



**MINUTES  
REGULAR MEETING OF THE CITY COUNCIL  
OF THE CITY OF WHITE BEAR LAKE, MINNESOTA  
TUESDAY, DECEMBER 8, 2020  
7:00 P.M. VIA ZOOM OR TELEPHONE**

**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 (acting clerk), 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.

**2. APPROVAL OF MINUTES**

A. Minutes of the Work Session Meeting on November 24, 2020

It was moved by Councilmember **Edberg** seconded by Councilmember **Biehn**, to approve the Minutes of the Work Session Meeting on November 24, 2020.

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

Motion carried.

B. Minutes of the Regular City Council Meeting on November 24, 2020

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

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

Motion carried unanimously.

### 3. APPROVAL OF THE AGENDA

It was moved by Councilmember **Biehn** seconded by Councilmember **Walsh**, to approve the Agenda as presented

Biehn Aye  
Edberg Aye  
Engstran Aye  
Jones Aye  
Walsh Aye

Motion carried unanimously.

### 4. VISITORS AND PRESENTATIONS

Nothing scheduled

### 5. PUBLIC HEARINGS

#### A. Truth in Taxation Hearing

- Resolution adopting the 2020 Tax Levy, Collectible in 2021

City Manager Hiniker reviewed the annual budget process, summarized highlights of 2021 budget and described the impact of the corresponding tax levy on property owners.

Ms. Hiniker noted that General Fund 2020 year-end revenues are anticipated to be \$329,272 less than budgeted due to a variety of factors related to the COVID pandemic including, but not limited to, the refunding of business license revenues, reduction in non-taxable services and fines, and reduction in permitting and inspection fees. However, \$308,701 from the City's Coronavirus Relief Fund allocated to the General Fund for reimbursement of COVID-related expenditures is accounted for as intergovernmental revenue, which mitigates the impact on year-end revenue. The proposed 2020 revised budget reflects a \$470,978 reduction in budgeted expenditures, most of which are the result of personnel cost savings.

Ms. Hiniker explained that the proposed budget anticipates a \$172,179 reduction in 2021 non-tax revenues, \$112,000 of which is due to the expiration of a federal DUI grant. Corresponding expenditure cuts were made to minimize upward pressure on the City's tax levy. However, greater than anticipated 2019 revenues and significant expenditure reductions that year resulted in a healthy 2019 year-end fund balance. She further explained that after transferring \$300,000 into the Equipment Acquisition Fund, the General Fund balance remains at 41% of budgeted expenditures.

Ms. Hiniker noted the tax levy provides approximately 55% of total General Fund revenues. She presented the proposed 2020 tax levy, collectible in 2021 as follows:

	<b>2020 Levy</b>	<b>2021 Levy</b>	<b>Increase</b>
General Fund	6,450,000	6,653,00	203,000
Municipal Building Debt Service	0	0	0
2018A Debt Service	220,000	220,000	0
2018B Debt Service	132,000	132,000	0
2019A Debt Service	81,000	81,000	0
2020 Equipment Certificates		152,000	152,000
2020 Debt Service Streets		107,000	107,000
Interim Construction - EAB	25,000	25,000	0
<b>Total Levy</b>	<b>6,908,000</b>	<b>7,370,000</b>	<b>462,000</b>

Mayor Emerson opened the public hearing at 7:27 p.m. There being no one from the public wishing to speak, Mayor Emerson closed the public hearing.

It was moved by Councilmember **Biehn** seconded by Councilmember **Edberg**, to approve **Resolution No. 12685**, adopting the 2020 Tax Levy, Collectible in 2021.

It was then moved by Councilmember **Walsh** seconded by Councilmember **Engstran**, to amend the 2020 Tax Levy with a reduction of \$203,000 to be offset with Cares funding.

Councilmember Walsh proposed an alternate approach to mitigate the impact on the tax levy increase supporting the 2021 budget by utilizing \$203,000 of the \$397,000 in CARES funding set aside in the Economic Development Fund.

Councilmembers Biehn, Edberg and Jones each expressed their desire to keep the funding set aside for future COVID relief purposes. There was also discussion around the issue of not wanting to defer the levy increase needed to support the 2021 budget to the following year.

Roll Call vote on the amendment to the original motion

Biehn Nay  
 Edberg Nay  
 Engstran Aye  
 Jones Nay  
 Walsh Aye

Motion defeated 3:2.

Roll Call vote on the original motion adopting Resolution **No. 12685** as presented.

Biehn Aye  
 Edberg Aye  
 Engstran Aye  
 Jones Aye  
 Walsh Nay

Motion carried 4:1.

- Resolution adopting the Revised 2020 Budget and Proposed 2021 Budget

It was moved by Councilmember **Jones** seconded by Councilmember **Biehn**, to approve **Resolution No. 12684**, adopting the Revised 2020 Budget and Proposed 2021 Budget.

Biehn Aye  
Edberg Aye  
Engstran Aye  
Jones Aye  
Walsh Nay

Motion carried 4:1.

- Resolution committing Fund Balances for Specific Purposes

It was moved by Councilmember **Biehn** seconded by Councilmember **Jones**, to approve **Resolution No. 12686**, committing Fund Balances for specific purposes.

Biehn Aye  
Edberg Aye  
Engstran Aye  
Jones Aye  
Walsh Aye

Motion carried unanimously.

- Resolution authorizing City Contributions toward Employee and Volunteer Recognition Programs as Presented in the 2020 and 2021 Budgets

It was moved by Councilmember **Jones** seconded by Councilmember **Edberg**, to approve **Resolution No. 12687**, committing Fund Balances for specific purposes.

Biehn Aye  
Edberg Aye  
Engstran Aye  
Jones Aye  
Walsh Aye

Motion carried unanimously.

- Resolution authorizing and acknowledging City involvement in Promoting Business and Cultural Activities in White Bear Lake as presented in the 2020 and 2021 Budgets

It was moved by Councilmember **Biehn** seconded by Councilmember **Jones**, to approve **Resolution No. 12688**, authorizing and acknowledging City involvement in Promoting Business and Cultural Activities in White Bear Lake as presented in the 2020 and 2021 Budgets.

Biehn Aye  
Edberg Aye  
Engstran Aye  
Jones Aye  
Walsh Aye

Motion carried unanimously.

**6. LAND USE**

**A. Consent**

1. Consideration of a Planning Commission recommendation for approval of a request by Alleycat’s for an amendment to an existing sign variance at 1971 Whitaker Street. (Case No. 20-19-V). **Resolution No. 12689**

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

Biehn Aye  
Edberg Aye  
Engstran Aye  
Jones Aye  
Walsh Aye

Motion carried unanimously.

**B. Non-Consent**

1. Consideration of a Planning Commission recommendation for approval of a request by 321 Group LLC for a Preliminary Plat at 1800 County Road E. (Case No. 20-1-P)

Community Development Director Kane provided the following report:

The subject site, 1800 County Road E, also known as Rooney’s Farm, is located on the south side of County Road E, between Linden Avenue and Auger Avenue. The 4.6 acre property contains a single-family residence with 3 accessory structures and an often humorous changeable copy message sign. After the owner’s passing, the family of the estate is working with a realtor to plat the property into nine (9) single family residential lots. The development is envisioned to be a senior friendly, but not senior exclusive community with a Homeowners Association proposed for lawn services and snow plowing.

The family desires to keep the original residence and associated structures, therefore, Lot 4 is about an acre in size. Lot 5 is the only lot that will access County Road E. All the other lots will be served by a new public cul-de-sac road,

constructed directly across from Rooney Place. The name of the plat will be Rooney Second Addition and the name of the new street will be Rooney Place, but the neighborhood will be marketed as Bluestone Villas.

Most all of the trees interior to the lot will be lost. Most all of the trees around the perimeter will be retained. Stormwater will be routed to a new pond to be created in the naturally low area in the southwest corner of the site. The City is asking that a stand of native trees be re-established along the banks of the pond. Because the pond will manage water from the future public road, the pond is in an out lot to be dedicated to and maintained by the City once established. The pond will overflow to the culvert in the very southwest corner of the property. The requirement is that the system be designed to control rate and volume at existing rates.

Ms. Kane forwarded a Planning Commission recommendation of approval with conditions outlined in the resolution, among them:

7. The developer must dedicate public rights-of-way and utility easements as illustrated on the preliminary plan or as approved by the City Planner and City Engineer. North-south utility easement between the end of the cul-de-sac and County Road E to include pedestrian access.

8. Pedestrian access to be constructed by the developer and maintained by the Homeowner's Association.

Mayor Emerson opened the public hearing at 8:03 p.m.

Mr. Ashby thanked the City and the City Council for their time. He noted having emailed the Mayor and City Council his opinion that the pedestrian walkway was not needed and preferred a more passive easement instead of a paved trail.

Mayor Emerson closed the public hearing at 8:09 p.m.

Councilmember Jones did not agree with the pedestrian trail requirement as it would connect to nowhere.

In response to Councilmember Edberg, City Engineer Kauppi affirmed the City is following current best practice with regard to the pond. He said these ponds are the most economic mechanism for sediment and rate control. He noted working with the project engineer to design a smaller pond with access for maintenance and to facilitate future dredging.

Councilmember Biehn explained that while he favors the easement, he does not support a condition that the applicants pave and the homeowner association maintain a trail.

Mayor Emerson agreed, adding she prefer grass over pavement.

Councilmember Engstran said the sidewalk was completely unnecessary. He pointed out that current access is close enough, and cited Dell Court N. as not having an easement or a

sidewalk.

It was moved by Councilmember **Engstran** seconded by Councilmember **Jones**, to approve **Resolution No. 12690** a request by 321 Group LLC for a Preliminary Plat at 1800 County Road E with “to include pedestrian access” stricken from condition seven (7) and condition eight (8) stricken in its entirety.

Biehn Aye  
Edberg Aye  
Engstran Aye  
Jones Aye  
Walsh Aye

Motion carried unanimously.

## 7. UNFINISHED BUSINESS

Nothing scheduled

## 8. ORDINANCES

- A. First reading of an Ordinance adoption of the 2021 annual fee and utility rate schedule

City Manager Hiniker mentioned the City is in the process of recodification. She explained that some fees are being recommended for removal as the underlying code is being considered for removal in this process. She said each change is described in the staff memorandum and second reading will be scheduled for January 12, 2021.

## 9. NEW BUSINESS

- A. Resolution authorizing staff to solicit proposals for ambulance billing and collection services

Assistant City Manager Juba reported that due to the complexities with insurance and HIPPA, the City currently contracts its ambulance billing and collection services. He noted staff intend to renew the current contact (with an option to cancel) while seeking proposals for ambulance billing and collection services.

It was moved by Councilmember **Jones** seconded by Councilmember **Edberg**, to approve **Resolution No. 12691**, authorizing staff to solicit proposals for ambulance billing and collection services.

Biehn Aye  
Edberg Aye  
Engstran Aye  
Jones Aye  
Walsh Aye

Motion carried unanimously.

- B. Resolution authorizing the City Manager to enter into agreement with Trane U.S. to perform a detailed investment grade audit at the Sports Center

City Manager Hiniker reminded Council of a presentation made by Trane U.S. in February, 2020 to summarize its energy performance investigation of all municipal buildings. This project began in October 2019 after it was determined that the Sports Center's energy use was greater than anticipated following the 2018 renovation project. Ms. Hiniker indicated that typically, this preliminary investigative work would cost approximately \$10,000. However, as a partner in the City's Climate Smart initiative, Trane proposed conducting this initial audit at no cost. It then added to its scope at no cost, preliminary investigation of all municipal buildings.



Ms. Hiniker explained that staff is now recommending that the City move forward with the next step in this process by entering into an agreement with Trane to proceed with a detailed investment grade audit of the Sports Center. She explained there would be no upfront costs if the City moves forward with a contract for final work, otherwise the cost of the audit is \$11,246.

It was moved by Councilmember **Jones** seconded by Councilmember **Engstran**, to approve **Resolution No. 12692**, authorizing the City Manager to enter into agreement with Trane U.S. to perform a detailed investment grade audit at the Sports Center.

Biehn Aye  
Edberg Aye  
Engstran Aye  
Jones Aye  
Walsh Aye

Motion carried unanimously.

Mayor Emerson recessed the City Council meeting at 8:44 p.m.

## 10. HOUSING AND REDEVELOPMENT AUTHORITY

Refer to the HRA Minutes for an account of the following:

- A. Roll Call
- B. Approval of the January 14, 2020 HRA Meeting Minutes
- C. Resolution not waiving the monetary limits on Municipal Tort Liability established by Minnesota Statutes 466.04 for Housing and Redevelopment Authority
- D. Adjournment

Mayor Emerson reconvened the City Council meeting at 8:48 p.m.

## 11. CONSENT

- A. Acceptance of minutes: October Park Advisory Commission, October Environmental Advisory Commission, October White Bear Lake Conservation District, November Planning Commission.
- B. Resolution not waiving the monetary limits on Municipal Tort Liability established by Minnesota Statutes 466.04. **Resolution No. 12693**
- C. Resolution accepting work and authorizing final payment to North Valley, Inc. for completion of the 2020 Mill and Overlay Project, City Project No.: 20-13. **Resolution No. 12694**
- D. Resolution accepting work and authorizing final payment to T.A. Schifsky & Sons for completion of the 2020 Street Reconstruction Project, City Project Nos.: 20-01 & 20-06. **Resolution No. 12695**

- E. Resolution authorizing conditional approval of an Off-Sale Liquor license for Cellars WHL Inc.  
**Resolution No. 12696**

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

Biehn Aye  
 Edberg Aye  
 Engstran Aye  
 Jones Aye  
 Walsh Aye

Motion carried unanimously.

## 12. DISCUSSION

- A. Ramsey County turnback of portion of South Shore Blvd between McKnight and Bellaire – 2022 South Shore Trail project

Regarding the South Shore Trail project, City Engineer Kauppi reported that two studies have been performed with the challenge of fitting the trail within the right of way. He explained that both studies indicated an east bound movement would be the best option for maintenance. In order to keep this project on a 2022 construction schedule, Ramsey County must move ahead with release of an RFP for design services. Meanwhile, the County is drafting a Memorandum of Understanding with the City with terms summarized as follows:

- A 10-foot bike/pedestrian trail will be constructed along the length of So Shore, similar in design to the trail along Lake Avenue.
- The roadway will remain two-way up to McKnight, but then turn into an eastbound one-way from McKnight to the East County Line.
- The City and Township will accept jurisdiction of So Shore from McKnight to East County Line, (City's jurisdiction ends at Bellaire).
- County will maintain jurisdiction from White Bear Avenue to McKnight.
- The County will perform a pavement reclamation project, which adds approximately 15-20 years of life to the pavement. The County will then provide payment to the City in lieu of a mill and overlay, which will be needed in 15-20 years; effectively the turn-back provides a 30-year pavement.
- The County will apply funds dedicated by the legislature for the trail work against the City's cost share. Ultimately, the City will have little to no costs related to the trail and roadway project. However, additional light, bench and landscaping amenities will be the responsibility of the City.

Councilmember Jones acknowledged compromise by the parties to get to this point. He asked the City Council to consider this as a continuation of Sather Trail with amenities.

In response to Councilmember Jones, Ms. Hiniker added that the County still intends to construct a sidewalk on County Road F, perhaps in 2023 to alleviate an anticipated future increase in traffic.

Mayor Emerson inquired about the County's plans for stormwater in the design. Mr. Kauppi noted significant stormwater improvements. He mentioned periodic flooding of South Shore Blvd. and Old White Bear Ave. as well as the need to provide sanitary sewer to residents at the east end of the project. Mayor Emerson was pleased to see this underway and looked forward to the day the Sather Trail is completed around the Lake (Lake Links Trail).

**B. Request for Qualifications Proposal (RFQ) for downtown parking and mobility study**

City Engineer Kauppi explained that a Request for Qualifications involves reaching out to assess consultants' experience and solicit feedback on alternate approaches to the plan. He noted the need to consider not only pavement and utility work, but also parking, lighting, landscape and mobility (traffic & pedestrian) and other amenities. Through the RFQ process, he explained, a scope of service can begin to be formed using these responses, resulting in a more comprehensive Request for Proposals (RFP) for the project. He received general consensus to move forward with the RFQ.

Mayor Emerson announced her intention to gather a task force for the gazebo and a task force for the caboose asked to plan the cost and get the projects moving. She noted the Gazebo will be tackled first and asked for volunteers for the Council and the community.

**13. COMMUNICATIONS FROM THE CITY MANAGER**

- A portion of the sailboat sculpture on Highway 61 has been dismantled and is in the process of being repaired over the winter by Public Works. The sailboat was an award given to sailors in the 1970's and 80's and was donated by the Johnson's.
- Update on the Welcoming & Inclusive Community Initiative and the Housing Policy Task Forces. Community outreach will be used to find a diverse pool of task force candidates. The hope is to find candidates who do not normally serve on boards and commissions. Mayor Emerson agreed to do a 30 second public service announcement (PSA) in addition to advertising through the newspaper and social media outlets.
- The Housing Policy process was budgeted at \$20,000 over 2020-2021, however the contract came in at \$15,000. With this budget, staff intend to compile a short 2-3 minutes video, summary of the Maxfield Study, and LISC has identified someone who can assist with this project.
- Work Sessions (dates and topics may change prior to official notice)
  - School District Campus layout and related traffic study, January 5<sup>th</sup> Work Session at 6:00 p.m.
  - Legislative agenda discussion, Work Session prior to January 12<sup>th</sup> City Council meeting at 6:00 p.m.
  - Public Safety Building Project, January 19<sup>th</sup> Work Session at 6:00 p.m.
- Community Development Director Kane


- Upon Metropolitan Council’s formal adoption of the City 2040 Comprehensive Plan, the Planning Commission will hold a Public Hearing in January 2021 and the City Council will be voting on final adoption soon after.
  - The community-wide Housing Policy Committee and the Welcoming and Inclusive Committee are working in tandem with the same team of consultants. The proposed video will provide a way to get the Maxfield Study summarized and out in the community. The video would be followed first by a short, anonymous survey, and then link to an application for those interested in serving on the task force.
- Talks of repurposing the racquetball facility continue with the Hockey Association, with anticipation that the City would break even in revenue, at a minimum. Assistant City Manager Juba added that this arrangement would allow the facility to remain open twelve months per year.
- Mayor Emerson congratulated staff for their ability to keep City services going with City Hall closed during this challenging year and wished everyone Happy Holidays.

**14. ADJOURNMENT**

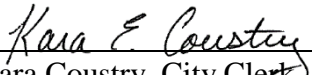
There being no further business before the Council, it was moved by Councilmember **Jones** seconded by Councilmember **Walsh** to adjourn the regular meeting at 9:28 p.m.

Biehn Aye  
Edberg Aye  
Engstran Aye  
Jones Aye  
Walsh Aye

Motion carried unanimously.

  
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Jo Emerson, Mayor

**ATTEST:**

  
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Kara Coustry, City Clerk