



**Town Board
Meeting Supplement
June 3, 2019**

Supplemental Information:

4. Approval of Minutes of May 20, 2019

Minutes

Revised Consent Agenda Item:

Revise Consent Agenda Item 5.A. to read as follows:

- 5.A. 2019 Archery Deer Hunt** – Approve the 2019 Ramsey County Cooperative Deer Management Implementation Program in the following Areas of White Bear Township:
1. Tamarack Nature Center on October 28-30 & November 18-20;
 2. Otter Lake Regional Park on October 11-13 & November 1-3;
 3. Poplar Lake County Park on October 11-13 & November 1-3.

Added Consent Agenda Item:

5.D. Ramsey-Washington Suburban Cable Commission 2018 Financial Report – Based on Finance Officer Review & Recommendation Receive & Accept the Ramsey-Washington Suburban Cable Commission's 2018 Annual Financial Report

Supplemental Information Only:

7.A - Conditional Use Permit Request – Three Oaks of White Bear Township – To Allow Modification of the Landscaping Plan

Planning Commission Minutes

7.B. - Side Yard Setback Variance Requests – Marilyn Svee @ 2630 South Shore Boulevard – To Allow Construction of a Garage & Driveway

Planning Commission Minutes / Variance Standards / Revised Plan

8.A. - Kent Jefferson, 514X West Avenue – Request for Minor Subdivision with Two 5' Lot Width Variances

Planning Commission Minutes

8.B. - Rick & Kim Lucio, 5691 Orchard Avenue – Request for a 10.4% Green Area Variance & a 142 Square Foot Lakeshore Accessory Square Footage Variance for Construction of an In-Ground Pool

Planning Commission Minutes

8.C. - Kevin & Julie Lund, 5932 Hobe Lane – Request for 14.6' Right-of-Way Setback Variance & Variance from Section 5-29 of Ordinance No. 8 to Exceed 1,000 Square Feet for Construction of a Garage

Planning Commission Minutes

8.D. - White Bear Maker Space, 5966 Highway 61 - Sign Permit Request

Planning Commission Minutes

8.F. - Portland Woods Storm Sewer:

1. Authorize Preparation of Plans & Specs
2. Authorize Advertisement for Quotes

Map of Area

Added Agenda Item:

9.A. - Sprinkling Regulation Change Requests

Weston Woods Homeowners Association & Southwind Townhouse Association Requests / Ordinance #12 Excerpt

**Town Board
Meeting Supplement
June 3, 2019**

Supplemental Information:

Agenda Number: 4

Subject: Approval of Minutes of May 20, 2019

Documentation: Minutes

Action / Motion for Consideration:

Report at Meeting / Discuss

Approve Minutes of May 20, 2019

**MINUTES
TOWN BOARD MEETING
MAY 20, 2019**

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

Present: Supervisors: Prudhon, Ruzek, McCune; Clerk: Christopherson; Attorney: Lemmons; Engineer: Poppler, Planner: Riedesel; Public Works Director: Reed.

APPROVAL OF AGENDA (Additions/Deletions): Ruzek moved to approve the agenda as submitted, with the revised Consent Agenda item 5E) Bald Eagle Boulevard – Adopt Resolution Ending Discussion of a “One-Way Parkway” on Bald Eagle Boulevard – Adopt revised Resolution; and the addition of Consent Agenda items 5I) Bald Eagle Yacht Club – Annual request for sailing course on Bald Eagle Lake; 5J) Records Retention Resolution; 5K) Special Town Board Meeting; and the tabling of New Business Items 8A) White Bear Maker Space, 5966 Highway 61 – Sign Permit Request; and 8B) Sign Ordinance Amendment – B-2 Zone, both for Planning Commission to look at first. McCune seconded. Ayes all.

APPROVAL OF PAYMENT OF BILLS: Ruzek moved to approve payment of bills. McCune seconded. Ayes all.

APPROVAL OF MINUTES OF MAY 6, 2019 (Additions/Deletions): Ruzek moved to approve of the Minutes of May 6, 2019 with a few minor corrections. McCune seconded. Ayes all.

CONSENT AGENDA: McCune moved to approve 5A) Conditional Use Permit request @ Three Oaks of White Bear Township – Call Public Hearing for Monday, June 3, 2019 @ 7:00 p.m. to consider a Conditional Use Permit request to modify the Landscaping Plan; 5B) Special Town Board Meeting – Call a Special Town Board Meeting for Friday, June 14, 2019 beginning @ 4:30 p.m. to attend Manitou Days Grande Parade; 5C) Two side yard setback variance requests @ 2630 South Shore Boulevard – Call Public Hearing for Monday, June 3, 2019 @ 7:00 p.m. to consider two 5’ side yard setback variance requests; 5D) Administrative Driveway Variance – In accordance with Town Ordinance No. 35, Section 9-6.3(e) & based on Staff review & recommendation & approval, ratify the Town Clerk’s Issuance of an Administrative Driveway Variance at 1630 Highway 96 East; 5E) West Bald Eagle Boulevard – Adopt Resolution Ending Discussion of a “One-Way Parkway” on Bald Eagle Boulevard; 5F) WBLCD 2018 financial report – Based on Finance Officer review & recommendation receive & accept the 2018 Financial Report of the White Bear Lake Conservation District; 5G) Right-of-Way Permit – Based on Town Engineer review & recommendation & including his recommended conditions, approve XcelEnergy Permit to install underground gas service for the residence at 5642 Aspen Lane including directional boring; 5H) Construction Activity Report – receive; 5I) Bald Eagle Yacht Club – annual request for sailing course on Bald Eagle Lake – notify the Ramsey County Sheriff’s Office Water Patrol Unit & the applicant of the Township’s approval of the 2019 Bald Eagle Yacht Club sailing course on Bald Eagle Lake; 5J) Records Retention Resolution – Adopt Resolution Adopting the Minnesota General Records Retention Schedule for the Town of White Bear; 5K) Special Town Board Meeting – Call a Special Joint Park Board/Town Board Meeting for Thursday, June 20, 2019 @ 5:30 p.m. to attend the annual park tour. Ruzek seconded. Ayes all.

OLD BUSINESS – ADMINISTRATIVE OFFICE UPGRADES – REVIEW SEH REVISED PLAN: The Clerk presented the two drafts about the reconfiguration of the Town Offices with

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security in mind to coincide with the Capital Improvement Projects that will be done this year by SEH. There will be new carpet, new tile, new paint, and new secure designs. There will be two doors, the counter will be ADA height proportioned. There was some discussion on safety, like making some of the office fob-access only. There was some discussion on making a small office space rather than a closet. There was discussion on getting sound proof windows or getting half-glass or full-glass windows at the counters with bullet proof glass for safety.

The Clerk reached out to SEH regarding the changes discussed at the May 6th Town Board Meeting. There was discussion of the doors and window area by the receptionist desk being half or all glass. The proposed office space will be doubled. There will be an added window to the lobby. The Clerk will submit with overall Capital Improvement Fund. The new updates will take out the back bathroom and make it an office supply storage area. There was discussion of updating the lighting to all LED. More updates to follow at the June 3rd Town Board Meeting.

JOE & CHARLOTTE MOTT, 3949 EAST COUNTY LINE ROAD NORTH – REQUEST FOR SECOND DRIVEWAY ACCESS:

Riedesel summarized the request and showed the visual map of the property. Mott's have driveway access by East County Line Road, but would like a second one off of Effress Road to park a mobile home on a cement slab in the off season. Effress Road leads to a water tower and holds snow in the right-of-ways in the winter. The plans show potential to have a garage structure as a future plan. The Motts are aware of the setback requirements. The Mott's were present for questions and discussion. Grading of the driveway was discussed. Mr. Mott explained that the driveway will be granite and there isn't any incline at that part of the yard so grading isn't necessary.

There was discussion of whether or not the Town would need to come up with an agreement for future owners. The attorney stated that shouldn't be necessary. Mrs. Mott explained that the Lilac bushes will be coming out so that should help for snow storage on the right-of-way as well.

Ruzek made the motion based on Staff review & recommendation & in accordance with Ordinance No. 8, Section 5-29.L, approve the construction of a second driveway to their property at 3949 East County Line Road. McCune seconded. Ayes all.

COMPREHENSIVE PLAN CONSULTING SERVICES – RECEIVE AGREEMENT TO INCLUDE ADDITIONAL SERVICES:

Riedesel explained that the 2040 Comprehensive Plan is at the Met Council for review. The Met Council has suspended the review because "several items are outstanding". HKGI, the consulting firm the Town has been using, has sent out a "not to exceed" \$10,000 to fix these items.

The budget for the 2040 Comprehensive Plan was \$37,500. Since the Town has approved another amount, and again the Town needs additional services. Ruzek stated that the Town should just approve \$10,000 to finish the job. But the consensus was to hope for about \$7,000.

Based on Staff Review & Recommendation, Ruzek moved to Approve the Additional Compensation to Hoisington Koegler Group, Inc. in an Amount Not to Exceed \$10,000 to Complete the 2040 Comprehensive Plan Submittal to the Met Council. McCune seconded. Ayes all.

BRANDLWOOD PARK UPGRADES – APPROVE UPGRADES AS RECOMMENDED BY THE PARK BOARD: Brandlwood Park, 5800 Meadowview Drive, is on the Town's improvement list for 2019. A budget of \$80,000 was approved by the residents at the Annual Budget Meeting. Funding for the improvements is being transferred from the 2018 General Fund to the 2019 Park Improvement Fund. Improvements to the Bellaire Beach building in 2019 are also included in the transfer.

At the April Park Board Meeting, Northland Recreation displayed the proposal, and Northland was the only proposal. The Planner also pulled the landscaping and track from the proposal and added in the two exercise components. With these new modifications the proposal price is \$85,812.95 or close to. This plan has been reviewed twice by the Park Board. The final amount is set to be \$86,856.00. Riedesel explained that the General Fund will cover \$85,000.00 and the Park Acquisition Fund will cover the rest; \$1,856.00. The plan is to start the Brandlwood Park upgrades late summer.

Ruzek made the motion, based on Park Board & Staff review & recommendation, approve the upgrades to Brandlwood Park not to exceed \$86,856. McCune seconded. Ayes all.

FEMA/LOMA POLICY – ADOPT RESOLUTION AMENDING THE POLICY: Riedesel summarized that FEMA is a federal program that puts together these insurance rate maps (FIRM) that determine whether or not your home is in a flood zone. The policy came out in the mid-90s that the Town would help its residents get through the LOMA (Letter of Map Amendment) process if their homes are found in a flood zone.

Insurance companies will make sure a resident in the flood zone is paying for flood insurance. Through home elevation survey and individual map amendments, residents can amend the flood map to amend their home from the flood plain. Sometimes a property may be in the flood zone, but the house may not be. In these circumstances a LOMA may be considered.

The Town has subsidized residents if they wanted to have their home evaluated, then they would draw up letters and send to FEMA. The cost of this policy drafted in the 90's is \$150. There was discussion on other communities' LOMA policies prices. Lino Lakes, for example, has its residents pay \$1000 if one wants to go through process of amending their home in a flood plain. The residents receive any unused funds back.

The Utility Commission looked at this agenda item but didn't give any recommendation. There was discussion on what the price would be if it were \$150 in the 90's. The Town uses TKDA for this service, but basically covers the rest. There was discussion on surrounding communities.

Ruzek stated that \$500 is reasonable considering the surrounding communities. There was discussion on setting the price higher, for example \$1000, and then give back if there is extra, but it was the consensus that that would create more work than what it is worth. White Bear Township is considered to have much wetland, and is about 98% developed and so the Town doesn't expect to have many of these applications, between 2 and 5 per year. It usually happens when a home is refinanced or sold after a long time.

Ruzek moved Based on Staff Review & Recommendation to adopt the Resolution Amending the Policy Providing Township Assistance to Property Owners to Modify FEMA Flood Maps & Establishing the Fee at \$500.00. McCune seconded. Ayes all.

LIFT STATION #9 REHABILITATION – APPROVE PLANS & SPECIFICATIONS – AUTHORIZE ADVERTISEMENT FOR BIDS: The Town Engineer explained that this is the last of 10 lift stations to be upgraded to current standards. The upgrades include: control panel, pumps, rails, valves, communication equipment, force main, and driveway access.

Lift Station #9 is near a wetland, but there is no disturbance to wetlands. The Town Engineer will bring back the bids at the June 17th Town Board Meeting.

Ruzek moved based on Town Engineer review & recommendation approve the plans & specifications. McCune seconded. Ayes all.

Ruzek moved based on Town Engineer review & recommendation authorize advertisement for bids. McCune seconded. Ayes all.

GIS – AUTHORIZE STEP 2 OF IMPLEMENTATION: The Town Engineer summarized the history of the GIS implementation. There are 6 steps outlined in the packet from general setup and mapping conversion to asset management software selection. Step 2 is specific data entry from existing engineering drawings, entering specific data into the database and including links. The engineering intern from TKDA will be working on implementing the data. It was noted that some of the steps overlap to ensure thoroughness.

There was discussion on how many people would be needed to maintain the system and be licensed to use it. It was the consensus that just the Public Works Director and Assistant will be in charge. It was noted that the Township has over \$180,000,000 worth of assets, and that this process would assist future management.

Ruzek moved based on Town Engineer review & recommendation authorize TKDA to proceed with Step 2 of the GIS & Asset Management Implementation for an amount not to exceed \$19,500.00 with funding from the Capital Equipment Fund. McCune seconded. Ayes all.

IMPROVEMENT 2019-3 – UPDATE: The Town Engineer summarized the information in the packet regarding plans to continue with the 2019 Street Improvement schedule. The neighborhood meeting will be held on May 28th at 6:30 p.m. at Otter Lake Elementary School. The Public Hearing will be held on June 4th at 6:30 p.m. at Otter Lake Elementary School, and it will be cable cast. The next step will be to approve plans and specifications and authorize advertisement for bids, open and approve bids. If all goes according to plan, construction will begin end of July and will be completed in October.

ADMINISTRATION & PUBLIC WORKS BUILDINGS LANDSCAPING – APPROVE REQUEST FOR PROPOSALS & AUTHORIZE ADVERTISEMENT: The Town Clerk updated the Board on the information he has regarding the landscaping on the Township Hall. Staff has

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created a Request for Proposal (RFP) for the landscaping work regarding tree/shrub, retaining wall removals, regarding, and replanting. Staff is recommending the approval of the RFP and authorization to advertise for proposals. The proposal deadline will be 10 a.m. on June 13, 2019.

Ruzek moved based on Staff review & recommendation approve the RFP & authorize staff to solicit proposals for the landscaping renovation of both the Administration & Public Works sites. McCune seconded. Ayes all.

SOLICITOR LICENSE REQUEST: The Town Clerk explained that Window Concepts of Minnesota, Inc., has submitted a request for a 30-day solicitor's license in White Bear Township. This company needs approval from the Town Board in order to proceed. There was discussion of licensure, they are licensed within the city. There have been no issues with the vendor. There was discussion of driving responsibilities. The Town Attorney stated the company would have to provide names of who is driving and vehicle description. It was noted that staff can handle this item going forward and they will ensure that those operating under this solicitor's license meet safety standards.

Ruzek moved to authorize issuance of a Solicitor's License to Window Concepts of Minnesota, Inc. 291 Eva Street, St. Paul, MN, subject to the following: 1. Only the following individuals are granted permission to solicit under this License: Richard Brambrink, Carrie Husnik, William Petka, Jr., Brandi Jewell; 2. Hours of solicitation shall only be: Monday-Thursday 11:30 a.m. – 8:00 p.m., Saturday 9:00 a.m. – 2:30 p.m., No Sundays; 3. No solicitation shall be allowed on property displaying a sign stating "No Peddlers, Solicitors or Transit Merchants" or a comparable statement. McCune seconded. Ayes all.

OPEN TIME: No one appeared for Open Time. Prudhon stated that his thoughts and prayers are with Town Attorney Lemmons as he lost his father recently.

RECEIPT OF AGENDA MATERIALS / SUPPLEMENTS: Ruzek motioned to receive all agenda materials & supplements for tonight's meeting. McCune seconded. Ayes all.

McCune moved to adjourn the meeting at 8:19 p.m. Ruzek seconded. Ayes all.

Respectfully Submitted,

Patrick Christopherson
Town Clerk-Treasurer

Approved as Official Meeting Minutes

Town Board Supervisor

Date

**Town Board
Meeting Supplement
June 3, 2019**

Revised Consent Agenda Item:

Agenda Number: 5.A

Subject: Revise Consent Agenda Item 5.A. to read as follows:

Documentation:

Action / Motion for Consideration:

Report at Meeting / Discuss

Revise Consent Agenda Item 5.A. to read as follows:

- 5.A. 2019 Archery Deer Hunt** – Approve the 2019 Ramsey County Cooperative Deer Management Implementation Program in the following Areas of White Bear Township:
1. Tamarack Nature Center on October 28-30 & November 18-20;
 2. Otter Lake Regional Park on October 11-13 & November 1-3;
 3. Poplar Lake County Park on October 11-13 & November 1-3.

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May 20, 2019**

Added Consent Agenda Items:

Agenda Number: 5.D

Subject: 5.D. Ramsey-Washington Suburban Cable
Commission 2018 Financial Report – Based on Finance
Officer Review & Recommendation Receive & Accept the
Ramsey-Washington Suburban Cable Commission's 2018
Annual Financial Report

Documentation: Finance Officer Memo w/ attachments

Action / Motion for Consideration:

Report at Meeting / Discuss

Based on Finance Officer Review & Recommendation Receive &
Accept the Ramsey-Washington Suburban Cable Commission's 2018
Annual Financial Report

Minutes
Town Board Meeting
May 21, 2018

CONSENT AGENDA: Ruzek moved approval of the Consent Agenda as follows: 5A) Based on Finance Officer Review & Recommendation Receive & Accept the Ramsey-Washington Suburban Cable Commission's 2017 Annual Financial Report. Prudhon seconded. Ayes all.

MEMORANDUM

Date: June 3, 2019
To: Town Board
From: Tom Kelly, Finance Officer
Re: Ramsey-Washington Suburban Cable Commission 2018 Financial Report.

The Town has received the 2018 Annual Financial Report and Management Letter for the Ramsey-Washington Suburban Cable Commission. I have reviewed these documents and found nothing of significance to report. Revenue and Expenditure are reasonable and comparable to last year. Expenditures exceed revenues by \$197,560, which is better than 2017 and 2016. 2018 actual revenues were below budgeted revenues by \$1,975, with franchise fees below budget by \$61,555 but investment income (interest) exceeded budget by \$55,642. Expenditures exceeded budgeted expenditures by \$223,600, which is due to legal fees – litigation exceeding budget by \$217,797. The Commission's net position decreased \$87,458 in 2018 to \$3,521,430.

I would recommend receiving and accepting the Ramsey-Washington Suburban Cable Commission's 2018 Annual Financial Report. Copy of the full report is available in distribution file.

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June 3, 2019**

Supplemental Information Only:

Agenda Number: 7.A

Subject: **Conditional Use Permit Request – Three Oaks of White Bear Township – To Allow Modification of the Landscaping Plan**

Documentation: Planning Commission Minutes

Action / Motion for Consideration:

Report at Meeting / Discuss

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Planning Commission Meeting
May 23, 2019

CONDITIONAL USE PERMIT REQUEST @ THREE OAKS OF WHITE BEAR TOWNSHIP – Approve Conditional use Permit to Allow Modification of the Landscaping Plan: The North Oaks Company had approached the Planning Commission previously, about a year ago. The Planning Commission recommended approval of a Conditional Use Permit which included a Landscaping Replacement Plan.

Gary Eagles, North Oaks Company, was present to go over the landscaping plans. There will be tall trees, medium trees, and shrubs and bushes used. Boulders will also be used in some landscaping plans. The variety causes more coverage for noise and sight. He noted more existing trees were removed from the property due to disease and modifications to the Grading Plan.

There was discussion of whether or not the association would maintain the landscaping. Gary said it would, but it was noted that associations in the past had said they would but failed to do so. There was discussion of putting the maintenance of landscaping in the contract.

Artner moved to approve the Conditional Use Permit to allow modification of the Landscaping Plan, noting that the association will maintain that level of screening per the Landscaping Plan. Swisher seconded. Ayes all.

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June 3, 2019**

Supplemental Information Only:

Agenda Number:

7.B.

Subject:

Side Yard Setback Variance Requests – Marilyn Svee @ 2630 South Shore Boulevard – To Allow Construction of a Garage & Driveway

Documentation:

Planning Commission Minutes / Variance Standards / Revised Plan

Action / Motion for Consideration:

Report at Meeting / Discuss

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May 23, 2019**

CONSENT AGENDA – DISCUSSION – Marilyn Svee, 2630 South Shore Boulevard request for variances: Riedesel summarized the request to allow for the construction of a 24' x 24' garage and paved driveway which replaces an existing single garage. The Svee property is an undersized lot of record and Svee wishes to construct the new garage in the approximate same location as the existing garage.

The Variance Board had discussed various scenarios of garage and driveway construction taking into consideration the location of the power pole at the Variance Board meeting on May 15, 2019. The Variance Board recommended the Planning Commission to recommend to the Town Board to require that the garage and driveway meet the 5' side yard setback to the south, with the driveway narrowing to the street to avoid moving the power pole; that the 5' setback requirement be met to the west property boundary; approve a 5' side yard setback to the south property boundary; a 1.19' side and west property boundary; and considering the previous garage has a 0' setback from the south and west property boundary.

Denn had recommended the Planning Commission to recommend to the Town Board to approve up to 5% green area variance, and also requested that the applicant redraw the plans prior to the Planning Commission meeting, which she did.

Svee was present to discuss this agenda item, and so the Commission moved it off of the consent agenda for discussion. Svee noted that the 5' setback would be maintained by her.

The Commission noted that the garage can be placed at 5' but would have more lenience for the driveway due to the location of the power pole. Svee noted that the property owner behind the garage had agreed to it.

There was discussion of firemen needing space and that the fence may be a little too close to the garage.

Artner made the motion to approve the 7' side yard setback variance for the south side of the driveway tapering to a 5' side yard setback variance for the garage, and on the west side 3.19' setback variance and a 5% green area variance. Loes seconded. Ayes all.

Ordinance No. 35, Section 9-6.1 must be considered along with the standards in Section 9-6.4 of the Ordinance. These sections state:

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

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

- (1). Without issuance of a variance, the provisions of this Ordinance would deprive the applicant of a reasonable use of property under the terms of this Ordinance.
- (2). That the special conditions and circumstances do not result from the actions of the applicant.
- (3). That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.
- (4). That the proposed action will not unreasonably increase the congestion on public streets.
- (5). That the proposed action will not increase the danger of fire or endanger the public safety.
- (6). That the proposed action will not unreasonably diminish or impair established property values within the neighborhood or in any other way be contrary to the intent of this Ordinance.

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June 3, 2019**

Supplemental Information Only:

Agenda Number: 8.A

Subject: Kent Jefferson, 514X West Avenue – Request for Minor Subdivision with Two 5' Lot Width Variances

Documentation: Planning Commission Minutes

Action / Motion for Consideration:

Report at Meeting / Discuss

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May 23, 2019

KENT JEFFERSON, 514X WEST AVENUE – Request for a Minor Subdivision with Two 5' Lot Width Variances: Riedesel summarized the request for a minor subdivision on West Avenue. He noted this original request was approved by the Town Board in 2003. But since Jefferson did not file the paperwork with the County in time, the approval lapsed.

The proposed minor subdivision would create two 75' wide lots containing more than 20,000 square feet in area each.

At the Variance Board meeting of May 15, 2019, the Board recommended to the Planning Commission to recommend to the Town Board to approve the minor subdivision creating two 75' wide lots containing 20,000+ square feet in area noting the property was originally assessed for two sewer and water services and two stubs were installed, and noting the previous approval of the Town Board in 2003.

There was discussion of the original application that was approved. How Jefferson had intended all along to split the land this way.

Gail Henry, 5134 Mead Road, was present to discuss drainage issues. She is concerned that if a property is constructed with a basement that would inhibit water flow more. Denn explained that basements don't cause other basements to flood, that that is more of a topographical grading issue. Timothy Stanton, 5137 West Ave, was present and inquired of the possibility of Jefferson building a townhome or duplex. The Commission decided that if the land was not split at all, a townhome or duplex could be built. Due to the split, there would be no townhome or duplex built.

Jefferson noted that he would provide easements regarding the shed that is currently on the rear of his property. Jefferson also noted that he was going to try to preserve as many trees as possible.

Michael Beasley, 5157 West Ave, was present and asked if Jefferson could take trees out to help drainage. Beasley's driveway is eroding away, he stated. There was some agreement that there are drainage issues.

Seth Johnson, 1930 Ridgewood, said there were no storm sewer drains, no curbs. It was noted that the Planning Commission would ask Public Works to take a look, and have a potential evaluation before going to the Town Board if possible.

Artner made the motion to approve the request for a minor subdivision with two 5' lot width variances. Swisher seconded. Ayes all.

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Meeting Supplement
June 3, 2019**

Supplemental Information Only:

Agenda Number: 8.B.

Subject: Rick & Kim Lucio, 5691 Orchard Avenue – Request for a 10.4% Green Area Variance & a 142 Square Foot Lakeshore Accessory Square Footage Variance for Construction of an In-Ground Pool

Documentation: Planning Commission Minutes

Action / Motion for Consideration:

Report at Meeting / Discuss

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Planning Commission Meeting
May 23, 2019

CONSENT AGENDA – Rick & Kim Lucio, 5691 Orchard Avenue Request for a 10.4% Green Area Variance and a 142 Square Foot Lakeshore Accessory Structure Square Footage Variance for Construction of an In-Ground Pool: Riedesel summarized the request for a 10.4% green area variance to allow construction of an in-ground pool between the house and Bald Eagle Lake. The Lucio property is an undersized lot of record.

The pool is considered a lakeshore accessory structure which establishes the setback requirement at 10' from the 913' one hundred year high water elevation. The proposed pool meets that requirement, but 142 square feet of the 392 square foot pool exceeds the size requirement for a lakeshore accessory structure.

The Lucio's current green area coverage is 46.9% and they are proposing in the first phase to remove the concrete patio where the pool will be constructed thereby decreasing the green area coverage to 41.5%. In phase two of the project they plan to remove the existing concrete driveway which will further decrease the green area bringing it down to 35.4%. Pavers will be installed to replace the concrete.

It was noted at the Variance Board meeting on May 15, 2019 that Denn stated he could support the variance because of the green area increase.

Artner stated that she was in opposition to this agenda item because she is against pools next to lakes.

Flann moved to approve the Consent Agenda — request for a 10.4% green area variance and a 142 square foot lakeshore accessory square footage variance structure for construction of an in-ground pool. Patrick seconded. Ayes all, save Artner's abstention.

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Meeting Supplement
June 3, 2019**

Supplemental Information Only:

Agenda Number: 8.C.

Subject: **Kevin & Julie Lund, 5932 Hobe Lane** – Request for 14.6' Right-of-Way Setback Variance & Variance from Section 5-29 of Ordinance No. 8 to Exceed 1,000 Square Feet for Construction of a Garage

Documentation: Planning Commission Minutes

Action / Motion for Consideration:

Report at Meeting / Discuss

Minutes
Planning Commission Meeting
May 23, 2019

CONSENT AGENDA – KEVIN & JULIE LUND, 5932 Hobe Lane Request for 14.6 Right-of-Way Setback Variance & Variance from Section 5-29 Ordinance No. 8 to Exceed 1,000 Square Feet for Construction of a Garage: Riedesel summarized the request to demolish an existing garage and construct an attached oversized garage which would exceed the allowed 1,000 square foot size and would encroach into the road right-of-way setback. The previous garage was 17.5' from the right-of-way, the new attached garage is proposed to be 20.4' from the right-of-way.

Ordinance No. 8 states that a permit may be applied for an oversized garage if the property exceeds 22,000 square feet. The Lund property is 22,200 square feet in area and abuts Bald Eagle Lake.

At the Variance Board meeting on May 15, 2019, Denn moved to recommend to the Planning Commission to recommend to the Town Board to approve the right-of-way setback variance as the right-of-way in this area is greater than normal, there is a decrease in a non-conforming setback. The request meets the standards set forth by Ordinance No. 35 to approve a variance.

The Variance Board also recommend to the Planning Commission to recommend to the Town Board to approve the variance from Section 5-29 of Ordinance No. 8 noting that the property exceeds the 22,000 square foot requirement and abuts Bald Eagle Lake.

Flann moved to approve the Consent Agenda — request for 14.6 Right-of-Way Setback Variance & Variance from Section 5-29 Ordinance No. 8 to Exceed 1,000 Square Feet for Construction of a garage. Patrick seconded. Ayes all.

**Town Board
Meeting Supplement
June 3, 2019**

Supplemental Information Only:

Agenda Number: 8.D.

Subject: White Bear Maker Space, 5966 Highway 61 – Sign Permit Request

Documentation: Planning Commission Minutes

Action / Motion for Consideration:

Report at Meeting / Discuss

Minutes
Planning Commission Meeting
May 23, 2019

MAKERSPACE SIGNAGE – 5966 HIGHWAY 61: White Bear Makerspace is located behind Holiday and Bald Eagle Quick Stop. The owners would like a ground mounted sign on the Quick Stop property to advertise their company. The Town's sign ordinance requires the sign to be on the property for which the sign is advertising. Due to Section 4.1.3, this request needs Town Board Approval in order to proceed.

Tom Lendway, from Makerspace was present to answer questions and discuss this application. It was noted that the sign will not be electric. There are regulations on the number of signs a business can have, the brightness of electric signs, how quickly ads can change on signs, and more. These were discussed.

Artner motioned to recommend to approve a variance from the Sign Ordinance to allow a White Bear Makerspace sign at Bald Eagle Quick Stop, the neighboring business, as shown on the site plan. Patrick seconded. Ayes all.

**Town Board
Meeting Supplement
June 3, 2019**

Supplemental Information Only:

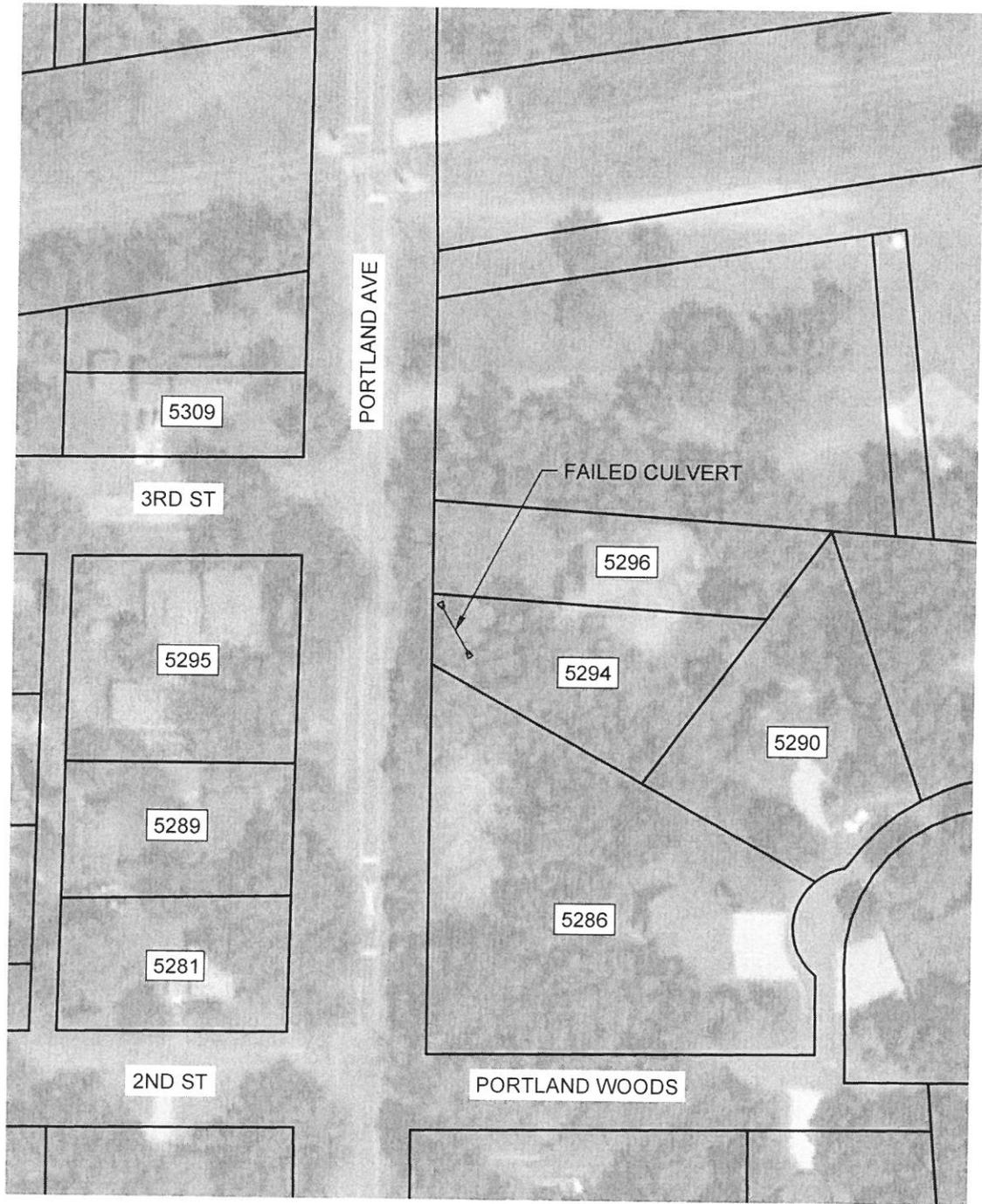
Agenda Number: 8.F.

Subject: **Portland Woods Storm Sewer:**
1. Authorize Preparation of Plans & Specs
2. Authorize Advertisement for Quotes

Documentation: Map of Area

Action / Motion for Consideration:

Report at Meeting / Discuss



PLOT DATE: May 31, 2019 - 8:43am
 FILE NAME: K:\n-s\WhiteBear\wp1712700004_Production\01_CAD\05_Exhibits\Portland Ave Culvert.dwg



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PORTLAND AVE CULVERT EXHIBIT



DRAWING NO.
 EXHIBIT 1

**Town Board
Meeting Supplement
June 3, 2019**

Added Agenda Item:

Agenda Number: 9.A.

Subject: Sprinkling Regulation Change Requests

Documentation: Weston Woods Homeowners Association &
Southwind Townhouse Association Request

Action / Motion for Consideration:

Report at Meeting / Discuss Possible Ordinance Amendment

ORDINANCE NO. 12

**AN ORDINANCE AMENDING ORDINANCE NO. 12 OF THE TOWN OF
WHITE BEAR, RAMSEY COUNTY, MINNESOTA, ADOPTED FEBRUARY
4, 1960, AS AMENDED, BEING AN ORDINANCE REGULATING RATES
AND WATER SERVICE AND PROVIDING FOR THE COLLECTION OF
WATER CHARGES IN THE TOWN OF WHITE BEAR**

SECTION 24. SPRINKLING.

24-1. RESTRICTED HOURS. The use of the Town Water Supply System for lawn sprinkling and irrigation, shall be limited to the following hours and days for the entire year:

24-1.1. Even numbered houses may use their Water System for the above stated uses only on even numbered days from 6:00 a.m. to 10:00 a.m. and 6:00 p.m. to 10:00 p.m.

24-1.2. Odd numbered houses may use their Water System for the above stated uses only on odd numbered days from 6:00 a.m. to 10:00 a.m. and 6:00 p.m. to 10:00 p.m.

24-1.3. The Town Board may, by resolution, revise the hours of sprinkling.

24-1.4. The Town Clerk may temporarily revise the hours for sprinkling when water system storage levels fall below the standards provided in the Town Community Water Supply Plan for an unreasonable period of time. The temporary revision of hours for sprinkling shall remain in effect until the next meeting of the Town Board. At its next meeting, the Town Board, by resolution, may adopt the revised hours or otherwise change the hours for sprinkling. If no action is taken by the Town Board, the hours for sprinkling shall return to the times provided in Sections 24-1.1 and 24-1.2, or Section 24-1.3.

24-2. SPRINKLING VIOLATIONS.

24-2.1. Any person found to have violated the restricted sprinkling hours set out in Section 24-1 shall receive one written warning.

24-2.2. Any person found to have violated the restricted sprinkling hours set out in Section 24-1 two times within the same calendar year, shall receive a written sprinkling violation and will be charged a \$40.00 Administrative Fee for the second and any following violations. The \$40.00 fee will be added to their quarterly utility bill. This fee shall be in addition to any other penalties imposed by this Ordinance.

24-3. APPEAL PROCEDURE.

24-3.1. If any resident wishes to appeal their \$40.00 Administrative Fee for violation of the sprinkling restrictions, the resident may provide the Town Clerk with a written request stating the circumstances surrounding the violation(s), and request that the Town Board reconsider the Administrative Fee. The matter will then be placed on a future meeting agenda of the Town Board for consideration.

24-3.2. At the meeting the objecting person may:

24-3.2.(a). Appear and give their written or oral testimony; and/or

24-3.2.(b). Give written or oral testimony of witnesses.

24-3.3. Town Board may give its decision orally at the meeting or at a later date. The Town Board shall:

24-3.3.(a). Find for the objecting person and waive the \$40.00 Administrative Fee;
or

24-3.3.(b). Find against the objecting person and impose the \$40.00 Administrative Fee; or

24-3.3.(c). Find against the objecting person and suspend collection of the \$40.00 Administrative Fee on the condition that no further sprinkling violations occur within a calendar year. However, in the event another sprinkling violation is received, the suspended fee, plus the additional fee, shall both be added to the person's quarterly utility bill.



To: White Bear Township Board of Supervisors

From: Frank FitzPatrick, President
Weston Woods of White Bear Township Association

Date: June 3, 2019

Subject: Approval of Watering Plan

The purpose of this Memorandum is to request your approval of the watering plan as outlined below.

Our Association of 153 Homes has a watering system that although having some limitations works well for the Township and the Association as operated in the past. The Watering Restriction Rules do not allow for our system to properly work.

PLAN TO APPROVE

Township Rules call for watering 8 hours during the day. Our process is to water from 10pm to 6am. We have 27 watering zones and would do 14 one night and 13 the next night (there will be some even numbered homes watered on odd days). We have a watering shut off system in the event of rain so we do not over use water. May we have your approval to operate in this manner?

While you review this request may we operate on this basis until hearing the final decision from you?

Supporting Information

Eight hours of continuous watering, for example from 10 pm to 6 am is effective and less inhibitive of the servicing and homeowner enjoyment of turf areas. These are the issues that the Township schedule will cause:

- Loss of effectiveness due to evaporation from the sun and wind. Wind speed during the day is usually higher than at night
- Drifting onto building, windows, cars, and the street due to higher wind speed
- Loss of use of turf areas, patios, and sidewalks during daytime watering windows
- Reduced hours for maintenance, for example: mowing, irrigation, lawn weed and fertilization services
- Systems with unequal odd addresses or even addresses will be unable to provide equal coverage of turf areas. In the past, we have divided the system in half, with half of the system being watered on one night, the other half being watered on the next night.
- White Bear Lake Township is the only one in the area that requires daytime watering. Most of the other municipalities don't allow daytime watering.



Weston Woods Association Watering System Operating Problem:

Weston Woods Townhomes has 4 water supplies and 5 controllers. System 2 consists of all the even numbered units on Weston Woods Way and Greenhaven Drive east of Weston Woods Way. Water Supply number 2 consists of 46 even numbered addresses, no odd numbered addresses. If you follow the restrictions to the letter of the law, these addresses will only be able to water 17 minutes per zone (or 1/10 of an inch of water) every other day. This is less than one hour of water or 3/10 of an inch of water per week.

According to the Water Conservation Tips from the White Bear Township's own website:

<http://www.whitebeartownship.org/175/Water-Conservation-Tips>

A lush green lawn requires 1 to 1-1/2 inches of water a week. Water three times a week applying about 1/2 inch at a time. Keep in mind the amount of rainfall and adjust your watering schedule accordingly.

Thank you for your attention and we look forward to your approval of this reasonable operating request

WHITE BEAR TOWNSHIP WATERING INFORMATION

Outside Watering Restrictions

White Bear Township has year-round restrictions on outdoor watering, as set by Town Ordinance No. 12. Watering may be done by even numbered addresses on even calendar days during the hours of 6 a.m. to 10 a.m. and 6 p.m. to 10 p.m. only. Odd numbered addresses may water on odd numbered calendar days between the hours of 6 a.m. to 10 a.m. and 6 p.m. to 10 p.m. only.

Are there watering restrictions in the Township?

Yes, White Bear Township has year-round restrictions on outdoor watering. Watering may be done by even numbered addresses on even calendar days during the hours of 6:00 a.m. to 10:00 a.m. and 6:00 p.m. to 10:00 p.m. only. Odd numbered addresses may water on odd numbered calendar days between the hours of 6:00 a.m. to 10:00 a.m. and 6:00 p.m. to 10:00 p.m. only. Properties found in violation of these restrictions could be subject to a fine of \$40.00. If you have new sod, you may get an exemption from the restriction by calling the Township Office at (651)-747-2750.

Note to White Bear Township Board Reference watering times

Dear Board:

My name is Bob Nyre and I am the new President of the Board for Southwind Townhouse Association. Our Board this year is completely new and we come to you in hopes of being good neighbors.

When making this request I understand that I do not have any information on water usage rates and peak demand times. I will admit that is your area of expertise.

One of our goals this year is to reduce the water usage for our association. We are studying this issue, but rest assured we are of the opinion that watering was done too often and many times unnecessarily last year.

As we study the watering plan one thing that stands out is the start time for watering being at 6 AM.

We certainly understand that limiting times is necessary to keep consumption reasonable. We do not know if requesting an earlier start time will cause a problem for your water supply system. It would be better for our systems if we could start watering at 1 AM and stop at 7 AM. This would get the sprinklers running when the wind is reduced, and people are not trying to walk on the sidewalks. It would also allow the contractors to mow without competing with the sprinklers. We are also studying a way to reduce zone watering times to reduce usage.

We will comply with any suggestions that you have for us.

Once again, we are not requesting any increase in watering times. We want to save water too.

Please let me know your thoughts and if you would like a physical meeting, I would be available.

Sincerely

Bob Nyre

Southwind Townhouse Association