

**MINUTES
TOWN BOARD EXECUTIVE MEETING
JULY 24, 2020**

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

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

APPROVAL OF AGENDA (Additions/Deletions): Ruzek moved approval of the agenda as submitted with the additions of 15A) Discussion on Cares Act 2020, 15B) Heritage Hall Sound System, and supplemental information on agenda item 13A) 5456 Township Drive. McCune seconded. Ayes all.

APPROVAL OF MINUTES OF JUNE 26, 2020: McCune moved approval of the minutes of June 26, 2020 with the amended corrections. Ruzek seconded. Ayes all.

RAMSEY COUNTY PRESENTATION – COUNTY REPRESENTATIVES TO ATTEND: Rachel Broughton, Greg Brown (?), and John Mazzitello were present from Ramsey County to present on the proposed trail design to be a part of Lake Links Trail, potential one-way or two-way road designs, and how it affects the Township. Broughton began by giving a background of the project and gave an overview of the schedule. She went through survey results and the first open house. Another virtual open house is being planned for later this year, with hopeful construction beginning in 2022.

Brown (?) Gave more detail of the virtual open house from May 15th through May 22nd. He went over 171 survey responses, 194 wiki map users, and 19 direct phone call/email results. He explained that all of what Broughton shared was at the open house, and he went more into depth of the findings from feasibility studies, etc. The findings show that a majority of residents are for hybrid road options with safety improvements and bike paths of importance. He showed a graph explaining the results. Common themes residents are concerned about are reduced speeds, safer crossings, retaining parking/loading places, and keeping the impact limited to existing roadway footprint. Currently there is still studying being done to find better maintenance and drainage solutions.

Brown (?) showed a couple scenarios of what the trail, boulevard, and road would look like with a one-way and a two-way option. It was noted that the Township has drainage concerns in the south-easterly section. It was noted that one-ways are not of excitement to the Township due to the maintenance once it is rolled back to Township jurisdiction. There was some discussion of this, and it was noted that there can be some form of reimbursement for maintenance and repair needs from the County, if that would mean support. Currently the County has received \$2.6 Million for design and construction work from the federal government, and it would like to begin work to start the project as soon as possible.

2020 STREET IMPROVEMENTS – UPDATE: Town Roads: The Town Engineer reported that the residents in the first phase can now back in and out of driveways, which means the first phase is completed. It went well. He noted that the rest of the areas are receiving their bituminous layer

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and curb and gutter currently. Then the first coat of pavement will be placed. He noted that there are some resident concerns, but staff has been able to answer the concerns, and more of them were in the moment concerns, nothing budget related. On July 24th, the crew completed the storm sewer and catch basins.

The project as a whole is on schedule. The south portion ran into a few hiccups, but residents have been very happy with the 4 roads that are already done. There was some discussion of the communication habits between the Town Engineer and staff ensuring residents are informed of every progress. It was noted that this has been a very good effort and residents do pay attention.

County Roads: The Public Works Director reported that the County is working hard to replace the culvert on the East side of 35 along County Road H2 and will start reconstruction once completed.

Peterson Road: There was some discussion over Peterson Road and Otter Ridge Circle project. Staff is working on the plans and specifications. There was some discussion on how best to receive all resident feedback, but still make the best long-term decision. It was noted that the neighborhood meetings for Peterson Road is Wednesday, August 5th and Otter Ridge Circle is Wednesday, August 12th.

STABLE PROPERTY FEASIBILITY REPORT – UPDATE: The Town Engineer reported that the feasibility report is being put together based off of Larson Drawings from December with a cost estimate, date, etc. It was noted that the developer's responsibilities would be the well, fences, building, gravel driveway, concrete, grading, etc. The Township is working on any opportunities to bring in materials to aid the developer. The report isn't quite get finished due to going through Ramsey County, and there has been some lag because of COVID and the permits being under review. Currently the project cost is \$901,227. The bids are due mid-August and there will be more discussion then.

WATER SYSTEM IMPROVEMENTS – UPDATE: The Public Works Director reported that he and the Town Engineer discussed the water system improvements with Dan Nessler from TKDA. The pump and motor install is scheduled for the last week in July. From there, the contractors will get piping for internal connections all squared away. Finally, the well will begin pumping over the next couple weeks, after test pumpings have been deemed it ready. The contractors will start slow in case anything comes up. It was noted that there may be some hiccups because staff will have to learn to balance the chlorine at this level.

I & I – UPDATE: The Public Works Director reported on the Stillwater Street repair. He is still waiting on the third quote and then will bring the quotes back to the Board. He also wants to televise the NE area near Liebel Street. He will also bring the quotes for televising to the Board as well. There was some discussion of the possibility of getting out from under Met Council's requirements and payments. Staff isn't holding their breath, but will remain optimistic of the possibilities for next round. It was noted that the flow monitoring results haven't come back

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from Centerville Road. The Public Works Director will present those findings at the August Executive Town Board meeting.

The Town Finance Officer noted that he is working on getting the bond sale in the works for the water improvement project, street improvement project 2020, Peterson Road and Otter Ridge Circle project, and the Polar Lakes Park restrooms. Baker Tilly will present the moving pieces of the bond sale on Monday, August 17th's Town Board meeting. He explained the abatement bond process, and there was some discussion. He has never bonded for an abatement bond, but it is just a different tool. There was some discussion of moving around funds since the bond won't come through until October, but the improvement project contractors will need payment prior to.

ORDINANCE NO. 47 AMENDMENTS – RENTALS: The Town Attorney submitted suggestions to the Town Board regarding Ordinance No. 47: nuisance properties. The biggest change would be to revoke rental license, that this would hit the landlord where it hurts. There was some discussion of this concept. The Board wants to see language regarding fees for each violation. The thought behind this is that after so many fees, the landlord is bound to pay attention. There was some discussion of a tiered approach prior to a public hearing: 30 days could be a \$500 fine, 60 days could be a \$1,000 fine, and 90 days could be the Public Hearing and vacation of residents and rental license. Due to the fines, the Town Building Inspector wouldn't have to go out on calls as much since the landlord will care if he or she is fined. There was some discussion of other cities' and municipalities' calls of service costs. The Town Attorney couldn't find anything in their records, but he will double check. There was some discussion on how to handle this if there is a neighbor who makes multiple calls if they have a bone to pick with the landlord or home owner. There will be more to report at the next Executive meeting.

The Board took a 5 minute break.

TOWNSHIP MISSION STATEMENT – REVIEW: The Town Clerk reported that the Board had brought this idea to Town staff due to one resident's concern over obtaining a task force to combat racism. It was decided that there isn't enough staff to allocate to a task force, but a representative could sit on the City of White Bear's task force that was formed. As another alternative, the Board decided to update the mission statement. The Town Clerk will write up multiple mission statements and the Board will decide. It was noted that there is a fine line between bantering and sensitivity. There will be more to report on at the August Executive meeting, then the Board will vote on one at a regular Town Board meeting.

RESCHEDULE SEPTEMBER 7TH MEETING TO SEPTEMBER 9TH DUE TO HOLIDAY: Due to Labor Day holiday, the first Town Board meeting in September will be moved from Monday, September 7th to Wednesday, September 9th. This will be at the next Town Board approval on the consent agenda.

2021-2030 CIP – REVIEW: The Town Finance Officer presented the first round of the next 10 years Capital Improvement Projects and their costs. There are several items that will change over the next several months to 10 years, as a budget is ever moving with the continuous

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pieces, but the is the plan. The equipment section will be moved around. There was some discussion of the priority ranking. There was discussion of other parts: hiring staff, expanding Public Works department, the Public Works remodel, etc. There were a couple items noted, like the Bald Eagle Trail development, that may be able to be allocated to other areas if another entity is taking care of the cost. The Public Works Director gave some details on his long-term plan for the Public Works department, and how he would like to see everything set up before he retires in 5 or so years.

PUBLIC WORKS DIRECTOR REPORT: The Public Works Director was present to report on Public Works Department activity for July of 2020. He noted that the **summer staff** is doing well and there are some younger guys that could be prospective for future Public Work positions. There was some brief discussion on the **union contract** negotiations. Any financial changes would be made by the preliminary budget. The remaining **trails** along White Bear Parkway, Centerville Road, Otter Lake Road, Polar Lakes Park, and Columbia Park will be finished up being seal coated. There was some discussion over the neighborhood **watch signs**: should the Town replace them. It was decided that they won't replace them, but if residents would like to they can notify Town staff. Public Safety may review this at the August meeting.

CODE ENFORCEMENT OFFICER / BUILDING INSPECTOR REPORT: **5456 Township Drive:** The Town Clerk reported on behalf of the Town Building Inspector. An abatement order went out to the property owners James Wung and Anthonia Kum. The tenant had moved out, but had left some of their belongings. The following will need to be taken care of by July 31st: removal of all personal property, and a list was given; yard maintenance, cutting the overgrown yard and removal of leaves and overgrown vegetation. If the landlords or tenants don't clear the abatement, the landlords will be charged for Town staff clearing the order, as well as a 25% additional fee of such costs for staff time. There will be more discussion on this property once abatement in cleared.

1647 Park Avenue: The Town Clerk reported that the owner, Juan Gabriel Hernandez, built a lean-to type of roof structure on the west side of his accessory structure without a building permit. Due to this it must be taken down. There are several requirements that have not been taken into consideration like the 10-foot setbacks to the side property lines, building into a tree, etc. It was noted that the Town Attorney will send a sheet of helpful letters to residents, where he can fill in the blank dates, etc.

CLERK-TREASURER REPORT: **DNR Groundwater Management – Update:** The Town Attorney re-explained his 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

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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. The Attorney noted the different ways this case could go: the DNR could appeal the District Court, stating that it didn't challenge points from all parties, which would set the case back; the District Court wants to open permits from the case; this could impact permitting, but it was noted in the case that this wasn't going to happen; or the District Court could declare the accusations erroneous. He also explained the Township's concerns: that the Court violated the separation of powers; and the District Court doesn't have jurisdiction to affect well permits.

There will be more to update once any additional information is filed on August 14th.

Discussion-Proposed New/Budgeted Staff Positions: The Town Clerk noted that this agenda item was discussed previously in the year, but was tabled due to COVID-19. He stated that he would get a proposal for the Accounting Clerk finished and to the Board in 30-60 days, once he gets clarity on how to describe the position. There will also be a proposal for another staff position that staff should be able to put language together by the August 17th Town Board meeting. There was some discussion of a civil engineer for the Town staff. Staff will review this and get back to the Board. Hiring a civil engineer would mean the Town would pay them, but pay TKDA less. There will be more discussion in September.

Option C- Appointment of Town Administrator – Discussion: The Town Clerk and the Town Attorney gave updates on this change. If Christopherson's title is changed from Town Clerk to Town Administrator, there has to be a vote from the public. But currently his duties are that of a Town Administrator, so there was discussion of leaving it as is and address if needed in the future. What brought this agenda item about was the change in pay scale, making current with the year, through the auditing process. Town staff will be in touch with surrounding communities to discuss and will report back to the Board.

OPEN TIME: No one was present for open time.

ADDED AGENDA ITEMS: Cares Act 2020 – Discussion: The Town Clerk reported that Federal funds have trickled down the chain of command in the government system and the Township is receiving \$835,000 worth of aid. This aid is mainly for businesses within the Township that can prove lost funds specifically due to COVID-19. The Township can redeem \$40,000 to \$50,000 for aid based on the documented losses due to COVID. That leaves about \$800,000 for Township businesses. The kicker is, no one can claim a grant based on lost revenue. The grant money is simply a reimbursement for unbudgeted expenses due to COVID. The Town EDA will be

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presented this information and staff will draw up an amount for each business that applies. The trouble is the Town only has until November 15, 2020 to disburse the funds to businesses that saw unbudgeted expenses between March 15th through November 15th. Any additional funds the Town has leftover will go to hospitals within Ramsey County.

It was also noted that there have been 47 confirmed Coronavirus cases within the Township since March 15th. It was noted that the first responders from Ramsey County Contract Group have only had 1 time where they went outside the parameter of service.

Heritage Hall Sound System – Discussion: The Town Clerk noted that the sound system is only tied to the television system for residents at home; it doesn't pertain to folks in the audience. The Board members can hear the audience fine, but some in the audience have said they cannot hear the Board. Staff will talk to the contractor in charge of the sound to see if she has any thoughts.

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

Ruzek moved to adjourn the meeting at 11:41 p.m. McCune seconded. Ayes all.

Respectfully Submitted,

Megan R. Cavanaugh
Recording Secretary