



**MINUTES  
REGULAR MEETING OF THE CITY COUNCIL  
OF THE CITY OF WHITE BEAR LAKE, MINNESOTA  
TUESDAY, FEBRUARY 26, 2019  
7:00 P.M. IN THE COUNCIL CHAMBERS**

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

Mayor Emerson called the meeting to order at 7:03 p.m. Councilmembers Doug Biehn, Dan Jones, Kevin Edberg, Steven Engstran and Bill Walsh were present. Staff members present were City Manager Ellen Hiniker, Assistant City Manager Rick Juba, Finance Director Kerri Kindsvater, Community Development Director Anne Kane, City Engineer Paul Kauppi, City Clerk Kara Coustry and City Attorney Troy Gilchrist.

PLEDGE OF ALLEGIANCE

**2. APPROVAL OF MINUTES**

A. Minutes of the Regular City Council Meeting on February 12, 2019

It was moved by Councilmember **Edberg** seconded by Councilmember **Biehn**, to approve the Minutes of the Regular City Council Meeting on February 12, 2019.

Motion carried unanimously.

**3. APPROVAL OF THE AGENDA**

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

Motion carried unanimously.

**4. VISITORS AND PRESENTATIONS**

A. Marketfest Presentation – Lisa Beecroft

Lisa Beecroft, Event Director for Marketfest, provided an overview of the events planned for 2019. Marketfest is in its 29<sup>th</sup> year and runs seven Thursdays June 13- July 25, 2019, from 6-9 p.m. Theme weeks activities take place on 4<sup>th</sup> Street as follows:

- June 13 - Manitou Days Kickoff
- June 20 - History/Cakewalk
- June 27 - Business Runway
- July 4 - Military Appreciation Day
- July 11 - Biz Kids/Seniors
- July 18 - Public Safety/Health Week
- July 25 - Environmental Expo

As in past years, Marketfest requested \$7,000 in funding from the City's, use of the streets and sidewalks in downtown White Bear Lake and assistance from the Public Works and Public Safety Departments.

## 5. PUBLIC HEARINGS

Nothing scheduled

## 6. LAND USE

Nothing scheduled

## 7. UNFINISHED BUSINESS

Nothing scheduled

## 8. ORDINANCES

### A. Massage Therapist Ordinance – Second Reading

City Manager Hiniker reported this is the second reading for a revision to the massage ordinance. Ms. Hiniker explained that in response to concerns expressed by Council regarding the administrative approval provision, the proposed amended ordinance maintains the requirement that all business establishment licenses be approved by the City Council. Ms. Hiniker reported that language providing for administrative approval of individual therapist licenses remains in the proposed ordinance amendment to facilitate the speed in which businesses might fill their vacancies.

A second modification since first reading, Ms. Hiniker stated, was an addition to the Unlawful Acts section of the ordinance, which makes it a misdemeanor for “failure to disclose information required on the application form”. While the general intent is not to press charges in these cases, making “failure to disclose” a crime elevates the background checking ability of the Police Department to expand their records search nationwide.

Councilmember Edberg supported the proposal for administrative review of therapist licenses and inquired as to whether Council approval of the establishment license might impair the operation of a business who is otherwise transitioning legally. Ms. Hiniker stated that, to date, these businesses have changed hands only when licenses have been revoked.

Mayor Emerson opened up a public hearing at 7:23 p.m. There being no one to speak, Mayor Emerson closed the public hearing.

Ms. Hiniker added, Dale Grambush made a suggested to add a qualifier to the requirement for proof of workers’ compensation insurance by adding, “as required by Minnesota law”.

It was moved by Councilmember **Walsh**, seconded by Councilmember **Engstran**, to adopt **Ordinance 19-02-2033** an Ordinance amending section 1-127 of the Municipal Code of the City of White Bear Lake regarding massage therapists and massage therapist businesses.

Motion carried unanimously.

Although he did not believe it strong enough, Councilmember Jones supported this ordinance revision. He did not wish to encumber existing businesses, but he noted the significant staff time and police work required to manage these business licenses.

It was moved by Councilmember **Engstran**, seconded by Councilmember **Biehn** to adopt **Resolution No. 12352** establishing the title and summary approval of **Ordinance 19-02-2033**.

Motion carried unanimously.

## 9. NEW BUSINESS

### A. Resolution establishing Rush Line BRT Stations in White Bear Lake

City Manager Hiniker reported that Council will be making a recommendation for a Rush Line BRT station area location in downtown White Bear Lake, which will be forwarded to the Rush Line Policy Advisory Committee for consideration at its meeting on Thursday, February 28, 2019, at 2:30 p.m. in Maplewood. Ms. Hiniker stated, that once selected, the Rush Line project team will undertake a comprehensive environmental analysis to more closely examine traffic, land use and parking impacts, among other things, of all stations along the corridor, and identify means to mitigate these impacts.

Ms. Hiniker said the Ramsey County Regional Rail Authority is the lead local agency for the environmental analysis phase of the overall transitway development process for the future Rush Line Bus Rapid Transit Corridor. The environmental analysis phase, which began spring of 2018, is a two-year process, with the overall process expected to extend another 4-5 years before construction begins. The project will later be handed off to the Metropolitan Council as it enters the project development phase of the Federal Transit Administration's Capital Investment Grants program.

Ms. Hiniker explained that the environmental analysis phase is focused on the selection of station platforms locations along the entire corridor. Five (5) platforms would be located north of Interstate 694 at Buerkle Road, County Road E, Cedar Avenue, White Bear Avenue/Whitaker area and the downtown area, with the downtown serving as the corridor's turn-around.

Ms. Hiniker reported that after the Station Area Planning Work Group's findings were released, Rush Line staff held two (2) listening sessions on October 11<sup>th</sup> and 12<sup>th</sup> to solicit community feedback. A comment portal was also made available through the Rush Line website. There was considerable opposition expressed regarding the Clark Avenue location, which included but was not limited to concerns over its impact on the character of the historical downtown and the availability of on-street parking. Following discussion at the October 23<sup>rd</sup> City Council meeting, the Rush Line Project Team was asked to develop alternative options for a downtown station platform location.

As a result, Ms. Hiniker said, six (6) alternatives were developed over the next few months and brought back to the community for input. In addition to two pop-up sessions and an open house held in January, the County developed an on-line survey to broaden the opportunity for community feedback. The survey was open through the end of January and results were presented to Council at its meeting on February 12<sup>th</sup>. While not a statistically valid representation of the community, the results are informative as the Council deliberates its selection of a preferred site location.

Ms. Hiniker relayed the issues of concern for bus rapid transit in downtown White Bear Lake, including traffic and safety, parking, crime, impact on character of the historic downtown, ridership and costs. She reported that further review by the technical advisory committee comprised of Rush Line, MnDOT and Metro Transit representatives led to the elimination of the following three options due to either traffic, public park impact, operational and/or safety concerns, leaving the following three options for further Council consideration:

- 7th and Washington, west of Hwy 61
- 4th and Division, west of Hwy 61
- Clark Avenue between 2nd and 3rd Streets, east of Hwy 61

Andy Gitzlaff with the Ramsey County Regional Rail Authority provided an overview of the Rush Line project to date, including public engagement, and revealed results of a community survey and open house comments received regarding the downtown station location in White Bear Lake. He recapped information that was covered during the February 12, 2019, City Council meeting.

Ms. Hiniker reported the site on Clark Avenue provides the most direct access to the core of the downtown and is operationally superior, but has raised considerable opposition from the community and poses unique parking challenges in an already strained parking environment due to the removal of 30 on-street parking spaces.

Ms. Hiniker stated the site near Division and 4<sup>th</sup> Street faces more traffic challenges, which could be partially mitigated with additional traffic control and enhanced pedestrian facilities.

Ms. Hiniker explained the site near 7<sup>th</sup> and Washington is on the outer edges of the walkability range, but offers convenient access to regional destinations, including the Hanifl Center, White Bear Center for the Arts, the District Center, Central and North Campuses. Similar to the 4<sup>th</sup>/Division location, the 7<sup>th</sup>/Washington Street location could serve as a catalyst for further development of downtown west of Hwy 61. Ms. Hiniker reported that staff met with the Claussens, owners of Bear Town, to review the impact of a BRT platform in this location, including parking and truck delivery logistics.

Ms. Hiniker explained that while each site has its own unique opportunities, staff supports the 7<sup>th</sup> Street/Washington Street location as a site that would further continue to develop the west side of downtown. Ms. Hiniker notified the Claussens of staff's recommendation, and assured them that if Council selected this site, staff was committed to work with Ramsey County and the Claussens through the next phase of analysis.

Mr. Gitzlaff introduced his companions as Ramsey County Commissioner Victoria Reinhardt, Chair of the Rush Line Corridor Task Force this year, and Adele Hall in charge of engagement and who assisted with the surveys.

Councilmember Jones referenced staff's memo relative to low calls of concern at Apple Valley, and St. Paul Highland Park BRT platforms. He also noted the larger volume of calls of concern at Maplewood (average 22 calls/year), but pointed out that this location is a park-n-ride for 1,000 vehicles, which does not compare to the station platform proposed in downtown White Bear Lake. He asked Captain Hager how these calls numbers compare in the community.

Captain Hager noted that in 2018, there were 14 calls of concern West of Highway 61 near 4<sup>th</sup> Street. The Stadium on Hoffman had 33 calls of concern. A total of 70 calls of concern were logged from Rudy's and Best Western combined. Captain Hager reported that in 2018, Century College generated 328 case numbers with about 100 calls of concerns.

Councilmember Walsh suggested that for a more complete picture of crime generated from bus lines, analysis should extend to include the Mall of America or the Eagan Outlet Mall. He mentioned a 2004 bus strike that resulted in a dramatic reduction in crime at Mall of America. He said it is just common sense that more people will equal more crime, and more police will be needed to address the influx of people/crime.

Councilmember Biehn agreed there will be more people, which he believes will provide more opportunities, more commerce, more business and more viability. He stated the positive opportunities and benefits of additional people vastly outweigh the minor amount of increase in crime, which he personally believes is used as a scare tactic rather than a real concern. His background in law enforcement provides the basis for this conclusion.

Councilmember Jones inquired whether business owners and the airport would like to see the Mall of America bulldozed for crime, considering the amount of good that comes from tax revenue, shopping opportunities and tourism. He relayed callers' inflated concerns and pointed to Century College, which the City views as an asset despite 100 calls of concern.

Mayor Emerson opened a public hearing at 8:19 p.m.

Dale Grambush stated he is a resident at 2415 Gisella Blvd. He is also a business owner in downtown White Bear Lake who relayed that through the years he has received a number of calls asking about bus service into the downtown. He expressed the most concern with the Clark Avenue option because of the loss of 32 parking spaces with no plan for replacement parking. He considered the 7<sup>th</sup> Street location as part of downtown and liked 4<sup>th</sup> Street for being more centralized and because it is City-owned property.

There being no others wishing to speak, Mayor Emerson closed the public hearing at 8:21 p.m.

Councilmember Biehn felt it important for the history, the future and the viability/prosperousness of the City to establish bus service. He agreed with Mr. Grambush that Clark is not an option. He expressed desire to have the station at the 7<sup>th</sup> Street and Washington location.

It was moved by Councilmember **Biehn**, seconded by Councilmember **Jones**, to adopt **Resolution No. 12353**, for 7<sup>th</sup> Street and Washington as the preferred bus station location in downtown White Bear Lake.

Councilmember Edberg reviewed a map of the metropolitan area and pointed out the need for transit to the northeast metro, especially in light of projected population growth of 1,000,000 in the metropolitan area over the next couple of decades. He stated it is critical that a transportation option is provided to the northeast metro area in order to remain competitive compared to the rest of the metro area. He was particularly interested in providing options to businesses to attract employees because they do not all come

from this community. He believed the Clark location was viable, but without consensus, he was willing to support the 7<sup>th</sup> Street location to support the arts district and future development of that location.

Councilmember Walsh questioned the concern for loss of parking if the station were on Clark Avenue, citing that presumably people taking the bus and will not need those stalls. He stated the proponents and the professionals at Ramsey County and the Metropolitan Council pointed to Clark Avenue as the core of the City and the best place for this station in order to make the numbers work, the ridership work and the overall project work.

Councilmember Walsh stated that while he does not support the project, if it is going to happen and have a chance for success, the downtown location at Clark Avenue most sense; although he believes it would ruin the quaint downtown White Bear Lake with busses running through it every ten (10) minutes. He did not believe a bus station north of downtown would be successful to make the numbers work. Although he remains opposed to the whole project, he said, it should be done the right way to be successful.

Councilmember Walsh opposed the motion on the table because he believes Clark Avenue is a much better option. He also expressed sympathy for the property owners of Bear Town who were opposed to the project in their backyard and would need to deed some of their property to do it. Although he appreciated staff met with the Claussen's, he stated the City is wasting a ton of time on this project.

Lastly, Councilmember Walsh recapped that to-date, the Council has voted on the locally preferred route and the mode. He explained that tonight's vote is another very specific and narrow vote for the station location, and not a vote in favor of this project, which he is not. He explained that to build this bus line, the ridership has to be there to make the project work and the Clark Avenue site is the best option. He believed 7<sup>th</sup> Street to be too far north of downtown to make the numbers work.

Councilmember **Walsh** moved to amend the motion for D (Clark Avenue) instead of A (7<sup>th</sup> Street), seconded by Councilmember **Edberg** for purposes of discussion.

Councilmember Jones stated he believed Ramsey County selected option D (Clark Avenue) because it was the easiest pick, initially. He reviewed the positive impacts of option A (7<sup>th</sup> Street), including no loss of on-street parking in downtown core, proximity to the Art District, School District and future development potential of the area. He pointed out that the northern location on 7<sup>th</sup> Street is still within the circle of viable service identified by the Ramsey County Regional Rail Authority. He also supported the 7<sup>th</sup> Street location as it does not infringe on the character of old downtown White Bear Lake. Councilmember Jones will not vote for any location on the east side of downtown.

Councilmember Walsh believed Councilmember Jones was making an assumption that development will occur at the 7<sup>th</sup> Street location. He noted this location is on the outer edge of the circle and did not see people walking into downtown from this location.

Mayor Emerson called for a vote on the amended motion for the Clark Street location. **Motion failed.** Councilmembers Biehn, Jones and Engstran voting nay.

Mayor Emerson called for a vote on the original motion for the station to adopt **Resolution No. 12353**, for 7<sup>th</sup> Street and Washington as the preferred bus station location in downtown White Bear Lake.

**Motion carried.** Councilmember Walsh and Engstran nay.

## 10. CONSENT

- A. Acceptance of minutes from the November White Bear Lake Conservation District; January Environmental Advisory Commission Minutes
- B. Resolution authorizing financial participation in Marketfest 2019. **Resolution No. 12354**
- C. Resolution approving massage therapist licenses. **Resolution No. 12355**

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

Motion carried unanimously.

## 11. DISCUSSION

Nothing scheduled

## 12. COMMUNICATIONS FROM THE CITY MANAGER

- Water Gremlin materials were provided from the February 20, 2019 public meeting. The second meeting is scheduled for March 7<sup>th</sup>. In response to Councilmember Edberg, Ms. Hiniker agreed that the City's only role is to provide communication, but otherwise, this issue is under the jurisdiction of the MPCA and Water Gremlin.
- Ms. Hiniker thanked the City Council for their participation in a Strategic Planning work session. Staff will continue to work on developing priorities and will return to the City Council for formal acknowledgment of identified work plans.
- Ms. Hiniker reported that Councilmember Jones and Councilmember Walsh met with representatives of the Ramsey/Washington Suburban Cable Commission to discuss the franchise renewal process and learn more about the organization. She mentioned bringing more information back to the City Council in the future.
- City Engineer/Public Works Director Kauppi reported that plow crews have been working overtime relocating the snow. He mentioned the pedestrian walk along White Bear Avenue has been challenging given proximity to the road. Mr. Kauppi stated that water main breaks have slowed down, most likely because of snow cover.

Councilmember Edberg thanked crews for their work. He mentioned an emerging issue with high snow banks at key intersections, making it difficult to navigate. Mr. Kauppi stated that staff continues to work on these corner banks as they are able.

Councilmember Jones thanked Public Works for their timely response and Republic Services for their continued trash service.

- Community Development Director Kane introduced the Comprehensive Plan to Council and relayed general positive feedback from the community. She stated that more than 400 letters were mailed to notify property owners of the February 25<sup>th</sup> public hearing.

She stated a draft Comprehensive Plan is posted on the City's website for public review, comment and input. The public hearing was continued to March 25, 2019 Planning Commission meeting and Ms. Kane encouraged additional input from residents. It is anticipated the City Council will vote on the Comprehensive Plan during the April 9, 2019 City Council meeting.

- Ms. Hiniker was pleased to report that Kerri Kindsvater has assumed her new role as the Finance Director for the City of White Bear Lake.

### 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 9:54 p.m.

  
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Jo Emerson, Mayor

**ATTEST:**

  
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Kara Coustry, City Clerk