

**MINUTES  
TOWN BOARD MEETING  
JUNE 3, 2019**

The meeting was called to order at 7:00 p.m.

Present: Supervisors: Prudhon, Ruzek, McCune; Clerk: Christopherson; Attorney: Lemmons; Engineer: Poppler, Planner: Riedesel; Public Works Director: Reed.

**APPROVAL OF AGENDA (Additions/Deletions):** McCune moved to approve the agenda as submitted, with the addition of Consent Agenda item 5A) 4. Benson Airport on October 11-13 & November 1-3; 5D) Ramsey-Washington Suburban Cable Commission 2018 Financial Report; 9A) Weston Woods – Review; 9B) Tent Application – Approve; 9C) Water Gremlin – Update. Ruzek seconded. Ayes all.

**APPROVAL OF PAYMENT OF BILLS:** Ruzek moved to approve payment of bills. McCune seconded. Ayes all.

**APPROVAL OF MINUTES OF MAY 20, 2019 (Additions/Deletions):** Ruzek moved to approve of the Minutes of May 20, 2019. McCune seconded. Ayes all.

**CONSENT AGENDA:** McCune moved to approve 5A) 2019 Archery Deer Hunt – Approve the 2019 Ramsey County Cooperative Deer Management Implementation Program in the following Areas of White Bear Township: 1. Tamarack Nature Center on October 28-30 & November 18-20; 2. Otter Lake Regional Park on October 11-13 & November 1-3; 3. Poplar Lake County Park on October 11-13 & November 1-3; 4. Benson Airport on October 11-13 & November 1-3; 5B) Mooring Requests – In accordance with the Portland Avenue Mooring Fees Policy, approve the mooring requests for the 2019 boating season June 1, 2019 through October 1, 2019 for 5373 & 5406 Portland Avenue; 5C) 4<sup>th</sup> Quarter Financial Report – Receive; 5D) Ramsey-Washington Suburban Cable Commission 2018 Financial Report – Based on Finance Officer review & recommendation receive & accept the Ramsey-Washington Suburban Cable Commission’s 2018 Annual Financial Report. Ruzek seconded. Ayes all.

**PUBLIC HEARING – CONDITIONAL USE PERMIT REQUEST – THREE OAKS OF WHITE BEAR TOWNSHIP:** Ruzek made the motion to note proper publication of the hearing notice in newspaper & waive reading of notice. McCune seconded. Ayes all. Ruzek moved to open Public Hearing. McCune seconded. Ayes all.

MINUTES  
TOWN BOARD MEETING  
JUNE 3, 2019

Riedesel summarized that the North Oaks Community had approached the Planning Commission previously, about a year ago. The Planning Commission approved a Conditional Use Permit for modification of landscaping plan due to diseased trees. The previous proposal included saving the majority of the trees, but due to grade change and construction, North Oaks lost more trees than was the plan. The Planning Commission and Variance Board had reviewed this agenda item in May, with the Planning Commission's recommendation to the Town Board to approve the Conditional Use Permit to allow the modifications to the landscaping plan.

There was discussion of timing and it was the consensus that the construction would go as quickly as possible since the land is ready to go. It was noted that the retaining wall in the previous plans was moved to the west where trees were originally planned to be planted.

Ruzek moved to open the public comment portion – ask for comments. McCune seconded. Ayes all. Gary Eagles from North Oaks Company LLC was present to go over the landscaping plans. Jake Walton from 5440 Centerville Road, was present to address his concerns with the project. He and other neighbors had concern over this project because the original plans show more trees, but the current progress show trees removed, including a couple large, mature oak trees that Walton enjoyed seeing. There was discussion in adding the contingency of more trees to the Conditional Use Permit. Denny Peterson of 5474 Peterson Road was also present to voice his concerns regarding trees versus open space like the current plans show.

Leif Eichen from 5451 Peterson Road was present to address his question to North Oaks Company. Eichen noticed plenty of flags in the ground marking where there is planned to be trees planted. His question is will there be a replanting of trees if they die due to not being properly planted, planted at the right time, or cared for by North Oaks. Riedesel explained that it would be up to the association to maintain or replace trees. Eichen also brought up the construction traffic that has been a result of this project though the signs clearly state 'no construction traffic' on residential streets.

Eagles stated that North Oaks changed the types of landscaping to produce a layered look, with includes more shrubs and bushes than the original plan. It was noted that the original plan had 58 trees and no shrubs, whereas this updated plan has 66 shrubs and 42 trees. There was discussion on whether or not North Oaks could add more trees to the plan; Eagles stated that North Oaks would do so. There was discussion of whether or not the association would maintain the landscaping. Eagles said it would, but it was noted that associations in the past had said they would but failed to do so. There was discussion of putting the maintenance of landscaping in the contract for bond and lengthening the association's responsibility of caring for the trees from 1 year to 3 years.

Ruzek moved to close public portion of the hearing. McCune seconded. Ayes all.

Based on Planning Commission & Staff review & recommendation Ruzek moved to approve the Conditional Use Permit / Zoning Certificate & Requirements for Three Oaks

MINUTES  
TOWN BOARD MEETING  
JUNE 3, 2019

of White Bear Township to allow modification of the Landscaping Plan & to add to the Bond the tree and shrub warranty for an additional two years and adding back to the original 58 trees plus the shrubs. McCune seconded. Ayes all. Let the record show that Chair Prudhon abstained being an affected property owner.

**PUBLIC HEARING – SIDE YARD SETBACK VARIANCE REQUESTS – MARILYN SVEE @ 2630 SOUTH SHORE BOULEVARD – TO ALLOW CONSTRUCTION OF A GARAGE AND DRIVEWAY:** Ruzek moved to note proper publication of the hearing notice in newspaper & waive reading of notice. McCune seconded. Ayes all. Ruzek motioned to open the Public Hearing. McCune Seconded. Ayes all.

Riedesel summarized the proposed variance request to allow for the construction of a 24' x 24' garage and paved driveway which replaces an existing single garage. The Svee property is an undersized lot of record and Svee wishes to construct the new garage in the same location as the existing garage.

The original variances were 10' side yard setback, 5.2' side yard setback, and a 5% green area. Svee is asking for a 7' side yard setback, a 3.19' side yard setback, and still a 5% green area variance.

Ruzek moved to open public comment portion – ask for comments. McCune seconded. Ayes all. Svee was present to discuss this agenda item and explained why she added the difference in variance request since the Planning Commission. The power pole inhibits space for the driveway; her suggestion is to move the garage 3 feet so the driveway can be straight.

Ruzek motioned to close public portion of the hearing. McCune seconded. Ayes all.

Ruzek moved Based on the Variance Board, Planning Commission & Staff review & recommendation approve the 7' & 3.19' side yard setback variance & the 5% green area variance to allow construction of a garage and driveway

**KENT JEFFERSON, 514X WEST AVENUE – REQUEST FOR MINOR SUBDIVISION WITH TWO 5' LOT WIDTH VARIANCES:** Riedesel summarized the request for a minor subdivision on West Avenue. He noted this original request was approved by the Town Board in 2003. But since Jefferson did not file the paperwork in time, the approval lapsed. The proposed minor subdivision would create two 75' wide lots containing more than 20,000 square feet in area.

Both the Variance Board and the Planning Commission reviewed this agenda item and recommended the Town Board to approve the request for the minor subdivision with two 5' lot width variances for the following reasons: the original application that was approved in 2003, intending to split the land this way all along; the lots contain 20,000+ square feet in area, while the requirement is the lots are to contain at least 12,000 square feet; and when the property was originally assessed for water services and two stubs were installed.

MINUTES  
TOWN BOARD MEETING  
JUNE 3, 2019

A few neighbors were present at the Planning Commission meeting to address drainage concerns. At the Planning Commission, there was discussion of drainage, and though the building of homes on these lands won't make drainage issues worse, the Town does want to look into these drainage issues on Mead Road, West Ave and Ridgewood as there are no storm sewer drains, no curbs.

It was also noted that the properties would have easements regarding the shed that is currently on the land. Jefferson also noted that he was going to try to preserve as many trees as possible. There was discussion of the type of soil of this property and ideas to help ease draining issues, such as rain gardens and grading.

Ruzek moved based on Variance Board, Planning Commission & Staff review & recommendation approve the minor subdivision with two 5' lot width variances. McCune seconded. Ayes all.

**RICK & KIM LUCIO, 5691 ORCHARD AVENUE – REQUEST FOR A 10.4% GREEN AREA VARIANCE & A 142 SQUARE FOOT LAKESHORE ACCESSORY SQUARE FOOTAGE VARIANCE FOR CONSTRUCTION OF AN IN-GROUND POOL:** Riedesel summarized the request for a 10.4% green area variance to allow construction of an in-ground pool between the house and Bald Eagle Lake. The Lucio property is an undersized lot of record.

The pool is considered a lakeshore accessory structure which establishes the setback requirement at 10' from the 913' one hundred year high water elevation. The proposed pool meets that requirement, but 142 square feet of the 392 square foot pool exceeds the size requirement for a lakeshore accessory structure.

The Lucio's current green area coverage is 46.9% and they are proposing in the first phase to remove the concrete patio where the pool will be constructed thereby decreasing the green area coverage to 41.5%. In phase two of the project, they plan to remove the existing concrete driveway which will further decrease the green area bringing it down to 35.4%. Pavers will be installed to replace the concrete.

Both the Variance Board and the Planning Commission reviewed this agenda item and had members who opposed the application on the grounds of "reasonable use."

There was discussion of a previous approval of green area variance for an in-ground pool level with Bald Eagle Lake on Bald Eagle Point.

Ruzek moved based on Variance Board, Planning Commission & staff review & recommendation approve the 10.4% green area variance & the 142 square foot lakeshore accessory structure square footage variance for construction of an in-ground pool at 5691 Orchard Avenue. McCune seconded. Ayes all.

MINUTES  
TOWN BOARD MEETING  
JUNE 3, 2019

**KEVIN & JULIE LUND, 5932 HOBE LANE – REQUEST FOR 14.6 RIGHT-OF-WAY SETBACK VARIANCE & VARIANCE FROM SECTION 5-29 OF ORDINANCE NO. 8 TO EXCEED 1,000 SQUARE FEET FOR CONSTRUCTION OF A GARAGE:**

Riedesel summarized the request to demolish an existing garage and construct an attached oversized garage which would exceed the allowed 1,000 square foot size and would encroach into the road right-of-way setback. The previous garage was 17.5' from the right-of-way; the new attached garage is proposed to be 20.4' from the right-of-way.

Ordinance No. 8 states that a permit may be applied for an oversized garage if the property exceeds 22,000 square feet. The Lund property is 22,200 square feet in area and abuts Bald Eagle Lake.

Both the Variance Board and Planning Commission reviewed this agenda item and recommended the Town Board to approve the right-of-way setback variance as the right-of-way in this area is greater than normal; there is a decrease in a non-conforming setback. The request meets the standards set forth by Ordinance No. 35 to approve a variance; approve the variance from Section 5-29 of Ordinance No. 8 noting that the property exceeds the 22,000 square foot requirement and abuts Bald Eagle Lake.

There was discussion of removing the mudroom from the garage and that would decrease the space about 133 square feet. The Lunds agreed.

Ruzek moved Based on Variance Board, Planning Commission & staff review & recommendation approve the 14.6' right-of-way setback variance & in accordance with Ordinance No. 8, Section 5-29.B approve the construction of a garage exceeding 1,000 square feet in area. McCune seconded. Ayes all.

**WHITE BEAR MAKER SPACE, 5966 HIGHWAY 61 – SIGN PERMIT REQUEST:**

Riedesel summarized that White Bear Maker Space is located behind Holiday and Bald Eagle Quick Stop. The owners would like a pylon sign on the Quick stop sign to advertise their company. The Town's sign ordinance requires the sign to be on the property for which the sign is advertising. Due to Section 4.1.3, this request needs Town Board approval in order to proceed.

Teresa Lundwing, 3743 Thomas Court, Vadnais Heights, from Maker Space was present to answer questions and discuss this application. Lundwing explained that the sign will be on two 4 x 4 posts and the sign will be 4 x 6. It was noted that this sign may help traffic control and help cars not wander through Holiday looking for Maker Space.

Ruzek moved based on Planning Commission & staff review & recommendation approve the sign permit request at 5966 Highway 61 with the understanding that the sign laid out in the application does not change a 4 x 6 sign. McCune seconded. Ayes all.

**IMPROVEMENT 2019-3 – UPDATE:** The Town Engineer summarized the information in the packet regarding plans to continue with the 2019 street improvement schedule.

MINUTES  
TOWN BOARD MEETING  
JUNE 3, 2019

Poppler gave an update of the neighborhood meeting, and stated that only one person from this neighborhood meeting had been at the February neighborhood meeting. The Public Hearing will be held on June 4<sup>th</sup> at 6:30 p.m. at Otter Lake Elementary School, and it will be cable cast. The next step will be to approve plans and specifications and authorize advertisement for bids, open and approve bids. Once the Town has the bids, there will be more information regarding assessments and there is a possibility that the assessment could rise or fall based on the bids and completion of the bids. The \$3,000 assessment is just a good picture of what the final project will look like. If all goes according to plan, construction will begin end of July and will be completed in October.

**PORTLAND WOODS STORM SEWER – AUTHORIZE PREPARATION OF PLANS & SPECS – AUTHORIZE ADVERTISEMENT FOR QUOTES:** The Town Engineer summarized that every year the Township takes on the communities where storm sewers are failing. The Public Works staff pump the water out of a pond. The Utility Commission approved the storm sewer plans at the May meeting. This project consists of TKDA studying the area and fixing culvert work. TKDA estimate that the cost will be about \$2,900. Timing was discussed and it was confirmed that Public Works and a contractor can get this item done this year. The Public Works Director plotted storm sewer projects in rank of necessary improvements and Portland Woods out ranked the other storm sewer projects.

Ruzek motioned based on Town Engineer review & recommendation to authorize TKDA to prepare plans & specifications. McCune seconded.

Ruzek motioned based on Town Engineer review & recommendation to authorize TKDA to advertise for quotes in an amount not to exceed \$2,900.00 for the Portland Woods storm sewer project noting funding from the Storm Water Utility Fund. McCune seconded. Ayes all.

**2019 I & I PROJECT – RECEIVE BIDS – AWARD CONTRACT:** Part of the Town's infrastructure management program is providing funding for infiltration and inflow (I/I) investigative work. The Town maintains over 300,000 lineal feet of sewer pipe, and similar to other years, 2019's goal is to continue on schedule with joint sealing and televising the I & I investigative work, with about 50% of the 300,000 feet left.

The Public Works Director summarized the project and the bidding process for these updates. The Township did advertise twice in the newspaper legal section. Reed explained that the only bid from Ritter and Ritter is sufficient. Both Hydro-Klean, Inc. and Visu-Sewer were companies who could have bids, but they were either booked for the summer or didn't have the necessary tools.

McCune motioned based on Public Works Director review & recommendation receive bid from Ritter & Ritter in the amount of \$32,275.00. Ruzek seconded.

MINUTES  
TOWN BOARD MEETING  
JUNE 3, 2019

McCune motioned based on Public Works Director review & recommendation award the contract to the low bidder, Ritter & Ritter in the amount of \$32,275.00 noting funding from the Storm Water Utility Fund. Ruzek seconded. Ayes all.

**PROBATIONARY PERIOD – TOWN CLERK-TREASURER – APPROVE:** Based on the review during the May Executive Meeting and Christopherson's proof of character, the Town Board approves of the job he has been doing.

Ruzek moved based on Town Board review & recommendation & in accordance with Section III – Employment, Sub-Section F – Probationary Period of the Township Employee Handbook, Patrick Christopherson is hereby appointed to Township service as the full-time Town Clerk-Treasurer. McCune seconded. Ayes all.

**JUNE EXECUTIVE MEETING – RESCHEDULE TO JUNE 21<sup>ST</sup>:** The Town Clerk has a conflict on June 28, 2019; the League of Minnesota's annual meeting June 26-28<sup>th</sup>.

Ruzek moved to reschedule the meeting of June 28<sup>th</sup> to June 21<sup>st</sup> due to the Town Clerk's conflict. McCune seconded. Ayes all.

**SPRINKLING REGULATION CHANGE REQUESTS:** The Clerk summarized that Weston Woods Homeowners Association & Southwind Townhouse Association have requested to continue the watering of the lawn during night hours, 10 p.m. to 6 a.m., instead of day hours, dawn to dusk, like the Town ordinance states. It was discussed that Weston Woods and Southwind have watered in the past like this for some time. There was discussion of proper watering procedures and why the Town's ordinance dictates daylight hours: grass can dry out properly ensuring no mold, moisture sensors work properly, etc. Weston Woods states that it prefers watering at night because of evaporation from the sun, wind speed is lower at night, drifting onto buildings and other things, the loss of use of turf and sidewalks during daytime watering windows, and reduced hours for maintenance. There was discussion to keep it the same because it has worked for them, but on the other hand the Town has the ordinances set for a reason.

Ruzek made the motion to deny the special request to change the water ordinance for this request by Weston Woods and Southwind Townhouse Association and has opted to adopt a Resolution as follows: Whereas the Town Board has an established ordinance regarding water conservation and the established ordinance was considered on a rational basis, therefore be it resolved that the Board will not consider requests for irrigation systems run outside of the existing ordinance. McCune seconded. Ayes all.

**ADELE HARRIS – TENT/CANOPY REQUEST FOR GRADUATION PARTY:** Riedesel presented the email request from Adele Harris stating that she request a 20' x 15' temporary canopy installed for the day of Saturday, June 8, 2019 at Mead Park for her daughter's graduation party from 3 to 7 p.m. in case the weather is not conducive to the outdoor gathering. He stated that it is necessary that the Town Board approve a permit to allow a tent in a Town Park, and time is important because Harris will need to contact

MINUTES  
TOWN BOARD MEETING  
JUNE 3, 2019

a staking company soon. It was discussed that the Town would have to be okay with perhaps the tent residing there for two days, depending on setup and takedown measures.

Ruzek made the motion to approve the tent/canopy request by Adele Harris for the graduation party of her daughter from 3 to 7 p.m., with the understanding that they may set it up earlier than that, at Mead Park, but that they should be calling for locate service and that it is the understanding that the Township is being held harmless and in no way responsible for damages. McCune seconded. Ayes all.

**WATER GREMLIN – UPDATE:** The Town Clerk updated the Board on the findings of the two bills going through State Legislation. The bill requiring a state-wide ban of TCE failed, and instead the state set aside state funding separate to the Water Gremlin Settlement Funds to study the impacts of TCE further. The bill put forth by the Concerned Citizens Group requesting to become a formal Stake Holder Group failed. The Group is still functioning, but has been given no authority by the state for which to allocate settlement funds. These updates were discussed. The Clerk stated that he will hope to have more information on the failed TCE bill by the June 17<sup>th</sup> Town Board Meeting.

**OPEN TIME:** Resident Kiz Michel Taylor, 5211 West Bald Eagle Boulevard, was present for Open Time. She is new to the Township and recently moved to the Boulevard of which there has been on-going discussion regarding one-way versus two-way street. Taylor has looked at the 2012 Comprehensive Plan and recent news regarding the discussion and was inquiring what the arguments for the two-way street were.

The Board explained that it is a County-maintained road and for that reason the Township is at least waiting until the County updates it. There is construction this summer on County Road H2 that may give some insight to how the County or the Township may adapt West Bald Eagle Blvd.

Taylor brought up changing the speed or adding in a stop sign as she stated she saw two accidents near her home. Prudhon explained that if drivers are speeding it is up to the patrolling officers to fine violators, and therefore up to residents to inform Ramsey County Sheriff's Department of violators.

**RECEIPT OF AGENDA MATERIALS / SUPPLEMENTS:** Ruzek motioned to receive all agenda materials & supplements for tonight's meeting. McCune seconded. Ayes all.

McCune moved to adjourn the meeting at 9:18 p.m. Ruzek seconded. Ayes all.

Respectfully Submitted,

Patrick Christopherson

MINUTES  
TOWN BOARD MEETING  
JUNE 3, 2019

Town Clerk-Treasurer

Approved as Official Meeting Minutes

\_\_\_\_\_  
Town Board Supervisor

\_\_\_\_\_  
Date