

**MINUTES  
TOWN BOARD MEETING  
SEPTEMBER 9, 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, Public Works Director: Reed

**APPROVAL OF AGENDA (Additions/Deletions):** Ruzek moved to approve the agenda as submitted with the supplemental information for 6B) Polar Lakes Park Restrooms. McCune seconded. Ayes all.

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

**APPROVAL OF MINUTES OF AUGUST 17, 2020 (Additions/Deletions):** Ruzek moved to approve the minutes of August 17, 2020 noting that a minor change has been corrected. McCune seconded. Ayes all.

**CONSENT AGENDA:** McCune moved to approve the amended consent agenda as follows: **5A) Parkview Village Refuse Exemption Request** – Based on Utility Commission recommendation deny the exemption request; **5B) 2020 Bow Hunting Request** – Approve 2020 deer hunting request for John Duxbury to bow hunt on Township property near state tool; **5C) Township Mission Statement** – Approve revised Mission Statement; **5D) Special Three Dog License** – Approve renewal of special three dog license contingent upon receipt of application & corresponding fees until March 31, 2024 @ 2340 Hoxie Avenue; **5E) CARES Act** – Approve Ramsey County Elections State of Minnesota 2020 CARES Act Grant County – Municipal Agreement; **5F) Extend South Shore Trinity Lutheran Church Outdoor Mass Schedule** – In accordance with the Township’s Special Events Policy, extend the non-exclusive use of Bellaire Beach to South Shore Trinity Lutheran Church, 2480 South Shore Boulevard to hold outdoor worship services, weather permitting through the month of September with services beginning at 10:45 a.m. for two hours per service & to allow use of electricity from the Township’s lifeguard building to power the south system, noting the church will adhere to any safety/social distancing guidelines that are in place during this time; **5G) Administrative Driveway Variance** – In accordance with Town Ordinance No. 35, Section 9-6.3.(3) & based on staff review, recommendation & approval, ratify Town Clerk’s issuance of an Administrative Driveway Variance @ 2480

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Taylor Avenue; **5H) Employee Handbook** – Approve revision of overtime/compensatory time section of the handbook adjusting the maximum carry-over time from 40 hours to 80 hours; **5I) Annual Storm Water Presentation** – Call the informational public hearing for Monday, October 19, 2020, beginning at 7:00 p.m. for the annual presentation of the Town’s Storm Water Pollution Prevention Program; **5J) Right-of-Way Permit** – Based on Town Engineer review & recommendation & including his recommended conditions, approve Comcast permit to install a new underground cable to 5520 Shadyside Lane by boring the service under the road; **5K) Right-of-Way Permit** – Based on Town Engineer review & recommendation & including his recommended conditions, approve Comcast permit to install a new underground cable to 4198 Lakewood Avenue by boring the service under the new road; **5L) Right-of-Way Permit** – Based on Town Engineer review & recommendation & including his recommended conditions, approve Comcast permit to install a new underground cable to 5326 Bald Eagle Boulevard by boring the service under Short Street. Ruzek seconded. Ayes all.

**CRESCENT CURVE STREET LIGHT INSTALLATION – APPROVE LIGHT TYPE & LOCATION:** The Town Planner reported that this Townhome Association created a petition to the Town Board requesting installation of a street light. It does meet the Town’s street light requirements for a planned unit development. The Weston Woods Homeowner’s Association had not weighed in previously. The Board of the HOA approved the location of the light and the email is in the packet.

There are 2 options being considered: a street light with boring for \$5,187, or a street light with trenching for \$4,208. The Board of the HOA requested the street light have boring for irrigation purposes. There was a question regarding how deep the boring is verses the trenching. It was noted 18” to 24” deep for boring. There was some discussion of whether Town staff has requested from the Board HOA for the difference between the 2 options. The Board could cover the street light low option for \$4,208, and then the HOA could cover the \$979 in between the 2 options. The Town Attorney stated that the Town should go with the lowest bid, as that is typically Township protocol. He advised that the Town can request the difference from the Association, because if boring would make a difference in the properties that is a good reason.

Ruzek motioned based on staff review & recommendation approve the street light installation at the end of the Crescent Curve cul-de-sac as it meets the Town’s policy. McCune seconded. Ayes all.

Ruzek motioned based on staff review & recommendation approve street light type #2 at Township expense, but would consider option #1 for the difference. McCune seconded. Ayes all.

**POLAR LAKES PARK RESTROOMS – AWARD CONTRACT – AUTHORIZE TKDA TO PERFORM CONSTRUCTION MANAGEMENT SERVICES – AUTHORIZE PURCHASE OF ROMTEC RESTROOM BUILDINGS – RECEIVE & APPROVE TREE REMOVAL QUOTE:** The Town Planner reported that the Town has used the port-a-

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potties for the past 20 years at Polar Lakes Park and the Park Board has been studying permanent restrooms for years. Two locations and 2 sizes of restrooms have been decided. The north restroom will have 10 units and the south restroom will have 6 units. The Park Board studied the architecture of prefabricated models and modular designs from The Restroom Company and Romtec, respectively. From those bids, the Board opened up bids to local construction companies to either bid to construct the modular designs from Romtec or to build their own models. The lowest bidder was Dering Pierson Group out of Rogers. The cost of this contractor and the modular restrooms from Romtec was lower than all other options. So the Park Board is requesting moving forward on this project with 4 action items: awarding contract, authorizing TKDA to perform construction management services, authorizing purchase of Romtec restroom buildings, and receiving and approving the tree removal quote to prepare for restroom construction.

There was some discussion of whether the bathrooms would be able to be used in the winter, especially for Hockey Day Minnesota. It was noted that Town Staff would have to get creative, but it would probably be a big risk with potential frozen water lines. It was noted that the project did come in way under budget, but the Town Chair asked why TKDA is needed to manage the construction process when the contractor does that. Poppler gave examples of what TKDA does within construction projects and how engineering management is intricate. It was noted that the Town Board just doesn't want to overlap duties, or double pay duties. Poppler noted that if any certain services aren't needed, TKDA will not bill the Town.

Based on Park Board & staff review & recommendation Ruzek moved to award the contract to Dering Pierson Group in the amount of \$450,673.00 with funding from the Polar Lakes Park Fund by the issuance of abatement bonds. McCune seconded. Ayes all.

Based on Park Board & staff review & recommendation Ruzek moved to authorize TKDA to perform construction management services in an amount not to exceed \$17,825.00. McCune seconded. Ayes all.

Based on Park Board & staff review & recommendation Ruzek moved to authorize purchase of Romtec restroom buildings in the amount of \$302,935.88 with funding from the Polar Lakes Park Fund by the issuance of abatement bonds. McCune seconded. Ayes all.

Based on Park Board & staff review & recommendation Ruzek moved to receive tree removal quotes & award quote to PLT in the amount of \$12,000.00 with funding from the Polar Lakes Park Fund by issuance of abatement bonds. McCune seconded. Ayes all.

**EMERGENCY MANAGEMENT TEAM REPORT:**

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- 1. Ramsey County COVID-19 Incident Management:** There was nothing new to update.
- 2. Contract Group Update:** Ramsey County is only meeting one time per month. The CARES Act is the only COVID related thing going on in the Township.
- 3. Attorney Update:** There was nothing new to update.
- 4. Operations Logistics/Administrative Offices:** There is nothing new to update.

**ORDINANCE NO 35 AMENDMENTS – CONSIDER AMENDING SECTION 7-12 RELATING TO THE RAISING OF CHICKENS:** Ruzek made the motion to note proper publication of the hearing notice in the newspaper & waive reading of notice. McCune seconded. Ayes all.

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

The Town Planner reported that this agenda item has been reviewed by the Planning Commission and they recommended for the proposed ordinance amendments. Currently the Town's ordinance requires a resident to have 2 acres of land to raise chickens, but in light of current circumstances, people have wanted to raise chickens on smaller lots. The City of White Bear Lake adopted their ordinance within the last few years, so staff used it as a guide. The proposed amendment changes are in the packet. It was decided that Town staff should reach out to neighboring communities to see if there have been any negative feedback or complaints because this doesn't sound like something that Ramsey County Animal Control should handle, in the Board's opinion. If the Town is going to create an Ordinance, it must be able to enforce it. There have been some complaints of residents with chickens, but the Town cannot do anything about it yet because it is not within the bounds of the current Ordinance.

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

There was no one present to discuss on this agenda item.

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

Ruzek made the motion to table this agenda item until the next Board meeting. McCune seconded. Ayes all.

**DEER MEADOW PARK TRAIL, POND & SWALE IMPROVEMENTS – RECEIVE BIDS – AWARD CONTRACT – AUTHORIZE TKDA TO PERFORM CONSTRUCTION OBSERVATION:** The Town Planner reported that the Board has previously discussed this agenda item and opted to solicit bids to construct a trail between Deer Meadow Park and the Town's stable property. The 2 fold bid request will include cleaning out the water treatment pond and the building for the trail itself. There had previously been

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questions of cleaning necessities regarding the width of the trail. Public Works has stated that their trucks prefer the 10-foot wide trails to keep up on pond maintenance and plowing the trails in the winter. The Town Board asked the staff to look at the difference between the 8-foot and 10-foot trails.

Nine contractors bid on the different trail options. Arndt Construction Company was the low bid for either the 8- or 10-foot trails. There was some discussion amongst the Board, engineers and the Public Works Director. It was decided that a good compromise would be an 8-foot trail with 10-foot widths for the curves so the trucks will have more room for the turns. The funding for the trail will come from the Parks Fund & the Stormwater Utility Fund.

The Town Engineer used the projector to explain the process of cleaning and reconstructing the swale pond. He explained how it currently works and how the pond will drain once it is fixed. There were some questions from residents regarding the wetland protection, tree protection, during the project and how the construction crew will reach the pond. It was noted that the wetlands will be protected, there will be no additional trees saved from the lesser width trail. It was also noted that the construction crew could access the pond from the north property line along the stable property or from the south connection along Deer Meadow Trail.

There was some more discussion over the trail width. It was noted that in addition to whichever trail width, there would be 1-foot of gravel on either side of the trail. This fact seemed to create consensus among the Board to determine in favor of the 8-foot wide trail with 10-foot wide curves.

Resident Rolf Parsons, 2576 Parkview Court was present to address his questions regarding the trail and pond. He first wanted to thank the Town staff and Park Board for meeting with him and having discussion. One concern he had for the current vegetation in the pond. The Town Engineer noted that that vegetation is partial build up and will need to be removed so a higher-functioning pond can be implemented. Studenski also noted that the permit from Rice Creek Watershed District should be received soon, he believes the permit was approved today. Another question Parsons asked is whether the Board has considered creating a park with the stable property.

Resident Cindy Hogerton, 2570 Parkview Court, spoke on behalf of herself and her husband Pete. They lived in White Bear Lake for several years and just recently moved to the Township, within Parkview Village. Her main concern is that through all of the change in trees and wetland that her home is exposed from view within the trail. She wants to ensure that as much of the natural environment is kept, and along that, feels safer with tree coverage. Another concern is that the access point for the contractors is near their home and she was wondering if the access point could be elsewhere. Town Supervisor Ruzek noted that the Town will be replanting trees with the Tree Trust grant. It was noted that the majority of the loss of trees will be closer to Portland. The Board Chair noted that Town staff does a good job of posting updates on the website daily regarding the dates and times of work being done.

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Ruzek moved based on Town Engineer review & recommendation to receive bids. McCune seconded. Ayes all.

Ruzek moved based on Town Engineer review & recommendation award contract to Arndt Construction Company for alternate #2 (8-foot trail width) in the total amount of \$168,634.20 with noted changes on the curves and with the additional changes on the pricing. McCune seconded. Ayes all.

Ruzek moved based on Town Engineer review & recommendation authorize TKDA to perform construction observation process & the RCWD coordination activities for an amount not to exceed \$36,750.00 which assumes the contract will proceed in a timely fashion to complete construction in a period of 5 weeks requiring 140 hours of TKDA time & an additional 42 hours of TKDA time to coordinate with RCWD & residents, noting funding from the Parks Fund & Stormwater Utility Fund. McCune seconded. Ayes all.

**LEIBEL STREET STORMWATER IMPROVEMENT PROJECT – RECEIVE QUOTES –  
AWARD QUOTE – AUTHORIZE TKDA TO PERFORM CONSTRUCTION**

**OBSERVATION:** The Town Engineer reported that the Town has been working on many maintenance projects, including this project on Leibel Street on the existing ditch system. Over time and the expansion of the culverts there has now been failure in the pipe, the storm structure has failed. This creates poor runoff. Drainage from the east end flows west under 61 and the railroad tracks. This project includes this drainage project and the improvements of driveways of the culvers as well. First, he explained, this project will remove existing culvert that's failing and make a new ditch. It will then put a new structure east of 61. And this project is needed because there is currently no equipment able to clean the length of the pipe (the pipe is 12" of storm pipe going through 18" casing). The nearby businesses and property owner are excited for the improvements. Town staff are working with Rice Creek Watershed District and approval should have been given today for the permit. The Town has worked with Northdale Construction Company, the low bid, before.

There was a question of how this construction will impact traffic flow. The Engineer noted that it will not impact traffic flow; all construction is done in the ditch not on the roads.

There was some brief discussion.

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

McCune moved based on Town Engineer review & recommendation award quote to Northdale Construction Company, Inc. in the amount of \$72,793.77. Ruzek seconded. Ayes all.

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McCune moved based on Town Engineer review & recommendation authorize TKDA to perform construction observation & the RCWD coordination activities for an amount not to exceed \$9,800.00 which assumes the contract will proceed in a timely fashion to complete construction in a period of 2 weeks requiring 48 hours of TKDA time & 6 hours of TKDA time will also be needed to coordinate with RCWD. Ruzek seconded. Ayes all.

**ORDINANCE NO. 47 (HOUSING) – ADOPT AMENDMENTS – APPROVE SYNOPSIS / ADOPT RESOLUTION AUTHORIZING:** The Town Clerk reported that the Town Attorney made some amendments to Ordinance No. 47 regarding housing. The Only changes are in the charges for \$500 for the 2<sup>nd</sup> offense, and \$1,000 for the 3<sup>rd</sup> offense for Ordinance No. 54. By the 3<sup>rd</sup> offense. Nuisance properties drove the Town to this aggressive approach for rental units with continued issues.

Ruzek moved based on Town Attorney review & recommendation adopt amendments to Ordinance No. 47. McCune seconded. Ayes all.

Ruzek moved based on Town Attorney review & recommendation approve Synopsis of Amendments & adopt resolution authorizing publication of the Title & Summary of Amendments to Ordinance No. 47 (Housing). McCune seconded. Ayes all.

**ORDINANCE NO. 54 (FEES & CHARGES) – ADOPT AMENDMENTS:** The Town Clerk reported that the Town Attorney made some amendments to Ordinance No. 47 regarding housing. The Only changes are in the charges for \$500 for the 2<sup>nd</sup> offense, and \$1,000 for the 3<sup>rd</sup> offense for Ordinance No. 54. By the 3<sup>rd</sup> offense. Nuisance properties drove the Town to this aggressive approach for rental units with continued issues.

There was a question of whether the Town could implement this on a retroactive approach. It was noted by the Town Attorney, that no, the Town can only implement this ongoing.

Ruzek moved based on Town Attorney review & recommendation adopt amendment to Ordinance No. 54 adding Section 4-13. McCune seconded. Ayes all.

**ORDINANCE NO. 5 (ANIMAL) – ADOPT AMENDMENT:** Ruzek moved to table this agenda item. McCune seconded. Ayes all.

**COVID-19 – ADOPT POLICY AMENDMENT:** The Town Clerk reported that this agenda item is to approve the amendment made to the existing return to work policy that the Township holds. It is to help proceed into the future, to help manage specific needs with help in distance learning. The language in this amendment is similar to other communities. This is a special policy passed specifically for COVID-19, but it can exist on its own. This is not to be put into the employee handbook; it is not meant to be permanent. This pertains to both union and non-union employees. The approval of these circumstances are subject to management approval.

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Ruzek moved based on staff review & recommendation adopt the amendment to the Township's COVID-19 Policy. McCune seconded. Ayes all.

**NO PARKING SIGN REQUEST – MONTGOMERY ALLEY**: Ruzek moved to table this agenda item subsequent to Safety Commission review. McCune seconded. Ayes all.

**OPEN TIME**: Denny Peterson, 5474 Peterson Road was present to discuss the Peterson Road Improvement Project with the Board.

**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 8:40 p.m. Ruzek seconded. Ayes all.

Respectfully Submitted,

Patrick Christopherson  
Town Clerk-Treasurer

Approved as Official Meeting Minutes

\_\_\_\_\_  
Town Board Chair

\_\_\_\_\_  
Date