



**MINUTES
REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF WHITE BEAR LAKE, MINNESOTA
TUESDAY, AUGUST 15, 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 Hiniker, Assistant City Manager Rick Juba, City Engineer Mark Burch, Community Development Director Anne Kane, Assistant City Engineer Jesse Farrell, Finance Director Don Rambow, Chief Greg Peterson, Asst. Chief Joel Schmidt, Building Official Ben Eggan, City Clerk Kara Coustry and City Attorney Andy Pratt.

PLEDGE OF ALLEGIANCE

2. APPROVAL OF MINUTES

It was moved by Councilmember **Edberg** seconded by Councilmember **Walsh**, to approve the Minutes of the Regular City Council Meeting on July 24, 2018.

Motion carried unanimously.

It was moved by Councilmember **Jones** seconded by Councilmember **Biehn** to approve the Minutes of the Closed City Council Meeting on July 24, 2018.

Motion carried unanimously.

3. APPROVAL OF THE AGENDA

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

Motion carried unanimously.

4. VISITORS AND PRESENTATIONS

Nothing scheduled

5. PUBLIC HEARINGS

Nothing scheduled

6. LAND USE

A. Non-Consent

Nothing scheduled

B. Consent

1. Consideration of a Planning Commission recommendation regarding a request by Greg & Mary Pariseau for a setback Variance (Case No. 18-8-V). **Resolution No. 11270**
2. Consideration of a Planning Commission recommendation regarding a request by Tracey Montgomery for a Conditional Use Permit for a Home Accessory Apartment and a Variance (Case No. 18-3-CUP & 18-11-V). **Resolution No. 11271**

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

Motion carried unanimously.

7. UNFINISHED BUSINESS

A. Resolution authorizing the addition of four full-time Paramedic/Firefighter positions

City Manager Hiniker forwarded a recommendation to hire four full-time Paramedic/Firefighter positions. She highlighted that these positions will have combined duties of a paramedic and firefighter. Ms. Hiniker mentioned the budgetary impact for 2018 will be balanced through higher than projected ambulance revenues and identified savings in dispatch. She added that by adding these four positions, the City is committing to an increase in ambulance rates of 10-12% and an approximate \$95,000 increase to the general levy.

It was moved by Councilmember **Jones** emphatically seconded by Councilmember **Biehn**, to adopt **Resolution No. 11272** authorizing the addition of four full-time Paramedic/Firefighter positions.

Councilmember Edberg inquired as to management's perspectives after the last Council discussion. Ms. Hiniker responded that management remains resolute in recommending these additional positions.

Councilmember Edberg explained that Council is responding to changes to demographics and use patterns and asked what the next benchmark or warning sign would be to trigger the need for additional change. Ms. Hiniker explained that staff will continue to look at indicators such as calls for service and response time analytics. In response to a question from Councilmember Edberg, Ms. Richter expressed confidence in maintaining these staffing levels for the next five years. She stated it is difficult to predict, as fire and ambulance service metro and nation-wide is changing rapidly; the need for further change will depend upon the number of calls for service and the availability of part-time responders.

Councilmember Jones stated his only concern is whether or not the pay is competitive enough to recruit and retain good candidates for these positions. He does not see the demographics changing in the recent future and suggested a future work session outlining the factors to help address staffing challenges the Fire Chief is facing. Councilmember Jones mentioned perhaps providing educational assistance for EMTs to become Paramedics.

Councilmember Walsh inquired as to the dual role of these new folks and whether the job descriptions of current staff are being updated. City Manager Hiniker explained that the

intention is to re-open all current medical response positions to include the job requirements of these new positions, which will ensure that everyone is able to respond to fire calls as well.

Motion carried with Councilmember Engstran abstaining.

8. ORDINANCES

- A. Ordinance adopting the 2018 International Property Maintenance Code and deletion of White Bear Lake City Ordinance, Chapter 804 related to smoke detector requirements

Community Development Director Kane introduced the City's Building Official, Ben Eggan who addressed the Council last year regarding expansion of the current minimum housing requirements to apply to all properties within the City. She stated the current code only applies to residential properties. Ms. Kane mentioned that tonight is first reading of this proposed Ordinance, with second reading slotted for September 25.

Since addressing Council last year, Ben Eggan stated he has reviewed and modified the model 2018 International Property Maintenance Code (IPMC) to fit the City's needs and comply with State's Code. After completing those revisions, Mr. Eggan submitted changes for review by the International Code Council (ICC) who approved the City's proposed changes for publication on the webpage, should Council choose to adopt it.

Mr. Eggan reiterated, this is a model code, used all over the country including approximately 30 cities in the Twin Cities area. He explained that the first edition was written in 2000 with four (4) amendments since. He identified the differences between codes, stating that everything from current code section 502 is included in this new code, so nothing is lost. The new IPMC expands the requirements for multi-family buildings to cover things like proper exiting, maintenance of fire suppression systems, smoke detection systems, interconnected carbon monoxide detection systems, commercial kitchen hoods. Mr. Eggan stated that the current code does not provide tools needed to address issues with multi-family and commercial properties.

Mr. Eggan explained that the IPMC has provisions for smoke detectors, which is written identical to the International Residential Code and the International Building Code. The City uses these documents daily because these were adopted by the State. He explained the City's code pertaining to smoke detectors was written years ago, and contains criteria for smoke detectors that conflicts with the State's code. He stated the Fire Department was in agreeance that the City's fire detector code be deleted for reliance on the State's code.

Councilmember Walsh mentioned there are many specific provisions stated in the International Code and asked Mr. Eggan to characterize the implementation of this. Is this something that upon adoption will put many businesses out of code, requiring expensive repairs to become compliant? Mr. Eggan had experienced this in the past and was cautious in his revisions. For example, he edited a statement that all non-conforming business shall be made to comply. Instead, he rephrased this so that if something is non-conforming, but is not a life-safety concern, staff has the discretion to continue to allow it.

Councilmember Edberg suggested since this code is expanding to cover commercial buildings, there should be outreach to the Chamber of Commerce to involve them in this ordinance early so there are no surprises. With regard to staff discretion,

Councilmember Edberg asked why grandfathering business was not the approach used. Mr. Eggan explained that there are many scenarios, including non-conforming new construction. He mentioned the purpose of this code is not to cast out into the community to tag non-conformance, but rather to provide a mechanism for staff to address calls of concern, such as a leaking roof.

Councilmember Edberg referenced a recent MN Supreme Court ruling over who is responsible for public nuisance situations and under what circumstances. Community Development Director Kane clarified that the rental licensing section of the code contains the three-strike rule. Mr. Eggan added that the rental ordinance refers to this ordinance for basic property standards.

Mayor Emerson conveyed positive feedback from residents regarding Mr. Eggan, and thanked him for his work. She stated the second reading will occur on September 25.

9. NEW BUSINESS

- A. Resolution accepting work and authorizing final payment to Park Construction for completion of the 2018 Mill and Overlay Project (City Project No. 18-13)

City Engineer Burch recapped the scope of 2018 Mill and Overlay projects. He reported the original contract amount was \$345,357.30, but the value of the work completed is \$330,168.92. This contract is based upon unit prices for milling and paving, and the final contract amount is based on actual work performed. He forwarded staff's recommendation that the City Council accept the work and authorize the final payment to Park Construction Company in the amount of \$50,001.60.

It was moved by Councilmember **Engstran** seconded by Councilmember **Edberg**, to adopt **Resolution No. 11273** accepting work and authorizing final payment to Park Construction for completion of the 2018 Mill and Overlay Project (City Project No. 18-13)

Motion carried unanimously.

- B. Resolution approving change order No. 1 to the Centerville Road Project for additional work added to the scope of the project (City Project No. 18-16)

City Engineer Burch reported that Ramsey County requested a revision to the Centerville Road Reconstruction Project in which curb would be aligned on the west side of Centerville Road for improved maintenance operations. The additional work for Change Order #1 is \$39,348.00 and is 100% county funded. As administrators of this contract, City approval is required. Mr. Burch stated, the City has an existing contract with Forest Lake Contracting, Inc. for the Centerville Road Reconstruction in the amount of \$894,359.47. The addition of Change Order #1 brings the total contract amount to \$933,707.47

It was moved by Councilmember **Walsh** seconded by Councilmember **Biehn**, to adopt **Resolution No. 11274** approving change order No. 1 to the Centerville Road Project for additional work added to the scope of the project (City Project No. 18-16)

Motion carried unanimously.

10. CONSENT

- A. Resolution approving temporary liquor license for St. Mary of the Lake's Fall Festival. **Resolution No. 11275**
- B. Resolution approving an application to conduct off-site gambling at the White Bear Sports Center for the White Bear Lake Hockey Association. **Resolution No. 11276**
- C. Resolution approving 3.2 on-sale liquor license for The Waters of White Bear Lake. **Resolution No. 11277**
- D. Resolution approving massage therapist licenses. **Resolution No. 11278**
- E. Acceptance of minutes from May Park Advisory Commission, June White Bear Lake Conservation District; July Planning Commission

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

Motion carried unanimously.

11. DISCUSSION

- A. Solar energy presentation – Connie Taillon

Connie Taillon, the City's Environmental Specialist, introduced the Environmental Advisory Commission members in the audience who were in attendance to learn more about solar energy. Her presentation covered an overview of the history of solar, financing structures, suitable sites, maintenance, disposal, energy savings and risks associated with solar energy.

Councilmember Edberg is intrigued but believes a better understanding of how this works is needed. He would not rely solely on the company selling their system as the source of analysis and data. He would like to see more of a feasibility analysis and third party assessment. Councilmember Edberg stated that if there is interest in this, he would like the conversation including other sources of information along with a financial analysis.

Councilmember Biehn stated that if the City were to decide to use a third-party vendor, there is no cost. If the City were to consider direct purchase of solar systems, that would be an investment cost of \$500,000. He is interested in comparing the two options, lease vs. ownership. He stated that the City should not be afraid to invest in solar, as other communities have done.

Councilmember Walsh expressed his belief that solar is dumb energy and does not want to participate in this initiative; he disagrees with it philosophically. He said these initiatives are undertaken to lessen reliance on coal, nuclear and natural gas, but these sources are still needed. The grid gets more expensive and harder to maintain when renewables are plugged in because you have to figure how to take it when it is available.

Councilmember Walsh indicated that solar is highly subsidized, which results in people paying more in federal taxes. He said that by forcing Xcel Energy to purchase solar powered electricity, the cost of electricity continues to increase. It would be much easier

for Xcel if they only had coal, nuclear and natural gas inputs, which would mean lower energy costs. He said MN had historically low energy costs in relation to the rest of the country before implementing a 20% renewable energy goal. Now MN has above average energy costs related to the rest of the country.

Councilmember Walsh stated this while this may be a good plan for the City's budget, it is subsidized by the ratepayers and federal taxpayers, which doesn't sit well with him. He believes this item is a waste of time and suggested the City petition the State to get rid of the 20% renewable energy standard and lower the cost of energy for everyone. He said we should buy more coal, which is becoming cleaner, and nuclear and natural gas that is clean.

Councilmember Jones would like to know the cost of the panels and the energy going into the production of these panels. He stated Councilmember Walsh brought up some valid points and asked whether he would feel better about it if the City were to purchase the panels outright and forgo the 30% tax credit. He inquired as to whether the roofs of City's building would be strong enough to support this system, to which Ms. Hiniker stated an engineering analysis would be done on any roof being considered for panels. Councilmember Jones agreed with Councilmember Edberg that further study is needed.

Councilmember Biehn would also like to move forward with getting more information. In consideration of the 30% tax credit, he would likely not be in favor of direct purchase. He believes we need a mix of all energy sources and whether it is the City, State, or Country, we do not want to lag behind the rest of the world, we want to be in the lead.

Mayor Emerson said it would be helpful to hear from the other cities who have implemented these systems.

Councilmember Edberg said he would like to move forward with getting more information because this is not dumb energy. He pointed out that the natural gas and oil industries are also subsidized. He also pointed to carbon in the atmosphere and those costs. Councilmember Edberg asked Ms. Hiniker what dollar value is material to the City in terms of how much net income, or net reduction. Ms. Hiniker believed that 20% was a fair expectation.

Councilmember Edberg summarized that the City has maybe only three (3) months to make a decision, advertise and select a vendor. He would like an economic analysis and technical feasibility study. He was open to hearing from Xcel Energy, but cautioned they have an interest in maintaining energy sales. He was only interested in a third-party agreement because the City would be otherwise giving away the 30% tax credit benefit.

12. COMMUNICATIONS FROM THE CITY MANAGER

Mayor Emerson thanked all the residents and staff who participated in Night to Unite this year. There were 55 parties. These are a lot of work, but they are also a lot of fun.

- Safety Camp for Youth – This first time event was organized by the Police Department with Fire Department participation and assistance from Public Works pulling it together. There were 82 youth in the community who signed up for the cost of a t-shirt. Eight topics were discussed such as safety for babysitters, bike safety, basic first aid and swim safety with assistance from the YMCA. Lifelink's helicopter was there as well.

- Budget Work Session next Tuesday in the Expansion Room of City Hall at 6:00 pm.
- Engineering updates – Mark Burch
 - Street reconstruction is nearly complete with the first lifts applied to all streets. Sod and restoration work is almost completed.
 - Sports Center is nearing completion with ice anticipated on Sept. 5
- Community Development updates – Anne Kane
 - Rush Line will be back in October to make a presentation on three, possibly four stations that will service White Bear Lake area. Ms. Hiniker mentioned bringing this forward during October’s Work Session

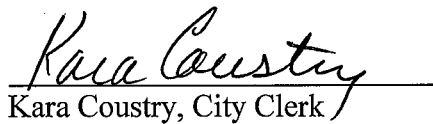
13. ADJOURNMENT

There being no further business before the Council, it was moved by Councilmember **Walsh** seconded by Councilmember **Jones** to adjourn the regular meeting at **8:35 p.m.**



Jo Emerson, Mayor

ATTEST:



Kara Coustry, City Clerk