

**MINUTES
TOWN BOARD MEETING
JULY 15, 2019**

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

Present: Supervisors: Prudhon, Ruzek, McCune; Clerk: 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. McCune seconded. Ayes all.

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

APPROVAL OF MINUTES OF JULY 1, 2019 (Additions/Deletions): McCune moved to approve of the Minutes of July 1, 2019, with the correction of a few minor grammatical errors that have been corrected. Ruzek seconded. Ayes all.

CONSENT AGENDA: McCune moved to approve 5A) Night to Unite – Proclaim Tuesday, August 6, 2019, as Night to Unite in White Bear Township & Call a Special Town Board Meeting for Tuesday, August 6, 2019, beginning at 5:30 p.m.; 5B) Special Town Board Meeting – Call a Special Town Board Meeting for Thursday, August 1, 2019, beginning at 7:00 p.m. @ Columbia Park, 1756 Highway 96 to tour the Whitaker Treatment Wetlands, sponsored by VLAWMO; 5C) Administrative Driveway Variance – In accordance with Town Ordinance No. 35, Section 9-6.3 & based on Staff review & recommendation & approval, ratify the Town Clerk’s issuance of an Administrative Driveway Variance at 5412 Eagle Street; 5D) Right-of-Way Permit – Based on Town Engineer review & recommendation & including his recommendation conditions, approve the XcelEnergy Permit to replace a failed electrical underground service for the residence at 5671 Orchard Avenue which will require directional boring; 5E Monthly Financial Report – Receive. Ruzek seconded. Ayes all.

BUILDING INSPECTOR ITEM – 2ND QUARTER CONSTRUCTION REPORT – RECEIVE: Building Inspector Mike Johnson went over the Construction Activity Report laid out on page 28 of the packet. It was noted that the 4 single family town home permits in the second column were from Three Oaks. It was also noted that the 1st and 2nd quarter permits haven’t been this low since 2014. There have been 365 total permits

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issued: 184 building, 48 electrical, 3 fire, 39 mechanical, 37 plumbing, 11 utilities, and 43 zoning.

ANTHONY & MORGAN ABBOTT, 5216 GRAND AVENUE – REQUEST FOR 13.5’ RIGHT-OF-WAY SETBACK VARIANCE TO CONSTRUCT A 3 SEASON PORCH: The Town Planner summarized the request to add a 3-season porch above the existing deck. It was noted that a variance was requested and received by the previous owner in 1997 allowing construction of the deck. Riedesel noted that the 3-season porch will have the same roofline as the home and the same dimensions as the deck. The Planning Commission took a look at the block and 6 out of 8 don’t make setback requirements. Variance Board and Planning Commission made recommendations to approve.

Anthony Abbott, 5216 Grand Ave. was present to answer any questions. It was asked whether or not there would be any plans for doorways or steps on the south side of the deck. He replied that the gate is on the left, nothing will be added closer to the road. It was also noted that he would have to add the footings to support the porch.

Ruzek motioned based on Variance Board, Planning Commission & Staff review & recommendation approve the 13.5’ right-of-way setback variance to construct a 3 season porch at 5216 Grand Avenue. McCune seconded. Ayes all.

PATRICK O’BRIEN, 1382 TOP LANE – REQUEST FOR MINOR SUBDIVISION REQUIRING APPROVAL OF A LOT SIZE & LOT WIDTH VARIANCE: The Town Planner summarized the request for approval of a minor subdivision which requires approval of a lot size and lot width variance. The property is located at the corner of Top Lane and South Birch Lake Boulevard. The property is an “L” shape with 89.05’ of frontage on South Birch Lake Boulevard and 200’ of frontage on Top Lane.

O’Brien wants to split the land into one small square lot and one rectangle lot. The lot with the home is 90 feet by 207 feet and exceeds the minimum lot size requirement. The other lot is proposed to be 89 feet by 110 feet, which only totals to 9,790 square feet and 12,000 square feet is the minimum requirement. So O’Brien would need a 15.95’ variance for the short width and a 2,210 foot variance for the short square footage.

The Planning Commission and Variance Board reviewed this agenda item. Planning Commission recommended if approved there would be no more variances. There was suggestion that the 2,210 square foot short lot should gain 900 additional square feet from the rectangular lot. The lot adjacent to the “L” shaped lot is above 9,900 square feet.

There was discussion of the property line being moved, whether or not there is room for easements. It was noted that easements go around structures, but the plan was to tear down the garage and rebuild it.

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If the Board denies the request, O'Brien will have to reapply. The Board will waive the 6 month wait time if O'Brien wants to come back with the proposed changes to the application.

Ruzek moved to deny the requests for the property at 1382 Top Lane. McCune seconded. Ayes all.

NEXTERN, 1185 NORTH BIRCH LAKE BOULEVARD – REQUEST FOR PERMITTED USE STANDARDS PERMIT TO ADD TEMPORARY DRIVEWAY FROM 1185 NORTH BIRCH LAKE BOULEVARD TO 4843 WHITE BEAR PARKWAY: The Town Planner summarized the request for a Permitted Use Standards Permit which would permit the addition of a driveway access between their building and an abutting building which they are leasing. There will only be the removal of one non landscape quality tree, and the proposal stated a temporary gravel driveway. Both the Planning Commission and Variance Board reviewed this agenda item and the Planning Commission recommended a paved driveway.

There was discussion of the items considered incomplete by Nextern. Wes Omers, the Director of Operations of Nextern was present to answer questions and explain the plans. Omers stated that the Town's Building Inspector was out to the property and that all items that could be completed, were completed. There was some reluctance on the Board members with timing. Nextern had agreed to finish the items mentioned, but did not. Omers stated that there is new management and communication is better.

The goal is to start yet this July, upon approval by the Board.

Based on Planning Commission & staff review & recommendation Ruzek moved to approve Nextern's request for a Permitted Use Standards Permit subject to the requirements set out in the permit which allows the addition of a temporary driveway from 1185 North Birch Lake Boulevard to 4843 White Bear Parkway with the caveat that outstanding items will be completed before Labor Day. McCune seconded. Ayes all.

JOINT POWERS AGREEMENT – CITY OF BIRCHWOOD – APPROVE 2019 UTILITY/SANITARY SEWER MANAGEMENT IMPROVEMENT PROJECT: The Public Works Director summarized the Joint Powers Agreement and what has changed. It has been reviewed by Staff and the Town Attorney, and there were corrections made the day of this meeting. The Town Attorney had some input, stating that Paragraph 4 should have a line about Birchwood's responsibility to maintain the existing lines. There was discussion of a water study and repair, I & I of lines, etc. Consensus was that the Attorney needs to look at the terms more.

Ruzek motioned to continue this agenda item so the Town Attorney can look at the terms and conditions. McCune seconded. Ayes all.

800 MHZ RADIO REPLACEMENT – RECEIVE QUOTES – APPROVE QUOTE: Director summarized that the current radios Staff are using daily are 5 years old and

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were obtained with a grant through Ramsey County. These radios are now at the point where they cannot be upgraded and have loss of support for the current model. The plan is to use the old radios seasonally if needed, for example on Township Day perhaps. With these radios Staff can communicate locally, regionally, and state wide, in case of emergency. Quotes have been received from Ancom for \$18,380.65, Motorola Solutions for \$21,963.63, and R&D Communications Inc. for \$22,399.00. Funding for the 800MHZ radio replacement will come from the Capital Equipment Fund, which has \$18,710.00 budgeted.

The Public Works Director explained that the difference between Ancom and Motorola Solutions is like purchasing something from a warehouse or from a vendor who also purchases something from a warehouse. The current number of radios staff need is 8.

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

Based on Public Works review & recommendation McCune moved to approve quote for replacement of the eight 800 HMZ radios to the lowest responsible company, Ancom, in the amount of \$18,380.65 with funding from the Capital Equipment Fund. Ruzek seconded. Ayes all.

2019 I & I PROJECT – APPROVE CLEANING & TELEVISIONING: The Public Works Director summarized the June 3rd approval for Ritter & Ritter to complete the project, but due to an administrative error, he brought this item back to the Town Board.

Based on Public Works Director review & recommendation McCune motioned to approve the cleaning & televising portion of the original bid approved on June 3, 2019, to Ritter & Ritter Sewer Service, Inc., for \$60,974.00 Ruzek seconded. Ayes all.

IMPROVEMENT 2019-3 – STREET IMPROVEMENT: RECEIVE BIDS – AWARD CONTRACT – AUTHORIZE CONSTRUCTION OBSERVATION: The Town Engineer summarized the current status of the 2019 Street Improvement Project. Currently, the Town is on step 3, with the approval of this contract being Step 4. The bid opened on July 10th, and the Town received 2 bids. By this time of the year many contractors have a full work load and don't have room for the Town's projects. Because of the wet spring, less time, and the cost of materials, the bids came in 10-20% higher than the Town Engineer's estimate. It was noted that the interest rates for bonds are good.

The Town's Finance Officer discussed the bonding and how the Town would only have to pay the interest for the first year and it would make the Tax Levy easier on the residents.

Ron Santanni, 783 Gilfillan Court was present to address his concerns with his driveway. He and Silvia Hesse, 779 Gilfillan Court who was also present, paid for their driveways to be repaved last summer. With a good quality bituminous and cement, the cost was high and Hesse and Santanni are concerned that the street crews will ruin part

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of the driving while completing Gilfillan's street repairs. Santanni and Hesse have a 10 year warranty with the company that performed the repaving of their driveways, but the Town only gives a 1 year warranty with the company they contract. Poppler stated that he would put their notes in the plans to keep the driveways in place and work around it as best as possible without impacting the driveway pavement.

Based on Town Engineer review and recommendation Ruzek moved to adopt Resolution Receiving Bids for Improvement 2019-3. McCune seconded.

Based on Town Engineer review and recommendation Ruzek moved to award the Contract to the lowest responsible bidder, T.A. Schifsky & Sons, Inc., in the amount of \$1,037,544.00 & Adopt Resolution Awarding Contract for Improvement 2019-3. McCune seconded. Ayes all.

Based on Town Engineer review and recommendation Ruzek moved to authorize TKDA to perform the construction observation in an amount not to exceed \$55,500.00. McCune seconded. Ayes all.

Noting funding for the project will be through the Water Utility Fund, Sewer Utility Fund, Stormwater Fund, Improvement Fund & assessments.

GIS IMPLEMENTATION STEP 4 – AUTHORIZE DATA GATHERING & DATA MANAGEMENT: The Town Engineer summarized the GIS Implementation plan and explained Step 4 as the retrieval of data, location of Town assets. A TKDA intern will be working on the asset management until he returns to school, then it was noted that a graduate student will take over his work. There was discussion on the time frame. The Town Engineer was confident that TKDA would be able to finish this step of the project by the end of the year.

Based on Town Engineer review & recommendation Ruzek moved to authorize TKDA to proceed with Step 4 for 2019 GIS & Asset Management Implementation for an amount not to exceed \$42,900.00 with funding from the Utility Fund. McCune Seconded. Ayes all.

PORTLAND WOODS STORM SEWER REPLACEMENT: RECEIVE QUOTES – APPROVE QUOTE – AUTHORIZE CONSTRUCTION OVSERVATION: The Town Engineer summarized that July 10th the bid opened for this project and the Town received a quote for the Portland Woods Storm Sewer Replacement. In the late spring with all the rain, it was determined that the storm sewer pipe along Portland has failed. The contractor who performed the service will continue the work. The work will begin as soon as approved by the Town Board.

There was discussion on the difference between this case and a sewer/water line break. It was also noted that the Town wanted to bid because it is an amendment to the contract with Penn from the previous year.

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The Town Engineer said the project would be complete, the pipe installed, by August 9th.

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

Based on Town Engineer review & recommendation McCune moved to approve quote to Penn Contracting in the amount of \$49,652.00 for the Portland Woods Storm Sewer Replacement. Ruzek seconded. Ayes all.

Based on Town Engineer review & recommendation McCune moved to authorize TKDA to perform construction observation in an amount not to exceed \$3,450.00. Ruzek seconded. Ayes all.

COMPUTER REPLACEMENT – APPROVE PURCHASES: The Town Finance Officer summarized the Town Office’s need of new computers. The last ones were purchased in 2011 and 2013, which are highly used and unsupported by upgrades anymore. With the GIS Implementation coming into effect, it is in the Town’s best interest to purchase new computers with newer software. There will be 8 new computers and 1 truck rounds laptop purchased from the Roseville IT department. The list of computers eliminated and new for purchase are found in the packet on pages 109 and 110.

Different types of PCs were discussed as was the laptop in the truck. It was noted that the optimum life of a PC used daily is about 5 to 7 years. Since it is 2019, these computers are 6 and 8 years old and it was agreed that the computers need to be replaced.

Based on Finance Officer review & recommendation approve replacing eight computers & the rounds truck laptop computer at a cost not to exceed \$9,500.00, with funding from the Capital Equipment Fund and that change from the \$9,200.00 to \$9,500.00 was because of the late received quote. 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 8:39 p.m. Ruzek seconded. Ayes all.

Respectfully Submitted,

Patrick Christopherson
Town Clerk-Treasurer

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Approved as Official Meeting Minutes

Town Board Supervisor

Date