

**MINUTES
TOWN BOARD MEETING
MAY 2, 2016**

The meeting was called to order at 7:01 p.m.

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

APPROVAL OF AGENDA (Additions/Deletions): Prudhon moved approval of the agenda with the following amendment: Add to Consent Agenda: 5K) Call Public Hearing for Monday, June 6, 2016 at 7:20 p.m. to Amend Section 3 - Definitions of Ordinance No. 35. Ruzek seconded. Ayes all.

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

APPROVAL OF APRIL 18, 2016 MINUTES: Ruzek moved approval of the April 18, 2016 Meeting Minutes. Prudhon seconded. Ayes all.

CONSENT AGENDA: Ruzek moved approval of the Consent Agenda as follows: 5A) Adopt Resolution of Qualified Support of Augmentation Bill; 5) Adopt the Resolution in Support of the Ramsey County "Start By Believing Community" Initiative; 5C) Approve Resolution Recognizing National Police Week May 15-21, 2016; 5D) Call Special Attorney Client Meeting for Monday, May 9, 2016 at 11:00 a.m. at the Township Administrative Offices; 5E) Call Public Hearing for Monday, June 6, 2016 Beginning at 7:10 p.m. for A Conditional Use Permit and Permitted Use Standards Permit for Southwinds Holdings; 5F) Call Public Hearing for Monday, June 6, 2016 at 7:15 p.m. to Renew the Special Home Occupation Permit for Viking Auto; 5G) Authorize the Town Attorney to Draft a Sexual Offender Ordinance; 5H) Re-Appoint Paul Groschen and Nancy Pehrson to Three Year Terms on the Utility Commission to Expire April 30, 2019; 5I) Based on Town Engineer Review and Recommendation and Including His Recommended Conditions, approve Comcast Permit Through the Company, M.R.I. to Install new Cable Television Line to Service at 5228 East Street Including Overhead and Directional Boring Under East Street Including a Driveway; 5J) Based on Town Engineer Review and Recommendation and Including His Recommended Conditions, Approve Comcast Permit to Relocate Their Coaxial Cable Line Servicing Water Gremlin at 4370 Otter Lake Road Including Work in the Boulevard and on the Water Gremlin

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Site; 5K) Call Public Hearing for Monday, June 6, 2016 at 7:20 p.m. to Amend Section 3 – Definitions of Ordinance No. 35. Prudhon seconded. Ayes all.

7:10 P.M. PUBLIC HEARING – NORTH OAKS LAWN SERVICE, 5566 PETERSON ROAD – REQUEST FOR RENEWAL OF NON-CONFORMING USE PERMIT: The Public Hearing was called to order at 7:12 p.m. Prudhon moved to waive the reading of Public Notice noting that proper publication was made. Ruzek seconded. Ayes all. Prudhon moved to open the Public Hearing. Ruzek seconded. Ayes all.

The Planner reported that North Oaks Lawn Service is requesting renewal of a non-conforming use permit which would allow operation of their business from a pole barn at 5566 Peterson Road. He reported that the property is owned by Dick Garley who ran a fencing company at the site until his retirement. Following that another fence company leased the site and operated their business for several years. The Planner provided an overhead showing the location of the property. He reported that in 2010 North Oaks Lawn Service approached the Town for the proper permits to operate their business from the site. The Town approved a Non-Conforming Use Permit for the period May 17, 2010 through May 16, 2013. The permit was reviewed on March 2, 2011 in order to see if the business was compatible with the neighborhood. The permit was reviewed in 2013 and extended to May 6, 2016. He reported that a list of requirements was approved with the permit as follows: 1) the Site Plan and Equipment Plans dated March 1, 2010 and attached hereto, are made a part hereof; 2) no retail business shall be conducted on the property; 3) the premises shall be maintained in a neat and orderly manner and will create no nuisance. Any outside vehicle storage shall be between the main building and I-35E; 4) outdoor storage shall be limited to three pick-up trucks and three trailers (two lawn trailers and one enclosed trailer). Besides the outside vehicle storage, there is miscellaneous equipment and yard and tree waste. The tree and yard waste is transferred off site in the spring and fall; 5) this Non-Conforming Use Permit shall be in force and effect for three years from May 6, 2016 through May 2, 2021; 6) the applicant will cease use of the property for the purposes granted under the permit at the time designated by the Town Board; 7) there shall be a maximum of six employees; 8) fertilizers and chemicals used by North Oaks Lawn Service shall be contained in a secured chemical storage area within the building and shall comply with all State and Federal laws. Liquid chemicals shall be stored in an approved containment area; 9) the owners and employees of North Oaks Lawn Service shall recognize that Peterson Road is a gravel residential street. Employees shall travel at 20 mph or less when using Peterson Road; 10) North Oaks Lawn Service shall identify a “contact person” with a phone number for communications with the neighbors. This contact person shall perform in a manner similar to past contacts (i.e. Dick Garley), by being accessible and responsive in fielding complains and concerns. At the time of the public hearing (5.3.10), the person designated to serve as contact person was Andy Carver, owner. The current contact person and owner is Rick Ringel; 11) any violation of the terms of this permit or any Ordinances are subject to the penalties thereunder and will be cause for immediate cancellation of the permit granted hereunder; 12) Federal and State Statutes, rules and regulations and all local Ordinances shall be complied with.

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The Planner reported that approval of a non-conforming use permit is required for this business on this property since it is zoned R-1, Suburban Residential and is planned for residential low-density development in the future. A non-conforming use permit must be obtained "as evidence that the use lawfully existed prior to the adoption of the provision which made the use non-conforming". Non-conforming use permits have been approved for businesses on this property for many years. Sewer and water is located on Centerville Road, County Road H-2 and Anderson Lane. Because of the proximity of this property in relation to municipal sewer and water, it is expected that this property will be one of the last ones in the area to develop, as underdeveloped property closer to the sewer and water lines are more economically feasible to develop prior to this property. North Oaks Lawn Service provides lawn related and snow plowing services in the area. They use this building and site to store and maintain their vehicles and equipment. He reviewed the standards which apply to all non-conforming uses, noting the North Oaks Lawn Service has complied with the standards. The Planner reported that Staff and Planning Commission reviewed the request and recommends that the Non-Conforming Use Permit be approved for a period of five years. Kermes asked if there have been any inspections at this site. The Planner reported that the business requires an annual business license. He will check into inspections. Ruzek asked what #6 of the requirements means. The Planner explained that when the property redevelops the business must go. Prudhon asked about the fuel tank catch basin. The Planner reported that the Planning Commission asked that the Fire Inspector inspect the outside fuel tank. The Fire Inspector inspected the site last week and everything was okay. The Planner reported that the Planning Commission asked about the trailer parked on another portion of the site by the horse barn with someone living in the trailer off and on during the summer. He reported that a friend of Mr. Garley's, the owner, stays there temporarily when visiting a parent in the nursing home in the area. Prudhon stated that it was brought up by a neighbor. He stated that there is an outside storage trailer that has the tarp removed. He asked if the permit could be held until the trailer is moved out. The Town Attorney stated that the concern is noted on the record but that it is not part of the permit that is being requested. Prudhon asked if the trailer would be considered parked in the park? The Planner explained that the Town leases the park from Mr. Garley for a nominal fee each year. He stated that the parameters of the park have not been identified, but is everything outside the fenced area. The only active part of the park is the ball field. He stated that the Town mows and maintains that area. The trailer is parked by the pole barn. The Planner will talk with Mr. Garley regarding the trailer.

Ruzek moved to open the public comment portion of the Public Hearing. Prudhon seconded. Ayes all.

Rick Ringel was asked if he was satisfied with the Planner's description of the request. Rick Ringer identified himself as the owner of North Oaks Lawn Service and the contact person for the neighbors. He stated that he is satisfied with the Planner's report.

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

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Prudhon moved, based on Staff and Planning Commission review and recommendation to approve the Non-Conforming Use Permit with requirements attached in the meeting packet, for North Oaks Lawn Service, 5566 Peterson Road for a 5-year period through May 2, 2021, noting that the Planner will contact Mr. Garley regarding removing the fifth wheel trailer parked on the property. Ruzek seconded. Ayes all.

7:20 P.M. PUBLIC HEARING – NEXTERN, 1185 BIRCH LAKE BOULEVARD SOUTH – REQUEST FOR ORDINANCE NO. 35 AMENDMENT / REQUEST FOR VACATION OF DRAINAGE AND UTILITY EASEMENTS / REQUEST FOR PERMITTED USE STANDARDS PERMIT:

The Public Hearing was held at 7:23 p.m. Prudhon moved to waive the reading of Public Notice noting that proper publication was made. Ruzek seconded. Ayes all. Prudhon moved to open the Public Hearing. Ruzek seconded. Ayes all.

The Planner reported that Nextern is a light industrial business currently located in Vadnais Heights. They are requesting approval of a Permitted Use Standards Permit to allow construction of an office/manufacturing building on a portion of the old Lake Sanitation site at 1185 North Birch Lake Boulevard. They are also requesting a Zoning Ordinance amendment and had applied for a vacation of public drainage and utility easements on the property. It was determined that there are no drainage and utility easements platted on the property so that request is not necessary. The Planner presented an overhead showing the location of the property noting that Nextern proposes to build on the upland portion of the property. The front portion of the property abuts North Birch Lake Boulevard and is wet. The access to the site is shared with Tecweigh which was constructed on the property a few years ago. The back portion of the property is storm treatment and wetland. Nextern is proposing to build on the vacant portion of the property which is 2.72 acres in its entirety with a little over 2 acres buildable. The site was cleaned up and is ready for construction. Nextern is planning to construct a concrete tip-up structure for an 18,660 square foot building with rock face for the office portion of the building. Access will be from a shared driveway with Tecweigh with circulation around the building and parking on three sides of the building. The truck docks will be on the north side facing west. The setback requirements for a light industrial project is 15' on the side and 30' on the rear. Nextern is requesting variances to allow fluctuations from the requirements for the side and rear. Staff determined that since this is a vacant site it would be very difficult to qualify for a practical difficulty to be approved for a variance. Working with Nextern and the Planning Commission, Zoning Ordinances amendments were reviewed. A Zoning Ordinance amendment adding Section 7-1.2(h) is recommended as follows: "Paved parking areas and driveways in the I-1 Light Industrial Zoning District shall have a minimum side and rear yard setbacks of at least 5' provided that the front yard setback exceeds 60', green space exceeds 50%, all adjacent properties are zoned I-1 (light industrial), and the parcel area is 5 acres in size or less. The parking area/driveway shall be set back a minimum of 15' from the ordinary high water elevation of a stormwater treatment pond or the edge of a delineated wetland". The Planner reported that stormwater treatment ponds are located to the north and to the east and with this proposed plan the setbacks would be 5' from

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the west property line and a little over 10' on the east property line and 5' on the north property line.

The Planner reported that a Permitted Use Standards Permit needs to be approved to allow the project to be constructed. He noted that the green area on the site exceeds 50%, primarily due to the large wetland area in the front. The Planning Commission reviewed the project and at their April 28, 2016 meeting recommended approval of the Zoning Ordinance amendment as presented and approval of a Permitted Use Standards Permit subject to staff conditions outlined in the meeting packet.

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

Prudhon moved, based on Planning Commission and Staff review and recommendation to approve the amendment to Ordinance No. 35 (Zoning) Adding Section 7-1.2(h). Ruzek seconded. Ayes all.

Prudhon moved, based on Planning Commission and Staff review and recommendation to approve the Permitted Use Standards Permit with attached requirements and adopting the Zoning Certificate for the Nextern project at 1185 Birch Lake Boulevard North. Ruzek seconded. Ayes all.

7:30 P.M. PUBLIC HEARING – TAMARACK NATURE CENTER, 5287 OTTER LAKE ROAD – REQUEST FOR CONDITIONAL USE PERMIT TO ALLOW RELOCATION OF THE SITE ACCESS, CONSTRUCTION OF ADDITIONAL PARKING LOTS AND OTHER SITE MODIFICATIONS: The Public Hearing was held at 7:33 p.m. Prudhon moved to waive the reading of Public Notice noting that proper publication was made. Ruzek seconded. Ayes all. Prudhon moved to open the Public Hearing. Ruzek seconded. Ayes all.

The Planner presented an overhead showing the location of the Tamarack Nature Center. Ramsey County Parks Recreation Department is requesting approval of a Conditional Use Permit which would allow the County to make additional improvements to the Nature Center. The property is zoned Open Space (OS) and is a conditional use in the zoning district. Any changes, modifications or improvements to the site require a new Conditional Use Permit. The County has received grant funding to go forward with planned improvements. This latest phase of development includes: 1) relocation of the site access to align with Lorane Avenue; 2) construction of new parking lot and improvements to the existing parking lot (adding 148 new spaces and an overflow and bus parking lot); 3) improvement to site lighting using LED lighting with dimmers; 4) expansion of the drop off area; 5) relocation of a storage shed; 6) relocation and additional of trails; 7) relocation of the bogs and hollows area; 8) remove non-native vegetation and replanting with native materials; 9) addition of stormwater treatment ponding; 10) dumpster enclosure; and 11) new entry monument sign and information

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kiosks. The Planning Commission reviewed the project and request for new Conditional Use Permit subject to a number of conditions. They had questions about traffic information and user count.

Gus Blumer, Landscape Architect, Ramsey County Parks & Recreation Department and site manager for the project introduced Mark McCabe, Operations and Maintenance Director, Ramsey County Parks & Recreation Department who oversees the operation of the Tamarack Nature Center and Erin Laberee who represents Ramsey County Public Works. Erin will address any comments associated with traffic which may be of concern. Gus Blumer reported that as part of their project they are attempting to go well beyond what they will do for stormwater management. There are five or six storm water basins and they propose to use some permeable asphalt as a demonstration piece of part of their project. They are greatly improving the site for ADA accessibility which is a requirement for the County. The move of the existing drive to the location of Lorane Avenue is based on better access to the site and better user experience and better use of the access away from the Otter Lake / H-2 intersection, north of the site. The trail that is re-aligned on the plan is the Birch Lake Regional Trail. Currently it comes up into the site and causes use conflicts as neither dogs or bikes are allowed at Tamarack Nature Center. Kermes asked for clarification of bikes and if bikes are restricted from the site. Gus Blumer reported that bikes are restricted from riding through the facility. People can ride to the Nature Center and park the bike and walk into the site. Prudhon asked if this project is the final phase of the project. Gus Blumer reported that there is one more phase in the submittal for the Conditional Use Permit application. They added a timeline of where they started and where they are at. There is a future final phase. This will include a new program building on the south end for classrooms and storage. The site improvements being considered are the final site improvements to the Nature Center. Prudhon stated that he was under the assumption that there would be a turn lane on Otter Lake Road because of the traffic that would be generated. At the Planning Commission it was reported that there is no need for one. Erin LaBeree reported that they looked at the low volume of the road and the characteristics of the road and it was determined that no turn lane is needed. There is also very low incidents of crashes. Prudhon asked if they took into account that with the increased activity at the Nature Center there would be more traffic generated. Erin Laberee stated that she understands that there will not be a significant increase in traffic. The increase would be busses coming in. Ruzek stated that a concern is for buses. To increase bus traffic on the fairly busy road is a concern. Erin Laberee reported that they do not have turn lanes on Stillwater or Lorane so they did not feel that a turn lane was needed or would fit into the character of the area. She reported that there has been one crash at the intersection in the past ten years. Prudhon stated that traffic at Otter Lake School can also be intense. He asked if this is something that could be considered in the future. Erin Laberee stated that it was felt that it would not be necessary at this time. Kermes asked what was involved in the determination that the traffic increase would be minimal and would not result in any additional hazard. He asked if it was due Ramsey County Public Works assessment or the Sheriff's Office assessment or MnDOT. Erin Laberee reported that she took the information that the park gave to her regarding recent traffic

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and pulled MnDOT's crash history data base and talked with Ramsey County's Transportation Center. With all the information she received the determination was made that no turn lane is necessary. Prudhon reported that a traffic count was made a few years ago in response to a resident reporting that there was speeding on that road. Speed was monitored but he did not know if actual traffic counts were done. Erin Laberee reported that every two years they do traffic volume studies so they know how many vehicles are traveling on the road. At this location there are about 5000 vehicles a day. She reported that the vehicle count was done in 2014. Kermes reported that reviewing the attendance figures July had a peak of 22,000 – 23,000 people during the month. A slight increase is shown for future programming. He asked if that includes the last phase of the development or just up to this phase. Gus Blumer reported that the figures do include the final phase of improvements. Kermes asked what happens if there are increases in attendance and increased traffic volumes. He stated that before the last phase is implemented that discussion needs to be held again. Gus Blumer reported that with traffic studies it will indicate if a turn lane is needed.

Bob Noeker, 5300 Otter Lake Road, reported that he lives right across the street from the entrance to the Nature Center. He asked why they are placing the trash bin right across the street from his house where he can hear the noise and animals will be crawling around. He asked why it is not being kept in the back of the parking lot. Gus Blumer reported that part of the Conditional Use Permit has a requirement for trash enclosures. He stated that the site selected appears to be best for the trash collector. There are some existing evergreen trees and they propose to add additional evergreens to screen the enclosure. Prudhon asked how many times the trash is picked up each week. Mark McCabe reported that the frequency of trash does vary according to the season. During the non-summer months the pickup is no more than once each week. During the summer months trash pickup would be a few times a week. Mark McCabe stated that placing the trash dumpsters further into the site is where the kids are and they try to keep heavy equipment further away from where their patrons would be as a safety issue. He identified on an overhead the route the trash hauler would take. Kermes asked if there is any opportunity for additional screening at the new site so as not to impact the neighbors across the street. Gus Blumer reported that they are proposing to add trees and native vegetation along the front to screen the parking lot and dumpster enclosure. Bob Noecker stated that it does answer his questions somewhat but there would be heavy equipment that transverses through the parking lot where there would be kids coming out of cars. He reported that there are handicapped spots that are not close to anything and asked if the dumpster could be placed there. He stated that if the Nature Center does not commit to screening what recourse would he have. Kermes asked the Town Planner to review their screening with the applicant. The Town Attorney stated that this is a Conditional Use Permit with conditions. If the applicants do not satisfy the conditions there would be a violation of the permit. The matter would come back to the Town Board and there would be a public hearing on the matter. Bob Noecker stated that when they put the park in they put a gate up front so people would not wander in at night. He was told the gate would be locked at night. That only lasted one day. That is why he asks what will happen if they do not follow

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what they are saying. Gus Blumer reported that they respond to concerns of the neighbors. He stated that they do not want the neighbors to have to look at their trash and they will put as many trees as they can put in there. He reported that the enclosure is concrete block. He identified the location for an automated gate. During the business hours the parking lot and drop area are accessible to the public. After that the parking lot would be a trail head lot and would comply with the hours for parks of one half hour after sunset. After that there should not be any people there. The automated gate defines the business hours. He reported that they are providing new LED lighting throughout the site which will have motion response features. The lighting can be programmed and will dim to 20% illumination. When someone walks through the lights increase in illumination and then dim again. Kermes asked if the Sheriff's Office patrols. Mark McCabe reported that they do patrol their facilities. Ruzek asked if there would be some berming that could be done by the dumpster on the trail side. Gus Blumer reported that it is very limited because of the road right-of-way.

Shirley Noeker, 5300 Otter Lake Road reported that there have been nights when the lights have been left on and they shine right into their bedroom windows. She asked what will happen when deer go by the LED lights and if they would be flashing on and off. Gus Blumer explained that it is not a flash when they go on. Kermes asked how sensitive the lights are and if deer would trigger the lights to go on. Gus Blumer stated that if they walk close enough the lights would go on. He reported that they could put an additional baffle or screen on the outside edge of the light.

Joseph Hallman, 5355 Anderlie Lane, reported that they moved here twenty years ago and one of the reasons is because of this park. It is just a treasure. He stated that he realizes that it is a multi-use facility and there are a lot of children but they really appreciate the nature. It is a beautiful place. He asked how many parking places there would be and why. He reported that Otter Lake Elementary School has a lot of softball games and people park along the road. He stated that people run into car doors or car doors are pushed open and hit someone. He asked if people who play softball could park across the street at the Nature Center. Kermes asked Gus Blumer about the number of parking spaces. Gus Blumer reported that they are proposing 150 total for staff, visitors and overflow parking. The existing parking lot has 81 stalls. They are removing some of them to address storm water issues. With the new early learning center people park along the road and around the circle. They tried to relieve some of that with the proposed parking lot. The lower lot will have 51 spaces which include handicap spaces which is required. During peak time in the summer there are 35 staff members. They try to accommodate everyone in the existing parking lot to the south. It gets full. That is why they added the second staff lot on the north side. If there are programmed events there are buses. They should not mix with other children on site so they propose a gravel parking lot to the south of the site for buses. Kermes asked if they would make parking available for activities at Otter Lake School. Gus Blumer stated that would have to be worked out between the County and the School to come to some agreement to make that happen.

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The resident at 5260 Otter Lake Road stated that he lives across the street from where the proposed gravel parking lot for buses will be. He asked for the purpose of the project. Mark McCabe reported that the purpose of the Tamarack Nature Center is primarily an educational facility. The early learning outdoor nature play area was designed to bring in young families to experience nature. This has brought in more people than anticipated along with the nature pre-school. The capacity of the early learning center has doubled as well as the educational outreach program. Safety concerns have been brought to them with concerns with the existing traffic pattern with a narrow road and tight turn around on the site. The buses are only there during business hours, mostly for a few hours. Kermes asked if the next phase will reach park capacity. Mark McCabe reported that there are no other phases planned at this time but there is a long term plan which they are working from. The final phase includes a classroom building where people come for the day. They have tried to retain the natural parts of the park. There are strong feelings to preserve as much of the property as possible. Kermes asked if parking is allowed along Otter Lake Road. It was noted that there is a six foot striped shoulder. The resident asked that with moving the entrance to align with Lorane if Ramsey County could put a cross walk at any of the streets so people could cross the street to the Nature Center. Most of his neighbors would like to see a stop sign at Stillwater Street. He referred to the two chained roads into the Nature Center which are chained day and night. He stated that it would be good to be able to walk over with the kids and not worry about cars going fast. Kermes reported that the Town does visit with the Sheriff's Office regarding traffic and speeding concerns. Mr. Patterson stated that he has to wait to try to get out of his driveway because of the traffic on Otter Lake Road. He expressed concern on how the LED lights will work. He noted that the Ramsey County Sheriff's Office uses the parking lot as a staging area and are there off and on during the night.

Shirley Noecker, 5300 Otter Lake Road reported that people park on both side of Otter Lake Road and there needs to be "no parking" signs installed. Kermes stated that the Town will follow up with the County and Ramsey County Sheriff's Office.

Ruzek noted nodding of heads when concerns were discussed. He urged that the representatives from the Nature Center work with the Planner regarding issues with cross walk, parking and screening for the dumpster. He noted that the issue of safety on crossing is important. Kermes suggested that as they complete development the Town Board will visit with the Planner on updates. Gus Blumer reported that their schedule is to start construction in mid-August. Their final design for bid will be completed by mid-June. He stated that they will work with the Town Board and Planner to address lighting plans, screening for dumpster. The issues regarding a cross walk was discussed. He stated the problem is the proximity of a cross walk to the four-way stop at H-2. People tend to accelerate after stopping and it may increase traffic and the safety. He stated that with a cross walk the County usually has some other type of device indicating the crosswalk. Erin Laberee reported that they use a guide book from MnDOT regarding placing a crosswalks based on speed of traffic, volume of traffic, and how many pedestrians use the crosswalk. They would use that information to evaluate

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this location. She reported that they are very careful where they put crosswalks. There is no guarantee that drivers will stop for people in crosswalks. Signs do not necessarily make it safer. She stated that they can look at this location because this is an attraction that people want to walk to.

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

Prudhon moved, based on Planning Commission and Staff review and recommendation to approve the Conditional Use Permit with attached requirements for the Tamarack Nature Center, 5287 Otter Lake Road, White Bear Township. Ruzek seconded. Ayes all.

MOVIE IN THE PARK: 1) APPROVE A MOVIE IN THE PARK AT POLAR LAKES PARK ON SATURDAY, MAY 21, 2016, BEGINNING AT 7:30 P.M.; 2) APPROVE EXPENDITURE OF \$375.00 TO SWANK MOTION PICTURES, INC. IN PAYMENT OF MOVIE LICENSE FEE; 3) APPROVE CONTRACT AND EXPENDITURE OF \$200.00 TO DEB STENDER FOR COORDINATING THE EVENT:

Movie in the Park: The Planner reported that the Town was approached by a local company, Twilight Zone Cinema who owns a large portable movie screen, about showing movies at Polar Lake Park for training purposes. They would put up the screen and take it down. The only expense to the Town is a license fee which is dependent on the type of movie being shown. Twilight Zone Cinema would like to put up a screen in Polar Lakes Park on Saturday, May 21st. The Park Board reviewed the request and recommends approval for use of Polar Lakes Park for this purpose. They feel that this is in line with what they envision as a use of the park for family and community events. The Planner reported that the movie which would be shown is Disney's "The Good Dinosaur". The license fee for this movie is \$375.00. He reported that Daryl's Dogs, a food truck vendor, will be available for the movie participants. He reported that advertising will give movie participants the opportunity to donate an item for the White Bear Food Shelf. Two ads (2" x 6") will be placed in the White Bear Press the two weeks prior to the event. Signage will be made to indicate the location and time of the movie. He reported that funding for the movie event will come from the Township Day Fund, which has a balance. In response to a question, the Planner reported that this movie showing is a one-time event at this time. After review of the event the Park Board may consider additional movies.

Ruzek moved, based on Park Board and Staff review and recommendation to approve Movie in the Park at Polar Lakes Park on Saturday, May 21, 2016, beginning at 7:30 p.m. Prudhon seconded. Ayes all.

Ruzek moved, based on Park Board and Staff review and recommendation to approve payment to Swank Motion Pictures, Inc., in the amount of \$375.00 in payment of the license fee for the movie, "The Good Dinosaur" with funds from the Township Day Fund.

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Contract and Expenditure of \$200 to Township Day Coordinator to Coordinate the Event: The Planner reported that a scope of services has been received from Deb Stender, Township Day Coordinator for coordinating the movie event. Her fee for services is \$200.00.

Ruzek moved to approve the scope of services from Deb Stender, Event Planner, in the amount of \$200.00 for services to coordinate the movie event with funds from the Township Day Fund and to authorize execution of the contract by the Town Board Chair. Prudhon seconded. Ayes all.

TOWNSHIP DAY FIREWORKS – APPROVE CONTRACT AND EXPENDITURE OF \$5,115.00 TO RES SPECIALTY PYROTECHNICS: The Planner reviewed the Display Contract Agreement from RES Specialty Pyrotechnics for fireworks display at the September 10, 2016 Township Day event. The contract amount is \$5,115.00. The fireworks display will be similar or better than the 2015 Township Day event.

Ruzek moved, based on Park Board and Staff review and recommendation to approve the Display Contract Agreement with RES Specialty Pyrotechnics in the amount of \$5,115.00 with funding from the Township Day Fund and to authorize execution of the Agreement by the Town Board Chair. Prudhon seconded. Ayes all.

PUBLIC WORKS MAINTENANCE POSITION – APPROVE HIRING OF GREGORY HORST: The Public Works Director reported that in March of 2016 a long term Public Works employee resigned and the Town Board authorized the replacement of the vacant Public Works Maintenance Worker position and the advertisement for the added Public Works Maintenance Worker position. Staff selected a pool of interviewees based on scores from 85 applications received for the position that closed on April 2, 2016. The pool consisted of 12 individuals, all of whom were invited to an interview. Eleven of the twelve were interviewed (one interviewee was a no show) on April 14 and 15, 2016 by Township staff members, Paul Peltier (Leadworker), Pete Tholen (Field Maintenance Supervisor), and Dale Reed (Public Works Director). From the eleven interviewees, six were chosen for a second interview with Bob Kermes (Town Board Chair), Bill Short (Clerk Treasurer), Pete Tholen, and Dale Reed on April 21 and 22, 2016. Following the second round of interviews, the interview staff recommended two candidates for hire, one to fill the current vacant position and the other to fill the added position. The interview committee recommends the appointment of Gregory Horst to fill the added Public Works Maintenance Worker position. He has passed the pre-employment physical.

Ruzek moved, based on Staff recommendation to approve the hiring of Gregory Horst contingent upon his passing his criminal background check, and pre-employment drug and alcohol test. Prudhon seconded. Ayes all.

PUBLIC WORKS MAINTENANCE POSITION – APPROVE HIRING OF ALLEN ANDERSON: The Public Works Director reported that Allen Anderson was selected for

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a second interview to fill the added Public Works Maintenance position. The interview committee recommends the appointment of Allen Anderson to fill the vacant Public Works Maintenance position. He noted that Allen Anderson has passed his pre-employment physical.

Ruzek moved, based on Staff recommendation to approve the hiring of Allen Anderson as Public Works Maintenance Worker contingent upon his passing his criminal background check and pre-employment drug and alcohol test. Prudhon seconded. Ayes all.

WATER TOWER INTERIOR CLEANING AND INSPECTION – RECEIVE QUOTE AND AWARD CONTRACT: The Public Works Director reported that the Town has three water towers in the system. The original construction dates range from 1960 to 1998. As part of the Town's infrastructure management program the tower interiors and exteriors need cleaning and inspections performed on regular basis every other year or more often, if required, to provide information on the tower condition. Information provided by these inspections last year showed a lot of mineral sediment in the water tower bowls (interior). By removing the sediment annually, the Town will be able to reduce the number of discolored water complaints received yearly and will provide more information on the interior paint condition. The interior will be cleaned by divers. The Town has used this type of "in service" (water tower is full of water) cleaning and inspection in 2011, 2013, and 2015 for both the Hammond Road and the Northeast towers. The work is completed by Dive Maintenance Technicians adorned with scuba equipment that is disinfected per AWWA Standard C652.02. The Town has received multiple quotes for the interior cleaning of the Hammond Road and Northeast towers. Quotes for cleaning the interior only were received from Water Tower Clean and Coat, Inc. for \$5,600.00; Liquid Engineering for \$5,725.00; and Ron Perrin Water Technologies for \$10,308.00. Public Works staff is recommending that Water Tower Clean and Coat be hired to clean, inspect and report on the interior of the two towers late this spring or early summer. Water Tower Clean and Coat, Inc. has cleaned the interior and exterior and provided inspection reports of the three water towers in 2015. The current 2016-2020 CIP has the Northeast tank proposed to be repainted in 2017 and the Hammond Road tank in 2018. These projected years could be changed based on inspection results this year. Funding for the water tower cleaning and inspection would be provided from Water Operating Fund.

Prudhon moved, based on Public Works Director's review and recommendation to approve the quote from Water Tower Clean and Coat, Inc., for cleaning, inspecting, and providing a condition report on the interior of the Hammond Road and the Northeast towers for \$5,600.00, with funding provided by the Water Operating Fund and to authorize execution by the Town Board Chair. Ruzek seconded. Ayes all.

2016 CRACK SEALING – RECEIVE QUOTE AND AWARD CONTRACT: The Public Works Director reported that as part of the Town's infrastructure management program the Town crack seals the roads that are scheduled for sealcoat that year. Crack sealing

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seals the transverse cracks in the roadway to prevent moisture from reaching the subgrade. The crack sealing process includes routing cracks, then blowing out the debris in the cracks with a heat lance that removes the moisture, then fills the crack with a MnDOT 3723 specified sealant followed with an application of paper barrier to prevent tracking. Staff is recommending to continue contracting crack sealing to meet the mid-July sealcoat date. Quotes were received from Sealtech, Inc. for \$1.75 per pound crack seal (\$15,000.00) and Pavement Resources for \$1.65 per pound of crack seal (\$14,998.50). Staff recommends awarding the crack sealing contract to Pavement Resources for an amount not to exceed \$15,000.00. The Public Works Director reported that the 505 Improvement Fund has \$110,000.00 budgeted for sealcoating this year. The sealcoat bid for this year's sealcoat project was \$92,478.29 leaving \$16,521.72 for contractual crack sealing. After the cost of this year's crack seal project there will be a balance of \$1,521.72 for any contingencies.

Prudhon moved, based on Public Works Director's review and recommendation to award the crack sealing to Pavement Resources in an amount not to exceed \$15,000.00 with funding from the 505 Improvement Fund and to authorize execution by the Town Board Chair. Ruzek seconded. Ayes all.

LONGVILLE PARK TENNIS COURT REHABILITATION – APPROVE QUOTE AND

AWARD CONTRACT: The Public Works Director reported that the Town budgets money in the Capital Improvement Plan (CIP) to rehabilitate existing tennis courts. Rehabilitating tennis courts includes removing asphalt playing surface and replacing with a new asphalt surface, color coating the surface, replacing perimeter fencing, and replacing batter board walls. The expected life of a rehabilitated tennis court can be 25+ years. This year the double tennis court at Longville Park is proposed to have the old asphalt court, fencing, and plywood batter board removed. The base will be upgraded to proper contours prior to placing new asphalt court surface in two 1-1/2" lifts. Included in the quotes is the addition of an asphalt parking area on the south side of the tennis court. Quotes were received from T. A. Schifsky & Sons, Inc., for \$33,430.00 and Asphalt Restoration Company, Inc. for \$38,535.00. A third quote was requested from Plehal Blacktopping and no quote was received. The Public Works Director reported that this project is identified in the 2016-2020 Capital Improvement Plan. There is \$70,000.00 designated in the Park and Recreation Fund for the tennis court rehabilitation. Staff is recommending that the quote from T. A. Schifsky & Sons, Inc. in the amount of \$33,430.00 be approved. This leaves a balance of \$6,570.00 for contingencies. The Planner reported that the neighbors of Longville Park were asked for comments for upgrade to the park. The neighbors stated that they would like to keep the tennis courts. He reported that originally the Town had 14 tennis courts. There are now six remaining.

Ruzek moved, based on Public Works Director's review and recommendation to approve the quote from T. A. Schifsky & Sons, Inc., for tennis court surfacing at Longville Park in the amount of \$33,430.00 with funding from the General Fund, Parks

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and Recreation and to authorize execution by the Town Board Chair. Prudhon seconded. Ayes all.

WELL #2A – REJECT BID: The Public Works Director reported that this year well #2A is being recommended for rehabilitation based on pumping records and duration since the last rehabilitation in 2009. The bid advertisement was published in the White Bear Press on April 6 and April 14, 2016. The rehabilitation was estimated at \$25,000.00 with funding provided from the Water Operating Fund. Sealed bids were opened on April 21, 2016 at 2:00 p.m. Only one bid was received from Keys Well Drilling Company. The Public Works Director called E. H. Renner and Sons, Inc. and another well contractor who bids on the Town’s well rehabilitations regarding their lack of submitting a bid. They stated that they did submit a bid at the Administrative Building on either the Tuesday or Wednesday preceding the bid opening scheduled for that Thursday. Unfortunately staff has been unable to locate the bid. The Public Works Director recommended the rejection of the bid from Keys Well Drilling Company and authorization to advertise for bids in the fall of 2016. Kermes asked the Town Attorney if there is any problem with rejecting the bid. The Town Attorney stated that the Town has the discretion to reject bids.

Prudhon moved, based on Public Works Director’s review and recommendation and Town Attorney opinion, to reject the bid for Well #2A pump maintenance and repair from Keys Well Drilling Company. Ruzek seconded. Ayes all.

LIQUOR LICENSE AMENDMENTS: The Clerk reported that two North Oaks residents approached the Town Board during the Open Time portion of the April 4, 2016 meeting with a request to amend the Town’s Liquor Ordinance to reduce the minimum size of a restaurant that serves beer from 100 seats to 40 seats. The individuals requesting the action would like to start a burger and beer restaurant in the space in the Township Theatre Shops, 1190 County Road J, previously occupied by a coffee and sandwich shop. The Board supported the idea and directed it to the Public Safety Commission for review and recommendation. They have asked the Commission to advise them on 1) Section 2-2.1 Restaurant seating (currently 100); 2) Section 2-3 On-sale wine licenses shall be issued only to restaurants with facilities for seating at least (currently 100 guests) and shall permit the sale of wine up to (currently 14%) by alcohol.

The Public Safety Commission recommends the following: Section 2-2.1 Restaurant “not less than 40 guests”; Section 2-2.1(a) Any establishment receiving a license pursuant to the terms of this Ordinance shall have at least 50% of the gross sales of the establishment attributable to the service of meals; Section 2-3 “On-Sale Wine license shall be issued to restaurants with facilities for seating of at least 40 guests at one time, and shall permit the sale of wine up to 24% alcohol by volume; Add Section 2-3.1. The holder of an on-sale wine license outlined in Section 2-3 above, who is also licensed to sell 3.2 percent malt liquor at on-sale may sell intoxicating malt liquors at on-sale without an additional license. Section 5 Amendment to be deleted; and Section 2-4.1 to be deleted.

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Prudhon moved, based on Public Safety Commission and staff review and recommendation to approve the amendments to Ordinance No. 32 (Liquor) as reviewed and authorize execution by the Town Board Chair and Town Clerk and publication in the White Bear Press. Ruzek seconded. Ayes all.

SOLICITOR LICENSE REQUEST – RENEWAL BY ANDERSON: Renewal by Anderson, 1920 West County Road C, Roseville, Minnesota 55113 has submitted a request for a 30-day solicitor’s license in White Bear Township. On April 4, 2016, The Town Board reviewed the request 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, especially the criminal history. Completed applications have been submitted for two individuals as requested and all background checks have been received. Prudhon recommended referring the solicitor license request to the Public Safety Commission for review and that a representative from Renewal by Anderson attend the meeting to answer any questions.

Prudhon moved to table the Solicitor License request by Renewal by Anderson and to refer to the Public Safety Commission for review and recommendation and that a representative from Renewal by Anderson attend the meeting to answer any questions. Ruzek seconded. Ayes all.

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

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 9:10 p.m.

Respectfully Submitted,

William F. Short
Clerk-Treasurer

Approved as Official Meeting Minutes

Town Board Supervisor

Date