

**MINUTES  
TOWN BOARD EXECUTIVE MEETING  
JUNE 26, 2020**

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

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

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

**APPROVAL OF MINUTES OF MAY 22, 2020:** Ruzek moved approval of the May 22, 2020. McCune seconded. Ayes all.

**2020 STREET IMPROVEMENTS – PETERSON ROAD – UPDATE:** The Town Engineer reported that Peterson Road is a part of the Town's comp plan, with the future goal of connecting with County Road H2 and pedestrian traffic, with other future planning in the Three Oaks development, etc. Six property owners attended the neighborhood meeting. The details of what the road will be like, what residents would like when it comes to driveway bases, adjustments in regards to assessments, and the feasibility study were all discussed at the neighborhood meeting. The public hearing is on Monday, July 6<sup>th</sup>. If approved, the plans and specifications would be the next step and construction would begin fall of 2020. If not completed in the fall, it will be completed in the spring of 2021. It was noted that the northern half of the road will stay gravel, and the southern part will be improved as recommended, and be 26 feet wide with concrete curb and gutter, and sidewalk adjacent to the road.

It was noted that there is 1 neighbor completely opposed, 1 neighbor completely for, and 4 neighbors who have shown support but know of the financial impact this project will take. There was some discussion of the road height, curb and gutter will help the water run down the street, and other grading discussion.

**2020 Street Improvements:** The Town Engineer reported on the current 2020 street improvement projects, noting that the easterly streets have been milled and currently the contractors are installing storm sewers on Arbor Drive. There have been some minor issues that the Town has expected to find that it is correcting, for example: buried culverts. The contractors are installing culvert crossings of streets and improving

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drainage. So far the resident interaction has been very positive, as the Engineer noted; and the children in the area have loved watching the construction equipment.

It was noted that there will be no more milling roads before the 4<sup>th</sup> of July, and there will be little travel impact on the weekend. After the 4<sup>th</sup>, the construction crew will kick back up, installing curb and gutter and pavement. It was briefly noted that the contractors have had to relocate some mailboxes due to tight conditions, but the process is still positive and on schedule.

**Otter Ridge Circle:** The Town Engineer reported that due to a scheduling oversight in meeting times and dates, the neighborhood meeting for Otter Ridge Circle will be held on Wednesday, July 8<sup>th</sup>, and the public hearing will be on Monday, July 20<sup>th</sup>.

**WATER SYSTEM IMPROVEMENTS – UPDATE:** The Public Works Director updated the Board on the improvements of well 4 and pump 4. Well 4 is now at the point of capacity. The test pumping has finished and the pump and motor will be ordered and installed shortly after delivery. Staff is a bit behind due to waiting 3 extra weeks for the Minnesota Department of Health approval of the project due to the COVID-19 pandemic. Because of this, staff is working hard during the busy, higher water consumption, season. The Town Engineer noted that previously the pump had a capacity of 450 gallons per minutes (GPM), and though the goal was 1000 GPM, the current capacity is 1100 GPM with test pumping increasing it to 1250 GPM. By the end of July or early August, the project will be completed.

There was some discussion of the water meter reading on Monday the 29<sup>th</sup>. There was also a note that the Town will open up water to the City of Birchwood on Tuesday the 30<sup>th</sup> for a last-minute project that came up. And a new meter will need to be put in along County Road F/Wildwood/Century 120, that area had leaked water for 4 hours. The Town will be reimbursed.

**I & I – UPDATE:** The Public Works Director reported that staff has identified a sewer line on Otter Lake Road that needs to be off set. Staff received a quote and reviewed it. As it turns out, the project needs some enhancing, so staff is getting more quotes. The price will be around \$16,000 for repair and bids will be brought to the Board once ready.

It was noted that the I & I found an area where flushable wipes were getting stacked up in the pipes and could cause sewer issues. It was noted that the Town Clerk will put a reminder in *News & Views*. The Town's pumps can tear it up, but sometimes they don't make it to the pumps if the wipes get stuck in the pipes. There was some discussion over PVC systems and some projects around Leibel Street. Town Staff is looking into grants, but MET Council doesn't include Townships.

**TOBIN LAY & BIRCHWOOD CITY COUNCIL MEMBERS – SOUTH WATER TOWER ANTENNA REQUEST:** Jonathan Fleck was present on Tobin Lay's behalf and called in Mayor of the City of Birchwood for discussion on this agenda item. It was reported that

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the City of Birchwood is looking to install an antenna on the Township's south water tower to provide better service to its residents. The thing is, the Township currently doesn't have any antenna leases, but if a company or provider wanted to lease the space, the Town would miss out on the lease if Birchwood's antenna were there. What's more is, another provider would pay more. The Town and Birchwood would form a type of Joint Powers Agreement, if a number is agreed upon, and it would be less than other potential offers. There was some discussion over water tower upgrades and the logistics/cost of that.

There was discussion of what would go into this kind of agreement. The Town Attorney noted that Birchwood would have to provide an engineering report on ground space for the utility shed, quality of the structure and how the proposed antennas would impact the structure of the water tower over time.

There will be more discussion over this agenda item at a later date.

**LAKE LINKS REPRESENTATIVES:** Steve Walgomot, Mike Brooks, and Greg Bars were present to discuss the Lake Links Trail. Walgomot sent the Board a history and funding memorandum. He went over survey results from residents and strongly advocated for the one-way trail around Bald Eagle Boulevard. Currently the County has possession and responsibility over Bald Eagle Boulevard. If the County reconstructed the road and turned it into a one-way road with the trail extension, the Township would resume responsibility over the road. This would produce more economic impact on the Township, for which, the Town already has a burden that is not met with reprieve from any governmental agency. It was noted by the representatives that only 0.6 miles of the trail and road would be in the Township's jurisdiction. However, this still will cost around \$8,000 annually in Town maintenance on average.

Walgomot explained the funding that has been allocated for the trail has a certain amount of time to be turned into trail. Brooks discussed how the residents who took the survey feel toward the future economic impact of the road improvements. In his words: they would consider it worth the trail. There was some discussion of the change in traffic patterns that a one-way would cause. The Board concluded that they will discuss and staff will be in touch. As a final note, Brooks reported that a resident donated \$5,200 of his own money for trail costs.

There was some discussion once the representatives left. They sent an email thanking the Township shortly after their meeting. The counters have been stolen in the past so traffic counts have been off. Walking numbers are skewed because this isn't a normal year due to COVID-19. This one-way would change everything for bus drivers, trash, recycling, trucks. There was some discussion on how the logistics would look. As of now the Board doesn't know how or if it would work.

**JEFF MILLER – SUMMIT LANE DISCUSSION:** Jeff Miller, 2651 South Shore Blvd, and Catherine McIntre Belke were present to give their sides of the story on current Summit

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Lane discussion. There had been an incident with debris that was removed from his hedges and traded back and forth between Miller and Belke that ended in an argument that involved the police. Miller concludes that he is requesting that instead of designating a resident, that the Town designates a Townsperson to open and close the park, and at the end of the summer decide whether to leave the park open or closed for good.

Belke gave her side of the story noting that she had thought the debris had blown into Summit Lane, and had picked it up, placing it near the street for pick up, near Miller's lot line. She reported that she, along with other neighbors, have contributed to the park's beauty in time and money.

The Town Attorney gave some input on easement and boundary line issues, noted that Police do not like to be antagonized to monitor a location like this. He asked the residents to treat each other with respect and not punish a neighborhood by having Summit Lane closed permanently. Because that would be the result: the Town does not have the staff, time, and effort to babysit a park like what has been requested. The Attorney gave examples of other neighborhood cases: tree limbs hanging over a property line, mailbox issues, etc., and how judges do not like these civil cases.

**JIM EICHEN, MMKR – AUDITOR**: The Town Finance Officer reported that Jim Eichen is the Town's new financial auditor and will give a comprehensive annual financial report of the Township's assets. He started with the Management Report and reviewed it page by page. The Audit Summary gives the Township the main objectives, the purpose of the audit, which is due to the state on June 30<sup>th</sup>, the responsibility of the Township, and MMKR's certification to perform audits. This is MMKR's first year with the Township, so part of the introduction included showing the planning and organization of the audit. Though the firm didn't divert from the plan, there were some challenges and irregularities found that are needed to be discussed.

The firm's opinion of the audit is in the large packet entitled, "White Bear Township, Minnesota Comprehensive Annual Financial Report". The noted material prior period adjustments found during the audit were the property held for resale; the Public Employees Retirement Association deferred outflows, net pension liability, and deferred inflows; and adjusting journal entries that were recorded by the Township in the prior year general ledger that were not recorded in the audit the year prior. The property held for resale was that the Township reported the land the Town has as an expense versus a value sheet item. The EDA bought the land held for resale in the prior audit and it wasn't included in the report, so it is considered a discrepancy. The discrepancy of \$685,000 was in the favor of the Township. The Employee Pension Plan documentation was also a discrepancy of \$650,000 in favor of the Township. The third item noted was regarding checks that regarded the Township's bill-paying method. Townships are legally responsible to pay bills within 30 days of receiving them. For this, staff would write the check but hold it, now the staff will wait until after a new document is formally received before issuing the check, eliminating this issue going forward.

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The Minnesota State law and regulation require that the findings be presented and acted upon. The corrective action plan is in the larger packet, and will be added to the Consent Agenda for the Town Board to approve on Monday, July 6<sup>th</sup>. There were some other notes regarding the impact of Novel Coronavirus (COVID-19) and employee gatherings that were discussed.

Eichten went on to explain the governmental funds overview of the Township in regards to other governmentally taxing entities: township, county, school, special taxing. The Township's funds were laid out in graph function, measuring their growth and consistency in regards to previous years' growth and consistency. Finally, there was some brief discussion of the legislative updates in the rear of the packet. Once the report is accepted it will be sent to the state.

**GHD/WHIRLPOOL/REYNOLDS DISCHARGE OF EXTRACT GROUNDWATER – UPDATE:** Town Board Supervisor McCune requested billing updates based on this agenda item. GHD/Whirlpool/Reynolds and the Township had an original agreement in the 90's, which was a sort of handshake deal that had gotten lost in transition between turnover and retirements. For a couple years the Township did not receive payment of water consumption by this company, and since have partly reconciled the differences. The Board wants to ensure that Town staff and this party are continuing to reconcile the funds to the Township. It was noted that the MET Council bills the Township regardless and the \$7,000 to \$8,000 come out of the enterprise funds versus the general funds. Staff will be in contact, and the Public Works Director will share the water reading results with the Town. There will be more discussion at later meetings.

**Water Meter Update:** The Public Works Director reported that 67 new water meters were needed as of the subcontractors Hydrocorp's leaving pre-COVID-19 pandemic. Town staff gave a break in service of water meter replacements due to the pandemic, but started back up installing water meters as possible a couple weeks ago. Staff has knocked off 2 water meter installs per day, with about 47 left. Two houses are unable to get to, and it was decided that those homes will be fined, because if the water meter broke, staff would have to get to it.

**TYLER CONTENT MANAGER – PAPER FINANCIAL SOFTWARE PURCHASE:** The Town Finance Officer reported that this agenda item was brought before the Board at an earlier meeting, but due to the COVID-19 pandemic and the uncertain economic conditions, the Board had decided to wait on the purchase of paper financial software purchase. It has been decided that in light of the pandemic, the Board understands the importance of eliminating paper and eliminating waste. There was some minor discussion of the agenda item, but it was decided that this agenda item should be presented to the Board during the meeting of Monday, July 6<sup>th</sup> so that the Board may take action and vote to purchase this cost-saving software that will improve the Town's electronic records.

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**PURCHASING POLICY – REVISED POLICY:** The Town Finance Officer reported that the purchasing policy was last updated in 2015 and is one of the items that was needed to be improved upon, as directed from the auditors. The Board has to approve changes in the purchasing policy, but if the Town Board is OK with the changes and languages, staff will modify the written document: omitting the strikethrough words and will have on the agenda at the Town Board meeting of July 6<sup>th</sup>. There was some discussion of editing Clerk-Treasurer, Clerk, Clerk/Treasurer to simply administrator. There was some discussion of the advantages and disadvantages. This is something larger municipalities have implemented.

**Electronic Transfer Funds Policy – Adopt:** This was part of what the auditor had mentioned that the Township adopt a new electronic transfer funds policy which will properly transfer funds from retirement/pension plans, bonds, etc. The Town Clerk, Finance Officer, Financial Analyst, and Accounting Clerk will discuss duties and draw something up for the Board to approve on July 6<sup>th</sup>.

**FOOD SHELF COMMUNITY OUTREACH:** Town Board Supervisor McCune reported that he wanted to get the Board’s thoughts on reaching out to the community through some communication forum to encourage use of the food shelf as needed during these unprecedented times. The food shelf has seen more traffic during these times, but also a lot of support and donations. There was some discussion of how staff would get the word out, either via electronic communication or in the utility bills. It was decided that the Town Clerk will implement this communication in the *News & Views* section of the *White Bear Press* two times, one month apart, and via word of mouth.

**HOCKEY DAY MINNESOTA – UPDATE:** The Town Planner reported that staff is putting together a resolution of support to send to Corey that will fill in the blanks, as a simple event permit. The Town Attorney had no problems with the permit, as it is “non-binding” and will be approved at next meeting.

**ROSEVILLE METRO I-NET MEMBER MEETING INFORMATION – DISCUSS:** The Town Clerk reported that this agenda item is just for the Town Board to think about. Roseville Metro I-Net has been providing service to the Township and other municipalities for some time. Recently, Metro I-Net is looking to become a separate entity. There was some discussion of whether a representative from I-Net should come discuss this with the Board. It was decided that they have been a good vendor for the Town, providing affordable work, and staff understands the situation as is. If anything changes, this agenda item can be brought before the Board again. Staff will draft up a formal resolution for the meeting of Monday, July 20<sup>th</sup>.

**GROUND WATER POSITION STATEMENT – DISCUSS:** Town Board Supervisor Ruzek introduced this agenda item, with the desire to ensure that the Town is doing everything possible to make sure any water quality/air quality considerations, that the Township is held harmless in any future discussion or litigation, and that Water Gremlin is held responsible. There was some discussion of whether VLAWMO should be

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present. It was decided that for now Supervisor Ruzek, Public Works Director, Clerk-Treasurer, Town Engineers, and the Town Attorney will put something together.

**2561 BLUE BILL CIRCLE – GRAD PARTY USE OF CUL-DE-SAC:** The Town Clerk reported that the Town receives these requests every year, and there have been no problems. Of course if the Governor changes the guidelines the grad party will be cancelled. The tent will be weighted, not staked. That note will be added on the approval.

This agenda item will be on the Town Board's consent agenda on Monday, July 6<sup>th</sup>.

**PUBLIC WORKS DIRECTOR REPORT:** The Public Works Director was present to report on Public Works Department activity for June of 2020. He noted that the first **Safety Training** was held via Zoom, which was different and new. It was held in the lunch room which allowed for social distancing. Hugo and the Township were present. **Fire hydrant painting** went well. Staff noted that they looked nice. Staff will cover them again this winter since covering went well last winter. He noted some **utility repairs** downtown: cleaning culverts, cleaning ditch of trees east of Division Street (MCES easement). There was some discussion of some drainage issues of which the Public Works Director wanted to make the Board aware. A private service line on Hobe Court East had some issues. There was also a service connection issue on Redlin Electric's property. There was discussion of these issues and Reed gave the back story.

**CODE ENFORCEMENT OFFICER / BUILDING INSPECTOR REPORT: 5456 Township Drive:** The Town Attorney noted that he has everything in place for the rental ordinance that he will present to the Board and Town staff. It is one strike and you are out. The Building Inspector will be present at the July 6<sup>th</sup> Town Board meeting. It was noted that the renters of 5456 Township Drive property are moving out by July 15<sup>th</sup>. The neighbors have said the back yard is full of junk. Johnson noted that the accusation that resident Chuck Mason had made about the trampoline being a safety hazard was inaccurate. While the trampoline hasn't been used for a considerable amount of time, there are no rips, the frame is structurally sound, and there is a safety net. Town staff will make sure any new renters at 5456 Township Drive sign a new rental agreement with the Township.

**5305 West Bald Eagle Boulevard:** The Town Clerk forwarded emails to the Board and this agenda item will be at the July 6<sup>th</sup> Town Board meeting. The Sheriff's Office will have presence as well. He wanted to caution the Board that there are several open investigations on the property and the residents for illegal activity. Included in the informational handout, was a packet of calls on this property to the Ramsey County Sheriff's Department in the last year. Residents will be at the Town Board meeting on the 6<sup>th</sup> looking for action: wanting change, wanting the Town to potentially kick the owner out. While there may be illegal activity going on in a house, the Town has no ability to kick a resident out of his or her house. The Town can abate the property, but once whichever abatement has been fixed, the abatement disappears. The Town can

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submit it to the courts and notify residents, but the Town cannot kick a resident out of his or her house.

The Town Building Inspector is dealing with mainly one neighbor. It was decided that the owner of the home should be notified of the public hearing on Monday, July 6<sup>th</sup>. The Town is working to ensure civil action for the new ordinance, but anything criminal is up to the courts. There was some discussion of how the meeting should go on the 6<sup>th</sup>. First the Town Building Inspector would present findings, then the Ramsey County Sheriff's representative, then residents. The residents should be timed between 2 and 3 minutes, and asked not to repeat what was last said.

**1378 South Birch Lake Boulevard:** The Building Inspector reported that the water service froze last year and the Town turned off the water. The Town had declared the property vacant and the yard hasn't been cut all year. On June 23<sup>rd</sup> the Town cut the grass and sent bill to owner. Staff haven't been able to contact him very well, though this time they have the correct guy now; last year there was some fraud found in someone posing to be the owner of the property. Town staff will send new abatement order every couple of weeks. Staff doesn't want this to be another Stillwater Street situation. All the Town can do is force the owner to bring the house up to code and get the grass cut, but it can't force non-vacancy. The Town Attorney will draft a letter to send to the owner and attorney.

**CLERK-TREASURER REPORT: DNR Groundwater Management – Update:** There are no new updates. There was some brief discussion that a firm from Mahtomedi and Stillwater has been checking in on the case. There has been no news. There was some discussion on a public trust doctrine, but this wouldn't change the overall decision of the case. The Board will be updated as soon as there is a break in the case.

**Clean-Up Day Overview:** The Town Clerk reported that Republic pulled 15 tons of trash from the premise of the event, which is 13 tons more than last year. Republic will let the Town know total costs. The event went well; the plan works. Four people were turned away due to having a license outside of the Township. Fifty cars showed at 9 a.m. and sat through the line the entire time. Eight Republic trucks came in and out, which took 15 minutes each time. There were 5 complaints on timing, 1 person didn't get in. There will be some discussion of whether the Town should offer this amenity at all, or create 2 events, or what. The Utility Commission will look at the numbers, and staff will be in touch with Bev Mathiasen from Republic to attend either in person or via phone call.

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

**ADDED AGENDA ITEMS: Township Day/Movie in the Park:** Lisa Beecroft was present via phone call to discuss this agenda item with the Board. She noted that she has been in contact with the Park Board, and most recently they had talked about having a smaller event, keeping an eye on everything. First of all, the event will have to

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comply with the Governor's orders, which can hold events up to 250 people outdoors. Beecroft has been looking into ways to protect people at the event, but Public Safety doesn't want to police social distancing, and the small staff of the Township would be stretched already. The Movies in the Park will go well: she is not worried about the size. Typically between 100 and 150 people show up, plus there is ample room to spread out.

There was some discussion on a drop dead date of which the Board would have to decide: August 1<sup>st</sup> was decided. The Park Board felt the Town Board should make the decision. Beecroft and the Town Planner looked at the financial schedule and the Town won't be out much if the event is cancelled. The Town Attorney noted that the next update from the Governor will be July 1<sup>st</sup>. What the Township would have to do would be to have a counter at the entrance, which would be impossible. There was some discussion on what the 250 people limit actually meant, like 250 people spread out over half of an acre or 10 acres. The Township has a lot of space. It was decided that the Board would like to monitor events and any spikes after the 4<sup>th</sup> of July: see what the impacts are mid/late July and make a decision at the July 20<sup>th</sup> Town Board meeting.

**1728 County Road H-2 – Parking Request:** The Town Clerk reported that this agenda item is similar to the cul-de-sac graduation party request. Staff is looking for Board consensus, and if so will have the approval on the consent agenda at the Town Board meeting on July 6<sup>th</sup>. There was some discussion on Ramsey County's street improvements. Tony Schrempp has taken a position with Hennepin County, so Ramsey County has been understaffed. Town staff will reach out and get more information on their schedule. The Board decided that the approval should be contingent upon Ramsey County's construction and a decision will be made on the 6<sup>th</sup>.

**Mission Statement Revision:** One email from a resident requesting the Town put together a task force to look at racial inequality within the Township brought forth concern from staff. Staff isn't big enough to have a task force for this, but it was decided to revise the mission statement. The City of White Bear has a task force, and it was decided that the Town can appoint a staff member to sit as a representative on the City's task force.

**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 12:42 p.m. Ruzek seconded. Ayes all.

Respectfully Submitted,

Megan R. Cavanaugh  
Recording Secretary