

**MINUTES
TOWN BOARD MEETING
OCTOBER 3, 2016**

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

Present: Supervisors: Kermes and Prudhon; Clerk: Short; Attorney: Kelly; Public Works Director: Reed; Planner: Riedesel; Engineer: Studenski.

Absent: Ruzek with notice.

APPROVAL OF AGENDA (Additions/Deletions): Prudhon moved approval of the agenda with the following amendment: Add 8A) Institution Community Work Crew (ICWC) Contract – Refer to Public Safety Commission. Kermes seconded. Ayes all.

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

APPROVAL OF MINUTES OF SEPTEMBER 19, 2016 & SPECIAL TOWN BOARD MEETING MINUTES OF SEPTEMBER 23, 2016: Prudhon moved approval of the September 19, 2016 Meeting Minutes. Kermes seconded. Ayes all.

Prudhon moved approval of the September 23, 2016 Special Town Board Meeting Minutes. Kermes seconded. Ayes all.

CONSENT AGENDA: Prudhon moved approval of the Consent Agenda as follows: 5A) Approve Resolution Certifying Delinquent Water Charges to County Auditor; 5B) Approve Resolution Certifying Delinquent Sewer Charges to County Auditor; 5C) Approve Resolution Certifying Delinquent Stormwater Charges to County Auditor; 5D) Approve Resolution Certifying Delinquent Refuse Charges to County Auditor; 5E) Call Special Town Board Meeting for Thursday, November 3, 2016 Beginning at 11:30 a.m. at Township Administrative Offices to Attend Annual Employee Recognition Luncheon; 5F) Call Public Hearing for Monday, October 17, 2016 at 7:15 p.m. – Conditional Use Permit Request – 4195 Lakewood Avenue; 5G) Call Public Hearing for Monday, October 17, 2016 at 7:20 p.m. to Amend Section 7-6.2 & Repeal Section 7-9.2(f) of Ordinance No. 35; 5H) Call Public Hearing for Monday, October 17, 2016 at 7:25 p.m. – Variance Request – 2641 South Shore Boulevard; 5I) In Accordance with Town Ordinance No. 35, Section 9-6.3(e).(3) & Based on Staff Review, Recommendation and Approval, Ratify Town Clerk's Issuance of an Administrative Driveway Variance to 5464 East Bald Eagle

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Boulevard; 5J) Verify March 14, 2017 as the Date of the 2017 Annual Town Meeting. Kermes seconded. Ayes all.

TOWN HALL SITE & BUILDING IMPROVEMENTS – UPDATE / DISCUSS SCHEDULING / APPROVE SITE IMPROVEMENT CONTRACT: Town Hall Site:

The Clerk reported that the Town Board approved the base bid submitted from Pember Companies at a Special Town Board Meeting on Friday, September 23, 2016. However, the Board voted to delete the landscaping installation. The building contractor will be replacing the roof, stucco, and reconstructing the eave structure starting this fall and will finish up in the spring of 2017. There is a concern that work would be damaged if installed before building repairs are done. The original base bid is \$93,978.40. Deleting the rock mulch, steel edging, and turf seeding in the amount of \$3,423.00 results in a final contract amount of \$90,555.40. The work schedule is between October 3 and November 4, 2016. Depending on the site contractor's progress, the building contractor might be able to start their work prior to November 4th. The Clerk reported that there is a pre-construction meeting scheduled for tomorrow, October 4th at 2:30 p.m.

Prudhon moved to approve the contract with Pember Companies, Inc. as discussed with a final contract amount of \$90,555.40. Inc. Kermes seconded. Ayes all.

Town Hall Roof Repair Bid Proposal: The Clerk reported that at the September 23, 2016 Special Town Board Meeting the Town Board approved the bid from Husnik Homes for the roof repairs to the Town Hall. The approval is contingent on the exclusion of all stucco repair on the building. The Town Board requested that the contractor only provide a weather tight barrier on the exterior wall surface of the structure. A revised bid proposal was received from Husnik Homes deleting line item #10 (patch stucco exterior for \$19,290) from the original proposal. The revised proposal has added line item #2 (demo stucco as needed / cover with weather barrier for \$6,260) as requested by the Town Board. The revised proposal results in a \$13,030 decrease from the original proposal with a total revised base proposal of \$44,681.50.

7:10 P.M. PUBLIC HEARING – ANNUAL PRESENTATION OF THE TOWN'S STORM WATER POLLUTION PREVENTION PROGRAM:

The Public Hearing was held at 7:13 p.m. Prudhon moved to waive the reading of Public Notice noting that proper publication was made. Kermes seconded. Ayes all. Prudhon moved to open the Public Hearing. Kermes seconded. Ayes all.

The Town Engineer reported that since 2003, owners and operators of municipal storm sewer systems were required to obtain a permit from the Minnesota Pollution Control Agency in order to continue operating their drainage systems. In 2004, White Bear Township was issued that permit. The 2015 Re-Authorization permit was approved by the MPCA. One of the permit requirements is that a plan be developed to prevent pollution from stormwater related activities. Another requirement is a Public Hearing which is being held tonight. Each year the Town Engineer reports on the accomplishments outlined in the plan. He reported that there have been no written comments from any Town resident. The Engineer reported that the Annual Presentation

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of the Town's Stormwater Pollution Prevention Program is being held tonight. Requirements and accomplishments for 2015 and 2016 include: **Public Education:** The Town's website contains links for stormwater education. The website has been stepped up for ease of use. The Town relies primarily on the Rice Creek Watershed District and the Vadnais Lakes Water Management Organization for educational information. **Advisory Committee:** The Town's Utility Commission reviews and advises the Town Board on stormwater issues. **Storm Sewer System Map:** The Town has developed an electronic system map that is updated annually. **Storm Water Discharge Ordinance:** The Town's Local Water Management Plan outlines limits on stormwater quality. **Construction Site Requirements:** The Town's Building Official monitors building sites. **Infrastructure Inspection Plan:** The Town inspects 20% of its storm sewer outfalls annually. Each year a different 20% of the infrastructure is inspected which results in every five years 100% of the system has been looked at. **Street Sweeping:** The Town sweeps its streets twice annually. This takes place in the spring and in the fall. **Spring Clean Up:** The Town and its waste hauler hold a spring cleanup day each year. Clean up day was held on June 18, 2016. **Pollution Control Structures:** The Town cleans out the structures annually and maintains on a daily basis. **Reporting:** The Town submitted the annual report for 2015 to the Minnesota Pollution Control Agency on June 28, 2016 and the report was accepted for 2015.

The Engineer reported that the projects completed in 2015/2016 include: 1) Repaired catch basins through grouting, replacing rings or rebuilding them; 2) Cleaned pollution control structures; 3) Taylor Avenue culvert replacement; 4) Fox Meadow rain garden improvements.

Looking ahead to 2017 the following drainage issues are proposed to be addressed: 1) Barry Lane sediment basin (\$50,000); 2) Hammond Road cul-de-sac structure repair (\$50,000); 3) Outfall #3, #5, #6, #8, #9, #11, #15, #16, #17 (\$110,000); 4) Gilfillan Hills Pond drainage valve (\$10,000); 5) Otterview Trail drainage improvements (\$35,000); 6) Lake Avenue ditch cleaning (\$25,000); 7) Lake Avenue pipe lining (\$25,000); 8) Pioneer Lane ditch cleaning (\$50,000); 9) Beaver Street drainage improvements (\$25,000); 10) West Avenue rain garden (\$30,000). The list is prioritized and reviewed on an annual basis.

The Engineer reported on Documentation – Requirements – Education as follows: 1) Pond Inventory has been completed; 2) New MPCA permit requirements are expected with expanded storm pond inspection requirements; 3) Educate the general public through website, social media, pamphlets and mailings; 4) Educate contractors about site erosion and waste; 5) Educate Town employees to identify improper disposal of waste; 6) Town Ordinance revisions to be sure they address current issues; 7) Continued inspections and maintenance of storm sewers and pond.

The Engineer reported that the Town has received a grant through the Rice Creek Watershed District in the amount of \$25,000 for the Barry Land sediment basin. This will be a project for next year.

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

Prudhon moved to receive the Town Engineer's Annual Presentation of the Town's Storm Water Pollution Prevention Program. Kermes seconded. Ayes all.

3RD QUARTER CONSTRUCTION REPORT & FINAL WATER REBATE STATISTICS:

The Code Enforcement Officer/Building Official reviewed the Construction Activity Report for 3rd quarter 2016. Housing permits issued year to date was seven for a valuation of \$2,165,746. Permits issued year to date for 2015 was five for a valuation of \$1,165,000. Residential/miscellaneous permits issued were 425 for a valuation of \$4,600,149. Residential/miscellaneous permits year to date 2015 were 664 for a valuation of \$6,913,787. Commercial permits issued were 12 for a valuation of \$3,978,455. Commercial permits issued year to date 2015 were 13 for a valuation of \$342,940. Total permits issued year to date 2016 were 447 for a valuation of \$10,744,350. Total permits issued year to date 2015 were 690 for a valuation of \$8,421,728. The Building Official reviewed 3rd quarter permits issued by type as follows: Building – 37.64%; Mechanical – 18.39%; Electrical – 14.66%; Plumbing – 15.80%; Zoning – 9.20%; Utilities – 3.45%; Fire – 0.86%. The Water Efficiency Rebate Program provided for 142 watersense toilets; 26 energy star clothes washer; and 6 watersense irrigation controllers. Grant funding was provided by the Metropolitan Council through the Clean Water and Land Legacy Amendment. The program has ended due to use of available funding.

APPROVE 2016 BOW HUNTING REQUEST FOR PATRICK LANIGAN, 4072

OAKMEDE LANE: The Planner reported that Pat Lanigan, 4072 Oakmede Lane has submitted a request for permission to bow hunt deer on Township property. Mr. Lanigan is a seasoned hunter and has completed the Advanced Hunter Education program. He is requesting to hunt Township property that lies west of Otter Lake Road and north of White Bear Parkway. This property butts up to the east edge of the large Rice Lake wetland complex and does not border any residential properties. He has requested, and received written permission from State Tool to access their property while hunting the Township parcels. He will not be hunting or placing a stand on State Tool land, just for gaining access. Hunters are encouraged to take does and there is no limit to taking does. However, the permit is for one buck. The Planner reported that when Ramsey County did their aerial deer survey it showed a high concentration of deer in this area.

Pat Lanigan, 4072 Oakmede Lane, stated that he is requesting to hunt during the entire hunt season which is September 19th to the end of December 2016. He reported that he has obtained permission from State Tool to access the hunting area through their property. He will not be doing any hunting on the State Tool property. Kermes noted that there are two streets near this hunt area, White Bear Parkway and Otter Lake Road. He asked which direction Pat Lanigan proposes to shoot his arrow. Mr. Lanigan explained that he will be shooting toward the wetland. Prudhon asked if a hunter has the right to take deer on private property. Mr. Lanigan stated that if a deer is injured and ends up on private property, the DNR allows the hunter to track the injured animal on private property. He reported that the City of Gem Lake does not try to control their deer population. The

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survey shows that they have a lot of deer but Gem Lake does not give permits to hunt. He reported that in addition to his Advanced Hunter Education Program certificate he also has sharpshooter qualifications, and the Township staff has received printed certification of the qualifications.

Prudhon moved, based on Staff review and recommendation to approve the Bow Hunting request for Patrick Lanigan, 4072 Oakmede Lane, for the 2016 season through December 31, 2016 within the area outlined on the map on page 77 of the meeting packet, noting that Mr. Lanigan has the Advanced Bow Hunter Education Program certificate. Kermes seconded. Ayes all.

VLAWMO LICENSE AGREEMENT – APPROVE: The Planner reported that VLAWMO is proposing to place a wetland treatment system in Columbia Park at the far south end of Whitaker Pond on the upland portion of the park where a picnic shelter once stood. The area is isolated and no structures are planned in this portion of the park. The Town Attorney has reviewed a License Agreement between the Township and VLAWMO. The Town Attorney stated that the indemnification set forth in paragraph II should continue past the termination of this license. This protects the Town against any damage or injury claims that may have accrued prior to the termination but not brought until after termination. Prudhon asked if there would be any sounds generated by pumps. The Planner reported that maintenance of the pump will cost \$2,000. He stated that the pump may be in the portion of the park belonging to the City of White Bear Lake. He will clarify where the pump will be located.

Prudhon moved, based on Town Attorney and Staff review and recommendation to approve the License Agreement between the Town of White Bear and Vadnais Lake Water Management Organization for the construction of a wetland treatment system at Columbia Park and to authorize execution by the Town Board Chair and Town Clerk, contingent upon the inclusion of indemnification to continue past the termination of the License and clarification of the location and cost of the pump and who pays for the maintenance. Kermes seconded. Ayes all.

JOHN & LINDA STASIELUK, 5326 EAST BALD EAGLE BOULEVARD – REQUEST FOR A 40 SQUARE FOOT EXCEPTION FROM ORDINANCE NO. 8 TO ALLOW AN OVERSIZED ACCESSORY STRUCTURE: The Planner reported that the Stasieluk's are requesting approval of an exception to Ordinance No. 8 which would allow them to construct a 1,040 square foot accessory structure. The accessory structure is proposed to be located behind the existing home. The structure is proposed to be 26' x 36' with a 6' x 14' extension on a part of the building. The extension is requested so a long sailboat can be housed in the building. The building is being designed to complement the existing historic home. Section 5-29 of Ordinance No. 8 regulates accessory structures. The

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ordinance permits each property to have one garage and one accessory structure, neither of which may exceed 1,000 square feet in area. A size exception is allowed if a property meets the following ordinance requests: 1) the property exceeds 22,000 square feet in area; 2) the property is an agricultural use or is adjacent to a designated open space or a Conservation Wetland Zoning District. The Stasieluk property is .94 acres in area (40,946 square feet) and a portion of the property abuts Bald Eagle Lake which is considered a Conservation Overlay Area. With the addition of the oversized accessory structure, the 70% green area minimum will not be exceeded. The request is similar to several others which have been approved around Bald Eagle Lake. The exception to Ordinance No. 8 which is processed as a variance from the ordinance, may be recommended for approval as the structure as proposed will meet the requirements of Ordinance No. 8. The Planner reported that both the Variance Board and Planning Commission reviewed the request and both recommend approval. Kermes asked about access. The Planner reported that access will be through the property or shared driveway easement.

Prudhon moved, based on Variance Board, Planning Commission and Staff review and recommendation to approve a 40 square foot exception from Ordinance No. 8 to allow an oversized accessory structure. Kermes seconded. Ayes all.

STREET SWEEPING CONTRACT – APPROVE PEARSON BROS. PROPOSAL: The Public Works Director reported that historically the Town has used Public Works resources (staff and equipment) for both spring and fall street sweeping. The program uses one staff member to operate the sweeper and another to haul sweepings to the Public Works facility. This project takes approximately three weeks to complete. This program uses 25% of the staffing available. Staff is recommending revising the Town's fall street sweeping program in order to ensure that the streets are cleaned of organic matter to assist in reduction of phosphorous entering the stormwater system. Depending on the number of sweepers contracted and the weather, sweeping is estimated to be completed within 2-3 ten hour days using Town dump trucks and staff to haul sweepings back to the Public Works yard. The sweepings will be disposed of at the Ramsey County yard waste site. The Town has received quotes from two street sweeping contractors, Allied Blacktopping and Pearson Brothers. The lower cost proposal was provided by Pearson Brothers. The Storm Water Operating budget has \$35,000 in 2016 for contractual street sweeping and street sweeping debris disposal. Estimated cost for the spring sweeping program is \$7,200.00 (three sweepers operating 10 hour days per day for three days).

Prudhon moved, based on Public Works Director's review and recommendation to approve the Pearson Bros. proposal for \$83.00 per hour (including operator) per sweeper, with a minimum of two sweepers, with funding from the Stormwater Operating Fund. Kermes seconded. Ayes all.

INSTITUTION COMMUNITY WORK CREW (ICWC) CONTRACT – REFER TO PUBLIC SAFETY COMMISSION: The Planner reported that previously the Town has used the Sentenced to Serve program for some Public Works department activity, primarily park

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maintenance, trail work, and other maintenance projects. The Institution Community Work Crew Program began in 1995 and was modeled after the Minnesota Department of Corrections Sentenced to Serve Program. Carefully selected, non-dangerous, minimum-security inmates work on crews under the supervision of a qualified Department of Corrections crew leader. The program's goal is to teach social and work skills while communities accomplish projects. Offenders are housed in minimum-security units when not working. ICWC members are paid up to \$1.50 per hour for their labor, from which they must pay family support, restitution, and into a fund for victims. Community partnerships have been established through contracts with various city governments, park departments, non-profit environmental groups, and public facilities to offset the cost of the program. Projects may include construction and demolition; trail and waterway development; flood and storm damage control; forestry work, including fire clean-up and containment crews; building maintenance; land restoration; and highway/interstate clean-up. The crews would be from the Lino Lakes facility. The Planner reported that the State of Minnesota Income Contract which is a contract between the Institution Community Work Crew Program (State) and White Bear Township outlines the term of the contract and the State's duties, Purchaser's duties, and payment. The Town would agree to pay \$475.00 per day worked and \$67.50 for each overtime hour worked by the ICWC crew. It was the consensus to forward the program to the Public Safety Commission for review and recommendation.

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. Kermes seconded. Ayes all.

The meeting adjourned at 8:04 p.m.

Respectfully Submitted,

William F. Short
Clerk-Treasurer

Approved as Official Meeting Minutes

Town Board Supervisor

Date