



1858
RAMSEY COUNTY
MINNESOTA

1281 HAMMOND ROAD
WHITE BEAR TOWNSHIP, MN 55110

651-747-2750
FAX 651-426-2258
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Board of Supervisors
ROBERT J. KERMES, *Chair*
ED M. PRUDHON
STEVEN A. RUZEK

**AGENDA
EXECUTIVE MEETING
JULY 27, 2018**

1. **10:45 a.m.** - Call Succession Planning Session to Order at Administrative Office Conference Room, 1281 Hammond Road.
 2. **11:00 a.m.** - Call Meeting to Order at Administrative Office Conference Room, 1281 Hammond Road.
 3. Approval of Agenda (Additions/Deletions).
 4. Approval of June 22, 2018 Minutes (Additions/Deletions).
 5. **Attorney Client/Closed Session – 5685 Portland.**
 6. DNR Groundwater Management – Update.
 7. Water Meters.
 8. I & I – Update.
 9. Bald Eagle Lake Outfall Improvements Cooperative Agreement with Ramsey County.
 10. Peterson Road Petition for Public Utilities.
 11. Centerville Road Trunk Sewer Plan.
 12. White Bear Township's Pavement Management Plan.
 13. Trails:
 - a. Lake Links.
 - b. Bald Eagle Boulevard.
 14. Review of Utility Billing Cycle.
 15. Employee Health Insurance.
- 1:00 White Bear Lake Fire Department Presentation – Meet with new Fire Chief & City Manager.**

**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.



Agenda
Executive Meeting
July 27, 2018

16. September 3rd Meeting Date Change Due to Holiday (Labor Day) & November Executive Meeting Date Change Due to Holiday (Thanksgiving).
17. Public Works Report.
18. Code Enforcement Officer / Building Inspector Items:
 - a. 5966 Highway 61 (formerly Zappa's Sporting Goods) - Violations.
 - b. 4221 White Bear Parkway (Wilbert Plastics) – PUS Compliance.
 - c. 5734 Meadowview Drive – Housing Code Violations.
19. Clerk-Treasurer Report.
20. Open Time.
21. Added Agenda Items.
22. Receipt of Agenda Materials/Supplements.
23. 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 Executive Meeting
July 27, 2018**

Agenda Number: 1

Subject: Succession Planning Session

Documentation: None

Action / Motion for Consideration:

To: Bill Short

July 20, 2018

From: Barb Strandell

Re: Brief update on Job Search Project: Clerk-Treasurer

As of July 12th, we were live with promoting the profile to fill the WBT Clerk-Treasurer position. We have ads placed in the following:

- League of MN Cities job posting site
- Association of MN Counties job posting site
- Indeed.com – A national search site recommended by staff at the Minnesota Association of Townships
- League of Wisconsin Municipalities job posting site.

Also, we have sent out 25 personal letters to key local government leaders to ask for referrals and applications. We will continue adding to that list on a daily basis.

The numbers you reported from the Little Canada search are encouraging given the similarity between the WBT opportunity and theirs. I, like you, believe ours is a more attractive situation. Word "on the street" is the real appeal of working with a 3-member Town Board versus a five or seven-member Council.

I will be contacting Little Canada today to send word that those finalists might be interested in our position as well. Once we get the names of the finalists, I will contact them.

We have had four actual submissions (cover letter and resume) so far. Experience is that submissions ramp up in the last week.

Stay tuned.

Thank you.



**Town Board Executive Meeting
July 27, 2018**

Agenda Number: 2 – 3 - 4

Subject: Approval of July 27, 2018 Agenda
Approval of June 22, 2018 Minutes

Documentation: July 27, 2018 Agenda
June 22, 2018 Minutes

Action / Motion for Consideration:

Call meeting to order:

Approval of Agenda:

Approval of Minutes:

July 27, 2018 (additions/deletions)

June 22, 2018 (additions/deletions)

**MINUTES
EXECUTIVE MEETING
JUNE 22, 2018**

The meeting was called to order at 11:16 a.m.

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

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

APPROVAL OF MAY 30, 2018 (Additions/Deletions): Ruzek moved approval of the May 30, 2018 minutes. Prudhon seconded. Ayes all.

The Executive Meeting was recessed at 11:20 a.m.

ATTORNEY CLIENT CLOSED SESSION – 5685 PORTLAND: Prudhon moved to open the Attorney Client Session at 11:20 a.m. Ruzek seconded. Ayes all. The meeting adjourned at 12:36 p.m. The Town Attorney reported that the purpose of the meeting was to discuss the property at 5685 Portland Avenue.

The Executive Meeting re-adjourned at 12:36 p.m.

DNR GROUNDWATER MANAGEMENT – UPDATE: The lawsuit against the DNR by the White Bear Lake Homeowners association was referred back to District Court by the Court of Appeals for reconsideration. Judge Marrinan will hear the case to re-evaluate her denial of the request for a stay to the order issued.

WATER METER – UPDATE: There was nothing new to report. The results of testing by an independent lab have not come back yet. In the meantime discussions continue.

WATER CONSERVATION – ON-GOING DISCUSSION: Staff is working on a job description for the enforcement position. Ruzek noted that the City of Vadnais Heights has signs at their borders informing of the water ban. This shows concern regarding efforts for community education. Water awareness is growing. It was the consensus to look into the cost of a similar signs for the Township.

TRAILS: 1) LAKE LINKS; 2) BALD EAGLE BOULEVARD: The Town Board has authorized four speed boards to be placed on Bald Eagle Boulevard. The signs have a total estimated cost of \$15,078 and will arrive in approximately four weeks. The signs are solar activated. The signs will be placed there for two months.

TOWN BOARD MEETING FORMAT – PUBLIC: An article, "Keep Minnesota Nice" which appeared in the Minnesota Township Insider was reviewed. The article highlights aspects that provide more conducive communication, de-escalation in hostile or aggressive behavior, and tips for dealing with conflict in public meetings. The article provides thoughts on how local government can make a commitment in making their community a better place.

MINUTES
EXECUTIVE MEETING
JUNE 22, 2018

PUBLIC WORKS REPORT: The June 2018 Public Works activity was reviewed. **Water testing and water system monitoring:** The residual chlorine levels are checked daily. Operating and testing water at Well #5 and continuous water testing at Wells #1, #3, #4, #5, and #6. Completed 2nd quarter meter reads. Continued water meter and radio repairs. Various water shut off for home repairs. Completed north side, south side and North Oaks fire hydrant flushing. Started the south side fire hydrant retro kit updates. **Public property maintenance:** Picked up downed trees from recent storms and did roadside weed cutting. Weeded and trimmed shrubs at the 3 Mallard Ponds roadway islands. Mowed and weed whipped Town Parks and lots. Disked Bellaire beach multiple times. Set up concrete forms for 2 grills at Bellaire beach and poured slabs for surface mounted grills. Set up concrete forms at Apple Tree Park for trash and recycle cans, picnic table and a handicap accessible picnic table and poured slabs for these. Prepped Polar Lakes Park baseball field #4, set bases, cut out radius for home plate, 1st, 2nd and 3rd bases. Started to top dress and seed Polar Lakes baseball field #2 drain tile trenches and wheel ruts. Put up batting cages and wind screens at baseball fields #1 and #3 at Polar Lakes Park. Removed asphalt at the Eagle Park tennis courts last year. Tuesday will have one lift of asphalt and material and then place another layer. The concrete posts were pulled out and gravel brought in.

1:00 P.M. – AUDITOR PRESENTATION: Chris Knopik, Auditor, reviewed the Annual Financial Report for year ending December 31, 2017. The financial statements and the required State Auditor Reporting form will be submitted to the applicable state agency before the deadline of June 30, 2018. He reported that the General Fund revenues and expenditures both increased slightly. The Town has good financial stability. The General Fund is stable, Water Fund has losses (will have to adjust the rate with water conservation); Sewer fund has positive operating income and positive cash flows; and the Storm Water fund has positive operating income and positive cash flows. The Town has received the GFOA Certificate of Achievement for Excellence in Financial Reporting for 2016. This is the 21st consecutive year that the Town has received the award. Effective December 31, 2108 the following GASB standards will be required: GASB Statement No. 75 which deals with other postemployment benefits (retiree access to medical insurance); GASB Statement No. 85 which addresses blending component units, goodwill, fair value measurements; GASB Statement No., 86 deals with certain debt extinguishment issues. (defeasance of debt/refunded bonds). Effective December 31, 2020 GSAB Statement No. 87 which leases (majority of leases will now be treated as capital leases) will be effective.

CODE ENFORCEMENT OFFICER / BUILDING INSPECTOR ITEMS: 1) 5456 TOWNSHIP DRIVE; 2) 2082 STILLWATER STREET: **5456 Township Drive:** The criminal cases against this property have been resolved. The property owner pled guilty to the main violations and the remaining counts were dismissed by the court. The property owner has to obtain a valid rental license by September 15, 2018. After the renovations the property owner cannot lease the property until the rental license is renewed. If he does not comply the property owner will face a court order and fine with jail time. Without a valid rental license the building must remain empty. **2028 Stillwater Street:** The property owner has had some drainage concerns over the past several years. The property owner feels that the Township should deal with this issue because she feels that the storm sewer collection basin is decrepit and falling apart. The Engineer and Public Works reviewed the site and recommended the catch basin be replaced along with 20

MINUTES
EXECUTIVE MEETING
JUNE 22, 2018

feet of storm water pipe. It is believed that there is a utility easement on the property. The Town Attorney will draft a license agreement if there is no easement.

CLERK-TREASURER REPORT: 1) GREATER WHITE BEAR LAKE COMMUNITY FOUNDATION: An article from the October 4, 2017 issue of the White Bear Press relating the Greater White Bear Lake Community Foundation grant awards was reviewed. The GWBL Community Foundation awards grants to projects and programs of area organizations that align with its mission of inspiring philanthropy and enriching the lives of people who live in the communities it serves. Of the \$32,200 grant funding available 20 programs received foundation awards. There will be a second grant round this year. The Township is encouraged to be part of the program if there are any projects which would qualify.

There was discussion regarding concerns regarding the deterioration of roads. The oil decomposes and the road erodes. Some streets were built in the 90's and are overdue for restoration work. Condition of Township streets should be a regular topic at the Town Board Executive meetings. It was the consensus that the Town needs to get more proactive.

At the next Executive Meeting the Finance Officer will provide funding information for funding street improvements.

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

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

Prudhon moved to adjourn the meeting at 3:20 p.m. Ruzek seconded. Ayes all.

Respectfully Submitted,

William F. Short
Clerk-Treasurer



**Town Board Executive Meeting
July 27, 2018**

Agenda Number: 5

Subject: Attorney Client/Closed Session – 5685 Portland

Documentation: None

Action / Motion for Consideration:

Report at Meeting / Discuss



**Town Board Executive Meeting
July 27, 2018**

Agenda Number: 6

Subject: DNR Groundwater Management - Update

Documentation: None

Action / Motion for Consideration:

Town Clerk Report at Meeting / Discuss

Minutes
Executive Meeting
June 22, 2018

DNR GROUNDWATER MANAGEMENT – UPDATE: The lawsuit against the DNR by the White Bear Lake Homeowners association was referred back to District Court by the Court of Appeals for reconsideration. Judge Marrinan will hear the case to re-evaluate her denial of the request for a stay to the order issued.



Town Board Executive Meeting July 27, 2018

Agenda Number: 7

Subject: Water Meter – Update

Documentation: None

Action / Motion for Consideration:

Town Engineer Report at Meeting / Discuss

Minutes
Executive Meeting
June 22, 2018

WATER METER – UPDATE: There was nothing new to report. The results of testing by an independent lab have not come back yet. In the meantime discussions continue.



**Town Board Executive Meeting
July 27, 2018**

Agenda Number: 8

Subject: I & I - Update

Documentation: None

Action / Motion for Consideration:

Report at Meeting/ Discuss



Town Board Executive Meeting July 27, 2018

Agenda Number: 9

Subject: Bald Eagle Lake Outfall Improvements Cooperative Agreement with Ramsey County

Documentation: Cooperative Agreement /
Emails /
Town Attorney Memo

Action / Motion for Consideration:

Town Engineer Report at Meeting/ Discuss

Minutes
Town Board Meeting
July 2, 2018

BALD EAGLE LAKE STORMWATER IMPROVEMENTS – AUTHORIZE PREPARATION OF PLANS AND SPECIFICATIONS: The Town Engineer reported that as part of the Township's stormwater management program, the Town develops projects based on staff inspections and resident issues. There are two structures that are on the south end of Bald Eagle Lake at the Bald Eagle Boulevard intersection with St. Anthony Avenue and at the intersection of Beaver Street. These projects were submitted to the Rice Creek Watershed District and the Township was awarded a \$35,000.00 Cost-Share Grant for the Bald Eagle outfall improvements project. Total project cost is estimated at \$74,000.00. All the work for the cost-share has been completed and the Watershed and the Township has signed the agreement. The Township is now ready to prepare the plans and specifications in accordance with the submitted documents to RCWD. TKDA and Township staff will work with RCWD in the preparation of the documents. The plans and specifications will be brought back to the Town Board for acceptance and to authorize bidding of the project. In accordance with the cost-share agreement, the final completion of all project components is December 31, 2020. TKDA will work with Public Works staff to determine the specifics of the rehabilitation improvement that will take place. The project plans and specifications will be completed this fall. Construction could be this fall or next spring. The preparation of the plans and specifications will be completed for an amount not to exceed \$5,800.00. The project will be funded through RCWD and the Storm Water Utility Fund. In response to a question the Engineer stated that outfalls generally run directly to the

lake. With this project there will be large structures with baffles to collect debris and will be underground activity.

Prudhon moved, based on Town Engineer review and recommendation to authorize preparation of plans and specifications for Bald Eagle Lake Stormwater Improvements for an amount not to exceed \$5,800 with funding from the Rice Creek Watershed District per the Cost-Share Agreement and the Stormwater Utility Fund. Ruzek seconded. Ayes all.

Minutes
Executive Meeting
October 27, 2017

OUTFALL IMPROVEMENTS AT BALD EAGLE LAKE: The Engineer stated that this is a cooperative agreement between Ramsey County and the Township on the south side of the lake. The outfalls are in the storm project list of items to do and are in the CIP. The Town did not make the cut for Rice Creek Watershed Funding. Ramsey County is proposing to go into a joint project on the outfalls. The total project cost is \$70,000. Ramsey County is putting together an agreement for \$11,200 per outfall of the \$70,000 amount. They need a cooperative agreement with the Township to move forward with the project. The reason they are interested in doing the project is because the pipes run directly to the lake. The project will be funded by the storm water utility fund. The Engineer noted that this is an important improvement since the pipes run directly to the lake and there is an environmental benefit. The Utility Commission has reviewed the project and recommends approval of the cooperative agreement.

**RAMSEY COUNTY
COOPERATIVE AGREEMENT
WITH WHITE BEAR TOWNSHIP FOR**

Outfall Improvements to Bald Eagle Lake

Total Project Cost: \$70,000.00

White Bear Township Cost: \$58,800.00

County Cost: \$11,200.00

Attachments:

A – Project Location Map

B – Engineer's Estimate

This Agreement is between White Bear Township, a ~~Minnesota municipal corporation a Minnesota political subdivision~~ ("Township") and Ramsey County, a political subdivision of the State of Minnesota, ("County") for the Bald Eagle Lake Outfall Improvement Project ("Project"). The Township proposes to repair and improve two storm sewer outfalls to Bald Eagle Lake. These outfalls are located at St. Anthony Avenue and Park Avenue and shown on Exhibit A- Project Location Map. A manhole sump with SAFL Baffle will be installed and the existing outfall discharge will be stabilized with riprap.

RECITALS

1. Park Avenue (CSAH 85), Stillwater Street (CSAH 86), Division Street (CSAH 151), and Bald Eagle Boulevard (CSAH 7) are located within the project location and contribute drainage runoff to the outfalls identified in the project.
2. These subject road segments are located within the Township.

AGREEMENTS

1. Responsibility for Project Management

1.1. The Township will prepare plans, specifications, and proposals for the Project. The County will have the opportunity to review and sign the plans and specifications.

2. Responsibility for the Right of Way Plan and Acquisition

The Township shall provide right of way for the project, if applicable.

3. Procurement and Award of Contract

The Township is responsible for awarding and administering the contract.

4. Responsibility for Construction Engineering

The Township shall perform or contract the performance of the construction engineering for all elements of the Project.

5. Project Costs

The engineer's preliminary project estimate is \$70,000 in total. The estimate is shown in Exhibit B- Engineer's Estimate. The County will contribute 16% of the total project costs, up to \$11,200.

6. Payment Schedule

6.1. The Township will invoice the County at the time of project completion.

6.2. Payment will be made within 30 days of receipt of an invoice.

7. Ownership and Maintenance Responsibility for Project Elements

The Township will maintain all features created as a result of this project.

8. The County grants the Township temporary construction easements over all County owned rights-of-way and property within the limits of the Project for use during construction at no cost to the Township.

~~8.9.~~ The Township and County shall indemnify, defend, and hold each other harmless against any and all liability, losses, costs, damages, expenses, claims, or actions, including attorney's fees, which the indemnified party, its officials, agents, or employees may hereafter sustain, incur, or be required to pay, arising out of or by reason of any act or omission of the indemnifying party, its officials, agents, or employees, in the execution, performance, or failure to adequately perform the indemnifying party's obligation pursuant to this Agreement. Nothing in this Agreement shall constitute a waiver by the County or the Township of any statutory or common law immunities, limits, or exceptions on liability.

~~9.10.~~ This Agreement shall remain in full force and effect until terminated by mutual agreement of the parties.

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WHITE BEAR TOWNSHIP, MINNESOTA

By: _____
Mayer Town Board Chair

Date: _____

By: _____
Director of Public Works

Date: _____

Approved by the Office of Financial Services:

By: _____

Approved as to Form:

By: _____
City Attorney

RAMSEY COUNTY, MINNESOTA

Julie Kleinschmidt, County Manager

Date: _____

Approval recommended:

James E. Tolaas, Director
Public Works Department

Approved as to form:

Assistant County Attorney

Patti Walstad

From: Dale Reed
Sent: Thursday, July 5, 2018 11:28 AM
To: Patti Walstad
Cc: Bill Short; 'James E. Studenski'
Subject: Fw: Memo to Town 02.20.18 (Bald Eagle Lake).pdf
Attachments: revised PW2017-14-Coop-WhiteBearTownship-Outfalls.docx

Patti,

Please add this to this months Executive Meeting agenda. We need to process this agreement soon.

Have an awesome day.

Dale

From: Churchich, Molly <Molly.Churchich@CO.RAMSEY.MN.US>
Sent: Thursday, July 5, 2018 10:31 AM
To: Dale Reed
Subject: RE: Memo to Town 02.20.18 (Bald Eagle Lake).pdf

Hi Dale,

Have you had a chance to either sign or amend this agreement? Once you sign them and route back to me, I will have the county signatures finalized. At that point, I will send a copy to you. When the project is underway or complete, send me an invoice and I will submit for payment.

Thanks and hope you had a good holiday! Talk soon,

Molly A. C. Churchich | Environmental Resources Supervisor
Ramsey County
Public Works Department, Environmental Services
1425 Paul Kirkwold Drive
Arden Hills, MN 55112
651-266-7159 | Fax: 651-266-7110
www.ramseycounty.us

From: Churchich, Molly
Sent: Tuesday, March 13, 2018 2:02 PM
To: 'Dale Reed' <Dale.Reed@whitebeartownship.org>
Subject: RE: Memo to Town 02.20.18 (Bald Eagle Lake).pdf

Dale,

I've revised the agreement with the changes previously mentioned. I also incorporated item 8 for access onto county property. This, in addition to the ROW permit, should cover access onto county property. Let me know if you have any

changes. If it looks good, feel free to have the township sign three copies and route back to me for signatures. I will send you a copy when fully executed.

Molly

From: Dale Reed [<mailto:Dale.Reed@whitebeartownship.org>]
Sent: Tuesday, March 06, 2018 12:59 PM
To: Churchich, Molly <Molly.Churchich@CO.RAMSEY.MN.US>
Cc: Bill Short <bill.short@whitebeartownship.org>; Pete Tholen <Pete.Tholen@whitebeartownship.org>; Paul Peltier <Paul.Peltier@whitebeartownship.org>
Subject: RE: Memo to Town 02.20.18 (Bald Eagle Lake).pdf

Molly,

Thanks for following up on our attorneys comments for incorporation into the agreement and clarifying the contribution limit.

We will be checking the property records for the Park Ave project.

Have an awesome day.

Dale

Public Works Director
White Bear Township
Office phone 651-747-2777

From: Churchich, Molly [<mailto:Molly.Churchich@CO.RAMSEY.MN.US>]
Sent: Tuesday, March 6, 2018 11:15 AM
To: Dale Reed <Dale.Reed@whitebeartownship.org>
Cc: Bill Short <Bill.Short@whitebeartownship.org>; Pete Tholen <Pete.Tholen@whitebeartownship.org>; Paul Peltier <Paul.Peltier@whitebeartownship.org>
Subject: RE: Memo to Town 02.20.18 (Bald Eagle Lake).pdf

Hi Dale,

I've had a chance to look at Chad's comments. I've incorporated language into section 1.1 that reads, "The County will have the opportunity to review and sign the plans and specifications."

The county will contribute up to \$11,200 for the project, so will not contribute to project overages.

The last comment regarding work within the right of way. The St. Anthony Ave. sumped manhole structure may be located within either township or county right of way. The Park Ave. sumped manhole structure will likely be within county right of way. For work within the county right of way, you will need to apply for a permit. The permit fee is waived when a city or township submits the application. If the contractor applies for it, they will need to pay the fee. The outfall rip rap stabilization at Park Ave. looks like it may be within private property. I do not see any existing easements for this pipe. I would recommend checking with the property owners for access rights. We can work through the county access permits as the project develops.

I will send the revised agreement to our attorney for review.

Thanks,

Molly

From: Dale Reed [<mailto:Dale.Reed@whitebeartownship.org>]

Sent: Thursday, February 22, 2018 8:48 AM

To: Churchich, Molly <Molly.Churchich@CO.RAMSEY.MN.US>

Cc: Bill Short <bill.short@whitebeartownship.org>; Pete Tholen <Pete.Tholen@whitebeartownship.org>; Paul Peltier <Paul.Peltier@whitebeartownship.org>

Subject: Memo to Town 02.20.18 (Bald Eagle Lake).pdf

Molly,

Please see the attached comments on the draft agreement for the outfall that you sent me. If you can incorporate these concerns into the agreements language that would be great.

Have an awesome day.

Dale

MEMORANDUM

DATE: February 20, 2018
TO: Town of White Bear
FROM: Chad D. Lemmons
RE: Bald Eagle Lake Outfalls Improvement – Ramsey County Cooperative Agreement

DISCUSSION

I have reviewed the Ramsey County Cooperative Agreement with White Bear Township for the outfall improvements to Bald Eagle Lake and I have the following comments.

While the Town is responsible for preparing the plans and specifications proposals for the project as well as hiring the construction engineer, the agreement is silent as to whether or not Ramsey County is required to sign off on the engineering and construction documents. I would recommend that language be added clarifying any need to have the County sign off on the plans and specifications.

Next it appears that the County will contribute 16% of the total project costs up to \$11,200.00. This means that the Town would be responsible for all cost overages.

Will construction occur completely within right of way controlled by the Township? If any of the County right of way is involved, the County should agree to grant an entry license to the Township allowing the Town to enter the County right of way for the purpose of making the repairs or improvements. If there are any other permits required from the County, there should also be language requiring the County to issue those permits.

If you have any questions, please feel free to contact me.



**Town Board Executive Meeting
July 27, 2018**

Agenda Number: 10

Subject: Peterson Road Petition for Public Utilities

Documentation: Petition

Action / Motion for Consideration:

Town Engineer Report at Meeting/ Discuss



Petition & Request for Feasibility Study

The undersigned property owners hereby petition and request that the Town Board of the Town of White Bear, Minnesota, authorize preparation of a Feasibility Study to determine the costs associated with construction of the following improvement (describe):

Placement of water and sewer line
stubs onto our property during the time
the water and sewer lines are being
run for the new Three Oaks development.

Dated this 12th day of July, 2018.

Name

Address

Dennis + Patricia Peterson

5474 Peterson Rd.
White Bear Township, MN 55127



**Town Board Executive Meeting
July 27, 2018**

Agenda Number:

11

Subject:

Centerville Road Trunk Sewer Plan

Documentation:

Town Engineer Correspondence / North Oaks
Request List

Action / Motion for Consideration:

Town Engineer Report at Meeting/ Discuss



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

July 20, 2018

Honorable Chairman and Town Board
White Bear Township, Minnesota

Re: Centerville Road Sanitary Sewer Capacity Analysis
White Bear Township, Minnesota

Dear Chairman and Town Board:

White Bear Township has been approached by both Lino Lakes and North Oaks with requests for discharging sanitary sewer flow to the Centerville Sewer. The Township Staff has requested that TKDA complete an analysis of the existing and future capacity of the Centerville Sanitary Sewer, so that it can respond appropriately to Lino Lake and North Oaks. TKDA proposes complete a study to analyze the current future capacity of the Centerville Road Sanitary Sewer. Work will include:

- Review of the design assumption used to construct the sewer
- Estimation of the current sanitary sewers flows that are being received from the Town and North Oaks
- Review of the future (ultimate) flows that planned to be received from the Town, North Oaks, and Lino Lakes
- Review of the existing agreements in place for receiving flow from North Oaks

The above items will be summarized in a memo, and presented at a Town Board Executive meeting. The work is estimated to cost \$3,990 and will be completed and ready for acceptance by the Town Board in October 2018.

Action Requested

Direct the Town Engineer to complete the Centerville Road Sanitary Sewer Capacity Analysis for an amount not to exceed \$3,990.

Sincerely,

A handwritten signature in black ink that reads "Jim Studenski".

Jim Studenski, PE
Town Engineer

North Oaks Company LLC

6/28/2018

Sanitary Sewer and Water Service Summary - request of White Bear Township

DRAFT - For Discussion Purposes

Note: 1 SAC = 274 GPD (Town to verify)

Date	Property Name	QTY		Sanitary Sewer		Water	
				SAC Units	Flow/GPD	Units	GPD
05/17/03	Tria/Office Center			27	7,398	(tbd)	(tbd)
	Restaurant	198	Seats				
	Office	4460	SF				
12/30/04	PHS Main Building	257	RES	96	26,304		
10/06/05	NOHOA Park	1	EA	1	274		
09/14/07	PHS Mews	76	APT	59	16,166		
10/08/07	PHS north addition	78	RES	29	7,946		
	PHS Villas Phase 4	14	Villas	14	3,836		
	Wilkinson Lake Villas						
	Phase 1	19	Villas	19	5,206		
	Phase 2	14	Villas	14	3,836		
	Phase 3	14	Villas	14	3,836		
	Rapp Farm Homes	156	Homes	156	42,744		
	Club House	1	EA	1	274		
TOTAL BUILT INFRASTRUCTURE (06.27.18)				430	117820	(tbd)	(tbd)
	Three Oaks of White Bear Township	28	Homes	28			
	Gargiola	300000	SF	50			
	Fisher Farm/Biolab	250000	SF	35			
	Hable	50000	SF	10			
	Wilkinson Lake Villas						
	Phase 4	6	Villas	6			
	Anderson Woods	12000	SF	5			
	Gate Hill	68	Homes	68			
	Island Field						
	Condominiums	120	Units	68			
	Tennis Center	60000	SF	25			
	Red Forest Way (FEN)	68	Homes	68			
	Nord	13	Homes	13			
	Hawkins East						
	3-story Townhomes	62	Town Homes	62			
	Apartments	120	APT	120			
	Senior Housing Apartments	78	APT	59			
	Mixed Use - Office & Retail	24000	SF	10			
	Office	18000	SF	8			
	Retail	20000	SF	9			
	Hawkins West	25	Homes	25			
	Rogalla	50	Homes	50			
PROPOSED INFRASTRUCTURE RQTS. (2019-2024)				719	(tbd)	(tbd)	(tbd)



**Town Board Executive Meeting
July 27, 2018**

Agenda Number: 12

Subject: White Bear Township's Pavement Management Plan

Documentation: Finance Officer Memo w/attachments
Pavement Management Plan (not bound) /
Miscellaneous Emails

Action / Motion for Consideration:

Report at Meeting/ Discuss

Consideration of Funding Street Improvements. (TK)

A. REFERENCE AND BACKGROUND:

At the last Town Board Executive Meeting, the Town Board asked that funding information to subsidize street improvements other than the Capital Improvement Fund be discussed. The Capital Improvement Fund currently pays for street improvements and the annual sealcoat project. The Fund has a current cash balance of \$3,066,946.51, of which \$1,214,955.00 is a deposit from the North Oaks Company for Three Oaks of White Bear Township. This would leave \$1,851,991.51 for future street improvements and annual sealcoat projects. Currently the Town is funding (tax levy) 56% of the sealcoat project. The Capital Improvement Fund is funded through special assessments, interest earnings and a transfer of any excess funds if available in the General Fund per the Town's fund balance policy.

Other funding sources available to fund these activities are limited. Attachment #1 from the League of Minnesota Cities outlines ways cities can finance street construction. The funding sources listed in #1, #3, and #4 would all require a property tax levy. #6 Toll facilities does not seem reasonable for Township streets.

Another funding source would be to direct all or part of the billboard/antenna lease revenues for street replacement. However, these are currently budgeted in the General Fund and used to fund operations, so redirecting them would mean the Town would need either to replace this revenue source with a tax levy or reduce the cost of operations.

The next option to fund street improvements would be for the Town to negotiate a franchise agreement with the utility companies and dedicate this revenue source for street improvements. Attachment #2 describes this revenue source. The Town currently sends out about 4,602 utility bills to Township properties. If each property generated a \$200 a month electric and gas bill and the Town had a 2% franchise fee, this would generate about \$220,896.00 per year.

The Town could also do a combination of the revenue sources listed above or there could be other sources I have not considered.

A1. Budget Impact: The budget impact would be too incorporated into future budgets and the Town's 10-year capital improvement plan.

A2. Staff Workload Impact: The project would have no or little staff impact.

B. ALTERNATIVE ACTIONS:

1. Discuss funding options.

C. STAFF RECOMMENDATION:

1. There is no staff recommendation for this item.

D. SUPPORTING DATA:

Attachments #1 and #2.

RELEVANT LINKS:

Minn. Stat. § 412.221 subd 6.

See Handbook, *Financing Public Improvements*.

A.G. Op. 396-G-7, (June 19, 1946).

Minn. Stat. § 429.021, subd. 1.
Minn. Stat. ch. 429.
See Handbook, *Financing Public Improvements*. LMC information memo, *Special Assessment Toolkit*.

~~Cities should name streets and number lots pursuant to a formal plan for city-wide property location. The goal of the plan should be to facilitate property location by residents, emergency personnel and visitors in an easy, logical and expeditious manner.~~

~~In general, duplicate or similar sounding names for city streets should be avoided to avoid confusion for emergency personnel. For example, a city with two "Pine Avenues" may have difficulty communicating to police and fire agencies exactly where their assistance is needed. Likewise, "fourth" and "fort" street sound similar and may generate the same type of confusion.~~

E. Financing street acquisition and construction

All cities are empowered to acquire, construct, and improve city streets and to finance these activities in a variety of ways. State statute allows statutory cities to choose between various funding mechanisms depending on the city's circumstances.

Home rule charter cities may have unique funding limitations imposed by their local charter. If the charter is silent on the issue, home rule charter cities may utilize the State statute.

Highlighted below are the several funding mechanisms available to cities for acquiring and constructing city streets. These funding mechanisms are discussed in depth in the Handbook for Minnesota Cities: Financing Public Improvements.

1. General funds

If the city council desires, and funds are available, the city may fund street acquisition, construction and improvement with money in the general fund raised from annual city property taxes.

However, many city councils find themselves confronted with increasing pressures for new and improved streets, as well as with mounting construction prices, at a time when their budgets are severely constrained. For cities with insufficient general funds, the alternatives outlined below—singularly or in combination—can provide needed funds for street construction.

2. Special assessments

City streets can be financed through special assessments. Special assessments are an indirect form of taxation. They are a compulsory charge on selected properties for a particular improvement or service that benefits the owners of the selected property. Special assessments have three distinct characteristics:

RELEVANT LINKS:

Minn. Stat. ch. 475.
See Handbook, *Debt and Borrowing*.

- They are a compulsory levy a city uses to finance a particular public improvement program.
- The city levies the charge only against those particular parcels of property that receive some special benefit from the program.
- The amount of the charge bears a direct relationship to the value of the benefits the property receives.

Special assessments apply only to real estate. Cities never levy special assessments against personal or movable property. In theory, special assessments are more equitable than property taxes because those who pay them obtain some direct benefits from the improvements.

To ensure full protection for property owners, the courts insist on strict compliance with the special assessment procedural requirements. Because these requirements have legal implications, city councils should have the city attorney handle assessment proceedings.

3. Bonds

Unlike private persons and corporations, cities may not finance improvement projects by conventional bank loans or stock offerings. Instead, cities must use procedures specified by state law for bonding. City streets can be financed through bonding alone or in combination with special assessments.

There are a wide variety of bonds cities can choose from. Bonds can be classified by the security behind the bonds, the purpose for which the proceeds of the bonds will be used, and the user of the capital facility financed by the proceeds of the bonds. The city should consult specialized bond counsel to help determine the bond best suited to the city's needs and assist the city in working through the technical aspects of a bond sale.

4. Infrastructure replacement reserve fund

An additional financing mechanism for city streets is the creation of an infrastructure replacement reserve fund. A city may establish a reserve fund by a two thirds vote of all its members through ordinance or resolution, and may annually levy a property tax for the support of the fund. After the resolution or ordinance is passed, city residents may petition for an election on the issue. The proceeds of property taxes the city levies specifically to support this fund must go into the reserve fund. The city may dedicate any other additional monies to the fund.

Minn. Stat. § 471.572.

RELEVANT LINKS:

Minn. Stat. § 462.358.
See Section II-B-4 *Statutory Dedication*.

Minn. Stat § 160.87.
Minn. Stat § 160.86.

Minn. Stat § 160.87.
Minn. Stat. § 160.89.

Minn. Stat. § 160.845.

Country Joe, Inc. v. City of Eagan, 560 N.W.2d 681 (Minn.1997).

5. Development agreements

In new developments being subdivided in accordance with a city subdivision ordinance, a city may condition its approval of the subdivision upon the construction and installation of streets by the subdivider. The terms of such agreement should be stated in a formal development agreement.

A development agreement relieves the city of the risks inherent in special assessments and/or the expense of bonding, while still allowing the city to provide needed streets that meet the city’s specifications and standards. The development agreement between the city and the developer should require adequate financial security (such as a letter of credit or bond) to ensure that the streets are built to the city’s specifications and satisfaction.

6. Toll facilities

Cities may develop, construct, and operate toll facilities as a financing mechanism for city streets. With the approval of the commissioner of Transportation, cities may enter into development agreements with private management companies for the construction and operation of toll facilities.

Toll revenues may only be used for certain purposes, including the repayment of indebtedness incurred for the toll facility, payments related to a development agreement, costs of operation, and for building reasonable reserves for future improvements.

Cities may not impose tolls on existing streets and bridges.

7. Road impact fees

Cities facing increased development pressures often struggle to meet growing needs for new city streets and for maintenance of existing ones. To meet this pressure, in the past, some cities have attempted to impose a “road impact fee” or “road unit connection fee,” similar to a water or sewer access fee, as part of the development process.

These impact fees made development approvals and/or building permit issuance contingent upon satisfactory payment of the levied fee. The fees were designed to shift a portion of the cost of providing streets to serve new growth from the general tax base to the new development generating the demand for the streets.

In one case, the Minnesota Supreme Court invalidated a road impact fee as a means of funding street improvements and maintenance after finding the fees to be an invalid tax that exceeds the statutory authority of cities. Cities interested in exploring road impact fees must work closely with their city attorneys.

RELEVANT LINKS:

See Handbook, *Financing Public Improvements*. LMC information memo. *Special Assessment Toolkit*.

See also Section II-E-1, *General Funds*.

Siernitzke v. Donahue's Jewelers, 83 N.W. 2d 96 (Minn. 1957).

Minn. Stat. § 466.03 subd 4.

Smith v. Village of Hibbing, 136 N.W.2d 609 (Minn. 1965). *Scott v. Village of Olivia*, 110 N.W.2d 21 (Minn. 1961).

- Develop a system to respond to excavators requesting information about the location of pre-Jan. 1, 2006, installations.
- Develop methods to ensure that all new sewer and water laterals are locatable.
- Train city staff on appropriate methods for locating laterals installed post-Dec. 31, 2005.

C. Financing improvement and maintenance of city streets

Cities may finance the improvement and maintenance of city streets using many of the same financing mechanisms for building new city streets. Cities may utilize:

- General fund revenues.
- Bond revenues.
- Special assessments.

Home rule charter cities may have unique funding limitations imposed by their local charter. If the charter is silent on the issue, home rule charter cities may utilize the state statute authorizing the funding method.

D. Special problems in maintaining city streets

Maintaining streets can present unique problems for cities, who confront normal maintenance and infrastructure aging issues compounded by the extremes of Minnesota weather. Several reoccurring issues with city streets are discussed as special problems below.

1. Special problem: Snow removal

Snow and ice control on streets can pose a difficult and expensive maintenance problem for Minnesota cities each winter. Three types of special immunity protect cities from claims for damages that arise after accidents caused by the weather.

a. Snow and ice immunity

Under Minnesota statute, cities are immune to claims for damages based on snow or ice conditions on a public street or public sidewalk, unless the dangerous condition was affirmatively created by the negligent acts of the city.

A city may be found negligent when it has actual or constructive notice of a hazard due to snow or ice, but fails to correct the situation within a reasonable time.



attachment #2

INFORMATION MEMO

Gas and Electric Utility Franchising

Learn about city gas and electric utility franchising authority, especially authority to charge franchise fees. This memo includes links to two model franchise ordinances incorporating city rights under state law and many of the Minnesota Public Utility Commission's right-of-way management rules, and two sample franchise fee ordinances.

The League thanks James Strommen of the Kennedy and Graven Law Firm, who is attorney for the Suburban Rate Authority, for his assistance in creating this memo and the model and sample ordinances.

RELEVANT LINKS:

Minn. Stat. § 216B.36, Minn. Stat. § 301B.01, Minn. Stat. § 222.37, Minn. Stat. § 237.162 and Minn. Stat. § 237.163.

Minn. R. ch. 7819.

Electric Utility Franchise Fee, City of Victoria sample ordinance.
Gas Utility Franchise Fee, City of Victoria sample ordinance.

I. Franchising authority

Cities have broad gas and electric franchise rights under state law. In Minnesota, these franchises are negotiated and take the form of a contract set forth in an ordinance. Cities have the right to require franchises and to include certain terms, such as franchise fees. There is little case law guidance on what specific franchise terms may be required by the city. Accordingly, a franchise can incorporate all reasonable terms within the limits of a city's statutory franchise and police power authority. These rights are extensive and can be found in state statute and case law.

II. Franchising ordinances

There has been no legislative change in the scope of city franchise authority in recent years. The main focus of discussion involving gas and electric franchises in the post-1999 right-of-way standards rules by the Minnesota Public Utilities Commission (MPUC) is the franchise fee. That remains a matter negotiated with the utility but also one where cities should take care to retain their full franchise fee rights in the franchise agreement itself.

A. Fees

The city's legal right to include a particular franchise provision, and the practical realities facing a city when the utility refuses to agree, are two quite different matters. Though a city may have the right to insist on a franchise fee, potentially as high as 8 percent of the utility's gross revenues, it is unlikely that the utility would readily agree to such a percentage, even though the utility passes the fee through to its customers within the city.

This material is provided as general information and is not a substitute for legal advice. Consult your attorney for advice concerning specific situations.

RELEVANT LINKS:

Minn. R. ch. 7819.

Gas Utility Franchise, LMC model ordinance.

Electric Utility Franchise, LMC model ordinance.

Minn. Stat. § 237.163 subd. 2(b).
LMC Information Memo, *Regulating City Rights-of-Way*.

Gas Utility Franchise, LMC model ordinance.

Electric Utility Franchise, LMC model ordinance.

Gas and electric utilities remain concerned that, despite their retained monopoly or near monopoly status, franchise fees will harm their position relative to perceived competitors. This fee pass-through also becomes an issue to the residential and business customers who pay the fee. Thus, cities must be careful to gauge the level of local acceptance or resistance to the exercise of their full franchise rights under the law. As a result of the realities of the franchise negotiation and community acceptance process, a “take it or leave it” franchise ordinance that includes the imposition of franchise fees and strict right-of-way management provisions may be difficult to enact without compromise.

B. Right-of-way rules

The two franchise ordinances offered here incorporate many of the MPUC’s right-of-way management rules on such matters as street restoration, relocation for utilities, construction performance bonds, mapping information, street vacation, removal of abandoned facilities, and indemnification. The MPUC right-of-way rules were largely a product of negotiations between local government units and members of the utility industry, including a number of gas and electric providers. By all indications—lack of formal legal disputes over terms—these rules have been very successful.

To take full advantage of the rules and to fully implement the right-of-way management authority granted to cities by Minn. Stat. §§ 237.162 - .163, a city should consider adopting a comprehensive right-of-way management ordinance by exercising its option under state law.

C. Model ordinance notes

The two model franchise ordinances offered here are the result of a cooperative effort between the League of Minnesota Cities and James Strommen of the Kennedy & Graven Law Firm, attorney for the Suburban Rate Authority (SRA), a joint powers organization consisting of 29 Twin City suburban municipalities.

The models are based on actual ordinances that have been reviewed by gas and electric companies. Because these models are more city-oriented than many currently existing franchises, utilities have objected to many of the provisions contained in these models. As a result, there is likely to be negotiation on at least the following provisions:

- Franchise fees; in form, amount, and class of service distinctions.
- Fee obligation on perceived competitors.
- Where a city seeks additional rate and service consideration regarding renewable energy or infrastructure investment.
- Rights regarding city-requested location and relocation of facilities.

RELEVANT LINKS:

Electric Utility Franchise, LMC model ordinance. See Section 11, Service reliability, infrastructure reporting.

Gas Utility Franchise, LMC model ordinance. See Section 10, Service reliability, infrastructure reporting.

James Strommen
612.337.9233
jstrommen@Kennedy-Graven.com.
Patricia Beety, LMC General Counsel
651.281.1270
800.925.1122
pbeety@lmc.org

- The city’s right to amend the franchise during the term.

Each city must evaluate the importance of the provisions contained in these models as such provisions may affect the city’s particular needs. One franchise cannot fit all because of the many variations of city-utility relationships, including factors such as urban, suburban, or rural settings; developing versus redeveloping cities; single versus multiple utilities serving the city; residential-commercial customer mix; larger employer versus diversified economic base; the presence of a municipal utility or contemplated utility; and revenue needs of the city.

One section is taken from the City of Minneapolis-Xcel Energy Electric franchise. It introduces an agreement to obtain additional service and reliability reporting from the utility for comparison purposes among other utility service areas. These are matters governed by the MPUC and routinely produced by regulated utilities, but not on a city-by-city basis. This section is slightly different, depending on whether it is a gas or electric utility.

Electric utilities have reliability issues such as outages and reduced power. Gas utilities bring the public safety risk of unsafe gas lines when infrastructure ages. This type of information is available to all customers through the MPUC. Putting a provision in the franchise establishing annual reporting may heighten the city and the company’s awareness of where improvements can be made within the city.

For cities interested in establishing additional dialog with the utility and identifying its service record in the franchised city when compared with other cities, this provision can achieve greater awareness and perhaps heightened attention by the utility to the needs of the city.

III. Further assistance

For more information, contact the League or James Strommen.

Bill,
Just forwarding a reminder to my past reminders of the deplorable condition of our Township street, curbs, and sewers, here in Never-Never Land. As you have recently been made aware of, one of the major storm sewers on Arbor Drive has collapsed causing a safety hazard and potential road failure if left uncorrected for much longer. Again, I ask you, would it not be wiser to replace road and curbs during sewer repair so as not to prolong the "shitty" appearance of our neighborhood and cause increased duplication of cost if and when our illustrious Board Supervisors and our pot hole filling maintenance department ever decide to do something correctly and on time. Time for action. Stop nodding approvingly at each other and gloating over how cost minded you are on the WBT Board in representing our citizens. Wake up, the pay isn't that good if you lose your job over supporting improvements to our neighborhood. I promise to vote to approve sending you your retirement service plaque if you accomplish this one thing.
I have attached a few pictures of white Bear Lake City's ongoing efforts to improve and beautify their streets versus pictures of white Bear Township's lack of caring to renew any of our neighborhood streets. What is the holdup? Please pass on my e-mail to the "civil servants" on the Township Board and the Maintenance Supervisor in-charge of pot-hole filling. Time for a refresher course in urban renewal!!
Thank you.

Patti Walstad

From: WBTFrontDesk
Sent: Wednesday, May 30, 2018 7:15 AM
To: Dale Reed; Pete Tholen; Paul Peltier
Cc: 'elizabethjj555@gmail.com'
Subject: FW: Public Works Department

Your email has been forward to our Public Works Department

From: Elizabeth Ianos <elizabethjj555@gmail.com>
Sent: Friday, May 25, 2018 10:21 PM
To: WBTFrontDesk <wbt@whitebeartownship.org>
Subject: Public Works Department

ATTN: Dale REED:

I have been living here over 2 + years now and have not seen any repairs of worth on our poor condition of roads in our development. Why is that? I know the squeaky wheel gets the grease so I am being the squeaky wheel here and asking for our horrible potholed roads to be resurfaced ,, not just some hot patch throw on it and then with the next rain fall they are back to being pot holes! We pay high taxes for not a lot of service in this small township, I would expect better wouldn't You?

PLEASE LET ME KNOW WHEN I CAN SEE SOME IMPROVEMENT TO OUR ROADS HERE THANK YOU!!

Janet E. Butler
5901
Bayberry Drive
WB. TWSP. 55110

Patti Walstad

From: Katy Robinson <katedokter@gmail.com>
Sent: Monday, June 4, 2018 10:23 AM
To: WBTFrontDesk
Subject: Potholes and Street sweeping?

Hello! I live on Bayberry drive and I am wondering about the number of potholes that haven't been filled at all yet? And also about when the street sweepers might be coming to clean up the roads? It is hard to walk along the edge of the roads in places with so many potholes and gravel.

Thank you

Patti Walstad

From: Dale Reed
Sent: Saturday, June 16, 2018 12:39 PM
To: Bill Short
Cc: 'James E. Studenski'; Pete Tholen; Paul Peltier; Patti Walstad
Subject: Fw: Screenshot 2018-06-08 at 7.30.12 AM
Attachments: Image-1.jpg; ATT00001.txt

Bill,

Another complaint from the Red Pine area to log with the ongoing list.

Dale

From: rmurphy@vascudyne.com <rmurphy@vascudyne.com>
Sent: Friday, June 8, 2018 7:32 AM
To: Dale Reed
Subject: Screenshot 2018-06-08 at 7.30.12 AM

Hi Dale,

Just thought I would resend what I have already mentioned in the past about the road conditions on pintail lane. Apparently there are other roads within our same development having similar issues. There have been times where the road peels away when saturated.

Please consider this a formal complaint about the road conditions.

Rick Murphy
5908 pintail lane
763-645-4609

Patti Walstad

From: Dale Reed
Sent: Saturday, June 16, 2018 12:41 PM
To: Bill Short
Cc: 'James E. Studenski'; Pete Tholen; Paul Peltier; Patti Walstad
Subject: Re: Screenshot 2018-06-08 at 7.30.12 AM

FYI, I did not tell anyone that the Town could move the project from 2023 to 2018, just in case there was any questioning my response to whomever created the attached document.

Dale

From: Dale Reed
Sent: Saturday, June 16, 2018 12:39 PM
To: Bill Short
Cc: 'James E. Studenski'; Pete Tholen; Paul Peltier; Patti Walstad
Subject: Fw: Screenshot 2018-06-08 at 7.30.12 AM

Bill,

Another complaint from the Red Pine area to log with the ongoing list.

Dale

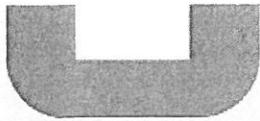
From: rmurphy@vascudyne.com <rmurphy@vascudyne.com>
Sent: Friday, June 8, 2018 7:32 AM
To: Dale Reed
Subject: Screenshot 2018-06-08 at 7.30.12 AM

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Please consider this a formal complaint about the road conditions.

Rick Murphy
5908 pintail lane
763-645-4609



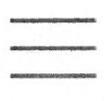
★★★★☆

GET — On the App Store

VIEW

🔍 Search Nextdoor

Invite



Post in General



Gianna Ianos, Oneka



Our Development road conditions?

hello everyone: I have reported the very pot holed road conditions of our 30+ year old roads.

According to Dale Reed head of Public Works if our community all speaks up and sends a complaint to the Public Works Department in White Bear township then the resurfacing project will be moved up from 2023 to 2018!!! I need all of you to send a quick email requesting the resurfacing project be moved up!!! The squeaky wheel gets the grease and we all need to be very squeaky now!!!

3d ago · Oneka in General



**Town Board Executive Meeting
July 27, 2018**

Agenda Number:

1:00

Subject:

White Bear Lake Fire Department Presentation –
Meet with New Fire Chief & City Manager

Documentation:

None

Action / Motion for Consideration:

Presentation / Discuss



**Town Board Executive Meeting
July 27, 2018**

Agenda Number: 13.a

Subject: Trails

a. Lake Links

Documentation: Emails

Action / Motion for Consideration:

Report at Meeting / Discuss

Bill Short

LAKE LINKS - SOUTH SHORE ROAD

From: Lux, Joseph <Joseph.Lux@CO.RAMSEY.MN.US>
Sent: Thursday, July 12, 2018 8:08 AM
To: Richter, Ellen; Bill Short; Jesse Farrell; Mark Burch; Anne Kane; Tom Riedesel; Huffman, Blake; Reinhardt, Victoria; Yonke, Scott; Jaschke, Kathy; Schoenecker, Ted; Hinzman, Craig; Baar, Daniel D
Subject: South Shore Boulevard- Next Step
Attachments: MS 160.14.pdf

Hi, Everyone:

As you know, we received legislative funding to move forward with the Lake Links Trail project on South Shore Boulevard. In order for any project to be built, it's necessary to establish what our right of way is so we can determine correctly what impacts to private property would be and plan accordingly.

County Surveyor Craig Hinzman has proposed that we document the established road right of way under Minnesota Statute 160.14 (copy attached). He and the Survey staff have researched the matter and have found documentation that supports that there is a 66' wide right of way corridor that corresponds very closely to the existing road. We plan to begin the process of documenting that and following the statute to establish the right of way boundary.

We think that this will most accurately reflect the correct right of way and most closely correspond to property owners' expectations of where the right of way is. It is worth noting that this is a highway easement so the underlying ownership of the land will not be affected. Also, a preliminary review indicates that there are not any conflicts with structures in the right of way corridor that would be established under this method. We will notify residents that survey work will be going on and we will have an open house once the survey work is done so that residents can review the results.

We're confident that this is the fairest and most efficient method to accurately document the road right of way and do not expect any significant issues to arise. There may be some small areas that will need to be released after establishment of the corridor and there may be some areas where we'll have to allow a particular use by permit, but the initial review indicates that any issues will be very minor. We met earlier this week with Jim Mogen, of the County Attorney's office and Keith Crocker, of MnDOT surveys, who has experience with establishing right of way corridors under the statute, to review the process and they are comfortable with it and gave us direction on how to correctly proceed. Please let us know if you have questions or comments.

Joe Lux

Joseph Lux
Senior Transportation Planner
Ramsey County Public Works
1425 Paul Kirkwold Drive, Arden Hills, MN 55112
651-266-7114

 RAMSEY COUNTY

LAKE LINKS - NORTH SHORE (HWY 96)

Bill Short

From: Josephson, Adam (DOT) <adam.josephson@state.mn.us>
Sent: Thursday, July 12, 2018 10:26 AM
To: Karen & Steve Wolgamot
Cc: Bill Short; Ellen Richter; 'Jesse Farrell'; Tom Riedesel; 'Bob Nuffort'; 'Jim Cuff'; 'Mike Brooks'
Subject: RE: Survey

I talked to the surveyor they will work it into their schedule, somewhat as filler work. As you can image this is their busy season. He thought they should be able to do this surveying sometime in August.

Steve, if I get some advance notice of when they are planning to be out there I will let you know

Adam Josephson
MnDOT – Metro East Area Manager

From: Karen & Steve Wolgamot [mailto:kwolgamot@comcast.net]
Sent: Thursday, July 12, 2018 9:59 AM
To: Josephson, Adam (DOT) <adam.josephson@state.mn.us>
Cc: Bill Short <bill.short@whitebeartownship.org>; Ellen Richter <erichter@whitebearlake.org>; 'Jesse Farrell' <jfarrell@whitebearlake.org>; 'Tom Riedesel' <Tom.Riedesel@whitebeartownship.org>; 'Bob Nuffort' <bnuffort@me.com>; 'Jim Cuff' <jcuffers@yahoo.com>; 'Mike Brooks' <nebikewalk@gmail.com>
Subject: Survey

Adam – thanks to you and to MNDOT for your willingness to put the MN 96, Pacific to 244 and MN 244, 96 to Meadow, on the surveying schedule. Occasional marking of the right of way on the lake side in those areas will help everyone to understand where the public ground is, and will also help Township, White Bear Lake, Dellwood and Lake Links in planning for what comes next. I look forward to hearing when the crew can begin work.

Our cooperation from MNDOT has been, and remains, first rate, and we appreciate it.

Steve Wolgamot



Town Board Executive Meeting July 27, 2018

Agenda Number: 13.b

Subject: Trails

b. Bald Eagle Boulevard

Documentation:

Action / Motion for Consideration:

Report at Meeting / Discuss

Minutes
Executive Meeting
June 22, 2018

TRAILS: 1) LAKE LINKS; 2) BALD EAGLE BOULEVARD: The Town Board has authorized four speed boards to be placed on Bald Eagle Boulevard. The signs have a total estimated cost of \$15,078 and will arrive in approximately four weeks. The signs are solar activated. The signs will be placed there for two months.



Town Board Executive Meeting July 27, 2018

Agenda Number: 14

Subject: Review of Utility Billing Cycle

Documentation: Finance Officer Memo

Action / Motion for Consideration:

Finance Officer Report at Meeting / Discuss

Minutes
Utility Commission Meeting
June 14, 2018

REVIEW OF UTILITY BILLING CYCLE: The Finance Officer reported that the Town's current billing cycles are March-May (1st quarter); June-August (2nd quarter); September-November (3rd quarter); and December-February (4th quarter). The reason for the billing cycles is that prior to 1993 townships in Minnesota had a fiscal year of March to February. In 1993 the fiscal year for townships changed to a calendar year but White Bear Township never changed its billing cycles. Some of the reasons to consider changing to a calendar cycle are:

1. Currently the finance staff has to accrue (estimate and record) December billing revenue. Changing to a calendar cycle eliminates this estimate.
2. Reporting water usage recorded in the annual water audit and DNR reports are recorded as of December 31st, but the Town's billing readings are as of November 30th with an estimated December usage. The change brings these readings into sync.
3. As the Town considers different methods to encourage water conservation, if it were determined to have a summer water rate, the calendar billing cycle lines up better with summer months than the currently billing cycles.
4. All other State and Federal reports are recorded and due based on calendar quarters.

There is nothing requiring the Town to change to calendar quarterly billing cycle, but the best reason to change is the annual water audit and DNR reports being on a calendar basis and having the billing reading to coincide with those reports.

In addition, there is no requirement that the Town bill quarterly. The Town could bill monthly or every two months. While both of these would provide for better cash flows and more frequent and real time reads, which would allow residents to adjust their water usage more quickly, the cost and staff time required to process the bills and payments outweighs the benefits. To implement the possible change

to a calendar quarter, the Town would bill four months in the September-December billing cycle and then go back to the normal three-month bill of January, February and March to start the year.

Water Meter Reading: Currently it takes two Public Works employees 1-1/2 days to read the meters and finance one day to produce the bills. The Town Board recently approved the purchase of a VGB station for automated meter reading which will reduce the reading effort to one public works employee for ¾ of a day. The Public Works Director recommends that the Town participate in a cost-share purchase with the City of Hugo. The VGB can be placed on the passenger side or in a rear seat in a vehicle with a portable antenna mounted on the exterior.

McCune moved to recommend to the Town Board that the utility billing cycles be changed to a calendar year cycle which would be in sync with annual water audit and DNR reports which are recorded as of December 31st, and noting that to implement the change to a calendar quarter, the Town would bill four months in the September-December billing cycle and then go back to the normal three month bill of January, February, and March to start the year. Hesse seconded. Ayes all.

UTILITY BILLING CYCLES

The Town's current utility billing cycles currently are, March – May (1st quarter), June – August (2nd quarter), September – November (3rd quarter), and December – February (4th quarter). The reason for this is prior to 1993 Townships in Minnesota had a fiscal year of March to February. In 1993, the fiscal year for townships changed to a calendar year, but the Township never changed its utility billing cycles. Some of the reason to change to a calendar cycle are as follows;

1. Currently the finance staff has to accrue (estimate and record) December billing revenue. Changing to a calendar cycle eliminates this estimate.
2. Reporting water usage recorded in the annual water audit and DNR reports are recorded as of December 31st but our billing readings are as of November 30th with an estimated December usage. The change brings these readings into sync.
3. As the Town considers different methods to encourage water conservation, if it were determined to have a summer water rate, the calendar billing cycle lines up better with summer months than our current billing cycles.
4. All other State and Federal reports are recorded and due based on calendar quarters.

While there is nothing requiring the Town to change to calendar quarterly billing cycle, the best reason to change is the annual water audit and DNR reports being on a calendar bases and having our billing reading coincide with those reports.

In addition, there is no requirement that we bill quarterly. The Town could bill monthly or every two months. While both of these would provide for better cash flows and more frequent and real time reads, which would allow residents to adjust their water usage more quickly. The cost and staff time required to process the bills and payments outweighs the benefits.

To implement the possible change to a calendar quarter, the Town would bill 4 months in the September – December billing cycle and then go back to the normal three-month bill of January, February, and March to start the year.



**Town Board Executive Meeting
July 27, 2018**

Agenda Number: 15

Subject: Employee Health Insurance

Documentation: Finance Officer Memo w/ attachment

Action / Motion for Consideration:

Report at Meeting / Discuss

MEMORANDUM

Date: July 18, 2018.

To: Town Board.

From: Tom Kelly.

Re: Health Insurance Options.

The Town's personnel policy requires all employees to participate in the Town's health insurance program. This requirement means all employee must sign up for at least single coverage even if an employee can be covered under a spouses' insurance plan. The union employees (public works) are covered under the 49er's insurance program. This program required 100% of employee to participate in their health insurance program. The non-union employees are covered in the Public Employees Insurance Program (PEIP), which does allow employees to not participate if they have coverage from a spouse. Again, the Town's policy does not allow employee to opt out. The Town pays 100% of single coverage premiums and 75% of employee plus one and family coverage (see attached for current premium costs). One non-union employee is enrolled in Medicare. Since PEIP does not offer Medicare supplement insurance, that employee needed to opt out of PEIP. The Town reimburses that employee for their single Medicare supplement insurance premium.

The Town has received a request to change the personnel policy to allow staff in the PEIP program to opt out of the program and be covered under their spouse's health insurance program. If allowed to opt out of the program, they are also requesting to be reimbursed by the Town the equivalent of the Township's portion of their monthly premium. A survey done of other non-union employees indicated that, if employees could opt out, at least three others would do so. This would reduce the total group of non-union employees remaining in the PEIP health insurance program to 2 or 3 employees.

The Board needs to consider the following if this change to the personnel policy is approved.

- PEIP is about the only health insurance program to allow employees to opt out of the program and if the Town allows employees to opt out to offer the remaining employees health insurance coverage, PEIP would be the only option for the Town.
- If employees opt out of the program, should the Town reimburse or pay the employee some benefit amount and if so what is the appropriate reimbursement amount.
- The Township could save money if the reimbursement to employees is less than the current Township portion of premium paid.

- Reimbursement amount (if any) would need to be determined, but should not exceed the single coverage premium amount.

Discuss the request to opt out of Town's PEIP health insurance program and possible reimbursement.

2018 Health Insurance Costs

# Of Employees	Total Premium	Employee Contributic	Town Contributic	Town HSA Contribution
2	\$871.44	\$87.62	\$783.82	N/A
	\$1,816.42	\$592.36	\$1,224.06	N/A
	\$2,414.80	\$787.69	\$1,627.11	N/A
1	\$783.82	\$0.00	\$783.82	0.00
	\$1,632.08	\$408.02	\$1,224.06	0.00
1	\$2,169.48	\$542.37	\$1,627.11	0.00
4	\$599.34	\$0.00	\$599.34	\$184.48
	\$1,244.68	\$20.62	\$1,224.06	\$0.00
1	\$1,652.94	\$25.83	\$1,627.11	\$0.00

# Of Employees	Total Premium	Employee Contributic	Town Contributic	Town HSA Contribution
9	\$1,240.00	\$134.50	\$1,105.50	N/A



**Town Board Executive Meeting
July 27, 2018**

Agenda Number: 16

Subject: September 3rd Meeting Date Change Due to Holiday (Labor Day) & November Executive Meeting Date Change Due to Holiday (Thanksgiving)

Documentation: Calendars

Action / Motion for Consideration:

Report at Meeting / Discuss

SEPTEMBER 2018

HERITAGE HALL, 4200 OTTER LAKE ROAD

Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	1
2	3 Labor Day	4	5 TB Mtg-?	6 Public Safety Comm Mtg	7	8 Township Day
9	10	11 EDAB Mtg	12	13 Utility Comm Mtg	14	15
16	17 EDA/TB Mtg 1) Benson Operation Plan 2)Comm Recomm	18	19	20 Park Bd Mtg	21 Exec Mtg 1) DNR 2) Qtrly EDA Fund RE-view	22
23	24	25	26	27 Planning Comm Mtg	28	29
30						

NOVEMBER 2018

HERITAGE HALL, 4200 OTTER LAKE ROAD

Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1 Public Safety Comm Mtg	2	3
4	5 TB Mtg	6	7	8 Utility Comm Mtg	9	10
11 Veteran's Day	12 Holiday	13 EDAB Mtg	14	15 Park Bd Mtg	16 Exec Mtg-?	17
18	19 EDA/TB Mtg 1)Comm Recomm	20	21	22 Thanksgiving Day	3 Holiday	24
25	26	27	28	29	30	



**Town Board Executive Meeting
July 27, 2018**

Agenda Number: 17

Subject: Public Works Report

Documentation: None

Action / Motion for Consideration:

Report at Meeting / Discuss



**Town Board Executive Meeting
July 27, 2018**

Agenda Number: 18.a

Subject: Code Enforcement Officer Report/Building Inspector Items.

- a. 5966 Highway 61 (formerly Zappa's Sporting Goods) - Violations

Documentation: Code Enforcement Officer Correspondence

Action / Motion for Consideration:

Receive Information / Discussion

MEMORANDUM

TO: TOWN BOARD
FROM: MIKE JOHNSON
DATE: JULY 13, 2018

SUBJECT: 5966 HIGHWAY 61

The Town approved the zoning certificate for Zappa Sports on June 6, 2005. A conditional certificate of occupancy was issued upon completion of the building contingent on the completion of the approved landscape plan, final lift on the parking lot, ADA accessible parking, and the completion of the ADA accessible route to the building.

The facility has now been vacant for several years. The conditions stated in the conditional certificate of occupancy have never been completed. The continued storm water infiltration beneath the parking surface and the continued lack of property maintenance has resulted in a blighted property.

The property was determined to be vacant by Township Ordinance definition on May 25, 2017. Several notices have been sent informing the property owner of the violations on the property.

Currently there is a proposal to change the use of the property. The proposed use will require an ordinance amendment and a conditional use permit.

ABATEMENT NOTICE

July 18, 2018

Theodore & Patricia Steichen
411 Oak Creek Dr S
Vadnais Heights, MN 55127-7017

Dear Mr. & Mrs. Steichen,

Your property located at 5966 Highway 61 has been declared a public nuisance under the jurisdiction of White Bear Township, Town Ordinance No.16, Section 4-4.

An abatement deadline has been set for no later than June 10, 2018. The following Town Ordinances were determined to be in violation by the Town Code Enforcement Officer:

Town Ordinance No. 41, Section 1 - All yards shall be maintained with an average grass height of not more than eight inches.

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

Failure to abate said nuisance, or failure to submit a written request for a public hearing, shall cause the Township to exercise its right to abate said nuisance and recover such abatement costs, plus an additional 25% of the authorized expenditures. All costs shall be assessed as a lien against the property.

Respectfully,

Mike Johnson
Building Official/Code Enforcement Officer

Cc: site posted

March 21, 2018

FMB Properties LLC
C/O Theodore L Steichen
411 Oak Creek Dr S
Vadnais Heights, MN 55127-7017

RE: Zoning Certificate Compliance

Dear Mr. Steichen:

On June 6, 2005, the Town issued a Permitted Use Zoning Certificate for the construction of Zappa Sports located at 5966 Highway 61. The Zoning Certificate was issued contingent upon several requirements.

Item #1 requires the completion of the approved Site, Landscaping & Elevation Plan dated April 12, 2005. Additional shrubbery, conifer, and deciduous trees are required.

Item #10 requires compliance with all state and local building and zoning codes. The parking lots second lift must be completed. Striping of the parking lot must be done. An ADA parking space is required and must be identified with installation of the required signage.

The facilities ability to obtain a Township Business License is suspended until compliance with the June 6, 2005 Permitted Use Zoning Certificate is completed and a Certificate of Occupancy is issued.

Respectfully,

Mike Johnson
Building Official/Code Enforcement

Enclosure

Cc: Pete Farrell, KW Commercial Midwest
Zappa Sporting Goods - 5966 Highway 61



**Town Board Executive Meeting
July 27, 2018**

Agenda Number: 18.b.

Subject: Code Enforcement Officer Report/Building Inspector Items.

- b. 4221 White Bear Parkway (Wilbert Plastics) - PUS Compliance

Documentation: Code Enforcement Officer Correspondence

Action / Motion for Consideration:

Receive Information / Discussion

March 20, 2018

Wilbert Plastic Services
Attention: Plant Manager
4221 Otter Lake Road
White Bear Township, MN 55110

RE: Zoning Certificate Compliance

Dear Plant Manager:

On July 18, 2016, the Town issued a Permitted Use Zoning Certificate for the installation of a second chilling tower located on the North exterior of the building. The Zoning Certificate was issued contingent upon several requirements.

Item #6 of the Zoning Certificate requires the installation of a sound barrier to dissipate the noise produced by the additional chilling tower. It appears the chilling tower has been in operation for several months without completion of the sound barrier.

Item #8 of the Zoning Certificate requires compliance with all state and local building and zoning codes. Proper separation from the potable water supply and the cooling system must be provided through an air gap or the proper back flow prevention device. Town inspection staff must verify this application.

Wilbert Plastic Services Town Business License will not be approved until compliance with the July 18, 2016 Permitted Use Zoning Certificate is completed and the required business license inspection is approved.

Respectfully,

Mike Johnson
Building Official/Code Enforcement

Enclosure

Cc: Craig Scheel, Maintenance Manager – email craig_scheel@wilbertinc.com
Wilbert Plastics, Attention: Chief Financial Officer, 2001 Oaks Pkwy, Belmont, NC 28012



**Town Board Executive Meeting
July 27, 2018**

Agenda Number: 18.c.

Subject: Code Enforcement Officer Report/Building Inspector Items.

- b. 5734 Meadowview Drive – Housing Code Violations

Documentation: None

Action / Motion for Consideration:

Receive Information / Discussion

**Minutes
Executive Meeting
April 27, 2018**

CODE ENFORCEMENT OFFICER / BUILDING INSPECTOR ITEMS: 2) 5734 MEADOWVIEW DRIVE – HOUSING CODE VIOLATIONS: 5734 Meadowview Drive: Mr. Williams has most of the items resolved and a lot of the cleanup is done. Mr. Williams said he completed the shingles on the bay window yesterday and he has the paint for the trim. The next court date is June 21, 2018. Hopefully everything will be completed by that date.



Town Board Executive Meeting July 27, 2018

Agenda Number: 19

Subject: Clerk-Treasurer Report

Documentation: None

Action / Motion for Consideration:

Town Clerk Report at Meeting / Discuss

Minutes
Executive Meeting
June 22, 2018

CLERK-TREASURER REPORT: 1) GREATER WHITE BEAR LAKE COMMUNITY FOUNDATION:

An article from the October 4, 2017 issue of the White Bear Press relating the Greater White Bear Lake Community Foundation grant awards was reviewed. The GWBL Community Foundation awards grants to projects and programs of area organizations that align with its mission of inspiring philanthropy and enriching the lives of people who live in the communities it serves. Of the \$32,200 grant funding available 20 programs received foundation awards. There will be a second grant round this year. The Township is encouraged to be part of the program if there are any projects which would quality.

There was discussion regarding concerns regarding the deterioration of roads. The oil decomposes and the road erodes. Some streets were built in the 90's and are overdue for restoration work. Condition of Township streets should be a regular topic at the Town Board Executive meetings. It was the consensus that the Town needs to get more proactive.

At the next Executive Meeting the Finance Officer will provide funding information for funding street improvements.



**Town Board Executive Meeting
July 27, 2018**

Agenda Number: 20 - 21

Subject: Open Time

Added Agenda Items

Action / Motion for Consideration:



**Town Board Executive Meeting
July 27, 2018**

Agenda Number: 22 – 23

Subject: Receipt of Agenda Materials / Supplements
Adjournment

Action / Motion for Consideration:

Receive All Agenda Materials & Supplements for Today's Meeting
Adjourn Meeting