MINUTES
REGULAR MEETING OF THE
CITY COUNCIL OF
THE CITY OF WHITE BEAR LAKE, MINNESOTA
TUESDAY, MARCH 26, 2013
7:00 P.M. IN THE COUNCIL CHAMBERS

1. CALL TO ORDER AND ROLL CALL

Mayor Emerson called the meeting to order at 7:06 p.m. Councilmembers Doug Biehn, Kevin Edberg, and Renee Tessier were present. Councilmember Jones and Councilmember Belisle had an excused absence. Staff members present were City Manager Mark Sather, Assistant to the City Manager Ellen Richter, City Engineer Mark Burch, Community Development Director Anne Kane, City Attorney Roger Jensen and City Clerk Diane Krinkle.

PLEDGE OF ALLEGIANCE

2. APPROVAL OF MINUTES

A. Minutes of the Regular City Council Meeting on March 12, 2013

It was moved by Councilmember Tessier, seconded by Councilmember Edberg, to approve the minutes as presented.

The motion carried 3/0.

3. APPROVAL OF THE AGENDA

It was moved by Councilmember Biehn, seconded by Councilmember Tessier, to approve the agenda with the addition of 9J St. Mary of the Lake/Note Amendment under New Business.

The motion carried 3/0.

4. VISITORS AND PRESENTATIONS

A. Proclamation – Proclaim the Week of April 22, 2013 as Community Media Week in the City of White Bear Lake

Mayor Emerson read the Community Media Week Proclamation.

B. Retirement of Diana Miller

Finance Director Don Rambow recognized Ms. Miller for her years of service. He reflected on the milestones and contributions toward which she was instrumental in implementing during her employment. On behalf of the City Council and community, Mayor Emerson presented Ms. Miller with a plaque for her years of service.

C. Shane Hoefer – White Bear Lake Area YMCA

Mr. Hoefer reported on the 2012 year-end statistics which included how the support and partnership with the City of White Bear Lake and White Bear Township have impacted the programs offered at the facility. A record number of White Bear Lake residents joined or participated at the White Bear Area YMCA since the 2010 Northeast Community Partners project; the project resulted in a $6.7 million
renovation of the Northeast Family YMCA. Since the Grand Re-Opening on June 21, 2010, more than 28% of residents joined the YMCA or used the Resident Guest Pass Membership; about 15.1% of residents are currently active members. Mr. Hoefer stated the YMCA estimates approximately one-third of all White Bear Lake households have participated at some level in YMCA programs since 2010. Total resident participation has exceeded the 2009 projections, as has overall YMCA participation. Today more than 2,700 regional households are active at the White Bear Area YMCA, compared with the projected number of 2,180.

Mr. Hoefer highlighted the success of the White Bear Area YMCA Mariner swim team which won the State Championship. The Early Childhood Learning Center at Birch Lake Elementary serves 55 – 65 children per day and the Teen Center welcomes 35-40 youth per day with expanded hours and secured free busing for area youth. The Senior Health Fair event drew 650 seniors and included a blood drive and more. The YMCA held the following 8 community events in 2012: Summer Rally Day, Healthy Kids Day, Bellaire Beach Water Safety Fair, Summer Pool Party, Halloween Party, Pancakes with Santa, Senior Health Fair, and the Thanksgiving Open House.

Mr. Hoefer concluded, in 2012 the White Bear Area YMCA disbursed $361,000 in financial aid and estimates that $200,555 of that total went to residents of the City for programs and services such as swimming lessons, membership scholarships, camp and child care.

5. PUBLIC HEARINGS
   No Items Scheduled

6. LAND USE
   No Items Scheduled

7. UNFINISHED BUSINESS
   No Items Scheduled

8. ORDINANCES
   No Items Scheduled

9. NEW BUSINESS
   A. Proposed Resolution Ordering Project, Approving Plans and Specifications, and Authorizing Advertisement for Bids for the Lake Avenue South Street, Trail and Waterfront Improvement Project City Project No. 12-12

City Engineer Burch provided an overview of the proposed improvements on Lake Avenue South from Whitaker Street to Trunk Highway 61. The improvements include street, stormwater, sidewalk, trail, boardwalk, lighting, and place-making improvements. The improvements also include upgrades to the sewer and water infrastructure and burying of the overhead power lines. City staff has worked with consulting engineers from Kimley-Horn and Associates and architects from Bob Close Studio to prepare construction plans for the Lake Avenue South area which include improvements to storm sewer and storm water treatment facilities, new bituminous street pavements with concrete curb and gutter, as well as sidewalks, a regional trail, a wood boardwalk, pavilions, and other placemaking amenities.

Mr. Burch explained the street will be reconstructed to include two-way traffic from Whitaker Street to the proposed public parking ramp. Angled parking is designed on the east side of the street similar to its previous configuration. A concrete “table top” will be constructed to provide a seamless pedestrian movement from the proposed public green space on the proposed BoatWorks Commons Development to the lakeshore. The regional trail will be a 10’ wide bituminous trail constructed on the east side of the street to continue the Lake Avenue regional trail previously constructed south of Whitaker Street. A wood “bridge” will be constructed over the bio-retention basin at the center of the table top area with gardens on both sides of the wooden segment of the
trail. The remaining segment of the trail from Veterans Park to Lake Avenue North will be constructed in 2014 as part of the TH 61 rehabilitation project.

Mr. Burch further explained a timber boardwalk would be constructed along the lakeshore for the length of the City-owned land between Acqua and the VFW. Pavilions will be built on each end of the boardwalk to anchor the space. The boardwalk will include connections to the marina docks. A header dock will be constructed with only two access points to the shore. The general public will be allowed to access the header dock and be able to enjoy being out over the water. A temporary header dock will be constructed this spring. Amenities will be added to the project to enhance the "placemaking" of the area. This is one of the few public spaces on the lake, drawing people to the area and providing places to recreate, congregate, and linger. The boardwalk area has been designed with many independent spaces along its length with a location for benches, tables and chairs, Adirondack chairs, and roofed pavilions anchoring each end. The stormwater conveyance systems will be upgraded to address drainage issues and to coordinate with the new street design.

Stormwater treatment facilities necessary to meet current watershed district requirements will need to be installed throughout the project area. Mr. Burch stated the proposed project falls within the Rice Creek Watershed District. A catch basin on TH 61 west of the former Johnson BoatWorks building has a storm sewer pipe running across the City-owned parcel and outlets to White Bear Lake. This will be rerouted to the north property line to avoid conflict with construction of the proposed apartment building. There will be decorative lighting installed throughout the project to enhance visibility in the area and to highlight architectural elements. Decorative LED street lights will be installed along the regional trail and along the sidewalk on the west side of the street the same lighting used along Lake Avenue. Bollards will be installed on the table top. Low voltage LED lighting will be installed on the boardwalk piers and in the pavilions. Receptacles will be incorporated for twinkle lights, and for special event needs. Power will be provided for the inlake aerators that are used in the spring as well as for future lighting needs on a new dock system.

Mr. Burch stated the estimated total cost of the proposed improvements in the Lake Avenue South Improvement Project is $1,450,000. This includes storm sewer, stormwater treatment, street improvements, sidewalk and trail improvements, boardwalk and pavilion construction, and placemaking amenities. In order to meet the June 30, 2013 completion date for the trail, some construction materials will need to be procured early. Other elements will also be procured separately from the general contract in order to control the specific material and design required. These materials include timber piling, wood decking, street lights, bollards, bike racks, tables and chairs, and benches which will be purchased by the City and furnished to the contractor for installation.

Mr. Burch concluded the improvements are proposed to be funded with a variety of City funds, grants, and contributions by benefitting property owners. If the Council proceeds with the Lake Avenue South Street and Waterfront Improvements, the Engineering Department anticipates a bid date of April 18th, with presentation of bids at the April 23 City Council meeting.

Community Development Director Anne Kane stated staff wanted to find a balance that would ensure the City would use elements that were familiar to users of the trail and customize some of the elements to guarantee that the lakefront would have a real distinction as a special place that would attract both area residents and visitors.

Councilmember Edberg asked if there had been any provisions made for highlighting the historical attributes outside.

Ms. Kane explained there will be highlights of the site's history incorporated within the gathering space as well as in the open space and boardwalk.

Britney Cologne, a student at South Campus, suggested adding flowers to the landscaping around the Boardwalk and the lake area to add beauty that would attract residents, visitors and tourists.
After considerable discussion, it was moved by Councilmember Biehn, seconded by Councilmember Tessier, to approve a Resolution No.: 11186 (A Resolution Ordering Improvements, Approving Plans and Specifications and Authorizing Advertisement for Bids for Lake Avenue South Improvement Project City Project No. 12-12).

The motion carried 3/0.

B. Proposed Resolution Accepting the Work Performed and Authorizing Final Payment to T.A. Schifsky & Sons, Inc. for the 2012 Street Reconstruction Project—City Project Nos: 12-01/12-04/12-06/12-11/1212

City Engineer Burch explained that T.A. Schifsky & Sons completed all of the work specified in their contract, which completes the 2012 Street Reconstruction Project. The Engineering Department inspected the work and prepared the final payment documentation for the T.A. Schifsky & Sons, Inc. contract with a final payment amount of $3,000 and recommends Council approval.

It was moved by Councilmember Tessier, seconded by Councilmember Edberg, to approve a Resolution No.: 11187 (A Resolution Accepting the Work Performed and Authorizing Final Payment to T.A. Schifsky & Sons, Inc. for the 2012 Street Reconstruction Project City Project Nos.: 12-01/12-04/12-06/12-11/12-12).

The motion carried 3/0.

C. Proposed Resolution Approving State of Minnesota Joint Powers Agreement with the City of White Bear Lake on Behalf of its City Attorney and Police Department

City Manager Sather stated the City has an opportunity to participate in e-charging of criminal complaints and would be the first city in Ramsey County to participate. The program is coordinated through the State with the District Court and the cost to the City would be minimal as the complaint process would be handled electronically, saving time and money.

It was moved by Councilmember Edberg, seconded by Councilmember Biehn, to approve a Resolution No.: 11188 (A Resolution Approving State of Minnesota Joint Powers Agreements with the City of White Bear Lake on Behalf of its City Attorney and Police Department).

The motion carried 3/0.

D. Proposed Resolution Authorizing Collective Bargaining Agreement with LELS Local 286; Police Sergeants

City Manager Sather explained the City has four bargaining units which are Public Works, Patrol Officers, Public Safety Dispatchers and Police Sergeants. Staff has reached a tentative settlement with the Police Sergeants; this is the first renewal proposal of the City’s four contracts which expired on December 31, 2012. Mr. Sather reported the contract is a two year term. Changes include wages in the first year of the contract, 2013; the top wage range will increase from 1.73% on the low end to 2.44% on the high end with the average or midpoint increase 2%. In the second year of the contract the wage table would increase an average of 1.75%. The uniform allowance would increase $10 a year. The City’s current employee health insurance policy premiums will expire June 30th and premiums effective for the next policy year are unknown. The current year premium was reduced by 6% from the previous year and the City’s contribution remained the same. Next year the rates cannot increase more than 6%, which would be the 2011/2012 rates. Currently, law enforcement personnel would lose their holiday time if not used by the end of the year. The proposed contract would allow the value of unused leave time to be credited to the employee’s Health Savings Account to be used for eligible purposes. Mr. Sather concluded that the tentative agreement is the product of collective bargaining that took into consideration recent years when wages were frozen, comparable public and private wage and benefit
adjustments, and the City's reasonable ability to pay. Staff recommends approval to authorize a two-year contract with LELS.

It was moved by Councilmember Tessier, seconded by Councilmember Edberg, to approve a Resolution No.: 11189 (A Resolution Authorizing Collective Bargaining Agreement with Law Enforcement Labor Services Locals 286; Police Sergeants).

The motion carried 2/0/1 (Biehn abstained).

E. Proposed Resolution Authorizing Collective Bargaining Agreement with International Union of Operating Engineers Local 49; Public Works

City Manager Sather stated there were a few technicalities that needed to be added to the contract prior to the final vote by the bargaining unit however, he anticipates the contract will be on the April 9th City Council agenda for approval.

F. Annual Business License Renewals

City Manager Sather stated the business license renewals had no significant issues and renewal application fees have been paid.

It was moved by Councilmember Biehn, seconded by Councilmember Tessier, to approve a Resolution No.: 11190 (A Resolution Approving Businesses Licenses for the Licenses for the License Year Beginning April 1, 2013 and Ending March 31, 2014).

The motion carried 3/0.

G. Annual Renewal of Liquor and Related Business Licenses by Establishment

City Manager Sather explained that prior to Liquor License renewals applicants need to reconcile utility accounts with the City. The deadline for reconciliation was Friday, March 22. As of last quarter, there were four establishments who had not reconciled their utility accounts however, the City anticipates they will pay their account or make payment arrangements prior to March 31, 2013 the end of the license year.

Mr. Sather reported there are three establishments worth noting; the Police Department has concerns regarding Doc's Landing due to the number of individuals arrested for driving under the influence. Staff's recommendation would be to place a condition on the renewal of Doc's Landing's liquor license that mandates training for their bartenders and servers, and directs staff to report back to the Council in six months any cases of extreme alcohol intoxication and/or disorderly conduct on the premises. There were also concerns with the number of calls of concern at White Bear Bar. Staff recommends monitoring the activity at the White Bear Bar over the next six months and reporting back to the City Council. Hollihan's failed both alcohol compliance checks in 2012, however, in both instances it was the same staff person who has since been terminated; no further action by the Council is recommended at this time.

Mr. Sather concluded staff recommends approval of the resolution for the annual renewal of liquor and related business licenses by establishment as all applications are in order with the required supporting documents.

It was moved by Councilmember Biehn, seconded by Councilmember Tessier, to approve a Resolution No.: 11191 (A Resolution Approving Liquor and Related Licenses for the License Year Beginning April 1, 2013 and Ending March 31, 2014).

The motion carried 3/0.
H. Proposed Resolution Approving a 1 Year Extension of Refuse Contract

City Manager Sather reported at the last Council meeting staff had been negotiating the terms of a one-year contract extension with Advanced Disposal for the curbside collection of residential refuse and recycling. The negotiations have concluded and staff is satisfied with the agreed upon terms. Recommended modifications to the contract for the one-year extension are exclusive to the pricing and payment provisions, with no further amendments suggested at this time. The City’s current contract with Advanced Disposal took effect September, 2008 and is due to expire August 31, 2013. In the past several months, staff and the Environmental Advisory Commission have been examining a variety of opportunities in anticipation of preparing a request for proposals, including the adoption of a single sort recycling system and implementation of a curbside organics collection program. It was concluded that an additional year operating under the existing contract would offer the time needed for further consideration of these options. There has been a concern brought to staff recently regarding Townhouses, however, State law requires that the City Council ensures all homes and business have refuse collection. Several years ago the City concluded the best way for this to happen would be through the city-wide collection process. The City stated any dwelling unit with four or fewer units, as well as multiple family units serviced with individual refuse containers, would be required under this contract. There are larger apartment complexes within the City that have dumpsters, which had one time been included in the contract; however, the City determined it was not necessary to have them included in the contract and by ordinance were made exempt.

Mr. Sather concluded, staff recommends approval of the resolution authorizing the City Manager to sign a one-year extension with Advanced Disposal for Refuse and Recycling Services. Staff will then continue to work with the Environmental Advisory Commission in the coming months on programs and service delivery options in the process of developing an RFP for services under a new contract to begin in September 2014. The contract exclusively addresses pricing and payment provisions. Staff requested that the disposal portion of the total rate charged to the City be removed from the pricing structure and the City would pay directly for only the disposal of refuse collected in White Bear Lake that is brought to the refusing derived fuel facility in Newport.

Mr. Graf, Linden Place Villas explained he represents the Linden Place Villas which consists of 136 units in White Bear Lake. Mr. Graf stated his correspondence and concerns to the Council are two-fold, one of which is a financial loss suffered by high density units in the City of White Bear Lake. Linden Place Villas put out bids for their refuse collection and found a substantial price difference from the rate charged by the City and a quote from a comparable hauler which equated to a $12,000 annual loss for the townhome association. The Villas are concerned with the level of service, and feel it has fallen well below their expectations. Trees are being damaged, trash bins are being left scattered about the property by the contractor despite orderly placement prior to pick up, and service has failed to be timely. Mr. Graf provided comparison pricing from another City which included recycling, taxes and all other charges. He urged the City Council to take action to resolve the financial burden being placed on them by the current Statue of the City.

Councilmember Tessier explained this is a difficult topic; however, she believes City staff has done an excellent job and is confident of their direction at this particular time.

Councilmember Biehn asked Mr. Sather if options for multiple housing units had been explored in the past and if the City should be considering it at this time.

City Manager Sather explained the City used to collect for multiple housing units and found that while the City system was efficient in picking up the small 30-60-90 gallon containers, the refuse hauler needed to use another truck to pick up refuse from the apartment units. The efficiencies with multiple family units were not as great and the costs were higher, so the Council chose to amend the ordinance to remove multi-housing units from the city-wide collection program. The Townhouse arrangements vary as some are under common management with dumpsters, which are not included in the City’s contract; however, those in a single unit with a single container are included in the City’s refuse
contract. Staff will review the cost efficiency of the options discussed by Mr. Graf and report back to the Council at a future date for review and consideration.

It was moved by Councilmember Biehn, seconded by Councilmember Tessier, to approve a Resolution No.: 11192 (A Resolution Approving and Directing the Execution of an Amendment Extending the Term and Modifying the Rate Structure of the Contract for Refuse and Recyclable Collection Services with Advanced Disposal).

The motion carried 3/0.

Councilmember Edberg asked Mr. Sather what the impact and added cost would be to the City for additional heavy equipment on the roads if the City unbundles its refuse service. Mr. Edberg requested that the City consider these options and comprehensively examine the common cost to all residents.

City Manager Sather stated staff would definitely include those figures in its reports to the Council.


City Manager Sather explained the 2012 Financial Report outlined the largest expense for the year was the control and treatment of Eurasian Water Milfoil. The costs were paid from the WBLCD budget, a DNR cost-share grant, and by contributions from the White Bear Lake Homeowners Association. Mr. Sather stated the Council action would be to accept the report of the 2012 Financial Report.

It was moved by Councilmember Edberg, seconded by Councilmember Tessier, to accept the 2012 Financial Report of the White Bear Lake Conservation District.

J. Proposed Resolution Authorizing Amendment of the Educational Facilities Refunding Revenue Note, Series 2011 St. Mary of the Lake School Project

City Manager Sather explained on December 13, 2011, the City Council authorized the issuance of $8,200,000 in tax-exempt financing (Educational Facilities Revenue Note – Series 2011) at the request of St. Mary of the Lake. The 2011 Refunding Note was used to re-finance the Educational Facilities Revenue Notes previously issued in 2003 and 2005 and secure more favorable financing terms. Based upon current market conditions, it is once again financially advantageous for the school to restructure the Loan Agreement. The Note remains a special, limited obligation of the City and will be payable solely from revenues of St. Mary’s of the Lake. The Note will not be general or moral obligations of the City and will not be secured by or payable from any assets, revenues, or other property of the City.

It was moved by Councilmember Edberg, seconded by Councilmember Tessier, to approve a Resolution No.: 11193 (A Resolution Authorizing Amendment of the $8,212,904 Educational Facilities Refunding Revenue Note, Series 2011 (St. Mary of the Lake School Project) and Authorizing the Execution of Documents Relating Thereto).

The motion carried 3/0.

10. CONSENT

A. Proposed Resolution Ordering a Public Meeting to be held on May 14, 2013 to Discuss the City of White Bear Lake’s Storm Water Pollution Prevention Program (SWPPP)

B. Proposed Resolution Declaring the Official Intent of the City of White Bear Lake to Potentially reimburse Certain Expenditures from the Proceeds of Bonds to be issued by the City
C. Application for a Temporary Liquor License: Church of St. Mary of the Lake. (2013 Spring Fling/Silent Auction Fundraiser – April 20, 2013)

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

The motion carried 3/0.

11. DISCUSSION
   No Items Scheduled

12. COMMUNICATIONS FROM THE CITY MANAGER

➢ GTS – Thursday, April 4th at 6:30 p.m. at Century College symposium on Surface Water. We have been recently advised that the report USGS is in the process of making changes to the report and will be available within the next 30 days; first recipients to receive the reports will be those Cities around the lake.

➢ Mayor Emerson appointed a new White Bear Lake City representative to the Ramsey/Washington County Cable Commission.

➢ Mr. Burch reported the City is working with the contractors bidding the street reconstruction project, which will be bid this week. Staff is working on the BoatWorks project and the lakefront development. Staff is has also begun working with MNDOT to select a consulting firm for the 2014 TH 61 Project.

➢ Ms. Kane reported that the Economic Development Corporation (EDC) has held three roundtable discussions with retail tenants and landlords to discuss the ideal mix of retail services and daytime and evening uses that would allow parking to be optimized. The EDC is currently seeking proposals from a retail market strategist and have recently secured a proposal from McComb Group and will be meeting with the Mainstreet Board next week to present the revised proposal and request it share in the cost. There has also been discussion regarding long-term planning for a future parking facility in downtown.

➢ Mr. Sather reported that the Chamber of Commerce has received calls regarding interest in the apartments at the BoatWorks.

➢ Planning is underway for Marketfest and Manitou Days. The planning committee will be coming before the Council to request permission for the Carnival event again this year. The surrounding property owners would be notified of the date the request would go before the Council to ensure they have the opportunity to express any concerns.

➢ Center for the Arts is working with the Art Shanty Projects for an event next winter. The Shanty's are an artist-driven temporary community exploring ways in which relatively unregulated public spaces can be used as new and challenging artistic environments to expand notions of what art can be.

➢ In conjunction with MarketFest, Grandmas Bakery is planning on making a 1,000 foot long ice cream sundae for a fundraiser in hopes of getting into the Genius Book of World Records.
13. ADJOURNMENT

There being no further business before the Council, it was moved by Councilmember Edberg, seconded by Councilmember Biehn to adjourn the regular meeting at 8:56 p.m.

Jo Emerson, Mayor

ATTEST:

Diane Krinkie, City Clerk