

**MINUTES
PUBLIC SAFETY COMMISSION MEETING
APRIL 7, 2016**

The meeting was called to order at 6:05 p.m.

Present: Hawkins, LeBlanc, Lee, Linn, Pozzini-Stedman; Timmers; Town Board Liaison: Prudhon; Staff Liaison: Short.

Absent: Brueckner with notice.

APPROVAL OF AGENDA (Additions / Deletions): LeBlanc moved approval of the agenda with the following amendment: Add 9A) Liquor Ordinance Amendment. Linn seconded. Ayes all.

APPROVAL OF MINUTES OF MARCH 3, 2016: LeBlanc moved approval of the Minutes of March 3, 2016. Timmers seconded. Ayes all.

CONSENT AGENDA: Linn moved approval of the Consent Agenda as follows: 4A) Receive Animal Control Reports; 4B) Receive Ramsey County Sheriff's Report; 4C) Receive Sheriff Contract Group Minutes; 4D) Receive White Bear Lake Fire Department Report. LeBlanc seconded. Ayes all.

COMMISSIONER'S REPORT: White Bear Lake Fire Department: The Town Board invited Tim Vadnais, Fire Chief to the February Town Board Executive Meeting to receive an update on Fire Department activities. The Board discussed issues of staffing, paramedics, and response time. The Town Board had good conversations with the Chief and noted good relationships between the Fire Department and Township. Chief Vadnais reported to the Board that the 2015 annual report should be available soon. **Land Use Safety Zone:** The Town Board approved a modification of the Land Use Safety Zones for Benson Airport. The new length of the safety zone is consistent with a grass strip runway airport.

OTTER LAKE ELEMENTARY SCHOOL CARNIVAL – DISCUSSION: Supervisor Prudhon obtained a donation of 700 suckers from Cub Food for the carnival. The gifts and handouts are all ready. It was noted that if the “curfew for kids” and “No Solicitor’s Signs” would be good to have for handouts. Staff will locate the green vests for the

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PSC to wear to identify them. The members will meet at 5:30 p.m. on the day of the event.

BOWFISHING – ON-GOING DISCUSSION: There was discussion regarding the request for a bowfishing license from Ben Borowske and Nik Anderson. The Clerk provided the information that the PSC was interested in relating to setback distance. The DNR states that from sunset to sunrise a bow cannot be discharged within 300 feet of a campsite or within 150 feet of an occupied structure. Comments and suggestions included:

1. Add regulations that bows can only be discharged from boats in the water and following DNR rules.
2. See how people around the lake feel about changing the ordinance to allow bowfishing.
3. If the Township does decide to allow bowfishing the rules should be consistent with State rules.
4. Arrows must be tethered and should only be shot 20 feet.
5. Are we compromising people around the lake to accommodate people from Hugo and outside the Township?
6. If approved, should only be allowed on the lake only (not ditches or streams) and stay away from docks.
7. The PSC's only concern is public safety.

After discussion a vote was taken regarding a recommendation to the Town Board either in favor of allowing bowfishing or not allowing it. A hand vote showed that three attending members were in favor of allowing bowfishing and three attending members were not in favor. Due to the split vote no recommendation was made to the Town Board.

SEXUAL OFFENDER ORDINANCE – ON-GOING DISCUSSION: The Clerk distributed a memo from the City of Little Canada regarding their sexual offenders and sexual predators ordinance. Their City Council adopted an ordinance limiting where convicted sexual offenders and sexual predators could live within Little Canada. Three maps were attached that showed R-1, residential properties that remain after a 500 foot, 1,500 foot and 2,000 for radiuses from schools, daycares and churches.

The City of Little Canada's ordinance was reviewed. The purpose of their ordinance is in consideration of the safety of its residents, its children in particular, which they feel is of critical importance and the potential threat of designated predatory offenders in close proximity to them to be an unacceptable risk. The ordinance is intended to exclude sex offenders and predators from certain locations throughout the City to help protect the welfare and safety of the residents and reduce the risk presented by the presence of predatory offenders in close proximity to the public, children in particular, in areas that the City has control over. After review of the City of Little Canada's ordinance it was the consensus of the PSC that:

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1. A predatory offender shall not do any of the following:
 - a. Be present upon or loiter on or within 1000 feet of any school, school bus stop, church, or place of worship, public park, or city easement or public wooded or open space or any trails as well as any docks located at area beaches or day care facilities.

It was the consensus that relating to proximity to churches, there should be an exclusion for the offender to attend church if ratified by the minister. It was noted that predatory offenders still need someplace in the Township where they can live. In response if 1000 feet from a school, it is measured from the center of the school or from the perimeter, it was noted that it is from the perimeter of the school. It was the consensus that prohibiting proximity from bus stops is not rational since that would exclude most of the Township. The Clerk will prepare a map showing the 1000 foot proximity to schools, churches, parks, open space and trails in the Township for the next meeting.

It was the consensus that the Township ordinance should be consistent with surrounding communities.

Linn moved to recommend to the Town Board that the Township Sexual Offender Ordinance state that a predatory sexual offender shall not be present upon or loiter within 1,000 feet of any school, church, park, city easement or public wooded or open space or any trails as well as any docks located at area beaches and day care facilities, and that the ordinance be consistent with surrounding communities. LeBlanc seconded. Ayes all.

LIAISON REPORTS: There were no liaison reports.

NEXT MEETING DATE / ITEMS FOR DISCUSSION: The next meeting will be Thursday, May 5, 2016. Items for discussion will include:

- School Carnival review

LIQUOR ORDINANCE AMENDMENT: The Clerk reported that two North Oaks residents approached the Town Board during the Open Time part of the April 4, 2016 Town Board meeting with a request to amend the Town's Liquor Ordinance to reduce the minimum size of a restaurant that serves liquor from 100 seats down to something less. The individuals requesting the action would like to start a burger and beer 40 seat restaurant in the space in the Township Theatre Shops, 1190 County Road J, in a space previously occupied by a coffee and sandwich shop. The Board supported the idea and directed it to the Public Safety Commission for review and recommendation.

What needs to be reviewed is: 1) reduce restaurant size to 40 for beer/wine license; 2) change wine percentage from 14% to 24%; 3) on-sale intoxicating malt liquor license will

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not be required for wine/3.2 license holders; 4) food/liquor ratio for restaurants that seat 175+ change from 25% food to 50% food; 5) Sunday liquor license will not be required for those who have wine/3.2 stronger license.

The following represents the above most applicable sections of the Liquor Ordinance to be amended:

1. Section 2-2.1 Restaurant “not less than 100 guests”. (Consider reducing to “not less than 40).
2. Section 2-2.1 (a) “Where seating capacity of the establishment is between 40 and 174, at least 50% for food” and “Where the seating capacity is 175 or more, at least 50% for food (currently 25%).
3. Section 2-3 “On-Sale Wine licenses shall be issued only to restaurants with facilities for seating at least 40 guests at one time, and shall permit the sale of wine up to 24% - (State law) alcohol by volume...” (currently the Town allows wine up to 14%).
4. Add Section 2-3.1. “The holder of an On-Sale Wine license outlined in Section 2-3 above, who is also licensed to sell 3.2 percent malt liquor at on-sale may sell intoxicating malt liquors at on-sale without an additional license.” (Per State law).
5. Add Section 2-4.1. “A Sunday On-Sale Liquor license shall not be required by On-Sale Wine license holders who also hold a 3.2 percent malt liquor at on-sale license.” (Per State law). (The Town’s annual On-Sale Wine License fee is \$1,400 and the annual On-sale 3.2 Non-Intoxicating fee is \$150).

The Clerk reviewed Minnesota Statutes relating to Wine licenses. The Statute reads: “(a) A municipality may issue an on-sale wine license with the approval of the commissioner to a restaurant having facilities for seating at least 25 guests at one time. A wine license permits the sale of wine up to 24 percent alcohol by volume for consumption. A wine license authorizes the sale of wine on all days of the week unless the issuing authority restricts the license’s authorization to the sale of wine on all days except Sundays.”

b) The governing body of a municipality may by ordinance authorize a holder of an on-sale wine license issued pursuant to paragraph (a) who is also licensed to sell 3.2 percent malt liquors at on-sale pursuant to section 340A.411, to sell intoxicating malt liquors at on-sale without an additional license.”

If the above amendments are approved by the Town Board, the applicants could proceed with their application process for opening a burger and beer restaurant in the Theatre Shops. A more comprehensive review of the Ordinance could be done at a later date resulting in possible further ordinance amendment recommendations.

After discussion it was the consensus that reducing the minimum size of a restaurant that serves liquor from 100 seats to 40 seats is acceptable. Also where the seating capacity of the establishment is between 175 or more, at least 50% of the gross sales of the gross sales must be attributable to the service of meals.

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Pozzini-Stedman moved to recommend to the Town Board that the Liquor Ordinance be amended as follows: Section 2-2.1 Restaurant “not less than 40 guests”; Section 2-2.1(a) Where the seating capacity of 175 or more, at least 50% of gross sales of the establishment must be attributable to the service of meals; Section 2-3 “On-Sale Wine license shall be issued to restaurants with facilities for seating at least 40 guests at one time, and shall permit the sale of wine up to 24% alcohol, by volume; Add Section 2-3.1. The holder of an On-Sale Wine License outlined in 2-3, who is also licensed to sell 3.2 percent malt liquor at on-sale may sell intoxicating malt liquors without an additional license; Add Section 2-4.1. “A Sunday On-Sale Liquor license shall not be required by On-Sale Wine license holders who also hold a 3.2 percent malt liquor at on-sale license. LeBlanc seconded. Ayes all.

OPEN TIME: No one appeared for the open portion of the meeting.

The meeting adjourned at 7:50 p.m.

Respectfully Submitted,

Joan J. Clemens
Recording Secretary