



AGENDA
REGULAR MEETING OF THE CITY COUNCIL OF
THE CITY OF WHITE BEAR LAKE, MINNESOTA
TUESDAY, JULY 27, 2021
7:00 P.M. IN THE COUNCIL CHAMBERS

On July 21, 2021, Mayor Emerson signed a statement directing the return to in-person meetings.

1. CALL TO ORDER AND ROLL CALL

PLEDGE OF ALLEGIANCE

2. APPROVAL OF MINUTES

A. Minutes of the Regular City Council Meeting on July 13, 2021

B. Minutes of a Council Work Session on July 20, 2021

3. APPROVAL OF THE AGENDA

4. VISITORS AND PRESENTATIONS

A. Police Officer Rob Flick Retirement

B. Presentation of Lions Club donation for All Abilities Park

5. PUBLIC HEARINGS

A. Resolution authorizing conduit debt bond issuance to Level Up Academy

6. LAND USE

Nothing scheduled

7. UNFINISHED BUSINESS

Nothing scheduled

8. ORDINANCES

Nothing scheduled

9. NEW BUSINESS

A. Resolution authorizing a request for bids for auditor services

10. CONSENT

A. Acceptance of May White Bear Lake Conservation District Minutes

- B. Resolution approving an amendment to a lease with T-Mobile for placement of communications equipment on the City's monopole
- C. Resolution authorizing use of Railroad Park by the Main Street Group for Fall Fest
- D. Resolution authorizing a temporary liquor license for Church of St. Pius X

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, JULY 13, 2021
7:00 P.M. IN THE COUNCIL CHAMBERS**

1. CALL TO ORDER AND ROLL CALL

Mayor Jo Emerson called the meeting to order at 7:00 p.m. The clerk took roll call attendance for Councilmembers Doug Biehn (remote attendance*), Kevin Edberg, Steven Engstran, and Bill Walsh. Councilmember Dan Jones was excused. 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.

*Due to a family member’s competition, Councilmember Biehn attended remotely via electronic means from a public lobby at Kalahari Resorts & Conventions, 1305 Kalahari Drive, Wisconsin Dells, WI 53965.

PLEDGE OF ALLEGIENCE

2. APPROVAL OF MINUTES

A. Minutes of the Regular City Council Meeting on June 22, 2021

It was moved by Councilmember **Edberg** seconded by Councilmember **Engstran**, to approve the Minutes of the June 22, 2021 City Council meeting as presented.

Roll call vote:
Biehn Aye
Edberg Aye
Engstran Aye
Walsh Aye

Motion carried unanimously.

3. APPROVAL OF THE AGENDA

City Manager Hiniker added 9C – a resolution authorizing a letter of consent to the City of Vadnais Heights regarding a comprehensive plan amendment.

It was moved by Councilmember **Walsh** seconded by Councilmember **Edberg**, to approve the Agenda as amended.

Roll call vote:
Biehn Aye
Edberg Aye
Engstran Aye
Walsh Aye

Motion carried unanimously.

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 Pamela Preisler for a Special Home Occupation Permit extension at 3862 Crestwood Place. (Case No. 15-2-SHOPa). **Resolution No. 12804**
2. Consideration of a Planning Commission recommendation for approval of a request by James Trusten for two setback variances for a new detached garage at 1783 Eugene Street. (Case No. 21-14-V). **Resolution No. 12805**
3. Consideration of a Planning Commission recommendation for approval of a request by Independent School District #624 for a Conditional Use Permit Amendment for two building additions to South Campus located at 3551 McKnight Road. (Case No. 21-6-CUP). **Resolution No. 12806**

It was moved by Councilmember **Edberg** seconded by Councilmember **Walsh**, to approve the Land Use Consent Agenda as presented.

Roll call vote:
Biehn Aye
Edberg Aye
Engstran Aye
Walsh Aye

Motion carried unanimously.

B. Non-Consent

1. Consideration of a Planning Commission recommendation for denial of a request by Brooke & Garrett Boesch for a fence variance at 2514 Oak Court. (Case No. 21-15-V)

Community Development Director Kane explained that the property owners would like to install a 6 foot tall privacy fence along the west property line, however, code requires that the fence either be four (4) feet tall or be set back 12 feet. Consequently, the Boesch's have requested a two (2) foot variance from the four (4) foot height limitation for a fence along a side abutting a public right-of-way.

Ms. Kane forwarded staff's recommendation for denial of the fence variance. City Attorney

Gilchrist made a correction to the resolution under the “now therefore” clause, changing the words “accepts and adopts” to read “hereby denies the request, based on” the following findings.

It was moved by Councilmember **Walsh** seconded by Councilmember **Engstran**, to approve **Resolution No. 12807** to deny a request for a fence variance at 2514 Oak Court.

Roll call vote:
Biehn Aye
Edberg Aye
Engstran Aye
Walsh Aye

Motion carried unanimously.

2. Consideration of a Planning Commission recommendation for denial of a request by Joe Morris for a fence variance at 4926 Johnson Avenue. (Case No. 21-16-V)

Community Development Director Kane explained that the property owners would like to install a 6 foot tall privacy fence along the west property line, however, code requires that the fence either be 4 feet tall or be set back 12 feet. Consequently, the Morris’s have requested a two (2) foot variance from the four (4) foot height limitation for a fence.

It was moved by Councilmember **Walsh** seconded by Councilmember **Engstran**, to approve **Resolution No. 12808** to deny a request for a fence variance at 4926 Johnson Avenue.

Roll call vote:
Biehn Aye
Edberg Aye
Engstran Aye
Walsh Aye

Motion carried unanimously.

3. Consideration of a Planning Commission recommendation for approval of a request by Paula & Mike Lobinsky for four setback variances at 4372 Cottage Park Road. (Case No. 21-11-V)

Community Development Director Kane reported that the property owners would like to demolish the existing residence and construct a new residence with a four (4) car attached garage. To do so, they requested four (4) setback variances:

- A 10.5’ variance from the 15’ side yard setback on the south side;
- A 10’ variance from the 15’ side yard setback on the north side;
- A 29’ variance from the 35’ street side setback for the attached garage and living area above; and
- A 3’ variance from the 53’ average lakeside setback for the deck.

Ms. Kane explained that, while the lot does not meet current code for size or width, it is not

a small lot. All the setbacks could be met and still have a 1,785 square foot building envelope for a home.

Ms. Kane forwarded staff's recommendation to approve three out of four variance requests with design modifications to reduce the height of the home. Only along the south side staff recommended denial of the applicant's request but approval of a lesser variance by 5 feet.

Mayor Emerson opened a public hearing at 7:20 p.m.

The applicant, Paula Lobinsky of 1407 Mound Trail in Centerville, stated the roof height had already been reduced since the original drawings and was amendable to the other variance suggestions, except one. She asked the Council to consider splitting the six foot reduction to the home such that the 22 foot garage is not too far out of balance with the recommended 16 foot house.

There being no other comments from the public, Mayor Emerson closed the public hearing at 7:24 p.m.

Ms. Kane agreed to work with the applicants and their designer in order to balance out the house to the garage under the variances as presented by the Planning Commission.

It was moved by Councilmember **Walsh** seconded by Councilmember **Engstran**, to approve **Resolution No. 12809** authorizing four setback variances at 4372 Cottage Park Road.

Roll call vote:

Biehn Aye

Edberg Aye

Engstran Aye

Walsh Aye

Motion carried unanimously.

7. UNFINISHED BUSINESS

Nothing scheduled

8. ORDINANCES

- A. First reading of a City initiated text amendment to Zoning Code Section 1303.160 to allow interim use permits in the B-5 zoning district

Community Development Director Kane recalled the recent variance at 4701 Banning Avenue, in which the new owners had re-tenanted a former pilates space with Vertical Realty. She stated the new owners did not realize there was a 30% limitation on retail within the ground floor area of downtown businesses, which is in place for increased foot traffic to support downtown retail. In Council's desire for a compromise, an interim use permit is now being sought in the B-5 district such that the current realty tenant could remain temporarily.

In response to a communication by Dale Grambush, Councilmember Edberg clarified his desire to retain retail space downtown. He also did not wish to lose businesses during a pandemic,

which is why this interim use has been sought in order to temporarily accommodate a situation that occurred whereby the property owner was not diligent researching permitted uses prior to leasing space to a non-conforming tenant. Councilmember Edberg expressed concern over the lack a defined time limitation in the text amendment. He is only willing to allow this one-time accommodation for which he will not permit further extensions.

Councilmember Gilchrist said that the nature of interim use permits, as provided by statute, must identify an event or a point in time for the interim use to end. He pointed to paragraph A of the text amendment, which provides language from the statute pertaining to the termination of an interim use permit. Mr. Gilchrist stated that as part of the process for securing an interim use permit, the termination would be defined. He added that applicants have the ability to apply for an extension, however, the Council is not required to approve an extension.

In response to Councilmember Edberg’s concern about a future council granting a longer interim use period, Attorney Gilchrist stated that language could be added to the text amendment which defines a period of time for any potential extension.

Mayor Emerson noted that the second reading will occur on August 10, 2021.

9. NEW BUSINESS

A. Resolution accepting quotes and awarding contract for the Memorial Beach Retaining Wall Project

Public Works Director / City Engineer Kauppi explained that the construction of a retaining wall at Memorial Beach was a project that was recommended by the Park Advisory Commission for 2021. Mr. Kauppi explained that the a three-tiered retaining wall is proposed along the steep slope down to Memorial Beach, which in its current condition is difficult for people to traverse and for mowing crews. He stated this will also maximize a flattened area at the top for people to sit on chairs.

Mr. Kauppi explained that work would be completed by a retaining wall contractor and a concrete contractor. The concrete contractor would anchor the steps along the hillside and also support the pipe handrail of the steps. He forwarded staff’s recommendation to adopt the resolution awarding the retaining wall project to DreamScapes Landscaping and Design, Inc. in the amount of \$94,361.38, and the concrete work and railings work to Lallier Concrete in the amount of \$23,710.00.

It was moved by Councilmember **Walsh** seconded by Councilmember **Engstran**, to adopt **Resolution No. 12810** accepting quotes and awarding contract for the Memorial Beach Retaining Wall Project.

Roll call vote:
Biehn Aye
Edberg Aye
Engstran Aye
Walsh Aye

Motion carried unanimously.

B. Resolution setting a 25 mile speed limit on certain residential streets

Public Works Director / City Engineer Kauppi reported that in 2019, cities were granted additional leeway to change speed limits down to 25 miles per hour (mph) for residential streets and lower with additional speed studies. He explained that through an automated vehicle (AV) study, it was discovered the National Highway Traffic Safety Administration's (NHTSA) requires the posted speed limit be no greater than 10 mph differential between the posted speed limit and the traveling speed of the AV (15 mph).

Because the proposed AV route is on collector streets, an engineering study was required prior to reducing the speed limit. Mr. Kauppi stated AECOM and staff conducted a speed study, which revealed 85% registering mid-30's and a segment as high as 46 mph in a 30 mph signed area. He noted that reducing the speed limit to 25 mph on this route will be a good test pilot project not only for the AV project, but also for understanding the impact on behavior when lower speed limits are posted on residential streets.

Mr. Kauppi forwarded staff's recommendation to adopt the resolution authorizing staff to reduce the speed limit to 25 mph and erect signs designating the lower speed on Linden Avenue from County Road E to Willow Avenue, Willow Avenue from Linden Avenue to Orchard Lane and Orchard Lane from Willow Avenue to McKnight Road.

Councilmember Edberg supported this request, but inquired as to the ability to extend the lower speed limits on Orchard, east of McKnight and up to Bellaire, noting complaints about youth speeders near the high school. City Manager Hiniker explained that a speed study would need to be conducted along that particular additional segment of road before it could be reduced.

Mr. Kauppi confirmed that another engineering study would be needed. He noted that in response to calls of concern about speeders, the city has been able to place speed tubes on various roads to collect speed rates so that problem areas can be identified for additional action. Mr. Kauppi explained that assuming this resolution passes, speed signs will be posted tomorrow and speed tubes will be placed to measure the effect. He stated that Council could conduct a city-wide speed study and after a year's time post citywide speeds at 25 mph, or as posted.

Councilmember Edberg added that summer is not necessarily the best time to collect data in the area close to south campus. He also relayed that issues of speed are one of the most persistent quality of life infractions, but that the city does not currently have resources sufficient to address the issue satisfactorily.

Mr. Kauppi noted recent success with pedestrian street crossing signs in the middle of the street. He added that flashing radar speed indicators would be installed on McKnight near south campus was a location that registered 45 mph (posted 30 mph).

Councilmember Engstran mentioned that new speed signs might lead to people to cut through on Dell and Elm Streets, and to watch for increased traffic on those streets as a result.

It was moved by Councilmember **Edberg** seconded by Councilmember **Engstran**, to adopt **Resolution No. 12811** setting a 25 mile speed limit on certain residential streets.

Roll call vote:
 Biehn Aye
 Edberg Aye

Engstran Aye
Walsh Aye

Motion carried unanimously.

- C. Resolution approving a letter of consent to the City of Vadnais Heights regarding a comprehensive plan amendment.

Community Development Director Kane reported that the City of Vadnais Heights has requested approval of a comprehensive plan amendment, which requires review and comment or acknowledgement of receipt and no comment. She explained they are looking to re-guide a nice (9) acre site at the northeast quadrant of I35E and County Road E from industrial use to city-center.

Ms. Kane reported that Saturday Properties proposed to construct a five (5) story property with a 230 unit apartment building on the site. Ms. Kane explained that this will add activity to the County Road E corridor. She believed this property will provide an increase in diversity of housing stock, give area employers an advantage in the competition for workforce in a tight labor market, and serve as an overall economic benefit to businesses in White Bear Lake. She had no negative impacts to convey related to the request to re-guide this location and forwarded staff's recommendation

Councilmember Edberg inquired as to who was being served with this new housing complex, and who is not being served and asked for staff awareness of area housing options as they inform/impact the city's own housing policies.

It was moved by Councilmember **Edberg** seconded by Councilmember **Engstran**, to adopt **Resolution No. 12812** approving a letter of consent to the City of Vadnais Heights regarding a comprehensive plan amendment.

Roll call vote:
Biehn Aye
Edberg Aye
Engstran Aye
Walsh Aye

Motion carried unanimously.

10. CONSENT

- A. Acceptance of Minutes: May Environmental Advisory Commission, May Park Advisory Commission, June Planning Commission.
- B. Resolution authorizing the use of Railroad Park Gazebo by the Ramsey County Library. **Resolution No. 12813**
- C. Resolution approving change order to the Water Meter Replacement Project. **Resolution No. 12814**

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

Roll call vote:

Biehn Aye

Edberg Aye

Engstran Aye

Walsh Aye

Motion carried unanimously.

11. DISCUSSION

Nothing scheduled

12. COMMUNICATIONS FROM THE CITY MANAGER

- Thanks for all who helped organize Marketfest, which was reportedly the largest attendance yet. Fireworks and Manitou Days were also successful. Marketfest goes through August 5th and the city has a booth for the Welcoming & Inclusive Task Force and the Housing Task Force. This week is Public Safety week in which the ladder truck and other public safety equipment will be present.
- July 20, 2021 Work Session at 6:00 p.m. in the Expansion Room of City Hall to discuss the License Bureau operations and return of Passport services in the future. Councilmember Edberg inquired as to the legislative agenda submitted by the City, requesting an increase in license bureau fees. Ms. Hiniker relayed that this session had other priorities, but for the next session, she recommended the City Council submit its legislative agenda earlier (by the end of this year). Councilmember Walsh suggested holding a work session to discuss the legislative session with representatives. South Shore Blvd and the Sports Center will also be discussed during the work session.
- August 17th will be the Budget Work Session
- Mayor Emerson mentioned a Bruce Vento Trail meeting tomorrow and staff agreed to send the appointment information to the Council.
- Staff have been working in cooperation with Lake Links Trail Organization, White Bear Township, Ramsey County, MN DOT, to discuss right-of-way issues, which will be a discussion item during the next City Council meeting.
- City Engineer / Public Works updates by Director Paul Kauppi
 - Road rehabilitation is nearly complete, with the exception of Lakewood Hills and Matoska boat launch, which will happen later this year when the traffic in those areas diminishes.
 - Gazebo ribbon cutting was postponed due to the wrong size column covers, and will happen mid-August. Invites to come soon.
- Community Development updates by Director Anne Kane
 - City businesses have tapped into CARES Relief Funding, and the Small Business Administration (SBA) offered a restaurant relief program in which six restaurants in White Bear Lake received nearly \$1 million in federal funds through a competitive grant. Ms. Kane relayed her understanding that no restaurants were lost in White Bear Lake as a result of the

economic impacts of COVID. She attributed this, in part, to the efforts of the Economic Development Corporation (EDC), MainStreet, ReGrow, and the restaurant delivery program.

13. ADJOURNMENT

There being no further business before the Council, it was moved by Councilmember **Edberg** seconded by Councilmember **Walsh** to adjourn the regular meeting at 8:24 p.m.

Roll call vote:

Biehn Aye

Edberg Aye

Engstran Aye

Walsh Aye

Motion carried unanimously.

Jo Emerson, Mayor

ATTEST:

Kara Coustry, City Clerk



MINUTES
WORK SESSION OF THE CITY COUNCIL
OF THE CITY OF WHITE BEAR LAKE, MINNESOTA
TUESDAY, JULY 20, 2021
6:00 P.M. CITY HALL EXPANSION ROOM

6:05 PM Meeting Opened

In Attendance: Mayor Jo Emerson, Councilmember Bill Walsh, Councilmember Doug Biehn, Councilmember Dan Jones, Councilmember Kevin Edberg, Steven Engstran, City Manager Ellen Hiniker, City Engineer/Public Works Director Paul Kauppi, Kerri Kindsvater, Assistant City Manager Rick Juba

Council and staff discussed the status of the White Bear Lake License Bureau, proposed new hours of operation and the potential to explore a new location for the operation.

City Staff updated the City Council on the pending lease of the racquetball court area of the White Bear Lake Sports Center by the White Bear Lake Hockey Association as well as the current status and future of Sports Center operations.

City Staff updated the City Council on potential trail improvements on Highway 96 and upcoming plans for South Shore Boulevard.

A request was made by Councilmember Walsh for additional discussion of Rush Line Bus Rapid Transit at a future Council meeting.

No action was taken at this meeting.

8:45 PM Meeting Adjourned



City of White Bear Lake
Finance Department

MEMORANDUM

To: Ellen Hiniker, City Manager
From: Kerri Kindsvater
Date: July 22, 2021
Subject: **Host approval of conduit bonds for Spark Youth**

BACKGROUND/SUMMARY

Spark Youth, an organization that works with the Level Up Academy on County Road E, would like to issue conduit debt in the amount of \$14,000,000 to buy, renovate and equip the Level Up Academy facility.

In consultation with Julie Eddington from Kennedy & Graven, it was decided the City of White Bear Lake not issue this conduit debt because it would push the City above the bank qualified amount and increase the City's interest rate.

Ms. Eddington explained that another city could issue the conduit debt for Spark Youth. As such, she has been working with the City of Bethel who agreed to issue the conduit debt on their behalf. Minnesota Statutes, Section 471.656 authorizes a municipality to issue obligations to finance the acquisition or improvement of property located outside of the corporate boundaries of such municipality if the governing body of the city in which the property is located consents by resolution to the issuance.

The City of White Bear Lake would be the host city and the City of Bethel would be the issuing city. Both cities are required to hold a public hearing. These bonds would not constitute a general or moral obligation of either city and would not be secured by any taxing powers of either city.

RECOMMENDED COUNCIL ACTION

Staff recommend the City Council hold a public hearing and consider adopting the resolution consenting to and approving the issuance of conduit bonds by the City of Bethel.

ATTACHMENTS

Resolution
 Letter of explanation from Kennedy & Graven

CITY OF WHITE BEAR LAKE, MINNESOTA

RESOLUTION NO.

**RESOLUTION CONSENTING TO AND APPROVING THE
ISSUANCE BY THE CITY OF BETHEL OF ITS CHARTER
SCHOOL LEASE REVENUE OBLIGATIONS AND TAKING
OTHER ACTIONS WITH RESPECT THERETO**

WHEREAS, the City of White Bear Lake, Minnesota (the “City”) is a home rule charter city and political subdivision duly organized and existing under its Charter and the laws of the State of Minnesota; and

WHEREAS, pursuant to Minnesota Statutes, Sections 469.152 through 469.1655, as amended (the “Act”), the City is authorized to carry out the public purposes described in the Act by providing for the issuance of revenue bonds to provide funds to finance revenue producing enterprises, whether or not operated for profit; and

WHEREAS, Minnesota Statutes, Section 471.656, as amended, authorizes a municipality to issue obligations to finance the acquisition or improvement of property located outside of the corporate boundaries of such municipality if the governing body of the city in which the property is located consents by resolution to the issuance of such obligations; and

WHEREAS, Spark Youth, a Minnesota nonprofit corporation and an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the “Code”), or a limited liability company or other special purpose entity to be formed by Spark Youth (collectively, the “Company”), has requested that the City of Bethel, Minnesota (the “City of Bethel”) issue its revenue bonds, in one or more series, as taxable or tax-exempt obligations (the “Bonds”), in a principal amount not to exceed \$14,000,000, and loan the proceeds thereof to the Company to (i) finance the acquisition, renovation, improvement, and equipping of an existing approximately 30,000 square foot charter school building, the construction of a new addition of approximately 15,000 square feet for a gym and classrooms, and the construction and equipping of related facilities located at 2600 East County Road E and parcels adjacent thereto in the City (the “School Facility”), for use as a public charter schoolhouse (the “Project”), which will be owned by the Company (or an affiliate, related entity, or successor) and leased to and operated by Level Up Academy, a Minnesota nonprofit corporation and public (charter) school (the “School”), as a pre-kindergarten through eighth grade school facility; (ii) fund required reserves; (iii) finance capitalized interest during the construction of the Project; and (iv) pay the costs of issuing the Bonds; and

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended (the “Code”), and regulations promulgated thereunder require that prior to the issuance of the Bonds, the City Council of the City (the “City Council”) consent to the issuance of the Bonds by the City of Bethel after conducting a public hearing thereon preceded by publication of a notice of public hearing (in the form required by Section 147(f) of the Code and applicable regulations) in a newspaper of general circulation within the City at least seven (7) days prior to the public hearing date; and

WHEREAS, a notice of public hearing (the “Public Notice”) was published at least seven (7) days before the regularly scheduled meeting of the City Council on the date hereof in the *White Bear Press*, the official newspaper of and a newspaper of general circulation in the City, with respect to the required public hearing under Section 147(f) of the Code; and

WHEREAS, on the date hereof, the City Council conducted a public hearing at which a reasonable opportunity was provided for interested individuals to express their views, both orally and in writing, on the following: (i) consent to the issuance of the Bonds by the City of Bethel pursuant to the requirements of Section 147(f) of the Code and the regulations promulgated thereunder; and (ii) approval of the issuance of the Bonds by the City of Bethel to finance the Project; and

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

1. The City Council finds that it is in the best interest of the City to approve the issuance of the Bonds by the City of Bethel to finance the Project and hereby consents to the issuance of the Bonds by the City of Bethel for the purposes set forth above in an amount not to exceed \$14,000,000.

2. The Bonds are to be issued by the City of Bethel pursuant to the Act. The Bonds will constitute special, limited obligations of the City of Bethel secured solely by revenues derived from the operation of the Project and other security provided by the Company and the School. The Bonds will not constitute a general or moral obligation of the City or the City of Bethel and will not be secured by any taxing powers of the City or the City of Bethel.

3. The Mayor and the City Manager are hereby authorized and directed to execute and deliver any documents deemed necessary to fulfill the intentions of this resolution.

4. The Mayor and City Manager and other officers, employees, and agents of the City are hereby authorized and directed to prepare and furnish to bond counsel and the original purchaser of the Bonds certified copies of all proceedings and records of the City relating to the approval of the issuance of the Bonds, including a certification of this resolution.

5. The Company will, upon demand, reimburse the City for costs paid or incurred by the City in connection with this resolution.

6. This resolution shall be in full force and effect from and after its passage.

Approved by the City Council of the City of White Bear Lake, Minnesota this 27th day of July, 2021.

Mayor

ATTEST:

City Clerk



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July 22, 2021

Kerri Kindsavater, Finance Director
Kara Coustry, City Clerk
City of White Bear Lake
4701 Highway 61
White Bear Lake, MN 55110

Re: Resolution providing host approval for a charter school project to be located in the City of White Bear Lake

Dear Kerri and Kara,

Spark Youth, a Minnesota nonprofit corporation, or a limited liability company or other special purpose entity to be formed by Spark Youth (collectively, the "Company"), has requested that the City of Bethel, Minnesota (the "City of Bethel") issue one or more series of taxable or tax-exempt revenue bonds (the "Bonds"), in a principal amount not to exceed \$14,000,000, and loan the proceeds thereof to the Company to finance the acquisition, renovation, improvement, and equipping of an existing approximately 30,000 square foot charter school building, the construction of a new addition of approximately 15,000 square feet for a gym and classrooms, and the construction and equipping of related facilities located at 2600 East County Road E and parcels adjacent thereto in the City of White Bear Lake, Minnesota (the "City"), for use as a public charter schoolhouse (the "Project"), which will be owned by the Company (or an affiliate, related entity, or successor) and leased to and operated by Level Up Academy, a Minnesota nonprofit corporation and public (charter) school (the "School"), as a pre-kindergarten through eighth grade school facility.

Each year the City has the ability to designate up to \$10,000,000 in tax-exempt bonds as "qualified tax-exempt obligations" (sometimes referred to as "bank-qualified bonds") for purposes of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended (the "Code"). In order to issue bank-qualified bonds, the City must not expect to issue more than \$10,000,000 of bonds (other than private activity bonds that are not qualified 501(c)(3) bonds) in a calendar year. Because the City issued general obligation bonds last month in the amount of \$4,280,000, the City was unable to issue bonds for the Project as that would have placed the City over the \$10,000,000 limit. As a result, the Company and the School were required to find a different conduit issuer to issue bonds to finance the Project.

In order for the City of Bethel to issue the Bonds, the City must grant "host approval" for the issuance of the Bonds under Minnesota Statutes, Sections 469.152 through 469.1655, as amended, Minnesota Statutes, Section 471.656, as amended, and the Code. Enclosed is a resolution for consideration by the City Council on July 27, 2021, following the public hearing, which will provide host approval for the Project and the issuance of the Bonds by the City of Bethel.

The Bonds will be issued as conduit revenue obligations of the City of Bethel secured solely by the revenues derived from the loan or other revenue agreements executed by the Company and from other security

provided by the Company. The Bonds will not constitute a general or moral obligation of the City, will not be secured by or payable from any property or assets of the City, and will not be secured by any taxing power of the City. The Bonds will not be subject to any debt limitation imposed on the City and the issuance of the Bonds will not have any adverse impact on the credit rating of the City, even in the event that the Company or the School encounters financial difficulties with respect to the Project.

The issuance of the Bonds by the City of Bethel will not negatively affect the issuance of the City's general obligation bonds last month or their designation as bank qualified for purposes of Section 265(b)(3) of the Code.

The Company will pay the out-of-pocket expenses of the City with respect to this transaction.

Libby Kantner will attend the City Council meeting on July 27, 2021, and can answer any questions that may arise during the meeting. Please contact me with any questions you may have prior to the City Council meeting.

Sincerely,

Julie A. Eddington



City of White Bear Lake
Finance Department
MEMORANDUM

To: Mayor and City Councilmembers
From: Kerri Kindsvater, Finance Director
Date: July 21, 2021
Subject: Request for Proposal for Professional Auditing Services

BACKGROUND

The City Charter (Section 4.11) and State Statute (471.697) require the City Council provide for an independent annual audit of the City's financial records.

The City issued a Request for Proposal (RFP) for the annual auditing services in 2011 and 2016. In both processes, the City Council awarded the contract to the public accounting firm of Abdo, Eick & Meyers. The completion of the December 31, 2018 audit concluded the contract set in 2016.

In 2019, the City Council voted to extend the auditor service agreement with Abdo, Eick & Meyers for two years to recognize efficiencies the firm provided the City through implementation of audit software to improve the process for city staff to prepare the annual financial report in-house and to provide consistency during internal staff changes due to the retirement of the previous Finance Director. As part of the approval, the City Council requested a RFP be issued for auditing services for the December 31, 2021 financial statements.

The City Council can appoint a qualified audit firm to conduct the audit without seeking competitive analysis; however, the City Council has maintained a long standing practice of seeking proposals from qualified audit firms to verify that the City is receiving quality service at a reasonable cost.

The Government Finance Officers Association (GFOA) best practice guide recommends multi-year audit agreements of at least five years to maintain greater continuity and minimize potential disruptions due to constant change over in audit firms. Staff has chosen to incorporate this guidance in the current RFP by requesting audit firms agree to a three year term of 2021-2023, with an option to continue the audit service agreement three subsequent years, 2024-2026.

Since the City Charter directs the City Council to appoint the audit firm, staff is seeking assistance from a City Councilmember to be included in the RFP review and possible interview of audit firms.

SUMMARY

Based on the completion of the contract agreement with the City's current auditing firm, staff seeks direction to publish the attached RFP for auditing services.

RECOMMENDED COUNCIL ACTION

Staff recommends the City Council adopt the attached resolution authorizing issuance of a Request for Proposal for 2021 audit services.

It is further recommended that the City Council appoint a Councilmember to review submitted proposals with staff.

ATTACHMENTS

Resolution

City Charter Section 4.11

State Statute 471.697

Request for Proposal – Audit Services

RESOLUTION NO.

RESOLUTION AUTHORIZING THE CITY TO SEEK PROPOSALS FOR AUDIT SERVICES FOR FISCAL YEAR END DECEMBER 31, 2021 THROUGH DECEMBER 31, 2023 WITH AN OPTION FOR DECEMBER 31, 2024 AND DECEMBER 31, 2026

WHEREAS, the City Council of the City of White Bear Lake, Minnesota is required by the City Charter (Section 4.11) and State Statute (471.697 subdivision 1, section C) to conduct an audit of the City's financial records annually; and

WHEREAS, the City Council has conducted a request for proposal for audit services to ensure the City is receiving quality audit services at a reasonable cost; and

WHEREAS, the previous audit service request for proposal was completed in 2016.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of White Bear Lake, Minnesota that a Request for Proposal for Professional Auditing Services dated July 28, 2021 be published and advertised.

BE IT RESOLVED FURTHER RESOLVED that Councilmember _____ is appointed to assist with staff in reviewing audit proposals.

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

CHARTER OF THE CITY OF WHITE BEAR LAKE, MINNESOTA

Sect. 4.07. **City Clerk.** The City Clerk shall be appointed and removed by the City Manager. The Clerk shall be chosen solely on the basis of training, experience, and administrative qualifications. (Ref. Ord. 898, 8/24/93)

Sect. 4.08. **City Clerk -- Powers and Duties.** The City Clerk shall be subject to the direction of the City Manager. The Clerk shall act as secretary of the Council. The Clerk's duties shall include the keeping of the official seal and public records, the custody and disbursement of public funds, the administration of oaths, and affirmations, the taking and certifying of acknowledgments, and by general administration of the affairs of the City as prescribed by the Charter or by law or required of the Clerk by ordinance or resolution adopted by the Council. (Ref. Ord. 898, 8/24/93)

THE LEGISLATIVE BRANCH

Sect. 4.09. **Council -- Election and Term of Office.** The legislative powers of the City of White Bear Lake shall be vested in a Council of five (5) members, one (1) member to be elected from each of the five (5) Council Districts of the City, except as otherwise provided by Section 3.06. They shall be residents of the City and Council Districts from which they are elected and qualified.

The regular Council terms shall be staggered and Councilmembers shall be elected for a four (4) year term as follows: The Council person from Districts 2 and 4 shall be elected in the same year as the Mayor; Council person from Districts 1, 3 and 5 shall be elected two (2) years after the mayoral election. (Rev. by Ord. No. 90-09-819, 9/25/90; Ref. Ord. No. 90-09-820)

Sect. 4.10. **Council -- Power and Duties.** All powers of the City shall be vested in the City Council, except as otherwise provided by law or this Charter, and the Council shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the City by law. The Council may initiate action for the removal of appointive officers by four-fifths vote.

Sect. 4.11. **Council -- Independent Audit and Investigations.** The Council shall provide for an independent annual audit of all City accounts and may provide for such other audits as it deems necessary. Such audits shall be made by the State or by a certified public accountant or firm or such accountants who have no personal interest, direct or indirect, in the fiscal affairs of the City government or any of its officers. The Council may, without requiring competitive bids, designate such accountant or firm annually.

The Council may investigate the affairs of the City and the conduct of any City department, office or agency, and for this purpose may subpoena witnesses, administer oaths, take testimony and require the production of evidence. Any person who fails or refuses to obey a lawful order issued in the exercise of these powers by the Council shall be guilty of a misdemeanor.

Revised 8/24/93

Office of the Revisor of Statutes

2020 Minnesota Statutes

[Authenticate](#) **471.697 FINANCIAL REPORTS; FILING; CITIES, TOWNS OF 2,500.**

Subdivision 1. **All operations except some hospitals, nursing homes.** In any city with a population of more than 2,500 according to the latest federal census, or town with a population of more than 2,500 according to the latest federal census with an annual revenue of (1) \$670,500 or more in 2004, or (2) \$670,500 adjusted for inflation using the annual implicit price deflator for state and local expenditures as published by the United States Department of Commerce in 2005 and after, the city clerk, chief financial officer, town clerk, or town clerk-treasurer shall:

(a) Prepare a financial report covering the city's or town's operations including operations of municipal hospitals and nursing homes, liquor stores, and public utility commissions during the preceding fiscal year after the close of the fiscal year. Cities shall publish the report or a summary of the report, in a form as prescribed by the state auditor, in a qualified newspaper of general circulation in the city or, if there is none, post copies in three of the most public places in the city, no later than 30 days after the report is due in the office of the state auditor. The report shall contain financial statements and disclosures which present the city's or town's financial position and the results of city or town operations in conformity with generally accepted accounting principles. The report shall include such information and be in such form as may be prescribed by the state auditor;

(b) File the financial report in the clerk's or financial officer's office for public inspection and present it to the city council or town board after the close of the fiscal year. One copy of the financial report shall be furnished to the state auditor after the close of the fiscal year; and

(c) Submit to the state auditor audited financial statements which have been attested to by a certified public accountant, public accountant, or the state auditor within 180 days after the close of the fiscal year, except that the state auditor may upon request of a city or town and a showing of inability to conform, extend the deadline. The state auditor may accept this report in lieu of the report required in clause (b). A copy of the audited financial statement along with any management letter or other written findings or comments by the auditor must be provided to each city council member and the mayor, or to each town board member, no later than 30 days after the report is required to be submitted to the state auditor and presented at a scheduled meeting of the city council or town board prior to October 31 of the year in which the report is submitted to the state auditor.

A municipal hospital or nursing home established before June 6, 1979, whose fiscal year is not a calendar year on August 1, 1980, is not subject to this subdivision but shall submit to the state auditor a detailed statement of its financial affairs audited by a certified public accountant, a public accountant or the state auditor no later than 120 days after the close of its fiscal year. It may also submit a summary financial report for the calendar year.

Subd. 2. **First class city audits.** The state auditor shall continue to audit cities of the first class pursuant to section [6.49, subject to the authority in section 6.49 for certain cities of the first class to have audits performed by a certified public accountant firm.](#)

History: [1978 c 787 s 3](#); [1979 c 330 s 4](#); [1980 c 487 s 18](#); [1980 c 502 s 1](#); [1984 c 543 s 64](#); [1986 c 444](#); [1992 c 592 s 13](#); [1998 c 276 s 1](#); [2004 c 161 s 1](#); [1Sp2011 c 10 art 3 s 35](#)

Official Publication of the State of Minnesota
Revisor of Statutes



City of White Bear Lake, Minnesota

Request for Proposals for Professional Auditing Services

July 28, 2021

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

Kerri Kindsvater
Finance Director
Phone: (651) 429-8517
kkindsvater@whitebearlake.org

Jessica Saari
Assistant Finance Director
Phone: (651) 429-8510
jsaari@whitebearlake.org

Fax: (651) 429-8500
www.whitebearlake.org

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Attachment A – Proposer Guarantees and Warranties

Attachment B – Schedule of Professional Fees and Expenses

CITY OF WHITE BEAR LAKE
Request for Proposal for Professional Auditing Services

1. Introduction

a) General Information

The City of White Bear Lake is requesting proposals from qualified firms of certified public accountants to audit the financial statements for the City for the years ending December 31, 2021, 2022, and 2023 with an option of auditing their financial statements for each of the three subsequent years, 2024, 2025, and 2026.

The audit of the City is to be performed in accordance with auditing standards generally accepted in the United States of America, the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the audit requirements of Title 2 U.S. Code of Federal Regulations Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance), and other applicable laws, regulations, and rules.

To be considered, three (3) copies of the proposal must be received by Kerri Kindsvater, Finance Director or Jessica Saari, Assistant Finance Director, 4701 Highway 61, White Bear Lake, MN 55110, by 4:30 p.m. on Friday, August 27, 2021. The City reserves the right to reject any or all proposals submitted. The City reserves the right, where it may serve the City's best interest, to request additional information or clarifications from proposers, or to allow corrections of errors or omissions. At the discretion of the City, firms submitting proposals may be requested to make oral presentations as part of the evaluation process.

The City reserves the right to retain all proposals submitted and to use any ideas in a proposal regardless of whether that proposal is selected. Submission of a proposal indicates acceptance by the firm of the conditions contained in this request for proposal (RFP), unless clearly and specifically noted in the proposal submitted.

All questions and requests for clarification should be submitted by email to kkindsvater@whitebearlake.org and jsaari@whitebearlake.org no later than August 20, 2021. Firms shall only contact Kerri Kindsvater or Jessica Saari with any questions or inquiries. Only information that the City provides in writing will be binding. All responses will be sent to each firm which has been provided a copy of this RFP. Upon receipt of the RFP from any source, firms should immediately contact the City and provide its name and email address so that amendments to the RFP or other communications can be sent to it.

The City reserves the right to amend this RFP prior to the deadline for proposal submission. Any amendment shall be in writing and shall be provided to each firm which provides its name and email address to the City.

It shall be understood that all proposals, responses, inquiries, or correspondence relating to or in reference to this RFP, and all reports, charts and proposal or referencing information submitted in response to this RFP, shall become the property of the City, and will not be returned. The City is subject to the Minnesota Government Data Practices Act, Minnesota Statute Chapter 13, and all information submitted shall be disclosed as required by the Act.

b) Terms of Engagement

A three-year contract with the City is contemplated, subject to an annual review by the City. Based on satisfactory performance, the City may extend the agreement annually. In the event of unsatisfactory performance, or when in the best interest of the City, proposals may be solicited before the end of the three year period.

The contract shall be in the form of the City’s Agreement for Professional Services. The City reserves the right to negotiate all terms and conditions of the contract. In the event the City and the firm are unable to agree upon all contract provisions, the City reserves the right to cease negotiations, reject the firm’s proposal, and proceed to negotiate with the next selected firm.

c) Subcontracting

No subcontracting will be allowed without the express prior written consent of the City.

2. Nature of Services Required

a) Scope of Work to be Performed

The City of White Bear Lake desires the auditor to express an opinion on the fair presentation of its general purpose financial statements in conformity with generally accepted accounting principles.

For the City of White Bear Lake, the auditor is required to audit the basic financial statements, Required Supplementary Information, combining and individual fund statements.

The City also desires the firm to review the presentation of the statistical section of the comprehensive annual financial report, in so far as current generally accepted auditing standards require such review.

The auditor is not required to audit the schedule of expenditures of federal awards if such audit is not triggered by the threshold of funding received by the City.

b) Auditing Standards to be Followed

To meet the requirements of this request for proposal, the audit shall be performed in accordance with:

- Generally accepted auditing standards as set forth by the American Institute of Certified Public Accountants (AICPA)
- The standards for financial audits as set forth in the U.S. General Accounting Offices' (GAO) *Government Auditing Standards*
- The provisions of Title 2 U.S. Code of Federal Regulations Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance)
- The provisions of the *Minnesota Legal Compliance Audit Guide for Local Government*
- Any other Federal, State and local requirements in effect now, or placed into effect during the engagements

c) Reports to be Issued

Following the completion of the audit of the fiscal year's financial statements, the auditor shall:

1. Issue an opinion letter on the City's basic financial statements in conformity with auditing standards generally accepted in the United States of America.
2. Issue a report on the consideration of the City's internal control over financial reporting.
3. Issue a report on the City's compliance with applicable laws and regulations.
4. Communicate in a letter to management any reportable conditions found during the audit.
5. If a single audit is needed, issue an auditor's report on the internal control over compliance for major federal programs, an opinion on compliance with requirements applicable to each major federal program, and a summary of auditor's results and a schedule of findings and questioned costs, if any, required by OMB.
6. Prepare any other requested or required reports agreed upon in the annual engagement letter.

If it should become necessary for the City to request the auditor to render any additional services to either supplement the services requested in this RFP or to perform additional work as a result of the specific recommendations included in any report issued on this engagement, then such additional work shall be performed only if set forth in an addendum to the contract between the City and the firm. Any such additional work agreed to between the City and the firm shall be performed at the same rates set forth in the schedule of fees and expenses included in the dollar cost bid.

d) Working Paper Retention and Access to Working Papers

All working papers and reports must be retained, at the auditor's expense, for a minimum of six (6) years following the issuance of an opinion, unless the firm is notified in writing by the City of the need to extend the retention period. The auditor will be required to make working papers available, upon request.

In addition, the firm shall respond to the reasonable inquiries of successor auditors and allow successor auditors to review working papers relating to matters of continuing accounting significance.

e) Contract Termination

Either party may cancel the contract for an audit year by giving notice in writing to the other party at least ninety (90) days prior to January first of the audit year.

3. Description of the Government

a) Contact Person(s)

The auditor's principal contact(s) with the City will be:

Kerri Kindsvater
Finance Director
(651) 429-8517
kkindsvater@whitebearlake.org

Jessica Saari
Assistant Finance Director
(651) 429-8510
jsaari@whitebearlake.org

b) Background Information

The City of White Bear Lake operates under a Home Rule Charter form of government. Policymaking and legislative authorities are vested in the governing council, which consists of a mayor and five-member council. For 2021, the City has approximately 113 full-time employees and 27 volunteer (paid on call) members of the fire and ambulance service. The City has a General Fund operating budget of approximately \$12.1 million. The City's overall budget totals \$41 million. There are six employees in the Finance division.

The City's accounting system, consisting of the General Ledger, Payroll, Accounts Payable, Accounts Receivable, Fixed Assets and Utility Billing systems, all are fully automated. Budgets are recorded in the automated accounting system.

Standard & Poor's Rating Service has assigned an AA+ rating for the City's debt instruments.

More information about the City can be obtained on our web site at www.whitebearlake.org.

c) Federal and State Assistance

The City does not expect to exceed \$750,000 in federal expenditures in 2021. The successful candidate would be able to provide Single Audit services should the need arise.

d) Component Units

The City is responsible for one component unit; the Housing and Redevelopment Authority (HRA) is reported as a capital project fund within the City's Comprehensive Annual Financial Report.

4. Time Requirements

a) Anticipated Proposal Calendar

The following is a list of proposed key dates regarding the selection process:

Due date for proposals	4:30 p.m. Friday, August 27, 2021
Staff / Council Review / Interviews	Monday, August 30 – Wednesday, September 22
City Council Approval	Tuesday, September 28
Selected Firm Notified	Wednesday, September 29

b) Schedule for the 2021 Fiscal Year Audit

The schedule for interim work will be determined upon completion of the selection process. It is desirable to complete as much work as possible on an interim basis. The City will have the accounting records ready for audit in March. The City anticipates an audit start date of March 21st for 2022. The City of White Bear Lake will prepare its own financial statements. The City is requesting an alternate quote for financial preparation and printing. The auditor is responsible for reviewing and editing the financial statements. The auditor shall have drafts of the audit reports and final recommendations to management available for review by the end of April/beginning of May. Presentation to Council is anticipated in May.

c) Assistance Provided to the Auditor

City staff will complete and balance all accounts at year-end. The City will provide staff assistance to the auditor as is reasonably available. The City will furnish the following information and work papers in conjunction with the audit engagement:

- Trial balances for all funds subject to the audit
- Detailed reconciling records and other information as required by the auditing firm and mutually agreed upon

5. Proposal Requirements

a) General Requirements

Proposals must be submitted by 4:30 p.m. on Friday, August 27, 2021 and addressed to:

Kerri Kindsvater

Finance Director

or

Jessica Saari

Assistant Finance Director

City of White Bear Lake

4701 Highway 61

White Bear Lake, MN 55110

Email:

kkindsvater@whitebearlake.org

jsaari@whitebearlake.org

b) Required Components

For a firm to be considered, three hard copies of the proposal are required to be received by Kerri Kindsvater or Jessica Saari at the above address by 4:30pm August 27, 2021. An additional digital copy emailed to either kkindsvater@whitebearlake.org or jsaari@whitebearlake.org is appreciated.

Proposals shall include the following:

1. **Title Page** showing the request for proposals' subject; the firm's name; the name, address and telephone number of the contact person; and the date of the proposal.
2. **Table of Contents**
3. **Signed Letter of Transmittal** briefly stating the proposers understanding of the work to be done, the commitment to perform the work within the time period, a statement why

the firm believes itself to be best qualified to perform the engagement, a statement that the proposal is a firm, and an offer for the three year period.

4. **Technical Proposal** which follows the order and contents outlined in Section 5c below.
5. **Proposer Guarantees and Warranties** executed copy (Attachment A). The selected audit firm will be required to provide proof of insurance satisfactory to the City for all applicable insurance in the amounts specified in the Professional Services Agreement. No proposal may contain a limitation on liability except for exclusion of punitive damages.
6. **Schedule of Professional Fees and Expenses** completed copy (Attachment B). The City will not be responsible for expenses incurred in preparing and submitting the proposal. Such costs should not be included in the proposal.

c) Technical Proposal

The purpose of the Technical Proposal is to demonstrate the qualifications, competence and capacity of the firms seeking to undertake an independent audit of the City in conformity with the requirements of this RFP. As such, the substance of proposals will carry more weight than their form or manner of presentation. The Technical Proposal should demonstrate the qualifications of the firm and of the particular staff to be assigned to this engagement. It should also specify an audit approach that will meet the RFP requirements.

The proposal should address all the points outlined in the RFP. The proposal should be prepared simply and economically, providing a straightforward, concise description of the proposer's capabilities to satisfy the requirements of the RFP. While additional data may be presented, the following subjects must be included. They represent the criteria against which the proposal will be evaluated.

1. **Independence** – The firm should provide an affirmative statement that it is independent of the City as defined by generally accepted auditing standards of the U.S. General Accounting Office's *Government Auditing Standards*.

The firm should also list and describe the firm's professional relationship involving the City, its component units, or any of its agencies for the past five (5) years, together with a statement explaining why such relationships do not constitute a conflict of interest relative to performing the proposed audit.

In addition, the firm shall give the City written notice of any professional relationships involving the City, its component units, or its agencies, entered into during the period of this agreement.

2. **License to Practice in Minnesota** – An affirmative statement should be included that the firm and all assigned key professional staff are properly registered and licensed to practice in Minnesota.
3. **Firm Qualifications and Experience** -- The proposer should state the size of the firm, the size of the firm's governmental audit staff, and the location of the office from which the work on this engagement is to be performed.

The firm is also required to submit a copy of its most recent external quality control review, with a statement whether that quality control review included a review of specific government engagements.

The firm shall also provide information on the results of any federal or state desk reviews or field reviews of its audits during the past three (3) years. In addition, the firm shall provide information on the circumstances and status of any disciplinary action taken or pending against the firm during the past three (3) years with state regulatory bodies or professional organizations.

4. **Partner, Supervisory, and Staff Qualifications and Experience** -- Identify the principal supervisory and management staff, including engagement partners, managers, other supervisors and specialists, who would be assigned to the engagement. Indicate whether each such person is licensed to practice as a certified public accountant in Minnesota. Provide information on the government auditing experience of each person, including information on relevant continuing professional education for the past three (3) years and membership in professional organizations relevant to the performance of this audit.

Provide as much information as possible regarding the number, qualifications, experience and training, including relevant continuing professional education, of the specific staff to be assigned to this engagement. Indicate how the quality of staff over the term of the agreement will be assured.

Audit personnel may be changed at the discretion of the proposer provided that replacements have substantially the same or better qualifications or experience.

5. **Similar Engagements with Other Governmental Entities** -- For the firm's office that will be assigned responsibility for the audit, list the most significant engagements performed in the last three (3) years that are similar to the engagement described in this RFP and if the cities are awarded the GFOA Certificate of Achievement for Excellence in Financial Reporting. These engagements should be ranked on the basis of total staff hours. Indicate the scope of work, date, engagement partners, total hours, and the name and telephone number of the principal client contact.

6. **Identification of Anticipated Potential Audit Problems** – The proposal should identify and describe any anticipated potential audit problems, the firm’s approach to resolving these problems, and any special assistance that will be requested from the City.

6. Evaluation Procedures

Proposals submitted will be evaluated by the Finance Director, Assistant Finance Director, City Manager, and City Council representative.

Proposals will be evaluated using three sets of criteria. Firms meeting the mandatory criteria will have their proposals evaluated for both technical qualifications and price.

The following represent the principal selection criteria which will be considered during the evaluation process.

a) Mandatory Elements

1. The audit firm is independent and licensed to practice in Minnesota
2. The firm has no conflict of interest with regard to any other work performed by the firm for the City
3. The firm adheres to the instructions in this RFP on preparing and submitting the proposal
4. The firm submits a copy of its last external quality control review report and the firm has a record of quality audit work

b) Technical Qualifications

1. Expertise and Experience
 - i. The firm's past experience and performance on comparable government engagements
 - ii. The quality of the firm's professional personnel to be assigned to the engagement and the quality of the firm's management support personnel to be available for technical consultation
 - iii. The firm’s expertise with the GFOA Certificate of Achievement in Financial Reporting program

2. Audit Approach

- i. Adequacy of a proposed staffing plan for various segments of the engagement
- ii. Adequacy of sampling techniques
- iii. Adequacy of analytical procedures

c) Price

d) Oral Presentations

During the evaluation process the City may, at its discretion, request any or all firms to make oral presentations. Such presentations will provide firms with an opportunity to answer any questions the City may have on a firm's proposal.

e) Right to Reject Proposal

Submission of a proposal indicates acceptance by the firm of the conditions contained in this request for proposal unless clearly and specifically noted in the proposal submitted and confirmed in the contract between the City of White Bear Lake and the firm selected.

The City of White Bear Lake reserves the right without prejudice to reject any or all proposals.

f) Final Selection

The City Council shall consider and authorize the appointment of an independent CPA firm judged to be in the best interests of the City for the auditing services requested. The final decision with respect to the appointment will be made by the City Council.

ATTACHMENT A

PROPOSER GUARANTEES AND WARRANTIES

- I. The proposer certifies it can and will provide and make available, as a minimum, all services set forth in the RFP.

- II. Proposer warrants that it is willing and able to obtain an errors and omissions insurance policy providing coverage for the willful or negligent acts, or omissions of any officers, employees or agents.

- III. Proposer warrants that it will not delegate or subcontract its responsibilities under an agreement without the prior written permission of the City of White Bear Lake.

- IV. Proposer warrants that all information provided by it in connection with this proposal is true and accurate.

Signature of Official: _____

Name (typed): _____

Title: _____

Firm: _____

Date: _____

REGULAR MEETING OF THE WHITE BEAR LAKE CONSERVATION DISTRICT
 7:00 pm Zoom meeting
 Minutes of May 18, 2021

APPROVAL DATE: Not yet approved

1. **CALL TO ORDER** the May 18, 2021 meeting of the White Bear Lake Conservation District was called to order by Chair Bryan DeSmet at 7:00 pm by Zoom meeting.
2. **ROLL CALL** Present were: Chair Bryan DeSmet, Vice Chair Mark Ganz, Sec/Tres Diane Longville, Directors: Scott Costello, Mike Parenteau, Susie Mahoney, Scott O'Connor and Meredith Walburg. A quorum was present.
3. **AGENDA** – Chair DeSmet asked for any changes. None
4. **APPROVAL OF MINUTES OF** – April, 2021 board meeting. Motion (DeSmet/Second) to approve with corrections all aye passed.
5. **PUBLIC COMMENT TIME** – None
6. **NEW BUSINESS**
7. **Public Hearing**
 - Chair DeSmet opened the Public Hearing for Comments/discussions to have a variance due to usage and necessity this season 2021 in commercial bay to extend the maximum allowable dock length of 300 ft. to 345 ft. Request for comments from the public – None received
 Chair DeSmet closed public hearing
 Board discussion and vote of variance. Docks are currently in place would be difficult to move at this time. Variance will be for this year only, future years all commercial bay properties will abide by the 300 ft. max unless another variance is filed and approved. Currently Tally's is at 340 ft.
 Docks of WB are at 330-345
 City of WB are at 264-331
 VFW is in the 300 ft. Limit
 Mark Ganz is going to go out and measure to make sure all properties are measuring from the same place. Motion DeSmet/second to allow extension of 300 ft. max to 345 ft. for the 2021 operating season roll call vote 1 abstain 7 aye variance passed
8. **UNFINISHED BUSINESS** – None
9. **REPORTS/ACTION ITEMS**

Executive Committee – No Meeting
10. **Lake Quality Committee – Mike Parenteau**
 - 924.27 Lake Level
 - 62 Degrees
 - Bid out for Survey for treatment milfoil, Starry Wart, Zebra mussels, Phragmites any invasive species Motion to approve bid for survey vote all aye Passed
11. **Lake Utilization Committee – LUC reviewed the following and submitted to the board for approval.** Roll call per item Motion to approve Ganz/second (each application) all aye all approved

- Foodski approved with contingent sending in updated Declaration page of insurance adding WBLCD
- Tallys – Approved
- Docks of White Bear – Approved
- City of White Bear Lake – Approved
- 4th July Fireworks – Approved fee waived and want to donate \$100 as a sponsor

12. Lake Education – Scott Costello

Social Media update – Meredith Walburg

Followers increasing due to Facebook and Instagram being shared asking all to continue sharing to help get the word out. Working on projects to send out looking for volunteers to help find phragmites , lead out program, boating etiquette and lake clean up ideas

Treasurer’s Report – Motion (DeSmet/Second) approval May, 2021 Treasurer’s report and payment of check numbers 4696-4699 Roll call All Aye passed.

Budget worksheet – Updated worksheet with numbers from board. So far estimated numbers but looks like about \$20,000 less to be assessed to the cities.

As required 3 letters requesting bids have been sent out for audit services.

13. Board Counsel – Alan Kantrud

So far things are running smoothly early in the season

14. Announcements – None

15. Adjournment – Motion (DeSmet/Second) Move to adjourn. All aye Passed.

Meeting adjourned

ATTEST:

Kim Johnson: *Kim Johnson*
 Executive Administrative Secretary
 Date: 5/18/21

Bryan: DeSmet: *Bryan DeSmet*
 Board Chair
 Date: 5/18/21



City of White Bear Lake
City Engineer's Office

MEMORANDUM

To: Ellen Hiniker, City Manager

From: Paul Kauppi, Public Works Director/City Engineer

Date: July 27, 2021

Subject: **Lease Amendment No. 4 for T-Mobile at the Miller Avenue Monopole Site**

BACKGROUND / SUMMARY

T-Mobile has requested permission to modify the cellular equipment installed at the Miller Avenue Monopole site and modify the term of its lease. This will be the fourth amendment to this lease agreement. This amendment will allow for a modification to equipment installed at the site and time extension of the lease.

The Engineering department has reviewed the proposed equipment modifications by T-Mobile and has approved the plans.

RECOMMENDED COUNCIL ACTION

Staff recommends Council adopt the resolution approving amendments to the T-Mobile lease at the Miller Avenue Monopole site.

ATTACHMENTS

Resolution

RESOLUTION NO.:

**RESOLUTION APPROVING LEASE AMENDMENTS WITH T-MOBILE
FOR MODIFICATION OF TERMS AND PLACEMENT OF COMMUNICATIONS
EQUIPMENT ON THE CITY'S MILLER AVENUE MONOPOLE SITE**

WHEREAS, T-Mobile has been operating telecommunications equipment from the City's monopole at Miller Avenue, and

WHEREAS, T-Mobile desires to amend its lease with the City to accommodate equipment modifications which are necessary to be competitive in the current mobile communication business, and

WHEREAS, T-Mobile desires to extend the term of its lease with the City; and

WHEREAS, the City desires to work with T-Mobile to accommodate their needs, and

WHEREAS, the existing lease agreement needs to be amended to accommodate the proposed equipment modifications and term of the lease.

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

- 1) The proposed fourth amendment to the lease agreement with T-Mobile for equipment installed at the Miller Avenue Monopole site is hereby approved which details the equipment modifications and terms of the lease.

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

Ayes:
Nays:
Passed:

Jo Emerson, Mayor

ATTEST:

Kara Coustry, City Clerk



City of White Bear Lake
City Manager's Office

MEMORANDUM

To: Ellen Hiniker, City Manager
From: Kara Coustry, City Clerk
Date: July 19, 2021
Subject: **Fall Fest at Railroad Park**

BACKGROUND / SUMMARY

The City received a special event request from Danielle Rode on behalf of Main Street Inc. to utilize Railroad Park for a Fall Festival. The group plans to provide live polka music and pumpkin painting, in addition to grilled food vending by local restaurants – Keys and Eat. The event is being planned for Saturday, September 25, 2021 from 1:00 p.m. through 5:00 p.m.

RECOMMENDED COUNCIL ACTION

Staff recommends approval of the attached resolution allowing the use of Railroad Park on Saturday, September 25, 2021 for this family friendly event downtown.

ATTACHMENTS

Resolution

RESOLUTION NO.

**A RESOLUTION APPROVING USE OF RAILROAD PARK GAZEBO
BY WHITE BEAR LAKE MAIN STREET INC.**

WHEREAS, a special event request was submitted by Danielle Rode for Fall Fest at the Railroad Park Gazebo on September 25, 2021, from 1:00 p.m. through 5:00 p.m.; and

WHEREAS, electric will be turned on at the gazebo so that live polka music can be broadcast; and

WHEREAS, pumpkin painting activities will be provided and extra trashcans will be placed in the area to collect food waste; and

NOW THEREFORE, BE IT RESOLVED that the White Bear Lake City Council approves the use of Railroad Park on Saturday, September 25, 2021 from 1:00 p.m. through 5:00 p.m. for live polka music and grilling in the park.

BE IT FURTHER RESOLVED that the following conditions apply to the use of Railroad Park for this event:

1. No stakes are permitted to be placed into the grounds.
2. No vehicles are permitted on park grounds to protect irrigation systems.
3. Park rental waived to promote free entertainment for the public.
4. Grills 15 feet from décor or structure, 20 feet from any tent or membrane, and a fire extinguisher available

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

Ayes:

Nays:

Passed:

Jo Emerson, Mayor

ATTEST:

Kara Coustry, City Clerk



City of White Bear Lake
City Manager's Office

MEMORANDUM

To: Ellen Hiniker, City Manager
From: Kara Coustry, City Clerk
Date: July 21, 2021
Subject: Temporary liquor license application by Church of St. Pius X

BACKGROUND / SUMMARY

The Church of St. Pius X is planning a parish celebration in the parking lot of the church on August 21, 2021 from 5:00 p.m. – 8:00 p.m. As such, they have applied for a temporary liquor license to serve wine and beer at a cash bar. The event will be moved indoors to the Activity Center if the weather does not cooperate.

RECOMMENDED COUNCIL ACTION

Staff recommend that Council adopt the resolution authorizing a temporary liquor license for St. Pius X.

ATTACHMENTS

Resolution

RESOLUTION NO.

**A RESOLUTION AUTHORIZING A TEMPORARY LIQUOR LICENSE FOR
CHURCH OF ST. PIUS X**

WHEREAS the Church of St. Pius X retired their debt and are planning a parish celebration as a result; and

WHEREAS the City of White Bear Lake received an application from the Church of St. Pius for a temporary liquor license to serve beer and wine at a cash bar in their parking lot on August 21, 2021 from 5:00 p.m. – 8:00 p.m.; and

WHEREAS, in the event of inclement weather, the celebration will be moved indoors in the Church's activity room.

NOW THEREFORE, BE IT RESOLVED that the White Bear Lake City Council hereby authorizes a temporary liquor license for the Church of St. Pius X as follows:

August 21, 2021
5:00 p.m. – 8:00 p.m.
Church of St. Pius X
Parking Lot or Activity Room
3878 Highland Avenue
White Bear Lake, MN 55110

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

Ayes:

Nays:

Passed:

Jo Emerson, Mayor

ATTEST:

Kara Coustry, City Clerk



City of White Bear Lake
City Manager's Office

MEMORANDUM

To: Ellen Hiniker, City Manager

From: Kara Coustry, City Clerk

Date: July 22, 2021

Subject: Use of Railroad Park Gazebo for story time reading to kids

BACKGROUND / SUMMARY

The City received a special event request from Cari Metzger with Lux Family Chiropractic requesting use of Railroad Park on Friday, September 17, 2021 from 9:00 a.m. – 10:00 a.m. The group is planning story time for kids with guest readers from local businesses and organizations. The group has been advised that no business signs should be displayed at the gazebo. They have been advised they may wear clothing with logos from each of the various businesses/organizations participating in this event.

RECOMMENDED COUNCIL ACTION

Staff recommends approval of the attached resolution allowing the use of Railroad Park on Saturday, September 17, 2021 for this family friendly event downtown.

ATTACHMENTS

Resolution

RESOLUTION NO.

**A RESOLUTION APPROVING USE OF RAILROAD PARK GAZEBO
FOR STORY TIME READING TO KIDS**

WHEREAS, a special event request was submitted by Cari Metzger with Lux Family Chiropractic for the use of Railroad Park Gazebo on September 17, 2021, from 9:00 a.m. through 10:00 a.m.; and

WHEREAS, the plan is for local businesses and organizations to read stories to kids.

NOW THEREFORE, BE IT RESOLVED that the White Bear Lake City Council approves the use of Railroad Park on Saturday, September 17, 2021 from 9:00 a.m. through 10:00 a.m. for story time.

BE IT FURTHER RESOLVED that the following conditions apply to the use of Railroad Park for this event:

1. No stakes are permitted to be placed into the grounds.
2. No vehicles are permitted on park grounds to protect irrigation systems.
3. Park rental waived to promote free entertainment for the public.
4. Business and organization advertising restricted to clothing worn by participants.

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

Ayes:
Nays:
Passed:

Jo Emerson, Mayor

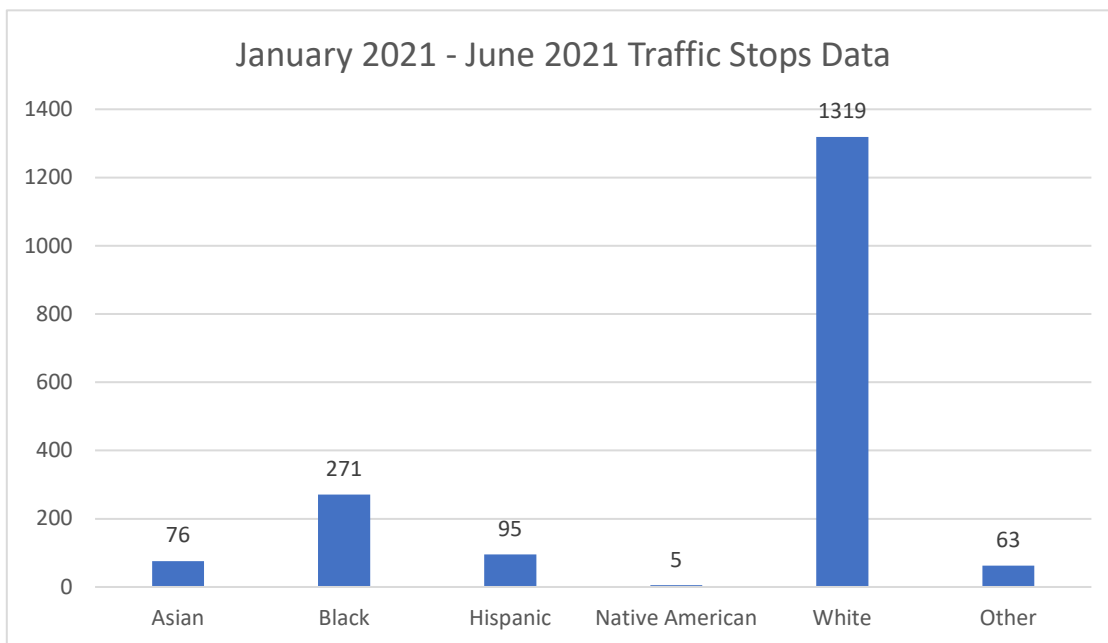
ATTEST:

Kara Coustry, City Clerk

January 2021 - June 2021 Traffic Stops Data

<u>Race</u>	<u>Number of Traffic Stops</u>
Asian	76
Black	271
Hispanic	95
Native American	5
White	1319
Other	63

1829 reported traffic stops/traffic incidents

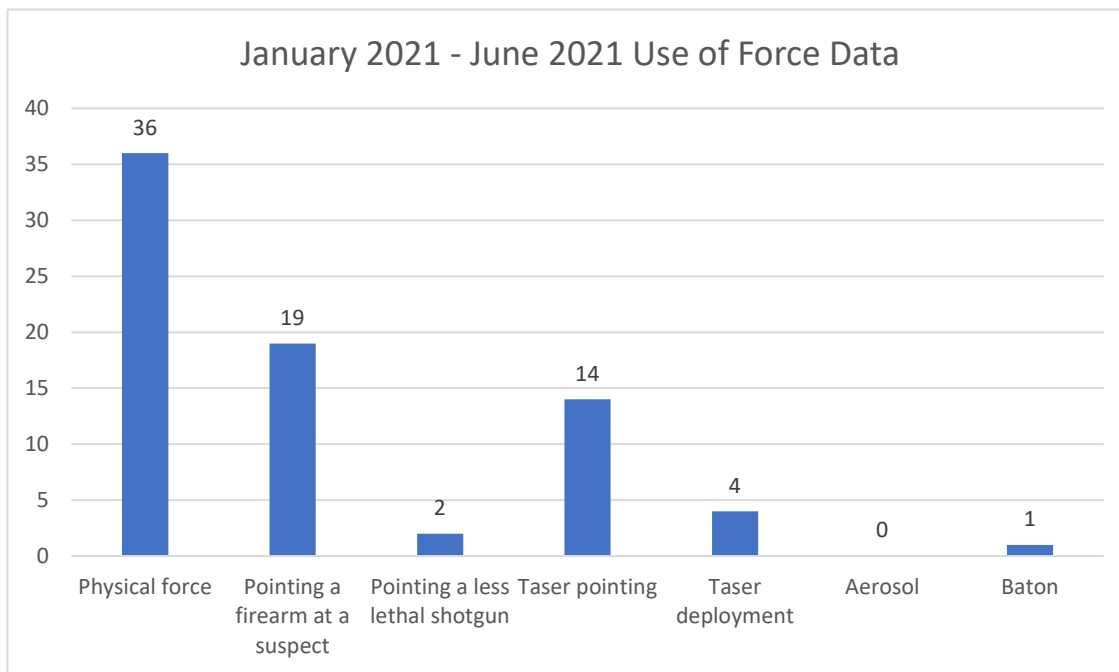


January 2021 - June 2021 Use Of Force Data

<u>Type of Force</u>	<u>Number of Incidents</u>	
Physical force	36	47%
Pointing a firearm at a suspect	19	25%
Pointing a less lethal shotgun	2	3%
Taser pointing	14	18%
Taser deployment	4	5%
Aerosol	0	0%
Baton	1	1%

Total Use of Force Incidents = 76 (.67%)

Total Calls for Service = 11,336

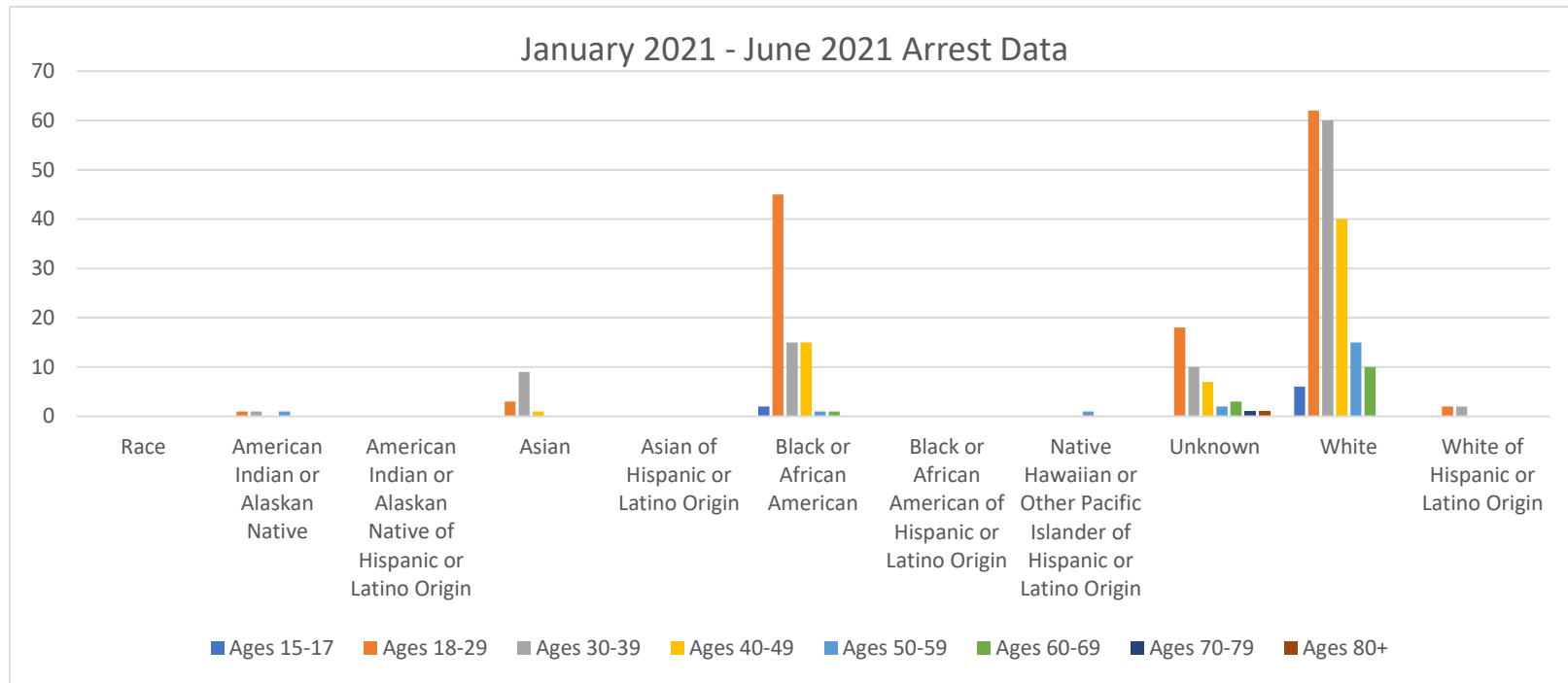


2019 Arrest Data

January 2021 - June 2021 Arrest Data

Race	Ages							
	15-17	18-29	30-39	40-49	50-59	60-69	70-79	80+
American Indian or Alaskan Native	0	1	1	0	1	0	0	0
American Indian or Alaskan Native of Hispanic or Latino Origin	0	0	0	0	0	0	0	0
Asian	0	3	9	1	0	0	0	0
Asian of Hispanic or Latino Origin	0	0	0	0	0	0	0	0
Black or African American	2	45	15	15	1	1	0	0
Black or African American of Hispanic or Latino Origin	0	0	0	0	0	0	0	0
Native Hawaiian or Other Pacific Islander of Hispanic or Latino Origin	0	0	0	0	1	0	0	0
Unknown	0	18	10	7	2	3	1	1
White	6	62	60	40	15	10	0	0
White of Hispanic or Latino Origin	0	2	2	0	0	0	0	0

Total Arrests = 335



JUNE 2021

Code Violations

Ward	1	2	3	4	5	Total
Refuse / Exterior Storage	2	4	2	5	5	18
Inoperable Vehicle(s)	1	0	1	1	0	3
Parking (including on grass)	0	1	2	0	1	4
Weeds	0	1	1	4	9	15
Miscellaneous	3	13	5	3	6	30
Structure Maintenance	0	1	0	1	0	2
Complaints	4	5	6	9	16	40
Proactive / City Initiated	2	15	5	5	5	32

Ward	1	2	3	4	5	Total
# of Cases Open	1	10	1	2	12	26
# of Cases Closed	5	10	10	12	9	46

Ward	1	2	3	4	5	Total
County Citations						0

LICENSE BUREAU PERFORMANCE INDICATORS

June 30, 2021

FEES AND TRANSACTION COUNTS

	MONTHLY				CUMULATIVE		
	<u>2021</u>	<u>2020</u>	<u>%</u>		<u>2021</u>	<u>2020</u>	<u>%</u>
FEES	\$66,219	\$43,390	52.6%		\$332,953	\$296,246	12.4%
TAB RENEWALS	2,200	1,686	30.5%		11,013	15,773	-30.2%
TITLE TRANSACTIONS	2,423	2,358	2.8%		13,376	11,719	14.1%
EVTR TRANSACTIONS	926	0	#DIV/0!		3,552	0	#DIV/0!
DEALERS	2,461	1,791	37.4%		13,007	8,825	47.4%
TOTAL MV	5,549	4,044	37.2%		26,202	27,492	-4.7%
D.L.	290	200	45.0%		1,300	5,426	-76.0%
DNR	791	637	24.2%		3,009	2,685	12.1%
GAME & FISH	44	5	780.0%		169	41	312.2%
GRAND TOTAL	6,674	4,886	36.6%		30,680	35,644	-13.9%

*ADDED EVTR TRANSACTION TYPE - THESE WERE NOT INCLUDED IN OUR TITLE COUNTS
SAME FILING FEES AS OTHER TITLE TRANSACTIONS. BEGAN DECEMBER 2020

PERFORMANCE BY HOURS

	MONTHLY				CUMULATIVE		
	<u>2021</u>	<u>2020</u>	<u>%</u>		<u>2021</u>	<u>2020</u>	<u>%</u>
TOTAL EMPLOYEE HRS	1,330.30	1,037.22	28.3%		8,092.09	8,932.45	-9.4%
OVERTIME HOURS	0.75	0.00	#DIV/0!		13.60	70.00	-80.6%
TRANS PER HOUR*	5.02	4.71	6.5%		3.79	3.99	-5.0%

PASSPORTS PERFORMANCE INDICATORS

	MONTHLY				CUMULATIVE		
	<u>2021</u>	<u>2020</u>	<u>%</u>		<u>2021</u>	<u>2020</u>	<u>%</u>
APPLICATION #	0	0	#DIV/0!		0	420	-100.0%
APPLICATION \$	\$0	\$0	#DIV/0!		\$0	\$14,700	-100.0%
PHOTO #	0	0	#DIV/0!		0	429	-100.0%
PHOTO \$	\$0	\$0	#DIV/0!		\$0	\$6,435	-100.0%



City of White Bear Lake
City Engineer's Office

MEMORANDUM

To: Ellen Hiniker, City Manager

From: Connie Taillon, Environmental Specialist/Water Resources Engineer

Date: July 22, 2021

Subject: **Environmental Updates**

EAST GOOSE ADAPTIVE LAKE MANAGEMENT COMMUNITY INPUT MEETING

A community input meeting will be held on Tuesday, August 3rd from 6:30 to 8pm in the Public Safety training room. VLAWMO and City staff will share key elements of shallow lake science and results of the East Goose Lake community-engagement process. The community-engagement process focused on public opinion regarding current uses and possible management actions to improve the health of East Goose Lake. The presentation will be followed by a public input opportunity. The Mayor and City Council are invited to attend. For more information and to RSVP, visit vlawmo.org/EastGooseALM.

TOUR OF WBL CURB CUT RAINGARDENS

The Rice Creek Watershed District Citizen Advisory Committee (CAC) is holding their August field tour in White Bear Lake. The CAC is interested in seeing some of the raingardens that were installed as part of the City's street renovation program in collaboration with Rice Creek Watershed District, Ramsey County Conservation Division, and local landowners. The City's street renovation program provided a great opportunity for partners and residents to protect water quality by installing raingardens in high impact areas. The event will take place on Wednesday, August 11th. The CAC and guests will meet at West Park at 5:30pm where RCWD and City staff will give a short presentation on the curb cut raingarden program followed by a walking tour of raingardens on Morehead Avenue and Johnson Avenue. The CAC welcomes the Mayor and City Council to attend the tour.

Rice Creek Watershed District and City staff are also partnering to conduct a raingarden maintenance workshop on September 8th at 6pm for homeowners who participated in the curb cut raingarden program as part of the City's street renovation program. Raingarden maintenance techniques will be demonstrated on-site at homeowner raingardens.