

**MINUTES
REGULAR & ORGANIZATIONAL TOWN BOARD MEETING
JANUARY 17, 2018**

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

APPROVAL OF AGENDA (Additions/Deletions): Ruzek moved approval of the agenda with the following amendment: Delete New Business Item 7B) Jerry Hromatka, NYFS; Add New Business Item 9A) Approve T-Mobile First Amendment to Communication Site Lease Agreement. Prudhon seconded. Ayes all.

APPROVAL OF PAYMENT OF BILLS: Prudhon moved approval of payment of bills. Ruzek seconded. Ayes all.

APPROVAL OF MINUTES OF JANUARY 3, 2018 (Additions/Deletions): Ruzek moved approval of the Minutes of January 3, 2018. Prudhon seconded. Ayes all.

CONSENT AGENDA: Ruzek moved approval of the Consent Agenda as follows: 5A) Bank Depository Designation – Based on Staff Review & Recommendation Designate Institutions Outlined in the Staff Memo & Adopt Resolution Designating Persons to Handle Township Bank Accounts; 5B) Adopt Resolution Not Recognizing Columbus Day as a Holiday; 5C) Adopt Resolution Recognizing the Friday After Thanksgiving as a Holiday; 5D) Adopt Resolution to Participate in the I-35E Corridor Management Team for 2018. Prudhon seconded. Ayes all.

BOARD OF APPEALS & ADJUSTMENTS – HEARING REQUEST: The Clerk reported that the Town Board last reviewed the topic on January 3, 2018. At that time the Town Board received an application for appeals and adjustments from Nathan Haase and referred to the Town Attorney for report. The Town Attorney reported that the appeal involves a building permit that was issued on August 14, 2014. He stated that any appeal of that permit is untimely in that a person aggrieved by that permit would have to file an appeal within 180 days of the issuance. Therefore there is no statutory standing under the Ordinance to challenge that permit and therefore there is nothing for the Board of Appeals to consider. He stated that this is a building permit issue and not a zoning permit issue because it involves the issuance of a building permit. The court has distinguished between building permit applications and zoning issues; they are not the same thing. Kermes asked if the recommendation is to take no action on the matter. The Town Attorney stated that was correct.

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Nathan Haase, 4133 Oakmede stated that he had no comment, only one question. He asked if the building permit could be appealed if it involved some zoning violations. The Town Attorney stated that the answer is "no" because the action taken by the Town was issuance of a building permit and the time for appeal is long past, even if there was a right to appeal to begin with. Nathan Haase stated that he examined Mike Johnson's permit records and noticed that the permit was never closed. He asked if that would make the permit void. The Town Attorney no. The permit was issued, Mr. Wax did the work allowed by the permit and the ability to challenge the permit has long passed. There is no ability by anyone to challenge that permit at this time. Nathan Haase asked about the impervious area violation. The Town Attorney re-stated that the discussion is dealing with a building permit. Nathan Haase stated that excluding the permit, his interpretation of the structure is that the impervious area of the structure is that it is too large and also that the accessory structure is too high. He stated that the definition of an accessory structure is that it is subordinate to a garage. This accessory structure is a garage with a second story. Only one garage is allowed. This is a second garage. It has no driveway but it is a garage. He stated that the permit was requested for a second garage. He stated that the structure creates a public nuisance in that it harms the wetland. He stated in the zoning ordinance and the building ordinance only one garage is allowed. The Town Attorney reiterated that the matter deals with the building permit issued on August 14, 2014. While building permits may tangentially involve zoning questions, such as the ones raised, the fact is that the court has already ruled that those are tangential to the permit. It is the permit that governs, and that is the building permit, and the time to challenge the results of that permit that was issued has long passed. It has to be dealt with from a building permit standpoint. It is not a zoning issue; it is a building permit issue. Nathan Haase asked if the Board, from a zoning standpoint, is adamant that there is no review of the structure that is inconsistent with the zoning ordinance at this time, because it was permitted. He stated that, conceivably, someone could get a permit and commence construction within 180 days after the appeal period has begun. He stated that the construction has been ongoing for so long in this particular area. It is resolved either here or in court. The Town Attorney stated that the work has already been completed. Nathan Haase stated that he has over 100 hours in this and he has a budget for what he is about to undertake. He stated that \$20,000 should go a long way in getting this resolved. He stated that he wants the Board to know that he thinks that the structure was built outside of what was allowed by the ordinance. It was overreach. He stated that with all that he sees over at that property it tells him that there is antipathy towards the wetland and the character of the neighborhood and keeping it the way it was meant to be. He stated that he is willing to fight. He stated that he has asked for irrefutable evidence and interpretation of the ordinance and has received nothing that is irrefutable. He stated that the language in the ordinance is in his favor. Kermes stated that discussions have gone as far as they can go with this issue. He stated that the Attorney has provided very definite comments. There are several areas being talked about. During the duration of the process the Township did follow procedures for an application for a building permit which was submitted and reviewed and the site was also reviewed. The Township has a Building Inspector who has the responsibility to do that and he did his job so the procedural issues were complied with and construction of the building satisfied

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Township ordinance. As far as a specific legal standing issue, the Township has made it clear that the standing does no longer exist to object to that building. He stated that Mr. Hasses' questions regarding wetland protection have been addressed. That project is in compliance with Township ordinance regarding wetland and wetland protection. He noted to Mr. Hasse that his interpretation of the ordinances are his interpretations. There are legal interpretation of the ordinances. The Town has implemented and followed these ordinances. He informed Mr. Hasse that the Board has received all the information that is available to receive. He stated that if Mr. Haase wants to take further action he may submit those actions from the proper standing. Mr. Haase asked if there is a proper standing that the Town is willing to hear. Kermes stated that is asking the Town to judge itself and that is not an appropriate approach to take. He stated that with the permitting timeframe there was a time limit for appealing a permit. Once the building is submitted and approved there is 180 days for anyone to challenge the permit but the time has passed. It is not justifiable to come back 2, 3 or 4 years later to object once the project has been approved and completed. He stated there are no other complaints that the Town is aware of and the building was there when Mr. Haase moved onto his property. He informed Mr. Hasse that if there is further action that he needs to take, he needs to determine what that action is and bring it back to the board. He stated that the Town is satisfied that all the appropriate procedures have been followed and complied with. Prudhon asked Mr. Haase if he has considered putting up a 6 foot high privacy fence. Mr. Haase stated that there is a fence there and helps partway with problem. But the problem one of principle. He stated that the long term effect of the application of the zoning ordinance in the way that it is done is detrimental to the wetlands and the Township and property values. Having people parking cars in backyards is absurd. Kermes stated that if there are things that need to be changed the Township will look at it but in this particular issue it is up to Mr. Haase to determine what his next steps are. Mr. Haase stated what he is hearing is that the Township does not want to take any further action on his complaints about an ordinance violation concerning the garage at all and there are no further steps he can take. The Town Attorney stated that is correct because the time for challenging a permit is long past. Mr. Haase stated that he wants to resolve all reasonable avenues before he takes the matter to court. The Town Attorney stated that is for Mr. Haase to decide. Mr. Haase asked if there is anything in the long list of documents that he submitted that the Town is willing to hear regarding zoning enforcement. The Town Attorney reiterated that there is not because the matter being dealt with is a building permit. It is not a zoning issue. The court is very clear that zoning issues can be tangentially involved in issues of building permits but are not part of the building permit process.

CARTER JOHNSON, WHITE BEAR PRESS: Carter Johnson introduced himself as owner, along with his wife, of Press Publications which publishes community newspapers. He thanked the Board for choosing the White Bear Press as the Town's legal newspaper. He explained how they have taken on the new format from the old garage sheet newspaper. They are upping their page count and are slightly up in circulation. He reminded the Board that all Township residents receive the newspaper for free. They also have information available to readers on where to go for help, where

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to vote, etc. in their resident guide. In response to a question regarding all residents receiving the newspaper, Mr. Carter stated there may be times when a newspaper is not received. In that case there are newspapers available at various locations. He stated that twice each year they ask for a minimal subscription which provides full digital access to their paper. Without a subscription there are five previews on their digital site allowed each month, but with a subscription there is full digital access. The number to call for questions or delivery is 651-407-1200 or an email can be sent. Staff will check to see if the number is on the Town's website.

4TH QUARTER CONSTRUCTION REPORT: The Building Official reviewed the 4th quarter construction activity report. He reported that there were a total of 22 housing permits issued for a valuation of \$5,143,000. There were no housing permits issued in 4th quarter. Year-to-date 2016 housing permits issued were 14 for a valuation of \$3,871,456. Miscellaneous residential permits issued for 4th quarter 2017 were 15 for a valuation of \$180,023, with 539 year-to-date permits issued for a valuation of \$6,882,922. Year-to-date 2016 miscellaneous residential permits issued were 529 for a valuation of \$5,915,336. Commercial permits issued 4th quarter 2017 was one for a valuation of \$10,000, with 18 year-to-date permits issued for a valuation of \$4,370,300. Year-to-date 2016 commercial permits issued were 14 for a valuation of \$4,148,455. Total permits issued in 2017 were 583 for a valuation of \$16,396,222. Total permits issued in 2016 were 562 for a valuation of \$13,935,247. Permits issued in 2017 were 1,401; with 1,398 permits issued in 2016. Fourth quarter permits issued by type included: 30% building permits; 21% electrical permits; 18% mechanical; 12% plumbing; 6% utilities; and 3% zoning.

SANITARY SEWER LINE TELEVISIONING – APPROVE QUOTE: The Public Works Director reported that as part of the infrastructure management program the Town televises the sanitary sewer mainlines to determine the pipe's structural condition and to evaluate for infiltration leaks (water flowing into the pipe from joints, cracks, and service line connections) to assist in addressing the infiltration/inflow exceedance identified by the Metropolitan Council Environmental Services. This process provides information on the cleanliness of the pipe to assist in determining adjustments to the cleaning frequency of the system. The Township has approximately 58 miles of sanitary sewer mainline of which 11 miles is vitreous clay pipe (VCP) that was installed in the 1960's and early 1970's. The remaining sanitary sewer mainline pipe is reinforced concrete pipe (RCP), high density poly ethylene (HDPE), poly vinyl chloride (PVC), and some ductile iron used in sanitary sewer forcemain applications. The Town is continuing its televising program to identify potential inflow/infiltration remediation work. This work will be applied to the 2018 work plan to meet the requirements of the MCES surcharge program. The sanitary sewer lines to be televised include Cottage Avenue, Prospect Avenue, Lakeview Avenue, and the easement line running east along the northerly portions of these streets to lift station #3. The Town has received two quotes for televising the sanitary sewer mainline pipe. Quotes were received from Visu-Sewer for \$6,028.80 and Hydro Klean for \$8,321.20. Public Works and Town Engineer are recommending that the work be awarded to Visu-Sewer for their low quote, noting that Visu-Sewer has previously televised and lined the County Road H-2 easement sanitary

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sewer mainline and the Town was satisfied with their work. Funding for the televising would be provided from the Sewer Operating Fund.

Prudhon moved, based on Public Works review and recommendation to approve the quote from Visu-Sewer for televising and in the amount of \$6,028.80 with funding from the Sewer Operating Fund and authorize execution by the Town Board Chair. Ruzek seconded. Ayes all.

INDEPENDENT CONTRACTOR AGREEMENT – TOWNSHIP DAY – APPROVE AGREEMENT FOR 2018:

The Planner reported that a contract has been received from Deb Stender for coordinating the 2018 Township Day event and for Movies in the Park (second Saturday of the month for four summer months: May 12; June 9, July 14, and August 11). The contract term is from January to October 2018; fees increased by \$500 (\$5,000 to \$5,500) with payments of \$550/per month plus \$250.00 for each of the Movies in the Park. Other contract wording remains the same as the current contract. The Park Board reviewed the contract in December and recommend approval. The Town Attorney reported that he reviewed the contact. As an observation, under Section 4, the Park Board recommends movie selections but the final selection shall be made by Stender. This gives Stender the authority to select what movies are shown. Therefore, in the event of any controversy about what movie is selected by Stender.

Ruzek moved, based on Park Board and Staff review and recommendation to approve the Independent Contractor Agreement – Township Day between Deb Stender and White Bear Township for the period of January 2018 through October 2018 subject to the changes recommended by the Township Attorney in the amount of \$5,500, plus \$250.00 per Movie in the Park with funding from the Township Day Fund. Prudhon seconded. Ayes all.

LABOR AGREEMENT BETWEEN WHITE BEAR TOWNSHIP & INTERNATIONAL UNION OF OPERATING ENGINEERS LOCAL 49 – APPROVE:

The Clerk reported that the Town’s Labor Agreement with IUOE Local 49, which covers the Town’s Public Works employees, expired on December 31, 2017. Negotiations on a new Labor Agreement began in November and were finalized on Monday, December 18, 2017. Those involved in the negotiations include Local 49 Business Representative, Cory Bergerson; Shop Steward, Karl Stuemke; Finance Officer, Tom Kelly; Public Works Director, Dale Reed; Town Board Chair, Bob Kermes; and the Town Clerk. The duration of the new Agreement was negotiated to be three years and a new provision regarding a three day paid bereavement leave in the event of a death, was added. All other provisions of the Labor Agreement are identical to those in the 2017 Agreement. Negotiated wage changes increases all wages, premiums and allowances as follows:

January 1, 2018	2%	July 1, 2018	1 ½%
January 1, 2019	2%	July 1, 2019	1 ½%
January 1, 2020	2%	July 1, 2020	1 ½%

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The negotiated wages are in the average range of communities similar in size to the Township.

Ruzek moved, based on labor negotiations and staff review and recommendation to approve the Labor Agreement between White Bear Township and International Union of Operating Engineers, Local 49, effective January 1, 2018 through December 31, 2020 and to authorize execution by the Town Board Chair and Town Clerk. Prudhon seconded. Ayes all.

2018 NON-UNION COST OF LIVING ADJUSTMENT – APPROVE: The wage negotiation results with IUOE Local 49, which covers the Town's Public Works employees, is also used for the Town's non-union employees cost of living adjustment. The negotiated wage change is not for a three year term as it is with for the union members. The wage change of 2% on January 1, 2018 and 1 1/2 % on July 1, 2018 is effective only for 2018. The wage adjustment has been included in the 2018 budget. It affects the Town's eight non-union employees.

Prudhon moved, based on Staff review and recommendation to approve the 2018 non-union cost of living adjustment. Ruzek seconded. Ayes all.

EXECUTIVE MEETING – CONSIDER RESCHEDULING JANUARY EXECUTIVE MEETING & POSSIBLY CALL SPECIAL TOWN BOARD MEETING TO ATTEND DNR HEARING: The Executive Meeting regularly scheduled for Friday, January 26th is in conflict with a DNR hearing. It was the consensus to reschedule the Executive Meeting to Wednesday, January 24th at 12:00 noon at the Administrative Office conference room. A poll of Board members indicated that the members are interested in attending the DNR hearing on January 26th. A Special Town Board Meeting will be called for January 26, 2018 at 1:30 p.m.

Ruzek moved to reschedule the January 26, 2018 Executive Meeting to Wednesday, January 24, 2018 at 12:00 p.m. at the Town's Administrative Conference Room. Prudhon seconded. Ayes all.

Ruzek moved to call a Special Town Board Meeting for Friday, January 26, 2018 at 1:30 p.m. for DNR meeting. Prudhon seconded. Ayes all.

ORGANIZATIONAL MEETING: TOWN BOARD APPOINTMENTS; A) CHAIR / VICE CHAIR; B) CLERK-TREASURER; C) FINANCE OFFICER / DEPUTY TREASURER:
Chair: Prudhon moved to appoint Bob Kermes as Town Board Chair for the coming year. Ruzek seconded. Ayes all.

Town Board Vice-Chair: Kermes moved to appoint Ed Prudhon as Town Board Vice Chair for the coming year. Ruzek seconded. Ayes all.

Clerk-Treasurer: Kermes moved to appoint Bill Short as the Town's Clerk-Treasurer for the coming year. Prudhon seconded. Ayes all.

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Finance Officer / Deputy Treasurer: Prudhon moved to appoint Tom Kelly as the Town's Finance Officer / Deputy Treasurer for the coming year. Ruzek seconded. Ayes all.

TOWNSHIP OFFICIALS: A) BUILDING OFFICIAL / CODE ENFORCEMENT OFFICER / COMPLIANCE OFFICER; B) HEARING OFFICER; C) ECONOMIC DEVELOPMENT COORDINATOR; D) PUBLIC WORKS DIRECTOR; E) TOWN PLANNER; F) FIRE MARSHALL / FIRE CHIEF; G) ASSISTANT WEED & TREE INSPECTORS:

Township Officials: Building Official / Code Enforcement Officer / Compliance Officer: Prudhon moved to appoint Mike Johnson as Building Official / Code Enforcement Officer / Compliance Officer for the coming year. Ruzek seconded. Ayes all.

Hearing Officer: Ruzek moved to appoint Honorable Harry Crump as Hearing Officer for Administrative Fines for the coming year. Prudhon seconded. Ayes all.

Economic Development Coordinator: Kermes moved to appoint Bill Short as Economic Development Coordinator for the coming year. Ruzek seconded. Ayes all.

Public Works Director: Prudhon moved to appoint Dale Reed as Public Works Director for the coming year. Ruzek seconded. Ayes all.

Planner: Ruzek moved to appoint Tom Riedesel as Town Planner for the coming year. Prudhon seconded. Ayes all.

Fire Marshall / Fire Chief: Prudhon moved to appoint Greg Peterson (White Bear Lake Fire Department) as Fire Marshall / Fire Chief for the coming year. Ruzek seconded. Ayes all.

Assistant Weed & Tree Inspectors: Ruzek moved to appoint Tom Riedesel and Pete Tholen as Assistant Weed & Tree Inspectors for the coming year. Prudhon seconded. Ayes all.

ADVISORY COMMISSION LIAISONS: Prudhon moved to appoint Steve Ruzek as Park Board liaison for the coming year. Kermes seconded. Ayes all.

Prudhon moved to appoint Steve Ruzek as Planning Commission liaison for the coming year. Kermes seconded. Ayes all.

Ruzek moved to appoint Bob Kermes as Utility Commission liaison for the coming year. Prudhon seconded. Ayes all.

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Kermes moved to appoint Ed Prudhon as Public Safety Commission liaison for the coming year. Ruzek seconded. Ayes all.

Prudhon moved to appoint Bob Kermes as Economic Development Advisory Board liaison for the coming year. Ruzek seconded. Ayes all.

REPRESENTATIVES TO ORGANIZATIONS: Prudhon moved to appoint Bob Kermes as the Town's primary representative and Steve Ruzek as alternate representative to the Ramsey County League of Local Governments for the coming year. Ruzek seconded. Ayes all.

Prudhon moved to appoint Steve Ruzek as the Town's primary representative and Bob Kermes as alternate representative to the Minnesota Association of Townships for the coming year. Ruzek seconded. Ayes all.

Ruzek moved to appoint Ed Prudhon as the Town's primary representative and Bob Kermes as alternate to the Vadnais Lakes Area Water Management Organization Board of Directors. Kermes seconded. Ayes all.

Prudhon moved to appoint Paul Duxbury as the Town's primary representative and Tom Riedesel as staff alternate to the Vadnais Lakes Area Water Management Organization Technical Committee for the coming year. Ruzek seconded. Ayes all.

Ruzek moved to appoint Ron Denn as the Town's primary representative and Luke Michaud as alternate representative to the Ramsey/Washington County Cable Commission for the coming year. Prudhon seconded. Ayes all.

Prudhon moved to appoint Bob Kermes as the Town's primary representative and Bill Short as alternate representative to the White Bear Area Chamber of Commerce for the coming year. Ruzek seconded. Ayes all.

Ruzek moved to appoint Bob Kermes as the Town's primary representative and Tom Riedesel as staff alternate to the Rush Line Corridor for the coming year. Prudhon seconded. Ayes all.

The Clerk noted that Diane Longville and Bryan DeSmet are the Town's representatives to the White Bear Lake Conservation District Board of Directors. They are elected for three year terms. Their terms expire in 2020.

PROFESSIONAL SERVICE APPOINTMENTS: A) TOWN ATTORNEY; B) TOWN ENGINEER; C TOWN AUDITOR; D) FINANCIAL & BONDING ADVISORS; E) ENVIRONMENTAL CONSULTANTS; F) ANIMAL CONTROL OFFICER; G) ELECTRICAL INSPECTOR; H) RECORDING SECRETARY; I) CABLE TECHNICIAN; J) TOWN ARBORIST; K) TOWN VETERINARIANS: Prudhon moved to appoint Chad D. Lemmons, Attorney, Patrick J. Kelly, Assistant Attorney, Kelly & Lemmons, P.A. as Town Attorneys for the coming year. Ruzek seconded. Ayes all.

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Ruzek moved to appoint Jim Studenski, TKDA & Associates, as the Town Engineer for the coming year. Prudhon seconded. Ayes all.

Kermes moved to appoint Caroline Bell Beckman, Kari Quinn (assistant), Erickson, Bell, Beckman & Quinn P.A. as Town Prosecutor for the coming year. Prudhon seconded. Ayes all.

Prudhon moved to appoint Chris Knopik, Clifton Larsen Allen LLP, as Town Auditor for the coming year. Ruzek seconded. Ayes all.

Ruzek moved to appoint Terri Heaton, Springsted, Inc. as Financial & Bonding Advisors for the coming year. Prudhon seconded. Ayes all.

Prudhon moved to appoint Short, Elliot, Hendrickson as Environmental Consultants / Scientists / Traffic / Transportation Consultants for the coming year. Ruzek seconded. Ayes all.

Prudhon moved to appoint Animal Control Officer Mario Lee, Ramsey County Sheriff's Office, as Animal Control Officer. Ruzek seconded. Ayes all.

Ruzek moved to appoint Jim Manteufel, Summit Inspections as Electrical Inspector for the coming year. Prudhon seconded. Ayes all.

Prudhon moved to appoint Joan Clemens as Recording Secretary for the coming year. Ruzek seconded. Ayes all.

Prudhon moved to appoint Andrew Hartsock as Cable Technician for the coming year. Ruzek seconded. Ayes all.

Ruzek moved to appoint Dr. Amy Kruchowski & Dr. Shelly Langlie, Lake Animal Hospital as Town Veterinarians. Prudhon seconded. Ayes all.

ROBERTS RULES OF ORDER – ADOPT AS RULES OF CONDUCT FOR MEETINGS: Ruzek moved to adopt Roberts Rules of Order as the official Rules of Conduct for the Town Board Meetings and appoint the Town Attorney as Parliamentarian for the Town Board Meetings. Prudhon seconded. Ayes all.

OFFICIAL POSTING PLACES – DESIGNATE OFFICIAL POSTING PLACES: Ruzek moved to designate the following places as the Township's official posting places: Township Administrative Offices, 1281 Hammond Road; Heritage Hall, 4200 Otter Lake Road; Bellaire Park, 2560 County Road F; Glider Park, 2626 Suzanne Circle; Well No. 6, 2525 Buffalo Street. Prudhon seconded. Ayes all.

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OFFICIAL NEWSPAPER – DESIGNATE OFFICIAL NEWSPAPER: Prudhon moved to designate the White Bear Press as the Official Newspaper for the Township for 2018. Ruzek seconded. Ayes all.

ESTABLISH MEETING DATES – TOWN BOARD / RATIFY EDA MEETING DATES: Ruzek moved to set the first Monday of each month as the Regular Town Board Meeting date, and to set the third Monday as the Special Town Board Meeting date (unless otherwise designated by the Town Board), with meetings to be held at Heritage Hall, 4200 Otter Lake Road, starting at 7:00 p.m. Prudhon seconded. Ayes all.

Ruzek moved to set the fourth Friday of each month as the date for the Town Board Executive Meeting (unless otherwise designated by the Town Board) with meetings to be held at the Township Administrative Conference Room, 1281 Hammond Road, White Bear Township, starting at 12:00 p.m. Prudhon seconded. Ayes all.

Ruzek moved to ratify the EDA action to set the third Monday of each month as the regular meeting date for the Economic Development Authority Meetings (unless otherwise designated by the Town Board) to be held at Heritage Hall, 4200 Otter Lake Road, beginning at 6:40 p.m.. Prudhon seconded. Ayes all.

ADVISORY BOARDS / COMMISSION MEMBERS / SERVICE PROVIDERS – RECOGNIZE SERVICE: Kermes recognized and thanked the individual Economic Development Advisory Board members as follows: Scott McCune, Paul Keleher, Beth Artner, Robert Scherman, Thomas Horak, Dave Zinschlag. Ruzek seconded. Ayes all.

Ruzek recognized and thanked the individual Park Board members as follows: Charles Archer (who resigned at the end of 2017), Erik Peterson (who resigned at the end of 2017), Scott Lombardi, Patricia Lee, Steve Swisher, Salena Koster, Steve Reeves. Prudhon seconded. Ayes all.

Ruzek recognized and thanked the individual Planning Commission Members as follows: Ronald Ulbrich (who resigned in 2017), Ronald Denn, Beth Artner, Zachary Flann, David Kotilinek, Bill Patrick, Mark Griffin (who will be moving to another commission in 2018). Prudhon seconded. Ayes all.

Prudhon recognized and thanked the individual members of the Public Safety Commission as follows: Stephen Lee, James Linn, Patrice Pozzini-Stedman, Sandra LeBlanc, Richard Brueckner, Janice Timmers, Connie Anderson. Ruzek seconded. Ayes all.

Kermes recognized and thanked the individual members of the Utility Commission as follows: Paul Groschen, Nancy Pehrson, Trent Bernstein, Dennis DeLoach, Scott McCune, Sylvia Hesse. Prudhon seconded. Ayes all.,

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Kermes recognized and thanked the following Township Public Service providers: Ramsey County Sheriff's Office; White Bear Lake Fire Department. Ruzek seconded. Ayes all.

T-MOBILE FIRST AMENDMENT TO COMMUNICATION SITE LEASE AGREEMENT

– APPROVE: The Clerk reported that when the Township decided to proceed with painting the water tower at Benson Airport the Town had contracts with two cell carriers that needed to remove their antenna and transmitting equipment while the tower was painted, and then replace their equipment when it was done. The agreement that the Town had with T-Mobile was that they would pay for the removal of the equipment and the Town would pay for reinstallation of the equipment. In order to pay for that replacement the cost was \$30,000. Rather than pay the reinstallation cost in cash the Town negotiated with T-Mobile a reduction in the rent that they pay the Town for use of the water tower as a transmitting site. The amendment to the Agreement states that there will be a reduction in rent of \$30,000 by providing 120 months of rent abatement at \$250.00 per month. T-Mobile was willing to add another provision regarding tower maintenance which states that upon request of the Town, T-Mobile agrees to relocate its equipment on a temporary basis to another location for the purposes of the Town performing maintenance repair or similar work on the property or on the tower provided that the Town gives T-Mobile at least 180 days written notice prior to requiring T-Mobile to relocate. Upon completion of the maintenance, repair or similar work by the Town, T-Mobile shall, upon notice by the Town, return to its original location from the temporary location. The Town Attorney stated that he has reviewed the amendments and that they are satisfactory.

Ruzek moved, based on Town Attorney and Staff review and recommendation to approve the First Amendment to Communication Site Lease Agreement with T-Mobile Relating to the 5860 Highway 61 Antenna Site and authorize execution by the Town Board Chair. Prudhon seconded. Ayes all.

OPEN TIME: No one appeared for the open portion of the meeting.

RECEIPT OF AGENDA MATERIALS & SUPPLEMENTS: Prudhon moved to receive all of the agenda materials and supplements for tonight's meeting. Ruzek seconded. Ayes all.

Ruzek moved to adjourn the meeting at 8:21 p.m. Prudhon seconded. Ayes all.

Respectfully Submitted,

William F. Short
Clerk-Treasurer

Approved as Official Meeting Minutes

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Town Board Supervisor

Date