

**MINUTES
TOWN BOARD MEETING
APRIL 19, 2021**

The Town Board Chair read the following statements:

“The Town Board Supervisors of White Bear Township will hold its 2nd meeting in April on Monday, April 19th, 2021, beginning at 7:00 p.m. Pursuant to a statement issued by the Board Chair under Minnesota Statutes, Section 13D.021 as a result of the COVID-19 pandemic, the meeting will be conducted electronically via Zoom. The meeting room at Heritage Hall will not be open to the public.”

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

Present: Supervisors: Prudhon, Ruzek, McCune; Attorney: Lemons; Town Clerk: Christopherson; Town Planner: Riedesel; Town Finance Officer: Kelly; Public Works Director: Reed

APPROVAL OF AGENDA (Additions/Deletions): Ruzek moved to approve the amended agenda, adding 10A) Personnel Request for Additional Leave Time. McCune seconded. Ayes all.

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

APPROVAL OF MINUTES OF APRIL 5, 2021: Ruzek moved to approve the Town Board meeting minutes of April 5, 2021. McCune seconded. Ayes all.

CONSENT AGENDA: McCune moved to approve the amended consent agenda as follows:

5A) Accounting Clerk/Administrative Secretary Position – Based on staff review & recommendation appoint Haley Rodriguez as a regular full-time Township employee; **5B) Planner Resignation** – Accept the retirement letter from Tom Riedesel, Township Planner effective July 23, 2021; **5C) Improvement 2021-1 General Obligation Improvement Bond Sale Authorization:** 1) Adopt resolution covenanting & obligating the Town of White Bear to be bound by & use the provisions of Minnesota Statutes, Section 446A.086 to guarantee the payment of the principal & interest on certain bonds & authorizing the execution of a credit enhancement for program agreement – 2) Adopt

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resolution providing for the competitive negotiated sale of approximately \$4,890,000 general obligation improvement bonds, series 2021A – 3) Adopt resolution providing for the competitive negotiated sale of approximately \$2,475,000 general obligation utility revenue bonds, series 2021B – 4) Receive pre-sale summary for issuance of bonds; **5D) Cub Foods Fireworks License** – based on staff review & recommendation approve the fireworks license for Cub Foods from May 1, 2021 through April 30, 2022 subject to approval by the Town’s Fire Inspector, noting there has been a change to the form; **5E) Employee Handbook** – Approve revision to the health insurance section, noting a suggestion has been made regarding the second paragraph; **5F) 1st Quarter Construction Reports** – Receive (2020-2021); **5G) Water Efficiency Rebate Program** – Receive quarterly update; **5H) Commission/Board Recommendations: 1) Bellaire Beach Lifeguard Contract** – Based on Park Board review & recommendation approve the 2021 lifeguard contract including the additional ten days with the YMCA – **2) Trash & Recycling Contract Request for Proposals** – Based on Utility Commission review & recommendation approve the residential trash & recycling services request for proposals; **5i) Public Works Requests** – Based on staff review & recommendation approve the following: **1) Watermain Break Street Restoration:** i) accept quotes – ii) approve low quote from Metro Paving in the amount of \$23,980.00, with funding from the Water Enterprise Fund – **2) 2021 Crack Sealing Project:** i) accept quotes – ii) approve low quote from Sealtech, Inc. in an amount not to exceed \$30,000.00 for \$1.50 per pound of crack seal with funding from the 505 Improvement Fund; **5J) Town Engineer Request** – Based on Town Engineer review & recommendation approve the following: **1) Improvement 2021-1:** i) adopt resolution approving plans & specifications – ii) adopt resolution ordering advertisement for bids; **5K) Monthly Financial Report** – Receive February report. Ruzek seconded. Ayes all.

EMERGENCY MANAGEMENT TEAM REPORT:

Ramsey County COVID-19 Incident Management: Nothing to report.

Contract Group Update: Nothing to report.

Attorney Update: Nothing to report.

Operations Logistics/Administrative Offices: Staff has switched back to full staff and full time as of April 1, 2021. There are still emergency orders in place and the Board is continuing the Town Board meetings as is. Every administrative Township employee has received their first dose vaccination.

Public Safety: The Town Clerk reviewed with the Board that a curfew may need to be instigated to buffer the public reaction to the Chauvin trial. There was some discussion of this, and it was noted that the Township should wait until mandated at a state or county level, which would have higher authority, or wait and see what the City of White Bear Lake does. It would be ineffective if the City instigates curfew and the Township

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doesn't, or vice versa. Once there is public threat or the City, county, or state instigates a curfew, then the Emergency Management Team can make that decision.

1953 STILLWATER STREET – RIGHT-OF-WAY SETBACK VARIANCE REQUEST:

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 Planner presented this agenda item as 1953 Stillwater Street, located on the corner of Stillwater and St Anthony. Since it is an older home, the owners, Nick and Andrea Bradshaw, are looking to complete a remodel, with the majority of work done on the footprint. The Bradshaw's will need a setback for the right-of-way. The existing homes in this area don't meet setback standards and the proposed changes are in line with the neighborhood. It was noted that based on the neighborhood, they can work with the proposed plans.

The Variance Board met twice about this agenda item. The first time, the Board found the proposal fine, but due to the new deck proposed the Bradshaw's would need a setback variance for the deck. The Variance Board suggested modifying it to a 20-foot setback. The second time it was reviewed the Variance Board recommended approval.

The Planning Commission reviewed it and recommended a 28.3 right-of-way setback variance provided the deck is also 20-foot setback.

There were some questions about the remodels. The home wouldn't need any variances for height as it wouldn't be in a sightline, under 35 feet. It was noted that the deck doesn't have to be part of the motion, just part of the design.

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

Member Beth Artner from the Planning Commission was present via conference call.

Resident Nick Bradshaw was present via conference call to answer any questions of the Board. There were no further questions.

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

Based on Variance Board, Planning Commission & staff review & recommendation, Ruzek moved to approve 28.3' Right-of-Way Setback Variance at 1953 Stillwater Street to allow construction of a home/garage addition. McCune seconded. There was some brief discussion about including the deck information for design purposes. Ruzek moved to include "subject to a deck setback minimum of 20 feet" to be attached to the end of the motion. McCune seconded the amended motion. Ayes all.

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ORDINANCE NO. 35 (ZONING) AMENDMENTS – SECTIONS 7-6.2 & SECTION 7-12:

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 Planner presented Ordinance 7-6.2 as looked at by the Public Safety Commission and the Planning Commission. Both commissions looked at what the wording means. Riedesel read the ordinance changes on page 150 of the packet, including the modifications made by both commissions. Most recently the commissions recommended omission of time; other modifications include owning the vehicles, no extended occupancy. The Town Building Inspector suggested no occupancy.

There was a hypothetical situation given, if a relative comes to stay. Is it 2 weeks in a row? Could the Town resident have their relative stay inside for 1 night, and then would the 2 weeks start up again? The Board wants to be thorough of every possibility. There was discussion of visitors not applying to this ordinance amendment because it is related to storage of the RV.

There was discussion of ordinances being based on enforcement. Removing dates do make the Inspector's job easier, but the Town Board is concerned that people will take advantage of it. How does the Town address people who are complying already? There was discussion of potential unintended consequences. The Town is more concerned about Right-of-Way encroachment as well, sightline hazard. There was discussion over the square footage requirement and that enforcement would be hard. The Board agreed to not make a decision tonight and discuss it in more detail at the Executive Town Board meeting.

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

Member Beth Artner from the Planning Commission was present to give input. She noted that she is in favor of keeping this stuff out of front yards because it impacts views of lakes and stuff. It was noted that the Board will review it at least one more time to fine-tune details. Artner gave some examples of unsightliness.

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

Ruzek made the motion to table this part of Ordinance Zoning No. 35, Section 7-6.2 and move it until after the Executive meeting this month.

Ruzek moved to note proper publication of the hearing notice in the newspaper & waive reading of the notice. McCune seconded. Ayes all.

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Ruzek moved to open the public hearing. McCune seconded. Ayes all.

The Town Planner introduced Ordinance No. 35, Section 7-12 as the current ordinance which permits chickens and livestock but requires 2 acres of land. The Planning Commission recommended changing definitions and land size.

Riedesel read ordinance on page 150-152 of the packet. The change would allow up to 4 hens on any single family home property (town homes excluded). It was noted that these ordinances are crafted from other communities and that this ordinance is similar to the White Bear Lake's ordinance. There was discussion of the definitions to ensure there is no way peacocks or other exotic fowl could be considered a "hen" or "chicken".

There was discussion of enforcement. It was noted that this amendment to this zoning ordinance does make sense because as an urban Township, 2 acres is not realistic for the majority of Township residents.

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

There was no one present for public comment.

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

Ruzek made the motion to look at Section 3 of Ordinance No. 35 as amended to add Sections 7-12.14 to the ordinance. McCune seconded. Ayes all.

The Board is tabling the portion about the porcelain teacup pig.

SMC, 5800 & 5858 CENTERVILLE ROAD – CONTINUE CONTINUATION OF HEARING – WETLAND PERMIT TO ALLOW FILLING & MITIGATION: 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 continuation of the public hearing. McCune seconded. Ayes all.

The Town Planner presented this agenda item as it relates to the planning of their new building. SMC started construction last year and was permitted to fill the wetland and now has to replace it, which includes waiting for the wetland plants to re-establish themselves. It is a bit early in the season to see if the plants have established themselves in this new location. Riedesel explained the process of the wetland districts.

It was noted that VLAWMO also reviewed it and recommended holding off for a bit.

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

No one was present to give comment.

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

Ruzek made the motion based on staff & VLAWMO review & recommendation continue the Wetland Permit hearing to June 21, 2021 @ 7:00 p.m. McCune seconded. Ayes all.

ADDED AGENDA ITEMS: Personnel request for additional COVID leave: The Town Clerk reported that an employee had used his or her COVID leave time last year to travel out of state and then self-quarantine when they returned. The employee subsequently contracted COVID and had to use personal flex time, and so is requesting additional time of 2 weeks. The Board briefly discussed this item and noted that it is not obligated to grant this unique request. It was noted that the Board adopted the policy in spring of last year which outlines responsibilities by the employees and the Township. The Township is under no obligation to grant additional time if the employee chose to take their COVID leave time prior to contracting COVID. The request was denied.

OPEN TIME: There was no one present for open time.

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 7:49 p.m. Ruzek seconded. Ayes all.

Respectfully Submitted,

Patrick Christopherson
Town Clerk-Treasurer

Approved as Official Meeting Minutes

Town Board Chair

Date