



**MINUTES
REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF WHITE BEAR LAKE, MINNESOTA
TUESDAY, MARCH 12, 2019
7:00 P.M. IN THE COUNCIL CHAMBERS**

1. CALL TO ORDER AND ROLL CALL

Mayor Emerson called the meeting to order at 7:00 p.m. Councilmembers Dan Jones, Kevin Edberg, Steven Engstran and Bill Walsh were present. Councilmember Doug Biehn was excused absence. 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 26, 2019

Councilmember Edberg noted at the bottom of page 2, a motion to approve the Ordinance did not denote the motion carried unanimously.

It was moved by Councilmember **Walsh** seconded by Councilmember **Engstran**, to approve the corrected Minutes of the Regular City Council Meeting on February 26, 2019.

Motion carried unanimously.

3. APPROVAL OF THE AGENDA

Ms. Hiniker asked to remove the refuse discussion from the agenda with the intention to include this item on the March 26, 2019 agenda.

It was moved by Councilmember **Edberg** seconded by Councilmember **Jones**, to approve the agenda as amended.

Motion carried unanimously.

4. VISITORS AND PRESENTATIONS

A. Swearing in Officer Joe Kill

Chief Swanson introduced Officer Joe Kill whose lifelong dream has been to become a Police Officer. Joe was born and raised in White Bear Lake. He has served on the White Bear Lake Fire Department and as a Police Reserve for a number of years. After graduating from White Bear Lake High School, he earned a degree in law enforcement from Century College. Joe enlisted in the Army and served in a Military Police

Company where he was deployed to Guantanamo Bay, Cuba. When Joe returned to White Bear Lake about a year ago, he became a Community Service Officer.

Chief Swanson noted that Joe was joined by his wife Channing, and daughters Hailey and Bexly, as well as his parents. The oath of office was administered by the city clerk and Joe's badge was pinned by his daughter, Hailey.

B. Tom Snell – Autonomous Vehicle Pilot Project

Tom Snell, Director of the White Bear Area Chamber of Commerce stated he has been working to bring a pilot project to White Bear Lake to test an autonomous vehicle on the City's streets. He relayed that he wants White Bear Lake to be known as Minnesota's center for innovation, opportunity and a magnet to attract the creative class to our wonderful community. As such, Mr. Snell is a strong supporter of this pilot project and he introduced Frank Douma and Sara Paul to speak more about it.

Frank Douma, Director of State and Local Policy Program and Coordinator for the Masters of Regional Planning Degree Program at the University MN, Humphrey Institute, addressed the Council. He mentioned the Senate Transportation Committee is considering a bill to allow driverless vehicles on any street in Minnesota. Mr. Douma cited advances for autonomous vehicles including improved safety, increased mobility and better efficiency with electric vehicles.

Mr. Douma explained that micro-shuttles would be the type of vehicle tested, which are low-speed vehicles with a capacity for 12-15 passengers. He stated these small bus-like vehicles have no steering wheel or brake pedal and are being tested in larger cities in the US already, but this research study is intended to test autonomous vehicles in smaller urban and rural communities.

Mr. Douma reported that White Bear Lake fit several criteria including population, seniors, transit gaps and community interest. As such, they met with the Chamber, NewTrax, School District, the City and others to create a proposed route. The proposed route would commence at the YMCA, proceed west along Orchard Avenue, north on Willow to the Boulders Senior Living Apartments and back again.

Sara Paul, Assistant Superintendent of the White Bear Lake Area School District, explained the mission of the school calls for the community to be at the forefront of educational excellence, which is accomplished through these types of partnerships. Ms. Paul explained the stakeholders are ahead of the nation in deep conversations related to working through the three phases of this project: research, opportunities for students, career pathways. This is a great opportunity for students and future careers.

City Manager Hiniker stated the City is still working through how this would be structured. She highlighted a grant opportunity through MNDOT and possible fundraising by the Chamber to fund the project. The City's role is to provide feedback related to logistics in identifying a safe route. Ms. Hiniker noted the vehicle would be attended by a person to provide back-up to the technology.

Ms. Hiniker highlighted the partners would be the University, the School District, Newtrax and the City of White Bear Lake. She relayed feedback from the League of Minnesota Cities (LMC), who was interested in how cities might coordinate testing. Staff has reached out to the League of Minnesota Cities to inquire about liability. LMC indicated

that the liability would fall primarily on the owner of the vehicle, which would not fall on the City.

Councilmember Walsh inquired about the attendant in the vehicle. Mr. Douma stated that although AV technology is feasible, an attendant would be included for the pilot to secure safety. Councilmember Edberg asked what the role of an attendant is, if there is no brake and no steering wheel. Mr. Douma explained the attendant would have the ability to operate the vehicle manually at very low speeds and can break in an emergency with an emergency stop-button.

Councilmember Jones expressed curiosity regarding autonomous vehicles operating in the snow. Mr. Douma stated that the vehicle stopped in the snow when MnDOT first tested it. Over the process of a few weeks, Mr. Douma reported the vehicle learned how to maneuver slowly in the snow.

Ms. Hiniker mentioned more community engagement would be needed with the YMCA and residents along the route, if this project is of interest to the City Council.

Councilmember Edberg acknowledged this is a new policy area. He stated he did not want the City to carry the liability for this pilot project. Ms. Hiniker relayed LMC's belief that the use of City streets was not a concern and reiterated the ownership of the vehicle would be clearly spelled out in the grant.

There was general consensus by the Council that staff should continue to look into this pilot project.

5. PUBLIC HEARINGS

- A. Resolution ordering improvements, approving plans and specifications and authorizing advertisement for bids for the 2019 Mill and Overlay Project and 2019 Street Reconstruction Project

PW Directory/City Engineer Kauppi reviewed the scope of the 2019 Street Reconstruction Project, which generally includes 7th Street and south between Stewart Avenue and Lake Avenue as well as Garden Lane. The project scope involves full pavement removal and replacement, addition of curb and gutter, alley reconstruction, drainage improvements and repairs, spot water and sewer repairs, watermain addition/replacement, water service replacement/separation (galvanized and lead replaced with copper), sewer "wye" replacement and private utility work.

Mr. Kauppi relayed residents' concern regarding the proposed sidewalk along Morehead Avenue. He explained that because there are sidewalks on parallel streets and this is not a main feeder street, the proposed sidewalk was not critical and recommended removal of the sidewalk from the project scope. Mr. Kauppi also did not recommend proceeding with construction of sidewalk along Garden Lane due to conflicts with utilities, trees and drainage concerns. He noted special design on Garden Lane is needed to improve drainage with use of infiltration in a ditch section, driveway culverts and drain tile.

Mr. Kauppi relayed the Street Reconstruction Project was estimated to cost \$3,312,000, with special assessments covering \$634,000 and the remainder covered through City funds, including \$1.5 - \$2 million in bonding.

Mr. Kauppi reviewed the scope of the 2019 Mill and Overlay and Trail Rehabilitation Project including mill and replacement of the top layer of pavement, spot curb repairs, spot drainage system repairs, spot utility repairs, private utility work and replacement of trail pavement. The Mill and Overlay Project replaces the surface pavement that is deteriorated and typically lasts for another 20-25 years. Mr. Kauppi reported that Xcel will be replacing gas lines during this work.

Mr. Kauppi reported that mill and overlay areas include Lemire Lane, Wood Avenue, Campbell Avenue and Court, Walnut Street, 10th, 11th Streets, Morehead Avenue, Stewart Avenue, Chicago Avenue and the alleyway.

Mr. Kauppi stated Ramsey County will pay half the expense of trail rehabilitation along County right-of-way, which is desired and fits well with the mill project. Trails within this scope of work include White Bear Avenue from Highway 61 to South Shore Blvd, and County Road 96 Trail from White Bear Parkway to Birch Lake Blvd.

Mr. Kauppi reported the Mill and Overlay Project was estimated to cost \$1,006,000 with \$303,000 paid through special assessments and \$703,000 from the City funds. All trail rehabilitation project funding will be covered by 50/50 by the City and Ramsey County.

Mr. Kauppi reviewed the project schedule and noted that road loads will not be lifted until mid-May depending on frost, which will set projects back two weeks over last year. Substantial completion would be expected in September. With that Mr. Kauppi recommended The City Council hold a public hearing, order the improvements, approve the plans and specifications and authorize advertisement for bids.

Mayor Emerson opened the public hearing at 7:53 p.m.

Bob Wentink 4821 Morehead, stated he was concerned with widening the streets and alleyways and the affect that would have on speeding traffic. He noted excessive speed, especially in the summer, with summer visitors. He also asked that the old community theatre be knocked down prior to construction so the road did not suffer additionally from those construction activities.

Mr. Kauppi responded that roadway widths are being matched to existing 24-foot street widths; 30- feet is more typical. He explained that Morehead is getting 24 feet to allow room to park on-street, which is needed. The roadway is currently irregular in its width. With regard to the alleyways, those widths are being averaged at about 10 feet in width. He clarified that alleyways will be expanded on a case-by-case basis, sufficient to allow access by garbage trucks and emergency response vehicles.

Dennis Larson of 1995 10th Street mentioned that although the mill and overlay is less expensive, the cost seems high. He asked how these rates are calculated and asked why this needs to be done now, because the road is not that bad. Mr. Kauppi recommended the preventative mill and overlay today at a much cheaper rate, to prolong the need for full street reconstruction of the road, which is much more expensive. He described the process for taking historic road construction rates and applying an inflationary factor to get an idea of the estimated cost of these projects this year.

Peter Reis of 2297 4th Street thanked the Engineering Department for the quality of their communication. He asked if homeowners were on their own to find a contractor to replace bad water lines and sewer lines. Mr. Kauppi responded that the equipment and contractors used for road construction are not equipped for the more delicate work involving yards and homes. Private contractors would be more cost effective for the service of private lines and Mr. Kauppi explained the engineering department would be able to provide recommendations to homeowners. In response to a question by Mr. Reis, Finance Director Kindsvater confirmed the 2% interest rate over the bond rate is fixed, but the overall rate is floating depending upon interest rates at the time the assessments are finalized.

Mr. Reis inquired as the Manitou Days' Parade and if there were any changes to the route anticipated. Ms. Hiniker stated that at this time, the map indicates the parade will go down 4th Street like always, however, it is likely to be diverted down Stewart and Lake, depending on the status of construction and utility work at the time. Ms. Hiniker stated that the final route will be determined closer to the parade date.

Mary Nicklawske of 4830 Johnson Avenue expressed support for the overall project. She asked how wide the alleyway will be and why this assessment is being charged to her property when she does not use the alleyway. She also asked whether crews notify homeowners before removing things like fences. Mr. Kauppi stated that each alley will be reviewed on a case-by-case basis for the ability of service vehicles to pass, with the goal of 10 foot width. Mr. Kauppi relayed that the assessment is to the benefit of the property and not to its current use.

Ms. Nicklawske inquired as to the next level if she does not agree with the alley assessment. Mr. Kauppi deferred to City Attorney Gilchrist who explained that property owners who wish to contest their assessments must do so in writing either before or during the assessment hearing in the fall. Failure to contest the assessment in writing by that hearing, waives the ability to do so. The Council may choose to lower the proposed assessment, and if property owners wish to pursue it further, they may appeal to the District Court within 30 days of the assessment hearing.

Jay Walser of 2687 Sumac Ridge inquired as to specification requirements for contractors to allow access of emergency vehicles. Mr. Kauppi stated that access would be open at all times and contractors will immediately make access for emergency vehicles.

Bill Mast 4780 Johnson Avenue inquired as to the length of time a resident will not be able to access their driveway and whether the contractor would consider doing driveway work. Mr. Kauppi stated that typically there are only minor interruptions to access but he would go through extra efforts to ensure Mr. Mass has as little impact as possible. Mr. Kauppi stated that driveways are not bid as part of the project, however, if the contractor who gets the bid is willing to do this work, the Engineering Department will work with property owners to coordinate that work.

Lori Mariani 1957 Garden Lane, expressed concern over the road being widened. City Engineer Kauppi stated that given the drainage issues on Garden Lane, that road will not be widened as first thought and there will be little impact to the yards of homeowners. He explained he would work with homeowners who would have any impacts to their yard.

Mr. Kauppi stated that anyone who has a special circumstance should communicate with the Engineering Department. Councilmember Jones added, there was a time when excessive rains prevented access to vehicles on multiple streets for 18 hours, so things can happen.

Peter Gove 4799 Johnson Avenue inquired as to the two trees between the road and his home, one of them does not look good. He asked about the arborist and how that works. Mr. Kauppi stated that trees are taken down as part of the project, but there are options working through Public Works for an arborist to assess trees and utilize a 50/50 cost share program for tree removal. Mr. Gove asked whether Xcel would bury power lines. Mr. Kauppi explained that would be at the expense of the homeowner, as the City does not include this in the scope of this work.

Jean Kreger of 4779 Lake Avenue stated that at the November 7th meeting she expressed concern over rusty water that she and her neighbor experience regularly. Mr. Kauppi stated that without digging things up first, there is no way to know what is causing rust in the water line. He stated that within the bid, there is an alternate to replace that water line. She stated there is a problem with people driving down both 4th and 5th Streets, and taking a left onto Lake Avenue. Mr. Kauppi stated he would take a look at the area to see what could be done.

Steven Kovalik of 1930 Garden Lane said they have a drop down culvert that fills from water and looks bad. Are there any solutions being considered for this? Mr. Kauppi said there are significant challenges with drainage on Garden Lane. He mentioned the City's plan for this area is to install deep infiltration trenches with drain tile to minimize the ditches. Mr. Kauppi explained that what City is proposing will be better than what is there today, but it will not solve the problem completely.

There being no others wishing to speak, Mayor Emerson closed the public hearing at 8:25 p.m. and returned to the Council for discussion.

Councilmember Edberg asked if the 24 foot width of Morehead Lane was current street width, or after construction street width. Mr. Kauppi explained that both are essentially true, as the widths are currently irregular. Councilmember Edberg stated this is the first time he has seen the use of a construction cost escalator as an inflator. He asked what that inflator was this year. Mr. Kauppi explained the construction cost index has averaged about 3% every year for the past few years, which assists in estimating project costs. Ms. Hiniker stated that the inflator has always been used but perhaps not articulated. Once bids are obtained, those estimates are replaced with actual figures.

Councilmember Walsh stated that the alley assessment was discussed last year. He explained that the decision the Council has come to on alleys is logical and the policy applied consistently. He reminded folks to watch their speeds, especially on the newly paved roads that tend to travel fast. City Engineer Kauppi mentioned that speed studies actually show the largest offenders are the residents on these roads.

Mary Nicklawske added that at 6th Street on Morehead, there is a large bump that teenagers bottom out on currently. This was a deterrent for speeders and she is concerned that it will be gone after the new road is constructed.

It was moved by Councilmember **Walsh**, seconded by Councilmember **Engstran**, to adopt **Resolution No. 12356** ordering improvements, approving plans and

specifications and authorizing advertisement for bids for the 2019 Street Reconstruction Project

Motion carried unanimously.

It was moved by Councilmember **Engstran**, seconded by Councilmember **Walsh**, to adopt **Resolution No. 12357** ordering improvements, approving plans and specifications and authorizing advertisement for bids for the 2019 Mill and Overlay Project.

Councilmember Jones spoke against reconstructing the trail along Goose Lake at this time. He normally supports trails and sidewalks, but this is a trail to nowhere. He expressed concern over trails leading to three bad, large intersections: South Shore, Highway 61 and White Bear Shopping Center. He said we are inviting people to cross Ramsey County roads without doing any major improvements to these intersections. He mentioned there is no established public lake access at this time, and it already runs parallel to Mark Sather Trail on Old White Bear Avenue. He expressed concern with there being no buffer to 40 mile per hour traffic and he respectfully asked to remove this from the mill and overlay project.

Mayor Emerson recessed the Council Meeting at 8:34 p.m. due to a medical emergency. Mayor Emerson reconvened the Council Meeting at 8:55 p.m.

Councilmember Walsh was sympathetic to Councilmember Jones's point about the trail. He did not understand why the City would pay 50% to fix the County's trail.

Mr. Kauppi explained that Ramsey County's adopted cost participation policy requires the City to 50% of the maintenance of trails regardless of who fixes them. Councilmember Jones inquired as to the cost of snow removal, which Mr. Kauppi confirmed was the City's responsibility.

Motion carried unanimously.

6. LAND USE

A. Consent

1. Consideration of a Planning Commission recommendation of approval of a request by Walser Polar Chevrolet for two Conditional Use Permits and eleven Variances in order to demolish and rebuild the dealership at the property located at 1801 County Road F East (19-1-CUP & 19-1-V). **Resolution of Approval No. 12358, Resolution of Denial No. 12359**

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

7. UNFINISHED BUSINESS

Nothing scheduled

8. ORDINANCES

Nothing listed

9. NEW BUSINESS

A. Resolution authorizing the City to sell bonds for 2019 Street Improvement Projects

It was moved by Councilmember **Walsh**, seconded by Councilmember **Jones**, to adopt **Resolution No. 12360** authorizing the City to sell bonds for 2019 Street Improvement Projects

B. Resolution approving Hoffman Property purchase agreement

It was moved by Councilmember **Edberg**, seconded by Councilmember **Jones**, to adopt **Resolution No. 12361** approving Hoffman Property purchase agreement.

C. Resolution approving annual business license renewals

It was moved by Councilmember **Engstran**, seconded by Councilmember **Walsh**, to adopt **Resolution No. 12362** approving annual business license renewals.

D. Resolution approving annual liquor license renewals

It was moved by Councilmember **Engstran**, seconded by Councilmember **Walsh**, to adopt **Resolution No. 12363** approving annual liquor license renewals.

10. CONSENT

A. Acceptance of minutes of the January Park Advisory Commission, February Planning Commission

B. Resolution approving temporary liquor license for Level Up Academy. **Resolution No. 12364**

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

Motion carried unanimously.


11. DISCUSSION

12. COMMUNICATIONS FROM THE CITY MANAGER

- Ms. Hiniker stated she has the details of the Water Gremlin stipulation agreement, which imposed a penalty and establish safety measure. She explained the testing of ground water and soils will be taking place. Ms. Hiniker offered herself as a resource for questions that Council might have.
- Mr. Kauppi asked the public to assist wherever possible with snow and ice removal for 3,800 inlets and outlets in the system.
- Ms. Hiniker reminded Council of a 6:00 Work Session on Tuesday, March 19, 2019.


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 9:02 p.m.



Jo Emerson, Mayor

ATTEST:



Kara Coustry, City Clerk