

**MINUTES
TOWN BOARD MEETING
FEBRUARY 17, 2016**

The meeting was called to order at 7:02 p.m.

Present: Supervisors: Kermes, Prudhon, Ruzek; Clerk: Short; Attorney: Lemmons;
Planner: Riedesel.

APPROVAL OF AGENDA (Additions / Deletions): Ruzek moved approval of the agenda with the following amendments: 8A) Annual Meeting Agenda; AB) Closed Session – Labor Negotiations; Public Works Employee; 8C) Call Special Town Board Meeting for March 15, 2016, at 9:00 a.m. at the Ramsey County Public Works Facility for Ramsey County Water Quality Meeting; 7H Add Township Day Entertainment Proposal. Prudhon seconded. Ayes all.

APPROVAL OF PAYMENT OF BILLS: Prudhon moved approval of the payment of bills. Ruzek seconded. Ayes all.

APPROVAL OF MINUTES OF FEBRUARY 1, 2016: Prudhon moved approval of the Minutes of February 1, 2016. Ruzek seconded. Ayes all.

CONSENT AGENDA: Ruzek moved approval of the Consent Agenda as follows: 5A) Based on Town Finance Officer Review & Recommendation Approve the 2016 Fire Service Contract Addendum in the Amount of \$227,567.00 and Authorize Execution by the Town Chair and Town Clerk (and to ask the Fire Chief to attend an Executive Meeting for update of services noting that last report is dated 2014); 5B) Call Special Town Board Meeting for Monday, March 14, 2016, Beginning at 10:30 a.m. at the Ramsey County Courthouse; 5C) Based on Town Finance Officer Review and Recommendation, Adopt the Resolution Declaring Official Intent to Reimburse Expenditures for the Southeast Area Sewer Relining Project; 5D) Call Public Hearing for Monday, March 7, 2016 at 7:10 p.m., to Amend Section 7-4 – Airspace Zones & 7-5 – Land Use Safety Regulations in Airport Hazard Areas of Ordinance No. 35; 5E) Based on Staff Review and Recommendation Approve the Disposal of Surplus Town Equipment at a State of Minnesota Surplus Services Auction as Outlined in the Staff Memo with Proceeds Being Deposited into the General Fund; 5F) Receive Construction Activity Report. Prudhon seconded. Ayes all.

OLD BUSINESS: There were no Old Business Items.

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7:10 P.M. PUBLIC HEARING – TAMARACK NATURE CENTER, 5287 OTTER LAKE ROAD – REQUEST FOR A CONDITIONAL USE PERMIT TO ALLOW CONSTRUCTION OF A 263 SQUARE FOOT CONFERENCE ROOM ADDITION: The Public Hearing was held at 7:13 p.m. Prudhon moved to waive the reading of Public Notice noting that proper publication was made. Ruzek seconded. Ayes all. Ruzek moved to open the Public Hearing. Prudhon seconded. Ayes all.

The Planner reported that Ramsey County Parks & Recreation Department is requesting approval of a Conditional Use Permit which would allow them to construct a 15' x 18' addition onto the northwest corner of the existing Tamarack Nature Center building. The new room is planned to be a conference room and will provide a storage area for volunteers. An addition onto an existing building requires Town approval of a Conditional Use Permit in the Open Space Zoning District. He reported that additional remodeling is planned to the entryway/vestibule of the building. The Town recently approved an expansion of the Nature Center and viewed a sketch plan to increase the size of the parking lot and relocate the access to the site. The County continues to work on this plan and an additional Conditional Use Permit application is expected in the near future. He reported that Section 9-4.4 of the Town's Zoning Ordinance sets the standards which must be met in order to approve a Conditional Use Permit. He reported that the existing nature center building is located over 800' from the closest single family home. Because this is a small addition to the building it appears that the standards set forth by the Zoning Ordinance will be met with the proposed addition.

Ryan Ries, Project Manager, Ramsey County Parks and Recreation Department reported that in 1990 the Tamarack Nature Center was a trail head facility. Since that time they added programming to the south. Last year they built a preschool to the north. They have added a garden house and nature play areas. He reported that the services that they offer have increased fivefold in visitors. Throughout this growth they have not grown the administrative space. They are undergoing a remodel project which is being submitted under this CUP application. The remodel of the existing nature center was driven by the relocation of My Nature Preschool into a new Early Childhood Learning Center, which was constructed in 2015 under a separate CUP. This vacated space, combined with the continual growth of the administrative staff and several scheduled maintenance projects, led to the remodel project. He reported that this phase of the remodel consists of the addition of a 263 square foot conference/volunteer room as well as revisions to the exterior glazing system at the main entrance to accommodate ADA accessibility and improve overall visitor traffic flow. Ruzek asked if there are other plans for remodeling. Ryan Ries reported that there are plans for 2019/2020. He stated that they are going over their Master Plan to address future plans. Prudhon asked if there are any statistics for total visitors to the Nature Center during the year for average daily or monthly use. Ryan Ries stated that they do have that information and will provide them to the Town. Kermes stated that he wondered if there would be an increase in traffic flow. Ryan Ries reported that for this particular remodel there would be no increase in traffic. The administrative remodel is for current staff and the remodel of the entryway is to make it ADA compliant. Kermes asked if the

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space would be available for group meetings. He stated that he gets inquiries about the site and if there is space for other meetings. Ryan Ries stated that they have not discussed having group meetings but that they want to keep up with the demand for public use and could be a possibility. Ruzek reported that at the Planning Commission Meeting it was stated that this is a small part of a larger renovation of the parking lot. Ryan Ries reported that they do have site plans for adding to the parking area and they will realign the entrance to the facility. That is under a separate project which will be presented to the Planning Commission in March. Ruzek asked if, in addition to the current remodel, if there are any plans for expansion to the building. Ryan Ries reported that they do have future plans to expand further. The funding cycle for that phase is 2019/2020. He reported that they are going over their Master Plan to address the future expansion. Prudhon asked if the Master Plan would solidify what they have done and what the finished project would look like. Ryan Ries reported that the reason that the work is done piecemeal is because of funding. He reported that the next phase will identify the work for the parking lot and will also show future buildings. Prudhon asked if they will consider reconfiguring the parking lot geometrics when they redo it. Ryan Ries stated that has been discussed.

There was no public comment. Prudhon moved to close the public comment portion of the Public Hearing. Ruzek seconded. Ayes all.

Ruzek moved, based on Planning Commission and Staff review and recommendation to approve the Conditional Use Permit / Zoning Ordinance Certificate with attached requirements for the Tamarack Nature Center Conference Room expansion and entryway/vestibule remodel at 5287 Otter Lake Road. Prudhon seconded. Ayes all.

JERRY HROMATKA, NORTHEAST YOUTH & FAMILY SERVICES – PRESENTATION AND AUTHORIZE EXECUTION OF 2016 AGREEMENT BY TOWN BOARD CHAIR AND TOWN CLERK: Jerry Hromatka, President and CEO of NYFS stated that he likes to provide an annual presentation to local partners. He reported that NYFS finds out what is important to an individual's life and find the people who can be important in their lives. He reported that they serve all ages in the 15 municipalities that make up the northeast metro area but their main population is with 5 – 21 year olds. That comes out to 4000 people with youth families per year. That is about 1900 households. Their budget is \$3.2 million. Since the recession it has dropped significantly due to changes in funding sources. It was at \$5 million and now is at \$3.2 million and has leveled out and they are looking at how they can continue to grow in response to needs in the community. Their three program areas are mental health, youth development, and day treatment. They are a rule 29 Mental Health Clinic. He reviewed the revenue streams for their programs. They utilize fees from reimbursement from insurance companies, contracts, grants, and contributions. The other fees come from leasing a three story building with attached gym that they own in Shoreview. They lease the first and third floors as a way to have extra income for their organization. He stated that contributions make up about 10% of their revenue stream. This is something that they are working on. Of the \$3.2 million dollars 72% is for salaries and benefits and

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the rest is for programming and support. He reported that with mental health they use solution oriented methods. Rather than talking about the problem they talk about where the person wants to be, where do they want to go, and what are they doing to lead towards that. Their mental health program is school based, clinic, and home. They are in 18 buildings in the White Bear, Mounds View, and Roseville School Districts. They work very closely with the schools. Youth Development has three main programs, diversion, out of school, and senior care. The Day Treatment includes therapy and academics and NETS, REACH, and Woodlands. They have a large program with Mounds View which they call REACH. They get the kids back on the road and then someone else helps them down the road. They match up youth and adults with seniors to help with routine duties. They have 400 volunteers and 80 youth each year to help. This program breaks down barriers between generations. One of the big parts of these programs is community service through volunteering. They assure all the municipalities that support the NYFS that their residents can use any of their services regardless of the ability to pay. In terms of benefits they provide educational attainment, effective workforce, and citizenship. Every time they have success with their programs they have less reliance on public dollars. There is something unique with this partnership and sometimes they use matching grants from the State or a foundation. Jerry Hromatka reviewed the 2014-2015 summary of contracted services in the Township. In 2014 there were 62 households at a cost of \$47,235. In 2015 there were 56 households at a cost of \$33,694. Funding provided by the Township in 2015 was \$27,808. For this amount the NYFS provided \$33,000 worth of programs to households in the Township. In 2016 funding is in the amount of \$23,744. The cost is leveling out for municipalities that they serve and they have a target of 2017 for this. He stated that they see more families, more kids and more adults with complex issues. The two most complex issues are trauma and isolation. They see more isolation with seniors who live alone. He stated that now things are evidence or research based. They are changing their models. They now have embedded school based therapists. Fund raising is now a big piece of their programs. This year is their 40th anniversary and they are planning fund raising events. Since 2008 they have tried to cut back on office support. They have leveled off.

They recently refinanced their building and they have a \$2 million dollar debt that they are carrying. They try to be good stewards. He reviewed the NYFS partnerships. They hear that businesses want to get involved. Prudhon asked how they deal with social media with the kids. Mr. Hromatka reported that there are some people who use social media appropriately but there are some who do not. People need to be taught how to use it appropriately. He stated that those using the services are asked to put all electronic devices away so they can talk appropriately. He stated that is a challenge and they have to find a way to deal with it. However, with seniors in their homes it would be a great thing to help them to visit using skype with friends. Otherwise they are isolated. He stated that they have kids that help seniors with their computers so that they can use them. Ruzek asked if any of the people who pass through their programs joined their services. Jerry Hromatka stated that they hope that there will be people who will stay with them and help with the programs. Kermes asked the Town Attorney if

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the Town is covered under their insurance policy. The Town Attorney stated that the Town has received an insurance binder and the Town is covered.

Ruzek moved, based on Town Finance Officer review and recommendation to approve the agreement with Northeast Youth and Family Services for the Year 2016 and to authorize execution by the Town Chair and Town Clerk and to authorize a donation of \$23,744. Prudhon seconded. Ayes all.

WHITE BEAR LAKE CONSERVATION DISTRICT REPRESENTATIVES: Brian DeSmet stated that he is one of the two Township representatives to the White Bear Lake Conservation District. He reported that last night at the Conservation District Board Meeting the Board passed a motion to continue as fiscal agent and if they did not like what they saw in the legislation they would step back from being the fiscal agent. He stated that they have allowed the process to move forward because a fiscal agent is necessary to get bonding money from the State. He stated that he wants to make sure that they do not get too far ahead of the communities so they have been meeting with the various communities to get input. He reported that Senator Weiger was at the Board meeting last night and he stated that he would be the chief proponent in the Senate and he would pull the bill if the WBLCD did not want to go forward with the bill. Senator Weiger stated that his criteria for the project is that it is affordable, sustainable, and has the support of the communities. Senator Weiger presented a figure of \$20 million dollars. He stated that the augmentation project, as estimated by SEH is in the \$50 - \$60 million dollars for capital costs and somewhere between \$500,000 and \$4 million dollars for operations cost. He reported that he attended the City of White Bear Lake City Council Meeting a few weeks ago and the concerns that was heard from them is the Conservation Board is not the right entity to be the fiscal agent. The City is concerned about the Conservation District Board obligating them to costs by moving ahead with the project with the City participating in the payment for those costs. He stated that their message is not to make the quality of the lake worse by increasing the quantity of the lake. Kermes stated he agrees with the concerns that the City brought up and which appeared in the White Bear Press regarding investments and water quality issues. He stated that there are a lot of unknowns. Ruzek stated that he agrees. He asked if Brian has attended the meetings of the other communities. Brian DeSmet stated that he has not. He stated that Birchwood is concerned about the cost. He stated that none of the communities have come out in support of an augmentation project. The WBLCD has not taken a position on an augmentation project. He stated that there will be a lot more information coming out and with a piece of legislation being introduced will stimulate activity and encourage people to take a position. Brian DeSmet stated that in March/April 2015 the Board took an action that they would be the fiscal agent. He stated that he feels that the majority of the Board thought that would be similar to their role in the USGS study where they took in money from the communities and then wrote a check to the USGS. He stated that they initiated a task group which investigated what it would mean to be a fiscal agent in this situation. The role is significantly different from the role that they played in the USGS study. In this situation the White Bear Lake Conservation District would own the facility and have someone

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operate it. But that is something very different from what the Conservation District Board has done in the past and is a reasonable concern if the Conservation District Board is the right fiscal agent. Prudhon asked if there would be a joint powers agreement with another partner. Brian DeSmet reported that they were approached by local legislators where they would provide some money and the Conservation District role would be to try to get consensus among the five communities for an infrastructure project, not necessarily an augmentation project. In the end they did not provide money to the Conservation District Board and that was when the task group was started and they have been working without having any money. He stated he senses that the communities may think that the "train is moving" and they are not sure they are on it. Or that their participation in the process is limited and that is a problem. He stated that there are a group of people who are pushing to get an augmentation project moving. He stated that at some point they will have to respond to that. Kermes stated that a year ago it was an infrastructure project and asked what it is that is trying to be done. Is it an infrastructure project or an augmentation project? Over the past year it has been defined as augmentation. He stated that it is hard to support a vague activity. He stated that it would be a substantial burden for the community residents around the lake. He stated that the proposals seem to change monthly. He stated that the Conservation District has historical experience with dealing with the lake quality issues and the recent experience in managing funds for the USGS project. But going from a \$50,000 activity a year to tens of millions of dollars in activity is different. He stated that if the Conservation District has the skills, talents and resources to be fiscal agent that would be great. He asked if the Conservation District is asking for specific guidelines from the Town Board tonight. He stated that the Board is not prepared to do that. Brian DeSmet stated that they are not looking for specific guidelines. He stated that over the next few months it will be important to him as one of the Township's representatives to know how the Town Board feels about things. He stated that he would keep the Board up to date. He stated that if there are concerns it is important that those concerns be raised. He stated that there will be more information coming forward and one big piece is the USGS study. But that will not be out until August/September this year. He started that spending millions of dollars on a project that may or not, from a science perspective, be the best option. Kermes stated that the Board is happy to spend time with him and Diane Longville with any questions that they may have and for information. Ruzek asked if it is the Conservation District's understanding that in order for funding to go forward through the legislature, if they Conservation District has to indicate that they will be the fiscal agent before any money is authorized. Brian DeSmet stated was correct. Ruzek asked if they are asking the communities for an endorsement for the Conservation District be the fiscal agent. Brian DeSmet stated that they need to hear comments, pro and con, for them being the fiscal agent. He is only asking the Board to be aware that if the legislation develops over the next few months that there will have to be decisions made. He reported that the next step is for Senator Weiger to introduce a bill. He stated that the session starts March 8th and it is expected that the bill will be introduced within a week from that date. The Conservation District will get copies of the bill and see what it says. He stated that a question people have is how much of the cost will be covered in the legislation, not only the capital costs, but project development

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costs, operational costs, if any. The water quality is also important. No one wants to increase the quantity of water in the lake and degrade the quality of the water of the lake. He stated that he would be looking for those things in the bill. Prudhon stated that it was understood that the maintenance costs would be introduced with the capital improvements. Brian DeSmet stated that their understanding is that operation costs would not be covered by the bonding bill. The operations cost would be the responsibility of the local communities or possibly, the County or State. Something that has been heard is a fee something like \$2.00 per person per month or year. He stated that a lot of the operations cost is dependent on the treatment that is required to bring the water to a certain quality level. The more treatment required, the higher the operations costs. He imagines that the cost will be higher than the \$500,000 to take out the zebra mussels. There may be phosphorous treatment and other contaminants to increase the cost of the operation. He stated that fiscal agents they would want to see how these will be addressed in the legislation. Kermes suggested that an update be provided at the March 25th Executive Meeting by Brian or Diane. Brian stated that he will attend the meeting.

WATER GREMLIN, 4400 OTTER LAKE ROAD – REQUEST FOR PERMITTED USE STANDARDS PERMIT TO REPLACE AN EXTERIOR CHILLER UNIT AND ADD ONE

NEW ONE: The Planner reported that Water Gremlin is requesting approval of a Permitted Use Standards Permit which would allow them to replace an exterior cooling tower with two new ones and construct a 42' x 8' 8" chemical room addition. The chillers are located on the north side of the eastern wing of the building. Currently there are two chiller units in this location. One will be removed and replaced with two new ones. The other unit will remain where it is. The chemical room addition is proposed to be located between the existing building and the pump room structure. The height of the addition is proposed to be 12'. This portion of the building where the addition is planned faces Whitaker Street but is screened from view by a wooded area approximately 165' in depth. There are no plans by Water Gremlin to remove this wooded area. The Planner presented an overhead showing that the chiller units are proposed to be placed on top of an existing concrete sided mechanical (pump) room. The units are approximately 8' above grade. The existing unit which is to remain is located on posts abutting the mechanical building. That unit is to be replaced on top of the building. The new units are proposed to be placed on top of the building as well. The chiller units are approximately 15' x 15' in size and 10' tall. The chillers are used to cool dies used in the manufacturing process. There are approximately 40 machines which will utilize the new chillers. The Planner reported that Water Gremlin is in the process of a two phase improvement to their property. The improvement includes construction of a new parking lot and entry to the site. The north driveway has been closed except for some truck traffic, as part of the improvement. The parking lot/entry improvements are partially completed with construction work to continue this spring. The Planner reported that the plans as proposed appear to meet the standards set forth by Ordinance No. 35 to approve a Permitted Use Standards Permit.

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Dave Zinschlag, Water Gremlin Company, stated that one of the questions that was raised was regarding noise to the neighbors. He stated that there will be no increase in noise and more than likely will be less. The unit has internal pumps and motors and emit less than 10 decibels on the lot lines. Kermes asked if the second new piece will be the same. Joshua Miller, Water Gremlin Company, stated that the new piece will be similar to the tower to the east. This unit is much quieter than the VAC which is run during the summertime which is needed for supplemental cooling. That unit will be terminated when the project is complete. There will be a changeover this summer where they will have to run both the VAC and the Marley units. He explained that the new piece comes with a supplemental filtration which will conserve at least 80,000 gallons each month which is a quarter reduction to what is being used today. Dave Zinschlag reported that they have discussed their operation with the Met Council and once this is all completed they will have another reduction relative to discharge to the sewer system. Kermes asked if they are adding an enclosure for chemical storage. Joshua Miller explained that it is water treatment, not chemical storage. Their consumption of chemicals will be reduced by about \$8,000 a year. Prudhon asked if the address has been changed to Otter Lake Road and if the truck traffic has been confined to Otter Lake Road and not Whitaker. Dave Zinschlag stated the address has been changed and truck traffic rerouted. Kermes asked the Planner if there have been any complaints received. The Planner reported that there was a complaint regarding the phasing of the project with the construction materials left over the winter. He reported that Dave Zinschlag worked with the neighbor and a berm was constructed which solved the problem. He stated that it is a big change to the site because it is now exposed. There have been some comments regarding the loss of trees. Dave Zinschlag reported that arbor vitae will be planted along both sides of the new parking lot so there will be a visual block of any light coming from that space. They are continuing to work with the neighbors.

Ruzek moved, based on Planning Commission and Staff review and recommendation to approve the Permitted Use Standards Permit for Water Gremlin, 4400 Otter Lake Road to replace an exterior chiller unit and add one new one. Prudhon seconded. Ayes all.

CIP PURCHASES: 1) CONSIDER PURCHASE OF TANDEM AXLE DUMP TRUCK CHASSIS; 2) CONSIDER PURCHASE OF DUMP BODY, SNOWPLOW, WING & SANDER; 3) CONSIDER PURCHASE OF ASPHALT ROLLER: Tandem Axle Truck Chassis and Dump Body, Snowplow, Wing and Sander: The Public Works Director reported that the 2016-2020 Capital Improvement Plan and Capital Equipment Plan have scheduled replacement of a 2001 single rear axle Sterling, for \$265,000 in 2016. This vehicle has been used for snowplowing and ice removal, for hauling logs/brush, street sweepings and street maintenance materials. To improve efficiency, Staff is recommending to keep the 2001 vehicle for snowplowing and ice control operations. It would replace the Town's Loader snowplow route since the loader does not have the ability to apply ice control. It would then be used for cul-de-sac snow removal efforts. The proposed unit is a tandem axle truck chassis with a dump body, snowplow, wing, and

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sander. This truck will allow for more efficiency in snow and ice removal and hauling capacity in the Public Works maintenance operations.

Nuss Truck Equipment (Mack) is the vendor with the lowest State Contract pricing for the specified chassis at \$113,637.00, while Astleford International Trucks (International) is \$113,946.00 and Boyer Ford Trucks, Inc. (Western Star) is \$114,184.00. Staff is recommending approval of the quote from Nuss Truck & Equipment. There are two State Contract vendors that offer the staff specified dump body and Falls Manufacturing snowplow, wing, and sander. Bert's Truck Equipment is the vendor with the lowest State Contract pricing for the specified dump body, snow plow, wing, and sander at \$100,560.00, while Towmaster Truck Equipment is \$103,790.00. Staff is recommending approval of the quote from Bert's Truck Equipment. The total cost for the truck chassis, dump body, snowplow, wing and sander is \$214,197.00. There will be some minor equipment set up charges. There is \$265,000.00 identified in the Capital Improvement Plan for the purchase with funding from the Capital Equipment Fund. Prudhon reported that he met with the Public Works Director and Field Maintenance Supervisor and reviewed Public Works' truck inventory and stated that he is comfortable with the recommendation. He stated that this purchase will allow for better functioning for Public Works.

Prudhon moved, based on Public Works review and recommendation to authorize the purchase of the chassis for the specified tandem axle truck chassis from Nuss Truck & Equipment at a cost of \$113,637.00 with funding from the Capital Equipment Fund, noting that the purchase is included in the 2016-2020 CIP and in the 2016 budget. Ruzek seconded. Ayes all.

The Public Works Director reported that to make the truck chassis a complete unit, Staff is recommending approval to purchase dump body, snowplow, wing and sander. Bert's Truck Equipment is the vendor with the lowest State Contract pricing at \$100,560.00. This purchase is included in the 2016-2020 CIP and included in the 2016 budget. Prudhon asked what type of warranty comes with the equipment. The Public Works Director reported that the power train warranty is for five years and one year on the cab. He stated that the warranty does not become active until the equipment is put into service.

Ruzek moved, based on Public Works review and recommendation, to authorize the purchase of the specified dump body, snowplow, wing, and sander, at a cost of \$100,560.00 from Bert's Truck Equipment with funding from the Capital Equipment Fund, as included in the 2016-2020 CIP and in the 2016 budget. Prudhon seconded. Ayes all.

Asphalt Roller: The Public Works Director reported that Public Works would like to purchase an asphalt roller for street maintenance activities. He reported that with the number of streets reaching the end of their useful life, they are beginning to require more and larger asphalt patches. The asphalt roller will be used to properly compact the

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asphalt patch and lengthen the patch life. The Public Works Department is currently using an 18" plate compactor which is fine for smaller patches, but for larger patches this does not work. In past year, the Public Works Department has tried to borrow neighboring Public Works Departments' roller or rent one. During the time that the Town is patching the other Public Works Departments and rentals are already being used. Quotes were solicited from three vendors that sell the Bomag BW900-50. Ruffidge-Johnson Equipment Co. Inc. for \$14,990.00; Gary Carlson Equipment for \$16,044.00; and Nuss Truck & Equipment for \$17,890.00. Staff is recommending approval of the purchase of the BW900-50 asphalt roller from Ruffidge-Johnson Equipment Co. Inc., for \$14,990.00 with funding from the Capital Equipment Fund. Ruzek asked what has been spent for renting a roller to compare with purchasing. The Public Works Director reported that they have not been able to rent an asphalt roller since they were not available. Pete Tholen, Field Maintenance Supervisor reported that they get the jobs done with existing equipment but that with the conditions of the roads and what is required to maintain them, the 18" asphalt roller does not compact as it should on larger jobs. He stated that longer the projects are pushed out the harder it is to repair them. Ruzek asked what the life expectancy is for the asphalt roller. The Public Works Director stated that a new roller should last 20 years. Ruzek asked how the asphalt roller is transported to the various work sites. The Public Works Director reported that it fits on a trailer. Ruzek reported that he noticed that two of the bids have back up alarms but did not notice that the third bid had one specified. He asked if the recommended asphalt roller has a back-up alarm. The Public Works Director stated that he is comfortable in stating that it does have a back-up alarm but just is not specified in the proposal. He reported that Pete Tholen will verify this.

Prudhon moved, based on Public Works Director's review and recommendation, to authorize the purchase of the Bomag BW900-50 asphalt roller from Ruffidge-Johnson Equipment Company, Inc, for \$14,900.00, with funding from the Capital Equipment Fund, noting that this purchase is included in the 2016 budget. Ruzek seconded. Ayes all.

RAMSEY COUNTY ELECTIONS: 1) JOINT POWERS AGREEMENT FOR NEW VOTING SYSTEM ACQUISITION; AND 2) RESOLUTION ADOPTING THE USE OF NEW VOTING SYSTEM: The Clerk reported that the Town contracts with Ramsey County to conduct the Township elections. They are also the facilitator in purchasing election equipment County-wide. He reported that the Town has received a joint powers agreement from Ramsey County for the purchase of election equipment (electronic voting machines). The purchase of the election equipment was included in the 2015-2019 Capital Improvement Plan for purchase in 2015. The County pushed the purchase back to 2016 because of the equipment development and availability. The CIP and 2015 budget included \$35,900.00 for the purchase of the new equipment. The funds are still available and would come from the Capital Equipment Fund. The Clerk noted that there needs to be execution of a joint powers agreement as well. Prudhon asked who owns the voting machines. The Clerk reported that the Towns them, but that Ramsey County stores and maintains them and places them in the polling places.

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Prudhon asked what happens with the old voting machines. The Town Attorney reported that the machines are sold and the proceeds distributed accordingly. He reported that under the Joint Powers Agreement, initially the County retains ownership of the equipment until such time as it is paid for in full. Once paid for, the title is transferred to the municipality. In the Town's case, it is paid in full at once, and belongs to the Town. He stated that under the terms of the Joint Powers Agreement, the equipment is under the control of the County, but the Town owns them. They also handle warranty issues.

Prudhon moved, based on Town Attorney and Staff review and recommendation, to authorize the execution of the Joint Powers Agreement for voting system acquisition and operation with Ramsey County by the Town Board and Town Clerk. Ruzek seconded. Ayes all.

Prudhon moved to adopt the Resolution Adopting the Use of New Voting System. Ruzek seconded. Ayes all.

MEETING RESCHEDULING: 1) FEBRUARY BOARD OF AUDIT / EXECUTIVE MEETING; 2) MAY EXECUTIVE MEETING: Board of Audit: The Clerk stated that the Board of Audit is scheduled for a time when the Finance Officer is not available. It is recommended to be scheduled for Monday, March 7, 2016 at 6:00 p.m. at the Town Administrative Office.

Prudhon moved to schedule the Board of Audit for Monday, March 7, 2016, at 6:00 p.m., at the Town Administrative Offices. Ruzek seconded. Ayes all.

Kermes noted that the May Town Board Executive Meeting is scheduled for May 27th which is Memorial Day weekend.

Ruzek moved to reschedule the Friday, May 27, 2016 Town Board Executive Meeting to Friday, May 20, 2016, at 12:00 pm., at the Town Administrative Office due to conflict with the Memorial Day weekend. Prudhon seconded. Ayes all.

JOINT EDAB / PARK BOARD MEETING IN APRIL; 2 TOWNSHIP DAY ENTERTAINMENT PROPOSAL: The Planner reported that the Park Board has requested a joint meeting with the EDAB in April to discuss the 2016 Township Day event and the Town Hall.

Ruzek moved to schedule at Joint EDAB / Park Board Meeting for Tuesday, April 12, 2016, to discuss Township Day event. Prudhon seconded. Ayes all.

Ruzek moved to call a Special Town Board Meeting for Tuesday, April 12, 2016, for purpose of Joint EDAB / Park Board meeting. Prudhon seconded. Ayes all.

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The Planner reported that the Park Board has reviewed bands for the event and recommends the following: First Band: Doug Collins & the Receptionists at a cost of \$700.00. They play classic rock and original music; and Headline Band: 2 Girls and a Boyd at a cost of \$800.00. They play serious vocal harmonies and acoustic instrumentation. The Park Board has discussed and recommends sound and lights by Metropaulitan at a cost of \$1,000.00. He reported that contracts will come to the Town Board for approval.

Ruzek moved, based on Park Board and Staff review and recommendation to approve Doug Collins & the Receptionists (\$700.00) and 2 Girls and a Boyd (\$800.00) as the two bands for the September 10, 2016 Township Day event noting that with these approvals contracts will be drawn up for final approval. Prudhon seconded. Ayes all.

Ruzek moved, based on Park Board and Staff review and recommendation, to approve sound and lights to be provided by Metropaulitan at a cost of \$1,000.00 noting that a contact will be drawn up for final approval. Prudhon seconded. Ayes all.

BALD EAGLE ISLAND: The Clerk reported that when the Town Board reviewed the matter of Conditional Use Permit for Megabien Studios on Bald Eagle Island, the permit was for six months. It was originally approved in January 2015. The six month time period would have expired in July 2015. But the applicant applied for and received a six month extension which continued the permit to be effective until January 6, 2016. In December 2015, Megabien, and Nick Van Brunt, owner of the property, applied for a building permit and submitted the information necessary. The building permits were prepared. At the time that the Town Board discussed the matter in January, the permits had not yet been picked up. The issue before the Town Board was whether or not the applicant was late by a day or two in picking up the permit and if it would still be considered initiation of the project within the six month extension. At that time the Board determined that to initiate the project the permit would have to be paid for and picked up. On January 5, 2016 the Board was assured by correspondence between the Town Attorney and the Attorney working with Megabien Studios that it would be picked up in the next day or two. Unfortunately that did not happen and by the end of January the permits still had not been picked up. When staff was advised by Megabien Studios that they intended to pick up the permit by February 5th, it was staff's determination that a month had lapsed between the end of the six month extension and the time that they picked up the building permit. Town Staff did not issue the building permit. At that time staff had a discussion with Hans Stachowiak, Megabien Studios, and he was hoping that the Board would reconsider his position on initiating the project and asked that the matter be discussed with the Town Board. The Clerk reported that he talked with Hans Stachowiak this afternoon, who called from Winnipeg, and said that his Attorney would be here to represent his interest. The Clerk reported that to prepare for that the Town Planner did some research on how other communities define initiating a permit. This information is included in the supplemental packet on page 11.

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The Planner reported that he contacted other communities to see how they define “initiated”, the time frame once a Conditional Use Permit is approved and if not acted upon does it become null and void. In the Town’s case it is within six months but allows for a six month extension. The City of Stillwater is similar to the Town. Permits have to be acted upon within six months but the City Council may grant a six month extension. Initiation is defined as: building permit must be applied for, defined as complete and paid for. The Cities of Roseville, Maplewood, Shoreview & Vadnais Heights all had a requirement that a permit be initiated within one year of approval. In Shoreview there is a process for extension if the year lapses, but the applicant would have to go through the Public Hearing steps. Initiation is defined as permit must be obtained within one year from approval. The City of Maplewood has one year but the Council may provide an extension provided that the applicant made a “good faith effort” to obtain the permit. They define initiation as approval of a grading permit. The City of Roseville does consider an extension. Initiation is defined as submission of permit application and all back up information required by the City. The City of Vadnais Heights allows for a six month extension if approved by the City Council. The City of White Bear Lake requires that a project be completed, not just initiated, within one year. If the project in process the City Council may consider an extension.

The Town Attorney stated that under Town Ordinance for a Conditional Use Permit it only requires that the Conditional Use Permit is effective if initiated within a six month period. He reported that the Conditional Use Permit was reviewed prior to the meeting tonight and there is no definition of what initiation is as it applies to this situation. He stated that the Town’s definition of initiated is up to the Town.

Prudhon stated that he remembers distinctly that the Chair, at the time of the six month extension, did not want to see someone here on January 5th looking for an extension. The six months was plenty of time to get it done. He stated that the Town is not out of line with other communities nor more stringent. Ruzek stated that he agrees. He stated that he felt reasonably assured when the six month extension was requested that they would be able to comply. That has come and gone. Kermes stated that the Town stated “six months and the Town’s definition of the word initiate is consistent with when a permit is actually issued. He stated that a promise to come in with a check is too late. There was a promise in the beginning of January and it is now mid-February. The applicant had adequate time and opportunity to come in and no justification is seen to allow the project to go forward. He stated that if the applicant wants to apply again it is up to him. The Town Attorney noted that there is nothing prohibiting the applicant to apply again. Nothing has been denied, only expired.

Chris Sandberg, Lockridge Grindal Nauen, stated that he is Han’s Stachowiak’s representative. He stated that his question is staff’s refusal to let his client pay for the building permit. He stated that the Town did accept payment of over \$4,000 from his client for the Conditional Use Permit the same day. He stated that he did pay for the CUP but staff would not accept payment for the building permit. He asked what is considered to be the initiation of the activities as described in the Conditional Use

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Permit. He stated that he agrees with the Town Attorney that the Ordinance does not cover it – it just says initiated. He stated that staff's research states that filing the necessary materials in complete form is initiation in some cities. He stated that Megabien did that in December. There were questions back and forth in December and a couple of days in January. On January 5th the building permits were ready to be picked up. Full and complete applications were made for the building permit without which physical things could not happen and staff acted on them and issued those permits. The only things that did not happen was coming in and paying for them. He reported that Hans Stachowiak had a terrible fall on ice in January, broke his hip and was out of commission. He stated that initiation did take place as soon as those completed applications were on the desks of one of the staff. He stated that it certainly had taken place when staff approved them and told Megabien that permits were ready and he could come and pick them up. He stated that nothing else needed to happen to meet a basic definition of initiated. He stated that there are communities around the Town that agree with that. He stated that the Board could take the contrary position and say that a ministerial act of picking it up and handing a check across the counter created something that was not there when the Town issued the permits. He stated that Hans Stachowiak does not need a 10,000 square foot house to live in. The entire project is predicated on being allowed to do the things on the CUP on that piece of property. He stated that if the Board does find that initiation did take place by close of business on January 5th they can go forward. He stated that they can move forward and get all the final papers ready and get to closing and with building permits in hand can start the project on Bald Eagle Island. If the Board says "no" those things are not going to happen. Kermes asked if Mr. Stachowiak had his check in hand when he was in the office in December. The Clerk reported that the only time that he was able to pay for the building permit was when he met with him on February 5th. Kermes stated that Mr. Stachowiak was to come to the office with check in hand by January 5th. It did not happen. He stated that if Mr. Stachowiak could not make it to the office he could have sent a representative. That did not happen. Kermes stated that there still is no project. Prudhon asked if a formal action should be taken. The Town Attorney stated that under the Ordinance the permit automatically expires. He stated that article 9-4.B states that if activity is not initiated within such period of time, this permit shall be void. He stated that it is void without further action. No action was taken but for informational purposes the permit expired January 5, 2016. The Town Attorney stated that since the project was not denied the first time around the applicant can apply again if he so desires. The Clerk stated that the applicant requested that the Town Board reconsider the definition of "initiated". That is the discussion that has taken place and it may help if the Town Board makes an affirmative statement.

Kathy Madore, Edina Realty, representing the Van Brunt's stated that the Town Board has the power to allow the permit to be paid by the end of this week. He stated that Mr. Stachowiak is out of the country and the Van Brunts are out west. She stated that a lot has taken place and to have it lost by the interpretation of "initiation" and "funding" should not happen. She stated that she has attended all the meetings and she does not recall hearing when the money had to be paid. She stated that they closed and part

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of this was funding for the additional building. If this does not happen they cannot do the additional building. She stated that they have done some work on the house already and cannot believe that after all that has been done it won't happen. Prudhon stated that there were no permits to do work on the building. Ruzek reported that he was given a six month extension and still no action took place. Kermes stated that there were very specific conditions with the CUP and very specific deadlines. Because of the complexity of the project the Board allowed a six month extension. That demonstrates the Town's cooperation with the project and understanding the problems Mr. Stachowiak is up against. The Board was very clear with the six month extension. The Town was assured that it was plenty of time for Mr. Stachowiak to get the financing in order, to get the permits and paid for. Kathy Madore stated that she understands that he tried to pay but payment was not accepted. The Clerk stated that was on February 5th. There were no building permits issued. They were prepared to be issued. The Clerk reported that on January 4, 2016 the Board was assured that Mr. Stachowiak would be in the next day. It was a month. Kathy Madore asked for an extension until next Monday.

Ruzek moved to acknowledge that the Town Board has not reconsidered the definition of "initiated". Initiated would include obtaining and paying for the permit before the expiration of the Conditional Use Permit by paying for the permit on or before January 5, 2016. Prudhon seconded. Ayes all.

PUBLIC WORKS EMPLOYEE: The Public Works Director reported that on November 2, 2015 Chris Anderson was appointed by the Town Board as a Public Works Maintenance Worker. Chris provided his notice of resignation to the Town on February 9, 2016 and his last day with the Town will be February 26, 2016. The Public Works Director reported that during the last interview process on October 21, 2015, Chris was one of the two finalists, out of approximately 70 applicants. The other was Matthew Schneider. The interview panel consisted of Bob Kermes (Town Board Chair), Bill Short (Clerk Treasurer), Paul Peltier (Leadworker), and Dale Reed (Public Works Director). With the resignation of Chris Anderson, the Public Works Department is recommending that the Town Board consider the appointment of Matt Schneider to the vacant maintenance worker position. The Public Works Director reported that he contacted Matthew by phone on Thursday, February 11, 2016, and he confirmed that he is still interested in the position. Public Works Department staff recommends that the Town Board consider appointing Matthew Schneider to the position subject to passing the required pre-employment items, such as criminal background check, physical, and drug and alcohol testing.

Ruzek moved to accept the resignation of Public Works Maintenance Worker, Chris Anderson. Prudhon seconded. Ayes all.

Ruzek moved, based on Public Works Department recommendation to appoint Matthew Schneider to the vacant position in the Public Works Department subject to passing the required pre-employment items. Prudhon seconded. Ayes all.

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ANNUAL TOWN MEETING AGENDA: The Clerk reported that the Town Board will not have an action meeting prior to the Annual Town Meeting on March 8th to review the agenda for the meeting. The Clerk reviewed the draft agenda. It was the consensus that the agenda looks good.

Prudhon moved to approve the Annual Town Meeting Agenda for March 8, 2016. Ruzek seconded. Ayes all.

**RAMSEY COUNTY WATER QUALITY MEETING - MARCH 15, 2016, 9:00 A.M.,
RAMSEY COUNTY PUBLIC WORKS:** Ruzek moved to call a Special Town Board Meeting for Tuesday, March 15, 2016, at 9:00 a.m., for Ramsey County Water Quality Meeting, at the Ramsey County Public Works facility. Prudhon seconded. Ayes all.

OPEN TIME: Christopher Sandberg, Lockridge Grindal Nauen, stated that he appreciates that immediate re-application is appropriate under Town Ordinance. He asked if his client re-applies if the Board will act on the record that has already been before them and base their review on the existing record. The Town Attorney stated that under the Ordinance the permit is void and does not exist. The Town has invested a lot of time on this but there will still have to be a Public Hearing. It is up to the Town Board if they want to hear any further public testimony. He stated that new arguments would have to be heard and the record would be opened for new arguments. The matter will also have to go through the Planning Commission again. The Town Attorney stated that it would be a new application and would have to meet all the requirements of a new application, would have to meet the variances, and a Public Hearing for new arguments for or against. The minutes from the old Public Hearing could be included as the basis for the new Conditional Use Permit. Kathy Madore asked how long the process would take. The Planner stated that it is typically a 60 day process.

At 9:32 Prudhon moved to recess the Town Board Meeting. Ruzek seconded.

CLOSED SESSION – LABOR NEGOTIATIONS: The Closed Session was held at 9:32 p.m. At 9:43 p.m. Prudhon moved to close the Closed Session. Ruzek seconded. Ayes all. At 9:44 p.m. Prudhon moved to re-convene the Town Board Meeting. Ruzek seconded. Ayes all. The Town Attorney summarized the Closed Session reporting that the Union Representative has reviewed the terms that were developed during the January 5, 2016 negotiations.

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

The meeting adjourned at 9:45 p.m.

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Respectfully Submitted,

William F. Short
Clerk-Treasurer

Approved as Official Meeting Minutes

Town Board Supervisor

Date