

**MINUTES  
TOWN BOARD MEETING  
MARCH 16, 2020**

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

Present: Commissioners: Prudhon, Ruzek, McCune; Assistant Treasurer: Christopherson; Attorney: Lemmons; Engineer: Poppler; Public Works Director: Reed; Town Planner: Riedesel

**APPROVAL OF AGENDA (Additions/Deletions):** Ruzek moved to approve the agenda as submitted with the addition of 9A) Town of White Bear Proclamation and Declaration of Emergency. McCune seconded. Ayes all.

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

**APPROVAL OF MINUTES OF MARCH 2, 2020 (Additions/Deletions):** Ruzek moved to approve the minutes of March 2, 2020. McCune seconded. Ayes all.

**CONSENT AGENDA:** McCune moved to approve the consent agenda as follows: 5A) I-35E / County Road J Interchange Improvements – Approve letter of support; 5B) 1. DNR Grant – Support the application for DNR grant funding; 2. Columbia Park – Accept TKDA’s parking lot proposal; 5C) DNR Outdoor Recreation Grant – Based on staff review & recommendation adopt resolution approving submission of an application for the DNR Outdoor Recreation Grant Program; 5D) Street Light Installation – Normandy Court – Based on staff review & recommendation approve installation of a traditional style light using the pre-pay option of \$4,664.99; 5E) Construction Activity Report – Receive. Ruzek seconded. Ayes all.

**STABLE PROPERTY, 5685 PORTLAND AVENUE – REQUEST FOR A MAJOR SUBDIVISION & CONDITIONAL USE PERMIT FOR A PLANNED UNIT DEVELOPMENT & USE EASEMENT:** Ruzek moved to note property publication of the hearing notice in the newspaper & waive reading of notice. McCune seconded. Ayes all. Ruzek moved to open the public hearing. McCune seconded. Ayes all.

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The Town Planner showed an aerial view of the property and reported that the Town has looked at a number of proposals over the years with multiple different arrangements. The current proposed plat is 8 single family homes. Since the property is low, 25,000 to 30,000 yards of fill will have to be brought in. Town staff wants to sell for development. This agenda item has been reviewed by the Planning Commission and it was recommended for Board approval.

Ruzek moved to open the public comment portion – ask for comments. McCune seconded. Ayes all.

Resident Jane Harper, 2961 Parkview Court, was present to inquire of when the trail will be constructed. Neighbors are eager to use the trail. The Town Planner explained that the trail has shifted a bit due to the wetland delineation. The Town could complete in 2 phases and have the second half mowed down so neighbors could use it, though that would be more costly.

Ralph Parsons, 2576 Parkview Court, was present to discuss 3 issues and represent his neighbors. The first was simply the support of the trail and eagerness for it to open. The second was request to have trees put between the 2 developments and between the trail and the development, just for privacy and to break up the view. The third was to address the concern with traffic on Portland Avenue, wondering if the speed could be reduced. The Board appreciated the support for the trail and made note of where the residents requested the trees. In regards to Portland, staff noted that Portland Ave is a county road and so there isn't much the Township can do.

Ruzek moved to close the public portion of the hearing. McCune seconded. Ayes all.

It was the consensus that the rest of the public hearing, any motions regarding the subdivision or use easement should take place after the April EDAB meeting.

Ruzek moved to table this matter for a future date after the April EDAB meeting or further out. McCune seconded. Ayes all.

**DAN LABORE, 5660 PORTLAND AVENUE – MINOR SUBDIVISION REQUEST:** The Town Planner reported that LaBore's property on Portland Avenue is 67,000 square feet and he has requested a minor subdivision. The Planning Commission reviewed the agenda item and LaBore was present to answer any questions for the Commission. There were no concerns with it other than the Commission wanted there to be a recommendation for the driveway to include a bit of a turnaround area so the future owners don't have to back out onto Portland.

There was some discussion of a traffic study on Portland. The Public Works Director noted that the county would have it, but it was most likely done a couple years ago. At that time it did not warrant a slower speed than what it is at currently: 40 miles per hour.

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The Town Planner showed a traffic counts map where Portland Avenue sees 3900 trips per day. It was noted that Town staff will bring it up to Ramsey County.

Ruzek moved based on Planning Commission & staff review & recommendation approve the minor subdivision of the property at 5660 Portland Avenue along with the recommendations of: 1) the one-time park dedication fee; 2) payment of the utility connection fee for the vacant lot; 3) a driveway permit must be issued by Ramsey County in order for the new lot to access Portland Avenue; 4) payment of SAC, WAC and local SAC fees at the time a building permit is issued. McCune seconded. Ayes all.

**CUB FOODS, 1059 MEADOWLANDS DRIVE – REQUEST FOR RENEWAL OF A PERMITTED USE STANDARDS PERMIT TO ALLOW A TEMPORARY GREENHOUSE**: The Town Planner reported that Cub Foods has done this for 6 years. The first permit was approved in 2014 for 1 year, and after that the Board approved a 5 year permit since there were no problems or complaints. The greenhouse eliminates 28 parking stalls, but in the past there have been no issues with parking. The Planning Commission reviewed this agenda item and recommended approval as requested. The fire department reviewed it as well, and there were no concerns.

There was some discussion in light of recent events with the spread of COVID-19 whether or not Cub Foods was planning on doing the greenhouse this year. If they don't, it was noted the Board may as well wait to approve until next year to save them a year from waste. The Town Clerk noted that the Board can always vote on it and add an amendment in the future.

Ruzek moved based on Planning Commission & staff review & recommendation to approve the Permitted Use Standards permit for Cub Foods, 1059 Meadowlands Drive from mid-April through the end of June or 10 weeks in duration for a maximum of 5 years through June 20, 2025. McCune seconded. Ayes all.

**BOARD OF WATER COMMISSIONS OF THE CITY OF SAINT PAUL AGREEMENT FOR SERVICES – APPROVE AMENDMENT NO. 1 TO AGREEMENT FOR WATERMAIN REPAIR SERVICES**: The Public Works Director reported of the change in the agreement and so he wanted to make an amendment to reflect that change. There was discussion on what exactly will change. It was noted that if the city of Saint Paul cannot get out within 4 hours of the Town's request, the Township can get a different contractor. It was noted that the Town Attorney will review the agreement. The Board of Water Commissioners has performed most of the watermain repairs since the agreement was signed, but if they are unavailable to perform the repair, Public Works staff will hire outside contractors to complete the repair.

Ruzek moved based on staff review & recommendation to approve the Amendment No. 1 agreement for services between White Bear Township & Board of Water Commissioners of the City of Saint Paul, subject to Town Attorney review. McCune seconded. Ayes all.

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Ruzek moved based on staff review & recommendation to approve resolution approving the agreement. McCune seconded. Ayes all.

Ruzek moved based on staff review & recommendation to authorize execution by the Town Board Chair, Town Attorney & Town Clerk of the agreement between White Bear Township and the Board of Water Commissioners of the City of Saint Paul. McCune seconded. Ayes all.

**ASPHALT PATCH TRAILER REPLACEMENT: 1 RECEIVE QUOTES – 2 APPROVE PURCHASE:** The Public Works Director reported that the Public Works Department is recommending replacement of the 2011 STEPP Manufacturing (MFG) asphalt patch trailer. The proposed replacement trailer from STEPP MFG would be \$68,078.00. There was a question of trading the older truck in and it was noted that a \$3000 credit would be applied for the truck, but staff believes the truck is worth more. The Capital Equipment Fund has allotted \$70,000.00 for purchase of the replacement.

Based on staff review & recommendation McCune moved to receive quotes. Ruzek seconded. Ayes all.

Based on staff review & recommendation McCune moved to approve purchase of an asphalt patch trailer from STEPP MFG in the amount of \$68,078.00 with funding from the Capital Equipment Fund. Ruzek seconded. Ayes all.

**2020 SEALCOAT PROJECT: 1 RECEIVE BIDS – 2 AWARD CONTRACT:** The Public Works Director reported that the 2020 sealcoat project maps are included in the packet. This is routine maintenance, done yearly, to prolong the life of the Town's streets. The Town received 4 bids, 3 with the specified product that the Town uses. There was discussion on the alternative product, whether it is effective or not. The lowest bidder with the specified product is Allied Blacktopping Company, Inc. for \$110,537.82, while Fahrner Asphalt, Inc. with the alternate product bid \$85,525.00. Due to the difference in pricing, the Public Works Director noted that he would do some research on the product Fahrner Asphalt, Inc.) uses in order to determine if the Township should award their bid. Until then, the Board should approve the next lowest bidder.

Based on staff review & recommendation McCune moved to receive bids. Ruzek seconded. Ayes all.

Based on staff review & recommendation McCune moved to award sealcoat contract to Allied Blacktop Company in the amount of \$110,537.82 with funding from the Improvement Fund 505.

**STATE OF MINNESOTA PUBLIC WORKS MUTUAL AID PACT: 1 APPROVE PARTICIPATION IN PROGRAM – 2 APPROVE PUBLIC WORKS JOINT POWERS MUTUAL AID AGREEMENT – 3 APPROVE EQUIPMENT LOAN AGREEMENT:** The Public Works Director reported that this State of Minnesota Public Works Mutual Aid

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Pact is basically a utilities pact that if staff needs anything contracted out, staff can look to this pact for aid first. There is no cost to joining, no membership fee of any kind. Simply, if staff opt to have a service performed by another member of this pact, then a cost will be required. If staff doesn't need anything there is no fee imposed. As a member, Town staff can also respond to requests and the Township would receive some funds. The Town Attorney has looked over the contract and he noted it acceptable. There was some discussion of whether the Town should be more involved in local groups verses this group that spans the entire state. It was the consensus that the Town should try it out, especially since there is no cost.

Ruzek moved based on staff review & recommendation to approve participation in the program. McCune seconded. Ayes all.

Ruzek moved based on staff review & recommendation to approve the Public Works Joint Powers Mutual Aid Agreement. McCune seconded. Ayes all.

Ruzek moved based on staff review & recommendation to approve Equipment Loan Agreement. McCune seconded. Ayes all. It was noted that staff will look into the insurance side of the equipment loan agreement.

**TANDEM AXLE DUMP TRUCK: 1 RECEIVE QUOTES – 2 APPROVE PURCHASE:**

The Public Works Director brought this agenda item up to the Board at the February Executive Town Board meeting during the Public Works Report. Routinely the Town aims for the lowest, but responsible, bid when contracting out or buying materials. The Public Works Department is recommending replacement the 2005 single rear axle Sterling for \$300,000.00, noted in the Capital Improvement Plan. The lowest bid is for the Western Star from Boyer Ford Trucks Inc. at \$119,651.14. Staff is recommending purchase of a Mack truck from Nuss Truck & Equipment for the following reasons: 1. The electrical wiring is direct wired vs. a simplex wired system. Reed explained that staff has experienced difficulty in maintaining vehicles with this wiring systems and would prefer the direct wired chassis. 2. The resale or trade in value for the Mack truck is higher than the other truck manufacturers to construction market. This means down the road, the truck would be worth more when it comes time to trade it in again. 3. The purchase allows more continuity for operators by purchasing another truck that mirrors the Mack purchased in 2016 in regards to controls. 4. The specifications for the new Mack are the same as the one purchased in 2016, allowing for a lower inventory of routine maintenance parts.

There was some discussion of the anti-icing verses deicing methods. The Public Works Director noted that staff would keep truck #49 as staff phases out older trucks since there are no issues with it. It was also noted that it may take 1 year to get everything all set (body, snow removal equipment, adding brine, etc.)

Based on staff review & recommendation McCune moved to receive quotes. Ruzek seconded. Ayes all.

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Based on staff review & recommendation McCune moved to approve purchase of the tandem axle truck chassis, dump body, snowplow, underbody plow, wing, pre-wet equipment & sander from the various vendors in the amount of \$250,271.00 with funding from the Capital Equipment Fund. Ruzek seconded. Ayes all.

**IMPROVEMENT 2020-1: 1 APPROVE PLANS & SPECIFICATIONS – 2 ORDER ADVERTISEMENT FOR BIDS:** The Town Engineer reported that the Board has seen this process multiple times. The 2020 street improvement project includes streets in the Lakewood Avenue (County Road F East to South Shore Boulevard), Ralph Street, Arbor Drive, Hillaire Road, Summit Lane, Forest Court, Glen Oaks Avenue, and Homewood Avenue (Arbor Drive to South Shore Boulevard).

The Town Engineers, staff, and Rice Creek Watershed District were all present at the neighborhood meeting on February 6<sup>th</sup>. There was a good turnout. Questions were answered and one-on-one scenarios were discussed. Approving the plans and specifications and ordering bid are the next two steps. In light of recent events, there was some discussion on whether bids would come in. It was noted that the best approach would be to see what does come in. From there, if the Board wants to send it back out for bid, it can. This can jeopardize getting it done this year, but there is always that option. There will be more discussion at the second meeting in April or the first meeting in May.

Ruzek moved based on Town Engineer review & recommendation to adopt resolution approving plans & specifications for Improvement 2020-1. McCune seconded. Ayes all.

Ruzek moved based on Town Engineer review & recommendation to adopt resolution ordering advertisement for bids for Improvement 2020-1, noting a 10:00 a.m. April 15<sup>th</sup> bid opening date. McCune seconded. Ayes all.

**STABLE PROPERTY – TRAIL EXTENSION PROPOSAL:** The Town Engineer reported that in conjunction with the development, the trail will need to be provided. As noted earlier, residents are excited for it. The goal is review the connection of the trail to Deer Meadow Park, going around the pond that will be placed, and connect up (north). It was noted that the sediment accumulated will be removed. TKDA would like to take ownership and do the work, and so the next step is to authorize Town Engineers to prepare plans and specification.

Ruzek moved based on staff review & recommendation to authorize TKDA to prepare plans & specifications for a total amount not to exceed \$17,500.00 for work relating to the Deer Meadow Park Trail Improvements & Stormwater Pond Maintenance. McCune seconded. Ayes all.

**CLEAR CHANNEL BILLBOARD LEASE AGREEMENTS – APPROVE:** The Town Clerk summarized the approval of the Clear Channel Billboard Lease Agreement voted and agreed upon for the sign update 2 meetings ago. Since there was an ordinance

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change, the agreement in the packet is the updated agreement. The Town Attorney reviewed it. There was some discussion over the price decreasing for the static board. (\$80,000 per year for the digital board and \$30,000 per year for the static board. The cost used to be \$50,000 even for both. So the annual difference for the first year is only \$10,000, but with the annual accelerator, it will become much larger payments over time). The Town Clerk noted that due to the annual accelerator of 2% for the digital billboard, it is a good deal.

There was some discussion of having a discussion with Clear Channel, or whether the Township should just take this offer, their first offer. It was also discussed that Clear Channel has been a partner for over 20 years, and has poured into the Polar Lakes Park Fund through the billboard lease. There was also discussion of maybe requesting review from the few other companies who may be interested to see if they would be interested at a higher rate. In theory, if these companies would be interested at a higher rate, Clear Channel should be interested at a higher rate. It was the consensus that staff will make some calls and that the Board can table the discussion until the next meeting.

Ruzek moved to table the discussion until the next meeting, until after staff talks to other billboard leasing companies and see what interest there is in our spots. McCune seconded. Ayes all.

**ADDED AGENDA ITEMS: Coronavirus (COVID-19) discussion:** There was a handout of the Town of White Bear Proclamation and Declaration of Emergency. This declaration was read through before the meeting and discussed during this time. The Town Clerk reported that the Township offices are closed to the public, with a statement confirming this online. Staff is available by phone and email. There was some discussion on other ways regular office life has changed for Township staff. More information will be given to residents as information comes in from the county and state. The majority of state and county offices are closed and staff are working remotely. Township staff suggest cancelling all meetings at least until the end of the month. Nothing on the agendas are timely and need discussion right away. After that staff will reassess the situation as time goes on.

There was discussion on whether or not live meetings had to take place. It was noted that emergency meetings don't need to be publicized. Special meetings can also be called, and then be cancelled at the last minute if need be. It was the consensus that Town staff will go through the procedures as best as possible and then make decisions. Meetings can also be conducted by telephone. There was discussion on what this will require if voting is necessary. It was also noted that the Town does not have to adopt the proclamation and declaration in order to cancel meetings due to the emergency at hand.

Town staff just want to show good faith. There was discussion of the unique municipality role the Township is in, the state statute states a mayor has a role, the Township also doesn't have license buildings to close or regulate during this time.

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It was noted that a team should be created and stated for the Emergency Managers of White Bear. The Board also wants to call a special meeting toward the end of March to reassess the situation. It was noted that the special Town Board Meeting scheduled for the 31<sup>st</sup> of March to meet at the open house for the trail has been postponed until at least May. The special meeting was said to have the Town Attorney, Public Works Director, Town Clerk, and Town Board Chair present at the Town Offices, and the Town Board Supervisors present by conference call.

Ruzek motioned to call a special meeting of the Town Board and the Emergency Management Team at 8 a.m. on Wednesday, March 25, 2020 at the Town Offices Conference Room on Hammond Road. McCune seconded. Ayes all.

Ruzek motioned to accept the Town of White Bear Proclamation and Declaration of Emergency with the Attorney's corrections. McCune seconded. Ayes all.

Ruzek moved to appoint the Public Works Director, the Town Clerk, the Town Board Chair, and the Town Attorney as the team of emergency managers for the Town of White Bear. McCune seconded. Ayes all.

**OPEN TIME:** No one was present for open time.

**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 8:57 p.m. Ruzek seconded. Ayes all.

Respectfully Submitted,

Patrick Christopherson  
Recording Secretary

Approved as Official Meeting Minutes

\_\_\_\_\_  
Town Board Chair

\_\_\_\_\_  
Date