

**MINUTES
TOWN BOARD EXECUTIVE MEETING
AUGUST 26, 2016**

The meeting was called to order at 1:10 p.m.

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

APPROVAL OF AGENDA (Additions/Deletions): Prudhon moved approval of the agenda with the following amendments: 20A) Centerville Road / County Road J – Traffic Study; 20B) 5718 Otter View Trail – Past Due Utility Account; 20C) Quarterly TIF Review. Ruzek seconded. Ayes all.

APPROVAL OF JULY 22, 2016 MEETING MINUTES: Ruzek moved to approve the July 22, 2016 meeting minutes. Prudhon seconded. Ayes all.

DNR GROUNDWATER MANAGEMENT – UPDATE: The Town Attorney reported that the defendants in the lawsuit against the DNR by the Lakeshore association filed a final motion today. The defendants have pulled chapter 19 out of MN Statute 383A.07 (Parks and Recreation) and are using it as a claim. Chapter 19 (White Bear and Goose Lakes) states: “White Bear Lake in the county of Ramsey and Washington and Goose Lake, in the county of Ramsey, adjacent to White Bear Lake, are declared to be public waters of the state of Minnesota, and shall forever remain free and open for the common and public use of all citizens of this state. The waters of these lakes shall never be lowered or diminished by any artificial means, nor shall they or any of them ever be connected with, use, or applied to a use or purpose, public or private, by a person, persons, or corporation public or private”. The Statute has been in effect since 1974. The DNR is looking at pumping permits for ground water to see if it is affecting the lake. An administrative hearing may be needed in the future to see if wells are affecting the lake. The Town Attorney stated that the Township has a right to object to this new claim by the defendants. The Town Attorney will respond objecting on behalf of the Township. They will propose a motion stating that this is an entirely new claim. On September 8th there is a hearing for the plaintiffs with the Judge. The Judge has 90 days from the date of the hearing to make a ruling. If she does not rule, the lawsuit remains the same as it is. The Clerk reported that the DNR would like to meet with the

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Township regarding what steps the Township would take if the DNR adjusted Township appropriation. The Town Attorney will keep the Town Board updated.

I & I PROGRAM – UPDATE: The Engineer reported that easement work on Otter Lake Road/County Road H-2 on the west side of the lake is in final wrap-up. The pipe and manholes are leaking causing infiltration. The area will be televised the first week in October. The Engineer will put together another improvement project for Board review and approval.

WATER SUPPLY PLAN – UPDATE: The Engineer reported that a report will be provided at the next Executive Meeting with more components for the Water Supply Plan. The Water Supply Plan needs to be completed by the end of the year. The Engineer reviewed the connections, and gallons per capita demand totals for years 2006 through 2015. It was the consensus that the connection and residential water pumped for North Oaks needs to be broken out of the report.

WATER TREATMENT REHABILITATION WELL #5 – UPDATE: Work is being done on final components to get the plant up and running. SCADA will be in use once the plant is in full operation.

BENSON AIRPORT WATER TOWER – AMATEUR RADIO OPERATOR REQUEST FOR ANTENNA AND RADIO TRANSMITTING EQUIPMENT: A request has been received for the installation of an Amateur Radio Antenna and Radio Transmitting Equipment at the Benson Airport Water Tower. Information on the request was sent to Ramsey County Emergency Management and Homeland Security for their review and input. The consensus belief is that the Township should allow Mr. Osterberg to install the ham radio repeater they are requesting. Ramsey County would like to be sure to have access to the capability these new repeaters will provide, although they will need to change some of their own technology to fully embrace this. The new technology Mr. Osterberg proposes is amateur radio operating within the rules for amateur radio set by the FCC, but is a new technology known as DMR, or Digital Mobile Radio. It is the latest technology and is used by many private sector businesses for two-way radio communications. While this is not the 'traditional' VHF/UHF ham radio repeaters Ramsey County is familiar with it could be the next future step and one that could lead to other repeater availability going forward. The Town Engineer reported that the documents reviewed were part of the July 5, 2016 submittal to the Township. The data submitted is general information. They are requesting the following: 1) a wall mount box of 24" wide x 18" deep x 18" tall; 2) mount a rack or floor cabinet 24" wide x 24" deep x 36" tall; 3) mount an antenna 9' tall; 4) mount small panel antenna 2.5" wide x 4" deep x 18" tall. The locations of items must be determined and then engineered for their support system. It was the consensus that nothing be done at this time until there is more investigation. It was noted that there will be some maintenance and that issue will have to be addressed. There also will be costs involved for someone. It was noted that the operators need to meet with Township staff.

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TAX FORFEIT PROPERTY LEGISLATION: The Planner reported that the Township staff was contacted by a local contractor who is interested in purchasing a lot which the Town took through tax forfeiture in 1980. The lots in question are located off of Ridgewood Avenue fronting on the undeveloped St. Anthony Avenue right-of-way. The Town owns 4 lots, 3 of which exceed 12,000 square feet in area. The last lot is just over 10,000 square feet in area. St. Anthony Avenue would have to be improved to serve these lots. Tax forfeit property which the Town has acquired through a use deed more than 30 years ago may now be claimed from the State without any limitations. Staff went through the inventory of all tax forfeit lots acquired more than 30 years ago to see if there were other buildable lots which the Town would want to sell. The Town has 52 properties which were acquired more than 30 years ago. Several of the properties are parks (Eagle, Wright, Garden Creek, Columbia and parts of Longville and 4 Seasons). The Engineer cautioned that the Town should be sure that it does not need these properties before being considered for sale in the event they could be used in the future for ponding or drainage. Prudhon noted that the contractor who is interested in the lots on St. Anthony Avenue should be asked if he would construct a road which would be needed. It was the consensus that the Engineer review these lots for possible drainage improvement and to determine the lot sizes of each of the lots to see if the Town would want to pursue considering selling any of them.

5TH COURT COTTONWOOD TREE UPDATE: Staff is working with the property owner on whose property the cottonwood tree is located. A crane is scheduled for September 6, 2016 to remove the tree.

2017 CABLE COMMISSION BUDGET: The Finance Officer reviewed the budget narrative from the Ramsey/Washington Cable Commission for their 2017 budget. The major sources of revenue for the 2017 budget are franchise fees and PEG operating grants paid by franchised operators. At this time Comcast is franchised, while CenturyLink and Commission are in negotiations for franchising. The cable franchises of member municipalities require payment of franchise fees to the Commission in amount equal to 5% of the cable television related revenues. Next year's projection is based on the franchise fees received for the first quarter of this year, multiplied by four quarters. Actual franchise fees for next year may vary based upon changes in subscription levels and rates. Franchise fees are used to finance the Cable Commission's administrative and regulatory expenses and support of municipal meeting telecasts. A reduction of approximately 25% has occurred due to the withdrawal of one of the 12 member municipalities in 2016. In accordance with the franchise, the cable company provides support funding for use of PEG channels of the Commission. The annual amount of PEG Grant payment inflates by 6% each year. The PEG Grant is used to finance the Cable Commission's expenses for community television operations and technical functions of community television. The Finance Officer explained that PEG means Public Education Grant. He noted that the budget narrative is for informational purpose.

2017 – 2021 CIP: The Finance Officer reported that as part of the 2017 budget Staff has developed a 5-year Capital Improvement Plan. The CIP serves a number of

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important functions for the Township including a formal mechanism for decision making, a link to a long-range plan, financial management tool, and a reporting document. The CIP was reviewed. It was the consensus to keep working on the plan. A final CIP will be available in December to be approved.

2017 BUDGET & PRELIMINARY LEVY: The Finance Officer reported that at the Annual Meeting in March 2016, the residents approved a preliminary property tax levy of \$3,445,000 for 2017. This was a 2.84% increase from the 2016 preliminary levy presented last year and a 17.42% increase over the final 2016 property tax levy. Since March staff has made a number of adjustments to the budget assumption use to project the preliminary levy of \$3,445,000 and some of the various outside organizations have sent the Town their preliminary budget figures. As a result, the preliminary levy has been reduced from \$3,445,000 down to \$3,343,501. The Finance Officer reviewed the adjustments made to arrive at the reduced levy. He reported that the Town's fiscal disparity amount has increased from the 2016 amount of \$245,528 and a previous 2016 budget estimate of \$240,000 to \$276,309. Had this change not occurred the preliminary levy would be \$36,309 more than the current \$3,067,192 levy. He reported that the Town's tax capacity increased to \$12,491,400 compared to 2016 tax capacity of \$11,752,559. When applied to the proposed tax levy of \$3,067,192 there would be a preliminary tax rate of 24.554% compared to the 2016 final tax rate of 22.875% and last year's preliminary rate of 24.120%. The 2017 proposed tax rate of 24.554% is lower than the final 2016 tax rates of all other cities in Ramsey County except for the cities of White Bear Lake and North Oaks. The Town's median home value is increasing 2.8% from \$228,700 to \$235,050 for 2017 so when this tax rate is applied to the median valued home, its Township property taxes would increase 10.93% or \$53 to \$538 from \$485. The median value commercial property increased 2.17%. After review it was the consensus that the proposed budget and proposed preliminary tax levy for 2017 of \$3,343,501 be approved at the September 7, 2016 Town Board Meeting.

LOCAL 49'ERS HEALTH & WELFARE PLAN: The Finance Officer reported that a few of the public works employees requested that the Town compare the 49'ers (Union) health plan against the Town's current PEIP plan. For insurance purposes the Town employees are considered two groups, the union employees and the non-union employees. Within each group 100% of the employees must participate in the insurance plan. The Union employee could be covered under the 49er health plan and the non-union employees could be covered under the PEIP plan. However, there cannot be 2 or 3 union employees in the 49er plan and the rest in the PEIP plan with the non-union. The 49er insurance does allow non-union groups into their health plan but non-union employees pay a higher monthly premium and do not receive all of the plan benefits the union employees receive. The Town's current PEIP plan allows employees to choose between Blue Cross, Health Partners, or Preferred One. Under the 49er plan only Blue Cross is available. The Town, under the PEIP plan, offers an 80/20 plan as its base plan but employees can choose a 90/10 plan with the employee paying the extra premium cost or they can choose a high deductible plan with an HSA attached at a lower premium have the Town pay more of that premium. The 49er plan offers only the

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80/20 plan. The 49er plan includes dental coverage and some eye care coverage which the current PEIP plan does not offer. The 49er plan also includes a STD policy, but the plan the Town currently offers along with its LTD policy is a better plan. The other big difference is that under the PEIP plan the employee can choose single, employee plus one or family coverage. Under the 49er plan there is only family coverage. This is an issue because the Town currently pays 100% of the premium for single coverage and 75% of employee plus one and family coverage. Based on the PEIP Advantage Value Option Plan (the Town's base plan), the Town pays 100% or \$759.44 per month for single coverage, 75% or \$1,185.81 for employee plus one and 75% or \$1,577.96 for family coverage. Under the 49er plan, if the Town were to continue to pay 75% of the monthly premium the Town would pay \$832.50 for union employees and \$937.50 for non-union employees. Under this scenario, employees would pay \$277.50 if in the union and \$312.50 for non-union. The Town currently has 5 union employees and 6 non-union employees taking single coverage and paying nothing. Converting to the union plan would result in being forced to take family coverage and pay either \$277.50 or \$312.50 a month. However, because the total cost of the 49er insurance premiums are lower than the total cost of the PEIP premiums, the Town would save money by changing to the 49er insurance. Insurance plan coverages and premium cost options were discussed. It was the consensus to continue with the current 75/25 contribution for family coverage for either the union or PEIP plans.

SEXUAL OFFENDER ORDINANCE – UPDATE: The Town Attorney reviewed a memorandum prepared by the Minneapolis City Attorney regarding relevant legal authority bearing on the adoption of an ordinance that would restrict where designated sex offenders can reside within a city. He noted that the courts recognize that the Town has a great interest in protecting the health and safety of its citizens, especially children. As long as the Town properly explains the reason for the ordinance, the court will give due difference to the Town Board's actions. There is a question as to whether or not this ordinance would be considered additional punishment after the offender has served their sentence. This is important because any ordinance which imposes additional punishment is prohibited by the Ex Post Facto clause of the Constitution. The Town needs to be careful in setting the distances that make it impossible for a sex offender to find any reasonable permanent residence within the Township, or the ordinance could be considered punitive. As long as it is possible under the ordinance to find reasonable housing somewhere within the Town, the proposed ordinance, if adopted should withstand any challenge. There was discussion regarding the distance a sex offender could live from any school, school bus stop, church or place of worship, public park or Town easement or public wooded or open space or any public walkways, as well as any docks located at area beaches. It also includes the distance within which a sex offender may not loiter from the real property boundary of a child care facility. It was the consensus that 1,000 feet is recommended. It was noted that the proposed ordinance has been reviewed and discussed on several occasions and recommendations made to the Town Board by the Public Safety Commission. The proposed ordinance will be placed on the agenda for the September 19, 2016 Town Board meeting for review and approval.

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PUBLIC WORKS DIRECTOR MONTHLY REPORT: The Public Works Department Activity Report for August 2016 was provided for review. **Water Tower Painting:** The Town Engineer reported that plans and specifications will be put together for painting of water towers in 2017. **Lift Station #3:** The Town Attorney has written documentation that the Town has 70' of easement in the area of Lift Station #3. This was needed to complete the design.

CODE ENFORCEMENT OFFICER / BUILDING INSPECTOR ITEMS: 1) **1508 HAMMOND ROAD;** B) **1011 MEADOWLANDS DRIVE;** 3) **5357 PORTLAND AVENUE:** **1508 Hammond Road:** A letter was sent on July 28, 2016 to the property owner concerning a commercial vehicle parked at the property. The property owner was informed that all non-compliant vehicles were to be removed and other parking arrangements found for the vehicles by August 9th. No response has been received to date. The Code Enforcement Officer will continue to work with the property owner. **1011 Meadowlands Drive:** A Restoration Order was served to the property owner on April 7, 2016 by the Minnesota DNR requiring the restoration of violations to the Minnesota Wetland Conservation Act by July 1, 2016. The property owner did attempt to excavate the impacted wetlands. However, it was determined by Ramsey County Soil and Water Conservation District, Minnesota DNR, VLAWMO and Township staff that the property owner did not comply with the requirements specified in the April 7, 2016 restoration order. The Ramsey County Soil and Water Conservation District in conjunction with VLAWMO has prepared an amended restoration order specifying the actions the property owner must take in order to comply with the order. The order has a compliance deadline of September 30, 2016. **5357 Portland:** The resident will remove three cars currently unlicensed and inoperable which are on the property.

CLERK-TREASURER REPORT: The Clerk provided an update of the Strategic Mission, Vision and Values for the Township. It was noted that this project started as a vision of the current Board. It was suggested that the Mission, Vision and Values be published on the Town's website and a copy placed in the commission meeting packets.

CENTERVILLE ROAD / COUNTY ROAD J – TRAFFIC STUDY: The Clerk reviewed the information from Michael Grochala, Community Development Director, City of Lino Lakes concerning a proposal for review of the Centerville Road and County Road J intersection. Anoka and Ramsey Counties have agreed to participate, along with the North Oaks Company. They are proposing equal splits between the parties, including Lino Lakes. WSB & Associates, Inc. is studying the intersection in conjunction with a new residential development under construction in the northwest corner of the intersection. The development is proposed to include 29 single family homes 30 twin homes and a 147 unit senior apartment building. A traffic study was conducted for the proposed development. A meeting was held on June 1, 2016 with the developer and impacted agencies to discuss the area transportation impacts and possible mitigation of existing and future conditions. Based on discussions at the meeting it was concluded that an Intersection Control Evaluation should be completed to determine the

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appropriate intersection configuration and control. Based on understanding by WSB & Associates, Inc., the City of Lino Lakes will lead the project with input from the City of North Oaks, White Bear Township, Anoka County and Ramsey County. A Scope of Work and associated fee schedule has been presented to the City of Lino Lakes. Total cost is \$15,108. The information presented is to keep the Township in the loop, and to solicit a possible Township contribution to the study. It was the consensus of the Board that since the study area was outside the Township and didn't include any Township streets, they were not inclined to contribute.

5718 OTTER VIEW TRAIL – PAST DUE UTILITY ACCOUNT: The Town office received a phone call from Brian Morgan stating that he had just received a copy of the certification letter sent by the Town for the property located at 5718 Otter View Trail which he owns. He indicated that he was unaware of any outstanding utility bills for this property and that this was the first notice he received. The Town informed him that on September 12, 2014, that the Town was notified by the previous owner, Sentinel Field Services, that the property was sold to Brian Morgan on October 23, 2013 and that they were no longer responsible for the utility account. The Town did not receive a call from Brian Morgan until August 10, 2016 verifying that he did own the property. Since September 12, 2014 the utility account was in his name and bills were being sent to the property address. To date, none of these bills were received back from the post office unclaimed. Certification letters were sent to the property in 2014 and in 2015 with no response from the property owner. Ramsey County certified the past due utility bills to the property taxes. Mr. Morgan indicated that he has been paying his rental license fee to the Township since 2014, even though he stated in his letter that the property has been a rental since December 1, 2013 and was upset that the information was not put into the utility billing system. It was explained to him that owners are required to contact the Town's Utility billing department directly to change any utility billing account information as the rental license clearly states that the utility bills associated with the rental property are the owner's responsibility. He expressed displeasure and asked that the late fees be removed from the account. He wants to bring the account up to date but wants all penalties removed. The Board reviewed the information and attached billing history. It was the consensus that the penalties and late fees not be removed.

QUARTERLY TIF REVIEW: The Clerk provided information on tax increment financing received from the Minnesota League of Cities. Next quarter he will review Township TIF Districts.

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 4:20 p.m.

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Respectfully Submitted,

William F. Short
Clerk-Treasurer