

**MINUTES  
TOWN BOARD MEETING  
JULY 6, 2016**

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

Present: Supervisors Prudhon and Ruzek; Clerk: Short; Attorney: Lemmons;  
Planner: Riedesel; Engineer: Studenski.

Absent: Kermes with notice.

**APPROVAL OF AGENDA (Additions/Deletions):** Ruzek moved approval of the agenda with the following amendments: Add 8A) Benson Airport Water Tower Amateur Radio Operator Request – Receive Eric Osterberg’s Request for Antenna & Radio Transmitting Equipment & Refer to Public Works Director & Town Engineer for Report; 8B) Ordinance No. 88 Liquor License Moratorium – Adopt Ordinance. Prudhon seconded. Ayes all.

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

**CONSENT AGENDA:** Ruzek moved approval of the Consent Agenda as follows: 5A) Approve the 10-Year Update of the VLAWMO Joint Powers Agreement & Authorize Execution by the Town Chair & Town Clerk; 5B) In Accordance with the Township’s Special Events Policy Approve the Tour de Hugo Community Bike Ride on Saturday, September 24, 2016, Beginning at 9:00 a.m., and Direct the Event Coordinator to Work with the Township Staff Regarding Sign Placement for the Event. Prudhon seconded. Ayes all.

**BALD EAGLE ISLAND – UPDATE:** The Clerk reported that the Town Board has been working with the applicant regarding the Conditional Use Permit. The Conditional Use Permit was approved for a recording studio on Bald Eagle Island on April 4, 2016. Since that time, the applicant has had difficulty trying to meet requirement #34 which has to do with a cash bond or surety to guarantee the removal of the building under certain circumstances. Over the past three months the Town Board has met with Megabein representative counsel, Chris Sandberg, and the Clerk also discussed with Hans Stachowiak their efforts to try to meet that requirement and they requested that

MINUTES  
TOWN BOARD MEETING  
JULY 6, 2016

the Town Board clarify the language. The Town Board met in a Special Town Board Meeting last Friday to discuss work that has been done on it. The Board at that point in time considered various options and chose to address the concerns by clarifying the intent of that provision in the Conditional Use Permit. The Board ruled, and passed a resolution, that stated the clarification to requirement #34 as follows: The Board will require a bond or surety in an amount estimated by the Town Building Inspector necessary to complete construction or remove the studio if the applicant initiates but does not complete the project. The Board also moved that the deadline for providing bond or security would coincide with the six month initiation requirement for the Conditional Use Permit which is six months from the date that it was approved. The Conditional Use Permit was approved on April 4, 2016. The deadline is October 4, 2016. The Town Attorney reported that the bond or surety would terminate once the certificate of occupancy is issued for the new addition. Prudhon asked if the Town Board needs to be involved because of the sale of the island. The Town Attorney stated that is a private matter between the seller and buyer. The Conditional Use Permit still exists. Theoretically Megabien may still have some right to purchase the island. This is a private transaction which the Town is not part of. If Megabien acquires the island by October 4, 2016, they can still exercise their Conditional Use Rights. Ruzek asked if the application process was from both the owner of the island and Megabein. The Clerk reported that they were the applicants and it was approved while they were still the applicants.

**LONGVILLE PARK TENNIS COURTS – APPROVE FENCING QUOTE FROM TOWN AND COUNTRY FENCE:** The Clerk reported that the Town received bids for tennis court fencing at Longville Park tennis courts. Earlier in the year the Town Board authorized repaving the tennis courts. This was done in May. The next step in the process is to replace the fencing. At the June 20, 2016 Town Board meeting bids were received which included one gate. There was a suggestion that those bids be rejected and new bids received for two gates. Bids were received for two gates from the same bidders, Town & Country Fence and Modern Fence. The lowest bid was from Town & Country Fence for \$15,285.00. The second bids are approximately \$500 more for the additional gate. This amount is still within the budget for this capital improvement project.

Ruzek moved, based on Public Works Director's review and recommendation to approve the quote for the Longville Park tennis court fencing from Town & County Fence in the amount of \$15,285.00, with funding from the Park and Recreation Fund. Prudhon seconded. Ayes all.

**WILBERT, INC., 4221 OTTER LAKE ROAD – REQUEST FOR PERMITTED USE STANDARDS PERMIT & VARIANCE REQUEST:** The Planner reported that Wilbert, Inc. is a manufacturing plant in the I-1 Industrial Zoning District. Wilbert has submitted application for a Permitted Use Standards Permit and a variance for site improvements. They proposed to add a second cooling tower. The first cooling tower was approved in 1994 which acquired a variance because it was within the front yard setback along

**MINUTES  
TOWN BOARD MEETING  
JULY 6, 2016**

White Bear Parkway. The second cooling tower is proposed to be adjacent to the first cooling tower which would be 21.5 feet from the right-of-way. This would require a right-of-way setback variance of 13.5 feet. In 1994 when the right-of-way variance was approved for the first cooling tower the applicant was asked to plant a dozen spruce trees and irrigate the area around them to provide site screening and noise screening. With the proposed new tower one of the spruce trees will have to be removed. The new tower will be similar in size and look as the existing tower. Wilbert Inc. estimates that they will save an estimated 1,250 gallons of water per hour with the new cooling tower. The Variance Board and Planning Commission reviewed the request and both recommend approval of the Permitted Use Standards Permit and variance as requested. The Planner reported on another site improvement, a noise wall on the south side of the building has been presented but has not received approval from the Planning Commission at this point. This will not be presented to the Town Board until after the Planning Commission has reviewed the application.

Craig Sheel, Wilbert, Inc. explained that the reason they want to install a second cooling tower is to conserve water. He stated that they have outgrown the first tower and the second tower will only run during the hotter months. During the winter months they will not need to run the second tower. In regards to noise there is a fan that runs. The second tower will also have the same type of fan. It should not double the noise. Prudhon asked if the decibel level will increase. Mr. Sheel stated that they have not checked the decibels but does not think it will increase by much. He reported that they walked to the corner of the property today and could not hear the fan on the existing tower over the traffic on Otter Lake Road.

Bill Mample, 4270 Otter Lake Road, reported that he lives across the street from Wilbert, Inc. He stated that the fan is noisy and wakes them up at night even when there is not much traffic. He stated that is an issue all summer long. He stated that it was, it is, and will always be noisy. He stated that planting the trees may make a miniscule amount of difference but won't help much. He stated that they are not asking the Board to deny the request because he knows that it is needed and wanted. He asked that they do more to keep it quieter for the neighbors, either have it on the rooftop with screening or similar to what the Highway Department does for road noise to force the sound to go up and not out to the sides. He stated that this is something to be looked at. During the winter when the windows are closed it is not bad, although the fan can still be heard with the windows closed. He stated that when the fan comes on it comes on loudly. He asked that they do what they can to block as much noise from the neighbors as possible and still be allowed to upgrade and still get the cooling. He reported that Wilbert have been very good neighbors and they do not want to jeopardize that. In the same respect they would like them to be sympathetic to the neighbor's needs. Prudhon asked if it runs more at night. Mr. Mample stated that it pretty much runs the same as during the day. He stated that it is a humming noise.

Ruzek asked what considerations have been given for noise abatement. Wilbert has looked at moving it to another location but the expense of the plumbing was too great to

MINUTES  
TOWN BOARD MEETING  
JULY 6, 2016

re-plumb the 12 inch line. Prudhon asked if they could find out the decibel reading. He stated that depending on what the decibel reading is, it may affect how they want to screen the tower. The Planner noted that the existing spruce trees will remain with the removal of only one. The Plant Manager stated that they would try to acquire a decibel meter. He stated that the second cooling tower they are proposing will only run during the hottest days. They have enough cooling from the first tower but when the temperature is 85+ degrees they run out of water for cooling during the manufacturing process. The purpose is to have a closed loop system. With the closed loop system they would not have to flush out the hotter water and add cooled water. The Plant Manager asked if the Town has access to a decibel meter. The Planner reported that the Town contacts the MPCA for use of their meter.

The Wilbert representative was asked if they are in a hurry or if they could wait for approval on July 18<sup>th</sup>. The representative stated that they could wait. The Clerk noted that this is simply a refinement to the request which has already received approval from the Planning Commission, therefore it does not need to go back to them.

Ruzek moved to continue the Wilbert Inc. request for Permitted Use Standards Permit and variance request to July 18, 2016 to allow staff time to work with the applicant on the cooling tower fan noise issue. Prudhon seconded. Ayes all.

**TOWNSHIP DAY – APPROVE BILLBOARD EXPENDITURE:** The Planner reported that approval for the billboard expenditure is part of the Township Day event to be held on September 10<sup>th</sup>. The Town has a contract with Clear Channel for use of the billboard at the park. The Town gets free use of one billboard for a period of four weeks each year. The Town was to pay for the vinyl for the billboard which is \$1,000. The billboard the Town will use for Township Day advertising is the northerly billboard, facing southbound traffic. Ruzek reported that at Township Day people have mentioned that they noticed the billboard and it provides a lot of visibility.

Ruzek moved, based on Park Board and Staff review and recommendation to authorize a \$1,000 billboard expenditure to allow Clear Channel to print billboard vinyl with funding from the Township Day Fund. Prudhon seconded. Ayes all.

**IMPROVEMENT 2016-1 – PINE HILL – CHANGE ORDER #1:** The Town Engineer reported that the Pine Hill construction project was awarded to C.W. Houle in the amount of \$792,751.00. Since the bid opening, the developer (North Oaks Company) has been advised of a shortage of soil for the select granular subbase. This was not part of the contract between the Town and C. W. Houle. C.W. Houle has presented a solution to the material shortage which is acceptable to the North Oaks Company. Street Bid Items for place select granular subbase – 10” will be adjusted to result in a project increase of \$37,392.00. The Engineer recommended approval of Change Order #1 in the project increase amount of \$37,392.00. This brings the total construction contract to \$830,143.00. This has been run through the developer and contractor and everyone is in agreement with this activity. They are currently working on sanitary sewer

MINUTES  
TOWN BOARD MEETING  
JULY 6, 2016

adjustments. Another change order will be presented for that activity. The Pine Hill project has an interim completion date of September 2, 2016 to finish the utilities, subbase, curb, and first lift of bituminous within the subdivision right-of-way. The final completion date of the project is October 28, 2016. Sanitary sewer and water main services are going in and site grading is continuing. They are still in excavation mode and no material has been added at this point. The Engineer reported that they are significantly ahead of the proposed schedule. C. W. Houle has had two and three crews a day working on this project.

Ruzek moved, based on Town Engineer review and recommendation to approve Change Order #1 for project increase amount of \$37,392.00, bringing the total construction cost to \$830,143.00. Prudhon seconded. Ayes all.

The Engineer reported that the activity for the Pine Hill project for this Friday and Saturday will have a road closure of County Road H-2 that will be east of Peterson Road. A watermain crossing will be done at that location. Access for east of the site will have to come from the east and the access from Peterson Road will have to come from the west. There will be access throughout the area. The Engineer reported that sewer service already exists for the residents on the north side of County Road H-2.

**BENSON AIRPORT WATER TOWER AMATEUR RADIO OPERATOR REQUEST – RECEIVE ERIC OSTERBERG’S REQUEST FOR ANTENNA & RADIO TRANSMITTING EQUIPMENT & REFER TO PUBLIC WORKS DIRECTOR & TOWN ENGINEER FOR REPORT:** The Clerk reviewed correspondence from Eric Osterberg, 4233 37 Ave. So. Minneapolis, MN, dated July 5, 2016. Mr. Osterberg is requesting access to the White Bear Township water tower adjacent to the Benson Airport or other elevated structure for the purpose of installing a communications antenna and associated radio transmitting equipment. Mr. Osterberg states that he is an amateur radio operator and represents a community of volunteers who would like to share their communications equipment and skills with the public, public service agencies and others in times of need or simply to pursue their personal or public interests. He explains in his letter that amateur radio operators are able to quickly network with each other in a broadcast-like way that the cellular or telephone networks are not able to replicate. Amateur radio operators provide a vital function to the National Weather Service anytime and everywhere severe weather is forecast. This program and partnership is known as Skywarn. They are looking for a no cost or low cost structure in which to mount an antenna and feeder cable to the radios which could occupy an area as small as a wall mounted box of about 24 inches wide, 18 inches deep and 18 inches tall. They prefer to mount in a rack or small floor cabinet, typically 24 inches square and about 3 feet tall. The two way radio antenna is a thin pole of about 9 feet in length. Additionally, they would like to mount a small panel antenna of about 4 inches deep, 2.5 inches wide and 8 inches all. This second antenna would point to a source of internet which they have not yet located. The radios are either of commercial origin and made by Motorola or constructed by radio amateurs from components of multiple origins.

MINUTES  
TOWN BOARD MEETING  
JULY 6, 2016

Ruzek moved to receive the amateur radio operator request for antenna and radio transmitting equipment and to refer to the Public Works Director and Town Engineer for review and recommendation. Prudhon seconded. Ayes All.

**ORDINANCE NO. 88 LIQUOR LICENSE MORATORIUM – ADOPT ORDINANCE:**

The Clerk reported that it has been determined that the Town Board's intended amendment of Ordinance No. 88 was not accurately reflected in the recent May 2, 2016, adopted amendment. Therefore a temporary liquor license moratorium is recommended to allow time for clarification of the ordinance.

Ruzek moved, based on Town Attorney review and recommendation to adopt an ordinance for the purpose of enacting a temporary moratorium on the issuance of liquor licenses in the Town of White Bear and to authorize execution by the Town Board and Town Clerk and to authorize publication in the White Bear Press. Prudhon seconded. Ayes all.

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

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

The meeting adjourned at 7:45 p.m.

Respectfully Submitted,

William F. Short  
Clerk-Treasurer

Approved as Official Meeting Minutes

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

\_\_\_\_\_  
Date