



AGENDA
REGULAR MEETING OF THE CITY COUNCIL OF
THE CITY OF WHITE BEAR LAKE, MINNESOTA
TUESDAY, JUNE 9, 2020
7:00 P.M. IN THE COUNCIL CHAMBERS

1. CALL TO ORDER AND ROLL CALL

2. APPROVAL OF MINUTES

A. Minutes of the Regular City Council Meeting on May 26, 2020

3. APPROVAL OF THE AGENDA

4. VISITORS AND PRESENTATIONS

A. Brad Falteysek – 2019 Audit Report

5. PUBLIC HEARINGS

Nothing scheduled

6. LAND USE

A Consent

1. Consideration of a Planning Commission recommendation for approval of a request by Therese Faison for a Special Home Occupation Permit at 4445 Lincoln Avenue (Case No. 20-1-SHOP)

B. Non-Consent

Nothing scheduled

7. UNFINISHED BUSINESS

Nothing scheduled

8. ORDINANCES

Nothing scheduled

9. NEW BUSINESS

A. Resolution authorizing Century Hills Housing Revenue Conduit Debt

B. Resolution accepting bids and awarding contract for the 2020 Sanitary Sewer Lining, City Project No. 20-07

10. CONSENT

- A. Acceptance of Minutes: April Environmental Advisory Commission, April Park Commission, May Planning Commission
- B. Resolution certifying miscellaneous private property assessment for recovery of City expenses
- C. Resolution approving massage establishment licenses
- D. Resolution approving a gambling premises license for Ski Otters at Admiral D's
- E. Resolution approving extension to compliance deadlines for a subsurface sewage treatment system

11. DISCUSSION

12. COMMUNICATIONS FROM THE CITY MANAGER

13. ADJOURNMENT



**MINUTES
REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF WHITE BEAR LAKE, MINNESOTA
TUESDAY, MAY 26, 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. The clerk took roll call attendance for Councilmembers: Doug Biehn, Kevin Edberg, Steven Engstran, Dan Jones and Bill Walsh. Staff in attendance were City Manager Ellen Hiniker, Assistant City Manager Rick Juba, Community Development Director Anne Kane, Public Works Director/City Engineer Paul Kauppi, Finance Director Kerri Kindsvater, City Clerk Kara Coustry and City Attorney Troy Gilchrist.

2. APPROVAL OF MINUTES

A. Minutes of the Regular City Council Meeting on May 12, 2020

It was moved by Councilmember **Edberg**, seconded by Councilmember **Biehn**, to approve the Minutes of the Regular City Council Meeting on May 12, 2020.

- Walsh Aye
- Biehn Aye
- Jones Aye
- Edberg Aye
- Engstran Aye

Motion carried unanimously.

3. APPROVAL OF THE AGENDA

City Manager Hiniker added Ling Becker with Ramsey County Workforce Development to Visitors and Presentations.

It was moved by Councilmember **Walsh** 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

A. Ling Becker, Ramsey County Workforce Development

Ms. Becker gave a presentation covering workforce statistics in Ramsey County as impacted by COVID-19.

5. PUBLIC HEARINGS

Nothing scheduled

6. LAND USE

Nothing scheduled

7. UNFINISHED BUSINESS

Nothing scheduled

8. ORDINANCES

Nothing scheduled

9. NEW BUSINESS

A. Resolution authorizing regulatory flexibility and use of city property by local businesses

City Manager Hiniker said this resolution formalizes past conversations in which Council unanimously supported relaxation of City's ordinances to support businesses temporarily operating in outdoor spaces. She said this would allow for faster administrative approval of outdoor liquor extensions.

Ms. Hiniker also mentioned the establishment of two outdoor community dining locations in the downtown area, one along Washington Avenue between 3rd and 4th Street, and one behind the Armory where a portion of that parking lot would be dedicated for general outdoor seating for consumption of food and beverage. She explained that materials are being sought for donations as Rotary and Public Works are in the process of creating picnic tables that would be spaced appropriately within those areas.

Ms. Hiniker noted several businesses have already reached out with their plans, with more expected. She stated the City will be coordinating these approvals with the State and City's Attorney to ensure the City is covered for liability in following with the Governor's Order.

Councilmember Biehn inquired about the time of day that public dining spaces and outdoor dining patios would be required to close. He expressed a desire to be flexible and allow them to be open after dark if it does not become a problem.

Councilmember Walsh received clarification from Ms. Hiniker that alcohol purchased from local restaurants and consumed in these public dining areas would be limited to that which can be purchased as take-out, as defined by the Governor's order. Alcohol consumption in these public downtown locations would be limited to wine and beer. He expressed support for this and stated this is a great marketing opportunity for the City.

It was moved by Councilmember **Biehn**, seconded by Councilmember **Jones** to adopt **Resolution No. 12590** authorizing regulatory flexibility and use of city property by local businesses.

Walsh Aye
Biehn Aye
Jones Aye
Edberg Aye
Engstran Aye

Motion carried unanimously.

- B. Resolution approving cooperative agreement PW 2019-16 with Ramsey County for County State Aid Highway (CSAH) 96 Trail Reconstruction, City Project No. 19-14

Public Works Director/City Engineer Kauppi reported that the City of White Bear Lake and Ramsey County would like to enter into a cooperative agreement for the trail reconstruction completed on County State Aid Highway (CSAH) 96 between White Bear Parkway and Birch Lake Boulevard South as part of the 2019 Mill and Overlay Project. He explained this agreement splits major construction costs equally between the City and the County, but the City is responsible for all routine maintenance after the trail is constructed. Mr. Kauppi said that a cooperative agreement is required in order to receive the County's share of the funding, which is \$29,399.76.

It was moved by Councilmember **Jones**, seconded by Councilmember **Walsh** to adopt **Resolution No. 12591** approving cooperative agreement PW 2019-16 with Ramsey County for County State Aid Highway (CSAH) 96 Trail Reconstruction, City Project No. 19-14.

Walsh Aye
Biehn Aye
Jones Aye
Edberg Aye
Engstran Aye

Motion carried unanimously.

- C. Resolution approving cooperative agreement PW2019-15 with Ramsey County for White Bear Avenue (County State Aid Highway 65) Trail Reconstruction, City Project No. 19-14

Public Works Director/City Engineer Kauppi reported that the City of White Bear Lake and Ramsey County would like to enter into a cooperative agreement for the trail reconstruction completed on White Bear Avenue County State Aid Highway (CSAH 65) between Truck

Highway 61 and South Shore Boulevard as part of the 2019 Mill and Overlay Project. He explained this agreement splits major construction costs equally between the City and the County, but the City is be responsible for all routine maintenance after the trail is constructed. Mr. Kauppi said that a cooperative agreement is required in order to receive the County's share of the funding, which is \$43,632.30.

Councilmember Jones opposed the agreement because this trail goes to nowhere, nobody will use it, and the City should not take responsibility for it.

It was moved by Councilmember **Walsh**, seconded by Councilmember **Engstran** to adopt **Resolution No. 12592** approving cooperative agreement PW2019-15 with Ramsey County for White Bear Avenue (County State Aid Highway 65) Trail Reconstruction, City Project No. 19-14.

Walsh Aye
Biehn Aye
Jones Nay
Edberg Aye
Engstran Aye

Motion carried..

10. CONSENT

Nothing scheduled

11. DISCUSSION

Nothing scheduled

12. COMMUNICATIONS FROM THE CITY MANAGER

- The City is beginning to reopen many facilities including the marina and park bathrooms. Furniture has been placed on the boardwalk. Ice is going back in at the Sports Center to support indoor ice activities.
- License Bureau has begun appointments for driver's license and plate transfers in addition to drop-box services. Appointments are open 30 days out, so each new day provides an opportunity to make an appointment on the 30th day.
- Appointments will continue to be encouraged as City Hall reopens doors on June 1st, with staggered staffing, and masks and social distancing requirements by staff and customers.
- Ramsey Washington Suburban Cable Channels Council Chambers is working through logistics of mixed media meetings. Until this equipment has been procured and installed, those wishing to attend City Council meetings in the Chambers will need to continue utilizing Webex and headsets for meetings, while the City continues to provide remote public meeting attendance options to the public.
- Community Development Director Kane
 - An application was received from a developer for future redevelopment of the Rock Pointe-Church property (County Road E, east of Bellaire) currently under a five year

lease with Level Up Academy. They would seek a neighborhood mixed guiding for the property to allow multi-family. The concept depicts multi-family near County Road E, with townhomes further down, transitioning to adjacent single family homes. At staff's request, the applicant has scheduled a neighborhood meeting, which unfortunately conflicts with the June 2nd Work Session at 6:00 p.m. Staff will send out this appointment notice for the attendance of interested Councilmembers.

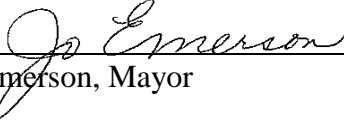
- Another development proposal will be discussed in a future work session regarding one of the corners at County Road E and Bellaire.
 - Ms. Hiniker noted that staff will seek opportunities to tack on shorter work session topics prior to light agenda meetings throughout the summer.
- Public Works Director/City Engineer Kauppi
- Construction projects are moving quickly with concrete and curb work done on Bellaire Avenue and paving possibly this week weather depending. Cottage Park work is completed with curbing next week and paving soon after. One-third done with the mill and overlay projects.

13. ADJOURNMENT

There being no further business before the Council, it was moved by Councilmember **Jones** seconded by Councilmember **Biehn** to adjourn the regular meeting at 8:07 p.m.

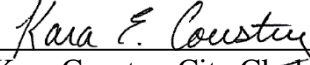
Walsh Aye
Biehn Aye
Jones Aye
Edberg Aye
Engstran Aye

Motion carried unanimously



Jo Emerson, Mayor

ATTEST:



Kara Coustry, City Clerk



City of White Bear Lake
Community Development Department

MEMORANDUM

To: Ellen Hiniker, City Manager

From: The Planning Commission

Through: Samantha Crosby, Planning & Zoning Coordinator

Date: June 3, 2020 for the June 9, 2020 City Council Meeting

Subject: **Faison Special Home Occupation Permit –4445 Lincoln Avenue
Case No. 20-1-SHOP**

REQUEST

Special Home Occupation Permit to operate a massage therapy business out of a triplex residence.

SUMMARY

No one from the public spoke. On a 5-0 vote, the Planning Commission recommended approval as requested by the applicant.

RECOMMENDED COUNCIL ACTION

Approval of the attached resolution.

ATTACHMENT

Resolution of Approval

RESOLUTION NO.

**RESOLUTION APPROVING
A SPECIAL HOME OCCUPATION PERMIT FOR THERESE FAISON
AT 4445 LINCOLN AVENUE
WITHIN THE CITY OF WHITE BEAR LAKE, MINNESOTA**

WHEREAS, a proposal (20-1-SHOP) has been submitted by Therese Faison to the City Council requesting a Special Home Occupation Permit of the City of White Bear Lake for the following location:

LOCATION: 4445 Lincoln Avenue

LEGAL DESCRIPTION: Lot 3, Block 23, Ramaley Park, Ramsey Co. Minn.
(PID # 233022210057)

WHEREAS, THE APPLICANT SEEKS THE FOLLOWING RELIEF: A Special Home Occupation Permit to allow a massage therapy business out of a triplex, per Code Section 1302.120, Subd.4; and

WHEREAS, the Planning Commission has held a public hearing as required by the city Zoning Code on May 18, 2020; and

WHEREAS, the City Council has considered the advice and recommendations of the Planning Commission regarding the effect of the proposed variance upon the health, safety, and welfare of the community and its Comprehensive Plan, as well as any concerns related to compatibility of uses, traffic, property values, light, air, danger of fire, and risk to public safety in the surrounding areas;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of White Bear Lake that the City Council accepts and adopts the following findings of the Planning Commission:

1. The proposal is consistent with the city's Comprehensive Plan.
2. The proposal is consistent with existing and future land uses in the area.
3. The proposal conforms to the Zoning Code requirements.
4. The proposal will not depreciate values in the area.
5. The proposal will not overburden the existing public services nor the capacity of the City to service the area.
6. Traffic generation will be within the capabilities of the streets serving the site.
7. That the special conditions attached in the form of a conditional use permit are hereby approved.

FUTHER, BE IT RESOLVED, that the City Council of the City of White Bear Lake hereby approved the request, subject to the following conditions.

1. All application materials, maps, drawings, and descriptive information submitted with this application shall become part of the permit.
2. Per Section 1302.120, Subd.3, if within one (1) year after granting the Home Occupation Permit, the use as allowed by the permit is not established, the permit shall become null and void unless a petition for an extension of time in which to complete or utilize the use has been granted by the City Council. Such petition shall be requested in writing and shall be submitted at least 30 days prior to expiration.
3. This permit is issued for a one-year period with the expiration date being **June 9, 2021**, before which the permit may be renewed, in accordance with the procedural requirement of the initial home occupation.
4. The applicant shall not have the vested right to a permit by reason of having obtained a previous permit. In applying for and accepting a permit, the permit holder agrees that her monetary investment in the home occupation will be fully amortized over the life of the permit and that a permit renewal will not be needed to amortize the investment. Each application for the renewal of a permit will be considered *de novo* without taking into consideration that a previous permit has been granted. The previous granting of renewal of a permit shall not constitute a precedent or basis for the renewal of a permit.
5. Permits shall not run with the land and shall not be transferable.
6. The business shall comply with all provisions of the Home Occupation Section of the Zoning Code (Section 1302.125).
7. The applicant shall comply with applicable building, fire and health department codes and regulations.
8. The applicant shall transfer her current business license to the new location.

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

Approval is contingent upon execution and return of this document to the City Planning Office.

I have read and agree to the conditions of this resolution as outlined above.

Therese Faison

Date



City of White Bear Lake
Finance Department

MEMORANDUM

To: Ellen Hiniker, City Manager

From: Kerri Kindsvater, Finance Director

Date: June 4, 2020

Subject: **Additional Century Hills Housing Revenue Conduit Debt Authorization**

BACKGROUND/SUMMARY

The City Council adopted a resolution authorizing the preliminary approval of conduit debt to the Century Hills Partners Limited Partnership for acquisition rehabilitation, and equipment of a 55 unit existing multifamily rental facility located at 3525 Century Ave North (the “Project”) at the December 11, 2018 meeting. With that approval, the City issued revenue conduit bonds for the Project in the form of its Multifamily Housing Revenue Note (Century Hills Townhouses Project), Series 2019 in the original aggregate principal amount of \$6,000,000 on May 8, 2019 to provide short-term tax-exempt financing for the Project. The Borrower intended to refinance the short-term tax-exempt financing with permanent tax-exempt financing before the 2019 yearend; however, the permanent bonds were not issued. No construction has started yet due to an increase in project costs. Therefore, the Borrower is requesting the City issue additional conduit revenue bonds on a tax-exempt basis in an amount not to exceed \$250,000.

Before the issuance of the additional conduit revenue bonds in the amount of \$250,000, the City and the Borrower must obtain additional bonding authority allocation from the State of Minnesota Department of Management and Budget. Issuing the additional bonds will also require a new public hearing.

The current request is for the City Council to adopt a resolution, which authorizes appropriate action to prepare an amendment to the housing program and submit an application for additional bonding authority in the amount of \$250,000 from the State in accordance with Section 146 of the Code and Minnesota. If additional bonding authority is obtained from the State, the Borrower anticipates that a public hearing will be held later this year on the issuance of conduit revenue bonds in an amount not to exceed \$6,250,000 to refinance the Prior Note and to finance the additional project costs. At that time, the Council will be asked to consider approving a resolution authorizing the issuance of bonds.

The bonds will not constitute either a general or a moral obligation of the City. Any taxing authority or power of the City will not secure the bonds. The bonds will have no impact on the City’s credit rating. The bonds will not be issued as bank-qualified and will have no impact on the City’s future bond issues. Century Hills agrees to pay all out of pocket expenses as well as

the City's administrative fee. Gina Fiorini of Kennedy & Graven will be present to address any questions related to the bonds.

RECOMMENDATION

It is recommended the City Council adopt the attached resolution authorizing the preliminary approval to issue additional revenue obligations to complete the acquisition, rehabilitation, and equip of the 55 unit existing multifamily rental facility located at 3525 Century Ave North.

ATTACHMENTS

Resolution
Supporting letter

CITY OF WHITE BEAR LAKE, MINNESOTA

RESOLUTION NO. _____

RESOLUTION PROVIDING PRELIMINARY APPROVAL TO THE ISSUANCE OF REVENUE OBLIGATIONS UNDER MINNESOTA STATUTES, CHAPTERS 462C AND 474A, AS AMENDED, AND TAKING OTHER ACTIONS IN CONNECTION THEREWITH

BE IT RESOLVED by the City Council (the “City Council”) of the City of White Bear Lake, Minnesota (the “City”), as follows:

Section 1. Recitals.

1.01. Pursuant to Minnesota Statutes, Chapter 462C, as amended (the “Housing Act”), the City is authorized to carry out the public purposes described in the Housing Act by providing for the issuance of revenue bonds to provide funds to finance or refinance multifamily housing developments.

1.02. Century Hills Partners Limited Partnership, a Minnesota limited partnership or an affiliate (the “Borrower”), has proposed to acquire, rehabilitate, and equip an approximately 55-unit existing multifamily rental housing facility located at 3525 Century Avenue North in the City (the “Project”).

1.03. On December 11, 2018, the City Council adopted a preliminary resolution (the “Preliminary Resolution”) providing preliminary approval for the City to issue revenue obligations, in one or more series, in an amount not to exceed \$6,000,000 under the Act and lend the proceeds thereof to the Borrower and authorizing the submittal of an application for an allocation of bonding authority to Minnesota Management and Budget (“MMB”) pursuant to the requirements of Minnesota Statutes, Chapter 474A, as amended (the “Allocation Act”) and Section 146 of the Internal Revenue Code of 1986 (the “Code”).

1.04. The Issuer received Certificate of Allocation No. 343 from MMB allocating volume cap bonding authority to the City in the amount of \$6,000,000.

1.05. The City Council adopted a housing program providing the information required by Section 462C.03, subdivision 1a of the Act (the “Housing Program”) regarding the issuance by the City of one or more revenue obligations in the maximum principal amount of \$6,000,000 to finance the Project.

1.05. On May 8, 2019, the City issued its Multifamily Housing Revenue Note (Century Hills Townhouses Project), Series 2019 (the “Prior Note”) in the original aggregate principal amount of \$6,000,000 to finance the Project. The Prior Note was issued to provide short-term financing for the Project and the Borrower anticipates that the Prior Note will be refinanced by permanent financing later this year.

1.06. The Borrower has determined that the costs of the Project have increased and the Borrower is now requesting that the City issue additional revenue bonds or other obligations in the approximate aggregate principal amount of up to \$250,000 (the “Bonds”) to provide additional financing for the Project. It is anticipated that the Bonds will be issued as part of an issue of revenue bonds or other obligations in an aggregate principal amount of up to \$6,250,000 for the purposes of (i) refunding the Prior Note and financing the Project; (ii) funding one or more reserve funds to secure the timely payment of the Bonds, if necessary; (iii) financing interest on the Bonds during the construction of the Project, if necessary; and (iv) paying the costs of issuing the Bonds.

1.04. As a condition to the issuance of the Bonds, the City must amend the Housing Program providing the information required by Section 462C.03, subdivision 1a of the Housing Act. The City Council must also grant preliminary approval of the issuance of the Bonds to finance the multifamily rental housing development referred to in the Housing Program.

1.05. Under Section 147(f) of the Code, prior to the issuance of the Bonds, the City Council must conduct a public hearing after one publication of notice in a newspaper circulating generally in the City at least fourteen (14) days before the hearing. Under Section 462C.04, subdivision 2 of the Housing Act, a public hearing must be held on the amended Housing Program after one publication of notice in a newspaper circulating generally in the City at least fifteen (15) days before the hearing.

1.06. Pursuant to Section 146 of the Code, the Bonds must receive an allocation of additional bonding authority of the State of Minnesota. An application for such an allocation must be made pursuant to the requirements of the Allocation Act. The City Council must grant preliminary approval to the issuance of the Bonds to finance the Project and authorize the submission of an application to the office of MMB for an allocation of additional bonding authority with respect to the Bonds to finance the Project.

Section 2. Preliminary Findings. Based on representations made by the Borrower to the City to date, the City Council hereby makes the following preliminary findings, determinations, and declarations:

(a) The Bonds will finance a multifamily housing development designed and intended to be used for rental occupancy.

(b) The proceeds of the Bonds will be loaned to the Borrower and the proceeds thereof, along with other available funds, will be used to finance the Project, finance capitalized interest during the construction of the Project, fund required reserve funds, and pay costs of issuing the Bonds. The City will enter into one or more loan agreements (or other revenue agreement) with the Borrower requiring loan repayments from the Borrower in amounts sufficient to repay the loan of the proceeds of the Bonds when due and requiring the Borrower to pay all costs of maintaining and insuring the Project, including taxes thereon.

(c) In preliminarily authorizing the issuance of the Bonds, the City's purpose is and the effect thereof will be to promote the public welfare of the City and its residents by retaining and improving multifamily housing developments and otherwise furthering the purposes and policies of the Housing Act.

(d) The Bonds will be special, limited obligations of the City payable solely from the revenues pledged to the payment thereof, will not be a general or moral obligation of the City, and will not be secured by or payable from revenues derived from any exercise of the taxing powers of the City.

Section 3. Submission of an Application for an Allocation of Bonding Authority. The City Council hereby authorizes the submission of an application for allocation of bonding authority with respect to the Bonds in the additional approximate principal amount of \$250,000 pursuant to Section 146 of the Code and the Allocation Act in accordance with the requirements of the Allocation Act. City staff and Kennedy & Graven, Chartered, acting as bond counsel to the City ("Bond Counsel"), shall take all actions, in cooperation with the Borrower, as are necessary to submit an application for an allocation of bonding authority to the office of Minnesota Management & Budget.

Section 4. Public Hearing. The Council shall meet at a future date to be determined by City staff to conduct a public hearing on the amended Housing Program, the Project, and the issuance of the Bonds by the City. Notice of such hearing (the “Public Notice”) will be published as required by Section 462C.04, subdivision 2 of the Act and Section 147(f) of the Code. Bond Counsel is hereby authorized and directed to publish the Public Notice, in substantially the form attached hereto as EXHIBIT A, in the *White Bear Press*, the official newspaper of and a newspaper of general circulation in the City, at least fifteen (15) days before the meeting of the City Council at which the public hearing will take place. At the public hearing reasonable opportunity will be provided for interested individuals to express their views, both orally and in writing, on the Project, the Housing Program, and the proposed issuance of the Bonds.

Section 5. Housing Program. Bond Counsel shall prepare and submit to the City an amended Housing Program to authorize the issuance by the City of up to \$6,250,000 in revenue bonds (reflecting the proposed issuance of an additional \$250,000 in revenue bonds) to finance the acquisition, rehabilitation, and equipping of the Project by the Borrower. Bond Counsel is further authorized and directed to submit the amended Housing Program on behalf of the City to the Metropolitan Council for review and comment pursuant to Section 462C.04, subdivision 2 of the Act.

Section 6. Preliminary Approval. The City Council hereby provides preliminary approval to the issuance of the Bonds in the estimated additional principal amount not to exceed \$250,000 which will be part of an issue of conduit revenue obligations in the approximate original aggregate principal amount of \$6,250,000 (a portion of which will refinance the Prior Note) subject to: (i) a public hearing as required by the Housing Act and Section 147(f) of the Code; (ii) final approval following the preparation of bond documents; (iii) receipt of an allocation of bonding authority from the office of Minnesota Management & Budget; and (iv) final determination by the City Council that the financing of the Project and the issuance of the Bonds are in the best interests of the City.

Section 7. Costs. The Borrower will pay the administrative fees of the City and pay, or, upon demand, reimburse the City for payment of, any and all costs incurred by the City in connection with the Project and the issuance of the Bonds, whether or not the Bonds are issued.

Section 8. Commitment Conditional. The adoption of this resolution does not constitute a guaranty or firm commitment that the City will issue the Bonds as requested by the Borrower. The City retains the right in its sole discretion to withdraw from participation and accordingly not to issue the Bonds, or issue the Bonds in an amount less than the amount referred to herein, should the City at any time prior to issuance thereof determine that it is in the best interest of the City not to issue the Bonds, or to issue the Bonds in an amount less than the amount referred to in Section 6 hereof, or should the parties to the transaction be unable to reach agreement as to the terms and conditions of any of the documents required for the transaction.

Section 9. Effective Date. This resolution shall be in full force and effect from and after its passage.

Adopted by the City Council of the City of White Bear Lake, Minnesota this 9th day of June, 2020.

Mayor

ATTEST:

City Clerk

EXHIBIT A

NOTICE OF PUBLIC HEARING

CITY OF WHITE BEAR LAKE, MINNESOTA

NOTICE OF PUBLIC HEARING ON THE APPROVAL OF A HOUSING PROGRAM FOR A MULTIFAMILY HOUSING DEVELOPMENT AND THE ISSUANCE OF REVENUE BONDS UNDER MINNESOTA STATUTES, CHAPTER 462C, AS AMENDED

NOTICE IS HEREBY GIVEN that the City Council of the City of White Bear Lake, Minnesota (the “City”) will hold a public hearing on Tuesday, July ___, 2020, at or after 7:00 p.m. at City Hall, located at 4701 Highway 61 in the City, to consider a proposal that the City approve and authorize the issuance of its revenue bonds, in one or more series, as taxable or tax-exempt obligations (the “Bonds”), pursuant to Minnesota Statutes, Chapter 462C, as amended (the “Act”), for the purposes of (i) refinancing the City’s Multifamily Housing Revenue Note (Century Hills Townhomes Project), Series 2019 issued on May 8, 2019 in the original aggregate principal amount of \$6,000,000 and financing the acquisition, rehabilitation, and equipping an approximately 55-unit existing multifamily rental housing facility located at 3525 Century Avenue in the City (the “Project”); (ii) funding any required reserve funds; (iii) financing capitalized interest during the construction of the Project; and (iv) paying the costs of issuing the Bonds. Century Hills Partners Limited Partnership, a Minnesota limited partnership or an affiliate (collectively, the “Borrower”), will own the Project. The aggregate principal amount of the proposed Bonds is estimated not to exceed \$6,250,000.

Following the public hearing, the City Council will consider a resolution approving an amended housing program prepared in accordance with the requirements of the Act and granting approval to the issuance of the Bonds.

The Bonds will be special, limited obligations of the City, and the Bonds and interest thereon will be payable solely from the revenues and assets pledged to the payment thereof. No holder of any Bond will have the right to compel any exercise of the taxing power of the City to pay the Bonds or the interest thereon, nor to enforce payment against any property of the City except money payable by the Borrower to the City and pledged to the payment of the Bonds. Before issuing the Bonds, the City will enter into an agreement with the Borrower, whereby the Borrower will be obligated to make payments at least sufficient at all times to pay the principal of and interest on the Bonds when due.

At the time and place fixed for the public hearing, the City Council will give all persons who appear at the hearing an opportunity to express their views with respect to the proposal. In addition, interested persons may direct any questions or file written comments respecting the proposal with the City Manager, at or prior to said public hearing.

Dated: [Date of Publication]

/s/ Kara Coustry
City Clerk
City of White Bear Lake, Minnesota



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

GINA FIORINI

Attorney at Law
Direct Dial (612) 337-9210
Email: gfiorini@kennedy-graven.com

June 4, 2020

Kerri Kindsvater, Finance Director
City of White Bear Lake
4701 Highway 61
White Bear Lake, MN 55110

Re: Resolution providing preliminary approval of the issuance of additional multifamily housing revenue bonds for the benefit of Century Hills Partners Limited Partnership

Dear Kerri,

Century Hills Partners Limited Partnership, an Minnesota limited partnership or any of its affiliates (the "Borrower"), is proposing to acquire, rehabilitate, and equip an approximately 55-unit existing multifamily rental housing facility located at 3525 Century Avenue North (the "Project") in the City of White Bear Lake, Minnesota (the "City").

On December 11, 2018, the City Council adopted a resolution authorizing the submission of an application to the office of Minnesota Management & Budget for an allocation of bonding authority with respect to the revenue bonds to finance the Project in accordance with the requirements of Minnesota Statutes, Chapter 474A, as amended (the "Allocation Act"), and providing preliminary approval for the sale and issuance of the revenue bonds or other obligations for the Project in an amount not to exceed \$6,000,000 in accordance with Chapter 462C, as amended (the "Act"). On May 8, 2019, the City issued revenue bonds for the Project in the form of its Multifamily Housing Revenue Note (Century Hills Townhouses Project), Series 2019 in the original aggregate principal amount of \$6,000,000 to provide short-term tax-exempt financing for the Project. In conjunction with the issuance of the Prior Note, the State of Minnesota, through Minnesota Management & Budget, allocated tax-exempt bonding authority in the amount of \$6,000,000 to the City with respect to the Prior Note to finance the Project in accordance with the requirements of the Allocation Act.

The Borrower has determined that there are additional costs associated with the Project and has requested that additional conduit revenue bonds be issued on a tax-exempt basis in an amount not to exceed \$250,000. In connection with the increase in the amount of tax-exempt Bonds to be issued by the City, the Borrower will request from the State of Minnesota, through Minnesota Management & Budget, an additional allocation of tax-exempt bonding authority in the amount of \$250,000.

The City Council will be asked to consider the enclosed resolution, which provides preliminary approval for the issuance of tax-exempt bonds in an amount not to exceed \$250,000 and authorizes the City to take actions to prepare an amendment to the housing program in connection with the Project and an application for allocation in accordance with Section 146 of the Internal Revenue Code of 1986 (the "Code") and the

Allocation Act. In accordance with the Act and the Code, the City will be required to conduct a public hearing on the issuance of the Bonds on a future date. At the same time, the Borrower will request that the City approve the issuance of conduit revenue bonds to refinance the Prior Note. Following the public hearing, the City Council will be asked to consider a resolution approving the housing program, providing final approval for the issuance of conduit revenue bonds in an amount not to exceed \$6,250,000 (\$6,000,000 of which will refinance the Prior Note), and authorizing the execution of documents in connection with the Bonds.

If issued, the Bonds will be secured solely by the revenues derived from the loan agreement to be executed by the Borrower and the city and from other security provided by the Borrower. The Bonds will not constitute a general or moral obligation of the City and will not be secured by or payable from any property or assets of the City (other than the interests of the City in the loan agreements) and will not be secured by any taxing power of the City. The Bonds will not be subject to any debt limitation imposed on the City, and the issuance of the Bonds will not have any adverse impact on the credit rating of the City, even in the event that the Borrower encounters financial difficulties with respect to the Project to be financed with the proceeds of the Bonds.

The Borrower will agree to pay the out-of-pocket expenses of the City with respect to this transaction as well as the City's administrative fee.

Please contact me with any questions you may have.

Sincerely,

Gina Fiorini



City of White Bear Lake
Engineering Department

MEMORANDUM

To: Ellen Hiniker, City Manager
From: Paul Kauppi, P.E., Public Works Director/City Engineer
Date: June 3, 2020
Subject: **2020 Sanitary Sewer Lining Program**

BACKGROUND

The Engineering Department prepared specifications for the 2020 Sanitary Sewer Lining Program (City Project No. 20-07). The Program will include the lining of sewer mains on Campbell Avenue, Gardenette Drive North, Lilac Lane, Pine Street and White Bear Avenue.

The bid also included unit prices for pressure testing and grouting pipe joints in sewer mains on Cottage Park Road and Lakeview Avenue. We recommend that the Council award the contract with these bid alternates included for a total amount of \$13,542.00.

This work consists of installing liners inside sanitary sewer mains which have been identified by the Public Works Department as high risks for backups due to misaligned joints, root problems, pipe deterioration or inaccessible locations. The City has been undertaking these types of lining projects since 1994 and has found this a very cost effective way to improve flow in sanitary sewer mains, reduce maintenance problem areas and eliminate infiltration of ground water into the sanitary sewer system.

SUMMARY

Bids were received at 11:00 am on June 3, 2020 for the 2020 Sanitary Sewer Main Lining Project. Four (4) bids were received with Visu-Sewer, Inc. submitting the lowest, responsible base bid of \$67,776.25 plus Bid Alternates A1 and A2 in the amount of \$13,542.00 for a total contract of \$81,318.25.

RECOMMENDED COUNCIL ACTION

Staff recommendation is that the Council receive the bids and award a contract to Visu-Sewer, Inc. for \$67,776.25 plus Bid Alternates A1 and A2 in the amount of \$13,542.00 for a total contract of \$81,318.25 for construction of the 2020 Sanitary Sewer Main Lining Project.

ATTACHMENTS

Resolution
Sanitary Sewer Lining Program 2020 map

RESOLUTION NO.: _____

**RESOLUTION ACCEPTING BIDS AND AWARDING CONTRACT
FOR THE 2020 SANITARY SEWER LINING PROGRAM
CITY PROJECT NO. 20-07**

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

WHEREAS, the following sealed bids complying with the advertisement and specifications were received, opened, and tabulated according to law at 11:00am on June 3, 2020; and

Contractor	Total Base Bid	Bid Alternate A1	Bid Alternate A2
Granite Inliner, LLC	\$98,807.50	\$20,130.00	\$9,150.00
Hydro-Klean, Inc.	\$78,474.00	\$10,065.00	\$13,420.00
Insituform Technologies USA, LLC	\$81,588.15	\$9,479.00	\$12,627.00
Visu-Sewer, Inc.	\$67,776.25	\$8,662.00	\$4,880.00

WHEREAS, the apparent low responsive and responsible bid was received from Visu-Sewer, Inc.

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 Visu-Sewer, Inc. in the amount of \$81,318.25 which includes the \$67,776.25 total base bid plus Bid Alternates A1 and A2 in the amount of \$13,542.00 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.

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 Environmental Advisory Commission

MINUTES

Date: April 15, 2020	Time: 6:30pm	Location: WBL City Hall
COMMISSION MEMBERS PRESENT	Sheryl Bolstad, Chris Greene, Bonnie Greenleaf, Rick Johnston, Gary Schroehner (Chair), Robert Winkler	
COMMISSION MEMBERS ABSENT		
STAFF PRESENT	Connie Taillon, Environmental Specialist	
VISITORS		
NOTETAKER	Connie Taillon	

1. CALL TO ORDER

The meeting was called to order at 6:46 pm.

2. APPROVAL OF AGENDA

The commission members reviewed the agenda and added 7f yard waste discussion. Staff added Recycling Ambassador Program under 7b staff updates. Commissioner Johnston moved, seconded by Commissioner Bolstad, to approve the agenda as amended.

Roll call vote:

Bolstad: Aye
Greene: Absent
Greenleaf: Aye
Johnston: Aye
Schroehner: Aye
Winkler: Absent

Motion carried.

3. APPROVAL OF MINUTES

a) February 19, 2020 regular meeting

The commission members reviewed the February 19, 2020 draft minutes and had no changes.

Commissioner Bolstad moved, seconded by Commissioner Greenleaf, to approve the February 19, 2020 minutes as presented.

Roll call vote:

Bolstad: Aye
Greene: Absent
Greenleaf: Aye
Johnston: Abstain
Schroehner: Aye
Winkler: Absent

Motion carried.

Two commissioners joined the meeting

4. VISITORS & PRESENTATIONS

None

5. UNFINISHED BUSINESS

a) Work plan high priority goals

Commission members discussed marketing the adopt a drain program in the spring newsletter and on the City website, and to have staff draft a list of next steps for the downtown area recycling project.

Staff reported that a 'Spotlight on Sustainability' article will be included in the spring newsletter. The article will spotlight a local business that installed rooftop solar. Commission members discussed creating a certificate for businesses and residents who have been spotlighted in the newsletter.

6. NEW BUSINESS

a) Environmental Resources Expo

Chair Schroeher asked about hanging an Expo banner across 4th Street. Staff stated that it may require Public Works staff and equipment to hang a banner above the street, and with limited setup time that it may not be feasible. Staff will ask Public Works about the logistics.

The commission members discussed tent weight options to secure tents from the wind. Commission members decided to collect milk jugs and fill them with sand or water.

Commissioner Greene is interested in having battery powered lawn equipment at the Expo and creating a fact sheet about the benefits of electric powered lawn equipment. Chair Schroeher offered to display his battery powered lawn equipment. Commissioner Johnston suggested inviting Toro to exhibit their battery powered equipment. Staff mentioned that the Parks Department received a grant to purchase battery powered landscape equipment and will look up what brand of equipment they plan to purchase.

Staff asked if the commission members would like to invite a local bike club to exhibit at the Expo. Commission members discussed and decided not to invite the bike club because their mission is only borderline applicable.

Commission members asked if Marketfest decided on a date to announce if they are cancelling the event. Staff stated that to date, Marketfest has not been postponed or cancelled. Commission members decided to wait until after the May EAC meeting to start contacting exhibitors.

7. DISCUSSION

a) Dog waste issue along Lake Ave

A resident alerted the City about dog waste along the Lake Ave walking path. The resident asked if there is a fine for those who don't pick up their dog's droppings, and also suggested that signs be posted every 4 blocks as to the fine and have a post with plastic bags for those who don't carry them. Staff is bringing this issue to the Environmental Advisory Commission for further consideration and discussion. Commissioner Bolstad stated that she sees a lot of dog walkers on the trail and the vast majority pick up the dog waste. Those that don't may have forgotten to bring a bag with them. She suggested providing more bag stations, possibly at West Park and on the other end of the trail closer to Shady Lane.

Commissioner Greenleaf stated that dog DNA sampling exists and submitting DNA could be part of the City's dog license application requirement.

Commission members also discussed providing more trash cans along the trail, installing cameras, and re-educating the public by placing an article in the White Bear Press and the City Newsletter.

b) Staff updates

- Goose Lake alum treatment

Staff reported that the VLAWMO Board approved accepting the Clean Water Grant to fund the Goose Lake alum treatment project. Commissioner Johnston added that Council Member Jones, as a representative of the VLAWMO board, gave his full endorsement of the project for numerous reasons: alum treatment is the most cost effective method to restore the ecological health of the lake; watershed based options are far more costly and much less effective; restoring the water quality of Goose Lake also benefits downstream waterbodies; and it is VLAWMO's mission to protect and restore water quality. Staff will provide updates as the project moves forward.

- Pollinator plantings

Staff reported that Parks staff met recently to review the meeting notes of the joint Parks and Environmental commission meeting and to discuss next steps. The group identified Lakewood Park and Rotary Park as priority areas for restoration efforts within the next couple of years. Staff plans to ultimately create a longer-term restoration plan.

- Event changes

Staff reported that the City spring cleanup day is cancelled, and that many other programs and events are postponed: curb-side yard waste, clearstream loan program, Mayor's water challenge, Trash to Treasure, and Xcel Energy Home Energy Squad visits.

- Recycling Ambassador Program

Staff reported that Ramsey County is conducting a listening session on the recycling ambassador program and household hazardous waste program. The listening session will consist of a broad overview of the existing programs and the opportunity to give feedback. Upon completion of the session, all participants will receive a \$25 gift card in the mail as compensation for their time. The online listening session is April 16 from 2-3:30pm and again at 5:30-7pm. Staff provided a link to the meeting if any commission members are interested in attending.

c) Commission member updates

- 2020 Environmental Commission Conference

Chair Schroeher gave an update on the conference held on April 4th. The conference was changed to a web-based format and focused on Climate Action Plans. Representatives from Redwing, St Louis Park, MPCA and CEE spoke on climate change and what is being done at the state and City levels. The event organizers hope to have an in-person event in the fall.

d) Do-outs

New do-out items for April 15, 2020 include:

- Staff to update Adopt a Drain page on the City's website
- Staff to draft a list of next steps for downtown recycling container project
- All to save milk jugs to use for tent weights at the Environmental Resources Expo
- Staff to ask Public Works about hanging an Expo banner across 4th Street
- Staff to look up brand of battery powered City lawn equipment

e) May agenda

The next meeting will be held at City Hall on Wednesday, May 20, 2020 at 6:30pm.

f) Yard waste

Commissioner Johnston stated that he contacted the trash hauler call center to check on the status of curbside yard waste pickup. They said they didn't know and to hold the yard waste and they would eventually pick it all up. He reported that a neighbor had recently called them and had been told to throw the yard waste in the trash.

8. ADJOURNMENT

Commissioner Johnston moved, seconded by Commissioner Greene, to adjourn the meeting at 8:32 pm.

Roll call vote:

Bolstad: Aye

Greene: Aye

Greenleaf: Aye

Johnston: Aye

Schroeder: Aye

Winkler: Aye

Motion carried.

Park Advisory Commission Meeting Minutes

APRIL 16, 2020

6:30 P.M.

CITY HALL

MEMBERS PRESENT	Bill Ganzlin, Bryan Belisle, Victoria Biehn, Mark Cermak, Anastacia Davis, Ginny Davis, Mike Shepard
MEMBERS ABSENT	
STAFF PRESENT	Paul Kauppi and Andy Wietecki
VISITORS	
NOTE TAKER	Andy Wietecki

1. CALL TO ORDER

The meeting was called to order at 6:30 pm at City Hall.

2. APPROVAL OF MINUTES

Approval of the minutes from February 20, 2020 was moved by Mark Cermak and seconded by Bryan Belisle.

3. APPROVAL OF AGENDA

Approval of the April 16, 2020 agenda was moved by Ginny Davis and seconded by Bryan Belisle with addition of Adopt-a-Park and park and restroom closures. Motion carried.

4. UNFINISHED BUSINESS

a. Finalize Design Options for West Park Pavilion

Andy Wietecki updated the Park Advisory Commission regarding the final design of the shelter that will be built at West Park this summer. Additional options were shared with the Commission to add to the project to really enhance the aesthetics of the shelter. Park Advisory Commission member Victoria Davis stated that since West Park is our busiest park in the City that we should consider all the options. The entire Commission was unanimous in their decision to add the additional options to the shelter since the project is under budget.

Victoria Biehn requested an update on the timeline of when the project might get started. The materials will be ordered early next week but due to the pandemic conditions there is no definite delivery date. The project will not start until after the 4th of July so the park is not under construction for the 4th of July festivities.

5. NEW BUSINESS

a) Arbor Day Discussion

The Park Advisory Commission discussed that the typical Arbor Day festivities have technically been cancelled due to the Covid-19 Pandemic. This year the Parks Department will be using Park Commission instead of community volunteers will be planting a row of evergreens to make a visual screen between Ebba Park and the Water Plant. Andy Wieteki also advised the Commission that the pollinator garden will still be planted at Lakewood Hills but the Parks Department will be planting it instead of volunteers. Mark Cermak asked if the Boy Scouts will still be cleaning up trash along the lake. The Boy Scouts event has been cancelled as well.

Andy discussed with the Park Commission that the City of White Bear Lake has been awarded Tree City recognition for over 30 years due mostly to the Arbor Day events and want to keep that tradition going. Paul Kauppi also mentioned that the Arbor Day Foundation is doing a virtual Arbor Day where residents can plant a tree or do a mini-project and post it on the Arbor Day Foundation's website.

b) Emerald Ash Borer Treatment Plan for 2020

Andy Wieteki updated the Parks Advisory Commission on the plan to treat all of the City's park and municipal building Ash trees again this year. It occurs every other year. He also reported that 2020 will be the last year to treat your Ash trees in White Bear Lake. The Emerald Ash Borer Beetle has been in the City long enough now to infect all non-treated Ash trees. Additional treatments will not be able to save infected trees after this year. The infected trees will need to be cut down over the next few years.

c) 2020 Updates for Railroad Park Fountain

Andy Wieteki updated the Parks Advisory Commission on the fountain at Railroad Park. He found a company to replace the worn out steel manifold and valves with a new updated plastic manifold. This will be a huge improvement for this system and will help the fountain stay running for generations to come. The work will cost an estimated \$5,000 - \$6,000 and that includes washing the rust deposits off the exterior of the bricks behind the waterfalls.

d) Discussion Regarding May Summer Park Tour with Covid-19 Concerns

The Park tours that usually being in May as the weather begins to improve are probably not feasible at this time. Bryan Belisle suggested that each Park Advisory Commission member adopt a park or two. The goal would be to visit the park and report at the May Park Advisory Commission Meeting any items that may need attention.

The following are park assignments for the May meeting:

Ginny Davis - Rotary Park & Podvin Park
Bryan Belisle - Lakewood Hills Park
Mike Shepard - Matoska Park & West Park
Victoria Biehn - Stellmacher Park & McCarty Park
Anastacia Davis - Lions Park & Spruce Park

Mark Cermak - Ramaley Park & Yost Park
Bill Ganzlin – Bossard Park

e) Park and Restroom Closures

Bryan Belisle wanted to discuss whether the City parks and playgrounds are currently closed and what the City's plan for restrooms this summer. Paul Kauppi spoke about our park closures and what has been outlined in the Governors stay at home order. With lots of deliberation with the City Council and City staff, we are keeping our open spaces and trails open to the public to use. The City has closed the playgrounds and posted 'playground closed' signage at all City parks and playgrounds. Paul Kauppi informed the Park Advisory Commission that the City of White Bear Lake has not yet decided if they are closing the beach at this time. The decision will be made at a later date. The City is making signs to post in City parks, along the trails and around municipal buildings that have a couple of white bears that states "NO BEAR HUGS and SOCIAL DISTANCE AT 6' APART" just to give resident a friendly reminder to continue to be mindful of spacing when enjoying the outdoors. The park restrooms will remain closed this summer because of the difficulty obtaining the proper PPE to clean the restrooms and keep City employees safe. The City has a portable toilet at the Boatworks Commons area and will get additional ones – if deemed necessary.

6. OTHER STAFF REPORTS

None.

7. COMMISSION REPORTS

None.

8. OTHER BUSINESS

None.

9. ADJOURNMENT

The next meeting will be held on May 21, 2020 at 6:30 p.m. at City Hall.

There being no further business to come before the Park Commission, the meeting was adjourned. Moved by Mike Shepard and seconded by Anastacia Davis.

**MINUTES
PLANNING COMMISSION MEETING
CITY OF WHITE BEAR LAKE
MAY 18, 2020**

The regular monthly meeting of the White Bear Lake Planning Commission was called to order on Monday, May 18, 2020, beginning at 7:00 p.m. via WebEx, pursuant to a statement issued by the Mayor under Minnesota Statutes, section 13D.021 as a result of the COVID-19 pandemic, by Chair Ken Baltzer.

1. CALL TO ORDER/ROLL CALL:

MEMBERS PRESENT: Ken Baltzer, Jim Berry, Pamela Enz, Mark Lynch, Erich Reinhardt and Peter Reis.

MEMBERS EXCUSED: None.

MEMBERS UNEXCUSED: None.

STAFF PRESENT: Samantha Crosby, Planning & Zoning Coordinator and Ashton Miller, Planning Technician.

OTHERS PRESENT: Therese Faison and Clinton Smith.

2. APPROVAL OF THE MAY 18, 2020 AGENDA:

Member Lynch moved for approval of the agenda. Member Reis seconded the motion, and the agenda was approved (6-0).

3. APPROVAL OF THE APRIL 27, 2020 PLANNING COMMISSION MEETING MINUTES:

Member Reis moved for approval of the minutes. Member Enz seconded the motion, and the minutes were approved (6-0).

4. CASE ITEMS:

A. **Case No. 20-1-SHOP:** A request by **Therese Faison** for a Special Home Occupation, per Code Section 1202.120, in order to operate a massage therapy business out of the front/main level of a triplex located at 4445 Lincoln Avenue.

Crosby discussed the case. Staff recommended approval.

Member Berry asked when the applicant stopped working at the Getty Building and whether in home massage therapy is permitted at this time. He noted that if the applicant must wait to start accepting clients then neighbor's concern regarding the spread of Covid-19 might be moot. Crosby suggested the applicant respond to the Commissioners questions.

In response to an inquiry from Member Berry, Crosby confirmed that the landlord did not live in the building and that staff had not asked for approval from the other tenants.

Member Lynch asked if the proposed street widening would allow for better circulation since parking is permitted on both sides of the road. Crosby explained that the road is currently 24 feet wide and widening it to the standard 30 feet would allow for a little more space. Member Lynch commented that there appears to be enough parking and he would not want to penalize the applicant for summer events.

Member Enz asked if on-street parking would be problematic during a snow emergency. Crosby responded that more likely than not the plowing will occur during off hours or massage therapy sessions would be rescheduled.

Member Baltzer opened the public hearing.

Teri Faison, 4445 Lincoln Avenue, Applicant, she informed the Commissioners that the three units do not share ventilation. Each unit has its own air-conditioning and heating appliances, so there is little chance of a virus spreading that way. She reaffirmed that there will only be one client at a time, so only one additional vehicle on the street at a time.

She explained that she left the Getty building in the middle of March at the onset of Covid-19. She described that her business is very part time and will not be at the level she had been operating at in her office. She is not yet able to practice, since her business must follow the guidelines set for places like hair salons, but anticipates being able to operate around June 1.

Ms. Faison noted that one of the other tenants in the triplex gave her approval of the business, while the other tenant lives there part time and is currently out of the country. She stated that her business will be unobtrusive and not have a negative impact on the neighborhood. She has been practicing in White Bear Lake for eight years, so she will not be competing with other businesses in the area.

Member Berry asked for clarification on the number of clients that Ms. Faison sees. She answered that she has roughly 22 clients and they are the same clients month to month. She is not actively looking for new clients and generally works based on medical referrals.

As no other attendees wished to speak, Member Baltzer closed the public hearing.

Member Reis moved to recommend approval of Case No. 20-1-SHOP. Member Berry seconded the motion. The motion passed by a vote of 6-0.

5. DISCUSSION ITEMS:

A. City Council Meeting Minutes of May 12, 2020.

Member Baltzer asked for an update on case number 20-3-CUP concerning the Lake Avenue Marina and whether the conditions of approval had been met. Crosby replied that it was approved by the City Council. She has followed up with the Department of Natural Resources (DNR), which indicated that no permit would be necessary for the work that was done along the shore as long as the guidelines were followed. She added that the City does require a permit and has sent the necessary paperwork to the applicant.

Member Baltzer added that the applicant did not appear to be complying with the number of transient slips that was approved. Crosby offered to follow up with the applicant to ensure compliance.

B. Park Advisory Commission Meeting Minutes of April 16, 2020.

No discussion

6. ADJOURNMENT:

Member Reinhardt moved to adjourn, seconded by Member Reis. The motion passed unanimously (6-0), and the May 18, 2020 Planning Commission meeting was adjourned at 7:30 p.m.

DRAFT



City of White Bear Lake
Finance Department

MEMORANDUM

To: Ellen Hiniker, City Manager

From: Kerri Kindsvater, Finance Director

Date: May 21, 2020

Subject: **Resolution certifying private property assessment for recovery of city expenses**

BACKGROUND

The City helps property owners pay for unexpected water, sewer and property maintenance costs by assessing the project costs to their property taxes when there is a financial hardship.

Special Assessment for 1941 Webber Street:

The property owner at 1941 Webber Street experienced a private sewer line issue between the building connection for his home and the main in the street, which caused a sinkhole in the street. Per the City's Ordinances, the property owner must pay the fees to repair the issue. The resident asked to have the total repair costs assessed to his property taxes due to a financial hardship in paying the entire amount due at this time. The total project costs are \$8,100.00.

The City has previously allowed similar assessments to property owners for improvements and approved this assessment based on the following information:

1. Resident agreed to a 10-year assessment.
2. Resident agreed to pay interest at 2% above the City's true interest rate set at the latest bond issue, which is 2.41%. Therefore, the interest rate will be 4.41%
3. Resident waves all rights to a public hearing regarding the final assessment.

RECOMMENDED COUNCIL ACTION

Staff recommends Council approve the attached resolution authorizing the assessment.

ATTACHMENTS

Resolution

RESOLUTION NO.

RESOLUTION CERTIFYING MISCELLANEOUS PRIVATE PROPERTY ASSESSMENT FOR RECOVERY OF CITY EXPENSES

WHEREAS, Minnesota Statutes §429.101 allows the City to certify special charges associated with servicing property as special assessments with the County Auditor; and

WHEREAS, the following White Bear Lake, MN private property owner, signed an assessment agreement waiving all rights to a public hearing regarding the following assessment:

Property Owner 1941 Webber Street White Bear Lake, MN	Repair of a private sewer line issue between the building connection for the home and the main in the street	<u>\$8,100.00</u>
	Total Assessment:	\$8,100.00

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of White Bear Lake, Minnesota, that charges associated with maintaining private property within the City are certified to the County Auditor for collection as special assessments.

BE IT FURTHER RESOLVED, by the City Council of the City of White Bear Lake that assessment total listed above shall be payable over ten (10) years at an annual interest rate of 4.41%

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

Ayes:
Nays:
Passed:

Jo Emerson, Mayor

ATTEST:

Kara Coustry, City Clerk



City of White Bear Lake
City Manager's Office

MEMORANDUM

To: Ellen Hiniker, City Manager

From: Kara Coustry, City Clerk

Date: June 4, 2020

Subject: **Massage Therapist Establishment Licenses**

BACKGROUND

On January 1, 2016, City Ordinance 1127 went into effect which requires all persons performing massage therapy and related businesses to be licensed. The licensee is required to submit documentation which demonstrates they have received the appropriate training and insurance. A criminal history check and financial review are also conducted and approval from the Council is required for all massage related licenses.

SUMMARY

The City received completed three massage therapist establishment license applications and the White Bear Lake Police Department verified the applicants' training credentials, insurance coverage, finances and criminal history reports and found nothing new to preclude issuance of the massage therapist licenses for these applicants:

Pusya Sarah Wang-Anderson	Vita Day Spa 1979 Whitaker Street
Kelly Jill Cadmus	A Little TLC 1310 Highway 96 E. Suite 104D
Paula Jane Frost	Paula Frost Massage 1904 4 th Street (conditioned on CUP approval for home occupation)

Council may recall that during its meeting on May 14, 2019, Pusya Wang-Anderson with Vita Day Spa was invited by Council to reapply again in one year after having learned the applicant's date of birth was wrong on the application, the employment of a non-licensed massage practitioner at the Vita Day Spa Shoreview location, and advertisements on Rubmaps.com. The background check revealed that advertising on Rubmaps.com was removed and no additional issues were found.

RECOMMENDED COUNCIL ACTION

Staff recommends the City Council adopt the attached resolution of approval.

RESOLUTION NO.

**RESOLUTION APPROVING MASSAGE THERAPIST LICENSES
FOR THE BUSINESS CYCLE ENDING MARCH 31, 2021**

BE IT RESOLVED by the City Council of the City of White Bear Lake that the following massage related licenses be approved for the business cycle ending March 31, 2021.

Massage Therapist Establishment Licenses

Pusya Sarah Wang-Anderson	Vita Day Spa 1979 Whitaker Street White Bear Lake, MN 55110
Kelly Jill Cadmus	A Little TLC 1310 Highway 96 E. Suite 104D White Bear Lake, MN 55110
Paula Jane Frost	Paula Frost Massage 1904 4 th Street White Bear Lake, MN 55110 (conditioned on CUP approval for home occupation)

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

Ayes:

Nays:

Passed:

Jo Emerson, Mayor

ATTEST:

Kara Coustry, City Clerk



City of White Bear Lake
City Manager's Office

M E M O R A N D U M

To: Ellen Hiniker, City Manager

From: Kara Coustry, City Clerk

Date: June 4, 2020

Subject: **Charitable Gambling Premises Permit: Ski Otters at Admiral D's**

BACKGROUND

Based on a gambling endorsement submitted by Midwest Ski Otters, the City expects to receive an application from Brian McGoldrick, the owner of McGoldrick Inc. dba Admiral D's, for Midwests Ski Otters to manage gambling and raffling devices on the leased premises of 4424 Lake Avenue South, White Bear Lake, MN.

No person shall directly operate a gambling device or conduct a raffle except as authorized by MN Statute, Chapter 349 and City of White Bear Lake Municipal Code, Chapter 1002.200 and Chapter 1111. City Council approval must be granted before charitable gambling business can be conducted.

SUMMARY

Pursuant 1002.200, "On-sale' licensees (Admiral D's) may request permission of the City Council to permit qualified charitable gambling devices on the licensed premises. Midwest Ski Otters is licensed by the State Gambling Control Board and meets all of the requirements set forth in Ordinance Chapter 1111.

The municipal code also limits charitable organizations to three locations within the City of White Bear Lake. Assuming this is approved, Midwest Ski Otters will have three locations within the City. The following gambling endorsements currently exist in White Bear Lake:

On-Sale Licensee / Gambling Premises	Gambling Organization
New Train, LLC dba Manitou Grill	Merrick Inc.
Cabin 61	Midwest Ski Otters
City Club dba Hollihan's Pub	Midwest Ski Otters
JJs Bierstube	White Bear Basketball Association
Bollen Enterprises dba Carbone's Pizza	White Bear Lions Club
MKM 617 LLC dba 617 Lounge	White Bear Lions Club
Sanger LLC dba Beartown Lounge & Restaurant	White Bear Lions Club

On-Sale Licensee / Gambling Premises	Gambling Organization
T.R. Inc. dba White Bear Bar	WBL Hockey & Skating Association
The Stadium LLC dba Stadium Sports Bar & Grill	WBL Hockey & Skating Association
Doc's Landing	WBL Hockey & Skating Association
American Legion #168	White Bear American Legion Club
Keep Zimmer Post 1782 (VFW)	VFW Post 1782

SUMMARY

Attached for Council's consideration is a resolution endorsing McGoldrick Inc, dba Admiral D's as a premises for Midwest Ski Otters to conduct gambling. Staff will request removal of this item from the Consent Agenda if the required application and fees are not submitted prior to the June 9th Council meeting.

ATTACHMENTS

Resolution

RESOLUTION NO.

**A RESOLUTION APPROVING ISSUANCE OF A GAMBLING PREMISES LICENSE TO
MCGOLDRICK INC. DBA ADMIRAL D'S FOR
MIDWEST SKI OTTERS TO CONDUCT GAMBLING**

WHEREAS, it is expected that Brian McGoldrick, the owner of McGoldrick Inc. dba Admiral D's, has submitted an application for Midwest Ski Otters to use gambling devises in the establishment located at 4424 Lake Avenue South, White Bear Lake, MN; and

WHEREAS, Midwest Ski Otters meets the qualifications set forth by state statute and the City's code; and

NOW, THEREFORE, BE IT RESOLVED, that the White Bear Lake City Council approves the premises permit application conditioned upon receipt of application and payment submitted by Brian McGoldrick of McGoldrick Inc. dba Admiral D's for Midwest Ski Otters to use gambling devises on the premises of 4424 Lake Avenue South, White Bear Lake, MN.

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

Ayes:
Nays:
Passed:

Jo Emerson, Mayor

ATTEST:

Kara Coustry, City Clerk



City of White Bear Lake
City Manager's Office

MEMORANDUM

To: Mayor and City Council

From: Ellen Hiniker, City Manager

Date: June 4, 2020

Subject: **Resolution authorizing and extension to the subsurface sewage treatment system at 2434 So. Shore Blvd**

BACKGROUND

On November 22, 2016, the City Council passed a resolution authorizing an extension to the subsurface sewage treatment system compliance deadline. For background, the related memorandum and resolution is attached.

The City was contacted by a homeowner with one of the 24 septic systems city-wide which, at the time of the Council's action in 2016, had not been among those that had technically been considered as a failed system, as defined on the attached memorandum.

The homeowner at 2434 So. Shore Blvd. whose septic system had not been on the list in 2016 with those out of compliance recently had an inspection in preparation for the sale of their home. While this particular system was replaced within the last 15 years, it was replaced under an older code, which makes it technically out of compliance.

This home does not have access to city sewer at this time, which will be made available when So Shore Blvd is reconstructed in the next few years. The cost of a new septic system in most circumstances is approximately \$20,000. Rather than expending \$20,000 to install new septic systems, staff believes it would be of greater benefit to public health and safety to achieve a permanent connection to city sewer and abandon the septic systems.

RECOMMENDED COUNCIL ACTION

Staff recommends Council extend the compliance timeline for the septic system at 2434 So. Shore Blvd, as it is located in an area of the city where sanitary sewer will likely be extended in the near future.

ATTACHMENTS

Resolution
Memorandum from November 22, 2016

RESOLUTION NO.

**RESOLUTION AUTHORIZING AN EXTENSION OF THE
SUBSURFACE SEWAGE TREATMENT SYSTEM COMPLIANCE DEADLINE
FOR THE SEPTIC SYSTEM LOCATED AT 2434 SOUTH SHORE BOULEVARD**

WHEREAS, the City of White Bear Lake adopted a Subsurface Sewage Treatment System (SSTS) Ordinance on June 10, 2014; and

WHEREAS, the SSTS Ordinance is aimed at protecting ground water systems; and

WHEREAS, the SSTS Ordinance stipulates that septic systems that fail to protect groundwater must be repaired, replaced, or abandoned within six (6) months of written notification by the City; and

WHEREAS, the property at 2434 So Shore Blvd has a septic system that presently does not comply with the SSTS Ordinance; and

WHEREAS, this property does not have access to the municipal sanitary sewer system; and

WHEREAS, the City's Capital Improvement Plan anticipates the extension of municipal sanitary sewer to serve these properties within the next 36 months; and

WHEREAS, the City has consulted with Minnesota Pollution Control Agency and determined if the city and property owners are working toward a clearly defined plan for bringing the properties into compliance, then an extension of the compliance deadline would be acceptable; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council in and for the City of White Bear Lake that the deadline for 2434 South Shore Blvd to bring their septic systems into compliance with the SSTS Ordinance be extended to December 31, 2022 or as soon as municipal sanitary sewer is available, whichever date comes first.

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
Building Department

MEMORANDUM

To: Ellen Richter, City Manager
From: Ben Eggan, Building Official
Date: November 17, 2016
Subject: Subsurface Sewage Treatment System Update

BACKGROUND

On June 10, 2014 the City of White Bear Lake adopted a new Subsurface Sewage Treatment System (SSTS) ordinance. The ordinance was updated to comply with Minnesota State Statute aimed at protecting ground water systems. Since adoption of the new SSTS ordinance the Building Department has been gathering information about each septic system presently in operation within City limits.

There are currently 24 septic systems in use in the City of White Bear Lake. In January, 2016 pumping maintenance forms were sent to all SSTS owners to be returned to our office by June 1, 2016. The pumping maintenance form collects essential information and construction details about the septic system. The result of the questionnaire revealed that of the 24 systems in use, eight of the systems have bottomless septic tanks.

A bottomless tank is technically considered to be a system that fails to protect ground water. Bottomless tanks are not uncommon in older septic systems. The current ordinance separates failing systems into two categories. The more serious condition of the two types of failing systems is deemed an “Imminent Threat to Public Health and Safety”. Those systems with a secondary level of concern are deemed as “Failing to Protect Groundwater”. The definitions of each are provided below:

Imminent Threat to Public Health and Safety: *At a minimum a SSTS with a discharge of sewage or sewage effluent to the ground surface, drainage systems, ditches, or storm water drains or directly to surface water; SSTS that cause a reoccurring sewage backup into a dwelling or other establishment; SSTS with electrical hazards; or sewage tanks with unsecured, damaged, or weak maintenance access covers. The determination of protectiveness for other conditions must be made by a Qualified Employee or a Subsurface Sewage Treatment System inspection business.*

Failure to Protect Groundwater: *At a minimum, a Subsurface Sewage Treatment System that does not protect groundwater is considered to be a seepage pit, cesspool, drywell,*

leaching pit, or other pit; a Subsurface Sewage Treatment System with less than the required vertical separation distance, and/or a system not abandoned. The determination of the threat to groundwater for other conditions must be made by a Qualified Employee or licensed individual.

SUMMARY

Eight property owners that have bottomless tanks have been notified that their systems are failing to protect ground water and have been given six (6) months to repair, replaced or abandon the failing septic systems. Of the eight septic systems that are failing, five properties do not have access to city sewer at this time. Three of the properties are located on Northwest Ave and two are located on South Shore Blvd.

There is potential to extend public sewer to the properties on Northwest Ave and along South Shore Blvd so that the properties may eventually be connected to city sewer. This would enable these five property owners to permanently abandon their septic systems rather than install new systems at this time. It is however not feasible to extend sewer to these areas within the six month compliance deadline.

Sewer could potentially be extended to the Northwest Ave properties in 2017. Extension of utilities to the South Shore Blvd properties is anticipated to occur in conjunction with the Ramsey County road reconstruction.

All five of the households on septic systems that need upgrades have two or fewer occupants living in the households. Households with two or fewer people will tend to have minimal flow of effluent into the septic systems. The systems in question have been in use since the 1960's, with the exception of one that was installed in 1987. During that time these systems have been operating and we have not been made aware of any known or obvious threat to public health.

The cost of new septic system in most circumstances is approximately \$20,000. Rather than expending \$20,000 to install new septic systems at each site, it may be of greater benefit to public health and safety to achieve a permanent connection to city sewer and abandon the septic systems.

RECOMMENDED COUNCIL ACTION

Staff recommends Council consider extending the compliance timeline for the five septic systems that are in need of replacement that are located in areas of the city where sanitary sewer will likely be extended in the near future. Staff consulted with MPCA SSTS staff regarding the deadlines and the potential for sewer extensions. The MPCA stated that if city staff and the property owners are working toward a clearly defined plan for bringing the properties into compliance, then the extension of the deadlines would be acceptable.

ATTACHMENTS

Resolution