



# 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](mailto:wbt@whitebeartownship.org)

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

## AGENDA TOWN BOARD MEETING JUNE 18, 2018

1. **7:00 p.m.** - Call to Order at Heritage Hall, 4200 Otter Lake Road.
2. Approval of Agenda (Additions/Deletions).
3. Approval of Payment of Bills.
4. Approval of Minutes of June 4, 2018 (Additions/Deletions).
5. **Consent Agenda:**
  - A. **Cable Franchise Extension Agreement** – Approve Extension of Expiration Date of the Current Franchise Agreement from November 1, 2018 to March 31, 2019 & Authorize Execution by the Town Board Chair.
  - B. **Annual Portland Avenue Mooring Requests** – In Accordance with the Portland Avenue Mooring Fees Policy, Approve the Mooring Requests for the 2017 Boating Season June 1, 2017 through October 1, 2017 for 5373 & 5406 Portland Avenue & Notify Applicants Approval is Subject to Receipt of the Following:
    - 1) Hold Harmless Agreement (with attached Certificate of Insurance).
    - 2) Payment of \$165.00 Fee Per Site.
    - 3) Approval From the Ramsey County Sheriff's Office.
  - C. **Construction Activity Report** – Receive Report.
6. **Old Business:** None.
7. **Public Hearings:**
  - A. **Right-of-Way Variance Request – 2360 Hoxie Avenue** – To Allow a Home Remodel & Garage Replacement.
  - B. **Right-of-Way Variance Request – 5433 Ridgeway Avenue** – To Allow Construction of a Porch on the East Side of the Home.

### White Bear Township's

#### Mission:

To provide White Bear Township residents, businesses and visitors with reliable, high quality municipal services while serving as open and responsible stewards of the public trust.



recycled paper

**Agenda  
Town Board Meeting  
June 18, 2018**

- C. **7:10 p.m. – 5428 East Bald Eagle Boulevard – Vacation of Excess Right-of-Way.**

**8. New Business:**

**Town Engineer Items:**

- A. **Improvement 2018-2 – Three Oaks of White Bear Township (formerly Cambridge Downs):**
  - 1. Approve Development Agreement.
  - 2. Receive Bids.
  - 3. Award Contract.
- B. **Lift Station #10 Rehabilitation:**
  - 1. Receive Bids.
  - 2. Award Contract.

**Public Works Item:**

- C. **Public Works Maintenance Position – Approve Hiring of Timothy Cunningham.**

**General Business:**

- D. **Videographer Services – Approve Agreement With Lisa Senopole.**

- 9. **Added Agenda Items.**
- 10. **Open Time.**
- 11. **Receipt of Agenda Materials & Supplements.**
- 12. **Adjournment.**

**White Bear Township's  
Mission:**

To provide White Bear Township residents, businesses and visitors with reliable, high quality municipal services while serving as open and responsible stewards of the public trust.



## Town Board Meeting June 18, 2018

**Agenda Number:** 1 - 2 - 3 - 4

**Subject:** Call to Order – 7:00 p.m.  
Heritage Hall, 4200 Otter Lake Road

Approval of June 18, 2018 Agenda

Approval of Payment of Bills

Approval of Minutes of June 4, 2018 Town Board Meeting

**Documentation:** June 18, 2018 Agenda  
June 4, 2018 Town Board Minutes

### Action / Motion for Consideration:

Call meeting to order:	7:00 p.m.
Approval of Agenda:	June 18, 2018 (additions/deletions)
Approval of Payment of Bills	
Approval of Minutes:	June 4, 2018 Town Board Minutes

**MINUTES  
TOWN BOARD MEETING  
JUNE 4, 2018**

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

Present: Supervisors: Kermes, Prudhon, Ruzek; Clerk: Short; Attorney: Lemmons; Public Works Director: Reed; Planner: Riedesel.

**APPROVAL OF AGENDA (Additions/Deletions):** Ruzek moved approval of the agenda as submitted. Prudhon seconded. Ayes all.

**APPROVAL OF PAYMENT OF BILLS:** Prudhon moved approval of the payment of bills. Ruzek seconded. Ayes all.

**APPROVAL OF THE MINUTES OF MAY 21, 2018 (Additions/Deletions):** Prudhon moved approval of the Minutes of May 21, 2018. Ruzek seconded. Ayes all.

**CONSENT AGENDA:** Ruzek moved approval of the Consent Agenda as follows: 5A) Based on Staff Review & Recommendation, Approve the Fireworks License for Cub Foods from May 1, 2018 through April 30, 2019 Subject to approval by the Town's Fire Inspector; 5B) Call Public Hearings for Monday, June 18, 2018 at 7:00 p.m. to Consider Right-of-Way Variance Requests for 2360 Hoxie Avenue and 5433 Ridgeway Avenue; C1) Approval Additional Funding of \$3,338.00 to Cover the Additional Costs Incurred to Purchase and Install Fitness Equipment at Apple Tree Park, With Funding From the Park Maintenance General Fund; C2) Authorize a Letter of Support be Provided to Ramsey County for the Vento Trail Extension Between Buerkle Road & Highway 96; 5D) Appoint Curt Akenson to an Unexpired Three Year Term on the Park Board to Expire April 30, 2019; 5E) Based on Town Engineer Review & Recommendation & Including His Recommended Conditions, Approve Right-of-Way Permit to Comcast Permit to Replace Underground Coaxial Cable Line to Service a Residence at 4373 Fisher Lane Including Directional Boring Under Fisher Lane; 5F) Based on Town Engineer Review & Recommendation & Including His Recommended Conditions, Approve Xcel Energy Permit to Install a New Gas Service for the Business Building at 2320 Leibel Street Including Directional Boring Under Leibel Street. Prudhon seconded. Ayes all.

**OLD BUSINESS:** There were no Old Business items.

**PUBLIC HEARING - CONDITIONAL USE PERMIT REQUEST AT OTTER LAKE ELEMENTARY SCHOOL, 1401 COUNTY ROAD H-2 TO ALLOW CONSTRUCTION OF A 32' X 32' ACCESSORY STRUCTURE ON A 36' X 36' CONCRETE PAD:** The Public Hearing was held at 7:04 p.m. Prudhon moved to waive the reading of Public Notice noting that proper publication was made. Ruzek seconded. Ayes all. Ruzek moved to open the Public Hearing. Prudhon seconded. Ayes all.

The Planner reported that Otter Lake Elementary School is a conditional use in the R-1 zoning district and approval of a new Conditional Use Permit is necessary for all improvements to the site. The school is located at the corner of County Road H-2 and Otter Lake Road. The proposal is for an outdoor learning center on the north side of the school. The learning center is proposed to consist of an open sided pavilion 32' x 32' on a 36' x 36' concrete pad and an 8' wide

**MINUTES  
TOWN BOARD MEETING  
JUNE 4, 2018**

accessible path to an existing pathway. The learning center is proposed on the north side of the school in an area which is maintained as turf. The pavilion is planned to be located more than 500' from the nearest home. The Planner provided an overhead photo of what the open sided classroom would look like. Funding for the project will be provided one-half from a grant from the school district and the other half from fundraising by the parents of students at the school. Enough funding has become available to do the cement slab this year and the remainder of the project either this year or next year. The proposal was presented to the Planning Commission and there was unanimous recommendation for approval. Kermes asked if there is any maintenance required on the part of the Township. The Planner stated that the school will operate and maintain the learning center.

Ruzek moved to open the public comment portion of the Public Hearing. Prudhon seconded. Ayes all.

Joe Samuel, 7 Blue Goose Road, North Oaks, parent of an Otter Lake School student, stated that outdoor classrooms are a growing effort in schools and outdoor learning centers are part of the curriculum at the school. He stated that this is a district project. The cost of the structure is \$50,000 and to date they have raised one half of that amount through outreach and grants. They have just started their outreach to parents of the students. They will put in the concrete slab this year and construct the structure in the 2019 school year. There is a two part roof system to allow for venting. They will extend power from the school. Prudhon asked if there is any need for fire sprinkling since the structure will be metal. Joe Samuel stated that there is no need for sprinkling. In response to a question if there would be any furniture for the structure, Joe Samuel stated that they will have furniture and that is part of their fund raising efforts. There are different options and the most economical approach is to have picnic tables for the students. They are looking at an option to use limestone rocks that would act as seating for the students or desk space. Most of the lighting is day lighting and they are looking at having downcast lighting. Ruzek asked about a security. Joe Samuel stated that there will be perimeter lighting around the building on the north side of the school. At this point they have reached out to the Ramsey County Sheriff's Office for input, based on activity in the area. No changes have been recommended as yet. Kermes asked if the school would allow this facility to be used by social groups. Joe Samuel stated that the school's preference is for the structure to be available to the school during the school day and to organizations such as the boy and girl scout organization after hours.

There were no further public comments. Prudhon moved to close the public portion of the Public Hearing. Ruzek seconded. Ayes all.

Ruzek moved, based on staff review and recommendation to approve a Conditional Use Permit / Zoning Certification / Requirements for Otter Lake Elementary School, 1401 County Road H-2 which will allow construction of a 32' x 32' pavilion on a 36' x 36' concrete base. Prudhon seconded. Ayes all.

**MESSAGE BOARD – APPROVE PURCHASE:** The Public Works Director reported that Public Works is recommending approval of the purchase of a Vermac Message Board to use to enhance staff's and residents' safety when working in the road right-of-way performing repair

MINUTES  
TOWN BOARD MEETING  
JUNE 4, 2018

and maintenance activities on the road. The Town will also have the ability to use it to display Township events and emergency messages to the public. The specified Message Board is a Vermac PCMS 548 Hydraulic version with a tongue jack stand, 30-amp Smart Charger, and Houston Radar. Two vendors have provided quotes for the specified model. Street Smart Rental of Lino Lakes provided a quote of \$15,585.00 and Give 'Em A Brake Safety for \$17,189.00. The proposed purchase is identified in the 2018-2027 Capital Improvement Plan, with funding provided by the Capital Equipment Fund. There is \$20,000.00 designated in the Town's Capital Equipment Fund for the purchase of the Message Board. The Public Works Director stated that the Message Board can run by solar power or battery; the trailer has a locking mechanism; there are three lines for messages; and the Message Board will be maintained by staff. He noted that it will be available for the Township Day event.

Prudhon moved, based on Public Works Director's review and recommendation to approve the purchase of the Vermac Message Board from Street Smart Rental in the amount of \$15,585.00 with funding from the Town's Capital Equipment Fund. Ruzek seconded. Ayes all.

**EAGLE PARK TENNIS COURT: 1) REJECT ALL QUOTES RECEIVED MAY 21, 2018; 2) RECEIVE NEW QUOTES; 3) APPROVE UPDATED QUOTE:** The Town Board received two quotes for the Eagle Park tennis court fencing replacement at the May 21, 2018 Town Board meeting. Quotes were received from Town & Country Fence for \$17,585.00 and from Modern Fence for \$17,600.00. The Town Board approved the low quote from Town & Country Fence and when they were contacted to verify the quote it was discovered that they omitted the middle support rails on the fence. Their revised quote that included the middle support rails is now \$19,985.00. Due to the change in specifications the Public Works Director recommended that both bids that were received on May 21, 2018 be rejected. Two new bids were received that comply with the updated specifications. Modern Fence is low bidder with their updated bid of \$17,600.00. The Public Works Director verified that Modern Fence will install 4' gates vs 3' gates indicated in their quote. The project is identified in the 2018-2027 Capital Improvement Plan. To date, the expenses have been \$35,490.00 for the new asphalt court, an estimated \$8,500.00 for new tennis court surfacing, leaving a \$16,010.00 balance of the \$60,000.00 designated in Park and Recreation Fund for fencing. The \$1,590.00 shortfall can be supplemented by other projects that came under cost from the Park and Recreation Fund.

Ruzek moved, based on Public Works Director's review and recommendation to reject all quotes received May 21, 2018 for replacement of fencing for the Eagle Park tennis court. Prudhon seconded. Ayes all.

Ruzek moved to receive the new quotes. Prudhon seconded. Ayes all.

Ruzek moved, based on Public Works Director's review and recommendation to approve the Modern Fence updated quote in the amount of \$17,600.00 for replacement of fencing for Eagle Park tennis court. Prudhon seconded. Ayes all.

**REPLACEMENT OF #33 – F-550 UTILITY BOX& CRANE – APPROVE PURCHASE:**

The 2018-2027 Capital Improvement Plan has included the replacement of #33 which is a 2004 Ford F-550 utility truck with a crane. This truck is used daily for repair and maintenance activities

**MINUTES  
TOWN BOARD MEETING  
JUNE 4, 2018**

for streets, sanitary sewer system, park irrigation systems, and storm sewer system, etc. The chassis replacement was approved during the April 2, 2018 Town Board meeting. Staff is recommending purchasing the utility box and crane so when the chassis arrives, the utility box and crane will be ready for installation. The existing utility box has several stress cracks in the fiberglass and the weather stripping between the doors and box is deteriorated. The new utility box will be aluminum. The existing utility box cannot be secured. The new box will have locking compartments. The utility box's existing mechanical downriggers are rusted and seized up limiting the capabilities of the existing crane. The new utility box/crane unit will have hydraulic downriggers which is a more durable, dependable system. The current control is hard wired and can create a trip hazard when working around lift station wet wells and limit positioning of the truck, while removing a pump. The new crane will be a wireless control. An air compressor is included as an accessory with the new utility box to operate hand tools used in the maintenance and repair of equipment in the field, lift station pumps, and street signage. Three quotes were received for the replacement utility box and crane as follows: 1) ABM Equipment and Supply (State contract #135835) is the vendor with the lowest quote for the specified utility box and crane at \$76,930.00; 2) Truck Utilities for \$89,464.00; and 3) JOMAC for \$92,098.95. The Township's 2018-2027 Capital Improvement Plan has \$130,000.00 budgeted in The Capital Equipment Fund for the replacement of #33 chassis, utility box and crane in 2018. The Town Board approved the chassis purchase on April 16, 2018 for \$41,718.00. The total expenditure to date pending Town Board approval is \$118,648.00. This leaves a balance of \$11,352.00 for miscellaneous set up expenses.

It was noted that the pricing for the ABM Equipment and Supply as shown on their written quote in the meeting packet is \$72,665.00, and not \$76,930.00 as shown on the recommendation for approval.

The Public Works Director explained that the \$76,930.00 quote is correct. The pricing proposal in the meeting packet did not include \$4,265 added to upgrade the hydraulic driven rotary screw compressor. ABM Equipment and Supply is still the low bidder with this upgrade.

Prudhon moved, based on Public Works Director's review and recommendation to approve the purchase of the utility box and crane from the lowest quote, ABM Equipment and Supply in the amount of \$76,930.00 with funding from the Capital Equipment Fund and as identified in the Township's 2018-2027 Capital Improvement Plan. Ruzek seconded. Ayes all.

**EXECUTIVE SEARCH PROPOSAL – APPROVE PROPOSAL & AUTHORIZE EXECUTION:**

The Clerk reviewed the proposal for conducting the executive search for the Clerk-Treasurer position for the Township. The objectives of the proposal were reviewed. The work plan includes: 1) Develop a comprehensive position profile for the Board's consideration; 2) Advertise the position and conduct personal outreach to identified individuals; 3) Review resumes and screen candidates; 4) Recommend a list of 5-9 candidates to the Board that includes education and work history, and informal notes taken by consultants; 5) Coordinate 3-5 finalist interviews with the Board including: a) resumes, cover letters, management assessments and reference reports on each candidate, interview questions and evaluation forms, and procedures to be used in the interview process. The Clerk reviewed the proposed schedule for the project. If approved the project would start on June 18, 2018 and be completed around October 22, 2018. The

MINUTES  
TOWN BOARD MEETING  
JUNE 4, 2018

amount for the proposed executive search is an all-inclusive fee to conduct the search in the amount of \$15,000 except for travel costs for candidates approved by the Town Board. The Town Attorney stated that he has reviewed the proposal and overall, based on the nature of the work to be performed it is an adequate agreement. He recommended that the set milestones by which time the tasks have to be done should include recommendation of 5-9 list of candidates. What Works should agree to follow the non-discrimination policy passed by the Town in hiring employees. He also stated that it should be made clear that What Works is not an agent of the Town, rather an independent contractor. Therefore the Town is not bound by their actions. Under the proposal the terms of the agreement with What Works would negotiate a draft of a compensation package. No package is final until approved by the Town Board so there should be a statement given to the final candidate and signed by the final candidate that he or she understands that any compensation package negotiated by What Works has to be approved by the Town Board and is not effective until approved. In addition he stated that it would be wise to give a range or parameters to What Works as to what package should be offered. He noted that Paragraph 4 of the Agreement states that any travel expenses incurred for on-site interviews will be reimbursed by the Township. He advised that the Town Board require that before a candidate incurs an expense that it be approved by the Town Board. It was the consensus that the Town Board agree with the language submitted by the Town Attorney to be included in the Agreement. The Town Attorney will draft language regarding a non-discrimination policy. The Agreement will state that It will be confirmed that there were 5-9 candidates and the names be available if desired. Kermes asked about a cap on travel expense. The Town Attorney stated that the Town reserves the right to set the amount of reimbursement.

Kermes noted that this process is to address the Clerk's decision to retire.

Prudhon moved, based on Town Attorney and Staff review and recommendation to approve the Executive Search Proposal from What Works, Inc., in the amount of \$15,000 and to authorize execution by the Town Board Chair, with the inclusion of the adjustments and amendments recommended by the Town Attorney and Town Board at tonight's meeting, noting that the Town Attorney will draft language to include these amendments. Ruzek seconded. Ayes all.

**TEMPORARY LIQUOR LICENSE – APPROVE ISSUANCE OF A TEMPORARY ON-SALE LIQUOR LICENSE FOR THE SENIOR CITIZENS' NIGHT AT THE BALL PARK AT POLAR LAKES PARK TO BE HELD ON JUNE 20, 2018, 7:00 P.M. – 9:00 P.M.:**

The Clerk reported that the Mount Moriah Ministries are requesting a temporary on-sale liquor license for Senior Citizens' Night at the Ball Park which is a Manitou Days event. The event is scheduled for Wednesday, June 20, 2018 and a baseball game between White Bear Township and St. Paul Highland Park will be played on Field #1 at Polar Lakes Park. The license is to be issued to Greater Mount Moriah Ministries, a religious organization that has been existence since 2011. The team has a General Liability Insurance Policy in the amount of \$2,000,000 and a liquor liability insurance policy will be obtained for the event. The applicant is requesting that the \$250.00 fee also be waived as has been the case in previous years.

Ruzek moved to approve issuance of a Temporary On-Sale Liquor License for the Senior Citizen's Night at the Ball Park at Polar Lakes Park to be held on June 20, 2018 from 7:00 p.m. – 9:00 p.m., subject to receipt of certificate of insurance. Prudhon seconded. Ayes all.

MINUTES  
TOWN BOARD MEETING  
JUNE 4, 2018

**OPEN TIME:** Ruzek reminded Town residents of the following three events: 1) Movies in the Park, Saturday, June 9<sup>th</sup> at Polar Lakes Park. Movie to be shown is Wonder; 2) Hot Dog with a Deputy, June 12<sup>th</sup>, Polar Lakes Park, 5:00 p.m. – 7:00 p.m.; 3) Annual Spring Clean Up Day, Saturday, June 16<sup>th</sup>, Otter Lake Elementary School, 7:00 a.m.-2:00 p.m.

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

Prudhon moved to adjourn the meeting at 7:59 p.m. Ruzek seconded. Ayes all.

Respectfully Submitted,

William F. Short  
Clerk-Treasurer

Approved as Official Meeting Minutes

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

\_\_\_\_\_  
Date



**Town Board Meeting  
June 18, 2018**

**Agenda Number: 5A – Consent Agenda**

**Subject: Cable Franchise Extension Agreement – Approve Extension of Expiration Date of the Current Franchise Agreement from November 1, 2018 to March 31, 2019 & Authorize Execution by the Town Board Chair**

**Documentation: Finnerty Email /  
Extension Agreement /**

**Action / Motion for Consideration:**

Receive Report

Based on Staff Review Approve Extension of Expiration Date of the Current Franchise Agreement from November 1, 2018 to March 31, 2019 & Authorize Execution by the Town Board Chair

-----  
**Minutes  
Town Board Meeting  
February 5, 2018**

**CONSENT AGENDA:** Ruzek moved approval of the Consent Agenda as follows: 5C) **Approve Extension of Expiration Date of the Current Franchise Agreement from July 1, 2018 to November 1, 2018 & Authorize Execution by the Town Board Chair;** Prudhon seconded. Ayes all.

-----  
**Minutes  
Executive Meeting  
January 24, 2018**

**CABLE FRANCHISE EXTENSION AGREEMENT:** Tim Finnerty, Cable Commission Executive Director is recommending that the Town Board approve the Cable Franchise Extension Agreement. This Agreement will extend the expiration date of the current franchise from July 1, 2018 to November 1, 2018. The purpose of the proposed extension is to allow for continued informal negotiations between Comcast and the Cable Commission regarding the long-term renewal of the franchise. The Cable Commission has been working on the matter of franchise renewal with Comcast (the existing

franchise agreement is set to expire July 1, 2018). The Commission began direct negotiations with Comcast in September 2017, and prior to that, developed and documented a comprehensive needs assessment to serve as the negotiation objective on behalf of member cities. Renewal issues can be resolved through "informal" processes (negotiation), or through a "formal" hearing process. Based on the time required to complete the formal process, the Commission adopted two schedules. In both, the parties would start with negotiations, but move the formal process forward so that it would be completed by the date scheduled for franchise expiration if negotiations were not successful. One schedule assumed that the expiration date stayed as is, and effectively required the parties to reach negotiated deal points by January. In the other, the parties would extend the franchise to give themselves more time to engage in negotiations. Both were presented to Comcast in the fall. The Cable Commission submitted proposed deal points for negotiation to Comcast in October, 2017, and Comcast was to respond in December, 2017. It has not yet responded, and the Commission and Comcast agreed that extending the franchise would allow Comcast time to respond and negotiations to proceed informally. The Cable Commission is recommending that the Township approve the extension per the Extension Agreement. The Cable Commission believes this simple extension of the current franchise expiration will allow both parties to continue informal negotiations for the next couple of months without being put at a disadvantage. The extension preserves the Town's right to use the I-NET, and preserves existing support and channels (including high definition channels) for local cable programming. It does not harm the communities in any way.

## Bill Short

---

**From:** Tim Finnerty <timfinnerty@scctv.org>  
**Sent:** Monday, June 11, 2018 1:55 PM  
**To:** Bill Short  
**Cc:** ron.solegiaelghunds@gmail.com; Michaud, Luke  
**Subject:** Recommendation for Franchise Extension Agreement  
**Attachments:** Extension Agreement June 2018.pdf; Franchise Renewal Timeline (Revised June 2018).pdf

Hi Bill:

Attached please find a proposed Agreement for the extension of the Franchise with Comcast. The Cable Commission is recommending that the Town Board approve the Extension Agreement. The Agreement will extend the expiration date of the current Franchise from November 1, 2018 to March 31, 2019. The purpose of the proposed extension is to allow for continued informal negotiations between Comcast and the Cable Commission regarding the long-term renewal of the Franchise. Comcast is in agreement with this.

### Background

As you know, the Cable Commission has been working on the matter of Franchise renewal with Comcast given that the existing Franchise Agreement that is set to expire November 1, 2018. The Commission began direct negotiations with Comcast in September 2017, and prior to that, developed and documented a comprehensive needs assessment to serve as the negotiation objective on behalf of member cities. The needs assessment report is available at:

<https://drive.google.com/drive/folders/0B37m--T9u7TcUNaZUh6MziPWms>

Renewal issues can be resolved through "informal" processes (negotiation), or through a "formal" hearing process. Based on the time required to complete the formal process, the Commission adopted two schedules. In both, the parties start with negotiations, but move the formal process forward so that it would be completed by roughly the date scheduled for franchise expiration if negotiations were not successful. One schedule assumed that the expiration date stayed as is, and effectively required the parties to reach negotiated deal points by the end of May. In the other, the parties would extend the franchise to give themselves more time to engage in negotiations.

### Recommendation to Approve Extension

The Cable Commission and Comcast have exchanged proposed terms and counterproposals and held several negotiation sessions. However, no proposed deal has yet been reached. On May 23, 2018, the parties met and agreed to recommend extending the franchise expiration date to March 31, 2019 in order to allow negotiations to continue to proceed informally.

The Cable Commission therefore is recommending that the Township approve the extension per the attached Extension Agreement. The Cable Commission believes this simple extension of the current franchise expiration will allow both parties to continue informal negotiations for the next couple of months without being put at a disadvantage. The extension preserves your right to use the I-NET, and preserves existing support and channels (including high definition channels) for local cable programming. It does not harm the communities in any way.

Finally, please find attached a revised the franchise renewal schedule to reflect how the timeline proceeds under this extension. The Commission leadership believes it is important to follow this schedule to protect the interests of its Member Municipalities.

Please feel free to contact me after you have had a chance to review this if you wish to discuss it or have any questions. Thank you!



- Tim Finnerty  
Executive Director  
Ramsey/Washington Cable Commission  
651-775-0042  
[timfinnerty@scctv.org](mailto:timfinnerty@scctv.org)

EXTENSION AGREEMENT BETWEEN AND AMONG THE MEMBERS OF THE RAMSEY WASHINGTON SUBURBAN CABLE COMMISSION AND COMCAST OF MINNESOTA

**WHEREAS**, Comcast of Minnesota, Inc., (“Franchisee”) operates a cable television system (the “System”) in communities which are members of the Ramsey/Washington Suburban Cable Commission (RWSCC) pursuant to a franchise scheduled to expire on November 1, 2018, to which the City of Birchwood Village, the City of Dellwood, the City of Grant, the City of Lake Elmo, the City of Mahtomedi, the City of North St. Paul, the City of Oakdale, the City of Vadnais Heights, the City of White Bear Lake, White Bear Township and the City of Willernie, Minnesota, are parties (each community is a “Franchisor”); a March 9, 1995 Memorandum of Understanding; and the April 10, 2014 Settlement Agreement, as amended by Section 2 of that certain 2015 Transfer Agreement Between and Among The Members of the Ramsey Washington Suburban Cable Commission, Comcast of Minnesota, Inc. and Midwest Cable, Inc. (collectively, the Franchise and these documents are the “Franchise Documents”); and

**WHEREAS**, the parties previously agreed to extend the expiration date of the Franchise, and of obligations in the Settlement Agreement, through November 1, 2018; and

**WHEREAS**, the parties wish to extend certain time periods provided under the Franchise Documents to provide time for the parties to work together to attempt to resolve renewal issues,

**NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:**

Section 1. The Franchise is extended through and including March 31, 2019.

Section 2. Paragraph 10 of the “Settlement Agreement Regarding PEG Capacity” is amended so that the reference to November 1, 2018 is changed to March 31, 2019.

Section 3. Otherwise, the Franchise Documents shall remain in full force and effect in accordance with their terms.

Section 4. Both parties agree that the further extension will not require recommencement of the renewal process under state or federal law, or require either party to re-conduct any studies or proceedings that may have been or are being conducted.

Section 5. This Extension Agreement does not confer upon the Franchisee any additional rights under Section 626 of the Cable Act.

Section 6. By entering into this Extension Agreement, the parties do not otherwise waive their rights to rely upon the rights, procedures, protections and recourses granted to them pursuant to applicable Federal, state, or local rule, regulation, law or precedent.

Section 7. This Agreement may be executed in counterparts, each of which shall be deemed to be an original, but all of which, taken together, shall constitute one and the same agreement

IN WITNESS WHEREOF, the Parties have caused this Extension Agreement to be executed by duly authorized representatives of each Party on the dates written below.

COMCAST OF MINNESOTA, INC.

By: \_\_\_\_\_  
John D. Keller  
Title: Regional Vice President

Date:

CITY OF BIRCHWOOD VILLAGE

By: \_\_\_\_\_  
Title:

Date:

CITY OF DELLWOOD

By: \_\_\_\_\_  
Title:

Date:

CITY OF GRANT

By: \_\_\_\_\_  
Title:

Date:

CITY OF LAKE ELMO

By: \_\_\_\_\_  
Title:

Date:

WHITE BEAR TOWNSHIP

By: \_\_\_\_\_  
Title:

Date:

CITY OF MAHTOMEDI

By: \_\_\_\_\_  
Title:

Date:

CITY OF NORTH ST. PAUL

By: \_\_\_\_\_  
Title:

Date:

CITY OF OAKDALE

By: \_\_\_\_\_  
Title:

Date:

CITY OF VADNAIS HEIGHTS

By: \_\_\_\_\_  
Title:

Date:

CITY OF WHITE BEAR LAKE

By: \_\_\_\_\_  
Title:

Date:

CITY OF WILLERNIE

By: \_\_\_\_\_  
Title:

Date:

**Ramsey/Washington Cable Commission - Franchise Renewal Timeline (Revised June 2018)**

DATE	INFORMAL PROCESS	FORMAL PROCESS
June-August, 2018	Informal negotiations	Preparation for drafting/issuing of renewal RFP
September, 2018	Negotiations Update/recommendations as to whether to issue RFP (formal process), or continue negotiations; final document preparation begins if applicable	Negotiations Update/deadline for recommendations as to whether to issue RFP (formal process), or continue negotiations; issue renewal RFP no later than October 15 if applicable
October, 2018	Final Franchise documentation is complete and provided to Commission office	Issue RFP with return date of no later than November 15, 2018
November, 2018	Public hearing on proposed Franchise	
January, 2019	Commission approval of final Franchise to be recommended to municipalities	Decision made to preliminarily deny or accept proposal; recommendations for conduct of formal proceeding
February, 2019	Final Franchise provided to each municipality for approval and signing	
March, 2019	Existing Franchise with Comcast expires; existing payment arrangement could terminate at earliest on May 28, 2019	Hearing commences on formal process (90 days of prehearing discovery)
April, 2019		
May, 2019	Municipal approval of final Franchise is completed; approved Franchises for each municipality if forwarded to Comcast for signing	
June, 2019		Hearing completed; recommendations for final action on franchise submitted to municipalities



**Town Board Meeting  
June 18, 2018**

**Agenda Number: 5B – Consent Agenda**

**Subject: Annual Portland Avenue Mooring Requests** – In Accordance with the Portland Avenue Mooring Fees Policy, Approve the Mooring Requests for the 2018 Boating Season June 1, 2018 through October 1, 2018 for 5373 & 5406 Portland Avenue & Notify Applicants Approval is Subject to Receipt of the Following:

- 1) Hold Harmless Agreement (with attached Certificate of Insurance).
- 2) Payment of \$165.00 Fee Per Site.
- 3) Approval From the Ramsey County Sheriff's Office.

**Documentation:** Staff Memo /  
Mooring Request /  
Portland Avenue Mooring Policy /  
WBLCD Approval

**Action / Motion for Consideration:**

Receive Information / Discuss

In Accordance with the Portland Avenue Mooring Fees Policy, Approve the Mooring Requests for the 2017 Boating Season June 1, 2018 through October 1, 2018 for 5373 & 5406 Portland Avenue & Notify Applicants Approval is Subject to Receipt of the Following:

- 1) Hold Harmless Agreement (with attached Certificate of Insurance).
- 2) Payment of \$165.00 Fee Per Site.
- 3) Approval From the Ramsey County Sheriff's Office.

---

Minutes  
Town Board Meeting  
June 5, 2017

**CONSENT AGENDA:** Ruzek moved approval of the Consent Agenda as follows: 5C) In Accordance with the Portland Avenue Mooring Fees Policy, Approve the Mooring Requests for the 2017 Boating

Season June 1, 2017 through October 1, 2017 for 5373 & 5406 Portland Avenue & Notify Applicants Approval is Subject to Receipt of the Following: 1) Hold Harmless Agreement (with attached Certificate of Insurance); 2) Payment of \$165.00 Fee Per Site; 3) Approval from the Ramsey County Sheriff's Office; Prudhon seconded. Ayes all.

## MEMORANDUM

**TO: TOWN BOARD**  
**FROM: PATTI WALSTAD**  
**DATE: JUNE 14, 2018**

**SUBJECT: PORTLAND AVENUE MOORING**

The two remaining members of the Portland Avenue Mooring Association (5373 & 5406 Portland) have submitted their annual request to moor their boats at the Portland Avenue mooring area.

The Portland Avenue Mooring Fees Policy states in part as follows:

8. After approval by the Town Board, the “grandfathered in” residents who receive permission to moor at the Portland Avenue Site are required to submit a \$100.00 mooring fee, and a signed Hold Harmless Agreement prior to mooring at the site.
- B. Beginning in 2010, the Portland Avenue Mooring Fees shall be \$165 per year for each mooring site, and an additional fee of \$100 shall be charged for all fees and “Hold Harmless Agreements” received after June 1<sup>st</sup> of each year thereafter.

In accordance with the Policy, the applicants will be advised of the payment amount and Hold Harmless Agreement. The additional fee will not be imposed as the White Bear Lake Conservation District approved the Township’s request on November 21, 2017.

PSW/s  
cc:admin/add.file  
b:mooring-18

Deputy-Clerk  
White Bear Township Board of Supervisors  
1281 Hammond Road  
White Bear Township, MN, 55110

**Portland Avenue Mooring Association**  
5406 Portland Avenue, White Bear Township, MN, 55110

RECEIVED

APR 18 2018

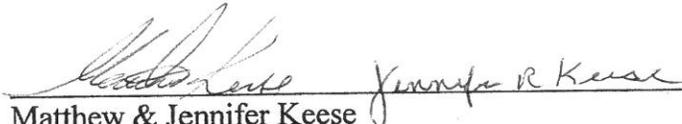
TOWN OF WHITE BEAR

Dear Deputy-Clerk

The Portland Avenue Mooring Association requests that the following moorings be renewed for the 2018 boating season:

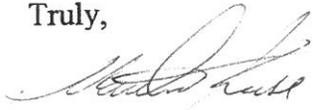
  
\_\_\_\_\_  
Steve Swanson  
5373 Portland Avenue  
White Bear Township, MN, 55110

4-13-18  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Matthew & Jennifer Keese  
5406 Portland Avenue  
White Bear Township, MN, 55110

4-5-18  
\_\_\_\_\_  
Date

Truly,



Matthew Keese

WHITE BEAR LAKE CONSERVATION DISTRICT

2018

MULTIPLE USER DOCK, RAMP, PERMANENT STRUCTURE,  
MULTI-BOAT AND/OR MOORING LICENSE

*White Bear Township*

Approved at the Board Meeting of: November 21, 2017  
(Reminder: To avoid late fee, renew for 2019 by 10/15/18)

Conditions or Stipulations?  No  Yes [If "yes," see below\*]

WBLCD



*WBLCD*

BY:

*Mary Christensen*

**POLICY**  
**PORTLAND AVENUE MOORING FEES**

**ISSUE:** Establishment of Payment Procedures & Charges for the Portland Avenue Mooring Site.

**BACKGROUND:**

1. The Portland Avenue Mooring Site is a 75' wide parcel of land (with lakeshore), on the north shore of White Bear Lake. It is the southerly extension of the Portland Avenue right-of-way located between the lakeshore and the old railroad right-of-way (see attached maps). This parcel of land is public and under the jurisdiction of White Bear Township. For several years, six mooring sites were located just off shore from this parcel. The users of these mooring sites applied for and received mooring permits for the sites from the White Bear Lake Conservation District.
2. In 1993, the Town Board determined that it was in the public interest for the Township to regulate these mooring sites, and they established a \$100 per site mooring fee, and limited the mooring sites to the six that were that were being utilized at that time.
3. From 1993-1997, the "Portland Avenue Mooring Association" (the current "grandfathered in" residents), completed and paid for the White Bear Lake Conservation District (WBLCD) application and fee (\$32.50 per season).
4. In 1998, the WBLCD changed their policy and began charging the Township the application fee of \$32.50, which included all 6 mooring sites. Also in 1998, at the recommendation of the Park Board to sunset the program by eliminating a site if a current "grandfathered in" resident ceased using it, the Town Board approved only 5 mooring sites (one user did not reapply).
5. In 1999, the WBLCD requested that the Portland Avenue Mooring Site be treated as a "Municipal Site", which required that the Township complete and pay for the license and application for the mooring sites. At this time they charged the Township \$32.50 for the license, plus \$32.50 per mooring site, for a total of \$227.50.
6. In 2006, the Town Board determined that the policy followed in the past for mooring should be continued, which provides that those "grandfathered in" residents who currently have a mooring space may continue to use it under the conditions established, and that any unused open mooring spaces will be closed. At this time, the number of mooring sites was reduced to four, because another "grandfathered in" applicant did not request to moor at the site.

7. In 2008, the WBLCD increased their fees to \$50.00 for each of the four remaining mooring sites, plus a \$50 application fee (total \$250.00).
8. After approval by the Town Board, the "grandfathered in" residents who receive permission to moor at the Portland Avenue Site are required to submit a \$100 mooring fee, and a signed Hold Harmless Agreement prior to mooring at the site.

**The Policy is Hereby Amended as follows:**

- A. The deadline for submission of the fees and signed Hold Harmless Agreements to moor at the Portland Avenue Mooring Site shall be established as June 1<sup>st</sup> of each year. A fee of \$65.00 shall be charged for payments received after June 1<sup>st</sup> for the Year 2009.
- B. Beginning in 2010, the Portland Avenue Mooring Fees shall be \$165.00 per year for each mooring site, and an additional fee of \$100.00 shall be charged for all fees and "Hold Harmless Agreements" received after June 1<sup>st</sup> of each year thereafter.

Adopted by the Town Board 05/04/09

JAR/



**Town Board Meeting  
June 18, 2018**

**Agenda Number: 5C – Consent Agenda**

**Subject: Construction Activity Report – Receive Report**

**Documentation: Report**

**Action / Motion for Consideration:**

Receive Report

## White Bear Township Construction Activity Report

	MAY 2018		2018 YEAR TO DATE		2017 YEAR TO DATE	
<u>BUILDING PERMIT</u>						
<b><u>HOUSING</u></b>	<u>PERMITS</u>	<u>VALUATION</u>	<u>PERMITS</u>	<u>VALUATION</u>	<u>PERMITS</u>	<u>VALUATION</u>
SINGLE FAMILY	-	-	7	1,908,000	6	1,514,000
TOWN HOME	-	-	-	-	-	-
<b>TOTALS</b>	<b>-</b>	<b>\$ -</b>	<b>7</b>	<b>\$ 1,908,000</b>	<b>6</b>	<b>\$ 1,514,000</b>
<b><u>MISCELL. RESIDENTIAL</u></b>	<u>PERMITS</u>	<u>VALUATION</u>	<u>PERMITS</u>	<u>VALUATION</u>	<u>PERMITS</u>	<u>VALUATION</u>
REMODEL & ADDITIONS	3	83,000	23	987,063	27	782,040
SIDING, ROOF. & WIND.	64	664,389	128	1,356,548	101	1,037,086
DECKS	9	44,500	13	77,900	13	57,410
SWIMMING POOLS	-	-	-	-	1	1,000
ACCESSORY BLDG	-	-	-	-	6	88,000
OTHER	3	8,000	17	85,727	11	164,561
<b>TOTALS</b>	<b>79</b>	<b>\$ 799,889</b>	<b>181</b>	<b>\$ 2,507,239</b>	<b>159</b>	<b>\$ 2,130,097</b>
<b><u>COMMERCIAL</u></b>	<u>PERMITS</u>	<u>VALUATION</u>	<u>PERMITS</u>	<u>VALUATION</u>	<u>PERMITS</u>	<u>VALUATION</u>
PUBLIC BUILDINGS	-	-	2	87,000	-	-
INDUSTRIAL	-	-	1	610,000	1	25,000
BUSINESS	-	-	-	-	-	-
REMODEL & ADDITIONS	-	-	4	2,561,550	-	-
OTHER	6	213,392	6	213,392	2	120,000
<b>TOTALS</b>	<b>6</b>	<b>\$ 213,392</b>	<b>13</b>	<b>\$ 3,471,942</b>	<b>3</b>	<b>\$ 145,000</b>
<b><u>MISCELLANEOUS</u></b>	<u>PERMITS</u>	<u>VALUATION</u>	<u>PERMITS</u>	<u>VALUATION</u>	<u>PERMITS</u>	<u>VALUATION</u>
DEMOLITION	-	-	2	-	-	-
	<u>PERMITS</u>	<u>VALUATION</u>	<u>PERMITS</u>	<u>VALUATION</u>	<u>PERMITS</u>	<u>VALUATION</u>
<b><u>TOTALS</u></b>	<b>85</b>	<b>\$ 1,013,281</b>	<b>203</b>	<b>\$ 7,887,181</b>	<b>168</b>	<b>\$ 3,789,097</b>
PERMIT REVENUE		<b>\$ 11,251</b>		<b>\$ 57,819</b>		<b>\$ 36,866</b>



**Town Board Meeting  
June 18, 2018**

**Agenda Number: 6 – Old Business**

**Subject: None**

**Documentation:**

**Action / Motion for Consideration:**



**Town Board Meeting  
June 18, 2018**

**Agenda Number:** 7A – Public Hearing:

**Subject:** **Right-of-Way Variance Request – 2360 Hoxie Avenue – To Allow a Home Remodel & Garage Replacement**

**Documentation:** Staff Memo w/attachments  
Public Notice / Resident Letter / Mailing List / Map  
Affidavit of Publication /  
Variance Application

**Action / Motion for Consideration:**

- Note Proper Publication of the Hearing Notice in Newspaper & Waive Reading of Notice
- Open Public Hearing
- Open Public Comment Portion – Ask for Comments
- Close Public Portion of Hearing

Based on Variance Board, Planning Commission & Staff Review & Recommendation Approve the Following Variances to Allow a Home Remodel & Garage Replacement:

Home: 20.1' Right-of-Way Setback Variance from Hoxie Avenue  
28.1' Right-of-Way Setback Variance from O'Connor's Alley  
Garage: 30.1' Right-of-Way Setback Variance from O'Connor's Alley  
6.4' Side Yard Setback Variance  
27.1% Green Area Variance

-----  
Minutes  
Planning Commission Meeting  
May 24, 2018

**KRISTEN LIPPERT PEINADO & HILARIO PEINADO ZEPEDA, 2360 HOXIE AVENUE – REQUEST FOR THE FOLLOWING VARIANCES TO ALLOW A HOME REMODEL & GARAGE**

**REPLACEMENT – HOME: 1) 20.1’ RIGHT-OF-WAY SETBACK VARIANCE FROM HOXIE AVENUE; 2) 28.1’ RIGHT-OF-WAY SETBACK VARIANCE FROM O’CONNOR’S ALLEY; GARAGE: 1) 30.1’ RIGHT-OF-WAY SETBACK VARIANCE FROM CONNOR’S ALLEY; 2) 6.4’ SIDE YARD SETBACK VARIANCE; 3) 27.1% GREEN AREA VARIANCE:** The applicants are requesting approval of several variances which would allow them to add a second story to their existing home and reconstruct their existing garage. The property is triangular shaped and abuts Hoxie Avenue and O’Connor’s alley. The lot is 7,113 square feet in area and is considered an undersized lot of record. The home is located 14.9’ from the Hoxie Avenue right-of-way at its closest point and 6.9’ from the O’Connor’s Alley. The area between the home and alley is partially paved. The garage is located 4’9” from the O’Connor’s Alley right-of-way and 3.6’ from the side lot line. A variance to construct the garage in its current location was approved by the Town in 1985. The impervious area on the lot is 3,713 square feet or 52.2% of the lot. The applicants would like to add a second story onto the home keeping the existing footprint. The applicants would also like to add a second story onto the garage keeping the current footprint. As an alternative, the applicants could attach the garage to the house, shifting the angle of the garage so there is a 90° intersection for the driveway and alley. Shifting the location of the garage would increase the side setback and would allow removal of a portion of their existing driveway, increasing the green area on the property. The deck between the home and garage would be removed, if this option is considered. Livable area would be constructed between the home and garage if this construction option is preferred.

The Variance Board reviewed the variance requests. The consensus was the second story addition fits the standards for approval of a variance. Regarding the garage, Ms. Lippert Peinado would prefer an attached garage which would be in a slightly different location. The Code Enforcement Officer, at the Variance Board meeting, noted that an attached garage would create additional green space on the lots, especially if existing asphalt is removed as part of the addition. A greater setback from O’Connor’s Alley would also be achieved if the garage were to be attached as shown. The existing garage could be reconstructed in the same location as a variance which was approved for the garage in 1985. The Variance Board recommends approval of the variances as requested with the attached garage option as the proposed second story will have the same setback as the first story.

Artnr moved, based on Variance Board review and recommendation to recommend to the Town Board to approve the requests to allow a home remodel and garage replacement as follows: 1) Home: 20.1’ right-of-way setback variance from Hoxie; and 2) 28.1’ right-of-way setback variance from O’Connor’s Alley. For the Garage: 1) 30.1’ right-of-way setback variance from O’Connor’s Alley; 2) 6.4’ side yard setback variance; and 3) 27.1% green area variance. Kotilinek seconded. Ayes all.

-----  
Minutes  
Variance Board Meeting  
May 16, 2018

**Kristen Lippert Peinado & Hilario Peinado Zepeda, 2360 Hoxie Avenue – Request for a 20.1’ Right-of-Way Setback Variance from Hoxie Avenue & 28.1’ Right-of-Way Setback Variance to Add a Second Story on the Existing Home and a 30.1’ Right-of-Way Setback Variance from O’Connors Alley, a 6.4’ Side Yard Setback Variance to Reconstruct/Relocate a Garage and a 27.1% Green Area Variance:** Riedesel summarized the request to add a second story onto the existing home and reconstruct/relocate the existing garage on the property at 2360 Hoxie Avenue.

The existing home is proposed to add a second story to a portion of the existing home, utilizing the current walls and current setbacks. Because the home does not meet setback requirements and is proposed to be increased in height, variances are required. In addition, the applicants would like to relocate the garage and attach it to the home.

As part of the garage relocation, existing asphalt can be removed between the current garage and O'Connors Alley plus additional asphalt can be removed between the home and alley. Relocation of the garage and removal of the asphalt will increase the green area on the property.

The Variance Board discussed the variances as requested.

The consensus of the Board was the second story addition fits the standards for approval of a variance.

The garage was discussed.

Ms. Lippert Peinado stated that they prefer an attached garage which would be in a different location.

Johnson noted that an attached garage would create additional green space on the lot, especially if existing asphalt is removed as part of the additions. A greater setback from O'Connors Alley would also be achieved if the garage were to be attached as shown.

Johnson noted that the existing garage could be reconstructed in the same location as a variance was approved for the garage in 1985.

It was the consensus of the Variance Board that the variances as requested can be supported with the garage being shifted and attached to the home.

Short moved to recommend to the Planning Commission to recommend to the Town Board approval of the variances as requested as the proposed second story will have the same setback as the first story and that the proposed new garage will result in more green area and a greater setback. Denn seconded. Ayes all.

It was noted that the green area must be recalculated with the attached garage option.

## MEMORANDUM

**TO: VARIANCE BOARD**  
**FROM: TOM RIEDESEL**  
**DATE: MAY 14, 2018**

**SUBJECT: HOME REMODEL & GARAGE REPLACEMENT**

**REQUESTS:**

**HOME: 20.1' RIGHT-OF-WAY SETBACK VARIANCE FROM HOXIE AVE  
28.1' RIGHT-OF-WAY SETBACK VARIANCE FROM  
O'CONNOR'S ALLEY**

**GARAGE: 30.1 RIGHT-OF-WAY SETBACK VARIANCE FROM O'CONNOR'S  
ALLEY  
6.4' SIDE YARD SETBACK VARIANCE**

**GREEN  
AREA: 27.2% GREEN AREA VARIANCE**

**LOCATION: 2360 HOXIE**  
**APPLICANTS: KRISTEN LIPPERT PEINADO & HILARIO PEINADO ZEPEDA**  
**ZONING: R-1**  
**PUBLIC**  
**HEARING: REQUIRED**

The applicants are requesting approval of several variances which would allow them to add a second story to their existing home and reconstruct their existing garage.

The property is triangular shaped and abuts Hoxie Avenue and O'Connors Alley. The lot is 7,113 square feet in area and is considered an undersized lot of record.

The home is located 14.9' from the Hoxie Avenue right-of-way at its closest point and 6.9' from the O'Connors Alley. The area between the home and alley is partially paved.

The garage is located 4.9' from the O'Connors Alley right-of-way and 3.6' from the side lot line. A variance to construct the garage in its current location was approved by the Town in 1985.

The impervious area on the lot is 3,713 square feet or 52.2% of the lot.

The applicants would like to add a second story onto the home keeping the existing footprint. The applicants would also like to add a second story onto the garage keeping the current footprint. As an alternative, the applicants could attach the garage to the house, shifting the angle of the garage so there is a 90° intersection for the driveway and

alley. Shifting the location of the garage would increase the side setback and would allow removal of a portion of their existing driveway, increasing the green area on the property. The deck between the home and garage would be removed, if this option is constructed. Livable area would be constructed between the home and garage if this construction option is preferred.

Section 9-6.1 and Section 9-6.4 of the Zoning Ordinance set the standards which must be followed when reviewing variances. It states:

**9-6.1. GENERAL.** The Town Board shall have the exclusive power to order the issuance of variances from the terms of this Ordinance including restrictions placed on non-conformities. Variances from the literal provisions of this Ordinance shall only be permitted when they are in harmony with the general purposes and intent of this Ordinance, and when the terms of the variance are consistent with the Comprehensive Plan. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the provisions of this Ordinance. "Practical Difficulties", as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by this Ordinance; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. Variances shall be granted for earth sheltered construction as defined in Minnesota Statutes, when in harmony with this Ordinance. No variance may be granted that would allow any use that is not allowed in the zoning district in which the subject property is located. The Town Board may impose conditions in granting a variance that are directly related to and in rough proportion to an impact created by the variance.

**9-6.4. STANDARDS.** In considering all requests for variance and in taking subsequent action, the Town Board shall approve the variance only if the following facts are established:

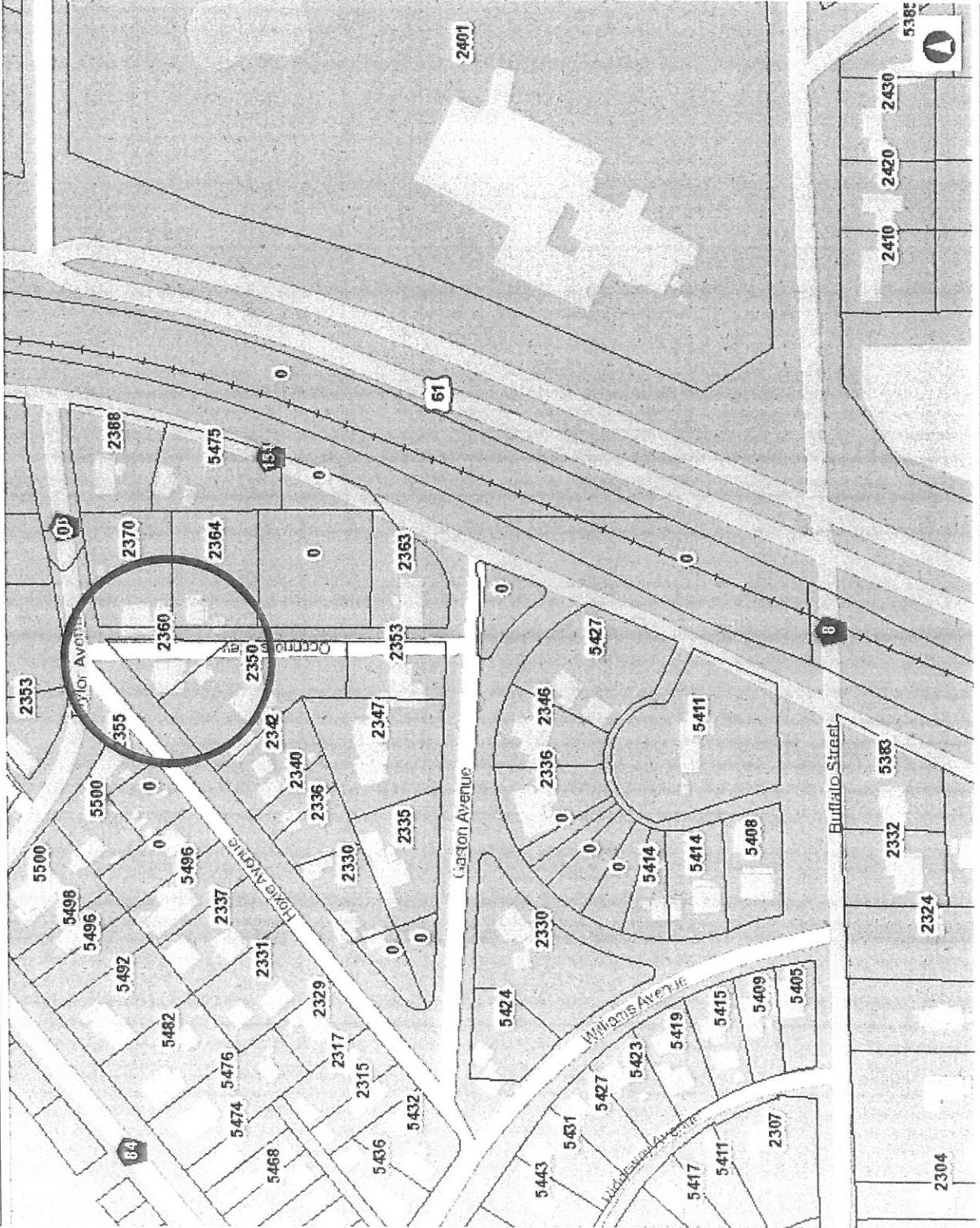
- (1). Without issuance of a variance, the provisions of this Ordinance would deprive the applicant of a reasonable use of property under the terms of this Ordinance.
- (2). That the special conditions and circumstances do not result from the actions of the applicant.
- (3). That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.

- (4). That the proposed action will not unreasonably increase the congestion on public streets.
- (5). That the proposed action will not increase the danger of fire or endanger the public safety.
- (6). That the proposed action will not unreasonably diminish or impair established property values within the neighborhood or in any other way be contrary to the intent of this Ordinance.

The location of the home on the lot creates the need for setback variances. Adding a second story onto the home will not increase the footprint or setback of the home.

Since the impervious area on the lot far exceeds the Town's green area requirements, relocation of the garage and attaching it to the home and shifting it so it has a 90° angle to O'Connors Alley will increase the green area. Removal of the paved area in front of the garage (if relocated), in addition to reducing the paved area between the home, and alley is recommended.

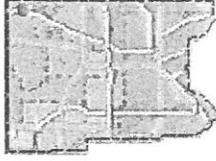
TR/psw  
cc:admin/add.file  
b:peinado



NAD\_1983\_HARN\_Adj\_MN\_Ramsey\_Feet  
 © Ramsey County Enterprise GIS Division

This map is a user generated static output from an Internet mapping site, and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.  
 THIS MAP IS NOT TO BE USED FOR NAVIGATION

**Legend**



- City Halls
- Schools
- Hospitals
- Fire Stations
- Police Stations
- Recreational Centers
- Parcel Points
- Parcel Boundaries

**Notes**

Enter Map Description

05/02/2018

To Whom It May Concern:

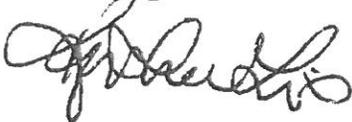
My husband and I are looking to remove the 2<sup>nd</sup> story of our home, to rebuild the 2<sup>nd</sup> story footprint to match with the 1<sup>st</sup> story footprint at: 2360 Hoxie Avenue; White Bear Lake Township, MN 55110.

The current 2<sup>nd</sup> story doesn't have enough living space for our growing family, and we frequently hit our heads on odd ceiling slopes! We have a 16 month old, and one on the way to be born July 2<sup>nd</sup>! So we really need 2 full bedrooms upstairs. Presently, the rooms are more of glorified closets.

Our garage is falling apart, we would also like to rebuild the garage, staying within the same foot print and, to build a room on top of it when that happens. The other option would be to attach the garage to the house, using the same square footage currently taken up by the garage, to not give up any green grass, and build on top of it there.

We love our home, and are super excited to live in WBL Township, and are hoping that these variations are acceptable to everyone. We will redo the siding and roof, which will add aesthetic appeal that our house can contribute to the neighborhood.

Best Regards,



Kristen Lippert Peinado

---

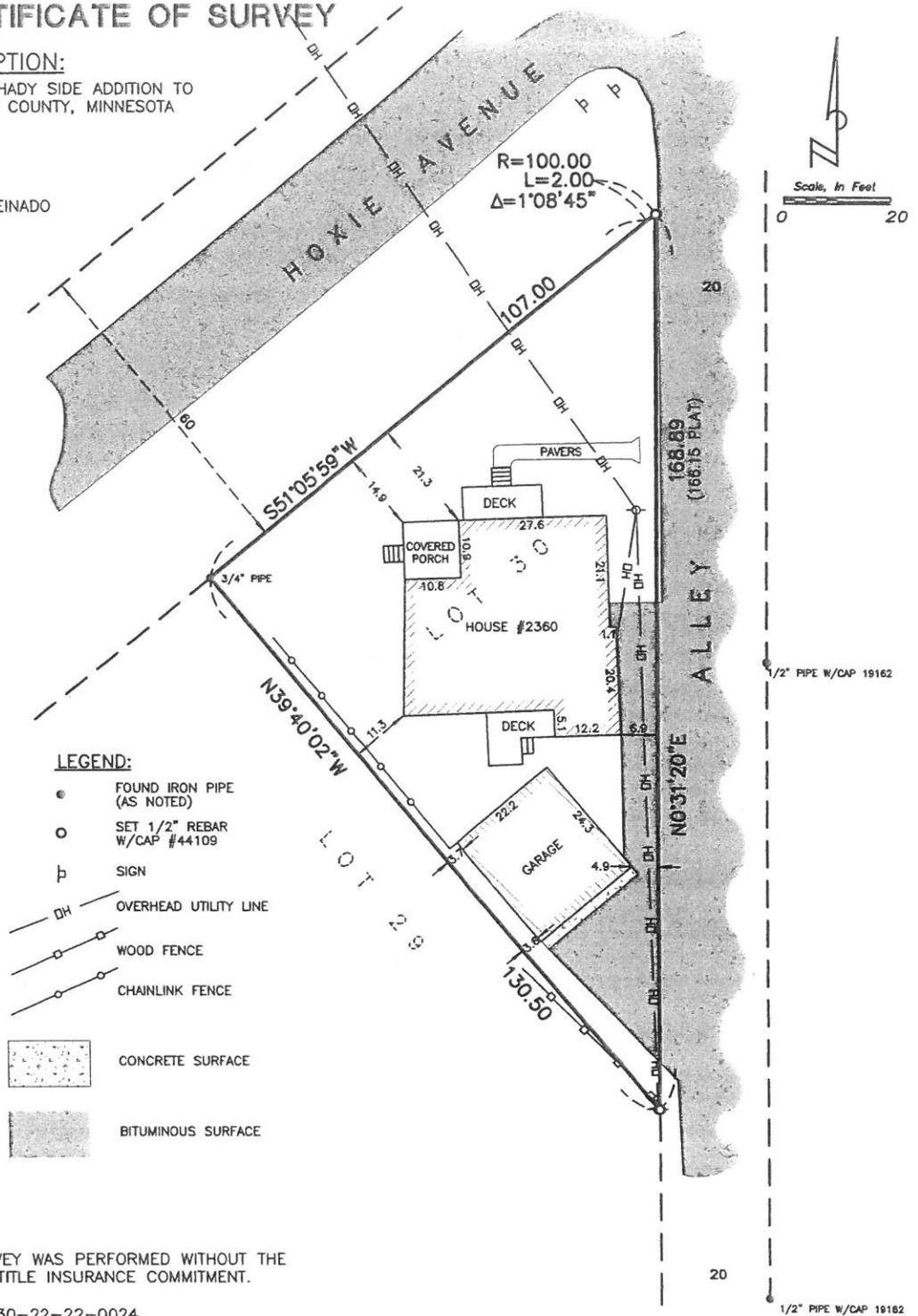
# CERTIFICATE OF SURVEY

**LEGAL DESCRIPTION:**

LOT 30, BLOCK 2, SHADY SIDE ADDITION TO  
BALD EAGLE, RAMSEY COUNTY, MINNESOTA

**PREPARED FOR:**

KRISTEN LIPPERT PEINADO



**LEGEND:**

- FOUND IRON PIPE (AS NOTED)
- SET 1/2" REBAR W/CAP #44109
- ⊢ SIGN
- DH OVERHEAD UTILITY LINE
- WOOD FENCE
- CHAINLINK FENCE
- ▨ CONCRETE SURFACE
- ▩ BITUMINOUS SURFACE

**NOTES:**

- 1) THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE INSURANCE COMMITMENT.
- 2) P.I.D.:12-30-22-22-0024
- 3) PARCEL AREA: 7,113 SQ. FT.
- 4) BEARING BASIS IS ASSUMED.
- 5) DATE OF FIELDWORK: 11-20-2017

**CERTIFICATION :**

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the state of Minnesota.

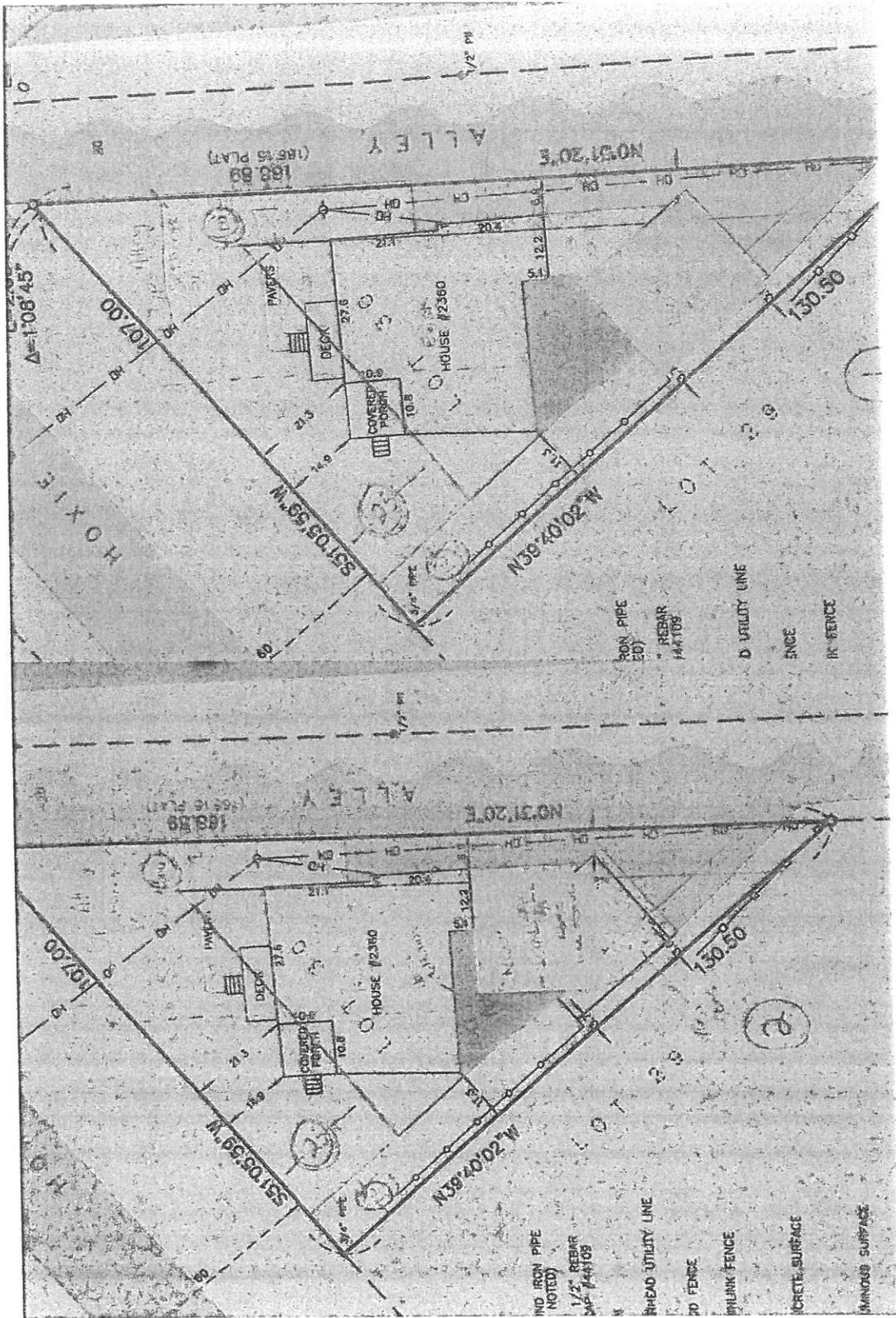
SIGNED: *Travis W Van NESTE*

Travis W. Van NESTE, Minnesota Professional Surveyor #44109  
Michigan Professional Surveyor #46695

JOB # 2017073	ISSUED: 1-09-2018
DRAWN BY: TAWN	REV:
SCALE: 1" = 20 FEET	

**VAN NESTE SURVEYING**  
PROFESSIONAL SURVEYING SERVICES  
85 WILDHURST ROAD EXCELSIOR, MN 55331  
PHONE (952) 686-3055 TOLL-FREE FAX (866) 473-0120  
WWW.VANNESTESURVEYING.COM





AND IRON PIPE  
 (NOTED)  
 1/2" REBAR  
 2x6 FATHS  
 8" HEAD UTILITY LINE  
 20' FENCE  
 2" LINK FENCE  
 CONCRETE SURFACE  
 GRASSY SURFACE

6" IRON PIPE  
 1/2" REBAR  
 2x6 FATHS  
 8" UTILITY LINE  
 5" FENCE  
 12" FENCE

6" IRON PIPE  
 1/2" REBAR  
 2x6 FATHS  
 8" UTILITY LINE  
 5" FENCE  
 12" FENCE



**NOTICE OF HEARING REQUEST FOR A VARIANCE FROM ORDINANCE NO. 35  
(ZONING) OF THE TOWN OF WHITE BEAR, RAMSEY COUNTY, MINNESOTA**

**NOTICE IS HEREBY GIVEN**, That the Town Board of the Town of White Bear, Ramsey County, Minnesota, will meet at Heritage Hall, 4200 Otter Lake Road, inside Town on Monday, June 18, 2018 @ 7:00 p.m., to consider the following variance requests:

- 20.1' Right-of-Way Setback Variance from Hoxie Avenue
- 28.1' Right-of-Way Setback Variance from O'Connor's Alley Garage
- 30.1' Right-of-Way Setback Variance from O'Connor's Alley
- 6.4' Side Yard Setback Variance
- 27.1% Green Area Variance

to allow a home remodel and garage replacement on the following described property lying and being in the Town of White Bear, Ramsey County, Minnesota:

Lot 30, Block 3, Shadyside Addition, Ramsey County, Minnesota

(2360 Hoxie Avenue)

and to hear and pass upon objections and recommendations, if any, and to conduct any and all business incident thereto.

Given under my hand this 4<sup>th</sup> day of June, 2018.

BY ORDER OF THE TOWN BOARD OF SUPERVISORS

  
\_\_\_\_\_  
WILLIAM F. SHORT, Clerk-Treasurer



# 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](mailto:wbt@whitebeartownship.org)

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

June 7, 2018

Township Resident  
White Bear Township, Minnesota 55110

**Re: Variance Request**

Dear Resident:

Enclosed please find a **Notice of Hearing Request for a Variance from Ordinance No. 35 (Zoning) of the Town of White Bear, Ramsey County, Minnesota.**

The owner of property at 2360 Hoxie is requesting approval of the following variances:

- 20.1' Right-of-Way Setback Variance from Hoxie Avenue
- 28.1' Right-of-Way Setback Variance from O'Connor's Alley Garage
- 30.1' Right-of-Way Setback Variance from O'Connor's Alley
- 6.4' Side Yard Setback Variance
- 27.1% Green Area Variance

to allow a home remodel and garage replacement on the property.

The Public Hearing on the matter is scheduled for **Monday, June 18, 2018 @ 7:00 p.m. at Heritage Hall, 4200 Otter Lake Road, White Bear Township, Minnesota.**

If you have any questions regarding the matter please plan to attend the meeting or you may contact Tom Riedesel, Planner, at 651.747.2761 or via e-mail at [tom.riedesel@whitebeartownship.org](mailto:tom.riedesel@whitebeartownship.org).

Sincerely,

Patti Walstad  
Paralegal

PSW/s  
Enc.  
cc:admin/add.file



recycled paper



Parcel ID: 123022220045

**Edward L Pardee**  
5496 Bald Eagle Blvd E  
White Bear Town MN 55110-2341

Parcel ID: 123022220114

**Dionne Leitschuh**  
2353 Taylor Ave  
Saint Paul MN 55110-2362

Parcel ID: 123022210004

**Jerome F Goetz**  
5505 Hugo Rd  
White Bear Town MN 55110-2344

Parcel ID: 123022220020

**Michele M Arnt**  
2336 Hoxie Ave  
White Bear Lake MN 55110-2340

Parcel ID: 123022220049

**James A Senesac, Margaret L Senesac**  
5500 Bald Eagle Blvd E  
St Paul MN 55110-2381

Parcel ID: 123022220008

**Gary E Strum, Arlene R Strum**  
2377 Taylor Ave  
White Bear Township MN 55110-2362

Parcel ID: 123022220022

**Katherine M Pratorius**  
403 Apricot Dr  
Ocoee FL 34761-2405

Parcel ID: 123022220048

**Edward L Pardee, Edward L Pardee Trustee**  
4856 Banning Ave  
White Bear Lake MN 55110-2870

Parcel ID: 123022210005

**Keif E Svendsen**  
2391 Taylor Ave  
White Bear Lake MN 55110-2362

Parcel ID: 123022220047

**Edward L Pardee**  
4856 Banning Ave  
White Bear Lake MN 55110-2870

Parcel ID: 123022220010

**County Of Ramsey Public Works**  
1425 Paul Kirkwood Dr  
Arden Hills MN 55112-3931

Parcel ID: 123022220011

**Jack T Raymond, Maureen F Raymond**  
2370 Taylor Ave  
White Bear Town MN 55110-2383

Parcel ID: 123022220046

**Edward L Pardee**  
4856 Banning Ave  
White Bear Lake MN 55110-2870

Parcel ID: 123022220004

**Dan L Fanselow**  
5510 Shadyside Ln  
White Bear Town MN 55110-2359

Parcel ID: 123022220118

**Edward L Pardee**  
4856 Banning Ave  
White Bear Lake MN 55110-2870

Parcel ID: 123022220024

**Kristen Lippert Peinado**  
Po Box 10849  
Saint Paul MN 55110-0849

Parcel ID: 123022220002

**Austins Arrow Llc**  
310 Broadway Ave S Suite 300  
Rochester MN 55904-6547

Parcel ID: 123022220003

**Dan L Fanselow**  
5510 Shadyside Ln  
White Bear Town MN 55110-2359

Parcel ID: 123022220103

**Vivien R Steinbach**  
2347 Gaston Ave  
White Bear Lake MN 55110-2338

Parcel ID: 123022210007

**Steven A Shipstad, Alice M Shipstad**  
5475 Hugo Rd  
Saint Paul MN 55110-2343

Parcel ID: 123022220119

**James A Senesac, Margaret L Senesac**  
5500 Bald Eagle Blvd E  
White Bear Town MN 55110-2381

Parcel ID: 123022220021

**Eric M Kustritz**  
80 Virginia St  
Saint Paul MN 55102-2114

Parcel ID: 123022210008

**Bari Properties Llc**  
3601 Portland Ave  
Minneapolis MN 55407-2516

Parcel ID: 123022220117

**Edward Laurence Pardee**  
4856 Banning Ave  
White Bear Lake MN 55110-2870

Parcel ID: 123022220015

**Darlene B Hapka**  
2353 Gaston Ave  
White Bear Town MN 55110-2338

Parcel ID: 123022220012

**Tracy J Buck**  
2364 Taylor Ave  
White Bear Township MN 55110-2383

Parcel ID: 123022210006

**Kari J Stielow**  
2388 Taylor Ave  
White Bear Lake MN 55110-2383

Parcel ID: 123022220023

**Peter A Henly, Gina M Henly**  
2350 Hoxie Ave  
St Paul MN 55110-2340

Parcel ID: 123022220109

**Timothy D Oconnor**  
2464 14th Ave E  
North St Paul MN 55109-2313

Parcel ID: 123022220113

**Bradley C Mason**  
2341 Taylor Ave  
Saint Paul MN 55110-5361

Parcel ID: 123022220007

**Amy A Hawley, Christopher A Hawley**  
2363 Taylor Ave  
White Bear Lake MN 55110-2362

Parcel ID: 123022220123

**Katherine D Fleming, Michael C Fleming**  
5520 Shadyside Ln  
White Bear Township MN 55110-2359

Parcel ID: 123022220124

**Michael C Fleming, Katherine D Fleming**  
5520 Shadyside Ln  
White Bear Lake MN 55110-2359

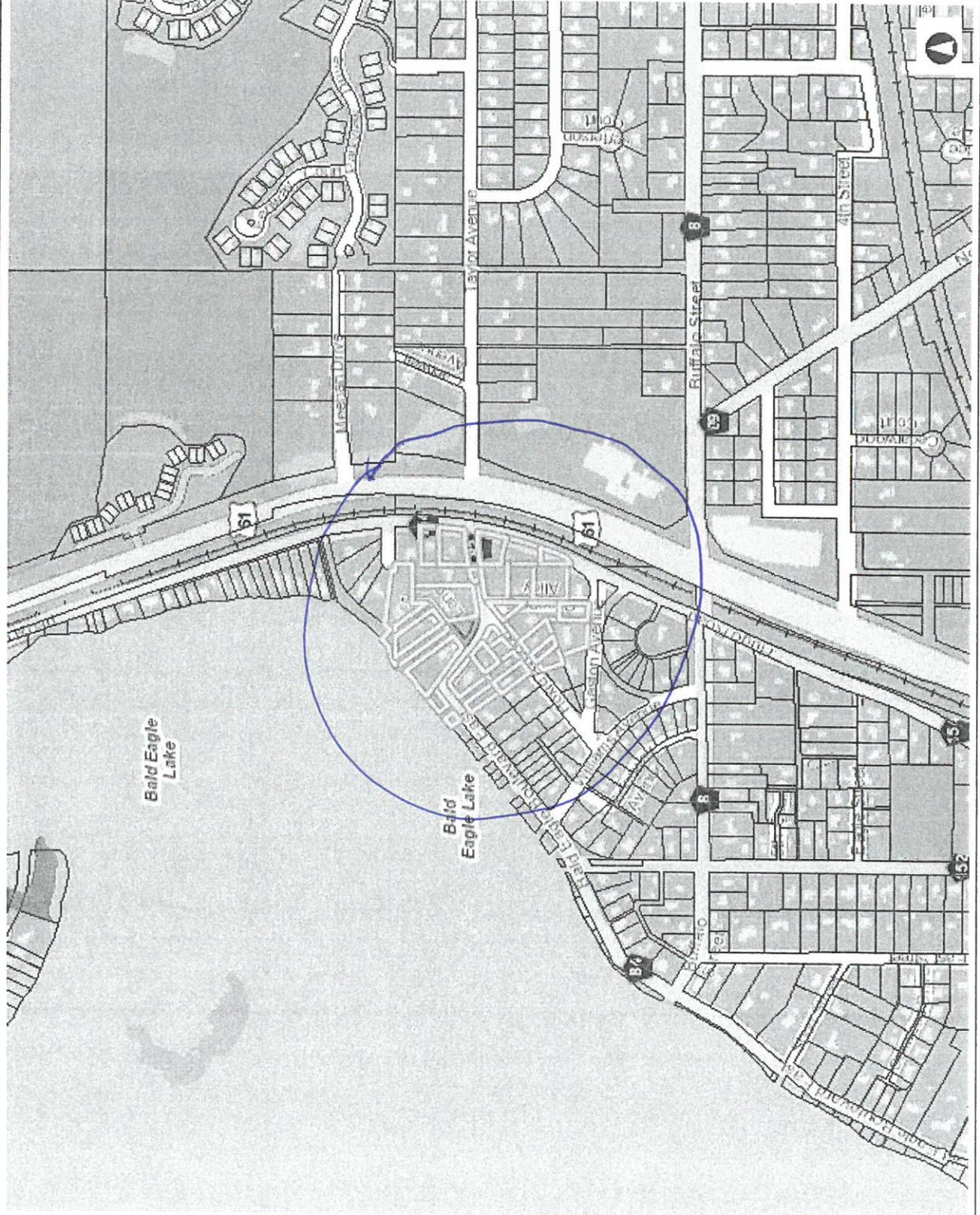
resident  
2340 Hoxie

---

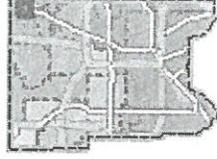
resident  
2342 Hoxie

---

Resident  
5515 Shadyside Lane



**Legend**



- City Halls
- Schools
- Hospitals
- Fire Stations
- Police Stations
- Recreational Centers
- Parcel Points
- Parcel Boundaries

**Notes**

Enter Map Description

1,333.3 666.67 1,333.3 Feet

NAD\_1983\_HARN\_Adj\_MN\_Ramsey\_Feet  
© Ramsey County Enterprise GIS Division

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.  
**THIS MAP IS NOT TO BE USED FOR NAVIGATION**

AFFIDAVIT OF PUBLICATION

STATE OF MINNESOTA )
) ss.
COUNTY OF RAMSEY )

Carter Johnson, being first duly sworn, on oath states as follows:

- 1. I am the publisher of the WHITE BEAR PRESS, or the publisher's designated agent. I have personal knowledge of the facts stated in this Affidavit, which is made pursuant of Minnesota Statutes §331A.07.
2. The newspaper has complied with all of the requirements to constitute a qualified newspaper under Minnesota law, including those requirements found in Minnesota Statutes §331A.02.
3. The dates of the month and the year and day of the week upon which the public notice attached was published in the newspaper are as follows:

Once a week, for one week, it was published on Wednesday, the 6th day of June, 2018.

- 4. The publisher's lowest classified rate paid by commercial users for comparable space, as determined pursuant to §331A.06, is as follows:
a) Lowest classified rate paid by commercial users for comparable space
b) Maximum rate allowed by law for the above matter
c) Rate actually charged for the above matter \$ 16.55/inch

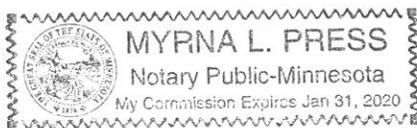
- 5. Mortgage Foreclosure Notices. Pursuant to Minnesota Statutes §580.033 relating to the publication of mortgage foreclosure notices: The newspaper's known office of issue is located in Ramsey County. The newspaper complies with the conditions described in §580.033, subd. 1, clause (1) or (2). If the newspaper's known office of issue is located in a county adjoining the county where the mortgaged premises or some part of the mortgaged premises described in the notice are located, a substantial portion of the newspaper's circulation is in the latter county.

FURTHER YOUR AFFIANT SAITH NOT.

BY: [Signature]
TITLE: Carter Johnson, Publisher

Subscribed and sworn to before me on this 6th day of June, 2018.

[Signature]
Notary Public



WHITE BEAR TOWNSHIP
NOTICE OF HEARING REQUEST FOR A VARIANCE
FROM ORDINANCE NO. 35 (ZONING) OF THE TOWN OF WHITE BEAR,
RAMSEY COUNTY, MINNESOTA
NOTICE IS HEREBY GIVEN, That the Town Board of the Town of White Bear, Ramsey County, Minnesota, will meet at Heritage Hall, 4200 Otter Lake Road, ins aid Town on Monday, June 18, 2018 @ 7:00 p.m., to consider the following variance requests:
- 20.1' Right-of-Way Setback Variance from Hoxie Avenue
- 28.1' Right-of-Way Setback Variance from O'Connor's Alley Garage
- 30.1' Right-of-Way Setback Variance from O'Connor's Alley
- 6.4' Side Yard Setback Variance
- 27.1% Green Area Variance
to allow a home remodel and garage replacement on the following described property lying and being in the Town of White Bear, Ramsey County, Minnesota:
Lot 30, Block 3, Shadyside Addition, Ramsey County, Minnesota (2360 Hoxie Avenue)
and to hear and pass upon objections and recommendations, if any, and to conduct any and all business incident thereto.
Given under my hand this 4th day of June, 2018.
BY ORDER OF THE TOWN BOARD OF SUPERVISORS
WILLIAM F. SHORT, Clerk-Treasurer
Published one time in the White Bear Press on June 6, 2018.

Attn: Tom Riedesel



# VARIANCE APPLICATION FORM

White Bear Township  
1281 Hammond Road  
White Bear Township, MN 55110  
Phone 651-747-2750 Fax 651-426-2258  
[www.ci.white-bear-township.mn.us](http://www.ci.white-bear-township.mn.us)

RECEIVED

MAY 02 2018

## INTRODUCTION

## TOWN OF WHITE BEAR

Variations from the literal provisions of this Ordinance shall only be permitted when they are in harmony with the general purposes and intent of this Ordinance, and when the terms of the variance are consistent with the Comprehensive Plan. Variations may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the provisions of this Ordinance. "Practical Difficulties", as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by this Ordinance; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. Variations shall be granted for earth sheltered construction as defined in Minnesota Statutes, when in harmony with this Ordinance. No variance may be granted that would allow any use that is not allowed in the zoning district in which the subject property is located. The Town Board may impose conditions in granting a variance that are directly related to and in rough proportion to an impact created by the variance. Conditions may be imposed in the granting of variations to insure compliance and to protect adjacent properties.

✓ Fee \$225

APPLICANT(S) Kristen Lippert Peinado PHONE (Home) \_\_\_\_\_  
Hilario Peinado - Zepeda (Business) \_\_\_\_\_  
(Cell) 612-990-8778

ADDRESS 2360 Hoxie Ave  
WBL Township MN 55110

PROPERTY OWNER same

ADDRESS OF SITE same ZONING R1

EXISTING USE OF SITE Home

DESCRIPTION OF VARIANCE REQUEST Re-do 2nd story footprint to match 1st story footprint, same on garage

SETBACKS:	<u>Required</u>	<u>Existing</u>	<u>Requested</u>
Front Yard	_____	_____	_____
Side Yard	_____	_____	_____
Side Yard	_____	_____	_____
Rear Yard	_____	_____	_____
Other (Specify)	_____	_____	_____

Applicant understands that the Variance Application fee will not be refunded if, after being submitted, the application is denied or the applicant chooses to withdraw.

It is the policy of White Bear Township that all identifiable costs associated with a Variance Application within the Township shall be the sole responsibility of the owner of said property. The costs shall include, but are not limited to the following: Township planning review costs (reports, meetings, site review); engineering review costs; legal costs (preparation of hearing notices, legal research, certification costs); publication costs (notice of hearing); reapportionment of assessments (engineers report); mailings and Ownership Reports (ownership/encumbrance).

Prior to the final approval by the Town Board, all Township expenses to date shall be paid by the owner. Subsequent expenses not paid at the time of final approval (due to billings by consultants, etc.) shall be due upon receipt of a billing from the Township.

[Handwritten Signature]  
\*Signature of Applicant(s)

05/02/18  
Date

\*Prior to applying for a variance it is recommended that the applicant contact Town staff in order to discuss the proposal.

**To Be Completed By Office:**

Date Request Received 5/2/18 CC Author. # 038827

By Karen (Staff Member) \$225.00 Fee Received  Yes  No

Date Application Complete \_\_\_\_\_



**Town Board Meeting  
June 18, 2018**

**Agenda Number:**                    **7B – Public Hearing:**

**Subject:**                    **Right-of-Way Variance Request – 5433 Ridgeway Avenue**  
– To Allow Construction of a Four Season Porch on the East  
Side of the Home

**Documentation:**            Staff Memo w/attachments  
Public Notice / Resident Letter / Mailing List / Map  
Affidavit of Publication /  
Variance Application /

**Action / Motion for Consideration:**

- Note Proper Publication of the Hearing Notice in Newspaper & Waive Reading of Notice
- Open Public Hearing
- Open Public Comment Portion – Ask for Comments
- Close Public Portion of Hearing

Based on Variance Board, Planning Commission & Staff Review & Recommendation Approve the Following Variances to Allow Construction of a Four Season Porch onto the East Side of the Home:

- 27.5' Right-of-Way Setback Variance from Ridgeway Avenue
- 4' Right-of-Way Setback Variance from an Undeveloped Right-of-Way

-----  
**Minutes**  
**Planning Commission Meeting**  
**May 24, 2018**

**FRANK (JOE) LEVINS & ANNA-LISE LEVINS, 5433 RIDGEWAY – REQUEST FOR A 27.5' RIGHT-OF-WAY SETBACK VARIANCE FROM RIDGEWAY AVENUE & A 4' RIGHT-OF-WAY SETBACK VARIANCE FROM AN UNDEVELOPED RIGHT-OF-WAY:** The Levin's are requesting approval of a 27.5' right-of-way setback and a 4' right-of-way setback variance which would allow them to construct

a porch onto their existing home at 5433 Ridgeway Avenue. The Levin's home is located 7'6" from the Ridgeway right-of-way. The porch addition, which is planned to replace a deck, is located on the east side of the home. The porch addition is planned to be 12' x 40' in size. The porch is designed as an extension of the north wall of the home, which is 7'6" from the right-of-way. 27.5' of the porch is proposed to encroach into the setback area. In 2002, the Levin's were granted 29' and 33' right-of-way setback variances in order to add a second story onto the existing footprint of their one story home. In 1992 the previous homeowners were granted a 15' right-of-way setback variance which allowed construction of a deck and walkway. This deck and walkway is proposed to be replaced by the new porch. At that time the Town required that a walkway be constructed to access a new deck set back 20' from the right-of-way. The porch is proposed to extend along the entire length of the home. This is greater in area than the deck and walkway and would have more square footage within the setback area. The Levin lot is one-half acre in size with 115+ feet of frontage on Ridgeway Avenue. It is not considered an undersized lot of record. The home is located in the northwest corner of the lot within 8' of the Ridgeway right-of-way. An underdeveloped right-of-way exists on the west side of the home, 3' from the home. Based on the location of the home on the lot, any addition will require a right-of-way setback variance.

The Variance Board reviewed the request for variances. They noted that the addition would be no closer to the right-of-way than the existing home and the porch which is proposed to be larger than the deck still meets the standards set forth by the Zoning Ordinance to approve a variance. The Code Enforcement Officer noted at the Variance Board meeting that the front door should stay in its current location due to the home design. The home is an existing non-conforming structure, the current building line will be maintained and subject to reconfiguration of the proposed eave so it is no closer to the right-of-way than the existing eave. The plan view was changed to show the porch flush with the north side of the house.

Artnr moved, based on Variance Board review and recommendation to recommend to the Town Board to approve the request for a 27.5' right-of-way setback variance from Ridgeway Avenue and a 4' right-of-way setback variance from an undeveloped right-of-way to construct a four season porch onto the east side of the home at 5433 Ridgeway Avenue. Flann seconded. Ayes all.

-----  
**Minutes**  
**Variance Board Meeting**  
**May 16, 2018**

**Frank (Joe) Levins & Anna-Lise Levins - Request for a 27.5' Right-of-Way Variance from Ridgeway Avenue & a 4' Right-of-Way Setback Variance from an Undeveloped Right-of-Way to Construct a Four Season Porch onto the East Side of the Home:** Riedesel summarized the request to add a porch to the east side of the Levin's home. The porch is proposed to be 12' x 40' and would replace a deck.

The home is located in the northwest corner of the lot 7.5' from the Ridgeway right-of-way. In addition there is an undeveloped right-of-way on the west side of the home. The addition is proposed to be located on the opposite side of the home from the right-of-way, 31' away. A 4' variance is requested from the undeveloped right-of-way.

Previous variances were approved on the property to add a second story to the home and to construct the deck in its current location (to be replaced by the porch).

The Variance Board discussed the proposal.

Denn noted that he supported the variance as requested since the addition would be no closer to the right-of-way than the existing home.

Johnson noted that the front door should stay in its current location due to the home design.

The Variance Board noted that the porch is proposed to be larger than the deck but will meet the standards set forth by the Zoning Ordinance to approve a variance.

Johnson moved to recommend to the Planning Commission to recommend to the Town Board approval of the variances as requested since the home is an existing non-conforming structure, the current building line will be maintained and subject to reconfiguration of the proposed eave so it is no closer to the right-of-way than the existing eave. Short seconded. Ayes all.

## MEMORANDUM

**TO: VARIANCE BOARD**  
**FROM: TOM RIEDESEL**  
**DATE: MAY 11, 2018**

**SUBJECT: PORCH ADDITION**

**REQUEST: 27.5' RIGHT-OF-WAY SETBACK VARIANCE FROM RIDGEWAY AVENUE**  
**4' RIGHT-OF-WAY SETBACK VARIANCE FROM AN UNDEVELOPED RIGHT-OF-WAY**

**LOCATION: 5433 RIDGEWAY**  
**APPLICANTS: FRANK (JOE) LEVINS & ANNA-LISE LEVINS**  
**PUBLIC**  
**HEARING: REQUIRED**

The Levin's are requesting approval of a 27.5' right-of-way setback and a 4' right-of-way setback variance which would allow them to construct a porch onto their existing home at 5433 Ridgeway Avenue. The Levin's home is located 7'6" from the Ridgeway right-of-way. The porch addition, which is planned to replace a deck, is located on the east side of the home. The porch addition is planned to be 12' x 40' in size. The porch is designed as an extension of the north wall of the home, which is 7'6" from the right-of-way. Twenty-seven point five feet of the porch is proposed to encroach into the setback area.

In 2002, the Levin's were granted 29' and 33' right-of-way setback variances in order to add a second story onto the existing footprint of their one story home.

In 1992, the previous homeowners were granted a 15' right-of-way setback variance, which allowed construction of a deck and walkway. This deck and walkway is proposed to be replaced by the new porch. At that time the Town required that a walkway be constructed to access a new deck, setback 20' from the right-of-way.

The porch is proposed to extend along the entire length of the home. This is greater in area than the deck and walkway and would have more square footage within the setback area.

The Levin lot is ½ acre in size with 115+ feet of frontage on Ridgeway Avenue. It is not considered an undersized lot of record. The home is located in the northwest corner of the lot within 8' of the Ridgeway right-of-way. An underdeveloped right-of-way exists on the west side of the home, 3' from the home.

Based on the location of the home on the lot, any addition will require a right-of-way setback variance.

Section 9-6 of the Zoning Ordinance sets the standards which must be met in order to approve a variance. It states:

**9-6.1. GENERAL.** The Town Board shall have the exclusive power to order the issuance of variances from the terms of this Ordinance including restrictions placed on non-conformities. Variances from the literal provisions of this Ordinance shall only be permitted when they are in harmony with the general purposes and intent of this Ordinance, and when the terms of the variance are consistent with the Comprehensive Plan. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the provisions of this Ordinance. "Practical Difficulties", as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by this Ordinance; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. Variances shall be granted for earth sheltered construction as defined in Minnesota Statutes, when in harmony with this Ordinance. No variance may be granted that would allow any use that is not allowed in the zoning district in which the subject property is located. The Town Board may impose conditions in granting a variance that are directly related to and in rough proportion to an impact created by the variance.

**9-6.4. STANDARDS.** In considering all requests for variance and in taking subsequent action, the Town Board shall approve the variance only if the following facts are established:

- (1). Without issuance of a variance, the provisions of this Ordinance would deprive the applicant of a reasonable use of property under the terms of this Ordinance.
- (2). That the special conditions and circumstances do not result from the actions of the applicant.
- (3). That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.
- (4). That the proposed action will not unreasonably increase the congestion on public streets.

(5). That the proposed action will not increase the danger of fire or endanger the public safety.

(6). That the proposed action will not unreasonably diminish or impair established property values within the neighborhood or in any other way be contrary to the intent of this Ordinance.

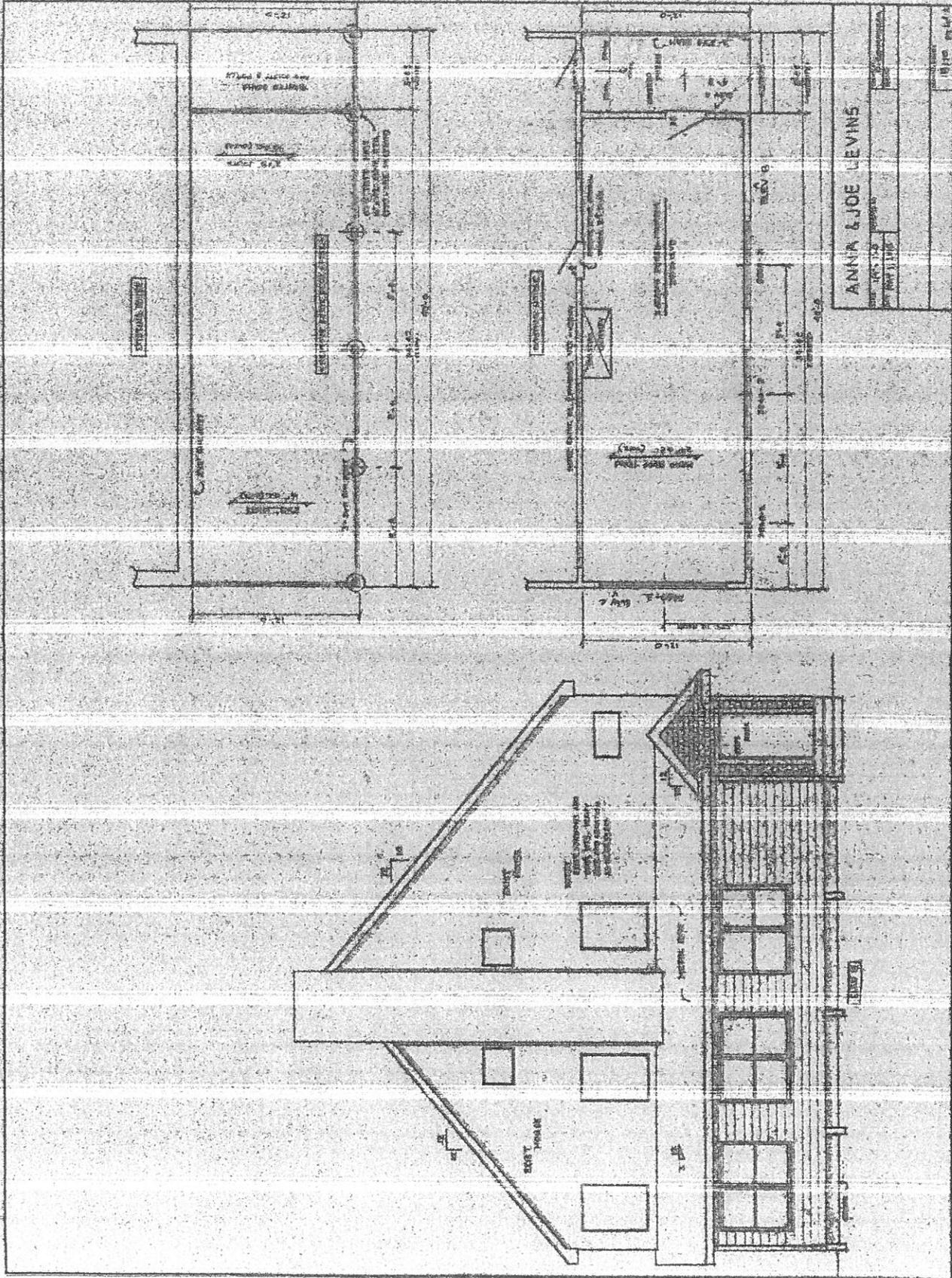
The following should be considered by the Variance Board.

The current impervious area on the lot is just over 15%. The porch is proposed to be 480 square feet in area or an additional 2.2% of the lot. Green area requirements are exceeded.

The size and location of the porch must be discussed. Relocation or a decrease in size should be considered.

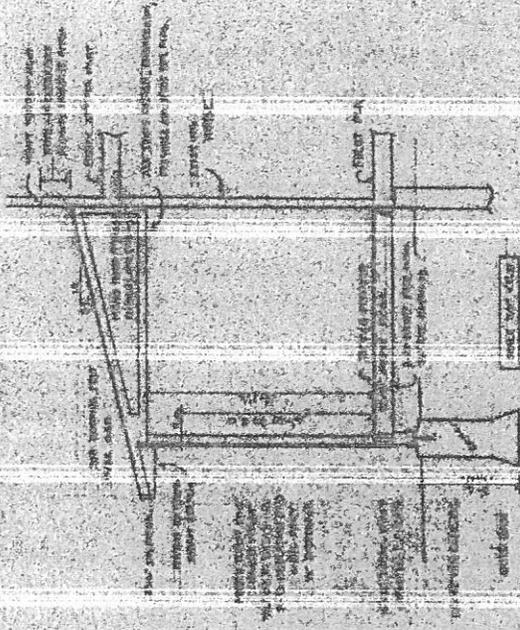
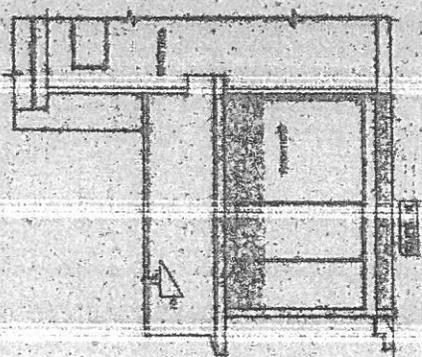
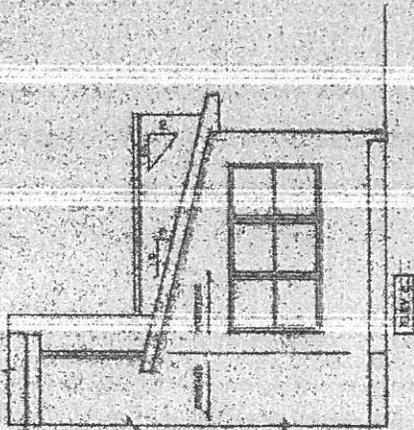
TR/psw  
cc:admin/add.file  
b:levins



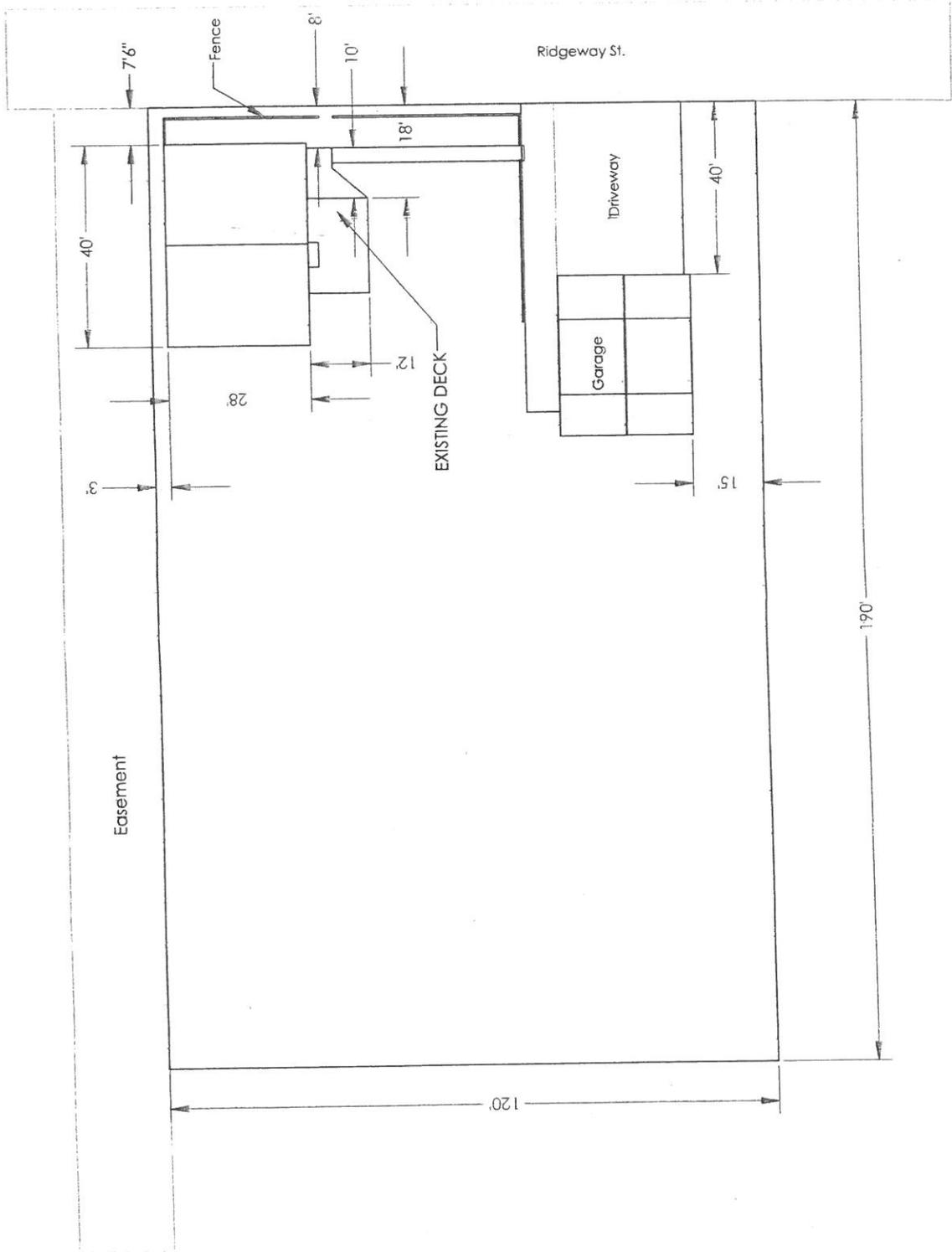


ANNIK & JOE LEVINS

DATE: 10/15/10	PROJECT: 10/15/10
BY: ANNIK & JOE LEVINS	SCALE: AS SHOWN
1/2" = 1'-0"	
1/4" = 1'-0"	
1/8" = 1'-0"	
1/16" = 1'-0"	



ANNA & JOE LEVINS	
NO. 101	PROJECT
NO. 102	DATE
NO. 103	BY
NO. 104	CHECKED
NO. 105	DATE
NO. 106	BY
NO. 107	CHECKED
NO. 108	DATE
NO. 109	BY
NO. 110	CHECKED
NO. 111	DATE
NO. 112	BY
NO. 113	CHECKED
NO. 114	DATE
NO. 115	BY
NO. 116	CHECKED
NO. 117	DATE
NO. 118	BY
NO. 119	CHECKED
NO. 120	DATE





**NOTICE OF HEARING REQUEST FOR A VARIANCE FROM ORDINANCE NO. 35 (ZONING) OF THE TOWN OF WHITE BEAR, RAMSEY COUNTY, MINNESOTA**

**NOTICE IS HEREBY GIVEN**, That the Town Board of the Town of White Bear, Ramsey County, Minnesota, will meet at Heritage Hall, 4200 Otter Lake Road, ins aid Town on Monday, June 18, 2018 @ 7:00 p.m., to consider the following variance requests:

- 27.5' Right-of-Way Setback Variance from Ridgeway Avenue
- 4' Right-of-Way Setback Variance from an Undeveloped Roadway

to allow construction of a porch on the east side of the home which replaces an existing deck on the following described property lying and being in the Town of White Bear, Ramsey County, Minnesota:

Vacated street accruing & following Lots 11 thru 13, Block 5, Shadyside Addition, Ramsey County, Minnesota

(5433 Ridgeway)

and to hear and pass upon objections and recommendations, if any, and to conduct any and all business incident thereto.

Given under my hand this 4<sup>th</sup> day of June, 2018.

BY ORDER OF THE TOWN BOARD OF SUPERVISORS

WILLIAM F. SHORT, Clerk-Treasurer



# 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](mailto:wbt@whitebeartownship.org)

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

June 7, 2018

Township Resident  
White Bear Township, Minnesota 55110

**Re: Variance Request**

Dear Resident:

Enclosed please find a **Notice of Hearing Request for a Variance from Ordinance No. 35 (Zoning) of the Town of White Bear, Ramsey County, Minnesota.**

The owner of property at 5433 Ridgeway is requesting approval of a 27.5' right-of-way setback variance from Ridgeway Avenue and a 4' right-of-way setback variance from an undeveloped roadway, to allow construction of a porch on the east side of the home. The porch will replace an existing deck.

The Public Hearing on the matter is scheduled for **Monday, June 18, 2018 @ 7:00 p.m. at Heritage Hall, 4200 Otter Lake Road, White Bear Township, Minnesota.**

If you have any questions regarding the matter please plan to attend the meeting or you may contact Tom Riedesel, Planner, at 651.747.2761 or via e-mail at [tom.riedesel@whitebeartownship.org](mailto:tom.riedesel@whitebeartownship.org).

Sincerely,

Patti Walstad  
Paralegal

PSW/s  
Enc.  
cc:admin/add.file



recycled paper



5160®

**Easy Peel® Address Labels**  
Bend along line to expose Pop-up Edge®

Go to [avery.com/templates](http://avery.com/templates)  
Use Avery Template 5160

Parcel ID: 123022220039

**Patricia Carlson**  
5436 Williams Ave  
Saint Paul MN 55110

Parcel ID: 123022220062

**Derick A Bowermaster, Traci G Bowermaster**  
5419 Williams Ave  
White Bear Lake MN 55110-2368

Parcel ID: 123022220074

**Norman Barbeau**  
5424 Williams Ave  
White Bear Lake MN 55110-2367

Parcel ID: 123022220095

**Frank J Levins, Anna Lise Parisien**  
5433 Ridgeway St  
White Bear Town MN 55110-2360

Parcel ID: 123022220063

**Cynthia L Oien, Duane Oien**  
5423 Williams Ave  
White Bear Lake MN 55110-2368

Parcel ID: 123022220089

**Peter M Narrow, Terri L Narrow**  
5440 Bald Eagle Blvd E  
White Bear Lake MN 55110-2382

Parcel ID: 123022220108

**Robert E Jackson, Tammie Marie Jackson**  
2281 Buffalo St  
White Bear Town MN 55110-2324

Parcel ID: 123022220064

**Steven T Steidl, Laura M Steidl**  
5427 Williams Ave  
White Bear Town MN 55110-2368

Parcel ID: 123022220053

**Gary Mumaugh, Deborah Mumaugh**  
5441 Ridgeway Ave  
White Bear Lake MN 55110-2360

Parcel ID: 123022220067

**Ethan C Macintosh, Lanette M Macintosh**  
13932 Flay Ave N  
Hugo MN 55038-6401

Parcel ID: 123022220065

**Richard C Mott**  
5431 Williams Ave  
White Bear Town MN 55110-2368

Parcel ID: 123022220106

**John A Granat, Michelle M Granat**  
5412 Eagle St  
White Bear Town MN 55110-2377

Parcel ID: 123022220040

**Linda L Alberg**  
2315 Hoxie Ave  
White Bear Town MN 55110-2341

Parcel ID: 123022220096

**Philip R Manson, Brenda M Manson**  
5421 Ridgeway St  
White Bear Lake MN 55110-2360

Parcel ID: 123022220107

**James D Anderson, Elizabeth C Anderson**  
2267 Buffalo St  
White Bear Town MN 55110-2324

Parcel ID: 123022220066

**Harold M Anderson, Marie F Anderson Trustee**  
5443 Ridgeway St  
White Bear Lake MN 55110-2360

Parcel ID: 123022220097

**Brian L Pierce**  
200 N Seguin Ave Ste B  
New Braunfels TX 78130-5031

Parcel ID: 123022220125

**Ramiro P Barriga**  
5737 Orchard Ave  
White Bear Lake MN 55110-2349

Parcel ID: 123022220035

**Carol A Arvig**  
2336 Gaston Ave  
White Bear Town MN 55110-2337

Parcel ID: 123022220120

**Cory M Huberty, Keely C Churchill**  
5464 Bald Eagle Blvd E  
White Bear Lake MN 55110-2304

Parcel ID: 123022220094

**Thomas George Rhude Trustee, Louise Rhude Trustee**  
5428 Eagle St  
White Bear Lake MN 55110-2377

Parcel ID: 123022220038

**Sarah M Banken**  
5432 Williams Ave  
White Bear Township MN 55110-2389

Parcel ID: 123022220105

**Tamara L Belland, Robert Dahlman**  
5418 Eagle St  
White Bear Lake MN 55110-2377

Parcel ID: 123022220037

**William W Petryk, Ruth E Petryk**  
5462 Bald Eagle Blvd E  
St Paul MN 55110-2304

Parcel ID: 123022220075

**Carol A Arvig**  
2336 Gaston Ave  
White Bear Lake MN 55110-2337

Parcel ID: 123022220090

**Kenneth J Anderson, Kathleen F Anderson**  
5438 Bald Eagle Blvd E  
White Bear Lk MN 55110-2382

Parcel ID: 113022110001

**Town Of White Bear**  
1281 Hammond Road  
White Bear Town MN 55110-5898

Parcel ID: 123022220061

**James Putnam**  
5415 William Ave  
Saint Paul MN 55110-2368

Parcel ID: 123022220068

**Kristin A Herbert**  
5451 Williams Ave  
White Bear Township MN 55110-2345

Parcel ID: 123022220101

**David L Person**  
2291 Buffalo St  
St Paul MN 55110-2324

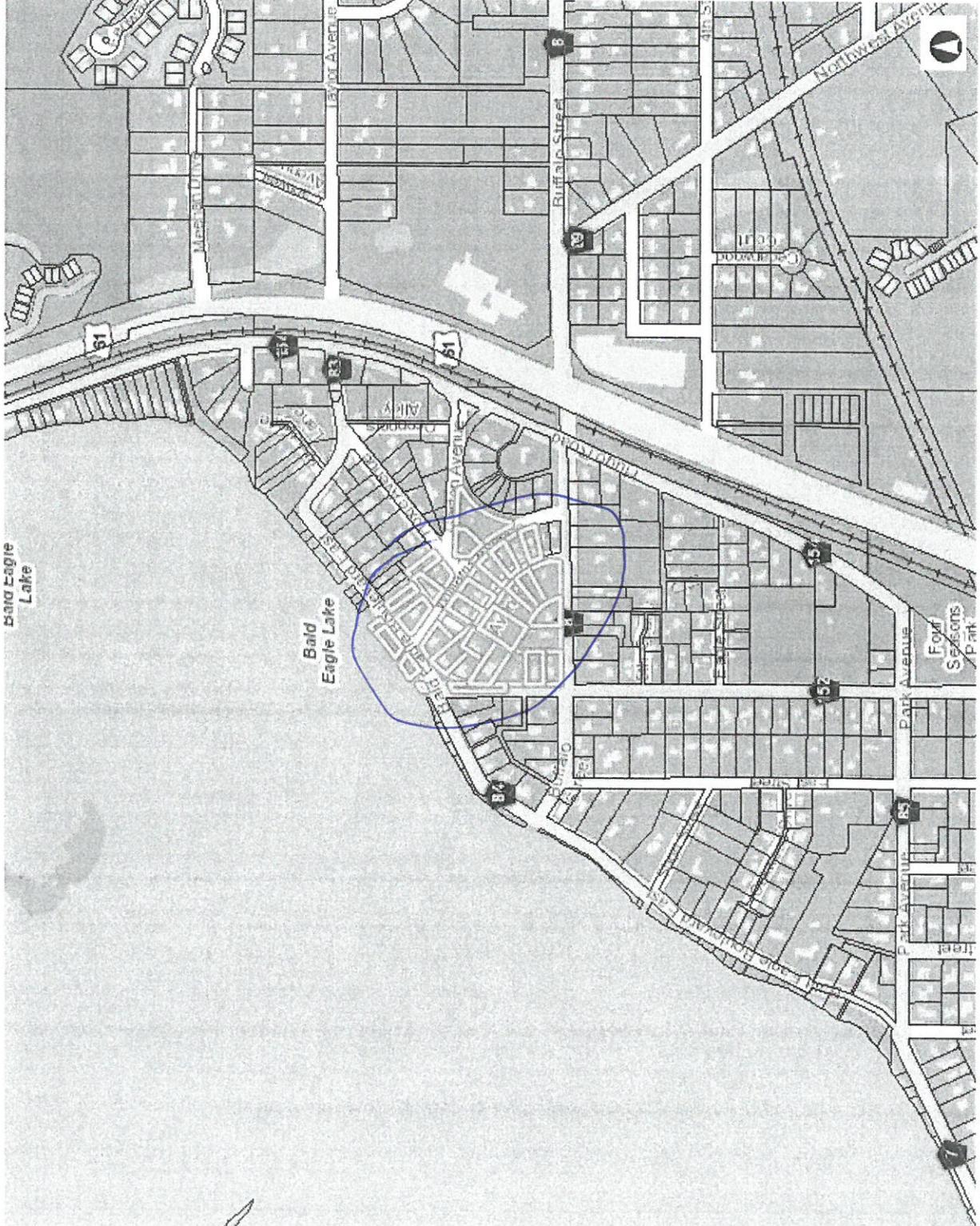
Parcel ID: 123022220129

**Timothy S Copeland**  
2307 Buffalo St  
White Bear Twsp MN 55110-2324

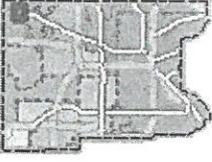
Parcel ID: 123022220130

**Timothy S Copeland**  
2307 Buffalo St  
White Bear Twsp MN 55110-2324





**Legend**



- City Halls
- Schools
- Hospitals
- Fire Stations
- Police Stations
- Recreational Centers
- Parcel Points
- Parcel Boundaries

**Notes**

Enter Map Description

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

**THIS MAP IS NOT TO BE USED FOR NAVIGATION**

1,333.3 Feet

666.67

0

AFFIDAVIT OF PUBLICATION

STATE OF MINNESOTA )
) ss.
COUNTY OF RAMSEY )

Carter Johnson, being first duly sworn, on oath states as follows:

- 1. I am the publisher of the WHITE BEAR PRESS, or the publisher's designated agent. I have personal knowledge of the facts stated in this Affidavit, which is made pursuant of Minnesota Statutes §331A.07.
2. The newspaper has complied with all of the requirements to constitute a qualified newspaper under Minnesota law, including those requirements found in Minnesota Statutes §331A.02.
3. The dates of the month and the year and day of the week upon which the public notice attached was published in the newspaper are as follows:

Once a week, for one week, it was published on Wednesday, the 6th day of June, 2018.

- 4. The publisher's lowest classified rate paid by commercial users for comparable space, as determined pursuant to §331A.06, is as follows:

- a) Lowest classified rate paid by commercial users for comparable space
b) Maximum rate allowed by law for the above matter
c) Rate actually charged for the above matter \$ 16.55/inch

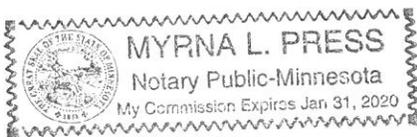
- 5. Mortgage Foreclosure Notices. Pursuant to Minnesota Statutes §580.033 relating to the publication of mortgage foreclosure notices: The newspaper's known office of issue is located in Ramsey County. The newspaper complies with the conditions described in §580.033, subd. 1, clause (1) or (2). If the newspaper's known office of issue is located in a county adjoining the county where the mortgaged premises or some part of the mortgaged premises described in the notice are located, a substantial portion of the newspaper's circulation is in the latter county.

FURTHER YOUR AFFIANT SAITH NOT.

BY: [Signature]
TITLE: Carter Johnson, Publisher

Subscribed and sworn to before me on this 6th day of June, 2018.

[Signature]
Notary Public



WHITE BEAR TOWNSHIP
NOTICE OF HEARING REQUEST FOR A VARIANCE FROM ORDINANCE NO. 35 (ZONING) OF THE TOWN OF WHITE BEAR, RAMSEY COUNTY, MINNESOTA
NOTICE IS HEREBY GIVEN, That the Town Board of the Town of White Bear, Ramsey County, Minnesota, will meet at Heritage Hall, 4200 Otter Lake Road, ins aid Town on Monday, June 18, 2018 @ 7:00 p.m., to consider the following variance requests:
- 27.5' Right-of-Way Setback Variance from Ridgeway Avenue
- 4' Right-of-Way Setback Variance from an Undeveloped Roadway to allow a home remodel and garage replacement on the following described property lying and being in the Town of White Bear, Ramsey County, Minnesota:
Vacated street accruing & following Lots 11 thru 13, Block 5, Shadyside addition, Ramsey County, Minnesota (5433 Ridgeway)
and to hear and pass upon objections and recommendations, if any, and to conduct any and all business incident thereto.
Given under my hand this 4th day of June, 2018.
BY ORDER OF THE TOWN BOARD OF SUPERVISORS
WILLIAM F. SHORT, Clerk-Treasurer
Published one time in the White Bear Press on June 6, 2018.



# VARIANCE APPLICATION FORM

White Bear Township  
1281 Hammond Road  
White Bear Township, MN 55110  
Phone 651-747-2750 Fax 651-426-2258  
[www.ci.white-bear-township.mn.us](http://www.ci.white-bear-township.mn.us)

RECEIVED

MAY 03 2018

TOWN OF WHITE BEAR

## INTRODUCTION

Variations from the literal provisions of this Ordinance shall only be permitted when they are in harmony with the general purposes and intent of this Ordinance, and when the terms of the variance are consistent with the Comprehensive Plan. Variations may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the provisions of this Ordinance. "Practical Difficulties", as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by this Ordinance; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. Variations shall be granted for earth sheltered construction as defined in Minnesota Statutes, when in harmony with this Ordinance. No variance may be granted that would allow any use that is not allowed in the zoning district in which the subject property is located. The Town Board may impose conditions in granting a variance that are directly related to and in rough proportion to an impact created by the variance. Conditions may be imposed in the granting of variations to insure compliance and to protect adjacent properties.

Fee \$225

APPLICANT(S) Frank J. Levins IV (Joe)  
Anna-Lise K. Levins PHONE (Home) 651-653-6397  
(Business) 651-334-6370  
(Cell) 651-334-6370

ADDRESS 5433 Ridgeway  
White Bear Township

PROPERTY OWNER Frank J. Levins IV (Joe)

ADDRESS OF SITE 5433 Ridgeway Ave. ZONING \_\_\_\_\_

EXISTING USE OF SITE Residential

DESCRIPTION OF VARIANCE REQUEST 3 Season porch addition

SETBACKS:	<u>Required</u>	<u>Existing</u>	<u>Requested</u>
Front Yard	_____	_____	_____
Side Yard	_____	_____	_____
Side Yard	_____	_____	_____
Rear Yard	_____	_____	_____
Other (Specify)	_____	_____	_____

CHECKLIST:

- X Site Plan (with dimensions and to scale)
- Y Building locations (dwelling, garage, accessory building).
- X Site improvements (fences, walks, lighting, decks, etc.).
- \_\_\_\_\_ Yard (front, side, rear, delineating setbacks).
- \_\_\_\_\_ Wetlands, lakes, streams, ditches including 100 year storm elevation.
- X Schedule (when does applicant intend to construct). *Summer 2018*
- \_\_\_\_\_ Additional information, if required.
- X Certificate of Survey, or full legal description. *Lots 11, 12 and 13 Block S, Shady Side Addition*
- \_\_\_\_\_ Statements from affected (abutting) property owners. (If not provided, a public hearing will be scheduled with all property owners within 350' of your property being notified.)

REVIEW PROCESS:

1. Submit 1 copy of application and supporting information to the Township. Also submit 15 copies of all plans which exceed 11" x 17" in size. Any application must be received by the 1<sup>st</sup> Thursday of the month in which the applicant would like the Variance Board to review the proposal.
2. Variance Board \_\_\_\_\_ (Approximately one week prior to the Planning Commission Meeting, as necessary. Applicant will be notified of the time of the meeting.)
3. Planning Commission \_\_\_\_\_ (4<sup>th</sup> Thursday of the month @ 7:00 p.m. at the Town Hall).
4. Town Board \_\_\_\_\_ (3<sup>rd</sup> Monday of the following month @ 7:00 p.m. at the Town Hall).

STANDARDS:

The Town Board will approve a variance only if it satisfies the description in the INTRODUCTION on Page 1 of this form, and the following facts are established:

- \_\_\_\_\_ 1. Without a variance, applicant would be deprived of rights commonly enjoyed by others in the same district.
- \_\_\_\_\_ 2. The special circumstances do not result from actions of applicant.
- \_\_\_\_\_ 3. Granting variance will not confer on applicant any special privileges.
- \_\_\_\_\_ 4. Will not increase traffic congestion on public streets.
- \_\_\_\_\_ 5. Will not endanger public safety.
- \_\_\_\_\_ 6. Will not diminish established property value.

Applicant understands that the Variance Application fee will not be refunded if, after being submitted, the application is denied or the applicant chooses to withdraw.

It is the policy of White Bear Township that all identifiable costs associated with a Variance Application within the Township shall be the sole responsibility of the owner of said property. The costs shall include, but are not limited to the following: Township planning review costs (reports, meetings, site review); engineering review costs; legal costs (preparation of hearing notices, legal research, certification costs); publication costs (notice of hearing); reapportionment of assessments (engineers report); mailings and Ownership Reports (ownership/encumbrance).

Prior to the final approval by the Town Board, all Township expenses to date shall be paid by the owner. Subsequent expenses not paid at the time of final approval (due to billings by consultants, etc.) shall be due upon receipt of a billing from the Township.

  
\_\_\_\_\_  
  
\_\_\_\_\_  
\*Signature of Applicant(s)

5/2/18  
Date

\*Prior to applying for a variance it is recommended that the applicant contact Town staff in order to discuss the proposal.

<u>To Be Completed By Office:</u>		CR # 7002
Date Request Received	<u>5/3/18</u>	
By <u>Karen</u> (Staff Member)	\$225.00 Fee Received	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Date Application Complete	_____	



**Town Board Meeting  
June 18, 2018**

**Agenda Number:**                      **7C – Public Hearing:**

**Subject:**                      **7:10 p.m. – 5428 East Bald Eagle Boulevard – Vacation of Excess Right-of-Way**

**Documentation:**                      Petition to Vacate Parts of Bald Eagle Boulevard East /  
Public Notice / DNR & Resident Letter / Map /  
Affidavit of Publication / Certificate of Posting /  
Proposed Resolution Vacating Excess Right-of-Way on  
East Bald Eagle Boulevard  
DNR Correspondence

**Action / Motion for Consideration:**

- Note Proper Publication of the Hearing Notice in Newspaper & Waive Reading of Notice
- Open Public Hearing
- Open Public Comment Portion – Ask for Comments
- Close Public Portion of Hearing

Based on Staff Review & Recommendation Approve the Vacation of Excess Right-of-Way on East Bald Eagle Boulevard as it Relates to 5428 East Bald Eagle Boulevard

&

Adopt **Resolution Vacating Excess Right-of-Way on East Bald Eagle Boulevard**

**Prudhon – Moves**

**Ruzek - Second**

Noting that this Vacation of Excess Right-of-Way is Consistent with Others Along East & West Bald Eagle Boulevard.



Exhibit A

Vickie M. Baker  
5428 Bald Eagle Blvd. East

VACATION  
OF  
EXCESS RIGHT-OF-WAY  
OF BALD EAGLE BOULEVARD

That part of Bald Eagle Boulevard East, formerly platted as Lake Avenue in Wharton, Blair and Miller's Rearrangement of Block 1, Bald Eagle, and Town of Bald Eagle, outside of a 66 foot strip of land retained for road purposes, the centerline of which is described as follows:

Commencing at the South Quarter corner of Section 11, Township 30 North, Range 22 West, Ramsey County, Minnesota; thence northerly along the north and south quarter line of said Section 11, having a assumed bearing of North 0 degrees 06 minutes 39 seconds West for 2058.26 feet to the point of beginning; thence North 68 degrees 29 minutes 42 seconds East for 53.69 feet to a tangential curve; thence northeasterly along said curve concave to the northwest, having a radius of 26983.28 feet, delta angle of 0 degrees 47 minutes 26 seconds for 372.31 feet; thence North 67 degrees 42 minutes 16 seconds East for 0.30 feet; thence North 66 degrees 40 minutes 47 seconds East for 95.90 feet; thence North 64 degrees 23 minutes 05 seconds East for 699.82 feet; thence North 34 degrees 43 minutes 42 seconds East for 132.15 feet; thence North 20 degrees 42 minutes 50 seconds East for 504.26 feet; thence North 29 degrees 18 minutes 47 seconds East for 414.33 feet; thence North 42 degrees 50 minutes 14 seconds East for 252.50 feet, thence North 37 degrees 40 minutes 41 seconds East for 223.22 feet; thence North 25 degrees 16 minutes 54 seconds East for 326.56 feet; thence North 32 degrees 22 minutes 25 seconds East for 195.98 feet; thence North 39 degrees 51 minutes 45 seconds East for 129.47 feet; thence North 59 degrees 36 minutes 00 seconds East for 197.17 feet; thence North 71 degrees 46 minutes 46 seconds East for 244.08 feet; thence North 58 degrees 27 minutes 53 seconds East for 170.97 feet through a point on the east line of said Section 11 said point being 1957.39 feet northerly of the East Quarter corner of said Section 11; thence North 51 degrees 29 minutes 14 seconds East for 873 feet more or less, to the northwesterly extension of the *southwesterly* line of Lot 8, Block 1, *Shady Side Addition* and there terminating.

Except that part vacated in District Court Order File No. 472268; except that part lying southerly of said 66 foot strip adjoining Blocks 10 and 11, Town of Bald Eagle and vacated Oak Street.

Which lies between the northwesterly extension of the southwesterly line of the East 12 ½ feet of Lot 6, Wharton, Blair and Miller's Rearrangement of Block 1, Bald Eagle, Ramsey County, Minnesota, and the northwesterly extension of the Northeasterly line of Lot 5, Wharton, Blair and Miller's Rearrangement of Block 1, Bald Eagle, Ramsey County, Minnesota.

Exhibit B

Vickie M. Baker  
5428 Bald Eagle Blvd. East

The undersigned residents and voters in White Bear Township join in the attached Petition to Vacate Parts of Bald Eagle Boulevard East of Vickie M. Baker.

~~Karin Bartness~~  
Signature

~~Karin Bartness~~  
Printed Name

~~5796 Red Pine Blvd WBT, MN 55110~~  
Address

~~Sheila Thibault~~  
Signature

~~Sheila Thibault~~  
Printed Name

~~5940 Norway Pine Ct, WBT, MN 55110~~  
Address

~~William Thibault~~  
Signature

~~William Thibault~~  
Printed Name

~~5940 Norway Pine Ct, WBT MN 55110~~  
Address

~~Jim Bartness~~  
Signature

~~Jim Bartness~~  
Printed Name

~~5796 Red Pine Blvd WBL~~  
Address

Dan Morrissette  
Signature

DAN MORRISSETTE  
Printed Name

5543 Hugo Rd  
Address

Dan Morrissette  
Signature

Susan Morrissette  
Printed Name

5543 Hugo Rd  
Address

Leigh Gorowsky  
Signature

LEIGH GOROWSKY  
Printed Name

2280 5<sup>th</sup> Ct.  
Address



## Public Notice

### NOTICE OF HEARING TO VACATE EXCESS RIGHT-OF-WAY IN THE TOWN OF WHITE BEAR, RAMSEY COUNTY, MINNESOTA

**NOTICE IS HEREBY GIVEN**, That the Town Board of Supervisors of the Town of White Bear, Ramsey County, Minnesota will meet at Heritage Hall, 4200 Otter Lake Road, in said Town on Monday, June 18, 2018 @ 7:10 p.m. to consider a petition of a majority of the owners of affected property to vacate excess right-of-way in the Town of White Bear, which affects the following property:

5428 East Bald Eagle Boulevard

and to hear and pass upon objections and recommendations, if any, and to conduct any and all business incident thereto, pursuant to Minnesota Statutes, Section 368.01, Subd. 25.

Given under my hand this 16<sup>th</sup> day of April, 2018.

BY ORDER OF THE TOWN BOARD OF SUPERVISORS

\_\_\_\_\_  
WILLIAM F. SHORT, Clerk-Treasurer



**WHITE BEAR  
TOWNSHIP**

1858  
RAMSEY COUNTY  
MINNESOTA

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

1281 HAMMOND ROAD  
WHITE BEAR TOWNSHIP, MN 55110

651-747-2750  
FAX 651-426-2258  
Email: [wbt@whitebeartownship.org](mailto:wbt@whitebeartownship.org)

April 17, 2018

Commissioner Tom Landwehr  
MN DNR  
500 Lafayette Road  
St. Paul, Minnesota 55055-4040

**Re: Vacation of Excess Right-of-Way  
5428 East Bald Eagle Boulevard**

**Certified Mail/Return Receipt**

Dear Commissioner Landwehr:

Enclosed please find the following documents:

- Notice of Hearing to Vacate Excess Right-of-Way in the Town of White Bear, Ramsey County, Minnesota; and
- Petition to Vacate Excess Right-of-Way in the Town of White Bear, Ramsey County, Minnesota
- Draft Resolution Vacating Excess Right-of-Way on East Bald Eagle Boulevard

You will note that the Public Hearing has been scheduled for Monday, June 18, 2018 @ 7:10 p.m. at Heritage Hall, 4200 Otter Lake Road, White Bear Township, Minnesota 55110.

Sincerely,

Patti Walstad  
Paralegal

PSW/s  
Encls.  
cc:Ed Pardee



recycled paper



1858  
RAMSEY COUNTY  
MINNESOTA

1281 HAMMOND ROAD  
WHITE BEAR TOWNSHIP, MN 55110

651-747-2750  
FAX 651-426-2258  
Email: [wbt@whitebeartownship.org](mailto:wbt@whitebeartownship.org)

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

June 5, 2018

Vickie Baker  
5428 East Bald Eagle Boulevard  
White Bear Township, Minnesota 55110

**Re: Vacation of Excess of Right-of-Way**

Dear Ms. Baker:

Enclosed for your information please find a **Notice of Hearing to Vacate Excess Right-of-Way in the Town of White Bear, Ramsey County, Minnesota** concerning your property at 5428 Bald Eagle Boulevard East.

You will note that the Public Hearing has been scheduled for **Monday, June 18, 2018 @ 7:10 p.m. at Heritage Hall, 4200 Otter Lake Road, White Bear Township, Minnesota.**

Also enclosed is a copy of the "draft" Resolution which will be considered for adoption the night of the hearing.

Sincerely,

Patti Walstad  
Paralegal

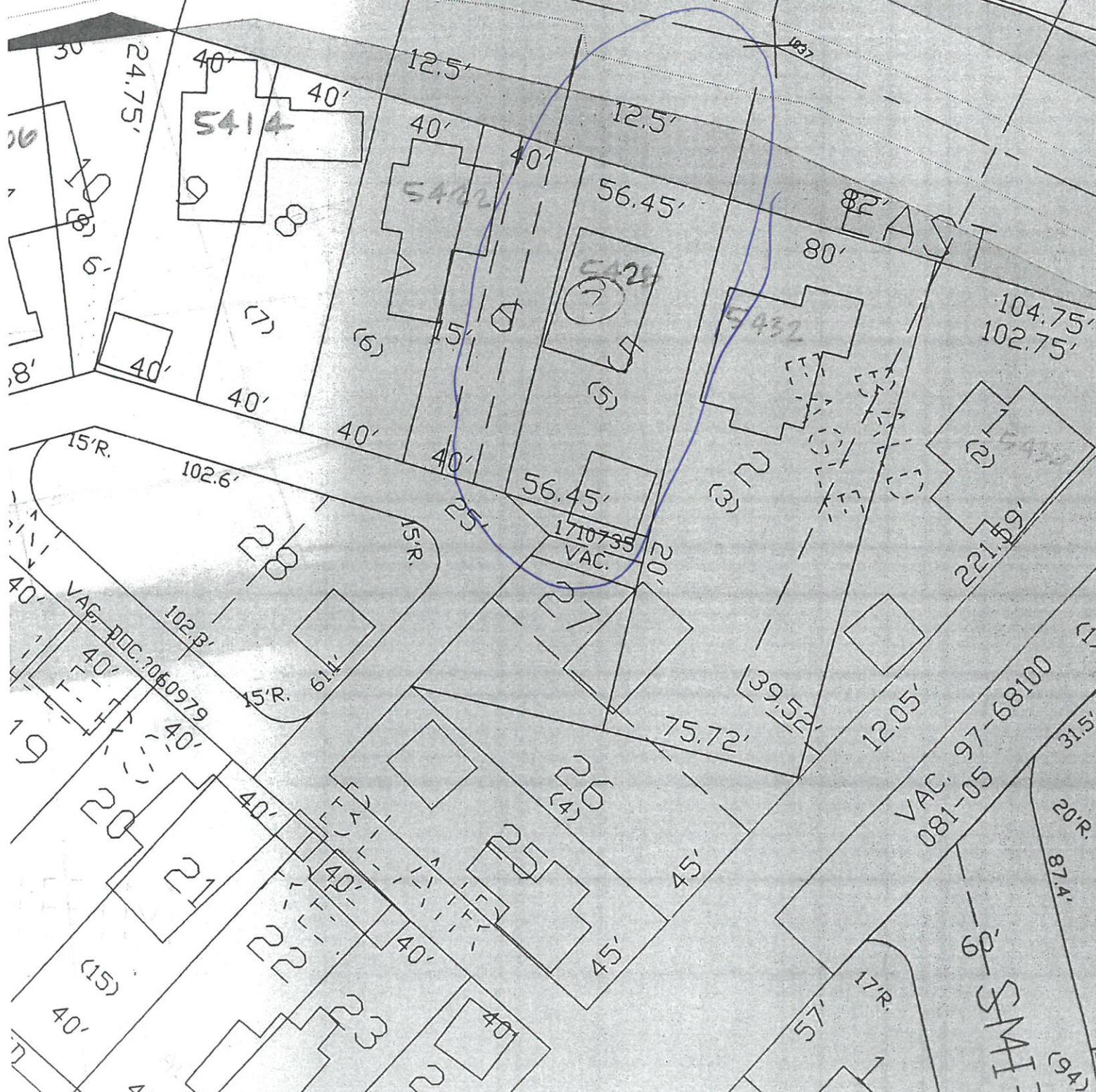
PSW/s  
Encls.  
cc:Ed Pardee;  
admin/add.file



recycled paper

...ARIAN RIGHTS

...DLE



EAST

VAC. 97-68100  
081-05

SMITH

1710735  
VAC.

5414

5402

5421

5432

5431

28

27

26

25

22

21

20

19

24.75'

40'

40'

12.5'

40'

40'

12.5'

56.45'

80'

104.75'  
102.75'

40'

40'

40'

40'

56.45'

1710735  
VAC.

75.72'

12.05'

221.59'

102.6'

102.8'

15'R.

15'R.

61.4'

15'R.

40'

40'

40'

40'

40'

40'

40'

40'

40'

40'

40'

40'

40'

40'

40'

40'

40'

40'

40'

40'

40'

40'

40'

40'

40'

40'

40'

40'

40'

40'

40'

40'

40'

40'

40'

40'

45'

45'

45'

45'

45'

45'

45'

45'

45'

45'

45'

45'

45'

45'

45'

45'

45'

45'

17'R.

31.5'

20'R.

87.4'

60'

17'R.

31.5'

16'

(15)

(17)

(6)

(5)

(3)

(3)

(2)

(2)

(1)

(8)

(7)

(6)

(5)

(3)

(3)

(2)

(2)

(1)

(1)

(1)

(8)

(7)

(6)

(5)

(3)

(3)

(2)

(2)

(1)

(1)

(1)

(8)

(7)

(6)

(5)

(3)

(3)

(2)

(2)

(1)

(1)

(1)

AFFIDAVIT OF PUBLICATION

STATE OF MINNESOTA )
) ss.
COUNTY OF RAMSEY )

Carter Johnson, being first duly sworn, on oath states as follows:

- 1. I am the publisher of the WHITE BEAR PRESS, or the publisher's designated agent. I have personal knowledge of the facts stated in this Affidavit, which is made pursuant of Minnesota Statutes §331A.07.
2. The newspaper has complied with all of the requirements to constitute a qualified newspaper under Minnesota law, including those requirements found in Minnesota Statutes §331A.02.
3. The dates of the month and the year and day of the week upon which the public notice attached was published in the newspaper are as follows:

Once a week, for two successive weeks: it was first published on Wednesday, the 30th day of May, 2018 and was thereafter printed and published on every Wednesday to and including Wednesday, the 6th day of June, 2018.

- 4. The publisher's lowest classified rate paid by commercial users for comparable space, as determined pursuant to §331A.06, is as follows:

- a) Lowest classified rate paid by commercial users for comparable space
b) Maximum rate allowed by law for the above matter
c) Rate actually charged for the above matter \$ 16.55/inch

- 5. Mortgage Foreclosure Notices. Pursuant to Minnesota Statutes §580.033 relating to the publication of mortgage foreclosure notices: The newspaper's known office of issue is located in Ramsey County. The newspaper complies with the conditions described in §580.033, subd. 1, clause (1) or (2). If the newspaper's known office of issue is located in a county adjoining the county where the mortgaged premises or some part of the mortgaged premises described in the notice are located, a substantial portion of the newspaper's circulation is in the latter county.

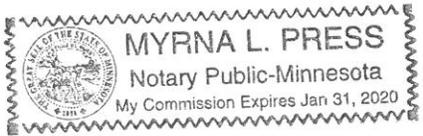
FURTHER YOUR AFFIANT SAITH NOT.

BY: [Signature]
TITLE: Carter Johnson, Publisher

Subscribed and sworn to before me on this 6th day of June, 2018.

[Signature]
Notary Public

WHITE BEAR TOWNSHIP PUBLIC NOTICE
NOTICE OF HEARING TO VACATE EXCESS RIGHT-OF-WAY IN THE TOWN OF WHITE BEAR, RAMSEY COUNTY, MINNESOTA
NOTICE IS HEREBY GIVEN, That the Town Board of Supervisors of the Town of White Bear, Ramsey County, Minnesota will meet at Heritage Hall, 4200 Otter Lake Road, in said Town on Monday, June 18, 2018 @ 7:10 p.m. to consider a petition of a majority of the owners of affected property to vacate excess right-of-way in the Town of White Bear, which affects the following property:
5428 East Bald Eagle Boulevard
and to hear and pass upon objections and recommendations, if any, and to conduct any and all business incident thereto, pursuant to Minnesota Statutes, Section 368.01, Subd. 25.
Given under my hand this 16th day of April, 2018.
BY ORDER OF THE TOWN BOARD OF SUPERVISORS
WILLIAM F. SHORT, Clerk-Treasurer
Published two times in the White Bear Press on May 30 and June 6, 2018.





EXTRACT OF MINUTES OF A MEETING OF THE TOWN  
BOARD OF THE TOWN OF WHITE BEAR, MINNESOTA,  
HELD ON JUNE 18, 2018

Pursuant to due call and notice thereof, a Special meeting of the Town Board of the Town of White Bear, Minnesota, was duly held at Heritage Hall in said Town on June 18, 2018, at 7:00 p.m.

The following members were present: Kermes, Prudhon, Ruzek; and the following members were absent: None.

Supervisor Prudhon introduced the following Resolution and moved its adoption:

**RESOLUTION VACATING EXCESS  
RIGHT-OF-WAY ON EAST BALD EAGLE BOULEVARD**

WHEREAS, located within the boundaries of the Town of White Bear are plats of Milner's Lake Add., Town of Bald Eagle and The Eyrie. That dedicated on said plat is a public right-of-way known as Bald Eagle Boulevard East;

AND WHEREAS, Vickie M. Baker has petitioned for partial vacation of said Bald Eagle Boulevard the Town, after due investigation, has determined that partial vacation of said right-of-way would not adversely affect the interests of the Town subject to the retention of certain easements and restrictions on use of the vacated right-of-way,

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF WHITE BEAR, MINNESOTA:

That that portion of Bald Eagle Boulevard East described in Exhibit A attached hereto shall be vacated and all public easements terminated subject to the following conditions:

1. Payment by the Petitioner to the Town of White Bear the sum of \$1,000.00.
2. That no permanent structure shall be placed within the vacated right-of-way unless a building permit is issued and there shall be no permanent changes to the topography of the right-of-way as it exists at the time of this Resolution.
3. The Town of White Bear reserves an easement for construction, maintenance, repair and replacement of drainage facilities and a bicycle/pedestrian pathway.

The motion for the adoption of the foregoing Resolution was duly seconded by Supervisor Ruzek, and upon vote being taken thereon, the following voted in favor thereof: Kermes, Prudhon, Ruzek; and the following voted against the same: None.

Whereupon said Resolution was declared duly passed and adopted.

STATE OF MINNESOTA )  
 )  
 COUNTY OF RAMSEY ) ss.  
 )  
 TOWN OF WHITE BEAR )

I, the undersigned, being the duly qualified and acting Clerk of the Town of White Bear, Minnesota, DO HEREBY CERTIFY, that I have carefully compared the attached and foregoing Extract of Minutes of a Special meeting of the Town Board of the said Town held on the 18<sup>th</sup> day of June, 2018, with the original on file in my office, and that the same is a full, true and complete transcript therefrom, insofar as the same relates to a Resolution relating to vacation of excess right-of-way on East Bald Eagle Boulevard.

WITNESS my hand as such Clerk and the Town Clerk's Seal this 18<sup>th</sup> day of June, 2018.

\_\_\_\_\_  
TOWN CLERK, TOWN OF WHITE BEAR, MINN.

# DEPARTMENT OF NATURAL RESOURCES

Minnesota Department of Natural Resources  
Division of Parks and Trails  
1200 Warner Road  
St. Paul, MN 55106

June 14, 2018

William F. Short, Clerk-Treasurer  
White Bear Township  
4200 Otter Lake Road  
White Bear, MN

Re: Proposed Vacation of Excess Right-of-Way Bald Eagle Boulevard

Dear Mr. Short,

Thank you for your letter to Commissioner Landwehr regarding this proposed road vacation. Your letter was forwarded to me for review and comment, as required by M.S. 412.851.

M.S. 412.851 indicates that *"No vacation shall be made unless it appears in the interest of the public to do so."* In response *"The commissioner must evaluate:*

- (1) the proposed vacation and the public benefits to do so;*
- (2) the present and potential use of the land for access to public waters; and*
- (3) how the vacation would impact conservation of natural resources."*

The reason given by the Township is to vacate excess right-of-way and to maintain a consistent right-of-way width while providing access to Bald Eagle Lake. Our charge is to evaluate the proposed vacation using M.S. 412.851 criteria. With this criteria in mind the Department of Natural Resources concludes that the vacation does meet the interest and preserves access to the public as a whole and as such is not opposed to the vacation.

Thank you for the opportunity to comment on the proposed vacation. DNR does not plan to attend the public hearing. Please send us the results of the hearing and the city's final decision on this road vacation.

If you have any questions or concerns about this letter, please contact Nancy Spooner-Mueller, Acquisition and Development Specialist with DNR Parks & Trails, at [nancy.spooner-mueller@state.mn.us](mailto:nancy.spooner-mueller@state.mn.us). You may contact her by phone at 651-259-5874. Thank you.

Sincerely,



Keith Parker  
Central Region Director

cc: Nancy Spooner-Mueller, Division of Parks and Trails  
Rachel Hintzman, Division of Parks and trails.

Minnesota Department of Natural Resources • Division of Parks and Trails  
1200 Warner Road  
St. Paul, MN 55106



**Town Board Meeting  
June 18, 2018**

**Agenda Number: 8A – New Business**

**Town Engineer Item:**

**Subject: Improvement 2018-2 – Three Oaks of White Bear Township (formerly Cambridge Downs):**

1. Approve Development Agreement
2. Receive Bids
3. Award Contract

**Documentation:** Development Agreement  
Town Engineer Memo w/attachments

**Action / Motion for Consideration:**

Town Engineer Report at Meeting / Discuss

Based on Staff Review & Recommendation:

- 1) Approve the Development Agreement Between the Town of White Bear & North Oaks Company, LLC As it Relates to the Plat to be Known as Three Oaks of White Bear & Authorize Execution by the Town Board Chair & Town Clerk
- 2) Receive Bids for Improvement 2018-2
- 3) Based Town Engineer Review & Recommendation Award the Contract to the Lowest Bidder, EJM Pipe Services in the Amount of \$1,105,670.98.

**IMPROVEMENT 2018-2 – CAMBRIDGE DOWNS: 1) APPROVE PLANS & SPECIFICATIONS; 2) AUTHORIZE ADVERTISEMENT FOR BIDS:**

The Town Attorney reported that the Plans and Specifications for the Cambridge Downs project have been substantially completed. The development is east of Centerville Road and north of County Road H-2, between Centerville Road and Peterson Road. The plans and specs are for a short segment of roadway connection from Centerville Road and Peterson Road and a short cul-de-sac to the north; and sewer and water improvement and storm sewer ponding associated with that project. Engineering is working with Public Works and the Developer on final review of the documents and any adjustments that will need to be made prior to advertising. Engineering is preparing to go out for bids on the project. The project will be funded by the Developer and there won't be any assessments. The Township will contribute to trunk watermain on Centerville Road, sanitary sewer stub to the south existing properties and trunk sanitary sewer extra depth as defined in the feasibility report. The Township will work closely with the Developer through the process of the project. Engineering is coordinating with the Developer's grading activities and removals. Recommendation is for approval of the Plans and Specifications and authorization for bidding of the Cambridge Downs project. All permits are currently being processed. The construction bid opening is scheduled for June 14<sup>th</sup> and the results will be provided at the Town Board Meeting on June 18, 2018. Construction work is scheduled to be completed by late fall. The project will be funded through the Developer and the Water Utility Fund.

Prudhon asked Mark Houge, North Oaks Company why trucks were accessing the property using Peterson Road. Mark Houge stated that they were doing soil boring testing and the trucks probably did not think to come directly off of Centerville due to lack of road entrance. He stated that they hope to start the grading in a few weeks and does not see any other activity other than soil boring. In response to a question if, at that time, all access will come off of Centerville, Mr. Houge stated that it would. Ruzek asked if construction signs could be posted prohibiting trucks from using Peterson with signs at Peterson Road, off of H-2 and down where the project starts so they don't come out that way. Mr. Houge stated that they would be happy to coordinate signage with staff.

Kermes asked the Engineer if an information note could be added to the plans and specifications regarding truck traffic. The Engineer will add the comment to the plans.

Prudhon asked Mr. Houge if there has been thought given to a different name for the development. He stated that there have been "rumblings" about the name Cambridge Downs. Mr. Houge stated that they would have to check with the terms of the filing. Prudhon asked if staff and the commission could provide some names for consideration to the North Oaks Company for a name other than Cambridge Downs. Mr. Houge stated that they would be happy to receive suggestions for a name and that they would like to have a sense of why people do not like the name Cambridge Downs. Ruzek noted that this is the last rural area of the Township and the flavor of the current name does not reflect the rural flavor of the community.

Mr. Houge reported that they are debating if a monument sign is warranted at the entrance. He noted that they did not place a monument at Pine Hill. He said that they have been focusing on street names. Prudhon stated that a monument with "White Bear Township" would be good. Mr. Houge stated that they will be happy to receive suggestions.

Ruzek moved, based on Town Engineer review & Recommendation to approve the Plans and Specifications for Improvement 2018-2 – Cambridge Downs. Kermes seconded. Ayes: Ruzek and Kermes. Abstain: Prudhon.

Ruzek moved to authorize advertisement for bids with the bid opening date to be scheduled for Thursday, June 14, 2018 at 9: 00 a.m. Kermes Seconded. Ayes: Ruzek and Kermes. Abstain: Prudhon.

## DEVELOPMENT AGREEMENT

AGREEMENT entered into as of this 18<sup>th</sup> day of June, 2018, by and between the TOWN OF WHITE BEAR, a municipal corporation under the laws of the State of Minnesota (TOWN), and NORTH OAKS COMPANY, LLC, a Limited Liability Corporation under the laws of the State of Minnesota (OWNER/DEVELOPER):

WHEREAS, the OWNER/DEVELOPER are the owners of all that tract of land described as the proposed plat to be known as THREE OAKS OF WHITE BEAR TOWNSHIP which is described as follows:

All that part of the S  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of Section 4, Township 30, Range 22, Ramsey County, Minnesota, lying west of the center line of Peterson Road, except the following described property: Beginning at a point on the west line of the SE  $\frac{1}{4}$  of said Section 4, distant 220 feet south of the NW corner of S  $\frac{1}{2}$  of the S  $\frac{1}{2}$  of said SE  $\frac{1}{4}$ : thence east along a line drawn parallel with the north line of said S  $\frac{1}{2}$ , S  $\frac{1}{2}$ , SE  $\frac{1}{4}$ , a distance of 1155.59 feet; thence northeasterly a distance of 221.05 feet to point on the north line of said S  $\frac{1}{2}$ , S  $\frac{1}{2}$ , SE  $\frac{1}{4}$ , which point is located 1182.02 feet east of the NW corner of said S  $\frac{1}{2}$ , S  $\frac{1}{2}$ , SE  $\frac{1}{4}$ ; thence west along said north line a distance of 1182.02 feet to the NW corner of said S  $\frac{1}{2}$ , S  $\frac{1}{2}$ , SE  $\frac{1}{4}$ ; thence south along the west line of said S  $\frac{1}{2}$ , S  $\frac{1}{2}$ , SE  $\frac{1}{4}$  a distance of 220 feet to the point of beginning,

together with:

All that part of the N  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of Section 9, Township 30, Range 22, Ramsey County, MN., lying west of the centerline of Peterson Road; excepting therefrom that part of thereof conveyed to Ramsey County by Quit Claim Deed filed November 8, 1912, as Document Number 431002, described as follows: A strip of land on the north side of Section 9, 16.5 feet wide on either side of Old Centerville Road; thence south along the centerline of said road a distance of 660 feet to the land of Oliver LeMay.

all in Ramsey County, Minnesota (PROPERTY),

AND WHEREAS, Town Ordinances require that before the Town Board approves a final plat of a new subdivision, the OWNER/DEVELOPER shall give satisfactory

assurances as to the payment of permits, fees, and other TOWN charges relating to the PROPERTY:

NOW, THEREFORE, THE PARTIES AGREE, for themselves and their respective heirs, successors and assigns as follows:

1. The OWNER/DEVELOPER hereby requests that the entire cost of the Improvements referred to in Paragraph 3 hereof (the IMPROVEMENT), be paid out of the cash escrow to be deposited with the TOWN by the OWNER/DEVELOPER.

2. The total cost of the IMPROVEMENT to be paid by the OWNER/DEVELOPER is estimated to be \$991,800.00, \$99,180.00 of which has been received by the TOWN previously, leaving an estimated cost of the IMPROVEMENT of \$892,620.00, and in accordance with Section 9-2.1 and 9-2.1(a) of Ordinance No. 15 (Subdivision), the OWNER/DEVELOPER shall deposit with the Town Clerk, as payment for the IMPROVEMENTS to be installed by the TOWN, a cash escrow in the amount of \$1,115,775.00 which represents 125% of the estimated cost of the IMPROVEMENT as reasonably determined by TKDA, the TOWN's consulting engineers. Should the actual bids for the IMPROVEMENT cause the total cost to exceed such figure by more than 10%, the cash escrow shall be increased proportionately, within thirty (30) days of receipt of the bids.

Any reduction in the cash escrow deposit shall be certified by the TOWN Engineer and approved by the TOWN.

3. The IMPROVEMENTS to be installed by the TOWN are described on the attached Exhibit A. Total cost shall mean the actual construction costs, and all legal, administrative and engineering fees and expenses, and any other related costs.

4. The TOWN shall reimburse itself out of the cash escrow for costs and expenses as they accrue. No other party shall have any rights, liens, encumbrances or pledges to the cash escrow and said cash escrow shall be exclusively for this Development Agreement.

The TOWN shall also have the authority to reimburse it's self for any remedial work which the TOWN determines, at its sole discretion, is necessary to correct any work described in Paragraph 6 hereof which is the responsibility of the OWNER/DEVELOPER.

Any remaining balance less retainage if any, will be returned within thirty (30) days after the TOWN Engineer has notified the TOWN in writing that the IMPROVEMENTS have been completed and the TOWN has accepted the same.

5. The OWNER/DEVELOPER, or their successors in title or their successor's agents will also pay the following charges for each lot for which a building permit is issued, at the time the building permit is issued:

Prevailing Metropolitan Council Service Available Charge – currently \$2,485.00  
Prevailing Town Water Availability Charge – currently \$2,440.00  
Prevailing Town Sewer Availability Charge – currently \$600.00

#### **Private Improvements**

6. The OWNER/DEVELOPER shall be responsible for the following private improvements to the PROPERTY:

##### **Plat:**

- Align the property lines between Lots 10 and 11, Block 1, as close as possible with the rear lot line of the existing properties to the south for extension of the sanitary sewer system.

##### **Site Plan:**

- Provide signed plans for retaining walls; and

- Adjacent to retaining walls, install barriers on right-of-way to protect vehicles/pedestrians.

**Site Grading:**

- Install silt fence, tree protection fence, and rock construction entrance;
- Clear and grub trees and brush;
- Salvage topsoil;
- Grade site in accordance with approved grading plan;
- Grade boulevards and streets in within +/- 0.2-foot of planned subgrade;
- Replace salvaged topsoil; and
- Seed and mulch disturbed areas.

**Drainage:**

- Grade the stormwater treatment pond and infiltration area in accordance with approved Drainage Plan.

**Streets:**

- Receive Ramsey County approval to install a 100-foot turn lane with 50-foot taper on Centerville Road in lieu of the 150-foot lane required by the County.

**Private Utilities:**

- Arrange and pay for installation of natural gas, electricity, telephone, and cable television throughout the subdivision; and
- Street lights are not required and shall be installed at the developer's discretion and expense.

**Signage:**

- Install and pay for street name signs and traffic control signs. All signs must meet current requirements including and not limited to size and reflectivity. The TOWN shall approve all signage prior to developer installation.

**Landscaping:**

- Install landscaping and erosion control in accordance with approved Landscaping Plan.

**Park Improvements:**

- Construct a 0.50 acre PUD active recreational area (private park) in the Outlot. Future Peterson Road drainage may be incorporated into the park design.

7. As and for the Park Fee for the proposed plat of THREE OAKS OF WHITE BEAR TOWNSHIP, the OWNER/DEVELOPER shall pay to the TOWN the sum of \$83,500.00 in cash, to be payable as follows: At the time a building permit is issued for a lot, of which there are 28, the sum of \$2,982.14 per lot will be paid to the TOWN; however, all park fees shall be paid in full within three (3) years from the date of approval of the final plat, whether or not permits have been issued.

Such cash payment shall be placed in a special fund by the TOWN and used only for the acquisition of land for parks, playground sites and open space, development of existing parks, playground sites and public open space and debt retirement in connection with land previously acquired for such public purposes, said payment representing ten percent of the market value of the undeveloped land in the proposed subdivision.

8. All of the terms and conditions herein shall run with the land and shall bind all successors and assigns of the OWNER/DEVELOPERS.

IN WITNESS WHEREOF, this instrument has been executed as of the date first above written.

TOWN OF WHITE BEAR

NORTH OAKS COMPANY, LLC

By: \_\_\_\_\_  
ROBERT J. KERMES,  
Town Board Chair

By: \_\_\_\_\_  
MARK HOUGE,  
President

ATTEST:

By: \_\_\_\_\_  
WILLIAM F. SHORT,  
Clerk-Treasurer



## **Exhibit A**

### **IMPROVEMENTS TO BE INSTALLED**

The acquisition, installation and construction of watermain extensions and appurtenances thereto, and a sanitary sewer collections system including collectors, laterals, mains and appurtenances thereto, and also street construction and re-construction, curbing and storm drainage and appurtenances thereto.



444 Cedar Street, Suite 1500  
Saint Paul, MN 55101  
651.292.4400  
tkda.com

June 14, 2018

Honorable Chairman and Town Board  
1281 Hammond Road  
White Bear Township, MN 55110

Re: Cambridge Downs (Three Oaks of White Bear Township) Improvements  
White Bear Township, Minnesota  
TKDA Project No. 16627.006

Dear Board Members:

Bids for the referenced project were received on June 14, 2018, at 9:00 AM with the following results. A complete Tabulation of Bids is enclosed for your information.

<u>Contractor</u>	<u>Total</u>
EJM Pipe Services	\$1,105,670.98
Geislinger & Sons	\$1,118,632.00
Kuechle Underground, Inc.	\$1,186,457.00
Engineer's Estimate	\$1,265,564.00

North Oaks has reviewed the bid results and recommends that you award the Contract to the lowest bidder, EJM Pipe Services for their Total Bid of \$1,105,670.98.

The project will be funded by the Developer and there won't be any assessments. The Township will contribute to trunk watermain on Centerville Road, sanitary sewer stub to the south existing properties and trunk sanitary sewer extra depth as defined in the feasibility report.

We are still working with Ramsey County on the turn lane improvements on Centerville Road and VLAWMO regarding minimizing the amount of retaining walls to improve access and maintenance of the project.

***Recommendation***

We recommend that you accept all of the bids and award the Contract to the lowest bidder, EJM Pipe Services for their Total Bid of \$1,105,670.98.

The project has an interim completion date of September 7<sup>th</sup> to finish the utilities, subbase, base, curb and non-wearing course paving within the subdivision right-of-way. The final completion date of the project is October 26, 2018.

Please do not hesitate to call me with any questions or comments.

Sincerely,

Jim Studenski, PE  
Town Engineer

Enclosure

cc: Bill Short, Town Clerk



444 Cedar Street, Suite 1500  
 Saint Paul, MN 55101  
 651.201.1400  
 info@tkda.com

TABLE OF BIDS  
 CAMBRIDGE DOWNS (THREE OAKS OF WHITE BEAR TOWNSHIP)  
 WHITE BEAR TOWNSHIP, MINNESOTA  
 BIDS OPENED: June 14, 2018 AT 9:00 AM  
 TDA PROJECT NO. 16527-006

ITEM NO.	DESCRIPTION	QUANTITY	UNIT	ENGINEER'S ESTIMATE		EJM		Geislinger & Sons		Kuechle Underground	
				UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT
1	MOBILIZATION	1	LS	\$50,000	\$50,000	\$30,000.00	\$30,000.00	\$67,000.00	\$67,000.00	\$59,200.00	\$59,200.00
2	TRAFFIC CONTROL	1	LS	\$30,000	\$30,000	\$3,500.00	\$3,500.00	\$4,000.00	\$4,000.00	\$3,000.00	\$3,000.00
3	SILT FENCE	2330	LF	\$3,845	\$8,845	\$1.70	\$3,961.00	\$2.00	\$4,660.00	\$1.70	\$3,961.00
4	INLET PROTECTION	16	EA	\$395.00	\$6,320.00	\$200.00	\$3,200.00	\$150.00	\$2,400.00	\$230.00	\$3,680.00
5	4" TOPSOIL SEED, MULCH	6590	SY	\$4.00	\$26,360.00	\$1.95	\$12,855.00	\$2.00	\$13,180.00	\$1.75	\$11,532.50
6	4" TOPSOIL SEED, & EROSION CONTROL BLANKET	3190	SY	\$14.355	\$45,855.00	\$2.45	\$7,815.50	\$2.00	\$6,380.00	\$2.25	\$7,177.50
7	DEWATERING	1	LS	\$87,000.00	\$87,000.00	\$110,000.00	\$110,000.00	\$110,000.00	\$110,000.00	\$48,000.00	\$48,000.00
8	SAWCUT PAVEMENT	1970	LF	\$5.00	\$9,850.00	\$3.00	\$5,910.00	\$4.00	\$7,880.00	\$3.00	\$5,910.00
9	REMOVE CONCRETE CURB AND GUTTER (ALL TYPES)	160	LF	\$32,200	\$5,152,000	\$8.00	\$1,280.00	\$6.00	\$960.00	\$25.00	\$4,000.00
10	REMOVE & REPLACE BITUMINOUS ROADWAY PAVEMENT	1090	SY	\$50.00	\$54,500.00	\$43.00	\$46,870.00	\$43.00	\$46,870.00	\$77.38	\$84,344.20
11	SUBGRADE PREPARATION	6400	CY	\$2.25	\$14,400.00	\$2.50	\$16,000.00	\$3.00	\$19,200.00	\$3.00	\$19,200.00
12	SUBGRADE CORRECTION - AS NEEDED	640	CY	\$10.00	\$6,400.00	\$15.00	\$9,600.00	\$12.00	\$7,680.00	\$8.00	\$5,120.00
13	10" SELECT GRANULAR SUBBASE	2510	TN	\$13.00	\$32,630.00	\$16.00	\$40,160.00	\$12.00	\$30,120.00	\$16.00	\$40,160.00
14	24" SELECT GRANULAR SUBBASE - CENTERVILLE ROAD	1155	TN	\$18.00	\$20,790.00	\$16.00	\$18,480.00	\$11.00	\$12,705.00	\$16.00	\$18,480.00
15	8" CLASS 5 AGGREGATE BASE	2390	TN	\$35.850	\$85,680.00	\$15.00	\$35,850.00	\$16.00	\$38,240.00	\$18.00	\$43,020.00
16	8" CLASS 5 AGGREGATE BASE - CENTERVILLE ROAD	390	TN	\$25.00	\$9,750.00	\$15.00	\$5,850.00	\$16.00	\$6,240.00	\$18.00	\$7,020.00
17	2360 BIT. SPINEX2308 2" NONWEARING COURSE	600	TN	\$82.00	\$49,200.00	\$74.00	\$44,400.00	\$67.00	\$40,200.00	\$71.10	\$42,660.00
18	2360 BIT. SPINEX2408 1.5" WEARING COURSE	450	TN	\$34.650	\$15,570.00	\$25.00	\$11,250.00	\$27.00	\$12,150.00	\$33.750	\$15,187.50
19	BITUMINOUS MATERIAL FOR TACK COAT	290	GA	\$1.75	\$508.00	\$3.00	\$870.00	\$2.00	\$580.00	\$3.52	\$1,020.80
20	8" CONCRETE DRIVEWAY PAVEMENT	21	SY	\$70.00	\$1,470.00	\$36.00	\$756.00	\$80.00	\$1,680.00	\$95.00	\$1,995.00
21	D412 CONCRETE CURB & GUTTER	2910	LF	\$19.50	\$56,745.00	\$17.00	\$49,270.00	\$12.50	\$36,375.00	\$14.00	\$40,740.00
22	4" SOLID LINE WHITE EPOXY	100	LF	\$125	\$12,500.00	\$6.00	\$600.00	\$5.00	\$500.00	\$6.00	\$600.00
23	PAVEMENT MESSAGE (RIGHT ARROW) POLY PREFORM GROUND-IN	6	EA	\$500.00	\$3,000.00	\$1,000.00	\$6,000.00	\$1,350.00	\$8,100.00	\$1,000.00	\$6,000.00
24	FURNISH SIGN PANEL	1	SF	\$15.00	\$15.00	\$35.00	\$35.00	\$100.00	\$100.00	\$70.00	\$70.00
25	INSTALL SIGN PANEL	1	EA	\$77.00	\$77.00	\$325.00	\$325.00	\$300.00	\$300.00	\$200.00	\$200.00
26	CONDUIT CROSSING	360	LF	\$16.00	\$5,760.00	\$6.00	\$2,160.00	\$12.00	\$4,320.00	\$6.00	\$2,160.00
27	REMOVE AND DISPOSE OF EXISTING STORM SEWER STRUCTURE	1	EA	\$40.00	\$40.00	\$225.00	\$225.00	\$350.00	\$350.00	\$380.00	\$380.00
28	CONNECT TO EXISTING STORM SEWER	1	EA	\$1,000.00	\$1,000.00	\$1,150.00	\$1,150.00	\$1,300.00	\$1,300.00	\$1,900.00	\$1,900.00
29	CATCH BASIN TYPE 402	4	EA	\$2,550.00	\$10,200.00	\$1,390.00	\$5,560.00	\$1,800.00	\$7,200.00	\$2,700.00	\$10,800.00
30	CATCH BASIN TYPE 404	4	EA	\$10,660.00	\$42,640.00	\$7,400.00	\$29,600.00	\$9,000.00	\$36,000.00	\$12,600.00	\$50,400.00
31	CATCH BASIN MANHOLE TYPE 406	3	EA	\$3,365.00	\$10,095.00	\$2,285.00	\$6,855.00	\$2,700.00	\$8,100.00	\$3,300.00	\$9,900.00
32	SUMP CATCH BASIN MANHOLE TYPE 408S	3	EA	\$4,000.00	\$12,000.00	\$3,015.00	\$9,045.00	\$3,500.00	\$10,500.00	\$4,000.00	\$12,000.00
33	STORM SEWER MANHOLE TYPE 409	2	EA	\$3,500.00	\$7,000.00	\$2,000.00	\$4,000.00	\$2,500.00	\$5,000.00	\$3,000.00	\$6,000.00
34	OUTLET CONTROL STRUCTURE	1	EA	\$4,200.00	\$4,200.00	\$6,000.00	\$6,000.00	\$8,500.00	\$8,500.00	\$12,000.00	\$12,000.00
35	12" RCP STORM SEWER PIPE	250	LF	\$28.00	\$7,000.00	\$36.00	\$9,000.00	\$32.00	\$8,000.00	\$52.00	\$13,000.00
36	15" RCP STORM SEWER PIPE	770	LF	\$38.00	\$29,260.00	\$38.00	\$29,260.00	\$36.00	\$27,720.00	\$60.00	\$46,200.00
37	18" RCP STORM SEWER PIPE	648	LF	\$32.400	\$21,115.20	\$44.00	\$28,512.00	\$39.00	\$25,272.00	\$61.00	\$39,528.00
38	21" RCP STORM SEWER PIPE	41	LF	\$55.00	\$2,255.00	\$60.00	\$2,400.00	\$45.00	\$1,845.00	\$83.00	\$3,403.00
39	22" RCP FES WITH TRASHGUARD	4	EA	\$865.00	\$3,460.00	\$1,000.00	\$4,000.00	\$900.00	\$3,600.00	\$1,000.00	\$4,000.00
40	15" RCP FES WITH TRASHGUARD	2	EA	\$960.00	\$1,920.00	\$400.00	\$800.00	\$1,000.00	\$2,000.00	\$1,200.00	\$2,400.00
41	18" RCP FES WITH TRASHGUARD	2	EA	\$1,050.00	\$2,100.00	\$1,200.00	\$2,400.00	\$1,350.00	\$2,700.00	\$1,600.00	\$3,200.00
42	21" RCP FES WITH TRASHGUARD	2	EA	\$1,275.00	\$2,550.00	\$1,000.00	\$2,000.00	\$1,350.00	\$2,700.00	\$1,500.00	\$3,000.00
43	CLASS II RIP RAP WITH FILTER FABRIC	27	CY	\$1,240.00	\$33,480.00	\$135.00	\$3,645.00	\$70.00	\$1,890.00	\$75.00	\$2,025.00
44	PERFORATED DRAIN TILE WITH SOCK	160	LF	\$25.00	\$4,000.00	\$30.00	\$4,800.00	\$20.00	\$3,200.00	\$35.00	\$5,600.00
45	COURSE FILTER AGGREGATE	160	CY	\$12.00	\$1,920.00	\$3.00	\$480.00	\$5.00	\$800.00	\$8.00	\$1,280.00
46	CONSTRUCT MANHOLE OVER EXISTING 21" PVC	313	LF	\$4,560.00	\$1,417,920.00	\$38,000.00	\$11,914,000.00	\$7,500.00	\$2,347,500.00	\$13,000.00	\$4,065,000.00
47	8" PVC SDR 35 SANITARY SEWER	1285	LF	\$65.00	\$83,525.00	\$26.00	\$33,500.00	\$50.00	\$64,300.00	\$69.00	\$88,383.00
48	8" PVC SDR 26 SANITARY SEWER	1285	LF	\$121.600	\$156,216.00	\$39.00	\$50,130.00	\$50.00	\$64,300.00	\$71.00	\$91,235.00
49	8" DIP. CLASS 90 SANITARY SEWER	60	LF	\$90.00	\$5,400.00	\$70.00	\$4,200.00	\$50.00	\$3,000.00	\$90.00	\$5,400.00
50	8" DIP. OUTSIDE DROP	8	EA	\$500.00	\$4,000.00	\$750.00	\$6,000.00	\$350.00	\$2,800.00	\$900.00	\$7,200.00
51	46" DIAMETER SANITARY SEWER MANHOLE, TYPE 301	3	EA	\$2,495.00	\$7,485.00	\$3,100.00	\$9,300.00	\$3,000.00	\$9,000.00	\$3,300.00	\$9,900.00
52	MANHOLE EXTRA DEPTH (6" DIAMETER)	7	EA	\$230.00	\$1,610.00	\$100.00	\$700.00	\$150.00	\$1,050.00	\$240.00	\$1,680.00
53	4" WYE ON 8" SANITARY SEWER	28	EA	\$960.00	\$27,120.00	\$150.00	\$4,200.00	\$750.00	\$21,000.00	\$340.00	\$9,520.00
54	PVC SCHEDULE 40 SANITARY SERVICE	1280	LF	\$20.00	\$25,600.00	\$15.00	\$19,200.00	\$35.00	\$44,800.00	\$13.50	\$17,400.00
55	TRENCH STABILIZATION ROCK	1598	LF	\$7.00	\$11,186.00	\$3.01	\$4,815.98	\$7.00	\$11,186.00	\$2.00	\$3,196.00
56	TELEVISION	1598	LF	\$4.00	\$6,392.00	\$3.00	\$4,784.00	\$2.00	\$3,196.00	\$2.00	\$3,196.00
57	CONNECT TO EXISTING 16" WATERMAIN	2	EA	\$7,500.00	\$15,000.00	\$8,000.00	\$16,000.00	\$3,500.00	\$7,000.00	\$3,300.00	\$6,600.00
58	8" BUTTERFLY VALVE & BOX	3	EA	\$2,250.00	\$6,750.00	\$1,800.00	\$5,400.00	\$1,600.00	\$4,800.00	\$1,800.00	\$5,400.00
59	16" BUTTERFLY VALVE & BOX	6	EA	\$8,600.00	\$51,600.00	\$3,200.00	\$19,200.00	\$2,900.00	\$17,400.00	\$3,200.00	\$19,200.00
60	8" DIP WATERMAIN CL 52	1786	LF	\$75.012	\$133,942.32	\$33.00	\$58,938.00	\$45.00	\$80,370.00	\$50.00	\$89,300.00
61	16" DIP WATERMAIN CL 52	1346	LF	\$85.00	\$114,410.00	\$115.00	\$154,790.00	\$65.00	\$87,990.00	\$83.00	\$111,718.00
62	HYDRANT, LEAD, GATE VALVE & BOX	5	EA	\$4,500.00	\$22,500.00	\$7,000.00	\$35,000.00	\$5,500.00	\$27,500.00	\$6,100.00	\$30,500.00
63	" CORPORATION STOP W/TAPPING SADDLE	28	EA	\$250.00	\$7,000.00	\$350.00	\$9,800.00	\$150.00	\$4,200.00	\$300.00	\$8,400.00
64	" CURB STOP BOX AND VALVE	28	EA	\$225.00	\$6,300.00	\$300.00	\$8,400.00	\$225.00	\$6,300.00	\$220.00	\$6,160.00
65	" 1" TYPE K COPPER WATER SERVICE	1280	LF	\$20.00	\$25,600.00	\$17.00	\$21,760.00	\$30.00	\$37,800.00	\$13.00	\$16,640.00
66	MU DIP COMPACT FITTINGS	1475	LB	\$8.00	\$11,800.00	\$6.00	\$8,850.00	\$4.00	\$5,900.00	\$8.00	\$11,800.00
TOTAL BID				\$1,265,564	\$1,105,670.98	\$1,118,632.00	\$1,186,457.00				

\* Denotes error in original calculation



**Town Board Meeting  
June 18, 2018**

**Agenda Number: 8B – New Business**

**Town Engineer Item:**

**Subject: Lift Station #10 Rehabilitation:**  
1. Receive Bids  
2. Award Contract

**Documentation:** Town Engineer Memo w/attachments

**Action / Motion for Consideration:**

Town Engineer Report at Meeting / Discussion

Based on Town Engineer Review & Recommendation:

- 1) Receive Bids
- 2) Award the Contract to the Lowest Bidder Lametti and Sons, Inc. in the Amount of \$330,300.00
- 3) Authorize TKDA to Perform the Construction Observation for an Amount Not to Exceed \$49,600.00

Noting Funding from the Water Fund

-----  
Minutes  
Town Board Meeting  
May 21, 2018

**LIFT STATION #10 REHABILITATION: 1 APPROVE PLANS AND SPECIFICATIONS; 2) AUTHORIZE ADVERTISEMENT FOR BIDS:** The Town Engineer reported that the specifications for Lift Station #10 rehabilitation have been completed. Lift Station #10 is located at 2545 Buffalo Street east of Highway 61. The lift station wet well is an 8-foot diameter concrete structure. The valve vault concrete structure will have interior improvements. The lift station will have the control panel replaced and located at grade. The bituminous driveway will be replaced with concrete and improved to better facilitate working at the site. The existing 6" forcemain will be cleaned, televised, and lined. The forcemain pipe runs along the north side of Buffalo Street. If approved and authorization for bidding

is provided, bid opening will be on June 14, 2018. The project will be awarded at the June 18, 2018 Town Board meeting.

Ruzek moved, based on Town Engineer review and recommendation, to approve the Plans and Specifications for Lift Station #10 rehabilitation. Prudhon seconded. Ayes all.

Ruzek moved to authorize advertisement for bids with bid opening date to be scheduled for Thursday, June 14, at 9:30 a.m. Prudhon seconded. Ayes all.



444 Cedar Street, Suite 1500  
Saint Paul, MN 55101  
651.292.4400  
tkda.com

June 14, 2018

Honorable Chairman and Town Board  
1281 Hammond Road  
White Bear Township, MN 55110

Re: Lift Station No. 10 Rehabilitation  
White Bear Township, Minnesota  
TKDA Project No. 16627.005

Dear Board Members:

Bids for the referenced project were received on June 14, 2018, at 9:30 AM with the following results. A complete Tabulation of Bids is enclosed for your information.

<u>Contractor</u>	<u>Total</u>
Lametti and Sons, Inc.	\$330,300.00
Pember Companies, Inc.	\$357,392.00
Meyer Contracting, Inc.	\$383,744.42
Penn Contracting	\$385,697.00
Engineer's Estimate	\$565,100.00

***Recommendation***

We recommend that you accept all of the bids and award the Contract to the lowest bidder, Lametti and Sons, Inc. for their Total Bid of \$330,300.00. TKDA will perform the construction observation for an amount not-to-exceed \$49,600.00. The project covers re-design of the lift station, lining the forcemain, improving the access and separation of the SCADA system from the adjacent well.

The project has a substantial completion date of October 25, 2018 and a final completion date of November 30, 2018. The project is in the CIP and is funded through the Water Fund.

Please do not hesitate to call me with any questions or comments.

Sincerely,

A handwritten signature in black ink that reads "James E. Studenski".

Jim Studenski, PE  
Town Engineer

Enclosure

cc: Bill Short, Town Clerk



444 Cedar Street, Suite 1500  
 Saint Paul, MN 55101  
 651.292.4400  
 tkda.com

TABULATION OF BIDS  
 LIFT STATION NO. 10 REHABILITATION  
 WHITE BEAR TOWNSHIP, MINNESOTA  
 BIDS OPENED: JUNE 14, 2018 AT 9:30 AM  
 TKDA PROJECT NO. 16627.005

ITEM NO.	DESCRIPTION	QTY	UNIT	ENGINEERS ESTIMATE		Lametti & Sons		Pember Companies		Meyer Contracting		Penn Contracting	
				UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT
1	MOBILIZATION	1	LS	\$20,000.00	\$20,000.00	\$16,000.00	\$16,000.00	\$18,500.00	\$18,500.00	\$16,000.00	\$16,000.00	\$17,000.00	\$17,000.00
2	TRAFFIC CONTROL	1	LS	\$2,000.00	\$2,000.00	\$2,500.00	\$2,500.00	\$7,000.00	\$7,000.00	\$4,500.00	\$4,500.00	\$4,000.00	\$4,000.00
3	SILT FENCE	250	LF	\$4.00	\$1,000.00	\$3.00	\$750.00	\$2.00	\$500.00	\$4.10	\$1,025.00	\$6.00	\$1,500.00
4	BASE BID LIFT STATION NO. 10 IMPROVEMENTS	1	LS	\$75,000.00	\$75,000.00	\$38,410.00	\$38,410.00	\$25,000.00	\$25,000.00	\$11,235.62	\$11,235.62	\$48,569.00	\$48,569.00
5	TEMPORARY CONVEYANCE	1	LS	\$50,000.00	\$50,000.00	\$18,200.00	\$18,200.00	\$18,000.00	\$18,000.00	\$46,925.39	\$46,925.39	\$50,000.00	\$50,000.00
6	REMOVE & DISP. BIT. DRIVEWAY INCL. SAWCUT	200	SY	\$15.00	\$3,000.00	\$4.00	\$800.00	\$5.00	\$1,000.00	\$20.62	\$4,124.00	\$10.00	\$2,000.00
7	8-INCH CONCRETE DRIVEWAY	200	SY	\$110.00	\$22,000.00	\$70.00	\$14,000.00	\$120.00	\$24,000.00	\$81.66	\$16,332.00	\$30.00	\$6,000.00
8	REMOVE & REPLACE TOP SLAB	2	EA	\$1,000.00	\$2,000.00	\$3,500.00	\$7,000.00	\$7,500.00	\$15,000.00	\$6,126.87	\$12,253.74	\$14,135.00	\$28,270.00
9	REMOVE & REPLACE MH CASTING	1	EA	\$1,500.00	\$1,500.00	\$800.00	\$800.00	\$1,400.00	\$1,400.00	\$919.83	\$919.83	\$840.00	\$840.00
10	REMOVE AND REPLACE	2	EA	\$4,000.00	\$8,000.00	\$6,000.00	\$12,000.00	\$9,000.00	\$18,000.00	\$12,979.33	\$25,958.66	\$4,050.00	\$8,100.00
11	FORCEMAIN BENDS	500	LF	\$10.00	\$5,000.00	\$5.00	\$2,500.00	\$2.10	\$1,050.00	\$2.00	\$1,000.00	\$5.00	\$2,500.00
12	CLEAN & TELEWISE FORCEMAIN	10	LF	\$30.00	\$300.00	\$10.00	\$100.00	\$100.00	\$1,000.00	\$102.00	\$1,020.00	\$100.00	\$1,000.00
13	CLEAN VALVE VAULT, DISPOSE OF DEBRIS	1	LS	\$5,000.00	\$5,000.00	\$1,500.00	\$1,500.00	\$4,500.00	\$4,500.00	\$4,461.30	\$4,461.30	\$4,700.00	\$4,700.00
14	6-INCH CIPP LINING, 5 MM THICKNESS	500	LF	\$100.00	\$50,000.00	\$40.00	\$20,000.00	\$101.00	\$50,500.00	\$97.00	\$48,500.00	\$95.00	\$47,500.00
15	CAST IN PLACE CONCRETE	10	CF	\$800.00	\$8,000.00	\$50.00	\$500.00	\$70.00	\$700.00	\$125.35	\$1,253.50	\$60.00	\$600.00
16	EPOXY LINER	1,010	SF	\$100.00	\$101,000.00	\$24.00	\$24,240.00	\$21.20	\$21,412.00	\$24.00	\$24,240.00	\$25.00	\$25,250.00
17	HATCH	2	EA	\$10,000.00	\$20,000.00	\$3,000.00	\$6,000.00	\$2,800.00	\$5,600.00	\$4,365.00	\$8,730.00	\$2,750.00	\$5,500.00
18	ANTENNA POLE	1	EA	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$900.00	\$900.00	\$1,250.00	\$1,250.00
19	SITE RESTORATION	1	LS	\$10,000.00	\$10,000.00	\$6,000.00	\$6,000.00	\$10,000.00	\$10,000.00	\$2,051.08	\$2,051.08	\$2,500.00	\$2,500.00
20	KSB VORTEX STYLE SUBMERSIBLE PUMP	2	EA	\$25,000.00	\$50,000.00	\$20,000.00	\$40,000.00	\$20,000.00	\$40,000.00	\$26,419.69	\$52,839.38	\$18,163.00	\$36,326.00
21	4-INCH STAINLESS STEEL VENT PIPE	1	EA	\$1,000.00	\$1,000.00	\$1,500.00	\$1,500.00	\$1,500.00	\$1,500.00	\$2,140.00	\$2,140.00	\$4,380.00	\$4,380.00
22	6-INCH PLUG VALVE	2	EA	\$10,000.00	\$20,000.00	\$1,000.00	\$2,000.00	\$1,165.00	\$2,330.00	\$1,825.92	\$3,651.84	\$840.00	\$1,680.00
23	6-INCH CHECK VALVE	2	EA	\$5,000.00	\$10,000.00	\$1,000.00	\$2,000.00	\$1,400.00	\$2,800.00	\$2,078.79	\$4,157.58	\$1,016.00	\$2,032.00
24	6-INCH DUCTILE PIPE CONTROL PANEL WITH ETHERNET	50	LF	\$30.00	\$1,500.00	\$70.00	\$3,500.00	\$92.00	\$4,600.00	\$300.51	\$15,025.50	\$79.00	\$3,950.00
25	RADIO, YAGI ANTENNA AND RADAR LEVEL TRANSMITTER	1	EA	\$53,800.00	\$53,800.00	\$70,000.00	\$70,000.00	\$54,500.00	\$54,500.00	\$50,000.00	\$50,000.00	\$55,750.00	\$55,750.00
26	ELECTRICAL AND INSTRUMENTATION INSTALLATION	1	EA	\$25,000.00	\$25,000.00	\$20,000.00	\$20,000.00	\$13,000.00	\$13,000.00	\$9,500.00	\$9,500.00	\$9,500.00	\$9,500.00
27	ENGINEER DIRECTED WORK ALLOWANCE	1	LS	\$15,000.00	\$15,000.00	\$15,000.00	\$15,000.00	\$15,000.00	\$15,000.00	\$15,000.00	\$15,000.00	\$15,000.00	\$15,000.00
<b>TOTAL BID</b>				<b>\$ 565,100.00</b>		<b>\$330,300.00</b>		<b>\$357,392.00</b>		<b>\$383,744.42</b>		<b>\$385,697.00</b>	

\* Denotes error in original calculation



**Town Board Meeting  
June 18, 2018**

**Agenda Number:** 8C – New Business

**Public Works Item:**

**Subject:** **Public Works Maintenance Position – Approve Hiring of Timothy Cunningham**

**Documentation:** Town Clerk/Field Maintenance Supervisor Memo

**Action / Motion for Consideration:**

Report at Meeting / Discussion

Based on Staff Recommendation Approve the Hiring of Timothy Cunningham Contingent Upon His Passing His Criminal Background Check, Pre-Employment Physical & Pre-Employment Drug & Alcohol Test

-----  
**Minutes**  
Town Board Meeting  
February 6, 2017

**PUBLIC WORKS MAINTENANCE POSITION – COREY TRIEMERT:** The Public Works Director reported that in November of 2016 a probationary Public Works employee employment ended. This created a Public Works Maintenance Worker position. The Town Board authorized the replacement of the vacant position. 68 applications for the position were received and ten applicants in the final pool were interviewed. Following the second round of interviews the interview staff recommended hiring Corey Triemert contingent upon his passing his criminal background check, pre-employment physical and pre-employment drug and alcohol test. The Public Works Director reported that he called for references for Corey Triemert. His past three employers spoke highly of Corey stating the was a good kid, always on time, willing to do whatever work was to be done and it was good to have him on staff. Corey demonstrated his ability on the operation of Public Works equipment and handled the equipment with ease.

**Prudhon moved, based on Public Works Director’s recommendation to approve the hiring of Corey Triemert contingent upon his passing his criminal background check, pre-employment physical and pre-employment drug and alcohol test. Ruzek seconded. Ayes all.**

## MEMORANDUM

**TO: TOWN BOARD**  
**FROM: BILL SHORT, PETE THOLEN**  
**DATE: JUNE 13, 2018**

**SUBJECT: PUBLIC WORKS MAINTENANCE WORKER POSITION**

With the retirement of Reed Walstad a vacant Public Works Maintenance Worker position was created. The Town Board authorized the replacement of the vacant position at the April 16, 2018 Meeting. Staff then selected a pool of interviewee's based on scores, from the 29 applications received for the position that closed on May 18, 2018. The pool consisted of nine individuals, all of whom staff invited for an interview. One interviewee did not call back to set up an interview.

Interviews were conducted on Thursday, May 31<sup>st</sup> and Friday, June 1<sup>st</sup> by Township staff members Paul Peltier (Leadworker), Pete Tholen (Field Maintenance Supervisor) and Dale Reed (Public Works Director). From these eight interviewees, two were chosen for a second interview with Bob Kermes, (Town Board Chair), Bill Short (Clerk-Treasurer) and Pete Tholen (Field Maintenance Supervisor) on June 8<sup>th</sup>.

Following the second round of interviews, the interview team recommended a candidate for hire to fill the vacant position. The interview committee is recommending the appointment of Timothy Cunningham to fill the vacant Public Works Maintenance Worker position.

Requested Action:

Approve the hiring of Timothy Cunningham contingent upon his passing the criminal background check, pre-employment physical and pre-employment drug and alcohol test.



**Town Board Meeting  
June 18, 2018**

**Agenda Number:** 8.D. – General Business:

**Subject:** Videographer Services – Approve Agreement With  
Lisa Senopole

**Documentation:** Agreement

**Action / Motion for Consideration:**

Town Clerk Report at Meeting / Discuss

Based on Town Attorney & Staff Review & Recommendation Approve the Agreement Between LS Pro (Lisa Senopole) and the Township of White Bear for Videographer Services & Authorize Execution by the Town Board Chair & Town Clerk Noting all of the Town Attorney Recommendations Have Been Incorporated Into the Agreement

## AGREEMENT BETWEEN LS PRO (LISA SENOPOLE) AND THE TOWNSHIP OF WHITE BEAR FOR VIDEOGRAPHER SERVICES

THIS AGREEMENT, made and entered into this 18th of JUNE, 2018, by and between the TOWN WHITE BEAR, Ramsey County, Minnesota, herein referred to as "TOWN," and LS PRO (LISA SENOPOLE), herein referred to as "VIDEOGRAPHER."

WHEREAS, the TOWN desires to contract with a videographer to cablecast and record Town Board meetings, and special meetings as needed;

WHEREAS, the TOWN has cablecast facilities and government access through the Ramsey Washington Suburban Cable Commission (RW/SCC); and

WHEREAS, the VIDEOGRAPHER will provide cablecast and recording services for the TOWN, primarily the Town Board meetings, held on the first and third Monday of each month; it is understood that meeting schedules may change due to Holidays and other conflicts.

WHEREAS, under the terms of this agreement, the VIDEOGRAPHER is an independent contractor.

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein, the parties agree as follows:

1. The TOWN shall be responsible for providing and maintaining the equipment and facility. The TOWN is responsible for establishing policies and procedures and meeting schedules. The TOWN shall provide the VIDEOGRAPHER with the next year's meeting schedule each November.
2. The TOWN shall provide training for the VIDEOGRAPHER on equipment.
3. For filming TOWN meetings, VIDEOGRAPHER shall be paid at the rate of \$25 per hour, with a minimum payment of three hours for each scheduled meeting. Meeting's exceeding three hours will be billed at an hourly rate of \$25.00 per hour rounded to the nearest quarter hour. Subject to the provisions of Paragraph 11, it is the intent of the parties of this Agreement that it shall become effective June 18, 2018 and automatically renew on June 18th of each subsequent year for additional one (1) year periods until terminated. The terms of this contract may be renegotiated annually between the TOWN and VIDEOGRAPHER.
4. VIDEOGRAPHER shall submit billing invoices for services rendered, via email, to the TOWN, at least quarterly. The invoice shall list meeting dates, type of meeting, and actual hours worked.
5. VIDEOGRAPHER shall arrive at Heritage Hall, 4200 Otter Lake Road, at least 30 minutes before the start of each scheduled meeting and turn on lighting, connect microphones, connect Elmo document camera, in the meeting room and open the production booth. Food and beverages are not allowed in the production booth. Upon departing, VIDEOGRAPHER shall shut down equipment in the production booth, turn off lights in the production booth, and secure the door to the production booth.
6. VIDEOGRAPHER shall be professional, accommodating, courteous, and timely at all times.
7. The TOWN shall notify the VIDEOGRAPHER, via email, at least three business days in advance for any special broadcast coverage requirements or changes in the meeting schedule. The VIDEOGRAPHER shall notify the TOWN at least three business days in advance in event that VIDEOGRAPHER is not available to film a meeting. VIDEOGRAPHER is expected to respect the confidentiality of all closed meetings. Any communication, including that on social media, of said meetings is not permitted. All closed meetings and special hearings shall be recorded but not cablecast, unless directed differently by town attorney.

8. From time to time, the TOWN may want to contract with the VIDEOGRAPHER to film and edit TOWN sponsored videos, including Public Service Announcements, footage for employee training, etc., and / or to film and edit TOWN sponsored events and programs. The TOWN shall provide the VIDEOGRAPHER with specific details and ample time to prepare such videos. The TOWN shall have final approval prior to videos being broadcast or posted on social media and the TOWN shall own all intellectual material, including but not limited to completed videos resulting from broadcasts which are governed by the terms of this agreement. The TOWN shall be responsible to provide any and all media as well as recording equipment and or cover all costs associated with renting necessary equipment to complete project. The videographer hereby understands and acknowledges that all videos completed by this agreement are governed by the Minnesota Data Practices Act "the Act". Retention, distribution, or destruction of any video shall occur only with written approval of the Town's Data Practice Compliance Officer.
9. VIDEOGRAPHER shall notify the Town Clerk of any changes or issues with AV equipment.
10. The Agreement is to be considered AT WILL and may be terminated by either party at any time. E-mail shall be recognized as an official means of communication alongside, U.S. mailing.
11. If the TOWN provides the VIDEOGRAPHER with any keys, keycards, codes etc., it is understood that the VIDEOGRAPHER shall be prohibited from allowing any non-official person's access to the building for any reason whatsoever. Official persons include, but are not limited to, all town employees, town board members, RW/SCC staff, law enforcement and emergency personal. Violation of these terms is grounds for immediate termination. It is further agreed upon that if this paragraph is violated, and unless waived by the TOWN, any/all costs associated with re-keying, re-coding the building shall be the responsibility of the VIDEOGRAPHER. Upon contract termination, VIDEOGRAPHER shall return all keys, keycards, codes etc. to the TOWN within two business days.
12. The VIDEOGRAPHER and TOWN waive consequential damages for claims, disputes or other matters in question arising out of or relating to this Agreement. This mutual waiver is applicable, without limitation, to all consequential damages due to either party's terminating in accordance with the AT WILL clause.
13. Any notice required by this Agreement shall be sent as follows:

TO TOWN:  
 White Bear Township  
 1281 Hammond Road  
 White Bear Township, MN 55110

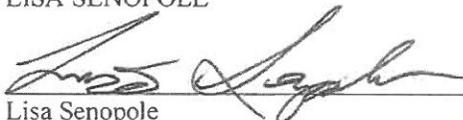
TO VIDEOGRAPHER:  
 LS PRO (Lisa Senopole)  
 2989 Hamlet Avenue North  
 Oakdale, MN 55128

IN WITNESS WHEREOF, the parties hereto have made and executed this agreement the day and year first above written.

WHITE BEAR TOWNSHIP

LISA SENOPOLE

\_\_\_\_\_  
 Town Board Chair

  
 Lisa Senopole

\_\_\_\_\_  
 Town Clerk-Treasurer

\_\_\_\_\_  
 Date

6-18-18  
 Date



**Town Board Meeting  
June 18, 2018**

**Agenda Number:** 9 – 10 - 11 - 12

**Subject:** Added Agenda Items  
Open Time  
Receipt of Agenda Materials & Supplements  
Adjournment

**Action / Motion for Consideration:**

Added Agenda Items  
Open Time  
Receive All Agenda Materials & Supplements for Tonight's Meeting  
Adjourn Meeting