



1858  
RAMSEY COUNTY  
MINNESOTA

1281 HAMMOND ROAD  
WHITE BEAR TOWNSHIP, MN 55110

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Board of Supervisors  
ED M. PRUDHON, *Chair*  
STEVEN A. RUZEK  
SCOTT E. MCCUNE

**AGENDA  
TOWN BOARD MEETING  
DECEMBER 2, 2019**

1. **7:00 p.m.** Call to Order at Heritage Hall, 4200 Otter Lake Road.
2. Approval of Agenda (Additions/Deletions).
3. Approval of Payment of Bills.
4. Approval of Minutes of November 18, 2019 (Additions/Deletions).
5. **Consent Agenda:**
  - A. **Administrative Driveway Variance** – In Accordance with Town Ordinance No. 35, Section 9-6.3(e) & Based on Staff Review & Recommendation & Approval, Ratify the Town Clerk's Issuance of an Administrative Driveway Variance at 2611 Martin Way.
  - B. **Reschedule Executive Meetings:**
    - 1) Reset time to Begin December 20, 2019 Executive Meeting to 9:00 a.m.
    - 2) Reschedule January 2020 Executive Meeting to Friday, January 31, 2020.
    - 3) Reschedule June 2020 Executive Meeting to Friday, June 19, 2020.
  - C. **Hourly Independent Contractor Agreement** – Based on Staff Recommendation Approve the Renewal of the Hourly Independent Contractor Agreement with William Short to Run from December 1, 2019 through December 1, 2020.
6. **Old Business:**
  - A. **Patrick O'Brien, 1382 Top Lane** – Request for Minor Subdivision Requiring Approval of a Lot Size & Lot Width Variance.
7. **Public Hearings:** None.

**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.



8. **New Business:**

**Public Works Director Item:**

A. **Used Tanker Truck Purchase:**

- 1) Accept Quote.
- 2) Authorize Purchase.

**Town Engineer Items:**

B. **Peterson Road Improvements:**

- 1) Authorize Preparation of a Feasibility Report.
- 2) Authorize Town Attorney to Review Existing Right-of-Way & Obtain Benefit Appraisal.

C. **Water System Improvements** – Authorize Preparation of Plans & Specifications.

**General Business:**

D. **Clerk-Treasurer Annual Performance Evaluation.**

9. **Added Agenda Items.**

10. **Open Time.**

11. **Receipt of Agenda Materials & Supplements.**

12. **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.



## Town Board Meeting December 2, 2019

**Agenda Number:** 1 - 2 - 3 - 4

**Subject:** Call to Order – 7:00 p.m.  
Heritage Hall, 4200 Otter Lake Road

Approval of December 2, 2019 Agenda  
Approval of Payment of Bills  
Approval of Minutes of November 18, 2019

**Documentation:** December 2, 2019 Agenda  
November 18, 2019 Minutes

### **Action / Motion for Consideration:**

Call meeting to order:	7:00 p.m.
Approval of Agenda:	December 2, 2019 (additions/deletions)
Approval of Payment of Bills	
Approval of Minutes:	November 18, 2019 Meeting

**MINUTES  
TOWN BOARD MEETING  
NOVEMBER 18, 2019**

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

Present: Commissioners: Prudhon, Ruzek, McCune; Assistant Treasurer: Christopherson; Attorney: Lemmons; Town Financial Advisor: Tom Kelly; Town Engineer: Studenski

Absent: Public Works Director: Reed; Town Planner: Riedesel, with notice

**APPROVAL OF AGENDA (Additions/Deletions):** Ruzek moved to approve the agenda as submitted with the addition of consent agenda 5E) Special Town Board Meeting; 5F) Improvement 2019-3 Road Improvements Tree Removals; 5G) MDA Noxious Weed Grant Funds; and the supplemental information for agenda items 8B) Lift Station #10 Rehabilitation; 8C) Auditor Service Agreement . McCune seconded. Ayes all.

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

**APPROVAL OF MINUTES OF NOVEMBER 4, 2019 (Additions/Deletions):** Ruzek moved to approve the minutes of November 4, 2019 with the correction of one minor change. McCune seconded. Ayes all.

**CONSENT AGENDA:** McCune moved to approve 5A) Improvement 2020-1 Street Improvements – Adopt resolution declaring official intent to reimburse expenditures; 5B) Park Board Recommendations – Based on Park Board review & recommendations: 1) Approve Independent Contractor Agreement for Township Day between White Bear Township & Lisa Beecroft from November 1, 2019 to October 31, 2020; 2) Change the Movies in the park to the third Saturday of the month; 3) Change the date of Township Day to the third Saturday in September; 5C) Local Surface Water Management Plan – Based on the approval given by the RCWD & VLAWMO, the Town hereby adopts the final version of the Local Surface Water Management Plan; 5D) Monthly Financial Report – Receive; 5E) Special Town Board Meeting – Call a Special Town Board meeting for Wednesday, December 4, 2019, beginning at 6:00 p.m. at Heritage Hall, to attend a neighborhood meeting regarding 2020 street improvements; 5F) Improvement 2019-3 Road Improvements Tree Removals – Accept quotes & approve quote to Precision Landscape & Tree in the amount of \$7,550.00 for removal of trees to facilitate road improvements; 5G) MDA Noxious Weed Grant Funds – Based on Public Works Director review & recommendation authorize the Township to join in on the Noxious Weed Grant Funds Memorandum of Understanding & submit a letter of support regarding the Ramsey County Cooperative Weed Management Area. Ruzek seconded. Ayes all.

**ABATEMENT OF NUISANCE @ 2105 STILLWATER STREET:** Ruzek motioned to note proper publication of the hearing notice in the newspaper & waive reading of the notice. McCune seconded. Ayes all. Ruzek moved to open the public hearing. McCune seconded. Ayes all.

The Town Building Inspector was present to report on this agenda item. This property has been vacant for several years and has been a nuisance in utility as well as aesthetics. The owner or representative of 2105 Stillwater Street is given 30 days from November 18<sup>th</sup>'s public hearing to

**MINUTES  
TOWN BOARD MEETING  
NOVEMBER 18, 2019**

correct all the problems laid out on page 44 of the packet. There was discussion of the property, the vacancy and back story. It is currently not hooked up to utilities. The Town Attorney noted that once the resolution of abatement is in place, if it's not cared for in 30 days the Town could have it demolished and the cost would be put on the owner's taxes. It was also noted that even if the owner or representative of the property show progress, if not all of the concerns are met, legally the Town could still have it demolished.

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

James Lopez, 3872 Elmwood Street, Vadnais Heights, was present to report on his involvement of repairing the home on Stillwater Street. He noted that he moved from the East Coast to fix up the home, from which his brothers were previously in charge of. It was noted and confirmed by neighbors in attendance that Lopez has, in the past, taken vacation to mow the lawn or fix something before he flew back home. Lopez noted the repairs that he has already made and that he thinks he should be able to get all of the items listed on page 44 taken care of except the siding.

Neighbors Terry Andrews, 2100 Stillwater; Dave Johnson, 2111 Stillwater; and Wendy Peterson, 2090 Stillwater, were present to give their support of Lopez and concern for the situation as a whole. The neighbors stated the family has been nothing but kind, but simply that life's circumstances had not been kind. James Lopez has been cooperative and kind in the matter as well. The neighbors just want to see the property fixed up. It was the consensus that the Town's Building Inspector will report back in 30 days the progress that has been made on the property.

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

Ruzek motioned to adopt the resolution ordering abatement of nuisance violations at 2105 Stillwater Street, noting that the repairs ordered to be completed in the resolution must be done within 30 days from the date of the service in the resolution, which is today. McCune seconded. Ayes all.

**STORM WATER POLLUTION PREVENTION PROGRAM – ANNUAL PRESENTATION OF TOWN'S PROGRAM**: Ruzek motioned to note proper publication of the hearing notice in the newspaper & waive reading of the notice. McCune seconded. Ayes all. Ruzek moved to open the public hearing. McCune seconded. Ayes all.

The Town's Engineer was present to report on this Storm Water Pollution Prevention Program (SWPPP), which the Town has had activity with since 2003. Studenski went through the requirements laid out on page 49 of the packet, noting additional information with each point. There was some minor discussion on how much involvement the Minnesota Department of Natural Resources is involved. It was also noted that the Town has 92 storm water treatment ponds. It was noted that this is simply procedure, but that the Board is comfortable continuing in the process.

MINUTES  
TOWN BOARD MEETING  
NOVEMBER 18, 2019

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

Resident Terry Andrews, 2100 Stillwater Street, was present to ask a question in regards to SWPPP. The question was do the residents have to clean the storm drains, or does the Town, the DNR? The Town Engineer explained that residents can “Adopt a Drain” through the Rice Creek Watershed District (RCWD). There was some discussion about rain gardens and some examples that some residents have done. It was noted that there are grants available for residents who desire to have a rain garden through the RCWD.

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

**BUILDING INSPECTOR ITEM – CONSTRUCTION ACTIVITY REPORT:** The Town Building Inspector was present to report on the permits for the third quarter of 2019, laid out on pages 53 through 55 of the packet. The bar graph shows this quarter’s in line with other quarters over the years. It was noted that this is normal for building permits to kind of taper off as the Town is 98.5% developed already.

**LIFT STATION #10 REHABILITATION – AUTHORIZE FINAL PAYMENT TO LAMETTI & SONS:** The Town Engineer reported that this project was started in 2018 but due to hiccups in the pumps the project took a little longer than expected to completed. TKDA and Public Works worked together on this project and over the past several running’s there have been no issues. The project came in under budget (by \$44,625.00). The supplemental packet has the correct amounts.

Ruzek moved based on Town Engineer review & recommendation to approve the final payment to Lametti & Sons in the amount of \$20,268.75, which brings the total construction amount to \$285,675.00. McCune seconded. Ayes all.

**AUDIT SERVICE AGREEMENT – APPROVE:** The Town Finance Officer was present to report on this agenda item. The Town Board wanted to RFP for audit services for 2019. There was a 5 year term, but the contract is terminable if the Town is unhappy with the services. Two of the contacts did not respond, which Staff thought was due to size or distance. Staff held interviews with all 5 who did respond and have offices in the metro area. Kelly stated that he has worked with MMKR at a previous employer and is sure the Town will be happy with their work for the next 5 years. There was discussion of MMKR, the staff and where the firm is located, how they will perform the work, etc. It was noted that MMKR is fully equipped to perform the audits for the Township.

Based on Finance Officer review & recommendation, Ruzek moved to approve the Audit Service Agreement between White Bear Township & MMKR & Co., P.A. for auditing services from 2019 through 2023. McCune seconded. Ayes all.

**COMPENSATION AGREEMENT – APPROVE:** The Town Clerk reported that this is the agreement that Staff put together with Whirlpool Reynolds to compensate for some of the funds lost over the years. There was discussion with the Town Attorney about the funds due for 2017

**MINUTES  
TOWN BOARD MEETING  
NOVEMBER 18, 2019**

and 2018. Lemmons suggested creating a lump sum that will be due that will cover some of the expenses from 2017 and 2018. There was discussion of the meter that will be monitored. That is how the Township ended up in this position: Whirlpool was to monitor the meter, but ended up not telling the Township over the years. The meter is a flow meter that is similar to how the MCES monitors the surrounding communities. It was the consensus that Public Works will find out who is monitoring the meter and the Attorney will add in that language. It was noted that the Township would prefer to monitor the meter.

Based on Utility Commission, Town Attorney & Staff review & recommendation McCune moved to approve the Compensation Agreement between White Bear Township, Whirlpool Corporation & Reynolds Metals Company subject to clarification of meter reading capabilities. Ruzek seconded. Ayes all.

**ADDED AGENDA ITEMS:** There were no added agenda items.

**OPEN TIME:** There was no one 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.

Ruzek moved to adjourn the meeting at 8:22 p.m. McCune seconded. Ayes all.

Respectfully Submitted,

Patrick Christopherson  
Town Clerk-Treasurer

Approved as Official Meeting Minutes

\_\_\_\_\_  
Town Board Supervisor

\_\_\_\_\_  
Date



**Town Board Meeting  
December 2, 2019**

**Agenda Number:** 5A – Consent Agenda

**Subject:** **Administrative Driveway Variance** – In Accordance with Town Ordinance No. 35, Section 9-6.3(e) & Based on Staff Review & Recommendation & Approval, Ratify the Town Clerk’s Issuance of an Administrative Driveway Variance at 2611 Martin Way

**Documentation:** Administrative Variance Driveway Replacement Application / Map / Administrative Variance Driveway Replacement

**Action / Motion for Consideration:**

Receive Information / Discuss

In Accordance with Town Ordinance No. 35, Section 9-6.3(e) & Based on Staff Review & Recommendation & Approval, Ratify the Town Clerk’s Issuance of an Administrative Driveway Variance at 2611 Martin Way



RECEIVED

NOV 18 2019

TOWN OF WHITE BEAR

# ADMINISTRATIVE VARIANCE DRIVEWAY REPLACEMENT APPLICATION

## Introduction

In accordance with Section 9-6.3(e).(3) of Ordinance No. 35, the Town Board has authorized the Town Clerk to administratively approve or deny variances for the replacement or resurfacing of existing paved driveways in "R-1" Suburban Residential and "R-2" Urban Residential zones. The driveway shall have a legal non-conforming side yard setback existing at the effective date of this Ordinance or have previously been granted a variance by the Town Board. The applicant shall provide a statement signed by affected property owner(s), recording their approval of the requested action. Affected property owners are defined as those having a recorded legal or equitable ownership interest in property adjacent to the property to which the action relates. All variances shall be ratified by the Town Board. Upon a denial by the Town Clerk, the applicant may proceed with review of their variance request pursuant to the public hearing or public information meeting process.

APPLICANT(S) Michael Lott PHONE (Home) \_\_\_\_\_  
(Business) \_\_\_\_\_  
(Cell) 651-308-0851

ADDRESS 2611 ARCTIC WAY

PROPERTY OWNER Michael Lott

ADDRESS OF SITE \_\_\_\_\_

<u>Setbacks:</u>	<u>Required:</u>	<u>Existing:</u>	<u>Requested:</u>
Side Yard	<u>10'</u>	<u>5' w</u>	<u>5' w</u>
Front Yard	_____	_____	_____
Rear Yard	_____	_____	_____
Other (specify)	_____	_____	_____

To Be Completed By Office:

Date Request Received 11-18-19

By MJ  
(Staff Member)

Date Application Complete 11-18-19

REVIEWED FOR CODE COMPLIANCE  
SUBJECT TO FIELD INSPECTION

APPROVED [Signature] DATE 11-18-19

**STATEMENT OF AFFECTED  
PROPERTY OWNERS**

If a signed statement is not provided by the applicant for an administrative driveway variance, the Town Clerk will be unable to review the request, and such request will be denied.

I am the owner of the property at 2211 MARTIN WAY. I am requesting that the Town Clerk grant me an administrative driveway variance for the following purpose:

REPLACING EXISTING DRIVEWAY  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

My request will be reviewed by the Town Clerk. I must provide the Town Clerk with a statement signed by the affected property owner(s) abutting the side in which the variance is being requested, and recording their approval of the requested action. Please feel free to write below any comments you may have regarding this issue. This statement must be signed and dated.

PROPERTY OWNERS

X1. Name: Tom Gray Address: 2603 Martine Way  
[Signature] Phone: (Home) 651 424 5559  
(Bus.) \_\_\_\_\_  
(Cell) \_\_\_\_\_

Comments: OK  
\_\_\_\_\_

Date: \_\_\_\_\_ Signatures: \_\_\_\_\_ / \_\_\_\_\_

X2. Name: Lesia Hoseck Address: 2621 Martin Way  
[Signature] Phone: (Home) \_\_\_\_\_  
(Bus.) \_\_\_\_\_  
(Cell) 612-817-2737

Comments: \_\_\_\_\_  
\_\_\_\_\_

Date: \_\_\_\_\_ Signatures: \_\_\_\_\_ / \_\_\_\_\_





**Legend**



-  City Halls
-  Schools
-  Hospitals
-  Fire Stations
-  Police Stations
-  Recreational Centers
-  Parcel Points
-  Parcel Boundaries

VIEWED FOR CODE COMPLIANCE  
SUBJECT TO FIELD INSPECTION

APPROVED *[Signature]* DATE *11-18-14*

**Notes**

Enter Map Description

60.0 Feet

30.00

0

60.0



NAD\_1983\_HARN\_Adj\_MN\_Ramsey\_Feet  
© Ramsey County Enterprise GIS Division

This map is a user generated static output from an Inter-net mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION



**ADMINISTRATIVE VARIANCE  
DRIVEWAY REPLACEMENT**

Property Address: 2611 MARTIN WAY

Pursuant to Section 9-6.3(e).(3) of Ordinance No. 35, the Town Clerk has the authority to review and approve requests for replacement of existing driveways which have non-conforming side yard setbacks, provided the applicant has supplied the necessary signatures of the affected property owner(s) abutting the side in which the variance is being requested.

The Town Clerk hereby approves the replacement of the driveway at the above address, in accordance with Section 9-6.3(e).(3).

Date: 11-25-19

PATRICK CHRISTOPHERSON, Clerk-Treasurer

Ratified by the Town Board on \_\_\_\_\_





**Town Board Meeting  
December 2, 2019**

**Agenda Number: 5B – Consent Agenda**

**Subject: Reschedule Executive Meetings:**

- 1) Reset time to Begin December 20, 2019 Executive Meeting to 9:00 a.m.
- 2) Reschedule January 2020 Executive Meeting to Friday, January 31, 2020.
- 3) Reschedule June 2020 Executive Meeting to Friday, June 19, 2020.

**Documentation: None**

**Action / Motion for Consideration:**

Receive Report / Discuss

**Reschedule Executive Meetings:**

- 1) Reset time to Begin December 20, 2019 Executive Meeting to 9:00 a.m.
- 2) Reschedule January 2020 Executive Meeting to Friday, January 31, 2020.
- 3) Reschedule June 2020 Executive Meeting to Friday, June 19, 2020.



**Town Board Meeting  
December 2, 2019**

**Agenda Number: 5C – Consent Agenda**

**Subject: Hourly Independent Contractor Agreement – Based on Staff Recommendation Approve the Renewal of the Hourly Independent Contractor Agreement with William Short to Run from December 1, 2019 through December 1, 2020**

**Documentation: Agreement**

**Action / Motion for Consideration:**

Receive Report / Discuss

**Hourly Independent Contractor Agreement – Approve Renewal of Hourly Independent Contractor Agreement with William Short to Run from December 1, 2019 through December 1, 2020**

## Hourly Independent Contractor Agreement

This Agreement is made between Town of White Bear, a Minnesota political subdivision ("Town") with a principal place of business at 1281 Hammond Road, White Bear Township, MN 55110 and William Short ("Contractor"), with a principal place of business at 6213 Bolland Trail, Inver Grove Heights, MN.

### 1. Services to Be Performed

- A. Contractor agrees to perform the following services:  
Advice and consultation with respect to the Town's Economic Development Authority and any other services that are agreed upon by Town and Contractor.
- B. Contractor is engaged as a consultant, on a non-exclusive basis to provide consulting services to Town.
- C. Contractor shall have the right to provide services to any other entity during the term of this Agreement.
- D. Contractor shall communicate with the Town Clerk or his designee for all purposes relating to this Agreement.

### 2. Payment

In consideration for the services to be performed by Contractor, Town agrees to pay Contractor at the rate of \$74.00 per hour not to exceed 20 hours per week. Contractor shall be paid within a reasonable time after Contractor submits an invoice to Town. The invoice shall include the following: an invoice number, the dates covered by the invoice, and a summary of the work performed.

### 3. Expenses

Contractor shall be responsible for all expenses incurred while performing services under this Agreement. This includes automobile expenses, insurance premiums, cell phone expenses.

### 4. Materials

Contractor will furnish all materials used to provide the services required by this Agreement. Contractor will be allowed to use Town's electronic communication system for purposes related to services under this Agreement.

### 5. Independent Contractor Status

Contractor is an independent contractor and shall not be deemed a Town employee. In its capacity as an independent contractor, Contractor agrees and represents, and Town agrees, as follows

[Check all that apply]

[ X ] Contractor has the right to perform services for others during the term of this Agreement. Unless said services performed for the third party are in conflict with the Town's interest.

Contractor has the sole right to control and direct the means, manner, and method by which the services required by this Agreement will be performed. Contractor shall select hours for services, days of work and order the work is performed.

Contractor shall not receive any training from Town in the professional skills necessary to perform the services required by this Agreement.

Contractor shall not be required by to devote full time to the performance of the services required by this Agreement.

## **6. State and Federal Taxes**

Town will not:

- withhold FICA (Social Security and Medicare taxes) from Contractor's payments or make FICA payments on Contractor's behalf
- make state or federal unemployment compensation contributions on Contractor's behalf, or
- withhold state or federal income tax from Contractor's payments.

Contractor shall pay all taxes incurred while performing services under this Agreement—including all applicable income taxes and, if Contractor is not a corporation, self-employment (Social Security) taxes. Upon demand, Contractor shall provide Town with proof that such payments have been made.

## **7. Fringe Benefits**

Contractor understands that Contractor is not eligible to participate in any employee pension, health, vacation pay, sick pay, or other fringe benefit plan of Town.

## **8. Unemployment Compensation**

Town shall make no state or federal unemployment compensation payments on behalf of Contractor. Contractor will not be entitled to these benefits in connection with work performed under this Agreement.

## **9. Workers' Compensation**

Town shall not obtain workers' compensation insurance on behalf of Contractor. Contractor will abide by the requirements by the State of Minnesota for workers' compensation if necessary.

## **10. Insurance**

Town shall not provide insurance coverage of any kind for Contractor, except those coverages which are automatically extended to all contractors pursuant to existing insurance policies held by the Town. Contractor shall obtain the following insurance coverage and maintain it during the entire term of this Agreement:

[Check all that apply.]

Automobile liability insurance for each vehicle used in the performance of this Agreement in the minimum amount of:

- \$ 250,000 per person bodily injury
- \$ 500,000 per accident bodily injury
- \$ 100,000 property damage
- \$1,000,000 Umbrella (in excess)

Contractor shall obtain a professional liability insurance policy in the maximum amount of \$1.5 million dollars. To the extent the liability policy presently held by the Town covers claims against the contractor said policy coverage shall be deducted from the \$1.5 million set forth herein. The contractor shall be responsible for obtaining insurance for the difference.

#### **11. Indemnification**

Contractor shall indemnify and hold Town harmless from any loss or liability arising from performing services under this Agreement.

#### **12. Term of Agreement**

This agreement will become effective on December 1, 2019 and will terminate December 1, 2020.

#### **13. Terminating the Agreement**

Either party may terminate this Agreement at any time by giving 30 days' written notice to the other party of the intent to terminate. Town shall not be responsible for any payment, other than for services performed, prior to termination.

#### **14. Exclusive Agreement**

This is the entire Agreement between Contractor and Town.

#### **15. Modifying the Agreement**

This Agreement may be modified only by a writing signed by both parties.

#### **16. Resolving Disputes**

If a dispute arises under this Agreement, any party shall try to resolve the dispute within 5 business days. If the dispute cannot be resolved to the satisfaction of either party, this Agreement shall be immediately terminated.

#### **17. Confidentiality**

Contractor acknowledges that it will be necessary for Town to disclose certain confidential and proprietary information to Contractor in order for Contractor to perform duties under this Agreement. Contractor acknowledges that disclosure to a third party or misuse of this proprietary or confidential information would irreparably harm Town. Accordingly, Contractor will not disclose or use, either during or after the term of this Agreement, any proprietary or confidential information of Town without Town's prior written permission except to the extent necessary to perform services on Town's behalf. Contractor understands and agrees that the performances of services in this Agreement is subject to the State of Minnesota Data Practices Act.

Proprietary or confidential information includes:

- any written or tangible information stamped "confidential," "proprietary," or with a similar legend, or any information that Town makes reasonable efforts to maintain the secrecy of

Upon termination of Contractor's services to Town, or at Town's request, Contractor shall deliver to Town all materials in Contractor's possession relating to Town's business.

**19. Proprietary Information.**

The product of all work performed under this Agreement (“Work Product”), including without limitation all notes, reports, documentation, drawings, computer programs, inventions, creations, works, devices, models, work-in-progress and deliverables will be the sole property of the Town, and Contractor hereby assigns to the Town all right, title and interest therein, including but not limited to all audiovisual, literary, moral rights and other copyrights, patent rights, trade secret rights and other proprietary rights therein. Contractor retains no right to use the Work Product and agree not to challenge the validity of the Town’s ownership in the Work Product.

**19. No Partnership**

This Agreement does not create a partnership relationship. Contractor does not have authority to enter into contracts on Town's behalf.

**20. Assignment and Delegation**

Contractor may not assign any rights or delegate any of its duties under this Agreement without Town's prior written approval.

**21. Minnesota Law**

This Agreement will be governed by Minnesota law, without giving effect to conflict of laws principles.

**22. Legal Counsel**

Contractor and Town recognize that this is a legally binding contract and acknowledge and agree that Contractor had the opportunity to consult with the legal counsel of their choice.

All notices required or permitted to be given hereunder shall be in writing and may be delivered personally or by Certified Mail – Return Receipt Requested, postage prepaid, addressed to the party’s last known address.

Town:           Town of White Bear

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Contractor: William Short

---

Signature

---

Date

---

Taxpayer ID Number



**Town Board Meeting  
December 2, 2019**

**Agenda Number: 6A – Old Business**

**Subject: Patrick O'Brien, 1382 Top Lane – Request for Minor Subdivision Requiring Approval of a Lot Size & Lot Width Variance**

**Documentation: Updated Survey**

**Action / Motion for Consideration:**

Report at Meeting / Discuss

Based on Staff Review & Recommendation Approve the Minor Subdivision for the Property at 1382 Top Lane as Shown in the Updated Survey Dated 9/25/19

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**Minutes  
Town Board Meeting  
August 5, 2019**

**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, 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.

Patrick and Barbara O'Brien of 1382 Top Lane were present to discuss this agenda item.

Mr. O'Brien had handouts for the Board to review which showed properties in the area with square footage under what he was proposing. It was noted that if the property line was moved to add square footage to the lesser lot, it would require more work because the driveway of 1382 Top Lane would have to be moved.

**There was discussion of actual size of the lot, on the basis that there may be an in calculation adjustment needed with surveying work. The last time the property was surveyed was back in 2004. It was the consensus that the Board wants the property to at least be over 10,000 square feet.**

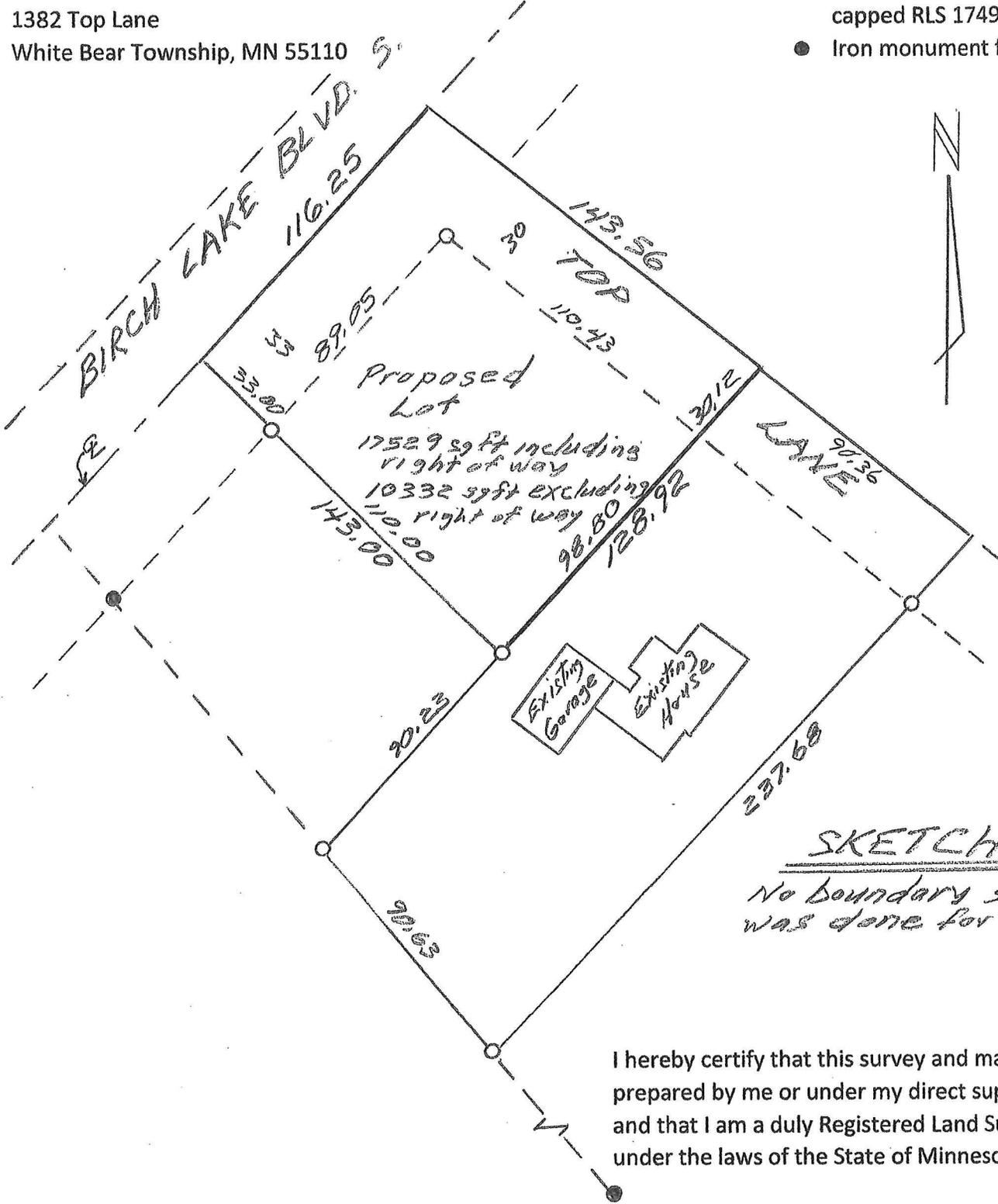
**Ruzek moved based on Planning Commission, Variance Board, Town Board, and staff review & recommendation accept Findings of Facts for the denial of the request for minor subdivision lot size & lot width variance included in the supplemental packet. McCune seconded. Ayes all.**

# CERTIFICATE OF SURVEY

Surveyed for:  
 Patrick O'Brien  
 1382 Top Lane  
 White Bear Township, MN 55110

SCALE:  
 1 inch = 50 feet

LEGEND:  
 ○ Iron monument set and capped RLS 17496  
 ● Iron monument found



I hereby certify that this survey and map was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

**Bradley Canaday Surveying**  
 6976 26<sup>th</sup> Street Court North  
 Oakdale, MN 55128  
 651-332-6890

Job No. 19-09

Reg.No. 17496

Date: 9/25/19



**Town Board Meeting  
December 2, 2019**

**Agenda Number: 7 – Public Hearings**

**Subject: None**

**Documentation:**

**Action / Motion for Consideration:**



**Town Board Meeting  
December 2, 2019**

**Agenda Number: 8.A – New Business**

**Public Works Director Item:**

**Subject: Used Tanker Truck Purchase:**  
1) Accept Quote  
2) Authorize Purchase

**Documentation: Staff Memo w/ attachments**

**Action / Motion for Consideration:**

Report at Meeting / Discuss

Based on Staff Review & Recommendation

- 1) Accept the Quote
- 2) Approve the Purchase of a 2007 International 7300 Tanker Truck from Boyer Ford in the Amount of \$49,999.00 With Funding from the Capital Equipment Fund

## MEMORANDUM

Date: November 25, 2019  
To: Town Board  
From: G.T. Magnuson, Mechanic; Dale Reed, Public Works Director  
Re: Used Tanker Truck Purchase

Public Works has been weighing the need of a Tanker Truck for a number of years. The Tanker would be used to water trees, flood ice rinks, water down ballfield infields, and wet debris/leaves down during the spring and fall sweeping operations to reduce dust. The proposed purchase of the Tanker added to the 2020-2029 CIP this year.

A local vendor, Boyer Ford, notified staff of a used Tanker Truck recently traded in their used vehicle inventory. Staff then visited Boyer Truck to inspect the Tanker for condition and operation. Staff found the condition to be exceptional for the age of the vehicle. The chassis is a 2007 International 7300 (with 36,000 miles) and the body is a 2,000-gallon stainless steel tank, traded in recently by the City of Roseville. There are several other local communities interested in purchasing this vehicle also. The dealer has given the Township first option for the purchase.

Staff is recommending the purchase of this used Tanker Truck from Boyer Ford for \$49,900.00.

The Town's Capitol Equipment Fund would fund the purchase.

Actions requested are to accept the quote and approve the purchase of a 2007 International 7300 Tanker Truck, from Boyer Ford, for \$49,900.00.



40964 405th Avenue  
Sauk Centre, MN 56378-9985

Phone (320)352-6553  
(320)352-6769  
Fax (320)352-6555

*Roger in service*

City of Roseville  
Street Flusher

Manufacturers Build Specifications

#### TANK:

2,000 gallon capacity, 55" x 80" x 132" shell length  
Elliptical shape for strength and stability  
12 gauge T-304L marine grade stainless steel tank  
12 gauge T-304L stainless steel hydro-formed heads  
Two 12 gauge T-304L stainless steel hydro-formed sectional baffles  
One 12 gauge stainless steel longitudinal baffle  
One 20" stainless steel manhole, top center of tank with stainless steel access ladder  
Manhole has a secondary 10" quick fill cover on top  
Tank frame has 7-gauge stainless steel frame rails with 12-gauge stainless steel cross members and bolsters placed under each baffle and head seam for strength  
One 3" stainless steel tube extending into manhole collar and exiting the tank bottom to act as a vent and to discharge any over flow under the tank and to the rear of the back axle

#### PUMP, PLUMBING, VALVES:

One 6" pneumatic dump valve at tank rear with 6" male cam lock fitting  
This dump valve is electric actuated with control in chassis cab, and on rear of tank  
One rear fill line with 3" butterfly valve, 2.5" aluminum quick coupler on curbside  
The fill line is plumbed to the top of the tank with a swivel elbow to fill through the manhole and maintain an air gap for water break filling  
Five (5) adjustable brass 2" duck-bill street flushing nozzles, two on front, two on the rear, and one mid-ship mounted on driver's side with individual control switches mounted on console in cab  
These street flushing lines are pneumatic actuated with controls in cab  
Deck gun water monitor, 2", located front center with joystick control in chassis cab compartment for both spray pattern and direction  
Hannay electric rewind hose reel, mounted on the curbside with 100' 1" booster hose  
The 1" hose shall also has an adjustable fog nozzle  
Berekeley model B3ZQMS water pump mounted under the truck frame  
Air actuated PTO box with control in cab  
All plumbing and pump valves drain completely

Hydraulic pump and motor to drive water pump have a variable drive, constant flow, constant pressure system to maintain constant water pressure regardless of engine R.P.M. Pressure control switch and water pressure gauge mounted in cab on control console All plumbing is schedule 40 pipe with Vitaulic fittings for flexibility and ease of service The pump plumbing is re-circulating to eliminate frozen valves in cold weather

#### BODY & TRIM, MOUNTING:

¼" steel rear bumper, attached to main frame of chassis painted to match front bumper Single axle aluminum fenders over rear axles, mud flaps ahead and behind rear wheels Tank mounted to chassis with rubber skids, stainless steel channel and U-bolt hardware

#### LIGHTING & ELECTRICAL:

All wiring is run through automotive loom  
Wiring to the lights mounted on the tank is run through stainless steel conduit  
ICC lights includes red and amber Truck-Lite LED 2 ½" sealed rubber mounted clearance lights and Truck-Lite LED 4" sealed rubber mounted stop, turn, tail, and back-up lights  
Electronic back-up alarm  
Lighted control console mounted with in easy reach of the driver for nighttime operation  
Electronic tank level gauge readout mounted in the cab and on the rear by the tank fill  
Work lights mid-mounted on each side of tank individually controlled from inside the cab

#### PAINTING:

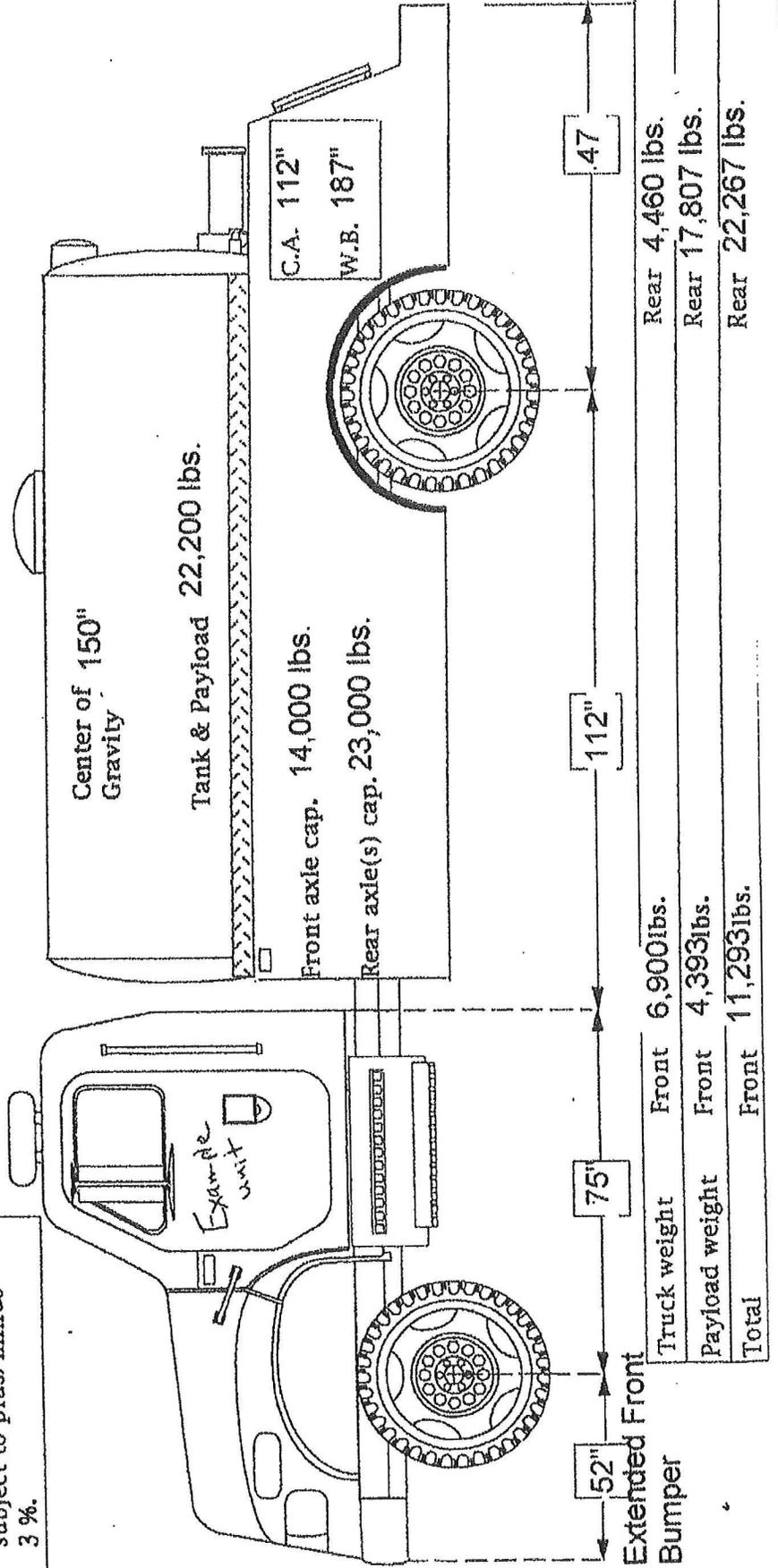
All surfaces cleaned, sanded, prepared, and primed  
Three coats of high-grade paint, per departments color code

Customer Information	Ken Hoxmeier
Name:	City Of Roseville
Address:	1140 Wood Hill Drive Roseville, MN. 55113
Date:	July 17 2006
Phone #	651-792-7141
Work #	( )

Chassis info	2007
Make:	International
Model	7300 SFA 4 X 2
Gas	Diesel X
Auto Transmission 3000 series with PTO provisions	

State(s) of operation	Minnesota
Individual weights	
Payload	16,800 lbs.
Tank	5,400 lbs.
Chassis	11,360 lbs.
Total Gross:	33,560 lbs.
Payload based on	2,000 gallons @ 8.4 # per gal
NOTE: Tank weights are approximate & subject to plus/minus 3 %.	

Cab Clearance 3" Shell Size 55" X 80" Shell length 132"















**Town Board Meeting  
December 2, 2019**

**Agenda Number: 8.B – New Business**

**Town Engineer Item:**

**Subject: Peterson Road Improvements:**

- 1) Authorize Preparation of a Feasibility Report.
- 2) Authorize Town Attorney to Review Existing Right-of-Way & Obtain Benefit Appraisal

**Documentation:** Town Engineer Correspondence w/attachments / Resolution Ordering Preparation of a Report on a Street & Utility Improvement

**Action / Motion for Consideration:**

Report at Meeting / Discuss

Based on Town Engineer Review & Recommendation:

- 1) Authorize Preparation of a Feasibility Report for a Total Not to Exceed \$23,500.00 Which Includes Soil Borings for an Estimated Amount of \$4,000 With Funding Through the Improvement Fund 505
- 2) Adopt **Resolution Ordering Preparation of a Report on a Street & Utility Improvement**

**Ruzek – Moves**

**McCune – Seconds**

- 3) Authorize Town Attorney to Review Existing Right-of-Way & Obtain Benefit Appraisal



444 Cedar Street, Suite 1500  
Saint Paul, MN 55101  
651.292.4400  
tkda.com

November 26, 2019

Honorable Chairman and Town Board  
White Bear Township, Minnesota

RE: Peterson Road Feasibility  
White Bear Township, Minnesota  
TKDA Project No. 17127.000

Dear Board Members:

Peterson Road is a gravel road with no existing sanitary sewer, watermain or storm sewer and is the last gravel roadway in White Bear Township. In 2018, the Three Oaks development built Mehegan Lane and it is anticipated that Mehegan Lane would be opened at Peterson Road next year. Considering the connection will add traffic to Peterson Road, improvements should be considered. Also since this is the last gravel roadway within the Township, it would be beneficial to public works that this last gravel roadway be converted to bituminous.

The first step to improve Peterson Road is to prepare a feasibility report to determine the existing conditions and issues, the extent of the improvements and the cost of the proposed improvements. The area is shown in the attached map. The feasibility report will study the total improvement of Peterson Road, but will also review the project for construction in two phases. Phase one would include Peterson Road from CR H2 through the new Mehegan Lane intersection and the second phase to the north end of Peterson Road.

The streets may have subgrade issues that will need to be addressed during the design. Soil borings of the streets will be necessary to determine what corrections will be needed.

The feasibility report will cover the proposed improvements for extending sanitary sewer, extending watermain and paving the road including curb and gutter. It will provide options for the proposed sidewalk/trail to be extended the length of Peterson Road. The existing topography conditions will be challenging due to the low elevations on the west side and high elevations on the east side of the right-of-way. The east side is also heavily treed.

The topography survey will be put into a plan drawing to help the Town Board understand how the improvements will impact the existing conditions.

The Town Attorney will need to review the existing right-of-way and obtain a benefit appraisals during this process.



Peterson Road Feasibility  
November 26, 2019  
Page 2

TKDA will work closely with staff, the Town Attorney and the Town Board through the entire process. The process will include various discussions on the design during the Town Board Executive meetings to address the many challenges this project faces.

TKDA will prepare the feasibility report for a total amount not to exceed \$23,500.00. This includes the soil borings for an estimated amount of \$4,000.00. The feasibility report will then be presented to the Town Board. The proposed improvement projects will be discussed and determine the schedule of their improvement activity.

The funding for these projects will be through the Improvement Fund 505.

Please contact me with any questions.

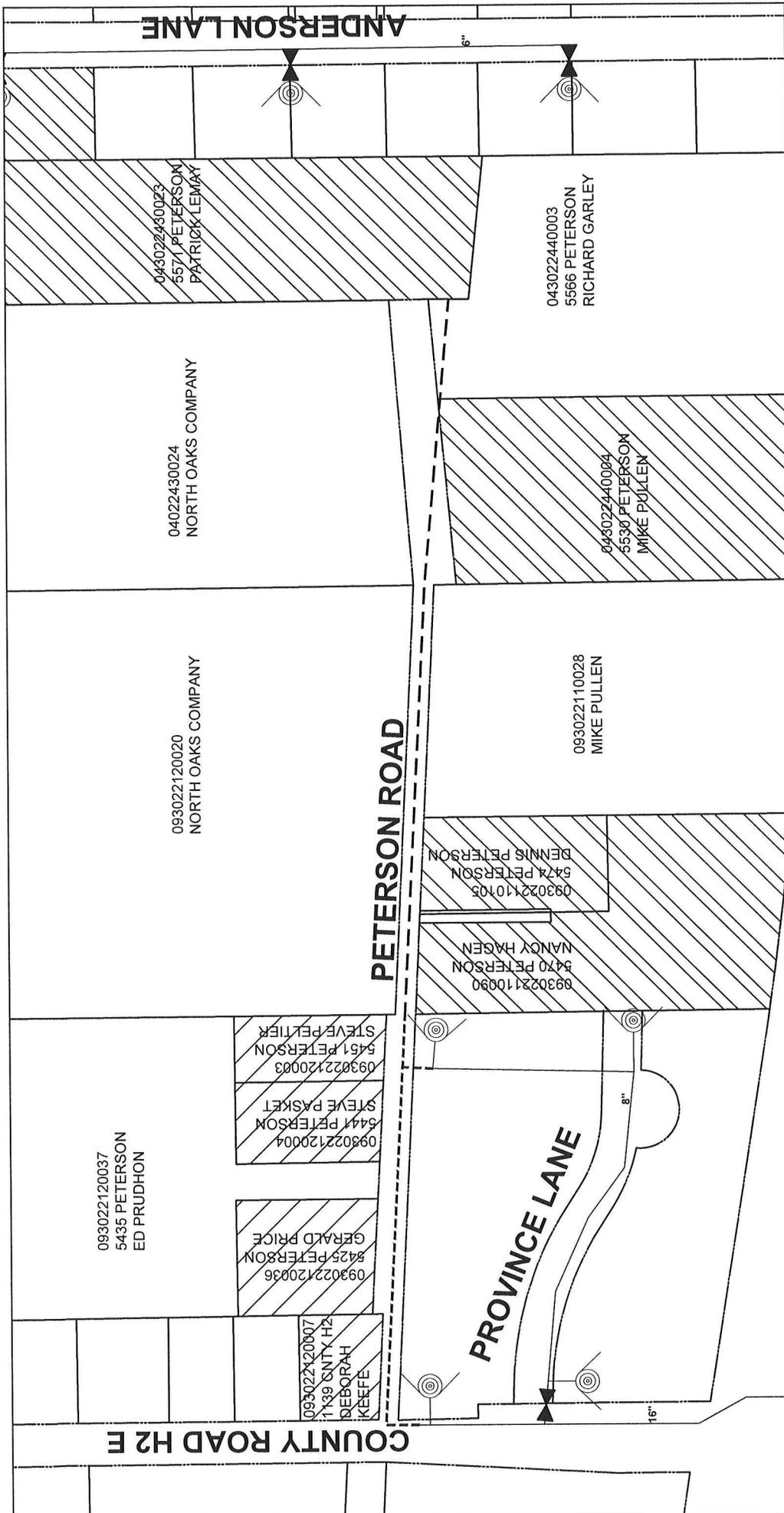
Sincerely,

Larry Poppler, PE  
Principal in Charge

Attachment







COUNTY ROAD H2 E

093022120037  
5435 PETERSON  
ED PRUDHON

093022120036  
GERALD PRICE  
5425 PETERSON

093022120004  
STEVE PASKET  
5441 PETERSON

093022120003  
STEVE PELTIER  
5451 PETERSON

093022120007  
1139 CNTY H2  
DEBORAH  
KEEFE

093022120020  
NORTH OAKS COMPANY

04022430024  
NORTH OAKS COMPANY

043022430023  
5571 PETERSON  
PATRICK LEMAY

PETERSON ROAD

PROVINCE LANE

043022440003  
5566 PETERSON  
RICHARD GARLEY

043022440004  
5530 PETERSON  
MIKE PULLEN

093022110028  
MIKE PULLEN

093022110090  
5470 PETERSON  
NANCY HAGEN

093022110105  
5474 PETERSON  
DENNIS PETERSON

ANDERSON LANE

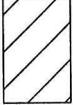


**WHITE BEAR  
TOWNSHIP**  
WATERMAIN SYSTEM  
9/26/2012



**LEGEND**

- PROPOSED WATERMAIN OPTION 1
- PROPOSED WATERMAIN OPTION 2
- EXISTING WATERMAIN
- ⬇ EXISTING GATE VALVE
- ⊗ EXISTING HYDRANT



PETITION TO EXTEND WATER AT CONNECT



PETITION TO EXTEND WATER WITH FUTURE CONNECTION

**TKDA**

ENGINEERING - ARCHITECTURE - PLANNING

EXTRACT OF MINUTES OF A MEETING OF THE TOWN  
BOARD OF THE TOWN OF WHITE BEAR, MINNESOTA,  
HELD ON DECEMBER 2, 2019

Pursuant to due call and notice thereof, a Regular meeting of the Town Board of the Town of White Bear, Minnesota was duly held at Heritage Hall in said Town on December 2, 2019 at 7:00 p.m.

The following members were present: Prudhon, Ruzek, McCune; and the following members were absent: None.

Supervisor Ruzek introduced the following Resolution and moved its adoption:

**RESOLUTION ORDERING PREPARATION OF A  
REPORT ON A STREET & UTILITY IMPROVEMENT**

WHEREAS, it is proposed to acquire, install and construct watermain extensions and appurtenances thereto, and a sanitary sewer collection system including collectors, laterals, mains and appurtenances thereto, and also street construction and re-construction, concrete curb and gutter and storm drainage and appurtenances thereto, in connection therewith in the area of the Town of White Bear lying and being in Section 4 and Section 9, Township 30, Range 22, Ramsey County, Minnesota, and to assess the benefitted property for all or a portion of the cost of the improvement, pursuant to Minnesota Statutes, Chapter 429,

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF WHITE BEAR, MINNESOTA:

That the proposed improvement be referred to TKDA for study, and that they be instructed to report to the Board with all convenient speed advising the Board in a preliminary way as to whether the proposed improvement is necessary, cost-effective, and feasible, and as to whether it should be made as proposed or in connection with some other improvements, and the estimated cost of the improvement as recommended.

The motion for the adoption of the foregoing Resolution was duly seconded by Supervisor McCune, and upon vote being taken thereon, the following voted in favor thereof: Prudhon, Ruzek, McCune; and the following voted against the same: None.

Whereupon said Resolution was declared duly passed and adopted.

STATE OF MINNESOTA )  
 )  
COUNTY OF RAMSEY ) ss.  
 )  
TOWN OF WHITE BEAR )

I, the undersigned, being the duly qualified and acting Clerk of the Town of White Bear, Minnesota, DO HEREBY CERTIFY, that I have carefully compared the attached and foregoing Extract of Minutes of a Regular meeting of the Town Board of the said Town held on the 2<sup>nd</sup> day of December , 2019, with the original on file in my office, and that the same relates to a Resolution relating to a street improvement.

WITNESS my hand as such Clerk and the Town Clerk's Seal this 2<sup>nd</sup> day of December, 2019.

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TOWN CLERK, TOWN OF WHITE BEAR, MINN.



**Town Board Meeting  
December 2, 2019**

**Agenda Number:** 8.C – New Business

**Town Engineer Item:**

**Subject:** **Water System Improvements** – Authorize Preparation of Plans & Specifications

**Documentation:** Town Engineer Correspondence with be presented in the Supplement on Monday

**Action / Motion for Consideration:**

Report at Meeting / Discuss

Based on Town Engineer Review & Recommendation Authorize Preparation of Plans & Specifications for the Water System Improvements With Funding from the Water Fund



**Town Board Meeting  
December 2, 2019**

**Agenda Number: 8.D – General Business**

**Subject: Town-Clerk Treasurer Annual Performance Evaluation**

**Documentation: None**

**Action / Motion for Consideration:**

Report at Meeting / Discuss

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Minutes  
Town Board Meeting  
May 6, 2019

**GENERAL BUSINESS – CLERK-TREASURER PROBATIONARY PERIOD:** It's the Town Policy to go through a probationary period review. Ruzek suggested filling out evaluation forms outside of the meeting and go through Lemmons to be presented to Christopherson at the Town Board Executive Meeting. There was consensus and agreement with this.



**Town Board Meeting  
December 2, 2019**

**Agenda Number:** 9 – 10- 11 - 12

**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