

**MINUTES
TOWN BOARD MEETING
JUNE 15, 2020**

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

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

APPROVAL OF AGENDA (Additions/Deletions): Ruzek moved to approve the agenda as submitted with the supplemental information for 5.A.2 Bellaire Beach Shoreline Stabilization and the added agenda item 10.A Michael & Breanna Schafer, 5731 Birch Road. McCune seconded. Ayes all.

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

APPROVAL OF MINUTES OF JUNE 1, 2020 (Additions/Deletions): Ruzek moved to approve the Minutes of June 1, 2020 noting that a minor correction has been made. McCune seconded. Ayes all.

CONSENT AGENDA: McCune moved to approve the consent agenda as follows: **5A) Park Board Recommendations:** 1) Little Library @ Eagle Park – Approve a license agreement for construction of a Little Library @ Eagle Park by Justin & Elizabeth Bradshaw; 2) Bellaire Beach Shoreline Stabilization – Approve agreement with Ramsey County for planning, design, management & construction services not to exceed \$2,000.16; **5B) EDAB Recommendations:** 1) Stable Property: i) Approve Town Attorney’s filing of the Declaration of Use Easement; ii) Recommend preparation of a feasibility report; **5C) Public Safety Commission Recommendations** – Request Ramsey County Sheriff’s Department Placement of speed boards at the following locations (exact locations to be determined at time of placement) 1- North Portland Avenue; 2- West Bald Eagle Boulevard; 3- White Bear Parkway; **5D) League of Minnesota Cities Liability Coverage** – Approve waiver of liability form; **5E) Ramsey-Washington Suburban Cable Commission 2019 Financial Report** – Receive & accept report; **5F) Roseville Metro I-Net Member Meeting Information** – Receive information & refer to June Executive meeting for Board discussion; **5G) Right-of-Way Permit** – Based on Town Engineer review & recommendation & including his recommended conditions, approve XcelEnergy permit to relocate a gas service located at 1770 Stillwater Street which will eliminate the existing service along Stillwater Street

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& install a new service along Dillon Street; **5H) Right-of-Way Permit** – Based on Town Engineer review & recommendation & including his recommended conditions, approve XcelEnergy permit to perform directional drilling new underground cable located at 1707 Pioneer Lane; **5I) Right-of-Way permit** – Based on Town Engineer review & recommendation & including his recommended conditions, approve CenturyLink permit to perform system improvements to the area of the Township’s SE area street project; **5J) Construction Activity Report** – Receive. Ruzek seconded. Ayes all.

ORDINANCE NO. 69 (TOBACCO): The Town Clerk presented that at the last meeting there was a last minute update with the ordinance amendments. The Town Clerk noted that the Town Board can adopt the amendments as an additional motion to include the updates and go by each section by section. It was noted that the legal age increase to 21 to buy tobacco will not go into effect until the ordinance is published.

Ruzek made the motion based on staff review & recommendation to adopt the amendments to Ordinance No. 69, noting a couple changes as put forth in an email dated June 15, 2020 covering Section 2: suggested wording to coincide with the statute; Section 9: compliance checks and inspections; and Section 12: penalties. McCune seconded. Ayes all.

Ruzek moved based on staff review & recommendation to approve synopsis of Ordinance 69. McCune seconded. Ayes all.

Ruzek moved to adopt the resolution authorizing publication of the title & summary of the amendments to Ordinance 69. McCune seconded. Ayes all.

EMERGENCY MANAGEMENT TEAM REPORT:

1. Ramsey County COVID-19 Incident Management: The Town Clerk reported that at the most recent Ramsey County meeting, the COVID-19 discussion was secondary to the riots and protests in Minneapolis and Saint Paul and civil safety discussion.

2. Contract Group Update: The Contract Group meets this Thursday. There are no current updates.

3. Attorney Update: The Town Attorney noted that nothing has changed since the Governor has reopened municipalities and Town committees can meet in-person. Parks are now open completely and it was noted that Bellaire Beach lifeguards started last Saturday.

4. Operations Logistics/Administrative Offices/Public Works – Rescind Resolution Declaring Civil Emergency: The Town Clerk reported that operations are back at full strength and steady traffic has flowed into the offices, though social distancing is enforced. It was noted that the substation is occupied now for 2 or 3 days a week for a couple hours at a time.

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It was noted that the Emergency Management Team will stay active until the Governor rescinds the peacetime emergency. He extended it to mid-July.

CONDITIONAL USE PERMIT REQUEST @ TAMARACK NATURE CENTER, 5287 OTTER LAKE ROAD: Ruzek moved to note proper publication of the hearing notice in the newspaper & waive reading of the notice. McCune seconded. Ayes all.

Ruzek moved to open the public hearing. McCune seconded. Ayes all.

The Town Planner reported that this agenda item was first approved by the Board in the 80's. Now, Ramsey County is proposing additional amenities at Tamarack Nature Center, including the demolishing a portion of the main building and adding an addition, placing natural and paved trails, etc. The master plan is in the packet and was discussed. It was noted that the construction will take years and will only happen once funding is available. The Board will approve this one Conditional Use permit, and then if anything changes, there will be another public hearing to approve any changes. There was some discussion over the lighting in the parking lot, the traffic that may be caused by construction, and notifying residents.

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

Ryan Reis, Facilities and Sustainability Director for Ramsey County Parks and Recreation was present to answer any questions. He noted that the lighting that will be used in the parking lots are LED bulbs on sensors, that stay very dim to lessen light pollution, and only brighten when large movement, such as a car, is sensed. There was some discussion on whether wildlife like deer or rabbits would trigger the sensors. Reis was unsure if the sensor would be able to pick up a deer, but noted there has been no feedback on that yet. The other locations that will have upgrades like a new driveway for school busses.

Chair Prudhon noted that he was on the Planning Commission back in the 90's when the Commission had seen changes to the master plan many times. That master plan was completed in 2007, and then now another master plan is produced. Prudhon wanted to know if the process would be similar and if the timing would take a long time to complete again. It was noted that this master plan is the final master plan and the improvements being made are long-lasting. The timing may take a long time, especially with the COVID-19 pandemic, Reis noted, due to funding not readily available.

The Town Attorney confirmed the Board's ability to approve a Conditional Use permit without an end date, because the permit is fluid with the land but is only approved for which the Town has approved it. It was discussed that the first projects that will be completed on Tamarack Nature Center are numbers 6 and 7 in the master plan, the expansion and the sugar shack. Reis noted that Ramsey County is going out for bids soon and timing will depend on what the bids come back as. Lighting is not proposed on this first construction schedule. It was noted that the Town will keep all residents and

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neighbors appraised of what is going on by giving advance notice. Ramsey County will keep in touch with Town staff.

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

Ruzek moved based on Planning Commission & staff review & recommendation approve the Conditional Use permit, Zoning Certificate & requirements for the Tamarack Nature Center, 5287 Otter Lake Road. McCune seconded. Ayes all.

RIGHT-OF-WAY SETBACK VARIANCE REQUEST @ 2317 HOXIE: Ruzek moved to note proper publication of the hearing notice in the newspaper & waive reading of the notice. McCune seconded. Ayes all.

Ruzek moved to open the public hearing. McCune seconded. Ayes all.

The Town Planner presented this agenda item to the Board, showing the house and lot on an overhead projector. He explained that this property is one of the few Township properties with the use of a functioning alley. The alley is between Hoxie and East Bald Eagle Boulevard. The applicant wishes to demolish his garage and rebuild one at the same location, 32' wide and 26' deep, 10 feet from the alley right-of-way, which requires a side yard setback variance for his neighbor's garage and a 35' right-of-way setback variance because alleys have the same right-of-ways as roads.

There was some discussion of the number of variances needed. It was noted that the Planning Commission and the Variance Board reviewed this agenda item and recommended approval of both the right-of-way and setback variances.

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

Gentry Jordan, 2317 Hoxie, was present to answer any questions. He noted that his neighbors are aware of his plans. Neighbor 2315 has a bit of his lot and so they had planted trees. Together they went around with a metal detector to ensure lot lines are good.

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

Ruzek moved based on Variance Board, Planning Commission & staff review & recommendation to approve the 25' Right-of-Way Setback Variance and a 1.5' Side Yard Setback Variance to allow construction of a garage at 2317 Hoxie. McCune seconded. Ayes all.

RIGHT-OF-WAY SETBACK VARIANCE REQUEST AT 2731 STILLWATER STREET: Ruzek moved to note proper publication of the hearing notice in the newspaper & waive reading of the notice. McCune seconded. Ayes all.

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Ruzek moved to open the public hearing. McCune seconded. Ayes all.

The Town Planner presented this agenda item to the Board, showing the house and lot on an overhead projector. The home is in the White Bear Beach Neighborhood, with the fence on East County Line Road. The proposal is to construct a shed that will include additional parking options as well as the ability to construct a fence in the right-of-way along East County Line Road. The right-of-way is typically 30 feet and resident Whitman's is currently 40 feet, so there is some room to work with. It was noted that the resident wanted to expand the garage, but it was already previously built on the neighbor's property. Both the Planning Commission and Variance Board reviewed and approved this agenda item.

There was some discussion of if the Town has done this before. The Town Attorney noted that technically a resident doesn't have to request the Town's approval on putting a fence up on the right-of-way because they are the owners of the right-of-way. Whitman wanted to be proactive and transparent with the Town in this matter. There was some discussion of whether the permit travels with any new owner of the home. The Town Attorney noted that it does not legally travel, but that practically it should. This signed agreement will simply trigger future homeowners to be apprised of the situation.

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

Abbi Whitman, 2731 Stillwater Street, was present to answer any questions. She noted that there is a steep slope that runs down the front of the property toward East County Line Road, and they want to prevent anything happening to her 3-year-old. It was noted that there is a tree swing just outside of where the fence would be placed if it was right on the right-of-way line, but that would make sense to go outside of the fence to swing. As far as the garage goes, Whitman is looking to expand, but after surveying the area there are additional limitations (like the right-of-way, and not wanting to further build on neighbor's property). The neighbor is aware of the garage on his land.

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

Ruzek moved based on Variance Board, Planning Commission & staff review & recommendation approve a 35' Right-of-Way Setback Variance to allow construction of a shed & a fence & approve the License Agreement for placement of the fence within the road right-of-way. McCune seconded. Ayes all.

MICHAEL & BREANNA SCHAFFER, 5731 BIRCH ROAD – REQUEST FOR A 13% GREEN AREA VARIANCE: Ruzek made the motion to alter the agenda by moving 8F up to after 8D. McCune seconded. Ayes all.

The Town Planner reported that this home is in the Benson Bay neighborhood and that the lot is long and skinny, and for the most part like its neighbors, undersized. The Schaffer's would like to add some living quarters and garage additions, but in order to do

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that, they will need a green area variance to take up more of the lot. Other homes in the area were noted and many of them had Green Area Variances that ranged from 7% to 13%. The Schafer's want to take up 38% of the green area, but 25% is a given, so they need a 13% Green Area Variance. There was some discussion over drainage issues. It was noted that the Town Building Inspector has been in conversation with the property owner and is comfortable with the planned addition.

Ruzek moved based on Variance Board, Planning Commission & staff review & recommendation to approve the request for a 13% Green Area Variance to allow construction of a home addition, driveway & sidewalk, with the note that there were drainage issues that was pointed out that the neighbors are working together cooperatively with the Town Building Inspector to resolve those. McCune seconded. Ayes all.

WATER GREMLIN, 4400 OTTER LAKE ROAD – REQUEST FOR PERMITTED USE STANDARDS PERMIT: The Town Planner reported that Water Gremlin is proposing to place a temporary 12 feet by 15 feet metal structure that houses vapor mitigation equipment at their north campus. The structure will have a foundation of heli piles, so similar to tent equipment, versus concrete foundation. The Minnesota Pollution Control Agency has mandated this order and will authorize the structure until vapor mitigation is complete. The building is a cube about 8 feet high, but the building is screened from street view much by landscaping. The ground air is purified through a series of pipes within the structure and then out through the top, most likely. It will also need filters and maintenance, but the MPCA is in control. It was noted that the Concerned Citizens group is in favor of this project. There was some discussion of the term “temporary”, as this structure could be around for quite some time.

Ruzek moved based on Planning Commission & staff review & recommendation to approve the Permitted Use Standards Permit with attached requirements which will allow construction of a vapor mitigation structure room addition at Water Gremlin, 4400 Otter Lake Road, with the understanding that it is a temporary structure controlled and directed by the Minnesota Pollution Control Agency and will be removed once the Agency deems it no longer necessary. McCune seconded. Ayes all.

LEIBEL STREET STORMWATER IMPROVEMENT PROJECT – AUTHORIZE PREPARATION OF PLANS AND SPECS – AUTHORIZE ADVERTISEMENT OF BIDS: The Town Engineer explained that this type of agenda item is routine maintenance completed every year. This year, the Township is looking at Leibel Street which is on the northern border of the Township. The pipe and ditch conditions are poor, and drainage runs down Hugo Road to discharge into the lake. The project was reviewed and recommended approval to move forward by the Utility Commission. This project is for 2020, and once plans and specifications are authorized and then the project goes out for bid, staff will start on the project.

McCune moved based on Town Engineer & staff review & recommendation to authorize TKDA to prepare plans & specifications for the Leibel Street stormwater improvements

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including the bidding process. Ruzek seconded. Ayes all. Noting an amount not to exceed \$5,800.00.

McCune moved based on Town Engineer & staff review & recommendation to authorize advertisement for bids. Ruzek seconded. Ayes all. Noting funding is from the Stormwater Utility Fund.

IMPROVEMENT 2020-5 – OTTER RIDGE CIRCLE – RECEIVE REPORT – CALL NEIGHBORHOOD MEETING – CALL PUBLIC HEARING FOR ROAD IMPROVEMENT: The Town Engineer recapped that the Town Board has discussed this agenda item for the past couple months at Town Board and Executive meetings. TKDA had prepared a 2014 feasibility report, but it will need to be updated in order to move forward. Staff has prepared two options for the Board’s consideration: a full reclamation, keeping curbs and removing pavements; or a mill and overlay, mill edges and repave a new surface. Both options have similar price tags. Reclamation projects can assess at higher rates, and it lasts longer. The assessments will be brought to a funding table in the feasibility report.

It was noted that the street is currently rated around 1.99 on the scale of street ratings. Other streets in the neighborhood are 2 to 3 points higher, and that is why the Town is considering prolonging these streets lives. A reclamation will deal with any soil issues and it was noted that since this street is a newer neighborhood it already has curb and gutter.

A preliminary schedule would be to have the Neighborhood Meeting late June or early July and have the Public Hearing on Monday, July 20, 2020.

Ruzek moved based on Town Engineer review & recommendation to adopt Resolution Receiving Report for a Street Improvement dealing with Otter Ridge Circle. McCune seconded. Ayes all.

Ruzek moved based on Town Engineer review & recommendation to call Neighborhood Meeting as soon as practical for the affected properties dealing with Otter Ridge Circle. McCune seconded. Ayes all.

It was noted that Wednesday, June 24, 2020 would be the date to hold the Neighborhood Meeting.

Ruzek moved based on Town Engineer review & recommendation to adopt Resolution Calling Hearing on Improvement 2020-5 noting hearing date of July, 20, 2020 @ 7:00 p.m. at Heritage Hall. McCune seconded. Ayes all.

STABLE PROPERTY – ORDER PREPARATION OF A FEASIBILITY REPORT: The Town Engineer reported that Larson Engineering had previously prepared a lot of plans and specs for this property, but since there are a lot of new materials available. If the Town wants to complete the sale of the Stable Property, TKDA would have to prepare a

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current feasibility report that is simple, reasonable, and comprehensive – taking all documents and combining them into one single document.

Ruzek moved based on Town Engineer & staff review & recommendation to authorize TKDA to prepare a Feasibility Report for a total amount not to exceed \$4,400.00. McCune seconded. Ayes all.

Ruzek moved based on Town Engineer & staff review & recommendation to adopt Resolution Ordering Preparation of a Report on a Street & Utility Improvement. McCune seconded. Ayes all.

REQUEST TO USE MOTORIZED GOLF CART ON TOWNSHIP STREETS: The Town Attorney reported that a simple request to pursue an ordinance allowing use of an annual permit for golf carts on Town streets came in. There was some discussion regarding “motorized vehicles” and whether or not the golf carts needed to have turn signals. There was some discussion of the many ordinances the Township would like to go through soon and update, but until then, the Town appreciates its law-abiding citizens.

McCune moved based on staff review & recommendation approve issuance of a permit allowing operation of a motorized golf cart on Town roads for a period of one year, from June 15, 2020 through June 14, 2021, with the conditions of the permit being acknowledged by the applicant by way of their signatures on the permit. Ruzek seconded. Ayes all.

ADDED AGENDA ITEMS: There were no added agenda items.

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 8:21 p.m. Ruzek seconded. Ayes all.

Respectfully Submitted,

Patrick Christopherson
Town Clerk-Treasurer

Approved as Official Meeting Minutes

Town Board Chair

Date