



AGENDA OF THE REGULAR MEETING OF
THE CITY COUNCIL
CITY OF BIRCHWOOD VILLAGE
WASHINGTON COUNTY, MINNESOTA
July 9, 2024
6:45 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.

PLEDGE OF ALLEGIANCE

APPROVE AGENDA

OPEN PUBLIC FORUM

ANNOUNCEMENTS

- A. The August City Council Meeting will be held on August 6th instead of August 13th due to elections.

CITY BUSINESS – CONSENT AGENDA

- A. Approve Treasurer's Report* (pp. 3-37)
- B. Approve June 11, 2024 Meeting Minutes* (pp. 38-57)
- C. Resolution 2024-29 Birchwood Village EJ Resolution* (p. 58)

CITY BUSINESS

- A. 24-01-BV (425 Lake) Variance* (pp. 59-105)
 - a. Public Hearing
 - b. Review and Discuss Variances Requested and Supporting Documents
 - c. Review Planning Commission Recommendation
 - d. Council Deliberation
 - e. Vote to Approve or Deny Variance Requests
- B. White Bear Lake Conservation District Board Applicants* (pp. 106-107)
- C. Second Reading Ordinance 2024-06-01 (621) Personal Property on City Property* (pp. 108-112)
 - a. Public Hearing
 - b. Council Deliberation and Approval

- c. Approve Resolution 2024-30 Approving Summary Publication Ord. 2024-06-01* (pp. 111-112)

- D. Second Reading 2024-06-02 (622) Solicitors* (pp. 113-120)
 - a. Public Hearing
 - b. Council Deliberation and Approval
 - c. Approve Resolution 2024-31 Approving Summary Publication Ord. 2024-06-02* (pp. 119-120)

- E. First Reading Ordinance 2024-07-02, Solicitors on Fee Schedule* (p. 121)
 - a. First Reading and Council Deliberation
 - b. Order Second Reading and Public Hearing

- F. First Reading Ordinance 2024-07-01, Water and Sewer Permit on Fee Schedule* (p. 122)
 - a. First Reading and Council Deliberation
 - b. Order Second Reading and Public Hearing

- G. Lawn Mowing Quotes* (pp. 123-129)

- H. Ash Path Fence Quotes* (pp. 130-138)

- I. Trail from White Pine to Birchwood Avenue – Justin McCarthy* (p. 139)

- J. 131 Wildwood – Approve RESOLUTION 2024-32* (pp. 140-141)

- K. 310/312 Wildwood – Approve RESOLUTION 2024-33* (pp. 142-147)

- L. Temporary No Parking Signs on south side of Wildwood Ave (Ash Path - Highway 120)* (pp. 148-149)

- M. Administrator Updates
 - a. Lift station Update* (p. 150)
 - b. IT Update – Changeover to Techie Dudes Memo* (p. 151)
 - c. Legislative-Citizen Commission on Minnesota Resources Memo* (p. 152)

ADJOURN

City of Birchwood Village
Bank Reconciliation

US Bank
General Fund #1-801-2001-5920
6/30/2024

Genl Fund 4M #35172-101

US Bank 4M balance	General Fund	\$915,628.45
Outstanding Checks	Outstanding Checks	(\$11,339.95)
	Deposit in US Bank, Not in 4M until 7/1/2024	\$3,657.37
	Checks Paid Redemption settled 7/1/2024	(\$1,700.00)
Bank Open Items		
	PERA Difference CTAS \$767.53, Bank \$767.86	\$0.33
	Xcel Cleared Bank 6/20/24, Cleared CTAS 7/1/24	\$10.29
	Xcel Cleared Bank 6/20/24, Cleared CTAS 7/1/24	\$29.68
	Xcel Cleared Bank 6/20/24, Cleared CTAS 7/1/24	\$30.27
	ATT Cleared Bank 6/24/24, Cleared CTAS 7/1/24	\$53.95
Genl Ledger Open Items		
		<u>\$906,370.39</u>
	Balance Per Cash Control Statement	<u>\$906,370.39</u>
	DIFFERENCE	\$0.00

Fund Name: All Funds

Date Range: 06/01/2024 To 06/30/2024

<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>
06/03/2024	Bolton & Menk, Inc.	33001*	Engineering--Halls Marsh Study 12/23/23-2/2/24	N	Capital Project Engineering Expense	100-41935-300-	\$ 316.00
	Total For Check	33001					\$ 316.00
06/03/2024	Bolton & Menk, Inc.	33002*	Engineering--Lift Station and Grant Coordination 12/23/23-2/2/24	N	Sewer Engineering Expense	605-49485-300-	\$ 8,542.00
		33002*				605-49485-300-	\$ 6,074.00
	Total For Check	33002					\$ 14,616.00
06/03/2024	General Repair Service	33003*	Lift Station #3 Repairs--Reimbursed by LMC	N	Sewer Utility	605-49465-314-	\$ 6,416.59
	Total For Check	33003					\$ 6,416.59
06/03/2024	LRS Portables, LLC	33004*	June Portable Potty	N	Parks	100-45207-314-	\$ 248.00
	Total For Check	33004					\$ 248.00
06/03/2024	Manship Plumbing & Heating Inc	33005*	Sewer/Water-May-Retainer,Wat er testing, Hydrant Flushing, Locates	N	Water Utility	601-49415-314-	\$ 700.00
		33005*				601-49415-314-	\$ 120.00
		33005*				601-49415-314-	\$ 2,220.00
		33005*				601-49415-314-	\$ 240.00
	Total For Check	33005					\$ 3,280.00
06/03/2024	Metropolitan Council - Env. Service	33006*	May Waste Water Services	N	Sewer Utility	605-49465-217-	\$ 5,335.64
	Total For Check	33006					\$ 5,335.64
06/03/2024	MENARD'S - OAKDALE	33007*	Maintenance--Padlock for Garage Fence Enclosure	N	General Government Buildings and Plant	100-41940-220-	\$ 10.48
	Total For Check	33007					\$ 10.48
06/03/2024	Nugent Sealcoating and Paving	33008*	Spring Street Sweeping	N	Street Sweeping	100-43103-314-	\$ 2,000.00
	Total For Check	33008					\$ 2,000.00
06/03/2024	Therese Bellinger	33009*	Reimbursement for City Hall New Vacuum	N	General Government Buildings and Plant	100-41940-211-	\$ 329.90
	Total For Check	33009					\$ 329.90

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06/03/2024	Washington County - Property & Tax	33010*	2024 Special Assessment Fees	N	Assessing	100-41550-314-	\$ 5.43
		Total For Check	33010				\$ 5.43
06/04/2024	White Bear Township	33011*	Equipment and PW Charges	N	Sewer Utility	605-49465-314-	\$ 6,016.79
		Total For Check	33011				\$ 6,016.79
06/06/2024	Payroll Period Ending 06/06/2024	33012	Office Payroll 5/19 - 6/1/2024	N	Clerk - Treasurer	100-41401-100-	\$ 1,202.29
		Total For Check	33012				\$ 1,202.29
06/06/2024	Payroll Period Ending 06/06/2024	33013	Office Payroll 5/19 - 6/1/2024	N	Clerk - Treasurer	100-41401-100-	\$ 15.70
		Total For Check	33013				\$ 15.70
06/06/2024	Payroll Period Ending 06/06/2024	33014	Office Payroll 5/19 - 6/1/2024	N	Clerk - Treasurer	100-41401-100-	\$ 2,188.51
		Total For Check	33014				\$ 2,188.51
06/06/2024	Payroll Period Ending 06/06/2024	33015	Office Payroll 5/19 - 6/1/2024	N	Clerk - Treasurer	100-41401-100-	\$ 140.26
		Total For Check	33015				\$ 140.26
06/06/2024	Payroll Period Ending 06/06/2024	33016	Office Payroll 5/19 - 6/1/2024	N	Parks	100-45207-100-	\$ 670.45
		Total For Check	33016				\$ 670.45
06/12/2024	PERA	EFT06122024A*	Retirement funds-PR 5/19 - 6/1/2024, TB, RK, MO, JR	N	Clerk - Treasurer	100-41401-121-	\$ 653.03
		EFT06122024A*			Parks	100-45207-121-	\$ 114.50
		Total For Check	EFT06122024A				\$ 767.53
06/13/2024	MN Department of Revenue	EFT061324A*	MN State Tax eFiling - 2024 Q2-May pymt	N	Clerk - Treasurer	100-41401-115-	\$ 525.61
		Total For Check	EFT061324A				\$ 525.61
06/13/2024	IRS - US Treasury	EFT061324B*	Federal Taxes - Q2 2024 -May Payment	N	Clerk - Treasurer	100-41401-100-	\$ 445.70
		EFT061324B*				100-41401-100-	\$ 1,342.86
		EFT061324B*				100-41401-100-	\$ 314.06
		Total For Check	EFT061324B				\$ 2,102.62
06/13/2024	US Bank	EFT061324WO	Deposit more than bank total. Bank wrote off.	N	MISCELLANEOUS	100-49001-450-	\$ 0.08
		Total For Check	EFT061324WO				\$ 0.08
06/20/2024	Payroll Period Ending 06/20/2024	33017	Office Payroll-BK 6/2/2024 - 06/15/2024	N	Clerk - Treasurer	100-41401-100-	\$ 2,188.51

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		Total For Check	33017				\$ 2,188.51
06/21/2024	Payroll Period Ending 06/21/2024	33018	Office Payroll 6/2/24 - 6/15/24	N	Clerk - Treasurer	100-41401-100-	\$ 1,109.95
		Total For Check	33018				\$ 1,109.95
06/21/2024	Payroll Period Ending 06/21/2024	33019	Office Payroll 6/2/24 - 6/15/24	N	Parks	100-45207-100-	\$ 1,013.20
		Total For Check	33019				\$ 1,013.20
06/21/2024	Payroll Period Ending 06/21/2024	33020	Office Payroll 6/2/24 - 6/15/24	N	Parks	100-45207-100-	\$ 873.73
		Total For Check	33020				\$ 873.73
06/21/2024	PERA	EFT06212024-A*	Retirement funds-PR 6/2 - 6/15/24, TB, RK, JR	N	Clerk - Treasurer	100-41401-121-	\$ 607.86
		EFT06212024-A*			Parks	100-45207-121-	\$ 153.35
		Total For Check	EFT06212024-A				\$ 761.21
06/27/2024	Therese Bellinger	33021*	Reimbursement for Tree Purchase for Tree Grant	N	Tree Removal	100-43135-314-	\$ 3,986.65
		Total For Check	33021				\$ 3,986.65
Total For Selected Checks							\$ 56,121.13

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<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>
06/01/2024	Watkabdm /Cecilee	171736131*	BP--2023-49-364 Hall Ave	(06/01/2024) - EFT	N	Building Permits	100-32211-	\$ 200.25
								\$ 200.25
06/03/2024	Edholm, Joe	171736132*	BP, 24-0060, 364 Hall Ave	(06/03/2024) - EFT	N	Building Permits	100-32211-	\$ 151.00
								\$ 151.00
06/03/2024	Iten, Laura	171736133*	Kayak Rack Rental	(06/03/2024) - EFT	N	Kayak/Canoe Permits	100-32212-	\$ 35.00
								\$ 35.00
06/05/2024	Pineview Builders	171736134*	BP, 24-0063, 365 Lakewood Lane	(06/05/2024) - EFT	N	Building Permits	100-32211-	\$ 99.00
								\$ 99.00
06/06/2024	Westphal, C	171736119*	Kayak Rental Catchup	(06/06/2024) - CA	N	Kayak/Canoe Permits	100-32212-	\$ 5.00
								\$ 5.00
06/06/2024	Safeguard Properties	171736120*	Vacant Prop Permit--232 Cedar Street	(06/06/2024) - CK	N	Building Permits	100-32211-	\$ 480.00
								\$ 480.00
06/06/2024	Washington County	171736121*	Recycling Grant Money	(06/06/2024) - CK	N	Federal Grants and Aids	100-33101-	\$ 3,192.00
								\$ 3,192.00
06/06/2024	Ramsey/Washington Cable Commission	171736122*	Funding for Cable Franchise Fee Funding Comcast	(06/06/2024) - CK	N	Refund-Reimbursemnt-Dividend	100-36240-	\$ 4,512.31
								\$ 4,512.31
06/06/2024	Ramsey/Washington Cable Commission	171736123*	PEG Funding for Public, Education, Governmental & Capital Support	(06/06/2024) - CK	N	Refund-Reimbursemnt-Dividend	100-36240-	\$ 1,690.08
								\$ 1,690.08

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06/11/2024	Evavold, Todd	171736135*	BP, 24-0066, 703 Birchwood Ave	(06/11/2024) - EFT	N	Building Permits	100-32211-	\$ 127.83
								\$ 127.83
06/12/2024	Xcel Energy	171736136*	Row Permit, 24-0061, 160 Cedar St	(06/12/2024) - EFT	N	Building Permits	100-32211-	\$ 274.50
								\$ 274.50
06/12/2024	Air Mechanical	171736151*	BP 24-0065, 364 Hall Avenue	(06/12/2024) - EFT	N	Building Permits	100-32211-	\$ 151.00
								\$ 151.00
06/13/2024	Holmen, Karen	171736145*	Kayak Rack Rental	(06/13/2024) - EFT	N	Kayak/Canoe Permits	100-32212-	\$ 35.00
								\$ 35.00
06/13/2024	Lindus Construction	171736146*	BP, 24-0068, 109 Wildwood Ave	(06/13/2024) - EFT	N	Building Permits	100-32211-	\$ 668.75
								\$ 668.75
06/13/2024	Wenzel Plymouth Plumbing	171736147*	BP, 24-0066, 117 Wildwood	(06/13/2024) - EFT	N	Building Permits	100-32211-	\$ 151.00
								\$ 151.00
06/14/2024	Wandmacher, Cathryn	171736137*	Kayak Rack Rental Catchup	(06/14/2024) - EFT	N	Kayak/Canoe Permits	100-32212-	\$ 5.00
								\$ 5.00
06/14/2024	Hullsiek, William	171736138*	Kayak Rack Rental Catchup	(06/14/2024) - EFT	N	Kayak/Canoe Permits	100-32212-	\$ 5.00
								\$ 5.00
06/24/2024	Morse, Avery	171736140*	BP, 24-0039, 160 Cedar	(06/24/2024) - EFT	N	Building Permits	100-32211-	\$ 151.00
								\$ 151.00
06/24/2024	Standard heating	171736141*	BP, 24-0075, 707 Hall Ave	(06/24/2024) - EFT	N	Building Permits	100-32211-	\$ 151.00

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								\$ 151.00
06/25/2024	Weber, Dan	171736124*	Kayak Rental Catchup	(06/25/2024) - CK	N	Kayak/Canoe Permits	100-32212-	\$ 5.00
								\$ 5.00
06/25/2024	Kazmicicak, Wayne	171736125*	Kayak Rental	(06/25/2024) - CK	N	Kayak/Canoe Permits	100-32212-	\$ 35.00
								\$ 35.00
06/25/2024	Cavanor, Katie	171736126*	Kayak Rental Catchup	(06/25/2024) - CA	N	Kayak/Canoe Permits	100-32212-	\$ 5.00
								\$ 5.00
06/25/2024	Lopez, Scott	171736127*	Kayah Rack Rental	(06/25/2024) - CK	N	Kayak/Canoe Permits	100-32212-	\$ 35.00
								\$ 35.00
06/25/2024	Tell, Jason	171736128*	Payment for City Planner Help	(06/25/2024) - CK	N	CHARGES FOR SERVICES	100-34001-	\$ 750.00
								\$ 750.00
06/25/2024	Lind, Brian	171736129*	Donation for Community Club	(06/25/2024) - CK	N	Contributions and Donations from Private Sources	100-36230-	\$ 20.00
								\$ 20.00
06/25/2024	Ramsey/Washington Cable Commission	171736130*	Suburgan Cable Commission--1st Q Funds	(06/25/2024) - CK	N	Refund-Reimbursemnt-Dividend	100-36240-	\$ 318.50
								\$ 318.50
06/25/2024	Urban Edge Homes	171736142*	BP, 24-0078, 540 Hall Ave	(06/25/2024) - EFT	N	Building Permits	100-32211-	\$ 2,663.68
								\$ 2,663.68
06/25/2024	Bear Roofing and Exteriors	171736143*	BP, 24-0070, 8 White Pine Lane	(06/25/2024) - EFT	N	Building Permits	100-32211-	\$ 457.25
								\$ 457.25

Fund Name: All Funds

Date Range: 06/01/2024 To 06/30/2024

<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>	
06/25/2024	Easco Plumbing	171736144*	BP, 24-0080 & 24-0081540 Hall Ave	(06/25/2024) - EFT	N	Building Permits	100-32211-	\$ 310.00	
								\$ 310.00	
06/26/2024	Flush Once Plumbing	171736139*	BP, 24-0187, 423 Wildwood Ave	(06/26/2024) - EFT	N	Building Permits	100-32211-	\$ 151.00	
								\$ 151.00	
06/30/2024	Residents - via St Anthony Village	171736149	Utility Billing Receipts for June 2024	(06/30/2024) -	N	Water Consumption	601-37111-	\$ 5,189.14	
							Water Utility User Fee	601-37112-	\$ 2,872.65
							Water Main-break Surcharge	601-37113-	\$ 2,295.18
							State Surcharge	601-37116-	\$ 203.83
							Administrative Fee Move/Out	601-37118-	\$ 150.00
							Penalties and Forfeited Discounts	601-37160-	\$ 60.45
							Sewer Consumption	605-37211-	\$ 3,769.84
							Sewer Minimum Charge	605-37212-	\$ 3,372.60
							Penalties and Forfeited Discounts	605-37260-	\$ 41.54
								\$ 17,955.23	
06/30/2024	4 M Fund	171736150	June 24 interest	(06/30/2024) -	N	Interest Earning	100-36210-	\$ 3,773.21	
							Interest Earning	100-36210-	\$ 255.23
								\$ 4,028.44	
Total for Selected Receipts								\$ 38,818.82	

As on 6/30/2024

Capital Project PW

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Total Revenues	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
Other Financing Sources:			
Transfer From General Fund	0.00	30,000.00	30,000.00
Total Acct 392	<u>0.00</u>	<u>30,000.00</u>	<u>30,000.00</u>
Total Other Financing Sources	<u>0.00</u>	<u>30,000.00</u>	<u>30,000.00</u>
Disbursements:			
Sewer Engineering Expense			
PROFESSIONAL SERVICES (301 through 319)	0.00	632.00	(632.00)
Total Acct 494	<u>0.00</u>	<u>632.00</u>	<u>(632.00)</u>
Total Disbursements	<u>0.00</u>	<u>632.00</u>	<u>(632.00)</u>
Other Financing Uses:			
Total Other Financing Uses	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
Beginning Cash Balance		75,741.49	
Total Receipts and Other Financing Sources		30,000.00	
Total Disbursements and Other Financing Uses		632.00	
Cash Balance as of 06/30/2024		<u>105,109.49</u>	

As on 6/30/2024

Sewer

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Refund-Reimbursemt-Dividend	0.00	11,173.27	11,173.27
Total Acct 362	0.00	11,173.27	11,173.27
Sewer Consumption	0.00	28,794.73	28,794.73
Sewer Minimum Charge	0.00	25,625.10	25,625.10
Penalties and Forfeited Discounts	0.00	429.87	429.87
Total Acct 372	0.00	54,849.70	54,849.70
Total Revenues	0.00	66,022.97	66,022.97
Other Financing Sources:			
Transfer From General Fund	0.00	4,580.10	4,580.10
Total Acct 392	0.00	4,580.10	4,580.10
Total Other Financing Sources	0.00	4,580.10	4,580.10
Disbursements:			
Water Utility			
Contracted Services	0.00	570.00	(570.00)
Utility Services (381 through 389)	0.00	28.76	(28.76)
Utility Locates			
Contracted Services	0.00	270.05	(270.05)
Sewer Utility			
Sewer - Wastewater Charge	0.00	36,982.54	(36,982.54)
Contracted Services	0.00	25,930.93	(25,930.93)
Utility Services (381 through 389)	0.00	5,772.15	(5,772.15)
Sewer Engineering Expense			
PROFESSIONAL SERVICES (301 through 319)	0.00	34,679.00	(34,679.00)
Postage/Postal Permits			
Communications: Postage	0.00	296.14	(296.14)
Total Acct 494	0.00	104,529.57	(104,529.57)
Total Disbursements	0.00	104,529.57	(104,529.57)
Other Financing Uses:			
Total Other Financing Uses	0.00	0.00	0.00
Beginning Cash Balance		87,230.53	
Total Receipts and Other Financing Sources		70,603.07	
Total Disbursements and Other Financing Uses		104,529.57	
Cash Balance as of 06/30/2024		53,304.03	

As on 6/30/2024

Special Rev Projects

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Dock/Lift Permit Fee	0.00	14,000.00	14,000.00
Total Acct 322	0.00	14,000.00	14,000.00
Total Revenues	0.00	14,000.00	14,000.00
Other Financing Sources:			
Total Other Financing Sources	0.00	0.00	0.00
Disbursements:			
Recreation			
Miscellaneous (431 through 499)	0.00	200.00	(200.00)
Community Events	0.00	3,300.00	(3,300.00)
Total Acct 451	0.00	3,500.00	(3,500.00)
Total Disbursements	0.00	3,500.00	(3,500.00)
Other Financing Uses:			
Total Other Financing Uses	0.00	0.00	0.00
Beginning Cash Balance		10,823.05	
Total Receipts and Other Financing Sources		14,000.00	
Total Disbursements and Other Financing Uses		3,500.00	
Cash Balance as of 06/30/2024		21,323.05	

As on 6/30/2024

Water

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Water Consumption	0.00	35,542.58	35,542.58
Water Utility User Fee	0.00	24,399.66	24,399.66
Water Main-break Surcharge	0.00	15,502.91	15,502.91
Special Water Charges	0.00	798.49	798.49
State Surcharge	0.00	1,575.23	1,575.23
Administrative Fee Move/Out	0.00	597.99	597.99
Penalties and Forfeited Discounts	0.00	595.65	595.65
Total Acct 371	0.00	79,012.51	79,012.51
Total Revenues	0.00	79,012.51	79,012.51
Other Financing Sources:			
Transfer From General Fund	0.00	6,287.74	6,287.74
Total Acct 392	0.00	6,287.74	6,287.74
Total Other Financing Sources	0.00	6,287.74	6,287.74
Disbursements:			
Financial Administration			
Contracted Services	0.00	7,870.00	(7,870.00)
Total Acct 415	0.00	7,870.00	(7,870.00)
Water Utility			
Repair and Maintenance Supplies (221 through 229)	0.00	977.39	(977.39)
Contracted Services	0.00	57,752.67	(57,752.67)
Utility Services (381 through 389)	0.00	39.28	(39.28)
Utility Services: Water	0.00	398.31	(398.31)
Fees	0.00	1,720.00	(1,720.00)
Wtr/Swr Emergency			
PROFESSIONAL SERVICES (301 through 319)	0.00	1,317.84	(1,317.84)
Contracted Services	0.00	29,165.90	(29,165.90)
Newsletter			
Printing and Binding (351 through 359)	0.00	188.16	(188.16)
Total Acct 494	0.00	91,559.55	(91,559.55)
Total Disbursements	0.00	99,429.55	(99,429.55)
Other Financing Uses:			
Total Other Financing Uses	0.00	0.00	0.00
Beginning Cash Balance		70,785.62	
Total Receipts and Other Financing Sources		85,300.25	
Total Disbursements and Other Financing Uses		99,429.55	
Cash Balance as of 06/30/2024		56,656.32	

Date Range : 6/1/2024 To 6/30/2024

<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Claim #</u>	<u>Total</u>	<u>Account #</u>	<u>Account Name</u>	<u>Detail</u>
06/13/2024	US Bank	Deposit more than bank total. Bank wrote off.	7023	\$0.08			
					100-49001-450-	MISCELLANEOUS	\$0.08
Total For Selected Claims				\$0.08			\$0.08

Justin R. McCarthy	City Council/Town Board	Date
Katherine A Weier	City Council/Town Board	Date
Margaret Arola Ford	City Council/Town Board, Mayor	Date
Robert Mark Foster	City Council/Town Board	Date
Ryan Q Hankins	City Council/Town Board	Date

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Date Range : 5/11/2024 To 6/12/2024

<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Claim #</u>	<u>Total</u>	<u>Account #</u>	<u>Account Name</u>	<u>Detail</u>
06/12/2024	PERA	Retirement funds-PR 5/19 - 6/1/2024, TB, RK, MO, JR	7022*	\$767.53			
					100-45207-121-	Parks	\$114.50
					100-41401-121-	Clerk - Treasurer	\$653.03
Total For Selected Claims				\$767.53			\$767.53

Justin R. McCarthy	City Council/Town Board					Date
Katherine A Weier	City Council/Town Board					Date
Margaret Arola Ford	City Council/Town Board, Mayor					Date
Robert Mark Foster	City Council/Town Board					Date
Ryan Q Hankins	City Council/Town Board					Date

Date Range : 6/1/2024 To 6/13/2024

<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Claim #</u>	<u>Total</u>	<u>Account #</u>	<u>Account Name</u>	<u>Detail</u>
06/13/2024	MN Department of Revenue	MN State Tax eFiling - 2024 Q2- May pymt	7024*	\$525.61	100-41401-115-	Clerk - Treasurer	\$525.61
06/13/2024	IRS - US Treasury	Federal Taxes - Q2 2024 -May Payment	7025*	\$2,102.62	100-41401-100- 100-41401-100- 100-41401-100-	Clerk - Treasurer Clerk - Treasurer Clerk - Treasurer	\$445.70 \$1,342.86 \$314.06
Total For Selected Claims				\$2,628.23			\$2,628.23

Justin R. McCarthy	City Council/Town Board	Date
Katherine A Weier	City Council/Town Board	Date
Margaret Arola Ford	City Council/Town Board, Mayor	Date
Robert Mark Foster	City Council/Town Board	Date
Ryan Q Hankins	City Council/Town Board	Date

Date Range : 5/21/2024 To 6/21/2024

<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Claim #</u>	<u>Total</u>	<u>Account #</u>	<u>Account Name</u>	<u>Detail</u>
06/21/2024	PERA	Retirement funds-PR 6/2 - 6/15/24, TB, RK, JR	7026*	\$761.21			
					100-45207-121-	Parks	\$153.35
					100-41401-121-	Clerk - Treasurer	\$607.86
Total For Selected Claims				\$761.21			\$761.21

Justin R. McCarthy	City Council/Town Board	Date
Katherine A Weier	City Council/Town Board	Date
Margaret Arola Ford	City Council/Town Board, Mayor	Date
Robert Mark Foster	City Council/Town Board	Date
Ryan Q Hankins	City Council/Town Board	Date

Date Range : 6/1/2024 To 7/1/2024

<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Claim #</u>	<u>Total</u>	<u>Account #</u>	<u>Account Name</u>	<u>Detail</u>
06/30/2024	Buberl Black Dirt, Inc	Black Dirt for Beach Maintenance	7032*	\$110.50	100-45207-400-	Parks	\$110.50
06/30/2024	Bolton & Menk, Inc.	Engineering Meetings Regarding 160 Cedar Street	7033*	\$2,291.00	100-41925-300-	General Fund Engineering Expense	\$2,291.00
06/30/2024	Bolton & Menk, Inc.	City Council Meeting Attendance and Misc Engineering Consultation	7034*	\$1,564.00	100-41925-300-	General Fund Engineering Expense	\$300.00
					100-41925-300-	General Fund Engineering Expense	\$1,264.00
06/30/2024	Bolton & Menk, Inc.	Lift Station Reconstruction--Coordination and Admin	7035*	\$3,552.00	605-49485-300-	Sewer Engineering Expense	\$3,552.00
06/30/2024	Bolton & Menk, Inc.	Engineering Serv for 117 Wildwood--Have Billed HO	7036*	\$79.00	100-41925-300-	General Fund Engineering Expense	\$79.00
06/30/2024	City of White Bear Lake Public Work	July 2024 Monthly Public Safety Facility Fire Services	7037*	\$1,196.42	100-42201-314-	Fire	\$1,196.42
06/30/2024	City of White Bear Lake Fire	Fire Srvc -July 2024	7038*	\$3,888.84	100-42201-314-	Fire	\$3,888.84
06/30/2024	Core & Main	Water Main Supplies Purchased By Manship	7039*	\$290.26	601-49415-220-	Water Utility	\$290.26
06/30/2024	Earl F. Andersen	No Parking Signs	7040*	\$187.95			

Date Range : 6/1/2024 To 7/1/2024

<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Claim #</u>	<u>Total</u>	<u>Account #</u>	<u>Account Name</u>	<u>Detail</u>
					100-45207-220-	Parks	\$187.95
06/30/2024	ESRI	Software Program for Lead Pipe Inventory-Will be reimbursed by Bolton Menk	7041*	\$1,247.00			
					100-41420-382-	Recording and Reporting	\$1,247.00
06/30/2024	Gopher State One Call	May--39 Tickets	7042*	\$51.30			
					605-49455-314-	Utility Locates	\$51.30
06/30/2024	H.A. Kantrud, P.A.	Attorney Services -July 2024	7043*	\$1,500.00			
					100-41601-300-	Legal Services	\$1,500.00
06/30/2024	Hunt Electric	Inspection Fee for Electrical Outlet Added at City Hall	7044*	\$54.00			
					100-41940-220-	General Government Buildings and Plant	\$54.00
06/30/2024	John Wikstrom	June City Planner Fees	7045*	\$1,600.00			
					100-41925-300-	General Fund Engineering Expense	\$1,600.00
06/30/2024	League of MN Cities Insurance Trust	Workers Comp Coverage Premium	7046*	\$2,095.00			
					100-41945-361-	City Insurance	\$2,095.00
06/30/2024	Manship Plumbing & Heating Inc	Sewer/Water-June-Retainer, Locates, Repair at Hall & Jay, 165 Wildwood Inspection	7047*	\$1,470.00			
					601-49415-314-	Water Utility	\$800.00
					601-49415-314-	Water Utility	\$240.00
					601-49415-314-	Water Utility	\$430.00
06/30/2024	MENARD'S - OAKDALE	Maintenance--White Paint	7048*	\$56.41			
					100-41940-220-	General Government Buildings and Plant	\$56.41

Date Range : 6/1/2024 To 7/1/2024

<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Claim #</u>	<u>Total</u>	<u>Account #</u>	<u>Account Name</u>	<u>Detail</u>
06/30/2024	Merrick Inc.	Q2 mailer--Summer Newsletter	7049*	\$185.71	601-49435-350-	Newsletter	\$185.71
06/30/2024	Metro - INET	IT Charges--June Tech Support and Personnel Recovery.	7050*	\$501.00	100-41940-320-	General Government Buildings and Plant	\$501.00
06/30/2024	TSE, Inc. Work Account	Janitorial Services - 6/6 and 6/20	7051*	\$59.90	100-41940-314-	General Government Buildings and Plant	\$29.95
					100-41940-314-	General Government Buildings and Plant	\$29.95
06/30/2024	Therese Bellinger	Reimbursement for Misc Off Supplies & Postage	7052*	\$377.72	100-41911-200-	Office Operations Supplies	\$377.72
06/30/2024	Toshiba America Business Solutions	June Monthly Usage Allowance	7053*	\$10.62	100-41911-314-	Office Operations Supplies	\$10.62
06/30/2024	Stoltzman, Cris	Videography - Council Mtg June--4 hrs	7054*	\$106.00	100-41950-314-	Cable Eqpmt and Service	\$106.00
06/30/2024	USS Minnesota One MT LLC	Solar Energy Charges - May Charges	7055*	\$1,226.43	605-49465-380-	Sewer Utility	\$697.38
					100-41940-380-	General Government Buildings and Plant	\$144.29
					605-49465-380-	Sewer Utility	\$384.76

Date Range : 6/1/2024 To 7/1/2024

<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Claim #</u>	<u>Total</u>	<u>Account #</u>	<u>Account Name</u>	<u>Detail</u>
Total For Selected Claims				\$23,701.06			\$23,701.06

Justin R. McCarthy

City Council/Town Board

Date

Katherine A Weier

City Council/Town Board

Date

Margaret Arola Ford

City Council/Town Board, Mayor

Date

Robert Mark Foster

City Council/Town Board

Date

Ryan Q Hankins

City Council/Town Board

Date

Date Range : 6/1/2024 To 7/1/2024

<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Claim #</u>	<u>Total</u>	<u>Account #</u>	<u>Account Name</u>	<u>Detail</u>
06/22/2024	A T & T Mobility	Wireless for water tower- 6/2/24-7/1/24	7028*	\$53.95	601-49415-382-	Water Utility	\$53.95
06/18/2024	Xcel 2335-4	Electricity 4/21/24-05/20/2024	7029*	\$10.29	601-49415-380-	Water Utility	\$10.29
06/18/2024	Xcel 9369-0	407 Lake Lift Station 04/21/24-05/20/24	7030*	\$29.68	605-49465-380-	Sewer Utility	\$29.68
06/18/2024	Xcel 4094-1	Gas Service 04/21/24-05/20/24 200 Wildwood Lift Station	7031*	\$30.27	605-49415-380-	Water Utility	\$30.27
Total For Selected Claims				\$124.19			\$124.19

Date Range : 6/1/2024 To 7/1/2024

<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Claim #</u>	<u>Total</u>	<u>Account #</u>	<u>Account Name</u>	<u>Detail</u>
	Justin R. McCarthy		City Council/Town Board				Date
	Katherine A Weier		City Council/Town Board				Date
	Margaret Arola Ford		City Council/Town Board, Mayor				Date
	Robert Mark Foster		City Council/Town Board				Date
	Ryan Q Hankins		City Council/Town Board				Date

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

**MINUTES OF THE CITY COUNCIL MEETING
June 11, 2024, 6:45 P.M.**

MEMBERS:

Margaret Ford	Mayor
Mark Foster	Councilmember
Ryan Hankins	Councilmember
Justin McCarthy	Councilmember
Kathy Weier	Councilmember

STAFF:

Rebecca Kellen	City Administrator
Alan Kantrud	City Attorney

Minutes prepared by Rebecca Kellen from a video recording.

1. CALL TO ORDER

A. Mayor Ford called the meeting to order at 6:45PM.

2. APPROVE AGENDA

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

A. The following changes were made to the agenda:

- a. Councilmember McCarthy removed item U, School Bus Drivers Signed Wanted in Birchwood.
- b. Councilmember McCarthy added 160 Cedar status update.
- c. Councilmember Hankins added Ordinance 2024-06-03 Inserting Lot Merge Requirements in chapter 301, Zoning Codes General Provisions.

3. PUBLIC FORUM (0:02:19)

Barton Winters, 1 Five Oaks Lane said that he is concerned with Tighe-Schmidt Park and the parks committee indication in the open forum that the park is frequently flooded to which he disagrees. He hopes that the park remains intact for future generations.

Mary Wingfield on behalf of David and Rachel Drew, 180 Cedar St talked about drainage in the town and said that the city does not have a drainage system so there is potential problems and it is important to make sure that drainage is a consideration. She said that at the end of Oakridge people are running their sump pumps all the time. She said we have a comprehensive code to avoid drainage issues. She suggested that people look at 364 Hall Ave where no drainage is being proposed which will affect the neighbors who are unaware of this. She said that Drew's property is being affected by 160 Cedar St. and there is no drainage plan which will cause a problem for the Drews because their basement is 5 ft below where they are draining to. She showed a picture of a survey at 160 Cedar and reviewed the drainage. She indicated that no soil borings have been taken so we do not know the infiltration rate. She said that in the Engineers analysis he is relaying on a garage that had been there previously for impervious surface calculations. She mentioned that Scott Howe would be taking on additional water as well. She said the comprehensive code needs to be followed. She spoke about a drainage study that could be completed for \$5000 by our engineer that she said was not necessary as it is part of the permitting process. She said this this is a solvable problem that should be addressed. She said that she is representing the Drews as a lawyer.

4. ANNOUNCEMENTS (0:9:59)

- A. The August city council meeting will take place on August 6th instead of August 13th due to elections.

5. CONSENT AGENDA (0:10:22)

On a motion made by Councilmember McCarthy, seconded by Councilmember Hankins, it was resolved to approve the consent agenda items A,B,C,and E. All in favor. Motion carried.

- A. Item D – Approve Endorsing the Constitutional Amendment to Continue Funding Natural Resources
 - a. Councilmember Hankins asked for clarification.
 - b. Administrator Kellen reviewed the memo.

On a motion made by Councilmember Hankins, seconded by Councilmember McCarthy, it was resolved to approve the consent agenda D, Approve Endorsing the Constitutional Amendment to Continue Funding Natural Resources and direct the city administrator to provide a report on applying for a grant on these funds. All in favor. Motion carried.

- B. Item F - Approve Resolution 2024-25 Approving 4th of July Parade Activity
 - a. Councilmember Hankins expressed concerns about community club requesting donations via the city newsletter mailing and asked Attorney Kantrud for input.
 - b. Attorney Kantrud said that it is not in the best interest of the city to solicit community club donations as it is a private group, through a city mailer, using city resources.

- c. Mayor Ford asked if it was better done as a separate mailer through the community club directly to which Attorney Kantrud said that yes, it would be.
- d. Councilmember McCarthy asked about community club insurance or coverage for the parade.
- e. Councilmember Weier said that last year the community club got an opinion from the city attorney who said that the parade would be covered under city insurance if the city endorsed it and the community club is asking that the event be endorsed by the city to which Attorney Kantrud said that what is on the resolution would be covered.
- f. Councilmember Hankins asked about the set up of the community club and Councilmember Weier said that it is an LLC and listed the board members. Councilmember Hankins said that the Office of the State Auditor's office guidance says that no city council member should serve on the board of the community club to which councilmember Weier said that she is a volunteer and not elected to it.
- g. Councilmember McCarthy suggested that the parade is called a city sponsored event for this year and moving forward the community club get their own insurance

On a motion made by Councilmember Hankins, seconded by Councilmember McCarthy, it was resolved to approve the consent agenda item F, Approve Resolution 2024-25 Approving 4th of July Parade Activity, that the city will sponsor the parade this year as run by the community club, as volunteers for the city, and that going forward we no longer solicit donations for the community club through the city newsletter mailer. Councilmembers Foster, McCarthy, Hankins, and Mayor Ford in favor. Councilmember Weier opposed. Motion carried.

6. CITY BUSINESS (0:21:17)

A. 160 Cedar St.

- a. **Marcus Johnson, City Engineer**, said that he met with the Drews twice. Additionally 2 responses have been given. He said he met with Avery Morse and Rachel Drew on site initially to go through the drainage plan and after that there was a council meeting and another meeting set up to meet which was cancelled and another meeting was requested and that did happen today.
- b. Councilmember McCarthy asked if Engineer Johnson has seen anything that would suggest that the decision to give the building permit was incorrect to which Engineer Johnson said that he thought the building permit should be issued.
- c. Councilmember McCarthy said that he thinks this needs some closure and that section 400 of the code says that if someone is not

happy with a decision then they need to go through the appeals process and bring the appeal to council for consideration. He said that he thinks enough city time and money has been spent on this and at this point it needs to be moved to the formal appeals process.

- d. Councilmember Hankins asked about the time that Engineer Johnson has spent on this to which Engineer Johnson replied about \$5000 in time. Councilmember Hankins said that the council allocated 1 hour to this so this has been exceeded.
- e. Attorney Kantrud explained that the city had an obligation to respond to resident complaints and that there are costs associated with that and that he believes this has been processed in the most efficient manner as possible due to the nature of the complaint.
- f. Engineer Johnson said that he believes that one hour had been allocated to the meeting, which was about how long the meeting went.

On a motion made by Councilmember McCarthy, seconded by Councilmember Hankins, it was resolved to have attorney Kantrud send a letter to the Drews and their attorney Mary Wingfield saying that the city believes that the requirements for the permit at 160 Cedar have been met and if they wish to appeal the decision they can do that through the appeals process in the city code and with appeals process they have 30 days from the date of that letter to appeal and that all communicates on this go through the city Attorney Alan Kantrud. All in favor. Motion carried.

B. Xcel Gas Project – Michael Wilhelmi (0:32:04)

- a. **Michael Wilhelmi, Xcel Energy Community Relations Manager**, presented along with Travis Densel, representing the gas engineering department. He explained that Xcel Energy would like to replace the gas mains in the city that are aging and in need of replacement. We currently has steel gas lines which were common in the 60s and 70s and there are better options today. The work has been separated into 5 projects that would take place over 5 separate construction periods. They would like to minimize disruptions with these projects and would like to get started next year. They wanted to contact us early so they could align the work with the city. He said that the order of the projects can be adjusted and this is a starting point. He explained that there will not be any costs to residents and that outages should be minimal.
- b. Mayor Ford said that she had met with Michael earlier and they the projects are being aligned with city road work as much as possible. She said that the area of the initial road projects are not affected by this work.

- c. Councilmember McCarthy asked if they would be ripping up street to which Michael said they would. He asked Engineer Johnson if they could align with road work to make both projects cost effective and efficient to which Engineer Johnson said those conversations are already in the works.

C. 540 Hall Ave Request to Purchase City Land – Seth Carlton (0:37:19)

- a. **Seth Carlton, 540 Hall**, explained that they closed on their house in April and that they learned about the planned path on public land on the southeast side of the house and then realized how big that slice of land is and they are wondering if it is possible for the to purchase that land from the city. He said their main goals was to open a dialogue.
- b. Councilmember McCarthy asked Attorney Kantrud about the legal requirements on the easement to which he replied he was uncertain and that he would like to see the title work that the purchasers have.
- c. Mayor Ford asked Mr. Carlton to send the title work to Attorney Kantrud and he said that he would do so. Attorney Kantrud said that it is hard to have this conversation without all the information on the easement.
- d. Mr. Carlton said that they learned of the proposed path the week that they closed on the property to which Councilmember McCarthy said that he believes the realtor had knowledge of this prior to that time. Mr. Carlton said that it was a hectic closing process.
- e. Councilmember McCarthy said that if the path runs through their driveway it could be a dangerous situation. Also, selling city property is a high bar for him.
- f. Mayor Ford explained that the creation of a path was passed in Dec of 2022.
- g. Attorney Kantrud said that it may be possible for the city to abandon the road to which Councilmember Weier suggested that there may be restrictions on its use.
- h. Engineer Johnson said that it will be important to make sure there are not utilities in that area.
- i. Councilmember McCarthy suggested this be revisited when the title work is obtained by the attorney to which the council agreed.

D. 310/312 Wildwood – Resolution 2024-27 (0:44:03)

- a. Councilmember Hankins explained that these properties changed ownership recently and that he believed that the new owner would be at the meeting but was not, and that this item is meant to get these properties in compliance with the code due to their run down nature.
- b. Administrator Kellen said that the new owner has not registered them as vacant and councilmember McCarthy said that vacant building registration was required, upon sale.

On a motion made by Councilmember Hankins, seconded by Councilmember McCarthy, it was resolved to go forward with having Attorney Kantrud site them to get in compliance with our code and approve Resolution 2024-27. The motion was modified by Councilmember McCarthy and accepted by Councilmember Hankins adding that every two weeks after the initial violation constitutes an additional violation and should be cited as such by Attorney Kantrud. All in favor. Motion carried.

E. 131 Wildwood – Resolution 2024-28 – (0:50:10)

- a. Councilmember Hankins asked Administrator Kellen if the property had been registered as vacant to which she replied that it had not. She went on to say that she spoke with Scott Berg last week and that he was working with Len Pratt on bids to demolish the property and that they had received one bid back at that point and that he was notified of the July 9th date on the resolution to which if the property had not been registered there would be a citation.
- b. The council said that that seemed fine and that it would be revisited at the next meeting.
- c. Councilmember Hankins suggested Inspector Jack Kramer visit the property to see about the possible rodent problem.
- d. Administrator Kellen said that Inspector Jack Kramer had been out to the property but not inside and that a letter had been sent but did not get to the owners due to them moving to Florida and not having that address.
- e. Attorney Kantrud said that he had sent a letter as well.

- f. Councilmember McCarthy said that one of the reasons for the vacant property registration is so that we can locate the owners if necessary. He asked that something is put in the newsletter about vacant property registration to which Councilmember Weier said that was doable and that they would have to be paying for utilities to receive the newsletter.
- g. The council decided to revisit the topic next month.

F. Road Safety Task Force Presentation – Cora Hankins– (0:54:58)

- a. **Cora Hankins, Road Safety Task Force Chair**, said she had been working with the road safety task force and that they have come to some decisions after their public forum however she has found out that there is more that needs to be done. She gave a handout to the council members. (See attached). She said they are hoping to reduce the speed limit throughout Birchwood to 20 mph for safety and to make all of the roads universal with respect to speed limits. She explained that to reduce a speed limit to 20 mph you need to have procedures set up to show that this is increasing safety and show some engineering efforts behind it and some traffic analysis. She said there have been unsafe incidents in Birchwood and that there was a June 6th public forum with 10 people and 2 police officers and people did not seem opposed to reducing the speed limit to 20 mph. She said that a traffic study had been completed in October and that there is another one going on now on Hall and Wildwood near Grotto. She reviewed the results of the previous speed study with the city council saying that the results indicated that the speed limit had been exceeded.
- b. Cora Hankins said that she found that stop signs do not help so much but speed bumps and elevated cross walks do.
- c. Councilmember McCarthy referred to “Mike on Traffic” as a reference who talks about a temporary round about with cones or barrels with signs. He said that to lower speeds you need to have drivers moving laterally and to consider those as options to try out.
- d. Councilmember Hankins said that he understands that narrowing roads may help and he agrees that just lowering the speed limits may not help unless traffic movement is considered. He said that if we can break up the roadway like with a lake links trail that may be helpful and that a meeting with lake links to discuss may be helpful.
- e. Councilmember Hankins referred to Engineer Johnson about getting quotes to look more into road safety who said that he may be able to provide quotes for assistance to the road safety committee. Engineer Johnson said that engineering may be required to justify the changes

as the way the roads are currently set up with speed limits are standard. Engineer Johnson said that enforcement is the most important because changing the speed limit does not work too well unless it is enforced.

- f. Cora Hankins discussed the possibility of a crosswalk at Wildwood Ave between Owl Street and Birch Beach because it seems unsafe there. She said that people were not that excited about stop signs at the public forum and referred to a photo of a crosswalk and sign. (see attached).
- g. The council discussed costs and balancing that with safety and effectiveness.

G. City Planner \$300 Escrow Discussion– (1:12:20)

- a. Mayor Ford explained that Planner Ben Wickstrom is paid a monthly retainer and that some residents use his services frequently and others minimally. She is hoping to be able to balance this with the \$300 escrow and determine how to handle this.
- b. **Ben Wickstrom, City Planner** said that he receives a variety of requests that range from very short emails to lengthy correspondence and is hoping to get clarity on how to handle this. Some are permit applicants and there are others that are not.
- c. Councilmember Hankins suggested sending some of the lengthier cases to the planning commission.
- d. The council agreed that about ½ hour of time should be allowed and then after that Planner Wickstrom should begin charging and we should implement the \$300 escrow to which Planner Wickstrom said that he thinks that makes sense.
- e. Councilmember Hankins refers to the “Building in the City of Birchwood Village” document and asked Planner Wickstrom to review it and add to it as needed to which he said he would.

H. Review Planning Commission Variance Findings Form Edits – (1:20:25)

- a. Administrator Kellen explained that the Planning Commission requested review of the form as edited for approval.
- b. The council discussed the purpose of the form and the edits.

On a motion made by Councilmember McCarthy, seconded by Councilmember Weier, it was resolved to approve the edits to the Variance Findings Form and implement the new form. All in favor. Motion carried.

I. Variance Application Standards (1:25:45)

- a. Councilmember Hankins explained that the previous variance reviewed at the Planning Commission was frustrating because the application documents did not seem to be complete, and he suggested that a complete list be put together.
- b. Planner Wickstrom said that the lists tend to be over consuming whereas he looks at it as what is needed for him to make a decision.
- c. Councilmember McCarthy said that he thought Planner Wickstrom did a good job making a decision with what was provided and said he was open to making changes to the code and asked that Planner Wickstrom work with him on that and also that we stick to the current code until it is changed so that the city is covered legally.
- d. Planner Wickstrom said there are generally 6-8 things that are necessary to process a variance and of course we should have the option of requesting additional information.
- e. Planner Wickstrom said that there is a balancing act with clients on how much to spend on application materials/process before getting approval.
- f. Councilmember Hankins said he would send some code revisions to Planner Wickstrom and they can work with the planning commission to refine the process.
- g. Engineer Johnson said he would also like to give some suggestions on the revisions to code 302 and Councilmember Hankins asked that he email or call him.

J. Lead Service Inventory – ESRI Reimbursement (1:36:52)

- a. Engineer Johnson said that the contract through the Department of Health asked the city to start a GIS website and the fees are listed in the invoice. A signed copy must be sent to him with an invoice if approved. The first year is reimbursed but he believes that it is possible that the Department of Health may continue to pay the fee and that the Lead Service Inventory must be completed by the July 15 due date.

On a motion made by Councilmember McCarthy, seconded by Councilmember Foster, it was resolved to approve ESRI Lead Service Inventory reimbursement. All in favor. Motion carried.

K. Lift Station Cultural Review Submission (1:39:03)

- a. Engineer Johnson said that this is included for informational purposes and that there is a timeline included in the packet.
- b. Councilmember Hankins expressed gratitude for the memos and updates on the lift station.

L. Resolution 2024-26, Additional Summer Maintenance Help (1:32:16)

- a. Councilmember McCarthy said that the results of the public forum are listed in the memo in the packet and there is no plan to sell the property. He said that park maintenance was a topic of concern during the public forum and Tighe-Schmidt needs better mowing. He said that he would like quotes for mowing and that staff should look to both individuals and businesses for quotes.
- b. Councilmember Foster asked about what other maintenance work there is and the council and administrator explained that we are overstretched with maintenance

On a motion made by Councilmember McCarthy, seconded by Councilmember Hankins, it was resolved to approve resolution 2024-26, modified to include asking businesses and individuals for quotes. All in favor. Motion carried.

M. Ordinance 2024-06-01 (621) Storage of Personal Property (1:46:02)

- a. Councilmember McCarthy said that this ordinance is meant to avoid residents storing personal property on city land and trails and that a specific ordinance would help with enforcement. This applies to personal property kept on city property over a 24 hour period. This does not apply to people who share their toys at the beach, and he agreed to amend the ordinance to make sure it is not included as not allowed.

On a motion made by Councilmember McCarthy, seconded by Councilmember Weier, it was resolved to approve ordering a second reading for Ordinance 2024-06-01 (621) Storage of Personal Property including the amendment excluding personal property left for the use of all residents. All in favor. Motion carried.

N. Ordinance 2024-06-02 (622) Solicitors (1:48:49)

- a. Councilmember McCarthy said that he is frustrated with pest control solicitors that are coming from out of town and coming to his door so he would like a do not knock list and also charge solicitors a fee and require them to have a license to be able to solicit in the city. He said that noncommercial solicitation is not included in the ordinance.
- b. Administrator Kellen was asked to consider what fee may be appropriate for this.

On a motion made by Councilmember McCarthy, seconded by Councilmember Hankins, it was resolved to approve ordering a second reading for Ordinance 2024-06-02 (622) Solicitors. Councilmembers McCarthy, Hankins, and Mayor Ford in favor. Councilmembers Foster and Weier opposed. Motion carried.

O. MS4: Storm Water Pollution Prevention Program Review (1:50:20)

- a. Mayor Ford explained that this is needed annually, and the plan is included in the packet.

Councilmember McCarthy moved to open the public hearing, seconded by councilmember Weier. There was no one present for the public hearing. Mayor Ford closed the public hearing.

P. Jon Manship Monthly Retainer Increase Request (1:57:23)

- a. Water Superintendent Jon Manship said that his workload has increased drastically for the City of Birchwood especially in terms of phone calls that he has been receiving and it eats up a lot of time and he suggested that his hourly or monthly retainer is increased. He said that his preference is to increase the monthly retainer when asked by council.

On a motion made by Mayor Ford, seconded by Councilmember Weier, it was resolved to approve increasing Jon Manship's monthly retainer from \$700 to \$800. All in favor. Motion carried.

Q. Sewer and Water Permit Fees (2:03:53)

- a. Mayor Ford explained that the fee schedule is missing this fee and a flat fee of \$150 plus \$1 surcharge has been proposed to which Water Superintendent Jon Manship said that he agrees that this makes sense.
- b. Councilmember Hankins suggested that this be passed by ordinance and Attorney Kantrud said that it should be done as an independent ordinance.

- c. The council decided that next month they will move forward with this fee of \$150 and \$1 surcharge for water and sewer permits being implemented on the fee schedule by ordinance.

R. Replacement for City Website (2:07:36)

- a. Councilmember Hankins said he is putting together a new city website which will provide substantial cost saving.

On a motion made by Councilmember Hankins, seconded by Councilmember Weier, it was resolved to approve the motion on page 140 of the agenda packet authorizing \$300 for web hosting and domain name registration for one year and authorizing Councilmember Hankins to work with Metro-INET and Techie Dudes to migrate the domain from the current providers to the new provider. All in favor. Motion carried.

S. Fence Along Ash Path (2:10:01)

- a. Councilmember Hankins requested that the city get quotes and send this item to the parks committee.
- b. The council discussed the type of fence.
- c. Councilmember Hankins suggested contacting Ron Kohlke and another contractor for the bids.

On a motion made by Councilmember Hankins, seconded by Councilmember McCarthy, it was resolved to approve the motion on page 141 of the agenda packet authorizing staff to obtain two price quotes for the July city council meeting for privacy fences along the marked section of Ash Path, each quote including privacy fences at the height of 4 feet and 6 feet; motion amended to add getting quotes for a split rail as well and it will be moved to the parks committee after quotes are obtained. All in favor. Motion carried.

T. 2024 Swimmer's Itch Treatment for Kay Beach (2:12:33)

- a. Councilmember McCarthy said to send this to the Park Committee for review.

U. Deer Fencing (2:12:36)

- a. Mayor Ford said that deer fencing does exist in Birchwood but the code does not address this. She agreed to write the code for this and present it to the council, with the assistance of Ryan Hankins.

V. WBLCD Board Representatives (2:13:43)

- a. Mayor Ford said that there are 2 openings.
- b. Attorney Kantrud said that one expires at the end of July and the other expires at the end of August and one is a vacancy and the other position is up.

On a motion made by Councilmember McCarthy, seconded by Mayor Ford, it was resolved to approve advertising 2 opening for the WBLCD Board Representatives that are reviewed in the July meeting. All in favor. Motion carried.

W. Joint Powers Agreement for South Shore Boulevard Trail Management (2:16:01)

- a. Attorney Kantrud said language was inserted that is going to the executive board at White Bear Township and it will come to Birchwood city council after that.

X. Discuss New Streaming Platform (2:16:40)

- a. **Videographer Cris Stolzman** explained that Facebook is difficult from a technician standpoint and he recommends that we move to YouTube.

On a motion made by Councilmember McCarthy, seconded by Mayor Ford, it was resolved to approve moving to YouTube as our streaming platform in place of Facebook. All in favor. Motion carried.

Y. Ordinance 2024-06-03 (2:19:15)

- a. Councilmember Hankins handed out the ordinance (see attached) and said that it is an ordinance inserting 302.017 "Lot Merge Required" Into Chapter 301 "Zoning Code General Provisions". He said this aligns with state requirements that require people to merge lots that are too small.
- b. Mayor Ford asked how many lots this would apply to, to which Councilmember Hankins listed out a number of lots that would be affected.
- c. Attorney Kantrud said that he would like more time to review it and that he would consider it offline.
- d. The council asked questions about the ordinance and attorney Kantrud suggested that Councilmember Hankins provide some examples for the next meeting to help clarify the ordinance provisions.

On a motion made by Councilmember McCarthy, seconded by Councilmember Hankins, it was resolved to approve sending Ordinance 2024-06-03 to the planning commission for review, the review in this meeting being a first reading, and moving to a second reading in the July meeting. All in favor. Motion carried.

7. **MEETING CLOSE (2:26:40)**

On a motion duly made by Councilmember McCarthy, seconded by Councilmember Weier, it was agreed that there was no further business of the Council to transact in an open session; the meeting was closed to the public at 9:11 p.m.

DISCLAIMER

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

Mayor Margaret Ford

City Administrator Becky Kellen

Date

Date

Road safety proposals for Birchwood

To set speed limits, the city will develop procedures based on safety, engineering, and traffic analysis. Birchwood may establish speed limits under the city's jurisdiction due to concerns about safety, access speed, and safety of pedestrians and bicyclists.

A traffic study was completed by the Washington County Police Department between October 18 and October 25, 2023.

For the period of 10/18 to 10/23:

953 vehicles passed below 19 mph.

1564 passed between 19 and 27 mph

33 passed between 28 and 36 miles.

For the period of 10/23 to 10/25:

419 vehicles passed below 19 mph

676 vehicles passed between 19 to 27 mph.

15 vehicles passed between 28 to 36 mph.

Concerning a small community such as Birchwood, the speeds between 19 and 36 mph are not acceptable.

Currently, Birchwood has two different speed limits, one 20 mph and another 25 mph.

Speed limits may not influence drivers, but changes to the roadway and its environment can be helpful. The suggestion by the road safety committee is to install two elevated crosswalks at Wildwood Avenue and Owl Street, and White Pine and Hall Avenue. In studies this has shown to effectively decrease volume and speed, hopefully increasing safety.

Properly established speed limits are essential for law-enforcement to identify XS speeds and curb unreasonable behavior. Currently our residents have reported drivers also failing to stop for

stop signs. We have asked Washington County Sheriffs to pay close attention to these streets: Cedar and Birchwood Avenue and Pine and Hall Avenue.

Birchwood is a community with intersections frequently used by pedestrian and bicycle traffic. Birchwood has streets that are not conducive to access speed. Birchwood has no sidewalks, is a residential community and currently has many young children playing on streets. Reducing the speed limit could provide safety for these children by slowing cars down

The intersection at Wildwood Avenue and Owl Street is a dangerous situation for children and people parking on Owl street to walk to Birch Beach. A corner precedes the intersection, which makes the area difficult to see from vehicles.

Buses from both Mahtomedi and White bear lake schools stop numerous times in the morning and in the afternoon to drop off and pick up children. The intersection has been a near accident for children crossing the street, and cars not stopping for the bus or the bus red lights. To maintain safety at this intersection an elevated crosswalk is needed.

In settings, speed limits these are best practices to use;

1. document existing conditions; examples given of dangerous situations
2. survey residence and elected officials; A Public forum was held on June 6 with 10 residents and two police officers. Reducing the speed limit to 20MPH was approved
3. analyze your data; Speed studies show excess speed in Birchwood, a significant and ? unsafe volume also exists of traffic, dangerous incidents have increased to all residents.
4. Partner with law-enforcement; they attended the forum on June 6th
5. Evaluate alternative approaches/make a decision. Stop signs do not appear to be affective. Changes in the road structure have proven to be effective in reducing traffic volume, increasing safety, and reducing speed.
6. prepare a policy statement: ask the engineering firm Bolten & Menk to amend and approve this document as needed
7. develop a plan to implement
8. Conduct a follow up assessment

Road proposals from the task force include:

1. Adapting a 20 mile mile per hour speed limit in all of Birchwood
2. Adding two additional crosswalks with signage on Wildwood Avenue at Birch Beach/Owl and at Grotto.
3. Paint crosswalk on the pavement, and repaint other crosswalks in the village that are becoming difficult to read. Make the crosswalks at owl and pine Street elevator crosswalks to slow traffic and reduce traffic and provide safety.
4. Install signs at crosswalks such as stop for peds crossing
5. Install a stop sign at Wildwood and Lake Avenue as this has been a site of near accidents
6. Install two solar powered radar speed signs
7. Install possible speed pumps



ORDINANCE NO. 2024-06-03

AN ORDINANCE INSERTING § 302.017 “LOT MERGE REQUIRED” INTO CHAPTER 301 “ZONING CODE GENERAL PROVISIONS”

Findings and Purpose:

Our ordinances require certain minimum lot sizes and street frontages for properties. It is common that, among multiple contiguous properties under the same ownership, this standard is not met. It is in the interest of those in the village for these standards to be applied where lots are being sold or before development.

Pursuant to Minn. Stat. § 462.357, “A municipality may, by ordinance, permit an expansion or impose upon nonconformities reasonable regulations to prevent and abate nuisances and to protect the public health, welfare, or safety.” The city finds that it can best protect the public welfare, health and safety of our residents and those nearby by reducing water use and protecting shoreland, managing limited stormwater infrastructure and maintaining public waters by limiting improvement and expansions on certain lots. The case is especially strong within the White Bear Lake drainage basin due to the frequent low lake levels resulting from groundwater use.

Those prerogatives are reasonably exercised through limits on the expansion, sale and improvement of certain lots and uninhabitable non-conforming structures.

The City Council of The City of Birchwood, Minnesota ordains:

Section 1. City Code § 302.017 is hereby inserted to read:

302.017. LOT MERGE REQUIRED. Notwithstanding § 302.015 and § 301.050, any lot which, on any date after the date of adoption of this ordinance:

1. is or was contiguous with any other lot under common ownership; and
2. is or was less than the minimum lot size and/or frontage requirement in § 302.010;
and
3. had no occupancy within the past year, or does or did not contain a habitable dwelling; and
4. to which § 301.050(b) does not apply,

must be merged with the contiguous lot before sale, development or expansion. No permits may be issued for development, expansion or use of any such lot, nor of any applicable contiguous lot, which has not yet been merged. No person may sell any lot to which this section applies, before it is merged.

Section 2. **Effective date.** This ordinance becomes effective from and after its passage and publication.

Passed by the City Council of The City of Birchwood, Minnesota this 9th day of July, 2024.

Mayor

Attested:

City Clerk

**RESOLUTION 2024-29
 APPOINTING ELECTION JUDGES
 FOR THE August 13, 2024
 STATEWIDE PRIMARY**

BE IT RESOLVED by the City of Birchwood Village, State of Minnesota, as follows:

1. The individuals specified on EXHIBIT A attached hereto, each of whom is qualified to serve as an election judge, are hereby appointed as judges of election for the Statewide Primary on August 13, 2024 to act as such at the polling places listed on said exhibit.
2. The election judges shall act as clerks of election, count the ballots cast, and submit the results to the county for canvass in the manner provided by Minnesota State Election Law.
3. The city clerk is hereby authorized to appoint additional election judges, as needed, to fill vacancies that may occur on or before Election Day.

 Margaret Ford - Mayor

ATTEST:

 Rebecca Kellen
 City Administrator-Clerk

EXHIBIT A

Position	Last Name	First Middle	Precinct	Polling Place	Assignment Dt
HJ	HARDER	ALLISON	Birchwood Village City	Birchwood Village Hall	8/13/2024
EJ	ANDERSON	MICHELLE K	Birchwood Village City	Birchwood Village Hall	8/13/2024
EJ	ENGEBRETSON	CHARLENE	Birchwood Village City	Birchwood Village Hall	8/13/2024
EJ	KAPSNER	SUSAN	Birchwood Village City	Birchwood Village Hall	8/13/2024
EJ	RIETVELD	LISA	Birchwood Village City	Birchwood Village Hall	8/13/2024
EJ	TILKA	KEVIN	Birchwood Village City	Birchwood Village Hall	8/13/2024

24-01-VB (425 Lake)



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: 4-11-24 Amount Paid: \$ 4000.00
Payment Type (Circle One): Cash / Check / Money Order / Credit Card (online payment)
Check/Money Order # C42555642
Application Complete? Yes No If no, date application was deemed complete: 4/15/24
Signature of City Planner: Email confirmation received Date: 4/15/24

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) Schifsky Companies LLC
Address 5640 Memorial Dr
City Stillwater State MN Zip Code 55082
Business Phone 651.260.3248 Home Phone _____
- Address of Property Involved if different from above: 425 Lake Ave Birchwood Village
- Name of Property Owner(s) if different from above and describe Applicant's interest in the property:
Robert Davidson
- Specific Code Provision from which Variance is requested: OHWL Structure Setback
- Describe in narrative form what the Applicant is proposing to do that requires a variance:
Client is requesting to build a retaining wall 15' back from the ordinary high water level of White Bear Lake. The client is experiencing drainage and erosion issues on the hillside. The recommended fix is to build a retaining wall.

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 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 checked="" type="checkbox"/> Other (describe) <u>Build retaining wall</u> | |

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:

The erosion of the hillside is a constant battle due to the elevations of the lot.

Building a retaining wall would help prevent soil from eroding down the hill into the lake.

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:

The retaining wall will create less water running down the hill, and eroding the hillside

into the lake. When heavy rains come the water washes dirt into the lake because

the slope on the hillside is too steep.

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

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

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

If yes, explain: _____

13. Are there other governmental regulations that apply to the proposed action, including requirements of the Rice Creek Watershed District? Yes No

If yes, please identify the regulations AND attach evidence demonstrating compliance:

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

	EXISTING	PROPOSED	CHANGE
1. Total Square Footage of Lot	12,713		
2. Maximum Impervious Surface (25% of item 1)			
3. Roof Surface	3,832		
4. Sidewalks			
5. Driveways			
6. Other Impervious Surface	70	103	
7. Total of Items 3-6			
8. Percent Impervious Surface	30.69%	31.50%	0.81%

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: Carson J Schifsky Date: 4/10/2024

CERTIFICATE OF SURVEY

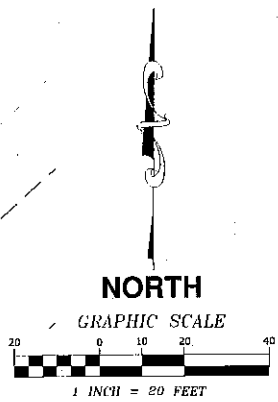
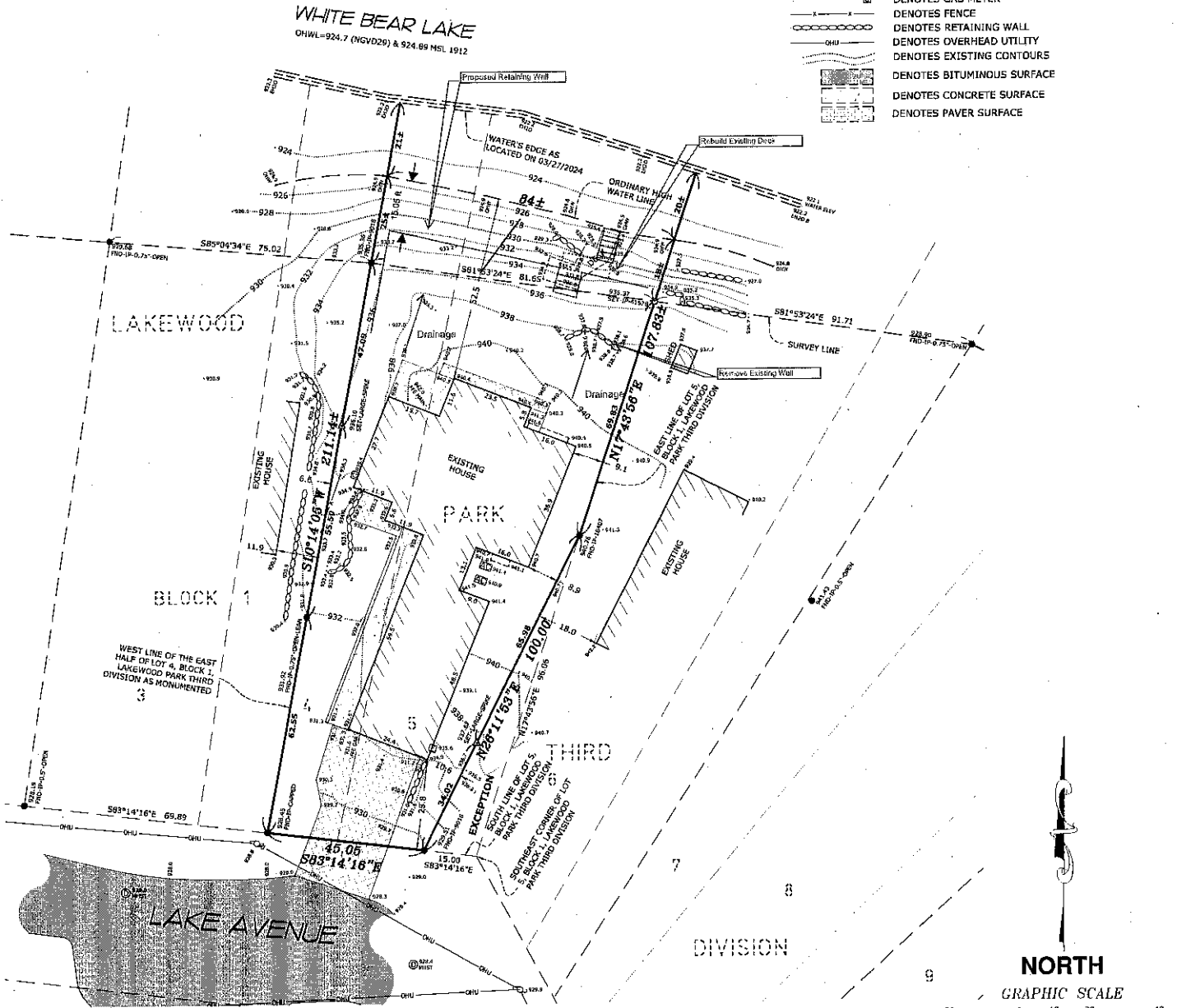
~for~ **BLAISER POOLS**
 ~of~ **425 LAKE AVENUE**
BIRCHWOOD, MN

BENCHMARK

DNR PAINT MARK ON SLAB OF
 PUMPHOUSE AT MATOSKA PARK
 ELEVATION: 928.74
 DATUM: MSL 1912

LEGEND

- DENOTES IRON MONUMENT FOUND AS LABELED
- DENOTES IRON MONUMENT SET, MARKED RLS# 41578
- ▲ DENOTES SET PKNAIL
- ⊠ DENOTES AIR CONDITIONING UNIT
- ⊞ DENOTES ELECTRICAL BOX
- x 952.36 DENOTES EXISTING SPOT ELEVATION
- ⊙ DENOTES POWER POLE
- ⊕ DENOTES STORM SEWER MANHOLE
- ⊗ DENOTES GAS METER
- DENOTES FENCE
- DENOTES RETAINING WALL
- DENOTES OVERHEAD UTILITY
- DENOTES EXISTING CONTOURS
- DENOTES BITUMINOUS SURFACE
- DENOTES CONCRETE SURFACE
- DENOTES PAVER SURFACE



PROPERTY DESCRIPTION: Per Warranty Deed Doc. No. 845086

The East Half of Lot 4, Block 1, LAKEWOOD PARK THIRD DIVISION, Washington County, Minnesota.

ALSO: Lot 5, Block 1, LAKEWOOD PARK THIRD DIVISION, EXCEPT a triangular piece, commencing at the Southeast corner of Lot 5, thence Westerly along the South line of said Lot 5, a distance of 15 feet; thence Northeasterly to a point where a diagonal line 100 feet in length would intersect the East line of said Lot 5, thence Southerly along said East line of said Lot 5 to the point of beginning, Washington County, Minnesota.

IMPERVIOUS SURFACE CALCULATIONS

TOTAL LOT AREA ABOVE OHWL	12,713 SQ. FT.
EXISTING HOUSE AND GARAGE AND OVERHANGS	3,832 SQ. FT.
EXISTING PAVERS AND DRIVEWAY	1,027 SQ. FT.
EXISTING CONCRETE	162 SQ. FT.
EXISTING RETAINING WALL	79 SQ. FT.
TOTAL IMPERVIOUS SURFACE	5,111 SQ. FT.
PERCENT IMPERVIOUS	40.2%

NOTES

- Field survey was completed by E.G. Rud and Sons, Inc. on 03/27/2024.
- Bearings shown are on the Washington County Coordinate System.
- Parcel ID Number: 30-030-21-13-0011 & 30-030-21-13-0012.
- 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.
- Due to field work being completed during the winter season there may be improvements in addition to those shown that were not visible due to snow and ice conditions characteristic of Minnesota winters.

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.

(Signature)
 JASON E. RUD
 Date: 04/04/2024 License No. 41578

DRAWN BY: RCD	JOB NO: 24-0225BT	DATE: 03/28/2024	
CHECK BY: DSM	FIELD CREW: DT/RW		
1			
2			
3			
NO.	DATE	DESCRIPTION	BY

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

City of Birchwood Village

Intellipay <noreply@intellipay.com>

Thu 4/11/2024 10:40 AM

To:City of Birchwood Village <info@cityofbirchwood.com>

City of Birchwood Village

Payment Receipt

Schifsky Companies
3476 Lake Elmo Ave
Lake Elmo MN 55042
651.260.3248
carson@schifskycompanies.com

Your bank account will be debited the amount of the payment.

Please ensure there are sufficient funds available in your bank account to cover this amount.

Customer Account:	Variance Permit
Invoice:	C42555642
Payment Amount:	\$4,000.00
Service Fee:	\$2.00
Payment Total:	\$4,002.00
Payment Date:	04/11/2024
Bank Name:	
Bank Account:	Checking account ending in 225
Reference Number	C42555642P72426111
Comments:	
Payment Origin:	Online Payment Terminal
Agent:	Online Payment Page
Merchant#:	M8145

Other

Explain: Variance Permit

Thank you,
City of Birchwood Village
Support: 651-426-3403 Email: info@cityofbirchwood.com

* The service fee is non-refundable.

STAFF REPORT

Meeting Date(s): May 23, 2024 Planning Commission
June 11, 2024 City Council

Scope: OHWL Setback Variance
Applicant: Schifsky Companies, LLC

Representative: Carson Schifsky
Property Location: 425 Lake Avenue

Report prepared by Ben Wikstrom, Planning Consultant

ATTACHMENTS

1. Application
2. Survey/site plan
3. Pictures

BACKGROUND

Schifsky Companies, LLC (Carson Schifsky) has applied for a variance to allow construction of a retaining wall within the Ordinary High Water Line setback from White Bear Lake. The property can be seen in the aerial below, taken from the Washington County GIS website:



SURROUNDING USES

North: White Bear Lake
East: Single-family home
South: Lake Avenue and City park
West: Single-family home

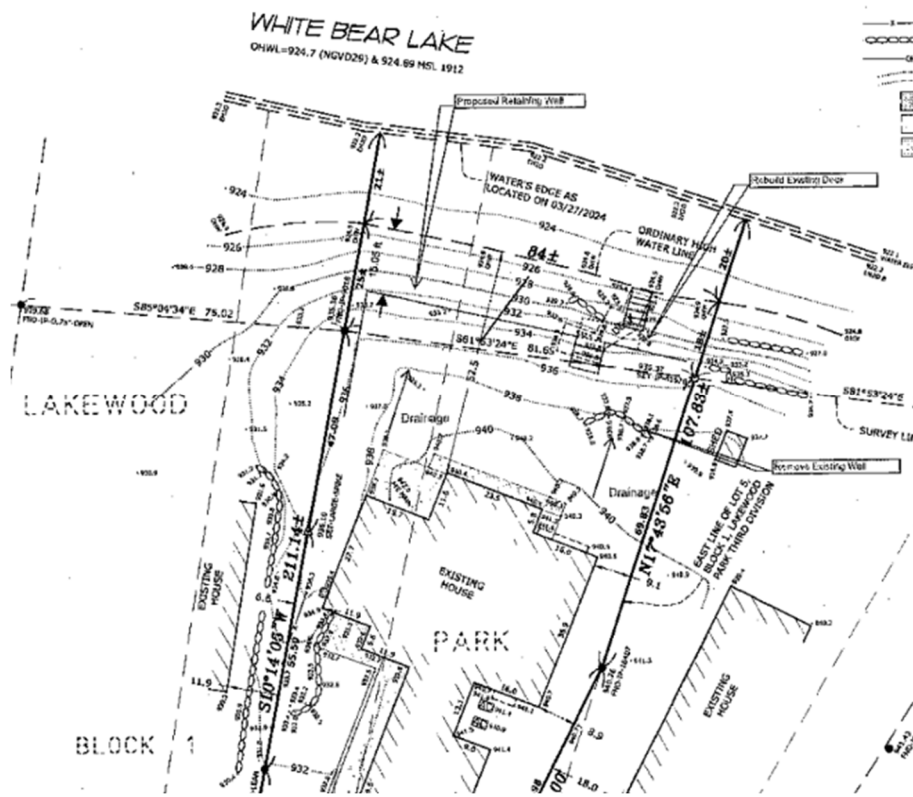
PROPOSED CONSTRUCTION

The applicant is proposing to construct the retaining wall to mitigate erosion problems that are occurring on site. The top of wall would be 12” in width, for a length of 33’. The area of impact is shown on the pictures below, followed by an example of the type of wall (brochure attached).





The applicant is also proposing replacement of an existing decking area, with “similar dimensions” according to written correspondence with the homeowner. The deck may need to be shifted slightly to the east to allow for proper and effective construction of the retaining wall. The deck must remain the same size or be smaller. No pictures of the deck were available at the time of this report, although the location is called out on the survey that was submitted.



APPLICANT COMMENT

From the application:

5. Describe in narrative form what the Applicant is proposing to do that requires a variance:
Client is requesting to build a retaining wall 15' back from the ordinary high water level of
White Bear Lake. The client is experiencing drainage and erosion issues on the
hillside. The recommended fix is to build a retaining wall.

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:
The erosion of the hillside is a constant battle due to the elevations of the lot.
Building a retaining wall would help prevent soil from eroding down the hill into the lake.

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:
The retaining wall will create less water running down the hill, and eroding the hillside
into the lake. When heavy rains come the water washes dirt into the lake because
the slope on the hillside is too steep.

STAFF ANALYSIS

For an explanation of a variance analysis, here is an excerpt from the ordinance:

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.*

STAFF COMMENT

The proposed retaining wall meets the above criteria for a variance, and will address a problem with erosion that is evident on the site. The applicant must receive approval from the Rice Creek Watershed District, which is in process, and any approval of the variance should be contingent on receiving that approval. Any other applicable approvals (WBCD, DNR) are also required prior to construction.

One item of note is the impervious surface. The survey shows a total impervious percentage on site of 40.2%, while the chart on the application shows 31.69%. It appears that the existing pavers and concrete elsewhere on site were left off the chart. The 33 s.f. of additional retaining wall is assumed to be correct for one tier of wall. That is staff's understanding of the proposed wall design based on correspondence from the applicant, and seems to make sense with a 50-foot wide lot. If that is the case, the proposed impervious percentage on the chart is calculated incorrectly (it adds 103 s.f. to the existing total, rather than just the new 33 s.f.). The applicant should be present to clarify. Regardless, the amount of impervious to be added is negligible, and necessary for the mitigation. 33 s.f. of additional surface would be 0.2%; 103 s.f. of additional surface would be 0.81%.

As we have discussed before, most communities will not calculate the top of a wall as impervious, especially one at 12" wide, as there is no impact on runoff from that small width (many ordinances exclude sidewalks or other surfaces less than 3' in width). The other items that have been previously discussed with similar applications that also apply here are the fact that this lot is legally non-conforming based on the size and width of the lot (12,713 s.f. and 50' in width) compared to current ordinance requirements (15,000 s.f. riparian lots and 80' in width at the OHWL setback); and that the impervious limit is already exceeded, making that non-conforming, as well. Any change, whether negligible or not, will be increasing the non-conformity. Whether these items require additional variances to be granted or should be at least noted, and if the City Code should be reviewed to address the many non-conforming situations (and impervious regulations) in the City should be a topic of discussion.

In this case, the proposed construction seems necessary to address a problem and the impact on stormwater is negligible or non-existent.

STAFF RECOMMENDATION

Staff recommends approval of the variance application at 425 Lake Avenue, based on the following findings:

1. A retaining wall is necessary to mitigate an erosion problem on the slope to the lake within the OHWL setback.
2. A retaining wall is a reasonable request to mitigate the problem.
3. The character of the neighborhood would not be altered with approval of the variance.
4. Neighborhood property values will not be diminished with approval of the variance and construction of the wall.
5. The slope of the property, creating the need for the wall and variance, was not established by the applicant.
6. If the applicant receives approval of all necessary jurisdictional permits, the City concurs that the proposed construction is necessary and reasonable.
7. The deck area to be replaced must be of the same size as or smaller than the existing structure.

Fw: Fw: 425 Lake Street RCWD

Rebecca Kellen <Rebecca.Kellen@cityofbirchwood.com>

Mon 5/13/2024 9:56 AM

To: Carson Schifsky <carson@schifskycompanies.com>

Cc: Ben Wikstrom <benwikstrom@gmail.com>; Alan Kantrud <hakantrud@protonmail.com>; AGrace@ricecreek.org <AGrace@ricecreek.org>; Patrick Hughes <PHughes@ricecreek.org>; Andy Sorenson <asconstruction@me.com>; Michelle Maiers-Atakpu <pmatakpu@comcast.net>; Mike Kraemer <mrkraemer50@gmail.com>; MICHAEL McKenzie <mgmcke31@comcast.net>; Casey Muhm <casey.muhm@gmail.com>

Bcc: Margaret Ford <margaret.ford@cityofbirchwood.com>; Ryan Hankins <ryan.hankins@cityofbirchwood.com>; Kathy Weier <kathy.weier@cityofbirchwood.com>; Mark Foster <mark.foster@cityofbirchwood.com>; Justin McCarthy <justin.mccarthy@cityofbirchwood.com>

Hi Carson,

I hope you are doing well. I just wanted to let you know that we have received guidance from our attorney that any decision that is made with regard to the variance will need to be put on hold until the permitting from RCDW is secure. You may want to begin the permitting process to avoid hold up however, as you are aware, it is uncertain as to the outcome of the variance request until it goes through the process. We are still on tap for the variance to be reviewed at the 5/23/24 Planning Committee meeting at 7PM and then at the City Council Meeting on June 11th at 6:45PM. Please let me know if you have any questions. Thanks.



Rebecca Kellen, MBA

City Administrator

City of Birchwood Village, MN

office: (651) 426-3403

fax: (651) 426-7747

email: rebecca.kellen@cityofbirchwood.com

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



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From: H.A.Kantrud <hakantrud@protonmail.com>

Sent: Monday, May 13, 2024 9:42 AM

To: Rebecca Kellen <Rebecca.Kellen@cityofbirchwood.com>

Cc: Ben Wikstrom <benwikstrom@gmail.com>

Subject: Re: Fw: 425 Lake Street RCWD

We would typically put the decision from our body on hold until they have that in-hand...

H. Alan

"Conservatives pride themselves on resisting change, which is as it should be. But intelligent deference to tradition and stability can evolve into intellectual sloth and moral fanaticism, as when conservatives

simply decline to look up from dogma because the effort to raise their heads and reconsider is too great." William F. Buckley

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Sent with [Proton Mail](#) secure email.

On Monday, May 13th, 2024 at 9:35 AM, Rebecca Kellen <Rebecca.Kellen@cityofbirchwood.com> wrote:

Hi Alan,

I received this from RCWD in regard to the variance we have on tap for the upcoming planning commission meeting. I believe this would cover our needs with respect to the RCDW permit they will be required to have. They want to make sure the variance is approved prior to getting that permit. Please confirm that this would suffice for our purposes, if that is the case. Thanks.



Rebecca Kellen, MBA
City Administrator
City of Birchwood Village, MN
office: (651) 426-3403
fax: (651) 426-7747

email: rebecca.kellen@cityofbirchwood.com

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



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From: Anna Grace <AGrace@ricecreek.org>
Sent: Monday, May 13, 2024 9:27 AM
To: Rebecca Kellen <Rebecca.Kellen@cityofbirchwood.com>
Cc: Patrick Hughes <PHughes@ricecreek.org>
Subject: 425 Lake Street RCWD

Good Morning Rebecca,

I am reaching out regarding the 425 Lake Street backyard landscaping project.

The landscaper has indicated the City would like to see comments from Rice Creek ahead of the May 23rd Planning Commission meeting.

I have relayed to the landscaper a Rule E, Floodplain Alteration and Rule D, Erosion and Sediment Control permit will be required. The bracketed information below was shared with Schifsky Companies.

Is this sufficient for the Planning Commission's variance review?

[If the project applies for RCWD permit application with the guidance below, the project is found to be compliant with Rules E and D, the 48-hour notice to the Board is complete, the project addresses any CAPROC items, RCWD would then issue the permit. From review of the current plans, no RCWD variance is required for the project. Typical Administrative permit review process for work within the floodplain.

From review of the plans a RCWD permit for Rule D and E will be required.

- [Rule E, Floodplain Alteration](#) the RCWD 100-year regulatory floodplain elevation for the site extends off White Bear Lake and is 927.2 NAVD 88. Work within the floodplain triggers Rule E and D.
- [Rule D, Erosion and Sediment Control Plans](#) Rule 2(a)(3), Any land-disturbing activity that requires a District permit under a rule other than Rule D."

DNR regulates below the OHW. The RCWD regulatory floodplain elevation off White Bear Lake is 927.2 NAVD 88.

-

General RCWD permit submittal guidance:

1. The RCWD application form can be found [here](#). The application must be signed by the current landowner(s). From review of Washington County Maps, the current listed owner of the parcel is Coyleen Davidson.
2. Please deliver or mail the application fee in the form of a check to the RCWD office. The total application fee is \$300. The RCWD office is located at 4325 Pheasant Ridge Dr. NE #611, Blaine, MN, 55449. The building is open Monday through Friday from 8:00 a.m. to 4:30 p.m.
3. Please create a short project narrative discussing the proposed work.
 1. Be sure to include further details of proposed deck and stairs within narrative – concrete pilings, etc.?
4. Items to add to the survey for RCWD:

1. Add erosion control and stabilization methods to the plan set with a key.
 - Erosion control measures should be located down gradient of all land disturbing activities. **As land disturbance is proposed within 50 feet of a waterbody redundant erosion control BMPs are recommended in these locations.**
 - Here is a MPCA link for additional BMP guidance, [https://stormwater.pca.state.mn.us/index.php/Sediment_control_practices - Perimeter controls for disturbed areas](https://stormwater.pca.state.mn.us/index.php/Sediment_control_practices_-_Perimeter_controls_for_disturbed_areas)
 - **For disturbed areas what is the proposed stabilization method seeding, sodding, etc.?**
2. Update work areas/land disturbance areas to include stairs and deck.
3. Based on the below RCWD definitions, state the total area of proposed new and/or reconstructed impervious surface. If none, please state – if removing impervious surface please state the square footage:
 - RCWD defines Impervious Surface as, a compacted surface or a surface covered with material (i.e., gravel, asphalt, concrete, Class 5, etc.) that increases the depth of runoff compared to natural soils and land cover. Including but not limited to roads, driveways, parking areas, sidewalks and trails, patios, tennis courts, basketball courts, swimming pools, building roofs, covered decks, and other structures.
 - RCWD defines, Reconstruction as, removal of an impervious surface such that the underlying structural aggregate base is effectively removed, and the underlying native soil exposed.
4. State the RCWD regulatory floodplain elevation of White Bear Lake 927.2 NAVD 88
5. The project will need to calculate any cut (removal) and fill within the floodplain. Compensatory floodplain storage volume is not required for a one-time deposition of up to 100 cubic yards of fill, per parcel, if there is no adverse impact to the 100-Year Flood Elevation. If 100 cubic yards or greater is proposed, mitigation is required for the entirety of fill. Calculations showing worked out methodology will need to be provided between OHW and RCWD 100-year floodplain. For example, this calculation could be $(LxWxD)/27 = \text{cubic yards}$. Ensure to include rock, sand, dirt, concrete, etc.

All application items, except for the fee, can be submitted electronically to my email address.

-

General RCWD Administrative Permit Process Timeline:

- Application items are submitted and reviewed for completeness (my guidance list above are the intake items needed).
- Once any **incomplete items** (missing items) are addressed, the application moves onto review.
- RCWD staff will reach out with any comments or concerns. Given workload and time of year this is typically 10-15 business days.
- Once any comments and concerns are addressed, the application will be noticed for the 48-hour comment period to the Board for Administrative CAPROC (Conditional Approval Pending Receipt of Changes).
- Once any CAPROC items are addressed by the project team RCWD can issue the permit.]

Thank you,

Anna Grace

Regulatory Technician

Rice Creek Watershed District

4325 Pheasant Ridge Dr. NE, #611

Blaine, MN 55449-4539

Direct: (763) 398-3071

agrace@ricecreek.org



PROPOSED BOULDER RETAINING WALLS

425 LAKE AVENUE

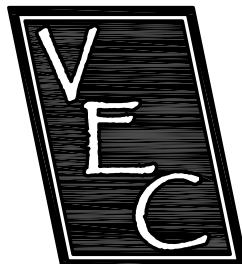
BIRCHWOOD, MINNESOTA

GENERAL NOTES

1. IN PREPARATION OF WALL DESIGN, SOIL STRENGTH PARAMETERS WERE ASSUMED, BASED ON A REVIEW OF MINNESOTA GEOLOGICAL SURVEY SURFICIAL GEOLOGY SOIL MAPS OF THE PROJECT AREA AND INFORMATION FROM THE CLIENT. IT IS THE RESPONSIBILITY OF THE OWNER OR OWNER'S REPRESENTATIVE TO VERIFY THE SOIL STRENGTH PARAMETERS ARE REPRESENTATIVE OF THE SOILS AVAILABLE FOR WALL CONSTRUCTION. IF THE SOIL STRENGTH PARAMETERS ARE FOUND TO BE INCONSISTENT WITH THOSE ASSUMED, THIS DESIGN IS NO LONGER VALID AND IT IS THE RESPONSIBILITY OF THE OWNER OR OWNER'S REPRESENTATIVE TO NOTIFY VEC SO THE RETAINING WALL SYSTEM CAN BE REDESIGNED. FAILURE TO NOTIFY VEC MAY RESULT IN FAILURE OF THE RETAINING WALL.
2. DESIGN SOIL PARAMETERS:
 - A. RETAINED SOIL: IMPORTED/ON-SITE SAND SOILS PHI = 30 DEGREES GAMMA = 125 PCF.
 - B. FOUNDATION SOIL: IMPORTED/ON-SITE SAND SOILS PHI = 30 DEGREES GAMMA = 125 PCF.
3. ANY EXCAVATION PERFORMED BELOW THE FOUNDATION GRADE OF THE WALL SHOULD HAVE PROPER 1:1 LATERAL OVERSIZING. EXCAVATION OVERSIZING SHOULD BE MEASURED FROM THE FRONT TO THE BACK OF THE LOWEST BOULDER.
4. THIS SET OF BOULDER RETAINING WALL PLANS ARE BASED ON THE PROJECT PLAN, PREPARED BY E. G. RUD & SONS, INC., DATED 3/28/2024, WITH ADDITIONAL INFORMATION PROVIDED BY SCHIFSKY COMPANIES. IF OTHER PLANS ARE PRODUCED THAT CONTAIN DIFFERENT INFORMATION THAN THAT REFERENCED, THIS PLAN MAY NEED TO BE REVISED AND/OR THE WALL MAY NEED TO BE REDESIGNED.
5. LOCATIONS OF THE BOULDER RETAINING WALLS IN RELATION TO PROPERTY LINES, UTILITY EASEMENTS, WATERSHED EASEMENTS, OR ANY OTHER TYPE OF EASEMENTS ARE THE RESPONSIBILITY OF THE OWNER. VEC ASSUMES NO LIABILITY FOR THE LOCATIONS OF THE BOULDER RETAINING WALLS, OR IF CONSTRUCTION OF THE PROPOSED BOULDER RETAINING WALLS ENCROACH ANY PROPERTY LINES OR EASEMENTS.
6. IT IS IMPERATIVE THAT THE SITE SURVEYING OF THE BOULDER RETAINING WALLS BE BASED ON THE PLANS REFERENCED ABOVE AND NOT PROFILE PLANS PREPARED BY VEC. SURVEYING OF THE BOULDER RETAINING WALLS MUST TAKE INTO ACCOUNT THE DESIGN BATTER INDICATED ON THE ENCLOSED PLANS AND DETAILS. FAILURE TO TAKE INTO ACCOUNT WALL BATTER FOR THE BOULDER RETAINING WALL SURVEYING WILL PRODUCE INCORRECT LOCATIONS OF ALL TOP OF WALL AND SHALL BE CORRECTED AT NO COST TO VEC.
7. WALL GEOMETRY, LOCATIONS, SLOPES AND SURCHARGE LOADS FOR THE BOULDER RETAINING WALLS WERE ASSUMED FROM THE PROJECT PLANS REFERENCED ABOVE. IF CONDITIONS VARY GREATLY IN THE FIELD FROM THOSE SHOWN ON THIS PLAN, VEC MUST BE NOTIFIED PRIOR TO CONSTRUCTION OF THE BOULDER RETAINING WALLS TO REVIEW THE DESIGN AND/OR PLANS. MODIFICATIONS TO THE DESIGN AND/OR PLANS MAY BE REQUIRED AFTER THE REVIEW, AND MAY TAKE UP TO TEN BUSINESS DAYS TO COMPLETE.
8. PLEASE REFER TO ANY PROJECT SPECIFICATIONS FOR ADDITIONAL INFORMATION. IF THERE ARE DISCREPANCIES BETWEEN ANY INFORMATION ON THESE PLANS AND INFORMATION IN THE PROJECT SPECIFICATIONS, THE MORE RESTRICTIVE INFORMATION TAKES PRECEDENCE.

SHEET INDEX	
SHEET NO.	SHEET DESCRIPTION
W1	TITLE PAGE AND GENERAL NOTES
W2	WALL CONSTRUCTION NOTES
W3	WALL LOCATION SKETCH
W4 - W5	WALL ELEVATION VIEWS
W6	SECTIONS AND DETAILS

Vickery Engineering & Consulting, LLC



Post Office Box 86
Grandy, MN 55029
phone: 952-465-8272

www.vickeryeng.com

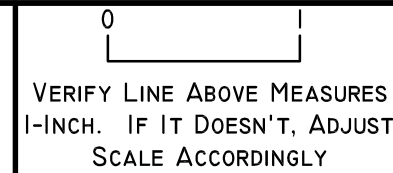
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PROPOSED BOULDER RETAINING WALLS
425 LAKE AVENUE
BIRCHWOOD, MINNESOTA

TITLE PAGE AND GENERAL NOTES

REV:	DATE:	DESCRIPTION:

SCALE: NONE



VEC PROJECT No:	VEC 24-106
DRAWN BY:	VEC
REVIEWED BY:	RWV
DATE:	6/13/2024

SHEET: **W1** OF: **6** CLIENT: SCHIFSKY COMPANIES

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATIONS, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

RONALD W. VICKERY, PE
 DATE: 6/13/2024 REG. No.: 2406576

WALL CONSTRUCTION NOTES

DESCRIPTION

THIS WORK CONSISTS OF CONSTRUCTING BOULDER WALL STRUCTURES AT THE LOCATIONS INDICATED ON THE SITE GRADING PLAN, PREPARED BY E. G. RUD & SONS, INC., DATED 3/28/2024, WITH ADDITIONAL INFORMATION PROVIDED BY SCHIFSKY COMPANIES. BOULDER WALLS ARE FORMED OF INTERLOCKING, DRY-STACKED ROCKS WITHOUT REINFORCING STEEL, MORTAR, OR CONCRETE.

CONSTRUCTION REQUIREMENTS

BOULDERS: BOULDERS SHALL CONSIST OF NATURAL STONE WITH VARYING HEIGHTS AND NOMINAL DEPTHS RANGING FROM 12 TO 36 INCHES (FRONT TO BACK).

GENERAL: THE FOLLOWING DEFINITIONS APPLY TO BOULDER WALL CONSTRUCTION:

- (A) **BASE ROCK:** THE BASE ROCK IS THE LOWERMOST ROCK IN THE BOULDER WALL, AND BEARS DIRECTLY ON THE SOIL SUBGRADE.
- (B) **FACING ROCK:** THE FACING ROCKS COMPRISE THE BULK OF THE BOULDER WALL AND ARE STACKED ABOVE THE BASE ROCK.
- (C) **CAP ROCK:** THE CAP ROCK IS THE UPPERMOST ROCK IN THE BOULDER WALL SECTION AND "CAPS" THE BOULDER WALL.

BOULDER WALL CONSTRUCTION:

(A) **BOULDER WALL FOUNDATION EXCAVATION:** EXCAVATE A FOUNDATION TRENCH AT LEAST 12 INCHES BELOW THE GRADE AT THE BOTTOM OF THE WALL, RUNNING THE FULL LENGTH OF THE PROPOSED BOULDER WALL, OR TO THE DEPTH SHOWN ON THE PLANS. EXCAVATE THE FOUNDATION TO A MINIMUM WIDTH EQUAL TO THE SPECIFIED BASE ROCK WIDTH PLUS 12 INCHES TO INCLUDE THE AGGREGATE BEHIND THE BOULDER WALL. EXERCISE CARE DURING EXCAVATION OF THE BACK CUT. STABILITY OF TEMPORARY CUT SLOPES IS THE RESPONSIBILITY OF THE CONTRACTOR.

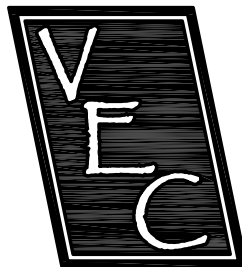
(B) **BOULDER PLACEMENT:** PLACE THE FIRST COURSE OF ROCK (BASE ROCK) ON FIRM, UNYIELDING SOIL WITH FULL CONTACT BETWEEN THE ROCK AND THE SUBGRADE. EXCAVATE ANY LOOSE, SOFT OR OTHERWISE UNSUITABLE MATERIAL PRESENT AT FOUNDATION GRADE AND REPLACE WITH SUITABLE FOUNDATION FILL. COMPACT THE FOUNDATION FILL AS NEEDED. AS THE BOULDER WALL IS CONSTRUCTED, PLACE THE ROCKS SO THAT THERE ARE NO CONTINUOUS JOINTS IN EITHER THE VERTICAL OR LATERAL DIRECTION. STOCKPILE A SUFFICIENT NUMBER OF ROCKS TO PROVIDE A GOOD SELECTION FOR PLACEMENT. TO OBTAIN A BETTER FIT, PLACE ROCKS WHICH DO NOT MATCH THE SPACES OFFERED BY THE PREVIOUS COURSE IN A DIFFERENT LOCATION. AVOID PLACING ROCKS WHICH HAVE SHAPES THAT CREATE VOIDS WITH A LINEAR DIMENSION GREATER THAN 8 INCHES. EXCEPT IN ISOLATED CASES, PLACE EACH ROCK SO THAT IT BEARS ON AT LEAST TWO ROCKS BELOW IT. LOCATE AT LEAST ONE BEARING POINT A DISTANCE NO GREATER THAN 6 INCHES FROM THE AVERAGE FACE OF THE BOULDER WALL. THE ALLOWABLE TOLERANCE FOR BASE ROCK WIDTHS IS 3 INCHES; HOWEVER, DO NOT PLACE TWO OR MORE CONSECUTIVE BASE ROCKS WITH A WIDTH LESS THAN SPECIFIED ON THE PLANS. SLOPE THE TOP SURFACE OF EACH ROCK TOWARDS THE BACK OF THE BOULDER WALL AT AN INCLINATION OF AT LEAST 5 PERCENT. THE MINIMUM BOULDER WALL THICKNESS IS BASED ON MINIMUM BASE ROCK WIDTH, AS SPECIFIED ON THE PLANS, AND ALLOWABLE FACE BATTER. THE REQUIRED MINIMUM FACE BATTER IS 10 DEGREES. SECURELY PLACE FACING ROCKS SO THAT THE ROCKS ARE UNABLE TO BE MOVED WITH A PRY BAR AFTER THE BOULDER WALL IS COMPLETE.

(C) **VOIDS:** WHERE VOIDS WITH A MINIMUM DIMENSION OF 6 INCHES OR GREATER EXIST IN THE FACE OF THE BOULDER WALL, CHINK THE VOIDS WITH SMALLER ROCK.

- (1) IF THERE IS NO ROCK CONTACT WITHIN THE BOULDER WALL THICKNESS, CHINK THE VOID WITH A SMALLER PIECE OF ROCK.
- (2) CHINKING ROCKS SHOULD NOT PROVIDE PRIMARY STRUCTURAL SUPPORT FOR THE OVERLYING ROCK.
- (3) CHINKING ROCKS SHOULD NOT BE ABLE TO BE MOVED OR REMOVED BY HAND AFTER BOULDER WALL IS COMPLETE. RESET LOOSE CHINKING ROCKS UNTIL SECURELY PLACED OR GROUTED IN PLACE. DO NOT ALLOW GROUT TO BE READILY VISIBLE FROM THE FACE OF THE BOULDER WALL.

(D) **BOULDER WALL AGGREGATE:** INSTALL AGGREGATE, CONSISTING OF 3/4" TO 1 1/2" CLEAR CRUSHED AGGREGATE (NO PEA GRAVEL), BETWEEN THE BOULDER WALL AND THE BACK CUT FACE BEING SUPPORTED. THE AGGREGATE LAYER SHALL BE TO THE DIMENSIONS SHOWN ON THE PLANS, WITH A MINIMUM DEPTH OF 12 INCHES. PLACE AGGREGATE CONCURRENT WITH BOULDER WALL SO THAT AT NO TIME IS EITHER MORE THAN 12 INCHES HIGHER THAN THE OTHER. SEPARATE THE AGGREGATE FROM THE BACK OF THE BOULDERS BY A NON-WOVEN GEOTEXTILE (MIRAFI 140N OR APPROVED EQUAL). OVERLAP THE NON-WOVEN GEOTEXTILE AT LEAST 18 INCHES AT ALL SEAMS. THE TOP OF THE AGGREGATE SHOULD ALSO BE "CAPPED" WITH THE GEOTEXTILE, AS SHOWN ON THE CROSS-SECTIONS.

Vickery Engineering & Consulting, LLC



Post Office Box 86
Grandy, MN 55029
phone: 952-465-8272

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PROPOSED BOULDER RETAINING WALLS
425 LAKE AVENUE
BIRCHWOOD, MINNESOTA

WALL CONSTRUCTION NOTES

REV:	DATE:	DESCRIPTION:

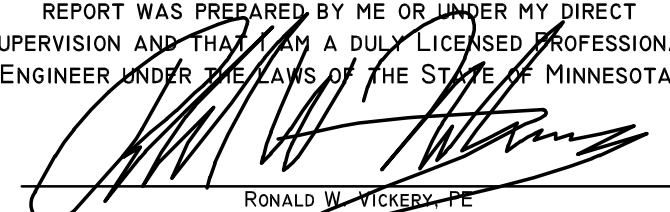
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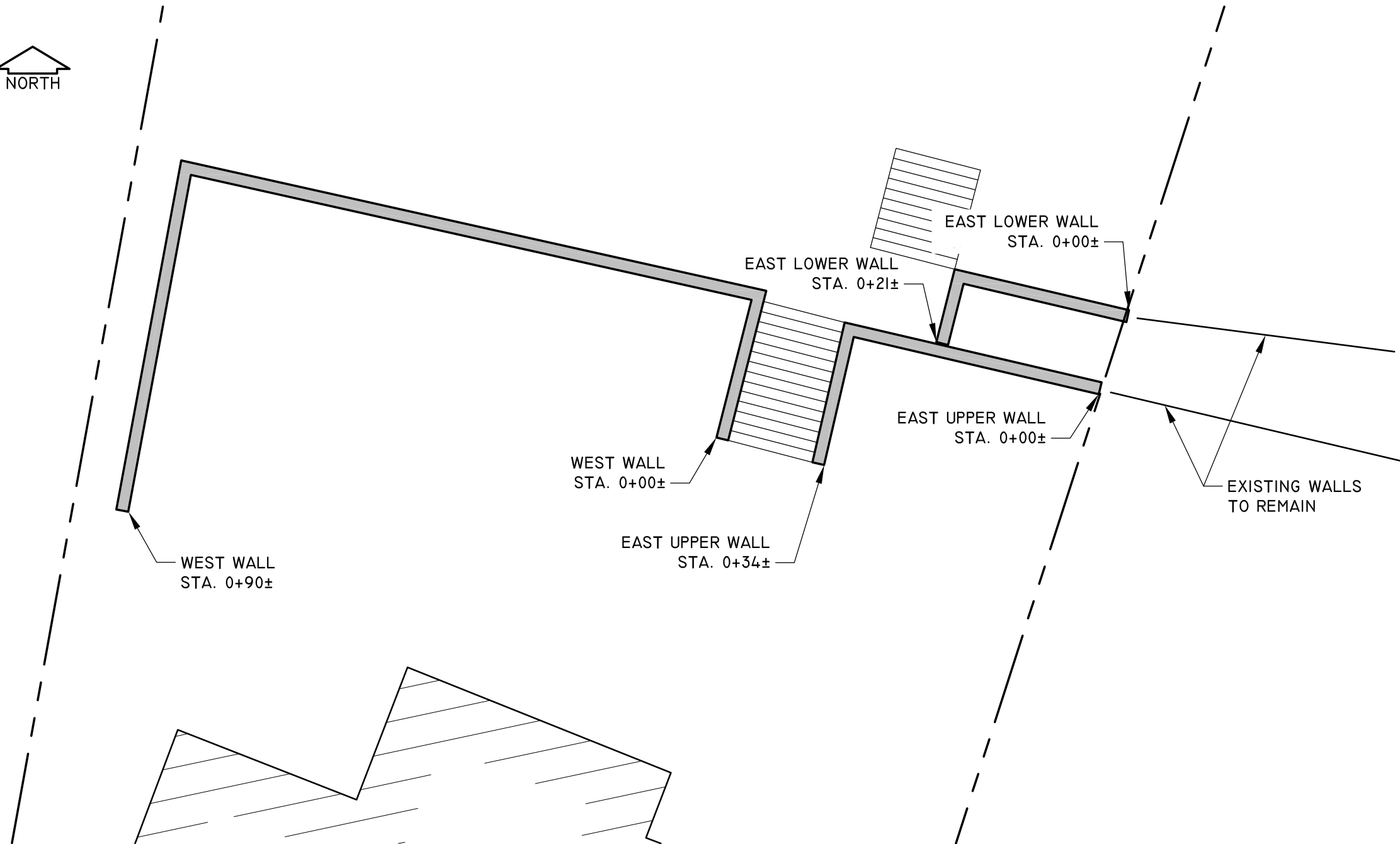
0 1
VERIFY LINE ABOVE MEASURES
1-INCH. IF IT DOESN'T, ADJUST
SCALE ACCORDINGLY

VEC PROJECT No:	VEC 24-106
DRAWN BY:	VEC
REVIEWED BY:	RWV
DATE:	6/13/2024

SHEET: **W2** OF: **6** CLIENT: SCHIFSKY COMPANIES

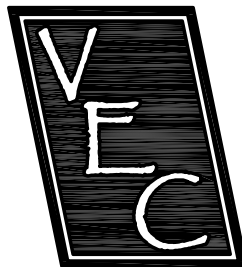
I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATIONS, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.


RONALD W. VICKERY, PE
DATE: 6/13/2024 REG. No.: 24065 77



1
W3
WALL LOCATION SKETCH
 (NOT TO SCALE)

Vickery Engineering & Consulting, LLC



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 Grandy, MN 55029
 phone: 952-465-8272

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PROPOSED BOULDER RETAINING WALLS
425 LAKE AVENUE
BIRCHWOOD, MINNESOTA
WALL LOCATION SKETCH

SCALE:

NONE

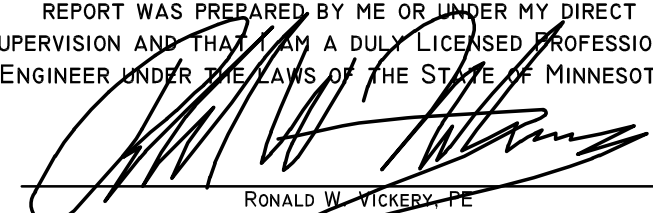


VERIFY LINE ABOVE MEASURES
 1-INCH. IF IT DOESN'T, ADJUST
 SCALE ACCORDINGLY

SHEET: **W3** OF: **6**

CLIENT:
SCHIFSKY COMPANIES

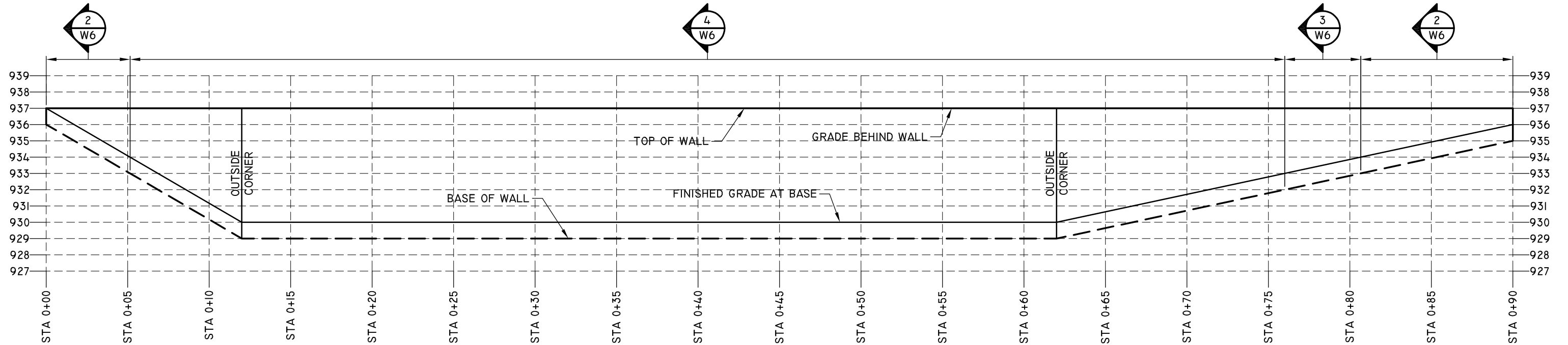
I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATIONS, OR
 REPORT WAS PREPARED BY ME OR UNDER MY DIRECT
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 RONALD W. VICKERY, PE

DATE: 6/13/2024 REG. No.: 24065
 78

REV:	DATE:	DESCRIPTION:

VEC PROJECT No:	VEC 24-106
DRAWN BY:	VEC
REVIEWED BY:	RWV
DATE:	6/13/2024



1 BOULDER WALL - ELEVATION VIEW
 WEST WALL (MAXIMUM BEARING PRESSURE = 1,000 PSF)
 W4 (SCALE: 1"=6'-0")

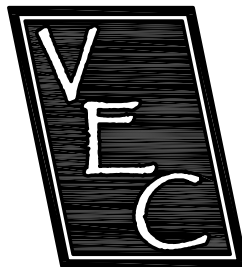
LEGEND

- INDICATES CROSS-SECTION TO BE USED (SEE SHEET W6)

NOTES

- 1) GRADES SHOWN ARE APPROXIMATE, AND MAY VARY IN THE FIELD AT THE TIME OF CONSTRUCTION. MINOR ADJUSTMENT OF THE TOP AND BOTTOM OF WALL ELEVATIONS IS PERMISSIBLE, PROVIDING THE CROSS-SECTIONS INDICATED ARE FOLLOWED. SEE SHEET W6 FOR CROSS-SECTION INFORMATION.
- 2) MINIMUM EMBEDMENT IS SHOWN ON THE CROSS-SECTIONS. EXTRA EMBEDMENT IS ALLOWED IF NEEDED TO ACCOMMODATE BOULDER SIZES.

Vickery Engineering & Consulting, LLC



Post Office Box 86
 Grandy, MN 55029
 phone: 952-465-8272

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PROPOSED BOULDER RETAINING WALLS
 425 LAKE AVENUE
 BIRCHWOOD, MINNESOTA
 WALL ELEVATION VIEWS

SCALE:



SCALE: 1" = 6'

REV:	DATE:	DESCRIPTION:

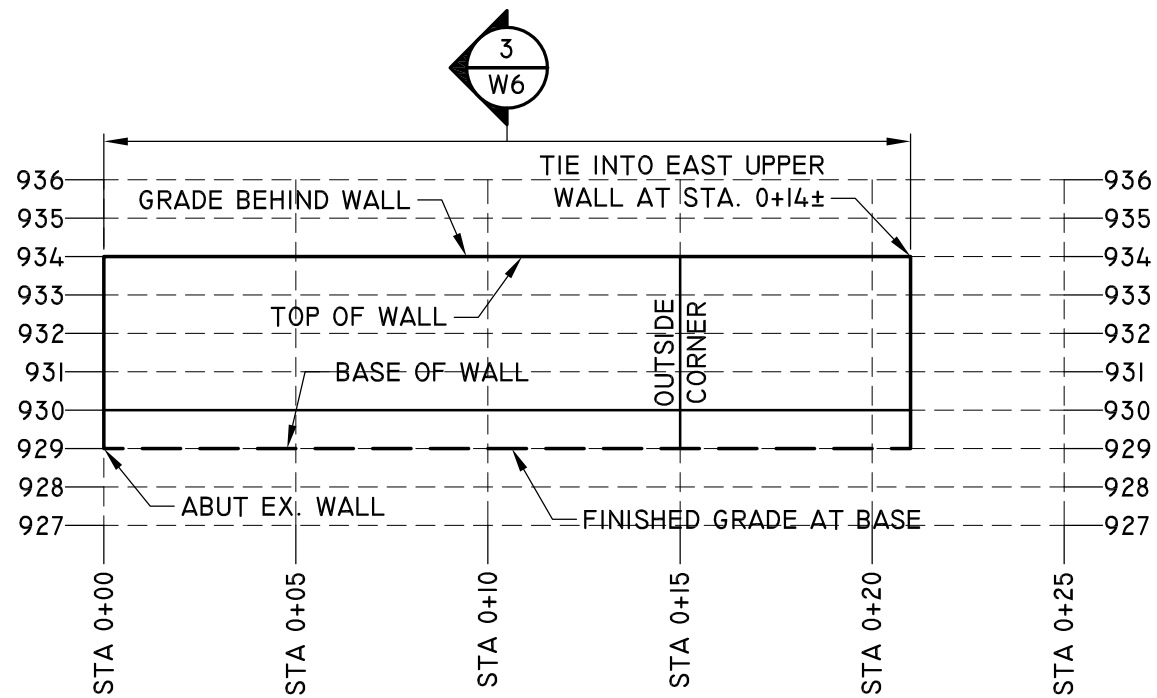
VEC PROJECT NO:	VEC 24-106
DRAWN BY:	VEC
REVIEWED BY:	RWV
DATE:	6/13/2024

SHEET: **W4** OF: **6** CLIENT: SCHIFSKY COMPANIES

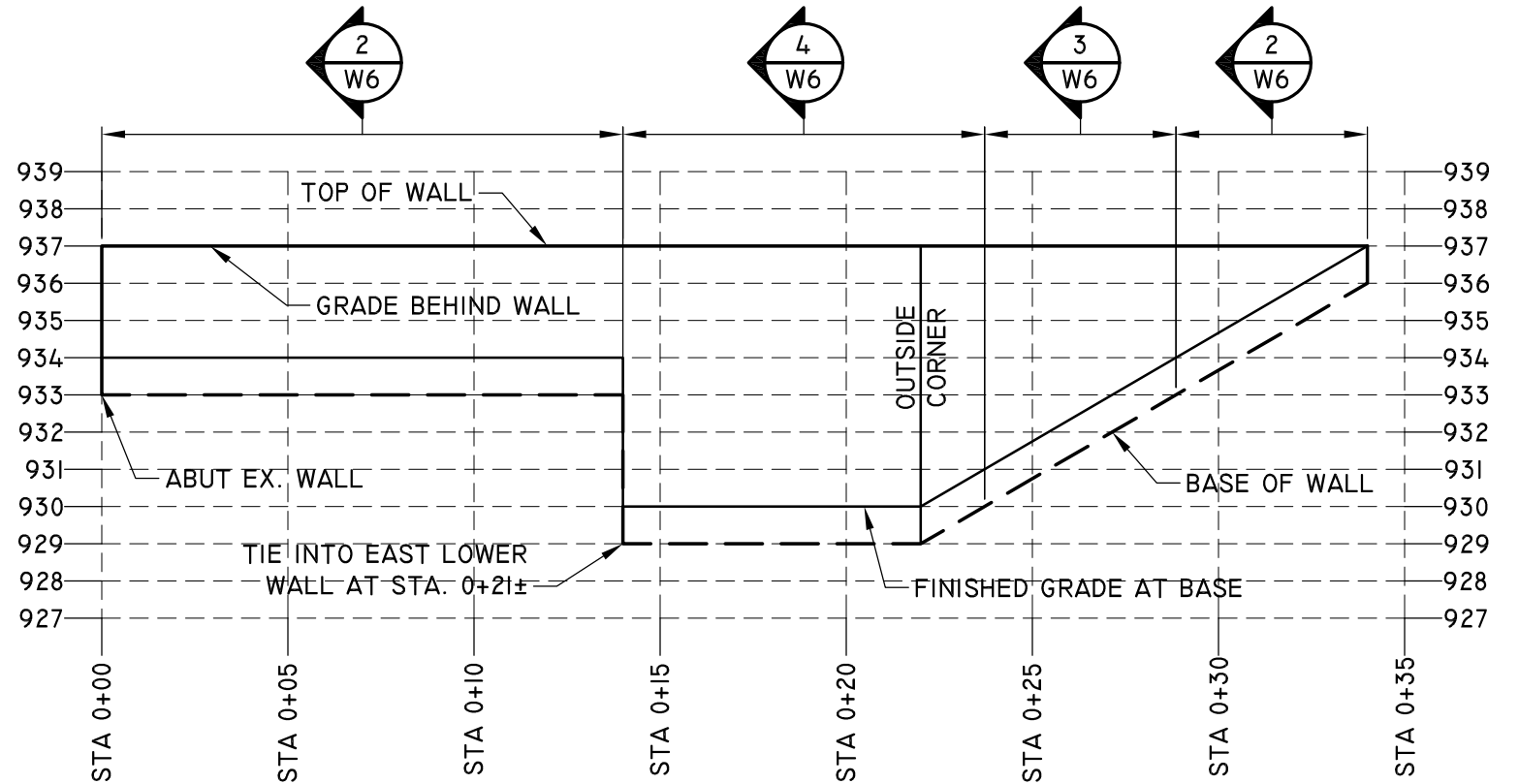
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RONALD W. VICKERY, PE

DATE: 6/13/2024 REG. No.: 24065
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1
W5
BOULDER WALL - ELEVATION VIEW
EAST LOWER WALL (MAXIMUM BEARING PRESSURE = 1,000 PSF)
(SCALE: 1"=5'-0")



2
W5
BOULDER WALL - ELEVATION VIEW
EAST UPPER WALL (MAXIMUM BEARING PRESSURE = 1,000 PSF)
(SCALE: 1"=5'-0")

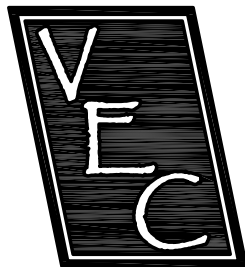
LEGEND

- INDICATES CROSS-SECTION TO BE USED (SEE SHEET W6)

NOTES

- 1) GRADES SHOWN ARE APPROXIMATE, AND MAY VARY IN THE FIELD AT THE TIME OF CONSTRUCTION. MINOR ADJUSTMENT OF THE TOP AND BOTTOM OF WALL ELEVATIONS IS PERMISSIBLE, PROVIDING THE CROSS-SECTIONS INDICATED ARE FOLLOWED. SEE SHEET W6 FOR CROSS-SECTION INFORMATION.
- 2) MINIMUM EMBEDMENT IS SHOWN ON THE CROSS-SECTIONS. EXTRA EMBEDMENT IS ALLOWED IF NEEDED TO ACCOMMODATE BOULDER SIZES.

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PROPOSED BOULDER RETAINING WALLS
425 LAKE AVENUE
BIRCHWOOD, MINNESOTA
WALL ELEVATION VIEWS

SCALE:



SCALE: 1" = 5'

REV:	DATE:	DESCRIPTION:

VEC PROJECT NO:	VEC 24-106
DRAWN BY:	VEC
REVIEWED BY:	RWV
DATE:	6/13/2024

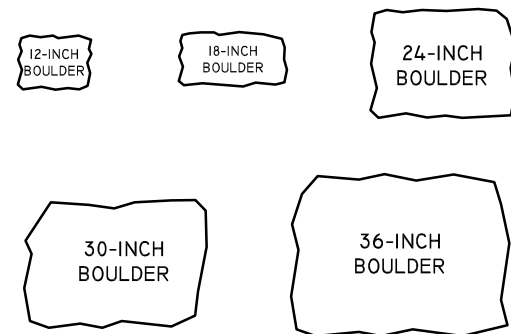
SHEET: **W5** OF: **6** CLIENT: SCHIFSKY COMPANIES

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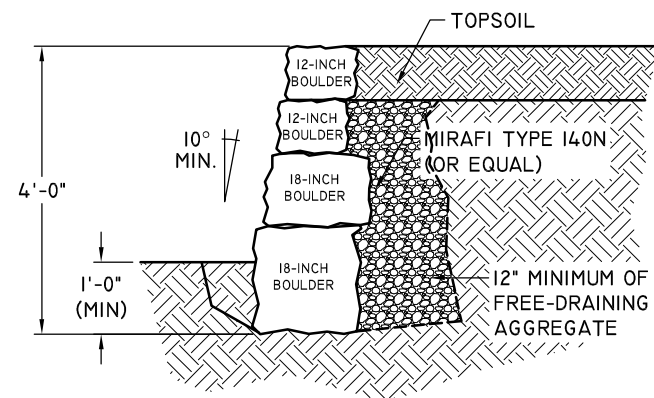
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DATE: 6/13/2024 REG. No.: 24065 80

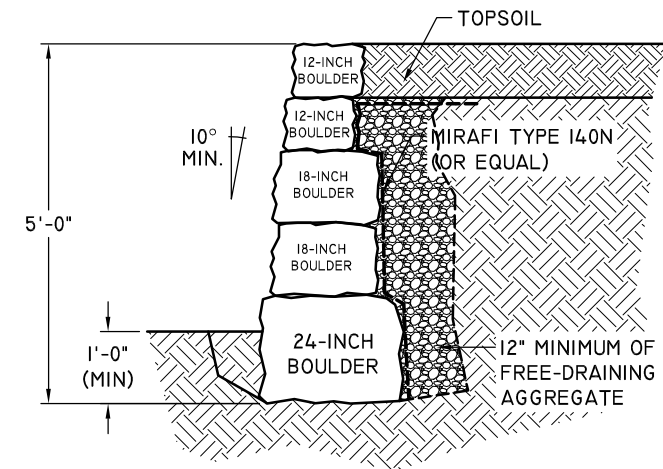
NOTE: ALL BOULDER SHAPES SHOWN ARE FOR DETAILING PURPOSES ONLY. ACTUAL BOULDER SHAPES MAY VARY GREATLY IN THE FIELD. BOULDER SIZES SHOWN ARE MINIMUM DEPTH OF THE BOULDER, AND THE DEPTHS SHOWN IN THE CROSS-SECTIONS SHOULD BE CONSIDERED MINIMUM DEPTHS INTO THE SLOPE (PERPENDICULAR TO THE WALL FACE). BOULDER HEIGHTS MAY VARY.



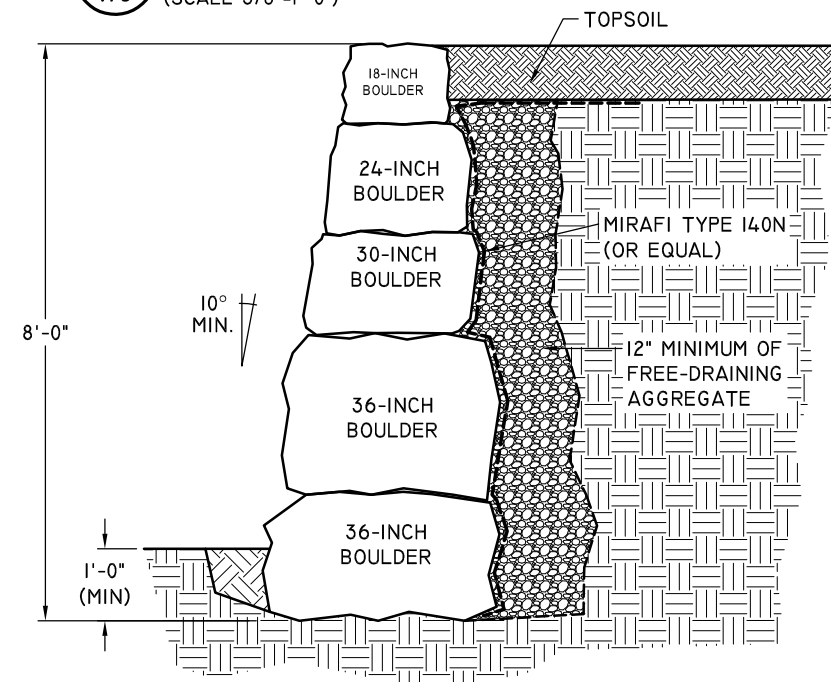
1
PROPOSED BOULDER WALLS
BOULDER DESIGNATIONS
W6 (NOT TO SCALE)



2
PROPOSED BOULDER WALLS
UP TO 4-FOOT WALL SECTION, NO SLOPE OR SURCHARGE
W6 (SCALE 3/8"=1'-0")

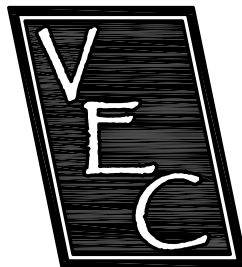


3
PROPOSED BOULDER WALLS
UP TO 5-FOOT WALL SECTION, NO SLOPE OR SURCHARGE
W6 (SCALE 3/8"=1'-0")



4
PROPOSED BOULDER WALLS
UP TO 8-FOOT WALL SECTION, NO SLOPE OR SURCHARGE
W6 (SCALE 3/8"=1'-0")

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PROPOSED BOULDER RETAINING WALLS
425 LAKE AVENUE
BIRCHWOOD, MINNESOTA
SECTIONS AND DETAILS

SCALE:

AS SHOWN

0 1
VERIFY LINE ABOVE MEASURES
1-INCH. IF IT DOESN'T, ADJUST
SCALE ACCORDINGLY

SHEET: **W6** OF: **6** CLIENT: SCHIFSKY COMPANIES

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[Signature]
RONALD W. VICKERY, PE

DATE: 6/13/2024 REG. No.: 24065 81

REV:	DATE:	DESCRIPTION:

VEC PROJECT No:	VEC 24-106
DRAWN BY:	VEC
REVIEWED BY:	RWV
DATE:	6/13/2024



Boulder Wall Calculations - 4-Foot Total Wall Height, No Crest Slope
Project VEC 24-106 - June 13, 2024
425 Lake Avenue, Birchwood, Minnesota
Page 1 of 3

Design Parameters:

Retained Soil Friction Angle, $\phi_{sr} := 30\text{deg}$ Soil Unit Weight, $\gamma_s := 125\text{pcf}$ Crest Slope, $\beta := 0\text{deg}$
 Foundation Soil Friction Angle, $\phi_{sf} := 30\text{deg}$ Surcharge Load $q_s := 0 \frac{\text{lbf}}{\text{ft}^2}$
 $\delta_1 := \frac{2}{3} \cdot \phi_{sr}$ $\delta_1 = 20\text{deg}$ Rock Unit Weight, $\gamma_r := 145\text{pcf}$
 Exposed Height, $H_e := 3\text{ft}$ Wall Embedment, $H_b := 1\text{ft}$ Total Height, $H_r := H_e + H_b$
 $H_r = 4\text{ft}$
 Top of Wall Width, $W_t := 1\text{ft}$ Base of Wall Width, $W_b := 1.5\text{ft}$
 $\alpha := 83\text{deg}$ $\psi := 90\text{deg} - \alpha$ $\psi = 7\text{deg}$ $v := \tan(\phi_{sf})$ $v = 0.577$
 Stone reduction friction factor $\mu_b := .8$ Leveling Pad depth: $LP_d := 1\text{ft}$

Calculate Wall Weight:

$W_1 := .5 \cdot (W_b - W_t) \cdot H_e \cdot \gamma_r \cdot 1\text{ft}$ $W_1 = 108.75\text{ lbf}$ $W_2 := W_t \cdot H_e \cdot \gamma_r \cdot 1\text{ft}$ $W_2 = 435\text{ lbf}$
 $W_3 := H_b \cdot W_b \cdot \gamma_s \cdot 1\text{ft}$ $W_3 = 187.5\text{ lbf}$ $W_w := W_1 + W_2 + W_3$ $W_w = 731.3\text{ lbf}$

Active Earth Pressure Coefficient (Ka):

$$K_a := \frac{(\cos(\phi_{sr} + \psi))^2}{(\cos(\psi))^2 \cdot (\cos(\delta_1 - \psi)) \cdot \left[1 + \sqrt{\frac{[(\sin(\phi_{sr} + \delta_1)) \cdot (\sin(\phi_{sr} - \beta))]}{[(\cos(\delta_1 - \psi)) \cdot (\cos(-\psi - \beta))]}]} \right]^2}$$

$K_a = 0.25$

Total Horizontal Force:

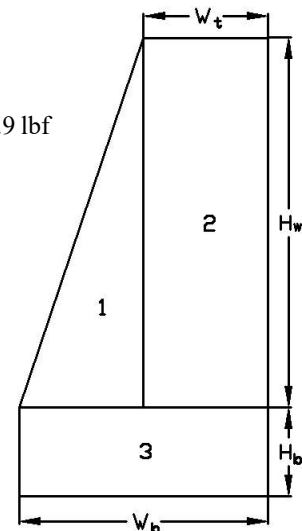
Horizontal Force From Soil, $F_{ah} := .5 \cdot \gamma_s \cdot K_a \cdot H_r \cdot H_r \cdot \cos(\delta_1 - \psi) \cdot 1\text{ft}$ $F_{ah} = 243.9\text{ lbf}$
 Horizontal Force From Surcharge, $F_s := q_s \cdot K_a \cdot H_r \cdot 1\text{ft}$ $F_s = 0$
 Total Horizontal Force, $F_h := F_{ah} + F_s$ $F_h = 243.9\text{ lbf}$

Frictional Resistance:

Vertical Force From Soil, $F_{av} := .5 \cdot \gamma_s \cdot K_a \cdot H_r \cdot H_r \cdot \sin(\delta_1 - \psi) \cdot 1\text{ft}$ $F_{av} = 56.3\text{ lbf}$
 $F_u := v \cdot (W_w + F_{av})$ $F_u = 454.7\text{ lbf}$

Factor of Safety, Base Sliding:

FOS Sliding, $FOS_s := \frac{F_u}{F_h}$ $FOS_s = 1.864$



**Boulder Wall Calculations - 4-Foot Total Wall Height, No Crest Slope****Project VEC 24-106 - June 13, 2024****425 Lake Avenue, Birchwood, Minnesota****Page 2 of 3****Calculate Overturning Moment:**

$$\text{Driving Moment, } M_o := \left[0.5 \cdot K_a \cdot \gamma_s \cdot H_r \cdot H_r \cdot \cos(\delta_1 - \psi) \cdot \left(\frac{H_r}{3} \right) \right] + \left[q_s \cdot K_a \cdot H_r \cdot \left(\frac{H_r}{2} \right) \right] \quad M_o = 325.2 \text{ lbf}$$

Calculate Resisting Moment:

Resisting Moment is calculated by taking the sum of the weights times the moment arms for each section of wall above

$$M_1 := \frac{W_1 \cdot (W_{ba} - W_t) \cdot \left(\frac{2}{3} \right)}{1 \text{ ft}} \quad M_1 = 36.25 \text{ lbf}$$

$$M_2 := \frac{W_2 \cdot \left[(W_{ba} - W_t) + \frac{W_t}{2} \right]}{(1 \text{ ft})} \quad M_2 = 435 \text{ lbf}$$

$$M_3 := \frac{W_2 \cdot \left(\frac{W_{ba}}{2} \right)}{1 \text{ ft}} \quad M_3 = 326.3 \text{ lbf}$$

$$\text{Resisting Moment, } M_r := M_1 + M_2 + M_3 \quad M_r = 797.5 \text{ lbf}$$

Factor of Safety, Overturning:

$$\text{FOS Overturning, } FOS_{ot} := \frac{M_r}{M_o} \quad FOS_{ot} = 2.453$$

Analyze Bearing Capacity

Bearing capacity coefficients:

$$N_q := (\exp(\pi \cdot \tan(\phi_{sf}))) \cdot \left(\tan \left(45 \cdot \text{deg} + \frac{\phi_{sf}}{2} \right) \right)^2 \quad N_q = 18.401$$

$$N_c := (N_q - 1) \cdot \cot(\phi_{sf}) \quad N_c = 30.14$$

$$N_\gamma := 2(N_q + 1) \cdot \tan(\phi_{sf}) \quad N_\gamma = 22.402$$

$$\text{Eccentricity of Resultant Vertical Bearing Force (E): } E := \left(\frac{W_{ba}}{2} \right) - \frac{(M_r - M_o)}{\frac{W_w}{1 \text{ ft}}} \quad E = 0.104 \text{ ft}$$



Boulder Wall Calculations - 4-Foot Total Wall Height, No Crest Slope

Project VEC 24-106 - June 13, 2024

425 Lake Avenue, Birchwood, Minnesota

Page 3 of 3

Analyze Bearing Capacity (continued)

$$B_f := W_{ba} + L_{Pd} \quad B_f = 2.5 \text{ ft} \quad B_{f1} := B_f - 2 \cdot E \quad B_{f1} = 2.292 \text{ ft}$$

Ultimate bearing capacity of foundation soils (Qult):

$$Q_{ult} := 0.5 \cdot \gamma_s \cdot B_{f1} \cdot N_\gamma + \gamma_s \cdot H_b \cdot N_q \quad Q_{ult} = 5509.051 \cdot \text{psf}$$

$$Q_a := \frac{W_w}{B_{f1} \cdot 1 \text{ ft}} \quad Q_a = 319.069 \cdot \text{psf} \quad FOS_{bc} := \frac{Q_{ult}}{Q_a} \quad FOS_{bc} = 17.266$$

Summary of Results

Total Height:	$H_r = 4 \text{ ft}$	Base Sliding Factor of Safety:	$FOS_s = 1.864$
Crest Slope:	$\beta = 0 \cdot \text{deg}$	Overturing Factor of Safety:	$FOS_{ot} = 2.453$
Surcharge:	$q_s = 0 \cdot \frac{\text{lbf}}{\text{ft}^2}$	Bearing Capacity Factor of Safety:	$FOS_{bc} = 17.266$

I hereby certify that this plan, specification, or report was prepared under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.

Ronald W. Vickery, PE
Registration Number: 24065
June 13, 2024



Boulder Wall Calculations - 5-Foot Total Wall Height, No Crest Slope

Project VEC 24-106 - June 13, 2024

425 Lake Avenue, Birchwood, Minnesota

Page 1 of 3

Design Parameters:

Retained Soil Friction Angle, $\phi_{sr} := 30\text{deg}$	Soil Unit Weight, $\gamma_s := 125\text{pcf}$	Crest Slope, $\beta := 0\text{deg}$
Foundation Soil Friction Angle, $\phi_{sf} := 30\text{deg}$	Rock Unit Weight, $\gamma_r := 145\text{pcf}$	Surcharge Load $q_s := 0 \frac{\text{lbf}}{\text{ft}^2}$
$\delta_1 := \frac{2}{3} \cdot \phi_{sr} \quad \delta_1 = 20\text{-deg}$	Wall Embedment, $H_b := 1\text{ft}$	Total Height, $H_r := H_e + H_b$ $H_r = 5\text{ft}$
Exposed Height, $H_e := 4\text{ft}$	Top of Wall Width, $W_t := 1\text{ft}$	Base of Wall Width, $W_b := 2\text{ft}$
$\alpha := 83\text{deg}$	$\psi := 90\text{deg} - \alpha \quad \psi = 7\text{-deg}$	$v := \tan(\phi_{sf}) \quad v = 0.577$
Stone reduction friction factor $\mu_b := .8$	Leveling Pad depth: $LP_d := 1\text{ft}$	

Calculate Wall Weight:

$W_1 := .5 \cdot (W_b - W_t) \cdot H_e \cdot \gamma_r \cdot 1\text{ft}$	$W_1 = 290\text{ lbf}$	$W_2 := W_t \cdot H_e \cdot \gamma_r \cdot 1\text{ft}$	$W_2 = 580\text{ lbf}$
$W_3 := H_b \cdot W_b \cdot \gamma_s \cdot 1\text{ft}$	$W_3 = 250\text{ lbf}$	$W_w := W_1 + W_2 + W_3$	$W_w = 1120\text{ lbf}$

Active Earth Pressure Coefficient (Ka):

$$K_a := \frac{(\cos(\phi_{sr} + \psi))^2}{(\cos(\psi))^2 \cdot (\cos(\delta_1 - \psi)) \cdot \left[1 + \sqrt{\frac{[(\sin(\phi_{sr} + \delta_1)) \cdot (\sin(\phi_{sr} - \beta))]}{[(\cos(\delta_1 - \psi)) \cdot (\cos(-\psi - \beta))]}]} \right]^2} \quad K_a = 0.25$$

Total Horizontal Force:

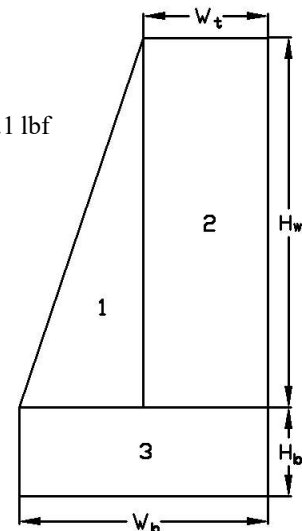
Horizontal Force From Soil, $F_{ah} := .5 \cdot \gamma_s \cdot K_a \cdot H_r \cdot H_r \cdot \cos(\delta_1 - \psi) \cdot 1\text{ft}$	$F_{ah} = 381.1\text{ lbf}$
Horizontal Force From Surcharge, $F_s := q_s \cdot K_a \cdot H_r \cdot 1\text{ft}$	$F_s = 0$
Total Horizontal Force, $F_h := F_{ah} + F_s$	$F_h = 381.1\text{ lbf}$

Frictional Resistance:

Vertical Force From Soil, $F_{av} := .5 \cdot \gamma_s \cdot K_a \cdot H_r \cdot H_r \cdot \sin(\delta_1 - \psi) \cdot 1\text{ft}$	$F_{av} = 88\text{ lbf}$
$F_u := v \cdot (W_w + F_{av})$	$F_u = 697.4\text{ lbf}$

Factor of Safety, Base Sliding:

FOS Sliding, $FOS_s := \frac{F_u}{F_h}$	$FOS_s = 1.83$
---	----------------





Boulder Wall Calculations - 5-Foot Total Wall Height, No Crest Slope
Project VEC 24-106 - June 13, 2024
425 Lake Avenue, Birchwood, Minnesota
Page 2 of 3

Calculate Overturning Moment:

$$\text{Driving Moment, } M_o := \left[0.5 \cdot K_a \cdot \gamma_s \cdot H_r \cdot H_r \cdot \cos(\delta_1 - \psi) \cdot \left(\frac{H_r}{3} \right) \right] + \left[q_s \cdot K_a \cdot H_r \cdot \left(\frac{H_r}{2} \right) \right] \quad M_o = 635.1 \text{ lbf}$$

Calculate Resisting Moment:

Resisting Moment is calculated by taking the sum of the weights times the moment arms for each section of wall above

$$M_1 := \frac{W_1 \cdot (W_{ba} - W_t) \cdot \left(\frac{2}{3} \right)}{1 \text{ ft}} \quad M_1 = 193.333 \text{ lbf}$$

$$M_2 := \frac{W_2 \cdot \left[(W_{ba} - W_t) + \frac{W_t}{2} \right]}{(1 \text{ ft})} \quad M_2 = 870 \text{ lbf}$$

$$M_3 := \frac{W_2 \cdot \left(\frac{W_{ba}}{2} \right)}{1 \text{ ft}} \quad M_3 = 580 \text{ lbf}$$

$$\text{Resisting Moment, } M_r := M_1 + M_2 + M_3 \quad M_r = 1643.3 \text{ lbf}$$

Factor of Safety, Overturning:

$$\text{FOS Overturning, } FOS_{ot} := \frac{M_r}{M_o} \quad FOS_{ot} = 2.587$$

Analyze Bearing Capacity

Bearing capacity coefficients:

$$N_q := (\exp(\pi \cdot \tan(\phi_{sf}))) \cdot \left(\tan \left(45 \cdot \text{deg} + \frac{\phi_{sf}}{2} \right) \right)^2 \quad N_q = 18.401$$

$$N_c := (N_q - 1) \cdot \cot(\phi_{sf}) \quad N_c = 30.14$$

$$N_\gamma := 2(N_q + 1) \cdot \tan(\phi_{sf}) \quad N_\gamma = 22.402$$

$$\text{Eccentricity of Resultant Vertical Bearing Force (E): } E := \left(\frac{W_{ba}}{2} \right) - \frac{(M_r - M_o)}{\frac{W_w}{1 \text{ ft}}} \quad E = 0.1 \text{ ft}$$



Boulder Wall Calculations - 5-Foot Total Wall Height, No Crest Slope

Project VEC 24-106 - June 13, 2024

425 Lake Avenue, Birchwood, Minnesota

Page 3 of 3

Analyze Bearing Capacity (continued)

$B_f := W_{ba} + L_{Pd} \quad B_f = 3 \text{ ft} \quad B_{f1} := B_f - 2 \cdot E \quad B_{f1} = 2.8 \text{ ft}$

Ultimate bearing capacity of foundation soils (Qult):

$Q_{ult} := 0.5 \cdot \gamma_s \cdot B_{f1} \cdot N_\gamma + \gamma_s \cdot H_b \cdot N_q \quad Q_{ult} = 6221.132 \cdot \text{psf}$

$Q_a := \frac{W_w}{B_{f1} \cdot 1 \text{ ft}} \quad Q_a = 399.943 \cdot \text{psf} \quad FOS_{bc} := \frac{Q_{ult}}{Q_a} \quad FOS_{bc} = 15.555$

Summary of Results

Total Height:	$H_r = 5 \text{ ft}$	Base Sliding Factor of Safety:	$FOS_s = 1.83$
Crest Slope:	$\beta = 0 \cdot \text{deg}$	Overturing Factor of Safety:	$FOS_{ot} = 2.587$
Surcharge:	$q_s = 0 \cdot \frac{\text{lbf}}{\text{ft}^2}$	Bearing Capacity Factor of Safety:	$FOS_{bc} = 15.555$

I hereby certify that this plan, specification, or report was prepared under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.

Ronald W. Vickery, PE
Registration Number: 24065
June 13, 2024



Boulder Wall Calculations - 8-Foot Total Wall Height, No Crest Slope

Project VEC 24-106 - June 13, 2024

425 Lake Avenue, Birchwood, Minnesota

Page 1 of 3

Design Parameters:

Retained Soil Friction Angle, $\phi_{sr} := 30\text{deg}$	Soil Unit Weight, $\gamma_s := 125\text{pcf}$	Crest Slope, $\beta := 0\text{deg}$
Foundation Soil Friction Angle, $\phi_{sf} := 30\text{deg}$	Rock Unit Weight, $\gamma_r := 145\text{pcf}$	Surcharge Load $q_s := 0 \frac{\text{lbf}}{\text{ft}^2}$
$\delta_1 := \frac{2}{3} \cdot \phi_{sr} \quad \delta_1 = 20\text{-deg}$	Wall Embedment, $H_b := 1\text{ft}$	Total Height, $H_r := H_e + H_b$
Exposed Height, $H_e := 7\text{ft}$	Base of Wall Width, $W_{ba} := 3\text{ft}$	$H_r = 8\text{ft}$
Top of Wall Width, $W_t := 1.5\text{ft}$		
$\alpha := 83\text{deg}$	$\psi := 90\text{deg} - \alpha \quad \psi = 7\text{-deg}$	$v := \tan(\phi_{sf}) \quad v = 0.577$
Stone reduction friction factor $\mu_b := .8$	Leveling Pad depth: $LP_d := 1\text{ft}$	

Calculate Wall Weight:

$W_1 := .5 \cdot (W_{ba} - W_t) \cdot H_e \cdot \gamma_r \cdot 1\text{ft}$	$W_1 = 761.25\text{ lbf}$	$W_2 := W_t \cdot H_e \cdot \gamma_r \cdot 1\text{ft}$	$W_2 = 1522.5\text{ lbf}$
$W_3 := H_b \cdot W_{ba} \cdot \gamma_s \cdot 1\text{ft}$	$W_3 = 375\text{ lbf}$	$W_w := W_1 + W_2 + W_3$	$W_w = 2658.8\text{ lbf}$

Active Earth Pressure Coefficient (Ka):

$$K_a := \frac{(\cos(\phi_{sr} + \psi))^2}{(\cos(\psi))^2 \cdot (\cos(\delta_1 - \psi)) \cdot \left[1 + \sqrt{\frac{[(\sin(\phi_{sr} + \delta_1)) \cdot (\sin(\phi_{sr} - \beta))]}{[(\cos(\delta_1 - \psi)) \cdot (\cos(-\psi - \beta))]}]} \right]^2} \quad K_a = 0.25$$

Total Horizontal Force:

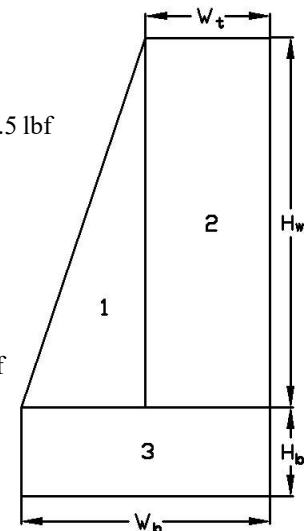
Horizontal Force From Soil, $F_{ah} := .5 \cdot \gamma_s \cdot K_a \cdot H_r \cdot H_r \cdot \cos(\delta_1 - \psi) \cdot 1\text{ft}$	$F_{ah} = 975.5\text{ lbf}$
Horizontal Force From Surcharge, $F_s := q_s \cdot K_a \cdot H_r \cdot 1\text{ft}$	$F_s = 0$
Total Horizontal Force, $F_h := F_{ah} + F_s$	$F_h = 975.5\text{ lbf}$

Frictional Resistance:

Vertical Force From Soil, $F_{av} := .5 \cdot \gamma_s \cdot K_a \cdot H_r \cdot H_r \cdot \sin(\delta_1 - \psi) \cdot 1\text{ft}$	$F_{av} = 225.2\text{ lbf}$
$F_u := v \cdot (W_w + F_{av})$	$F_u = 1665.1\text{ lbf}$

Factor of Safety, Base Sliding:

FOS Sliding, $FOS_s := \frac{F_u}{F_h}$	$FOS_s = 1.707$
---	-----------------





Boulder Wall Calculations - 8-Foot Total Wall Height, No Crest Slope

Project VEC 24-106 - June 13, 2024

425 Lake Avenue, Birchwood, Minnesota

Page 2 of 3

Calculate Overturning Moment:

$$\text{Driving Moment, } M_o := \left[0.5 \cdot K_a \cdot \gamma_s \cdot H_r \cdot H_r \cdot \cos(\delta_1 - \psi) \cdot \left(\frac{H_r}{3} \right) \right] + \left[q_s \cdot K_a \cdot H_r \cdot \left(\frac{H_r}{2} \right) \right] \quad M_o = 2601.4 \text{ lbf}$$

Calculate Resisting Moment:

Resisting Moment is calculated by taking the sum of the weights times the moment arms for each section of wall above

$$M1 := \frac{W1 \cdot (W_{ba} - W_t) \cdot \left(\frac{2}{3} \right)}{1 \text{ ft}} \quad M1 = 761.25 \text{ lbf}$$

$$M2 := \frac{W2 \cdot \left[(W_{ba} - W_t) + \frac{W_t}{2} \right]}{(1 \text{ ft})} \quad M2 = 3425.6 \text{ lbf}$$

$$M3 := \frac{W2 \cdot \left(\frac{W_{ba}}{2} \right)}{1 \text{ ft}} \quad M3 = 2283.8 \text{ lbf}$$

$$\text{Resisting Moment, } M_r := M1 + M2 + M3 \quad M_r = 6470.6 \text{ lbf}$$

Factor of Safety, Overturning:

$$\text{FOS Overturning, } FOS_{ot} := \frac{M_r}{M_o} \quad FOS_{ot} = 2.487$$

Analyze Bearing Capacity

Bearing capacity coefficients:

$$N_q := (\exp(\pi \cdot \tan(\phi_{sf}))) \cdot \left(\tan \left(45 \cdot \text{deg} + \frac{\phi_{sf}}{2} \right) \right)^2 \quad N_q = 18.401$$

$$N_c := (N_q - 1) \cdot \cot(\phi_{sf}) \quad N_c = 30.14$$

$$N_\gamma := 2(N_q + 1) \cdot \tan(\phi_{sf}) \quad N_\gamma = 22.402$$

$$\text{Eccentricity of Resultant Vertical Bearing Force (E): } E := \left(\frac{W_{ba}}{2} \right) - \frac{(M_r - M_o)}{\frac{W_w}{1 \text{ ft}}} \quad E = 0.045 \text{ ft}$$



Boulder Wall Calculations - 8-Foot Total Wall Height, No Crest Slope
Project VEC 24-106 - June 13, 2024
425 Lake Avenue, Birchwood, Minnesota
Page 3 of 3

Analyze Bearing Capacity (continued)

$B_f := W_{ba} + L_{Pd}$ $B_f = 4 \text{ ft}$ $B_{f1} := B_f - 2 \cdot E$ $B_{f1} = 3.911 \text{ ft}$

Ultimate bearing capacity of foundation soils (Qult):

$Q_{ult} := 0.5 \cdot \gamma_s \cdot B_{f1} \cdot N_\gamma + \gamma_s \cdot H_b \cdot N_q$ $Q_{ult} = 7775.517 \cdot \text{psf}$

$Q_a := \frac{W_w}{B_{f1} \cdot 1 \text{ ft}}$ $Q_a = 679.892 \cdot \text{psf}$ $FOS_{bc} := \frac{Q_{ult}}{Q_a}$ $FOS_{bc} = 11.436$

Summary of Results

Total Height:	$H_r = 8 \text{ ft}$	Base Sliding Factor of Safety:	$FOS_s = 1.707$
Crest Slope:	$\beta = 0 \cdot \text{deg}$	Overtuning Factor of Safety:	$FOS_{ot} = 2.487$
Surcharge:	$q_s = 0 \cdot \frac{\text{lbf}}{\text{ft}^2}$	Bearing Capacity Factor of Safety:	$FOS_{bc} = 11.436$

I hereby certify that this plan, specification, or report was prepared under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.

Ronald W. Vickery, PE
Registration Number: 24065
June 13, 2024

CERTIFICATE OF SURVEY

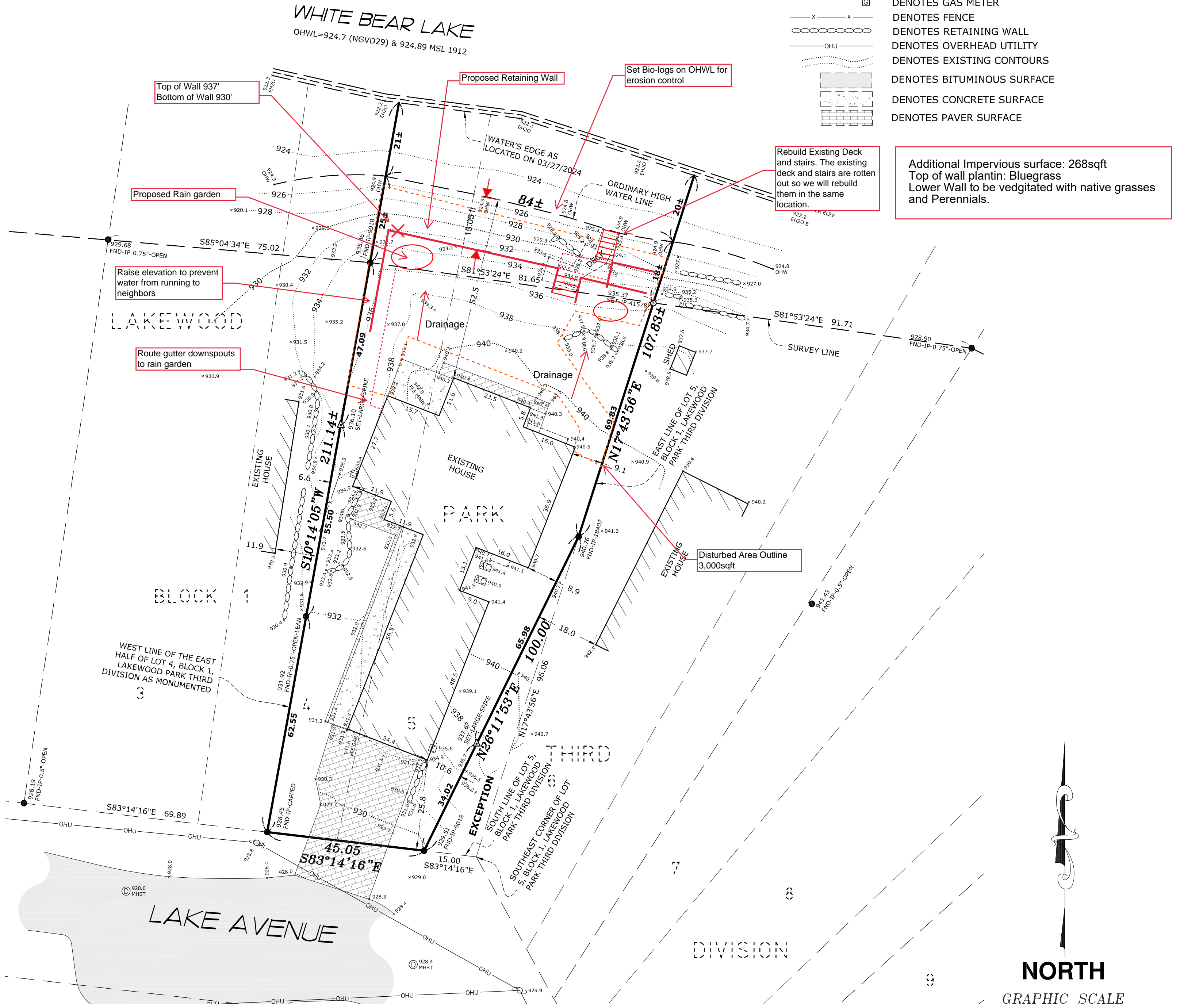
~for~ **BLAISER POOLS**
 ~of~ **425 LAKE AVENUE**
BIRCHWOOD, MN

BENCHMARK

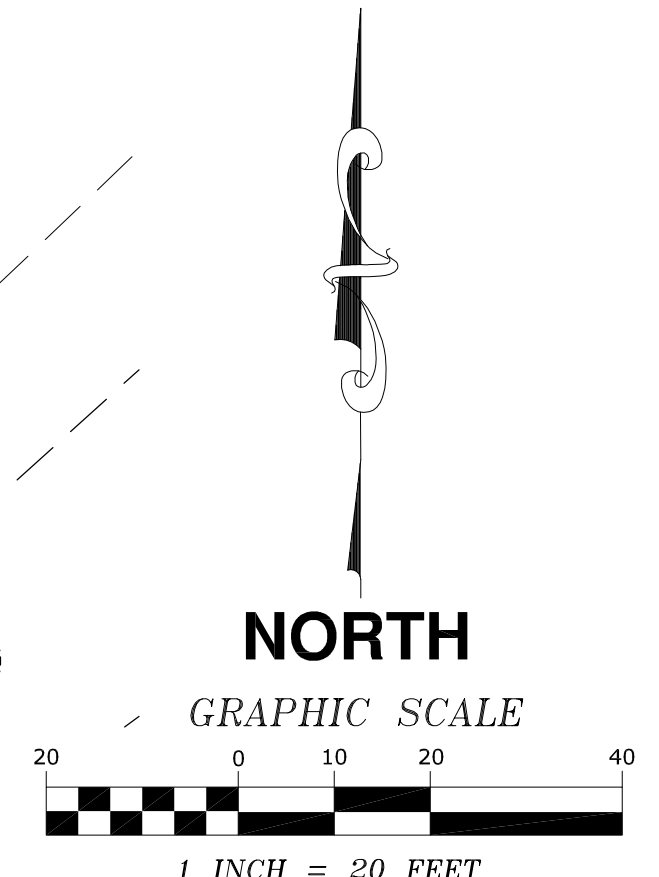
DNR PAINT MARK ON SLAB OF
 PUMPHOUSE AT MATOSKA PARK
 ELEVATION: 928.74
 DATUM: MSL 1912

LEGEND

- DENOTES IRON MONUMENT FOUND AS LABELED
- DENOTES IRON MONUMENT SET, MARKED RLS# 41578
- △ DENOTES SET PKNAIL
- ⊠ DENOTES AIR CONDITIONING UNIT
- ⊞ DENOTES ELECTRICAL BOX
- x 952.36 DENOTES EXISTING SPOT ELEVATION
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- ⊞ DENOTES GAS METER
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- OHU — DENOTES OVERHEAD UTILITY
- ⋯ DENOTES EXISTING CONTOURS
- ▨ DENOTES BITUMINOUS SURFACE
- ▩ DENOTES CONCRETE SURFACE
- ▧ DENOTES PAVER SURFACE



Additional Impervious surface: 268sqft
 Top of wall plantin: Bluegrass
 Lower Wall to be vedgitated with native grasses and Perennials.



PROPERTY DESCRIPTION: Per Warranty Deed Doc. No. 845086

The East Half of Lot 4, Block 1, LAKEWOOD PARK THIRD DIVISION, Washington County, Minnesota.

ALSO: Lot 5, Block 1, LAKEWOOD PARK THIRD DIVISION, EXCEPT a triangular piece, commencing at the Southeast corner of Lot 5, thence Westerly along the South line of said Lot 5, a distance of 15 feet; thence Northeasterly to a point where a diagonal line 100 feet in length would intersect the East line of said Lot 5, thence Southerly along said East line of said Lot 5 to the point of beginning, Washington County, Minnesota.

IMPERVIOUS SURFACE CALCULATIONS

TOTAL LOT AREA ABOVE OHWL	12,713 SQ. FT.
EXISTING HOUSE AND GARAGE AND OVERHANGS	3,832 SQ. FT.
EXISTING PAVERS AND DRIVEWAY	1,027 SQ. FT.
EXISTING CONCRETE	182 SQ. FT.
EXISTING RETAINING WALL	70 SQ. FT.
TOTAL IMPERVIOUS SURFACE	5,111 SQ. FT.
PERCENT IMPERVIOUS	40.2%

NOTES

- Field survey was completed by E.G. Rud and Sons, Inc. on 03/27/2024.
- Bearings shown are on the Washington County Coordinate System.
- Parcel ID Number: 30-030-21-13-0011 & 30-030-21-13-0012.
- 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.
- Due to field work being completed during the winter season there may be improvements in addition to those shown that were not visible due to snow and ice conditions characteristic of Minnesota winters.

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: 04/04/2024 License No. 41578

DRAWN BY: BCD	JOB NO: 24.0225BT	DATE: 03/28/2024	
CHECK BY: DSH	FIELD CREW: DT/RW		
1			
2			
3			
NO.	DATE	DESCRIPTION	BY

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

MEETING MINUTES (Draft)

Birchwood Planning Commission Regular Meeting

City Hall - 7:00 PM Regular Meeting 6/27/2024

Submitted by Michael Kraemer – secretary

COMMISSIONERS PRESENT: — Andy Sorenson - Chairman, Michael Kraemer, Casey Muhm, Michelle Maiers-Atakpu

COMMISSIONERS ABSENT: Michael McKenzie

OTHERS PRESENT: Council Member Ryan Hankins, Ben Wikstrom – City Planner, Carson Schifsky

TO ORDER: Meeting called to order by Chairman Andy Sorenson at 7:00 PM.

1. PUBLIC FORUM
 - a. none
2. APPROVE AGENDA
 - a. Motion by Maiers-Atakpu, 2nd by Muhm to approve agenda as presented. Vote: Yes -4, No – 0. Motion passed.
3. REGULAR AGENDA
 - a. Item A – Review/Approve May 23, 2024 Planning Commission Meeting Minutes.
 - i. Motion by Muhm, 2nd by Maiers-Atakpu to approve the minutes. Vote: Yes – 4, No – 0, Motion passed.
 - b. Item B – 24-01-VB (425 Lake) Variance
 1. Review and Discuss Variance Application –
 - a. Carson Schifsky – Schifsky Companies was present representing the property owners at 425 Lake Ave and presented the details of the additional information supplied in the meeting packet for variance 24-01-VB.
 - i. Variance 24-01-VB requested variance from Village Code 302.020 STRUCTURE LOCATION REQUIREMENTS prohibiting retaining walls within 50’ of the OHW of White Bear Lake.
 1. Variance requested variation to allow construction of boulder retaining wall to be built 15 feet back (7 feet tall) and 10 feet stepped wall (4 feet tall) from OHW to stabilize the existing bank and slope and prevent

MEETING MINUTES (Final)

Birchwood Planning Commission Regular Meeting

City Hall - 7:00 PM Regular Meeting 5/23/2024

Submitted by Michael Kraemer – secretary

COMMISSIONERS PRESENT: — Andy Sorenson - Chairman, Michael McKenzie, Michael Kraemer, Casey Muhm

COMMISSIONERS ABSENT: Michelle Maiers-Atakpu

OTHERS PRESENT: Council Member Ryan Hankins, Mike Tschida, Lisa Madore, Carson Schifsky

TO ORDER: Meeting called to order by Chairman Andy Sorenson at 7:02PM.

1. PUBLIC FORUM
 - a. none
2. APPROVE AGENDA
 - a. Motion by McKenzie, 2nd by Muhm to approve agenda as presented. Vote: Yes - 4, No – 0. Motion passed.
3. REGULAR AGENDA
 - a. Item A – Review/Approve April 25, 2024 Planning Commission Meeting Minutes.
 - i. Motion by McKenzie, 2nd by Muhm to approve the minutes. Vote: Yes – 4, No – 0, Motion passed.
 - b. Item B – 24-01-VB (425 Lake) Variance
 1. Public Hearing – Chairman Sorenson opened the public hearing on Variance 24-01-VB.
 - a. Carson Schifsky was present representing the property owners at 425 Lake Ave and presented the details of the variance 24-01-VB.
 - i. Variance 24-01-VB requested variance from Village Code 302.020 STRUCTURE LOCATION REQUIREMENTS prohibiting retaining walls within 50’ of the OHW of White Bear Lake.
 - b. Lisa Madore discussed her 5/21/2024 email outlining the concerns of property owner Kathy Madore (mother) who lives immediately north of 425 Lake Ave.
 - i. Concerns centered around eliminating any negative impacts from the proposed retaining wall construction to the Madore property, and prohibiting any additional runoff onto the Madore property.

- c. Chairman Sorenson closed the public hearing witnessing no additional speakers.
- 2. Review and Discuss Variance Application
 - a. Discussion centered around the lack of completeness of the application. Information needed for the Planning Commission to fully understand the proposed project was missing. (I.e., Examples of elements missing included but are not limited to: wall location dimensions, height and length; wall materials and anchoring; slope stabilization materials, methods and details; stair and deck replacement materials, dimensions, and details; and final grading and drainage plans.)
- 3. Discuss and Recommendations to the City Council
 - a. **ACTION TAKEN:** The applicant elected to have the variance application tabled at this time and verbally agreed to file a formal request with the City Administrator to reflect the applicant's decision.
- 4. ADJOURN 7:44 PM
 - a. Motion by Motion by Muhm, 2nd by McKenzie to adjourn meeting. Vote: Yes - 4, No – 0. Motion passed.

CERTIFICATE OF SURVEY

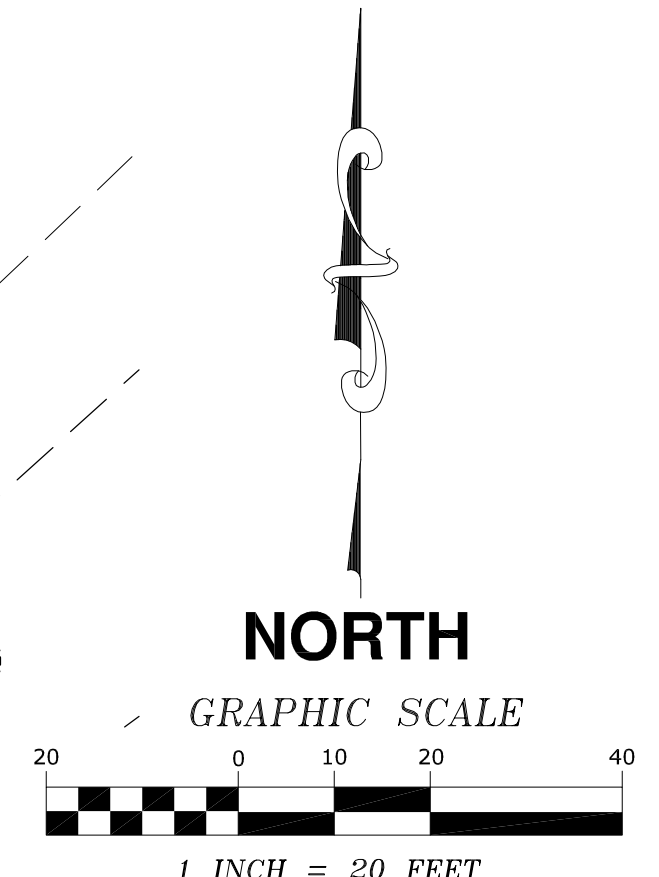
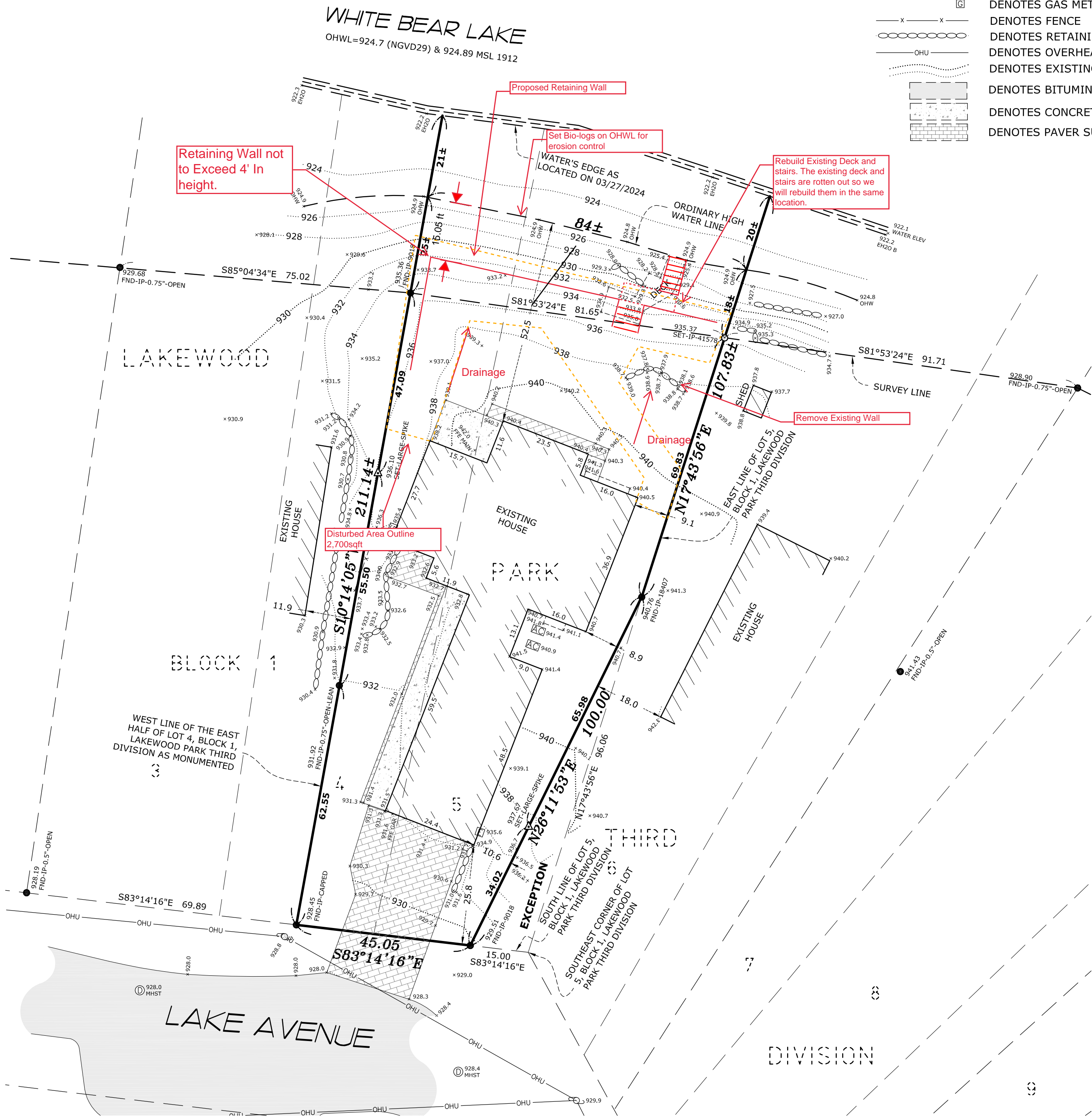
~for~ **BLAISER POOLS**
 ~of~ **425 LAKE AVENUE**
BIRCHWOOD, MN

BENCHMARK

DNR PAINT MARK ON SLAB OF
 PUMPHOUSE AT MATOSKA PARK
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- Bearings shown are on the Washington County Coordinate System.
- Parcel ID Number: 30-030-21-13-0011 & 30-030-21-13-0012.
- 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.
- Due to field work being completed during the winter season there may be improvements in addition to those shown that were not visible due to snow and ice conditions characteristic of Minnesota winters.

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: 04/04/2024 License No. 41578

DRAWN BY: BCD	JOB NO: 24.0225BT	DATE: 03/28/2024	
CHECK BY: DSH	FIELD CREW: DT/RW		
1			
2			
3			
NO.	DATE	DESCRIPTION	BY

E.G. RUD & SONS, INC.
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Revised: 04/05/23 BEL22-412_NFD W

Variance at 425 Lake Ave

Madore, Lisa <LisaMadore@edinarealty.com>

Tue 5/21/2024 3:01 PM

To:City of Birchwood Village <info@cityofbirchwood.com>;Rebecca Kellen <Rebecca.Kellen@cityofbirchwood.com>

Cc:Madore, Kathy <KathyMadore@edinarealty.com>

Hello Rebecca,

I'm writing on behalf of Kathy Madore who is currently out of the country. Since she will not be in attendance for the upcoming Planning Commission meeting, I will be in attendance on her behalf, but at minimum wanted to make her concern be heard on the record.

She's not opposed to the proposed retaining wall at 425 Lake Ave so long as the project will not negatively impact her property. She has a sloped hillside on the shared western property line with the property requesting a variance and she wanted to make sure that building this retaining wall will not increase run off onto her property and in turn cause her hillside to start to erode.

Please let me know if you have any questions.

Thank you,

Lisa Madore on behalf of Kathy Madore

KATHY MADORE

📞 651.592.4444
✉️ kathyfadore@edinarealty.com
📍 2137 4th St, White Bear Lake, MN
🌐 www.themadores.edinarealty.com



LISA MADORE

📞 651.216.1335
✉️ lisamadore@edinarealty.com
📍 2137 4th St, White Bear Lake, MN
🌐 www.themadores.edinarealty.com

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memo

To: Rebecca Kellen, City Administrator
Birchwood Village Planning Commission and City Council

From: Ben Wikstrom, Planning Consultant

CC:

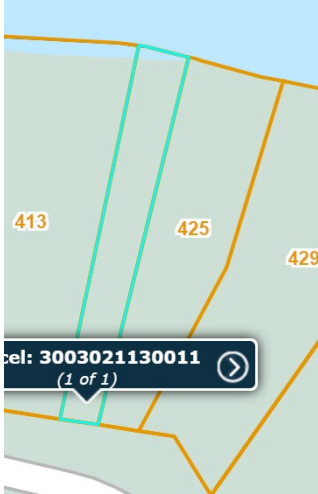
Date: May 23, 2024

Re: 425 Lake Avenue Variance Application – Additional Information

Council Member Hankins requested some additional information regarding the variance application for the property located at 425 Lake Avenue, which was provided from the applicant and is part of the packet.

One additional item of note is regarding the non-conforming status of the lot due to size. It was mentioned at the end of the staff report, but some further explanation is warranted. There exists a state statute that requires contiguously-owned, non-conforming, shoreland parcels (defined as those within 1,000 feet of lakes, generally) to be combined for the purposes of sale or development. In my experience consulting to Cities with shoreland areas, this requirement was applied to lots that were to be built upon with new (or replacement) residences, or sold for the same purpose. However, the language in the statute is ambiguous, as it can be read to apply to any development, meaning building permit.

It is the opinion of staff that the intent of the non-conforming statute and ordinance – beyond the lot combination requirement - is to eventually eliminate uses that are non-conforming and now considered undesirable. In this case, whether this was a vacant lot or remnant or anything else, the City, as well as the Conservation District and Watershed District, would want mitigation measures in place to control erosion for the health of White Bear Lake. However, with the statutory requirement pertaining to lot combinations, there exists a situation on the subject property that could require adjacent lots to be combined. In the aerial below, the highlighted parcel adjacent to 425 Lake Avenue is owned by the same party.



Staff did not yet inquire as to the reason the lot exists or why it hasn't been combined with 425 Lake Avenue. It clearly is non-buildable on its own. The Planning Commission may wish to add a condition to their recommendation to the City Council that requires the parcels to be combined prior to construction of the wall. If more direction is needed as to whether the statute applies to a retaining wall building permit, the commission could direct staff to ask for the City Attorney's opinion prior to the City Council meeting and final decision.

Please note that a variance from a state statute is not allowed, so the City cannot grant a variance forgoing the combination requirement. This is different than granting a variance for the setback; the question is to whether the statutory requirement applies to this permit application.

Considerations for Managing Nonconforming Lots in Shoreland Areas

Purpose

The purpose of this document is to help local governments administer their shoreland ordinances in a manner that is consistent with Minnesota laws and that minimizes impact to shoreland resources. The issues covered in this document involve nonconforming lots in shoreland as regulated under Minnesota Statutes, § 394.36, subd. 5 (for counties), § 462.357 subd. 1e(d) (for cities), and Minnesota Rules, parts 6120.2500 to 6120.3900.

Resource Concerns with Nonconforming Lots

Small shoreland lots created before the adoption of local shoreland ordinances are often not suitable for the size and intensity of contemporary lakeshore development. It may be difficult for development on these small lots to meet the 25% impervious surface limit in state shoreland standards, provide space for septic systems, and provide enough vegetation to filter and treat stormwater. Development of small lots can result in an increased risk of nutrient flow into surface waters, drainage problems between lots, crowding of docks and recreational facilities, and degradation of near shore habitat.



Statutory Standards for Managing Nonconforming Lots in Shoreland

The nonconforming lot provisions in the shoreland rules (Minnesota Rules 6120.3300, subp. 2(D)) work to bring nonconforming shoreland lots into conformance over time. In 2009, the Minnesota Legislature amended certain portions of Minnesota Statutes, Chapters 394 and 462, giving nonconforming shoreland lots greater protections to continue. The changes to Chapters 394 and 462 are the same, supersede some provisions in the shoreland rules, and were made to ensure that the sale and development of small shoreland lots is consistently administered across the state. The changes affect:

1. when variances are not needed for single nonconforming lots of record, and
2. when multiple contiguous nonconforming lots under common ownership must be combined.

Single Nonconforming Lots of Record

According to statute, a single nonconforming lot of record **MAY** be allowed as a building site **without a variance** from lot size requirements specified in the ordinance, even if the required lot sizes are larger than those in state rules, when:

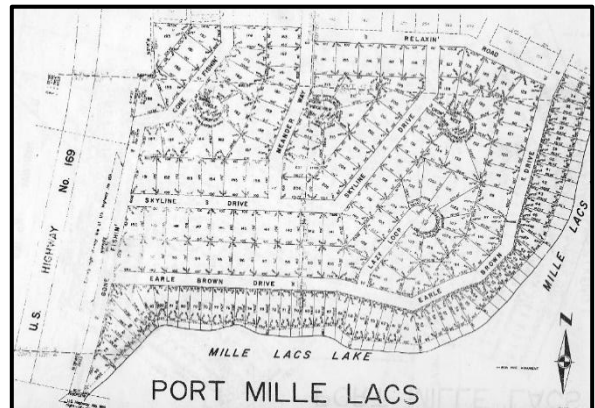
1. all structure and septic system setbacks are met,
2. a type 1 sewage treatment system can be installed or a connection can be made to a public sewer, **and**
3. impervious surface does not exceed 25%.

If all three of these criteria can be met, the statute provides local governments with an expedited manner for approving the development of nonconforming shoreland lots of record without a variance. If all of these criteria cannot be met, then a variance is required and the local government processes the variance according to its variance procedures and statutory criteria for variances. Local governments **MAY** be stricter and require a variance for developing nonconforming lots, even if the lots do meet the three criteria.

Multiple Contiguous Nonconforming Lots Under Common Ownership

According to statute, an individual nonconforming lot that is part of a contiguous group of lots under common ownership **MUST** be considered a separate parcel for **sale or development**, if:

1. the lot is at least 66% of lot area and width requirements in Minnesota Rule, part 6120.3300, subp. 2a;
2. the lot is connected to a public sewer or a Type 1 sewage system;
3. the impervious surface does not exceed 25%; and
4. the development is consistent with the comprehensive plan.



If the lot does not meet all of these criteria, the lot **MUST** be combined with one or more of the contiguous lots so they equal a conforming lot as much as possible. **Because the statutory language is mandatory, local governments cannot grant a variance to this requirement.**

Local governments cannot grant variances to mandatory statutes.

Although Minnesota Statutes (§ 394.27, Subd. 7 for counties and § 462.357 Subd. 6 for cities) permits local governments to grant variances, the authority extends only to variances from “official controls” or “zoning ordinances.” Official controls and zoning ordinances are defined as actions taken by local governments that are adopted by ordinance. Neither statute authorizes local governments to grant variances to a mandatory statutory requirement.

However, the statute includes an “out” for the sale of certain lots. Contiguous lots under common ownership that don’t meet the above four criteria may be **sold** if each lot contained a habitable residential dwelling at the time they came under common ownership, and:

1. the lots are suitable for, or served by, a sewage system consistent with Minnesota Rules, chapter 7080, or
2. the lots are connected to a public sewer.

Application to Wild & Scenic River and the Lower St. Croix Riverway Districts

Local governments should administer the substandard lot provisions in their Wild & Scenic and Lower St. Croix Riverway ordinances consistent with Minnesota Rules, part 6105.0110, subp. 1 (Wild & Scenic) and Minnesota Rules, part. 6105.0380, subp. 2 (Lower St. Croix).

Summary

Minnesota law affords certain protections for the continuance, repair, replacement, restoration, maintenance and improvement of legal nonconformities. It is notable, however, that the law specifically limits when these protections apply, requiring that multiple contiguous nonconforming lots under common ownership **must** be combined unless certain requirements are met. To alleviate potential confusion, local governments should amend their ordinances for consistency with Minnesota statutes governing nonconforming lots in shoreland areas.

The statements in this document do not have the force and effect of law. This document is informational only and should not be interpreted as creating new criteria or requirements beyond what is already established in the relevant statutes and rules. Whether a local shoreland ordinance or zoning decision complies with the relevant statutes and rules will be determined on a case-by-case basis. Nothing in this document should be considered legal advice. Local governments should consult their attorney for specific advice in adopting, amending, and administering ordinances.

WBLCD Interest Letter

Shari Salzman-Hankins <shari.salzman@gmail.com>

Wed 6/26/2024 10:00 AM

To:City of Birchwood Village <info@cityofbirchwood.com>

Hello Becky,

This is my letter of interest in representing Birchwood for the White Bear Lake Conservation District Board.

I have been a resident of Birchwood Village for over 6 years. My family has always loved the lake and its many possibilities. I would love to represent Birchwood and help keep the lake viable for our residents. I have experience in volunteering and have enjoyed our local clean up days and planting trees at Tighe Schmitz. In my current role as Market Leader for my company and school, Hamline University, I am used to juggling many tasks and keeping myself busy and organized. I work closely with students, staff, and faculty and am able to act fairly to make sure everyone is treated equally.

Thank you for posting these positions and allowing residents to volunteer their time in ways that help make Birchwood a wonderful place to live.

Shari Salzman-Hankins

183 Wildwood Ave

Conservation District

Trevor Morehead <more0195@gmail.com>

Sun 6/30/2024 9:13 AM

To:City of Birchwood Village <info@cityofbirchwood.com>

I am interested in the position.

Trevor Morehead

To: Council
From: Councilmembers McCarthy and Hankins

Dear Council,

UPDATES:

The feedback last month related to having an exception for the toys left at Tighe-Schmitz that are left for all children to play with. In considering this issue, we were afraid that “community” sharing type exceptions could be a case of the exception swallowing the rule as a certain trampoline may be moved back to City property and then claimed to be “for the community use.” On the other hand, we do not wish to discourage said toy sharing – as long as its reasonable. Of course, one could imagine situations in which larger-and-larger toys and more “stuff” gets left at TS park to the point that it becomes an issue. Therefore, to offer some flexibility to allow minor things like toys - without incorporating an exception that swallows the rule, we propose providing the City Administrator some discretion – subject to being overruled by the Council – in allowing certain personal property of residents to be stored on City Property.

ORIGINAL MEMO:

It has come to our attention that certain homeowners have taken to storing personal items on City Trails. In reviewing our ordinances, it occurred to us that we did not have an explicit prohibition on storing personal property on City property. Please find the attached ordinance addressing this deficiency. We are asking the council to provide their comments and to vote to send this to a second reading.

ORDINANCE 2024 – 06-01

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

**AN ORDINANCE ADDING SECTION 621 “STORAGE OF PERSONAL PROPERTY” TO
THE CITY CODE**

The City Council of the City of Birchwood Village hereby ordains that section 621 “STORAGE OF PERSONAL PROPERTY” is hereby added to the Municipal Code of the City of Birchwood Village:

621 Storage of Personal Property

621.100 **Definitions.** As used in this chapter, the terms defined in this section shall have the following meanings.

621.102 “Storage” is defined as the keeping of property for a time period of over 24 hours in a location.

621.103 “City Property” is defined as City land, buildings, parks, trails, roads, and lake tracts.

621.104 “Personal Property” is defined as all property owned by any owner that is not the City.

621.200 **Purpose.** The purpose of Chapter 621 is to maintain and improve City Property by preventing the exclusive use of City Property by individual members of the public.

621.300 **Storage of Personal Property on City Property Prohibited.** Intentionally using City Property for storage of personal property is prohibited unless ~~expressly~~ authorized by the City Council or City Administrator.

621.301 **Exceptions.** Notwithstanding 621.300, storage of personal property on City Property may be allowed where such personal property is utilized for, necessary for, convenient for, or appurtenant to, the maintenance of City Property or the general administration of the City as determined by the City Administrator or their designees, the City Council, or Law Enforcement Personnel. Determinations by the City Administrator or her designees or Law Enforcement Personnel may be overruled by the City Council.

621.400 **Notice if Owner is Known.** If the City has cause to believe that this 621.300 is being violated and the City has cause to know the identity of the owner of the property, the City shall serve notice to that person giving them ten (10) days to remove their Personal Property from City Property. Said time period of ten days may be shortened if the City Council, City Administrator, or Law Enforcement Personnel, in their opinion, reasonably believes that the presence of said Personal Property presents a danger to public safety or significantly impedes access to City Property. Any person receiving said notice may appeal said notice to the City Council, which will provide notice and an opportunity for the

person to respond. Said appeal shall not relieve the obligation of the person from removing their personal property from City Property unless the decision of the City Council comes prior to expiration of the notice period.

621.401 Owner Unknown. If, after reasonable efforts to ascertain the owner, the City does not become aware of the owner of said personal property, the City may immediately remove the personal property and treat it as abandoned property under section 613. Reasonable notice is deemed satisfied by placing the item in a lost and found maintained for such items, the posting of notice on the City's bulletin board, the sending of an email to the City's email list, or another method within the discretion of the City.

621.500 Penalty. Any person violating this section who fails to remove their personal property from City Property by the notice period in section 621.400 is guilty of a trespass under State Stat. 609.605 and State Stat. 92.70. In addition, after expiration of the Notice period, the property may be removed by the City and handled according to section 613. Reasonable costs of removal may be assessed to the property owner prior to releasing the personal property to the property owner.

621.501 Offense definition. Each day that passes after the notice period has expired where the property remains on Public property constitutes a separate offense.

621.502 Multiple Offenses. The City may, at the Council's discretion, send a trespass notice for repeated violations of this section prohibiting the violator from utilizing the City Property upon which the violation or violations occurred. Said prohibition may extend for a period of time determined by the Council, up to a period of one year. This is appeal able to the City Council.

621.503 Severability. If any section, subsection, sentence, clause, or phrase of this article is for any reason held to be invalid, such invalidity shall not affect the validity or enforceability of the remaining portions of this article. The City Council hereby declares that it would have adopted this article in each section, subsection, sentence, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

EFFECTIVE DATE: This Ordinance shall be in full force and effect from and after its passage and approval and publication as required by law.

Adopted by the City of Birchwood Village City Council this ____ day of _____ 2024.

RESOLUTION 2024-30
CITY OF BIRCHWOOD VILLAGE
WASHINGTON COUNTY, MINNESOTA
A RESOLUTION APPROVING SUMMARY PUBLICATION OF
ORDINANCE NO. 2024-06-01, AN ORDINANCE ADDING SECTION 621 “STORAGE OF
PERSONAL PROPERTY”

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

WHEREAS, the City has adopted Ordinance No. 2024-06-01, which adds City Code Section 621; and

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

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

1. Because the terms of Ordinance 2024-06-01 are lengthy, the City may publish the attached summary of the Ordinance as allowed by statute, and need not publish the entire ordinance. The attached summary clearly informs the public of the intent and effect of the Ordinance. Summary publication has been approved by at least a 4/5 vote of the City Council.
2. The effective date of the Ordinance amendments shall be upon their publication by summary as required by law.

Resolution duly seconded and passed this _____th day of _____, 2024.

Margaret Ford, Mayor

Attest:

Rebecca Kellen, City Administrator-Clerk

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

AN ORDINANCE ADDING SECTION 621 regarding storage of personal property on City property.
The following is a SUMMARY of the Ordinance:

On July 9th, 2024 the City adopted an Ordinance (2024-06-01) which regulates storage of personal property upon City property. In general, storage of personal property on City property is not allowed without approval of the Council, or Administrator.

PLEASE BE ADVISED, this is not the full text of the Ordinance passed and the published material is only a summary. The full text is available for public inspection at the City of Birchwood, 207 Birchwood Avenue, Birchwood, Minnesota 55110 or delivered upon request electronically or by U.S. Mail.
Summary complies with Minn. Stat. §§ 331A.05 subd. 8. & 412.191 subd 4.

To: Council
From: Justin McCarthy
Re: Solicitors

UPDATED MEMO:

All, after the June meeting, I've provided a sample form for registering solicitors, as well as a sample spreadsheet for the exclusion list. I've also made some minor tweaks to the claim language shown in markup.

ORIGINAL MEMO:

It has come to my attention that the City has become the target for a number of non-local pest control companies that canvass the area offering pest control services each spring. I have received approximately 5-6 such solicitations in the past several weeks. In addition, staff has fielded several calls about this issue.

These companies often use high-pressure sales tactics and some residents, like me, may not want to be bothered by these or other solicitors. Additionally, the City has an interest in regulating these solicitors to ensure that residents are not harmed by poor quality service from "fly by night" operators.

As such, I propose the following amendment to the City code that:

- 1.) Establishes a list of residential properties that do not authorize a solicitor to visit. This is similar to the FCC's do not call list, except its a "do not knock" list. Residents can specify which solicitors are welcome and which are not.
- 2.) Requires entities to obtain a license from the City upon payment of a fee. The licensor will then receive the list of properties from #1. The ordinance criminalizes solicitation without a license or solicitation of residents that do not wish to be solicited.
- 3.) Establishes a complaint system that suspends or prevents a company from obtaining a license. This would be appeal able to the City Council.

I'm asking the Council to review the proposed ordinance and provide feedback and to send it to a second reading. I'm proposing a \$75.00 registration fee.

ORDINANCE 2024 – 06-02

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

**AN ORDINANCE ADDING SECTION 622 “REGULATION OF SOLICITORS” TO THE CITY
CODE**

The City Council of the City of Birchwood Village hereby ordains that section 622 “REGULATION OF SOLICITORS” is hereby added to the Municipal Code of the City of Birchwood Village:

622 Regulation of Solicitors

622.100 Purpose. This ordinance is enacted to protect residents against unwanted solicitors by providing residents a way to opt-out of receiving solicitations. In addition, this ordinance is enacted to protect residents who choose to hire these solicitors by providing a complaint and license revocation procedure.

622.200 Definitions. As used in this chapter, the terms defined in this section shall have the following meanings.

622.202 “Solicitor” A person acting on behalf of a commercial entity who markets goods or services by visiting residents at their homes.

622.204 “Solicitation” A visit by a solicitor to a resident at their homes to market commercial goods or services.

622.300 Exclusion List. The City Administrator will maintain a list of residences that do not wish to receive solicitors. The resident may specify that no solicitors are welcome, ~~that only solicitors providing certain types of services are welcome,~~ or that solicitors providing certain types of services are not welcome.

622.400 License Required. A company that engages in solicitation is required to obtain a license annually with the City prior to engaging in solicitation. Solicitors are required to carry their license during the solicitation and are required to show a resident the license upon request. The license should include the information provided by the licensee under 622.402(2). The information under 622.402(2) shall also be posted to the City’s website.

622.402 License Conditions. The following are required to obtain a license:

- 1.) payment of the required fee indicated in the fee schedule.
- 2.) completion of a form provided by the City Administrator providing the name and address of the Applicant; the type of service provided; a name, address, and phone number of a person responsible for handling resident complaints; a list of the names of solicitors soliciting on behalf of the entity; and a certification that the solicitor, and any person soliciting on behalf of them will abide by the exclusion list of 622.300.

- 3.) if the solicitor is soliciting work that would require a building, plumbing, or electrical permit, the solicitor must provide proof that the company for which the solicitor solicits work is licensed to perform such work.
- 4.) the applicant is not in a license revocation period under 622.410.

622.403 License Denial. The City may deny a license under 622.402 if the license conditions listed therein are not satisfied, but may not otherwise deny a license.

622.404 Complaints. Any resident may file a written complaint against a solicitor by delivering the complaint to City Hall for the following reasons:

- 1.) contact from the solicitor in violation of 622.300.
- 2.) aggressive or overly rude sales practices.
- 3.) disputes as to poor service or billing practices.
- 4.) failure to show the license upon request under 622.400.
- 5.) any violation or suspected violation of Birchwood ordinances, state law, or federal law, including federal and state regulations.

622.406 Complaint Procedure. Upon receiving a complaint under 622.404, the City Administrator will forward the complaint to the person specified at 622.402. The City may, but has no obligation to, investigate complaints, but instead shall place the complaint in a file of the licensee. After three (3) complaints within a 24-month period the City Council will hold a license revocation hearing in accordance with 622.408. A revocation hearing may also be triggered by the City Council or City Administrator upon fewer complaints than three (3) complaints if, in the sole discretion of the City Council or City Administrator, the licensee has committed a serious violation potentially warranting revocation.

622.408 Revocation Hearing. The City Council will hold a revocation hearing in which the licensee will have notice and an opportunity to respond to the complaints received. The City Council may then revoke the licensee's license, dismiss one or more complaints (leaving the license valid), or impose restrictions or conditions on the licensee's use of the license that are, in the discretion of the City Council, reasonably related to protecting the public's interests. Interested residents may also provide testimony. The City will provide written reasons for the decision to the licensee.

622.410 License Revocation Period. If the licensee's license is revoked under 622.408, the City Council will set a period for which the license is revoked. A licensee or anyone working on behalf of the licensee whose license is revoked may not obtain a license under 622.400 during the revocation period.

622.412 Solicitation without a License Prohibited. Solicitation without a license, or with a revoked or expired license, or solicitation in violation of conditions given by the Council in section 622.408 is prohibited and constitutes a misdemeanor.

622.414 Solicitations to residents on exclusion list. Each solicitation to a resident on the exclusion list under 622.300 who has indicated the desire not to receive that type of solicitation constitutes a misdemeanor. For licensed solicitors, this also constitutes a complaint under 622.404.

622.416 Separate Offenses. Each prohibited act of solicitation constitutes a separate offense.

622.418 **Persons Liable.** Misdemeanor citations may be issued to both the person soliciting residents and to the owner of the commercial entity on whose behalf the person soliciting residents is working.

622.420 **License is not an endorsement.** No licensee may state or imply that the City of Birchwood Village has endorsed their work by acquiring a license under this section.

622.430 **Non-commercial solicitation allowed.** Nothing in this section is intended to limit the ability of non-commercial solicitation such as for religious, political, charity, or fundraising.

622.440 **License Fee non-refundable.** License fees under this section are non-refundable for any reason, including suspension or termination of the license.

622.450 **Severability.** If any section, subsection, sentence, clause, or phrase of this article is for any reason held to be invalid, such invalidity shall not affect the validity or enforceability of the remaining portions of this article. The City Council hereby declares that it would have adopted this article in each section, subsection, sentence, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

EFFECTIVE DATE: This Ordinance shall be in full force and effect from and after its passage and approval and publication as required by law.

Adopted by the City of Birchwood Village City Council this ____ day of _____ 2024.

City of Birchwood Village Solicitor Registration Form:

Company Name: _____

Company Address: _____

Company Phone Number: _____

Type of Service: _____

Contact Information of Person Handling Complaints (name, address, phone number):

Names of Individuals Soliciting on Behalf of the Company:

Note: If you are soliciting for work that would require a building permit under State, or Birchwood code, you must provide proof that you are licensed to perform such work.

I _____, an authorized representative of _____ hereby acknowledge that I have been provided with an exclusion list of homeowners that do not wish to be solicited. I hereby acknowledge that the company and the individuals soliciting on behalf of the company will not visit residences that do not wish to be solicited by my company. I hereby acknowledge that visiting a residence in violation of this exclusion list is a misdemeanor.

Signature.

Date.

**RESOLUTION 2024-31
CITY OF BIRCHWOOD VILLAGE
WASHINGTON COUNTY, MINNESOTA
A RESOLUTION APPROVING SUMMARY PUBLICATION OF
ORDINANCE NO. 2024-002, AN ORDINANCE ADDING SECTION 622 “REGULATION OF
SOLICITORS”**

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

WHEREAS, the City has adopted Ordinance No. 2024-06-02, which adds City Code Section 622; and

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

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

1. Because the terms of Ordinance 2024-06-02 are lengthy, the City may publish the attached summary of the Ordinance as allowed by statute, and need not publish the entire ordinance. The attached summary clearly informs the public of the intent and effect of the Ordinance. Summary publication has been approved by at least a 4/5 vote of the City Council.
2. The effective date of the Ordinance amendments shall be upon their publication by summary as required by law.

Resolution duly seconded and passed this _____th day of _____, 2024.

Margaret Ford, Mayor

Attest:

Rebecca Kellen, City Administrator-Clerk

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

AN ORDINANCE ADDING SECTION 622 regarding the regulation of solicitors. The following is a SUMMARY of the Ordinance:

On July 9th, 2024 the City adopted an Ordinance (2024-06-02) which regulates solicitors in Birchwood Village. The ordinance requires solicitors to register with the City, provides for a list of residents who wish to opt-out of solicitations, and provides a mechanism by which solicitors may be barred from soliciting based upon complaints the City receives.

PLEASE BE ADVISED, this is not the full text of the Ordinance passed and the published material is only a summary. The full text is available for public inspection at the City of Birchwood, 207 Birchwood Avenue, Birchwood, Minnesota 55110 or delivered upon request electronically or by U.S. Mail. *Summary complies with Minn. Stat. §§ 331A.05 subd. 8. & 412.191 subd 4.*

ORDINANCE 2024 – 07-02

**CITY OF BIRCHWOOD VILLAGE
WASHINGTON COUNTY, MINNESOTA
AN ORDINANCE AMENDING THE FEE SCHEDULE**

The City Council of the City of Birchwood Village hereby ordains that the fee schedule is hereby amended by adding the following fee:

SOLICITOR REGISTRATION FEES	SOLICITOR REGISTRATION FEE (PER YEAR)	622	\$100.00
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EFFECTIVE DATE: This Ordinance shall be in full force and effect from and after its passage and approval and publication as required by law.

Adopted by the City of Birchwood Village City Council this ___ day of _____ 2024.

ORDINANCE NO. 2024-07-01
CITY OF BIRCHWOOD VILLAGE
WASHINGTON COUNTY, MINNESOTA
AN ORDINANCE AMENDING ORDINANCE 2024-01-02 (THE FEE SCHEDULE)
REGARDING SEWER AND WATER PERMIT FEES

The City of Birchwood Village has a Fee Schedule prescribing the fees for various services provided memorialized in/by Ordinance 2024-01-02 and the City would like to add a charge to cover the costs associated with the expense of processing and issuing sewer and water permits,

The City of Birchwood Village does hereby ordain that a fee of \$150.00 in addition to a \$1.00 surcharge (for supplies) shall be collected at the time any Permit required for Sewer or Water is applied for. Said fee is separate and apart from any fee for the actual service/inspection provided.

Said fee shall be memorialized in Ordinance 2024-01-02, the City's Fee Schedule, and updated accordingly.

Passed by the City Council of The City of Birchwood Village this _____ th day of _____, 2024.

Margaret Ford, Mayor

Attested:

Rebecca Kellen
City Clerk-Administrator

MEMORANDUM

DATE: 6/26/24

TO: City Council
FROM: Rebecca Kellen, City Administrator
COPIED:
SUBJECT: Mowing Bids



Birchwood Village

The city obtained bids for mowing. Doug Hough provided a quote – he has done mowing for the city in the past. He has his own equipment that he would be willing to use. He said that he would like to do all the parks and easements/beaches and would charge \$50/hr. for his mowing services.

Bids were also provided by Jim Rydeen (Maintenance Man), Top Green, Spade Landscaping and Quality Snow Plowing and Lawn Service and they are attached. Please note that the bid from Spade Landscaping and Quality Snow Plowing and Lawn Service is for Tighe-Schmidt only.

Regards,
Rebecca Kellen
City Administrator/Clerk
City of Birchwood Village, MN
office: (651) 426-3403
email: rebecca.kellen@cityofbirchwood.com
website: <http://www.cityofbirchwood.com/>

Jim's Grass mowing and landscaping

06/25/24

All the city of Birchwood. \$600.00 Once a week or as specified/needed.

Thigh-Schmitt \$300.00 Once a week or as specified/needed.

All quotes include trimming.

Thanks

Jim Rydeen

Top Green Co. 3507 Commerce Blvd White Bear Lake, MN 55110 651-998-9286 info@TopGreenCo.com	Site Name: Birchwood Village Site Address: 207 Birchwood Ave Birchwood Village, MN 55110 Property Type: Commercial/Municipal Service Start Date: 7/01/2024 Service End Date: 11/15/2024
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Services Included

Task	Details	Total Price Per Year
Tighe Schmitz		
Summer Maintenance	Weekly Mowing, trimming and blow off walks and lots through Mid Oct.	\$400/cut
Fall Clean Up	Clear landscapes and turf areas of leaves and fall debris	\$1,400
Spring Clean Up	Clear landscapes and turf areas of leaves and debris	\$1,100
(Optional)Fertilizer/Weed Control	Per Application Turf Areas	\$695/app
City Hall, Parks and Easements		
Summer Maintenance	Weekly Mowing, trimming and blow off walks and lots	\$400/cut
Fall Clean Up	Clear landscapes and turf areas of leaves and fall debris through Mid Oct.	\$1,400
Spring Clean Up	Clear landscapes and turf areas of leaves and debris	\$1,100
(Optional)Fertilizer/Weed Control	Per Application Turf Areas	\$775/app
OPTIONAL AVAILABLE SERVICES		
Irrigation Maintenance	Start Up, Check Up, Winterization, Repairs	Request Bid
Backflow Testing	RPZ/PVB Testing and Filing w/ City	\$175/unit
Outdoor low voltage lighting	Set-up/adjust timer and lights, check for coverage	Request Bid

Contract Proposal

Service To
Tighe Schmitz Park Margrette Ford 410 Lake Ave Birchwood Village, MN 55110

Bill To:
Tighe Schmitz Park Margrette Ford 410 Lake Ave Birchwood Village, MN 55110

Date	Estimate #	Terms
5/1/2024	6242	Due Upon Complet...

Visit us at SpadeLandscaping.com!

Item	Description	Total
Disclaimer	Lawn Care Service Estimate Please note due to either account performance and/or economic inflation some pricing may have changed as well as see disclaimers below regarding additional changes.	0.00
Spring Clean. Hourly.	Spring clean up. Removal of leaves and debris from lawn. Power mulching, power blowing, and power vacuuming done. Hourly price per crew member. (Price does not include haul-away/disposal) Estimated time Qty: 10-13 hours	88.00T
Mowing	Scheduled Weekly Mowing Service. (After the spring clean-up completed), Weekly mowing of the designated areas and blow paved areas of grass clippings once per week, up to 26 times per season. Mowing will be scheduled the same day each week but may vary due to weather or Holidays. Mowing heights will vary through the season (2.5-4"), typically 3-3.5" during the summer months and 2.75" for the final mow. Trimming around buildings, landscaping, trees, and other obstacles will be completed after each mowing except areas which do not have a maintenance border and could be damaged by string line trimmers (i.e., building foundations where siding is low, wooden fence posts, air conditioning units, etc.) Spade is not responsible for branches larger than 1" in diameter or large quantities of branches or debris, but can be done at an additional cost. Spade is not required to pick up pet waste and may service around areas not cleared prior to scheduled service. Price per Service.	704.00T
Bed Maintenance Weeds	Weed Control (Pavement/Hardscapes Only) **If you would like weed control in beds, we may require consultation for specific needs** Hourly price per Person, includes materials.	125.00T
Fertilizer Custom plan	Fertilizer will be applied three times a year, and weed control applied 2 times a year. Spring application will consist of a pre-emergent broad-leaf preventative and slow-release fertilizer. Summer and fall applications will consist of a broadleaf herbicide and granular fertilizer. Price per Application	750.00T

Customer Signature _____

Date _____

This is a formal agreement and therefore is a legally binding agreement. Should additional services/goods arise or be requested, Spade Landscaping will notify the clients to discuss revised fee schedule and/or the alternative options available. Prices subject to change after 15 days.

Contract Proposal

Service To
Tighe Schmitz Park Margrette Ford 410 Lake Ave Birchwood Village, MN 55110

Bill To:
Tighe Schmitz Park Margrette Ford 410 Lake Ave Birchwood Village, MN 55110

Date	Estimate #	Terms
5/1/2024	6242	Due Upon Complet...

Visit us at SpadeLandscaping.com!

Item	Description	Total
Shrub Trimming	Trim Shrubs & Trees up to 10' Price is hourly per person. (Price does not include haul-away/disposal) **This service will only be done when you specify, and you will need to direct Spade on your wants/needs, as different species have varying trimming guidelines.	88.00T
Aerate	Power aeration of soil encourages air and water infiltration down to grass roots. More beneficial than any fertilizer plan. Will be scheduled at most opportune time in consideration to ground conditions and if have irrigation system heads must be marked by home owner to avoid marking charges or damage. **Done Mid August- Mid October Price per Service.	885.00T
Overseed (Spring)	Overseeding turf. Client must follow Spade watering recommendations post-seeding. **(May-Early June) or best recommended (Mid August-September) Price per Service. Includes materials.	875.00T
Fall Clean Hourly	Fall Clean Up. Removal of leaves and debris from lawn by mean of power mulching, power blowing, and power vacuuming. Hourly price per crew member. (Price does not include haul-away/disposal) **Must be signed up by October 1st to guarantee services completed. **\$300 minimum	88.00T
Haul Away (Gen.)	Haul away and dispose of debris from Spring/Fall Clean, or trimming services. Price per cubic yard.	45.00T
Time & Materials Estimate	All hourly services will be completed and billed based on Time & Materials with applicable minimums.	0.00

Customer Signature _____

Date _____

This is a formal agreement and therefore is a legally binding agreement. Should additional services/goods arise or be requested, Spade Landscaping will notify the clients to discuss revised fee schedule and/or the alternative options available. Prices subject to change after 15 days.

Contract Proposal

Service To
Tighe Schmitz Park Margrette Ford 410 Lake Ave Birchwood Village, MN 55110

Bill To:
Tighe Schmitz Park Margrette Ford 410 Lake Ave Birchwood Village, MN 55110

Date	Estimate #	Terms
5/1/2024	6242	Due Upon Complet...

Visit us at SpadeLandscaping.com!

Item	Description	Total
Customer Obligations	Services performed will be billed upon completion and are due within 15 days; Payable by Auto-pay Credit Card on File.	0.00
	Any services agreed upon will be completed as scheduled, unless you give a minimum 24 hour notice to skip/cancel services.	
	Please see attached Client Agreement for terms of this Contract - By signing this document you are agreeing to all terms of services.	
Disclaimer	**Disclaimers** - Any service that includes material cost is a variable season rate based on vendor pricing and availability. - We will no longer be estimating a price or budgeting hours on work that is billed hourly. It takes the time in order to complete the service to our company's expectations. - There is a Seasonal minimum of \$2,000 that must be reached for total of all services. There is a lot of time and overhead that goes into each Client set-up, scheduling, and billing, so we will no longer be doing small one-time services; you will need to add additional services or there will be a fee charged in order to meet that minimum expectation. Ramsey County, 8.375% MN Sales/Use Tax	0.00
		305.52

Customer Signature _____

Date _____

This is a formal agreement and therefore is a legally binding agreement. Should additional services/goods arise or be requested, Spade Landscaping will notify the clients to discuss revised fee schedule and/or the alternative options available. Prices subject to change after 15 days.

Subject: Re: Lawn Mowing Service for Birchwood Village

I could not get things view by your date of June 28, 2024

I did get to view the properties and have a price for Tighe Schmitz.

Estimate 5 hours per mowing: \$825.00 dollars

Estimate 6.5 hours for leaf pickup: \$1072.50 dollars.

Please advise is you want the other properties estimated as I have those but did not get them to you by June 28,2024

David J Miller

Quality Snow Plowing & Lawn Service, Inc.

Roseville, Minnesota 55113

612.366.2590 or docmbroker@aol.com

MEMORANDUM

DATE: 7/1/24

TO: City Council
FROM: Rebecca Kellen, City Administrator
COPIED:
SUBJECT: [Ash Path Fence Bids](#)



Birchwood Village

Here are bids for 120 ft of fence and supporting documentation is included in the following pages. Neither company we contacted does split rail fencing.

Midwest Fence.

6ft fence = \$12,352
4 ft fence = \$13,222.

Northland Fence

4' flat top ornamental steel: \$5500
4' vinyl privacy fencing: \$7200
6' vinyl privacy fencing: \$6500

Regards,
Rebecca Kellen
City Clerk
City of Birchwood Village, MN
office: (651) 426-3403
email: rebecca.kellen@cityofbirchwood.com
website: <http://www.cityofbirchwood.com/>

The Trex logo is displayed in a white rectangular box in the upper left corner. The word "Trex" is written in a bold, blue, sans-serif font, with a registered trademark symbol (®) to its upper right. The background of the entire page is a photograph of a wooden fence with vertical slats, taken from a low angle looking up. The sky is clear blue, and a tree with red berries is visible in the upper right corner.

Trex®

TREX® FENCING

FORM + FUNCTION = FABULOUS TREX FENCING



TrexSeclusions®
MILES OF STYLE

fencing: Trex Seclusions® in Saddle

BEAUTY AND PRIVACY FROM EVERY ANGLE.

Made from reclaimed wood fiber and recycled polyethylene, Trex Seclusions® offers unprecedented performance and aesthetics. With lasting beauty, low maintenance and high performance, it's exactly what you expect from Trex®, the perfect fencing solution for high-end homes and communities.

TREX SECLUSIONS:

- » Unique interconnecting picket design provides unprecedented strength
- » Clean, finished appearance on both sides—no structural boards visible inside or out
- » Proprietary bracket design allows for easy racking on slopes
- » Fewer fasteners means faster installation
- » Installs with posts on 8' centers to save time, labor and materials
- » Performs to Miami/Dade wind load certification of 110 mph steady winds and 130 mph wind gusts
- » Rich color palette with matte finish



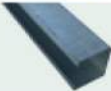

ALWAYS GREEN: Trex buys recycled wood by the truckload and reformulates it (along with plastic bags, stretch film and agricultural film) into the long-lasting fencing, decking and railing. Plus, buying materials in bulk also saves fuel, shipping materials and other natural resources.

TREX SECLUSIONS® FENCING AND GATES

FENCING SPECIFICATIONS & PROFILES

COMPONENTS	DESCRIPTION	ITEM NUMBER
Posts 	8' Post – 5" x 5" x 96" 9' Post – 5" x 5" x 108" 12' Post – 5" x 5" x 144"	XX050508UF36 XX050509UF36 XX050512UF27
Top Rail 	90.5" length	XX050491LF52
Bottom Rail 	90.5" length	XX010691LF154
Picket 	65.75" length	XX0100664LF154
Post Caps 	Pyramid Post Cap – 5" x 5" Flat Top Post Cap – 5" x 5"	XX0YFCAP5x5 XXSQFCAP5x5
Inserts 	Galvanized Steel - 90.5" length Aluminum - 90.5" length	FININSERT FSUPPORT08
Corner Bracket 	Bracket (24 per box / 4 boxes per carton) Consumer Bracket Packs (24 bags / 4 brackets per bag) Bracket Adaptor	FBACKET FBRKTRTAIL FBRKTADAPT

SECLUSIONS GATE COMPONENTS

COMPONENTS	DESCRIPTION	ITEM NUMBER
Gate Panel 	44.375" x 70.25"	XXFGATE
Gate Post Insert 	3.5" x 3.5" x 108"	FGATEINSERT4x4
Gate Hardware Kit 	Handle (1), Hinge (2), Latch (1), Striker (1) All fasteners are included	FGATEHDW

XX= INSERT COLOR PREFIX

WB—Woodland Brown

SD—Saddle

WG—Winchester Grey

EASE + OPTIONS

**A builder's dream.
A HOMEOWNER'S REALITY.**

SCHEDULE ACCORDINGLY

Installing a low maintenance Trex® fence is not only quick but simple. In fact, our step-by-step instructions make installing our fencing perhaps the easiest part of your job. See page 12 for complete installation details.

CARE & CLEANING

A little mud splatter here and there? Hardly a match for Trex, the finish that can easily keep looking new with a semi-annual cleaning using soap and hot water.



If someone gets creative with the sidewalk chalk or leaves get particularly stubborn, consult our full care information at [trex.com/care](https://www.trex.com/care)

THE LOOK OF WOOD WITHOUT THE HASSLES.

	TREX FENCING	WOOD	VINYL
STUNNING LOOKS	●		
LOW MAINTENANCE	●		●
LASTING DURABILITY	●		
EASY TO INSTALL	●		●
MIAMI / DADE WIND LOAD CERTIFICATION*	●	SOME	SOME
RICH COLOR CHOICES	●		
TRUE PRIVACY (no gaps between pickets)	●		
GOOD NEIGHBOR FENCE (no one gets bad side of fence)	●		●
NON-REFLECTIVE SURFACE	●	●	
STANDARD 5" NOMINAL POSTS	●		
LIMITED RESIDENTIAL WARRANTY (number of years)	25	0-12	20+
TOP OUTDOOR LIVING BRAND	●		

*Trex Seclusions® passes Miami/Dade wind load certification tests of 110 mph steady winds and 130 mph wind gusts.

TREX® LIMITED COMMERCIAL WARRANTY

Trex Company, Inc. (hereinafter "Trex") warrants to the original end-user commercial purchaser ("Purchaser") that, for a period of ten (10) years from the date of original commercial purchase, under normal commercial use and service conditions, Trex® products shall be free from material defects in workmanship and materials, and shall not split, splinter, rot or suffer structural damage from termites or fungal decay. If a defect occurs within the warranty period, Purchaser shall notify Trex in writing and, upon confirmation by an authorized Trex representative of the defect, Trex's sole responsibility shall be, at its option, to either replace the defective item or refund the portion of the purchase price paid by Purchaser for such defective item (not including the cost of its initial installation).

For purposes of this warranty, a "commercial purchaser" shall refer to any purchaser other than an individual residential homeowner.

This warranty shall not cover and Trex shall not be responsible for costs and expenses incurred with respect to the removal of defective Trex products or the installation of replacement materials, including but not limited to labor and freight.

This warranty may be transferred to subsequent buyers of the property upon which the Trex products were originally installed.

Notwithstanding the foregoing, (a) with respect to hardware for the Trex Surroundings® gate (gate frame, hinges and screws), the term of the warranty shall be five (5) years from the date of original purchase, and (b) with respect to Trex Decorative Balusters, the limited warranty herein covering the paint coating shall be prorated in the following manner: 100% replacement for the first 5 years; and 50% replacement for the next 5 years.

To make a claim under this limited warranty, Purchaser, or any transferee, shall send to Trex, within the warranty period referred to above, a description of the claimed defect and proof of purchase, to the following address:

Trex Company, Inc.
Customer Relations
160 Exeter Drive
Winchester, VA 22603-8605

Trex does not warrant against and is not responsible for, and no implied warranty shall be deemed to cover, any condition attributable to: (1) improper installation of Trex products and/or failure to abide by Trex's installation guidelines, including but not limited to improper gapping; (2) use of Trex products beyond normal commercial use, or in an application not recommended by Trex's guidelines and local building codes; (3) movement, distortion, collapse or settling of the ground or the supporting structure on which Trex products are installed; (4) any act of God (such as flooding, hurricane, earthquake, lightning, etc.), environmental condition (such as air pollution, mold, mildew, etc.), staining from foreign substances (such as dirt, grease, oil, etc.), or normal weathering (defined as exposure to sunlight, weather and atmosphere which will cause any colored surface to gradually fade, chalk, or accumulate dirt or stains); (5) variations or changes in color of Trex products; (6) improper handling, storage, abuse or neglect of Trex products by Purchaser, any transferee or third parties; or (7) ordinary wear and tear.

No person or entity is authorized by Trex to make and Trex shall not be bound by any statement or representation as to the quality or performance of Trex products other than as contained in this warranty. This warranty may not be altered or amended except in a written instrument signed by Trex and Purchaser.

UNDER NO CIRCUMSTANCES WILL TREX BE LIABLE FOR SPECIAL, INCIDENTAL OR CONSEQUENTIAL DAMAGES, WHETHER SUCH DAMAGES ARE SOUGHT IN CONTRACT, IN TORT (INCLUDING BUT NOT LIMITED TO NEGLIGENCE AND STRICT LIABILITY) OR OTHERWISE, AND TREX'S LIABILITY WITH RESPECT TO DEFECTIVE PRODUCTS SHALL IN NO EVENT EXCEED THE REPLACEMENT OF SUCH PRODUCTS OR REFUND OF THE PURCHASE PRICE, AS DESCRIBED ABOVE.

Some states do not allow the exclusion or limitation of incidental or consequential damages, so the above limitation or exclusion may not apply to you. This warranty gives you specific legal rights, and you may also have other rights that vary from state to state.

This warranty shall only be applicable and enforceable in the United States of America and Canada.

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TREX® LIMITED RESIDENTIAL WARRANTY

Trex Company, Inc. (hereinafter "Trex") warrants to the original residential purchaser ("Purchaser") that, for a period of twenty-five (25) years from the date of original purchase, under normal residential use and service conditions, Trex® products shall be free from material defects in workmanship and materials, and shall not split, splinter, rot or suffer structural damage from termites or fungal decay. If a defect occurs within the warranty period, Purchaser shall notify Trex in writing and, upon confirmation by an authorized Trex representative of the defect, Trex's sole responsibility shall be, at its option, to either replace the defective item or refund the portion of the purchase price paid by Purchaser for such defective item (not including the cost of its initial installation).

For purposes of this warranty, a "residential purchaser" shall refer to an individual residential homeowner.

This warranty shall not cover and Trex shall not be responsible for costs and expenses incurred with respect to the removal of defective Trex products or the installation of replacement materials, including but not limited to labor and freight.

This warranty may be transferred one (1) time, within the five (5) year period beginning from the date of original purchase by the Purchaser, to a subsequent buyer of the property upon which the Trex products were originally installed.

Notwithstanding the foregoing, (a) with respect to hardware for the Trex Surroundings® gate (gate frame, hinges and screws), the term of the warranty shall be five (5) years from the date of original purchase, and (b) with respect to Trex Decorative Balusters, the period of the limited warranty herein covering the paint coating shall be ten (10) years, and shall be prorated in the following manner: 100% replacement for the first 5 years; and 50% replacement for the next 5 years.

To make a claim under this limited warranty, Purchaser, or the transferee, shall send to Trex, within the warranty period referred to above, a description of the claimed defect and proof of purchase, to the following address:

Trex Company, Inc.
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Some states do not allow the exclusion or limitation of incidental or consequential damages, so the above limitation or exclusion may not apply to you. This warranty gives you specific legal rights, and you may also have other rights that vary from state to state.

This warranty shall only be applicable and enforceable in the United States of America and Canada.

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Trex®

How outdoor living should feel.

visit **trex.com** or call **1-800-BUY-TREX**



FSC

Mixed Sources

Product group from well-managed
forests, controlled sources and
recycled wood or fibre

Cert no. SCS-COC-005448

www.fsc.org

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4' flat top ornamental



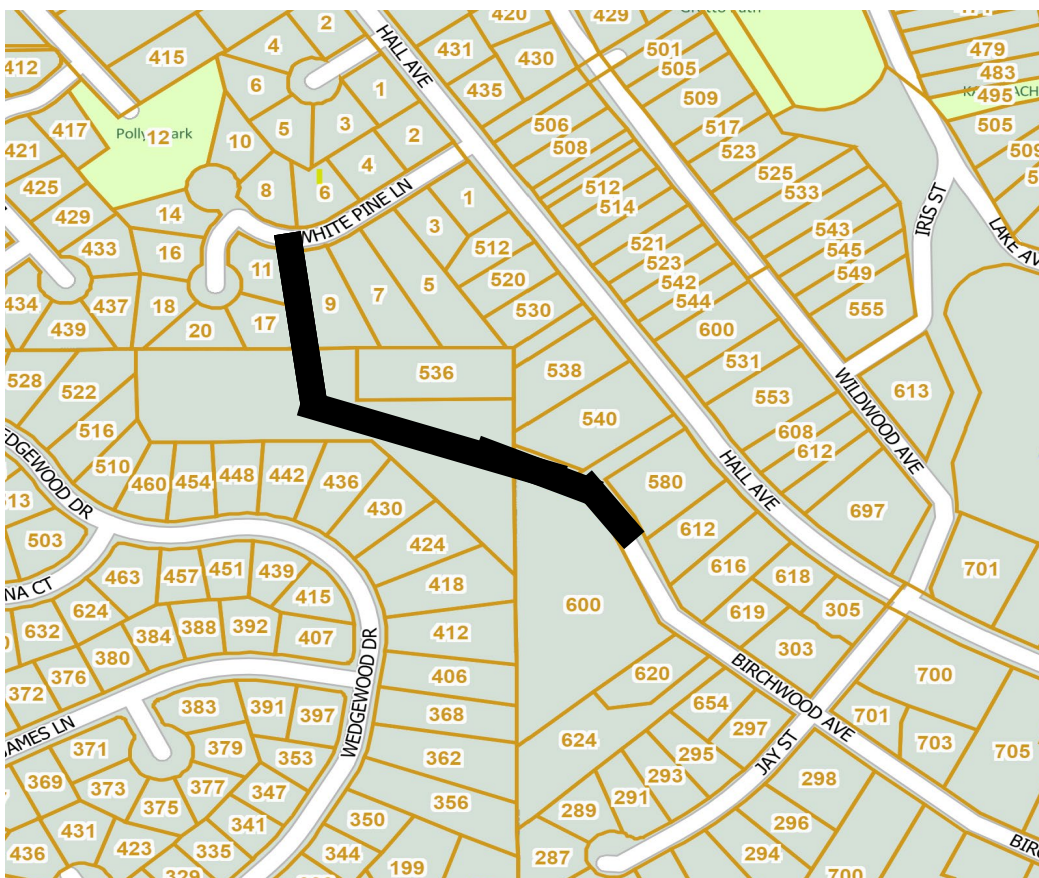
6' White Vinyl

To: Council
From: Justin McCarthy
Re: Trail

Council, I propose we look into establishing a trail from White Pine to Birchwood Avenue. This was investigated some time ago, but was never implemented. The benefit of this trail is that it would allow residents to complete a circle of the entirety of Birchwood Village and only have to cross Hall/Cedar twice. This would keep pedestrians and bikers off Hall/Cedar. In addition, the trail would cut through some very nice woody areas.

I've attached a map. The first step, in my opinion is the legal status of the trail entrances and exits. The entrance is between 9 and 11 White Pine Lane, and the exit is near Birchwood Avenue. I've marked the entrance/exits and approximate trail markers on the attached map. It is my understanding that both are City owned property.

I propose we have Alan provide a report on the legal status of these properties. According to my primitive research, the entrance is parcel: 3003021240035 and is owned by Birchwood, the trail would then go through parcel: 3003021310002 which is owned by Mahtomedi and exit at parcel 3003021420042 which is owned by Birchwood.



Resolution No. 2024-32

A Resolution Directing the City Attorney to Cite the Owners of 131 Wildwood Ave for Failing to Register the Property as Vacant

WHEREAS, it has been brought to the attention of the City Administration that the property located at 131 Wildwood Ave has been vacant for a period of two years; and

WHEREAS, Building Inspector Jack Kraemer has confirmed through an inspection that the property is indeed vacant; and

WHEREAS, the rodent activity originating from the improperly rodent-proofed dwelling on the property is a public nuisance; and

WHEREAS, the City has ordinances requiring properties to be registered within 30 days of becoming vacant to ensure proper maintenance and safety standards are met; and

WHEREAS, the owners of 131 Wildwood Ave., Scott and Toni Berg, have failed to comply with the City's vacant property registration requirements, despite contacting the city but not completing the registration or paying the fee; and

WHEREAS, the owners of 131 Wildwood Ave. have not updated the address of 131 Wildwood Ave. to their current mailing address in the Washington County property records; and

WHEREAS, the property is classified by the county as non-homestead, indicating that the owners do not occupy it; and

WHEREAS, the City previously sent a letter to the property owners at the address listed in the property records and an address in Mahtomedi, and the property should have been registered by May 23, 2024; and

WHEREAS, Toni and Scott Berg, who are owners of the property, were invited to the June Council meeting by the email address listed on Toni Berg's realtor website on June 2, 2024.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF The City of Birchwood, Minnesota:

Directive to City Attorney:

1. No later than July 23, 2024, cite Scott and Toni Berg for failing to register a vacant dwelling.
2. Every two weeks after the initial citation.

Directive to City Administrator:

The City Administrator is hereby directed to:

3. Schedule a time for Building Inspector Jack Kraemer to inspect the property for code compliance and rodent infestation. This inspection will be coordinated with the property owners via email or telephone.

4. Assess the \$480 vacant building registration fee to the property taxes of 131 Wildwood Ave., as a special assessment.

Adopted this 9th day of July, 2024.

Mayor

City Clerk

Resolution No. 2024-33

A Resolution Directing the City Attorney to Cite Ryan Heiserman and Lifeline Homebuyers LLC for Failing to Comply with City Ordinances Regarding Nuisances at 310 and 312 Wildwood Ave.

WHEREAS, the properties located at 310 and 312 Wildwood Ave have been vacant for a significant period; and

WHEREAS, these properties were acquired by Ryan Heiserman and/or Lifeline Homebuyers LLC on May 10, 2024; and

WHEREAS, The City Council of the City of Birchwood has determined that gravel erosion from the shared driveway of the properties has created a nuisance condition in the right-of-way and on Wildwood Ave, in violation of Section 606.020 of the City Code, which states, in relevant part: "The following shall be deemed nuisances... obstructions and excavations affecting the ordinary use of the public streets, alleys, sidewalks or public grounds;" and

WHEREAS, The City Council directed the City Attorney to cite Ryan Heiserman for several City Code violations relating to 310 and 312 Wildwood Ave. on May 11, 2024, and those conditions have not been remedied; and

WHEREAS, Photographs of ruts in the driveway demonstrate that significant erosion occurred since March 9, 2024, and likely during heavy June rain events; and

WHEREAS, After past rain events, city residents downhill from the properties have removed wheelbarrow loads of gravel from public streets; and

WHEREAS, On March 19, 2024, upon the directive of the City Council, City Staff sent a letter to the property owner at that time, requiring that she, "within 90 days, provide a plan to eliminate erosion into the street from the driveway, such as adding a silt fence;" and

WHEREAS, No plan has been provided nor has any remediation been observed since March 19, 2024; and

WHEREAS, Under previous request of the City, straw-filled erosion-control socks had been put into place, but vehicles have flattened those socks so that they are no longer effective; and

WHEREAS, it is in the public interest of the city to uphold our city codes, to protect the safety and welfare of our residents, and to ensure that vacant and uninhabitable properties are secured and eventually re-developed or demolished; and

WHEREAS, the City has documented efforts to secure the structures and improve the compliance of the property grounds with city code with the previous owner, and the previous seller's real estate agent indicated she made buyers aware of the issues related to the properties.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BIRCHWOOD VILLAGE, MINNESOTA:

1. **Directive to City Attorney:** The City Attorney is hereby directed to take necessary legal action to cite Ryan Heiserman and/or Lifeline Homebuyers LLC for the violation of Section 606.020 regarding nuisances.
2. **Deadline for Citation:** The City Attorney shall issue the citation to Ryan Heiserman and/or Lifeline Homebuyers LLC no later than July 24, 2024. The City Attorney shall issue further citations no less frequently than every fourteen days until the conditions have been remedied.

Adopted this 9th day of July, 2024.

City Council of The City of Birchwood Village, Minnesota

Mayor

City Administrator

June 29, 2024



June 29, 2024



June 2, 2024



March 9, 2024



To: Birchwood City Council

From: Ryan Hankins

RE: Temporary No Parking Signs on south side of Wildwood Ave (Ash Path - Highway 120)

This memo serves as information regarding the recent construction activity on the north side of Wildwood Ave between Ash Path and Birchwood Ave. Due to frequent and lengthy road closures associated with several projects, parked and working vehicles were significantly hindering residential access, construction progress and emergency vehicle access. The sheriff had been out several times, and was preparing to issue tickets.

I talked to Deputy Nick Sullivan, and he recommended parking restrictions, and said that it's common in Mahtomedi for construction workers to turn the roads into parking lots, and limiting parking is Mahtomedi's solution.

To address this issue, City Employees implemented temporary "No Parking" signage along the south side of the affected section. These reusable signs, with an approximate cost of \$200, effectively discouraged obstructing of the road that was delaying access and slowing construction. The one-sided parking limitations have had good results with intentionally minimal inconvenience by maintaining a 12-foot access lane. It is also easier to see ahead when driving with all parking on one side, and clear restrictions reduce the likelihood of accidents and citations.

Thank you to Therese Bellinger and Jim Rydeen for their efforts, to drivers for understanding the inconvenience, and to residents for accepting signs in their right-of-way.

It may be necessary to continue to adjust the signs, as there are two additional projects starting in that area, such as at 131 Wildwood Ave.

Once the activity has subsided and unsafe parking is no longer a concern, I recommend that we promptly remove the temporary signage and store it in the city garage.



MEMORANDUM

DATE: 7/2/24

TO: City Council
FROM: Rebecca Kellen, City Administrator
COPIED:
SUBJECT: Lift Station Update



Birchwood Village

This memo is to notify the City Council that the cultural review packets for the Office of the State Archaeologist, State Historic Preservation Office, and Tribal Historic Preservation Offices were submitted to the required parties on 5/22/24, for the Lift Station. All offices have a minimum of 30 days to respond. At this point we have received responses from 2 tribes. The Office of the State Archaeologist and the State Historic Preservation Office have been running behind with their reviews typically taking between 45-60 days.

After we are notified by the EPA that we have passed the environmental review then we will need to submit the required documents on Grants.gov (they requested that we wait until we pass the environmental review to submit those.) In conversations with Engineer Marcus Johnson, he said that after the environmental review approval, the EPA will tell us if we need anything particular in our plans and then it goes back to the EPA for a final review, and upon completion we will post bids.

Regards,
Rebecca Kellen
City Clerk
City of Birchwood Village, MN
office: (651) 426-3403
email: rebecca.kellen@cityofbirchwood.com
website: <http://www.cityofbirchwood.com/>

MEMORANDUM

DATE: 7/1/24

TO: City Council
FROM: Rebecca Kellen, City Administrator
COPIED:
SUBJECT: Transition from Metro-INET to Techie Dudes



Birchwood Village

The transition from Metro-INET to Techie Dudes is underway. Introductions between Metro-INET personnel and Techie Dudes personnel has been made so that back-end changeovers can take place. Below is a list of items that are in progress and being coordinated with Techie Dudes.

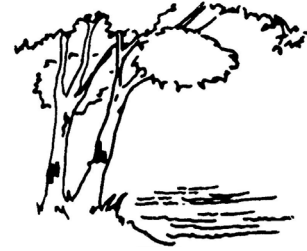
1. We no longer need WAN/LAN nor the firewall from Metro-INET, effective 1/1/25. The firewall will be provided by Techie Dudes and the internet from another vendor.
2. We would like to keep the phone numbers we currently have. Have confirmed with Techie Dudes that this is possible.
3. Connectivity to RAM/WASHCO cable - this is being coordinated by Techie Dudes.
4. Techie Dudes will manage our existing switch.
5. Techie Dudes will be setting up our printer as a print server.
6. We will need to obtain Adobe.
7. All services/contract with Metro-INET will cease 12/31/24
8. Change from staff to Techie Dudes for Microsoft admin.

Regards,
Rebecca Kellen
City Clerk
City of Birchwood Village, MN
office: (651) 426-3403
email: rebecca.kellen@cityofbirchwood.com
website: <http://www.cityofbirchwood.com/>

MEMORANDUM

DATE: 6/17/24

TO: City Council
FROM: Rebecca Kellen, City Administrator
COPIED:
SUBJECT: Legislative-Citizen Commission on Minnesota Resources



Birchwood Village

This memo is generated as a result of a request by city council to learn more about the [Legislative-Citizen Commission on Minnesota Resources](#) after endorsing the Constitutional Amendment to Continue Funding Natural Resources. Staff reached out to Avery Hildebrand avery@conservationminnesota.org and found that for 2025 projects the RFP process closed on March 27th. The next round of RFPs should be opening up this Fall/winter for 2026 projects. We were also informed that if the ballot measure passes, an additional \$20 million annually will be distributed to smaller community projects and organizations throughout the state.

More information on this opportunity can be found at https://www.lccmr.mn.gov/funding_process/process_2024.html

Regards,
Rebecca Kellen
City Clerk
City of Birchwood Village, MN
office: (651) 426-3403
email: rebecca.kellen@cityofbirchwood.com
website: <http://www.cityofbirchwood.com/>