



WHITE BEAR TOWNSHIP

1858
RAMSEY COUNTY
MINNESOTA

1281 HAMMOND ROAD
WHITE BEAR TOWNSHIP, MN 55110

651-747-2750

FAX 651-426-2258

Email: wbt@whitebeartownship.org

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

AGENDA TOWN BOARD MEETING MAY 4, 2020

1. **8:00 a.m.** - Call to Order at Township Administrative Offices, 1281 Hammond Road.
2. Approval of Agenda (Additions/Deletions).
3. Approval of Payment of Bills.
4. Approval of Minutes of April 20, 2020 (Additions/Deletions).
5. **Consent Agenda:**
 - A. **South Shore Trinity Lutheran Church** – In Accordance with the Township’s Special Events Policy, Grant Non-Exclusive Use of Bellaire Beach to South Shore Trinity Lutheran Church, 2480 South Shore Boulevard to Hold Outdoor Worship Services, Weather Permitting & Provided the Stay-at-Home Order is Lifted on June 24, & 28, July 12 & 26 & August 9 & 23, Beginning at 9:45 a.m. for Two Hours per Service & to Allow Use of Electricity from the Township’s Lifeguard Building to Power the South System, Noting the Church Will Adhere to Any Safety/Social Distancing Guidelines That Are in Place During this Time.
 - B. **Cub Foods Fireworks License** – Based on Staff Review & Recommendation Approve the Fireworks License for Cub Foods from May 1, 2020 through April 30, 2021 Subject to Approval by the Town’s Fire Inspector.
 - C. **Planning Commission** – Re-Appoint Ronald Denn, Howard Blin & Zachary Flann to Three Year Terms on the Planning Commission to Expire April 30, 2023.
 - D. **Utility Commission** – Re-Appoint Trent Bernstein & Dennis DeLoach to Three Year Terms on the Utility Commission to Expire April 30, 2023.
 - E. **Public Safety Commission** – Re-Appoint Patrice Pozzini-Stedman & James Linn to Three Year Terms on the Public Safety Commission to Expire April 30, 2023.

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.



- F. **Right-of-Way Permit** – Based on Town Engineer Review & Recommendation & Including His Recommended Conditions, Approve the XcelEnergy Permit to Straighten & Add a Guide Wire to 2 Poles on 120th Street.
6. **Old Business:**
- A. **Emergency Management Team Report:**
 - 1. Ramsey County COVID 19 Incident Management.
 - 2. Contract Group Update.
 - 3. Attorney Update.
 - 4. Operations Logistics/Administrative Offices/Public Works.
7. **Public Hearing:** None.
8. **New Business:**
- Building Inspector Item:**
- A. **1st Quarter Construction Report.**
- Town Engineer Item:**
- B. **Improvement 2020-1 – Street Improvements:**
 - 1. Award Contract.
 - 2. Authorize TKDA to Perform Construction Observation.
- General Business:**
- C. **Capital Improvement Projects 2020/2021** – Discuss.
 - D. **Ordinance No. 69 (Tobacco)** – Adopt Amendment.
 - E. **Lake Links Representative** – Call In.
 - F. **Liquor License Fees** – Refund Options.
 - G. **Hockey Day Minnesota** - Update.
9. **Attorney/Client Closed Session** – Stable Property.
10. **Added Agenda Items.**
11. **Receipt of Agenda Materials & Supplements.**
12. **Adjournment.**

**White Bear Township's
Mission:**

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



**Town Board Meeting
May 4, 2020**

Agenda Number: 1 - 2 - 3 - 4

Subject: Call to Order – 8:00 a.m.
Township Administrative Offices
1281 Hammond Road

Approval of May 4, 2020 Agenda
Approval of Payment of Bills
Approval of Minutes of April 20, 2020

Documentation: May 4, 2020 Agenda
April 20, 2020 Minutes

Action / Motion for Consideration:

Call meeting to order:	8:00 a.m.
Approval of Agenda:	May 4, 2020 (additions/deletions)
Approval of Payment of Bills	
Approval of Minutes:	April 20, 2020 Meeting

**MINUTES
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The meeting was called to order at 8:00 a.m.

Present: Supervisors: Prudhon, Ruzek, McCune; Town Clerk-Treasurer: Christopherson; Attorney: Lemmons; Public Works Director: Reed; Town Finance Officer: Kelly; Town Planner: Riedesel; Town Engineer: Poppler.

The meeting was held at the Town Office Conference Room, present there were the Town Finance Officer, Town Attorney, Town Clerk, Town Planner and the Public Works Director. Town Board Chair Prudhon, Supervisors McCune and Ruzek, Town Engineer Poppler, and guests were present via telephone conference. The motions, seconds, and votes were stated by roll call as directed. Supervisor McCune had to depart a few minutes prior to the end of the meeting. Any motions he were not present for are marked with abstentions.

APPROVAL OF AGENDA (Additions/Deletions): Ruzek moved to approve the agenda as submitted adding in discussion of alcohol for takeout meals. McCune seconded. Ayes all.

APPROVAL OF PAYMENT OF BILLS: McCune moved to approve payment of bills, according to how the resolution states in agenda item 6A.5) Adopt Resolution Revising Check Signing Designation. Ruzek seconded. Ayes: McCune, Ruzek; Abstention: Prudhon.

APPROVAL OF MINUTES OF APRIL 6, 2020 (Additions/Deletions): Ruzek moved to approve the minutes of April 6, 2020 with the correction under Adopting the Resolution Revising Check Signing Designation on page 4 changing "Commissioner" to "Supervisor" and noting that Prudhon was not present so he couldn't vote. McCune seconded. Ayes all.

CONSENT AGENDA: McCune moved to approve the consent agenda as follows: 5A) Bald Eagle Ski Team Slalom Course – Based on staff review & recommendation authorize notification to the Ramsey County Sheriff's Office Water Patrol Unit of the Township's approval of the 2020 Bald Eagle Ski Team's slalom course on Bald Eagle Lake; 5B) Right-of-Way Permit – Based on Town Engineer review & recommendation & including his recommended conditions, approve the XcelEnergy permit to replace four wood poles with similar new wood poles to an existing line due to condition & age along Bellaire Avenue between South Shore Boulevard & County Road F; 5C) Right-of-Way Permit – Based on Town Engineer review & recommendation & including his recommended conditions, approve the XcelEnergy permit to install a set of underground electrical lines located along Shady Side Lane through directional drilling; 5D) Right-of-Way Permit – Based on Town Engineer review & recommendation & including his recommended conditions, approve the Comcast permit to replace underground cable located along White Bear Parkway from Bibeau Road to Birch Pond Boulevard. Ruzek seconded. Ayes all.

EMERGENCY MANAGEMENT TEAM REPORT:

1. Ramsey County COVID-19 Incident Management: The Town Clerk reported that not much has changed on this agenda item. Monday the 13th, the Clerk had a phone conference with Ramsey County, noting it was the shortest meeting thus far. Everyone is in a wait and react to the opening of recreational activities and restaurants. It was noted that the Governor opened

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golf courses. As a result, though the Township staff had closed off parks, basketball and tennis courts, they opened them up after this announcement. There was some discussion over planning for the next Town Board meeting, and it was decided that the May 4th Town Board meeting will remain as the past 3 meetings: at the Town Offices at 8 a.m.

2. Contract Group Update: The group met via phone. There was little discussion on COVID-19 and more talk of budget for the following years. Currently a lot of Ramsey County Sheriff's Department staff is on first responders and the need has increased so the costs have increased. As of now, the group is sure the rate will likely increase and unsure if the state or federal government will aid. It was noted that crime is low for now.

3. Attorney Update: The Town Attorney noted that there is nothing new since the courts are shut down until May 4th. There is nothing new in the laws or statutes. The only thing new is the change in ordinances that will allow for selling of alcohol with takeout meals, that will end as soon as the Governor's order for restaurants and bars to be closed is finished.

4. Operations Logistics/Administrative Offices/Public Works – Revise Declaration of Emergency: Township staff has been operating on staggered staff and conducting business well. The plan is to continue like this through May 4th. Staff opened tennis courts last week Friday. Public Works staff is back at full staff as of today. The drop box at the front door is going well and there have been no concerns of residents thus far. The Town Building Inspector is doing well and has been busy as construction is an essential service so permits keep coming in. It was decided that the Code Enforcement Officer position will need to be decided upon at a later date. Stillwater Street property is holding up until the courts are back in session. The Town Attorney noted that he will have something all ready to go once the courts do open up. It was noted that the Board wants to have the motions ready before the courts open too. The Water Gremlin permit applications have been going through. So far they have not set up tents for social distancing. Phases 1 and 2 are moving forward. Staff is unsure of what's going on with phase 3. There was discussion of finances and the Town is doing okay so far, even with the property taxes potentially deferred until July. There was discussion at Ramsey County of deferral and relief for property taxes. If the County held relief for property taxes it would be worse for the Township. There will be more discussion as time goes on.

There was discussion of the utility payments. Staff discussed the possibility of one-third, one-third, one-third payments. With the new meters, the usage rates are more accurate, and the readings are less. Capital Equipment purchases are on hold. It was noted that the personal protective equipment was delivered for staff. It was brought up that if staff thinks anything could become a shortage that they should order it early.

5. Commission & Board Meetings Moving Forward: The Town Clerk reported that the Town boards, commissions, and committees will resume via teleconference or video conference call in May and staff will re-evaluate in June.

POLAR LAKES PARK RESTROOM RFB – APPROVE: The Town Planner reported that though he did not include the site layout in this packet, he has included the additional information that the Board had requested. The first restroom that will be constructed will be at

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the lower end of the park, by the baseball field. Supervisor Ruzek noted that the Park Board had discussed having 2 restroom facilities instead of 1 because of the distance and no good central location for 1 restroom. Therefore the Park Board recommended sticking with 2 restrooms. It was noted that portable bathroom facilities will still be available at the other end of the park. There was some brief discussion of some communities not putting out portable restrooms due to transfer of the coronavirus. It was noted that if the Board starts now and gets results by June or July, the restroom will be completed yet this year. This will add to the community moral and overall satisfaction of the Town's main park. It was also noted that this has been on the to-do list for many years.

Ruzek moved based on staff recommendation to approve the request for bids for the materials & construction of a restroom building at Polar Lakes Park, 1280 Hammond Road. McCune seconded. The Town Attorney noted that the opening bid date should be moved out within the motion. Ruzek amended the motion to include "noting the bid will be moved out two weeks to open on the 29th of May instead of the 15th." McCune seconded the amended motion. Ayes all.

RUSH LINE CORRIDOR – ADOPT RESOLUTION OF SUPPORT: The Town Planner reported that Andrew Gitzlaff was requested to virtually attend the meeting to answer questions from the Board. Gitzlaff started the discussion with facts of how the Rush Line Corridor would improve the metro area. Planning has been moving along in deciding where platforms should be, buses would run every 15 minutes throughout the day, and in light of scenarios like these, there are 150 hospitals and clinics along the route. While the Corridor is a few years out from construction, the project is nearly two-thirds of the way complete in the environmental research assessment portion.

It was inquired of whether the Township will be requested to show support at each of the phases. This is the 15% plan, there is a 30%, 60%, and a 90% as well. The Town Board would rather not have to show support after each plan, especially since the small portion that runs through the Township is occupied by a railway corridor, which is operated by a federal agency: the Township has no say. Gitzlaff explained how each portion or checkpoint shows more level of detail to see more impact, topography environmental changes, etc. There was discussion on how the Township doesn't even hold possession of the corridor nor does it have authority over the inclusion of the Corridor. Because of this the Board did not want to have other percentage plans brought forward.

Ruzek moved based on staff review & recommendation to adopt the resolution of support for the Rush Line Bus Rapid Transit Project 15 percent plans within White Bear Township, noting this is the final resolution. McCune seconded. Ayes all.

VACATION OF EXCESS RIGHT-OF-WAY – 5297 WEST BALD EAGLE BOULEVARD: Ruzek moved to note proper publication of the hearing notice in the newspaper & waive the reading of the notice, noting that the Town has properly noted change in schedule. McCune seconded. Ayes all.

Ruzek moved to open continuation of public hearing. McCune seconded. Ayes all.

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The Town Planner reported that this has been one of many requests over the years, consistent with other things done in the past. The Department of Natural Resources did comment and aren't necessarily in support, but they understand this kind of thing. Basically the Town has to show that the proposed vacation and the public benefit its completion; the present and potential use of the land for access to public waters; and how the vacation would impact conservation of natural resources. The DNR charges that there is no benefit to the public, but notes that the Town of White Bear still has authority to vacate the road (see document from Grant Wilson, DNR Central Region Director).

There was discussion over the map on page 59 of the packet and its unclearness as to what is being vacated. The Town Attorney cleared up that the when the original plat was recorded, it did not define the right-of-way. The right-of-way does go all the way to the lake, and over time the Township is updating the plats. He also stated that page 52 has the correct legal description, and as long as the Board uses that description it is fine.

Ruzek moved to open public comment portion – ask for comments. McCune seconded. Ayes all.

Ruzek moved to close the public portion of the hearing. McCune seconded. Ayes all.

Ruzek moved based on staff review & recommendation to approve the vacation of excess right-of-way on West Bald Eagle Boulevard as it relates to 5297 West Bald Eagle Boulevard & adopt resolution vacating excess right-of-way on West Bald Eagle Boulevard noting that this vacation of excess right-of-way is consistent with others along East & West Bald Eagle Boulevard. McCune seconded. Ayes all.

RICK & KIM LUCIO, 5691 ORCHARD AVENUE – VARIANCE EXPIRATION: The Town Planner reported that in June 2019 the Town Board had approved the request for a 10.4% Green Area Variance and a 142 Square Foot Lakeshore Accessory Square Footage Variance for construction of an in-ground pool. But the variance expired after 6 months of no construction start. The ordinance does give the opportunity to grant a 6 month extension, but the Board would make it clear that this is the last extension. It was noted that it is not the Town Planner's job to remind all recipients of variance requests when the expiration date is. The Town Attorney confirmed that the Board has grounds for either extending it or denying the extension. There was discussion on what was completed at 5691 Orchard Avenue. There was nothing submitted that anything has been started or completed. It is a possibility to table and investigate further.

Ruzek moved to table the discussion until more information of the construction whether started or not and full plans going forward in a formal affidavit, that includes time frames, until the Board has more information for further discussion. McCune seconded. Ayes all.

SANITARY SEWER MANHOLE CASTINGS – APPROVE REPLACEMENT MANHOLE CASTING PURCHASE: The Public Works Director reported that the following project is replacing manhole castings within the section of Ramsey County street improvement projects. Because Ramsey County is not providing this service, the Town will provide manhole castings to be replaced as a part of the County's project. Neenah Foundry is the only provider of the

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Town's standard manhole casting. There was discussion of the project and it was noted that another issue the County isn't addressing is the drainage issues along H2 and West Bald Eagle Boulevard.

Ruzek moved based on Staff review & recommendation to receive & accept the quote from Neenah Foundry of Shakopee for the purchase of sanitary sewer manhole castings in the amount of \$17,750.00 plus the estimated cost of \$566.64 for shipping for an estimated total cost of \$18,316.64 +/- depending on shipping costs with funding from the sanitary sewer operating budget line item for repair & maintenance. McCune seconded. Ayes all.

BELLAIRE BEACH EST PARKING LOT – APPROVE STAGING AREA FOR Q3 CONTRACTING (XCELENERGY CONTRACTOR): The Public Works Director reported that the Town has had trouble with contractors in the past with communication of the staging process. Q3 is a subcontractor for the Township, a contractor for XcelEnergy. There was discussion of the subcontractors not being able to enter into some homes during the current pandemic. The Town Attorney noted that the Town should only enter into license with the contractor, that holds them accountable to any damages and have a time frame. There was discussion over any disrupted property and that the contractor should be required to be held accountable to pay the damages.

Ruzek moved based on staff review & recommendation to authorize Q3 Contracting to use the West parking lot at Bellaire Beach until the use of conflicts with beach users or the project is completed, with improved license agreement, whichever comes first noting Q3 acknowledges that if there are damages found from their equipment in this staging area they will restore those affected areas as they do for the construction zones, noting that this will be spelled out in the license agreement. McCune seconded. Ayes all.

IMPROVEMENT 2020-1—STREET IMPROVEMENTS – RECEIVE BIDS – FUTURE CONSIDERATIONS (DISCUSSION): The Town Engineer reported that Wednesday the 15th of April was the closing date of the bids for the street improvement projects for 2020. The Town received 6 bids, as one of the most competitive bidding processes yet. The lowest bid was from TA Schifsky & Sons, Inc. for \$1,591,578.26. The Engineer's estimate was nearly \$1 Million more (\$2,451,000.00). The current climate has allowed the Town to receive low bids. The next nearest bid is \$11,000 higher than the lowest bid. Town staff wanted to give the Board a chance to first receive the bids and then discuss how best to proceed during the current economic climate.

It was noted that staff does have 60-days before the approval of the bid is needed, but staff also doesn't want to affect the construction process. There was discussion on whether or not the residents in this year's project should be notified and given the opportunity for input. It was decided that it wasn't necessary to notify the residents. The bid information is on the Town's website. The Town can also lower the assessment rate at the final assessment hearing, so it is not necessary to do so now. There was also discussion the assessment and bonding rates and how they will be affected during this time. There was some discussion on whether the Town should bond for 2020, 2021, and 2022 at the same time due to the low rates. It was

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decided that the Board will talk more about this agenda item at the Executive Town Board meeting.

It was decided that the Board would discuss this more and decide at the May 4th Town Board meeting, but that over the next 2 weeks staff would work to iron out some details.

Ruzek moved based on staff review & recommendation to adopt the resolution receiving bids for Improvement 2020-1. McCune seconded. Ayes all.

PAPERLESS FINANCIAL SOFTWARE – APPROVE PURCHASE OF TYLER CONTENT

MANAGER: The Town Finance Officer and Finance Analyst were present to report on the opportunity for the Board to approve a paperless financial software from Tyler Content Manager. The Town utilizes other Tyler Technologies software that is housed in the city of Roseville's IT department. The data is safe and backed up frequently. Staff have continually been working on becoming more efficient and less reliant on paper files. This is true still during the current pandemic.

The original conversion of the financial software is \$20,000 with the annual maintenance fees of \$2,201. There was discussion on whether or not the Town should do this now with everything up in the air. It was noted that the price of installation will most likely not change in the next month or two.

Ruzek moved to table the project 30 days. Prudhon seconded. Ayes: Ruzek, Prudhon; Nay: McCune.

McCune's view is that the Town has always advocated for going paperless, and with it being such a low amount in comparison to the other projects delayed, it should get done.

NORTH OAKS MASTER JOINT POWERS AGREEMENT: 1) ANDERSON WOODS – APPROVE ADDENDUM; 2. WILKINSON LAKE VILLAS PHASE 1A – APPROVE

ADENDUM: The Town Attorney reported that he has reviewed the documents (Joint Powers Agreement) provided by North Oaks Company and the surrounding communities and recommends approval. There was some discussion over what is involved. It was noted that storm sewer is not included in the jurisdiction. The Town Attorney also noted that part 2: Wilkinson Lake Villas Phase 1A has no problems and recommends approval. It was noted that both are consistent with the JPA.

Ruzek moved based on staff review & recommendation to approve the Addendum 1-L for Anderson Woods. McCune seconded. Ayes all.

Ruzek moved based on staff review & recommendation to approve the Addendum for 1-M for Wilkinson Lake Villas Phase 1A. McCune seconded. Ayes all.

Supervisor McCune dropped out of the meeting.

I-35 @ COUNTY ROAD J/ASH STREET – MNDOT TEMPORARY SIGNAL INSTALLATION
DISCUSSION: The Public Works Director reported that the County is installing temporary

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signals at the corner of County Road J and Ash Street along the I-35 Corridor. It was noted that the County doesn't need the Board's authorization, this discussion is just allowing the Board an opportunity to comment. There currently are no dates, just the plan of installing the signals. Staff will reach out to the County and inquire details of when these signals will be installed and for about how long they will be installed.

"OFF-SALE" LIQUOR DURING STAY AT HOME ORDER: Town staff wanted a chance to discuss the selling of alcohol with take out and deliveries. There are laws to go with the sales: the person picking up the order containing alcohol must be 21 years of age; the alcohol must remain in the unopened package it came in until it has reached residence; no one order can exceed more than 72 ounces of alcohol; and other rules apply. Cities can give restaurants option to opt out.

The Town Attorney noted that the Town has no legal exposure to support or not support this change in the law during this time. It was noted that this seems practical since the seal has to remain and there is a limit of sale. The statute doesn't change from henceforth making "on-sale" liquor providers to "off-sale" liquor providers. This change is based on Governor Tim Walz's stay at home order and will be null and void as soon as the executive order to close bars and restaurants has been released.

It was the consensus that this is the logical next step and that staff will go forward as is, no action necessary.

ADDED AGENDA ITEMS: The Town Chair noted that he has received calls with compliment to staff on the *News & Views* section of the newspaper. There was some discussion of what other calls from residents that the Supervisors received recently. Some have to do with the one-way idea for Bald Eagle Boulevard, or bad road conditions. It was noted that there will be more information around fall, after a traffic study. There was discussion on how the traffic will be different and that there is no comparison around the lake toward the new school site since school is now distanced-learning.

It was also brought up that there is an area along a resident's fence along Hennessey Vista where the resident asked kids to hang their art. It was the consensus that this is a great opportunity for a community article for the *White Bear Press* and just good for community morale.

OPEN TIME: No one was present for open time.

RECEIPT OF AGENDA MATERIALS / SUPPLEMENTS: Ruzek motioned to receive all Agenda Materials & Supplements for tonight's meeting. Prudhon seconded. Ayes: Prudhon, Ruzek; Abstention: McCune.

Ruzek moved to adjourn the meeting at 10:11 a.m. Prudhon seconded. Ayes: Prudhon, Ruzek; Abstention: McCune.

Respectfully Submitted,



Town Board Meeting May 4, 2020

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

Subject: **South Shore Trinity Lutheran Church** – In Accordance with the Township’s Special Events Policy, Grant Non-Exclusive Use of Bellaire Beach to South Shore Trinity Lutheran Church, 2480 South Shore Boulevard to Hold Outdoor Worship Services, Weather Permitting & Provided the Stay-at-Home Order is Lifted on June 24, & 28, July 12 & 26 & August 9 & 23, Beginning at 9:45 a.m. for Two Hours per Service & to Allow Use of Electricity from the Township’s Lifeguard Building to Power the South System, Noting the Church Will Adhere to Any Safety/Social Distancing Guidelines That Are in Place During this Time.

Documentation: Staff Memo w/ attachments

Action / Motion for Consideration:

Receive Information / Discuss

In Accordance with the Township’s Special Events Policy, Grant Non-Exclusive Use of Bellaire Beach to South Shore Trinity Lutheran Church, 2480 South Shore Boulevard to Hold Outdoor Worship Services, Weather Permitting & Provided the Stay-at-Home Order is Lifted on June 24, & 28, July 12 & 26 & August 9 & 23, Beginning at 9:45 a.m. for Two Hours per Service & to Allow Use of Electricity from the Township’s Lifeguard Building to Power the South System, Noting the Church Will Adhere to Any Safety/Social Distancing Guidelines That Are in Place During this Time

MEMORANDUM

TO: TOWN BOARD
FROM: PATTI WALSTAD
DATE: APRIL 28, 2020

SUBJECT: SOUTH SHORE TRINITY OUTDOOR SERVICES AT BELLAIRE BEACH

We have received the annual request from South Shore Trinity Lutheran Church to hold outdoor church services at Bellaire Beach provided the stay-at-home order is lifted. They would like to hold services on June 14 & 28, July 12 & 26, and August 9 & 23.

The church advises that they will adhere to any safety/social distancing guidelines that are in place during this time.

As in the past they are once again requesting use of electricity from the lifeguard house to power the sound system.

In accordance with the Special Use Policy, the church will be providing a Certificate of Insurance listing White Bear Township as a certificate holder.

The church has been holding outdoor worships at Bellaire Beach since 1989.

PSW/s



Sharing, Caring, Growing in Christ!

April 22, 2020

White Bear Township Board
1281 Hammond Road
White Bear Township, MN 55110

Dear Board Members,

On behalf of the of the congregation, I am seeking permission to hold outdoor worship services at Bellaire Beach, across from our church building, on the corners of Bellaire Avenue and South Shore Boulevard, providing the stay-at-home order is lifted by Governor Walz.

We plan to hold services at 9:45 a.m. on the following Sundays (weather permitting):

June 14 and 28
July 12 and 26
August 9 and 23

With set-up and take down time we will use the area for approximately two hours. We would also appreciate being able to use electricity from the guard house to power the sound system.

Members of the congregation and visitors from the community enjoy being able to gather outdoors at the park for these services. We will adhere to any safety/social distancing guidelines that are in place during this time.

We still have the key to the guard house building from our use last year. We can return that key at the end of the summer if you wish, or earlier if permission is not granted.

Please let us know if this is possible again this year, and again we say thank you for the continued use of the park and electricity. We very much appreciate your granting us permission over the past several years.

Sincerely,

Ken Kirchhoff, Chairman */sa*
Board of Elders
South Shore Trinity Lutheran Church

Enclosure: Request of certificate of insurance to Helland agency, Inc.

:sa

Home of South Shore Trinity Preschool

A Stephen Ministry Congregation

2480 South Shore Boulevard • White Bear Lake • MN 55110-3807 • 651-429-4293 • www.sstwbl.org • E-mail: sstrinity@q.com





Sharing, Caring, Growing in Christ!

Date: April 22, 2020

TO: Mr. Greg Helland, greg@hellandagency.com
Helland Agency, Inc.

MESSAGE:

South Shore Trinity Lutheran Church needs a certificate of insurance for our annual request to use the Bellaire Beach for our summer 9:45 a.m. worship services. Attached is the letter of request for this year.

You can fax it directly to WB Township 651-426-2258. Please confirm with me as well.

Don't hesitate to contact me if you have any questions or need further information.

Thank you.

Serving our Savior,

Sally Ackerley
Office Manager
South Shore Trinity Lutheran Church
sally@sstwbl.org
Office: 651-429-4293

Home of South Shore Trinity Preschool
A Stephen Ministry Congregation



2480 South Shore Boulevard • White Bear Lake • MN 55110-3807 • 651-429-4293 • www.sstwbl.org • E-mail: ssstrinity@q.com



**Town Board Meeting
May 4, 2020**

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

Subject: **Cub Foods Fireworks License – Based on Staff Review & Recommendation Approve the Fireworks License for Cub Foods from May 1, 2020 through April 30, 2021 Subject to Approval by the Town’s Fire Inspector**

Documentation: Staff Memo w/ attachments

Action / Motion for Consideration:

Receive Information / Discuss

Based on Staff Review & Recommendation Approve the Fireworks License for Cub Foods from May 1, 2020 through April 30, 2021 Subject to Approval by the Town’s Fire Inspector

MEMORANDUM

TO: TOWN BOARD
FROM: PATTI WALSTAD
DATE: APRIL 30, 2020

SUBJECT: FIREWORKS LICENSE RENEWAL – CUB FOODS

Pursuant to Ordinance No. 77 (Fireworks), any business wishing to sell fireworks must first obtain a license to do so.

Cub Foods has applied for and paid for renewal of their license to sell fireworks inside their store.

In accordance with the Town's Ordinance, the Fire Inspector has been asked to inspect the property for compliance. The fireworks is being placed in the same location as in previous years.

Action Requested:

Town Board approval of the renewal of the Fireworks License from May 1, 2020 through April 30, 2021 for Cub Foods, 1059 Meadowlands Drive, White Bear Township, Minnesota for inside sale of fireworks only, subject to approval by the Town's Fire Inspector.

PSW/s
cc:admin/add.file
b:cubfireworks20



RETAIL SALES AND STORAGE OF FIREWORKS LICENSE APPLICATION FORM

Name: Cub Foods D/B/A: Cub Foods

Address: 1059 Meadowland Dr. Phone: 651-426-4534

Contact Person: Matt Berr Dates of Sale: May 1st - July 31st

Location of Sale of Fireworks: INSIDE CUB FOODS

Type of Fireworks to be sold: MN Legal Fireworks only

Estimate as to quantity and weight of legal fireworks: see attached

Table with 4 columns: Site, License Fee, # of Licenses, Total Amount. Includes rows for Single Location, Multiple Locations under Common Ownership, First Site, and Each additional site.

- Each site shall include proof of a policy of public general liability, bodily injury and property damage insurance...
The applicant agrees that purchasers will be checked for age by use of a photo ID.
The applicant hereby states that the retail structure is in compliance with National Fire Protection Association Standard 1124.

I hereby certify that under penalties of law that all information is true and correct. I will comply with all the Ordinances of the Town of White Bear and the Statutes of the State of Minnesota.

X Matthew J. Berr Applicant's Signature

4/24/20 Date



**RETAIL SALES AND STORAGE OF FIREWORKS
INSPECTION FORM**

Property Location: Cub Foods - 1059 Meadowland Dr.

Name of Property Owner: Cub Foods Phone: 651-426-6534

Contact Person: Matt Bisc Phone: 651-426-6534

1. Please provide detailed list of all fireworks reports.
(Product information must be submitted with the application).
2. Use back of sheet to sketch layout of proposed set up, both sales and storage area. Please show exit and portable fire extinguisher location.

For Office Use Only:

- No storage or sale of fireworks within 10' of any exit door.
- A 3A-40BL portable fire extinguisher is in sales area.
- All exit doors are properly signed with exit signage.
- Posted: No Smoking.

Comments:

Inspection Date: _____

APPROVAL

Fire Chief

Date



RETAIL SALES AND STORAGE OF FIREWORKS

PROOF OF PERMISSION TO OPERATE ON PROPOSED SITE

Property Location: 1059 Meadowland Dr.

Name of Property Owner: Cub Foods Phone: 651-426-4534

Contact Person: Matt Biss Phone: 651-426-4534

I, Matt Biss, hereby represent that I am the owner or person responsible for the property located at 1059 Meadowland Dr., in the Town of White Bear. I hereby consent to the use of the above-described property by Cub Foods for the sale and/or storage of fireworks for the following dates: May 1st - July 31st

I understand that by granting authorization of the use of this property for the sale and/or storage of fireworks, that I, or the owner of the property, assume liability for any accidents that may occur on this private property. I further understand that I will be responsible for any clean-up or removal of debris necessary as a result of the sale and/or storage of fireworks as may be required by Ordinance in the Town of White Bear.

x Matthew S Biss
Signature of Property Owner

4/24/20
Date

TNT® FIREWORKS

Site Plan Worksheet

ADDRESS 1059 Meadowlands Drive

CITY White Bear Township STATE MN ZIP 55127 PHONE 651-426-6534

STORE NAME / LOCATION # Cub Foods

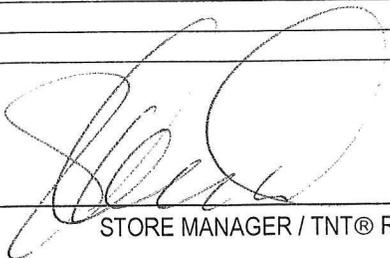
TYPE OF EVENT: In-store sales of state-approved fireworks

NORTH

AS PER ATTACHED

SOUTH

SPECIAL INSTRUCTIONS _____

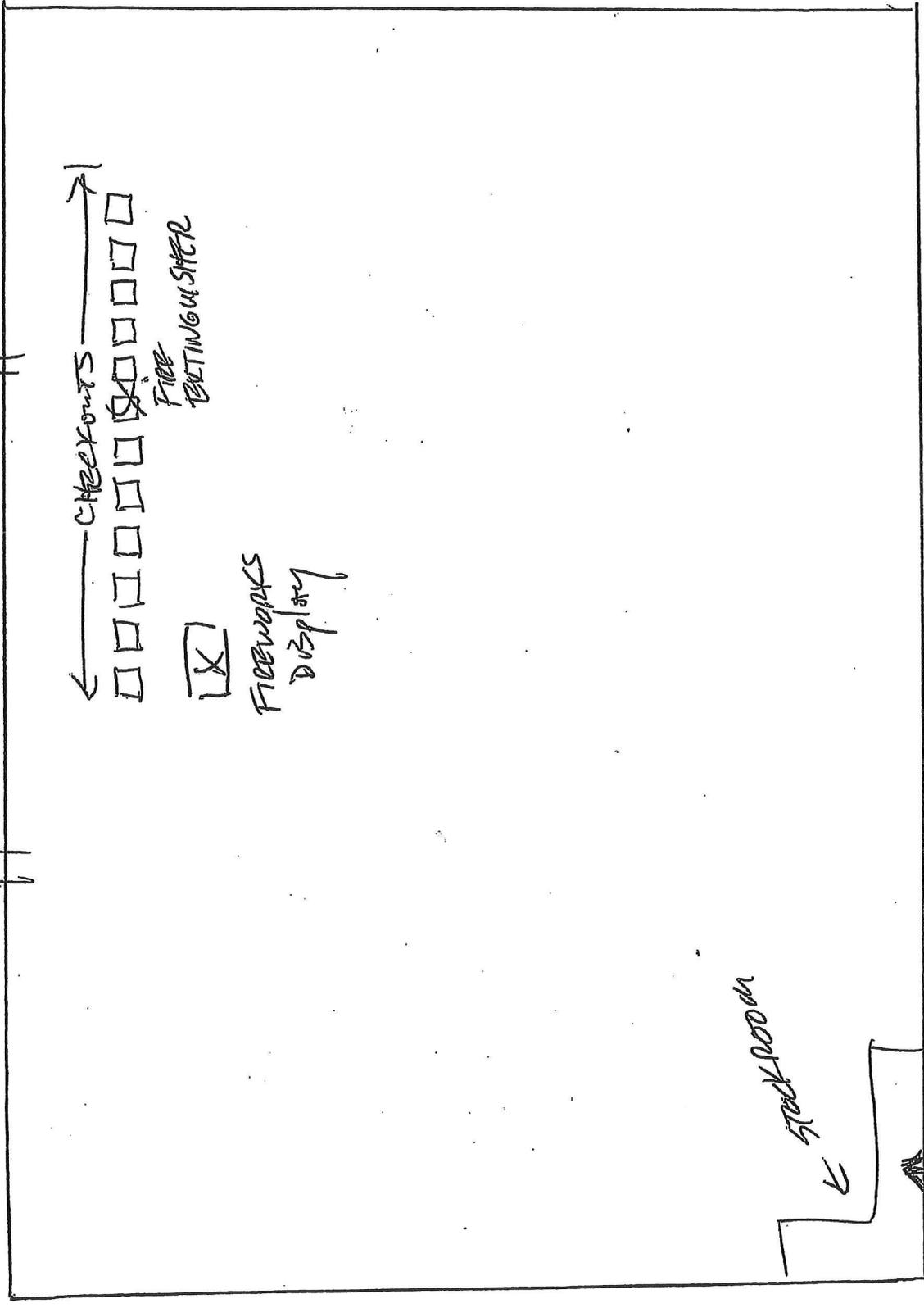
SIGNATURE  DATE 4/27/2020
STORE MANAGER / TNT® Representative

2019

N ← +

STORE
ENTRANCE

STORE
EXIT



FREEWAYS OVERSTOCK
LOCATION WHEN NEEDED

CUB FOODS
1059 WILLOWLANDS DR.
WHITEBETH TOWNSHIP



**Town Board Meeting
May 4, 2020**

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

Subject: **Planning Commission – Re-Appoint Ronald Denn, Howard Blin & Zachary Flann to Three Year Terms on the Planning Commission to Expire April 30, 2023**

Documentation: Applications

Action / Motion for Consideration:

Receive Information / Discuss

Re-Appoint Ronald Denn, Howard Blin & Zachary Flann to Three Year Terms on the Planning Commission to Expire April 30, 2023



**APPLICATION FOR APPOINTMENT
TO BOARD OR COMMISSION**

Dear Applicant:

We welcome you as an applicant for one of our Boards/Commissions. Any resident of White Bear Township for at least one year is generally eligible for nomination to any of the Township's standing Commissions established by Ordinance. However, preference will be given to registered voters.

You are encouraged to attach any additional information which you believe qualifies you for appointment to the Commission you have selected.

BOARD OR COMMISSION PREFERENCE:

- Economic Development Advisory Board
- Park Board
- Planning Commission
- Public Safety Commission
- Utility Commission
- Ramsey/Washington Suburban Cable Commission
- VLAWMO Technical Commission (TEC)
- WBL Conservation District

RETURN APPLICATION TO:

By Mail:
White Bear Township
1281 Hammond Road
White Bear Township, MN 55110

By E-Mail:
wbt@whitebeartownship.org

PERSONAL INFORMATION:

Name: Ronald Denn

Address: 5655 Portland Ave.

Telephone: Home: _____ Cell: (612) 859-4979 Work: (651) 361-7679

E-Mail Address: rjdconst@aol.com

How long have you been a resident of White Bear Township? 22 years

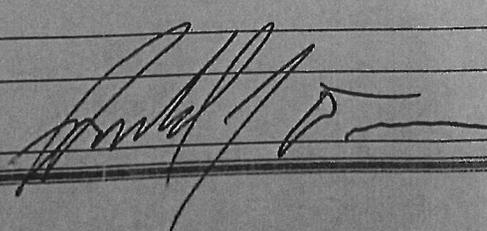
Are any members of your immediate family presently employed by White Bear Township, or serving on any of the Township's Boards or Commissions: No

If yes, please explain: _____

Your occupation: IT Project Manager Employer: State of Minnesota

I am a member of the following civic organizations: _____

Please list your special interests, education, past experiences, etc. which you feel would benefit the Township by your appointment to the Board/Commission you have preferred above:
10+ years on the planning commission

Signature:  Date: 4/6/20



APPLICATION FOR APPOINTMENT TO BOARD OR COMMISSION

Dear Applicant:

We welcome you as an applicant for one of our Boards/Commissions. Any resident of White Bear Township for at least one year is generally eligible for nomination to any of the Township's standing Commissions established by Ordinance. However, preference will be given to registered voters.

You are encouraged to attach any additional information which you believe qualifies you for appointment to the Commission you have selected.

BOARD OR COMMISSION PREFERENCE:

- Economic Development Advisory Board
- Park Board
- Planning Commission
- Public Safety Commission
- Utility Commission
- Ramsey/Washington Suburban Cable Commission
- VLAWMO Technical Commission (TEC)
- WBL Conservation District

RETURN APPLICATION TO:

By Mail:
White Bear Township
1281 Hammond Road
White Bear Township, MN 55110

By E-Mail:
wbt@whitebeartownship.org

PERSONAL INFORMATION:

Name: Howard Blin

Address: 5392 Bald Eagle Blvd. E.

Telephone: Home: 651-773-8760 Cell: _____ Work: _____

E-Mail Address: howardblin@gmail.com

How long have you been a resident of White Bear Township? 8 years

Are any members of your immediate family presently employed by White Bear Township, or serving on any of the Township's Boards or Commissions: No

If yes, please explain: _____

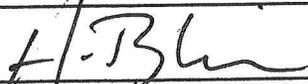
Your occupation: Retired Employer: _____

I am a member of the following civic organizations: _____

Please list your special interests, education, past experiences, etc. which you feel would benefit the Township by your appointment to the Board/Commission you have preferred above:

I was appointed to the Planning Commission in 2019 to fill out the remainder of a term.

Previously I worked as a planner and community development director for Twin Cities area communities and am familiar with local land use practices.

Signature: 

Date: March 14, 2020



APPLICATION FOR APPOINTMENT TO BOARD OR COMMISSION

Dear Applicant:

We welcome you as an applicant for one of our Boards/Commissions. Any resident of White Bear Township for at least one year is generally eligible for nomination to any of the Township's standing Commissions established by Ordinance. However, preference will be given to registered voters.

You are encouraged to attach any additional information which you believe qualifies you for appointment to the Commission you have selected.

BOARD OR COMMISSION PREFERENCE:

- Checkboxes for: Economic Development Advisory Board, Park Board, Planning Commission (checked), Public Safety Commission, Utility Commission, Ramsey/Washington Suburban Cable Commission, VLAWMO Technical Commission (TEC), WBL Conservation District

RETURN APPLICATION TO:

By Mail: White Bear Township, 1281 Hammond Road, White Bear Township, MN 55110

By E-Mail: wbt@whitebear township.org

PERSONAL INFORMATION:

Name: Zachary D Flann, AIA

Address: 4157 Bellaire Avenue, White Bear Township, MN 55110

Telephone: Home: Cell: 763-443-0290 Work: 612-278-7704

E-Mail Address: zflann@millerdunwiddie.com

How long have you been a resident of White Bear Township? 11 years

Are any members of your immediate family presently employed by White Bear Township, or serving on any of the Township's Boards or Commissions: No

If yes, please explain:

Your occupation: Architect Employer: Miller Dunwiddie

I am a member of the following civic organizations: Planning Commission since 2016

Please list your special interests, education, past experiences, etc. which you feel would benefit the Township by your appointment to the Board/Commission you have preferred above:

Interested in the thoughtful growth of my local community. I am a LEED certified licensed architect and have served on a few AIA committees and participated in the 2020 Leadership Forum (1 of 16 selected in the state of MN)

Signature: [Handwritten Signature]

Date: 04.27.2020



**Town Board Meeting
May 4, 2020**

Agenda Number: 5.D – Consent Agenda

Subject: Utility Commission – Re-Appoint Trent Bernstein & Dennis DeLoach to Three Year Terms on the Utility Commission to Expire April 30, 2023

Documentation: Applications

Action / Motion for Consideration:

Receive Information / Discuss

Re-Appoint Trent Bernstein & Dennis DeLoach to Three Year Terms on the Utility Commission to Expire April 30, 2023



APPLICATION FOR APPOINTMENT TO BOARD OR COMMISSION

Dear Applicant:

We welcome you as an applicant for one of our Boards/Commissions. Any resident of White Bear Township for at least one year is generally eligible for nomination to any of the Township's standing Commissions established by Ordinance. However, preference will be given to registered voters.

You are encouraged to attach any additional information which you believe qualifies you for appointment to the Commission you have selected.

BOARD OR COMMISSION PREFERENCE:

- Economic Development Advisory Board
- Park Board
- Planning Commission
- Public Safety Commission
- Utility Commission
- Ramsey/Washington Suburban Cable Commission
- VLAWMO Technical Commission (TEC)
- WBL Conservation District

RETURN APPLICATION TO:

By Mail:
White Bear Township
1281 Hammond Road
White Bear Township, MN 55110

By E-Mail:
wbt@whitebeartownship.org

PERSONAL INFORMATION:

Name: Trent Bernstein

Address: 2580 Randy Ave

Telephone: Home: (651) 429-6014 Cell: (651) 329-9105 Work: (952) 925-7555

E-Mail Address: tbernstein@usfamily.net

How long have you been a resident of White Bear Township? 24 Years

Are any members of your immediate family presently employed by White Bear Township, or serving on any of the Township's Boards or Commissions: NO

If yes, please explain: _____

Your occupation: Accountant Employer: General Office Products Company

I am a member of the following civic organizations: None

Please list your special interests, education, past experiences, etc. which you feel would benefit the Township by your appointment to the Board/Commission you have preferred above:

With my past business experience and education I feel I can continue to provide a methodical approach to problem solving and a different angle on situations that are presented to the commission for consideration.

Have enjoyed my time served already and strongly feel that the utility commission members are the best. Thanks

Signature: Trent Bernstein

Digitally signed by Trent Bernstein
DN: cn=Trent Bernstein, o=General Office Products Company,
c=United States of America
Reason: I am the author of this document
Date: 2020.07.07 09:31:33 -0500

Date: 04/07/2020



APPLICATION FOR APPOINTMENT TO BOARD OR COMMISSION

Dear Applicant:

We welcome you as an applicant for one of our Boards/Commissions. Any resident of White Bear Township for at least one year is generally eligible for nomination to any of the Township's standing Commissions established by Ordinance. However, preference will be given to registered voters.

You are encouraged to attach any additional information which you believe qualifies you for appointment to the Commission you have selected.

BOARD OR COMMISSION PREFERENCE:

- Economic Development Advisory Board
- Park Board
- Planning Commission
- Public Safety Commission
- Utility Commission
- Ramsey/Washington Suburban Cable Commission
- VLAWMO Technical Commission (TEC)
- WBL Conservation District

RETURN APPLICATION TO:

By Mail:
White Bear Township
1281 Hammond Road
White Bear Township, MN 55110

By E-Mail:
wbt@whitebeartownship.org

PERSONAL INFORMATION:

Name: Dennis DeLoach

Address: 3903 Lakewood Ave, White Bear Township, MN 55110

Telephone: Home: (651) 426-7306 Cell: _____ Work: _____

E-Mail Address: dmdeloach3@gmail.com

How long have you been a resident of White Bear Township? 34 years

Are any members of your immediate family presently employed by White Bear Township, or serving on any of the Township's Boards or Commissions: No

If yes, please explain: _____

Your occupation: Retired Employer: None

I am a member of the following civic organizations: None

Please list your special interests, education, past experiences, etc. which you feel would benefit the Township by your appointment to the Board/Commission you have preferred above:

Years of experience on Utility Commission _____

Signature: Dennis M DeLoach Digitally signed by Dennis M DeLoach
Date: 2020.04.10 15:14:47 -05'00'

Date: 04/10/2020



**Town Board Meeting
May 4, 2020**

Agenda Number: 5.E – Consent Agenda

Subject: Public Safety Commission – Re-Appoint Patrice Pozzini-Stedman & James Linn to Three Year Terms on the Public Safety Commission to Expire April 30, 2023

Documentation: Applications

Action / Motion for Consideration:

Receive Information / Discuss

Re-Appoint Patrice Pozzini-Stedman & James Linn to Three Year Terms on the Public Safety Commission to Expire April 30, 2023



APPLICATION FOR APPOINTMENT TO BOARD OR COMMISSION

Dear Applicant:

We welcome you as an applicant for one of our Boards/Commissions. Any resident of White Bear Township for at least one year is generally eligible for nomination to any of the Township's standing Commissions established by Ordinance. However, preference will be given to registered voters.

You are encouraged to attach any additional information which you believe qualifies you for appointment to the Commission you have selected.

BOARD OR COMMISSION PREFERENCE:

- Checkboxes for various boards: Economic Development Advisory Board, Park Board, Planning Commission, Public Safety Commission (checked), Utility Commission, Ramsey/Washington Suburban Cable Commission, VLAWMO Technical Commission (TEC), WBL Conservation District.

RETURN APPLICATION TO:

By Mail: White Bear Township, 1281 Hammond Road, White Bear Township, MN 55110

By E-Mail: wbt@whitebeartownship.org

PERSONAL INFORMATION:

Name: Patrice Pozzini-Stedman

Address: 2499 Taylor Avenue

Telephone: Home: Cell: 651-308-8958 Work:

E-Mail Address: ppstedman@hotmail.com

How long have you been a resident of White Bear Township? 36 yrs

Are any members of your immediate family presently employed by White Bear Township, or serving on any of the Township's Boards or Commissions? no

If yes, please explain:

Your occupation: Social Worker Employer: Metropolitan Area Agency on Aging

I am a member of the following civic organizations: BCL

Please list your special interests, education, past experiences, etc. which you feel would benefit the Township by your appointment to the Board/Commission you have preferred above:

35 yr member of Public Safety Committee; Licensed social worker; Degree in Social Work & Criminal Justice.

Signature: Patrice Stedman Date: 4-7-2020



RECEIVED

APR 08 2020

APPLICATION FOR APPOINTMENT TO BOARD OR COMMISSION

TOWN OF WHITE BEAR

Dear Applicant:

We welcome you as an applicant for one of our Boards/Commissions. Any resident of White Bear Township for at least one year is generally eligible for nomination to any of the Township's standing Commissions established by Ordinance. However, preference will be given to registered voters.

You are encouraged to attach any additional information which you believe qualifies you for appointment to the Commission you have selected.

BOARD OR COMMISSION PREFERENCE:

- Economic Development Advisory Board
- Park Board
- Planning Commission
- Public Safety Commission
- Utility Commission
- Ramsey/Washington Suburban Cable Commission
- VLAWMO Technical Commission (TEC)
- WBL Conservation District

RETURN APPLICATION TO:

By Mail:
White Bear Township
1281 Hammond Road
White Bear Township, MN 55110

By E-Mail:
wbt@whitebeartownship.org

PERSONAL INFORMATION:

Name: JAMES LINN

Address: 2642 Suzanne Circle

Telephone: Home: 651-653-8404 Cell: 612-716-2131 Work: _____

E-Mail Address: linnx002@umn.edu

How long have you been a resident of White Bear Township? 30 years

Are any members of your immediate family presently employed by White Bear Township, or serving on any of the Township's Boards or Commissions: No

If yes, please explain: _____

Your occupation: Retired Employer: _____

I am a member of the following civic organizations: _____
Currently Serve on Public Safety Commission

Please list your special interests, education, past experiences, etc. which you feel would benefit the Township by your appointment to the Board/Commission you have preferred above:
Education - PhD Nutrition, Engaged in agriculture and animal agriculture for over 50 years. Enjoy outdoor activities

Signature: James Linn

Date: 4-8-20



**Town Board Meeting
May 4, 2020**

Agenda Number: 5.F – Consent Agenda

Subject: **Right-of-Way Permit** – Based on Town Engineer Review & Recommendation & Including His Recommended Conditions, Approve the XcelEnergy Permit to Straighten & Add a Guide Wire to 2 Poles on 120th Street

Documentation: Town Engineer Correspondence / Map

Action / Motion for Consideration:

Receive Information / Discuss

Based on Town Engineer Review & Recommendation & Including His Recommended Conditions, Approve the XcelEnergy Permit to Straighten & Add a Guide Wire to 2 Poles on 120th Street



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

April 29, 2020

Honorable Chairman and Town Board
White Bear Township, Minnesota

Re: XcelEnergy Permit Application
120th Street
White Bear Township, Minnesota
TKDA Project No. 17727.000

Dear Board Members:

XcelEnergy has applied for a permit to straighten and add a guide wire to 2 poles on 120th Street. The attached map shows the project.

We recommend approval with the following conditions:

1. Contractor must protect 120th Street during the improvements.
2. Sanitary sewer is east of the project.
3. Disturbed areas shall be restored equal to or better than original condition.
4. If the relocation of these utilities becomes necessary in the future due to a public improvement, the utilities shall be relocated at no cost to the Township.
5. Call Gopher One-Call prior to any work.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Jim Studenski'.

Jim Studenski, PE
Town Engineer
Enclosures



5363 260th St N
Wyoming, MN 55092

April 21st, 2020
Designer: Kyle Hauge
Phone 651-462-6212
Fax: 651-462-6217

Bald Eagle Point
Order 104572710

APPLICATION XCEL ENERGY d/b/a NORTHERN STATES POWER COMPANY

To: White Bear Township
1281 Hammond Rd
White Bear Twp, MN 55110

Application is hereby made for the permission to replace, construct and therefore maintain: straightening 2 existing poles – adding 1 guy & anchor to existing pole. (see attached sketch).

I. Type of Utility – General Description

Straightening 2 existing poles & adding 1 guy & anchor to existing pole to hold in place. (See sketch).

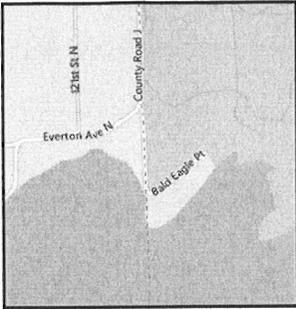
II. Work to be started after May 15th, 2020 and completed by AugNotification 54537462 tunred in by Xcel Trouble Department - No Charge to Customer 15th, 2020 including any restoration.

Application Approved

XCEL ENERGY d/b/a NORTHER STATES POWER
COMPANY

Kyle Hauge
Designer
5363 260th St N
Wyoming, MN 55092

Date: _____



Work Order Information	
Service Request #	00000938969
Design Number	Hgl004
Designer/Planner ID	Hauge, Kyle
Designer/Planner Name	Hauge, Kyle
Designer/Planner Ph #	(651) 462-6212
Manager Approval	
Joint Utility	
E:	G:
T:	C:
Design Location	
Division	White Bear Lake
County	Ramsey
City	White Bear Twp
Address	Bald Eagle Point
T: 30N	R: 22W
Map #	S: 2
Permit	
Electric	
Feeder	HUC311
Voltage	13.8 KV
Phase	C
Blup Dev ID	
Gas	
System	
Pressure	
Size	
Material	
Dead End	
Work Order #	
Date	04/21/2020
Sketch	#1 Of #1 Sketch Data
Scale	1" equals 100'

CONSTRUCTION USE ONLY

NO CHANGES (BUILT AS DESIGNED)

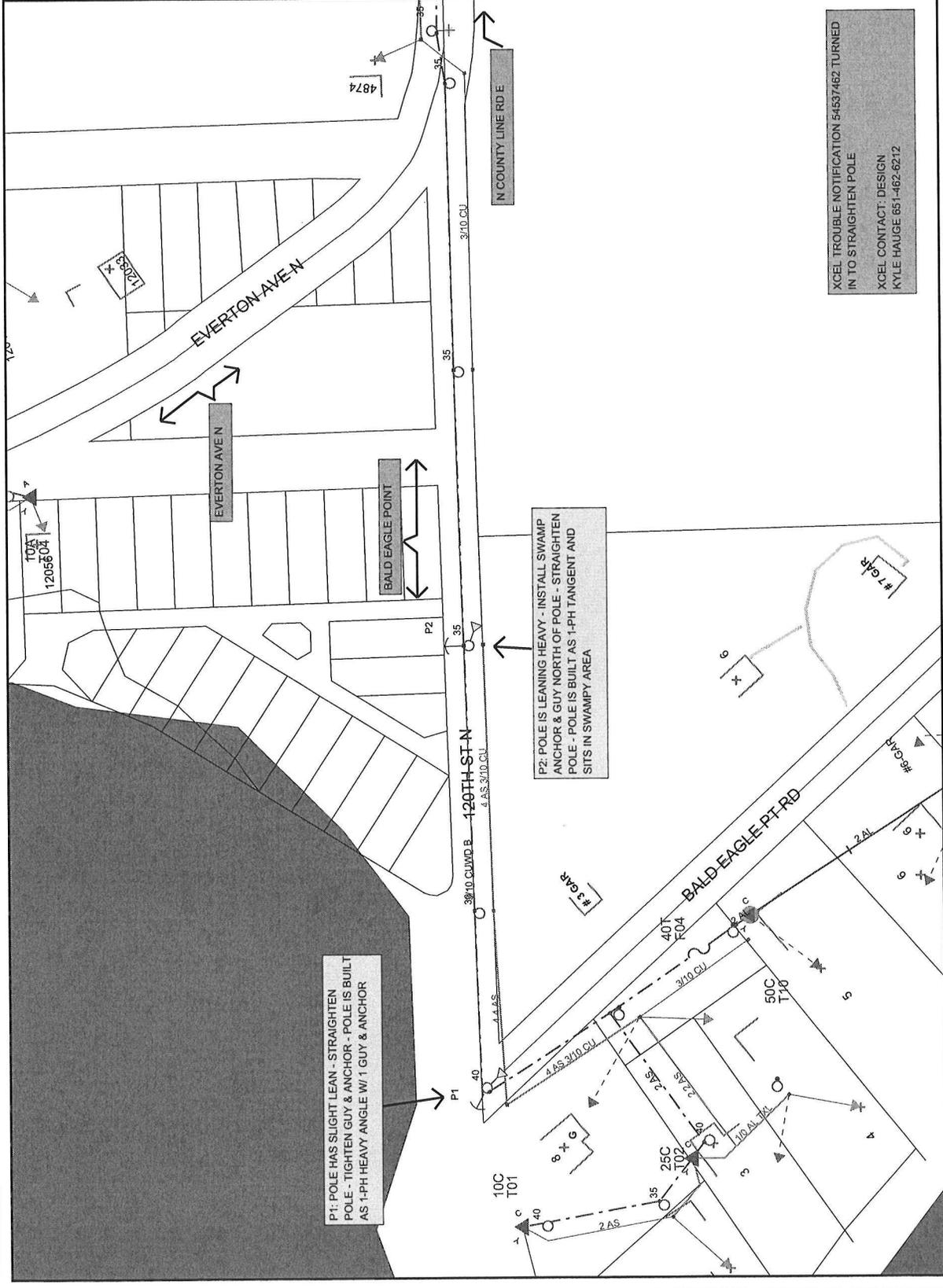
CHANGES MADE AS INDICATED

CHANGES MADE AS INDICATED BY FIELD ACTUAL MEASUREMENTS FROM THE FIELD SITE)

RFC _____ DATE _____

FOREMAN _____

TEAM LEADER _____



P1: POLE HAS SLIGHT LEAN - STRAIGHTEN POLE - TIGHTEN GUY & ANCHOR - POLE IS BUILT AS 1-PH HEAVY ANGLE W/ 1 GUY & ANCHOR

P2: POLE IS LEANING HEAVY - INSTALL SWAMP ANCHOR & GUY NORTH OF POLE - STRAIGHTEN POLE - POLE IS BUILT AS 1-PH TANGENT AND SITS IN SWAMPY AREA

XCEL TROUBLE NOTIFICATION 54537462 TURNED IN TO STRAIGHTEN POLE
XCEL CONTACT: DESIGN
KYLE HAUGE 651-462-6212

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Town Board Meeting May 4, 2020

Agenda Number: 6.A – Old Business

Subject: **Emergency Management Team Report:**

1. Ramsey County COVID 19 Incident Management.
2. Contract Group Update.
3. Attorney Update.
4. Operations Logistics/Administrative Offices/Public Works – Revise Declaration of Emergency.

Documentation: None

Action / Motion for Consideration:

Receive Memo / Discuss

Minutes
Town Board Meeting
April 20, 2020

EMERGENCY MANAGEMENT TEAM REPORT:

1. Ramsey County COVID-19 Incident Management: The Town Clerk reported that not much has changed on this agenda item. Monday the 13th, the Clerk had a phone conference with Ramsey County, noting it was the shortest meeting thus far. Everyone is in a wait and react to the opening of recreational activities and restaurants. It was noted that the Governor opened golf courses. As a result, though the Township staff had closed off parks, basketball and tennis courts, they opened them up after this announcement. There was some discussion over planning for the next Town Board meeting, and it was decided that the May 4th Town Board meeting will remain as the past 3 meetings: at the Town Offices at 8 a.m.

2. Contract Group Update: The group met via phone. There was little discussion on COVID-19 and more talk of budget for the following years. Currently a lot of Ramsey County Sheriff's Department staff is on first responders and the need has increased so the costs have increased. As of now, the group is sure the rate will likely increase and unsure if the state or federal government will aid. It was noted that crime is low for now.

3. Attorney Update: The Town Attorney noted that there is nothing new since the courts are shut down until May 4th. There is nothing new in the laws or statutes. The only thing new is the change in

ordinances that will allow for selling of alcohol with takeout meals, that will end as soon as the Governor's order for restaurants and bars to be closed is finished.

4. Operations Logistics/Administrative Offices/Public Works – Revise Declaration of Emergency: Township staff has been operating on staggered staff and conducting business well. The plan is to continue like this through May 4th. Staff opened tennis courts last week Friday. Public Works staff is back at full staff as of today. The drop box at the front door is going well and there have been no concerns of residents thus far. The Town Building Inspector is doing well and has been busy as construction is an essential service so permits keep coming in. It was decided that the Code Enforcement Officer position will need to be decided upon at a later date. Stillwater Street property is holding up until the courts are back in session. The Town Attorney noted that he will have something all ready to go once the courts do open up. It was noted that the Board wants to have the motions ready before the courts open too.

The Water Gremlin permit applications have been going through. So far they have not set up tents for social distancing. Phases 1 and 2 are moving forward. Staff is unsure of what's going on with phase 3. There was discussion of finances and the Town is doing okay so far, even with the property taxes potentially deferred until July. There was discussion at Ramsey County of deferral and relief for property taxes. If the County held relief for property taxes it would be worse for the Township. There will be more discussion as time goes on.

There was discussion of the utility payments. Staff discussed the possibility of one-third, one-third, one-third payments. With the new meters, the usage rates are more accurate, and the readings are less. Capital Equipment purchases are on hold. It was noted that the personal protective equipment was delivered for staff. It was brought up that if staff thinks anything could become a shortage that they should order it early.

5. Commission & Board Meetings Moving Forward: The Town Clerk reported that the Town boards, commissions, and committees will resume via teleconference or video conference call in May and staff will re-evaluate in June.



**Town Board Meeting
May 4, 2020**

Agenda Number: 7.A – Public Hearings

Subject: None

Documentation:

Action / Motion for Consideration:

Receive Information / Discuss



**Town Board Meeting
May 4, 2020**

Agenda Number: 8.A – New Business

Building Inspector Item:

Subject: 1st Quarter Construction Report

Documentation: Report

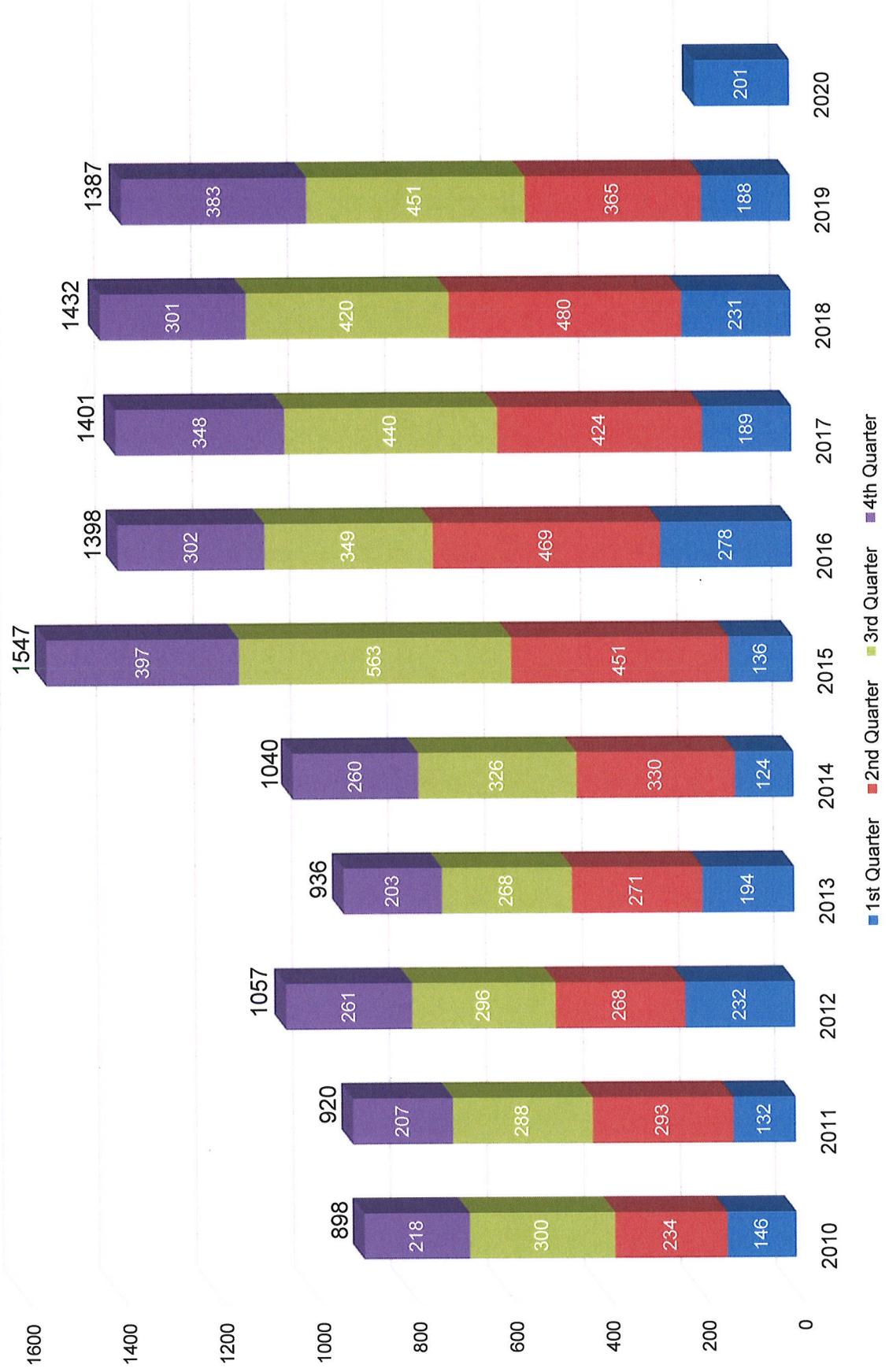
Action / Motion for Consideration:

Report at Meeting / Discuss

White Bear Township Construction Activity Report

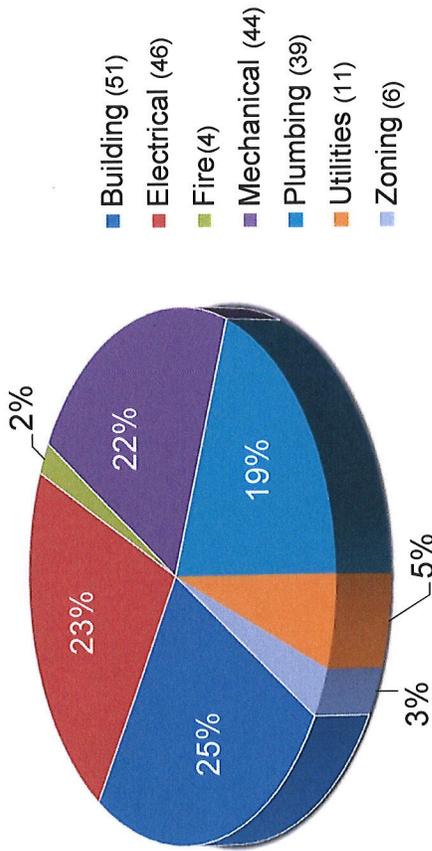
	March 2020		2020 YEAR TO DATE		2019 YEAR TO DATE	
<u>BUILDING PERMIT</u>						
<u>HOUSING</u>	<u>PERMITS</u>	<u>VALUATION</u>	<u>PERMITS</u>	<u>VALUATION</u>	<u>PERMITS</u>	<u>VALUATION</u>
SINGLE FAMILY	2	685,000	4	1,283,000	3	920,000
TOWN HOME	-	-	-	-	-	-
TOTALS	2	\$ 685,000	4	\$ 1,283,000	3	\$ 920,000
<u>MISCELL. RESIDENTIAL</u>	<u>PERMITS</u>	<u>VALUATION</u>	<u>PERMITS</u>	<u>VALUATION</u>	<u>PERMITS</u>	<u>VALUATION</u>
REMODEL & ADDITIONS	2	17,175	9	120,047	7	167,358
SIDING, ROOF. & WIND.	12	118,293	33	345,999	38	467,845
DECKS	-	-	-	-	1	12,850
SWIMMING POOLS	-	-	-	-	-	-
ACCESSORY BLDG	-	-	-	-	-	-
OTHER	-	-	2	319,796	1	8,780
TOTALS	14	\$ 135,468	44	\$ 785,842	47	\$ 656,833
<u>COMMERCIAL</u>	<u>PERMITS</u>	<u>VALUATION</u>	<u>PERMITS</u>	<u>VALUATION</u>	<u>PERMITS</u>	<u>VALUATION</u>
PUBLIC BUILDINGS	-	-	-	-	-	-
INDUSTRIAL	-	-	-	-	-	-
BUSINESS	-	-	-	-	-	-
REMODEL & ADDITIONS	1	250,000	2	400,000	2	1,935,000
OTHER	1	425,000	1	425,000	-	-
TOTALS	2	\$ 675,000	3	\$ 825,000	2	\$ 1,935,000
<u>MISCELLANEOUS</u>	<u>PERMITS</u>	<u>VALUATION</u>	<u>PERMITS</u>	<u>VALUATION</u>	<u>PERMITS</u>	<u>VALUATION</u>
DEMOLITION	-	-	-	-	1	-
<u>TOTALS</u>	18	\$ 1,495,468	51	\$ 2,893,842	53	\$ 3,511,833
PERMIT REVENUE		\$ 10,705		\$ 22,150		\$ 11,780

White Bear Township Total Number of Permits Issued by Year



2020 WHITE BEAR TOWNSHIP PERMITS

1st Quarter Permits Issued by Type



- Building (-)
- Electrical (-)
- Fire (-)
- Mechanical (-)
- Plumbing (-)
- Utilities (-)
- Zoning (-)

2nd Quarter Permits Issued by Type

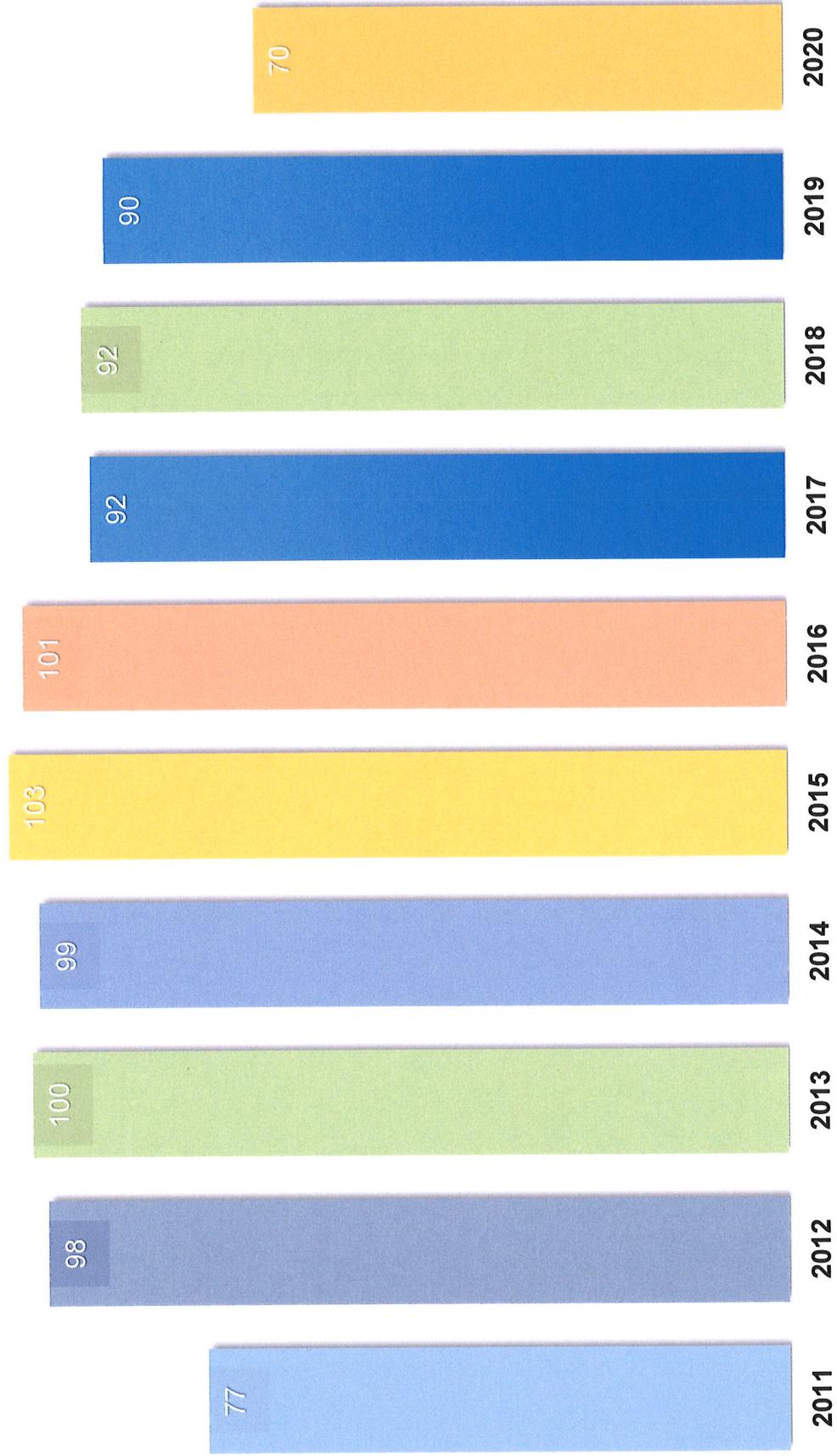
3rd Quarter Permits Issued by Type

- Building (-)
- Electrical (-)
- Fire (-)
- Mechanical (-)
- Plumbing (-)
- Utilities (-)
- Zoning (-)

4th Quarter Permits Issued by Type

- Building (-)
- Electrical (-)
- Fire (-)
- Mechanical (-)
- Plumbing (-)
- Utilities (-)
- Zoning (-)

WHITE BEAR TOWNSHIP BUSINESS LICENSES 2011-2020





**Town Board Meeting
May 4, 2020**

Agenda Number: 8.B – New Business

Town Engineer Item:

Subject: Improvement 2020-1 – Street Improvements:

1. Award Contract
2. Authorize TKDA to Perform Construction Observation

Documentation: Town Engineer Memo / Bid Tab
Resolution Awarding Contract

Action / Motion for Consideration:

Report at Meeting / Discuss

Based on Town Engineer Review & Recommendation:

- 1) Adopt **Resolution Awarding Contract for Improvement 2020-1** to T.A. Schifsky & Sons, Inc., in the Amount of \$1,591,578.26

Ruzek – Moves

McCune - Second

- 2) Authorize TKDA to Perform Construction Observation Services in an Amount Not-to-Exceed \$182,699.00

Minutes
Town Board Meeting
April 20, 2020

IMPROVEMENT 2020-1—STREET IMPROVEMENTS – RECEIVE BIDS – FUTURE CONSIDERATIONS (DISCUSSION): The Town Engineer reported that Wednesday the 15th of April was the closing date of the bids for the street improvement projects for 2020. The Town received 6 bids, as one of the most competitive bidding processes yet. The lowest bid was from TA Schifsky & Sons, Inc. for \$1,591,578.26. The Engineer's estimate was nearly \$1 Million more (\$2,451,000.00). The current climate has allowed the Town to receive low bids. The next nearest bid is \$11,000 higher than the lowest bid. Town staff wanted to give the Board a chance to first receive the bids and then discuss how best to proceed during the current economic climate.

It was noted that staff does have 60-days before the approval of the bid is needed, but staff also doesn't want to affect the construction process. There was discussion on whether or not the residents in this year's project should be notified and given the opportunity for input. It was decided that it wasn't necessary to notify the residents. The bid information is on the Town's website. The Town can also lower the assessment rate at the final assessment hearing, so it is not necessary to do so now. There was also discussion the assessment and bonding rates and how they will be affected during this time. There was some discussion on whether the Town should bond for 2020, 2021, and 2022 at the same time due to the low rates. It was decided that the Board will talk more about this agenda item at the Executive Town Board meeting.

It was decided that the Board would discuss this more and decide at the May 4th Town Board meeting, but that over the next 2 weeks staff would work to iron out some details.

Ruzek moved based on staff review & recommendation to adopt the resolution receiving bids for Improvement 2020-1. McCune seconded. Ayes all.



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

April 30, 2020

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

Re: SE Area Street Reconstruction
 White Bear Township, Minnesota
 Town Project 2020-1
 TKDA Project No. 17127.011

Dear Chair and Town Board:

On April 15, 2020, six bids for the referenced project were received. The lowest bid was submitted by T.A. Schifsky & Sons, Inc. Listed below is a summary of the bids received, and a complete Tabulation of Bids is enclosed for your information.

<u>Contractor</u>	<u>Base Bid</u>
T.A. Schifsky & Sons, Inc.	\$1,591,578.26
Valley Paving, Inc.	\$1,602,671.09
Bituminous Roadways, Inc.	\$1,694,841.82
OMG Midwest dba MN Paving & Materials	\$1,762,764.48
Meyer Contracting, Inc.	\$1,805,832.48
Park Construction Co.	\$1,860,396.06
Engineer's Estimate	\$2,451,000.00

Bids were received at the April 20, 2020 Town Board meeting. Funding which includes anticipated indirect costs and contingency has been reviewed and the following provides a breakdown of the funding for the project.

Funding breakdown:	Water Fund	\$ 50,500
	Sanitary Fund	\$ 24,000
	Storm Fund	\$ 500,500
	<u>Township Funds and Assessments</u>	<u>\$1,786,000</u>
	Total	\$2,361,000

The draft assessment was prepared using a unit assessment of \$11,000 per parcel. Considering the total of 114 units, the assessment amount using \$11,000 computes to \$1,254,000. This amounts to 53% of the total project based on the bid numbers. If this project is awarded, final assessment amounts will be prepared in September, 2020. By September, we will have a strong indication on the quantities and costs. The Assessment Hearing will be held in October, 2020 where property owners will have the opportunity to provide feedback or appeal the assessment amount.

The SE Area Street construction will include full removal of the existing pavement, installation of storm sewer, curb, and new pavement. In order to seamlessly match the new street, yard and driveway impacts are expected. Construction will be a lengthy process and it is recommended that we proceed as soon as practical. Communications regarding schedule, field contact personnel, emergency contact information, and frequently asked questions will be sent to all properties involved in this project.

We have been in contact with the low bidder and they are ready to begin. If awarded tonight, construction could begin as soon as mid to late May. Before construction begins, the contract needs to be executed, bonding must be provided, and a preconstruction meeting between the Township and the Contractor will be held.

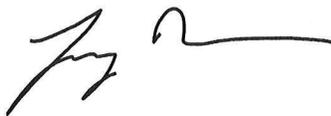
Full time construction observation will be needed on this project to assure the work is satisfactory. It can be expected that construction will last from 3 to 4 months from start to finish. Using this as a basis, TKDA has prepared a cost of \$182,600 for construction observation. The construction observer will have identifying safety apparel. Residents with questions or individual property concerns are encouraged to approach or call the construction inspector and discuss the project. The newsletter for the project will provide more details.

Action Requested

1. Award the contract for the SE Area Street Reconstruction Project to the lowest responsible bidder, T.A. Schifsky & Sons, Inc., for the Total Bid of \$1,591,578.26.
2. Authorize TKDA for Construction Observation in amount not-to-exceed \$182,600.

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

Sincerely,



Larry Poppler, PE
Principal Engineer



TABULATION OF BIDS
 SE AREA STREET RECONSTRUCTION
 WHITE BEAR TOWNSHIP, MINNESOTA
 TOWN PROJECT NO. 2020-1
 TKDA PROJECT NO. 17127.011



ITEM NO.	DESCRIPTION	QUANTITY	UNIT	ENGINEER'S ESTIMATE		T.A. SCHIFSKY & SONS, INC.		VALLEY PAVING, INC.	
				UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT
1	ENGINEER DIRECTED ALLOWANCE	1	LS	\$ 50,000.00	\$ 50,000.00	\$ 50,000.00	\$ 50,000.00	\$ 50,000.00	\$ 50,000.00
2	MOBILIZATION	1	LS	\$ 109,852.31	\$ 109,852.31	\$ 90,000.00	\$ 90,000.00	\$ 60,000.00	\$ 60,000.00
3	TRAFFIC CONTROL	1	LS	\$ 30,000.00	\$ 30,000.00	\$ 80,000.00	\$ 80,000.00	\$ 5,150.00	\$ 5,150.00
4	DEWATERING	1	LS	\$ 30,000.00	\$ 30,000.00	\$ 7,500.00	\$ 7,500.00	\$ 1,500.00	\$ 1,500.00
5	CLEAR	0.25	AC	\$ 25,000.00	\$ 6,250.00	\$ 6,500.00	\$ 1,625.00	\$ 8,500.00	\$ 2,125.00
6	GRUB	0.25	AC	\$ 10,000.00	\$ 2,500.00	\$ 2,000.00	\$ 500.00	\$ 2,125.00	\$ 531.25
7	CLEAR	46	TREE	\$ 500.00	\$ 23,000.00	\$ 300.00	\$ 13,800.00	\$ 335.00	\$ 15,410.00
8	GRUB	33	EA	\$ 400.00	\$ 13,200.00	\$ 125.00	\$ 5,750.00	\$ 53.00	\$ 2,438.00
9	SALVAGE CASTING	501	LF	\$ 4.00	\$ 2,004.00	\$ 3.00	\$ 1,503.00	\$ 4.00	\$ 2,004.00
10	SAW CUT (FULL DEPTH, ALL TYPES)	112	SY	\$ 5.00	\$ 560.00	\$ 8.00	\$ 896.00	\$ 8.60	\$ 963.20
11	REMOVE BITUMINOUS PAVEMENT	1,316	SY	\$ 7.50	\$ 9,870.00	\$ 6.00	\$ 7,896.00	\$ 4.60	\$ 6,053.60
12	REMOVE BITUMINOUS DRIVEWAY PAVEMENT	619	SY	\$ 9.00	\$ 5,571.00	\$ 7.50	\$ 4,642.50	\$ 9.55	\$ 5,911.45
13	REMOVE CONCRETE DRIVEWAY PAVEMENT	694	SF	\$ 35.00	\$ 24,290.00	\$ 5.00	\$ 3,470.00	\$ 2.00	\$ 1,388.00
14	SALVAGE BRICK PAVERS	243	LF	\$ 50.00	\$ 12,150.00	\$ 19.00	\$ 4,617.00	\$ 11.00	\$ 2,673.00
15	REMOVE STORM SEWER (ALL TYPES & SIZES)	6	EA	\$ 750.00	\$ 4,500.00	\$ 600.00	\$ 3,600.00	\$ 655.00	\$ 3,930.00
16	REMOVE DRAINAGE STRUCTURE (ALL TYPES & SIZES)	48	EA	\$ 30.00	\$ 1,440.00	\$ 50.00	\$ 2,400.00	\$ 41.20	\$ 1,977.60
17	REMOVE SIGN	835	CY	\$ 20.00	\$ 16,700.00	\$ 18.00	\$ 15,030.00	\$ 51.50	\$ 43,002.50
18	SUBGRADE CORRECTION	3,402	CY	\$ 15.00	\$ 51,030.00	\$ 21.00	\$ 71,442.00	\$ 33.50	\$ 113,967.00
19	COMMON EXCAVATION	122	EA	\$ 5.00	\$ 610.00	\$ 10.00	\$ 1,220.00	\$ 10.30	\$ 1,256.60
20	CURB SHUTOFF STAMP	1	EA	\$ 500.00	\$ 500.00	\$ 1,300.00	\$ 1,300.00	\$ 1,000.00	\$ 1,000.00
21	REMOVE HYDRANT	1	EA	\$ 250.00	\$ 250.00	\$ 450.00	\$ 450.00	\$ 500.00	\$ 500.00
22	REMOVE GATE VALVE & BOX	25	LF	\$ 30.00	\$ 750.00	\$ 20.00	\$ 500.00	\$ 30.00	\$ 750.00
23	REMOVE DIP WATERMAIN PIPE	1	EA	\$ 6,000.00	\$ 6,000.00	\$ 5,600.00	\$ 5,600.00	\$ 7,900.00	\$ 7,900.00
24	FURNISH AND INSTALL HYDRANT	1	EA	\$ 6,500.00	\$ 6,500.00	\$ 2,000.00	\$ 2,000.00	\$ 3,600.00	\$ 3,600.00
25	FURNISH AND INSTALL 6" GATE VALVE AND BOX	20	EA	\$ 400.00	\$ 8,000.00	\$ 385.00	\$ 7,700.00	\$ 850.00	\$ 17,000.00
26	ADJUST GATE VALVE & BOX	28	LF	\$ 70.00	\$ 1,960.00	\$ 115.00	\$ 3,220.00	\$ 145.00	\$ 4,060.00
27	6" DIP WATERMAIN	324	LB	\$ 10.00	\$ 3,240.00	\$ 12.00	\$ 3,888.00	\$ 7.60	\$ 2,462.40
28	DUCTILE IRON FITTINGS	2	EA	\$ 2,000.00	\$ 4,000.00	\$ 2,500.00	\$ 5,000.00	\$ 1,300.00	\$ 2,600.00
29	CONNECT TO EXISTING WATERMAIN	15	SY	\$ 10.00	\$ 150.00	\$ 50.00	\$ 750.00	\$ 63.00	\$ 945.00
30	4" POLYSTYRENE INSULATION	1,508	TN	\$ 25.00	\$ 37,700.00	\$ 1.00	\$ 1,508.00	\$ 15.75	\$ 23,751.00
31	SELECT GRANULAR BORROW (CV)	2,845	TN	\$ 40.00	\$ 113,800.00	\$ 17.50	\$ 49,787.50	\$ 17.60	\$ 50,072.00
32	AGGREGATE BASE (CV) CLASS 5	5,024	CY	\$ 20.00	\$ 100,480.00	\$ 8.00	\$ 40,192.00	\$ 10.50	\$ 52,752.00
33	SALV MILL BIT & AGG FROM STOCKPILE	313	TN	\$ 55.00	\$ 17,215.00	\$ 29.00	\$ 9,077.00	\$ 30.00	\$ 9,390.00
34	CRUSHED ROCK (1" CLEAR)	78	RD STA	\$ 50.00	\$ 3,900.00	\$ 20.00	\$ 1,560.00	\$ 15.00	\$ 1,170.00
35	TEST ROLLING	78	RD STA	\$ 500.00	\$ 39,000.00	\$ 285.00	\$ 22,230.00	\$ 7.50	\$ 585.00
36	SUBGRADE PREPARATION	19,458	SY	\$ 4.00	\$ 77,832.00	\$ 1.35	\$ 26,268.30	\$ 1.00	\$ 19,458.00
37	FULL DEPTH RECLAMATION	5,024	CY	\$ 18.00	\$ 90,432.00	\$ 8.00	\$ 40,192.00	\$ 9.35	\$ 46,974.40
38	STOCKPILE AGGREGATE	2,080	TN	\$ 76.00	\$ 158,080.00	\$ 70.00	\$ 145,600.00	\$ 75.00	\$ 156,000.00
39	TYPE SP 9.5 WEARING COURSE MIXTURE (2.C)	2,071	TN	\$ 72.00	\$ 149,112.00	\$ 61.00	\$ 126,331.00	\$ 66.60	\$ 137,928.60
40	TYPE SP 12.5 NON WEARING COURSE MIXTURE (2.B)	835	GAL	\$ 2.00	\$ 1,670.00	\$ 0.01	\$ 8.35	\$ 1.52	\$ 1,269.20
41	BITUMINOUS MATERIAL FOR TACK COAT	1,533	SY	\$ 20.00	\$ 30,660.00	\$ 28.00	\$ 42,924.00	\$ 30.00	\$ 45,990.00
42	3" BITUMINOUS DRIVEWAY	674	SY	\$ 85.00	\$ 57,290.00	\$ 60.00	\$ 40,440.00	\$ 54.00	\$ 36,396.00
43	6" CONCRETE DRIVEWAY								

* These amounts do not match the bid form but are accurate based on Engineer's QA/QC. They do not alter the original base bid.

TABULATION OF BIDS
 SE AREA STREET RECONSTRUCTION
 WHITE BEAR TOWNSHIP, MINNESOTA
 TOWN PROJECT NO. 2020-1
 TKDA PROJECT NO. 17127.011



ITEM NO.	DESCRIPTION	QUANTITY	UNIT	ENGINEER'S ESTIMATE		T. A. SCHIFSKY & SONS, INC.		VALLEY PAVING, INC.	
				UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT
44	CONCRETE CURB & GUTTER DESIGN D412	13,104	LF	\$ 32.00	\$ 419,328.00	\$ 12.00	\$ 157,248.00	\$ 11.85	\$ 155,282.40
45	CONCRETE CURB & GUTTER DESIGN B618	1,658	LF	\$ 34.00	\$ 56,372.00	\$ 20.00	\$ 33,160.00	\$ 13.90	\$ 23,046.20
46	INSTALL RETAINING WALL	100	SF	\$ 50.00	\$ 5,000.00	\$ 40.00	\$ 4,000.00	\$ 20.00	\$ 2,000.00
47	INSTALL BRICK PAVERS	715	SF	\$ 35.00	\$ 25,025.00	\$ 13.75	\$ 9,831.25	\$ 12.00	\$ 8,580.00
48	FURNISH AND INSTALL STREET NAME SIGNS	13	EA	\$ 300.00	\$ 3,900.00	\$ 295.00	\$ 3,835.00	\$ 412.00	\$ 5,356.00
49	FURNISH AND INSTALL SIGN	36	EA	\$ 150.00	\$ 5,400.00	\$ 275.00	\$ 9,900.00	\$ 206.00	\$ 7,416.00
50	GEOTEXTILE FABRIC	2,924	SY	\$ 4.00	\$ 11,696.00	\$ 2.20	\$ 6,432.80	\$ 2.25	\$ 6,579.00
51	CLEAN DRAINAGE DITCH	180	LF	\$ 30.00	\$ 5,400.00	\$ 18.00	\$ 3,240.00	\$ 13.00	\$ 2,340.00
52	CURB CUT FOR RAIN GARDEN	5	EA	\$ 10.00	\$ 50.00	\$ 100.00	\$ 500.00	\$ 0.01	\$ 0.05
53	TELEWISE STORM SEWER PIPE	440	LF	\$ 3.00	\$ 1,320.00	\$ 9.00	\$ 3,960.00	\$ 4.00	\$ 1,760.00
54	15" SAFETY APRON AND GRATE	6	EA	\$ 1,000.00	\$ 6,000.00	\$ 2,870.00	\$ 17,220.00	\$ 1,400.00	\$ 8,400.00
55	12" RC PIPE SEWER DES 3006 CL III	353	LF	\$ 75.00	\$ 26,475.00	\$ 45.00	\$ 15,885.00	\$ 74.00	\$ 26,122.00
56	15" RC PIPE SEWER DES 3006 CL III	2,620	LF	\$ 75.00	\$ 196,500.00	\$ 50.00	\$ 131,000.00	\$ 54.00	\$ 141,480.00
57	CONNECT TO EXISTING STORM SEWER	1	EA	\$ 1,000.00	\$ 1,000.00	\$ 2,600.00	\$ 2,600.00	\$ 1,050.00	\$ 1,050.00
58	CONNECT TO EXISTING DRAINAGE STRUCTURE	2	EA	\$ 1,000.00	\$ 2,000.00	\$ 2,900.00	\$ 5,800.00	\$ 1,400.00	\$ 2,800.00
59	CONSTRUCT DRAINAGE STRUCTURE TYPE 404	14	EA	\$ 5,000.00	\$ 70,000.00	\$ 3,040.00	\$ 42,560.00	\$ 2,400.00	\$ 33,600.00
60	CONSTRUCT DRAINAGE STRUCTURE TYPE 406	19	EA	\$ 5,000.00	\$ 95,000.00	\$ 3,600.00	\$ 68,400.00	\$ 2,930.00	\$ 55,670.00
61	CONSTRUCT DRAINAGE STRUCTURE TYPE 409	2	EA	\$ 5,000.00	\$ 10,000.00	\$ 3,200.00	\$ 6,400.00	\$ 3,810.00	\$ 7,620.00
62	SPECIAL (84")	1	EA	\$ 35,000.00	\$ 35,000.00	\$ 20,000.00	\$ 20,000.00	\$ 17,000.00	\$ 17,000.00
63	CASTING ASSEMBLY	5	EA	\$ 650.00	\$ 3,250.00	\$ 650.00	\$ 3,250.00	\$ 625.00	\$ 3,125.00
64	INSTALL CASTING	32	EA	\$ 350.00	\$ 11,200.00	\$ 350.00	\$ 11,200.00	\$ 950.00	\$ 30,400.00
65	RANDOM RIPRAP CLASS III	60	TN	\$ 80.00	\$ 4,800.00	\$ 130.00	\$ 7,800.00	\$ 90.00	\$ 5,400.00
66	WATER FOR DUST CONTROL	442	MGAL	\$ 50.00	\$ 22,100.00	\$ 0.01	\$ 4.42	\$ 13.00	\$ 5,746.00
67	STABILIZED CONSTRUCTION EXIT	2	EA	\$ 2,500.00	\$ 5,000.00	\$ 1,500.00	\$ 3,000.00	\$ 500.00	\$ 1,000.00
68	STREET SWEEPER (WITH PICKUP BROOM)	1	LS	\$ 10,000.00	\$ 10,000.00	\$ 2,500.00	\$ 2,500.00	\$ 5,000.00	\$ 5,000.00
69	SILT FENCE, TYPE MS	450	LF	\$ 3.50	\$ 1,575.00	\$ 3.00	\$ 1,350.00	\$ 4.22	\$ 1,899.00
70	SEDIMENT CONTROL LOG TYPE COMPOST	50	LF	\$ 2.50	\$ 125.00	\$ 5.00	\$ 250.00	\$ 3.85	\$ 192.50
71	INLET PROTECTION	12	EA	\$ 150.00	\$ 1,800.00	\$ 130.00	\$ 1,560.00	\$ 185.00	\$ 2,220.00
72	TOPSOIL BORROW	243	CY	\$ 50.00	\$ 12,150.00	\$ 40.00	\$ 9,720.00	\$ 40.00	\$ 9,720.00
73	SALVAGE AND REINSTALL TOPSOIL	1,214	CY	\$ 15.00	\$ 18,210.00	\$ 0.01	\$ 12.14	\$ 20.00	\$ 24,280.00
74	GEOGRID	544	SY	\$ 15.00	\$ 8,160.00	\$ 9.00	\$ 4,896.00	\$ 15.00	\$ 8,160.00
75	EROSION CONTROL BLANKETS CATEGORY 4N	544	SY	\$ 3.00	\$ 1,632.00	\$ 2.50	\$ 1,360.00	\$ 2.42	\$ 1,316.48
76	SODDING TYPE SALT TOLERANT	6,741	SY	\$ 6.00	\$ 40,446.00	\$ 7.00	\$ 47,187.00	\$ 7.00	\$ 47,187.00
77	SEED MIXTURE 25-151	37	LB	\$ 25.25	\$ 934.25	\$ 7.00	\$ 259.00	\$ 6.85	\$ 253.45
78	SEEDING	0.11	AC	\$ 5,000.00	\$ 550.00	\$ 5,000.00	\$ 550.00	\$ 2,500.00	\$ 275.00
79	HYDRAULIC STABILIZED FIBER MATRIX	393	LB	\$ 1.50	\$ 589.50	\$ 5.00	\$ 1,965.00	\$ 2.37	\$ 931.41
80	FERTILIZER TYPE 1	22	LB	\$ 1.77	\$ 38.94	\$ 5.00	\$ 110.00	\$ 4.90	\$ 107.80
81	RAPID STABILIZATION METHOD 1	0.11	AC	\$ 2,500.00	\$ 275.00	\$ 12,000.00	\$ 1,320.00	\$ 10,300.00	\$ 1,133.00
82	SALVAGE AND REINSTALL STONE RETAINING WALL	51	LF	\$ 150.00	\$ 7,650.00	\$ 45.00	\$ 2,295.00	\$ 28.00	\$ 1,428.00
TOTAL BID					\$ 2,451,000.00		\$ 1,591,578.26		\$ 1,602,671.09

* These amounts do not match the bid form but are accurate based on Engineer's QA/QC. They do not alter the original base bid.

TABULATION OF BIDS

SE AREA STREET RECONSTRUCTION
 WHITE BEAR TOWNSHIP, MINNESOTA
 TOWN PROJECT NO. 2020-1
 TKDA PROJECT NO. 17127.011



ITEM NO.	DESCRIPTION	QUANTITY	UNIT	BITUMINOUS ROADWAYS, INC.			OMG MIDWEST dba MN PAVING & MATERIALS			MEYER CONTRACTING, INC.			PARK CONSTRUCTION CO.		
				UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT		
1	ENGINEER DIRECTED ALLOWANCE	1	LS	\$ 50,000.00	\$ 50,000.00	\$ 50,000.00	\$ 50,000.00	\$ 50,000.00	\$ 50,000.00	\$ 50,000.00	\$ 50,000.00	\$ 50,000.00	\$ 50,000.00	\$ 50,000.00	\$ 50,000.00
2	MOBILIZATION	1	LS	\$ 36,000.00	\$ 36,000.00	\$ 120,000.00	\$ 120,000.00	\$ 82,000.00	\$ 82,000.00	\$ 252,600.00	\$ 252,600.00	\$ 252,600.00	\$ 252,600.00	\$ 252,600.00	\$ 252,600.00
3	TRAFFIC CONTROL	1	LS	\$ 10,129.00	\$ 10,129.00	\$ 20,000.00	\$ 20,000.00	\$ 5,300.00	\$ 5,300.00	\$ 5,350.00	\$ 5,350.00	\$ 5,350.00	\$ 5,350.00	\$ 5,350.00	\$ 5,350.00
4	DEWATERING	1	LS	\$ 19,138.00	\$ 19,138.00	\$ 1.00	\$ 1.00	\$ 5,429.17	\$ 5,429.17	\$ 0.01	\$ 0.01	\$ 0.01	\$ 0.01	\$ 0.01	\$ 0.01
5	CLEAR	0.25	AC	\$ 8,860.00	\$ 2,215.00	\$ 2,005.70	\$ 2,005.70	\$ 8,000.00	\$ 2,000.00	\$ 6,060.00	\$ 1,515.00	\$ 6,060.00	\$ 1,515.00	\$ 6,060.00	\$ 1,515.00
6	GRUB	0.25	AC	\$ 2,215.00	\$ 553.75	\$ 315.90	\$ 315.90	\$ 2,005.70	\$ 500.00	\$ 2,020.00	\$ 505.00	\$ 2,020.00	\$ 505.00	\$ 2,020.00	\$ 505.00
7	CLEAR	46	TREE	\$ 349.00	\$ 16,054.00	\$ 50.14	\$ 2,306.44	\$ 2,306.44	\$ 2,300.00	\$ 106,000.00	\$ 2,300.00	\$ 106,000.00	\$ 2,300.00	\$ 106,000.00	\$ 2,300.00
8	GRUB	46	TREE	\$ 55.50	\$ 2,553.00	\$ 231.66	\$ 7,644.78	\$ 7,644.78	\$ 3,051.84	\$ 140,000.00	\$ 140,000.00	\$ 140,000.00	\$ 140,000.00	\$ 140,000.00	\$ 140,000.00
9	SALVAGE CASTING	33	EA	\$ 121.00	\$ 3,993.00	\$ 3.40	\$ 1,132.20	\$ 1,132.20	\$ 3.50	\$ 116.10	\$ 116.10	\$ 116.10	\$ 116.10	\$ 116.10	\$ 116.10
10	SAW CUT (FULL DEPTH, ALL TYPES)	501	LF	\$ 4.50	\$ 2,254.50	\$ 9.10	\$ 4,559.10	\$ 4,559.10	\$ 7.39	\$ 3,693.81	\$ 3,693.81	\$ 3,693.81	\$ 3,693.81	\$ 3,693.81	\$ 3,693.81
11	REMOVE BITUMINOUS PAVEMENT	112	SY	\$ 5.30	\$ 593.60	\$ 9.10	\$ 1,019.20	\$ 1,019.20	\$ 3.88	\$ 432.56	\$ 432.56	\$ 432.56	\$ 432.56	\$ 432.56	\$ 432.56
12	REMOVE BITUMINOUS DRIVEWAY PAVEMENT	1,316	SY	\$ 6.30	\$ 8,290.80	\$ 9.10	\$ 11,975.60	\$ 11,975.60	\$ 8.13	\$ 10,772.76	\$ 10,772.76	\$ 10,772.76	\$ 10,772.76	\$ 10,772.76	\$ 10,772.76
13	REMOVE CONCRETE DRIVEWAY PAVEMENT	619	SY	\$ 7.40	\$ 4,580.60	\$ 11.03	\$ 6,827.57	\$ 6,827.57	\$ 8.13	\$ 5,032.47	\$ 5,032.47	\$ 5,032.47	\$ 5,032.47	\$ 5,032.47	\$ 5,032.47
14	SALVAGE BRICK PAVERS	694	SF	\$ 2.10	\$ 1,457.40	\$ 5.31	\$ 3,685.14	\$ 3,685.14	\$ 5.10	\$ 3,539.40	\$ 3,539.40	\$ 3,539.40	\$ 3,539.40	\$ 3,539.40	\$ 3,539.40
15	REMOVE STORM SEWER (ALL TYPES & SIZES)	243	LF	\$ 9.30	\$ 2,259.90	\$ 19.05	\$ 4,629.15	\$ 4,629.15	\$ 27.38	\$ 6,653.34	\$ 6,653.34	\$ 6,653.34	\$ 6,653.34	\$ 6,653.34	\$ 6,653.34
16	REMOVE DRAINAGE STRUCTURE (ALL TYPES & SIZES)	6	EA	\$ 870.00	\$ 5,220.00	\$ 601.71	\$ 3,610.26	\$ 3,610.26	\$ 548.16	\$ 3,288.96	\$ 3,288.96	\$ 3,288.96	\$ 3,288.96	\$ 3,288.96	\$ 3,288.96
17	REMOVE SIGN	48	EA	\$ 37.50	\$ 1,800.00	\$ 35.10	\$ 1,684.80	\$ 1,684.80	\$ 35.00	\$ 1,680.00	\$ 1,680.00	\$ 1,680.00	\$ 1,680.00	\$ 1,680.00	\$ 1,680.00
18	SUBGRADE CORRECTION	835	CY	\$ 36.50	\$ 30,477.50	\$ 31.71	\$ 26,477.85	\$ 26,477.85	\$ 35.25	\$ 29,433.75	\$ 29,433.75	\$ 29,433.75	\$ 29,433.75	\$ 29,433.75	\$ 29,433.75
19	COMMON EXCAVATION	3,402	CY	\$ 24.50	\$ 83,349.00	\$ 40.53	\$ 137,883.06	\$ 137,883.06	\$ 20.07	\$ 68,278.14	\$ 68,278.14	\$ 68,278.14	\$ 68,278.14	\$ 68,278.14	\$ 68,278.14
20	CURB SHUTOFF STAMP	122	EA	\$ 29.00	\$ 3,538.00	\$ 1.00	\$ 122.00	\$ 122.00	\$ 5.05	\$ 616.10	\$ 616.10	\$ 616.10	\$ 616.10	\$ 616.10	\$ 616.10
21	REMOVE HYDRANT	1	EA	\$ 696.00	\$ 696.00	\$ 1,303.70	\$ 1,303.70	\$ 585.16	\$ 585.16	\$ 1,280.00	\$ 1,280.00	\$ 1,280.00	\$ 1,280.00	\$ 1,280.00	\$ 1,280.00
22	REMOVE GATE VALVE & BOX	1	EA	\$ 435.00	\$ 435.00	\$ 451.28	\$ 451.28	\$ 196.31	\$ 196.31	\$ 510.00	\$ 510.00	\$ 510.00	\$ 510.00	\$ 510.00	\$ 510.00
23	REMOVE DIP WATERMAIN PIPE	25	LF	\$ 15.00	\$ 375.00	\$ 19.05	\$ 476.25	\$ 476.25	\$ 39.04	\$ 976.00	\$ 976.00	\$ 976.00	\$ 976.00	\$ 976.00	\$ 976.00
24	FURNISH AND INSTALL HYDRANT	1	EA	\$ 8,403.00	\$ 8,403.00	\$ 5,565.82	\$ 5,565.82	\$ 7,258.12	\$ 7,258.12	\$ 5,770.00	\$ 5,770.00	\$ 5,770.00	\$ 5,770.00	\$ 5,770.00	\$ 5,770.00
25	FURNISH AND INSTALL 6" GATE VALVE AND BOX	1	EA	\$ 3,085.00	\$ 3,085.00	\$ 1,975.61	\$ 1,975.61	\$ 2,677.14	\$ 2,677.14	\$ 2,460.00	\$ 2,460.00	\$ 2,460.00	\$ 2,460.00	\$ 2,460.00	\$ 2,460.00
26	ADJUST GATE VALVE & BOX	20	EA	\$ 247.00	\$ 4,940.00	\$ 486.82	\$ 9,736.40	\$ 9,736.40	\$ 336.15	\$ 6,723.00	\$ 6,723.00	\$ 6,723.00	\$ 6,723.00	\$ 6,723.00	\$ 6,723.00
27	6" DIP WATERMAIN	28	LF	\$ 71.00	\$ 1,988.00	\$ 110.31	\$ 3,088.68	\$ 3,088.68	\$ 284.44	\$ 7,964.32	\$ 7,964.32	\$ 7,964.32	\$ 7,964.32	\$ 7,964.32	\$ 7,964.32
28	DUCTILE IRON FITTINGS	324	LB	\$ 9.30	\$ 3,013.20	\$ 11.03	\$ 3,573.72	\$ 3,573.72	\$ 22.84	\$ 7,400.16	\$ 7,400.16	\$ 7,400.16	\$ 7,400.16	\$ 7,400.16	\$ 7,400.16
29	CONNECT TO EXISTING WATERMAIN	2	EA	\$ 1,479.00	\$ 2,958.00	\$ 2,507.12	\$ 5,014.24	\$ 5,014.24	\$ 1,254.03	\$ 2,508.06	\$ 2,508.06	\$ 2,508.06	\$ 2,508.06	\$ 2,508.06	\$ 2,508.06
30	4" POLYSTYRENE INSULATION	15	SY	\$ 45.00	\$ 675.00	\$ 50.14	\$ 752.10	\$ 752.10	\$ 115.23	\$ 1,728.45	\$ 1,728.45	\$ 1,728.45	\$ 1,728.45	\$ 1,728.45	\$ 1,728.45
31	SELECT GRANULAR BORROW (CV)	1,508	TN	\$ 13.30	\$ 20,056.40	\$ 8.90	\$ 13,421.20	\$ 13,421.20	\$ 18.66	\$ 28,139.28	\$ 28,139.28	\$ 28,139.28	\$ 28,139.28	\$ 28,139.28	\$ 28,139.28
32	AGGREGATE BASE (CV) CLASS 5	2,845	TN	\$ 16.00	\$ 45,520.00	\$ 16.47	\$ 46,857.15	\$ 46,857.15	\$ 23.28	\$ 66,231.60	\$ 66,231.60	\$ 66,231.60	\$ 66,231.60	\$ 66,231.60	\$ 66,231.60
33	SALV MILL BIT & AGG FROM STOCKPILE	5,024	CY	\$ 12.00	\$ 60,288.00	\$ 0.01	\$ 50.24	\$ 50.24	\$ 7.20	\$ 36,172.80	\$ 36,172.80	\$ 36,172.80	\$ 36,172.80	\$ 36,172.80	\$ 36,172.80
34	CRUSHED ROCK (1" CLEAR)	313	TN	\$ 40.50	\$ 12,676.50	\$ 35.50	\$ 11,111.50	\$ 11,111.50	\$ 58.46	\$ 18,297.98	\$ 18,297.98	\$ 18,297.98	\$ 18,297.98	\$ 18,297.98	\$ 18,297.98
35	TEST ROLLING	78	RD STA	\$ 42.50	\$ 3,315.00	\$ 15.24	\$ 1,188.72	\$ 1,188.72	\$ 25.47	\$ 1,986.66	\$ 1,986.66	\$ 1,986.66	\$ 1,986.66	\$ 1,986.66	\$ 1,986.66
36	SUBGRADE PREPARATION	78	RD STA	\$ 242.00	\$ 18,876.00	\$ 815.93	\$ 63,642.54	\$ 63,642.54	\$ 170.41	\$ 13,291.98	\$ 13,291.98	\$ 13,291.98	\$ 13,291.98	\$ 13,291.98	\$ 13,291.98
37	FULL DEPTH RECLAMATION	19,458	SY	\$ 1.60	\$ 31,132.80	\$ 3.65	\$ 71,021.70	\$ 71,021.70	\$ 2.11	\$ 41,056.38	\$ 41,056.38	\$ 41,056.38	\$ 41,056.38	\$ 41,056.38	\$ 41,056.38
38	STOCKPILE AGGREGATE	5,024	CY	\$ 6.30	\$ 31,651.20	\$ 0.01	\$ 50.24	\$ 50.24	\$ 4.76	\$ 23,914.24	\$ 23,914.24	\$ 23,914.24	\$ 23,914.24	\$ 23,914.24	\$ 23,914.24
39	TYPE SP 9.5 WEARING COURSE MIXTURE (2,C)	2,080	TN	\$ 69.50	\$ 144,560.00	\$ 85.56	\$ 177,964.80	\$ 177,964.80	\$ 69.50	\$ 144,560.00	\$ 144,560.00	\$ 144,560.00	\$ 144,560.00	\$ 144,560.00	\$ 144,560.00
40	TYPE SP 12.5 NON WEARING COURSE MIXTURE (2,B)	2,071	TN	\$ 59.50	\$ 123,224.50	\$ 71.41	\$ 147,890.11	\$ 147,890.11	\$ 61.00	\$ 126,331.00	\$ 126,331.00	\$ 126,331.00	\$ 126,331.00	\$ 126,331.00	\$ 126,331.00
41	BITUMINOUS MATERIAL FOR TACK COAT	835	GAL	\$ 3.30	\$ 2,755.50	\$ 1.60	\$ 1,336.00	\$ 1,336.00	\$ 3.00	\$ 2,505.00	\$ 2,505.00	\$ 2,505.00	\$ 2,505.00	\$ 2,505.00	\$ 2,505.00
42	3" BITUMINOUS DRIVEWAY	1,533	SY	\$ 28.50	\$ 43,690.50	\$ 32.12	\$ 49,239.96	\$ 49,239.96	\$ 39.74	\$ 60,921.42	\$ 60,921.42	\$ 60,921.42	\$ 60,921.42	\$ 60,921.42	\$ 60,921.42
43	6" CONCRETE DRIVEWAY	674	SY	\$ 74.00	\$ 49,876.00	\$ 56.76	\$ 38,256.24	\$ 38,256.24	\$ 75.72	\$ 51,035.28	\$ 51,035.28	\$ 51,035.28	\$ 51,035.28	\$ 51,035.28	\$ 51,035.28

TABULATION OF BIDS

SE AREA STREET RECONSTRUCTION
 WHITE BEAR TOWNSHIP, MINNESOTA
 TOWN PROJECT NO. 2020-1
 TKDA PROJECT NO. 17127.011



ITEM NO.	DESCRIPTION	QUANTITY	UNIT	BITUMINOUS ROADWAYS, INC.		OMG MIDWEST dba MN PAVING & MATERIALS		MEYER CONTRACTING, INC.		PARK CONSTRUCTION CO.	
				UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT
44	CONCRETE CURB & GUTTER DESIGN D412	13,104	LF	\$ 15.00	\$ 196,560.00	\$ 11.88	\$ 155,675.52	\$ 14.89	\$ 195,118.56	\$ 12.70	\$ 166,420.80
45	CONCRETE CURB & GUTTER DESIGN B618	1,668	LF	\$ 17.50	\$ 29,015.00	\$ 19.25	\$ 31,916.50	\$ 17.83	\$ 29,562.14	\$ 20.30	\$ 33,657.40
46	INSTALL RETAINING WALL	100	SF	\$ 104.00	\$ 10,400.00	\$ 60.17	\$ 6,017.00	\$ 105.77	\$ 10,577.00	\$ 36.40	\$ 3,640.00
47	INSTALL BRICK PAVERS	715	SF	\$ 8.60	\$ 6,149.00	\$ 7.73	\$ 5,526.95	\$ 10.88	\$ 7,779.20	\$ 17.00	\$ 12,155.00
48	FURNISH AND INSTALL STREET NAME SIGNS	13	EA	\$ 296.00	\$ 3,848.00	\$ 275.78	\$ 3,585.14	\$ 275.00	\$ 3,575.00	\$ 278.00	\$ 3,614.00
49	FURNISH AND INSTALL SIGN	36	EA	\$ 263.00	\$ 9,468.00	\$ 245.70	\$ 8,845.20	\$ 245.00	\$ 8,820.00	\$ 247.00	\$ 8,892.00
50	GEOTEXTILE FABRIC	2,924	SY	\$ 1.60	\$ 4,678.40	\$ 1.89	\$ 5,526.36	\$ 2.42	\$ 7,076.08	\$ 1.15	\$ 3,362.60
51	CLEAN DRAINAGE DITCH	180	LF	\$ 27.00	\$ 4,860.00	\$ 14.38	\$ 2,588.40	\$ 20.71	\$ 3,727.80	\$ 2.60	\$ 468.00
52	CURB CUT FOR RAIN GARDEN	5	EA	\$ 109.00	\$ 545.00	\$ 501.42	\$ 2,507.10	\$ 116.01	\$ 580.05	\$ 256.00	\$ 1,280.00
53	TELEWISE STORM SEWER PIPE	440	LF	\$ 4.50	\$ 1,980.00	\$ 6.02	\$ 2,648.80	\$ 7.95	\$ 3,496.00	\$ 4.30	\$ 1,892.00
54	15" SAFETY APRON AND GRATE	6	EA	\$ 2,494.00	\$ 14,964.00	\$ 2,878.18	\$ 17,269.08	\$ 2,760.56	\$ 16,563.36	\$ 2,270.00	\$ 13,620.00
55	12" RC PIPE SEWER DES 3006 CL III	353	LF	\$ 64.00	\$ 22,592.00	\$ 44.13	\$ 15,577.89	\$ 86.57	\$ 30,559.21	\$ 60.40	\$ 21,321.20
56	15" RC PIPE SEWER DES 3006 CL III	2,620	LF	\$ 68.50	\$ 179,470.00	\$ 49.14	\$ 128,746.80	\$ 61.59	\$ 161,365.80	\$ 57.60	\$ 150,912.00
57	CONNECT TO EXISTING STORM SEWER	1	EA	\$ 754.00	\$ 754.00	\$ 2,607.41	\$ 2,607.41	\$ 2,109.49	\$ 2,109.49	\$ 1,280.00	\$ 1,280.00
58	CONNECT TO EXISTING DRAINAGE STRUCTURE	2	EA	\$ 928.00	\$ 1,856.00	\$ 2,908.26	\$ 5,816.52	\$ 1,935.14	\$ 3,870.28	\$ 1,790.00	\$ 3,580.00
59	CONSTRUCT DRAINAGE STRUCTURE TYPE 404	14	EA	\$ 3,509.00	\$ 49,126.00	\$ 3,048.66	\$ 42,681.24	\$ 4,562.16	\$ 63,870.24	\$ 3,910.00	\$ 54,740.00
60	CONSTRUCT DRAINAGE STRUCTURE TYPE 406	19	EA	\$ 3,642.00	\$ 69,198.00	\$ 3,600.23	\$ 68,404.37	\$ 4,908.80	\$ 93,267.20	\$ 4,460.00	\$ 84,740.00
61	CONSTRUCT DRAINAGE STRUCTURE TYPE 409	2	EA	\$ 4,060.00	\$ 8,120.00	\$ 3,128.89	\$ 6,257.78	\$ 4,409.46	\$ 8,818.92	\$ 3,910.00	\$ 7,820.00
62	CONSTRUCT DRAINAGE STRUCTURE TYPE SPECIAL (84")	1	EA	\$ 12,353.00	\$ 12,353.00	\$ 19,294.83	\$ 19,294.83	\$ 20,863.98	\$ 20,863.98	\$ 15,500.00	\$ 15,500.00
63	CASTING ASSEMBLY	5	EA	\$ 921.00	\$ 4,605.00	\$ 1,213.56	\$ 6,067.80	\$ 807.28	\$ 4,036.40	\$ 1,260.00	\$ 6,300.00
64	INSTALL CASTING	32	EA	\$ 622.00	\$ 19,904.00	\$ 771.43	\$ 24,685.76	\$ 1,023.78	\$ 32,760.96	\$ 736.00	\$ 23,552.00
65	RANDOM RIPRAP CLASS III	60	TN	\$ 96.50	\$ 5,790.00	\$ 75.21	\$ 4,512.60	\$ 116.44	\$ 6,986.40	\$ 128.00	\$ 7,680.00
66	WATER FOR DUST CONTROL	442	MGAL	\$ 87.00	\$ 38,454.00	\$ 0.01	\$ 4.42	\$ 65.66	\$ 29,021.72	\$ 26.50	\$ 11,713.00
67	STABILIZED CONSTRUCTION EXIT	2	EA	\$ 968.00	\$ 1,936.00	\$ 0.01	\$ 0.02	\$ 1,400.43	\$ 2,800.86	\$ 1,280.00	\$ 2,560.00
68	STREET SWEEPER (WITH PICKUP BROOM)	1	LS	\$ 3,548.00	\$ 3,548.00	\$ 3,200.00	\$ 3,200.00	\$ 150.00	\$ 150.00	\$ 9,090.00	\$ 9,090.00
69	SILT FENCE, TYPE MS	450	LF	\$ 2.20	\$ 990.00	\$ 4.00	\$ 1,800.00	\$ 4.10	\$ 1,845.00	\$ 3.10	\$ 1,395.00
70	SEDIMENT CONTROL LOG TYPE COMPOST	50	LF	\$ 5.40	\$ 270.00	\$ 5.00	\$ 250.00	\$ 3.75	\$ 187.50	\$ 3.60	\$ 180.00
71	INLET PROTECTION	12	EA	\$ 161.00	\$ 1,932.00	\$ 200.57	\$ 2,406.84	\$ 182.88	\$ 2,194.56	\$ 152.00	\$ 1,824.00
72	TOPSOIL BORROW	243	CY	\$ 48.50	\$ 11,785.50	\$ 44.00	\$ 10,692.00	\$ 43.47	\$ 10,563.21	\$ 0.01	\$ 2.43
73	SALVAGE AND REINSTALL TOPSOIL	1,214	CY	\$ 24.00	\$ 29,136.00	\$ 0.01	\$ 12.14	\$ 23.89	\$ 29,002.46	\$ 0.01	\$ 12.14
74	GEOGRID	544	SY	\$ 2.00	\$ 1,088.00	\$ 5.13	\$ 2,790.72	\$ 23.34	\$ 12,696.96	\$ 21.10	\$ 11,478.40
75	EROSION CONTROL BLANKETS CATEGORY 4N	544	SY	\$ 2.40	\$ 1,305.60	\$ 3.01	\$ 1,637.44	\$ 3.75	\$ 2,040.00	\$ 2.30	\$ 1,251.20
76	SODDING TYPE SALT TOLERANT	6,741	SY	\$ 7.00	\$ 47,187.00	\$ 14.00	\$ 94,374.00	\$ 6.80	\$ 45,838.80	\$ 6.95	\$ 46,849.95
77	SEED MIXTURE 25-151	37	LB	\$ 6.50	\$ 240.50	\$ 5.00	\$ 185.00	\$ 6.65	\$ 246.05	\$ 6.80	\$ 251.60
78	SEEDING	0.11	AC	\$ 2,419.00	\$ 266.09	\$ 10,000.00	\$ 1,100.00	\$ 242.00	\$ 26.62	\$ 2,470.00	\$ 271.70
79	HYDRAULIC STABILIZED FIBER MATRIX	393	LB	\$ 2.60	\$ 1,021.80	\$ 5.01	\$ 1,968.93	\$ 2.30	\$ 903.90	\$ 2.35	\$ 923.55
80	FERTILIZER TYPE 1	22	LB	\$ 4.30	\$ 94.60	\$ 10.03	\$ 220.66	\$ 4.75	\$ 104.50	\$ 4.85	\$ 106.70
81	RAPID STABILIZATION METHOD 1	0.11	AC	\$ 2,688.00	\$ 295.68	\$ 10,000.00	\$ 1,100.00	\$ 9,995.00	\$ 1,099.45	\$ 10,200.00	\$ 1,122.00
82	SALVAGE AND REINSTALL STONE RETAINING WALL	51	LF	\$ 8.00	\$ 408.00	\$ 72.28	\$ 3,686.28	\$ 156.55	\$ 7,984.05	\$ 92.80	\$ 4,732.80
TOTAL BID					\$ 1,694,841.82		\$ 1,762,764.48		\$ 1,805,632.48		\$ 1,860,396.06

EXTRACT OF MINUTES OF MEETING OF THE TOWN
BOARD OF THE TOWN OF WHITE BEAR, MINNESOTA,
HELD ON MAY 4, 2020

Pursuant to due call and notice thereof, a Regular meeting of the Town Board of the Town of White Bear, Minnesota, was duly held at the Township Administrative Offices on May 4, 2020, at 8:00 a.m.

The following members were present via telephone conference: Prudhon, Ruzek, McCune; and the following members were absent: None.

Supervisor Ruzek introduced the following Resolution and moved its adoption:

**RESOLUTION AWARDING CONTRACT
FOR IMPROVEMENT 2020-1**

WHEREAS, the following have on April 15, 2020, submitted sealed bids for Improvement 2020-1 in accordance with the Advertisement for Bids duly published:

Bidder's Name	Total
T.A. Schifsky & Sons, Inc.	\$ 1,591,578.26
Valley Paving, Inc.	\$ 1,602,671.09
Bituminous Roadways, Inc.	\$ 1,694,841.82
OMG Midwest Inc., dba	
Minnesota Paving & Materials	\$ 1,762,764.48
Meyer Contracting, Inc.	\$ 1,805,832.48
Park Construction Company	\$ 1,860,396.06

AND WHEREAS, said bids were on said date publicly opened and read aloud and referred to the Engineer to tabulate and analyze and report back to this Board with respect thereto at the next regular or special meeting of the Town Board,

AND WHEREAS, said report was received by the Town Board on April 20, 2020,

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



Town Board Meeting May 4, 2020

Agenda Number: 8.C – General Business

Subject: Capital Improvement Projects 2020/2021 - Discuss

Documentation: Town Clerk Memo

Action / Motion for Consideration:

Report at Meeting / Discuss

Minutes
Executive Meeting
April 24, 2020

2020 STREET IMPROVEMENTS – PETERSON ROAD DISCUSSION – UPDATE: The Town Engineer was present to report on the bids and contractor updates. The contractor is ready to start whenever, subcontractor as well and they are excited and open from private work slowing down in the current economic environment. The bids came in very favorably to the Township, nearly \$1 Million under bid. The Engineer wanted to start discussion on how staff should proceed. If staff took a 25% reduction look at the assessments, each parcel that is taxed will go from an \$11,000 assessment to between \$8,250 and \$8,500. Likewise, the Township's portion will reduce from \$1.26 Million to around \$850,000. The only costs that aren't reduced by the low bids are the utility projections.

There was discussion of adding Peterson Road, the Water System Improvements, and the Restrooms in Polar Lakes Park in one bond to save time and money. The Restrooms may need to be a separate bond, but staff can still obtain bond at the same time. The deadline for the bonds depends on when the construction starts. If construction starts in a month or so, the Finance Officer needs the funding sources for bond information very soon.

There was discussion of the changes in economic factors, and whether the Township should alleviate the financial burden of residents by lowering the rate. It was decided that the Town should keep the flexibility and evaluate the assessments at a later date once the project is completed since the assessments cannot be raised. Residents will get a chance to speak on the assessments at the final public hearing. The real estate appraisals were noted: along Peterson Road, each property would see an increase of property value of \$80 to \$200 per front foot; and along the south projects, each property would see an increase of property value of \$8,000 to \$12,000.

Peterson Road was discussed in detail, especially in regards to assessments. The assessment rates affect the levy rate. Currently staff is looking into just running a water line and a bituminous road. The

multi-family unit housing will not have input on the assessment rate. The most recent gravel roads that became paved had had some funding from other sources, and didn't require assessments. The consensus was that the Town is going to do it either way.

The Town Engineer put together several options for Peterson Road for the Board to look over and discuss and decide upon one. Options include grading, engineering aspects, trails, etc. There is too much to discuss at this meeting, so it was the consensus that the Engineers will have all aspects and options available for the Board to look at come the Town Board Meeting of Monday, May 4th. The Board can then accept the most aggressive bid at that time. There was discussion on right-of-way on Peterson Road. A quick condemnation of right-of-way takes between 30 and 45 days. This is also something the Board should be doing right now. Staff will take the normal course of action in communication with the residents on schedule, etc.

Town Board Supervisors

5/1/2020

Gentlemen

Below you will see two memos encompassing additional Capital Improvements proposed for 2020. Per the directive from our Executive Committee meeting on 4/24, Town staff have compiled the actual projects and the subsequent funding mechanisms for each for your review. Again, the restrooms and Peterson Road are PROPOSED as of now and will require your approval before we proceed. Also, please keep in mind we would like to continue discussions with the Board regarding the potential of consolidating Street Improvement Projects scheduled for 2021, 2022, and 2023 into next year in order to capitalize on market climates.

PC

April 29, 2020

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

Re: 2020 Project Funding Breakdown
White Bear Township, Minnesota
TKDA Project No. 17727.000

Dear Chair and Town Board:

There are four projects the Township is reviewing for funding options. They are the SE Area Street Reconstruction, Water System Improvements, Peterson Road south portion and Polar Lakes Park Restrooms. The cost breakdown is as follows:

Se Area Street Reconstruction:	Water Fund	\$ 50,500	
	Sanitary Fund	\$ 24,000	
	Storm Fund	\$ 500,500	
	Street	<u>\$1,786,000</u>	(Township & Assessments)
	Total	\$2,361,000	

Water System Improvements:	Water Fund	\$ 540,000	
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Peterson Road South Portion:	Water Cost	\$ 180,000	
	Sanitary Cost	\$ 100,000	
	Storm Cost	\$ 225,000	
	Street	<u>\$ 565,000</u>	(Township & Assessments)
	Total	\$1,070,000	

Polar Lakes Park Restrooms:	Total	\$ 900,000	
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Total Funding of the four projects is \$4,871,000.

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

Sincerely,

Larry Poppler, PE
Principal Engineer

April 30, 2020

To: Town Board
From: Tom Kelly

RE: Project Financing.

Town staff has identified around \$4,871,000.00 in capital projects for 2020. The projects include the SE Area Street Reconstruction, Water System Improvements, South Portion of Peterson Road, and two Restrooms for Polar Lakes Park. The first three projects can be financed through a 429 (special assessment) improvement bond. The two restrooms in Polar Lakes Park would be financed through an abatement bond added to the improvement bond. The Township has reached out to Bond Council to make sure Townships have the authority to issue abatement bonds, but have not received a response yet. The funding sources for the bond issue will be as follows:

Water Fund	\$ 770,500
Sanitary Sewer Fund	\$ 124,000
Storm Water Fund	\$ 725,500
Special Assessments*	\$1,166,500
Town Portion (Tax Levy)*	\$1,184,500
Billboard Revenue+	<u>\$ 900,000</u>
Total	\$4,871,000

*Amounts could change depending once assessment amounts are determined.

+ If billboard revenue were not sufficient to repay debt, this would require a debt levy.

The majority of these project costs have already been calculated into the utility rates with the exception of Peterson Road, so rates may need to be adjusted slightly to cover the \$505,000 in projected utility for costs for this project.

The special assessments would be 10-year assessments with an interest rate of around 3.5%, however due to the amount of the assessments for Peterson Road; those assessments could be 15-year assessments, which would require the bonds to be 15-year bonds.

The Town portion would be paid by an increase to the Town's debt levy. This would increase the debt levy around \$72,000 per year. This would add around \$7 to \$17 per year on a resident's property tax bill based on homes valued at \$150,000 to \$331,500.

Finally, the two restrooms in Polar Lakes Park would be funded from an abatement bond. The abatement levy has no different impact than a debt levy. We would be required to identify parcels that generate Town taxes, at least as much as the annual debt service on the abatement bonds. However, the Town would use the revenue generated from the new electronic billboard to repay the debt instead of property taxes. This billboard is scheduled to generate revenue of \$80,000 the first year and increase 2% per year. One thing to note is that currently, the rent from one billboard has been used to fund any improvements made at Polar Lakes Park and by using, the billboard rent to repay bonds leaves no funds available for other future improvements without finding other funding sources.

In conclusion the Town has, about \$4,871,000 in capital project identified for 2020 and would fund these through a bond issue. The bond would be repaid by utility fund, which has or will have the repayment schedule calculated in its utility rates, special assessments, a debt levy on the property taxes, and the use of billboard revenues.



**Town Board Meeting
May 4, 2020**

Agenda Number: 8.D – General Business

Subject: Ordinance No. 69 (Tobacco) – Adopt Amendment

Documentation: Town Attorney Memo / Staff Memo / Ordinance Amendment

Action / Motion for Consideration:

Report at Meeting / Discuss

Based on Town Attorney Review & Recommendation:

Option 1 – Approve Amendment to Ordinance No. 69 (Tobacco)

Option 2 – Table Amendment Until MN Legislature Takes Action

**Minutes
Executive Meeting
April 24, 2020**

TOBACCO 21 – ORDINANCE NO. 69 AMENDMENT: The Town Clerk reported that the language adjustment to reflect the amendment regarding Tobacco 21 has been made and is in the packet. This is just for the Board to look over, read through, and prepare for the May 4th Town Board meeting. The Town Attorney noted that he will write up a memorandum of the attached document to alleviate any confusion, as the amendment is thick with legal rhetoric. The Board will have to review that memorandum before the May 4th Town Board meeting. Due to this, this agenda item is tabled until the May 4th meeting, per the Attorney’s memorandum and recommendation.

MEMORANDUM

DATE: April 30, 2020
TO: White Bear Town Board
FROM: Chad D. Lemmons
RE: Tobacco Ordinance

ISSUE

IS THE TOWN REQUIRED TO AMEND ORDINANCE 69 RAISING THE AGE TO PURCHASE TOBACCO PRODUCTS FROM 18 TO 21.

ANALYSIS

Section 1 of Ordinance No. 69 sets the legal age to purchase tobacco products at 18. This is consistent with present Minn. Stat. § 609.685.

Presently there are two bills before the legislature House File 331 and Senate File 463; which would amend Minn. Stat. § 609.685 to raise the legal age from 18 to 21. Both bills appear to be heading for passage. However as of this date neither has been voted on.

December 20, 2019, the President did sign Federal Legislation which raised the minimum age for sale of tobacco products at all retail establishments from 18 to 21. However, it is unclear as to the obligations of the Town to comply with this statute.

While the State has set 18 as the minimum age for purchasing tobacco products, the statute does not preclude the Town from adopting a more restrictive ordinance which would set the age at 21. The Board therefore has the authority if it wishes to amend Section 1 of Ordinance 69 to raise the minimum age for the purchase of tobacco products from 18 to 21.

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 5th 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

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

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, 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; 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.~~

Commented [PHLC9]: Definition not necessary with T21.

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

2-8.9. 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 devices~~ 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.

3-34. 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 31st 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 underage 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.

~~1113~~-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 5th 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 Meeting
May 4, 2020**

Agenda Number: 8.E – General Business

Subject: Lake Links Representative – Call in

Documentation:

Action / Motion for Consideration:

Discuss



**Town Board Meeting
May 4, 2020**

Agenda Number: 8.F – General Business

Subject: Liquor License Fees - Refund Options

Documentation: Fee Chart

Action / Motion for Consideration:

Report at Meeting / Discuss

**Minutes
Executive Meeting
April 24, 2020**

ADDED AGENDA ITEMS: A Town Board Supervisor wanted to review the liquor license relief. Other municipalities have granted relief checks to businesses who sell liquor. Currently 6 businesses within the Township sell liquor. There was discussion on how the Township would do this. It was decided that the businesses are hurting and this can be a good time to support them. It was decided that the Town will issue relief checks for the months of April and May. So if a business, for example, pays \$3000 annually for its liquor license, a two month reimbursement check would be in the amount of \$500. This will be an agenda item for action on the Town Board meeting of Monday, May 4th.

Restaurant	on-sale	Sunday
Lucy's	2,800.00	200.00
Zen Asia	2,800.00	200.00
Orchid	2,800.00	200.00
Applebee's	2,800.00	200.00
Emagine White Bear	2,800.00	200.00

\$3,000 divided by 12 = \$250.00

Wine & Strong Beer	Wine	3.2%
Red Luna	1,400.00	150.00

\$1,550 divided by 12 = \$129.16

Liquor Stores	off-sale
Bald Eagle Liquor	500.00
Cub	500.00



**Town Board Meeting
May 4, 2020**

Agenda Number: 8.G – General Business

Subject: Hockey Day Minnesota - Update

Documentation: Email w/ attachments

Action / Motion for Consideration:

Report at Meeting / Discuss

**Minutes
Executive Meeting
April 24, 2020**

HOCKEY DAY MINNESOTA – UPDATE: Corey Roberts was present via telephone to give the Board a brief update. He, the Wild, and Fox Sports North have been in conversation with Bemidji who had hosted last year to gain information on the quality of the turf the following spring. Bemidji and Minneapolis both said the damage was minimal, and so Roberts would ensure the budget would be presented to include a line item of repairing the field back to the original condition. The Minneapolis location was a baseball field, actual athletic field. Town staff has concerns regarding losing a season of playing soccer on Township fields, though there could be communication with the Soccer Association to keep one of the fields unavailable if need be. Roberts will work to connect the maintenance team from Minneapolis with the Public Works Director. His team is also working on getting site plans from Stillwater, Saint Cloud, and Bemidji, and will then sit down with Loucks, with the goal of reporting back to Town staff in the first week in May.

Patti Walstad

From: Pat Christopherson
Sent: Friday, May 1, 2020 9:35 AM
To: Patti Walstad
Cc: Tom Riedesel
Subject: FW: Hockey Day MN WB Township
Attachments: HDM 2021 Tech Requirements One Sheet .docx; Site Plan-Final-Rink (1).pdf; Site Plan-Final (1).pdf

Tom/Patti

Let's add this to the agenda as an update for Hockey Day

PC

From: Tom Riedesel <Tom.Riedesel@whitebeartownship.org>
Sent: Thursday, April 30, 2020 4:05 PM
To: Pat Christopherson <Pat.Christopherson@whitebeartownship.org>
Subject: FW: Hockey Day MN WB Township

FYI: Greg is the guy who designed the park.
Enjoy the weekend!

From: Corey Roberts [<mailto:corey@theminnesotan.com>]
Sent: Thursday, April 30, 2020 9:17 AM
To: gjohnson@loucksinc.com
Cc: Jon Anderson <jon.anderson@isd624.org>; Tom Riedesel <Tom.Riedesel@whitebeartownship.org>; Nick Guzzo <nguzzo18@gmail.com>; Petersen, Wayne <wpetersen@wild.com>
Subject: Hockey Day MN WB Township

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

Hi Greg, see attached site plan for the 2019 event in Bemidji. We need a preliminary site plan in order to move forward with the special event permit process. Starting with north soccer fields of the park; east side for rink to include bleachers, lockers room etc and west side for the winter village to include hospitality tents, food trucks etc. This can be flipped if it makes sense.

Also, attached are specs for the FSN's production area that we think is best in adjacent parking lot. They also require parking stalls as set fourth document which can be allocated in other lots? Or part of west field can be used for production.

Send proposal for services. We're looking for event sponsors and would be interested in trading with your firm if HDM exposure aligns with your marketing and community initiatives. I can send more information.

Goal is to have something for WB township to review by 5/15/20.

Let me know if you have questions.

HDM 2022 Fox Basic Technical Requirements.

Solid, level, parking surface for Fox's production compound. Proximity to the main rink.

85 Parking spaces reasonably close to the production compound.

All power provided to Fox must be isolated from the chillers, vendors, Hockey Day village, etc.
Electrician must be available beginning at 7am on Thursday, through teardown on Saturday night. Need electrician to be on site around 10pm.

Basic Schedule:

The week before Hockey Day, Slamhammer builds all Fox Stages.

Thursday before Hockey Day. Production Trucks and office trailer put in place between 7am and 10am. Power supplied to Fox production trucks. Crew of 10 installs all production cable. Need access to main rink, all Fox locations, and main stadium.

Friday before Hockey Day. Full setup. Crew of 40. All equipment is setup and tested.

Hockey Day. All technical and production crew on site at 5:30am. Live On Air from 9:00am until 7:30pm. Full strike after clearing air.

Fox Personnel:

55 Technical Crew. Fox technical crew need All Access Pass.

20 Production Personnel including Talent. Fox Production Personnel need All Access Pass.

10 Executives & VIP's. Need VIP Access.

Production Trucks:

MTVG 36HDX A Unit. 53' long, expanded working size width is 15'. Power 3 phase 200 AMP 208-220V. Cam Loc.

MTVG 36HDX B Unit. 53' long, working width is 12'. Power 3 phase 200AMP 208-220V. Cam Loc.

Fox Office Trailer:

Satellite Shelter 60' x 12' office trailer. Power single phase 100 AMP. Cam Loc connection.

Positioned close to the production trucks.

Uplink Truck:

Arctek. 21' long x 7' wide. Power single phase 100AMP. Cam Locs.

Hockey Day Anchor Desk stage:

Slamhammer staging. Base 32' Wide x 32' Deep x 6' height. Exact Location TBD. Power 12 x 20amp circuits. Note: this could be Dome Production mobile studio.

Gertens Lodge:

20 x 20 x 2' Platform. Power 6 x 20amp circuits. Location TBD.

Hockey Day Announce stage & Camera Platform:

Slamhammer staging. Base approximately 48' Wide x 36' Deep X 12' high. Set up at center ice behind the bleachers on the West side of the rink. Running along the length of the Bleachers. Power 12 x 20amp circuits.

Jib Platforms:

Two 16' x 16' x 2' platforms.

Each Camera Location:

Power 1 x 20amp circuit.

RF Antenna Platform:

Slamhammer staging. Base 12' x 12' x 12' height. This can be setup just to the east of the permanent restroom. Note: This platform is only if needed.

Fox Dining Tent:

LOC provided. Approximate size of 60'x 60' located near the Fox production trucks. Dining tent must have a door. Good interior lighting. Power for Caterer, TV, Cable Box, and PA speaker.

Internet & Phones:

1 Gigabit High speed internet circuit for Fox's sole use.

20 Fixed IP addresses.

1 48 port 1 Gigabit switch for Fox's sole use.

12 Phone lines with Long distance.

1 Cable TV.



ARCHITECTURAL STUDIOS, INC.

151 North Broadway St., Suite 200, 55101
Fargo, ND 58103

HOCKEY DAY
MINNESOTA
2019
BEMIDJI,
MINNESOTA

SITE
PLAN

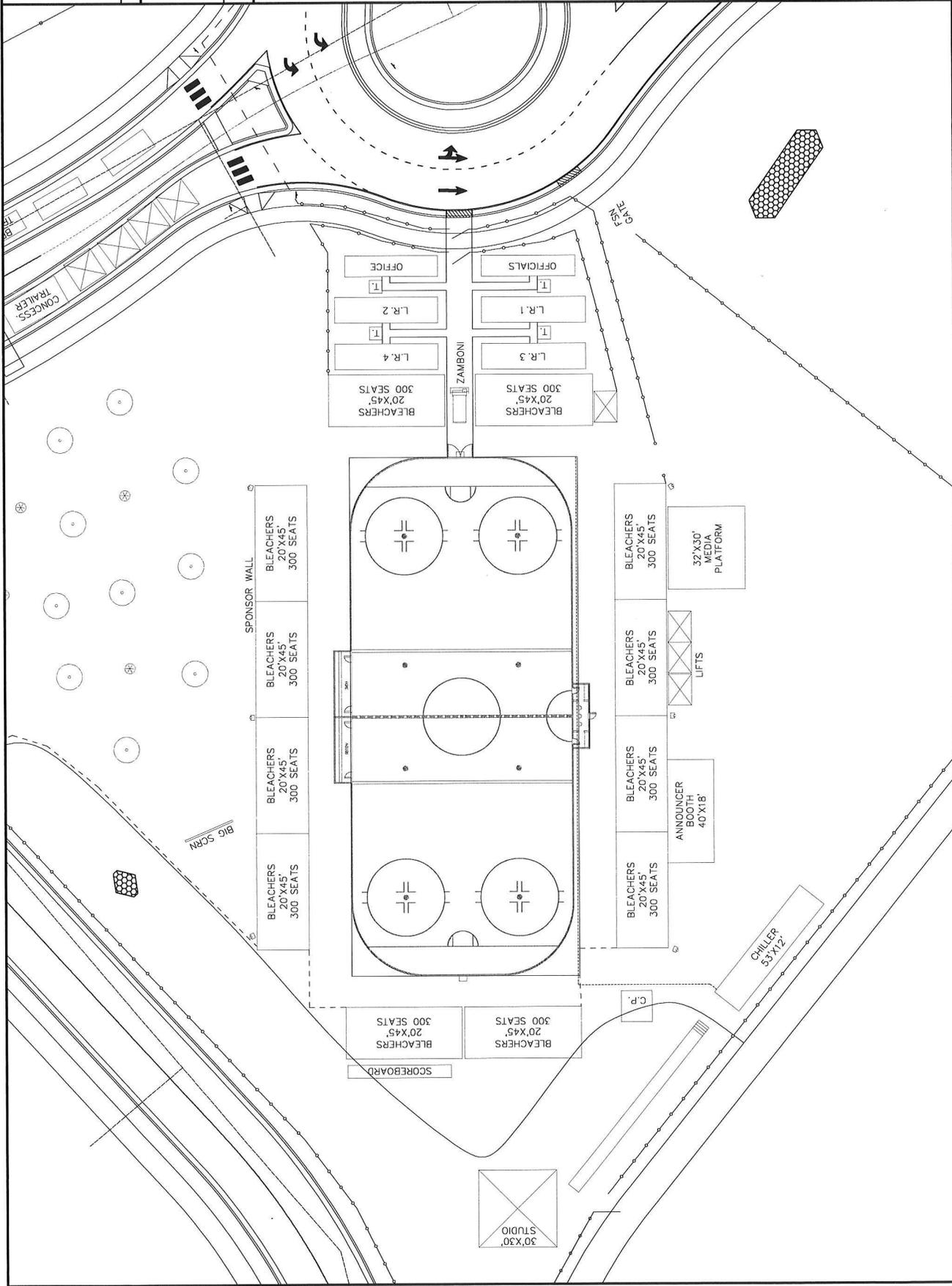
I hereby certify that this plan, specification, report or other document is the original work of the architect or engineer, and that it was prepared by me or under my direct supervision and that I am a duly licensed architect or engineer in the State of Minnesota.

MINNESOTA ARCHITECTURE NO. 40003
DATE: 8/12/2018

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This drawing and design are the property of MJ ARCHITECTURAL STUDIOS, INC. and shall remain the property of the architect or engineer until such time as a written agreement is made to the contrary.

Project: Olympic & 12/2018
Drawn By: MJ
Checked By: MJ

SHEET: 01
OF: 11.2





**Town Board Meeting
May 4, 2020**

Agenda Number:

9

Subject:

Attorney/Client Closed Session – Stable Property

Documentation:

Town Attorney Email to be sent separately

Action / Motion for Consideration:



**Town Board Meeting
May 4, 2020**

Agenda Number: 10 – 11- 12

Subject: Added Agenda Items
Receipt of Agenda Materials & Supplements
Adjournment

Action / Motion for Consideration:

Added Agenda Items

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