

**MINUTES  
TOWN BOARD EXECUTIVE MEETING  
APRIL 22, 2016**

The meeting was called to order at 12:22 p.m.

Present: Supervisors: Kermes, Prudhon, Ruzek; Clerk: Short; Attorney: Lemmons;  
Finance Officer: Kelly; Public Works Director: Reed; Planner: Riedesel;  
Engineer: Studenski.

**APPROVAL OF AGENDA (Additions/Deletions):** Prudhon moved approval of the agenda with the following amendment: Add 16A) Attorney Client Closed Session. Ruzek seconded. Ayes all.

**APPROVAL OF MARCH 25, 2016 MEETING MINUTES:** Prudhon moved approval of the March 25, 2016 Meeting Minutes. Ruzek seconded. Ayes all.

**DNR GROUNDWATER MANAGEMENT – UPDATE: Vadnais Heights:** The Clerk reported that the City of Vadnais Heights has unequivocally stated that they are opposed to any plans or initiatives that would require them to convert from ground water to surface water for their municipal needs. The Vadnais Heights City Council unanimously approved a resolution opposing such changes at their May 6, 2015 City Council Meeting. Some of their rationale include: the City provides water service to approximately 13,000 residents and commercial facilities; the City owns and operates its own water supply system and continues to make significant investments in its operation and maintenance; the City has four groundwater wells that supply water to its system and has no plans to need additional wells to meet existing or projected capacity needs; the City's annual water use is less than the approved DNR water appropriations permit for public consumption, health and safety purposes; the City is and remains a good steward of water use due to ongoing public education, conservation efforts, a tiered utility rate structure based on use, and through routine maintenance of municipal water system; and the City has adopted a Water Supply Emergency and Conservation Plan and Wellhead Protection Plan. The City of Vadnais Heights has requested that the Minnesota Legislature not consider or enact legislation approving funding for any aspect of the Northeast Metro Project. They ask that appropriate studies be completed before any additional work is publically financed; that a determination be made of the impacts to Vadnais Lake; the financial impact to residents; and that the Minnesota State Legislature defer any further expenditure or public funding of this project until such time that the science is complete.

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**SEH Correspondence:** The Minnesota Department of Natural Resources in cooperation with the Met Council developed cost estimates for augmentation of White Bear Lake with surface water.

**Proposed Legislation:** There is a bill before the legislature relating to waters, appropriating money for water supply sustainability study and augmentation design. The request is that \$3,480,000 be appropriated in fiscal year 2017. \$1,500,000 is for a study to evaluate long-term water supply sustainability in the North and East Metro area, identify options to address any challenges identified to the long-term water sustainability, and assess the feasibility and cost of those options. \$280,000 is for water quality monitoring, modeling and data analysis to establish baseline water quality conditions and to assess the water quality impacts and other potential ecological effects of augmenting White Bear Lake with water from Vadnais Lake. \$1,700,000 is for planning and preliminary engineering work needed to further refine the White Bear Lake augmentation cost estimate.

**Proposed Resolution of Qualified Support of Augmentation Bill:** The Clerk reported that the Town Resolution is similar to that adopted by the City of White Bear Lake, with modifications. The Town is comfortable in stating in part that: 1) White Bear Lake is a local and a regional asset; the Minnesota Legislature funded a feasibility study for a proposed augmentation project; a proposal has been made to include the cost of implementation of the augmentation project; the proponents of the augmentation project have asked the Town Board to support the augmentation project and inclusion of the costs of implementation of the augmentation project in the 2016 bonding bill; and the Town Board is willing to give support to the augmentation project and inclusion of the cost of the augmentation project in the 2016 bonding bill, subject to certain qualifications. The qualifications include: 1) that the cost of design and construction of the augmentation project and any project overruns would be paid by sources other than White Bear Township; 2) that the ongoing costs of operating and maintaining the augmentation project funded in a fair and equitable manner approved by five communities around the lake recognizing the benefit of the augmentation project to those residing on White Bear Lake's shoreline and the fact that White Bear Lake is a regional asset; 3) that the implementation of the augmentation project will have no adverse effect on water quality and other environmental factors relating to White Bear Lake; 4) that the Phase II USGS Study supports the conclusion that the augmentation project is needed in order to restore and maintain lake levels at normal historical ranges; and 5) that the parties to the lawsuit agree in writing to continue the deadlines, if necessary, set forth in paragraph 5 of the Settlement Agreement between the parties and the parties agree, in writing if and when the augmentation project is funded by the Minnesota Legislature, the lawsuit will be immediately dismissed with prejudice.

Prudhon moved that the Proposed Resolution of Qualified Support of Augmentation Bill be placed on the agenda for the May 2, 2016 Town Board Meeting. Ruzek seconded. Ayes all.

**PUBLIC SAFETY COMMISSION RECOMMENDATIONS: 1) BOWFISHING; 2) ORDINANCE NO. 32 (LIQUOR) AMENDMENT; 3) SEXUAL OFFENDER ORDINANCE:**

**Bowfishing:** The Clerk reported that the Town Board referred the request from Ben Borowski to amend Town Ordinance to allow bowfishing to the Public Safety Commission. Township Ordinance No. 21 (Weapons) states that bows are not allowed to be uncased or discharged in Town limits. Some of the concerns of the Commission were concerns relative to public safety with the discharge of a bow; generator noise and bright lights since bowfishing is done after dark. Ramsey County Sheriff Deputy Walsh attended a Public Safety Commission meeting and the matter was discussed with him. He stated that whatever the Town decides is okay with them just as long as they know the conditions so if people call they can be told that it is allowed. After discussion at several meetings, the Public Safety Commission conducted a hand vote and it was three for and three against so no recommendation was forwarded to the Town Board. Ruzek suggested asking the people who live around Bald Eagle Lake to provide their opinion and asked if the Bald Eagle Association could conduct a poll. He provided the Town Clerk with the e-mail address of the current President of the Bald Eagle Area Association.

**Ordinance No. 32 (Liquor) Amendment:** The Clerk reported that two North Oaks residents approached the Town Board during the Open Time of the April 4, 2016 Town Board Meeting with a request to amend the Town's Liquor Ordinance to reduce the minimum size of a restaurant that serves beer and wine from 100 seats down to something less. The Public Safety Commission reviewed the request for Liquor Ordinance amendment and recommends the following: 1) amend Section 2-2.1 Restaurant "not less than 40 guests". (Currently the Ordinance states "not less than 100 guests"); 2) Section 2-2.1(a) where the seating capacity of 175 or more, at least 50% of gross sales of the establishment must be attributable to the service of meals. (Currently the Ordinance states 25% of gross sales); 3) Section 2-3 "On-Sale Wine license shall be issued to restaurants with facilities for seating at least 40 guests at one time, and shall permit the sale of wine up to 24% alcohol, by volume". (Currently the Town allows wine up to 14% alcohol by volume. State law allows 24% alcohol by volume for sale of wine); 4) Add Section 2-3.1. The holder of an On-Sale Wine License outlined in 2-3, who is also licensed to sell 3.2 percent malt liquor at on-sale may sell intoxicating malt liquors without an additional license; 5) Add Section 2-4.1. A Sunday On-Sale Liquor License shall not be required by On-Sale Wine License holders who also hold a 3.2 percent malt liquor at on-sale license.

The Clerk reported that the Public Safety Commission reviewed State Statutes relative to wine licenses and intoxicating malt liquors at on-sale without an additional license. He also reviewed the Liquor Ordinance from the City of Vadnais Heights, which also allows wine not exceeding 24% alcohol by volume; and facilities for seating at least 25 guests. The City of Shoreview allows seating for not less than 40 guests. They did not address the percent of alcohol by volume for wine. The City of White Bear Lake allows facility seating of not less than 25 guests. They do not address the percent of alcohol by volume for wine. A person desiring a license to sell intoxicating liquor shall make verified application in writing to the City Council on a form prepared by the City Clerk

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and approved by the Commissioner of Public Safety of the State of Minnesota. The matter will be placed on the agenda for the May 2, 2016 Town Board meeting for approval.

**Sexual Offender Ordinance:** The Clerk reported that the Public Safety Commission has been reviewing surrounding community's ordinances relative to sexual offenders for the past three meetings. The Town Attorney has provided information from the City of Taylors Falls and the Little Canada. The Public Safety Commission had an opportunity to meet with Ramsey County Sheriff Deputy Wayne Ruffcorn on the matter. He was very interested and pleased that the Township was addressing the matter. As an investigator with the Sheriff's Department he provided a lot of information regarding sexual predators. It was the consensus of the PSC to review the ordinance of the City of Taylors Falls more closely since it appears to address what needs to be addressed. The Public Safety Commission is recommending that the Town Sexual Offender Ordinance require that a predatory sexual offender shall not be present upon or loiter within 1,000 feet of any school, church, park, public easement or public wooded area or open space or any trails as well as any docks located at area beaches and day care facilities and that the ordinance be consistent with surrounding communities. Kermes asked if there is an issue with sexual offenders living in group homes or single family homes. The Town Attorney stated that group homes are treated the same as single family homes and are excluded from a sexual offender ordinance. It was the consensus that the Town Attorney be authorized to draft a Sexual Offender Ordinance and to leave the 1,000 foot restriction blank for now.

**CLERK-TREASURER REPORT:** The Clerk reported that he met with Barb Strandell, Consultant regarding comments received from the attendees at the Strategic Planning Session held in February. The mission statement and goals are being compared to comments and a final document will be prepared.

**I & I PROGRAM – UPDATE:** The Buffalo Street area sewer pipes have been televised. 90% of the work has been done in the project north of H-2 and west of West Bald Eagle Boulevard. The contractor is pressing for final payment. They are trying to proceed with rehabilitation of Sewer Lift Station No. 3. However, a document needs to be provided showing the Town's ability to work in the easement. The Town Attorney will work with the Town Engineer to put together something so that the work can be done.

**SOUTHEAST AREA SANITARY SEWER LINING – UPDATE:** Notification letters have been sent to the 457 properties affected by the proposed sanitary sewer lining project informing them of neighborhood meetings scheduled for April 26 and May 3, 2016. The Town Engineer will present a PowerPoint presentation of a map showing the areas where the project will be done, pictures of pipe failures, the "sock" lining and how it is injected into the pipe, and financial information regarding project cost and assessment.

**WATER SUPPLY PLAN – UPDATE:** The Engineer reviewed data he gathered relative to the Water Supply Plan which must be approved by the DNR. He reviewed total water pumped by all Town wells for the past ten years which included both residential and

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commercial. It was noted that water pumped has decreased which shows that water conservation efforts are successful. He noted that the Town has a water appropriation allocation of 650 million gallons. The Town's previous allocation was 450 million gallons. In response to a question regarding Wilbert Plastic's water usage, the Clerk reported that they have acquired additional chillers which will double their cooling capacity and reduce the number of gallons of water needed for cooling. Wilbert Plastics will be applying for a Permitted Use Standards Permit for adding the chillers.

**RAMSEY COUNTY – “START BY BELIEVING CAMPAIGN”:** Ramsey County is starting conversations in their communities about sexual violence and why there is a gap between National survey data on those who are victims of rape and those who are held accountable. The “Start by Believing Campaign” is a community initiative to create a culture where victims feel more empowered to report their abuse and to develop an infrastructure of response that is properly informed and trained about trauma and eliminates unintentional human biases. This initiative is a combined initiative among the Ramsey County Attorney's Office, Ramsey County-St. Paul Public Health Department, local law enforcement agencies and community advocacy groups. The Ramsey County Board of Commissioners is requesting that City Councils pass a resolution of support. A resolution of support will be placed on the Consent Agenda for the May 2, 2016 Town Board Meeting.

**WHITE BEAR LAKE CONSERVATION DISTRICT FUND BALANCE UPDATE:** The Finance Officer reported that he has reviewed the White Bear Lake Conservation District's 2015 financial report and based on the information provided their finances appear to be in order. The District's actual revenues were more than the budgeted revenues as a result of a DNR EWM Treatment Grant and additional license fees. Expenditures were below budget by \$8,370.44 resulting in a net income of \$26,209.79. The District included a summary of changes in fund balance which increased to \$178,630.55 which seems to be a high amount for the District since total expenditures are only \$83,833.25. It appears that the District has more than one year of expenditures saved up at 193.73% of budget. However depending on 2016 and future projects this balance may be reasonable. The Finance Officer reported that the District responded to request for explanation on the District's reserves and intended use. The fund balance that the District carries is needed for unexpected expenditures. These unexpected expenditures could be expensive and use the fund balance rather quickly. They also state that State funding is uncertain to help with these expenditures. The Finance Officer stated that while the response is reasonable and acceptable he would expect and hope that the District would maintain or draw down the fund balance in the future and not continue to increase the fund balance without a specific project planned. The Finance Officer will draft a follow up letter to the District.

**WEB SITE: 1) SITE PREVIEW; 2) WEB ACCESS TO TOWN BOARD MEETING VIDEOS; 3) TOWN BOARD / STAFF PICTURES:** Karen Edson, Town Administrative Secretary, provided a visual presentation of the Town's new website which will become active for residents in mid-May. She provided a demonstration of how to access Town Board meetings on the website. The site will also provide a photo of the Supervisors

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and access and description of each department with accompanying photo of department head and staff. Access is set up to be easily understood. The new site will be a vast improvement and will be user friendly.

**PUBLIC WORKS DIRECTOR MONTHLY REPORT:** The Public Works Director reviewed Public Works Department activity for the month of April. **Wellhead Protection Plan:** The deadline has been extended to May 27, 2016. **Personnel Update:** The interview panel interviewed two candidates for maintenance workers. One position is a replacement and the other is an additional maintenance worker. There were 85 applicants. Of the 85, 12 were selected for interview by Dale Reed, Pete Tholen, and Paul Peltier. Each of the candidates were independently scored and the scores were combined from all three interviewers to determine a scoring level to invite candidates back for a second interview. The second interview panel was comprised of Bob Kermes, Bill Short, Dale Reed and Pete Tholen. Two individuals, Greg Horst and Allen Anderson will be recommended to fill the positions at the May 2, 2016 Town Board Meeting. **Lift Station #3:** The project is on hold until a legal description of the property is obtained.

**CODE ENFORCEMENT OFFICER / BUILDING INSPECTOR: 1011 MEADOWLANDS DRIVE; 2) 4403 OTTER LAKE ROAD; 3) TOWN HALL INSPECTION REPORT: 1011 Meadowlands Drive:** The property owner was personally served a Restoration Order (RO) and a Resource Protection Notification (RPN) simultaneously by Lisa Druse, DNR Conservation Officer on Wednesday, April 6, 2016. The order stated that “the wetland restoration must be completed by July 1, 2016”. Failure to comply with the Restoration Order by the Property owner will cause the DNR to proceed with the prosecution of a misdemeanor offense and/or placing a deed restriction on the property. The findings of facts of the Restoration Order states “conservation act violations and restoration procedures”. The wetland restoration will be monitored for compliance by the Ramsey County Conservation District and VLAWMO. White Bear Township has no further enforcement obligations in regards to the wetland conservation act violations. The Code Enforcement Officer reported that the property owner started restoration work on Monday. It was the consensus that the Township wait until after the property owner complies with the Restoration Order which must be complied with by July 1, 2016 before pursuing the trail surface and storm water pond issues. **4403 Otter Lake Road:** An abatement order was issued on December 17, 2015. The issues were unlicensed and inoperable vehicles and litter and garbage on the property. The motor home has been removed and there are signs that the property is being cleaned up. The property owner was provided information regarding the Greater Metropolitan Housing Corporation which is an organization providing the residents of Ramsey County with grant and loan programs in an effort to improve residential properties. The Code Enforcement Officer reported that there have been no new complaints and that he will continue to monitor the property. **Town Hall Inspection Report:** The exterior of the Town Hall was evaluated on March 31, 2016 by appointed inspection personnel. During the inspection access to the building, exterior wall coverings, and attic space was evaluated. It was determined that the roof overhangs around the perimeter of the building have deteriorated beyond practical repair. It was the consensus of the group

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that the roof overhangs be repaired and reconstructed as close as possible to original design. Several of the decorative architectural components can be reused with the remainder needing to be reproduced. It was determined that the cost of patching the existing exterior stucco finish might be excessive and counterproductive. The group decided that estimates for complete replacement of the exterior stucco finish will be obtained and considered. The front entry door needs to be replaced. The main roof structure and roof sheathing is structurally adequate. Removal of the existing roof covering, repair any damaged roof sheathings and replace with an architectural asphalt roof shingle. The inspection group discussed considering the possibility of the original building having a roof overhang completely around the building including the exterior wall containing the front entry door. The Town Hall currently does not have a decorative overhang on the front wall. A representative from the WBLAHS will be traveling to Washington DC to research Cass Gilbert's architectural documents in an effort to find out additional details on the design and construction of the Town Hall. Removing the exterior stucco finish will reveal additional architectural details of the building. Kermes noted that much of the historical significance was from the 1940's – 1950's so it could be restored to that period of time or the 1885 period. Ruzek noted that modern materials can be made to look old. There is a need to start to prioritize what the Board wants done and what the cost would be. Prudhon suggested using lap siding that was original and to get rid of the stucco. It was the consensus that the contractor be informed to have work done by a specific date or the Town will correct the problem. The Town Engineer will provide an update at the May Executive Meeting regarding whether or not the Town needs to take action. Kermes asked if Loucks is able to start a landscaping design if the grading is not done. The Town Engineer stated that a preliminary design can be prepared. The Code Enforcement Officer suggested that the building movers should complete the work they need to do before Loucks starts a landscaping design. The north and south side is back to existing grade. He reported that the way it is sloped a retaining wall will not be needed.

**OPEN TIME:** No one appeared for the open portion of the meeting.

The meeting recessed at 3:53 p.m. for Closed Session.

**ATTORNEY CLIENT – CLOSED SESSION:** The Town Attorney summarized the discussion during the closed session. He reported that the Town Board received the information from the League Attorney, Paul Reuvers, regarding the property owner's requests. The Town Attorney will contact Mr. Reuvers and inform him of the Town's position.

The Closed Session adjourned at 4:30 p.m. The Town Board Executive Meeting reconvened at 4:30 p.m.

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

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The meeting adjourned at 4:31 p.m.

Respectfully Submitted,

William F. Short  
Clerk-Treasurer