



WHITE BEAR TOWNSHIP

1858
RAMSEY COUNTY
MINNESOTA

Board of Supervisors
ROBERT J. KERMES, Chair
ED M. PRUDHON
STEVEN A. RUZEK

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WHITE BEAR TOWNSHIP, MN 55110

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AGENDA SPECIAL TOWN BOARD MEETING NOVEMBER 2, 2018

1. **10:00 a.m.** Call to Order at Township Administrative Offices, 1281 Hammond Road.
2. Approval of Agenda.
3. **Consent Agenda:** None.
4. **Old Business:** Improvement 2018-3 – Centerville Road Roadway Improvements - Assessments.
5. **New Business:** None.
6. **Added Agenda Items.**
7. **Open Time.**
8. **Receipt of Agenda Materials & Supplements.**
9. **Adjournment.**

White Bear Township's Mission:

To provide White Bear Township residents, businesses and visitors with reliable, high quality municipal services while serving as open and responsible stewards of the public trust.





**Special
Town Board Meeting
November 2, 2018**

Agenda Number: 1 - 2

Subject: Call to Order – 10:00 p.m.
Town Offices, 1281 Hammond Road

Approval of November 2, 2018 Agenda

Documentation: November 2, 2018 Agenda

Action / Motion for Consideration:

Call meeting to order:	10:00 p.m.
Approval of Agenda:	November 2, 2018 (additions/deletions)



**Special
Town Board Meeting
November 2, 2018**

Agenda Number: 3 – Consent Agenda: None

Subject:

Documentation:

Action / Motion for Consideration:

IMPROVEMENT 2018-3 – CENTERVILLE ROAD ROADWAY IMPROVEMENTS –

ASSESSMENT HEARING: The Public Hearing was held at 7:20 p.m. Prudhon moved to waive the reading of Public Notice noting that proper publication was made. Ruzek seconded. Ayes all. Prudhon moved to open the Public Hearing. Ruzek seconded. Ayes all.

The Clerk noted that the Public Hearing is the next step in the Centerville Road Improvements. The improvements are on Centerville Road north of County Road 96 up to the railroad tracks. The previous hearings which the Board has conducted included notice and hearing of the public improvement project which was done last spring. The Board also entered into a Joint Powers Agreement with the City of White Bear Lake who is authorized by Ramsey County to complete this project. Centerville Road is a State Aid Highway. The County made it clear that if a traffic signal was to be built it did not have the resources or capacity to manage the project. The City of White Bear Lake was willing to manage the project and hire a contractor with an independent engineering consultant to manage it for them. The project is now nearly complete. The project cost upon completion is estimated to be \$1,291,670. At the time that the Town entered into the Joint Powers Agreement, the Town also hired an appraiser to determine what benefit those properties in White Bear Township that would be near or affected by this project would have. At that time the Town Board tried to determine what would be a reasonable amount and what specific benefit the Town would identify to Township properties as a result of this project. At that time the Town focused on the cost of the signal as Ramsey County had already agreed to pay for the median and other roadway improvements. The cost of the signal was not in their budget. At that time it was estimated that the signal would cost approximately \$300,000. Two legs of that signal, the Centerville Road legs, would normally be the responsibility of the County. The developer has agreed to cover that cost. One leg of the intersection at that signal would actually serve properties in White Bear Township at the private driveway with Cub Foods. The Town determined at that time that a reasonable maximum amount that the Town would assess would be for one leg, or one quarter, of the \$300,000 signal which is \$75,000. The notice that went out to the one affected property, JMK Partnership, Cub Foods, include a not to exceed amount of \$75,000. The purpose of tonight's hearing is to have the Board determine how much, if any, of the \$75,000 the Board will assess. The purpose of the hearing is to give property owners who are affected to have a chance to ask questions and submit comments. In the appraisal that was done, there were other properties that the Town asked the appraiser to evaluate as well. Those are the individual smaller pad sites on Meadowlands Drive. The appraiser determined that those pad sites had adequate access from Meadowlands Drive, Allendale Drive and Birch Bend Lane and that the additional work on Centerville Road had no measurable positive impact on those properties. His recommendation to the Town Board was that there is no measurable benefit to those properties therefore no notice of assessment was sent. That appraiser however, did determine, based on data they collected on both sides of Centerville Road that the one property in White Bear Township that would benefit from this, would be Cub Foods. That appraiser report estimated a 5% increase in overall value of the property or \$165,000. That 5% is less in terms of percentage than percentage assigned for properties on the east side of Centerville Road, particularly the Senior Living project and Lund's/Byerlys since they were completely reliant on Centerville Road for access. The appraiser determined that there was a 7.5% benefit to those properties. The Board has received that report. The Board requested additional project cost information. Of the total project cost at \$1.29 million, Ramsey County is providing \$597,000; the City of White Bear Lake assessed \$376,000; and the developer paid \$327,000. A traffic study that was done in 2017 indicated that Cub's contribution of traffic to the intersection even prior the construction of Lund's/Byerlys and the Senior Living facility met the warrants for a signal but no signal had been constructed as Ramsey County waited until all the land in the area was developed. The Clerk referred to an email from Erin Laberee, Ramsey County Public Works which stated that the traffic memo that was done by Alliant discussing the traffic warrants for a signal, discusses that Cub is

currently contributing traffic to the intersection and meets warrants for a traffic signal without the Lund's/Byerlys. Signal warrants consider traffic from all legs of the intersection. Cub is contributing traffic to the intersection which creates enough traffic to warrant the signal. The Clerk reported that he has met with Cub Foods several times since the planning for the roadway improvements began to keep them informed and answer their questions.

Prudhon asked for clarification regarding page 5 of the appraiser report which states: "The preferred way to determine benefits, if any, accruing to a property is by the "Before" and "After" method." The Town Attorney reported that they search for properties that can act as models with what the value was before and what the value was after similar improvements. The Clerk stated that the Town Board had questions when this was discussed previously. One was if the appraiser determined the impact of the cut through traffic through Cub. The appraiser understands that there will be cut through traffic. The appraiser found it very hard to measure the impact on Cub's property value with the cut through traffic. The appraiser felt that there are some things that Cub Foods could do to reduce the cut through traffic if they wanted, by reconstructing their driveway or direct traffic differently than it is now. The appraiser concluded that any diminution of the value of the property was unmeasurable. As to why Cub's improved value was 5% whereas Lund's/Byerlys improved value was 7.5% was because Lund's/Byerlys was completely dependent on Centerville Road and the value of improvement had greater impact on their property than it did on Cub.

Ruzek moved to open the public comment portion of the Public Hearing. Prudhon seconded. Ayes all.

Michael Oase, Chief Operating Officer for Kowalski Companies, thanked the Board for allowing participation in the process and to express their concerns with the project and the assessment. He stated that they have taken an active part in the process with Ramsey County, the City of White Bear Lake, and White Bear Township because of their concerns about the changes in the roadway and how it would impact their customers. Relative to the assessment they do not see it as White Bear Township's problem and did not create the situation. Cub Foods does not feel that the Township should be paying for anything. They believe that the signal light was put there because of the development across the street. They never had any conversation with Ramsey County, White Bear Lake or the Township for the need for a light or changes to the roadway prior to the Lund's/Byerlys development. The reality is that the reason the light is there and the changes to the roadway were done is because of the Lund's/Byerlys development. They do not feel that they should share any of the costs nor should the Township bear any of the cost. Mike Oase stated that they do not feel that their property is benefiting anything from the light being there. If anything, they have lost business and customer count. They definitely do not see a benefit. He stated that they see problems now with people coming south on Centerville Road and there is no right turn lane into their parking lot at the light. They have contacted Ramsey County and Cub is receiving feedback from them on the issue. He stated that if they are assessed, and they do not agree that they should be assessed, but do not think that they should be assessed the full amount and bear the cost of the full \$75,000. He referred to the appraiser's report which states that towns, cities and properties share in the cost. He noted that the signal was put there for safety reasons with ingress and egress for the public. He stated that they do not feel that the study adequately establishes the benefit to their property and do not agree with the study. He stated that it does not show it fully benefits their property. He stated that the study does not include any paired analysis which could have led to some different findings. They do not believe that their property increased in value by \$165,000.

Kermes stated that one comment that came up in the proceedings with the County was that stretch of Centerville Road north of Highway 96 has been on their radar for future improvements that would have to occur, with or without any development. They put in the record that if no development occurred some improvements would be done on Centerville Road. If that was the case, there are very few options for recovery of financial costs. The development on the east side is accelerating it. He stated that it is hard to judge value and benefits but there are some safety enhancements with the road improvements and additional turn lanes and the signal light controls traffic flow. Kermes asked Mr. Oase if they are seeing a customer count decrease. Mr. Oase stated that they are seeing about a 4-5% decrease since Lund's/Byerlys opened the first days. He noted that it is hard to tally since the development is new and it is hard to know if it is only because the competition is new. They feel that some of their customer base has transferred and there is less traffic coming out of their parking lot. He stated that they are proud to be part of the community for the past 25 years. They have never heard a "peep" from Ramsey County regarding any improvement to the roadway and they definitely never heard anything from the County that the improvements were because Cub was there. Their concern is not with the Township, but more with the County. Their company believes in taking an active part in the process in any of these situations. They have expressed their concern with Ramsey County. Ruzek asked if Cub Foods has ever had any conversations with Ramsey County regarding the road improvements. Michael Oase stated that they never had any conversations with them until they engaged the County this spring about the changes that were being proposed. Prior to fall of last year they heard nothing. Ruzek noted that Cub Foods has had a good partnership with the Township. Prudhon stated that the County does a lot of improvement on the roads for safety. Usually on County roads they do all the improvements themselves. He understands that the development required an additional northbound lane but the developer should be responsible for that lane. He stated that he is struggling with the County passing off the cost of the light. The development created the problem for Cub. He stated that the west bound U-turn on the light to turn around to go to Highway 96 appears unsafe. He stated that he does not think the light is justified for the Town or Cub to pay for it. Mike Oase stated that they do not feel that Cub or the Township should pay for the light either. He stated that they had discussion where the funding would be coming from. It should come from the County or the developer. Prudhon asked if Cub feels that the appraisal was accurate for Cub. Mike Oase stated that the CFO and attorney looked at the appraisal and there was discussion on it. They have not made a decision. They had the same concerns that he brought up tonight. Ruzek asked if adjustments were made if that would give value to Cub Foods. Mike Oase stated that customers are getting back logged because of the light and they have to stop, whereas before they could free flow into the Cub parking lot. Now the customers are confused. Prudhon asked if Cub has talked to the County regarding the timing of the light. Mike Oase stated that they have not talked with them yet but that they would do so

There was no further public comment. Ruzek moved to close the public comment portion of the Public Hearing. Prudhon seconded. Ayes all.

Kermes noted that the notice of assessment went out with a sum of \$75,000 as a maximum but that amount could be adjusted. The Town Attorney stated that was correct and the Town has the right to lower the assessment. Kermes asked for suggestions from the Board. Prudhon stated that he is afraid of setting precedence by helping fund County projects since it does not provide benefit for the citizens of the Township. Kermes noted that it does provide safety. It is probably substantially less than what is proposed. He stated that there is the option to continue the Public Hearing to find a more supportable cost option. The Clerk noted that if the assessment is not adopted relatively soon it could not be added to the property taxes to be paid in 2019. If the Town went beyond that period of time the assessment would not show up until 2020. The Town Attorney noted. If adopted on November 5th, the 30-day payment period would be due December

5th. This would be after the certification deadline to the County. Prudhon asked if the number could be negotiated. The Town Attorney stated that the Town may negotiate with the property owner. Kermes asked the Cub Food representative if they would be willing to meet between now and November 5th. Mike Oase stated that they are willing to do so. It was the consensus to continue the Public Hearing to November 5, 2018. The Town Attorney stated that if an amount was agreed upon that the Town request that the property owner waive their right to appeal the assessment as part of negotiation.

Prudhon moved to close the Public Hearing. Ruzek seconded. Ayes all.

Prudhon moved to continue the Public Hearing to adopt the Resolution Adopting and Conforming Assessments for Improvement 2018-3 until November 5, 2018. Ruzek seconded. Ayes all.



**Special
Town Board Meeting
November 2, 2018**

Agenda Number: 5 – New Business – None

Subject:

Action / Motion for Consideration:



**Special
Town Board Meeting
November 2, 2018**

Agenda Number: 6 – 7- 8 - 9

Subject: Added Agenda Items
Open Time

Receipt of Agenda Materials & Supplements
Adjournment

Action / Motion for Consideration:

Added Agenda Items
Open Time

Receive All Agenda Materials & Supplements for Tonight's Meeting
Adjourn Meeting