



AGENDA
REGULAR MEETING OF THE CITY COUNCIL OF
THE CITY OF WHITE BEAR LAKE, MINNESOTA
TUESDAY, FEBRUARY 28, 2023
7 P.M. IN THE COUNCIL CHAMBERS

1. CALL TO ORDER AND ROLL CALL

PLEDGE OF ALLEGIANCE

2. APPROVAL OF MINUTES

A. Minutes of the Regular City Council Meeting on February 14, 2023

B. Minutes of the City Council Work Session on February 21, 2023

3. ADOPT THE AGENDA *(No item of business shall be considered unless it appears on the agenda for the meeting. The Mayor or Councilmembers may add items to the agenda prior to adoption of the agenda.)*

4. CONSENT AGENDA *(Those items listed under Consent Agenda are considered routine by the City Council and will be acted upon by one motion under this agenda item. There will be no separate discussion of these items, unless the Mayor or a Councilmember so requests, in which event, the item will be removed from the consent agenda and considered under New Business.)*

A. Resolution approving a special event application for WBLAS Community Services Bears Night Out

B. Resolution approving a charitable gambling application for Lions Club at Big Wood Brewery

C. Resolution requesting 2023 Recycling Grant funding through Washington County

D. Resolution approving a professional services agreement with Short Elliot Hendrickson, Inc. for the Downtown Mobility and Parking Study

5. VISITORS AND PRESENTATIONS

A. White Bear Lake Area Chamber of Commerce 100 Year Anniversary Proclamation

B. Bi-annual Fire Department Update + Swear in Firefighters

6. PUBLIC HEARINGS

None

7. UNFINISHED BUSINESS

A. Second Reading of an Ordinance Adopting New Chapter 1128 to Permit Sidewalk Cafes

8. NEW BUSINESS

A. Dog Beach Operations

B. Sale of the 2023A General Obligation Bonds

C. Law Enforcement Labor Services Union Labor Agreement – Police Sergeants

D. Local 49 Union Labor Agreement – Public Works

9. DISCUSSION

None

10. COMMUNICATIONS FROM THE CITY MANAGER

11. ADJOURNMENT



**MINUTES
REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF WHITE BEAR LAKE, MINNESOTA
TUESDAY, FEBRUARY 14, 2023
7 P.M. IN THE COUNCIL CHAMBERS**

1. CALL TO ORDER AND ROLL CALL

Mayor Dan Louismet called the meeting to order at 7 p.m. The City Clerk took attendance for Councilmembers Kevin Edberg, Steven Engstran, Heidi Hughes, Dan Jones and Bill Walsh. Staff in attendance were City Manager Lindy Crawford, Community Development Director Jason Lindahl, Public Works Director/City Engineer Paul, Kauppi, Economic and Housing Development Coordinator Tracy Shimek, City Clerk Caley Longendyke, and City Attorney Troy Gilchrist.

PLEDGE OF ALLEGIANCE

Mayor Louismet made opening comments about the recent officer involved shooting in White Bear Lake. He said it is an ongoing investigation, so there is no formal comment on the incident, but acknowledged the care and concern from those who reached out. He thanked the counties and cities surrounding White Bear Lake for offering their assistance during the traumatic event and extended the City's heartfelt thanks. He also thanked members of the community for their support and well wishes.

2. APPROVAL OF MINUTES

A. Minutes of the City Council Meeting on January 24, 2023

It was moved by Councilmember **Hughes**, seconded by Councilmember **Jones**, to approve the minutes. Motion carried unanimously.

3. APPROVAL OF THE AGENDA

It was moved by Councilmember **Edberg**, seconded by Councilmember **Jones**, to approve the agenda as presented. Motion carried unanimously.

4. CONSENT AGENDA

- A. Accept Minutes – November White Bear Lake Conservation District, December Environmental Advisory Commission, January Planning Commission
- B. Summary of the City Manager's Performance Evaluation
- C. Resolution approving a special event application for a single event for Big Wood Brewery
Res. No. 13139
- D. Resolution approving a special event application for a weekly summer event for Big Wood Brewery
Res. No. 13140
- E. Resolution approving a massage therapist license application for Shannon Kron at DW's Therapeutic Massage
Res. No. 13141
- F. Resolution authorizing issuance of a massage therapy establishment license to Legacy of Light LLC
Res. No. 13142

- G. Resolution authorizing issuance of massage therapist license to Allison Crandall at Legacy of Light LLC **Res. No. 13143**
- H. Resolution granting two setback Variances for 2338 South Shore Blvd **Res. No. 13144**
- I. Resolution granting a Conditional Use Permit for 3220 Bellaire Avenue **Res. No. 13145**
- J. Resolution granting a Conditional Use Permit amendment for 2180 7th Street **Res. No. 13146**
- K. Resolution granting a Conditional Use Permit for 4857 Bloom Avenue **Res. No. 13147** Motion carried 4-0. Engstran abstained due to conflict of interest.
- L. Resolution authorizing staff to solicit RFPs for professional services to update the City's development regulations **Res. No. 13148**
- M. Resolution granting two setback Variances for 4556 Highway 61 **Res. No. 13149**
- N. Certification of Private Property Assessment for Recovery of City Expenses **Res. No. 13150**

It was moved by Councilmember **Jones**, seconded by Councilmember **Walsh**, to approve the consent agenda as presented. Motion carried 5-0.

5. VISITORS AND PRESENTATIONS

A. Community Development Bi-annual Report

Community Development Director Lindahl summarized a report for building permits, code enforcement activities and zoning activities. The building department saw a permit revenue increase of 31%, or \$430,000, compared to the previous year. For code enforcement activities, he said the report listed the types of violations by ward and type of case, most of which are complaint-based, instead of proactive, city-initiated cases. Wards 1 and 5 experienced the highest number of cases. For zoning activities, he said the upward and downward trends of the different categories were typical for each of the seasons and quarters.

B. Sports Center Annual Report

City Manager Crawford summarized the Sports Center activities for 2022, reporting that we were busy hosting public youth and high school hockey games, figure skating events, Learn to Skate programming and open skating sessions. She said the Sports Center received its new Olympia resurfacers and the machine has been consistently providing high-quality ice. She said the hockey training facility continues to provide valuable training for the White Bear Lake Hockey Association members. She summarized the major events that happened in 2022, including tournaments, a figure skating competition and section playoff games. She reported that the upgrades to the building's mechanical, HVAC, roofing, and lighting and control systems are complete, as well as the installation of solar panels. She talked about the financial reporting comparing 2021 to 2022, but noted that the pandemic skews the data. Nonetheless, there were significant revenue increases, in part due to the LiveBarn streaming subscription service. Revenue for the Armory was down by about \$2,000 and revenue from Boatworks Commons reservations increased \$270.

6. PUBLIC HEARINGS

A. First Reading of an Ordinance Adopting New Chapter 1128 to Permit Sidewalk Cafés

Economic and Housing Development Coordinator Shimek provided a summary of the presentation from the January 24 City Council meeting. During the pandemic, there was a temporary process allowing food- and beverage-serving businesses to expand their seating onto sidewalks to promote social distancing. While there are no longer social distancing requirements, she reported that the City has received requests from businesses to continue providing outdoor seating. Following initial discussion in the spring and again on January 24, the City Council directed staff to bring back a proposed ordinance for consideration.

Shimek summarized the proposed language of the ordinance, which first defines eligible businesses and locations, then the application process, criteria for placement and size, guidelines for businesses serving liquor in the sidewalk café, responsibilities of the establishment and enforcement of the ordinance. Staff will be proposing an initial application fee of \$150 and renewal fee of \$60. There will be minimum aesthetic requirements for furnishings and barriers when required. She explained that the season for sidewalk cafés is limited to May 15-October 15 with service being allowed between 8 a.m.-10 p.m. The purpose of the defined dates is to ensure furniture is clear to allow for snow removal. In addition to the required notice in the newspaper, she said restaurants, bars and cafés were individually notified of the proposed ordinance and public hearing.

Mayor Louismet opened the public hearing at 7:17 p.m. Terry Kellerman, business owner at 2222 4th Street, complimented the proposal but expressed concern about fairness from business to business. He said establishments will be allowed to expand their area and not have to pay for property taxes, while other establishments have purchased the property for their expansions and paid the related costs overtime. Shimek read submitted comments from other business owners. Cobblestone Café owner Alicia Buroker expressed displeasure of the added fees for businessowners to expand their seating, especially following the pandemic when there continues to be staffing issues and astronomical food costs. Buroker said her business has had sidewalk seating for 23 years and doesn't see a good reason for the change and additional costs to businesses. Elizabeth Lawin, The Brickhouse owner, shared the importance of sidewalk seating for her business and said they love having the ability to have customers dine outside and experience the atmosphere of Washington Square. Lastly, Keys Café owner Celine Dinauer shared her enthusiasm for businesses being able to have sidewalk seating and shared information about the possibility of implementing sidewalk seating for her own business.

There being no further comment, the public hearing was closed at 7:22 p.m. Mayor Louismet affirmed that the proposed ordinance is not meant to take away businesses' opportunities, but to put a process in place for more businesses to expand to outdoor seating in a safe and responsible manner. Regarding the fees, he said they are meant to offset the costs for City staff resources to process applications and assist businesses. He said he supports a minimal renewal cost if the business maintains the same setup as the approved initial setup. He didn't favor the window of dates for sidewalk cafés and asked City staff to allow flexibility for businesses to offer sidewalk seating when the weather supports it. He proposed an earlier start time for sidewalk cafés, specifically addressing businesses serving breakfast before 8 a.m. Mayor Louismet addressed the provision prohibiting glass on sidewalk cafés and was not in favor of forcing businesses to buy plastic just for their patios. He requested to let businesses use their glassware, then make changes if it becomes an issue. He expressed support of allowing

businesses to have a seating area that is not compact and continuous when liquor is not offered.

Councilmember Walsh asked about the purpose of the state requiring a compact and contiguous area when liquor is served. City Attorney Gilchrist cited Minnesota Statutes 340A. City Manager Crawford said one reason for keeping sidewalk cafes compact and contiguous, whether they serve liquor or not, is to prevent servers having to weave between pedestrians on the sidewalk to get to the café area. In response to Mayor Louismet's comments on fees, Crawford explained that all fees are based on staff time so that the cost is not borne by the entire community. She said the \$150 fee for the initial application is covering costs for multiple staff to work on the application. She added that the proposed fee is less than actual costs of staff involvement. Councilmember Jones said Kellerman's public hearing comments are justifiable and acknowledged that businesses are making a lot of money on public sidewalks without any fees. He said the proposed ordinance and associated fees provide some equity between businesses who are able to provide sidewalk seating. He expressed support for the ordinance but foresees it will take more than a year for sidewalk cafés to conform to the exact requirements.

Mayor Louismet reviewed the areas needing discussion, including the date and time parameters and the restriction on glassware. Crawford explained that the dates were chosen based on possible weather events, but would be open to providing flexibility to businesses, and the times were chosen to align with the park hours but was also open to discussion. She requested that Councilmembers not make any changes to the glass provision because of the safety issue of broken glass on sidewalks. Public Works Director/City Engineer Kauppi said the start date can be flexible, but the end date in the fall is necessary to get sidewalk furniture loaded and removed offsite in a timely manner. Councilmember Jones asked how City staff will address Marketfest and how businesses need to comply. City Attorney Gilchrist said he will review the ordinance to ensure it is clear that businesses don't need single-day permits to implement sidewalk seating when allowed during specific City-sponsored events and that the City Manager has the ability to require removal or repositioning of furniture during specific City-sponsored events. Councilmember Edberg supported a May 1 start date, a 7 a.m. start time and a non-contiguous sidewalk café for non-liquor establishments. Councilmember Walsh was also in support of the earlier start time and date, but was still not in support of a renewal fee since it seems to be a minimal cost and it wouldn't require much staff time if the sidewalk café hasn't changed. Councilmember Hughes didn't find it necessary to require a sidewalk café to be contiguous if they're not selling liquor and thinks it's inconvenient for pedestrians to have to walk around patio areas. When Councilmember Edberg asked about businesses being allowed to remove barriers if liquor isn't served on a particular day, Crawford said if the establishment has a liquor license, their sidewalk café must have barriers at all times even if they choose not to sell liquor on particular days.

7. UNFINISHED BUSINESS

Nothing scheduled.

8. NEW BUSINESS

A. Resolution granting a Conditional Use Permit for 2186 4th Street

Community Development Director Lindahl shared a request submitted by Corey Roberts, business owner of The Minnesotan located at 2186 4th Street. Roberts is requesting to convert his retail business into a liquor lounge that sells retail. Lindahl said this request can be made through a conditional use permit application, which would convert the retail business into a liquor lounge, serving as the principal use of the property, and retail as an accessory use. The floorspace of the business needs to be at least 70% liquor lounge and up to 30% accessory retail. Lindahl summarized conversation with the applicant concerning the floorplan, the required seating and limitation on products being sold. Providing some background information on the business, he said The Minnesotan is currently is a retail business but the owner wishes to incorporate a self-serve tap system containing alcoholic beverages and offer pizza. Lindahl said the resolution being presented is only regarding the land use and zoning portion of the business model, and that a condition of the approval is that the applicant will apply for a liquor license, which governs how and where liquor can be consumed on site. He shared an image of the floorplan, but anticipates a more detailed floorplan will be necessary for the liquor license. There will also be changes made to the back exterior of the building.

In providing clarification to a question about the allowable products sold within the accessory retail, Lindahl referred to the definition of accessory, explaining that it is reasonably necessary and connected to the principal use. It is the choice to have accessory use, which is no more than 30% of the total area, and it has to be incidental to the actual principal use. With selling product, it has to be related to the business. Lindahl explained that selling product beyond what is related and branded to the principal use would make it a general retail store which is counter to the accessory use to a liquor lounge. Mayor Louismet questioned what products are reasonably necessary to alcoholic beverages, and whether they needed to be separate businesses. When asked if the 70-30 percentage or number of seats can be varied, Lindahl said that the limitation on primary and accessory use regarding space and seating are specific standards outlined in the code that were created for that specific type of use. City Attorney Gilchrist advised that it's within the City Council's purview to vary from city ordinance, but cautioned the difference between "can" and "should". City Manager Crawford brought attention to how the seating requirement condition listed in the proposed resolution is consistent with the seating required to obtain a liquor license, so she doesn't recommend the City Council deviate from those standards.

Councilmember Hughes addressed the design on the clothing currently being sold at The Minnesotan and noted that it isn't all specifically branded to the establishment. Hughes said the non-branded clothing still represents White Bear Lake and is unique to the owner's design. She wondered if the business could continue selling those items. Lindahl pointed out that the proposed business idea is new to the area and staff is following what is laid out in the code for the strict measurements and, after analyzing the language, providing its best interpretation to the limitation of the products sold under the accessory use. He gave an example of being able to purchase hair care items in a hair salon, but not general items like a toaster. Crawford reiterated that it is a unique request and that there has been significant discussion between staff and the State, but it has been made clear that a general retailer cannot sell liquor and the businesses have to be separate. Mayor Louismet foresees additional conversation about this when the liquor license application is submitted. Councilmember Edberg asked how seating

requirements are impacted if a sidewalk café application is submitted. City staff would have to review this further if a request is made. Councilmember Jones is not in favor of increasing the number of seats as it relates to public safety and issues with establishments serving primarily liquor. In response to a question asking if the applicant agrees to the conditions, Lindahl confirmed the applicant has been in agreement and is interested in moving forward.

It was moved by Councilmember **Walsh**, seconded by Councilmember **Hughes**, to approve **Res. No. 13151** granting a conditional use permit for 2186 4th Street.

9. DISCUSSION

Nothing scheduled.

10. COMMUNICATIONS FROM THE CITY MANAGER

City Manager Crawford shared information about a survey being conducted by Ramsey County for an all-abilities 2050 Transportation Plan. She reported on upcoming events included a legislative reception for the White Bear Area Chamber of Commerce and shared that staff will be a presenter at an out-of-state AV America conference. City staff will present information on Bear Tracks.

12. ADJOURNMENT

There being no further business before the Council, it was moved by Councilmember **Walsh**, seconded by Councilmember **Hughes**, to adjourn the regular meeting at 8:16 p.m. Motion carried unanimously.

Dan Louismet, Mayor

ATTEST:

Caley Longendyke, City Clerk



**CITY COUNCIL AND HRA WORK SESSION
MINUTES
TUESDAY, FEBRUARY 21, 2023
6:00 PM
CITY HALL BOARD ROOM**

Mayor Louismet opened the meeting at 6:05 PM. Councilmembers in attendance included: Bill Walsh, Heidi Hughes, Kevin Edberg and Dan Jones. Councilmember Engstran was excused. Staff members in attendance included: City Manager Lindy Crawford, Assistant City Manager Rick Juba, Community Development Director Jason Lindahl, and Housing and Economic Development Coordinator Tracy Shimek.

1. Housing Task Force Recommendations: Development Priorities

Lindahl summarized the four phases of the Housing Task Force Recommendations. The goal of the discussion was to outline priorities of the City owned future development sites. Staff recommended the City begin actively marketing the City owned property at 1755 Highway 96. Council and staff discussed how this property fits into the overall housing vision of the City. There was consensus to have staff draft a Request for Proposal regarding the development of this site for consideration at a future City Council meeting.

Council and staff discussed various other properties owned by the City. There was consensus for staff to prioritize the redevelopment of the City owned property at the northeast corner of County Road E and Bellaire. The former public works site should be the second priority, and staff will begin investigating the environmental and rail work needed to pursue future redevelopment of the site.

2. Housing Task Force Recommendations: Housing Policies and Programs

Shimek summarized three proposed housing goals from the City's 2040 Comprehensive Plan and the Housing Task Force Report including maintaining and reinvesting in existing housing stock, expand housing options to meet the needs of people at all life stages and income levels, and keeping residents in housing. The Council discussed the three goals and deliberated as to how to prioritize them in future discussions regarding housing. The Council debated how to approach each of the goals, landing on proactively approaching "expand housing options to meet the needs of people at all life stages and income levels" and receptively approaching "maintaining and reinvesting in existing housing stock" and "keeping residents in housing".

There was further discussion on a broad range of specific tools that could be used to support the housing goals. The future use of these tools will require continued discussion and education for both the Council and staff, with the desire of a data driven process to refine priorities.

Adjourned 9:05 PM



City of White Bear Lake
City Manager's Office

MEMORANDUM

To: Lindy Crawford, City Manager
From: Caley Longendyke, City Clerk
Date: February 28, 2023
Subject: **Special Event Application for White Bear Lake Area Schools Community Services & Recreation**

SUMMARY

The City Council will consider approving a special event application for an event hosted by White Bear Lake Area Schools (WBLAS) Community Services & Recreation involving food trucks, amplified music, exclusive use of Podvin Park and general impact to traffic and parking.

BACKGROUND INFORMATION

The City received a special event application from WBLAS Community Services and Recreation to host their annual Bears Night Out Community Picnic during Night to Unite on Tuesday, August 1 from 2-9 p.m. They are seeking City Council approval as the event involves food trucks in a public park, as well as amplified music, exclusive use of Podvin Park and general impact to traffic and parking.

Pursuant to Ordinance 1118, the City permits food trucks as transient merchants, defined as any person who engages temporarily in the business of selling and delivering goods. Transient merchants must provide proof of appropriate permission to operate on the proposed site. No person shall sell, offer for sale, hawk, peddle or lease any object, merchandise or service or carry on any manner of business or commercial enterprise in any Open Space Site (i.e. parks) except those concessions authorized by the City Council. Upon approval, the food truck vendor will be required to register with the City's licensing authority.

RECOMMENDATION

Staff recommends the City Council adopt the attached resolution authorizing WBLAS Community Services & Recreation to host Bears Night Out Community Picnic at Podvin Park with food trucks and amplified music on August 1 from 2-9 p.m.

ATTACHMENTS

Resolution

RESOLUTION NO.

RESOLUTION AUTHORIZING WHITE BEAR LAKE AREA SCHOOLS COMMUNITY SERVICES AND RECREATION TO HOST A SPECIAL EVENT AT PODVIN PARK

WHEREAS, White Bear Lake Area Schools (WBLAS) Community Services and Recreation submitted a special event application to host their annual Bears Night Out Community Picnic during Night to Unite at Podvin Park on Tuesday, August 1, 2023 from 2-9 p.m.; and

WHEREAS, the event involves food trucks, amplified music, exclusive use of Podvin Park and general impact to traffic and parking; and

WHEREAS, the City Council must authorize the food truck operations specifically, pursuant to City Ordinance 905.320, Parks and Open Space, stating no person shall sell merchandise or service or carry on any manner of business or commercial enterprise in any Open Space site except those concessions authorized by the City Council; and

WHEREAS, pursuant City Ordinance 1118, Solicitors, Hawkers and Peddlers, food truck vendors will be required to register with the City's licensing authority.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of White Bear Lake, Minnesota hereby authorizes WBLAS Community Services and Recreation to host their annual Bears Night Out Community Picnic at Podvin Park involving food trucks, amplified music and general impact to traffic and parking Tuesday, August 1, 2023 from 2-9 p.m.

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

Ayes:
Nays:
Passed:

Dan Louismet, Mayor

ATTEST:

Caley Longendyke, City Clerk



City of White Bear Lake
City Manager's Office

MEMORANDUM

To: Lindy Crawford, City Manager
From: Caley Longendyke, City Clerk
Date: February 28, 2023
Subject: **Application from White Bear Lions Club to Conduct Charitable Gambling at Big Wood Brewery**

SUMMARY

The City Council will consider adopting a resolution allowing the White Bear Lions Club to conduct charitable gambling at Big Wood Brewery.

BACKGROUND INFORMATION

Charitable gambling in the City of White Bear Lake is authorized by Minnesota Statutes, Chapter 349 and City Code, Chapter 1002.200 and Chapter 1111. City Council approval must be granted before charitable gambling business may be conducted. The City Code also limits charitable organizations to three locations within the City.

The liquor licensee, Big Wood Brewery, has submitted a Gambling and Raffles Devices Application with all required city and state materials from the licensee and the charitable gambling organization, White Bear Lions Club. The White Bear Lions Club currently conducts charitable gambling activities at two locations in the City—Carbone's Pizzeria & Pub and 617 Lounge. The organization is requesting their third location for charitable gambling to be conducted at Big Wood Brewery.

Upon City Council approval, the Lions Club will submit the appropriate forms to the Minnesota Gambling Control Board (GCB). Gambling activities may begin once the permit is issued from the GCB.

RECOMMENDATION

Staff recommends the City Council adopt the attached resolution authorizing White Bear Lions Club to conduct charitable gambling at Big Wood Brewery, contingent on a permit issued by the Minnesota Gambling Control Board.

ATTACHMENTS

Resolution

RESOLUTION NO.

RESOLUTION AUTHORIZING WHITE BEAR LIONS CLUB TO CONDUCT CHARITABLE GAMBLING AT BIG WOOD BREWERY IN WHITE BEAR LAKE, MINNESOTA

WHEREAS, charitable gambling in the City of White Bear Lake is authorized by Minnesota Statutes, Chapter 349 and City of White Bear Lake Municipal Code, Chapter 1002.200 and Chapter 1111, by application submitted by the liquor licensee; and

WHEREAS, the owner of Big Wood Brewery submitted an application requesting White Bear Lake Lions Club to conduct charitable gambling at their establishment, located at 2222 4th Street; and

WHEREAS, White Bear Lake Lions Club meets the qualifications set forth in the City Code to conduct charitable gambling within the City; and

WHEREAS, the City Code allows a qualified organization to conduct charitable gambling at no more than three establishments in the City; and

WHEREAS, White Bear Lake Lions Club currently conducts charitable gambling at Carbone's Pizzeria & Pub and 617 Club, with Big Wood Brewery becoming their third and final location.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of White Bear Lake, Minnesota that the gambling application for White Bear Lake Lions Club to conduct charitable gambling at Big Wood Brewery is hereby approved, contingent on approval from the Gambling Control Board.

BE IT FURTHER RESOLVED that the charitable gambling will not begin until the Minnesota Gambling Control Board has issued a permit to the White Bear Lake Lions Club.

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

Ayes:
Nays:
Passed:

Dan Louismet, Mayor

ATTEST:

Caley Longendyke, City Clerk



City of White Bear Lake
Engineering Department

MEMORANDUM

To: Lindy Crawford, City Manager
From: Connie Taillon, Environmental Specialist / Water Resources Engineer
Date: February 28, 2023
Subject: Washington County Recycling Grant Agreement

SUMMARY

The City Council will consider authorizing a municipal recycling grant application between the City of White Bear Lake and Washington County and requesting the municipal recycling grant funding allocation.

BACKGROUND INFORMATION

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 2023 funding allocation to White Bear Lake is \$1,914.00. These monies are used to help offset the City's recycling program and collection costs to residents.

RECOMMENDATION

Staff recommends the City Council adopt the attached resolution that requests the 2023 grant funding allocation and authorizes the City Manager to submit the grant application to Washington County.

ATTACHMENTS

Resolution

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 2023 per-capita share of the distribution is \$1,914.00.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of White Bear Lake, Minnesota 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 Councilmember _____ and supported by Councilmember _____, was declared carried on the following vote:

Ayes:
Nays:
Passed:

Dan Louismet, Mayor

ATTEST:

Caley Longendyke, City Clerk



City of White Bear Lake
Engineering Department

MEMORANDUM

To: Lindy Crawford, City Manager
From: Paul Kauppi, Public Works Director / City Engineer
Date: February 28, 2023
Subject: **Downtown Mobility and Parking Study Consultant Selection**

SUMMARY

The City Council will consider adopting a resolution authorizing the City Manager to negotiate and enter into a professional services agreement with Short Elliot Hendrickson, Inc. for the completion the Downtown Mobility and Parking Study.

BACKGROUND INFORMATION

Based on Council authorization at its November 22, 2022 meeting, staff went through a Request for Proposal (RFP) process to select a consultant to complete this project. The RFP was sent to six qualified engineering and planning consultants to submit a response along with being advertised on the League of Minnesota Cities website. Six consultants submitted responses for consideration. Based on a review of the responses, staff interviewed two (2) consultants. Based on those interviews and conversations with references, staff is recommending the City enter into a contract with Short Elliot Hendrickson, Inc.

The City's 2023 budget included \$150,000 for the completion of the study including \$100,000 from the Construction Fund and \$50,000 from the Economic Development Fund. If authorized, the City Manager will negotiate a final scope of services and contract not to exceed the budgeted amount. The Short Elliot Hendrickson, Inc. RFP response was in the amount of \$149,927, however based on the selection process, minor scope of services changes are anticipated for the final agreement.

If Council approves entering into a professional services agreement, work on the study would begin immediately and is anticipated to take 10-12 months to complete.

RECOMMENDATION

Staff recommends the City Council adopt the attached resolution approving a professional services agreement with Short Elliot Hendrickson, Inc. for the completion of the Downtown Mobility and Parking Study.

ATTACHMENTS

Resolution

RESOLUTION NO.

**RESOLUTION APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH
SHORT ELLIOT HENDRICKSON, INC. FOR THE DOWNTOWN MOBILITY AND PARKING STUDY**

WHEREAS, at its meeting on November 22, 2022 the City Council authorized staff to solicit requests for proposals for the Downtown Mobility and Parking Study; and

WHEREAS, staff received six (6) responses to the request for proposals from qualified engineering and planning consultants; and

WHEREAS, based upon Staff review of proposals, interviews and reference checks, Short Elliot Hendrickson, Inc. was determined to be the most qualified consultant to complete the Downtown Mobility and Parking Study; and

WHEREAS, the 2023 budget included \$150,000 to complete the study.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of White Bear Lake, Minnesota hereby authorizes the Mayor and City Manager to enter into a professional services agreement with Short Elliot Hendrickson, Inc. to complete the Downtown Mobility and Parking Study in an amount not to exceed \$150,000.

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

Ayes:

Nays:

Passed:

Dan Louismet, Mayor

ATTEST:

Caley Longendyke, City Clerk



City of White Bear Lake
City Manager's Office

MEMORANDUM

To: Mayor and Council
From: Lindy Crawford, City Manager
Date: February 28, 2023
Subject: Proclamation for 100th Anniversary of the White Bear Area Chamber of Commerce

SUMMARY

The Mayor will read the attached proclamation celebrating the 100th anniversary of the founding of the White Bear Area Chamber of Commerce.

BACKGROUND INFORMATION

The White Bear Area Chamber of Commerce, founded in 1923, is reaching its 100th year of helping local businesses. The Chamber works with businesses, merchants and industries to advance the civic, economic, industrial, professional and cultural life in White Bear Lake and surrounding areas. The Chamber, representing 12 communities, is a leading resource for its diverse business community, ensuring future growth opportunities to maintain a vibrant economic hub for all.

ATTACHMENTS

Proclamation

Proclamation

WHEREAS, the White Bear Area Chamber of Commerce is a respected organization that has been helping local businesses prosper since 1923; and

WHEREAS, the White Bear Area Chamber of Commerce strives to Strengthen Business through Advocacy, Networking and Education; and

WHEREAS, the White Bear Area Chamber of Commerce works with businesses, merchants and industry to advance the civic, economic, industrial, professional and cultural life in White Bear Lake and surrounding areas; and

WHEREAS, the White Bear Area Chamber is a leading resource for its diverse business community; ensuring future growth opportunities to maintain a vibrant economic hub for all; and

WHEREAS, the White Bear Area Chamber of Commerce is one of the largest business organizations in the White Bear Area, representing 12 communities; and

WHEREAS, The White Bear Area Chamber of Commerce has served as a conduit of communication between the business community and local government to advance private and public collaboration; and

WHEREAS, 2023 marks the 100th Anniversary of the founding of the White Bear Area Chamber of Commerce; and

WHEREAS, with a century of achievement behind it, the White Bear Area Chamber of Commerce is looking forward with a continued commitment to ensure a lively and prosperous community for future generations.

NOW THEREFORE, BE IT RESOLVED that the White Bear Lake City Council formally recognizes the White Bear Area Chamber of Commerce in celebration of Its Centennial Anniversary, and publicly acknowledges the service that it has provided to its 12 communities over its past 100 years.

In Witness Whereof, I have hereunto set my hand and caused the Seal of the City of White Bear Lake to be affixed this 28th day of February, 2023.

Dan Louismet, Mayor



City of White Bear Lake
Fire Department

MEMORANDUM

To: Lindy Crawford, City Manager
From: Greg Peterson, Fire Chief
Date: February 28, 2023
Subject: Bi-annual Fire Department Update + Swearing In of New Firefighters

SUMMARY

Chief Peterson will be providing an update on the fire department. Most of the presentation will be a review of the year 2022. It will include some key data points and overview of key initiatives.

The City Clerk will also administer the oath of office to our newest firefighters. A pinning ceremony will conclude the presentation.

BACKGROUND INFORMATION

The Fire Department continues to evolve into its new model. Last year was another record setting year for calls for service. The department responded to 5,283 calls for service, which is a 7% increase from 2021.

Chief Peterson will discuss the 2022 initiatives and activities that are planned for this year. It is shaping up to be another busy year of progress.

RECOMMENDATIONS

None – Information sharing only.

ATTACHMENTS

None



City of White Bear Lake
Community Development Department

MEMORANDUM

To: Lindy Crawford, City Manager
From: Tracy Shimek, Housing & Economic Development Coordinator
 Jason Lindahl, Community Development Director
 Paul Kauppi, Public Works Director/City Engineer
Date: February 28, 2023
Subject: **An Ordinance Amending the Municipal Code of the City of White Bear Lake by Adopting a New Chapter 1128 to Permit Sidewalk Cafes – Second Reading**

SUMMARY

The City Council will conduct the second reading and consider adopting an ordinance amending Article IX. Public Ways and Property of the Municipal Code. Specifically, the proposed ordinance amendment would add Chapter 1128 outlining a sidewalk café permitting process.

BACKGROUND INFORMATION

In 2020 and 2021, with City Council support, staff implemented a provisional administrative review process for restaurants, bars and tap rooms to request temporary approval to expand or add outdoor seating on private property or in the public right-of-way (ROW), including sidewalks and public parking spaces. The review process was intended to grant temporary approval to restaurants as a relief measure during the pandemic and did not grant an ongoing approval of such uses.

In 2022 staff received requests to continue the use of public right of way for outdoor seating. Staff reviewed records to determine if there was evidence of a policy or process to consider these types of requests in the past. Staff found records of a variety of approaches, but no documentation of a clear framework or guidelines with which to review them. Due to the fact various approaches have been used for approval, and that institutional memory of processes is sometimes lost as a result of staff turnover, staff sought guidance from City Council in spring 2022 on how to consider such requests in the future. At that meeting City Council directed staff to research and put forth recommendations for codifying a process to provide a transparent, consistent and fair approach for considering these requests that both protect public safety, while providing the opportunity for businesses to utilize sidewalk space for seating where circumstances permit.

Through research of a number of sidewalk café ordinances, staff identified many commonalities in the regulation of outdoor sidewalk seating areas. With this information and in consideration of the context of White Bear Lake, staff put forth a number of recommendations for City

Council to consider at their January 24, 2023 meeting for inclusion in a sidewalk cafe ordinance. Generally these recommendations fell into three categories:

- Purpose
- Process and administration
- Safety, accessibility, and impact

During their review of the proposed guidelines, City Council expressed support for the proposal, while offering the following feedback:

- Providing reasonable and clear guidelines for food and beverage establishments to utilize sidewalk cafes
- Ensure an ordinance for sidewalk cafes does not impede a business's ability to utilize private property for outdoor seating provided other related provisions and regulations are adhered to
- Mechanisms to ensure sidewalk cafes are limited to restaurants, cafes and bars which regularly and customarily sell food and beverage for onsite consumption
- Minimal fees which reflect the cost of staff time to review applications and a minimally onerous renewal process that offers an opportunity to remedy problematic situations which may arise out of the use of a sidewalk café

Given the feedback staff is proposing adoption of the attached draft ordinance which:

- Provides clear guidance on eligible businesses and locations
- Defines an application procedure including a permit application, decision and annual renewal process to ensure appropriate documentation is updated as needed
- Outlines the criteria and restrictions in place in terms of sidewalk café placement and operations which ensure the use does not detract from the surrounding environment, inhibit pedestrian access, or otherwise impede public safety
- Sets out specific guidelines for businesses intending to serve alcohol in a sidewalk café
- Protects the public interest by making the permit holder liable for any damage or injury resulting from the use of public right of way for a sidewalk café in addition to making them responsible for any costs incurred by the city for such usage, such as the cost to remove furniture for failure to remove it upon notice
- Includes provisions for enforcement of the ordinance

It should be noted that upon review of a draft ordinance with the City Attorney the language has been updated to reflect the issuance of a permit, and not a license, due to the applications being evaluated administratively.

Staff is recommending an initial application fee of \$150 and a renewal fee of \$60 provided there are no changes to site design from the initial application. The fee structure is based on the amount of staff time it may take to review the applications. Additionally, barring previous approval through a land use application explicitly authorizing use of ROW, staff recommends all other food and beverage establishments wishing to use ROW for outdoor seating will be required to apply for a sidewalk café permit regardless of previous formal, informal, or implicit approvals.

First Reading

Following the public hearing and first reading staff has made the following changes to the proposed ordinance:

- Section 1128.050 Subd. 1 Permit Term: Changed the spring date to April 15th and added a clause giving the City Manager authority to adjust the season as weather conditions warrant.
- Section 1128.070 Subd. 2 Hours of Operation: Adjusted the hours of operation to begin at 7:00 a.m.

Staff did not make changes to the prohibition of glass or the requirement of café placement abutting businesses.

At the time of the writing of this memo, no additional public comments have been received regarding the proposed ordinance.

RECOMMENDATIONS

Staff recommends the City Council conduct the second reading and subsequently:

1. Adopt the ordinance amending the Municipal Code by Adopting New Chapter 1128 to Permit Sidewalk Cafes
2. Adopt the attached resolution approving summary publication of the ordinance.

ATTACHMENTS

Draft Ordinance
Resolution

CITY OF WHITE BEAR LAKE
ORDINANCE NO. _____

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF WHITE BEAR LAKE BY
ADOPTING A NEW CHAPTER 1128 TO PERMIT SIDEWALK CAFÉS

The Council of the City of White Bear Lake does ordain as follows:

ARTICLE I. Legislative Findings. The City Council of the City of White Bear Lake hereby finds the use of public sidewalks for the purpose of sidewalk cafés benefits the City because:

- (a) Sidewalk cafés attract the attention of pedestrians and increases their stay. Not only do sidewalk cafés promote the adjacent business, but they increase other businesses' visibility when customers choose to be seated outside;
- (b) Sidewalk cafés attract visitors by furthering White Bear Lake's brand as a desirable destination and City;
- (c) Sidewalk cafés provide an aesthetically pleasing and nontraditional setting that provides an additional option where pedestrians can relax, enjoy, and interact with their fellow community members;
- (d) By repurposing City sidewalks into sidewalk cafés, it addresses the need for additional public space. It promotes and reinvents new views enhancing the community's charm and activates outdoor space increasing the community's vitality and livability; and
- (e) Sidewalk cafés encourage more pedestrian activity by livening up the street, create more things to look at, and make the businesses appear more active.

ARTICLE II. Sidewalk Café Permitting. The Municipal Code of the City of White Bear Lake is hereby amended by adding a new Chapter 1128 as follows:

1128. SIDEWALK CAFÉS

§1128.010 PURPOSE. This chapter is intended assist eligible businesses by allowing them to use the adjacent public sidewalk areas for sidewalk cafés with the issuance of a permit from the City and subject to certain regulations to help protect the public's continued safe use of the public sidewalks, keep public sidewalks clean and orderly, and to minimize negative impacts to neighboring businesses and the public.

§1128.020 DEFINITIONS. For the purposes of this chapter, the following terms shall have the meaning given them in this section.

Subd. 1. City Manager. The appointed City Manager for the City of White Bear Lake. The term includes any City staff member designated by the City Manager to manage all or some portion of the permitting process under this chapter.

Subd. 2. Eligible Business. A business located within the City that regularly and customarily sells food or drink to customers for consumption on the business premises, and that is either a restaurant licensed by the Minnesota Department of Health under Minnesota Statutes, section 157.16 or holds a current liquor license issued by the City pursuant to City Code, article X.

Subd. 3. Permittee. An eligible business holding a current sidewalk café permit issued by the City under this chapter.

Subd. 4. Public Right-of-Way. Has the meaning given the term in §906.030, subd. 36 of this Code.

Subd. 5. Public Sidewalk. A sidewalk owned by the City that is generally available for use by the public for pedestrian traffic. The term does not include any portion of a bike lane, public trail, city parking lot, or area within a public right-of-way intended for vehicular traffic.

Subd. 6. Sidewalk Café. An identified portion of a public sidewalk adjacent to an eligible business within which the business is allowed by a city-issued permit to place and use tables, chairs, and accessory items for the service of food or beverages to its customers for on-site consumption as part of its regular business operations.

Subd. 7. Sidewalk Café Area. The portion of a public sidewalk adjacent to an eligible business within which a permittee is authorized to operate its sidewalk café under a permit issued by the City.

Subd. 8. Sidewalk Café Permit or Permit. A permit issued by the City under this chapter to an eligible business allowing it to operate a sidewalk café on an identified portion of public sidewalk adjacent to the business.

§1128.030 SIDEWALK CAFÉ PERMIT.

Subd. 1. Required. No person, business, or entity may use a public sidewalk to place tables, chairs, or other seating on a public sidewalk in conjunction with a business without first obtaining a sidewalk café permit from the City.

Subd. 2. Exception. A permit is not required under this chapter for a business to temporarily place stands, racks, or tables on a public sidewalk to display their goods or products during a community celebration or sidewalk sales event authorized by the City, but only to the extent allowed by the City.

Subd. 3. Eligibility. Only a business that qualifies as an eligible business under this chapter and that is located in the City's B-1, B-5, or DCB zoning district may obtain a permit.

Subd. 4. Ineligible Places. A permit issued under this chapter shall not allow a permittee to place tables, chairs, or other seating in any of the following locations:

- (a) Any portion of a public right-of-way designated for vehicular travel or as a bike lane;
- (b) A bike or walking trail;
- (c) Private sidewalk or other private property;
- (d) A City parking lot; or
- (e) Any place prohibited by state law.

§1128.040 APPLICATION PROCEDURE. An application for a permit shall be submitted and processed in accordance with this section.

Subd. 1. Permit Application. An eligible business may apply for a permit on the application form furnished by the City and submitted to the City Clerk. An application shall not be considered complete, and shall not be processed, unless it contains all of the following:

- (a) A scaled site plan identifying the proposed location of the sidewalk café, furniture layout, specific location within which liquor will be served (if applicable), and demonstrating compliance with the requirements of this chapter;
- (b) The applicable application fee as provided in the City's fee schedule;
- (c) Evidence of a valid commercial general liability insurance policy, through an insurance carrier authorized or eligible to do business in the state, covering damage to the public sidewalk, and for any costs and damages the City might incur because of property damage or personal injury arising out of the use of the public sidewalk for a sidewalk café. The minimum coverage limit of the policy shall be \$1,000,000 per occurrence, but the City may require a higher limit based on the location of the proposed sidewalk café. The City shall be listed as an additional insured on the commercial general liability policy;
- (d) An indemnity agreement, approved by the City Attorney, requiring the permittee to indemnify and hold harmless the City and its officers, agents

and employees from any claim arising or resulting from the operation of the sidewalk café; and

- (e) A Sewer Availability Charge (SAC) Determination from the Metropolitan Council and the City.

Subd. 2. Permitting Decision. The City Manager is authorized to determine whether to approve a permit application. The City Manager shall not approve an application if the City Manager determines the proposed sidewalk café does not satisfy the requirements of this chapter or would interfere with the public interest or public use of the public sidewalk. The City Manager may place conditions on a permit as the City Manager determines are needed to further the intent of this chapter and to protect the public sidewalk and public safety. A condition of every permit is the continued compliance by the permittee with state law, this chapter, and any other applicable provisions of this Code related to the sidewalk café and the permittee's eligible business. The permit shall identify the specific area of the public sidewalk authorized for use as the sidewalk café area and the approved type and arrangement of furniture to be used within the sidewalk café. Approval of a sidewalk café permit does not indicate approval of any other permits or licenses required to operate within the City. A sidewalk café permit is not transferrable or assignable.

Subd. 3. Reconsideration. If the City Manager denies a permit application, the eligible business may, within 30 days of the denial, submit a revised application for the same business that addresses the concerns associated with the original denial. A new application fee is not required for the resubmitted application if the City receives it within the 30-day period. Any application received after that period will be considered a new application and must be accompanied by a new application fee. The City will process and act on a resubmitted application in the same manner as an original application.

Subd. 4. Appeal. An applicant may appeal the denial of its application to the City Council by filing a written notice of appeal with the City Clerk within 10 days from the date of the denial. Upon receipt of a timely appeal, the City shall provide the applicant at least 10 days written notice of a hearing before the City Council on the appeal. The City Council shall hear from the City Manager regarding the denial and provide the applicant an opportunity to be heard. The City Council may uphold the denial or direct the City Manager to issue the permit with such conditions as the City Manager recommends together with any other conditions the City Council may direct be imposed on the permit.

§1128.050 PERMIT TERM AND RENEWALS.

Subd. 1. Permit Term. A permit issued under this chapter shall be valid from the date of issuance or April 15, whichever is later, and shall expire on October 15 of each year. The City Manager shall have the authority to modify the operating season as weather conditions may warrant. A permittee shall remove all its personal property

related to the sidewalk café from the public sidewalk by October 15 of each year and periodically in the event the City needs to maintain the public sidewalk for any purposes. If a permittee fails to remove its personal property by that date, the City may remove such property and dispose of it as abandoned property if the permittee fails to remove it after at least 10 days written notice to remove it. The City shall not be liable to the permittee for any loss or damage to the personal property caused by the removal.

Subd. 2. Permit Renewal. An eligible business must renew its permit annually. A renewal application shall contain all information required on the renewal application form, the renewal application fee as established in the City's fee schedule, a current certificate of insurance showing the required commercial general liability coverage and naming the City as an additional insured, and a new indemnity agreement. If the eligible business proposes to change the configuration of its sidewalk café, the renewal application shall also include a new scaled drawing showing the proposed new configuration.

§1128.060 SIDEWALK CAFÉ CRITERIA AND RESTRICTIONS. The City Manager shall consider the following criteria in determining whether to approve a sidewalk café application.

Subd. 1. Direct Access. The eligible business must front on, and have direct and unobstructed access to, the portion of the public sidewalk to be used for the sidewalk café. The sidewalk café area must directly abut the building in which the eligible business operates and shall not extend beyond the boundaries abutting the eligible business.

Subd. 2. Pedestrian Corridor. The sidewalk café shall be located to always provide at least a four-foot-wide unobstructed pedestrian corridor. The permittee shall also maintain at least a two-foot setback from the curb edge. The City may require as a condition of a permit a wider pedestrian corridor or increased clearances if it determines such additional area is needed to accommodate pedestrian traffic, public safety, or to comply with the state building code, Americans with Disabilities Act, or other applicable laws.

Subd. 3. Clearance. A clear unobstructed height of eight feet must be maintained between the sidewalk surface and overhead objects, including umbrellas, associated with the sidewalk café.

Subd. 4. Obstruct Public Amenities. The sidewalk café must not block access to public amenities such as street furniture, trash receptacles, or public signage.

Subd. 5. Spacing. The proposed footprint and seating for the sidewalk café shall not exceed the amount of space available on the public sidewalk under all applicable building and fire code requirements.

Subd. 6. Potential Impacts. The City Manager shall consider the proposed site plan in the context of the surrounding environment, and it may impose additional conditions as it determines is appropriate to ensure the safety of pedestrians, patrons, business employees, adjacent traffic, and to preserve public assets.

Subd. 7. Furniture. The furniture used for the sidewalk café must be made of durable material and not detract from the character of the surrounding environment. No plastic, unfinished wood, or pressure treated wood furniture is allowed.

Subd. 8. Planters. City-approved planters or pots may be used to define the sidewalk café area, but are not required. Any proposed planters or other barriers shall be included in the submitted site plan.

Subd. 9. Umbrellas. Table umbrellas are permitted if the umbrellas are completely contained within the sidewalk café, and do not block the site lines of adjacent vehicular traffic.

Subd. 10. Lighting. Lighting associated with the sidewalk café must not cause glare to pedestrians or vehicular traffic, and must not be affixed to City trees or infrastructure.

Subd. 11. Sound. Loudspeakers or amplified sound, including amplified sound from inside the eligible business that is audible outside, are prohibited.

Subd. 12. Liquor. If liquor will be served within the sidewalk café, the additional requirements set out in §1128.080 of this chapter must be complied with along with all applicable federal, state, and local liquor laws, rules, regulations, and ordinances.

§1128.070 OPERATION OF SIDEWALK CAFÉS. A permittee shall operate its sidewalk café in accordance with all the requirements and limitations in this section.

Subd. 1. Business Use. A sidewalk café may be used only by the permittee and only for the seating of patrons in the furniture provided by the permittee. Every patron within the sidewalk café must have their own chair. No overcrowding of the sidewalk café with standing patrons is allowed.

Subd. 2. Hours of Operation. A sidewalk café may only be operated between the hours of 7:00 a.m. and 10:00 p.m., and then only to the extent the eligible business is open to customers. The City Manager may further limit the hours of operation as a condition of the permit.

Subd. 3. Maximum Occupancy. The number of persons within the sidewalk café shall not exceed the number of seats permitted in the permit, excluding the permittee's staff while working.

Subd. 4. Open Air. The sidewalk café area shall be open to the air, except that seating may be located under approved umbrellas, awnings, or canopies.

Subd. 5. Cleaning. Permittee shall keep the sidewalk café and the adjacent 100 feet of public space surrounding it clean of any solid waste, including food debris, paper, cups, cans, cigarette butts, and any other garbage associated with the operation of the sidewalk café area on a daily basis. Permittee shall wash down the adjacent public sidewalk and right-of-way with water and detergent as often as needed to remove any stains or spills related to the operation of the sidewalk café. Permittee shall properly dispose of all waste and trash in its own trash receptacles. Permittee shall not use public trash receptacles for disposing of business generated waste or trash.

Subd. 6. Maintenance. The permittee shall at all times keep the sidewalk café area and the associated furniture and accessories clean, orderly, and in good repair. Permittee shall promptly repair or remove any damaged furniture from the public sidewalk. Permittee is responsible for securing its furniture as it determines is needed to discourage theft or to prevent it from damaging adjacent properties or public infrastructure during a storm.

Subd. 7. Extended Closure. The permittee shall remove all furniture, enclosures, and barriers from the public sidewalk if the eligible business is closed for more than 14 consecutive days, unless previous arrangements have been made with the City.

Subd. 8. Compliance. The permittee shall obtain and maintain all other permits and permits that may be required, and shall remain in compliance with all applicable city, state and federal laws and regulations, for operation of the eligible business and the sidewalk café.

Subd. 9. Temporary Suspension. The City Manager may temporarily suspend the use of a public sidewalk for a sidewalk café if it determines such use will interfere with a special event, parade, public celebration, a public maintenance, repair, or improvement project, or as needed to protect public safety. The City will endeavor to give the permittee reasonable advance notice before issuing a temporary suspension. Unless expressly provided otherwise in the suspension notice, the permittee shall remove its furniture from the public sidewalk prior to the beginning of the suspension period. If a permittee fails to remove its furniture by the indicated date, the City may remove the furniture at the permittee's expense. The City shall not be liable to the permittee for any loss or damage to the personal property caused by the City's removal or storage. Operation of the sidewalk café during a suspension period is a violation of this chapter.

Subd. 10. Additional Prohibitions. A permittee shall not violate any of the following prohibitions related to the operation of its sidewalk café:

- (a) No cash registers, tents, minibars, or similar appurtenances shall be allowed within the sidewalk café area.
- (b) Food preparation is not allowed in the sidewalk café area;
- (c) Nothing shall be permanently affixed to a sidewalk or to other public property. All improvements (including furniture and fixtures) must be readily removable without damage to the sidewalk or other public property;
- (d) No business activities may occur outside of the approved sidewalk café area;
- (e) Smoking is not allowed within the sidewalk café area; and
- (f) Use of glass, bottles, or other similar breakable items within the sidewalk café area is not allowed.

§1128.080 ADDITIONAL REQUIREMENTS FOR ELIGIBLE BUSINESSES SERVING ALCOHOL. In addition to all other provisions of this chapter, a permittee serving alcohol within its sidewalk café area shall comply with the requirements of this section in addition to the other requirements of this chapter.

Subd. 1. Liquor Permit. The permittee must obtain an amendment to its liquor license to include the sidewalk café area as part of the licensed premises within which it may sell and serve liquor before any sales or consumption of liquor may occur within the sidewalk café area.

Subd. 2. Barriers. The permittee shall provide and place stanchions or other portable, visible, above ground barriers between the approved sidewalk café area and the remainder of the public sidewalk whenever the sidewalk café is in use. The items and materials proposed to be used for the barriers must be identified in the permit application. The permittee may only use barriers consistent with those identified in the City's permit approval. The sidewalk café area in which liquor is served must be compact and contiguous to the permittee's eligible business.

Subd. 3. Liquor Compliance. The permittee shall remain in compliance with all laws related to alcohol service and consumption. The permittee shall post visible signs at all exit points from the sidewalk café to the public sidewalk reminding patrons that they cannot possess open containers of alcohol outside of the sidewalk café area. The permittee shall not permit patrons to carry their own alcohol into the sidewalk café area or to carry alcohol sold by the permittee outside of the sidewalk café area.

§1128.090 ENFORCEMENT.

Subd. 1. Administrative Penalties. A violation of any provision of this chapter constitutes an administrative offense and is subject to a civil penalty as provided in City Charter, section 8.05 and City Code, chapter 205 in the amount established in the City's fee schedule. The City shall issue and process notices of administrative violations in accordance with the procedures set out in City Code, chapter 205.

Subd. 2. Permit Actions. The City Manager is authorized to take action against a permittee's license for failing to comply with the requirements of this chapter or any of the conditions imposed on the permit.

- (a) Temporary Permit Suspension. The City Manager is authorized to suspend a permit for up to 10 days if the City Manager determines the permittee has violated a provision of this chapter. The City Manager shall issue a written notice of suspension identifying the violation, the period of suspension, and the corrective actions required to bring the sidewalk café back into compliance with this chapter. If the permittee fails to correct the violation by the date indicated in the suspension notice, or if any other violations occur within 30 days of the end of the temporary suspension period, the City Manager may revoke the permit as provided in this subdivision.
- (b) Permit Revocation. The City Manager may revoke a permit if a permittee fails to comply with the requirements of this chapter, a condition placed on the permit, a suspension notice, or of any regulations governing the use of the public sidewalk or the business activities occurring with the sidewalk café. Before revoking a permit, the City Manager shall provide the permittee a written notice of violation that identifies the violation and provides a reasonable time in which to correct the violation. If the City Manager determines a violation directly obstructs pedestrian use of the public sidewalk or creates an immediate threat to public safety, the City Manager may immediately suspend the permit for the period allowed to correct the violation. If the permittee fails to correct the violation within the correction period, the City Manager may issue the permittee a written notice of revocation that identifies the violation and includes a statement regarding the process to appeal the revocation. The eligible business shall immediately cease using the public sidewalk for its business operations requiring a permit under this chapter.
- (c) Appeal. An eligible business may appeal a revocation of its permit to the City Council by filing a written notice of appeal with the City Clerk within 10 days from the date of revocation. Upon receipt of a timely appeal, the City shall provide the applicant at least 10 days written notice of a hearing before the City Council on the appeal. The City Council shall hear from the City Manager regarding the revocation and provide the applicant an opportunity to be heard. The City Council may sustain or overturn the revocation. If the City Council overturns the revocation, it may add

conditions to the permit as it determines are needed to address the violations identified by the City Manager.

Subd. 3. Other Remedies. In addition to administrative penalties and any actions against the permit, a violation of this chapter is a misdemeanor and may also be enforced through injunctive or other equitable relief, or a combination of remedies.

§1128.100 CODE CHAPTER CONTROLLING. To establish a uniform set of regulations for sidewalk cafés on public sidewalks, the provisions of this chapter shall supersede and preempt conflicting provisions covering the same topic and applicable to public sidewalks and rights-of-way located elsewhere in this Code. An eligible business permitted under this chapter is not required to obtain a right-of-way obstruction permit under this Code, provided its activities are limited to those contemplated in this chapter and comply with the terms and conditions of the permit.

ARTICLE III. Severability. If any section or portion of this ordinance shall be found unconstitutional or otherwise invalid or unenforceable by a court of competent jurisdiction, that finding shall not serve as invalidation or affect the validity and enforceability of any other section or provision of this ordinance.

ARTICLE IV. Effective Date. This ordinance shall become effective on the first day of publication after adoption.

Adopted by the City Council of the City of White Bear Lake, Minnesota on the 28th day of February 2023.

Dan Louismet, Mayor

ATTEST:

Caley Longendyke, City Clerk

(Strikeout indicates matter to be deleted, double underline indicates new matter.)

First Reading: _____

Initial Publication: _____

Second Reading: _____

Final Publication: _____

Codified: _____

Posted on web: _____

DRAFT

RESOLUTION NO.

RESOLUTION APPROVING SUMMARY PUBLICATION OF AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF WHITE BEAR LAKE, MINNESOTA ADOPTING NEW CHAPTER 1128 TO PERMIT SIDEWALK CAFES

WHEREAS, the City of White Bear Lake City Council adopted Ordinance No. ____ “An Ordinance Adopting New Chapter 1128 To Permit Sidewalk Cafes” (“Ordinance”) at its February 28, 2023 meeting; and

WHEREAS, the City Council may, pursuant to Ordinance No. 83-6-666 and City Charter Section 4.14, adopt a title and summary of an ordinance for publication in lieu of publishing the entire text of a lengthy ordinance; and

WHEREAS, the City Council determines it is impractical to publish the entire Ordinance and that publication of an approved summary of the Ordinance is sufficient to inform the public of its contents and where to obtain a full copy of the Ordinance.

NOW, THEREFORE, BE IT RESOLVED, that the City of White Bear Lake City Council hereby approves the following title and summary language for publication of the Ordinance:

**CITY OF WHITE BEAR LAKE
ORDINANCE NO. ____**

**AN ORDINANCE ADOPTING NEW CHAPTER 1128
TO PERMIT SIDEWALK CAFES**

In summary, Ordinance No. ____ amends the Municipal Code of the City of White Bear Lake – Administration to adopt Chapter 1128 Sidewalk Cafes which establishes a process to permit and regulate the use of City sidewalk right of way for the use of sidewalk cafes by establishments regularly and customarily selling food or beverage for onsite consumption.

BE IT FURTHER RESOLVED, that the City of White Bear Lake City Council hereby directs the City Clerk to do each of the following:

1. Publish the approved summary language once in the City’s official newspaper;
2. Have available for inspection during regular office hours a copy of the entire Ordinance;
3. Place a copy of the entire Ordinance at the White Bear Lake Branch of the Ramsey County Public Library;
4. Obtain an affidavit of publication of the title and summary from the official newspaper and place it in the City’s ordinance book together with

RESOLUTION NO.

- the Ordinance and a copy of this Resolution;
5. Post the Ordinance on the City's website.

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

Ayes:
Nays:
Passed:

Dan Louismet, Mayor

ATTEST:

Caley Longendyke, City Clerk



City of White Bear Lake
Engineering Department

MEMORANDUM

To: Lindy Crawford, City Manager
From: Paul Kauppi, Public Works Director / City Engineer
Date: February 28, 2023
Subject: **Dog Beach Operations**

SUMMARY

The City Council will consider adopting a resolution directing continued operations of the dog beach located at Matoska Park subject to conditions.

BACKGROUND INFORMATION

In the summer 2022, the City Manager received complaints from a couple of residents regarding the dog beach located between the City's 7th Street swim dock and Matoska Park boat launch. Based upon those complaints, the Parks Advisory Commission (PAC) was asked to review the operations and provide a recommendation to the City Council.

At its July 21, 2022 meeting, the PAC listened to a resident's concerns of the dog beach which consisted of the following:

- Dogs crossing along the shoreline to adjacent private property
- Owners allowing their dogs to go on the swim dock
- Owners not having control of their dogs and having them off leash
- Dogs fighting and being aggressive towards other dogs
- Pet waste left in the area and not picked up

At its August 18, 2022 meeting, the PAC heard from additional residents. Residents both for and against the dog beach were present and spoke. Then, at its September 15, 2022 meeting, the PAC discussed their findings based on their nearly 70 visits to the dog beach and discussions with various users, ultimately voted 7-0 in favor of keeping the dog beach and 7th Street swim dock open in the current location subject to the following conditions:

1. Install improved and easy to read signage at the dog beach and 7th Street swim dock to help aid users to better understand the rules and expectations
2. Install permanent fencing to separate the dog beach from the swim dock area including fencing that will close off the shoreline area which can be adjusted based on fluctuating lake levels
3. Install gates at the top of the stairs to the dog beach and swim dock

4. Install an improved buoy system to separate the dog beach from the swim area
5. Continue existing dog beach leash rule
6. Maintain pet waste bag stations and nearby trash containers
7. Install “No Fishing” signage on the swim dock

At the January 17, 2023 City Council and PAC work session, the PAC discussed its findings and offered a recommendation to the City Council to keep the dog beach open subject to the above changes.

The costs for the above changes were reviewed by staff and are estimated to be \$15,000 including \$8,000 for a new buoy system, \$6,500 for fencing and gates and \$500 for signage.

The attached PAC memo, which was presented to the City Council at the January 17, 2023 work session, provides additional details regarding their review of the dog beach and 7th Street swim dock area. PAC members will also be present at the meeting to discuss their recommendations.

RECOMMENDATION

Staff recommends the City Council adopt the attached resolution directing continued operations of the dog beach subject to the following conditions:

1. Install improved and easy to read signage at the dog beach and 7th Street swim dock to help aid users to better understand the rules and expectations
2. Install permanent fencing to separate the dog beach from the swim dock area including fencing that will close off the shoreline area which can be adjusted based on fluctuating lake levels
3. Install gates at the top of the stairs to the dog beach and swim dock
4. Install an improved buoy system to separate the dog beach from the swim area
5. Continue existing dog beach leash rule
6. Maintain pet waste bag stations and nearby trash containers
7. Install “No Fishing” signage on the swim dock

ATTACHMENTS

Parks Advisory Commission Memo, Report and July-September Meeting Minutes

RESOLUTION NO.

**RESOLUTION APPROVING CONTINUED OPERATIONS
OF THE PUBLIC DOG BEACH LOCATED AT MATOSKA PARK**

WHEREAS, the City Manager received complaints from several residents regarding the City's dog beach located between the 7th Street swim dock and Matoska Park boat launch; and

WHEREAS, the City's Parks Advisory Commission was directed to review the operations of the City's dog beach and surrounding area in the summer of 2022; and

WHEREAS, the Parks Advisory Commission reviewed the operations for the dog beach and surrounding area and at its September 15, 2022 meeting voted 7-0 in favor of the dog beach remaining open and operational subject certain improvements; and

WHEREAS, the City Council has considered the advice and recommendations of the Parks Advisory Commission regarding the operations of the dog beach and surrounding area and uses.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of White Bear Lake, Minnesota that the City Council accepts and adopts the findings of the Parks Advisory Commission and hereby directs staff to keep the dog beach open and operational subject to the following conditions:

1. Install improved and easy to read signage at the dog beach and 7th Street swim dock to help aid users to better understand the rules and expectations
2. Install permanent fencing to separate the dog beach from the swim dock area including fencing that will close off the shoreline area which can be adjusted based on fluctuating lake levels
3. Install gates at the top of the stairs to the dog beach and swim dock
4. Install an improved buoy system to separate the dog beach from the swim area
5. Continue existing dog beach leash rule
6. Maintain pet waste bag stations and nearby trash containers
7. Install "No Fishing" signage on the swim dock

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

Ayes:
Nays:
Passed:

Dan Louismet, Mayor

RESOLUTION NO.

ATTEST:

Caley Longendyke, City Clerk



City of White Bear Lake
Engineering Department

MEMORANDUM

To: Mayor and City Council
From: Parks Advisory Commission
Date: January 17, 2022
Subject: Dog Beach

SUMMARY

The Parks Advisory Commission (PAC) is made up of seven members including: Bryan Belisle, Victoria Biehn, Mark Cermak, Anastacia Davis, Ginny Davis, Bill Ganzlin, and Mike Shepard.

The City Manager received complaints from a couple of residents this summer about the dog beach located between the City's 7th Street swim dock and Matoska boat launch. Therefore, the City Manager suggested one of the residents attend the July 21, 2022 PAC meeting to share concerns. Over the next several months, the PAC reviewed the following concerns provided by the resident:

- Dogs crossing along the shoreline to adjacent private property
- Owners allowing their dogs to go on the swim dock
- Owners not having control of their dogs and having them off leash
- Dogs fighting and being aggressive towards other dogs
- Pet waste left in the area and not picked up
- Busiest times was the weekends, but well used all the time

The resident suggested that the PAC look into other potential areas that the dog beach could be relocated to.

BACKGROUND INFORMATION

At its July 21, 2022 meeting the PAC listened to the resident's concerns of the dog beach and decided that the dog beach is a great amenity to the community and well used, and that a thorough review should be completed before making any decisions. Members agreed to visit the dog beach as much as they could before the August meeting where they would review their findings.

At its August 18, 2022 meeting, the PAC heard from residents that attended the meeting to discuss the dog beach. Residents both for and against the dog beach were present and spoke.

At its September 15, 2022 meeting, the PAC discussed their findings based on their nearly 70

visits to the dog beach and discussions with various users. They had the following conclusions:

- Dog waste was not found at any of the visits and it was confirmed that City staff who maintains the area very infrequently finds any dog waste.
- Use of leashes by dog owners is mixed and that most owners that were not using leashes generally had verbal control of their dogs. Only a few dogs briefly strayed.
- During visits, no dogs crossed into adjacent properties.
- No excessive aggressive behavior was witnessed that would cause concern.
- On a couple of visits, a dog was seen jumping off of the swim dock, but with the owner.

In addition, the PAC reviewed other locations to possibly relocate the dog beach to including the south side of Matoska boat launch, Hanlos Pond in Lakewood Hills Park and at Goose Lake. All locations were reviewed and not found to be suitable for the purpose.

It was also discussed whether it made sense to close the 7th Street swim dock as there isn't a great need for it with Memorial Beach a short distance away and would alleviate the issue with potential conflicts between dogs and users of the swim dock.

Additional detail regarding the PAC meeting discussions and dog beach visits can be found in the attached meeting minutes and visit summary.

RECOMMENDATION

After considering all available information, at their September 15, 2022 the PAC voted 7-0 in favor of keeping the dog beach and 7th Street swim dock open in their current locations. However they recommended several changes to improve the area and help prevent future issues.

1. Provide new and improved, easy to read signage at the dog beach and 7th Street swim dock to help aid users to better understand the rules and expectations.
2. Improve the fencing that separates the dog beach from the 7th Street swim dock area including fencing that will better close off the shoreline area, regardless of water level.
3. Look into adding a gate at the top of the stairs to the dog beach.
4. Improve the buoys layout / style that are used to delineate the swim area from the dog beach area to aid in deterring dogs from crossing over or under them.
5. Continue with existing dog beach leash rule.
6. Continue to maintain pet waste bag stations and nearby trash containers.

In addition, the PAC recommends signing the 7th Street swim dock with "No Fishing" as there are numerous other locations for fishing and will help keep swimmers safe from hooks that might be lost near the dock.

ATTACHMENTS

PAC Meeting Minutes: July 21, 2022, August 18, 2022, September 15, 2022
PAC Dog Beach Visit Summary August 18, 2022



**MINUTES
PARK ADVISORY COMMISSION
OF THE CITY OF WHITE BEAR LAKE, MINNESOTA
THURSDAY, JULY 21, 2022
6:30 P.M. AT PODVIN PARK**

1. CALL TO ORDER AND ATTENDANCE

Acting Chair Mike Shepard called the meeting to order at 6:30 p.m.

MEMBERS PRESENT: Bryan Belisle, Mark Cermak, Mike Shepard, Anastacia Davis and Ginny Davis

MEMBERS ABSENT: Victoria Biehn, Bill Ganzlin

STAFF PRESENT: Paul Kauppi, Public Works Directory / City Engineer

VISITORS PRESENT: Council Member Heidi Hughes

2. APPROVAL OF AGENDA

It was moved by member **Bryan Belisle** seconded by member **Mark Cermak**, to approve the agenda.

Motion carried 5:0.

3. APPROVAL OF THE MINUTES

Minutes of April 21, 2022

It was moved by member **Bryan Belisle** seconded by member **Ginny Davis**, to approve the minutes of the June 16, 2022 meeting as presented.

Motion carried, 5:0.

4. VISITORS AND PRESENTATIONS

Nothing Scheduled

5. UNFINISHED BUSINESS

Nothing Scheduled

6. NEW BUSINESS

A. Pizza Party

The Park Advisory Commission enjoyed a pizza dinner and provided summer updates.

B. Podvin Park Tour

Overall things looked good on the Commission's walk around the park. Podvin Park was

fairly clean with only a few scattered pieces of trash. The Commission questioned whether the open area east of the hockey rink might be a good future location for pickle ball courts.

C. Dog Beach

The discussion started with a summary of dog beach concerns from Councilmember Hughes. Councilmember Hughes asked the commission to consider recommending closing the dog beach at the end of the 2022 season. The concerns consisted of the following:

- Dogs crossing along the shoreline to adjacent private property
- Owners allowing their dogs to go on the swim dock
- Owners not having control of their dogs and having them off leash
- Dogs fighting and being aggressive towards other dogs
- Pet waste left in the area and not picked up
- Busiest times was the weekends, but well used all the time

Councilmember Hughes also asked about other potential areas to relocate the beach to including the area between the Matoska boat launch and the bridge to Manitou Island.

Commission members generally feel that the dog beach is a great amenity to the community and well used. Members had not seen the issues presented other than at times dogs being off leash. It was brought up whether or not the swim dock was appropriate or needed with Memorial Beach just up the road and would remove a conflict point with the dog beach. Commission members felt that they should look into the issue more and make some visits to the dog beach to observe the issues presented. Their personal findings will be brought to the next Commission meeting on August 18, 2022 which will be relocated to Matoska Park so that the dog beach can be visited. A recommended action will be brought to the council once enough research and feedback are gathered.

7. DISCUSSION

A. Staff updates

- Paul updated the Commission on the status of Lion's park restroom and shelter improvements. The shelters have been ordered and should be shipped and installed soon. The design of the restrooms is being refined to better match the available funding.
- Paul discussed the request by Council to receive an annual update from the Parks Commission. More detail to come as far as format and date.

B. Commission member updates – Feedback about Marketfest booth

- Overall Marketfest booth went well and members got some good feedback.
- There were many requests for Pickleball courts to be added to City parks.
- Maps were great but is there a better electronic map / application that could be used to make more mobile friendly with the QR code.
- Staff will review feedback forms and summarize for review at a future meeting.

C. Other Business

- No other discussion

8. ADJOURNMENT

There being no further business before the Commission, it was moved by member **Mark Cermak** seconded by member **Bryan Belisle** to adjourn the meeting.

Motion carried, 5:0



**MINUTES
PARK ADVISORY COMMISSION
OF THE CITY OF WHITE BEAR LAKE, MINNESOTA
THURSDAY, AUGUST 18, 2022
6:30 P.M. AT MATOSKA PARK**

1. CALL TO ORDER AND ATTENDANCE

Acting Chair Mike Shepard called the meeting to order at 6:30 p.m.

MEMBERS PRESENT: Bryan Belisle, Victoria Biehn, Mark Cermak, Ginny Davis, and Mike Shepard

MEMBERS ABSENT: Anastacia Davis, Bill Ganzlin

STAFF PRESENT: Andy Wieteck, Parks Working Foreman

VISITORS PRESENT: Councilmember Heidi Hughes, Terry Honsa, Debra Schneider, Dave Peterson, Brian Bonin, Rachel Bonin

2. APPROVAL OF AGENDA

It was moved by member **Bryan Belisle** seconded by member **Mark Cermak**, to approve the agenda.

Motion carried 5:0.

3. APPROVAL OF THE MINUTES

Minutes of July 21st, 2022

It was moved by member **Ginny Davis** seconded by member **Mark Cermak**, to approve the minutes of the July 21, 2022 meeting as presented.

Motion carried, 5:0.

4. VISITORS AND PRESENTATIONS

Nothing Scheduled

5. UNFINISHED BUSINESS

Nothing Scheduled

6. NEW BUSINESS

A. Dog Beach Discussion

Andy Wieteck began meeting by asking each Park Advisory Commission Member to present what was observed at their site visits. See attachment for each member's observations.

After each member presented their findings, Mike Shepard opened up the discussion for any of the visitors to offer input on the dog beach.

Debra Schneider, a resident of White Bear Lake and also owner of All Breed Obedience (a behavioral school for dogs) and a professional dog trainer is in attendance in support of the dog beach. Debra's believes dogs need to be leashed at the beach because it is a public beach and not a dog park. Dog owners are responsible for keeping their animal under control and the only way to do that is by leash whether they are on land or in the water.

Terry Honsa, a White Bear Lake resident and avid dog beach user, agreed that the individuals using the beach need to keep their pets on a leash. Terry asked if they City can make the dog beach rules sign larger and redesign it to highlight the main rules so that people actually read them. Terry also suggested that we add permanent fencing to the area to help contain the dogs to the dog beach area. Andy is working with the MnDNR and WBLCD to see what is allowed for fencing on both land and in the lake bed. The water is receding and that leaves a gap for the dogs to run towards the 7th Street swim beach. Andy explained that he would like to install a fence on land that goes a little ways up the hill and down the shoreline to the water's edge. The fencing that would be installed in the lake bed area would be temporary and follow the water as it rises and falls. Terry also mentioned that she has been advocating in favor of the dog beach for the past 5 years and the leash issue seems to be the biggest problem. Terry believes most people respect the rules of the dog beach but there are a few that don't listen or follow the rules. The Park Advisory Commission all agreed that a fence and new sign would be good steps towards improving some of the issues with people with off leash dogs.

Councilmember Heidi Hughes introduced herself to the group and reported that the dog beach has been an issue for many years. The dogs leave the dog beach and end up on private property causing headaches for the residents that live along this stretch of Lake Avenue. Terry Honsa stated to the visitors that Councilmember Heidi Hughes is related to Brian and Rachel Bonin and that her property hasn't been affected by the dog beach. Councilmember Hughes responded that she has dealt with these issues with her sister and brother-in-law for many years and wants to make changes to this area. She has had many neighbors reach out with the same concerns that Brian and Rachel have been dealing with.

Brian Bonin stated that he was on the Parks Advisory Commission back when the dog beach was brought to the Commission for support and that he supported it 100%. Brian said he is tired of the reoccurring issues and thinks the dog beach needs to be relocated. Rachel Bonin stated that they are tired of the constant issues with the dog beach. Rachel mentioned that they cannot even start their grill without the dogs wondering over for handouts. She stated that many times she has to bring the dogs back to the dog beach where the pet owners are. Rachel also stated that over the years she has been asked to take pictures, videos and report back to the previous City Mangers. Rachel would like to know what has been done with that information. Andy replied that he does not have any information on what she was tasked to do or who has reviewed that information at the City. Andy will check with the City Manager's office and continue those conversations

with the new City Manager.

Brian Bonin also mentioned the water quality of the 7th Street beach must be affected by all the dogs using the lake as a bathroom. This topic has been brought up before and the City started to collect weekly water samples and have them tested for E. coli at both the dog beach and at Memorial Beach. Andy reported that most of the readings were between 36 - 250 MPN/100 ml and at the 1260 MPN/100 ml is when a swimming area needs to be closed for safety reasons. Since taking samples, the City has never had to close either beach down for any type of water quality issue. Both Terry Honsa and Commission member Ginny Davis were surprised that we perform weekly water tests to ensure the safety for the users of our beaches.

There was continued discussion about closing the 7th Street swim beach due to the dogs crossing the fence/rope buoys. Two commission members suggested closing the 7th Street swim beach because there is a swimming beach is two blocks north of this area.

If the beach remains open, Brian Bonin asked if the City is willing to install no fishing signs at the 7th Street swim dock since its dangerous to have loose fishing hooks and lures in the water where we invite people to swim. Andy will discuss his requests with the Public Works Director.

There was another resident who did not provide their name but who showed up to the meeting to request a garbage can be installed at the 7th Street swim beach. There is a lot of trash left behind because there isn't anywhere to dispose of it. Andy mentioned that there is currently a trash can at the stairway to the south. Andy is reluctant to have one installed at the lake level as it is hard to carry a full can up the flight of stairs. Andy will look into another trash can at the top of the 7th Street swim beach stairs along the trail.

After the conversations started repeating themselves, Mike Shepard asked if anyone had anything new to add to the conversation or if he should close the open forum on this topic. Brian Bonin added that he likes the idea of the dog beach but would like to see the location change. When asked where he thought the dog beach should be moved, he suggested over by the road that leads to Manitou Island on the east side of the boat launch parking lot. Andy replied that there are too many hazards in that area, it wouldn't be a good location. The City hired a company to cut the trees down at that location when the water level was low but they were unable to remove the stumps and debris. Brian then suggested Lakewood Hills Park at Hanlos Lake or maybe even Goose Lake may be a good location to move the dog beach. The only other fact that was brought up was the dog beach seems to have gotten worse with social media. This platform allows a wide reach to invite many from surrounding communities and has since gotten a lot more traffic with non-residents. Mike Shepard closed the open forum on this topic. The Park Advisory Commission will have continued conversations at their upcoming meetings after gathering more information and before making a recommendation to the City Council on the future of the dog beach.

7. DISCUSSION

A. Staff updates

- Andy updated the Commission on the playground mulch project. Ebba Park and Hidden Hollow transition from sand to engineered wood fiber has been completed. The Parks Department is finishing up the transition of Lakewood Hills Park. Next year, the City will continue this process at Ramaley Park, Spruce Park, Podvin Park and West Park.

B. Commission member updates – None.

C. Other Business

- No other discussion

8. ADJOURNMENT

There being no further business before the Commission, it was moved by member **Mike Shepard** seconded by member **Victoria Biehn** to adjourn the meeting.

Motion carried, 5:0

Parks Commission Dog Beach Attachments

Anastacia Davis

Hello All,

I will not be able to attend the meeting tomorrow, as I am traveling for work in Michigan. Following our meeting last month, I visited the Dog Beach at Matoska Park twice daily, two times a week (switching days and times based on weather). I have attached notes to this email. During those visits, the average number of dogs at the beach was 3-4. Many times I observed no one using the park. On the busiest day, I observed 6 dogs playing in the water - 5 were leashed. I agree with Bill's observations, and they are in line with what I saw on my visits. Some owners were not holding the end of the leash as their dog's retrieved objects thrown into the water. All dogs seemed to be behaving and enjoying both the beach and the other dogs. I also observed several community members without dogs sitting on the benches watching the dogs in the water. On two visits, I did see a dog jump off the dock.

After observing this park for nearly a month, I am in support of it remaining open. Our duty as a city, and as park committee members, is to preserve the amenities that we offer our community. Whenever we discuss closing a park or eliminating an amenity, there must be substantial evidence that the benefit to the community is lessened to a degree that does not warrant interventions or continued support. I do not believe that that burden has been met in this instance. If we are concerned about the dog beach area serving too many purposes, perhaps we discuss whether or not we need a swimming area adjacent to the dog beach when West Park offers a much larger area to swim.

I hope that we can preserve this unique park and what it offers to those in our community. I know that discussions about this park come up from time to time. I am curious to know if the same people are complaining, or if this is actually reflective of a larger community discussion.

Anastacia

Bill Ganzlin

Good morning. I will not be able to attend Thursday's meeting. I am going to be on a camping trip in N. MN this week. Mike can lead Thursday's meeting in my absence.

Regarding the "Dog Beach" at Matoska Park, I visited the beach five times over the past two weeks. I found that the majority of dog owners used leashes for their dogs. I noticed that many dog owners allowed their dogs to run freely with the leash attached but not held by the dog owner. I did not see any bad behavior by dogs (or their owners). I did not see any dogs running up the steps to the street and did not notice any loud or unruly barking dogs.

From what I witnessed in my visits, and from the input we received from local dog beach users via email, I am supportive of the dog beach.

Several management practices that I believe would be helpful include:

- Monitor the dog beach for compliance of the leash law more closely; if there is no enforcement of the rules, some users will continue to ignore the rules.

Parks Commission Dog Beach Attachments

- Clarify that the leash law requires that the dog leash be held in the owner's hand; simply having a leash attached to a dog's collar does not meet the guidelines of the leash law.

- Consider recruiting a few of the passionate dog beach users as "monitors" who can politely remind users to abide by the leash law ordinance.

I look forward to hearing about the discussions at this week's meeting.

Bill Ganzlin, Chair

Bryan Belisle

Hello all, please see my Dog Beach visits below.

Overall I didn't see any problems that comes close to warrant the closing of the beach.

The beach provides recreation for the dogs and I also believe the owners receive social and recreational benefits.

I found no pet waste on the beach and very minimal barking. I saw one dog that went a short distance over the lake markers but was called back. Beach fence should probably be improved.

The Police Department has not received any calls since 2018 for dog bites/attacks at the dog beach, which would result in the dog being declared as a potentially dangerous or dangerous dog.

I strongly recommend we review and discuss the leash rule.

The Police Regulations Dogs 701.010 Subd.2 states Designated Areas. Any dog not restrained by leash but remaining within the boundaries of a designated area as defined by the City, must be under the active supervision of the person owning, harboring or keeping said dog and obedient to that person's command.

My thought would be to change the current Beach Rule and not require a leash while the dog is in the water. The police really shouldn't have to deal with leash violations.

Bryan Belisle

Mark Cermak

Hi Everyone, I visited the dog beach five times over the last few weeks. Almost every time I was there observing activity at the beach, there were a few residents who had their dogs off the leash and were throwing the ball out into the water. Every time the dogs returned with the ball they stayed close to their owner. Not once did I see a dog run over to the other beach. The two dogs I saw were well controlled by their owner. Also I did not find any dog waste along the beach and path, it was very clean, and I did not witness any dogs being aggressive to other dogs or residents.

Dog Park Visits.

7-26 Park was clean of waste, there was one resident was out in the water with his dog on a 20' leash,

Parks Commission Dog Beach Attachments

8-2 Two young women with their dogs off the leash playing with a ball, the dogs were well behaved and stayed right next to their owner.

8-5 I observed a man with his dog on a leash in the water, the beach was clean and free of any dog waste.

8-15 I witnessed two young women with their dogs on a leash, walking around the beach, noticed both of them using the waste bags and putting the waste in the trash container.

8-16 Observed an older man with his dog at the beach on a 20' leash. There were two young women throwing the ball to their dogs without any leashes. The dogs brought the balls back and stayed close to their owners. There was no barking and the dogs were very well behaved.

Not one time did I see any dogs run up the stairs and run into the neighborhood. There was no barking at all by any of the dogs all the times I was present at the beach.

Also every person I saw walking on the path had their dog on a leash and was not barking.

My opinion is that we continue to keep the beach open and work on making a few changes in the dog regulations.

Mark

Mike Shepard

I visited the dog beach 22 times since our last meeting. The majority of the times I went were during the weekdays between 10 am and 6 pm. I saw a total of 81 dogs at the dog beach and 31 people at the swimming beach. About 2/3 of the dogs were off leash. Of the 22 times I visited, 2 times I didn't see any dogs and 8 times I didn't see anyone at the swimming beach.

Most of the dogs that were off leash were playing fetch with their owner.

One time I did see a dog playing fetch and jumping off the "Y" dock.

Only once did I see a dog get out of the owner's control. It went over to the swimming side and ran up the stairs then ran down the path and back down the dog beach stairs.

The busiest time I saw was 12 dogs at the dog beach and 11 people at the swimming beach. All 12 of dogs stayed in the boundary of the dog park.

I did notice multiple times people sitting on the area above the rocks on the dog beach having a picnic.

I never saw any dog waste.

One time I did notice a dog barking for a long period of time. That dog was on a leash and the owner just didn't seem to care their dog was barking at other dogs.

Parks Commission Dog Beach Attachments

Victoria Biehn

Hi, below is a summary of my dog beach notes:

Visited at 5:30 p.m. on 8/6/22 – it was cloudy day.

1. There were 5 dogs / 4 owners.
2. 1 dog was swimming outside of roped area toward swimming dock / owner was not calling for it to come back into dog area
3. 2 of the 5 dogs were leashed
4. All dogs were playing alone and were well behaved
5. All owners were in the water with the dogs
6. Didn't encounter any situation where dogs appeared to be unruly or aggressive.

Victoria Biehn

Ginny Davis

Here are my findings from the observations I made...

Friday, July 29, 2002 at 10:15 am

One dog w/owner in the water on leash the entire time. The dog stayed within designated area. No dog waste found anywhere on beach or on beach/dock of swimming area.

I also looked over the fence to the private property & could see no evidence that a dog had been in there causing problems.

Monday, August 8, 2023. 5:00pm

One dog owner with dog on leash and picking up after dog. Again, no signs of dog waste anywhere. One more person came as I was getting ready to leave & kept dog on leash as long as I observed, even in the water.

The attached photo shows a sign that is a bit small & not very obvious for the casual observer.

See you this evening.

Ginny



**MINUTES
PARK ADVISORY COMMISSION
OF THE CITY OF WHITE BEAR LAKE, MINNESOTA
THURSDAY, SEPTEMBER 15, 2022
6:30 P.M. AT LAKEWOOD HILLS PARK**

1. CALL TO ORDER AND ATTENDANCE

Chair Bill Ganzlin called the meeting to order at 6:32 p.m.

MEMBERS PRESENT: Bryan Belisle, Victoria Biehn, Mark Cermak, Anastacia Davis, Ginny Davis, Bill Ganzlin, and Mike Shepard

MEMBERS ABSENT: None

STAFF PRESENT: Andy Wieteki, Parks Working Foreman and Paul Kauppi, Public Works Director/City Engineer

VISITORS PRESENT: None

2. APPROVAL OF AGENDA

It was moved by member **Bill Ganzlin** seconded by member **Bryan Belisle**, to approve the agenda with an addition to New Business to discuss Hidden Hollow and Bossard Park resident concerns.

Motion carried 7:0.

3. APPROVAL OF THE MINUTES

Minutes of August 18, 2022

It was moved by member **Ginny Davis** seconded by member **Victoria Biehn**, to approve the minutes of the August 18, 2022 meeting as presented.

Motion carried, 7:0.

4. VISITORS AND PRESENTATIONS

Nothing Scheduled

5. UNFINISHED BUSINESS

A. Continued Dog Beach Discussion

Paul Kauppi explained to the Parks Advisory Commission members that starting in February, the Commissions will attend a workshop with the City Council to discuss current and future projects. Topics that will be discussed are budgets and other issues that need City Council's attention. Paul explained this will be the venue that the Commission will bring their recommendation on the dog beach to the City Council. Bill Ganzlin thanked Paul for the update and is excited for the opportunity to work with the City Council.

Bill asked Andy Wietecki how the City will police the dog leash issue since that seems to be the biggest complaint from residents. There is no way to enforce this issue as the Police Department's resources are limited. Andy reported that the City is having issues with staffing the Community Service Officer positions and those positions would usually be the one dispatched to a call of this nature.

Mike Shepard spoke about the complaints that dogs go up the stairs and run onto neighboring properties. Mike made the most visits to the dog beach to monitor how people use the beach and if complaints are truly an issue. Mike did see one dog go up the stairs at the dog beach and found its way to the stairs at the 7th Street swim beach and then went back down to the water and back to the dog beach area. Mike recommended gates at both the 7th Street and dog beach stairs would eliminate this issue.

Closing the 7th Street swim dock was mentioned by a few residents but Bill Ganzlin was against this idea as he believes it is an important asset to the residents in the area. Andy reported that at the last Commission meeting Brian Bonin asked if the City would restrict fishing on the 7th Street swim dock as the hooks that are lost are a hazard to those swimming in the lake. Bryan questioned if anyone loses hooks fishing off this dock. Anastacia reported that her son was swimming there this summer and reported the bottom of lake under the dock was full of hooks and lures. The Park Advisory Commission was unanimous that there be no fishing signs installed to protect the swimmers. Mark stated that there are three other docks for people to fish off in the area so it shouldn't be an issue.

The Park Advisory Commission returned to the leash issue topic again. Ginny stated that she isn't a dog owner but is swimming on leash safe for the dog? Anastacia mentioned that in her experience sometimes dogs on leashes can cause problems because when dogs are leashed they tend feel protective of their owner. She also mentioned that the dog park near Otter Lake has no rules for dogs being on leashes but you are instructed that your dog's leash must be in your hands and ready to hook your dog up if they get out of hand.

Anastacia believes that teaching the public how to use the park is an important step. Paul mentioned redesigning the signage with 3 main points on the main sign to make it easier to read and understand the main rules. Then created additional signs that go in depth describing each rule. The Commission agreed that the City should redesign the dog beach signs.

Andy asked the Commission if there are any other potential dog beach/park locations that they should investigate. Both Mike and Bill stated that they looked at all the other locations and discussed them in depth each time suggestions were brought to the Park Advisory Commission. Each time the issue or complaint has been discussed the Commission always comes back that the current location for the dog beach is the best option that the City has. Ginny stated that she believes the City has done their due diligence vetting their options and looking for solutions.

Paul asked if dog waste has been a problem at the dog beach. Most members agreed that dog waste is not an issue. Andy reported that occasionally he finds dog waste under the canoe racks but he finds more along the trail than anywhere else. Andy agreed with the Commission that dog waste is not an issue.

Bill Ganzlin recommend ending the discussion and voting – should the City keep the dog beach open and in its current location. The Park Advisory Commission voted 7:0 to keep the beach at its current location. Anastacia shared that she thinks the Commission works well together on these issues and that it is a work on progress to find new ways to make the dog beach work for everyone.

6. NEW BUSINESS

A. Lakewood Hills Park Tour

The dog beach topic took most of the time this evening so there was no walk tour. One of the biggest topics for discussion was the amount of people that were at the park this evening. Most of the Commission members had to park at the YMCA as there was no open spots in the parking lot. Andy advised the Commission that youth baseball is now utilizing the fields and that has led to increased usage of the park in general. It was a great decision to open these fields up to youth baseball and revitalize park usage.

B. Hidden Hollow Playground

Bryan Belisle received a message from a resident regarding the playground at Hidden Hollow. The resident asked if multi-purpose senior equipment could be incorporated into the park. Andy responded that this is not something we currently have in our budget. As the Commission works through the Parks Capital Improvement plan, we could discuss if this is an item that we want to add to the budget.

C. Bossard Park Natural Area

Bryan Belisle noticed that the natural area of Bossard Park is being taken over by trees. The Parks Department had to clear trees and shrubs that were growing on a neighbor's fence last year. Andy Wieteki and Paul Kauppi will be visiting the site to come up with a plan on what to do with this area.

7. DISCUSSION

A. Staff updates

- Lakewood Hills Playground – Andy reported to the Park Advisory Commission that the playground is on hold until next year. The City hopes to have excavating completed yet this fall.
- Lions Park Shelters – The Parks Department has removed the old shelters. St. Croix

Recreation should be constructing the new shelters over the next couple of weeks.

- Lions Park Restroom Remodel – Andy is working on rearranging items in the budget so we are able to start and complete the remodel project along with the trail expansion.

B. Commission meeting location - Next meeting is back at City Hall for the winter season.

C. Other Business

- Bryan Belisle asked about reviewing the park rental rates and reservation count. This will be put on the next agenda.
- Mark Cermak asked about reviewing the Marketfest comments. The topic was tabled due to the dog beach conversation but we will be added to the next agenda.

8. ADJOURNMENT

There being no further business before the Commission, it was moved by member **Bill Ganzlin** seconded by member **Mike Shepard** to adjourn the meeting.

Motion carried, 7:0



City of White Bear Lake
Finance Department

MEMORANDUM

To: Lindy Crawford, City Manager
From: Kerri Kindsvater, Finance Director
Date: February 28, 2023
Subject: Sale of the 2023A General Obligation Bonds

SUMMARY

The City Council authorized the issuance of \$10,000,000 of General Obligation Capital Improvement Bonds, Series 2023A on January 10, 2023 to finalize funding for the City's Public Safety Facility renovation and expansion project costs. The City, through its municipal adviser, Ehlers and Associates, will receive bids on the bond issue at 10:00am on Tuesday, February 28, 2023. The City Council will receive a bond sale summary report and resolution for consideration at their regularly scheduled meeting that evening.



City of White Bear Lake
Finance Department

MEMORANDUM

To: Lindy Crawford, City Manager
From: Kerri Kindsvater, Finance Director
Date: February 28, 2023
Subject: General Obligation Bonds, Series 2023A Sale Summary

SUMMARY

The City Council authorized the issuance of \$10,000,000 General Obligation Capital Improvement Bonds, Series 2023A on January 10, 2023 to finalize funding of the City's Public Safety Facility expansion and renovation project costs. The approval also directed staff to work with Ehlers and Associates to secure a bond rating and actively seek bids for the bonds.

BACKGROUND INFORMATION

Minnesota Statutes Chapter 475 authorizes cities to issue bond obligations to borrow money and gives guidance on the rules for the types of bonds that are available to issue and their purposes.

In issuing General Obligation bonds, the City pledges its full faith and credit to the obligation payment, meaning it must use any asset or any amount of tax levy to pay principal and interest on the bond obligation for its entire term. This type of bond is the most secure which leads to generally lower interest rates and is the most inexpensive method for a city to finance their capital needs.

As part of the current bond issuance process, City staff participated in a bond rating with Ehler's representatives and David Smith of S&P Global Ratings.

On Thursday, February 23, 2023, S&P Global Ratings assigned its AA+ long-term rating to the City of White Bear Lake's General Obligation (GO) Capital Improvement Bonds, Series 2023A and affirmed their AA+ long-term rating on the City's outstanding GO debt. Their outlook for the city is stable.

These strong ratings are attributed to the City Council's accomplishments in developing and implementing long-range financial plans and policies in recent years. The City's AA+ bond rating remains one-step below the highest possible rating of AAA.

The report noted that the city's local economy is experiencing significant residential and commercial development, leading to improved market values. Recently, several large

multifamily developments were completed or will begin construction and, during the past three years, the city's tax base grew by an annual average of 7%. Consecutive years of surplus operating results have also sustained very strong reserves and liquidity, which S&P views as a credit strength. While future debt plans are expected to weaken their view of the city's debt profile, despite this, pension costs remain only a modest share of total spending and in their view, are unlikely to pressure the city's medium-term operations health.

The following items contributed to the rating and its classification of a stable outlook for the rating:

1. Very strong economy, with access to a broad and diverse metropolitan statistical area;
2. Strong budgetary performance, reflecting conservative budgeting and positive variances with respect to permitting revenue;
3. Very weak debt and contingent liability profile, with a large debt burden relative to the size of the city's budget;
4. Strong management, with good financial policies and practices under our financial management assessment (FMA) methodology including long-term financial forecasting and capital planning, with a strong institutional framework.

The City, through its municipal adviser, Ehlers and Associates, received bids from eight investment firms on the bond issue at 10:00am on February 28, 2023. The following schedule summarizes the bids received:

<u>Bidder:</u>	<u>True Interest Cost on Bid:</u>
Northland Securities, Inc., Minneapolis, MN	3.7239%
TD Securities (USA) LLC, New York, NY	3.7825%
BAIRD, Milwaukee, WI	3.7847%
FHN Financial Capital Markets, Memphis, TN	3.7878%
Piper Sandler & Co., Minneapolis, MN	3.8361%
Stifel, Nicolaus, Birmingham, AL	3.9200%
Raymond James & Associates, Inc., Memphis, TN	3.9385%
HILLTOPSECURITIES, Dallas, TX	3.9648%

As shown in the table above, the bids were very competitive with the difference between the lowest and highest bids at less than a quarter of a percent for the bond issue.

The bid from Northland Securities, Inc. is .765 basis points (just over $\frac{3}{4}$ of a percent) lower than the estimated 4.488% used by Ehlers and Associates in their original projections in the January 10, 2023 Pre-Sale Report. The lower interest rate reduces the principal and interest over the life of the bond by \$704,123.

The Pre-Sale Report presented to the City Council on January 10, 2023, estimated the annual tax levy for the bond's life to be in the range of \$630,017 to \$842,409. Based on today's bond sale information, the actual tax levy will be in the range of \$361,283 to \$805,004, with an average annual decrease of approximately \$17,876.

The bid from Northland Securities, Inc. included a \$326,692 premium component. The City chose to keep the premium funds as part of the bond issue to complete the facility monument and roof items, which were previously delayed due to funding, within phase one of project.

RECOMMENDATION

Staff recommends the City Council adopt the resolution awarding the sale of the General Obligation Bonds, Series 2023A in the aggregate principal amount of \$10,000,000.

ATTACHMENTS

\$10,000,000 General Obligation Bonds, Series 2023A Sales Report
Resolution

RESOLUTION NO.

A RESOLUTION AWARDING THE SALE OF GENERAL OBLIGATION CAPITAL IMPROVEMENT PLAN BONDS, SERIES 2023A, IN THE ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF \$10,000,000; FIXING THEIR FORM AND SPECIFICATIONS; DIRECTING THEIR EXECUTION AND DELIVERY; AND PROVIDING FOR THEIR PAYMENT

BE IT RESOLVED By the City Council of the City of White Bear Lake, Ramsey and Washington Counties, Minnesota (the “City”) as follows:

Section 1. Sale of Bonds.

1.01. Authorization.

(a) The City is authorized by Minnesota Statutes, Chapter 475, as amended, specifically Section 475.521 (the “Act”), to finance certain capital improvements under an approved capital improvement plan by the issuance of general obligation bonds of the City payable from ad valorem taxes. Capital improvements include acquisition or betterment of public lands, buildings or other improvements for the purpose of a city hall, library, public safety facility and public works facilities (excluding light rail transit or any activity related to it, or a park, road, bridge, administrative building other than a city hall, or land for any of those activities).

(b) On December 14, 2021, the City Council held a duly noticed public hearing on and adopted a resolution approving a five-year capital improvement plan (the “2021 Plan”) and the issuance thereunder of general obligation capital improvement plan bonds in the maximum principal amount of \$14,315,000. The 2021 Plan authorizes the issuance of general obligation bonds to provide for the undertaking of certain capital improvements described therein, including but not limited to the Public Safety Building renovation and expansion project (the “2021 Capital Improvements”).

(c) On December 13, 2022, the City issued its General Obligation Capital Improvement Plan Bonds, Series 2022B (the “Series 2022B Bonds”), in the original aggregate principal amount of \$6,990,000, to finance a portion of the costs of the 2021 Capital Improvements authorized under the 2021 Plan.

(d) On January 10, 2023, the City Council held a duly noticed public hearing on and adopted a resolution approving a five-year capital improvement plan (the “2022 Plan”) and the issuance thereunder of general obligation capital improvement plan bonds in the maximum principal amount of \$3,765,000. The 2022 Plan authorizes the issuance of general obligation bonds to provide for the undertaking of certain capital improvements described therein, including but not limited to additional costs of the 2021 Improvements authorized under the 2021 Plan as well as improvements to City Hall (collectively, the “Capital Improvements”).

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(e) No petition for a referendum on the issuance of bonds pursuant to the 2022 Plan was received within thirty (30) days after the date of the public hearing in accordance with the Act.

(f) It is necessary and expedient to the sound financial management of the affairs of the City to issue its General Obligation Capital Improvement Plan Bonds, Series 2023A (the “Bonds”), in the original aggregate principal amount of \$10,000,000, pursuant to the Act, to finance the construction of the Capital Improvements.

(g) As required by the Act, the City has determined that: (i) the expected useful life of the project to be financed with the proceeds of the Bonds will be at least five years; and (ii) the amount of principal and interest due in any year on all outstanding bonds issued by the City under the Act, including the Bonds, will not exceed 0.16 percent of the estimated market value of property in the City for taxes payable in 2023.

(h) The City is authorized by Section 475.60, subdivision 2(9) of the Act to negotiate the sale of the Bonds, it being determined that the City has retained an independent municipal advisor in connection with such sale. The actions of the City staff and municipal advisor in negotiating the sale of the Bonds are ratified and confirmed in all aspects.

1.02. Award to the Purchaser and Interest Rates. The proposal of Northland Securities, Inc., Minneapolis, Minnesota, as syndicate manager (the “Purchaser”), to purchase the Bonds is hereby found and determined to be a reasonable offer and is hereby accepted, the proposal being to purchase the Bonds at a price of \$10,196,229.90 (par amount of \$10,000,000.00, plus original issue premium of \$326,692.40, less an underwriter’s discount of \$130,462.50), plus accrued interest, if any, to date of delivery for Bonds bearing interest as follows:

<u>Year</u>	<u>Interest Rate</u>	<u>Year</u>	<u>Interest Rate</u>
2025	5.000%	2035	3.300%
2026	5.000	2036	3.450
2027	5.000	2037	3.600
2028	5.000	2038	3.700
2029	5.000	2039	3.750
2030	5.000	2040	4.000
2031	4.000	2041	4.000
2032	4.000	2042	4.000
2033	4.000	2043	4.000
2034	3.200	2044	4.000

True interest cost: 3.7173566%

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1.03. Purchase Contract. The sum of \$296,229.90, being the amount proposed by the Purchaser in excess of \$9,900,000.00, shall be credited to the Debt Service Fund hereinafter created or deposited in the Construction Fund hereinafter created, as determined by the Finance Director of the City in consultation with the City’s municipal advisor. The good faith deposit of the Purchaser shall be retained and deposited until the Bonds have been delivered and shall be deducted from the purchase price paid at settlement. The Mayor and City Manager are directed to execute a contract with the Purchaser on behalf of the City.

1.04. Terms and Principal Amounts of the Bonds. The City will forthwith issue and sell the Bonds pursuant to the Act, in the total principal amount of \$10,000,000, originally dated March 23, 2023, in the denomination of \$5,000 each or any integral multiple thereof, numbered No. R-1, upward, bearing interest as above set forth, and maturing serially on February 1 in the years and amounts as follows:

<u>Year</u>	<u>Amount</u>	<u>Year</u>	<u>Amount</u>
2025	\$175,000	2035	\$525,000
2026	225,000	2036	545,000
2027	275,000	2037	565,000
2028	325,000	2038	585,000
2029	410,000	2039	605,000
2030	435,000	2040	630,000
2031	455,000	2041	655,000
2032	470,000	2042	680,000
2033	490,000	2043	705,000
2034	510,000	2044	735,000

1.05. Optional Redemption. The City may elect on February 1, 2030, and on any day thereafter to prepay Bonds due on or after February 1, 2031. Redemption may be in whole or in part and if in part, at the option of the City and in such manner as the City will determine. If less than all Bonds of a maturity are called for redemption, the City will notify DTC (as defined in Section 7 hereof) of the particular amount of such maturity to be prepaid. DTC will determine by lot the amount of each participant’s interest in such maturity to be redeemed and each participant will then select by lot the beneficial ownership interests in such maturity to be redeemed. Prepayments will be at a price of par plus accrued interest.

Section 2. Registration and Payment.

2.01. Registered Form. The Bonds will be issued only in fully registered form. The interest thereon and, upon surrender of each Bond, the principal amount thereof, is payable by check or draft issued by the Registrar described herein.

2.02. Dates; Interest Payment Dates. Each Bond will be dated as of the last interest payment date preceding the date of authentication to which interest on the Bond has been paid or

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made available for payment, unless (i) the date of authentication is an interest payment date to which interest has been paid or made available for payment, in which case the Bond will be dated as of the date of authentication, or (ii) the date of authentication is prior to the first interest payment date, in which case the Bond will be dated as of the date of original issue. The interest on the Bonds is payable on February 1 and August 1 of each year, commencing February 1, 2024, to the registered owners of record thereof as of the close of business on the fifteenth day of the immediately preceding month, whether or not such day is a business day.

2.03. Registration. The City will appoint a bond registrar, transfer agent, authenticating agent and paying agent (the “Registrar” and the “Paying Agent”). The effect of registration and the rights and duties of the City and the Registrar with respect thereto are as follows:

(a) Register. The Registrar must keep at its principal corporate trust office a bond register in which the Registrar provides for the registration of ownership of Bonds and the registration of transfers and exchanges of Bonds entitled to be registered, transferred or exchanged.

(b) Transfer of Bonds. Upon surrender for transfer of a Bond duly endorsed by the registered owner thereof or accompanied by a written instrument of transfer, in form satisfactory to the Registrar, duly executed by the registered owner thereof or by an attorney duly authorized by the registered owner in writing, the Registrar will authenticate and deliver, in the name of the designated transferee or transferees, one or more new Bonds of a like aggregate principal amount and maturity, as requested by the transferor. The Registrar may, however, close the books for registration of any transfer after the fifteenth day of the month preceding each interest payment date and until that interest payment date.

(c) Exchange of Bonds. When Bonds are surrendered by the registered owner for exchange the Registrar will authenticate and deliver one or more new Bonds of a like aggregate principal amount and maturity as requested by the registered owner or the owner’s attorney in writing.

(d) Cancellation. Bonds surrendered upon transfer or exchange will be promptly cancelled by the Registrar and thereafter disposed of as directed by the City.

(e) Improper or Unauthorized Transfer. When a Bond is presented to the Registrar for transfer, the Registrar may refuse to transfer the Bond until the Registrar is satisfied that the endorsement on the Bond or separate instrument of transfer is valid and genuine and that the requested transfer is legally authorized. The Registrar will incur no liability for the refusal, in good faith, to make transfers which it, in its judgment, deems improper or unauthorized.

(f) Persons Deemed Owners. The City and the Registrar may treat the person in whose name a Bond is registered in the bond register as the absolute owner of the

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Bond, whether the Bond is overdue or not, for the purpose of receiving payment of, or on account of, the principal of and interest on the Bond and for all other purposes, and payments so made to a registered owner or upon the owner's order will be valid and effectual to satisfy and discharge the liability upon the Bond to the extent of the sum or sums so paid.

(g) Taxes, Fees and Charges. The Registrar may impose a charge upon the owner thereof for a transfer or exchange of Bonds sufficient to reimburse the Registrar for any tax, fee or other governmental charge required to be paid with respect to the transfer or exchange.

(h) Mutilated, Lost, Stolen or Destroyed Bonds. If a Bond becomes mutilated or is destroyed, stolen or lost, the Registrar will deliver a new Bond of like amount, number, maturity date and tenor in exchange and substitution for and upon cancellation of the mutilated Bond or in lieu of and in substitution for any Bond destroyed, stolen or lost, upon the payment of the reasonable expenses and charges of the Registrar in connection therewith; and, in the case of a Bond destroyed, stolen or lost, upon filing with the Registrar of evidence satisfactory to it that the Bond was destroyed, stolen or lost, and of the ownership thereof, and upon furnishing to the Registrar an appropriate bond or indemnity in form, substance and amount satisfactory to it and as provided by law, in which both the City and the Registrar must be named as obligees. Bonds so surrendered to the Registrar will be cancelled by the Registrar and evidence of such cancellation must be given to the City. If the mutilated, destroyed, stolen or lost Bond has already matured or been called for redemption in accordance with its terms it is not necessary to issue a new Bond prior to payment.

(i) Redemption. In the event any of the Bonds are called for redemption, notice thereof identifying the Bonds to be redeemed will be given by the Registrar by mailing a copy of the redemption notice by first class mail (postage prepaid) to the registered owner of each Bond to be redeemed at the address shown on the registration books kept by the Registrar and by publishing the notice if required by law. Failure to give notice by publication or by mail to any registered owner, or any defect therein, will not affect the validity of the proceedings for the redemption of Bonds. Bonds so called for redemption will cease to bear interest after the specified redemption date, provided that the funds for the redemption are on deposit with the place of payment at that time.

2.04. Appointment of Initial Registrar. The City appoints Bond Trust Services Corporation, Roseville, Minnesota, as the initial Registrar. The Mayor and the City Manager are authorized to execute and deliver, on behalf of the City, a contract with the Registrar. Upon merger or consolidation of the Registrar with another corporation, if the resulting corporation is a bank or trust company authorized by law to conduct such business, the resulting corporation is authorized to act as successor Registrar. The City agrees to pay the reasonable and customary charges of the Registrar for the services performed. The City reserves the right to remove the Registrar upon thirty (30) days' notice and upon the appointment of a successor Registrar, in which

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event the predecessor Registrar must deliver all cash and Bonds in its possession to the successor Registrar and must deliver the bond register to the successor Registrar. On or before each principal or interest due date, without further order of the City Council, the Finance Director must transmit to the Registrar moneys sufficient for the payment of all principal and interest then due.

2.05. Execution, Authentication and Delivery. The Bonds will be prepared under the direction of the City Manager and executed on behalf of the City by the signatures of the Mayor and the City Manager, provided that those signatures may be printed, engraved or lithographed facsimiles of the originals. If an officer whose signature or a facsimile of whose signature appears on the Bonds ceases to be such officer before the delivery of a Bond, that signature or facsimile will nevertheless be valid and sufficient for all purposes, the same as if the officer had remained in office until delivery. Notwithstanding such execution, a Bond will not be valid or obligatory for any purpose or entitled to any security or benefit under this resolution unless and until a certificate of authentication on the Bond has been duly executed by the manual signature of an authorized representative of the Registrar. Certificates of authentication on different Bonds need not be signed by the same representative. The executed certificate of authentication on a Bond is conclusive evidence that it has been authenticated and delivered under this resolution. When the Bonds have been so prepared, executed and authenticated, the City Manager will deliver the same to the Purchaser upon payment of the purchase price in accordance with the contract of sale heretofore made and executed, and the Purchaser is not obligated to see to the application of the purchase price.

Section 3. Form of Bond.

3.01. Execution of the Bonds. The Bonds will be printed or typewritten in substantially the form set forth in EXHIBIT B.

3.02. Approving Legal Opinion. The City Manager is authorized and directed to obtain a copy of the proposed approving legal opinion of Kennedy & Graven, Chartered, Minneapolis, Minnesota, and cause the opinion to be printed on or accompany each Bond.

Section 4. Payment; Security; Pledges and Covenants.

4.01. Debt Service Fund. The Bonds will be payable from the General Obligation Capital Improvement Plan Bonds, Series 2023A Debt Service Fund (the "Debt Service Fund") hereby created. The Debt Service Fund shall be administered and maintained by the Finance Director as a bookkeeping account separate and apart from all other funds maintained in the official financial records of the City. Ad valorem taxes hereinafter levied for the Capital Improvements (the "Taxes") are hereby pledged to the Debt Service Fund. There is also appropriated to the Debt Service Fund amounts over the minimum purchase price of the Bonds paid by the Purchaser, to the extent designated for deposit in the Debt Service Fund in accordance with Section 1.03 hereof.

4.02. Construction Fund. The City hereby creates the General Obligation Capital Improvement Plan Bonds, Series 2023A Construction Fund (the "Construction Fund"). Proceeds of

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the Bonds, less the appropriations made in Section 4.01 hereof, together with the Taxes and any other funds appropriated for the Capital Improvements collected during the construction of the Capital Improvements, will be deposited in the Construction Fund to be used solely to defray expenses of the Capital Improvements and the payment of principal of and interest on the Bonds prior to the completion and payment of all costs of the Capital Improvements. When the Capital Improvements are completed and the cost thereof paid, the Construction Fund is to be closed and any subsequent collections of Taxes for the Capital Improvements are to be deposited in the Debt Service Fund.

4.03. General Obligation Pledge. For the prompt and full payment of the principal of and interest on the Bonds, as the same respectively become due, the full faith, credit and taxing powers of the City will be and are hereby irrevocably pledged. If the balance in the Debt Service Fund is ever insufficient to pay all principal and interest then due on the Bonds and any other bonds payable therefrom, the deficiency will be promptly paid out of monies in the general fund of the City which are available for such purpose, and such general fund may be reimbursed with or without interest from the Debt Service Fund when a sufficient balance is available therein.

4.04. Pledge of Tax Levy. For the purpose of paying a portion of the principal of and interest on the Bonds, there is levied a direct annual irrevocable ad valorem tax upon all of the taxable property in the City, which will be spread upon the tax rolls and collected with and as part of other general taxes of the City. The Taxes will be credited to the Debt Service Fund above provided and will be in the years and amounts as attached hereto as EXHIBIT C.

4.05. Certification to County Auditors as to Debt Service Fund Amount. It is hereby determined that the estimated collections of Taxes will produce at least five percent (5%) in excess of the amount needed to meet when due the principal and interest payments on the Bonds. The tax levy herein provided is irrevocable until all of the Bonds are paid, provided that at the time the City makes its annual tax levies the Finance Director may certify to the County Auditor of Ramsey County, Minnesota and the County Auditor of Washington County, Minnesota (together, the "County Auditors") the amount available in the Debt Service Fund to pay principal and interest due during the ensuing year, and the County Auditors will thereupon reduce the levy collectible during such year by the amount so certified.

4.06. Registration of Resolution. The City Manager is authorized and directed to file a certified copy of this resolution with the County Auditors and to obtain the certificate required by Section 475.63 of the Act.

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Section 5. Authentication of Transcript.

5.01. City Proceedings and Records. The officers of the City are authorized and directed to prepare and furnish to the Purchaser and to the attorneys approving the Bonds certified copies of proceedings and records of the City relating to the Bonds and to the financial condition and affairs of the City, and such other certificates, affidavits and transcripts as may be required to show the facts within their knowledge or as shown by the books and records in their custody and under their control, relating to the validity and marketability of the Bonds, and such instruments, including any heretofore furnished, will be deemed representations of the City as to the facts stated therein.

5.02. Certification as to Official Statement. The Mayor, the City Manager, and the Finance Director are authorized and directed to certify that they have examined the Official Statement prepared and circulated in connection with the issuance and sale of the Bonds and that to the best of their knowledge and belief the Official Statement is a complete and accurate representation of the facts and representations made therein as of the date of the Official Statement.

5.03. Other Certificates. The Mayor, the City Manager, and the Finance Director are hereby authorized and directed to furnish to the Purchaser at the closing such certificates as are required as a condition of sale. Unless litigation shall have been commenced and be pending questioning the Bonds or the organization of the City or incumbency of its officers, at the closing the Mayor, the City Manager, and the Finance Director shall also execute and deliver to the Purchaser a suitable certificate as to absence of material litigation, and the Finance Director shall also execute and deliver a certificate as to payment for and delivery of the Bonds.

5.04. Electronic Signatures. The electronic signature of the Mayor, the City Manager, the Finance Director, and/or the City Clerk to this resolution and to any certificate authorized to be executed hereunder shall be as valid as an original signature of such party and shall be effective to bind the City thereto. For purposes hereof, (i) "electronic signature" means a manually signed original signature that is then transmitted by electronic means; and (ii) "transmitted by electronic means" means sent in the form of a facsimile or sent via the internet as a portable document format ("pdf") or other replicating image attached to an electronic mail or internet message.

5.05. Payment of Costs of Issuance. The City authorizes the Purchaser to forward the amount of Bond proceeds allocable to the payment of issuance expenses in accordance with the closing memorandum to be prepared and distributed by Ehlers and Associates, Inc., the municipal advisor to the City, on the date of closing.

Section 6. Tax Covenant.

6.01. Tax-Exempt Bonds. The City covenants and agrees with the holders from time to time of the Bonds that it will not take or permit to be taken by any of its officers, employees or

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agents any action which would cause the interest on the Bonds to become subject to taxation under the Internal Revenue Code of 1986, as amended (the “Code”), and the Treasury Regulations promulgated thereunder, in effect at the time of such actions, and that it will take or cause its officers, employees or agents to take, all affirmative action within its power that may be necessary to ensure that such interest will not become subject to taxation under the Code and applicable Treasury Regulations, as presently existing or as hereafter amended and made applicable to the Bonds.

6.02. Rebate. The City will comply with requirements necessary under the Code to establish and maintain the exclusion from gross income of the interest on the Bonds under Section 103 of the Code, including without limitation requirements relating to temporary periods for investments, limitations on amounts invested at a yield greater than the yield on the Bonds, and the rebate of excess investment earnings to the United States.

6.03. Not Private Activity Bonds. The City further covenants not to use the proceeds of the Bonds or to cause or permit them or any of them to be used, in such a manner as to cause the Bonds to be “private activity bonds” within the meaning of Sections 103 and 141 through 150 of the Code.

6.04. Qualified Tax-Exempt Obligations. In order to qualify the Bonds as “qualified tax-exempt obligations” within the meaning of Section 265(b)(3) of the Code, the City makes the following factual statements and representations:

(a) the Bonds are not “private activity bonds” as defined in Section 141 of the Code;

(b) the City designates the Bonds as “qualified tax-exempt obligations” for purposes of Section 265(b)(3) of the Code;

(c) the reasonably anticipated amount of tax-exempt obligations (other than private activity bonds that are not qualified 501(c)(3) bonds) which will be issued by the City (and all subordinate entities of the City) during calendar year 2023 will not exceed \$10,000,000; and

(d) not more than \$10,000,000 of obligations issued by the City during calendar year 2023 have been designated for purposes of Section 265(b)(3) of the Code.

6.05. Procedural Requirements. The City will use its best efforts to comply with any federal procedural requirements which may apply in order to effectuate the designations made by this section.

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Section 7. Book-Entry System; Limited Obligation of City.

7.01. DTC. The Bonds will be initially issued in the form of a separate single typewritten or printed fully registered Bond for each of the maturities set forth in Section 1.04 hereof. Upon initial issuance, the ownership of each Bond will be registered in the registration books kept by the Registrar in the name of Cede & Co., as nominee for The Depository Trust Company, New York, New York, and its successors and assigns (“DTC”). Except as provided in this section, all of the outstanding Bonds will be registered in the registration books kept by the Registrar in the name of Cede & Co., as nominee of DTC.

7.02. Participants. With respect to Bonds registered in the registration books kept by the Registrar in the name of Cede & Co., as nominee of DTC, the City, the Registrar and the Paying Agent will have no responsibility or obligation to any broker dealers, banks and other financial institutions from time to time for which DTC holds Bonds as securities depository (the “Participants”) or to any other person on behalf of which a Participant holds an interest in the Bonds, including but not limited to any responsibility or obligation with respect to (i) the accuracy of the records of DTC, Cede & Co. or any Participant with respect to any ownership interest in the Bonds, (ii) the delivery to any Participant or any other person (other than a registered owner of Bonds, as shown by the registration books kept by the Registrar), of any notice with respect to the Bonds, including any notice of redemption, or (iii) the payment to any Participant or any other person, other than a registered owner of Bonds, of any amount with respect to principal of, premium, if any, or interest on the Bonds. The City, the Registrar and the Paying Agent may treat and consider the person in whose name each Bond is registered in the registration books kept by the Registrar as the holder and absolute owner of such Bond for the purpose of payment of principal, premium and interest with respect to such Bond, for the purpose of registering transfers with respect to such Bonds, and for all other purposes. The Paying Agent will pay all principal of, premium, if any, and interest on the Bonds only to or on the order of the respective registered owners, as shown in the registration books kept by the Registrar, and all such payments will be valid and effectual to fully satisfy and discharge the City’s obligations with respect to payment of principal of, premium, if any, or interest on the Bonds to the extent of the sum or sums so paid. No person other than a registered owner of Bonds, as shown in the registration books kept by the Registrar, will receive a certificated Bond evidencing the obligation of this resolution. Upon delivery by DTC to the City Manager of a written notice to the effect that DTC has determined to substitute a new nominee in place of Cede & Co., the words “Cede & Co.” will refer to such new nominee of DTC; and upon receipt of such a notice, the City Manager will promptly deliver a copy of the same to the Registrar and Paying Agent.

7.03. Representation Letter. The City has heretofore executed and delivered to DTC a Blanket Issuer Letter of Representations (the “Representation Letter”) which will govern payment of principal of, premium, if any, and interest on the Bonds and notices with respect to the Bonds. Any Paying Agent or Registrar subsequently appointed by the City with respect to the Bonds will agree to take all action necessary for all representations of the City in the Representation Letter with respect to the Registrar and Paying Agent, respectively, to be complied with at all times.

RESOLUTION NO.

7.04. Transfers Outside Book-Entry System. In the event the City, by resolution of the City Council, determines that it is in the best interests of the persons having beneficial interests in the Bonds that they be able to obtain Bond certificates, the City will notify DTC, whereupon DTC will notify the Participants, of the availability through DTC of Bond certificates. In such event the City will issue, transfer and exchange Bond certificates as requested by DTC and any other registered owners in accordance with the provisions of this resolution. DTC may determine to discontinue providing its services with respect to the Bonds at any time by giving notice to the City and discharging its responsibilities with respect thereto under applicable law. In such event, if no successor securities depository is appointed, the City will issue and the Registrar will authenticate Bond certificates in accordance with this resolution and the provisions hereof will apply to the transfer, exchange and method of payment thereof.

7.05. Payments to Cede & Co. Notwithstanding any other provision of this resolution to the contrary, so long as a Bond is registered in the name of Cede & Co., as nominee of DTC, payments with respect to principal of, premium, if any, and interest on the Bond and all notices with respect to the Bond will be made and given, respectively in the manner provided in DTC's Operational Arrangements, as set forth in the Representation Letter.

Section 8. Continuing Disclosure.

8.01. Execution of Continuing Disclosure Certificate. "Continuing Disclosure Certificate" means that certain Continuing Disclosure Certificate executed by the Mayor and City Manager and dated the date of issuance and delivery of the Bonds, as originally executed and as it may be amended from time to time in accordance with the terms thereof.

8.02. City Compliance with Provisions of Continuing Disclosure Certificate. The City hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Certificate. Notwithstanding any other provision of this resolution, failure of the City to comply with the Continuing Disclosure Certificate is not to be considered an event of default with respect to the Bonds; however, any Bondholder may take such actions as may be necessary and appropriate, including seeking mandate or specific performance by court order, to cause the City to comply with its obligations under this section.

Section 9. Defeasance. When all Bonds and all interest thereon have been discharged as provided in this section, all pledges, covenants and other rights granted by this resolution to the holders of the Bonds will cease, except that the pledge of the full faith and credit of the City for the prompt and full payment of the principal of and interest on the Bonds will remain in full force and effect. The City may discharge all Bonds which are due on any date by depositing with the Registrar on or before that date a sum sufficient for the payment thereof in full. If any Bond should not be paid when due, it may nevertheless be discharged by depositing with the Registrar a sum sufficient for the payment thereof in full with interest accrued to the date of such deposit.

(The remainder of this page is intentionally left blank.)

RESOLUTION NO.

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

Ayes:

Nays:

Passed:

Dan Louismet, Mayor

ATTEST:

Caley Longendyke, City Clerk

EXHIBIT A

PROPOSALS



BID TABULATION

\$10,000,000 General Obligation Capital Improvement Plan Bonds, Series 2023A

City of White Bear Lake, Minnesota

SALE: February 28, 2023

AWARD: NORTHLAND SECURITIES, INC.

Rating: S&P Global Ratings "AA+"

Tax Exempt - Bank Qualified

NAME OF BIDDER	MATURITY (February 1)	RATE	REOFFERING YIELD	PRICE	NET INTEREST COST	TRUE INTEREST RATE
NORTHLAND SECURITIES, INC. Minneapolis, Minnesota	2025	5.000%	3.050%	\$10,192,713.75	\$4,961,265.50	3.7239%
D.A. Davidson	2026	5.000%	2.900%			
UBB	2027	5.000%	2.830%			
	2028	5.000%	2.800%			
	2029	5.000%	2.760%			
	2030	5.000%	2.750%			
	2031	4.000%	2.780%			
	2032	4.000%	2.810%			
	2033	4.000%	2.850%			
	2034	3.200%	3.200%			
	2035	3.300%	3.300%			
	2036	3.450%	3.450%			
	2037	3.600%	3.600%			
	2038	3.700%	3.700%			
	2039	3.750%	3.750%			
	2040	4.000%	3.700%			
	2041	4.000%	3.750%			
	2042	4.000%	3.800%			
	2043	4.000%	3.850%			
	2044	4.000%	3.900%			
TD SECURITIES (USA) LLC New York, New York				\$10,294,284.70	\$5,064,536.97	3.7825%
BAIRD Milwaukee, Wisconsin				\$10,394,724.90	\$5,086,210.66	3.7847%

* Subsequent to bid opening the individual maturity amounts were adjusted.
 Adjusted Price - \$10,196,229.90 Adjusted Net Interest Cost - \$4,921,716.38 Adjusted TIC - 3.7173%

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☎ 1 (800) 552-1171

🌐 www.ehlers-inc.com

NAME OF BIDDER	MATURITY (February 1)	RATE	REOFFERING YIELD	PRICE	NET INTEREST COST	TRUE INTEREST RATE
FHN FINANCIAL CAPITAL MARKETS Memphis, Tennessee				\$10,352,865.80	\$5,081,255.87	3.7878%
PIPER SANDLER & CO. Minneapolis, Minnesota				\$10,342,599.75	\$5,138,335.81	3.8361%
STIFEL, NICOLAUS Birmingham, Alabama				\$10,076,553.40	\$5,193,068.82	3.9200%
RAYMOND JAMES & ASSOCIATES, INC. Memphis, Tennessee				\$10,310,187.90	\$5,264,368.91	3.9385%
HILLTOPSECURITIES Dallas, Texas				\$10,213,655.90	\$5,267,279.66	3.9648%

Bid Tabulation
City of White Bear Lake, Minnesota
\$10,000,000 General Obligation Capital Improvement Plan Bonds, Series 2023A

February 28, 2023

Page 2

EXHIBIT B
FORM OF BOND

No. R-_____ UNITED STATES OF AMERICA \$ _____
STATE OF MINNESOTA
COUNTIES OF RAMSEY AND WASHINGTON
CITY OF WHITE BEAR LAKE

GENERAL OBLIGATION CAPITAL IMPROVEMENT PLAN BOND
SERIES 2023A

<u>Rate</u>	<u>Maturity</u>	<u>Date of Original Issue</u>	<u>CUSIP</u>
	February 1, 20__	March 23, 2023	

Registered Owner: Cede & Co.

The City of White Bear Lake, Minnesota, a duly organized and existing municipal corporation in Ramsey and Washington Counties, Minnesota (the "City"), acknowledges itself to be indebted and for value received hereby promises to pay to the Registered Owner specified above or registered assigns, the principal sum of \$ _____ on the maturity date specified above, with interest thereon from the date hereof at the annual rate specified above (calculated on the basis of a 360 day year of twelve 30 day months), payable February 1 and August 1 in each year, commencing February 1, 2024, to the person in whose name this Bond is registered at the close of business on the fifteenth day (whether or not a business day) of the immediately preceding month. The interest hereon and, upon presentation and surrender hereof, the principal hereof are payable in lawful money of the United States of America by check or draft by Bond Trust Services Corporation, Roseville, Minnesota, as Bond Registrar, Paying Agent, Transfer Agent and Authenticating Agent, or its designated successor under the Resolution described herein. For the prompt and full payment of such principal and interest as the same respectively become due, the full faith and credit and taxing powers of the City have been and are hereby irrevocably pledged.

The City may elect on February 1, 2030, and on any day thereafter to prepay Bonds due on or after February 1, 2031. Redemption may be in whole or in part and if in part, at the option of the City and in such manner as the City will determine. If less than all Bonds of a maturity are called for redemption, the City will notify The Depository Trust Company ("DTC") of the particular amount of such maturity to be prepaid. DTC will determine by lot the amount of each participant's interest in such maturity to be redeemed and each participant will then select by lot the beneficial ownership interests in such maturity to be redeemed. Prepayments will be at a price of par plus accrued interest.

This Bond is one of an issue in the aggregate principal amount of \$10,000,000 all of like original issue date and tenor, except as to number, maturity date, redemption privilege, and interest rate, all issued pursuant to a resolution adopted by the City Council on February 28, 2023 (the "Resolution"), for the purpose of providing money to defray the expenses incurred and to be incurred in making certain

capital improvements, pursuant to and in full conformity with the home rule charter of the City and the Constitution and laws of the State of Minnesota, including Minnesota Statutes, Chapter 475, as amended, including Section 475.521. The principal hereof and interest hereon are payable from ad valorem taxes as set forth in the Resolution to which reference is made for a full statement of rights and powers thereby conferred. The full faith and credit of the City are irrevocably pledged for payment of this Bond and the City Council has obligated itself to levy additional ad valorem taxes on all taxable property in the City in the event of any deficiency in taxes pledged, which taxes may be levied without limitation as to rate or amount. The Bonds of this series are issued only as fully registered Bonds in denominations of \$5,000 or any integral multiple thereof of single maturities.

The City Council has designated the issue of Bonds of which this Bond forms a part as “qualified tax-exempt obligations” within the meaning of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

As provided in the Resolution and subject to certain limitations set forth therein, this Bond is transferable upon the books of the City at the principal office of the Bond Registrar, by the registered owner hereof in person or by the owner’s attorney duly authorized in writing upon surrender hereof together with a written instrument of transfer satisfactory to the Bond Registrar, duly executed by the registered owner or the owner’s attorney; and may also be surrendered in exchange for Bonds of other authorized denominations. Upon such transfer or exchange the City will cause a new Bond or Bonds to be issued in the name of the transferee or registered owner, of the same aggregate principal amount, bearing interest at the same rate and maturing on the same date, subject to reimbursement for any tax, fee or governmental charge required to be paid with respect to such transfer or exchange.

The City and the Bond Registrar may deem and treat the person in whose name this Bond is registered as the absolute owner hereof, whether this Bond is overdue or not, for the purpose of receiving payment and for all other purposes, and neither the City nor the Bond Registrar will be affected by any notice to the contrary.

IT IS HEREBY CERTIFIED, RECITED, COVENANTED AND AGREED that all acts, conditions and things required by the home rule charter of the City and the Constitution and laws of the State of Minnesota to be done, to exist, to happen and to be performed preliminary to and in the issuance of this Bond in order to make it a valid and binding general obligation of the City in accordance with its terms, have been done, do exist, have happened and have been performed as so required, and that the issuance of this Bond does not cause the indebtedness of the City to exceed any constitutional, charter, or statutory limitation of indebtedness.

This Bond is not valid or obligatory for any purpose or entitled to any security or benefit under the Resolution until the Certificate of Authentication hereon has been executed by the Bond Registrar by manual signature of one of its authorized representatives.

IN WITNESS WHEREOF, the City of White Bear Lake, Ramsey and Washington Counties, Minnesota, by its City Council, has caused this Bond to be executed on its behalf by the facsimile or manual signatures of the Mayor and City Manager and has caused this Bond to be dated as of the date set forth below.

Dated: March 23, 2023

CITY OF WHITE BEAR LAKE, MINNESOTA

(Facsimile)
Mayor

(Facsimile)
City Manager

CERTIFICATE OF AUTHENTICATION

This is one of the Bonds delivered pursuant to the Resolution mentioned within.

BOND TRUST SERVICES CORPORATION

By _____
Authorized Representative

ABBREVIATIONS

The following abbreviations, when used in the inscription on the face of this Bond, will be construed as though they were written out in full according to applicable laws or regulations:

TEN COM -- as tenants in common

UNIF GIFT MIN ACT
_____ Custodian _____
(Cust) (Minor)

TEN ENT -- as tenants by entireties

under Uniform Gifts or Transfers to Minors
Act, State of _____

JT TEN -- as joint tenants with right of
survivorship and not as tenants in common

Additional abbreviations may also be used though not in the above list.

ASSIGNMENT

For value received, the undersigned hereby sells, assigns and transfers unto _____ the within Bond and all rights thereunder, and does hereby irrevocably constitute and appoint _____ attorney to transfer the said Bond on the books kept for registration of the within Bond, with full power of substitution in the premises.

Dated: _____

Notice: The assignor's signature to this assignment must correspond with the name as it appears upon the face of the within Bond in every particular, without alteration or any change whatever.

Signature Guaranteed:

NOTICE: Signature(s) must be guaranteed by a financial institution that is a member of the Securities Transfer Agent Medallion Program ("STAMP"), the Stock Exchange Medallion Program ("SEMP"), the New York Stock Exchange, Inc. Medallion Signatures Program ("MSP") or other such "signature guarantee program" as may be determined by the Registrar in addition to, or in substitution for, STAMP, SEMP or MSP, all in accordance with the Securities Exchange Act of 1934, as amended.

The Registrar will not effect transfer of this Bond unless the information concerning the assignee requested below is provided.

Name and Address: _____

(Include information for all joint owners if this Bond is held by joint account.)

Please insert social security or other identifying number of assignee

PROVISIONS AS TO REGISTRATION

The ownership of the principal of and interest on the within Bond has been registered on the books of the Registrar in the name of the person last noted below.

<u>Date of Registration</u>	<u>Registered Owner</u>	<u>Signature of Officer of Registrar</u>
_____	Cede & Co. Federal ID #13-2555119	_____

EXHIBIT C

TAX LEVY SCHEDULE

Tax Levy Calculation

Tax Levy Year	Tax Collect Year	Bond Pay Year	Total P+I	P & I @105%	Net Levy
2022	2023	2024	344,078.78	361,282.72	361,282.72
2023	2024	2025	577,170.00	606,028.50	606,028.50
2024	2025	2026	618,420.00	649,341.00	649,341.00
2025	2026	2027	657,170.00	690,028.50	690,028.50
2026	2027	2028	693,420.00	728,091.00	728,091.00
2027	2028	2029	762,170.00	800,278.50	800,278.50
2028	2029	2030	766,670.00	805,003.50	805,003.50
2029	2030	2031	764,920.00	803,166.00	803,166.00
2030	2031	2032	761,720.00	799,806.00	799,806.00
2031	2032	2033	762,920.00	801,066.00	801,066.00
2032	2033	2034	763,320.00	801,486.00	801,486.00
2033	2034	2035	762,000.00	800,100.00	800,100.00
2034	2035	2036	764,675.00	802,908.75	802,908.75
2035	2036	2037	765,872.50	804,166.13	804,166.13
2036	2037	2038	765,532.50	803,809.13	803,809.13
2037	2038	2039	763,887.50	802,081.88	802,081.88
2038	2039	2040	766,200.00	804,510.00	804,510.00
2039	2040	2041	766,000.00	804,300.00	804,300.00
2040	2041	2042	764,800.00	803,040.00	803,040.00
2041	2042	2043	762,600.00	800,730.00	800,730.00
2042	2043	2044	764,400.00	802,620.00	802,620.00
Total	-	-	\$15,117,946.28	\$15,873,843.59	\$15,873,843.59

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City of White Bear Lake
City Manager's Office

MEMORANDUM

To: Lindy Crawford, City Manager
From: Rick Juba, Assistant City Manager
Date: February 28, 2023
Subject: **Law Enforcement Labor Services (LELS) Labor Agreement – Police Sergeants**

SUMMARY

The City Council will consider adopting a resolution approving a two-year labor agreement with the Police Sergeants, a Law Enforcement Labor Services (LELS) union group.

BACKGROUND INFORMATION

City staff has met and negotiated in good faith with LELS for a two-year labor agreement covering the period January 1, 2023 through December 31, 2024. The Union, which is comprised of the four (4) Police Sergeants, has voted to approve the negotiated amendments.

Significant amendments to the agreement include:

INSURANCE

2023 – City will pay the same premium contributions as 2022.

2024 – Opener

- This is consistent with what the City Council approved for non-bargaining employees for 2023.

UNIFORMS

2023 - \$850; 2024 - \$950

- These contributions are comparable to other area union contracts and within the City's budget.

WAGES

2023 – 1/1/23 3% COLA adjustment on current wage schedule. 7/1/23 new wage schedule is implemented. Longevity language is removed as the new schedule accounts for it.

2024 – 1/1/24 3% COLA. Employees move to next step on their anniversary date.

- On September 13, 2022, the City Council approved a Classification and Compensation Plan which was produced by McGrath Human Resources. Within that study were

suggested pay ranges for all positions in the City. Staff has used that Plan as a basis to negotiate a new pay range for the Sergeants group which falls within the parameters of suggested range of the study.

NEW LANGUAGE

Field Training Officer: Sergeants that are assigned to field training duties by the Employer shall receive one hour of overtime pay based on their current rate of pay per occurrence.

- This is common language in police contracts. Sergeants are often required to perform field training for new officers.

RECOMMENDATION

Staff recommends the City Council adopt the attached resolution approving the outlined amendments to the LELS Police Sergeants union contract.

ATTACHMENTS

Resolution

RESOLUTION NO.

**RESOLUTION APPROVING A LABOR AGREEMENT WITH
LAW ENFORCEMENT LABOR SERVICES FOR POLICE SERGEANTS**

WHEREAS, the White Bear Lake Police Sergeants are represented by Law Enforcement Labor Services (LELS); and

WHEREAS, City staff has met with LELS and negotiated in good faith a two-year labor agreement for the time period January 1, 2023 through December 31, 2024; and

WHEREAS, the amendments from the current contract are:

GRIEVANCE PROCEDURE

STEP 4. A grievance unresolved in Step 3 and appealed to Step 4 by the Union shall be submitted to arbitration subject to the provisions of the Public Employment Labor Relations Act of 1971 as amended. The selection of an arbitrator shall be made in accordance with the "Rules Governing the Arbitration of Grievances" as established by the Bureau of Mediation Services. For grievance matters involving written disciplinary action, discharge, or termination, the assignment of an arbitrator shall be consistent with Minnesota Statute 626.892. For all other grievances, the selection of an arbitrator shall be made in accordance with the "Rules Governing the Arbitration of Grievances" as established by the Bureau of Mediation Services.

INSURANCE

2023 – City will pay the same premium contributions as 2022; 2024 – Opener

UNIFORMS

2023 - \$850; 2024 - \$950

PARENTAL LEAVE

Remove from contract, included in the City's Personnel Policy.

DURATION

Two years: January 1, 2023 – December 31, 2024

WAGES

2023 – 1/1 3% COLA on current wage schedule. 7/1 New wage schedule is implemented. Longevity language is removed.

2024 – 1/1/24 3% COLA. Employees move to next step on their anniversary date in their position.

APPENDIX A

Remove longevity pay language as the new wage schedule accounts for it.

RESOLUTION NO.

NEW LANGUAGE

Field Training Officer: Sergeants that are assigned to field training duties by the Employer shall receive one hour of overtime pay based on their current rate of pay per occurrence.

WHEREAS, LELS has voted to approve the negotiated amendments.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of White Bear Lake, Minnesota that the 2023-2024 labor agreement with LELS Police Sergeants is hereby approved and the Mayor and City Manager are authorized to execute the agreement.

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

Ayes:
Nays:
Passed:

Dan Louismet, Mayor

ATTEST:

Caley Longendyke, City Clerk



City of White Bear Lake
City Manager's Office

MEMORANDUM

To: Lindy Crawford, City Manager
From: Rick Juba, Assistant City Manager
Date: February 28, 2023
Subject: Local 49 Labor Agreement – Public Works

SUMMARY

The City Council will consider adopting a resolution approving a three-year labor agreement with Public Works employees, a Local 49 union group.

BACKGROUND INFORMATION

City staff has met and negotiated in good faith with the Local 49 for a three-year labor agreement covering the period January 1, 2023 through December 31, 2025. The Union, which is comprised of twenty (20) members within Public Works, has voted to approve the negotiated amendments.

Significant amendments to the agreement include:

INSURANCE

2023 – City will hold premium contributions at 2022 levels.

2024 – Opener

2025 – Opener

- This is consistent with what the City Council approved for non-bargaining employees for 2023.

SEVERANCE PAY

- Employees of the City are eligible for payout of a certain amount of their accrued sick leave after ten years of employment with the City. This will increase from 500 hours to 600 hours for the Union which is consistent with the other unions in the City.

STANDBY PAY

- Standby Pay is changing from a weekly stipend to a daily stipend. This allows employees more flexibility to exchange standby duties.

WAGES

2023 – 1/1/23 3% COLA adjustment on current wage schedule. 7/1/23 new wage schedule is implemented.

2024 – 1/1/24 3% COLA. Employees move to next step on their anniversary date.

2025 – 1/1/25 3% COLA. Employees move to next step on their anniversary date.

- On September 13, 2022, the City Council approved a Classification and Compensation Plan which was produced by McGrath Human Resources. Within that study were suggested pay ranges for all positions in the City. Staff has used that Plan as a basis to negotiate a new pay range for the Public Works group which falls within the parameters of suggested range of the study.

RECOMMENDATION

Staff recommends the City Council adopt the attached resolution approving the outlined amendments to the Local 49 union contract.

ATTACHMENTS

Resolution

RESOLUTION NO.

**RESOLUTION APPROVING A LABOR AGREEMENT WITH
LOCAL 49 FOR PUBLIC WORKS EMPLOYEES**

WHEREAS, the White Bear Lake Public Works Employees are represented by Local 49;
and

WHEREAS, City staff has met with Local 49 and negotiated in good faith a three-year labor agreement for the time period January 1, 2023 through December 31, 2025; and

WHEREAS, the amendments from the current contract are:

INSURANCE

2023 – City will hold pay the same premium contributions as 2022; 2024 – Opener; 2025 – Opener

HOLIDAYS

Update language *only in the event Christmas Eve falls on a Monday, Tuesday, Wednesday or Thursday.

BEREAVEMENT LEAVE

~~Employees may use from 1 to 24 hours of accrued sick leave as bereavement leave in the event of the death of a member of the employee's immediate family. Immediate family shall be defined as an employee's spouse, children, siblings, parents, grandparents, and legal dependents. Sick leave used for bereavement purposes may be used to cover from 1 to 24 hours of consecutive scheduled shift time with the exact amount eligible to be determined by the Public Works Superintendent or supervisor depending on the individual circumstance.~~

SEVERANCE PAY/RETIREMENT INSURANCE CONTRIBUTION

After ten (10) years of continuous employment with the City, an employee of this unit shall, upon honorable severance, receive one-half (1/2) of his/her accumulated sick leave up to 1,200 hours (a maximum of ~~five hundred (500)~~ six hundred (600) hours paid as severance pay.

PARENTAL LEAVE

Remove from contract, included in the City's Personnel Policy.

VACATION

All employees shall be covered by the following vacation schedule:

0-2 years of service	10 days <u>80 hours</u> per year
2-5 years of service	15 days <u>120 hours</u> per year
5+ years of service	20 days <u>160 hours</u> per year

RESOLUTION NO.

STANDBY PAY

Individuals assigned to standby duty shall receive one (1) hour of overtime pay per weekday (M-F), two (2) hours of overtime pay per weekend day (Saturday – Sunday) and holiday (as defined in Article XX). ~~§350 per week for each complete week they are assigned and have served in a standby capacity and will receive \$375 for weeks containing a holiday recognized by this contract.~~ Additionally, the call back provision detailed in Article XI of this contract shall apply to each call out incident the employee responds to while on standby duty.

SAFETY SHOES AND WORK CLOTHING

Increase by agreed upon COLA for each year of the agreement.

DURATION

Three years: January 1, 2023 – December 31, 2025

WAGES

2023 – 1/1/23 3% COLA on existing wage schedule. 7/1/23 new wage schedule is implemented.

2024 – 1/1/24 3% COLA. Employees are placed at their next step on their anniversary date in their current position.

2025 – 1/1/25 3% COLA. Employees are moved to their next step on their anniversary date in their current position.

Increase job skill incentive and differential pay by agreed upon COLA for each year of the agreement.

OTHER

Renew all MOU's

Add Juneteenth (June 19) as a holiday after official state of Minnesota adoption. Current legislation is pending approval which will make Juneteenth an official state holiday beginning August of 2023, therefore the first time it will be recognized as a City Holiday will be June 19, 2024.

WHEREAS, Local 49 has voted to approve the negotiated amendments.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of White Bear Lake, Minnesota that the 2023-2025 labor agreement with Local 49 Public Works is hereby approved and the Mayor and City Manager are authorized to execute the agreement.

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

RESOLUTION NO.

Ayes:
Nays:
Passed:

Dan Louismet, Mayor

ATTEST:

Caley Longendyke, City Clerk