



AGENDA
REGULAR MEETING OF THE CITY COUNCIL OF
THE CITY OF WHITE BEAR LAKE, MINNESOTA
TUESDAY, JANUARY 9, 2018
7:00 P.M. IN THE COUNCIL CHAMBERS

1. CALL TO ORDER AND ROLL CALL

PLEDGE OF ALLEGIANCE

2. APPROVAL OF MINUTES

Minutes of the Regular City Council Meeting on December 12, 2017

***** OATH OF OFFICE *****

Mayor Jo Emerson – At Large
Councilmember Doug Biehn – Ward 2
Councilmember Kevin Edberg – Ward 4

3. APPROVAL OF THE AGENDA

4. VISITORS AND PRESENTATIONS

Nothing scheduled

5. PUBLIC HEARINGS

Nothing scheduled

6. LAND USE

A. Consent

1. Consideration of a Planning Commission recommendation for approval of a request by Karen Smith for a variance to construct a third accessory structure for the property at 1817 Richard Court. (Case No. 17-24-V)
2. Consideration of a Planning Commission recommendation for approval of a request by Joe Prigelmeier for two variances in order to construct a detached garage for the property at 2628 Riviera Court. (Case No. 17-25-V)

7. UNFINISHED BUSINESS

Nothing scheduled

8. ORDINANCES

A. Second reading of an ordinance establishing gas and electric fees

B. Second reading of an ordinance establishing right-of-way for small cell permits

9. NEW BUSINESS

- A. Resolution electing Chair of the City Council
- B. Resolution designating City Attorney – Prosecutor and Counselor for 2018
- C. Resolution appointing Administrative Hearing Officer and setting 2018 administrative fines
- D. Resolution appointing City representatives to Ramsey County League of Local Governments, Ramsey County Dispatch Policy Committee, Vadnais Lake Area Water Management Organization and Rush Line Task Force
- E. Resolution naming the official newspaper to perform official publications
- F. Resolution accepting quotes and ordering purchase of a new dump truck chassis
- G. Resolution authorizing a service agreement with Northeast Youth and Family Services
- H. Resolution authorizing controller upgrades on the City's emergency sirens

10. HOUSING AND REDEVELOPMENT AUTHORITY

- A. Call to Order / Roll Call
- B. Approval of the December 12, 2017 meeting minutes
- C. Approval of the Agenda
- D. Election of a Chair and Vice Chair of HRA
- E. Adjournment

11. CONSENT

- A. Acceptance of November Environmental Advisory Commission Minutes; December Planning Commission Minutes
- B. Resolution establishing regular meeting nights of the City Council of the City of White Bear Lake
- C. Resolution authorizing City Manager to invest and transfer funds for the City, designation of band depository, and depositing for investments
- D. Resolution fixing surety bonds for various City Officials and providing for approval of the same
- E. Resolution authorizing the City Manager to pay claims made against the City
- F. Resolution authorizing 2018 travel reimbursement amounts

- G. Resolution approving massage therapist licenses
- H. Resolution approving an agreement with the Ramsey County Housing and Redevelopment Authority for a Community Development Block Grant to fund a shingle roof replacement at the Community Counseling Center Building
- I. Resolution amending the Union contract with Law Enforcement Labor Services for White Bear Lake Police Department Sergeants.

12. DISCUSSION

Nothing scheduled

13. COMMUNICATIONS FROM THE CITY MANAGER

- Work sessions calendar for 2018

14. ADJOURNMENT



**MINUTES
REGULAR MEETING OF THE CITY COUNCIL OF
THE CITY OF WHITE BEAR LAKE, MINNESOTA
TUESDAY, DECEMBER 12, 2017
7:00 P.M. IN THE COUNCIL CHAMBERS**

1. CALL TO ORDER AND ROLL CALL

Mayor Emerson called the meeting to order at 7:00 p.m. Councilmembers Doug Biehn, Kevin Edberg, Steven Engstran, Dan Jones, Bill Walsh in attendance. Staff members present were City Manager Ellen Richter, Assistant City Manager Rick Juba, Finance Director Don Rambow, City Engineer Mark Burch, City Clerk Kara Coustry and City Attorney Pat Sweeney.

PLEDGE OF ALLEGIANCE

2. APPROVAL OF MINUTES

Minutes of the Closed City Council Meeting on November 28, 2017.

It was moved by Councilmember **Jones** seconded by Councilmember **Biehn**, to approve the Minutes of the Regular City Council Meeting on November 28, 2017.

Motion carried unanimously.

Minutes of the Regular City Council Meeting on November 28, 2017.

Councilmember Biehn asked for it to be noted that he asked the Police Chief to add the reason behind the non-review of the footage under the body camera public hearing, 5A.

It was moved by Councilmember **Biehn** seconded by Councilmember **Walsh**, to approve the Minutes of the Regular City Council Meeting on November 28, 2017 with this addition.

Motion carried unanimously.

3. APPROVAL OF THE AGENDA

City Manager Richter requested the addition of the following Agenda items:

- 8A. Adopt Resolution for Summary Publication
- 9D. Consider Resolution Authorizing Execution of Financial Agreement with the White Bear Lake Hockey Association
- 10E. Housing and Redevelopment Agenda, Resolution in support of acquiring a tax-forfeited property, St. Regis Property

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

Motion carried unanimously.

4. VISITORS AND PRESENTATIONS

Nothing scheduled

5. PUBLIC HEARINGS

Nothing scheduled

6. LAND USE

A. Consent

1. Consideration of a Planning Commission recommendation for approval of a request by **Violet Montessori** for a Conditional Use Permit for a day care facility; a variance to allow the fence and play area in a front yard; and, “General Concept” & “Development Plan” stage approval of a Planned Unit Development for signage; all in order to allow the establishment and operation of a Montessori for the property located at 2025 4th Street. (Case No. 17-2-PUD, 17-4-CUP and 17-23-V). **Resolution No. 12125**
2. Consideration of a Planning Commission recommendation for approval of a request by **Betsy Larey** to split one lot into two for the property located at 1298 N. Birch Lake Boulevard. (Case No. 17-1-LS). **Resolution No. 12126**

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

Motion carried unanimously.

B. Non-Consent

1. Consideration of a Planning Commission recommendation for approval of a request by **Division 25, LLC** on behalf of **Lunds and Byerlys** for Development Stage Planned Unit Development (PUD) approval for Tower Crossing – Phase II to permit a grocery store for the property located at 4630 Centerville Road. (Case No. 17-5-CUP)

Community Development Director Kane reviewed a request for a Planned Unit Development (PUD) proposal from Lunds and Byerlys for development of a grocery store at 4630 Centerville Road, formerly known as the Lande property. The site plan is consistent with the initial PUD concept for the development and reduced setbacks are consistent with zoning flexibility allowed through the PUD process. To alleviate traffic concerns on Centerville Road, the site’s internal service drive, reviewed by the City Council as part of Hy-Vee’s proposal, is again included in this proposal. The internal service drive was approved in a 2006 Comprehensive Plan amendment, and it is essential to the project to consolidate traffic.

Ms. Kane reviewed modifications to the site plan, including turn lanes, roadways for trucks that require access to the store, and water tower site amendments related to easement encroachments, setback amendments and signage. No pylon sign is proposed, conditional upon removal of scrub growth and other vegetation by the Minnesota Department of Transportation (MnDOT) to allow increased visibility for motorists on Interstate 35-E to see the building and signage. MnDOT has expressed concerns related to removal of landscape vegetation, which could result in additional PUD approval for a pylon sign.

The proposed structure's reduced square footage results in an amended traffic model that reflects reduced counts. Conceptual approval was received from Ramsey County in early 2017, including an auxiliary right turn lane into Tower Crossings and installation of a traffic signal at the new intersection aligned with Cub's northern drive. Improved timing of signals along the Highway 96 corridor and modifications to a proposed Centerville Road median will also facilitate improved traffic conditions along the corridor.

Ms. Kane reported that a public hearing was held at the Planning Commission's last meeting, and the Commission unanimously recommended City Council approval for Phase 2 of Tower Crossings PUD, subject to the conditions in the Resolution.

Councilmember Walsh asked whether the Meadowlands Drive intersection would be uncontrolled. Community Development Director Kane confirmed this, adding U-turns would be accommodated at the new signalized intersection.

Councilmember Walsh asked what the square footage of the grocery store would be. Community Development Director Kane stated it is significantly smaller than the proposed Hy-Vee building, with 70,000 square feet proposed for the new Lunds and Byerlys store.

Councilmember Edberg asked whether City staff is confident in Lunds and Byerlys ability to handle the costs associated with the proposed development. Community Development Director Kane stated this is a more financially feasible project than the previous development application for this property, which included a parking ramp and two story building design.

Councilmember Jones expressed his belief that Ramsey County should participate in improving Centerville Road, which is a County road, to accommodate traffic generated by development.

Councilmember Jones asked whether customers of Tires Plus will have access to the internal service drive, as they will be unable to access southbound Centerville Road. Community Development Director Kane stated Tires Plus customers will be restricted to northbound Centerville Road, although they will be able to make a U-turn at the new signal.

Councilmember Walsh stated many residents have expressed concern about increased traffic related to this project. He added the proposed building's smaller footprint will result in lower traffic counts. He urged City staff to keep traffic concerns at the forefront.

Mayor Emerson opened the public hearing at 7:39 p.m.

John Johannson, 4350 Baker Road, Suite 400, Minnetonka 55343, stated he represents Division 25, the project developer. He spoke on behalf of Lunds and Byerlys, and expressed support and agreement with City staff's recommendations. He introduced Mitch Avery representing Lund's and Byerly's, as well as the Alliant Engineering team.

Mitch Avery, 3946 West 50th Street, Edina, stated he represents Lunds and Byerlys. He stated Lunds and Byerlys are pleased to be part of the City of White Bear Lake. He added Lunds and Byerlys wants the store architecture and its signage to be apparent on all four sides of the building. He noted an agreement with MnDOT regarding landscape and signage will be a key component.

Mr. Johansson stated changes to the current road and traffic situation on Centerville Road will result in improved safety and control. He added any reimbursement assistance from the City will be appreciated. He noted City staff indicated willingness to work with the developer, particularly related to tree removal and rear building façade features.

Mayor closed public hearing at 7:48 p.m.

In response to an earlier question by Council, Community Development Director Kane stated that Cub Food's, a slightly larger store, pays \$274,000 in annual property taxes.

It was moved by Councilmember **Walsh** seconded by Councilmember **Biehn**, to approve **Resolution No. 12127** the request for Phase II of the Tower Crossing Planned Unit Development of Lunds and Byerlys.

Motion carried unanimously.

7. UNFINISHED BUSINESS

Nothing scheduled

8. ORDINANCES

A. Second reading of an ordinance establishing 2018 annual fee and utility rate schedule. **Resolution 12128**

City Manager Richter explained that the first reading of this ordinance was held at the November 14th City Council meeting to ensure that it could be adopted with the annual budget.

Ms. Richter stated the current sewer fund deficit, created by operating losses related to a Metropolitan Council-driven increase in sewer rates over a four-year period, can be addressed through a transfer from the non-bonded fund. A rate adjustment would then reflect anticipated 2018 costs. Another option, as proposed by Councilmember Edberg for consideration when first reading was held, is to raise rates to generate enough revenue to reimburse the non-bonded fund. The Water Fund is also in deficit for reasons outlined in the staff memorandum. Similar options for addressing this deficit are available. Ms. Richter requested City Council consideration of either option 1 or 2 for sewer and water rates, as outlined in the staff memorandum.

Councilmember Walsh requested clarification regarding depletion of the sewer rate fund. Ms. Richter stated sewer rates remained unchanged for a 5-year period.

Finance Director Rambow stated the Metropolitan Council Environmental Services have indicated their fees will increase by 6% annually regardless of flow. He added it is to be expected that the City will need to review and adjust rates accordingly.

Councilmember Edberg stated current and future infrastructure investment is a necessity, and should not be subsidized through the false economy of transfers from non-bonded funds. He added residents should pay for the cost of having access to sewer and water. He noted his support of the second option for both sewer and water.

Councilmember Jones expressed his support and appreciation for the options provided by City staff. Councilmember Biehn agreed.

Councilmember Walsh stated he would support a more transparent way of making funds available for capital expenditures. He added he supports the second option for both funds.

Mayor Emerson opened the public hearing at 8:03 p.m.

As no one came forward to speak, Mayor Emerson closed the public hearing at 8:03 p.m.

It was moved by Councilmember **Edberg**, seconded by Councilmember **Jones**, to adopt **Summary Resolution No. 12128** using Option 2 utility rates.

Motion carried unanimously.

It was moved by Councilmember **Jones**, seconded by Councilmember **Biehn**, to adopt the Ordinance establishing 2018 annual fee and utility rates.

B. First reading of an ordinance establishing gas and electric franchise fees

Councilmember Edberg stated he does not support an increased franchise fee unless there is a proven overall structural benefit. He noted, as an example, the City Council discussed that water litigation fees be paid by users of the water system rather than new taxation.

City Manager Richter stated many communities use franchise fees to fund infrastructure projects. She added additional ways to provide revenue can be discussed as part of the long-range planning process.

C. First reading of an ordinance establishing right-of-way for small cell permits

City Manager Richter stated the City is required by State Statute to allow small cell permits in the City's right of way. She added a right of way ordinance is required and a draft is included in tonight's packet for first reading. This item will be considered at the City Council's first meeting in January.

Councilmember Edberg expressed concern that the ordinance not preclude the City from having future access to the right of way for municipal cell and internet service, or give preferential treatment to a private enterprise. City Attorney Sweeney stated that is not a consideration in the proposed ordinance.

Councilmember Walsh asked whether there is a fee schedule, and whether revenue will be generated from placing small cell technology in the right of way. City Engineer Burch stated actions were taken during the last legislative session to limit fees that can be charged by MnDOT or Ramsey County.

Councilmember Walsh asked whether small cell technology can be characterized, and whether a Conditional Use Permit (CUP) will be required. Mr. Burch stated that is a concern for City staff, as permits will not be reviewed individually by the City Council.

Mayor Emerson stated this issue would be discussed by the City Council at its January 9, 2018, Regular Meeting.

9. NEW BUSINESS

- A. Resolutions adopting 2017 Tax Levy Collectible in 2018 and adoption of the revised 2017 and proposed 2018 Budget

City Manager Richter stated the City Council's consideration of the 2017 tax levy is requested.

It was moved by Councilmember **Walsh**, seconded by Councilmember **Edberg**, to adopt **Resolution No. 12129** adopting the 2017 tax levy collectible in 2018 at \$5,625,000.

Motion carried unanimously.

Councilmember Walsh requested that the motion be withdrawn and reconsidered. He added he misunderstood the Resolution, and intended to initiate a conversation regarding the levy.

Councilmember **Edberg** moved, seconded by Councilmember **Walsh**, to reconsider the resolution. Councilmember Jones expressed concern that reconsideration of a motion will set precedence. Mayor Emerson agreed.

The motion to reconsider carried 3:2. Councilmember Engstran and Councilmember Jones nay.

Councilmember Walsh stated he supports two of three components of the tax levy. He stated that the City can wait another year before adding \$146,000 to the capital equipment fund, which will be ongoing for years to come. The City will also be considering more bonding next year for streets. He proposed reducing the levy from \$452,000 down to \$306,000, which changes the tax increase from 8.7% to 5.9% keeping more in line with last year's 4.9% tax levy increase.

It was moved by Councilmember **Walsh** to amend the motion to approve the tax levy and remove the \$146,000 capital levy increase; rather, to approve a revised tax levy of \$306,000. The motion to amend was seconded by Councilmember **Biehn** for purposes of discussion.

Councilmember Jones explained that the Council has already done what Councilmember Walsh suggests today, which was to keep the tax rate down. The Council, prior to 2015, adopted zero and even negative tax rates levies. The City Council should continue to move forward with the Capital Improvement Fund.

Councilmember Edberg stated he will not support the amendment. For the eight years he has been on the Council, the same staff that has been very frugal in putting off expenditures, is now telling Council that it is time to start tucking money away for expenses, such as a new fire truck.

Councilmember Walsh stated he intends to support future bonding requests for capital equipment needs of the City; however, the \$146,000 increase should be postponed.

Motion defeated: 1:4

The original motion made by Councilmember **Walsh** and seconded Councilmember **Edberg** to approve **Resolution No. 12129** adopting the 2017 tax levy collectible in 2018 at \$5,625,000 was called for a vote.

A new vote was taken and the motion carried unanimously.

It was moved by Councilmember **Edberg**, seconded by Councilmember **Jones**, to adopt **Resolution No. 12130** adopting the 2018 budget and revising the 2017 budget as adopted by Resolution No. 11917.

The motion carried unanimously.

It was moved by Councilmember **Jones**, seconded by Councilmember **Biehn**, to adopt **Resolution No. 12131** committing fund balances for specific purpose.

The motion carried unanimously.

It was moved by Councilmember **Biehn**, seconded by Councilmember **Jones**, to adopt **Resolution No. 12132** authorizing City Contributions toward volunteer and employee recognition.

The motion carried unanimously.

It was moved by Councilmember **Biehn**, seconded by Councilmember **Edberg**, to adopt **Resolution No. 12133** authorizing and acknowledging the City's contributions and involvement in promoting business and cultural activities in White Bear Lake.

The motion carried unanimously.

It was moved by Councilmember **Jones**, seconded by Councilmember **Biehn**, to adopt **Resolution No. 12134** establishing 2018 Pioneer Manor rates.

The motion carried unanimously.

It was moved by Councilmember **Biehn**, seconded by Councilmember **Jones**, to adopt **Resolution No. 12135** establishing 2018 Ambulance rates.

Motion carried unanimously.

B. Resolution approving the policy and purchase of Body Worn Cameras

City Manager Richter stated a public hearing and City Council approval is required by State Statute related to the purchase of Body Worn Cameras. She stated the bid from Motorola is the most cost effective, and includes preferred maintenance, software updates, and integration with the City's existing equipment. She added a demonstration of the Body Worn Camera technology can be provided to City Council at a future date.

Councilmember Biehn stated Police Officers should be allowed to view footage before making a statement. However, he can support approval of the policy with an amendment clarifying the purpose of preventing Police Officers from viewing footage prior to making a statement.

Councilmember Jones requested clarification regarding Councilmember Biehn's position. He added, in his opinion, viewing the video first would add an element of hindsight that would not be available if the report were to be written without viewing the video.

Ms. Richter stated the policy stipulates that the initial statement must be made to an outside investigating agency, to protect the integrity of the process, as well as the Police Officer.

She added the proposed policy was compiled by current members of the Police Department, who did not express any objections.

Councilmember Biehn stated he is comfortable with the assurance that the City Manager and Chief of Police understand the purpose of the policy and that this be reflected in the policy.

Mayor Emerson opened the public hearing 8:58 p.m.

As no one came forward to speak, Mayor Emerson closed the public hearing at 8:58 p.m.

Staff was directed to draft language describing the reason for the provision that requires officers to make a statement before viewing footage. If the language does not satisfactorily reflect the Council's intend, the policy could then be amended. City Attorney Sweeney confirmed this to be appropriate.

It was moved by Councilmember **Biehn**, seconded by Councilmember **Walsh**, to adopt **Resolution No. 12136** with language added to the policy state the purpose the officer may not preview the footage prior to making a statement

Motion carried unanimously.

C. Resolution approving Classification and Compensation Plan

City Manager Richter explained that the City Council annually reviews the Position Classification and Compensation Plan, originally adopted by the City Council in 1988 to maintain salary structures and demonstrate fiscal responsibility. Ms. Richter stated comparable data is included in the Council packet from other local communities as well as the private sector and the Minnesota Department of Employment and Economic Development, with a general increase range of 2-3%. City Staff recommends an increase of 2.75% and recommends adoption of the Plan as presented.

It was moved by Councilmember **Jones**, seconded by Councilmember **Engstran**, to adopt **Resolution No. 12137** approving the 2018 Classification and Compensation Plan.

Motion carried unanimously.

D. Resolution approving bids and awarding contract for the Sports Center Rehabilitation Project, City Project No. 18-09 and Resolution approving financial agreement with White Bear Lake Hockey Association.

City Manager Richter indicated that staff has reviewed three years of audited financial statements for the White Bear Lake Hockey Association, which reflect the Association's capacity to finance the annual debt service required of a 20-year, \$2 million bond, covering its share of the costs for the renovated Sports Center. However, it remains in their best interest to continue aggressive fundraising to lower their debt service. The financial agreement provides for \$500k in advance of the project. All parties support the terms of this agreement.

It was moved by Councilmember **Engstran**, seconded by Councilmember **Walsh**, to adopt **Resolution No. 12138** authorizing execution of financial agreement with the White Bear Lake Hockey Association for the Sports Center Renovation Project.

Mr. McFarlane, representing the Hockey Association, stated gambling funds will be sufficient to cover the debt service, and fundraising is planned. He added the Association is comfortable with its position.

Councilmember Jones thanked Mr. McFarlane and the Hockey Association, as well as the Skating Association, for their commitment to the project.

Lisa Beecroft (representing the Skating Association) thanked the City Council for their commitment to the project. She added the Skating Association has set up an online fundraising site that will be shared on both Association websites, with families, business associates, and on social media.

Councilmember Walsh stated he appreciates the process that was undertaken for financing this project, with community partners coming together to renovate the arena. He added this has been a long and positive process, culminating in tonight's commitment which he fully supports.

Finance Director Rambow clarified that the Hockey Association's auditor has no connection to the City's auditors. He added the YMCA loan will be released and re-allocated to the Sports Center renovation debt in 2018, with no new tax obligation.

Motion carried unanimously.

City Engineer Burch stated bids were received November 19, 2017, for this renovation project for: a new refrigeration system and new rink floor; metal panels on roof and building façade; interior LED lighting; ADA-compliant plumbing upgrades; exterior site improvements; replacement of the existing bleacher system to meet ADA standards; painting and new ceilings; and replacement of the de-humidification system.

Mr. Burch stated bid alternatives include painting the rink floor and changes to the cap rail and kick plate of the boards. The Hockey Association is interested in replacing the cap rail. City staff recommends City Council approval of alternative bid items.

Mr. Burch stated project managers Kraus Anderson and JLG Architects managed the bid process and will oversee the project. Tax exemption status on certain areas was used to realize approximately \$20,000 in tax-free savings. There were 55 bids received on 16 sections of the work. City staff recommends approval of 15 contracts. He added the fire protection bid is not recommended as that component will be re-bid in January 2018. He noted construction would begin in Spring 2018 with an official opening date of September 1, 2018.

It was moved by Councilmember **Engstran**, seconded by Councilmember **Walsh**, to adopt **Resolution No. 12139** accepting bids and awarding contracts for the White Bear Lake Sports Center Renovation Project.

Motion carried unanimously.

City Manager Richter commended the planning team, including the Engineering and Finance Departments, the Hockey Association and Sports Center staff, for their hard work and efforts.

E. Resolution approving revisions to Boatworks Community Room rental policy

Community Development Director Kane reviewed the Boatworks Community Room rental policy, which was established in 2013 and revised in 2015. Rental has been limited to White Bear Lake City and School District events, local civic and non-profit organizations, as well as White Bear Lake-based clubs and groups. City staff revised the policy to allow private events under certain conditions, respecting the peak demand and restricting private events after 2:00 p.m. between May 1 – Labor Day weekend. This is the first draft of the amended policy, which is subject to future revision as it is learned how the space is used.

Councilmember Edberg requested clarification regarding the 2:00 p.m. restriction, as well as item 6, a maximum of one event per weekend, during peak summer months. Ms. Kane stated restrictions can be amended or waived by the City Manager. She added City staff is concerned about preparing the room between events, but other options may be available. She added the main purpose is to provide access to the community room to the City's residents.

It was moved by Councilmember **Walsh**, seconded by Councilmember **Biehn**, to adopt **Resolution No. 12140** approving revisions to Boatworks Community Room rental policy.

Motion carried unanimously.

F. Resolution approving Joint Powers Agreement with Ramsey County for Dispatch Services

City Manager Richter reviewed the staff report related to the Joint Powers Agreement with Ramsey County for dispatch services. She noted that 40% of the Ramsey County Communications Center costs are paid for through fees charged to each jurisdiction based on number of calls for service; 60% is paid for through county-wide tax dollars. She added that City staff hopes to have the transition in place by Summer 2018, and will continue to update City Council on the progress.

It was moved by Councilmember **Jones**, seconded by Councilmember **Walsh**, to adopt **Resolution No. 12141** approving Joint Powers Agreement with Ramsey County for Dispatch Services.

Councilmember Biehn abstained. Councilmember Engstran nay. Motion carried 3:1

G. Resolution ordering preparation of a feasibility report for the 2018 Street Reconstruction Project and the 2018 Mill and Overlay Project, City Project Nos.: 17-06, 18-01, 18-06 & 18-13

City Engineer Burch reviewed the 2018 Street Reconstruction Program projects, including Birch Lake Boulevard South and Old White Bear Lake Avenue and adjacent trails. The next large project will be reconstruction of streets from the north east section of the City from basically Highway 61 to Lake Avenue, and 11th Street to 7th Street, which includes alleys. The third portion of the program will be mill overlays on 11th Street from Division Street to the dead end, and Sumac Circle East of Willow Avenue North of County Road D. Public information meetings have been held on each of these projects.

City staff recommends preparation of a feasibility report for the 2018 Street Reconstruction Project and 2018 Mill and Overlay Project.

It was moved by Councilmember **Edberg**, seconded by Councilmember **Biehn**, to adopt **Resolution No. 12142** ordering preparation of a feasibility report for the 2018 Street Reconstruction Project and the 2018 Mill and Overlay Project, City Project Nos.: 17-06, 18-01, 18-06 & 18-13.

Motion carried unanimously.

10. HOUSING AND REDEVELOPMENT AUTHORITY

Chair Doug Biehn called the Housing and Redevelopment Authority to order at 9:45 p.m. (please refer to the minutes of the Housing and Redevelopment Authority for action taken that included the following items):

1. Call to order
2. Roll Call
3. Approval of the agenda
4. Approval of the minutes
5. Resolution not waiving the monetary limits on Municipal Tort Liability established by Minnesota Statutes 466.04 for Housing and Redevelopment Authority.
6. Resolution authorizing an amendment to extend a parking lot lease for the property at 2137 4th Street.
7. Resolution authorizing resolution in support of acquiring a tax-forfeited property located at 3695 St. Regis Drive for the purpose of development of an affordable housing opportunity in partnership with Twin Cities Habitat for Humanity.
8. Adjournment 10:01

Mayor Emerson reconvened the City Council meeting at 10:02 p.m.

11. CONSENT

- A. Acceptance of October White Bear Lake Conservation District Minutes; October Environmental Advisory Commission Minutes; October Park Advisory Commission Minutes; November Planning Commission Minutes.
- B. Resolution not waiving the monetary limits on Municipal Tort Liability established by Minnesota Statutes 466.04. **Resolution No. 12143**
- C. Resolution approving execution of a management agreement for Pioneer Manor **Resolution No. 12144**

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

Motion carried unanimously.

12. DISCUSSION

Nothing scheduled

13. COMMUNICATIONS FROM THE CITY MANAGER

City Manager Richter gave a brief presentation, 2017 Year in Review, featuring the work of the City Council and staff.

Councilmember Jones expressed his appreciation of the Council work sessions which were instrumental in providing forethought and understanding for the City Council related to these and many other issues. Councilmember Edberg agreed, adding successful agreements with the Hockey Association were the result of advanced planning.

Ms. Richter thanked the City Council for their support, and wished them a Happy Holiday season.

Emerson thanked City Manager Richter for the presentation, and expressed her appreciation for the hard work and efforts of all City employees in 2017.

14. ADJOURNMENT

There being no further business before the Council, it was moved by Councilmember **Walsh** seconded by Councilmember **Biehn** to adjourn the regular meeting at 10:15 p.m.

Jo Emerson, Mayor

ATTEST:

Kara Coustry, City Clerk



City of White Bear Lake
Community Development Department

MEMORANDUM

To: Ellen Richter, City Manager
From: The Planning Commission
Through: Samantha Crosby, Planning & Zoning Coordinator
Date: January 3, 2018 for the January 9, 2018 City Council Meeting
Subject: **Karen Smith, 1817 Richard Court – Case No. 17-24-V**

REQUEST

A variance to allow a third accessory structure in order to construct a 168 square foot detached screen room in the rear yard.

SUMMARY

No one from the public spoke to the request.

RECOMMENDED COUNCIL ACTION

On a 6-0 vote, the Planning Commission recommended approval of the variance as presented by staff.

ATTACHMENT

Resolution of Approval

RESOLUTION NO.

**RESOLUTION GRANTING AN ACCESSORY STRUCTURE VARIANCE
FOR 1817 RICHARD COURT
WITHIN THE CITY OF WHITE BEAR LAKE, MINNESOTA**

WHEREAS, a proposal (17-24-V) has been submitted by Karen Sawyer Smith to the City Council requesting approval of a variance from the Zoning Code of the City of White Bear Lake for the following location:

LOCATION: 1817 Richard Court

LEGAL DESCRIPTION: Lot 6, Block 1, Bacchus Edgewood Park, Ramsey County, Minnesota. (PID # 263022320055)

WHEREAS, THE APPLICANT SEEKS THE FOLLOWING RELIEF: A variance to allow a third accessory structure, per Code Section 1302.020, Subd.4.i, in order to construct a 168 square foot detached screen room in addition to the existing garage and shed; and

WHEREAS, the Planning Commission has held a public hearing as required by the city Zoning Code on December 18, 2017; and

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

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

1. The requested variance will not:
 - a. Impair an adequate supply of light and air to adjacent property.
 - b. Unreasonably increase the congestion in the public street.
 - c. Increase the danger of fire or endanger the public safety.
 - d. Unreasonably diminish or impair established property values within the neighborhood or in any way be contrary to the intent of this Code.
2. Because the structure will be partially transparent and because the structure will not be used for storage, the variance will be in harmony with the general purpose and intent of the City Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
3. The special conditions and circumstances are not the result of actions of the owner or a predecessor in title.
4. The non-conforming uses of neighboring lands, structures, or buildings in the same district are not the sole grounds for issuance of the variance.

FURTHER, BE IT RESOLVED, that the City Council of the City of White Bear Lake hereby approves the request, subject to the following conditions:

1. All application materials, maps, drawings, and descriptive information submitted in this application shall become part of the permit.
2. Per Section 1301.060, Subd.3, the variance shall become null and void if the project has not been completed or utilized within one (1) calendar year after the approval date, subject to petition for renewal. Such petition shall be requested in writing and shall be submitted at least 30 days prior to expiration.
3. The applicant shall obtain a zoning permit prior to construction.
4. The color of the siding and roofing materials shall match the home.
5. The applicant shall verify the property lines and have the property pins exposed at the time of inspection.
6. The proposed structure may not be used for storage.
7. The walls of the structure may not be altered to be less transparent – the areas currently identified as screening shall remain screen or glass.

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

Ayes:
Nays:
Passed:

Jo Emerson, Mayor

ATTEST:

Kara Coustry, City Clerk

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

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

Karen Sawyer Smith

Date



City of White Bear Lake
Community Development Department

MEMORANDUM

To: Ellen Richter, City Manager
From: The Planning Commission
Through: Samantha Crosby, Planning & Zoning Coordinator
Date: January 3, 2018 for the January 9, 2018 City Council Meeting
Subject: **Joe Prigelmeier, 2628 Riviera Court – Case No. 17-25-V**

REQUEST

Two variances: a 169 square foot variance from the maximum size of a second accessory structure, and a 1.75 foot variance from the 15-foot height maximum, both in order to construct a 16-foot, 9-inch tall, 522 square foot detached garage in the rear yard.

SUMMARY

No one from the public spoke to the request.

RECOMMENDED COUNCIL ACTION

On a 6-0 vote, the Planning Commission recommended approval of the request with one additional condition regarding the exclusion of a driveway.

ATTACHMENT

Resolution of Approval

RESOLUTION NO.

**RESOLUTION GRANTING TWO GARAGE VARIANCES FOR
2628 RIVIERA COURT
WITHIN THE CITY OF WHITE BEAR LAKE, MINNESOTA**

WHEREAS, a proposal (17-25-V) has been submitted by Joseph Prigelmeier to the City Council requesting approval of a variance from the Zoning Code of the City of White Bear Lake for the following location:

LOCATION: 2628 Riviera Court

LEGAL DESCRIPTION: Lot 25, Block 3, Bacchus White Bear Hills, Ramsey County, MN (PID # 253022420032)

WHEREAS, THE APPLICANT SEEKS THE FOLLOWING RELIEF: A 169 square foot variance from the maximum size of a second accessory structure, and a 1.75 foot variance from the 15-foot maximum building height, both per Code Section 1302.030, Subd.4.i.2.b, in order to construct a 16-foot, 9-inch tall, 522 square foot, detached garage in addition to the 407 square foot attached garage, which together exceeds the size of the first floor area of the home.

WHEREAS, the Planning Commission has held a public hearing as required by the city Zoning Code on December 18, 2017; and

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

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

1. The requested variances will not:
 - a. Impair an adequate supply of light and air to adjacent property.
 - b. Unreasonably increase the congestion in the public street.
 - c. Increase the danger of fire or endanger the public safety.
 - d. Unreasonably diminish or impair established property values within the neighborhood or in any way be contrary to the intent of this Code.
2. The variances are a reasonable use of the land or building.
3. The variances will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

4. The special conditions and circumstances are not the result of actions of the owner or a predecessor in title.
5. The non-conforming uses of neighboring lands, structures, or buildings in the same district are not the sole grounds for issuance of the variances.

FURTHER, BE IT RESOLVED, that the City Council of the City of White Bear Lake hereby approves the requests, subject to the following conditions:

1. All application materials, maps, drawings, and descriptive information submitted in this application shall become part of the permit.
2. The variance shall become null and void if the project has not been completed within one (1) calendar year after the approval date, subject to petition for renewal. Such petition shall be requested in writing and shall be submitted at least 30 days prior to expiration.
3. A building permit shall be obtained before any work begins.
4. The applicant shall verify their property lines and have the property pins exposed at the time of inspection.
5. The bonus room shall not be used as separate living quarters without prior City approval (ie: a conditional use permit).
6. A home occupation may not be conducted out of the garage without prior City approval (ie: a special home occupation permit).
7. The architectural features of the garage, including exterior materials, overhead door and windows, shall be consistent with elevations provided to the City with the variance application.
8. The garage shall not be served by a driveway.

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

Ayes:
Nays:
Passed:

Jo Emerson, Mayor

ATTEST:

Kara Coustry, City Clerk

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

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

Joseph Prigelmeier

Date



City of White Bear Lake
City Manager's Office

MEMORANDUM

To: Mayor and City Council

From: Ellen Richter, City Manager
Don Rambow, Finance Director

Date: January 2, 2017

Subject: **Second Reading of ordinances related to renewal of the 20-year right-of-way agreement with Xcel Energy:**

- 1) **Electric Franchise Ordinance**
- 2) **Natural Gas Ordinance**
- 3) **Electric Service Franchise Fee Ordinance**

BACKGROUND

Renewal of the City's 20-year right of way franchise agreement with Xcel Energy is due the end of January 2018. Effectively, the franchise provides Xcel Energy access to municipal right of way for its electrical and natural gas distribution system. Terms of the agreement are primarily governed by state statute.

The Council and staff discussed the option of adjusting franchise fees at the November 14, 2017 council meeting. Staff was directed to proceed with the franchise agreement renewal without implementing any revisions to the fee at this time. First reading was held at the December 12, 2017 City Council meeting, and notice of second reading at the January 9, 2018 City Council meeting was published in the December 20, 2017 edition of the White Bear Press. Renewal of the 20-year agreement does not preclude the City's ability to adjust rates at a future date.

SUMMARY

The electric franchise agreement maintains a one and half percent (1.5%) electrical consumption fee. The natural gas franchise agreement does not include a fee. Both agreements include a provision which allows for the City to modify the franchise fee in future years.

RECOMMENDED COUNCIL ACTION

Council is asked to consider public comment during the second reading toward the adoption of these franchise ordinances and approve the summary resolution to facilitate publication.

ATTACHMENTS

Summary Resolution
Electric Franchise Ordinance
Natural Gas Franchise Ordinance
Electric Service Franchise Fee Ordinance

RESOLUTION NO.

**A RESOLUTION ESTABLISHING THE TITLE AND
SUMMARY APPROVAL OF ORDINANCES:**

**ELECTRIC FRANCHISE ORDINANCE 18-1-2028
GAS FRANCHISE ORDINANCE 18-1-2029
ELECTRIC SERVICE FRANCHISE FEE ORDINANCE 18-1-2030**

FOR PUBLISHED NOTICE.

WHEREAS, the City of White Bear Lake City Council may, pursuant to Ordinance No. 83-6-666, adopt a title and summary of a proposed ordinance to be published in lieu of lengthy entire ordinances, and

WHEREAS, in addition to adopting a title and ordinance summary, the Council shall direct the City Clerk to:

1. Have available for inspection during regular office hours a copy of the entire ordinance.
2. Post a copy of the entire ordinance at the White Bear Lake Branch of the Ramsey County Public Library.
3. Receive an affidavit of publication of the title and summary from the official newspaper.

NOW, THEREFORE, BE IT RESOLVED, that the City of White Bear Lake City Council hereby adopts the aforementioned title and summary for approved Ordinances listed below:

**ELECTRIC FRANCHISE ORDINANCE 18-1-2028
GAS FRANCHISE ORDINANCE 18-1-2029
ELECTRIC SERVICE FRANCHISE FEE ORDINANCE 18-1-2030**

These ordinances establish the City's electric franchise service, gas franchise service and electric service franchise fees.

FURTHER, BE IT RESOLVED, that the City of White Bear Lake City Council hereby directs the City Clerk to provide the inspection and publication requirements as listed above.

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

Ayes:
Nays:
Passed:

Jo Emerson, Mayor

ATTEST:

Kara Coustry, City Clerk

ELECTRIC FRANCHISE ORDINANCE

ORDINANCE NO. 18-1-2028

CITY OF WHITE BEAR LAKE, RAMSEY AND WASHINGTON COUNTY, MINNESOTA

AN ORDINANCE GRANTING TO NORTHERN STATES POWER COMPANY, A MINNESOTA CORPORATION, ITS SUCCESSORS AND ASSIGNS, PERMISSION TO CONSTRUCT, OPERATE, REPAIR AND MAINTAIN IN THE CITY OF WHITE BEAR LAKE, MINNESOTA, AN ELECTRIC DISTRIBUTION SYSTEM AND TRANSMISSION LINES, INCLUDING NECESSARY POLES, LINES, FIXTURES AND APPURTENANCES, FOR THE FURNISHING OF ELECTRIC ENERGY TO THE CITY, ITS INHABITANTS, AND OTHERS, AND TO USE THE PUBLIC GROUNDS AND PUBLIC WAYS OF THE CITY FOR SUCH PURPOSES.

THE CITY COUNCIL OF THE CITY OF WHITE BEAR LAKE, RAMSEY AND WASHINGTON COUNTY, MINNESOTA, ORDAINS:

SECTION 1. DEFINITIONS.

For purposes of this Ordinance, the following capitalized terms listed in alphabetical order shall have the following meanings:

1.1 **City.** The City of White Bear Lake, Counties of Ramsey and Washington, State of Minnesota.

1.2 **City Utility System.** Facilities used for providing non-energy related public utility service owned or operated by City or agency thereof, including sewer and water service, but excluding facilities for providing heating, lighting or other forms of energy.

1.3 **Commission.** The Minnesota Public Utilities Commission, or any successor agency or agencies, including an agency of the federal government, which preempts all, or part of the authority to regulate electric retail rates now vested in the Minnesota Public Utilities Commission.

1.4 **Company.** Northern States Power Company, a Minnesota corporation, its successors and assigns.

1.5 **Electric Facilities.** Electric transmission and distribution towers, poles, lines, guys, anchors, conduits, fixtures, and necessary appurtenances owned or operated by Company for the purpose of providing electric energy for public use.

1.6 **Notice.** A written notice served by one party on the other party referencing one or more provisions of this Ordinance. Notice to Company shall be mailed to the General Counsel, 401 Nicollet Mall, 8th Floor, Minneapolis, MN 55401. Notice to the City shall be mailed to the City Hall, 4701 Highway 61 North, White Bear Lake, MN 55110. Either party may change its respective address for the purpose of this Ordinance by written notice to the other party.

1.7 **Public Ground.** Land owned by the City for park, open space or similar purpose, which is held for use in common by the public.

1.8 **Public Way.** Any street, alley, walkway or other public right-of-way within the City.

SECTION 2. ADOPTION OF FRANCHISE.

2.1 **Grant of Franchise.** City hereby grants Company, for a period of 20 years from the date passed and approved by the City, the right to transmit and furnish electric energy for light, heat, power and other purposes for public and private use within and through the limits of the City as its boundaries now exist or as they may be extended in the future. For these purposes, Company may construct, operate, repair and maintain Electric Facilities in, on, over, under and across the Public Grounds and Public Ways of City, subject to the provisions of this Ordinance. Company may do all reasonable things necessary or customary to accomplish these purposes, subject, however, to such reasonable regulations as may be imposed by the City pursuant to ordinance and to the further provisions of this franchise agreement.

2.2 **Effective Date; Written Acceptance.** This franchise agreement shall be in force and effect from and after passage of this Ordinance, its acceptance by Company, and its publication as required by law. The City, by Council resolution, may revoke this franchise agreement if Company does not file a written acceptance with the City within 90 days after publication.

2.3 **Service and Rates.** The service to be provided and the rates to be charged by Company for electric service in City are subject to the jurisdiction of the Commission. The area within the City in which Company may provide electric service is subject to the provisions of Minnesota Statutes, Section 216B.40.

2.4 **Publication Expense.** The expense of publication of this Ordinance will be paid by City and reimbursed to City by Company.

2.5 **Dispute Resolution.** If either party asserts that the other party is in default in the performance of any obligation hereunder, the complaining party shall notify the other party of the default and the desired remedy. The notification shall be written. Representatives of the parties must promptly meet and attempt in good faith to negotiate a resolution of the dispute. If the dispute is not resolved within 30 days of the written notice, the parties may jointly select a mediator to facilitate further discussion. The parties will equally share the fees and expenses of this mediator. If a mediator is not used, or if the parties are unable to resolve the dispute within 30 days after first meeting with the selected mediator, either party may commence an action in District Court to interpret and enforce this franchise or for such other relief as may be permitted by law or equity for breach of contract, or either party may take any other action permitted by law.

SECTION 3. LOCATION, OTHER REGULATIONS.

3.1 **Location of Facilities.** Electric Facilities shall be located, constructed and maintained so as not to interfere with the safety and convenience of ordinary travel along and over Public Ways and so as not to disrupt normal operation of any City Utility System previously installed therein. Electric Facilities shall be located on Public Grounds as determined by the City. Company's construction, reconstruction, operation, repair, maintenance and location of Electric Facilities shall be subject to permits if required by separate ordinance and to other reasonable regulations of the City to the extent not

inconsistent with the terms of this franchise agreement. Company may abandon underground Electric Facilities in place, provided at the City's request, Company will remove abandoned metal or concrete encased conduit interfering with a City improvement project, but only to the extent such conduit is uncovered by excavation as part of the City improvement project.

3.2 Field Locations. Company shall provide field locations for its underground Electric Facilities within City consistent with the requirements of Minnesota Statutes, Chapter 216D.

3.3 Street Openings. Company shall not open or disturb any Public Ground or Public Way for any purpose without first having obtained a permit from the City, if required by a separate ordinance, for which the City may impose a reasonable fee. Permit conditions imposed on Company shall not be more burdensome than those imposed on other utilities for similar facilities or work. Company may, however, open and disturb any Public Ground or Public Way without permission from the City where an emergency exists requiring the immediate repair of Electric Facilities. In such event Company shall notify the City by telephone to the office designated by the City as soon as practicable. Not later than the second working day thereafter, Company shall obtain any required permits and pay any required fees.

3.4 Restoration. After undertaking any work requiring the opening of any Public Ground or Public Way, Company shall restore the same, including paving and its foundation, to as good a condition as formerly existed, and shall maintain any paved surface in good condition for one year thereafter. The work shall be completed as promptly as weather permits, and if Company shall not promptly perform and complete the work, remove all dirt, rubbish, equipment and material, and put the Public Ground or Public Way in the said condition, the City shall have, after demand to Company to cure and the passage of a reasonable period of time following the demand, but not to exceed five days, the right to make the restoration at the expense of Company. Company shall pay to the City the cost of such work done for or performed by the City. This remedy shall be in addition to any other remedy available to the City for noncompliance with this Section 3.4, but the City hereby waives any requirement for Company to post a construction performance bond, certificate of insurance, letter of credit or any other form of security or assurance that may be required, under a separate existing or future ordinance of the City, of a person or entity obtaining the City's permission to install, replace or maintain facilities in a Public Way.

3.5 Avoid Damage to Electric Facilities. Nothing in this Ordinance relieves any person from liability arising out of the failure to exercise reasonable care to avoid damaging Electric Facilities while performing any activity.

3.6 Notice of Improvements. The City must give Company reasonable notice of plans for improvements to Public Grounds or Public Ways where the City has reason to believe that Electric Facilities may affect or be affected by the improvement. The notice must contain: (i) the nature and character of the improvements, (ii) the Public Grounds and Public Ways upon which the improvements are to be made, (iii) the extent of the improvements, (iv) the time when the City will start the work, and (v) if more than one Public Ground or Public Way is involved, the order in which the work is to proceed. The notice must be given to Company a sufficient length of time in advance of the actual commencement of the work to permit Company to make any necessary additions, alterations or repairs to its Electric Facilities.

3.7 Shared Use of Poles. Company shall make space available on its poles or towers for City fire, water utility, police or other City facilities upon terms and conditions acceptable to Company whenever such use will not interfere with the use of such poles or towers by Company, by another electric

utility, by a telephone utility, or by any cable television company or other form of communication company. In addition, the City shall pay for any added cost incurred by Company because of such use by City.

SECTION 4. RELOCATIONS.

4.1 Relocation of Electric Facilities in Public Ways. If the City determines to vacate a Public Way for a City improvement project, or at City's cost to grade, regrade, or change the line of any Public Way, or construct or reconstruct any City Utility System in any Public Way, it may order Company to relocate its Electric Facilities located therein if relocation is reasonably necessary to accomplish the City's proposed public improvement. Except as provided in Section 4.3, Company shall relocate its Electric Facilities at its own expense. The City shall give Company reasonable notice of plans to vacate for a City improvement project, or to grade, regrade, or change the line of any Public Way or to construct or reconstruct any City Utility System. If a relocation is ordered within five years of a prior relocation of the same Electric Facilities, which was made at Company expense, the City shall reimburse Company for non-betterment costs on a time and material basis, provided that if a subsequent relocation is required because of the extension of a City Utility System to a previously unserved area, Company may be required to make the subsequent relocation at its expense. Nothing in this Ordinance requires Company to relocate, remove, replace or reconstruct at its own expense its Electric Facilities where such relocation, removal, replacement or reconstruction is solely for the convenience of the City and is not reasonably necessary for the construction or reconstruction of a Public Way or City Utility System or other City improvement.

4.2 Relocation of Electric Facilities in Public Ground. City may require Company, at Company's expense, to relocate or remove its Electric Facilities from Public Ground upon a finding by City that the Electric Facilities have become or will become a substantial impairment to the existing or proposed public use of the Public Ground.

4.3 Projects with Federal Funding. City shall not order Company to remove or relocate its Electric Facilities when a Public Way is vacated, improved or realigned for a right-of-way project or any other project which is financially subsidized in whole or in part by the Federal Government or any agency thereof, unless the reasonable non-betterment costs of such relocation are first paid to Company. The City is obligated to pay Company only for those portions of its relocation costs for which City has received federal funding specifically allocated for relocation costs in the amount requested by the Company, which allocated funding the City shall specifically request. Relocation, removal or rearrangement of any Company Electric Facilities made necessary because of a federally-aided highway project shall be governed by the provisions of Minnesota Statutes, Section 161.46, as supplemented or amended. It is understood that the rights herein granted to Company are valuable rights.

4.4 No Waiver. The provisions of this franchise apply only to facilities constructed in reliance on a franchise from the City and shall not be construed to waive or modify any rights obtained by Company for installations within a Company right-of-way acquired by easement or prescriptive right before the applicable Public Ground or Public Way was established, or Company's rights under state or county permit.

SECTION 5. TREE TRIMMING.

Company may trim all trees and shrubs in the Public Grounds and Public Ways of City to the extent Company finds necessary to avoid interference with the proper construction, operation, repair and maintenance of any Electric Facilities installed hereunder, provided that Company shall save the City harmless from any liability arising therefrom, and subject to permit or other reasonable regulation by the City.

SECTION 6. INDEMNIFICATION.

6.1 Indemnity of City. Company shall indemnify, keep and hold the City free and harmless from any and all liability on account of injury to persons or damage to property occasioned by the construction, maintenance, repair, inspection, the issuance of permits, or the operation of the Electric Facilities located in the Public Grounds and Public Ways. The City shall not be indemnified for losses or claims occasioned through its own negligence except for losses or claims arising out of or alleging the City's negligence as to the issuance of permits for, or inspection of, Company's plans or work. The City shall not be indemnified if the injury or damage results from the performance in a proper manner, of acts reasonably deemed hazardous by Company, and such performance is nevertheless ordered or directed by City after notice of Company's determination.

6.2 Defense of City. In the event a suit is brought against the City under circumstances where this agreement to indemnify applies, Company at its sole cost and expense shall defend the City in such suit if written notice thereof is promptly given to Company within a period wherein Company is not prejudiced by lack of such notice. If Company is required to indemnify and defend, it will thereafter have control of such litigation, but Company may not settle such litigation without the consent of the City, which consent shall not be unreasonably withheld. This section is not, as to third parties, a waiver of any defense or immunity otherwise available to the City and Company, in defending any action on behalf of the City, shall be entitled to assert in any action every defense or immunity that the City could assert in its own behalf.

SECTION 7. VACATION OF PUBLIC WAYS.

The City shall give Company at least two weeks prior written notice of a proposed vacation of a Public Way. Except where required for a City improvement project, the vacation of any Public Way, after the installation of Electric Facilities, shall not operate to deprive Company of its rights to operate and maintain such Electric Facilities, until the reasonable cost of relocating the same and the loss and expense resulting from such relocation are first paid to Company. In no case, however, shall City be liable to Company for failure to specifically preserve a right-of-way under Minnesota Statutes, Section 160.29.

SECTION 8. CHANGE IN FORM OF GOVERNMENT.

Any change in the form of government of the City shall not affect the validity of this Ordinance. Any governmental unit succeeding the City shall, without the consent of Company, succeed to all of the rights and obligations of the City provided in this Ordinance.

SECTION 9. FRANCHISE FEE.

9.1 **Fee Schedule.** During the term of the franchise hereby granted, and in lieu of any permit or other fees being imposed on Company, the City may impose on Company a franchise fee by collecting the amounts indicated in a Fee Schedule set forth in a separate ordinance from each customer in the designated Company Customer Class. The parties have agreed that the franchise fee collected by the Company and paid to the City in accordance with this Section 9 shall not exceed one and one-half percent (1.5%) of the Company's Gross Revenues, as hereinafter defined. Gross Revenues is defined as all sums received by Company from the sale of electricity to its retail customers within the corporate limits of the City.

9.2 **Separate Ordinance.** The franchise fee shall be imposed by a separate ordinance duly adopted by the City Council, which ordinance shall not be adopted until at least 90 days after written notice enclosing such proposed ordinance has been served upon Company by certified mail. The fee shall not become effective until the beginning of a Company billing month at least 90 days after written notice enclosing such adopted ordinance has been served upon Company by certified mail. Section 2.5 shall constitute the sole remedy for solving disputes between Company and the City in regard to the interpretation of, or enforcement of, the separate ordinance. No action by the City to implement a separate ordinance will commence until this Ordinance is effective. A separate ordinance which imposes a lesser franchise fee on the residential class of customers than the maximum amount set forth in Section 9.1 above shall not be effective against Company unless the fee imposed on each other customer classification is reduced proportionately in the same or greater amount per class as the reduction represented by the lesser fee on the residential class.

9.3 **Terms Defined.** For the purpose of this Section 9, the following definitions apply:

9.3.1 "Customer Class" shall refer to the classes listed on the Fee Schedule and as defined or determined in Company's electric tariffs on file with the Commission.

9.3.2 "Fee Schedule" refers to the schedule in Section 9.1 setting forth the various customer classes from which a franchise fee would be collected if a separate ordinance were implemented immediately after the effective date of this franchise agreement. The Fee Schedule in the separate ordinance may include new Customer Class added by Company to its electric tariffs after the effective date of this franchise agreement.

9.4 **Collection of the Fee.** The franchise fee shall be payable quarterly and shall be based on the amount collected by Company during complete billing months during the period for which payment is to be made by imposing a surcharge equal to the designated franchise fee for the applicable customer classification in all customer billings for electric service in each class. The payment shall be due the last business day of the month following the period for which the payment is made. The franchise fee may be changed by ordinance from time to time; however, each change shall meet the same notice requirements and not occur more often than annually and no change shall require a collection from any customer for electric service in excess of the amounts specifically permitted by this Section 9. The time and manner of collecting the franchise fee is subject to the approval of the Commission. No franchise fee shall be payable by Company if Company is legally unable to first collect an amount equal to the franchise fee from its customers in each applicable class of customers by imposing a surcharge in Company's applicable rates for electric service. Company may pay the City the fee based upon the surcharge billed subject to subsequent reductions to account for uncollectibles, refunds and correction of

erroneous billings. Company agrees to make its records available for inspection by the City at reasonable times provided that the City and its designated representative agree in writing not to disclose any information which would indicate the amount paid by any identifiable customer or customers or any other information regarding identified customers.

9.5 **Equivalent Fee Requirement.** The separate ordinance imposing the fee shall not be effective against Company unless it lawfully imposes and the City monthly or more often collects a fee or tax of the same or greater equivalent amount on the receipts from sales of energy within the City by any other energy supplier, provided that, as to such a supplier, the City has the authority to require a franchise fee or to impose a tax. The “same or greater equivalent amount” shall be measured, if practicable, by comparing amounts collected as a franchise fee from each similar customer, or by comparing, as to similar customers the percentage of the annual bill represented by the amount collected for franchise fee purposes. The franchise fee or tax shall be applicable to energy sales for any energy use related to heating, cooling or lighting, or to run machinery and appliances, but shall not apply to energy sales for the purpose of providing fuel for vehicles. If the Company specifically consents in writing to a franchise or separate ordinance collecting or failing to collect a fee from another energy supplier in contravention of this Section 9.5, the foregoing conditions will be waived to the extent of such written consent.

SECTION 10. PROVISIONS OF ORDINANCE.

10.1 **Severability.** Every section, provision, or part of this Ordinance is declared separate from every other section, provision, or part and if any section, provision, or part shall be held invalid, it shall not affect any other section, provision, or part. Where a provision of any other City ordinance conflicts with the provisions of this Ordinance, the provisions of this Ordinance shall prevail.

10.2 **Limitation on Applicability.** This Ordinance constitutes a franchise agreement between the City and Company as the only parties, and no provision of this franchise shall in any way inure to the benefit of any third person (including the public at large) so as to constitute any such person as a third party beneficiary of the agreement or of any one or more of the terms hereof, or otherwise give rise to any cause of action in any person not a party hereto.

SECTION 11. AMENDMENT PROCEDURE.

Either party to this franchise agreement may at any time propose that the agreement be amended to address a subject of concern and the other party will consider whether it agrees that the amendment is mutually appropriate. If an amendment is agreed upon, this Ordinance may be amended at any time by the City passing a subsequent ordinance declaring the provisions of the amendment, which amendatory ordinance shall become effective upon the filing of Company’s written consent thereto with the City Clerk within 90 days after the date of final passage by the City of the amendatory ordinance.

SECTION 12. PREVIOUS FRANCHISES SUPERSEDED.

This franchise supersedes any previous electric franchise granted to Company or its predecessor.

Passed and approved: _____, 20__.

Electric w/fee

Mayor

Attest:

City Clerk

Date Published: _____

GAS FRANCHISE ORDINANCE

ORDINANCE NO. 18-1-2029

CITY OF WHITE BEAR LAKE, RAMSEY AND WASHINGTON COUNTY, MINNESOTA

AN ORDINANCE GRANTING TO NORTHERN STATES POWER COMPANY, A MINNESOTA CORPORATION, ITS SUCCESSORS AND ASSIGNS, PERMISSION TO ERECT A GAS DISTRIBUTION SYSTEM FOR THE PURPOSES OF CONSTRUCTING, OPERATING, REPAIRING AND MAINTAINING IN THE CITY OF WHITE BEAR LAKE, MINNESOTA, THE NECESSARY GAS PIPES, MAINS AND APPURTENANCES FOR THE TRANSMISSION OR DISTRIBUTION OF GAS TO THE CITY AND ITS INHABITANTS AND OTHERS AND TRANSMITTING GAS INTO AND THROUGH THE CITY AND TO USE THE PUBLIC GROUNDS AND PUBLIC WAYS OF THE CITY FOR SUCH PURPOSES.

THE CITY COUNCIL OF THE CITY OF WHITE BEAR LAKE, RAMSEY AND WASHINGTON COUNTY, MINNESOTA, ORDAINS:

SECTION 1. DEFINITIONS.

For purposes of this Ordinance, the following capitalized terms listed in alphabetical order shall have the following meanings:

1.1 **City.** The City of White Bear Lake, Counties of Ramsey and Washington, State of Minnesota.

1.2 **City Utility System.** Facilities used for providing non-energy related public utility service owned or operated by City or agency thereof, including sewer and water service, but excluding facilities for providing heating, lighting or other forms of energy.

1.3 **Commission.** The Minnesota Public Utilities Commission, or any successor agency or agencies, including an agency of the federal government, which preempts all, or part of the authority to regulate Gas retail rates now vested in the Minnesota Public Utilities Commission.

1.4 **Company.** Northern States Power Company, a Minnesota corporation, its successors and assigns.

1.5 **Gas.** "Gas" as used herein shall be held to include natural gas, manufactured gas, or other form of gaseous energy.

1.6 **Gas Facilities.** Pipes, mains, regulators, and other facilities owner or operated by Company for the purpose of providing gas service for public use.

1.7 **Notice.** A written notice served by one party on the other party referencing one or more provisions of this Ordinance. Notice to Company shall be mailed to the General Counsel, 401 Nicollet Mall, 8th Floor, Minneapolis, MN 55401. Notice to the City shall be mailed to the City Hall,

4701 Highway 61, White Bear Lake, MN 55110. Either party may change its respective address for the purpose of this Ordinance by written notice to the other party.

1.8 **Public Ground.** Land owned by the City for park, open space or similar purpose, which is held for use in common by the public.

1.9 **Public Way.** Any street, alley, walkway or other public right-of-way within the City.

SECTION 2. ADOPTION OF FRANCHISE.

2.1 **Grant of Franchise.** City hereby grants Company, for a period of 20 years from the date passed and approved by the City, the right to transmit and furnish Gas energy for light, heat, power and other purposes for public and private use within and through the limits of the City as its boundaries now exist or as they may be extended in the future. For these purposes, Company may construct, operate, repair and maintain Gas Facilities in, on, over, under and across the Public Grounds and Public Ways of City, subject to the provisions of this Ordinance. Company may do all reasonable things necessary or customary to accomplish these purposes, subject, however, to such reasonable regulations as may be imposed by the City pursuant to ordinance and to the further provisions of this franchise agreement.

2.2 **Effective Date; Written Acceptance.** This franchise agreement shall be in force and effect from and after passage of this Ordinance, its acceptance by Company, and its publication as required by law. The City by Council resolution may revoke this franchise agreement if Company does not file a written acceptance with the City within 90 days after publication.

2.3 **Service and Rates.** The service to be provided and the rates to be charged by Company for Gas service in City are subject to the jurisdiction of the Commission.

2.4 **Publication Expense.** The expense of publication of this Ordinance will be paid by City and reimbursed to City by Company.

2.5 **Dispute Resolution.** If either party asserts that the other party is in default in the performance of any obligation hereunder, the complaining party shall notify the other party of the default and the desired remedy. The notification shall be written. Representatives of the parties must promptly meet and attempt in good faith to negotiate a resolution of the dispute. If the dispute is not resolved within 30 days of the written notice, the parties may jointly select a mediator to facilitate further discussion. The parties will equally share the fees and expenses of this mediator. If a mediator is not used or if the parties are unable to resolve the dispute within 30 days after first meeting with the selected mediator, either party may commence an action in District Court to interpret and enforce this franchise or for such other relief as may be permitted by law or equity for breach of contract, or either party may take any other action permitted by law.

SECTION 3. LOCATION, OTHER REGULATIONS.

3.1 **Location of Facilities.** Gas Facilities shall be located, constructed and maintained so as not to interfere with the safety and convenience of ordinary travel along and over Public Ways and so as not to disrupt normal operation of any City Utility System previously installed therein. Gas Facilities shall be located on Public Grounds as determined by the City. Company's construction, reconstruction, operation, repair, maintenance and location of Gas Facilities shall be subject to permits if required by

separate ordinance and to other reasonable regulations of the City to the extent not inconsistent with the terms of this franchise agreement. Company may abandon underground gas facilities in place, provided, at City's request, Company will remove abandoned metal pipe interfering with a City improvement project, but only to the extent such metal pipe is uncovered by excavation as part of the City's improvement project.

3.2 Field Locations. Company shall provide field locations for its underground Gas Facilities within City consistent with the requirements of Minnesota Statutes, Chapter 216D.

3.3 Street Openings. Company shall not open or disturb any Public Ground or Public Way for any purpose without first having obtained a permit from the City, if required by a separate ordinance, for which the City may impose a reasonable fee. Permit conditions imposed on Company shall not be more burdensome than those imposed on other utilities for similar facilities or work. Company may, however, open and disturb any Public Ground or Public Way without permission from the City where an emergency exists requiring the immediate repair of Gas Facilities. In such event Company shall notify the City by telephone to the office designated by the City as soon as practicable. Not later than the second working day thereafter, Company shall obtain any required permits and pay any required fees.

3.4 Restoration. After undertaking any work requiring the opening of any Public Ground or Public Way, Company shall restore the same, including paving and its foundation, to as good a condition as formerly existed, and shall maintain any paved surface in good condition for one year thereafter. The work shall be completed as promptly as weather permits, and if Company shall not promptly perform and complete the work, remove all dirt, rubbish, equipment and material, and put the Public Ground or Public Way in the said condition, the City shall have, after demand to Company to cure and the passage of a reasonable period of time following the demand, but not to exceed five days, the right to make the restoration at the expense of Company. Company shall pay to the City the cost of such work done for or performed by the City. This remedy shall be in addition to any other remedy available to the City for noncompliance with this Section 3.4, but the City hereby waives any requirement for Company to post a construction performance bond, certificate of insurance, letter of credit or any other form of security or assurance that may be required, under a separate existing or future ordinance of the City, of a person or entity obtaining the City's permission to install, replace or maintain facilities in a Public Way.

3.5 Avoid Damage to Gas Facilities. Nothing in this Ordinance relieves any person from liability arising out of the failure to exercise reasonable care to avoid damaging Gas Facilities while performing any activity.

3.6 Notice of Improvements. The City must give Company reasonable notice of plans for improvements to Public Grounds or Public Ways where the City has reason to believe that Gas Facilities may affect or be affected by the improvement. The notice must contain: (i) the nature and character of the improvements, (ii) the Public Grounds and Public Ways upon which the improvements are to be made, (iii) the extent of the improvements, (iv) the time when the City will start the work, and (v) if more than one Public Ground or Public Way is involved, the order in which the work is to proceed. The notice must be given to Company a sufficient length of time in advance of the actual commencement of the work to permit Company to make any necessary additions, alterations or repairs to its Gas Facilities.

SECTION 4. RELOCATIONS.

4.1 Relocation of Gas Facilities in Public Ways. If the City determines to vacate a Public Way for a City improvement project, or at City's cost to grade, regrade, or change the line of any Public Way, or construct or reconstruct any City Utility System in any Public Way, it may order Company to relocate its Gas Facilities located therein if relocation is reasonably necessary to accomplish the City's proposed public improvement. Except as provided in Section 4.3, Company shall relocate its Gas Facilities at its own expense. The City shall give Company reasonable notice of plans to vacate for a City improvement project, or to grade, regrade, or change the line of any Public Way or to construct or reconstruct any City Utility System. If a relocation is ordered within five years of a prior relocation of the same Gas Facilities, which was made at Company expense, the City shall reimburse Company for Non-Betterment Costs on a time and material basis, provided that if a subsequent relocation is required because of the extension of a City Utility System to a previously unserved area, Company may be required to make the subsequent relocation at its expense. Nothing in this Ordinance requires Company to relocate, remove, replace or reconstruct at its own expense its Gas Facilities where such relocation, removal, replacement or reconstruction is solely for the convenience of the City and is not reasonably necessary for the construction or reconstruction of a Public Way or City Utility System or other City improvement.

4.2 Relocation of Gas Facilities in Public Ground. City may require Company at Company's expense to relocate or remove its Gas Facilities from Public Ground upon a finding by City that the Gas Facilities have become or will become a substantial impairment to the existing or proposed public use of the Public Ground.

4.3 Projects with Federal Funding. City shall not order Company to remove or relocate its Gas Facilities when a Public Way is vacated, improved or realigned for a right-of-way project or any other project which is financially subsidized in whole or in part by the Federal Government or any agency thereof, unless the reasonable non-betterment costs of such relocation are first paid to Company. The City is obligated to pay Company only for those portions of its relocation costs for which City has received federal funding specifically allocated for relocation costs in the amount requested by the Company, which allocated funding the City shall specifically request. Relocation, removal or rearrangement of any Company Gas Facilities made necessary because of a federally-aided highway project shall be governed by the provisions of Minnesota Statutes, Section 161.46, as supplemented or amended. It is understood that the rights herein granted to Company are valuable rights.

4.4 No Waiver. The provisions of this franchise apply only to facilities constructed in reliance on a franchise from the City and shall not be construed to waive or modify any rights obtained by Company for installations within a Company right-of-way acquired by easement or prescriptive right before the applicable Public Ground or Public Way was established, or Company's rights under state or county permit.

SECTION 5. TREE TRIMMING.

Company is also granted the permission and authority to trim all shrubs and trees, including roots, in the Public Ways of City to the extent Company finds necessary to avoid interference with the proper construction, operation, repair and maintenance of Gas Facilities, provided that Company shall save City harmless from any liability in the premises.

SECTION 6. INDEMNIFICATION.

6.1 Indemnity of City. Company shall indemnify, keep and hold the City free and harmless from any and all liability on account of injury to persons or damage to property occasioned by the construction, maintenance, repair, inspection, the issuance of permits, or the operation of the Gas Facilities located in the Public Grounds and Public Ways. The City shall not be indemnified for losses or claims occasioned through its own negligence except for losses or claims arising out of or alleging the City's negligence as to the issuance of permits for, or inspection of, Company's plans or work. The City shall not be indemnified if the injury or damage results from the performance in a proper manner of acts reasonably deemed hazardous by Company, and such performance is nevertheless ordered or directed by City after notice of Company's determination.

6.2 Defense of City. In the event a suit is brought against the City under circumstances where this agreement to indemnify applies, Company at its sole cost and expense shall defend the City in such suit if written notice thereof is promptly given to Company within a period wherein Company is not prejudiced by lack of such notice. If Company is required to indemnify and defend, it will thereafter have control of such litigation, but Company may not settle such litigation without the consent of the City, which consent shall not be unreasonably withheld. This section is not, as to third parties, a waiver of any defense or immunity otherwise available to the City and Company, in defending any action on behalf of the City shall be entitled to assert in any action every defense or immunity that the City could assert in its own behalf.

SECTION 7. VACATION OF PUBLIC WAYS.

The City shall give Company at least two weeks prior written notice of a proposed vacation of a Public Way. Except where required for a City improvement project, the vacation of any Public Way, after the installation of Gas Facilities, shall not operate to deprive Company of its rights to operate and maintain such Gas Facilities, until the reasonable cost of relocating the same and the loss and expense resulting from such relocation are first paid to Company. In no case, however, shall City be liable to Company for failure to specifically preserve a right-of-way under Minnesota Statutes, Section 160.29.

SECTION 8. CHANGE IN FORM OF GOVERNMENT.

Any change in the form of government of the City shall not affect the validity of this Ordinance. Any governmental unit succeeding the City shall, without the consent of Company, succeed to all of the rights and obligations of the City provided in this Ordinance.

SECTION 9. PROVISIONS OF ORDINANCE.

9.1 Severability. Every section, provision, or part of this Ordinance is declared separate from every other section, provision, or part and if any section, provision, or part shall be held invalid, it shall not affect any other section, provision, or part. Where a provision of any other City ordinance conflicts with the provisions of this Ordinance, the provisions of this Ordinance shall prevail.

9.2 Limitation on Applicability. This Ordinance constitutes a franchise agreement between the City and Company as the only parties and no provision of this franchise shall in any way inure to the benefit of any third person (including the public at large) so as to constitute any such person as a

Gas w/o fee

third party beneficiary of the agreement or of any one or more of the terms hereof, or otherwise give rise to any cause of action in any person not a party hereto.

SECTION 10. AMENDMENT PROCEDURE.

Either party to this franchise agreement may at any time propose that the agreement be amended to address a subject of concern and the other party will consider whether it agrees that the amendment is mutually appropriate. If an amendment is agreed upon, this Ordinance may be amended at any time by the City passing a subsequent ordinance declaring the provisions of the amendment, which amendatory ordinance shall become effective upon the filing of Company's written consent thereto with the City Clerk within 90 days after the date of final passage by the City of the amendatory ordinance.

SECTION 11. PREVIOUS FRANCHISES SUPERSEDED.

This franchise supersedes any previous Gas franchise granted to Company or its predecessor.

Passed and approved: _____, 20__.

Mayor

Attest:

City Clerk

Date Published: _____

ORDINANCE NO. 12-1-2030

AN ORDINANCE IMPLEMENTING AN ELECTRIC SERVICE FRANCHISE FEE ON NORTHERN STATES POWER COMPANY, A MINNESOTA CORPORATION, ITS SUCCESSORS AND ASSIGNS, FOR PROVIDING ELECTRIC SERVICE WITHIN THE CITY OF WHITE BEAR LAKE

THE CITY COUNCIL OF THE CITY OF WHITE BEAR LAKE DOES ORDAIN:

SECTION 1. The City of White Bear Lake Municipal Code is hereby amended to include reference to the following Special Ordinance.

Subd. 1. Purpose. The White Bear Lake City Council has determined that it is in the best interest of the City to impose a franchise fee on those public utility companies that provide electric services within the City of White Bear Lake.

- (a) Pursuant to City Ordinance _____, a Franchise Agreement between the City of White Bear Lake and Northern States Power Company, a Minnesota corporation, its successors and assigns, the City has the right to impose a franchise fee on Northern States Power Company, a Minnesota corporation, its successors and assigns, in an amount and fee design as set forth in Section 9 of the Northern States Power Company Franchise and in the fee schedule attached hereto as Schedule A.

Subd. 2. Franchise Fee Statement. A franchise fee is hereby imposed on Northern States Power Company, a Minnesota Corporation, its successors and assigns, under its electric franchise in accordance with the schedule attached here to and made a part of this Ordinance, commencing with the NSPM May, 2018 billing month.

This fee is an account-based fee on each premise and not a meter-based fee. In the event that an entity covered by this ordinance has more than one meter at a single premise, but only one account, only one fee shall be assessed to that account. If a premise has two or more meters being billed at different rates, the Company may have an account for each rate classification, which will result in more than one franchise fee assessment for electric service to that premise. If the Company combines the rate classifications into a single account, the franchise fee assessed to the account will be the largest franchise fee applicable to a single rate classification for energy delivered to that premise. In the event any entities covered by this ordinance have more than one premise, each premise (address) shall be subject to the appropriate fee. In the event a question arises as to the proper fee amount for any premise, the Company's manner of billing for energy used at all similar premises in the city will control.

Subd. 3. Payment. The said franchise fee shall be payable to the City in accordance with the terms set forth in Section 9 of the Franchise.

Subd. 4. Surcharge. The City recognizes that the Minnesota Public Utilities Commission may allow Company to add a surcharge to customer rates of city residents to reimburse Company for the cost of the fee.

Subd. 5. Enforcement. Any dispute, including enforcement of a default regarding this ordinance will be resolved in accordance with Section 2.5 of the Franchise Agreement.

Subd. 6. Effective Date of Franchise Fee. The effective date of this Ordinance shall be after its publication and ninety (90) days after the sending of written notice enclosing a copy of this adopted Ordinance to NSPM by certified mail. Collection of the fee shall commence as provided above.

Passed and approved: _____, 20__.

Mayor

Attest:

City Clerk

SEAL

SCHEDULE A

Franchise Fee Rates:

Electric Utility

The franchise fee shall be in an amount determined by applying the following gross revenues schedule per customer premise/per month based on metered service to retail customers within the City:

<u>Class</u>	<u>Amount per month</u>
Residential	1.5%
Sm C & I – Non-Dem	1.5%
Sm C & I – Demand	1.5%
Large C & I	1.5%
Public Street Ltg	1.5%
Muni Pumping –N/D	1.5%
Muni Pumping – Dem	1.5%

Franchise fees are submitted to the City on a quarterly basis as follows:

January – March collections due by April 30.

April – June collections due by July 31.

July – September collections due by October 31.

October – December collections due by January 31.



City of White Bear Lake
City Manager's Office

MEMORANDUM

To: Mayor and City Councilmembers
From: Ellen Richter, City Manager
Date: January 4, 2018
Subject: **Right-of-Way Ordinance – Second Reading**

SUMMARY

While reviewing the necessary steps to implement a permitting process for small-cell wireless facilities, the City Attorney's Office recommended the City adopt a comprehensive Right-of-Way Ordinance, as is described on the attached memo from Mr. Pratt. Additional review of the ordinance is needed and permit fees have yet to be established. However, it is anticipated that this information will be ready for Council's review at its January 9th meeting.

RECOMMENDATION

Council held first reading of the ordinance at its December 12, 2017 meeting. Staff recommends the City Council hold a public hearing to take comment on the proposed ordinance. If staff believes all necessary provisions have been addressed, a recommendation for approval of the attached Right-of-Way Ordinance and corresponding summary resolution will be made. If additional work is needed, staff will bring the ordinance back to Council for final consideration at its January 23rd meeting.

ATTACHMENTS

Summary Resolution
Draft Right-of-Way Ordinance
Memo from City Attorney, Andy Pratt

RESOLUTION NO.

**A RESOLUTION ESTABLISHING THE TITLE AND
SUMMARY APPROVAL OF ORDINANCES:**

RIGHT-OF-WAY ORDINANCE 18-1-2031

FOR PUBLISHED NOTICE.

WHEREAS, the City of White Bear Lake City Council may, pursuant to Ordinance No. 83-6-666, adopt a title and summary of a proposed ordinance to be published in lieu of lengthy entire ordinances, and

WHEREAS, in addition to adopting a title and ordinance summary, the Council shall direct the City Clerk to:

1. Have available for inspection during regular office hours a copy of the entire ordinance.
2. Post a copy of the entire ordinance at the White Bear Lake Branch of the Ramsey County Public Library.
3. Receive an affidavit of publication of the title and summary from the official newspaper.

NOW, THEREFORE, BE IT RESOLVED, that the City of White Bear Lake City Council hereby adopts the aforementioned title and summary for approved Ordinance No. 18-1-2031 as listed below:

RIGHT OF WAY ORDINANCE 18-1-2031

The ordinance establishes permit requirements for work in the City's right-of-way, sets a fee for right-of-way permits and a sets forth a process for denying right-of-way permits.

FURTHER, BE IT RESOLVED, that the City of White Bear Lake City Council hereby directs the City Clerk to provide the inspection and publication requirements as listed above.

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

Ayes:

Nays:

Passed:

Jo Emerson, Mayor

ATTEST:

Kara Coustry, City Clerk

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF WHITE BEAR LAKE, RAMSEY COUNTY, MINNESOTA, AMENDING ARTICLE IX – PUBLIC WAYS AND PROPERTY, OF THE WHITE BEAR LAKE CITY CODE, BY ADDING SECTION 906 – RIGHT OF WAY

THE COUNCIL OF THE CITY OF WHITE BEAR LAKE DOES ORDAIN:

Section 1. The following chapter is added to the White Bear Lake City Code, at Article IX – Public Ways and Property:

906. Right of Way

§906.010 RIGHT OF WAY; PURPOSE AND INTENT. To provide for the health, safety, and welfare of the citizens of the City of White Bear Lake, and to ensure the integrity of its streets and the appropriate use of its rights of way, the City strives to keep its rights of way in a state of good repair and free from unnecessary encumbrances.

Accordingly, the City hereby enacts this new chapter of this Code relating to right-of-way permits and administration. This chapter imposes reasonable regulations on the placement and maintenance of facilities and equipment currently within the City’s rights of way or to be placed therein at some future time. It is intended to complement the regulatory roles of governmental agencies separate from the City. Under this chapter, persons excavating and obstructing the City’s rights of way will bear financial responsibility for their work. Finally, this chapter provides for recovery of out-of-pocket and projected costs from persons using the City’s rights of way.

This chapter shall be interpreted consistently with 1997 Session Laws, Chapter 123, substantially codified in Minn. Stat. §§ 237.16, 237.162, 237.163, 237.79, 237.81, and 238.086 (the “Act”) and 2017 Minn. Laws, ch. 94, art. 9, amending certain portions of the Act, and the other laws governing applicable rights of the City and right-of-way users. This chapter shall also be interpreted consistent with Minn. R. 7819.0050–7819.9950 and Minn. R., ch. 7560 where possible. To the extent any provision of this chapter cannot be interpreted consistently with the aforementioned Minnesota Rules, that interpretation most consistent with the Act and other applicable statutory and case law is intended. This chapter shall not be interpreted to limit the regulatory and police powers of the City to adopt and enforce general ordinances necessary to protect the health, safety, and welfare of the public.

§906.020 RIGHT OF WAY; ELECTION TO MANAGE. Pursuant to the authority granted to the City under state and federal statutory, administrative and common law, the City hereby elects, pursuant to Section 237.163, subd. 2(b) of the Act, to manage rights of way within its jurisdiction.

§906.030 RIGHT OF WAY; DEFINITIONS. The following definitions apply in this chapter of this Code. References hereafter to “sections” are, unless otherwise specified, references to sections in this chapter. Defined terms remain defined terms, whether or not capitalized.

Subd. 1. Abandoned Facility. A facility no longer in service or physically disconnected from another discrete portion of the facility, or from any other facility, that is in use or still carries

service. A facility is not abandoned unless declared so by the right-of-way user, unless 60 days pass after a written notice is delivered from the City to the right-of-way user, inquiring as to whether the facility is abandoned, and no response is received from the right-of-way user.

Subd. 2. Act. Minnesota Statutes, Sections 237.16, 237.162, 237.163, 237.79, 237.81, and 238.086, as amended.

Subd. 3. City. The City of White Bear Lake, Minnesota, its elected officials, officers, employees, or agents.

Subd. 4. Collocate or Collocation. To install, mount, maintain, modify, operate, or replace a small wireless facility on, under, within, or adjacent to an existing wireless support structure or utility pole that is owned privately or by the City or other governmental unit.

Subd. 5. Collocation Agreement. The Small Wireless Facility Collocation and Lease Agreement, utilized by the City in compliance with Section 237.163, subd. 3a(f) of the Act.

Subd. 6. Commission. The State of Minnesota Public Utilities Commission.

Subd. 7. Construction Security. Any of the following forms of security provided at permittee's option:

- (i) Cash deposit;
- (ii) Security of a form listed or approved under Minn. Stat. § 15.73, subd. 3;
- (iii) Irrevocable Letter of Credit, in a form acceptable to the City, with automatic renewal provisions;
- (iv) Self-insurance, in a form acceptable to the City; or
- (v) A blanket bond for projects within the City, or other form of construction bond, for a time specified and in a form acceptable to the City.

Subd. 8. Degradation. A decrease in the useful life of the right of way caused by excavation in or disturbance of the right of way, resulting in the need to reconstruct such right of way earlier than would be required if the excavation or disturbance did not occur.

Subd. 9. Degradation Cost. Subject to Minn. R. 7819.1100, means the cost to achieve a level of restoration, as determined by the City at the time the permit is issued, not to exceed the maximum restoration as set forth in Minn. R., parts 7819.9900 to 7819.9950.

Subd. 10. Degradation Fee. The estimated fee established at the time of permitting by the City to recover costs associated with the decrease in the useful life of the right of way caused by the excavation, and which equals the Degradation Cost.

Subd. 11. Delay Penalty. The penalty imposed as a result of unreasonable delays in right-

of-way excavation, obstruction, patching, or restoration as established by permit.

Subd. 12. Department. The department of public works of the City.

Subd. 13. Director. The director of the department of public works of the City, or her or his designee.

Subd. 14. Emergency. A condition that (1) poses a danger to life, health, or of a significant loss of property; or (2) requires immediate repair or replacement of facilities in order to restore service to a customer.

Subd. 15. Equipment. Any tangible asset used to install, repair, or maintain facilities in any right of way.

Subd. 16. Excavate. To dig into or in any way remove or physically disturb or penetrate any part of a right of way.

Subd. 17. Excavation Permit. The permit which, pursuant to this chapter, must be obtained before a Person may excavate in a right of way. An Excavation Permit allows the holder to excavate that part of the right of way described in such permit.

Subd. 18. Excavation Permit Fee. Money paid to the City by an registrant to cover the costs as provided in Section 906.120 of this Code.

Subd. 19. Facility or Facilities. Any tangible asset in the right of way required to provide a service.

Subd. 20. Local Representative. A local person or persons, or designee of such person or persons, authorized by a registrant to accept service and to make decisions for that registrant regarding all matters within the scope of this chapter.

Subd. 21. Management Costs. The actual costs the City incurs in managing its rights of way, including such costs as those associated with registering registrants; issuing, processing, and verifying right-of-way or small-wireless-facility permit applications; inspecting job sites and restoration projects; maintaining, supporting, protecting, or moving user facilities during right-of-way work; determining the adequacy of right-of-way restoration; restoring work inadequately performed after providing notice and the opportunity to correct the work; and revoking right-of-way or small-wireless-facility permits. Management costs do not include payment by a telecommunications right-of-way user for the use of the right-of-way, unreasonable fees of a third-party contractor used by the City including fees tied to or based on customer counts, access lines, or revenues generated by the right of way for the City, the fees and cost of litigation relating to the interpretation of the Act; or any ordinance enacted under those sections, or the City fees and costs related to appeals taken pursuant to Section 906.300 of this chapter.

Subd. 22. Micro wireless facility. A small wireless facility that is no longer than 24 inches long, 15 inches wide, and 12 inches high, and whose exterior antenna, if any, is no longer than 11

inches.

Subd. 23. Obstruct. To place any tangible object in a right of way so as to hinder free and open passage over that or any part of the right of way.

Subd. 24. Obstruction Permit. The permit which, pursuant to this chapter, must be obtained before a person may obstruct a right of way, allowing the holder to hinder free and open passage over the specified portion of that right of way, for the duration specified therein.

Subd. 25. Obstruction Permit Fee. Money paid to the City by a permittee to cover the costs as provided in Section 906.120.

Subd. 26. Patch or Patching. A method of pavement replacement that is temporary in nature. A patch consists of (1) the compaction of the subbase and aggregate base, and (2) the replacement, in kind, of the existing pavement for a minimum of two feet beyond the edges of the excavation in all directions. A patch is considered full restoration only when the pavement is included in the City's capital improvement plan.

Subd. 27. Pavement. Any type of improved surface that is within the public right of way and that is paved or otherwise constructed with bituminous, concrete, aggregate, or gravel.

Subd. 28. Permit. Has the meaning given "right-of-way permit" in Section 237.162, subd. 7 of the Act.

Subd. 29. Permittee. Any person to whom a permit to excavate or obstruct a right of way has been granted by the City under this chapter.

Subd. 30. Person. An individual or entity subject to the laws and rules of the State of Minnesota, however organized, whether public or private, whether domestic or foreign, whether for profit or nonprofit, and whether natural, corporate, or political.

Subd. 31. Probation. The status of a person that has not complied with the conditions of this chapter.

Subd. 32. Probationary Period. One year from the date that a person has been notified in writing that they have been put on probation.

Subd. 33. Registrant. Any person who (1) has or seeks to have its equipment or facilities located in any right of way regulated by this chapter, or (2) in any way occupies or uses, or seeks to occupy or use, the right of way or place its facilities or equipment in the right of way.

Subd. 34. Restore or Restoration. The process by which an excavated right of way and surrounding area, including pavement and foundation, is returned to the same condition and life expectancy that existed before excavation.

Subd. 35. Restoration Cost. The amount of money paid to the City by a permittee to

achieve the level of restoration according to Commission rules.

Subd. 36. Right of way or Public Right of way. The area on, below, or above a public roadway, highway, street, cartway, bicycle lane, or public sidewalk in which the City has an interest, including other dedicated rights of way for travel purposes and utility easements of the City. A right of way does not include the airwaves above a right of way with regard to cellular or other non-wire telecommunications or broadcast service.

Subd. 37. Right-of-way Permit. Either the excavation permit, obstruction permit, or small-wireless-facilities permit, or any combination thereof, depending on the context, required by this chapter.

Subd. 38. Right-of-way User. (1) A “telecommunications right-of-way user,” as defined in Section 237.162, subd. 4 of the Act, or (2) a person owning or controlling a facility in the right of way that is used or intended to be used for providing a service, and who has a right under law, franchise, contract, license, or ordinance to use the public right of way.

Subd. 39. Service. Includes: (1) those services provided by a public utility, as defined in Minn. Stat. 216B.02, subds. 4 and 6; (2) services of a telecommunications right-of-way user, including transporting of voice or data information; (3) services of a cable communications system, as defined in Minn. Stat. ch. 238; (4) natural gas or electric energy or telecommunications services provided by the City; (5) services provided by a cooperative electric association organized under Minn. Stat., ch. 308A; and (6) water and sewer services, including service laterals, steam, cooling, or heating services.

Subd. 40. Service Lateral. An underground facility that is used to transmit, distribute or furnish ‘gas, electricity, communications, or water from a common source to an end-use customer. A service lateral is also an underground facility that is used in the removal of wastewater from a customer’s premises.

Subd. 41. Small Wireless Facility. A wireless facility that meets both of the following qualifications:

(i) each antenna is located inside an enclosure of no more than six (6) cubic feet in volume or could fit within such an enclosure; and

(ii) all other wireless equipment associated with the small wireless facility, provided such equipment is, in aggregate, no more than twenty-eight (28) cubic feet in volume, not including electric meters, concealment elements, telecommunications demarcation boxes, battery backup power systems, grounding equipment, power transfer switches, cutoff switches, cable, conduit, vertical cable runs for the connection of power and other services, and any equipment concealed from public view within or behind an existing structure or concealment.

Subd. 42. Small-Wireless-Facility Permit. The permit which, pursuant to this chapter, must be obtained before a person may install, place, maintain, or operate a small wireless facility in a public right of way to provide wireless service. A small-wireless-facility permit allows the holder to conduct such activities in that part of the right-of-way described in such permit. A small-

wireless-facility permit does not authorize (1) providing any service other than a wireless service, or (2) installation, placement, maintenance, or operation of a wireline backhaul facility in the right of way.

Subd. 43. Small-Wireless-Facility Permit Fee. Money paid to the City by a permittee to cover the costs as provided in Section 906.120 of this Code.

Subd. 44. Supplementary Application. An application made to the City to excavate or obstruct more of the right of way than allowed in, or to extend or supply additional information to, a permit that has already been submitted or issued.

Subd. 45. Telecommunications Right-of-way User. A person owning or controlling a facility in the right of way, or seeking to own or control a facility in the right of way that is used or is intended to be used for providing wireless service, or transporting telecommunication or other voice or data information. For purposes of this chapter, a cable communication system defined and regulated under Minn. Stat. ch. 238, as amended, and telecommunication activities related to providing natural gas or electric energy services, a public utility as defined in Minn. Stat. § 216B.02, as amended, a municipality, a municipal gas or power agency organized under Minn. Stat. chs. 453 and 453A, as amended, or a cooperative electric association organized under Minn. Stat. ch. 308A, are not telecommunications right-of-way users for purposes of this chapter except to the extent such entity is offering wireless service.

Subd. 46. Trench. An excavation in the pavement, with the excavation having a length equal to or greater than the width of the pavement.

Subd. 47. Utility Pole. A pole that is used in whole or in part to facilitate telecommunications or electric service.

Subd. 48. Wireless Facility. Equipment at a fixed location that enables the provision of wireless services between user equipment and a wireless service network, including equipment associated with wireless service, a radio transceiver, antenna, coaxial or fiber-optic cable, regular and backup power supplies, and a small wireless facility, but not including wireless support structures, wireline backhaul facilities, or cables between utility poles or wireless support structures, that are not otherwise immediately adjacent to and directly associated with a specific antenna.

Subd. 49. Wireless Service. Any service using licensed or unlicensed wireless spectrum, including the use of Wi-Fi, whether at a fixed location or by means of a mobile device, that is provided using wireless facilities. Wireless service does not include services regulated under Title VI of the Communications Act of 1934, as amended, including cable service.

Subd. 50. Wireless Support Structure. A new or existing structure in a right of way designed to support or capable of supporting small wireless facilities, as reasonably determined by the City.

Subd. 51. Wireline Backhaul Facility. A facility used to transport communications data by wire from a wireless facility to a communications network.

§906.040 RIGHT OF WAY; ADMINISTRATION. The City Engineer and the Public Works Director are the principal City officials responsible for the administration of the public right of way, its permits, and the ordinances related thereto. The City Engineer or the Public Works Director may delegate any or all of the duties hereunder.

§906.050 RIGHT OF WAY; REGISTRATION AND OCCUPANCY.

Subd. 1. Registration Prior to Work. No person may construct, install, repair, remove, relocate, or perform any other work on, or use any facilities or any part thereof, in any right of way without first being registered with the City.

Subd. 2. Exceptions. Nothing herein shall be construed to repeal or amend the provisions of a City ordinance permitting persons to plant or maintain boulevard plantings or gardens in the area of the right of way between their property and the street curb. Persons planting or maintaining boulevard plantings or gardens shall not be deemed to use or occupy the right of way, and shall not be required to obtain any permits or satisfy any other requirements for planting or maintaining such boulevard plantings or gardens under this chapter. However, nothing herein relieves a person from complying with the provisions of the Minn. Stat. ch. 216D, (Excavation Notice System).

§906.060 RIGHT OF WAY; REGISTRATION INFORMATION.

Subd. 1. Information Required. The information provided to the City at the time of registration shall include, but not be limited to:

(i) Each registrant's name, Gopher One-Call registration certificate number, address and email address, if applicable, and telephone and facsimile numbers.

(ii) The name, address, and email address, if applicable, and telephone and facsimile numbers of a local representative. The local representative or designee shall be available at all times. Current information regarding how to contact the local representative in an emergency shall be provided at the time of registration.

(iii) A certificate of insurance or self-insurance:

(a) Verifying that an insurance policy has been issued to the registrant by an insurance company licensed to do business in the state of Minnesota, or a form of self-insurance acceptable to the City;

(b) Verifying that the registrant is insured against claims for personal injury, including death, as well as claims for property damage arising out of the (1) use and occupancy of the right of way by the registrant, its officers, agents, employees, and permittees, and (2) placement and use of facilities and equipment in the right of way by the registrant, its officers, agents, employees, and permittees, including, but not limited to, protection against liability arising from completed operations, damage of underground facilities, and collapse of property;

(c) Naming the City as an additional insured as to whom the coverages required herein are in force and applicable and for whom defense will be provided as to all such coverages;

(d) Requiring that the City be notified thirty (30) days in advance of cancellation of the policy or material modification of a coverage term; and

(e) Indicating comprehensive liability coverage, automobile liability coverage, workers' compensation and umbrella coverage established by the City in amounts sufficient to protect the City and the public and to carry out the purposes and policies of this chapter. Such amounts shall be no less than the current maximum tort liability amounts applicable to municipalities in Minn. Stat. §466.04, as amended.

(f) The City requires a copy of the actual insurance policies.

(g) If the registrant is a corporation, a copy of the corporate certificate that has been recorded and certified to by the Minnesota Secretary of State.

(h) A copy of the person's order granting a certificate of authority from the Commission or other authorization or approval from the applicable state or federal agency to lawfully operate, where the person is lawfully required to have such authorization or approval from said commission or other state or federal agency.

Subd. 2. Notice of Changes. The registrant shall keep all of the information listed above current at all times by providing to the City information as to changes within fifteen (15) days following the date on which the registrant has knowledge of any change.

§906.070 RIGHT OF WAY; REPORTING OBLIGATIONS.

Subd. 1. Operations. Each registrant shall, at the time of registration and by December 1 of each year, file a construction and major maintenance plan for underground facilities with the City. Such plan shall be submitted using a format designated by the City and shall contain the information determined by the City to be necessary to facilitate the coordination and reduction in the frequency of excavations and obstructions of rights of way.

The plan shall include, but not be limited to, the following information:

(i) The locations and the estimated beginning and ending dates of all projects to be commenced during the next calendar year (in this section, a "next-year project"); and

(ii) To the extent known, the tentative locations and estimated beginning and ending dates for all projects contemplated for the five years following the next calendar year (in this section, a "five-year project").

The term "project" in this section shall include both next-year projects and five-year projects.

By January 1 of each year, the City will have available for inspection a composite list of all projects of which the City has been informed of the annual plans. All registrants are responsible for keeping themselves informed of the current status of this list.

Thereafter, by February 1 of each year, each registrant may change any project in its list of next-year projects, and must notify the City and all other registrants of all such changes in said list. Notwithstanding the foregoing, a registrant may at any time join in a next-year project of another registrant listed by the other registrant.

Subd. 2. Additional Next-Year Projects. Notwithstanding the foregoing, the City will not deny an application for a right-of-way permit for failure to include a project in a plan submitted to the City if the registrant has used commercially reasonable efforts to anticipate and plan for the project.

§906.080 RIGHT OF WAY; PERMIT REQUIREMENT.

Subd. 1. Permit Required. Except as otherwise provided in this Code, no person may obstruct or excavate any right of way, or install or place facilities in the right of way, without first having obtained the appropriate right-of-way permit from the City to do so.

(i) *Excavation Permit*. An excavation permit is required by a registrant to excavate that part of the right of way described in such permit and to hinder free and open passage over the specified portion of the right of way by placing facilities described therein, to the extent and for the duration specified therein.

(ii) *Obstruction Permit*. An obstruction permit is required by a registrant to hinder free and open passage over the specified portion of right of way by placing equipment described therein on the right of way, to the extent and for the duration specified therein. An obstruction permit is not required if a person already possesses a valid excavation permit for the same project.

(iii) *Small-Wireless-Facility Permit*. A small-wireless-facility permit is required by a registrant to erect or install a wireless support structure, to collocate a small wireless facility, or to otherwise install a small wireless facility in the specified portion or the right of way, to the extent specified therein, provided that such permit shall remain in effect for the length of time the facility is in use, unless lawfully revoked. No small-wireless-facility permit is required to solely conduct: (1) routine maintenance of a small wireless facility; (2) replacement of a small wireless facility with a new facility that is substantially similar or smaller in size, weight, height, and wind or structural loading than the small wireless facility being replaced; or (3) installation, placement, maintenance, operation, or replacement of micro wireless facilities that are suspended on cables strung between existing utility poles in compliance with national safety codes, however, a service provider is required to make written notice of such activities to the City if the micro wireless facility work will obstruct a public right of way. A small-wireless-facility permit is required for the work specified in this paragraph regardless of whether the registrant also possesses an excavation permit or an obstruction permit.

(iv) *Conditional use permit.* A conditional use permit is required to install a new wireless support structure for the siting of a small wireless facility in a right of way in a district that is zoned for single-family residential use (i.e., as of the effective date of this Ordinance, R-1L, R-1S, R-2, R-3, R-4, R-5, R-6, R-7, R-B, R-MH) or within a historic district established by federal or state law or by this Code as of the date of application for a small wireless facility permit.

Subd. 2. Permit Extensions. No person may excavate or obstruct the right of way beyond the date or dates specified in the applicable permit unless (1) such person makes a supplementary application for another right-of-way permit before the expiration of the initial permit, and (2) a new permit or permit extension is granted.

Subd. 3. Delay Penalty. In accordance with Minn. Rule 7819.1000 subp. 3 and notwithstanding subd. 2 of this Section, the City shall establish and impose a delay penalty for unreasonable delays in right-of-way excavation, obstruction, patching, or restoration. The delay penalty shall be established from time to time by City Council resolution. A delay penalty will not be imposed if the delay in completion is due to circumstances beyond the control of the registrant, including without limitation inclement weather, acts of God, or civil strife.

Subd. 4. Permit Display. Permits issued under this chapter shall be conspicuously displayed or otherwise available at all times at the indicated work site and shall be available for inspection by the City.

§906.090 RIGHT OF WAY; PERMIT APPLICATIONS. Application for all permits described in this chapter must be made to the City. Right-of-way permit applications shall contain, and will be considered complete only upon compliance with the requirements of the following provisions:

- (i) Registration with the City pursuant to this chapter.
- (ii) Submission of a completed permit application form, including all required attachments, and scaled drawings showing the location and area of the proposed work underlying the permit and the location of all known existing and proposed facilities.
- (iii) Payment of money due to the City for:
 - (a) permit fees, estimated restoration costs, and other management costs;
 - (b) prior obstructions or excavations, before issuance of the permit;
 - (c) any undisputed loss, damage, or expense suffered by the City because of the registrant's prior excavations or obstructions of the rights of way or any emergency actions taken by the City; and
 - (d) franchise fees or other charges, if applicable.
- (iv) Payment of disputed amounts due to the City by posting security or depositing in an escrow account an amount equal to at least 110 percent of the amount owing, which shall be determined by the City.

(v) Posting an additional or larger construction security for additional facilities when registrant requests an excavation permit to install additional facilities and the City deems the existing construction security inadequate under applicable standards.

§906.100 RIGHT OF WAY; ISSUANCE OF A PERMIT AND CONDITIONS.

Subd. 1. Permit Issuance. If the registrant has satisfied the requirements of this chapter, the City shall issue a right-of-way permit.

Subd. 2. Conditions. The City may impose reasonable conditions upon the issuance of the permit and the performance of the registrant thereunder to protect the health, safety, and welfare or when necessary to protect the right of way and its current use. In addition, a permittee shall comply with all requirements of local, state, and federal laws, including but not limited to Minn. Stat. §§ 216D.01 - .09 (Excavation Notice System) and Minn. R., ch. 7560, each as amended.

Subd. 3. Small Wireless Facility Conditions. In addition to subdivision 2, the erection or installation of a wireless support structure, the collocation of a small wireless facility, or other installation of a small wireless facility in the right of way, shall be subject to the following conditions:

(i) A small wireless facility shall only be collocated on the particular wireless support structure, under those attachment specifications, and at the height indicated in the applicable permit application submitted by the registrant.

(ii) No new wireless support structure installed within the right of way shall exceed 50 feet in height without the City's written authorization, provided that the City may impose a lower height limit in the applicable permit to protect the public health, safety and welfare or to protect the right of way and its current use, and further provided that a registrant may replace an existing wireless support structure exceeding 50 feet in height with a structure of the same height subject to such conditions or requirements as may be imposed in the applicable permit.

(iii) No wireless facility may extend more than 10 feet above its wireless support structure.

(iv) Where a registrant proposes to install a new wireless support structure in the right of way, the City may impose reasonable separation requirements between such structure and any existing wireless support structure or other facilities in and around the right of way.

(v) Where a registrant proposes collocation on a decorative wireless support structure, sign or other structure not intended to support small wireless facilities, the City may impose reasonable requirements to accommodate the particular design, appearance or intended purpose of such structure.

(vi) Where a registrant proposes to replace a wireless support structure, the City may impose reasonable restocking, replacement, or relocation requirements on the replacement of such

structure.

(vii) Where a registrant proposes to install a small wireless facility in a single-family residential (i.e., as of the effective date of this Ordinance, R-1L, R-1S, R-2, R-3, R-4, R-5, R-6, R-7, R-B, R-MH) or historic zoned district (as may later be established by this Code or by applicable state or federal law or regulation), the City will require a conditional use permit.

Subd. 4. Small-Wireless-Facility Agreement. A small-wireless-facility permit shall only be issued after the registrant has executed a Collocation Agreement with the City. The Collocation Agreement may require payment of the following:

(i) Up to \$150 per year for rent to collocate on a wireless support structure owned by the City.

(ii) \$25 per year for maintenance associated with the collocation.

(iii) If the registrant/permittee obtains electrical service through the City, a monthly fee for electrical service as follows:

(a) \$73 per radio node less than or equal to 100 maximum watts;

(b) \$182 per radio node over 100 maximum watts; or

(c) The actual costs of electricity, if the actual costs exceed the foregoing.

The Collocation Agreement shall be in addition to, and not in lieu of, the required small-wireless-facility permit, provided, however, that the registrant shall not be additionally required to obtain a license or franchise in order to collocate. Issuance of a small-wireless-facility permit does not supersede, alter or affect any existing agreement between the City and the registrant established by the effective date of this chapter.

§906.110 RIGHT OF WAY; ACTION ON SMALL-WIRELESS-FACILITY PERMIT APPLICATIONS.

Subd. 1. Deadline for Action. The City shall approve or deny a small-wireless-facility permit application within 90 days after filing of such application. The small-wireless-facility permit shall be deemed approved if the City fails to approve or deny the application within the 90-day review period.

Subd. 2. Consolidated Applications. A registrant may file a consolidated small-wireless-facility permit application addressing the proposed collocation of up to 15 small wireless facilities, or a greater number if agreed to by the City, provided that all small wireless facilities in the application:

(i) are located within a two-mile radius;

- (ii) consist of substantially similar equipment; and
- (iii) are to be placed on similar types of wireless support structures.

In rendering a decision on a consolidated permit application, the City may approve some small wireless facilities and deny others, but may not use denial of one or more permits as a basis to deny all small wireless facilities in the application.

Subd. 3. Tolling of Deadline. The 90-day deadline for action on a small-wireless-facility permit application may be tolled if:

(i) The City receives applications from one or more registrants seeking approval of permits for more than 30 small wireless facilities within a seven-day period. In such case, the City may extend the deadline for all such applications by 30 days by informing the affected registrants in writing of such extension.

(ii) The registrant fails to submit all required documents or information and the City provides written notice of incompleteness, with specificity as to the missing information, to the registrant within 30 days of receipt of the application. Upon submission of additional documents or information, the City shall have ten days to notify the registrant in writing of any still missing information.

(iii) The City and a small wireless facility registrant agree in writing to toll the review period.

§906.120 RIGHT OF WAY; PERMIT FEES.

Subd. 1. Excavation Permit Fee. The City shall impose an excavation permit fee, as may be set forth in the City's annual fee schedule, in an amount sufficient to recover the following costs:

- (i) City management costs;
- (ii) degradation costs, if applicable.

Subd. 2. Obstruction Permit Fee. The City shall impose an obstruction permit fee, as may be set forth in the City's annual fee schedule, in an amount sufficient to recover the City management costs.

Subd. 3. Small Wireless Facility Permit Fee. The City shall impose a small wireless facility permit fee, as may be set forth in the City's annual fee schedule, in an amount sufficient to recover:

- (i) City management costs; and
- (ii) City engineering and construction costs (if any) associated with collocation of small wireless facilities.

Subd. 4. Payment of Permit Fees. No excavation permit, obstruction permit, or small-wireless-facility permit shall be issued without payment of the corresponding permit fees.

Subd. 5. Non Refundable. Permit fees that were paid for a permit that the City has revoked for a breach as stated in Section 906.220 are not refundable.

Subd. 6. Application to Franchises. Unless otherwise agreed to in a franchise agreement, management costs may be charged separately from and in addition to the franchise fees imposed on a right-of-way user in the franchise agreement.

§906.130 RIGHT OF WAY; PATCHING AND RESTORATION.

Subd. 1. Timing. The work to be done under an excavation permit, and the patching and restoration of the right of way as required herein, must be completed within the dates specified in the permit, increased by as many days as work could not be done because of circumstances beyond the control of the permittee or when work was prohibited as unseasonable or unreasonable under Section 906.160.

Subd. 2. Patch and Restoration. A Permittee shall patch its own work. The City may choose either to have the permittee restore the right of way or to restore the right of way itself after the work is completed.

(i) *City Restoration.* If the City restores the right of way, the permittee shall pay the costs thereof within thirty (30) days of billing. If, following such restoration, the pavement settles due to permittee's improper backfilling, the permittee shall pay to the City, within thirty (30) days of billing, all costs associated with correcting the defective work.

(ii) *Permittee Restoration.* If the permittee restores the right of way, it shall at the time of application for an excavation permit post construction security in accordance with the provisions of this chapter.

(iii) *Degradation Fee in Lieu of Restoration.* In lieu of right-of-way restoration, a right-of-way user may elect to pay a degradation fee. However, the right-of-way user shall remain responsible for patching and the degradation fee shall not include the cost to accomplish these responsibilities.

Subd. 3. Standards. The permittee shall perform excavation, backfilling, patching, and restoration according to the standards and with the materials specified by the City and shall comply with Minn. Rule 7819.1100.

Subd. 4. Duty to Correct Defects. The permittee shall correct defects in patching or restoration performed by the permittee or its agents. The permittee upon notification from the City, shall correct all restoration work to the extent necessary, using the method required by the City. Said work shall be completed within five (5) calendar days of the receipt of the notice from the City, not including days during which work cannot be done because of circumstances constituting

force majeure or days when work is prohibited as unseasonable or unreasonable under Section 906.160.

Subd. 5. Failure to Restore. If the permittee fails to restore the right of way in the manner and to the condition required by the City, or fails to satisfactorily and timely complete all restoration required by the City, the City at its option may do such work. In that event the permittee shall pay to the City, within thirty (30) days of billing, the actual cost of restoring the right of way. If the permittee fails to pay as required, the City may exercise its rights under the construction security.

§906.140 RIGHT OF WAY; JOINT APPLICATIONS.

Subd. 1. Joint application. Registrants may jointly apply for permits to excavate or obstruct the right of way at the same place and time. Registrants may not jointly apply for small-wireless-facility or conditional-use permits.

Subd. 2. Shared fees. Registrants who apply for permits for the same obstruction or excavation, which the City does not perform, may share in the payment of the obstruction or excavation permit fee. In order to obtain a joint permit, registrants must agree among themselves as to the portion each will pay and indicate the same on their applications.

Subd. 3. With City projects. Registrants who join in a scheduled obstruction or excavation performed by the City, whether or not it is a joint application by two or more registrants or a single application, are not required to pay the excavation or obstruction and degradation portions of the permit fee, but a permit is still required to provide the City with details regarding the project.

§906.150 RIGHT OF WAY; SUPPLEMENTARY APPLICATIONS.

Subd. 1. Limitation on Area. A right-of-way permit is valid only for the area of the right of way specified in the permit. No permittee may do any work outside the area specified in the permit, except as provided herein. Any permittee which determines that an area greater than that specified in the permit must be obstructed or excavated must before working in that greater area must (1) apply for a supplementary application and pay any additional fees required thereby, and (2) be granted a new or amended permit or permit extension.

Subd. 2. Limitation on Dates. A right-of-way permit is valid only for the dates specified in the permit. No permittee may begin its work before the permit start date or, except as provided herein, continue working after the end date. If a permittee does not finish the work by the permit end date, it must apply for a new permit for the additional time it needs, and receive the new or amended permit or an extension of the old permit before working after the end date of the previous permit.

§906.160 RIGHT OF WAY; OTHER OBLIGATIONS.

Subd. 1. Compliance with Other Laws. Obtaining a right-of-way permit does not relieve a permittee of its duty to obtain all other necessary permits, licenses, and authority and to pay all

fees required by the City pursuant to its current fee schedule, or other applicable rule, law or regulation. A permittee shall comply with all requirements of local, state and federal laws, including but not limited to Minn. Stat. §§ 216D.01-.09 (Excavation Notice System) and Minn. R., ch. 7560. A permittee shall perform all work in conformance with all applicable codes and established rules and regulations, and is responsible for all work done in the right of way pursuant to its permit, regardless of who does the work.

Subd. 2. Prohibited Work. Except in an emergency, and with the approval of the City, no right-of-way obstruction or excavation may be done when seasonally prohibited or when conditions are unreasonable for such work.

Subd. 3. Interference with Right of way. A permittee shall not so obstruct a right of way that the natural free and clear passage of water through the gutters, ditches or other waterways shall be interfered with. Private vehicles of those doing work in the right of way may not be parked within or next to an area covered by a permit, unless parked in conformance with City parking regulations. The loading or unloading of trucks must be done solely within the defined permit area unless specifically authorized by the permit.

Subd. 4. Trenchless excavation. As a condition of all applicable permits, permittees employing trenchless excavation methods, including but not limited to Horizontal Directional Drilling, shall follow all requirements set forth in Minn. Stat. ch. 216D and Minn. R., ch. 7560 and shall require potholing or open cutting over existing underground utilities before excavating, as determined by the Director.

§906.170 RIGHT OF WAY; DENIAL OF PERMIT.

Subd. 1. Reasons for Denial. The City may deny a permit for failure to meet the requirements and conditions of this chapter or if the City determines that the denial is necessary to protect the health, safety, and welfare of the public or when necessary to protect the right of way and its current use.

Subd. 2. Procedural Requirements. The denial of a permit must be made in writing and must document the basis for the denial. The City must notify the registrant in writing within ten (10) business days of the decision to deny a permit. If an application is denied, the registrant may cure the deficiencies identified by the City and resubmit its application. If the application is resubmitted within 30 days of receipt of the notice of denial, no additional application fee shall be imposed. The City must approve or deny the resubmitted application within 30 days after submission.

§906.180 RIGHT OF WAY; INSTALLATION REQUIREMENTS. The excavation, backfilling, patching and restoration, and all other work performed in the right of way shall be done in conformance with Minn. R. 7819.1100 and 7819.5000 (for telecommunications) and other applicable local requirements, in so far as they are not inconsistent with Sections 237.162 and 237.163 of the Act. Installation of service laterals shall be performed in accordance with Minn. R., ch 7560 and this Code. Service lateral installation is further subject to those requirements and conditions set forth by the City in the applicable permits and agreements referenced in Section

906.230, subd. 2 of this chapter.

§906.190 RIGHT OF WAY; INSPECTION.

Subd. 1. Notice of Completion. When the work under any permit hereunder is completed, the permittee shall furnish a completion certificate in accordance with Minn. Rule 7819.1300. “As built” drawings are required to be completed by the permittee and distributed to the City within six (6) months of completion of the work.

Subd. 2. Site Inspection. The Permittee shall make the work site available to the City and to all others as authorized by law for inspection at all reasonable times during the construction of and upon completion of the work.

Subd 3. Authority of City.

(i) At the time of inspection, the Director or City Engineer may order the immediate cessation of any work which poses a serious threat to the life, health, safety, or well-being of the public.

(ii) The Director or City Engineer may issue an order to the permittee for any work that does not conform to the terms of the permit or other applicable standards, conditions, or codes. The order shall state that failure to correct the violation will be cause for revocation of the permit. Within ten (10) days after issuance of the order, the permittee shall present proof to the Director or the City Engineer, as the case may be, that the violation has been corrected. If such proof has not been presented within the required time, the Director or the City Engineer, as the case may be, may revoke the permit pursuant to Sec. 906.220 of this chapter.

§906.200 RIGHT OF WAY; WORK DONE WITHOUT A PERMIT.

Subd. 1. Emergency Situations. Each registrant shall immediately notify the Director of any event regarding its facilities that it considers to be an emergency. The registrant may proceed to take whatever actions are necessary to respond to the emergency. Excavators’ notification to Gopher State One Call regarding an emergency situation does not fulfill this requirement. Within two (2) business days after the occurrence of the emergency, the registrant shall apply for the necessary permits, pay the fees associated therewith, and fulfill the rest of the requirements necessary to bring itself into compliance with this chapter for the actions it took in response to the emergency.

If the City becomes aware of an emergency regarding a registrant’s facilities, the City will attempt to contact the local representative of each registrant affected, or potentially affected, by the emergency. In any event, the City may take whatever action it deems necessary to respond to the emergency, the cost of which shall be borne by the registrant whose facilities occasioned the emergency. The City shall not be liable for any action or inaction taken under this paragraph.

Subd. 2. Non-Emergency Situations. Except in an emergency, any person who, without first having obtained the necessary permit, obstructs or excavates a right of way must subsequently

obtain a permit and, as a penalty, pay double the normal fee for said permit, pay double all the other fees required by this Code, deposit with the City the fees necessary to correct any damage to the right of way, and comply with all of the requirements of this chapter.

§906.210 RIGHT OF WAY; SUPPLEMENTARY NOTIFICATION. If the obstruction or excavation of the right of way begins later or ends sooner than the date given on the permit, the permittee shall notify the City of the most accurate and up-to-date information as soon as this information is known.

§906.220 RIGHT OF WAY; REVOCATION OF PERMITS.

Subd. 1. Substantial Breach. The City reserves its right, as provided herein, to revoke any right-of-way permit without a fee refund, if there is a substantial breach of the terms and conditions of any statute, ordinance, rule or regulation, or any material condition of the permit or relevant agreement. A substantial breach by a permittee shall include, but shall not be limited to, the following:

- (i) The violation of any material provision of the right-of-way permit.
- (ii) An evasion or attempt to evade any material provision of the right-of-way permit, or the perpetration or attempt to perpetrate any fraud or deceit upon the City or its citizens.
- (iii) Any material misrepresentation of fact in the application for a right-of-way permit.
- (iv) The failure to complete the work in a timely manner, unless a permit extension is obtained or unless the failure to complete work is due to reasons beyond the permittee's control.
- (v) The failure to correct, in a timely manner, work that does not conform to a condition indicated on an order issued pursuant to Sec. 906.190.

Subd. 2. Written Notice of Breach. If the City determines that a permittee has committed a substantial breach of a term or condition of any statute, ordinance, rule, regulation, or any condition of the permit, the City shall follow the procedural requirements of Sec. 906.170, subd. 2 of this chapter. In addition, the demand shall state that continued violations may be cause for revocation of the permit. A substantial breach, as stated above, will allow the City, at its discretion, to place additional or revised conditions on the permit to mitigate and remedy the breach.

Subd. 3. Response to Notice of Breach. Within two (2) calendar days of receiving notification of the breach, the permittee shall provide the City with a plan, acceptable to the City, that will cure the breach. The permittee's failure to so contact the City, or the permittee's failure to timely submit an acceptable plan, or the permittee's failure to reasonably implement the approved plan, shall be cause for immediate revocation of the permit.

Subd. 4. Reimbursement of City costs. If a permit is revoked, the permittee shall also reimburse the City for the City's reasonable costs, including restoration costs and the costs of collection and reasonable attorneys' fees incurred in connection with such revocation.

§906.230 RIGHT OF WAY; MAPPING DATA.

Subd. 1. Information Required. Each registrant and permittee shall provide mapping information required by the City in accordance with Minn. R. 7819.4000 and 7819.4100. Within ninety (90) days following completion of any work pursuant to a permit, the permittee shall provide the Director accurate maps and drawings certifying the “as-built” location of all equipment installed, owned, and maintained by the permittee. Such maps and drawings shall include the horizontal and vertical location of all facilities and equipment and shall be provided consistent with the City’s electronic mapping system, when practical or as a condition imposed by the Director. Failure to provide maps and drawings pursuant to this subsection shall be grounds for revoking the permit.

Subd. 2. Service Laterals. All permits issued for the installation or repair of service laterals, other than “minor repairs” as defined in Minn. R. 7560.0150, subp. 2, shall require the permittee’s use of appropriate means of establishing the horizontal locations of installed service laterals and the service lateral vertical locations in those cases where the Director reasonably requires it. Permittees or their subcontractors shall submit to the Director evidence satisfactory of the installed service lateral locations. Compliance with this subdivision 2 and with applicable Gopher State One Call law and Minnesota Rules governing service laterals installed after December 31, 2005, shall be a condition of any City approval necessary for:

(i) payments to contractors working on a public improvement project, including those under Minn. Stat. ch. 429; and

(ii) City approval under development agreements or other subdivision or site plan approvals under Minn. Stat. ch. 462. The Director shall reasonably determine the appropriate method of providing such information to the City. Failure to provide prompt and accurate information on the service laterals installed may result in the revocation of the permit issued for the work or future permits to the offending permittee or its subcontractors.

§906.240 RIGHT OF WAY; LOCATION AND RELOCATION OF FACILITIES.

Subd. 1. Location. Placement, location, and relocation of facilities must comply with the Act, with other applicable law, and with Minn. R. 7819.3100, 7819.5000, and 7819.5100, to the extent the rules do not limit authority otherwise available to cities.

Subd. 2. Undergrounding. Unless otherwise agreed in a franchise or other agreement between the applicable right-of-way user and the City, facilities in the right of way must be located or relocated and maintained underground. This regulation does not apply to small wireless facilities or micro wireless facilities.

Subd. 3. Limitation of Space. To protect the health, safety, and welfare of the public, or when necessary to protect the right of way and its current use, the City shall have the power to prohibit or limit the placement of new or additional facilities within the right of way. In making such decisions, the City shall strive to the extent possible to accommodate all existing and potential users of the right of way, but shall be guided primarily by considerations of the public interest, the

public's needs for the particular utility service, the condition of the right of way, the time of year with respect to essential utilities, the protection of existing facilities in the right of way, and future City plans for public improvements and development projects which have been determined to be in the public interest. The City shall provide written findings to a registrant in connection with the prohibition of new or additional facilities within the right of way.

§906.250 RIGHT OF WAY; PRE-EXCAVATION FACILITIES LOCATION. In addition to complying with the requirements of Minn. Stat. §§ 216D.01-.09 (Excavation Notice System) before the start date of any right-of-way excavation, each registrant who has facilities or equipment in the area to be excavated shall mark the horizontal and vertical placement of all said facilities. Any registrant whose facilities are less than twenty (20) inches below a concrete or asphalt surface shall notify and work closely with the excavation contractor to establish the exact location of its facilities and the best procedure for excavation.

§906.260 RIGHT OF WAY; DAMAGE TO OTHER FACILITIES. When the City does work in the right of way and finds it necessary to maintain, support, or move a registrant's facilities to protect it, the City shall notify the local representative as early as is reasonably possible. The costs associated therewith will be billed to that registrant and must be paid within thirty (30) days from the date of billing. Each registrant shall be responsible for the cost of repairing any facilities in the right of way which it or its facilities damage. Each registrant shall be responsible for the cost of repairing any damage to the facilities of another registrant caused during the City's response to an emergency occasioned by that registrant's facilities.

§906.270 RIGHT OF WAY; VACATION AND RESERVATION OF RIGHT. If the City vacates a right of way that contains the facilities of a registrant, the registrant's rights in the vacated right of way are governed by Minn. R. 7819.3200.

§906.280 RIGHT OF WAY; INDEMNIFICATION AND LIABILITY. By registering with the City, or by accepting a permit under this chapter, a registrant or permittee agrees to defend and indemnify the City in accordance with the provisions of Minn. Rule 7819.1250.

§906.290 RIGHT OF WAY; ABANDONED AND UNUSABLE FACILITIES.

Subd. 1. Discontinued Operations. A registrant who has determined to discontinue all or a portion of its operations in the City must provide information satisfactory to the City that the registrant's obligations for its facilities in the right of way under this chapter have been lawfully assumed by another registrant.

Subd. 2. Removal. Any registrant who has abandoned facilities in any right of way shall remove it from that right of way, and must remove the facilities immediately if required in conjunction with other right-of-way repair, excavation, or construction, unless this requirement is waived by the City.

§906.300 RIGHT OF WAY; APPEAL. A registrant or a right-of-way user, as the case may be, that: (1) has been denied a permit; (2) has had a permit revoked; (3) believes that the fees imposed by the City are not in conformity with Section 237.163, subd. 6 of the Act; or (4) disputes a

determination of the Director regarding Section 906.230, subd.2 of this chapter may have the denial, revocation, fee imposition, or decision reviewed, upon written request, by the City Council. The City Council shall act on a timely written request at its next regularly scheduled meeting, provided the registrant or right-of-way user, as the case may be, has submitted its appeal with sufficient time to include the appeal as a regular agenda item. A decision by the City Council affirming the denial, revocation, or fee imposition will be in writing and supported by written findings establishing the reasonableness of the decision.

§906.310 RIGHT OF WAY; RESERVATION OF REGULATORY AND POLICE POWERS. A permittee’s rights are subject to the regulatory and police powers of the City to adopt and enforce general ordinances as necessary to protect the health, safety, and welfare of the public.

§906.320 RIGHT OF WAY; SEVERABILITY. If any portion of this chapter is for any reason held invalid by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof. Nothing in this chapter precludes the City from requiring a franchise agreement with a registrant or right-of-way user, as allowed by law, in addition to requirements set forth herein.

Section 2. This Ordinance shall be in full force and effect from and after its passage and publication according to law and the Charter of the City of White Bear Lake, Minnesota.

Adopted by the City Council of the City of White Bear Lake, Minnesota, this 9th day of January, 2018.

Jo Emerson, Mayor

ATTEST:

Kara Coustry, City Clerk

ECKBERG LAMMERS
MEMORANDUM

TO: Mayor Jo Emerson
White Bear Lake City Council
City Manager Ellen Richter
City Engineer Mark Burch

FROM: Andy Pratt, City Attorney
Dan Burns, Assistant City Attorney

DATE: December 7, 2017

RE: Right-of-Way Management Ordinance

On the City Council agenda for the December 12, 2017 meeting is the first reading of a new ordinance regulating the City's right-of-way property. The second reading of the ordinance and consideration of the ordinance is tentatively scheduled to be on the Council's January 9, 2018 agenda.

Background

In 2017, the Minnesota Legislature passed a law that gave significant rights to private parties to place "small cell wireless facilities" and "micro wireless facilities" on public property with minimal regulation. The Legislature did allow for municipalities to first establish a model lease agreement, in which the municipality and the private entity would enter into an agreement governing the location(s) of the wireless facility or facilities and other pertinent matters. Often these facilities are "collocated" on utility poles or other structures located within the public right-of-way. Our office has prepared a model collocation and lease agreement and distributed this document to City staff.¹ This agreement was referenced at the Council's November 28, 2017 meeting, as staff is ready to meet with private entities seeking to locate small cell wireless facilities within the right-of-way.

Need for Right-of-Way Ordinance

During the drafting process for the model collocation agreement, we discovered the City does not currently have a right-of-way ordinance in place. Without a right-of-way ordinance, a private entity could technically approach the City to locate a structure within the right-of-way, or excavate

¹ The new wireless facility law required the model collocation agreement to be drafted and available for use by November 30, 2017.

an area within the right-of-way, or obstruct an area for a project, without the City being able to regulate many aspects of that activity.² We therefore set out to draft a comprehensive right-of-way ordinance, to allow the City to undertake reasonable regulation of a private project within its right-of-way. In today's economy, many right-of-way projects occur with telecommunications or cable companies, but this ordinance would also deal with private utility placements and other right-of-way disturbances.

Here are some highlights of the ordinance:

- The ordinance establishes permit requirements for any party who wishes to undertake excavation, obstruct, or place a wireless facility within the City's right-of-way. The permit will specifically identify the private party doing the work, and will contain important insurance requirements to protect the City against liability for the work (the City will be named as an "additional insured" on the private party's insurance policy).
- The private party doing the work must file specific project plans and depictions of the right-of-way, so the City is acutely aware of the work occurring at all times. If the private party goes outside the boundaries of the project plans, the City can demand that the project return to the original plans, with the private party liable for any payments to restore the right-of-way.
- City staff was specifically concerned with the possibility that several small cell wireless facilities will begin popping up in residential zoning districts. We have accounted for this issue by requiring a conditional use permit (CUP) for all such facilities in the City's ten residential districts. A CUP will also be required for any facilities located in a historical district, whether designated through the City Code or through other local, state or federal law. A CUP will give City staff, the Planning Commission, and the City Council the ability to impose reasonable conditions on a right-of-way facility, with the violation of any condition being grounds for revocation of the CUP.
- The City is able to impose reasonable fees for the issuance of a right-of-way excavation permit, an obstruction permit, or a small cell wireless permit. We will work with City staff to develop the necessary permit language and include the fees in the permit itself or in the City's fee schedule.
- If City staff denies a right-of-way permit application for whatever reason, the applicant may appeal the denial to the City Council. In this case, we will work closely with City staff and the Council to develop a resolution of denial, if the Council chooses this method. The resolution of denial will contain necessary findings for the Council to rely on. This step is crucial to protect the City from later legal action taken by the applicant.

² It is not accurate to state the City is without any power to regulate its right-of-way. Separate ordinances may require a permit for land disturbance, or may limit the time in which an area within the right-of-way is obstructed, for example.

Of course, there are several rights-of-way within the City that are owned by the State of Minnesota or by Ramsey County. The City has no property interest in these rights-of-way, and therefore cannot regulate right-of-way applications in these areas. We have recommended that City staff approach the County and MnDOT personnel to coordinate the right-of-way application process, to protect against the proliferation of small cell wireless facilities and other obstructions within popular and well traveled rights-of-way within the City.

Please let me know if you have any questions related to this issue. Thank you.

Andy Pratt
651.351.2125 (direct)
apratt@eckbergglammers.com



City of White Bear Lake
City Manager's Office

MEMORANDUM

To: Ellen Richter, City Manager
From: Kara Coustry, City Clerk
Date: January 2, 2018
Subject: Election of Chair of the City Council

BACKGROUND/SUMMARY

Section 4.13 of the City Charter provides that the City Council shall, at its first regular meeting of January following a municipal election, elect one of its members as Chair of the City Council. The Chair of the City Council shall preside over the meetings of the Council in the absence of the Mayor and shall appoint committees of the City Council. Further, the Chair of the City Council shall, under the title of Acting Mayor, assume, exercise and perform all the powers and duties of the Mayor during the Mayor's temporary absence or disability. As a result of a recent amendment to the City Charter, the Chair shall also maintain the right and authority to vote on all motions, resolutions and ordinances considered by City Council when serving as Acting Mayor.

The current Chair of the City Council is Kevin Edberg.

ATTACHMENTS

Resolution

RESOLUTION NO.

**RESOLUTION ELECTING THE CHAIR OF THE
WHITE BEAR LAKE CITY COUNCIL**

BE IT RESOLVED by the City Council of the City of White Bear Lake that pursuant to the City's Charter _____ is hereby elected Chair of the City for the term January 10, 2018 through January 8, 2020.

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

Ayes:

Nays:

Passed:

Jo Emerson, Mayor

ATTEST:

Kara Coustry, City Clerk



City of White Bear Lake
City Manager's Office

MEMORANDUM

To: Mayor and City Councilmembers

From: Ellen Richter, City Manager

Date: January 4, 2018

Subject: **Renewal of Legal Retainers and Rates**

BACKGROUND

The City Charter assigns to the City Council the responsibility for annual appointment of the City Attorneys. The Charter also defines the duties and responsibilities of the City Attorney. Specifically, the City Charter provides:

Section 4.20. City Attorney.

“The City Council shall have the power to appoint a City Attorney or Attorneys and fix the compensation to be paid to said City Attorney or Attorneys, who shall be a member or members of the bar of the State of Minnesota. Such attorney or attorneys may be appointed for one year, but shall be removable at the pleasure of the Council.”

Section 4.21. City Attorney -- Duties.

“The duties of such City Attorney or Attorneys shall include:

To act as the legal advisor, attorney and counsel for the City and for all officers, departments, and agencies thereof, on City business;

To prosecute all suits, actions and proceedings for and on behalf of the City, and defend all suits, actions and proceedings against the City;

To prepare all contracts, bonds, and other legal instruments, in writing, in which the City is interested or concerned, and endorse upon each an approval form; however, an approval of bonds to be issued by the City may be covered by separate certificate which is to be filed with the records of the City Council;

To be the prosecuting attorney for the prosecution of violations of City ordinances and franchises;

To perform such other duties as may be required by ordinance or resolution.”

Current appointments

Andy Pratt of Eckberg Lammers is appointed as the City Attorney, and Robb Olson is appointed as the Prosecuting Attorney. Both are compensated by retainer for basic services and at an hourly rate for other services.

SUMMARY

Both attorneys wish to be reappointed.

Eckberg Lammers PC, with Andy Pratt serving as the lead attorney, was appointed by the Council in August, 2017 following the retirement of Roger Jensen. A rate adjustment commensurate of executive staff adjustments at 2.75 % would amount to an \$85 increase from \$3,000 to \$3,085, and an increase in his hourly rate of \$5 (from \$150 to \$155). Rates for support personnel would be similarly adjusted to reflect a 2.75% increase.

Staff has met with Mr. Pratt to review his first months serving as the new City Attorney. Next August, which marks completion of Mr. Pratt's first full year of service, a more complete and formal review process will be conducted to provide Council opportunity to participate in a review of his first year.

Last year the Council approved a three-year contract with Robb Olson at an annual rate of \$148,000. The 2017 rate increase in prosecutorial costs were the result of more aggressive effort to prosecute domestic abuse cases and DUI arrests. Because this rate was intended to extend for a three-year term, no increase was requested.

The annual costs for legal services since 2013 are represented below:

	2013	2014	2015	2016	2017
Prosecution	\$105,537	\$148,002	\$136,520	\$138,710	\$148,900
Counselor	79,868	\$96,389	\$79,441	\$92,810	\$96,500*
	185,405	\$244,391	\$215,961	\$231,520	\$245,400

*represents two months of "overlapping" payments.

Lastly, land use and award of contract decisions of the City Council may result in extended litigation if challenged by the applicant and economic development efforts such as the redevelopment activity, personnel actions and property acquisition may result in increased legal expenses. The Mayor and Council have less ability to influence prosecution levels and costs. The City's laws must be enforced and there are obvious costs associated with this responsibility.

RECOMMENDED COUNCIL ACTION

Staff recommends Council adopt the resolution appointing the City Attorneys and setting fees for 2018.

ATTACHMENTS

Resolution appointing City Attorney – Counselor

Resolution appointing City Attorney - Prosecutor

RESOLUTION NO. _____

**RESOLUTION DESIGNATING CITY ATTORNEY
-- COUNSELOR --**

WHEREAS, the City seeks legal advice and services related to municipal civil matters; and

WHEREAS, after careful review and consideration of the City's legal needs and the qualifications of eleven law firms responding to the City's request for proposals, the City Council has chosen to appoint Andrew Pratt from the firm Eckberg Lammers as City Attorney with occasional adjunct assistance from other associates he may assign; and

WHEREAS, the City Council desires to establish the terms and conditions of the City Attorney appointment,

BE IT RESOLVED by the City Council of the City of White Bear Lake that pursuant to §4.20 of the White Bear Lake Home Rule Charter, Andrew Pratt and the firm Eckberg Lammers are hereby appointed City Attorney-Counselor, for a term expiring January 31, 2018 or until a successor is appointed, according to the terms, conditions and responsibilities set forth below.

1. **City Attorney - Duties.** The duties of the City Attorney shall be to act as the legal adviser, attorney and counsel for the City and for all officers, departments, and agencies thereof, on City business; defend all suits, actions and proceedings against the City unless a special attorney is assigned.

To prepare or review as determined as appropriate and necessary all contracts, bonds, and other legal instruments, in writing, in which the City is interested or concerned, and endorse upon each an approval form; however, an approval of bonds to be issued by the City may be covered by separate certificate which is to be filed with the records of the City Council;

To perform such other duties as may be required by ordinance or resolution and to maintain a legal library and support services necessary to fulfill these functions.

Keep the City Council and the City Manager apprised of legal issues and responsibilities through issuance of written opinions and advisory memoranda.

2. **Compensation.** The City Attorney shall be compensated through a monthly retainer and hourly rate as follows:

A. A monthly retainer of \$3,085 shall be paid for the following services:

1. Attend all City Council meetings
2. Review all City contracts/agreements
3. Answer all routine inquiries from City Staff and the City Council
4. Non-litigation employment law inquiries (excludes union negotiations)
5. Statutory interpretation
6. Review of established contracts for annual services, joint powers agreements and vendor services.

RESOLUTION NO. _____

B. An hourly rate shall be paid for the following services:

1. Circuit court and appellate litigation
2. Complex real estate work (condemnation/land acquisition/easement/ROW)
3. Labor negotiations
4. Administrative hearings
5. Developer project-based services or disputes

Hourly rates for work performed outside of the retainer are as follows:

Attorney:	\$155
Paralegals:	\$82
Law Clerks:	\$77
Developer Reimbursed Work:	\$215

C. Payment of the retainer and hourly fee shall be made by the City to the Attorney following receipt of a monthly invoice or statement which itemizes each project or suit for which the hourly fee is to be applied providing the date, activity and length of time applied.

The City Attorney will advise the City Manager's Office each time a new account is established for which the hourly fee will be claimed.

3. Performance Review. During the third quarter of 2018, the City Council will meet with the City Attorney for the specific purpose of discussing the performance of the City Attorney and his firm as it relates to the City's legal needs and the City Council will provide constructive direction as appropriate.

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

Ayes:
Absent:
Nays:
Passed:

Jo Emerson, Mayor

ATTEST:

Kara Coustry, City Clerk

RESOLUTION NO.

RESOLUTION DESIGNATING CITY ATTORNEY -- PROSECUTOR --

WHEREAS, the City seeks legal advice and services relating to municipal criminal matters; and

WHEREAS, after careful review and consideration of the need for legal prosecution services and the qualifications and performance of Mr. Olson, the City Council has chosen to reappoint Robb Olson as the City's Prosecutor; and

WHEREAS, the City Council desires to establish the terms and conditions of the appointment.

BE IT RESOLVED by the City Council of the City of White Bear Lake that pursuant to §4.20 of the White Bear Lake Home Rule Charter, Robb Olson and any qualified attorney so appointed by him to assist, are hereby appointed as the City Attorney-Prosecutor, for a term expiring January 31, 2020 or until a successor is appointed, according to the terms, conditions and responsibilities set forth below.

1. **Prosecutorial Duties.** The duties of the City Attorney-Prosecutor shall be to act as the legal adviser and prosecutor for all municipal criminal matters as determined by the State of Minnesota, District Court of Ramsey County. He shall be responsible for prosecuting all offenses for which such services are required. A regular office must be maintained during routine business hours.
2. **Compensation.** The City Prosecutor shall be compensated through a flat annual fee of \$148,000 for the following services:
 - 1) Court appearances, including arraignments, pre-trial conferences, court trials, omnibus hearings, jury trials, and appeals.
 - 2) All trial preparation work, including the interviewing of witnesses, police officers, defendants, and defense attorneys.
 - 3) Regular conferences in the prosecutor's office or by telephone with patrol officers and investigators while determining whether charges should be brought in any particular case.
 - 3) Transportation costs associated with attending court or court related matters in Maplewood or St. Paul.
 - 4) Training and orientation of White Bear Lake Police Officers which relate to court appearances and testifying.
 - 5) Telephone conferences and advice to Police Department personnel, citizens, City employees, law enforcement agencies and court personnel.
 - 6) Clerical expenses and services.

RESOLUTION NO.

**RESOLUTION DESIGNATING CITY ATTORNEY
-- PROSECUTOR --**

- 7) Meeting and conferences with other prosecutors, court personnel and execution of complaints.
 - 8) Preparation of gross misdemeanor complaints.
 - B. An hourly rate of \$110.00 will be billed separately for work related to forfeiture.
 - C. To receive compensation, the Prosecutor shall submit a monthly invoice for the above stated retainer and an itemized statement for services billed at the hourly rate.
- 3. Service Review.** During the third quarter of each year, the City Council will meet with the Prosecuting Attorney for the specific purpose of discussing legal services provided by the firm representing the City in these capacities. It is the intent of the City Council that any issues relating to the effectiveness of these services shall be discussed at that time.

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

Ayes:
Nays:
Passed:

Jo Emerson, Mayor

ATTEST:

Kara Coustry, City Clerk



City of White Bear Lake
City Manager's Office

MEMORANDUM

To: Mayor and City Councilmembers

From: Ellen Richter, City Manager

Date: January 2, 2018

Subject: **Appointment of Administrative Hearing Officer and establishing penalties for 2018**

BACKGROUND

In 1996, the City Council adopted Ordinance 96-2-929 establishing a procedure for issuance of citations for violation of City ordinances. This procedure allows patrol officers or other qualified enforcement personnel to issue administrative citations for what are generally considered minor violations rather than a citation through district court. Conditions or actions generally falling in this category are barking dogs, excessive noise, trash in yards, junk cars, juvenile smoking, first-time unsafe driving (including minor speeding) and many parking offenses.

An essential component of this procedure is “due process” which is accomplished through the right to appeal to a City Council appointed administrative hearing officer. An individual receiving an administrative citation may appeal her/his case to the hearing officer who is empowered to uphold, dismiss or adjust the citation and financial penalty. The administrative penalty charges were last adjusted in 2013. While staff has no recommendations for adjustments at this time, a review of the administrative penalties will take place in 2018 for Council’s consideration.

SUMMARY

The hearing officer is appointed by the City Council for a one-year term and serves on an on-call basis. Generally, administrative hearings are held every other Friday as needed. Kathleen Marac has been appointed to this position since the procedure was established and continues to receive excellent performance evaluations from the Chief of Police and City Manager. In 2017, the Administrative Hearing Officer was utilized a total of 14 hours, which amounted to a total of \$420 being paid to Ms. Marac for her service in this capacity.

RECOMMENDED COUNCIL ACTION

Staff recommends Council adopt the resolution appointing Ms. Marac as the City’s 2018 hearing officer and setting the schedule of penalties.

ATTACHMENTS

Resolution

RESOLUTION NO.:

**RESOLUTION APPOINTING ADMINISTRATIVE HEARING OFFICER
AND PROVIDING FOR A SCHEDULE OF OFFENSES
AND ADMINISTRATIVE PENALTIES**

WHEREAS, Section 205 of the City's Ordinance Code provides for an Administrative Enforcement procedure, the establishment of a schedule of offenses and related administrative penalties, and for the appointment of a Hearing Officer by the City Council; and

WHEREAS, Kathleen K. Marac, White Bear Lake, has been determined interested and qualified in serving in this capacity; and

WHEREAS, the schedule of administrative offenses and related penalties has been reviewed and approved by the City Council as follows:

Offense	Ordinance Reference	Penalty
Alcohol and Tobacco Sales		
Purchase, possession by underage person	Sec. 704.050,1002.140	\$ 50.00
Lending I.D. to underage person to purchase License holder	Sec. 1002.150,1104.060	100.00
First Offense		150.00
Second offense within 12 months		275.00
Third offense within 18 months		500.00
All other violations	Sec. 1001,1002	100.00
Animals		
Vicious Animal	Sec. 701.140	50.00
All other animal violations	Ch. 701.702	25.00
Building Code , failure to comply	Ch. 1201	50.00
Curfew	Sec. 704.010	10.00
False Alarms	Ch. 709	
Three false alarms result in warning		
Fourth offense within 12 months		50.00
Each additional offense within 12 months increases another \$25		
Failure to pay within 30 days applies 10% penalty		
Fires		
No open fire	Sec. 801.040	25.00
Fire code	Ch. 801	100.00

RESOLUTION NO.:

Offense	Ordinance Reference	Penalty
Fireworks		
Use, possession, sale prohibited	Sec. 905.220	25.00
Housing Code		
	Ch. 502	50.00
Land Use		
Commercial	Chs. 1301-1303	100.00
Residential	Chs. 1301-1303	50.00
Weeds	Ch. 705	30.00
Composting	Ch. 509	30.00
Land Alteration	Ch. 903.070	100.00
Miscellaneous		
Dumping rubbish	Sec. 903.020	50.00
Consuming alcohol in unauthorized places	Sec. 703.130	25.00
Seat belts	Sec. 601.010	25.00
Expired license plates	Sec. 601.010	20.00
Missing plate/tab	Sec. 601.010	20.00
Trespassing	Sec. 703.140	25.00
Worthless Checks	Ch. 708	50.00
Unspecified Municipal Code Violations		25.00
Noise complaints		
Loud party call	Sec. 703.070	25.00
Loud party, second offense with 12 months		50.00
Other complaints	Sec. 703.070	30.00
Obedience to a traffic-control signal or device		
	Sec. 601.010	40.00
Parking		
Handicap Zone	Sec. 601.010	50.00
Fire lane	Sec. 803.020	25.00
Interference with snow removal	Sec. 603.070	25.00
Blocking fire hydrant	Sec. 603.020	25.00
All other illegal parking	Ch. 603	25.00
Parks		
Park ordinance violations	Ch. 905	25.00
Public Nuisance		
	Sec. 703.050	100.00
Regulated Businesses		
	Article XI	100.00

RESOLUTION NO.:

Offense	Ordinance Reference	Penalty
Signs		
Garage sale signs	Sec. 1202.020	25.00
Business/commercial	Ch. 1202	50.00
Skate Boards, Roller Blades, Roller Skating	Ch. 606	25.00
Snowmobiles	Ch. 605	40.00
Speed (1-10 mph over posted limit)	<i>Administrative Fee assigned by state statute</i>	
Subdivision Regulations		
Commercial	Chs. 1401-1410	100.00
Residential	Chs. 1401-1410	50.00
Weapons		
Discharge or display of pellet/BB/splat guns	Sec. 703.020 – 703.040	25.00
Wetland/Shoreland	Sec. 1303.230	100.00

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of White Bear Lake, Minnesota, that Kathleen Marac is hereby appointed Administrative Hearing Officer at a rate of \$30/hour for a term which will expire January 31, 2019; and

BE IT FURTHER RESOLVED that the City Council does resolve that the above-described schedule of offenses and related penalties are hereby established.

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

Ayes:
Nays:
Passed:

Jo Emerson, Mayor

ATTEST:

Kara Coustry, City Clerk



City of White Bear Lake
City Manager's Office

M E M O R A N D U M

To: Mayor and City Councilmembers

From: Ellen Richter, City Manager

Date: January 2, 2018

Subject: **Appointment of City Council representatives to various organizations**

BACKGROUND

Annually, the City Council designates representatives to various organizations of which the City is a member.

SUMMARY

Current City Council representation includes:

<u>Organization</u>	<u>Representative</u>	<u>Alternate</u>
Rush Line	Jo Emerson	Kevin Edberg
Vadnais Lake Area Water Management Organization	Dan Jones	Bill Walsh
Ramsey County League of Local Governments	Doug Biehn	Steven Engstran

Rush Line – “The Rush Line Corridor is an 80-mile travel corridor between St. Paul and Hinckley, consisting of 23 urban, suburban and rural communities linked by a common need to be mobile and connected. The task force is a 23-member board of city, county and township elected officials who plan transit improvements that enhance mobility, promote economic development and preserve community and environmental assets within the Rush Line Corridor.” Meetings typically occur on the 3rd Thursday of every month in the afternoon.

<http://www.rushline.org/#!/task-force/c1enr>

Vadnais Lake Area Water Management Organization – “VLAWMO was formed in 1983 to protect the Vadnais Lake watershed area in northern Ramsey County and a small portion of Anoka County, Minnesota. VLAWMO covers approximately 25 square miles in the northeast metropolitan area. The watershed encompasses the City of North Oaks, and portions of the Cities of White Bear Lake, Gem Lake, Vadnais Heights, Lino Lakes, and White Bear Township. The VLAWMO Board of Directors consists of one elected official from each of the six cities within the watershed.” The VLAWMO Board meets on the 4th Wednesday of every other month at 7:00 p.m.

<http://www.vlawmo.org/about>

Ramsey County League of Local Governments – “The mission of the RCLLG is to foster cooperation among Ramsey County units of government thereby increasing the effectiveness and efficiency of public service delivery.” Typically meetings occur Thursday evenings.

<http://www.mngts.org/rcllg/index.html>

New Committee – Ramsey County Dispatch Policy Committee

The Mayor or one member of the City Council may represent the City on the Dispatch Policy Committee. This committee shall assist the County in reviewing, evaluating and making recommendations regarding performance of the Dispatch Center - ensuring that the service meets the needs and expectations of the communities and public safety user agencies.

RECOMMENDED COUNCIL ACTION

Staff recommends Council appoint members and alternates, and adopt the resolution appointing City Council representatives to various committees in 2018.

ATTACHMENTS

Resolution

RESOLUTION NO.

RESOLUTION APPOINTING CITY COUNCIL REPRESENTATIVES TO VARIOUS ORGANIZATIONS FOR THE YEAR 2018

WHEREAS, the City Council provides representation on various organizations on behalf of the City of White Bear Lake; and

WHEREAS, 2018 organizations consist of Rush Line, Vadnais Lake Area Water Management and Ramsey County League of Local Governments; and

WHEREAS, the City Council designates a representative and an alternate every year.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of White Bear Lake, that the following City Council representatives and alternates be in effect for 2018:

<u>Organization</u>	<u>Representative</u>	<u>Alternate</u>
Rush Line		
Vadnais Lake Area Water Management Organization		
Ramsey County League of Local Governments		
Ramsey County Dispatch Policy Committee		

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

Ayes:

Nays:

Passed:

Jo Emerson, Mayor

ATTEST:

Kara Coustry, City Clerk



City of White Bear Lake
City Manager's Office

MEMORANDUM

To: Ellen Richter, City Manager
From: Kara Coustry, City Clerk
Date: December 6, 2017
Subject: Designation of Official Newspaper

BACKGROUND

Section 4.25 of the White Bear Lake City Charter states that the City Council shall, at its first regular meeting in January, or as soon thereafter as practical, designate the official paper of the city for the publication of all notices required by the City's Charter.

The matter of designating the official newspaper is also addressed in Chapter 331 of Minnesota Statutes, which establishes specific requisites for qualifying as an official newspaper. MN Statutes §331A.04 states that the governing body shall designate a qualified newspaper in a specified sequence of priorities. Of first priority is criteria that, "If there are one or more qualified newspapers, the known office of issue of which are located within the political subdivision, one of them shall be designated." (Subd. 2.)

SUMMARY

The White Bear Press meets all of the legal requirements for legal publications and is the only one which has a known office of issue within White Bear Lake. Therefore, according to State Statutes, The White Bear Press is the newspaper which takes first priority to be designated as the official newspaper of the City of White Bear Lake.

In the attached letter, the White Bear Press has expressed interest continuing to serve as the official newspaper of the city. They propose a 3% increase in the cost of legal publications, which reflects a .48 cent increase per column inch over 2017. A brief history of rate increases is provided for perspective:

2014	2015	2016	2017	2018 Proposed
\$14.85 (2%)	\$15.30 (3%)	\$15.68 (2.5%)	\$16.07 (2.4%)	\$16.55 (3%)

RECOMMENDED COUNCIL ACTION

Staff recommends Council adopt the resolution designating the City's Official Newspaper.

ATTACHMENTS

Resolution
Letter from Press Publications

RESOLUTION NO.

**RESOLUTION NAMING THE OFFICIAL NEWSPAPER IN 2018
TO PERFORM OFFICIAL PUBLICATIONS FOR THE
CITY OF WHITE BEAR LAKE, MN**

BE IT RESOLVED by the City Council of the City of White Bear Lake that the White Bear Press be named the official newspaper of the City of White Bear Lake for publications set forth in the City's Charter from January 10, 2018 through January 8, 2019.

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

Ayes:

Nays:

Passed:

Jo Emerson, Mayor

ATTEST:

Kara Coustry, City Clerk



4779 Bloom Ave., White Bear Lake, MN 55110 • Phone: 651-407-1200 • Fax: 651-429-1242

December 1, 2017

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

Dear Kara:

The *White Bear Press* wishes to be considered as your official newspaper for 2018.

We meet all the legal publication requirements under state statutes. Our circulation is audited by Verified Audit Circulation, an independent firm.

We offer submittal of legal notices by mail, fax at (651) 429-1242 or e-mail to legals@presspubs.com - clearly labeling them as Public Notices.

There will be a slight increase in the rate for your legal notices this year due to increased cost of health care and paper. We are asking for \$16.55 per column inch, in 7 point type at 9 lines per inch.

Our deadline for legal notices is Thursday by 5:00 p.m. for the following Wednesday's publication.

We look forward to the opportunity to serve you. We welcome any questions or concerns you may have.

Sincerely,

A handwritten signature in black ink that reads "Lisa Graber".

Lisa Graber
Legal Notice Coordinator

LG:mp

Misc: WhiteBearLake2018.doc

Your Best Source For Community Information

White Bear Press • *Vadnais Heights Press* • *Quad Community Press* • *Shoreview Press* • *The Citizen* • *The Lowdown* • *North Oaks News*
news@presspubs.com ppcomp@presspubs.com marketing@presspubs.com ppcirc@presspubs.com



City of White Bear Lake
City Engineer's Office

MEMORANDUM

To: Ellen Richter, City Manager

From: Mark Burch, Public Works Director/City Engineer

Date: January 3, 2018

Subject: **Purchase of New Dump Truck Chassis, Dump Body and Plowing Equipment**

BACKGROUND / SUMMARY

The Public Works Department is preparing to purchase a new dump truck chassis which will be equipped with a dump box, snow plows and salt application equipment. The new truck will replace a 2005 Freightliner model which will be retired from the city's fleet. The dump truck will be used for hauling asphalt, gravel, street sweepings, excavated materials from water main repairs and storm sewer outlets, as well as, snow plowing in the winter. The truck will be equipped with three snow plows (front, rear-wing and underbody) and salt application equipment (feed auger and spreader wheel) along with cab mounted controls for all of the equipment. The truck will also be equipped with high visibility LED flashing warning lights for improved safety.

The dump truck and plow equipment is included in the 2018 Street Department budget for \$225,000 (a copy of the Street Department budget is attached for reference). The truck and equipment will be purchased in two phases. The truck chassis will be purchased from Interstate Truck Center in Inver Grove Heights, MN for a total cost of \$62,496.00 and will be manufactured by Freightliner. The truck body and plowing equipment will be fabricated and installed by Towmaster, Inc. in Litchfield, MN for a total cost of \$106,635.00. The total cost of the truck and equipment will be \$169,131.00.

Bids for the truck and plowing equipment are taken from the State of Minnesota purchasing contract, which the city utilizes for large equipment purchases. The Interstate Truck Center bid of \$62,496.00 is the lowest bid which meets the city's specifications for the truck chassis. The Towmaster, Inc. bid of \$106,635.00 for the dump body and plowing equipment is the second lowest bid on the state contract, with Truck Body & Equipment International, Inc. (TBEI) providing the lowest bid of \$103,649.00.

The Public Works Department has evaluated the plowing equipment proposed by TBEI, and based upon past experience with previous equipment purchases, recommends that the city not purchase equipment from TBEI, but rather proceed to the second lowest bid on the state contract for the plowing equipment package from Towmaster, Inc. The city currently has several trucks equipped with Towmaster equipment and it performs very well. Service from Towmaster, Inc. has also been excellent. A memo from Dan Pawlenty, Public Works Superintendent regarding the Public Works truck committee recommendation is included with this memo.

RECOMMENDED COUNCIL ACTION

Staff recommends Council approve the purchase of dump truck chassis, dump body and plowing equipment.

ATTACHMENTS

Resolution

Memo from Public Works

RESOLUTION NO.

**RESOLUTION ACCEPTING BIDS AND
ORDERING PURCHASE OF A NEW DUMP TRUCK CHASSIS AND DUMP
BODY AND PLOWING EQUIPMENT**

WHEREAS, the City desires to purchase a new dump truck chassis with plowing accessories to replace a 2005 model truck, and

WHEREAS, the Public Works Department has prepared specifications for a new truck chassis, dump body and plowing equipment, and

WHEREAS, bids for the truck dump body and plowing equipment have been obtained using the State of MN purchasing contract, and

WHEREAS, the purchase of the new truck chassis with dump body and plowing equipment has been anticipated in the 2018 Street Department Budget for \$225,000.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of White Bear Lake that;

1. The Council hereby approves purchase of a Freightliner truck chassis from Interstate Truck Center for \$62,496.00 as quoted on the State of MN purchasing contract.
2. The Council hereby approves purchase of a dump body and plowing equipment to be installed on the new truck chassis by Towmaster Truck Equipment in the amount of \$103,649.00 as quoted on the State of Minnesota purchasing contract.

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

Ayes:
Nays:
Passed:

Jo Emerson, Mayor

ATTEST:

Kara Coustry, City Clerk



City of White Bear Lake
Public Works Department

MEMORANDUM

To: Mark Burch, Public Works Director/City Engineer
From: Dan Pawlenty, Public Works Superintendent
cc: Ellen Richter, City Manager, Don Rambow, Finance Director
Date: January 4, 2018
Re: 2018 Tandem Axle Plow Unit (2018 budget item)

As everyone is aware, the Public Works Department has been in the process of researching options and specification for a new tandem axle dump / plow truck. We started by putting together a committee to gather input, information, and set up meetings with truck chassis and truck body builder vendors. The group consisted of five participants: Mark Meyer, Chad Jacoboski, Kevin Schneider, Joe Levine, and Dan Pawlenty. During our meetings, a lot of information was exchanged, and broken down to determine the best long-term value, and operational function.

Our committee is recommending a Freightliner Chassis, and a Towmaster Dump Body with Falls Plow equipment. I will submit two purchase orders detailing pricing under the state contract. We are looking forward for this item to be on the agenda at the January 9th council meeting for approval.



City of White Bear Lake
City Manager's Office

MEMORANDUM

To: Mayor and City Councilmembers

From: Ellen Richter, City Manager

Date: January 4, 2018

Subject: **Northeast Youth and Family Services Agreement**

BACKGROUND

Northeast Youth and Family Services (NYFS) is a non-profit social service agency whose mission is to meet the unmet developmental needs of at-risk youth and families within the community through collaboration and coordination with existing community resources. Prior to a transfer of service to NYFS in 2012, these services were provided by the White Bear Lake Community Counseling Center, which was a department of the City.

In mid-2012 the City Council authorized a 'transfer of service' agreement between the City and NYFS to continue most services previously provided by the Community Counseling Center at the White Bear Lake location. The original agreement between the City and NYFS provided that the City's 2012 funding level of approximately \$90,000 be reduced over five years to a level proportionate (according to population) to other participating cities. The City's contribution in 2016 was \$49,293, which marked the last year of declining funding levels. The City's 2017 funding share of \$39,029 was proportionate to other participating cities. The 2018 funding request of \$39,575 represents a 1.4% increase over last year and was anticipated in the 2018 budget.

SUMMARY

Most suburban Ramsey County Cities have entered into an agreement with NYFS on an annual basis for mental health services. The agreement as attached sets forth the services to be provided by NYFS to its clients and states the City's intent to provide funding for the coming year.

RECOMMENDED COUNCIL ACTION

Staff recommends the City Council authorize execution of the attached agreement with Northeast Youth and Family Services.

ATTACHMENTS

Resolution
Cover Letter and Agreement

RESOLUTION NO.

**AUTHORIZING AN AGREEMENT BETWEEN THE CITY OF WHITE BEAR LAKE
AND NORTHEAST YOUTH AND FAMILY SERVICES**

WHEREAS, Northeast Youth and Family Services (NYFS) is a non-profit social service whose mission is to meet the unmet developmental needs of at-risk youth and families with our community through collaboration and coordination with existing community resources; and

WHEREAS, The City of White Bear Lake has been contracting with NYFS to provide youth and family services and wishes to continue to sponsor NYFS in 2018; and

WHEREAS, Participation figures for the City of White Bear Lake are:

2010	2011	2012	2013	2014	2015	2016	2017	2018
95,000	87,574	90,345	80,082	69,819	59,556	49,293	39,029	39,575

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of White Bear Lake that the Mayor and City Manager are authorized and hereby directed to execute an agreement with Northeast Youth and Family Services for a term through December 31, 2018.

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

Ayes:

Nays:

Passed:

Jo Emerson, Mayor

ATTEST:

Kara Coustry, City Clerk

December 22, 2017

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

Dear Ellen,

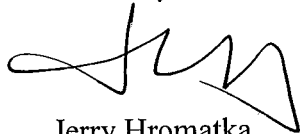
Enclosed is the 2018 partnership agreement with Northeast Youth & Family Services. I have also included the addendum referenced in section III-B Services Provided and Exhibit A referenced in section III-D-2 Funding.

Please sign and return a fully executed copy of the agreement to me. You can either send a hard copy through the mail or a pdf electronically. Either way we need a copy in our files for our audit.

We appreciate our partnership with you and look forward to another year of working in concert to serve the residents of our community. I will reach out to you in early January about setting up our annual presentation to the council.

If you have any questions or need more information, please don't hesitate to contact me.

Sincerely,



Jerry Hromatka
President & CEO

AGREEMENT

I. PARTIES

This agreement is made and entered into by and between the City of White Bear Lake Minnesota ("City") and Northeast Youth and Family Services ("NYFS").

II. RECITALS

- A. NYFS is a non-profit social service agency whose mission is to meet the unmet developmental needs of at-risk youth and families within their community environment with emphasis on providing services through collaboration and coordination with existing community resources. These services are available to youth and families residing in the northern suburbs of Ramsey County, including, but not limited to, the municipalities which are signatory to agreements which are identical to this Agreement ("participating municipalities") and students and families from Independent School Districts 621, 622, 623, 624, 282 and 832.
- B. Through this Agreement the City intends to contract with NYFS to provide such services to its residents and to act as a sponsor of NYFS by providing financial support, a method to establish appropriate services to be provided and policy guidance for its activities.
- C. This Agreement shall be used as the formal agreement between NYFS and each of the participating municipalities. This Agreement is intended to continue the spirit of cooperation and collaboration in the provision of social services between the City and NYFS.

III. TERMS AND CONDITIONS

In consideration of the mutual understandings of this Agreement, the parties hereby agree as follows:

- A. Prior Agreements Cancelled. By execution of this Agreement any prior agreements and amendments thereto between the parties are hereby cancelled.
- B. Services Provided. NYFS shall provide the City and its residents with youth and family programs set forth in the Addendum attached hereto.
- C. Principles of Service and Program Establishment and Operations. On a yearly basis and prior to submission of its annual budget, as provided for hereafter, NYFS shall:
 - 1. Report regarding proposed changes in services and programs to the City; and

2. Establish a fair and open bidding/request for proposal (RFP) process to contract, manage or provide such services and programs, which are not directly provided by NYFS staff.

D. Funding

1. In addition to the participating municipalities' share of the annual budget, funds for the operation of NYFS will be raised by NYFS endeavoring to secure user fees, grants and appropriations from private organizations, the State of Minnesota, Federal and County agencies, and other legal and appropriate sources.
2. The City shall pay annually to NYFS the base amount listed in Exhibit A. This base amount will be adjusted annually for inflation/deflation using the Standard Metropolitan Statistical Area Consumer Price Index for All Urban Consumers (CPI-U). Such adjustment shall not exceed plus or minus 3% in any year. Any adjustment in the payment beyond those indicated by reference to the CPI-U shall require approval of each of the participating municipalities.
3. Any new City joining into this agreement will pay a base amount annually to NYFS that is on par with the amount paid by current participating municipalities.
4. Amounts payable by the City shall be paid to NYFS on or before January 30th of each year, or at a date mutually agreed upon by both parties, to cover the City's share for that year.

E. Board of Directors. This agreement is contingent upon the City having the right to a seat on the Board of Directors. The Board of Directors shall be limited to not more than 30 Board members.

F. Further Obligations of NYFS. In addition to the obligations set forth elsewhere in this Agreement, this Agreement is further contingent upon NYFS doing the following:

1. The Bylaws of NYFS shall be amended to add provisions requiring an open process for contracting services as provided for in paragraph C.2., above, and prohibiting NYFS from supporting or opposing individual candidates for election to public office in any of the participating municipalities; and adding the requirement that IRS 501.C3 status be maintained.
2. On or before June 30, of any year NYFS shall submit the proposed city budgeted amount for the subsequent year.

3. On or before November 30, of any year NYFS shall submit a written report to the City including an Annual Report, the audited financial statement, and a program specific summary of services provided to the municipality; in addition, 30 days from the end of each calendar quarter, NYFS shall submit a written report to the participating municipality.
4. Periodically advising the City of services available through NYFS to the City's residents;
5. Establishing a sliding scale for services available through NYFS to the City's residents and periodically advising the City of such fees;
6. Providing other reasonable information requested by the City;
7. Purchasing a policy of liability insurance in the amount of at least \$1,500,000.00, naming the City as an additional insured and providing a copy of the insurance certificate evidencing such policy to the City;
8. Provide the City with a copy of its Articles of Incorporation, Bylaws, Amendments thereto, and the IRS tax exempt status letter;
9. NYFS shall defend and indemnify the City from any and all claims or causes of actions brought against the City of any matter arising out of this Agreement or the services provided pursuant to this Agreement; and,
10. Without the written approval of the City, NYFS will not enter into any agreement with any other city which differs from the terms and conditions of this Agreement.

G. Term. The term of this agreement will be through December 31, 2018. Unless either party gives at least 6 months written notice of its intent to cancel this Agreement effective December 31 of the year in which the notice is made, NYFS will continue to provide services to the City if a successor agreement has not been executed prior to the end of the term.

H. (A) Distribution of Assets Upon Dissolution.

If NYFS ceases to operate, the Board of Directors will do one of the following:

1. Give the assets to one or more non-profit agencies providing similar social services in the northern suburbs of Ramsey County; or,
2. Form a new Foundation to fund appropriate social service programming in the northern suburbs of Ramsey County.

The final Distribution of Assets Plan must be approved by the Ramsey County District Court.

(B) Deviation from the Mission.

If the City Council determines that NYFS has materially deviated from its mission (See II. Recitals, A.), the City Council may ask the NYFS Board of Directors to consider dissolving the agency and liquidating the assets. The Board will do one of the following:

1. Consider the request and by a majority vote deny it.
2. Consider the request and by a majority vote agree to modify the programs to be consistent with the mission.
3. Consider the request and by a majority vote agree with the request and move to dissolve the agency and liquidate the assets.

IN WITNESS WHEREOF, the parties have executed this Agreement on this date set forth below.

CITY OF WHITE BEAR LAKE

By: _____
Elected Official

Its: _____
Clerk/Manager

Dated: _____

NORTHEAST YOUTH & FAMILY SERVICES

By: _____
President/CEO

Its: _____
Chair of the Board of Directors

Dated: _____

12/2017

Northeast Youth & Family Services
City Participation Figures

	2012	2013	2014	2015	2016	2017	2018
White Bear Lake	90,345 3% increase from 2011	80,082 1.7% increase CPI-U @ 6-12	69,819 1.1% increase CPI-U @ 6-13	59,556 2.1% increase CPI-U 6-14	49,293 .04% increase CPI-U 6-15	39,029 1.0% increase CPI-U 6/15	39,575 1.4% increase CPI-U 6/15

Northwest Youth & Family Service Program Descriptions

Residents from partnering municipalities are entitled to the following services.

Diversion:

Youth, 10 - 17, who are charged with misdemeanor and status offenses can use this program as an alternative to the traditional juvenile justice system to rebuild their lives and get back on track. Youth attend educational seminars with their parents, perform community service and pay restitution.

Outpatient Mental Health:

Our licensed mental health staff provides counseling and therapy for the emotional health of children, teens, and adults. NYFS also offers psychiatric services, providing medication management services in tandem with outpatient mental health counseling. As a Rule 29 Community Mental Clinic we serve individuals and families that have insurance and provide services on a sliding fee schedule for those who don't have insurance.

Senior Chore:

NYFS helps older adults live independently in their homes for as long as possible by connecting volunteers and youth and adults in search of work with seniors in need of help. Workers assist seniors with basic services such as routine housekeeping and lawn care as well as seasonal activities such as snow shoveling and leaf raking.

Northwest Youth & Family Services offers an array of other services that residents from partnering municipalities may also access.



City of White Bear Lake
City Manager's Office

MEMORANDUM

To: Ellen Richter, City Manager
From: Rick Juba, Assistant City Manager
Date: January 4, 2018
Subject: Emergency Siren Controller Upgrade

BACKGROUND

The City of White Bear Lake owns and maintains five emergency sirens used to alert the public of severe weather. While the City owns the sirens, they are operated by Ramsey County Emergency Communications (RCEM), which is a common model throughout Minnesota. Each City within the County has a representative on the county-wide Emergency Managers group. The designees are typically from the Police or Fire Departments.

In 2016, the group recommended an update to establish a cohesive county-wide control system that will allow RCEM to selectively activate sirens as needed, rather than always sound the alert county-wide. This update needs to be completed prior to the upcoming severe weather season; therefore, an April 1, 2018 deadline was established. Unfortunately, due to a variety of factors, this information did not make it into the budgeting process for consideration in the 2018 budget. However, the 2018 budget does include \$25,000 for siren replacement, which can be used toward the purchase of these controllers. Four (4) out of (5) of the City's sirens are over 30 years old. While they are still in working order, \$25,000 is budgeted each year in the event one needs to be replaced. Unless something unforeseen happens, the 2018 replacement funds can be allocated toward this project.

The total bid from Federal Signal to update the controllers on all five signals is \$38,968.17. Back when St. Paul updated their emergency siren system, Federal Signal was the vendor that prevailed through a competitive bidding process. Since then, all other municipalities in Ramsey County have used Federal Signal for consistency purposes. The Ramsey County Emergency Management staff has tracked Federal Signals pricing throughout the process and stated that pricing has simply kept up with inflation since the original bid and remains competitive. The additional \$14,000 to cover the cost of these controllers would come from the City's building fund.

SUMMARY

All municipalities in the County are upgrading their emergency siren control systems to create a cohesive system that can be more accurately operated by Ramsey County Emergency Communications. The City of White Bear Lake's cost to upgrade our five sirens is \$38,968.17.

RECOMMENDED COUNCIL ACTION

Staff recommends adoption of the attached Resolution authorizing Federal Signal to upgrade the controllers on the City's emergency sirens.

ATTACHMENTS

Resolution

RESOLUTION NO.

**RESOLUTION APPROVING THE UPGRADE
TO THE EMERGENCY SIREN CONTROLLERS**

WHEREAS Ramsey County Emergency Communications has led a county-wide effort to create a cohesive emergency siren control system; and

WHEREAS each municipality within Ramsey County has either completed or is in the process of completing their emergency siren controller upgrade; and

WHEREAS the upgraded control system will allow Ramsey County Emergency Communications to more accurately alert the public of severe weather threats; and

WHEREAS a county-wide group of emergency managers has recommended the use of the same vendor to provide a consistent system upgrade and associated hardware.

THEREFORE, NOW BE IT RESOLVED by the City Council of the City of White Bear Lake, Minnesota hereby authorizes Federal Signal to proceed with the emergency siren controller upgrade for a cost of \$38,968.17.

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

Ayes:

Nays:

Passed:

Jo Emerson, Mayor

ATTEST:

Kara Coustry, City Clerk



**MINUTES OF THE MEETING OF THE
HOUSING AND REDEVELOPMENT AUTHORITY
OF WHITE BEAR LAKE, MINNESOTA
HELD ON TUESDAY, DECEMBER 12, 2017**

1. CALL TO ORDER AND ROLL CALL

HRA Chair Biehn convened the meeting of the Housing and Redevelopment Authority at 9:45 p.m.

Members Doug Biehn, Kevin Edberg, Steven Engstran, Dan Jones, Bill Walsh was present.

2. APPROVAL OF THE AGENDA

It was moved by Member **Walsh** seconded by Member **Jones** to approve the agenda.

The motion carried unanimously.

3. APPROVAL OF THE MINUTES

It was moved by Member **Walsh** seconded by Member **Jones**, to approve the August 22, 2017, HRA Meeting Minutes.

The motion carried unanimously.

4. RESOLUTION NOT WAIVING THE MONETARY LIMITS ON MUNICIPAL TORT LIABILITY ESTABLISHED BY MN STATUTES 466.04 FOR HOUSING AND REDEVELOPMENT AUTHORITY

Finance Director Rambow reported the League of Minnesota Cities Insurance Trust requires the Housing and Redevelopment Authority (HRA) to decide annually whether it wants to waive the liability limit and possibility incur higher settlements.

It was moved by Member **Edberg** seconded by Member **Jones**, to approve **Resolution No. 17-08** not waiving monetary limits on Tort Liability.

The motion carried unanimously.

5. RESOLUTION AUTHORIZING AN AMENDMENT TO EXTEND A PARKING LOT LEASE FOR THE PROPERTY AT 2137 4TH STREET

Community Development Director Kane reported that when the property at the northwest corner of Highway 61 and 4th Street was developed in 1995, the developer entered into a parking lot lease agreement with the City. The agreement provided that the City would construct the property and lease 192 parking spaces the developer and subsequent owners, who would then be responsible for maintenance. The lease had an initial 15-year term with an option for three additional 15-year terms at the developer's request.

Ms. Kane explained that last month, the City Council approved a 27-stall parking variance for the Oak Ridge Office Center immediately north of the parking lot in order to bring that site in compliance for a pending sale. Despite this variance, the lending institution for the contract purchasers required the actual parking spaces be provided. While the City owns the parking adjacent parking lot south of the site, all 192 parking spaces are allocated and leased to 4th Street Ventures, LLC.

Ms. Kane mentioned that all parties met to explore a sublease of 27 of the 192 parking spaces to satisfy the buyers' lender and facilitate the transfer of the office building to new ownership. While 4th Street Ventures was willing to consider a sublease, they have requested the City consider an extension of the parking lot lease to conclude on 12/31/77 rather than 12/31/56. Staff is asking for authority to negotiate a lease extension subject to these terms.

Member Edberg explained that the Council has a fiduciary responsibility to the community to protect and obtain reasonable value for our assets. He is of the opinion that if the City extends the parking lot lease, the City should be compensated in some way for the value of the lease extension.

City Manager Richter explained that although internally there was talk of assigning a value, it was not discussed with the other parties. It would be difficult to assign a value to the extended lease request.

It was moved by Member **Jones** seconded by Member **Walsh** to authorize an amendment to extend the parking lot lease agreement.

In response to Member Edberg who questioned why Member Jones routinely demands value for constituencies for other items, Member Jones explained that this lease has been in place, it is temporary for now and can be changed if something comes up. He also believed the timing is wrong and he approves of these two property owners working together. Member Jones is not looking to rock the boat, today.

Ms. Richter suggested bringing this item back at the January 9th City Council meeting to allow more time for negotiations.

Chair Biehn called for the vote: Member Walsh aye, Member Edberg nay, Member Jones nay. Motion defeated.

6. RESOLUTION SUPPORTING ACQUISITION OF A TAX-FORFEITED PROPERTY LOCATED AT 3695 ST. REGIS DRIVE FOR THE PURPOSE OF DEVELOPMENT OF AN AFFORDABLE HOUSING OPPORTUNITY IN PARTNERSHIP WITH TWIN CITIES HABITAT FOR HUMANITY

Community Development Director Kane reminded the Council that this item was amended in July to include some language that the City intended to create affordable housing. Ramsey County requested again that the City site the State Statute that authorizes the Housing and

Redevelopment Authority the ability to purchase the property and sell it for this purpose as well.

It was moved by Member **Walsh** seconded by Member **Jones**, to approve **Resolution No. 17-09** authorizing an amendment to the Resolution Supporting Acquisition of a tax-forfeited property located at St. Regis Drive for the purpose of development of an affordable housing opportunities in partnership with Twin Cities Habitat for Humanity.

Motion carried unanimously.

7. ADJOURNMENT

It was moved by Member **Walsh**, seconded by Member **Jones**, to adjourn the HRA. There being no further business before the HRA, Chair Biehn adjourned the meeting at 10:01 p.m.

Doug Biehn, Chair of HRA

Ellen Richter, Executive Director



City of White Bear Lake
City Manager's Office

MEMORANDUM

To: Housing and Redevelopment Authority Members

From: Ellen Richter, Executive Director

Date: December 6, 2017

Subject: Election of HRA Chair and Vice Chair – 2018

BACKGROUND

In November 1985, the City Council adopted Resolution No. 5038 establishing a Housing and Redevelopment Authority (HRA) for White Bear Lake and designated members of the City Council as commissioners of the Authority. The Authority subsequently elected its officers.

Under Minnesota Statutes Chapter 469, the HRA is authorized to undertake certain public housing and redevelopment activities using authority not granted to the City Council. The HRA currently meets only as the need arises. Most HRA meetings are held in conjunction with City Council meetings as the City Council has, to this date, chosen to appoint itself as the HRA rather than appointing an independent entity. The term of HRA commissioners coincides with the term of City Councilmembers.

SUMMARY

For the past year, Doug Biehn has served as the Chair for the Housing and Redevelopment Authority and Dan Jones has served as Vice Chair. The City Manager has been appointed to serve as secretary and executive director.

RECOMMENDED COUNCIL ACTION

Staff recommends Council appointment the Chair and Vice Chair and adopt the resolution establishing the Chair and Vice Chair of the Housing and Redevelopment Authority for 2018.

ATTACHMENTS

Resolution

**HOUSING AND REDEVELOPMENT AUTHORITY
IN AND FOR THE CITY OF WHITE BEAR LAKE
COUNTY OF RAMSEY, STATE OF MINNESOTA**

RESOLUTION NO. 18-01

**RESOLUTION ELECTING THE CHAIR AND VICE CHAIR
OF THE HOUSING AND REDEVELOPMENT AUTHORITY**

BE IT RESOLVED that Member _____ be and hereby is named Chair of the Housing and Redevelopment Authority and that Member _____ be and hereby is named the Vice Chair of the Housing and Redevelopment Authority from January 10, 2018 through January 8, 2019.

BE IT FURTHER RESOLVED that the City Manager is hereby appointed Executive Director and Acting Secretary of the Housing and Redevelopment Authority.

The foregoing resolution electing the Chair and Vice Chair of the Housing and Redevelopment Authority was offered by Member _____, and was supported by Member _____.

Ayes:
Nays:
Passed:

Chair, Biehn

ATTEST:

Ellen Richter, Executive Director

City of White Bear Lake Environmental Advisory Commission

MINUTES

Date: November 15, 2017	Time: 6:30pm	Location: WBL City Hall
COMMISSION MEMBERS PRESENT	Sheryl Bolstad, Gary Eddy, Chris Greene, Bonnie Greenleaf, Gary Schroeder (Chair), June Sinnett	
COMMISSION MEMBERS ABSENT	Eric Wagner	
STAFF PRESENT	Connie Taillon	
VISITORS	Jesse Farrell, Assistant City Engineer	
NOTETAKER	Connie Taillon	

1. CALL TO ORDER

The meeting was called to order at 6:37pm.

2. APPROVAL OF AGENDA

Staff added GreenStep Cities signs to Item 7. Staff Update. Commissioner Greenleaf moved, seconded by Commissioner Bolstad, to approve the agenda as amended. Motion carried, vote 6/0.

3. APPROVAL OF MINUTES

a) October 18, 2017 meeting

The commission members reviewed the October 18, 2017 draft minutes and had no changes.

Commissioner Schroeder moved, seconded by Commissioner Eddy, to approve the minutes of the October 18, 2017 meeting as presented. Motion carried, vote 6/0.

4. VISITORS & PRESENTATIONS

Jesse Farrell, Assistant City Engineer attended the meeting to introduce himself and meet the commission members, to discuss upcoming street reconstruction projects, and to answer questions. Jesse started working with the City this past March. He discussed the 2018 street reconstruction projects that include Birch Lake Blvd S., Old White Bear Avenue, and the neighborhood roughly bounded between 7th Street and Highway 96, and Highway 61 and Lake Avenue. The neighborhood south of 7th Street is scheduled to be reconstructed in 2019. This residential neighborhood has some of the oldest infrastructure in the City, which will require extensive utility replacements. The City is working with the watershed district to provide cost share opportunities for residents to install raingardens as part of the reconstruction projects. New trails are proposed as part of the reconstruction of Birch Lake Blvd S. and Old White Bear. Jesse also mentioned that the first of several public meetings is scheduled for November 16th for a potential South Shore Blvd project and trail. The City, Township, and County are working together to gather public input on this special project.

5. UNFINISHED BUSINESS

a) 2017-2018 Work Plan

- Storm drain stenciling

Commissioner Bolstad gave an update on her storm drain stenciling research. She looked at examples from St. Paul and the Vadnais Lake Area Water Management Organization (VLAWMO). VLAWMO implemented a storm drain stenciling program that covers the portion of the City within their jurisdiction. One completed stenciling project in the City is located at the intersection of McKnight and Cedar. VLAWMO created a storm drain stenciling kit that they rent out to interested groups or individuals. The kit includes

a stencil tracking sheet, stencils, spray paint, safety cones, a safety vest, and other miscellaneous supplies. VLAWMO staff trains participants on how to properly stencil a storm drain, tracks the number and location of stenciled drains on a map, and performs follow-ups to make sure the stencils are properly maintained. The challenge for the City is to extend the VLAWMO program Citywide. Staff mentioned that a City run stenciling program would take more staff time to administer than an adopt a drain program. Commissioners discussed possibly funding the stencil kits with their yearly budget and talking with the other watershed districts about starting their own programs. As a next step, staff will contact the other three watershed districts to gauge their interest in starting their own storm drain stenciling program.

-Downtown area recycling

Commissioner Eddy inventoried all of the outdoor trash and recycling containers in the Downtown area and at Boatworks Commons, VFW Memorial Park, Matoska Park, Sather Trail, City Hall, and the business area located just to the north of City Hall and south of 4th Street. Commissioner Eddy reported on the number of trash containers without corresponding recycling containers, which included 16 in the downtown area, 6 in the business area north of City Hall, 2 at the VFW Memorial Park, and 5 at Matoska Park. There are no trash and recycling containers outside of City Hall. Staff will work with Public Works to determine barriers to recyclable collection, and research how other cities collect recyclables in public spaces. The commission members will also consider conducting a waste sort to determine the amount of recycling being generated in these areas.

Commission members are interested in having a tour of the Public Works facility in 2018.

b) Budget updates/discussion

- Environmental Resource Expo banner

Commissioner Greene presented three design options for the Environmental Advisory Commission banner. The Commission members chose the first design with the 'City of White Bear Lake' text. The commission members also discussed purchasing a rain barrel to give away at the 2018 Expo.

Commissioner Sinnett moved, seconded by Commissioner Schroeder, to purchase a rain barrel for \$84.00 and a 1.5' x 8' banner not to exceed \$250.00 from the 2017 budget. Motion carried, vote 6/0.

c) Review last month's do-outs

Continue the discussion of 2018 priority goals at the December meeting.

6. NEW BUSINESS

a) New do-outs

- Commissioners:
 - Commissioner Greene will email banner design to Connie
 - Choose top three goals for 2018 and present at December meeting
 - Bring treats for the December meeting
- Staff:
 - Determine the required electronic format for the banner
 - Order banner
 - Determine cost of compost bin
 - Bring treats for the December meeting
 - Contact watershed districts re: storm drain stenciling
 - Schedule a tour of the Public Works Building

7. DISCUSSION

• Staff Updates

- Comprehensive Plan update

Staff is in the process of creating a list of goals and objectives to include in the sustainability chapter of the Comprehensive Plan. A draft of the goals and objectives will be brought to the Commission for review and comment at the December meeting.

- GreenStep City signs

Public Works ordered GreenStep City road signs and installed them on four existing street signs this month at the following locations:

- 1) Eastbound Highway 96 just east of 35E
- 2) Westbound County Road E, just west of East County Line Road
- 3) McKnight Road at the intersection of South Shore Blvd
- 4) Intersection of 2nd St. and Clark Ave. near the Ramsey County Library

- December agenda

Comprehensive Plan sustainability goals

• Commission Member Updates

Commissioner Schroeher stated that the City Council recognized Greg Pariseau for his four years of volunteer service on the Environmental Advisory Commission at the November 14th City Council meeting. Staff introduced Greg and spoke briefly about his accomplishments, the Mayor presented him with a white bear statue as a token of the City's appreciation, and Greg did a nice job thanking City Council for all of their work. Commissioner Schroeher, Commissioner Eddy, and Commissioner Sinnott attended the event.

8. ADJOURNMENT

The next meeting will be held on December 20, 2017 at 6:30pm at City Hall. Commissioner Bolstad moved, seconded by Commissioner Greenleaf, to adjourn the meeting at 8:27 pm. Motion carried, vote 6/0.

**MINUTES
PLANNING COMMISSION MEETING
CITY OF WHITE BEAR LAKE
December 18, 2017**

The regular monthly meeting of the White Bear Lake Planning Commission was called to order on Monday, December 18, 2017, beginning at 7:00 p.m. in the White Bear Lake City Hall Council Chambers, 4701 Highway 61, White Bear Lake, Minnesota by Chair Jim Berry.

1. CALL TO ORDER/ROLL CALL:

MEMBERS PRESENT: Chair Jim Berry, Mary Alice Divine, Marvin Reed, Peter Reis, Ken Baltzer and Mark Lynch.

MEMBERS EXCUSED: Erich Reinhardt.

MEMBERS UNEXCUSED: None.

STAFF PRESENT: Anne Kane, Community Development Director, Samantha Crosby, Planning & Zoning Coordinator, Connie Taillon, Environmental Specialist and Amy Varani, Recording Secretary.

OTHERS PRESENT: Ken and Karen Smith and Joe Prigelmeier.

2. APPROVAL OF THE DECEMBER 18, 2017 AGENDA:

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

3. APPROVAL OF THE NOVEMBER 27, 2017 PLANNING COMMISSION MEETING MINUTES:

Member Baltzer moved for approval of the minutes. Member Divine seconded the motion and the minutes were approved (6-0).

4. CASE ITEMS:

A. Case No. 17-24-V: A request by **Karen Smith** to allow a third accessory structure, per Code Section 1302.020, Subd.4.i, in order to construct a 12' x 14' detached screen room in addition to the existing garage and shed for the property located at 1817 Richard Court.

Crosby discussed the case. Staff supports the variance.

Berry opened the public hearing.

Karen Smith, 1817 Richard Court, stated that she's in favor of the case.

As no one else came forward, Berry closed the public hearing.

Member Reis moved to recommend approval of Case No. 17-24-V. Member Baltzer seconded the motion. The motion passed by a vote of 6-0.

- B. Case No. 17-25-V:** A request by **Joe Prigelmeier** for a 169 square foot variance from the maximum size of a second accessory structure, and a 1.75 foot variance from the 15 foot maximum building height, both per Code Section 1302.030, Subd.4.i, in order to construct a 522 square foot detached garage in addition to the 407 square foot attached garage, which together exceeds the size of the first floor area of the 2-story home for the property at 2628 Riviera Court.

Crosby discussed the case. Staff supports both variances.

Divine asked if there would be a driveway to the new garage. Crosby stated that the applicant said there would not be a driveway. It is not a condition of approval, but it can be added. Divine asked if it would carry over to another owner. Crosby stated that was correct.

Lynch asked how much bigger the new garage would be compared to what's currently there. Crosby stated that it's around 100 square feet bigger.

Berry opened the public hearing.

Joe Prigelmeier, 2628 Riviera Court, came up to answer any questions. As there were none, Berry closed the public hearing.

Member Lynch moved to recommend approval of Case No. 17-25-V, as amended by adding the condition about the driveway. Member Divine seconded the motion. The motion passed by a vote of 6-0.

5. DISCUSSION ITEMS:

A. Comprehensive Plan – Sustainability.

Crosby introduced Connie Taillon, Environmental Specialist. Crosby explained that Sustainability GOPs (Goals, Objectives or Policies) had been broken down into six categories, which were organized in a large matrix: Energy Conservation, Climate Resiliency, Water Conservation, Waste Reduction, Health/Food and Natural Resources. The matrix will also be on the agenda of both the Parks Commission and the Environmental Advisory Commission for their review and feedback. Staff also provided e-mail notices to about 30 residents who had signed up as being interested in the Comprehensive Plan process, asking them for their feedback.

Taillon explained the layout of the Matrix. Staff welcomed any comments the Planning Commissioners might have.

Baltzer referred to the Waste Reduction category, "Educate the public on the benefits of reducing consumption of material goods". He's in favor of getting rid of stuff, but are they going to present this to downtown businesses and then say, "You can't be buying more stuff, buy less." Will we be hurting our business people? Crosby didn't think the category would be directed towards businesses. Also, she doesn't think that it'll be that significant of an economic impact that it would put the City at a lesser advantage than the surrounding municipalities. Baltzer wondered will they get feedback from the business people? Taillon stated that they'd have to define what an education program might include, and they could get feedback from business owners at that time.

Crosby suggested using the word "consider" at the beginning of that particular objective.

Lynch wants to be careful of the type of campaign they do; is education about consuming goods something that people want the City to do? Crosby pointed out that not everything consumed is bought. For example, the wastefulness of a plastic drinking straw. It is forever trash for one drink. Lynch is okay with that, but he's not okay with "You should have less stuff in your house". There's a fine line. Staff agreed.

Divine thought it might be an issue of wording. Lynch agreed that could be a possibility.

Reis asked if the City would be banning plastic bags. Taillon stated that it is her understanding that a considerable new state ruling will prohibit the banning of the bags. However, a City may be allowed to charge for bags. Research has shown that it's more effective if you charge someone 5 cents per bag versus just giving them 5 cents if they have a reusable bag with them.

Taillon stated that Ramsey County has just approved their solid waste management plan, in response to the MPCA's (Minnesota Pollution Control Agency) solid waste plan. One goal of the plan is to reduce landfill waste. The County has come up with methods to do that, some of which are on the matrix of things that the City will be required to do. This all works together with the goal of reducing waste. Recycling uses a lot of energy; it's better than throwing waste away, but not using those items in the first place is the best thing.

Lynch asked Taillon to clarify what reducing solid waste to 1% by 2025 means; did we mean "by" 1%? Taillon explained that it is to reduce landfill waste to 1%. All of Ramsey County's and Washington County's trash (not recycling) goes to a facility in Newport. The counties purchased the facility this year. Solid waste at that location gets shredded and trucked south to an Xcel Energy plant, where it is burned as fuel. The counties still want to reduce the amount of waste that goes to the plant, because there's a large amount of food waste that goes to the facility. Staff is going to have to figure out ways to recycle the food waste. We're well on

our way to reaching 1% because much of our solid waste is incinerated and used for electricity and does not go to a landfill.

Divine asked if Trash to Treasure is on the matrix. Staff will add it. Taillon stated that it's posted on the new website, under Reuse.

Divine asked about the wording of some of the items on the matrix; how is it decided what's in the process of being considered and what's "in the works"? Taillon explained that some will be requirements through the Ramsey County Solid Waste Master Plan, some are things staff is already doing, and some are being considered, they just don't know the details yet and whether it's feasible. Crosby stated that it can depend on things such as funding and staff time.

Divine asked about and Taillon explained "The Random Acts of Environmental Kindness" program. It was noted that there are observed violations of our ordinance and perhaps an educational program aimed at correcting these behaviors would be helpful.

Lynch stated that there's a lot of "gentle-nudging" in the matrix, which he really likes. Examples are the Arbor Day events, the tree sales and promoting the native drought-tolerant landscaping; it educates in a way that doesn't seem painful or punitive, which he likes. If the plastic bags and consumption of material goods comes across the same way, he'd be okay with that.

Baltzer asked for clarification about Climate Resiliency, encouraging the use of lighter-colored surfaces for driveways and roofs to reduce the urban heat island effect. Crosby stated that it would be when staff interacts with the public about those things. For example, if it looks okay either way, lighter-grey shingles would be better than darker grey shingles.

Reed asked for an explanation of a city-wide ban of neonicotinoids. Taillon explained that it's an insecticide that farmers, nurseries and homeowners use. It is toxic to bees, whose population has declined as a result. It's on the matrix for discussion. A resolution was adopted by the City last year, stating that we're a pollinator-friendly city. Staff will educate the public on the use of neonicotinoids and purchasing plants that have not been treated with the chemical.

Crosby added that the City led the way on the coal tar ban on driveway sealant projects. It's something to consider to generate discussion. Lynch puts the two in the same category; so he'd be okay if the city leads the way regarding this issue.

Divine stated that it would be helpful to know where you can purchase plants that aren't treated with neonicotinoids. Taillon stated that you can ask the nursery if they use neonicotinoids. The City does not use the chemical and we will try to purchase plants from nurseries that don't use it.

Berry asked about rain barrels. Are those being used on city property yet? Crosby stated that rain barrels are of a more residential item; you have to turn them on to empty them out. Berry asked if there's a commercial version of them. Taillon

stated that Maplewood Mall has a very large cistern that takes water off the roof. The watershed district put in a lot of money to install tree trenches and rain gardens in the parking lots. Pioneer Manor, a city-owned property, has rain barrels. Kane stated that Public Works has a green roof. Taillon stated that they can add wording that says the city will pursue stormwater reuse systems in the future. There is grant money available for water reuse projects.

Divine asked if the city has a program or budget for ash tree removal. Taillon stated not to her knowledge, although the engineering department has talked about that. It's very costly. Divine urged staff to be proactive – spreading out the cost may alleviate some of the impact.

Reis asked if there's been any discouragement of planting ash trees. Kane stated that ash trees are still on the allowable list. They would discourage it on commercial plans.

Divine suggested staff talk to the White Bear Press about putting in a piece about when Trash to Treasure day is, where people can recycle holiday lights, etc. Reed stated that maybe they could integrate it into their calendar of events. Taillon stated that she will try to get more regular items in the Press.

Lynch thanked staff for their work on this.

B. City Council Meeting Minutes of November 28, 2017.

Reis asked if the proposed tax changes contemplated in Washington, D.C. will take away the city's ability to provide tax-exempt bonds is true. Kane confirmed that is what the City Attorney advised. She stated that if there's more information from the League of Minnesota Cities, she will share that electronically before the next meeting.

C. Park Advisory Commission Meeting Minutes from November 16, 2017 – Not ready yet.

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6. ADJOURNMENT:

Member Baltzer moved to adjourn, seconded by Member Lynch. The motion passed unanimously (6-0), and the December 18, 2017 Planning Commission meeting was adjourned at 7:55 p.m.



City of White Bear Lake
City Manager's Office

M E M O R A N D U M

To: Mayor and City Councilmembers

From: Ellen Richter, City Manager

Date: December 6, 2017

Subject: **Proposed 2018 City Council regular meeting dates**

BACKGROUND

In accord with the City Charter for the City of White Bear Lake, the Council, at its first regular meeting in January, shall set the day of its regular monthly meetings for the year. Special meetings may be called by the Mayor or by the Chair of the Council at any time, but reasonable public notice shall be given for all special Council meetings.

SUMMARY

Listed below are the proposed 2018 City Council meeting dates. The meetings are the second and fourth Tuesday of each month except for those months where the second Tuesday is required for Election purposes in which case the regular meeting will be held the following day. In following with past practice, there is only one meeting in December. Meetings begin at 7:00 p.m. and adjourn by 10:30 p.m. unless authorized by a majority of the City Council.

January 9, 2018	May 8, 2018	September 11, 2018
January 23, 2018	May 22, 2018	September 25, 2018
February 13, 2018	June 12, 2018	October 9, 2018
February 27, 2018	June 26, 2018	October 23, 2018
March 13, 2018	July 10, 2018	November 13, 2018
March 27, 2018	July 24, 2018	November 27, 2018
April 10, 2018	Tuesday, Aug. 14 or Wednesday, Aug 15, 2018	December 11, 2018
April 24, 2018	August 28, 2018	No meeting

RECOMMENDED COUNCIL ACTION

Staff recommends Council adopt the resolution approving the 2018 regular City Council meeting dates.

ATTACHMENTS

Resolution

RESOLUTION NO.

**RESOLUTION ESTABLISHING THE 2018 REGULAR MEETING DATES AND TIMES
OF THE CITY COUNCIL OF THE CITY OF WHITE BEAR LAKE**

BE IT RESOLVED by the City Council of the City of White Bear Lake that the second (2nd) and fourth (4th) Tuesday of each month shall be the regular meeting nights of the City Council except for those months where the second Tuesday is required for election purposes, in which case the regular meeting shall be held the following day. Further, the only regularly scheduled meeting in December shall be December 11, 2018.

BE IT FURTHER RESOLVED by the City Council of the City of White Bear Lake that City Council meetings shall begin at 7:00 p.m. and shall not extend beyond 10:30 p.m. unless authorized by a majority of the City Council.

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

Ayes:
Nays:
Passed:

Jo Emerson, Mayor

ATTEST:

Kara Coustry, City Clerk



City of White Bear Lake
Finance Department

MEMORANDUM

To: Ellen Richter, City Manager

From: Don Rambow, Finance Director

Date: January 3, 2018

Subject: **Designation of bank depository and authorization for fund transfers and deposits**

BACKGROUND

Section 5.11 of the City Charter sets forth procedures for deposit and transfer of certain funds and designation of a bank depository. Currently, the positions of City Manager, Finance Director and Assistant Finance Director are fully authorized to deposit, transfer, invest, and disburse City funds in accordance with law and established regulations and policy. The City's Human Resources Specialist (Payroll Clerk) is authorized to transfer cash from between funds to cover authorized payroll.

The City has maintained North Star Bank as its depository bank for over twenty-five (25) years. This banking relationship has been maintained because of the favorable terms and conditions offered to the City by North Star Bank.

SUMMARY

The City has received outstanding customer service from North Star Bank related to its banking requirements. While numerous financial institutions have recently increased their service or transaction fees, North Star continues to offer the City its service at minimal or no cost.

North Star Bank has worked exceptionally well with the handling of insufficient funds checks of City customers returned to them by other financial institutions. All non-sufficient funds are deposited twice before returned to the City at no charge to the City.

The City's investments are competitively bid and awarded to the vendor who provides the City with the highest rate of return while protecting the City's principal amount. The City has designated four investment vendors which are authorized to receive and secure investments for the City.

These investment vendors are as follows:

1. Morgan Stanley / Smith Barney
2. Dain Rauscher
3. Wells Fargo
4. 4M Fund – PMA Financial

RECOMMENDED COUNCIL ACTION

Staff recommends the City Council adopt the resolution designating bank depository and authorization for fund transfers and deposits.

ATTACHMENTS

Resolution

RESOLUTION NO.

RESOLUTION AUTHORIZING CITY STAFF MEMBERS TO INVEST AND TRANSFER FUNDS, DESIGNATE BANK DEPOSITORY, AND DESIGNATION OF BROKERS FOR HANDLING CITY INVESTMENTS FOR FISCAL YEAR 2018

WHEREAS, the City Council has determined it to be financially prudent to delegate fiscal management to appropriate City staff; and

WHEREAS, the City periodically designates depository of funds for daily transactions; and

WHEREAS, Minnesota Statutes Section 118A sets forth procedures for the investment of public funds and requires financial institutions utilized as investment brokers to be designated as depository of funds.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of White Bear Lake, that the following officers and personnel are designated as “Authorized Officials” with full powers and authority to effectuate the investment and transfers of monies of the City of White Bear Lake from time to time to complete appropriate investments and to ensure adequate funds are available to meet the City’s financial obligations:

City Manager
Finance Director
Assistant Finance Director

BE IT FURTHER RESOLVED that the following personnel be authorized to complete cash transfers between City funds at the official bank depository of the City:

Human Resources Specialist (Payroll Specialist)

BE IT FURTHER RESOLVED by the City Council of the City of White Bear Lake that North Star Bank act as depository for the City of White Bear Lake.

BE IT FURTHER RESOLVED, that North Star Bank be designated as the City’s bank depository for deposits and expenditures and be required to furnish approved collateral securities in such amount as required by law so as to properly indemnify and secure the City against probably losses and which securities are to be deposited under escrow agreement.

BE IT FURTHER RESOLVED, that the following vendors be designated as depositories of City funds for investment purposes.

1. Morgan Stanley / Smith Barney
2. Dain Rauscher
3. Wells Fargo
4. 4M Fund – PMA financial

RESOLUTION NO.

RESOLUTION AUTHORIZING CITY STAFF MEMBERS TO INVEST AND TRANSFER FUNDS, DESIGNATE BANK DEPOSITORY, AND DESIGNATION OF BROKERS FOR HANDLING CITY INVESTMENTS FOR FISCAL YEAR 2018

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

Ayes:

Nays:

Passed:

Jo Emerson, Mayor

ATTEST:

Kara Coustry, City Clerk



City of White Bear Lake
Finance Department

MEMORANDUM

To: Ellen Richter, City Manager
From: Don Rambow, Finance Director
Date: January 3, 2018
Subject: Surety bonds – coverage for City Officials in 2018

BACKGROUND

Pursuant to Section 4.22 of the City Charter, the City has taken out surety bonds on certain employees to ensure faithful performance of their duties. The City has designated four positions whose actions have a distinct and greater financial impact on City finances and legal compliance than other positions. The LMCIT has adopted a “recommended” coverage amount that would be generally 10% of the City’s annual revenues plus the market value of negotiable securities.

SUMMARY

Based upon the City’s 2018 General Fund budget estimates and the City’s negotiable securities, it is recommended that the City establish a \$300,000 coverage limit for each position listed as follows:

1. City Manager
2. City Clerk
3. License Bureau – Lead Position
4. Assistant Finance Director
5. Finance Director

All other City positions carry blanket bond coverage of \$150,000. The surety bonds are intended to provide coverage for significant issues related to these positions.

The City has not been required to utilize any surety bonds in the past years.

RECOMMENDED COUNCIL ACTION

Staff recommends the Council adopt the resolution establishing surety bonds for City officials for 2018.

ATTACHMENTS

Resolution

RESOLUTION NO.

**RESOLUTION FIXING AMOUNT OF SURETY BONDS FOR VARIOUS
CITY OFFICIALS AND PROVIDING FOR APPROVAL OF SAME
FOR FISCAL YEAR 2018**

BE IT RESOLVED by the City Council of the City of White Bear Lake that the following officials of the City furnish bonds to the City for faithful performance of their duties in the amount mentioned, and said bonds shall be reviewed and approved by the City Attorney and Council of the City and maintained in accordance with Section 4.22 of the City Charter.

City Manager	\$300,000
City Clerk	300,000
License Bureau - Lead	300,000
Assistant Finance Director	300,000
Finance Director	300,000
All Employees Blanket Bond	150,000

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

Ayes:

Nays:

Passed:

Jo Emerson, Mayor

ATTEST:

Kara Coustry, City Clerk



City of White Bear Lake
Finance Department

MEMORANDUM

To: Ellen Richter, City Manager
From: Don Rambow, Finance Director
Date: January 3, 2018
Subject: Payment of claims against the City - 2018

BACKGROUND

State Statutes 412.271, subd. 8 allows the City Council to delegate authority to pay claims to administrative personnel. The authority requires that unless otherwise directed, a listing of all claims be presented to the City Council for informational purposes at its regularly scheduled meeting. However, it has been the City's practice that these claims lists be maintained and available in the Finance/Administrative departments for review by elected officials and the public.

SUMMARY

The City's practice is to pay vendor claims on a weekly basis. This provides City vendors with reasonable assurance that they will be promptly compensated for goods and services provided to the City and in some cases results in early payment discounts. Department Head approval is required prior to paying vendor claims, in addition to Finance Director or City Manager approval.

Staff will continue to maintain claims lists in the Finance/Administrative departments for review by elected officials and the public until otherwise directed. A copy of a recent weekly claims list is attached as an example. A bi-weekly list would, on average, be more than twice this length.

RECOMMENDED COUNCIL ACTION

It is recommended the City Council adopt the resolution establishing vendor payment approval procedure by staff members.

ATTACHMENTS

Resolution
Recent vendor claims list

RESOLUTION NO.

**RESOLUTION AUTHORIZING THE CITY MANAGER
TO PAY CLAIMS MADE AGAINST THE CITY
FOR FISCAL YEAR 2018**

WHEREAS, Sections 5.08 and 5.10 of the White Bear Lake City Charter and Minnesota Statutes section 412.271, Subd. 8 set forth procedures for disbursement of municipal funds; and

WHEREAS, the City Council intends to ensure proper safeguard of public funds while providing for reasonable efficiencies and cost containment.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of White Bear Lake, that the City Manager is hereby authorized to pay claims against the City pursuant to the City Charter and applicable state laws.

BE IT FURTHER RESOLVED, that any claims shall be paid only after approved by the following personnel:

1. Department Head (or designee) from purchasing department.
2. Finance Director and/or
3. City Manager

BE IT FURTHER RESOLVED, that the Finance Director, or the Finance Director's designee shall prepare a vendor listing of all disbursements made and maintain the listing in the Finance/Administration department for review by the Mayor, City Council, and public and upon the request of the City Council, said list shall be provided to all members of the City Council as part of each agenda.

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

Ayes:

Nays:

Passed:

Jo Emerson, Mayor

ATTEST:

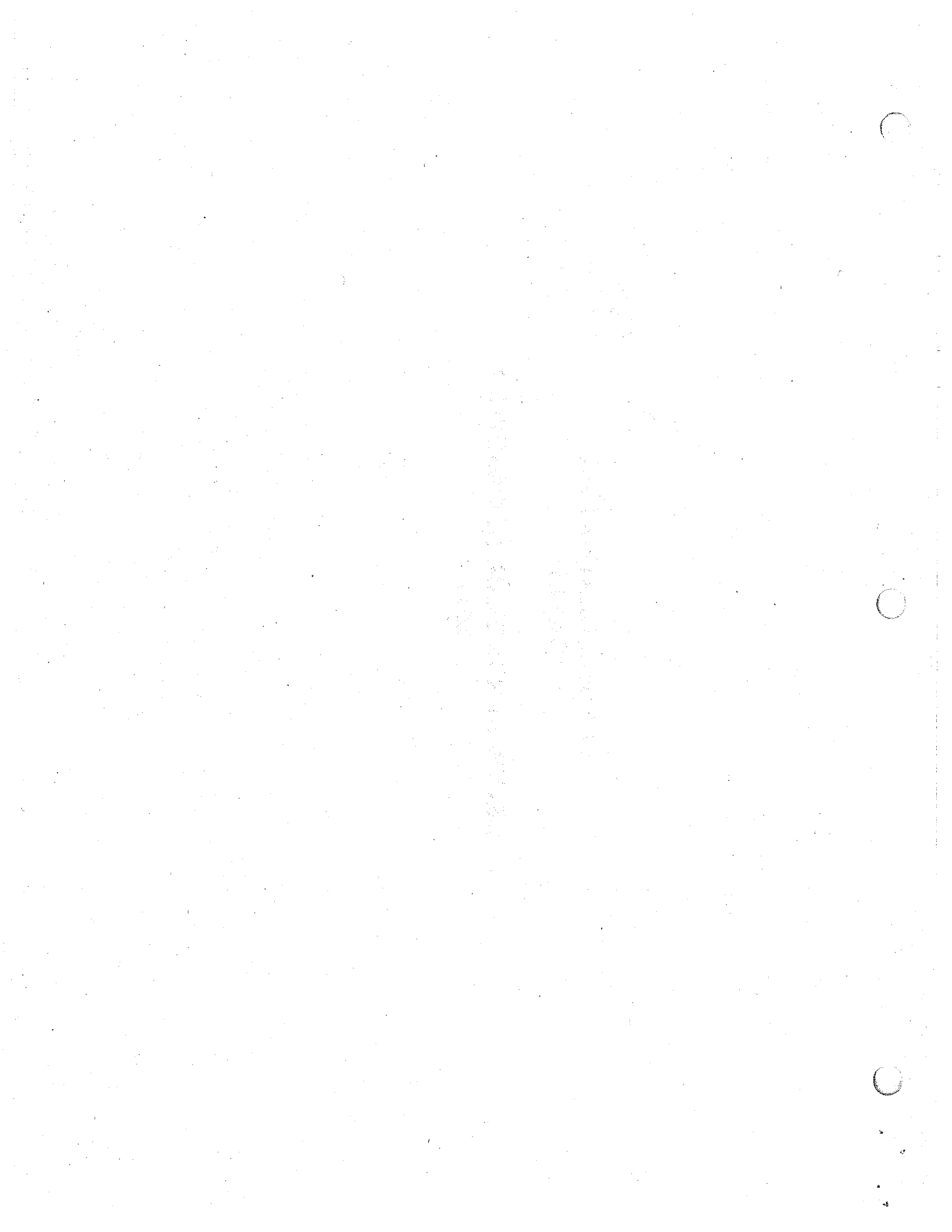
Kara Coustry, City Clerk

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12/22/17

**VENDOR CLAIMS LIST
DATED**

**DECEMBER 18 THRU DECEMBER 22
2017**



White Bear Lake
Council Check Register by GL
Council Check Register by Invoice & Summary

12/18/2017 - 12/22/2017

R55CKR2 LOGIS101

Check #	Date	Amount	Supplier / Explanation	PO #	Doc No	Inv No	Account No	Subledger	Account Description	Business Unit
126502	12/22/2017		100973 ABBOTT PAINT AND CARPET							
		162.39	PAINT		118272	607543	5302.6240		BUILDING SUPPLIES & PARTS	PIONEER MANOR SENIOR HOUSING
		10.45			118272	607543	5300.2420		MN SALES TAX DUE	PIONEER MANOR BALANCE SHEET
		172.36	PAINT - APT#207 & #302		118271	607659	5302.6240		BUILDING SUPPLIES & PARTS	PIONEER MANOR SENIOR HOUSING
		11.09			118271	607659	5300.2420		MN SALES TAX DUE	PIONEER MANOR BALANCE SHEET
		195.00	CARPET REPAIR-CHAMBER		118288	607861	1050.6515		BUILDING REPAIR SERVICE	CITY HALL
		508.21								
126503	12/22/2017		120759 APEX PRINT TECHNOLOGIES							
		89.13	WEB/MY EASYVIEW/CHNG ADDRESS		118263	233901	5012.6401		PROFESSIONAL SERVICES	WATER DISTRIBUTION
		89.13	WEB/MY EASYVIEW/CHNG ADDRESS		118263	233901	5052.6401		PROFESSIONAL SERVICES	SEWER
		89.14	WEB/MY EASYVIEW/CHNG ADDRESS		118263	233901	5102.6401		PROFESSIONAL SERVICES	REFUSE
		265.68	11/30 UB PROCESSING		118262	234187	5012.6401		POSTAGE	WATER DISTRIBUTION
		479.48	11/30 UB POSTAGE		118262	234187	5012.6445		PROFESSIONAL SERVICES	WATER DISTRIBUTION
		265.69	11/30 UB PROCESSING		118262	234187	5052.6401		POSTAGE	SEWER
		479.49	11/30 UB POSTAGE		118262	234187	5052.6445		POSTAGE	SEWER
		265.69	11/30 UB PROCESSING		118262	234187	5102.6401		PROFESSIONAL SERVICES	REFUSE
		479.48	11/30 UB POSTAGE		118262	234187	5102.6445		POSTAGE	REFUSE
		2,502.91								
126504	12/22/2017		104698 BALLIS, THOMAS							
		1,254.73	AV EQUIPMENT REIMBURSEMENT		118182	REQUEST121017	1210.7140		MACHINERY & EQUIPMENT	FIRE
		1,254.73								
126505	12/22/2017		125096 BERRY, THOMAS							
		180.00	UTILITY REFUND-2356 SO SHORE		118295	REFUND121217	5011.4882		ENTERPRISE SALES	WATER FUND REVENUES
		180.00								
126506	12/22/2017		121156 BLUETARP FINANCIAL, INC.							
		29.98	DOLLY TIRES		118192	4131043467	1300.6220		EQUIPMENT SUPPLIES & PARTS	SHOP PERCENTAGE
		29.98								
126507	12/22/2017		125093 BRAND, BENJAMIN							
		21.71	UTILITY REFUND-1965 CAMPBELL		118291	REFUND121217	5011.4882		ENTERPRISE SALES	WATER FUND REVENUES
		21.71								
126508	12/22/2017		125097 CAMMACK, AMANDA							
		50.00	UTILITY REFUND-4832 SHARON LN		118296	REFUND121217	5011.4882		ENTERPRISE SALES	WATER FUND REVENUES
		50.00								
126509	12/22/2017		121300 CAP ELECTRIC, INC							

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126509	12/22/2017	903.88	121300 CAELECTRIC, INC REPAIR BOOSTER PUMP #1		118240	2424	5013.6525		ELECTRICAL REPAIR SERVICE	WATER TREATMENT
		903.88							Continued...	
126510	12/22/2017	2,625.00	117611 CAPRA'S UTILITIES INC 1875 ORCHARD LN-RPR WATERMAIN		118234	4784	5012.6535		OTHER REPAIR	WATER DISTRIBUTION
		2,625.00								
126511	12/22/2017	745.05	125034 CORE & MAIN, LP REPAIR CLAMPS		118242	0392495	5012.6535		OTHER REPAIR	WATER DISTRIBUTION
		1,352.04	GATE VALVE		118186	0393701	5012.7140		MACHINERY & EQUIPMENT	WATER DISTRIBUTION
		2,097.09								
126512	12/22/2017	210.00	109885 COUNTRYSIDE VOLKSWAGON REFUND OVERPAYMENT-SCHMIELZ		118206	REQUEST121817	5350.2455		DUE TO OTHER FUNDS	LICENSE BUREAU BALANCE SHEET
		210.00								
126513	12/22/2017	1,543.31	104924 ETHANOL PRODUCTS LLC LIQUID CARBON DIOXIDE		118241	CO2199070	5013.6260		CHEMICALS	WATER TREATMENT
		1,543.31								
126514	12/22/2017	50.68	115886 FASTENAL COMPANY HEX NUTS/CAP SCREWS - LIFT#3		118204	MNT1176968	5052.6220		EQUIPMENT SUPPLIES & PARTS	SEWER
		50.68								
126515	12/22/2017	276.21	120361 FERGUSON WATERWORKS METER FLANGE KITS		118203	0270040	5012.6295		SMALL TOOLS	WATER DISTRIBUTION
		776.67	METER-LAKESHORE PLAYERS BLDG		118202	0270053	5012.6295		SMALL TOOLS	WATER DISTRIBUTION
		1,052.88								
126516	12/22/2017	150.00	122299 FIRST ADVANTAGE LNS OCC HEALTH SOLUTIONS DRUG TESTING		118266	2516281711	1300.6401		PROFESSIONAL SERVICES	SHOP PERCENTAGE
		150.00								
126517	12/22/2017	12.99	101049 FRATTALLONE'S HARDWARE-217966 BATTERIES		118248	115593	5302.6250		OTHER SUPPLIES & PARTS	PIONEER MANOR SENIOR HOUSING
		4.99	WATCH BATTERY		118249	115721	1510.6220		EQUIPMENT SUPPLIES & PARTS	PARKS
		35.94	PRO LSPR MARK WH/BLUE/RED		118250	115774	1210.6250		OTHER SUPPLIES & PARTS	FIRE
		27.99	GFI ST RECP T WP TR20A		118252	115940	1510.6220		EQUIPMENT SUPPLIES & PARTS	PARKS
		31.93	HOLIDAY DECORATIONS		118253	115962	1050.6240		BUILDING SUPPLIES & PARTS	CITY HALL
		3.98	SINGLE CUT KEYS		118254	115968	1050.6240		BUILDING SUPPLIES & PARTS	CITY HALL

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126517	12/22/2017		101049 FRATTALLONE'S HARDWARE-217966						Continued...	
		14.99	VLV GATE BRSS 1"		118255	115972	5052.6240		BUILDING SUPPLIES & PARTS	SEWER
		3.69	RUBBING ALCOHOL		118256	116100	1537.6240		BUILDING SUPPLIES & PARTS	MATOSKA PARK
		10.00	SCREEN REPAIR DEPOSIT		118257	116105	1546.6540		VANDALISM	PODVIN PARK
		3.29	CLEANING SUPPLIES		118258	116150	5302.6240		BUILDING SUPPLIES & PARTS	PIONEER MANOR SENIOR HOUSING
		24.44	SWIFFER DUSTER/BAGS/MAPKINS		118259	116181	1210.6250		OTHER SUPPLIES & PARTS	FIRE
		2.89	FASTENERS/ANCHORS		118260	116201	1546.6540		VANDALISM	PODVIN PARK
		12.99	ROPE WINDER		118251	34863	5013.6220		EQUIPMENT SUPPLIES & PARTS	WATER TREATMENT
		190.11								
126518	12/22/2017		103140 FRATTALLONE'S HARDWARE-242170							
		42.11	EYE BOLTS/EZLOCK STARTER KIT		118246	115613	5205.6240		BUILDING SUPPLIES & PARTS	SPORTS CENTER GENERAL
		7.38	TOILET TISSUE		118247	115710	5205.6240		BUILDING SUPPLIES & PARTS	SPORTS CENTER GENERAL
		14.96	(4) SCREWDRIVERS		118247	115710	5205.6295		SMALL TOOLS	SPORTS CENTER GENERAL
		6.38	FASTENERS		118244	115813	5205.6240		BUILDING SUPPLIES & PARTS	SPORTS CENTER GENERAL
		16.97	MASKING TAPE/LIGHT SET		118245	116145	5205.6240		BUILDING SUPPLIES & PARTS	SPORTS CENTER GENERAL
		29.14	MINI LIGHTS/CARPET CLNR/CLNR		118243	116161	5205.6240		BUILDING SUPPLIES & PARTS	SPORTS CENTER GENERAL
		116.94								
126519	12/22/2017		101055 GENUINE PARTS COMPANY-MINNEAPOLIS							
		12.00	WINDSHIELD WASH		118210	046240	1110.6230		VEHICLE SUPPLIES & PARTS	POLICE
		6.39	#53-05 - RADIATOR CAPS		118211	046272	1410.6220		EQUIPMENT SUPPLIES & PARTS	STREETS
		3.69	#157 - BULB		118212	046376	1110.6230		VEHICLE SUPPLIES & PARTS	POLICE
		31.84	#3-17 - EVOLUTION BLADE		118213	046862	1410.6220		EQUIPMENT SUPPLIES & PARTS	STREETS
		52.60	#52-00 - UPPER BALL JOINT		118209	3427-046082	1320.6230		VEHICLE SUPPLIES & PARTS	GARAGE
		23.63	#35-06 - OIL FILTER		118214	3427-047299	5052.6220		EQUIPMENT SUPPLIES & PARTS	SEWER
		7.34	#61-11 WASHER NOZZLE		118215	3427-047799	5012.6230		VEHICLE SUPPLIES & PARTS	WATER DISTRIBUTION
		81.91	HYDRAULIC FILTERS		118216	3427-048216	1320.6220		EQUIPMENT SUPPLIES & PARTS	GARAGE
		55.82	AIR FILTERS		118217	3427-048227	1320.6220		EQUIPMENT SUPPLIES & PARTS	GARAGE
		36.68	AIR FILTERS		118218	3427-048480	1320.6230		VEHICLE SUPPLIES & PARTS	GARAGE
		14.99	#76-03 - HELLO KITTY CORE SWC		118219	3427-048630	1510.6230		VEHICLE SUPPLIES & PARTS	PARKS
		229.08	LUBRICANT/OIL FILTERS		118220	3427-048943	1320.6230		VEHICLE SUPPLIES & PARTS	GARAGE
		8.72	#53-05 - SEAL		118221	3427-049842	1410.6220		EQUIPMENT SUPPLIES & PARTS	STREETS
		7.99	PX DEC ADH REMVR/AERO		118222	3427-050096	1537.6240		BUILDING SUPPLIES & PARTS	MATOSKA PARK
		14.99	AMB#1 - GAS CAP		118223	3427-050160	5252.6230		VEHICLE SUPPLIES & PARTS	AMBULANCE
		5.44	#88-08 - HEADLIGHT/TERMINAL GM		118224	3427-050284	1410.6230		VEHICLE SUPPLIES & PARTS	STREETS
		5.38	AMB#1 - BULBS		118225	3427-050620	5252.6230		VEHICLE SUPPLIES & PARTS	AMBULANCE
		493.29								
126520	12/22/2017		101056 GRAINGER							
		118.05	LIGHT BULBS		118230	9633439253	5013.6220		EQUIPMENT SUPPLIES & PARTS	WATER TREATMENT

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126520	12/22/2017	118.05	101056 GRAINGER						Continued...	
126521	12/22/2017	73.58	117949 HD SUPPLY FACILITIES MAINTENANCE							
		73.58	ALUM HORZ BLINDS		118184	9159195802	5302.6240		BUILDING SUPPLIES & PARTS	PIONEER MANOR SENIOR HOUSING
126522	12/22/2017	285.12	100265 HENRY SCHEIN INC							
		285.12	MEDIC/ENGINE AED BATTERIES		118289	48015418	5252.6250		OTHER SUPPLIES & PARTS	AMBULANCE
126523	12/22/2017	1,658.00	123199 HYDRO KLEAN							
		1,658.00	SEWER CAMERA TRAILER REPAIR		118233	59217	5052.6505		EQUIPMENT REPAIR SERVICE	SEWER
126524	12/22/2017	141.47	115618 I - STATE TRUCK CENTER							
		141.47	#22-06-MOTOR BLOWER/HARN HVAC		118187	C241239295:01	5052.6220		EQUIPMENT SUPPLIES & PARTS	SEWER
126525	12/22/2017	714.00	123063 INNOVATIVE OFFICE SOLUTIONS LLC							
		152.37	PAPER		118285	SUM-035883	1050.6210		OFFICE SUPPLIES	CITY HALL
		126.93	THERMAL PAPER		118285	SUM-035883	5352.6210		OFFICE SUPPLIES	LICENSE BUREAU
		328.29	CALENDARS/PLANNERS		118284	SUM-036484	1070.6210		OFFICE SUPPLIES	PLANNING
		89.88	CALENDARS/PLANNERS		118284	SUM-036484	1300.6210		OFFICE SUPPLIES	SHOP PERCENTAGE
		155.91	PENS/INKTAPE		118284	SUM-036484	5352.6210		OFFICE SUPPLIES	LICENSE BUREAU
		111.93	CALENDARS		118284	SUM-036484	5352.6210		OFFICE SUPPLIES	LICENSE BUREAU
		1,679.31	CALENDARS		118284	SUM-036484	6322.6210		OFFICE SUPPLIES	ENGINEERING FUND EXPENSES
126526	12/22/2017	300.00	119279 INSTRUMENTAL RESEARCH INC							
		300.00	NOVEMBER WATER TESTING		118239	720	5013.6560		CONTRACTUAL SERVICES	WATER TREATMENT
126527	12/22/2017	650.30	100924 IUOE LOCAL 49							
		650.30	DECEMBER 2017 DUES		118305	DEC2017	6200.2116		PUBLIC WORKS UNION DUES	EMPLOYMENT EXP. BALANCE SHEET
126528	12/22/2017	29.30	125099 JANUSKA, CRAIG							
		29.30	UTILITY REFUND-2359 SPRUCE PL		118298	REFUND121217	5011.4882		ENTERPRISE SALES	WATER FUND REVENUES

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126529	12/22/2017	128.00	101074 JEFFERSON FIRE AND SAFETY		118228	242953	1210.6290		UNIFORMS & CLOTHING	FIRE
		128.00	6" 3 PANEL SHIELDS						Continued...	
126530	12/22/2017	145.20	100377 KATH FUEL OIL SERVICE CO		118238	610722	1920.6274		LUBRICANTS & ADDITIVES	GARAGE
		145.20	GREASE							
126531	12/22/2017	420.05	100092 LAW ENFORCEMENT LABOR SERVICES		118304	DEC2017	6200.2117		LAW ENFORCEMENT UNION DUES	EMPLOYMENT EXP. BALANCE SHEET
		420.05	DECEMBER 2017 DUES							
126532	12/22/2017	1,822.41	100178 LEAGUE OF MN CITIES INS TRUST		118287	3119	6030.6560		CONTRACTUAL SERVICES	INSURANCE POLICE
		1,822.41	JOHNSON#170 BACKED INTO CAR							
126533	12/22/2017	31.63	101087 LOGIS		118306	NOV2017	1410.6411		TELEPHONE	STREETS
		36.90	IP TELEPHONE SYSTEM - 11/30		118306	NOV2017	1510.6411		TELEPHONE	PARKS
		47.44	IP TELEPHONE SYSTEM - 11/30		118306	NOV2017	1070.6411		TELEPHONE	PLANNING
		47.44	IP TELEPHONE SYSTEM - 11/30		118306	NOV2017	1020.6411		TELEPHONE	CITY MANAGER
		52.71	IP TELEPHONE SYSTEM - 11/30		118306	NOV2017	1030.6411		TELEPHONE	FINANCE
		61.67	IP TELEPHONE SYSTEM - 11/30		118306	NOV2017	1080.6411		TELEPHONE	BUILDING CODES & ENFORCEMENT
		109.11	IP TELEPHONE SYSTEM - 11/30		118306	NOV2017	1114.6411		TELEPHONE	DISPATCH
		112.06	OPERATIONS SERVICE THRU 11/30		118306	NOV2017	1118.6402		DATA PROCESSING	ANIMAL CONTROL
		126.51	IP TELEPHONE SYSTEM - 11/30		118306	NOV2017	1210.6411		TELEPHONE	FIRE
		197.98	OPERATIONS SERVICE THRU 11/30		118306	NOV2017	1114.6402		DATA PROCESSING	DISPATCH
		246.69	IP TELEPHONE SYSTEM - 11/30		118306	NOV2017	1110.6411		TELEPHONE	POLICE
		310.04	OPERATIONS SERVICE THRU 11/30		118306	NOV2017	1070.6402		DATA PROCESSING	PLANNING
		316.26	IP TELEPHONE SYSTEM - 11/30		118306	NOV2017	1050.6411		TELEPHONE	CITY HALL
		354.86	OPERATIONS SERVICE THRU 11/30		118306	NOV2017	1410.6402		DATA PROCESSING	STREETS
		401.56	OPERATIONS SERVICE THRU 11/30		118306	NOV2017	1210.6402		DATA PROCESSING	FIRE
		448.25	OPERATIONS SERVICE THRU 11/30		118306	NOV2017	1110.6402		DATA PROCESSING	POLICE
		1,456.81	OPERATIONS SERVICE THRU 11/30		118306	NOV2017	1050.6402		DATA PROCESSING	CITY HALL
		2,262.16	OPERATIONS SERVICE THRU 11/30		118306	NOV2017	1080.6402		DATA PROCESSING	BUILDING CODES & ENFORCEMENT
		3,206.47	OPERATIONS SERVICE THRU 11/30		118306	NOV2017	1030.6402		DATA PROCESSING	FINANCE
		52.71	IP TELEPHONE SYSTEM - 11/30		118306	NOV2017	5012.6411		TELEPHONE	WATER DISTRIBUTION
		84.34	IP TELEPHONE SYSTEM - 11/30		118306	NOV2017	5013.6411		TELEPHONE	WATER TREATMENT
		2,241.24	OPERATIONS SERVICE THRU 11/30		118306	NOV2017	5012.6402		DATA PROCESSING	WATER DISTRIBUTION
		47.44	IP TELEPHONE SYSTEM - 11/30		118306	NOV2017	5052.6411		TELEPHONE	SEWER
		2,790.35	OPERATIONS SERVICE THRU 11/30		118306	NOV2017	5052.6402		DATA PROCESSING	SEWER

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126541	12/22/2017	20.75	117023 MIN DEPT OF DRIVER & VEHICLE SERVICES		118301	CN16019430	2062.6230		VEHICLE SUPPLIES & PARTS	FORFEITURE EXPENDITURES
		20.75	RETITLING DWI FORFEITURE							
126542	12/22/2017	940.34	107349 NEW CENTURY SYSTEMS INC		118267	180982	1300.6515		BUILDING REPAIR SERVICE	SHOP PERCENTAGE
		940.34	HVAC REPAIRS							
126543	12/22/2017	314.00	104692 NORTHERN STAR COUNCIL		118300	POST9524	1220.6460		SUBSCRIPTIONS & DUES	EMERGENCY PREPAREDNESS
		314.00	7 EXPLORER RENEWALS/3 ADULTS							
126544	12/22/2017	279.98	100524 OFFICE DEPOT		118268	2138739778	4222.6295		SMALL TOOLS	WATER IMPROVEMENT GENERAL
		279.98	2 MONITORS							
126545	12/22/2017	117.98	119122 O'REILLY AUTOMOTIVE INC		118273	3255-376607	1320.6295		SMALL TOOLS	GARAGE
		337.65	TIRE INFLTR		118274	3255-376668	1080.6230		VEHICLE SUPPLIES & PARTS	BUILDING CODES & ENFORCEMENT
		29.95	#00-07-ECONOMATIC/SOCKS/ARM		118275	3255-378955	1210.6230		VEHICLE SUPPLIES & PARTS	FIRE
		44.30	ANTIFREEZE		118276	3255-379957	1410.6220		EQUIPMENT SUPPLIES & PARTS	STREETS
		34.94	REPLACEMENT BELT		118277	3255-380318	5252.6230		VEHICLE SUPPLIES & PARTS	AMBULANCE
		21.87	AMB#1 - WIPER BLADES		118278	3255-380515	1210.6220		EQUIPMENT SUPPLIES & PARTS	FIRE
		17.97	GEAR OIL		118279	3255-380532	1210.6220		EQUIPMENT SUPPLIES & PARTS	FIRE
		34.90	ANTIFREEZE		118280	3255-381645	1320.6220		EQUIPMENT SUPPLIES & PARTS	GARAGE
		12.43	GREASE		118281	3255-383116	1410.6230		EQUIPMENT SUPPLIES & PARTS	STREETS
		1.23	88-08-LAMP HARNESS/LGHT SOCKET		118282	3255-383123	1320.6220		EQUIPMENT SUPPLIES & PARTS	GARAGE
		653.22	TERMINAL							
126546	12/22/2017	173.40	101145 OXYGEN SERVICE CO		118236	03391329	1320.6555		RENTAL OF EQUIPMENT	GARAGE
		173.40	ACE150/OXY124/C25AR152							
126547	12/22/2017	90.00	111201 PERFORMANCE PLUS		118226	4911LF	1210.6401		PROFESSIONAL SERVICES	FIRE
		90.00	PHYSICAL ABILITIES-FEDERER							
126548	12/22/2017	99.45	125094 PETRICH, MARK		118292	REFUND121217	5011.4882		ENTERPRISE SALES	WATER FUND REVENUES
		99.45	UTILITY REFUND-3906 MCKNIGHT							

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126549	12/22/2017	159.60 159.60	100545 PREMIER LIGHTING LIGHT BULBS		118235	42901	1430.6220		EQUIPMENT SUPPLIES & PARTS Continued...	STREET LIGHTING / SIGNALS
126550	12/22/2017	5,638.00 5,638.00	125100 R & H PAINTING, LLC MANHOLE LINER		118229	855	4514.6535		OTHER REPAIR	18-01 8TH-11TH, MOREHEAD, ETC
126551	12/22/2017	15.32 15.32	125098 ROSS, ROXANNE UTILITY REFUND-1980 4TH ST		118297	REFUND121217	5011.4882		ENTERPRISE SALES	WATER FUND REVENUES
126552	12/22/2017	105.27 105.27	101175 SHORT ELLIOTT HENDRICKSON INC-SEH WHBRL SURFACE WATER MGMT		118208	342672	2042.6401		PROFESSIONAL SERVICES	SURFACE WATER POLLUTION EXP
126553	12/22/2017	150.00 150.00	125095 SMITH, CARL UTILITY REFUND-2240 3RD ST		118294	REFUND121217	5011.4882		ENTERPRISE SALES	WATER FUND REVENUES
126554	12/22/2017	6,880.00 6,880.00	118386 ST PAUL, CITY OF LIME HAULING - NOVEMBER 2017		118232	WI00000833	5013.6565		DISPOSAL FEES	WATER TREATMENT
126555	12/22/2017	150.00 150.00	124973 STARFIELD, BRIAN MAINTENANCE 12/3 - 12/15		118185	INV121717	5302.6515		BUILDING REPAIR SERVICE	PIONEER MANOR SENIOR HOUSING
126556	12/22/2017	90.00 90.00	123626 SUMMIT INDOOR ENVIRONMENTAL SPECIALIST CARPET CLEANING/DUSTING		118183	15265	4248.6560		CONTRACTUAL SERVICES	ECON. DEV. MARINA TRIANGLE
126557	12/22/2017	103.11 103.11	109682 SWANSON, JULIE REIMBURSE CERT/RESERVE		118261	REQUEST121817	1110.6250		OTHER SUPPLIES & PARTS	POLICE
126558	12/22/2017	546.90 546.90	101269 TA SCHIFSKY FILL SAND/RECYCLED BASE		118231	62449	5012.6535		OTHER REPAIR	WATER DISTRIBUTION
126559	12/22/2017		112465 TWIN CITIES TRANSPORT & RECOVERY							

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126559	12/22/2017		112465 TWIN CITIES TRANSPORT & RECOVERY						Continued...	
		385.00	TOWING & STORAGE, CN15009034		118193	18346	2062.6560		CONTRACTUAL SERVICES	FORFEITURE EXPENDITURES
		385.00	TOWING & STORAGE, CN16010978		118194	20583	2062.6560		CONTRACTUAL SERVICES	FORFEITURE EXPENDITURES
		670.00	TOWING & STORAGE, CN16023307		118195	21505	2062.6560		CONTRACTUAL SERVICES	FORFEITURE EXPENDITURES
		835.00	TOWING & STORAGE, CN17000424		118199	21981	2062.6560		CONTRACTUAL SERVICES	FORFEITURE EXPENDITURES
		835.00	TOWING & STORAGE, CN17004731		118200	574872	2062.6560		CONTRACTUAL SERVICES	FORFEITURE EXPENDITURES
		385.00	TOWING & STORAGE, CN17008925		118197	578817	2062.6560		CONTRACTUAL SERVICES	FORFEITURE EXPENDITURES
		385.00	TOWING & STORAGE, CN17007787		118196	580061	2062.6560		CONTRACTUAL SERVICES	FORFEITURE EXPENDITURES
		385.00	TOWING & STORAGE, CN17014172		118198	586446	2062.6560		CONTRACTUAL SERVICES	FORFEITURE EXPENDITURES
		4,265.00								
126560	12/22/2017		101458 UNITED PARCEL SERVICE							
		4.03	NOVEMBER SHIPPING CHARGES		118284	563285477NOV17	1110.6445		POSTAGE	POLICE
		31.15	NOVEMBER SHIPPING CHARGES		118284	563285477NOV17	5352.6445		POSTAGE	LICENSE BUREAU
		35.18								
126561	12/22/2017		100691 UPS STORE, THE							
		3.00	COPIES		118269	STMT120617	1080.6450		OUTSIDE PRINTING	BUILDING CODES & ENFORCEMENT
		3.99	SCANNING - WIDE FORMAT		118269	STMT120617	1080.6450		OUTSIDE PRINTING	BUILDING CODES & ENFORCEMENT
		8.49	COPYING/SCANNING		118269	STMT120617	1080.6450		OUTSIDE PRINTING	BUILDING CODES & ENFORCEMENT
		10.90	SHIP-GARY'S RETIREMENT BEAR		118269	STMT120617	1080.6445		POSTAGE	BUILDING CODES & ENFORCEMENT
		12.00	COPIES		118269	STMT120617	1080.6450		OUTSIDE PRINTING	BUILDING CODES & ENFORCEMENT
		29.84	SHIP CAMERA TRANSPORTER		118269	STMT120617	5052.6445		POSTAGE	SEWER
		66.22								
126562	12/22/2017		123023 URBAN COMPANIES							
		12,900.00	1325 BIRCH ST DEMOLITION		118283	3165	4242.6560		CONTRACTUAL SERVICES	ECONOMIC DEVELOPMENT GENERAL
		12,900.00								
126563	12/22/2017		100439 VAN PAPER COMPANY							
		108.96	CLEANING SUPPLIES		118189	446727-00	1300.6240		BUILDING SUPPLIES & PARTS	SHOP PERCENTAGE
		32.20	CLEANING SUPPLIES		118191	446727-01	1300.6240		BUILDING SUPPLIES & PARTS	SHOP PERCENTAGE
		49.38-	RETURN SOAP		118190	447466C1	1300.6240		BUILDING SUPPLIES & PARTS	SHOP PERCENTAGE
		91.78								
126564	12/22/2017		118099 WATER CONSERVATION SERVICES, INC							
		720.48	WATERMAIN SRV-2267 FLORALJEMER		118201	8067	5012.6535		OTHER REPAIR	WATER DISTRIBUTION
		720.48								
126565	12/22/2017		119860 WELLS FARGO HOME MORTGAGE							
		122.85	UTILITY REFUND-2516 MAYFAIR AV		118290	REFUND121217	5011.4882		ENTERPRISE SALES	WATER FUND REVENUES

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Check #	Date	Amount	Supplier / Explanation	PO #	Doc No	Inv No	Account No	Subldger	Account Description	Business Unit
126565	12/22/2017	122.85	119860 WELLS FARGO HOME MORTGAGE							
126566	12/22/2017	103.31	116721 WHALEY, DAVID							
		103.31	UTILITY REFUND-2732 CENTURY		118293	REFUND121217	5011.4862		ENTERPRISE SALES	WATER FUND REVENUES
126567	12/22/2017	218.00	101479 WHITE BEAR LOCKSMITH INC							
		218.00	REKEY LOCK - VANDALISM		118205	30061	1546.6540		VANDALISM	PODVIN PARK
126568	12/22/2017	1,450.00	123890 WHITE BEAR PLUMBING, INC.							
		1,450.00	REPALCE WATER HEATER-4660 BALD		118227	22255	1210.6515		BUILDING REPAIR SERVICE	FIRE
126570	12/22/2017	71.86	110046 XCEL ENERGY-GROUP BILLING							
		71.86	4490 LAKE AVE S - NOVEMBER		118178	5100102260136NO	4248.6422		ELECTRIC	ECON. DEV. MARINA TRIANGLE
		140.77	4495 LAKE AVE COMM ROOM-NOV		118165	5100106587321NO	4248.6423		NATURAL GAS	ECON. DEV. MARINA TRIANGLE
		345.02	4495 LAKE AVE COMM ROOM-NOV		118165	5100106587321NO	4248.6422		ELECTRIC	ECON. DEV. MARINA TRIANGLE
		8.16	4475 LAKE AVE S - NOVEMBER		118179	5100106693557NO	1525.6422		ELECTRIC	JOHNSON BOAT WORKS
		177.37	4475 LAKE AVE S - NOVEMBER		118179	5100106693557NO	1525.6423		NATURAL GAS	JOHNSON BOAT WORKS
		847.27	4475 LAKE AVE S - NOVEMBER		118179	5100106693557NO	1525.6422		ELECTRIC	JOHNSON BOAT WORKS
		13.57	1950 FLORENCE - NOVEMBER		118166	5100107787609NO	1576.6422		ELECTRIC	YOST PARK
		16.98	5142 HWY 61 - NOV		118172	5100108248405NO	1430.6422		ELECTRIC	STREET LIGHTING / SIGNALS
		27.35	2132 4TH ST - NOV		118172	5100108248405NO	1430.6422		ELECTRIC	STREET LIGHTING / SIGNALS
		38.04	4872 HWY 61 - NOV		118172	5100108248405NO	1430.6422		ELECTRIC	STREET LIGHTING / SIGNALS
		40.35	4392 HWY 61 - NOV		118172	5100108248405NO	1430.6422		ELECTRIC	STREET LIGHTING / SIGNALS
		42.14	5040 HWY 61 - NOV		118172	5100108248405NO	1430.6422		ELECTRIC	STREET LIGHTING / SIGNALS
		45.03	4892 HWY 61 - NOV		118172	5100108248405NO	1430.6422		ELECTRIC	STREET LIGHTING / SIGNALS

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Check #	Date	Supplier / Explanation	Amount	PO #	Doc No	Inv No	Account No	Subledger	Account Description	Business Unit
126570	12/22/2017	110046 XCEL ENERGY-GROUP BILLING								
		4751 BANNING AVE - NOV	11.08		118180	5100111527126NO	4242.6422		ELECTRIC	ECONOMIC DEVELOPMENT GENERAL
						V17				
		3901 MCKNIGHT-WELL#5-NOV	248.39		118170	5142977213NOV17	5012.6422		ELECTRIC	WATER DISTRIBUTION
		2414 ORCHARD LN -WELL#3-NOV	2,952.53		118170	5142977213NOV17	5012.6422		ELECTRIC	WATER DISTRIBUTION
		3359 MCKNIGHT-WELL#4-NOV	3,417.55		118170	5142977213NOV17	5012.6422		ELECTRIC	WATER DISTRIBUTION
		4200 HOFFMAN-SHOP/FOOD-NOV	3.33		118173	5142977246NOV17	1410.6423		NATURAL GAS	STREETS
		4200 HOFFMAN-SHOP/FOOD-NOV	6.63		118173	5142977246NOV17	1510.6423		NATURAL GAS	PARKS
		4200 HOFFMAN-SHOP/FOOD-NOV	13.20		118173	5142977246NOV17	1410.6422		ELECTRIC	STREETS
		4200 HOFFMAN-SHOP/FOOD-NOV	13.27		118173	5142977246NOV17	1320.6423		NATURAL GAS	GARAGE
		4200 HOFFMAN-GAR-NOV	19.51		118173	5142977246NOV17	1410.6422		ELECTRIC	STREETS
		4200 HOFFMAN-SHOP/FOOD-NOV	26.35		118173	5142977246NOV17	1510.6422		ELECTRIC	PARKS
		4200 HOFFMAN-APT REAR-NOV	28.77		118173	5142977246NOV17	1410.6423		NATURAL GAS	STREETS
		4200 HOFFMAN-GAR-NOV	38.97		118173	5142977246NOV17	1510.6422		ELECTRIC	PARKS
		4200 HOFFMAN-SHOP/FOOD-NOV	52.70		118173	5142977246NOV17	1320.6422		ELECTRIC	GARAGE
		4200 HOFFMAN-APT REAR-NOV	57.51		118173	5142977246NOV17	1510.6423		NATURAL GAS	PARKS
		4200 HOFFMAN-GAR-NOV	77.95		118173	5142977246NOV17	1320.6422		ELECTRIC	GARAGE
		4200 HOFFMAN-APT REAR-NOV	115.02		118173	5142977246NOV17	1320.6423		NATURAL GAS	PARKS
		4700 MILLER AVE - NOV	126.16		118173	5142977246NOV17	1320.6423		ELECTRIC	GARAGE
		2240 CTY RD E-STAT #2-NOV	208.25		118173	5142977246NOV17	1114.6423		NATURAL GAS	GARAGE
		4700 MILLER AVE - NOV	290.98		118173	5142977246NOV17	1220.6422		NATURAL GAS	DISPATCH
		4701 HWY 61-NOV	339.64		118173	5142977246NOV17	1210.6423		ELECTRIC	EMERGENCY PREPAREDNESS
		2240 CTY RD E-STAT #2-NOV	372.00		118173	5142977246NOV17	1114.6422		NATURAL GAS	EMERGENCY PREPAREDNESS
		4701 HWY 61-NOV	386.74		118173	5142977246NOV17	1210.6423		ELECTRIC	FIRE
		4700 MILLER AVE - NOV	478.13		118173	5142977246NOV17	1050.6423		NATURAL GAS	DISPATCH
		2240 CTY E-STA# 2-NOV	504.61		118173	5142977246NOV17	1110.6423		NATURAL GAS	FIRE
		4701 HWY 61-NOV	540.39		118173	5142977246NOV17	1210.6422		NATURAL GAS	CITY HALL
		4701 HWY 61-NOV	1,001.82		118173	5142977246NOV17	1210.6422		ELECTRIC	POLICE
		4701 HWY 61-NOV	1,163.77		118173	5142977246NOV17	1050.6422		ELECTRIC	FIRE
		4701 HWY 61-NOV	1,488.29		118173	5142977246NOV17	1110.6422		ELECTRIC	FIRE
		2228 4TH ST-NOV	512.08		118173	5142977246NOV17	2032.6422		ELECTRIC	CITY HALL
		2228 4TH ST-NOV	745.68		118173	5142977246NOV17	2032.6423		ELECTRIC	POLICE
		2385 CTY F-WTR LVL- NOV	11.19		118173	5142977246NOV17	4247.6422		NATURAL GAS	ARMORY OPERATIONS
		2446 CTY RD F- NOV	92.54		118173	5142977246NOV17	4247.6423		ELECTRIC	ARMORY OPERATIONS
		2446 CTY RD F- NOV	133.00		118173	5142977246NOV17	4247.6422		NATURAL GAS	ECON. DEV. BELLAIRE CENTER
		4200 HOFFMAN-SHOP/FOOD-NOV	26.54		118173	5142977246NOV17	5012.6423		ELECTRIC	ECON. DEV. BELLAIRE CENTER
		4200 HOFFMAN-SHOP/FOOD-NOV	105.41		118173	5142977246NOV17	5012.6422		ELECTRIC	WATER DISTRIBUTION
		4200 HOFFMAN-GAR-NOV	155.91		118173	5142977246NOV17	5012.6422		ELECTRIC	WATER DISTRIBUTION
		4200 HOFFMAN-APT REAR-NOV	230.05		118173	5142977246NOV17	5012.6423		NATURAL GAS	WATER DISTRIBUTION

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126570	12/22/2017	110046 XCEL ENERGY-GROUP BILLING						Continued...	
		2401 ORCHARD-WTR TRMT NOV		118173	5142977246NOV17	5012.6423		NATURAL GAS	WATER DISTRIBUTION
		4,896.76		118173	5142977246NOV17	5012.6423		ELECTRIC	WATER DISTRIBUTION
		16.59		118173	5142977246NOV17	5052.6423		NATURAL GAS	SEWER
		65.88		118173	5142977246NOV17	5052.6422		ELECTRIC	SEWER
		97.44		118173	5142977246NOV17	5052.6422		ELECTRIC	SEWER
		143.78		118173	5142977246NOV17	5052.6423		NATURAL GAS	SEWER
		2,093.73		118173	5142977246NOV17	5205.6423		NATURAL GAS	SPORTS CENTER GENERAL
		7,868.27		118173	5142977246NOV17	5205.6422		ELECTRIC	SPORTS CENTER GENERAL
		925.28		118173	5142977246NOV17	5302.6422		ELECTRIC	PIONEER MANOR SENIOR HOUSING
		1,090.38		118173	5142977246NOV17	5302.6423		NATURAL GAS	PIONEER MANOR SENIOR HOUSING
		53.13		118173	5142977246NOV17	5352.6423		NATURAL GAS	LICENSE BUREAU
		129.31		118173	5142977246NOV17	5352.6422		ELECTRIC	LICENSE BUREAU
		77.72		118167	5142977257NOV17	1430.6560		CONTRACTUAL SERVICES	STREET LIGHTING / SIGNALS
		11.53		118167	5142977257NOV17	2042.6422		ELECTRIC	SURFACE WATER POLLUTION EXP
		39.28		118167	5142977257NOV17	5012.6422		ELECTRIC	WATER DISTRIBUTION
		117.98		118163	5142977268NOV17	1430.6560		CONTRACTUAL SERVICES	STREET LIGHTING / SIGNALS
		11.19		118163	5146843050NOV17	1430.6422		ELECTRIC	STREET LIGHTING / SIGNALS
		238.80		118176	5172077057NOV17	1430.6560		CONTRACTUAL SERVICES	STREET LIGHTING / SIGNALS
		241.27		118176	5172077057NOV17	1430.6560		CONTRACTUAL SERVICES	STREET LIGHTING / SIGNALS
		268.82		118169	5173230398NOV17	1430.6560		CONTRACTUAL SERVICES	STREET LIGHTING / SIGNALS
		49.57		118174	5182367844NOV17	1430.6422		ELECTRIC	STREET LIGHTING / SIGNALS
		37.48		118164	5183820380NOV17	1430.6422		ELECTRIC	STREET LIGHTING / SIGNALS
		120.12		118181	5183839223NOV17	1430.6422		ELECTRIC	STREET LIGHTING / SIGNALS
		35.61		118171	5185598861NOV17	5302.6422		ELECTRIC	STREET LIGHTING / SIGNALS
		12.51		118160	5187967986NOV17	1537.6422		ELECTRIC	PIONEER MANOR SENIOR HOUSING
		61.61		118168	5190419071NOV17	4242.6422		ELECTRIC	MATOSKA PARK
		10.95		118168	5190419071NOV17	4242.6422		ELECTRIC	ECONOMIC DEVELOPMENT GENERAL
		12.70		118168	5190419071NOV17	4242.6422		ELECTRIC	ECONOMIC DEVELOPMENT GENERAL
		10.45		118175	5195715376NOV17	1561.6422		NATURAL GAS	ECONOMIC DEVELOPMENT GENERAL
		876.69		118162	5196931676NOV17	1300.6423		ELECTRIC	STELLMACHER PARK
		1,691.81		118162	5196931676NOV17	1300.6422		ELECTRIC	SHOP PERCENTAGE
		65.80		118177	5198641704NOV17	1430.6422		ELECTRIC	SHOP PERCENTAGE
		40,209.17							STREET LIGHTING / SIGNALS
126571	12/22/2017	121353 ZERESNAI, SOLOMON		118302	INV121317	1050.6560		CONTRACTUAL SERVICES	CITY HALL
		EXTRA CLEANING-BREAK/EXPANSION							
		1,770.00							
		1,770.00							
		121,608.08							

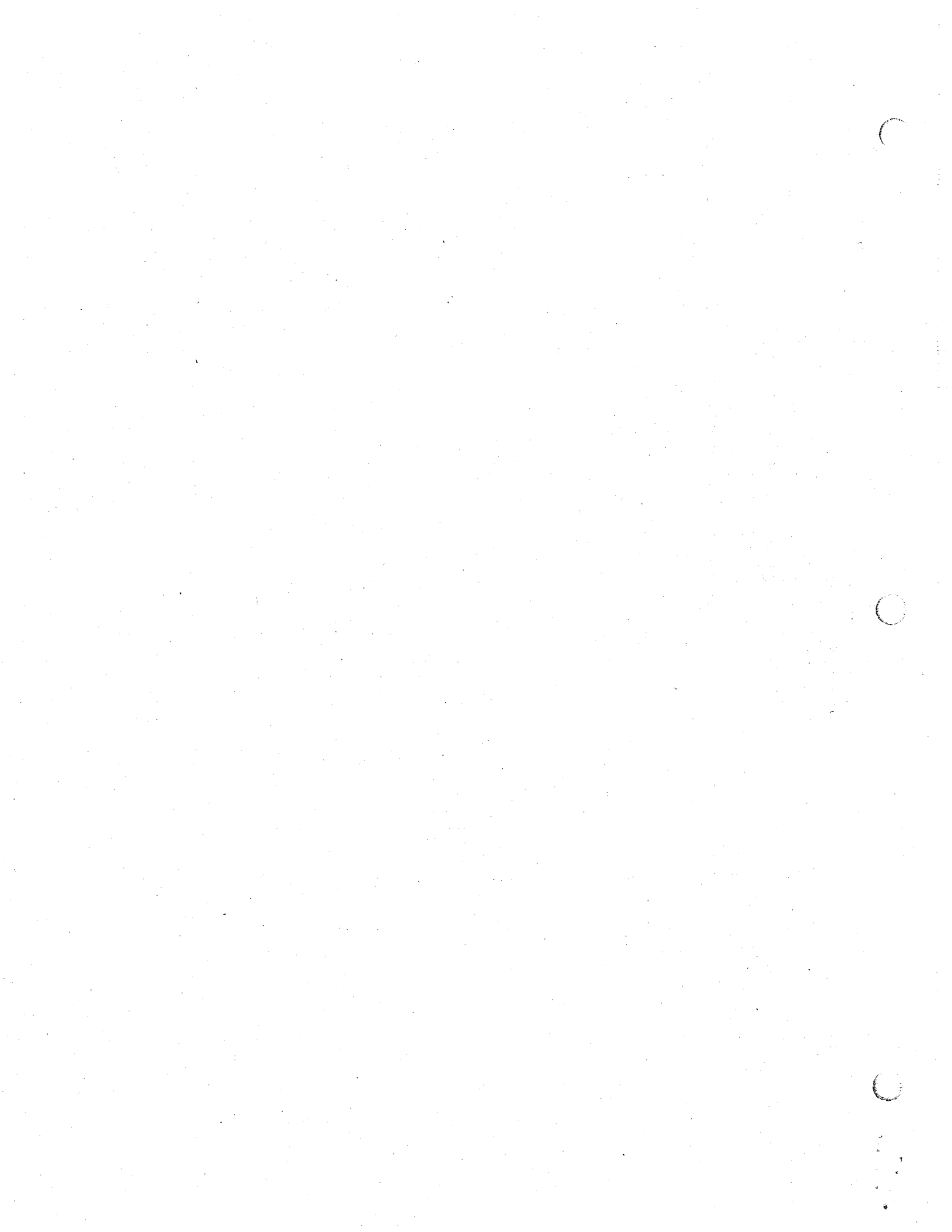
Payment Instrument Totals

Grand Total

White Bear Lake
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<u>Check #</u>	<u>Date</u>	<u>Amount</u>	<u>Supplier / Explanation</u>	<u>PO #</u>	<u>Doc No</u>	<u>Inv No</u>	<u>Account No</u>	<u>Subledger</u>	<u>Account Description</u>	<u>Business Unit</u>
		<u>121,608.08</u>	<u>Grand Total</u>							
								<u>Payment Instrument Totals</u>		
									<u>Checks</u>	
										<u>121,608.08</u>
									<u>Total Payments</u>	<u>121,608.08</u>





City of White Bear Lake
Finance Department

MEMORANDUM

To: Ellen Richter, City Manager

From: Don Rambow, Finance Director

Date: January 3, 2018

Subject: **Travel and Expense Reimbursement**

BACKGROUND

The City reimburses employees for approved and eligible out-of-pocket travel and business expenses incurred in the conduct of City business or authorized training. The current mileage reimbursement rate for use of a personal automobile and the rate for reimbursement of authorized meal expense is the actual cost up to an established maximum.

SUMMARY

Mileage

When employees utilize their personal vehicle to conduct City business, it allows the City to maintain a smaller vehicle fleet for occasional transportation needs. The mileage reimbursement rate is intended to compensate the employee for the estimated cost of operating their vehicles for the miles driven while using their personal vehicle for City business, but not the full (or proportionate) cost of automobile ownership as the City does not require employees to purchase or own a vehicle as a condition of employment. In other words, the City's reimbursement rate is intended to cover variable or incremental cost of the trip of usage, not the cost of possession.

The federal mileage reimbursement rate (set at 0.545 per mile for 2018). It is proposed that the City's personal mileage reimbursement reflect the standard reimbursement rate.

Meals

The City's meal reimbursement provides employees with adequate compensation to purchase three separate meals per day while conducting City business away from the community. A per meal cap rather than a per diem acknowledges that many conference/seminars provide meals with registration. While the employee might need to purchase a breakfast, the lunch and dinner could be included in the conference. A per diem meal allowance would allow the employee to profit from attending the training program if meals are provided in the registration.

The City established a meal reimbursement policy based upon a standard metro area and higher cost major cities such as Chicago. The State maintains a reimbursement rate of \$36 for metropolitan areas and \$44 for higher cost areas. The City's current meal reimbursement policy is almost identical to the State's reimbursement policy and is proposed to remain unchanged. These amounts would be allocated according to the following chart:

	Current Reimbursement Rates	2018 Proposed Reimbursement Rates
Mileage	\$.50	\$.545
Standard		
Breakfast	\$9.00	\$9.00
Lunch	\$11.00	\$11.00
Dinner	\$17.00	\$17.00
Total	\$37.00	\$37.00
High Cost Metro Area		
Breakfast	\$10.00	\$10.00
Lunch	\$13.00	\$13.00
Dinner	\$22.00	\$22.00
Total	\$45.00	\$45.00

It is proposed that the City Manager be authorized to approve a modest deviation from the meal allowance under unique or unusual circumstances.

RECOMMENDED COUNCIL ACTION

Staff recommends that the City Council adjust the current travel expense reimbursement and update the Travel and Training Policy to reflect these changes.

ATTACHMENTS

Resolution

RESOLUTION NO.

RESOLUTION AUTHORIZING EMPLOYEE REIMBURSEMENT OF APPROVED AND ELIGIBLE OUT-OF-POCKET TRAVEL AND BUSINESS EXPENSES WHILE CONDUCTING CITY BUSINESS

WHEREAS, City of White Bear Lake employees occasionally conduct City business away from the community; and

WHEREAS, on occasion, City employees utilize personal vehicles for transportation to conduct City business; and

WHEREAS, the City’s meal reimbursement policy provides employees with adequate compensation to purchase three separate meals per day while conducting business away from the community.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of White Bear Lake, that the City Council authorizes employee reimbursement rates for personal vehicle usage and meal purchases while conducting City business away from the community established below:

	2018 Reimbursement Rates
Mileage	\$.545
Standard	
Breakfast	\$9.00
Lunch	\$11.00
Dinner	\$17.00
Total	\$37.00
High Cost Metro Area	
Breakfast	\$10.00
Lunch	\$13.00
Dinner	\$22.00
Total	\$45.00

NOW, THEREFORE, BE IT FURTHER RESOLVED by the City Council of the City of White Bear Lake, that the City Council authorizes the City Manager to modify the meal reimbursement amounts based upon unique circumstances:

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

Ayes:
Nays:
Passed:

Jo Emerson, Mayor

ATTEST:

Kara Coustry, City Clerk

IRS Statements and Announcements

IR-2017-204, Dec. 14, 2017

WASHINGTON — The Internal Revenue Service today issued the 2018 optional standard mileage rates used to calculate the deductible costs of operating an automobile for business, charitable, medical or moving purposes.

Beginning on Jan. 1, 2018, the standard mileage rates for the use of a car (also vans, pickups or panel trucks) will be:

- 54.5 cents for every mile of business travel driven, up 1 cent from the rate for 2017.
- 18 cents per mile driven for medical or moving purposes, up 1 cent from the rate for 2017.
- 14 cents per mile driven in service of charitable organizations.

The business mileage rate and the medical and moving expense rates each increased 1 cent per mile from the rates for 2017. The charitable rate is set by statute and remains unchanged.

The standard mileage rate for business is based on an annual study of the fixed and variable costs of operating an automobile. The rate for medical and moving purposes is based on the variable costs.

Taxpayers always have the option of calculating the actual costs of using their vehicle rather than using the standard mileage rates.

A taxpayer may not use the business standard mileage rate for a vehicle after using any depreciation method under the Modified Accelerated Cost Recovery System (MACRS) or after claiming a Section 179 deduction for that vehicle. In addition, the business standard mileage rate cannot be used for more than four vehicles used simultaneously. These and other requirements are described in [Rev. Proc. 2010-51](#).

[Notice 2018-03](#), posted today on [IRS.gov](#), contains the standard mileage rates, the amount a taxpayer must use in calculating reductions to basis for depreciation taken under the business standard mileage rate, and the maximum standard automobile cost that a taxpayer may use in computing the allowance under a fixed and variable rate plan.

Page Last Reviewed or Updated: 14-Dec-2017

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EXPENSE REIMBURSEMENT ALLOWANCES BY COLLECTIVE BARGAINING AGREEMENTS/COMPENSATION PLANS

Type of Expense	Commissioner's Plan Effective 1/01/17	AFSCME, Council #5, AFL-CIO Effective 1/01/17	MAPE Effective 1/01/17	MSCFP Effective 1/01/17
State-owned vehicle not available	0.535 cents per mile effective 1/01/17 (IRS rate)	0.535 cents per mile effective 1/01/17 (IRS rate)	0.535 cents per mile effective 1/01/17 (IRS rate)	0.535 cents per mile effective 1/01/17 (IRS rate)
State-owned vehicle available but declined	0.465 cents per mile effective 1/01/17 (IRS rate less \$0.07)	0.465 cents per mile effective 1/01/17 (IRS rate less \$0.07)	0.465 cents per mile effective 1/01/17 (IRS rate less \$0.07)	0.465 cents per mile effective 1/01/17 (IRS rate less \$0.07)
Tolls and parking fees	actual cost	actual cost	actual cost	actual cost
Commercial transportation (air, taxi, rental car, etc.) plus reasonable gratuities	actual cost	actual cost	actual cost	actual cost
Specially equipped personal van - provides wheelchair access	0.63 cents per mile effective 01/01/17 (IRS rate plus \$0.09) no reimbursement applicable	0.63 cents per mile effective 1/01/17 (IRS rate plus \$0.09)	0.63 cents per mile effective 1/01/17 (IRS rate plus \$0.09)	0.63 cents per mile effective 1/01/17 (IRS rate plus \$0.09)
Motorcycle	0.535 cents per mile effective 1/01/17 (IRS rate)	0.535 cents per mile effective 1/01/17 (IRS rate)	0.535 cents per mile (Agreement rate) 1/01/17 (IRS rate)	0.535 cents per mile (Agreement rate) 1/01/17 (IRS rate)
Personal aircraft	actual cost (reasonable)	actual cost (reasonable)	actual cost (reasonable)	actual cost (reasonable)
Overnight lodging	actual cost not to exceed \$16.00 per week after first week of continuous travel status	actual cost not to exceed \$16.00 per week after first week of continuous travel status	actual cost not to exceed \$16.00 per week after first week of continuous travel status	actual cost not to exceed \$16.00 per week after first week of continuous travel status
Laundry and/or dry-cleaning after one week in continuous travel status	actual cost	actual cost	actual cost	actual cost
Work-related long distance telephone calls	actual cost up to maximum number of nights away times \$3.00	actual cost up to maximum number of nights away times \$3.00	actual cost up to maximum number of nights away times \$3.00	actual cost up to maximum number of nights away times \$3.00
Personal telephone calls	actual cost with prior approval	actual cost with prior approval	actual cost with prior approval	actual cost with prior approval
Special expenses (e.g. conference fees, banquet tickets)	actual cost up to maximums	actual cost up to maximums	actual cost up to maximums	actual cost up to maximums
Meals plus reasonable gratuities	Breakfast - \$9.00 Lunch - \$11.00 Dinner - \$16.00	Breakfast - \$9.00 Lunch - \$11.00 Dinner - \$16.00	Breakfast - \$9.00 Lunch - \$11.00 Dinner - \$16.00	Breakfast - \$9.00 Lunch - \$11.00 Dinner - \$16.00
● breakfast (in travel status overnight or leave home before 6:00 a.m.)	other metropolitan areas*	other metropolitan areas*	other metropolitan areas*	other metropolitan areas*
● lunch (in travel status and more than 35 miles distance from regular work station)	Breakfast - \$11.00 Lunch - \$13.00 Dinner - \$20.00	Breakfast - \$11.00 Lunch - \$13.00 Dinner - \$20.00	Breakfast - \$11.00 Lunch - \$13.00 Dinner - \$20.00	Breakfast - \$11.00 Lunch - \$13.00 Dinner - \$20.00
● dinner (in travel status overnight or return home after 7:00 p.m.)	2 or more consecutive meals reimbursed up to the combined maximum	2 or more consecutive meals reimbursed up to the combined maximum	2 or more consecutive meals reimbursed up to the combined maximum	2 or more consecutive meals reimbursed up to the combined maximum
Payment of expenses	advances if expenses exceed \$50.00, or use state credit card	advances if expenses exceed \$50.00, or use state credit card	advances if expenses exceed \$50.00, or use state credit card	advances if expenses exceed \$50.00, or use state credit card
*Other Metropolitan Areas: Atlanta, GA (Clayton, De Kalb, Fulton, Cobb and Gwinnet Counties in Georgia); Baltimore, MD (Baltimore, Baltimore County and Harford Counties in Maryland); Boston, MA (Norfolk, Suffolk, Middlesex and Essex Counties in Massachusetts); Chicago, IL (Du Page, Cook and Lake Counties in Illinois); Cleveland, OH (Cuyahoga County in Ohio); Dallas and Fort Worth, TX (Dallas and Tarrant Counties in Texas); Denver, CO (Denver, Adams, Arapahoe and Jefferson Counties in Colorado); Detroit, MI (Wayne, Macomb and Oakland Counties in Michigan); Hartford, CT (Hartford and Middlesex Counties in Connecticut); Houston, TX (Harris County, LBJ Space Center and Ellington AFB in Texas); Kansas City, MO (Clay, Jackson and Platte Counties in Missouri); Los Angeles, CA (Los Angeles, Kern, Orange and Ventura Counties in California); Kansas City, MO (Clay, Jackson and Platte Counties in Missouri); Los Angeles, CA (Los Angeles, Kern, Orange and Ventura Counties in California); New York City, NY (Bronx, Brooklyn, Manhattan, Queens and Staten Island Boroughs of NYC, Nassau, New York, Richmond, Suffolk and Westchester Counties in New York state; Fairfield County in Connecticut; and Bergen, Essex, Hudson, Middlesex, Passaic and Union Counties in New Jersey); Philadelphia, PA (Bucks, Chester, Delaware, Montgomery and Philadelphia Counties in Pennsylvania); Burlington and Gloucester Counties in New Jersey); Portland, OR (Multnomah County in Oregon); St. Louis, MO (St. Charles and St. Louis Counties in Missouri); San Diego, CA (San Diego County in California); San Francisco, CA (San Francisco, Sonoma, Marin, San Mateo, Santa Clara, Santa Cruz, Contra Costa, Alameda and Santa Barbara Counties in California); Seattle, WA (King County in Washington state); Washington, DC (Cities of Alexandria, Falls Church and Fairfax in Virginia; Arlington, Loudoun and Fairfax Counties in Virginia; Montgomery and Prince Georges Counties in Maryland); and any location outside the contiguous 48 United States.				

Website = Minnesota.edu - contract reference material

Revised Jan. 1, 2016 (IRS mileage rate)



City of White Bear Lake
City Manager's Office

MEMORANDUM

To: Ellen Richter, City Manager
From: Kara Coustry, City Clerk
Date: December 19, 2017
Subject: **Massage Therapy Establishment and Massage Therapist Licenses**

BACKGROUND

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

SUMMARY

The City received (4) four applications for massage therapists from Jade Massage, LLC a licensed Massage Therapy Establishment located at 2033 County Road E, White Bear Lake. Applicants Zhenglan Yuan, Yun Lin, Shaofen Hou and Danhoung Mu submitted complete applications along with proof of insurance.

Qunhong Duquet completed a background check and was approved for a massage therapist license at Jade Massage on June 27, 2017. She has requested a transfer to Relax Lounge, LLC located at 4711 Clark Avenue.

The White Bear Lake Police Department verified the applicants' training credentials, insurance coverage, finances and criminal history reports and found nothing to preclude transfer and issuance of the above referenced massage therapist licenses.

RECOMMENDED COUNCIL ACTION

Staff recommends approval of the attached resolution for massage therapist licenses.

ATTACHMENTS

Resolution

RESOLUTION NO.

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

BE IT RESOLVED by the City Council of the City of White Bear Lake that the following massage therapist licenses be approved for the business cycle ending March 31, 2018.

Massage Therapists Licenses

Zhenglan Yuan	Jade Massage, LLC 2033 County Road E E
Yun Lin	
Shaofen Hou	
Danhong Mu	

BE IT FURTHER RESOLVED by the City Council of the City of White Bear Lake that the following massage therapist license be approved for transfer:

Massage Therapist License Transfer

Qunhong Duquet	From Jade Massage to Relax Lounge, LLC located at 4711 Clark Avenue
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The foregoing resolution offered by Councilmember _____ and supported by Councilmember _____, was declared carried on the following vote:

Ayes:
Nays:
Passed:

Jo Emerson, Mayor

ATTEST:

Kara Coustry, City Clerk



City of White Bear Lake
City Engineer's Office

MEMORANDUM

To: Ellen Richter, City Manager

From: Mark Burch, Public Works Director/City Engineer

Date: December 18, 2017

Subject: **Approval of Agreement with Ramsey County Housing and Redevelopment Authority to Accept a Community Development Block Grant (CDBG) for Roof Replacement at the Community Counseling Center Building**

BACKGROUND / SUMMARY

The City applied for a CDBG from Ramsey County to fund replacement of the roof shingles on the Community Counseling Center Building currently leased to Northeast Youth and Family Services (NYFS). The City application was approved and a CDBG was awarded to the City in the amount of \$37,000 for this project. Bids have been solicited and the contractor selected for the project. The contractor will perform the work starting in April 2018 with completion in early spring 2018.

Ramsey County has drafted an agreement which will authorize the city to proceed with the roofing project and the County to disperse the grant funds.

RECOMMENDED COUNCIL ACTION

We recommend that the Council adopt the resolution authorizing the CDBG agreement and authorize the City Manager to execute the agreement.

ATTACHMENTS

Resolution

RESOLUTION NO.:

RESOLUTION APPROVING AN AGREEMENT WITH THE RAMSEY COUNTY HOUSING AND REDEVELOPMENT AUTHORITY FOR A COMMUNITY DEVELOPMENT BLOCK GRANT TO FUND A SHINGLE ROOF REPLACEMENT AT THE COMMUNITY COUNSELING CENTER BUILDING

WHEREAS, the City desires to replace the shingle roof on the Community Counseling Center Building; and

WHEREAS, on February 14, 2017 the City Council authorized the submittal of an application for a Ramsey County Housing and Redevelopment Authority Community Development Block Grant for funding of the roof replacement; and

WHEREAS, Ramsey County has approved a CDBG in the amount of \$37,000 for the project; and

WHEREAS, Ramsey County has prepared an agreement which would authorize the City to proceed with the project and for the County to disperse funding to support the work.

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

1. The Agreement between the Ramsey County Housing and Redevelopment Authority and the City for a CDBG in the amount of \$37,000 for replacement of the roof at the Community Counseling Center is hereby approved.
2. The City Manager is hereby authorized to execute the agreement on behalf of the City.

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

Ayes:
Nays:
Passed:

Jo Emerson, Mayor

ATTEST:

Kara Coustry, City Clerk



City of White Bear Lake
City Manager's Office

MEMORANDUM

To: Mayor and City Council

From: Ellen Richter, City Manager

Date: September 21, 2017

Subject: Amendment to Sergeants Union Contract

BACKGROUND

The contract between the City and Law Enforcement Legal Services – Sergeants currently runs from January 1, 2016 to December 31, 2018. The City recently amended its vacation accrual schedule for all non-bargaining employees as well the Public Works union. Management wanted to ensure the same amended accrual schedule was available to the Sergeants Union as they will not be negotiating a new contract until late 2018 for 2019. The schedule does not increase the current maximum vacation accrual, however it does compact the schedule so that an employee reaches the maximum accrual after five years of employment versus fifteen years under the previous schedule.

RECOMMENDED COUNCIL ACTION

Consider adopting the attached Resolution amending the vacation accrual schedule in the Law Enforcement Labor Services - Sergeants union contract.

ATTACHMENTS

Resolution

RESOLUTION NO. _____

RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF AN AMENDMENT TO THE 2016-2018 CONTRACT WITH LAW ENFORCEMENT LABOR SERVICES; SERGEANTS

WHEREAS, the White Bear Lake Police Department Sergeants are represented by Law Enforcement Labor Services, Inc. (“the Union”); and

WHEREAS, the City and the Union are parties to a collective bargaining agreement (“CBA”) in effect from January 1, 2016—December 31, 2018; and

WHEREAS, the City has adopted a new vacation accrual schedule applicable to non-union employees; and

WHEREAS, the parties agree to extend the new vacation accrual schedule to members of the Union which is as follows:

The existing vacation accrual schedule in Article 21 of the CBA shall be replaced with the following vacation accrual schedule, effective December 23, 2017:

0-2 years	10 days per year
2-5 years	15 days per year
5+ years	20 days per year

WHEREAS, this amendment constitutes the entire understanding of the parties and does not modify any provisions of the CBA except as set forth herein.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of White Bear Lake that the amendment to the contract described herein is hereby approved.

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

Ayes:
Nays:
Passed:

Jo Emerson, Mayor

ATTEST:

Kara Coustry, City Clerk

Proposed 2018 Council Work Sessions

1. **Council/staff retreat**
Saturday, February 24th (half day in morning)
2. **CIP/Long range financial plan**
Tuesday, March 6th, 5:30 p.m.
3. **Fire/Ambulance Services**
Tuesday, April 3rd, 5:30 p.m.
4. **Redevelopment/Vacant Parcels/City-owned properties**
Monday, May 14th, 5:30 p.m.
5. **2019 Budget Work Session**
Tuesday, August 21st, 5:30 p.m.
6. **Place saver....**
Monday, October 15th, 5:30 p.m.