

**MINUTES
TOWN BOARD MEETING
MARCH 2, 2020**

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

Present: Supervisors: Prudhon, Ruzek, McCune; Town Clerk-Treasurer: Christopherson; Attorney: Lemmons; Engineer: Poppler

APPROVAL OF AGENDA (Additions/Deletions): Ruzek moved to approve the agenda as submitted with the continuing of agenda item 7A) Stable Property. McCune seconded. Ayes all.

APPROVAL OF PAYMENT OF BILLS: Ruzek moved to approve payment of bills. McCune seconded. Ayes all.

APPROVAL OF MINUTES OF FEBRUARY 19, 2020 (Additions/Deletions): McCune moved to approve the minutes of February 19, 2020. Ruzek seconded. Ayes all.

CONSENT AGENDA: McCune moved to approve the consent agenda as follows: 5A) Comcast of Minnesota Cable Franchise – Adopt resolution stating preliminary assessment franchise should not be renewed; 5B) Portable Restroom Contract – Based on staff recommendation approve the three-year contract with Jimmy’s Johnnys for portable restroom in the Township in the amount of \$29,450.00 with funding from the Parks & Recreation Operating Budget under Contractual Services; 5C) Right-of-Way Permit – Based on Town Engineer review & recommendation & including his recommended conditions, approve the XcelEnergy Permit to install an electrical secondary service to the residents at 5518 Shadyside Lane; 5D) Right-of-Way Permit – Based on Town Engineer review & recommendation & including his recommended conditions, approve the XcelEnergy Permit to replace eight power poles to service the residential area of 4th Street, Grand Avenue & 2nd Street due to condition & age; 5E) Right-of-Way Permit – Based on Town Engineer review & recommendation & including his recommended conditions, approve the XcelEnergy Permit to replace seven power poles to service the residential area of Lake Avenue, Overlake Road, Orchard Avenue & Birch Road due to condition & age; 5F) Right-of-Way Permit – Based on Town Engineer review & recommendation & including his recommended conditions, approve the XcelEnergy Permit to three power poles to service the commercial area along Leibel Street due to condition & age. Ruzek seconded. Ayes all.

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WATER GREMLIN – PERMIT UPDATE: The Town Clerk reported that according to the memo submitted by the Town Building Inspector that the permits requested by Water Gremlin all have requirements met. Water Gremlin has been required by agencies (Minnesota Department of Health and the Minnesota Pollution Control Agency) to install shower facilities for workers so they don't take home any lead. This 3 phase process will involve moving some equipment from one building to the other, and some temporary trailers until the project is finished. It was noted that phase 3's permit is not quite completed, but that staff are expecting to issue that permit.

STABLE PROPERTY, 5685 PORTLAND AVENUE – REQUEST FOR A MAJOR SUBDIVISION & CONDITIONAL USE PERMIT FOR A PLANNED UNIT DEVELOPMENT: The Town Clerk reported that the Town needs to attain some posting requirements. Ruzek moved to continue the meeting until Monday, March 16. McCune seconded. Ayes all.

IMPROVEMENT 2020-2 – WATER SYSTEM IMPROVEMENTS – 1) RECEIVE BIDS – 2) AWARD CONTRACT: The Town Engineer introduced this agenda item and TKDA Engineer Dan Nessler who is giving an in depth report on this agenda item. Nessler gave backstory of the project. The Minnesota Department of Health has mandates of what is required of water systems, and then it has health based guidance of what may become required of water systems. Manganese is a naturally occurring element in the environment, and the MDH's new guidance states that the Township has a couple parts per billion too many Manganese components. This water system improvement will improve the pump capacity and mixing capabilities in wells 4 and 5, along with SCADA system upgrades in wells 1, 4, and 5. This improvement will also make any future health based guidance's by the MDH more easily attainable. Nessler noted that this project has nothing to do with Water Gremlin or TCE.

The bid opening was on February 26th and due to contractors' schedules, only one bid came in. But, staff has talked with other contractors about the projects. Municipal Builders, Inc. was the lowest bidder and it came in at 3.5% within the Engineers estimate.

There was a question of why the contractor needs to have a subcontractor, couldn't the contractor do the whole job? It was noted that yes the contractor could complete the whole job, but the subcontractor would have the materials specific to what is needed, verses having to wait several weeks for the contractor to obtain the needed materials. Time is of the essence in this matter, the Township has decided previously. There was some discussion on the listed items within the contract.

Ruzek moved based on Town Engineer review & recommendation to receive all bids as submitted. McCune seconded. Ayes all.

Ruzek moved based on Town Engineer review & recommendation to award the contract for the Water System Improvements to the lowest responsible bidder, Municipal

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Builders, Inc., for the total bid of \$439,500.00 & authorize TKDA to perform construction observation of the Water System Improvements in an amount not to exceed \$19,500.00, noting funding from the Water Fund. McCune seconded. Ayes all.

LGA – STATUS UPDATE: The Town Clerk reported that staff including Christopherson, the Town Attorney, Town Board Chair, and retired Town Board Chair Bob Kermes, who is aiding Town staff in obtaining LGA, met with David Hahn, the Executive Director of the Minnesota Association of Townships, and senator Roger Chamberlain to discuss potential options for the Township. This group discussed the ins and outs of how to become eligible for LGA and MSA. Changes within the current system (formula) of how others receive aid didn't look promising.

Chamberlain and Hahn gave feedback on 2 other options that may be much more immediate and doable.

The first was for Chamberlain to write a bill to exclude White Bear Township from paying fees to Met Council. If completed during this legislative session and approved, it would most likely go into effect in 2021 or 2022, most likely the latter.

The second option would be for the Minnesota Association of Townships to lobby on the Town's behalf to create written language to expand Township aid for 2022. The Association is already lobbying on behalf of Townships, and now there is clear direction. The Town Clerk noted that Chamberlain will support both measures.

There was discussion of the Met Council's grant money for projects. It was noted that staff should be applying for those and stating the case that because the Township does not receive LGA or MSA, the Township most certainly should receive the Met Council aid for whichever project staff is applying. It was noted that staff should write an official thank you letter to those who are working for Township LGA.

Ruzek made the motion recognizing the cooperation and help of David Hahn the Executive Director of the Minnesota Association of Townships, Roger Chamberlain, and a special thanks to Bob Kermes on behalf of White Bear Township. McCune seconded. Ayes all.

ADDED AGENDA ITEMS: There were no added agenda items.

OPEN TIME: Resident Ralph Tilma, 4294 Oakmede Lane, was present to address his concerns with the Xcel power poles that were on the consent agenda. Recently Xcel put up a, 'eyesore' of a pole off of Otter Lake Road. It was needed to be larger because of the combined lines, but Tilma's concern was that it could have been a different material, something that blends into the surroundings more. He does not want the same thing to happen in the Leibel, Lake, 4th, Grand, and 2nd areas where the 18 poles being replaced as approved in the consent agenda.

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The Town Engineer noted that the pole would most likely be wooden and similar to other poles in the area. He also noted that the larger pole was constructed of materials that require minimal maintenance, whereas maybe other materials would have required more maintenance.

The Town Board ensured the resident that staff will find out more about the poles being replaced and will let him know more information.

RECEIPT OF AGENDA MATERIALS / SUPPLEMENTS: Ruzek motioned to receive all Agenda Materials & Supplements for tonight's meeting. McCune seconded. Ayes all.

McCune moved to adjourn the meeting at 7:31 p.m. Ruzek seconded. Ayes all.

Respectfully Submitted,

Patrick Christopherson
Recording Secretary

Approved as Official Meeting Minutes

Town Board Chair

Date