



AGENDA OF A SPECIAL MEETING OF THE  
CITY COUNCIL  
CITY OF BIRCHWOOD VILLAGE  
WASHINGTON COUNTY, MINNESOTA  
October 18, 2021  
6:00 P.M.

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

**CALL TO ORDER**

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

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

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

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

Topic: Birchwood Village October 18 Special City Council Meeting

Time: **Oct 18, 2021 06:00 PM** Central Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/87162120254?pwd=Tk10WDU1cFRNM3ZYbm9hb1BvRDJ1UT09>

Meeting ID: 871 6212 0254

Passcode: 446681

**APPROVE AGENDA**

**CITY BUSINESS – CONSENT AGENDA**

- A. Approve September 14, 2021 Regular Meeting Minutes\* (pp. 3-10)
- B. Approve Treasurer’s Report\* (pp. 11-27)

**CITY BUSINESS – REGULAR AGENDA**

- A. Second Reading Ord. 2021-10-01, Sec. 308.\* (pp. 29-30)

\* Denotes items that have supporting documentation provided

- a. Council Deliberation
  - Time Budget: 10 Minutes*
- B. Review Variance Application Case No. 21-05-VB (339 Wildwood Avenue)\* (pp. 31-58)
  - i. Minutes from Planning Commission meeting are pages 85-91
- b. Review & Discuss
- C. Review Variance Application Case No. 21-06-VB (469 Lake Avenue)\* (pp. 59-83)
  - i. Page 83 is information provided by contractor day of 10/07/21 Planning Commission meeting, not yet reviewed by City Engineer.
  - ii. Minutes from Planning Commission meeting are pages 85-91
- b. Review & Discuss
- D. City Covid-19 Protocols (In-Person vs Virtual Meetings)
  - a. Council Deliberation

**ADJOURN**

\* Denotes items that have supporting documentation provided

**CITY OF BIRCHWOOD VILLAGE  
207 BIRCHWOOD AVENUE  
BIRCHWOOD, MINNESOTA**

**MINUTES OF THE CITY COUNCIL MEETING  
VIA TELECONFERENCE  
SEPTEMBER 14, 2021, 7:00 P.M.**

**MEMBERS:**

|                     |               |
|---------------------|---------------|
| Mary Wingfield      | Mayor         |
| Jon Fleck           | Councilmember |
| Justin McCarthy     | Councilmember |
| Kevin Woolstencroft | Councilmember |
| Mark Foster         | Councilmember |

**STAFF:**

|                 |                    |
|-----------------|--------------------|
| Andy Gonyou     | City Administrator |
| H. Alan Kantrud | City Attorney      |

**GUESTS:**

|                     |   |
|---------------------|---|
| Stan Karwoski       | Washington County Commissioner (from 7:29 p.m. until 7:51 p.m.) |
| Ruth and Bud Jensen | Birchwood Village Residents                                     |

Minutes prepared by Anh Nguyen of Minutes Solutions Inc. from an audio recording.

**1. CALL TO ORDER**

In light of the status of the ongoing COVID-19 health pandemic, the City of Birchwood Village is conducting its September, 2021, meeting using interactive web-based technology. Pursuant to Minnesota Statutes, Chapter 13D.021 Subdivision 1(1), the City of Birchwood Village 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...".

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

**2. PLEDGE OF ALLEGIANCE**

**3. APPROVAL OF AGENDA**

Mayor Wingfield requested the addition of the following items to the agenda:

- City of Birchwood Village Motto
- BIRCH Snow Removal Contract
- Meeting with Washington County
- Possible Monies from the Federal Government

**On a motion made by Councilmember McCarthy, seconded by Councilmember Fleck, it was resolved to approve the agenda, as amended. All in favor; motion carried.**

**4. OPEN PUBLIC FORUM**

There was no one to speak for the open public forum.

**5. ANNOUNCEMENTS**

- A. Social Media:** Follow Birchwood Village on Facebook/Twitter and/or register for the e-mail list.
- B. Music in the Park 2021:** A thank you to all of the volunteers, staff, and musicians.
- C. Centennial Celebration:** A video presentation of the event was provided by the Suburban Cable Commission.

**6. ADMINISTRATIVE PRESENTATION**

- A. Sheriff Report:** A report of law enforcement incidents and citations for August, 2021, was provided for the Council's review.
- B. Planning Commission Meeting Minutes:** The minutes of the July 22, 2021, Planning Commission meeting was provided for the Council's review.

**7. CITY BUSINESS – CONSENT AGENDA**

- A. Approval of the Regular Meeting Minutes:** The meeting minutes of the August 10, 2021, regular Council meeting was provided for the Council's review and approval.
- B. Approval of Special Meeting Minutes:** The meeting minutes of the August 24, 2021, special Council meeting was provided for the Council's review and approval.
- C. Approval of the Treasurer's Report:** The Treasurer's Report for the period ending September 9, 2021, was provided for the Council's review and approval.

**On a motion made by Councilmember Woolstencroft, seconded by Councilmember Fleck, it was resolved to approve the consent agenda as presented. All in favor; motion carried.**

**8. CITY BUSINESS – REGULAR AGENDA**

**A. Second Reading Ordinance 2021-07-02, Section 301.055**

- a. Public Hearing:** There were no comments made for the public hearing.

**On a motion made by Councilmember McCarthy, seconded by Councilmember Fleck, it was resolved to close the public hearing. All in favor; motion carried.**

- b. Council Deliberation and Approval:** The city's attorney recommended that the Council hold over and approve a summary of public document at the next Council meeting.

**On a motion made by Councilmember Woolstencroft, seconded by Councilmember Foster, it was resolved to adopt the amended code 301.055 for ordinance 20210-07-02. All in favor; motion carried.**

*ACTION – The city's attorney will provide the city's administrator with a draft summary of public document for the Council's review.*

**B. First Reading Ordinance 2021-09-01, Section 301.050**

- a. Public Hearing:** There were no comments made for the public hearing.

**On a motion made by Councilmember McCarthy, seconded by Councilmember Fleck, it was resolved to close the public hearing. All in favor; motion carried.**

- b. Council Deliberation and Scheduling of Second Reading**

**On a motion made by Councilmember McCarthy, seconded by Councilmember Fleck, it was resolved to approve a second hearing of the amended code 301.050 including section e: impervious surfaces for ordinance 2021-09-01. All in favor; motion carried.**

**C. 2022 Budget Proposal**

The proposed 2022 budget is the same as 2021's levy of \$512,000.

- a. Public Hearing:** There were no comments made for the public hearing.

**On a motion made by Councilmember Foster, seconded by Councilmember McCarthy, it was resolved to close the public hearing. All in favor; motion carried.**

- b. Council Deliberation:** A proposal will be submitted to Washington County and will appear on tax notifications for the December, 2021, Council meeting.

- c. Approve for Submission:** The 2022 budget will be posted as a public hearing at the next Council meeting for approval in December, 2021.

**D. Meeting Minutes Service**

- a. **Council Deliberation:** The Council discussed that the minute taking service would cost approximately \$260 monthly for a total of \$3,000 to \$4,000 annually. The Council agreed it would be a good investment in order to allow active staff to help with constituents.
- b. **Approve Resolution 2021–2022**

**On a motion made by Councilmember Fleck, seconded by Councilmember Woolstencroft, it was resolved to approve Minutes Solutions Inc. to provide meeting minutes at a cost of \$200 up to two hours and \$30 for every additional half hour. All in favor; motion carried.**

**E. Village Hall**

- a. **Roof Bids:** Mayor Wingfield presented three roofing bids for the Council's review. A proposal was provided by McPhillips Bros. Roofing at a cost of \$30,000, Bruette Roofing at a cost of approximately \$32,000, and Berwald Roofing at a cost of \$35,000. Berwald Roofing has confirmed that is their best rate. Pelco Construction has also provided information to ensure the proper installation of shingles and rubber membranes. Mayor Wingfield noted that Thatcher Engineering would need to be engaged to ensure the roof is built to industry standards. The Council expressed concern regarding whether or not the proposals include labor warranty. Mayor Wingfield recommended approving McPhillips Bros. Roofing for their competitive rate.

Councilmember Fleck noted that the trees and widow-makers at the top of the roof should be examined as they will affect the life expectancy of the membrane. Mayor Wingfield reported that STS Staffing will be in the neighborhood through the end of October, 2021, and will request that they trim the trees.

**On a motion made by Councilmember Fleck, seconded by Councilmember Woolstencroft, it was resolved to approve McPhillips Bros. Roofing on the condition that Thatcher Engineering can ensure the proposal is in conformance with the specs required and will monitor to ensure the roof is built according to specs. Thatcher Engineering is authorized to proceed with the next best bid if needed. All in favor; motion carried.**

- b. **Electrical Connection:** The electrical connection is too low and does not meet building code. Mayor Wingfield obtained two preliminary estimates at a cost of less than \$5,000.

**On a motion made by Mayor Wingfield, seconded by Councilmember McCarthy, it was resolved to authorize Thatcher Engineering to initiate and secure a contractor to resolve the low electrical wires with a suitable solution not to exceed \$5,000. All in favor; motion carried.**

- c. **West Window Replacement:** The west window replacement was not included in the initial bid by Historic Design Consulting. The siding had not been removed at the time of the initial bid so it did not appear to require a replacement.

**On a motion made by Councilmember Fleck, seconded by Councilmember McCarthy, it was resolved to authorize Historic Design Consulting to provide a bid for the west window replacement not to exceed \$1,500. All in favor; motion carried.**

- d. **Concrete Replacement/Repairs:** Pelco Construction has provided a bid of \$10,000 to replace the concrete pad, replace the plywood ramp with concrete stairs, replace the rotten retaining wall with concrete, and for remedial work on the right side of the door. Pelco Construction did not recommend mudjacking.

**On a motion made by Councilmember Woolstencroft, seconded by Councilmember Foster, it was resolved to approve Pelco Construction for the concrete replacement and repairs at a cost of \$10,000. All in favor; motion carried.**

- e. **Tree Planting:** The Council discussed removing the spruce trees and planting birch trees. Mayor Wingfield reported a request to plant evergreens on the east side of the tennis courts and pickle ball courts for sun protection.

**On a motion made by Councilmember Fleck, seconded by Councilmember Foster, it was resolved to authorize \$2,500 for tree planting. All in favor; motion carried.**

*ACTION – Mayor Wingfield will obtain bids for planting birch trees and evergreens.*

## **F. Council Member Reports**

- a. **Hall's Marsh:** Bud Jensen reported that the quality of water and integrity of Hall's Marsh has declined. He requested that the Rice Creek Watershed District implement a comprehensive system approach to the maintenance of the marsh. The Council noted that previous meeting minutes show that Rice Creek is responsible for the marsh.

Stan Karwoski, the Washington County Commissioner, has requested that the Rice Creek Watershed District review their history to determine if they're responsible for the marsh, and to subsequently commit to creating a plan to address the problems with the system from Priebe Lake to Hall's Marsh. The Rice Creek Watershed District will be provided with one month to create a plan and must keep Washington County apprised of their progress. Stan Karwoski recommended that the Council create a resolution requesting action to endorse that Rice Creek is responsible for Hall's Marsh. Stan Karwoski will talk to Washington County staff to provide formal documents and will revisit the item at the November, 2021, council meeting.

Mayor Wingfield recommended obtaining samples of the first two feet of the marsh's water for evidence of pollution. Councilmember McCarthy reported that Steve Thatcher, the city's engineer, indicated he would explore water testing with Blue Water Science. Approval of the resolution will be included on the consent agenda for the next council meeting.

**On a motion made by Councilmember McCarthy, seconded by Councilmember Fleck, it was resolved to approve Washington County to act upon the Rice Creek Watershed Board to provide a permanent solution in two months to clean up Hall's Marsh, followed by a resolution approval at the next council meeting. All in favor; motion carried.**

- b. **Bloomquist Park Trees:** Refer to "Tree Planting".
- c. **Sewer and Water Rate Changes:** The city's financial advisor suggested a \$4 increase to the flat fee per quarter because the city is still budgeting for three watermain breaks a year. The flat fee increase will help recuperate costs starting in the December, 2021, billing period. No change was recommended for the sewer fund as it is in good financial standing. The Council discussed increasing the water rate for summer use citing the abuse of water by residents for irrigation systems.

**On a motion made by Mayor Wingfield, seconded by Councilmember Foster, it was resolved to direct Shelly Rueckert, of St. Anthony Village, to remove the \$25 surcharge immediately starting with the next billing cycle, to increase the water use rates by 4% according to tiers, and to increase the flat rate fee for water by \$4 starting in the December, 2021, billing cycle. All in favor; motion carried.**

- d. **Feistner Beach:** Mayor Wingfield reported that an access point to the embankment is required. The debris also needs to be cleared in the fall of 2021, in order to create a usable space for boats. Mayor Wingfield is meeting with Washington County in late October, 2021, regarding improvements to the drainage ditch at East County line which will improve Birchwood Village's access to the water. A newsletter will include a notice that boating will be available at Feistner Beach.

*ACTION – Mayor Wingfield will discuss the eligibility of boats at Feistner Beach with the Dock Association.*

- e. **Subdivision Code Amendment:** The first reading of the subdivision code amendment and public hearing will take place at the next Council meeting. The subdivision code amendment will be provided to Husnik Homes for the Planning Commission.

**On a motion made by Mayor Wingfield, seconded by Councilmember Fleck, it was resolved to approve a public hearing for the subdivision code amendment presented by the city's attorney at the next Council meeting. All in favor; motion carried.**

*ACTION – The city's attorney will work together with the city's engineer to formulate a suitable subdivision code amendment.*



- f. **Sentence-To-Serve (STS) Buckthorn Removal:** A plan to remove buckthorn and poisonous stumps is in progress.
- g. **City Property Rentals:** The Council discussed creating public trails and expressed concern regarding resistance from residents. Councilmember Fleck suggested that Mayor Wingfield advise residents in a newsletter that the city has valuable property that is being underutilized and the Council is exploring creating public trails. The Council discussed holding a public forum for community feedback. Further discussion was deferred for a workshop in early December, 2021.
- h. **City of Birchwood Village Motto:** Mayor Wingfield reported 28 votes in favor of, “Birchwood: tranquil, scenic, and a little bit quirky”.

**On a motion made by Mayor Wingfield, seconded by Councilmember McCarthy, it was resolved to adopt “Birchwood: tranquil, scenic, and a little bit quirky” as the motto for the city of Birchwood Village. All in favor with the exception of Councilmember Fleck; motion carried.**

- i. **BIRCH Snow Removal Contract:** The snow removal contract with BIRCH expires in 2021. BIRCH is being acquired; however, they are requesting a one-year renewal of the snow removal contract with a 3% increase in the rate. The city’s attorney advised that the Council should have an opportunity to ratify the assumption of duties by the successor company.

**On a motion made by Mayor Wingfield, seconded by Councilmember McCarthy, it was resolved to authorize a one-year renewal of the snow removal contract with BIRCH with a rate increase of 3% and otherwise subject to the same terms and conditions.**

*ACTION – Mayor Wingfield will confirm if the same team will be working at the successor company after its acquisition of BIRCH.*

*ACTION – Councilmember McCarthy will speak to BIRCH regarding more effective de-icing and whether service can be provided to Lakewood Lane.*

*ACTION – The city’s attorney will review the transfer of contract between BIRCH and the successor company once the acquisition is complete to ensure the successor is subject to the same terms and conditions. A report will be provided at the next Council meeting.*

- j. **Meeting with Washington County:** The city’s attorney reported that the Washington County Sheriff’s department was unwilling to issue a public nuisance ticket on a roadway. Mayor Wingfield suggested amending city code to require paved driveways. The city’s attorney advised that a sunset clause could be implemented on non-asphalt service driveways. The Council expressed concern regarding the resistance to issuing the public nuisance ticket citing they had authorized and directed Washington County to issue citations.

*ACTION – Councilmember Fleck will speak to the Washington County Sheriff and provide Council with a report.*

*ACTION – Councilmember McCarthy will explore formulating a code for the grade of driveways.*

- k. **Possible Monies from the Federal Government:** Mayor Wingfield reported that funds are available for communities experiencing flooding. A response regarding support to fix the lift station is pending.

9. **NEXT MEETING**

The next Council meeting will be held at a date and time to be determined.

10. **ADJOURNMENT**

**On a motion made by Councilmember McCarthy, seconded by Councilmember Fleck and carried unanimously, it was agreed that there was no further business of the Council to transact; the meeting was closed at 9:51 p.m. by Mayor Wingfield.**

**DISCLAIMER**

The above minutes should be used as a summary of the motions passed and issues discussed at the meeting of the members of the Birchwood Village city Council. This document shall not be considered to be a verbatim copy of every word spoken at the meeting.

\_\_\_\_\_  
Mayor Mary Wingfield

\_\_\_\_\_  
City Administrator Andy Gonyou

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

For the Period : 9/14/2021 To 10/12/2021

| <u>Name of Fund</u>                                      | <u>Beginning<br/>Balance</u> | <u>Total<br/>Receipts</u> | <u>Total<br/>Disbursed</u> | <u>Ending<br/>Balance</u> |
|--|------------------------------|---------------------------|----------------------------|---------------------------|
| General Fund   | \$222,001.37                 | \$11,853.01               | \$108,175.21               | \$125,679.17              |
| Road and Bridge  | \$0.00                       | \$0.00                    | \$0.00                     | \$0.00                    |
| Other Federal Programs                                   | \$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                                     | \$32,825.69                  | \$0.00                    | \$300.00                   | \$32,525.69               |
| Spec Rev - Warm House                                    | \$40.00                      | \$0.00                    | \$0.00                     | \$40.00                   |
| REIMBURSED CONTRACTED SERVICES                           | \$0.00                       | \$0.00                    | \$0.00                     | \$0.00                    |
| General Debt Service (Identify) (Inactive)               | \$0.00                       | \$0.00                    | \$0.00                     | \$0.00                    |
| Birchwood In Re-hab Bond                                 | \$0.00                       | \$0.00                    | \$0.00                     | \$0.00                    |
| Sewer Re-hab Debt  | \$2,119.89                   | \$0.00                    | \$0.00                     | \$2,119.89                |
| CAPITAL PROJECT FUNDS (401 through 499)                  | \$0.00                       | \$0.00                    | \$0.00                     | \$0.00                    |
| General Capital Projects                                 | \$0.00                       | \$0.00                    | \$0.00                     | \$0.00                    |
| Municipal State Aid Streets - Construction<br>(Inactive) | \$0.00                       | \$0.00                    | \$0.00                     | \$0.00                    |
| Capital Project PW                                       | \$123,615.31                 | \$0.00                    | \$0.00                     | \$123,615.31              |
| Water  | \$17,575.04                  | \$2,385.09                | \$41,995.12                | (\$22,034.99)             |
| Sewer  | \$131,795.22                 | \$2,091.17                | \$18,608.41                | \$115,277.98              |
| Transit System   | \$0.00                       | \$0.00                    | \$0.00                     | \$0.00                    |
| Sewer Infrastructure                                     | \$0.00                       | \$0.00                    | \$0.00                     | \$0.00                    |
| Water Meter Upgrade Fees                                 | \$52,370.64                  | \$721.61                  | \$0.00                     | \$53,092.25               |
| American Rescue Act Proceeds                             | \$46,665.31                  | \$0.00                    | \$513.00                   | \$46,152.31               |
| Engineering Services                                     | \$0.00                       | \$0.00                    | \$0.00                     | \$0.00                    |
| <b>Total</b>   | <b>\$624,968.47</b>          | <b>\$17,050.88</b>        | <b>\$169,591.74</b>        | <b>\$472,427.61</b>       |

| <u>Name of Fund</u>   | <u>Beginning<br/>Balance</u>   | <u>Total<br/>Receipts</u> | <u>Total<br/>Disbursed</u> | <u>Ending<br/>Balance</u> | <u>Less<br/>Deposits<br/>In Transit</u> | <u>Plus<br/>Outstanding<br/>Checks</u> | <u>Total<br/>Per Bank<br/>Statement</u> |
|-----------------------|--------------------------------|---------------------------|----------------------------|---------------------------|---|--|---|
| Jonathan E Fleck      | City Council/Town Board        |                           |                            |                           |   |  | Date                                    |
| Justin R. McCarthy    | City Council/Town Board        |                           |                            |                           |   |  | Date                                    |
| Kevin L Woolstencroft | City Council/Town Board        |                           |                            |                           |   |  | Date                                    |
| Mary Wingfield        | City Council/Town Board, Mayor |                           |                            |                           |   |  | Date                                    |
| Robert Mark Foster    | City Council/Town Board        |                           |                            |                           |   |  | Date                                    |

Fund Name: All Funds

Date Range: 09/14/2021 To 10/12/2021

| <u>Date</u> | <u>Vendor</u>                    | <u>Check #</u> | <u>Description</u>                                     | <u>Void</u> | <u>Account Name</u>                    | <u>F-A-O-P</u> | <u>Total</u>       |
|-------------|----------------------------------|----------------|--|-------------|--|----------------|--------------------|
| 09/14/2021  | Payroll Period Ending 09/11/2021 | 31550          | Payroll- Andy Gonyou, City Administrator               | N           | Clerk - Treasurer                      | 100-41401-100- | \$ 1,123.37        |
|             | <b>Total For Check</b>           | <b>31550</b>   |  |             |  |                | <b>\$ 1,123.37</b> |
| 09/14/2021  | Payroll Period Ending 09/11/2021 | 31551          | Payroll for Jackie Smith- Deputy Clerk                 | N           | Clerk - Treasurer                      | 100-41401-100- | \$ 421.12          |
|             | <b>Total For Check</b>           | <b>31551</b>   |  |             |  |                | <b>\$ 421.12</b>   |
| 09/14/2021  | Andrew Gonyou                    | 31552*         | Reimbursement - Microsoft on-line billing              | N           | Unallocated Expenditures               | 100-49201-430- | \$ 13.42           |
|             | <b>Total For Check</b>           | <b>31552</b>   |  |             |  |                | <b>\$ 13.42</b>    |
| 09/14/2021  | Merrick Inc.                     | 31567*         | August Mailer  | N           | Newsletter                             | 601-41960-350- | \$ 184.32          |
|             | <b>Total For Check</b>           | <b>31567</b>   |  |             |  |                | <b>\$ 184.32</b>   |
| 09/14/2021  | AirFresh Industries, Inc.        | 31568          | Portable Restrooms-Sept Billing                        | N           | Parks                                  | 100-45207-314- | \$ 162.50          |
|             | <b>Total For Check</b>           | <b>31568</b>   |  |             |  |                | <b>\$ 162.50</b>   |
| 09/14/2021  | White Bear Township              | 31569*         | Contracted Services & L/S 2 and 3 alarms - August 2021 | N           | Sewer Utility                          | 605-43190-314- | \$ 4,059.69        |
|             | <b>Total For Check</b>           | <b>31569</b>   |  |             |  |                | <b>\$ 4,059.69</b> |
| 09/14/2021  | GovOffice                        | 31570*         | Annual Hosting Fee 2021                                | N           | General Government Buildings and Plant | 100-41940-320- | \$ 570.00          |
|             | <b>Total For Check</b>           | <b>31570</b>   |  |             |  |                | <b>\$ 570.00</b>   |
| 09/14/2021  | City of Roseville                | 31571*         | IT Services - Sept 2021                                | N           | General Government Buildings and Plant | 100-41940-320- | \$ 692.70          |
|             | <b>Total For Check</b>           | <b>31571</b>   |  |             |  |                | <b>\$ 692.70</b>   |
| 09/14/2021  | TSE, Inc. Work Account           | 31572          | Janitorial Services - August 19, 2021                  | N           | General Government Buildings and Plant | 100-41940-314- | \$ 25.00           |
|             | <b>Total For Check</b>           | <b>31572</b>   |  |             |  |                | <b>\$ 25.00</b>    |
| 09/14/2021  | League of MN Cities              | 31573*         | LMC Membership Dues 2021 - 2022                        | N           | City Training and Development          | 100-41914-433- | \$ 1,103.00        |
|             | <b>Total For Check</b>           | <b>31573</b>   |  |             |  |                | <b>\$ 1,103.00</b> |
| 09/14/2021  | MN Mayors Assn                   | 31574          | Annual Membership Dues                                 | N           | Data Processing                        | 100-41920-433- | \$ 30.00           |

Fund Name: All Funds

Date Range: 09/14/2021 To 10/12/2021

| <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>       |
|-------------|-------------------------------------|----------------------|--|-------------|----------------------------|----------------|--------------------|
|             | <b>Total For Check</b>              | <b>31574</b>         |  |             |                            |                | <b>\$ 30.00</b>    |
| 09/14/2021  | Companion Animal Control LLC        | 31575*               | Animal Control Services - Aug 2021           | N           | Animal Control             | 100-41916-314- | \$ 80.00           |
|             | <b>Total For Check</b>              | <b>31575</b>         |  |             |                            |                | <b>\$ 80.00</b>    |
| 09/14/2021  | Metropolitan Council - Env. Service | 31576*               | Wastewater Service - September 2021          | N           | Sewer Utility              | 605-43190-217- | \$ 4,988.17        |
|             | <b>Total For Check</b>              | <b>31576</b>         |  |             |                            |                | <b>\$ 4,988.17</b> |
| 09/14/2021  | Lund, John                          | 31577*               | Tree Removal                                 | N           | Tree Removal               | 100-43135-314- | \$ 3,447.18        |
|             | <b>Total For Check</b>              | <b>31577</b>         |  |             |                            |                | <b>\$ 3,447.18</b> |
| 09/14/2021  | R Leeves Productions LLC            | 31578*               | Videography - Special Council Mtg (8/30)     | N           | Cable Eqpmt and Service    | 100-41950-314- | \$ 82.50           |
|             | <b>Total For Check</b>              | <b>31578</b>         |  |             |                            |                | <b>\$ 82.50</b>    |
| 09/14/2021  | IRS - US Treasury                   | EFT09142021-a        | Federal Taxes - Q3 2021 - August Payment     | N           | Clerk - Treasurer          | 100-41401-100- | \$ 744.02          |
|             |                                     | EFT09142021-a        |  |             |                            | 100-41401-100- | \$ 307.26          |
|             |                                     | EFT09142021-a        |  |             |                            | 100-41401-100- | \$ 25.12           |
|             |                                     | EFT09142021-a        |  |             | Parks                      | 100-45207-100- | \$ 235.49          |
|             | <b>Total For Check</b>              | <b>EFT09142021-a</b> |  |             |                            |                | <b>\$ 1,311.89</b> |
| 09/15/2021  | H.A. Kantrud, P.A.                  | 31547                | Attorney Services - August 2021              | N           | Legal Services             | 100-41601-300- | \$ 1,500.00        |
|             | <b>Total For Check</b>              | <b>31547</b>         |  |             |                            |                | <b>\$ 1,500.00</b> |
| 09/15/2021  | City of White Bear Lake Fire        | 31548                | Fire Srvc - August 2021                      | N           | Fire                       | 100-42201-314- | \$ 2,445.58        |
|             | <b>Total For Check</b>              | <b>31548</b>         |  |             |                            |                | <b>\$ 2,445.58</b> |
| 09/15/2021  | Gopher State One Call               | 31553*               | billable tickets 32                          | N           | Utility Locates            | 605-42805-314- | \$ 43.20           |
|             | <b>Total For Check</b>              | <b>31553</b>         |  |             |                            |                | <b>\$ 43.20</b>    |
| 09/15/2021  | Press Publications                  | 31554*               | Legal Notice Publications - July/August 2021 | N           | Ordinances and Proceedings | 100-41130-351- | \$ 113.50          |
|             | <b>Total For Check</b>              | <b>31554</b>         |  |             |                            |                | <b>\$ 113.50</b>   |
| 09/15/2021  | Manship Plumbing & Heating Inc      | 31555*               | Standby- Sept 2021, repairs and locates      | N           | Water Utility              | 601-43180-314- | \$ 420.00          |
|             |                                     | 31555*               |  |             |                            | 601-43180-314- | \$ 150.00          |
|             |                                     | 31555*               |  |             |                            | 601-43180-314- | \$ 600.00          |
|             | <b>Total For Check</b>              | <b>31555</b>         |  |             |                            |                | <b>\$ 1,170.00</b> |

Fund Name: All Funds

Date Range: 09/14/2021 To 10/12/2021

| <u>Date</u> | <u>Vendor</u>                       | <u>Check #</u>         | <u>Description</u>                          | <u>Void</u> | <u>Account Name</u>                    | <u>F-A-O-P</u> | <u>Total</u>        |
|-------------|-------------------------------------|------------------------|---|-------------|--|----------------|---------------------|
| 09/15/2021  | TSE, Inc. Work Account              | 31556*                 | Janitorial Services - August 2021           | N           | General Government Buildings and Plant | 100-41940-314- | \$ 50.00            |
|             |                                     | <b>Total For Check</b> | <b>31556</b>                                |             |  |                | <b>\$ 50.00</b>     |
| 09/15/2021  | White Bear Rental                   | 31557                  | Chipper 8/18/2021                           | N           | Parks                                  | 100-45207-400- | \$ 238.70           |
|             |                                     | <b>Total For Check</b> | <b>31557</b>                                |             |  |                | <b>\$ 238.70</b>    |
| 09/15/2021  | City of St. Anthony Village         | 31558                  | Q3 Utility Billing 2021                     | N           | Financial Administration               | 601-41501-305- | \$ 1,061.09         |
|             |                                     | 31558                  |   |             |  | 605-41501-305- | \$ 1,061.08         |
|             |                                     | <b>Total For Check</b> | <b>31558</b>                                |             |  |                | <b>\$ 2,122.17</b>  |
| 09/15/2021  | Metropolitan Council - Env. Service | 31559                  | Wastewater Service - August 2021            | N           | Sewer Utility                          | 605-43190-217- | \$ 4,988.17         |
|             |                                     | <b>Total For Check</b> | <b>31559</b>                                |             |  |                | <b>\$ 4,988.17</b>  |
| 09/15/2021  | White Bear Rental                   | 31560                  | Chipper 8/25/2021                           | N           | Parks                                  | 100-45207-400- | \$ 239.78           |
|             |                                     | <b>Total For Check</b> | <b>31560</b>                                |             |  |                | <b>\$ 239.78</b>    |
| 09/15/2021  | Tennis Sanitation, LLC              | 31561                  | Recycling for Service Period: Jul-Aug 2021  | N           | Recycle                                | 100-43300-314- | \$ 2,392.00         |
|             |                                     | <b>Total For Check</b> | <b>31561</b>                                |             |  |                | <b>\$ 2,392.00</b>  |
| 09/15/2021  | Dakota Supply Group                 | 31562*                 | Water Meter Towner                          | N           | Water Utility                          | 100-43180-380- | \$ 11,297.00        |
|             |                                     | <b>Total For Check</b> | <b>31562</b>                                |             |  |                | <b>\$ 11,297.00</b> |
| 09/15/2021  | Menard's - MAPLEWOOD                | 31563*                 | Weed Killer, PVC cover and misc parts       | N           | Parks                                  | 100-45207-400- | \$ 9.25             |
|             |                                     | <b>Total For Check</b> | <b>31563</b>                                |             |  |                | <b>\$ 9.25</b>      |
| 09/15/2021  | MENARD'S - OAKDALE                  | 31564*                 | New Light for Office and Brush Killer       | N           | Office Operations Supplies             | 100-41911-400- | \$ 99.98            |
|             |                                     | 31564*                 |   |             | Parks                                  | 100-45207-400- | \$ 18.97            |
|             |                                     | <b>Total For Check</b> | <b>31564</b>                                |             |  |                | <b>\$ 118.95</b>    |
| 09/15/2021  | R Leeves Productions LLC            | 31565*                 | Videography - City Council Meetings, August | N           | Cable Eqpmt and Service                | 100-41950-314- | \$ 93.04            |
|             |                                     | 31565*                 |   |             |  | 100-41950-314- | \$ 82.50            |
|             |                                     | <b>Total For Check</b> | <b>31565</b>                                |             |  |                | <b>\$ 175.54</b>    |
| 09/15/2021  | Core & Main                         | 31566                  | Cover for sewer access                      | N           | Sewer Utility                          | 605-43190-220- | \$ 237.12           |
|             |                                     | <b>Total For Check</b> | <b>31566</b>                                |             |  |                | <b>\$ 237.12</b>    |

Fund Name: All Funds

Date Range: 09/14/2021 To 10/12/2021

| <u>Date</u> | <u>Vendor</u>                          | <u>Check #</u>         | <u>Description</u>  | <u>Void</u> | <u>Account Name</u>                 | <u>F-A-O-P</u> | <u>Total</u>       |
|-------------|--|------------------------|---|-------------|-------------------------------------|----------------|--------------------|
| 09/15/2021  | PERA                                   | EFT09152021a           | Retirement funds- City<br>Administrator- Aug 29-Sept 11                       | N           | Clerk - Treasurer                   | 100-41401-121- | \$ 211.74          |
|             |  | <b>Total For Check</b> | <b>EFT09152021a</b>   |             |                                     |                | <b>\$ 211.74</b>   |
| 09/15/2021  | PERA                                   | EFT09152021-A'         | Retirement funds- City<br>Administrator                                       | N           | Parks                               | 100-45207-121- | \$ 211.74          |
|             |  | <b>Total For Check</b> | <b>EFT09152021-A</b>  |             |                                     |                | <b>\$ 211.74</b>   |
| 09/16/2021  | Xcel Energy                            | 08162021a*             | Electronic for Tower @ 210<br>Birchwood Ave, 6/17-7/19                        | N           | Water Utility                       | 601-43180-381- | \$ 12.62           |
|             |  | <b>Total For Check</b> | <b>08162021a</b>  |             |                                     |                | <b>\$ 12.62</b>    |
| 09/16/2021  | Xcel Energy                            | 08162021b*             | Gas Service @ 200 Wildwood<br>Ave, 6/17-7/19                                  | N           | Sewer Utility                       | 605-43190-383- | \$ 27.86           |
|             |  | <b>Total For Check</b> | <b>08162021b</b>  |             |                                     |                | <b>\$ 27.86</b>    |
| 09/16/2021  | Xcel Energy                            | 08162021c*             | Gas Service @ 407 Lake Ave,<br>6/17-7/19                                      | N           | Sewer Utility                       | 605-43190-383- | \$ 26.78           |
|             |  | <b>Total For Check</b> | <b>08162021c</b>  |             |                                     |                | <b>\$ 26.78</b>    |
| 09/16/2021  | Xcel Energy                            | 08302021a*             | Street Lighting- 07/3-08/02   | N           | Street Lighting                     | 100-43160-380- | \$ 1,267.80        |
|             |  | <b>Total For Check</b> | <b>08302021a</b>  |             |                                     |                | <b>\$ 1,267.80</b> |
| 09/16/2021  | Xcel Energy                            | 09152021a*             | Electricity for 210 Birchwood<br>Tower, 7/19-8/17                             | N           | Water Utility                       | 601-43180-381- | \$ 12.62           |
|             |  | <b>Total For Check</b> | <b>09152021a</b>  |             |                                     |                | <b>\$ 12.62</b>    |
| 09/16/2021  | Xcel Energy                            | 09152021b*             | Gas Service 407 Lake Ave Lift<br>Station- 07/19-8/17                          | N           | Sewer Utility                       | 605-43190-383- | \$ 26.78           |
|             |  | <b>Total For Check</b> | <b>09152021b</b>  |             |                                     |                | <b>\$ 26.78</b>    |
| 09/16/2021  | Xcel Energy                            | 09152021c*             | Gas Service 200 Wildwood-<br>07/19-8/17                                       | N           | Sewer Utility                       | 605-43190-383- | \$ 29.17           |
|             |  | <b>Total For Check</b> | <b>09152021c</b>  |             |                                     |                | <b>\$ 29.17</b>    |
| 09/18/2021  | Dale Dahlquist                         | 31579*                 | Music in the Park - 08/29/2021<br>(For Band that Replaced Original<br>Artist) | N           | Recreation                          | 210-45101-440- | \$ 300.00          |
|             |  | <b>Total For Check</b> | <b>31579</b>  |             |                                     |                | <b>\$ 300.00</b>   |
| 09/20/2021  | MN Department of Labor and<br>Industry | EFT09202021-A'         | Building Permit Surcharge - Q2<br>2021  | N           | Building Inspections Administration | 100-42401-437- | \$ 235.40          |



Fund Name: All Funds

Date Range: 09/14/2021 To 10/12/2021

| <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>     |
|-------------|----------------------------------|----------------------------|--|-------------|--|----------------|------------------|
|             |                                  | <b>Total For Check</b>     | <b>EFT09202021-A</b>                       |             |  |                | <b>\$ 235.40</b> |
| 09/22/2021  | TSE, Inc. Work Account           | 31580*                     | Janitorial Services - 9/2/ 2021            | N           | General Government Buildings and Plant | 100-41940-314- | \$ 25.00         |
|             |                                  | <b>Total For Check</b>     | <b>31580</b>                               |             |  |                | <b>\$ 25.00</b>  |
| 09/22/2021  | Wingfield, Mary                  | 31581                      | Reimbursement - Stamps and light bulbs     | N           | General Government Buildings and Plant | 100-41940-220- | \$ 25.00         |
|             |                                  | 31581                      |  |             | Postage/Postal Permits                 | 605-41430-810- | \$ 792.00        |
|             |                                  | <b>Total For Check</b>     | <b>31581</b>                               |             |  |                | <b>\$ 817.00</b> |
| 09/22/2021  | Core & Main                      | 31582*                     | Replace water meter                        | N           | Sewer Utility                          | 605-43190-220- | \$ 71.48         |
|             |                                  | <b>Total For Check</b>     | <b>31582</b>                               |             |  |                | <b>\$ 71.48</b>  |
| 09/22/2021  | White Bear Rental                | 31583*                     | Chipper 09/15/2021                         | N           | Parks                                  | 100-45207-400- | \$ 354.22        |
|             |                                  | <b>Total For Check</b>     | <b>31583</b>                               |             |  |                | <b>\$ 354.22</b> |
| 09/22/2021  | Toshiba Business Solutions       | 31584*                     | Printer Maintenance - 09/09-10/08/21       | N           | Office Operations Supplies             | 100-41911-314- | \$ 10.62         |
|             |                                  | <b>Total For Check</b>     | <b>31584</b>                               |             |  |                | <b>\$ 10.62</b>  |
| 09/22/2021  | Menard's - MAPLEWOOD             | 31585*                     | Misc maintenance items                     | N           | Parks                                  | 100-45207-400- | \$ 9.25          |
|             |                                  | <b>Total For Check</b>     | <b>31585</b>                               |             |  |                | <b>\$ 9.25</b>   |
| 09/22/2021  | Menards - Oakdale                | 31586*                     | Maintenance Supplies                       | N           | Parks                                  | 100-45207-400- | \$ 47.34         |
|             |                                  | <b>Total For Check</b>     | <b>31586</b>                               |             |  |                | <b>\$ 47.34</b>  |
| 09/22/2021  | R Leeves Productions LLC         | 31587*                     | Videography - Council Mtg (9/14)           | N           | Cable Eqpmt and Service                | 100-41950-314- | \$ 109.54        |
|             |                                  | <b>Total For Check</b>     | <b>31587</b>                               |             |  |                | <b>\$ 109.54</b> |
| 09/22/2021  | Press Publications               | 31588*                     | Legal Notice Publications - September 2021 | N           | Ordinances and Proceedings             | 100-41130-351- | \$ 54.51         |
|             |                                  | 31588*                     |  |             |  | 100-41130-351- | \$ 54.51         |
|             |                                  | 31588*                     |  |             |  | 100-41130-351- | \$ 54.51         |
|             |                                  | 31588*                     |  |             |  | 100-41130-351- | \$ 4.60          |
|             |                                  | <b>Total For Check</b>     | <b>31588</b>                               |             |  |                | <b>\$ 168.13</b> |
| 09/22/2021  | AT & T Mobility                  | EFT 09222021A <sup>4</sup> | Laptop connection and mobile hotspot       | N           | Unallocated Expenditures               | 100-49201-430- | \$ 51.04         |
|             |                                  | <b>Total For Check</b>     | <b>EFT 09222021A</b>                       |             |  |                | <b>\$ 51.04</b>  |
| 09/29/2021  | Payroll Period Ending 09/29/2021 | 31589                      | Administrator- Andy Gonyou                 | N           | Clerk - Treasurer                      | 100-41401-100- | \$ 1,217.25      |

Fund Name: All Funds

Date Range: 09/14/2021 To 10/12/2021

| <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>        |
|-------------|-------------------------------------|------------------------|--|-------------|---------------------------------------|----------------|---------------------|
|             |                                     | <b>Total For Check</b> | <b>31589</b>   |             |                                       |                | <b>\$ 1,217.25</b>  |
| 09/29/2021  | Payroll Period Ending 09/29/2021    | 31590                  | Deputy Clerk- Jackie Smith                             | N           | Clerk - Treasurer                     | 100-41401-100- | \$ 502.36           |
|             |                                     | <b>Total For Check</b> | <b>31590</b>   |             |                                       |                | <b>\$ 502.36</b>    |
| 09/30/2021  | Pelco Construction, LLC             | 31591*                 | Hall Concrete Work                                     | N           | Unallocated Expenditures              | 100-49201-430- | \$ 10,225.00        |
|             |                                     | <b>Total For Check</b> | <b>31591</b>   |             |                                       |                | <b>\$ 10,225.00</b> |
| 09/30/2021  | Pelco Construction, LLC             | 31592*                 | Hall Building restoration                              | N           | Unallocated Expenditures              | 100-49201-430- | \$ 28,355.00        |
|             |                                     | <b>Total For Check</b> | <b>31592</b>   |             |                                       |                | <b>\$ 28,355.00</b> |
| 09/30/2021  | Dakota Supply Group                 | 31593*                 | Water Meter Tower Collector set                        | N           | Water Utility                         | 100-43180-380- | \$ 6,500.00         |
|             |                                     | <b>Total For Check</b> | <b>31593</b>   |             |                                       |                | <b>\$ 6,500.00</b>  |
| 09/30/2021  | Douglas Danks Design Associates Inc | 31594*                 | City Planner Services - July-Sept                      | N           | Planning and Zoning                   | 100-41910-300- | \$ 1,200.00         |
|             |                                     | <b>Total For Check</b> | <b>31594</b>   |             |                                       |                | <b>\$ 1,200.00</b>  |
| 09/30/2021  | PERA                                | EFT09302021A*          | Retirement funds- City Administrator- Sept 12-Sept 25  | N           | Clerk - Treasurer                     | 100-41401-121- | \$ 231.00           |
|             |                                     | <b>Total For Check</b> | <b>EFT09302021A</b>                                    |             |                                       |                | <b>\$ 231.00</b>    |
| 10/01/2021  | Structural Tower Services           | 31595*                 | Water Meter Tower                                      | N           | CARES Expenses (for Enterprise Funds) | 601-49295-314- | \$ 18,230.00        |
|             |                                     | <b>Total For Check</b> | <b>31595</b>   |             |                                       |                | <b>\$ 18,230.00</b> |
| 10/01/2021  | Thatcher Engineering, Inc           | 31596*                 | City Engineer - Permit Work and Structural Meter Tower | N           | Engineer Service                      | 100-41650-300- | \$ 6,247.50         |
|             |                                     | 31596*                 |  |             |                                       | 100-41650-300- | \$ 1,445.00         |
|             |                                     | 31596*                 |  |             |                                       | 100-41650-300- | \$ 2,252.50         |
|             |                                     | 31596*                 |  |             |                                       | 100-41650-300- | \$ 4,292.50         |
|             |                                     | 31596*                 |  |             |                                       | 100-41650-300- | \$ 1,827.50         |
|             |                                     | 31596*                 |  |             | CARES Expenses (for Enterprise Funds) | 100-49295-430- | \$ 4,595.38         |
|             |                                     | <b>Total For Check</b> | <b>31596</b>   |             |                                       |                | <b>\$ 20,660.38</b> |
| 10/01/2021  | Payroll Period Ending 10/01/2021    | 31597                  | Jim Rydeen- Maintenance Payroll                        | N           | Parks                                 | 100-45207-100- | \$ 1,148.92         |
|             |                                     | <b>Total For Check</b> | <b>31597</b>   |             |                                       |                | <b>\$ 1,148.92</b>  |
| 10/01/2021  | Xcel Energy                         | EFT100121-A*           | Street Lighting- 8/3-9/2                               | N           | Street Lighting                       | 100-43160-380- | \$ 1,278.70         |

Fund Name: All Funds

Date Range: 09/14/2021 To 10/12/2021

| <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>        |
|-------------|------------------------------------|------------------------|--|-------------|--|-----------------|---------------------|
|             |                                    | <b>Total For Check</b> | <b>EFT100121-A</b>   |             |  |                 | <b>\$ 1,278.70</b>  |
| 10/04/2021  | PERA                               | EFT10042021A*          | Retirement funds- Maintenance Month of September                     | N           | Parks                                  | 100-45207-121-  | \$ 196.00           |
|             |                                    | <b>Total For Check</b> | <b>EFT10042021A</b>  |             |  |                 | <b>\$ 196.00</b>    |
| 10/07/2021  | Angela Cosgrove                    | 31598*                 | Refund of St Anthony Billing due to error                            | N           | Water Utility                          | 601-43180-430-  | \$ 164.84           |
|             |                                    | <b>Total For Check</b> | <b>31598</b>   |             |  |                 | <b>\$ 164.84</b>    |
| 10/07/2021  | City of White Bear Lake            | 31599                  | Fire Services- Aug 2021  | N           | Fire                                   | 100-42201-314-  | \$ 2,445.58         |
|             |                                    | <b>Total For Check</b> | <b>31599</b>   |             |  |                 | <b>\$ 2,445.58</b>  |
| 10/07/2021  | H.A. Kantrud, P.A.                 | 31600                  | Attorney Services - Sept 2021  | N           | Legal Services                         | 100-41601-300-  | \$ 1,500.00         |
|             |                                    | <b>Total For Check</b> | <b>31600</b>   |             |  |                 | <b>\$ 1,500.00</b>  |
| 10/07/2021  | City of White Bear Lake            | 31601                  | Quarterly Water billing - 6/14-9/21/21                               | N           | Water Utility                          | 601-43180-314-  | \$ 19,839.63        |
|             |                                    | <b>Total For Check</b> | <b>31601</b>   |             |  |                 | <b>\$ 19,839.63</b> |
| 10/07/2021  | City of Roseville                  | 31602*                 | IT Services - Oct 2021   | N           | General Government Buildings and Plant | 100-41940-320-  | \$ 692.70           |
|             |                                    | <b>Total For Check</b> | <b>31602</b>   |             |  |                 | <b>\$ 692.70</b>    |
| 10/07/2021  | Manship Plumbing & Heating Inc     | 31603                  | Standby- Oct 2021, sample testing, water quality testing and locates | N           | Water Utility                          | 601-43180-314-  | \$ 600.00           |
|             |                                    | 31603                  |  |             |  | 601-43180-314-  | \$ 480.00           |
|             |                                    | 31603                  |  |             |  | 601-43180-314-  | \$ 120.00           |
|             |                                    | 31603                  |  |             |  | 601-43180-314-  | \$ 120.00           |
|             |                                    | <b>Total For Check</b> | <b>31603</b>   |             |  |                 | <b>\$ 1,320.00</b>  |
| 10/07/2021  | American Engineering Testing, Inc. | 31604*                 | Mater Meter Tower and Emergency Generator Pad                        | N           | CARES Expenses (for Enterprise Funds)  | 625-49295-430-9 | \$ 513.00           |
|             |                                    | <b>Total For Check</b> | <b>31604</b>   |             |  |                 | <b>\$ 513.00</b>    |
| 10/07/2021  | Press Publications                 | 31605*                 | Legal Notice Publications - September 2021                           | N           | Ordinances and Proceedings             | 100-41130-351-  | \$ 81.77            |
|             |                                    | 31605*                 |  |             |  | 100-41130-351-  | \$ 54.51            |
|             |                                    | 31605*                 |  |             |  | 100-41130-351-  | \$ 54.51            |
|             |                                    | <b>Total For Check</b> | <b>31605</b>   |             |  |                 | <b>\$ 190.79</b>    |
| 10/11/2021  | Payroll Period Ending 09/30/2021   | 31608                  | Assistant Treasurer- Mary Cahill                                     | N           | Clerk - Treasurer                      | 100-41401-100-  | \$ 160.51           |

Fund Name: All Funds

Date Range: 09/14/2021 To 10/12/2021

| <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>         |
|----------------------------------|--------------------------|------------------------|--|-------------|-------------------------------------|----------------|----------------------|
|                                  |                          | <b>Total For Check</b> | <b>31608</b>                                       |             |                                     |                | <b>\$ 160.51</b>     |
| 10/11/2021                       | White Bear Township      | 31609*                 | Contracted Services - Sept<br>2021, Lift #3 repair | N           | Sewer Utility                       | 605-43190-314- | \$ 2,256.91          |
|                                  |                          | <b>Total For Check</b> | <b>31609</b>                                       |             |                                     |                | <b>\$ 2,256.91</b>   |
| 10/12/2021                       | MN Department of Revenue | EFT10122021A*          | MN State Tax eFiling - Q3 2021                     | N           | Clerk - Treasurer                   | 100-41401-115- | \$ 1,060.42          |
|                                  |                          | EFT10122021A*          |  |             | Building Inspections Administration | 100-42401-437- | \$ 240.80            |
|                                  |                          | <b>Total For Check</b> | <b>EFT10122021A</b>                                |             |                                     |                | <b>\$ 1,301.22</b>   |
| <b>Total For Selected Checks</b> |                          |                        |  |             |                                     |                | <b>\$ 169,591.74</b> |

Fund Name: All Funds

Date Range: 09/14/2021 To 10/12/2021

| <u>Date</u> | <u>Remitter</u>                     | <u>Receipt #</u> | <u>Description</u>                 | <u>Deposit ID</u> | <u>Void</u> | <u>Account Name</u>        | <u>F-A-P</u> | <u>Total</u>       |
|-------------|-------------------------------------|------------------|------------------------------------|-------------------|-------------|----------------------------|--------------|--------------------|
| 09/20/2021  | Carter Custom Construction and Fire | 171735217*       | Building Permit and Escrow-2021-72 | (09/20/2021) -    | N           | Building Permits           | 100-32211-   | \$ 539.81          |
|             |                                     |                  |                                    |                   |             | Escrow Deposits            | 100-36245-8  | \$ 3,000.00        |
|             |                                     |                  |                                    |                   |             |                            |              | <b>\$ 3,539.81</b> |
| 09/21/2021  | Michels Homes                       | 171735218*       | Building Permit and Escrow-2021-24 | (09/21/2021) -    | N           | Building Permits           | 100-32211-   | \$ 306.86          |
|             |                                     |                  |                                    |                   |             | Escrow Deposits            | 100-36245-8  | \$ 3,000.00        |
|             |                                     |                  |                                    |                   |             |                            |              | <b>\$ 3,306.86</b> |
| 09/22/2021  | WS & D Permit Service, Inc.         | 171735201*       | Building Permit                    | (09/22/2021) -    | N           | Building Permits           | 100-32211-   | \$ 273.19          |
|             |                                     |                  |                                    |                   |             |                            |              | <b>\$ 273.19</b>   |
| 09/22/2021  | Bear Roofing & Exteriors            | 171735202*       | Building Permit                    | (09/22/2021) -    | N           | Building Permits           | 100-32211-   | \$ 200.75          |
|             |                                     |                  |                                    |                   |             |                            |              | <b>\$ 200.75</b>   |
| 09/29/2021  | Mark Schaffhausen                   | 171735206*       | Zoning permit Z0830                | (09/29/2021) -    | N           | Zoning Permits             | 100-32214-   | \$ 280.00          |
|             |                                     |                  |                                    |                   |             |                            |              | <b>\$ 280.00</b>   |
| 09/29/2021  | Nadja Gale                          | 171735207*       | Building permit # 2021-66          | (09/29/2021) -    | N           | Building Permits           | 100-32211-   | \$ 1,043.75        |
|             |                                     |                  |                                    |                   |             |                            |              | <b>\$ 1,043.75</b> |
| 09/29/2021  | Nadja Gale                          | 171735208*       | Building Permit 2021-66            | (09/29/2021) -    | N           | Building Permits           | 100-32211-   | \$ 843.93          |
|             |                                     |                  |                                    |                   |             |                            |              | <b>\$ 843.93</b>   |
| 09/29/2021  | Walker Roofing                      | 171735209*       | Building Permit # 2021-73          | (09/29/2021) -    | N           | Building Permits           | 100-32211-   | \$ 156.94          |
|             |                                     |                  |                                    |                   |             |                            |              | <b>\$ 156.94</b>   |
| 09/29/2021  | Anthony Nickolaus                   | 171735210*       | Zoning permit                      | (09/29/2021) -    | N           | Zoning Permits             | 100-32214-   | \$ 600.00          |
|             |                                     |                  |                                    |                   |             |                            |              | <b>\$ 600.00</b>   |
| 09/30/2021  | Residents - via St Anthony Village  | 171735212        | Utility Billing 08/05/2021         | (09/30/2021) -    | N           | Miscellaneous              | 100-36140-   | \$ 25.00           |
|             |                                     |                  |                                    |                   |             | Water Fee                  | 601-34110-   | \$ 2,314.64        |
|             |                                     |                  |                                    |                   |             | Penalty - Late Water/Sewer | 601-34160-   | \$ 1.76            |

Fund Name: All Funds

Date Range: 09/14/2021 To 10/12/2021

| <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>               |
|------------------------------------|-------------------------------|------------------|---------------------------|-------------------|-------------|----------------------------|--------------|----------------------------|
|                                    |                               |                  |                           |                   |             | State and Misc fees        | 601-34170-   | \$ 68.69                   |
|                                    |                               |                  |                           |                   |             | Penalty - Late Water/Sewer | 605-34160-   | \$ 2.26                    |
|                                    |                               |                  |                           |                   |             | Sewer Fee                  | 605-34190-   | \$ 2,088.91                |
|                                    |                               |                  |                           |                   |             | Miscellaneous              | 620-36140-6  | \$ 721.61                  |
|                                    |                               |                  |                           |                   |             |                            |              | <u>\$ 5,222.87</u>         |
| 09/30/2021                         | Michael conway                | 171735215*       | Building Permit # 2021-75 | (09/30/2021) -    | N           | Building Permits           | 100-32211-   | \$ 157.00                  |
|                                    |                               |                  |                           |                   |             |                            |              | <u>\$ 157.00</u>           |
| 09/30/2021                         | Michael Conway                | 171735216*       | Building Permit- 2021-74  | (09/30/2021) -    | N           | Building Permits           | 100-32211-   | \$ 157.25                  |
|                                    |                               |                  |                           |                   |             |                            |              | <u>\$ 157.25</u>           |
| 10/08/2021                         | Hoffman-Weber<br>Construction | 171735213*       | Bldg Permit 2021-77       | (10/08/2021) -    | N           | Building Permits           | 100-32211-   | \$ 668.53                  |
|                                    |                               |                  |                           |                   |             |                            |              | <u>\$ 668.53</u>           |
| 10/08/2021                         | Kyle Hunt and Partners        | 171735214*       | Variance fee- 210928      | (10/08/2021) -    | N           | Building Permits           | 100-32211-   | \$ 600.00                  |
|                                    |                               |                  |                           |                   |             |                            |              | <u>\$ 600.00</u>           |
| <b>Total for Selected Receipts</b> |                               |                  |                           |                   |             |                            |              | <u><u>\$ 17,050.88</u></u> |

As on 10/12/2021

## Special Rev Projects

|   | <u>Budget</u> | <u>Actual</u>    | <u>Variance</u>   |
|---|---------------|------------------|-------------------|
| <b>Receipts:</b>                                    |               |                  |                   |
| Dock/Lift Permit Fee                                | 0.00          | 16,500.00        | 16,500.00         |
| <b>Total Acct 322</b>                               | <b>0.00</b>   | <b>16,500.00</b> | <b>16,500.00</b>  |
| <b>Total Revenues</b>                               | <b>0.00</b>   | <b>16,500.00</b> | <b>16,500.00</b>  |
| <b>Other Financing Sources:</b>                     |               |                  |                   |
| <b>Total Other Financing Sources</b>                | <b>0.00</b>   | <b>0.00</b>      | <b>0.00</b>       |
| <b>Disbursements:</b>                               |               |                  |                   |
| Recreation  |               |                  |                   |
| Community Events                                    | 0.00          | 3,200.00         | (3,200.00)        |
| <b>Total Acct 451</b>                               | <b>0.00</b>   | <b>3,200.00</b>  | <b>(3,200.00)</b> |
| <b>Total Disbursements</b>                          | <b>0.00</b>   | <b>3,200.00</b>  | <b>(3,200.00)</b> |
| <b>Other Financing Uses:</b>                        |               |                  |                   |
| Transfer To Governmental Fund                       |               |                  |                   |
| Interfund Transfers                                 | 0.00          | 5,000.00         | (5,000.00)        |
| <b>Total Acct 493</b>                               | <b>0.00</b>   | <b>5,000.00</b>  | <b>(5,000.00)</b> |
| <b>Total Other Financing Uses</b>                   | <b>0.00</b>   | <b>5,000.00</b>  | <b>(5,000.00)</b> |
| <b>Beginning Cash Balance</b>                       |               | <b>24,225.69</b> |                   |
| <b>Total Receipts and Other Financing Sources</b>   |               | <b>16,500.00</b> |                   |
| <b>Total Disbursements and Other Financing Uses</b> |               | <b>8,200.00</b>  |                   |
| <b>Cash Balance as of 10/12/2021</b>                |               | <b>32,525.69</b> |                   |

As on 10/12/2021

Capital Project PW

|  | <u>Budget</u> | <u>Actual</u> | <u>Variance</u> |
|--|---------------|---------------|-----------------|
| <b>Receipts:</b>                             |               |               |                 |
| Total Revenues                               | 0.00          | 0.00          | 0.00            |
| <b>Other Financing Sources:</b>              |               |               |                 |
| Total Other Financing Sources                | 0.00          | 0.00          | 0.00            |
| <b>Disbursements:</b>                        |               |               |                 |
| Total Disbursements                          | 0.00          | 0.00          | 0.00            |
| <b>Other Financing Uses:</b>                 |               |               |                 |
| Total Other Financing Uses                   | 0.00          | 0.00          | 0.00            |
| Beginning Cash Balance                       |               | 123,615.31    |                 |
| Total Receipts and Other Financing Sources   |               | 0.00          |                 |
| Total Disbursements and Other Financing Uses |               | 0.00          |                 |
| Cash Balance as of 10/12/2021                |               | 123,615.31    |                 |



As on 10/12/2021

Water

|   | <u>Budget</u> | <u>Actual</u>     | <u>Variance</u>     |
|---|---------------|-------------------|---------------------|
| <b>Receipts:</b>                                  |               |                   |                     |
| Water Fee   | 0.00          | 64,068.36         | 64,068.36           |
| Penalty - Late Water/Sewer                        | 0.00          | 674.52            | 674.52              |
| State and Misc fees                               | 0.00          | 2,286.02          | 2,286.02            |
| <b>Total Acct 341</b>                             | <b>0.00</b>   | <b>67,028.90</b>  | <b>67,028.90</b>    |
| Delinquent Water/Sewer Fees                       | 0.00          | 468.51            | 468.51              |
| Miscellaneous                                     | 0.00          | 5,790.79          | 5,790.79            |
| <b>Total Acct 361</b>                             | <b>0.00</b>   | <b>6,259.30</b>   | <b>6,259.30</b>     |
| <b>Total Revenues</b>                             | <b>0.00</b>   | <b>73,288.20</b>  | <b>73,288.20</b>    |
| <b>Other Financing Sources:</b>                   |               |                   |                     |
| <b>Total Other Financing Sources</b>              | <b>0.00</b>   | <b>0.00</b>       | <b>0.00</b>         |
| <b>Disbursements:</b>                             |               |                   |                     |
| Postage/Postal Permits                            |               |                   |                     |
| Refunds and Reimbursements                        | 0.00          | 231.00            | (231.00)            |
| <b>Total Acct 414</b>                             | <b>0.00</b>   | <b>231.00</b>     | <b>(231.00)</b>     |
| Financial Administration                          |               |                   |                     |
| Professional Services: Medical and Dental Fees    | 0.00          | 1,061.09          | (1,061.09)          |
| Contracted Services                               | 0.00          | 6,213.30          | (6,213.30)          |
| <b>Total Acct 415</b>                             | <b>0.00</b>   | <b>7,274.39</b>   | <b>(7,274.39)</b>   |
| Office Operations Supplies                        |               |                   |                     |
| Operating Supplies (211 through 219)              | 0.00          | 243.26            | (243.26)            |
| Newsletter  |               |                   |                     |
| Printing and Binding (351 through 359)            | 0.00          | 683.19            | (683.19)            |
| <b>Total Acct 419</b>                             | <b>0.00</b>   | <b>926.45</b>     | <b>(926.45)</b>     |
| Water Utility                                     |               |                   |                     |
| Repair and Maintenance Supplies (221 through 229) | 0.00          | 438.84            | (438.84)            |
| Contracted Services                               | 0.00          | 70,230.06         | (70,230.06)         |
| Utility Services: Electric Utilities              | 0.00          | 115.06            | (115.06)            |
| Miscellaneous (431 through 499)                   | 0.00          | 164.84            | (164.84)            |
| Fees  | 0.00          | 2,580.00          | (2,580.00)          |
| Wtr/Swr Emergency                                 |               |                   |                     |
| Repair and Maintenance Supplies (221 through 229) | 0.00          | 800.00            | (800.00)            |
| PROFESSIONAL SERVICES (301 through 319)           | 0.00          | 1,041.50          | (1,041.50)          |
| Contracted Services                               | 0.00          | 19,983.56         | (19,983.56)         |
| <b>Total Acct 431</b>                             | <b>0.00</b>   | <b>95,353.86</b>  | <b>(95,353.86)</b>  |
| MISCELLANEOUS                                     |               |                   |                     |
| Miscellaneous (431 through 499)                   | 0.00          | 8,181.90          | (8,181.90)          |
| <b>Total Acct 490</b>                             | <b>0.00</b>   | <b>8,181.90</b>   | <b>(8,181.90)</b>   |
| CARES Expenses (for Enterprise Funds)             |               |                   |                     |
| Contracted Services                               | 0.00          | 18,230.00         | (18,230.00)         |
| <b>Total Acct 492</b>                             | <b>0.00</b>   | <b>18,230.00</b>  | <b>(18,230.00)</b>  |
| <b>Total Disbursements</b>                        | <b>0.00</b>   | <b>130,197.60</b> | <b>(130,197.60)</b> |
| <b>Other Financing Uses:</b>                      |               |                   |                     |
| Transfer To Enterprise Fund                       |               |                   |                     |
| Interfund Transfers                               | 0.00          | 35,000.00         | (35,000.00)         |
| <b>Total Acct 493</b>                             | <b>0.00</b>   | <b>35,000.00</b>  | <b>(35,000.00)</b>  |
| <b>Total Other Financing Uses</b>                 | <b>0.00</b>   | <b>35,000.00</b>  | <b>(35,000.00)</b>  |

As on 10/12/2021

Water

|  | <u>Budget</u> | <u>Actual</u>      | <u>Variance</u> |
|--|---------------|--------------------|-----------------|
| Beginning Cash Balance                       |               | 69,874.41          |                 |
| Total Receipts and Other Financing Sources   |               | 73,288.20          |                 |
| Total Disbursements and Other Financing Uses |               | 165,197.60         |                 |
| Cash Balance as of 10/12/2021                |               | <u>(22,034.99)</u> |                 |

As on 10/12/2021

## Sewer

|   | <u>Budget</u> | <u>Actual</u>     | <u>Variance</u>     |
|---|---------------|-------------------|---------------------|
| <b>Receipts:</b>                                    |               |                   |                     |
| Penalty - Late Water/Sewer                          | 0.00          | 542.10            | 542.10              |
| Sewer Fee   | 0.00          | 77,041.78         | 77,041.78           |
| <b>Total Acct 341</b>                               | <b>0.00</b>   | <b>77,583.88</b>  | <b>77,583.88</b>    |
| Delinquent Water/Sewer Fees                         | 0.00          | 468.51            | 468.51              |
| <b>Total Acct 361</b>                               | <b>0.00</b>   | <b>468.51</b>     | <b>468.51</b>       |
| MISCELLANEOUS REVENUES                              | 0.00          | 10,821.14         | 10,821.14           |
| <b>Total Acct 362</b>                               | <b>0.00</b>   | <b>10,821.14</b>  | <b>10,821.14</b>    |
| <b>Total Revenues</b>                               | <b>0.00</b>   | <b>88,873.53</b>  | <b>88,873.53</b>    |
| <b>Other Financing Sources:</b>                     |               |                   |                     |
| <b>Total Other Financing Sources</b>                | <b>0.00</b>   | <b>0.00</b>       | <b>0.00</b>         |
| <b>Disbursements:</b>                               |               |                   |                     |
| Postage/Postal Permits                              |               |                   |                     |
| Refunds and Reimbursements                          | 0.00          | 1,826.00          | (1,826.00)          |
| <b>Total Acct 414</b>                               | <b>0.00</b>   | <b>1,826.00</b>   | <b>(1,826.00)</b>   |
| Financial Administration                            |               |                   |                     |
| Professional Services: Medical and Dental Fees      | 0.00          | 1,061.08          | (1,061.08)          |
| <b>Total Acct 415</b>                               | <b>0.00</b>   | <b>1,061.08</b>   | <b>(1,061.08)</b>   |
| Office Operations Supplies                          |               |                   |                     |
| Operating Supplies (211 through 219)                | 0.00          | 243.26            | (243.26)            |
| <b>Total Acct 419</b>                               | <b>0.00</b>   | <b>243.26</b>     | <b>(243.26)</b>     |
| Utility Locates                                     |               |                   |                     |
| Contracted Services                                 | 0.00          | 325.40            | (325.40)            |
| <b>Total Acct 428</b>                               | <b>0.00</b>   | <b>325.40</b>     | <b>(325.40)</b>     |
| Sewer Utility                                       |               |                   |                     |
| Sewer - Wastewater Charge                           | 0.00          | 49,881.70         | (49,881.70)         |
| Repair and Maintenance Supplies (221 through 229)   | 0.00          | 308.60            | (308.60)            |
| Contracted Services                                 | 0.00          | 30,951.54         | (30,951.54)         |
| Utility Services (381 through 389)                  | 0.00          | 5,602.76          | (5,602.76)          |
| Utility Services: Gas Utilities                     | 0.00          | 499.57            | (499.57)            |
| <b>Total Acct 431</b>                               | <b>0.00</b>   | <b>87,244.17</b>  | <b>(87,244.17)</b>  |
| Unallocated Expenditures                            |               |                   |                     |
| Miscellaneous (431 through 499)                     | 0.00          | 13,100.00         | (13,100.00)         |
| <b>Total Acct 492</b>                               | <b>0.00</b>   | <b>13,100.00</b>  | <b>(13,100.00)</b>  |
| <b>Total Disbursements</b>                          | <b>0.00</b>   | <b>103,799.91</b> | <b>(103,799.91)</b> |
| <b>Other Financing Uses:</b>                        |               |                   |                     |
| <b>Total Other Financing Uses</b>                   | <b>0.00</b>   | <b>0.00</b>       | <b>0.00</b>         |
| <b>Beginning Cash Balance</b>                       |               | <b>130,204.36</b> |                     |
| <b>Total Receipts and Other Financing Sources</b>   |               | <b>88,873.53</b>  |                     |
| <b>Total Disbursements and Other Financing Uses</b> |               | <b>103,799.91</b> |                     |
| <b>Cash Balance as of 10/12/2021</b>                |               | <b>115,277.98</b> |                     |



**ORDINANCE 2021-10-01**

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

**AN ORDINANCE AMENDING SUBDIVISION OF LAND  
IN THE CITY ZONING CODE**

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

**SECTION 308. SUBDIVISION OF LAND**

**308.121 LOT SPLIT WITH NO UTILITY EXTENSIONS EXEMPT FROM MOST REQUIREMENTS.** The application of this subdivision chapter is waived when the developer proposes a lot split where:

1. All the proposed lots meet the front foot requirement under section 302.010 (2) on an existing, developed street or roadway, and
2. No city utilities (sanitary sewer and water and storm sewer) are extended in the city right of way to serve the lot split, and
3. Stormwater will be managed on each lot by the property owner, and
4. Stormwater under this exception shall meet the requirements of the City Code, and.
5. Provided when any such new lots exceed 24,000 square feet and are potentially subsequently subdividable, the developer shall enter into an Agreement with the City, and record with the Washington County Recorder, a restrictive covenant preventing further subdivision of such lot(s) in perpetuity.

Subd. 1. **DATA REQUIRED.** The following are data requirements to qualify for a lot split with no utility extensions:

1. Boundary and topographic survey that shows the following:
  - a. Boundaries of the existing parcel(s) to be altered with dimensions and area.
  - b. The boundary and topographic survey shall be prepared and signed by a licensed land surveyor.
  
2. If required by the City Engineer, a resource inventory that shows the following:
  - a. Soils report indicating soil type locations and identification of soil type characteristics such as hydric soils, agricultural capability, depth to bedrock, depth to groundwater, and hydraulic conductivity. The soils report shall have adequate soils information to determine suitability for building and on-site mitigation and handling of surface water and groundwater capabilities for every lot from the most current existing sources and from field investigations such as soil boring, percolation tests, or other methods.

3. Proposed lots that show the following:
  - a. Proposed lot lines, dimensions, and the gross and buildable acreage of each lot; when lots are located on a curve in a road or cul-de-sac, the lot width at the building setback line shall be shown; proposed lot and block numbers.
  
4. A preliminary grading, drainage and erosion control plan that shows the following:
  - a. Existing contour elevations (existing grade elevations) at one foot (1') intervals shown as dashed lines for the subject property.
  - b. Proposed contour elevations (proposed grade elevations) at one foot (1') intervals shown as solid lines.
  - c. Proposed plan for surface water management, ponding, drainage and flood control, including the normal water level and high water level of all ponds and watercourses including those which drain beyond the boundaries of the subdivision.
  - d. If the subject property is within or adjacent to a 100-year floodplain, flood elevation and locations shall be shown.
  - e. The preliminary grading, drainage and erosion control plan shall be prepared and signed by a licensed professional engineer.
  
5. If required by the City Engineer, a hydrological study and written report that includes the following:
  - a. The installation of a minimum of three (3) temporary monitoring wells (TMW) to document existing groundwater elevation and groundwater flow direction.

Subd. 2. **REVIEW AND APPROVAL.** If all the required submissions are made under Subdivision 1, the procedure for approval of exemption shall follow the same review process as if for a final plat under Section 308.050 of this Code.

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

September 22, 2021

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

**Project: 339 Wildwood Avenue – Revised Variance, Zoning Permit and Conditional Use Permit Applications 2021**

Mr. Gonyou:

Acting on behalf of the City of Birchwood Village as their Permit Reviewer, I have reviewed the revised Zoning Permit, Conditional Use Permit and Petition for Variance Applications submitted for landscape/sitework, shoreline rock riprap and retaining wall construction at 339 Wildwood Avenue. I have organized my report and comments based on the following sequence of proposed work:

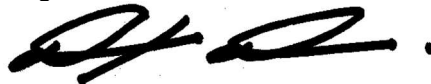
1. City Code Section 302.020 – Structure Location Requirements Part 4.b Retaining Wall Setbacks: The ordinance states lot line setback requirements shall not apply to retaining walls except that the ordinary high water setback requirements shall apply to retaining walls. The proposed retaining wall location submitted on the Survey Basemap and Proposed Plan document is within the required 50'-0" setback, and will require Planning Commission review of the Petition for Variance Application submitted. I will defer to the Planning Commission on the issue of whether or not Practical Difficulties support granting a variance. City Code Section 302.055 – Land Disturbance Activity Standards Part 2.a.4 states that no grading or filling shall be permitted within 20'-0" of the ordinary high water level of any lake, pond or wetland. The retaining wall location and associated land disturbance as proposed have been revised to locate the work outside the 20'-0" setback from the ordinary high water level. I find the proposed retaining wall location and associated land disturbance comply with the City Code Section 302.055 – Land Disturbance Activity Standards Part 2.a.4.
2. City Code Section 302.055 – Land Disturbance Activity Standards Part 2.a.6 states "*Placement of natural rock riprap, including grading of the associated shoreline and placement of a filter fabric, is permitted if the finished slope does not exceed (3) three feet horizontal to (1) one foot vertical, the landward extent of the riprap is within (10) ten feet of the ordinary high water level, and the height of the riprap above the ordinary high water level does not exceed*

(3) feet.” I observe that the revised Survey Basemap and Proposed Plan and Project Description documents submitted with the applications indicate the height and landward extent are within the City Code requirement. I find the Zoning Permit Application is complete and the proposed shoreline rock riprap complies with the City Code, and recommend approval of a Zoning Permit for this work.

3. City Code Section 302.070 – City Fence Ordinance Part 5 Retaining Walls states solid walls in excess of 4'-0" high shall be prohibited unless they are part of a building. The proposed glacial boulder retaining wall on the Survey Basemap and Proposed Plan document is indicated to be 5'-0" high, and will require the Petition for Variance Application submitted. For retaining walls over the 4'-0" height limit the retaining wall shall be engineered with signed and stamped documents for the design and construction prepared and submitted by a licensed Professional Engineer. I will defer to the Planning Commission on the issue of whether or not Practical Difficulties support granting a variance. The applicant indicates the required engineering will be submitted if the Petition for Variance Application is approved. With this requirement deferred until then, I find the Petition for Variance Application is complete.
4. City Code Section 301.070 – Conditional Uses Part 1 states a Conditional Use Permit shall be required for any land disturbance activity where the slope is toward a lake, pond, wetland or watercourse leading to such waters and the alteration is closer to such waters than the structure setback requirement. The Survey Basemap and Proposed Plan document submitted with the applications indicates land disturbance on the slope leading to the lake within 50'-0" from the ordinary high water level, and will require Planning Commission review of the Conditional Use Permit submitted. I find the Conditional Use Permit Application and supporting documents are complete.

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

Regards,



Doug Danks



**CITY OF BIRCHWOOD VILLAGE**  
**MEMORANDUM**  
**Updated September 22, 2021**

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**TO:** Birchwood Village Planning Commission

**FROM:** Thatcher Engineering, Inc.

**DATE:** September 22, 2021

**APPLICANT:**

Southview Design, Landscape Contractor, 2383 Pilot Knob Rd, St Paul, MN 55120.

**PROPERTY OWNER(S):** Luke and Courtney Wippler

**LOCATION:** 339 Wildwood Avenue, Birchwood Village, MN 55110

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**REQUEST**

**Variance request #1:**

The Applicant requested a variance from City Code 302.020 – minimum setback requirements retaining wall. However, Thatcher Engineering, Inc. (TEI) understands that this variance is not needed now because the Applicant changed their plan so the retaining wall location meets code requirements. The retaining wall will be greater than 20 feet from the Ordinary High Water Level (OHWL).

A variance is still required for the glacial boulder retaining wall since it is within the required 50 foot setback for a structure from the OHWL. The 20'-0" setback noted above is for land disturbance activities.

**Variance request #2:**

The Applicant is requesting a variance from City Code 302.050 – impervious surface requirements.

**Variance request #3:**

The Applicant requested a variance from City Code 302.055 – grading within 20 feet of the OHWL of White Bear Lake. However, TEI understands that this variance is not needed now because the Applicant changed their plan so the grading meets code requirements. No grading will occur within 20 feet of the OHWL of White Bear Lake except for the shoreline rock rip rap. This grading does not need a variance because it meets the requirements of City Code 302.055.2.a.6. It will be approved as part of a Zoning Permit for the shoreline rock riprap.

**Variance request #4:**

The Applicant is requesting a variance from City Code 302.070 – retaining walls in excess of 4 feet.

**Certificate of Survey:**

The Certificate of Survey (COS) prepared by E. G. Rud & Sons, Inc. dated September 4, 2019 shows the following:

1. A proposed 30 foot by 30 foot addition to the existing house.
2. The existing deck to the guest house/garage to be removed.

**Survey Base Map and Proposed Plan:**

The Survey Base Map and Proposed Plan (Plan) prepared by Southview Design dated September 20, 2021 shows the following:

1. A proposed 30 foot by 30 foot addition to the existing house.
2. The existing deck to the guest house/garage to be removed.

**TEI Requested Information and Applicant Replied:**

Thatcher Engineering, Inc. (TEI) requested that the applicant do the following (and the Applicant's reply):

1. Clarify whether or not the addition to the existing house and removal of the existing deck are included in the building permit application submitted to the city with the variance application.
  - a. An email from Alyson Landmark of Southview Design dated September 17, 2021 states that the addition has been completed previously and the deck will be permitted for separately by the construction contractor.
2. Provide updated impervious surface calculations based on the lot area to the OHWL.
  - a. Updated impervious surface calculations based on the lot area to the OHWL were provided on the Plan prepared by Southview Design dated September 20, 2021.

The Applicant is making the requests because of the following:

1. The property owner has safety concerns as they relate to both the slope of the hill and the water line.
2. The existing 125 lineal feet of mowed-grass shoreline is at the bottom of a nearly 2:1 slope that rises 14 feet from the water's edge.

## **BACKGROUND**

**Variance request #1:** Doug Danks, City Planner, will review this request.

**Variance request #2:**

City Code 302.050 IMPERVIOUS SURFACES states: "1. Limitation. Impervious surface coverage of lots shall not exceed twenty-five (25) percent of the lot area unless the applicant satisfies the following conditions to obtain a variance:

- a. The applicant shall submit a stormwater management plan for the site that analyzes the proposed development including the area(s) of impervious surfaces, direction of runoff, proposed best management practices to manage runoff, and stormwater retention that the best management practices will achieve.
- b. The stormwater management plan shall include structures and/or best management practices for the mitigation of stormwater impacts on receiving waters in compliance with the City's Surface Water Management Plan, or as approved by the City Engineer, so that the site design includes stormwater management practices that control the stormwater runoff volumes, and the post-construction runoff volume shall be retained on site for 1.1 inches of runoff from impervious surfaces.
- c. The applicant shall utilize the most recent version of the Minnesota MIDS (Minimum Impact Design Standards) Calculator (available on the Minnesota Pollution Control Agency's website), the U.S. Environmental Protection Agency's National Stormwater Calculator, or another similar stormwater design calculator approved by the city to complete the plan and show that the proposed stormwater management practices meet the required infiltration standard. The applicant shall submit the calculator results to the City with the stormwater management plan.
- d. The applicant shall provide documentation that the proposed stormwater management methods meet the required standard, will be designed and installed consistent with the City's Surface Water Management Plan, NPDES stormwater standards, and the Minnesota Pollution Control Agency's Minnesota Stormwater Manual.
- e. No pervious pavement system is permitted in the Shore Impact Zone. (The Shore Impact Zone is the land located between the ordinary high water level of a public water and a line parallel to it at a setback of 50 percent of the required structure setback. The required structure setback from the OHWL in the City of Birchwood Village is 50 feet, and the Shore Impact Zone is 25 feet.)

- f. Site design shall comply with the City's zoning code 302.055, and shall minimize changes in ground cover, loss of natural vegetation, and grade change as much as possible.
- g. The base of installed infiltration structures or practices must be a minimum of three (3) feet above the established ground water table or the Ordinary High Water Level of White Bear Lake, whichever is higher.
- h. The stormwater management practices shall be designed in accord with the Minnesota Stormwater Manual, American Concrete Pavement Association design criteria, Center for Watershed Protection, Stormwater BMP Design Supplement for Cold Climates, or other design guidance provided by the City.
- i. The stormwater management plan shall include the applicant's description of how the practices shall be maintained to function as designed for the long-term. The City may inspect the installation of the stormwater management system at the site.
- j. The applicant shall include the maintenance plan and a maintenance schedule for the approved stormwater management practices with the required permit application.
- k. The variance shall not be valid unless the applicant properly records the variance at the property records at Washington County and a copy of the recording is properly returned to the City for verification."

Currently, this property does not conform to City Code 302.050 IMPERVIOUS SURFACES because the application shows that the existing impervious surface coverage is 28%. The proposed impervious surface coverage is 29%.

On September 20, 2021, the application provided information (attached) which shows that the proposed work will meet the conditions for Variance Request #2. The conditions that are satisfied are the following:

- Item a.
- Item b.
- Item c.
- Item d.
- Item e.
- Item f.
- Item g.
- Item h.
- Item i.
- Item j.
- Item k. The applicant will record the variance at Washington County, if approved.

Please note that even though there are potential physical clogging problems with infiltration, it is one of the most important BMP in stormwater runoff treatment. Fear of the limitations should not prevent well designed systems from being used.

**Variance request #3:** Doug Danks, City Planner, will review this request.

**Variance request #4:** Doug Danks, City Planner, will review this request.

## **SITE CHARACTERISTICS**

The lot area is approximately 41,574 square feet according to the Certificate of Survey (COS) prepared by E. G. Rud & Sons, Inc. dated September 4, 2019. The lot is approximately 140 feet wide and contains a single-family residence, detached garage, and separate detached guest house/garage.

## **PRACTICAL DIFFICULTY**

- 1) 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.

## **CITY 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. 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.

**ANALYSIS**

The lot has steep slopes and topography challenges.

**REASONS FOR RECOMMENDING VARIANCE APPROVAL**

**Variance request #2:**

1. The plan meets City Code requirements.
2. This project would preserve the essential character of the locality.

## **REASONS FOR RECOMMENDING VARIANCE DENIAL**

### **Variance request #2:**

1. 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:
  - a. That they are not in harmony with the general purposes and intent of the ordinance.
  - b. That the variance is not consistent with the comprehensive plan.
  - c. That the Applicant for the variance has not established that there are practical difficulties in complying with the zoning ordinance.
  - d. The lot does not meet the requirements of City Code 302.015.

## **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. Land alteration may not cause adverse impact upon abutting property.
4. Applicant shall meet the requirements of City Code 301.055 which states: "For a building permit, the applicant must submit stormwater and erosion control plans prepared and signed by a licensed professional engineer. The plans must be approved by the city engineer and the permit holder must adhere to the approved plans. The stormwater management plan must detail how stormwater will be controlled to prevent damage to adjacent property and adverse impacts to the public stormwater drainage system."
5. The variance shall not be valid unless the applicant properly records the variance at the property records at Washington County and a copy of the recording is properly returned to the City for verification."



**City of Birchwood Village**  
Petition for Variance Application

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

**FOR OFFICIAL USE ONLY**

Application Received Date: \_\_\_\_\_ Amount Paid: \$ \_\_\_\_\_  
 Payment Type (Circle One): **Cash** / Check / Money Order / Credit Card  
 Check/Money Order # \_\_\_\_\_  
 Application Complete? Yes  No  If no, date application was deemed complete: \_\_\_\_\_  
 Signature of City Planner: \_\_\_\_\_ Date: \_\_\_\_\_

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

- Name of Applicant(s) SOUTHVIEW DESIGN  
 Address 2383 PILOT KNOB RD  
 City ST. PAUL State MN Zip Code 55120  
 Business Phone 612.202.3004 Home Phone \_\_\_\_\_
- Address of Property Involved if different from above: \_\_\_\_\_  
339 WILDWOOD AVE, BIRCHWOOD VILLAGE, MN 55110
- Name of Property Owner(s) if different from above and describe Applicant's interest in the property:  
LUKE WIPPLER
- Specific Code Provision from which Variance is requested: Zoning Code 302.020, 302.050, 302.055, 302.070
- Describe in narrative form what the Applicant is proposing to do that requires a variance:  
SEE ATTACHED PROJECT DESCRIPTION  
ZONING CODE 302.020 - MINIMUM SETBACK REQUIREMENTS - RET. WALL  
ZONING CODE 302.050 - IMPERVIOUS SURFACE - INSTALL PERM. PATIO  
ZONING CODE 302.055 - GRADING W/IN 20' OF OHWL - INSTALL RIP RAP  
ZONING CODE 302.070 - RETAINING WALLS - IN EXCESS OF 4 FEET



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 "CURRENT SITE CONDITIONS WITHIN 50' SETBACK"  
IN ATTACHED PROJECT DESCRIPTION

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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:

PATIO TO BE PERMEABLE WITH FILTERED WATER THROUGH PATIO  
TERMINATING IN DRY-WELL SYSTEM; FLAT AREA CREATED BY 5'  
RETAINING WALL TO BE SODDED, WHICH SLOWS RUNOFF TO LAKE

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

NONE

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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: \_\_\_\_\_

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:

SHORELINE RIP RAP & BACK YARD LANDSCAPING PROJECT PERMIT # 21-063

14. Please provide the applicable information in the following Table:

|   | EXISTING  | PROPOSED  | CHANGE |
|---|-----------|-----------|--------|
| 1. Total Square Footage of Lot                | 41,574±   | 41,574±   | 0      |
| 2. Maximum Impervious Surface (25% of item 1) | 10,393.50 | 10,393.50 | 0      |
| 3. Roof Surface                               | 4,408     | 4,408     | 0      |
| 4. Sidewalks                                  | 630       | 630       | 0      |
| 5. Driveways                                  | 5,161     | 5,161     | 0      |
| 6. Other Impervious Surface                   | 888       | 888 *     | 0      |
| 7. Total of Items 3-6                         | 11,587    | 11,587    | 0      |
| 8. Percent Impervious Surface                 | 28%       | 28%       | 0      |

\* PROPOSING (550)SF ADDITIONAL PATIO TO BE PERMEABLE, SO TOTAL SITE PAVING TO BE (1,438)SF, BUT ONLY (888)SF TO BE IMPERVIOUS

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

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

Signature of Applicant: Karen J. J. J. J. Date: 9-1-2021

Permit #  
**APPROVALS:**  
 Eng: \_\_\_\_\_  
 Plng \_\_\_\_\_  
 Bldg \_\_\_\_\_  
 for office use only

**Please Note:**  
 All Permits must  
 be accompanied  
 with a checklist  
 and survey



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

## ZONING/CONDITIONAL USE Permit Application

PRINT OR TYPE APPLICATION

**Site Information**  
 Address 339 WILDWOOD AVE, BIRCHWOOD  
 Is a variance required?  Yes  No If yes, provide Planning Department information

**Work Description**  
 Proposed starting date October 1st Completion date November 31st

**ZONING**  **CONDITIONAL USE**

Land Disturbance (greater than 100 sq ft/ 50 cubic yds)\*  
 Beach sand replacement (above the OHWL not to exceed 400 sq ft and/or 50 cubic yds in volume)\*  
 Decks/platforms (less than 30" above grade not attached to structure with frost ftg)  
 Driveways/sidewalks/patio (whose area is greater than 100 sq ft)\*  
 Fences\*  
 Retaining Wall\*  
 Stairs/lifts to lake or water body\*  
 Shed (144 sq ft)\*

Land Disturbance (slopes toward a lake, pond, wetland, Watercourse)\* RIP RAP  
 Land Disturbance (greater than 400 Sq ft and/or more than 50 cubic yds)\*  
 Solar Energy System  
 Swimming Pool\*  
 Tennis/pickleball courts\*  
 Home Occupation  
 \*PLEASE NOTE- Any person applying for a Conditional Use Permit (301.070) shall fill out and submit to the City Clerk at least (14) days prior to the Planning Commission meeting a "Conditional Use Permit form. A fee to be set by the City Council shall be paid.  
**\*Surveys are required with permit**

Additional Description: SEE ATTACHED PROJECT DESCRIPTION

**Valuation** \$ 86,925.00

Applicant is:  Owner  Contractor

**Contractor Information**  
 Company name SOUTHVIEW DESIGN MN Contractors License # \_\_\_\_\_  
 Address 2383 PILOT KNOB RD City ST. PAUL State MN Zip 55120  
 Contact person name KAREN FILLON  
 Phone 651.203.3004 Cell 612.282.8834 Email kfillone@southviewdesign.com Fax \_\_\_\_\_

**Homeowner Information**  
 Name Whe Wippler  
 Address 339 WILDWOOD AVE  
 City BIRCHWOOD VILLAGE State MN Zip 55110  
 Phone 651.398.2868 Cell same Email whe.wippler@gmail.com Fax \_\_\_\_\_

**NOTICE:**

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

The City will hold applicant responsible for any damage to public property that occurs in the course of performing the activities of this permit

Any changes to this application will make the permit voidable unless amendments are approved by the City with prior consent. The applicant will provide (separate documents, surveys, and calculations) to the City, showing the affected areas, grade plane, change in elevation, and imperious surface.

The applicant shall comply with all provision of the State Building, Plumbing, Mechanical, Electrical, and Fire Codes, as well as all City Ordinances governing zoning and buildings. The State of Minnesota regulates all electrical work. The continued validity of this permit is contingent upon the applicant's compliance of all work done and materials used, with the plans and specifications herewith submitted, and wit the applicable ordinances of the City.

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

Applicant's signature Karen Filloon Date 9-1-2021

Applicant's printed or typed name KAREN FILLOON

**Owner/Applicant Statement - To be completed only when the homeowner is the permit applicant**

I understand the State of Minnesota requires residential contractors, residential remodelers and residential roofers be licensed to work in the State unless they qualify for a specific exemption from the licensing requirements. By signing this statement, I certify that I am building or improving this dwelling myself. I claim to be exempt from state licensing requirements because I am not in the business of building on speculation or for resale. I certify I have not built or improved any other residential structures in the State within the past twelve months. I also acknowledge that, because I do not have a state license, I forfeit any mechanic's lien rights to which I may otherwise have been entitled under MS 514.01.

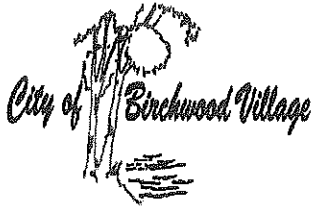
I further acknowledge I may be hiring independent contractors to perform certain aspects of the improvements on this dwelling, and I understand some of these contractors may be required to be licensed by the State. I understand unlicensed residential contracting, residential remodeling and residential roofing activity is a misdemeanor under Minnesota law, and I forfeit my rights to reimbursement from the Contractors Recovery Fund in the event any contractors I hire are unlicensed.

Homeowner's Signature: [Signature] Date: 9/1/2021

Contact the Minnesota Department of Commerce, Enforcement Division to determine if a contractor is licensed or exempt or to check on contractor status. Metro: (651) 296-2594, Outstate: 1 (800) 657-3602, www.commerce.state.mn.us/mainbc.htm

**For office use only:**

| Special Approvals           | req | rec | Cert of insurance or cash Escrow          | Permit Fees                   |
|-----------------------------|-----|-----|---|-------------------------------|
| Washington County           |     |     | Soil Investigation Report or Shoring Plan | City Plan Review Fee \$       |
| Rice County                 |     |     | Existing Conditions Report                | Planner Review Fee \$         |
| WBL Conservation Dist       |     |     | Demolition Notification                   | State Surcharge Fee \$        |
| Dept Natural Resource (DNR) |     |     | Construction Signage                      | Permit Escrow Fee \$ 3,000.00 |
| City Council                |     |     | Stormwater/Erosion Control Plan           | TOTAL \$                      |



# City of Birchwood Village Building Permit Application

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

Permit #  
for office use only

## Building Permit Application

PRINT OR TYPE APPLICATION

### Site Information

Address 339 WILDWOOD AVE

Is a variance required?  Yes  No If yes, provide Planning Department information \_\_\_\_\_

### Work Description

Proposed starting date October 1st Completion November 3rd  
date \_\_\_\_\_

- 1 New       2 Addition       3 Alteration/remodel       3 Repair/replace  
 New Home       Residential Garage       Residential Addition       Residential Porch  
 Residential Deck       Residential Shed       Reroof       Interior Remodel  
 Other

Additional Description \_\_\_\_\_

Removal of Trees and/or Vegetation:  YES  NO

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

Valuation \$86,825.<sup>00</sup>

Applicant:  Owner  Contractor

### Contractor Information

Company name SOUTHVIEW DESIGN MN Contractors License # \_\_\_\_\_  
Address 2383 PILOT KNOB RD City ST. PAUL State MN Zip 55120  
Contact person name KAREN FILLBOON  
Phone 651-203-3004 Cell 612-282-8834 Email kfillboon@southviewdesign.com

### Owner Information

Name LUKE WIPPLER  
Address 339 WILDWOOD AVE  
City BIRCHWOOD VILLAGE State MN  
Zip 55110  
Phone 651-398-2868 Cell SAME Email luke.wippler@gmail.com

**Notice:**

\*The City and its representatives accept no responsibility for errors and/or damages caused due to incomplete and/or inaccurate information herein. It is the responsibility of the applicant to ensure the accuracy and completeness of this information. \*The City will hold applicant responsible for any damage to public property that occurs in the course of performing the activities of this permit.

\*Any changes to this application will make the permit voidable unless amendments are approved by the City with prior consent. The applicant will provide (separate documents, surveys, and calculations) to the City with the building height, roof plane, grade plane, change in elevation, and impervious surface.

\*The applicant shall comply with all provisions of the State Building, Plumbing, Mechanical, Electrical, and Fire Codes, as well as all City Ordinances governing zoning and buildings. The State of Minnesota regulates all electrical work. The continued validity of this permit is contingent upon the applicant's compliance of all work done and materials used, with the plans and specifications herewith submitted, and with the applicable ordinances of the City.

\*Under penalty of perjury the applicant declares that the information provided in and enclosed herewith is complete and all documents represented are true and correct representations of the actual project/building which will be built in conformance with such representation. Signature of Applicant: Karen Filloon Date: 9-1-2021

Applicant's printed or typed name KAREN FILLOON

**Owner/Applicant Statement - To be completed only when the homeowner is the permit applicant**

I understand the State of Minnesota requires residential contractors, residential remodelers and residential roofers be licensed to work in the State unless they qualify for a specific exemption from the licensing requirements. By signing this statement, I certify that I am building or improving this dwelling myself. I claim to be exempt from state licensing requirements because I am not in the business of building on speculation or for resale. I certify I have not built or improved any other residential structures in the State within the past twelve months. I also acknowledge that, because I do not have a state license, I forfeit any mechanic's lien rights to which I may otherwise have been entitled under MS 514.01.

I further acknowledge I may be hiring independent contractors to perform certain aspects of the improvements on this dwelling, and I understand some of these contractors may be required to be licensed by the State. I understand unlicensed residential contracting, residential remodeling and residential roofing activity is a misdemeanor under Minnesota law, and I forfeit my rights to reimbursement from the Contractors Recovery Fund in the event any contractors I hire are unlicensed.

Homeowner's signature Luke Wippler Date 9/1/2021

Homeowner's typed or printed name Luke Wippler

Contact the Minnesota Department of Commerce, Enforcement Division to determine if a contractor is licensed or exempt or to check on contractor status. Metro: (651) 296-2594, Outstate: 1 (800) 657-3602, www.commerce.state.mn.us/mainbc.htm

**Approvals**

for office use only

Washington County Req      Received       
Rice Creek Watershed Req      Received       
WBL Conservation Dist Reg      Received       
Dept Natural Resource Req      Received       
City Council Reg      Received     

Comments \_\_\_\_\_  
\_\_\_\_\_

**Fees**

for office use only

Permit fee  Yes  No \_\_\_\_\_

State Surcharge  Yes  No \_\_\_\_\_

Bldg Review fee  Yes  No \_\_\_\_\_

Planner review fee  Yes  No \_\_\_\_\_

Eng review fee  Yes  No \_\_\_\_\_

Permit Escrow fee  Yes  No \_\_\_\_\_

SAC fee  Yes  No \_\_\_\_\_ # of units \_\_\_\_\_

**TOTAL DUE** \_\_\_\_\_

**24 hour notice required on all inspections**

**Jack Kramer – Building Official**

**Office ph #651-351-5051**

**Pager #651-847-9157**





**Current Site Conditions Within 50' Setback:** (125)lf of mowed-grass shoreline at the bottom of a nearly 2:1 slope that rises 14' from the water's edge. The homeowner has safety concerns as they relate to both the slope of the hill and the water line. In the winter, the boat lifts and dock sections rest on the hillside above what has become a community-usage hockey rink. The client creates an "ice rink" on the lake in front of his property that other children/adults in the community use through plowed access provided by Birchwood Community members. He is concerned for the safety of anyone using the ice rink should the boat lifts/dock sections unintentionally slide down the hill. Additionally, in the summer both the slope and the water's edge are difficult to mow, and the client and the client's son has experienced the mower sliding down the hill and into the water. And finally, the hillside at the water's edge is being eroded and in conjunction with the rip rap, the hillside needs to be addressed at the same time.

**Homeowner Goals Within 50' Setback:** Implement rip rap along the OHWL to minimize erosion; create stable space to minimize erosion, increase area of access/stability to store boat lifts and dock sections to minimize risk of injury to family and community members.

**Site Preparations Within 50' Setback:**

- Install silt fence, including stakes every 8', a minimum of 40' up from shoreline along both shared side property lines
- Install floating silt fence along length of lakeshore
- Install (125)lf of glacial rip rap shore-ward of the OHWL, to conform to the natural alignment of the shore and so that it does not obstruct navigation or the flow of water, size range 6"-30", free of debris, with 8oz. EC8 fabric with 4"-6" staples and 6' wide
  - Excavation calculations for all rip rap:
    - Excavate 6' w x 12" d per lf of shoreline =  $27 / 6 / 1.25 = 3.6\text{lf/cy}$ 
      - $125\text{lf}/3.6 = \mathbf{35\text{ cy soil out}}$
      - Assumes rip rap fill = same as shoreline removal =  $\mathbf{35\text{ cy rip rap in}}$
      - =  $\mathbf{0.00\text{ cy net material out}}$
    - Excavation calculations BETWEEN OHWL AND 927.3:
      - Excavate 1' w x 12" d x 125' l for rip rap
        - $125\text{lf}/27 = \mathbf{4.63\text{ cy soil out}}$
        - Assumes rip rap fill = same as shoreline removal =  $\mathbf{4.63\text{ cy rip rap in}}$
        - =  $\mathbf{0.00\text{ cy net material out}}$
      - Sod strip (880)sf for site repair with 1" soil removal
        - $880\text{sf} \times 1" \text{ d} = 73.33\text{cf}/27 = \mathbf{2.72\text{ cy soil out}}$
        - $880\text{sf} \times 1" \text{ d} = 73.33\text{cf}/27 = \mathbf{2.72\text{ cy soil back under new sod}}$
        - =  $\mathbf{0.00\text{ cy net material out}}$
  - Excavate and haul away (50) cubic yards of soil from hillside to create stable area for boat lifts and dock sections with 2% slope
    - Excavation calculations for stable boat lift area:
      - Excavate 430sf x 5' t wall
        - $430 * 5 / 27 / 2 * 1.25 = \mathbf{50\text{ cy soil out}}$
  - Install glacial boulder retaining wall, (60)lf in length, starting at grade on both ends and rising to 5' above grade at the highest point, size range 18"-30" boulders, 15-degree batter on wall, 12" minimum boulder buried, with mirafi type I40N or equal and 12" minimum free-draining aggregate behind boulders
    - Excavation calculations for boat lift retaining wall:
      - Excavate 24" w x 12" d per lf of retaining wall for base =  $27/2/1.25 = 10.8\text{lf/cy}$

- $60\text{lf}/10.8 = 5.5 \text{ cy soil out}$
  - $5.5 * 0.7 \text{ for voids} = 3.9 \text{ cy boulders in}$
  - $= 1.6 \text{ cy net material out}$
- Excavation calculations for overall site repair:
  - Sod strip (5500)sf for site repair with 1" soil removal
    - $5500\text{sf}/27/12 * 1.25 = 21.2 \text{ cy soil out}$
    - $5500\text{sf}/27/12 * 1.25 = 21.2 \text{ cy soil back in under new sod}$
    - $= 0.00 \text{ cy net material out}$
- 
- **TOTAL MATERIAL OUT: (51.6) CY**
- Cover areas of disturbance along rip rap, boulder wall, and in haul road/machine access with ~1" topsoil and new sod
- **TOTAL PROPOSED LAND DISTURBANCE: (7,500) SF**
- **EXISTING IMPERVIOUS SURFACE FOR THE PROJECT: 11,587SF = 28%**
- **PROPOSED IMPERVIOUS SURFACE FOR THE PROJECT: 12,132SF = 29%**

**Current Site Conditions Between 50' Setback And Back Foundation Of House:** Yard is sodded from the 50' setback up to the treated timber retaining walls and decomposing deck steps. Rock and mulch surround the retaining walls.

**Homeowner Goals Between 50' Setback And Back Foundation Of House:** Leave sod and tree area between 50' setback and timber walls as is. Replace timber retaining walls with glacial boulder retaining walls. Replace rock and mulch between retaining walls and house with open graded-base permeable flagstone patio surrounded by mulch – base soils under patio to slope to PVC pipe that directs water from patio to NDS dry well system.

**Site Preparations Between 50' Setback And Back Foundation Of House:**

- Remove and dispose of timber walls
- Excavate and haul away (50) cubic yards of soil from behind timber walls to install new glacial boulder walls and permeable patio
- Install glacial boulder retaining walls, (90)lf in total length, starting at grade on both ends and dropping to 3' maximum below patio elevation, size range 18"-30" boulders, 15-degree batter on wall, 12" boulder buried, with mirafi type I40N or equal and 12" minimum free-draining aggregate behind boulders and perforated draitile running the length of the walls
- Install new and reinstall existing stone slab steps
- Install NY bluestone flagstone patio over open graded base – permeable application to not increase impervious surface totals on property
- Compact and slope subsoil under permeable patio to drain pipe at edge of patio – pipe to drain into NDS leaching dry well system
- Cover areas of disturbance around patio, boulder walls, and in haul road/machine access with ~1" topsoil and new sod or mulch

# CERTIFICATE OF SURVEY

~for~ LUKE WIPPLER  
 ~of~ 339 Wildwood Avenue  
 White Bear Lake, Minnesota 55110

## PROPERTY DESCRIPTION

That part of Lots 6, 7, and 8, Block 6; Lot 1, Block 7; vacated Cedar Street and Lakewood Lane adjacent thereto, all in LAKEWOOD PARK FIRST DIVISION, Birchwood Village lying northwesterly of a line which is parallel to and 140 feet measured at 90 degrees southeasterly from the northwesterly line of said Lot 6, Block 6, except the following described property:

That part of Lot 8, Block 6, LAKEWOOD PARK FIRST DIVISION, Birchwood Village described as commencing at the intersection of the northeasterly right of way line of Wildwood Avenue and a line which is parallel to and 140 feet measured at 90 degrees southeasterly from the northwesterly line of said Lot 6, Block 6; thence northeasterly along said parallel line 203.06 feet to the beginning of the land to be described; thence northeasterly, deflecting to the left 8 degrees 53 minutes 104.12 feet more or less to the shoreline of White Bear Lake; thence southwesterly along the shoreline to the intersection with a line which is parallel to and 140 feet measured at 90 degrees southeasterly from the northwesterly line of said Lot 6, Block 6; thence southwesterly along said parallel line to the point of beginning and there terminating, Washington County, Minnesota.

## NOTES

- Field survey was completed by E.G. Rud and Sons, Inc. on 08/21/19.
- Bearings shown are on an assumed datum.
- Parcel ID Number: 30-030-21-21-0082.
- Total Parcel Area = 41,574± sq. ft. (0.95± Acres)
- 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.

## LEGEND

- DENOTES IRON MONUMENT FOUND AS LABELED
- ⊙ DENOTES SANITARY SEWER MANHOLE
- OHW — DENOTES POWER POLE AND OVERHEAD WIRES
- ⊗ DENOTES RETAINING WALL
- X — DENOTES FENCE
- DENOTES CONCRETE SURFACE
- DENOTES BITUMINOUS SURFACE
- ⋯ DENOTES EXISTING CONTOURS
- x 952.36 DENOTES EXISTING SPOT ELEVATION
- ☀ ☀ ☀ DENOTES EXISTING TREE (SPECIES AND CALIPER)

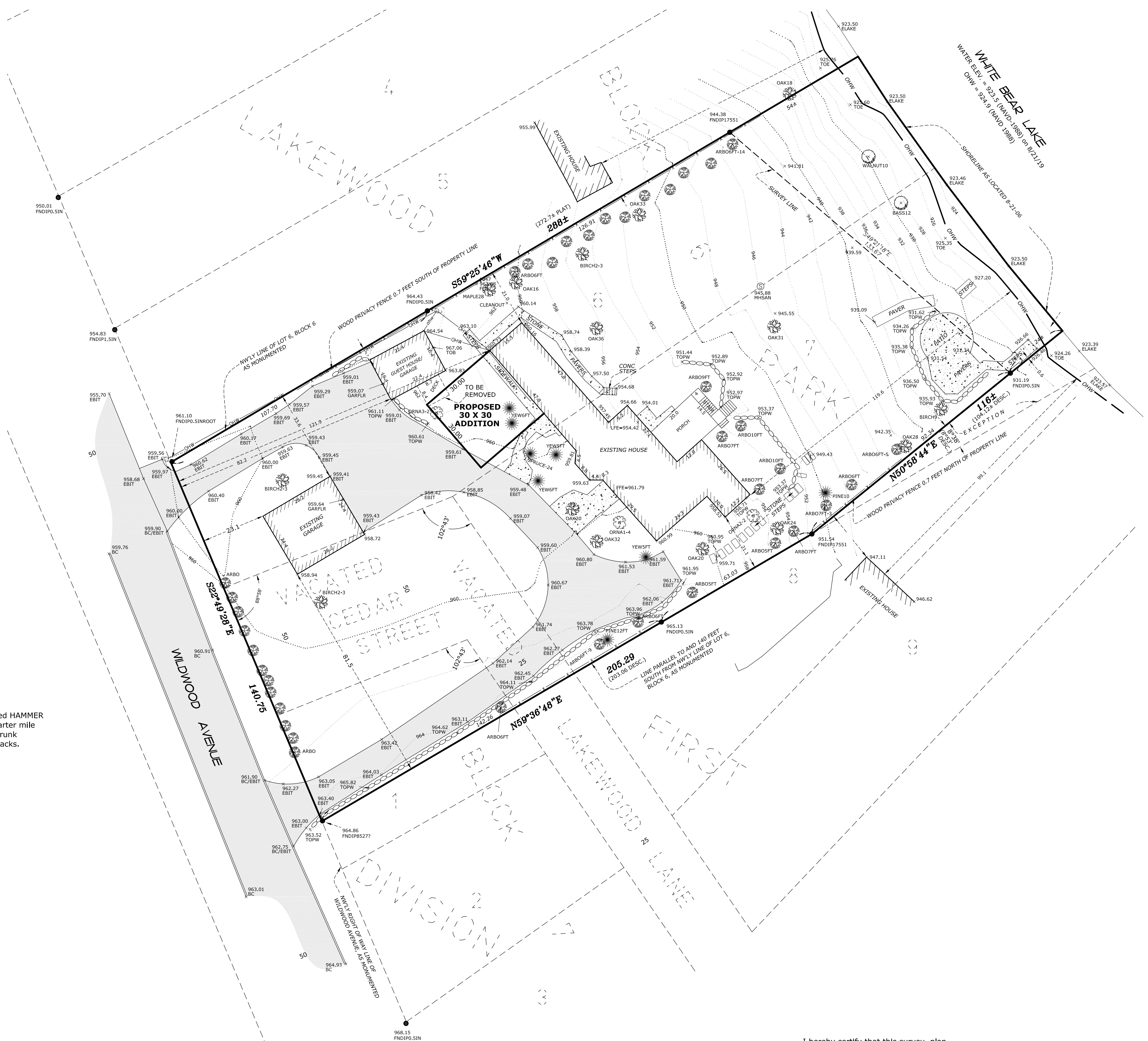
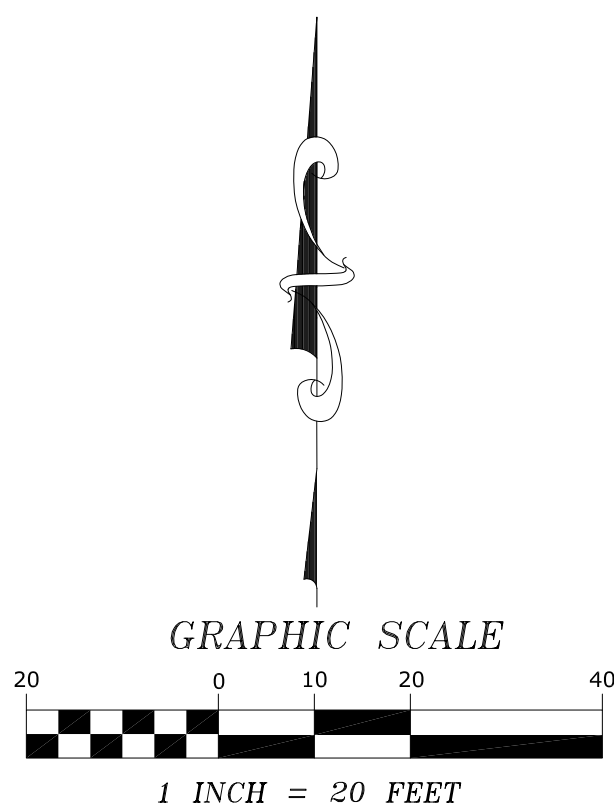
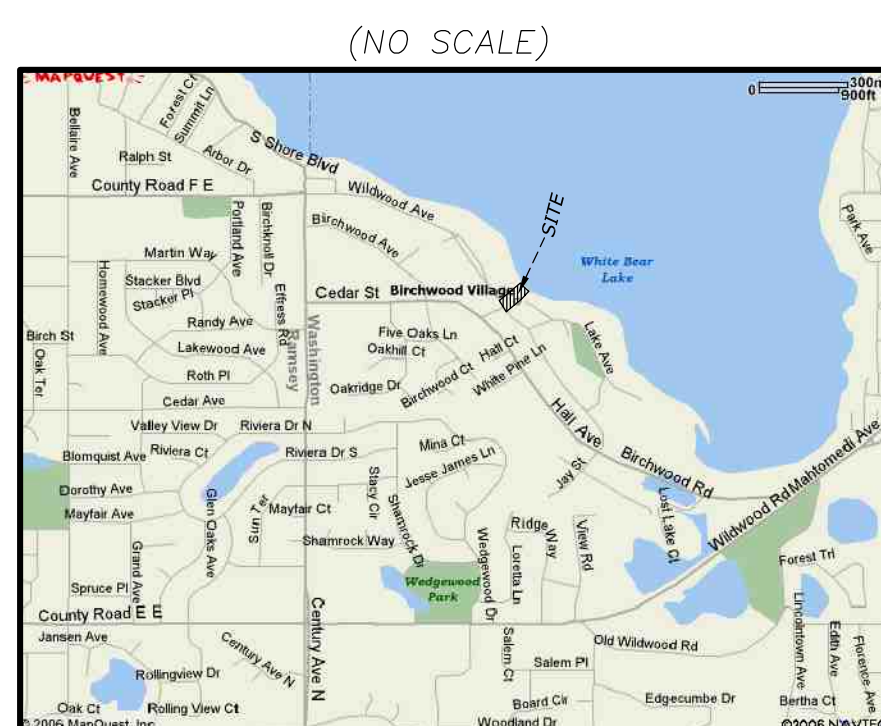
## IMPERVIOUS SURFACE CALCULATIONS

|                          |                 |
|--------------------------|-----------------|
| TOTAL LOT AREA           | 41,574± SQ. FT. |
| EXISTING HOUSE           | 2,165 SQ. FT.   |
| GUEST HOUSE              | 366 SQ. FT.     |
| GARAGE                   | 688 SQ. FT.     |
| PORCH                    | 289 SQ. FT.     |
| DECKS                    | 152 SQ. FT.     |
| PAVING                   | 5,661 SQ. FT.   |
| CONCRETE                 | 750 SQ. FT.     |
| STONE PAVERS             | 747 SQ. FT.     |
| TOTAL IMPERVIOUS SURFACE | 10,818 SQ. FT.  |
| PERCENT IMPERVIOUS       | 26.0%           |

|                             |                |
|-----------------------------|----------------|
| PROPOSED ADDITION           | 900 SQ. FT.    |
| LESS EXISTING SURFACES      | -131 SQ. FT.   |
| TOTAL IMPERVIOUS SURFACE    | 11,587 SQ. FT. |
| PROPOSED PERCENT IMPERVIOUS | 28.0%          |

## BENCHMARK

MNDOT Geodetic Control Station HAMMER MNDT stamped HAMMER 1993 located 50± feet north of railroad crossing one quarter mile north of the intersection of Trunk Highway No. 61 and Trunk Highway No. 96 and 60± feet east of existing railroad tracks. Elevation = 930.51 (NAVD-1988)



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: September 4, 2019 License No. 41578

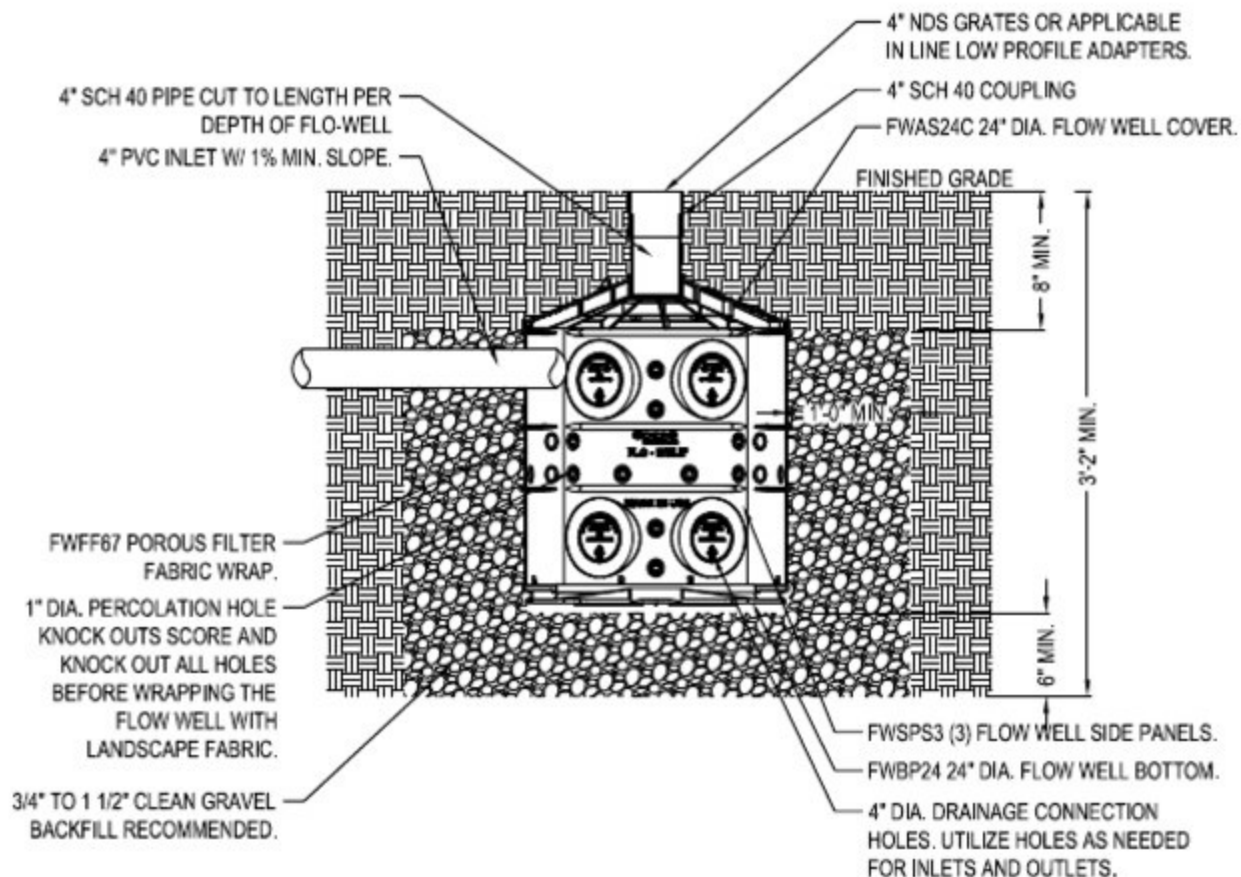
|               |                     |               |
|---------------|---------------------|---------------|
| DRAWN BY: CJT | JOB NO: 19663LS     | DATE: 09/4/19 |
| CHECK BY: JER | FIELD CREW: DT / CT |               |
| 1             |                     |               |
| 2             |                     |               |
| 3             |                     |               |
| NO.           | DATE                | DESCRIPTION   |

**E. G. RUD & SONS, INC.**  
 EST. 1977 Professional Land Surveyors  
 6776 Lake Drive NE, Suite 110  
 Lino Lakes, MN 55014  
 Tel. (651) 361-8200 Fax (651) 361-8701



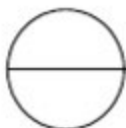


NDS, INC.  
 851 NORTH HARVARD AVE.  
 LINDSAY, CA 93247  
 TOLL FREE: 1-800-726-1994  
 PHONE: (559) 562-9888  
 FAX: (559) 562-4488  
 www.ndspro.com



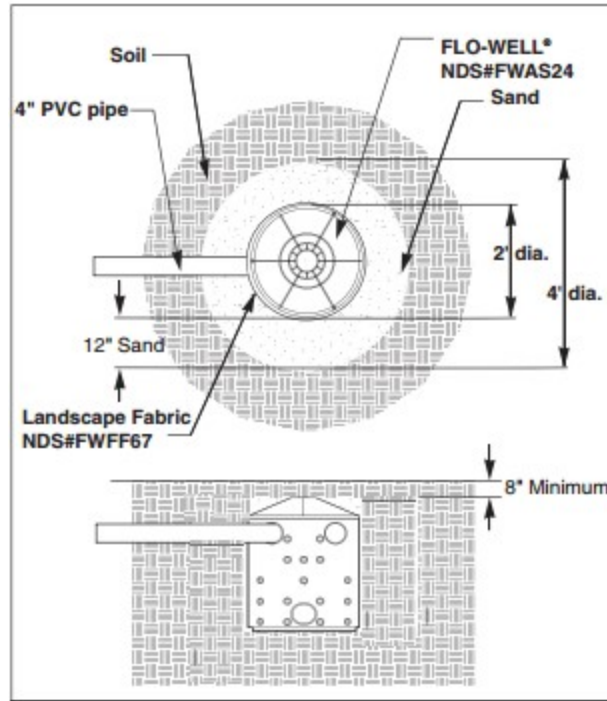
**NOTES:**

1. MUST BE INSTALLED 10' AWAY FROM STRUCTURE OR FOUNDATION.
2. FWAS24 KIT DOES NOT COME WITH FWBP24 BTM.
3. REFERENCE FLO-WELL CALCULATOR ON NDSPRO.COM
4. INSTALLATION TO BE COMPLETED IN ACCORDANCE WITH MANUFACTURER'S SPECIFICATIONS.
5. DO NOT SCALE DRAWING.
6. THIS DRAWING IS INTENDED FOR USE BY ARCHITECTS, ENGINEERS, CONTRACTORS, CONSULTANTS AND DESIGN PROFESSIONALS FOR PLANNING PURPOSES ONLY.
7. ALL INFORMATION CONTAINED HEREIN WAS CURRENT AT THE TIME OF DEVELOPMENT BUT MUST BE REVIEWED AND APPROVED BY THE PRODUCT MANUFACTURER TO BE CONSIDERED ACCURATE.

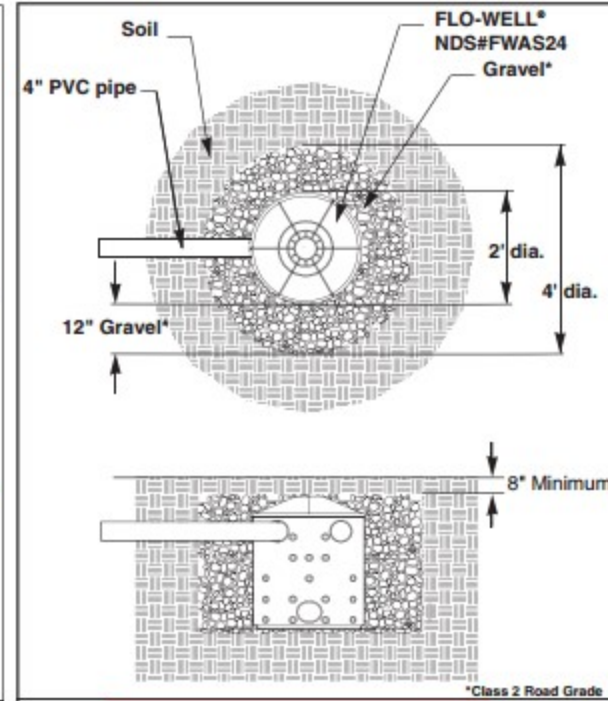


**FLO-WELL DRY WELL SYSTEM**

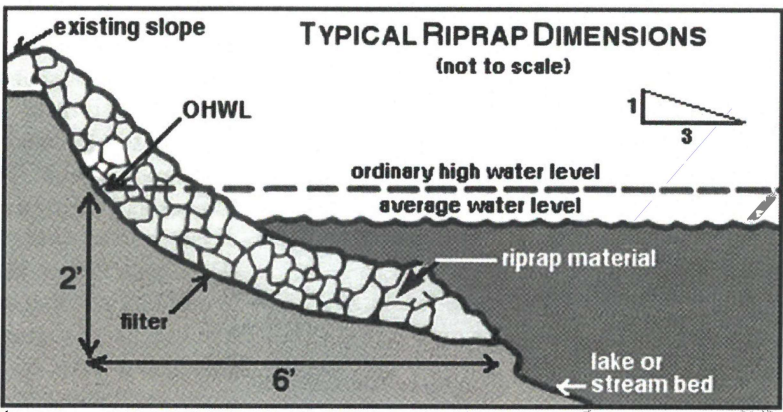
FLO-WELL INSTALLATION DETAIL - LOAD CLASS "A" & "B" - GRAVEL INSTALLATION DETAIL



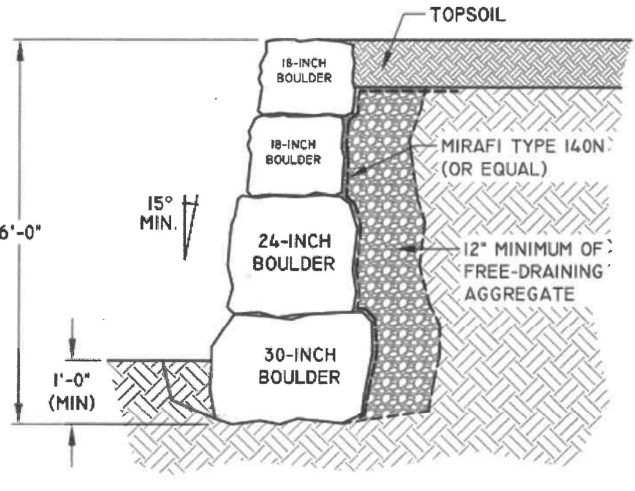
hold 50 gallons of water



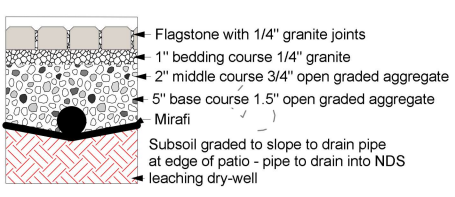
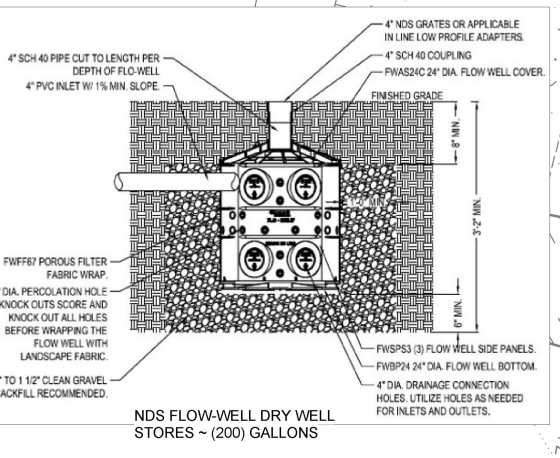
store 145 gallons of water



**WHITE BEAR LAKE**  
 WATER ELEV. = 923.5 (NAVD-1988) on 8/21/19  
 OHW = 925.4 (NAVD-1988)  
 RCWD Regulatory Floodplain = 927.3 (NAVD-1988)

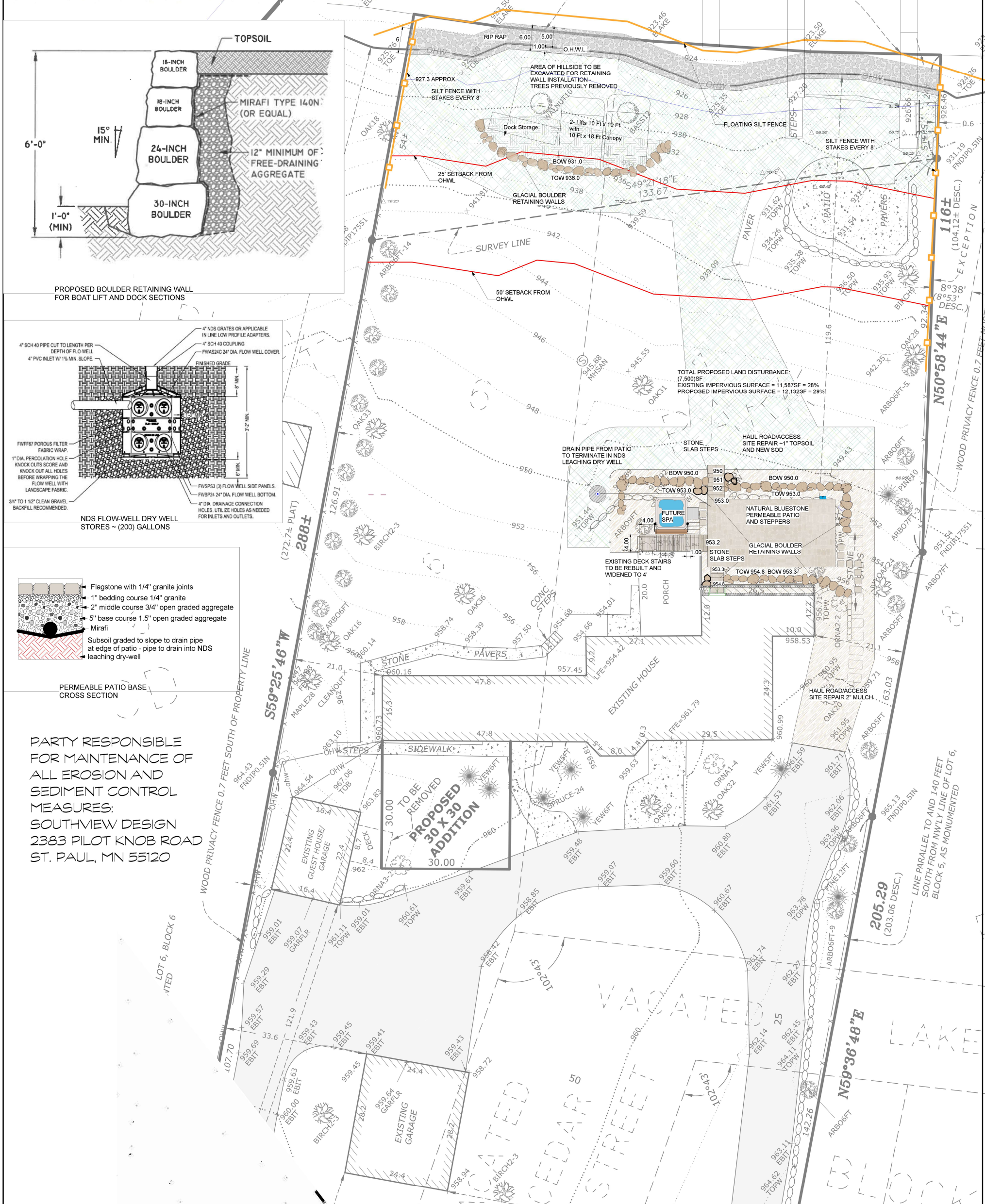


PROPOSED BOULDER RETAINING WALL FOR BOAT LIFT AND DOCK SECTIONS

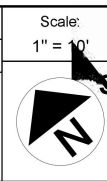


PERMEABLE PATIO BASE CROSS SECTION

PARTY RESPONSIBLE FOR MAINTENANCE OF ALL EROSION AND SEDIMENT CONTROL MEASURES:  
 SOUTHVIEW DESIGN  
 2383 PILOT KNOB ROAD  
 ST. PAUL, MN 55120



Project Name:  
 Job #:  
 Sheet  
 1 of 5



**Luke Wippler**  
**SECOND UPDATED Survey Basemap And Proposed Plan**  
 339 Wildwood Ave  
 White Bear Lake, MN 55110

|  |                           |                          |
|--|---------------------------|--------------------------|
| Designer:<br>Alyson Landmark   | 81                        | 5                        |
| Design Associate:<br>Laura Osberghaus  |                           |                          |
| Print Date: 9/23/2021<br>Name: 2021_04_02_Wippler.yxd  |                           |                          |
| This drawing contains proprietary information which belongs to Southview Design Inc. Any unauthorized duplication or use is strictly prohibited. |                           |                          |
| Released By: Alyson Landmark   | Date Released: 08/23/2021 |                          |
| NO   | Date                      | Revision Notes           |
| A  | 4/2/2021                  | Measure Basemap Prepared |
| NO   | Date                      | Issue Notes              |

2383 Pilot Knob Rd  
 Mendota Heights, MN 55120  
 Phone: 651-203-3000  
 Fax: 651-455-1734  
 SouthviewDesign.com



# RICE CREEK WATERSHED DISTRICT

4325 Pheasant Ridge Drive, Suite 611  
Blaine, MN 55449  
Phone: (763) 398-3070 / Fax: (763) 398-3088  
<http://www.ricecreek.org>

## PERMIT 21-063

### Expires on 03/02/2023

Pursuant to the Rules and Regulations of the Rice Creek Watershed District and the District policies and standards, and based upon the statements and information contained in the permit application, letters, maps, and plans submitted by the applicant and other supporting data, all of which are made a part hereof by reference, permission is hereby granted to the permittee named below to conduct the activity described below. **If an extension to the permit is needed, the permittee should submit a written request to the District at least 2 weeks prior to the expiration date.**

|   |                                       |                             |  |
|---|---------------------------------------|-----------------------------|--|
| <b>Name of Project</b><br>Wippler Project   |                                       |                             |  |
| <i>Project Description</i><br>Shoreline rip rap and back yard landscaping project.                                  |                                       |                             |  |
| <i>Property Location</i><br>339 Wildwood Ave  |                                       | <i>County</i><br>Washington | <i>Municipality</i><br>Birchwood Village |
| <b>Permittee Name</b><br>Luke Wippler   |                                       | <i>Permittee Contact</i>    |  |
| <i>Permittee Address (No. &amp; Street, City, State, Zip code)</i><br>339 Wildwood Ave, Birchwood Village, MN 55110 |                                       |                             |  |
| <i>Permittee Phone #'s</i>  | <i>Permittee Fax</i>                  | <i>Permittee Cell Phone</i> | <i>Permittee e-mail</i>                  |
| <b>Overall Surety Paid</b><br>N/A   | <i>Surety Paid in Cash / LOC</i><br>/ | <i>Cash Paid By</i>         | <i>Letter of Credit Expiration</i>       |
| <b>In accordance with the attached plan received at the District on (date received):</b><br>8/23/2021               |                                       |                             |  |

#### Authorized Signature:



Patrick Hughes, Permit Coordinator/Wetland Specialist  
Date of Issuance: 08/30/2021

#### SPECIAL STIPULATIONS

1. Provide an as-built survey and computation of the floodplain fill and mitigation storage areas and volume for verification of compliance with the approved plans.

### **EROSION AND SEDIMENT CONTROL STIPULATIONS**

1. Erosion control measures shall be in place prior to grading activities and maintained through project completion. These features can include sediment logs, erosion blankets, sod, riprap, silt fence and temporary or permanent vegetation.
2. The District Inspector may require additional erosion control features, dependent upon site condition.
3. Refer to the MPCA "Protecting Water Quality in Urban Areas" manual at <http://www.pca.state.mn.us/water/pubs/sw-bmpmanual.html> for BMPs.
4. Please contact the District Inspector at 763-398-3070 if you have questions or to discuss site stabilization practices.

### **GENERAL PROVISIONS**

1. The project shall be in accordance with the plans most recently submitted and approved by the District as part of the record of this project.
2. This permit is not assignable by the Permittee, except with the written consent of the RCWD.
3. The Permittee shall grant access to the site at all reasonable times during and after construction to authorized representatives of the RCWD for inspection of the work authorized hereunder.
4. In all cases where the Permittee, by performing the work authorized by this permit, shall involve the taking, using, or damaging of any property rights or interests of any other person or persons, or of any publicly owned lands or improvements thereon or interests therein, the Permittee, before proceeding, shall obtain the written consent of all persons, agencies, or authorities concerned, and shall acquire all property, rights and interests needed for the work.
5. This permit is permissive only. No liability shall be imposed on the RCWD or any of its officers, agents, or employees, officially or personally, on account of the granting hereof or on account of any damage to any person or property resulting from any act or omission of the Permittee or any of its agents, employees, or contractors. This permit shall not be construed as estopping or limiting any legal claims or right of action of any person against the Permittee, its agents, employees or contractors, for any damage or injury resulting from any such act or omission, or as estopping or limiting any legal claim or right of action of the RCWD against the Permittee, its agents, employees, or contractors for violation of or failure to comply with the permit or applicable provisions of law. If during the work conditions are encountered indicating that soil or groundwater contaminants may be present, work must cease until the RCWD has been informed. The RCWD may require additional information and may require that the stormwater management plan be amended in order to properly manage site stormwater in the presence of contaminants.
6. Any stormwater management facilities approved as part of this permit shall be properly maintained in perpetuity to assure that they continue to function as originally designed.
7. After vegetation is in place and erosion control features have been removed, notify the District Inspector at 763-398-3070. Once the Inspector verifies that site conditions comply with all permit requirements, your cash surety will be returned to the remitter.
8. **FAILURE TO COMPLY WITH THE PROVISIONS OF THIS PERMIT IS A VIOLATION OF THE LAW AND MAY RESULT IN FORFEITURE OF PERMITTEE'S SURETY AND/OR THE PERMITTEE BEING CHARGED WITH A MISDEMEANOR.**

**CITY OF BIRCHWOOD VILLAGE  
MEMORANDUM**

---

**TO:** Birchwood Village Planning Commission

**FROM:** Thatcher Engineering, Inc.

**DATE:** September 24, 2021

**APPLICANT:** Dr. James Barthel, 469 Lake Avenue, Birchwood Village, MN 55110.

**PROPERTY OWNER(S):** Dr. James Barthel

**LOCATION:** 469 Lake Avenue, Birchwood Village, MN 55110

---

**REQUEST**

**Variance Request #1:**

The Applicant is requesting a variance from City Code 302.050 (IMPERVIOUS SURFACES).

The Applicant is making the requests because of the following:

1. The current house and detached garage are not adequate for aging in place.

The property owners intend to do the following:

1. Remove the current house.
2. Install a new house with attached garage.
3. Not remove the current detached garage.

**BACKGROUND**

**Variance Request #1:**

City Code 302.050 IMPERVIOUS SURFACES states: "1. Limitation. Impervious surface coverage of lots shall not exceed twenty-five (25) percent of the lot area unless the applicant satisfies the following conditions to obtain a variance:

- a. The applicant shall submit a stormwater management plan for the site that analyzes the proposed development including the area(s) of impervious surfaces, direction of runoff, proposed best management practices to manage runoff, and stormwater retention that the best management practices will achieve.

- b. The stormwater management plan shall include structures and/or best management practices for the mitigation of stormwater impacts on receiving waters in compliance with the City's Surface Water Management Plan, or as approved by the City Engineer, so that the site design includes stormwater management practices that control the stormwater runoff volumes, and the post-construction runoff volume shall be retained on site for 1.1 inches of runoff from impervious surfaces.
- c. The applicant shall utilize the most recent version of the Minnesota MIDS (Minimum Impact Design Standards) Calculator (available on the Minnesota Pollution Control Agency's website), the U.S. Environmental Protection Agency's National Stormwater Calculator, or another similar stormwater design calculator approved by the city to complete the plan and show that the proposed stormwater management practices meet the required infiltration standard. The applicant shall submit the calculator results to the City with the stormwater management plan.
- d. The applicant shall provide documentation that the proposed stormwater management methods meet the required standard, will be designed and installed consistent with the City's Surface Water Management Plan, NPDES stormwater standards, and the Minnesota Pollution Control Agency's Minnesota Stormwater Manual.
- e. No pervious pavement system is permitted in the Shore Impact Zone. (The Shore Impact Zone is the land located between the ordinary high water level of a public water and a line parallel to it at a setback of 50 percent of the required structure setback. The required structure setback from the OHWL in the City of Birchwood Village is 50 feet, and the Shore Impact Zone is 25 feet.)
- f. Site design shall comply with the City's zoning code 302.055, and shall minimize changes in ground cover, loss of natural vegetation, and grade change as much as possible.
- g. The base of installed infiltration structures or practices must be a minimum of three (3) feet above the established ground water table or the Ordinary High Water Level of White Bear Lake, whichever is higher.
- h. The stormwater management practices shall be designed in accord with the Minnesota Stormwater Manual, American Concrete Pavement Association design criteria, Center for Watershed Protection, Stormwater BMP Design Supplement for Cold Climates, or other design guidance provided by the City.
- i. The stormwater management plan shall include the applicant's description of how the practices shall be maintained to function as designed for the long-term. The City may inspect the installation of the stormwater management system at the site.

- j. The applicant shall include the maintenance plan and a maintenance schedule for the approved stormwater management practices with the required permit application.
- k. The variance shall not be valid unless the applicant properly records the variance at the property records at Washington County and a copy of the recording is properly returned to the City for verification.”

Currently, this property does not conform to City Code 302.050 IMPERVIOUS SURFACES because the application shows that the existing impervious surface coverage 32.35%. The proposed impervious surface coverage is 27.7%.

The application provides the information needed to show that the proposed work will meet some of the conditions for Variance Request #1. The conditions that are satisfied are the following:

- Item a.
- Item c.
- Item e.
- Item f.
- Item g.
- Item h.
- Item k. The applicant will record the variance at Washington County, if approved.

The information in the application is helpful, but still does not provide all the information needed to show that the proposed work will meet the conditions for Variance Request #1. The additional information needed includes the following:

- Item b.: Additional information is needed regarding the stormwater management plan including structures and/or best management practices for the mitigation of stormwater impacts on receiving waters in compliance with the City’s Surface Water Management Plan, or as approved by the City Engineer, so that the site design includes stormwater management practices that control the stormwater runoff volumes, and the post-construction runoff volume shall be retained on site for 1.1 inches of runoff from impervious surfaces.
  - The additional information needed includes, but is not limited to, the following:
    - Clarification of the proposed driveway impervious surface area and its pervious surface area.
    - Clarification of whether or not a concrete edge will be installed for the pavers. If yes, the concrete edge is considered impervious.
  - For the driveway, patio and sidewalk pavers to obtain a 100% credit for being pervious, 100% of the rain that falls on the pavers (including from a 100 year storm) must infiltrate into the ground.
- Item d.: Additional best management practices (BMP) are needed for the underground infiltration basin (UG Drintile storage) based on the Minnesota Pollution Control Agency Stormwater Manual. The following is needed:

- Pre-treatment to protect the groundwater quality and reduce the risk of small particles plugging the underground infiltration basin.
  - Pre-treatment - practices used to reduce, eliminate, or alter pollutants in stormwater, primarily sediment, before they are discharged into structural stormwater BMPs. Pretreatment practices include settling devices, screens, and pretreatment vegetated filter strips.
  - These systems are susceptible to clogging by sediment and organic debris.
  - Clogging will adversely impact the life and operation of the BMP.
  
- Heat cable with built-in thermostat in the downspouts and pipes between the downspouts and the infiltration basin for pipe and downspout freeze protection.
  - Minimizes the risk of damage to the house and pipes because of water freezing in the downspouts or pipes during the freeze thaw cycle.
  
- Design to allow active inspection
  - One concern with infiltration in cold weather is the ice that forms both over the top of the practice and within the soil structure, which can completely stop infiltration. To limit the effect of this problem, it is HIGHLY RECOMMENDED that the BMP be actively inspected to ensure that it is properly drawing down before it freezes in the late fall. Adequate drawdown can be determined using one of the several field assessment techniques such as those recommended by the University of Minnesota Extension. If it is determined that stormwater runoff is not infiltrating prior to hard freeze, the BMP should be placed offline for correction in the spring.
  
- Designed to safely pass large storm flows while still protecting the infiltration area.
  - Smaller infiltration practices (e.g. infiltration trenches) should either be designed off-line using a flow diversion, or designed to safely pass large storm flows while still protecting the infiltration area.
  
- Item i.: Information regarding the stormwater management plan and shall include the applicant's description of how the practices shall be maintained to function as designed for the long-term.
  
- Item j.: Information regarding the maintenance plan and a maintenance schedule for the stormwater management practices.

Please note that even though there are potential physical clogging problems with infiltration, it is one of the most important BMP in stormwater runoff treatment. Fear of the limitations should not prevent well designed systems from being used.

## **SITE CHARACTERISTICS**

The lot area is 12,825 square feet according to the plan prepared by Sathre-Bergquist, Inc. dated September 7, 2021. The lot is narrow (about 40.0 feet wide) and contains a single-family residence and detached garage.

## **PRACTICAL DIFFICULTY**

- 1) The lot is an undersized lot based on City Code.
- 2) The lot is extremely narrow and long.

## **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.

## **CITY 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 variations 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. 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.

## **ANALYSIS**

The lot is an undersized lot and extremely narrow and long. 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.

## **REASONS FOR RECOMMENDING VARIANCE APPROVAL**

### Variance Requests:

1. The plan meets City Code requirements.
2. The lot is an undersized lot.
3. This project would preserve the essential character of the locality.



## **REASONS FOR RECOMMENDING VARIANCE DENIAL**

### **Variance Requests:**

1. 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:
  - a. That they are not in harmony with the general purposes and intent of the ordinance.
  - b. That the variance is not consistent with the comprehensive plan.
  - c. That the Applicant for the variance has not established that there are practical difficulties in complying with the zoning ordinance.
  - d. The lot does not meet the requirements of City Code 302.015.

## **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. Land alteration may not cause adverse impact upon abutting property.
4. Applicant shall meet the requirements of City Code 301.055 which states: "For a building permit, the applicant must submit stormwater and erosion control plans prepared and signed by a licensed professional engineer. The plans must be approved by the city engineer and the permit holder must adhere to the approved plans. The stormwater management plan must detail how stormwater will be controlled to prevent damage to adjacent property and adverse impacts to the public stormwater drainage system."
5. The variance shall not be valid unless the applicant properly records the variance at the property records at Washington County and a copy of the recording is properly returned to the City for verification."



# City of Birchwood Village

## Petition for Variance Application

207 Birchwood Ave, Birchwood, MN 55110

Phone: 651-426-3403 Fax: 651-426-7747

Email: info@cityofbirchwood.com

### FOR OFFICIAL USE ONLY

Application Received Date: \_\_\_\_\_ Amount Paid: \$ \_\_\_\_\_

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

Check/Money Order # \_\_\_\_\_

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

Signature of City Planner: \_\_\_\_\_ Date: \_\_\_\_\_

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

1. Name of Applicant(s) Dr James Barthel

Address 469 Lake Avenue

City Birchwood Village State MN Zip Code 55110

Business Phone N/A Home Phone 651-283-1451 cell

2. Address of Property Involved if different from above: Same as above

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

Same as above

4. Specific Code Provision from which Variance is requested: 302.050

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

Existing Home is being demolished and replaced with a new home and attached garage that better facilitates aging in place. The existing detached garage will remain.

A pervious paver system and a drain tile system have been proposed to mitigate effective hardcover to 17% and 20% respectively.

6. Type of Project:

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

X Other (describe) Demo existing home, keep existing detached garage. Construct new home with attached garage \_\_\_\_\_

7. Type of Structure Involved:

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

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

This is an undersized, very narrow lot. This limits what can be done with the property. As I age, I want to be able to stay in my home as long as possible, this will require an attached garage. I need to leave the current detached garage in place for storage for my boat and other equipment.

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:

I have proposed installation of a pervious paving system called Pave Drain, this system is currently installed in several locations around the Cities, including right here on the lake at the Mahtomedi Education Center.

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

There really is no other solution that allows me to remain on my property and age in place. The home needs to be replaced, I will need an attached garage and I will also need to keep the existing detached garage for storage purposes

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: \_\_\_\_\_  
 \_\_\_\_\_

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:

|  | <b>EXISTING</b>       | <b>PROPOSED</b>                       | <b>CHANGE</b> |
|--|-----------------------|---------------------------------------|---------------|
| <b>1. Total Square Footage of Lot</b>                | 12,825                | Same                                  | None          |
| <b>2. Maximum Impervious Surface (25% of item 1)</b> | 3,206                 | Same                                  | None          |
| <b>3. Roof Surface</b>                               | 2,286                 | New + Ex. Garage<br>3,534             | +1,248        |
| <b>4. Sidewalks</b>                                  | 691                   | 128 pervious                          | -691          |
| <b>5. Driveways</b>                                  | 1,071                 | 1,720 pervious                        | -1,071        |
| <b>6. Other Impervious Surface</b>                   | Retaining Wall<br>101 | Generator/AC 14<br>Patio 344 pervious | -87           |
| <b>7. Total of Items 3-6</b>                         | 4,149                 | 3,548                                 | -601          |
| <b>8. Percent Impervious Surface</b>                 | 32.35%                | *27.7%                                | -4.69%        |

\* denotes using the pervious Pave Drain system at 100% credit. Drain tile system will add 3% to this total still making effective hardcover less than existing.

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.

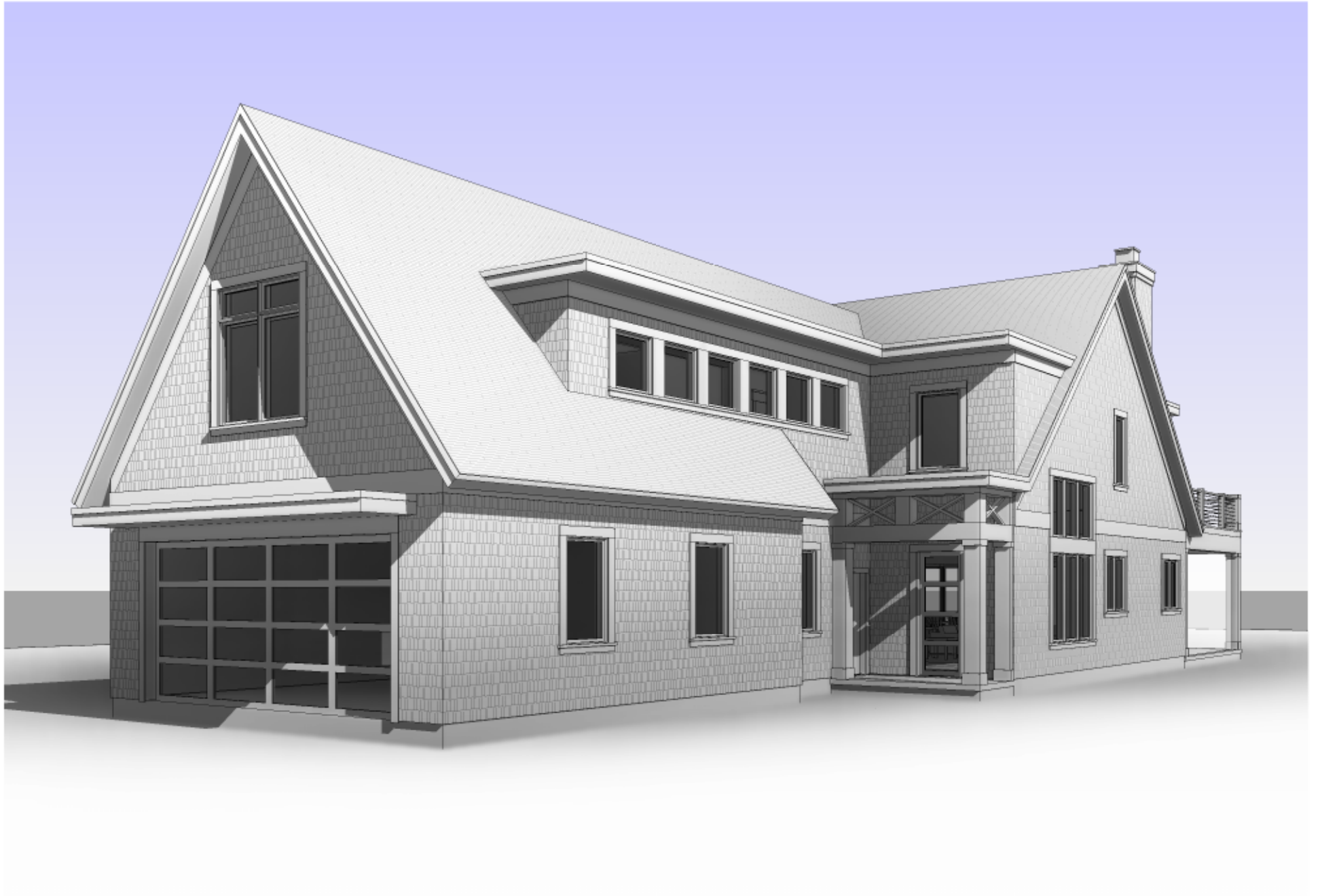
**NOTICE:**

**\*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.**

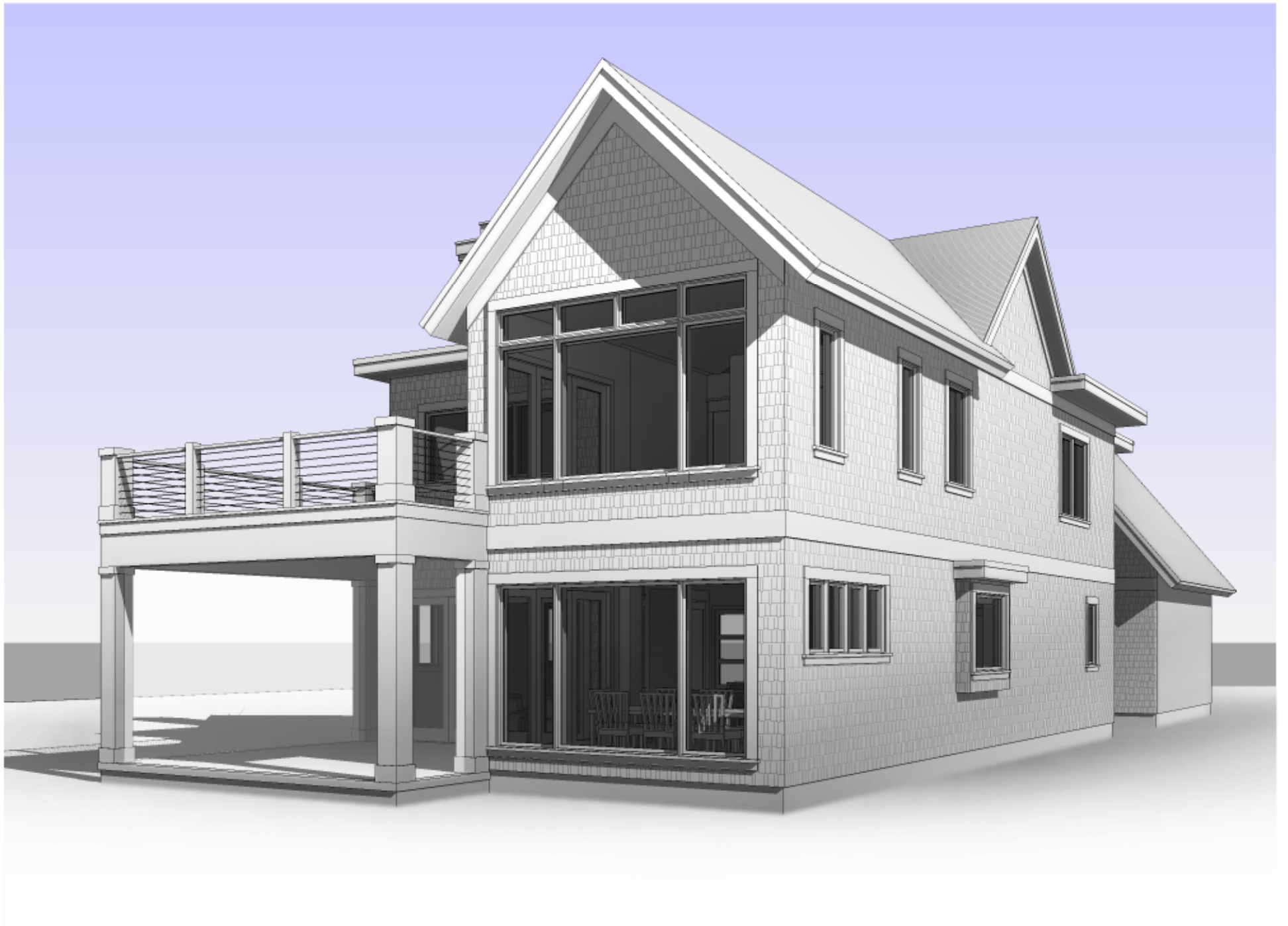
**\*The City will hold applicant responsible for any damage to public property that occurs in the course of performing the activities of this permit.**

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

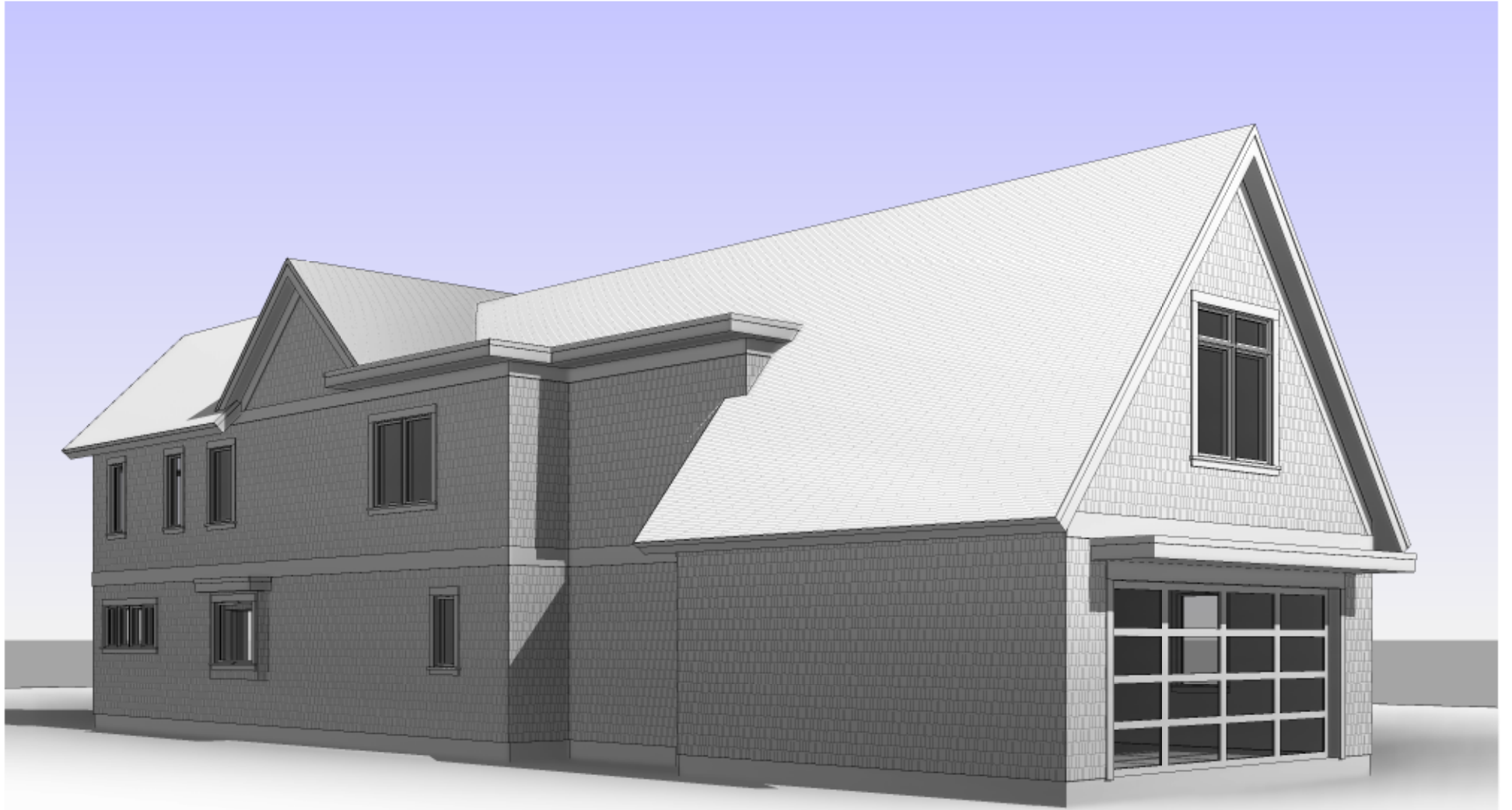
Signature of Applicant: For Dr. Jim Barthel Brent Stevens Date: September 9, 2021

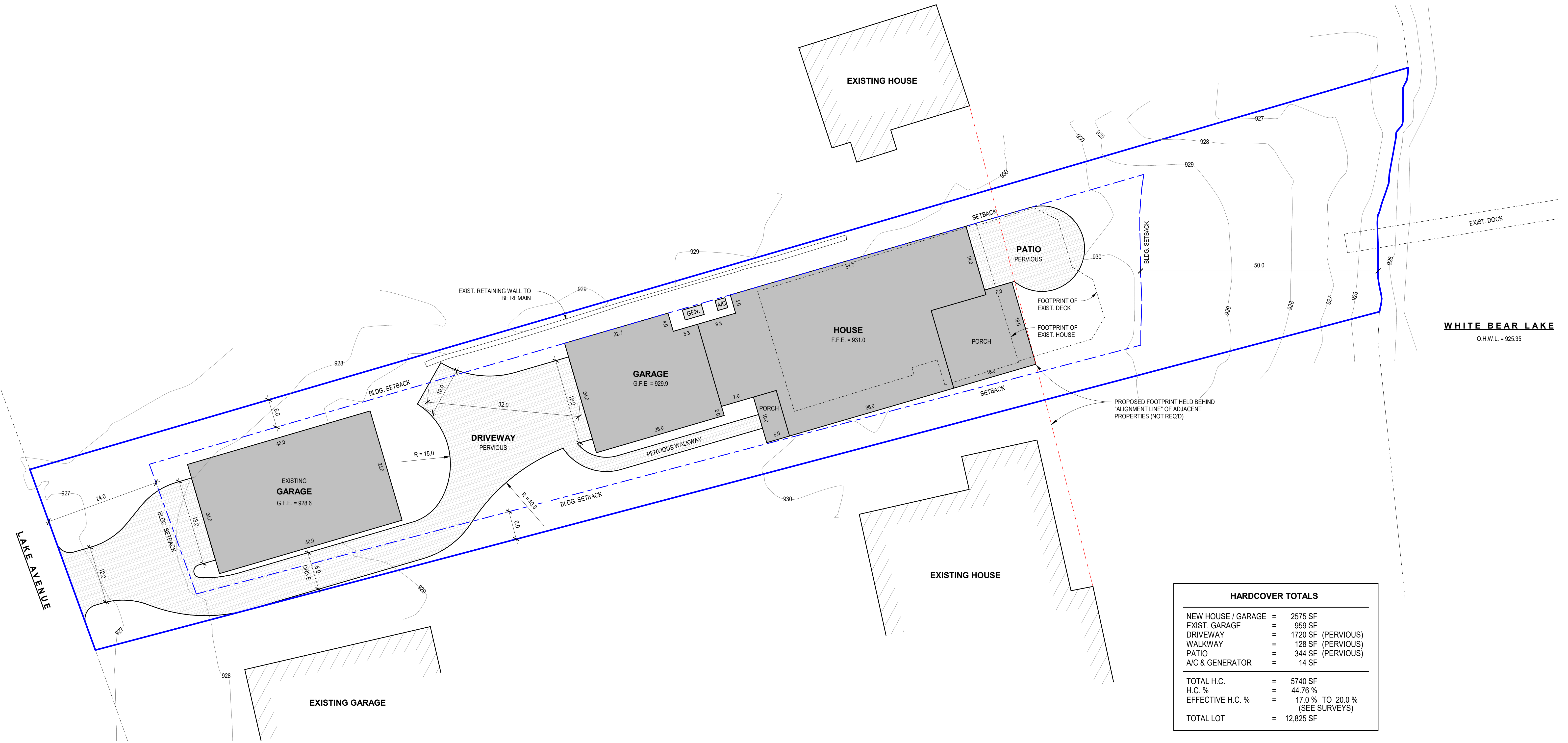










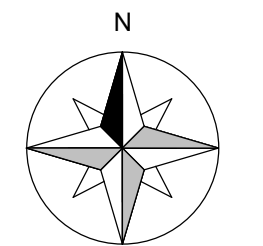


**WHITE BEAR LAKE**  
O.H.W.L. = 925.35

| HARDCOVER TOTALS   |                                     |
|--------------------|-------------------------------------|
| NEW HOUSE / GARAGE | = 2575 SF                           |
| EXIST. GARAGE      | = 959 SF                            |
| DRIVEWAY           | = 1720 SF (PERVIOUS)                |
| WALKWAY            | = 128 SF (PERVIOUS)                 |
| PATIO              | = 344 SF (PERVIOUS)                 |
| A/C & GENERATOR    | = 14 SF                             |
| <hr/>              |                                     |
| TOTAL H.C.         | = 5740 SF                           |
| H.C. %             | = 44.76 %                           |
| EFFECTIVE H.C. %   | = 17.0 % TO 20.0 %<br>(SEE SURVEYS) |
| TOTAL LOT          | = 12,825 SF                         |

**PRELIMINARY ARCHITECTURAL SITE PLAN**  
1" = 10'-0"

(PER EXISTING & PROPOSED SURVEYS PREPARED BY SATHRE-BERGQUIST, INC.)



464 SECOND STREET SUITE 100 EXCELSIOR, MN 55331  
PH: 952-470-9750 FAX: 952-767-5859 info@sharrattdesign.com

**PROJECT TEAM**

| ARCHITECT  | STRUCTURAL ENGINEER   |
|--|---|
| SHARRATT DESIGN & COMPANY, LLC<br>464 SECOND STREET, SUITE 100<br>EXCELSIOR, MN 55331<br>CONTACT: MIKE SHARRATT (952-470-9750) | T.B.D.  |
|  | GENERAL CONTRACTOR  |
|  | KYLE HUNT & PARTNERS<br>18324 MINNETONKA BLVD<br>DEEPHAVEN, MN 55391<br>CONTACT: (952-476-5999) |

**SHEET INDEX**

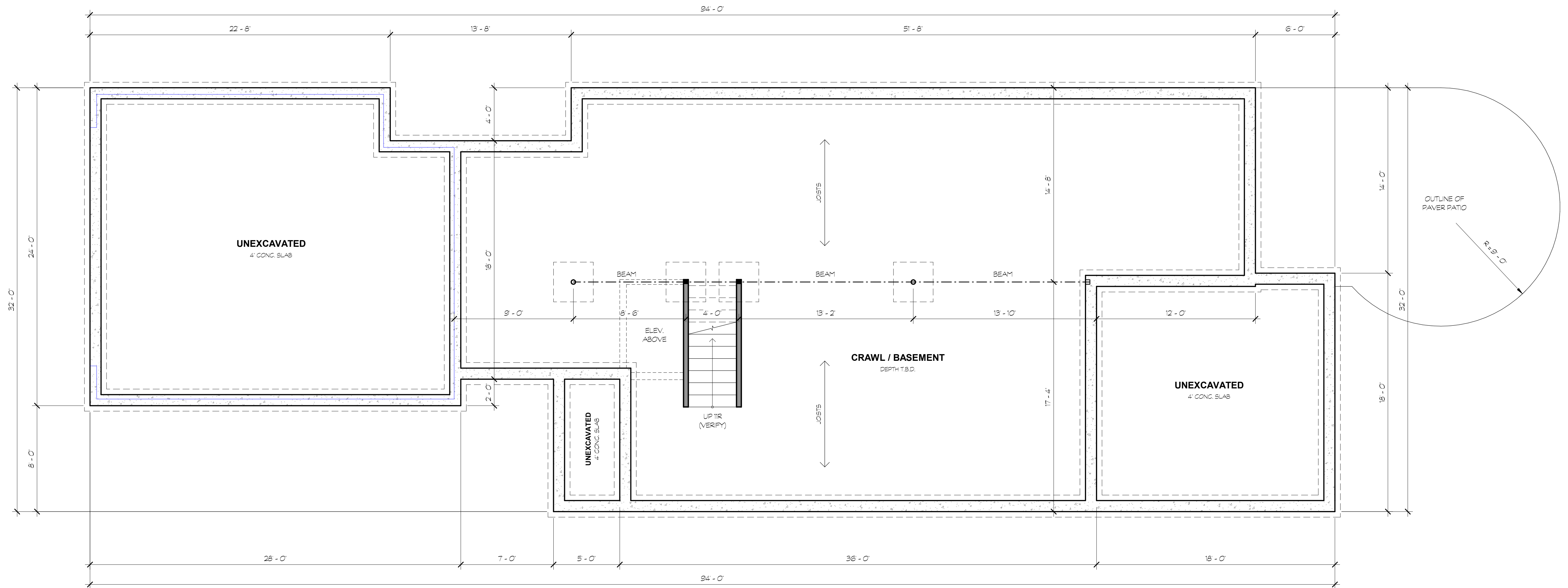
|                            |                        |
|----------------------------|------------------------|
| A1 ARCHITECTURAL SITE PLAN | A5 ROOF PLAN           |
| A2 FOUNDATION PLAN         | A6 EXTERIOR ELEVATIONS |
| A3 MAIN LEVEL FLOOR PLAN   | A7 EXTERIOR ELEVATIONS |
| A4 UPPER LEVEL FLOOR PLAN  |                        |

| ISSUED FOR        | 07/16/21 | 08/26/21 | 09/07/21 |
|-------------------|----------|----------|----------|
| PROGRESS SET      | X        | X        | X        |
| MEETING SET       | X        |          |          |
| VARIANCE APP. SET |          |          | X        |
| BID SET           |          |          |          |
| PERMIT SET        |          |          |          |
| REVISIONS         |          |          |          |
| CONSTRUCTION SET  |          |          |          |

PROPOSED CONSTRUCTION OF THE:  
**BARTHEL HOME**  
469 LAKE AVENUE  
WHITE BEAR LAKE, MN

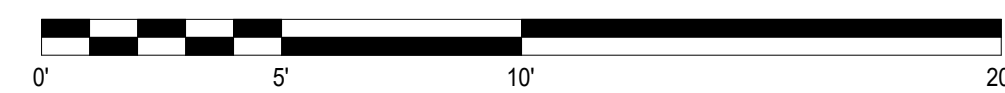
SHEET **A1** NUMBER

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**FOUNDATION PLAN**

1/4" = 1'-0"



464 SECOND STREET  
SUITE 100  
EXCELSIOR, MN 55331  
PH: 952-470-9750  
FAX: 952-767-5859  
info@sharrattdesign.com

**PROJECT TEAM**

|  |                            |
|--|----------------------------|
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| <b>GENERAL CONTRACTOR</b>  |                            |
| KYLE HUNT & PARTNERS<br>18324 MINNETONKA BLVD<br>DEEPHAVEN, MN 55391<br>CONTACT: (952-476-5999)                                |                            |

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| ISSUED FOR        | 07/16/21 | 08/26/21 | 09/07/21 |
|-------------------|----------|----------|----------|
| PROGRESS SET      | X        | X        | X        |
| MEETING SET       | X        |          |          |
| VARIANCE APP. SET |          |          | X        |
| BID SET           |          |          |          |
| PERMIT SET        |          |          |          |
| REVISIONS         |          |          |          |
| CONSTRUCTION SET  |          |          |          |

PROPOSED CONSTRUCTION OF THE:  
**BARTHEL HOME**  
469 LAKE AVENUE  
WHITE BEAR LAKE, MN

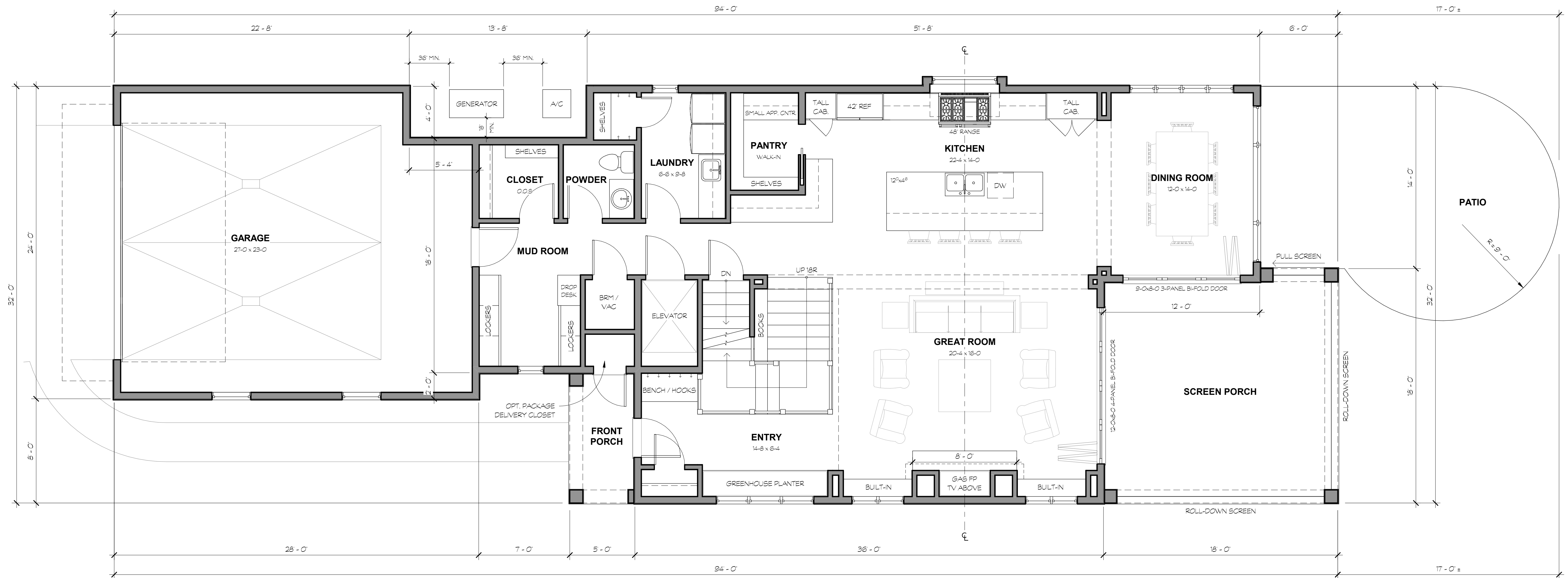
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| LIVING SPACE |         |
|--------------|---------|
| MAIN LEVEL   | 1571 SF |
| UPPER LEVEL  | 1233 SF |
| Grand total  | 2804 SF |

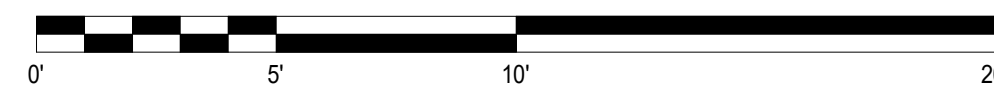
| FUTURE SPACE       |        |
|--------------------|--------|
| UNFIN. UPPER LEVEL | 506 SF |
| Grand total        | 506 SF |

| ADDITIONAL SPACE |         |
|------------------|---------|
| SCREEN PORCH     | 312 SF  |
| GARAGE           | 642 SF  |
| FRONT PORCH      | 50 SF   |
| MASTER TERRACE   | 312 SF  |
| Grand total      | 1316 SF |



**MAIN LEVEL FLOOR PLAN**

1/4" = 1'-0"



464 SECOND STREET  
SUITE 100  
EXCELSIOR, MN 55331  
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info@sharrattdesign.com

**PROJECT TEAM**

|  |                                      |  |
|--|--------------------------------------|--|
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|--|--------------------------------------|--|

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| ISSUED FOR        | 07/16/21 | 08/26/21 | 09/07/21 |
|-------------------|----------|----------|----------|
| PROGRESS SET      | X        | X        | X        |
| MEETING SET       | X        |          |          |
| VARIANCE APP. SET |          |          | X        |
| BID SET           |          |          |          |
| PERMIT SET        |          |          |          |
| REVISIONS         |          |          |          |
| CONSTRUCTION SET  |          |          |          |

PROPOSED CONSTRUCTION OF THE:  
**BARTHEL HOME**  
469 LAKE AVENUE  
WHITE BEAR LAKE, MN

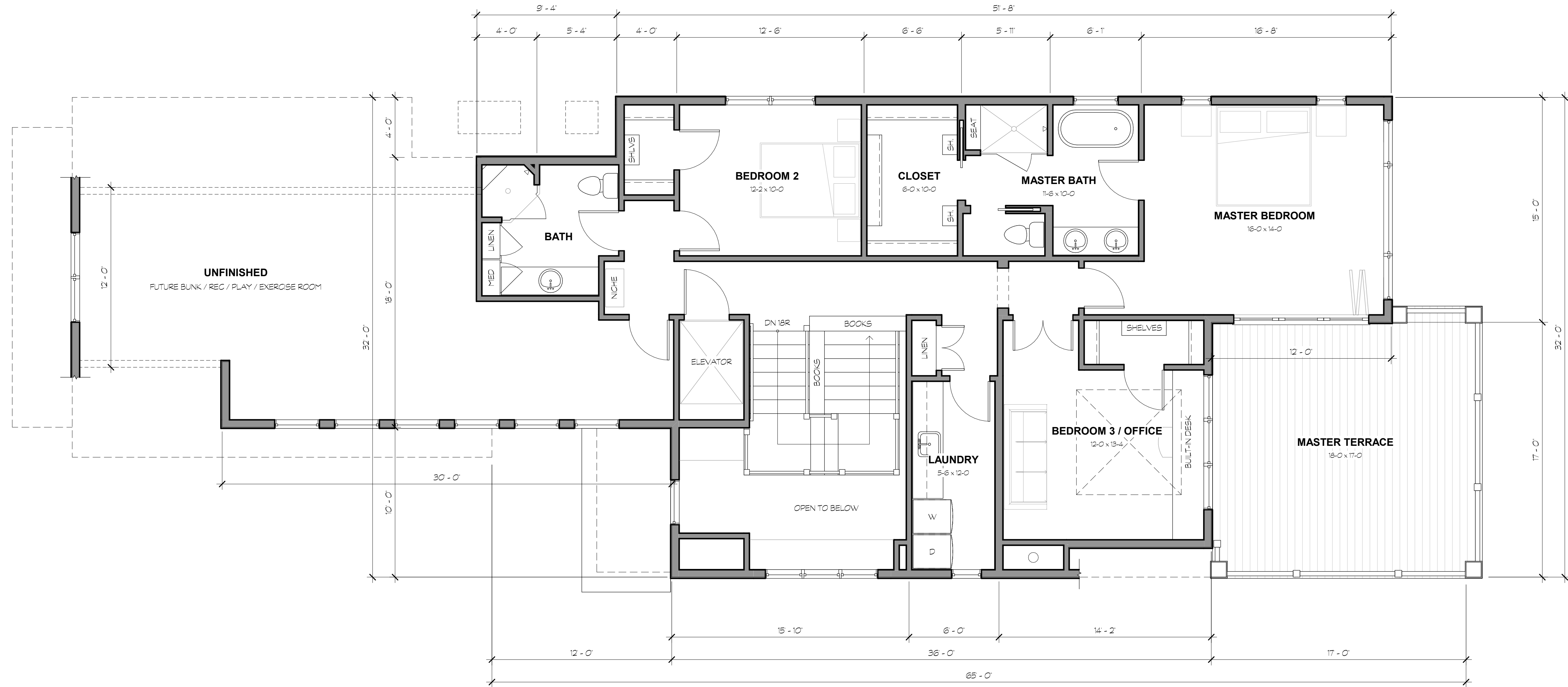
SHEET **A3** NUMBER

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| LIVING SPACE |         |
|--------------|---------|
| MAIN LEVEL   | 1571 SF |
| UPPER LEVEL  | 1233 SF |
| Grand total  | 2804 SF |

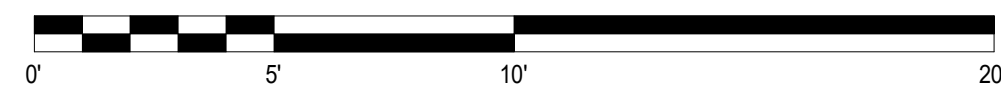
| FUTURE SPACE       |        |
|--------------------|--------|
| UNFIN. UPPER LEVEL | 506 SF |
| Grand total        | 506 SF |

| ADDITIONAL SPACE |         |
|------------------|---------|
| SCREEN PORCH     | 312 SF  |
| GARAGE           | 642 SF  |
| FRONT PORCH      | 50 SF   |
| MASTER TERRACE   | 312 SF  |
| Grand total      | 1316 SF |



**UPPER LEVEL FLOOR PLAN**

1/4" = 1'-0"



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SUITE 100  
EXCELSIOR, MN 55331  
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**PROJECT TEAM**

|  |                                      |
|--|--------------------------------------|
| <b>ARCHITECT</b><br>SHARRATT DESIGN & COMPANY, LLC<br>464 SECOND STREET, SUITE 100<br>EXCELSIOR, MN 55331<br>CONTACT: MIKE SHARRATT (952-470-9750) | <b>STRUCTURAL ENGINEER</b><br>T.B.D. |
| <b>GENERAL CONTRACTOR</b><br>KYLE HUNT & PARTNERS<br>18324 MINNETONKA BLVD<br>DEEPHAVEN, MN 55391<br>CONTACT: (952-476-3999)                       |                                      |

**SHEET INDEX**

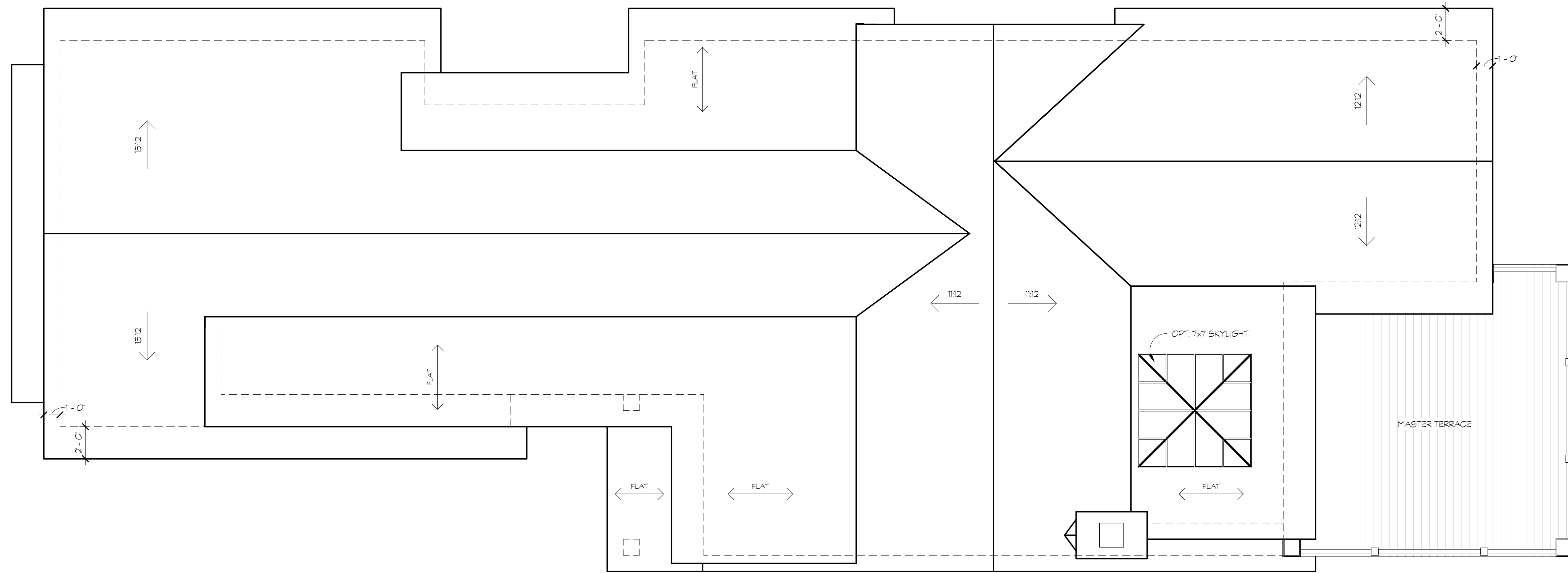
|                            |                        |
|----------------------------|------------------------|
| A1 ARCHITECTURAL SITE PLAN | A5 ROOF PLAN           |
| A2 FOUNDATION PLAN         | A6 EXTERIOR ELEVATIONS |
| A3 MAIN LEVEL FLOOR PLAN   | A7 EXTERIOR ELEVATIONS |
| A4 UPPER LEVEL FLOOR PLAN  |                        |

| ISSUED FOR        | 07/16/21 | 08/26/21 | 09/07/21 |
|-------------------|----------|----------|----------|
| PROGRESS SET      | X        | X        | X        |
| MEETING SET       | X        |          |          |
| VARIANCE APP. SET |          |          | X        |
| BID SET           |          |          |          |
| PERMIT SET        |          |          |          |
| REVISIONS         |          |          |          |
| CONSTRUCTION SET  |          |          |          |

PROPOSED CONSTRUCTION OF THE:  
**BARTHEL HOME**  
469 LAKE AVENUE  
WHITE BEAR LAKE, MN

SHEET **A4** NUMBER

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**ROOF PLAN**  
1/4" = 1'-0"



464 SECOND STREET PH: 952-470-9750  
SUITE 100 FAX: 952-767-5859  
EXCELSIOR, MN 55331 info@sharrattdesign.com

**PROJECT TEAM**

|  |                            |
|--|----------------------------|
| <b>ARCHITECT</b>   | <b>STRUCTURAL ENGINEER</b> |
| SHARRATT DESIGN & COMPANY, LLC<br>464 SECOND STREET, SUITE 100<br>EXCELSIOR, MN 55331<br>CONTACT: MIKE SHARRATT (952-470-9750) | T.B.D.                     |
| <b>GENERAL CONTRACTOR</b>  |                            |
| KYLE HUNT & PARTNERS<br>18324 MINNETONKA BLVD<br>DEEPHAVEN, MN 55391<br>CONTACT: (952-476-5999)                                |                            |

**SHEET INDEX**

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| ISSUED FOR        | 07/16/21 | 08/26/21 | 09/07/21 |
|-------------------|----------|----------|----------|
| PROGRESS SET      | X        | X        | X        |
| MEETING SET       | X        |          |          |
| VARIANCE APP. SET |          |          | X        |
| BID SET           |          |          |          |
| PERMIT SET        |          |          |          |
| REVISIONS         |          |          |          |
| CONSTRUCTION SET  |          |          |          |

PROPOSED CONSTRUCTION OF THE:  
**BARTHEL HOME**  
469 LAKE AVENUE  
WHITE BEAR LAKE, MN

SHEET **A5** NUMBER

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**SOUTH ELEVATION** (CONCEPTUAL - FINAL DESIGN MAY VARY)  
1/4" = 1'-0"



**EAST ELEVATION** (CONCEPTUAL - FINAL DESIGN MAY VARY)  
1/4" = 1'-0"



464 SECOND STREET PH: 952-470-9750  
SUITE 100 FAX: 952-767-5859  
EXCELSIOR, MN 55331 info@sharrattdesign.com

**PROJECT TEAM**

|  |                            |
|--|----------------------------|
| <b>ARCHITECT</b>   | <b>STRUCTURAL ENGINEER</b> |
| SHARRATT DESIGN & COMPANY, LLC<br>464 SECOND STREET, SUITE 100<br>EXCELSIOR, MN 55331<br>CONTACT: MIKE SHARRATT (952-470-9750) | T.B.D.                     |
| <b>GENERAL CONTRACTOR</b>  |                            |
| KYLE HUNT & PARTNERS<br>18324 MINNETONKA BLVD<br>DEEPHAVEN, MN 55391<br>CONTACT: (952-476-3999)                                |                            |

**SHEET INDEX**

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|                   |          |          |          |
|-------------------|----------|----------|----------|
| ISSUED FOR        | 07/16/21 | 08/26/21 | 09/07/21 |
| PROGRESS SET      | X        | X        | X        |
| MEETING SET       | X        |          |          |
| VARIANCE APP. SET |          |          | X        |
| BID SET           |          |          |          |
| PERMIT SET        |          |          |          |
| REVISIONS         |          |          |          |
| CONSTRUCTION SET  |          |          |          |

PROPOSED CONSTRUCTION OF THE:  
**BARTHEL HOME**  
469 LAKE AVENUE  
WHITE BEAR LAKE, MN

SHEET **A6** NUMBER

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**NORTH ELEVATION** (CONCEPTUAL - FINAL DESIGN MAY VARY)  
1/4" = 1'-0"



**WEST ELEVATION** (CONCEPTUAL - FINAL DESIGN MAY VARY)  
1/4" = 1'-0"



464 SECOND STREET PH: 952-470-9750  
SUITE 100 FAX: 952-767-5859  
EXCELSIOR, MN 55331 info@sharrattdesign.com

**PROJECT TEAM**

| ARCHITECT  | STRUCTURAL ENGINEER |
|--|---------------------|
| SHARRATT DESIGN & COMPANY, LLC<br>464 SECOND STREET, SUITE 100<br>EXCELSIOR, MN 55331<br>CONTACT: MIKE SHARRATT (952-470-9750) | T.B.D.              |
| GENERAL CONTRACTOR   |                     |
| KYLE HUNT & PARTNERS<br>18324 MINNETONKA BLVD<br>DEEPHAVEN, MN 55391<br>CONTACT: (952-476-3999)                                |                     |

**SHEET INDEX**

|                            |                        |
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| ISSUED FOR        | 07/16/21 | 08/26/21 | 09/07/21 |
|-------------------|----------|----------|----------|
| PROGRESS SET      | X        | X        | X        |
| MEETING SET       | X        |          |          |
| VARIANCE APP. SET |          |          | X        |
| BID SET           |          |          |          |
| PERMIT SET        |          |          |          |
| REVISIONS         |          |          |          |
| CONSTRUCTION SET  |          |          |          |

PROPOSED CONSTRUCTION OF THE:  
**BARTHEL HOME**  
469 LAKE AVENUE  
WHITE BEAR LAKE, MN

SHEET **A7** NUMBER

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DESCRIPTION OF PROPERTY SURVEYED

Lot 16, Block 1, LAKEWOOD PARK 3RD DIVISION, according to the recorded plat thereof, Washington County, Minnesota.

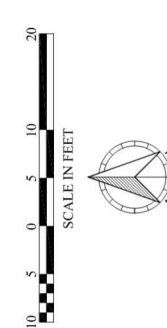
STANDARD NOTES

- 1) Site Address: 469 Lake Avenue, Birchwood Village, Minnesota 55110
2) A title opinion was not furnished to the surveyor as part of this survey. Only encumbrances per the recorded plat are shown unless otherwise denoted hereon.
3) Flood Zone Information: X (area determined to be outside of the 0.2% annual chance floodplain) and Zone A (Areas subject to inundation by the 1-percent-annual-chance flood event determined by detailed methods. Base Flood Elevations (BFEs) are not determined. Mandatory flood insurance purchase requirements and floodplain management standards apply.) per Flood Insurance Rate Map, Community Panel No. 27(68)C0240E, effective date of 02/01/2010.
4) Parcel Area Information: Gross Area: 12,825 s.f. +/- 0.294 acres +/-
5) Benchmark: Elevations are based on MNDOT Geoidless Station Name: PARAGON which has an elevation of: 929.60 feet (NAVD88).
6) Zoning: Principal Structure Subclass:
7) Utilities: We have shown the location of utilities on the surveyed property by observed evidence only. There may be underground utilities encumbering the subject property we are unaware. Please note that we have not placed a Gopher State One Call for this survey. There may or may not be underground utilities in the mapped area, therefore extreme caution must be exercised before any excavation takes place on or near this site. Also, please note that seasonal conditions may inhibit our ability to visibly observe all the utilities located on the subject property. Before digging, you are required by law to notify Gopher State One Call at least 48 hours in advance at 651-454-0002.

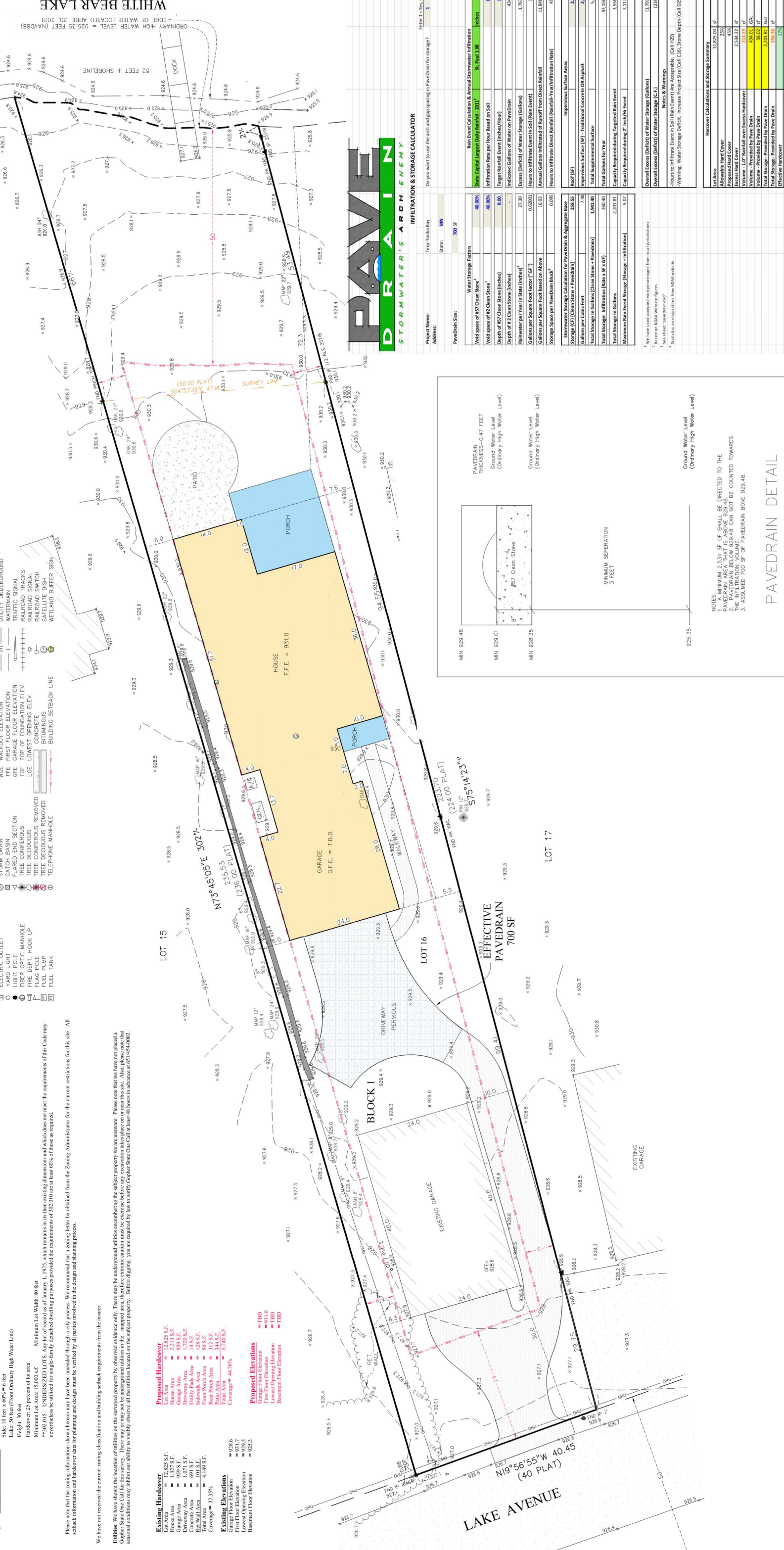
Table with 2 columns: Category and Value. Includes Existing Hardcover (Lot Area: 12,825 S.F., House Area: 1,277 S.F., etc.) and Proposed Elevations (Garage Floor Elevation: 928.2, First Floor Elevation: 929.5, etc.).

SURVEY LEGEND

- CAST IRON MONUMENT SET
IRON PIPE MONUMENT FOUND
DRILL HOLE FOUND
CHISELED "X" MONUMENT FOUND
REBAR MONUMENT SET
PK NAIL MONUMENT SET
PK NAIL W/ ALUMINUM DISC
SURVEY CONTROL POINT
A/C UNIT
CABLE TV PEDESTAL
ELECTRIC TRANSFORMER
ELECTRIC MANHOLE
ELECTRIC METER
ELECTRIC METER W/ TIELET
YARD LIGHT
LIGHT POLE
FIBER OPTIC MANHOLE
FIRE DEPT. HOOK UP
FUEL PUMP
FUEL TANK
PROPANE TANK
ELECTRIC PEDESTAL
UTILITY VAULT
UTILITY VAULT
WATER MAIN MANHOLE
WATER METER
WATER SPIGOT
WELL
CURB STOP
GUY WIRE
ROOF DRAIN
LIFT STATION
SANITARY MANHOLE
LIFT STATION
SANITARY MANHOLE
ELECTRIC CLEANOUT
ELECTRIC METER
ELECTRIC METER W/ TIELET
YARD LIGHT
LIGHT POLE
FIBER OPTIC MANHOLE
FIRE DEPT. HOOK UP
FUEL PUMP
FUEL TANK

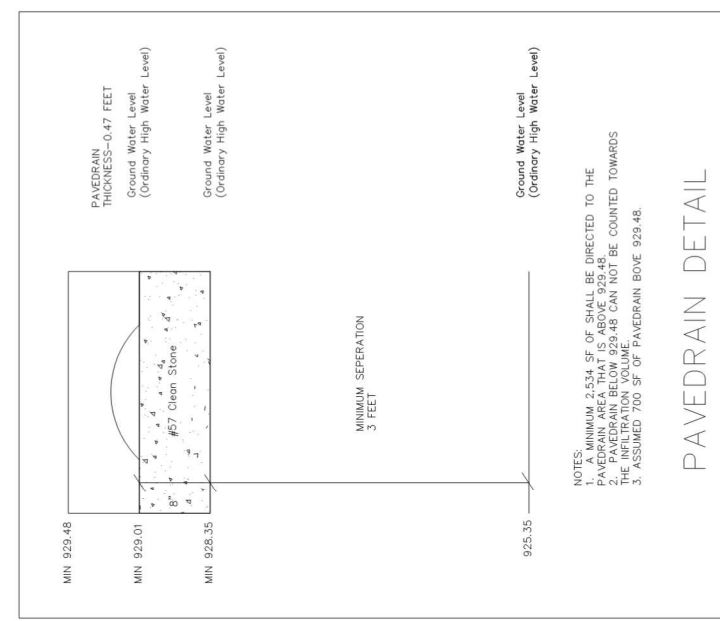


Readings are based on the Washington County Coordinate System (NAD 83 - 1989 84).



PAVEDRAIN INFILTRATION & STORAGE CALCULATOR

Calculator input and output table. Inputs include Project Name (Trip/Tonka Bay), Pavedrain Size (700 SF), and various infiltration and storage parameters. Outputs include Total Storage (1,911.40) and Maximum Rain Event Storage (2,301.81).



NOTES:
1. A MINIMUM 2,534 SF OF SHALL BE DIRECTED TO THE PAVEDRAIN AREA THAT IS ABOVE 929.48.
2. THE INFILTRATION VOLUME CAN NOT BE COUNTED TOWARDS THE INFILTRATION VOLUME.
3. ASSUMED 700 SF OF PAVEDRAIN ABOVE 929.48.

Project information and contact details. Includes title 'CONCEPTUAL DESIGN PAVEDRAIN', client 'JAMES BARTHEL', and company 'SATHRE-BERGQUIST, INC.'. Also contains a revision table and a signature block for Daniel L. Schmidt.

DESCRIPTION OF PROPERTY SURVEYED

Lot 16, Block 1, LAKEWOOD PARK 3RD DIVISION, according to the recorded plat thereof, Washington County, Minnesota.

STANDARD NOTES

- 1) Site Address: 469 Lake Avenue, Birchwood Village, Minnesota 55110
  - 2) A title opinion was not furnished to the surveyor as part of this survey. Only encumbrances per the recorded plat are shown unless otherwise denoted herein.
  - 3) Flood Zone Information: X (Area determined to be outside of the 0.2% annual chance floodplain) and Zone A (Areas subject to inundation by the 1-percent-annual-chance flood event determined by detailed methods. Base Flood Elevations (BFEs) are not determined. Mandatory flood insurance purchase requirements and floodplain management standards apply.) per Flood Insurance Rate Map, Community Panel No. 27(6)C0240E, effective date of 02/03/2010.
  - 4) Parcel Area Information: Gross Area: 12,825 s.f. ± = 0.294 acres ±  
\*We do not affirmatively insure the quantity of acreage set forth in the description
  - 5) Benchmark: Elevations are based on MN/DOT Geoidless Station Name: PARAGON which has an elevation of: 929.60 feet (NAVD83).
  - 6) Zoning: Principal Structure Setbacks -  
Front: 30 feet  
Side: 10 feet x 60% = 6 feet  
Rear: 50 feet (From Ordinary High Water Line)  
Height: 30 feet  
Minimum Lot Width: 80 feet  
Minimum Lot Area: 15,000 s.f.  
\*920.015' UNDERSIZED LOTS: Any lot or record as of January 1, 1975, which remains in its then-existing dimensions and which does not meet the requirements of this Code may nevertheless be utilized for single-family detached dwelling purposes provided the requirements of 926.010 are at least 60% of those as required.
- Please note that the zoning information shown herein may have been amended through a city process. We recommend that a zoning letter be obtained from the Zoning Administrator for the current restrictions for this site. All setback information and hardcover data for planning and design must be verified by all parties involved in the design and planning process.
- We have not received the current zoning classification and building setback requirements from the insurer.
- Utilities: We have shown the location of utilities on the surveyed property by observed evidence only. There may be underground utilities encumbering the subject property we are unaware. Please note that we have not placed a Gopher State One Call for this survey. There may or may not be underground utilities in the mapped area, therefore extreme caution must be exercised before any excavation takes place on or near this site. Also, please note that seasonal conditions may inhibit our ability to visually observe all the utilities located on the subject property. Before digging, you are required by law to notify Gopher State One Call at least 48 hours in advance at 651-454-6002.

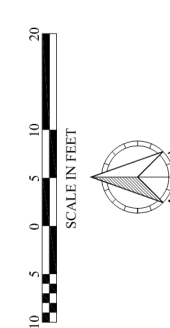
| Existing Hardcover |             | Proposed Hardcover |             |
|--------------------|-------------|--------------------|-------------|
| Lot Area           | 12,825 S.F. | Lot Area           | 12,825 S.F. |
| House Area         | 1,277 S.F.  | House Area         | 1,213 S.F.  |
| Garage Area        | 959 S.F.    | Garage Area        | 959 S.F.    |
| Driveway Area      | 1,170 S.F.  | Driveway Area      | 1,170 S.F.  |
| Ret Wall Area      | 101 S.F.    | Ret Wall Area      | 101 S.F.    |
| Front Porch Area   | 50 S.F.     | Front Porch Area   | 50 S.F.     |
| Rear Porch Area    | 31 S.F.     | Rear Porch Area    | 31 S.F.     |
| Total Area         | 4,149 S.F.  | Total Area         | 4,149 S.F.  |
| Coverage           | 32.35%      | Coverage           | 32.35%      |

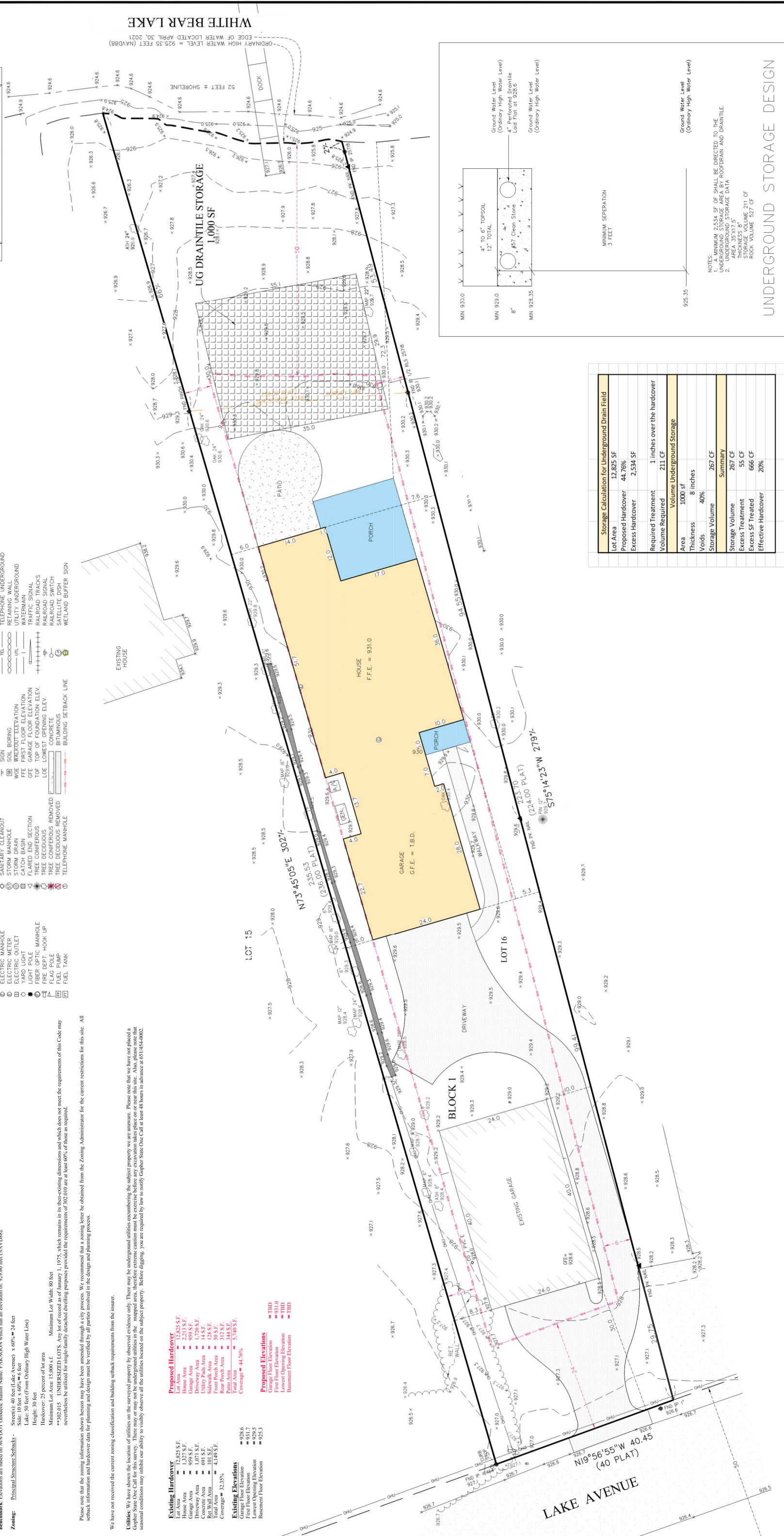
| Proposed Elevations      |       |
|--------------------------|-------|
| Grade Floor Elevation    | 928.6 |
| First Floor Elevation    | 931.7 |
| Lowest Opening Elevation | 929.5 |
| Basement Floor Elevation | 925.3 |

SURVEY LEGEND

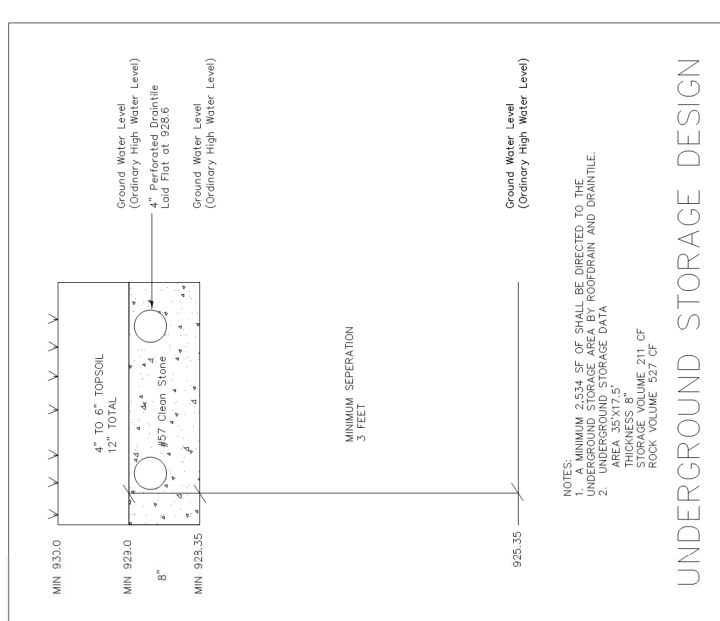
- CAST IRON MONUMENT
- IRON PIPE MONUMENT FOUND
- DRILL HOLE FOUND
- CHEELED "X" MONUMENT FOUND
- REBAR MONUMENT FOUND
- PK NAIL MONUMENT SET
- PK NAIL W/ ALUMINUM DISC
- SURVEY CONTROL POINT
- A/C UNIT
- CABLE TV PEDESTAL
- ELECTRIC TRANSFORMER
- ELECTRIC MANHOLE
- ELECTRIC METER
- ELECTRIC TRIPLET
- YARD LIGHT
- FIBER OPTIC MANHOLE
- FIRE DEPT. HOOK UP
- FUEL PUMP
- FUEL TANK
- PROpane TANK
- GEN. SET
- GAS VALVE
- GENERATOR
- HAND HOLE
- MAIL BOX
- POWER POLE
- GUY WIRE
- ROOF DRAIN
- LIFT STATION
- SANITARY MANHOLE
- SANITARY CLEANOUT
- ELECTRIC MANHOLE
- ELECTRIC TRIPLET
- YARD LIGHT
- FIBER OPTIC MANHOLE
- FIRE DEPT. HOOK UP
- FUEL PUMP
- FUEL TANK
- TELEPHONE PEDESTAL
- UTILITY PEDESTAL
- UTILITY VAULT
- WATERMAN MANHOLE
- WATER METER
- WATER SPOUT
- WELL
- CURB STOP
- OVERHEAD UTILITY
- TREE LINE
- SANITARY SEWER
- STORM SEWER
- TELEPHONE UNDERGROUND
- RETAINING WALL
- UNDERGROUND
- WATERMAN UNDERGROUND
- TRAFFIC SIGNAL
- RAILROAD TRACKS
- RAILROAD SIGNAL
- SATELLITE DISH
- WETLAND BUFFER SIGN



Readings are based on the Washington County Coordinate System (NAD 83 - 1989 89).



| Storage Calculation for Underground Drain Field |                                       |
|---|---------------------------------------|
| Lot Area  | 12,825 SF                             |
| Proposed Hardcover                              | 44,76%                                |
| Excess Hardcover                                | 2,534 SF                              |
| Required Treatment Volume Required              | 1 inches over the hardcover<br>211 CF |
| Volume Underground Storage                      | 1000 sf                               |
| Area  | Thickness                             |
| 8 inches  | 40%                                   |
| Storage Volume                                  | 267 CF                                |
| Storage Volume                                  | 267 CF                                |
| Excess Treatment                                | 55 CF                                 |
| Excess SF Treated                               | 666 CF                                |
| Effective Hardcover                             | 20%                                   |



NOTES:  
1. MINIMUM 2,534 SF OF SHALL BE DIRECTED TO THE UNDERGROUND STORAGE AREA BY ROOFDRAIN AND DRAIN TILE.  
2. UNDERGROUND STORAGE DATA  
AREA: 35x17.5  
STORAGE VOLUME: 211 CF  
ROCK VOLUME: 527 CF

UNDERGROUND STORAGE DESIGN

| FIELD DREW | NO. | BY  | DATE      | REVISION                              |
|------------|-----|-----|-----------|---------------------------------------|
| DM AK      | 1   | EMW | 5/20/2021 | ADDED BASEMENT FLOOR ELEVATION        |
| DRAWN      | 2   | EMW | 9/3/2021  | REVISED EXISTING HARDCOVER            |
| JPR/EMW    | 3   | EMW | 9/3/2021  | PROPOSED COND. FOR HARDCOVER VARIANCE |
| CHECKED    | 4   | DLS | 9/7/2021  | ROUGH STORM WATER CALCULATIONS        |
| DLS        |     |     |           |                                       |
| DATE       |     |     |           |                                       |
| 4/28/21    |     |     |           |                                       |

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I hereby certify that this survey, plan 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 this 19th day of May, 2021.  
Daniel L. Schmitt  
Minnesota License No. 26147  
schmitt@sathre.com

**SATHRE-BERQUIST, INC.**  
150 SOUTH BROADWAY WAYZATA, MN 55391 (952) 476-6000  
WWW.SATHRE.COM

TPMP:30-RGE 21-SEC.30  
Washington County

**BIRCHWOOD VILLAGE, MINNESOTA**

PREPARED FOR:  
**JAMES BARTHEL**  
ON BEHALF OF KYLE HUNT & PARTNERS

CONCEPTUAL DESIGN DRAIN TILE

FILE NO. 4890-042

1





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.