



AGENDA
REGULAR MEETING OF THE CITY COUNCIL OF
THE CITY OF WHITE BEAR LAKE, MINNESOTA
TUESDAY, JUNE 27, 2017
7:00 P.M. IN THE COUNCIL CHAMBERS

1. CALL TO ORDER AND ROLL CALL

PLEDGE OF ALLEGIANCE

2. APPROVAL OF MINUTES

Minutes of the Regular City Council Meeting on June 13, 2017

3. APPROVAL OF THE AGENDA

4. VISITORS AND PRESENTATIONS

A. Auditor Report – Brad Falteysek

B. Rush Line - Presentation of Locally Preferred Alternative – Andrew Gitzlaff, Ramsey County Railroad Authority

5. PUBLIC HEARINGS

Nothing scheduled

6. LAND USE

Nothing scheduled

7. UNFINISHED BUSINESS

Nothing scheduled

8. ORDINANCES

Nothing scheduled

9. NEW BUSINESS

A. Resolution designating 20 parking spaces for Acqua/Mizu in the ramp at Boatworks Commons

B. Resolution accepting work and authorizing final payment to Urban Companies, Inc. for demolition of 2511 County Road E East (City Project No.: 17-17)

C. Resolution in support of a Comprehensive Plan Amendment proposed by White Bear Township (Water Gremlin Expansion)

10. CONSENT

A. Resolution approving an amendment to the Water Efficiency Grant Agreement with Metropolitan Council

B. Resolution authorizing execution of the Washington County Score Grant

C. Resolution authorizing an amendment to Educational Facilities Revenue Note – Series 2011 The Church of St. Mary of the Lake

D. Resolution approving massage therapist and massage therapy establishment licenses

11. DISCUSSION

12. COMMUNICATIONS FROM THE CITY MANAGER

- City Attorney selection process – update
- Sports Center - update

13. ADJOURNMENT



MINUTES
REGULAR MEETING OF THE CITY COUNCIL OF
THE CITY OF WHITE BEAR LAKE, MINNESOTA
TUESDAY, JUNE 13, 2017
7:00 P.M. IN THE COUNCIL CHAMBERS

1. CALL TO ORDER AND ROLL CALL

Mayor Jo Emerson called the meeting to order at 7:02 p.m. Councilmembers Doug Biehn, Kevin Edberg, Steven Engstran, Dan Jones and Bill Walsh were present. Staff members present were City Manager Ellen Richter, City Engineer Mark Burch, Community Development Director Anne Kane, City Clerk Kara Coustry and City Attorney Roger Jensen.

PLEDGE OF ALLEGIANCE

2. APPROVAL OF MINUTES

It was moved by Councilmember **Engstran** seconded by Councilmember **Edberg**, to approve the Minutes of May 23, 2017, as presented.

The motion carried unanimously.

3. APPROVAL OF THE AGENDA

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

The motion carried unanimously.

4. VISITORS AND PRESENTATIONS

A. Swearing in Officer Ryan Sheak

Chief of Police Julie Swanson introduced Ryan Sheak, a graduate of White Bear Lake High School, and the City's newest Police Officer. Ryan joined the City's Police Force in 2015 as a part-time Community Service Officer, with the long-term goal of pursuing his dream of becoming a Police Officer. He returned to college and took a Security position at Woodwinds Hospital.

Police Chief Swanson stated Ryan is extremely positive and always has a smile, and he is a team player as well, which are great attributes for a Police Officer. The Oath of Office was administered by City Clerk Kara Coustry, and observed by Ryan's wife, Amber, and their children, Donovan, Sidney and Weston. Officer Sheak's badge was pinned by his grandfather.

5. PUBLIC HEARINGS

A. First reading of a request by Spade Landscaping to amend the text of the B-3 zoning district to allow contractor's yards as a conditional use. (17-3-Z)

Community Development Director Kane explained that a text amendment was initiated by Spade Landscaping, a local company looking for a business location within White Bear Lake. Spade Landscaping has expressed an interest in the commercial site south of the City's Public Works facility. The text amendment specifies that certain parcels within the B3 district may be appropriate as Conditional Uses and subject to the CUP approval process. A condition has been included that

such properties must be internal sites and not highly visible locations. The second reading of this Zoning District text amendment is scheduled for the City Council's July 11, 2017, Regular Meeting.

6. LAND USE

A. Consent

1. Consideration of a Planning Commission recommendation for approval of a request by Therese Picha for a Special Home Occupation Permit for the property located at 3390 Auger Avenue. (17-2-SHOP). **Resolution No. 12041**
2. Consideration of a Planning Commission recommendation for approval of a request by Cox Contracting on behalf of David & Lynn Howe for a setback variance to construct a new single-family residence for the property located at 4935 Johnson Avenue. (17-12-V). **Resolution No. 12042**

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

The motion carried unanimously.

B. Non-Consent

1. Consideration of a Planning Commission recommendation for approval of a request by Meghan Master for a Special Home Occupation Permit (SHOP) for the property located at 2268 Sierra Drive. (17-1-SHOP)

Community Development Director Kane explained that this matter was reviewed by the Planning Commission in May 2017. A letter of opposition was received from Ed Bullis, a neighbor. The applicant, Meghan Master, is requesting a Special Home Occupation Permit (SHOP) for an in-home hair salon service at 2268 Sierra Drive, which is zoned R-4, and contains a single-family home with a detached two-car garage. Since this is the first application for this type of permit, a one-year trial period is required, and renewal would require another application and City Council approval.

Ms. Kane explained parking for the salon would be limited to the applicant's driveway. The applicant's clients will be scheduled one at a time. The permit would not run with the land, and is not transferrable.

Councilmember Walsh requested clarification regarding the location of Mr. Bullis' house. Community Development Director Kane stated Mr. Bullis' lives at 3982 McKnight Road.

It was moved by Councilmember **Walsh** seconded by Councilmember **Engstran**, to adopt **Resolution No. 12043** approving of a request by Meghan Master for a Special Home Occupation Permit for the property located at 2268 Sierra Drive.

Mayor Emerson opened the public hearing at 7:14 p.m.

Ed Bullis, 3982 McKnight Road, stated that his property is adjacent to the applicant's property, and it is a residential area. He asked whether the applicant would be allowed to do so in the future. He noted she has stated that she intends to grow her business, and he does not believe that should be allowed to happen in a residential neighborhood. There is a 5-foot fence between their two properties, and the applicant's back door is 40 feet from his back door. He added clients will be entering the applicants' home through the back door and he will not have any privacy in his back yard. He requested that the City Council deny the application for a home

business.

Mayor Emerson closed the public hearing at 7:16 p.m.

Councilmember Walsh stated he appreciates Mr. Bullis' comments, and as this is a one-year permit, he asked that the Council receive updates from staff on this application regarding neighborhood traffic and any other issues.

In response to Councilmember Biehn, Community Development Director Kane stated no complaints have been received for similar home occupations. She added a home-based landscape business was reviewed due to neighbor complaints, but the issues were resolved and there have been no further complaints.

Councilmember Biehn asked whether signage could be restricted. Community Development Director Kane stated the newly adopted sign code allows up to 8 square foot signs for all residential properties, so it would not be appropriate to restrict signage in this type of permit application.

Councilmember Edberg stated he is sensitive to the idea that the proposed occupation will interfere with Mr. Bullis' right to privacy in his back yard. He asked whether it would be acceptable to require clients to enter through the front door. Community Development Director Kane agreed.

Councilmember Jones stated he would support a condition that clients must use the front door but cannot support a sign for a business in a residential neighborhood.

Megan Master, 2268 Sierra Drive, stated she has indicated in her business proposal that she is not interested in having a sign, and she would be fine with that condition. She added her business will be by appointment only, and she can inform clients before they come to use the front door.

It was moved by Councilmember **Walsh** seconded by Councilmember **Engstran**, to adopt **Resolution No. 12043** granting a Special Home Occupation Permit for Meghan Master, 2268 Sierra Drive, with the following additional conditions:

- No exterior signage will be allowed for the home occupation for the one-year trial period
- Clients must enter the home occupation through the front entrance

The motion carried unanimously.

2. Consideration of a Planning Commission recommendation for approval of a request by Tally's Dockside for a Conditional Use Permit Amendment to expand the restaurant seating to the east side of the road, with a maximum of 125 seats on "Music by the Water" nights: Wednesdays, Fridays and Saturdays, Memorial Day through Labor Day for the property located at 4441 Lake Avenue South. (17-3-CUP)

Community Development Director Kane reviewed an application from Tally's for a Conditional Use Permit amendment to expand the existing restaurant to the east side of the road with a combined maximum of 85 seats on "non-music nights" and 125 seats on "music by the water" nights.

Ms. Kane provided background, stating that Tally's was first provided a Conditional Use Permit in 1992 to allow for rental of boats and some transient slips for gas. No parking was required for this expansion at the time. In 1999, the CG Hooks side of the property was rezoned from B-4 to B-6 and a CUP was granted to expand the "marina" operation to include 42 seasonal rental slips. This CUP imposed a parking requirement of 10 spaces on the marina use.

In 2003, the City rezoned the property from B-6 to a Lake Village Mixed Use District (LVMU). Sometime between 2003 and 2005, the boat business was converted to an ice-cream shop, which was originally permitted for walk-up service only. The ice cream shop added seats in 2005 and an agreement was entered into with the White Bear Shopping Center for parking. In 2007, the lease with White Bear Shopping Center expired and the applicants expanded their on-site parking by 4 stalls. In 2008, a cooker/smoker was added and the restaurant CG Hooks was established. The establishment of this restaurant required an amendment to the Conditional Use Permit for this property, which allowed 12 outdoor seats in the summer for which parking was accommodated.

In 2013, the business changed from a 3.2 beer license to a Strong Beer/Wine license. The Conditional Use Permit was not amended to reflect the expanded seating that was triggered by this change. In 2014, the business upgraded from a Strong Beer/Wine license to a Full Liquor license; again, a CUP Amendment was not processed to accommodate the expanded seating.

Currently, Tally's/CG Hooks has 31 parking stalls: 9 in the CG Hooks parking lot, 20 in the municipal ramp and 2 at the Whitaker Street end; 10 of those stalls are required for the marina, which leaves 21 for the restaurant/patio seating. After application of the 20% parking reduction allowed for in the LVMU zoning district, 63 seats are accommodated through existing parking.

The Planning Commission reviewed the applicants' request for 85 seats on "non-music nights" and 125 seats on "music by the water" nights at its meeting on May 22, 2017. Based on the actual parking available, staff recommended that seating on non-music nights not exceed 63. In order to bridge the 62-seat gap on music nights, 25 additional parking spaces would be required.

As an interim solution to accommodate the required additional seating, the Planning Commission recommended that at least 25 stalls be provided on the former Public Works site, located across Highway 61. A shuttle bus could be employed to transport customers back and forth between the business and off-site parking. Once the season is over, this would be re-evaluated, and if successful, extended for several years. If it is not utilized, it will be incumbent upon the applicants to secure parking elsewhere or reduce the number of seats to comply with available parking.

Staff had originally recommended a condition restricting rental of boats after 4pm on music nights - that was very concerning to the applicants and the Planning Commission supported continued boat rental availability on those evenings. At a subsequent meeting with the applicants, a consensus was reached that seating on boats would be counted towards the total of 125 seats.

Staff also expressed concern regarding the overflow of patrons coming from Tally's out onto the trail and right of way adjacent to the main entrance. The Planning Commission supported a condition that a dedicated staff person be stationed at the entrance to ensure that alcoholic beverages served by Tally's remain on the premises. The Planning Commission also supported allowing music to be amplified, with the condition that noise levels not create a nuisance to area businesses or residents and/or violate the City's noise ordinance

In early May 2017, staff inspected Tally's, as well as two neighboring restaurants, Acqua and Admiral D's, both of which exceeded allowable seating counts. City Staff indicated that these discrepancies will also be addressed.

Tally's owners, Keith and Jan Dehnert, sought approval for patio improvements, replacing rocks and pavers with a wooden deck, that will provide a more accessible surface. The proper permits have been issued, and work has begun on the deck replacement project.

After a lengthy public hearing, the Planning Commission recommended denial of the applicants' request for 85 permanent additional seats on non-music nights, and 125 seats on music nights. However, the Planning Commission agreed that additional seating can be accommodated through an arrangement for off-site parking, and forwarded unanimous approval of Tally's Conditional Use Permit reflecting this request on an interim basis.

Community Development Director Kane stated the City Council had received detailed minutes of the public hearing. Some public comments related to the applicants' liquor license, which is not addressed under this application, and can be clarified by City Manager Richter.

City Manager Richter stated there was discussion during the Planning Commission meeting regarding Tally's liquor license, and whether alcohol could be served on their boat dock. The Minnesota Department of Public Safety's Office of Alcohol and Gaming Enforcement has since clarified that service of alcohol is not allowed on boat docks used for conveyance, as boats are defined as motor vehicles. Ms. Richter stressed the importance of restricting alcohol consumption to Tally's premises.

City Manager Richter stated White Bear Lake Conservation District (WBLCD) regulates the number of allowable marina slips and dock configuration, but does not directly review parking availability for proposed operations when considering applications. Historically the WBLDC conducts their review process without involvement from the City, but they have agreed, moving forward, that the City will review parking requirements for marinas and related facilities prior to final consideration of permit applications.

Mayor Emerson opened the public hearing 7:41 p.m.

Helen Peterson, 5011 Lake Avenue, stated the restraints related to serving alcohol that the City has put on Tally's should apply to all local businesses. She added that Acqua serves alcohol onto pontoons. She noted it should be fair across the board.

Ms. Peterson stated the parking restrictions that are being put in place will have to be reviewed again when development occurs, and new businesses and restaurants open. She added there will only be more parking problems. She noted the parking shuttle should be available for use by all waterfront businesses, not just Tally's.

Mary Voss, 3415 Bellaire Avenue, stated she has seen many people park at Tally's and go into Acqua. She noted the City should be very proud that the lakefront it is such a popular place. She asked how to control food that is ordered at Tally's and taken out onto people's boats.

Mayor Emerson stated food service is not an issue that is related to this application and is not prohibited.

Mayor Emerson closed the public hearing at 7:45 p.m.

Councilmember Walsh requested clarification regarding signs for the proposed parking shuttle. Community Development Director Kane stated signs are proposed to be placed in strategic areas to encourage Tally's patrons to park in the remote parking area first. She added the term "overflow parking" will be avoided as that implies patrons would only use it as a last resort. She noted the signs are small, 6-foot square A-frame style signs that can be set up in the right-of-way.

Councilmember Walsh requested clarification regarding the Planning Commission's recommendation related to the porta-potties. Community Development Director Kane stated that was a staff recommendation based on several considerations: the porta-potties were anticipated as a temporary solution until permanent facilities could be built, public restrooms

have since been constructed and are within 500 feet. It was suggested at the Planning Commission meeting that a more permanent solution be identified at some point in the future. She noted a porta-potty would not be permitted under the current Building Code.

Councilmember Jones stated the location of restrooms and porta-potties could be a separate issue to be addressed after the season. Councilmember Walsh agreed, but added he hoped to get a sense of the Planning Commission's reasons for striking staff's recommendation regarding that aspect of the application.

Community Development Director Kane stated the Planning Commission did not review issues related to leased areas as that is a consideration for the City Council, and leased areas will be examined in more detail later in 2017.

Councilmember Jones asked whether the proposed parking requirement of 63 spaces on non-music nights includes seating on parked pontoons, as well as kayaks and boat rentals. He added 63 seats seems to be an appropriate number for regular non-music nights.

Community Development Director Kane stated it is her understanding that pontoon seating is incorporated into the total seats requirement on music nights. She added there is a trade-off of patio seating.

City Manager Richter stated City Staff researched the initial CUP in 1992, which refers to the rental of a specific number of boats with no parking requirements. She noted the number under consideration tonight may not mirror that which was initially contemplated in the 1992 CUP. She stated City Staff will be working with the applicants over the summer to determine the impact of parking, and closely monitor the parking situation in advance of the White Bear Lake Conservation District's permitting process for the 2018 season.

Community Development Director Kane stated Condition #5 of the Resolution includes language agreed upon by the applicants, that encourages boat renters to carpool from the remote parking area on music nights. She added patrons who call to make a reservation will be encouraged to use the remote parking area.

Councilmember Edberg asked whether staff has any indication as to whether this experiment in process will produce a solution, and what is staff's perspective regarding the longevity of this agreement. He asked how staff will determine in September whether the interim trial period was a success, or whether there will be a need for further conversation.

Community Development Director Kane stated the conversation will be on-going throughout the summer, not just in September. City Staff will be meeting with the applicants regularly so it can be determined whether or not the interim solution is working. She noted data will include the number of cars using the remote lot, as well as the total daily number of passengers on the shuttle during peak travel times.

Councilmember Jones stated the current CUP allows for 12 seats, which obviously needs to be adjusted. He added he supports this trial period. He noted the CUP does not include music, although he understands the importance of Tally's to the community. He expressed his appreciation of the Planning Commission, which is a group of volunteers, doing the volunteer work that they have been asked to do. He added they put up with a lot of criticism and complaints.

Councilmember Biehn stated he agrees with Councilmember Jones' sentiment that the Planning Commission took a lot of grief on this request. He added he received more correspondence from residents on this issue than on any other issue since he joined the City Council. He noted he appreciates Tally's contribution to White Bear Lake's unique waterfront.

Councilmember Biehn stated he has fielded several complaints about music at Tally's, and he visited nearby residents when there was no music, and conversations at Tally's could be heard. He added he also went to Tally's while there was music, and he could carry on a conversation. He noted this indicates that the music is not too loud.

Councilmember Biehn stated the issue of parking is important to him, as it will have a major impact on other businesses near Tally's. He added while he agrees with proposed plans for a parking shuttle, he strongly encouraged the applicants to give some sort of discount coupon to parking shuttle users. He noted this will limit the number of coupons to the number of shuttle users, and provides a way to get head counts on parking shuttle usage.

Councilmember Walsh stated this temporary parking solution will be a good test for the summer. He added Tally's is an important part of the lakefront community, and it is incumbent upon the applicants to work to resolve the issue. He noted he believes the parking shuttle is a good idea, and he suggests that restaurant staff and the music performers be required to use the parking shuttle.

Councilmember Walsh stated this interim solution must work for all the businesses in the area. He added he will vote to approve the request, on an interim basis for the summer, but the City Council will be watching it closely. He encouraged Tally's patrons and other residents who enjoy the lakefront music and activity to use the parking shuttle.

Councilmember Jones stated, in his opinion, it is too much to go from a CUP that does not include music nights and allows for only 12 seats, to 125 seats 3 nights of the week to accommodate music. He added he has received emails and comments from residents expressing the importance of keeping music, but he does not understand the need to double the seating for music. He added that he is hopeful, yet doubtful, that the parking shuttle will be effective. He noted he would support an incentive for using the shuttle service.

Councilmember Jones stated music could be limited to one weekday night and one weekend night. He stated going from 12 seats to 125 seats is a significant increase, and he cannot support it. He added he would support 63 seats on non-music nights, with a requirement for a parking shuttle on music nights. He noted it is his understanding that the City's liquor license stipulates that serving liquor to patrons off the premises is not permitted, which would include boaters on the dock who walk up to the bar and back to their boat.

City Manager Richter stated that is correct, although restaurant staff may walk back and forth from CG Hooks to Tally's on either side.

Councilmember Edberg stated some individuals arrive on boats and bring their own liquor. He asked for clarification regarding the appropriate legal behavior in that type of situation.

City Manager Richter stated boaters who have liquor on their boats are not regulated by the City.

In response to Councilmember Edberg, Community Development Director Kane stated that food service is not restricted on the docks. Councilmember Edberg stated these standards should be applied to and upheld by all businesses.

Councilmember Edberg stated he believes that people who are making their way through the streets and along the trail should not be impeded, regardless of whether there is music being played. He asked whether the proposed seating is adequate to ensure that individuals are not congregating in the street or on public trails. City Manager Richter confirmed this.

Councilmember Edberg stated the Planning Commission had discussed removing requirements for amplification, which is not up for review under the CUP. He added loud music, either amplified or not, could violate the City Noise Ordinance. He noted, in his opinion, it is not acceptable for patrons at one restaurant to be subjected to music from another restaurant. He expressed concern that the City's Noise Ordinance should be strictly enforced.

Councilmember Edberg encouraged staff to be proactive and ensure local businesses' compliance with the City's Noise Ordinance.

Councilmember Edberg asked whether it might be possible for the City to assign parking spots to local businesses on certain nights, so that there is confluence between where people are parking in relation to where they are going.

City Manager Richter stated local businesses have expressed an interest in that type of arrangement. She added that staff is working with impacted businesses to potentially designate a limited number of parking spaces in the ramp.

Councilmember Edberg stated if businesses have paid for parking spots for their customers, there should be a mechanism in place to ensure that is enforced.

Councilmember Edberg stated there has been discussion about incentives for people to use the proposed parking shuttle. He added he would support that but would leave it to the business owners to decide what their strategies will be. He stressed the importance of successfully resolving both issues – inappropriate use of existing parking spaces and utilization of remote parking.

Councilmember Edberg stated he will support the proposal to allow up to 125 seats at Tally's on an interim trial basis to be re-evaluated after the summer season.

Councilmember Walsh asked whether the total available parking includes the two on-street parking spaces near Tally's. Community Development Director Kane confirmed this and stated there was discussion about having Tally's staff or owners park in those spaces so there would not be a high turnover of parking along the busy trail.

Councilmember Walsh requested clarification regarding parking for Tally's customers in the marina. Community Development Director Kane stated Tally's met their parking requirement when the 42-slip marina was approved, and leased the spots from the City when the Boatworks was under-utilized, and now provide for 10 spaces in the shared public ramp.

Councilmember Walsh stated 125 seats are being requested by Tally's for music nights, but available parking is insufficient without the proposed off-site parking and shuttle. He added he supports the use of temporary signs at the shuttle stop locations. He noted he will support the request and will look forward to reviewing the results of the interim parking solution in the fall.

Mayor Emerson stated the City owes it to Tally's to try it and see how it works.

Councilmember Jones asked whether the City Council would make such accommodations for another business. He noted the request does not adequately address the parking issue nor the impact to surrounding businesses.

Councilmember Engstran asked whether Tally's currently has security staff on duty on busy nights to ensure that alcohol does not leave the premises.

City Manager Richter stated it is a condition of approval that Tally's have staff to monitor the

entrance, but there is no further detail.

Councilmember Engstran stated he visited Tally's last week, and he saw 15-20 people walking around outside of Tally's with alcoholic beverages that came from Tally's. He added his concerns about the behavior he observed of a Tally's staff member. He asked what will be required of Tally's to ensure that there is designated staff monitoring the door, and how this problem will be fixed.

Keith Dehnert, owner of Tally's, indicated that he and his wife Jan have monitored the entrance for the past few summers.

Councilmember Engstran expressed his concern that their monitoring has not been effective and another employee should be designated for that purpose, perhaps an off-duty officer.

Councilmember Jones stated he would support a condition that that a designated staff person must monitor the entrance on music nights, and other times when Tally's is busy. He added signage could be considered if this continues to be an issue, indicating that alcohol consumption is strictly prohibited outside the premises, on both the road side and the lake side.

Mr. Dehnert stated it is difficult to monitor alcohol that people bring from their boats onto the dock and boardwalk. He added other lakefront businesses have this same problem, and it is not an issue that Tally's can resolve on its own as part of this application.

Councilmember Biehn stated he has worked off-duty law enforcement, and he does not believe that the size and scope of the venue merits the need for an off-duty law enforcement officer. He added this application has brought a new level of attention to the lakefront area businesses, and will be addressed again if the interim solution is not successful. He noted he believes the interim solution will work, and that Tally's should have an opportunity to grow their business.

Councilmember Biehn stated that designated security staff other than the owners should monitor the entrance. He added it is difficult for them to manage the business while successfully prohibiting patrons from taking their alcoholic drinks off the premises.

Councilmember Edberg stated he supports the interim solution so the Dehnerts have an opportunity to make it work. He added the standards have been set and will be reviewed again at the end of the summer.

Councilmember Jones stated this request, if approved, will set a bad precedent for other businesses. He expressed concern that the applicants are taking three steps instead of one.

Mayor Emerson stated City Staff is addressing these concerns with other lakefront businesses, as these are issues that they face as well, and Tally's is not being singled out.

Councilmember Jones asked the applicant why he wants to double in size. Mr. Dehnert stated the demand is there, and he wants to expand his business. He added there are many patrons who come to Tally's but do not arrive by car and do not require parking.

Councilmember Jones stated the applicants want to increase seats to 125 on 40% of the nights they are open, because they want to make a bigger profit. He noted the City Council has worked with the applicant over the years as Tally's has grown and expanded but believes this reaches too far.

It was moved by Councilmember **Walsh** seconded by Councilmember **Biehn**, to adopt **Resolution No. 12044** denying a Conditional Use Permit amendment for 4441 Lake Avenue South and **Resolution No. 12045** approving a request for a temporary Conditional Use Permit to expand restaurant seating to the

east side of Lake Avenue, to be revisited again in September 2017.

Councilmembers Walsh, Biehn and Edberg: aye. Councilmember Jones and Councilmember Engstran: nay. The motion carried 3-2.

7. UNFINISHED BUSINESS

Nothing scheduled

8. ORDINANCES

Nothing scheduled

9. NEW BUSINESS

- A. Resolution accepting work and authorizing final payment to MINNCOR Industries for dock system at the White Bear Lake Municipal Marina (City Project No. 16-08)

City Engineer Burch stated the balance of payment to MINNCOR Industries for the new 160-slip dock system at the Boatworks is due, and requested the City Council's authorization of payment. He added the total project cost was \$528,797, and a partial payment was made of \$72,444 was made in January 2017, leaving a balance of \$456,353.80.

City Manager Richter stated MINNCOR is completing an addition to the 7th Street Docks that will be delivered on June 23, 2017. City Engine confirmed this, adding an extension was ordered to replace an old dock section for the swimming beach.

It was moved by Councilmember **Biehn** seconded by Councilmember **Engstran**, to adopt **Resolution No. 12046** accepting work and authorizing final payment to MINNCOR Industries for dock system at the White Bear Lake Municipal Marina, in the amount of \$456,353.80.

The motion carried unanimously.

10. CONSENT

- A. Resolution approving business licenses through business cycle ending March 31, 2018. **Resolution No. 12047**
- B. Resolution approving the Mayor and City Manager to execute the NYFS contract **Resolution No. 12048**
- C. Resolution approving use of Railroad Park for Special Team Charities "Fed and Wed" event. **Resolution No. 12049**
- D. Acceptance of April Park Advisory Commission Minutes; April Environmental Advisory Commission Minutes; May Planning Commission Minutes

The motion carried unanimously.

11. DISCUSSION

- A. White Bear Lake Conservation District Budget

City Manager Richter stated the City Council expressed an interest in being involved in the White Bear Lake Conservation District (WBLCD) budget discussions prior to budget adoption. She

welcomed Mike Parenteau, the City's representative on the WBLCD, and invited him to address the City Council.

Mr. Parenteau stated the WBLCD received draft proposals for discussion at their May 16, 2017, meeting, and the 2018 budget will be adopted at their next meeting in June 2017. He added there has been no increase from last year's budget and assessments will remain consistent. He noted he plans to introduce a 10% reduction in assessments to communities.

Councilmember Edberg stated he appreciates Mr. Parenteau's efforts to reduce the assessment amount. He added he feels that the WBLCD maintains too high a level of reserve funding. He noted a reserve amount of \$100,000 in addition to operating revenues would be sufficient for the WBLCD's seasonal expenditures.

Councilmember Edberg stated he disagreed with a WBLCD Board Member's opinion that the District should maintain reserves to be prepared for the maximum cost that could be incurred in the event of a law suit or other related expenses. He noted he would support open communication with other White Bear Lake communities to determine the issues and concerns that they would like the WBLCD to address. He expressed his appreciation for Mr. Parenteau's efforts on behalf of the City.

Mr. Parenteau stated the lake's water level is currently at 923.5 feet, and outflow was lowered by the Department of Natural Resources from 924.5 feet to 924.3 feet. He added he plans to propose that the outflow be increased to 924.5 feet again, to ensure extra water reserves in the lake.

Councilmember Edberg stated he supports the actions taken by the WBLCD, and Mr. Parenteau's increasing administrative role. He asked whether there is any value in continuing to research lower lake levels, to provide insight into and knowledge of future lake conditions.

Mr. Parenteau stated the long-awaited U.S. Geological Survey (USGS) report will be the last document to be reviewed, but the Department of Natural Resources (DNR) will continue their testing and evaluation. He added the WBLCD requested a meeting with the DNR to receive public comment. He noted White Bear Lake is an important metropolitan recreational area, and as such, it is closely monitored by the DNR.

City Attorney Jenson stated he understood the lake outlet level was lowered due to flooding of residential properties in Cottage Park. City Engineer Burch confirmed this.

Councilmember Jones thanked Mr. Parenteau for his report. He added he serves on the Vadnais Lake Water Management Organization (VLWMO), which is a taxing authority. He expressed the importance of communicating to local communities those projects for which the reserve funds are earmarked. He expressed concern at how much money is being kept in reserve.

Mr. Parenteau stated most of the WBLCD Board Members, who represent local communities, are comfortable with the reserve amount. He added there were plans to purchase a harvester that fell through. He noted some of the reserve fund's growth is due to treatment grants from the DNR, but the last such grant was received over 2 years ago. Councilmember Jones expressed concern again about what the reserve funds are for.

12. COMMUNICATIONS FROM THE CITY MANAGER

➤ City Attorney RFP

City Manager Richter stated eleven proposals were evaluated and four finalists selected. She added the Selection Committee hopes to have a decision on a finalist for consideration by the City Council.

➤ Dog Beach Update

City Manager Richter stated, with regard to the dog beach near Matoska Park, City Staff have received emails from residents who have concerns about the dog beach, and also satisfied residents. She added City Staff is logging comments received and activity that has been observed. She noted a group of residents has formed that is committed to ensuring the success of the dog beach, and they plan to have informational brochures printed and available at the dog park.

Councilmember Walsh stated he visits the area often, and he has not seen any leashes on dogs that were in the water. He added the signage at the dog beach requires leashes “at all times”, and “including in the water” could be added, although that should be obvious.

City Manager Richter stated City Staff plans to add an additional line to the signage, and “in the water” could be included. She added City Staff hopes to help the resident group in their efforts to ensure that the dog park is a success. She noted Officers are responding when calls are made in an attempt to enforce the leash requirement.

Councilmember Edberg asked Councilmember Walsh if he had any observations about the noise level and running of dogs in the streets and in yards. Councilmember Walsh stated he has not seen that, and he has never seen that, but it would only have to happen once to be a problem. He added there is a grass area along one side of the dog beach which seems to be providing a natural buffer.

Councilmember Walsh stated that he does not feel this is a problem. He added his intent was to point out that he has not seen any leashes on dogs in the water.

Councilmember Jones asked when the signs were installed. City Manager Richter stated the signs were posted about three weeks ago. Councilmember Jones stated that a related issue is the City’s leash laws, which need to be reviewed and updated. He noted the success and growth of local restaurants like Tally’s and the popularity of the dog beach - issues being addressed by the City Council – are indicative that the City of White Bear Lake is a great community.

City Manager Richter stated that the dog beach, as well as the Lake Avenue Trail, are becoming very popular with residents and their pets.

➤ Manitou Days Parade

City Manager Richter stated the Manitou Days Parade will begin at 6:30 p.m. on Friday June 16, 2017. She asked that City Councilmembers who plan to walk in the parade arrive at the Public Safety Building at 6:00 p.m. and wear their City Council shirts. She encouraged City Councilmembers to contact City Staff if they do not intend to walk in the parade.

Councilmember Walsh stated he is running in the 5K, which starts at 5:30 p.m., and he will attempt to reach the parade starting point by 6:30. He requested that the parade should not start early.

➤ City Manager Richter stated the League of Minnesota Cities’ annual conference is being held June 14-16, 2017. She added Mayor Emerson has been appointed the League’s new President, and she will begin her year of service on Thursday, June 15, 2017. She noted this is a very big honor, and the Minnesota contingency is well-respected nationwide.

➤ City Engineer Burch stated the Minnesota Department of Transportation (MN/DOT) the Highway 96 bridge over I-35E will be closed June 23-25, 2017, re-opening on Monday morning at 5:00 a.m. Councilmember Engstran asked whether the entrance and exit ramps will be closed as well. City Engineer Burch stated it will only be the bridge.

- City Engineer Burch provided updates on the street reconstruction projects and City Hall façade renovation.

- Sports Center Renovation

City Engineer Burch stated, regarding the Sports Center renovation, a consulting firm was hired to assist with design and project management. He added construction should begin by April 1, 2018, to meet the construction schedule for a re-opening in Fall 2018. He noted information will be available for the City Council's review at their July 23, 2017, Regular Meeting, and again in December 2017.

City Engineer Burch stated project alternatives are being considered, such as the location of a potential second sheet of ice on the south side of the building, with a common open space overlooking Birch Lake. He noted another consideration is the potential location of refrigeration equipment for a second sheet of ice, and these and other options will be presented to the City Council for review and comment.

City Manager Richter stated that the potential investment in an expanded refrigeration system is a necessity, as the demand for ice continues to be there and will not be going away any time soon.

Councilmember Edberg stated the City has expressed its firm commitment to the Sports Center renovation and related planning and development. City Manager Richter confirmed this.

- Boatworks Commons

Community Development Director Kane stated she is pleased to announce that Boatworks Commons has been identified as a top project for 2016 by *Finance & Commerce*, a daily newspaper dedicated to Minnesota business reporting. She added there will be an award ceremony in July 2017, projects were judged based on their degree of difficulty, creativity and design, and the Boatworks is unique in terms of innovation, cooperation, construction techniques and its mix of public and private partnerships. She noted the City's relationship with the Boatworks is ongoing as the space becomes fully utilized, and it is nice to be recognized. She recognized developers Lander Group, the At Home Apartments, Pete Keely of Collage Architects, and the City of White Bear Lake for their cooperation and participation.

Mayor Emerson thanked Community Development Director Kane for the significant role she played in Boatworks project, and many other projects, including the Tally's application that was reviewed at this meeting.

13. ADJOURNMENT

There being no further business before the Council, it was moved by Councilmember **Jones** seconded by Councilmember **Biehn** to adjourn the regular meeting at 9:15 p.m.

Jo Emerson, Mayor

ATTEST:

Kara Coustry, City Clerk



City of White Bear Lake
Community Development Department

MEMORANDUM

To: Ellen Richter, City Manager

From: Anne Kane, Community Development Director

Date: June 22, 2017 for the June 27th City Council Meeting

Subject: **BOATWORKS COMMONS PUBLIC PARKING RAMP – Designation of Parking Stalls for Semi-Exclusive Use**

BACKGROUND

In an effort to ensure availability of parking spaces for all Marina Triangle businesses that rely on and were assessed for a portion of parking stalls provided in the public facility, Staff is proposing to designate a number of stalls for Acqua/MIZU use only, Wednesday – Sunday evenings during the summer season.

SUMMARY

When the parking ramp was originally designed in 2012, Acqua was assigned 32 spaces (14 of which were “credited” for the land that was carved off the back of Sampair’s parcel) and MIZU was assigned 44 spaces in the 114 stall parking facility. The success of the shared parking model relies on off-setting peak demand of multiple users without designation of parking spaces for specific uses. However, given the recent approval of Tally’s CUP Amendment to allow increased seating during music nights on an interim basis for the 2017 summer season, Staff believes, under these circumstances, it is appropriate to designate a limited number of parking spaces for these particular businesses.

Staff is working with Sampair Properties and At Home Apartments to reach agreement on the number of stalls to sign (not to exceed 20), sign design, and how to verify that vehicles using the spaces are actually patrons of either restaurant while using the space. The parking restrictions are enforceable only if authorized by Resolution adopted by the City Council.

RECOMMENDED COUNCIL ACTION

Please forward the attached resolution to the City Council for consideration at its June 27th meeting, which, if approved, authorizes the designation of parking spaces in the Boatworks Commons public parking ramp on a semi-exclusive basis for Acqua and MIZU between 5:00 pm and 10 pm, Wednesday – Saturday, May through September. Staff recommends the Council adopt the resolution as presented.

ATTACHMENT

Resolution

RESOLUTION NO.: _____

**RESOLUTION ADOPTING PARKING RESTRICTIONS FOR THE
PUBLIC PARKING RAMP AT BOATWORKS COMMONS**

WHEREAS, the City of White Bear Lake has constructed and placed into operation a 114 stall public parking ramp at Boatworks Commons site on Lake Avenue South; and

WHEREAS, certain adjacent business owners participated in the construction of the parking ramp by funding a specified number of parking stalls to meet their specific parking needs, and

WHEREAS, given the recent approval of Tally's CUP Amendment to allow increased seating during music nights, it is appropriate to designate a limited number of parking spaces for these particular businesses to ensure availability for their customers.

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

1. Certain parking spaces in the City of White Bear Lake Public Parking Ramp at Boatworks Commons shall be designated for specific adjacent businesses according to the spaces allotted in the parking ramp agreement.
2. The City of White Bear Lake Police Department is authorized to enforce the use of the restricted parking spaces from May through September as stated on the enforcement signs installed in the ramp.

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 Richter, City Manager

From: Mark Burch, Public Works Director/City Engineer

Date: June 16, 2017

Subject: **Final payment to Urban Companies, Inc. for demolition of vacant Gas Station at 2511 County Road E**

BACKGROUND/SUMMARY

Urban Companies, Inc. has completed demolition and site restoration on the vacant gas station site at 2511 County Road E. The Engineering Department has inspected the work and recommends that the City Council accept the work and authorize final payment. The total contract amount is \$36,501.00 and the final payment amount is \$9,375.00.

RECOMMENDED COUNCIL ACTION

Staff recommends Council adopt the resolution accepting the work and authorizing final payment to Urban Companies, Inc.

ATTACHMENTS

Resolution

RESOLUTION NO.: _____

**RESOLUTION ACCEPTING WORK AND AUTHORIZING
FINAL PAYMENT TO URBAN COMPANIES, INC.
FOR DEMOLITION OF 2511 COUNTY ROAD E EAST
CITY PROJECT NO.: 17-17**

WHEREAS, pursuant to a written contract in the amount of \$36,501.00, signed with the City of White Bear Lake, Urban Companies, Inc. of St. Paul, Minnesota, has satisfactorily completed the demolition of 2511 County Road E East, 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 \$9,375.00, for a final contract amount of \$36,501.00 for the demolition of 2511 County Road E East.

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

Ayes:
Nays:
Passed:

Jo Emerson, Mayor

ATTEST

Kara Coustry, City Clerk



City of White Bear Lake
Community Development Department

MEMORANDUM

To: Ellen Richter, City Manager

From: Jacquell Nissen, Housing and Economic Development Coordinator

Date: June 20, 2017 for the June 27th City Council Meeting

Subject: **White Bear Lake Township – Proposed Comprehensive Plan Amendment**

BACKGROUND/SUMMARY

The City received notification from White Bear Township regarding a proposed Comprehensive Plan Amendment to facilitate the future expansion of Water Gremlin Company. The amendment re-guides the future land use designation from Residential/Low-Density to Industrial. As an adjoining municipality, the City has the opportunity to review and comment on the draft plan amendment prior to submitting to the Metropolitan Council. Staff has no objections or concerns with the proposed Comprehensive Plan amendment. As illustrated on the attached Location Map, 4336 Otter Lake Rd is not immediately adjacent to White Bear Lake corporate limits. The site is located in an industrial area, with closest proximity to residential over 1000 feet away. Water Gremlin Companies has an extensive Landscaping Plan that staff believes will help mitigate noise and light from residences nearby. Staff believes the expansion will serve the broader community and school district.

RECOMMENDED COUNCIL ACTION

Please forward the attached resolution to the HRA for consideration at its May 23rd meeting, which, if approved, clarifies and affirms the City's commitment to acquire the property for less than market value and intent to partner with a non-profit affordable housing develop to create affordable housing unit. The Resolution has also been revised to authorize the Chair and Executive Director to execute the Memorandum of Understanding and CDBG Agreement with Ramsey County to use the grant funds for the acquisition of the tax-forfeited property at 3695 St. Regis Drive. Staff recommends the Authority adopt the resolution as presented.

ATTACHMENTS

Resolution
Memorandum of Understanding

RESOLUTION NO. _____

**RESOLUTION AUTHORIZING A LETTER OF CONSENT TO
WHITE BEAR TOWNSHIP
A COMPREHENSIVE PLAN AMENDMENT**

WHEREAS, White Bear Township has proposed a Comprehensive Plan Amendment to re-guide the property at 4336 Otter Lake from Residential Low Density to Industrial to facilitate future expansion of the Water Gremlin Company; and

WHEREAS, the City of White Bear Lake, as an adjacent municipality, is provided the opportunity to review and offer comment on the proposed Comprehensive Plan Amendment; and

WHEREAS, the site is not contiguous to the corporate limits of the City of White Bear Lake; and

WHEREAS, the change in land use allows Water Gremlin Company to expand and increase tax base which benefits the broader community;

NOW, THEREFORE, BE IT RESOLVED by the City Council for the City of White Bear Lake, Minnesota, that it hereby authorizes a response to the Town of White Bear indicating that the City Council has reviewed the proposed Comprehensive Plan amendment and does not have any comments and waives any further review/comment.

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

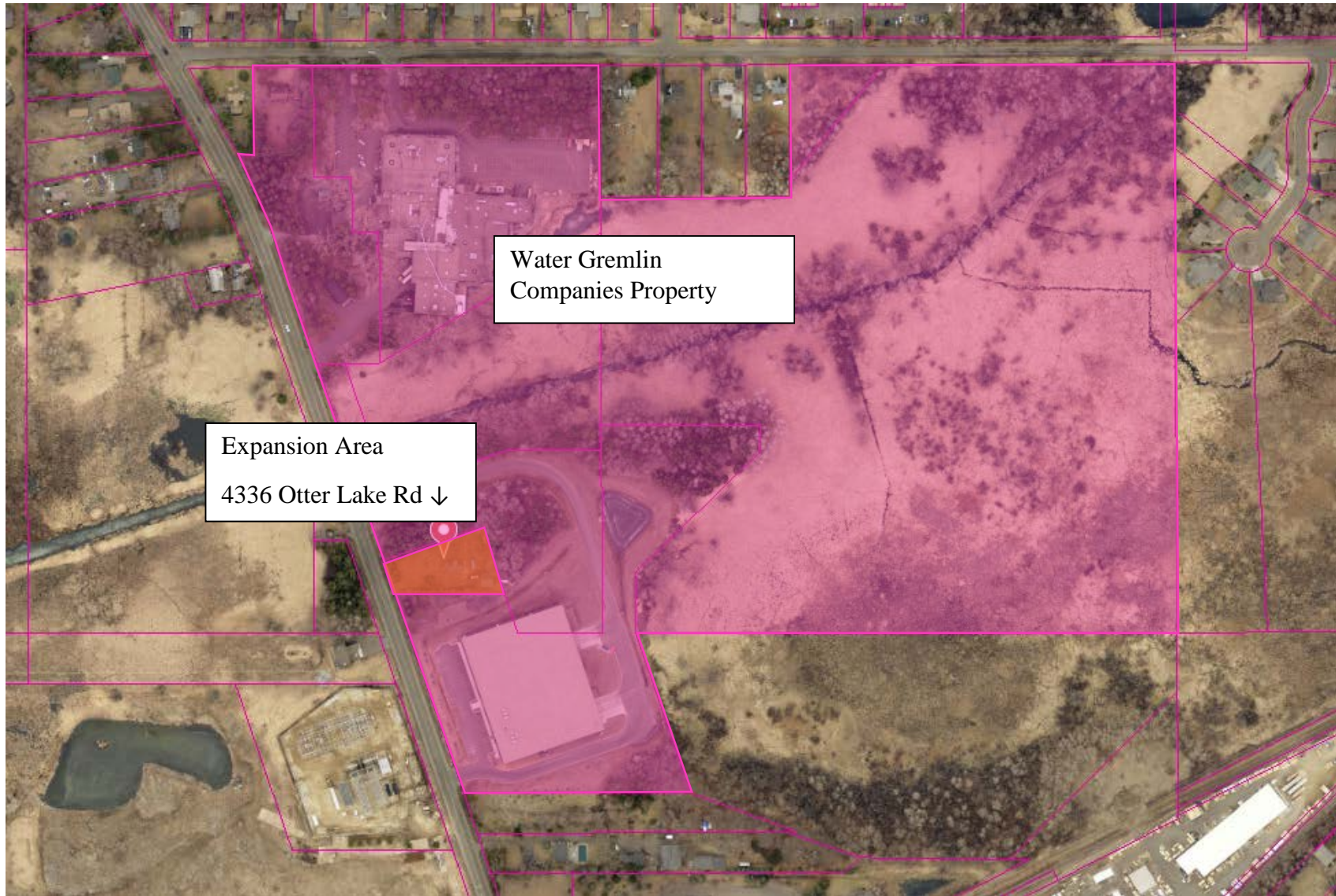
Ayes:
Nays:
Passed:

Jo Emerson, Mayor

ATTEST:

Kara Coustry, City Clerk

Location Map





City of White Bear Lake
City Manager's Office

MEMORANDUM

To: Ellen Richter, City Manager
From: Kara Coustry, City Clerk
Date: June 19, 2017
Subject: Amendment to Metropolitan Council Water Efficiency Grant

BACKGROUND

The City of White Bear Lake applied for and was awarded \$49,125 in grant funding from the Metropolitan Council through funding from the Clean Water Land and Legacy Amendment. Funding was conditional to a 25% match from the City, which amounted to \$16,375. The grant period covered rebates on qualifying water efficiency products that were purchased between September 30, 2015 and June 30, 2017, however, the City expended its allocation of grant funding in January, 2017. Another \$10,000 funding boost was approved by the Council during its meeting on May 23, 2017, which has since been depleted as well.

The goal of the water efficiency grant program is to encourage water conservation. This grant enabled the City of White Bear Lake to provide rebates to public water utility customers who replace existing toilets, clothes washing machines and irrigation system controllers with specified water efficient alternatives. Rebates are for out-of pocket costs for the replacement device and installation, not to include any owner labor costs:

- Up to a maximum of \$150 for clothes washing machines replaced with Energy Star machines

- Up to a maximum of \$200 for toilets replaced with US EPA WaterSense labeled toilets

- Up to a maximum of \$200 for irrigation system controllers replaced with a WaterSense controller.

The grant program proved popular with City water utility customers. Initial funding supported replacement devices resulting in an estimated 5.4 million gallons of water saved annually. Results of the Water Efficiency Rebate Program are outlined as follows:

	WaterSense Certified Toilets	Energy Star Certified Clothes Washers	WaterSense Irrigation Controllers	Total Rebated Per Quarter
1 st Quarter 2016	44	7	1	\$ 11,141.15
2 nd Quarter 2016	86	15	3	\$ 14,077.25
3 rd Quarter 2016	61	12	2	\$ 10,370.73
4 th Quarter 2016	76	13	0	\$ 12,951.23
1 st Quarter 2017	3	2	0	\$ 584.64
Total Devices YTD	270	49	6	\$ 49,125.00
Est. Gallons Saved Per Device	19554	3000	8,800	
Total Estimated Gallons Saved	5,276,580	148,000	52,800	5,479.380

SUMMARY

The Metropolitan Council is providing the City of White Bear Lake an opportunity to request additional grant funding for the remainder of the Clean Water Land and Legacy Amendment grant program ending June 30, 2017. The City intends to ask the Metropolitan Council for \$5,875 in additional funding to support this grant program through its conclusion on June 30, 2017.

RECOMMENDED COUNCIL ACTION

Staff recommends Council approve the resolution authorizing the Mayor and City Manager to execute an amendment to the Water Efficiency Grant Agreement with Metropolitan Council.

ATTACHMENTS

Resolution

RESOLUTION NO.

**AUTHORIZING AN AMENDMENT TO THE WATER EFFICIENCY GRANT
AGREEMENT BETWEEN THE METROPOLITAN COUNCIL
AND THE CITY OF WHITE BEAR LAKE**

WHEREAS, the City of White Bear Lake seeks to reduce public utility water consumption;
and

WHEREAS, The City of White Bear Lake applied for and was awarded a \$49,125 Water Efficiency Grant through the Metropolitan Council - funded by the Clean Water Land and Legacy Amendment; and

WHEREAS, The City of White Bear Lake exhausted its total award of \$49,125 in January 2017 even though the Clean Water Land and Legacy Amendment Grant is effective through June 30, 2017; and

WHEREAS, The Metropolitan Council extended additional grant funding to the City of White Bear Lake to cover water efficiency rebates submitted by water utility customers through grant period ending June 30, 2017.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of White Bear Lake that the Mayor and City Manager are authorized and hereby directed to execute an amendment to the Water Efficiency Grant Agreement with Metropolitan Council for a term through June 30, 2017.

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 Richter, City Manager

From: Connie Taillon, Environmental Specialist

Date: June 16, 2017

Subject: **Washington County Recycling Grant Agreement**

SUMMARY

Under state law, proceeds from tax on solid waste are in part made available to local units of government to conduct recycling and waste reduction programs. A block grant is made available to Washington County from the State, which in turn appropriates a portion to municipalities on a per-capita basis. The expected 2017/2018 funding allocation to White Bear Lake is \$3,808 to be made in two installments, one in 2017 and one in 2018. These monies are used to help offset the City's recycling program and collection costs.

RECOMMENDED COUNCIL ACTION

Staff recommends Council adopt the resolution authorizing execution of the attached agreement and requesting 2017/2018 Washington County Recycling Grant funding allocation in the amount of \$3,808.

ATTACHMENTS

Resolution
Agreement

RESOLUTION NO. _____

**RESOLUTION AUTHORIZING A MUNICIPAL RECYCLING GRANT AGREEMENT
BETWEEN THE CITY OF WHITE BEAR LAKE AND WASHINGTON COUNTY AND
REQUESTING THE MUNICIPAL RECYCLING GRANT FUNDING ALLOCATION**

WHEREAS, the State of Minnesota collects a tax on the waste hauling charges from each resident in the State; and

WHEREAS, the State of Minnesota has distributed said tax monies to each associated county; and

WHEREAS, Washington County Board of Commissioners approved the distribution of recycling funds to municipalities for use in residential recycling programs; and

WHEREAS, the City of White Bear Lake's 2017/2018 per-capita share of the distribution is \$3,808, made in two installments.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of White Bear Lake that the City authorizes the Recycling Grant Agreement with Washington County Board of Commissioners and requests the grant funding allocation.

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

Ayes:

Nays:

Passed:

Jo Emerson, Mayor

ATTEST:

Kara Coustry, City Clerk



**Department of Public
Health and Environment**

Lowell Johnson
Director

David Brummel
Deputy Director

Monday, June 5, 2017

City of White Bear Lake
Mark Sather, City Manager
4701 Highway 61
White Bear Lake, MN 55110

Dear Recycling Contact:

Enclosed is the 2017/2018 Recycling Grant Agreement. Please sign the Agreement and return it to this office by July 31st, 2017 or earlier. If you haven't already done so, please mail back:

1. Verification of compliance with the Public Entities Law, stating that all solid waste generated by city/township government activities (including city/town halls, public works buildings, parks, etc) is delivered to the Ramsey/Washington County Recycling & Energy Center.
2. A certificate of insurance indicating the city's general liability limits as indicated in Section 5 of the Agreement. Please be sure to include the certificate with the signed agreement and not have it sent separately by your insurance carrier.

After the Agreement has been executed by the county, a signed copy and the 2017 recycling grant amount indicated on your grant application will be mailed to you. The 2018 grant funding disbursement will occur early next year after your 2018 work plan has been reviewed and finalized.

Please call me at (651) 430-6683 if you have any questions regarding the Agreement.

Sincerely,

Danielle Lesmeister, Sr. Environmental Specialist
Washington County Dept. of Public Health and Environment
14949 62nd St. N. Room 450
Stillwater MN 55082

Enclosure: Recycling Grant Agreement, Verification of Compliance

**2017-18
GRANT AGREEMENT
FOR
MUNICIPAL RECYCLING GRANT DISTRIBUTION**

THIS AGREEMENT made and entered into by and between the County of Washington, hereinafter referred to as the "County", and the City of White Bear Lake, 4701 Highway 61, White Bear Lake, MN 55110, hereinafter referred to as the "Grantee".

WHEREAS, the County desires to encourage and provide opportunities for residential recycling to reduce the County's reliance on solid waste disposal facilities, and

WHEREAS, the Washington County Board of Commissioners has budgeted funds to be used to further develop recycling projects in the County.

NOW, THEREFORE, the parties hereto agree as follows:

1. Term:

The term of the Agreement shall be from the date this Agreement is approved by the County to December 31, 2018.

2. The County's Obligations:

The County will pay the Grantee an amount of up to \$3,808.00 which is to be used for recycling program expenses in 2017 and 2018. Payment will be made in two installments, one in 2017 and one in 2018. The 2017 payment will be made within 60 days of execution of this Agreement and the 2018 payment will be made within 60 days of the county approving the grantee's 2017 recycling work plan projects.

3. The Grantee's Obligations:

- a. The Grantee agrees to follow their 2017-18 Municipal Recycling Grant Application and the guidelines therein (Exhibit A).
- b. The Grantee will use all recycling grant money received in 2017 and 2018 as a result of this Agreement, for base funding activities, recycling projects, and public education related to recycling, as indicated in Exhibit A. If all recycling grant funds are not used within the grant period, the Grantee must return unexpended funds to the County unless the County approves utilizing the unspent funds for recycling projects the following year.
- c. The Grantee shall sign and return this Agreement to the County by July 1, 2017. Failure to do so will result in a reduction or loss of grant funds.
- d. The Grantee agrees to support State efforts in obtaining hauler reports by ensuring compliance through ordinance, contract or license requirements and the ability to exercise punitive actions, if needed.
- e. The Grantee will prepare and submit annual work plan project reports to the County. The reports shall cover the time period from January 1 to December 31 and shall be submitted to the County by January 31st of the year following the reporting period. The annual reports are available on the County's Municipal Recycling Grant Application and Reporting software (Re-TRAC Connect).
- f. Pursuant to Minnesota Statutes Sections 115A.46 and 115A.471, all waste generated by city/township government activities (including city/town halls, public works buildings, parks, and for city/townships that arrange for waste services on behalf of

their residents) shall be delivered to the Ramsey/Washington Recycling and Energy Center in Newport for disposal. Failure to comply with this provision shall constitute a breach of this Grant Agreement.

- g. The parties agree that if the Grantee contracts or otherwise arranges for municipal solid waste hauling service on behalf of its residents and/or businesses and the Grantee issues bills for this service, the Grantee shall bill the County Environmental Charge (CEC) as a separate line item on the solid waste bill and shall make reasonable effort to collect the CEC. Exception to this provision is if the licensed hauler collected the CEC for the previous year. All County Environmental Charges collected shall be remitted to the County according to section 14.5 of Washington County Ordinance #178 or its replacement, Ordinance #194, effective July 1st, 2014. Failure of the Grantee to comply with this provision shall constitute a breach of this Grant Agreement and will result in loss of grant funds.

4. Indemnification

The Grantee agrees it will defend, indemnify and hold harmless the County, its officers and employees against any and all liability, loss, costs, damages, and expenses which the County, its officers, or employees may hereafter sustain, incur, or be required to pay arising out of the negligent or willful acts or omissions of the Grantee in the performance of this agreement.

5. Insurance Requirements

The Grantee agrees that in order to protect itself, as well as the County, under the indemnity provisions set forth above, it will at all times during the term of this Agreement, keep in force the following insurance protection in the limits specified:

- A. Commercial General Liability and Professional Liability with contractual liability coverage in the amount of the County's tort liability limits set forth in Minnesota Statute 466.04 and as amended from time to time.
- B. Automobile coverage in the amount of the County's tort liability limits set forth in Minnesota Statute 466.04 and as amended from time to time.
- C. Worker's Compensation in statutory amount.

Prior to the effective date of this Agreement, the Grantee will furnish the County with a current and valid proof of insurance certificate indicating insurance coverage in the amounts required by this agreement. This certificate of insurance shall be on file with the County throughout the term of the agreement. As a condition subsequent to this agreement, Grantee shall insure that the certificate of insurance provided to the County will at all times be current. The parties agree that failure by the Grantee to maintain a current certificate of insurance with the County shall be a substantial breach of the contract and payments on the contract shall be withheld by the County until a certificate of insurance showing current insurance coverage in amounts required by the contract is provided to the County.

Any policy obtained and maintained under this clause shall provide that it shall not be cancelled, materially changed, or not renewed without thirty days notice thereof to the County.

6. Data Practices:

All data collected, created, received, maintained, or disseminated for any purpose by the activities of the contractor, because of this agreement shall be governed by the Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13 (Act), as amended and the Rules implementing the Act now in force or as amended. The contractor/Grantee is subject

to the requirements of the Act and Rules and must comply with those requirements as if it is a governmental entity. The remedies contained in section 13.08 of the Act shall apply to the contractor/Grantee.

7. Condition Subsequent:

It is understood and agreed that in the event that reimbursement to the County from state sources is not obtained and continued at a level sufficient to allow the Grant, the obligations of each party hereunder shall thereupon be reviewed to determine the necessity of renegotiating all or parts of this Agreement.

8. Records Availability and Retention:

Pursuant to Minnesota Statute Section 16C.05, Subd. 5, the Grantee agrees that the County, the State Auditor, or any of their duly authorized representatives at any time during normal business hours and as often as they may reasonably deem necessary, shall have access to and the right to examine, audit, excerpt, and transcribe any books, documents, papers, records, etc. which are pertinent to the accounting practices and procedures of the Grantee and involve transactions relating to this Agreement.

Grantee agrees to maintain these records for a period of six (6) years from the date of termination of this Agreement.

9. Independent Contractor:

Nothing contained in this Agreement is intended or should be construed as creating the relationship of co-partners or joint ventures with the County. No tenure or any rights or benefits, including Worker's Compensation, Unemployment Insurance, medical care, sick leave, vacation leave, severance pay, PERA, or other benefits available to County employees, shall accrue to the Grantee or employees of the Grantee performing services under this Agreement.

10. Nondiscrimination:

During the performance of this Agreement, the Grantee agrees to the following: No person shall, on the grounds of race, color, religion, age, sex, sexual preference or orientation, disability, marital status, public assistance status, criminal record, creed or national origin, be excluded from full employment rights in, participation in, be denied the benefits of, or be otherwise subjected to discrimination under any and all applicable Federal and State Laws against discrimination.

11. Firearms Prohibited:

Unless specifically required by the terms of this contract, no provider of services pursuant to this contract, including but not limited to employees, agents or subcontractors of the Grantee shall carry or possess a firearm on county premises or while acting on behalf of Washington County pursuant to the terms of this agreement. Violation of this provision shall be considered a substantial breach of the Agreement; and, in addition to any other remedy available to the county under law or equity. Violation of this provision is grounds for immediate suspension or termination of this contract.

12. Noncompliance by Grantee:

If the County finds that there has been a failure to comply with the provisions of this

Agreement, the County may terminate the Agreement at any time following seven (7) days written notice to the Grantee and upon failure of the Grantee to cure the default within the seven day period. The County will require the Grantee to repay the grant funds in full or in a portion determined by the County. Nothing herein shall be construed so as to limit the County's legal remedies to recover grant funds.

13. Termination:

This Agreement may be canceled by either party upon thirty (30) days written notice. Notice to the Cities shall be mailed to the City Administrator or to the City Clerk if there is no Administrator. Notice to Townships shall be mailed to the Township Clerk. Notice shall be sent to the official business address of the City or Township. Notice to the County shall be mailed to: Department of Public Health and Environment, 14949 62nd Street N, PO Box 6, Stillwater, MN 55082-0006.

14. Merger and Modification:

- a. It is understood and agreed that the entire Agreement between the parties is contained here and that this Agreement supersedes all oral agreements and negotiations between the parties relating to the subject matter. All items referred to in this Agreement are incorporated or attached and are deemed to be part of this Agreement.
- b. Any material alterations, variations, modifications, or waivers of provisions of this Agreement shall be valid only when they have been reduced to writing as an Amendment and signed by the parties.

IN WITNESS WHEREOF, the parties have executed this Agreement on the dates indicated below.

GRANTEE

BY _____

TITLE _____

DATE _____

FEDERAL ID # _____

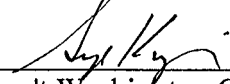
WASHINGTON COUNTY

BY _____

Lowell R. Johnson, Director
Department of Public Health
and Environment

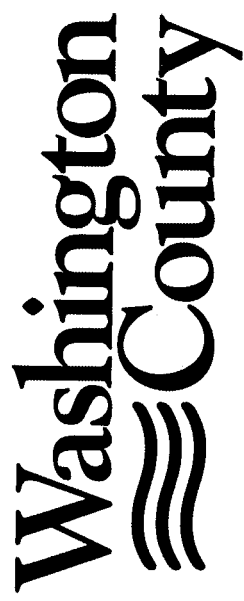
DATE _____

APPROVED AS TO FORM

BY 

Ass't Washington Co. Attorney

DATE 6/2/17



2017-2018

Municipal Recycling Grant
Guidelines

<450	\$1,500.00
451-1000	\$2,500.00
1001-2000	\$5,000.00
2001-5000	\$10,000.00
5001-10000	\$20,000.00
>10000	\$30,000.00

Note: household data is retrieved from the Metropolitan Council's most recent population estimates. These estimates are the official population and household estimates for state government purposes, including how local government aid (LGA) and local street aid allocations are determined. Previous year estimates are prepared the following year and certified by July 15. For example, population as of April 1, 2013 is estimated in spring 2014 and certified by July 15, 2014. This due date is specified in Minnesota Statutes 473.24.

2. Project funding: this is funding to develop and implement new or expanded recycling projects that encourage movement along the recycling continuum. A municipality is eligible to receive \$0.50/household per project. A municipality may qualify for up to four projects per year. The table on page 19 shows maximum funding eligibility for each municipality.
3. Incentive funding: this is one-time special project funding.

IV. Eligible Expenses

Grant funds may be used for the following recycling related expenses:

- a. **Administrative**
 - Salary and legal costs of personnel only while directly working on, part time or full time, on the planning, implementation and promotion of eligible activities.
 - Salaries, benefits and mileage for consultant services or temporary help with prior written approval from PHE and must be related to eligible activities.
- b. **Public Education and Promotion**
 - Design, production, and distribution of flyers, brochures, newsletter articles, posters, advertisements, videos, billboards, audio (radio, video, television, theater), electronic (website and e-news) and other promotional items necessary to advance eligible activities
 - Development of promotional materials for a community event such as a clean-up day or road clean up event
 - The percentage of cost for a municipality's newsletter devoted to recycling
 - Environmental commissions and related expenses directly related to recycling and waste education (maximum of 25% of County grant funds)
- c. **Capital expenses**

- Food and beverage aluminum/tin/bimetal cans
- Glass**
- Food and beverage bottles and jars

Plastics

- PET (#1)
 - water, soda and juice bottles
 - ketchup and salad dressing bottles
- HDPE (#2)
 - Milk and juice jugs
 - Dish soap bottles and detergent jugs
 - Shampoo, soap and lotion bottles
- PP (#5)
 - Yogurt, pudding and fruit cups
 - Margarine, cottage cheese and other tubs

This standard list of recyclables for single sort recycling collection will be periodically reviewed and updated by PHE as additional materials and end markets become available. PHE may add materials to this list and require municipalities to begin collection of the new materials within one year of receiving notification from the PHE.

VII. Verification of Compliance with Minnesota Statute 115.471 and 115A.46 Public Entities Law

As a condition of eligibility for the Washington County Municipal Recycling Grant funds, pursuant to Minnesota Statutes 115A.46, subd. 5 and 115A.471, all waste generated by municipal government activities, including, but not limited to city/town halls, public works buildings, parks, etc., and waste arranged or waste contract for on behalf of its residents (such as organized garbage collection), must be managed in accordance with the County's Solid Waste Management Plan and delivered to the Ramsey/Washington County Resource Recovery Facility in Newport for disposal. Failure to comply with this provision shall constitute a breach of the Municipal Recycling Grant Agreement.

VIII. Reporting

1. Hauler Reporting

The Minnesota Pollution Control Agency will collect tonnage reports directly from haulers on behalf of Counties and Municipalities. Reports will be collected on a quarterly basis and will have tonnage amounts for MSW/garbage, recycling and source separated organics listed for each County. To ensure data is provided to the State quarterly, municipalities are expected to continue their role in enforcing hauler compliance through existing ordinances, contracts or licenses with haulers. Municipalities are expected to exercise punitive actions, if needed. The final, compiled hauler reports will be available on the County's Re-TRAC Connect system for municipality's to view after the reporting period has closed.

2. Annual Work Plan Project Status Reports

Municipalities receiving funding through the Washington County municipal recycling grant program must complete annual work plan project status reports. The annual report is a measure of a municipality's progress towards meeting components on the recycling continuum and on program

improve its recycling program to achieve the identified goal in the work plan by implement strategies agreed upon by municipal staff and PHE. The plan should focus on components of the recycling continuum. Funding may be withheld until the municipality's Plan is completed and approved by PHE.

X. County Responsibilities

a. Grant documents

PHE will provide the grant application and work plan by March 1st for each municipality to use to request grant funding and to develop 2-year project work plans. PHE will also provide the annual report for municipalities to report on their recycling program. Annual reports will be made available by December 31st of each year.

b. Meetings

PHE staff will continue to host quarterly recycling coordinator meetings and will make meeting materials available on the [City Recycling Resources](#) webpage on the County's website. PHE staff will also continue to coordinate individual work plan meetings with each municipality to identify grant projects.

c. Technical assistance

PHE staff will help identify if and how additional technical assistance is needed.

d. Payments

Grant payments will be made in two installments, one in 2017 and one in 2018, which is to be used for recycling program expenses in 2017 and 2018. The 2017 payment will be made within 60 days of execution of the Recycling Grant Agreement and the 2018 payment will be made within 60 days of the county approving the 2018 work plan.

e. Recycling tonnages

New: Recycling tonnages for each municipality will be collected by the Minnesota Pollution Control Agency (the State) from the community's recycling hauler(s) on a quarterly basis. Reports will be published on the County's Re-TRAC Connect system.

f. Residential recycling survey

If requested, PHE will assist in the development of a survey on residents' recycling knowledge and behavior for municipalities to promote and distribute regularly.

g. Online recycling information and best practices

PHE will maintain the [City Recycling Resources](#) webpage on the County's website for use by municipal staff to obtain information on recycling best practices, learn about other grantee projects, track recycling coordinator meetings, and access templates and other educational information designed specifically for use by municipalities.

g. Commercial Recycling

PHE has a separate funding mechanism to promote and support recycling in the commercial sector. This program is called BizRecycling and more information can be found at www.bizrecycling.com.

h. Recycling in multi-unit dwelling (4+ units)

A separate funding program may be developed for multi-unit dwelling recycling.

Supplemental documents required upon application submittal:

- Waste and recycling ordinance(s) (if applicable)
- Waste and recycling contract(s) (if applicable)



Washington County

Department of Public Health & Environment

Verification of Compliance with Minnesota Statute 115A.471 and 115A.46

As a condition of eligibility for the 2017-2018 Washington County Municipal Recycling Grant funds, pursuant to Minnesota Statutes 115A.46, subd.5 and 115A.471, all waste generated by municipal government activities, including, but not limited to municipal city/town halls, public works buildings, parks, etc., and waste arranged or waste contracted for on behalf of its residents (such as organized garbage collection), must be managed in accordance with the County's Solid Waste Management Plan and delivered to the Ramsey/Washington Recycling and Energy Center in Newport for disposal. Failure to comply with this provision shall constitute a breach of the Municipal Recycling Grant Agreement.

I (name) _____ (title) _____
for the Municipality of (City/Twp) _____, MN verify that said municipality currently, and will through the length of the agreement, comply with Minnesota Statutes 115A.46 and 115A.47 by delivering all waste generated by municipal activities and contracts/agreements to the Ramsey/Washington Recycling and Energy Center.

In the space below, please provide the name of your municipal solid waste provider(s).

Hauler:

Hauler:

Hauler:

Hauler:

Hauler:

Hauler:

Hauler:

Signature: _____ Title: _____

Date: _____

- b) households and leave education tags if any Non-Targeted Materials are found in the bins. A log shall be kept of all resident addresses where education tags were left and the addresses shall be included in the annual report to the City.
- c) The Contractor must provide reports for all materials collected no later than the 10th day of the following month. The required information includes original truck scale tickets or, the date of delivery to the recycling processing facility, and the net weight and type of material.
- d) The City shall share fifty (50) percent of the net proceeds received from the City's designated recycling processing facility. Payment to the Contractor shall be made within ten (10) days of the receipt of said proceeds.
- e) The Contractor, City, and representatives from the City designated recycling processing facility will meet not less than once a year to consider alternatives for collection of targeted recyclables, however, all parties must consent to any changes that are a product of these meetings.

B. Disposal Services

1. The Contractor shall be responsible for the safe, legal, and environmentally sound disposal of all refuse, yard waste, recyclables, bulky items and any other items and materials collected under this agreement.
2. The Contractor shall dispose of all refuse at a waste processing facility (or facilities) designated by the City. The current City – designated waste processing facility is the RRT – Newport, MN plant until such time as this facility is no longer available to process the City's refuse or a suitable alternative waste processing facility is approved by the City.
3. The City shall be directly responsible for the disposal costs at the designated waste processing facility as approved by the City. The Contractor shall keep weight slips and invoices for verification. The City shall pay the Contractor, on a monthly basis, the actual monthly disposal cost for garbage and refuse delivered to the agreed upon solid waste disposal facility.
4. This RFP requires that residential refuse collected from White Bear Lake under this Contract will be kept separate from other materials. White Bear Lake loads of residential refuse shall be weighed upon designated truck scales and weights reported to the City. The Contractor shall submit a report summarizing truck scale weights with each monthly invoice and must make the actual weight tickets available for inspection by the City. The Contractor shall keep the truck weight scale tickets on file for a minimum of three (3) years.
5. The Contractor shall be responsible for payment of all yard waste disposal fees and related taxes, surcharges or tariffs applied to these fees.



City of White Bear Lake
Community Development Department

MEMORANDUM

To: Ellen Richter, City Manager

From: Anne Kane, Community Development Director

Date: June 22, 2017 for the May 23rd City Council Meeting

Subject: **Frassati Catholic Academy (f/k/a St. Mary of the Lake School) Project - Amendment of the Educational Facilities Refunding Revenue Note**

BACKGROUND

On December 28, 2011, the City issued the Education Facilities Refunding Revenue Note (St. Mary of the Lake School Project), Series 2011 in the principal amount of \$8,212,904. In 2013 and 2014, the City Council adopted resolutions to allow modifications to the Loan Agreement resulting in a lower interest rate each time.

SUMMARY

The school has once again negotiated better terms with its lender and has requested that the City Council adopt the attached resolution to further modify the Note by once again decreasing the interest rate and changing the formula for future reset of the interest rate for the Note (the interest rate on the Note is scheduled to be reset by formula in 2019 and 2024). The resolution approves the execution of a Loan and Note Modification Agreement, along with a certificate and form necessary for closing.

The changes to the interest on the Note cause a “reissuance” of the Note for tax purposes, which is treated like a current refunding of the Note. The reissuance of the Note will not impact the City’s ability to issue up to \$10,000,000 in bank-qualified bonds this year. The Note is a special, limited obligation of the City and will be payable solely from revenues of St. Mary’s of the Lake. The Note will not be general or moral obligations of the City and will not be secured by or payable from any assets, revenues, or other property of the City.

RECOMMENDED COUNCIL ACTION

The City’s bond counsel, Julie Eddington of Kennedy & Graven, reviewed the documents and prepared the attached draft resolution authorizing the Amendment of the Educational Facilities Revenue Refunding Note – Series 2011 for the Council’s consideration. Staff recommends the City Council approve the proposed refinancing and adopt the attached resolution.

ATTACHMENTS

Resolution
Memorandum of Understanding

RESOLUTION NO. _____

RESOLUTION AUTHORIZING THIRD AMENDMENT OF THE
\$8,212,904 EDUCATIONAL FACILITIES REFUNDING REVENUE NOTE, SERIES 2011
(ST. MARY OF THE LAKE SCHOOL PROJECT)
AND AUTHORIZING THE EXECUTION OF DOCUMENTS RELATING THERETO

WHEREAS, on December 28, 2011, the City of White Bear Lake, Minnesota (the "City") issued its \$8,212,904 Educational Facilities Refunding Revenue Note, Series 2011 (St. Mary of the Lake School Project) (the "Note") made payable to Premier Bank (the "Lender") and loaned the proceeds of the Note to The Church of St. Mary of the Lake, of White Bear, Minnesota, a Minnesota religious corporation (the "Borrower"), pursuant to a Loan Agreement dated as of December 28, 2011, between the City and the Borrower, as amended by a Loan and Modification Agreement dated as of April 1, 2013 between the City, the Borrower, and the Lender, and as further amended by a Loan and Modification Agreement dated as of June 13, 2014 between the City, the Borrower, and the Lender (collectively, the "Loan Agreement") to refinance certain tax-exempt and conventional debt used to provide funds for capital projects related to the non-religious portions of a school for grades preschool through 8 formerly known as St. Mary of the Lake School and now known as Frassati Catholic Academy located at 4690 Bald Eagle Avenue in the City; and

WHEREAS, pursuant to a Pledge Agreement dated as of December 28, 2011 between the City and the Lender, the City assigned its rights and interests under the Loan Agreement (except for certain rights of payment and indemnification) to the Lender; and

WHEREAS, the Borrower has secured payment of its obligations under the Loan Agreement, including repayment of the Note, by delivery to the Lender of the Mortgage, a Security Agreement, and a Pledge and Security Agreement (all as defined in the Loan Agreement); and

WHEREAS, in order to lower the interest rate on the Note, the Borrower and the Lender have agreed to modify certain provisions in the Note and related documents and have asked the City to enter into an amendment to effect such changes, as evidenced by a Loan and Modification Agreement to be dated in July, 2017 (the "Agreement").

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

The form of the Agreement on file with the City is hereby approved and the Mayor and Manager are authorized to execute the Agreement together with such other documents as Bond Counsel considers appropriate in connection with the amendment of the Note, including but not limited to, an issuer's certificate and an IRS Form 8038. In the event of the absence or disability of the Mayor or Manager such officers of the City as, in the opinion of the City Attorney, may act in their behalf, shall without further act or authorization of the Council do all things and execute all instruments and documents required to be done or executed by such absent or disabled officers. The execution of any instrument by the appropriate officer or officers of the City herein authorized shall be conclusive evidence of the approval of such documents in accordance with the terms hereof.

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

STATE OF MINNESOTA)
COUNTY OF RAMSEY) ss
CITY OF WHITE BEAR LAKE)

I, the undersigned, being the duly qualified and acting City Clerk of the City of White Bear Lake, Minnesota, hereby certify that I have carefully compared the attached and foregoing Resolution No. ____ with the original thereof on file in my office and the same is a full, true and complete copy passed by the White Bear Lake City Council on June 27, 2017.

Kara Coustry

(SEAL)



City of White Bear Lake
City Manager's Office

MEMORANDUM

To: Ellen Richter, City Manager
From: Kara Coustry, City Clerk
Date: May 18, 2017
Subject: **Massage Therapist Licenses**

BACKGROUND

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

SUMMARY

The City received a massage therapist license application from Rongping Han to practice massage at Peaceful Lake Massage. Peaceful Lake Massage is a licensed massage therapy establishment located at 1350 Highway 96E #16, White Bear Lake. The White Bear Lake Police Department is in the process of verifying the applicant's training credentials, insurance coverage, finances and criminal history reports. License approval would be contingent on a satisfactory background check.

The City received a massage therapy establishment license application from Yu Wang for Jade Massage located at 2033 County Road E E, White Bear Lake. The City also received applications from Ying Chen, Qunhong Duquet and Li Yang for massage therapist licensure at Jade Massage. The White Bear Lake Police Department is in the process of verifying the applicant's training credentials, insurance coverage, finances and criminal history reports. License approval would be contingent on a satisfactory background check.

RECOMMENDED COUNCIL ACTION

Staff recommends approval of the massage therapy establishment and massage therapists licenses contingent on a satisfactory background investigation.

ATTACHMENTS

Resolution

RESOLUTION NO.

**RESOLUTION APPROVING MASSAGE THERAPIST LICENSES
FOR THE BUSINESS CYCLE ENDING MARCH 31, 2018**

BE IT RESOLVED by the City Council of the City of White Bear Lake that the following massage therapy establishment and massage therapist licenses be approved contingent upon a satisfactory background investigation by the City of White Bear Lake's Police Department for the business cycle ending March 31, 2018.

Massage Therapy Establishment

Jade Massage	2033 County Road E E
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Massage Therapist Licenses

Rongping Han	Peaceful Lake Massage 1350 Highway 96E #16
Qunhong Duquet Ying Chen Li Yang	Jade Massage 2033 County Road E E

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