

**MINUTES
TOWN BOARD MEETING
APRIL 4, 2016**

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

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

APPROVAL OF AGENDA (Additions / Deletions): Prudhon moved approval of the agenda with the following amendments: Delete Consent Agenda Item 5D) Bald Eagle Yacht Club – Annual Request for Sailing Course on Bald Eagle Lake – Notify the Ramsey County Sheriff’s Water Patrol Unit and the Applicant of the Township’s Approval of the 2016 Bald Eagle Yacht Club Sailing Course on Bald Eagle Lake. Ruzek seconded. Ayes all.

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

APPROVAL OF MARCH 21, 2016 MEETING MINUTES: Ruzek moved approval of the March 21, 2016 Meeting Minutes. Prudhon seconded. Ayes all.

CONSENT AGENDA: Ruzek moved approval of the Consent Agenda as follows: 5A) Call Public Hearing for Monday, May 2, 2016 at 7:10 p.m., at Heritage Hall, 4200 Otter Lake Road to Hear a Request for Renewal of a Non-Conforming Use Permit; 5B) Call Public Hearing for Monday, May 2, 2016 at 7:20 p.m., at Heritage Hall, 4200 Otter Lake Road, to a Hear Request for a Zoning Ordinance Amendment and Vacation of Drainage and Utility Easement to Allow Construction of an Office/Manufacturing Building; 5C) Call Public Hearing for Monday, May 2, 2016, at 7:30 p.m. at Heritage Hall, 4200 Otter Lake Road, to Hear a Request for a Conditional Use Permit to Allow Further Development of the Nature Center; 5E) Call Special Town Board Meeting/Neighborhood Meetings for Tuesday, April 26, 2016 and Tuesday, May 3, 2016 from 6:30 p.m. – 8:00 p.m. at South Shore Trinity Lutheran Church, 2480 South Shore Boulevard to Outline the Upcoming Project; 5F) Based on Town Finance Officer Review and Recommendation, Adopt the Resolution Declaring Official Intent to Reimburse Expenditures; 5G) Based on Finance Office Review and Recommendation, Receive and Accept the 2015 Financial Report of the White Bear Lake Conservation District and Request an Explanation of the Districts Reserves and its Intended Use; 5H) Based on Town Engineer Review and

MINUTES
TOWN BOARD MEETING
APRIL 4, 2016

Recommendation and Including His Recommended Conditions, Approve Xcel Energy Permit to Install an Electric Service for the Resident at 5320 Bald Eagle Boulevard East. Prudhon seconded. Ayes all.

OLD BUSINESS: There were no Old Business agenda Items.

7:10 P.M. PUBLIC HEARING – 1 BALD EAGLE ISLAND – TO APPROVE A CONDITIONAL USE PERMIT TO ALLOW A COMMERCIAL/RESIDENTIAL RECORDING AND FILM POST PRODUCTION STUDIO, HOME ADDITION, AND A SEPTIC SYSTEM DRAINFIELD; AN EXCEPTION FROM SECTION 5-29 OF ORDINANCE NO. 8 TO ALLOW CONSTRUCTION OF AN OVERSIZED ACCESSORY BUILDING (STUDIO): The Public Hearing was continued at 7:11 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 the applicant is requesting approval of a Conditional Use Permit to allow a commercial/residential recording and film post production studio, home addition, and a septic system drainfield; an exception from Section 5-29 of Ordinance No. 8 to allow construction of an oversized accessory building. The island is approximately 2 acres in area with a single family home and one accessory structure. The Town had approved a Conditional Use Permit and rezoning for Bald Eagle Island in early 2015. The island was originally zoned residential single family. A new zoning district was created for this property called BEI (Bald Eagle Island District) which allows recording studio as a conditional use on the island. Other proposals were reviewed and approved by the Town in 2015, including a Zoning Ordinance amendment and Conditional Use Permit to allow a commercial use on the island and several variances. All were approved in January 2015. When the Town approves Conditional Use Permits and variances they are required to be acted on by the applicant within six months of approval. However, the Town does allow for one six-month extension. The six month time period came and the buyer of the island did request and was granted approval of a six month extension. It was set to expire on January 5, 2016. Plans were brought in to the Town office, reviewed and approved by the Building Inspector but the permits were not picked up or paid for by the January 5, 2016 deadline. Therefore the Conditional Use Permit and variances approved by the Town lapsed. The buyer of the island is still interested in pursuing his proposal and submitted a new application. The Planner reported that this application is identical to what was approved in 2015 but is a new permit. The application is submitted by Megabein and the current property owner and is consistent with the previous application. He reported that a Conditional Use Permit is required to allow construction of the recording studio and to allow a television post production and film recording studio. A portion of the home as it exists now is proposed to be remodeled. The Town requires 50' setbacks for a structure from the water. Because it is a long, narrow island, several variances were applied for, reviewed and approved specifically a 44.6' lakeshore setback variance from the south side of the lake; a 21' lakeshore setback variance from the north side of the lake to construct a recording

**MINUTES
TOWN BOARD MEETING
APRIL 4, 2016**

studio; a 49' lakeshore setback variance to construct a home addition; a 10' lakeshore setback variance for a septic system drainfield; a 30' bluff setback variance to construct a recording studio; and an exception from Section 5-29 of Ordinance No. 8 to allow construction of an oversized accessory building (studio). The maximum size for an accessory structure is 1,000 square feet. However, Ordinance No. 8 does allow for some exceptions for larger properties and properties abutting wetlands. In 2014 there was a request for an additional 49' lakeshore setback variance to construct a home addition. The Town Board denied that variance request. The Planner reported that this is a new application which went back to the Planning Commission for full review of Conditional Use Permit and various variance proposals. There was discussion at the February Planning Commission Meeting and the following recommendations were made: 1) to approve a Conditional Use Permit to allow a commercial/residential recording and film post production studio (four voted in favor and two votes opposed); 2) Exception from Section 5-29 of Ordinance No. 8 to allow construction of an oversized accessory structure (five to one vote, in favor); 3) 44.6' lakeshore setback variance to construct a recording studio (no recommendation with a tie vote of 3 in favor and 3 opposed); 3) 21' lakeshore setback variance to construct a recording studio (no recommendation with a tie vote of 3 in favor and 3 opposed); 4) 49' lakeshore setback for hut tub room addition (previously denied by the Town Board. The Planning Commission recommended denial (5 in favor and 1 opposed) at their February 25, 2016 meeting; 5) 10' lakeshore setback variance for a septic system drainfield (4-2 vote with four in favor); 30' bluff setback variance to construct a recording studio (no recommendation with a tie vote of 3 in favor and 3 opposed). The Planner reported that this was originally approved by the Town for a Special Home Occupation but during the review process it was determined to rezone the island. That was done in January 2015. He reported that rezoning does not lapse and the island continues to be zoned BEI (Bald Eagle Island District). Prudhon asked how the recent Planning Commission votes compare to their votes in 2015. The Planner stated that he would get back to the Town Board at a later date. Kermes asked for verification that the application being reviewed tonight is the same as what was reviewed in January, 2015. The Planner stated that it is.

Robert Markuson, 5578 West Bald Eagle Boulevard, noted that there a lot fewer people than what attended earlier meetings. He reported that he asked a number of people why they were not coming to the meeting tonight. He stated that the answer, almost the same every time, was that they feel that the "fix is in". He reported he was told by someone else that there was an incident that occurred last week where an employee of the Township was in a local business and talked to the business owner and in discussion of the island it was said that everybody in the administrative office is strongly in favor of the project. He stated that it was said that the owner should be allowed to do anything they want with their property. He stated that there are people who were opposed to the plan and still are opposed to the plan and that the Town Board is nothing but a "bunch of old farts" and they are standing in the way of progress. He stated that the feeling is that if the administration of the Township is pushing the plan, as opposed to being objective about the plan, there is no point in showing up and

MINUTES
TOWN BOARD MEETING
APRIL 4, 2016

speaking against it. Mr. Markuson stated that he feels that it is a problem for the Township and is a problem for him because by passing the plan the Town is alienating many of the people living around the island who feel that their voices are not being heard and listened to. Prudhon stated that the Town Board does not listen to gossip or hearsay. He stated that Mr. Markuson was present when the plan was first approved by the Town Board. He stated that the Town Board has the final say, and not staff. Mr. Markuson stated that he is only providing background. Prudhon stated that the Town receives a lot of background information from a lot of different directions including commissions, but it is the Town Board's decision. Mr. Markuson stated that it is only that the people feel that they are not being heard. The Clerk asked the Chair to ask Robert Markuson who has made the statement or if he is expressing his own personal opinion. Mr. Markuson stated that he did not actually hear what he was reporting but was told about it by another individual. The Clerk asked for the name of the individual. Mr. Markuson stated that it was told to him in confidence. He stated that actually he does not know the name of the person. The Clerk stated that he would like to speak to Mr. Markuson about the matter.

Bill Patrick, 5701 Birch Road, stated that a lot of people did not show up because they have the general feeling that no one will listen to what they have to say. He asked why this never went through the Variance Board before it went to the Planning Commission. He stated that the residents who were notified for past meetings were under the understanding that it was determined that all the residents around the lake were adjoining neighbors of the property. He stated that he feels that they should have been notified. He stated that this is a bad deal and if they do anything on the island a strong bond should be required in case this project ever fails. If they get in the middle of the project and run out of money or something else, there needs to be a back-up so that the island is not left with things half done and erosion that may occur and need to be fixed. Prudhon told Mr. Patrick that as a member of the Planning Commission he saw the 40 conditions imposed on the island. One of the conditions is the requirement for a surety bond to make sure that if the project sits vacant for more than a year there will be money to take it down. He stated that has already been covered with one of the conditions. Bill Patrick stated that he thought that condition was by-passed. Prudhon stated that it has not been by-passed. He stated that he is contacting contractors to obtain a figure for what it will cost to take the project down if it is not done. He stated that notification was sent to the neighbors. The Planner reported that all property owners within 350' of the garage were sent notices. Bill Patrick reported that when the project was first presented, Molly Shodeen, DNR, had stated that all people around the lake should be notified because their land goes out to the center of the lake from their property. He stated that he thinks it is in the DNR rules that they should be notified within a certain number of feet. Kermes stated that the notification is by Township Ordinance and not by the DNR. The Clerk reported that it is 350' and anyone else who requests it. Bill Patrick stated that he is an adjoining property to the house on the island as are the other properties around the lake. Kermes asked Bill Patrick from what point on his property his property is 350' from the house on the island. Bill Patrick stated that because his property goes out to the center of the lake. The Chair asked the

**MINUTES
TOWN BOARD MEETING
APRIL 4, 2016**

Town Attorney's opinion. The Town Attorney explained that one of the reasons that notice of the meeting is published in the White Bear Press is that so all citizens have the public notice of the public hearing. Law requires publication to be sure that all citizens are notified. He stated that regarding riparian rights, the Town is governed under Statute for the requirement of property lines and notices. Molly Shodeen, DNR representative, did not represent the Town. The DNR has its own observations on what the law should be. She had the ability to say what she thinks. The DNR is always asked to participate and received notice through publication. He stated that Mr. Patrick, as a member of the Planning Commission was actively involved in discussions and that is another process that is used for people to come to the Planning Commission meeting. The Town Attorney stated that the public notice is for the public hearing. He stated that there is no intent not to notify people and that is the purpose of publication of public notice. Bill Patrick stated that the "average Joe" was not notified. Kermes stated that every effort was made and notice was published so the "average Joe" would be aware of the meeting. Bill Patrick asked if the DNR representative was notified of the meeting. He asked if they shouldn't be notified of any major variance. The Planner reported that the DNR was notified as part of the public hearing tonight. Bill Patrick stated that the Town needs to be careful of what happens on the island. He stated that there is no other place in the Township that has received as many variances as this project. Prudhon stated that the Planning Commission scrutinizes variances. He stated that the island is a very unique property and the Planning Commission and Town Board were very thorough. He stated votes went through pretty much the same this time as last time and no one changed their position. Prudhon stated that he is offended that people are complaining that they are being left out. Everyone was allowed to speak and be heard and offer their opinion. Ruzek stated that there is equal numbers of people who support and oppose the project based on comments made at last year's public hearing. It is not overwhelming one way or another. He stated that Bill Patrick represents one side of the issue and there are a number of people who are not here, probably for the same reason, because they feel it has already been decided.

Christopher Sandberg, Lockridge Grindal Nauen, stated that he is representing the applicant. He stated that that this is exactly the same plan that had gone through the building review process and is the same project that was presented and approved last year. He stated that they are asking for approval of the CUP along with the tag-along variances to enable the project to move forward.

There was no further public comment. Prudhon moved to close the public testimony portion of the public hearing. Ruzek seconded. Ayes all.

Kermes stated that it is disappointing to hear the comment that the "fix is in". He stated that it is worse when the "fix is in" complaints are based on second hand information and anonymous information from individuals who are not willing to stand up for themselves and account for their statements or accusations. He stated that it is the policy of this Town Board that if anonymous letters, phone calls, communications for or against any particular issue are received, the Board cannot accept them. It is not valid

MINUTES
TOWN BOARD MEETING
APRIL 4, 2016

in the Board's opinion and is disregarded. It is not fair to the Township or fair to either side of the discussion. He stated that it is disappointing that people think it is worthless to come and show up because they are afraid they will not be heard. He stated that those who attended the public hearing last January got a chance to make their statements. Kermes stated that he asked the Planner if the terms and conditions are the same as previously presented. He was told that they are the same so the record does not change. The decision will be based on the same facts and the same information. He stated that his review of the decisions made last year the votes from the Planning Commission this year are pretty much the same, with a fifty-fifty for and against the project. Someone has to make a decision and that is what the Town Board will do. He asked the Planner if there is a six month deadline to come back for the building permit. He asked if he has talked to the applicant about their schedule. Their concern was turning up a week late after the January deadline. He stated that the Ordinance says that the Town could not allow the permit so it was not allowed. He asked if the applicant has the check available now if the project starts now. He stated that he does not want to see a request to extend the process another six months. Whenever the six month happens, either the project is underway or it is done. The Planner reported that it was his understanding that the applicant was able to pay for the permit in February. He has not talked with him since then about any updates on timing. Christopher Sandberg stated that he has not asked his client explicitly but is not aware of any changes. Prudhon noted that comments were made that the applicant could not have started this past February because of no ice and now will have to wait until this winter anyway to bring heavy construction materials over the ice. Christopher Sandberg stated that he has not asked that level of detailed questions of his client recently. He stated that there are things that are on those permits for some work inside the existing structure that does not require immensely heavy things to be brought across the lake. He stated as far as that goes before it is too heavy to transport across the lake, he does not know. Kermes told Mr. Sandberg that the applicant needs to be made aware that he has six months to get this project initiated. Prudhon asked Mr. Sandberg since the applicant is not here if he is willing to accept another condition for the applicant. The Town Attorney stated that the Town can place any conditions they feeling necessary. Mr. Sandberg stated that he cannot answer without knowing the condition. Prudhon stated that he wants to add condition No. 41 as follows: "Verify that all construction and inspections will be completed in a timely manner to comply with building codes and ordinances". He stated that the Town is really concerned about this project getting started and will take ten years to complete. That is not acceptable. Mr. Sandberg verified the condition that the construction move ahead consistent with Township existing ordinances. Prudhon stated it must be done according to "building code to complete this project in a timely manner". The Town Attorney stated that the Town can put the condition in the requirements without the applicant's acceptance. He stated that the applicant's Legal Counsel understands what the Board wants. Kermes asked Ruzek if he was in agreement with the added condition. Ruzek stated that he is in agreement. Ruzek referred to condition No. 34 which states: "The property owner shall provide to the Town, within one year of the date of approval of this Conditional Use Permit and attached Requirements, an insurance bond or cash surety in the amount sufficient to

MINUTES
TOWN BOARD MEETING
APRIL 4, 2016

cover the cost of demolishing the studio in the event it shall be abandoned". Ruzek stated that was conditioned last year and was not acted upon as required. He asked Mr. Sandberg what assurance he can provide that the Town will receive something much quicker than a year from now. It should have been provided from January 5th, 2015 to January 5th, 2016 this year. He asked Mr. Sandberg what assurance he can give that all conditions will be complied with. Mr. Sandberg stated that he cannot tell what the process is to make this happen but if it is approved and is part of the conditions then it has to be done. He stated that the applicant has been engaged in extensive discussion with insurance folks on a wide range of insurances that are needed to move forward. What exactly those discussions have been about regarding this particular bond or surety he does not know. It has not come up recently because the CUP was not in place. Ruzek asked the Board to amend No. 34 to less than one year from today because the building plans have been reviewed and approved by the Building Inspector and there is no need to wait another year for the surety bond. There should be a shorter time frame and recommended no longer than 30 days. He recommended amending condition No. 34 to include "within 30 days from date of approval". Kermes noted that if the surety bond is not provided within 30 days after the Conditional Use Permit is approved the applicant will be in violation of the terms of the permit. Mr. Sandberg asked that the Board not impose a deadline that most likely cannot be met. He stated that a major issue is what the amount should be. He stated that something has to be negotiated. Ruzek conceded that 30 days might be tight. He stated that in February of this year the applicant was willing to make the required payment. He must have had some idea of what this will cost. He must have some amount in mind. Mr. Sandberg stated that he does not know the answer to the question. Ruzek asked Mr. Sandberg if 90 days is fair. He stated that he is looking for something less than a year. Mr. Sandberg stated that since the CUP is issued with a six month window he asked if the Town would do something before six months. Prudhon stated that by the end of this week he will have an amount for what it will take to demolish the building. Mr. Sandberg stated that if they disagree they can talk about it. Ruzek stated that he is not against the project but the condition was not met last year and it does not need another year. He suggested 90 days. Ruzek recommended to amend No. 34 of the condition that a surety bond be provided within 90 days of approval of the Conditional Use Permit. Prudhon stated that after hearing all the negative comments from the residents he prefers not to make the motion to approve. He stated that he did not want anyone to feel that he is a driving force for the project. He noted that he made the motion last time.

Ruzek moved, based on Planning Commission review and recommendation to approve a Conditional Use Permit since it meets the standards which must be met in order to approve a CUP, and with the alterations on Condition No. 34 (specifying that an insurance bond or cash surety bond must be provided within 90 days) and adding Condition No. 41 (Verify that all construction and inspections will be completed in a timely manner to comply with building codes and ordinances). Kermes seconded. Ayes all.

MINUTES
TOWN BOARD MEETING
APRIL 4, 2016

Ruzek moved, based on Planning Commission review and recommendation and meeting the standards for approving a variance in Section 9-6.4 of the Zoning Ordinance to approve a 44.6' lakeshore setback variance to construct a recording studio. Kermes seconded. Ayes all.

Ruzek moved, based on Planning Commission review and recommendation and meeting the standards for approving a variance in Section 9-6.4 of the Zoning Ordinance to approve a 21' lakeshore setback variance to construct a recording studio. Kermes seconded. Ayes all.

Ruzek moved, based on Planning Commission review and recommendation to deny a 49' lakeshore setback variance to construct a home addition. Kermes seconded. Ayes all.

Ruzek moved, based on Planning Commission review and recommendation and meeting the standards for approving a variance in Section 9-6.4 of the Zoning Ordinance to approve a 10' lakeshore setback variance for a septic system drainfield. Kermes seconded. Ayes all.

Ruzek moved, based on Planning Commission review and recommendation and meeting the standards for approving a variance in Section 9-6.4 of the Zoning Ordinance to approve a 30' bluff setback variance to construct a recording studio. Kermes seconded. Ayes all.

Ruzek moved, based on Planning Commission review and recommendation to approve an exception from Section 5-29 of Ordinance No. 8 to allow construction of an oversized accessory building. Kermes seconded. Ayes all.

BENSON AIRPORT – ANNUAL REPORT: The Planner reviewed the annual report provided by Darryl LaMire, President of Benson Airport Board of Directors. There are currently 23 flying aircraft based on the airport with several others there occasionally. The project aircraft are also continuing to make progress. Because of the mild winter ski plan operations were down in number although the runway was maintained in a groomed condition for both skis and wheels. Fuel sales were lower than normal again because of the higher use of alternate, less expensive, approved fuel. The airport and its associated operations are in good operating and financial condition. The airport continues to have a positive influence on the future of aviation.

WAYNE AND DENISE YOUNG, 5956 WEST BALD EAGLE BOULEVARD / DAVID READ, 5955 HOBE LANE – APPROVAL OF MINOR SUBDIVISION/LOT LINE REARRANGEMENT: The Planner provided an overhead of the properties and explained that Wayne & Denise Young are working with their neighbor, David Read, to rearrange their common property line. Both of the properties are located in the Timber Hills development. The Young's would like to split a 1,862 square foot portion of their property on West Bald Eagle Boulevard and sell it to Mr. Read. The area proposed to

MINUTES
TOWN BOARD MEETING
APRIL 4, 2016

be separated is on the northeast corner of the Young property. The area is triangular shaped and is situated above both the Young and Read homes and is unmaintained. The hill in the rear yards crests in this location with the approximate high point being the proposed separation line. The Read home is situated on the rear of the property at 5955 Hobe Lane. The existing home and deck are not set back 20' from the rear lot line as required by the Zoning Ordinance. The lot line rearrangement as proposed will help the majority of the deck to meet setback requirements. Both the Young and Read lots exceed the minimum lot size requirements of 12,000 square feet. When the Timber Hills was developed, municipal sewer and water were not available, therefore the minimum lot size requirement when the property was platted was 22,000 square feet. Sewer and water were recently extended to this development and as a result, the minimum lot size requirement is now 12,000 square feet. Both properties exceed the 12,000 square foot requirement with or without the 1,862 square foot subdivision. No new lot is being created with this subdivision proposal. Only a common lot line is proposed to be rearranged. The lot sizes exceed the minimum square footage requirements and the lot line rearrangement as proposed will help the property at 5955 Hobe Lane to better meet rear yard setback requirements. The Planner reported that the Planning Commission reviewed the request for lot line rearrangement and recommend approval.

Prudhon moved, based on Staff and Planning Commission review and recommendation to approve a minor subdivision/lot line rearrangement at 5956 West Bald Eagle Boulevard and 5955 Hobe Lane, noting that no new lot is being created. Ruzek seconded. Ayes all.

2016 UTILITY CONNECTION CHARGE – APPROVAL: The Clerk reported that the Utility Connection for 2015 was \$18,800. Each year the Town Board establishes the Utility Connection Fee for the upcoming year. In 2000, the Town Board modified the Utility Connection Fee policy to use Project 99-5 (Anderson Lane) and 99-4 (Portland Avenue) as the baseline cost for utilities to more accurately reflect the cost of sewer and water. The 2016 Connection Fee of \$19,150.00 uses the Engineering News-Record Construction Costs Index to calculate the value. This is an increase of 1.96% above last year's connection charge. If sewer only or water only is desired, the individual connection fee would be one-half the \$19,150 which would be \$9,575.00.

Ruzek moved, based on Town Engineer's calculation based on the Engineering News-Record Construction Cost Index and his recommendation, to establish the 2016 Utility Connection Charge at \$19,150.00 for sewer and water, and \$9,575.00 for sewer only or water only, noting that this is a 1.96% increase from the previous year's charge. Prudhon seconded. Ayes all.

WELL #5 SEEPAGE POND: 1) RECEIVE QUOTES; 2) AWARD CONTRACT: The Clerk reported that last fall the Minnesota Pollution Control Agency (MPCA) performed a site inspection of the Well #5 Facility Seepage Pond. The pond constructed in 1989 is not infiltrating properly and the overflow structure is being investigated regarding its use and impact on the surrounding wetland. The overflow pipe also has a leak located in the

MINUTES
TOWN BOARD MEETING
APRIL 4, 2016

middle of the pipe. The Town Board authorized preparation of the bid documents and design coordination with the MPCA of the activities and permitting process. The following quotes have been received for the seepage pond improvements: Jeanetta and Sons for \$20,299.00; Interstate Companies for \$26,422.10; and New Look Contracting for \$39,345.00. Engineering recommends awarding a contract to Jeanetta and Sons in the amount of \$20,299.00. TKDA will perform the construction observation process for \$3,700.00 and the MPCA coordination activities for \$1,975.00 for a total amount not to exceed \$5,675.00. Engineering will continue to work with the MPCA through each stage of their approval process. The overall funding will be from the Water Fund. Prudhon asked if any of the work will be done by Public Works. The Clerk stated that Public Works will provide maintenance.

Prudhon moved to receive quotes for Well #5 Seepage Pond improvement project. Ruzek seconded. Ayes all.

Prudhon moved to award a contract to Jeanetta and Sons in the amount of \$20, 299.00 for Well #5 Seepage Pond improvements. Ruzek seconded. Ayes all.

Prudhon moved to authorize TKDA to perform construction observation process for \$3,700.00 and the MPCA coordination activities for \$1,975.00 for a total amount not to exceed \$5,675.00 for Well #5 seepage pond improvements, with funding from the Water Fund. Ruzek seconded. Ayes all.

EAGLE PARK REQUEST FOR PROPOSALS – APPROVAL: The Planner reported that Eagle Park is programmed for upgrade in 2016. An Invitation to Bid has been prepared and was reviewed by the Park Board who recommends Town Board approval. The upgrade is included in the CIP and 2016 budget not to exceed \$50,000. Eagle Park neighbors participated in reviewing and recommending playground equipment. Ruzek reported that adult exercise equipment will also be included in the upgrade as well as playground equipment and handicap accessibility.

Ruzek moved, based on Board review and recommendation to approve the Invitation to Bid for the Eagle Park upgrades. Prudhon seconded. Ayes all.

TOWNSHIP DAY: The Park Board is requesting that the Town Board be formally recognized at the 2016 Township Day event. The Emcee will call the Board to the stage for introductions and recognition. A Special Town Board Meeting will be called due to all Supervisors being present.

Ruzek moved to call a Special Town Board Meeting for Saturday, September 10, 2016, for formal recognition at the 2016 Township Day event. Prudhon seconded. Ayes all.

SOLICITOR LICENSE REQUESTS: 1) THE HOME STORE HOME IMPROVEMENTS, INC.;**2) RENEWAL BY ANDERSON:** **The Window Store Home Improvements, Inc.:** The Clerk reported that the Town has received two solicitor requests. The

MINUTES
TOWN BOARD MEETING
APRIL 4, 2016

Window Store Home Improvements has received a solicitor's license from the Town in 2014 and 2105 and there have been no complaints. The application received from Aaron Jahnke is complete. A background check has been requested from the Ramsey County Sheriff's Office, however to date it has not been received. The applicant has applied for and been issued a solicitor's license the last three years and no complaints have been received. The Clerk noted that the options are: 1) to approve the request based on past performance; 2) approve the request contingent upon receipt of background check from the Ramsey County Sheriff's Office or: 3) continue to the next Town Board Meeting. Kermes asked if this should be referred to the Public Safety Commission. Prudhon reported that they have reviewed this request in the past and the biggest concern was that the solicitors wear an identification badge with photo. It was noted that no Sunday solicitation be included in the conditions.

Ruzek moved to approve a Solicitor License to the Window Store Home Improvements, Inc., 2924 Anthony Lane, Suite 115, St. Anthony, Minnesota, 55418, subject to the following: 1) the license shall be valid for a period of thirty (30) days from the date of issuance; 2) hours of solicitation shall only be from 9:00 a.m. – 8:00 p.m.; 3) no solicitation shall be allowed on property displaying a sign stating "No Peddlers, Solicitors or Transient Merchants" or a comparable sign; and 4) no Sunday solicitation; and; 5) subject upon receipt of completed and clear background check from the Ramsey County Sheriff's Office. Prudhon seconded. Ayes all.

Renewal By Anderson: The Clerk reported that this request is for nine individuals to solicit for one applicant. The application for Renewal By Anderson was complete however there were a few individual license applications where they did not complete every part of the application, particularly the criminal history. Background checks have not been received from the Ramsey County Sheriff's Office yet. He reported that some of the individual applicants did indicate that they had violations in the past few years but background checks have not been received. He recommended holding off on approval at this time.

Ruzek moved to continue the request from Renewal By Anderson to April 18, 2016 to allow time for receipt of background checks for individual applicants and to have incomplete applications completed. Prudhon seconded. Ayes all.

OPEN TIME: Joel Kunza, 58 Monarch Way, North Oaks and Rob Scott, 4 Leaf Wing Drive, North Oaks and Tom Baker, 3464 Washington Drive, Suite 100, Eagan, MN, representative of the owner, Township Shoppes, KW Commercial appeared before the Town Board regarding starting a business in the Township at the White Bear Theater Shoppes. Joel reported that there was a coffee shop there that is no longer in business. They are interested in starting a small mom and pop burger shop focusing on families - someplace to get something before going to the theater. Joel reported that he owns two businesses and Rob owns two businesses. They understand the complexity and risk in starting businesses. Joel reported that there are two vacant locations in the strip mall. One is where the coffee shop is, which is a small space of 1,850 square feet and has a

MINUTES
TOWN BOARD MEETING
APRIL 4, 2016

lot of pre-built internal items, such as commercial refrigerators and freezers required by code. This site minimizes their risk and the capital outlay required versus the other space which would require gutting the space and starting from scratch. He reported that the challenge is Township Ordinance's definition of a restaurant, being 100 seats for an on-sale liquor license. He stated that burger shops are popular and as craft beers become more popular it fits in their concept. Their vision is a burger shop where customers can have a burger, fries, coke, or a beer. They anticipate being very family oriented but the required number of seating is not doable for them. Rob stated that the ordinance

refers to percentage of sales of liquor versus food. He stated that they do not have any issue with that. The number of seats is the issue. The goal would be to start with a small space to get this business to work versus to having to spend capital to have a larger space to meet the 100 seat requirement. The Ordinance does not allow for variances so the Ordinance would have to be amended to either allow a variance or amended to lower the seat requirement. In response to a question, Rob stated that they propose 50 seats. Kermes asked if they propose to sell only beer. Rob stated that the Town's liquor license does not separate beer and wine. Prudhon asked if this would be a franchise. Joel stated that it is not. Rob stated that there is no restaurant similar to a burger shop in that area. He stated that he feels that it would fit well with the community. They are looking more toward having a "grill" and to compliment the burgers beer would go well. Ruzek asked if they would provide a drive up. Rob reported that they do not propose a drive up. He stated that the type of burgers that they would cook, like the juicy Lucy burgers, would take too long to cook to accommodate a drive up business. Kermes asked if there would be only inside seating or if there would be outside seating. Joel stated that there are some outside tables there. Rob stated that their first step was to come to the Town Board and see what they feel about their concept. If it is positive they would put together a plan on how the space would work for them and a prepare a business plan. The Clerk explained to Joel and Rob that they could make application for an ordinance amendment. Prudhon suggested that the matter also be referred to the Public Safety Commission.

Prudhon moved to direct staff to review the Liquor Ordinance relative to amending restaurant seating requirement and to authorize the Town Attorney to work with staff. Ruzek seconded. Ayes all.

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

The meeting adjourned at 8:37 p.m.

Respectfully Submitted,

William F. Short,

MINUTES
TOWN BOARD MEETING
APRIL 4, 2016

Clerk-Treasurer

Approval as Official Meeting Minutes

Town Board Supervisor

Date