



**MINUTES  
REGULAR MEETING OF THE CITY COUNCIL  
OF THE CITY OF WHITE BEAR LAKE, MINNESOTA  
TUESDAY, OCTOBER 22, 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, City Engineer Paul Kauppi, Community Development Director Anne Kane, 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 October 8, 2019

It was moved by Councilmember **Biehn**, seconded by Councilmember **Edberg**, to approve the Minutes of the Regular City Council Meeting on October 8, 2019.

Motion carried unanimously.

**3. APPROVAL OF THE AGENDA**

City Manager Hiniker added Tobacco 21 to Discussion.

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 of Keirsten Englund

Police Chief Swanson introduced Keirsten who began last year as a White Bear Lake Reserve Officer, then as a Community Service Officer. No doubt inspired by her mother, a well-respected Commander on the St. Paul Police Department, Keirsten acquired her law enforcement degree at Century College and rose to the rank of Staff Sergeant after six years in the Air Force Reserves.

The City Clerk administered the oath of office to Officer Keirsten Englund. Her badge was pinned by her son Maddox and her step father Pat and boyfriend Bronson.

B. Robb Olson – Prosecuting Attorney

The City's Prosecuting Attorney, Robb Olson, handles speeding tickets, ordinance

violations, DWI and domestic assault cases. Mr. Olson noted a 70% conviction rate of 64 total cases in 2018. He mentioned that 83% of domestic violence cases were people with mental health and/or substance abuse issues. To more proactively address mental health issues, he pointed to the City's recent shared employment with multiple departments of a mental health case worker, Kristina.

Mr. Olson introduced Attorney Luke McClure, who provided a couple of examples of recent severe mental illness and chemical dependency cases. Mr. McClure noted one case in which mental health services, counseling and probation was sought rather than conviction in the hopes of helping these folks stay out of trouble, rather than punishing them.

### C. AV Pilot Project

City Manager introduced Daryl Taavola an Engineer with AECOM, whose staff prepared a grant application to the Minnesota Department of Transportation (MnDOT) for an automated vehicle (AV) pilot program on behalf of the City of White Bear Lake.

Mr. Taavola covered reasons for the AV project including improved safety, increased mobility and societal benefits. He noted this project is unique as it not only demonstrates AV technology, but incorporates partnerships with the White Bear Lake School District's Career Pathway program and a local non-profit transportation provider for persons with disabilities and the aging.

The goal of the program, Mr. Taavolla said, is to conduct a 12-month AV shuttle pilot in all-weather operations which would be accessible to persons with disabilities and the aging population, and include an AV education and work force development component.

Mr. Taavolla said the AV route extends 1.5 miles, running between Phoenix Alternatives and the White Bear Area YMCA, connecting Willow Lane Elementary School, Willow Wood Apartments, and The Boulders Senior Living facility along the route. He noted convenient proximity to the future proposed Rush Line route, White Bear Lake Area High School and Newtrax, the company that will attend to the vehicle.

City Manager Hiniker referenced two recent neighborhood meetings with limited questions. She stated that the vehicle will have a certified attendant at all times. She also clarified that the City is acting as the lead agency receiving the funds and disbursing payments per the contract, while AECOM would serve as the project manager. Liability, she explained, would be the responsibility of the AV vendor.

In response to Councilmember Walsh, Mr. Taavolla stated that the legislature has appropriated approximately \$3.5 – \$4 million for a MnDOT Cap Vehicle Challenge grant program to seek innovative pilot projects to further AV technology in the state in Minnesota.

## 5. PUBLIC HEARINGS

### A. Resolution adopting assessment roll for 2019 Street Reconstruction Projects (Project No. 19-01 & 19-06)

City Engineer Kauppi stated this is a continuation of the assessment hearing and

recapped the procedure, which was detailed during the October 12, 2019, City Council meeting.

He mentioned receipt of a total of six objections of which five were corner lot alley assessments and the sixth was a separation of water service from a neighbor's line.

Mayor Emerson opened the public hearing at 7:49 p.m.

Berry Cool of 4830 Johnson Avenue asserted that corner lots do not receive the same benefits as those with garages and driveways on the alley. He mentioned emailing the Council with another option to weight alley assessment calculations.

Mayor Emerson closed the public hearing at 7:50 p.m.

Councilmember Edberg expressed concern over the relatively new alley assessment policy and asked for a work session discussion on this topic.

It was moved by Councilmember **Jones**, seconded by Councilmember **Engstran** to adopt **Resolution No. 12462** adopting assessment roll for 2019 Street Reconstruction Projects (Project No. 19-01 & 19-06).

Motion carried 4:1. Councilmember Edberg nay.

- B. Resolution establishing the Downtown Area Special Service District Levy for the years 2020 and 2021

Community Development Director Kane reported, in 1992, the City in coordination with the Main Street Group helped establish one of the state's first special service district (SSD). Per state statute, she said, a petition was submitted to the City in favor of the levy and tonight is the public hearing to consider the levy. Ms. Kane explained that the special service district allows the City to establish an annual levy, which is collected with real estate taxes from all business properties in the district. The levy, she said, would be set at \$45,000 and funds marketing, promotion and beautification of the downtown area.

It was moved by Councilmember **Jones**, seconded by Councilmember **Engstran** to adopt **Resolution No. 12463** establishing the Downtown Area Special Service District Levy for the years 2020 and 2021.

Motion carried unanimously.

- C. Resolution establishing and imposing special assessment for the year 2020 with no interest on taxable property within the Birch Lake Improvement District

City Manager Hiniker explained that he Birch Lake Improvement District (BLID) began in 2006 pursuant to state statutes and a petition from the lakeshore property owners. The district's mission is to develop, finance and implement activities that improve and protect the quality of Birch Lake. The originating documents authorize the district's Board of Directors to approve an annual service charge not to exceed \$25,000.

The 2020 Budget for the Birch Lake Improvement District requests a service charge of \$19,000 for calendar year 2019, collectible in 2020. The City mailed a public notice to

affected property owners on October 4, 2019 notifying them of the proposed \$306 annual service charge to all property owners with access to Birch Lake.

Steve Laliberte of 1387 Highway 96 has lived on Birch Lake for 20 years. He reported this is the 13<sup>th</sup> budget submitted by the improvement district. Initiatives include water quality management, fish stocking and mowing weed growth in the shallow lake with a harvester that is getting old and leaking. Mr. Laliberte also relayed a priority to get a walkway along Otter Lake Road when the County next improves that road.

In response to Councilmember Edberg, Mr. Laliberte stated they purchased the harvester about nine years ago for \$30,000. He relayed that this equipment is stored much of the year and their group is exploring cooperative agreements for its use.

Mayor Emerson opened the public hearing at 8:17 p.m. As no one came forward to speak, the public hearing was closed.

It was moved by Councilmember **Biehn**, seconded by Councilmember **Engstran** to adopt **Resolution No. 12464** establishing and imposing special assessment for the year 2020 with no interest on taxable property within the Birch Lake Improvement District.

Motion carried unanimously.

D. Resolution certifying delinquent charges related to the municipal utility system assessment

Finance Director Kindsvater reported, the City bills property owners or renters for water, sewer and refuse utilities on a quarterly basis, with payments due within 35 days. She explained that accounts with outstanding charges beyond 30 days are reviewed as of June 30 each year to determine the amount to be certified to the appropriate County Auditor. She stated that delinquent notices are mailed to outstanding accounts and payments are accepted until November 30<sup>th</sup>.

Ms. Kindsvater forwarded for Council's consideration, a resolution authorizing the City to forward to the County any delinquent accounts still not paid by the end of November so they may be assessed to the property owner.

Mayor Emerson opened the public hearing at 8:19 p.m. As no one came forward to speak the public hearing was closed.

It was moved by Councilmember **Jones**, seconded by Councilmember **Engstran** to adopt **Resolution No. 12465** certifying delinquent charges related to the municipal utility system assessment.

Motion carried unanimously.

E. Resolution certifying delinquent 2019 miscellaneous private property assessment for recovery of city expenses

Finance Director Kindsvater stated there are certain services the City covers on behalf of homeowners such as tree removal and lawn care that is not taken care of by the property owner. The City then invoices these services to the homeowner for payment, however Ms. Kindsvater noted, six are still unpaid. She explained the homeowners have

been noticed of the delinquency and have until November 30 to settle their account. She asked Council for approval to certify amounts delinquent after November 30, 2019, to taxes.

Mayor Emerson opened the public hearing at 8:21 p.m. As no one came forward to speak, the public hearing was closed.

It was moved by Councilmember **Biehn**, seconded by Councilmember **Jones** to adopt **Resolution No. 12466** certifying delinquent 2019 miscellaneous private property assessment for recovery of city expenses.

Motion carried unanimously.

## 6. LAND USE

Nothing scheduled

## 7. UNFINISHED BUSINESS

Nothing scheduled

## 8. ORDINANCES

- A. First reading of an ordinance amending Article VI of the Municipal Code by adding chapter 608 temporarily prohibiting the use of motorboats on East Goose Lake

City Manager Hiniker reported, the Vadnais Lake Area Watershed Management Association (VLAWMO) applied for a grant toward an alum treatment to mitigate internal phosphorus loading in East Goose Lake. She said, in order to proceed with an alum treatment, VLAWMO is requesting that the City enact an ordinance to restrict motorized boating for at least three years. Ms. Hiniker pointed to the Ordinance restricting motorboats on East Goose Lake and mentioned tonight is first reading and at Council's request, there will also be a public hearing in which VLAWMO and Goose Lake Homeowners have an opportunity to speak.

Dawn Tanner the Program Development Coordinator at VLAWMO provided a detailed presentation regarding the need for an alum treatment of East Goose Lake, which was identified as the most impaired lake in Minnesota by Minnesota Pollution Control Agency. She stated that boat traffic restrictions are the request of the Board of Water and Soil Resources in order to limit disruption of bottom sediments to allow for effective alum treatment and the potential of de-listing the lake. Ms. Tanner stated, with regard to Waste Load Allocations for MS4 Permitting, the City is responsible for reducing 72 lbs of phosphorus/year between East and West Goose Lake.

Councilmember Walsh asked for clarification regarding the length of treatment time. Greg Wilson, with Barr Engineering stated that the alum bond to phosphorous is permanent. He estimated in his feasibility study the alum treatment would last 10-15 years until new sediments cover the alum and phosphorous continues to enter the lake. Councilmember Walsh noted the lake is 88% internally loaded, and for that reason the introduction of new phosphorus from external sources is unlikely. Mr. Wilson agreed and stated that is why this treatment is expected to be successful in East Goose Lake.

Mayor Emerson understood the lake is shallow, but questioned the need to restrict boating for three years as there are few boats on this lake. Mr. Wilson stated that BWSR, who is administering the grant funds for alum treatments, wants some assurance as to its success. He asserted that the requested boating restrictions are part of the recipe for a successful alum treatment.

As a headwater, Council Edberg asked, what percentage of the phosphorus coming into Vadnais Lake results from external load originates in East Goose Lake. Ms. Tanner stated this has not been studied. In response to Councilmember Edberg's statement that Kohlman Lake appears comparable and was successfully treated with alum despite no boat restrictions, Ms. Tanner clarified that Kohlman Lake is 12 feet deep, while East Goose Lake is 7.4 feet.

Councilmember Biehn received confirmation from Mr. Wilson that, as a headwater, not treating East Goose Lake means the current system remains unchanged at four times the water quality standard, but does not get worse, or exacerbate problems further downstream. Ms. Tanner added there are wetlands in the system that are exporting nutrients as they are overloaded in the system. She mentioned a re-meander project of Lambert Lake, to help overloaded Lambert Creek, would be more effective if East Goose Lake was treated.

Councilmember Edberg inquired about MS4 Permitting and the City's requirements. Ms. Hiniker noted the City does have statutory obligations outlined in the permitting process. City Engineer Kauppi noted the City has requirements for reducing Total Maximum Daily Load (TMDL) of impaired waterbodies such as this in order to obtain its sewer permitting.

Lindsay Carpenter, 1947 Rishworth Lane provided a presentation on behalf of 19 Goose Lake residences and its four ski boats and one pontoon. She noted the lake has improved, citing loons and VLAWMO's graph showing declining phosphorus levels since 2001. She asserted this was as a result of recreational use on the lake and made following key points:

- alum treatment is not the right fit (expensive, toxin, temporary, weeds will result, bullheads will disrupt, no other options can be applied)
- if alum is applied, there is no need to remove boats (Half Moon Lake, WI – lake quality declined after removing boats; shallow Kohlman Lake had more boats and the Barr Study mentioned nothing about boat removal; also she stated that horsepower had no relationship to mixing depth)
- if boats are removed, property values will be devastated (reasonable expectation of boating would be taking away as a property use and diminish property values)
- e-coli and bacterial concerns happen in lakes that are stagnant, and there have been no reported health issues in Goose Lake

Ms. Carpenter stated the ordinance to restrict boats is premature to the BWSR grant application, which was submitted with no mention of boat restrictions. She stated it is the Goose Lake residents as the stakeholders taking all the risk and requested the public hearing be postponed to allow sufficient time to further review the science.

Jill Simms, Great Lake Policy and Engagement Manager for the National Marine Manufacturer's Association (NMMA) – the leading trade association for the recreational boating industry in North America introduced herself. In Minnesota, she

stated, recreational boating supports 11,000 jobs across 690 businesses with an annual economic impact of \$3.1 billion. She encouraged the Council not to restrict motorized access on East Goose Lake for an alum treatment and cited other successful treatments in shallow lakes as well as declining property values.

Paul Gartzke of 4189 White Bear Avenue stated he is the newest resident on the lake and understood it was impaired when they purchased. He stated there had been no precedence for removing boats from the lake for treatments and expressed concern over boating restrictions, even beyond three years. He noted he wanted to raise his family here, in part, because of Goose Lake.

Scott Shoeneman of 1971 Rishworth Lane conveyed that East Goose Lake is the right lake for him to raise a family. He mentioned recent significant investments in his property and boating equipment and the reason he lives on East Goose Lake is to water ski. Mr. Shoeneman noted that eight months ago VLAWMO was not even looking at an alum treatment as too expensive and now they are suggesting boats be removed for it. He stated that if residents cannot boat on the lake, they will leave and he asked that his right to access Goose Lake not be taken away.

Melissa Laughlin representing Cabin 61 owners, Cabin 61 LLC and Goose Lake Development Group LLC. She stated her ownership group are comprised of avid water skiers who bought Cabin 61 at 4150 Hoffman Road for recreational use of the lake. She expressed concern over the precedent of government removing recreational use of the lake from property owners. She reported, the Goose Lake Development Group cares about and wants to improve lake quality. To that end, they had applied for a grant with VLAWMO to work on natural vegetation to support the lake, but have been declined with each proposal even though VLAWMO assisted with its design. As business owners on the lake, Ms. Laughlin encouraged the Council not to restrict lake access and use.

Jon Paul Grubs of 2249 2<sup>nd</sup> Street expressed concerns over boating restrictions in East Goose Lake spreading to West Goose Lake and affecting the ski community. He noted, since 1995 the Ski Otters have been a part of the community and if boating restrictions are established they would need to relocate, or collapse entirely, which should be a concern to the community. The Ski Otters run clinics and provide entertainment in White Bear Lake. He noted a decline in property values and lifestyle of homeowners on East Goose Lake in the absence of boating.

Kristi Skillings, representing 136 Ski Otter members, 106 of whom are active water skiers and 30 working behind the scenes. She noted the group is made up of about 35 families, with approximately 2/3rds of those coming into White Bear Lake multiple times per week, four months out of year, in addition to the spectators. She cited VLAWMO's 2012 recommendations about negative effects of water skiing on internal loading and the need for restricted time and duration of boating. She also cited Barr's recommendation for alum treatment of West Goose Lake and explained that although West Goose Lake is not on the table now, this precedent to restrict access on East Goose Lake is a concern. Ms. Skillings stated she experiences no negative health effects after 25 years of lake exposure, nor does her 16 and 18 year old sons.

Mayor Emerson closed the public hearing at 10:12 p.m.

Councilmember **Walsh** made a motion to pull the ordinance from further

consideration, seconded by Councilmember **Biehn** for purposes of discussion.

Councilmember **Edberg** made a motion to table this action until such time the grant award is known at which time this may be scheduled for second reading, seconded by Councilmember **Walsh**.

Motion carried. Councilmember **Jones** nay.

## 9. NEW BUSINESS

- A. Resolution providing benefits for employees of the City of White Bear Lake who are not covered by employment agreements

It was moved by Councilmember **Jones**, seconded by Councilmember **Biehn** to adopt **Resolution No. 12467** providing benefits for employees of the City of White Bear Lake who are not covered by employment agreements.

Motion carried unanimously.

## 10. CONSENT

- A. Resolution establishing 2020 polling place designations. **Resolution No. 12468**
- B. Resolution approving special assessment. **Resolution No. 12469**

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

Motion carried unanimously.

## 11. DISCUSSION

- A. Tobacco 21

Mayor Emerson spoke with three of four neighbors regarding institution of a tobacco 21 ordinance. She stated one would follow, one was going to wait for the State to take action and the third was unsure.

Councilmember Biehn preferred the State take on this action. Councilmember Walsh believed the State was going to act on this soon.

## 12. COMMUNICATIONS FROM THE CITY MANAGER


- Volunteer Recognition Dinner is 6:00 p.m. on Tuesday Oct. 29, 2019 at the BoatWorks
- November 19<sup>th</sup> is the last work session of the year, discussion of non-general funds
- MPCA reported zero airborne lead contamination by Water Gremlin (Councilmember Jones mentioned soil and water findings are not meeting standards)
- Potential for lead in homes brochure mailed to residents and FAQs have been established as a result of recent water testing
- Resolution to accept a grant from Ramsey County to place an organics collection site at Public Works will be on the next Council agenda



**13. ADJOURNMENT**

There being no further business before the Council, it was moved by Councilmember **Biehn**, seconded by Councilmember **Walsh** to adjourn the regular meeting at 10:28 p.m.

Motion carried unanimously.

  
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Jo Emerson, Mayor

**ATTEST:**

  
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Kara Coustry, City Clerk