



**Town Board Executive
Meeting Supplement
March 16, 2018**

Supplemental Information:

12. Trails

Completion of Lake Links Trail – Request for State Funding

Added Agenda Items:

- 17a. Outfall Improvements to Bald Eagle Lake
Cost Share Agreement
- 17b. 2320 Leibel Street – Trail Requirement
- 17c. Centerville Road / Cub Driveway
Joint Powers Agreement with City of White Bear Lake
- 17d. Public Nuisance – per Ed Prudhon / Mark Griffin



**Town Board Executive
Meeting Supplement
March 16, 2018**

Supplemental Information:

Agenda Number:

12

Subject:

Trails

Documentation:

Project Overview for Local Units of Government
Capital Budget Requests

Action / Motion for Consideration:

Discuss /

Project Overview for Local Units of Government Capital Budget Requests

COMPLETION OF LAKE LINKS TRAIL/ROUTE

RAMSEY AND WASHINGTON COUNTIES

CITIES OF WHITE BEAR LAKE, BIRCHWOOD VILLAGE, DELLWOOD AND MAHTOMEDI

WHITE BEAR TOWNSHIP

Project Summary:

\$8.8 million in state funds is requested to complete the Lake Links Route – a multi-use trail around White Bear Lake, proposed and initially authorized in 2001. The route passes through five municipalities and two counties and will, for the first time, make possible safe travel for pedestrians (including children); bicyclists; and persons with disabilities who are shopping, recreating or traveling in and through the area. The route will connect and incorporate 2.5 miles of existing trail. This route is not now in compliance with ADA requirements, which will be corrected.

Project Description:

The Lake Links Route comprises 10 miles and serves an area population of about 80,000 people along with thousands of others who enjoy shopping or recreation near the lake. The ten mile total includes the existing Lake Avenue (White Bear Lake) and Streetcar (Mahtomedi) trails and will connect the five communities surrounding the lake. When completed the route will include separated trail sections on railroad right of way; sidetrails to existing roads; and some marked routes on low-traffic streets. Some elements of the trail will be within the right of way, or proximate to, MN Highways 244 and 96 and South Shore Boulevard, which is a Ramsey County Road. Some of the trail will be on recorded, permanent easements across private land.

The project represents a comprehensive solution to the need for safe non-motorized travel around past White Bear Lake. The estimated total investment in the project is \$22.630 million, which includes estimated construction costs of \$15.260 million (based on preliminary engineering reports), plus anticipated local contributions of \$2.370 million in land, easements, and required modifications to existing facilities, and the value of the incorporated Lake Avenue and Streetcar Trails. Anticipated and completed land commitments include both parkland and private donations. The amount of state funding requested is \$8.800 million or 40% of the total investment. Other sources of funding include local expenditures; use of alternative routes where feasible; and private fundraising. The Lake Links Association, a Minnesota not for profit corporation, founded for the purpose of establishing this facility, will be involved in fundraising for the project.

Project Rationale:

There is presently no safe route for travel around or past White Bear Lake, which represents a 3.5 mile wide obstruction to pedestrian and non-motorized traffic. At numerous places along MN 244, MN 96 and South Shore Boulevard, there is no sidewalk, no path, no available parallel route, and, often, little or no road shoulder. Thousands of people travel this way each year and are constantly at risk from traffic with posted speeds ranging as high as 40 mph (actual speeds being higher) and traffic volume as high as 11,000 AADT. None of the well-traveled roads in the project now complies with Minnesota's "Complete Streets" requirements.

Why is this project needed? Justify the request.

At present it is simply impossible for people in wheelchairs (who are required by statute to "give way" to oncoming traffic) to travel around parts of White Bear Lake. In addition, families and individuals put their lives at risk if they attempt to travel on foot or by bicycle. Due to high traffic volume, vehicle speeds, and lack of paths, sidewalks or alternate routes, only cars and trucks can safely travel around or past White Bear Lake.

Project Timeline:

Final design will begin in 2018. Some minor elements may be built in 2018. Also in 2018, signage on those areas on which the route shares low-traffic public streets will be completed. South Shore Boulevard and areas along MN 96 and MN 244 will be completed in 2019 and 2020.

Other Considerations:

This project is sorely needed, and was enthusiastically supported by resolutions in all municipalities within weeks of the formation of the Lake Links Association. The project is intended to achieve a safe route at the minimum possible cost.

Who will own the facility?:

Individual elements of the route will be owned by the cities or counties through which they pass.

Who will operate the facility?:

The facilities will be operated by their owners. The municipalities, in conjunction, with the Lake Links Association, a Minnesota Not for Profit Corporation, registered with the IRS as a 501(c)(3) entity, have already established common standards for design and signage, but responsibility for operation of the route will remain with the owners.

Who will use or occupy the facility?:

The trail and route will be available without charge to the general public. It is expected that it will be used by persons traveling within the individual communities as well as by casual or organized circuits (including organized running, walking or bicycling events) of the lake. The

trail/route will provide connections to established and anticipated regional trails, including Browns Creek; Gateway; Hardwood Creek, Highway 12 and the Vento Trail. The trail will be a multi-use path with a 12 mph bicycle speed limit so that pedestrians and persons with disabilities who use the trail will feel safe. A joint program with the White Bear Lake Area Historical Society, and other non-profit organizations in the lake area is expected to generate revenue and development from tourism and recreation, much as has occurred in Stillwater with the Brown's Creek Trail completion.

Public Purpose:

The Lake Links route will benefit public health and recreation by providing a safe way for people to travel by non-motorized means as called for by state statute, and will also cultivate community cohesion. Additionally, the route will permit all people to exercise their implicit and Constitutional rights to free movement, something now denied to those who are unable to travel the roads surrounding White Bear Lake. The project will complete a significant part of the extensively studied and widely supported Lake Links Plan, funded by the legislature, and completed in 2001.

Trails create economic value in communities when they connect. Thus, the Browns Creek trail has produced enormous economic development in Stillwater. Completed trails in Indianapolis (Indy Culture Trail) and in Atlanta are credited with hundreds of millions of dollars of economic development. This trail/route will link cultural and business institutions in the cities connected, including the White Bear Center for the Arts; the White Bear Area Historical Society; the Wildwood Artists Series; Century College; Greater White Bear Lake Area Community Foundation and many others.

Impact on State Operating Subsidies:

None

Description of Previous Appropriations:

\$255,000 was appropriated in 2017 which was used, as required, for preliminary engineering for the route. A portion of that appropriation went to the City of White Bear Lake to partly fund completion of the trail along Old White Bear Avenue. That construction will be completed in 2018.

Statutory Program Citation:

Funds Requested (Dollars In Thousands):

\$8,800. State funds will not be used to acquire right of way.

Non-State Match: Please see attached memorandum

Total investment in the completed trail will be \$22.68 million dollars. Requested state funding is \$8.8 million, representing less than 40% of the total.

Local Project Contact: *(Name, Title, Email, Phone)*

Steven Wolgamot, Lake Links Association, Washington County Chair,
kwolgamot@comcast.net, 612 209 6121

Mike Brooks, Lake Links Association, Ramsey County Chair, nebikewalk@gmail.com. 262 442
4086

Participating Municipalities

City of White Bear Lake, Mayor Jo Emerson, City Manager Ellen Richter

City of Mahtomedi, Mayor Jud Marshall, City Manager Scott Neilson

City of Birchwood Village, Mayor Mary Wingfield, City Manager

City of Dellwood, Mayor Robert Nuffort, Deputy Mayor Jim Cuff

Township of White Bear Lake, Chair Bob Kermes, Clerk/Manager Bill Short

LAKE LINKS PROJECT - LEGISLATIVE FUNDING MEMORANDUM

All figures in Millions

Location	Participants	Construction Cost Estimate		Added Local Investment	Funding by Community
		Source	Amount		
Mahtomedi	Mahtomedi	WSB Engrg	\$4.130	\$0.500	\$1.700
Dellwood	Dellwood MNDOT	WSB Engrg	\$3.351	\$0.800	\$3.000
North Shore Twp	Township of WBL	\$200/ft	\$0.380	\$0.600	\$0.380
North Shore City	City of WBL	\$200/ft	\$0.380	\$0.300	\$0.380
South Shore (pending)	City of WBL Township of WBL	HTPO Engrg	\$6.830		\$3.000
Birchwood	Ramsey County Birchwood	\$400/ft	\$0.240	\$0.170	\$0.340
			\$15.311	\$2.370	\$8.800
Lake Avenue Trail				\$4.000	
Streetcar Trail				\$1.000	
	Added Local Investment			\$7.370	
	Total Project Cost Including Local Investment		\$22.681		
	Requested State Funding				\$8.800
	Local Percentage				61.3%

Construction costs are based on the initial preliminary engineering prepared for the various locations. Final determination of routing and options may change costs and expenditures, but a complete route is envisioned.

Local Contributions include value of owned land or park land dedicated to the trail; private donations of land or easements; modifications to existing roads upon which the route will be located; and individual cash contributions

POSSIBLE LEGISLATION LANGUAGE FOR FINAL DESIGN AND CONSTRUCTION OF LAKE LINKS TRAIL AND ROUTE

Steve Wolgamot, March 11, 2018

\$ 8,800,000. to the Metropolitan Council for grants to finalize design and complete construction of the Lake Links Trail and Route elements around White Bear Lake in Ramsey and Washington Counties, as follows:

1. To the County of Ramsey in the amount of \$3,000,000 to complete final design, specification and bid documents and construction for trail improvements to be constructed, consistent with the completed preliminary engineering along South Shore Boulevard between White Bear Avenue and MN Trunk High 120, and;
2. To the City of Mahtomedi in the amount of \$1,700,000 to complete final design, specification and bid documents, construction and designation for elements of the Lake Links trail and route along Birchwood Road, Wildwood Beach Road, and on or in the proximity of Briarwood Road, consistent with the completed preliminary engineering, and final design and specification, subject to the concurrence and approval of the Minnesota Department of Transportation, for elements of the Lake Links route and trail in the right of way of MN Highway 244, and;
3. To the City of Dellwood, the County of Washington and the Minnesota Department of Transportation, in such amounts or proportions as those entities shall agree in writing, in the total amount of \$3,000,000 to complete final design, specification and bid documents for elements of the Lake Links route and trail within the City of Dellwood, consistent with the completed preliminary engineering including, and subject to the concurrence and approval of the Minnesota Department of Transportation for elements of the Lake Links route and trail in the right of way of MN Highway 244, and;
4. To the City of White Bear Lake in the amount of \$380,000 to complete final design, specification and bid documents and construction for elements of the Lake Links route and trail within the City of White Bear Lake, consistent with the completed preliminary engineering including, and subject to the concurrence and approval of the Minnesota Department of Transportation, for elements of the Lake Links route and trail in the right of way of MN Highway 96, and;

5. To the Township of White Bear Lake in the amount of \$380,000 to complete final design, specification and bid documents and construction for elements of the Lake Links route and trail within the Township of White Bear, consistent with the completed preliminary engineering including, and subject to the concurrence and approval of the Minnesota Department of Transportation, for elements of the Lake Links route and trail in the right of way of MN Highway 96, and;
6. To the City of Birchwood Village in the amount of \$ 340,000 to complete final design, specification and bid documents, consistent with the completed preliminary engineering, for elements of the Lake Links route and trail within the City of Birchwood Village, and;
7. No part of this appropriation shall be used for the acquisition of right of way or easements needed for this construction.

POSSIBLE LEGISLATION LANGUAGE FOR FINAL DESIGN AND
CONSTRUCTION OF LAKE LINKS TRAIL AND ROUTE

Steve Wolgamot, March 11, 2018

\$ 8,800,000. to the Metropolitan Council for grants to finalize design and complete construction of the Lake Links Trail and Route elements around White Bear Lake in Ramsey and Washington Counties, as follows:

1. To the County of Ramsey in the amount of \$3,000,000 to complete final design, specification and bid documents and construction for trail improvements to be constructed, consistent with the completed preliminary engineering along South Shore Boulevard between White Bear Avenue and MN Trunk High 120, and;
2. To the City of Mahtomedi in the amount of \$1,700,000 to complete final design, specification and bid documents, construction and designation for elements of the Lake Links trail and route along Birchwood Road, Wildwood Beach Road, and on or in the proximity of Briarwood Road, consistent with the completed preliminary engineering, and final design and specification, subject to the concurrence and approval of the Minnesota Department of Transportation, for elements of the Lake Links route and trail in the right of way of MN Highway 244, and;
3. To the City of Dellwood, the County of Washington and the Minnesota Department of Transportation, in such amounts or proportions as those entities shall agree in writing, in the total amount of \$3,000,000 to complete final design, specification and bid documents for elements of the Lake Links route and trail within the City of Dellwood, consistent with the completed preliminary engineering including, and subject to the concurrence and approval of the Minnesota Department of Transportation for elements of the Lake Links route and trail in the right of way of MN Highway 244, and;
4. To the City of White Bear Lake in the amount of \$380,000 to complete final design, specification and bid documents and construction for elements of the Lake Links route and trail within the City of White Bear Lake, consistent with the completed preliminary engineering including, and subject to the concurrence and approval of the Minnesota Department of Transportation, for elements of the Lake Links route and trail in the right of way of MN Highway 96, and;

5. To the Township of White Bear Lake in the amount of \$380,000 to complete final design, specification and bid documents and construction for elements of the Lake Links route and trail within the Township of White Bear, consistent with the completed preliminary engineering including, and subject to the concurrence and approval of the Minnesota Department of Transportation, for elements of the Lake Links route and trail in the right of way of MN Highway 96, and;
6. To the City of Birchwood Village in the amount of \$ 340,000 to complete final design, specification and bid documents, consistent with the completed preliminary engineering, for elements of the Lake Links route and trail within the City of Birchwood Village, and;
7. No part of this appropriation shall be used for the acquisition of right of way or easements needed for this construction.

TRAIL CORRIDOR ALTERNATIVES EVALUATION MATRIX

2/16/2018

South Shore Boulevard Trail Preliminary Design Development
 Ramsey County Parks and Recreation
 County Project No. SBEQ-PRK11591

COMBINED

CRITERIA	OPTIONS					
	A	B	C	D	E	F
	STRIPE EXISTING	TWO WAY SEPARATED	TWO WAY OPTIMIZED	COMBO	ONE WAY SEPARATED	ONE WAY (Non-Reconstruct)
COSTS	\$700k	\$7.4M	\$7.2M	\$6.9M	\$6.4M	\$1.3M
RIGHT OF WAY	9	2	4	6	8	9
CONSTRUCTION	9	2	3	6	7	9
DESIGN	8	4	4	5	6	8
MAINTENANCE	6	6	6	6	6	7
LONG TERM VALUE	2	9	8	7	7	5
SUBTOTAL	6.6	4.8	5.1	6.1	6.8	7.5
TRAFFIC OPERATIONS						
VOLUME IMPACT ON S SHORE BLVD -42% One Way -36% Combo	7	6	6	6	6	6
VOLUME IMPACT ON ALTERNATE ROUTES +70% One Way +58% Combo	5	8	8	5	2	3
IMPACT ON EMERGENCY SERVICES	6	8	8	4	3	3
IMPACT ON NON-EMERGENCY SERVICES	6	8	8	4	3	3
CONVENIENCE/ACCESS	6	8	8	4	3	3
SUBTOTAL	6.0	7.6	7.6	4.6	3.4	3.6
BIKE/PED CONSIDERATIONS						
ABILITY OF DESIGN TO MEET STANDARDS	2	10	8	9	10	9
LAKE LINKS ROUTE COMPATIBILITY	3	10	9	9	10	9
SUBTOTAL	2.5	10.0	8.5	9.0	10.0	9.0
PUBLIC OPINION						
SOUTH SHORE BLVD RESIDENTS (CITY) 53% One Way 25% Combo 22% Two Way	3	6	5	7	8	6
SOUTH SHORE BLVD RESIDENTS (TWNHP) 76% One Way 24% Combo 0% Two Way	3	5	5	7	9	9
OTHER AREA RESIDENTS (not on SSB) 27% One Way 38% Combo 35% Two Way	3	7	7	7	6	4
BASED ON ALL COMMENTS RECEIVED 34% One Way 11% Combo 9% Two Way 46% No Opinion	3	5	5	6	8	6
SUBTOTAL	3.0	5.7	5.5	6.8	7.8	6.4
ADDITIONAL CONSIDERATIONS						
PARKING IMPACTS	2	5	5	6	6	4
PLACEMAKING BENEFIT	2	9	8	8	10	8
CREATES A RECREATIONAL ASSET	3	9	8	8	10	9
OPPORTUNITY CAPTURE	3	6	6	7	7	7
TIMING OF IMPLEMENTATION (SCHEDULE)	10	4	6	6	7	10
CONSTRUCTION IMPACTS TO PRIVATE PROPERTY	9	3	5	6	8	9
SUBTOTAL	4.6	6.3	6.5	6.9	8.1	7.9
TOTAL SCORE	4.3	7.0	6.7	6.9	7.5	7.1

Sub-Criteria Priority	Overall Priority
	Medium 6
Medium 6	
Medium 6	
Medium 5	
Medium 6	
High 7	

Sub-Criteria Priority	Overall Priority
	Medium 5
Medium 6	
Medium 6	
Medium 5	
Medium 6	
Medium 5	

Sub-Criteria Priority	Overall Priority
	High 8
High 7	
Medium 6	

Sub-Criteria Priority	Overall Priority
	Medium 6
Medium 6	
Medium 6	
Medium 5	
Medium 5	

Sub-Criteria Priority	Overall Priority
	Medium 6
Medium 5	
Medium 6	
High 7	
Medium 6	
Medium 5	
Medium 5	

Notes:

One Way options could potentially result in a Jurisdictional transfer from County to Local authority

Scoring of OPTIONS is based on the Scale to the right

Utility costs are not included in the estimates

Traffic VOLUME impacts are based on the One Way being a WB direction

See attached summary of each Option

*Priority and Scoring values (and the resulting total Score) are based on an average of individual County/City/Township evaluations

SCORING SCALE		PRIORITY SCALE	
Exceptional	10	Highest	9 - 10
Outstanding	9	High	7 - 8
Excellent	8	Medium	5 - 6
Very Good	7	Low	3 - 4
Good	6	Lowest	1 - 2
Satisfactory	5		
Fair	4		
Marginal	3		
Poor	2		
Not Acceptable	1		



**Town Board Executive
Meeting Supplement
March 16, 2018**

Added Agenda Item:

Agenda Number:

17a

Subject:

Outfall Improvements to Bald Eagle Lake

Documentation:

Cost Share Agreement

Action / Motion for Consideration:

Discuss /



RECEIVED

MAR 09 2018

TOWN OF WHITE BEAR

March 7, 2018

Dale Reed
White Bear Township
1281 Hammond Road
White Bear Township, MN 55110

**Re: RCWD 2018 Urban Stormwater Remediation Cost-Share Program
White Bear Township – Outfall Improvements to Bald Eagle Lake**

Dear Mr. Reed,

The Rice Creek Watershed District is pleased to inform you that your application to the District's 2018 Urban Stormwater Remediation Cost-Share (USWR) Program for the Outfall Improvements to Bald Eagle Lake project was approved for up to \$35,000 in funding by the RCWD Board of Managers on February 28, 2018. We look forward to partnering with White Bear Township in implementing its water quality improvement project in the coming years.

In order to make room in our budget to fund all selected projects, the District Board has decided to fund this project not through our USWR program; rather, it will be funded utilizing the District's capital improvement program budget for implementation of the Bald Eagle Lake TMDL. This change will have no material effect on the funding relationship between the District and the Township. The cost-share agreement will function the same as any other USWR-funded project.

Please find enclosed two copies of a RCWD cost-share agreement for this project. Please sign both copies and return them to the RCWD. A fully executed copy will then be returned to the Township promptly. The cost-share agreement must be executed by the Township and submitted to the District no later than May 18, 2018, otherwise funding for the Township's project may be cancelled.

Once again, thank you for your commitment to improving water quality in the Rice Creek Watershed. If you have any further questions, feel free to contact me at 763-398-3072 or kaxtell@ricecreek.org.

Sincerely,

A handwritten signature in black ink, appearing to read "K. Axtell", written over a white background.

Kyle Axtell
Water Resource Specialist

Enc: Cost-Share Agreement (2 copies)

4325 Pheasant Ridge Drive NE #611 | Blaine, MN 55449 | T: 763-398-3070 | F: 763-398-3088 | www.ricecreek.org

BOARD OF MANAGERS	Michael J. Bradley Ramsey County	Barbara A. Haake Ramsey County	Patricia L. Preiner Anoka County	Steven P. Wagamon Anoka County	John J. Waller Washington County
----------------------	-------------------------------------	-----------------------------------	-------------------------------------	-----------------------------------	-------------------------------------

**RICE CREEK WATERSHED DISTRICT
COST-SHARE AGREEMENT**

COST-SHARE AGREEMENT between the Rice Creek Watershed District, 4325 Pheasant Ridge Drive NE, Suite 611, Blaine, Minnesota 55449 and White Bear Township.

RECITALS

WHEREAS, White Bear Township (Grantee) intends to construct a project titled "Outfall Improvements to Bald Eagle Lake" ("Project").

WHEREAS, the Rice Creek Watershed District (District) has a cost-share program for the improvement and remediation of stormwater management systems in developed urban environments.

WHEREAS, in accordance with Program guidelines, the District desires to provide the Grantee cost-share assistance for the Project.

THEREFORE, in consideration of mutual promises set forth herein and other good and valuable consideration, the District and the Grantee agree as follows:

I. GRANTEE RESPONSIBILITIES.

- A. Design Plans and Maintenance Plan. The Grantee will submit (1) final Project plans and specifications, and (2) an operations and maintenance plan, to the District for the Administrator's written approval, not to be unreasonably withheld. The Project plans and specifications must include a public education component. The District, in its discretion, may approve a non-structural public education component.
- B. Construction and Maintenance. The Grantee, through its own personnel and/or contractors, will construct the Project in accordance with the approved Project plans and specifications and maintain it indefinitely in accordance with the approved maintenance plan. In doing so, the Grantee will comply with all applicable laws and regulations and will be responsible for acquiring all permits, approvals and temporary and permanent rights of access or easement.
- C. Completion of Construction. The Grantee's staff or consulting engineer will certify the completion of Project construction no later than December 31, 2020. The Grantee will submit to the District documentation of Project expenditures and the certification of completion no later than March 31, 2020.

II. DISTRICT RESPONSIBILITIES.

- A. Cost-Share Funds. To defray the Project cost to the Grantee, the District will provide the Grantee cost-share assistance in the amount of 50 percent of the Project's eligible costs, as determined by the District, with the amount of District assistance not to exceed \$35,000.00.
- B. Payment Schedule. On District approval of the Project plans, specifications, and operations and maintenance plan, certification by the Grantee that it has obtained all necessary permits and approvals, and receipt of the Grantee's issued notice to proceed, the District will disburse 50 percent of the RCWD Board approved cost-share amount to the Grantee. On District receipt of the

certification of completion and review of such Project documentation as it may require, the District will disburse the remaining RCWD Board approved funds.

- C. Contingencies. The District's obligation to provide cost-share funds is contingent on the Grantee's compliance with the terms of this agreement, including but not limited to Project completion in accordance with the District-approved plans and specifications by December 31, 2020, and Project maintenance in accordance with the approved maintenance plan. The Grantee will return to the District any cost-share funds already received if this condition is not satisfied.

III. MISCELLANEOUS.

- A. Relationship of Parties. Nothing in this agreement creates or establishes a partnership, joint venture or agency relationship between the parties. District review or approval of design plans and specifications, a maintenance plan and any other Project-related documents is solely for the District's own accounting for funds expended. As between the parties, the Grantee is solely responsible for selection of the Project design and the means, method and manner of construction. Nothing in this agreement creates any right in any third party or affects any immunity, defense or liability limitation enjoyed by either party.
- B. Employees. The Grantee represents that it has or will secure, at its own expense, all personnel and/or contractors required for the performance of this agreement. No Grantee personnel or contractor will be considered an agent, representative or employee of the District.
- C. Liability. The Grantee agrees to hold harmless and indemnify the District, and its managers, staff and representatives, against any claim, expense or damage, including attorney fees, arising from the performance of this agreement.
- D. Assignment or Modification. This agreement binds and inures to the benefit of the Grantee and the District, and their respective successors and assigns. Neither party may assign this agreement without the prior written consent of the other. Any modification of the agreement must be in writing and signed by both parties.
- E. Public Documents. All submitted information, including application, conceptual design, cost estimates, bid tabulations, final designs and specifications, copies of permits and proof of expenditures will become a part of the public record. Grantee will not claim intellectual property rights in any such information.
- F. Effective Date. This agreement is effective as of the date all signatures below have been provided.

Dated: _____, 2018

White Bear Township

By: _____

Its: _____

Dated: _____, 2018

Rice Creek Watershed District

By: _____

Phil Belfiori, Administrator



**Town Board Executive
Meeting Supplement
March 16, 2018**

Added Agenda Item:

Agenda Number: 17b

Subject: 2320 Leibel Street – Trail Requirement

Documentation: Email from Kristina Capra

Action / Motion for Consideration:

Discuss /

Tom Riedesel

From: Kristina Capra <Kris@capras.com>
Sent: Monday, March 12, 2018 11:19 AM
To: Bob Kermes; Ed Prudhon; Steve Ruzek
Cc: Michael Capra; Tom Riedesel
Subject: 2320 Leibel Street

Hello Members of the Park Board and Members of the Town Hall Board*-

I am writing to you today to express my thoughts and concerns regarding the proposed trail located on the property of 2320 Leibel Street. We recently purchased this property and have applied for a Permitted Use Permit to construct a building on this property for a tenant of ours who has grown exponentially since they started renting from us at our other buildings on Leibel Street (we currently own seven buildings on four pieces of property on Leibel Street).

We attended a meeting with the Park Board on January 25, 2018, where we received their permission to move forward with the permit. The proposed trail was not known to us at that time, nor did it come up at that meeting.

On the morning of Wednesday, February 21, we viewed the zoning certificate with the permitted use standards permit requirements that had been emailed to us the afternoon prior. Upon seeing the requirement, item #16, of us granting a trail easement to White Bear Township, we called Tom Riedesel to express our concerns and overall shock at seeing this as being a requirement of our permit. Tom stated in that phone call that it was an "ask" and not a requirement. We requested that he take it off of the permit so that we could have time to assess and evaluate the request with our attorney. He stated that he would take it off of the permit.

I attended the Town Board meeting that same evening and had the opportunity to answer questions that the Town Board had of the building regarding our tenant, lighting, signage, parking, etc. Much to my surprise, after I sat down, the trail was presented. The Town Board allowed me to speak about the trail after it was brought up. While I was certainly unprepared to discuss the trail as I thought that it was taken off of the permit after talking with Tom earlier in the day, I did my best to convey some of the initial thoughts we had on the proposed trail.

Through various communication, we have learned that the trail was originally supposed to be on the mini storage property, but was moved to the property line due to the consolidation of that property for their current building project. It is my current understanding that the trail was never slated to be on the property located at 2320 Leibel Street. Regardless of this point, the location of the trail on the edge of the mini storage property is concerning to us.

I would like the opportunity to now present to you the concerns that we have and I am asking that this letter and these concerns be added to the public record for the discussion at the Park Board meeting this Thursday, March 15, and the Executive Meeting of the Town Board on Friday, March 16. We are unable to attend these meetings as we have a prior commitment. The timing of this issue is of importance to our tenants that we have committed to upon the completion of the construction of the building located at 2320 Leibel Street.

Our concerns include, but are not limited to, the following:

- Safety- The trail, as currently requested, will be a trail leading out to Leibel Street. As you may know, Leibel Street is an industrial area with a lot of large vehicles using the road each day. We have heavy equipment, the First Student bus garage, the truck repair business that just moved in a few months ago and the tenant that we are constructing this property for all have large trucks. About 125 large trucks use this street numerous times each day as well as the regular business traffic/customers and local residents who see it as a shortcut to/from Hwy 61. It would seem that the most likely demographic to use this trail would be kids who may want to go to the gas station. It would appear to me that this would be a safety concern to have a trail leading onto a road that has a lot of heavy vehicle traffic as well as the numerous other businesses that have customers driving on this street. Once a pedestrian gets to the end of the trail on Leibel Street, there are no sidewalks or adequate shoulders to walk on. As you may recall, White Bear Lake had to install a fence across the street from McDonald's to prevent high schoolers from crossing that street after a student was killed. While Hwy 61 is a much busier road, the concern of safety and a child getting hit on Leibel Street is the same.
- Crime- Through discussion with Tom and with the mini storage property owner we have been informed that the fence on the property line of the mini storage property will be moved to accommodate the 10' of trail that was requested from that property owner. As you may know, Leibel Street has had various loitering and crimes of theft issues at various businesses over the years. As business owners, we have been able to help thwart some of these crimes by recently installing additional lighting at all of our properties as well as investing in security systems and cameras. While we certainly #backtheblue, Leibel Street is not often patrolled. In the last two years, we had a tenant who had TWO of his lawn care trailers stolen, another tenant whose shop was pretty much cleaned out, a snowmobile trailer stolen from a parking lot of ours, people wandering around our properties siphoning gas from vehicles and walking around buildings to remove the brass back flow preventers from our irrigation and numerous other incidents. While I wouldn't classify Leibel Street as a heavy crime area, I would classify it as having typical issues that an industrial area would have. It would seem that placing a trail with a mini storage with people's possessions on one side and the building at 2320 Leibel housing about \$15 Million in equipment on the other side would be a recipe for inviting more crime to the area.
- Maintenance- While at the Town Board meeting on February 21, the Town Attorney mentioned that we would not be responsible for the upkeep of the trail area. While this was reassuring, it was also noted that if we did something to alter the trail, that we would be held liable. As I mentioned previously, we are constructing this building for a tenant that has over 20 employees. I do not think it is reasonable for us to take on the liability of someone wandering off of the trail onto our property or for them potentially disturb the trail altering it unknowingly for a property that we are not personally occupying. This company has a growing business and are in need of expansion for them to continue to grow. We are excited to partner with them to accommodate their needs and to keep them in White Bear Township and to increase the revenue that White Bear Township will receive.

I would like to formally request that this requirement be removed from our permit and that the trail not be constructed in this location, both on our property and the mini storage property. The Town Board stated that it needed to stay in our permit, after Tom requested that it be removed, at the meeting on February 21. Regardless, we would like to request that this issue will not hold up our permit to begin construction as well as our certificate of occupancy.

Thank you for your time and consideration,

Kris and Mike Capra
Property Owners at 2320 Leibel Street

*Please forward this is all involved parties.

Kris Capra
Capra's Utilities, Inc.
Capra Properties, LLC
Capra Properties 2331, LLC
Capra Properties 2330-2340, LLC
Capra Properties 2320, LLC
2340 Leibel Street
White Bear Lake, MN 55110
Phone: 651-762-2500
Fax: 651-762-2600
Website: www.capras.com



**Town Board Executive
Meeting Supplement
March 16, 2018**

Added Agenda Item:

Agenda Number: 17c

Subject: Centerville Road / Cub Driveway – Joint Powers Agreement with City of White Bear Lake

Documentation: None

Action / Motion for Consideration:

Discuss /

CENTERVILLE ROAD PUBLIC ~~IMR~~PROVEMENTS SIMPROVEMENTS

INFORMATIONAL MEETING

Wednesday, April 4, 2018

Open House Format from 5:00 p.m. to 7:00 p.m.
Brief Project Presentation at 6:00 p.m.

White Bear Lake City Hall
4701 Highway 61

The City of White Bear Lake, as well as project partners from Ramsey County and White Bear Township are pleased to be hosting ~~will host~~ a public informational meeting on Wednesday, April 4, 2018 from 5:00 p.m. to 7:00 p.m. in the Council Chambers at City Hall, 4701 Highway 61. The purpose of the meeting is to provide information and present plans for planned-upcoming improvements construction to Centerville Road (Ramsey County Road-State Aid Highway 59) north of Highway 96 scheduled for Spring—Fall the 2018 construction season.

Planned roadway improvements include installation of a traffic signal approximately 900 feet north of Highway 96 (at the new entrance to White Bear Heights and the Lunds & Byerlys Grocery Store), a center median, and new turn lanes. These improvements are designed to control-improve traffic patterns-movements and ~~improve~~ safety within this corridor.

Anyone wishing to learn more about the project is encouraged to attend this information meeting. Representatives from Ramsey County Public Works, City of White Bear Lake, and White Bear Township will be present and available to discuss the project.

If you are unable to attend, questions or comments should be directed to Jesse Farrell ~~Steve Weser~~, Assistant City Engineer ~~Alliant Engineering, Inc.~~, at 651-407-5361 ~~612-767-9347~~ or sweser@alliant-inc.com.



**Town Board Executive
Meeting Supplement
March 16, 2018**

Added Agenda Item:

Agenda Number: 17d

Subject: Public Nuisances – per Ed Prudhon / Mark Griffin

Documentation: Email from Mark Griffin

Action / Motion for Consideration:

Discuss /

Nuisance statutes

Mark Griffin <Mark.Griffin@hennepin.us>

Mon 3/5/2018 11:17 AM

To: ed prudhon <eprudhon@msn.com>;

Hi Ed,

Here are the two state statutes that would apply to the nuisance property. Both are misdemeanors so the charges would have to be filed by the city attorney, not the county (unless WBT has some agreement with Ramsey County I'm not familiar with.)

Reading both statutes, it looks like they would both apply to the owner of a rental so long as the owner knew that the property was a "unreasonably annoying to a considerable number of members of the public." Penalty for a misdemeanor is up to 90 days in jail (which is rarely imposed) and/or up to \$1000.00 fine (which often is).

As is usually the case with any criminal charge, the problem is proving it. First, the CA would have to prove the property was a nuisance because of police calls, loud parties, garbage etc., probably by having the neighbors come in and testify that they were bothered by the noise or police calls to the house or whatever. They might very well be reluctant to testify and draw the wrath of their neighbors. Second, he has to prove that the owner knew about all that irritating things his tenants were doing.

Citations for code violations can be another way to get the nuisance property residents to start behaving but they don't help much with nuisance statutes, mainly because the neighbors probably don't know that the wiring or plumbing isn't up to code.

I'll keep snooping around to see if I can come up with any other ideas.

609.74 PUBLIC NUISANCE.

Whoever by an act or failure to perform a legal duty intentionally does any of the following is guilty of maintaining a public nuisance, which is a misdemeanor:

- (1) maintains or permits a condition which unreasonably annoys, injures or endangers the safety, health, morals, comfort, or repose of any considerable number of members of the public; or
- (2) interferes with, obstructs, or renders dangerous for passage, any public highway or right-of-way, or waters used by the public; or
- (3) is guilty of any other act or omission declared by law to be a public nuisance and for which no sentence is specifically provided.

609.745 PERMITTING PUBLIC NUISANCE.

Whoever having control of real property permits it to be used to maintain a public nuisance or lets the same knowing it will be so used is guilty of a misdemeanor.