

**MINUTES  
TOWN BOARD MEETING  
FEBRUARY 1, 2016**

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

Present: Supervisors: Kermes, Prudhon, Ruzek; Clerk: Short; Attorney: Lemmons;  
Public Works Director: Reed.

**APPROVAL OF AGENDA (Additions/Deletions):** Prudhon moved approval of the agenda as submitted. Ruzek seconded. Ayes all.

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

**APPROVAL OF MINUTES OF JANUARY 20, 2016:** Ruzek moved approval of the Minutes of January 20, 2016. Prudhon seconded. Ayes all.

**CONSENT AGENDA:** Ruzek moved approval of the Consent Agenda as follows: 5A) Adopt Resolution to Participate in the I-35E Corridor Management Team for 2016; 5B) Call a Special Joint Town Board / Planning Commission Closed Attorney Client Meeting for Wednesday, February 3, 2016, at 6:00 p.m. at the Township Administrative Offices, 1281 Hammond Road. Prudhon seconded. Ayes all.

**WATER EFFICIENCY GRANT – AUTHORIZE EXECUTION OF THE GRANT AGREEMENT:** The Clerk reported that the Metropolitan Council, through funding from the Clean Water Land and Legacy Amendment, has awarded White Bear Township a water efficiency grant. The goal of the water efficiency grant program is to improve municipal water use. This grant funding has enabled the Township to provide rebates to residents who replace existing devices with specified water efficient products through June 30, 2017 or until funds are depleted. The product must be installed at the address listed on the water utility customer account. The product must be purchased between September 30, 2015 and June 30, 2017. Expenses eligible for the rebate are the out-of-pocket cost of the product and its installation only, not to include any owner labor costs. In addition, new construction and new developments are ineligible, as this program is intended as a current infrastructure replacement program. The rebate is for 100% of the cost of the item up to a maximum of \$150 for Energy Star washers; \$200 for WaterSense toilets; and \$200 for WaterSense labeled irrigation controllers. The Metropolitan Council has provided a list of frequently asked questions as a guide. The Clerk noted that the Town Board acknowledged receipt of a \$24,000 grant and now needs to approve execution of the Grant Agreement.

**MINUTES  
TOWN BOARD MEETING  
FEBRUARY 1, 2016**

Prudhon moved to receive and authorize execution of the Metropolitan Council Clean Water Fund Grant Agreement No. SG-04418 by the Town Board Chair. Ruzek seconded. Ayes all.

**2016 SEALCOAT PROJECT: 1) APPROVE PLANS & SPECIFICATIONS; 2) AUTHORIZE ADVERTISEMENT FOR BIDS:**

The Public Works Director reported that as part of the Town's infrastructure management program, the Town provides funding for an annual sealcoat project. This year's project includes the following areas and street segments: the area from Centerville Road west to the railroad tracks, north of Highway 96; the areas south of Fox Meadow Park, East of White Bear Parkway and west of Oakmede Lane, including White Bear Parkway from Bibeau Road to Oakmede Lane; Constellation Drive, Anderson Lane, Provence Lane, Saxony Court, and Bartylla Court. He reported that the start date for work is July, 2016. Prudhon asked if the area south of Bibeau is in a neighboring City and would they participate in funding. The Public Works Director reported that the area is in the City of Vadnais Heights and that he will talk with the Vadnais Heights Public Works Director regarding the matter. He reported that the Improvement Fund 505 has \$110,000 budgeted for sealcoating, crack sealing and engineering costs. He estimated this year's sealcoat project to be \$95,000.00 and crack sealing estimated to be \$15,000.00. Depending on bids, if they are lower than the estimate, the scope of the sealcoat project could increase.

Ruzek moved, based on Public Works Director's review and recommendation, to approve the plans and specifications for the 2016 Sealcoat Project as outlined in the meeting packet with funding from the Township's Improvement fund 505. Prudhon seconded. Ayes all.

Ruzek moved, based on Public Works Director's review and recommendation, to authorize the advertisement for bids for the 2016 Sealcoat Project and set the bid opening date for Thursday, March 10, 2016, at 9:00 a.m. at the Town Administrative Offices. Prudhon seconded. Ayes all.

**RADIO READ PURCHASE – AUTHORIZE PURCHASE:**

The Public Works Director reported that the Town contracted for installation of water meters in 2009. At that time the Town chose to proceed with Touchpad read rather than Radio Read Transceiver Units for cost reasons. Since the initial installation was started, a number of the installations required the radio read transceiver units because of problems associated with access. Typically it was related to wiring access from the water meter register to the proposed touchpad read location on the homes exterior, or access to the installed touchpads for meter reads, or may have been restricted by a fence, gate or plant material. Because of these issues, approximately one third of the initial installations were radio read. The approach to replacement has been by geographical area versus meter route as originally proposed. With the radio reads the Town will have the capability to perform future reads, provided all meters have radio readers, using either a drive by (handheld unit sitting in the truck cab) or a fixed based system (antennas placed strategically within the Township), to allow a signal to be sent back to a computer with meter usage information. The fixed base system would allow the meter reads to be performed from a central location, at a specified

**MINUTES  
TOWN BOARD MEETING  
FEBRUARY 1, 2016**

time and date without having to walk by or drive by to read the meters. Approximately fifty percent of the radios have been installed. Staff has developed a plan that will take approximately two more years to complete the conversion of the remaining touchpad readers to radio readers. The Public Works Director reported that there is \$70,000.00 in the Capital Improvement Plan for purchase of the MXU's in 2016 with funding provided by the Water Fund.

Ruzek moved, based on Public Works Director's review, recommendation, and report at meeting, to approve the purchase of 600 MXU's from HD Supply for up to \$69,000, with funding provided by the Water Fund, noting that this is a continuation of the phased installation of the radio read device. Prudhon seconded. Ayes all.

**OPEN TIME:** Mike Downing, 2569 South Shore Boulevard, and Tom Snell, 2695 South Shore Boulevard, attended the meeting to discuss augmentation of WBL with St. Paul Regional Water Services. Tom Snell is Executive Director, WBL Area Chamber of Commerce and member of Friends of White Bear Lake. Mike Downing is a member of the Lake Level Resolution Committee for the White Bear Lake Conservation District and member of Friends of White Bear Lake. Mr. Downing stated that the White Bear Lake Conservation District approved a motion in April of 2015 to become the fiscal agent for funding from the State of Minnesota. The fiscal agent requirement is that if funds were made available through the State they would be the agency responsible for the construction, as well as the maintenance of an augmentation system to the lake to address the lake level issue. After the November 17, 2015 White Bear Lake Conservation District meeting they had further discussions regarding what it means to be a fiscal agent and talked about a joint powers task force. At their February 16, 2016 meeting they will be addressing it in more detail with a report from the Conservation District attorney of what additional powers they would require to become the fiscal agent. It is very explicit in the formation of the Conservation District that water quality is a primary responsibility and water quantity is silent. They will be making that request of the legislature. At the present time the representatives and senators from our area will be submitting proposals to the legislature for the 2016 bonding bill that will include the construction, design, engineering, and maintenance of the proposed augmentation project which would be very similar to what has been done on Snail Lake and Gilfillan Lake. Mr. Downing stated that they are making the assumption that the State will be funding 100% of the construction cost, the design cost, engineering cost and maintenance cost if they go forward with augmentation. At the November 17, 2015 meeting of the Conservation District a motion was made to authorize legal counsel to develop the language to get the expanded authority required. The new language will be reviewed at the February 16, 2016 meeting and the Township has tonight's meeting and the meeting on February 15<sup>th</sup> to discuss and make a motion. Kermes noted that since the Town Board's normal meeting date (February 15<sup>th</sup>) is a Holiday, the Town Board meeting will be held on Wednesday, February 17<sup>th</sup>. Mr. Downing made a special request of the Town Board to support the WBL Conservation District to become the fiscal agent. They are the only body that encompasses all the communities around the lake and is the only entity that has responsibility for both Washington County and Ramsey County and are in the best position to be the fiscal agent. He stated that if a fiscal agent is not designated they would not be getting the funding from the 2016

**MINUTES  
TOWN BOARD MEETING  
FEBRUARY 1, 2016**

legislative session. It means that they would have to wait until the 2018 legislative session so it is important that on February 16<sup>th</sup>, the Conservation District affirms their role as fiscal agent. In doing so, he proposed that the Town Board make a motion or letter to that effect showing support of the Conservation District being the fiscal agent. He stated that no augmentation would occur unless there is 100% funding by the State. The Friends of White Bear Lake see no other option at the present time for funding, except for State funds. Tom Snell stated that they have very strong bi-partisan support for the proposal. Bonding legislation is being introduced by Representative Matt Dean whose district encompasses almost all of White Bear Township and Senator Chuck Weiger (North St. Paul), who is on the Senate Finance Committee. He stated that there is broad support among the community. Mr. Snell reported that this process does not ask for any financial support but support of the effort that if the bonding support is granted, that the Conservation District would be the fiscal agent. Kermes asked if any other options or alternatives were considered or proposed for fiscal agent other than the Conservation District. Mike Downing reported that they have looked at other organizations, such as Ramsey County but their planning is two years out and for them to reconsider the County to be the fiscal agent, the matter would not be brought up to the legislature until 2017 and the next bonding bill session is 2018. Tom Shell explained that White Bear Lake encompasses not only Ramsey County but also Washington County. The only logical choice was the Conservation District which represents all the communities surrounding White Bear Lake. Prudhon stated that at one time the Conservation District did not feel that they were big enough or have staff enough to attempt it. Mr. Downing stated that with their motion in April they are on record that they are requesting it. They are looking into the details regarding what it would mean. Harry Levander, who is on the Met Council and a member of the Friends of White Bear Lake and others have indicated that when the State releases funds, they will make sure that whatever agency has the responsibility to be the fiscal agent has all the necessary requirement to do that. They may not have the engineering or technical skills to do this but that can be contracted out. Prudhon asked if joint powers agreements would come into play then. Mike Downing stated that there would have to be but does not know the detail. They are only asking at the present time for the Conservation District to be the fiscal agent. Kermes asked if the Conversation District would be seeking authorization for taxation or only manage funds which would wholly come from the State. Mr. Downing stated that they anticipate no need for an additional taxing authority. Tom Snell stated that they look at this as being a venue to both help White Bear Lake, the water, and an opportunity for support of the aquifer because there would be less of a need to go to surface water. Ruzek asked if support is needed by the 16<sup>th</sup>. Mr. Downing stated that they will either reaffirm the April motion that they made or retract it. If they retract it there will be no possibility that the funds would be there which then starts the clock in August 2016 for the settlement agreement which calls for funding for a phase 1 plan to switch to surface water. He stated that this is a good alternative. He noted that neither he nor Tom Snell are members of the lawsuit. The Town Attorney pointed out that the plan that is being proposed is not part of the settlement agreement and would not in any way satisfy any obligation of the defendant under the settlement agreement. He stated that there has to be a separate study proposed dealing with the conversion to surface water. Augmentation has nothing to do with that and the only reference to the settlement agreement for augmentation is that the plaintiff interveners reserve the right to petition the

**MINUTES  
TOWN BOARD MEETING  
FEBRUARY 1, 2016**

legislature for augmentation but the DNR still opposes augmentation. The Town and City took no position on that whatsoever. Mike Downing stated that Dick Allen, co-counsel for the White Bear Lake Restoration Association in the lawsuit with the DNR said to the White Bear Press that obtaining funding for augmentation could result in a permanent end to the lawsuit. The plaintiffs would remove themselves from the lawsuit if the funds were available and construction would move forward. The Town Attorney stated that the plaintiffs and plaintiff's interveners always have the right to dismiss their lawsuit any time that they wish, however under the framework of the settlement agreement augmentation does not satisfy the obligations of the DNR or the defendant interveners, which would be the Township and the City. The DNR is required to propose to the legislature a request for funding of the plan to switch from wells to surface water. Mr. Downing stated that their only request to the Town Board tonight is a resolution of support that the White Bear Lake Conservation District be the fiscal agent for the augmentation project. Ruzek asked what other communities have been contacted and where they stand on the matter. Mike Downing stated that they will do the same thing with the City of White Bear Lake and that they have met with Bill Walsh, City Councilman and will be meeting in another week with Mayor Jo Emerson and someone will meet with the new City Manager of White Bear Lake. They have met with Dellwood and are having meetings with Matt Dean and others and will meet with Mahtomedi later this week or next week. The Township is the first contact. Prudhon asked Mike Downing if he has seen the information sheet provided by the DNR regarding cost estimates for moving water to White Bear Lake. Mr. Downing stated that he has read the information but doubts that that figure would be included in the bonding bill and that there are other quotes being prepared at the present time. He stated that there is a lot of silence in the report. There is no reference to the experience in Snail Lake as well as Gilfillan Lake and what the costs actually were to operate and maintain. He stated that it will be 100% funded by the State or it won't happen. Kermes stated that all the Town Board can do is to receive the report tonight but will not be able to take action. Mr. Downing asked how this will impact the February 16<sup>th</sup> deadline. The Town Attorney stated that the only thing that the Town Board can do tonight is to receive the report.

Prudhon moved to receive the report on augmentation of White Bear Lake with St. Paul Regional Water Services. Ruzek seconded. Ayes all.

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

The meeting adjourned at 7:45 p.m.

Respectfully Submitted,

William F. Short,  
Clerk-Treasurer

Approved as Official Meeting Minutes

\_\_\_\_\_  
Town Board Supervisor

\_\_\_\_\_  
Date