



**MINUTES
REGULAR MEETING OF THE CITY COUNCIL OF
THE CITY OF WHITE BEAR LAKE, MINNESOTA
TUESDAY, SEPTEMBER 26, 2017
7:00 P.M. IN THE COUNCIL CHAMBERS**

1. CALL TO ORDER AND ROLL CALL

Mayor Emerson called the meeting to order at 7:00 p.m. Councilmembers Doug Biehn, Kevin Edberg, Steven Engstran, Dan Jones and Bill Walsh were present. Staff members present were City Manager Ellen Richter, Assistant City Manager Rick Juba, Community Development Director Anne Kane, City Engineer Mark Burch, and City Attorney Andy Pratt.

PLEDGE OF ALLEGIANCE

2. APPROVAL OF MINUTES

Minutes of the Regular City Council Meeting on September 12, 2017.

It was moved by Councilmember **Biehn** seconded by Councilmember **Jones**, to approve the Minutes of September 12, 2017.

The motion carried unanimously.

3. APPROVAL OF THE AGENDA

It was moved by Councilmember **Jones** seconded by Councilmember **Walsh**, to approve the Agenda with the following addition:

Item 9C – Resolution Regarding Appeal of the Lake Level Lawsuit

The motion carried unanimously.

4. VISITORS AND PRESENTATIONS

A. Fire Chief Greg Peterson – Oath

Mayor Emerson administered the Oath to Fire Chief Greg Peterson. Fire Chief Peterson expressed his thanks and appreciation for the support of the City Council.

B. Proclamation of National Bakery Day – September 28, 2017

Mayor Emerson read a Proclamation in honor of National Bakery Day, presenting the Proclamation to Mr. and Mrs. John Lupo of Grandma's Bakery, an independent local bakery.

Mr. Lupo stated Grandma's has been a part of the White Bear Lake community for 25 years. He expressed his thanks for all that City Staff has done to help and support their business over the years.

Mr. Lupo stated it was his idea to start National Bakery Day, which has taken off within the industry. He added bakeries around the nation are marking National Bakery Day with special events on September 28, 2017, but it all started right here in White Bear Lake.

Councilmember Jones thanked Mr. Lupo and his family for their contributions to the community.

5. PUBLIC HEARINGS

A. Resolution Adopting an Assessment Roll for 2017 Mill and Overlay Project (City Project No. 17-01, 17-04, 17-10, & 16-13)

City Engineer Burch stated a public hearing is required for consideration of assessment rolls for 2017 Mill and Overlay Project. He added this is the last step in the process as stipulated in State Statute 429 related to City assessment of property. Official notice was sent to the properties that are affected by this assessment.

City Engineer Burch stated residents can appeal the assessment by written statement tonight and then filing action in District Court within 30 days of this meeting. He presented appraisal reports completed by the appraiser, which adheres to the assessment rate set in Spring 2017. He added projects are complete, except for the City Hall parking lot. He noted the assessment policy has a provision for senior deferment or hardship deferment with interest.

City Staff requests that the City Council conduct a public hearing on the proposed assessment rolls for the 2017 Mill & Overlay Project, and consider adopting the assessment rolls.

Mayor Emerson opened the public hearing at 7:13 p.m.

Susan Sleisner, 3824 Linden Avenue, expressed her thanks to City Engineer Burch and the Engineering Department for the excellent job they did on the Mill and Overlay Project, as well as the construction crew from Park Construction Company. She asked how homeowners will be billed.

City Engineer Burch stated assessed property owners will receive a notice in the mail within the week with the assessment amount. He added the assessment can be paid at City Hall within 30 days, after which it will be submitted to Ramsey County to be added to 2018 property tax.

Ms. Sleisner stated she would like to have it noted that the sod that was laid in her front yard did not come back. City Engineer Burch agreed to look into it.

Michael Brooks, 2084 4th Street, requested clarification on the "unique benefits" contingency, which stipulates that there must be a unique benefit for the property, which is an increase in value equal or greater than the assessed amount. He added Ramsey County uses a comparative method for determining value but with this project, the City is taking the value of maintenance on a public road, and translating it back to individual or unique values for each property. He asked how the special assessment amounts are determined.

City Engineer Burch stated the City sets the assessment amount, and assesses approximately 1/3 of the project cost to the property owner. The City Council is careful to keep the assessments low and affordable for property owners, while meeting the assessment and benefit test.

Mr. Brooks asked whether the assessor's recommendation ties in with the number set by the City Council for a percentage of the total cost.

City Engineer Burch stated the City Council has been using an assessment rate for many years that is based on the cost of the project and adjusted up for inflation.

Mr. Brooks asked how the assessor determines a benefit to an individual property and tangibly show that increase in value.

City Engineer Burch stated the appraiser uses a "before and after" test that considers what the value of the property would be if the project were not completed. He added that is the test that would be used if an assessment were to be challenged in Court.

Mr. Brooks asked how a value can be put on the re-paving of a road, and how that can increase tangible property value. He added he lives on a corner, and one road was re-paved last year. He added the new road has resulted in faster traffic speeds and increased noise.

City Engineer Burch stated he is not an appraiser, but he would provide the appraiser's report for Mr. Brooks.

Mr. Brooks asked if he could meet with the appraiser. City Engineer Burch confirmed this.

As no one else came forward, Mayor Emerson closed the public hearing at 7:23 p.m. and brought it back to the Council for discussion.

Councilmember **Biehn** moved, seconded by Councilmember **Walsh** to approve **Resolution 12092** adopting an assessment roll for 2017 Mill and Overlay Project.

Motion carried unanimously.

6. LAND USE

A. Consent

1. A request to reconsider the previously approved Dowdal-Callas Recombination Subdivision to resolve a non-conforming situation at the Wildwood Shopping Center (Case #15-4-LS)

Councilmember **Biehn** moved, seconded by Councilmember **Jones** to approve **Resolution 12093**, reconsidering the previously approved Dowdal-Callas Recombination subdivision to resolve a non-conforming situation at the Wildwood Shopping Center.

Motion carried unanimously.

7. UNFINISHED BUSINESS

Nothing scheduled

8. ORDINANCES

Nothing scheduled

9. NEW BUSINESS

A. Resolution Authorizing purchase of Self-Contained Breathing Apparatus (SCBAs)

City Manager Richter presented a memorandum from Interim Fire Chief Julie Swanson, requesting consideration of purchase Self-Contained Breathing Apparatus (SCBAs). The Fire Department currently owns SCBAs that are at the end of their mandated service life. The SCBAs were anticipated to be replaced in 2018, and were included in the budget, although it was hoped that grant funding would be available. A grant application was submitted unsuccessfully twice, and 2017 capital purchases were moved to 2018 due to the critical importance of purchasing the SCBAs for the Fire Department.

The Staff Memo gives a description of equipment and prices, and two quotes were obtained. One quote was approximately 8% higher than the other. City Staff chose the equipment that was a little costlier because of significant advantages, and positive recommendations from surrounding communities.

City Staff recommends City Council adopt the resolution approving the purchase of 39 SCBA units through the HGAC Buy procurement consortium for a cost of \$296,125.92.

Councilmember Biehn asked whether the new equipment will have the same life span as the current equipment, which is 15 years.

Interim Fire Chief Swanson confirmed this, adding that is an industry standard, based on the bottles on the unit.

Councilmember Walsh asked how much was set aside in the budget for this purchase. City Manager Richter stated it was anticipated that the cost would be approximately \$330,000.

It was moved by Councilmember **Walsh**, seconded by Councilmember **Biehn**, to adopt **Resolution No. 12094** authorizing purchase of Self Contained Breathing Apparatus.

The motion carried 4-1 (Abstained: Engstran).

B. Resolution authorizing staff to enter negotiations with Ramsey County for dispatch services and engage in transition planning.

City Manager Richter explained the City Council has had numerous discussions regarding emergency dispatch services to be contracted through Ramsey County. She stated the City's dispatch team are talented and dedicated, and deliver quality service to the City's

residents. She added \$190,000 was budgeted for the purchase of a new phone system, which prompted a review of staffing levels as calls for service have continued to increase. She stressed the importance of having two dispatchers on duty at a time. She noted the City's dispatch is currently staffed with two seats only 40% of the time, and it is recommended that the 2-seat staff level should be raised to 100%.

City Manager Richter stated Ramsey County Dispatch has made significant changes to training and services in recent years. Other cities in the County have expressed confidence in their services.

City Manager Richter stated the anticipated annual cost of contracting with Ramsey County is approximately \$205,000. This cost estimate is based on call volumes used in 2005 to determine proportionate costs for participating communities. The percentages of total calls have remained relatively constant since 2005, which puts White Bear Lake at 3.18% of total call volume. A final decision would be made by the Ramsey County Board.

City Manager Richter stated there would be other costs associated with buying into the capital savings that have been set aside since 2005. The City's buy-in to the purchase of new CAD system would be approximately \$40,000. Buy-in for the Emergency Communications Center capital could be up to \$90,000, but Ramsey County may accept the City's radio console for its training program and consider it a trade.

City Manager Richter stated the estimated cost to maintain the City's dispatch center over a five-year period, applying the assumptions outlined in the staff memorandum, is a little over \$5.3 million. A transition to Ramsey County Dispatch has a 5-year cost projection of \$3.2 million.

City Manager Richter introduced Scott Williams, Ramsey County's Emergency Communications Center Director and Deputy County Manager. She added Police Chief Swanson and Fire Chief Peterson were also available to answer questions regarding functionality and protocol.

There was discussion related to whether contracting with Ramsey County would result in a reduction of service. City Manager Richter stated the City's dispatch staff is very dedicated; their familiarity with the community and public safety staff would be missed. However, Police and Fire Departments, as well as administrators, in other communities contracting with Ramsey County are very satisfied with the level of service. They appreciate the advantages that come with a Ramsey County Dispatch contract related to officer safety, one-channel dispatch, and integrated communications with other communities. A larger organization can offer translation services, bilingual staff, and other services that a small staff cannot offer.

Councilmember Biehn stated he is recusing himself from this vote. He added he has 28 years of public safety experience working at the Ramsey County Sheriff's Office, and he believes it is extremely important to allow for simultaneous, multi-faceted dispatch response to multiple, complex events and that require simultaneous police, fire and medical response, along with medical response advice to 911 callers. He encouraged Ramsey County and White Bear Lake to do whatever is necessary to ensure excellent communication between officers and agencies.

Councilmember Walsh stated one of the main decision points is the trade-off of City dispatchers who are familiar with Police and Fire Departments and the community in general.

Chief Swanson stated White Bear Lake dispatch has its own designated channel, while Ramsey County dispatch has several police departments, usually neighboring communities, on one channel. She added deputies from neighboring communities are listening when an incident is broadcast, but their own channel trumps the City's channel. She added this is a real concern for local dispatch, as there could be a delay in response.

Councilmember Walsh requested clarification regarding response time.

Scott Williams, Director of the Ramsey County 911 Center and Deputy County Manager, stated he has assisted many communities through this difficult process. He added a single seat dispatch center will beat the County every time if there is a single call coming in. He noted, however, as soon as there are two or more things going on, a multiple seat dispatch center with dedicated call takers and dispatchers will be faster.

Councilmember Jones asked whether "Text 911" will be a burden for dispatch, with multiple texts coming in about the same incidents, and an overall increase in calls.

Mr. Williams stated Minnesota is on the cusp of rolling out "Text 911", with testing in progress. He added other communities around the country have already introduced "Text 911", and found that they are not deluged with texts, but they do get many unintentional calls.

Councilmember Jones asked whether there will be any changes in required statistical reporting related to number of calls, frequency, location, and other factors. Mr. Williams stated Ramsey County Dispatch can assist with reporting, and White Bear Lake will have a representative on the Dispatch Policy Committee. This Committee is a representative body that is governed by the Dispatch Joint Powers Agreement (JPA), passed in 2005, which regularly discusses reporting. Ramsey County's Computer Aided Dispatch (CAD) data feeds into the City's records data, so most data will be automatically transferred.

Councilmember Edberg stated Mr. Williams had mentioned multiple calls received for the same incident. He asked if that trend appears to be increasing. He added more designated Dispatch staff would be an advantage in that type of situation.

Mr. Williams stated it is difficult to say if there has been an increase, but there are certainly a lot of those kinds of calls, and in many communities, there are separate responses for Police, Fire and Emergency Medical Services (EMS). Many calls are being coordinated with other communities, to tap into mutual aid and collaboration, and the new CAD system makes it easier.

Police Chief Swanson stated Dispatch receives many cell phone 911 calls from people at the scene of an incident. She added a recent domestic dispute and related car fire resulted in a minimum of 20 calls to the City's emergency dispatch. The City's one dispatcher was responsible for handling a minimum of 20 incoming calls as well incident management for 9 Police Officers and 7-9 Firefighters.

Councilmember Edberg asked, in a situation like that, whether there would have been an advantage to having County Dispatch, in terms of response time. Police Chief Swanson confirmed this.

Councilmember Edberg asked whether there is any uncertainty related to the cost of contracting with Ramsey County for emergency dispatch. Mr. Williams stated previous information related to County Services has been presented to the City Council, and those estimates are no longer relevant. He added he has recommended to the Dispatch Policy Committee that White Bear Lake should be at 3.18% based on 2005 call volumes, which have remained relatively proportionally constant. This would translate into a 2018 cost of \$202,000. He noted that members of the Dispatch Policy Committee present for this discussion agreed with this logic.

Councilmember Edberg asked Chief Peterson for his perspective on this issue, based on his many years of experience.

Mr. Williams stated he has worked in various capacities for cities that went through the process of transferring to County Dispatch. He added there is an excellent working relationship among the County Departments, mainly due to the Dispatch Communication Center. He noted the CAD system technology allows Dispatch to determine where units are located, who is available and when they are available, and seamlessly coordinate with each other.

Mr. Williams stated a CAD system function currently in use is the immediate dispatch of certain types of calls across all communication centers. He added this would require City Council approval, but it is effective in dealing with emergency search, structure fires, and other events that require a specific type of response. He noted Ramsey County Fire Chiefs are looking at ways to expand this method because it works so well, and Cities that are not part of the system would not be able to participate.

Mr. Williams stated a station alerting system, partially funded by Ramsey County, allows communities to specify how and when calls go out, and who they will go to.

Councilmember Walsh asked how the ambulance fund will be affected, as a lot of dispatch costs fall under that budget.

City Manager Richter stated Dispatch Operations are included in the 2017 Budget for a total amount of \$525,000, and 50% of that amount comes from the Ambulance Fund.

Councilmember Walsh asked whether contracting with Ramsey County for dispatch would provide relief for the Ambulance Fund. City Manager Richter confirmed this.

It was moved by Councilmember **Walsh** seconded by Councilmember **Edberg**, to adopt **Resolution No. 12095** authorizing staff to enter negotiations with Ramsey County for dispatch services and engage in transition planning.

Councilmember Jones stated this is probably one of the toughest decisions he has faced as a Councilmember. He added it is difficult to give up a piece of the City's identity and independence. He noted he has spoken with safety personnel in St. Paul, Maplewood, and

Roseville, as well as two County dispatchers, the Chief of Police, six officers, two sergeants; and multiple residents.

Councilmember Jones stated the City currently provides a better, more personalized service than that which would be available from the County, but the local service cannot be sustained. He stressed the importance of multiple municipalities combining to save money and provide services.

Councilmember Jones stated he trusts the opinions of all the Emergency Personnel with whom he has spoken, including Councilmember Biehn, and he expressed his support of the transfer to Ramsey County Dispatch.

Councilmember Jones stated, over the past ten years, the City has spent \$500,000 on technology, and five times that amount will be spent over the next five years. He noted the City of White Bear Lake has an excellent dispatch staff. He supports contracting to Ramsey County for dispatch services

(Vote on the motion: Aye – Edberg, Jones, Walsh; Nay – Engstran; Abstained: Biehn).

The motion carried unanimously.

C. Resolution to appeal District Court decision regarding Lake Level Litigation.

City Attorney Pratt stated on August 30, 2017, Ramsey County District Court issued an order in the case of White Bear Lake Restoration Association (WBLRA) vs. Minnesota Department of Natural Resources (MnDNR). The City of White Bear Lake signed on as a defendant/intervenor, as well as White Bear Township. Staff continues to review this case, and City Council has held closed sessions to discuss litigation. This afternoon, the MnDNR decided to appeal, and appeal actions were discussed during the Council's Closed Session prior to the regular meeting. The resolution to appeal is the next step in the process.

City Attorney Pratt stated, if this resolution is approved by the City Council by October 5, 2017, a post-trial motion will be due in District Court for amended findings of fact and conclusions of law.

Councilmember Walsh asked what is the estimated cost of an appeal. City Manager Richter stated an estimate is variable based on a variety of factors, but could be in the range of \$40,000-\$70,000.

Councilmember Walsh stated the Court's decision offers an alternative solution, which is the commencement of a planning process to move to surface water. He asked what the estimated costs would be for this process.

City Engineer Burch stated, in terms of overall project costs, the planning process, engineering, finding a surface water source and connecting to it would cost several thousand dollars. The actual construction cost of such a system has been estimated to be over \$150 million. For perspective, the Sports Center project will cost approximately \$5.5 million, with the architectural engineering fees accounting for approximately \$345,000.

Councilmember Walsh stated he supports the resolution to join the appeal and move

forward. He added he originally did not believe the City should intervene, but after reviewing the City's legal position, he supports the appeal. He noted, in his opinion, it would reflect badly to not join the appeal, since White Bear Lake's residents will be immediately affected by the decision.

Councilmember Jones agreed, adding water conservation is a critical area of focus for White Bear Lake. He added the lake litigation lawsuit has raised local awareness of the need for a long-term solution for conversion to surface water.

Councilmember **Walsh** moved, seconded by Councilmember **Jones** to approve **Resolution 12096**, appealing the District Court decision regarding Lake Level Litigation.

Motion carried unanimously.

10. CONSENT

- A. Acceptance of June and July Minutes of the White Bear Lake Conservation District.
- B. **Resolution 12097** approving a State of Minnesota BCA records JPA.
- C. **Resolution 12098** approving cooperative agreement regarding public safety related to 2018 National Football League Super Bowl security.

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

The motion carried unanimously.

11. DISCUSSION

Nothing scheduled


12. COMMUNICATIONS FROM THE CITY MANAGER

- City Engineer Burch stated 2017 Street Improvement Projects process are complete, and work on the 2018 projects will commence soon. He added an informational public meeting will be held October 4, 2017, regarding two of the streets that will be involved in next year's projects: Birch Lake Boulevard South and White Bear Avenue, from South Shore to Lions Park. He added this also includes trail segments.
- City Engineer Burch stated the Sports Center plans should be 95% complete by Friday, October 6, 2017. He added a meeting is planned with the architects and engineers to review the plans in preparation for presentation to the City Council at their October 24, 2017, meeting.
- City Engineer Burch stated resident complaints have been received regarding landscape grass in the Highway 61 median that full of weeds. He added the grass has been treated with an herbicide to address the weeds. He noted, when the grass is established, the weeds should no longer be a problem.

- City Engineer Burch stated work on the City Hall parking lot will continue, with the main part to be completed by the weekend, tying into 2nd Street, which is the last part of the project.
- City Manager Richter stated the Annual Volunteer Recognition Dinner will be held October 17, 2017.

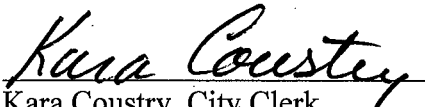
13. ADJOURNMENT

There being no further business before the Council, it was moved by Councilmember **Jones** seconded by Councilmember **Biehn** to adjourn the regular meeting at 8:36 p.m.



Jo Emerson, Mayor

ATTEST:


Kara Coustry, City Clerk