



**MINUTES
REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF WHITE BEAR LAKE, MINNESOTA
TUESDAY, SEPTEMBER 10, 2019
7:00 P.M. IN THE COUNCIL CHAMBERS**

1. CALL TO ORDER AND ROLL CALL

Mayor Jo Emerson called the meeting to order at 7:00 p.m. Councilmembers Doug Biehn, Kevin Edberg, Steven Engstran, Dan Jones and Bill Walsh were present. Staff members present were City Manager Ellen Hiniker, Assistant City Manager Rick Juba, Chief of Police Julie Swanson, Community Development Director Anne Kane, City Engineer Paul Kauppi, Finance Director Kerri Kindsvater, 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 August 27, 2019

It was moved by Councilmember **Engstran** seconded by Councilmember **Jones**, to approve the Minutes of the Regular City Council Meeting on August 27, 2019.

Motion carried unanimously.

3. APPROVAL OF THE AGENDA

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

Motion carried unanimously.

4. VISITORS AND PRESENTATIONS

A. White Bear Lake Conservation District

City representatives on the White Bear Lake Conservation District (WBLCD) Mike Parenteau and Scott Costello provided an overview of the following:

1. Budget and fund balances – last March, WBLCD voted to abate 2018 municipal levy and did not collect \$75,000 from the cities, \$35,000 saved by White Bear Lake.
2. Lake policing issues – Increased lake traffic led to more conflict between boat owners and homeowners. The WBLCD conducted a hearing in July so the “Respect the Lake People” could state their complaints to the Ramsey County Water Patrol. The boaters presented their side during public comment in August and expressed concern over the City’s buoys at Memorial Beach. The WBLCD pays \$4,500 annually for additional Ramsey County water patrol.

3. Educational programs – WBLCD website and anti-plastic campaign signage
4. Commercial Bay – At the request of a marina owner, the WBLCD conducted a study that revealed much of the problems were land issues. As a result, the WBLCD changed their permit application to require a letter from the City and proof of updated DNR permits. Due to delays with that process, the WBLCD revised the application process to require applications be due on October 15th, with the City's letter provided by January 1st.

The WBLCD raised the fee to \$75.00 per slip. The water level is 924.95, which is six inches above the run off.

5. Invasive species control – The Lake is clean and healthy. A total of 56.5 acres of milfoil treatment was done this year using different chemicals from previous years, which was more effective. This led to growth of native plants again (a good thing), but people reported them as weeds by docks. The DNR found five acres of Phragmites in 20 different sites on the Lake, which will be treated in late September with results in October. The Lake does not have the starry stonewort.
6. Miscellaneous – Issued 20 multiple user permits (5+ boats at the dock) and 60 event permits.

B. Constitution Week Proclamation

Mayor Emerson read the Constitution Week Proclamation, which declared Sept. 17 – 23rd as Constitution Week.

5. PUBLIC HEARINGS

Nothing scheduled

6. LAND USE

A. Consent

1. Consideration of a Planning Commission recommendation for approval of the Preliminary Plat for Saputo Rearrangement (3996, 3998, 4000 Hoffman Road and 4001 Highway 61. **Resolution No. 12447**
2. Consideration of a request by the White Bear Center for the Arts for a one year time extension of an approved conditional use permit for a community center in a residential district to allow additional time to construct the proposed parking lot expansion on the property located at 4962 Division Avenue. (Case No. 18-2-CUP). **Resolution No. 12448**

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

Motion carried unanimously.

7. UNFINISHED BUSINESS

Nothing scheduled

8. ORDINANCES

- A. First reading of a request to rezone property from B-3: Auto Oriented Business to I-1 – Limited Industry and P-Public (PIDs 273022110038, 273022110036, 273022110039 and 273022110010)

Community Development Director Kane recalled City's recent acquisition of three (3) acres just north of the Public Works facility. She stated the City is requesting a preliminary and final plat to rearrange four parcels into two, and a rezoning of the northern parcel from B-3 – Auto-oriented business to I-1 – Limited Industry (for Saputo) and the southern parcel (connected to Public Works) from B-3 – Auto-oriented business to P-Public.

Ms. Kane explained that the Planning Commission held a public hearing, but no one spoke on the matter. She forwarded a unanimous recommendation by the Planning Commission, noting the second reading would occur on October 8, 2019.

9. NEW BUSINESS

- A. Resolution accepting staff's recommendation for denial of a massage license

City Manager Hiniker reported that the massage license for Weiting Lu was denied administratively due to material omission of work history from the application, which is consistent with past practice. She stated the applicant has appealed this decision to the Council and noted the Ms. Lu's letter of appeal in the packet.

Mayor Emerson opened the public hearing at 7:31 p.m.

Weiting Lu of 2053 Edgerton St, St. Paul stated she wished to appeal the denial of her massage therapist license, noting she simply forgot two massage work histories when she quickly submitted her application at the end of a work day.

City Manager Hiniker stated the City has denied massage licenses in the past for similar reasons and must maintain consistent practices for integrity of the process.

Councilmember Jones inquired whether the letter becomes public testimony, which was confirmed. He noted this is a difficult decision, but he must stand behind the City's Ordinance because there are people who are doing illegal things in this field and trying to hide activity by omissions on the application.

Councilmember Biehn echoed Councilmember Jones's statements and added two notes of concern. One of the establishments not listed by Ms. Lu was also not listed on her Brooklyn Park application, and the other concern was that a previous residential address for Ms. Lu in South Dakota was associated with criminal activity related to human trafficking. He appreciated she came before the Council tonight and would look at this again in a year from now with the expectation that all employments be listed on the next application.

In response, Ms. Lu stated she only lived at that address in South Dakota for three months and she has no criminal record.

Mayor Emerson stated the City Council is bound by the ordinance, which must be followed.

Xiangjuan Wei of 430 Old Highway 8 SW, St. Paul stated Ms. Lu would be an employee at her store, Panda Massage in White Bear Lake. She stated she has known Ms. Lu for one year and she is a good person who just made a mistake in forgetting to list employment. She does not believe Ms. Lu is hiding anything or doing anything illegal. She said Ms. Lu is an American citizen and asked that we give her a chance.

Ms. Emerson closed the public hearing at 7:47 pm.

It was moved by Councilmember **Biehn** seconded by Councilmember **Jones**, to approve **Resolution No. 12449** accepting staff's recommendation for denial of a massage license.

Councilmember Walsh added the City is has strict standards. He noted, it may sound harsh for the City to take this action for two missing employments out of 11. He stated that in this area of business, the City will continue to be sticklers for having complete and accurate applications because of past experience and the associated risk of prostitution and sex trafficking.

Motion carried unanimously.

B. Resolution authorizing Lakewood Village Outlot C – Determination of Buildable Area

Community Development Director Kane recalled that earlier this year, the City conveyed back the Outlot that was acquired through a Use Deed in the mid-90's. She explained that in 2005 the City amended this Use Deed to indicate it was for stormwater purposes, however, when Ramsey County realized it was not being used consistent with the Use Deed, it had to be conveyed back to the County.

Ms. Kane stated that the property is now either available for public auction or, if determined to be an unbuildable lot, may be sold to an adjoining property owner. The lot has a 33 foot right of way that runs along the south edge of the property line containing overhead utilities. She reported the property is zone B2-Limited Business and has a 30 foot front and rear yard setbacks with 10 foot side yard setbacks. Ms. Kane explained that after applying all setbacks to the lot, there would only be 666 sq. feet as a triangle building.

It was moved by Councilmember **Jones** seconded by Councilmember **Biehn**, to approve **Resolution No. 12450** authorizing Lakewood Village Outlot C – Determination of Buildable Area.

Motion carried unanimously.

C. Resolution approving the proposed preliminary 2019 tax levy collectible in 2020 and establishing November 26, 2019 as the date for the City's Truth-in-Taxation Hearing.

City Manager Hiniker recalled considerable conversation with Council at the August work session regarding the General Fund and its impact on the tax levy and property owners. She stated the preliminary tax levy must be certified to the County by the end

of September in time for property tax statements to be mailed in late November. Once certified, the tax levy may be lowered but not increased. She stated the Truth in Taxation Hearing will be scheduled on November 26th with Council's final budget adoption on December 10, 2019.

Ms. Hiniker reported the 2019 tax levy collectible in 2020 is proposed to fund approximately half of the General Fund operations along with a portion of the City's debt obligation related to capital improvements. The proposed levy is \$6,908,000, \$433,000 of which supports the City's debt service. This represents a \$563,000 increase over the tax levy collectible in 2019.

	<u>2018 Levy</u>	<u>2019 Levy</u>	<u>Increase</u>
General Fund	\$5,993,000	\$6,475,000	\$482,000
Debt Service Funds	<u>352,000</u>	<u>433,000</u>	<u>81,000</u>
Total 2019 Tax Levy	<u>\$6,345,000</u>	<u>\$6,908,000</u>	<u>\$563,000</u>

Ms. Hiniker noted the following changes in expenditures with 83% personnel related costs (3% salary adjustment, health insurance, workers' compensation) and 17% increase in materials and supplies.

General Government	\$ 55,891
Public Safety	\$425,190
Public Works	\$100,446
General Service & Contingency	\$ 6,000
Total	\$587,527

Ms. Hiniker stated the City's overall property valuation increased 6.9% in 2019 and reviewed some examples. She also compared cities with populations of 16,000 – 37,000, which indicates White Bear Lake has the lowest tax levy per capita.

Councilmember Walsh inquired how the debt service is paid if it is not shown in General Fund expenditures. Finance Director Kindsvater stated that each debt service has its own fund, so the tax levy for the debt service goes into that specific debt service fund to pay down the debt. He also inquired as to the funds which are not accounted for in the General Fund. Ms. Kindsvater listed the funds that are paid through other means: Water, Sewer, Ambulance, Refuse, Sports Center, Armory, Pioneer Manor, License Bureau, all debt funds and capital improvement funds.

It was moved by Councilmember **Biehn** seconded by Councilmember **Jones**, to approve **Resolution No. 12451** approving the proposed preliminary 2019 tax levy collectible in 2020 and establishing November 26, 2019 as the date for the City's Truth-in-Taxation Hearing.

Motion carried unanimously.

10. CONSENT

- A. Acceptance of Minutes: July White Bear Lake Conservation District; July Park Advisory Commission Minutes; August Planning Commission
- B. Resolution authorizing issuance of off-sale liquor license to Obtainworld, LLC.
Resolution No. 12452

- C. Resolution accepting work and authorizing final payment to Forest Lake Contracting for the Centerville Road Improvement Project, City Project No.: 18-16. **Resolution No. 12453**

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

11. DISCUSSION

Nothing scheduled

12. COMMUNICATIONS FROM THE CITY MANAGER

- Vadnais Lake Area Watershed Management Organization (VLAWMO) recommendation for East Goose Lake – VLAWMO is applying for a grant to administer an alum treatment to address 80% internal load of phosphorus in Goose Lake. For effectiveness, boaters should be restricted from the lake for at least three years. Restrictions for speed limits would be addressed through a City Council ordinance, as such, VLAWMO plans to make a presentation to the City Council at the October 8th City Council meeting in support of a change to the City's ordinance.
- Cummins Project – an international manufacturer provides opportunities for its employees to volunteer in the community. In response to Cummins's request for work in the Environmental field, they approached the Great Plains Institute and are using marketing and engineering staff to research electric vehicles and the application of them in municipal lots. They are also researching the YMCA. Staff is looking forward to seeing their reports upon completion.
- Automated Vehicle (AV) Pilot Project update – notices were mailed to Orchard Lane and Willow Lane residents announcing two neighborhood information meetings about the proposed automated vehicle shuttle pilot project. Mike Greenbaum of Newtrax and Shane Hoefler from the YMCA will lead the discussion. If successful, the City would act as the lead agency receiving the money and navigating contracts. Project managers would be AECOM an international engineering firm.

The application being put together has some exciting elements from many partners including Newtrax looking for transportation options for persons with disabilities, programming through the YMCA, White Bear Schools developing a curriculum for AV, cooperation with Century College for Career Pathways and work with the University of Minnesota Transportation Studies programs.


- In 2014, the University of Minnesota, Department of Forestry did a Capstone project with approximately 30 students who researched Emerald Ash Borer, the Urban Tree Canopy, stormwater, etc. The same professor has asked his students to review that work, see what was not done and why, assess what has changed and make recommendations. They will also study how they can assist coordinating with the City's Emerald Ash Borer treatment program and opportunity to work with the Tree Trust to help identify areas in the City most appropriate for tree plantings as well as looking at trees in the downtown that do not thrive.

- Canceled the Sept. 17th Work Session and Sept. 24th City Council meeting. October 15th Work Session starts at 6:00 p.m. as does the Volunteer Recognition Dinner on October 29th.
- Triad Picnic at Podvin Park at 11:30 a.m. on Sept. 14
- Updates from Paul Kauppi, City Engineer/Public Works Director
 - Street reconstruction and mill/overlay projects are complete
 - Surveys have been sent out and results will be reported to the City Council
 - Public Works has been working to resolve leaking water main services at two downtown locations, 4th & Wood and 3rd & Clark.

13. ADJOURNMENT

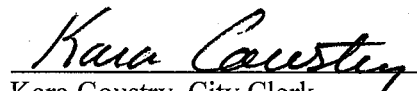
There being no further business before the Council, it was moved by Councilmember **Walsh** seconded by Councilmember **Biehn** to adjourn the regular meeting at 8:35 p.m.

Motion carried unanimously.



Jo Emerson, Mayor

ATTEST:



Kara Coustry, City Clerk