



# WHITE BEAR TOWNSHIP

1858  
RAMSEY COUNTY  
MINNESOTA

1281 HAMMOND ROAD  
WHITE BEAR TOWNSHIP, MN 55110

651-747-2750

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Email: [wbt@whitebeartownship.org](mailto:wbt@whitebeartownship.org)

Board of Supervisors  
ED M. PRUDHON, *Chair*  
STEVEN A. RUZEK  
SCOTT E. MCCUNE

## AGENDA EXECUTIVE MEETING APRIL 24, 2020

1. **11:00 a.m.** Call Meeting to Order at Administrative Office Conference Room, 1281 Hammond Road.
  2. Approval of Agenda (Additions/Deletions).
  3. Approval of February 21, 2020 Minutes.
  4. 2020 Street Improvements:
    1. Peterson Road Discussion
    2. Update
  5. Water System Improvements – Update.
- 11:30 a.m. Lake Links Representatives – Call In.**
6. I & I – Update.
  7. Tobacco 21 – Ordinance No. 69 Amendment.
  8. Town Planner Report:
    1. Bellaire Beach Lifeguards.
    2. Township Day.
  9. Reschedule May 22 Executive Meeting Due to Holiday.
  10. Public Works Director Report.
  11. Code Enforcement Officer / Building Inspector Report:
    - a. Water Gremlin – Building Permit Status.
  12. Clerk-Treasurer Report:
    - a. DNR Groundwater Management – Update.
    - b. COVID 19 – Update.
  13. Added Agenda Items.
  14. Receipt of Agenda Materials / Supplements.
  15. 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  
April 24, 2020**

**Agenda Number:** 1 – 2 - 3

**Subject:** Approval of April 24, 2020 Agenda  
Approval of February 21, 2020 Minutes

**Documentation:** April 24, 2020 Agenda  
February 21, 2019 Minutes

**Action / Motion for Consideration:**

Call meeting to order:	
Approval of Agenda:	April 24, 2020 (additions/deletions)
Approval of Minutes:	February 21, 2020 (additions/deletions)

**MINUTES  
TOWN BOARD EXECUTIVE MEETING  
FEBRUARY 21, 2020**

The meeting was called to order at 11:07 a.m.

Present: Supervisors: Prudhon, McCune, Ruzek; Clerk: Christopherson; Attorney: Lemmons; Public Works Director: Reed; Engineers: Poppler and Studenski; Finance Officer: Tom Kelly; Planner: Tom Riedesel

**APPROVAL OF AGENDA (Additions/Deletions):** Ruzek moved approval of the agenda as submitted with the added agenda items in the supplement, along with calling a Special Town Board meeting for the Ramsey County discussion of County Road H2. McCune seconded. Ayes all.

**APPROVAL OF MINUTES OF JANUARY 31, 2020:** Ruzek moved approval of the January 31, 2020 meeting minutes, with the correction of ending the meeting at 3:48 p.m. instead of 3:48 a.m. McCune seconded. Ayes all.

**11:00 DISCUSSION WITH RON DENN, CABLE COMMISSION REPRESENTATIVE:** Cable Commission Representative Ron Denn was present to report on the Cable Commission. The Comcast franchise expired 1 and a half year ago and in the past the Cable Commission has granted them extensions. Denn reported that certain members of the Commission feel Comcast is trying to divide and conquer and try to negotiate separate deals. Comcast has now reached the end of the extension and as a part of the Cable Commission, the Town has a role to play in the process. They could try to extend the extension again, or go straight to arbitration, as it has reached its natural end.

Denn has submitted to the Board his recommended steps of how to proceed. The Board discussed the bullet points of how to proceed. There was some discussion of Comcast's service, customer service, additional fees, and other statements and opinions of the company. There was some discussion over other members in the Cable Commission and what other communities are doing.

The Town Attorney read the contract as well as the bullet points of how to proceed. He noted no changes or deletions. It was noted that pressures with timing and lawyer fees should be in the Commission's favor. There was some discussion on whether or not there would be any benefit to not adopt the changes in the contract and to move forward with the arbitration. There will be more discussion at the March 2<sup>nd</sup> Town Board Meeting.

**2020 STREET IMPROVEMENTS – UPDATE:** The Town Engineer was present to report on the neighborhood meeting on February 6<sup>th</sup>, noting that there were about 30 people in attendance and a lot of individual dialogue such as driveways, grades, tree removal, etc. Rice Creek Watershed District had a representative in attendance who discussed rain gardens with some residents who seemed interested. The Engineer noted that staff did their best to maximize the street width, though in some areas, due to terrain, 26-28 feet in width was not possible. There was some discussion over the curb.

The plans and specifications and bid approval will be brought to the Town Board for discussion and approval at the second meeting in March. There was discussion over the few who have

**MINUTES  
TOWN BOARD EXECUTIVE MEETING  
FEBRUARY 21, 2020**

had concerns with the assessment. It was noted that staff have not heard anything since the neighborhood meeting, that only one or a couple have had questions at the neighborhood meeting.

The Engineer stated that staff will keep in communication with the residents about the bids and the projects with a weekly email blast. It was noted that the 2019 street improvement project was daily tracked and updated on the Town's website. There was some discussion over Peterson Road. It was noted that the borings have been completed and staff is currently waiting on the report from the geologist. There was some minor discussion on the bonding, and staff will proceed as soon as the bids are in.

**WATER SYSTEM IMPROVEMENTS – UPDATE:** The Town Engineer reported that the Water System Improvement project opens for bid on the last Wednesday in February. The upgrades will be done on wells 4 and 5 in the pumps ability to mix water at a greater capacity, and the SCADA system to automatically and electronically monitor the water usage, readings, mixing needs, etc. The amount for bond will still be within the \$515,000 range. The pumps will be out of service for 3 months, but the point of getting started sooner will be to ensure the pumps are ready to go before the summer when water consumption is typically at a year-high. It was noted that with the increase in sensitivity with water, there will be a brochure sent out in the utility bill.

**I & I – UPDATE:** The Public Works Director reported that the 2020 I & I will be just a following-up on the items done last year, mainly joint sealing, one pipe repair, some flow monitoring. There will be communication with North Oaks and North Oaks Company for future projects.

**WATER METER – UPDATE:** The Public Works Director reported that the subcontractor is down to 83 meters left. Several of these 83 homes are at zero responses even though the Town has sent multiple communications. The subcontractor Hydro Corp is finished up and the Town staff will potentially install future meters. If these 83 homes do not comply, there is the quarterly \$300 charge on the utility bill. It was noted that there are very few homes that have something in the way of the installation, though this is still on the homeowner and not the Township, noting that the ordinance calls for access. Staff will continue to update the Board at future meetings.

**LAKE LINKS TRAIL – UPDATE:** The Town Planner reported that the first public informational open house was scheduled for March 31<sup>st</sup> at South Shore Trinity Church from 3 to 8 p.m. The Board will set up a special meeting to attend. There will be a couple of designs shown of the south shore section of the trail with the County's redevelopment projects and street improvement projects.

The Board recessed at 12:07 p.m. for lunch. The Board came back to order at 12:31 p.m.

**1:00 GIS PRESENTATION – TKDA:** Leigh Henning from TKDA was present to give a visual presentation of the GIS implementation staff has been working on over the past several months. Henning works with the Public Works Director and other staff importing data on water, reports, projects, annual documentation, and more. GIS gets aligned with reporting for DNR,

**MINUTES  
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MDCA, MDH to ensure efficiency. Through the online portal Henning showed the Board the live layout of the Town. GIS uses CAD (Computer Aided Design) files to input and store all of this information. Within the live layout of the Town, Henning could click on a catch basin, for example, and could pull up a look up table with all the recent projects, maintenance, and other information about that particular catch basin. GIS holds a plethora of information and staff so excited to be working on this project.

Henning showed some other visuals on the site. She explained that staff also has access to a desktop version, though that isn't live. It was noted that this map is recoverable if anything were to happen. Reed noted that currently the Board only approved purchase of one license, so one staff can have access to the live GIS system at once. Staff will recommend to the Town Board later this year to consider purchasing another license.

It was noted that the RCWD wants to be able to connect maps with other communities and pool the information together. Sharing maps within municipalities or agencies make communication and projects more efficient. Reed noted that this tool has already come in handy with the sealcoating projects. He noted that he can change the years by colors. It was the consensus that the Board is pleased with this project that staff has been working on.

**PUBLIC WORKS DIRECTOR REPORT:** The Public Works Director reported on the Department's Activity for February 2020. **Lift Station #9:** the last of the Town's 10 lift stations to be rehabilitated is nearing completion (should be done in spring). The startup was on December 19, 2019 and staff are currently able to monitor the Lift Station through SCADA system. It was noted that the concrete driveway and site restoration will be completed summer of 2020. Staff will be working on **storm water projects** like outfall 6 and outfall 5. There was some discussion on these items and other projects related to storm water. The Public Works Director will be working on drafting the **America's Water Infrastructure ACT 2018 (AWIA)** which requires an assessment of the Town's Water System be completed and submitted by June 30, 2021. The **Emergency Response Plan (ERP)** follows, due December 31, 2021. **Purchase replacement plow truck (#49):** Reed reported that he will discuss this agenda item with the Town Board at the second meeting in March. There are 2 options for the Town to consider for this purchase. The Mack truck is preferred, though it is \$3,000 more in price. But the Town has had trouble with the Western Star brand and has been happy with the Mack trucks that staff have operated. It was also noted that the plow will have to be implemented as well. Reed wanted to bring this up to the Board for discussion prior to the Town Board meeting.

**CLERK-TREASURER REPORT:** **DNR Groundwater Management – Update:** There was nothing to report on this agenda item.

**Parking Enforcement:** The Town Clerk brought the discussion to the Town Board of switching full responsibility of parking enforcement to the Ramsey County Sheriff's department instead of the Town Building Inspector. This would be a part of the current contract and would not cost more. Instead staff would just report any violators to the Ramsey County Sheriff's department. In the past the Board has been uncomfortable with it because it's a gray area. Currently violators get 1 warning and then are fined, not towed. There was discussion on this

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change. The Town Clerk reported that he has been in communication with other communities like Vadnais Heights, Shoreview, and Little Canada who contract with the Ramsey County Sheriff's department. They responded that they have been pleased with the Sheriff's department's response to parking violators, especially in the snow events. There was some discussion of whether parking tickets were split with the Township. It was noted that preferably staff just want the cars off the street so they can plow. It was also noted that Ramsey County Sheriff's department may hold more weight if residents want to argue about a parking violation.

It was the consensus that the Board will request discussion with the undersheriff and undersargent and ask for an outline of their actions and goals. Staff will then submit it for the Board's approval. The Town Attorney agreed that this makes sense.

**LGA – Update:** The Town Clerk reported that the group of liaisons for the Town to receive LGA will meet with Senator Roger Chamberlain and Director of the Minnesota League of Townships David Hahn to speak about options for securing LGA.

**BUILDING INSPECTOR / CODE ENFORCEMENT OFFICER REPORT: 1378 South Birch Lake Boulevard:** The Building Inspector reported that there is nothing new to report. He did get a closer look at the interior, and he noted that it is in pretty good shape. He would like staff to proceed with an administrative search warrant, just to move things along. The Town Attorney has been sending correspondence to the current owner, but has not had any contact since the summer grass abatement.

**5456 Township Drive:** The Building Inspector reported that the Town sent out the abatement order on February 11<sup>th</sup> of the two vehicles on the property, and by the 19<sup>th</sup> one vehicle was removed, but the other was not removed. The Board discussed this and it was the consensus that staff can proceed with the towing of that second vehicle at any time. There was discussion of the current ordinance and that the Town Attorney will look into redoing the ordinance.

**1651 Garden Lane:** The Building Inspector reported that staff have worked on this property with the owner and neighbors previously. The owner is elderly and lives elsewhere. There is a boat in the side yard that has been considered a nuisance because it is there and not in storage or in the rear yard. There was discussion on this property and again the Board discussed the Town's ordinance. The Town Attorney will take a look at this property's need. It may very well be within the ordinance, but it may still be considered a public nuisance.

**2105 Stillwater Street:** The Building Inspector reported that there have been no changes in this property. The Town Attorney had been contacted by the owner's attorney, but has not heard back. The Town Attorney stated that the Town should proceed with the action of tearing the property down eventually, starting with an administrative search warrant because the owner has not been cooperative. Staff will work to get this process started.

**Water Gremlin:** The Building Inspector reviewed the 3 phases of this project. Phase 1 is relocating the equipment from one building to another, which is under review of the plans and specs. Phase 2 is on hold until staff has received the code of compliance. Work has begun

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without approval on the placement of the trailers and so the Town has issued a stop work order. The Town Attorney has notified Water Gremlin's attorney of this and is hoping he is in contact with Water Gremlin's contractor. Phase 3 will be reviewed after that. If everything is OK'd, then Water Gremlin can proceed, but not without full approval.

**OPEN TIME:** It was brought up that staff received a bill from the Saint Paul Regional Watershed District regarding the cleanup and fixing of the watermain that had broken under that town home association. This happened in November, and the Board discussed it at the December Town Board Executive meeting. Staff did the repair in November and guessed that the bill would be over \$5,000. It turns out that the bill was over \$10,000. The Town Attorney has been in contact with them recently about the bill. Most likely he will hear back soon. There may be more discussion on this topic.

**ADDED AGENDA ITEMS:** **Call Public Hearing:** The Town Clerk made note of the Ramsey County meeting regarding the street improvements on County Road H-2 on March 4<sup>th</sup> at Tamarack Nature Center. It was noted that the Board should attend.

Ruzek made the motion to call for a special meeting for Wednesday, March 4<sup>th</sup> from 4 to 6 p.m. at Tamarack Nature Center. McCune seconded. Ayes all.

**Draft Agenda for Annual Meeting:** Attached in the supplemental packet is a drafted agenda for the Annual Town meeting of Tuesday, March 10, 2020. It was noted that there will be a list of the public officials attending. No changes were necessary. It was noted that staff will speak with the camera people of improving camera angles. It was the consensus that the draft is approved.

**History of the Township:** Supervisor McCune has talked with the Board about having a handout that explains the unique history of the Township available for students when they attend the Town Board meetings. Attached in the supplemental packet is a draft McCune wrote. It was noted that if anyone thinks of any suggestions, they should talk to the Town Clerk.

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

McCune moved to adjourn the meeting at 2:12 p.m. Ruzek seconded. Ayes all.

Respectfully Submitted,

Megan R. Cavanaugh  
Recording Secretary



## Town Board Executive Meeting April 24, 2020

**Agenda Number:** 4

**Subject:** 2020 Street Improvements:  
1. Peterson Road Discussion  
2. Update

**Documentation:** Town Engineer Information

### Action / Motion for Consideration:

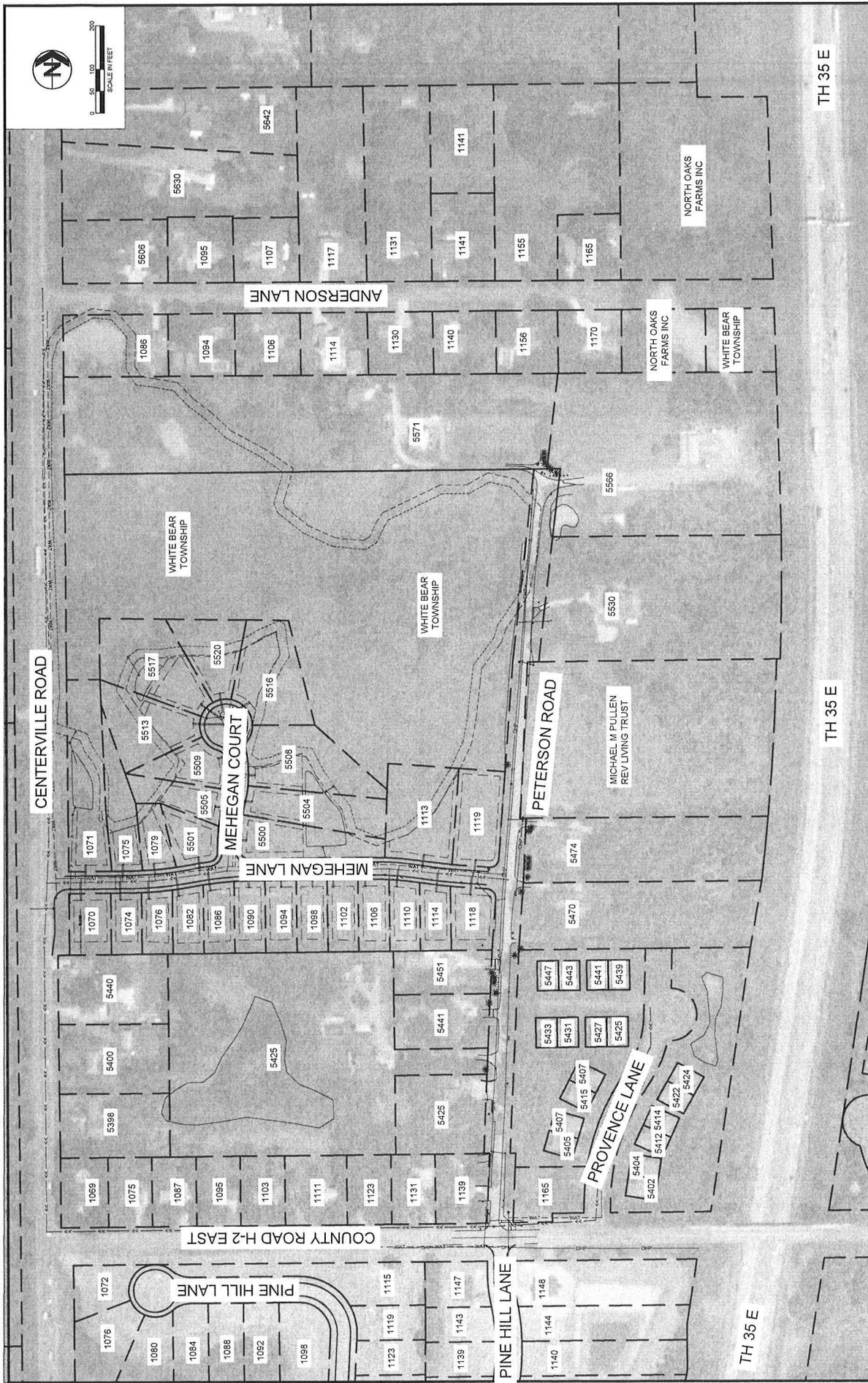
Report at Meeting / Discuss

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**Minutes**  
**Town Board Meeting**  
**February 21, 2020**

**2020 STREET IMPROVEMENTS – UPDATE:** The Town Engineer was present to report on the neighborhood meeting on February 6<sup>th</sup>, noting that there were about 30 people in attendance and a lot of individual dialogue such as driveways, grades, tree removal, etc. Rice Creek Watershed District had a representative in attendance who discussed rain gardens with some residents who seemed interested. The Engineer noted that staff did their best to maximize the street width, though in some areas, due to terrain, 26-28 feet in width was not possible. There was some discussion over the curb.

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The Engineer stated that staff will keep in communication with the residents about the bids and the projects with a weekly email blast. It was noted that the 2019 street improvement project was daily tracked and updated on the Town's website. There was some discussion over Peterson Road. It was noted that the borings have been completed and staff is currently waiting on the report from the geologist. There was some minor discussion on the bonding, and staff will proceed as soon as the bids are in.



**AREA MAP**

PROJECT NO. 17727.002  
RECORD NO. C100

DRAWING NO. C100

PETERSON ROADS  
SANITARY MAIN LATERMAN  
STORM SEWER & STREET IMPROVEMENTS

WHITE BEAR TOWNSHIP MINNESOTA

444 Cedar Street, Suite 1500  
St. Paul, MN 55101  
651.292.4400  
ttda.com

**TDA**

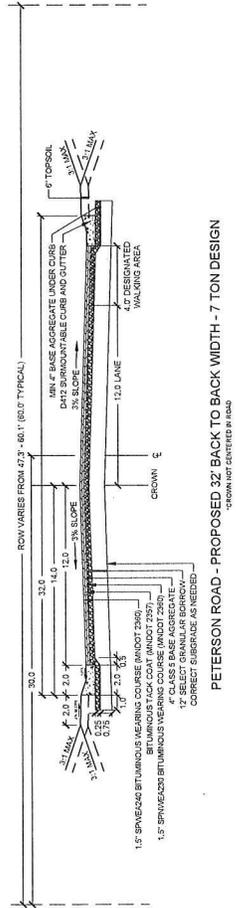
DESIGNED BY: JAMES E. BERGERON  
DESIGNED: JEB  
DRAWN BY: JEB  
CHECKED BY: JEB

REPORT PREPARED BY: JAMES E. BERGERON, PROFESSIONAL ENGINEER  
LICENSED UNDER THE LAW OF THE STATE OF MN.  
SIGNATURE: JAMES E. BERGERON DATE: 5/7/2020  
LIC. NO.: 2572

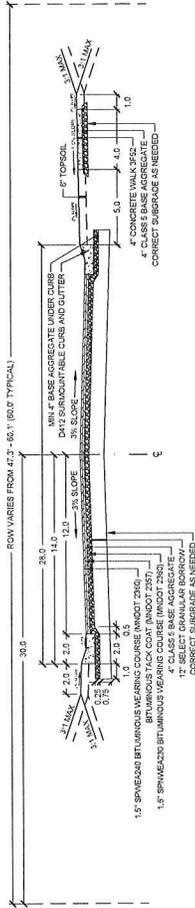
NO.	DATE	BY	DESCRIPTION OF REVISIONS







PETERSON ROAD - PROPOSED 32' BACK TO BACK WIDTH - 7 TON DESIGN  
 (SEE PLAN FOR CENTER LINE)



PETERSON ROAD - PROPOSED 28' BACK TO BACK WIDTH WITH 4' WALK - 7 TON DESIGN

PROJECT NO. 17727.002  
 DRAWING NO. C101A

TYPICAL SECTIONS (28')

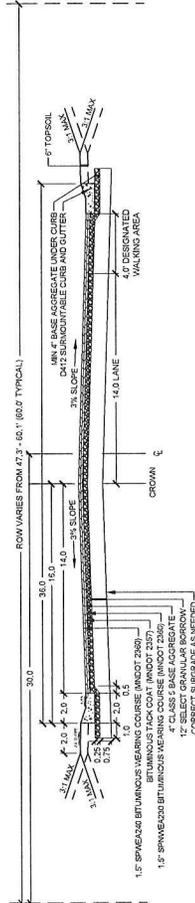
PETERSON ROAD  
 SAINT PAUL  
 STORM SEWER & STREET IMPROVEMENTS  
 WHITE BEAR TOWNSHIP MINNESOTA

444 Cedar Street, Suite 1500  
 St. Paul, MN 55101  
 651.282.4400  
 ttda.com

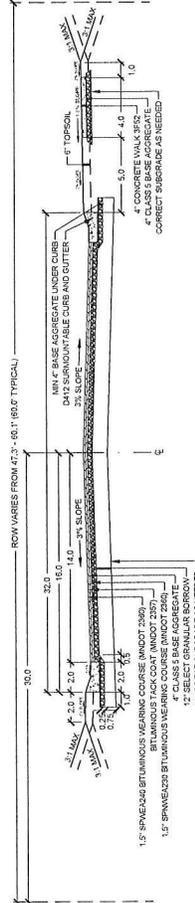


DESIGNED BY: [Signature] DATE: 4/17/2020  
 DRAWN BY: [Signature] DATE: 4/17/2020  
 CHECKED BY: [Signature] DATE: 4/17/2020

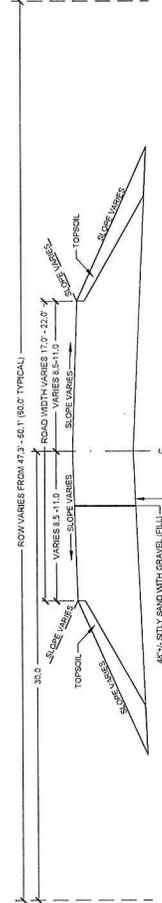
NO.	DATE	BY	DESCRIPTION OF REVISIONS



PETERSON ROAD - PROPOSED 36' BACK TO BACK WIDTH - 7 TON DESIGN  
DOWNHILL CENTERED IN ROAD



PETERSON ROAD - PROPOSED 32' BACK TO BACK WIDTH WITH 4' WALK - 7 TON DESIGN



PETERSON ROAD - EXISTING CONDITIONS

NO.	DATE	BY	DESCRIPTION OF REVISIONS
DESIGNED	AS		
DRAWN	SPB		
CHECKED			
SIGNATURE	DATE	UC-100	2/27/97
<p>HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR CONTRACT DOCUMENTS WERE PREPARED BY ME OR UNDER MY SUPERVISION AND THAT I AM A duly LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINN.</p> <p>NAME: JAMES E. STUBESHOI      DATE: 4/17/2002      UC-100      2/27/97</p>			
<p>444 Cedar Street, Suite 1500          St. Paul, MN 55101          Phone: 612-291-1000          ftd@a.com</p>			
<p>PETERSON ROAD          SANITARY SEWER, WATERMAIN,          STORM SEWER &amp; STREET IMPROVEMENTS          WHITE BEAR TOWNSHIP      MINNESOTA</p>			
<p>TYPICAL SECTIONS (32)</p>			
<p>PROJECT NO. 17727.002</p>		<p>RECORD NO. C101</p>	



**Town Board Executive Meeting  
April 24, 2020**

**Agenda Number:** 5

**Subject:** Water System Improvements - Update

**Documentation:** None

**Action / Motion for Consideration:**

Report at Meeting / Discuss

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**Minutes**  
**Executive Meeting**  
**February 21, 2020**

**WATER SYSTEM IMPROVEMENTS – UPDATE:** The Town Engineer reported that the Water System Improvement project opens for bid on the last Wednesday in February. The upgrades will be done on wells 4 and 5 in the pumps ability to mix water at a greater capacity, and the SCADA system to automatically and electronically monitor the water usage, readings, mixing needs, etc. The amount for bond will still be within the \$515,000 range. The pumps will be out of service for 3 months, but the point of getting started sooner will be to ensure the pumps are ready to go before the summer when water consumption is typically at a year-high. It was noted that with the increase in sensitivity with water, there will be a brochure sent out in the utility bill.



**Town Board Executive Meeting  
April 24, 2020**

**Agenda Number:**

**Subject: 11:30 a.m. Lake Links Representatives  
Presentation**

**Documentation:**

**Action / Motion for Consideration:**



**Town Board Executive Meeting  
April 24, 2020**

**Agenda Number:** 6

**Subject:** I & I – Update

**Documentation:** None

**Action / Motion for Consideration:**

Report at Meeting / Discuss

-----  
Minutes  
Executive Meeting  
February 21, 2020

**I & I – UPDATE:** The Public Works Director reported that the 2020 I & I will be just a following-up on the items done last year, mainly joint sealing, one pipe repair, some flow monitoring. There will be communication with North Oaks and North Oaks Company for future projects.



**Town Board Executive Meeting  
March 27, 2020**

**Agenda Number:** 7

**Subject:** Tobacco 21 – Ordinance No. 69 Amendment

**Documentation:** Staff Memo w/ attachments

**Action / Motion for Consideration:**

Report at Meeting / Discuss

## MEMORANDUM

TO: TOWN BOARD  
FROM: PATTI WALSTAD  
DATE: MARCH 10, 2020

SUBJECT: ORDINANCE NO. 69 (TOBACCO) AMENDMENT

I contacted Katie Engman, our contact and the Program Director for the Association for Nonsmokers-MN, asking if there was any sample language which incorporated the new T21 changes that I could incorporate into our ordinance for review by the Public Safety Commission.

Katie asked me to send her a copy of the Township's tobacco ordinance which I did and she proceeded to forward it on to the Public Health Law Center. The Center outlined suggested changes to the ordinance which were reviewed by the Public Safety Commission at their March 5<sup>th</sup> meeting as follows:

**TOBACCO 21 – ORDINANCE AMENDMENT:** The Commission had read through the Proposed Ordinance Amendment to ensure there are no strong opinions. It was noted that there were no areas of concern, but the Commission wished it could be simpler: no tobacco anything until 21. However, definitions are important. It was the consensus that the Town Attorney should look into it. There was some discussion of whether the Town should put anything about other drugs in there. It was noted that this ordinance amendment is basically using what has been used before.

Katie also noted that we are one of four contract group communities that have not adopted the new regulations (WBL, Vadnais Heights, Maplewood).

PSW/s

## Patti Walstad

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**From:** Katie Engman <katie@ansrmn.org>  
**Sent:** Wednesday, February 12, 2020 2:19 PM  
**To:** Patti Walstad  
**Subject:** Fwd: White Bear Township  
**Attachments:** White Bear Township Tobacco Ord PHLC review and T21.doc; White Bear Township Tobacco Ord PHLC review and T21.pdf

**Caution:** This email originated outside our organization; please use caution.

Patti,

I hope you are well! Attached are suggested revisions to meet the model language that LMC and PHLC suggest. There are pieces that I would welcome the opportunity to talk through with you. I learned something new today as well.

Let me know if we could set up a call once you have time to look through things.

Katie

*Katie H. Engman, MCHES*  
Program Director  
Association for Nonsmokers-MN (ANSR)  
2395 University Ave W. #310, Saint Paul, MN 55114  
Office- 651-646-3005, Cell- 651-492-4298

----- Forwarded message -----

**From:** Callanan, Rachel <Rachel.Callanan@mitchellhamline.edu>  
**Date:** Fri, Feb 7, 2020 at 4:30 PM  
**Subject:** RE: White Bear Township  
**To:** Katie Engman <katie@ansrmn.org>  
**Cc:** Phelps, Natasha <Natasha.Phelps@mitchellhamline.edu>

Hi Katie. Thank you for your request to review the tobacco retail licensing ordinance for White Bear Township to provide sample language and analysis for minimum legal sales age of 21 and minimal updates. Minimal but necessary changes were provided in this review. If further analysis and review is requested, we would be happy to provide additional revisions and sample language for additional public health policies that would provide stronger protections. I have attached the review as both a Word document and a PDF to ensure all the comments and changes are visible.

I should mention that the Public Health Law Center does not lobby, nor does it provide legal representation or advice. However, based on our experiences with regulation of commercial tobacco products throughout the country, we are able to provide you with our observations and other educational information regarding your questions about commercial tobacco control. This information is for educational purposes only; we do not request that a policymaker take any specific action in regard to our comments, nor should our comments be considered a replacement for legal advice. If you require a legal opinion, we encourage you to consult with local legal counsel. That said, we hope that our comments and suggestions are helpful to you.

Please let me know if you would like to hold a call to discuss specifics.

Have a nice weekend!

**Rachel Callanan JD, MNM**

*Preferred gender pronouns: she/her/hers*

*Senior Staff Attorney*

Public Health Law Center

Desk: 651-695-7667 | Cell: 612-803-1008

[Rachel.Callanan@mitchellhamline.edu](mailto:Rachel.Callanan@mitchellhamline.edu)

[www.PublicHealthLawCenter.org](http://www.PublicHealthLawCenter.org)



***Health through the power of law and policy***

*The Public Health Law Center provides information and technical assistance on issues related to tobacco and public health. The Center provides educational information and does not lobby, nor does it provide legal representation or advice. This e-mail should not be considered legal advice or a substitute for obtaining legal advice from an attorney who can represent you. If you have specific legal questions, we recommend that you consult with an attorney familiar with the laws of your jurisdiction.*

ORDINANCE NO. 69

**AN ORDINANCE RELATING TO THE SALE, ~~POSSESSION AND USE~~ OF TOBACCO, ~~TOBACCO PRODUCTS~~ NICOTINE OR LOBELIA DELIVERY PRODUCTS, ELECTRONIC DELIVERY DEVICES, AND TOBACCO-RELATED DEVICES IN THE TOWN, AND TO REDUCE THE ILLEGAL SALE, ~~POSSESSION, AND USE~~ OF SUCH ITEMS TO ~~AND BY MINORS~~ PERSONS UNDER AGE 21 IN THE TOWN OF WHITE BEAR, RAMSEY COUNTY, MINNESOTA**

**Commented [PHLC1]:** It was requested that the White Bear Township tobacco licensing ordinance be reviewed to provide sample language and analysis for minimum legal sales age of 21 and minimal updates. Minimal but necessary changes were provided in this review. If further analysis and review is requested, we would be happy to provide additional revisions and sample language for additional public health policies that would provide stronger protections.

**THE TOWN BOARD OF SUPERVISORS OF THE TOWN OF WHITE BEAR ORDAINS:**

An Ordinance relating to the sale, ~~possession, and use~~ of tobacco, tobacco products, nicotine or lobelia delivery products, electronic delivery devices, and tobacco-related devices ~~tobacco, tobacco products, and tobacco-related devices~~ in the Town and to reduce the illegal sale, ~~possession, and use~~ of such items to persons under the age of 21 ~~and by minors~~.

**SECTION 1. PURPOSE AND FINDINGS.** Because the Town recognizes that the sale of commercial tobacco, tobacco-related devices, electronic delivery devices, and nicotine or lobelia delivery products to persons under the age of under the age of 21 violates federal law; and because studies, which the town accepts and adopts, have shown that youth use of any commercial tobacco product has increased to 26.4% in Minnesota; and because nearly 90% of smokers begin smoking before they have reached the age of 18 years, and that almost no one starts smoking after age 25; and because studies show that youth and young adults are especially susceptible to commercial tobacco product availability, advertising, and price promotions at tobacco retail environments; and because commercial tobacco use has been shown to be the cause of many serious health problems which subsequently place a financial burden on all levels of government, this ordinance is intended to regulate the sale of commercial tobacco, tobacco-related devices, electronic delivery devices, and nicotine or lobelia delivery products for the purpose of enforcing and furthering existing laws, to protect youth and young adults against the serious health effects associated with use and initiation, and to further the official public policy of the state to prevent young people from starting to smoke, as stated in Minn. Stat. § 144.391, as it may be amended from time to time.

In making these findings, the Town Board of Supervisors accepts the conclusions and recommendations of: the U.S. Surgeon General reports, *E-cigarette Use Among Youth and Young Adults* (2016), *The Health Consequences of Smoking — 50 Years of Progress* (2014) and *Preventing Tobacco Use Among Youth and Young Adults* (2012); the Centers for Disease Control and Prevention in their studies, *Tobacco Use Among Middle and High School Students — United States, 2011–2015* (2016), and *Selected Cigarette Smoking Initiation and Quitting Behaviors Among High School Students, United States, 1997* (1998); and of the following scholars in these scientific journals: Chen, J., & Millar, W. J. (1998). Age of smoking initiation: implications for quitting. *Health Reports*, 9(4), 39-46; D’Avanzo, B., La Vecchia, C., & Negri, E. (1994). Age at starting smoking and number of cigarettes smoked. *Annals of Epidemiology*, 4(6), 455-459; Everett, S. A., Warren, C. W., Sharp, D., Kann, L., Husten, C. G., & Crossett, L. S. (1999). Initiation of cigarette smoking and subsequent smoking behavior among U.S. high school students. *Preventive Medicine*, 29(5), 327-333; Giovino, G. A. (2002). Epidemiology of tobacco use in the

United States. *Oncogene*, 21(48), 7326–7340; Khuder, S. A., Dayal, H. H., & Mutgi, A. B. (1999). Age at smoking onset and its effect on smoking cessation. *Addictive Behaviors*, 24(5), 673–677; Luke, D. A., Hammond, R. A., Combs, T., Sorg, A., Kasman, M., Mack-Crane, A., Henriksen, L. (2017). Tobacco Town: Computational Modeling of Policy Options to Reduce Tobacco Retailer Density. *American Journal of Public Health*, 107(5), 740–746; Minnesota Department of Health. (2018). *Data Highlights from the 2017 Minnesota Youth Tobacco Survey*. Saint Paul, MN: Tobacco Control Legal Consortium. (2006). *The Verdict Is In: Findings from United States v. Philip Morris, The Hazards of Smoking*. University of California — San Francisco. Truth Tobacco Industry Documents, <https://www.industrydocumentslibrary.ucsf.edu/tobacco/>; Xu, X., Bishop, E. E., Kennedy, S. M., Simpson, S. A., & Pechacek, T. F. (2015) Annual healthcare spending attributable to cigarette smoking: an update. *American Journal of Preventive Medicine*, 48(3), 326–333, copies of which are adopted by reference.

~~Because the Town recognizes that many persons under the age of 18 years purchase or otherwise obtain, possess, and use tobacco, tobacco products, and tobacco related devices, and such sales, possession, and use are violations of both State and Federal laws; and because studies, which the Township hereby accepts and adopts, have shown that most smokers begin smoking before they have reached the age of 18 years and that those persons who reach the age of 18 years without having started smoking are significantly less likely to begin smoking; and because smoking has been shown to be the cause of several serious health problems which subsequently place a financial burden on all levels of government; this Ordinance shall be intended to regulate the sale, possession, and use of tobacco, tobacco products, and tobacco related devices for the purpose of enforcing and furthering existing laws, to protect minors against the serious effects associated with the illegal use of tobacco, tobacco products, and tobacco related devices, and to further the official public policy of the State of Minnesota in regard to preventing young people from starting to smoke as state in Minnesota Statutes, section 144.391.~~

**SECTION 2. DEFINITIONS AND INTERPRETATIONS.** Except as may otherwise be provided or clearly implied by context, all terms shall be given their commonly accepted definitions. The singular shall include the plural and the plural shall include the singular. The masculine shall include the feminine and the neuter, and vice-versa. The term “shall” means mandatory and the term “may” mean permissive. The following terms shall have the definitions given to them:

Commented [PHLC2]: For readability, definitions should be put into alphabetical order.

**2-1. ~~TOBACCO OR TOBACCO PRODUCTS.~~** ~~“Tobacco” or “Tobacco products” shall mean Any product containing, made, or derived from tobacco that is intended for human consumption, whether chewed, smoked, absorbed, inhaled, snorted, sniffed, or ingested by any other means, or any component, part, or accessory of a tobacco product including but not limited to cigarettes; cigars; cheroots; stogies; perique; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff; snuff flour; cavendish; plug and twist tobacco; fine cut and other chewing tobaccos; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco; and other kinds and forms of tobacco. TOBACCO does not include any product that has been approved by the U.S. Food and Drug Administration for sale as a tobacco-cessation product, as a tobacco-dependence product, or for other medical purposes, and is being marketed and sold solely for such an approved purpose.~~

Commented [PHLC3]: Definitions should define a single term.

~~any substance or item containing, made, or derived from tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any component, part, or accessory of a tobacco product, including, but not limited to, cigarettes; cigars; little cigars; pipe tobacco; snuff; fine cut or other chewing tobacco; cheroots; stogies, perique; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff, snuff flour; cavendish; shorts; plug and twist tobaccos; dipping tobaccos; refuse scraps, clippings, cuttings, and sweepings of tobacco and other kinds and forms of tobacco leaf prepared in such manner as to be suitable for chewing, sniffing, or smoking. Tobacco or tobacco products excludes any tobacco product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for such an approved purpose.~~

**2-2. TOBACCO RELATED DEVICES.** ~~“Tobacco-related devices” means any rolling papers, wraps, pipes, or other device intentionally designed or intended to be used with tobacco products. tobacco-related device includes components of tobacco-related devices or tobacco products, which may be marketed or sold separately. tobacco-related devices may or may not contain tobacco.~~ “Tobacco-related devices” shall mean any tobacco product as well as a pipe, rolling papers, ash tray, or other device intentionally designed or intended to be used in a manner which enables the chewing, sniffing, or smoking of tobacco or tobacco products.

**Commented [PHLC4]:** This is an updated and more comprehensive definition that covers all intended tobacco-related devices.

**2-3. NICOTINE OR LOBELIA DELIVERY PRODUCTS.** ~~“Nicotine or lobelia delivery products” shall mean Any product containing or delivering nicotine or lobelia intended for human consumption, or any part of such a product, that is not a tobacco or an electronic delivery device as defined in this section. nicotine or lobelia delivery product does not include any product that has been approved or otherwise certified for legal sale by the U.S. Food and Drug Administration as a tobacco-cessation product, a tobacco-dependence product, or for other medical purposes, and is being marketed and sold solely for that approved purpose. a product containing or delivering nicotine or lobelia intended for human consumption that is not tobacco or tobacco related devices as defined by sections 2-2 and 2-3 of this ordinance. Exemption: Not including any product that has been approved or otherwise certified for legal sale by the United States Food and Drug Administration for tobacco use cessation, harm reduction, or for another medical purposes, and is being marketed and sold solely for that approved purpose.~~

**Commented [PHLC5]:** This reflects the definition in state law.

**2-4. SELF-SERVICE DISPLAYMERCHANDISING.** ~~“Self-service merchandisingdisplay” shall mean the open display of licensed products in any manner where any person has access to the licensed products without the assistance or intervention of the licensee or the licensee’s employee. open display of tobacco, tobacco products, tobacco related devices, lobelia or nicotine delivery products in any manner where any person shall have access to the tobacco, tobacco products, tobacco related devices, lobelia, or nicotine delivery product without the assistance or intervention of the licensee or the licensee’s employee. The assistance or intervention shall entail the actual physical exchange of the tobacco, tobacco product, tobacco~~

**Commented [PHLC6]:** This is a more straightforward definition and updates the terminology used.

~~related device, lobelia, or nicotine delivery products between the customer and the licensee or employee. Self-service merchandising shall not include vending machines.~~

**2-5. VENDING MACHINE.** "Vending Machine" shall mean any mechanical, electric or electronic, or other types of device which dispenses ~~tobacco, tobacco products, tobacco related devices, or nicotine delivery products~~ licensed products upon the insertion of money, tokens, or other form of payment directly into the machine by the person seeking to purchase the ~~tobacco, tobacco product, tobacco related device, or nicotine delivery products~~ licensed products.

~~**2-6. INDIVIDUALLY PACKAGED.** "Individually Packaged" shall mean the practice of selling any tobacco, tobacco product, or nicotine delivery product wrapped individually for sale. Individually wrapped tobacco, tobacco products and nicotine delivery products shall include, but not be limited to, single cigarette packs, single bags or cans of loose tobacco in any form, single cans or other packaging of snuff or chewing tobacco, nicotine-based electronic cigarettes and lobelia-based electronic cigarettes. Cartons or other packaging containing more than a single pack or other container as described in this section shall not be considered individually packaged.~~

**Commented [PHLC7]:** This definition is unnecessary. The only place this term arises is within the definition of "loosies" where it is already clear how that term applies.

**2-6.7. LOOSIES.** "Loosies" shall mean the common term used to refer to single cigarettes, cigars, and any other licensed product that have been removed from their original retail packaging and offered for sale. Loosies does not include premium cigars that are hand-constructed, have a wrapper made entirely from whole tobacco leaf, and have a filler and binder made entirely of tobacco, except for adhesives or other materials used to maintain size, texture, or flavor.

~~the common term used to refer to a single or individually packed cigarette, or any other tobacco product that has been removed from its packaging and sold individually. The term "loosies" does not include individual cigars with a retail price, before any sales taxes, of more than \$2.00 per cigar.~~

**Commented [PHLC8]:** Federal law and the MSA prohibits the sale of single cigarettes (commonly referred to as "loosies"), but not other harmful commercial tobacco products often sold individually and for a low price. State and local governments can replicate and expand the federal provisions to close the loopholes that exist. This language includes and expands on the existing federal ban on the sale of single cigarettes known as "loosies" to include the sale of single cigars and other tobacco products (e.g., smokeless pouches and Juul pods) that have been removed from their intended packaging. So essentially, with this definition and the prohibition on the sale of loosies (included later in the ordinance) the sale of any tobacco product that has been removed from its original packaging is prohibited. The Town may also establish a minimum price for cigars by including the language setting a minimum price of single cigars that are in original packaging but marketed to price sensitive youth (e.g., 99-cent flavored cigar pack containing 1 or 2 cigars). Language can be provided by PHLC if the Town would like to consider a minimum price for cigars.

~~**2-8. MINOR.** "Minor" shall mean any natural person who has not yet reached the age of eighteen (18) years.~~

**2-7. SMOKING.** "Smoking" means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or pipe, or any other lighted or heated product containing, made, or derived from nicotine, tobacco, marijuana, or other plant, whether natural or synthetic, that is intended for inhalation. Smoking also includes carrying or using an activated electronic delivery device.

**Commented [PHLC9]:** Definition not necessary with T21.

**Commented [PHLC10]:** There was no definition of smoking, but smoking is prohibited below within all tobacco retail establishments so should be clearly defined.

**2-8. RETAIL ESTABLISHMENT.** "Retail Establishment" shall mean any place of business where ~~tobacco, tobacco products, or tobacco related devices~~ licensed products are available for sale to the general public. Retail establishments shall include, but not be limited to, grocery stores, convenience stores, and restaurants.

**2-910. MOVABLE PLACE OF BUSINESS.** "Movable Place of Business" shall refer to any form of business operated out of a kiosk, truck, van, automobile, or other type of vehicle or transportable shelter and not a fixed address store front or other permanent type of structure authorized for sales transactions.

**2-104. SALE.** A "Sale" shall mean any transfer of goods for money, trade, barter, or other consideration.

**2-112. COMPLIANCE CHECKS.** "Compliance Checks" shall mean the system the Town uses to investigate and ensure that those authorized to sell ~~tobacco, tobacco products, and tobacco-related devices~~ licensed products are following and complying with the requirements of this Ordinance. Compliance checks shall involve the use of ~~minors~~ persons under the age of 21 as authorized by this Ordinance. Compliance checks shall also mean the use of ~~persons under the age of 21 minors~~ who attempt to purchase ~~tobacco, tobacco products, or tobacco-related devices~~ licensed products for educational, research and training purposes as authorized by State and Federal laws. Compliance checks may also be conducted by other units of government for the purpose of enforcing appropriate Federal, State, or local laws and regulations relating to ~~tobacco, tobacco products, and tobacco-related devices~~ licensed products.

**2-123. INDOOR AREA.** All space between a floor and a ceiling that is bounded by walls, doorways or windows, whether open or closed, covering more than 50 percent of the combined surface area of the vertical planes constituting the perimeter of the area. A wall includes any retractable divider, garage door, or other physical barrier, whether temporary or permanent.

**2-13. LICENSED PRODUCTS.** "Licensed products" is the term that collectively refers to any tobacco, tobacco-related device, electronic delivery device, or nicotine or lobelia delivery product.

**2-14. ELECTRONIC DELIVERY DEVICE.** "Electronic delivery device" means any product containing or delivering nicotine, lobelia, or any other substance, whether natural or synthetic, intended for human consumption through the inhalation of aerosol or vapor from the product. Electronic delivery device includes, but is not limited to, devices manufactured, marketed, or sold as e-cigarettes, e-cigars, e-pipes, vape pens, mods, tank systems, or under any other product name or descriptor. Electronic delivery device includes any component part of a product, whether or not marketed or sold separately. Electronic delivery device does not include any product that has been approved or certified by the U.S. Food and Drug Administration for sale as a tobacco-cessation product, as a tobacco-dependence product, or for other medical purposes, and is marketed and sold for such an approved purpose.

**2-15. CIGAR.** "Cigar:" means any roll of tobacco that is wrapped in tobacco leaf or in any other substance containing tobacco, with or without a tip or mouthpiece, which is not a cigarette as defined in Minn. Stat. § 297F.01, subd. 3, as may be amended from time to time.

**Commented [PHLC11]:** The Town may consider adding a new definition as an "umbrella" or catch-all term that includes all of the tobacco products covered in the ordinance (tobacco, tobacco related devices, electronic delivery devices, and nicotine or lobelia delivery products). One umbrella term other jurisdictions have used is "licensed products." This allows for simplification throughout the ordinance. Here and throughout the rest of the ordinance, instead of listing all covered products, the code need only reference "licensed products."

**Commented [PHLC12]:** There was no definition of electronic delivery device.

**Commented [PHLC13]:** There was no definition of cigar.

**SECTION 3. LICENSE.** No person shall sell or offer to sell any ~~tobacco, tobacco products, or tobacco related device~~ licensed products without first having obtained a license to do so from the Township.

**Section 3A3-1. SMOKING.** Smoking shall not be permitted and no person shall smoke within the indoor area of any establishment with a retail tobacco license. Smoking for the purposes of sampling ~~tobacco and tobacco related~~ licensed products is prohibited.

**Section 3-2B. PROXIMITY TO OTHER RETAILERS.** No license shall be granted pursuant to this section to any person for any retail sales of ~~tobacco, tobacco products, tobacco related devices, or nicotine or lobelia delivery devices~~ licensed products, within two thousand feet of any other establishment holding such license, as measured by the shortest line between the space to be occupied by the proposed licensee and the occupied space of the nearest existing licensee, unless that person has been in the business of selling such products in that ~~3-~~ location before the date this section was enacted into law for at least one year ~~and that location has not failed to renew its license.~~

**Commented [PHLC14]:** Changed format here to fit the numbering format used throughout the ordinance.

**Commented [PHLC15]:** This could be updated to reflect one year from the actual date this ordinance was adopted.

**Commented [PHLC16]:** This language could be added to ensure the license was continuously held during this time.

**3-31. APPLICATION.** An application for a license to sell ~~tobacco, tobacco products, or tobacco related devices~~ licensed products shall be made on a form provided by the Township. The application shall contain the full name of the applicant, the applicant's residential and business addresses and telephone numbers, the name of the business for which the license is sought, and any additional information the Township deems necessary. Upon receipt of a completed application, the Town Clerk shall forward the application to the Town Board for action at their next regularly scheduled meeting. If the Town Clerk shall determine that an application is incomplete, he shall return the application to the applicant with notice of the information necessary to make the application complete.

**3-42. ACTION.** The Town Board may either approve or deny the license, or it may delay action for such reasonable period of time as necessary to complete any investigation of the application or the applicant, as it deems necessary.

**3-53. TERM.** All licenses issued under this Ordinance shall expire on December 31<sup>st</sup> of the year issued.

**3-64. REVOCATION OR SUSPENSION.** Any license issued under this Ordinance may be revoked or suspended as provided in the Violations Penalties section of this Ordinance.

**3-75. TRANSFERS.** All licenses issued under this Ordinance shall be valid only on the premises for which the license was issued and only for the person to whom the license was issued. No transfer of any license to another location or person shall be valid ~~without the prior approval of the Town Board.~~

**Commented [PHLC17]:** All licenses should be treated the same and require that all licensees undergo the full application process. The sentence allowing the board discretion in granting a license transfer would undermine the application process and necessary investigations to ensure the applicant meets all criteria.

**3-86. MOVABLE PLACE OF BUSINESS.** No license shall be issued to a moveable place of business. Only fixed location businesses shall be eligible to be licensed under this Ordinance.

**3-97. DISPLAY.** All licenses shall be posted and displayed in plain view of the general public on the licensed premise.

**3-108. RENEWALS.** The renewal of a license issued under this section shall be handled in the same manner as the original application. The request for a renewal shall be made at least thirty (30) days, but no more than sixty (60) days before the expiration of the current license. The issuance of a license under this Ordinance shall be considered a privilege and not an absolute right of the applicant, and shall not entitle the holder to an automatic renewal of the license.

**SECTION 4. FEES.** No license shall be issued under this Ordinance until the appropriate license fees shall be paid in full. The fees for this license are as set forth in Ordinance No. 54 (Fees & Charges).

**Commented [PHLC18]:** Fees provide revenue for the administration and enforcement of the ordinance and for retailer and community education. Periodic review and adjustment of licensing fees will ensure that they are sufficient to cover all administration, implementation, and enforcement costs, including compliance checks. If the Town is considering multiple compliance checks, the fees should be adjusted to cover the costs of the additional checks. PHLC's publication, [Retail License Fees](#), provides more information about retail licensing fees and a license fee checklist.

**SECTION 5. BASIS FOR DENIAL OF LICENSE.** The following shall be grounds for denying the issuance or renewal of a license under this Ordinance; however, except as may otherwise be provided by law, the existence of any particular ground for denial does not mean that the Township must deny the license. If a license is mistakenly issued or renewed to a person, it shall be revoked upon the discovery that the person was ineligible for the license under this section.

**5-1.** The applicant is under the age of ~~eighteen-twenty-one (1821)~~ years.

**5-2.** The applicant has been convicted within the past five (5) years of any violation of a Federal, State, or local law, ordinance provision, or other regulation relating to ~~tobacco or tobacco products, or tobacco-related devices~~ licensed products.

**5-3.** The applicant has had a license to sell ~~tobacco, tobacco products, or tobacco related devices~~ licensed products revoked within the preceding twelve months of the date of application.

**5-4.** The applicant fails to provide any information required on the application, or provides false or misleading information.

**5-5.** The applicant is prohibited by Federal, State or other local law, ordinance, or other regulation, from holding such a license.

#### **SECTION 6. PROHIBITED SALES.**

**6-1. IN GENERAL.** It shall be a violation of this Ordinance for any person to sell or offer to sell any ~~tobacco, tobacco product, tobacco related device, or nicotine delivery product~~ licensed product:

~~6-1. To any person under the age of eighteen (18).~~

**Commented [PHLC19]:** This minimum legal sales age is moved to its own paragraph to allow inclusion of specific language to direct age verification and signage requirements, which assist with compliance.

~~6-1-12. By means of any type of vending machine, except as may otherwise be provided in this Ordinance.~~

~~6-1-24. By means of loosies as defined in Section 2 of this Ordinance.~~

~~6-1-35. Containing opium, morphine, jimson weed, bella donna, strychnos, cocaine, marijuana, or other deleterious, hallucinogenic, toxic, or controlled substances except nicotine and other substances found naturally in tobacco or added as part of an otherwise lawful manufacturing process.~~

~~6-1-46. By any other means, to any other person, or in any other manner or form prohibited by Federal, State or other local law, ordinance provisions, or other regulation.~~

~~6-2. LEGAL AGE. No person shall sell any licensed product to any person under the age of 21.~~

~~6-2-1. AGE VERIFICATION. Licensees must verify by means of government-issued photographic identification that the purchaser is at least 21 years of age. Verification is not required for a person over the age of 30. That the person appeared to be 30 years of age or older does not constitute a defense to a violation of this subsection.~~

~~6-2-2. SIGNAGE. Notice of the legal sales age and age verification requirement must be posted prominently and in plain view at all times at each location where licensed products are offered for sale. The required signage, which will be provided to the licensee by the town, must be posted in a manner that is clearly visible to anyone who is or is considering making a purchase.~~

~~SECTION 7. VENDING MACHINES. It shall be unlawful for any person licensed under this Ordinance to allow the sale of tobacco, tobacco products, or tobacco related devices by the means of a vending machine.~~

**Commented [PHLC20]:** This section is not necessary because vending sales is prohibited in the previous section.

~~6-3. SECTION 8. SELF-SERVICE SALES. It shall be unlawful for a licensee under this Ordinance to allow the sale of tobacco, tobacco product, or tobacco related devices licensed products by any means whereby the customer may have access to such items without having to request the item from the licensee or the licensee's employee and whereby there is not a physical exchange of the tobacco, tobacco product, or the tobacco related device licensed product between the licensee or his or her clerk and the customer. All tobacco, tobacco products, and tobacco related devices licensed products shall either be stored behind a counter or other area not freely accessible to customers, or in a case or other storage unit nor left open and accessible to the general public.~~

~~Any retailer selling tobacco, tobacco products, or tobacco related devices at the time this Ordinance is adopted shall comply with this Section within thirty (30) days.~~

**Commented [PHLC21]:** Sentence no longer needed since earlier ordinance with this provision was adopted 7 years ago.

**SECTION 79. RESPONSIBILITY.** All licensees under this Ordinance shall be responsible for the actions of their employees in regard to the sale of ~~tobacco, tobacco products, or tobacco related devices~~ licensed products on the licensed premises, and the sale of such an item by an employee shall be considered a sale by the license holder. Nothing in this section shall be construed as prohibiting the Township from also subjecting the clerk to whatever penalties are appropriate under this Ordinance, State or Federal law, or other applicable law or regulation.

**SECTION 810. COMPLIANCE CHECKS AND INSPECTIONS.** ~~All licensed premises must be open to inspection by law enforcement or other authorized town officials during regular business hours. From time to time, but at least [ twice ] per year, the town will conduct compliance checks. In accordance with state law, the town will conduct [ at least one compliance check that involves the participation of two persons: one person between the ages of 15 and 17 and one person between the ages of 18 and 20 ] [ at least one compliance check that involves the participation of a person between the ages of 15 and 17 and at least one compliance check that involves the participation of a person between the ages of 18 and 20 ] to enter licensed premises to attempt to purchase licensed products. Prior written consent is required for any person under the age of 18 to participate in a compliance check. Persons used for the purpose of compliance checks will be supervised by law enforcement or other designated personnel. All licensed premises shall be open to inspection by the Township or its authorized inspectors during regular business hours. From time to time, but at least once per year, the Township shall conduct compliance checks by engaging, with the written consent of their parents or guardians, minors over the age of fifteen (15) years, but less than eighteen (18) years, to enter the licensed premises to attempt to purchase tobacco, tobacco products, or tobacco related devices. Minors used for the purpose of compliance checks shall be supervised by Township designated law enforcement officers or other designated Township personnel. Minors used for compliance checks shall not be guilty of unlawful possession of tobacco, tobacco products, or tobacco related devices when such items are obtained as a part of the compliance check. No minor used in compliance checks shall attempt to use a false identification misrepresenting the minor's age, and all minors lawfully engaged in a compliance check shall answer all questions about the minor's age asked by the licensee or his or her employee and shall produce any identification, if any exists, for which he or she is asked. Nothing in this section shall prohibit compliance checks authorized by State or Federal laws for education, research, or training purposes, or required for the enforcement of a particular State or Federal law.~~

**Commented [PHLC22]:** This compliance check language has been updated to reflect checks for a Minnesota jurisdiction that has set the minimum legal sales age to 21. State law requires every local licensing authority to conduct at least one compliance check each year. This state-mandated compliance check "must involve minors over the age of 15, but under the age of 18." Cities with T21 laws can conduct this annual compliance check to both satisfy state law and to enforce its local T21 policy. To do so, a municipality could either conduct at least one compliance check with a person between the ages of 15 and 17 and a person between the ages of 18 and 20, or conduct more than one compliance check -- at least one check with a person between the ages of 15 and 17 and at least one additional check with a person between the ages of 18 and 20. Included here, the bracketed language identifies two options that the Town could choose and only one option should be retained in a final licensing ordinance.

**SECTION 911. OTHER ILLEGAL PROHIBITED ACTS.** Unless otherwise provided, the following acts shall be a violation of this Ordinance.

~~11-1. Illegal sale. It shall be a violation of this Ordinance for any person to sell or otherwise provide any tobacco, tobacco product, tobacco related device, or nicotine delivery product to any minor.~~

**Commented [PHLC23]:** This is not necessary because sale to underage person is already prohibited above.

~~11-2. ILLEGAL POSSESSION.~~ It shall be a violation of this Ordinance for any minor to have in his or her possession any tobacco, tobacco product, or tobacco related device, or nicotine or lobelia delivery device not approved by the FDA. This section shall not apply to minors lawfully involved in a compliance check.

~~11-3. ILLEGAL USE.~~ It shall be a violation of this Ordinance for any minor to smoke, chew, sniff, or otherwise use any tobacco, tobacco product, or tobacco related device.

~~911-14. PROHIBITED FURNISHING OR PROCUREMENT.~~ It is a violation of this ordinance for any person 21 years of age or older to purchase or otherwise obtain any licensed product on behalf of a person under the age of 21. It is also a violation for any person 21 years of age and older to coerce or attempt to coerce a person under the age of 21 to illegally purchase or attempt to purchase any licensed product.

~~ILLEGAL PROCUREMENT.~~ It shall be a violation of this Ordinance for any minor to purchase or attempt to purchase or otherwise obtain any tobacco, tobacco product, or tobacco related device, and it shall be a violation of this Ordinance for any person to purchase or otherwise obtain such items on behalf of a minor. It shall further be a violation for any person to coerce or attempt to coerce a minor to illegally purchase or otherwise obtain or use any tobacco, tobacco product, or tobacco related device. This section shall not apply to minors lawfully involved in a compliance check.

~~911-25. USE OF FALSE IDENTIFICATION.~~ It shall be a violation of this Ordinance for any minor person under the age of 21 to attempt to disguise his or her true age by the use of false form of identification, whether the identification is that of another person or one on which the age of the person has been modified or tampered with to represent and age older than the actual age of the person.

## SECTION 102. VIOLATIONS.

**102-1. NOTICE.** Upon discovery of a suspected violation, the alleged violator shall be issued, either personally or by mail, a citation that sets forth the alleged violation and which shall inform the alleged violator of his or her right to be heard on the accusation.

**102-2. HEARINGS.** If a person accused of violating this Ordinance so requests, a hearing shall be scheduled, the time and place of which shall be published and provided to the accused violator.

**102-3. HEARING OFFICER.** The Town Board shall serve as the hearing officer.

**102-4. DECISION.** If the Town Board determines that a violation of this Ordinance did occur, that decision, along with the Town Board's reasons for finding a violation and the penalty to be imposed under Section 13 of this Ordinance, shall be recorded in writing, a copy of which shall be provided to the accused violator. Likewise, if the Town Board finds that no violation

**Commented [PHLC24]:** This removes penalties for youth Purchase/Use/Possession (PUP) but retains penalties for persons over age 21 who furnish or procure on behalf of underage person. The reason for removing penalties for under age persons is that PUP laws may be unlikely to reduce youth smoking significantly. They may undermine other conventional avenues of youth discipline, divert attention from more effective tobacco control strategies, and relieve the tobacco industry of responsibility for its marketing practices. Some communities are concerned that PUP provisions may be enforced inconsistently with respect to youth from certain racial and ethnic groups, resulting in their introduction into the criminal justice system. Nicotine is more addictive than heroin and other drugs. Many public health groups suggest focusing instead on the retailer, especially since this is a licensing code. For these reasons, the City may consider removing these sections which establish penalties for underage violators of the tobacco licensing ordinances. Removal of these provisions puts responsibility on the licensee, seller, or provider of the covered products.

**Commented [PHLC25]:** For reasons similar to those for removing PUP, the Town may also consider removing the use of false identification provision. If penalties for using false identification are retained, they should be non-criminal, non-monetary penalties to ensure youth are not introduced into the criminal justice system or be burdened with financial penalties they cannot afford.

occurred or finds grounds for not imposing any penalty, such finding shall be recorded and a copy provided to the acquitted accused violator.

**102-5. APPEALS.** Appeals of any decision made by the Town Board shall be filed at the Ramsey County District Court.

~~12-6. MISDEMEANOR PROSECUTION. Nothing in this Section shall prohibit the Town from seeking prosecution as a misdemeanor for any alleged violation of this Ordinance. If the Town elects to seek misdemeanor prosecution, no administrative penalty shall be imposed.~~

**Commented [PHLC26]:** Misdemeanor prosecution is addressed below in Section 13-4.

**102-67. CONTINUED VIOLATION.** Each violation, and every day in which a violation occurs or continues, shall constitute a separate offense.

**Commented [PHLC27]:** If this paragraph remains, it could be amended to remove this sentence which would allow for the Town to pursue BOTH criminal and administrative penalties. Both types of penalties should be an option to provide more incentive for retailers to comply with the law.

### SECTION 113. PENALTIES.

~~113-1. LICENSEES. Any licensee found to have violated this ordinance, or whose employee violated this ordinance, will be charged an administrative fine of [ \$500 ] for a first violation; [ \$750 ] for a second offense at the same licensed premises within a 36-month period; and [ \$1,000 ] for a third or subsequent offense at the same location within a 36-month period. Upon the third violation, the license will be suspended for a period of not less than [ 30 ] consecutive days. Upon a fourth violation within a 36 month period, the license will be revoked. Any licensee found to have violated this Ordinance, or whose employee shall have violated this Ordinance, shall be charged an administrative fee of \$200.00 for a first violation of this Ordinance; \$400.00 for a second violation at the same licensed premises within a twenty four month period; and \$600.00 for a third or subsequent offense at the same location within a twenty four month period. In addition, after the third offense, the license shall be suspended for not less than seven days.~~

**Commented [PHLC28]:** This penalty language could be updated with longer look-back periods between violations, higher penalties, longer suspension period, and revocation of the license upon a fourth violation. Strong penalties help encourage compliance.

~~113-2. OTHER INDIVIDUALS. Other individuals, other than minors persons under age 21 regulated by Section 113-3 of this section, found to be in violation of this Ordinance, shall be charged an administrative fine of \$50.~~

~~113-3. MINORS PERSONS UNDER THE AGE OF 21. Persons under the age of 21 who use a false identification to purchase or attempt to purchase licensed products may only be subject to non-criminal, non-monetary civil penalties such as tobacco-related education classes, diversion programs, community services, or another penalty that the town determines to be appropriate. The Town Board of Supervisors will consult with court personnel, educators, parents, children and other interested parties to determine an appropriate penalty for persons under the age of 21 in the town. The penalty may be established by ordinance and amended from time to time. Minors found in unlawful possession of, or who unlawfully purchase or attempt to purchase, tobacco, tobacco products, or tobacco related devices, shall be referred to the White Bear Community Counseling Center.~~

**Commented [PHLC29]:** This language updates alternative penalties for underage persons who use false identification and is consistent with the goals of removing PUP penalties from the licensing ordinance.

~~1413~~-4. **MISDEMEANOR.** Nothing in this Section shall prohibit the Town from seeking prosecution as a misdemeanor for any alleged violation of this Ordinance by a person 21 years of age or older.

**Commented [PHLC30]:** In accordance with other changes in this ordinance (raising the legal sales age to 21 and addressing the penalty structure) Town could consider adopting these changes which makes the issuance of a criminal penalty optional and at the discretion of the prosecutor or the Town Board of Supervisors instead of mandatory. Criminal penalties may not always be appropriate and this allows for flexibility in determining what rises to a criminal penalty.

**SECTION 124. EXCEPTIONS AND DEFENSES.** Nothing in this Ordinance shall prevent the providing of tobacco, tobacco products, or tobacco related devices to a minor person under the age of 21 as part of a lawfully recognized religious, spiritual, or cultural ceremony. It shall be an affirmative defense to the violation of this Ordinance for a person to have reasonably relied on proof of age as described by State law.

**SECTION 135. SEVERABILITY.** Should any section, subdivision, clause or other provision of this Ordinance be held to be invalid by any court of competent jurisdiction, such decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part held to be invalid.

**SECTION 146. EFFECTIVE DATE.** The Ordinance shall take effect and be in force from and after its passage and publication.

Passed by the Town Board of Supervisors of the Town of White Bear, Ramsey County, Minnesota, this 5<sup>th</sup> day of December, 2011.

APPROVED:

\_\_\_\_\_  
WILLIAM R. MAMPLE, Chairman

ATTEST:

\_\_\_\_\_  
WILLIAM F. SHORT, Town Clerk

Board of Supervisors.  
WILLIAM R. MAMPLE, Chair  
ROBERT R. KERMES, Supervisor  
ED M. PRUDHON, Supervisor

Synopsis Published in the White Bear Press January 11, 2012

Historical Notes  
2011

Section 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, and 16 passed on December 5, 2011, and effective January 11, 2012 by Mample (Chair), Kermes and Prudhon; Short (Clerk).

2010

Section 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, and 16 passed on December 20, 2010, and effective January 26, 2011 by Sand (Chair), Mample and Kermes; Short (Clerk).

1997

Ordinance, Title and Section 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, and 16 originally passed December 1, 1997, and effective December 17, 1997 by Weisenburger (Chair), Sand and Ford; Short (Clerk).



**Town Board Executive Meeting  
April 24, 2020**

**Agenda Number:** 8

**Subject:** Town Planner Report:  
1. Bellaire Beach Lifeguards  
2. Township Day

**Documentation:** YMCA Lifeguard Contract

**Action / Motion for Consideration:**

Report at Meeting / Discuss

2018 -

**AGREEMENT BETWEEN  
THE TOWN OF WHITE BEAR AND THE  
YMCA OF GREATER TWIN CITIES  
REGARDING LIFEGUARD SERVICES**

**THIS CONTRACT**, made and entered into on the \_\_\_ day of \_\_\_\_\_, 2018 by and between the Town of White Bear (the TOWN), a governmental subdivision of the State of Minnesota, and the YMCA of Greater Twin Cities, a Minnesota non-profit corporation (YMCA),

**RECITALS**

WHEREAS, the TOWN has a 99 year lease from the County of Ramsey for the property located on the south shore of White Bear Lake in the Town of White Bear, known as "Bellaire Beach",

AND WHEREAS, the YMCA is engaged in the business of hiring, training, and managing personnel who work as lifeguards at various locations,

AND WHEREAS, the TOWN desires to contract for the services from the YMCA, and the YMCA desires to provide the service to the Town of White Bear;

NOW, THEREFORE, it is agreed by and between the parties:

1. **PURPOSE AND TERM OF AGREEMENT.**

- A. The YMCA shall provide lifeguarding services from Memorial Day weekend, May 26, 2018, to Labor Day, September 3, 2018. Lifeguards will be provided on weekends only from Saturday, May 26, including Monday, May 28, until June 17. Lifeguards will be provided seven (7) days per week from June 18 through Aug. 19 and from Lifeguards will be provided weekends only from Aug. 18 through Labor Day, including Monday, Sept. 3.
- B. In the event of poor weather conditions, the YMCA will be responsible for the decision of closing the beach. YMCA will also be responsible for opening and closing of the beach facility on a daily basis and administration of keys to personnel.
- C. Official beach hours are 12 to 7 p.m., though lifeguards will use their discretion and provide services up to 30 minutes later if a significant group is at the waterfront.
- D. The Term of the Agreement shall be for one (1) year, commencing on the Effective Date of this Agreement. This Agreement shall automatically renew for additional one-year terms under the terms and conditions set forth in this

Agreement, unless either party gives written notice of its intent not to renew to the other party at least sixty (60) days prior to the end of the initial term or any subsequent renewal term.

2. **SCOPE OF CONTRACT.**

**A. Services Provided by YMCA.**

- a. Recruit, hire, train and evaluate all lifeguard staff. YMCA will hire, train, evaluate, discipline and terminate employees.
- b. Manage pay records and issue paychecks to all aquatic personnel working at Bellaire Beach.
- c. Ensure employees working at Bellaire Beach are employed by the YMCA and follow all YMCA personnel policies. Employees must meet the minimum requirements to work in the appropriate position.
- d. All lifeguards hired must hold a current certificate from a certifying agency approved by the YMCA in Lifeguarding, Waterfront, First Aid and CPR/AED for Lifeguards.
- e. The YMCA will monitor Aquatic Staff certifications to be sure that all certifications remain current.
- f. All Aquatic Staff is required to maintain current certifications. Expired certifications will result in being released from duties.
- g. In the event of an expired certification, the YMCA will remove the person, fill their shift with certified staff and make every attempt to renew the individual's certification in order to return the work as soon as possible, or re-staff as appropriate, at the sole discretion of the YMCA.
- h. In an effort to encourage fitness and develop strong lifeguards, the YMCA will administer the Cooper Swim Test to all lifeguards at the start of their employment along with other skill tests. These skills are also performed periodically throughout the year at mandatory in-service trainings.
- i. Lifeguards who are not achieving "good" standards according to the Cooper Test will attend additional training sessions conducted by YMCA certified lifeguard instructors and water safety instructors in order to improve their swimming skills.

- j. Lifeguards who are selected to work at the beach must be certified to work at a waterfront by a YMCA approved agency, have six months experience working as a lifeguard at the YMCA, and have demonstrated excellent dependability and responsibility. These high expectations are to insure that all staff who are working off site are aware of and following YMCA policies and work well independently.
- k. The TOWN will be able to participate in the final selection of guard staff should they desire, but the final hiring selection shall solely be the responsibility of the YMCA.
- l. Give an orientation to lifeguard staff on beach management, rules and regulations, preventive responsibilities, emergency procedures, operation of facility, suggest in-service training curriculum of the Bellaire Beach 2018/2019 summer season.
- m. Administer Bellaire Beach for the entire 2018/2019 beach seasons.
- n. Conduct minimum of five in-service training sessions (one every two weeks). In-services consist of both in and out of water training sessions. Attendance at these in-service training sessions will be mandatory. Lifeguarding skills will be evaluated at the "in-water" in-services and information vital to the success of the aquatic program will be given at "dry-land" in-services.
- o. Visit Bellaire Beach a minimum of once per week during the months of June through August to critique and advise staff on operations and gather input from participants. The Aquatic Program Manager or Head Lifeguard will be available on site during times that the beach is open. Head lifeguards must be a minimum of 18 years of age and have excellent guarding, customer service, and leadership skills.
- p. YMCA staff will also conduct "On the Job Evaluations" for lifeguards periodically throughout the year without previous warning to the staff being evaluated. The skills in an "On the Job Evaluation" may be guarding technique, CPR skills, first aid skills, and prevention of accidents. After evaluating the lifeguard, the staff will meet with the staff individually and discuss any critiques, or comments that they have to improve life guarding or teaching techniques.



- q. All employees will be evaluated for their performance formally at the end of the summer season. Employees will also be evaluated on a less formal basis midway through the summer.
- r. Provide an Automated External Defibrillator (AED) for Bellaire Beach at no cost to the TOWN.
- s. Clean the Beach facilities including the guard house and toilets. Any maintenance or mechanical problems will be immediately reported to the TOWN.
- t. Oversee use of other Bellaire Beach facilities including picnic shelter, picnic tables and grounds. Patrol the entire park once per day to clean-up litter, empty trash receptacles into park dumpster as needed. Clean beachfront daily including removing weeds and other debris from shoreline. Remove weeds and remove trees which tend to grow in shallow water areas of beach.
- u. Have the option to sell concessions such as snacks and beverages during lifeguarding operations, with the proceeds to be retained by the YMCA.
- v. Have the option to provide water safety lessons and water games programming on a fee-for-service basis on site on a regular basis, provided attendance meets minimum YMCA guidelines.

**B. Services Provided by TOWN.**

- a. Provide all services outside the scope of this Agreement including but not limited to signage, water quality maintenance related to swimmers itch and E. Coli testing.
- b. Provide resident names and addresses to the YMCA when requested to aid in promoting water safety lessons and water games held at Bellaire Beach

**3. SERVICE FEE.**

- A. The Town agrees to pay the YMCA with an annual service fee of \$20,000 for services rendered pursuant to this Agreement in 2018, with an annual increase of 3% for each subsequent year of this Agreement if the Agreement is renewed for subsequent one (1) year terms pursuant to Section 1, Paragraph D of this Agreement.

1. First payment shall be made to YMCA by June 30;
2. Second payment shall be made by July 31; and
3. Third payment shall be made by Sept. 15.

B. YMCA will invoice the Town according to the above schedule.

**4. NON-DISCRIMINATION.**

YMCA agrees that during the life of the contract, YMCA will not, within the State of Minnesota, discriminate against any employee or applicant for employment because of race, color, creed, national origin or ancestry, or sex, and will include a similar provision in all subcontracts entered into for the performance thereof, The contract may be cancelled or terminated by the TOWN, and all money due or to become due may be forfeited for a second or subsequent violation of the terms or conditions of this Paragraph. This Paragraph is inserted in the Contract to comply with the provisions of Minnesota Statutes, 181.59.

**5. INDEMNIFICATION.**

YMCA agrees to indemnify and hold harmless the TOWN, its agents, officers, and employees from any and all claims, causes of action, liabilities, losses, damages, costs, expenses, including reasonable attorney's fees, suits, demands and judgments of any nature, because of bodily injury to, or death of any person or persons and/or because of damages to property of YMCA or others, including loss of use from any cause whatsoever, which may be asserted against the TOWN on account of any act or omission, including negligence of YMCA, or YMCA's employees or agents, in connection with YMCA's performance or this Contract. YMCA agrees to defend any action brought against the TOWN on any such matter, and to pay and satisfy any judgment entered thereof, together with all costs and expenses incurred in connection therewith. The TOWN shall in no way be liable for any claims or charges incurred by YMCA in the performance of this Contract.

**6. TERMINATION.**

It is understood the essence of this Contract is high quality service to those whom frequent Bellaire Beach. As such, if the TOWN determines that YMCA is in breach of any provision of this Contract, written notice will be sent to YMCA allowing him/her thirty (30) days to comply. Upon failure by YMCA to comply with the Contract by the end of the thirty (30) day period, the TOWN will terminate the Contract and shall be released of its obligations.

Upon any failure of YMCA to fulfill any of the provisions of the Contract, the TOWN shall be authorized to hire services and equipment, or assign the TOWN employees and equipment, as may be necessary to do such work, and the cost of such expenses thereof may be charged and deducted from any monies due the Contract.

7. **NOTICE.**

Except as otherwise herein provided, all notices required to be served by either party on the other, shall be placed in writing and forwarded by certified mail to the principal office of the party to which notice is given, as follows:

To The Town:

Town of White Bear  
Clerk-Treasurer  
1281 Hammond Road  
White Bear Township, MN 55110

YMCA:

YMCA  
2100 Orchard Lane  
White Bear Lake, MN 55110

IN WITNESS WHEREOF, the Town of White Bear and the YMCA have caused this Agreement to be executed on their behalf by their proper officers and Board.

TOWN OF WHITE BEAR

By: Robert J. Kermes  
ROBERT J. KERMES, Chair

ATTEST:

By: William F. Short  
WILLIAM F. SHORT, Clerk-Treasurer

YMCA OF GREATER TWIN CITIES

By: David

Title: CDD

Date: 4/20/18



**Town Board Executive Meeting  
April 24, 2020**

**Agenda Number:** 9

**Subject:** Reschedule May 22 Executive Meeting Due to Holiday

**Documentation:** None

**Action / Motion for Consideration:**

Report at Meeting / Discuss

# May 2020

Sun	Mon	Tue	Wed	Thu	Fri	Sat
3	4 TB Mtg 1)MN Assoc of Twp Finc Rpt 2)	5	6	7 Public Safety Comm	8	9
10	11	12 EDAB Mtg	13	14 Utility Comm	15	16
17	18 EDA/TB Mtg 1) Comm Recomm	19	20	21 Plark Bd	22 Exec Mtg 1) DNR 2) Ellen & Fire Chief	23
24	25 Memorial Day Holiday	26	27	28 Planning Comm	29	30
31						



**Town Board Executive Meeting  
April 24, 2020**

**Agenda Number:** 10

**Subject:** Public Works Director Report

**Documentation:** None

**Action / Motion for Consideration:**

Report at Meeting / Discuss



**Town Board Executive Meeting  
April 24, 2020**

**Agenda Number:** 11.a  
Building Inspector / Code Enforcement Officer Report

**Subject:** Water Gremlin – Building Permit Status

**Documentation:** None

**Action / Motion for Consideration:**

Report at Meeting/ Discuss

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**Minutes**  
**Town Board Meeting**  
**February 21, 2020**

**Water Gremlin:** The Building Inspector reviewed the 3 phases of this project. Phase 1 is relocating the equipment from one building to another, which is under review of the plans and specs. Phase 2 is on hold until staff has received the code of compliance. Work has begun without approval on the placement of the trailers and so the Town has issued a stop work order. The Town Attorney has notified Water Gremlin's attorney of this and is hoping he is in contact with Water Gremlin's contractor. Phase 3 will be reviewed after that. If everything is OK'd, then Water Gremlin can proceed, but not without full approval.



**Town Board Executive Meeting  
April 24, 2020**

**Agenda Number:** 12.a

**Subject:** Clerk-Treasurer Report:  
a. DNR Groundwater Management - Update

**Documentation:** None

**Action / Motion for Consideration:**

Report at Meeting / Discuss

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Minutes  
Executive Meeting  
February 21, 2020

**DNR Groundwater Management – Update:** There was nothing to report on this agenda item.



**Town Board Executive Meeting  
April 24, 2020**

**Agenda Number:** 12.b

**Subject:** Clerk-Treasurer Report:  
a. COVID- 19 - Update

**Documentation:** None

**Action / Motion for Consideration:**

Report at Meeting / Discuss



**Town Board Executive Meeting  
April 24, 2020**

**Agenda Number:** 13 – 14 - 15

**Subject:** Added Agenda Items  
Receipt of Agenda Materials / Supplements  
Adjournment

**Action / Motion for Consideration:**