



AGENDA
REGULAR MEETING OF THE CITY COUNCIL OF
THE CITY OF WHITE BEAR LAKE, MINNESOTA
TUESDAY, JANUARY 14, 2020
7:00 P.M. IN THE COUNCIL CHAMBERS

Reminder: 6:00 p.m. Facility Study Update Work Session in the Expansion Room

1. CALL TO ORDER AND ROLL CALL

PLEDGE OF ALLEGIANCE

2. APPROVAL OF MINUTES

A. Minutes of the Regular City Council Meeting on December 10, 2019

*** OATH OF OFFICE ***

Councilmember Bill Walsh – Ward 1
Councilmember Dan Jones – Ward 3
Councilmember Steven Engstran – Ward 5

3. APPROVAL OF THE AGENDA

4. VISITORS AND PRESENTATIONS

Nothing scheduled

5. PUBLIC HEARINGS

Nothing scheduled

6. LAND USE

Nothing scheduled

7. UNFINISHED BUSINESS

Nothing scheduled

8. ORDINANCES

- A. Second reading of a Charter Commission recommendation to amend the City Charter pertaining to assessment of code enforcement penalties and fines
- B. Second reading of a City-initiated request to amend the Zoning Code to clarify that only one stairway to a waterbody is permitted per property (19-9-Z)

9. NEW BUSINESS

- A. Resolution appointing City representatives to Ramsey County League of Local Governments, Ramsey County Dispatch Policy Committee, Vadnais Lake Area Water Management Organization, Rush Line Task Force and Northeast Youth and Family Services
- B. Resolution authorizing purchase of a ladder truck and mobile radio for the Fire Department
- C. Resolution naming the official newspaper to perform official publications
- D. Resolution establishing regular meeting nights of the City Council of the City of White Bear Lake
- E. Resolution designating City Attorney – Prosecutor and Counselor for 2020
- F. Resolution authorizing bid advertisement for window replacement project at Pioneer Manor
- G. Resolution authorizing the City Manager and Mayor to execute an agreement for Social Services with Northwest Youth and Family Services

10. HOUSING AND REDEVELOPMENT AUTHORITY

- A. Call to Order / Roll Call
- B. Approval of the December 10, 2019 HRA Meeting Minutes
- C. Approval of the Agenda
- D. Election of a Chair and Vice Chair of HRA
- E. Adjournment

11. CONSENT

- A. Resolution authorizing City Manager to invest and transfer funds for the City, designation of bank depository and depositing for investments
- B. Resolution fixing surety bonds for various City Officials and providing for approval of the same
- C. Resolution authorizing the City Manager to pay claims made against the City
- D. Resolution authorizing 2020 travel reimbursement amounts
- E. Resolution approving gas station and tobacco license to White Bear Express, Inc.
- F. Resolution approving massage establishment licenses
- G. Resolution approving temporary liquor licenses for various qualifying non-profit groups
- H. Resolution accepting work and authorizing final payment to T.A. Schifsky & Sons, Inc. for the completion of the 2019 Mill and Overlay Project, City Project Nos.: 19-04 & 19-13

I. Resolution appointing an administrative hearing officer through January 2021

J. Resolution authorizing a food truck at Lakewood Hills Park pavilion for Redeemer Lutheran Church

12. DISCUSSION

Nothing scheduled

13. COMMUNICATIONS FROM THE CITY MANAGER

14. ADJOURNMENT



**MINUTES
REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF WHITE BEAR LAKE, MINNESOTA
TUESDAY, DECEMBER 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 7:03 p.m. Councilmembers Doug Biehn, Kevin Edberg (8:05pm), Steven Engstran, Dan Jones and Bill Walsh were present. Staff members present were City Manager Ellen Hiniker, 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 November 26, 2019

It was moved by Councilmember **Biehn**, seconded by Councilmember **Jones**, to approve the Minutes of the Regular City Council Meeting on November 26, 2019.

Motion carried unanimously.

3. APPROVAL OF THE AGENDA

Councilmember Biehn added a Discussion item 12B related to Boatworks rental policy.

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

Motion carried unanimously.

4. VISITORS AND PRESENTATIONS

A. Mary Alice Divine – retiring Planning Commission member

Community Development Director Kane reviewed some key Planning cases since Mary Alice assumed her appointment to the Planning Commission in 2014. Mayor Emerson thanked Mary Alice Divine and presented her with a bear plaque in recognition of five years on the Planning Commission.

B. Climate Smart Exchange – WBL Delegation members

City Manager Hiniker provided an overview of the ClimateSmart Exchange program with Lüdenscheid, Germany. She reported that in September, delegates from White Bear Lake visited the North Rhine-Westphalia region of Germany to learn about energy initiatives. The goal of this partnership, Ms. Hiniker explained, is to pair municipalities to accelerate progress toward a cleaner and more efficient energy footprint.

Ms. Hiniker called out the following key points and Mayor Emerson, Councilmember Biehn and Councilmember Edberg provided corresponding examples they encountered while in attendance.

- Waste Reduction Culture – glassware at every meeting (no plastics or paper), paper bags or none at all were provided in stores. Rather than home collection, recycling is brought to and sorted at a facility. Solar powered public trash cans compact waste and call when time to be emptied.
- Youth Engagement – Impressive engagement of all ages in society participating in a youth movement called “Fridays for Future” expressing an urgency and desire for thinking about the future related to climate change. A High School Meteorology Club has been collecting and analyzing climate data and will be partnering with White Bear Lake High School next semester. Students might also seek exchange opportunities.
- Emphasis on Applied Sciences – Universities and the new Science Center conduct experiments for participation in physics and technology, designed to help people understand how the physical world works. While there are many opinions about climate, a reaffirmation and understanding of earth science is needed to inform the future.
- Business/Economic Case for Energy Transformation – Gerard Reid, a founding partner in Alexa Capital, made a financial case for energy transformation technologies. Regardless of belief in the human influence on climate change, the rest of the world believes in renewables and energy conservation, which is becoming big business. Shell, the gasoline company, now wants to be the largest provider of solar power in the world. EVoline, a high-tech German manufacturer, is building a new zero carbon plant in Lüdenscheid and ABB has the first CO₂ neutral production site in Germany today. While there is an investment, there is a return on that investment and it is achievable at scale.
- Cities are taking meaningful action – For example, Lüdenscheid has 50 Councilmembers representing five different political parties. One of those parties desired declaration of a Climate emergency. In the end, the Council voted unanimously to adopt a Climate Action Plan containing 59 points of action. Private investment in the City of Saerbeck, population 7,500, created a citizen owned bio-energy park containing wind towers, recycling facilities and solar power for the region.
- Acceleration of the adaptation of renewables – global markets are investing in renewables at an accelerated rate. China is leading in solar installations. The bus depot in Münster provides solar powering of batteries for electric buses, as an example.
- Climate Change is a Global Issue – Important to build relationships for the sharing of knowledge and experiences and for a better overall understanding. Interesting to see the differences in Germany and the emphasis on mass transit. Germany is also interested in learning how to be more direct with decision-making and move forward more quickly like Americans.

Councilmember Walsh stated that solar and wind around the world is highly subsidized. He asked when solar and wind would no longer need subsidies so it can function as part of a free market system, and inquired as to government’s role. If wind and solar works and protects the environment, then why does government need to subsidize and why are we paying more for it. He noted that people pay more for energy in Minnesota than 10-15 years ago when renewable energy standards were put into place, although less energy is being used now, but that is the tradeoff.

Councilmember Edberg expressed the importance of considering the true total costs and true total benefits of the system. He said the cost of a kilowatt is irrelevant compared to the big picture of total costs, especially when considering climate change and climate instability and the public dollars that fund disaster relief. Councilmember Edberg stated there is a role for government to act in its own interest and the interests of its citizens. Government plays a role in choosing technology and deciding what cost to bear. He said government also plays a role through policies that encourage and empower citizens to take private action.

Councilmember Edberg said, let us consider what the science tells us and how the world will look in 50 years. He suggested that changes will be necessary in the way people live. He said, we cannot keep doing what we are doing to the planet and make it work.

In response to Councilmember Walsh's question regarding whether Germany spoke about subsidies, City Manager Hiniker responded that the conversation was focused on reduced cost of solar due to increased global investment. She said there was no conversation about subsidies, but the Federal Republic of Germany has made a significant investment in renewable energy production, which filters down to local governments.

Mayor Emerson pointed out that Minnesota is better situated for wind and solar technologies than Germany. She added, it was interesting to see the citizens and the cities in Germany leading in a collaborative effort. She mentioned there are some things Germany is doing that could work here. She said, we need to provide the information for people to make their own decisions.

Councilmember Biehn said, while there were no conversations about subsidies, there was conversation about the economic consequences of inaction. He mentioned Gerard Reid's presentation detailing the move of Europe and China away from fossil fuel. He reported that China is building more electric buses now than regular buses and if we do not keep up with the technology, we will need to buy from them instead of making it ourselves. Councilmember Biehn believed the cost of not keeping up makes the subsidy worth it, just as we subsidize other parts of the economy.

Councilmember Jones commented that the name ClimateSmart avoids controversy. He cautioned Council to go at the pace of residents' acceptance because they will only do what they understand today, but he agreed that educating residents to the options is important. Councilmember Jones stated there are opportunities available and breaking even is not required especially if a longer-term benefit is realized.

5. PUBLIC HEARINGS

Nothing scheduled

6. LAND USE

A. Consent

Nothing scheduled

B. Non-Consent

1. Consideration of a Planning Commission recommendation regarding a request by

Richard Farrell for a variance (19-11-V)

Community Development Director Kane reported this property is located at 4763 Lake Avenue and zoned R2 Single Family Residential in the shore-land overlay district. Given the unique property, Ms. Kane recapped that two setback variances were approved in July prior to preparation of scalable renderings. During the building permit review process, it was discovered that the eave overhang exceeded two feet. She forwarded the Planning Commission recommendation 6:1 for a 1'4" variance.

Mayor Emerson opened the public hearing at 7:52 p.m. As no one spoke, Mayor Emerson closed the public hearing.

It was moved by Councilmember **Biehn** seconded by Councilmember **Jones**, to adopt **Resolution No. 12488** granting an eave width variance for 4763 Lake Avenue

Motion carried unanimously.

7. UNFINISHED BUSINESS

Nothing scheduled

8. ORDINANCES

- A. Second reading of a City-initiated request to amend the Sign Code to allow Drive-Thru signs to utilize dynamic display style sign faces (19-7-Z)

Community Development Director Kane recapped the first reading presentation to explain the request to allow dynamic display style sign faces in drive-thru menu boards. She said this would also change digital signs from being considered dynamic display signs so that gas stations could post gas prices. She added the Planning Commission forwarded unanimous approval of this request.

Mayor Emerson opened a public hearing at 7:55 p.m. There being no comments from the public, Mayor Emerson closed the public hearing.

It was moved by Councilmember **Biehn** seconded by Councilmember **Engstran**, to adopt **Ordinance No. 19-12-2038** amending the City of White Bear Lake Municipal Code at Section 1202, the Sign Code, as it related to dynamic display drive-thru menu boards and digital signs.

Motion carried unanimously.

It was moved by Councilmember **Jones** seconded by Councilmember **Engstran**, to adopt Summary **Resolution No. 12489** establishing title and summary approval of Ordinance No. 19-12-2038.

Motion carried unanimously.

- B. Second reading of an amendment to the Winter Parking Ordinance

City Manager Hiniker stated this is the second reading of an ordinance to allow the City

the ability to tow vehicles outside of the lot that is currently used at 4th and Bald Eagle. She said this ordinance would allow vehicles to be towed to lots outside city limits, but still within 15 miles of the Police Department.

Mayor Emerson opened the public hearing at 7:57 p.m. There being no public comment, Mayor Emerson closed the public hearing.

It was moved by Councilmember **Jones** seconded by Councilmember **Engstran**, to adopt **Ordinance No. 19-12-2039** amending White Bear Lake Municipal Code Section 603.080 to allow towing and impoundment of vehicles outside of the City.

Motion carried unanimously.

It was moved by Councilmember **Biehn** seconded by Councilmember **Engstran**, to adopt Summary **Resolution No. 12490** establishing title and summary approval of Ordinance No. 19-12-2039.

Motion carried unanimously.

C. Second reading of an Ordinance adoption of the 2020 annual fee and utility rate schedule

City Manager Hiniker reported that each year the City Council adopts a fee schedule in conjunction with adoption of the budget. She highlighted the addition of a fee for public safety crews on standby. Ms. Hiniker noted that a constituent had expressed a philosophical concern over the funding structure of fire and ambulance. She added that with a year of experience under the new staffing model, this fund will be reviewed further in 2020.

Finance Director Kindsvater reported that in speaking with the City's ambulance billing contractor the City ranks in the middle as it compares to prices charged in surrounding communities.

Ms. Hiniker anticipated over 4,200 calls for service by the end of this year, compared to just under 4,000 from last year. Ms. Kindsvater added, Chief Peterson reported 26 calls for service yesterday alone.

Councilmember Walsh stated that fees are different than taxes in the sense that fees are set to recover the cost for the service. He mentioned recent statewide discussion over cities charging excess fees that are used for other funds and asked for a characterization of the City's fee schedule. Ms. Hiniker stated that generally speaking the fees charged are not sufficient to cover the cost of the service being provided. Community Development Director Kane agreed that a recent assessment of building and planning fees was found to be less than the cost for providing those services.

Mayor Emerson opened the public hearing at 8:07 p.m. There being no public comment, Mayor Emerson closed the public hearing.

It was moved by Councilmember **Jones** seconded by Councilmember **Biehn**, to adopt **Ordinance No. 19-12-2040** establishing a fee schedule for services, permits and licenses.

Motion carried unanimously.

It was moved by Councilmember **Edberg** seconded by Councilmember **Engstran**, to adopt Summary **Resolution No. 12491** establishing title and summary approval of Ordinance No. 19-12-2040.

Motion carried unanimously.

- D. Second reading of an Ordinance amending Ordinance 96-3-931 which established a community reinvestment fund

City Manager Hiniker reported this ordinance established a community reinvestment fund in 1996 at which time \$1 million was set aside for the park improvement trust and \$3.3 million into a street improvement trust. She explained that interest from each account was dedicated proportionately into park and street improvements. She said the ordinance required the fund maintain a minimum of 5% of annual investment earnings to grow its principle balance.

Ms. Hiniker reported the fund balance at this time is \$7.6 million. Ms. Hiniker explained this proposed ordinance would allow a draw down on the balance to not less than \$6 million and also opens the utilization of these funds to include Municipal Building Fund projects. She noted the current budget set aside \$103,000 in expenses from this building fund, but could be adjusted if the Council prefers to not allow funds to be used on Municipal Building projects.

Councilmember Walsh asked if this action would affect the City's bond rating. City Manager Hiniker explained that Ehler's, the City's bond counsel, was the entity who recommended spending this account down to \$5-6 million. Finance Director Kindsvater noted that during the last bond hearing, Standard and Poor's noted the City's financial flexibility. She stated that if the City draws down on this account a little every year, it continues to provide that flexibility.

Mayor Emerson opened a public hearing at 8:17 p.m. There being no public comment, the public hearing was closed.

It was moved by Councilmember **Walsh** seconded by Councilmember **Engstran**, to adopt **Ordinance No. 19-12-2041** amending ordinance 96-3-931 which established a community reinvestment fund.

Motion carried unanimously.

It was moved by Councilmember **Edberg** seconded by Councilmember **Jones**, to adopt Summary **Resolution No. 12492** establishing title and summary approval of Ordinance No. 19-12-2041

Motion carried unanimously.

- E. First reading of a Charter Commission recommendation to amend the City Charter pertaining to assessment of code enforcement penalties and fines

City Manager Hiniker reported that staff initiated this Charter amendment, which if adopted would allow assessment of code enforcement fines to the property. She relayed

unanimous vote of the Charter Commission supporting this resolution requesting an amendment to the Charter at section 8.05 and adding section 8.11.

Ms. Hiniker noted that the purpose of this Charter Amendment is compliance for about 1-2% of the code enforcement cases that continue to be issues in the community. She said it would keep those in violation out of the criminal process, speed up City’s proceedings and result in compliance.

Councilmember Jones received clarification from Ms. Hiniker that this process also applies to businesses and is similar to special assessments issued to taxes for mowing unkept properties. He supported the ordinance because he has a handful of chronic offenders in his ward.

Councilmember Edberg also supported the ordinance as a mechanism for addressing a couple of properties in his ward that are persistent sources of community complaint. He received clarification from Ms. Hiniker that these assessments come in full to the City and are not shared with other entities. He noted this is an example of a fee for deterring and changing behavior and he liked keeping offenders out of District Court.

Mayor Emerson announced there will be a public hearing during the second reading of this ordinance on January 14, 2020.

- F. First reading of a City-initiated request to amend the Zoning Code to clarify that only one stairway to a waterbody is permitted per property (19-9-Z)

Community Development Director Kane stated this text amendment was initiated by planning staff after being contacted by a neighboring city experiencing problems with lakefront property owners selling private access easements. She reported this is not an issue in White Bear Lake as confirmed by a summertime aerial revealing only one dock per property and also in conference with the Conservation District. Ms. Kane explained this ordinance simply clarifies that only one stairway to a waterbody is permitted per property.

Mayor Emerson stated this item will return for second reading on January 14, 2020.

9. NEW BUSINESS

- A. Resolutions adopting 2019 Tax Levy Collectible in 2020 and adopting Revised 2019 and Proposed 2020 Budget

City Manager Hiniker reviewed the budget process. She stated the general fund represents one-third of the entire \$40 million budget in 2020, and the levy pays for about 50% of the general fund, which is set at \$11.9 million. Ms. Hiniker presented the preliminary tax levy as follows:

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

Councilmember Walsh stated the difference in the expenditures this year amounts to \$563,000 to add a police officer and cover increases for staff salaries and health care costs. Although he struggled with the levy vote, he supports adding a police officer to address a large increase in the number of calls for service as well as modest increases to staff salaries. He noted the city is well-run, well-maintained and has low taxes, but he committed to seeking creative financing and applying downward pressure on the tax levy moving forward.

Councilmember Jones acknowledged and appreciated Councilmember Walsh's comments, but explained that there are services the city needs to provide, such as police, and he would like to see the city get ahead and stay ahead.

Councilmember Edberg called on citizens to take responsibility where possible, noting an increasing number of calls for services from police and fire for example, as a result of behavior and choices that people make.

Councilmember Biehn agreed that White Bear Lake is well-run and he supports raising taxes sufficient to stay caught up because it costs more money to catch up, citing the recent school district levy. He hears from constituents only how the City is not doing enough and he questions what it is that the City is not doing that it should be doing given such a low tax rate.

City Manager Hiniker expressed appreciation for the Council's support over the last few years on some important long term goals, including the recent combination staffing model in the Fire Department. She explained that staff recognizes the pressures from all directions and attempts to carefully balance and prioritize its requests.

Mayor Emerson added, the Council lives in White Bear Lake and pays these taxes too. She said the Council does not take the budget lightly, is prudent, and has a great staff.

It was moved by Councilmember **Edberg**, seconded by Councilmember **Jones** to adopt **Resolution No. 12493** approving the 2019 Tax Levy Collectible in 2020.

Motion carried unanimously.

It was moved by Councilmember **Biehn**, seconded by Councilmember **Jones** to adopt **Resolution No. 12494** adopting the 2020 Budget and revising the 2019 Budget as adopted by Resolution No. 12130

Motion carried. Councilmember Engstran abstained.

It was moved by Councilmember **Biehn**, seconded by Councilmember **Jones** to adopt **Resolution No. 12495** committing fund balances for specific purpose.

Motion carried unanimously.

It was moved by Councilmember **Jones**, seconded by Councilmember **Biehn** to adopt **Resolution No. 12496** authorizing City Contributions toward Volunteer and Employee Recognition presented in the 2019 and 2020 budget.

Motion carried unanimously.

It was moved by Councilmember **Walsh**, seconded by Councilmember **Jones** to adopt **Resolution No. 12497** authorizing and acknowledging City contributions and involvement in promoting business and cultural activities in White Bear Lake in the 2019 and 2020 budget.

Motion carried unanimously.

B. Resolution approving Classification and Compensation Plan

City Manager Hiniker reported that the Classification and Compensation Plan is reviewed and updated each year. She forwarded a resolution adjusting the wage table 3% to account for salary increases for staff.

Councilmember Biehn asked when the last comprehensive Classification Plan was conducted. City Manager Hiniker replied this plan was first developed in 1988 and since that time the City has not done a salary survey. She stated that certain positions have had market adjustments and salary rate studies are conducted for specific positions when hiring for a vacancy.

In response to Councilmember Biehn regarding a push to conduct a salary survey, Ms. Hiniker stated this had been her priority a couple of years ago. However, she said, with successful union negotiations, market adjustments with the support of Council, she feels good about the compensation plan today. She noted that wage ranges provides the flexibility needed to set compensation based on an employee's skill level.

It was moved by Councilmember **Biehn**, seconded by Councilmember **Jones** to adopt **Resolution No. 12498** establishing 2020 Compensation Table.

Motion carried unanimously.

C. Resolution ordering preparation of a feasibility report for the 2020 Street Reconstruction Project and the 2020 Mill & Overlay Project (City Project Nos. 20-01, 20-06 & 20-13)

Public Works Director / City Engineer Kauppi reviewed the plan for 2020 street projects, noting that neighborhood meetings have already been held. He pointed out that Cottage Park, one of the oldest areas in town, is being reconstructed with curb and gutter modernization. Mr. Kauppi stated that Bellaire Avenue will be partially reconstructed with a sidewalk addition.

Mr. Kauppi reviewed proposed Mill & Overlay projects noting two streets the City's Comprehensive Plan identifies for sidewalk additions: Elm Street from Willow Avenue to White Bear Avenue and Highland Avenue from County Road E to Elm Street. He mentioned a handful of folks were opposed to these sidewalk additions, but forwarded staff's recommendation to move forward with the feasibility study to assess cost effectiveness and necessity of the proposed work.

Mr. Kauppi review further areas identified for Mill and Overlay, including a Willow Lane cul-de-sac, the Glen Oaks Avenue area, 5th Street & Dillon Avenue.

It was moved by Councilmember **Walsh**, seconded by Councilmember **Biehn** to adopt **Resolution No. 12499** ordering preparation of a feasibility report for the 2020 Street

Reconstruction Project and the 2020 Mill & Overlay Project (City Project Nos. 20-01, 20-06 & 20-13)

Motion carried unanimously.

Mayor Emerson recessed the City Council meeting at 8:56 p.m.

10. HOUSING AND REDEVELOPMENT AUTHORITY

Refer to the HRA Minutes for an account of the following:

- A. Roll Call
- B. Approval of the June 25, 2019 HRA Meeting Minutes
- C. Resolution not waiving the monetary limits on Municipal Tort Liability established by Minnesota Statutes 466.04 for Housing and Redevelopment Authority
- D. Resolution authorizing the purchase of the property located at 2174 8th Street
- E. Adjournment

Mayor Emerson reconvened the City Council meeting at 9:21 p.m.

11. CONSENT

- A. Acceptance of minutes: October Park Advisory Commission, October Environmental Advisory Commission, October White Bear Lake Conservation District, November Planning Commission.
- B. Resolution authorizing food trucks to service the Hockey Association Hockey Jamboree in Podvin Park. **Resolution No. 12500**
- C. Resolution authorizing use of a portion of the City's parking lot by Big Wood to host a chili cook off. **Resolution No. 12501**
- D. Resolution approving a massage therapist establishment license. **Resolution No. 12502**
- E. Resolution not waiving the monetary limits on Municipal Tort Liability established by Minnesota Statutes 466.04. **Resolution No. 12503**
- F. Resolution rescinding internal loan repayment to the Non-Bonded Fund. **Resolution No. 12504**
- G. Resolution authorizing the City Manager to execute a Water Efficiency Grant agreement with Metropolitan Council. **Resolution No. 12505**

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

Motion carried unanimously.

12. DISCUSSION

A. City Manager Review

Councilmember Edberg reported that the City Manager evaluation form was on the dais, with electronic versions emailed for those interested. He asked that evaluations be returned to the clerk for confidential compilation by January 14th, after which the Mayor and Councilmember Edberg will meet with Ms. Hiniker and return with a Council recommendation at the second meeting in January.

B. Boatworks Rental Policy

Councilmember Biehn stated he was contacted by a constituent who wanted to use the Boatworks Commons to raise funds for a political candidate. He reported the City's rental for non-profits is \$50 and the rental for private is \$500 and his constituent wanted the campaign committee to be treated as a non-profit for local elections (not national elections).

City Manager Hiniker spoke with the constituent and added that her interpretation of the policy was that non-profits were 401 and 501(c)3's, rather than 527(b)'s which are tax exempt organizations such as political campaigns. She understood the intent of the Boatworks Rental Policy was that use by non-profits was discounted as the benefits are returned to the community, while with political campaigns the benefit goes back to an individual campaign.

Councilmember Walsh was sympathetic to the constituent. He stated that these local party organizations do not make a profit and suggested looking at state law definitions rather than the IRS for guidance.

Councilmember Biehn and Councilmember Jones was also sympathetic to allowing the Boatworks for this type of use as it provides an opportunity to meet a local political organization and/or candidates. Councilmember Jones stated that if the candidate has filed or registered to serve the districts in White Bear Lake, then they should be permitted to use the facility as a non-profit.

Mayor Emerson asked staff to return with a policy revision to reflect Council's desire to include political candidates conducting fundraisers in City rented facilities.

13. COMMUNICATIONS FROM THE CITY MANAGER

- Dan Pawlenty, the City's Public Works Superintendent, announced his retirement with January 3rd as his last day and staff lunch celebration.
- Calendars and 2020 Work Session dates will be emailed to Council.
- Shared a copy of a summary report on topics of the natural environment prepared by students from the University of Minnesota. Professor Johnson is retiring after 22 years.
- Public Works Director Kauppi relayed an emphasis on better communication to the public through social media when snow in excess of three inches is anticipated.

14. ADJOURNMENT

There being no further business before the Council, it was moved by Councilmember **Walsh**, seconded by Councilmember **Engtran** to adjourn the regular meeting at 9:43 p.m.

Motion carried unanimously.

Jo Emerson, Mayor

ATTEST:

Kara Coustry, City Clerk



City of White Bear Lake
City Manager's Office

MEMORANDUM

To: Ellen Hiniker, City Manager

From: Rick Juba, Assistant City Manager

Date: January 6, 2020

Subject: **First reading of an ordinance amending the City Charter pertaining to assessment of administrative fines and penalties**

BACKGROUND

In accordance with State Statute 410.12, Subd. 7, the City Council may enact a charter amendment upon the recommendation of the Charter Commission. Within one month of receiving a recommendation to amend the charter by ordinance, the city must publish notice of a public hearing on the proposal; the public hearing must be held at least two weeks, but not more than one month, after publication. Within one month of the public hearing, the City Council must vote on the proposed amendment ordinance; an affirmative vote of all members of the City Council and approval by the Mayor is required. If approved, an ordinance amending the Charter does not become active until 90 days after passage and publication to provide opportunity for residents to submit a petition requesting a referendum.

SUMMARY

On November 13, 2019, the Charter Commission voted unanimously to adopt resolution 19-1, amending Section 8.05 and adding Section 8.11 of the City Charter pertaining to administrative penalties and the collection of fees and penalties. Attached is the memorandum and supporting documents providing background to this proposed amendment for Council's review.

The City Council held first reading on December 10, 2019. The notice of a public hearing scheduled for the January 14, 2020 City Council meeting was published in the December 25, 2019 edition of the White Bear Press.

Following second reading of the ordinance at the January 14 meeting, a unanimous vote of the City Council and approval by the Mayor will be required to amend the City Charter.

RECOMMENDED COUNCIL ACTION

Conduct second reading of the proposed ordinance in consideration of its adoption. Staff recommends approval of the ordinance amending the City Charter pertaining to assessment of administrative fines and corresponding summary resolution for publication.

ATTACHMENTS

Ordinance Amending the City Charter
Summary Resolution
Supporting Charter Commission Memo, Minutes and Resolution

CITY OF WHITE BEAR LAKE
Ordinance No. 20-1-2042

**ORDINANCE AMENDING THE WHITE BEAR LAKE CITY CHARTER REGARDING
ADMINISTRATIVE PENALTIES AND THE COLLECTION OF FEES AND PENALTIES**

The Council of the City of White Bear Lake does ordain as follows:

ARTICLE I. Section 8.05 of the White Bear Lake City Charter is hereby amended as follows:

Sect. 8.05. Punishment for Offense. Every act or omission to act under this Charter or the ordinances and regulations of the City which is made subject to punishment shall be, if the punishment is not otherwise prescribed, punishable as a misdemeanor. The Council may establish by ordinance a procedure for imposing an administrative penalty for any violation of the City code or a City ordinance. The procedure must provide that any person charged with an administrative penalty will receive notice of the violation and an opportunity to be heard by a neutral party. The procedure may authorize the City to use the services of a non-City employee to decide whether an administrative penalty should be imposed.

ARTICLE II. The White Bear Lake City Charter is hereby amended by adding a new Section 8.11 as follows:

Sect. 8.11. Fees and Penalties. The Council may provide by ordinance that unpaid fees, charges, administrative penalties, and late payment penalties imposed by the City may be imposed and collected as a special assessment against property that was the subject matter, or related to the subject matter, of the fee, charge, or penalty, or against the property that was the location of an activity, proposed use, delivery of City service, or other circumstances that resulted in the fee, charge, or penalty. The ordinance must provide that the City will first attempt to obtain voluntary payment of the fee, charge, or penalty. The ordinance must also provide that notice and an opportunity to be heard will be given to the property owner listed on the official tax records before the penalty is assessed.

Article III. Effective Date. This Ordinance shall become effective after adoption and upon ninety (90) days following its legal publication, except that if within sixty (60) days after publication a petition requesting a referendum on this ordinance, signed by the number of registered voters of the City required by Minnesota Statutes, section 410.12, subdivision 7 is filed with the City Clerk, this ordinance will not be effective until approved by a majority of the voters voting on the question at an election.

Passed by the City Council of the City of White Bear Lake, Minnesota this 14th day of January, 2020.

First Reading: December 10, 2019

Initial Publication: December 25, 2019

Second Reading: January 14, 2020

Final Publication: January 22, 2020

Codified:

Posted on web:

City Clerk Initials

Jo Emerson, Mayor

ATTEST:

Kara Coustry, City Clerk

(~~Strikeout~~ indicates matter to be deleted, double underline indicates new matter.)

RESOLUTION NO.

**A RESOLUTION ESTABLISHING THE TITLE AND SUMMARY APPROVAL
OF ORDINANCE NO. 20-1-2042 AMENDING THE WHITE BEAR LAKE CITY
CHARTER REGARDING ADMINISTRATIVE PENALTIES AND THE COLLECITON
OF FEES AND PENALTIES**

FOR PUBLISHED NOTICE

WHEREAS, the City of White Bear Lake City Council may, pursuant to Ordinance No. 83-6-666, adopt a title and summary of a proposed ordinance to be published in lieu of lengthy entire ordinances, and

WHEREAS, in addition to adopting a title and ordinance summary, the Council shall direct the City Clerk to:

1. Have available for inspection during regular office hours a copy of the entire ordinance.
2. Post a copy of the entire ordinance at the White Bear Lake Branch of the Ramsey County Public Library.
3. Receive an affidavit of publication of the title and summary from the official newspaper.

NOW, THEREFORE, BE IT RESOLVED, that the City of White Bear Lake City Council hereby adopts the aforementioned title and summary for approved Ordinance No. 20-1-2042 as listed below:

**AN ORDINANCE AMENDING THE CITY OF WHITE BEAR LAKE MUNICIPAL CODE
AT SECTION 8.05 TO SET A DUE PROCESS PROCEDURE FOR ORDINANCE VIOLATIONS AND
ADDING SECTION 8.11 IN WHICH FEES AND PENALTIES RESULTING FROM ORDINANCE
VILATIONS MAY BE ASSESSED TO THE OFFICIAL TAX RECORDS OF THE PROPERTY OWNER**

The ordinance sets forth procedures for due process as a result of ordinance violations. It also establishes that unpaid fees, administrative penalties and late payment penalties assessed as a result of ordinance violations imposed by the City of White Bear Lake be assessed to the official tax record of assessed property owners.

FURTHER, BE IT RESOLVED, that the City of White Bear Lake City Council hereby directs the City Clerk to provide the inspection and publication requirements as listed above.

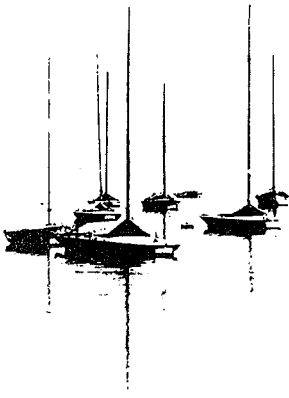
The foregoing resolution offered by Councilmember _____ and supported by Councilmember _____ carried on the following vote:

Ayes:
Nays:
Passed:

Jo Emerson, Mayor

ATTEST:

Kara Coustry, City Clerk



City of White Bear Lake

4701 Highway 61 • White Bear Lake, Minnesota 55110
Phone (651) 429-8526 • Fax (651) 429-8500
www.whitebearlake.org

November 27, 2019

Honorable Mayor and City Council
City of White Bear Lake
4701 Highway 61
White Bear Lake, MN 55110

Dear Mayor Emerson and City Council Members:

At its regular annual meeting of September 11, 2019, the White Bear Lake Charter Commission considered a City staff recommendation proposing a City Charter Amendment to allow special assessment of unpaid administrative fines against the related subject property.

For context, lower level municipal code violations may be enforced by issuing an administrative citation rather than citation heard in District Court. This less formal process allows alleged violators to correct conditions in response to the violation or offer an explanation or objection to an independent third party Hearing Officer appointed by the City Council.

While most individuals take action to resolve the alleged violation when notified, approximately 1-2% ignore the correction order, which is then forwarded to the District Court. This is an expensive action, which is not often enforced by District Court Judges. This proposed Charter Amendment would allow the City Council, following findings by the Hearing Officer, to levy unpaid fines against the subject's property.

At its meeting on November 13, 2019, following review and discussion, the Charter Commission voted unanimously to adopt Resolution 19-01 proposing an amendment of Section 8.05 and addition of Section 8.11 of the City Charter pertaining to administrative penalties and the collection of fees and penalties.

In closing, the Charter Commission requests City Council consideration of the proposed Charter amendment to Section 8.05 and addition of Section 8.11 and request that it direct preparation of an ordinance perfecting the amendment pursuant to State Statutes, following public hearing and opportunity for reverse referendum action by citizens.

Respectfully,

Timothy Geck, Chair
White Bear Lake Charter Commission



City of White Bear Lake

City Manager's Office

To: Members of the Charter Commission

From: Rick Juba, Asst. City Manager, on behalf of Code Enforcement Review Committee

Date: August 21, 2019
Revised October 14, 2019

Subject: **Assessment of Administrative Fines**

This memorandum has been revised in response to the discussion at the September 11, 2019 Charter Commission meeting. Please note that the City already performs code enforcement and has the ability to issue administrative fines. The requested amendment to the charter is not to change the present authority by the city to impose and to enforce the correction of current code violations but it provides an additional compliance remedy allowing the city to assess the related property for the collection of related fines and penalties. This process would keep those in violation out of a criminal process, speed up proceedings and ultimately result in compliance rather than jail time or fines.

The City of White Bear Lake performs both proactive and complaint based enforcement of City Codes on residential and commercial properties throughout the City. Common code compliance issues include long grass, junk vehicles, exterior storage, and unmaintained conditions (paint peeling, missing shingles, etc.) The City Code containing these rules was developed to protect property values, protect the environment, and provide a baseline of standards that residents can expect their neighbors to live by and the City to uphold. **When averaged over a three-year period, the City responded to 210 citizen complaints and proactively pursued 500 nuisance code violations each year.** It should be noted that the number of nuisance complaints received each year continues to grow, similar to upward trending calls for service in the Police and Fire Departments.

Violation totals from January 2016 - August 15, 2019

- Ward 1: 678
- Ward 2: 641
- Ward 3: 488
- Ward 4: 396
- Ward 5: 572

2,775 (since Jan. 2016)

More than twice as many violations are identified through proactive enforcement, with the others being complaint-based. Once a city code violation is confirmed, City staff sends the property owner a letter explaining the violation and required corrective action. On most occasions, the property owner takes timely, corrective action, or works with staff to correct the violation within a mutually agreed upon

period. Deadlines are regularly extended for property owners who do not have the means to comply or have a special circumstance.

However, for some, gaining compliance can take several weeks, which frustrates neighbors and consumes excessive staff time. In the past, when a stalemate had been reached with a property owner, the property owner was issued a Ramsey County citation, a misdemeanor, which required an appearance in court. If the person did not appear in court, a bench warrant would be issued. In recent years, however, district court judges have not had the necessary resources to deal with these lower profile cases. Consequently, judges typically extend, dismiss or issue a small fine, all of which do not typically result in compliance. Warrants are no longer issued for these types of offenses.

The City's municipal code currently provides staff the authority to issue administrative citations in place of County citations. Approval of the Building Official and the Patrol Captain is required before a nuisance violation citation can be issued. The City has an established administrative hearing process to provide property owners an opportunity to appeal their citation to a neutral, third-party administrative judge appointed by the City Council. An appeal must be filed within seven (7) days of receiving the citation, a hearing would then be scheduled within seven (7) days of the appeal. The administrative hearing judge has the authority to sustain the appeal or dismiss, reduce or waive the penalty. If sustained, the penalty must be paid within seven (7) days of the ruling.

Currently, if the ticket is upheld by the administrative judge and still is not paid, it becomes a County citation. However, as described, the County citations are no longer effective. Subsequently, code enforcement staff does not have an effective enforcement tool to gain compliance in difficult situations. In order to provide an effective code enforcement tool, the Code Enforcement Review Committee is requesting the Charter Commission to consider a charter amendment that would provide the City Council the authority to develop an assessment procedure for administrative code enforcement fines through the adoption of an ordinance.

There is an appeal process in place for property owners with unpaid utility bills before assessing them to their property taxes, which provides property owners an opportunity to appeal their case to the City Council. The same process would be in place for consideration of assessing administrative penalties. Notice of a public hearing in front of the City Council would be sent out each September to property owners with unpaid administrative fines. Affected property owners would then have an opportunity to appeal to the City Council at the hearing. If the City Council upheld the assessment, that property owner could file a dispute to the City Council in writing, then follow that with an appeal in district court.

The authority to assess fines for code violations, however, is unique to Charter cities. If the charter were amended to provide the City Council authority to adopt an ordinance, there could be a process whereby unpaid code enforcement citations are assessed in the same fashion as unpaid utility fees. This would be a compliance tool, not a revenue generator. On average, administrative citations, including parking and speeding, only generate about \$1,000 in revenue.

The Cities of Minnetonka, Crystal and Coon Rapids are the only other cities found to have adopted an authorizing charter amendment. Staff is aware of at least one other community in the greater metro area that assesses unpaid fines for code violations to property taxes, but has not adopted corresponding authorizing language. Instead, it references the Chapter 429 process, which is state authorizing language related to municipal infrastructure assessments. The language used by Coon Rapids is broad and does

not specifically address administrative or civil penalties. Staff would advise that the City clarify its authority to assess code enforcement fines through a Charter amendment, as was done in Minnetonka and Crystal. Below is the language adopted by all three cities:

Minnetonka Charter Language:

Section 8.03. Fees and Civil Penalties.

The council may provide by ordinance that fees, civil penalties, and late payment penalties imposed by the city may be assessed against (a) property that was the subject matter, or related to the subject matter, of the fees and penalties, or (b) property that was the location of an activity, proposed use, city service, or other circumstance that resulted in the fees and penalties. The ordinance must require the city to attempt to obtain voluntary payment of the fees and penalties before imposing the assessments. The ordinance must require the city to give notice and an opportunity to be heard to the property owner listed on the official tax records before imposing the assessments. The assessments will be collected like special assessments.

Crystal Charter Language:

Section 12.09. Fines and Penalties. Subd. 2.

The city council may provide by ordinance that unpaid administrative penalties be collected as a special assessment against property which was the subject matter, or related to the subject matter, of the penalty or against the property which was the location of an activity, proposed use, delivery of city service, or other circumstances that resulted in the penalty. The ordinance must provide that the city will first attempt to obtain voluntary payment of the penalty. The ordinance must also provide that notice and an opportunity to be heard will be given to the property owner listed on the official tax records before the penalty is assessed. (Added, Ord. No. 2002-07, August 5, 2002)

Coon Rapids Charter Language:

1-802 - Assessments for Services.

The Council may provide, by ordinance, that the costs of any special services to public or private property may be assessed against the property benefited and collected in like manner as are special assessments.

A draft ordinance is attached for review and consideration by the Charter Commission. In addition to the draft language enabling the assessment of fines, language has been proposed to clarify the City's authority to issue administrative penalties. While opinions do differ on the need for this clarifying language, the City Attorney advised that this would be an ideal opportunity to consider adding it.

ATTACHMENTS: Examples of three properties with long-standing issues
Proposed Charter Amendment

**MINUTES OF THE
WHITE BEAR LAKE CHARTER COMMISSION
NOVEMBER 13, 2019**

1. CALL TO ORDER AND ROLL CALL

A meeting of the White Bear Lake Charter Commission was called to order by Chairman Tim Geck at 7:00 p.m. in the second floor conference room at City Hall. The following members were present: Marc Aune, James Patrick Barone, James Berry, Scott Bill, Scott Costello, Tim Geck, Karen Hogen, Dan Louismet, Mark Sather, and Ray Smith. Members Dale Grambush and Robert Hafdahl were excused pursuant to bylaws. A quorum was declared.

Also present was Assistant City Manager, Rick Juba

2. APPROVAL OF THE MINUTES

It was moved by **Member Barone**, seconded by **Member Louismet**, to approve the minutes of the meeting held September 11, 2019 as presented.

The motion carried unanimously.

3. APPROVAL OF THE AGENDA

It was moved by **Member Berry**, seconded by **Member Smith** to approve the agenda as presented.

The motion carried unanimously.

4. OLD BUSINESS

- A. Proposed Amendment of Section 8.05 and addition of section 8.11 of the City Charter pertaining to administrative penalties and the collection of fines and penalties

Chair Geck initiated discussion by explaining this proposal was presented at the request of the City at the Charter Commission meeting of September 11, 2019. Following discussion at that time the matter was continued to this date with the request that the City provide additional information regarding whether other home rule cities in Minnesota had similar provisions in their charter and for additional examples of code enforcement cases where the proposed amendment would apply. He called upon Assistant City Manager, Rick Juba, to respond to the Commission's requests.

Mr. Juba replied that for approximately the past 15 years the City has conducted code enforcement through both criminal and administrative procedures. In the case of minor code violations, individuals deemed responsible for the violation were provided correction notices and a period of time to correct the condition or behavior.

If correction is not achieved, a second notice is typically given if the condition allows. Subsequent failure to comply resulted in issuance of an administrative citation which carries a fine established by ordinance. Violations considered more serious resulted in a District Court violation. He explained that most violations are corrected following the first or second notice and they typically involve long grass or weeds, junk automobiles, outdoor storage and accumulation of materials in violation of the Municipal Code, unmaintained structures and animal waste. Compliance prior to issuance of a citation avoids a fine. Failure to comply results in issuance of either an administrative or District Court violation.

Administrative violations may be resolved by correction and compliance as well as payment of the assigned fine. The alleged violator may also appeal the finding and citation to an independent hearing officer appointed by the City Council. The hearing officer may sustain, adjust or dismiss the fine. If the alleged violator fails to pay or appeal the fine, a District Court citation may be issued by the City and the alleged violator may pay the District Court fine or appeal to the court.

Administrative citations ignored by the alleged violator but issued for violations not usually considered serious by District Court Judges (i.e. barking dogs, junk accumulation, unmaintained property, junk cars, illegal home occupations, etc.) are the intended subject of the proposed amendment. If approved, fines for unpaid administrative citations may be assessed to the subject property.

Mr. Juba further explained that the number of nuisance code violations for January 2016 through August 2019 was almost 2,800. Over 96 percent of violations are corrected within the allowed time. He also explained that those not corrected often are the cause of considerable concern from area residents and property owners. The proposed amendment is expected to allow the City to achieve compliance without resorting to the lengthy and costly District Court option. It will allow the City Council to assess the administrative fine to the property similar to unpaid utility charges or safety and sanitation abatement costs.

Member Costello pointed out that the proposed amendment is similar to a Charter provision in the City of Crystal, MN which has been in place for more than 15 years and is apparently working. Member Louismet questioned whether the City of Crystal provision was considered successful. Mr. Juba stated the City reported it was satisfied with application of the assessment authority but he was unaware if the measurement was fine receipt or compliance.

Following considerable discussion of examples of cases where administrative citations had allowed the City to achieve compliance with the Municipal Code and example of appeals to the hearing officer that resulted in positive solutions it was moved by **Member Barone**, seconded by **Member Berry** to adopt **Resolution No. 19-01** proposing an amendment to Section 8.05 and additional of Section 8.11 of the City Charter pertaining to administrative penalties and the collection of fees and penalties.

Member Costello stated this proposed action is the first step toward a charter amendment. The proposed must be forwarded to the City Council, be heard in a public hearing, receive a unanimous vote of the City Council, and is subject to a 60-day remonstrance period during which a petition could be submitted requiring the question to be brought before the voters in a referendum.

In response to a question from Member Louismet, Chair Geck and Mr. Juba described the appeal procedure afforded to an individual receiving an administrative citation including a hearing before the Council appointed Hearing Officer and a District Court Judge on the subject of the alleged violations and subject fine as well as an appeal of an assessment to District Court.

Members Aune, Hogen and Smith spoke in favor of the motion stating that based on examples presented, it appears that failure to comply and pay the fine appears to be based more on willingness than means.

There being no further discussion, the Chair called for the vote and the motion passed unanimously.

5. NEW BUSINESS

Nothing scheduled.

6. OPEN DISCUSSION

No further discussion.

7. ADJOURNMENT

There being no further business to come before the Commission, it was moved by **Member Aune**, seconded by **Member Hogen**, to adjourn the meeting at 7:40 p.m.

The motion carried unanimously.

Tim Geck, Chair

ATTEST:

Mark Sather, Secretary

RESOLUTION NO. 19-01

A RESOLUTION OF THE WHITE BEAR LAKE CHARTER COMMISSION PROPOSING AN AMENDMENT OF SECTION 8.05 AND ADDITION OF SECTION 8.11 OF THE CITY CHARTER PERTAINING TO ADMINISTRATIVE PENALTIES AND THE COLLECTION OF FEES AND PENALTIES

WHEREAS, City of White Bear Lake staff requested that the City Charter be reviewed by the Charter Commission with regard to administrative penalties and the collection of fees and penalties; and

WHEREAS, the Commission has reviewed modifications to Section 8.05 regarding punishment for offenses and the addition of Section 8.11 regarding fees and penalties; and

WHEREAS, the Commission has concluded that in order to provide for effective code enforcement the City of White Bear Lake requires the authority to assess unpaid fines for code violations to the property.

NOW, THEREFORE, BE IT RESOLVED by the Charter Commission of the City of White Bear Lake that the following amendment to Section 8.05 and addition of Section 8.11 of the City Charter is hereby proposed to the City Council for enactment pursuant to Minnesota Statutes Section 410.12, Subd. 7.

Sect. 8.05. Punishment for Offense. Every act or omission to act under this Charter or the ordinances and regulations of the City which is made subject to punishment shall be, if the punishment is not otherwise prescribed, punishable as a misdemeanor. The Council may establish by ordinance a procedure for imposing an administrative penalty for any violation of the City code or a City ordinance. The procedure must provide that any person charged with an administrative penalty will receive notice of the violation and an opportunity to be heard by a neutral party. The procedure may authorize the City to use the services of a non-City employee to decide whether an administrative penalty should be imposed.

Sect. 8.11. Fees and Penalties. The Council may provide by ordinance that unpaid fees, charges, administrative penalties, and late payment penalties imposed by the City may be imposed and collected as a special assessment against property that was the subject matter, or related to the subject matter, of the fee, charge, or penalty, or against the property that was

the location of an activity, proposed use, delivery of City service, or other circumstances that resulted in the fee, charge, or penalty. The ordinance must provide that the City will first attempt to obtain voluntary payment of the fee, charge, or penalty. The ordinance must also provide that notice and an opportunity to be heard will be given to the property owner listed on the official tax records before the penalty is assessed.

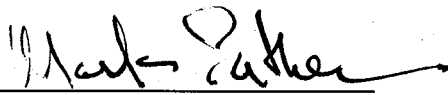
The foregoing resolution, offered by Commission member Barone and supported by Commission member Berry, was declared carried on the following vote:

Ayes: 10
Absent: 0
Nays: 0
Passed: unanimously



Tim Geck, Chair

ATTEST:



Mark Sather, Secretary



City of White Bear Lake
Community Development Department

MEMORANDUM

To: Ellen Hiniker, City Manager

From: Planning Commission

Through: Samantha Crosby, Planning & Zoning Coordinator

Date: January 6, 2020 for the January 14, 2020 City Council Meeting

Subject: **SECOND READING – Shoreland Text Amendment, Stairways
Case No. 19-9-Z**

REQUEST

A text amendment to clarify that only one stairway down to a waterbody is permitted per property. The second reading is a public hearing and notice was published in the January 1st edition of the White Bear Press.

SUMMARY

If approved, staff has drafted a summary resolution to facilitate final publication. There was no discussion during the first reading. At the Planning Commission meeting, no one from the public spoke to the matter. The Commission wanted to make sure the amendment did not preclude the construction of both a stairway and a lift. Allowance of both is addressed in item (7) of the existing language. On 7-0 vote, the Commission recommended approval as presented by staff.

RECOMMENDED COUNCIL ACTION

Approval of the attached ordinance and summary resolution.

ATTACHMENTS

Draft Ordinance
Summary Resolution

ORDINANCE NO. 20-1-2043

**AN ORDINANCE AMENDING THE CITY OF WHITE BEAR LAKE ZONING CODE
AT SECTION 1303.230, "SHORELAND OVERLAY DISTRICT"
AS IT RELATES TO STAIRWAYS (CASE NO. 19-9-Z)**

THE CITY COUNCIL OF THE CITY OF WHITE BEAR LAKE, MINNESOTA DOES
ORDAIN THE FOLLOWING:

SECTION 1. The Municipal Code of the City of White Bear Lake is hereby amended at
Section 1303.230 as follows:

c) Stairways, Lifts, and Landings. Stairways, lifts and landings must meet the following design
requirements:

1) Only one stairway is permitted per property.

~~4)~~ **2)** Stairways and lifts must not exceed four (4) feet in width on residential lots. Wider
stairways may be used for commercial properties, public open space recreational
properties, and planned unit developments, but shall require a conditional use permit
as set forth in Subdivision 6 of this Section;

~~2)~~ **3)** Landings for stairways and lifts on residential lots must not exceed thirty-two (32)
square feet in area. Landings larger than 32 square feet may be used for commercial
properties, public open space recreational properties, and planned unit
developments but shall require a conditional use permit as set forth in Subdivision 6
of this Section;

~~3)~~ **4)** Canopies or roofs are not allowed on stairways, lifts, or landings;

~~4)~~ **5)** Stairways, lifts, and landings may be either constructed above the ground on posts
or pilings, or placed into the ground, provided they are designed and built in a manner
that ensures control of soil erosion;

~~5)~~ **6)** Stairways, lifts, and landings must be located in the most visually inconspicuous
portions of lots, as viewed from the surface of the public water assuming summer,
leaf-on conditions, whenever practical;

~~6)~~ **7)** Facilities such as ramps, lifts, or mobility paths for physically handicapped persons
are also allowed for achieving access to shore areas, provided that the dimensional
and performance standards of sub-items 1-~~5~~ **6** above are complied with in addition to
the requirements of Minnesota Regulations, Chapter 1340;

SECTION 2: This ordinance becomes effective after approval shall take effect and be in
force following its passage and publication (or, on "date").

Passed by the City Council of the City of White Bear Lake, Minnesota this XX of January, 2020.

First Reading: December 10, 2019_____

Initial Publication: December 25, 2019

Second Reading: January 14, 2020

Final Publication: January 22, 2020_____

Codified: _____

Posted on web: _____

City Clerk Initials

Jo Emerson, Mayor

ATTEST:

Kara Coustry, City Clerk

RESOLUTION NO.

**A RESOLUTION ESTABLISHING THE TITLE AND SUMMARY APPROVAL
OF ORDINANCE NO. 20-1-2043 AS IT RELATES TO STAIRWAYS IN THE
SHORELAND OVERLAY DISTRICT IN THE CITY OF WHITE BEAR LAKE
(CASE NO. 19-9-Z)**

FOR PUBLISHED NOTICE

WHEREAS, the City of White Bear Lake City Council may, pursuant to Ordinance No. 83-6-666, adopt a title and summary of a proposed ordinance to be published in lieu of lengthy entire ordinances, and

WHEREAS, in addition to adopting a title and ordinance summary, the Council shall direct the City Clerk to:

1. Have available for inspection during regular office hours a copy of the entire ordinance.
2. Post a copy of the entire ordinance at the White Bear Lake Branch of the Ramsey County Public Library.
3. Receive an affidavit of publication of the title and summary from the official newspaper.

NOW, THEREFORE, BE IT RESOLVED, that the City of White Bear Lake City Council hereby adopts the aforementioned title and summary for approved Ordinance No. 20-1-2043 as listed below:

**AN ORDINANCE AMENDING THE CITY OF WHITE BEAR LAKE MUNICIPAL CODE
AT SECTION 1303.230, AS IT RELATES TO
STAIRWAYS IN THE SHORELAND OVERLAY DISTRICT IN WHITE BEAR LAKE**

The ordinance states that only one stairway down to a waterbody is permitted per residential property in the Shoreland Overlay District.

FURTHER, BE IT RESOLVED, that the City of White Bear Lake City Council hereby directs the City Clerk to provide the inspection and publication requirements as listed above.

The foregoing resolution offered by Councilmember _____ and supported by Councilmember _____ carried on the following vote:

Ayes:
Nays:
Passed:

Jo Emerson, Mayor

ATTEST:

Kara Coustry, City Clerk



City of White Bear Lake
City Manager's Office

MEMORANDUM

To: Ellen Hiniker, City Manager

From: Kara Coustry, City Clerk

Date: December 11, 2019

Subject: **Appointment of City Council representatives to various organizations**

BACKGROUND

Annually, the City Council designates representatives to various organizations of which the City is a member.

SUMMARY

Current City Council representation includes:

<u>Organization</u>	<u>Representative</u>	<u>Alternate</u>
Rush Line	Jo Emerson	Kevin Edberg
Ramsey County League of Local Governments	Doug Biehn	Steven Engstran
Vadnais Lake Area Water Management Organization	Dan Jones	Bill Walsh
Ramsey County Dispatch Policy Committee	Doug Biehn	Dan Jones
Northwest Youth and Family Services	Bill Walsh	n/a

Rush Line – The purpose of the Rush Line BRT Project is to provide transit service that satisfies the long-term regional mobility and accessibility needs for businesses and the traveling public and supports sustainable development within the study area between Saint Paul and White Bear Lake. The Policy Advisory Committee advises the Ramsey County Regional Railroad Authority on key elements of the project. The committee, which meets approximately every two months, uses technical and community input to address issues relating to the environmental review, preliminary engineering and station area planning for the Rush Line BRT Project. It consists of elected officials and representatives from higher education, the nonprofit sector and the business community.

<http://www.rushline.org/#!/task-force/c1enr>

Ramsey County League of Local Governments – The mission of the RCLLG is to foster cooperation among Ramsey County units of government thereby increasing the effectiveness and efficiency of public service delivery. Typically meetings occur Thursday evenings.

<http://www.mngts.org/rcllg/index.html>

Vadnais Lake Area Water Management Organization – VLAWMO was formed in 1983 to protect the Vadnais Lake watershed area in northern Ramsey County and a small portion of Anoka County, Minnesota. VLAWMO covers approximately 25 square miles in the northeast metropolitan area. The watershed encompasses the City of North Oaks, and portions of the Cities of White Bear Lake, Gem Lake, Vadnais Heights, Lino Lakes, and White Bear Township. The VLAWMO Board of Directors consists of one elected official from each of the six cities within the watershed.” The VLAWMO Board meets on the 4th Wednesday of every other month at 7:00 p.m.

<http://www.vlawmo.org/about>

Ramsey County Dispatch Policy Committee – The Mayor or one member of the City Council may represent the City on the Dispatch Policy Committee. This committee shall assist the County in reviewing, evaluating and making recommendations regarding performance of the Dispatch Center - ensuring that the service meets the needs and expectations of the communities and public safety user agencies. Meetings are scheduled approximately two months in advance based on availability of the group.

Northeast Youth and Family Services – The mission of NYFS is to empower people “to make lasting changes that will benefit them and our community for years to come. We work with youth and family of all ages and abilities but our primary focus is on youth ages 5-21 because we know that early intervention and a family-based approach to problems can transform lives.” Board Meetings are typically held at 7:30 p.m. on the fourth Thursday of every month except November and December.

RECOMMENDED COUNCIL ACTION

Staff recommends Council appoint members and alternates, and adopt the resolution appointing City Council representatives to various committees in 2020.

ATTACHMENTS

Resolution

RESOLUTION NO.

RESOLUTION APPOINTING CITY COUNCIL REPRESENTATIVES TO VARIOUS ORGANIZATIONS FOR THE YEAR 2020

WHEREAS, the City Council provides representation on various organizations on behalf of the City of White Bear Lake; and

WHEREAS, 2020 organizations consist of Rush Line, Vadnais Lake Area Water Management, Ramsey County League of Local Governments, Ramsey County Dispatch Policy Committee and Northeast Youth and Family Services; and

WHEREAS, the City Council designates a representative and an alternate every year.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of White Bear Lake, that the following City Council representatives and alternates be in effect for 2020:

<u>Organization</u>	<u>Representative</u>	<u>Alternate</u>
Rush Line		
Ramsey County League of Local Governments		
Vadnais Lake Area Water Management Organization		
Ramsey County Dispatch Policy Committee		
Northwest Youth and Family Services		

The foregoing resolution, offered by Councilmember **X** and supported by Councilmember **X**, was declared carried on the following vote:

Ayes:
Absent:
Passed:

Jo Emerson, Mayor

ATTEST:

Kara Coustry, City Clerk



City of White Bear Lake
Fire Department

MEMORANDUM

To: Mayor and City Council

From: Greg Peterson, Fire Chief
Ellen Hiniker, City Manager

Date: January 3, 2020

Subject: Purchase of Ladder Truck and Mobile Radio

BACKGROUND / SUMMARY

In addition to the City of White Bear Lake, the White Bear Lake Fire Department provides fire suppression and prevention services for the neighboring communities of White Bear Township, Dellwood, Birchwood Village, and Gem Lake through contract agreements. The City's population of approximately 25,000 is 65% of the total service population of 38,500.

There are two fire stations within the geographical service area, each with its own fleet. Station #1 on the north side has eight (7) vehicles. It houses a Tender, Ladder Truck, Grass Rig, ATV, Boat and two Ambulances. On the south side of town, Station #2 houses five (5) vehicles. It houses an Engine, Heavy Rescue, Utility and two Ambulances.

Station #1 (North Station):

- The Tender carries 1,500 gallons of water and was originally built in 1981; it was re-chassied in 2012.
- The Ladder Truck was purchased in 1998 and is included in the 2020 adopted budget for replacement.
- The Grass Rig was purchased in 2011 and continues to serve the department well.
- The ATV was purchased in 2013 and the Boat, a small inflatable watercraft with a motor, in 1990.
- One of the ambulances was built in 2012, and the other in 2018.

Station #2 (South Station):

- The Engine was replaced in 2019 and has been a great improvement to our fleet.
- The Heavy Rescue was built in 2003 and is used as a second out vehicle due to its age.

- The Utility is a pickup truck that is used in multiple roles.
- One of the ambulances was built in 2015, and the other in 2019.

Over the next five years, as reflected in the Capital Improvement Plan, an ambulance and the South Station Rescue Truck are scheduled for replacement. Each year, the schedule will be reevaluated to determine whether a purchase can be postponed for yet another year. Maintenance costs, reliability of major components, general wear, and age of the equipment relative to advancing technologies are all considerations in evaluating whether it is time for replacement.

Ladder Truck Replacement: As stated, Ladder 914 is scheduled for replacement this year. It is located at the north fire station and was purchased in 1998. While the ladder truck includes the aerial apparatus needed only under certain and less common circumstances, it does and will continue to be used as the primary engine/rescue vehicle responding out of north station. This is a departure from the standard, and eliminates the need to replace the old Engine that was removed from the fleet.

After several months of research, department staff recommend the purchase of a vehicle from Pierce Manufacturing. This selection was based on a thorough evaluation of the department's needs and the limitations unique to the City's response area. Similar ladder designs from other manufacturers were evaluated, which included hands-on demonstrations.

The City is a member of the Houston-Galveston Cooperative (HGAC), a nationwide government procurement service used by most metropolitan fire departments for major equipment purchases. Most recently, the City went through HGAC for the purchase of its SCBAs and most recent engine. HGAC selects its vendors through a competitive procurement process in accordance with state statutes.

After careful review and input, Pierce Manufacturing, Inc. was selected to build the new ladder truck at a cost of \$1,020,096, which is \$180,000 less than anticipated in the 2020 budget. As discussed during Council work sessions, the City will issue equipment bonds for its purchase. The debt service for these bonds is included in the contract calculations for other communities served by the Department.

RECOMMENDED COUNCIL ACTION

Staff recommends adoption of the attached the resolution approving the purchase of the new ladder truck.

ATTACHMENTS

Resolution

RESOLUTION NO.

**RESOLUTION AUTHORIZING PURCHASE OF
A LADDER TRUCK AND MOBILE RADIO FOR THE FIRE DEPARTMENT**

WHEREAS, the City has established a Capital Improvement Program and long-range financial plan to include a equipment replacement plan for its Fire Department apparatus; and

WHEREAS, a the ladder truck purchased in 1998 is scheduled for replacement as reflected in the 2020 budget; and

WHEREAS, the City of White Bear Lake is a member of the Houston-Galveston (HGAC) Cooperative, which is a competitive government procurement service; and

WHEREAS, Pierce Manufacturing, Inc., is the preferred vendor through the HGAC Cooperative for the purchase of a new ladder truck at a cost of \$1,020,096.00.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of White Bear Lake that the Council hereby approves purchase of a new ladder truck from Pierce Manufacturing for \$1,020,096.00 under the HGAC purchasing contract.

The foregoing resolution, offered by Councilmember _____ and supported by Councilmember _____, was declared carried on the following vote:

Ayes:
Nays:
Abstained:
Passed:

Jo Emerson, Mayor

ATTEST:

Kara Coustry, City Clerk



City of White Bear Lake
City Manager's Office

M E M O R A N D U M

To: Mayor and Council

From: Ellen Hiniker, City Manager

Date: December 11, 2019

Subject: **Designation of Official Newspaper**

BACKGROUND

Section 4.25 of the White Bear Lake City Charter states that the City Council shall, at its first regular meeting in January, or as soon thereafter as practical, designate the official paper of the city for the publication of all notices required by the City's Charter.

The matter of designating the official newspaper is also addressed in Chapter 331 of Minnesota Statutes, which establishes specific requisites for qualifying as an official newspaper. MN Statutes §331A.04 states that the governing body shall designate a qualified newspaper in a specified sequence of priorities. Of first priority is criteria that, "If there are one or more qualified newspapers, the known office of issue of which are located within the political subdivision, one of them shall be designated." (Subd. 2.)

SUMMARY

The White Bear Press meets all of the legal requirements for legal publications and is the only one which has a known office of issue within White Bear Lake. Therefore, according to State Statutes, The White Bear Press is the newspaper which takes first priority to be designated as the official newspaper of the City of White Bear Lake.

In the attached letter, the White Bear Press has expressed interest continuing to serve as the official newspaper of the city. They propose an 8% increase in the cost of legal publications, which reflects a \$1.39 cent increase per column inch over 2019. Per the letter from Press Publications, the increase is attributed to the cost of paper and health care costs.

2015	2016	2017	2018	2019	2020
\$15.30 (3%)	\$15.68 (2.5%)	\$16.07 (2.4%)	\$16.55 (3%)	\$17.37 (5%)	\$18.76 (8%)

RECOMMENDED COUNCIL ACTION

Staff recommends Council adopt the resolution designating the City's Official Newspaper.

ATTACHMENTS

Resolution
Letter from Press Publications

RESOLUTION NO.

**RESOLUTION NAMING THE OFFICIAL NEWSPAPER IN 2020
TO PERFORM OFFICIAL PUBLICATIONS FOR THE
CITY OF WHITE BEAR LAKE, MN**

BE IT RESOLVED by the City Council of the City of White Bear Lake that the White Bear Press be named the official newspaper of the City of White Bear Lake for publications set forth in the City's Charter from January 14, 2020 through January 12, 2021.

The foregoing resolution, offered by Councilmember _____ and supported by Councilmember _____, was declared carried on the following vote:

Ayes:

Nays:

Passed:

Jo Emerson, Mayor

ATTEST:

Kara Coustry, City Clerk

December 3, 2019

Kara Coustry, City Clerk
City of White Bear Lake
4701 Highway 61
White Bear Lake, MN 55110

Dear Kara:

The *White Bear Press* wishes to be considered as your official newspaper for 2020.

We meet all the legal publication requirements under state statutes. Our circulation is audited by Verified Audit Circulation, an independent firm.

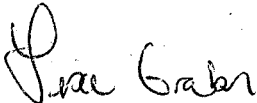
We offer submittal of legal notices by mail, fax at (651) 429-1242 or e-mail to legals@presspubs.com - clearly labeling them as Public Notices.

There will be a slight increase in the rate for your legal notices this year due to increased cost of health care and paper. We are asking for \$18.76 per column inch, in 7 point type at 9 lines per inch.

Our deadline for legal notices is Thursday by 5:00 p.m. for the following Wednesday's publication.

We look forward to the opportunity to serve you. We welcome any questions or concerns you may have.

Sincerely,

A handwritten signature in cursive script that reads 'Lisa Graber'.

Lisa Graber
Legal Notice Coordinator

LG:mp

Misc: WhiteBearLake2020.doc

Your Best Source For Community Information

www.presspubs.com

White Bear Press • Vadnais Heights Press • Quad Community Press • Shoreview Press • The Citizen • The Lowdown • North Oaks News
ppinfo@presspubs.com news@presspubs.com circ@presspubs.com marketing@presspubs.com artmanager@presspubs.com



City of White Bear Lake
City Manager's Office

M E M O R A N D U M

To: Mayor and City Council

From: Ellen Hiniker, City Manager

Date: January 6, 2020

Subject: **Proposed 2020 City Council regular meeting dates**

BACKGROUND

In accord with the City Charter for the City of White Bear Lake, the Council, at its first regular meeting in January, shall set the day of its regular monthly meetings for the year. Special meetings may be called by the Mayor or by the Chair of the Council at any time, but reasonable public notice shall be given for all special Council meetings.

SUMMARY

Listed below are the proposed 2020 City Council meeting dates. The meetings are the second and fourth Tuesday of each month except for those months where the second Tuesday is required for Election purposes in which case the regular meeting will be held the following day. In following with past practice, there is only one meeting in December.

January 14	May 12	September 8
January 28	May 26	September 22
February 11	June 9	October 13
Wednesday, February 26	June 23	October 27
March 10	July 14	November 10
March 24	July 28	November 24
April 14	Wednesday, Aug 12	December 8
April 28	August 25	No meeting

Meetings begin at 7:00 p.m. and adjourn by 10:30 p.m. unless authorized by a majority of the City Council.

RECOMMENDED COUNCIL ACTION

Staff recommends Council adopt the resolution approving the 2020 regular City Council meeting dates.

ATTACHMENTS

Resolution

RESOLUTION NO.

**RESOLUTION ESTABLISHING THE 2020 REGULAR MEETING DATES AND TIMES
OF THE CITY COUNCIL OF THE CITY OF WHITE BEAR LAKE**

BE IT RESOLVED by the City Council of the City of White Bear Lake that the second (2nd) and fourth (4th) Tuesday of each month shall be the regular meeting nights of the City Council except for those months where the second Tuesday is required for election purposes, in which case the regular meeting shall be held the following day. Further, the only regularly scheduled meeting in December shall be December 8, 2020.

BE IT FURTHER RESOLVED by the City Council of the City of White Bear Lake that City Council meetings shall begin at 7:00 p.m. and shall not extend beyond 10:30 p.m. unless authorized by a majority of the City Council.

The foregoing resolution, offered by Councilmember _____ and supported by Councilmember _____, was declared carried on the following vote:

Ayes:

Nays:

Passed:

Jo Emerson, Mayor

ATTEST:

Kara Coustry, City Clerk



City of White Bear Lake
City Manager's Office

MEMORANDUM

To: Mayor and City Council

From: Ellen Hiniker, City Manager

Date: December 11, 2019

Subject: **Renewal of Legal Retainers and Rates**

BACKGROUND

The City Charter assigns to the City Council the responsibility for annual appointment of the City Attorneys. The Charter also defines the duties and responsibilities of the City Attorney. Specifically, the City Charter provides:

Section 4.20. City Attorney.

“The City Council shall have the power to appoint a City Attorney or Attorneys and fix the compensation to be paid to said City Attorney or Attorneys, who shall be a member or members of the bar of the State of Minnesota. Such attorney or attorneys may be appointed for one year, but shall be removable at the pleasure of the Council.”

Section 4.21. City Attorney -- Duties.

“The duties of such City Attorney or Attorneys shall include:

To act as the legal advisor, attorney and counsel for the City and for all officers, departments, and agencies thereof, on City business;

To prosecute all suits, actions and proceedings for and on behalf of the City, and defend all suits, actions and proceedings against the City;

To prepare all contracts, bonds, and other legal instruments, in writing, in which the City is interested or concerned, and endorse upon each an approval form; however, an approval of bonds to be issued by the City may be covered by separate certificate which is to be filed with the records of the City Council;

To be the prosecuting attorney for the prosecution of violations of City ordinances and franchises;

To perform such other duties as may be required by ordinance or resolution.”

SUMMARY

Prosecuting Attorney Robb Olson proposes a three-year appointment covering February 1, 2020 – January 31, 2023 as follows:

<i>City Attorney – Prosecutor</i>	Yearly Contract	Hourly rate for vehicle forfeitures
2017 contract costs	\$148,000	\$110/hr.
2018 contract costs	\$148,000	Same
2019 contract costs	\$148,000	Same
2020 contract costs	\$150,000	\$113.50/hr.
2021 contract costs	\$152,000	Same
2022 contract costs	\$154,000	Same

As noted in the table below, the increase in prosecutorial costs were the result of more aggressive effort to prosecute domestic abuse cases and DUI arrests beginning in 2017.

Staff recommends the municipal law firm Kennedy & Graven be appointed for another year as the City's Attorney - Counselor, with Troy Gilchrist serving as Lead Attorney. Kennedy & Graven was among the firms that had submitted proposals in 2017 following the retirement of Roger Jensen. They were later selected following the resignation of Mr. Jensen's successor at the monthly retainer rate included in their original proposal. Mr. Gilchrist and his colleagues at Kennedy & Graven continue to be very responsive, and their work consistently demonstrates quality and professionalism. The recommended 2020 monthly retainer rate reflects a 2.25% annual increase over the rates proposed in Kennedy & Graven's original proposal in 2017. The hourly rates for work performed outside the retainer remain increase 2.5% - 3.0% over 2019 rates.

<i>City Attorney – Counselor</i>	Monthly retainer	Hourly rate	Developer-reimbursed rate
2019 contract costs	\$3,000/mo.	\$160/hr.	\$200/hr.
2020 contract costs	\$3,200/mo.	\$165/hr.	\$205/hr.

The annual costs for legal services since 2015 are represented below:

	2015	2016	2017	2018	2019
Prosecution	\$136,520	\$138,710	\$156,133	\$154,584	149,582**
Counselor	\$79,441	\$92,810	\$95,935	\$63,744	\$59,665**
TOTALS	\$215,961	\$231,520	\$245,400	\$219,252	\$209,247**

** projected

RECOMMENDED COUNCIL ACTION

Staff recommends Council adopt the resolutions appointing the City Attorneys and setting fees for 2020.

ATTACHMENTS

Resolution appointing City Attorney – Counselor
 Resolution appointing City Attorney – Prosecutor
 Letters from each attorney

RESOLUTION NO.

**RESOLUTION DESIGNATING CITY ATTORNEY
-- COUNSELOR --**

WHEREAS, the City seeks legal advice and services related to municipal civil matters; and

WHEREAS, after careful review and consideration of the City's legal needs and the qualifications of eleven law firms responding to the City's request for proposals, the City Council has chosen to appoint Troy Gilchrist from the firm Kennedy & Graven as City Attorney with occasional adjunct assistance from other associates he may assign; and

WHEREAS, the City Council desires to establish the terms and conditions of the City Attorney appointment,

BE IT RESOLVED by the City Council of the City of White Bear Lake that pursuant to §4.20 of the White Bear Lake Home Rule Charter, Tony Gilchrist and the firm Kennedy & Graven are hereby appointed City Attorney-Counselor, for a term expiring January 31, 2021, according to the terms, conditions and responsibilities set forth below.

1. **City Attorney - Duties.** The duties of the City Attorney shall be to act as the legal adviser, attorney and counsel for the City and for all officers, departments, and agencies thereof, on City business; defend all suits, actions and proceedings against the City unless a special attorney is assigned.

To prepare or review as determined as appropriate and necessary all contracts, bonds, and other legal instruments, in writing, in which the City is interested or concerned, and endorse upon each an approval form; however, an approval of bonds to be issued by the City may be covered by separate certificate which is to be filed with the records of the City Council;

To perform such other duties as may be required by ordinance or resolution and to maintain a legal library and support services necessary to fulfill these functions.

Keep the City Council and the City Manager apprised of legal issues and responsibilities through issuance of written opinions and advisory memoranda.

2. **Compensation.** The City Attorney shall be compensated through a monthly retainer and hourly rate as follows:

A. A monthly retainer of \$3,200 shall be paid for the following services:

1. Attend all City Council meetings
2. Review all City contracts/agreements
3. Answer all routine inquiries from City Staff and the City Council
4. Non-litigation employment law inquiries (excludes union negotiations)
5. Statutory interpretation
6. Review of established contracts for annual services, joint powers agreements and vendor services.

RESOLUTION NO.

- B. An hourly rate shall be paid for the following services:
1. Circuit court and appellate litigation
 2. Complex real estate work (condemnation/land acquisition/easement/ROW)
 3. Labor negotiations
 4. Administrative hearings
 5. Developer project-based services or disputes

Hourly rates for work performed outside of the retainer are as follows:

Attorney:	\$165
Litigation, administrative & condemnation	\$190
Developer Reimbursed Work:	\$205

Support staff hourly rates: paralegals / law clerks \$115 / 95

- C. Payment of the retainer and hourly fee shall be made by the City to the Attorney following receipt of a monthly invoice or statement which itemizes each project or suit for which the hourly fee is to be applied providing the date, activity and length of time applied.

The City Attorney will advise the City Manager's Office each time a new account is established for which the hourly fee will be claimed.

The foregoing resolution, offered by Councilmember _____ and supported by Councilmember _____, was declared carried on the following vote:

Ayes:
Nays:
Passed:

Jo Emerson, Mayor

ATTEST:

Kara Coustry, City Clerk

RESOLUTION NO.

RESOLUTION DESIGNATING CITY ATTORNEY -- PROSECUTOR --

WHEREAS, the City seeks legal advice and services relating to municipal criminal matters; and

WHEREAS, after careful review and consideration of the need for legal prosecution services and the qualifications and performance of Mr. Olson, the City Council has chosen to reappoint Robb Olson as the City's Prosecutor; and

WHEREAS, the City Council desires to establish the terms and conditions of the appointment.

BE IT RESOLVED by the City Council of the City of White Bear Lake that pursuant to §4.20 of the White Bear Lake Home Rule Charter, Robb Olson and any qualified attorney so appointed by him to assist, are hereby appointed as the City Attorney-Prosecutor, for a term expiring January 31, 2023 or until a successor is appointed, according to the terms, conditions and responsibilities set forth below.

1. **Prosecutorial Duties.** The duties of the City Attorney-Prosecutor shall be to act as the legal adviser and prosecutor for all municipal criminal matters as determined by the State of Minnesota, District Court of Ramsey County. He shall be responsible for prosecuting all offenses for which such services are required. A regular office must be maintained during routine business hours.
2. **Compensation.** The City Prosecutor shall be compensated through a fixed flat annual fee of \$152,000 for the following services:
 - 1) Court appearances, including arraignments, pre-trial conferences, court trials, omnibus hearings, jury trials, and appeals.
 - 2) All trial preparation work, including the interviewing of witnesses, police officers, defendants, and defense attorneys.
 - 3) Regular conferences in the prosecutor's office or by telephone with patrol officers and investigators while determining whether charges should be brought in any particular case.
 - 3) Transportation costs associated with attending court or court related matters in Maplewood or St. Paul.
 - 4) Training and orientation of White Bear Lake Police Officers which relate to court appearances and testifying.
 - 5) Telephone conferences and advice to Police Department personnel, citizens, City employees, law enforcement agencies and court personnel.
 - 6) Clerical expenses and services.

RESOLUTION NO.

**RESOLUTION DESIGNATING CITY ATTORNEY
-- PROSECUTOR --**

- 7) Meeting and conferences with other prosecutors, court personnel and execution of complaints.
 - 8) Preparation of gross misdemeanor complaints.
 - B. An hourly rate of \$113.50 will be billed separately for work related to forfeiture.
 - C. To receive compensation, the Prosecutor shall submit a monthly invoice for the above stated retainer and an itemized statement for services billed at the hourly rate.
- 3. Service Review.** During the third quarter of each year, the City Council will meet with the Prosecuting Attorney for the specific purpose of discussing legal services provided by the firm representing the City in these capacities. It is the intent of the City Council that any issues relating to the effectiveness of these services shall be discussed at that time.

The foregoing resolution, offered by Councilmember _____ and supported by Councilmember _____, was declared carried on the following vote:

Ayes:
Nays:
Passed:

Jo Emerson, Mayor

ATTEST:

Kara Coustry, City Clerk



Offices in 470 U.S. Bank Plaza
 200 South Sixth Street
 Minneapolis, MN 55402
 (612) 337-9300 telephone
 Saint Paul (612) 337-9310 fax
 www.kennedy-graven.com
 St. Cloud Affirmative Action, Equal Opportunity Employer

TROY J. GILCHRIST
 Attorney at Law
 Direct Dial (612) 337-9214
 Email: tgilchrist@kennedy-graven.com

Also: St. Cloud Office
 501 W. Germain Street, Suite 304
 St. Cloud, MN 56301
 (320) 240-8200

January 6, 2020

Ellen Hiniker, City Manager
 City of White Bear Lake
 4701 Highway 61
 White Bear Lake, MN 55110

Re: Legal Services Agreement and Rates for 2020

Dear Ellen:

It has been my pleasure to work with the city council and staff over the last year and I look forward to continuing to serve as city attorney for 2020. Since Section 4.20 of the City Charter indicates the city attorney “may be appointed for one year,” I am writing to propose a new legal services agreement for the period between February 1, 2020 and January 31, 2021.

I have enclosed the proposed agreement. The agreement reflects a slight increase in the hourly rates as the rates used for 2019 were the rates my firm had originally proposed for 2017. However, I indicated I was willing to use those rates during the initial trial period and then continued them for the second half of 2019. The following shows the current rates and the proposed rates for 2020.

General Legal Services (Monthly Retainer)

Current	Proposed
\$3,000	\$3,200

Specific Legal Services (Hourly Rate Outside of Retainer)

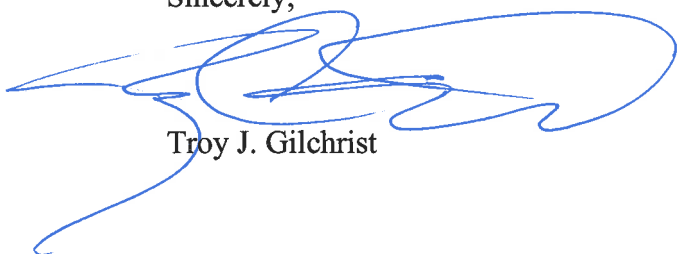
Type of Service	Current Attorney Hourly Rate	Proposed Attorney Hourly Rate
Specific Legal Services (not otherwise specified)	\$160	\$165
Litigation, administrative, and condemnation proceedings	\$185	\$190
Development, redevelopment, and tax increment matters	\$200	\$205
Bond counsel	Customary rates	Customary rates

Support Staff	Current Hourly Rates	Proposed Hourly Rates
Paralegals	\$110	\$115
Law Clerks	\$90	\$95

The enclosed agreement reflects the proposed rates.

Again, I have enjoyed my work with the city and look forward to continuing to work with the city council and staff. Please let me know if there are any questions or concern.

Sincerely,



Troy J. Gilchrist

December 26, 2019

Ms. Ellen Hiniker, City Manager
City of White Bear Lake
4701 Highway 61
White Bear Lake, MN 55110

Re: 2020-2023 Proposal for Prosecution Work

Dear Ms. Hiniker:

After a long history of annual contract awards, in 2018 we switched to a two-year contract award for the period February 1, 2018 to January 31, 2020. The contract was for a flat fee of \$148,000 per year (\$12,333.33 per month). We also received \$110.00 per hour for forfeiture work.

We are proposing a three-year contract for the period February 1, 2020, through January 31, 2023, with a fixed flat fee of \$152,000 per year (\$12,666.67 per month) for all prosecution work, including attorney in-court time and the preparation of legal memoranda. Alternatively, if it works better for budgetary purposes, we are proposing a flat fee of \$150,000 for 2020, \$152,000 for 2021, and \$154,000 for 2022, which is less than a 1.5% increase each year.

For appeals, there would be no charge for any of our attorney time; we would only bill for out-of-pocket costs, including filing fees or printing costs. We would bill our civil vehicle forfeiture work separately at the rate of \$113.50 per hour, since this work fluctuates depending on the number of DWIs occurring in White Bear Lake on an annual basis.

Please call me if you have any questions or comments, or if you would like a follow up meeting to go over the details of our proposal.

Sincerely,



Robb L. Olson
GDO Law

Cc: Chief Julie Swanson



City of White Bear Lake
Community Development Department

MEMORANDUM

To: Ellen Hiniker, City Manager

From: Tracy Shimek, Housing & Economic Development Coordinator

Date: January 9, 2020 for the January 14, 2019 City Council Meeting

Subject: **Pioneer Manor Window Replacement Bid Authorization**

REQUEST

Authorization to advertise and accept bids for the replacement of all windows at Pioneer Manor located 2225 Sixth Street.

SUMMARY

During the 2019 rental inspection of Pioneer Manor, it was noted that many of the windows in living units are difficult for residents to open. Additionally, there has been the increasing necessity to complete ongoing minor repairs to individual windows throughout the building. For the aforementioned reasons staff has identified window replacement as a priority in capital planning for Pioneer Manor, either to be completed in a staged manner through smaller ongoing budget allocations, or to be completed as a large scale project following the repayment of the property's debt in 2023. Window replacement will improve the quality of living for residents, likely increase the building's energy efficiency and extend the life of the property.

In the fall of 2019 Ramsey County Community Development staff alerted the City's Community Development staff to the availability of Community Development Block Grant (CDBG) funds due to the cancellation of some projects awarded funding in the County's 2019 allocation. City Staff identified the replacement of all Pioneer Manor windows and accompanying exterior improvements as an appropriate project to utilize available CDBG funds. County staff will be recommending the approval of funding for this project to the Ramsey County Board of Commissioners at its January 21st meeting. County staff has indicated a high level of confidence that the funding request will be granted. Initial estimates project a cost of \$325,000 including administrative and project management fees. Staff anticipates CDBG funds would cover most or all of the project. Additional window replacement funds have been allocated in the 2020 Pioneer Manor Budget.

Due to impending deadlines to expend the funds required by Federal regulations, and state and federal requirements for the municipal procurement process, staff is seeking approval from Council to solicit sealed bids in concurrence with the approval of funding from the Ramsey County Board of Commissioners. The City would reserve the right in the bid materials to cancel the project should CDBG funding not be secured.

City staff has been working in collaboration with Walker Methodist staff to define the scope of the project, identify the appropriate materials and outline bidding requirements. Walker Methodist will oversee the project as the project manager.

If authorized, the sealed bids will be opened February 5th and staff will make a recommendation to award the contract at the February 11th City Council Meeting.

RECOMMENDED COUNCIL ACTION

Please forward the attached resolution to the City Council for consideration at its January 14th meeting, which, if approved, authorizes staff to seek bids for a window replacement project for Pioneer Manor located at 2225 Sixth Street.

ATTACHMENTS

Resolution authorizing staff to seek bids for a window replacement project for Pioneer Manor located at 2225 Sixth Street.

RESOLUTION NO. _____

**RESOLUTION AUTHORIZING BID ADVERTISEMENT FOR WINDOW
REPLACEMENT PROJECT FOR PIONEER MANOR
LOCATED AT 2225 SIXTH STREET**

WHEREAS, Pioneer Manor requires capital improvements to ensure the City's initial investment in the facility is maintained to serve the community for years to come; and

WHEREAS, a routine rental inspection revealed a number of units which have windows that are difficult for residents to open; and

WHEREAS, replacing windows at Pioneer Manor, and 42 unit affordable senior housing development is an eligible use for Community Development Block Grant funds; and

WHEREAS, Ramsey County Community Development staff have recommended the Ramsey County Board of Commissioners approve Community Development Block Grant funds for this project; and

WHEREAS, the estimated cost of the project necessitates a sealed bid process prior to awarding a contract; and

WHEREAS, upon securing funds from Ramsey County the City will utilize the services of Walker Methodist to act as the project manager; and

WHEREAS, staff have worked in collaboration with Walker Methodist to define the project scope, necessary materials and bidding requirements; and

NOW THEREFORE BE IT RESOLVED by the City Council of the City of White Bear Lake, Minnesota, that: Community Development staff are hereby authorized to advertise and solicit sealed bids for the completion of a window replacement project for Pioneer Manor at 2225 Sixth Street contingent upon the award of Community Development Block Grant funds by Ramsey County.

The foregoing resolution, offered by Councilmember _____ and supported by Councilmember _____, was declared carried on the following vote:

Ayes:
Nays:
Passed:

Jo Emerson, Mayor

ATTEST:

Kara Coustry, City Clerk



City of White Bear Lake
City Manager's Office

MEMORANDUM

To: Mayor and City Council
From: Ellen Hiniker, City Manager
Date: January 9, 2020
Subject: **Northeast Youth and Family Services Agreement**

BACKGROUND

Northeast Youth and Family Services (NYFS) is a non-profit social service agency whose mission is to meet the unmet developmental needs of at-risk youth and families within the community through collaboration and coordination with existing community resources. Prior to a transfer of service to NYFS in 2012, these services were provided by the White Bear Lake Community Counseling Center, which was a department of the City.

In mid-2012 the City Council authorized a 'transfer of service' agreement between the City and NYFS to continue most services previously provided by the Community Counseling Center at the White Bear Lake location. The original agreement between the City and NYFS provided that the City's 2012 funding level of approximately \$90,000 be reduced over five years to a level proportionate (according to population) to other participating cities. The City's contribution in 2016 was \$49,293, which marked the last year of declining funding levels.

SUMMARY

Since 2017, White Bear Lake had been funding NYFS proportionate to other participating cities. The 2019 funding request \$40,684 represents a 2.8% increase over 2018, which was anticipated in the budget. The 2020 funding request \$43,451 represents a 6.8% increase over 2019, which was anticipated in the budget.

Most suburban Ramsey County Cities have entered into an agreement with NYFS on an annual basis for mental health services. Their agreement sets forth the services to be provided by NYFS to its clients and states the City's intent to provide funding for the coming year.

RECOMMENDED COUNCIL ACTION

Staff recommends the City Council authorize execution of the attached agreement with Northeast Youth and Family Services.

ATTACHMENTS

Resolution

RESOLUTION NO.

**AUTHORIZING AN AGREEMENT BETWEEN THE CITY OF WHITE BEAR LAKE
AND NORTHEAST YOUTH AND FAMILY SERVICES**

WHEREAS, Northeast Youth and Family Services (NYFS) is a non-profit social service whose mission is to meet the unmet developmental needs of at-risk youth and families with our community through collaboration and coordination with existing community resources; and

WHEREAS, The City of White Bear Lake has been contracting with NYFS to provide youth and family services and wishes to continue to sponsor NYFS in 2020; and

WHEREAS, Participation figures for the City of White Bear Lake are:

2015	2016	2017	2018	2019	2020
59,556	49,293	39,029	39,575	40,684	43,451

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of White Bear Lake that the Mayor and City Manager are authorized and hereby directed to execute an agreement with Northeast Youth and Family Services for a term through December 31, 2020.

The foregoing resolution, offered by Councilmember _____ and supported by Councilmember _____, was declared carried on the following vote:

Ayes:

Nays:

Passed:

Jo Emerson, Mayor

ATTEST:

Kara Coustry, City Clerk



**MINUTES OF THE MEETING OF THE
HOUSING AND REDEVELOPMENT AUTHORITY
OF WHITE BEAR LAKE, MINNESOTA
HELD ON TUESDAY, DECEMBER 10, 2019**

10.B

1. CALL TO ORDER AND ROLL CALL

HRA Chair Biehn convened the meeting of the Housing and Redevelopment Authority at 8:57 p.m.

Members Kevin Edberg, Steven Engstran, Dan Jones and Bill Walsh were present.

2. APPROVAL OF THE AGENDA

It was moved by Member **Walsh** seconded by Member **Jones** to approve the Agenda as presented.

Motion carried unanimously.

3. APPROVAL OF THE MINTUES

It was moved by Member **Walsh** seconded by Member **Jones** to approve the Minutes of the June 25, 2019 HRA Meeting.

Motion carried unanimously.

4. RESOLUTION NOT WAIVING THE MONETARY LIMITS ON MUNCIPAL TORT LIABILITY ESTABLISHED BY MINNESOTA STATUTES 466.04 FOR HOUSING AND REDEVELOPMENT AUTHORITY

Finance Director Kindsvater reported this is done every year when the City applies for insurance renewal coverage through the League of Minnesota Cities. She explained past practice has been not to waive the monetary limits and remain with the statutory limits.

It was moved by Member **Edberg**, seconded by Councilmember **Walsh**, to adopt **HRA Resolution No. 19-06** not waiving the monetary limits on municipal tort liability.

Motion carried unanimously.

5. RESOLUTION AUTHORIZING THE PURCHASE OF THE PROPERTY LOCATED AT 2174 8TH STREET

Community Development Director Kane stated that staff is seeking authorization to enter into a purchase agreement to acquire the property located at 2174 8th Street for its appraised value of \$212,000 plus additional expenditures for title work and relocation assistance for current tenants. Ms. Kane explained that relocation assistance expense is set by the Federal Transit Administration and she anticipated relocation assistance of no more than \$3,000 for both tenants.

Ms. Kane said staff is also seeking authorization to enter into a temporary occupancy agreement with the current owner to allow her existing tenants to remain 90-120 days after purchase of the property in order to find alternate housing. Ms. Kane is also seeking the ability to enter into an agreement with a property management company to lease the property to tenants earning 50% AMI (Area Medium Income) or lower as an interim use until a future use is determined.

Ms. Kane reported that following Council's selection of the 7th Street location for the downtown Rush Line station, staff was approached by the property owner who indicated a willingness to sell the property to the City for future use in relation to the station. Ms. Kane also noted the property's strategic location near downtown, the north High School campus and the expanding Arts District. She forwarded staff's recommendation to acquire the property to minimize impacts of the station to the adjacent business, provide a small station parking area if needed and allow additional space for a driver's service facility.

Member Edberg asked if relocation was required or could current residents stay until something else is done with that property. Ms. Kane relayed the property owner's desire to acquire another property with the proceeds from this sale and bring her tenants along. He noted the current tight housing market and did not like the idea of mandatory displacement of current tenants without a safe place to go.

Ms. Kane relayed the intent of the purchase agreement would not be to displace current tenants and stated if the HRA desired, a purchase agreement could be structured to allow them to remain.

Member Walsh stated that this property acquisition is prompted by the Rush Line station proposal, but questioned the City's involvement in a Metropolitan Council and Ramsey County project. City Manager Hiniker relayed that until Ramsey County completes the Environmental Analysis phase and federal review, the County would not be reimbursed for any purchases related to Rush Line. Ms. Hiniker also recalled previous conversations by the City for redevelopment in this area, regardless of a Rush Line station at this location.

Member Walsh objected to staff building in reasons other than Rush Line for this purchase. He did not think it prudent for the City to risk purchasing this property when the federal government would not even reimburse Ramsey County at this stage in the project. More generally, Member Walsh stated, the City's mission is not to own property but instead to provide services. He said the City owns too much property already and should be looking to sell rather than buying more.

Member Jones stated that City Hall would not be here today if the City hadn't bought property for redevelopment. He recalled serious Council discussions of purchasing property on this block for future redevelopment long before a Rush Line station at this site was considered. He said this area has been keyed for development along with the Arts District and it gives the Council control of the area, mainly for the benefit of downtown and the City of White Bear Lake. Member Jones supports the Rush Line and although he prefer the County purchase this property, he believed the City's ownership would give the leverage to do what the City needs to do when the Rush Line comes.

Member Edberg asked for a response to Member Walsh's question about why the City would purchase this property at this time rather than wait for the Rush Line project to be approved. City Manager Hiniker responded, the timing was right having been approached by the property owner willing to sell. She stated, if the City were to wait another 3-4 years to purchase this property for a Rush Line station development, the owner may not be as willing to sell and the tenants could be displaced at that time.

It was moved by Member **Jones**, seconded by Councilmember **Edberg**, to adopt **HRA Resolution No. 19-07** authorizing the purchase of the property located at 2174 8th Street.

Motion carried 3:2. Councilmember Engstran and Councilmember Walsh nay.

6. ADJOURNMENT

There being no further business before the HRA, it was moved by Member **Walsh**, seconded by Member **Jones**, to adjourn the HRA Meeting at 9:21 p.m.

Doug Biehn HRA Chair

Ellen Hiniker, Executive Director



City of White Bear Lake
City Manager's Office

MEMORANDUM

To: Housing and Redevelopment Authority Members

From: Ellen Hiniker, Executive Director

Date: January 6, 2020

Subject: Election of HRA Chair and Vice Chair - 2020

BACKGROUND

In November 1985, the City Council adopted Resolution No. 5038 establishing a Housing and Redevelopment Authority (HRA) for White Bear Lake and designated members of the City Council as commissioners of the Authority. The Authority subsequently elected its officers.

Under Minnesota Statutes Chapter 469, the HRA is authorized to undertake certain public housing and redevelopment activities using authority not granted to the City Council. The HRA currently meets only as the need arises. Most HRA meetings are held in conjunction with City Council meetings as the City Council has, to this date, chosen to appoint itself as the HRA rather than appointing an independent entity. The term of HRA commissioners coincides with the term of City Councilmembers.

SUMMARY

For the past three years, Doug Biehn has served as the Chair for the Housing and Redevelopment Authority and Dan Jones has served as Vice Chair. The City Manager has been appointed to serve as secretary and executive director.

RECOMMENDED COUNCIL ACTION

Staff recommends Council adopt the resolution establishing the Chair and Vice Chair of the Housing and Redevelopment Authority for 2020.

ATTACHMENTS

Resolution

**HOUSING AND REDEVELOPMENT AUTHORITY
IN AND FOR THE CITY OF WHITE BEAR LAKE
COUNTY OF RAMSEY, STATE OF MINNESOTA**

RESOLUTION NO. 20-01

**RESOLUTION ELECTING THE CHAIR AND VICE CHAIR
OF THE HOUSING AND REDEVELOPMENT AUTHORITY**

BE IT RESOLVED that Member _____ be and hereby is named Chair of the Housing and Redevelopment Authority and that Member _____ be and hereby is named the Vice Chair of the Housing and Redevelopment Authority from January 14, 2020 through January 12, 2020.

BE IT FURTHER RESOLVED that the City Manager is hereby appointed Executive Director and Acting Secretary of the Housing and Redevelopment Authority.

The foregoing resolution electing the Chair and Vice Chair of the Housing and Redevelopment Authority was offered by Member _____, and was supported by Member _____.

Ayes:

Nays:

Passed:

Chair, Biehn

ATTEST:

Ellen Hiniker, Executive Director



City of White Bear Lake
Finance Department

MEMORANDUM

To: Mayor and Council

From: Kerri Kindsvater, Finance Director

Date: January 9, 2020

Subject: **Designation of bank depository and authorization for fund transfers and deposits**

BACKGROUND

Section 5.11 of the City Charter sets forth the procedures for depositing receipts of money belonging to the City of White Bear Lake and the requirement of the City Council to designate a bank depository.

Currently, the positions of City Manager, Finance Director and Assistant Finance Director have authority to deposit, transfer, invest, and disburse City funds in accordance with law, established regulations, and policies. The City's Human Resources/Payroll Specialist has authority to transfer cash related to the biweekly payroll activities and wire the required daily deposit to the State of Minnesota for the License Bureau transaction activity.

The City Council has appointed North Star Bank as the City's depository bank for over twenty-five (25) years.

SUMMARY

The City continues its longstanding banking relationship with North Star Bank because of good customer service and favorable terms and conditions for the banking activities. North Star Bank continues to offer the City its service at a minimal cost.

North Star Bank has worked exceptionally well with the handling of insufficient funds checks of City customers returned to them by other financial institutions. North Star Bank deposits all non-sufficient fund checks twice before returning the check to the City at no charge.

The bank continues to upgrade services and products to offer high security and maintenance of the funds deposited in their institution.

The City seeks competitive bids for investments from five designated investment firms. The city awards the investment purchases to the vendor who provides the issue that fits into the investment maturity structure with the highest rate of return while protecting the City's principal amount.

The five designated investment vendors authorized to receive and secure investments for the City

are as follows:

1. Dain Rauscher
2. Wells Fargo
3. Piper Sandler Companies (previously Piper Jaffray)
4. UBS Financial Services
5. Oppenheimer & Co., Inc.
6. 4M Fund – PMA Financial

RECOMMENDED COUNCIL ACTION

Staff recommends the City Council adopt the resolution authorizing the City Manager, Finance Director, Assistant Finance Director and Human Resources/Payroll Specialist positions to deposit and transfer funds, designating North Star Bank as the City's bank depository and designate authorized investment firms.

ATTACHMENTS

Resolution

RESOLUTION NO.

RESOLUTION AUTHORIZING CITY STAFF MEMBERS TO INVEST AND TRANSFER FUNDS, DESIGNATE BANK DEPOSITORY, AND DESIGNATION OF BROKERS FOR HANDLING CITY INVESTMENTS FOR FISCAL YEAR 2020

WHEREAS, the City Council has determined it to be financially prudent to delegate fiscal management to appropriate City staff; and

WHEREAS, the City periodically designates depository of funds for daily transactions; and

WHEREAS, Minnesota Statutes Section 118A sets forth procedures for the investment of public funds and requires financial institutions utilized as investment brokers to be designated as depository of funds.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of White Bear Lake, that the following officers and personnel are designated as “Authorized Officials” with full powers and authority to effectuate the investment and transfers of monies of the City of White Bear Lake from time to time to complete appropriate investments and to ensure adequate funds are available to meet the City’s financial obligations:

City Manager
Finance Director
Assistant Finance Director

BE IT FURTHER RESOLVED that the following personnel be authorized to complete cash transfers related to biweekly patrol activities and wire required daily deposit to the State of Minnesota for the License Bureau transaction activity:

Human Resources Specialist (Payroll Specialist)

BE IT FURTHER RESOLVED by the City Council of the City of White Bear Lake that North Star Bank act as depository for the City of White Bear Lake.

BE IT FURTHER RESOLVED, that North Star Bank be designated as the City’s bank depository for deposits and expenditures and be required to furnish approved collateral securities in such amount as required by law so as to properly indemnify and secure the City against probably losses and which securities are to be deposited under escrow agreement.

BE IT FURTHER RESOLVED, that the following vendors be designated as depositories of City funds for investment purposes.

1. Dain Rauscher
2. Wells Fargo
3. Piper Sandler Companies
4. UBS Financial Services
5. Oppenheimer & Co., Inc.
6. 4M Fund – PMA financial

RESOLUTION NO.

RESOLUTION AUTHORIZING CITY STAFF MEMBERS TO INVEST AND TRANSFER FUNDS, DESIGNATE BANK DEPOSITORY, AND DESIGNATION OF BROKERS FOR HANDLING CITY INVESTMENTS FOR FISCAL YEAR 2020

The foregoing resolution, offered by Councilmember _____ and supported by Councilmember _____, was declared carried on the following vote:

Ayes:

Nays:

Passed:

Jo Emerson, Mayor

ATTEST:

Kara Coustry, City Clerk



City of White Bear Lake
Finance Department

MEMORANDUM

To: Mayor and Council
From: Kerri Kindsvater, Finance Director
Date: January 9, 2020
Subject: Surety bonds for City employees in 2020

BACKGROUND

Pursuant to Section 4.22 of the City Charter, the City purchases surety bonds through the League of Minnesota Insurance Trust (LMCIT) on all employees to ensure faithful performance of their duties. LMCIT coordinates the bond coverage with the City's other coverages to avoid gaps, overlaps, and inconsistencies and is written to cover both fidelity and faithful performance risks.

The LMCIT references a formula developed by the Minnesota Clerks & Finance Officers Association (MCFOA) that suggests an appropriate bond amount is generally 10% of the City's annual revenues plus the market value of negotiable securities.

SUMMARY

The City has carried \$600,000 in surety bond coverage with a \$25,000 deductible through the League of Minnesota Cities Insurance Trust for many years. Based upon the City's 2020 Budget estimates and the market value of its negotiable securities, the previous year's coverage level continues to be sufficient for operations.

The City has not been required to utilize any surety bonds in the past years.

RECOMMENDED COUNCIL ACTION

Staff recommends the Council adopt the resolution establishing surety bonds for City employees for 2020.

ATTACHMENTS

Resolution

RESOLUTION NO.

**RESOLUTION FIXING AMOUNT OF SURETY BONDS FOR
CITY EMPLOYEES AND PROVIDING FOR APPROVAL OF SAME
FOR FISCAL YEAR 2020**

BE IT RESOLVED by the City Council of the City of White Bear Lake that the City furnish surety bonds for all employees to ensure faithful performance of their duties. The surety bond coverage is \$600,000, and said bonds shall be reviewed and approved by the City Attorney and Council of the City and maintained in accordance with Section 4.22 of the City Charter.

The foregoing resolution, offered by Councilmember _____ and supported by Councilmember _____, was declared carried on the following vote:

Ayes:

Nays:

Passed:

Jo Emerson, Mayor

ATTEST:

Kara Coustry, City Clerk



City of White Bear Lake
Finance Department

MEMORANDUM

To: Mayor and Council
From: Kerri Kindsvater, Finance Director
Date: January 9, 2020
Subject: Payment of claims against the City - 2020

BACKGROUND

State Statutes 412.271, subdivision. 8 allows the City Council to delegate authority to pay claims to administrative personnel. The authority requires that unless otherwise directed, a listing of all claims be presented to the City Council for informational purposes at its regularly scheduled meeting. However, it has been the City's practice that these claims lists be maintained and available in the Finance/Administrative departments for review by elected officials and the public.

SUMMARY

The City's practice is to pay vendor claims on a weekly basis. This provides City vendors with reasonable assurance that they will be promptly compensated for goods and services provided to the City and in some cases results in early payment discounts. The practice requires approval of invoices by the Department Supervisor and Finance Director or City Manager before the vendor claim is paid.

Staff will continue to maintain claims lists in the Finance/Administrative departments for review by elected officials and the public until otherwise directed. A copy of a recent weekly claims list is attached as an example. A bi-weekly list would, on average, be more than twice this length.

RECOMMENDED COUNCIL ACTION

It is recommended the City Council adopt the resolution establishing vendor payment approval procedure by staff members.

ATTACHMENTS

Resolution
Recent vendor claims list

RESOLUTION NO.

**RESOLUTION AUTHORIZING THE CITY MANAGER
TO PAY CLAIMS MADE AGAINST THE CITY
FOR FISCAL YEAR 2020**

WHEREAS, Sections 5.08 and 5.10 of the White Bear Lake City Charter and Minnesota Statutes section 412.271, Subd. 8 set forth procedures for disbursement of municipal funds; and

WHEREAS, the City Council intends to ensure proper safeguard of public funds while providing for reasonable efficiencies and cost containment.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of White Bear Lake, that the City Manager is hereby authorized to pay claims against the City pursuant to the City Charter and applicable state laws.

BE IT FURTHER RESOLVED, that any claims shall be paid only after approved by the following personnel:

1. Department Head (or designee) from purchasing department.
2. Finance Director and/or
3. City Manager

BE IT FURTHER RESOLVED, that the Finance Director, or the Finance Director's designee shall prepare a vendor listing of all disbursements made and maintain the listing in the Finance/Administration department for review by the Mayor, City Council, and public and upon the request of the City Council, said list shall be provided to all members of the City Council as part of each agenda.

The foregoing resolution, offered by Councilmember _____ and supported by Councilmember _____, was declared carried on the following vote:

Ayes:

Nays:

Passed:

Jo Emerson, Mayor

ATTEST:

Kara Coustry, City Clerk

Council Check Register by GL
Council Check Register by Invoice & Summary

12/30/2019-- 1/3/2020

Check #	Date	Amount	Supplier / Explanation	PO #	Doc No	Inv No	Account No	Subledger	Account Description	Business Unit
134277	1/3/2020		115814 ABLE HOSE & RUBBER INC							
		126.72	REPLACE HOSE ENDS-LIME SLUDGE		130416	217370-001	5013.6505		EQUIPMENT REPAIR SERVICE	WATER TREATMENT
		<u>126.72</u>								
134278	1/3/2020		117411 ADVANCED GRAPHIX INC							
		147.50	24" TALL PATCH APPLIED		130417	203197	1210.6230		VEHICLE SUPPLIES & PARTS	FIRE
		<u>147.50</u>								
134279	1/3/2020		101443 AUTONATION FORD							
		15.89	#184 - HOSE		130418	4053449	1110.6230		VEHICLE SUPPLIES & PARTS	POLICE
		<u>15.89</u>								
134280	1/3/2020		125335 CHEMSTATION MINNESOTA LLC							
		880.50	CAR WASH SOAP		130419	40002502	1320.6230		VEHICLE SUPPLIES & PARTS	GARAGE
		<u>880.50</u>								
134281	1/3/2020		114299 COMCAST							
		123.08	INTERNET/PHONE - JAN		130395	877210541003815	5205.6411		TELEPHONE	SPORTS CENTER GENERAL
						33JAN20				
		88.15	JAN CABLE/INTERNET		130404	877210541009637	5302.6401		PROFESSIONAL SERVICES	PIONEER MANOR SENIOR HOUSING
						0JAN20				
		<u>211.23</u>								
134282	1/3/2020		117774 CTM SERVICES, INC							
		983.31	RPR-02 OLYMPIA ICE RESURFACER		130420	4466	5205.6510		VEHICLE REPAIR SERVICE	SPORTS CENTER GENERAL
		<u>983.31</u>								
134283	1/3/2020		114869 CUMMINS SALES AND SERVICE							
		909.30	KIT, EXH RCN VALVE/EGR VALVE		130422	E4-36107	1420.6220		EQUIPMENT SUPPLIES & PARTS	SNOW REMOVAL
		205.00	3-17/12-09/27-14-CLEAR CODES		130421	PREVIEW	1410.6505		EQUIPMENT REPAIR SERVICE	STREETS
		<u>1,114.30</u>								
134284	1/3/2020		121053 EMERSON, JO							
		164.69	REIMBURSE MILEAGE/PARKING		130415	REQUEST123119	1010.6470		TRAINING & SUBSISTANCE	MAYOR & COUNCIL
		<u>164.69</u>								
134285	1/3/2020		116708 FERGUSON ENTERPRISES, LLC							
		43.99	BATHROOM REPAIR PARTS		130423	7158299	4248.6240		BUILDING SUPPLIES & PARTS	ECON. DEV. MARINA TRIANGLE
		<u>43.99</u>								
134286	1/3/2020		101040 FERRELLGAS							

Council Check Register by GL
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12/30/2019-- 1/3/2020

Check #	Date	Amount	Supplier / Explanation	PO #	Doc No	Inv No	Account No	Subledger	Account Description	Business Unit
134286	1/3/2020		101040 FERRELLGAS						Continued...	
		45.04	FUEL - BCYL 33LB		130424	1109452426	5205.6272		FUELS	SPORTS CENTER GENERAL
		45.04								
134287	1/3/2020		120909 FIRE SAFETY USA, INC.							
		463.50	ROPE BAG/RESCUE ROPE		130425	129953	5252.6220		EQUIPMENT SUPPLIES & PARTS	AMBULANCE
		2,262.97	MORNING PRIDE COAT/PANTS		130426	129963	1210.6290		UNIFORMS & CLOTHING	FIRE
		2,726.47								
134288	1/3/2020		101054 GENERAL REPAIR SERVICE							
		4,542.00	PW BLDG SEWER LIFT STAT PUMP		130428	70974	4310.6240		BUILDING SUPPLIES & PARTS	MUNICIPAL BLDG PUBLIC SAFETY
		4,542.00								
134289	1/3/2020		100159 GRANDMA'S BAKERY							
		32.88	24 MUFFINS		130405	111863-26810	1300.6250		OTHER SUPPLIES & PARTS	PUBLIC WORKS FACILITY / SHOP
		18.00	COOKIES - DWI EVENT		130429	99815-26800	1110.6250		OTHER SUPPLIES & PARTS	POLICE
		50.88								
134290	1/3/2020		100969 HEALTH PARTNERS MEDICAL GROUP							
		158.52	JANUARY 2020 - RETIREES		130396	JAN2020	6201.6134		DENTAL INSURANCE	EMPLOYMENT EXPENSE
		3,801.36	JANUARY 2020 - CITY		130397	JAN2020CITY	6201.6134		DENTAL INSURANCE	EMPLOYMENT EXPENSE
		3,959.88								
134291	1/3/2020		101064 HISDAHL'S INC							
		75.00	DIVINE-BEAR MOUNTED ON BASE		130430	16911	1070.6250		OTHER SUPPLIES & PARTS	PLANNING
		95.00	PAWLENTY-BEAR MOUNTED ON BASE		130430	16911	1300.6250		OTHER SUPPLIES & PARTS	PUBLIC WORKS FACILITY / SHOP
		170.00								
134292	1/3/2020		115618 I - STATE TRUCK CENTER							
		130.38	SWEEPER - ACCELERATOR PEDAL		130431	C241299603:01	1410.6220		EQUIPMENT SUPPLIES & PARTS	STREETS
		130.38								
134293	1/3/2020		122906 JUST BETWEEN FRIENDS							
		350.00	REFUND DAMAGE DEPOSIT		130407	REFUND111319	2031.4975		RENTAL INCOME	ARMORY REVENUES
		350.00								
134294	1/3/2020		120926 LAKEVIEW ELECTRICAL SERVICES, LLC							
		150.00	WALL HEATER REPAIR		130432	INV121919	5205.6525		ELECTRICAL REPAIR SERVICE	SPORTS CENTER GENERAL
		150.00								
134295	1/3/2020		120770 LAW ENFORCEMENT TECHNOLOGY GROUP, LLC							

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Council Check Register by Invoice & Summary

12/30/2019-- 1/3/2020

Check #	Date	Amount	Supplier / Explanation	PO #	Doc No	Inv No	Account No	Subledger	Account Description	Business Unit
134295	1/3/2020		120770 LAW ENFORCEMENT TECHNOLOGY GROUP, LLC						Continued...	
		16,902.73	LETG SOFTWARE MAINT ANNUAL FEE		130394	258965	1110.6560		CONTRACTUAL SERVICES	POLICE
		<u>16,902.73</u>								
134296	1/3/2020		100543 LEAGUE OF MINNESOTA CITIES							
		275.00	EMERSON-2020 ELECT LEADERS CON		130398	313312	1010.6470		TRAINING & SUBSISTANCE	MAYOR & COUNCIL
		<u>275.00</u>								
134297	1/3/2020		100178 LEAGUE OF MN CITIES INS TRUST							
		2,002.92	LMC98165-ONYX PROPERTIES-SNOW		130408	LMC98165	6050.6560		CONTRACTUAL SERVICES	INSURANCE STREETS
		<u>2,002.92</u>								
134298	1/3/2020		100178 LEAGUE OF MN CITIES INS TRUST							
		800.00	LMC98167-ONYX PROPERTIES-SNOW		130409	LMC98167	6050.6560		CONTRACTUAL SERVICES	INSURANCE STREETS
		<u>800.00</u>								
134299	1/3/2020		125765 LVC COMPANIES INC.							
		451.00	ANNUAL FIRE EXTG SERVICE		130433	24695	1110.6505		EQUIPMENT REPAIR SERVICE	POLICE
		<u>451.00</u>								
134300	1/3/2020		121750 MADISON NATIONAL LIFE							
		1,060.65	JANUARY 2020		130393	JAN2020	6200.2150		SHORT TERM DISABILITY PAYABLE	EMPLOYMENT EXP. BALANCE SHEET
		1,304.22	JANUARY 2020		130393	JAN2020	6200.2152		LONG TERM DISABILITY PAYABLE	EMPLOYMENT EXP. BALANCE SHEET
		<u>2,364.87</u>								
134301	1/3/2020		125696 MEDICA							
		10,758.01	JANUARY 2020 - RETIREE		130392	JAN2020	6201.6130		HEALTH INSURANCE	EMPLOYMENT EXPENSE
		87,977.63	JANUARY 2020 - ACTIVE		130392	JAN2020	6201.6130		HEALTH INSURANCE	EMPLOYMENT EXPENSE
		<u>98,735.64</u>								
134302	1/3/2020		101103 MENARDS							
		103.83	WATER MAIN BRK SUPPLIES-REBAR		130412	46382	5012.6535		OTHER REPAIR	WATER DISTRIBUTION
		<u>103.83</u>								
134303	1/3/2020		111919 MENARDS-OAKDALE							
		196.95	BLINDS-EXPANSION ROOM		130411	93650	1050.6240		BUILDING SUPPLIES & PARTS	CITY HALL
		<u>196.95</u>								
134304	1/3/2020		119708 METRO PRODUCTS INC							
		105.80	HHCS 5/8 X 3/HHCS 5/8 X 2 1/2		130435	148221	1320.6220		EQUIPMENT SUPPLIES & PARTS	GARAGE
		22.56	BATTERIES		130434	148311	1300.6220		EQUIPMENT SUPPLIES & PARTS	PUBLIC WORKS FACILITY / SHOP

Council Check Register by GL
Council Check Register by Invoice & Summary

12/30/2019-- 1/3/2020

Check #	Date	Amount	Supplier / Explanation	PO #	Doc No	Inv No	Account No	Subledger	Account Description	Business Unit
134304	1/3/2020		119708 METRO PRODUCTS INC						Continued...	
		128.36								
134305	1/3/2020		100259 METROPOLITAN COUNCIL							
		190,540.57	WASTEWATER SERVICE - JANUARY		130399	0001104601	5052.6565		DISPOSAL FEES	SEWER
		190,540.57								
134306	1/3/2020		100012 MINNESOTA DEPUTY REGISTRAR'S ASSN							
		1,000.00	2020 MEMBERSHIP DUES, DEP #127		130390	2020DUES	5352.6460		SUBSCRIPTIONS & DUES	LICENSE BUREAU
		1,000.00								
134307	1/3/2020		100487 MINNESOTA LIFE							
		176.25	JANUARY 2020 - FIRE		130400	JAN2020	6201.6132		LIFE INSURANCE	EMPLOYMENT EXPENSE
		2,650.15	JANUARY 2020 - CITY		130400	JAN2020	6201.6132		LIFE INSURANCE	EMPLOYMENT EXPENSE
		2,826.40								
134308	1/3/2020		125481 MN CLN SERVICES, INC.							
		893.10	CLEANING SERVICES - DECEMBER		130436	0120AL01	1300.6560		CONTRACTUAL SERVICES	PUBLIC WORKS FACILITY / SHOP
		893.10								
134309	1/3/2020		117023 MN DEPT OF DRIVER & VEHICLE SERVICES							
		41.50	DWI FORFEIT-19018828/19022429		130437	CN19018828/19022429	2062.6230		VEHICLE SUPPLIES & PARTS	FORFEITURE EXPENDITURES
		41.50								
134310	1/3/2020		117023 MN DEPT OF DRIVER & VEHICLE SERVICES							
		20.75	DWI FORFEIT -CN 19013204		130438	CN19013204	2062.6230		VEHICLE SUPPLIES & PARTS	FORFEITURE EXPENDITURES
		20.75								
134311	1/3/2020		100275 MN NCPERS LIFE INSURANCE							
		16.00	JANUARY 2020		130391	JAN2020	6201.6132		LIFE INSURANCE	EMPLOYMENT EXPENSE
		16.00								
134312	1/3/2020		124672 MUNICIPAL EMERGENCY SERVICES DEPOSITORY							
		570.00	CO CALIBRATION MAINTENANCE		130439	IN1406730	1210.6505		EQUIPMENT REPAIR SERVICE	FIRE
		570.00								
134313	1/3/2020		126258 NEWMAN, JEFFREY							
		.72	REFUND RAMSEY CTY PAYMENT		130414	REFUND122719	1000.2013		CREDIT CARD FEE PAYABLE	GENERAL FUND BALANCE SHEET
		1.45	REFUND RAMSEY CTY PAYMENT		130414	REFUND122719	1000.2013		CREDIT CARD FEE PAYABLE	GENERAL FUND BALANCE SHEET
		20.00	REFUND RAMSEY CTY PAYMENT		130414	REFUND122719	1001.4522		STATE ADMIN FINE CITY SHARE	GENERAL FUND REVENUES

Council Check Register by GL
Council Check Register by Invoice & Summary

12/30/2019-- 1/3/2020

Check #	Date	Amount	Supplier / Explanation	PO #	Doc No	Inv No	Account No	Subledger	Account Description	Business Unit
134328	1/3/2020		101447 TRUCK UTILITIES INC						Continued...	
		2,659.56	#89-11-HYDR LEAK/MANIFOLD/SEAL		130451	5346075	1410.6220		EQUIPMENT SUPPLIES & PARTS	STREETS
		<u>2,659.56</u>								
134329	1/3/2020		101462 VIKING ELECTRIC SUPPLY INC							
		2,910.55	LED UPGRADE		130452	S003184324.005	4304.6240		BUILDING SUPPLIES & PARTS	MUNICIPAL BLDG CITY HALL
		2,843.45	LED UPGRADE		130453	S003184428.001	4304.6240		BUILDING SUPPLIES & PARTS	MUNICIPAL BLDG CITY HALL
		<u>5,754.00</u>								
134330	1/3/2020		118099 WATER CONSERVATION SERVICES, INC							
		761.46	LEAK LOCATES 11/20 & 12/14		130454	10010	5012.6535		OTHER REPAIR	WATER DISTRIBUTION
		<u>761.46</u>								
134331	1/3/2020		126256 WENDORF, DIANE							
		350.00	DAMAGE DEPOSIT REFUND		130455	REFUND112319	2031.4975		RENTAL INCOME	ARMORY REVENUES
		<u>350.00</u>								
134332	1/3/2020		101492 ZEP SALES & SERVICE							
		47.53	FLOOR CLEANER		130456	9004769736	1300.6240		BUILDING SUPPLIES & PARTS	PUBLIC WORKS FACILITY / SHOP
		<u>47.53</u>								
		<u><u>477,627.97</u></u>	Grand Total							
									<u>Payment Instrument Totals</u>	
									Checks	<u>477,627.97</u>
									Total Payments	<u>477,627.97</u>



City of White Bear Lake
Finance Department

MEMORANDUM

To: Ellen Hiniker, City Manager
From: Kerri Kindsvater, Finance Director
Date: January 9, 2020
Subject: **Travel and Expense Reimbursement 2020**

BACKGROUND

The City reimburses employees for approved and eligible out-of-pocket travel and business expenses incurred in the conduct of City business or authorized training.

SUMMARY

Mileage

City policy allows employees to utilize their personal vehicle to conduct City business. In return for the use of the personal vehicle, the City reimburses the employee a mileage rate to compensate the employee for the estimated cost of operating their vehicle for the miles driven for City business. This mileage reimbursement policy does not intend to reimburse the employee for the cost of their automobile ownership, as the City does not require employees to purchase or own a vehicle as a condition of employment, it is only intended to cover the incremental cost of the trip.

This practice benefits the City by reducing the number of fleet vehicles to actual vehicles needed for operations and not additional units to be available for occasional employee transportation needs.

The Internal Revenue Service's federal mileage reimbursement rate for 2020 is 57.5 cents per mile. Consistent with past practice, staff proposes to set the City's mileage reimbursement rate to the standard rate set by the Internal Revenue Service.

Meals

The City's meal reimbursement policy provides employees with adequate compensation to purchase their meals each day while conducting City business away from the community. The City's policy is similar to the AFSME union honored by the State of Minnesota and recognizes a cost differential between standard metro areas and higher cost major metropolitan areas such as Atlanta, Boston, Chicago, Dallas, Denver, Kansas City, Los Angeles, Miami, Minneapolis, New York City, St. Paul, San Francisco and Washington D.C. Currently, the State maintains a reimbursement rate of \$36 for standard metro areas and \$44 for major metropolitan areas.

In previous years, the City's meal reimbursement policy set specific limits for each meal during the day, with the structure providing higher reimbursement rates for meals later in the day. In

some instances, employees have encountered situations where their larger meal occurs earlier in the day for events like a brunch and their remaining meals of the day are smaller. The proposed meal reimbursement plan addresses this situation by reimbursing employees for a reasonable amount per meal, with a daily limit according to the event location area and a restriction that no meal will exceed \$25 for a meal, non-alcoholic drink and tip. The policy proposes the standard metro area daily limit be \$38 and the major metropolitan area limit be \$46.

Meal reimbursements for employees attending training sessions are only available when the training sessions do not include meals as part of the registration fee to prevent employees from profiting through reimbursement when meal costs are already paid.

It is proposed that the City Manager be authorized to approve a modest deviation from the meal allowance under unique or unusual circumstances.

RECOMMENDED COUNCIL ACTION

Staff recommends that the City Council adjust the current travel expense reimbursement and update the Travel and Training Policy to reflect these changes.

ATTACHMENTS

Resolution

RESOLUTION NO.

RESOLUTION AUTHORIZING EMPLOYEE REIMBURSEMENT OF APPROVED AND ELIGIBLE OUT-OF-POCKET TRAVEL AND BUSINESS EXPENSES WHILE CONDUCTING CITY BUSINESS

WHEREAS, City of White Bear Lake employees occasionally conduct City business away from the community; and

WHEREAS, on occasion, City employees utilize personal vehicles for transportation to conduct City business; and

WHEREAS, the City's meal reimbursement policy provides employees with adequate compensation to purchase meals each day while conducting business away from the community.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of White Bear Lake, that the City Council authorizes employee reimbursement rates for personal vehicle usage and meal purchases while conducting City business away from the community established below:

Mileage Reimbursement: \$.575

Standard Metropolitan Area:

Meals reimbursed at a reasonable amount per meal, with a daily limit of \$38 and restriction that no meal, non-alcoholic drink and tip will exceed \$25.

Major Metropolitan Area:

Meals reimbursed at a reasonable amount per meal, with a daily limit of \$46 and restriction that no meal, non-alcoholic drink and tip will exceed \$25.

NOW, THEREFORE, BE IT FURTHER RESOLVED by the City Council of the City of White Bear Lake, that the City Council authorizes the City Manager to modify the meal reimbursement amounts based upon unique circumstances:

The foregoing resolution, offered by Councilmember _____ and supported by Councilmember _____, was declared carried on the following vote:

Ayes:

Nays:

Passed:

Jo Emerson, Mayor

ATTEST:

Kara Coustry, City Clerk



City of White Bear Lake
Police Department

MEMORANDUM

To: Mayor and Council
From: Julie Swanson, Chief of Police
Date: December 20, 2019
Subject: **White Bear Express 2490 County Road F E**

BACKGROUND

The White Bear Lake Police Department conducts background investigations on Liquor/Tobacco License applicants to provide the City Council with objective data regarding any concerns with the applicant. These elements have been shown to contribute significantly to the successful and legal operation of our community business establishments.

This business license location of 2490 County Road F E was previously owned by Umiya, LLC and operating as Freedom Valu.

SUMMARY

On December 10, 2019, staff completed a background investigation on Sajid Targui, Rachid Baazaoui, and Abdelmjid Magoure who are listed as the owners of White Bear Express, located at 2490 County Road F East. The business will sell gasoline in addition to the tobacco and cigarettes. The partners own and operate another similar business in Minneapolis, and one partner owns an additional business in Minneapolis. Staff did not locate any criminal or negative history on any of the businesses owned by the individuals. The partners have provided the appropriate paperwork and insurance documentation.

Staff found no disqualifying information throughout the background investigation. All appear to be long time, established business owners.

RECOMMENDED COUNCIL ACTION

Staff recommends approval of the gasoline and tobacco licenses for the applicants.

ATTACHMENTS

Resolution

RESOLUTION NO.

A RESOLUTION APPROVING ISSUANCE OF GAS STATION AND TOBACCO LICENSES TO WHITE BEAR EXPRESS, INC

WHEREAS the gas station located at 2490 County Road F is in the process of being sold by Umiya, LLC (dba Freedom Valu) to White Bear Express, Inc. dba White Bear Express; and

WHEREAS applications for gas station and tobacco licenses have been submitted for licensure at the location of 2490 County Road F on behalf of the new owners; and

WHEREAS the City had previously approved these same licenses for the existing business owner – Umiya, LLC for the business cycle ending March 31, 2021; and

WHEREAS the applicant has paid the appropriate licensing fees and passed the criminal background check; and

NOW, THEREFORE, BE IT RESOLVED that the White Bear Lake City Council approves the following for a Gas Station Business License and a Tobacco License:

White Bear Express, Inc.
2490 County Road F
White Bear Lake, Minnesota 55110

The foregoing resolution offered by Councilmember _____ and supported by Councilmember _____, was declared carried on the following vote:

Ayes:
Nays:
Passed:

Jo Emerson, Mayor

ATTEST:

Kara Coustry, City Clerk



City of White Bear Lake
Police Department

MEMORANDUM

To: Mayor and Council

From: Julie Swanson, Chief of Police

Date: December 26, 2019

Subject: **Massage Establishment Licenses - Elevated Massage and Bodywork and Christine Daniel Massage Therapy**

BACKGROUND

The White Bear Lake Police Department conducts background investigations on Massage Therapist and Establishment applicants to provide the City Council with objective data regarding any concerns with the applicant. These elements have been shown to contribute significantly to the successful and legal operation of our community business establishments.

SUMMARY

On December 12, 2019, staff completed a background investigation on Adrienne Rose Lind listed as the business owner and therapist for Elevated Massage and Bodywork, a new business located at 1310 Highway 96 E. The applicant completed her education at the Aveda Institute, which is nationally accredited through The Minnesota Higher Education Office. Staff did not locate any criminal or negative history on the applicant. The applicant has provided the appropriate paperwork and insurance documentation.

Staff found no disqualifying information throughout the background investigation.

On December 26, 2019, staff completed a background investigation on Christine Daniel listed as the business owner and therapist for Christine Daniel Massage Therapy. Ms. Daniel has secured a location to practice massage within Crystal Rock Healing located at 4399 Lake Avenue S. The applicant graduated from Duluth Business University, and is in good standing as an active member of ABMP – American Massage Therapy Association. Staff did not locate any criminal or negative history on the applicant. The applicant has provided the appropriate paperwork and insurance documentation.

Staff found no disqualifying information throughout the background investigation.

RECOMMENDED COUNCIL ACTION

Staff recommends approval of the establishment licenses for both applicants.

ATTACHMENTS

Resolution

RESOLUTION NO.

**RESOLUTION APPROVING MASSAGE THERAPIST LICENSES
FOR THE BUSINESS CYCLE ENDING MARCH 31, 2020**

BE IT RESOLVED by the City Council of the City of White Bear Lake that the following massage establishment licenses be approved for the business cycle ending March 31, 2020.

Massage Therapy Establishment License

Christine Daniel Owner and sole practitioner	Christine Daniel Massage Therapy Practicing inside Crystal Rock Healing 4399 Lake Avenue S. White Bear Lake, MN 55110
Adrienne Lind Owner and sole practitioner	Elevated Massage and Bodywork 1310 Highway 96 E. White Bear Lake, MN 55110

The foregoing resolution, offered by Councilmember _____, and supported by Councilmember _____, was declared and carried on the following vote:

Ayes:

Nays:

Passed:

Jo Emerson, Mayor

ATTEST:

Kara Coustry, City Clerk



City of White Bear Lake
City Manager's Office

M E M O R A N D U M

To: Mayor and Council

From: Kara Coustry, City Clerk

Date: January 3, 2020

Subject: **Temporary liquor licenses for various qualifying non-profits**

BACKGROUND

Minnesota Statute section 340A.404, Subd. 10 states that municipalities may issue temporary on-sale liquor licenses to nonprofit organizations in existence for at least three (3) years. The license may not exceed more than four consecutive days. City Code requires proof of liquor liability insurance.

SUMMARY

The City received the following applications for temporary liquor licenses, all from qualifying non-profits in the City of White Bear Lake:

Non-profit Organization	Event dates and times	Location
Church of St. Pius X	Friday Fish Frys: 2/28, 3/13, 3/27, 4:30 p.m. – 7:00 p.m.	Beer and wine in the church 3878 Highland Avenue
Bear Boating of White Bear Lake, Inc.	Bear Boating Fundraiser 3/21/2020, 5pm – 11pm	Armory 2228 4 th Street
Frassati Catholic Academy	Frassati Catholic Academy, Fundraiser on April 24, 2020	Frassati Catholic Academy 4690 Bald Eagle Avenue

The applicants meet State regulations for temporary liquor licenses. The Church of St. Pius has provided a copy of the liquor liability insurance certificate required by City Code. Frassati Catholic Academy and Bear Boating of White Bear Lake, Inc. are both in the process of securing insurance, in which case, these licenses will be conditioned upon receipt of valid liquor liability insurance.

RECOMMENDED COUNCIL ACTION

Staff recommends approval of the temporary liquor licenses, conditioned upon receipt of valid liquor liability insurance.

ATTACHMENTS

Resolution approving temporary liquor licenses for qualifying non-profits.

RESOLUTION NO.

**A RESOLUTION APPROVING TEMPORARY LIQUOR LICENSES FOR
VARIOUS NON-PROFIT ORGANIZATIONS**

WHEREAS the City of White Bear Lake received applications from various non-profits in existence for three years for temporary liquor licenses; and

WHEREAS the organizations must provide liquor liability insurance certificates as required by City Code.

NOW THEREFORE, BE IT RESOLVED that the White Bear Lake City Council under authority of Minnesota Statute section 340A.404 Subd. 10, approves the temporary liquor licenses as follows, contingent upon receipt of valid liquor liability insurance:

Non-profit Organization	Event dates and times	Location
Church of St. Pius X	Friday Fish Frys: 2/28, 3/13, 3/27, 4:30 p.m. – 7:00 p.m.	Beer and wine in the church 3878 Highland Avenue White Bear Lake, MN 55110
Bear Boating of White Bear Lake, Inc.	Bear Boating Fundraiser 3/21/2020, 5pm – 11pm	Armory 2228 4 th Street White Bear Lake, MN 55110
Frassati Catholic Academy	Frassati Catholic Academy, Fundraiser on April 24, 2020	Frassati Catholic Academy 4690 Bald Eagle Avenue White Bear Lake, MN 55110

The foregoing resolution, offered by Councilmember _____ and supported by Councilmember _____, was declared carried on the following vote:

Ayes:
Nays:
Passed:

Jo Emerson, Mayor

ATTEST:

Kara Coustry, City Clerk



City of White Bear Lake
Engineering Department

MEMORANDUM

To: Mayor and City Council

From: Paul Kauppi, Public Works Director/City Engineer

Date: January 6, 2020

Subject: **Final Payment to T.A. Schifsky & Sons for the 2019 Mill and Overlay Project (City Project Nos. 19-04, 19-13 & 19-14)**

BACKGROUND / SUMMARY

T.A. Schifsky & Sons has completed all work specified in their contract for the 2019 Mill and Overlay Project. The 2019 Mill and Overlay Project included Glen Oaks Avenue (from County Road D to Sumac Ridge), Aspen Court (from Glen Oaks Avenue to Cul-de-sac), Sumac Court (from Glen Oaks Avenue to Cul-de-sac), Sumac Ridge (300' West of Glen Oaks Avenue to Cul-de-sac), Chicago Avenue (from Stewart Avenue to Morehead Avenue), Morehead Avenue (from State 96 to Chicago Avenue), Stewart Avenue (from State 96 to Chicago Avenue), Alley (from Chicago Avenue to South), Campbell Avenue (from Tenth Street to Eleventh Street), Campbell Circle (from Campbell Avenue to End Cul-de-sac), Debra Street (from Ninth Street to Parking Lot), Eleventh Street (from End Cul-de-sac to End Cul-de-sac), Lemire Circle (from Lemire Lane to End Cul-de-sac), Lemire Lane (from Tenth Street to Garden Lane), Tenth Street (from Georgia Lane to Wood Avenue), Tenth Street (from Campbell Avenue to Bald Eagle Avenue), Thury Court (from Debra Street to End Cul-de-sac), Walnut Street (from Ninth Street to Tenth Street) and Wood Avenue (from Tenth Street to Garden Lane).

The original contract amount was \$713,619.85. The value of the work completed is \$632,863.88. This contract is based upon unit prices for milling and paving, and the final contract amount is based on actual work performed. The Engineering Department recommends that the City Council accept the work and authorize the final payment to T.A. Schifsky & Sons in the amount of \$6,328.64.

RECOMMENDED COUNCIL ACTION

Staff recommends Council adopt the resolution finalizing payment for completion of the 2019 Mill and Overlay Project.

ATTACHMENTS

Resolution

RESOLUTION NO.:

**RESOLUTION ACCEPTING WORK AND AUTHORIZING
FINAL PAYMENT TO T.A. SCHIFSKY & SONS FOR THE
COMPLETION OF THE 2019 MILL AND OVERLAY PROJECT
CITY PROJECT NOS.: 19-04, 19-13 & 19-14**

WHEREAS, pursuant to a written contract signed with the City of White Bear Lake, T.A. Schifsky & Sons, has satisfactorily completed the work included in the 2019 Mill and Overlay Project, in accordance with such contract.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of White Bear Lake, Minnesota that the work completed under said contract in the amount of \$632,863.88 is hereby accepted and approved; and

BE IT FURTHER RESOLVED that the City Clerk and Mayor are hereby directed to issue a proper order for the final payment in the amount of \$6,328.64 on such contract, taking the contractor's receipt in full.

The foregoing resolution offered by Councilmember _____ and supported by Councilmember _____, was declared carried on the following vote:

Ayes:
Nays:
Passed:

Jo Emerson, Mayor

ATTEST:

Kara Coustry, City Clerk



City of White Bear Lake
City Manager's Office

MEMORANDUM

To: Mayor and City Council

From: Ellen Hiniker, City Manager

Date: January 7, 2020

Subject: **Appointment of Administrative Hearing Officer for 2020**

BACKGROUND / SUMMARY

In 1996, the City Council adopted Ordinance 96-2-929 establishing a procedure for issuance of citations for violation of City ordinances. This procedure allows patrol officers or other qualified enforcement personnel to issue administrative citations for what are generally considered minor violations rather than a citation through district court. Conditions or actions generally falling in this category are barking dogs, excessive noise, trash in yards, junk cars, juvenile smoking, first-time unsafe driving (including minor speeding) and many parking offenses.

An essential component of this procedure is “due process” which is accomplished through the right to appeal to a City Council appointed administrative hearing officer. An individual receiving an administrative citation may appeal her/his case to the hearing officer who is empowered to uphold, dismiss or adjust the citation and financial penalty. Administrative penalty charges were incorporated into the Annual Fee Schedule, which was adopted on December 10, 2019.

In May 2019, Jim Rathburn, a long-term White Bear Lake resident with a law degree and related work experience was appointed to serve as the City’s Hearing Officer. Since then, he served in his capacity as the Administrative Hearing Officer a total of 8 hours, paid at an hourly rate of \$30/hour. In acknowledgment of Mr. Rathburn’s legal experience, which translates into less time needed for preparation, staff recommends an hourly rate of \$35/hour for 2020.

RECOMMENDED COUNCIL ACTION

Staff recommends Council adopt the resolution appointing Jim Rathburn as the City’s 2020 Administrative Hearing Officer at an hourly rate of \$35/hour.

ATTACHMENTS

Resolution

RESOLUTION NO.

RESOLUTION APPOINTING ADMINISTRATIVE HEARING OFFICER

WHEREAS, Section 205 of the City's Ordinance Code provides for an Administrative Enforcement procedure, the establishment of a schedule of offenses and related administrative penalties, and for the appointment of a Hearing Officer by the City Council; and

WHEREAS, Jim Rathburn, White Bear Lake, has been determined interested and qualified in serving in this capacity; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of White Bear Lake, Minnesota, that Jim Rathburn is hereby appointed Administrative Hearing Officer at a rate of \$35/hour for a term which will expire January 31, 2021; and

The foregoing resolution, offered by Councilmember _____ and supported by Councilmember _____, was declared carried on the following vote:

Ayes:

Nays:

Passed:

Jo Emerson, Mayor

ATTEST:

Kara Coustry, City Clerk



City of White Bear Lake
City Manager's Office

MEMORANDUM

To: Mayor and City Council

From: Kara Coustry, City Clerk

Date: January 8, 2020

Subject: Use of a food truck for Lutheran Redeemer events in Lakewood Hills Park

SUMMARY / BACKGROUND

Scott Costello submitted a Special Event Application on behalf of Redeemer Lutheran Church requesting use of the Lakewood Hills Pavilion on the evenings of the second Wednesdays of June, July and August. Specifically, 5-8pm, June 10, July 8, and August 12, 2020. The group will book the facility and pay the non-profit rate for Lakewood Hills Park pavilion in order to hold a picnic, short worship service and play music on portable sound equipment provided by the group.

The event is requesting the ability to park a food truck in the Lakewood Hills parking lot next to the Pavilion. The food truck vendor is Shobi's Table, which is a non-profit Lutheran, "Pay-As-You-Can-Café-On-Wheels" ministry that will be collecting free-will offers for the food they provide.

The City does not permit food trucks on public property without prior City Council approval. Assuming the City Council approves the request for a food truck on public property, the food truck vendor will be required to register with the City's licensing authority.

RECOMMENDED COUNCIL ACTION

Staff recommends the City Council approved the attached resolution to allow a food truck on public property at Lakewood Hills Park for Redeemer Lutheran Wednesday Church events.

ATTACHMENT

Resolution

RESOLUTION NO.

A RESOLUTION AUTHORIZING USE OF A FOOD TRUCK FOR REDEEMER LUTHERAN CHURCH EVENTS AT LAKEWOOD HILLS PARK

WHEREAS, the City received a special event application from Scott Costello on behalf of Redeemer Lutheran Church for Wednesday evening church events throughout the year at Lakewood Hills Park Pavilion; and

WHEREAS, three requested dates include the second Wednesdays in June, July and August; and

WHEREAS, the City does not permit food trucks on public property without prior City Council approval; and

WHEREAS, the food truck vendor will be required to register with the City's licensing authority.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of White Bear Lake hereby authorizes the use of a food truck in the public parking lot to service Redeemer Lutheran Church events at Lakewood Hills Park.

The foregoing resolution, offered by Councilmember _____, and supported by Councilmember _____, was declared and carried on the following vote:

Ayes:
Nays:
Passed:

Jo Emerson, Mayor

ATTEST:

Kara Coustry, City Clerk