



**Town Board
Meeting Supplement
January 23, 2019**

Supplemental Information Only:

5.C.2 Park Board Recommendations

2. Approve the Kayak Storage Policy with Fees & Placement of a Sign on the Rack

Revised Policy

8.A.1 Lake Links Trail – Highway 96 Section, North of White Bear Lake

1. Approve the Joint Powers Agreement with the City of White Bear Lake

Revised Paragraph 3

8.B.3 2019 Street Improvement Projects:

3. Assessment Policy Discussion

Larry Poppler Email w/attachments /
Current Special Assessment Policy

**Town Board
Meeting Supplement
January 23, 2019**

Supplemental Agenda Information:

Agenda Number: 5.C.2

Subject: Park Board Recommendations

2. Approve the Kayak Storage Policy with Fees & Placement of a Sign on the Rack

Documentation: Revised Policy

Action / Motion for Consideration:

Report at Meeting / Discuss

5.C.2



KAYAK STORAGE POLICY

BACKGROUND

The storage of kayaks at Township parks for resident convenience has been determined to be beneficial.

PURPOSE

The intent of this policy is to allow the users of Summit Lane and Bellaire Beach the convenience of storing their kayak at these locations when not in use.

POLICY

Kayaks not in use must be stored in racks, and must be properly licensed and registered with the Town. All kayaks must have a permit displayed on their watercraft in the form of a sticker obtained at the Town Offices. The cost of the permit is \$20.00 and must be renewed annually. Kayaks cannot be placed on the racks until a permit has been purchased and a slot assigned. The Season officially opens May 1st and closes November 1st each year, with registration opening March 1st.

Kayaks placed on the racks prior to May 1st and after November 1st and/or without a permit will be impounded at the owner's expense. There is a fee of \$50.00 for residents using racks without a permit, and a fee of \$100.00 for all watercraft kayak that must be removed by the Town due to lack of a permit or failure to remove a kayak ~~prior to~~ after November 1st.

To register your kayak for a slot, complete the application (below) and deliver to the Town Offices with a \$20.00 check to select your spot (first come first serve).

Adopted by the Town Board on January 23, 2019.

**Town Board
Meeting Supplement
January 23, 2019**

Supplemental Agenda Information:

Agenda Number: 8.A.1

Subject: Lake Links Trail – Highway 96 Section, North of White Bear Lake

1. Approve the Joint Powers Agreement with the City of White Bear Lake

Documentation: Revised Paragraph 3

Action / Motion for Consideration:

Report at Meeting / Discuss

S.A.1 change

all communications with SEH and shall provide the City with regular progress reports. The Town shall inform the City of any meetings with any third party, including County or MNDOT. It is understood that the City has the right to send representatives to said meetings.

3. Before submitting any plans for proposals to either the County or MNDOT, representatives of the Town and City shall meet and agree upon a joint plan for the proposed design. In the event the plans or proposals must be submitted to meet a deadline and the Town and City are unable to confer prior to that deadline. Then in that event, the Town is hereby authorized to submit on behalf shall obtain the consent of the City these plans and proposals approved by the Town Manager prior to submitting the plans. Prior to such submission the Town shall provide the City with a copy of said submissions.

4. All expenses charged by SEH in connection to the contract shall be shared equally between the Town and City. SEH shall forward all invoices to the Town. The Town shall then forward copies of all invoices together with a statement with the City's share of expenses. The City shall review the invoices and in the event any questions are raised regarding the invoices, the City shall within ten days of the Town mailing the invoices provide the Town written detailed objections. Concerning those invoices to which the City raises no objection, the City shall immediately issue a check to the ~~Township~~ Town within seven business days for its share of the costs. In the case of those invoices to which the City objects, no payment for the disputed amount shall be made to SEH by either the Town or the City until such a time as the objections are resolved. It is hereby understood that all payments due under the SEH contract shall be the responsibility of the Town.

5. The financial obligations of the City and Town for the initial engineering to be performed by SEH under the agreement attached as Exhibit A shall not exceed a combined total of \$22,000, unless the City and Town agree in writing to a change in the scope of the work. Any additional work to be performed under this Agreement must be agreed to by the parties in writing prior to undertaking such work. Any such agreements for additional work shall be attached hereto and made part of this Agreement.

6. ~~5.~~ The Town and City shall each be responsible for their own acts and omissions and the results thereof to the extent authorized by law. The Town and City's liabilities are subject to statutory liability and limits. The limits and liability for the Town and City may not be added together to determine the maximum amount of liability for either party.

7. ~~6.~~ This Agreement shall remain in full force and effect until all necessary government approvals and permits are obtained for construction of the Trail. No amendment to this Agreement shall be effective unless an amendment is reduced to writing and said written document is approved by both the Town and City.

IN WITNESS WHEREOF, the Town of White Bear and the City of White Bear Lake have

**Town Board
Meeting Supplement
January 23, 2019**

Supplemental Agenda Information:

Agenda Number: 8.B.3

Subject: 2019 Street Improvement Projects:

3. Assessment Policy Discussion

Documentation: Larry Poppler Email w / attachments /
Currently Special Assessment Policy

Action / Motion for Consideration:

Report at Meeting / Discuss

8.B.3.

Patti Walstad

From: Pat Christopherson
Sent: Tuesday, January 22, 2019 12:56 PM
To: Patti Walstad
Subject: FW: Assessment Percentage Scenarios
Attachments: Assessment percentage scenarios.xlsx

For exec comm Friday

From: Larry Poppler <larry.poppler@tkda.com>
Sent: Tuesday, January 22, 2019 11:50 AM
To: Pat Christopherson <Pat.Christopherson@whitebeartownship.org>
Cc: James E. Studenski <jim.studenski@tkda.com>; Dale Reed <Dale.Reed@whitebeartownship.org>; Tom Kelly <Tom.Kelly@whitebeartownship.org>
Subject: Assessment Percentage Scenarios

Patrick,

The assessment policy does not cite a specific percentage. Therefore an amendment to the policy is not necessary. However, as a matter of practice we should determine a percentage and then be consistent. I have prepared the attached analysis showing how the percentage impacts the assessment rates, tax levy, etc for reconstruction and mill and overlay.

It should be noted that it is assumed that the storm water fund would be contributing to these projects to upgrade the storm sewer within these project areas. This will have a strong impact to the stormwater fund. If the stormwater fund is to be leveraged for these projects, a 70% assessment rate could be used and still meet the benefit test. If the stormwater fund is not to be used, the 50% rate seems appropriate.

Please review and call me if you have any questions. As discussed, we will suggest that the Board review the assessment policy as a part of the Executive Board Meeting on Friday.

Thanks,

 **Larry Poppler** | Group Manager, Municipal Engineering
Professional Engineer: MN
444 Cedar Street, Suite 1500, Saint Paul, MN 55101
P 651.292.4457 | C 952.292.1098
larry.poppler@tkda.com
tkda.com

Recommended Yearly Improvements

	Water Fund	Sanitary Sewer Fund	Storm Sewer Fund	Total Cost	Assumed Units
0.7 Miles of Reconstruction at \$12/SF	\$ 21,945	\$ 21,945	\$ 292,600	\$ 1,330,000	70
1.4 Miles of Mill and Overlay at \$4/SF	\$ 36,975	\$ 36,975	\$ 14,790	\$ 725,000	140
	\$ 58,920	\$ 58,920	\$ 307,390	\$ 2,055,000	

Budget Impacts by Assessment Percentage

Assessment Percentage	Total Cost	Water Fund	Sanitary Sewer Fund	Storm Sewer Fund	Assessments	Assessment Rate Reconstruction	Assessment Rate M & O	Tax Levy
40%	\$ 2,055,000	\$ 58,920	\$ 58,920	\$ 307,390	\$ 651,908	\$ 5,677	\$ 1,818	\$ 977,862
50%	\$ 2,055,000	\$ 58,920	\$ 58,920	\$ 307,390	\$ 814,885	\$ 7,097	\$ 2,272	\$ 814,885
60%	\$ 2,055,000	\$ 58,920	\$ 58,920	\$ 307,390	\$ 977,862	\$ 8,516	\$ 2,727	\$ 651,908
70%	\$ 2,055,000	\$ 58,920	\$ 58,920	\$ 307,390	\$ 1,140,839	\$ 9,935	\$ 3,181	\$ 488,931
80%	\$ 2,055,000	\$ 58,920	\$ 58,920	\$ 307,390	\$ 1,303,816	\$ 11,354	\$ 3,636	\$ 325,954
90%	\$ 2,055,000	\$ 58,920	\$ 58,920	\$ 307,390	\$ 1,466,793	\$ 12,774	\$ 4,090	\$ 162,977
100%	\$ 2,055,000	\$ 58,920	\$ 58,920	\$ 307,390	\$ 1,629,770	\$ 14,193	\$ 4,545	\$ -

SPECIAL ASSESSMENT POLICY FOR STREET IMPROVEMENTS

Background:

The Town of White Bear has adopted an Assessment Policy for the purpose of establishing a stable and continuing source of funding to accommodate repair and reconstruction of the Town's streets. Minn. Stat. § 429 grants the Town the authority to make public improvements such as streets, sanitary sewers, storm sewers, and water systems. The statute sets forth the procedure for assessing the property benefitted by the improvement. The statute places on the Town the responsibility, with the assistance of the Town Engineer, Town Attorney, and Appraisers or other qualified personnel, the duty to establish an equitable method for cost sharing among the properties benefitted.

Purpose:

The purpose of this Policy is to assure uniform and consistent treatment of affected properties when preparing assessment rolls.

Policy:

- Assessable Costs
The assessable costs of an improvement shall be defined as those costs in which the Town Board, after due consideration, determines are related to the proposed improvement and the benefits derived from the improvement. The "Assessable Costs" should include the total estimated construction cost plus Town administrative costs, engineering, legal, fiscal, interest accrued during construction, assessment roll preparation and contingencies. Because the amount assessed is related to the benefit received, the appraisal report is a guide to the amount of costs that can be assessed.

- Assessment Period and Interest
Assessments are to be collected in equal annual installments over a period of time determined by the Board but not to exceed 30 years. The interest rate is determined at the discretion of the Town Board.

- Land Use
Any reference to Zoning Classifications shall mean and refer to the most current approved zoning map available at the time assessment proceedings commenced.
- Assessment Area
The area to be assessed as determined by the Town Engineer and approved by the Town Board will be the area benefitted by the proposed improvement project.

Assessment Method:

- Single Family Residential Unit Method
This method is used for single dwelling residential properties. A unit shall be defined as one buildable lot consistent with the Town of White Bear's zoning, building and subdivision ordinances. Except as noted below, a Lot; no matter its shape shall all be treated as one unit.
 - A. Corner Lot: A lot located at a street intersection having both front and side-lot footage shall be assessed 1/2 unit for each side that abuts an improved street. If a driveway abuts both streets and only one street is being improved then the lot will be assessed 1/2 unit.
 - B. Double Frontage Lot: A lot with access to two separate non-intersecting or intersecting streets but not a corner lot may be assessed for any street improvement that it has direct access to. The assessment for this type of Lot shall be established on a case by case basis.
 - C. Irregularly Shaped Lot: Those lots abutting curved streets, cul-de-sacs, or other lots where there is more than five feet of difference in length between the front and back lot shall be assessed per unit.
 - D. Special Case Lot Residential: A lot which does not directly abut the improvement but benefits from the improvement shall be assessed on a per unit basis.
- Multi-Family Area Method
Where there are existing units, the amount assessed per unit shall be 60% of the amount assessed against single-family residential units. If the property is vacant but zoned for multi-family, the assessment shall be the number of residential units allowed by the Zoning Ordinance in force at the time the Assessment proceedings have commenced multiplied by 60%

of the amount assessed against single family residential units in the project.

- Tax Exempt (non-profits, churches, schools, organizations, groups) Equivalent Assessment Rate
 - A. Tax exempt properties with frontage abutting a street shall be assessed on a per unit basis, front foot basis or an area basis. The Town Board shall choose the method it finds to be most equitable.
 - B. The rate shall apply, regardless of the street's classification (local, collector, arterial, trunk highway); designation (County State-Aid Highway), or jurisdiction (state, county or township).

- Commercial/Industrial Equivalent Assessment Rate/All Other Zoning Classifications Assessment Rate
 - A. Commercial/Industrial properties with frontage abutting a street improvement project shall be assessed on a unit, front foot, area, or other basis that the Town Board finds to be most equitable.

- Special Benefit Test
 - A. No matter what method the Town uses to establish the amount of the assessment, the real measure of benefit is the increase in the market value of the land due to the improvement.
 - I. The land receives a special benefit from the improvement;
 - II. The assessment does not exceed the special benefit measured by the increase in market value due to the improvements as determined by the appraisal report; and
 - III. The assessment is uniform as applied to the same class of property, in the assessed area.
 - B. A special assessment that exceeds the special benefit is a taking of property without fair compensation and violates both the Fourteenth Amendment of the U.S. Constitution and the Minnesota Constitution. Property assessed must enjoy a corresponding benefit from the local improvement.
 - C. The assessment method should approximate market analysis. A formula that does not consider an analysis of the increase in market value of each parcel may be invalid. For example, a method that bases assessment amounts on the average cost of street improvement projects from previous years and doesn't take into consideration the cost of the currently proposed project has been found arbitrary and invalid on its face.

- The Amount of a special assessment cannot exceed the special benefit

- Land not included in the Assessment
The Town reserves the right to delete land within the assessable area from the Assessment rolls if, in the Town's opinion, the land cannot be developed and/or the improvement does not provide benefit at the time the Assessment Proceedings have commenced. The Town shall have the right to reassess the property at the time a plan to develop the property is presented to the Town. No permit shall be issued until a resolution certifying an assessment roll has been adopted.

- Certification of Assessment Roll
At the time the Assessment Rolls are adopted by the Town Board, the property owner may pay the entire assessment against their property in full at White Bear Township Administrative Offices, 1281 Hammond Road, within thirty (30) days without interest charged. Beyond thirty (30) days, but prior to certification to the County, full payment (principal plus interest from the Assessment Roll date) can be made at the White Bear Township Administrative Offices, 1281 Hammond Road. After certification of Assessment to the County is made, a resident may make a payment directly at the Ramsey County Government Center, 60 West Plato Boulevard, St. Paul. Interest charges apply effective from the date of Town Board approval of the Assessment Roll.

- Policy should reflect basic procedures of financing local improvements, taking into account past practice, equity, revenue productivity and acceptability.

- Appeals to the District Court
 - A. Within 30 days after the adoption of the assessment roll, a property owner who has properly objected to the assessment may appeal a special assessment to the district court. The property owner appeals by serving notice upon the Chair or Town and then filing the served notice with the district court within 10 days of that service.
 - B. If a Town's assessment is challenged in district court, the assessment roll constitutes initial proof that an assessment does not exceed the special benefit. The party contesting the assessment must introduce evidence sufficient to overcome that presumption. If the evidence as to the special benefit is conflicting, it is the responsibility of the district court to determine whether the assessment exceeds the market value increase and, if so, by what amount.

- C. The Town may coordinate the competitive bid process so that the actual work of the project may proceed after certification of the assessment roll and the 30-day appeal period is over. Because the time for appeals is over before the contract is issued, the Town will not need to cover potential budget shortfalls that may occur if a property owner successfully challenges a special assessment or the lowest bid comes in higher than expected.

The Town Board retains the right to review each project and to deviate from any portion of this Policy as it deems proper. Deviations may be made to take into account unique situations or those situations where application of the policy will produce unfair results.

Passed by the Town Board April 17, 2006.
Revised March 18, 2013