

**MINUTES
TOWN BOARD MEETING
JULY 6, 2020**

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

Present: Supervisor: 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. McCune seconded. Ayes all.

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

APPROVAL OF MINUTES OF JUNE 15, 2020 (Additions/Deletions): Ruzek moved to approve the minutes of June 15, 2020. McCune seconded. Ayes all.

CONSENT AGENDA: McCune moved to approve the amended consent agenda as follows (pulling 5G Special Three Dog License from the consent agenda to amend): **5A) Tyler Content Manager** – Based on staff review & recommendation authorize the purchase of paperless financial software; **5B) Township Policies** – Based on staff review & recommendation adopt the following policies for White Bear Township: 1) Revised purchasing policy, 2) Electronic funds transfer policy along with resolution adopting electronic funds transfer policy, 3) COVID-19 preparedness plan; **5C) Improvement 2020-5 – Otter Ridge Circle** – Adopt resolution declaring official intent to reimburse; **5D) 2019 Audit Report** – Accept; **5E) 2561 Blue Bill Circle** – Approve temporary use of cul-de-sac for August 15, 2020 graduation party; **5F) 1728 County Road H-2** – Approve parking request for October 3, 2020 wedding reception; **5H) Right-of-Way Permit** – Based on Town Engineer review & recommendation & including his recommended conditions, approve CenturyLink permit to install a new service line to 5203 Latta Street from an existing pole to the house. Ruzek seconded. Ayes all.

OPEN TIME – 5305 WEST BALD EAGLE BOULEVARD – UPDATE: The Town Building Inspector was present to report on the Town's history with this property and property owner. Last year staff did have an open line of communication with the owner, and he had made effort to resolve issues. Most recently the first abatement order was in October, vehicles, which was resolved. The second abatement order was in November,

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unpermitted construction. Since November there have been multiple abatement orders and complaints from neighbors. On March 22, staff sent out a notice with the ordinance violations that have been violated by this property and property owner. Johnson went through the list. Since then the situation has seen no action. Citations have been issued for violations.

Mike Strobe, Ramsey County Sheriff's Office, was present to report the County's involvement in this property. Strobe works on the crime prevention side, and they Sheriff's Office is well aware of this property. He explained criminal verses civil ordinances. The Sheriff's Deputy is in contact with residents. He noted the case in March when several stolen vehicles were hauled of the premises, but noted that the owner won't be charged with the thefts because just because one has stolen property doesn't mean he or she was the one who stole it. If there are any criminal counts that are to be charged to the property owner, the County Attorney would have to make those charges. In the last 2 years over 40 calls had been made to the Sheriff's Office about this property. Strobe explained the labor intensity of a property like this and explained that it takes time. Residents are to continue to do what they are doing: be vigilant and keep reporting. As abatement orders that go unfulfilled stack up, it will be easier for the courts to see the threat this property could pose to residents and neighbors.

The Town Attorney explained the Town's abilities to abate nuisances, but that anything criminal goes above and beyond the Town's control. Once an abatement has been fulfilled, it disappears from record. He explained that a home can be on a misdemeanor list for a long time. Likewise, it takes 5 years for a homestead to forfeit if not paying property taxes. Though this is a long-term situation, the Town is rewriting the rental and other ordinances to make violations more costly and painful to the homeowner. This property has been hard on the Town as well as residents.

Tracy Jansen, 5297 West Bald Eagle Boulevard, was present to discuss her concerns with this property. She is the direct neighbor and thanked the Township, but explained her patience is dwindling. Her kids are victims in cases like this where there is unsafe activity with drugs and cars nearby. Her property has been damaged by reckless driving. She described everyday situations that occur at this property involving auto work, trash, foul language, etc.

Greg Klein, 5315 West Bald Eagle Boulevard, was present to discuss his concerns with this property, agreeing with the trash instances Jansen stated. Klein has a 2-year-old daughter and worries that she may be injured on some old appliances or junk in the yard. He has a shared driveway with 5305 and worries that his daughter may be hit by a recklessly driven car exiting the driveway. Though it is a single family home, Klein stated that 12 people live there and 3 girls just move out. It was noted that the new rental ordinance will give the Town teeth to dig into this case.

Tony Sampair, 5287 West Bald Eagle Boulevard, was present to address his concerns with this property. He is a couple houses down, but still concerned nonetheless.

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Ambulances and police frequent this property. He stated that drug houses attract a certain type of character that he doesn't want children to be around. The Sheriff's calls have seemed to triple over the last 2 years, and Sampair has wondered who is paying for these calls. If residents are paying for these houses bills, they'd like it to stop. Perhaps if the Town can show this case's escalation, the courts would listen.

John Rapheal, 5275 West Bald Eagle Boulevard, was present to address his concerns with this property, describing the residents as using and buying meth. He stated to have seen people buying meth and biking or walking the neighborhood leaving. He doesn't want the unsavory characters in the neighborhood there. It was noted that these descriptions are of felonies, which is up to the County Attorney.

The Town and the Town residents will be watchful. There will be more to report as time goes on.

HOCKEY DAY MINNESOTA – ADOPT RESOLUTION: The Town Planner reported that the Town has been working with representatives from Hockey Day Minnesota. The representatives have met with the Board a couple of times. The association would like a formal resolution to request to use Polar Lakes Park. The Town Attorney noted that since the permit is non-binding, and that he is comfortable with it.

Ruzek moved based on staff review & recommendation to adopt the resolution approving the Special Event Request for Hockey Day Minnesota January, 2022 or 2023 for exclusive use of Polar Lakes Park, 1280 Hammond Road, White Bear Township, date to be determined. McCune seconded. Ayes all.

EMERGENCY MANAGEMENT TEAM REPORT:

1. Ramsey County COVID-19 Incident Management: The Town Clerk reported that the County is monitoring the state to see how celebrations from the Fourth of July went in regards to the COVID 19 emergency

2. Contract Group Update: 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. There will be more to note after his next executive decision.

4. Operations Logistics/Administrative Offices/Public Works – Rescind Resolution Declaring Civil Emergency: The Town Clerk reported that operations are back at full time and staff have been busy.

IMPROVEMENT 2020-4 – PETERSON ROAD IMPROVEMENTS: 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.

Chair Prudhon turned the Chair position over to Supervisor Ruzek for this agenda item.

The Town Engineer was present to report that the Town Board has been in discussion of this project for some time, due to the favorable project climate. Since June, the Board has accepted the feasibility report and held the neighborhood meeting on June 17th. It was reported that many neighbors have known the improvement would be coming, but that they didn't like the price. One was in support and one was opposed at the meeting. Listed in the meeting packet was the PowerPoint presentation slides from the meeting. The feasibility report discussed existing conditions, proposed improvements from H-2 to Mehegan Lane. The project includes sanitary sewer, storm water improvements, watermain improvements, a 28 foot street with 6 foot sidewalk. Though there is only 800-900 feet of road, the cost is \$1.1 Million, which will be split among bonding, the Township, and residents' assessments. The Town Engineer discussed the benefits of the improvements: reduced maintenances for the Township and residents, sewer and water hookup availability, the sidewalk, etc.; all of which was discussed at the neighborhood meeting. The next step is to order the improvement, plans and specs, and adopt the resolution declaring official intent to reimburse, which is tonight.

McCune moved to open public comment portion – ask for comments. Ruzek seconded. Ayes: Ruzek and McCune; Abstention: Prudhon.

Patricia Peterson, 5474 Peterson Road, was present to address her opposition to the project, stating she is all parts opposed. Peterson has a perfectly functioning well and septic, and while some neighbors may want the water and septic hookup option, she does not. She does not have any drainage issues and thinks it's better at soaking in the water. Since the street is not a through street, there isn't enough usage to warrant the street improvements. There is no reason for sidewalks, especially since the neighboring streets have no sidewalks and Eagle Park has no sidewalks.

Leif Eischen, 5451 Peterson Road, was present to present his concerns with this project. He asked why this project discussion was even started. Acting Chair Ruzek explained that this improvement is a part of the Township improvements, part of the Town's future plans to connect the street. When Ruzek moved to the Township, Centerville Road and County Road H2 were gravel and have been improved. It is time to improve the streets because gravel is not sustainable for higher levels of traffic, which will come once new developments are created. Eischen stated the Town should be proud of having the last gravel road in the County. There were questions on why only paving part of the road, why the assessment percentage.

Jerry Price, 5425 Peterson Road, was present to address his concerns with this project. He stated he agrees with Eischen and wanted to know if since he has 2 lots, would one

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of them have interest . It was noted that, yes, the interest would be charged at the statutory rate. Price stated that Mehegan resident should have to pay as well.

Jeanenette Miller, 5470 Peterson Road, was present to report her concerns with this project. She moved on to Peterson Road 8 years ago as a renter and is now buying the property. Miller was told by a previous resident that Peterson used to be a cul-de-sac and now the Town wants to turn it into a thru-street. She stated that it will be a hazard to be that wide open and will invite theft. She agreed with Price and Eischen.

Carl Dietric, 5470 Peterson Road, was present to state that many properties have new septic systems and don't need sewer systems.

Sheryl Hagen, 5470 Peterson Road, was present to agree with the previous residents and stated that the price tag is too high.

Denny Peterson, 5474 Peterson Road, was present to address his opposition to the project. He stated that the issue is the North Oaks developers used to have plans for one big project for Three Oaks and now have split it into three phases, missing the assessment. If it were one big phase, it would have been done or started and assessments could have been shared among those residents.

Michelle Eischen, 5451 Peterson Road, was present to address her concerns with this project. She stated that the dirt road handles the residents traffic and that this project is not what they wanted and is not an improvement.

Linda Price, 5425, Peterson Road, was present to ask whether the 30 feet of curb and pavement of Mehegan Road is included in this assessment or would be done at a later date. The Town Engineer confirmed that the 30 feet of curb and pavement is included in this assessed project. It was noted that the developers won't be assessed. Price is opposed to the "sidewalk to nowhere", and stated that opening up the road would invite more traffic whenever there is an accident on I-35. She stated that currently there was one for sale sign and there would be more. Price feels that the privacy of the gravel road is being taken away and she is not in favor of any of it. If change needs to happen, the Town should get the cost down. If anything, the Town should just pave the road only, just like Hugo did, as it would be cheaper.

Steve Pasket, 5441 Peterson Road, was present to discuss is opinion on the project. He stated that he will benefit immediately from the sewer and water improvements. He agreed that the sidewalk doesn't fit for this road improvement. He noted that paving half the road seems bizarre, but that he has had it with the dust.

Ed Prudhon, 5435 Peterson Road, presented his thoughts to the Board, having had his background as a long-time resident, public safety commissioner, planning commissioner, and now Town Board Chair. He stated that it has always been Township policy and goal to get people off of well and septic because those systems fail. There is

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no warning, and it is an expensive project. The sidewalk was only noted on the project because of the comprehensive Town plans, but Peterson should be wider. He explained that he would lose a lot from this project: most notably 20 feet of property for the sewer. But he will also gain from the project too: he has been waiting to pave his driveway until after the road has been paved. He stated that he wants to see the assessment percentage go down to 20% as a resident. He is for the project, but not for the price; there has got to be some way to financially get things done.

The Town Clerk asked for consensus on the project: does it hold value? Would the residents want the project if there were no price tag on it? No Clear Consensus.

There was discussion over how much the sidewalks cost. The Town Engineer noted that the wider street with no sidewalk is between 2% and 3% less expensive than with the sidewalk.

The Town Attorney noted that the Town cannot legally assess more than what the project will increase in the value of the homes. The appraiser supported the \$40,000 assessment. He explained that any resident has the right to appeal the assessment once the final assessment comes in; the resident can object and is entitled to a hearing at the District Court.

Linda Price asked who performed the appraisal. Sanford & Associates in White Bear Lake performed the appraisal.

McCune moved to close the public portion of the hearing. Ruzek seconded. Ayes: McCune, Ruzek; Abstention: Prudhon.

Based on staff review & recommendation Ruzek made a resolution ordering Improvement 2020-4 project to move forward without the sidewalks. There was some discussion on the percentages of the assessments. It was noted that the percentages unpaid by the residents will be split among the Township residents. McCune seconded. Ayes: Ruzek, McCune; Abstention: Prudhon.

Ruzek moved to make a resolution ordering preparation of plans & specifications for Improvement 2020-4. McCune seconded. Ayes: Ruzek, McCune; Abstention: Prudhon.

The next meeting after the plans & specs are approved would be in late July or early August. Once the bids come in there will be another neighborhood meeting. Finally, once the assessments are finalized there would be another meeting.

Ruzek moved to amend his previous motion to include the note "in an amount not to exceed \$46,500.00 & also noting Utility Easements will need to be obtained." McCune seconded. Ayes: Ruzek, McCune; Abstention: Prudhon.

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Ruzek moved to make a resolution declaring official intent to reimburse expenditures. McCune seconded. Ayes: Ruzek, McCune; Abstention: Prudhon.

GARLEY PARK – APPROVE LEASE AGREEMENT: The Town Planner reported that this park was provided by Ted Garley and has leased the park to the Town for several years. Garley received \$20 per year for the lease. The property has been sold to Rick Ringel. Last week Ringel notified the Town that he approves the Town leasing the park for \$20 per year. It was noted that the yellow notes in the agreement are the Town Attorney's language recommendations. There have been no upgrades to the park, nor is it in the Town's CIP, but it was decided that new benches may be needed and in accordance with Section 6 of the Lease Agreement Ringel would have to approve. The Town Board would like the benches to either be removed or updated.

Ruzek made the motion based on Town Attorney and staff review and recommendation approve the lease agreement for Garley Park. McCune seconded. Ayes all.

POLAR LAKES PARK RESTROOMS: The Town Planner showed the Board the map of Polar Lakes Park, and reported that the Park Board reviewed this agenda item and approved the shown locations for restrooms. The first restroom's original location was approved and the second restroom's location was relocated to the north side of the playground, due to proximity to the playground and sewer connection.

The Park Board also reviewed designs from a couple of companies and decided upon seeing a design on a 6 stall restroom and a 10 stall restroom, each having 2 family rooms. The options are for either: Romtec, which creates modular restrooms to be pieced together by a contractor; Public Restroom Company, which creates an entire restroom to be placed on a slab by a crane; or a custom build. It was noted that the bid packages give an approximate price. The Town can submit either option for bid and give dimensions for local contractors to submit bids.

There was some discussion on the exact sizes. Dimensions were given and are shown in the packet. It was noted that the Town Building Inspector will help the Town Planner fine tune the wording on the bid notice for publication.

Based on Park Board & staff review & recommendation Ruzek moved to adopt plan location as outlined. McCune seconded. Ayes all.

Based on Park Board & staff review & recommendation Ruzek moved to authorize advertisement for bids. McCune seconded. Ayes all.

CONSENT AGENDA 5G – SPECIAL THREE DOG LICENSE – 1651 GARDEN LANE:
The Town Board wanted to reword the motion to include rabies.

Ruzek moved to recommend approval of the special three dog license at 1651 Garden Lane, based on staff review & recommendation, with the note that the rabies tag that

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expires on September 23rd be renewed prior to its expiration to continue this until March 31, 2024. McCune 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 8:59 p.m. Ruzek seconded. Ayes all.

Respectfully Submitted,

Patrick Christopherson
Town Clerk-Treasurer

Approved as Official Meeting Minutes

Town Board Chair

Date