



**MINUTES**  
**REGULAR MEETING OF THE CITY COUNCIL**  
**OF THE CITY OF WHITE BEAR LAKE, MINNESOTA**  
**TUESDAY, APRIL 27, 2021**  
**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, 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 Regular City Council Meeting on April 13, 2021

It was moved by Councilmember **Biehn** seconded by Councilmember **Walsh**, to approve the Minutes of the April 13, 2021 as presented.

Biehn Aye  
Edberg Aye  
Engstran Aye  
Jones Aye  
Walsh Aye

Motion carried unanimously.

B. Minutes of the Council Work Session on April 20, 2021

It was moved by Councilmember **Walsh** seconded by Councilmember **Jones**, to approve the Minutes of the April 20, 2021 Council Work Session as presented.

Biehn Aye  
Edberg Aye  
Engstran Aye  
Jones Aye  
Walsh Aye

Motion carried unanimously.

**3. APPROVAL OF THE AGENDA**

Councilmember Edberg pulled item 10A for placement as item 9C in order to separate out acceptance of the auditor's report from approval of the City's Comprehensive Annual Financial Report.

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

Biehn Aye  
Edberg Aye  
Engstran Aye  
Jones Aye  
Walsh Aye

Motion carried unanimously.

#### 4. VISITORS AND PRESENTATIONS

##### A. Friends of Jack Yost Park – Adopt-a-Park

Mayor Emerson provided a history on Jack Yost as provided by Sara Hanson of the White Bear Area Historical Society:

Jack Yost was a 30 year veteran of the White Bear Lake Fire Department (1941-71). Yost is best remembered for his work as Rescue Squad Captain where he led the evolution of the department to include a Rescue Squad or EMT unit. His impact on the White Bear Lake Fire Department was significant. Jack created many tools and methods to improve the department's ability to save lives. He was a well-respected authority on issues related to EMS and often asked to speak on one aspect or another. One of the early versions of the Jaws of Life was crafted by Yost.

Mayor Emerson recognized Henrick Pelto, a 4<sup>th</sup> grader in the Explorers program at Lincoln Park who signed up with his family to adopt Jack Yost Park – a two year commitment. In response to the Mayor as to why, Henrick and family explained they live across from Jack Yost Park and wanted clear the trails of sticks and dirt for visitors in wheelchair and strollers. Henrick even established a spreadsheet to track their progress. He encouraged others to adopt a park to contribute to the community, and because it is fun.

Mayor Emerson recognized the White Bear Area YMCA Youth in Government for adopting Lakewood Hills Park beginning June, 2019 and encouraged others in the community to consider adopting a park.

##### B. Auditor's Report of 2020 – Brad Falteysek

Brad Falteysek with Abdo Eick & Meyers provided the 2020 Financial Statements Audit and issued a clean audit opinion. Mr. Falteysek noted that a single compliance audit was also completed on federal awards in which \$750,000 was spent in one year's time. He also reported no issues with a Minnesota legal compliance review. As in past years, key performance indicators for White Bear Lake continue to compare favorably to peers.

In response to Councilmember Walsh asking when cities encounter financial difficulties, Mr. Falteysek said that entities often do not take into account the long term implications of debt service on the tax levy.

Councilmember Edberg preferred the prior format in which a fund-by-fund analysis contained recommendations for appropriate fund balances. Mr. Falteysek said to monitor fund balances of

the capital projects as they relate to long term planning to ensure these funds remain sufficient. With regard to debt caps, when paid by tax levy dollars, the City cannot issue more than 3% of the market value within the City.

C. SWPPP Presentation – Connie Taillon, P.E.

Environmental Specialist Connie Taillon gave a report on 2020 activities related to the City’s Municipal Separate Storm Sewer System (MS4) General Permit and Stormwater Pollution Prevention Program. She explained these permits are valid for five (5) years at a time and was just issued on November 2020. The purpose of the permit is to “reduce the amount of pollution that enters surface and ground water from storm water conveyance systems”. Ms. Taillon said this is accomplished through the development and implementation of a stormwater pollution prevention program (SWPPP), plus requirements to reduce total maximum daily load (TMDLs) in waterbodies, such as East Goose Lake in White Bear Lake.

Ms Taillon explained that East Goose Lake is currently exceeding its watershed waste load allocation of phosphorus, which needs to be reduced by 63%. She noted this is in addition to reduction of internal loading in the lake. In response to Councilmember Edberg, she explained that the city has been working with the Vadnais Lake Watershed Management Organization (VLAWMO) on an Adaptive Management Process. She explained they are in the public engagement phase right now, but that this topic will be coming to the City Council soon.

**5. PUBLIC HEARINGS**

Nothing scheduled

**6. LAND USE**

A. Consent

1. Consideration of a request by Celine Carlson for a 1 year time extension of approved Conditional Use Permit and Variances for 4312 Cottage Park Road (20-4-CUPe1 & 20-8-Ve1). **Resolution No. 12762**

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

Biehn Aye  
Edberg Aye  
Engstran Aye  
Jones Aye  
Walsh Aye

Motion carried unanimously.

**7. UNFINISHED BUSINESS**

Nothing scheduled

**8. ORDINANCES**

A. Second reading of the Critical Water Deficiency Ordinance

- Adoption of the Ordinance
- Adoption of the Resolution authorizing a summary publication

Public Works Director / City Engineer stated this is the second reading and final step toward approval of the City’s Water Supply Plan – a requirement of the Minnesota Department of Natural Resources for any water supply that serves 1,000 or more people. He explained that the Water Supply Plan describes the water system, source of water, population served, includes an emergency preparedness plan, a water conservation plan, and demand projects for future growth.

Councilmember Biehn was unable to support this plan unless it clarified that growing food for personal consumption was exempted as an agricultural activity.

Upon further discussion, Attorney Gilchrist suggested adding, “This prohibition does not apply to fruit and vegetable gardens used primarily to provide food for persons living on the same property.”

It was moved by Councilmember **Biehn** seconded by Councilmember **Jones**, to amend the Ordinance **21-4-2048** establishing Critical Water Deficiency protocols with an exemption for fruit and vegetable gardens.

Biehn Aye  
Edberg Nay  
Engstran Aye  
Jones Aye  
Walsh Aye

Motion carried 4:1.

It was moved by Councilmember **Edberg** seconded by Councilmember **Biehn**, to adopt the amended Ordinance **21-4-2048** establishing Critical Water Deficiency protocols.

Biehn Aye  
Edberg Aye  
Engstran Aye  
Jones Aye  
Walsh Aye

Motion carried unanimously.

Mayor Emerson opened the public hearing at 8:20 p.m. There being no comment by the public, Mayor closed the public hearing at 8:20 p.m.

It was moved by Councilmember **Biehn** seconded by Councilmember **Engstran**, to ratify Ordinance **21-4-2048** establishing Critical Water Deficiency protocols.

Biehn Aye  
Edberg Aye  
Engstran Aye  
Jones Aye  
Walsh Aye

Motion carried unanimously.

It was moved by Councilmember **Engstran** seconded by Councilmember **Biehn**, to approve **Resolution No. 12763**, establishing the Title and Summary Approval of Ordinance 21-4-2048.

Biehn Aye  
Edberg Aye  
Engstran Aye  
Jones Aye  
Walsh Aye

Motion carried unanimously.

## 9. NEW BUSINESS

- A. Resolution accepting bids and awarding contract for the 2021 Water Meter Replacement Project, City Project No. 21-09

Public Works Director / City Engineer reported that the City began replacing water meters in 2016 as old meters were no longer providing accurate water use reads. He explained that collecting reads from a wide variety of different types of water meter in the city is extremely time consuming and the city's water meter reading company is leaving the business.

Mr. Kauppi explained that one bid was received for the 2021 Water Meter Replacement Project from Ferguson Water Works of Blaine, Minnesota for \$1,741,211, significantly lower than the \$2,500,000 estimated cost. He forwarded staff's recommendation to accept the bid and award the contract for the 2021 Residential Water Meter Replacement Project.

It was moved by Councilmember **Engstran** seconded by Councilmember **Jones**, to approve **Resolution No. 12764**, accepting bids and awarding contract for the 2021 Water Meter Replacement Project, City Project No. 21-09.

Biehn Aye  
Edberg Aye  
Engstran Aye  
Jones Aye  
Walsh Aye

Motion carried unanimously.

City Manager Hiniker stated that the 2021 bond sale amount approved earlier in the month exceeds that which is needed for purchase of the residential meters due to the low bid. Ms. Hiniker recommended that Council bond the same amount originally considered and use the additional proceeds to purchase commercial meters and allow businesses to pay them off over time if necessary. She stated that businesses have been paying for replacement of commercial meters in full at the time of installation, with costs as high as \$8,000 depending on the size of meter.

Councilmember Walsh expressed desire to use federal relief funds to pay for the cost of the residential meters rather than bonding for them.

City Manager Hiniker stated that there is no shortage of opportunities to direct federal relief funding to the Water Division if Council chooses to do so, but recommends that the Council wait for the Treasury Guidelines to better understand how these monies can be spent so Council can have a more robust conversation related to opportunities and priorities.

Councilmember Edberg stated his support to bond the original amount due to low interest rates, and put the extra funds toward purchase of commercial meters.

After considerable discussion, Mayor Emerson indicated that she was hearing general consensus from the Council to continue with the original bond sale amount for now and agreement to meet once federal guidelines are available in order to prioritize the distribution of relief funds.

B. Resolution accepting bids and awarding contract for the 2021 Demolition of De-Liming Facility, City Project No. 21-16

Public Works Director / City Engineer reported that the lime dewatering lagoon has not been in use for many years since the City was required to stop discharging this material into the sanitary sewer. The lime sludge from the water treatment process is currently trucked to St. Paul Regional Water's facility for dewatering and disposal.

Mr. Kauppi referenced many complaints by residents about the unsightly building and recommended using funds set aside for a costly renovation be used to remove the building and prepare the site for a future garage facility to house Water Department equipment and vehicles. He mentioned this facility is in the City's short-range capital improvement projects (CIP) and is anticipated the new facility would be constructed in the next five (5) years.

Mr. Kauppi reported receipt of three (3) quotes from qualified contractors for demolition of the lagoon building were received and CMBR submitted the lowest quote for \$33,800.00, which is less than the \$50,000 allocated for this work in the 2021 Water Fund budget.

It was moved by Councilmember **Walsh** seconded by Councilmember **Edberg**, to approve **Resolution No. 12765**, accepting bids and awarding contract for the 2021 Demolition of De-Liming Facility, City Project No. 21-16.

Biehn Aye  
Edberg Aye  
Engstran Aye  
Jones Aye  
Walsh Aye

Motion carried unanimously.

C. Resolution accepting the 2020 Comprehensive Annual Finance Report (CAFR).

Councilmember Edberg stated he prefer the independent audit not be combined with approval of the City issued Comprehensive Annual Finance Report (CAFR) as they are authored by two different entities. He stated the two items should be acted on separately and distinctly.

It was moved by Councilmember **Edberg** seconded by Councilmember **Walsh**, to approve **Resolution No. 12766**, accepting the City's 2020 Comprehensive Annual Finance Report (CAFR).

Biehn Aye  
Edberg Aye  
Engstran Aye  
Jones Aye  
Walsh Aye

Motion carried unanimously.

It was moved by Councilmember **Edberg** seconded by Councilmember **Walsh**, to accept the independent Auditor's Report.

Biehn Aye  
Edberg Aye  
Engstran Aye  
Jones Aye  
Walsh Aye

Motion carried unanimously.

## 10. CONSENT

- A. Resolution authorizing a tobacco license for Supervalu Inc. dba Cub Wine & Spirits. **Resolution No. 12767**
- B. Resolution authorizing liquor extensions for Lakeshore Players for outdoor events. **Resolution No. 12768**
- C. Resolution adopting the Water Supply Plan. **Resolution No. 12769**

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

Biehn Aye  
Edberg Aye  
Engstran Aye  
Jones Aye  
Walsh Aye

Motion carried unanimously.

## 11. DISCUSSION

- A. Options for transition to in-person City Council meetings

In addition to having mixed media capability, and when the time comes, City Manager Hiniker suggested a hybrid model of City Council meetings in order to continue providing access to people at home. She mentioned that with the indoor mask mandate still in place, Council would be required

to wear a mask until speaking and six foot distancing would be followed.

City Attorney Gilchrist added that currently the Council is operating in an electronic format under Mayor's statement. He explained that once meeting in the Chambers, the Council could continue the electronic format in which roll call would need to occur with each vote. Or, the Mayor could revoke her earlier statement, return to in-person City Council meetings, but all Council would need to be in attendance in the Chambers, otherwise, the other statute for remote participation applies.

Councilmember Jones wants to see faces and does not trust the duality of hybrid meetings. He asked what happens if the technology fails, and wondered if that would end the meeting. He also wondered how to handle too many people showing up such that social distance requirements would be challenged.

Mayor Emerson restated a general consensus of Council to wait for the mask mandate to be lifted before returning to in-person meetings, with the ability to continue in an electronic format.

## 12. COMMUNICATIONS FROM THE CITY MANAGER

- Welcoming & Inclusive Community Initiative – The task force held their first meeting in March and as they work of the committee continues, updates will be provided to Council. Updates are available on the website: [whitebearlake.org/engage](http://whitebearlake.org/engage).
- Housing Task Force – The task force held their first meeting, with a second meeting next week. Updates will be provided to Council and on the website at [whitebearlake.org/engage](http://whitebearlake.org/engage).
- AV Pilot Project – Daryl Taavola from AECOM provided an update at a recent Council work session on the status of the automated vehicle pilot project. A contract with MN DOT is forthcoming for operation of an automated shuttle bus between PAI on Willow Avenue, across on Orchard to the YMCA and back, weekdays from 10:00 a.m. - 2:00 p.m. This automated shuttle technology is being coordinated and integrated with classroom work being done at the south campus.
- City Engineer / Public Works Director Paul Kauppi recognized volunteer work in connection with Earth Day as follows:
  - Rotary Club picked up 13 bags of trash in Rotary Park, along Highway 61 and by the lake
  - Neighborhood group picked up eight (8) bags of trash along Highway 96 and White Bear Parkway
  - Lions Club picked up 16 bags of trash in Lakewood Hills Park and White Bear Avenue
  - Yogadevotion cleaned up West Park and the Memorial Beach

He added that the sailboat sculpture has been fixed up and is being put back along Highway 61.

## 13. 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 9:21 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