



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

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

PLEDGE OF ALLEGIANCE

**2. APPROVAL OF MINUTES**

A. Minutes of the Regular City Council Meeting on March 24, 2020

**3. APPROVAL OF THE AGENDA**

**4. VISITORS AND PRESENTATIONS**

**5. PUBLIC HEARINGS**

Nothing scheduled

**6. LAND USE**

Nothing scheduled

**7. UNFINISHED BUSINESS**

Nothing scheduled

**8. ORDINANCES**

Nothing scheduled

**9. NEW BUSINESS**

A. Resolutions approving partial refund of annual liquor license payments to on-sale bars and restaurants closed due to COVID-19 pandemic, and authorizing City staff to negotiate temporary monthly payment deferrals for businesses impacted by the pandemic who lease property from the City, or who have municipal economic development loans

B. Resolution approving 15% engineering plans for Rush Line Bus Rapid Transit corridor

C. Resolution Accepting Bids and Awarding Contract for the 2020 Street Reconstruction Project, City Project Nos. 20-01 & 20-06

D. Resolution Accepting Bids and Awarding Contract for the 2020 Mill & Overlay Project, City Project No. 20-13

E. Resolution to approve the sale of General Obligation Bonds for 2020 Street Improvement Projects

- F. Resolution order expenditure from the Stormwater Pollution Prevention Program (SWPP) Fund for Engineering design and construction of the 4<sup>th</sup> and Otter Birch Lake iron enhanced sand filter project.
- G. Resolution denying a massage therapist business license and therapist license

## **10. CONSENT**

- A. Resolution Ordering Project, Approving Specifications and Authorizing Advertisement for Bids for the 2020 Sanitary Sewer Lining Project, City Project No. 20-07
- B. Resolution Ordering Project, Approving Specifications and Authorizing Advertisement for Bids for the 2020 Crack Seal Project, City Project No. 20-03
- C. Resolution Ordering Project, Approving Specifications and Authorizing Advertisement for Bids for the 2020 Miscellaneous Concrete Project, City Project No. 20-05
- D. Resolution Ordering Project, Approving Specifications and Authorizing Advertisement for Bids for the 2020 Bituminous Seal Coating Project, City Project No. 20-02

## **11. DISCUSSION**

- A. Wireless infrastructure permits
- B. Conducting Public Hearings using through WebEx platform
- C. Downtown Parking Lot – Banning & 3rd

## **12. COMMUNICATIONS FROM THE CITY MANAGER**

## **13. ADJOURNMENT**



**MINUTES  
REGULAR MEETING OF THE CITY COUNCIL  
OF THE CITY OF WHITE BEAR LAKE, MINNESOTA  
TUESDAY, MARCH 24, 2020  
7:00 P.M. IN THE COUNCIL CHAMBERS**

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

Mayor Jo Emerson called the meeting to order at 7:00 p.m. under MN Statute Section 13D.021, in which the City Council will be conducting its meetings during this emergency by electronic means until further notice. City staff established a means to allow the City Council to meet electronically, and to provide the public an opportunity to monitor meetings as they occur. All votes taken at these meetings will be by roll call vote. The Council is currently working on matters of immediate attention, but will resume regular Council business as soon as possible.

The clerk took roll call attendance: Councilmembers Doug Biehn – Aye, Kevin Edberg - Aye, Steven Engstran - Aye, Dan Jones - Aye and Bill Walsh - Aye. Staff members present were City Manager Ellen Hiniker, Assistant City Manager Rick Juba, Community Development Director Anne Kane, Public Works Director/City Engineer Paul Kauppi, City Clerk Kara Coustry and City Attorney Jason Hill.

PLEDGE OF ALLEGIANCE

**2. APPROVAL OF MINUTES**

A. Minutes of the Regular City Council Meeting on March 10, 2020

It was moved by Councilmember **Engstran**, seconded by Councilmember **Walsh**, to approve the Minutes of the Regular City Council Meeting on March 10, 2020.

Walsh Aye  
Biehn Abstained  
Jones Abstained  
Edberg Aye  
Engstran Aye

Motion carried.

**3. APPROVAL OF THE AGENDA**

City Manager Hiniker added 9A, 9B, 9C and 9D under new business.

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

Walsh Aye  
Biehn Aye  
Jones Aye  
Edberg Aye  
Engstran Aye

Motion carried unanimously.

**4. VISITORS AND PRESENTATIONS**

Nothing scheduled

**5. PUBLIC HEARINGS**

Nothing scheduled

**6. LAND USE**

A. Consent

Nothing scheduled

B. Non-Consent

Nothing scheduled

**7. UNFINISHED BUSINESS**

Nothing scheduled

**8. ORDINANCES**

Nothing scheduled

**9. NEW BUSINESS**

A. Resolution extending the period of Mayor declared local emergency

Councilmember Edberg asked what conditions would reverse the emergency declaration.

Councilmember Jones noted that according to the resolution, the emergency declaration remains in effect until Federal or State emergency declarations have ended.

City Manager Hiniker, added that the League of Minnesota Cities is encouraging cities to adopt resolutions declaring local emergencies, which provides the ability to act more quickly, if needed.

Mayor Emerson explained it is a tool that provides cities the ability to, for example, enter into Joint Powers agreements without calling an emergency meeting.

City Attorney Hill mentioned that declaring a local emergency may open the City to receiving federal or state funding.

It was moved by Councilmember **Biehn**, seconded by Councilmember **Engstran** to adopt **Resolution No. 12556** extending the period of Mayor declared local emergency.

Councilmember Edberg supported the resolution but cautioned that emergency powers ought to have limits.

Walsh Aye  
Biehn Aye  
Jones Aye  
Edberg Aye  
Engstran Aye

Motion carried unanimously.

B. Resolution authorizing the use of electronic documents and signatures

City Manager Hiniker stated this gives the City the ability to add electronic signatures to documents that are approved through email or City Council action.

It was moved by Councilmember **Jones**, seconded by Councilmember **Biehn** to adopt **Resolution No. 12557** authorizing the use of electronic documents and signatures.

Walsh Aye  
Biehn Aye  
Jones Aye  
Edberg Aye  
Engstran Aye

Motion carried unanimously.

C. Resolution suspending late fees for utility payments

City Manager Hiniker stated that in response to callers, staff is requesting the ability to waive late fees on utility accounts. She stated that all of the essential services will continue to be provided.

Finance Director Kindsvater noted that customers are provided with 30 days to make utility payments prior to the assessment of a 10% late fee. She mentioned a recent Logis survey in which many cities indicated they will be waiving these late fees.

Councilmember Edberg recalled the resolution allows for the waiving of late fees back to January 1, 2020 and asked if the city had intention of providing relief to delinquent accounts

prior to that date. Ms. Kindsvater said that about \$6,000 - \$8,000 in late fees is collected each quarter, so extending the grace period could have an impact. City Manager added that late fees are not cumulative, rather a late fee is added each quarter when the bill is late. She explained the logic applied in this case is that billing for January, February and March would be reaching homes beginning April, May and June, but certainly the City Council may choose another effective date for this relief.

Councilmember Biehn asked if there was ever a situation in which the revenue is not received, and do the late fees cover that lost revenue. Ms. Kindsvater explained that unpaid utility bills (7/1/19 - 6/30/20) are certified and assessed to property taxes at the end of the year.

It was moved by Councilmember **Jones**, seconded by Councilmember **Engstran** to adopt **Resolution No. 12558** suspending late fees for utility payments.

Councilmember Walsh said the concept of forgiving the late fee is fine in a limited capacity. He supported this so the City is not adding insult to injury.

Walsh Aye  
Biehn Aye  
Jones Aye  
Edberg Aye  
Engstran Aye

Motion carried unanimously.

D. Resolution deferring rate increase for Pioneer Manor residents until October 1, 2020

Mayor Emerson said that deferring the 2% rental increase for Pioneer Manor residents is something the City can easily do to help the seniors. City Manager Hiniker explained that much like the utility account, Pioneer Manor is an enterprise fund (a self-supported fund). She noted receipt of Ramsey County's Community Development Block Grant for window replacement at the facility means this savings can be passed along to the residents.

It was moved by Councilmember **Engstran**, seconded by Councilmember **Edberg** to adopt **Resolution No. 12559** deferring rate increase for Pioneer Manor residents until October 1, 2020.

Walsh Aye  
Biehn Aye  
Jones Aye  
Edberg Aye  
Engstran Aye

Motion carried unanimously.

## 10. CONSENT

A. Resolution authorizing the City Manager to execute the Washington County Recycling Grant Agreement. **Resolution No. 12560**

B. Resolution authorizing a temporary liquor license for Bear Boating. **Resolution No. 12561**

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

Walsh Aye  
Biehn Aye  
Jones Aye  
Edberg Aye  
Engstran Aye

Motion carried unanimously.

**11. DISCUSSION**

Nothing scheduled

**12. COMMUNICATIONS FROM THE CITY MANAGER**

- Ms. Hiniker provided a report to the City Council summarizing the actions taken in response to COVID-19 as follows:
  - Daily remote management team meetings.
  - Most all office staff have been set up to work remotely.
  - The License Bureau closed due to the inability to provide adequate social distance. The License Bureau Supervisor has been working with the State and DMVs to work through the best ways to serve customers. The License Bureau counter will be retrofitted to create a sneeze barrier. Between license tabs and title work, staff have been sustaining 5-7 workers daily.
  - The Fire Department has been following directions from the State Board of Medical Directors.
  - The Police Department will rotate officers with four on at a time. There is a low call volume currently, which is expected to change.
  - The Food Shelf has been providing pick-up service and are making provisions for food delivery to those sheltering in place and has no need for assistance at this time. The City will reach out to the School District Meals on Wheels program to offer assistance to them as well.
  - The Administrative Assistant at the Sports Center will learn more about Volgistics, a volunteer database management system with hopes to work with various organizations to coordinate volunteer efforts within the City.
  - The Community Foundation is sending a survey to non-profits in the City to find out the needs as they have an opportunity to apply for grants from a statewide non-profit organization. The American Red Cross is in need of blood as collections are down.
  - The Rotary arranged for a Blood Drive at the Armory on April 7<sup>th</sup>.
  - The local and state chambers are keeping up on resources for businesses. The City links to this on the website.

- Updates from Public Works Director/City Engineer, Kauppi
  - Crews are busy as usual, but with social distancing in place.
  - The sewer and water crews are on rotation schedules to limit exposure due to license and expertise required to run those systems.
  - With more people at home, sewers are at a higher capacity. Residents are reminded to flush paper products other than toilet paper.
  - Double shifts of street sweeping are happening and additional projects tackled in other city facilities.
  - Bids for the Mill and Overlay Project are being opened tomorrow and Bids for the Street Reconstruction Project are being opened next week
  
- Updates from Community Development Director Kane
  - Building permits for the City have increased 30% over 2019 at this time and the City of Mahtomedi's increased 45% higher over 2019, which was already a record breaking year. The Building Permit Clerk issued 21 building permits today.
  - Rental Housing inspections are on hold and many building inspections are being deferred when possible or conducted via photographs. This has not affected any of the large construction projects in the City. A backlog of roofing inspections was cleared and erosion control inspections aimed at keeping runoff out of storm sewers.
  - The Code Enforcement Officer has spent time closing open cases rather than opening new cases at this time.
  - The Chamber has done a fabulous job supporting local business and advertising curbside pick-up and delivery services. The City was asked not to be aggressive in enforcement of temporary signs to promote restaurants with take-out. This could be considered in the interest of public health.
  
- Updates from Finance Director Kindsvater
  - Operations as usual with social distancing in place. Staff are set up and mostly all are working remotely, while periodically dropping in for items as needed.
  
- Updates from Assistant City Manager Juba
  - Republic Services, the City's Refuse Hauler, has a good plan in place for continued services, however, they are looking to suspend optional services starting next week, which would include yard waste, bulky items and extra pick-up.
  - Continue to check the City's website, <http://www.whitebearlake.org>, Facebook and Twitter for daily updates to information.
  - Sign up for Notify Me, the City's website subscription service to continue to get updates through email.
  
- Mayor Emerson thanked staff and said that the City will continue to provide essential services and obey social distancing guidelines in an effort to slow down the spread of COVID-19. She encouraged residents to seek information from the City's website, the CDC and the MN Department of Health and to verify information rather than relying on rumors. Mayor Emerson thanked the residents of White Bear Lake for cooperating and supporting local businesses.



### 13. ADJOURNMENT

There being no further business before the Council, it was moved by Councilmember **Walsh** seconded by Councilmember **Engstran** to adjourn the regular meeting at **7:50** p.m.

Walsh Aye  
Biehn Aye  
Jones Aye  
Edberg Aye  
Engstran Aye

Motion carried unanimously.

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Jo Emerson, Mayor

**ATTEST:**

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Kara Coustry, City Clerk



**City of White Bear Lake**  
City Manager's Office

## *MEMORANDUM*

**To:** Mayor and Council

**From:** Ellen Hiniker, City Manager

**Date:** April 9, 2020

**Subject:** **Resolutions approving partial refund of annual liquor license payments to on-sale bars and restaurants closed due to COVID-19 pandemic, and authorizing City staff to negotiate temporary monthly payment deferrals for businesses impacted by the pandemic who lease property from the City or who have municipal economic development loans**

### **SUMMARY**

In response to the unprecedented impact of the COVID-19 pandemic, staff is recommending Council authorize City staff to negotiate temporary municipal loan and lease payment deferrals of up to 90-days with impacted businesses. Staff further recommends that the City refund a portion of on-sale liquor license fees to bars and restaurants impacted by the March 17 statewide closures, proportionate to two-months of the annual license fee.

### **BACKGROUND**

Staff has received calls from several business owners who lease property from the City whose revenues are sharply down, if not entirely absent during these closures. Rental property owners throughout the City are receiving similar calls from their tenants, many of whom are working with their tenants to provide temporary relief through monthly payment deferrals. Similarly, staff would like the flexibility to work with tenants of municipally-owned buildings who are impacted by the pandemic on a plan to provide partial or full deferral of up to three monthly payments. These no-interest deferrals would be collected through a payment plan approved by Council.

Staff is requesting similar flexibility to work with participants of the city's Revolving Loan Program or who have special economic development loans with the City. Staff requests the flexibility to work with these businesses and their banks to defer up to three monthly payments and establish a repayment plan that would be brought back to the Council for final approval.

Lastly, staff recommends that the City refund a portion of the liquor license fees paid by bar and restaurant owners impacted by the March 17 closures. The refund would be proportionate to two-months of the annual license fee. Attached is a list of all liquor licenses issued in the City, with those highlighted that would receive a refund. The financial impact of these refunds would be \$12,920, as shown.

### **ATTACHMENTS**

Resolutions

**RESOLUTION NO.**

**RESOLUTION PROVIDING RELIEF TO RESIDENTS AND BUSINESSES  
IN RESPONSE TO COVID-19**

**WHEREAS**, the President of the United States and the Governor of the State of Minnesota have declared states of emergency as a result of the spread of COVID-19;

**WHEREAS**, the Mayor of the City of White Bear Lake declared a local state of emergency in response to the potential local impact of this pandemic;

**WHEREAS**, the City recognizes that many residents and businesses are experiencing financial hardship due to the economic implications of this pandemic.

**NOW, THEREFORE, BE IT RESOLVED**, by the White Bear Lake City Council that the City will refund the current business cycle 04/01/20 – 3/31/21 a pro-rata portion of on-sale liquor license fees until such time that patrons are permitted by the Governor to dine-in.

**BE IT FURTHER RESOLVED**, by the White Bear Lake City Council that

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

Ayes:  
Nays:  
Passed:

\_\_\_\_\_  
Jo Emerson, Mayor

ATTEST:

\_\_\_\_\_  
Kara Coustry, City Clerk

DBA	License Type	Total Paid	Monthly	Refund
617 Lounge	Liquor On-Sale	\$3,200.00	\$266.67	\$ 533.33
617 Lounge	Liquor On-Sale Sunday	\$200.00	\$16.67	\$ 33.33
Acqua Restaurant and Wine Bar	Liquor On-Sale	\$3,200.00	\$266.67	\$ 533.33
Acqua Restaurant and Wine Bar	Liquor On-Sale Sunday	\$200.00	\$16.67	\$ 33.33
Admiral D's	Liquor On-Sale	\$3,200.00	\$266.67	
Admiral D's	Liquor On-Sale Sunday	\$200.00	\$16.67	
Beartown Lounge & Restaurant	Liquor On-Sale	\$3,200.00	\$266.67	\$ 533.33
Beartown Lounge & Restaurant	Liquor On-Sale Sunday	\$200.00	\$16.67	\$ 33.33
Big Wood Brewery, LLC	Brewer Off Sale	\$200.00	\$16.67	
Big Wood Brewery, LLC	Liquor On-Sale Sunday	\$200.00	\$16.67	\$ 33.33
Big Wood Brewery, LLC	On Sale Brew Pub / Taproom	\$200.00	\$16.67	\$ 33.33
Birch Lake Liquor	Liquor Off-Sale	\$200.00	\$16.67	
Brickhouse Food & Drink	Liquor On-Sale	\$3,200.00	\$266.67	\$ 533.33
Brickhouse Food & Drink	Liquor On-Sale Sunday	\$200.00	\$16.67	\$ 33.33
Burger Bar	3.2 On Sale	\$175.00	\$14.58	\$ 29.17
Burger Bar	Liquor On-Sale Sunday	\$200.00	\$16.67	\$ 33.33
Burger Bar	Wine On-Sale	\$250.00	\$20.83	\$ 41.67
Cabin 61	Liquor On-Sale	\$3,200.00	\$266.67	\$ 533.33
Cabin 61	Liquor On-Sale Sunday	\$200.00	\$16.67	\$ 33.33
Carbone's Pizza	Liquor On-Sale	\$3,200.00	\$266.67	\$ 533.33
Carbone's Pizza	Liquor On-Sale Sunday	\$200.00	\$16.67	\$ 33.33
Cotroneo's Wine and Spirits	Liquor Off-Sale	\$200.00	\$16.67	
Cub Foods	3.2 Off-Sale	\$75.00	\$6.25	
Cub Wine and Spirits	Liquor Off-Sale	\$200.00	\$16.67	
Doc's Landing	Liquor On-Sale	\$3,200.00	\$266.67	\$ 533.33
Doc's Landing	Liquor On-Sale Sunday	\$200.00	\$16.67	\$ 33.33
Don Julio	Liquor On-Sale	\$3,200.00	\$266.67	\$ 533.33
Don Julio	Liquor On-Sale Sunday	\$200.00	\$16.67	\$ 33.33
Donatelli's Restaurant	3.2 On Sale	\$175.00	\$14.58	\$ 29.17
Donatelli's Restaurant	Liquor On-Sale Sunday	\$200.00	\$16.67	\$ 33.33
Donatelli's Restaurant	Wine On-Sale	\$250.00	\$20.83	\$ 41.67

DBA	License Type	Total Paid	Monthly	Refund
<b>El Pariente Mexican Grill</b>	<b>Liquor On-Sale</b>	<b>\$3,200.00</b>	<b>\$266.67</b>	<b>\$ 533.33</b>
<b>El Pariente Mexican Grill</b>	<b>Liquor On-Sale Sunday</b>	<b>\$200.00</b>	<b>\$16.67</b>	<b>\$ 33.33</b>
Elevated Beer Wine & Spirits	Liquor Off-Sale	\$200.00	\$16.67	
Festival Foods	3.2 Off-Sale	\$75.00	\$6.25	
Festival Foods	3.2 Off-Sale	\$75.00	\$6.25	
Freedom Valu Gas Station	3.2 Off-Sale	\$75.00	\$6.25	
Haskell's	Liquor Off-Sale	\$200.00	\$16.67	
<b>Ingredients Cafe</b>	<b>Liquor On-Sale</b>	<b>\$3,200.00</b>	<b>\$266.67</b>	<b>\$ 533.33</b>
<b>Ingredients Cafe</b>	<b>Liquor On-Sale Sunday</b>	<b>\$200.00</b>	<b>\$16.67</b>	<b>\$ 33.33</b>
<b>JJs Bierstube</b>	<b>Liquor On-Sale</b>	<b>\$3,200.00</b>	<b>\$266.67</b>	<b>\$ 533.33</b>
<b>JJs Bierstube</b>	<b>Liquor On-Sale Sunday</b>	<b>\$200.00</b>	<b>\$16.67</b>	<b>\$ 33.33</b>
Kowalskis WBL Market, Inc.	3.2 Off-Sale	\$75.00	\$6.25	
<b>Lakeshore Players Inc.</b>	<b>3.2 On Sale</b>	<b>\$175.00</b>	<b>\$14.58</b>	<b>\$ 29.17</b>
<b>Lakeshore Players Inc.</b>	<b>Liquor On-Sale Sunday</b>	<b>\$200.00</b>	<b>\$16.67</b>	<b>\$ 33.33</b>
<b>Lakeshore Players Inc.</b>	<b>Wine On-Sale</b>	<b>\$250.00</b>	<b>\$20.83</b>	<b>\$ 41.67</b>
<b>Life Time Fitness</b>	<b>3.2 On Sale</b>	<b>\$175.00</b>	<b>\$14.58</b>	<b>\$ 29.17</b>
<b>Life Time Fitness</b>	<b>Liquor On-Sale Sunday</b>	<b>\$200.00</b>	<b>\$16.67</b>	<b>\$ 33.33</b>
<b>Life Time Fitness</b>	<b>Wine On-Sale</b>	<b>\$250.00</b>	<b>\$20.83</b>	<b>\$ 41.67</b>
Lunds & Byerlys	3.2 On Sale	\$175.00	\$14.58	
Lunds & Byerlys	Liquor On-Sale Sunday	\$200.00	\$16.67	
Lunds & Byerlys	Wine On-Sale	\$250.00	\$20.83	
Lunds & Byerlys Wines & Spirits	Liquor Off-Sale	\$200.00	\$16.67	
<b>Manitou Grill &amp; Event Center</b>	<b>Liquor On-Sale</b>	<b>\$3,200.00</b>	<b>\$266.67</b>	<b>\$ 533.33</b>
<b>Manitou Grill &amp; Event Center</b>	<b>Liquor On-Sale Sunday</b>	<b>\$200.00</b>	<b>\$16.67</b>	<b>\$ 33.33</b>
Manitou Ridge Golf Course	Liquor On-Sale	\$3,200.00	\$266.67	
Manitou Ridge Golf Course	Liquor On-Sale Sunday	\$200.00	\$16.67	
<b>Meet Market</b>	<b>3.2 On Sale</b>	<b>\$175.00</b>	<b>\$14.58</b>	<b>\$ 29.17</b>
<b>Meet Market</b>	<b>Liquor On-Sale Sunday</b>	<b>\$200.00</b>	<b>\$16.67</b>	<b>\$ 33.33</b>
<b>Meet Market</b>	<b>Wine On-Sale</b>	<b>\$250.00</b>	<b>\$20.83</b>	<b>\$ 41.67</b>

DBA	License Type	Total Paid	Monthly	Refund
MGM Liquor Warehouse	Liquor Off-Sale	\$200.00	\$16.67	
<b>Mizu Japanese</b>	<b>Liquor On-Sale</b>	<b>\$3,200.00</b>	<b>\$266.67</b>	<b>\$ 533.33</b>
<b>Mizu Japanese</b>	<b>Liquor On-Sale Sunday</b>	<b>\$200.00</b>	<b>\$16.67</b>	<b>\$ 33.33</b>
<b>Pagoda Restaurant</b>	<b>3.2 On Sale</b>	<b>\$175.00</b>	<b>\$14.58</b>	<b>\$ 29.17</b>
<b>Pagoda Restaurant</b>	<b>Wine On-Sale</b>	<b>\$250.00</b>	<b>\$20.83</b>	<b>\$ 41.67</b>
<b>Pizzeria Pezzo</b>	<b>Liquor On-Sale</b>	<b>\$3,200.00</b>	<b>\$266.67</b>	<b>\$ 533.33</b>
<b>Pizzeria Pezzo</b>	<b>Liquor On-Sale Sunday</b>	<b>\$200.00</b>	<b>\$16.67</b>	<b>\$ 33.33</b>
<b>Rudys Redeye Grill</b>	<b>Liquor On-Sale</b>	<b>\$3,200.00</b>	<b>\$266.67</b>	<b>\$ 533.33</b>
<b>Rudys Redeye Grill</b>	<b>Liquor On-Sale Sunday</b>	<b>\$200.00</b>	<b>\$16.67</b>	<b>\$ 33.33</b>
Sams Club #6309	Liquor Off-Sale	\$200.00	\$16.67	
Speedway #4317	3.2 Off-Sale	\$75.00	\$6.25	
Speedway #4340	3.2 Off-Sale	\$75.00	\$6.25	
Speedway #4357	3.2 Off-Sale	\$75.00	\$6.25	
Speedway Gas Station	3.2 Off-Sale	\$75.00	\$6.25	
<b>Stadium Sports Bar &amp; Grill</b>	<b>Liquor On-Sale</b>	<b>\$3,200.00</b>	<b>\$266.67</b>	<b>\$ 533.33</b>
<b>Stadium Sports Bar &amp; Grill</b>	<b>Liquor On-Sale Sunday</b>	<b>\$200.00</b>	<b>\$16.67</b>	<b>\$ 33.33</b>
Summit Liquors	Liquor Off-Sale	\$200.00	\$16.67	
Tally's Dockside	Liquor On-Sale	\$3,200.00	\$266.67	
Tally's Dockside	Liquor On-Sale Sunday	\$200.00	\$16.67	
<b>The Alchemist &amp; Kellerman Event Ce</b>	<b>Liquor On-Sale</b>	<b>\$3,200.00</b>	<b>\$266.67</b>	<b>\$ 533.33</b>
<b>The Alchemist &amp; Kellerman Event Ce</b>	<b>Liquor On-Sale Sunday</b>	<b>\$200.00</b>	<b>\$16.67</b>	<b>\$ 33.33</b>
The Cellars Wines & Spirits	Liquor Off-Sale	\$200.00	\$16.67	
<b>The Meet Market</b>	<b>3.2 On Sale</b>	<b>\$175.00</b>	<b>\$14.58</b>	<b>\$ 29.17</b>
<b>The Meet Market</b>	<b>Liquor On-Sale Sunday</b>	<b>\$200.00</b>	<b>\$16.67</b>	<b>\$ 33.33</b>
<b>The Meet Market</b>	<b>Wine On-Sale</b>	<b>\$250.00</b>	<b>\$20.83</b>	<b>\$ 41.67</b>
The Waters of White Bear Lake	3.2 On Sale	\$175.00	\$14.58	
The Waters of White Bear Lake	Liquor On-Sale Sunday	\$200.00	\$16.67	
The Waters of White Bear Lake	Wine On-Sale	\$250.00	\$20.83	
<b>Tin Top Tavern</b>	<b>Liquor On-Sale</b>	<b>\$3,200.00</b>	<b>\$266.67</b>	<b>\$ 533.33</b>
<b>Tin Top Tavern</b>	<b>Liquor On-Sale Sunday</b>	<b>\$200.00</b>	<b>\$16.67</b>	<b>\$ 33.33</b>

<b>DBA</b>	<b>License Type</b>	<b>Total Paid</b>	<b>Monthly</b>	<b>Refund</b>
<b>VFW Post 1782</b>	<b>Liquor On-Sale</b>	<b>\$3,200.00</b>	<b>\$266.67</b>	<b>\$ 533.33</b>
<b>VFW Post 1782</b>	<b>Liquor On-Sale Sunday</b>	<b>\$200.00</b>	<b>\$16.67</b>	<b>\$ 33.33</b>
<b>Washington Square Bar &amp; Grill</b>	<b>Liquor On-Sale</b>	<b>\$3,200.00</b>	<b>\$266.67</b>	<b>\$ 533.33</b>
<b>Washington Square Bar &amp; Grill</b>	<b>Liquor On-Sale Sunday</b>	<b>\$200.00</b>	<b>\$16.67</b>	<b>\$ 33.33</b>
<b>White Bear American Legion Club</b>	<b>Club On-Sale</b>	<b>\$100.00</b>	<b>\$8.33</b>	<b>\$ 16.67</b>
<b>White Bear American Legion Club</b>	<b>Liquor On-Sale Sunday</b>	<b>\$200.00</b>	<b>\$16.67</b>	<b>\$ 33.33</b>
<b>White Bear Bar</b>	<b>Liquor On-Sale</b>	<b>\$3,200.00</b>	<b>\$266.67</b>	<b>\$ 533.33</b>
<b>White Bear Bar</b>	<b>Liquor On-Sale Sunday</b>	<b>\$200.00</b>	<b>\$16.67</b>	<b>\$ 33.33</b>
<b>Total refunds (April - May)</b>				<b>\$ 12,712.50</b>



**City of White Bear Lake**  
City Manager's Office

## *MEMORANDUM*

**To:** Ellen Hiniker, City Manager

**From:** Paul Kauppi, Public Works Director

**Date:** April 14, 2020

**Subject:** **Resolution of Support for Rush Line BRT 15% Plans**

---

### **BACKGROUND / SUMMARY**

Over the last two years, Ramsey County has worked in partnership with the City of White Bear Lake, the Minnesota Department of Transportation (MnDOT), the Metropolitan Council and its Metro Transit division (Metropolitan Council) and other communities along the Rush Line Bus Rapid Transit project corridor to develop 15% plans which will take the project into the Environmental Assessment (EA) phase of the project development.

The Rush Line project team engaged with the community and Council through a variety of means over the past two years to identify station locations along the corridor and related infrastructure needs, as reflected in the 15% plans. At its October 15, 2019 work session, Rush Line staff presented the draft 15% plans to Council for review. In early January, residents neighboring the downtown station were invited to attend a meeting to learn more about plans for that specific location.

The 15% plans are used for the Environmental Assessment (EA) phase of the project. Work during this phase looks to maximize potential benefits and minimize potential social and environmental impacts along the route. It is anticipated that the EA will be published in December 2020 followed by a public comment period, with an environmental decision made in April of 2021.

If a positive environmental determination is reached in April of 2021, Ramsey County will turn the project over to the Metropolitan Council for project development, final engineering and construction. These remaining phases of the project are anticipated to take 5-7 years to complete before the Rush Line BRT line is operational.

The City will have the opportunity to provide further comments during the Environmental Assessment public comment period and on the subsequent 30%, 60% and 90% design plans prior to construction.

The plan set, which has not been significantly modified since Council's work session in October, is available for review on the City's homepage under [public notices](#). A representative from the Rush Line project team will provide an overview at the Council meeting on April 14<sup>th</sup>.



**RECOMMENDED COUNCIL ACTION**

Staff recommends adoption of the attached resolution of support for the Rush Line BRT project 15% plans.

**ATTACHMENTS**

Resolution

## **RESOLUTION NO.:**

### **RESOLUTION OF SUPPORT FOR THE RUSH LINE BUS RAPID TRANSIT PROJECT 15 PERCENT PLANS WITHIN THE CITY OF WHITE BEAR LAKE**

**WHEREAS**, Ramsey County is leading the design of the Rush Line Bus Rapid Transit Project (“Project”) through the Environmental Analysis Phase; in partnership with the Minnesota Department of Transportation (MnDOT), the Metropolitan Council and its Metro Transit division (Metropolitan Council), Saint Paul, Maplewood, Vadnais Heights, Gem Lake, White Bear Lake and White Bear Township (“Municipalities”); and

**WHEREAS**, the Environmental Analysis Phase includes the preparation of an Environmental Assessment in partnership with MnDOT, the Metropolitan Council and the Municipalities; and

**WHEREAS**, Ramsey County has been working collaboratively with MnDOT, the Metropolitan Council and the Municipalities and other stakeholders over the previous two years to resolve issues and develop a scope of work of project components (known as the 15% plans) for evaluation in the Environmental Assessment; and

**WHEREAS**, residents and businesses have participated in numerous committees, community meetings, pop-up events, and other public forums to provide feedback and assist with developing the 15 percent plans; and

**WHEREAS**, City of White Bear Lake staff has reviewed the 15 percent plans and has provided comments and direction on plan refinements; and

**WHEREAS**, Ramsey County has worked collaboratively with MnDOT, Metropolitan Council, and the Municipalities to address staff comments on the 15 percent plans; and

**WHEREAS**, Ramsey County is requesting that the Municipalities, as the agencies with local jurisdiction, provide a Resolution of Support or Letter of Support for the 15 percent plans; and

**WHEREAS**, the Municipalities will have additional opportunities to provide comments during the Environmental Assessment public comment period and on the subsequent 30%, 60% and 90% design plans prior to construction; and

**WHEREAS**, the City of White Bear Lake desires that Ramsey County, MnDOT, Metropolitan Council and the other Municipalities continue to work collaboratively with the City of White Bear Lake to address issues and work with City of White Bear Lake staff to satisfactorily resolve issues that have arisen or could arise as the Project design advances.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of White Bear Lake, Minnesota that the City of White Bear Lake provides its support for the 15 percent plans for the Rush Line BRT Project.

**RESOLUTION NO.:**

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

Ayes:

Nays:

Passed:

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Jo Emerson, Mayor

**ATTEST:**

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Kara Coustry, City Clerk

**From:** [Ellen Hiniker](#)  
**To:** [Kara Coustry](#)  
**Subject:** FW: request for resolution of support for Rush Line BRT 15% Plans  
**Date:** Thursday, April 9, 2020 2:34:19 PM

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**From:** Gitzlaff, Andrew J  
**Sent:** Friday, April 3, 2020 12:45 PM  
**To:** Ellen Hiniker <[ehiniker@whitebearlake.org](mailto:ehiniker@whitebearlake.org)>  
**Cc:** Fitzgerald, Cassie <[cassie.fitzgerald@co.ramsey.mn.us](mailto:cassie.fitzgerald@co.ramsey.mn.us)>; Alarcon, Frank J <[frank.alarcon@CO.RAMSEY.MN.US](mailto:frank.alarcon@CO.RAMSEY.MN.US)>; Witzig, Jeanne <[Jeanne.Witzig@kimley-horn.com](mailto:Jeanne.Witzig@kimley-horn.com)>; Beth Bartz <[bbartz@srfconsulting.com](mailto:bbartz@srfconsulting.com)>; Dammel, Rachel <[Rachel.Dammel@kimley-horn.com](mailto:Rachel.Dammel@kimley-horn.com)>; Anne Kane <[akane@whitebearlake.org](mailto:akane@whitebearlake.org)>; Paul Kauppi <[PKauppi@whitebearlake.org](mailto:PKauppi@whitebearlake.org)>  
**Subject:** resolution of support request for Rush Line BRT 15% Plans

Ellen,

As you are aware, Ramsey County Ramsey is leading the design of the Rush Line Bus Rapid Transit Project through the Environmental Analysis Phase; in partnership with the Minnesota Department of Transportation, the Metropolitan Council, Saint Paul, Maplewood, Vadnais Heights, Gem Lake, White Bear Lake and White Bear Township. The Environmental Analysis Phase includes the preparation of an Environmental Assessment. Ramsey County has been working collaboratively with the City of White Bear Lake and other stakeholders over the previous two years to resolve issues and develop a scope of work of project components (known as the 15% plans) for evaluation in the Environmental Assessment. Residents and businesses have participated in numerous committees, community meetings, pop-up events, and other public forums to provide feedback and assist with developing the 15 percent plans.

White Bear Lake staff have reviewed the 15 percent plans and have provided comments and direction on plan refinements to County staff. Ramsey County staff have worked collaboratively with White Bear Lake staff to address comments on the 15 percent plans. At this key milestone in the process, Ramsey County is requesting that White Bear Lake and the other Municipalities along the line, as the agencies with local jurisdiction, provide a Resolution of Support or Letter of Support for the 15 percent plans.

The City of White Bear Lake will have additional opportunities to provide comments during the Environmental Assessment public comment period anticipated to begin December of 2020 and on the subsequent 30%, 60% and 90% design plans prior to construction in 2024.

Please let us know if you have any questions or concerns. We are happy to provide support as needed to the City as you review this request.

Thank you,

**Andrew J. Gitzlaff, AICP, LEED AP** | Senior Transportation Planner  
Ramsey County

Economic Growth and Community Investment Service Team  
Public Works Department - Multimodal Planning  
Union Depot, Suite 200  
214 4<sup>th</sup> St. E  
Saint Paul, MN 55101  
651-266-2772

[andrew.gitzlaff@co.ramsey.mn.us](mailto:andrew.gitzlaff@co.ramsey.mn.us)

[www.ramseycounty.us](http://www.ramseycounty.us)



City of White Bear Lake  
Engineering Department

## MEMORANDUM

**To:** Ellen Hiniker, City Manager

**From:** Paul Kauppi, Public Works Director/City Engineer

**Date:** April 14, 2020

**Subject:** Award of Contract for the 2020 Street Reconstruction Project  
City Project Nos.: 20-01- & 20-06

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### SUMMARY

The City received five (5) bids for the 2020 Street Reconstruction Project on April 2, 2020 with T.A. Schifsky & Sons, Inc. of North St. Paul, Minnesota submitting the lowest base bid of \$1,490,523.14. A copy of the bid tabulation sheet is attached for reference. The low bid was 10% under the Engineer's Estimate. Based on our past experience with T.A. Schifsky & Sons, Inc., they are qualified to complete this work.

The bid also included unit prices for private driveway work which will be at the discretion of individual property owners who will pay separately for that work. Bid alternates A1, A3, and A5 provide unit prices for the extra driveway work and bid totals based on estimated quantities. We recommend that the Council award the contract with these driveway bid alternates included for a total amount of \$110,000.

It is recommended that the City Council accept the bid from T.A. Schifsky & Sons, Inc. for the 2020 Street Reconstruction Project.

### RECOMMENDED COUNCIL ACTION

Staff recommends the Council receive the bids and award a contract to T.A. Schifsky & Sons, Inc. for the total base bid amount of \$1,490,523.14 plus Bid Alternates A1, A3, and A5 in the amount of \$110,000 for a total contract of \$1,600,523.14

### ATTACHMENTS

Resolution

**RESOLUTION NO.:**

**RESOLUTION ACCEPTING BIDS AND AWARDING CONTRACT  
FOR THE 2020 STREET RECONSTRUCTION PROJECT  
CITY PROJECT NOS. 20-01 & 20-06**

WHEREAS, pursuant to resolutions of the City Council, specifications were drawn and advertisement for bids were made; and

WHEREAS, the following bids complying with the advertisement and specifications were received, opened, and tabulated according to law:

<b>Contractor</b>	<b>Total Base Bid</b>	<b>Alt Bid A1 Driveway 2" Bituminous</b>	<b>Alt Bid A3 Driveway 6" Concrete</b>	<b>Alt Bid A5 Sod</b>	<b>Alt Bid 2 Final Completion</b>
T.A. Schifsky & Sons, Inc.	\$1,490,523.14	\$45,000.00	\$56,000.00	\$9,000.00	\$0.00
Arnt Construction Co.	\$1,611,998.38	\$27,720.00	\$61,600.00	\$6,000.00	\$9,000.00
Bituminous Roadways, Inc.	\$1,827,584.70	\$13,500.00	\$54,600.00	\$7,200.00	\$20,000.00
Forest Lake Contracting, Inc.	\$1,658,540.42	\$49,500.00	\$77,000.00	\$6,000.00	\$25,000.00
Park Construction Co.	\$1,684,877.02	\$41,850.00	\$53,200.00	\$5,400.00	\$15,000.00

WHEREAS, it appears that T.A. Schifsky & Sons, Inc. is the lowest responsible bidder.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of White Bear Lake, Minnesota that:

1. The Mayor and City Clerk are hereby authorized and directed to enter into contract with T.A. Schifsky & Sons, Inc., in the amount of \$1,600,523.14 which includes the \$1,490,523.14 total base bid plus Bid Alternates A1, A3, and A5 in the amount of \$110,000.00 as approved by the City Council and on file in the office of the City Engineer.
2. The City Clerk is hereby authorized and directed to return forthwith to all bidders the deposits made with their bids, except that the deposits of the successful bidder and the next lowest bidder shall be retained until a contract has been signed.

**RESOLUTION NO.:**

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 Engineer's Office

# MEMORANDUM

**To:** Ellen Hiniker, City Manager

**From:** Paul Kauppi, Public Works Director/City Engineer

**Date:** April 14, 2020

**Subject:** Award of Contract for the 2020 Mill & Overlay Project  
City Project Nos.: 20-13

## SUMMARY

At the bid opening on March 25, 2020, six (6) bids were received for the 2020 Mill and Overlay Project with North Valley, Inc. of Elk River, Minnesota submitting the lowest base bid of \$1,395,475.78. A copy of the bid tabulation sheet is attached for reference. The low bid is 11% under our Engineer's Estimate. We believe North Valley, Inc. is qualified to complete this work; and we recommend that the City Council accept their bid and award the 2020 Mill and Overlay Project to them.

The bid also included unit prices for private driveway work which will be at the discretion of individual property owners who will pay separately for that work. Bid alternates A1, A2, and A3 provide unit prices for the extra driveway work and bid totals based on estimated quantities. We recommend that the Council award the contract with these driveway bid alternates included for a total amount of \$25,630.00.

This bid also included prices for parking lot repaving at Rotary Park, Podvin Park and Weyerhauser Park. Bid alternates 2, 3 and 4 provided unit prices for the extra parking lot work. We recommend that the Council award the contract with these parking lot alternates included for a total amount of \$147,987.82.

A review of the tabulation sheet demonstrates that we continue to experience very competitive bids on projects here in White Bear Lake.

## RECOMMENDED COUNCIL ACTION

Our recommendation is that the Council receive the bids and award a contract to North Valley, Inc. for the base bid amount of \$1,395,475.78 plus Bid Alternates A1, A2, and A3 in the amount of \$25,630.00 and Bid Alternates 2, 3 and 4 in the amount of \$147,987.82 for a total contract of \$1,569,039.60.

## ATTACHMENTS

Resolution

**RESOLUTION NO.:**

**RESOLUTION ACCEPTING BIDS AND AWARDING CONTRACT  
FOR THE 2020 MILL AND OVERLAY PROJECT  
CITY PROJECT NO. 20-13**

WHEREAS, pursuant to resolutions of the City Council, specifications were drawn and advertisement for bids were made; and

WHEREAS, the following bids complying with the advertisement and specifications were received, opened, and tabulated according to law:

<b>Contractor</b>	<b>Total Base Bid</b>	<b>Alt Bid A1 Driveway 2" Bituminous</b>	<b>Alt Bid A2 Driveway 6" Concrete</b>	<b>Alt Bid A3 Sod Type A (Handwork)</b>	<b>Alt Bid 2 Rotary Park Parking Lot</b>	<b>Alt Bid 3 Podvin Park Parking Lot</b>	<b>Alt Bid 4 Weyerhaeuser Park Parking Lot</b>
North Valley, Inc.	\$1,395,475.78	\$4,640.00	\$16,760.00	\$4,230.00	\$14,056.93	\$74,613.74	\$59,317.15
T.A. Schifsky & Sons, Inc.	\$1,437,778.51	\$20,000.00	\$2,400.00	\$5,000.00	\$25,260.00	\$100,833.60	\$82,794.00
Valley Paving Inc.	\$1,438,646.33	\$4,100.00	\$14,700.00	\$4,200.00	\$39,302.50	\$73,336.10	\$62,402.95
Park Construction	\$1,450,523.60	\$9,300.00	\$19,900.00	\$3,900.00	\$21,704.50	\$92,881.70	\$72,485.70
Minnesota Paving and Materials	\$1,506,157.04	\$18,480.00	\$23,160.00	\$3,790.00	\$19,776.84	\$80,912.57	\$64,971.26
Bituminous Roadways	\$1,512,498.50	\$4,800.00	\$17,600.00	\$3,200.00	\$19,142.00	\$86,545.80	\$75,832.40

WHEREAS, it appears that North Valley, Inc. is the lowest responsible bidder.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of White Bear Lake, Minnesota that:

1. The Mayor and City Clerk are hereby authorized and directed to enter into contract with North Valley, Inc., in the amount of \$1,569,039.60 which includes the \$1,395,475.78 total base bid plus Bid Alternates A1, A2 and A3 in the amount of \$25,630.00 and Bid Alternates 2, 3 and 4 in the amount of \$147,987.82 as approved by the City Council and on file in the office of the City Engineer.
2. The City Clerk is hereby authorized and directed to return forthwith to all bidders the deposits made with their bids, except that the deposits of the successful bidder and the next lowest bidder shall be retained until a contract has been signed.

**RESOLUTION NO.:**

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:** Ellen Hiniker, City Manager

**From:** Kerri Kindsvater, Finance Director

**Date:** April 9, 2020

**Subject:** Declaration of official intent to reimburse the City for certain expenditures from the proceeds of bonds to be issued for the 2020 Street Improvement Projects: 20-01, 20-02, 20-03, 20-04, 20-06 and 20-13

### BACKGROUND

IRS Regulation 1.150-2 requires the city to declare the possibility of financing its construction capital improvements with a bond sale at the time it approves a project. This formal declaration notifying the public that the city could sell bonds to finance construction projects does not require the city to go through with the bond sale.

### SUMMARY

As the City plans for the 2020 street improvement projects, the following schedule summarizes the anticipated project costs per the Engineering Department and the budgeted revenues, bond sale amount and special assessment calculations to give an overall view of the financial aspect of the projects.

Project Costs	\$ 3,580,105
Estimated Contingency	200,000
Total Project Costs	3,780,105
Interim Construction Fund Budgeted Resources	(938,000)
<b>Anticipated Bond Sale</b>	<b>2,842,105</b>
Property Owner Special Assessment Payments	(1,012,000)
City Share of Project Expenditures	<u>\$ 1,830,105</u>

Given these details, a preliminary bond schedule calculates the on-going annual levy to be in the range of \$123,000 and \$129,000 for 20 years to support the corresponding debt service. In this scenario, the maximum principal amount for the potential bond sale according to the amounts shown is \$3,000,000.

The attached resolution increases the maximum principal amount to \$3,500,000 to allow the City Council to add a downtown parking lot resurfacing project to the 2020 improvement given the change in community events this summer. The extra \$500,000 is considered a placeholder and

could be reduced or eliminated any time before the official bond sale as this declaration does not require the City to go through with the bond sale at the maximum principal amount. The calculation of the annual levy range listed above does not factor in the additional \$500,000 potential bond sale. The higher maximum provides the city with sufficient flexibility to bond for the city's expenditures and the special assessments to property owners within the project areas.

**RECOMMENDATION**

Staff recommends the City Council adopt the attached resolution to allow the sale of bonds with the maximum bond principal amount of \$3,500,000 to provide the city with the option to finance the 2020 street capital improvements through bond proceeds.

**ATTACHMENTS**

Resolution

**RESOLUTION NO.**

**DECLARING THE OFFICIAL INTENT OF THE  
CITY OF WHITE BEAR LAKE TO BE REIMBURSED FOR  
CERTAIN EXPENDITURES FROM THE PROCEEDS  
OF BONDS TO BE ISSUED BY THE CITY**

**WHEREAS**, the Internal Revenue Service has issued Treas. Reg. § 1.150-2 (the “Reimbursement Regulations”) providing that proceeds of tax-exempt bonds used to reimburse prior expenditures will not be deemed spent unless certain requirements are met; and

**WHEREAS**, the City of White Bear Lake expects to incur certain expenditures that may be financed temporarily from sources other than bonds, and reimbursed from the proceeds of tax-exempt bonds;

**WHEREAS**, the City has determined to make this declaration of official intent (“Declaration”) to reimburse certain costs from proceeds of bonds in accordance with the Reimbursement Regulations.

**NOW, THEREFORE**, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WHITE BEAR LAKE AS FOLLOWS:

1. The City proposes to undertake certain capital improvements to the City’s Street Improvement program referenced as the following projects: 20-01 Cottage Park Road/Circle Drive/Lakeview Avenue, 20-02 Sealcoating, 20-03 Crack sealing, 20-04 Parking Lot Reconstruction at the following parks: Rotary, Podvin, and Weyerhauser, 20-06 Bellaire Avenue, 20-13 Mill and Overlay, and a possible downtown parking lot reconstruction (the “Projects”).
2. The City reasonably expects to reimburse the expenditures made for certain costs of Projects from the proceeds of bonds in an estimated maximum principal amount of \$3,500,000. All reimbursed expenditures will be capital expenditures, costs of issuance of the bonds, or other expenditures eligible for reimbursement under Section 1.150-2(d) (3) of the Reimbursement Regulations.
3. This Declaration has been made not later than 60 days after payment of any original expenditure to be subject to a reimbursement allocation with respect to the proceeds of bonds, except for the following expenditures: (a) costs of issuance of bonds; (b) costs in an amount not in excess of \$100,000 or 5 percent of the proceeds of an issue; or (c) “preliminary expenditures” up to an amount not in excess of 20 percent of the aggregate issue price of the issue or issues that finance or are reasonably expected by the City to finance the project for which the preliminary expenditures were incurred. The term “preliminary expenditures” includes architectural, engineering, surveying, bond issuance, and similar costs that are incurred prior to commencement of acquisition, construction or rehabilitation of a project, other than land acquisition, site preparation, and similar costs incident to commencement of construction.

**RESOLUTION NO.**

4. This Declaration is an expression of the reasonable expectations of the City based on the facts and circumstances known to the City as of the date hereof. The anticipated original expenditures for Projects and the principal amount of the bonds described in paragraph 2 are consistent with the City's budgetary and financial circumstances. No sources other than proceeds of bonds to be issued by the City are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside pursuant to the City's budget or financial policies to pay such Project expenditures.
  
5. This Declaration is intended to constitute a declaration of official intent for purposes of the Reimbursement Regulations.

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

Ayes:  
Nays:  
Absent:  
Passed:

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Jo Emerson, Mayor

ATTEST:

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Kara Coustry, City Clerk



**City of White Bear Lake**  
City Engineer's Office

## *MEMORANDUM*

**To:** Ellen Hiniker, City Manager

**From:** Connie Taillon, P.E., Environmental Specialist/Water Resources Engineer

**Date:** March 19, 2020

**Subject:** **4th and Otter Birch Lake Iron Enhanced Sand Filter Project**

---

### **BACKGROUND / SUMMARY**

The City of White Bear Lake partnered with Vadnais Lake Area Water Management Organization (VLAWMO) in 2017 to identify and implement a water quality improvement project for Birch Lake. One area identified as a retrofit opportunity was the 4th Street and Otter Lake Road storm sewer outfall location.

On March 28, 2017 City Council approved \$6,000 to contribute towards the cost of a study to analyze stormwater treatment options to improve the stormwater quality entering Birch Lake from the 4th Street storm sewer. The study identified an iron enhanced sand filter as a feasible project.

On August 8, 2017, City Council adopt a resolution supporting a VLAWMO grant application for a BWSR Clean Water Grant to help fund the construction of the 4th and Otter Birch Lake iron enhanced sand filter project. VLAWMO received a \$97,000 BWSR Clean Water Grant in December 2017. The grant requires a 75/25 cash match from the partners.

VLAWMO's engineer completed construction plans this winter totaling \$50,354.41 in fees, and awarded a construction contract in February 2020 in the amount of \$111,292.25. With construction planned for this spring. The City included \$20,000 in its 2020 Storm Water Pollution Prevention Program budget for the City's share of the project costs.

### **RECOMMENDED COUNCIL ACTION**

Staff is requesting City Council's adoption of the attached resolution approving the allocation of \$20,000 from the 2020 Storm Water Pollution Prevention Program (SWPPP) fund budget for the City's share of the project costs for the 4th and Otter Birch Lake iron enhanced sand filter project.

### **ATTACHMENTS**

Resolution



**RESOLUTION NO.**

**RESOLUTION ORDERING EXPENDITURE FROM THE  
STORMWATER POLLUTION PREVENTION PROGRAM (SWPPP) FUND FOR  
ENGINEERING DESIGN AND CONSTRUCTION OF THE 4<sup>TH</sup> AND OTTER BIRCH  
LAKE IRON ENHANCED SAND FILTER PROJECT**

WHEREAS, the City has made a commitment to improve the water quality of all lakes, wetlands and streams within the City; and

WHEREAS, the City's existing stormwater system provides minimal stormwater runoff treatment prior to discharging into Birch Lake; and

WHEREAS, The Vadnais Lake Area Water Management Organization (VLAWMO) identified the City's 4th and Otter storm sewer outfall as contributing high phosphorus loads to Birch Lake; and

WHEREAS, the City made a commitment to partner with VLAWMO to contribute financially towards an analysis of retrofit opportunities and feasible treatment options to improve stormwater quality at 4th and Otter; and

WHEREAS, the analysis has identified an iron enhanced sand filter as a feasible project to reduce phosphorus loads entering Birch Lake from the 4<sup>th</sup> Street storm sewer; and

WHEREAS, the City fully supported a VLAWMO grant application for funding from the Board of Water and Soil Resources (BWSR) Clean Water Grant; and

WHEREAS, VLAWMO received a \$97,000 BWSR Clean Water Grant for the construction of an iron enhanced sand filter at 4<sup>th</sup> and Otter; and

WHEREAS, the BWSR Clean Water Grant requires a 75/25 cash match from local partners.

WHEREAS, the total engineering design and construction cost for the 4th and Otter iron enhanced sand filter project is \$161,647; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of White Bear Lake, that the City accepts participation in project completion and approves payment to VLAWMO from the City's SWPPP fund to cover \$20,000 of the total project cost as included in its 2020 Municipal Budget.

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

Ayes:

Nays:

Passed:

---

Jo Emerson, Mayor

ATTEST:

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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:** April 8, 2020

**Subject:** **Massage License Appeal and Public Hearing**

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### **BACKGROUND/SUMMARY**

On February 22, 2020, Jian Shi submitted an application for a massage establishment and massage therapist license. Ms. Shi intended to sublease a portion of Vita Day Spa to provide massage services, which is located 1979 Whitaker Street in White Bear Lake.

Through the course of the background investigation, conducted by the White Bear Lake Police Department, it was determined the applicant did not disclose that she had a business license through the MN Secretary of State for a business called Eastern Massage of Blaine with a residential address in Minneapolis. The City of Blaine had no record of this business. Upon further investigation, the City of Coon Rapids confirmed Ms. Shi was licensed from 2016 – 2018 at a business called The Image Creator. This information was also not included on either of Ms. Shi's applications.

On March 10, 2020, staff provided written notice stating that because the applicant failed to list all massage related licenses and employments for the past five years on the application, staff denied the license for massage therapy and is recommending to the Council denial of the massage establishment license. These actions were made pursuant City Ordinance Section 1127.110 Adverse License Action; Grounds, which states the following shall be grounds for license denial:

Subd. 6 The applicant provides false information in its application materials, fails to disclose information required on the application form, or provides false information to a city official during an inspection.

The City Council makes the establishment license determinations, which are final. The City Manager makes massage therapist license determinations, for which the applicant filed a timely written notice appealing staff's decision to deny her massage therapist license on March 16, 2020.

Staff provided Ms. Shi with notice of an Appeal Hearing to be held on April 14, 2020 with the White Bear Lake City Council, which will be conducted via Webex. Due to the COVID-19 Stay at Home order by the Governor, the applicant:

- 1) Attend with a Webex invitation (video conferencing) at 7pm (attended remotely through phone, laptop or computer)
- 2) Attend via a phone call at 7pm
- 3) Provide a written appeal to the City Council.
- 4) Withdraw the appeal altogether, which means that staff's denial the therapist license stands and the City Council will make a determination about your establishment license only during the April 14<sup>th</sup> meeting.

The applicant choose to submit a written letter of appeal rather than participate in a Council meeting. Her letter to the City Council is attached.

Should the Council uphold staff's therapist license determination and recommendation for denial of an establishment license, the applicant is not eligible to reapply for these licenses for one year from the date of the City Council's decision.

#### **RECOMMENDED COUNCIL ACTION**

Staff recommends Council adopt the attached resolution denying massage therapist and massage establishment licenses in White Bear Lake for Jian Shi.

#### **ATTACHMENTS**

Resolution

Applicant's letter of appeal

Supporting documents

**RESOLUTION NO.**

**RESOLUTION DENYING A  
MASSAGE ESTABLISHMENT LICENSE AND MASSAGE THERAPIST LICENSE**

**WHEREAS**, Chapter 1127 of the Municipal Code of the City of White Bear Lake (“City Code”) requires anyone desiring to practice as a massage therapist to obtain a massage therapist license (“Therapist License”);

**WHEREAS**, Jian Shi (“Applicant”) applied for a Therapist Establishment License and Therapist License to practice massage at a leased location within Vita Day Spa, located at 1979 Whitaker Street within the City of White Bear Lake (“City”);

**WHEREAS**, While the City Council makes determinations to deny Establishment Licenses, which are final, City Code, Section 1127.050, Subd. 7 indicates that applications for therapist licenses are acted on administratively by City staff, with an opportunity to appeal the denial of an application to the City Council;

**WHEREAS**, City staff reviewed the Applicant’s Therapist application and issued a denial, which is also staff’s recommendation to Council, because the applicant failed to provide a full account of related work history required by the application;

**WHEREAS**, City Code, Section 1127.110 provides a list of the grounds on which a license application may be denied, which includes the following:

Subd. 6 The applicant provides false information in its application materials, fails to disclose information required on the application form, or provides false information to a city official during an inspection.

**WHEREAS**, upon receipt of the therapist denial letter from the City, the Applicant submitted a timely written notice of appeal to bring an appeal of the denial before the City Council as provided in City Code, Sections 1127.050, Subd. 7 and 1127.115, Subd. 4;

**WHEREAS**, the City Council considered the application at its April 14, 2020 meeting and hereby finds and determines as follows:

- a. The staff memos, letters, and related reports regarding the license request are incorporated in and made part of this Resolution by reference (collectively, the “Staff Reports”);
- b. The City, in accordance with City Code, Chapter 1127 and the consent signed by the Applicant, conducted a background check on the Applicant;
- c. The Applicant explained she did not intentionally leave out information on her application;

## **RESOLUTION NO.**

- d. Massage therapy is a legitimate business and the City has licensed several such businesses and therapists within the City. However, the nature of the business, the potential for such businesses to be used as a front for illegal activities, and the difficulties related to identifying and enforcing violations occurring at massage therapy establishments compels the City Council to carefully scrutinize applications for massage business licenses and massage therapist licenses;
- e. The City has previously been required to act to close massage therapist businesses with therapists not operating in accordance with law and is aware of the costs associated with having to take such enforcement actions;
- f. The City Council is charged with protecting public health, safety, and welfare, including from the activities of businesses licensed by the City;
- g. Cities necessarily have broad authority to consider the circumstances surrounding a license application as part of deciding whether to approve a license;
- h. The City Council appreciates the Applicant's explanation, but the City must be consistent in its consideration of Massage License applications and it has consistently denied applicants who failed to disclose all the information required on the application;
- i. The City Council agrees that the Applicant's failure to disclose information required on the application form constitutes a violation of City Code, Section 1127.110, Subd. 6. This violation constitutes sufficient grounds on which to deny the application and the City Council determines that denying the application is appropriate in order to the protect public health, safety, and welfare;
- j. Under City Code, Section 1127.050, Subd. 8, a City Council decision to deny an application constitutes a final decision that is not subject to further appeal within the City.

**NOW, THEREFORE**, the City Council of the City of White Bear Lake, based on the application materials, the Staff Reports, the findings and determinations contained herein, and the record of this matter, hereby resolves as follows:

1. The Therapist License application submitted by Jian Shi for a massage therapist license in the City is hereby denied.
2. The Establishment License application submitted by Jian Shi for a massage establishment license in the City is hereby denied.
3. Pursuant to City Code, Section 1127.115, Subd. 5, the Applicant is not eligible to reapply for either massage related license for one year from the date of this Resolution.

**RESOLUTION NO.**

4. The City Clerk is hereby authorized and directed to provide the Applicant a copy of this Resolution to serve as notice of the denial.

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

Ayes:  
Nays:  
Passed:

---

Jo Emerson, Mayor

ATTEST:

---

Kara Coustry, City Clerk

04/03/2020

Dear City Council,

I am writing this to appeal the establishment license in White Bear Lake.

**section 1127.110**

**subd. 6**

**The applicant provides false information in its materials, fails to disclose information required on the application form, or provides false information to a city official during an inspection.**

I did not intentionally leave out information on my application nor mean to send an incomplete application. Below you will find all places I have worked. I pray you will approve my application for establishment license and my massage license.

2014-2017 Oriental massage

Address:

397 Northtown Dr, Blaine MN 55434

10/14/2016-12/31/2018 The image creator hair salon

Address:

337 Northdale Blvd NW, Coon rapid MN 55448

2017-present. Acupressure massage

Address:

8189 University Ave NE, Spring lake park MN 55432

Sincerely,

Jian Shi

375 83rd Ave NE Apt #6

Spring Lake Park, MN 55432



# White Bear Lake Police Department

## Memo



**To: Chief Julie Swanson**

**From: Angie Stewart**

**Date: 03/04/2020**

**Subject: Massage Establishment and Massage Therapist Background Investigation on Jian Shi for Jian Shi Massage.**

**WBLPD CN: 20003523**

Jian Shi Massage will be located at 1979 Whitaker St, White Bear Lake, MN. Ms. Shi will be subleasing space at Vita Day Spa.

On 03/4/2020 I completed a background investigation on Jian Shi for the purpose of massage establishment licensing and massage therapy licensing.

Ms. Shi Graduated from the American Academy of Acupuncture and Oriental Medicine in June Of 2015. The American Academy of Acupuncture and Oriental Medicine and their massage therapy program are not nationally accredited. The only programs offered by this school that is the Master's Degree in Oriental Medicine and the Master's Degree in Acupuncture. Please see the attached report from the MN Office of Higher Education, specifically page 19. Ms. Shi's name is listed as an Internship supervisor that the school did not provide a license for when asked for one in their investigation into the school. The School is facing permanent revocation at the end of March 2020.

Ms. Shi indicates that she has worked and been licensed to provide massage therapy at the Establishments: Oriental Massage 397 Northtown Dr. in Blaine, MN and Acupressure Massage 8189 University Ave., Spring Lake Park, MN. Ms. Shi's CLEAR report indicates that Ms. Shi had A business license through the MN secretary of State for a business called Eastern Massage Of Blaine with an address of 3621 39<sup>th</sup> Ave., S in Minneapolis, which is a residential Address. I contacted the Deputy City Clerk for the City of Blaine, Ms. Linda Sapp. Per Ms. Sapp's email Ms. Shi was licensed with the City of Blaine from 2013 through 2017 at Oriental Massage 398 Northtown Dr. and has never been licensed for Eastern Massage. At this point I decided to ask my licensing group if they had any contact with Ms. Shi. I received A response from Ms. Stephanie Lincoln with the City of Coon Rapids, she advised the Ms. Shi was licensed with them from 2016 through 2018 at a business called The Image Creator at 337 Northdale Blvd. NW in Coon Rapids. This business is a salon that provides massage

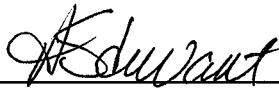
Therapy. Ms. Shi did not disclose this employment on her applications.

Ms. Shi has furnished the appropriate liability insurance through Veracity Insurance with an each occurrence of \$2,000,000.

Ms. Shi has a valid MN Driver's License. Ms. Shi has no MN criminal history. For licensing purposes we are not allowed to run a national check.

Ms. Shi's credit report is attached for your review.

Jian Shi does not meet the City of White Bear Lake's Massage Therapist License as well as the Massage Establishment Licensing qualifications set forth in ordinance 1127. The massage certificate program is not accredited with the MN Higher Education Board. Ms. Shi was also deceptive on both of her applications, failing to disclose her business and not disclosing a previous employer.



**Angie Stewart**

Attachments:

Application  
Credit Report  
Insurance  
Leasing Agreement



City of White Bear Lake  
4701 Highway 61  
White Bear Lake, MN 55110

*\$ 25.00 pd*  
*20003523*

City Clerk  
clerk@whitebearlake.org  
(651) 429-8508

### Massage Therapist License Application

It is unlawful for any person to perform as a massage therapist in the City of White Bear Lake without having first secured a license as provided in Chapter 1127 of the Municipal Code. Licenses are valid through March 31.

**Instructions:** Return completed application with requested copies of supporting documentation and payment.

- Attach verification of one of the following:
  - A. Current certification from National Certification Board for Therapeutic Massage and Bodywork;
  - or B. Membership with one of the following accredited professional associations:
    - a. American Massage Therapy Association (AMTA), or;
    - b. Associated Bodywork and Massage Professionals (ABMP)
  - C. Certification of graduation from an accredited institution, which is either registered with the MN Higher Education Office, or recognized by AMTA or ABMP.
- Attach proof of professional liability insurance with coverage of up to \$1,000,000 per occurrence.
- Attach \$100 cash or check payable to "City of White Bear Lake" (\$75 for the background check plus \$25 for the massage therapist license). Credit cards are not accepted.

1. Full Legal Name (Please print) JIAN SHI

2. Have you ever used or been known by any name other than your full legal name?  
 No  
 Yes, list each name along with dates and places where used: \_\_\_\_\_

3. Home Address \_\_\_\_\_  
(Street) (City) (State) (Zip)

4. Daytime Phone 612-578-2120 5. E-mail Annashi1973@gmail.com

6. Have you ever worked at a massage therapy establishment, been licensed as a massage therapist or practiced massage professionally?  
 No  
 Yes, list the past five years below. If you were licensed, include your license status (active, suspended, revoked, not renewed). Attach additional form(s) if needed.

Oriental Massage 397 Northtown Dr, Blain, MN 55434 (non active)  
Name of business Address of business Status of License

Acupressure Massage 8189 University Ave, Spring Lake Park, MN 55432 (active)  
Name of business Address of business Status of License

\_\_\_\_\_  
Name of business Address of business Status of License

\_\_\_\_\_  
Name of business Address of business Status of License

7. If suspended/revoked license listed above, provide the reason: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

8. Licensed Massage Therapy Establishment at which you expect to practice:

Jian Shi

Name of business

1979 Whitaker St, White Bear Lake, MN 55110

Address of business

**Background Check Authorization and Consent for Release of Consumer Credit Information**

Unless otherwise indicated, the data in this application will be used to approve your license or permit. Upon approval of the license or permit, the information contained in this application shall be deemed public unless classified as private by state law. Private data is available to you and the City or State who need this information to perform their duties, but is not available to the public. You are not legally required to provide this data, but the City may not be able to approve your license or permit if you do not provide it.

By signing below, you are acknowledging having received a copy of White Bear Lake Municipal Code 1127: "Massage Therapist/Massage Therapist Businesses" and have familiarized yourself with the provisions. You may sign up for "Notify Me" on the City's website at [www.whitebearlake.org](http://www.whitebearlake.org) to receive email notifications anytime the City posts a Public Notice. Public Notices may contain information relating to Ordinance revisions or updates, which could potentially modify business license fees and requirements.

Minnesota Statute section 270C, subd. 4 requires all licensing authorities to require applicants to provide their social security number or individual taxpayer identification number and Minnesota business identification number as applicable and to provide that information to the Minnesota Department of Revenue upon request. Under the Minnesota Government Data Practices Act and the Federal Privacy Act of 1974, the City is required to advise you of the following regarding the use of the information requested herein.

- 1. This information may be used to deny the issuance or renewal of your license in the event you owe Minnesota sales tax, employer's withholding or motor vehicle excise taxes;
- 2. Upon receiving this information, the licensing authority will supply it only to the Minnesota Department of Revenue. However, under the Federal Exchange of Information Agreement, the Minnesota Department of Revenue may supply this information to the Internal Revenue Service; and
- 3. Failure to supply this information may jeopardize or delay processing of your license or renewal.

I declare that the information I have provided on this application is truthful and I understand that falsification of answers or failure to provide the required data may result in denial of the application. I authorize the City of White Bear Lake to investigate and make whatever inquiries necessary to verify accuracy of the information provided. Please note that background checks may take up to 30 days to complete.

**By signing below, applicant agrees to this background check authorization above and authorizes the White Bear Lake Police Department to request a copy of your consumer credit report for purpose of conducting a license background investigation.**

Applicant's Signature: Jian Shi Date 2-27-2020

Social Security # [REDACTED] Date of Birth [REDACTED]

Attach copy of driver's license [REDACTED] State MN

If applicant has no driver's license, attach copy of government issued identification.



City of White Bear Lake  
4701 Highway 61  
White Bear Lake, MN 55110

20003523

City Clerk  
clerk@whitebearlake.org  
(651) 429-8508

\$100.00 R

### Massage Therapy Establishment License Application

It is unlawful for any person, firm or corporation to operate a massage therapist business in the City of White Bear Lake without having first secured a license as provided in Chapter 1127 of the Municipal Code. Licenses are valid through March 31.

**Instructions:** Return completed application with requested copies of supporting documentation and payment.

- Attach lease agreement (agreements should be contingent on an approved license).
- Attach proof of professional liability insurance with coverage of up to \$1,000,000 per occurrence.
- Attach proof of workers' compensation insurance.
- Attach \$100 cash or check payable to "City of White Bear Lake" (\$75 for the background check plus \$25 for the massage therapist license). Credit cards are not accepted.

1. Business Name Jian Shi

2. Business Address 1979 Whitaker St, White Bear Lake, MN 55110  
(Street) (City) (State) (Zip)

3. Business Phone 612-578-2120 4. Website \_\_\_\_\_

5. MN Tax ID Number [REDACTED] 6. Federal Tax ID Number \_\_\_\_\_

7. Business Owner(s) Jian Shi

8. Home Address [REDACTED], [REDACTED], MN [REDACTED]  
(Street) (City) (State) (Zip)

9. Daytime Phone 612-578-2120 10. E-mail Annashi1973@gmail.com

11. Have you ever used or been known by any name other than your legal name given above?  
 No  
 Yes, list each name along with dates and places where used: \_\_\_\_\_

12. Have you ever operated a massage therapy establishment, been licensed as a massage therapist or practiced massage professionally?  
 No  
 Yes, list the past five years below. If you were licensed, include your license status (active, suspended, revoked, not renewed). Attach additional form if needed.

<u>Oriental Massage</u>	<u>397 Northtown Dr, Blain, MN 55434</u>	<u>(non active)</u>
<small>Name of business</small>	<small>Address of business</small>	<small>Status of License</small>
<u>Acupressure Massage</u>	<u>8189 University Ave, Spring Lake Park, MN 55432</u>	<u>(active)</u>
<small>Name of business</small>	<small>Address of business</small>	<small>Status of License</small>
<small>Name of business</small>	<small>Address of business</small>	<small>Status of License</small>

Explain any revoked/suspended license(s): \_\_\_\_\_

## Background Check Authorization and Consent for Release of Consumer Credit Information

Unless otherwise indicated, the data in this application will be used to approve your license or permit. Upon approval of the license or permit, the information contained in this application shall be deemed public unless classified as private by state law. Private data is available to you and the City or State who need this information to perform their duties, but is not available to the public. You are not legally required to provide this data, but the City may not be able to approve your license or permit if you do not provide it.

By signing below, you are acknowledging having received a copy of White Bear Lake Municipal Code 1127: "Massage Therapist/Massage Therapist Businesses" and have familiarized yourself with its provisions. You may sign up for "Notify Me" on the City's website at [www.whitebearlake.org](http://www.whitebearlake.org) to receive email notifications anytime the City posts a Public Notice. Public Notices may contain information relating to Ordinance revisions or updates, which could potentially modify business license fees and requirements.

Minnesota Statute, section 270C, subd. 4 requires all licensing authorities to require applicants to provide their social security number or individual taxpayer identification number and Minnesota business identification number, as applicable, and to provide that information to the Minnesota Department of Revenue upon request. Under the Minnesota Government Data Practices Act and the Federal Privacy Act of 1974, the City is required to advise you of the following regarding the use the information requested herein:


1. This information may be used to deny the issuance or renewal of your license in the event you owe Minnesota sales tax, employer's withholding or motor vehicle excise taxes;
2. Upon receiving this information, the licensing authority will supply it only to the Minnesota Department of Revenue. However, under the Federal Exchange of Information Agreement, the Department of Revenue may supply this information to the Internal Revenue Service; and
3. Failure to supply this information may jeopardize or delay processing of your license or renewal.

I declare that the information I have provided on this application is truthful and I understand that falsification of answers or failure to provide the required data may result in denial of the application. I authorize the City of White Bear Lake to investigate and make whatever inquiries necessary to verify accuracy of the information provided.

**By signing below, applicant agrees to this background check authorization above and authorizes the White Bear Lake Police Department to request a copy of your consumer credit report for purpose of conducting a license background investigation. Attach additional background check authorization forms for each owner.**

Applicant's Signature: 

Social Security #  Date of Birth 

Attach copy of driver's license #  State *MN*  
If applicant has no driver's license, attach copy of government issued identification.

Please note: Background checks may take up to 30 days to complete. Once completed, the license determination is scheduled for consideration by the City Council, which can take an additional two weeks depending on timing. City Council meetings occur at 7:00 p.m. on the 2<sup>nd</sup> and 4<sup>th</sup> Tuesday's every month except December.

The American Academy of  
Acupuncture and Oriental Medicine  
upon recommendation of the graduation committee  
has conferred upon

**Jian Shi**

**The Certificate of Chinese Tuina Massage Program**

with all its privileges and obligations.

Given at Roseville, in the state of Minnesota,  
this twenty-second day of June, two thousand and fifteen.



Changzhen Gong, Ph.D.  
President

# **m** OFFICE OF HIGHER EDUCATION

February 22, 2020

Dr. Changzhen Gong  
American Academy of Acupuncture & Oriental Medicine (AAAOM)  
1925 West County Road B2  
Roseville, MN 55113

Sent via email and mail

Re: Massage Therapy program

Dear Dr. Gong:

Under the Minnesota Private and Out-of-State Public Postsecondary Education Act, the Minnesota Legislature has charged the Minnesota Office of Higher Education (OHE) with the authority to regulate degree-granting private institutions operating in Minnesota. Part of OHE's regulatory oversight is assuring the authenticity and legitimacy of private postsecondary educational institutions and programs, including reviewing, investigating, and taking appropriate action on an educational institution and its programs.

OHE received a notice from Brooklyn Park's Rental and Business Licensing Division of a concern into the authenticity and legitimacy of AAAOM's Tuina Massage program. After receiving the notice, OHE completed a data practice request on Brooklyn Park's licensing data for massage therapists with credentials from AAAOM. Brooklyn Park provided copies of transcripts from the following students:

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

Of these transcripts, OHE was not provided files for [REDACTED]. It is OHE's understanding that [REDACTED]'s application for licensure in Brooklyn Park was denied "due to omitting places of employment from their application with ties to prostitution." Only two students from the list above have not yet had their massage



therapist license revoked or deactivated for “ties to prostitution/trafficking”, but their current employer is listed on rubmaps.ch<sup>1</sup> with reviews, which is a link to prostitution.

Therefore, on November 4, 2019, OHE initiated an investigation into AAAOM’s massage therapy program. As OHE continued its investigation, OHE determined there is a theme of prostitution and/or human trafficking related to AAAOM students and/or internship sites. While OHE does not investigate or regulate prostitution and/or human trafficking, any links to prostitution and/or human trafficking indicate a lack of authenticity and legitimacy of a private postsecondary education institution and its programs.

On November 5, 2019, OHE made a site visit at AAAOM and requested the following documentation, due by November 18, 2019:

- *Copies of all student files from AAAOM’s massage therapy program, including the program taught in English and the program taught in Chinese*
- *The names of all employees with permissions and access to print transcripts*
- *The names of all employees with access to transcript paper and seals*
- *Hour logs for all massage therapy students*
- *List of any off-site clinical training sites and supervisor names*
- *Narrative that explains AAAOM’s recruiting and application screening process for the massage therapy program*
- *Copies of all advertisements used for the massage therapy program, including those used outside of the United States*
- *Ledger/student account statements for all massage therapy students. If any payments were made by check or money order, please include copies of those payments.*

On November 6, 2019, OHE requested the following documentation, due by November 18, 2019:

- *Copies of the exit exams for all students in the Chinese Tuina Massage program*
- *The names of all employees with permissions and access to print transcripts*
- *The names of all employees with access to transcript paper and seals*
- *The names and locations of all off-site clinical training supervisors*
- *A list of students for each off-site clinical training supervisor*
- *Narrative that explains AAAOM’s recruiting and application screening process for the massage therapy program*
- *Copies of all advertisements used for the massage therapy program, including those used outside of the United States*
- *Ledger/student account statements for all massage therapy students. If any payments were made by check or money order, please include copies of those payments. You should be able to request this*

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<sup>1</sup> rubmaps.com is a “forum based website which allows customers ... to discuss their individual experiences at illicit massage parlors.”

*information from your bank. If you do not maintain individual student ledgers, please explain why and the process for reconciling student payments and AAAOM's accounts receivables*

- *Detailed narrative of processing payments by check, cash, money order, or credit card*
- *Names of entities and persons that refer massage therapists to your program*
- *Records that validate clinical training experiences and technical skills*
- *Current student files in the Chinese Tuina program*

On November 20, 2019, OHE notified AAAOM of the following requests:

*Thank you for the submission of the requested documents on November 6, 2019. The following is an additional information request based on those submissions.*

- *Copies of the exit exams for all students in the Chinese Tuina Massage program*

*In your submission, you state that an exit exam is not a requirement for students to graduate.*

1. *Please provide documentation that validates that an exit exam is not required for student graduation.*
2. *How does AAAOM determine which students must complete the exit exam and which students do not need to complete the exit exam?*
3. *How are students notified of this policy and expectation?*
4. *There appears to be two versions of the exam. Please provide an explanation of the two versions and when each version was in use*
5. *Please provide a key for both versions of the exam*
6. *Please provide names and dates of individuals responsible for grading the exams*
7. *An explanation of what is a passing score for the test*
8. *An explanation of why multiple answers are accepted*

- *The names of all employees with permissions and access to print transcripts*

*At OHE's onsite visit, Cate Larson stated that she has no access to the student files or transcripts for the Chinese Tuina massage program. She made it abundantly clear that she had no involvement in the program. Please explain if this statement is accurate. If it is not accurate, please provide documentation that shows Cate Larson has full access to student information for students in the Chinese Tuina program. If available, provide documentation (like metadata) to show who has printed transcripts for students in the Chinese Tuina program.*

- *The names of all employees with access to transcript paper and seals*

*Provide information on who is Kristin Weston and her role. OHE also needs information on where transcript paper and seals are stored and information on how transcripts and certificates are issued. For example, are transcripts and certificates a word document template that is filled out manually or are the documents*

*generated from data within a student database. If transcripts and certificates are printed through a document template, where is that template stored.*

- *The names and locations of all off-site clinical training supervisors*

*In your submission, you state that you now use a credentialing form for off-site clinical training. Please provide copies of all completed credentialing forms. Additionally, provide a timeline of the “evolutionary process” of AAAOM’s process for approving off-site clinical training experiences and off-site supervisors.*

- *A list of students for each off-site clinical training supervisor*
- *Narrative that explains AAAOM’s recruiting and application screening process for the massage therapy program*
- *Copies of all advertisements used for the massage therapy program, including those used outside of the United States*
- *Ledger/student account statements for all massage therapy students. If any payments were made by check or money order, please include copies of those payments. You should be able to request this information from your bank. If you do not maintain individual student ledgers, please explain why and the process for reconciling student payments and AAAOM’s accounts receivables.*

*This request was not fulfilled in full. Please provide documentation of the account receivables from AAAOM’s bank accounts.*

- *Detailed narrative of processing payments by check, cash, money order, or credit card*
- *Names of entities and persons that refer massage therapists to your program*
- *Records that validate clinical training experiences and technical skills*

*The clinical training files, if present, in the student files do not contain a supervisor signature.*

1. *Please provide AAAOM’s policies and procedures for students to receive credit for off-site and on-site clinical training experience.*
2. *In addition, the site supervisor files are not legible. Please resubmit legible copies.*

- *Current student files in the Chinese Tuina program*

*The submissions include many duplicate files. Please review the submission and submit an accurate and separate record of currently enrolled students.*

*In addition to the new requests above, OHE is requesting the following:*

- *School catalog and/or student handbook for the Chinese Tuina program. The school catalog and student handbook loaded into EdVera is for the Masters and Doctorate program. All students must have*

*a school catalog and/or student handbook. If one is not used, please include the rationale and how AAAOM believes it is in compliance with Minn. Stat. §136A.65 subd. 4(9).*

- *Name and CVs of all instructors that have taught for the Chinese Tuina program*
- *1098-Ts for all Chinese Tuina students*

On December 16, 2019, OHE notified AAAOM that the following documents had not be provided and were due by December 23, 2019:

- *Off-site externship information; including name and location of site, name of person providing supervision to AAAOM students, list of students attending at off-site location*
  - o *Information provided to our office on November 18, 2019, was insufficient to meet this request.*
- *Page 4 of one of the exit exam answer key was missing from the documentation provided to OHE*
- *Hour logs for all Massage Therapy program students*
- *CV's for instructors currently teaching the curriculum courses for the Chinese-language Tuina Massage program*
  - o *The response sent to OHE on December 3, 2019, indicated the CV's were attached but I have been unable to locate a document containing this information*
- *Ledger/student account statements for all massage therapy students*
- *Information on how students enrolled in the Tuina Massage program are notified of the exit exam graduation requirement as the information provided to our office references a "Policy: Tuina Certificate Graduation Policy" updated in January 2017. This document is inconsistent with information provided in the online catalog as reviewed at your website today, December 16, 2019.*

As of December 23, 2019, AAAOM has failed to provide the following requests for documentation under Minn. Stat. 136A.64 subd. 3:

- *How students are notified of AAAOM's "updated" 2017 exit exam policy as the policy is inconsistent to the student catalog*
- *An explanation of how AAAOM reconciles student payments and its student account receivables (for accounting purposes)*
- *No statement of historical practices of evaluating and approving off-site internship sites*
- *No statement on the transcript seal storage location (or how)*
- *The name of the businesses of the clinical site list of 12/23/2019 list of clinical sites*
- *A timeline of the "evolutionary process" of AAAOM's process for approving off-site clinical training experiences and off-site supervisors*
- *The following student files:*
  - o *[REDACTED] (listed on the Internship 2019 and Account Statement-Tuition Payments 2019)*
  - o *[REDACTED]*
  - o *[REDACTED] (filed a transcript with Brooklyn Park)*
  - o *[REDACTED]*

- [REDACTED] (listed on the Internship 2019 and Account Statement-Tuition Payments 2019)
- [REDACTED] (listed on the Internship 2019 and Account Statement-Tuition Payments 2019)
- [REDACTED] (listed on the Internship 2019 and Account Statement-Tuition Payments 2019)
- [REDACTED] (listed on the Internship 2019 and Account Statement-Tuition Payments 2019)
- [REDACTED] (listed on the Internship 2019 and Account Statement-Tuition Payments 2019)
- [REDACTED] (Account Statement-Tuition Payments 2019 and 11/18/2019 submission #4)
- [REDACTED]

I. File Review

OHE found the following issues with AAAOM's 2019<sup>2</sup> student files:

- [REDACTED]
- The supervisor listed on the 12/23/2019 list of Internship Training Location lists Liping Yu, but there appears to be a different supervisor between 8/5/2019 and 8/8/2019, 8/15/2019 and 8/22/2019, 8/29/2019 and 9/2/2019, 9/10/2019, and 9/23/2019 and 10/01/2019
  - The 7/26/2019 payment is paid to the order "U.S. Bank"

- [REDACTED]
- There are two different receipts for the 5/24/2019 (stamps and signature have a different placement)
  - OHE is unable to validate the supervisor signature (in characters vs. pinyin on 12/23/2019 clinical list)

- [REDACTED]
- The site supervisor pre-signed for clinical experiences (on Tuina Treatment log with 5/24/2019)
  - There is a certificate of completion in the file for a [REDACTED] that student was a graduate in 2017 from LA Beauty School. [REDACTED] was denied a massage therapist license by Brooklyn Park due to ties with prostitution.

- [REDACTED]
- Inconsistent name on payment log provided on 12/23/2019 (Zhong Spratte)
  - Duplicate receipt for the 4/12/2019 payment, but it also has a handwritten note
  - Student addresses do not match
  - The student's requirement to take the comprehensive exam is not consistent with the submitted policy that students with lower than a B average had to take the comprehensive exam. This student only received A and B grades.

<sup>2</sup> In lieu of a full file review, OHE first focused on AAAOM's 2019 students on the Internship list or the Student Account Statement list

- Clinical hours are not completed correctly
- No validation of number of hours or patients to meet graduation requirements

- 2018 payments are attributed to the Account Statement-Tuition Payments 2019 (4/9/18 and 12/13/18 payments)
- Clinical supervisor signature/name changed throughout clinical site
- First 4/18/2019 payment was made before admissions application (12/13/2018)
- File included a Certificate of Completion from LA Beauty & Massage School for a 600-hr Therapeutic Massage Program from 6/15/2018

- Student is not listed in the 2019 data sheets (graduation and payments were made in 2019)

- Duplicate 8/5/2019 and 7/29/2019 receipts
- Cannot validate the signature/name of supervisor on the Tuina Treatment Log

- File contains an enrollment contract with costs from 2015, but it is not signed
- Duplicate receipts
- Student's Clinical Site and employer on the student application with Ying Liu is linked to prostitution<sup>3</sup>
- The Treatment Log does not break down time of the massages- it appears as though the student worked for 9 hours straight with no breaks

- 8/12/2019 Cash payment receipt is duplicative, but paid stamps are in a different location
- 7/05/2019 Check payment receipt is duplicative, but paid stamps are in a different location
- No copy of the 8/16/2019 check payment

- Two copies of the 7/22/2019 check
- Two copies of the 6/12/2019 check
- No receipt for the 7/3/2019 check
- It looks like student signed supervisor as supervisor's name was supposed to be Liping Yu

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<sup>3</sup> [https://www.swnewsmedia.com/shakopee\\_valley\\_news/news/owner-of-vogue-day-asian-massage-in-shakopee-charged-with/article\\_ff0002c6-1195-5ae4-ad17-b70f6c34f781.html](https://www.swnewsmedia.com/shakopee_valley_news/news/owner-of-vogue-day-asian-massage-in-shakopee-charged-with/article_ff0002c6-1195-5ae4-ad17-b70f6c34f781.html)

[REDACTED]

- Name is not consistent in file ([REDACTED] vs. [REDACTED])
- Payment for \$2500 was from Amazing Spa
- [REDACTED] owns [REDACTED]<sup>4</sup> and her letters of recommendation are the same people that are listed as her internship supervisor
- Payments in student file do not match Account Statement- Tuition Payments 2019

[REDACTED]

- Student completed program in 2015 and took additional classes in 2018
- Paid \$4500 for those additional classes in 2019. No validation of costs for those additional courses
- Amount paid on Account Statement- Tuition Payments 2019 (\$4,650 receipt, \$4500 on Account Statement provided on 12/23/2019, and \$4000 post-it note on the student's Application for Admission)
- No information in file on the reason for the additional coursework

[REDACTED]

- Transcript has a record of transfer hours, but there is no Transfer Credit Assessment Form or accompanying syllabi or transcript from previous school
- No copies of the 4/10/18 and 5/6/19 check
- No validation of cost of the program. Student only made \$4500 in payments.

All transcripts:

- No cumulative GPA to validate whether the comprehensive exam is required
- Tuina Treatment logs are not completed with number of hours and patients (which validates graduation requirements)
- There is no statement to the student on the cost of the program
- Need name of supervisors in characters and spelled out
- Few files have enrollment contract with the total costs of the program, signed

Other issues OHE identified in the files:

- No letters of recommendations on file
  - o [REDACTED]
  - o [REDACTED]
  - o [REDACTED]
  - o [REDACTED]
  - o [REDACTED]
  - o [REDACTED]

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<sup>4</sup> [REDACTED]. If [REDACTED] does own [REDACTED], it would be very problematic for her employees to be her internship supervisor.

Per the student catalog, two letters of recommendations are required for admission to AAAOM's Tuina Massage Program.

- Only one letter of recommendation on file
  - o [REDACTED]
  - o [REDACTED]
  - o [REDACTED]

Per the student catalog, two letters of recommendations are required for admission to AAAOM's Tuina Massage Program.

- Students who wrote letters of recommendation for prospective students<sup>5</sup>
  - o [REDACTED]
  - o [REDACTED]
- Letters of recommendations that are suspect
  - o [REDACTED]: both of the student's letters of recommendation have white out over the name on the first line and then writing of a different name
  - o [REDACTED]: Both letters of recommendation are the identical but for the signatures

Any level of review of the letters of recommendation as part of the admissions process should have triggered a response from AAAOM and delving deeper into the legitimacy of the student's application. OHE is concerned that the failure to appropriately review admission applications practice poses a threat to perpetuating prostitution and/or human trafficking.

- Transcripts do not have a number<sup>6</sup>
  - o [REDACTED]
  - o [REDACTED]
  - o [REDACTED]
  - o [REDACTED]
  - o [REDACTED]
  - o [REDACTED]
  - o [REDACTED]
  - o [REDACTED]
  - o [REDACTED]
  - o [REDACTED]
  - o [REDACTED]
  - o [REDACTED]
  - o [REDACTED]

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<sup>5</sup> While not inherently problematic, OHE is concerned that this practice may pose a threat to perpetuating prostitution and/or human trafficking.

<sup>6</sup> The "numbering" of transcripts is inconsistent. No explanation was provided on this issue and it is unknown whether this is problematic.









- No student Date of Birth

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED] (missing year)
- [REDACTED]
- [REDACTED]

AAAOM has an obligation to ensure all students complete the admissions process as required. This includes fully completing the admissions application. Failure to provide date of birth also compromise's AAAOM's ability to match student records if any students have the same name or have name changes.

- No student Social Security Number

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

AAAOM has an obligation to ensure all students complete the admissions process as required. This includes fully completing the admissions application. Failure to provide a social security number also compromise's AAAOM's ability to match student records if any students have the same name or have name changes.

- Payments do not add up to \$7000

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]



- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED] (who appears to be one of the clinical site supervisors for [REDACTED])
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

Per AAAOM's 12/3/2019 letter, student "receipts are placed in student files". AAAOM has failed to consistently apply this requirement as students are shown to have graduated, but they do not have a record of making any payments on their program.

- Payments Exceed \$7000 (excluding noted incidentals like transcripts)
  - [REDACTED]
    - 9/27/16 payments records are duplicate (one is stamped and one is not)
    - The three 11/2/2016 payment records are duplicative, but stamps are in different locations on paper
    - There is no formal receipt for the 4/17/2017 payment of \$3,000, but it is listed on a Student Expense Report with the 9/27/2016 and 11/2/2016 payments
  - [REDACTED]
    - 6/16/17 check payment for \$4000
    - Two checks for \$3500 each
  - [REDACTED]
    - 4/11/2016 check for \$3500
    - 5/14/15 check for \$1000 (but this check appears to be for the student Ling Polley)
    - 8/19/216 check for \$3500
  - [REDACTED]
    - 6/26/2015 payment for \$3250
    - 1/5/2015 payment for \$4000







- [REDACTED]
- [REDACTED]
- [REDACTED] / [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

AAAOM has failed to validate and ensure students completed their internship hours when they did not require validation of internship hours and patient requirements, part of the Tuina Massage program requirements.

In addition to these issues, OHE has identified the following problems:

- The documents in the English-speaking students are different than the Chinese-speaking students.

English speaking students have an admission acceptance letter, student enrollment contract, admissions checklist for required documents, student clinical evaluation form, and full student account records (including a Customer QuickReport).

OHE approved AAAOM to operate the same Tuina program in Chinese and English, but it is evident that AAAOM was operated the two different programs with different admissions, evaluation, and graduation expectations, down to the student accounting and paperwork and documentation requirements<sup>8</sup>.

- It appears there may be credit card fees for tuition, but OHE has not seen any disclosures of these fees in AAAOM's schedule of fees, student catalog, or website.

As these fees were not disclosed to students, AAAOM must refund these charges to students and provide OHE confirmation of these refunds by March 22, 2020 as failure to provide a current schedule of fees, charges for tuition, required supplies, student activities, housing, and all other standard charges under Minn. Stat. §136A.65 subd. 4(a)(9)(iii):

- OHE saw no student payments for admission applications or graduation, as stated in the student catalog or found on the English Tuina student account records<sup>9</sup>.

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<sup>8</sup> In fact, the Chinese Tuina student files were not stored with registrar access. During the November 5, 2019 site visit, the Chinese Tuina students were kept in a locked closet in Dr. Gong's locked office. No staff or faculty, including the registrar, had access to the Chinese Tuina student files.

<sup>9</sup> OHE is concerned that this practice may be discriminatory, but OHE does not have jurisdiction over discrimination.

- AAAOM has been overcharging for transcripts. The Student Expense Report and the Student Catalog state that a student transcript costs \$15, but every student's Student Expense Report shows that students were charged \$25 for their transcript (the fee for the diploma).

Based on how the Student Expense reports were completed, AAAOM must process a \$10 refund to each impacted student. AAAOM must refund these charges to students and provide OHE confirmation of these refunds by March 22, 2020.

- AAAOM files did not have corresponding receipts or copies of checks or other payments and expense reports.

This issue contradicts AAAOM's 11/18/2019 letter that AAAOM issues students a receipt and a copy is placed in the student records. AAAOM is inconsistently applying this policy leading to question whether AAAOM's audited financials and 1098-T are accurate.

- No massage therapists licenses were provided for the following supervisors:

- o Cuiping Li
- o Zaibo Xia
- o Ying Li<sup>10</sup>
- o Chun Yan Fu
- o Xiaolin Wang
- o Huaimin Cahill
- o Jian Shi
- o Lanping Qiu
- o Saiman Zhu
- o Ruiqiao Mei
- o Donggen Liu<sup>11</sup>

- [REDACTED]'s internship site

- o No Circle Pines massage therapist license was provided for Zhengwei Qiu
- o A Maple Grove license was provided for Zhengwei Qiu and licenses were provided for Liu Therapeutic Massage and Annabel Liu, but these licenses do not match the information provided on the Chinese Tuina Class Internship and Supervisors<sup>12</sup>

- [REDACTED]'s internship site<sup>13</sup>

<sup>10</sup> Ying Li was arrested for prostitution on January 30, 2020 in Shakopee, MN

<sup>11</sup> It appears that [REDACTED] is associated with a revoked massage business license in White Bear Lake.

[https://www.presspubs.com/white\\_bear/news/massage-business-license-revoked/article\\_8a7185c6-03e7-11e9-a054-1b5fcb53f544.html](https://www.presspubs.com/white_bear/news/massage-business-license-revoked/article_8a7185c6-03e7-11e9-a054-1b5fcb53f544.html). Donggen Liu did not have a valid massage therapist license or a massage business license in 2019.

<sup>12</sup> OHE is concerned that the failure to validate these licenses practice may pose a threat to perpetuating prostitution and/or human trafficking.

<sup>13</sup> OHE is concerned that this practice may pose a threat to perpetuating prostitution and/or human trafficking.

- The address on the Chinese Tuina Class Internship and Supervisor's list is a residential address/home.
- The license provided for the Current Off-Campus Supervisor Licenses is a different business address.
- It is unclear where the student is completing their internship hours. If the internship is within a personal home, how is AAAOM ensuring the personal safety of its students?
- Shuping Batterson's address for their license does not match the license for Asian Body Massage LLC (no other 2019 Internship location is in Rochester)
- AAAOM's November 18, 2019 submission #5 list of off-site training supervisors is inconsistent with the Internship 2019 list
  - [REDACTED] is also listed as a student, but is also listed as a supervisor in submission #4
  - It appears that [REDACTED] is associated with a revoked massage business license in White Bear Lake. [https://www.presspubs.com/white\\_bear/news/massage-business-license-revoked/article\\_8a7185c6-03e7-11e9-a054-1b5fcb53f544.html](https://www.presspubs.com/white_bear/news/massage-business-license-revoked/article_8a7185c6-03e7-11e9-a054-1b5fcb53f544.html). [REDACTED] did not have a valid massage therapist license or a massage business license in 2019.

## II. Violations of the Minnesota Private and Out-of-State Public Postsecondary Education Act

- Failure to administer a program according to Minn. Stat. §136A.65 subd. 4(a)

Minn. Stat. §136A.65 subd. 4(a)(1) requires the school has the organizational framework with administrative and teaching personnel to provide its educational programs.

AAAOM operates several accredited and Title IV federal and MN State financial aid programs which require administrative and financial controls. AAAOM consistently operated the Tuina program outside of these administrative and financial controls. As AAAOM is aware of the internal control requirements of an accredited and Title IV program, OHE has concluded that the Tuina massage program was intentionally operated outside of the same administrative and financial controls required of Title IV and MN State financial aid programs.

For example, on 6/22/2000, AAAOM signed a SELF Loan Participation Agreement.<sup>14</sup> Part of that agreement, AAAOM agreed to be subject to the *Minnesota Financial Aid Manual*<sup>15</sup>. As part of participation in the SELF Loan, **schools must** maintain a student account for each student (G, page 116). Additionally, schools must provide the student with an itemized statement of the account at least annually and upon termination of enrollment. As emphasized above, this requirement is for the school, not just programs that participate in state financial aid programs<sup>16</sup>.

<sup>14</sup> A SELF Loan Agreement is used to establish a school's participation in OHE's student loan program.

<sup>15</sup> The most recent manual is the 2015-2016 Aid Year manual, found at <https://www.ohe.state.mn.us/pdf/FAManual/Archive/15-16FAManual.pdf>.

<sup>16</sup> It does not appear that the students from the Chinese Tuina program participated in any state financial aid programs.

As AAAOM failed to provide an explanation of how it reconciles student payments and AAAOM account receivables, OHE has determined AAAOM did not keep a student account for each Chinese Tuina student. OHE reviewed the English Tuina student files and the required student accounts were maintained. The spreadsheet process outlined in the 12/3/2019 letter to OHE does not include a statement of tuition and reconciliation between the tuition due and the payments made by or on-behalf of students.

OHE has found sufficient evidence that AAAOM violated Minn. Stat. §136A.65 subd. 4(a)(1) to substantially provide the organizational framework with administrative and teaching personnel to provide the educational programs due to AAAOM's:

- 1) Failure to maintain student accounts for the Chinese Tuina students a violation demonstrates that AAAOM did not offered under Minn. Stat. §136A.65 subd. 4(a)(1).
- 2) Chinese Tuina student receipt and payment inconsistencies
- 3) Chinese Tuina student admissions process inconsistencies
- 4) Failure to evaluate and approve Chinese Tuina student internship sites and supervisors
- 5) Failure to validate the number of internship hour and patients requirements for graduation

Minn. Stat. §136A.65 subd. 4(a)(3) requires that a school operates in conformity with generally accepted accounting principles according to the type of school. Minn. Stat. §136A.64 subd. 1(4) requires AAAOM to submit a fiscal balance sheet on an accrual basis, or a certified audit of the immediate past fiscal year including any management letters provided by the independent auditor. A review of the financial statements that ended December 31, 2018 that were submitted as part of AAAOM's most recent registration renewal, OHE found:

- An auditor's opinion contained the required language that the school's financials complied with U.S. GAAP
- As of the end of December 31, 2018, [REDACTED]. This is inconsistent with the Account Statement-Tuition Payments 2019 document provided to OHE. The document demonstrates that 2018 students made payments in 2019.
- It is OHE's understanding that the process AAAOM outlined in AAAOM's 11/18/2019 letter is not compliant with IRS 1098-T requirements. It is OHE's understanding that when a student make a personal payment towards tuition during the calendar year, then you have to be issued a 1098-T for that calendar year (not when the student completes their program). Therefore, if a student made payments in two or more calendar years was applied to tuition, that student has to receive a 1098-T for each of the years and by the date required by the IRS. Since the 1098-T is used to calculate the federal education tax credits on an individual's personal tax return, the need to follow the IRS regulations is clear.

OHE has sufficient evidence that AAAOM has failed to provide accurate accounting information to its accountants as its tuition, charges, and payments are not properly managed. Therefore, AAAOM's auditor's opinion that the school's financials complied with U.S. GAAP is based on false or inaccurate information and

AAAOM is not operating in conformity with general accepted accounting principles as required under Minn. Stat. §136A.65 subd. 4(a)(3).

Minn. Stat. §136A.65 subd. 4(a)(7)) requires the school uses only publications and advertisements which are truthful and do not give any false, fraudulent, deceptive, inaccurate, or misleading impressions about the school, its personnel, programs, services, or occupational opportunities for its graduates for promotion and student recruitment and (9) the school provides information to students and prospective students concerning: (i) comprehensive and accurate policies relating to student admission, evaluation, suspension, and dismissal.

OHE found discrepancies in AAAOM's published policy on evaluation of student work and graduation requirements for the Tuina program. For example, OHE received the following policies:

In the AAAOM catalog, submitted as part of AAAOM's annual renewal 2019-2020 **and** 2017-2018 renewal (pg. 46): "In order to complete the program and receive the certificate in Chinese Tuina Massage, students must meet the following requirements:

1. Complete all required coursework with at least a cumulative "C" average, and a clinical internship with an "S" grade.
2. Complete at least 40 treatments and 10 different cases utilizing Tuina techniques.
3. Satisfy all financial obligations to the Academy

While there are Academic Progress and Comprehensive Examination policies for the graduate programs, there is no statement policy within AAAOM's catalog that "Tuina students who obtained a lower than B average are required to take a Tuina exit exam. Tuina students who obtained B average or higher are not required to take an exam" as provided to OHE on 12/23/2019.

The 12/23/2019 provided policy is either in violation of §136A.64 subd 4(9)(i) that AAAOM provides information to students and prospective students on concerning comprehensive and accurate policies related to student evaluation or AAAOM submitted false, misleading, or incomplete information to the office under Minn. Stat. §136A.65 subd. 8(2). There is a conflict between AAAOM's website and the catalogs submitted through EdVera and the 12/23/2019 graduation policy that was allegedly in place since 2017. Furthermore, even if the 12/23/2019 graduation policy is used, there is no statement on what the passing score needed for the final score.

Furthermore, AAAOM provided no documentation that could demonstrate that AAAOM validated Tuina student completion of 40 treatments and 10 different cases utilizing Tuina techniques.

- Failure to provide requested information under Minn. Stat. §136A.64 subd. 3 &4;

Under Minn. Stat. §136A.64 subd. 3, the office may request additional information to determine the nature and activities of a school and subd. 4, the office may verify the accuracy of submitted information by inspection,

visitation, or any other means it considers necessary. As stated above, AAAOM failed to provide the following information<sup>17</sup>:

- How students are notified of AAAOM’s “updated” 2017 exit exam policy as the policy is inconsistent to the student catalog
- An explanation of how AAAOM reconciles student payments and its student account receivables (for accounting purposes)
- No statement of historical practices of evaluating and approving off-site internship sites
- No statement on the transcript seal storage location (or how the seals are secured)
- The name of the businesses of the clinical site list of 12/23/2019 list of clinical sites
- A timeline of the “evolutionary process” of AAAOM’s process for approving off-site clinical training experiences and off-site supervisors
- The following student files:
  - o [REDACTED] (listed on the Internship 2019 and Account Statement-Tuition Payments 2019)
  - o [REDACTED]
  - o [REDACTED] (filed a transcript with Brooklyn Park)
  - o [REDACTED]
  - o [REDACTED] (listed on the Internship 2019 and Account Statement-Tuition Payments 2019)
  - o [REDACTED] (listed on the Internship 2019 and Account Statement-Tuition Payments 2019)
  - o [REDACTED] (listed on the Internship 2019 and Account Statement-Tuition Payments 2019)
  - o [REDACTED] (listed on the Internship 2019 and Account Statement-Tuition Payments 2019)
  - o [REDACTED] (listed on the Internship 2019 and Account Statement-Tuition Payments 2019)
  - o [REDACTED] (Account Statement-Tuition Payments 2019 and 11/18/2019 submission #4)
  - o [REDACTED] n

OHE is particularly concerned about AAAOM’s refusal to provide a timeline of the “evolutionary process” of AAAOM’s process for approving off-site clinical training experiences and off-site supervisors. In AAAOM’s 12/13/2019 letter, AAAOM stated “presently a formal credentialing process is utilized.” As OHE has not received any completed credentialing forms, OHE is left to assume that the “evolutionary process” from 12/3/2019 was created only after OHE questioned AAAOM’s internship process in November and that AAAOM used no formal process to evaluate and approve student internship sites for the Chinese Tuina program. This practice poses a threat of prostitution and/or human trafficking to AAAOM’s students as several of the internship sites and supervisors are associated with prostitution and/or losing their personal and business massage licenses.

Based on the information above, OHE is revoking AAAOM’s registration under Minn. Stat. §136A.65 subd. 8 for the following reasons:

1. Violation of Minn. Stat. §136A.65 subd. 4(a)(1)
2. Violation of Minn. Stat. §136A.65 subd. 4(a)(3)

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<sup>17</sup> OHE made several requests twice, but did not receive the requested information.

3. Violation of Minn. Stat. §136A.65 subd. 4(a)(7)
4. Violation of Minn. Stat. §136A.65 subd. 4(a)(9)(i)
5. Violation of Minn. Stat. §136A.65 subd. 4(a)(9)(iii)
6. For providing false, misleading, or incomplete information (Minn. Stat. §136A.65 subd. 8(a)(2))
7. For refusing to supply reasonable information after a written request by the office (Minn. Stat. §136A.65 subd. 8(a)(4)).

AAAOM may appeal this order in accordance with Minnesota Chapter 14. AAAOM must submit its request for an appeal to OHE within 30 days of this order. While this order for revocation is not effective until the final determination of the filed appeal or the court orders immediate effect, OHE anticipates the school's closure under Minn. Stat. §136A.645.

AAAOM must submit the following documents to our office by **February 28, 2020**:

- Spreadsheet containing the following information for all student enrolled within the last 365 days:
  - Student Name
  - Mailing Address
  - School and Personal email address
  - Program Name
  - Number of credits completed
  - Number of credits remaining
  - Anticipated graduation date
  - Current enrollment status
- An electronic record of all student transcripts uploaded to:  
<https://www.ohe.state.mn.us/ssl/generic/index.cfm>  
Password: 9\*jHqLB7

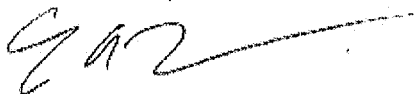
(If electronic records are unavailable, you must notify our office to arrange delivery of physical files.)

- Information on transfer credit or articulation agreements in place with other institutions
- Faculty information
- Course syllabi
- Student ledgers and Financial Aid information for students enrolled within the last 365 days

Lastly, OHE's legal counsel is Assistant Attorney General Marty Casserly. Ms. Casserly can be contacted at [marty.casserly@ag.state.mn.us](mailto:marty.casserly@ag.state.mn.us) or 651-757-1214.

If you have any questions or concerns, please contact me at (651) 259-3965 or [betsy.talbot@state.mn.us](mailto:betsy.talbot@state.mn.us).

Sincerely,



Betsy Talbot, Manager  
Institutional Registration & Licensing

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City of White Bear Lake  
Engineering Department

## MEMORANDUM

**To:** Ellen Hiniker, City Manager  
**From:** Paul Kauppi, Public Works Director/City Engineer  
**Date:** April 9, 2020  
**Subject:** **2020 Sanitary Sewer Lining Program, City Project No. 20-07**

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### **BACKGROUND**

Since 1994, the City has been installing liners in sanitary sewer mains which are difficult to maintain due to access constraints, root intrusion problems, frequent backup problems and/or pipe failures. Liners also seal pipe joints, preventing groundwater from entering the sewer main (known as “infiltration”). Installing liners rather than new pipe minimizes the cost because the liners do not require excavation of the roadway or easement area, disturbance of existing water, storm sewer or other private utilities or the disruption of service to customers.

### **SUMMARY**

The Engineering Department has prepared specifications for the 2020 Sanitary Sewer Lining Program (City Project No. 20-07). Various sewer mains have been identified as candidates for the 2020 Sanitary Sewer Lining Program. However, the Engineering and Public Works Departments will reevaluate sewer mains in the next several weeks in order to prioritize the best candidates for lining. All of the sanitary sewer mains recommended for lining in the 2020 Program are prone to root intrusion problems, have cracks in the pipe, misaligned joints or pipe failures which create flow restrictions or prevent routine maintenance operations.

The project is proposed to be funded from the Sewer Improvement Fund which provides \$125,000 in the 2020 Budget. Since 1994, the City has invested over \$2.0 million in sanitary sewer lining projects. These improvements have been a major factor (along with regular cleaning and inspection by the Public Works Department) in the reduction of sanitary sewer main backups. The liners prevent roots from entering the main through joints, cracks or broken pipes and improve flow by providing a smooth interior surface for the pipe. The liners also seal the sewer main in areas with high groundwater conditions which reduces the City’s sanitary sewer flow and thus billing from the Metropolitan Council Environmental Services.

### **RECOMMENDED COUNCIL ACTION**

Staff recommends that the Council approve the resolution ordering the 2020 Sanitary Sewer Lining Program and authorizing the project be advertised for bids.

### **ATTACHMENTS**

Resolution

**RESOLUTION NO.:**

**RESOLUTION ORDERING PROJECT, APPROVING PLANS AND AUTHORIZING  
ADVERTISEMENT FOR BIDS FOR THE 2020 SANITARY SEWER LINING PROGRAM  
CITY PROJECT NO. 20-07**

WHEREAS, the City Engineer has prepared plans and specifications for the 2020 Sanitary Sewer Lining Program – City Project 20-07, and has presented such plans and specifications to the City Council for approval.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of White Bear Lake, Minnesota that:

1. The City Engineer is hereby designated as the Engineer for this improvement and has prepared plans and specifications for the making of such improvements.
2. The plans and specifications are hereby approved.
3. The 2020 Sanitary Sewer Lining Program is hereby ordered.
4. The Public Works Director/City Engineer shall prepare and cause to be inserted in the official paper an advertisement for bids upon the making of such improvement under such approved plans and specifications. The advertisement shall be published for 10 days, shall specify the work to be done, and shall state that bids will be received by the Public Works Director/City Engineer. Bids will be publicly opened in the City Hall by the City Clerk and City Engineer, will then be tabulated and will be considered by the Council at 7:00 p.m. on Tuesday, May 26, 2020, in the Council Chambers.

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 Engineer's Office

## *MEMORANDUM*

**To:** Ellen Hiniker, City Manager

**From:** Paul Kauppi, Public Works Director/City Engineer

**Date:** April 14, 2020

**Subject:** **Ordering 2020 Crack Sealing Project  
City Project 20-03**

---

### **BACKGROUND / SUMMARY**

As part of the City's ongoing Pavement Management Program, the Engineering Department is preparing for the 2020 Crack Sealing Project. The City undertakes crack sealing projects on a regular basis to maintain the wearing surface of the streets and seal cracks to prevent water penetration into the base and subbase where it weakens the street and causes failures. It is important to seal the cracks in these streets before the surface degrades to a point where more extensive maintenance needs to be performed.

### **SUMMARY**

The crack sealing project involves cleaning of random cracks in bituminous street pavements with a router and then filling the cracks with a hot, liquid, rubberized sealant. The crack sealing process is accomplished ahead of the sealcoating operation so that the smaller random cracks not sealed by the crack sealing contractor are sealed by the seal coat emulsion. On streets that are 5 years old or have been resurfaced in the last 5 years, we are also evaluating the edge of the pavement along the lip of the concrete gutter. With any street, gaps can form along this joint over time. By sealing these gaps, water is prevented from penetrating into the base of the street.

Various streets have been identified as candidates for crack sealing in 2020. However, the Engineering and Public Works Departments will reevaluate all city streets in the next several weeks to determine if they remain good candidates for crack sealing this year, or if additional streets need to be added. The crack sealing project is proposed to be funded from the Construction Fund which provides \$100,000 in the 2020 budget. We anticipate crack sealing projects annually. These projects have been programmed into the Capital Improvement Plan.

### **RECOMMENDED COUNCIL ACTION**

Our recommendation is that the Council adopt the resolution ordering the 2020 Crack Sealing Project and authorizing advertisement for bids.

### **ATTACHMENTS**

Resolution

**RESOLUTION NO.**

**RESOLUTION ORDERING PROJECT, APPROVING SPECIFICATIONS  
AND AUTHORIZING ADVERTISEMENT FOR BIDS  
FOR THE 2020 CRACK SEALING PROJECT  
CITY PROJECT NO: 20-03**

WHEREAS, the City Engineer has prepared specifications for the 2020 Crack Sealing Project – City Project No. 20-03, and has presented such specifications to the City Council for approval.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of White Bear Lake, Minnesota that:

1. The City Engineer is hereby designated as the Engineer for this improvement and has prepared specifications for the making of such improvements.
2. The specifications are hereby approved.
3. The 2020 Crack Sealing Project is hereby ordered.
4. The Public Works Director/City Engineer shall prepare and cause to be inserted in the official paper an advertisement for bids upon the making of such improvement under such approved plans and specifications. The advertisement shall be published for 10 days, shall specify the work to be done, and shall state that bids will be received by the Public Works Director/City Engineer. Bids will be publicly opened in the City Hall by the City Engineer and City Clerk, will then be tabulated and will be considered by the Council at 7:00 p.m. on May 12, 2020, in the Council Chambers.

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 Engineer's Office

# *MEMORANDUM*

**To:** Ellen Hiniker, City Manager  
**From:** Paul Kauppi, Public Works Director/City Engineer  
**Date:** April 14, 2020  
**Subject:** **Ordering 2020 Miscellaneous Concrete Project  
City Project 20-05**

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## **BACKGROUND / SUMMARY**

The Engineering and Public Works Departments are preparing for the 2020 Miscellaneous Concrete Project by removing and repairing existing sections of concrete throughout the City. The City undertakes miscellaneous concrete projects on a regular basis to improve the overall appearance and safety of the concrete sidewalks, curbs and other concrete surfaces throughout the City.

## **SUMMARY**

In 2020, we are proposing miscellaneous concrete repairs in various locations throughout the city. Various locations have been identified as candidates for miscellaneous concrete repairs in 2020. However, the Engineering and Public Works Departments will reevaluate the city in the next several weeks to determine if they remain good candidates for repair this year, or if additional locations need to be added.

The miscellaneous concrete project is proposed to be funded from the Construction Fund which provides \$65,000 in the 2020 Budget. This year's project will also include repairing the entrance to Fire Station 2, where \$15,000 is proposed to be funded from the Municipal Building Fund. We anticipate continuing miscellaneous concrete projects annually. These projects have been programmed into the Capital Improvement Plan.

## **RECOMMENDED COUNCIL ACTION**

Our recommendation is that the Council adopt the resolution ordering the 2020 Miscellaneous Concrete Project and authorizing advertisement for bids.

## **ATTACHMENTS**

Resolution

**RESOLUTION NO.:**

**RESOLUTION ORDERING PROJECT, APPROVING SPECIFICATIONS  
AND AUTHORIZING ADVERTISEMENT FOR BIDS  
FOR THE 2020 MISCELLANEOUS CONCRETE PROJECT  
CITY PROJECT NO: 20-05**

WHEREAS, the City Engineer has prepared specifications for the 2020 Miscellaneous Concrete Project – City Project No.: 20-05 and has presented such specifications to the City Council for approval.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of White Bear Lake, Minnesota that:

1. The City Engineer is hereby designated as the Engineer for this improvement and has prepared specifications for the making of such improvements.
2. The specifications are hereby approved.
3. The 2020 Miscellaneous Concrete Project is hereby ordered.
4. The Public Works Director/City Engineer shall prepare and cause to be inserted in the official paper an advertisement for bids upon the making of such improvement under such approved plans and specifications. The advertisement shall be published for 10 days, shall specify the work to be done, and shall state that bids will be received by the Public Works Director/City Engineer. Bids will be publicly opened in the City Hall by the City Engineer and City Clerk, will then be tabulated and will be considered by the Council at 7:00 p.m. on May 26, 2020, in the Council Chambers.

The foregoing resolution, offered by Council Member \_\_\_\_\_, and supported by Council Member \_\_\_\_\_, 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 Engineer's Office

# *MEMORANDUM*

**To:** Ellen Hiniker, City Manager  
**From:** Paul Kauppi, Public Works Director/City Engineer  
**Date:** April 14, 2020  
**Subject:** **Ordering 2020 Bituminous Seal Coating Project  
City Project 20-02**

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## **BACKGROUND / SUMMARY**

The Engineering and Public Works Departments are preparing for the 2020 Bituminous Seal Coating Project by patching streets, contracting for joint and crack sealing and preparing specifications for seal coating. The City undertakes seal coating projects on a regular basis to maintain the wearing surface of the streets, seal small cracks to prevent water penetration and improve the overall appearance of the roadway.

## **SUMMARY**

In 2020, we are proposing to perform seal coating of City streets in various locations throughout the city. Some of these streets were last seal coated in 2013. Other streets are those which were reconstructed or milled & overlaid in 2014 and are now showing signs of wear. It is important to seal the surface of these streets before they degrade to a point where more extensive maintenance needs to be performed.

All proposed streets will be seal coated using a trap rock as the cover aggregate. The trap rock is a durable, hard, crushed rock which will provide a double surface with a nice appearance. The 2020 Bituminous Seal Coating Project will be completed in late July and August.

Various streets have been identified as candidates for seal coating in 2020. However, the Engineering and Public Works Departments will reevaluate all city streets in the next several weeks to determine if they remain good candidates for seal coating this year, or if additional streets need to be added. The streets which are proposed for rehabilitation (either reconstruction or mill & overlay) within the next five years have been excluded due to their planned improvements.

The seal coating project is proposed to be funded from the Construction fund which provides \$200,000 in the 2020 budget. We anticipate continuing seal coating projects annually. These projects have been programmed into the Capital Improvement Plan.

**RECOMMENDED COUNCIL ACTION**

Our recommendation is that the Council adopt the resolution ordering the 2020 Bituminous Seal Coating Project and authorizing advertisement for bids.

**ATTACHMENTS**

Resolution



**RESOLUTION NO.**

**RESOLUTION ORDERING PROJECT, APPROVING SPECIFICATIONS  
AND AUTHORIZING ADVERTISEMENT FOR BIDS  
FOR THE 2020 BITUMINOUS SEAL COATING PROJECT  
CITY PROJECT NO: 20-02**

WHEREAS, the City Engineer has prepared specifications for the 2020 Seal Coating Project – City Project No.: 20-02, and has presented such specifications to the City Council for approval.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of White Bear Lake, Minnesota that:

1. The City Engineer is hereby designated as the Engineer for this improvement and has prepared specifications for the making of such improvements.
2. The specifications are hereby approved.
3. The 2020 Seal Coating Project is hereby ordered.
4. The Public Works Director/City Engineer shall prepare and cause to be inserted in the official paper an advertisement for bids upon the making of such improvement under such approved plans and specifications. The advertisement shall be published for 10 days, shall specify the work to be done, and shall state that bids will be received by the Public Works Director/City Engineer. Bids will be publicly opened in the City Hall by the City Engineer and City Clerk, will then be tabulated and will be considered by the Council at 7:00 p.m. on May 12, 2020, in the Council Chambers.

The foregoing resolution, offered by Council Member \_\_\_\_\_, and supported by Council Member \_\_\_\_\_, was declared and carried on the following vote:

Ayes:  
Nays:  
Passed:

\_\_\_\_\_  
Jo Emerson, Mayor

ATTEST:

\_\_\_\_\_  
Kara Coustry, City Clerk

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Dear Ms. Coustry,

Dear Mayor & City Council Member,

We ask that you impose a moratorium on “small cells” and other wireless infrastructure permits process and deployment until the COVID-19 emergency is over.

The wireless providers are using the COVID-19 emergency as cover to expand and cement their rapid and virtually unsupervised deployment of harmful wireless infrastructure. Our local leaders should not have to dedicate time and resources to policing whether the wireless companies are following local and state law, they have far more important things to do.

The FCC wireless permit rules allow emergency moratoria. Homeland Security guidelines emphasize that maintenance of existing communications capability is the priority. New construction is not “essential.”

The COVID-19 emergency has led to a government shut down of non-essential activity. Hospitals, emergency response and local officials are overwhelmed and they must be allowed to focus on what is indeed “essential”. Now is not the time to be dedicating resources to expanding, rather than just maintaining, our networks.

The FCC has directly held a local jurisdiction can impose a temporary halt to deployment and permits during emergencies. In the Matter of Accelerating Wireline Broadband Deployment by Removing Barriers, FCC 18-111, 33 FCC Rcd 7705, 7784-7785, ¶157 (2018) (“We recognize that there may be limited situations in the case of a natural disaster or other comparable emergency where an express or de facto moratoria that violates section 253(a) may nonetheless be ‘necessary’ to ‘protect the public safety and welfare’ or to ‘ensure the continued quality of telecommunications services.’”)

Homeland Security has declared that local government is on the forefront and can take control over determining whether to temporarily halt all non-essential activity. Homeland Security guidance documents prioritize maintenance of existing Communications Systems, and do not support “essential” status for new construction. See Homeland Security Cybersecurity & Infrastructure Security Agency, Identifying Critical Infrastructure During COVID-19, <https://www.cisa.gov/identifying-critical-infrastructure-during-covid-19> (local control); e-Critical Infrastructure and Key Resources Support Annex, <http://www.fema.gov/pdf/emergency/nrf/nrf-support-cikr.pdf> (focus on “protection, response, recovery, and restoration”). Homeland Security, like the FCC, understands that it is essential in an emergency situations justify focusing on protecting, responding, recovering and restoring of existing systems, but new communications facilities construction is and should be deemed nonessential, and subject to lockdown for so long as we are under emergency conditions.

Cities can and should impose a moratorium on deployment in their local area and freeze the permit process until the COVID-19 emergency is over.