

**MINUTES
REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF WHITE BEAR LAKE, MINNESOTA
TUESDAY, MARCH 27, 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 7:01 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, Assistant City Engineer Jesse Farrell, Community Development Director Anne Kane, 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 **Engstran**, to approve the Minutes of the Regular City Council Meeting on March 13, 2018.

Councilmember Biehn abstained. Motion carried.

3. APPROVAL OF THE AGENDA

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

Motion carried unanimously.

4. VISITORS AND PRESENTATIONS

A. Marketfest update - Dale Grambush

Dale Grambush remembered Deb Stender who recently passed away. In the absence of a Director, he reported that the Marketfest Board is continuing to plan for Marketfest, which is well underway. Mr. Grambush was happy to report that Lisa Beecroft, the past Marketfest Director from 2007-2009, has accepted the position once again. He explained that it is their intention that all vendor and entertainment commitments made by Deb Stender will be honored. Mr. Grambush mentioned they are still looking for area non-profits and businesses who desire exposure on a Thursday night, weather dependent.

Mayor Emerson thanked Dale Grambush and the Marketfest Board for carrying forward with Marketfest.

B. Ramsey County Sheriff Jack Serier

Sheriff Serier provided an update on 2017 and reviewed initiatives of the Ramsey County Sheriff's office for 2018.

Sheriff Serier reported promoting 28 people and hiring 115 people in 2017 for a total staff of about 450 people. He reported that five academy classes in the latter half of 2017 had a diversity rate of 50-60% for women and people of color in each class. Sheriff Serier attributed this to an initiative he calls the community circle for race and gender equity as an employer of choice. One example of this is a women's academy planned in June, which will provide women with an opportunity to explore a career in law enforcement. Sheriff Serier reported he swore in 18 new deputies today who will be out on the streets.

Sheriff Serier stated they are collaborating with the Ramsey County Attorney and Minnesota Adult and Team Challenge next month to address opioid addiction. One of those public forums will take place on April 25th at White Bear Lake High School. PSA's will also be playing in movie theatres to education and raise awareness of the dangers of opioids. He stressed the importance of destroying unused medications. Sheriff Serier reported 72 opioid deaths in Ramsey County in 2017.

Sheriff Serier recalled recent work establishing a new records management system and explained that the jail information system will also be improved. The detention facility can hold up to 500 people at any given time. A new jail management system would provide information specific to a detainee, such as court dates, visitors, medication, etc.

Sheriff Serier reported that Ramsey County took over law enforcement services for Falcon Heights in the beginning of 2018. He thanked folks for attending the annual Fright Farm and explained that funds raised go toward support of school patrols. Finally, hot dogs with deputies started in 2016 and has grown from 400 hotdogs per night to 800 hotdogs per night.

Sheriff Serier thanked White Bear Lake and Chief Julie Swanson and staff for their partnership with Ramsey County. He emphasized the County is a partner and its role is to provide support to local law enforcement.

Councilmember Edberg inquired about the status of the asset forfeiture laws in Minnesota and how they are applied in Ramsey County. He asked, if property is confiscated only after conviction, or if law enforcement officers have discretion to confiscate on suspicion of ill-gotten gain?

Sheriff Serier responded that asset forfeitures typically revolve around DUI and narcotics with money and property going several places including to local law enforcement. Sheriff Serier explained that property may be seized on suspicion but the property is not taken until the case has been adjudicated. He agreed to provide more information to Councilmember Edberg directly.

Councilmember Biehn remarked that he spent 29 years working at the Sheriff's office and his experience is that the Ramsey County Sheriff's office is second to no other agency. Councilmember Biehn inquired as to the telephone fees and whether they are less onerous. Sheriff Serier stated he would have to research that information.

Mayor Emerson thanked Sheriff Serier for his update and assistance with the TRIAD.

- C. Emerald Ash Borer – Dr. Gary Johnson, University of Minnesota Department of Forestry Services

Dr. Gary Johnson reviewed the state of Emerald Ash Borer (EAB) management. He

stated that EAB hit newspapers in Michigan in 2002 and today EAB has reached well over thirty states and into Canada. EAB spreads primarily from moving firewood. Dr. Johnson explained that EAB is difficult to identify because the majority of symptomology occurs high up in the tree.

Dr. Johnson explained that because EAB is relatively new, control and treatment are still evolving. The first chemical used to control EAB was found to be harmful to pollinators. Today a pesticide known as Emamectin Benzoate is injected directly into the tree, which minimizes collateral damage. Because the pesticide is so effective, it is likely human error when it does not work, so Dr. Johnson recommends ensuring contractors hired to treat EAB are experienced and will stand behind their product and its application.

Dr. Johnson stated that doing nothing is not an option. Ash trees are extremely brittle and an infected tree will start dropping its top branches first, creating a hazard below. If the tree is not removed, after about one year of being completely dead, the whole tree becomes a hazard and an unacceptable risk depending on its location.

Dr. Johnson recommended identifying trees that are worthy of being saved. He described worthy trees as mature, or almost mature, with large canopies, that are in good condition without decay and are well placed. Trees provide the following benefits: reduction in stormwater runoff, save energy, store carbon, improve air quality, improve human health, reduce crime, reduce noise and are popular with people.

Councilmember Jones inquired as to the lifespan of trees after reaching maturity. Dr. Johnson responded that it takes a tree about 30-40 years to become an asset, which means less care goes into it than the benefits it provides. Boulevard trees have a shorter average lifespan of 35 years regardless of the tree. A green ash in its natural environment has a lifespan of 150 years.

Councilmember Edberg asked how long it takes for other ash trees in the community to become infected, to which Dr. Johnson replied, about 5-7 years. Councilmember Edberg asked if Dr. Johnson had a list of alternate trees for consideration. Professor Johnson mentioned to hold off on planting maple trees because the Asian Longhorn Beetle is after them. He stated that a genetic diversity of trees would be the key for replacing the canopy with a healthy population. He agreed to provide a list of a variety of trees to the City Manager.

Councilmember Edberg asked about the prospects for bio-controls, such as natural predators of the EAB. Professor Johnson mentioned that the MN Department of Agriculture has been releasing three parasitic wasps over the past five – six years, which are showing effectiveness fighting EAB in larger, more rural areas where there are many ash trees.

Councilmember Biehn inquired as to the effectiveness and duration of the chemical treatment. Professor Johnson stated that treatments should be applied in two-year cycles. He said if trees are treated in time (less than 1/3 dead) and injections are applied in the correct dosage, using the correct procedure and at the right time of year, the treatment rate for the tree is well over 90%.

Councilmember Edberg inquired as to the biology of EAB and the likelihood they will become resistant to the current treatment compound, and whether other control

compounds are being considered for future treatment. Professor Johnson explained that rapid reproduction of insects means one tiny mutation could provide the resistance needed. He also stated that other chemical controls are constantly being researched, especially by the big ten schools.

Mayor Emerson thanked Dr. Johnson for addressing the Council and for making EAB easy to understand.

D. Arbor Day Proclamation

Mayor Emerson read the Arbor Day Proclamation, declaring Arbor Day on May 5, 2018 in the City of White Bear Lake.

City Engineer Birch explained that this proclamation is used to secure the annual Tree City recognition. He also stated that in observance of Arbor Day, trees will be planted in Rotary and Podvin parks on May 5th.

5. PUBLIC HEARINGS

Nothing scheduled

6. LAND USE

Nothing scheduled

7. UNFINISHED BUSINESS

Nothing scheduled

8. ORDINANCES

Nothing scheduled

9. NEW BUSINESS

A. Resolution approving an agreement with Rainbow Tree Company for arborist services

City Engineer Burch recapped recent discussion about the importance of treating infected ash trees. He stated that the city has been researching management of its forestry through treatment options, and expressed desire to share treatment options with private property owners so they can also address EAB in their yards.

Mr. Burch explained that in seeking a contractor for EAB treatment, it was important to find a company who could provide an arborist to assist with community inquiries and respond to calls for help. He stated that Rainbow Treecare has provided an attractive proposal, which has been successful in other Metro communities.

Mr. Burch stated that the agreement with Rainbow Tree Company will provide arborist services to evaluate trees for residents at no cost. They will give recommendations and will also provide treatment of trees at a reduced rate to the city and residents. Residents may choose among any licensed tree care company, but if Rainbow Treecare is used, they will guarantee treatments by providing refunds if the treatment fails and the beetle returns. Rainbow Tree Company will also provide EAB literature to help educate

residents.

Mr. Burch displayed an inventory of ash trees on public property in White Bear Lake, indicating 2,057 trees on public property, 1,733 along streets and 324 in city parks. He explained the Council will need to assist setting policy to determine which trees are worthy and should be treated and which trees should be taken down. He stated that treatment is expected to manage the cost and impact of losing ash trees over the next 10-20 years. Treatments are relatively inexpensive compared to the cost of tree and stump removal.

City Manager Richter explained that an assessment of the tree inventory has not yet been done to determine what to treat and what to remove. Once the diameter and health of these trees has been reviewed, a budget can be set and a proposed treatment plan including criteria for assessing health of trees, will be brought back to Council for consideration.

Councilmember Edberg inquired as to the cost of this agreement. City Engineer Burch explained that a determination has not yet been made regarding a plan of action for addressing EAB. The average cost of treating a 18- 20 inch diameter tree with Rainbow Treecare is about \$60-\$70. Ms. Richter explained that the unit cost for treating ash trees was considerably less through Rainbow Treecare than other licensed tree companies that were contacted.

In response to Councilmember Biehn, City Engineer Burch explained that residents will receive postcards mailed by Rainbow Treecare (at their expense) to White Bear Lake residents. Other determinations about when and which trees to treat, and where, will be made after staff has an opportunity to better assess the data and make a recommendation to the Council.

Councilmember Edberg stated he likes the direction of this program so far. He would like an assessment of options once the numbers start coming in. Councilmember Edberg asked Dr. Johnson about his experience with non-licensed tree care companies. Dr. Johnson stated that these companies are out there, but check references, see how long the company has been in operation and determine whether the company has its MN Pesticide license, which is required for treatments. Dr. Johnson mentioned that costs for tree removal can be deceiving, but there is an EAB cost calculator available online at Purdue and at the University of Wisconsin.

It was moved by Councilmember **Engstran**, seconded by Councilmember **Jones**, to adopt **Resolution No. 12193** approving an agreement with Rainbow Tree Company for arborist services.

Motion carried unanimously.

Mr. Burch mentioned Deb Neutkens published an informative article in the White Bear Press several weeks ago describing EAB, which is a great reference for residents.

- B. Resolution ordering project, approving specifications and authorizing advertisement for bids for the 2018 Bituminous Seal Coating Project, City Project No.: 18-02

City Engineer Burch stated that staff recommends approval of seal coating specifications for seeking bids for the 2018 bituminous seal coating projects, which is part of the city's pavement maintenance program. Once bids are obtained, the

Engineering Department will return bids to the Council for further consideration.

It was moved by Councilmember **Biehn**, seconded by Councilmember **Engstran** to adopt **Resolution No. 12194** ordering project, approving specifications and authorizing advertisement for bids for the 2018 Bituminous Seal Coating Project, City Project No.: 18-02.

Motion carried unanimously.

- C. Resolution ordering project, approving specifications and authorizing advertisement for bids for the 2018 Crack Sealing Project, City Project No.: 18-03

City Engineer Burch stated that crack sealing is part of the city's pavement maintenance projects. Sealing cracks to keep water out helps preserve pavement integrity. Staff recommends seeking bids for the 2018 crack sealing projects.

It was moved by Councilmember **Biehn**, seconded by Councilmember **Engstran**, to adopt **Resolution No. 12195** ordering project, approving specifications and authorizing advertisement for bids for the 2018 Crack Sealing Project, City Project No.: 18-03.

Motion carried unanimously.

- D. Resolution approving an agreement with Ramsey County for election services

City Manager Richter reported that the city utilized the election services of Ramsey County in 2017 to launch a pilot program for countywide early voting through the use of centralized early voting locations, including the Ramsey County Library.

Ms. Richter recounted a recent Council presentation by Joe Mansky, the Ramsey County Elections Administrator. Mr. Mansky had described current election trends, mainly in relation to early voting and security. Elections are becoming increasingly contentious and results are being contested at a higher frequency than ever before.

Ms. Richter reported that the pilot project with Ramsey County went well last year, with the exception of the display of a flag at one location. She reported that staff would work with Ramsey County to ensure polling places are displayed as accustomed.

Ms. Richter stated that the cost for Ramsey County to administer the upcoming state election is \$87,000. The city budgeted \$94,000, however \$30,000 represents costs for existing staff. Ms. Richter stated that a review of the budget reveals monies saved through current vacancies are sufficient to make up the budget variance. She added that shuffling existing staff to cover elections is disruptive to normal business practices and forwarded a recommendation to continue an agreement with Ramsey County to administer elections for 2018 - 2020.

Councilmember Walsh stated he thought this was a good idea and the County is the right level of government to assume election responsibilities. There is considerable election coordination between the city and county regardless. On a personal note, he has faith in Joe Mansky and the current set up of Ramsey County Elections.

Councilmember Jones supported the recommendation, stating that he has seen staff ramp up through the years to relearn and prepare for elections. He stated that city staff are not election experts as these duties come around only once per year.

It was moved by Councilmember **Walsh**, seconded by Councilmember **Biehn**, to adopt **Resolution No. 12196** approving an agreement with Ramsey County for election services.

Motion carried unanimously.

- E. Resolution receiving a feasibility report on the proposed Centerville Road Street and traffic signal improvements and ordering a public hearing on the proposed improvements (City Project No. 18-16)

City Engineer Burch stated that the final phase of the Centerville Road development is underway. The traffic patterns in the area are being generated by a variety of businesses and need to be cleaned up now that the final development is nearing completion.

Mr. Burch explained that improvements are being considered to Centerville Road with the addition of a traffic signal at the intersection where Cub Foods' entrance is located. A traffic study of this area was conducted a couple of years ago, whereby a service grade of "F" was assigned.

Mr. Burch explained that this is a joint project with the White Bear Township and Ramsey County. Although Centerville Road is a County Road, Ramsey County asked the City of White Bear Lake to take the lead because of the city's ability to move the project forward at an accelerated pace. Mr. Burch stated, that the City can take the lead on this project with the assistance of a consulting engineer who has been working for the developer. While the City will take the lead managing the project, the bulk of the work will be handled by the consultant and will be considered part of their improvement costs.

Mr. Burch stated that Lunds & Byerlys expects to be open in September, which is only five months away. Many of the materials will need to be ordered in advance, such as the signal system equipment, which take 8-10 weeks. Design and bids are compressed from the normal schedule given the tight turn-around.

Mr. Burch stated the County will pay for a portion of the improvements to the road. Both White Bear Township and White Bear Lake will fund their respective portions of these improvements through assessments to the properties that will be benefiting from the improvements. The city has asked its assessor, Dahlen & Dwyer, Inc. to prepare an appraisal report to determine the benefits to area property owners. This information will be used for preparation of special assessment rolls, which will be considered by the City Council at a future meeting. The remaining costs, which cannot be covered through township, city and county assessments, are to be covered by the developer.

Mr. Burch provided a brief overview of the plans for improvements to the area. He stated the Council will need to receive the request from Ramsey County for taking the project lead, receive the feasibility report and order the public meeting on April 24th, and ordering the project advertised for bids. This will allow the city to receive bids after the public hearing so the Council can consider award of a contract at the May 8th Council meeting. There will be a public information meeting regarding the proposed improvements in White Bear Lake City Hall on April 4th.

City Manager Richter added that the city will be bringing forward a reimbursement agreement with the developer at the April 24th Council meeting. This will protect the

city from being on the hook for any of the funding as the city's share of this project will be recovered through special assessments to affected properties.

Councilmember Jones asked for clarification related to the 17% management fee. It was confirmed this cost would be passed along to the developer.

Councilmember Walsh commented related to the public hearings, there will likely be many people attending and he suggested preparing for a lot of feedback about traffic in this area.

Community Development Director Kane stated that public notice was widespread, going south of 96 to include commercial properties and the residential neighborhood west of the commercial area, and up to White Bear Woods and the whole neighborhood behind Cub Foods.

City Attorney Pratt requested the following change to section two of the resolution, striking assessment hearing and replacing it with "improvement project".

It was moved by Councilmember **Walsh**, seconded by Councilmember **Edberg**, to adopt **Resolution No. 12197** receiving a feasibility report on the proposed Centerville Road Street and traffic signal improvements and ordering a public hearing on the proposed improvements (City Project No. 18-16), with a change to number 2, replacing "assessment roll" with "improvement project".

Motion carried unanimously.

F. Resolution calling for public hearing on a proposed property tax abatement

Finance Director Rambow explained that this is the first step in the process for selling bonds for the Sports Center renovation. The city is calling for a public hearing on April 24th related to designating certain properties within the city that would be obligated to pay the bonds on the Sports Center renovation project if necessary. An abatement bond states that taxes do not increase, but rather tax assessments are assigned, or designated, to repay the debt service.

It was moved by Councilmember **Engstran**, seconded by Councilmember **Jones**, to adopt **Resolution No. 12198** calling for public hearing on a proposed property tax abatement.

Motion carried unanimously.

G. Resolution calling for public hearing to identify a qualified user of the Sports Center

Finance Director Rambow explained that because the White Bear Hockey Association is a major tenant of the Sports Center and is a 501 3C operation, the city must hold a public hearing to designate the principal benefiting renter. He stated that the White Bear Hockey Association will pay rent as the principal renter.

Councilmember Edberg inquired whether a public hearing is required for another principal tenant should the White Bear Hockey Association dismantle. Mr. Rambow explained this is only because it is part of financing of the Sports Center.

Councilmember Jones inquired as to the School District. Mr. Rambow explained that

because they are a governmental agency, this is not required.

City Attorney Pratt explained further that if a private tenant moved into the Sports Center, that would jeopardize the tax-exempt status of the bonds the city is issuing. He said there is a provision in the Internal Revenue Code that a 5013C can take the majority of ice time as long as the city holds a public hearing and designates the bonds as qualified 5013C bonds. The school district is lumped into "good users" of the Sports Center, whether they are non-profits or governmental agencies. The city could have an agreement with the school district but it would not jeopardize the tax-exempt bonds.

It was moved by Councilmember **Engstran**, seconded by Councilmember **Walsh**, to adopt **Resolution No. 12199** calling for public hearing to identify a qualified user of the Sports Center.

Motion carried unanimously.

H. Resolution of support of legislation related to Lake Level Litigation

City Manager Richter explained that at the last meeting, the Council approved sending a letter to the DNR for an administrative appeal of the city's water appropriations permits. Until that administrative appeal process is concluded, the city is not obliged to follow the amendments that were placed on the city's water appropriations permits.

Ms. Richter went on to explain that in the meantime, Representative Runbeck in the House and Senator Chamberlain in the Senate are bringing forward bills stating that no funding will be spent by the DNR to enforce the provisions of the amendments to the water permits until the appeals process is exhausted. This effectively stays the Court's ruling until the appeal process is exhausted. Ms. Richter explained that most of the eleven affected communities have considered supporting these bills.

Councilmember Walsh stated he is generally opposed to telling other governmental bodies what to do, however, he shared that when these bills are discussed in committees, it is a good idea for the city to let legislators know where it stands.

It was moved by Councilmember **Walsh**, seconded by Councilmember **Edberg**, to adopt **Resolution No. 12200** support of legislation related to Lake Level Litigation.

Motion carried unanimously.

10. CONSENT

- A. Resolution accepting federal passport fee increase effective April 2, 2018. **Resolution No. 12201**
- B. Resolution ordering Public Hearing for Stormwater Pollution Prevention Program (SWPPP). **Resolution No. 12202**
- C. Resolution approving wine, strong beer and Sunday liquor licenses at Burger Bar. **Resolution No. 12203**
- D. Resolution approving an off-sale liquor license at The Cellars Wines & Spirits. **Resolution No. 12204**

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

Motion carried unanimously.

11. DISCUSSION

Nothing scheduled

12. COMMUNICATIONS FROM THE CITY MANAGER

➤ Work Session reminder

Ms. Richter reminded the Council of an upcoming work session on April 3rd to discuss fire and ambulance services. The work session was moved from 5:30 p.m. to 6:00 p.m.

➤ Newsletter

Ms. Richter relayed that the newsletter is expected to reach households by the 2nd week in April.

➤ Engineering update

City Engineer Burch stated that routine maintenance is happening to well number 3 in which the well is pulled from the ground and inspected. This is done every five years. The Sports Center project will start on Monday. Street projects are out for bids now and information related to sidewalks will be provided at the April 10th Council meeting.

➤ Planning update

Ms. Kane was pleased to announce that six of seven required elements of the Comprehensive Plan were presented to the various advisory boards and commissions with good feedback. Currently the transportation element and the implementation element will be presented to the Planning Commission at the April 30th meeting along with a substantial draft of the Comprehensive Plan for public input. Ms. Kane anticipates presenting a complete draft to the Council during the May 8th City Council meeting for a formal public hearing.

Ms. Kane referenced a handout of proposed committees for the Rush Line Environmental Analysis Phase. She explained that Rush Line is seeking a lot of community input with three additional committees. The proposed working group would meet 2-3 times over the year with Kimberly Horn and the consulting team to help identify issues and provide community input on everything north of County Road E. Rush Line would also like to conduct one-on-one interviews with stakeholders and policy makers.

Ms. Kane explained that after this Thursday's policy advisory meeting, Rush Line will be announcing a broader, community-wide committee that will be staffed through an application, nomination and appointment process. Ms. Kane asked for recommendations for community members to reach out to, or if Councilmembers had an interest in participating.

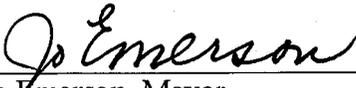
Ms. Kane shared the timeline for these committees. She asked for recommendations by the end of the week, or next week by Tuesday. The first meeting of the broader task force and working group will be on April 17th and Crandall-Arambula, the station area planning and design sub-consultant, will be here April 17-19 for one-on-one interviews.

➤ Dog Exercise Area

Ms. Richter reminded the public of a planned discussion about the dog exercise area on April 10th. She stated that it is still the recommendation of the Park Advisory Commission that the 7th Street location be removed as a designated dog exercise area within the City of White Bear Lake. Dogs are not permitted in the City Council Chambers.

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 9:04 p.m.



Jo Emerson, Mayor

ATTEST:



Kara Coustry, City Clerk