

**MINUTES  
TOWN BOARD EXECUTIVE MEETING  
JANUARY 31, 2020**

The meeting was called to order at 11:00 a.m.

Present: Supervisors: Prudhon, McCune, Ruzek; Clerk: Christopherson; Attorney: Lemmons; Public Works Director: Reed; Engineers: Poppler, and Studenski; Finance Officer: Tom Kelly; Planner: Riedesel

**APPROVAL OF AGENDA (Additions/Deletions):** Ruzek moved approval of the agenda as submitted with the added agenda items in the supplement. McCune seconded. Ayes all.

**APPROVAL OF MINUTES OF DECEMBER 20, 2019:** Ruzek moved approval of the December 20, 2019 meeting minutes. McCune seconded. Ayes all.

**11:00 DAVID W. HANN, EXECUTIVE DIRECTOR, MN ASSOCIATION OF TOWNSHIPS:** David Hann Executive Director for the Minnesota Association of Townships was present to report on the Association, Board discussions, and to learn more of the challenges White Bear Township faces. First he gave a back story of how he was in the state legislature as a senator for over 20 years. He spoke of the philosophy of the Association of Townships, to improve and make sure townships thrive; to make sure infrastructure can happen; encouraging the state to look at developing all of Minnesota not just the metro cities.

The Town Clerk gave a brief summary of the major challenges the Township is facing. The Pavement Management Plan will cost between \$25 Million and \$30 Million over the next 10 years. Currently the Township is bonding for the money, versus assessing the residents at 100%. But while other municipalities receive financial aid from the government in the form of Local Government Aid (LGA) or Minnesota State Aid (MSA), the Township doesn't receive much. White Bear Lake, for example, receives \$1.6 Million in aid, while the Township receives \$15. There was some discussion how last legislative session, Roger Chamberlain's office sponsored a bill to receive a portion of LGA, but it was defeated. There was discussion of how the Township is still held accountable to the Metropolitan Council to ensure the infrastructure is sound, but there is no assistance given. The Town Board and retired Board Chair Bob Kermes want the state to look at the formula.

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Hann suggested he could bring up discussion to the MN Association of Townships Board before he claims full support. He also suggested taking a different approach. Though he hasn't seen the language, the legislature has put money aside into a different category that perhaps the Township could implement a similar approach. This wouldn't be a permanent solution, but once aid is received, the Township could go from there to make that structure a more permanent base. Hann noted that he would talk with Senator Chamberlain to see if it's possible.

There was some discussion of whether or not rewriting the definition of "urban township" would help anything. Hann didn't think it would make a difference in the Township's case. It was the consensus that Hann will be in contact with the Town Clerk once their Board meets. He will send Christopherson the statutory language of aid so he can start working on drafting up a proposal to send to Minnesota legislators.

Mike Miller was present and noted the last Town Board meeting he attended one of the agenda items was the renewal of the White Bear Lake Fire Department. Miller noted that the Township basically pays twice the amount that is on the \$800,000 or so renewal because WBL is the contracted city and it receives state aid, while the Township doesn't. But not only does the Township have to pay the \$800,000 or so, it's residents are taxed the same amount as WBL's residents, which helps pay for the Fire Department. This instance and maybe the Ramsey County Sheriff's subcontractor contract will be looked at more. There was consensus on how townships are an efficient form of government that balances budgets and stays low in taxes and costs. Over the years, townships growth in revenue may only raise about 1%, but so does the spending; meanwhile the state's and other municipalities' growth in revenue raises higher, but so does their spending, yet the townships are seemingly punished for their efficiency.

Staff will be in contact with Miller and Hann. There will be more discussion of this agenda item as the legislative session opens and progress is made.

**11:30 TONY SCHREMPP, RAMSEY COUNTY:** Tony Schrempp was present to report on the updates since the December Executive Town Board meeting. There was discussion of the County's projects for 2020 in more detail, specifically H2 with the bike lane and West Bald Eagle trying to widen. Schrempp stated the County wants to maintain the road as is, i.e. not widen, but the Township knows that road is too narrow and the Township's residents' safety is of utmost priority. It was stated with the new school being built, the traffic along West Bald Eagle is only going to worsen, in which wider streets would ease congestion.

There was also discussion of the drainage issues on County Road H2. The Board wants the County to address those at the same time, as it will preserve the work longer. There will be more discussion on these projects as the construction season approaches. Schrempp will be in working contact with the Public Works Director.

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**11:45 NICOLE FRETHERM, RAMSEY COUNTY COMMISSIONER, DISTRICT 1:** Ramsey County Commissioner for District 1, Nicole Frethem, was present to introduce herself, give the Board an update on her role as Commissioner, and listen to the Township's main concerns. Frethem was present for the discussion with David Hann, Executive Director for the Minnesota Association of Townships.

Frethem stated her priorities this year are engagement in communities, updating the public on information monthly through newsletter format, and establishing monthly open office hours where any resident can address any concerns to her. There was discussion of Bald Eagle Boulevard, drainage, bonding, and County Road J interchange. It was noted that this spring the County is still planning on placing temporary signals there through MnDOT. There was some discussion of Water Gremlin and what the County is doing in regards to monitoring the lead exposure, the impacts on children, lead testing, and TCE regulation.

The Board took a break for lunch at 12:07 p.m. and resumed at 12:30 p.m.

**12:30 MARK HOUGE & TOM DOUGHERTY, NORTH OAKS:** Mark Houge and Tom Dougherty from North Oaks Company were present to give an updated analysis of sewer and water usage for their planned unit developments. Anderson Woods is proposed to have 4 detached villas and 9 town homes for a total of 13 maximum hook-ups and SAC units. Gate Hill is proposed to have 84 units; Island Field is proposed to have 46 units. The goal for North Oaks Company was to start construction on Anderson Woods in summer of 2020, Gate Hill and Island Field in summer of 2021. There was some discussion on the estimated gallons of daily flow field in the table in the handout. The Township estimates 75 gallons of water per person per day, and these units were estimated for 300 gallons of water per day, but each unit was estimated to have 4 people, which gives an equal equation between the Township's estimates and North Oaks Company's estimates for water consumption.

There was much discussion on the lake level lawsuit that is at the Minnesota Supreme Court. This legal matter will hurt the Township by the DNR adding restrictions or taking some of the excess potential water usage away. The Township wants to first provide for its residents before providing for residents of other communities or other potential residents to the north.

Anderson Woods is the smaller of the few developments and the Township knows those 13 units would break the Township's amount of water it could provide, so the Board asked North Oaks Company if they could proceed in phases, making Anderson Woods phase 1, Gate Hill phase 2, and Island Field phase 3. The Board feels comfortable approaching these projects in phases. North Oaks will work with the Town Engineers and Public Works Director. There will be more discussion and recommendations at future meetings.

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**2020 STREET IMPROVEMENTS – UPDATE:** The Town Engineer reported on the updates with designing the roads for the 2020 Street Improvement projects. He said there were quite a few challenging areas with the grades, retaining walls, slopes, trees, etc. TKDA was attempting to make the streets 28 feet, but some streets will be unable to hold that width. The roads will vary between 20 feet and 26 feet. Homewood was noted as 26 feet, Lakewood was noted as 28 feet. Ralph was noted to have a width reduction, from 30 feet to 28 feet. Arbor was noted to vary between 18, 29, and up to 26 feet wide in some areas.

There was some discrepancy in a residents' concern and what the Town Engineer has presented. A resident feels that if the roads are of a lesser width, it will cost less, and therefore the assessment on the residents will go down. This is not the case, however. The assessment will not go up, however with the challenging grades and other factors, the price will most likely remain the same. If the price does go down, it will come off of the Township side. This benefits the residents anyway, because if the Town has to bond less, theoretically future taxes would be lower.

The open house is on February 6, 2020 at 6:00 p.m. at Heritage Hall. Residents are free to come and go as they please, ask questions, see the plans and how they may affect each resident individually. There was some discussion on rain gardens. It was noted that there will be a representative from the Rice Creek Watershed District present at the open house to talk with residents. RCWD will fund up to 75% of the cost if a resident wants a rain garden to help with drainage.

There was some discussion of the feasibility study that is in the works for Peterson Road. Soil borings will be done the first week of February, from there more information will be known to adapt the design, the thickness and measurements. The Right of Way has been determined. It was noted that there are no cost estimates yet, but the sooner those are configured, the better as the Town Finance Officer can bond the cost with the road improvement project.

**WATER SYSTEM IMPROVEMENTS – UPDATE:** The Town Engineer reported that TKDA has gone through the plans for the Town's Water System Improvements with Public Works. It was noted that they are working on the Variable Frequency Drive, which will save the Town on electricity. There was some discussion over the minor details, like a water heater needs to be installed to meet requirements. The plans and specifications will be done soon and TKDA will present at one of the Town Board meetings in February. The goal is to have bids for this project open at the end of February, and have the bids ready to present at the first Town Board meeting in March, with early spring construction to ensure the systems are not stressed during the summer months.

**I & I – UPDATE:** The Public Works Director reported that he is working on addressing the items that have been identified in last year's report. From there he will do additional

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work in PVP and PCP piping cleaning and joint sealing. There will be no major construction.

**WATER METER – UPDATE:** The Public Works Director reported on the recent meeting with Core & Main and the new subcontractor HydroCorp. There has been positive feedback on HydroCorp's work. Of the Town's 375 water meters that needed to be installed, 113 have been completed and an additional 111 have been scheduled. This leaves 151 installations that have not contacted the office after multiple attempts to schedule. These units will have a \$300 charge on their utility bill this quarter.

**ON-LINE FINANCIAL REPORTING SOFTWARE PURCHASE:** The Town Finance Officer reported that this online financial reporting software purchase is a unit of storage in the Tyler Technologies cloud and it would be linked to the website. The financial information, such as budgets, would be available to staff and residents alike. The budgets would be available to view in graph form or the spreadsheet with actual numbers. It was noted that several communities offer this benefit, though usually bigger in size and number of employees. The cost is \$9,000 for the rental space in the Tyler Technologies cloud.

There was some discussion regarding other companies. It was noted that their price tag was higher. There was some discussion over what would be accessible. For example, the general public would not be able to access how much the Township is withholding for benefits, taxes, or exact salaries, as these are considered private data. It was noted that the general public mostly won't view it, but it is a good resource to have in case the public would want to. This software purchase will also save some time for staff. The biggest advantage is that this software purchase will save a lot of paper. This is something the Town values highly as staff are trying to convert all paper files to electronic.

The next step would be to present this before the Town Board for approval and then implementation would be a fairly quick process. It was noted that there is little training, mostly the design aspect would take the most time. There was some discussion of Wi-Fi at the Town Offices. There is public, unsecured Wi-Fi, and there is private, secured Wi-Fi that staff uses.

**WESTON WOODS SPRINKLING CORRESPONDENCE:** The Town Clerk wanted to make sure the Board saw the correspondence between the Association President and Town staff. The Association is pleased with the Township's requests for watering.

**PUBLIC WORKS DIRECTOR REPORT:** The Public Works Director reported on the Department's Activity for January 2020. **Lift Station #9:** the last of the Town's 10 lift stations to be rehabilitated is nearing completion. The startup was on December 19, 2019 and staff are currently able to monitor the Lift Station through SCADA system. It was noted that the concrete driveway and site restoration will be completed summer of 2020. Staff will be working on **storm water projects** like outfall 6 and outfall 5. There

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was some discussion on these items and other projects related to storm water. The Public Works Director will be working on drafting the **America's Water Infrastructure ACT 2018 (AWIA)** which requires an assessment of the Town's Water System be completed and submitted by June 30, 2021. The **Emergency Response Plan (ERP)** follows, due December 31, 2021. There was some discussion on these items. Once they are completed the plan is to place the information on the Town's website as well as in *News and Views*. Staff is still working with the **City of Birchwood's Engineer** to remove lift station #1's SCADA screen and related programming from the Town's SCADA computer. This will improve the sanitary sewer system. The second meeting in March will discuss the ground water analysis. There was some minor discussion on the Street Improvement Program and some Ramsey County projects within the Township, but those were discussed fully within their agenda items. It was noted that the Town's salt storage is at a good level and Ruzek wanted to note that staff has done a good job handling the Township's roads this winter. There was some minor discussion on citations needed while plowing for cars parked in the way.

**BUILDING INSPECTOR / CODE ENFORCEMENT OFFICER REPORT: 5305 West Bald Eagle Boulevard:** The Town Building Inspector reported that he has continued to pressure the property owner. The abatement order was sent out for 2 vehicles. He has fixed those 2 vehicles. But now there are 2 new ones in violation that staff will have to send out an abatement order. It was noted that the owner refused to obtain proper building permits for the house as requested on November 1, 2019. It was noted that the prosecuting attorney was contacted on January 31, 2020 and the Town is moving forward with this property in violation.

**1378 Birch lake Boulevard South:** The Town Building Inspector reported that this property has been vacant for a considerable amount of time. Johnson was called out to the summer yard maintenance issue and when staff were sent out after hours to turn off the water after a watermain break in the fall. Johnson noted that he was in correspondence with the owner in the summer and thought he would fix the situation. It was noted that since the building is vacant the \$1,100 vacant building fee would apply. The next steps would be to add this property to the agenda at the February 19, 2020 Town Board meeting. The Town Building Inspector would also need to obtain an administrative search warrant to get a look at the inside. It was noted that the Town Attorney will draw up a letter that states that a search warrant will be obtained if staff are not contacted by a certain time.

**Water Gremlin:** The Town Building Inspector reported that Water Gremlin is currently proposing a 3 phase construction project with the goal of complying with the Minnesota Pollution Control Agency (MPCA) and the Minnesota Department of Health (MDH) standards.

**Phase 1:** consists of relocation of the manufacturing equipment from the 4400 Otter Lake Road location to the 4316 Otter Lake Road location. All requirements have been met and the permit is ready to be issued early next week for phase 1.

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**Phase 2:** consists of acquiring temporary buildings to house the equipment and materials that are in the way of construction for phase 3. Once phase 3 is complete, the equipment and materials will be returned to the main building, as all construction is interior not exterior.

**Phase 3:** consists of remodeling workers locker rooms and lead hygiene showers to fit the MPCA and MDH standards.

There was discussion over the phases. Water Gremlin submitted the proposal for only a 90-day permit for the temporary buildings. There was discussion over this. There was consensus that Water Gremlin is trying to comply and the Town wants the company to have enough time for the remodel. There was discussion over the timeframe of the temporary buildings. It was the consensus that 1 year should be sufficient. But it was noted that the approval should be contingent upon the tearing down of the temporary buildings.

This agenda item is on the agenda for the February 3, 2020 Town Board meeting. There was discussion over how best to handle the situation. It was noted that legally, if Water Gremlin has fulfilled all the requirements for the building permits, the Town would have to issue them. Going forward, it would be up to the MPCA or MDH to stop any other advancing based on potential failure to comply. Though it has been noted that the MPCA and MDH want Water Gremlin to have a chance at complying to their statutes. It was the consensus that a representative from Water Gremlin will be requested at the Town Board meeting. Staff will also obtain a statement from the MPCA to have at the Town Board meeting.

**CLERK-TREASURER REPORT: DNR Groundwater Management – Update:** The Town Attorney reported that the next hearing was January 6, 2020. He is waiting for the Supreme Court decision. There was some discussion over the caution this lawsuit has caused regarding permits.

**Conflict of Interest Discussion:** The Town Clerk reported that Supervisor Ruzek requested this agenda item for review. Ruzek explained that it is a necessity for many business employees and elected officials to sign a conflict of interest form. Township employees must sign one for the HR manual. There are 2 drafts submitted for approval. It was noted that it is easy to do and ensures transparency within the governing body of the Township. There was some discussion over Chair Prudhon as a contractor. This would not hinder or count as a conflict of interest between his position as Town Board Chair and his contracting business.

**Policy establishing an acceptable timeframe for responding to public inquiries:** The Town Clerk reported that a resident has been in communication with staff regarding the 2020 pavement management projects. Town Board Supervisor McCune talked through how best to handle this situation. Whenever a resident is pressing an issue, first he or she should be directed to a staff member in the area of expertise or a contractor in

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the area of expertise. In this case, Town Engineer Poppler will discuss the resident's concerns at the Open House at 6:00 p.m. at Heritage Hall on February 6, 2020. If a resident is still pressing his concerns at an adamant rate, he will be directed to a public or elected official. In this case, McCune will explain that the Board has made the thoughtful decision to improve the roads and are doing so with the least cost to the residents. He will explain the case with 2019's project on Gilfillan Court, how the residents were very concerned with their new driveways and they didn't trust the contractor. In the end everything went smoothly and the driveways were unharmed. This case could be similar.

**Clear Channel Billboard Lease Renewal:** The Town Planner presented Clear Channel's proposal to turn one of the billboards in Polar Lakes Park into an electronic static sign. Their lease expires in February, and Clear Channel would like to update the billboard to ensure maximum revenue and exposure of ads. Riedesel explained that MnDot's regulation is that ad rotation may be no more than every 6 seconds. Clear Channel's proposal is for 8 seconds.

The Planning Commission reviewed this proposal at the December and January meetings. The proposal was rejected with the major concerns being the lighting and timing of the rotations. There was some discussion over these issues. It was noted that the signs have sensors for the brightness to reflect the weather conditions of the day or night. There was consensus about the positives: amber alerts, weather alerts, the free 20 hours of exposure for Township related activities. It was also noted that when the Township placed the 3 billboards within the Township, a lot of consideration was given with the placement (within the special overlay district). Staff did a good job isolating the billboards as much as possible so the lighting of these signs, if they were electric, would not affect the residents. It was also noted that not everyone listens to their radio anymore, so Ruzek appreciated that point.

This agenda item is on the agenda for the Town Board meeting on February 3, 2020 and there may be follow-up discussion needed depending on the action. It was the consensus that the Board will proceed with accepting Clear Channel's proposal on Monday night.

**ATTORNEY-CLIENT CLOSED MEETING:** The Town Attorney and the Board discussed how best to proceed with 2105 Stillwater Street and the Stable Property.

**OPEN TIME:** Chair Prudhon brought a situation before the Board. A church in Forest Lake has recently set up many 10' x 20' fish houses in the parking lot for 60 homeless people to live in. There was discussion over whether or not this was legal and if it could happen in the Township. The Town Attorney noted that this is an extreme case and that the members of the church are reading the statute incorrectly. The purpose of the law was to avoid putting zoning requirements to make building difficult. A religious facility must have the same restrictions as a regular facility in this regard. The Town Attorney will look into this case more and will report back on Monday, February 3, 2020.

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**ADDED AGENDA ITEMS:** The Town Planner brought before the Board a map of the trail related to the Stable Property that has been budgeted for 2020. The funding is close to complete in the CIP for this year. There was some discussion on trail measurements and pavement type. This trail has been discussed for some time in different commissions. It was noted that this should also be added to the EDAB meeting in February.

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

McCune moved to adjourn the meeting at 3:48 a.m. Ruzek seconded. Ayes all.

Respectfully Submitted,

Megan R. Cavanaugh  
Recording Secretary