

**MINUTES
TOWN BOARD MEETING
APRIL 20, 2020**

The meeting was called to order at 8:00 a.m.

Present: Supervisors: Prudhon, Ruzek, McCune; Town Clerk-Treasurer: Christopherson; Attorney: Lemmons; Public Works Director: Reed; Town Finance Officer: Kelly; Town Planner: Riedesel; Town Engineer: Poppler.

The meeting was held at the Town Office Conference Room, present there were the Town Finance Officer, Town Attorney, Town Clerk, Town Planner and the Public Works Director. Town Board Chair Prudhon, Supervisors McCune and Ruzek, Town Engineer Poppler, and guests were present via telephone conference. The motions, seconds, and votes were stated by roll call as directed. Supervisor McCune had to depart a few minutes prior to the end of the meeting. Any motions he were not present for are marked with abstentions.

APPROVAL OF AGENDA (Additions/Deletions): Ruzek moved to approve the agenda as submitted adding in discussion of alcohol for takeout meals. McCune seconded. Ayes all.

APPROVAL OF PAYMENT OF BILLS: McCune moved to approve payment of bills, according to how the resolution states in agenda item 6A.5) Adopt Resolution Revising Check Signing Designation. Ruzek seconded. Ayes: McCune, Ruzek; Abstention: Prudhon.

APPROVAL OF MINUTES OF APRIL 6, 2020 (Additions/Deletions): Ruzek moved to approve the minutes of April 6, 2020 with the correction under Adopting the Resolution Revising Check Signing Designation on page 4 changing “Commissioner” to “Supervisor” and noting that Prudhon was not present so he couldn’t vote. McCune seconded. Ayes all.

CONSENT AGENDA: McCune moved to approve the consent agenda as follows: 5A) Bald Eagle Ski Team Slalom Course – Based on staff review & recommendation authorize notification to the Ramsey County Sheriff’s Office Water Patrol Unit of the Township’s approval of the 2020 Bald Eagle Ski Team’s slalom course on Bald Eagle Lake; 5B) Right-of-Way Permit – Based on Town Engineer review & recommendation & including his recommended conditions, approve the XcelEnergy permit to replace four

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wood poles with similar new wood poles to an existing line due to condition & age along Bellaire Avenue between South Shore Boulevard & County Road F; 5C) Right-of-Way Permit – Based on Town Engineer review & recommendation & including his recommended conditions, approve the XcelEnergy permit to install a set of underground electrical lines located along Shady Side Lane through directional drilling; 5D) Right-of-Way Permit – Based on Town Engineer review & recommendation & including his recommended conditions, approve the Comcast permit to replace underground cable located along White Bear Parkway from Bibeau Road to Birch Pond Boulevard. Ruzek seconded. Ayes all.

EMERGENCY MANAGEMENT TEAM REPORT:

1. Ramsey County COVID-19 Incident Management: The Town Clerk reported that not much has changed on this agenda item. Monday the 13th, the Clerk had a phone conference with Ramsey County, noting it was the shortest meeting thus far. Everyone is in a wait and react to the opening of recreational activities and restaurants. It was noted that the Governor opened golf courses. As a result, though the Township staff had closed off parks, basketball and tennis courts, they opened them up after this announcement. There was some discussion over planning for the next Town Board meeting, and it was decided that the May 4th Town Board meeting will remain as the past 3 meetings: at the Town Offices at 8 a.m.

2. Contract Group Update: The group met via phone. There was little discussion on COVID-19 and more talk of budget for the following years. Currently a lot of Ramsey County Sheriff's Department staff is on first responders and the need has increased so the costs have increased. As of now, the group is sure the rate will likely increase and unsure if the state or federal government will aid. It was noted that crime is low for now.

3. Attorney Update: The Town Attorney noted that there is nothing new since the courts are shut down until May 4th. There is nothing new in the laws or statutes. The only thing new is the change in ordinances that will allow for selling of alcohol with takeout meals, that will end as soon as the Governor's order for restaurants and bars to be closed is finished.

4. Operations Logistics/Administrative Offices/Public Works – Revise Declaration of Emergency: Township staff has been operating on staggered staff and conducting business well. The plan is to continue like this through May 4th. Staff opened tennis courts last week Friday. Public Works staff is back at full staff as of today. The drop box at the front door is going well and there have been no concerns of residents thus far. The Town Building Inspector is doing well and has been busy as construction is an essential service so permits keep coming in. It was decided that the Code Enforcement Officer position will need to be decided upon at a later date. Stillwater Street property is holding up until the courts are back in session. The Town Attorney noted that he will have something all ready to go once the courts do open up. It was noted that the Board wants to have the motions ready before the courts open too.

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The Water Gremlin permit applications have been going through. So far they have not set up tents for social distancing. Phases 1 and 2 are moving forward. Staff is unsure of what's going on with phase 3. There was discussion of finances and the Town is doing okay so far, even with the property taxes potentially deferred until July. There was discussion at Ramsey County of deferral and relief for property taxes. If the County held relief for property taxes it would be worse for the Township. There will be more discussion as time goes on.

There was discussion of the utility payments. Staff discussed the possibility of one-third, one-third, one-third payments. With the new meters, the usage rates are more accurate, and the readings are less. Capital Equipment purchases are on hold. It was noted that the personal protective equipment was delivered for staff. It was brought up that if staff thinks anything could become a shortage that they should order it early.

5. Commission & Board Meetings Moving Forward: The Town Clerk reported that the Town boards, commissions, and committees will resume via teleconference or video conference call in May and staff will re-evaluate in June.

POLAR LAKES PARK RESTROOM RFB – APPROVE: The Town Planner reported that though he did not include the site layout in this packet, he has included the additional information that the Board had requested. The first restroom that will be constructed will be at the lower end of the park, by the baseball field. Supervisor Ruzek noted that the Park Board had discussed having 2 restroom facilities instead of 1 because of the distance and no good central location for 1 restroom. Therefore the Park Board recommended sticking with 2 restrooms. It was noted that portable bathroom facilities will still be available at the other end of the park. There was some brief discussion of some communities not putting out portable restrooms due to transfer of the coronavirus. It was noted that if the Board starts now and gets results by June or July, the restroom will be completed yet this year. This will add to the community moral and overall satisfaction of the Town's main park. It was also noted that this has been on the to-do list for many years.

Ruzek moved based on staff recommendation to approve the request for bids for the materials & construction of a restroom building at Polar Lakes Park, 1280 Hammond Road. McCune seconded. The Town Attorney noted that the opening bid date should be moved out within the motion. Ruzek amended the motion to include "noting the bid will be moved out two weeks to open on the 29th of May instead of the 15th." McCune seconded the amended motion. Ayes all.

RUSH LINE CORRIDOR – ADOPT RESOLUTION OF SUPPORT: The Town Planner reported that Andrew Gitzlaff was requested to virtually attend the meeting to answer questions from the Board. Gitzlaff started the discussion with facts of how the Rush Line Corridor would improve the metro area. Planning has been moving along in deciding where platforms should be, buses would run every 15 minutes throughout the day, and in light of scenarios like these, there are 150 hospitals and clinics along the route. While

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the Corridor is a few years out from construction, the project is nearly two-thirds of the way complete in the environmental research assessment portion.

It was inquired of whether the Township will be requested to show support at each of the phases. This is the 15% plan, there is a 30%, 60%, and a 90% as well. The Town Board would rather not have to show support after each plan, especially since the small portion that runs through the Township is occupied by a railway corridor, which is operated by a federal agency: the Township has no say. Gitzlaff explained how each portion or checkpoint shows more level of detail to see more impact, topography environmental changes, etc. There was discussion on how the Township doesn't even hold possession of the corridor nor does it have authority over the inclusion of the Corridor. Because of this the Board did not want to have other percentage plans brought forward.

Ruzek moved based on staff review & recommendation to adopt the resolution of support for the Rush Line Bus Rapid Transit Project 15 percent plans within White Bear Township, noting this is the final resolution. McCune seconded. Ayes all.

VACATION OF EXCESS RIGHT-OF-WAY – 5297 WEST BALD EAGLE BOULEVARD: Ruzek moved to note proper publication of the hearing notice in the newspaper & waive the reading of the notice, noting that the Town has properly noted change in schedule. McCune seconded. Ayes all.

Ruzek moved to open continuation of public hearing. McCune seconded. Ayes all.

The Town Planner reported that this has been one of many requests over the years, consistent with other things done in the past. The Department of Natural Resources did comment and aren't necessarily in support, but they understand this kind of thing. Basically the Town has to show that the proposed vacation and the public benefit its completion; the present and potential use of the land for access to public waters; and how the vacation would impact conservation of natural resources. The DNR charges that there is no benefit to the public, but notes that the Town of White Bear still has authority to vacate the road (see document from Grant Wilson, DNR Central Region Director).

There was discussion over the map on page 59 of the packet and its unclearness as to what is being vacated. The Town Attorney cleared up that the when the original plat was recorded, it did not define the right-of-way. The right-of-way does go all the way to the lake, and over time the Township is updating the plats. He also stated that page 52 has the correct legal description, and as long as the Board uses that description it is fine.

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

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

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Ruzek moved based on staff review & recommendation to approve the vacation of excess right-of-way on West Bald Eagle Boulevard as it relates to 5297 West Bald Eagle Boulevard & adopt resolution vacating excess right-of-way on West Bald Eagle Boulevard noting that this vacation of excess right-of-way is consistent with others along East & West Bald Eagle Boulevard. McCune seconded. Ayes all.

RICK & KIM LUCIO, 5691 ORCHARD AVENUE – VARIANCE EXPIRATION: The Town Planner reported that in June 2019 the Town Board had approved the request for a 10.4% Green Area Variance and a 142 Square Foot Lakeshore Accessory Square Footage Variance for construction of an in-ground pool. But the variance expired after 6 months of no construction start. The ordinance does give the opportunity to grant a 6 month extension, but the Board would make it clear that this is the last extension. It was noted that it is not the Town Planner's job to remind all recipients of variance requests when the expiration date is. The Town Attorney confirmed that the Board has grounds for either extending it or denying the extension. There was discussion on what was completed at 5691 Orchard Avenue. There was nothing submitted that anything has been started or completed. It is a possibility to table and investigate further.

Ruzek moved to table the discussion until more information of the construction whether started or not and full plans going forward in a formal affidavit, that includes time frames, until the Board has more information for further discussion. McCune seconded. Ayes all.

SANITARY SEWER MANHOLE CASTINGS – APPROVE REPLACEMENT MANHOLE CASTING PURCHASE: The Public Works Director reported that the following project is replacing manhole castings within the section of Ramsey County street improvement projects. Because Ramsey County is not providing this service, the Town will provide manhole castings to be replaced as a part of the County's project. Neenah Foundry is the only provider of the Town's standard manhole casting. There was discussion of the project and it was noted that another issue the County isn't addressing is the drainage issues along H2 and West Bald Eagle Boulevard.

Ruzek moved based on Staff review & recommendation to receive & accept the quote from Neenah Foundry of Shakopee for the purchase of sanitary sewer manhole castings in the amount of \$17,750.00 plus the estimated cost of \$566.64 for shipping for an estimated total cost of \$18,316.64 +/- depending on shipping costs with funding from the sanitary sewer operating budget line item for repair & maintenance. McCune seconded. Ayes all.

BELLAIRE BEACH EST PARKING LOT – APPROVE STAGING AREA FOR Q3 CONTRACTING (XCELENERGY CONTRACTOR): The Public Works Director reported that the Town has had trouble with contractors in the past with communication of the staging process. Q3 is a subcontractor for the Township, a contractor for XcelEnergy. There was discussion of the subcontractors not being able to enter into

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some homes during the current pandemic. The Town Attorney noted that the Town should only enter into license with the contractor, that holds them accountable to any damages and have a time frame. There was discussion over any disrupted property and that the contractor should be required to be held accountable to pay the damages.

Ruzek moved based on staff review & recommendation to authorize Q3 Contracting to use the West parking lot at Bellaire Beach until the use of conflicts with beach users or the project is completed, with improved license agreement, whichever comes first noting Q3 acknowledges that if there are damages found from their equipment in this staging area they will restore those affected areas as they do for the construction zones, noting that this will be spelled out in the license agreement. McCune seconded. Ayes all.

IMPROVEMENT 2020-1—STREET IMPROVEMENTS – RECEIVE BIDS – FUTURE CONSIDERATIONS (DISCUSSION): The Town Engineer reported that Wednesday the 15th of April was the closing date of the bids for the street improvement projects for 2020. The Town received 6 bids, as one of the most competitive bidding processes yet. The lowest bid was from TA Schifsky & Sons, Inc. for \$1,591,578.26. The Engineer's estimate was nearly \$1 Million more (\$2,451,000.00). The current climate has allowed the Town to receive low bids. The next nearest bid is \$11,000 higher than the lowest bid. Town staff wanted to give the Board a chance to first receive the bids and then discuss how best to proceed during the current economic climate.

It was noted that staff does have 60-days before the approval of the bid is needed, but staff also doesn't want to affect the construction process. There was discussion on whether or not the residents in this year's project should be notified and given the opportunity for input. It was decided that it wasn't necessary to notify the residents. The bid information is on the Town's website. The Town can also lower the assessment rate at the final assessment hearing, so it is not necessary to do so now. There was also discussion the assessment and bonding rates and how they will be affected during this time. There was some discussion on whether the Town should bond for 2020, 2021, and 2022 at the same time due to the low rates. It was decided that the Board will talk more about this agenda item at the Executive Town Board meeting.

It was decided that the Board would discuss this more and decide at the May 4th Town Board meeting, but that over the next 2 weeks staff would work to iron out some details.

Ruzek moved based on staff review & recommendation to adopt the resolution receiving bids for Improvement 2020-1. McCune seconded. Ayes all.

PAPERLESS FINANCIAL SOFTWARE – APPROVE PURCHASE OF TYLER CONTENT MANAGER: The Town Finance Officer and Finance Analyst were present to report on the opportunity for the Board to approve a paperless financial software from Tyler Content Manager. The Town utilizes other Tyler Technologies software that is housed in the city of Roseville's IT department. The data is safe and backed up

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frequently. Staff have continually been working on becoming more efficient and less reliant on paper files. This is true still during the current pandemic.

The original conversion of the financial software is \$20,000 with the annual maintenance fees of \$2,201. There was discussion on whether or not the Town should do this now with everything up in the air. It was noted that the price of installation will most likely not change in the next month or two.

Ruzek moved to table the project 30 days. Prudhon seconded. Ayes: Ruzek, Prudhon; Nay: McCune.

McCune's view is that the Town has always advocated for going paperless, and with it being such a low amount in comparison to the other projects delayed, it should get done.

NORTH OAKS MASTER JOINT POWERS AGREEMENT: 1) ANDERSON WOODS – APPROVE ADDENDUM; 2. WILKINSON LAKE VILLAS PHASE 1A – APPROVE

ADENDUM: The Town Attorney reported that he has reviewed the documents (Joint Powers Agreement) provided by North Oaks Company and the surrounding communities and recommends approval. There was some discussion over what is involved. It was noted that storm sewer is not included in the jurisdiction. The Town Attorney also noted that part 2: Wilkinson Lake Villas Phase 1A has no problems and recommends approval. It was noted that both are consistent with the JPA.

Ruzek moved based on staff review & recommendation to approve the Addendum 1-L for Anderson Woods. McCune seconded. Ayes all.

Ruzek moved based on staff review & recommendation to approve the Addendum for 1-M for Wilkinson Lake Villas Phase 1A. McCune seconded. Ayes all.

Supervisor McCune dropped out of the meeting.

I-35 @ COUNTY ROAD J/ASH STREET – MNDOT TEMPORARY SIGNAL INSTALLATION DISCUSSION

The Public Works Director reported that the County is installing temporary signals at the corner of County Road J and Ash Street along the I-35 Corridor. It was noted that the County doesn't need the Board's authorization, this discussion is just allowing the Board an opportunity to comment. There currently are no dates, just the plan of installing the signals. Staff will reach out to the County and inquire details of when these signals will be installed and for about how long they will be installed.

“OFF-SALE” LIQUOR DURING STAY AT HOME ORDER: Town staff wanted a chance to discuss the selling of alcohol with take out and deliveries. There are laws to go with the sales: the person picking up the order containing alcohol must be 21 years of age; the alcohol must remain in the unopened package it came in until it has reached

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residence; no one order can exceed more than 72 ounces of alcohol; and other rules apply. Cities can give restaurants option to opt out.

The Town Attorney noted that the Town has no legal exposure to support or not support this change in the law during this time. It was noted that this seems practical since the seal has to remain and there is a limit of sale. The statute doesn't change from henceforth making "on-sale" liquor providers to "off-sale" liquor providers. This change is based on Governor Tim Walz's stay at home order and will be null and void as soon as the executive order to close bars and restaurants has been released.

It was the consensus that this is the logical next step and that staff will go forward as is, no action necessary.

ADDED AGENDA ITEMS: The Town Chair noted that he has received calls with compliment to staff on the *News & Views* section of the newspaper. There was some discussion of what other calls from residents that the Supervisors received recently. Some have to do with the one-way idea for Bald Eagle Boulevard, or bad road conditions. It was noted that there will be more information around fall, after a traffic study. There was discussion on how the traffic will be different and that there is no comparison around the lake toward the new school site since school is now distanced-learning.

It was also brought up that there is an area along a resident's fence along Hennessey Vista where the resident asked kids to hang their art. It was the consensus that this is a great opportunity for a community article for the *White Bear Press* and just good for community morale.

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. Prudhon seconded. Ayes: Prudhon, Ruzek; Abstention: McCune.

Ruzek moved to adjourn the meeting at 10:11 a.m. Prudhon seconded. Ayes: Prudhon, Ruzek; Abstention: McCune.

Respectfully Submitted,

Patrick Christopherson
Recording Secretary

Approved as Official Meeting Minutes

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Town Board Chair

Date