



AGENDA
REGULAR MEETING OF THE CITY COUNCIL OF
THE CITY OF WHITE BEAR LAKE, MINNESOTA
TUESDAY, NOVEMBER 24, 2020
7:00 P.M. VIA ZOOM OR TELEPHONE

6:00 p.m. City Council Work Session to discuss the Public Safety Building

1. CALL TO ORDER AND ROLL CALL

2. APPROVAL OF MINUTES

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

3. APPROVAL OF THE AGENDA

4. VISITORS AND PRESENTATIONS

Nothing scheduled

5. PUBLIC HEARINGS

Nothing scheduled

6. LAND USE

A. Consent

1. Consideration of a Planning Commission recommendation for approval of a request by Melissa and Brent Peacock for a variance at 2532 Manitou Island (Case No. 20-16-V)

B. Non-Consent

7. UNFINISHED BUSINESS

Nothing scheduled

8. ORDINANCES

Nothing scheduled

9. NEW BUSINESS

A. Resolution authorizing White Bear Lake Area Hockey Association's use of Podvin Park ice rink in order to hold a hockey tournament

B. Resolution approving 2021 Union Contract with the International Union of Operating Engineers Local No. 49

- C. Resolution approving 2021 Union Contract with the International Association of Firefighters Local No. 5202
- D. Resolution approving 2021 Position and Classification Plan
- E. Resolution authorizing City Manager to execute contract with Center for Policy, Planning and Performance for consultation services

10. CONSENT

- A. Resolution refunding 2019 excess gambling regulatory taxes collected
- B. Resolution accepting work and authorizing final payment to North Valley, Inc. for completion of the 2020 Mill and Overlay Project, City Project No.: 20-13

11. DISCUSSION

Nothing scheduled

12. COMMUNICATIONS FROM THE CITY MANAGER

13. ADJOURNMENT



**MINUTES
REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF WHITE BEAR LAKE, MINNESOTA
TUESDAY, NOVEMBER 10, 2020
7:00 P.M. VIA ZOOM OR TELEPHONE**

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, City Clerk Kara Coustry and City Attorney Troy Gilchrist.

2. APPROVAL OF MINUTES

A. Minutes of the Regular City Council Meeting on October 27, 2020

It was moved by Councilmember **Biehn** seconded by Councilmember **Jones**, to approve the Minutes of the Regular City Council Meeting on October 27, 2020.

Biehn Aye
Edberg Aye
Engstran Aye
Jones Aye
Walsh Aye

Motion carried unanimously.

3. APPROVAL OF THE AGENDA

4. VISITORS AND PRESENTATIONS

Nothing scheduled

5. PUBLIC HEARINGS

Nothing scheduled

6. LAND USE

A. Consent

1. Consideration of a Planning Commission recommendation for approval of a request by Independent School District #624 for a Conditional Use Permit Amendment at Matoska Elementary at 2530 Spruce Place. (Case No. 12-5-Sa). **Resolution No. 12662**
2. Consideration of a Planning Commission recommendation for approval of a request by Independent School District #624 for a Conditional Use Permit at Lincoln Elementary at 1961 6th Street. (Case No. 20-9-CUP). **Resolution No. 12663**
3. Consideration of a Planning Commission recommendation for approval of a request by Tousley Ford for a Conditional Use Permit at 1755 Buerkle Road. (20-8-CUP). **Resolution No. 12664**
4. Consideration of a Planning Commission recommendation for approval of a request by Grant Raykowski for a variance at 2503 Manitou Island. (Case No. 20-18-V). **Resolution No. 12665**

It was moved by Councilmember **Jones** seconded by Councilmember **Biehn**, to approve the Land Use Consent Agenda.

Biehn Aye
Edberg Aye
Engstran Aye
Jones Aye
Walsh Aye

Motion carried unanimously.

B. Non-Consent

1. Consideration of a Planning Commission recommendation for approval of one variance request and denial of one variance request by Steve Bucher for two variances at 4820 Stewart Avenue. (Case No. 20-17-V)

Community Development Director Kane reported that according to Ramsey County, 4820 Stewart Avenue was the site of White Bear Lake's first Baptist Church - constructed in 1889. Further reporting its use was converted into a theater in 1970, and operated as such until Lakeshore Players moved into the Arts District in 2018. She said the applicants bought the property this year and while remodeling into a single-family home, they desired an enclosed porch on the rear (east) side of the building.

Ms. Kane explained that the screened porch would require a 13 foot 4.5 inch variance from the 30 foot setback along the rear property line and a 14.5 foot variance from the 25 foot setback along the side abutting a public right-of-way. While the Planning Commission had voted to deny the backyard variance, she noted a resolution approving both variances was also prepared for Council's consideration in this case.

Mayor Emerson opened the public hearing at 7:10 p.m.

Applicant, Steve Bucher spoke on behalf of his request, adding an additional consideration

since the Planning Commission includes the discovery of water intrusion in the basement for which a porch would help to address.

There being no comment by the public, Mayor Emerson closed the public hearing at 7:18 p.m.

Councilmember Biehn agreed with Mr. Bucher that the backside of the building is an eyesore and this improvement will greatly enhance the building, and supported approval of all the requested variances as did other Councilmembers and the Mayor.

It was moved by Councilmember **Engstran** seconded by Councilmember **Biehn**, to approve **Resolution No. 12666** a Planning Commission recommendation for approval of requests by Steve Bucher for two variances at 4820 Stewart Avenue.

Biehn Aye
Edberg Aye
Engstran Aye
Jones Aye
Walsh Aye

Motion carried unanimously.

2. Consideration of a Planning Commission recommendation for approval of a request by Melissa and Brent Peacock for a variance at 2532 Manitou Island, postponed to Nov. 24, 2020 (Case No. 20-16-V)

Community Development Director Kane reported that at the request of the applicants, this item will be postponed to the November 24, 2020 City Council meeting.

7. UNFINISHED BUSINESS

- A. Resolution reallocating remaining Non-profit relief grant funds and extension of Emergency Assistance grant funds.

City Manager Hiniker recapped the last Council meeting in which action was taken to transfer \$106,000 into the Ambulance fund and apply remaining Cares funds to Public Safety Payroll. She explained this action expensed remaining Cares funds thereby simplifying report and audit requirements. Then by encumbering these same funds in the Economic Development fund, she noted, the City could continue to provide supportive community grants well past the Nov. 15th Cares funding expense deadline.

Ms. Hiniker asked for an extension of \$250,000 in the Emergency Assistance Grant program through March 30, 2021 to assist with anticipated housing expenses, and sought authorization to redirect \$45,000 in unspent non-profit relief funds as follows:

- Newtrax Meal Delivery Program (\$10,000)
- Newtrax.org (\$10,000)
- YMCA (\$10,000)
- Early Childhood Screening Program (\$5,000)

Councilmember Walsh expressed desire to utilize unexpended funds that have been proposed for non-profits to offset the upcoming tax levy.

Councilmember Jones stated the intention of these funds was to get it to people in need of assistance. He preferred to see his individual annual tax savings go toward assisting those in need in the community, but if the City were to keep this funding, he thought it best used as capital improvement funding.

After considerable discussion regarding allocation of non-profit relief funds to other programs, Council tabled this item for discussion at another work session, with recommendation for action at a future Council meeting.

It was moved by Councilmember **Walsh** seconded by Councilmember **Edberg**, to approve amended **Resolution No. 12667** an extension of \$125,000 in Emergency Assistance grant funds.

Biehn Aye
Edberg Aye
Engstran Aye
Jones Aye
Walsh Aye

Motion carried unanimously.

8. ORDINANCES

- A. Second reading of a City-Initiated text amendment to Zoning Code at Section 1303.120, Subd.3 “Permitted Accessory Uses” to clarify that the intent of line (a) is permitting accessory buildings, not a specific use within the building. (Case No. 20-1-Z)

Community Development Director Kane explained that this ordinance clarifies that the language allows for the structure and not the use within the structure, eliminating potential conflict with district regulations which list the allowed uses in each district respectively.

Mayor Emerson opened a public hearing at 7:07 p.m. There being no comments from the public, Mayor Emerson closed the public hearing.

It was moved by Councilmember **Jones** seconded by Councilmember **Biehn**, to adopt **Ordinance No. 20-1-2044** to clarify that the intent of line (a) is permitting accessory buildings, not a specific use within the building.

Biehn Aye
Edberg Aye
Engstran Aye
Jones Aye
Walsh Aye

Motion carried unanimously.

It was moved by Councilmember **Jones** seconded by Councilmember **Biehn**, to adopt Summary

Resolution No. 12668 establishing title and summary approval of Ordinance No. 20-1-2044.

Biehn Aye
Edberg Aye
Engstran Aye
Jones Aye
Walsh Aye

Motion carried unanimously.

B. Second reading of adoption of the Minnesota State Fire Code by reference

Assistant City Manager Juba explained that consistent with how the City adopts the State Building Code, this ordinance adopts the Minnesota State Fire Code by reference so that subsequent changes to the State Fire Code are reflected in the City's Code.

Mayor Emerson opened a public hearing at 7:11 p.m. There being no comments from the public, Mayor Emerson closed the public hearing.

It was moved by Councilmember **Engstran** seconded by Councilmember **Jones**, to adopt **Ordinance No. 20-1-2045** adoption of the Minnesota State Fire Code by reference.

Biehn Aye
Edberg Aye
Engstran Aye
Jones Aye
Walsh Aye

Motion carried unanimously.

It was moved by Councilmember **Biehn** seconded by Councilmember **Engstran**, to adopt Summary **Resolution No. 12669** establishing title and summary approval of Ordinance No. 20-1-2045.

Biehn Aye
Edberg Aye
Engstran Aye
Jones Aye
Walsh Aye

Motion carried unanimously.

9. NEW BUSINESS

A. Resolution approving 2021 MNPEA Patrol Officers Union Contract

Assistant City Manager Juba reported that all four of the city's union contracts have been negotiated and each contain the following proposed provisions, if approved by the Council:

- 1 year term

- comp time is cashed out by the end of the year to conform with tax laws
- 3% insurance contribution
- 2% wage increase
- vacation cap 200 moved up to 240 because people are not taking vacations
- implementation of standard 10 days of parental leave

It was moved by Councilmember **Biehn** seconded by Councilmember **Edberg**, to approve **Resolution No. 12670**, approving 2021 MNPEA Patrol Officers Union Contract.

Biehn Aye
Edberg Aye
Engstran Aye
Jones Aye
Walsh Aye

Motion carried unanimously.

B. Resolution approving 2021 LELS Sergeants Union Contract

Assistant City Manager Juba reported the same contract terms would apply as for LELS, except that the annual uniform allowance for Sergeants is proposed to match that of LELS at \$750 (\$40 increase). He proposed eliminating performance pay, as was done in Public Works, citing organizational leaders address performance issues immediately rather than waiting for an end of the year pay consideration.

It was moved by Councilmember **Biehn** seconded by Councilmember **Engstran**, to approve **Resolution No. 12671**, approving 2021 LELS Sergeants Union Contract.

Biehn Aye
Edberg Aye
Engstran Aye
Jones Aye
Walsh Aye

Motion carried unanimously.

C. Resolution accepting the City's DRAFT Surface Water Management Plan and authorizing distribution to water management organizations and counties for technical review

Community Development Director Kane asked to Council to accept the draft Surface Water Management Plan and authorize its distribution to four affected water management organizations and two counties for technical review. She explained this is a required element for completion of the City's 2040 Comprehensive Plan and staff intends to conduct this technical advisory review and peer review prior to a public hearing and Council's formal adoption, anticipated in spring.

It was moved by Councilmember **Jones** seconded by Councilmember **Engstran**, to approve **Resolution No. 12672**, accepting the City's DRAFT Surface Water Management Plan and authorizing distribution to water management organizations and counties for technical review.

Biehn Aye
Edberg Aye
Engstran Aye
Jones Aye
Walsh Aye

Motion carried unanimously.

D. Resolution authorizing Livable Communities Act re-enrollment for 2021-2030

Community Development Director Kane noted a revised resolution corrected the City's life-cycle housing goal calculation at 525. She stated participation in the Metropolitan Council's Livable Communities Act program requires that the City's 2040 Comprehensive Plan is deemed complete and consistent with Metropolitan Council policies for the City to be eligible. Ms. Kane explained that in order to participate in the Metropolitan Council's Livable Communities Demonstration Account, the City is required to adopt by resolution its affordable and life-cycle housing goals for 2021-2030.

In response to Councilmember Walsh, Ms. Kane explained that while there are no guarantees for funding this would make the City eligible to apply for cleanup grants, such as used for The Waters redevelopment and the Boatworks redevelopment project. She stated that over the past ten years, the City received about \$2 million on just those two projects. Philosophically, Councilmember Walsh did not agree with another entity declaring the City's housing goals, although he agreed with the goal. Ms. Kane believed the goals of both entities align and she viewed Metropolitan Council as a resource toward achieving the community's goals for housing.

As Chair of Livable Communities, Mayor Emerson noted that \$8.5 million in grant funding was awarded last week to various communities.

Councilmember Jones noted the Council should continue to consider any form of housing and he did not feel restricted to these numbers, but does want the ability to apply for grant funds. He mentioned a desire to ask the legislature for money for the ice rink.

Councilmember Edberg received confirmation from Ms. Kane that accessory dwelling units and Habitat for Humanity projects are considered life-cycle housing. He noted that housing considerations would also be driven by the parcel and the neighborhood. He asked how to access this money, noting a desire for stormwater improvements for Goose Lake.

Ms. Kane highlighted primary programs including, the Department of Employment and Economic Development (DEED), which is more focused on job creation and has been used to fund site cleanup. Under the Livable Communities Account, she said, there are pre-development funds for those with control of the property and a vision for it. LCA Development funds are used to bridge the gap in valuation of a project to account for additional public components.

It was moved by Councilmember **Jones** seconded by Councilmember **Edberg**, to approve **Resolution No. 12673**, authorizing Livable Communities Act re-enrollment for 2021-2030.

Biehn Aye
Edberg Aye

Engstran Aye
Jones Aye
Walsh Nay

Motion carried 4:1.

10. CONSENT

- A. Acceptance of Minutes; September Environmental Advisory Commission; September White Bear Lake Conservation District; October Planning Commission.
- B. Resolution authorizing execution of a contract with Sandstrom Land Management LLC for construction of rain gardens on the properties of landowners. **Resolution No. 12674**
- C. Resolution authorizing a transfer of liquor licenses for Lunds Inc. to Lunds Food Holdings, Inc. **Resolution No. 12675**
- D. Resolution authorizing Score Grant funding allocation and application. **Resolution No. 12676**

It was moved by Councilmember **Biehn** seconded by Councilmember **Jones**, to approve the Consent Agenda as presented.

Biehn Aye
Edberg Aye
Engstran Aye
Jones Aye
Walsh Aye

Motion carried unanimously.

11. DISCUSSION

Nothing scheduled

12. COMMUNICATIONS FROM THE CITY MANAGER

- The License Bureau (LB) will begin implementing MNDrives tomorrow, the replacement for MNLars. The LB was chosen to pilot this program because of the good work they do. MNDrives will be live on November 16, 2020. Also, the LB earned another dealership account.
- City Council Work Session on Tuesday, November 17, 2020 at 6:00 via Zoom to work through CARES funding and the budget.
- Governor Walz dialed back on late night entertainment as COVID-19 cases have risen. Staff will evaluate new guidance as it pertains to the Sports Center and Armory facilities.
- Staff is working on ideas for a traffic committee and will revisit this with Council soon.

- Bearly Open event has been cancelled but fundraising for the Food Shelf will continue online.
- Downtown cancelled Winterfest this year but are still holding their Open House.
- City Engineer/Public Works Director Kauppi
 - \$500,000 was awarded as part of the 2020 bonding bill to complete the segment of the Lake Links Trail from Ramsey County beach to the southern limits. White Bear Township received the same, and Dellwood received \$2.6 million for their segment.
- Community Development Director Kane
 - School District meeting Thursday evening via Zoom for which staff will report back regarding the North Campus expansion
 - Small area planning has been taking place to include the visions of the School District, Art Center, Rush Line and Bruce Vento Trail projects to maximize pedestrian and bicycle connections to Downtown White Bear Lake. Councilmember Jones and Biehn were asked and accepted an invitation to participate in a meeting with consultant to discuss the area.
- Mayor Emerson recognized all active and military veterans for their service to the County and honored military staff read off the names and positions of all military staff working for the City.

13. ADJOURNMENT

There being no further business before the Council, it was moved by Councilmember **Jones** seconded by Councilmember **Walsh** to adjourn the regular meeting at 8:56 p.m.

Biehn Aye
Edberg Aye
Engstran Aye
Jones Aye
Walsh Nay

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: November 18, 2020 for the November 24, 2020 City Council Meeting

Subject: **Peacock Garage, 2532 Manitou Island - Case No. 20-16-V**

REQUEST

A 420 square foot variance from the 1,250 square foot maximum for all accessory structures combined, in order to construct a third garage stall onto the north side of the existing two-car attached garage.

SUMMARY

A board member of the Manitou Island Association spoke to the matter. The board was split on whether to oppose the request or support with modifications. The modifications desired were presented on a graphic. The applicants were in agreement with the modifications. On a 3-2 vote, the Planning Commission recommended approval of the variance with the modifications requested by the Association.

Subsequent to the Planning Commission meeting, the applicants desired additional time to work with the Island Association to revise the modifications. Consequently, the applicants requested that the item be continued to the November 24 City Council meeting.

Since then staff has received correspondence from the neighboring property owners. In light of these statements, the applicants have chosen to withdraw their request.

RECOMMENDED COUNCIL ACTION

No action required.

ATTACHMENTS

Request to withdraw application - email

From: Melissa Peacock <melissapeacock@comcast.net>
Sent: Tuesday, November 17, 2020 2:25 PM
To: Samantha Crosby <scrosby@whitebearlake.org>
Cc: (removed)
Subject: Peacock Variance

Sam-

In deference to the wishes of our neighbors we have decided to withdraw our application for a variance at 2532 Manitou Island for an additional garage stall.

Thank you for your work on this matter it is very appreciated.

Sincerely,
Melissa and Brent Peacock



City of White Bear Lake
City Manager's Office

MEMORANDUM

To: Ellen Hiniker, City Manager

From: Kara Coustry, City Clerk

Date: November 16, 2020

Subject: **Exclusive Use of Podvin Park Ice Rink on January 15 - 17 & 22 - 24**

SUMMARY / BACKGROUND

The White Bear Lake Hockey Association submitted a special event application requesting exclusive use of Podvin Park for hockey tournaments (Mites ages 5 – 8) over the 3rd and 4th weekends in January 2021. The Association agreed to maintain the rink before, during and following the event. Refuse collection is to be paid by the group. This application is similar to that submitted and approved by Council last year.

Currently, the Governor's Order prohibits organized youth sports, both indoor and outdoor. This is subject to change after December 18th, depending upon the status of the rise in COVID cases. Approval of any part of this request would be conditioned upon the groups' adherence to local, state and federal COVID-19 guidelines, which could mean that the event is cancelled entirely. The Association recognizes that if the event had been scheduled to be held within the next four weeks, it would be cancelled.

The original request was similar to that submitted last year, to include the ability to sell alcohol, vend concessions, and to have a food truck on public park property. At this time, the Association understands that the ability to host related activities and even the event itself are dependent on the status of the Governor's order.

This first time event went well last January, with the exception of one quickly resolved noise complaint resulting from loud music. Last year, staff had only recommended approval of one of three of the requested January weekends by the Hockey Association in order to allow for public use of the park as intended.

RECOMMENDED COUNCIL ACTION

Attached is a resolution authorizing use of Podvin Park Ice Rink by the White Bear Lake Hockey Association on the third and fourth weekends in January 2021 for Mites hockey tournaments, contingent upon parameters established through the Governor's order.

ATTACHMENT

Resolution

RESOLUTION NO.

**A RESOLUTION AUTHORIZING USE OF PODVIN PARK ICE RINK FOR
OUTDOOR HOCKEY TOURNAMENTS OVER THE
THIRD AND FOURTH WEEKENDS IN JANUARY 2021**

WHEREAS, an application was submitted by the Hockey Association to host a Mites hockey tournament at Podvin Park ice rink on January 16 – 17 & 22 – 24, 2021; and

WHEREAS, the Hockey Association would assume full rink maintenance and restroom cleaning, for the requested weekends; and

WHEREAS, at current, the Governor’s Order does not permit outdoor tournaments however, the order expires in December; and

WHEREAS, given uncertainty whether the Governor’s Order will be extended into January, City staff are recommending conditional approval of this event at this time.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of White Bear Lake hereby authorizes use of Podvin Park restrooms and ice rink for outdoor hockey tournaments on the third and fourth weekends in January 2021, subject to the following conditions:

1. The Hockey Association adheres to the standard Park Rules & Guidelines, and the latest city, state and federal guidelines and orders regarding COVID-19.
2. Hockey Association COVID-19 Protocol Plan approved by staff.
3. The Hockey Association maintains Podvin Park ice rink and restroom for the duration of the event, and pays for the actual cost of trash collection by Republic Services.
4. General liability insurance.

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

Ayes:
Nays:
Passed:

Jo Emerson, Mayor

ATTEST:

Kara Coustry, City Clerk



City of White Bear Lake
City Manager's Office

M E M O R A N D U M

To: Ellen Hiniker, City Manager

From: Rick Juba, Assistant City Manager

Date: November 16, 2020

Subject: **Proposed Amendment with International Association of Firefighters – Firefighter/Paramedics**

BACKGROUND

The current IAFF – White Bear Lake Firefighters Union contract is set to expire on December 31, 2020. The City and the Union have met and the Union has voted to accept the following amendments to the contract.

Article 30 - Duration

One-year Labor Agreement (2021)

Article 23 – Insurance

In line with what has been approved by the City Council for non-bargaining employees and the Police Unions, the City has proposed to keep employee health insurance premium contributions at 2020 amounts for 2021. Overall, the City's premiums went up 3%, in order to remain competitive for benefit contributions, the City has agreed to cover the increase in premiums. Health Savings Account contributions will remain at \$700 for those employees with single coverage and \$1,400 for those employees with dependent coverage.

Appendix A - Wages

- 2021 2% increase in wage table.

The 2% adjustment is consistent with what has been approved by the City Council for two of the City's union contracts and what will be proposed for non-bargaining employees. The City Manager's Office and Finance Department are recommending the 2% increase based on discussion regarding the preliminary city budget with the City Council and reviewing comparable cities.

Article 19 - Vacation

- Add language referencing the maximum vacation accrual amount of 320 hours.

This has been pro-rated because the Full-Time Firefighter/Paramedics work 24 hour shifts and therefore their vacation accruals, etc. are not based on a 2,080 hour schedule like a typical 40 hour/week employee.

Article XX – Parental Leave

- New language granting two weeks paid leave following the birth or placement of child.

Parental leave is proposed to be added in all four union contracts in 2021.

RECOMMENDED COUNCIL ACTION

Both the City and the Union have reached the proposed amendment to the contract through good faith negotiations and its approval as outlined in the attached resolution is recommended.

ATTACHMENTS

Resolution

RESOLUTION NO.

**RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF THE 2021
CONTRACT WITH
INTERNATIONAL ASSOCIATION OF FIREFIGHTERS;
FIREFIGHTER/PARAMEDICS**

WHEREAS the proposed contract with International Association of Firefighters (IAFF), for the City of White Bear Lake Full-time Firefighter/Paramedics covers the period from January 1, 2021 through December 31, 2021; and

WHEREAS the City has met and negotiated in good faith a proposed contract with, IAFF, Firefighter/Paramedics, agreeing on the following significant changes to the contract:

Article 30 -- Duration

One-year Labor Agreement (2021)

Article 23 – Insurance

Employee’s selecting **single coverage** may select one of the following:

* *City’s contribution assumes non-smoking incentive*

Open Access Network	1,000 CMM	2,000 CMM	2,800 H.S.A.
Premium	661.94	622.76	607.78
City Contribution*	573.00	567.00	591.00
Employee Cost	88.94	55.76	16.78

VantagePlus Network	1,000 CMM	2,000 CMM	2,800 H.S.A.
Premium	595.75	560.48	547.00
City Contribution*	571.00	560.48	547.00
Employee Cost	24.75	- 0 -	- 0 -

Employee’s selecting **Employee + 1 coverage** may select one of the following:

* *City’s contribution assumes non-smoking incentive*

Open Access Network	1,000 CMM	2,000 CMM	2,800 H.S.A.
Premium	1,455.51	1,369.36	1,336.42
City Contribution*	1,103.00	1,092.00	1,143.00
Employee Cost	352.51	277.36	193.42

VantagePlus Network	1,000 CMM	2,000 CMM	2,800 H.S.A.
Premium	1,309.96	1,232.42	1,202.78
City Contribution*	1,099.00	1,088.00	1,139.00
Employee Cost	210.96	144.42	63.78

RESOLUTION NO.

Employee’s selecting **Multiple Dependent coverage** may select one of the following:

* *City’s contribution assumes non-smoking incentive*

Open Access Network	1,000 CMM	2,000 CMM	2,800 H.S.A.
Premium	1,850.51	1,740.98	1,699.11
City Contribution*	1,345.00	1,331.00	1,395.00
Employee Cost	505.51	409.98	304.11

VantagePlus Network	1,000 CMM	2,000 CMM	2,800 H.S.A.
Premium	1,665.46	1,566.88	1,529.20
City Contribution*	1,340.00	1,326.00	1,390.00
Employee Cost	325.46	240.88	139.20

Health Savings Account contributions will be \$700 for those employees with single coverage and \$1,400 for those employees with dependent coverage.

Appendix A - Wages

2021 2% increase in wage table.

Article 19 - Vacation

Add language referencing the maximum vacation accrual amount of 320 hours.

Article 24.5 – Parental Leave

New language granting two weeks paid leave following the birth or placement of child.

WHEREAS upon review of its terms and conditions the proposed contract has been found acceptable by the City Council.

THEREFORE BE IT RESOLVED, by the City Council of the City of White Bear Lake, Minnesota that the 2021 IAFF, Firefighter/Paramedics contract is hereby approved.

BE IT FURTHER RESOLVED that the Mayor and City Manager are authorized and hereby directed to execute said amendment to the 2021 contract with IAFF, Firefighter/Paramedics.

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

- Ayes:
- Nays:
- Passed:

Jo Emerson, Mayor

ATTEST:

RESOLUTION NO.

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: Rick Juba, Assistant City Manager

Date: November 18, 2020

Subject: **Proposed Amendment with Local 49 Union – Public Works Contract**

BACKGROUND

The current Local 49 – White Bear Lake Public Works Union contract is set to expire on December 31, 2020. The City and the Union have met and the Union has voted to accept the following amendments to the contract.

Article XXXI - Duration

One-year Labor Agreement (2021)

Article X – Overtime

Language has been added to clarify how overtime call-outs are performed.

Article XXVIII – Compensatory Time

- Add language that Compensatory Time may balances may not be carried over from year to year and must be used as leave or cashed out on the last pay period of the year.

This is due to individual tax liabilities regarding constructive receipt and is being implemented City wide.

Article XIX – Insurance

In line with what has been approved by the City Council for non-bargaining employees, the City has proposed to keep employee health insurance premium contributions at 2020 amounts for 2021. Overall, the City's premiums went up 3%, in order to remain competitive for benefit contributions, the City has agreed to cover the increase in premiums. Health Savings Account contributions will remain at \$700 for those employees with single coverage and \$1,400 for those employees with dependent coverage.

Appendix A - Wages

- 2021 2% increase in wage table.

The 2% adjustment is consistent with what has been offered and agreed to with at least one other of the City's union contracts and what will be proposed for non-bargaining employees. The City Manager's Office and Finance Department are recommending the 2% increase based on discussion regarding the preliminary city budget with the City Council and reviewing comparable cities.

A new category has also been added to separate the Mechanic position from the regular PW Maintenance category. The hourly premium of \$2.25 for this position has been removed from the differential pay category and reflected here.

Article XXV - Vacation

- Add language referencing the maximum vacation accrual amount of 240 hours.

This item is standard across all contracts and non-bargaining policies in the City.

Article XXVI – Standby Pay

- Increase Standby Pay and Water Department “laptop” pay from \$250/week to \$300. Weeks containing City recognized holiday’s will be paid at \$325.

Article XXVII- Safety Shoes and Work Clothing

- Increase clothing allowance from \$400 to \$450.

Article XXIV – Parental Leave

- New language granting 10 days paid leave following the birth or placement of child.

Parental leave is proposed to be added in all four union contracts in 2021.

Memorandums of Understanding

The Union proposed a new MOU outlining the process for the employer and employee’s when an employee loses their commercial driver’s license for an incident not related to drug and alcohol testing. Staff supported this MOU as it establishes expectations for the employee and process for the City while maintaining the City’s right to take disciplinary action.

The MOU that was passed by the City Council on February 26, 2020 establishing the Working Foreman positions and wages has been worked into the contract itself. All other MOU’s have been renewed.

RECOMMENDED COUNCIL ACTION

Both the City and the Union have reached the proposed amendment to the contract through good faith negotiations and its approval as outlined in the attached resolution is recommended.

ATTACHMENTS

Resolution

RESOLUTION NO.

**RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF THE 2021
CONTRACT WITH
LOCAL 49; PUBLIC WORKS**

WHEREAS the proposed contract with Local 49, for the City of White Bear Lake Public Works Maintenance Staff covers the period from January 1, 2021 through December 31, 2021; and

WHEREAS the City has met and negotiated in good faith a proposed contract with, Local 49, Public Works, agreeing on the following significant changes to the contract:

Article XXXI - Duration

One-year Labor Agreement (2021)

Article X – Overtime

Language has been added to clarify how overtime call-outs are performed.

Article XXVIII – Compensatory Time

Add language that Compensatory Time may balances may not be carried over from year to year and must be used as leave or cashed out on the last pay period of the year.

Article XIX – Insurance

Effective January 1, 2021 through December 31, 2021, the EMPLOYER will contribute up to maximum the following amounts for Hospital and Medical Insurance per month per employee for group health and life insurance including dependent coverage, and for single coverage:

Passport Network	CMM 1000	CMM 2000	CMM 2800	Non-tobacco incentive
Single	553.00	547.00	571.00	20.00
Employee + 1	1,034.00	1,023.00	1,074.00	40.00
Multiple Dependents	1,240.00	1,226.00	1,290.00	40.00

VantagePlus Network	CMM 1000	CMM 2000	CMM 2800	Non-tobacco incentive
Single	551.00	540.48	527.00	20.00
Employee + 1	1,030.00	1,019.00	1,070.00	40.00
Multiple Dependents	1,235.00	1,221.00	1,285.00	40.00

Deferred Insurance \$279.00	Deferred Insurance Non-Tobacco Incentive \$15.00
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In addition, employees selecting the \$2,800 H.S.A. plan the EMPLOYER will contribute the following amounts into their personal H.S.A. accounts:

Item	Annual Amount
Single	700.00
Employee + 1	1,400.00

RESOLUTION NO.

Multiple Dependents	1,400.00
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Appendix A - Wages

2021 2% increase in wage table.

A new category has also been added to separate the Mechanic position from the regular PW Maintenance category. The hourly premium of \$2.25 for this position has been removed from the differential pay category and reflected here.

Article XXV - Vacation

Add language referencing the maximum vacation accrual amount of 240 hours.

Article XXVI – Standby Pay

Increase Standby Pay and Water Department “laptop” pay from \$250/week to \$300. Weeks containing City recognized holidays will be paid at \$325.

Article XXVII- Safety Shoes and Work Clothing

Increase clothing allowance from \$400 to \$450.

Article XXIV – Parental Leave

New language granting 10 days paid leave following the birth or placement of child.

Memorandums of Understanding

The Union proposed a new MOU outlining the process for the employer and employee’s when an employee loses their commercial driver’s license for an incident not related to drug and alcohol testing. Staff supported this MOU as it establishes expectations for the employee and process for the City while maintaining the City’s right to take disciplinary action.

The MOU that was passed by the City Council on February 26, 2020 establishing the Working Foreman positions and wages has been worked into the contract itself. All other MOU’s have been renewed.

WHEREAS upon review of its terms and conditions the proposed contract has been found acceptable by the City Council.

THEREFORE BE IT RESOLVED, by the City Council of the City of White Bear Lake, Minnesota that the 2021 Local 49, Public Works contract is hereby approved.

BE IT FURTHER RESOLVED that the Mayor and City Manager are authorized and hereby directed to execute said amendment to the 2021 contract with Local 49, Public Works.

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

- Ayes:
- Nays:
- Passed:

RESOLUTION NO.

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: November 19, 2020

Subject: **Approval of the 2021 Position Classification and Compensation Plan**

BACKGROUND

In January, 1988, the City Council first adopted a Position Classification and Compensation Plan for the City. The objectives of that plan were stated in Section I of the document. Foremost among the objectives was the desire to "develop and maintain salary structures which will enable the City of White Bear Lake to attract and retain qualified and desirable personnel essential for effective operation now and in the future while demonstrating fiscal responsibility." Of equal importance, the plan was to provide for on-going compliance with the Minnesota Local Government Pay Equity Act of 1984 (Comparable Worth), encourage efficient and dedicated employee performance and maintain an equitable compensation relationship both internally and externally.

The plan ranks classified positions according to a "point-factor analysis" conducted for comparable worth compliance. This procedure recognizes the relative degree of difficulty, skill requirement, impact of decisions and other job-related factors for each position when compared to all other positions in the City. Section II of the Plan establishes a salary structure in the form of ranges and explains the composition of the salary structures and its method of administration. Pursuant to state law and generally accepted compensation practices, the salary structure within the Plan allows for an equitable compensation relationship between positions of diverse duties, skills and responsibilities. The Plan also incorporates a reasonable opportunity to encourage and recognize individual initiative and high quality performance. Subsection 8 of that section provides that the overall wage and salary structure will be reviewed annually and adjustments made as justified ensuring competitive salary levels are maintained. This plan provides the framework for salary administration of the City. It is used directly in determining the salary of employees not governed by labor contracts and serves as a guide in negotiating compensation with employee unions and monitoring the City's compliance with comparable worth requirements.

Recent Compliance Test:

Every three years the City is tested by the State of Minnesota to determine whether it complies with the Pay Equity Act. The City was tested in early 2018 and determined to be in compliance with the law.

Economic and Market Impact:

While the Plan calls for annual review, financial changes are intended only when supported by the market. The compensation table in the Plan was last changed effective January 1, 2020 and it was used as a guide for labor contracts and non-bargaining pay adjustments over the past year.

Staff proposes that the Plan and its compensation table be reviewed with changes considered effective January 1, 2021. In performing such a review, the City takes several factors into consideration including an overall increase in consumer prices, employee recruitment and retention, the adjustment of other private and public employers competing within the City's labor market, and the City's financial resources.

Adjustments to the City's pay schedule effective January 1, 2020 allowed the City to remain competitive for most positions within its labor market. The City increased its compensation table by an average of 2%. It was anticipated that such an increase would be comparable to competing employers and fiscal constraints of the City. Reports of salary adjustments in the City's labor market (both public and private) indicate that this pay structure adjustment generally kept the City competitive through that year.

Attempts are made to correlate benchmark positions that have both public and private sector counterparts to determine if the City's salary/wage structure is in line with this broader market. A salary and wage survey from the Minnesota Department of Energy and Economic Development is used for this purpose and the results for the benchmark positions the City has historically tracked are shown below. These data provide a basis to determine that the City's wage structure is reasonably comparable to the labor markets. This comparison illustrates that the City is reasonably within the metropolitan area labor market for these sample positions.

Department of Employment and Economic Development data updated First Quarter, 2020			
Occupation	SOC code*	Metro Median Hourly Wage	City Pay Range in 2020 Level 2 of Comp Plan
License Clerk	43-4031	22.84	21.63 – 29.26
Building Inspectors	47-4011	35.55	28.98 – 39.21
Highway Maintenance	47-4051	25.82	24.00 – 29.00
Planning/Expediting Clerks	43-6014	24.57	21.63 – 29.26
Civil Engineering Tech	17-3022	31.64	26.05 – 35.24
Police Officer	33-3051	35.65	31.83 – 38.81

** Standard Occupational Codes (SOC) is a system for classifying occupations used by the U.S. Department of Labor and Minnesota Department of Employment and Economic Development, (DEED).*

Proposed Changes:

Data discussed above indicate the City has reasonably kept pace with its labor market through 2020. Based on a recent update of the survey information discussed above and the City's prevailing wage objective, it is recommended that the City Council authorize an adjustment of 2% to the City's compensation table which reflects benchmarks as well as market changes. Copies of the existing and proposed tables are included in the attached document.

Annual review of the plan also requires consideration of the salary adjustment guide chart found on page 7 of the plan. This chart provides the guideline for determining the exact amount of a salary adjustment based upon the performance of the employee and the current level of compensation. External labor market pressure is not factored into this chart. That chart recommends that an employee who is considered to be fully qualified and meeting the performance requirements of the position and currently compensated in the medium range of the table be increased by 2%. The recommended 2021 Salary Adjustment Guide Chart is attached.

In recent years, the City Council has discussed the need to make market adjustments specific to certain technical or professional positions in order to avoid loss of key employees due to tight market conditions. The Council has authorized the City Manager to make these adjustments as necessary so long as the salary fell within the assigned range. In all other cases, compensation beyond that range would require City Council approval.

SUMMARY

The City continues to be guided by its stated principles for fair and competitive compensation. The City acknowledges that the overall cost of living increase is slightly higher than the Federal Reserve's projections, the economy remains strong and the labor market remains tight. A 2% adjustment to the City's compensation table reflects these market changes and is consistent with the City's stated compensation policy; such changes are provided for in the City's annual budget.

RECOMMENDED COUNCIL ACTION

It is recommended that the City Council adopt the attached resolution establishing the City's compensation table for 2021.

ATTACHMENTS

Resolution

Position Classification and Compensation Plan

RESOLUTION NO.

RESOLUTION ESTABLISHING 2021 COMPENSATION TABLE

WHEREAS, in January 1988, the City Council adopted a position classification plan which comprehensibly analyzed the assigned tasks of each position giving value to the complexity, importance and unfavorability of each position and establishing an equitable compensation relationship between all positions of the City based on the assigned responsibility level; and

WHEREAS, Section II of said plan establishes a salary table providing for periodic reviews; and

WHEREAS, after giving consideration of economic factors relating to compensation and desiring to provide fair and reasonable compensation for the employees of the City, the City Council desires to increase the current table for application during the calendar year 2021.

THEREFORE, BE IT RESOLVED by the City Council of the City of White Bear Lake, Minnesota, that the salary table for the City's Position Classification and Compensation Plan as provided in the attached exhibit is hereby adopted and the City Manager is directed to make the appropriate adjustments to the Plan.

BE IT FURTHER RESOLVED, that in cases where exceptional labor market conditions exist and are documented for technical and professional employees, the City Manager is authorized to set salaries based on market conditions and performance so long as the employee's salary falls within the approved range. Specific City Council action is required to set salary beyond the established range.

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

POSITION CLASSIFICATION

AND

COMPENSATION PLAN

City Manager's Office
January, 1988

Approved by the City Council of the City of White Bear Lake
March 15, 1988

Last revision: November 24, 2020

CITY OF WHITE BEAR LAKE

SALARY POLICY GUIDELINES

SECTION I. OBJECTIVES

- A. To develop and maintain salary structures which will enable the City of White Bear Lake to attract and retain qualified and desirable personnel essential for effective operations now and in the future while demonstrating fiscal responsibility.
- B. To provide incentive through a sound program of salary administration which will encourage development of the potential ability of each employee.
 - To properly compensate employees who meet job performance expectations and reward employees who perform beyond expectations.
- C. To have a program of salary administration with flexibilities sufficient to meet current and changing economic and competitive conditions.
- D. To maintain salary relationships among positions which are internally consistent in recognizing the important relative differences in position requirements.
 - To recognize and re-evaluate positions where responsibilities have changed noticeably.
- E. To establish and maintain salary levels which will compare favorably with salaries paid in government and businesses for positions of comparable levels of responsibility, educational background, and experience.
- F. To comply with the Minnesota Local Government Pay Equity Act of 1984.

SALARY POLICY GUIDELINES

SECTION II. SALARY STRUCTURE AND PRINCIPLES OF APPLICATION

A. Salary Structures

The structure shall consist of salary ranges which progress in an orderly alignment from the lowest to the highest responsibility level positions.

B. Salary Ranges

Minimum		Maximum
Zone 1	Zone 2	Zone 3

1. Minimum Salary: The salary normally paid an individual whose performance meets the minimum requirements of the position.
 - Salary payments below the minimum salary rate may be made where the new hire or promoted person lacks the experience and/or background required for the position. Such a person will be considered as being in a status of "qualifying" for a particular position. (See Section IV for treatment of employees who meet all job requirements but are compensated below minimum.)
2. Zone 1: This salary zone provides fair and equitable compensation for those employees who are new in the position, are in a development stage, or have a definite area of weakness in performance.
3. Zone 2: This salary zone provides opportunity to recognize those employees who consistently perform in a manner which "meets or exceeds performance requirements" of the position. This zone establishes the maximum salary for positions in which performance is not a major factor in determining compensation.
4. Zone 3: This salary zone is reserved for those employees who perform in a consistently "outstanding" manner, all the areas of accountability and responsibilities of their position.
5. Maximum Salary: The highest salary justified for a position within a responsibility level.
6. The level of demonstrated performance in relation to overall delegated responsibilities of the position is the principal determinant of where a position is placed within a range.
7. Midpoint of Zone 2 is the middle of the range for each responsibility level. Zone 2 extends 7.5 percent above and below the midpoint; the entire range extends 15 percent above and below the midpoint for each responsibility level.
8. The overall structure will be reviewed annually and adjustments made, as justified, to ensure competitive salary levels are maintained.

SALARY POLICY GUIDELINES

SECTION III. ADMINISTRATION PROCEDURES AND POLICIES

A. Responsibilities for Administration

1. The City Manager shall be accountable to the City Council for overall administration of the salary program, and will report on such administration annually or more often, as requested.
2. The overall salary structure and supporting administration policies will be reviewed annually by the City Manager with appropriate reporting to the City Council relative to the status of the program.

Continuing responsibilities will include:

- a. Maintenance of position job descriptions. Update as necessary.
- b. Maintenance of current records providing salaries, salary revisions, and other pertinent data.
- c. Making periodic analysis of the salary program to determine internal equity and external competitiveness.

B. Performance Reviews and Salary Reviews for Employees not Covered by Collective Bargaining Agreement.

1. The performance review program provides a planned and orderly means of evaluating individual performance in a position in relation to the areas of accountability as defined in each job description. Performance reviews will be scheduled independent of salary reviews. If possible, they should be scheduled six months prior to the employee's annual salary review date and should be no later than three months prior to the salary review date.
2. Salary reviews will be made by supervisory personnel for the purpose of determining what, if any, salary adjustment is to be recommended. The results of the performance review and the related conference conducted with each position incumbent will be an important consideration in this decision. If the employee has improved markedly since the performance review, the improvement shall be taken into consideration as a positive factor when considering the salary increase.
3. In discussions of salary with personnel, supervisors are encouraged to generally speak in terms of the salary range for Zone 2 for each position without emphasis of Zone 3 established for the position. If a supervisor is meeting with an employee who has been given evidence of becoming an outstanding performer, it may be explained that continued outstanding work performance will be recognized as justification for payment of a salary above Zone 2.
4. The term "performance review" as used in this policy statement means a "person to person" discussion of on-job performance.

C. Performance Reviews and Wage/Salary Determination for Positions Included in Collective Bargaining Agreements.

1. Job related performance of employees in positions included in collective bargaining agreements shall be evaluated not less than once annually according to the procedure set forth in appendix A of this policy.
2. To the extent provided in the appropriate collective bargaining agreement or in a manner not inconsistent with a contract the results of the performance evaluation shall be applied to determine compensation.

SECTION IV. SALARY ADJUSTMENTS FOR IMPROVED PERFORMANCE

A. Frequency of Salary Reviews

1. All personnel will have their salaries reviewed at least once each year and their current salary shall be maintained until changes are approved.
2. Salary adjustments, however, shall be made only when earned, based on identifiable improvement in performance, supported by the recommendation of the immediate supervisor of the department in which the position is located.
3. It is important to emphasize that the recommended increase not be communicated to the employee until it has received final approval.
4. The following guidelines will be used in determining when an employee is eligible for salary review:
 - a. An employee receiving a salary below the minimum rate for the responsibility level in which the position is classified will typically have a salary review at six month intervals until performance justifies a salary within Zone 1.
 - b. An employee receiving a salary within Zone 1 established for the position may normally expect to have a salary review at 12-month intervals. In those cases where outstanding performance is demonstrated, a review may be requested by the appropriate department head and approved by the City Manager before the end of the 12-month interval. A salary review will not be made before six months have elapsed from the date of the last salary review.
 - c. An employee receiving a salary within Zone 2 or higher will have a salary review annually.
 - d. If, at the time of a scheduled salary review, the department head determines that a salary adjustment has not been earned based on performance, the salary review may be rescheduled for a later date when performance will be re-evaluated. Subsequent salary reviews will then be scheduled six or 12 months after the revised date, depending upon the incumbent's salary relative to the salary range assigned to the particular responsibility level.

B. Effective Date of Salary Adjustment

1. The determination as to the effective date of a salary increase should be related as closely as possible to the time when a meaningful improvement in performance occurred or when mutually agreed upon achievement goals have been attained.
2. To achieve the maximum incentive values from salary adjustments, the intent of this policy is to place less emphasis on the passing of time (months or years). Of greater importance, therefore, is whether an employee has earned a salary increase as a result of performance not how much time has elapsed since the last adjustment. However, as stated in this policy, each salary will be reviewed annually.
3. Salary adjustments will not be approved and placed into effect unless a performance review interview has been conducted in accordance with the established performance review procedures.

C. Amount of Salary Adjustments

1. After the level of demonstrated performance has been reviewed, the supervisor should determine what, if any, salary adjustment is to be made.
2. The chart on the last page of this section provides guidelines for the amount of individual salaries. This chart will be reviewed annually and will take into consideration salary increases provided as a result of changing economic conditions.

D. Procedure for Recommending Salary Adjustments

1. The responsibility for initiating a salary adjustment recommendation is delegated to the immediate supervisor. All recommendations must be approved by the department head before referral to the City Manager for review and approval.
2. Recommendations made within the guidelines of this policy and the salary structure adopted by the City Council shall be placed in effect upon approval of the City Manager.
3. The City Council, on recommendation of the City Manager, will review and approve or reject any salary adjustment which exceeds the established guidelines. Compensation beyond the maximum may be considered only when required by extraordinary market conditions.

E. Salary Adjustments Resulting from Economic and Competitive Compensation Patterns.

1. It is the established policy of the City of White Bear Lake to review the salary structure annually in relation to the changes which may be occurring in the economy and/or competitive compensation practices. The salary structure referred to herein was developed based on data available to the City concerning salaries for positions of comparable responsibilities.
2. A change, if any, in the salary structures will be made following the annual review of the City's compensation and on the recommendation of the City Manager to the City Council.

3. Adjustments to salary ranges will be taken into consideration when increases for improved performance are recommended.
4. Employees whose performance has stabilized and who are receiving fair compensation for services rendered may receive consideration for salary adjustments in line with economic changes when their annual salary review is scheduled.

F. Salary Adjustments Resulting from Promotions and "step" adjustments.

The objective of this policy is to provide a promoted employee with a salary adjustment sufficient to bring compensation up to a minimum of the new salary range. Such an adjustment would normally be made at the time of promotion, or within a reasonable period if a question as to qualifications for the position is involved.

A reasonable and fair promotion adjustment should be made in connection with each promotion. The adjustment, however, should normally not result in a salary which would exceed Zone 1 established for the position.

Employees in a position which are rated as fully satisfying the requirements of the position but compensated at a rate below mid-range or well below that of comparable positions may have their salary reviewed on a six month basis as a "step" adjustment in addition to annual adjustments.

Salary Policy Guidelines

Salary Adjustment Guide Chart 2021

Summary Evaluation of Overall Performance	Salary Reviews at 6-month Interval	Salary Reviews at 12-month Intervals			
		Zone 1	Zone 2	Zone 3	Beyond Zone 3
V New in position and/or has serious weaknesses or Performance stabilized below level desired	0%	1.25%	1.00%	0.75%	0.50%
IV Making satisfactory progress	1.00%	1.75%	1.50%	1.25%	1.00%
III Meets all performance requirements Considered to be a fully qualified performer for salary zone to which assigned	2.00%	2.25%	2.00%	1.75%	1.50%
II Exceeds overall position performance requirements	2.25%	2.50%	2.25%	2.00%	1.75%
I Consistently performs at a level well beyond that expected	2.50%	2.75%	2.50%	2.25%	2.00%

SALARY POLICY GUIDELINES

SECTION V. PAY EQUITY

A. Statement of Intent.

It is the intent of the City of White Bear Lake to assure that:

1. Compensation for job positions bear a reasonable relationship to others of comparable work value within the City's employment;
2. Compensation for job positions bear a reasonable relationship to similar positions of other public and private employees; and
3. Compensation for job positions bear a reasonable relationship with position of greater or lessor work value within the City's employment.
4. Compensation shall be considered to bear a reasonable relationship between positions if:
 - a) Compensation for positions which require comparable skill, effort, responsibility, working conditions and other relevant work related criteria is comparable; and
 - b) The compensation for positions which require differing skill, effort, responsibility, working conditions and other relevant work related criteria is proportional to the skill, effort, responsibility, working conditions and other relevant work related criteria required.

B. Assignment of Responsibility Level.

The City has analyzed and evaluated the required skill, effort, responsibility, working conditions and other relevant work related criteria of each position of the City using the HR FOCUS methodology developed by the Control Data Corporation. The primary product of this evaluation is a Time Spent Profile (TSP) for each position which will serve as the basis of the job description for each position. The secondary product of this evaluation is a point value which is determined by multiplying the time spent data of the TSP by weighted task values considering complexity, importance/responsibility and unfavorability. Each position of the City is placed in one of the thirty-three responsibility levels based on its point value as illustrated in Tables A and B following this section.

TSP's will be reviewed periodically to determine whether they remain accurate.

C. Determination of Equitable Compensation Relationship.

1. Positions for which top compensation falls within Zone 2 of its responsibility level and for which entry level compensation is at or above the minimum for its responsibility level shall be deemed to be within an equitable relationship with other positions in the City's employment if the employee meets performance requirements.
2. Positions for which compensation falls below the minimum for its responsibility level, or top compensation falls below Zone 2, shall be deemed to not have an equitable relationship with other positions of the City's employment if the employee meets performance requirements.

SALARY POLICY GUIDELINES

3. Positions for which compensation exceeds the maximum for its responsibility level, or top compensation exceeds Zone 2, and job performance or merit are not a significant factor in determining compensation nor does an extraordinary market condition exist, shall be deemed to not have an equitable relationship with other positions of the City's employment.

D. Establishment of Equitable Compensation Relationship.

1. Positions for which an equitable compensation relationship does not exist due to the fact that it is compensated below the minimum for its responsibility level or its top compensation is below Zone 2, shall:
 - a) Be eligible for six month salary adjustments guided by the chart in Section IV which will result in annual adjustments of two times the average adjustments for other employees of the city at similar performance levels if the position is not included in a collective bargaining agreement; or
 - b) Be the topic of negotiation for compensation under a collective bargaining agreement whereby said position shall be considered for a compensative adjustment approximately two times that of the average adjustment provided by the City for that year.
2. Positions for which an equitable compensation relationship does not exist due to the fact that it is compensated beyond the maximum for its responsibility level or its top compensation exceeds Zone 2 and performance or merit are not significant factors in determining compensation shall:
 - a) Be granted an annual salary or wage adjustment of not more than one-half the average amount granted for other position of the City if the position is not included in a collective bargaining agreement; or
 - b) Be the topic of negotiation for compensation under a collective bargaining agreement whereby said position shall be considered for a compensation adjustment approximately one-half the amount of average adjustments provided by the City for that year.

E. Schedule for Implementation of Pay Equity Plan.

Beginning January 1, 1988, this plan and policy shall serve as the basis of establishing compensation for non-bargaining positions of the City and shall serve as the basis for determining the City's position in collective bargaining.

It is the City's contention that this plan will provide an equitable compensation relationship among positions of the City within four years.

SALARY POLICY GUIDELINES

RESPONSIBILITY LEVEL ASSIGNMENT

Table A

<u>Responsibility Level</u>	<u>Points</u>
1	36 - 38
2	39 - 41
3	42 - 44
4	45 - 47
5	48 - 50
6	51 - 53
7	54 - 56
8	57 - 59
9	60 - 62
10	63 - 65
11	66 - 68
12	69 - 71
13	72 - 74
14	75 - 77
15	78 - 80
16	81 - 83
17	84 - 86
18	87 - 89
19	90 - 92
20	93 - 95
21	96 - 98
22	99 - 101
23	102 - 104
24	105 - 107
25	108 - 110
26	111 - 113
27	114 - 116
28	117 - 119
29	120 - 122
30	123 - 125
31	126 - 128
32	129 - 131
33	132 - 134

SALARY POLICY GUIDELINES

WHITE BEAR LAKE
JOINT COMPENSATION STUDY
JOB HIERARCHY

Table B

Adopted 11/24/20

	<u>Pts.</u>	<u>Level</u>		<u>Pts.</u>	<u>Level</u>
City Manager	132	33	Utility Clerk	62	9
Director of Public Works	124	30	Building Permit Clerk	62	9
Police Chief	121	29	Planning Technician	62	9
Finance Director	121	29	Accounts Payable Clerk	62	9
Fire Chief	114	27	Administrative Asst - Engineering	61	9
Community Development Director	113	27	Administrative Asst - Public Works	61	9
Assistant City Manager	113	27	Administrative Asst - Fire	61	9
			Administrative Asst - Sports Center	61	9
Public Works Supt.	104	23	Police Records Tech	61	9
Police Lieutenant/Captain	103	23	License Bureau Clerk	61	9
Assistant Fire Chief	98	21	Accounts Payable/Receptionist	61	9
Police Sergeant	98	21			
Assistant City Engineer	92	19	Police Assistant	59	8
			License Bureau Dealer Clerk	59	8
Assistant Finance Director	89	18	Evidence Technician	59	8
Building Official	89	18			
Civil Engineer	88	18			
Arena Manager	86	17			
Patrol Officer	85	17			
Information Technology Coordinator	83	16			
GIS Coordinator	83	16			
Planning and Zoning Coordinator	82	16			
Water Resources Engineer/Environmental Specialist	82	16			
Housing and Econ Development Coord	81	16			
Firefighter/Paramedic	80	15			
Senior Engineer Technician	79	15			
GIS Coordinator	78	15			
Building Inspector	77	14			
License Bureau Supervisor	76	14			
Rental Housing Inspector	75	14			
Public Works Maintenance	73	13			
Engineering Tech III	71	12			
Administrative Assistant/City Clerk	69	12			
Human Resource Specialist	69	12			
Engineering Tech II	65	10			
Code Enforcement I	64	10			
Sports Center Maintenance	64	10			

City of White Bear Lake								
Proposed 2021 Compensation Plan								
Updated: 11/19/20								
Adjustment Factor:		3,672.03						
Base:		24,617						
Zone 2 Range:		0.075						
Low Range Factor:		0.85						
High Range Factor:		1.15						
Resp.	ZONE 1		ZONE 2			ZONE 3		
Level	Minimum	High	Low	Mid-Point	High	Low	Maximum*	
1	20,924	22,770	22,771	24,617	26,463	26,464	28,310	
2	24,046	26,166	26,167	28,289	30,411	30,412	32,532	
3	27,167	29,563	29,564	31,961	34,358	34,359	36,755	
4	30,288	32,960	32,961	35,633	38,306	38,307	40,978	
5	33,409	36,356	36,357	39,305	42,253	42,254	45,201	
6	36,531	39,753	39,754	42,977	46,200	46,201	49,424	
7	39,652	43,149	43,150	46,649	50,148	50,149	53,647	
8	42,773	46,546	46,547	50,321	54,095	54,096	57,869	
9	45,894	49,943	49,944	53,993	58,043	58,044	62,092	
10	49,015	53,339	53,340	57,665	61,990	61,991	66,315	
11	52,137	56,736	56,737	61,337	65,938	65,939	70,538	
12	55,258	60,133	60,134	65,009	69,885	69,886	74,761	
13	58,379	63,529	63,530	68,681	73,832	73,833	78,984	
14	61,500	66,926	66,927	72,353	77,780	77,781	83,206	
15	64,622	70,323	70,324	76,025	81,727	81,728	87,429	
16	67,743	73,719	73,720	79,697	85,675	85,676	91,652	
17	70,864	77,116	77,117	83,369	89,622	89,623	95,875	
18	73,985	80,512	80,513	87,042	93,570	93,571	100,098	
19	77,107	83,909	83,910	90,714	97,517	97,518	104,321	
20	80,228	87,306	87,307	94,386	101,464	101,465	108,543	
21	83,349	90,702	90,703	98,058	105,412	105,413	112,766	
22	86,470	94,099	94,100	101,730	109,359	109,360	116,989	
23	89,591	97,496	97,497	105,402	113,307	113,308	121,212	
24	92,713	100,892	100,893	109,074	117,254	117,255	125,435	
25	95,834	104,289	104,290	112,746	121,202	121,203	129,658	
26	98,955	107,685	107,686	116,418	125,149	125,150	133,880	
27	102,076	111,082	111,083	120,090	129,097	129,098	138,103	
28	105,198	114,479	114,480	123,762	133,044	133,045	142,326	
29	108,319	117,875	117,876	127,434	136,991	136,992	146,549	
30	111,440	121,272	121,273	131,106	140,939	140,940	150,772	
31	114,561	124,669	124,670	134,778	144,886	144,887	154,995	
32	117,682	128,065	128,066	138,450	148,834	148,835	159,217	
33	120,804	131,462	131,463	142,122	152,781	152,782	163,440	

APPENDIX A

PERFORMANCE REVIEW PROGRAM

A performance review determines how well an employee is performing in the assigned areas of responsibility for his/her position and should encourage improved performance and personal development.

I. OBJECTIVE

Regular performance reviews are essential if the following basic objective is to be achieved:

- To stimulate improved performance on the part of each employee in municipal government to achieve the highest possible level of excellence in service for the citizens.

The success of the total program will depend upon each supervisor recognizing a continuing responsibility to motivate and guide assigned employees. In practice, discussions of performance should occur:

- During the formal performance review, which, in turn, will lay the foundation for day-to-day relationships which a good supervisor develops with each associate.

The performance review is used to evaluate total performance in a position for a specified period of time. The discussion should be scheduled in advance so the incumbents overall performance is fully considered and the review session is prepared for.

II. PURPOSE OF PERFORMANCE DISCUSSIONS

A discussion of job performance provides a positive demonstration that employees work assignment is of significant importance to warrant individual attention. The employee also learns:

- The importance of the position within the framework of the City.
- What the immediate supervisor expects in the way of performance.
- How the supervisor evaluates the employees performance.
- It answers the persistent question, "How am I doing?"
- Where and how improved performance can be achieved.

The supervisor learns:

- How the employee views the responsibilities assigned to the position.

- Where the employee feels performance improvement may be achieved.
- What ideas and suggestions each employee may have that will benefit the City and/or the functioning of the department.

The success of the discussion will depend upon:

- The climate in which the discussion is held--sincerity and frankness are more important than technique.
- The planned and objective review of the areas of accountability assigned to each employee as identified in the job description--this provides the logical foundation for the discussion to follow.
- The manner in which the supervisor guides the performance review discussion.
- The supervisor's ability to motivate employees to improve their performance.

III. CONTENT OF THE PERFORMANCE REVIEW

It is not the employee's personality which is being reviewed, rather it is the performance as related to the stated objectives of the position and the important areas of accountability as defined in the job description for that employee's position.

The concept of the review procedure will result in a performance review which will be constructive and will lay the groundwork for a mutually beneficial discussion between the subordinate and the supervisor.

The best source of information is personal observation. Some supervisors may, however, find it necessary to supplement their observations with information gained from other City administrative personnel. This would be true when the employee being evaluated performs services for, or comes in frequent contact with, personnel from more than one area of City operations. Because examples of good and poor performance are easily forgotten if not systematically recorded, brief notes should be kept. These will prove very useful when preparing the review report and when in conference with the person being reviewed. Reviews based on limited information or hearsay are likely to be inaccurate and lead to unfair judgement.

Specific notes are most helpful, and make the review easier and more objective. While an impression may be helpful, the specific incidents which form the opinion are more meaningful. While notes are helpful, it is not intended that all facts can or should be recorded. Only those which are significant and add meaning for planning action to improve the performance or compliment past performance should be used. Isolated incidents or unusual circumstances must not unduly influence judgement.

The review period must be clearly designated, and review based on performance only during that period. Performance previous to that period, and predictions of future performance, should not be allowed to influence the review.

INSTRUCTIONS FOR COMPLETING PERFORMANCE EVALUATION REPORT FORMS

The purpose of this section is to provide specific instructions regarding the procedure to be followed to complete a performance review report form (a copy of such a form is included at the end of this section).

A. MAJOR AREAS OF ACCOUNTABILITY

The job descriptions have numbers assigned to each major area of accountability. In evaluating performance, relate the number on the job description to the same number on the performance review form. The Judgment as to the level of performance rendered for each "area of accountability" should be noted by a check mark at the appropriate place on the graphic scale.

Where the check mark on the graphic scale indicates "deficient" or "outstanding" performance, explanatory comments should be given. Where the performance is identified as "meets requirements," it is not necessary to make any comments, but it will be helpful to do so.

Whenever there is a lack of specific information concerning performance in a particular area, there may be a tendency to indicate "average" performance. It is recommended that such implied judgment be omitted rather than indicate a conclusion not based on actual performance.

The completed review form will indicate individual strengths as well as areas where improvement can be made. Every effort should be made to emphasize these differences on the graphic scales through proper use of both high and low check marks. This critical evaluation is an important reason for having the review.

B. PERSONAL CHARACTERISTICS TO BE CONSIDERED

In the space provided, the supervisor may note any important personal attributes and characteristics possessed by the person being reviewed which to a "marked degree," either add to or detract from the person's overall performance. The following are illustrations of attributes or characteristics which may exist and could be considerable:

Positive examples -- "add to"

- This person's natural enthusiasm, pleasant and cooperative manner is stimulating to his associates.

Negative examples -- "detract from"

- Creates impression of being reluctant to cooperate with other members of the department.
- Tends to discourage new ideas because of a negative attitude.

C. OTHER FACTORS TO BE CONSIDERED

Recognize and comment upon any condition or other influence which, to a noticeable degree, affects performance.

Specific examples indicating how performance was affected will help to make the valuation more meaningful. An employee's newness on a job or perhaps some particularly adverse working conditions are examples of other factors to be considered.

D. SIGNIFICANT CHANGES IN PERFORMANCE TO BE NOTED

To achieve the purpose of this review program, it is essential that recognition be given to any significant change in performance which has occurred since the previous review--favorable or unfavorable.

Specific references and/or illustrations should be given here rather than vague generalizations. Therefore, identify progress made toward "achievement goals" that have been agreed on.

E. IDENTIFY KEY AREAS WHERE PERFORMANCE CAN BE IMPROVED

The supervisor should clearly identify and note the specific phases of performance where improvement can be achieved. The next logical step is to reach agreement and develop a plan of action for achieving the desired level of performance. The exact plan agreed upon need not be recorded on the performance review form, but a written record of the plan should be prepared and retained. A series of goals and objectives may be suitable in many cases.

F. SUGGESTIONS FOR EMPLOYEE ACTION TO IMPROVE

Comment should be made on matters discussed with the employee which would contribute to improved performance. Such matters might include specific night school or correspondence courses, outside reading and study, etc.

G. DIFFERENCES OF OPINION

It is not unusual for differences of opinion to appear during a performance review discussion. In fact, they may be anticipated in the beginning of the program. One of the objectives of the review program is to discover disagreements or areas of misunderstanding so they can be "brought out in the open" and discussed.

The opportunity to discuss (not argue) existing differences in thinking usually encourages a stronger relationship. Lack of discussion may be an indication of indifference or fear of the consequence of disagreeing with the supervisor.

SUMMARY EVALUATION OF OVERALL PERFORMANCE

The statement in the job description which identifies the "primary objective of the position" should be used as a guide in reaching a conclusion as to the overall level of performance being rendered. Care should be taken to give proper consideration to the actual "on job" performance of the person reviewed in relation to expected level of performance.

The check mark should be checked in the appropriate space on the graphic scale at the point which best represents the level of actual performance being rendered.



City of White Bear Lake
City Manager's Office

MEMORANDUM

To: Mayor and City Council

From: Ellen Hiniker, City Manager

Date: November 19, 2020

Subject: **Resolution authorizing City Manager to execute contract with Center for Policy, Planning and Performance for consulting services**

BACKGROUND

In June of this year, the Mayor and City Council expressed interest in identifying a process and/or a forum through which our community could openly exchange experiences and perspectives related to equity and inclusion. The Mayor, Councilmember Jones, and Councilmember Walsh have since been meeting to put form and structure to this idea, as reflected in the attached proposal.

Attached is a proposal from Barbara Raye, Executive Director of the Center for Policy, Planning and Performance, which outlines a process that would guide the community through a series of conversations around this topic of inclusion.

As stated at the beginning of her proposal, White Bear Lake wants to ensure that it is a welcoming community to all who live and work here now and into the future. It also wants to ensure that access to services and assets are inclusive, meaning no disparity of access, participation, or results based on issues of longevity, culture, race, gender, physical ability, or other characteristics.

This process would include three components: a community-wide survey, conversations with community organizations and residents, and an assessment of city services, which would include a staff training component. The process will begin with the solicitation of task force members in December, with the work extending through the summer of 2021. At a reduced rate of \$125/hr, Ms. Raye anticipates up to 240 hours of work (6 hrs/wk for 40 weeks); the contract would include a "not to exceed" cost of \$30,000.

RECOMMENDATION

Resolution authorizing the City Manager to execute a contract with the Center of Policy, Planning and Performance for consulting services.

ATTACHMENTS

Resolution
Proposal

White Bear Lake Welcoming and Inclusive Community

Purpose

White Bear Lake wants to ensure that it is a welcoming community to all who live and work there now and in the future. It also wants to ensure that access to services and assets are inclusive – meaning no disparity of access, participation, or results based on issues of longevity, culture, race, gender, physical ability, or other characteristics.

Process

The City will host/engage in conversations with a broad base of residents from multiple experiences and perspectives about the city and ways it can improve. It will also provide a city-wide survey to assess the experiences of residents and seek their suggestions for improvement.

Methods for conversations

- On-line survey for all residents
- On-line zoom or other conversation methods with residents representing specific interests and experiences.
- Review of city services and procedures seeking to improve those that have barriers to access, participation, and results based on the above categories.
- In-person small group meetings or one-to-one conversations when it is safe to do so.

Action Items

- Develop advisory group with key leaders of existing efforts and others the Council or staff believe would make significant contributions to the process and conversation.
- Share findings with community and decision-makers.
- Modify city procedures or services to address appropriate concerns.
- Review policies (including housing – through a separate process) to improve access, participation or results.
- Coordinate with efforts being made by school district, Many Facers of White Bear Lake, and the Rotary and broadly share both findings and recommendations.

Staffing

- Council members will be part of the interview/conversation team to the extent they can.
- An Advisory task force will be appointed to help guide the project and be part of the interview/conversation team as appropriate. This group will also advise on outreach, survey/interview language, messaging, and essential groups for participation.
- A consultant will help guide and support the project, prepare materials, and conduct interviews/conversations as agree, analyze data, prepare recommendations for staff and council for action.
- Culturally specific members will be asked to provide focused advice either as part of the advisory task force or through sub-contracts.

- City staff will help lead review of protocol and policy in their areas of expertise. Focused survey's or input methods will be used as well.

Timing

The target launch date is December of 2020 with completion of process by Fall of 2021.

Background

The issues of bias and/or exclusion are not new – either in White Bear Lake or nation-wide. The Council believes this time, however, is a good time to engage the community in conversations about some of the hard questions related to inclusion in White Bear Lake.

This is also a time for shared learning. A couple of books (such as Historical Society's "A Good Time for the Truth" or articles will be available throughout the city for learning and engaged conversations. Speakers with exercises will also be offered at community groups, churches, and other forums to foster learning and engagement.

Activities

Develop and Support of Advisory Group	Assume 2 meetings in January and monthly thereafter	Early January, 2021 to September, 2021
Purchase books and/or materials for placement around community	Assume 21 books	Either purchased by city and made available or sponsored by community groups
Identify staff and programs to be included in process	Work with leadership – prepare communication	Recruit staff and develop process, purpose agreement and roles
Develop comprehensive and focused topic surveys – field test for needed corrections or adjustments	Consultant with input from advisory group and staff	On-line survey for comprehensive and paper for focused topic – to be available at user locations.
Identify groups and key individuals to encourage participation or interviews and post full survey on website.	Advisory group, staff, and Council	Done by late January, 2021
Meet monthly with staff to develop process and implement data gathering, analysis, and recommendations	Consultant and assigned staff	From late November 2020 to September 2021

Provide update reports to leadership and Council	Consultant and leadership	Bi-monthly brief update reports
Collect survey data – both comprehensive and focused topic	All	Ongoing from February December through August, 2021
Host in-person meetings as safe in 2021	Done by Council members or at meetings of key groups	Spring 2021
Review data for any missing voices and do focused outreach with Advisory Group, Consultant, and Council	Initial analysis and review by Advisory Group	Summer 2021
Regular communication to community, media, and through advisory committee networks	Monthly news releases and promotion of survey participation	From December 2020 through September 2021
Final data summary and recommendations	Draft by consultant with review by Advisory Group, leadership, and Council	October 2021

Costs: Support

- Zoom or other tools
- Food/snack for in-person meetings as appropriate
- Books/materials
- Printing/photocopying
- Layout/page design as needed

Costs: Consultant

Assume average of 6 hours per week @ \$125/hour for 40 weeks = \$30,000.

Costs: Staff

Depending on capacity, marketing, layout design, meeting room, perhaps data entry of focused survey responses etc.

Draft prepared October 5, 2020
 Barbara E. Raye
 Center for Policy, Planning, and Performance
Barbara.raye@effective.org
 Cell: 612-723-6529

ADDENDUM

This is an addendum to the draft proposal. It explains the components of the project and possible approaches that will ensure success and perhaps save resources.

Components: There are three components in the project.

1. Community-wide survey asking people to register their experiences and offer recommendations that will help WBL become more equitable and inclusive.
2. Community conversations – online (and small group) until it is safe to have them in person, asking people to share their experiences while building relationships and modeling the welcoming and inclusive community WBL seeks to be. It creates a narrative of the experiences of people and engages them personally in offering suggestions.
3. City services assessment, customer feedback, and recommendations for change.

Approaches: The project is led by a working committee comprised of residents from a wide range of experiences that have networks to do outreach, conduct interviews, and advise on communication and progress of the project.

1. Survey: The survey will be as widely distributed as possible with links in available newsletters, newspapers, websites, and general public communication and outreach vehicles. Working with local press will be important – perhaps even distribution of the full survey as a supplement to the local paper and/or city newsletter. Resources can be brought to the table if a university class and/or private research firm would be available for summarizing the data and offering a report for review by the working committee.
2. Conversations: Committee members will each conduct online conversations with their own network of relationships. Council members will also be involved to the extent they are able. Civic organizations and other groups interested in the subject of equity and inclusion will interview their own members – and do outreach to people not usually found in the “good government” group of citizens. We know already that the Rotary, liaisons from schools, local foundation, Lion’s Club, some churches, League, and Many Faces are all possibilities. Representatives from this group should either be on or strongly connected to the working committee. Their active engagement limits the role of the consultant to support, organizing, survey development, project management etc. and less direct conversation with residents. A key element in this component is ensuring a way to consistently and easily collect information from the conversations or interview sessions done by the committee members. This can be a labor- intensive effort.
3. City Services: Staff will be directly involved in gathering assessment information about their departments/services. The number of departments be included in the review will determine the workload. The Planning Department, Licensing, and active commissions are likely participants. Staff capacity to be actively involved will determine the role of the consultant. It is likely that the consultant role will vary based on staff capacity of each department/program.

submitted November 6, 2020



City of White Bear Lake
Finance Department

MEMORANDUM

To: Ellen Hiniker, City Manager
From: Kerri Kindsvater, Finance Director
Date: November 19, 2020
Subject: Refund Excess Gambling Regulatory Taxes Collected in 2019

BACKGROUND

Minnesota Statutes, section 349.213, subdivision 3, allows local units of government to impose a lawful gambling regulatory tax of up to 3% of gross receipts on licensed lawful gambling organizations within the City's jurisdiction as reimbursement for regulatory expenditures incurred during the year.

On December 9, 1986, the City Council passed an ordinance based on this statute to collect a 2% fee on net receipts to cover the costs incurred by the City to regulate lawful gambling. In 1994, the Council amended the ordinance to provide the City flexibility to consider taxing up to 3% of net proceeds through annual consideration of the rate established by resolution. The Council never exercised that authority after the ordinance was amended.

The authorizing statute referenced in the City's ordinance mandates the taxes collected will only be to recover regulation costs incurred by the city. Regulating lawful gambling includes conducting site inspections, compliance reviews of lawful gambling sites and issue orders of corrective actions. The Gambling Control Board performs a significant portion of these duties; therefore, the City's cost of regulatory activities are lower than originally anticipated when tax began. In 2017, the Gambling Control Board revamped their reporting requirements for local governments and improved their auditing process. These changes now require cities to submit reports detailing taxes collected, actual regulatory activities and related expenditures, and refund excess taxes collected back to the charities. The City may not retain the excess funds to offset future regulatory costs.

Audits of the 2017 and 2018 regulatory activities required a refund of excess taxes paid to the charitable organizations in 2019.

The City Council passed Resolution 12435 on August 13, 2019, changing the City's gambling regulatory tax from 2.0% to .2% to align the taxes revenues collected each year with the corresponding annual regulatory activity costs performed by City staff.

SUMMARY

The annual review of the 2019 financial data for the gambling regulatory activities once again shows taxes collected at an amount greater than the expenditures, which requires a refund to the charitable gambling organizations. The City Council's approval of the lower tax rate in August 2019 reduced the refund amount for the year as organizations paid taxes at the lower rate for September through December 2019. The Deposits Payable account within the General Fund is holding the excess funds collected in preparation for the refund process. Staff does not expect a refund of excess taxes for the 2020 operations since the lower rate is in effect for the entire year.

As the Council is aware, the local charitable organizations earning the largest net proceeds continue to donate generously to the City. A great example is the Lions Club's donation of \$75,000 to the City for an all abilities park within the past two years.

RECOMMENDATION

Staff recommends the City Council adopt the attached resolution to allow payment of the excess gambling regulatory taxes collected by the City from licensed gambling organizations.

ATTACHMENTS

Resolution

RESOLUTION NO. _____

RESOLUTION AUTHORIZING THE REFUND OF EXCESS REVENUES BACK TO THE CHARITIES FROM WHICH THEY WERE COLLECTED

WHEREAS, Minnesota Statutes §349.213, Subdivision 3, allows the City to impose a lawful gambling regulatory tax of up to 3% of gross receipts on licensed lawful gambling organizations within the City's jurisdiction to reimburse regulatory expenditures incurred during the year; and

WHEREAS, on July 23, 2019, the City of White Bear Lake changed the tax rate from 2% of gross receipts to .2% to better match the taxes collected to the annual expenditures for the regulatory activities; and

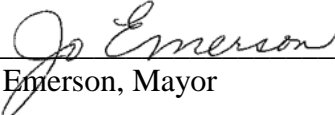
WHEREAS, the Minnesota Gambling Control Board requires all cities to submit an annual reporting form by March 15 of each year; and

WHEREAS, in review of the City's documentation for 2019 regulatory tax collections, it was determined that the City collected excess gambling regulatory taxes from various licensed gambling organizations in the amount of \$49,257.26, which must be reimbursed; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of White Bear Lake, Minnesota, hereby authorizes payment of \$49,257.26 from the General Fund in reimbursement to each of the various charitable gambling associations from which excess gambling regulatory taxes were collected.

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

Ayes:
Nays:
Passed:



Jo Emerson, Mayor

ATTEST:

Kara Coustry, City Clerk



City of White Bear Lake
Engineering Department

MEMORANDUM

To: Ellen Hiniker, City Manager

From: Paul Kauppi, Public Works Director/City Engineer

Date: November 24, 2020

Subject: **Final Payment to North Valley, Inc. for the 2020 Mill and Overlay Project, City Project No. 20-13**

BACKGROUND & SUMMARY

North Valley, Inc. has completed all work specified in their contract for the 2020 Mill and Overlay Project. The 2020 Mill and Overlay Project included Dillon Street (from Fifth Street to Seventh Street), Fifth Street (from Karen Place to Wood Avenue), Woodcrest Road (from Seventh Street to Ninth Street), Auger Avenue (from Elm Street to County Road E), Dell Street (from Willow Avenue to 140 feet west of Midland Avenue), Dell Court North (from Dell Street to end of cul-de-sac), Dell Court South (from Dell Street to end of cul-de-sac), Elm Street (from Willow Avenue to Midland Court), Highland Avenue (from Elm Street to County Road E), Midland Court (from Elm Street to end of cul-de-sac), Rooney Place (from Dell Street to end of cul-de-sac), Sunrise Court (from Highland Avenue to end of cul-de-sac), Willow Court East (from Willow Avenue to Willow Court), Willow Court (from Elm Street to south limits), Jansen Avenue (from Bellaire Avenue to Glen Oaks Avenue), Glen Oaks Avenue (from 160 feet north of Elm Drive to end of cul-de-sac), Glen Oaks Court (from Glen Oaks Avenue to end of cul-de-sac), Rolling View Court (from Rolling View Drive to end of cul-de-sac), Rolling View Drive (from Glen Oaks Avenue to County Road E), Oak Court (from Bellaire Avenue to end of cul-de-sac) and Orchard Circle (from Orchard Lane to end of cul-de-sac).

The original contract amount was \$1,569,039.60. The value of the work completed is \$1,640,104.68. This contract is based upon unit prices and the final contract amount is based on actual work performed. The Engineering Department recommends that the City Council accept the work and authorize the final payment to North Valley, Inc. in the amount of \$45,323.07.

RECOMMENDATION

Our recommendation is that the Council adopt the resolution finalizing payment for completion of the 2020 Mill and Overlay Project.

ATTACHMENTS

Resolution

RESOLUTION NO.:

**RESOLUTION ACCEPTING WORK AND AUTHORIZING
FINAL PAYMENT TO NORTH VALLEY, INC. FOR THE
COMPLETION OF THE 2020 MILL AND OVERLAY PROJECT
CITY PROJECT NO.: 20-13**

WHEREAS, pursuant to Resolution No. 12566, a written contract signed with the City of White Bear Lake, North Valley, Inc. in the amount of \$1,569,039.60, has satisfactorily completed the work included in the 2020 Mill and Overlay Project, in accordance with such contract.

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

BE IT FURTHER RESOLVED that the City Clerk and Mayor are hereby directed to issue final payment in the amount of \$45,323.07 for a final contract amount of \$1,640,104.68 for the 2020 Mill and Overlay Project.

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: Connie Taillon, Environmental Specialist/Water Resources Engineer
Date: November 19, 2020
Subject: Environmental Updates

2020 MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) PERMIT

The new 2020 MS4 General Permit was issued on November 16, 2020. The City has until April 15, 2021 to submit the associated application forms, and 12 months from the issuance date to comply with new permit requirements. A few of the more substantial new requirements include:

- Estimating the reductions to be achieved during the 5-year permit term for lakes impaired for nutrients and/or sediment. This requirement includes estimating the phosphorus reductions the City hopes to achieve for Goose Lake within the next 5 years.
- Describing reduction practices that the City has implemented to reduce bacteria and chloride to impaired lakes.
- Adopting an ordinance (or other regulatory mechanism) requiring owners or custodians of pets to remove and properly dispose of pet waste on City owned land areas.
- Adopting an ordinance (or other regulatory mechanism) to require proper salt storage at commercial, institutional, and non permitted industrial facilities.
- Revising ordinances and design standards, if needed, to be at least as stringent as the requirements of a reissued MPCA Construction Site Stormwater Permit.
- Maintaining a written or mapped inventory of all private structural stormwater practices with an executed stormwater maintenance agreement between the City and owners responsible for long-term maintenance.
- Providing at least one public involvement activity that includes a pollution prevention or water quality theme.
- Additional training and documentation requirements for individual's responsible for winter maintenance.
- Focused public education on impacts and proper management of deicing salt and pet waste.

WATERSHED PARTNER AWARD

The City received a Watershed Partner Award from Vadnais Lake Area Water Management Organization (VLAWMO) for our involvement with the 4th and Otter sand-iron filter project. VLAWMO created the Watershed Partner Award to acknowledge City, Township, or other local official or staff efforts that display watershed planning and leadership. The City will be recognized at the VLAWMO Board meeting on December 9, 2020.

RAMSEY COUNTY RECYCLING AMBASSADOR PROGRAM

Ramsey County launched their new Recycling Ambassador program at the beginning of November. Similar to the Master Gardener program, Recycling Ambassadors take a six-week training program to learn more about environmental health, waste systems and recycling. Recycling Ambassadors agree to volunteer 20 hours annually to encourage others to reduce, reuse and recycle.

The City's Environmental Advisory Commission (EAC) provided valuable input during the early stages of program development. The EAC's chair, Gary Schroeder, signed up for the program and is currently attending the training sessions.

Birch Lake Improvement District 2020 Annual Report



Birch Lake is a shallow suburban lake with an area of 123 acres and a maximum depth of 6-8 feet. It is considered to be one of the clearest lakes within the Vadnais Lake Area Water Management Organization (VLAWMO). Concerns over maintaining this quality led lake property owners to petition the City of White Bear Lake to form the Birch Lake Improvement District (BLID) in 2006.

A board of directors elected by improvement district members governs the Birch lake Improvement District. Current members are: Steve Laliberte Chair; Ryan Hoops Vice-Chair; Jorge Vega Secretary; Terry Huntrods Treasurer and Dale Bacon at large member. The Board is responsible for implementing the Birch Lake Sustainable Lake management plan. These responsibilities include activities such as carrying out scientific studies on lake water quality, maintenance of recreational utilization of the lake and communication to the membership regarding threats to lake quality.

During 2020, the following activities were carried out by BLID:

The annual cleanup day was held on May 2, 2020.

BLID members continue to participate in VLAWMO Citizen's Water Monitoring Program. This involves taking biweekly lake water samples and making water clarity and lake level readings.

During winter months, BLID operates an aeration system to prevent complete fish kills from oxygen depletion. The permit requires specialized training in the operation of an aeration system.

BLID supports VLAWMO to monitor chloride levels in the lake. This involves conducting chloride analysis on monthly water samples taken at the 4 major inflow points on the lake. Birch Lake has high chloride levels, which result from winter road salt usage on roads surrounding the lake.

BLID provides monetary support to VLAWMO to provide extra maintenance to the restoration project on the north shore of the lake.

The BLID owned aquatic plant harvester was found to have hull leakage problems resulting from internal corrosion. The hull was found to be unrepairable and the harvester was sold as scrap.

The Board voted to not replace the harvester and to use commercial harvesting contractors. Lakes Aquatic Weed Removal of Orr, MN, carried out the 2020 aquatic plant-harvesting program. Approximately 56 acres of the lake were treated. Over 30 loads of harvested plant material were hauled to the Ramsey County Composting site in North Oaks.

The BLID blog at: BirchLakeImprovementDistrict.org is now fully operational.

The fourteenth annual BLID meeting was held on August 19, 2020. Due to Covid -19 restrictions, the meeting was a combination of in person and remote video.

The following items were approved by the membership:

1. Bacon and Hoops were re-elected to three-year Board terms. Vega was elected to a two-year Board term.
2. The 2021 operating budget of \$25,265 was approved by the membership for submittal the White Bear Lake City Council.
3. The BLID bylaws were amended to schedule the annual meeting for the third Wednesday of August.

The next annual meeting is August 18, 2021.

Submitted for the BLID board by Stephen Laliberte, Chair
October 2020



Metro Counties Government Center
2099 University Avenue West
Saint Paul, MN 55104-3431

(651) 645-9149 ~ www.mmcd.org

November 9th, 2020

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

Dear Ellen Hiniker,

Enclosed is a summary of work done by the Metropolitan Mosquito Control District (MMCD) in the White Bear Lake area during the 2020 mosquito control season.

2020 was dominated by the COVID-19 pandemic and the various challenges it has caused to state and local agencies like MMCD. We have been able to adapt our operations to allow for social distancing and other CDC recommendations and were able to maintain our inspections and mosquito control work with limited interruption. Throughout the season District Staff inspected almost 75,000 breeding sites for mosquito larvae and applied 198,678 acres worth of treatments which is less than the 213,800 in 2019, but more than the 183,000 acres treated in 2018. We also treated 290,126 catch basins in the seven-county metro, which is more than any previous year.

Fortunately, there were few mosquito-borne disease cases reported in 2020 in Minnesota. The Minnesota Department of Health (MDH) reported zero cases of West Nile virus as of November 3rd, which would make 2020 the first year with no human cases since the disease was first discovered in the state in 2002. Eastern Equine encephalitis (EEE) is a growing concern in Minnesota with two positive cases found in deceased horses in Aitkin and Benton counties. There were no human cases of EEE in Minnesota. In addition to monitoring and controlling vector mosquitoes, MMCD staff also monitor the distribution of ticks capable of transmitting disease, and work with MDH to provide information designed to reduce the risk of tick transmitted diseases.

MMCD employees controlled immature black flies (biting gnats) in small streams and large rivers throughout the metropolitan area. In 2020, 101 black fly larvicide treatments were made to the rivers and streams in the District, more than the 68 treatments completed in 2019. Unlike in 2019, when high river flows delayed treatments significantly, river flows in 2020 remained at normal levels allowing for treatments to be made throughout the season. In May, high adult black fly populations of a small stream species occurred resulting in increased customer calls from certain areas of the District. Adult black fly abundance returned to more tolerable levels after May. We plan to investigate the source of these high adult black fly populations and work towards a solution for 2021.

Educating the public is a key objective of MMCD and with limitations placed on us by the COVID-19 pandemic, we adapted by producing several informational videos on our website and social media channels. We encourage you to tell your residents to check them out at MMCD.org. We hope to be back at parades, county fairs, and other community events in 2021!

If you have any questions, or would like to meet to discuss our agency's activities, please contact me.

Sincerely,

Stephen A. Manweiler, Executive Director
Phone: (651) 643-8365 // Email: mmcd_sam@mmcd.org

2020 Activity Summary for White Bear Lake

LARVAL CONTROL

The majority of control done by MMCD targets mosquitoes during their larval stage. Mosquito larvae usually develop in standing water and are most common after a rainfall. Larval control materials are applied via helicopter, backpack, or by hand.

Larval Control in White Bear Lake in 2020:
Sites Inspected: 697 | Acres Treated: 2142.75



ADULT CONTROL

MMCD supplements our larval control program with limited adult mosquito control. Adult control materials are applied via backpack during the day or truck-mounted cold fogger in the evening.

Adult Mosquito Control in White Bear Lake in 2020:
Sites Inspected: 19 | Acres Treated: 8.06

DISEASE PREVENTION

Controlling the mosquito species that are most likely to spread disease is a top priority for MMCD. Removing containers that could hold stagnant water is critical to reducing the spread.

Disease Prevention Activity in White Bear Lake:
Tires Removed: 19 | Catch Basins Treated: 4516
Disease Prevention Property Inspections: 35



CUSTOMER CALLS

We encourage residents of the district to call MMCD to report mosquito annoyance, employee or helicopter concerns, request waste tire removal, or for anything else.

Customer Calls from White Bear Lake in 2020: 15

For questions about your city's data,
please contact Alex Carlson –
acarlson@mmcd.org

