



**MINUTES
REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF WHITE BEAR LAKE, MINNESOTA
TUESDAY, DECEMBER 14, 2021
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. The clerk took 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, Housing and Economic Development Coordinator Tracy Shimek, Public Works Director / City Engineer Paul Kauppi, Assistant City Engineer Nate Christensen, Finance Director Kerri Kindsvater, City Clerk Kara Coustry and City Attorney Troy Gilchrist.

PLEDGE OF ALLEGIENCE

2. APPROVAL OF MINUTES

A. Minutes of the Regular City Council Meeting on November 23, 2021

Councilmember Edberg suggested changes to wording and clarified the minutes pertaining to 9A.

It was moved by Councilmember **Edberg** seconded by Councilmember **Biehn**, to approve the Minutes of the November 23, 2021 City Council meeting as amended by Councilmember Edberg.

Councilmember Jones abstained. Motion carried.

3. APPROVAL OF THE AGENDA

City Manager Hiniker moved 5B from Public Hearings to 9C under New Business.

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

Motion carried unanimously.

4. VISITORS AND PRESENTATIONS

A. Proclamation for Mayor presented by Rep. Wazlawik

Minnesota State Representatives Peter Fischer and Ami Wazlawik read a proclamation in honor of Jo Emerson's service as Mayor since 2010.

Speaking on behalf of Sheriff Bob Fletcher, Mound View Mayor Carol Mueller shifted attention first to departing Councilmember Doug Biehn by recognizing his 25 year contribution to law

enforcement in addition to his ongoing service to the community. She noted his role as President of the Ramsey County League of Local Government (RCLLG), and on behalf of RCLLG and on behalf of the Ramsey County Dispatch Policy Committee for which he is also a member, she said, "God bless, thank you for your service and remember to keep in touch".

Mayor Mueller thanked Mayor Emerson for her support in joining the Ramsey County Emergency Communication Center, which has improved emergency response times in the region. Mayor Mueller expressed appreciation for the wisdom, guidance, mentorship and support that Mayor Emerson has bestowed on so many women, both elected and appointed in city government.

Mayor of Wyoming and 2021 President of the Minnesota Mayor's Association, Lisa Iverson, congratulated Mayor Emerson on her great work in White Bear Lake. Mayor Iverson said she has been following Mayor Emerson for the past five years, who was the reason she sought her own appointment to President of the Mayor's Association. Mayor Iverson thanked Mayor Emerson for her leadership and mentorship, which has been felt among many Mayors and City Councilmembers.

Desire Crane, Secretary of Minnesota Women in City Government thanked Mayor Emerson for all her years of service to Minnesota Women in City Government and for her mentorship.

B. Recognition of City Manager Ellen Hiniker

Mayor Emerson thanked Ellen Hiniker for all of her years of service to the City, with the last six years serving as City Manager, and presented her with a plaque in honor of 21 years of dedication to the City of White Bear Lake. Ellen relayed her appreciation and thanks to the Mayor, Council and staff.

Shelly Eldridge with Ehlers presented City Manager Hiniker with a humorous bond certificate, relaying thanks and appreciation of their relationship over the years.

C. Welcoming and Inclusive Community Task Force

In February, City Manager Hiniker recalled Mayor Emerson's appointment of a diverse group of 18 folks to serve on the City's Welcoming and Inclusive Task Force (WIC). She described the purpose of the task force was to develop narratives for what it means to be a welcoming and inclusive community, assess residents' sense of belonging, and define the City's role in fostering a sense of community. Ms. Hiniker relayed efforts of the task force including conversations with community members and students, a community survey, and communications on race – a five part series.

Three members of WIC presented some takeaways from that work of the task force, the final report of which will be presented to the City Council at the February 8, 2021 meeting. The Task Force thanked the Mayor for this exciting opportunity, and Mayor Emerson expressed appreciation for the work of the Task Force.

Consultant Barbara Raye, stated it has been an honor to see the level commitment and sustainability of this task force group and the Mayor's vision of engaging the people of White Bear Lake with hopes of creating a more welcoming and inclusive community.

D. Wellhead Protection Plan

Public Works Director and City Engineer Kauppi explained that the Wellhead Protection Plan (WHPP) is required in Minnesota Rules and is done in two parts. He said the first part is a vulnerability assessment, in which WSP was hired to complete the modeling required for this portion of the project. He said, the second portion contains an assessment of those vulnerabilities and the different ways to manage the wells.

Jon Oswald with the Minnesota Department of Health gave a presentation on the WHPP, which uses a science based approach to preventing contaminants from entering the public water supply well and the aquifer supplying water to the wells. While the original plan has been in place for several years ago, he said, Minnesota Rules require that the WHPP be updated every ten years to reflect changes in population, projected needs, conservation, well locations and ground conditions. Mr. Oswald pointed out areas in the City where there is little protection against contaminants, which will be addressed in Part II of this WHPP amendment.

Councilmember Edberg stated that four out of five wells are identified as being vulnerable and asked what the action would look like to address potential contamination. Mr. Oswald noted that those wells are listed as vulnerable because there is tridium in the water, which indicates the water source is younger, containing a tracer from the atomic age. He recommended continued sampling of well water to track changes in composition, and inspection of well structures/casing.

In response to Councilmember Walsh, Mr. Kauppi explained that the City has five wells and currently pumps from four: 2 primary and 2 secondary to cover peak demand. He said the active wells are tested and used annually.

Mayor Emerson thanked Mr. Oswald for the information.

5. PUBLIC HEARINGS

A. Truth in Taxation Hearing

Ms. Hiniker gave the annual Truth in Taxation Hearing, noting that a Preliminary Tax Levy was set by Council in September as a culmination of work which began in January. The total proposed 2022 budget of nearly \$53 million is supported by many revenue streams – the General Fund amounting to 24% of the total budget, or \$12.9 million. Just over half of the General Fund is supported by the 2022 property tax levy.

Ms. Hiniker forwarded a proposed 2022 tax levy at \$8,080,000, which covers an increase of \$710,000 to repay debt service from approved 2021 projects, and supports the Construction Fund General Fund operations. Ms. Hiniker noted that White Bear Lake market values increased slightly, and the impact of the proposed levy on a median-valued single-family home of \$260,300 amounts to \$547.62 annually.

Ms. Hiniker explained that \$2 million of the \$2,780,000 in American Rescue Plan funds will go toward replacing revenue that was lost as a result of the pandemic. She highlighted other uses for these funds, but explained they cannot be used to supplant tax levy and must be spent within three years.

Mayor Emerson opened the public hearing at 8:13 p.m. There being no public comment, Mayor Emerson closed the public comment period.

- a. Resolution adopting the Revised 2021 Budget and Proposed 2022 Budget

It was moved by Councilmember **Jones** seconded by Councilmember **Biehn**, to approve **Resolution No. 12898** adopting the Revised 2021 Budget and Proposed 2022 Budget.

Noting a rough surplus of \$600,000 at the conclusion of 2021, Councilmember Edberg mentioned a considerable 2022 change including a budgeted allocation of \$200,000 to finance the Engineering Department, however, more discussion will be required to address this topic.

Motion carried unanimously.

- b. Resolution adopting the 2021 Tax Levy, collectible in 2022

It was moved by Councilmember **Biehn** seconded by Councilmember **Engstran**, to approve **Resolution No. 12899** adopting the 2021 Tax Levy, collectible in 2022.

Motion carried unanimously.

- c. Resolution committing fund balances for specific purposes

It was moved by Councilmember **Edberg** seconded by Councilmember **Jones**, to approve **Resolution No. 12900** committing fund balances for specific purposes.

Motion carried unanimously.

- d. Resolution authorizing City Contributions toward Employee and Volunteer Recognition Programs as presented in the 2021 and 2022 Budgets

It was moved by Councilmember **Edberg** seconded by Councilmember **Engstran**, to approve **Resolution No. 12901** authorizing City Contributions toward Employee and Volunteer Recognition Programs as presented in the 2021 and 2022 Budgets.

Motion carried unanimously.

- e. Resolution authorizing and acknowledging City involvement in promoting business and cultural activities in White Bear Lake as presented in the 2021 and 2022 Budgets

It was moved by Councilmember **Biehn** seconded by Councilmember **Edberg**, to approve **Resolution No. 12902** authorizing and acknowledging City involvement in promoting business and cultural activities in White Bear Lake as presented in the 2021 and 2022 Budgets.

Motion carried unanimously.

B. General Obligation Capital Improvement Bonds

Finance Director Kindsvater reported that as discussed in previous City Council meetings this year, the City plans to issue bonds to finance the Public Safety Facility renovation project. Per Minnesota State Statutes, the City must issue capital improvement bonds to fund this type of project. Ms. Kindsvater stated the conditions of authority to issue these bonds require:

- Approval of by a 3/5th vote of the governing board
- That the project is part of a capital improvement plan
- Public notice is provided
- The issue have a public hearing, and is subject to a reverse referendum

She explained, that tonight the City Council is hosting a public hearing to receive comments on the project. Once the public hearing is done, the City Council will be asked to approve a resolution adopting the capital improvement plan and providing preliminary approval for the issuance of bonds to finance the project. She said, the resolution for preliminary approval of the bond issuance sets the maximum amount of the bond that the City may issue for the project at \$14,315,000, but does not constitute formal approval for the bonds.

Ms. Kindsvater explained, that the City Council will consider formal action on bond issuance after review of the 2022 bids for this project. At that time, the Council can choose to issue bonds at a lesser amount, but it cannot increase the amount being set this evening. Approval of the resolution begins the 30 day period, she said, in which a petition signed by at least 5% of the voters from the November 2021 election can be submitted to the City Clerk. If no petition is received the City may proceed with the bond financing plan. If a petition is received, the City Council will need to either hold an election on the project, seek an alternative financing method or abandon the project.

Mayor Emerson opened the public hearing at 8:22 p.m. There being no public comment, Mayor Emerson closed the public hearing.

Referencing an increase in the cost of the project and the cost of bond issuance, Councilmember Edberg inquired about the likelihood of needing to use an additional 7% contingency, which is being recommended. Finance Director Kindsvater stated there have not been additional increases to project costs, rather, this contingency is recommended because bond issuances cannot increase and construction market costs continue to be uncertain. She explained that the Council can reduce the amount of the issue if there are no additional cost increases.

In response to Councilmember Edberg, Shelly Eldridge with Ehlers explained that there has not been much movement in the bond market. She mention that the current bond documents have a half percent cushion to cover market fluctuations, which was Ehlers' best estimate at the time, not knowing how the feds will adjust interest rates. Councilmember Edberg asked what the bond rate was when the estimates were ran. Ms. Kindsvater recalled an interest rate of 2.5%, and Ms. Eldridge added, that was for 25 years.

It was moved by Councilmember **Engstran** seconded by Councilmember **Biehn**, to approve **Resolution No. 12903** General Obligation Capital Improvement Bonds.

Motion carried unanimously.

6. UNFINISHED BUSINESS

- A. Resolution reaffirming denial of the 5th Avenue Vacation and vacating three portions of the same 5th Avenue Right-of-Way

City Attorney Troy Gilchrist recapped the issue that occurred in 1977 in which two petitions were presented to the City Council to vacate different portions of 5th Avenue. The Council agreed to vacate the northern portion and not the southern portion, but the wrong vacation was

recorded by Ramsey County. He explained that upon realizing the mistake, the City Attorney at that time recorded an affidavit indicating the City Council did not vacate the southern portion, which was recorded in error. It is City Attorney Gilchrist's opinion that the City did not vacate the southern portion of 5th Avenue and, he said, County map errors do not convey title.

City Attorney Gilchrist forwarded for Council's consideration, a resolution reaffirming the original vacation denial of the southern portion of 5th Avenue. In following staff's recommendation as provided at the November 9, 2021 Council meeting, the resolution also included a proposed vacation of all but the street end portions of the 5th Avenue.

Councilmember Walsh believed the attorney memo stands on its own and did not think it necessary for the City Council to pass a resolution reaffirming something that never happened in the first place. He suggested sending the attorney's memorandum to the Planning Commission and also to Ramsey County. Regarding proposed vacation of the southern portion of 5th Avenue (all but the street ends), Councilmember Walsh believed this was the right approach such that sheds and other structures built by property owners over the years should not be affected.

Councilmember Edberg agreed with our attorney's opinion that the City did not vacate the southern portion of 5th Avenue, and was agreeable to passing a resolution clarifying that stance. He was less inclined to vacate the southern portion of 5th Avenue (all but the street ends) and believed there should be more discussion on the City's strategy related to further vacation decisions in this area.

Point of clarification, City Attorney Gilchrist said vacation of the southern portion did come before the 1977 City Council and they specifically acted not to vacate. When it comes to vacating any city easement, Mr. Gilchrist said, the Council should determine whether there is a public interest in retaining the right-of-way. He added, action to vacate requires a 4/5th vote of the Council.

Councilmember Jones agreed with both Councilmembers Walsh and Edberg. He did not want to take action on this because the attorney's memo is very clear that the land was not vacating. He would like a separate discussion on whether to vacate any of the southern portion of 5th Avenue.

Noting that staff initiated the vacation discussion Councilmember Edberg said, if staff feel that Council should further consider the merits of this proposed vacation, there are two Council meetings prior to the Planning Commission in which to debate the implications this action.

Councilmember **Walsh** stated that he would like to revisit the proposed vacation and made a motion to table this item, seconded by **Biehn**.

Motion carried unanimously.

7. ORDINANCES

- A. Second Reading – A request by Division 25, LLC for a text amendment to Sign Code Section 1202.040, Subd.2, to allow billboards. (Case No. 21-2-Z)

Community Development Director Kane stated this is the second reading of the proposed text amendment to allow billboards, including dynamic billboards in commercial, industrial and public zoning districts.

Ms. Kane shared that the Planning Commission reviewed existing billboard inventory in the City as well as neighboring communities and their sign ordinances. She noted two revisions since the first reading as follows:

- Clarified that the entire length of the support pole that is visible must be concealed by an approved architectural treatment, and
- Eliminated limitation on the maximum number of billboards in the City in the P – Public zoning district.

Mayor Emerson opened the public hearing at 8:56 p.m. There being no public comments, Mayor Emerson closed the public hearing.

- a. Consider adopting the Ordinance

It was moved by Councilmember **Edberg** seconded by Councilmember **Jones**, to adopt **Ordinance No. 21-12-2052** amending Section 1202 of the Sign Code related to Billboard Signs.

Motion carried unanimously.

- b. Adopt the Summary Resolution to facilitate publication

It was moved by Councilmember **Edberg** seconded by Councilmember **Biehn**, to adopt **Resolution No. 12904** establishing the title and summary approval of Ordinance 21-12-2052

Motion carried unanimously.

B. Second reading an Ordinance setting the 2022 Fee Schedule

- a. Consider adopting the Ordinance

Having reviewed proposed fee schedule changes during the November 9th Council meeting, Ms. City Manager Hiniker forwarded staff's recommendation to adopt the 2022 fee schedule, noting some fees have been removed and some have been increased.

Mayor Emerson opened the public hearing at 8:58 p.m. There being no public comment, Mayor Emerson closed the public hearing.

It was moved by Councilmember **Jones** seconded by Councilmember **Engstran**, to adopt **Ordinance No. 21-12-2053** establishing the 2022 Fee Schedule.

Motion carried unanimously.

- b. Adopt the Summary Resolution to facilitate publication

It was moved by Councilmember **Edberg** seconded by Councilmember **Jones**, to adopt **Resolution No. 12905** establishing the title and summary approval of Ordinance 21-12-2053.

Motion carried unanimously.

8. LAND USE

A. Consent

1. Consideration of a Planning Commission recommendation for approval of a request by Aaron Briggs for a Special Home Occupation Permit at 1919 4th Street (Case No. 21-3-SHOP). **Resolution No. 12906**
2. Consideration of a Planning Commission recommendation for approval of a request by Reid Larson for a setback variance at 18XX Clarence Street (Case No. 21-21-V). **Resolution No. 12907**
3. Consideration of a Planning Commission recommendation for approval of a request by Division 25, LLC for a Conditional Use Permit and variance for a billboard at 4650 Centerville Road (Case No. 21-5-CUP). **Resolution No. 12908**

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

Motion carried unanimously.

B. Non-Consent

Nothing scheduled

9. NEW BUSINESS

- A. Resolution authorizing City Manager to execute 2022 contract with Northeast Youth and Family Services

Ms. Hiniker stated there are two service agreements with Northeast Youth and Family Services under consideration. The first is contract is for mental health services in which the City's \$2.00 per capita allocation amounts to \$52,443. She explained the second contract is for participation in the cost for a shared mental health case worker, amounting to \$25,750.

It was moved by Councilmember **Walsh** seconded by Councilmember **Edberg**, to adopt **Resolution No. 12909** authorizing City Manager to execute 2022 contract with Northeast Youth and Family Services.

Councilmember Walsh noted the organization is seeking an executive director.

Motion carried unanimously.

- B. Resolution authorizing City Manager to execute a contract with CentralSquare Technologies for Record Management Services

City Manager Hiniker reported that the Police Department is seeking to change vendors for the Records Management System. She mentioned an initial outlay of funding needed for this change would take three years prior to being offset by associated lower monthly maintenance costs of the system.

It was moved by Councilmember **Jones** seconded by Councilmember **Walsh**, to adopt **Resolution No. 12910** authorizing City Manager to execute a contract with CentralSquare Technologies for Record Management Services.

Motion carried unanimously.

- C. Resolution approving 2022 Position and Classification Plan

City Manager Hiniker forwarded a recommendation to increase the 2022 wage table by 3% at the beginning of the year and another 1% increase mid-year, similar to that which was approved for each of the bargaining units. She mentioned the new Salary Study begins tomorrow, which will revamp the Position and Classification Plan next year.

It was moved by Councilmember **Biehn** seconded by Councilmember **Engstran**, to adopt **Resolution No. 12911** approving 2022 Position and Classification Plan.

Motion carried unanimously.

Mayor Emerson recessed the City Council meeting at 9:02 p.m.

10. HOUSING AND REDEVELOPMENT ASSOCIATION

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

- A. Call to Order / Roll Call
- B. Approval of the January 12, 2021 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 9:05 p.m.

11. CONSENT

- A. Acceptance of Minutes: October Environmental Advisory Commission; October Park Advisory Commission; October White Bear Lake Conservation District; November Planning Commission
- B. Resolution accepting work and authorizing final payment to T.A. Schifsky & Sons for the Completion of 2021 Pavement Rehabilitation Project, City Project Nos.: 21-01, 21-04, 21-06, 21-13. **Resolution No. 12912**

- C. Resolution not waiving the monetary limits on Municipal Tort Liability established by Minnesota Statutes 466.04. **Resolution No. 12913**
- D. Resolution authorizing a lease agreement with Ramsey Washington Suburban Cable Commission. **Resolution No. 12914**
- E. Resolution authorizing a lease agreement with Comcast. **Resolution No. 12915**

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

12. DISCUSSION

Nothing scheduled


13. COMMUNICATIONS FROM THE CITY MANAGER

- The Mayor/Council photo will occur 15 minutes prior to the first meeting in January.
- Ellen Hiniker stated it has been an absolute and distinct pleasure to serve everyone.

14. ADJOURNMENT

There being no further business before the Council, it was moved by Councilmember **Walsh** seconded by Councilmember **Edberg** to adjourn the regular meeting at 9:12 p.m.

Motion carried unanimously.



Jo Emerson, Mayor

ATTEST:



Kara Coustry, City Clerk