

**MINUTES
EXECUTIVE MEETING
FEBRUARY 22, 2019**

The meeting was called to order at 11:00 a.m.

Present: Supervisors: Prudhon, Ruzek, McCune; Clerk: Christopherson; Attorney: Lemmons; Finance Officer: Kelly; Public Works Director: Reed; Planner: Riedesel; Engineers: Poppler and Studenski.

APPROVAL OF AGENDA (Additions/Deletions): Ruzek moved approval of the agenda with the following amendment: Add 18A) Special Attorney Client Closed Session: 1) Approval of Minutes of December 28, 2018; 2) On-Going Litigation. McCune Seconded. Ayes all.

APPROVAL OF JANUARY 25, 2019 MINUTES (Additions/Deletions): Ruzek moved approval of the January 25, 2019 meeting minutes with minor correction. McCune seconded. Ayes all.

DNR GROUNDWATER MANAGEMENT – UPDATE: A Court of Appeals hearing was held on January 24, 2019. The Appellate Court has 90 days to respond to appeals. All the attorneys involved will receive emails prior to release of the Courts decision.

WATER METERS – UPDATE: The proposed settlement agreement has been provided to Core & Main and Sensus and they have reviewed the document with no notable changes. It was noted that schedule 3 of the agreement states that pricing is good for 90 days. Since 90 days will have lapsed by the time the agreement is finally signed a question was asked if the pricing will remain as is or changed. It was noted that the pricing will not change. Another concern was how the meters would be tagged. It was noted that each meter needs to have an identification number and the address from which it was removed. There was discussion regarding access to the residences by the installers. It was the consensus that two attempts be made and if the property owner does not respond the Town will take responsibility to install the meter and the property owner will be assessed a \$300 per quarter administrative fee if access is not provided. The matter will be placed on the agenda for the March 4, 2019 Town Board meeting with recommendations from staff. Storage of the removed meters was discussed. Storage should allow access if a particular meter needs to be removed.

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I & I – UPDATE: Televising of the sewer line around the lake will be done for the joint sealing project. The sanitary sewer line in Centerville Road will also be televised and cleaned. The Engineer will let Dennis Seidl know about the project since he has expressed concern about odors which he feels is coming from sewer pipes.

WATER GREMLIN – CARL DUBOIS, VICE PRESIDENT OF INTERNATIONAL MARKETING: Carl Dubois, Vice President of International Marketing reported that Water Gremlin had previously used TCE during the production and cleaning of battery terminal posts. There is much debate at the national level about the role of TCE as an industrial chemical. The Environmental Protection Agency even proposed banning some of the TCE as recently as January 2017. TCE levels emitted by Water Gremlin may have exceeded Minnesota Department of Health standards since at least 2002 due to faulty pollution control equipment that deteriorated more quickly than expected. Dozens of people within about a 1.5 mile radius could have been exposed to the high levels of TCE. The area stretches from I-35E all the way east to Goose Lake and White Bear Lake, a region that includes several neighborhoods, four parks and an elementary school. The MPCA is not aware of any illnesses related to the TCE exposure yet, but elevated levels of the chemical can increase likelihood of certain types of cancer over a lifetime. Inspectors did not catch the high levels of TCE because the chemical is odorless and difficult to detect. Water Gremlin opened in 1949 and employs 300 people in the Twin Cities. In addition to battery terminal posts, the company produces fishing sinkers. Neighborhood meetings are being scheduled to provide information to the public and to answer questions. New air cleaners will be installed. Water Gremlin recently received Township approval to raise the roof of the metal shed which houses the air cleaning equipment. The new equipment is higher than the roof and a modification has to be made to add height to the building to house the equipment which is higher than the older equipment being replaced. Chemical emission continues to be monitored by MPCA as part of Water Gremlin's permit with them.

11:30 A.M. – JOE LUX, RAMSEY COUNTY: Joe Lux, Ramsey County Engineer provided Ramsey County's perspective to the proposed option for a county parkway on West and East Bald Eagle Boulevards. He stated that Ramsey County is in a position to discuss options and are open to look at concept plans and are willing to take part in a trail option. He stated that whatever is proposed is temporary. He reported that they propose to do work on West Bald Eagle Road to County Road J this year and Buffalo Avenue to Buffalo next year. If the road is proposed as a one way road it would not be a county road. Regarding the proposed county parkway proposal, they would refer to the County Attorney to look at and provide input and guidance. He noted that if the County did participate in a temporary one way trial the most they would do is pave and restripe. He noted that regarding eastbound traffic with a one way, consideration must be given to businesses which use that route. There was discussion regarding brush on Stillwater Street that impacts the sight line for motorists. Joe Lux will ask the Ramsey County forester look at the brush and trees at the intersection and get back to the Clerk.

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He noted that work on South Shore Boulevard will address drainage problems. The driveway metal culverts are 50-60 years old and would be resized to minimize runoff to the lake.

PAVEMENT MANAGEMENT PROGRAM – UPDATE: An informational meeting about the pavement management program is scheduled for February 27th. Feedback will be received from affected residents regarding what work can be done on their streets. There was discussion regarding the percentage of assessment for the project. Comments from Dennis Deloach, Utility Commission member, included that the Town needs to be aware of the property owners who are on fixed incomes. He agrees that road work needs to be done but that the Town needs to be aware of cost to the resident. There was discussion regarding assessments. It was the consensus that the pavement management program information relative to assessments provide a breakdown of assessments at 50% - 75% - and 100%. There was discussion regarding having an appraiser provide information regarding property values. The Town Attorney will take care of getting general information to determine the benefit to a property from the road work. It was noted that franchise fees, if the Town is able to collect them, would assist in the cost of the road work. The Town Attorney reported that language amending the definition of township to “urban” township has been sent out for legislative review. This amendment would allow the Town to collect franchise fees. The soonest that fees could be collected would be September, due to the process. TKDA will present an overview of the pavement management program at the March Annual Meeting.

GIS IMPLEMENTATION: Larry Poppler, TKDA reviewed the Town’s desire toward moving to an asset management software with some of TKDA’s technical experts including Allison Johnson who is a GIS Specialist for TKDA. Dan Nesler, a registered engineer for TKDA has assisted other communities in the past with setting up their GIS systems. Larry provided the following Overall Goal for GIS implementation for Board consideration: “Purchase and establish location based software which is convenient and easy to use to allow for White Bear Township Staff to manage Public Works assets and the use of software by other Township divisions. The software should allow for field retrieval of mapping, as-built documents, photos, and any other data attributes (type, year of install, maintenance history, elevations, etc.) As maintenance is completed it is automatically updated once field personnel enter their activity from the field. The software should be able to create maps and reports as desired by the user”.

The function of the location based asset management happens with two or more different software programs. ArcGIS is an industry standard for GIS software and is an industry standard for computer documents. The ArcGIS program includes the mapping of assets throughout the community as well as attributes for that asset. Many of the Town’s assets are already mapped using Autocad. These include water systems, sanitary systems, storm system, and streets. The base mapping is fairly easy to convert to ArcGIS. Other asset management programs integrate with ArcGIS information and offer management tools and reporting for assets. There are other programs that perform the function of asset management but they all use the information from ArcGIS. The Engineer reviewed Asset Management Software

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selection process and the timeline for meeting with staff on processes (March); purchase ArcGIS and convert Autocad data into ArcGIS (March); establish asset management software evaluation team (March); review overall software options (April); create evaluation criteria matrix (April); gather critical information for ArcGIS database; (May); software evaluation meeting to rank software based on demos (May); secure cost information for software (May); prepare recommendation memo (June); presentations to Utility Commission and Town Board (July); purchase software (August).

The Engineer reported that a field locator device will also be necessary. The cost of the device range from \$5,000 - \$20,000. He will put together two quotes for the pricing and what is a priority. He noted that TKDA owns ArcGIS software and can convert some of what is needed. However, the Town will own their own software and hold the license.

TOWNSHIP ADMINISTRATIVE OFFICE UPGRADES – TKDA PROPOSAL: The Clerk reported that he has met with TKDA regarding security upgrade for the offices which is priority #1 of the office upgrade project. Two alternatives for the entry way is preferred. A Task Fee Estimate in the amount of \$26,400 for TKDA's proposal for administrative office upgrades was reviewed. TKDA will provide initial designs and bring back for review.

MDH WATER DISCUSSION: The Sate Drinking Water Act (SDWA) established periodic monitoring (every 5 years) through the Unregulated Contaminants Monitoring Rule (UCMR) to assess occurrence of select constituents from the contaminant list for potential regulatory consideration. UCMR4 is the 4th cycle of UCMR monitoring. With the new list of chemicals which now includes manganese, the Minnesota Department of Health is testing wells for a specific list of certain chemicals. Manganese, a natural metal in ground water, has been found in three of the Town's six wells. Well #2 has a level of .002 for infants and Well #5 has a level of 0.3 (ug/L). The Township has already started corrections to the water. It was noted that this is a health standard and that the Town's wells are not out of compliance. The Minnesota Department of Health has informed the Town to share the information with the residents prior to State testing. The Engineer stated that TKDA will be meeting with the MDH next week to discuss the matter with them and receive their recommendation regarding what the level of Eurofins should be. The Engineer will report back at the next Executive Meeting.

WATER TOWER OVERFLOW EVENT: The Public Works Director reviewed the overflow event at the south 170,000 gallon water tower. He explained that the hydraulic pressure line located in the riser pipe is exposed from the riser pipe to the well house and froze in this location. The pressure line did have insulated heat tape but it is believed that the -51° below zero weather was too much. The low-level signal was lost so no action was taken. The resolution to prevent this ever occurring again is to run the hydraulic pressure line from the riser which is below ground to continue underground and then up to connect to the sensor. This would eliminate the exposed portion of the hydraulic pressure line to very cold weather conditions.

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PUBLIC WORKS DIRECTOR REPORT: The Public Works Director reviewed the Public Works Department Activity Report for the month of February. **City of Birchwood Request:** The City of Birchwood, for which the Town provides sewer maintenance is looking to connect to a Township manhole off East County Line so they don't have to rebuild a lift station. The area serves 16 homes where the system is failing. They are looking for a way to avoid the capital investment of rebuilding the lift station and are looking at avenues to get to the manhole on east County Line. A location being considered is just south of South Shore Boulevard between two homes where there is space for an easement. The Public Works Director will be meeting with the City of Birchwood next week. The project is still in exploratory stages and he is waiting for a design which will be reviewed by the Utility Commission and the Town Board. Once agreed upon, a joint powers agreement will be prepared.

1:00 P.M. MIKE GAGAN – WHITE BEAR DENTAL CLINIC: Mike Gagan, 4112 Bellaire Avenue stated that he is disappointed with the Dental Clinic project. He stated that a condition of the Permitted Use Permit addressed the number of trees to be preserved. He reported that he had attended a Planning Commission meeting at which the dental clinic request was reviewed and there was no resolution on the number of trees to be removed. There was also no landscaping plan shown. The dental clinic project resulted in clear cutting trees up to his back yard which has adversely affected his property. He has 330' of property that is affected. Neither he nor any neighbors were part of any conversation regarding tree removal. He stated that he talked with the contractor, Frattalone, and that they did not pull a permit for their work. He understood from conversations that they were supposed to have an engineer running the project. Mr. Gagan stated that the drainage onto his property has been affected by the bituminous curbing put in. The contractor brought in 8 loads of fill and added 8 inches where there used to be drainage. He stated that the pond in the back was to collect water from six properties. Now the water drains down his lot. The ground water to the east is impeded and goes to his lot as well. The water cannot get to the catch basin because of what the dental clinic has done. No one told him what was happening. He stated that they paved the parking area but no one ever parks there, either the dentists or customers. Mr. Gagan was informed that with the heavy snows nothing can be done at this time. In response to a question regarding a landscaping permit, the Planner stated that he would review the permit. The Town Attorney noted that if a formal landscaping plan was not approved, the Town could go back and review the process. The Planner stated that a Zoning Certificate was adopted and a landscaping plan was to be submitted. It was the consensus that the project go back to the Planning Commission to review a landscaping plan. After the snow is gone, staff and engineering will review the issues. Mr. Gagan accepted the Town's efforts.

THE STABLE OF WHITE BEAR TOWNSHIP: Larry Alm, developer, sent an email to the Planner in response to a plat layout considered by the Town Board. The Board was interested in the value of the out lots in the southerly portion of the property in relation to the buildable portion of the abutting lots. Larry Alm stated that in his opinion the lots are large enough as they are drawn, increasing the size by adding in the wetland areas

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really will not add value, but most likely would be seen as a negative. The bike path is a good lot line (border) as shown and is totally acceptable. The out lot is wet and is not usable and so adding it into the lots themselves will result in higher property tax which is never received well.

The Planner stated that the neighbors have provided input into the trail proposed as part of this project. The trail would connect to the trail at Deer Meadow Park. The residents would like a paved trail. Due to the wetlands, a boardwalk had been proposed but the plan could be for a paved trail with a bridge over the wetland. This work could be done by the work crew provided by the Department of Corrections. It was noted that having a bridge versus a boardwalk over the wetland would allow public works to take their small park equipment over the bridge. An engineering proposal would be needed for the project. Engineering services is estimated to be under \$15,000.

ANNUAL MEETING AGENDA – REVIEW: The agenda for the Annual Meeting was reviewed. Bob Kermes has volunteered to moderate the meeting. It was suggested that handouts be provided of the power point presentation of the Pavement Management Program by TKDA.

CODE ENFORCEMENT OFFICER / BUILDING INSPECTOR: 1 HERITAGE HALL; 2) WINTER PARKING – AMENDMENT TO BUILDING OFFICIAL/CODE ENFORCEMENT OFFICER JOB DESCRIPTION: **Heritage Hall:** The problem with the heat at Heritage Hall was not a major fix per Gloria. The Town has not received any notice of the cost and who pays for it. The audit of Town services for the City of Gem Lake is in the process of being reviewed and audited. **Winter Parking:** The memo from the Building/Code Enforcement Officer dated February 15, 2019 was reviewed. The matter of winter parking and enforcement will be included with all job descriptions to be evaluated by Employer’s Management Association.

CLERK-TREASURER REPORT: Step one of review of job descriptions to be done jointly with staff by Employer’s Management Association has begun. An on-site representative with 30 years’ experience is recommended to work with staff. The recommended person has a PhD with experience in statistics and is a very qualified representative for the project.

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

The meeting recessed at 2:59 p.m.

SPECIAL ATTORNEY CLIENT CLOSED SESSION: 1) APPROVAL OF MINUTES OF DECEMBER 28, 2018; 2) ON-GOING LITIGATION: Ruzek moved to open the Special Attorney Client Closed Session at 2:59 p.m. McCune seconded. Ayes all. Ruzek moved to close the Special Attorney Client Closed Session at 3:05 p.m. McCune seconded. Ayes all.

The Executive Meeting re-convened at 3:05 p.m.

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The Town Attorney reported that the purpose of the Closed Session was for the Board to address on-going litigation.

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

Ruzek moved to adjourn the meeting at 3:07 p.m. McCune seconded. Ayes all.

Respectfully Submitted,

Patrick Christopherson
Clerk-Treasurer