city limits of Birchwood Village such that the stormwater entering the City is free of pollution to the satisfaction of the City Council of the City of Birchwood Village. Such controls should be continually monitored, updated, and adjusted to the satisfaction of the City Council of Birchwood Village to ensure that any continuing stormwater runoff entering Hall's Marsh from Priebe lake is not polluted. **AND**

**NOW THEREFORE BE IT ALSO RESOLVED** that copies of this resolution be delivered to RCWD, the Minnesota DNR, the Minnesota Pollution Control Agency and the City of White Bear Lake.

I certify that the City of Birchwood Village adopted the above Resolution

on this 11th day of October, 2021

ATTEST:

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Mary Wingfield, Mayor

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Andy Gonyou  
City Administrator-Clerk

# Overview of Facts and Issues Related to and Affecting Birchwood Village, Hall's Marsh, and White Bear Lake

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## History of PLOP

**Abbreviations:** BMPs/best management practices; CBV/City of Birchwood Village; PLOP/ Priebe Lake Outfall Project; RCWD/Rice Creek Watershed District; WBL/City of White Bear Lake

### Chronology

- 6/9/1976** Myron and Jean Hall convey Hall's Marsh to Birchwood to be maintained as a dedicated wildlife sanctuary in perpetuity.
- 10/12/1976** WBL and **10/24/1976** CBV Resolutions Petitioning RCWD to investigate the Priebe Lake problem area.
- 11/24/1976** RCWD Resolution to create Project 76-11-1 and appoint Engineers EA Hickok as project engineers.
- 3/14/1978** Engineer's Report "Priebe Lake/Crossroads Outfall Project No. 76-11-1" submitted.
- 6/14/1978** RCWD Resolution to Amend 3/14/1978 Engineer's Report.
- 7/26/1978** RCWD Engineer's Amendment to 3/14/1978 Engineer's Report.
- 7/29/1978** RCWD Orders 7/26/1978 Amendment.
- 8/21/1978** CBV Appeal to Ramsey County Court (2<sup>nd</sup> Circuit) to vacate RCWD's Ordered Priebe Lake improvements.
- 8/31/1978** CBV City Council special meeting attended by RCWD Board and Attorney. RCWD Board President Goyer stated "RCWD will be responsible for maintaining Hall Marsh as part of the Project since it is RCWSD's Project."
- 9/1/1978** and after, CBV and RCWD continued to discuss issues.
- 11/29/1978** RCWD Order for Project 76-11-01 is vacated by MN 2<sup>nd</sup> District Court.
- 12/13/1978** RCWD Resolution to set aside and declare the vacated RCWD Order to be of no effect, directing the Engineer to restudy the project.
- 3/23/1979** Amendment No. 2 [effectively the new Engineer's Report, as the previous report was declared of no effect].
- 5/30/1979** RCWD Order reestablishing "Priebe Lake Outfall Project No. 76-11-1."
- 5/31/1979** Certification of Order.
- 11/13/1979** DNR Permit application 80-6087 approved "To construct Priebe Lake Outfall Project No. 76-11-1, in accordance with plans dated September 20, 1979 and in accordance with the following special provisions..."
- 7/15/2015** Priebe Lake *Outfall* Project facility, Hall's Marsh outlet to White Bear Lake, fails.
- 9/17/2017** RCWD replaces Hall's Marsh outlet to White Bear Lake.
- 7/14/2021** Public Hearing on RCWD plans to replace the Priebe Lake outlet facility. This outlet is located in Priebe Lake; when surface water elevation reaches 978.3, Priebe water flows into the weir, which is the exterior wall of the outlet, and into the 4,500 foot pipe that conveys stormwater from Priebe Lake to Hall's Marsh and through Hall's Marsh to the Hall's Marsh outlet (through and under 'Johnson's Driveway) into White Bear Lake in Mahtomedi.
- Issue: RCWD has approved a new Outlet for Priebe stating that the outlet is in a state of disrepair and has exceeded its useful life. We are skeptical. The existing outlet cannot accommodate

drawdowns, and RCWD wants the capability to draw the lake down for dredging and cleaning. Drawdowns have the potential to further harm Hall's Marsh and White Bear Lake.

## Overview of Facts and Issues Related to and Affecting Birchwood Village, Hall's Marsh, and White Bear Lake

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### **Drainage area inflows to PLOP (Priebe Lake Outfall Project No. 76 - 11 - 1)**

The PLOP facilities receive drainage from the City of White Bear Lake, East and West of East County Line. The Project's stated objective was to alleviate flooding on Priebe Lake properties, however, Bacchus owned property east of East County Line, was designed and plotted and ready to go as White Bear Hills No. 2, but there was no place to put the stormwater. The Engineer's Reports generally identify properties that benefit from the proposed Project as follows:

Property Area Acres

Developed Property West of East County Line 98

Undeveloped Bacchus (became Bacchus White Bear Hills No. 2) 36

Undeveloped Moore Farm (became Wedgewood Development) 99

233

The areas and acreage are derived from estimates combined with the Engineer's Report's list of benefitted properties. The now developed Bacchus White Bear Hills No. 2 property is served by WBL Municipal Storm Sewer System that drains into Priebe Lake. The Moore Farm / Wedgewood area of Mahtomedi is drained by its Municipal Storm Sewer System. About 20 acres (of the acres listed above) outlets into Mahtomedi's 'Pond D,' which could benefit from an elevated Priebe pipe drain in the Pond D area, however, that drain would only come into play in the event of an enormous prolonged rainfall event. In practicality, Mahtomedi does not benefit from Priebe.

**Elevations** Ordinary High Water: White Bear Lake 924.89; Hall's Marsh 924.7 in 1988; Priebe Lake outlet top of weir 977.5.

To: Council

From: Justin McCarthy

RE: Loud play in the park in the early A.M.

Our Deputy Clerk Jackie indicated that there have been complaints about very early morning pickleball games on the tennis courts. Birchwood Code 607.130 "Hours and Access" states that:

1. No person shall remain, stop, use or be present within the confines of any Open Space Site between the hours of 9:30 P.M. and 6:00 A.M. other than on a Lake Easement Tract for the purpose of access to the lake. Exceptions may be made at the discretion of the Director in the case of emergency or when special use permits have been authorized or for other reasons the Director may determine necessary or desirable.

6:00 A.M. may be a little early to be engaging in loud activity such as Pickleball or Hockey in the open spaces. I would like to engage the Council on determining what an appropriate time of day for starting such loud activities would be.

Thanks

Justin