



**MINUTES  
REGULAR MEETING OF THE CITY COUNCIL  
OF THE CITY OF WHITE BEAR LAKE, MINNESOTA  
TUESDAY, APRIL 14, 2020  
7:00 P.M. IN THE COUNCIL CHAMBERS**

**1. CALL TO ORDER AND ROLL CALL**

Mayor Jo Emerson called the meeting to order at 7:03 p.m. under MN Statute Section 13D.021, in which the City Council will be conducting its meetings during this emergency by electronic means until further notice. The clerk took roll call attendance: Councilmembers Doug Biehn – Aye, Kevin Edberg - Aye, Steven Engstran - Aye, Dan Jones - Aye and Bill Walsh - Aye. Staff members in attendance were City Manager Ellen Hiniker, Assistant City Manager Rick Juba, Community Development, Director Anne Kane, Public Works Director/City Engineer Paul Kauppi, Finance Director Kerri Kindsvater, City Clerk Kara Coustry and City Attorney Troy Gilchrist.

PLEDGE OF ALLEGIANCE

**2. APPROVAL OF MINUTES**

A. Minutes of the Regular City Council Meeting on March 24, 2020

It was moved by Councilmember **Engstran**, seconded by Councilmember **Jones**, to approve the Minutes of the Regular City Council Meeting on March 24, 2020.

- Walsh Aye
- Biehn Aye
- Jones Aye
- Edberg Aye
- Engstran Aye

Motion carried unanimously.

**3. APPROVAL OF THE AGENDA**

It was moved by Councilmember **Walsh** seconded by Councilmember **Engstran**, to approve the agenda as presented.

- Walsh Aye
- Biehn Aye
- Jones Aye
- Edberg Aye
- Engstran Aye

Motion carried unanimously.

**4. VISITORS AND PRESENTATIONS**

Nothing scheduled

**5. PUBLIC HEARINGS**

Nothing scheduled

**6. LAND USE**

A. Consent

Nothing scheduled

B. Non-Consent

Nothing scheduled

**7. UNFINISHED BUSINESS**

Nothing scheduled

**8. ORDINANCES**

Nothing scheduled

**9. NEW BUSINESS**

- A. Resolutions approving partial refund of annual liquor license payments to on-sale bars and restaurants closed due to COVID-19 pandemic, and authorizing City staff to negotiate temporary monthly payment deferrals for businesses impacted by the pandemic who lease property from the City, or who have municipal economic development loans.

City Manager Hiniker presented Council with a resolution providing relief for bars and restaurants in the community which were shut down March 17 through May 4, 2020, to protect against the spread of Covid-19. The first resolution proposes to refund two months of liquor license fees to affected restaurants. She noted some seasonal businesses not being recommended a refund because they were not otherwise open.

Councilmember Biehn supported two months but foreshadowed additional refunds and inquired as to a base line liquor license fee for liquor licenses. He also expressed desire to provide the same relief to three seasonal businesses: Admiral D's, Tally's, and Manitou Golf Course.

It was moved by Councilmember **Biehn**, seconded by Councilmember **Jones** to adopt **Resolution No. 12562** approving partial refund of annual liquor license payments to on-sale bars and restaurants closed due to COVID-19 pandemic, with the addition of three seasonal businesses.

Councilmember Walsh stated that work goes into licensing these establishments and asked if there was any hope for savings. Ms. Hiniker noted a recent savings in overtime for police who are no longer responding to calls through the week.

Walsh Aye  
Biehn Aye  
Jones Aye  
Edberg Aye  
Engstran Aye

Motion carried unanimously.

Ms. Hiniker introduced the second resolution proposing to allow staff the ability to negotiation a deferral of payments for up to 90 days on municipal leases and loans. She noted the City has several leases in addition to seven business with revolving loans and two economic development loans. Ms. Hiniker asked for the ability to negotiation the same and similar with lease holders as well. She said she would bring forward the results of staff negotiations for Council's consideration.

It was moved by Councilmember **Walsh**, seconded by Councilmember **Biehn** to adopt **Resolution No. 12563** and authorizing City staff to negotiate temporary monthly payment deferrals for businesses impacted by the pandemic who lease property from the City, or who have municipal economic development loans.

Councilmember Walsh recalled the City's loan to Mizu for \$100,000 and added he did not want to sit in judgement of whether a loan would work or not, especially for a restaurant. He hoped things will rebound and supported the resolution of deferral as reasonable, but cautioned the Council against being in the banking business.

Walsh Aye  
Biehn Aye  
Jones Aye  
Edberg Aye  
Engstran Aye

Motion carried unanimously.

B. Resolution approving 15% engineering plans for Rush Line Bus Rapid Transit corridor

Ms. Hiniker introduced Commissioner Victoria Reinhardt and Andy Gitzlaf on behalf of the Rush Line Project. The Rush Line Project Team has been developed 15% engineering plans for the Rush Line Bus Rapid Transit corridor. She said this will take the project into the next phase - the environmental assessment phase. She recalled draft 15% plans were presented to Council on October 15<sup>th</sup> and since then staff attended a meeting with downtown residents to review the 7<sup>th</sup> and Washington station. She reported this meeting was well attended with many questions regarding traffic related to the School District's plans.

Andy Gitzlaf provided an overview of the Rush Line Project, a 15-mile corridor from downtown St. Paul to downtown White Bear Lake with 21 stations planned and future connections in Hugo and Forest Lake. He stated this would be bus rapid transit (BRT) using electric busses with low sound and emissions. Mr. Gitzlaf mentioned a station design survey will be posted online in about one month to engage the community in what they think are the key elements of a bus station.

In order to move through the environmental assessment phase, Mr. Gitzlaf said, 15% engineering plans are required in order to conduct an analysis, which is where the Rush Line Project is today. He called out some refinements to the plan and reported that 15% plans were sent to cities as well as MNDOT and Metro Transit for comments. Mr. Gitzlaf asked for a resolution of support for the 15% plans. He noted additional opportunities to provide comments during the Environmental Assessment anticipated to begin in December 2020, and on the subsequent 30%, 60% and 90% design plans prior to construction in 2024.

Councilmember Walsh inquired about whether there will be an opportunity for a municipal consent vote on the project as a whole. Mr. Gitzlaf indicated that after Ramsey County finalizes its Environmental Review early next year is an opportunity.

It was moved by Councilmember **Biehn**, seconded by Councilmember **Jones** to adopt **Resolution No. 12564** approving 15% engineering plans for Rush Line Bus Rapid Transit corridor.

Walsh Nay  
Biehn Aye  
Jones Aye  
Edberg Aye  
Engstran Nay

Motion carried 3:2.

C. Resolution Accepting Bids and Awarding Contract for the 2020 Street Reconstruction Project, City Project Nos. 20-01 & 20-06

City Engineer/Public Works Director Kauppi, provided a description of the 2020 Street Reconstruction Project is 1.2 miles of street in the Cottage Park area including Cottage Park Road, Circle Drive, Lakeview Avenue and Bellaire Avenue from County Road E to Orchard Lane. On April 2, 2020, he said, staff opened five bids, finding T.A. Schifsky and Sons the lowest bidder at \$1,490,523.14, which was 10% lower than originally estimated.

Mr. Kauppi reported that as in the past, bids were taken for private driveway work in which residents may choose to have contractors reconstruct their own driveways. He noted this would be paid by the homeowner upfront and would not be included in the assessment.

Mr. Kauppi mentioned the Cottage Park circle, which was in the plans to be removed in order to ease maintenance, however, many of the neighbors were fond of the feature and have asked that it be allowed to stay, noting its charm.

Councilmember Walsh reported attending a meeting of united and concerned neighbors at the circle last night with 21 people in attendance. Seeing the level of support for keeping the circle, he advocated for it to be returned.

In response to Councilmember Edberg, Mr. Kauppi explained that homeowners taking advantage of private driveway work would pay the City who would then pay the contractor. Councilmember Edberg asked who is responsible for standards, warranties and customer satisfaction. Mr. Kauppi stated the inspection and a one year warranty would be through the City as provided in the overall contract. Mr. Kauppi noted that language has been added to the driveway contracts which better defines the ways and means.

Councilmember Jones supported the circle. He also asked Mr. Kauppi to continue to provide those quality inspections and follow up on warranty improvements.

It was moved by Councilmember **Edberg**, seconded by Councilmember **Walsh** to adopt **Resolution No. 12565** accepting bids and awarding contract for the 2020 Street Reconstruction Project, City Project Nos. 20-01 & 20-06.

Walsh Aye  
Biehn Aye  
Jones Aye  
Edberg Aye  
Engstran Aye

Motion carried unanimously.

D. Resolution Accepting Bids and Awarding Contract for the 2020 Mill & Overlay Project, City Project No. 20-13

City Engineer/Public Works Director Kauppi, stated 3.3 miles of street are proposed for mill and overlay this year. He reported that alternate bids were taken for the parking lots at Rotary Park, Podvin Park and Weyerhauser Park. Mr. Kauppi stated, six bids were received on March 26, with the lowest bid coming from North Valley at \$1,395,475.17, also about 10% below initial estimates.

It was moved by Councilmember **Jones**, seconded by Councilmember **Biehn** to adopt **Resolution No. 12566** accepting bids and awarding contract for the 2020 Mill & Overlay Project, City Project No. 20-13.

Walsh Aye  
Biehn Aye  
Jones Aye  
Edberg Aye  
Engstran Aye

Motion carried unanimously.

E. Resolution to approve the sale of General Obligation Bonds for 2020 Street Improvement Projects

Finance Director Kindsvater reported the IRS has special regulations regarding the proceeds of tax exempt bonds and how proceeds are used to pay for improvement projects and for expenditures that happen before the bond sale process begins (May). She explained this resolution would allow the City to pay for these improvements from sources other than bonds until the bonds come due and can repay those sources.

Ms. Kindsvater forwarded staff's recommendation to set the bond sale maximum at \$3.5 million, which would provide the flexibility to finance reconstruction of the downtown parking lot. Ms. Kindsvater noted this was a placeholder at this time and the Council can decide to sell less bonds.

City Manager Hiniker added that a portion of these bonds would be paid for through assessments.

It was moved by Councilmember **Jones**, seconded by Councilmember **Engstran** to adopt **Resolution No. 12567** approving the sale of General Obligation Bonds for 2020 Street Improvement Projects.

Walsh Aye  
Biehn Aye  
Jones Aye  
Edberg Aye  
Engstran Aye

Motion carried unanimously.

F. Resolution order expenditure from the Stormwater Pollution Prevention Program (SWPP) Fund for Engineering design and construction of the 4<sup>th</sup> and Otter Birch Lake iron enhanced sand filter project.

City Engineer/Public Works Director Kauppi reported this started in 2017, when the Vadnais Lakes Watershed Management Organization (VLAWMO) asked the City to participate in a study of methods to reduce phosphorus and other contaminants from entering Birch Lake. He said the study identified iron enhanced sand filters as a feasible project at the 4th and Otter Lake stormwater outfall.

Mr. Kauppi explained that VLAWMO received a \$97,000 grant from Bowser toward this project, which requires a 25% match from partners including Ramsey County, VLAWMO and the City of White Bear Lake. He noted the Council had approved \$20,000 toward this project. This spring he reported, VLAWMO received a bid for this work at \$161,647.00 and Mr. Kauppi forwarded staff's recommendation to pay \$20,000 as the City's portion of project costs.

Councilmember Jones said the cost of this project is high, but Birch Lake is one of the cleanest lakes in the state, and this is the cost to continue keeping it clean. He said this iron sand filter is projected to remove 35,000/lbs of phosphorous per year compared to Goose Lake looking at an

expense of \$200,000 in alum treatments to remove 400 - 800/lbs of phosphorous per year over a 10-15 year period.

It was moved by Councilmember **Jones**, seconded by Councilmember **Engstran** to adopt **Resolution No. 12568** ordering expenditure from the Stormwater Pollution Prevention Program (SWPP) Fund for Engineering design and construction of the 4<sup>th</sup> and Otter Birch Lake iron enhanced sand filter project.

Walsh Aye  
Biehn Aye  
Jones Aye  
Edberg Aye  
Engstran Aye

Motion carried unanimously.

G. Resolution denying a massage therapist business license and therapist license

City Manager Hiniker reported the applicant was looking to sublease a portion of Vita Day Spa to provide massage services. She noted the application and background check were included in the packet. Ms. Hiniker relayed that the applicant failed to disclose a business license, therefore staff recommended the license for denial. She said the applicant appealed staff's decision for denial and provided her written appeal to the City Council.

Mayor Emerson said the City has been consistent in denying massage licenses for failing to disclose employment history.

Councilmember Jones reviewed the application and found it to clearly ask for five years of licenses and he did not understand why the applicant would leave off a two year employment history. He said it is a clear omission and Council must remain black and white on these cases.

It was moved by Councilmember **Jones**, seconded by Councilmember **Engstran** to adopt **Resolution No. 12569** denying a massage therapist business license and therapist license.

Walsh Aye  
Biehn Aye  
Jones Aye  
Edberg Aye  
Engstran Aye

Motion carried unanimously.

**10. CONSENT**

A. Resolution Ordering Project, Approving Specifications and Authorizing Advertisement for Bids for the 2020 Sanitary Sewer Lining Project, City Project No. 20-07. **Resolution No. 12570**

- B. Resolution Ordering Project, Approving Specifications and Authorizing Advertisement for Bids for the 2020 Crack Seal Project, City Project No. 20-03. **Resolution No. 12571**
- C. Resolution Ordering Project, Approving Specifications and Authorizing Advertisement for Bids for the 2020 Miscellaneous Concrete Project, City Project No. 20-05, **Resolution No. 12572**
- D. Resolution Ordering Project, Approving Specifications and Authorizing Advertisement for Bids for the 2020 Bituminous Seal Coating Project, City Project No. 20-02. **Resolution No. 12573**

It was moved by Councilmember **Biehn**, seconded by Councilmember **Engstran** to adopt the consent agenda as presented.

Walsh Aye  
Biehn Aye  
Jones Aye  
Edberg Aye  
Engstran Aye

Motion carried unanimously.

## 11. DISCUSSION

### A. Wireless infrastructure permits

City Manager Hiniker noted recent letters from community members requesting the City pass a moratorium on issuing small cell and other wireless infrastructure permits during COVID-19. She said since the permit process was established, the City has had only three total applications for which one was approved and the other two are in review. She said there have been no applications received since COVID-19 and would not recommend a moratorium on these permits as this was vetted out quite thoroughly in the legislative process.

Councilmember Edberg wanted to receive background and documentation on concerns over possible health impacts of small cell technology. City Manager Hiniker agreed to forward information related to the impacts on health.

Councilmember Jones directed staff to refer these types of inquiries to the federal authorities as the City does not have jurisdiction over this issue, the FCC regulates this.

### B. Conducting Public Hearings using through WebEx platform

City Manager Hiniker stated that there will be an ordinance at the next Council meeting as well as a Planning Commission meeting, both which will have public hearings. She described the process of staff pre-registering those wishing to speak, or encouraging written public comments. Community Development Director Kane relayed that proper notice was placed in the newspaper and staff has practiced with the applicants.

Councilmember Edberg suggested postponing public hearings until the stay at home order is lifted, stating the platform for robust public comment is inadequate.

Councilmember Jones agreed that to the extent possible, items requiring public comment should be postponed. He also suggested the Mayor could consider moving public speakers to the head of the meeting so they do not wait for long.

### C. Downtown Parking Lot – Banning & 3<sup>rd</sup>

City Manager Hiniker stated the parking lot at Banning & 3rd was being considered for 2021, however, given the current situation, would the City want to consider undertaking this project in 2020 to minimize disruption to downtown parking. She noted that both Marketfest and Manitou Days are still being planned at this time.

City Engineer Kauppi explained the parking lot at Banning and 3rd has no opportunity to increase parking stalls and could easily be added to projects this year. He noted the downside being the economy and the need to assess the cost of the parking lot. If the project goes forward, Mr. Kauppi recapped the need to follow the state's 429 process including a feasibility study, public hearings and benefit appraisal.

Ms. Hiniker stated that estimates for this project are \$400,000 - 500,000 but staff would first need to explore this with downtown businesses and property owners.

Councilmember Biehn inquired as to electric vehicle infrastructure. Ms. Hiniker stated that would be part of the conversation should this project progress to the design stage.

There being no objections, City Manager Hiniker said she would advance the conversation with the downtown group and report back to Council.

## 12. COMMUNICATIONS FROM THE CITY MANAGER

- Finance has been tracking all COVID-19 related expenses, including personnel for the ability to report back to Council and for future potential reimbursement under the state of emergency. Ms. Hiniker noted enterprise funds for the License Bureau and the Sports Center are down significantly while noting savings in gas, overtime and vacant positions. Each department has been reviewing their budgets for opportunities to save or postpone expenses.
- Melissa Joyce from the Sports Center is getting ready to launch Volgistics, a volunteer management software to house a database of community volunteers and opportunities. Each community entity would be set up as a department and manage their own volunteer projects.
- Tracy Shimek, the Housing and Economic Development Coordinator has been looking into platforms to better engage the business community. Staff remain engaged with the White Bear Area Chamber of Commerce and the Economic Development Committee. A survey is also being generated for downtown businesses.
- Continued weekly meetings with the service organizations in the community including, the Community Foundation, Food Shelf, Solid Ground, YMCA and Newtrax. Newtrax has been on the forefront, offering driver services for various efforts.

- Community Foundation launched a community development fund of \$10,000 in grant money for local nonprofits addressing food, shelter and mental health.
  - Food Shelf is offering drive thru pickup, which has gone from 350 up to 500 pickups weekly. They ask for cash donations to purchase food. Staff continues to pack kids packs for the elementary schools.
  - YMCA continues to provide hot meals to families and daycare services for essential workers. They are also assisting people who cannot speak English and need help navigating assistance programs.
- The Police Department has seen an increase in domestic and mental health calls for service. The Fire Department has seen a slight increase in accidental home fires. The City has the PPE supplies that it needs right now.
- The License Bureau is open with limited services as allowed by the DMV. Staff have been fielding calls, processing dealer title work and dropbox transactions, which is located in front of City Hall. Offices are being retro-fitted with glass barriers to protect employees in confined quarters and in preparation for reopening to the public, scheduling software is being contemplated.
- Work Session next Tuesday, April 21, 2020 at 6:00 p.m. to discuss the Capital Improvement Program and long range financial planning.
- Updates from Public Works Director/City Engineer, Kauppi
    - Landscaping activities have resumed.
    - Monday is the annual Water Treatment Plant shut-down, followed by hydrant flushing.
    - Dock damage was not as bad as first thought and longer spud poles will be placed further out to mitigate future damage.
- Updates from Community Development Director Kane
    - Staff hosted a trial run Webex in preparation for the April 27, Planning Commission meeting with applicants and commission members.
    - Building permit activity continues to be high.
    - Building department has a full route every day. The new building inspector, Derek has been shadowing Ben.
    - Marco has been busy responding to an increase in code enforcement complaints.
    - Pioneer Manor window replacement project is going well, likely completed before the May 1st deadline.
    - Staff continues to outreach to the business community in an effort to remain a vital commercial node in the Twin Cities.

### 13. ADJOURNMENT

There being no further business before the Council, it was moved by Councilmember **Jones** seconded by Councilmember **Engstran** to adjourn the regular meeting at 9:15 p.m.

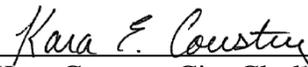
Walsh Aye  
 Biehn Aye  
 Jones Aye

Edberg Aye  
Engstran Aye

Motion carried unanimously.

  
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Jo Emerson, Mayor

**ATTEST:**

  
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Kara Coustry, City Clerk