

**MINUTES  
TOWN BOARD EXECUTIVE MEETING  
FEBRUARY 26, 2021**

The meeting was called to order at 8:00 a.m.

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

**APPROVAL OF AGENDA (Additions/Deletions):** Ruzek moved approval of the agenda as submitted with the addition of 12C) Business License Waiver Request; 12D) COVID Hours at the Office; 12E) Business License Issues; 13A) South Shore Trinity Lutheran Church, 13C) Water Gremlin, and 13D) NYFS, and striking 13B) Conflict of Interest Forms from the agenda. Ayes all.

**APPROVAL OF MINUTES OF JANUARY 22, 2021:** Ruzek moved approval of the minutes of January 22, 2021. McCune seconded. Ayes all.

**2021-2022 STREET IMPROVEMENTS – UPDATE:** The Town Engineer updated the Board on the progress of the street improvement plan. The public hearing for these projects was scheduled for Monday, February 15<sup>th</sup>, but due to technical difficulties and the possibility of some residents not being able to attend virtually, the public hearing was continued to Monday, March 1<sup>st</sup>'s meeting. The Board discussed the comments that were made that the February 15<sup>th</sup> meeting. The Engineer reported that staff are working on the LRIP application, hoping for \$1.1 million.

There was some brief discussion of the watermain replacement part of this project, the possibility of assessing for this portion of the project. There was discussion of the assessment value for the watermain and the roads. It was noted that the assessment rate is not locked in until the bonds are completed. There was discussion of the payback time, and it was noted that it should remain 10 years.

There was discussion of past, present, and future road projects, the differences between these 2 projects and the Peterson Road project. The Board went over the justifications for not bonding longer.

**WATER SYSTEM IMPROVEMENTS – UPDATE:** The Public Works Director reported that the programming is complete and automated. Staff has had opportunities to make it better and it has gotten better and better. There was discussion of the back wash, run times, and the

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alternating pumping between the wells. The SCADA system went down last week and it had to do with Roseville IT, not any sort of internal issue or external breach.

The Town Engineer noted that the well's production ability has increased to 1150 gallons per minute, instead of 550. It will continue to increase and improve more every quarter. The Public Works Director submitted the VFD for rebate, hoping for \$6,000.

**I & I – UPDATE:** The Public Works Director reported that he is getting going on televising, and he wants to revisit an area around Bald Eagle Lake, make sure everything is still good. After that the system has been covered. He will check into PVCs. The I & I is complete, but staff will monitor it in segments. The flow is down from last year, water use per Met council shows it. The goal is to get the flow to be even between water usage and what the Town has billed recipients for.

There was some discussion on residential televising for the point of sale of homes. It would take an ordinance, but the Board wants to keep it in mind for the future because of the older community and the severity of water usage on the Board's mind with the Lake Level Lawsuit.

It was decided that this idea will be on the agenda for the Utility Commission in March. There will be some research around the surrounding communities. And if anything went through there would be notices in the water billing to let residents know.

**POLAR LAKES PARK RESTROOMS – UPDATE:** The Town Engineer reported that the plans and specs will appear on the Consent Agenda at the Town Board meeting on March 1st and that this project will go out for bid on the 24<sup>th</sup>. The bids will be up to the Board's approval at the April 5<sup>th</sup> meeting. Construction will begin after that. There will need to be coordination with the utility contractor. If the Town does completes the work in succession it will not be done until August.

**2020 DEER HUNT RESULTS – REVIEW:** The Town Planner reported that the Town has worked with Ramsey County, bow hunters, and 3 residents to help reduce the deer population within the Township. He presented the results as follows: Hunts at Bald Eagle/Otter Park and the stable property concluded in the removal of **13 deer** (with 7 removed from the stable property alone); The City of Birchwood also held hunts, which led to **4 deer** removed. There was some discussion over the results.

Ruzek moved to table the executive meeting to return to the Board of Canvas meeting at 8:46 a.m. McCune seconded. Ayes all.

Ruzek moved to return to the executive meeting at 8:58 a.m. McCune seconded. Ayes all.

**WATER ADVOCACY GROUP DISCUSSION:** Town Engineer Dan Nessler was present to report on this agenda item. He introduced the discussion, noting that the Clerk, Public Works Director, himself, and Supervisor Ruzek met on Tuesday to discuss this item and brainstorm modes of action. Surface water testing since Water Gremlin's TCE leak, has shown that no chemicals have been found in the Town's water, but 1,4-Dioxane has been found in surface water.

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Nessler pulled up a map that showed Water Gremlin and the Town's pump 5 that could potentially be affected. He showed the areas 1,4-Dioxane has shown up and what it means in the long-term: over time, this chemical will sink lower and lower into the ground and over a number of years this chemical would get into the area where the Town's aquifer pulls ground water from. He showed how 1, 5, and 10 years of pumping could pull the chemical into the pump as it sinks to those levels. 1,4-Dioxane is a soluble contaminant and therefore will sink into the soil. TCE is in the ground water too, but it has a much shorter life than 1,4-Dioxane, and it will break down prior to any pumping.

As of now, it cannot be proven that the 1,4-Dioxane came from Water Gremlin. And 5 years ago, the Town couldn't test for this chemical, as testing is improving over time, so is the list of contaminants expanding. Nessler showed a map of residential wells in Gem Lake that are not as deep as the Town's wells, and therefore have more pressing concerns. The Board discussed this and decided that it should be shared with Gem Lake, though it is public information. The Board could come out with a statement, but also get surrounding communities involved in this to monitor Water Gremlin, the areas nearby, and to keep monitoring for these concerns.

There was discussion of 1,4-Dioxane and if the Town can test and treat for it. The Town would have to have the State test for it, can request that Water Gremlin pay for it, as a show of good faith. It was noted that Town Attorney Kelly will present this information to the Concerned Citizens Group, to show that the Town is working to solve this issue and to inhibit the information getting to them by another source. There was some discussion of the legality of everything. It was decided that Nessler should discuss with Water Gremlin first to give them an opportunity to strive to solve this with the Town. If they say no, then the Town can petition the State to test for it, and the State will make Water Gremlin test for 1,4-Dioxane.

There was some discussion of obtaining a recommendation of support for monitoring a known polluter. The Town Attorney could send something to the mayor of Gem Lake; since they are dealing with private wells, they may need to pass an ordinance. Chair Prudhon will talk about this information with VLAWMO, as it affects their area with 1,4-Dioxane in Lambert Creek. The Clerk noted that he would put together a statement for the Board Chair to read at the next Town Board meeting. The good news is that this has been caught in the forefront and so the Town can put steps in place to prevent the chemical from entering the pumps or to know how to treat it if/when it does.

**PUBLIC WORKS DIRECTOR REPORT:** The Public Works Director was present to report on the Public Works Department Activity of February 2021. He noted that the **safety classes** will hopefully start up soon with a 1-on-1 trainer. There was some brief discussion on the **water meter repair/reading** and about the Town's warranty. If there is any issue, the Town Attorney can contact the contractor to ensure warranty. The **White Bear Lake Sanitary Sewer Protection Project** is in process and the Township

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has received a grant from RCWD for \$37,500.00. He noted that the Town has posed a position for a **Municipal Services Coordinator** 2 days ago and it has 4 hits so far. The application will run for 3 weeks. The Town received a **note from a resident** about Garden Park. They said thank you to the Town staff for maintaining the parks and rinks in the winter. Their son used to skate at Garden Park and now he plays pro hockey. They like seeing all of the kids skating at the parks in the winter.

**PFA's Voluntary Testing:** The Public Works Director reported that he doesn't think the Town has any PFAs (Perfluoroalkyl) in the Town's systems, more in the Oakdale area, but just wants the Town to be aware of this issue. The EPA just revised the Lead and Copper Rule due to Flint Michigan. PFAs are a water deterrent that is used on plates and cups to wick water away. The State is testing state wide, and he will give the OK to test for it within the Town. He just wanted to keep the Board apprised. The Town also has to label all service lines with 1 of 4 classification options: Lead, Galvanized, Non-Lead, and Lead Status Unknown. Staff has until 2024 to complete this project, and it was noted that winter is a good time to work on this project when there is no plowing. Staff will work on it and update the Board as needed.

**Tire Changer/Wheel Balancer Purchase:** The Public Works Director reported more information on this agenda item that the Board requested. This tire changer/wheel balancer purchase would save Public Works staff time and money in the long term. The machine will last 20 years or longer, depending on use and maintenance, and will recoup the funds needed to purchase it. It will also save on hours of staff time that means staff can get other projects done quicker. The numbers are all in the packet: this item was budgeted for purchase in 2021 for \$28,000; and the Town found one for \$20,663.80, which is under budget. There was some discussion of the logistics, that staff will have to be trained to use it, have to update the bay with some safety protocols for this equipment. It was noted that the Board simply wanted to confirm a 'need' versus a 'want'. This item will go on the Consent Agenda at the next Town Board meeting.

**CODE ENFORCEMENT OFFICER / BUILDING INSPECTOR REPORT: Business License Update – UFP/Paride/Nextern:** The Town Building Inspector reported that he has been spending a lot of time on business license inspections. He and the Fire Chief have been going through commercial properties within the Township. Every property so far has had a correction order on fire safety mainly. After having completed these inspections, the Building Inspector sent out the 3<sup>rd</sup> notices for other businesses. 3 main properties that stuck out in this process are UFP, Paride, and Nextern.

**UFP** provided roof coverings to stage their lumber prior to production. The intent was to not have a building over 2000 square feet, but it is and so it should be a permanent structure. The Building inspector ordered UFP to vacate this structure by March 1<sup>st</sup> and will follow-up on it. It will have to be sprinkled to be up to the fire code. There was some discussion on fines the Town can use to gain some teeth in this matter as the courts don't want to hear it.

**Paride** owes the Town \$50,000 for SAC and WAC fees that have been going unnoticed.

**SMC** had completed something without a permit.

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**Nextern** has outstanding issues with completing the work they promised for the Township (as a criteria for their last Conditional Use Permit).

**Water Gremlin** has been on the Building Inspector's mind as well. He and the Fire Chief visited their facilities about the correction orders regarding fire control. There are 3 outstanding corrections: the installation of a fire exit on the north plant, fire suppression requested in some production areas, and fire suppression on all smog hog apparatuses (about 20). Water Gremlin has consistently been behind on all procedural changes and regular maintenance. They are not going to meet the March 30<sup>th</sup> deadline. The Board discussed this and decided that if they won't have all upgrades and changes completed they shouldn't be able to get their business license renewed. Or if they want to have an extension, they should also get fined for each day that they are late past March 30<sup>th</sup>, because they have been promising to change some of these things since last year or before. It was decided that the Town Attorney will send a letter to the president of Water Gremlin and will discuss more at the next Executive Board meeting. The Board wants to crack down on Water Gremlin more because 1) they've had more than enough time, 2) they haven't handled things well with other things going on water and air quality related, 3) they have been under code for 20 years regarding fire suppression, 4) every time the fire department is called out to a facility the Town gets a bill, etc. These items and more were discussed.

**T.A. Schifsky** is in yellow in the packet because notices have been returned. The Board was unaware that they had a location within the Township, but they could have moved. The Building inspector will update the Board more at future meeting.

It was also noted that the EDAB should look at the ordinance regarding business licenses and maybe strengthen it since licenses only cost \$100, and it seems that the Town has never received 100% participation from the businesses within the Township.

**5456 Township Drive:** The Town Building Inspector reported that the Town had executed an Administrative search warrant and he had inspected the interior of this property last week. All personal property and carpeting had been removed. The Building Inspector completed and sent of the violation notice yesterday. He met a contractor out there that said it would take \$75,000 to rehab the house, and the owner will not do it. There was discussion of what he found. He noted that it was bad and he couldn't bear to stay in there long, but the Town had previously started the process with the court to get it torn down.

**5305 West Bald Eagle Boulevard:** The Town Building Inspector reported that the Town had executed an Administrative search warrant and he had completed an interior inspection. He noted that construction on the interior and exterior had been haphazardly done and there are a lot of issues with the electrical. He spent 20 minutes there and had to get out of there. He evaluated all the vehicles on the property that day. Nothing appeared to be stolen but the Town will still be removing many of those vehicles in a week or so, as soon as the paperwork is done: there is a limo, 3 or 4 pickups, half of a pickup, and some cars on the property.

The Town Clerk reported on the most recent email from neighbors. They have been patient and been giving the Town more background on what to use in civil court. Unfortunately the Town cannot bring a criminal action against the owner, but a civil case may open the door to that. There was discussion among the Board and the Town Attorney about this agenda item.

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**CLERK-TREASURER REPORT: DNR Groundwater Management – Update:** The Town Attorney reported that the district court has not reassigned a new judge to the case. The order cannot be amended until a judge is assigned to work on the case.

**Annual Meeting – Agenda:** The Town Clerk reported he made additional notes to reconvene the meeting on June 22, 2021, as things should hopefully be better by then.

**Business License Waiver Request:** The Town Clerk reported that he received a business license waiver request from a very small, single person, nonprofit company within the Township. They requested the fee of \$100 be waived, however, it was noted that this business applied for and received CARES Act funding from the Township. As a result, the Board is denying this request. **COVID Hours at Town Offices:** The Town Clerk reported that he had considered going back to normal hours in March, but he decided April 1<sup>st</sup> would be best

**Business License Issues:** The Town Clerk reported noted that the previous conversation about the business licenses has been good. This concern was brought to his attention By Kowalski's, wanting 1 license for Cub Foods, TCF, and Cub Liquor instead of 3 separate licenses. There was some discussion on this, as these businesses are within the same building. It was noted that if multiple businesses are in the same strip mall, for example, but have different suites they don't get just 1 business license. Cub and Cub Liquor could go together, but it was the consensus that TCF should remain separate.

**ADDED AGENDA ITEMS: South Shore Trinity Lutheran Church – Property Sale:** The Town Clerk reported that the Utility Commission gave recommendation for the Town to buy the for sale lot for \$100,000 (they are offering it at \$110,000). There was some discussion over the cost, and though the Town Planner considers this a good price, the Board's consensus was to get an appraisal. Options for the property were discussed for this property based on Utility Commission recommendation.

**Water Gremlin – Concerned Citizens Statement:** The Town Attorney reported that this agenda item has changed a bit since this morning's conversation about Water Gremlin. Chad will write a letter to the Concerned Citizens Group and to Minnesota Pollution Control Agency Commissioner. Town Attorney Kelly will recommend sending a letter of support. There is more information in the packet.

**NYFS:** Supervisor McCune explained that the Executive Director Tara had planned to give updates to each of the municipalities, but McCune wanted to give the Board a heads up. Northeast Youth and Family Services' whole funding plans were interrupted with COVID. Tara will reach out to staff, wants staff to update residents that they can take advantages of the services NYFS offers. She also will request a basket from each municipality for fundraising events later down the road. The Town Attorney noted that the Town cannot donate money to another entity, even if it is a nonprofit. But, since they provide services to Township residents, there may be some wiggle room (public purpose). He will look at the statute again to make sure.

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

McCune moved to adjourn the meeting at 11:40 p.m. Ruzek seconded. Ayes all.

Respectfully Submitted,

Megan R. Cavanaugh  
Recording Secretary