

**MINUTES  
TOWN BOARD MEETING  
MARCH 4, 2019**

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

Present: Supervisors: Prudhon, Ruzek, McCune; Clerk: Christopherson; Attorney: Beck; Planner: Riedesel; Engineer: Poppler; Public Works Director: Reed.

**APPROVAL OF AGENDA (Additions/Deletions):** Ruzek moved to approve the agenda as submitted, with the addition of a proposal for agenda item 9) the Township Administrative Office Upgrades, adding consent items 5A and 5B, and including supplemental information for agenda items 7A and 7B. McCune seconded. Ayes all.

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

**APPROVAL OF MINUTES OF FEBRUARY 20, 2018 (Additions/Deletions):** Ruzek moved approval of the Minutes of February 20, 2019. McCune seconded. Ayes all.

**CONSENT AGENDA:** McCune moved to authorize the Consent Agenda as follows: 5A) Authorize TKDA to Prepare a Presentation on GIS Implementation for the March 18, 2019 Town Board Meeting. 5B) Call Public Hearing for Monday, April 1, 2019 @ 7:00 p.m. to Consider a Request for Conditional Use Permit to Allow an Entryway Expansion – 2401 Buffalo. 5C) Call Public Hearing for Monday, April 1, 2019 @ 7:00 p.m. to Consider a Request for Conditional Use Permit & a 20.8' Right-of-Way Setback Variance 7 a 42.8' Lakeshore Setback Variance to All Construction of a Guest Cottage – 5508 West Bald Eagle Boulevard. Ruzek seconded. Ayes all.

**OLD BUSINESS — WATER METER REPLACEMENT AGREEMENT:** 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

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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 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 the provision that the Board needs to consider is Section 3 which deals with the Town assuring that Core & Main and subcontractors be allowed access to replace all meters. The Engineer noted that the Agreement is on agenda for the Executive Meeting on Friday, March 29<sup>th</sup> and suggested that this be referred to that meeting. Engineering can address any concern 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 90 days. Since that time will have lapsed he suggested that Core & Main be asked to confirm the pricing.

The Town Attorney Beck looked through the Water Meter Replacement Agreement and is looking to make a minor alteration around Section 5 or 6 in the language so that the Township is protected in the event of indemnification.

Based on Town Attorney Review & Recommendation Ruzek motioned to Approve the Water Meter Replacement Agreement & Authorize Execution. McCune seconded. Ayes all.

**OLD BUSINESS — PAVEMENT MANAGEMENT PROGRAM:** The Township conducted a neighborhood meeting regarding the Pavement Management Program, and 30 residents attended. In advance of this meeting 246 properties were mailed a questionnaire. The Town received 45 percent responses to the data.

Another neighborhood meeting will be held after completion of the study exploring the degradation rate of streets under the snow.

Ruzek inquired about any contingencies if there is low approval to the plan. Poppler explained that they would have to start from scratch in following years. He explained that the town is choosing to do this now because it wants to take full advantage of the lifespan of the roads.

Prudhon brought up the fact that residents were not informed of the differences in assessment of commercial properties verses the assessment of residential properties. This point will be discussed and addressed further.

Fifth Street was done last year. The point is to address these streets in need of Mill & Overlay so they don't have to go through total reconstruction. The county is going to have construction north of County Road H2 this year.

More will be discussed at the Town Board Meeting April 1<sup>st</sup>.

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**OLD BUSINESS — HR PROJECT:** Clerk Christopherson is proposing that the Township start updating the employee handbook in proper HR procedure, bringing it up to speed and into compliance with state and federal mandates.

Ruzek asked if this update will impact labor management with the union. Christopherson explained that Township doesn't need approval, but the MRA representative with whom he is working will coordinate the language in compliance of the union regulations as well.

This is a short project, as the Clerk said it should be finished by the end of May and in a \$14,000 budget, it will only take up about \$1,250. The Board will receive drafts for approval as the project progresses.

Ruzek made the motion to move forward with phase one of the HR project with MRA a cost up to \$1,250. McCune seconded. Ayes all.

**PUBLIC HEARING — 5518 & 5520 SHADYSIDE LANE:** Mike and Katherine Fleming, 5518 and 5520 Shadyside Lane request for 25' Right-of-Way setback variance and a 1' side yard setback variance to allow a minor subdivision/lot line rearrangement. Ruzek motioned to Note Proper Publication of the Hearing Notice in Newspaper & Waive Reading of Notice. McCune seconded. Ayes all.

Ruzek moved to open the public hearing. McCune seconded. Ayes all.

Riedesel summarized the Fleming request to construct a new home using the existing foundation and add a new garage at 5518 Shadyside Lane. A lot lien rearrangement is also proposed in order to accommodate a new garage at 5518 Shadyside. The additional property would come from 5520 Shadyside Lane.

The majority of the foundation planned to be reused meets setback requirements. An area of approximately 12 square feet encroaches one foot into the side yard setback area. The new garage is proposed 10' from the public right-of-way. An existing garage and shed, both of which encroach into the right-of-way setback area, are proposed to be removed. Both of these structures are located closer to the right-of-way than the proposed garage.

The Variance Board discussed the proposal. All were in agreement that a non-conformity is being decreased as two structures close to the right-of-way are being replaced by a new garage further from the right-of-way.

In addition, the limited lot size and configuration of the lot and right-of-way create a practical difficulty and green area requirements are being met.

Ruzek moved to open the public comment portion. McCune seconded. Ayes all.

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Tom Fleming, the petitioner's son, was present and ensured the plans were correct according to the 25' right-of-way setback variance and the 1' side yard setback variance allotment. Prudhon brought up question of any future splits of the large plot. Fleming said there was not current discussion of it. In regards to this split, he had nothing more to add.

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

Based on Variance Board, Planning Commission & Town Staff Review and Recommendation, Ruzek motioned to Approve the 25' Right-of-Way Setback Variance, the 1' Side Yard Setback Variance Request, and the Request for Minor Subdivision/Lot Line Rearrangement at 5518 & 5520 Shadyside Lane to Accommodate Construction of a New Home with Detached Garage. McCune seconded. Ayes all.

**PUBLIC HEARING — 5858 CENTERVILLE ROAD:** Ruzek motioned to Note Proper Publication of the Hearing Notice in Newspaper & Waive Reading of Notice. McCune seconded. Ayes all. Ruzek moved to open the public hearing. McCune seconded. Ayes all.

Riedesel presented: SBA Communications Corp, is requesting Town approval of a Conditional Use Permit to allow additional antenna on the monopole located at 5858 Centerville Road. The tower is located behind the SMC building and was added to the site in 2005. The tower is 120' in height with the existing antenna located at that height. SBA would like to add additional antenna at the 100' elevation. They would also add ground level equipment within the fenced area located at the base of the tower.

When the tower was approved by the Town, one of the conditions of approval required that the tower allow for shared use, anticipating that a future user may want to also use the tower for antenna.

A 29' x 49' fenced area is located at the base of the tower to place cabinets and equipment relating to the antenna. Existing equipment within the fenced area is due north of the tower and takes up approximately 100 square feet. The new equipment is proposed to utilize a 12' x 20' area.

A Conditional Use Permit must be approved by the Town to add the new antenna and related equipment.

Town Attorney Beck explained that the carriers would contract directly with SBA and that the Township would not be involved at all legally.

Ruzek made the motion to open this item up for public hearing. McCune seconded. Ayes all. No one was present to address concerns regarding this agenda item. Ruzek motioned to close the public hearing. McCune seconded. Ayes all.

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Based on Planning Commission & Town Staff Review and Recommendation Ruzek motioned to Approve the Conditional Use Permit / Zoning Certificate with Attached Requirements for 5858 Centerville Road to Allow for Additional Antennas on the Monopole. McCune seconded. Ayes all.

**HAMMOND ROAD WATER PAINTING — AUTHORIZE PREPARATION OF PLANS**

**AND SPECIFICATIONS:** The Town Engineer reported as part of the Township's infrastructure management program, the repainting of that water towers is programmed in the Township's CIP for \$1 million. In 2019, the Hammond Road water tower located at 1283 Hammond Road next to the Town offices is scheduled for repainting. This tower was built in 1982. The paint has reached its typical life span. The tower has been periodically inspected and cleaned, including interior diving over the years. During the inspections and cleanings there were no major concerns with the water tower. There will be minor improvements to areas of the tower as part of this project. The tower will be taken out of service to perform the work over a three to four month timeframe. Temperatures will need to be moderate to allow for proper paint curing. The tower will require a containment enclosure during the process to protect overspray from reaching the adjacent facilities: nearby businesses and park. TKDA will work with Public Works Department through the entire process to make sure all parts of the process meet the Township's requirement concerns. It is planned to add a concrete floor to the structure, replace aerial lights on top of the tank, replace mud valve, and rebuild/replace altitude valve and step improvements at the service door. Both the Hammond Road tower and Northeast tower will have the pipe in the below grade pit sandblasted and repainted. TKDA will prepare the plans and specifications to remove the existing paint coating, to re-recoat the interior surface of the water tower and perform the bidding process for an amount not to exceed \$29,400.00. TKDA will be bidding this project for the construction options of spring or fall. They have been working with the antenna cell carrier relative to their antenna. The project will be funded through the Water Fund. This agenda item has been reviewed by the Planning Commission and recommendation is to approve a Conditional Use Permit for the building.

Prudhon mentioned that the concept of possible service loss would not be an issue with the carriers, due to construction or otherwise. Ruzek mentioned the contract should be made clear on that issue.

Based on Town Engineer Review & Recommendation, McCune moved to Approve the Plans & Specifications laid out by TKDA. Ruzek seconded. Ayes all.

Based on Town Engineer Review & Recommendation, McCune moved to Authorize Advertisement for Bids noting that the Bid Opening Date is Wednesday, March 27, 2019 @ 11:00 a.m. at the Township Administrative Offices. Ruzek seconded. Ayes all.

**PUBLIC WORKS SERVICE DOOR CANOPIES:** The Public Works Director reported that late in the summer of 2018 quotes were requested for the installation of canopies over two service doors at the Public Works building. The bidding documents were sent

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to three area contractors for quotes. Since then, the Town advertised this project in the White Bear Press twice. Quotes were due February 25, 2019 at 4:30 p.m. The Town received three quotes, though SJ Anderson has chosen to withdraw their competing quote. The two remaining quotes were from Cobra Construction, Inc. and Parkos Construction Company, Inc. Cobra Construction was the low quote at \$29,479.68, nearly \$10,000 less than October 2018. Parkos Construction's bid was \$69,200.00.

Reed recommends approving the low quote and has verified that they understand the scope of the construction for the work involved constructing and installing the canopies. The withdrawn applicant had not visited the site. There is \$35,000 designated for the capital building fund.

Based on Public Works Director Review & Recommendation, Ruzek moved to Receive the Two Quotes. McCune seconded. Ayes all.

Based on Public Works Director Review & Recommendation, Ruzek moved to Award the Quote to Cobra Construction, Inc., in the Amount of \$29,479.68 for the Construction & Installation of Canopies over Two Service Doors at the Public Works Building With Funding from the Capital Building Fund. McCune seconded. Ayes all.

**PUBLIC WORKS DIRECTOR REPORT: 2019 Sealcoat Project:** The Public Works Director reported that as part of the Town's infrastructure management program the Town provides funding for an annual sealcoat project. By treating the road surface with sealcoat the roads useful life can be extended. Maps showing the streets proposed 2019 Sealcoat Project were reviewed as shown on meeting packet pages 141-147. The timing for the sealcoat of streets is giving the Township the greatest return on investment ultimately increasing the life of the road by providing the right surface maintenance treatment at the right time. Action requested is to approve the 2019 Sealcoat specifications and to authorize bidding. Improvement Fund 505 has \$150,000.00 budgeted for sealcoating and crack-sealing. The Public Works Director's estimate for this year's sealcoat project is \$114,741.00, and crack sealing is estimated at \$35,259.00.

The Town advertised in the White Bear Press on February 14<sup>th</sup> and 21<sup>st</sup>. Allied Blacktop had the lowest bid with \$120,956.77 for sealcoating. With the 2019 budget set at \$150,000.00, that leaves \$29,043.23 for future crack-sealing.

Ruzek's concern is with the time of day this construction company works. Reed will make sure that is in the contract with Allied Blacktop.

Ruzek made the motion to receive the bids. McCune seconded. Ayes all. Ruzek moved to award the contract for the 2019 Sealcoat Project to Allied Blacktop Company for \$120,956.77. McCune seconded. Ayes all.

**STABLE OF WHITE BEAR TOWNSHIP — 5685 PORTLAND AVENUE — REVIEW POTENTIAL DEVELOPMENT LAYOUT:**

The Township currently owns the property at 5685 Portland Avenue. The Town has reviewed several development proposals for this property over the past 15 years. None have been approved by the Town as all of the proposals requested the Town to modify the Land Use Safety Zones to accommodate additional density on the property. Plans have proposed 14 lots, 19 lots, and other sketch plan alternatives in the past. Once the Town purchased the property Staff was asked to work with E.G. Rud & Sons Surveyors to lay out a development which meets current ordinance requirements. Staff asked Rud to lay out 8 single family home lots on the property for consideration by the Town. Previous layouts were also considered.

At this time the Town Board and EDAB are leaning towards the 8 single family proposal. The proposal includes: 1) 8 single family home lots; 2) 5 of the lots meet a 3 acre minimum size as required by Land Use Safety Zone B; 3) a trail is planned along the western edge of the upland portion of the property; 4) the existing Morgan Trail is planned to extend south into the stable property and extend to Portland Avenue; 5) the existing stormwater treatment pond would be expanded; 6) the Town would retain ownership of the trail corridor and the westerly portion of the property which is wetland.

The Park Board also reviewed this item because of the trails that extend south into the property. It was recommended that park fees could be applied as the Town remains the owner of the wetlands, prairie, and the trails that run along this property.

Ron Denn, Planning Commission Chair, proposed a one-way along this property. Residents at 5695 Portland Avenue oppose the idea because the corner house would not be able to drive the opposite direction toward a second driveway that may go to a garage or the backyard. Beth Artner can see the resident's point of view because she lives on a one-way. A neighbor at 5675 Portland Avenue doesn't have a preference on a one-way or not, he is concerned with traffic and potential accidents that could land in his yard. He has a blind driveway and rides a motorcycle. He hopes the town has control over speed and signs in that area. It's more about the outlet than about the one-way or two-way.

The Board directed Staff to look into potential marketing and sale of this property. Staff have been consulting with Bill Short, Jenny Boulton, Town Board Counsel/EDA Counsel, and Attorney Chad Lemmons. However, because of legal reasons it doesn't look like this project will be able to be completed by the end of the year. Right now there is a plan, but no legal direction. Christopherson will update in the coming meetings. This agenda item will also be discussed at the Town Board Executive Meeting.

**ADMINISTRATIVE OFFICE UPGRADES:** TKDA has given a proposal on the Township Administrative Office Upgrades, this is the second. This proposal, if accepted, will tie into the Capital Improvement Fund. Some upgrades that are needed are replacing carpet, painting the interior, and replacing tile. Replacing the roof is scheduled for 2020.

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TKDA will manage the design concepts, meet with the Town Board, hold kick off meetings, prepare two preliminary design options, etc. for \$20,500. This is less than 20 percent of the Capital Improvement budget for 2019. This proposal was “improved considerably” from the first one, according to Christopherson, though he thinks TKDA could cut down on some of the hours in the second phase of this proposal, laid out in the Task Fee Estimate in the packet.

Ruzek’s concern is that this price with TKDA isn’t a competitive price because there is only one company in the running. Christopherson said if the Board wants him to shop around, he will.

Prudhon brought up talking with a security company. Christopherson proposed that he will talk with Ramsey County Sheriff Department for any suggestions or comparable. A rough idea of what other options are out there will be discussed at the Executive Town Board Meeting.

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

**RECEIPT OF AGENDA MATERIALS / SUPPLEMENTS:** McCune motioned to receive all Agenda Materials & Supplements for tonight’s meeting. Ruzek seconded. Ayes all.

Ruzek moved to adjourn the meeting at 8:08 p.m. McCune seconded. Ayes all.

Respectfully Submitted,

Patrick Christopherson  
Recording Secretary

Approved as Official Meeting Minutes

\_\_\_\_\_  
Town Board Chair

\_\_\_\_\_  
Date