

**MINUTES  
TOWN BOARD MEETING  
FEBRUARY 20, 2019**

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

Present: Supervisors: Prudhon, Ruzek, McCune; Clerk: Christopherson; Attorney: Lemmons; Planner: Riedesel; Engineer: Studenski.

**APPROVAL OF AGENDA (Additions/Deletions):** McCune moved to approve the agenda as submitted. Ruzek seconded. Ayes all.

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

**APPROVAL OF MINUTES OF FEBRUARY 4, 2019 (Additions/Deletions):** Ruzek moved approval of the Minutes of February 4, 2019. McCune seconded. Ayes all.

**CONSENT AGENDA:** McCune moved approval of the Consent Agenda as follows: 5A) Call Public Hearing for Monday, March 18, 2019 Beginning at 7:00 p.m. at Heritage Hall, 4200 Otter Lake Road, to Authorize Submittal of the Proposed 2040 Comprehensive Plan to the Metropolitan Council; 5B1) Call Special Town Board Meeting for Thursday, February 21, 2019 Beginning at 6:30 p.m. at the White Bear Lake High School North Campus, 5045 Division Avenue to Attend a Public Informational Meeting – Water Gremlin; 5B2) Call Special Town Board Meeting for Wednesday, February 27, 2019 Beginning at 6:30 p.m. at Otter Lake Elementary School, 1401 Country Road H-2 to Attend a Neighborhood Meeting – 2019 Street Pavement Management Program; 5B3) Call Special Town Board Meeting for Thursday, March 7, 2019 Beginning at 6:30 p.m. at the White Bear Lake High School North Campus, 5045 Division Avenue to Attend a Public Informational Meeting – Water Gremlin; 5C) Approve the Kayak Storage Policy with Fees and Placement of a Sign on the Rack at the Recommendation of the Park Board; 5D) Based on Town Engineer Review and Recommendation and Including His Recommended Conditions, Approve the Xcel Energy Permit to Replace 9,500 Feet of 2” Gas Mainline Pipe Along South Shore Boulevard and Along Lakewood Avenue With all Work to be Performed in the Road Right-of-Way; 5E) Receive January Construction Activity Report. Ruzek seconded. Ayes all.

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The Town Attorney noted that regarding Consent Agenda 5) Kayak Storage Policy, disclaimer language regarding personal or property damage was placed in the Kayak Storage Policy but recommended that the language be placed in the permit instead. Staff will make the proper amendment to the application for permit.

**OLD BUSINESS:** There were no Old Business agenda items.

**CALVARY CHURCH, 4604 GREENHAVEN DRIVE – CONTINUATION OF PUBLIC HEARING TO CONSIDER THE GRANTING OF A CONDITIONAL USE PERMIT TO ALLOW CONSTRUCTION OF 6,000 SQUARE FEET OF CLASSROOM SPACE:**

Ruzek moved to open the continuation of the Public Hearing from February 4, 2019. McCune seconded. Ayes all.

The Planner reported that the continuation of the Public Hearing is to review the proposed addition of 6,000 square feet of classroom space onto the east side of Calvary Church at 4604 Greenhaven Drive, which is located in the westerly portion of the Township, off County Road 96 and Greenhaven Drive. The addition of 6,000 square feet of classroom is consistent with the master plan that shows additions onto the church on both the east, north and west sides. The master plan also shows additional parking spaces to be constructed on the east side of the church. The additional parking is not proposed tonight but an addition for the 6,000 square foot classroom space is shown on the plan. The Public Hearing has been continued waiting for additional review from the Town's Wetland Scientist, which has been completed and provided in the meeting supplement. The conditions outlined by the Wetland Scientist have been added to Zoning Certificate which will be adopted if the request is approved. There is landscaping that needs to be relocated where the addition is to be constructed. The storm pond on the east side of the site is being expanded slightly in size to accommodate additional storm runoff. Under the west side of the site under the parking lot is the Town's first underground storage storm water treatment system. With the approval is a requirement for annual inspections. To date the inspections have not been performed on a yearly basis but an inspection was performed at the end of 2017. The building materials and colors for the addition will match the existing building. At a previous public hearing comments from several residents via emails and phone calls to the office concerning parking on the street during church services and which could be a potential dangerous situation were reviewed. Greenhaven Drive is a 32' wide street with 12' foot lanes and accommodates parking on both sides. Staff contacted the Ramsey County Sheriff's Office after a Town Board recommendation to see if they had any input. They do not feel that elimination of on-street parking is necessary. Residents attending a previous public hearing stated that they did not feel that posting the street is necessary. The request was reviewed by the Planning Commission as a Conditional Use Permit. The Planning Commission recommends approval of the project as proposed. The next step is for the Board to review the Conditional Use Permit and take action and adopt the Zoning Certificate, which outlines conditions for approval of the project as part of the approval process. Ruzek stated that the report from SEH stated that the Board not approve the request but to table it. The Planner stated that SEH stated that if it is approved it is their recommendation that it be approved subject to the

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conditions outlined in their recommendations which have been incorporated into the Zoning Certificate. Prudhon noted that there are 34 conditional uses listed, however on page 44 of the packet there are only six listed. The Planner explained that the request originally had conditions listed which have since been satisfied. Conditions which have been satisfied could be removed from the list. Some conditions were added to original specific conditions since they continue to be conditions, such as the inspection of the underground storm water treatment system. In response to a question, the Town Engineer stated that during the past few weeks the documents have been provided to the people who need to review them. Items that remain to be done are minor items. The major activity concerns have already been addressed. The action items are minimal activities and the project can move forward.

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

Ruzek moved, based on Planning Commission and Town Staff review and recommendation, to approve a Conditional Use Permit and Zoning Certificate with attached requirements to allow construction of 6,000 square feet of classroom space at Calvary Church, 4604 Greenhaven Drive. McCune seconded. Ayes all.

**2019 STREET SWEEPING: 1) RECEIVE QUOTES; 2) APPROVE ALLIED**

**BLACKTOP COMPANY QUOTE:** The Clerk reported that for the past four years the Town has received proposals from street sweeping contractors to sweep the streets in the spring and fall of each year. Two proposals have been received: 1) Allied Blacktop for a total estimated cost for sweeping and disposal in the amount of \$19,650.00 (\$86.50 for sweeper for 180 total hours and \$34.00 per cubic yard disposal fee with estimated 120 cubic yards for disposal); and 2) Pearson Brothers for \$21,600.00 (\$90.00 per sweeper for 180 total hours and \$45.00 per cubic yard disposal fee). The Storm Water Operating budget has \$37,500.00 in 2019 for contractual street sweeping and street debris disposal. Ruzek noted the street sweeping should not begin before 7:00 a.m. based on residents' on concerns about contractors beginning earlier, such as happened with the sealcoating project. The Clerk noted that the Public Works Director was not available when the sealcoating project began and stated that he would assure that neither project begins before 7:00 a.m. Prudhon asked if the City of White Bear Lake contracts for street sweeping, noting that if they do, with the close proximity between the Town and the City, could there be consideration for using the same contractor. He noted that it is something to keep in mind for the future. The Clerk will find out.

Ruzek moved to receive the quotes from Allied Blacktop Company in the amount of \$19,650.00 and Pearson Brothers in the amount of \$21,600.00. McCune seconded. Ayes all.

Ruzek moved, based on Public Works Director's review and recommendation to approve the proposal from Allied Blacktop Company for \$86.50/hour per sweeper and

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the disposal fee of \$34.00 per cubic yard for a total of \$19,650.00 with funding from the Storm Water Utility Fund. McCune seconded. Ayes all.

**COMPREHENSIVE PLAN CONSULTING SERVICES – REVISE AGREEMENT TO INCLUDE ADDITIONAL SERVICES:** The Planner reported that Hoisington Koeigler Group, Inc. is moving forward with the final elements of the comp plan. A final review will be reviewed next week and a presentation will be provided at the March Annual Meeting. He reported that initially the project’s budget was \$45,000. In October 2018 there were additional services of \$795 for Social Pinpoint activity/analysis, for a total project budget of \$45,795. After discussion with the Planning Commission in early 2018 they determined that navigating the Township’s intention with land use would involve extra work with the Metropolitan Council and internal analysis and would add to the cost of the project. At that time verbal direction was given to HKGI with the intention that there would be additional costs. They estimate that to complete the remainder of the tasks ahead it would require \$3,500, bringing the total budget to \$49,295. Funding in the amount of \$5,000 is budgeted in the Community Development Fund to complete the plan.

Ruzek moved, based on Town Planner report at the meeting to approve the additional compensation to Hoisington Koeigler Group, Inc. in the amount of \$3,500 to complete the 2040 Comprehensive Plan with funding from the General Fund. McCune seconded. Ayes all.

**INDEPENDENT CONTRACTOR AGREEMENT FOR TOWNSHIP DAY – APPROVE CONTRACT WITH LISA BEECROFT FROM MARCH 2019 THROUGH OCTOBER 2019:** The Planner reported that the Town has worked with Lisa Beecroft as consultant for the Township Day event in 2018. Lisa has provided a contract to coordinate the Township Day event in 2019 and Movies in the Park. Lisa is requesting \$7,000 for Township Day and \$350.00 per night for Movie in the Park. This is a slight increase from last year’s amount but has been reviewed by the Park Board and recommended for approval. In response to a question if he has reviewed the contract, the Town Attorney stated that he has and that it is fine as recommended. It was noted that the event went very well last year with the largest attendance to date. Lisa did an admirable job with both the Township Day event and Movies in the Park. She arranged for vendors for Movies in the Park and activity to engage kids while waiting for the movie.

Ruzek moved, based on Park Board and Staff review and recommendation to review the form and authorize execution of the Independent Contractor Agreement for Township Day and Movies in the Park with Lisa Beecroft from March 2019 through October 2019. McCune seconded. Ayes all.

**EDAB AND PARK BOARD APPOINTMENTS: 1) APPOINT EDAB APPLICANT JUSTIN STOFFERAHN; 2) APPOINT A NEW PARK BOARD MEMBER:** The Clerk reported that there are two applicants who staff recommends to fill two open positions on the Economic Development Advisory Board. He asked the Town Attorney if there is a priority for filling the position which expires in two months and the position which

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expires in two years. The Town Attorney stated that there is no priority for filling the two vacancies. The Clerk noted that these two positions will provide a necessary quorum.

Prudhon invited the applicant in the audience to introduce himself. Justin Stofferahn, 2682 Martin Way stated that he works for Flaherty & Hood, PA, a public affairs firm in St. Paul which represents local government in greater Minnesota. He works around economic development for the coalition of greater Minnesota Cities as well as greater Minnesota partnership in other organizations.

Ruzek moved, based on Staff recommendation to appoint Justin Stofferahn to the Economic Development Advisory Board to fill an unexpired term through April 30, 2021. McCune seconded. Ayes all.

The Clerk reported that Curt Akenson, Park Board member was recommended by the Planner for consideration as an EDAB member. Mr. Akenson just applied to fill that vacancy today. It was noted that EDAB bylaws, dated June 1995, states that Park Board, Utility Commission and Planning Commission members shall receive first opportunity to be involved with the EDAB. Staff recommends that Mr. Akenson fill the vacancy which expires in 2021.

Ruzek moved, based on Staff review and recommendation and pursuant to EDAB bylaws, to appoint Curt Akenson to fill the vacancy on the Economic Development Advisory Board which expires in 2021. McCune seconded.

The Clerk reported that two applications have been received for the one open position on the Park Board. Thomas Wilson and Richard Sinclair have provided applications. The Planner stated that one applicant lives on the south side of the Township. There are already two Park Board members in that geographic location. Richard Sinclair is located in the Otter View neighborhood in the northerly portion of the Township near Brandlwood. In regard to geographical location, Richard Sinclair would provide the best representation. There is one other Park Board member in that general area.

Ruzek moved, based on geographical location, to appoint Richard Sinclair to the Park Board to fill an unexpired term through April 30, 2021. McCune seconded. Ayes all.

**WATER METER REPLACEMENT AGREEMENT – APPROVE:** The Town Attorney stated that a response has been received from Sensus and Core & Main to the Town's settlement agreement. He stated that he is comfortable with their proposed language amendment. However, he recommended tabling the agreement to allow time for Town Board review. McCune asked about Exhibit A which states that the pricing is valid for 90 days and if that is correct since the 90 days will be expired before the agreement has final approval. In response to a question if the agreement addresses storage and cataloging of the removed meters, the Town Attorney stated that it is covered in Section 3 which states: it is hereby understood by the parties that the personal water meters are the property of the Town. As Core & Main remove the old water meters a tag shall be attached to each meter identifying the address from which the meter was removed. Ruzek stated that he would like to have some concept as to how they will tag the

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meters. The agreement states that the Town and Core & Main shall make arrangements for transferring the old meters to Town control. The Town Attorney stated that a provision that the Board needs to consider is Section 3 which deals with the Town assuring that Core & Main and subcontractors being allowed access to replace all meters. The Engineer noted that water meters is on agenda for the Executive Meeting on Friday, February 22<sup>nd</sup> and suggested that this be referred to that meeting. Engineering can address any concerns prior to that meeting. He stated that Core & Main and Sensus have committed to the pricing. The Town Attorney stated that in Section 2 it does address the pricing for ninety days. Since that time will have lapsed he suggested that Core & Main be asked to confirm the pricing.

McCune moved to refer the matter of water meter replacement agreement to the Executive Meeting, Friday, February 22, 2019 for further discussion. Ruzek seconded. Ayes all.

**RESIGNATION OF PROBATIONARY EMPLOYEE – ACCEPT RESIGNATION:** The Clerk recommended acceptance of this resignation and to approve filling of the position on a short term basis through a temporary agency. Staff will extend the search to fill the position with a spring posting to draw a recent college graduate. Ruzek noted that in the interim the position will be temporarily filled but with a spring posting will it provide adequate time to refine staff functions. The Clerk stated that position is the first position which will be refined.

Ruzek moved to accept the resignation of the probationary employee and to authorize filling the position with a temporary accounting firm employee and to post the position within the next week to draw recent college graduates. McCune seconded. Ayes all.

**OPEN TIME:** Ruzek noted that the Public Works Department has done an outstanding job with the snow plowing and asked the Clerk to convey appreciation to the Public Works Director and Public Works Staff.

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

McCune moved to adjourn the meeting at 7:48 p.m. Ruzek seconded. Ayes all.

Respectfully Submitted,

Patrick Christopherson  
Clerk-Treasurer

Approved as Official Meeting Minutes

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Town Board Supervisor

Date