



**MINUTES
REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF WHITE BEAR LAKE, MINNESOTA
TUESDAY, JULY 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 7:00 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 for Councilmembers: Doug Biehn, Kevin Edberg, Steven Engstran, Dan Jones and Bill Walsh. Staff in attendance were City Manager Ellen Hiniker, Assistant City Manager Rick Juba, Community Development Director Anne Kane, Public Works Director/City Engineer Paul Kauppi, City Clerk Kara Coustry and City Attorney Troy Gilchrist.

2. APPROVAL OF MINUTES

A. Minutes of the Regular City Council Meeting on June 23, 2020

It was moved by Councilmember **Jones** seconded by Councilmember **Engstran**, to approve the Minutes of the Regular City Council Meeting on June 23, 2020.

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

Motion carried unanimously.

3. APPROVAL OF THE AGENDA

Mayor Emerson moved 11B to 4B - regarding face coverings.

Councilmember Walsh added 9C – Resolution rescinding the mask proclamation.

It was moved by Councilmember **Walsh** seconded by Councilmember **Edberg**, to approve the Agenda as amended.

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

Motion carried unanimously.

4. VISITORS AND PRESENTATIONS

A. Children’s Performing Arts, Development Director Marlene Petersen

Development Director for Children’s Performing Arts Marlene Petersen stated they are a non-profit children’s theater, specializing in theater education through the performing arts. As a proud member of the Arts District in White Bear Lake, she said the mission is not only to educate children, but to bring art and culture to the community through theatre. Ms. Petersen reported the theatre has been closed for COVID-19 since March 15th and as a result they have been seeking creative community engagement for the children.

Ms. Petersen proposed children’s pop-up performances in downtown White Bear Lake at Railroad Park on Thursdays, August 20 and 27, from 6:00 p.m. – 7:00 p.m. She thanked staff for contacting Suburban Cable Channels (SCC) who will provide the sound equipment and also record and live stream the event on Public Access Channel 16. She noted, this is the Children’s Performing Arts 15th Anniversary, so song selections will reflect a 15- year history of past musical performances. Ms. Petersen mentioned reaching out for community sponsorships to provide cross-marketing with downtown business for these dates as well.

Councilmember Jones inquired and received confirmation there were no other City services required beyond use of Railroad Park.

B. Mayor’s Proclamation for Face Masks in Public

Mayor Emerson asked the City Manager to place this item under discussion, however, in light of upward trends in COVID-19 cases, as well as recommendations by the Centers for Disease Control (CDC), the Surgeon General of the United States and the Minnesota State Public Health Department, the Mayor believed the public health implications required action rather than discussion. As such, Mayor Emerson signed a proclamation requiring facial coverings indoor areas where public has access within the City of White Bear Lake.

She noted the emergency mask proclamation will take effect at 12:01 a.m., Friday, July 17, 2020 and will continue until the enactment of a statewide proclamation by the Governor, the state peacetime emergency declaration ends, the Council votes to rescind it, or 30-days from the enactment of this proclamation. Mayor Emerson stated this is not a political issue, this is a public health issue and people who are working should not have to be fearful of those without masks. She stated this virus is real and is a threat to all ages.

5. PUBLIC HEARINGS

Nothing scheduled

6. LAND USE

A. Consent

1. Consideration of a Planning Commission recommendation for approval of a request by

Paula Frost for a special home occupation permit at 1904 4th Street. (Case No. 20-2-SHOP).
Resolution No. 12605

2. Consideration of a Planning Commission recommendation for approval of a request by Husnik Homes on behalf of Dave and Jane Linden for a variance at 4796 Bald Eagle Avenue. (Case No. 20-10-V). **Resolution No. 12606**
3. Consideration of a Planning Commission recommendation for approval of a request by White Bear Area ISD 624 for a conditional use permit at 3551 McKnight Road. (Case No. 20-5-CUP). **Resolution No. 12607**

It was moved by Councilmember **Jones**, seconded by Councilmember **Biehn** to adopt the Land Use Consent Agenda as presented

B. Non-Consent

1. Consideration of a Planning Commission recommendation for approval of a request by White Bear Center for the Arts for a planned unit development at 4971 Long Avenue and 4953, 4962, 4970 & 4980 Division Avenue. (Case No. 20-1-PUD).

Community Development Director Kane introduced and put forward a unanimous recommendation by the Planning Commission to approve a request by White Bear Center for the Arts (Center) for a planned unit development at 4971 Long Avenue and 4953, 4962, 4970 & 4980 Division Avenue after removing a condition for future artist loft housing. She explained the Center conducted a neighborhood meeting in which a handful of neighbors expressed concern with looking at windows in the evening for which window treatments are expected to help reduce glare. She said staff felt the Center alleviated any issues for expanding a community center into a residential neighborhood regarding light, noise and tree coverage. She noted the lack of vehicle access into the neighborhood, generous landscaping and the nearby park-like woodlands are compatible with the neighborhood.

Councilmember Walsh inquired regarding original PUD approval for the Arts Center and Ms. Kane confirmed that the project has grown significantly from the initial parking lot expansion that was approved 2.5 years ago and now includes a building expansion as a result of donor support and the anticipated school district expansion. Ms. Kane said this has become more of a full build out of the Art Center.

In response to Councilmember Jones, Community Development Director Kane said the previous proposal did not access Division intentionally, and the High School expansion will result in children using the shortest routes to school, the access point on Division was abandoned but could be opened again in the future. Councilmember Jones encouraged pervious storm solutions for the parking lot and curb where possible.

Councilmember Edberg received confirmation that a future building labeled on the site plan was part of the approval at this time. Ms. Kane stated that Phase II shows this portion in detail, which provides a future landscape feature, in this case most likely an outdoor shed for materials for the clay yards, and also screens residents' view from north end of the yard.

Mayor Emerson opened the public hearing at 8:09 p.m. There being no public wishing to speak, Mayor Emerson closed the public hearing at 8:10 p.m.

It was moved by Councilmember **Jones**, seconded by Councilmember **Walsh** to adopt **Resolution No. 12608** approving a request by White Bear Center for the Arts for a planned unit development at 4971 Long Avenue and 4953, 4962, 4970 & 4980 Division Avenue.

7. UNFINISHED BUSINESS

Nothing scheduled

8. ORDINANCES

Nothing scheduled

9. NEW BUSINESS

A. Resolution regarding Goose Lake Access Agreement with VLAWMO

City Manager Hiniker reported an agreement has been formalized between staff and Vadnais Lake Area Water Management Organization (VLAWMO) for the construction, operation, and maintenance of a limited access boat launch on City owned right-of-way adjacent to East Goose Lake at Highland Avenue. She explained the two entities share interest in water quality of East Goose Lake and wish to facilitate access for VLAWMO to conduct its necessary partnership-based water quality management activities.

City Manager Hiniker mentioned the property will require grading and construction of a boat launch to allow lake access and VLAWMO would be responsible for all work related to design, construction, operation, security and maintenance of the boat launch. Ms. Hiniker stated the city would assist with tree removal, hauling and disposal of excess materials during construction.

City Engineer Kauppi added that as part of the boat launch, the underbrush and a couple of trees need to be removed. While not an easy access, he noted, VLWMO would lay concrete pad along the steep embankment to facilitate access and prevent erosion. He mentioned natural screening keeps the site out of public view. Finally, Mr. Kauppi noted this will provide a stable long-term access to the lake, when private residences were being utilized prior to this.

Councilmember Jones noted this provides long-term safe access for VLAWMO. He mentioned that VLAWMO held a public hearing but there were no unsettled issues at that time.

Councilmember Edberg inquired as to the length of time for this agreement and control of the non-public launch site. Mr. Kauppi said the launch is not very visible, but if needed, VLAWMO agreed to place a chain or a gate to further restrict access. He noted the agreement is intended in perpetuity, renewing every ten years with termination clauses for both parties if needed.

It was moved by Councilmember **Walsh**, seconded by Councilmember **Jones** to adopt **Resolution No. 12609** approving Goose Lake Access Agreement with VLWMO.

Walsh Aye
Biehn Aye
Jones Aye
Edberg Aye
Engstran Aye

Motion carried unanimously.

B. Resolution authorizing the City Manager to order repairs and maintenance to the Armory elevator

City Manager Hiniker stated the elevator repair at the Armory, amounting to just under \$18,000 was not a budgeted expense. She added the Armory has been underutilized this year and the fund balance is not self-sustaining. She indicated this repair can be absorbed in the Municipal Building Fund if it cannot be paid for from the Armory fund balance.

It was moved by Councilmember **Biehn**, seconded by Councilmember **Jones** to adopt **Resolution No. 12610** authorizing the City Manager to order repairs and maintenance to the Armory elevator.

Councilmember Edberg mentioned the city's contractor had recently completed an elevator inspection and found no repairs were required, however, the state found repairs are needed. He asked why the city was hiring the same contractor to fix the issues found by the state, which were not identified by the contractor. Ms. Hiniker expressed confidence in the city's elevator contractor, noting there are few who are licensed to repair elevators. Assistant City Manager Juba added, the state elevator code changed in May, between inspection times, which contributed to the disparity.

Walsh Aye
Biehn Aye
Jones Aye
Edberg Aye
Engstran Aye

Motion carried unanimously.

C. Resolution rescinding the mask proclamation

It was moved by Councilmember **Walsh**, seconded by Councilmember **Engstran** to adopt the resolution rescinding the mask proclamation in White Bear Lake.

Councilmember Walsh stated this mask requirement is moving quickly, while the positivity rate has not increased in over a two-week period in Minnesota. He said leaders are scaring people with numbers and stated that outside of long-term care facilities, the mortality rate in Minnesota is .1% and people under the age of 60 represent a .03% mortality rate.

Councilmember Walsh noted the goal with the March shutdown was to flatten the curve, it was never to stop the virus from spreading, which is impossible. He noted, Minnesota reached peak

ICU on May 30 at 263 people, which has only decreased since then and he does not agree with a mask mandate at this time when all of the statistics indicate recovery from the virus. He noted side effects of overreacting to the virus have resulted in increased drug and alcohol usage, domestic violence, suicide rates, drug overdoses, not to mention the effect of closing businesses. He finds value in wearing a mask, but is opposed to a mandate in White Bear Lake.

While Councilmember Biehn will not vote to rescind the mask requirement, he expressed concern over being the island in the absence of a statewide policy. He noted other countries with mask requirements are better managing COVID-19 and although masks in White Bear Lake alone would not be as effective as a nationwide or even statewide requirement, he supports the proclamation.

Councilmember Jones supports the Mayor's Proclamation with the lack of a statewide mask requirement and noted that White Bear Lake was the first to ban cigarette machines and coal tar base sealants. He understands the arguments, but believes a mask requirement would actually facilitate business by lessening the fear in the community. He noted that New York will not allow Minnesotans into their state without first quarantining for two weeks because MN has not implemented certain protocols.

Councilmember Jones pointed out that despite action by the Governor, we are still not reaching even the first step to reopening according to federal guidelines on "Opening up America Again" website. Lastly, the main reason he supports masks is a serious lack of ICU nurses, not beds.

Councilmember Edberg would have appreciated more time for thoughtful preparation. He asked Mayor Emerson what authority she will have after this expires in 30 days. Mayor stated she cannot predict 30-days out, but if it is needed, she would extend it. Attorney Gilchrist stated the code was not clear, arguments could be made either way and would need to research further.

In response to Councilmember Biehn, Attorney Gilchrist did not have concern about losing a lawsuit over what some believe is a controversial mask requirement because the Governor made it clear by Executive Order that local governments can enact stricter requirements under this emergency.

City Manager Hiniker clarified the mask requirement in gyms applies only when social distance of six feet cannot be maintained and is not intended to be worn while exercising otherwise.

Walsh Aye
Biehn Nay
Jones Nay
Edberg Nay
Engstran Aye

Motion failed 2:3.

10. CONSENT

- A. Acceptance of Minutes: May Park Advisory Commission, May Environmental Advisory Commission, June Planning Commission

B. Resolution approving the Children’s Performing Arts for pop-up singing events at Railroad Park
Resolution No. 12611

It was moved by Councilmember **Biehn** seconded by Councilmember **Jones**, to approve the Consent Agenda as presented.

Walsh Aye
Biehn Aye
Jones Aye
Edberg Aye
Engstran Aye

Motion carried unanimously.

11. DISCUSSION

A. Racial equity discussion – public engagement

Mayor Emerson mentioned a conversation planned tomorrow night with students and one of the school district’s cultural liaisons. The following night, Mayor will be conversing with parents and staff, which will provide a basis for identifying racial equity issues.

City Manager Hiniker invited Council to participate in a broader community conversation, and suggested looking for other engagement opportunities outside of the school district. She reported meeting with consultants to identify initiatives the organization can carry forward internally. She relayed the goal of reviewing all forms of public interaction and service within the City. Ms. Hiniker noted implementation of initiatives in the hiring process, which were learned through attendance of the Racial Equity Cohort.

Ms. Hiniker highlighted work with other cities and a consultant, which starts with an inventory to gauge the organization. She identified savings in training due to COVID-19, and announced intention to fund a consultant for this internal work. Ms. Hiniker suggested two Councilmembers join staff in selecting a consultant if there is a desire to move this process outward into the community.

Lastly, Ms. Hiniker mentioned opportunities for internal education through collaboration with Century College. While it was learned there are tremendous opportunities to intersect work, and conversations with President Millander will continue, our institutions have unique and separate characteristics that cannot be comprehensively served under one initiative.

Mayor Emerson supported an outside look into the organization.

Councilmember Edberg supports the City Manager’s internal work. He encouraged individuals to listen and learn. He also supported the City Manager’s request for Council to work with a consultant to refine and develop a community outreach effort. Lastly, he said the City should use the data it collects to better assess, communicate and share a more longitudinal view of, for example police stats related to public interaction.

Councilmember Walsh and Councilmember Jones both agreed to serve on this committee on behalf of the City Council. Councilmember Biehn offered his assistance as a resource having worked in law enforcement.

12. COMMUNICATIONS FROM THE CITY MANAGER

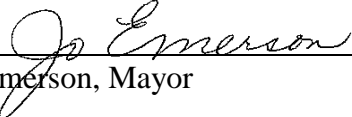
- AV Pilot Project – Despite a hold on state funding, AECOM continues to be dedicated to this work and recently assisted with selection of a vendor. All collaborators are continuing work with MnDOT, however, a contract cannot be solidified until later this fall or next spring until funding is in place.
- South Shore Blvd Project - Ramsey County will provide a summary of comments from the open house at the next City Council meeting on July 28th.
- Census reminder – the city continues to promote the Census along with the county and state.
- City Engineer/Public Works Director Kauppi reported the water tower project is on track and work had been coordinated on weekends with surrounding businesses. Street Reconstruction and Mill and Overlay projects are moving along nicely, and the restoration stage of street construction with sod placement is underway.

13. ADJOURNMENT

There being no further business before the Council, it was moved by Councilmember **Biehn** seconded by Councilmember **Jones** to adjourn the regular meeting at 8:43 p.m.


Walsh Aye
Biehn Aye
Jones Aye
Edberg Aye
Engstran Aye

Motion carried unanimously



Jo Emerson, Mayor

ATTEST:



Kara Coustry, City Clerk