

**MINUTES
REGULAR MEETING OF THE CITY COUNCIL OF
THE CITY OF WHITE BEAR LAKE, MINNESOTA
TUESDAY, JANUARY 9, 2018
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, Bill Walsh in attendance. Staff members present were City Manager Ellen Richter, Assistant City Manager Rick Juba, Finance Director Don Rambow, City Engineer Mark Burch, Community Development Director Anne Kane, City Clerk Kara Coustry and City Attorney Andy Pratt.

PLEDGE OF ALLEGIANCE

2. APPROVAL OF MINUTES

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

It was moved by Councilmember **Biehn** seconded by Councilmember **Walsh**, to approve the Minutes of the Regular City Council Meeting on December 12, 2017.

Motion carried unanimously.

***** OATH OF OFFICE *****

**Mayor Jo Emerson – At Large
Councilmember Doug Biehn – Ward 2
Councilmember Kevin Edberg – Ward 4**

The city clerk administered the Oath of Office to Jo Emerson, Doug Biehn and Kevin Edberg.

3. APPROVAL OF THE AGENDA

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

Motion carried unanimously.

4. VISITORS AND PRESENTATIONS

Nothing scheduled

5. PUBLIC HEARINGS

Nothing scheduled

6. LAND USE

A. Consent

1. Consideration of a Planning Commission recommendation for approval of a request by Karen Smith for a variance to construct a third accessory structure for the property at 1817 Richard Court. (Case No. 17-24-V). **Resolution No. 12145**
2. Consideration of a Planning Commission recommendation for approval of a request by Joe Prigelmeier for two variances in order to construct a detached garage for the property at 2628 Riviera Court. (Case No. 17-25-V). **Resolution No. 12146**

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

Motion carried unanimously.

7. UNFINISHED BUSINESS

Nothing scheduled

8. ORDINANCES

A. Second reading of an ordinance establishing gas and electric fees.

City Manager Richter reported the first reading was held at the December 12, 2017 City Council meeting. The City Council decided not to change the franchise fee schedule. The City is obliged to adopt a franchise agreement prior to the end of January 2018. Ms. Richter asked Council to consider public comments toward adoption of the attached ordinances, which mostly contain provisions outlined by statute. A summary resolution is also attached to facilitate publication.

Mayor Emerson opened the public hearing at 7:08 p.m.

As no one came forward to speak, Mayor Emerson closed the public hearing at 7:08 p.m.

It was moved by Councilmember **Jones** seconded by Councilmember **Biehn**, to approve **Resolution No. 12147** establishing the title and summary approval of **Ordinance No. 18-01-2028, Ordinance No. 18-01-2029 and Ordinance No. 18-01-2030** establishing gas and electric fees.

Mayor Emerson thanked Colette Jurek with Xcel for being in attendance.

B. Second reading of an ordinance establishing right-of-way for small cell permits

City Manager Richter reported the first reading was held at the December 12, 2017 City Council meeting. Following state legislation, the City needed a mechanism to regulate small cell and small cell facilities placed in City right-of-way. In the meantime, the City prepared an agreement in November to facilitate conversations with service providers eager to begin work.

City Attorney Pratt explained that after meeting with the Community Development Department, the Engineering Department and Administration staff, it was determined there are some gaps in the ordinance in its current state, which staff would like to address prior to adoption. Mr. Pratt stated that in November, a model co-location agreement was drafted for these small facilities to go on poles in the right-of-way, which was required under the statute. Mr. Pratt clarified the right-of-way ordinance is different because it

governs everything that happens in its right-of-way, whether that is placement of small cell wireless facilities, larger wireless facility, excavation, etc.

Mr. Pratt shared specific points still under review related to permitting small cell wireless. Staff is reviewing costs charged by other communities, in addition to the internal time it takes to review these requests so the right permit fee is charged. Also, to preserve esthetic standards of the City, language is being crafted to better define the appearance of these poles and towers.

Councilmember Edberg asked if this ordinance should be broadened to regulate wireless technology rather than small cell wireless technology such that it covers internet as well.

Ms. Richter agreed there are other technologies that could be placed in City right-of-way and staff is seeking to broaden the language to include more than small cell wireless technology.

Councilmember Edberg stated that communities in many states are exploring their own internet services as a way of addressing recent FCC repeal of net neutrality. While not advocating for the City to provide internet at this time, Councilmember Edberg asked staff to consider this option while revising this ordinance so it does not stymie the City's ability or the Cable Commission's ability to offer internet service in the future.

In response to Councilmember Walsh, Ms. Richter confirmed that right-of-way refers to city streets and sidewalks, rather than county roads running through the city, or municipal structures, such as the water tower. Ms. Richter reported that staff has had preliminary conversations with the County to coordinate processes and expectations for use of the right-of-way, however, the County is not as far along in the process. The City may look to revise its ordinance for better alliance once the County finalizes its ordinance.

Mayor Emerson opened the public hearing at 7:22 p.m. As no one came forward to speak, Mayor Emerson closed the public hearing at 7:22 p.m. and stated this item will be brought back to the first Council meeting in February.

9. NEW BUSINESS

A. Resolution electing Chair of the City Council

Mayor Emerson stated the current Chair is Councilmember Edberg. Mayor Emerson asked for nominations. Councilmember Jones motioned to nominate Councilmember Edberg, seconded by Councilmember Biehn. There were no more motions and Councilmember Edberg accepted the nomination.

It was moved by Councilmember **Jones**, seconded by Councilmember **Biehn**, to adopt **Resolution No. 12148** electing Kevin Edberg as Chair of the City Council.

Motion carried unanimously.

B. Resolution designating City Attorney – Prosecutor and Counselor for 2018

City Manager Richter reported that each year the Council must appoint a Prosecuting City Attorney and Counselor City Attorney to represent the City of White Bear Lake. Mr. Pratt represents Eckberg Lammers and was appointed as the City Attorney in August following

Roger Jensen's retirement. City staff is recommending re-appointment of Andy Pratt with an increase commensurate with executive staff increases at 2.75%.

Ms. Richter stated that last year Rob Olson had signed a three-year contract as the City's Prosecuting Attorney. While the price increased in 2017 over 2016, this was to account for the additional costs associated with assuming the Domestic Violence Enhancement Project previously handled by the County.

It was moved by Councilmember **Walsh**, seconded by Councilmember **Biehn**, to adopt **Resolution No. 12149** designating City Attorney Counselor for 2018

It was moved by Councilmember **Biehn**, seconded by Councilmember **Jones**, to adopt **Resolution No. 12150** designating City Attorney Prosecutor for 2018.

Motion carried unanimously.

C. Resolution appointing Administrative Hearing Officer and setting 2018 administrative fines

City Manager Richter reported that the City adopted an ordinance in 1996 establishing a procedure for issuance of citations for violations of City ordinances. Since that time, Kathleen Marac has served as the City Council appointed administrative hearing officer. Ms. Richter noted the administrative fine schedule is not changing at this time, but it is under review as staff seeks to include some new code enforcement related fines.

It was moved by Councilmember **Edberg**, seconded by Councilmember **Jones**, to adopt **Resolution No. 12151** appointing Administrative Hearing Officer and setting 2018 administrative fines.

Motion carried unanimously.

D. Resolution appointing City representatives to Ramsey County League of Local Governments, Ramsey County Dispatch Policy Committee, Vadnais Lake Area Water Management Organization and Rush Line Task Force

City Manager Richter noted that a brief description of each committee was included in the memorandum, including the Ramsey County Dispatch Policy Committee – a new committee. The Dispatch Policy Committee would be about three times per year to review policies and procedures established by all jurisdictions of the Ramsey County Dispatch Center. After some discussion, the following appointments were established:

<u>Organization</u>	<u>Representative</u>	<u>Alternate</u>
Rush Line	Emerson	Edberg
Vadnais Lake Area Water Management Organization	Jones	Walsh
Ramsey County League of Local Governments	Biehn	Engstran
Ramsey County Dispatch Policy Committee	Biehn	Jones

It was moved by Councilmember **Edberg** seconded by Councilmember **Walsh**, to adopt **Resolution No. 12152** appointing City representatives to Ramsey County League of Local Governments, Ramsey County Dispatch Policy Committee, Vadnais Lake Area Water Management Organization and Rush Line Task Force.

Motion carried unanimously.

E. Resolution naming the official newspaper to perform official publications

Ms. Richter reported that each year the City must designate its official newspaper according to the Charter. The White Bear Press meets all of the requirements for legal publication and is the only newspaper located within the City of White Bear Lake. Their request for a 3% increase is consistent with pass increases.

It was moved by Councilmember **Edberg**, seconded by Councilmember **Engstran**, to adopt **Resolution No. 12153** naming the official newspaper to perform official publications.

Motion carried unanimously.

F. Resolution accepting quotes and ordering purchase of a new dump truck chassis

City Engineer Burch stated that the Public Works Department is recommending the City proceed to purchase a dump truck chassis including the dump body, plow equipment and salt application equipment. This truck will replace a 13-year old truck in the current fleet.

Mr. Burch reported that bids for the truck and plowing equipment were obtained from the State of Minnesota purchasing contract. The Interstate Truck Center bid of \$62,496.00 is the lowest bid, which meets the city's specifications for the truck chassis. The Towmaster, Inc. bid of \$106,635.00 for the dump body and plowing equipment is the second lowest bid on the state contract, with Truck Body & Equipment International, Inc. (TBEI) providing the lowest bid of \$103,649.00.

Staff recommends bypassing the lowest bid from TBEI based upon experience and previous equipment purchases, and instead proceed to the second lowest bid on the state contract for the plowing equipment package from Towmaster, Inc. The city currently has several trucks equipped with Towmaster equipment and has been pleased with their performance and service.

Mr. Burch explained that the dump truck and plow equipment is included in the 2018 Street Department budget for \$225,000.00, sufficient to cover the total cost of the truck and assorted equipment of \$169,131.00. The Freightliner truck cab and chassis is the current model with the current emission standards and transmission and includes the equipment necessary in the City's application of salt in the winter.

Mr. Burch expounded on the city's snow policy, stating salt is used sparingly and only at stops and intersections. The city does not salt residential streets. City Manager Richter added that salt trucks are weighed both before and after salt applications to ensure conservative use of salt. The City continues to balance community expectations for clear roads with the use of salt for the implications this practice has on water quality.

Councilmember Jones added that VWLAMO has formed a sub-committee asking municipalities for creative ways to address snow removal since reverting from sand back to salt ten (10) years ago. Use of both sand and salt have negative implications.

It was moved by Councilmember **Jones**, seconded by Councilmember **Biehn**, to adopt **Resolution No. 12154** accepting quotes and ordering purchase of a new dump truck chassis.

Motion carried unanimously.

G. Resolution authorizing a service agreement with Northeast Youth and Family Services

City Manager Richter reminded the Council of a 'transfer of service' agreement between the city and NYFS in mid-2012 that provided a five-year period in which the city's funding to the tune of \$90,000 was reduced to a funding level proportionate by population size to other participating cities. Last year marked the first year of proportionate funding at \$39,029. The 2018 funding request of \$39,575 represents a 1.4% increase over last year and was anticipated in the 2018 budget.

Mayor Emerson reported that Councilmember Walsh serves on the Board of NYFS. Councilmember Walsh stated it is a good board and a well-run organization. He mentioned that many cities with representation simply send a check and not a representative. Councilmember Edberg questioned whether appointment to the NYFS Board should be part of the annual appointments resolution and Council agreed that it should be added for next year's list of appointments.

Councilmember Walsh shared information about fundraising efforts of NYFS including the Leadership Lunch during the first week in May.

It was moved by Councilmember **Walsh**, seconded by Councilmember **Biehn**, to adopt **Resolution No. 12155** authorizing a service agreement with Northeast Youth and Family Services.

Motion carried unanimously.

H. Resolution authorizing controller upgrades on the City's emergency sirens

City Manager Richter reported there are five emergency sirens in the community, four (4) of which are over 30 years old. The city has been budgeting \$25,000 every year in case one of them requires repair. In 2016, Ramsey County Emergency Communications (RCEM) recommended an update to establish a cohesive county-wide control system that will allow RCEM to selectively activate sirens as needed, rather than always sounding the alert county-wide.

Ms. Richter stated the city acquired a bid of \$38,968 from Federal Signal to update the controllers on all five signals. When St. Paul updated their emergency siren system, Federal Signal was the vendor that prevailed through the competitive bidding process. Since then, all other municipalities in Ramsey County have used Federal Signal for consistency purposes. The City intends to utilize \$25,000 in budgeted funds, in addition to \$14,000 from the city's building fund to cover the cost of these controllers. A deadline of April 1, 2018 was set in preparation for the upcoming severe weather season.

It was moved by Councilmember **Biehn**, seconded by Councilmember **Jones**, to adopt **Resolution No. 12156** authorizing controller upgrades on the City's emergency sirens.

Motion carried unanimously.

10. HOUSING AND REDEVELOPMENT AUTHORITY

Chair Doug Biehn called the Housing and Redevelopment Authority to order at 7:51 p.m. (please refer to the minutes of the Housing and Redevelopment Authority for action taken that included the following items):

1. Call to order
2. Roll Call
3. Approval of the agenda
4. Approval of the minutes
5. Election of a Chair and Vice Chair of HRA
6. Adjournment:

Mayor Emerson reconvened the City Council meeting at 7:55 p.m.

11. CONSENT

- A. Acceptance of November Environmental Advisory Commission Minutes; December Planning Commission Minutes.
- B. Resolution establishing regular meeting nights of the City Council of the City of White Bear Lake. **Resolution No. 12157**
- C. Resolution authorizing City Manager to invest and transfer funds for the City, designation of band depository, and depositing for investments. **Resolution No. 12158**
- D. Resolution fixing surety bonds for various City Officials and providing for approval of the same. **Resolution No. 12159**
- E. Resolution authorizing the City Manager to pay claims made against the City. **Resolution No. 12160**
- F. Resolution authorizing 2018 travel reimbursement amounts. **Resolution No. 12161**
- G. Resolution approving massage therapist licenses. **Resolution No. 12162**
- H. Resolution approving an agreement with the Ramsey County Housing and Redevelopment Authority for a Community Development Block Grant to fund a shingle roof replacement at the Community Counseling Center Building. **Resolution No. 12163**
- I. Resolution amending the Union contract with Law Enforcement Labor Services for White Bear Lake Police Department Sergeants. **Resolution No. 12164**

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

Motion carried unanimously.

12. DISCUSSION

Nothing scheduled

13. COMMUNICATIONS FROM THE CITY MANAGER

- 2018 Work Session Calendar - Ms. Richter confirmed the proposed dates except the May Redevelopment/Housing Work Session. After attempts to reschedule the May work session were unsuccessful, she agreed to return to Council with additional alternate dates for the Redevelopment/Housing work session.
- Fire Station #2 Furnace Failure - Ms. Richter reported furnace failure at Fire Station #2. City Engineer Burch explained that the control module failed on the old furnaces, which caused air intake in the old generator, leading to an ice plug in the lift station, which broke and released wastewater in the area. The area has been cleaned and furnaces will be delivered tomorrow and should be operational by Friday.
- February 3rd Events – In partnership with Explore White Bear, Fishing for Life and the Lions Club, the VFW will be holding a fishing tournament on February 3rd beginning at 1:00 p.m. to piggy-back off of the Barely Open event which begins at noon. The Barely Open is a fundraiser for the Food Shelf. Public Safety personnel will be on-hand to monitor traffic and Public Works personnel will assist with trash pick-up. The events expect to draw 700 attendees.
- Extended Freeze – Ms. Richter reminded Council of the extended cold temperatures in 2013, which caused over 100 pipes to freeze in White Bear Lake. The city has not had a lot of snow coverage to provide a buffer against the extreme cold, which has put the frost level down to four (4) feet. It would not take much to cause another foot to freeze, which could cause service lines to freeze. The city will be placing information on the website for residents related to prevention.

City Engineer Burch explained that the city has notified a list of residents who have experienced problems with frozen lines in the past. They have instructions for things they can do to mitigate issues resulting from the freeze. The city maintains the main line in the street, but service to the house is the homeowner's responsibility. If residents experience issues, please contact the city's engineering or public works departments.

- Street Improvements – City Engineer Burch explained that the engineering department is preparing the 2018 Feasibility Report for 2018 Street Improvement Projects. Staff will be recommending adding a couple of additional sidewalks including the south side of 11th Street from Stewart Avenue to Johnson, which will bring people to West Park. The sidewalk will not be reconstructed on the north side of 9th Street, from Stewart Avenue to Johnson. The City will be looking to finish the trail segment on Birch Lake Blvd South to extend around Birch Lake and continue the trail segment on Old White Bear Avenue from South Shore to Cottage Park Road.
- City Engineer Burch shared renderings from JLG Architects of the Sports Center with new translucent panels and a much-improved appearance. Staff has been busy securing contracts with just 2.5 months away from starting the project.

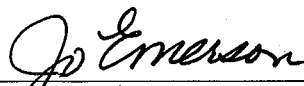
- Community Development Director Kane shared a Comp Plan calendar for the year for those who may have an interest in attending on a particular topic. Ms. Kane reviewed six required elements of the plan as Land Use, Transportation, Water Resources, Parks & Trails, Housing and Implementation; and two optional elements, which are resiliency and economic competitiveness. Over the next six month, each element will be explored in more detail with their respective commissions as follows:

- Resilience/Sustainability: Parks Commission on January 18, 2018
- Housing/Land Use: Planning Commission on January 29, 2018
- Parks: Parks Commission on February 15, 2018
- Natural Resources: Environmental Commission on February 21, 2018
- Economic Competitiveness: Economic Development Corporation on March 8, 2018
- Transportation/Utilities: Planning Commission on March 26, 2018
- Implementation/Draft Plan: Planning Commission on April 30, 2018
- Review Draft Plan: City Council on May 8, 2018
- Public Hearing: Planning Commission on May 28, 2018
- Adjacent Community Review begins June 30, 2018
- Submit Draft Plan: Metropolitan Council on December 31, 2018
- City Council within 9 months will adopt a final plan

Councilmember Edberg asked who determines what topics are important. In response, Councilmember Kane explained that the Metropolitan Council provides a solid framework. They tell us what to look for in the community, such as employment nodes, or strong manufacturing, and guide communities toward those features. With the City's historic downtown, the economic competitiveness component distinguishes us from other communities. Ms. Kane recapped this is a function of Metropolitan Council, staff and the Economic Development Corporation who has identified special needs areas, such as the market study for downtown or County Road E corridor planning efforts.

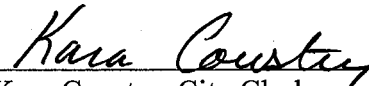
14. ADJOURNMENT

There being no further business before the Council, it was moved by Councilmember **Jones** seconded by Councilmember **Walsh** to adjourn the regular meeting at 8:18 p.m.



Jo Emerson, Mayor

ATTEST:



Kara Coustry, City Clerk