



**MINUTES  
REGULAR MEETING OF THE CITY COUNCIL OF  
THE CITY OF WHITE BEAR LAKE, MINNESOTA  
TUESDAY, JANUARY 23, 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, Steven Engstran, Dan Jones, Bill Walsh in attendance. Kevin Edberg was excused absent. Staff members present were City Manager Ellen Richter, Finance Director Don Rambow, City Engineer Mark Burch, City Clerk Kara Coustry and City Attorney Andy Pratt.

PLEDGE OF ALLEGIANCE

**2. APPROVAL OF MINUTES**

Minutes of the Regular City Council Meeting on January 9, 2018.

It was moved by Councilmember **Walsh** seconded by Councilmember **Biehn**, to approve the Minutes of the Regular City Council Meeting on January 9, 2018.

Motion carried unanimously.

**3. APPROVAL OF THE AGENDA**

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

Motion carried unanimously.

**4. VISITORS AND PRESENTATIONS**

Nothing scheduled

**5. PUBLIC HEARINGS**

Nothing scheduled

**6. LAND USE**

Nothing scheduled

**7. UNFINISHED BUSINESS**

Nothing scheduled

**8. ORDINANCES**

Nothing scheduled

## 9. NEW BUSINESS

### A. Resolution authorizing purchase of cardiac monitor/defibrillators

City Manager Richter reported that ambulances within the Fire Department are equipped with cardiac monitors/defibrillators that were recently decertified by the Federal Drug Administration (FDA). After researching products manufactured by the two leading manufacturers, the department is recommending purchase of the Lifepak 15 monitor from Physio-Control to replace the defective monitors. The cost to replace the four (4) monitor/defibrillators is \$124,128.

Ms. Richter explained that although replacement of the monitors was not accounted for in the 2018 budget, an amount of \$91,000 in the budget for hand-held radios/pagers will be redirected to assist with this expense. The remaining balance will be covered by savings realized in a recent dump truck purchase for Public Works.

In response to Councilmember Biehn, Ms. Richter clarified that the purchase amount of the monitors is \$124,128 rather than \$128,128 as stated in one location within the memorandum.

It was moved by Councilmember **Biehn**, seconded by Councilmember **Jones**, to adopt **Resolution No. 12165** authorizing purchase of cardiac monitor/defibrillators in the amount of \$124,128.

Motion carried unanimously.

### B. Resolution approving 2018 Pay Equity Compliance Report

City Manager Richter explained that the city must submit a Pay Equity Compliance Report every three years as part of the Minnesota Local Government Pay Equity Act. This is a measurement to ensure the city is complying with comparable worth. In essence, when employee classes (or positions) which are male-dominated are compared to similarly ranked employee classes that are female-dominated, they should be equitably compensated.

Ms. Richter was pleased to report that the city's Classification and Compensation Plan complies with comparable worth as demonstrated by statistics of the state-provided program. Staff recommends the City Council adopt the report, which staff will then submit to the state who will review and likely confirm the city's compliance with equitable pay.

Councilmember Walsh expressed his belief that the City of White Bear Lake would pay its people equitably regardless of this state-reporting requirement and suggested this could be one of those items added to the list of unfunded mandates.

Councilmember Biehn agreed that the City of White Bear Lake, with its urban values, would remain in compliance, however, he is aware of other organizations who would not remain in compliance with equitable pay should this state-reporting requirement be eliminated.

Councilmember Jones agreed with Councilmember Biehn and added that it can be more difficult for smaller organizations to get proportionate representation.

Ms. Richter clarified this report is reviewed by the Department of Administration, posted for employees and provided to the unions as well.

It was moved by Councilmember **Jones**, seconded by Councilmember **Biehn**, to adopt **Resolution No. 12166** approving 2018 Pay Equity Compliance Report.

Motion carried unanimously.

## 10. CONSENT

- A. Resolution authorizing temporary liquor licenses. **Resolution No. 12167**
- B. Resolution approving massage therapist license. **Resolution No. 12168**
- C. Resolution certifying fire suppression system installation charges at 2186 4<sup>th</sup> Street and assessing those charges to the property for collection as a special assessment. **Resolution No. 12169**
- D. Resolution authorizing an extension to the Comcast Cable Franchise Agreement. **Resolution No. 12170**

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

Motion carried unanimously.

## 11. DISCUSSION

- A. Staffing for lobby of Public Safety building

City Manager Richter shared the plan for staffing of the lobby of the Public Safety building in anticipation for transition of dispatch services to the Ramsey County in May. Administration staff in the Public Safety building have been monitoring traffic and are recommending a minimal weekday staffing model Monday – Friday from 7:30 a.m. – 10:00 p.m..

The current dispatch area will be reconfigured to provide a place for community service officers, officers and sergeants to write reports and a phone would be available in the vestibule for use to call 911 if needed.

Ms. Richter invited Council to call her to discuss any issues or concerns with the current lobby-staffing plan.

- B. DNR permitting requirements resulting from court ruling

City Manager Richter recapped that after the August court ruling by Judge Marrinan, the City joined the DNR in filing a motion to amend the findings and conclusions of law, a step in the appeal process. A hearing has been set for January 26<sup>th</sup> to hear arguments from plaintiffs and defendants regarding the motion. While the city waits for these proceedings, it must also prepare to comply with the court ruling.

Ms. Richter explained that there is a stay in place for the ruling, which expires this Friday. While the city and the DNR have asked for an extension of the stay, it may not be granted and must therefore prepare to comply with the court order containing four main provisions for DNR water permits.

Ms. Richter shared that one of the provisions is to enact a residential irrigation ban when the level of White Bear Lake is below 923.5 feet. The ban would continue until 924 feet is reached – something that has not happened for the past 13 years. There was also an imposition on existing DNR permits to enforce a phase down of per capita water use of 75 gallons per day and a total per capita use of 90 gallons per day – both of which the City of White Bear Lake are currently under. Thirdly, permits have already been amended to work toward a plan of total or partial conversion to surface water supply. This is something the city will coordinate with other affected communities in order to mitigate costs. Lastly, the city must submit a plan for measurable conservation goals as part of its DNR issued permit.

City Manager Richter explained that in preparation for compliance with the residential irrigation ban by the end of February, the city will be bringing first reading of an ordinance for an irrigation ban forward next month. This will include all irrigation, regardless of its source.

In response to Councilmember Biehn, City Attorney Pratt explained that although the court cannot order a municipality how to vote because the city has the legislative power under its charter and the state law to enact ordinances, someone could bring action against the city for not complying with the court order.

In response to Councilmember Jones, City Engineer Burch reported that since 1961, 41 years out of 58 years would have been under an irrigation ban as the level of the lake was below 923.5. Councilmember Jones also pointed out that the irrigation ban is only on residents and not imposed on schools, governments, companies, non-profits, churches, etc. Additionally, if a city, such as Lino Lakes and Saint Paul, have even one well included in its appropriation permit that lies within the five (5) mile radius, the entire jurisdiction is impacted by the ruling.

City Engineer Burch recapped, there are 11 cities impacted by this ruling from Stillwater to Saint Paul and Lake Elmo to Forest Lake. Each of them have a least one well on the municipal system within a five (five) mile radius of the lake. Mr. Burch reiterated that the DNR is required by the court to place these conditions on municipal water permits.

Councilmember Biehn stated that the city could expand the watering ban to include all entities within its jurisdiction. Councilmember Jones shared this sentiment and believed an irrigation ban should be unilateral and equitably applied throughout the city.

## **12. COMMUNICATIONS FROM THE CITY MANAGER**

- Public Works updates – City Engineer Burch shared information related to a couple of water main breaks, one leading to a sewer main break over the weekend. Coming off a busy weekend, plows were out on Monday keeping the main routes cleared until 6pm when rush hour makes plowing difficult. Plows resumed again at 2am on Tuesday morning and had all of the side roads cleared by mid-day Tuesday.

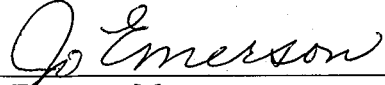
- Willow Lane Elementary at Donatelli's – City Manager Richter encouraged people to go to Donatelli's for lunch served by the Willow Lane Elementary Fifth Graders from 11am– 1pm on any of the following Tuesdays: 1/30, 2/6, 2/13, 2/20, 2/27. This is a fun program Donatelli's sponsors in which Willow Lake students build work skills by applying, interviewing, training and working in various positions at the restaurant.
- Council Calendar – Ms. Richter presented a finalized 2018 Council Calendar for various work sessions throughout the year.
- Events – Ms. Richter shared that the Police Department is participating in the Polar Plunge this Saturday. Bearly Open and the Lions Club/VFW Fishing for Life for Veterans both occur the following Saturday on February 3<sup>rd</sup>.
- Utility billing – Ms. Richter pointed out a communication about utility rate adjustments, which will appear on the next utility bills. This information will be mailed out with the bills to explain the increases.
- Public Art – Ms. Richter was pleased to report that the public artwork will be ready to relocate to its new home near the Boatworks Commons sometime in early February. The artwork will be covered so that it can be unveiled to the public in a spring ceremony.
- South Shore Blvd Trail update – Mr. Burch reported that as a result of a grant, the city continues to work with the White Bear Township and Ramsey County on South Shore Street and Trail reconstruction and design study. Many comments from neighbors that are being considered as the study progresses. As recommendations come forward and a variety of options considered, Council should see a more finalized plan in the next couple of months.
- Sports Center update – Mr. Burch stated there was a pre-construction meeting yesterday and the project is on track. Contractors have ordered their materials and construction is set to begin on April 2<sup>nd</sup> with a plan for skating to open on September 1<sup>st</sup>.
- Street Reconstruction Projects– Mr. Burch reported that engineering staff has been working on the feasibility report for 2018 Street Reconstruction Projects, which has been challenging due to confined spaces and proximity of garages, trees, width of right-of-ways and alleyways. Sidewalks will be constructed on the south side of 11<sup>th</sup> Street from Stewart Avenue to Johnson, and on the south side of 9<sup>th</sup> Street, from Stewart Avenue to Johnson.

The City is looking to get a trail on Old White Bear Avenue and is currently recommending to keep the street 2-way, but narrowing the road to 24 feet to accommodate an 8 foot trail segment on the east side of the street. Car parking would be maintained as reinforced turf on the west side of Old White Bear Avenue - trailers would not be permitted to park there.

The City is also considering the addition of a trail option on Birch Lake Blvd South to extend around Birch Lake. Mr. Burch explained the current recommendation is to reduce down the size of the trail from 8 feet to 6 feet for a short segment, which will help preserve trees and consider proximity of a nearby home.

### 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 7:40 p.m.

  
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Jo Emerson, Mayor

**ATTEST:**

  
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Kara Coustry, City Clerk