



**MINUTES  
REGULAR MEETING OF THE CITY COUNCIL  
OF THE CITY OF WHITE BEAR LAKE, MINNESOTA  
TUESDAY, MARCH 13, 2018  
7:00 P.M. IN THE COUNCIL CHAMBERS**

**1. CALL TO ORDER AND ROLL CALL**

Chair Kevin Edberg called the meeting to order at 7:00 p.m. Councilmembers Kevin Edberg, Steven Engstran, Dan Jones, and Bill Walsh in attendance. Mayor Jo Emerson and Councilmember Doug Biehn were excused absence. Staff members present were City Manager Ellen Richter, Finance Director Don Rambow, City Engineer Mark Burch, Assistant City Engineer Jesse Farrell, City Clerk Kara Coustry and City Attorney Andy Pratt.

PLEDGE OF ALLEGIANCE

**2. APPROVAL OF MINUTES**

It was moved by Councilmember **Jones** seconded by Councilmember **Walsh**, to approve the Minutes of the Regular City Council Meeting on February 27, 2018.

Motion carried unanimously.

**3. APPROVAL OF THE AGENDA**

Councilmember Edberg moved that that Public Hearing items 5A and 5B will be heard prior to 4A.

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

Motion carried unanimously.

**5. PUBLIC HEARINGS**

- A. Resolution ordering improvements, approving plans and specifications and authorizing advertisement for bids for the 2018 Street Reconstruction Project, City Project Nos. 17-06, 18-01 & 18-06.

City Engineer Burch explained that the City Council ordered this public hearing to consider improvements proposed in the 2018 Street Reconstruction Project. Property owners affected by proposed projects have been notified of the public hearing and have been provided with a copy of proposed assessment roll. The Engineering Department also conducted informational meetings in the fall to discuss the improvements with property owners and the City's assessment policy for proposed improvements.

Mr. Burch provided an overview of the 2018 proposed street reconstruction projects totaling 3.4 million dollars. Assessments make up a third of the costs at \$810,000, and the City funds the remaining 2.6 million.

Mr. Burch described one section along Old White Bear Avenue in which the project runs from Cottage Park Road at Lions Park to South Shore Drive. The Mark Sather Trail around the lake would be continued from Cottage Park Road at Lions Park into the curve of South Shore Blvd. The city will be coordinating significant utility work to incorporate replacement of the gas line and sewer line. Also, the city is coordinating with Metropolitan Council Environmental Services for the installation of a new force main for the sanitary sewer line. A stormwater treatment facility will be incorporated in the ditch between White Bear Avenue and Old White Bear Avenue. Decorative Shepard's hook street lights are also being installed along the trail.

Mr. Burch addressed the next segment of reconstruction to include the Birch Lake Blvd South along the south side of Birch Lake, which is a dead end cul-de-sac off Otter Lake Road. A trail segment will be added along the lakeside, which will continue an existing trail around Birch Lake. Ramsey County would only need to complete a small portion of trail along Otter Lake Road to complete the trail around Birch Lake. The trail will be along the lakeside with a surmountable curb, and will connect to the Highway 96 trail. A portion of the trail will be narrowed from 8 feet to 6 feet to accommodate a home which is in the city's right-of-way.

Mr. Burch explained the largest project site includes the oldest section of the city, east of Highway 61. Both the streets and alleyways will be reconstructed. Utilities in this area date back to the 1920's and will be assessed for replacement. Xcel Energy will replace gas mains and services going into homes. Sanitary Sewer line replacement is also an option for residents. Mr. Burch directed residents who still desire televising of sanitary sewer lines to call the Engineering Department as soon as possible. The water mains are in good condition but there are many galvanized service pipes, which will be replaced with copper and add expense to affected residents. Storm sewer will also be improved with water treatment basins.

City Engineer Burch proposes adding a sidewalk on the south side of 11<sup>th</sup> Street from Stewart Avenue to Johnson Avenue for better access to West Park. On 9<sup>th</sup> Street, only the south sidewalk would be replaced, but it would be extended to Stewart Avenue. A water main will be added under 9<sup>th</sup> Street almost to Lake Avenue. Water services will also be added to properties along 9<sup>th</sup> Street, which will offer the ability for residents to tap into a shorter line for improved water service.

Mr. Burch explained that those who oppose the assessment would need to bring their appeal forward during the assessment hearing in September. If an appeal is sought, it must be filed within 30 days of the assessment hearing in September. The test is showing that the improvements benefit your property value by the amount of the assessment.

Chair Edberg opened the public hearing at 7:33 p.m.

Doug Bartolomeo at 2287 8<sup>th</sup> Street lives on the corner of Morehead and touches an alley. Mr. Bartolomeo thought the city has been fair related to its corner assessment policy, but he does not agree with the proposed alleyway assessment policy. He derives no benefit, no services, no utilities from the alleyway, which is only visual to him. Additionally, he reported that twenty years ago, the city would not allow him to redirect his driveway to the alleyway. Mr. Bartolomeo proposes a better, fairer assessment for alleyway improvements would be to assess only those homes who access the alleyway rather than all the homes along the alleyway.

Chair Edberg recapped that the question is whether Mr. Barolomeo's property is positively impacted by improvements to the alleyway. Mr. Burch mentioned that this is the city's first attempt to repair and assess for alleyways. He further explained that the special assessment benefit is to the property, rather than its current use. Mr. Burch explained that the property may at some point in time access the alleyway, which is what the appraiser looks at when assessing benefit to the property.

Mr. Bartolomeo clarified that although staff stands behind the appraiser's recommendations related to special assessments, the City Council still has discretion to set a different policy. Mr. Burch confirmed this. Mr. Bartolomeo expressed desire to address this issue prior to the September appeal process, which would be time consuming and expensive and thanked the Council for their consideration.

Sandra Samuelson of 4926 Johnson Avenue also expressed concern with alleyway assessments being unfair. The ally between 8<sup>th</sup> and 9<sup>th</sup> Street goes from Johnson Avenue and dead ends at Lake Avenue. The people at the beginning of the alley do not use the alley like the people at the end use the alley. For fairness, Ms. Samuelson believed that the people driving a shorter distance along the alleyway should be assessed a lower amount than those driving the full length of the alleyway to access their homes. Additionally, the two largest assessments on the rolls are to retired couples on a fixed income.

Chair Edberg asked Mr. Burch to address deferments. Mr. Burch explained there is a clause in the assessment policy that allows seniors to have their assessment deferred, with interest, until the property is sold. Mr. Burch explained that assessments need to be uniform, fair and benefit the property by the amount of the assessment, which is how the appraiser determines assessments.

Eric Lindberg at 4927 Johnson Avenue is in favor of the road improvements but concerned over the sidewalk addition in front of his property. By widening roads and adding sidewalks, the city is taking away from the quaintness of the area and the reason he purchased his home there. Mr. Lindberg believes his property will be the most negatively impacted due to the proximity of his home to the street. The sidewalk will be just 8-10 feet from his house and along an old retaining wall. He asked for reconsideration of the sidewalk portion of the project only. By adding a sidewalk, the city is adding impervious pavement, reducing infiltration and removing trees - all things the city does not want to do. He also shares concern related to the alleyway assessment, believing his property derives no benefit from the alley.

Diane Carlson at 4891 Johnson Avenue is supportive of the street improvement program but expressed concern related to 8<sup>th</sup> Street only being expanded to 24 feet maximum. She expressed concern there would be no sidewalk going in on 8<sup>th</sup> Street between Moorehead and Johnson Avenue. With no sidewalk and by allowing parking on both sides of the street, cars are unable to pass and people are unable to back out of their driveways.

In response, Mr. Burch explained that the city has been attempting to establish a reasonable grid of sidewalks rather than putting sidewalks along every street. Special events in the area do make it difficult for parking, but this is true throughout the city. The city can assess the use of the road after it is reconstructed to determine appropriate parking signage. Ms. Richter added, a similar issue occurred on 11<sup>th</sup> street in which emergency vehicles were finding it difficult to maneuver before "no parking" signs were added on one side of the street.

Jim Nash at 2277 9<sup>th</sup> Street mentioned that over 20 years ago, the city elevated the alley by laying asphalt on top the existing alleyway. This created a holding pond in his driveway. He cautioned the city against moving too quickly and emphasized that drainage be addressed. He indicated that many cars park on 9<sup>th</sup> and Stewart from events and the nearby hotel. Today these cars can park up on the surmountable curb to facilitate traffic flow, but unsurmountable curb will change this. He wondered what regulations might follow to facilitate traffic flow. He also stands by his neighbors on the south side related to the sidewalk.

City Engineer Burch acknowledged that drainage will be fixed, which should solve the issue with water ponding on Mr. Nash's driveway. Mr. Burch explained that residential roads are designed narrower now to reduce impervious surface and cost. Mr. Nash clarified his purpose for commenting about narrow streets and unsurmountable curb. He stated that in Germany, they designed streets with salients to slow the flow of traffic.

Jeff Klosner at 1520 South Lake Blvd S stated he lives on a low end of the street, which is a naturally draining street with sandy soils. He expressed concern about the addition of a sidewalk, which will result in the road being narrowed, loss of on-street parking and removal of two oak trees. He expressed concern with sidewalk safety where South Lake Blvd meets Otter Lake Road stating there is a five foot shoulder with a steep drop down to the lake. He pointed out that there already exists sidewalk sufficient to get around the lake using Highway 96.

Mr. Burch explained that stormwater treatment facilities will be implemented for compliance with the watershed districts. Infiltration systems will help treat the water before going into the lake. He did explain that by shifting the road further south, the oak trees will now be retained. The only tree that will be lost is the Catalpa tree. Mr. Burch shared that the city continues to work with Ramsey County to complete the last trail segment around the lake.

Kim Koeppen at 2291 9<sup>th</sup> Street stated she read that walkable neighborhoods often do not have sidewalks because sidewalks create the illusion that speeding it okay. People tend to slow down when there are not sidewalks to watch for people walking in the streets. She mentioned their neighborhoods have a growing influx of children and asked if a car count had been conducted to assess non-resident traffic.

Lance Basile at 4871 Morehead Avenue stated he was generally onboard with the improvements. He has an alley driveway. His assumption is there will be a smooth transition where the driveway meets the alleyway so that it will not have to be fixed after the fact. He also questioned whether the assessment will result in his property values increasing such that his taxes will be higher in the future.

Mr. Burch explained that a section of each driveway will be cut out and restored back to its location after the alley is completed, for a smooth apron. The city also has a program in which residential homeowner's may, at their own expense, use the same contractor to replace their driveway. With regard to the property value and the tax impact from that, Mr. Burch explained that appraisers are looking at the value of having an improved street to the home, which includes storm sewer, sanitary sewer and water service. It is his opinion the County assessor will look at holding the value steady rather than bumping it up. Finance Director Rambow stated that appraisers look at the sales of like homes in the general area to set property values.

Christopher Hughes 4984 Stewart Avenue is being assessed for an alley, although it is in need of repair. He spoke in favor of the sidewalks. He often walks and runs and he reported there is no safe route to get from Stewart Avenue to the Mark Sather Trail given the narrow streets, amount of traffic and cars turning and creating bottlenecks. He is not aware of a traffic study that sidewalks reduce walkability and would like to see those statistics. He encouraged the Council to consider the greater good of the city and create a safe passage from Stewart Avenue to Lake Avenue.

Dan Monroe at 1484 South Birch Lake Blvd stated that South Lake Blvd is a dead end with little daily traffic. People walk with strollers and they do fine either walking in the road or on the gravel apron of the road. He does not believe that the trail is needed and questioned its funding and the infiltration systems along the roads.

Mr. Burch explained that the trail is funded by the city and about one-third the cost of street repairs is being assessed to homeowners. Infiltration systems will collect stormwater running on the east side (away from the lake) of the street using a perforated pipe and gravel infiltration trenches. Mr. Burch explained that there will be a surmountable curb along the lake side.

Steve Goranson at 4927 Morehead Avenue expressed concern over being assessed for the alley of which he has only driven a handful of times. He questioned whether a sidewalk on 9<sup>th</sup> Street was needed if there is one on 7<sup>th</sup> Street and 11<sup>th</sup> Street. He knows the city maintains the sidewalk, but he alluded to the amount of snow making it difficult to walk along right now and stated that people usually walk in the street because of this.

Mr. Burch explained that sidewalks are either snow-blown or plowed by the city, but they are not cleared to bare pavement due to stress on equipment and sidewalks. The city's policy is to plow sidewalks so they are passable and remain open. This policy had been established to keep kids out of the streets as they walk to school.

Bill Parenteau at 4930 Morehead Avenue was not in favor of the sidewalks. He believes the current network of sidewalks is adequate. From a safety standpoint, he would like to see a stop sign at the corner of 9<sup>th</sup> and Morehead to slow the traffic down. Traffic currently goes both ways and it is just a matter of time before there is an accident.

Elizabeth Casper at 2286 11<sup>th</sup> Street inquired as to the width of the alley because their garage abuts the alley. She expressed concern for being assessed for the alley, which they do not use. Ms. Casper also explained that not many people walk on 11<sup>th</sup> Street and those that do, can safely walk in the street. Ms. Casper questioned why sidewalk wasn't being added from Stewart to Highway 61 and asked why the gate on 12<sup>th</sup> Street was locked. On the east side of the lot, a grass street is often blocked by traffic and the only fire hydrant is across the street near the grass street. It is concerning that plows no longer plow the grass street. Her request for plowing was not responded to by Public Works, nor was her phone call returned. Ms. Casper finally expressed concern with drainage on her road and in her neighbor's basement since the hotel had been built.

In response, Mr. Burch explained the alleys will be reconstructed to a 12 foot width. Staff has noticed the drainage issue in that neighborhood and as a result, stormwater will be diverted through other systems further south on Stewart Avenue.

Dan Monroe at 1484 South Birch Lake Blvd explained that the street is fine in its current condition. It has low daily traffic flow for which a mill and overlay should suffice. He also does not believe that guttering along the road is needed. Concentrating water down

a gutter system will lead to issues with chemicals and fertilizers, which today are handled efficiently by draining in the sandy soils of everyone's yards.

Mr. Burch explained that the street has been deteriorating and has needed patching. He also shared that guttering along the road helps maintain the integrity of the road. The stormwater infiltration system is a requirement of the city's stormwater permits.

Andrea Klosner at 1520 South Lake Blvd confirmed that curbing on her street was indeed surmountable, which will assist with parking along her street. She was opposed to the trail going through without first finishing the County's piece of the trail to delay the intrusion of their lakefront property. Ms. Klosner also noted that the homeowners' association funds the care of Birch Lake and she suggested that as trail access to the lake increases and everyone gets the benefit of it, that the city should pay to maintain Birch Lake.

Tracy Montgomery at 2261 11<sup>th</sup> Street is undergoing a lot split and was curious about her assessment. Mr. Burch asked her to contact their office for a quick calculation of their street fee in lieu of assessment.

Chair Edberg thanked everyone who spoke for the comments and civility throughout the process. He closed the public hearing at 8:33 p.m.

Councilmember Walsh encouraged homeowners to finish shoveling their sidewalks as a community-wide effort. He shared concerns that were expressed about the Otter Lake Road trail extension and confirmed that the County is nearly ready to begin. Councilmember Walsh stated that the sidewalk around the lake is a high priority for him. He mentioned there are opportunities when the County reconstructs that road to look at the rumble strip and if funding is available, to complete the trail segment.

Councilmember Jones stated he also supports the trail extension around Birch Lake and this is a good time to tackle it. Councilmember Jones implored the residents of that neighborhood to hold Ramsey County accountable for street reconstruction. He cautioned not to let Ramsey County get away with a mill and overlay to that portion of Otter Lake Road. He explained that pushing tar on that road is not good for the lake, which VLAWMO supports – so the taxpayers do help take care for the cleanliness of Birch Lake.

Regarding the sidewalk, Councilmember Jones explained that if folks lived in the City of Minneapolis, they would get fined for not clearing their sidewalks. White Bear Lake supports its seniors by clearing sidewalks to one inch of snow, making it easier to shovel. He stated that sidewalks were not in the long-term comprehensive plan and asked that this portion of the project be tabled for further discussion, especially in the absence of Councilmember Biehn.

Councilmember Jones stated that the costs are the costs because there are improvements. There are a number of ways to spread assessments. For example, White Bear Township assess 100% of the cost of street improvements to the homeowner. Or a city could add these costs to its tax levy, but Councilmember Jones believes assessment of 33% is the fairest calculation. He questioned assessments to those who cannot access the alley. Finally, Councilmember Jones noted that as always there are no special interest organizations present to speak about the importance of sidewalks and trails.

Chair Edberg addressed sidewalks first and noted Councilmember Jones's motion to table that portion of the project. Although sidewalks on 9<sup>th</sup> and 11<sup>th</sup> were not in the

comprehensive plan, he stated, there have been numerous discussions around livability and walkability of neighborhoods, which are enhanced by sidewalks.

Secondly, Chair Edberg addressed alley assessments. He stated that the alley policy is new and Council has not yet had an opportunity to see it applied in the community. Chair Edberg is sympathetic to the work staff has done, but if the city has prevented residents from connecting to make use of the alley, he questions whether alley improvements are a betterment to property. He would like to hear more on this topic.

Chair Edberg mentioned the trail segment around Birch Lake Blvd was also called to question. Councilmember Walsh understands that homeowners around the lake would rather not have additional community traffic on the trail. He pointed out that the community at-large would ask why the trail wasn't built around the lake if was to be routed to Highway 96 instead. The better place to walk is around the lake.

Chair Edberg recapped that several comments were made regarding street safety related to road signs and parking signs. He stated that the Council and staff are open to those conversations after reconstruction is completed and traffic patterns can be reviewed.

Councilmember Walsh wanted the record to reflect that the city will need to issue debt in the form of bonds in order to complete these proposed street projects. Projects this year will require over 2 million in bonding to be paid back over the next 20 years. He stated that funding street reconstruction through borrowing is a new practice for the city and will continue to be the practice for the coming years through the completion of the city's road reconstruction program.

At City Manager Richter's request, Mr. Burch spoke to the tight schedule starting in April. Relative to the sidewalk portion of the project, he suggested the best course of action would be to bid and advertise the full project including sidewalks, then delete sidewalks from the project if that is the ultimate decision. City Manager Richter suggested that once bids are received, more conversation about sidewalks can occur at the meeting accepting the bids and approving the work (April 10<sup>th</sup>).

City Manager Richter explained that the alley assessment policy will be brought back for discussion at an upcoming meeting to allow for more discussion and a review of pros and cons for different assessment formulas. Ms. Richter reiterated that bids would be available for the April 10 City Council meeting, which will be an appropriate time for the sidewalk discussion for those who are interested.

It was moved by Councilmember **Walsh** seconded by Councilmember **Engstran** to approve **Resolution No. 12181** ordering improvements, approving plans and specifications and authorizing advertisement for bids for the 2018 Street Reconstruction Project

Motion carried unanimously.

- B. Resolution ordering improvements approving plans and specifications and authorizing advertisement for bids for the 2018 Mill and Overlay Project, City Project Nos. 18-13 and 18-18.

City Engineer Burch explained that mill and overlay is used on streets that had been designed to an engineering standard. The top 1-2 inches is milled and replaced, or in the case of 11<sup>th</sup> Street this year, the total pavement is replaced. Total cost of improvements will

be \$485,000 with \$127,000 in assessments and \$359,000 in city funds covering the remainder.

Mr. Burch reported there are two areas for mill and overlay projects this year. The first is on 11<sup>th</sup> Street, which is a dead end cul de sac requiring total pavement replacement. Gravel will be added to increase the street crown for improved drainage. Mr. Burch also mentioned improvements to the catch basin of a storm sewer outfall on the east end of the cul de sac. The second focus for mill and overlay is on Sumac and Manitou Streets. Two inches will be milled and relayed. These projects move quickly because there are no utilities and the curb and guttering remain in place.

In response to Councilmember Jones, Mr. Burch explained that a tighter schedule calling for a completion date in July rather than August should assist with milled roads sitting for extended periods like last year.

Councilmember Edberg opened the public hearing at 9:01 p.m.

Jim from the audience refused to provide his name and address. He asked related to the structure at the end of 11<sup>th</sup> Street whether debris from the apron will be address. Mr. Burch confirmed this. Jim inquired as to the pond as well. Mr. Burch explained the city has been in conversation with contractors. Mr. Burch confirmed that soil borings on 11<sup>th</sup> Street have more gravel than at first anticipated, which have the potential to result in lower project costs and lower assessments. Mr. Burch also confirmed that the street crown will be 2 inches and not 2.5 inches.

Jim expressed concern with the turnaround time required for this bid, with bids opening on April 4<sup>th</sup> and a decision by the Council on April 10<sup>th</sup>. He stated his office calls that a flash project and the city will not get very many bids. Mr. Burch explained that the project is being advertised according to the law and the city has been speaking with contractors who have assisted staff with various solutions throughout this process.

Councilmember Edberg closed the public hearing at 9:07 p.m.

Councilmember **Jones** motioned to have Jim's comments stricken from the record. Councilmember **Walsh** seconded.

Councilmember Jones did not believe it fair to all the other residents who were required to provide their name and address for the record. Councilmember Walsh agrees that it helps the conversation to know where the resident lives. Councilmember Jones stated that we should either require it or not. He thinks it is difficult for residents to put themselves out there. Chair Edberg explained that the purpose of a public hearing is to hear comments from residents.

Motion failed 2:2. Councilmember Jones and Councilmember Walsh aye. Chair Edberg and Councilmember Engstran nay.

It was moved by Councilmember **Engstran** seconded by Councilmember **Jones**, to approve **Resolution No. 12182** ordering improvements approving plans and specifications and authorizing advertisement for bids for the 2018 Mill and Overlay Project, City Project Nos. 18-13 and 18-18

Motion carried unanimously.



#### 4. VISITORS AND PRESENTATIONS

##### a. Joe Mansky, Ramsey County Elections

Joe Mansky, the Ramsey County Elections Manager, spoke to elections this year as the city's administrator of elections. Mr. Mansky explained that election security and accuracy are of paramount interest. Mr. Mansky relayed that recently purchased election equipment is unplugged, which means that numbers are reported slower, but not vulnerable to hacking that occurred in the 2016 election. During two recent audits including a recount, Ramsey County demonstrated 100% accuracy.

Mr. Mansky explained that the networked part of the system is voter registration, which is more vulnerable as a result. Ramsey County has been working with the Secretary of State to make that process more secure. Ramsey County recently received a grant in the amount of \$329,000 to help pay for transition to electronic poll books accessed through tablets that will be provided to each polling location in 2019. When voters check in at the registration table, they will only see their own information.

Mr. Mansky explained that this year's elections will be controversial, and therefore busy, with no incumbent Governor and both Senators on the ballot. He mentioned the presidential primary will return in 2020 for the first time since 1992. Party chairs can jointly decide on an earlier date, although the latest date for the primary is the 1<sup>st</sup> Tuesday in March. Mr. Mansky opined that the primary will likely be earlier to set a date apart from others and maximize publicity in Minnesota.

Mr. Mansky described recent changes with elections have resulted in huge increases in the number of people coming out to vote early. The last two State elections have set records in terms of the number of people who voted prior to Election Day. In preparation for early voting activities, the County is increasing the number of early voting locations from five (5) last year, to 11 locations this year. A Ramsey County voter will be able to cast a vote at any of those early voting locations.

Finally, Mr. Mansky explained that elections continue to become increasingly contentious and controversial. Ramsey County understands the environment and is prepared to deal with it.

Councilmember Edberg thanked Joe Mansky for the work that he does and for keeping elections transparent in Minnesota.

City Manager Richter also thanked Joe Mansky for addressing the Council on the topic of elections. She explained that the city had a contract with Ramsey County for election services last year. Ms. Richter shared that consideration for renewal of an Election Services agreement will be brought before Council at the next meeting. She stated that with continuous changes occurring to the Elections process, it becomes increasing complex to coordinate election activities with the County.

Councilmember Walsh asked for Mr. Mansky's sense of when early voting will plateau. Mr. Mansky believed that this year Ramsey County will reveal one-third early voted, with the next presidential election early vote count expected to be 45-50% and a leveling out at about 60%, ultimately. There are some Minnesotans who will continue to vote on Election Day. He explained the early voting activities are stronger in communities that are more rural.

In response to Councilmember Walsh, Mr. Mansky explained Ramsey County has been acting as the centralized location for processing and counting absentee ballots since 2010. From a security standpoint, Mr. Mansky feels this is the best way to go and it frees up the election judges who used to count those at the end of an Election Day.

Finally, Councilmember Walsh inquired as to Mr. Mansky's Supreme Court case regarding what may be worn in the polling place. Mr. Mansky was impressed with and opined that more Americans would be proud to see their Supreme Court Justices in action. Mr. Mansky explained that this law was enacted during special session in 1912 when Governor Eberhart who was in office at that time felt pressure from his supporters to enact some progressive era legislation, including the Corrupt Practices Act. This act prohibited display of political material in the polling places. Mr. Mansky supports the law as it was enacted 106 years ago as he knows no one who wants to be solicited in the polling place.

Councilmember Jones inquired as to the timeframe designated for early voting. Mr. Mansky explained that State law dictates a seven day early voting period in which ballots may be voted, rather than collected and counted later. In fact, Mr. Mansky intends to ask legislators for 15 days of early voting in the future.

Councilmember Edberg stated he appreciates that the State of Minnesota retains its physical ballots for purposes of hard-copy backup.

Mr. Mansky invited anyone to see first-hand the elections operations at Ramsey County.

## 6. LAND USE

### A. Consent

1. Consideration of Planning Commission recommendation for a resolution approving a PUD Amendment for Northern Tool & Equipment (15-1-Sa2). **Resolution No. 12183**
2. Consideration Planning Commission recommendation for a resolution granting seven variances in order to reconstruct the parking lots at St. Pius X Catholic Church (18-2-V). **Resolution No. 12184**

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

Motion carried unanimously.

## 7. UNFINISHED BUSINESS

Nothing scheduled

## 8. ORDINANCES

Nothing scheduled

## 9. NEW BUSINESS

A. Resolution authorizing the City to sell bonds for 2018 Street Improvement Projects

Finance Director Don Rambow explained that this is one-step in the process for selling bonds. This resolution has been adopted in past years, but it is anticipated that this year the city will act on a bond sale.

It was moved by Councilmember **Walsh**, seconded by Councilmember **Jones**, to adopt **Resolution No. 12185** authorizing the City to sell bonds for 2018 Street Improvement Projects.

Motion carried unanimously.

B. Resolution authorizing a grant application for Old White Bear Avenue Trail

Community Development Director Kane reported that for the past several years, the city has applied for grant funds for construction of the portion of the Lake Links Regional Trail along the west and north shores of White Bear Lake. As a regional trail, this project has been highly ranked, and each time the City has been successful in receiving those grant funds. Grant funds awarded by the DNR have helped the City construct an uninterrupted trail from Lion's Park to Ramsey Beach

Ms. Kane explained that the next segment of the lakefront trail system extends along Old White Bear Avenue from Lion's Park to South Shore Boulevard and extending east to connect with Hazel Street. This segment represents one more critical link needed to further the vision of one day having a complete trail all the way around White Bear Lake, as well as connecting the neighborhoods, parks and schools south of White Bear Lake with neighborhoods, schools and community assets north of the lake.

Ms. Kane forwarded staff's recommendation for approval of the attached resolution without the typo in the title "multi-use". This resolution authorizes a grant agreement with the Metropolitan Council for general obligation bond proceeds totaling \$130,000 from the Recreation Open Space Development Grant Program to assist with the construction of this trail segment.

It was moved by Councilmember **Walsh**, seconded by Councilmember **Engstran**, to adopt **Resolution No. 12186** authorizing a grant application for Old White Bear Avenue Trail.

Councilmember Walsh added that there were many meetings with residents on Old White Bear who were concerned about how this would affect their driveways, speed, lighting and safety. He stated that when this project is done, he believed many people will be happy with the result.

Councilmember Jones stated that he would pay for this link if they grant did not cover it because this is the key link between the north and south portions of the city.

Motion carried unanimously.

C. Resolution approving an impound agreement with St. Paul Animal Control

City Manager Richter explained that Hillcrest Animal Hospital, who had serviced the city for decades, is no longer providing impound services. The city proposed contracting with St. Paul Animal Control for animal impound services. To mitigate driving distance to the St. Paul facility, the Police Department installed four crates to hold animals overnight.

With use of social media posts, it is hoped a lost animal would be identified prior to being transported to St. Paul Animal Control.

Ms. Richter shared that the Police Department had their first dog under this new system last night. After the Police Department posted the dog on social media, there were 632 shares resulting in a total of 39,000 views, and the dog was claimed by its owner prior to being transported to St. Paul Animal Control. It is the city's hope this new practice will result in fewer dogs being transported to St. Paul.

Councilmember Edberg inquired as to dangerous dogs and other nuisance animals. City Manager Richter explained that this agreement only changes where the animals are taken and does not change the way in which the city handles them.

Councilmember Jones asked whether residents should expect their animal is at the Police Department and Ms. Richter clarified that an owner should first contact the Police Department to confirm their animal's whereabouts before driving to St. Paul.

It was moved by Councilmember **Engstran**, seconded by Councilmember **Jones**, to adopt **Resolution No. 12187** approving an impound agreement with St. Paul Animal Control.

Motion carried unanimously.

D. Resolution authorizing Mayor to send letter to White Bear Lake Conservation District on behalf of the City Council

Councilmember Edberg stated it was suggested at the last Council meeting that the city initiate conversation with other communities relative to excessive reserve balances of the White Bear Lake Conservation District (WBLCD). Mr. Edberg explained that since time, City Manager Richter drafted the letter before Council this evening, which was also shared with at least two other communities, White Bear Township and Birchwood.

City Manager Richter relayed that Mayor Emerson was still actively working to contact the Mayors of neighboring communities. Ms. Richter reported that three other communities are actually considering acting on the letter.

Mike Parenteau, one of two City of White Bear Lake volunteer representatives on the WBLCD, outlined the actions he had attempted to take to correct the fund balance issue. He made a friendly amendment to consider a 10% budget cut, then a 5% budget cut when that didn't pass, but nothing worked. When the WBLCD budget was released, which was clearly holding a reserve balance exceeding their own reserve policy, Mr. Parenteau called the Chair and Committee to plead his case and suggested that each of the cities' apportionments be reduced to spend down the high reserve balance.

Mr. Parenteau explained it would be very helpful to include the city's letter related to high fund balance in the WBLCD packet in time for their March 20, 2018 meeting.

Councilmember Edberg expressed his respect for the WBLCD and the work they do. He does not have an interest in reducing the WBLCD's ability to do this work, but he believes the organization could operate a full year without additional funding and still have another 1.5 years left in funding.

Councilmember Walsh asked for a characterization of arguments from other communities' members. Mr. Parenteau stated that the Conservation District takes it personally that they

do a good job in caring for the lake. The WBLCD assumes liability in taking care of the lake for thousands of people and it is difficult when costs continue to increase. Part of having a reserve balance means confidence in carrying through on the things that need to be addressed when they need to be addressed.

Councilmember Jones thanked Mr. Parenteau for his 30 years of volunteer service on the WBLCD. He encouraged the WBLCD buffer dedicated funds within their budget to build in the flexibility needed by a smaller organization who is reliant on iffy grant funding or increased costs of patrol on the lake.

City Attorney, Andy Pratt researched the city's obligation for funding the WBLCD. The expenses of all municipalities that coordinate payments to the district must be in proportion to their net tax capacity. Another statute states the municipality shall provide the funds it needs to meet its proportion of the total cost to be born as certified by the district board. Finally, Mr. Pratt shared a portion of the statute stating that a fund balance may fall unexpectedly due to a municipality's inability to meet its annual assessment on time, or if at all.

It was moved by Councilmember **Jones**, seconded by Councilmember **Walsh**, to adopt **Resolution No. 12188** authorizing Mayor to send letter to White Bear Lake Conservation District on behalf of the City Council.

Motion carried unanimously.

E. Resolution approving annual business license renewals

City Manager Richter reported there were no failures resulting from tobacco compliance checks this year. She forwarded a recommendation for approval of business licenses for the new business cycle beginning April 1, 2018 – March 31, 2019.

It was moved by Councilmember **Jones**, seconded by Councilmember **Walsh**, to adopt **Resolution No. 12189** approving annual business license renewals.

Motion carried unanimously.

F. Resolution approving annual liquor license renewals

City Manager Richter explained that there were no issues resulting from alcohol compliance checks this year. Sergeant Butte, as a regional alcohol awareness server trainer, has been well received for his training of servers in area businesses. There were calls of concern noted in Chief Swanson's report. Ms. Richter reported that the White Bear Lake Police Department has been very satisfied with their relationship with the local businesses who have been more proactively reaching out to the Police Department. Ms. Richter forwarded a recommendation for approval of liquor licenses for the new business cycle beginning April 1, 2018 – March 31, 2019.

It was moved by Councilmember **Walsh**, seconded by Councilmember **Engstran**, to adopt **Resolution No. 12190** approving annual liquor license renewals.

Councilmember Jones gave credit to the businesses listed in the report for the strides they made toward alcohol compliance.

Motion carried unanimously.

- G. Resolution authorizing Mayor to file an appeal with the Department of Natural Resources to contest recent amendments to the City's water appropriations permit.

City Manager Richter reported that Judge Marrinan has yet to rule on the January hearing in which a motion for a stay was also to be considered. In the meantime, the DNR submitted a request for an interim stay of the ruling, which was granted on Friday. Ms. Richter explained it is not yet clear how this impacts the amendments that were already placed on the city's permits as of February 28. The city's permits currently contain the court's restrictions including the residential irrigation ban.

Ms. Richter explained the next step is to move forward with an appeal process to appeal the DNR's amendment to the city's permits as arbitrary and capricious. An administrative law judge would hear this appeal. There are at least 5 of 11 confirmed communities that are joining in this effort. Ms. Richter stated the city will know more by the next Council meeting the impact of this appeal and how it plays into adoption of an ordinance to ban irrigation.

It was moved by Councilmember **Jones**, seconded by Councilmember **Engstran**, to adopt **Resolution No. 12191** authorizing Mayor to file an appeal with the Department of Natural Resources to contest recent amendments to the City's water appropriations permit.

Motion carried unanimously.

## 10. CONSENT

- A. Acceptance of January Park Advisory Commission Minutes; Environmental Advisory Commission; Minutes of the White Bear Lake Conservation District and February Planning Commission Minutes
- B. Resolution approving an amendment to Ramsey County SWAT agreement to accommodate the addition. **Resolution No. 12192**

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

Motion carried unanimously.

## 11. DISCUSSION

Nothing scheduled

## 12. COMMUNICATIONS FROM THE CITY MANAGER

- Councilmember Jones congratulated Chair Edberg for casting a vote on 5A, which was historic as the Acting Mayor was only recently granted this power through a recent revision to the City's Charter.
- Rush Line planning process

Community Development Director Anne Kane recapped that last fall the preferred alternative was designated along its route on the Ramsey County Rail right-of-way and north on Highway 61. The mode was designated as bus rapid transit. The next phase

lines this project up for FTA funding by measuring it against other transit projects being planned in other metropolitan areas across the country.

Ms. Kane highlighted the environmental analysis phasing plan, which is a two year process that Ramsey County kicked off in January. Ms. Kane explained that after completion of each of four tasks in this phase, an update will be provided to the Council. Ms. Kane explained that the city's greatest control will be in station area planning and land use planning including improvements that help support the transit and users getting to it. Ms. Kane explained that the terminus of bus rapid transit requires less of an imprint than light rail.

Ms. Kane shared the four stations serving the White Bear Lake Community include downtown, Marina Triangle, Cedar Avenue and County Road E stops. Much of this planning will be concluded by 2019 to allow ample time for public review. Ms. Kane reported that Assistant City Engineer Jesse Farrell and she serve on the technical advisory committee with neighboring community representatives, which will be meeting monthly. Mayor Emerson is working on a smaller local task group for station area planning along with a member from the Planning Commission, Economic Development Corporation, Chamber of Commerce including a downtown business owner and a representative from Century College.

Councilmember Jones mentioned that Cedar Avenue has no infrastructure lending itself to a successful station on that road. Ms Kane explained that community base maps identifying sidewalks, utilities, right-of-way plans, etc. within a quarter mile of each station are already being gathered for an assessment of the environment. Station design itself will be more uniform across stations.

➤ Dog beach discussion, April 10, 2018 City Council meeting

City Manager Richter noted that this item will be brought back before the City Council at its April 10, 2018 meeting. No pets are allowed in the Council Chambers.

➤ Dispatch Transition

City Manager Richter described \$190,000 was budgeted for a new phone system, which was redirected to cover costs associated with transitioning dispatch services to Ramsey County. Staff anticipates staying within that budget, which will be considerably less. Expenses to date include the addition of some computers in each of the fire engines for the ability to communicate with Ramsey County Dispatch. There was also a station alerting system added as a requirement of Ramsey County.

➤ Xcel light conversion

Ms. Richter reported that Xcel completed its conversion of the city's cobra street lights to LED.

➤ Arbor Day

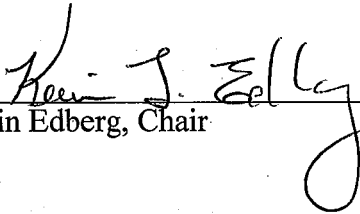
City Engineer Burch reported that the Parks Commission is planning and Arbor Day celebration on May 5<sup>th</sup>. He encouraged any volunteer groups looking to participate to contact the Engineering Department for information about park clean up and tree planting activities within the city.

➤ Sports Center

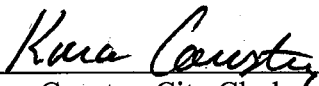
City Engineer Burch explained that some of the demolition work has been completed at the Sports Center. The bleachers and some ceiling materials have been removed. The arena is truly on its last leg and the city is hopeful to make it just two more weeks on the current refrigerant system.

**13. ADJOURNMENT**

There being no further business before the Council, it was moved by Councilmember **Walsh** seconded by Councilmember **Jones** to adjourn the regular meeting at 10:22 p.m.

  
\_\_\_\_\_  
Kevin Edberg, Chair

**ATTEST:**

  
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Kara Coustry, City Clerk