



**MINUTES**  
**REGULAR MEETING OF THE CITY COUNCIL**  
**OF THE CITY OF WHITE BEAR LAKE, MINNESOTA**  
**TUESDAY, APRIL 10, 2018**  
**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. Councilmembers Doug Biehn, Kevin Edberg, Steven Engstran, Dan Jones and 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**

Councilmember Biehn noted he abstained from item 2, Approval of the Minutes of March 13, 2018.

It was moved by Councilmember **Jones** seconded by Councilmember **Edberg**, to approve the Minutes of the Regular City Council Meeting on April 10, 2018 with this correction.

Motion carried unanimously.

**3. APPROVAL OF THE AGENDA**

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

Motion carried unanimously.

**4. VISITORS AND PRESENTATIONS**

**A. White Bear Lake Lions – Soldier’s Memorial Flagpole Monument**

Lion Lynn Farley stated he is a member of the White Bear Lions Club, a member of the Board of Directors and Treasurer for the White Bear Lions Club Foundation. He is also proud to serve as the Chair for this Lions project. Lion Bob Lundberg was also present.

Mr. Farley reported that last year the White Bear Lions Club, through its Foundation, took on the project of restoring the Soldiers Memorial Flagpole located at Highway 61 and 3<sup>rd</sup> Street. The flagpole was originally built and dedicated in 1939-40 through the efforts of the White Bear Press, the Federal Works Project Association (WPA), local businesses and the general public through donations totaling \$350. Restoration of the flagpole today will require \$61,000. The flagpole was originally dedicated to all soldiers from all wars.

Mr. Farley explained the Lions Club felt this project was a small, but important way for the citizens of White Bear Lake to show their appreciation for all the soldiers, past

present and future. The Lions Club will formally retire the flag on Thursday May 24<sup>th</sup>, 2018 at 1:00 p.m. with the help of the VFW and American Legion. At this time, there will be a revealing of the documents inside the WPA box at the site.

Mr. Farley reported the new flagpole is scheduled for completion in October. A formal flagpole rededicated will be held on Veterans Day, November 11<sup>th</sup>, 2018 at 11:00 a.m. This represents the 100<sup>th</sup> anniversary of the Armistice for temporary cessation of hostilities in 1918 on the 11<sup>th</sup> hour of the 11<sup>th</sup> day of the 11<sup>th</sup> month between the Allied Nations and Germany in WWI – The Great War.

Mayor Emerson accepted the second Lions Club donation of \$18,000, which added together with their first installment of \$15,000 on August 8, 2017, totals \$33,000 for this project to date.

#### B. Swearing in Officer Marc Verrill

Police Chief Julie Swanson welcomed the newest member of the police department, Marc Verrill. Chief Swanson shared that Marc started his career with the White Bear Lake Police Department as a Volunteer Police Reserve Officer five (5) years ago. In this capacity, he volunteered over 600 hours to the White Bear Lake community. Chief Swanson explained that shortly after becoming a Police Reserve in 2013, Marc was hired as a part time Community Service Officer with the Department. He juggled attending Century College while working part time for Allina Health as a security officer.

Chief Swanson noted that Marc served as an Infantry Team Leader for the US Army National Guard for the past eight (8) years. He was deployed one year beginning mid-2016 where he served as Sergeant managing a team of soldiers in force protection operations in Egypt. After returning from deployment, Marc returned to White Bear Lake and continued working as a Community Service Officer.

Chief Swanson expressed pride in Marc's accomplishments. The Oath of Office was administered by the city clerk, and observed by Marc's parents, Amy and Jeff, his girlfriend Paige with her family, along with a number of friends and coworkers. Officer Verrill's badge was pinned by his mother.

#### C. Fire Department

##### 1. Retirement recognition, Tom Ballis and Mike Turnbull

Fire Chief Peterson recognized Tom Ballis a retiring Fire Fighter who served 26 years on the Fire Department in the capacity of Lieutenant, Captain, and Assistant Chief and as the interim department lead during a transition of Fire Chiefs. He also served on the dive team and the technical rescue team.

Chief Peterson recognized Mike Turnbull a retiring Fire Inspector who served 43 years on the Fire Department. Mr. Turnbull served 40 years as a paramedic – he was one of the original paramedics when the City first began providing advanced life support service. He continues to work as a paramedic today, in addition to serving 31 years as a Fire Inspector. Mike also served as a Lieutenant, Captain and Assistant Chief.

Mayor Emerson stated that Tom Ballis will be getting his retirement recognition award during the Fire Banquet on April 21<sup>st</sup>.

Mayor Emerson presented Mike Turnbull with his retirement bear award.

2. Swearing in new Assistant Fire Chiefs, Rick Current and Joel Schmidt

Chief Peterson introduced Rick Current as a new Assistant Fire Chief and Fire Marshal. Rick has been in fire service for 20 years, working as Lieutenant at Woodbury Fire Department, as Deputy Chief and Fire Marshal at Lake Johanna Fire Department and as a Fire Marshal at Fridley Fire Department.

Chief Peterson explained that Joel Schmidt was promoted to Assistant Fire Chief of Training and Operations. Joel has worked 17 years in Fire Service. He started with the Cross Lake Fire Department and has worked full time as Lieutenant at the Mdewakanton Fire Department. During his tenure in White Bear Lake, Joel has served as Lieutenant and Captain. He is also a member of the technical rescue team and a paramedic.

The City Clerk administered the Oath of Office.

**5. PUBLIC HEARINGS**

Nothing scheduled

**6. LAND USE**

A. Consent

1. Consideration of a Planning Commission recommendation for a resolution granting a conditional use permit for 4961 Campbell Avenue (18-1-CUP) **Resolution No. 12205**

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

Motion carried unanimously.

B. Non-Consent

1. Consideration of a Planning Commission recommendation for a resolution granting a fence height variance for 4941 Long Avenue (18-3-V)

Community Development Director Kane reported that 4941 Long Avenue is located just north of 8<sup>th</sup> Street. Ms. Kane explained that the zoning code for B-4 Business Districts (like this) requires businesses abutting a Residential District to include an eight-foot privacy fence. The new Lakeshore Players Theatre is requesting a two (2) foot variance from the eight (8) foot height requirement for a fence in order to retain the existing six (6) foot tall wooden privacy fence.

Ms. Kane indicated the (6) foot tall fence is currently located along the property line boundary where the parcel abuts residentially zoned properties and terminates at the eastern most building wall along the south side of the theatre.

During the Planning Commission Public Hearing meeting, the adjoining property to the west objected to the variance, citing concerns for the safety of children on his property and an increased opportunity for trespassing as a result of the lower fence. The Twin Cities Nursery had occupied this location for many years previously, with a chain link fence that was no taller than 6-feet in height. Based on this, the Planning Commission forwarded a unanimous recommendation for the fence height variance.

Councilmember Edberg inquired as to how the lower fence was allowed to be constructed in the first place. Ms. Kane responded that within the plan set (often 75 – 100 pages) the landscape plan contained the 8-foot fence required by code. She stated that another plan, perhaps a civil plan, depicted a 6-foot fence detail. This discrepancy was not caught in time by the theatre, the owner of the plan set or by staff. She explained that a separate fence permit was not issued in this case because it was covered under site improvements. Ms. Kane stated that the 8-foot fence was called out in the CUP, which was signed by theatre's representative.

Mayor Emerson called for the neighbor to come forward and speak, but they were not present. The Theatre was not present either.

It was moved by Councilmember **Jones**, seconded by Councilmember **Biehn**, to adopt **Resolution No. 12206** granting a fence height variance for 4941 Long Avenue (18-3-V).

Motion carried unanimously.

## 7. UNFINISHED BUSINESS

### A. Dog exercise area at Matoska Park

City Manager Richter recapped there was considerable public discussion during a February 2017 Council meeting at which time the dog exercise area was allowed to remain open for another season with new rules, including a leash requirement. She stated that this area was used only casually at first, however, as more people learned of it and social media took hold, its use continued to increase. Neighbors living near the park located Lake Avenue between 6<sup>th</sup> and 7<sup>th</sup> Streets have reported dogs running outside the designated area, barking and defecating in the water.

Ms. Richter explained that the new rules were posted on signage at the park last year before Memorial Day. Throughout the season staff fielded many reports and received multiple pictures of owners with their dogs, many still not on a leash. A volunteer group attempted to educate users of the new rules, with some success. As the season progressed and users began adjusting to the rules, reports were less frequent, but still there were users not following the rules.

Ms. Richter stated that the Park Commission still recommends closure of the dog exercise area. Staff provided alternatives for keeping this area open, to include permitting and a lanyard worn by the person responsible for the dog, which would assist with self-regulation. Ms. Richter explained that related to enforcement, Community Service Officers could monitor the park, if the dog exercise area is to remain open. In response to Councilmember Edberg, Mr. Richter stated that while there may be additional options to address concerns, staff supports the Park Commission recommendation.

In response to Councilmember Biehn, Ms. Richter stated that the City does not have an idea of the number of users of the dog exercise area. She stated that attendance is much higher when the weather is hot and on holidays and weekends. She also explained that when water levels are very low, and the land is more exposed, more people were bringing their dogs to exercise on land too.

Councilmember Walsh thanked residents for taking the time to send in their comments and pictures last year. His observations when walking that area in the evening were consistent with the comments in the log, with the majority of dogs in the water not on a leash as required. Beyond non-compliance with the leash rule, Councilmember Walsh wanted feedback as to the level of annoyance, barking, dogs outside of buoys, dogs up on private docks and jumping on children, etc.

At Councilmember Jones's request, Ms. Richter reported on two excerpts from the City's Municipal Code related to dogs. Under Police Regulations, Ms. Richter read,

"A dog is under restraint if it is on the premises of the person harboring or keeping the dog; if it is at heel beside a person having custody of it and obedient to that person's command; if it is within a private motor vehicle of a person owning, harboring or keeping the dog; or if it is controlled by a leash not exceeding eight (8) feet in length.

Under Parks and Open Space, Ms. Richter summarized that in areas not designated for dog exercise, dogs must be on a leash not more than eight (8) feet in length.

Councilmember Jones asked Council if the City is going to enforce its open space ordinance and require all dogs to be on an 8-foot leash. He also inquired as to people showing up after the dog exercise area is discontinued and if the City will ticket them.

Mayor Emerson opened the public hearing 7:42 p.m.

Terry Honsa of 2522 Cedar Avenue spoke to the slow learning curve and her surprise at how long it took for people to begin following the new leash rule. Ms. Honsa reported that everyone she approached about the rules was receptive, except one. She reported that over the summer there was a vast improvement with a significant decline in the number of people coming to the dog exercise area because it was no longer leash-free. Websites have also been updated and no longer show this location as leash-free, which has helped reduce the number of out-of-town people coming. Ms. Honsa has observed a vast improvement

Bob Dillan of 4096 White Bear Avenue stated he is frustrated but he does not have a solution. He has a black lab that he has not been bringing to this location since the leash rule went into effect because he believes it is dangerous for a dog to be on a leash in the water. He would like to see discipline of those causing problems so that others who are not can continue to enjoy this space.

Councilmember Jones asked Mr. Dillan if he felt this area is an appropriate space to bring hunting dogs for retrieving. Mr. Dillan replied that this is one of the few places in the City where people can do so, apart from Varney Lake where there is no access due to cattails and reeds. He stated there is access at the lake by Lakewood Hills Park, but it could only host 1-2 dogs at a time. He believes Otter Lake Dog Park is a health hazard to both dogs and people and does not go there for that reason. Mr. Dillan believed the Matoska location is adequate for retrieval during the weekdays, but not on the weekends when it is simply

too busy.

Scott Slocum of 1416 Birch Crest Drive responded to an earlier question by Councilmember Jones's by stating, if the beach was closed, the bad behavior would continue while the good behavior and the group of volunteers would go away. Mr. Slocum attends the clean-up days twice a year and he said this location needs volunteer help. He stated that dog parks are popular places and suggested this dog park (like all dog parks) should be fenced. He proposed a three-sided fence open into the water, would solve a lot of the problems. Then people could let their dogs run, fetch and swim in the dog park, as people are accustomed.

Mary Pollard of 2321 5<sup>th</sup> Street stated that based on how little self-regulation there was with the leash rule, another regulation would be simply be discarded. She noted that fewer people were using the beach by the end of summer. Ms. Pollard stated that self-regulation with lanyards and permits will be discarded like the leash rule. She stated that if it is to be open, it should be open and if not, it should be closed.

Heidi Hughes of 4835 Lake Avenue stated you can walk by any time of the day and 9 out of 10 times dogs were off-leash, which is unfortunate. She explained the area is simply too tight, with too many uses (canoes, kayaks, swimming dock, sailboat rigging) for a fenced in dog area. A fenced area in that location would amount to about 10 feet, and she questioned how far out a dog would go into the water. Ms. Hughes sent pictures of dogs on the swimming dock, which people are trying to use. Ms. Hughes reiterated that having a non-fenced area for highly exercised dogs right next to boats, motors, canoes with paddles and children, just does not fit. Ms. Hughes stated that this area should be either for people, or for dogs.

Sheryl Bolsted 2303 4<sup>th</sup> Street explained that it is much more likely to hear when there are problems than when things are going well. She had thought a number of times after passing the dog park to call the City to make a positive report, but never did. Ms. Bolsted understands that dog owners are communicating with each other prior to removing the leash to make sure there will be no fighting. She said that even though dogs are off leash, they are not fighting and there have been no problems. She agreed that if there were no rules, people would still bring their dogs to the area.

Mike Brooks of 2084 4th Street read about a successful Sunday morning dog walking location that opened up in Rosedale Center. He read that dog lovers want to be a part of a community that values them and in return, business has increased at the Rosedale Center and people are telling their friends. Mr. Brooks inquired as to when the dog beach opened and the period of time it was open without complaints.

City Engineer Burch explained that the dog exercise area started informally and was low use. As it became popular, and as a result of social media, its use continued to increase.

Mr. Brooks provided a statistic that one (1) minute of swimming for a dog equals four (4) minutes of running. He stated that dogs can get leptospirosis playing in other waters but White Bear Lake is extremely clean, and one of the only spring-fed lakes for dogs to use.

Brian Bonin of 2279 8<sup>th</sup> Street stated he lives right at the dog exercise area. He cautioned use of blanket statements and comments from passers-by who do not know the full story. He stated that with a swimming dock and a dog swimming area, there is a space issue, which has continued to change with the number of users and the level of water. He acknowledged that people will break the rules, but that is not a reason for inaction. Mr.

Bonin stated that if dogs are more important than people, he suggested turning Optimist Beach into a fenced dog beach as there are fewer houses around. He pointed out that volunteers are great while they are around, but when they are not around, things do not get cleaned up.

Councilmember Jones agreed this is a space issue and asked Mr. Bonin his thoughts related to removing the people swimming area and relocating canoe and kayak racks at that location. Mr. Bonin stated that weekend versus weekday traffic is different and there are homes there, while Optimist Beach does not have homes. Mr. Bonin also responded to Councilmember Edberg's inquiry as to noise level, stating that this issue did not get better through the season from his perspective.

Rachel Bonin of 2279 8<sup>th</sup> Street stated that regardless of the decision, she would like to know who to call when there are problems. Tickets are not being issued, so there is no deterrent for owners to follow the rules. She stated the City is putting itself in jeopardy of litigation if there are dog bites. She loves dogs, but she has seen them bite, bark and run out of bounds. Regarding dog's defecating in and around the beach, Ms. Bonin believes the quality of water should be checked regularly to monitor its safety. In response to Councilmember Jones, she added that the swimming dock on 7<sup>th</sup> Street provides a deeper location for swimmers over Optimist Beach, which is relatively shallow.

There being no others to speak, Mayor Emerson closed the public hearing at 8:08 p.m.

Councilmember Walsh asked to explore the question of what this would look like if the dog beach were closed. City Engineer Burch explained that there would need to be a sign to notify people, which then becomes an enforcement issue. Mr. Burch shared that the City would like to place more canoe and kayak racks to accommodate increased demand for these services. Councilmember Walsh stated a fence would cost money and look ugly. Related to a fence, Mr. Burch explained that a fence would require concrete footings and create maintenance for the Public Works Department as the water level rises and falls.

Councilmember Jones thanked residents for their comments and expressed his believe that this is an important asset and a unique amenity in the City. He mentioned improved signage, decreased hours, and increased patrol as mechanisms to provide relief to nearby residents. He also explored removal of the human beach and relocation of canoe and kayak racks to the shoreline north of 96.

Councilmember Biehn believes the dog beach is an amenity and he would like to find ways to preserve it. He also understands that some people do not follow the rules. He suggested a permit could reduce usage and pay for enforcement of the area. He believes law enforcement should be called if there is a problem. Councilmember Biehn does not wish to close the beach and is open to exploring options for better management.

Councilmember Edberg stated he likes dogs. He recounted a compromise was made last year, but he did not believe there was enough improvement for nearby homeowners who are subjected to the normal activities of these dogs. Councilmember Edberg suggested closing the park in this location and empowering officers to enforce the law. He would charge the Parks Advisory Commission with finding a more suitable location in town for the dog park.

Councilmember Walsh agreed that the dog beach should be closed. He agrees it is a great amenity, which became a victim of its own success and he supports the Park Advisory Commission researching other locations for the dog park. He believes the permit and

lanyard suggestion would be administratively onerous and does not support this action.

Councilmember Jones asked to keep the beach open until another location is found. Councilmember Engstran agreed with Councilmember Jones. He would like to see the beach stay open with stronger enforcement, while looking for another spot at perhaps Hanlos Lake where this is plenty of parking, or Lakewood.

Councilmember **Edberg** moved the beach be closed effective immediately and commission the Park Advisory Commission to report back by the end of a calendar year with other options. Seconded by Councilmember **Walsh**.

Motion failed 2:3. Councilmembers Biehn, Engstran and Jones nay.

Councilmember **Jones** moved to keep the dog beach open, seconded by Councilmember **Biehn**, striking the 3<sup>rd</sup> paragraph (an historical reference) in the adoption of **Resolution No. 12207**.

Councilmember Edberg inquired as to the standard of behavior and a plan for enforcement. City Manager Richter mentioned circling back with the Police Department to create a plan for Community Service Officers to patrol the area. She stated that at any time when a dog is on private property, it is appropriate to contact the Police Department.

Councilmember Edberg proposed increased penalties and heightened enforcement inside designated dog areas and asked for other Council direction for staff consideration toward finding another location. Councilmember Jones mentioned that two human swimming beaches are just four (4) blocks away from the current dog exercise area. Councilmember Biehn thinks it is important that an alternate dog area should have water.

Councilmember Walsh stated he would vote against the dog area staying open. He believes that dogs on the leash in the water could be dangerous and he does not believe the area is practical for its designated use.

City Attorney Pratt mentioned that a violation of an ordinance is typically a misdemeanor, which can result in \$1,000 fine and up to 30 days of jail time.

Mayor Emerson called for the vote to keep the dog area open.

Motion carried 3:2. Walsh and Edberg nay.

## 8. ORDINANCES

Nothing scheduled

## 9. NEW BUSINESS

### A. Resolution approving cooperative construction agreement with Metropolitan Council

City Engineer Burch reported that the Metropolitan Council requested the City incorporate the replacement of a segment of its sanitary sewer forcemain along Old White Bear Avenue as part of 2018 street improvement projects. Work would include removal and replacement of the existing sanitary sewer forcemain, which runs from the lift station on South Shore Boulevard north to Lions Park. The City will have utility



crews in the area, so it makes sense to coordinate Metropolitan work to occur with the City's street projects. Staff recommends approval of a construction cooperation agreement whereby Metropolitan Council would reimburse the City for its expense to complete this work, including all of engineering fees.

It was moved by Councilmember **Jones**, seconded by Councilmember **Biehn**, to adopt **Resolution No. 12208** approving cooperative construction agreement with Metropolitan Council.

Motion carried unanimously.

**B. Resolution accepting bids and awarding contract for the 2018 Street Reconstruction Project, City Project Nos. 17-06, 18-01, 18-06**

City Engineer Burch explained that the City received bids for its 2018 Street Reconstruction Projects on April 4, 2018. The lowest bid was received from Forest Lake Contracting in the amount of \$2,894,016.85, which included \$194,889.00 in Metropolitan Council sanitary sewer forcemain reimbursable work.

Mr. Burch explained that bid alternates were included in the bid tabulation for different kinds of driveway work. An additional \$133,600 was included in this bid to accommodate anticipated private driveway repairs, which are paid by the homeowner. The bid tabulation also included an incentive option for early work completed by September 21, 2018, in which Forest Lake Contracting submitted \$12,000 as an early completion incentive.

Staff recommends that Council receive the bids and award a contract to Forest Lake Contracting, Inc. for the base bid amount of \$2,894,016.85 plus driveway alternates of \$133,600 and incentive alternate of \$12,000 for a total contract of \$3,039,616.80. Staff also seeks Council's direction related to the sidewalk portion of the project. Mr. Burch explained that the sidewalk on the north side of 9<sup>th</sup> Street would not be replaced. Instead, the sidewalk would go along the south side of 9<sup>th</sup> Street, extending to Stewart Avenue, which provides an east/west connection from Stewart Avenue to the Lake Avenue Trail. Mr. Burch also proposes adding sidewalk on 11<sup>th</sup> Street to West Park.

In response to Councilmember Jones, who was not familiar with Forest Lake Contracting, Mr. Burch shared they were the contractors who worked on 4<sup>th</sup> Street from Otter Lake Road east. Mr. Burch stated he was excited to work with them, as they are a very good contractor.

Mayor Emerson opened the public hearing at 8:52 p.m.

Eric Lindberg at 4927 Johnson Avenue explained that many of these homes will be negatively affected by any new encroachment, such as the sidewalk on the south side of 9<sup>th</sup> Street. He stated that as infrastructure projects are added, the culture and charm of his neighborhood decreases. Mr. Lindberg pointed out that this process will remove trees and reduce green space and permeable space in the community.

Mr. Lindberg stated that people walk down the middle of the street currently. He also reported that many homes do not meet new setback requirements and adding a sidewalk will mean people are walking just 10 feet from his house and garage. He stated that adding curb and gutter will make the roads impassable and he asked the City Council to delay the sidewalk addition at this time.

Related to the comment that curb and gutter will make the road impassable, Councilmember Jones stated that this is even more reason to add sidewalks, given the narrow road. Mr. Lindberg stated that the street is going to be 24 feet, curb-to-curb and with people on the sidewalks, cars will speed on the roads. He stated that the sidewalks are not used currently. Mr. Lindberg also brought up the issue that additional grading for curb will mean even more drainage issues in the area.

Jim Hoffman of 4927 Lake Drive stated there is a good-sized hotel serving alcohol from which the City is looking to construct a conduit into a nice neighborhood by the Lake. He stated that the absence of curb is actually best practices because gutters capture water, which is diverted into storm sewer drains. City Engineer Burch explained there are many best practices but in this case, the City has storm treatment facilities to treat captured water.

Mr. Hoffman explained that 100 feet of limestone retaining wall on his property has a large footing underneath the existing sidewalk. He stated that tearing out the sidewalk would likely destroy the 100-year-old wall, which is made out of material that is no longer quarried and is highly expensive to replace. He also explained they went through great expense to match the color of the mortar to their home addition. He expressed concern with destruction to the retaining wall if the sidewalk is removed.

City Engineer stated the sidewalk would be sawed a foot away from the retaining wall, then new sidewalk would be poured up to the existing sidewalk so as not to disturb the wall. Mr. Burch stated that extra caution will be used not to disturb the concrete against the wall.

Mr. Hoffman expressed belief that Mr. Lindberg's property will be the most negatively impacted. He asked the City Attorney at what point a homeowner can object to projects they feel harm them. City Attorney Pratt stated that members of the public who believe they do not have a benefit must state their objection during the special assessment hearing in September. City Manager Richter added that the sidewalk improvement is not assessed to property owners.

Mr. Hoffman reported he placed a gate at the alleyway to keep his Huskies inside. He uses the gate only annually as opposed to others who use the alleyway more frequently and questioned the assessment policy. Ms. Richter explained that the Council will be reviewing the assessment policy at a future meeting and residents will have an opportunity to revisit that policy at that time. Mr. Hoffman inquired of the assessment if he were to remove gated access to the alleyway. Mr. Burch reiterated, this can be brought forward at the fall assessment hearing as the attorney noted, but all assessments are based on benefit to the property and not to its current use. Mr. Burch explained that a copy of the assessment report is available for review.

Laura Hughes of 4984 Stewart stated that the sidewalks are used when there is no snow on them. She walks down 11<sup>th</sup> Street at least once per day and reported that it is not safe without a sidewalk due to cars that cut through the neighborhood from Highway 96 to avoid the traffic lights on Highway 61. She mentioned there is no way to get off the road at the intersection of Johnson, other than in the swamp. Ms. Hughes stated it is not safe for a child to ride a bike, for someone pushing a stroller, or for people with mobility challenges. We are inviting people to the park and the beach, but the City is not providing safe routes for access. Ms. Hughes mentioned this getting worse with distracted drivers and many people hanging around 11<sup>th</sup> Street in the summer, which makes it even more

congested.

Mayor Emerson closed the public hearing at 9:10 p.m.

Councilmember Jones listed many great reasons for sidewalks including traffic safety, pedestrian safety, home value, crime reduction and the front porch effect and he is in support of keeping the sidewalks in the improvement project.

Councilmember Edberg asked for data about accidents on these streets, but there was none. He explained that some homes in this area of town are tight and he is not sold on the addition of sidewalks here at this time.

Councilmember Walsh mentioned striking a balance between current residents and future infrastructure. He believes the main focus should be on infrastructure as homeowners may sell their homes in the future. Councilmember Walsh explained that it makes sense to do these improvements now in conjunction with the street project.

City Manager Richter reiterated that the action tonight is to accept the bids and award the contract for street reconstruction projects. If the Council does not wish to include the sidewalk projects, a motion would need to be made to exclude them from the bids.

Councilmember Engstran asked Mr. Burch to explain the 9<sup>th</sup> Street sidewalk. In response, Mr. Burch explained that the south side of 9<sup>th</sup> made more sense as the City will extend the water main out to Lake Avenue on the north side. The water main and hydrant would be a tight fit with the sidewalk on the north side.

It was moved by Councilmember **Jones**, seconded by Councilmember **Walsh**, to adopt **Resolution No. 12209** accepting bids and awarding contract for the 2018 Street Reconstruction Project, City Project Nos. 17-06, 18-01, 18-06.

Councilmember **Edberg** moved to amend the bids to remove the sidewalks. Councilmember **Walsh** seconded for purposes of discussion.

Councilmember Biehn expressed his preference for retaining the sidewalks in the bids. Mayor Emerson called for the vote in the absence of discussion. Motion failed 1:4, Councilmembers Biehn, Engstran, Jones and Walsh nay.

Mayor Emerson called for a vote on the motion to accept the bids including the sidewalk portion of the projections. Motion carried unanimously.

C. Resolution accepting bids and awarding contract for the 2018 Mill and Overlay Project, City Project No. 17-13

City Engineer Burch reported that the City received four (4) bids for construction of the 2018 Mill and Overlay Project on April 5. Park Construction Company of Minneapolis, Minnesota submitted the lowest base bid of \$345,357.30, which came in 13% under our Engineer's estimate. Staff believes Park Construction Company is qualified to complete this work, and recommends the Council accept the bids and award the 2018 Mill and Overlay Project to Park Construction Company.

It was moved by Councilmember **Walsh**, seconded by Councilmember **Biehn**, to adopt **Resolution No. 12210** accepting bids and awarding contract for the 2018 Mill and Overlay Project, City Project No. 17-13.

Motion carried unanimously.

D. Resolution Ordering Project, Approving Plan and Authorizing Advertisement for Bids for the 2018 Sanitary Sewer Lining Program, City Project No. 18-07

City Engineer Burch stated that the Public Works and Engineering Department worked together to create recommendations for 2018 Sanitary Sewer Lining Projects. The City installs liners in sanitary sewer mains to cover cracks and seal joints. Installing liners rather than new pipe minimizes the cost because the liners do not require excavation of the roadway or easement area, disturbance of existing water, storm sewer or other private utilities or the disruption of service to customers.

Mr. Burch reported that the City has been lining sewers since 1994 and has spent nearly \$2 million installing liners for ongoing maintenance of its infrastructure. Staff recommends that the Council adopt the resolution ordering the 2018 Sanitary Sewer Lining Program and order the project advertised for bids. Bids would be brought back to the Council for further consideration next month. Councilmember Jones asked for pictures.

It was moved by Councilmember **Edberg**, seconded by Councilmember **Biehn**, to adopt **Resolution No. 12211** ordering project, approving plan and authorizing advertisement for bids for the 2018 Sanitary Sewer Lining Program, City Project No. 18-07.

Motion carried unanimously.

## 10. CONSENT

- A. Acceptance of minutes: February White Bear Lake Conservation District; February Environmental Advisory Commission; February Park Advisory Commission; March Planning Commission Minutes
- B. Resolution approving massage therapist licenses. **Resolution No. 12212**
- C. Resolution approving coin operated amusement device license for Kohler Coin, LLC. **Resolution No. 12213**
- D. Resolution accepting donations from the White Bear Lake Lions Club for the Soldiers Memorial Flagpole Monument project. **Resolution No. 12214**

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

Motion carried unanimously.

## 11. DISCUSSION

Nothing scheduled

## 12. COMMUNICATIONS FROM THE CITY MANAGER

- Fire Department Banquet

The Fire Department Banquet is on April 21, at 5:00 p.m.

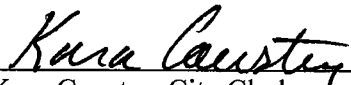
- Deer Count map  
Ramsey County surveys deer populations annually. This map conveys deer counts and concentrations throughout the City.
- Closed Session for Lake Level Litigation  
A closed session to discuss Lake Level Litigation will occur at 6:00 p.m. prior to the April 24, regular City Council meeting.
- White Bear Facts  
A new publisher was used to create the most recent City newsletter, which is reaching homes today. The City spent only \$700 more in this endeavor, but garnered 12 pages of content as opposed to four (4) pages using the previous publisher.
- Fall retirement of City Engineer  
City Engineer Burch plans to retire this fall. In anticipation of this, the City has been redefining some positions in Public Works. Through shuffling and without adding positions, the City intends to appoint a Park and Facilities manager within the Parks Division of Public Works to assume some of these responsibilities.
- Engineer updates by Mark Burch
  - In addition to street projects, the department has been coordinating work related to the Centerville Road improvement project for which a public hearing is scheduled at the next Council meeting.
  - The Sports Center demolition is completed and the renovation project is underway with ductwork installed in the ceiling.
- Community Development updates by Anne Kane
  - Rush Line reminder emails were sent about stakeholder interviews for next Tuesday from 4 – 5 pm. If Council would like to participate, interviews would be about 30 minutes in length with the Portland, Oregon based design firm who will help with station area planning. Ms. Kane offered to establish time slots for interested Councilmembers.

### 13. ADJOURNMENT

There being no further business before the Council, it was moved by Councilmember **Biehn** seconded by Councilmember **Engstran** to adjourn the regular meeting at 10:04 p.m.

  
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Jo Emerson, Mayor

ATTEST:

  
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Kara Coustry, City Clerk