



WHITE BEAR TOWNSHIP

1858
RAMSEY COUNTY
MINNESOTA

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WHITE BEAR TOWNSHIP, MN 55110

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

AGENDA TOWN BOARD MEETING AUGUST 3, 2020

1. **7:00 p.m.** Call Meeting to Order at Heritage Hall, 4200 Otter Lake Road.
2. Approval of Agenda (Additions/Deletions).
3. Approval of Payment of Bills.
4. Approval of Minutes of July 20, 2020 (Additions/Deletions).
5. **Consent Agenda:**
 - A. **Reschedule September 7, 2020 Town Board Meeting** – Reschedule September 9, 2020 Town Board Meeting to Wednesday, September 9, 2020 Due to the Labor Day Holiday.
 - B. **Data Practice Responsible Authority & Compliance Official** - Adopt Resolution Re-Appointing the Responsible Authority & Compliance Official for the Town of White Bear.
 - C. **5456 Township Drive** – Adopt Resolution Ordering Abatement of Nuisance Violations at 5456 Township Drive.
 - D. **Ordinance No. 35 Amendments** – Call Public Hearing for Wednesday, September 9, 2020 @ 7:00 p.m. at Heritage Hall, 4200 Otter Lake Road to Amend Section 7-12 of Ordinance No. 35 (Zoning).
 - E. **2020 Bow Hunting Request** – Approve 2019 Deer Hunting Requests for Joe Mailer & Harry Kavaloski to Bow Hunt on Township Property Near Benson Airport.
 - F. **Second Quarter 2020 Financial Report** – Receive.
 - G. **Improvement 2020-2 – Water Quality Improvements** – Adopt Resolution Declaring Official Intent to Reimburse Expenditures.
 - H. **Right-of-Way Permit** – Based on Town Engineer Review & Recommendation & Including His Recommended Conditions, Approve

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.



recycled paper

XcelEnergy Permit to Hold a Power Pole & Maintain Service to their System
While a New Sanitary Sewer Line is Installed to 5878 Hobe Lane.

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.

7. **Public Hearing:** None.

8. **New Business:**

Town Planner Item:

- A. **Scott & Sandy Maggart, 1467 Jonquil** – Request for Exception to Section 5-29 of Ordinance No. 8 to Allow a Limited Accessory Structure.

Town Engineer Item:

B. **Deer Meadow Trail & Swale Improvements:**

1. Approve Plans & Specifications.
2. Authorize Advertisement for Bids.
3. Approve Soil Material Testing.
4. Authorize TKDA to Obtain RCWD Permit & Bidding

9. **Open Time.**

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
August 3, 2020**

Agenda Number: 1 - 2 - 3 - 4

Subject: Call to Order – 7:00 p.m.
Heritage Hall
4200 Otter Lake Road

Approval of August 3, 2020 Agenda
Approval of Payment of Bills
Approval of Minutes of July 20, 2020

Documentation: August 3, 2020 Agenda
July 20, 2020 Minutes

Action / Motion for Consideration:

Call meeting to order:	7:00 p.m.
Approval of Agenda:	August 3, 2020 (additions/deletions)
Approval of Payment of Bills	
Approval of Minutes:	July 20, 2020 Meeting

**MINUTES
TOWN BOARD MEETING
JULY 20, 2020**

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

Present: Supervisors: Prudhon, Ruzek, McCune; Town Clerk: Christopherson; Attorney: Lemmons; Town Planner: Riedesel; Town Engineer: Poppler

APPROVAL OF AGENDA (Additions/Deletions): Ruzek moved to approve the agenda as submitted with the added consent agenda item 5D, added supplemental information for item 8A, and an Attorney Update on the WBL Lawsuit. McCune seconded. Ayes all.

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

APPROVAL OF MINUTES OF JULY 6, 2020 (Additions/Deletions): Ruzek moved to approve the minutes of July 6, 2020. McCune seconded. Ayes all.

CONSENT AGENDA: McCune moved to approve the amended consent agenda as follows (pulling 5G Special Three Dog License from the consent agenda to amend): **5A) Resolution Supporting Metro I-Net's Efforts to Become a Separate Entity – Adopt;** **5B) 2nd Quarter Construction Reports – Receive;** **5C) Right-of-Way Permit – Based on Town Engineer review & recommendation & including his recommended conditions, approve CenturyLink permit for access to splice three different line locations regarding Water Gremlin at 4400 Otter Lake Road along Otter Lake Road;** **5D) Special Three Dog License, 5795 Otter Lake Road – Call public hearing for Monday, August 17, 2020 @ 7:00 p.m. to consider the request for a special three dog license.** Ruzek seconded. Ayes all.

EMERGENCY MANAGEMENT TEAM REPORT:

1. Ramsey County COVID-19 Incident Management: The Town Clerk reported that the County has had discussion on how the County is responding to the events within the pandemic. Some municipalities remain closed to the public still.

2. Contract Group Update: Most of the resources have been addressing COVID-19. It was noted that the Sheriff's Department will be expecting a high volume of off-time for officers as soon as things clear up a bit to combat the high-stress situation. Out of a staff of 500+ officers, only one has contracted the Coronavirus.

3. Attorney Update: The Town Attorney noted that nothing has changed since the Governor has reopened municipalities and Town committees can meet in-person. There will be more to note after his next executive decision. He suspects there will be an order on masks.

4. Operations Logistics/Administrative Offices/Public Works – Rescind Resolution Declaring Civil Emergency: The Town Clerk reported that operations are still at full-time and staff sees steady traffic.

5. Mandatory Face Mask Discussion: The Town Clerk reported that White Bear Lake passed a proclamation specific around the city 3-2 that mandates masks inside public common areas.

**MINUTES
TOWN BOARD MEETING
JULY 20, 2020**

The details are on the City's webpage or in the meeting packet. There was some discussion of whether or not the Board should proceed with a resolution or ordinance, etc. It was decided that the Board should wait to hear what the next order of the Governor is, since he could mandate it at the state level. There was some discussion of the cases within the Township. The Town Clerk will see if he can gain stats on the cases and compare to the City and other municipalities that have mandated masks.

6. White Bear Lake Lawsuit – Update: The Town Attorney gave an update of the Minnesota Supreme Court decision from Wednesday, July 15th. They reversed the Court of Appeals on the issue of whether or not the plaintiffs brought the action under the proper statute, 116B.03, and the state and the position of the Town of White Bear was that they had to bring it under the statute 116B.10. The difference was the relief that the court could craft. But because there are a number of issues raised by the state, Township, and the City that were not dealt with by the Court of Appeals, the case has been remanded back to the Court of Appeals to make decisions on the issues not dealt with. The Attorney received a letter from the Court of Appeals outlining how they intend to do that, and the Town has until August 14th to file amended additional briefs if it so chooses, but it has to be new information. At this point, it isn't clear whether the Court will hold oral hearings or just take the case under advisement based on the briefs that are submitted.

There was some discussion of how the Town has noted in the briefs so far and that there is nothing new to add. The Town Attorney will keep a close eye on whether or not case law has changed. There was some discussion of the permits and how the plaintiffs would have to proceed if they wanted to take on that route. The lawsuit was filed in August of 2013, and it keeps dragging on. It was noted that the Doctrine of Public Trust doesn't apply. And there was some other discussion.

IMPROVEMENT 2020-5 – OTTER RIDGE CIRCLE ROAD IMPROVEMENTS: ORDER IMPROVEMENT – ORDER PREPARATION OF PLANS & SPECIFICATIONS: Ruzek moved to note proper publication of the hearing notice in the newspaper & waive reading of the notice. McCune seconded. Ayes all.
Ruzek moved to open the public hearing. McCune seconded. Ayes all.

The Town Engineer gave an update of the project process this far. Otter Ridge Circle is currently rated 1.99 out of a 5 on the Township scale for roads. The goal is to keep all roads within the Township at a 3.4-3.6 rating. A reclamation is proposed for this road, which includes grinding down the asphalt from the road and mixing it with new asphalt. If anything is needed with curbing or other things (like sealing manhole covers) they will be taken care of as they come up. The neighborhood meeting was on Wednesday, July 8th. The estimated cost is \$156,400 and it will be split between the Township and the residents' assessed rate of \$7,500 paid over a 10-year period. The Town is taking on this project to take advantage of the favorable climate of the construction industry. Many private projects are on hold so contractors' rates are low to gain more work for the summer.

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

**MINUTES
TOWN BOARD MEETING
JULY 20, 2020**

Resident Tom Cook, 5494 Otter Ridge Circle, was present to address his concern. He was present 6 years ago when this project was proposed and denied. He wasn't for the project then and he isn't now. Because it is a minimum traffic road and that it hasn't seen a lot of degradation over the last 6 years, he doesn't feel that this project should be completed at this time either. The bids are low because no one has any money, and he asked why the Town thought it to be fiscally responsible to accrue more debt at a time like this where no one knows if they may have a job in the near future.

Resident Larry Simek, 5894, was present to ask questions. He wasn't at the neighborhood meeting. So the Town Engineer briefly explained the slides presented in the packet. He explained the Town's position on the street management: the improvements put in place to prolong the life of a street at a lesser cost to the Township and its residents by doing little maintenance projects over the years. He showed the graph on page 45: there are nearly 11 miles of streets below the 2.2 rating, meaning they need reclamation. The goal of a street's life cycle is graphed on page 46: the red line is if the Township did nothing; the blue line is if there are little projects done over time. The Engineer noted that though the street may not have seen significant degradation over the last 6 years, the soil borings show that the ground must be maintained as well, and that is a part of the reclamation.

There was discussion of how adding Otter Ridge Circle to the Peterson Road project will get better bids for both of them. It was also noted that if the bids come in high, the Board can reject them later.

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

Ruzek moved based on staff review & recommendation adopt resolution ordering Improvement 2020-5. McCune seconded. Ayes all.

Ruzek moved based on staff review & recommendation adopt resolution ordering preparation of plans & specifications for Improvement 2020-5 in an amount not to exceed \$13,000.00 with funding from the Improvement Fund 5050. McCune seconded. Ayes all.

CONTINUATION OF HEARING TO VACATE A DRAINAGE & UTILITY EASEMENT @ 4850 CONSTELLATION DRIVE: The Town Planner reported that this is the continuation of the November project last year that Scannell had requested. They have a permitted Use Standards permit, but since the utility easement or utility isn't completed yet, the Town would like to continue this public hearing until once the project is done. Scannell has taken a pause on the project due to COVID-19. Once it is finished, then the Town can vacate the easement and re-establish it at that time.

There was some discussion of how it is not a good practice to just keep this public hearing open for 1 year or more. There was some discussion over a potential 60-day rule. It was noted that since this is not a zoning issue there is no concern about a 60-day rule. It was decided that the continuation should be denied and then once Scannell has finished the project they can either re-apply or the Town can initiate the vacation of easement and remove the application fee.

**MINUTES
TOWN BOARD MEETING
JULY 20, 2020**

It was decided that the Board should adopt a resolution denying the application on the basis of no necessity at this point with the understanding that the applicant can reapply in the future if they wish or the Board can initiate it if it wishes. The applicant should wait until the new watermain is replaced and establish a new easement and then vacate the old one. At that point, the Board will consider vacating the easement subject to replacement of the existing main and granting a new easement.

Ruzek made the motion to adopt a resolution to deny the present petition, however, the Board will, upon construction of the new watermain and a new application for vacation, revisit the matter at that time. McCune seconded.

TOWNSHIP DAY 2020 – UPDATE: The Town Planner reported that Township Day is set to be September 19th and so far planning has gone well except for COVID-19. At the July Park Board meeting, the Board recommended cancellation with a simple motion. The issue is with pre-planned events, like the fireworks display. But the Town doesn't have a current contract, so it is not obligated to pay a cancellation fee. It was noted that the fireworks contractor should understand since everyone is in the same boat there. The Town has had this contractor for over 10 years, though. Legally the Town can't pay them without a signed contract. There was some discussion over the Ramsey County Sheriff's Department not able to police the event down to 250 people, and fireworks ability to draw crowds.

As liaison to the Park Board Ruzek made the motion to cancel Township Day 2020. McCune seconded. Ayes all.

There was some brief discussion of the Movies in the Park success: 125 people showed up and there was social distancing.

CRESCENT CURVE STREET LIGHT INSTALLATION – APPROVE LIGHT TYPE & LOCATION: The Town Planner introduced this agenda item. Residents within the Weston Woods development are requesting a street light installation. A map of the location is in the packet. The Township requires rational and support for the lights. The area, however, is owned by the association, so there was some discussion of the association needing to be involved as the proper party. There was a consensus that the Board needs a resolution from the Homeowners Association prior to acceptance.

Ruzek motioned to table this agenda item until the Town gets more information from the Homeowners Association. McCune seconded. Ayes all.

RESIGNATION OF ACCOUNTING CLERK/ADMINISTRATIVE SECRETARY: ACCEPT RESIGNATION – AUTHORIZE HIRING OF AN ACCOUNTING TEMP: The Town Clerk reported that on behalf of the Finance Department, the Town would like to hire a temporary Accounting Clerk in order to rethink this position and rewrite the job description and dynamics. Within the last 10 years, the Township has had a turnover of 4 to 5 employees from this job position. The Town is requesting the Board to accept the resignation and staff can withstand completing this position's job duties on a temporary basis until a temporary Accounting Clerk

**MINUTES
TOWN BOARD MEETING
JULY 20, 2020**

can be hired. There was consensus that the Board does not need to see the redraft of job description before posting.

Ruzek moved to accept resignation of Accounting Clerk/Administrative Secretary. McCune seconded. Ayes all.

Ruzek moved to authorize hiring an Accounting temp from an Employment Agency to fill the position until it is redrafted. McCune seconded. Ayes all.

OPEN TIME: Denny Peterson, 5474 Peterson Road, was present to discuss the Peterson Road Street Improvement project with the Board. His wife had sent emails to a couple of the Board members, but it may have been incorrect email addresses, as the Board members never received them and it wasn't a Gmail account. There was some discussion on the 2 projects set together to get a good deal on the street improvements. Peterson doesn't feel that there is a high cost of maintaining the gravel road, especially if it doesn't open up. There was discussion of legal litigation that would ensue if the Town doesn't open the road, as that is in the North Oaks developers' contract. There was discussion of the unethical charging of future property owners for a past street improvement project or future street improvement project. Examples of Eagan and Woodbury were given by the Town Attorney. There was also discussion of how the Township is under pressure to monitor water, run off, sewer, etc. and how Peterson Road and the residences are blind spots since there are wells and septic there. Peterson decided that if the street improvements must happen, they might as well not save the 1 to 3 percent and get the concrete sidewalk.

ADDED AGENDA ITEMS: There were no added agenda items.

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

McCune moved to adjourn the meeting at 8:59 p.m. Ruzek seconded. Ayes all.

Respectfully Submitted,

Patrick Christopherson
Town Clerk-Treasurer

Approved as Official Meeting Minutes

Town Board Chair

Date



**Town Board Meeting
August 3, 2020**

Agenda Number: 5.A – Consent Agenda

**Subject: Reschedule September 7, 2020 Town Board Meeting –
Reschedule September 7, 2020 Town Board Meeting to
Wednesday, September 9, 2020 Due to the Labor Day Holiday**

Documentation: None

Action / Motion for Consideration:

Receive Information / Discuss

Reschedule September 9, 2020 Town Board Meeting to Wednesday,
September 9, 2020 Due to the Labor Day Holiday



**Town Board Meeting
August 3, 2020**

Agenda Number: 5.B – Consent Agenda

Subject: Data Practice Responsible Authority & Compliance Official - Adopt Resolution Re-Appointing the Responsible Authority & Compliance Official for the Town of White Bear

Documentation: Staff Memo / Resolution

Action / Motion for Consideration:

Receive Information / Discuss

Adopt Resolution Re-Appointing the Responsible Authority & Compliance Official for the Town of White Bear

McCune – Moves

Ruzek - Seconds

MEMORANDUM

TO: TOWN BOARD
FROM: PATTI WALSTAD
DATE: JULY 29, 2020

SUBJECT: DATA PRACTICES OFFICIALS

Pursuant to State Statutes, the Township must annually reappoint the Town's Responsible Authority & Data Practices Compliance Officials for data practice requests.

PSW/s

EXTRACT OF MINUTES OF A MEETING OF THE TOWN
BOARD OF THE TOWN OF WHITE BEAR, MINNESOTA,
HELD ON AUGUST 3, 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 Heritage Hall in said Town on August 5, 2019, at 7:00 p.m.

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

Supervisor McCune introduced the following Resolution and moved its adoption:

**RESOLUTION RE-APPOINTING THE RESPONSIBLE
AUTHORITY AND DATA PRACTICES COMPLIANCE
OFFICIAL PURSUANT TO THE DATA PRACTICES ACT
(CHAPTER 13 OF MINNESOTA STATUTES) & MINNESOTA
RULES, CHAPTER 1205**

WHEREAS, pursuant to the Data Practices Act (Chapter 13 of Minnesota Statutes) and Minnesota Rules, Chapter 1205, the Township is required to appoint a Responsible Authority who is responsible for the collection, use, and dissemination of all entity data, and for all of the entity's data practices decisions,

AND WHEREAS, the Responsible Authority must appoint a designee to be the Compliance Official who will be responsible for receiving and complying with requests for government data, and for answering inquiries from the public concerning the provisions of Chapter 13 or the Rules,

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

1. That the Town hereby re-appoints Thomas Kelly, Finance Officer, to act as the Responsible Authority who will be responsible for the collection, use and dissemination of all entity data, and for all of the entity's data practices decision for the Township.
2. That Thomas Kelly, Finance Officer, hereby re-appoints Patti Walstad, Paralegal, as the Compliance Official who will be responsible for receiving and complying with requests for government data, and for answering

inquiries from the public for the Township, and re-appoints Lynette Olinger as the Data Practices Designee(s).

The motion for the adoption of the foregoing Resolution was duly seconded by Supervisor Ruzek, and upon vote being taken thereon, the following voted in favor thereof: Prudhon, Ruzek, McCune; and the following voted against the same: None.

Whereupon said Resolution was declared duly passed and adopted.

STATE OF MINNESOTA)
)
COUNTY OF RAMSEY) ss.
)
TOWN OF WHITE BEAR)

I, the undersigned, being the duly qualified and acting Clerk of the Town of White Bear, Minnesota, DO HEREBY CERTIFY, that I have carefully compared the attached and foregoing Extract of Minutes of a Regular Meeting of the Town Board of the Town held on the 3rd day of August, 2020, with the original on file in my office, and that the same is a full, true and complete transcript therefrom, insofar as the same relates to a Resolution relating to the appointment of the Responsible Authority, Compliance Official, and Data Practices Designee for the Township.

WITNESS my hand as such Clerk and the Town Clerk's Seal this 3rd day of August, 2020.

TOWN CLERK, TOWN OF WHITE BEAR, MINN.



**Town Board Meeting
August 3, 2020**

Agenda Number: 5.C – Consent Agenda

**Subject: 5456 Township Drive – Adopt Resolution Ordering
Abatement of Nuisance Violations at 5456 Township Drive**

Documentation: Resolution

Action / Motion for Consideration:

Receive Information / Discuss

**Adopt Resolution Ordering Abatement of Nuisance Violations at 5456
Township Drive**

McCune – Moves

Ruzek – Seconds

EXTRACT OF MINUTES OF A MEETING OF THE TOWN
BOARD OF THE TOWN OF WHITE BEAR, MINNESOTA,
HELD ON AUGUST 3, 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 Heritage Hall in said Town on August 3, 2020 at 7:00 p.m.

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

Supervisor McCune introduced the following Resolution and moved its adoption:

**RESOLUTION ORDERING ABATEMENT OF
NUISANCE VIOLATIONS AT 5456 TOWNSHIP DRIVE**

WHEREAS, the Town Board of Supervisors is authorized to correct or remove the nuisance violations of any building or property pursuant to Minnesota Statutes, Section 463.161,

AND WHEREAS, the Town Board has previously adopted Ordinance No. 16 entitled "Nuisance Ordinance" for the purpose of protecting the public health, safety and general welfare of the people of the Township,

AND WHEREAS, Section 7 of Ordinance No. 16 authorizes the Town Compliance Official to determine if any dwelling fails to meet the provisions of Ordinance No. 47, and further authorizes the Compliance Official to issue a Compliance Order to correct such violations,

AND WHEREAS, the Town Compliance Official determined on or about July 20, 2020, that the single family dwelling located at 5456 Township Drive in the Town of White Bear was in a nuisance condition,

AND WHEREAS, it appears that it is in the public interest to abate, through correction or removal, the existence of the nuisance condition at 5456 Township Drive,

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

1. That nuisance violations exist at the single family dwelling located at 5456 Township Drive.
2. That the owner of the dwelling at 5456 Township Drive is ordered to correct or remove the nuisance violations of the building or property.
3. That the repairs ordered by the Town Compliance Officer are specifically incorporated herein as follows:
 - Removal of all personal property including but not limited to: exercise equipment, umbrella and umbrella stand, two wheel dolly, children's toy car, children's toy slide, children's toy basketball hoop, children's toy chairs, children's toy jeep, vehicle hood, tires, trailer hitch, vehicle engine and transmission, two garbage cans, lawn mower, lawn mower bag, wheel barrel, battery, bags of trash, trash containers, stainless steel kitchen pot, two full size basketball hoops, three satellite dishes.
 - Yard maintenance – cut the overgrown yard and removal of leaves and overgrown vegetation.
4. That the Town Attorney is authorized to serve a copy of this Order in the manner provided by Minnesota Statutes, Section 463.17, and to file said Order as provided by Statute.
5. In the event that the Town has to abate the nuisance conditions, the cost to abate the nuisance conditions shall be charged against the property.

The motion for the adoption of the foregoing Resolution was duly seconded by Supervisor Ruzek, and upon vote being taken thereon, the following voted in favor thereof: Prudhon, Ruzek, McCune; and the following voted against the same: None.

Whereupon said Resolution was declared duly passed and adopted.

STATE OF MINNESOTA)
)
COUNTY OF RAMSEY) ss.
)
TOWN OF WHITE BEAR)

I, the undersigned, being the duly qualified and acting Clerk of the Town of White Bear, Minnesota, DO HEREBY CERTIFY, that I have carefully compared the attached and foregoing Extract of Minutes of a Regular meeting of the Town Board of the Town held on the 3rd day of August, 2020, with the original on file in my office, and that the same is a full, true and complete transcript therefrom, insofar as the same relates to 5456 Township Drive.

WITNESS my hand as such Clerk and the Town Clerk's Seal this 3rd day of August, 2020.

TOWN CLERK, TOWN OF WHITE BEAR, MINN.



Town Board Meeting August 3, 2020

Agenda Number: 5.D – Consent Agenda

Subject: Ordinance No. 35 Amendments – Call Public Hearing for Wednesday, September 9, 2020 @ 7:00 p.m. at Heritage Hall, 4200 Otter Lake Road to Amend Section 7-12 of Ordinance No. 35 (Zoning)

Documentation: Public Notice / Staff Memo

Action / Motion for Consideration:

Receive Information / Discuss

Call Public Hearing for Wednesday, September 9, 2020 @ 7:00 p.m. at Heritage Hall, 4200 Otter Lake Road to Amend Section 7-12 of Ordinance No. 35 (Zoning).

Minutes
Planning Commission Meeting
July 23, 2020

CONSIDER POSSIBLE ORDINANCE NO. 35 AMENDMENTS REGARDING THE KEEPING OF A) CHICKENS – B) PIGS: The Town Planner reported that he had emailed additional information out regarding chickens, modeled after the City of White Bear ordinance. With the proposed amendment changes, residents could have up to 4 hens and no roosters. There was some discussion on the maintenance. There was some discussion on property size and whether or not the Town should add limitations on property size. It was decided that having the limitations of 50 feet from an adjacent building is limitation enough. Only single family homes can have chickens: no town homes.

It was noted that no building permit is required for a coop, but there was discussion on how the Town Building inspector would be kept in the loop to ensure residents' compliance with Town Ordinances. It was decided that there should be either some type of building permit with a minimal fee or with a chicken license similar to the dog license.

There was some discussion over the concept of a "limited accessory structure." Residents can only have one garage and one accessory structure except structures like gazebos and tree houses which are exempted.

Blin moved to approve the proposed ordinance language. Artner seconded. Ayes: Loes, Kotilinek, Blin, Artner.

It was decided that staff should have a look at the coops.

Kotilinek motioned to consider chicken coops limited accessory structures. Artner seconded. Ayes: Loes, Kotilinek, Blin, Artner. Nay: Denn.

This will address the main issue and will require a building permit.

Pigs: The Town Planner reported that currently the Town's ordinance prohibits wild/exotic animals. The proposed change would add this wording to ordinance 3-15.8 "Any Vietnamese potbellied pig, excludes porcelain teacup or similar sized miniature pigs."

There was some discussion of whether the Town should mention any weight restrictions, as pigs can get pretty large. It was noted that the Town has only ever had 1 request and it was from someone who was considering moving to the Township, but never did.

Blin moved the proposed language for ordinance amendment to be welcoming to pigs. Loes seconded. Ayes: Loes, Kotilinek, Blin, Artner.



NOTICE OF HEARING TO AMEND ORDINANCE NO. 35 (ZONING) OF THE TOWN OF WHITE BEAR, RAMSEY COUNTY, MINNESOTA

NOTICE IS HEREBY GIVEN, That the Town Board of the Town of White Bear, Ramsey County, Minnesota, will meet at Heritage Hall, 4200 Otter Lake Road, in said Town on Wednesday, September 9, 2020, at 7:00 p.m., to consider amending Section 7-12 of Ordinance No. 35 relating to raising of chickens, and to hear and pass upon objections and recommendations, if any, and to conduct any and all business incident thereto.

Given under my hand this 3rd day of August, 2020.

BY ORDER OF THE TOWN BOARD OF SUPERVISORS

PATRICK CHRISTOPHERSON, Clerk-Treasurer

MEMORANDUM

TO: PLANNING COMMISSION
FROM: TOM RIEDESEL
DATE: JUNE 17, 2020

**SUBJECT: ORDINANCE AMENDMENT WHICH WOULD PERMIT MINIATURE PIGS
AS A PET**

Section 3-15 of the Animal Ordinance No. 5 addresses the keeping of wild or exotic animals in White Bear Township.

Section 3-15.8 of the Ordinance prohibits Vietnamese potbellied pigs. In order to allow an exception for miniature pigs the following ordinance amendment wording may be considered:

3-15.8 Any Vietnamese potbellied pig, excludes porcelain teacup or similar sized miniature pigs.

TR/psw
cc:admin.file
b:pigs20



**Town Board Meeting
August 3, 2020**

Agenda Number: 5.E – Consent Agenda

Subject: 2020 Bow Hunting Request – Approve 2019 Deer Hunting Requests for Joe Mailer & Harry Kavaloski to Bow Hunt on Township Property Near Benson Airport

Documentation: Applications / Licenses

Action / Motion for Consideration:

Receive Information / Discuss

Approve 2020 Deer Hunting Requests for Joe Mailer & Harry Kavaloski to Bow Hunt on Township Property Near Benson Airport With Joe Mailer's Approval Effective Upon Receipt of His Application

Minutes
Town Board Meeting
August 21, 2019

CONSENT AGENDA: McCune moved to approve 5B) 2019 Bow Hunting Request – Approve 2019 deer hunting requests for Joe Mailer & Harry Kavaloski to bow hunt on Township property near Benson Airport; Ruzek seconded. Ayes all.



Harry Kavaloski has been approved by the Town Board of White Bear Township to bow hunt for deer on property owned by White Bear Township described as follows:

Section 1, Township 30, Range 22, East of Highway 61, South of Benson Airport, and North and East of the Lake Country Preserve Development.

This Permit to hunt is valid from September 19, 2020 through December 31, 2020.

Only the person named on this Permit is permitted to hunt on this property. The Permit is non-transferrable.

Dated: August 3, 2020.

BY ORDER OF THE TOWN BOARD OF SUPERVISORS

PATRICK CHRISTOPHERSON, Clerk-Treasurer



DEER HUNT PERMISSION FORM

It is Township policy to allow deer hunting in areas where extreme numbers of deer cause damage to property and endanger the public health and safety. The following are requirements to hunt in White Bear Township:

1. Hunters must have written permission from the landowner where they intend to hunt.
2. Hunters must obey all State and Federal laws.
3. Hunting with bow and arrow only.
4. All hunters must show proof of completing the MN Bow Hunter Education Program.
5. Hunters must receive written permission from the Town Board.
6. Hunters must contact the Ramsey County Sheriff's Department with the date, time and place where they intend to hunt. Phone - 651-767-0640.
7. Hunters must register any deer killed with the Township. (See attached form)

The following information must be provided:

1. Name HARRY J. KAWALOSKI
Address 4684 EUROPA TR. N.E.
Phone Home _____ Cell 612-720-2646
Property owners name and address W.B. TOWNSHIP - BENSLOW AIRPORT

Property Owners Signature (required) _____

3. Date when you intend to hunt Sept. 19, 2020 - ^{DECEMBER} ~~JANUARY~~ 31, 2020
4. Date when the application will be reviewed by the Town Board

RECEIVED
JUL 24 2020
TOWN OF WHITE BEAR



Joe Mailer has been approved by the Town Board of White Bear Township to bow hunt for deer on property owned by White Bear Township described as follows:

Section 1, Township 30, Range 22, East of Highway 61, South of Benson Airport, and North and East of the Lake Country Preserve Development.

This Permit to hunt is valid from September 19, 2020 through December 31, 2020.

Only the person named on this Permit is permitted to hunt on this property. The Permit is non-transferrable.

Dated: August 3, 2020.

BY ORDER OF THE TOWN BOARD OF SUPERVISORS

PATRICK CHRISTOPHERSON, Clerk-Treasurer



**Town Board Meeting
August 3, 2020**

Agenda Number: 5.F – Consent Agenda

Subject: Second Quarter 2020 Financial Report - Receive

Documentation: Report

Action / Motion for Consideration:

Receive Report / Discuss

MEMORANDUM

Date: July 27, 2020,
 To: Town Board
 From: Tom Kelly, Finance Officer
 Re: Second Quarter 2020 Financial Report

Last month the auditors finally presented a positive report on the Town's 2019 audit, which has been submitted to GFOA for the Certificate of Achievement award and used to generate the Annual Town Popular Report, which was mailed with the utility bills. If the Town is awarded the Certificate of Achievement award, it will be the 24th consecutive year the Town has received the award and the 6th consecutive year for the Popular Report award. Now that the second quarter is complete, it is time to update the Board on the Town's year-to-date finances. The key to the Town's finances are that even though we are 50% through the year, revenues and expenditures do not flow evenly through the year. There are some one time expenditure spent at the beginning of the year which makes the Town look like it will over spend its budget, for example the Debt Service Funds, but over the course of the year will actually be in line with budgeted amounts. Likewise, on the revenue side the major revenue source is property taxes and special assessments, which are received in July and December. In addition, utility billing revenues are only received once a quarter. Below is a chart comparing budget to actual revenue and expenditures for the years 2019 and 2020.

Revenues	2019 Budget	2019 Actual	% Received	2020 Budget	2020 Actual	% Received
General Fund	414,150.00	540,203.13	130.44%	445,406.46	574,365.32	128.95%
Debt Service Funds	119,272.50	106,681.40	89.44%	153,697.50	28,338.15	18.44%
Capital Project Funds	559,899.50	379,225.29	67.73%	1,998,118.50	451,770.45	22.61%
Enterprise Funds	2,267,007.50	959,515.19	42.33%	2,554,853.00	1,222,994.28	47.87%
Internal Service Fds	313,744.00	580,812.40	185.12%	307,177.50	556,824.90	181.27%
Total	3,674,073.50	2,566,437.41	69.85%	5,459,252.96	2,834,293.10	51.92%

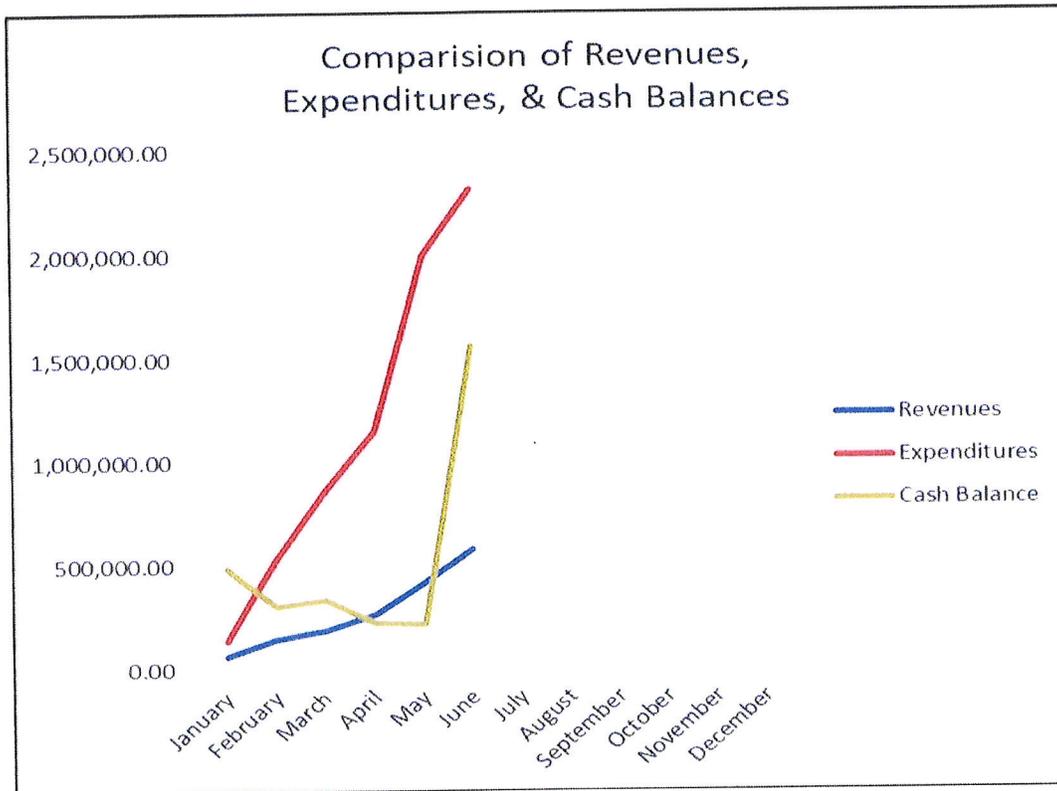
Expenditures	2018 Budget	2018 Actual	% Spent	2019 Budget	2019 Actual	% Spent
General Fund	2,115,678.00	2,225,415.80	105.19%	2,244,106.50	2,317,330.84	103.26%
Debt Service Funds	169,577.00	331,299.85	195.37%	156,948.50	270,948.75	172.64%
Capital Project Funds	2,534,511.50	146,435.93	5.78%	2,822,323.00	144,864.71	5.13%
Enterprise Funds	3,790,450.50	1,685,449.89	44.47%	2,840,307.50	1,743,654.54	61.39%
Internal Service Fds	385,913.00	188,354.92	48.81%	438,375.00	280,417.83	63.97%
Total	8,996,130.00	4,576,956.39	50.88%	8,502,060.50	4,757,216.67	55.95%

It should be noted that the budget amounts are for half the fiscal year and the actual is year to date. The rest of the report will detail the revenues and expenditures of each of the fund types.

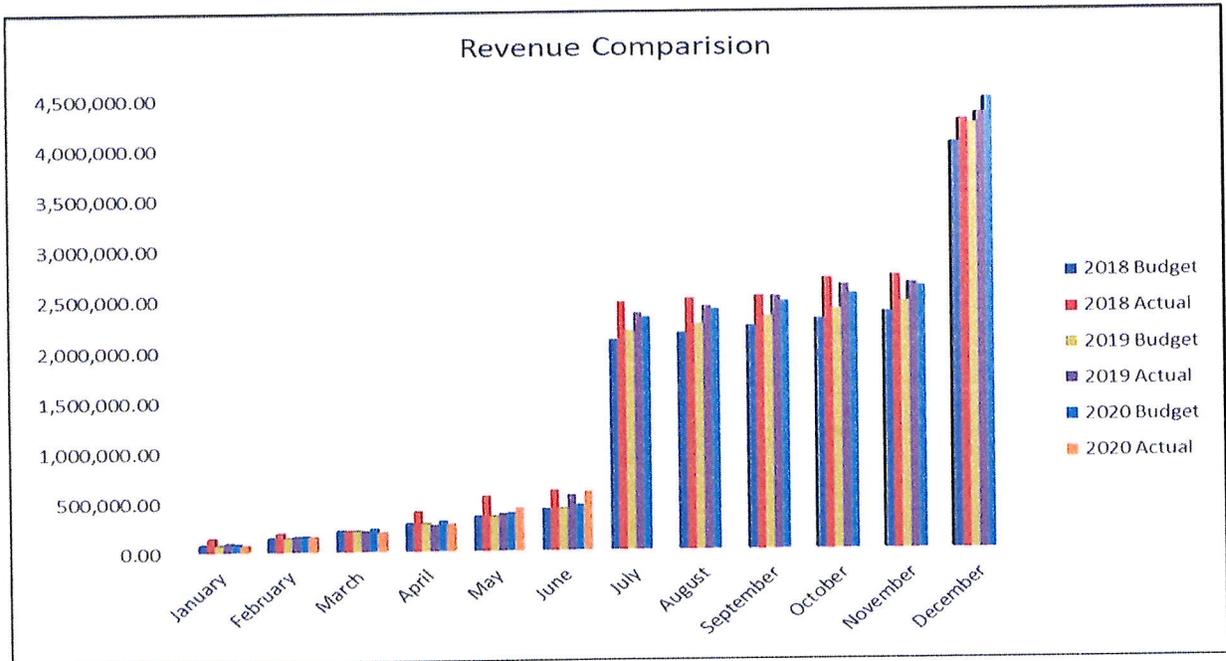
GENERAL FUND

Through the second quarter, revenues and expenditures are above budget projections, which is shown in future charts. However, the chart on the following page shows how revenues are

below expenditures levels for the first half of the year, which is typical until the Town receives its first half property tax payment in July. In addition, one can see how the Town depends on reserves (cash balances) until that tax payment is received. The increase in cash from April through June is from receiving an advance payment of the July tax settlement, not from revenues.

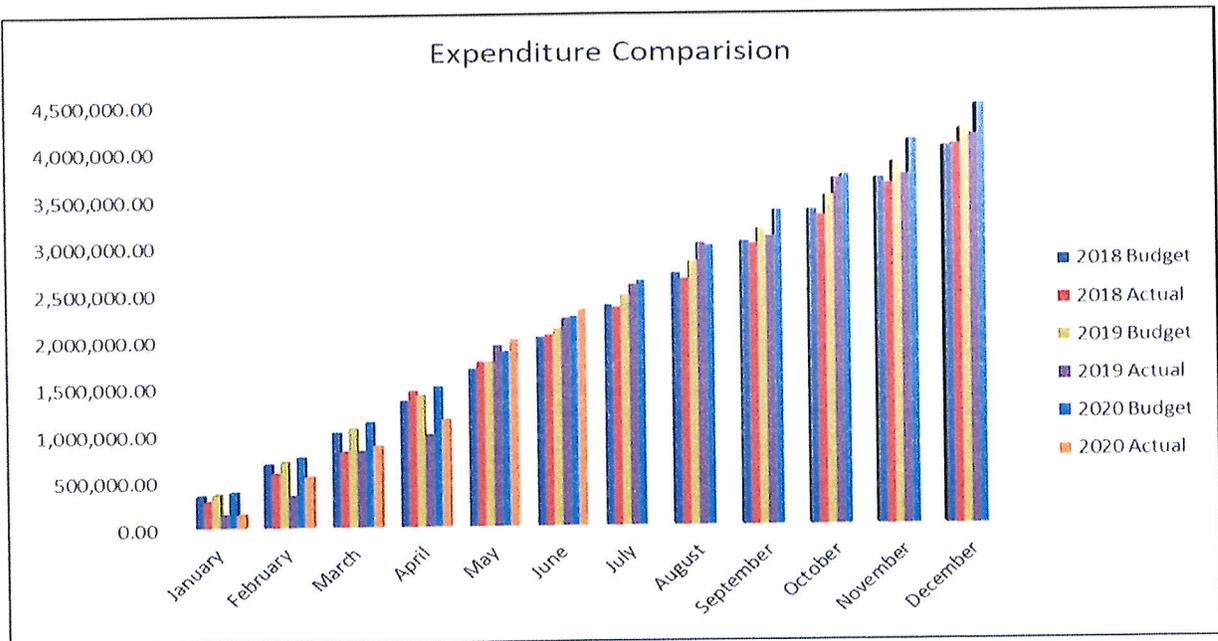


For the year, the Town has received 12.80% of the budgeted revenue through the end of June, which is a bit higher than last year at this time. Revenues are above 2019 revenues due to more permit and charges for services. Licenses and permits have collected 78.15% of their budgets so far, which is ahead of 2019 revenues by \$67,507.33. Also in 2020 rental and dog licenses were renewed, which has generated \$23,894.00 in revenue in 2020 compared to \$1,349.00 in 2019. Intergovernmental revenues include cable TV Franchise Fees, which were collected during the second quarter for \$102,446.59 when only \$100,000 was budgeted, but is below 2019 revenues of \$122,760.50. Charges for services is also above budget and 2019 collections. Area either above budget or 2019 revenues include plan check fees (\$19,546.83 above 2019), and facility rentals (\$30,672.35 above 2019). The chart on the following page compares budget to actual revenues for the last three years. For this chart, the monthly revenues are ½ of the total revenue budget with the exception of property taxes, which are included in the July, and December budget numbers only.



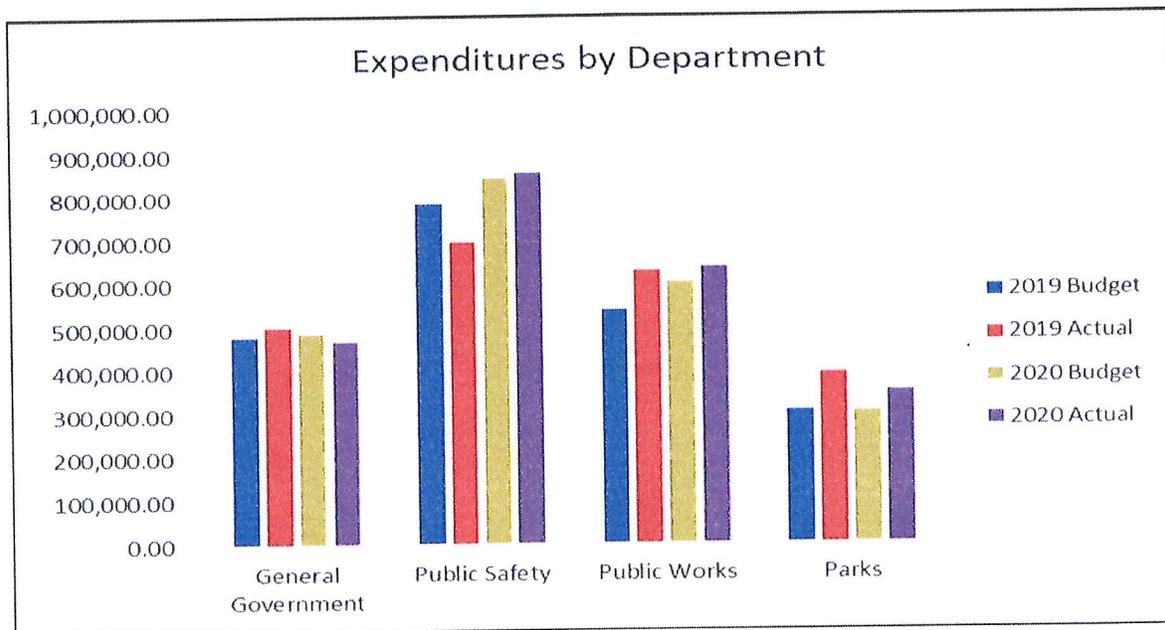
Actual expenditures for the quarter are above the 2020 and 2019 budget and actual amounts as shown in the charts below:

	2019 Budget	2019 Actual	% Spent	2020 Budget	2020 Actual	% Spent
General Government	480,627.00	502,912.34	104.64%	490,384.00	469,565.20	95.75%
Public Safety	787,393.50	697,359.97	88.57%	845,797.00	858,947.81	101.55%
Public Works	540,040.00	631,351.34	116.91%	604,447.50	637,746.14	105.51%
Parks	307,617.50	393,792.15	128.01%	303,478.00	351,071.69	115.68%
Total	2,115,678.00	2,225,415.80	105.19%	2,244,106.50	2,317,330.84	103.26%



If expenditures were spent evenly throughout the year, the Town should have spent 50% of its budget, which is the budget amounts in the previous charts. The activities over 50% spent of their budgets after the 2nd quarter are recycling (52.40%), administration (53.50%), fire protection (66.66%), road & bridge (55.41%), public works (53.47%), town buildings (53.47%) and park maintenance (62.34%). Most activities are over spent due to the one-time expenditures for equipment and facility rentals, which are recorded at the beginning of the year. In addition, public works seasonal summer help and the administration intern are being expensed now through August. The fire activity has paid for service through July (7 months of service) compared to the budget of 6 months. Finally, beach operations also began in the 2nd quarter and will continue into the 3rd quarter. All these temporary positions and beach expenditures are show in the budget as if they occur all year long but for actual expenditures, they only happen May through August.

The chart below compares actual expenditures to budget for 2019 and 2020. As the year progresses, staff will monitor these department to keep within budget levels.



Overall, the General Fund appears to be in good shape through the first half of the year. However, we will need to watch how the property tax collections come in compared to budget and some expenditures as we progress through 2020. Based on 1st half performance of revenues should exceed budget projections and expenditures should finish the year near budget amounts.

DEBT SERVICE FUNDS

On February 1st, the Town paid its 2020 debt obligations of \$380,000.00 in principal and \$9,527.50 of interest. The Town now has \$1,790,000.00 in outstanding debt. The next scheduled debt payment is the interest only payment of \$42,641.39 due August 1st. Funding comes from Water Utility Fund revenues as well as property taxes, special assessments, and tax increments, which the Town will receive with the first half 2020 property tax settlement in July. The \$153,697.50 in revenues received through the second quarter are from the budgeted

transfers from other Town funds for their share of the debt payments, first quarter prepaid special assessments, and first quarter interest earnings.

CAPITAL PROJECT FUNDS

Revenues received are from first quarter prepaid special assessments, first quarter interest earnings, the billboard lease in the Community Park Fund, and a transfer from the Town's General Fund for the Town's annual sealcoating project and park improvements. The expenditures are transfers from the Town's EDA Fund to the Debt Service Funds for their share of 2020 bond payments and some engineering for the 2020 street reconstruction project. The Town will have expenditures for the sealcoating and street reconstruction projects in the 3rd quarter as these are summer activities that were just under way during the 2nd quarter.

ENTERPRISE FUNDS

The Town's Enterprise Funds second quarter financial information is as follows:

Revenues	2019 Budget	2019 Actual	% Received	2020 Budget	2020 Actual	% Received
Water Fund	1,689,345.00	222,939.38	13.20%	1,892,840.00	406,093.78	21.45%
Sanitary Sewer Fund	2,258,810.00	570,849.05	25.27%	2,577,916.00	641,899.33	24.90%
Storm Water Fund	585,860.00	165,726.76	28.29%	638,950.00	175,001.17	27.39%
Total	4,534,015.00	959,515.19	21.16%	5,109,706.00	1,222,994.28	23.93%

Expenses	2019 Budget	2019 Actual	% Spent	2020 Budget	2020 Actual	% Spent
Water Fund	4,066,790.00	547,111.47	13.45%	2,585,302.00	652,750.95	25.25%
Sanitary Sewer Fund	2,544,514.00	1,004,002.19	39.46%	2,110,166.00	955,203.08	45.27%
Storm Water Fund	969,597.00	134,336.23	13.85%	985,147.00	135,700.51	13.77%
Total	7,580,901.00	1,685,449.89	22.23%	5,680,615.00	1,743,654.54	30.69%

Revenues for the first half of the year are above last year revenues due to the rate increases in all funds. Expenses in all funds are higher than in the past in the Water Fund due to the water system improvement projects. Keeping in mind that the expense budget for the Enterprise Funds includes depreciation, which is not recorded until year-end. Again, nothing is unusual from the budget through the first half of the year for the Enterprise Funds.

INTERNAL SERVICE FUNDS

The Town's Town Building, Capital Equipment, and Risk Management Funds have collected their one-time fees from the General Fund and Enterprise Funds, thus they have collected 90.64% of their revenues, with only interest earnings for the last half of year to be recorded.

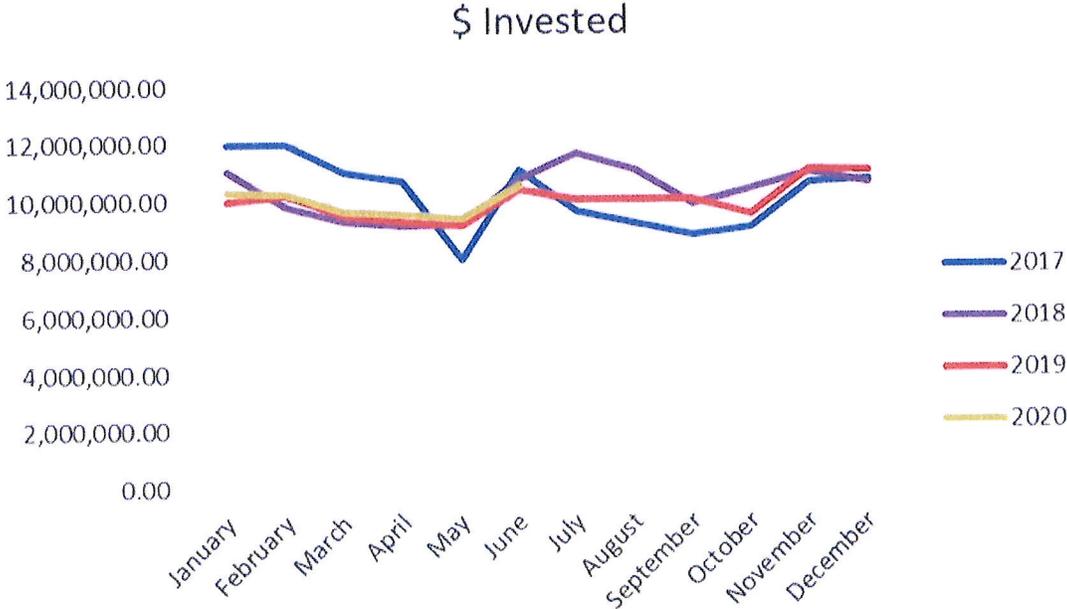
The Town Building Fund has spent \$140,041.37 on improvements for the administration building and the Capital Equipment Fund has spent \$103,768.67 or 21.19% of their budget so far.

The Risk Management Fund has paid the worker's compensation premiums, but not any of the 2020 other insurance premiums, so its expense activity is 40.64% spent for the year. Premiums are anticipated to cost the Town \$132,150.00, which is a decrease of \$1,016 from 2019. All of 2020 the worker's compensation premiums were paid for \$48,874.00 compared to 40,947.00 in 2019, \$40,226.00 in 2018, \$31,579.00 in 2017, \$51,254.60 in 2016 and \$43,481.00 for 2015.

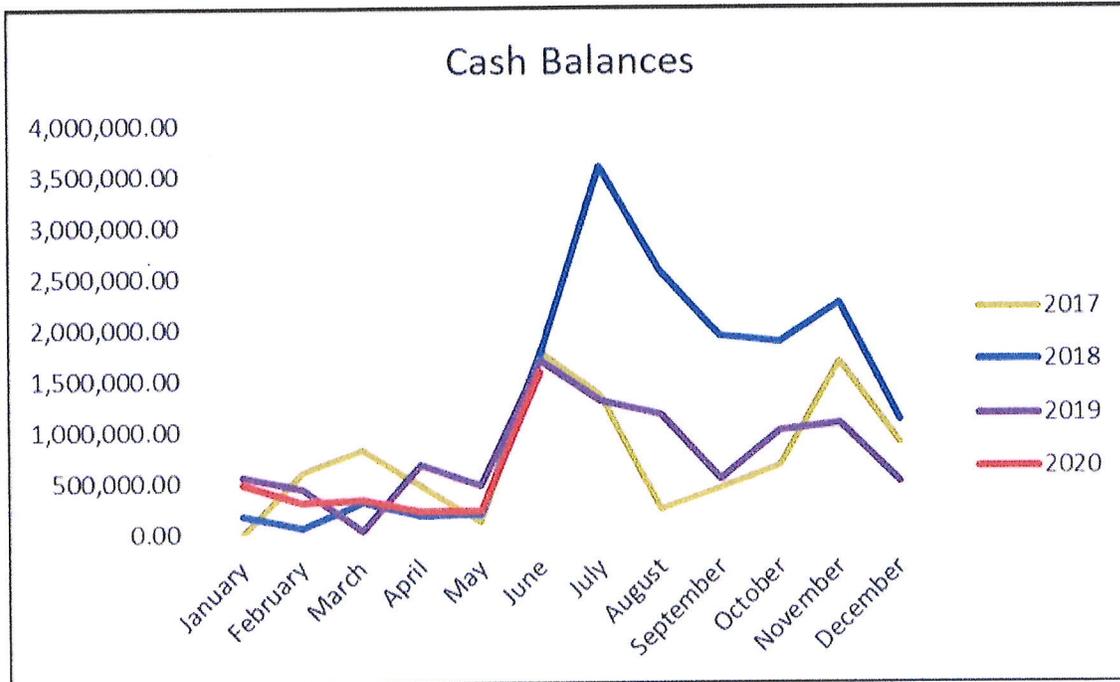
The increase is due to increased wages. Overall, the Risk Management fund has spent 40.64% of its 2020 budget.

CASH AND INVESTMENTS

Finally, the Town had \$10,517,090.00 invested as of June 30st. This compares to \$10,391,357.09 invested last year at this time. The investments had an average interest rate of 2.107% compared to 2.978% last year. Even though interest rates have move down slightly, the Town has been able to maintain some of our higher rate investments. The chart below shows the Town’s invested funds for the last four years.



The other factor and equally important as funds invested is the Town’s cash in the bank. These are the funds the Town uses to pay its bills each month. Since the Town receives the majority of its money in July and December from tax settlements, it is not unusual for the Town to have a large amount of cash available in those months with the funds being drawn down in the proceeding months. Depending on expenditures and other revenues collect the Town may draw on its investments to help meet its cash needs, as was the case during the first half of 2020. The chart on the following page demonstrates the cash flow for the Township.



The increase in cash for June is due to the Town receiving an advance on the July tax settlement at the end of June.

CONCLUSION

The Township had a typical first half of the year financially. Through the second quarter, it appears revenues will finish the year above budgeted amounts for most revenue sources, as will expenditures. This includes the Enterprise Funds where revenues are higher than anticipated due to the rate increases. The Township has sufficient cash and investments to meet its obligations until the Township receives its first tax settlement in July, however investment earnings remains low. The Town also has a bond sale in the works to fund all the improvement projects for 2020. Therefore, it would appear the Township is in good financial shape for 2020.



**Town Board Meeting
August 3, 2020**

Agenda Number: 5.G – Consent Agenda

**Subject: Improvement 2020-2 – Water Quality Improvements –
Adopt Resolution Declaring Official Intent to Reimburse
Expenditures**

Documentation: Resolution

Action / Motion for Consideration:

Receive Report / Discuss

Based on Staff Review & Recommendation Adopt the **Resolution
Declaring Official Intent to Reimburse Expenditures**

McCune – Moves

Ruzek - Seconds

EXTRACT OF MINUTES OF A MEETING OF THE TOWN
BOARD OF THE TOWN OF WHITE BEAR, MINNESOTA,
HELD ON AUGUST 3, 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 Heritage Hall in said Town on August 3, 2020 at 7:00 p.m.

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

Supervisor McCune introduced the following Resolution and moved its adoption:

**RESOLUTION DECLARING OFFICIAL
INTENT TO REIMBURSE EXPENDITURES**

WHEREAS, Federal regulations relating to tax-exempt bonds treat bond proceeds used to reimburse prior expenditures as expended only if certain requirements are met, including as to some expenditures, the requirement of declaring an official intent to reimburse,

AND WHEREAS, expenditures to be reimbursed have been paid and will continue to be paid by the Town of White Bear for various improvement projects initiated under Minnesota Statutes, Chapter 429, prior to the issuance of bonds to finance such improvements,

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

That the Town hereby declares it's intent to reimburse expenditures for the improvement project listed below:

Project Name	Reimbursement Amount
Improvement 2020-2 Water Quality Improvement	\$ 460,000.00

with proceeds of the bonds to be used by the Town in the maximum expected principal amount of \$460,000.00.



**Town Board Meeting
August 3, 2020**

Agenda Number: 5.H – Consent Agenda

Subject: **Right-of-Way Permit** – Based on Town Engineer Review & Recommendation & Including His Recommended Conditions, Approve XcelEnergy Permit to Hold a Power Pole & Maintain Service to their System While a New Sanitary Sewer Line is Installed to 5878 Hobe Lane

Documentation: Town Engineer Correspondence / Map

Action / Motion for Consideration:

Receive Report / Discuss

Based on Town Engineer Review & Recommendation & Including His Recommended Conditions, Approve XcelEnergy Permit to Hold a Power Pole & Maintain Service to their System While a New Sanitary Sewer Line is Installed to 5878 Hobe Lane



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

July 30, 2020

Honorable Chairman and Town Board
White Bear Township, Minnesota

Re: XcelEnergy Permit Application
5878 Hobe Lane
White Bear Township, Minnesota
TKDA Project No. 17727.000

Dear Board Members:

XcelEnergy has applied for a permit to hold a power pole and maintain service to their system while a new sanitary sewer line is installed to 5878 Hobe Lane. The attached map shows the project.

We recommend approval with the following conditions:

1. Contractor must protect Hobe Lane during new service installation as much as possible.
2. Sewer Contractor must also obtain a Township permit and replace Hobe Lane that is removed to original section thicknesses.
3. Contractor must protect sanitary sewer and watermain services.
4. Disturbed areas shall be restored equal to or better than original condition.
5. 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.
6. 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

Date: 7/20/2020
Project #: 118 95 290
Design: John Mouldon
612-499-0265

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

To: Jim Studenski
TKDA
1500 Piper Jaffray Plaza
444 Cedar Street
St. Paul MN 55101-2140

FOR WHITE BEAR TOWNSHIP

Application is hereby made for permission to replace, construct and therefore
Maintain: Electric Distribution System.

I. Type of Utility - Electric General Description

Temporary Pole Holding Truck on Roadway

5878 Hobe Lane, White Bear Township

Work to be started upon approval and completed by: August 31, 2020
Approximately 1 day.

Application Approved

XCEL ENERGY d/b/a NORTHERN STATES POWER
COMPANY

John Mouldon

John Mouldon
Electrical Design
1700 E Co Rd E
White Bear Lake MN 55110

Date: _____



Town Board Meeting August 3, 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.

Documentation: None

Action / Motion for Consideration:

Receive Information / Discuss

Minutes
Town Board Meeting
July 20, 2020

EMERGENCY MANAGEMENT TEAM REPORT:

1. Ramsey County COVID-19 Incident Management: The Town Clerk reported that the County has had discussion on how the County is responding to the events within the pandemic. Some municipalities remain closed to the public still.

2. Contract Group Update: Most of the resources have been addressing COVID-19. It was noted that the Sheriff's Department will be expecting a high volume of off-time for officers as soon as things clear up a bit to combat the high-stress situation. Out of a staff of 500+ officers, only one has contracted the Coronavirus.

3. Attorney Update: The Town Attorney noted that nothing has changed since the Governor has reopened municipalities and Town committees can meet in-person. There will be more to note after his next executive decision. He suspects there will be an order on masks.

4. Operations Logistics/Administrative Offices/Public Works – Rescind Resolution Declaring Civil Emergency: The Town Clerk reported that operations are still at full-time and staff sees steady traffic.

5. Mandatory Face Mask Discussion: The Town Clerk reported that White Bear Lake passed a proclamation specific around the city 3-2 that mandates masks inside public common areas. The

details are on the City's webpage or in the meeting packet. There was some discussion of whether or not the Board should proceed with a resolution or ordinance, etc. It was decided that the Board should wait to hear what the next order of the Governor is, since he could mandate it at the state level. There was some discussion of the cases within the Township. The Town Clerk will see if he can gain stats on the cases and compare to the City and other municipalities that have mandated masks.

6. White Bear Lake Lawsuit – Update: The Town Attorney gave an update of the Minnesota Supreme Court decision from Wednesday, July 15th. They reversed the Court of Appeals on the issue of whether or not the plaintiffs brought the action under the proper statute, 116B.03, and the state and the position of the Town of White Bear was that they had to bring it under the statute 116B.10. The difference was the relief that the court could craft. But because there are a number of issues raised by the state, Township, and the City that were not dealt with by the Court of Appeals, the case has been remanded back to the Court of Appeals to make decisions on the issues not dealt with. The Attorney received a letter from the Court of Appeals outlining how they intend to do that, and the Town has until August 14th to file amended additional briefs if it so chooses, but it has to be new information. At this point, it isn't clear whether the Court will hold oral hearings or just take the case under advisement based on the briefs that are submitted.

There was some discussion of how the Town has noted in the briefs so far and that there is nothing new to add. The Town Attorney will keep a close eye on whether or not case law has changed. There was some discussion of the permits and how the plaintiffs would have to proceed if they wanted to take on that route. The lawsuit was filed in August of 2013, and it keeps dragging on. It was noted that the Doctrine of Public Trust doesn't apply. And there was some other discussion.



**Town Board Meeting
August 3, 2020**

Agenda Number: 7.A – Public Hearings

Subject: None

Documentation:

Action / Motion for Consideration:



Town Board Meeting August 3, 2020

Agenda Number: 8.A – New Business

Subject: Scott & Sandy Maggart, 1467 Jonquil – Request for Exception to Section 5-29 of Ordinance No. 8 to Allow a Limited Accessory Structure

Documentation: Staff Memo w/ attachments

Action / Motion for Consideration:

Receive Information / Discuss

Based on Variance Board, Planning Commission & Staff Review & Recommendation Approve the Exception to Section 5-29 of Ordinance No. 8 to Allow a Limited Accessory Structure at 1467 Jonquil

Minutes
Planning Commission Meeting
July 23, 2020

CONSENT AGENDA – SCOTT & SANDY MAGGART, 1467 JONQUIL – REQUEST FOR AN EXCEPTION TO SECTION 5-29 OF ORDINANCE NO. 8 TO ALLOW A 10' X 12' LIMITED ACCESSORY STRUCTURE: The Town Planner introduced this agenda item as the Maggart's living on a corner lot of Jonquil and Otter Lake Road. They removed their 10' x 14' shed and want to replace it with a 10' x 12' shed. The Maggart's own 2 buildable lots which have been tied together. The home and proposed shed are located on 1 lot and the 988 square foot accessory structure is located on the second lot.

Each property is allowed to have 1 garage and 1 accessory structure not to exceed 1,000 square feet each or a total of 2,000 square feet. The maximum lot coverage allowed is 30%. The Maggart's attached garage is 616 square feet and the current structures cover about 26% of the area.

The Variance Board reviewed this agenda item and discussed the difference between "limited accessory structures" and "accessory structures". The Variance Board moved to approve the exception to the ordinance since the properties has 2 buildable lots.

Planning Commission reviewed the minutes and discussed the lots. There was some discussion over the shed. Map of the lot and proposed shed in yard are in the packet on pages 12 and 13, respectively.

There was discussion of the green area allotment. It was decided that even with this accessory structure, the Maggart's would be under 30%, and staff can recalculate to make sure.

Kotilinek moved to approve the request for an exception to Section 5-29 of Ordinance No. 8 to allow a 10' x 12' limited accessory structure. Artner seconded. Ayes: Loes, Kotilinek, Artner, Blin.

Minutes
Variance Board Meeting
July 15, 2020

SCOTT & SANDY MAGGART, 1467 JONQUIL – Request for an Exception to Section 5-29 of Ordinance No. 8 to Allow a 10' x 12' Limited Accessory Structure: Riedesel summarized the request to add a new 10' x 12' limited accessory structure which would replace a 10' x 14' structure which was torn down. The Maggart's own two buildable lots which have been tied together for tax purposes. The home and proposed shed are located on one lot. A 988 square foot accessory structure is located on the second lot.

The Maggart's attached garage is 616 square feet. Each property is allowed to have one garage and one accessory structure not to exceed 1,000 square feet each or a total of 2,000 square feet. The lot coverage maximum is 30%.

Currently structures on the Maggart lots cover 26% of the area.

Johnson noted that if approved, the Town will have similar requests which should be approved since this request will set a precedent. He noted that this is a unique property since it has two buildable lots. Denn approved with Johnson's comments.

There was brief discussion if "limited accessory structures" should be exempted from the accessory building quantity requirement noting that a limited accessory structure would not count as an "accessory structure".

The Variance Board did not support this ordinance change but instead thinks the Maggart property is unique because it is one legally subdividable lot.

Denn moved to recommend to the Planning Commission to recommend to the Town Board to approve an exception to Ordinance No. 8, Section 5-29 to allow the limited accessory structure as requested since the property is a legally subdividable lot and the limited accessory structure proposed would be legal if the property is subdivided. Christopherson seconded. Ayes all.

MEMORANDUM

TO: VARIANCE BOARD
FROM: TOM RIEDESEL
DATE: JULY 13, 2020

SUBJECT: CONSTRUCTION OF A 10' X 12' LIMITED ACCESSORY STRUCTURE

REQUEST: VARIANCE FROM SECTION 5-29 OF ORDINANCE NO. 8

LOCATION: 1467 JONQUIL LANE

APPLICANTS: SCOTT & SANDY MAGGART

Mr. & Mrs. Maggart are requesting approval of a variance from Section 5-29 of Ordinance No. 8 which would allow them to construct an 10' x 12' accessory shed, defined by the Town as a limited accessory structure. This shed is proposed to replace a shed which was torn down. The old shed was 10' x 14'.

Section 5-29 of Ordinance No. 8 permits every single family dwelling to have one garage and one accessory structure, not to exceed a total of 10% of the lot square footage. The Maggart property consists of two lots which are a total of 27,878 square feet in area. One of the Maggart lots has their home and is where the accessory structure is proposed. The other lot has a garage/accessory structure which is 988 square feet in area. The Maggart's attached garage is 616 square feet in area. Based on ordinance requirements, the Maggart's are permitted to have 2,000 square feet of garage and accessory structure.

Since the Maggart's currently have a garage and accessory structure, a third limited accessory structure is not permitted without issuance of a variance from Section 5-29 of the Ordinance.

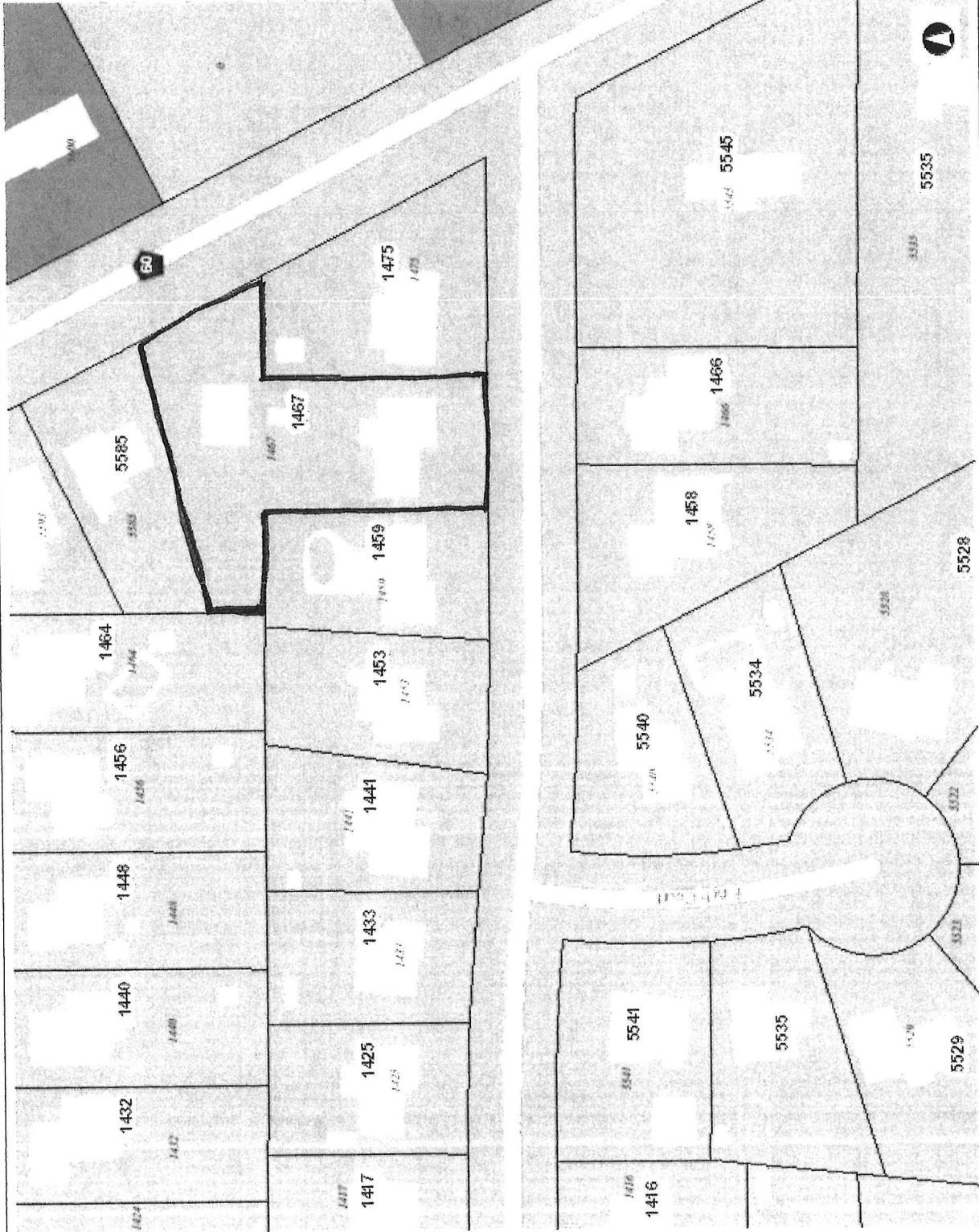
The impervious area on the lot is 16%. With the addition of the shed, the impervious area increases to 17.30% up to 30% coverage of a lot is permitted.

The Town has reviewed very few requests for a second accessory structure on a property.

In this case, the property consists of two lots and the proposed shed will replace a structure which was slightly larger in area.

The Town could process an exception to Section 5-29 of Ordinance No. 8.

The Variance Board and Planning Commission may want to consider excluding "limited accessory structures" from the quantity of garage and accessory buildings permitted on residential property. A minimum square footage requirement should be discussed if an ordinance amendment is recommended for consideration.



This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
THIS MAP IS NOT TO BE USED FOR NAVIGATION

Legend

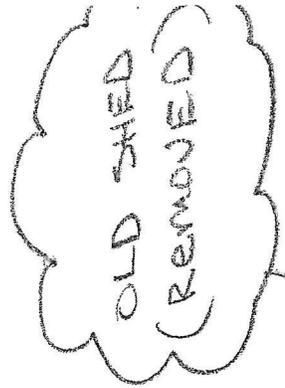
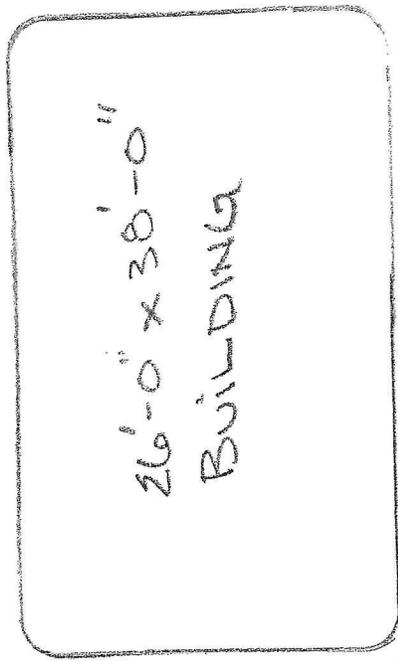
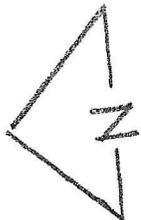


- City Halls
- Schools
- Hospitals
- Fire Stations
- Police Stations
- Recreational Centers
- Parcel Points
- Parcel Boundaries
- Personal Properties

Notes

Enter Map Description

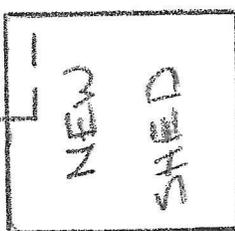
FENCE



FENCE

10'-0"

14'-0"



24'-0"

10'-0"

11'-6"

FENCE

GATE

13'-0"

12'-0"

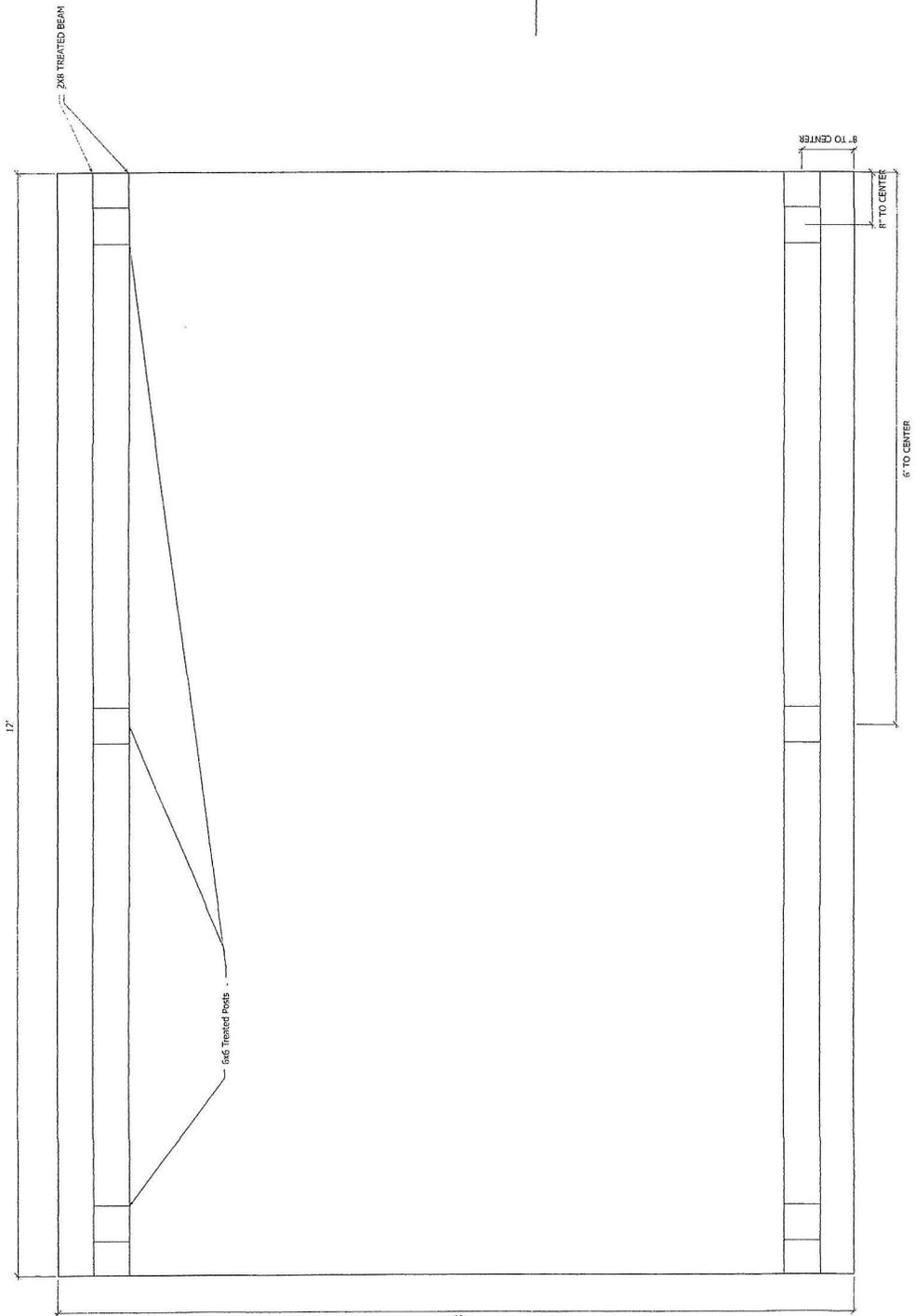
43'-0"



FENCE

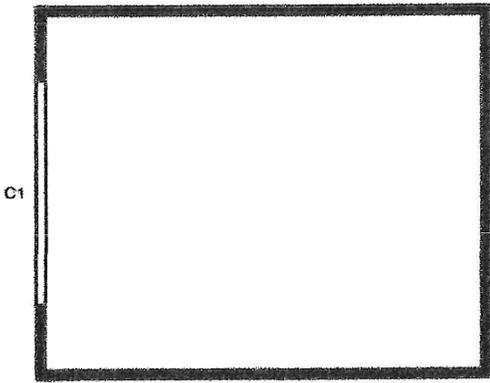
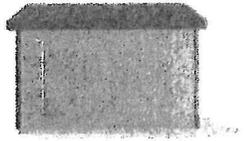
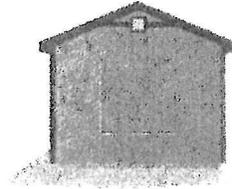
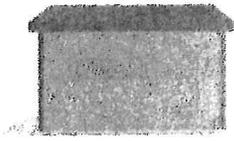
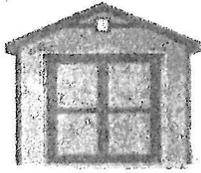
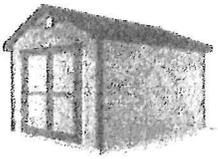
FENCE

144"



120

.01



mbol Legend:

: 6' Wide Double Door



VARIANCE APPLICATION FORM

White Bear Township
1281 Hammond Road
White Bear Township, MN 55110
Phone 651-747-2750 Fax 651-426-2258
www.ci.white-bear-township.mn.us

RECEIVED
JUL 07 2020
TOWN OF WHITE BEAR

INTRODUCTION

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

_____ Fee \$225

APPLICANT(S) SCOTT MAGGART PHONE (Home) _____
SANDY MAGGART (Business) _____
(Cell) 651-324-0131

ADDRESS 1467 JONQUILLANE EMAIL - scmaggart@gmail.com
WBTWP

PROPERTY OWNER SCOTT & SANDY MAGGART

ADDRESS OF SITE 1467 JONQUILLANE ZONING _____

EXISTING USE OF SITE ROTTED OLD SHED

DESCRIPTION OF VARIANCE REQUEST REPLACE SHED

SETBACKS:	<u>Required</u>	<u>Existing</u>	<u>Requested</u>
Front Yard	_____	_____	_____
Side Yard	_____	_____	_____
Side Yard	_____	_____	_____
Rear Yard	_____	_____	_____
Other (Specify)	_____	_____	_____

Applicant understands that the Variance Application fee will not be refunded if, after being submitted, the application is denied or the applicant chooses to withdraw.

It is the policy of White Bear Township that all identifiable costs associated with a Variance Application within the Township shall be the sole responsibility of the owner of said property. The costs shall include, but are not limited to the following: Township planning review costs (reports, meetings, site review); engineering review costs; legal costs (preparation of hearing notices, legal research, certification costs); publication costs (notice of hearing); reapportionment of assessments (engineers report); mailings and Ownership Reports (ownership/encumbrance).

Prior to the final approval by the Town Board, all Township expenses to date shall be paid by the owner. Subsequent expenses not paid at the time of final approval (due to billings by consultants, etc.) shall be due upon receipt of a billing from the Township.



Sandy Maggart
*Signature of Applicant(s)

7/7/20

Date

*Prior to applying for a variance it is recommended that the applicant contact Town staff in order to discuss the proposal.

<u>To Be Completed By Office:</u>		Ob# 9223
Date Request Received	7/7/2020	
By <u>Karen</u> (Staff Member)	\$225.00 Fee Received	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Date Application Complete	_____	

STATEMENT OF AFFECTED PROPERTY OWNERS

If a signed statement is not provided by the applicant for a variance, the Town Board shall order a public information meeting which will include printed notice to all property owners within 350' of the property where the variance is requested. Public Notice publication costs will be the responsibility of the applicant.

I am the owner of the property at: 1467 Jonquil Lane. I am requesting that the Town of White Bear grant me a variance from Ordinance No. _____, for the following purpose:

Replace shed in back yard

My request will be reviewed by the Variance Board and the Planning Commission, with a final decision being made by the Town Board. I must provide the Board with a statement signed by the adjacent property owners, recording their comments relative to my request. Please feel free to write below any comments you may have regarding this issue. This statement must be signed and dated.

PROPERTY OWNERS

1. Name: Sue Husnik Address: 1475 Jonquil Lane
JERRY Husnik Phone: (Home) 651-429-1113
(Bus.) _____
(Cell) 651-324-2379

Comments: _____

Date: _____ Signatures: Sue Husnik Jerry Husnik

2. Name: Tom Gebauer Address: 1459 Jonquil La
Phone: (Home) 651-429-2404
(Bus.) _____
(Cell) _____

Comments: _____

Date: 6/30/2020 Signatures: Tom Gebauer /

3. Name: _____ Address: _____
Phone: (Home) _____
(Bus.) _____
(Cell) _____

Comments: _____

Date: _____ Signatures: _____ /



**Town Board Meeting
August 3, 2020**

Agenda Number: 8.B – New Business

Town Engineer Item:

Subject: Deer Meadow Trail & Swale Improvements:

1. Approve Plans & Specifications
2. Authorize Advertisement for Bids
3. Approve Soil Material Testing
4. Authorize TKDA to Obtain RCWD Permit & Bidding

Documentation: Town Engineer Correspondence

Action / Motion for Consideration:

Report at Meeting / Discuss

Based on Town Engineer Review & Recommendation:

- 1) Approve the Plans & Specifications
- 2) Authorize Advertisement for Bids
- 3) Approve Soil Material Testing
- 4) Authorize TKDA to Obtain RCWD Permit & Bidding

Noting TKDA will Perform the Permitting & Bidding Phases of the Project in an Amount Not to Exceed \$11,850.00 Which Includes \$7,350 for Soil Testing & \$4,500 for TKDA to Obtain the RCWD Permit & Address Soil Testing & Perform the Bidding Process



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

July 30, 2020

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

Re: Deer Meadow Park Trail, Pond and Swale Bidding & Authorizations
White Bear Township, Minnesota

Dear Board Members:

In connection with the Stable Property development, the Township is taking the opportunity to provide trail connection between Deer Meadow Park and the Stable Property development. Ultimately the trails through Deer Meadow Park and the Stable Property would link to the trail off Bloom Road to the north. The existing storm water pond within Deer Meadow Park and the swale connecting to it also require removal of accumulated sediment to restore its functionality.

We held a residential neighborhood meeting on June 29th with a large attendance. We explained how the trail is the next segment in the overall Township trail plan. We also talked about the need for the maintenance of the pond and swale now and in the future to address the current failing system.

We have also been working with the Rice Creek Watershed District (RCWD) on their requirements and obtaining permit approval. Soil testing is also required for RCWD and to determine proper disposal of the excavated material.

TKDA has completed plans and specifications for this project and will present them at the Town Board meeting. We are requesting the Board accept the plans and authorize TKDA to proceed with bidding. Assuming the Board's authorization at this meeting, bid results will be presented at the Wednesday, September 9th Board Meeting.

We are also requesting authorization for TKDA's fees for the permitting and bidding phases of the project, in the not to exceed amount of \$11,850. This amount includes \$7,350 for soil testing (completed by American Engineering Testing, Inc. (AET) under subcontract to TKDA) and \$4,500 for TKDA to obtain the RCWD permit, address soil testing and perform the bidding process.

Sincerely,

A handwritten signature in black ink, appearing to read 'Larry Poppler'.

Larry Poppler, PE
Town Engineer

LPP:DWF:ces



**Town Board Meeting
August 3, 2020**

Agenda Number: 9 –10-11-12

Subject: Open Time
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