Board of Supervisors
ROBERT J. KERMES, *Chair*
ED M. PRUDHON
STEVEN A. RUZEK

WHITE BEAR TOWNSHIP
1858
RAMSEY COUNTY
MINNESOTA

1281 HAMMOND ROAD
WHITE BEAR TOWNSHIP, MN 55110

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AGENDA
EXECUTIVE MEETING
JANUARY 24, 2018

1. **12:00 Noon** – Call Meeting to Order at Administrative Office Conference Room, 1281 Hammond Road.

2. Approval of Agenda (Additions/Deletions).
3. Approval of December 21, 2017 Minutes (Additions/Deletions).

4. DNR Groundwater Management - Update.
5. I & I Program – Flow Monitoring.
6. Water Supply Plan Water Audit – Update.
7. Water Meter – Update.
8. Ordinance No. 33 (Sign) Amendments – Consider Wilson Tool Request.
9. Airbnb Rentals – Zoning Ordinance Amendment Discussion.
10. March Executive Meeting Date - Reschedule.
11. 2018 Commission Meetings – Town Board Attendance.
12. Trails.
13. Public Works Director Report.
14. Code Enforcement Office / Building Inspector Items:
    a. 5456 Township Drive
    b. 1374 Top Lane
    c. 5734 Meadowview Drive
    d. 1710 Whitaker
    e. 1508 Hammond Road
    f. 2105 Stillwater Street
15. Clerk-Treasurer Report.

16. Open Time.
17. Added Agenda Items.
18. Receipt of Agenda Materials/Supplements.
19. Adjournment.

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Town Board Executive Meeting
January 24, 2018

Agenda Number: **1 - 2 – 3**

Subject: Approval of January 24, 2018 Agenda
Approval of December 21, 2017 Minutes

Documentation: January 24, 2017 Agenda
December 21, 2017 Minutes

Action / Motion for Consideration:

Call meeting to order:
Approval of Agenda: January 24, 2018 (additions/deletions)
Approval of Minutes: December 21, 2017 (additions/deletions)

MINUTES
EXECUTIVE MEETING
DECEMBER 21, 2017

The meeting was called to order at 12:37 p.m.

Present: Supervisors: Kermes, Prudhon, Ruzek; Clerk: Short; Attorney: Kelly and Lemmons; Finance Officer: Tom Kelly; Public Works Director: Reed; Code Enforcement Officer/Building Inspector: Johnson; Planner: Riedesel; Engineer: Studenski.

APPROVAL OF AGENDA (Additions/Deletions): Prudhon moved approval of the agenda with the following amendments: 17A) Email Addresses for Town Board Supervisors: 17B) Centerville Road Pending Traffic Signal Construction at Cub Foods' north driveway; 17C) Comprehensive Plan. Ruzek seconded. Ayes all.

APPROVAL OF NOVEMBER 17, 2017 MINUTES (Additions/Deletions): Prudhon moved approval of the November 17, 2017 meeting minutes. Ruzek seconded. Ayes all.

DNR GROUNDWATER MANAGEMENT UPDATE: The Chief Judge entered a temporary stay to the court's order on September 6, 2017 with a decision anticipated on January 26, 2018. The DNR is not required to do anything until after that date. The order was stayed when there was the potential for an appeal. Judge Marrinan will come out of retirement to continue to handle the case. She has the authority to extend the stay or end the stay. The rationale for the stay was that if it was not granted the DNR would be prohibited from granting any permits (including construction dewatering) in the area. It appears that chances for a re-trial are slim. However, some things need to be sorted out, such as the five mile radius around White Bear Lake established for having impact on the lake level. The Town Attorney will keep the Town updated. There was discussion regarding additional costs to the Town. The Town Attorney stated that the Township's involvement is fairly limited so there should be no significant costs involved.

I&I PROGRAM – FLOW MONITORING: The Engineer reported that Visu-Sewer will do joint sealing early in the year. A cost will be defined for the work. The Engineer will report back.

WATER SUPPLY PLAN/WATER AUDIT – UPDATE: The Engineer reviewed water production. Review of information for the water audit shows that the utility billings are below production. Engineering will meet with the DNR to see how to present the information.
WATER METER UPDATE: Correspondence from Core & Main, supplier of the water meters notified the Town Attorney that they are in receipt of the Town's letter regarding a claim associated with water meters not accurately recording. The Public Works Director and Engineer met with them and they have requested another meeting, without legal counsel present. The Public Works Director and Engineer are working with the Finance Department to see how many meters there are which are impacted. It appears that 90% of the meters could be affected. It was the consensus to have information ready for Core & Main, and that the Town Attorney review any written correspondence by the Town Attorney before release.

COMMISSION/BOARD APPOINTMENTS: The vacancies in commissions and boards and applications received were reviewed. Following are the recommendations: **Planning Commission**: 1) Appoint Steve Swisher, 1210 Pond View Lane to fill the unexpired term (Ron

Ulbrich) for a term to expire April 30, 2018; 2) Appoint Monica Loes, 2634 Martin Way to fill the unexpired term (Mark Griffin who has requested to be appointed to the Public Safety Commission) for a term to expire April 30, 2019. **Park Board:** 1) Appoint Jason DeMoe, 1403 Brandlwood Road to fill unexpired term (Charles Archer) for a term to expire April 30, 2018; 2) Appoint Erik Josephson, 4188 Forest Court to fill unexpired term (Eric Peterson) whose term expired April 30, 2017. **Public Safety Commission:** Appoint Mark Griffin, 4359 Fisher Lane to the Public Safety Commission as an Alternate. **Utility Commission:** Appoint George Fredericks, 5958 Hobe Lane to fill vacancy on the Utility Commission. Sara Eken, 5533 Hugo Road submitted an application for position on the Planning Commission, There is no vacancy at this time. Staff will talk with her.)

ORDINANCE NO. 33 (SIGN) AMENDMENTS – CONSIDER REQUEST BY WILSON TOOL, 4900 CONSTELLATION DRIVE: The Planner reported that Aspect LED, a subsidiary of Wilson Tool is preparing to lease the light industrial building at 4900 Constellation Drive. Aspect LED manufactures LED lighting, including signs. They would like to advertise their product by installing a 300 (25' x 12') square foot pylon sign
on the freeway side of the site. The Town's Sign Ordinance limits sign square footage for a building or business to 100 square feet. Exceptions are permitted if the business has multiple buildings which exceed 50,000 square feet in area. Larger buildings are permitted to have 2 signs each, not to exceed 250 square feet or 400 square feet overall. The building Aspect LED would like to lease is 70,000 square feet in area. Wilson Tool has multiple buildings, but only this one in White Bear Township. If the Town determines that the Aspect building meets this Sign Ordinance requirement, the sign square footage will be limited to 250 square feet. If the larger sign is preferred, the Sign Ordinance must be amended. The following amendment may be considered: "**Size & Number:** One business or identification sign per business or building by permit. No sign shall be larger than one hundred (100) square feet of display surface. Light industrial business with multiple buildings may place up to two (2) signs on each building over 50,000 square feet in size. Signs on these large buildings (over 50,000 square feet) may not exceed 300 square feet each and the total of two signs may not exceed 400 square feet. The maximum number of signs allowed for a light industrial business is four." Aspect LED would also like to have a building mounted sign. It was the consensus that signs are central to Aspect LED's marketing. An email from Mark Miller, Township resident, was reviewed. Mr. Miller is opposed to signs glaring and flashing across the freeway to Polar Lakes Park, where events are scheduled. He also questioned the intensity of the signs on the freeway. The Planner will work with Wilson Tools with more specific information and report back.

BALD EAGLE ISLAND – LOT COMBINATION: Nathan Landucci, 1 Bald Eagle Island, attended the Variance Board Meeting on November 30, 2017 to present his modified plan which showed a garage with living quarters, defined as a guest cottage. The new design has a flat roof and the living area was modified to eliminate the kitchen area except for a sink. The plan proposes a living area, bedroom, and bathroom with a toilet, sink and shower. Mechanical heating/air conditioning is also located within the unit. The lot where the guest cottage is proposed and the island are not tied together for tax purposes so as a freestanding lot, a green a rea variance is also required. It was the consensus of the Variance Board that based on the proposed building, the lack of lot square footage, unless tied to the island, the quantity of

variances, the unprecedented height variance request, the plan, as proposed, cannot be supported. Mr. Landucci withdrew his proposal. After discussion at the Executive Meeting and opinion offered by the Town Attorneys, it was the consensus that this cannot be done because it is not a contiguous parcel.

TRAILS: The consultant will translate information received into a matrix to evaluate alternate trail options on South Shore around White Bear Lake. At this point each governmental unit member of the advisory team will complete the matrix. If an elected official is needed to represent the Township, Bob Kermes volunteered to serve, with Ruzek as alternate.

Chris Hiniker attended the meeting to review his input for a potential summer 2018 trial around the south end of Bald Eagle Lake. He suggested a County Road H2 to Park Avenue which will maintain two-way traffic; reduce traffic lanes to 10 feet; reduce posted speed limit to 20 mph; and equal shoulder widths on both sides of the road. A Park Avenue to Hugo Road scenario would convert to one-way eastbound traffic; reduce traffic lane to 10 feet; reduce posted speed limit to 20 mph; and have a 10- foot trail on current westbound traffic land. He suggested a mid-June to late August test period. No interruption to school bus operations is anticipated and there would be no effect on mail, garbage, and emergency services. Mr. Hiniker's document was entered into the record.

PUBLIC WORKS DIRECTOR REPORT: The Public Works Director reviewed Public Works Department activity for the month of December 2017. **Lift Station Upgrades:** TKDA will provide an engineering proposal for developing bid documents for Lift Station #10 in early 2018. The Lift Station #3 project is completed. Neighbors have requested the Town to provide landscaping around the lift station. **Water Meter Repair/Reading:** The Clerk, Public Works Director and Engineer met with representatives from Core & Main and Sensus respectively on December 12th. The Town Attorney will review any language in written correspondence to the manufacturer or vendor. **2016-2020 Capital Equipment/Capital Improvement Programs:** GIS integration has been approved in the budget and will begin in 2018. Ramsey County Emergency Management is working with communities within the County on replacement siren activation system. Quote for the activation system replacement at each of the Town's four locations has already been provided by Federal Warning Systems. The County is going to take over the activation system used by the City of St. Paul. Communities within the County will have to convert to the same activation equipment that is used by the City of St. Paul by April 1, 2018. Staff has been working with TKDA to verify if other siren manufacturers could provide sirens aside from Federal Signal Systems. TKDA will provide a letter to document findings on siren options and will address if there is an issue with the current power supply at 3 of the 4 siren sites. **Storm Water Program:** Stormwater pond inspections have been completed for 2017. Ramsey County has provided a cost share agreement for the outfall located near Park and West Bald Eagle Boulevard for signature by the Town Board. **Water System Improvements/Issues:** Veneer contractor should complete the work on Well #5 treatment plant #1 this week. Thin brick and thin block were slow on delivery to keep the work going earlier in the fall. An interconnect for area south of TH 96 with the City of White Bear Lake's water system is going to be proposed to the Town Board soon. The Town Engineer and Public Works Director needs to visit the possible interconnect locations to determine which is the most feasible. The Town Engineer and Public Works Director are negotiating liquidated

damages with TMI on the Northeast water tower project. Water Tower Clean and Coat completed the exterior cleaning of the Hammond Road tower on November 14, 2017. The South tower will be cleaned in the spring. **Sanitary Sewer System Improvements/Issues:** The southeast sanitary sewer lining project is completed. There is ongoing discussion regarding a pump replacement for Lift Station #1 due to damage from rocks found in the impellor. The 2017 I&I project was awarded by the Town Board on October 2nd to Visu-Sewer, Inc. The Public Works Director met with Visu-Sewer project manager to discuss the start of the work. Work will begin in late December 2017 or early January 2018. Flow monitor data reviewed by the Town Engineer. From that analysis it was determined that the following street sections should be televised form potential I&I issues; Cottage Avenue, Prospect Avenue, and Lakeview Avenue and a small section of gravity line between the West Bald Eagle Easement and Lift Station #3. **Street Improvement Program:** The Engineer will put together a feasibility report.

CODE ENFORCEMENT OFFICER / BUILDING INSPECTOR ITEMS: 1) 5456 TOWNSHIP DRIVE; 2) 1374 TOP LANE; 3) 4141 OAKMEDE LANE; 4) 5734 MEADOWVIEW DRIVE; 5) 1719 WHITAKER: 5456 Township Drive: Violations continue to be taken care of. The property owner provided a contract to the Court indicating things that will be done. The Building Official talked with the Prosecuting Attorney regarding a strategy for this property. The Prosecuting Attorney advised that the Town continue to inform the property owner of court action if violations are not addressed. There was discussion regarding the property being use as rental property. The property owner has already been informed that the rental license will be revoked if violations are not addressed. There was discussion regarding the cost to the Town to continually address ongoing violations. Authorization for the Town Attorney to review how the Township can recover administrative costs will be placed on the agenda for the January 3, 2018 Town Board Meeting. **1374 Top Lane:** There are unlicensed and inoperable vehicles on the property. There are Sheriff calls often to the house. The Code Enforcement Officer will put together a strategy for an administrative search warrant with Sheriff Deputy presence. **4141 Oakmede Lane:** The property owner at 4133 Oakmede Lane has presented his concerns regarding an accessory building built by the owner at 4141 Oakmede Lane. The accessory structure was built prior to his purchasing his home at 4133 Oakmede Lane. He has concerns about how the building is being accessed. The neighbor occasionally drives vehicles on their grass from the street driving alongside their home which may barely meet the side lot setback. He has concerns about the wetlands, drainage easement, green area, access to garage, side lot setback; and the process used to allow the accessory structure. Nathan Haase provided a verbal request at the December 18, 2017 Town Board Meeting for an Appeals and Adjustment Hearing. Once a formal request has been made the Town Board will review the matter and an Appeals and Adjustments Hearing scheduled if necessary. **5734 Meadowview Drive:** The property owner has taken some action regarding debris, yard maintenance and housing codes. There is still more to be done. A court hearing will be held soon. **1719 Whitaker:** The Town Attorney sent notice to the homeowner's association informing them that it is the Township's position that the public nuisance has been abated and if the association and the adjoining property owners feel that further remediation is necessary, that is a private matter which does not involve the Township.

DRAFT

CLERK-TREASURER REPORT: 1) WATER EFFICIENCY WRAP-UP: The Water Efficiency Program was well received and successful. According to the Metropolitan Council Water Efficiency Grant Summary there were 4,514 total devices from the participating communities. There were 940 clothes washers; 2,380 toilets; and 1,190 irrigation controllers replaced. This represents 52,078,934 gallons of water saved annually. Clothes washers saved 4,175,751 gallons; irrigation controllers saved 18,076,698 gallons; and watersense toilets saved 29,767,485 gallons.

EMAIL ADDRESSES FOR TOWN BOARD SUPERVISORS – TOWN ATTORNEY MEMORANDUM: A question was raised as to whether or not the Town should establish official email addresses for each supervisor on the Town server. By establishing official email addresses and using only those email addresses to send or receive Town communications, discovery would be limited to that email address. Another reason is that when litigation is commenced all computers may be frozen to avoid any deletion or modification of electronic evidence. With all emails stored on the Town's server there would be no need to freeze a supervisor's personal computer. It was the consensus that the Town's supervisors should have an established email address on the Town's server. Authorization for the Finance Officer to establish official email addresses for the supervisors on the Town's server will be placed on the agenda for the January 3, 2018 Town Board meeting.

CENTERVILLE ROAD IMPROVEMENT: There is a pending traffic signal improvement on Centerville Road related to the Lunds-Byerlys supermarket recently approved by the City of White Bear Lake. Nothing official has been received by the Township as yet. The County, the City of White Bear Lake, and the Township will all be involved in the project and shared cost of improvements is anticipated.

COMPREHENSIVE PLAN: Staff and consultants are finalizing updating the Comprehensive Plan. The Town Engineer started that there are more components that will have to be put together for the plan. Staff will complete additional work needed and a proposal will be presented in January.

RECEIPT OF AGENDA MATERIALS / SUPPLEMENTS: Prudhon moved to receive all of the agenda materials and supplements to today's meeting. Ruzek seconded. Ayes all.

Ruzek moved to adjourn the meeting at 4:08 p.m. Prudhon seconded.

Respectfully Submitted,

William F. Short
Clerk-Treasurer

DRAFT

Town Board Executive Meeting
January 24, 2018

Agenda Number: 4

Subject: DNR Groundwater Management - Update

Documentation: Meeting of Municipal Water Suppliers Information

Action / Motion for Consideration:

Town Clerk Report at Meeting / Discuss

Minutes
Executive Meeting
December 21, 2017

DNR GROUNDWATER MANAGEMENT UPDATE: The Chief Judge entered a temporary stay to the court's order on September 6, 2017 with a decision anticipated on January 26, 2018. The DNR is not required to do anything until after that date. The order was stayed when there was the potential for an appeal. Judge Marrinan will come out of retirement to continue to handle the case. She has the authority to extend the stay or end the stay. The rationale for the stay was that if it was not granted the DNR would be prohibited from granting any permits (including construction dewatering) in the area. It appears that chances for a re-trial are slim. However, some things need to be sorted out, such as the five mile radius around White Bear Lake established for having impact on the lake level. The Town Attorney will keep the Town updated. There was discussion regarding additional costs to the Town. The Town Attorney stated that the Township's involvement is fairly limited so there should be no significant costs involved.

Meeting of Municipal Water Suppliers
within 5 miles of White Bear Lake

January 10, 2018, 9:00 a.m. to 11:00 a.m., DNR Lobby Conference Room

Purpose: Review planned water supply permit changes required by Ramsey County District Court Order 62-CV-13-2414

Welcome and Overview (Barb Naramore)

Discussion of source change requirements-Order item 4E (Julie Ekman, lead)

- Discuss language for a permit Condition that will require water suppliers, by 8/29/2018, to submit to DNR a contingency plan for conversion to total or partial supply from surface water sources.

Discussion of additional permit conditions (Julie Ekman, lead)

- Order item 4C—residential irrigation ban
- Order item 4D—per capita water use
- Order item 4F—report on collaborative efforts

Implementation of Ramsey County District Court Order 62-CV-13-2414: Item 4.D) Per Capita Water Use

Timeline: Permit Condition will be added to permits by 2/28/2018; Per capita water use plan due to DNR by August 29, 2018

The following outlines language from the Court Order in Part 4.D) and conceptual permit condition language for amending the 11 municipal/public water supply groundwater appropriation permits within a 5-mile radius of White Bear Lake.

Court Order Language: *4.D) Requiring that all existing permits include an enforceable plan to phase down per capita residential water use to 75 gallons per day and total per capita water use to 90 gallons per day. The enactment of this requirement will be completed no later than 1 year from the date of this order.*

This section in the Court Order pertains to the following communities:

- Hugo, City of (Permit # 1975-6218)
- Lake Elmo, City of (Permit # 1961-1031)
- Lino Lakes, City of (Permit # 1985-6168)
- Mahtomedi, City of (Permit # 1969-0163)
- North St. Paul, City of (Permit # 1977-6176)
- Oakdale, City of (Permit # 1978-6197)
- St. Paul Regional Water Services (city of St. Paul) (Permit # 1977-6229)
- Stillwater, City of (Permit # 1975-6207)
- Vadnais Heights, City of (Permit # 1980-6153)
- White Bear Lake, City of (Permit #1969-0174)
- White Bear Township (Permit # 1984-6120 & 1984-6121)

Item 4.D) will be implemented through permit language in the above municipal/public water supply groundwater appropriation permits within a 5-mile radius of White Bear Lake.

Concept for Permit Condition Language:

Ramsey County District Court Order: 62-CV-13-2414 – Per Capita Water Use Plan: By August 29, 2018 a plan to phase down per capita residential water use to 75 gallons per day and total per capita water use to 90 gallons per day must be submitted to DNR. The plan must include enforcement tools and procedures to ensure implementation of the plan.

Implementation of Ramsey County District Court Order 62-CV-13-2414: Item 4.E) Source Water Shift

Timeline: Permit Condition will be added to permits by 1/17; contingency plans due to DNR by August 29, 2018

The following outlines language from the Court Order in Part 4.E) and conceptual permit condition language for amending the 11 municipal/public water supply groundwater appropriation permits within a 5-mile radius of White Bear Lake.

Court Order Language: *4.E) Immediately amending all permits within the five mile radius of White Bear Lake to require that within one year of the date of this order, permittees submit a contingency plan in their water supply plans for conversion to total or partial supply from surface water sources. This contingency plan will include a schedule for funding design, construction and conversion to surface water supply. The Court notes that while the DNR has previously ignored the mandate of this statute, submission of these water supply conversion plans is required for the issuance of permits. Whether any conversion would occur shall be determined by the DNR and the affected communities.*

This section in the Court Order pertains to the following communities:

- Hugo, City of (Permit # 1975-6218)
- Lake Elmo, City of (Permit # 1961-1031)
- Lino Lakes, City of (Permit # 1985-6168)
- Mahtomedi, City of (Permit # 1969-0163)
- North St. Paul, City of (Permit # 1977-6176)
- Oakdale, City of (Permit # 1978-6197)
- St. Paul Regional Water Services (city of St. Paul) (Permit # 1977-6229)
- Stillwater, City of (Permit # 1975-6207)
- Vadnais Heights, City of (Permit # 1980-6153)
- White Bear Lake, City of (Permit #1969-0174)
- White Bear Township (Permit # 1984-6120 & 1984-6121)

Item 4.E) will be implemented by adding permit condition language in the above municipal/public water supply groundwater appropriation permits within a 5-mile radius of White Bear Lake.

Concept for Permit Condition Language:

Ramsey County District Court Order: 62-CV-13-2414 – Plan to Convert to Surface Water Source: A revised Water Supply Plan must be submitted to the DNR, by August 29, 2018, that includes a plan to fully or partially convert the source water that will be authorized under this permit from groundwater to surface water source(s). The plan must include a schedule for funding design, construction and conversion to a surface water supply. Whether any conversion would occur shall be determined by the DNR and the holder of this permit.

Implementation of Ramsey County District Court Order 62-CV-13-2414: Item 4.F) Report on Collaborative Efforts

Timeline: Permit Condition will be added to permits by 2/28/18; report on collaborative efforts to DNR by February 15 of each year

The following outlines language from the Court Order in Part 4.F) and conceptual permit condition language for amending the 11 municipal/public water supply groundwater appropriation permits within a 5-mile radius of White Bear Lake.

Court Order Language: *4.F) Requiring that all groundwater permittees report annually to the DNR on collaborative efforts with other northeast metro communities to develop plans as described in (D), above:*

This section in the Court Order pertains to the following communities:

- Hugo, City of (Permit # 1975-6218)
- Lake Elmo, City of (Permit # 1961-1031)
- Lino Lakes, City of (Permit # 1985-6168)
- Mahtomedi, City of (Permit # 1969-0163)
- North St. Paul, City of (Permit # 1977-6176)
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- Stillwater, City of (Permit # 1975-6207)
- Vadnais Heights, City of (Permit # 1980-6153)
- White Bear Lake, City of (Permit #1969-0174)
- White Bear Township (Permit # 1984-6120 & 1984-6121)

Item 4.F) will be implemented through permit language in the above municipal/public water supply groundwater appropriation permits within a 5-mile radius of White Bear Lake.

Concept for Permit Condition Language:

Ramsey County District Court Order: 62-CV-13-2414 – Report on Collaborative Efforts: Annual reporting to the DNR is required by February 15 of each year, about collaborative efforts with other northeast metro communities to develop plans to phase down per capita residential water use to 75 gallons per day and total per capita water use to 90 gallons per day.

Implementation of Ramsey County District Court Order 62-CV-13-2414: Item 4.C) Residential Irrigation Ban

Timeline: Permit Condition will be added to permits by 2/28/2018

The following outlines language from the Court Order in Part 4.C) and conceptual permit condition language for amending the 11 municipal/public water supply groundwater appropriation permits within a 5-mile radius of White Bear Lake.

Court Order Language: *4.C) Preparing, enacting and enforcing a residential irrigation ban when the level of White Bear Lake is below 923.5 feet, to continue until the lake has reached an elevation of 924 feet. The preparation and enactment of this process will be completed within 6 months of this order.*

This section in the Court Order pertains to the following communities:

- Hugo, City of (Permit # 1975-6218)
- Lake Elmo, City of (Permit # 1961-1031)
- Lino Lakes, City of (Permit # 1985-6168)
- Mahtomedi, City of (Permit # 1969-0163)
- North St. Paul, City of (Permit # 1977-6176)
- Oakdale, City of (Permit # 1978-6197)
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- Vadnais Heights, City of (Permit # 1980-6153)
- White Bear Lake, City of (Permit #1969-0174)
- White Bear Township (Permit # 1984-6120 & 1984-6121)

Item 4.C) will be implemented through permit language in the above municipal/public water supply groundwater appropriation permits within a 5-mile radius of White Bear Lake.

Concept for Permit Condition Language:

Ramsey County District Court Order: 62-CV-13-2414 – Residential Irrigation Ban: Residential irrigation must be prohibited within your community when notified by DNR that the lake level of White Bear Lake has fallen below 923.5 feet; the prohibition shall continue until notified by the DNR that the lake levels have reached an elevation of 924 feet. The residential irrigation ban in your community must include enforcement tools and procedures if there is non-compliance with your local law. This must be implemented through your local law by the start of the irrigation season. The current lake levels of White Bear Lake may be viewed on the MN DNR website (http://www.dnr.state.mn.us/waters/csg/site_report.html?mode=get_site_report&site=82016700).

WHITE BEAR TOWNSHIP

Town Board Executive Meeting
January 24, 2018

Agenda Number: **5**

Subject: I & I Program – Flow Monitoring

Documentation: None

Action / Motion for Consideration:

Report at Meeting / Discuss

Minutes
Executive Meeting
December 21, 2017

I&I PROGRAM – FLOW MONITORING: The Engineer reported that Visu-Sewer will do joint sealing early in the year. A cost will be defined for the work. The Engineer will report back.

Town Board Executive Meeting
January 24, 2018

Agenda Number: **6**

Subject: Water Supply Plan/Water Audit

Documentation: None

Action / Motion for Consideration:

Town Engineer Report at Meeting / Discuss

Minutes
Executive Meeting
December 21, 2017

WATER SUPPLY PLAN/WATER AUDIT – UPDATE: The Engineer reviewed water production. Review of information for the water audit shows that the utility billings are below production. Engineering will meet with the DNR to see how to present the information.

WHITE BEAR TOWNSHIP

Town Board Executive Meeting
January 24, 2018

Agenda Number: 7

Subject: Water Meter Update

Documentation: None

Action / Motion for Consideration:

Report at Meeting/ Discuss

Minutes
Executive Meeting
December 21, 2017

WATER METER UPDATE: Correspondence from Core & Main, supplier of the water meters notified the Town Attorney that they are in receipt of the Town's letter regarding a claim associated with water meters not accurately recording. The Public Works Director and Engineer met with them and they have requested another meeting, without legal counsel present. The Public Works Director and Engineer are working with the Finance Department to see how many meters there are which are impacted. It appears that 90% of the meters could be affected. It was the consensus to have information ready for Core & Main, and that the Town Attorney review any written correspondence by the Town Attorney before release.

WHITE BEAR TOWNSHIP

Town Board Executive Meeting
January 24, 2018

Agenda Number: **8**

Subject: Ordinance No. 33 (Sign) Amendments – Consider Wilson Tool Request

Documentation: Town Planner Memo

Action / Motion for Consideration:

Report at Meeting / Discuss

Minutes
Executive Meeting
December 21, 2017

ORDINANCE NO. 33 (SIGN) AMENDMENTS – CONSIDER REQUEST BY WILSON TOOL, 4900 CONSTELLATION DRIVE: The Planner reported that Aspect LED, a subsidiary of Wilson Tool is preparing to lease the light industrial building at 4900 Constellation Drive. Aspect LED manufactures LED lighting, including signs. They would like to advertise their product by installing a 300 (25' x 12') square foot pylon sign on the freeway side of the site. The Town's Sign Ordinance limits sign square footage for a building or business to 100 square feet. Exceptions are permitted if the business has multiple buildings which exceed 50,000 square feet in area. Larger buildings are permitted to have 2 signs each, not to exceed 250 square feet or 400 square feet overall. The building Aspect LED would like to lease is 70,000 square feet in area. Wilson Tool has multiple buildings, but only this one in White Bear Township. If the Town determines that the Aspect building meets this Sign Ordinance requirement, the sign square footage will be limited to 250 square feet. If the larger sign is preferred, the Sign Ordinance must be amended. The following amendment may be considered: "**Size & Number:** One business or identification sign per business or building by permit. No sign shall be larger than one hundred (100) square feet of display surface. Light industrial business with multiple buildings may place up to two (2) signs on each building over 50,000 square feet in size. Signs on these large buildings (over 50,000 square feet) may not exceed 300 square feet each and the total of two signs may not exceed 400 square feet. The maximum number of signs allowed for a light industrial business is four." Aspect LED would also like to have a building mounted sign. It was the consensus

that signs are central to Aspect LED's marketing. An email from Mark Miller, Township resident, was reviewed. Mr. Miller is opposed to signs glaring and flashing across the freeway to Polar Lakes Park, where events are scheduled. He also questioned the intensity of the signs on the freeway. The Planner will work with Wilson Tools with more specific information and report back.

MEMORANDUM

TO: TOWN BOARD
FROM: TOM RIEDESEL
DATE: DECEMBER 27, 2017

SUBJECT: SIGN ORDINANCE AMENDMENT

Wilson Tool/Aspect LED is proposing to lease light industrial building space on Constellation Drive in White Bear Township. Aspect LED manufactures LED lighting including signs. They would like to install a large sign on their site in order to advertise their business. A pylon type sign 250 square feet in area is planned.

Staff was asked to propose Sign Ordinance wording which would permit larger signs for larger industrial buildings. The following is current ordinance language. The underlined wording is staff's proposed amendment to the Sign Ordinance which may be considered.

Industrial Zoning District (I-1).

- One business or identification sign per business or building by permit <u>is allowed for each lot for buildings up to 70,000 square feet in area.</u>
- <u>For buildings exceeding 70,000 square feet in area one building mounted and one monument/pylon sign is permitted per building or lot. Sign size shall not exceed 250 square feet or a total of 400 square feet for both signs.</u>
- <u>For buildings exceeding 70,000 square feet in area with multiple businesses, the total square footage of all business signs shall not exceed 250 square feet per pylon/monument and 400 square feet for building mounted signs and a pylon/monument combined.</u>

Light industrial businesses with multiple buildings may place up to 2 signs on each building over 50,000 square feet in size. Signs on these large buildings (over 50,000 square feet) may not exceed 250 square feet each and the total of the two signs may not exceed 400 square feet.

The maximum number of signs allowed for a light industrial business is four.

The additional wording if adopted would allow the following businesses located in the Town to increase their sign area:

- Heraeus (will qualify for multiple signs when second building is constructed)
- Wilbert
- Water Gremlin (currently qualifies for the larger signs as defined by the Sign Ordinance)

Town businesses which currently qualify for larger signs based on existing ordinance requirements are:

- Schwing America
- SMC
- Cortec
- Aetna
- Water Gremlin

The Town Board may want to consider one additional Sign Ordinance amendment based on the Town's history of approving sign quantity variances.

Currently a business is permitted to have one sign not to exceed 100 square feet in area. Several businesses have requested and received variances from the Sign Ordinance to permit them to have a monument sign and abuilding mounted sign(s). These requirements have been approved subject to the total sign square footage not exceeding 100 square feet in area.

The following amendment may be considered:

Section 5-2

Number & Size -	One identification sign per business, plus one overall business or identification sign per business center. No sign shall be larger than one hundred (100) square feet of display surface. The total combined square footage for all signs in a business center on a pylon or monument, shall not exceed a total of 100 square feet in area.
Add	<u>For freestanding businesses not located within a shopping center, each business may have one building mounted and one pylon/monument sign. The total square footage of both signs shall not exceed 100 square feet in area.</u>

Section 5-3

Number & Size	One business or identification sign per business or building by permit. No sign shall be larger than one hundred (100) square feet of display surface. ~~Light industrial business with multiple buildings may place up to two (2) signs on each building over 50,000 square feet in size. Signs on these large buildings (over 50,000 square feet) may not exceed 250 square feet each and the total of the two signs may not exceed 400 square~~

~~feet. The maximum number of signs allowed for a light industrial business is four.~~

Add

One business and/or identification sign per business or building by permit. The total square footage for one or both signs shall not exceed a total of 100 square feet. Buildings with multiple businesses shall be allowed one monument/pylon sign providing space for multiple business signs.

TR/psw
cc:admin.file
b:signord

WHITE BEAR TOWNSHIP

Town Board Executive Meeting
January 24, 2018

Agenda Number: 9

Subject: Airbnb Rentals – Zoning Ordinance Amendment Discussion

Documentation: Town Attorney Example

Action / Motion for Consideration:

Discuss

TO:	Mayor Buchite and City Council
FROM:	Adam Berklund, Coordinator-Zoning Administrator
DATE:	May 4, 2017
MEETING DATE:	May 8, 2017
RE:	25 Proposed Text Amendments

City Council Action
The following proposed text amendments have been reviewed by the Planning Commission on following eight meeting dates: March 7, April 4, May 2, July 11, August 16, October 3, November 7, 2016 and January 3, 2017.

Planning Commission members held a Public Hearing on May 1, 2017 and with no one in attendance to comment in-favor, opposed or neutral, the Commission motioned to recommend Council Approval.

CHAPTER ONE
ADMINISTRATION

1.)
SECTION 1000.002 DEFINITIONS

Subd. 22 **Bed and Breakfast Inn & Short Term Rentals** An owner-occupied dwelling, having no more than four (4) guest rooms for short term (less than 28 days) to guests for compensation.

SECTION 1000.008 CONDITIONAL USES
Under specific requirements, add & short term rentals after bed and breakfast inns (a, b, c, d, e, f, g, i, j, k).

CHAPTER TWO
ZONING REGULATIONS

2.)
SECTION 2000.021 BED AND BREAKFAST & SHORT TERM RENTALS.....71

"Short Term Rentals" was added to the definition of Bed & Breakfast Inn as there are no municipal regulations for Airbnb type rentals. This amendment would require a property owner to apply for a Conditional Use Permit in order to rent out their property for 28 days or less at a time, allowing condition requirements related to nuisance violations.

3.)
SECTION 2000.002 "RC" RURAL COUNTRYSIDE DISTRICT
Subd. 3 **Conditional Uses.** The following uses may be permitted through the issuance of a conditional use permit:
ADD **O.** Bed & Breakfast Inn & Short Term Rentals

4.)

SECTION 2000.003 "RT" RESIDENTIAL TRANSITIONAL DISTRICT

Subd. 3 **Conditional Uses.** The following uses may be permitted through the issuance of a conditional use permit:

A. Multi-family Dwellings up to-20 units;

O. Bed & Breakfast Inn & Short Term Rentals

Bed & Breakfast Inn & Short Term Rentals was added to both the Rural Countryside and Residential Transition district as there is currently one located in the RC and it was decided by the Commission to allow them in any zoning district.

5.)

SECTION 2000.004 "ST" SMALL TOWN DISTRICT

Subd. 3 **Conditional Uses**. The following Conditional Uses may be permitted through the issuance of a conditional use permit:

C. Multiple-dwelling structures up to ~~twelve (12)~~ twenty (20) dwelling units

This change was made to help promote development in the Small Town zone. 12 units were deemed too restrictive for developers.

6.)

Subd. 5 **New Neighboorhoods (subdivisions) in "ST" District**.

B. Setbacks. All buildings and structures shall meet or exceed the following setbacks as measured from the Right of Way (State and County Highway setbacks are measured from centerline and are specified below):

b. County road 110 feet from centerline 30 Feet

This was changed due to the fact that any new neighborhood proposed would be required by the County to dedicate 50 ft. for frontage right-of-way above the existing 30 feet. There still would be a total of 110 feet of setback required, but will be more consistent as measurements will be determined from a survey rather than the centerline of a road, which may or may not be in the center of right-of-way.

7.)

SECTION 2000.007 "B&I" BUSINESS AND INDUSTRIAL DISTRICT

Subd. 9 **Architectural Standards.** These architectural standards apply to new construction only. Additions to existing buildings may be constructed of materials similar to those used on the existing building

8.)

f. Architectural metal panels with interlocking, concealed, or tongue-and-groove seams and approved fasteners, if the exterior surface finish is warranted by the manufacturer for 20 years against blistering, peeling, cracking, flaking, checking, or chipping;

Explained in 19. -20.

9.)

SECTION 2000.012 ACCESSORY STRUCTURES

Subd. 1 The following requirements apply to all districts, unless otherwise noted.

A. Permits required. All accessory structures shall require a zoning permit for which the application fee in accordance with the fee schedule attached to this Ordinance as Appendix A. Accessory structures greater than one-hundred-twenty ~~(120)~~ 200 square feet shall require a building permit. A site plan, drawn to scale, shall accompany all requests for accessory building permits, and shall include the following information:

10.)

1. Structures of greater than one hundred and twenty (~~120~~) 200 square feet in floor area shall be located from all lot lines in accordance with yard requirements set forth for principal structures within the zoning district, except as otherwise permitted within this Ordinance.

11.)

2. Structures of one hundred and twenty ~~(120)~~ 200 square feet of floor area or less and not exceeding nine (9) feet in height may be located within five (5) feet of all lot lines of adjoining lots, except as otherwise permitted within this Ordinance.

Changes 9, 10, 11, and 13 were based on the State Building Code, as it changed its square footage from 120 to 200 for buildings that do not require an inspection.

12.)

H. Number. The number of accessory buildings shall be limited as follows, except for the "DC" and "RC" (excluding OSD) districts:

1. In cases where a garage is part of the principal structure, one (1) additional accessory building is allowed provided that the total floor area of the accessory building does not exceed eight hundred (800) square feet or result in total lot coverage of more than twenty five (25%) percent impervious surface.

2. In cases where a garage is not part of the principal structure, two (2) accessory buildings are allowed provided that the total floor area of the accessory buildings does not exceed one thousand five hundred (1,500) square feet or result in total lot coverage impervious surface of more than twenty five (25%) percent, anything larger will be subject to a site plan review on a case by case basis.

This clause was added to take into account lots that are large enough to support a building larger than 1,500. It was also decided that it would allow more residents to keep their property cleaner with more room to store vehicles/belongings in a building. These will be reviewed on a case by case basis.

13.)

I. Building Design Standards. The architectural design and appearance of all accessory buildings and structures shall comply with the following standards:

2. Exceptions. Metal lawn or storage sheds one-hundred-twenty (~~120~~) 200 square feet or less shall be exempt from the building design standards of this Section. Accessory building in the "RC" District and on parcels of 10 acres or more are except from this section. Brick, stucco, wood, and stone dwellings justify an exemption for required matched building exteriors.

14.)
SECTION 2000.013 FENCES

Subd. 1 The placement of fences with the exception of garden fences, shall require a fence permit, for which the application fee is established in accordance with the fee schedule attached to this Ordinance as Appendix A. Fences shall be subject to the following requirements, except for agricultural fences within or adjacent to the "RC" (excluding OSD) district.

There was lengthy discussion on whether or not garden fences would be included in the permitting process. It was decided that "garden fences" would not be included as they may be easily removed and are used to protect gardens from animals.

15.)
SECTION 2000.014 SCREENING AND LANDSCAPING

Subd. 9 **Solar Landscaping and Buffering**

A. Design Standards: Appropriate landscaping and vegetative buffer shall be installed adequate to visually screen the solar energy system from the boundary of any abutting residential properties that would have a direct view of the proposed installation. The landscaped buffer must be sufficiently dense to block the view of the project from all dwellings abutting the property.

It was discovered that this section was not addressed with the implementation of the Solar Ordinance amendments. It is consistent with said ordinance.

16.)
SECTION 2000.017 OFF-STREET PARKING AND LOADING

Subd. 3 **Calculating Space.**

B. The term "floor area" for the non-residential purpose of calculating the number of off-street parking spaces required shall be determined on the basis of the exterior floor area dimensions of the building structure or use multiplied by the number of floors, minus ten (10) percent.

17.)

Subd. 10 **<u>Stall, Aisle, and Driveway Design.</u>**

A. Except in the case of single family and two-family dwellings, and townhouses, parking areas shall be designed so that circulation between parking aisles or driveways occurs within the designated parking lot and does not depend upon a public street or alley, and such design does not require backing into the public street. Permanent driveways shall include an adequate road bed base of suitable load-bearing material to support the projected traffic. The upper course shall consist of a minimum depth of six inches of medium well-graded, crushed, fractured rock, class-5 equivalent.

The Commission included this clause to require a standard for new access points. There were currently no regulations for driveways in the Zoning Ordinance.

18.)

F. Overflow parking/storage shall be screened from adjacent residential property.

The Commission added this requirement so adjacent properties shall be screened from excess vehicles and property. This will strengthen our nuisance ordinance so residents do not have to look at their neighbors stuff.

19.)

SECTION 2000.019 BUILDING TYPE AND MATERIALS

Subd. 1 **General Provisions.**

A. No building exterior wall shall be constructed of non-architectural grade metal, ~~steel, iron, sheet aluminum, corrugated aluminum, or~~ plain, flat, or unpainted concrete block, except in the "RC" District on parcels greater than ten (10) acres.

20.)

Subd 2 **Specific Materials.**

5. Architectural metal panels. ~~for roofing and accents only.~~

This was changed to allow metal siding on structures. It was decided that with the technological advancements in metal siding, we should allow it, as long as it is architectural quality metal.

21.)
SECTION 2000.020 BED AND BREAKFAST & SHORT TERM RENTALS

Subd. 1 The establishment of bed and breakfast inns or short term rentals provides a needed service to the public and is defined as an owner-occupied dwelling, having no more than 4 guest rooms for short term lodging (28 days or less), and where meals are or are not provided for guests for compensation.

22.)
Subd. 2 A conditional use permit is required for the establishment of a bed and breakfast inn or short term rental propety.

23.)
Subd. 3 Bed and Breakfast or short term rental establishments shall be subject to the following requirements:

See comments from 1-4

24.)

A. Any restoration or addition to a structure in use shall be done without damaging or destroying materials, features or finishes that are important in defining the building's character and original use.

The "original use" term was included to keep the character of the building that of a residential "house".

25.)
SECTION 2000.028 SELF SERVICE STORAGE FACILITY (MINI-STORAGE)

Subd. 1 **Required Permit.** Self-service storage facilities are allowed as a permitted use in the "B & I and Rural Countryside" District.

Recommended Findings of Fact

The Planning Commission recommends to the City Council to adopt the 25 text amendments to the Taylors Falls Zoning Ordinance based on the following findings of fact:

1. The proposed amendments clarify discrepancies in the Zoning Ordinance, other City ordinances, Minnesota State Statutes, and applicable regulations.
2. The proposed amendments better enable administration of the Zoning Ordinance.
3. The proposed amendments will accommodate growth within the City.
4. The proposed amendments will help regulate unregulated uses within the City.
5. The proposed amendments acknowledge the technology in building materials since the ordinance was put into place.
6. The proposed amendments are consistent with the intent of the Zoning Ordinance and do not conflict with the intent of the Comprehensive Plan.

Town Board Executive Meeting
January 24, 2018

Agenda Number: **10**

Subject: March Executive Meeting Date - Reschedule
(Bill Short will be on vacation)

Documentation: Calendar

Action / Motion for Consideration:

Report at Meeting / Discuss

MARCH 2018

HERITAGE HALL,4200 OTTER LAKE ROAD

Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1 **Public Safety Comm Mtg**	2	3
4	5 **TB Mtg**	6	7	8 **Utility Comm Mtg**	9	10
11	12	13 **ANNUAL TOWN MEET-ING**	14	15 **Park Bd Mtg**	16	17
18	19 **EDA/TB Mtg 1) Ski Team App 2) Comm Recomm**	20	**21**	22 **Planning Comm Mtg**	23 **Exec Mtg 1)DNR Update 2)Qtly EDA Fund Review**	24
25	26	27	28	29	30	31

Town Board Executive Meeting
January 24, 2018

Agenda Number: **11**

Subject: 2018 Commission Meetings – Town Board Attendance

Documentation: None

Action / Motion for Consideration:

Report at Meeting / Discuss

Town Board Executive Meeting
January 24, 2018

Agenda Number: **12**

Subject: Trails

Documentation: Potential Summer 2018 Trail Scenario Handout

Action / Motion for Consideration:

Report at Meeting / Discuss

Minutes
Executive Meeting
December 21, 2017

TRAILS: The consultant will translate information received into a matrix to evaluate alternate trail options on South Shore around White Bear Lake. At this point each governmental unit member of the advisory team will complete the matrix. If an elected official is needed to represent the Township, Bob Kermes volunteered to serve, with Ruzek as alternate.

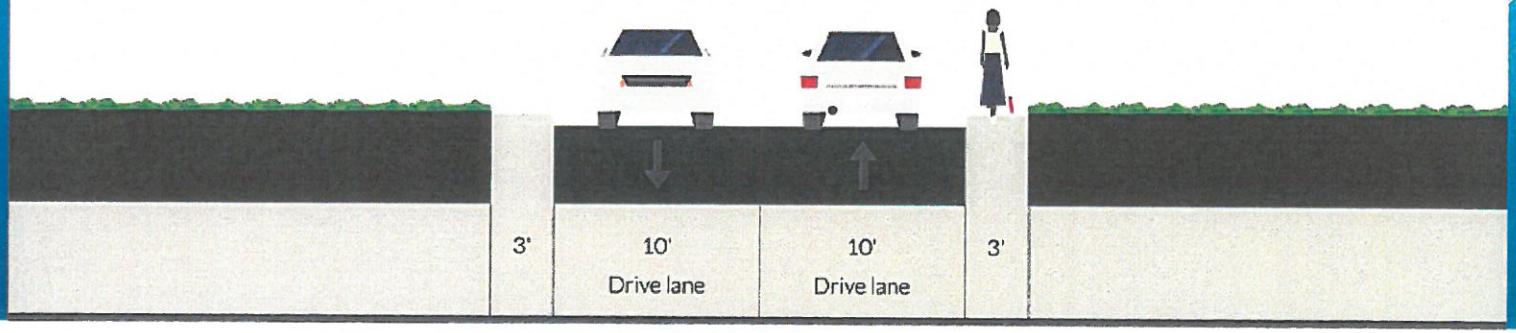
Chris Hiniker attended the meeting to review his input for a potential summer 2018 trial around the south end of Bald Eagle Lake. He suggested a County Road H2 to Park Avenue which will maintain two-way traffic; reduce traffic lanes to 10 feet; reduce posted speed limit to 20 mph; and equal shoulder widths on both sides of the road. A Park Avenue to Hugo Road scenario would convert to one-way eastbound traffic; reduce traffic lane to 10 feet; reduce posted speed limit to 20 mph; and have a 10-foot trail on current westbound traffic land. He suggested a mid-June to late August test period. No interruption to school bus operations is anticipated and there would be no effect on mail, garbage, and emergency services. Mr. Hiniker's document was entered into the record.

POTENTIAL SUMMER 2018 TRIAL SCENARIO

- County Road H2 to Park Avenue
  - Maintain two-way traffic
  - Reduce traffic lanes to 10 feet
  - Reduce posted speed limit to 20 mph
  - Equal shoulder widths on both sides of the road
- Park Avenue to Hugo Road
  - Convert to one-way eastbound traffic
  - Reduce traffic lane to 10 feet
  - Reduce posted speed limit to 20 mph
  - 10 foot trail on current westbound traffic lane
- Mid-June to Late August - 2018
- No interruption to school bus operations
- No effect on mail, garbage, and emergency services

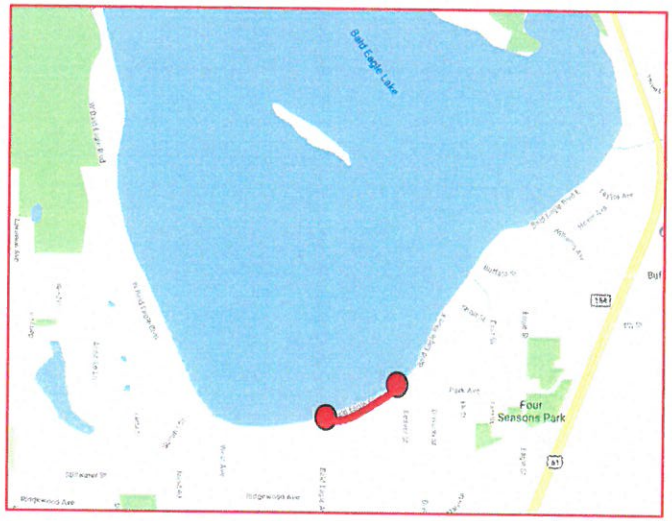
W Bald Eagle Blvd (BE Ave to H2)

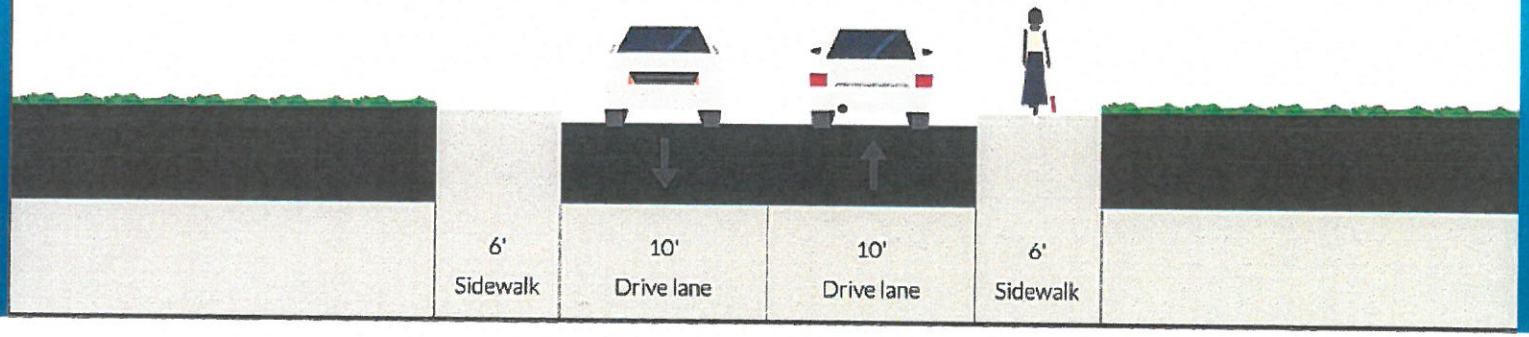
Traffic Volume = 2,550 to 3,100
Segment Length = 0.7 miles
Travel Time at 30mph = 1 min, 25 sec
Travel Time at 20mph = 2 min, 5 sec



E Bald Eagle Blvd (Park to BE Ave)

Traffic Volume = 2,950
Segment Length = 0.2 miles
Travel Time at 30mph = 25 sec
Travel Time at 20mph = 35 sec





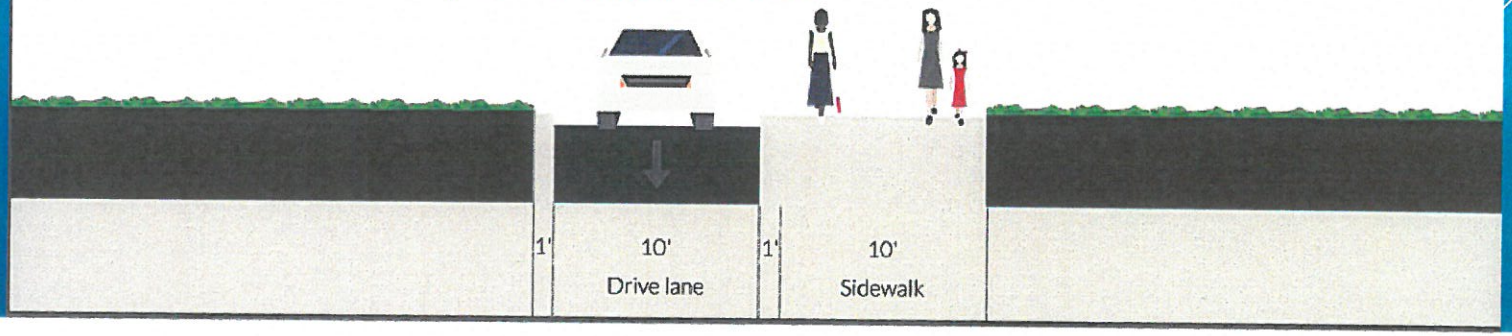
E Bald Eagle Blvd (Hugo to Park)

Park to Buffalo:

- Traffic Volume = 1,250
- Segment Length = 0.4 miles
- Travel Time at 30mph = 50 secs
- Travel Time at 20mph = 1 min, 10 sec

Buffalo to Hugo:

- Traffic Volume = 350
- Segment Length = 0.5 miles
- Travel Time at 30mph = 1 min
- Travel Time at 20mph = 1 min, 30 sec



RESIDENTS INPUT: NEED TO IMPROVE SAFETY

Town Board Executive Meeting
January 24, 2018

Agenda Number: **13**

Subject: Public Works Director Report

Documentation: None

Action / Motion for Consideration:

Report at Meeting / Discuss

Town Board Executive Meeting
January 24, 2018

Agenda Number: **14.a**

Subject: Code Enforcement Officer Report/Building Inspector Items.

a. 5456 Township Drive

Documentation:

Action / Motion for Consideration:

Code Enforcement Officer Report at Meeting / Discussion

Minutes
Executive Meeting
December 21, 2017

CODE ENFORCEMENT OFFICER / BUILDING INSPECTOR ITEMS: 1) 5456 TOWNSHIP DRIVE;:
5456 Township Drive: Violations continue to be taken care of. The property owner provided a contract to the Court indicating things that will be done. The Building Official talked with the Prosecuting Attorney regarding a strategy for this property. The Prosecuting Attorney advised that the Town continue to inform the property owner of court action if violations are not addressed. There was discussion regarding the property being use as rental property. The property owner has already been informed that the rental license will be revoked if violations are not addressed. There was discussion regarding the cost to the Town to continually address ongoing violations. Authorization for the Town Attorney to review how the Township can recover administrative costs will be placed on the agenda for the January 3, 2018 Town Board Meeting.

WHITE BEAR TOWNSHIP

Town Board Executive Meeting
January 24, 2018

Agenda Number: **14.b.**

Subject: Code Enforcement Officer Report/Building Inspector Items.

b. 1374 Top Lane

Documentation:

Action / Motion for Consideration:

Code Enforcement Officer Report at Meeting / Discussion

Minutes
Executive Meeting
December 21, 2017

CODE ENFORCEMENT OFFICER / BUILDING INSPECTOR ITEMS: 2) 1374 TOP LANE;;: 1374 Top Lane: There are unlicensed and inoperable vehicles on the property. There are Sheriff calls often to the house. The Code Enforcement Officer will put together a strategy for an administrative search warrant with Sheriff Deputy presence.

MEMORANDUM

TO: TOWN BOARD
FROM: MIKE JOHNSON
DATE: JANUARY 18, 2018

SUBJECT: 1374 TOP LANE

The accessory structure located at 1374 Top Lane was allegedly being utilized as living and sleeping quarters. On January 9, 2018 the building occupant was arrested and admitted to the Ramsey County Jail on unrelated charges and is expected to be incarcerated for an extended period of time.

On January 10, 2018, Town staff was contacted by the Ramsey County Sheriff Office requesting an inspection of the accessory structure by the Town's Code Enforcement Officer. Upon arrival, the Code Enforcement Officer requested permission to inspect the accessory structure's interior; the property owner gave their consent. Once the inspection was complete, the Towns Code Enforcement declared the Accessory structure "unfit for human habitation".

The Accessory structure was posted and secured from entry. The immediate threat to public safety has been abated. The accessory structure has not been occupied since the declaration of the structure being unfit for human habitation.

Town staff has had several conversations with the property owner in an effort to resolve the nuisance condition on the property. The property owner has agreed to eliminate the nuisance condition in a reasonable amount of time. The Town will issue an abatement order requesting removal or compliance concerning the accessory structure and the cleanup of junk and debris around the structure.

At this time criminal prosecution, will only hider the property owner's ability to expedite the abatement process. The property owner has expressed the willingness to resolve this issue in a timely matter.

FILED

JAN 17 2018

COURT ADMINISTRATOR
BY _____ DEPUTY

STATE OF MINNESOTA | DISTRICT COURT

COUNTY OF RAMSEY | SECOND JUDICIAL DISTRICT

In Re: Administrative Search Warrant for 1374 Top Lane, White Bear Township, Ramsey County, State of Minnesota.

COURT FILE NO.: 62-CV-17-7583

ADMINISTRATIVE SEARCH WARRANT

Based upon the application of Mike Johnson for a search warrant to inspect the premises located at 1374 Top Lane, in White Bear Township, Ramsey County, State of Minnesota, and in accordance with In Re the Search Warrant of: City of Columbia Heights v. Bennie Rozman, 586 N.W.2d 273 (Minn. App. 1998) and Camera v. Municipal Court 87 S.Ct. 1727, (1967), for the purpose of protecting the health, safety and welfare of the citizens of White Bear Township, consistent with the provisions of the White Bear Township Code;

IT IS HEREBY ORDERED THAT Mike Johnson, or persons under his direction and control, may enter the above-described premises for the purpose of inspection and evaluation to enforce the White Bear Township Code. Entry and inspection shall take place on a regular business day, between the hours of 8:00 a.m. and 5:00 p.m.

BY THE COURT

Dated: January 16, 2018

Judge of District Court

STATE OF MINNESOTA

COUNTY OF RAMSEY

DISTRICT COURT

SECOND JUDICIAL DISTRICT

In Re: Administrative Search Warrant for:

1374 Top Lane, White Bear

Township, Ramsey County, State of

Minnesota.

COURT FILE NO.: 62-CV-17-7583

COMPLAINT FOR ADMINISTRATIVE SEARCH WARRANT

Now appears Mike Johnson, Compliance Officer of the Town of White Bear, Complainant before the undersigned Judge of the Second Judicial District Court, now requests the issuance of an Administrative Search Warrant, to inspect an accessory building located on the property at 1374 Top Lane, White Bear Township, Minnesota, to determine if said premises are being used and maintained in compliance with the Ordinances of White Bear Township, as adopted and amended in Ordinance No. 47, Section 4-1, and Ordinance No. 16, Section 4, of the Town of White Bear. In support hereof, Complainant states as follows:

1. The White Bear Township Ordinance, as amended and adopted in Ordinance No. 47, Section 4-1 defines an "Accessory Structure" as: "A structure subordinate to the main or principal dwelling or dwellings and which is not used nor authorized to be used for sleeping by human occupants…" The purpose of this Ordinance is to correct and prevent housing conditions that adversely affect the life, safety, general welfare, health and well-being of persons occupying dwellings within the Town of White Bear.

2. The White Bear Township Ordinance, as amended and adopted in Ordinance No. 16, Section 4, defines a Nuisance as: "Any substance, matter, emission, or thing which creates a dangerous or unhealthy condition of the Town or which is offensive or has a blighting influence on the community…" The purpose of this Ordinance is to protect the public health, safety, and general welfare of the people of the Town of White Bear.

- White Bear Township Officials have received several complaints from neighbors referencing disturbances and public nuisance issues at the 1374 Top Lane property relating specifically to the subject accessory building/ tool shed.

- An exterior photograph of the subject tool shed is attached hereto as Exhibit 1.

- On December 20, 2017, written notice was sent through via US Mail informing Ms. Constance M. Bernier, property owner of 1374 Top Lane, of the Town Ordinance violations.

5. The Complainant reasonably believes that the property located at 1374 Top Lane, White Bear Township, is in violation of the following Sections of the White Bear Township Ordinances as amended and adopted:

   - Ordinance No. 47, Section 4-1, Accessory Structures.
   - Ordinance No. 35, Section 7-14, Prohibited Dwelling Units.
   - Ordinance No. 16, Section 4-4.4, Dangerous Structures.
   - Ordinance No. 16, Section 4-4.5, Nuisance Buildings.
   - Ordinance No. 16, Section 4-4.7, Exterior Surfaces of Structures.
   - Ordinance No. 16, Section 4-2.11, Accumulation of Debris on Private Property.

Wherefore, Complainant requests that this Court issue an Administrative Search Warrant to inspect the structure and property at 1374 Top Lane, White Bear Township, Minnesota.

Dated: 1-11-18

By: Mike Johnson
Mike Johnson

Subscribed and sworn before me

this 11th day of January, 2018.

Patti S. Walstad
Notary Public

PATTI S. WALSTAD
Notary Public-Minnesota
My Commission Expires Jan 31, 2022

Board of Supervisors
ROBERT J. KERMES, *Chair*
ED M. PRUDHON
STEVEN A. RUZEK

WHITE BEAR TOWNSHIP
1858
RAMSEY COUNTY
MINNESOTA

1281 HAMMOND ROAD
WHITE BEAR TOWNSHIP, MN 55110

651-747-2750
FAX 651-426-2258
Email: wbt@whitebeartownship.org

December 20, 2017

Constance M. Bernier
1374 Top Lane
White Bear Township, MN 55110

Dear Ms. Bernier:

Your property located at 1374 Top Lane has been declared a Public Nuisance. The unsanitary and unsightly condition of the accessary structure are in violation of the Township Nuisance Ordinance No. 16, section 4. The accessary structure is determined to be "Unfit for Human Habitation" any further unauthorized use of the accessory structure will result in legal action.

Respectfully,

Mike Johnson
Building Official

recycled paper

Board of Supervisors
ROBERT J. KERMES, *Chair*
ED M. PRUDHON
STEVEN A. RUZEK

WHITE BEAR TOWNSHIP
1858
RAMSEY COUNTY
MINNESOTA

1281 HAMMOND ROAD
WHITE BEAR TOWNSHIP, MN 55110

651-747-2750
FAX 651-426-2258
Email: wbt@whitebeartownship.org

ABATEMENT ORDER

December 21, 2017

Constance M. Bernier
1374 Top Lane
White Bear Township, MN 55110

RE: 1374 Top Lane
White Bear Township MN 55110
Pin No. 223022220026

To Whom It May Concern:

As the owner of the property located at 1374 Top Lane, White Bear Township, MN, you are hereby notified that an inspection of your property has been performed by a duly appointed officer of White Bear Township. The officer has documented a violation of Township Ordinance No. 35, Section 7-6.2, "*All vehicles must be currently licensed and operable*"

After reasonable inspection, the officer has determined that the black Dodge pickup with Minnesota license plate number MTW 557, the green Chevy SUV with Minnesota license plate 245 LXH, the gray Ford Focus with Minnesota license plate number 895 KAW, are inoperable, unlicensed and said conditions represent a public nuisance under Township Ordinance No. 16, Section 4-4.15, which must be abated no later than 14 days from date of this letter.

The property owner or responsible party may appeal the abatement order by requesting a hearing before the Legislative Hearing Officer. This request shall be submitted to the Town Clerk in writing and prior to the abatement deadline or seven calendar days after the date of the abatement order, whichever comes first.

Failure to abate the nuisance or submittal of a written request for public hearing shall cause the Township to exercise its right to abate said nuisance and recover such abatement costs plus an additional 25% of such costs. These costs shall be assessed as a special assessment against the property.

Respectfully,

Mike Johnson
Building Official/Code Enforcement Officer

recycled paper

WHITE BEAR TOWNSHIP

Town Board Executive Meeting
January 24, 2018

Agenda Number: **14.c**

Subject: Code Enforcement Officer Report/Building Inspector Items.

c. 5734 Meadowview Drive

Documentation:

Action / Motion for Consideration:

Code Enforcement Officer Report at Meeting / Discussion

Minutes
Executive Meeting
December 21, 2017

CODE ENFORCEMENT OFFICER / BUILDING INSPECTOR ITEMS: 4) 5734 MEADOWVIEW DRIVE; 5734 Meadowview Drive: The property owner has taken some action regarding debris, yard maintenance and housing codes. There is still more to be done. A court hearing will be held soon.

Town Board Executive Meeting
January 24, 2018

Agenda Number: **14.d**

Subject: Code Enforcement Officer Report/Building Inspector Items.

d. 1710 Whitaker

Documentation:

Action / Motion for Consideration:

Code Enforcement Officer Report at Meeting / Discussion

Minutes
Executive Meeting
December 21, 2017

CODE ENFORCEMENT OFFICER / BUILDING INSPECTOR ITEMS: 5) 1719 WHITAKER: 1719 Whitaker: The Town Attorney sent notice to the homeowner's association informing them that it is the Township's position that the public nuisance has been abated and if the association and the adjoining property owners feel that further remediation is necessary, that is a private matter which does not involve the Township.

WHITE BEAR TOWNSHIP

Town Board Executive Meeting
January 24, 2018

Agenda Number: **14.e**

Subject: Code Enforcement Officer Report/Building Inspector Items.

e. 1508 Hammond Road

Documentation: Code Enforcement Officer Memo & Correspondence

Action / Motion for Consideration:

Code Enforcement Officer Report at Meeting / Discussion

MEMORANDUM

TO: TOWN BOARD
FROM: MIKE JOHNSON
DATE: JANUARY 19, 2018

SUBJECT: 1508 HAMMOND ROAD

The Town Code Enforcement Officer has declared the single-family dwelling located at 1508 Hammond Road vacant and uninhabitable on January 8, 2018. The dwelling is abandoned, the water utility has been turned-off at the street and the properties heating capability has been removed (propane tank).

Board of Supervisors
ROBERT J. KERMES, *Chair*
ED M. PRUDHON
STEVEN A. RUZEK

WHITE BEAR TOWNSHIP
1858
RAMSEY COUNTY
MINNESOTA

1281 HAMMOND ROAD
WHITE BEAR TOWNSHIP, MN 55110

651-747-2750
FAX 651-426-2258
Email: wbt@whitebeartownship.org

January 8, 2018

Property Owner
1508 Hammond Road
White Bear Township, MN 55110

Dear Property Owner,

White Bear Township has determined that the property located at 1508 Hammond Road to be vacant as defined by Town Ordinance No.16, Section 3-20. Properties determined to be vacant must be registered pursuant to Town Ordinance No. 47, Section 14 and are subject to an annual $1100 Vacant Building Registration fee. A Vacant Building Registration packet is enclosed.

Vacant Building Registration fees shall be paid no later than 30 days from the date of this notice.

Please refer to the Vacant Building Registration requirements and process for further information on requirements, forms, fees and timeline for submittal of all forms and fees.

Failure to register vacant buildings will result in all unpaid fees being collected by special assessment under the authority of Minnesota Statutes, Section 429.101, and shall be a lien upon such real estate.

Respectfully,

Mike Johnson
Building Official / Code Enforcement Officer

Enclosure

recycled paper

Town Board Executive Meeting
January 24, 2018

Agenda Number: **14.f**

Subject: Code Enforcement Officer Report/Building Inspector Items.

f. 2105 Stillwater Street

Documentation:

Action / Motion for Consideration:

Code Enforcement Officer Report at Meeting / Discussion

MEMORANDUM

TO: TOWN BOARD
FROM: MIKE JOHNSON
DATE: JANUARY 19, 2018

SUBJECT: 2105 STILLWATER STREET

The Town Code Enforcement Officer has declared the single-family dwelling located at 2105 Stillwater Street as vacant and uninhabitable on January 8, 2018. The building has been abandoned for several years. The Town has received numerous nuisance complaints concerning the property conditions over the last several years. The Town has taken action in the recent past by removing junk vehicles from the property and mowing the grass.

Board of Supervisors
ROBERT J. KERMES, *Chair*
ED M. PRUDHON
STEVEN A. RUZEK

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651-747-2750
FAX 651-426-2258
Email: wbt@whitebeartownship.org

January 8, 2018

Property Owner
2105 Stillwater Street
White Bear Township, MN 55110

Dear Property Owner,

White Bear Township has determined that the property located at 2105 Stillwater Street to be vacant as defined by Town Ordinance No.16, Section 3-20. Properties determined to be vacant must be registered pursuant to Town Ordinance No. 47, Section 14 and are subject to an annual $1100 Vacant Building Registration fee. A Vacant Building Registration packet is enclosed.

Vacant Building Registration fees shall be paid no later than 30 days from the date of this notice.

Please refer to the Vacant Building Registration requirements and process for further information on requirements, forms, fees and timeline for submittal of all forms and fees.

Failure to register vacant buildings will result in all unpaid fees being collected by special assessment under the authority of Minnesota Statutes, Section 429.101, and shall be a lien upon such real estate.

Respectfully,

Mike Johnson
Building Official / Code Enforcement Officer

Enclosure

recycled paper

Town Board Executive Meeting
January 24, 2018

Agenda Number: **15**

Subject: Clerk-Treasurer Report

Documentation: None

Action / Motion for Consideration:

Town Clerk Report at Meeting / Discuss

WHITE BEAR TOWNSHIP

Town Board Executive Meeting
January 24, 2018

Agenda Number: **16 - 17**

Subject: Open Time

Added Agenda Items

Action / Motion for Consideration:

WHITE BEAR TOWNSHIP

Town Board Executive Meeting
January 24, 2018

Agenda Number: **18 – 19**

Subject: Receipt of Agenda Materials / Supplements

Adjournment

Action / Motion for Consideration:

Receive All Agenda Materials & Supplements for Today's Meeting

Adjourn Meeting