



AGENDA
REGULAR MEETING OF THE CITY COUNCIL OF
THE CITY OF WHITE BEAR LAKE, MINNESOTA
TUESDAY, MAY 8, 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 April 24, 2018

Minutes of the Closed City Council Meeting on April 24, 2018

3. APPROVAL OF THE AGENDA

4. VISITORS AND PRESENTATIONS

A. Dispatchers Recognition

B. Wendy Colucci Retirement Recognition

C. Law Enforcement Memorial Proclamation

D. White Bear Lake Lacrosse Team

5. PUBLIC HEARINGS

6. LAND USE

A. Consent

1. Consideration of a Planning Commission recommendation for a resolution granting a sign variance for the White Bear Lake Sports Center (18-4-V).

2. Consideration of a resolution granting a one year time extension for a setback variance at 4583 2nd Avenue (17-9-V)

B. Non-Consent

1. Consideration of Planning Commission recommendation for a resolution granting a conditional use permit for the White Bear Center for the Arts (18-2-CUP).

7. UNFINISHED BUSINESS

Nothing scheduled

8. ORDINANCES

Nothing scheduled

9. NEW BUSINESS

- A. Resolution approving a Joint Powers Agreement with White Bear Township
- B. Resolution approving a Public Improvement Escrow and Disbursing Agreement with Division 25 White Bear, LLC (Centerville Road Improvement Project)
- C. Resolution accepting bids and awarding contract for the Centerville Road Improvement Project, City Project No. 18-16
- D. Resolution accepting bids and awarding contract for the 2018 Bituminous Seal Coating Project, City Project No. 18-02
- E. Resolution approving City Manager's 2018 compensation

10. CONSENT

- A. Acceptance of March White Bear Lake Conservation District Minutes, March Park Advisory Commission Minutes
- B. Resolution approving an off-sale liquor license for A and Y Inc. dba Birch Lake Liquor

11. DISCUSSION

12. COMMUNICATIONS FROM THE CITY MANAGER

13. ADJOURNMENT



**MINUTES
CLOSED MEETING OF THE CITY COUNCIL OF
THE CITY OF WHITE BEAR LAKE, MINNESOTA
TUESDAY, APRIL 24, 2018
IN THE EXPANSION ROOM**

1. CALL TO ORDER AND ROLL CALL

Chair Kevin Edberg convened a closed meeting of the White Bear Lake City Council at 6:08 p.m. by announcing, “Pursuant to the attorney-client privilege found at Minnesota Statutes, Section 13D.05, subdivision 3(b), it is proposed the City Council move into closed session to discuss current litigation, specifically the “White Bear Lake Restoration Association v. Minnesota Department of Natural Resources” case, with the City of White Bear Lake being a Defendant-Intervener. The City Attorney and Special Litigation Counsel are present along with the City Council and City staff to discuss this litigation.”

Councilmembers Kevin Edberg, Steven Engstran, Dan Jones and Bill Walsh were present. Councilmember Doug Biehn arrived at 6:47 p.m. Mayor Emerson was absent. Staff members present were City Manager Ellen Richter, City Engineer Mark Burch, City Clerk Kara Coustry, Special Counsel Monte Mills and City Attorney Andy Pratt.

2. Discussion centered on the City’s strategy for appeal of the decision made in White Bear Lake Restoration Association v. Minnesota Department of Natural Resources, court file number 62-CV-13-2414.

3. Adjournment

There being no further business to come before the Council, it was moved by Councilmember Walsh, seconded by Councilmember Engstran, to adjourn the meeting at 6:52 p.m.

Jo Emerson, Mayor

ATTEST:

Kara Coustry, City Clerk



**MINUTES
REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF WHITE BEAR LAKE, MINNESOTA
TUESDAY, APRIL 24, 2018
7:00 P.M. IN THE COUNCIL CHAMBERS**

1. CALL TO ORDER AND ROLL CALL

Mayor Jo Emerson called the meeting to order at 7:03 p.m. Councilmembers Doug Biehn, Kevin Edberg, Steven Engstran, Dan Jones and Bill Walsh in attendance. Staff members present were City Manager Ellen Richter, Finance Director Don Rambow, City Engineer Mark Burch, Assistant City Engineer Jesse Farrell, Environmental Specialist Connie Taillon, Community Development Director Anne Kane, City Clerk Kara Coustry and City Attorney Andy Pratt.

PLEDGE OF ALLEGIANCE

2. APPROVAL OF MINUTES

It was moved by Councilmember **Walsh** seconded by Councilmember **Biehn**, to approve the Minutes of the Regular City Council Meeting on April 10, 2018.

Motion carried unanimously.

It was moved by Councilmember **Edberg** seconded by Councilmember **Engstran**, to approve the Minutes of the Closed City Council Meeting on April 10, 2018.

Motion carried unanimously.

3. APPROVAL OF THE AGENDA

City Manager Richter moved 9C to be considered directly after 5D.

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

Motion carried unanimously.

4. VISITORS AND PRESENTATIONS

A. Manitou Days - John Lupo

John Lupo thanked the City Council for last year's assistance with the 50th Manitou Day's celebration, which was a huge success. He reported that in recognition of the railroad coming to White Bear Lake 150 years ago, this year's theme for Manitou Days is, "All Aboard Bears". Mr. Lupo described some of the events being planned and encouraged residents to get out with family and friends to experience this wonderful community and all White Bear Lake has to offer.

B. Proclamation for White Bear Center for Arts 50th Anniversary

Mayor Emerson read the proclamation declaring May 16th, 2018 as White Bear Center for the Arts Day in the City of White Bear Lake in recognition of its 50th Anniversary.

5. PUBLIC HEARINGS

A. Annual public meeting and 2017 Annual Report on the City's Storm Water Pollution Prevention Program

City Engineer Burch explained that the goal of the EPA-mandated Storm Water Pollution Prevention Program is to improve the quality of storm water runoff. The City educates the public through its website, newsletter, the White Bear Press, Facebook and through participation in outreach activities such as the annual Water Symposium and the Environmental Resources Expo.

Mr. Burch highlighted ways the public can help keep stormwater clean by clearing trash, pet waste, fertilizer, leaves and grass clippings from the streets, reporting illicit discharges such as chemicals and soap, and planting raingardens. He reported on the City's street sweeping activities and efforts to keep salt off the roads. Mr. Burch shared 2018 goals for planting pollinator friendly raingardens, feasibility studies to remove phosphorus from the Birch Lake Subwatershed, and Goose Lake, and adopt a storm drain and stenciling programs.

Councilmember Jones asked for recommendations when sweeping after seal coating. Mr. Burch explained that the loose rock can be broom-raked back into the gutter so that it can be picked up with a street sweeper.

Mayor Emerson opened the public hearing at 7:28 p.m.

As no one came forward to speak, Mayor Emerson closed the public hearing at 7:28 p.m.

Mayor Emerson called on the public to do their part to keep debris and pet waste out of the City's stormdrains.

B. Public hearing to identify a qualified user of the White Bear Lake Sports Center

Mr. Rambow reported that the White Bear Hockey Association used more than 20% of the Sports Center's prime ice time. Due to significant rental income derived from the White Bear Hockey Association, which is a 501(c)(3) nonprofit entity, the bonds will be issued as "qualified 501(c)(3) bonds". The purpose of this public hearing is to notify the public of the principal amount of the bonds (\$3,345,000) and the name of the 501(c)(3) user (White Bear Hockey Association) and to provide the public with an opportunity to be heard related to this matter.

Mayor Emerson opened the public hearing at 7:29 p.m.

As no one came forward to speak, Mayor Emerson closed the public hearing at 7:29 p.m.

C. Public hearing to consider a proposed property tax abatement

Finance Director Rambow explained this public hearing is to consider the sale of \$3.4 million in abatement bonds to finance the Sports Center Renovation Project. Abatement bonds designate certain properties for the repayment of the debt. Mr. Rambow stated that these are 20-year bonds to be repaid by the White Bear Hockey Association with

the City will be responsible for the full debt obligation if the Hockey Association cannot meet its obligation. He explained the refrigeration system will be financed separately as “equipment certificates or bonds”.

Mayor Emerson opened the public hearing at 7:31p.m.

As no one came forward to speak, Mayor Emerson closed the public hearing at 7:31 p.m.

It was moved by Councilmember **Jones**, seconded by Councilmember **Biehn**, to adopt **Resolution No. 12215** approving property tax abatement related to Public Infrastructure Improvements in the City of White Bear Lake.

Motion carried unanimously.

- D. Public hearing on proposed improvements to Centerville Road and Resolution ordering improvements, approving plans and specifications and authorizing advertisement for bids for Centerville Road Street and Traffic Signal Improvement Project, City Project No. 18-16

City Engineer Burch explained that the purpose of this public hearing is to get feedback from the public related to proposed improvements on Centerville Road. This is a cooperative effort with Ramsey County, White Bear Township, the City of White Bear Lake and private development partners. Mr. Burch reported this a County Road, but the City of White Bear Lake is taking the lead for its ability to move the project along more quickly. This public improvement hearing is also being held because at the end of summer, the Council will be asked to consider special assessments for properties that benefit from the project.

Steve Weser, P.E. with Alliant Engineering reviewed proposed improvements to Centerville Road. He explained the need to accommodate future traffic from Tower Crossings and address traffic back-ups and safety issues. Mr. Weser stated the benefits of the project include additional lane capacity and optimized signal timing, installation of a median to reduce conflicts and improve safety, a signalized pedestrian crossing at Cub Foods/Tower Crossings to improve pedestrian safety and there will be safer access to traffic turning south from the east side of Centerville road.

Mr. Weser stated that cross-access agreements are being coordinated with east side properties to provide access to the signal through the Lunds & Byerlys’ parking lot. There will be minor storm sewer and water quality work along with a sidewalk added to the east side in front of the grocery store. Ramsey County will be adding mill and overlay to complete the pavement surface. There will also be minor utility adjustments in the area.

Mr. Weser reported that the Tires Plus, a lower traffic volume property, is the only property that will have just one access point onto Centerville Road. Traffic from that site will need to use the U-Turn movement to head south. Traffic accessing Tires Plus from the north could use the traffic signal at Lunds & Byerlys and use the shared driveway between Walgreens and McDonalds.

Mr. Weser estimated construction costs at \$960,000 including \$150,000 for additional Centerville Road mill and overlay requested by Ramsey County. Total estimated project costs are \$1.3 million including engineering, construction, administration, inspection and materials testing costs. He stated that the City and Township are currently investigating special assessments to benefiting properties, while Ramsey County anticipates use of

State Aid funds to pay for a portion of the median costs, and wheelage tax funds to pay for the mill and overlay. The remaining amount will be funded by the private development work on the east side.

Mr. Weser explained that a Public Information meeting was held at City Hall on April 4th. Both the City and Township are working on appraisal reports. The bid letting is scheduled for April 27th and the Council could consider bids as soon as May 8th with construction beginning as early as May 21st. Substantial completion of the project is set for mid-September with final restoration and clean-up complete by the end of September. Mr. Weser stated the intent is to maintain two-way traffic and access to the properties throughout the project.

Mayor Emerson opened the public hearing at 7:44 p.m.

As no one came forward to speak, Mayor Emerson closed the public hearing at 7:44 p.m.

Councilmember Walsh asked for a characterization of the April 4th public meeting. Ms. Richter stated there were quite a few people present including representatives from Cub Foods and the developers of Lunds & Byerlys. Mr. Moriarty with Tires Plus was also present and expressed concern with his inability to take a left turn onto Centerville Road.

Ms. Kane reported residents were concerned with cut-through traffic on side streets, as was experienced during re-construction of the Highway 96 bridge, although concern dissipated when residents learned that two lanes of traffic would be maintained throughout the project. Ms. Kane reiterated with Tires Plus the need to establish a baseline of current numbers and sales volume for a time when the Council might revisit potential modifications. She also pointed out the increase in visitors to the area could be beneficial to their business. Ms. Kane shared that McDonalds and Walgreens did not relay similar concerns.

It was moved by Councilmember **Jones**, seconded by Councilmember **Walsh**, to adopt **Resolution No. 12216** approving property tax abatement related to Public Infrastructure Improvements in the City of White Bear Lake.

Motion carried unanimously.

6. LAND USE

Nothing scheduled

7. UNFINISHED BUSINESS

Nothing scheduled

8. ORDINANCES

Nothing scheduled

9. NEW BUSINESS

A. Resolution to approve the sale of bonds for the Sports Center Renovation Project

Finance Director Rambow explained this is the last step to authorize issuance of 1.3

million in bonds for the Sports Center Renovation Project, with the exception of the refrigeration system. He stated the bonds themselves would be funded by the tax levy, a contribution from marina slip rentals and an annual contribution from the Hockey Association. The total project cost is 3.7 million dollars, less \$500,000 from the Hockey Association means that \$3.2 million would be funded through the sale of bonds. These bonds would be repaid over a period of 20 years and it is not anticipated that additional taxes would be needed in order to make this happen.

Councilmember Edberg inquired as to the interest rate range for these bonds. Mr. Rambow stated that the financial advisors at Ehler's projects 3.45% interest. Councilmember Edberg concluded that this is still a relatively low interest rate with regard to public debt. Mr. Rambow considers this a very reasonable interest rate for 2018.

Councilmember Walsh inquired as to fundraising activities of the White Bear Hockey Association. City Manager Richter shared that after meeting with McFarlane, the Hockey Association has been focusing more on reaching the largest contributors first. Relative to the debt service repayment, Ms. Richter stated that staff feels confident in its repayment after reviewing proceeds from their gambling association.

City Attorney Pratt asked for both 9A and 9B resolution headings to state that bid amounts are approximate. In his experience, if the bids are good enough, sometimes the principle amount is lowered on the day of the sale and this would provide some flexibility.

It was moved by Councilmember **Walsh**, seconded by Councilmember **Engstran**, to adopt **Resolution No. 12217** approving the sale of bonds for the Sports Center Renovation Project with the addition of the word "approximate" in the title.

Motion carried unanimously.

B. Resolution to approve the sale of bonds for 2018 Street Improvement Projects

Finance Director Rambow reported that funding for the 2018 Street Improvement Projects will come from a tax levy of approximately \$220,000, special assessments to property owners of \$60,000 and through the sale of bonds. He stated that the new refrigeration system at the Sports Center would be covered by slip rental revenues.

It was moved by Councilmember **Engstran**, seconded by Councilmember **Biehn**, to adopt **Resolution No. 12218** approving the sale of bonds for 2018 Street Improvement Projects with the addition of the word "approximate" in the title.

Motion carried unanimously.

Mr. Rambow added that the amounts provided to Council tonight are pre-sale amounts. He is hopeful that the interest rate would be slightly less than what if presented by the time the sale happens.

C. Resolution accepting bids and awarding contact for the 2018 Crack Sealing Program, City Project No. 18-03

City Engineer Burch reported that bids were received on April 18, 2018 for the 2018 Crack Sealing Project. Staff recommends the Council award the contract to the 2nd lowest bidder, which is Northwest Asphalt & Maintenance of Thief River Falls, MN in the amount of \$64,900. This contract amount is well within our 2018 Crack Sealing budget

of \$105,000. This recommendation is due to a withdrawal request by the lowest bidder, Astech Asphalt Surface Technologies, who made an error in their bid calculation.

Councilmember Edberg questioned the low bid compared to the budget and asked for staff's experience with them. Mr. Burch reported that they are using the product specified in the bid and that the Engineering staff provides supervision related to routing and application of the crack sealing material. Mr. Burch said they are qualified and the City should be happy with their work.

It was moved by Councilmember **Biehn**, seconded by Councilmember **Edberg**, to adopt **Resolution No. 12219** accepting bids and awarding contact for the 2018 Crack Sealing Program, City Project No. 18-03.

Motion carried unanimously.

10. CONSENT

- A. Resolution approving a single event extension license for El Pariente Mexican Grill for Cinco de Mayo. **Resolution No. 12220**
- B. Resolution approving a single event for commerce at Rail Road Park. **Resolution No. 12221**
- C. Resolution approving off-sale Lund Beverages, LLC dba Lunds & Byerlys Wines & Spirits. **Resolution No. 12222**
- D. Resolution approving on-sale wine, strong beer and Sunday and Extension licenses at Lunds Inc. dba Lunds & Byerlys. **Resolution No. 12223**
- E. Resolution approving massage therapist licenses. **Resolution No. 12224**
- F. Resolution approving a no parking agreement on Centerville Road. **Resolution No. 12225**

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

Motion carried unanimously.

11. DISCUSSION

- A. Parking of recreational vehicles (RVs)

City Manager Richter recapped that about a year ago Councilmember Jones had brought forward concerns expressed in his ward over the ability to park recreational vehicles at residences within the City. Code enforcement reports there is roughly about one (1) call per month related to commercial vehicles making it difficult to discern whether its related to an RV or other vehicle. She shared other city's zoning codes, ranging from nothing to requirements for screening and side and rear yard paving.

Councilmember Jones explained that two separate residents contacted him related to RVs parked in driveways. He would not appreciate one of these parked in his neighbor's driveway and pointed out there are tougher zoning requirements in the City

for yard sheds and chicken coops. Given dimensions ranging 21-45 feet (30 foot average), 8 feet wide and 8.5 feet tall, Councilmember Jones stated RVs can be parked right up to the property line, with no restriction under the City's current code. Councilmember Jones cited restrictions of other communities such as setback requirements and parking on pavement. He did not think it unreasonable to require these house-size vehicles to pay for storage somewhere else.

Councilmember Biehn agreed with Councilmember Jones. He stated there should be a time limit for parking recreational vehicles in the driveway. Councilmember Jones said Oakdale, Mahtomedi and Hugo have time limits for how long a recreational vehicle can remain parked at a residence.

Community Development Director Kane mentioned the calls received are not necessarily complaints, but inquiries that come in about once per month. She stated that RVs cannot be parked in front of the living space of a home, but can be parked on the driveway, or in a side yard or back yard.

Mayor Emerson stated that a car could not park up to the property line under the City's code, but an RV can park right up to the property line. Ms. Kane confirmed this and surmised that passenger vehicles would come and go more frequently than a recreational vehicle. Mayor Emerson questioned the lack of a setback requirement for large recreational vehicles.

Councilmember Walsh explained that he has not heard any complaints about the parking of recreational vehicles and does not see the need to change the code at this time.

Councilmember Edberg has not heard a complaint in eight years on the Council. He concluded that the ordinance is either clear enough, or accepted enough, or there is an understanding among neighbors. He stated that RVs are parked on private property and postulated the larger consideration is; to what extent the Council should regulate what people do on their own property.

Mayor Emerson concluded that there was not sufficient desire by the Council to advance this topic at this time. Councilmember Jones thanked the Council for their time in deliberating.

City Manager Richter stated there are two processes for code amendments, one being at the direction of Council/staff, and the other being initiated by a resident through a text amendment process.

B. Sports Center sign

Ms. Kane explained that two non-conforming signs along Highway 96 will be replaced with a ground monument sign containing dynamic display. Ms. Kane explained there is not sufficient space from the property line for a sign to meet the 10-foot required setback, so this item will be brought before the Planning Commission for a variance.

Ms. Kane displayed an image of the current proposed sign and explained that it meets the current code. She noted this is a significant investment, that will be in place for a long time, and wondered if there should be more consideration given to branding and incorporation of other sign elements throughout the city. Ms. Kane suggested

redesigning the sign for more consistency with fieldstone, or the brick base signs along Highway 61 and asked for Council's direction.

Councilmember Jones said branding is extremely important and he believes the City should have a brand for consistency across park signs, street signs, building signs, monument signs and even letters and memos. He thought it should be easy to pick a font and stick with it. He suggested a temporary sign would be more appropriate until the brand is established.

Councilmember Edberg inquired as to whether there is a design guide currently. Ms. Kane confirmed there is not. He stated this is a core principle of communication for placement and consistency purposes. Councilmember Edberg said he wants this sign to be as big as the code will allow. He wants it to be prominent to drive business in the community and expressed desired for civic engagement messages to be displayed dynamically.

Mayor Emerson expressed desire for a stone monument bear similar to the downtown monument on Highway 61. She thinks it would be nice to carry that theme over to Highway 96. Ms. Kane agreed this was the intention, only scaled down and with a dynamic display lasting five (5) minutes between messages. Ms. Kane added that a representative of Ramsey County Parks and Recreation agreed to forward their recent RFP for wayfinding and signage.

Councilmember Jones agreed with the Mayor about carrying over the theme. He stated he did not want to increase the size of the dynamic display, but would like the lettering for the Sports Center to be as prominent as possible. He pointed out the Sports Center building sits back and is not a prominent structure along Highway 96, so the letters need to stand out. As he questioned five (5) inch letters, Ms. Kane stated she has an alternate design with seven (7) inch letters, although there would no longer be room for the white bear on the sign.

Ms. Kane recapped that what she heard from the Council is not to expend money on the current proposed sign design, which is not consistent with other signs in the City. Rather, staff should explore options for themed designs in keeping with a broader brand and wayfinding program. In response to Councilmember Edberg, Ms. Kane confirmed the sign is two-sided.

C. Sports Center - Girl's High School Hockey

City Manager Richter reported that the City, the White Bear Hockey Association and the Girl's Hockey Coach from White Bear High Schools have worked out an ice time schedule for games and practices to accommodate both groups at the Sports Center, in addition to the Skate School. Given recent Sports Center capital improvements, Ms. Richter explained, it was important to come up with a long-term lease agreement with the School District such that they also contribute toward the significant capital investment in the Sports Center.

Finance Director Rambow added that the Hockey Association encouraged the Girl's High School Hockey program coming back to the Sports Center as they felt it would continue to grow youth hockey. To accommodate the Skate School, the High School agreed to condense its ice time slightly and hold one practice per week at the Hippodrome. Although not finalized, Mr. Rambow suggested a long-term lease with the School District for the same 20-year period of the bonds. He added that for equity, the

School District could contribute toward the capital improvements based on the percentage of ice time used during the season.

Councilmember Edberg believes there is a value for having a fund for unplanned maintenance, however, he prefers users contribute toward the current capital improvements on an equitable basis.

Councilmember Jones agreed with Councilmember Edberg. He questioned whether this arrangement would require any additional design modifications, such as to the locker rooms so the girls have equitable accommodations.

City Manager Richter responded that there have been no discussions related to additional renovation requests to accommodate the Girl's High School Hockey program, although she knows it is the school's intent to meet Title 9 requirements. She agreed that additional changes, such as to locker rooms, would need to be at the expense of the School District.

Ms. Richter added that with a team using the facility as its home, there are more practices and games scheduled which will positively affect Sports Center revenues.

Councilmember Walsh agreed with Councilmember Jones and Councilmember Edberg, stating that he does not wish for School District's capital contributions to be set aside for the future, but rather used to repay the bonds more expediently. He suggested signage or a banner on the building to denote the Sports Center is home of High School Girl's Hockey to show pride in this tenant.

D. Update on E & Bellaire intersection

Ms. Kane reported that a developer who is constructing a market-rate apartment building in Mahtomedi approached the City regarding the four corners located at the intersection of E and Bellaire. He has three of the properties under contract, contingent on City's approval for necessary zoning entitlements.

Ms. Kane shared, he is proposing to redevelop all four corners of E and Bellaire with mixed-use, multi-family apartments with a first floor commercial component. Each of the street corners would have a quasi-public use containing, for example a coffee shop, a retail space, a fitness facility and a management office. They propose these buildings to be three stories tall, with one of them containing a rooftop deck. They also anticipate TIF assistance as the sites are blighted and one of the lots has been vacant for 15 years.

Ms. Kane reported that the developer would not be interested in this project unless he could obtain the 4th corner owned by the City currently. Ms. Kane anticipates a formal proposal next month and added that staff felt this would be an excellent candidate for Metropolitan Council's Livable Communities Demonstration Account Funding. As such, the City submitted a concept plan last week for Metropolitan Council design review and will be meeting with them tomorrow.

Ms. Kane explained this is extremely preliminary at this time, but the developer is anxious to know if the City has an interest in a four corner redevelopment of the site and generally supportive of TIF. They are looking at an \$18-20 million dollar investment with \$2-4 million in TIF assistance.

Mayor Emerson thought it was an interesting proposal.

Councilmember Edberg is supportive of four corners and TIF, but was explicit there should be clear public input from residents before the City Council votes on a well-formed proposal. He wanted to know if there would be any other public improvements needed as a result, such as traffic lights, or other public utilities.

Ms. Kane added that the developer has already initiated efforts to acquire a list of surrounding property owners and a list of the people who participated in the Economic Development Corporation's efforts for County Road E. Ms. Kane anticipates a neighborhood meeting as early as the second week in May.

Councilmember Biehn was curious as to whether there would be any public amenities with this project. Ms. Kane stated that public amenities at this time would simply be enhancements to the street and beautification of the public realm at that location. Ms. Kane explained that the cost for building these apartments and the rents they will command will likely require gap financing to build the market-rate apartments. The developer is considering 20% incorporation of affordable units of the same quality as well. Councilmember Biehn was supported of more market-rate apartments in the City.

Councilmember Jones inquired as to height. Ms. Kane stated it will be three stories with parking underneath the building and surface parking where available, as well as parallel parking on the street, like downtown. Councilmember Jones was supportive of the project and of TIF, but asked to see a 3-D design and its shadow study impact on the neighborhood in the earlier stages of the project.

Councilmember Edberg clarified that three stories meant, one story of retail with two stories of housing on top. Ms. Kane confirmed this, explaining that each of the four corners would consist of a commercial component, but there will be some first story residents with front porches as the buildings extend away from the intersection. He stated that an ice cream shop would be the perfect public amenity.

12. COMMUNICATIONS FROM THE CITY MANAGER

- Public Art will be unveiled at the Boatworks Commons on May 16, 2018. The event starts at 5:00 p.m. in the Community Room, with the unveiling at 5:30 p.m.
- Engineering Updates – Mark Burch
 - Street reconstruction will start next week on 10th and 11th Streets.
 - The Sports Center is moving along. The rink is removed now and the walls for the new refrigeration room have been poured and returned to grade.
 - Arbor Day is Saturday, May 5th and trees will be planted at Rotary Park from 8:00 am – 10:00 am.
- Community Development Updates – Anne Kane
 - Lunds & Byerlys development on Centerville is popping up.
 - White Bear Animal Hospital on County Road E is nearing completion in addition to the market-grade apartment complex next to Aldi in Mahtomedi, which is keeping the Building Department busy.
 - Festival Foods along County Road E is updating their exterior with a new façade, which they intend to extend to other multi-tenant buildings as well.
- Councilmember Jones shared that today, the Senate confirmed a White Bear High

School Graduate of 1982 to be the head of the NSA and Cyber Agency – General Paul Nakasone. Mayor Emerson ran into him and had learned that when he officed in the Pentagon, General Nakasone had his White Bear Lake proclamation hanging next to a picture of the Cup N’ Cone.

13. ADJOURNMENT

There being no further business before the Council, it was moved by Councilmember **Edberg** seconded by Councilmember **Biehn** to adjourn the regular meeting at 9:30 p.m.

Jo Emerson, Mayor

ATTEST:

Kara Coustry, City Clerk

Proclamation

WHEREAS, there are approximately 900,000 law enforcement officers serving in communities across the United States, including the dedicated members of the White Bear Lake Police Department; and

WHEREAS, there have been 58,627 assaults against law enforcement officers in 2016, resulting in approximately 16,677 injuries; and

WHEREAS, since the first recorded death in 1791, more than 20,000 law enforcement officers in the United States have made the ultimate sacrifice and been killed in the line of duty; and

WHEREAS, the names of these dedicated public servants are engraved on the walls of the National Law Enforcement Officers Memorial in Washington, D.C.; and

WHEREAS, 360 new names of fallen heroes are being added to the National Law Enforcement Officers Memorial this spring, including 129 officers killed in 2017 and 231 officers killed in previous years; and

WHEREAS, the service and sacrifice of all officers killed in the line of duty will be honored during the National Law Enforcement Officers Memorial Fund's 30th Annual Candlelight Vigil, on the evening of May 13, 2018; and

WHEREAS, the Candlelight Vigil is part of National Police Week, which takes place this year on May 13-19; and

WHEREAS, May 15 is designated as Peace Officers Memorial Day, in honor of all fallen officers and their families and U.S. flags should be flown at half staff; and

NOW THEREFORE, BE IT RESOLVED *that the White Bear Lake City Council formally designates May 13 – 19, 2018 as Police Week in the City of White Bear Lake, and publicly salutes the service of law enforcement officers in our community and in communities across the nation.*

In Witness Whereof, I have hereunto set my hand and caused the Seal of the City of White Bear Lake to be affixed this 8th day of May, 2018.

Jo Emerson, Mayor



City of White Bear Lake
Community Development Department

MEMORANDUM

To: Ellen Richter, City Manager

From: The Planning Commission

Through: Anne Kane, Community Development Director

Date: May 3, 2018 for the May 8th City Council Meeting

Subject: **WHITE BEAR LAKE SPORTS CENTER/Sign Variance**
1328 Highway 96 – Case No. 18-4-V

REQUEST

A 6.5 foot variance from the Sign Code to reduce the 10 foot setback from a property line (Section 1202.040 Subd.3.B) to allow a new monument sign with a dynamic display message area to be installed near the Highway 96 entrance in conjunction with the renovation of the Sport Center.

SUMMARY

No one from the public spoke to the matter. On a 7-0 vote, the Planning Commission recommended approval of the monument sign as requested, recognizing that the final design of the monument sign will reflect the City's broader effort to establish a branding program and will otherwise comply with all applicable dimensional and operational standards for a freestanding monument sign that incorporates a dynamic display component.

RECOMMENDED COUNCIL ACTION

Approval of the Resolution of approval.

ATTACHMENTS

Resolution of Approval

RESOLUTION NO. _____

**RESOLUTION GRANTING A SETBACK VARIANCE
FOR THE FREE STANDING MONUMENT SIGN
LOCATED AT 1328 HIGHWAY 96
WITHIN THE CITY OF WHITE BEAR LAKE, MINNESOTA
(WHITE BEAR LAKE SPORTS CENTER)**

WHEREAS, a proposal (18-4-V) has been submitted by the City of White Bear Lake to the City Council requesting approval of a sign variance from the Sign Code of the City of White Bear Lake for the following location:

LOCATION: 1328 Highway 96

LEGAL DESCRIPTION: On file at City Hall.

WHEREAS, the Planning Commission recommends approval of a 6.5 foot variance to replace the existing ground sign with a 50 square foot freestanding monument sign located 3.5 feet west of the property line at the north entrance drive to the Sports Center; and

WHEREAS, the Planning Commission has held a public hearing as required by the city Zoning Code on April 30, 2018; 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:

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 the City Code.
2. The variance is a reasonable use of the land or building and is the minimum required to accomplish this purpose.
3. 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.
4. The special conditions or circumstances are not the result of actions of the applicant.

5. The non-conforming use 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 request, subject to the following conditions:

1. The site plan and landscape plan submitted in this application shall become part of the sign permit. The overall design of the monument is subject to the City’s broader effort to establish a branding program and shall otherwise comply with all applicable dimensional and operational standards for a freestanding monument sign that incorporates a dynamic display component.
2. To allow for the establishment of a comprehensive branding standard for the City, the variance shall become null and void if the project has not been completed or utilized within two (2) calendar years 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 sign permit prior to installing the new sign.
4. The applicant shall verify the property lines and have the property pins exposed at the time of inspection.
5. The existing ground sign and off-site sign panel for the Sports Center shall be removed prior to initiating the electronic message board component of the new sign.
6. The applicant understands and agrees that no temporary banners, signs, or sandwich boards may be displayed on a property with a digital display sign.
7. The applicant understands and agrees to turn off the digital display sign within one business day of notice of non-compliance by City.
8. In addition to other remedies available through the Municipal Code, multiple failures to comply with any standard of the Sign Code shall constitute sufficient cause for revocation of the conditional use permit for the dynamic display sign, as determined by the City Council following a public hearing.

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.

Applicant's Signature

Date

Print Name

Title



City of White Bear Lake
COMMUNITY DEVELOPMENT
DEPARTMENT

MEMORANDUM

TO: Ellen Richter, City Manager

FROM: Michael Hermann, Planning Intern

DATE: May 3, 2018 for the May 8, 2018 City Council Meeting

SUBJECT: Inspiration LLC, 4583 2nd Ave - Case No. 17-9-Ve Time Extension

REQUEST

The applicant, Inspiration LLC, is requesting approval of a one year time extension for a 10 foot variance from the 25 foot setback from side yard abutting a public right-of-way, in order to construct a home 15 feet from the east lot line, allowing the applicant to un-unify the two underlying lots of record for the purposes of constructing two new single-family residences.

ANALYSIS

The property is well-maintained. The original approval had the support of staff and there was no objection from neighboring property owners. Also, both the Planning Commission and the City Council unanimously approved the original variance request. Staff reviewed the adjacent property owner notification area and there has been one change in ownership over the past year. A notice has been mailed and no response received.

Since last year the two lots have been un-tied by the county, but the house and garage have not been demolished yet. Consequently staff has added a condition regarding removal of the structures.

RECOMMENDATION

No known changes have transpired since the original approval, consequently staff recommends approval of the attached resolution extending the variance for an additional twelve months (until May 9, 2019).

Attachments:

1. Draft Resolution of Approval
2. Location/Map
3. Applicants Request Letter, dated April 10, 2018
4. Site Plan

RESOLUTION NO. _____

**RESOLUTION APPROVING A TIME EXTENTSION FOR A VARIANCE FOR
4583 2ND AVENUE
WITHIN THE CITY OF WHITE BEAR LAKE, MINNESOTA**

WHEREAS, a proposal (17-9-Ve) has been submitted by Inspiration Properties, LLC 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: 4583 2nd Avenue

LEGAL DESCRIPTION: Lots 17 and 18, Block 13, Ramaley's Park White Bear Lake, Ramsey County, MN (PID # 143022340154)

WHEREAS, THE APPLICANT SEEKS THE FOLLOWING RELIEF: A one year time extension to an approved variance (until May 9, 2018):

Reso # 12025 , passed April 24, 2017: A 10 foot variance from the 25 foot setback requirement along a side abutting a public right-of-way in order to un-unify the two parcels and construct two new single-family residences; per Code Section 1303.060, Subd. 5.c; and

WHEREAS, no significant changes have transpired since the original approval; and

WHEREAS, the City Council has the effect of the proposed extension 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 approves the requested extension subject to the same conditions plus one:

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 provide a tree survey prior to the un-unification of the parcels.

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.

Greg Fry

Date

LOCATION MAP
4583 2nd AVENUE
CASE # 17-9-V



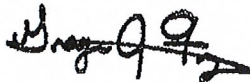
To Whom it may concern,

Inspiration Properties LLC is requesting an extension for the variance granted per resolution # 12025 for the property at 4583 2nd ave.

We are requesting an extension of 365 days so that we can procure the buyers for the lots and complete the builds accordingly. We have been working with a designer to get plans together that fall within the stipulations in resolution #12025. We will have those completed shortly so we can market the properties as to be built homes to prospective buyers. We believe these will be high demand affordable housing and should sell quickly with completing the builds to follow shortly after. The reason this has taken a year to get to this point is because we had a buyer looking to potentially buy the lots without us building the homes that has since fell through and we will be listing the homes individually once finished.

Thank you

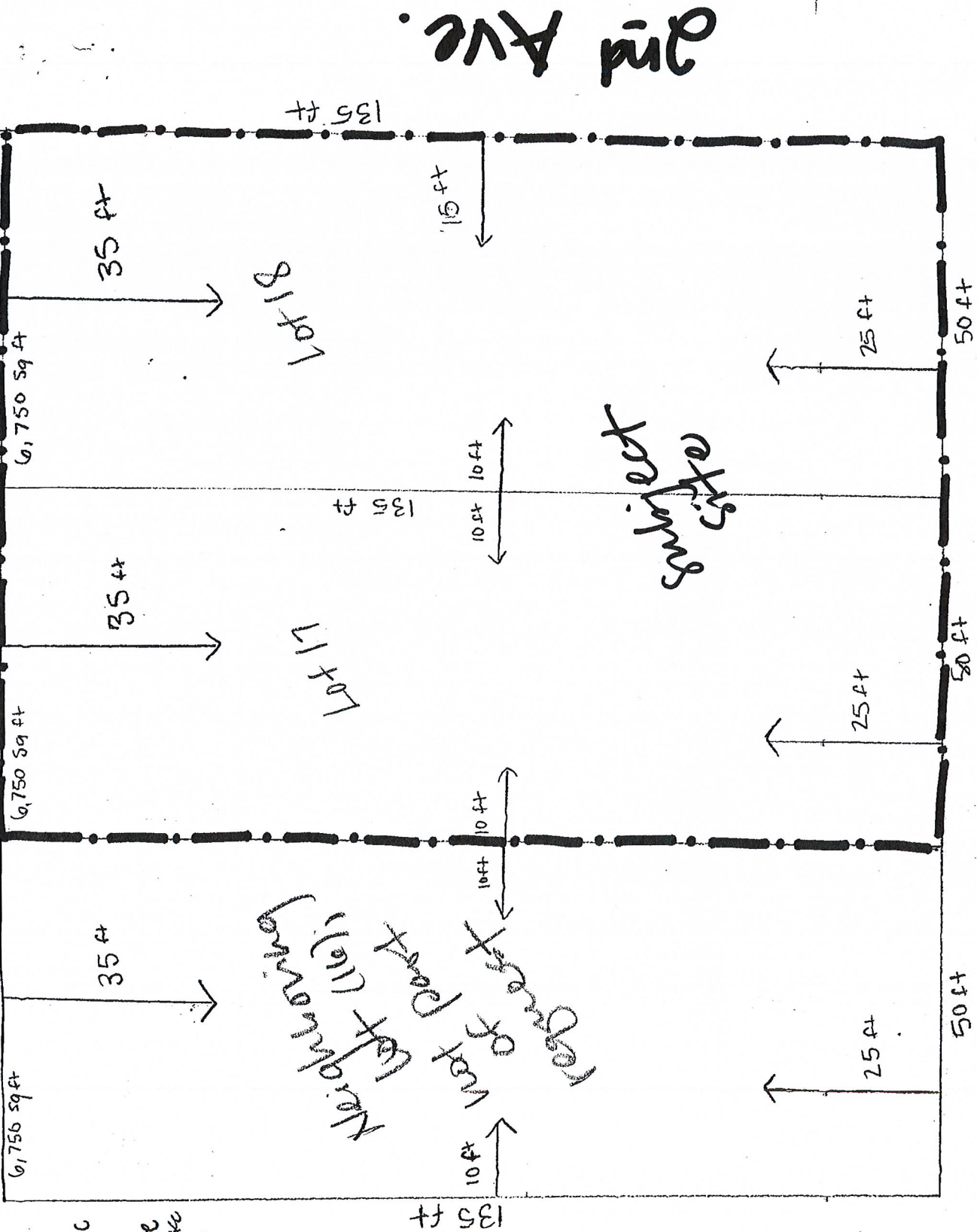
Greg Fry



Inspiration Properties, LLC

RECEIVED
APR 10 2018
BY: _____

Jurek: Inspiration
 Property LLC
 Address: 4583 2nd AVE
 White Bear Lake
 MN 55110



Eugene Street

2nd Ave.



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: May 3, 2018 for the May 8, 2018 City Council Meeting

Subject: **WHITE BEAR CENTER FOR THE ARTS – Conditional Use Permit
4962 Division Avenue - Case No. 18-2-CUP**

REQUEST

A Conditional Use Permit for a community center in a residential zoning district (per Section 1303.030, Subd.4.a) in order to construct a parking lot expansion.

SUMMARY

Two residents expressed concerns regarding safety, lighting and noise. On a 7-0 vote, the Planning Commission recommended approval of the project with one additional condition added.

RECOMMENDED COUNCIL ACTION

Approval of the attached resolution of approval.

ATTACHMENTS

Resolution of Approval

RESOLUTION NO. _____

**RESOLUTION APPROVING A CONDITIONAL USE PERMIT
FOR 4962 DIVISION AVENUE
WITHIN THE CITY OF WHITE BEAR LAKE, MINNESOTA**

WHEREAS, a proposal (18-2-CUP) has been submitted by The White Bear Center for the Arts to the City Council requesting approval of a conditional use permit for the following location:

LOCATION: 4962 Division Avenue

LEGAL DESCRIPTION: Lot 13, Block 3, Auditor's Subdivision No. 48, Ramsey County, MN (PID # 143022110050)

WHEREAS, THE APPLICANT SEEKS THE FOLLOWING: A conditional use permit to allow a community center in a residential zoning district, per Code Section 1303.030, Subd.4.a, in order to construct a parking lot expansion; and

WHEREAS, the Planning Commission has held a public hearing as required by the city Zoning Code on April 30, 2018; and

WHEREAS, the City Council has considered the advice and recommendations of the Planning Commission regarding the effect of the proposed conditional use permit 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 after reviewing the proposal, that the City Council accepts and adopts the following findings of the Planning Commission:

1. The proposal is consistent with the city's Comprehensive Plan.
2. The proposal is consistent with existing and future land uses in the area.
3. The proposal conforms to the Zoning Code requirements.
4. The proposal will not depreciate values in the area.
5. The proposal will not overburden the existing public services nor the capacity of the City to service the area.
6. Traffic generation will be within the capabilities of the streets serving the site.
7. The special conditions attached in the form of a conditional use permit are hereby approved.

FURTHER, BE IT RESOLVED, that the City Council of the City of White Bear Lake hereby

approves the conditional use permit, subject to the following conditions:

1. All application materials, maps, drawings, and descriptive information submitted with this application shall become part of the permit.
2. Per Section 1301.050, Subd.4, if within one (1) year after granting the conditional use permit, the use as allowed by the permit shall not have been completed or utilized, the permit shall become null and void unless a petition for an extension of time in which to complete or utilize the use has been granted by the City Council. Such petition shall be submitted in writing at least one month prior to the expiration date.
3. This conditional use permit shall become effective upon the applicant tendering proof to the City of filing a certified copy of this permit with the County Recorder pursuant to Minnesota State Statute 462.3595 to ensure the compliance of the herein-stated conditions.
4. The parcel is to be considered a part of and may not be sold separately from the WBCA without prior approval from the City.
5. The emergency vehicle access shall be maintained free of snow and other obstacles year round. Plowing should be limited to construction hours as much as possible (7:00 am to 10:00 pm), and street sweeping should be conducted only between 8:00 am to 9:00 pm.
6. The existing well shall be properly abandoned, and the sewer and water capped.
7. The applicant shall obtain any necessary permits prior to construction of the parking lot.

Prior to the issuance of a construction permit, the applicant shall:

8. Provide a final grading, drainage and erosion control plan, subject to review and approval by the City Engineer, including porous paver details, soil borings and infiltration calculations.
9. Provide a final site plan and final landscape plan, subject to staff review and approval. The ADA stalls shall be relocated near the building entrance.
10. Provide a final tree preservation plan and calculations for staff review and approval. Tree protection fencing shall be installed around the trees to be preserved prior to issuance of a permit.
11. Provide a final lighting plan with photometric and fixture details, subject to staff review and approval. The concrete base for the light poles shall be minimized in either width, or height, or otherwise camouflaged. Maximum height for the light fixture on the poles shall be 16'. The applicant shall explore the possibility of motion sensors on the light poles, subject to staff approval, and the lights shall be on a timer that shuts off automatically within one hour after close - or no later than 10:00 pm Sunday through Thursday and Midnight Friday and

Saturday - whichever occurs first.

- 12. Vehicular access between the two lots shall be “roped-off” within one hour after business close of the later between the White Bear Center for the Arts and Lakeshore Players Theater.
- 13. Extend a letter of credit, which renews automatically every 6 months, as a surety for the installation of the proposed exterior improvements. Amount of letter to be approved by city staff, based on a cost estimate provided by the applicant, prior to the issuance of the letter of credit.
- 14. Provide proof of project approval from the appropriate Watershed District.

Prior to the release of the letter of credit:

- 15. Provide an as-built plan for the stormwater system.
- 16. Enter into a Stormwater Operation and Maintenance Agreement with the City.
- 17. All exterior improvements must be installed.
- 18. All landscaping must have survived at least one full year.
- 19. The applicant shall provide proof of having recorded the following documents with the County Recorder’s office:
 - a. The Stormwater Operation and Maintenance Agreement
 - b. The Certified copy of the Conditional Use Permit Resolution of Approval.

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.

Suzi Hudson, Executive Director

Date



City of White Bear Lake
City Engineer's Office

MEMORANDUM

To: Ellen Richter, City Manager

From: Mark Burch, Public Works Director/City Engineer

Date: May 3, 2018

Subject: **Joint Powers Agreement between White Bear Township and the City of White Bear Lake to facilitate the Centerville Road Improvement Project**

BACKGROUND / SUMMARY

The City of White Bear Lake and White Bear Township are working together with Ramsey County and Division 25 White Bear, LLC (the developer) to facilitate the proposed street and traffic signal improvements on Centerville Road. The City is acting as the lead agency on the project to accommodate the aggressive construction schedule.

The attached agreement between the Township and the City provides for access within the Township for construction activities and for Township participation in the project.

RECOMMENDED COUNCIL ACTION

Our recommendation is that the City Council approve the Joint Powers Agreement between White Bear Township and the City of White Bear Lake to facilitate the Centerville Road Improvement Project.

ATTACHMENTS

Joint Powers Agreement
Resolution

**JOINT POWERS AGREEMENT
BETWEEN
THE TOWN OF WHITE BEAR AND THE CITY OF WHITE BEAR LAKE**

THIS JOINT POWERS AGREEMENT (Agreement) is made and entered into the ____ day of _____, 2018 by and between the Town of White Bear (the Town), a political subdivision of the State of Minnesota and the City of White Bear Lake (City), a home rule charter city and political subdivision of the State of Minnesota.

RECITALS

A. Located along a common boundary line between the Town and City is County State Aid Highway No. 59, known as Centerville Road (Road). The Road is under the jurisdiction of Ramsey County, Minnesota (County).

B. Due to new commercial development presently under construction in the City, certain street and traffic signal improvements, including roadway widening, median installation, turn lanes, storm water improvements, curb and gutter improvements, and partial street reconstruction (collectively, the “Improvements”) are necessary to accommodate the safe flow of traffic on the Road north of County Road 96.

C. Construction of the Improvements requires work be performed on portions of the Road located within the boundary of the Town.

D. The County has requested City assistance with facilitating the construction of the Improvements on the Road.

E. Due to the location of a portion of the Road within the Town, the City has asked the Town to participate in the Improvements.

PURPOSE

Minnesota Statutes, Section 471.59 provides that two or more governmental units, by agreement entered into through action of their governing bodies, may jointly or cooperatively exercise any power common to the contracting parties or any similar powers, including those which are the same except for the territorial limits within which they are exercised.

AGREEMENT

NOW, THEREFORE, in consideration of mutual benefits herein expressed, the Town of White Bear and the City of White Bear Lake agree as follows:

1. The City has retained Alliant Engineering to be a consulting engineer for the Improvements. Alliant Engineering shall prepare all plans and specifications and construction bidding documents for the Improvements. The City shall award the construction bids and serve as lead agency for the Improvements. The Town shall not be responsible for any actions undertaken by Alliant Engineering, the City or the City's construction contractor regarding the construction or installation of the Improvements. All work to be done constructing and installing the Improvements within the Town shall be done subject to the original approval of the Town Engineer and in accordance with the Town's construction standards and requirements.

2. The City shall provide the Town with construction plans, a feasibility study, and any other documents reasonably required to initiate improvement and assessment hearings for the Improvements.

3. The City will proceed to contract for completion of the Improvements in a manner that creates as little disruption as possible to the City and Town residents and other users of the Road. The construction contract shall contain language which assigns to the Town any warranties related to Improvements constructed within the boundaries of the Town.

4. The City shall contract with the lowest responsible bidder and shall oversee Alliant Engineering's administration of the Improvement project. The City affirms that Alliant Engineering shall provide full oversight of the construction process according to Minnesota State Aid and County standards. As to improvements located within the Town, the Town shall have the right to inspect, review and comment on the construction of the project.

5. All payments due under the construction contract shall be the responsibility of the City. In the event a dispute arises between the City and the contractor regarding any terms of the contract the City shall be responsible for all negotiations with the contractor and shall hold the Town harmless from any damages resulting from any said dispute. No alterations of the contract or plans for Improvements located within the Town shall be effective until approved by the Town. The Town shall not be bound by said alterations until the Town has approved the alterations.

6. For the purpose of performance of obligations under this Agreement, the Town hereby grants the City permission to use that portion of the Road dedicated to the Town for the purpose of constructing the Improvement project; the Town hereby agrees, through its departmental agencies, to cooperate to the fullest extent the protection of any excavations, barricades, and traffic control that may be necessary for the work performed by the City.

7. The Town shall assist the City with respect to any requests, documentation, reports or any other general assistance required in order to complete the Improvement project.

8. The Town and City shall negotiate the Town's share of the Improvement project costs. The Town reserves the right to pay for its share of the costs by assessing those properties

located in the Town which are benefited by the Improvement project. In the event the Town elects to assess the costs allocated to it under this Agreement to the affected properties, all payments received as a result of the assessment shall be forwarded to the City in a timely fashion, but no later than one month after receipt by the Town. If the Town uses other funds to pay for its share of the costs, those funds shall be forwarded to the City pursuant to a payment schedule to be negotiated between the Town and the City. The City shall apply said funds to satisfy the Town's obligation to reimburse the City for the Town's share of Improvement project costs.

9. The City and the Town shall each be responsible for their own acts and omissions and the results thereof to the extent authorized by law. The Town and the City liabilities are subject to statutory liability limits. The limits of liability for the Town and the City may not be added together to determine the maximum amount of liability for either party.

10. This Agreement shall remain in full force and effect until after the Improvement project is completed and final payment has been made to the contractor. No amendment to this Agreement shall be effective unless an amendment is reduced to writing and said written document is approved by both the Town and the City.

IN WITNESS WHEREOF, the Town of White Bear and the City of White Bear Lake have caused this Agreement to be executed on their behalf by their proper officers, Board and Council.

Town of White Bear

City of White Bear Lake

By: _____

By: _____

Its Town Board Chair

Its Mayor

Dated: _____

Dated: _____

By: _____

By: _____

Its Town Clerk

Its City Manager

Dated: _____

Dated: _____

RESOLUTION NO.

**RESOLUTION APPROVING A JOINT POWERS AGREEMENT BETWEEN
WHITE BEAR TOWNSHIP AND THE CITY OF WHITE BEAR LAKE FOR THE
CENTERVILLE ROAD IMPROVEMENT PROJECT (CITY PROJECT NO. 18-16)**

WHEREAS, Ramsey County has requested City assistance with facilitating certain street and traffic signal improvements on Centerville Road from County Road 96 north to Stoddart Lane, and

WHEREAS, due to the fast track schedule of the project the developer is providing a financial guarantee to ensure funding of all project costs including engineering, construction, material and legal and fiscal costs, and

WHEREAS, the City Council desires to facilitate the construction of the street and traffic signal improvements on Centerville Road.

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

1. The Council hereby approves the Joint Powers Agreement with White Bear Township for construction of the Centerville Road Improvement Project.

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
Community Development Department

MEMORANDUM

To: Ellen Richter, City Manager

From: Anne Kane, Community Development Director

Date: May 3, 2018 for the May 8th City Council Meeting

Subject: CENTERVILLE ROAD IMPROVEMENT PROJECT – Public Improvement Escrow and Disbursing Agreement

BACKGROUND / SUMMARY

The City of White Bear Lake and White Bear Township are working together with Ramsey County and Division 25 White Bear, LLC (the developer) to facilitate the proposed street and traffic signal improvements on Centerville Road. The improvements to the public roadway are designed to improve traffic safety, reduce turning conflicts, and install a long-planned traffic signal at Cub Foods' north entrance and the entrance to Tower Crossings (White Bear Heights and Lunds & Byerlys). The public improvements will be collectively funded by the County, the Township, the City and the developer. It is anticipated that the City and Township shares will be primarily generated through special assessments to adjoining properties benefiting from the traffic flow improvements as a result of this project. However, the exact amount of the planned special assessments have yet to be determined.

The City is acting as the lead agency on the project to accommodate a fast track construction schedule for a fall 2018 completion date. In order to keep the project moving forward to meet this ambitious deadline, the Developer has agreed to fund 100% of the construction costs up front. As other funding sources are formally approved by these other participating agencies (e.g. Ramsey County Board is scheduled to consider its contribution on May 15th) the Escrowed Funds will be released in an equivalent amount to the developer.

The attached agreement between the Developer, the City, and Escrow Agent ensure the funds are available prior to the City Council awarding the Contract for the Centerville Road Improvement Project later on the City Council's agenda. The Agreement has been reviewed by the City Attorney and outlines the terms for how the funds will be held, released and distributed.

RECOMMENDED COUNCIL ACTION

Staff recommends that the City Council adopt the Resolution, which if approved, authorizes the Mayor and City Manager to execute the Public Improvement Escrow and Disbursing Agreement between the developer, the City of White Bear Lake, and the Escrow Agent to facilitate the Centerville Road Improvement Project.

ATTACHMENTS

1. Resolution of Approval
2. Public Improvement Escrow and Disbursing Agreement

PUBLIC IMPROVEMENT ESCROW AND DISBURSING AGREEMENT

CITY OF WHITE BEAR LAKE, MINNESOTA

THIS PUBLIC IMPROVEMENT ESCROW AND DISBURSING AGREEMENT (this “Agreement”) is entered into by **DIVISION 25 WHITE BEAR, LLC**, a Minnesota limited liability company (“D25”), **THE CITY OF WHITE BEAR LAKE, MINNESOTA**, a home rule charter city and political subdivision under the laws of the State of Minnesota (the “City”) and **COMMERCIAL PARTNERS TITLE, LLC**, a Minnesota limited liability company (the “Escrow Agent”) to be effective _____, 2018 (the “Effective Date”). D25, the City and the Escrow Agent are individually referred to as (“Party”) and collectively as (“Parties”).

RECITALS

WHEREAS, in conjunction with Ramsey County, Minnesota (the “County”), and consistent with plans approved by the County, the City intends to undertake certain improvements (“Public Improvements”) to public right-of-way along Centerville Road in the area lying north of Highway 96 and south of the Canadian Pacific Railroad crossing (the “Project”), which Public Improvements are more fully defined within the plans designed by Alliant Engineering, the City’s consulting engineer, attached hereto as Exhibit A (the “Plans”); and

WHEREAS, the City is the lead agency on the Project and is responsible for ordering the Project, preparing construction plans and specifications through Alliant Engineering, and tabulating construction bids; and

WHEREAS, D25 has agreed to accommodate the construction of the Public Improvements by the City by depositing the sum of _____ (\$_____) into escrow (the “Escrowed Funds”) which is an amount calculated by the City as the cost of the Public Improvements, including but not limited to all third party engineering, legal, appraisal, fiscal and administrative costs and contingency costs but specifically excluding reimbursement for City engineering or staff review or City inspections fees:

WHEREAS, the City and the neighboring Township (White Bear Township) have each agreed to undertake best efforts to identify benefited parcels within each municipality’s jurisdiction in order to levy special assessments to pay for all or a portion of the Public Improvement costs in accordance with Minnesota law; and

WHEREAS, the County has indicated a willingness to make contributions towards the cost of construction of the Public Improvements (the “County Contributions”).

NOW, THEREFORE, in consideration of the promises and agreements set forth herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. Recitals. The Recitals form an integral part of this Agreement.

2. Deposit of Escrowed Funds. Within five (5) business days of the Effective Date, but in any event before the Project construction bid is awarded by the City Council of the City, D25 shall deposit the Escrowed Funds with Escrow Agent in a Federally insured, alternative investment account investing solely in government securities approved by D25, which approval shall not be unreasonably withheld. D25 shall notify the City of such deposit. The Escrowed Funds shall be held and disbursed by Escrow Agent in accordance with the terms and conditions of this Agreement.

3. Construction of Public Improvements. The construction of the Public Improvements shall be completed by the City in accordance with the City and County approved construction plans, which are attached to this Agreement as Exhibit A. The City shall perform or cause to be performed all aspects of construction of the Public Improvements in a good, workmanlike and commercially reasonable manner, with a standard of diligence and care normally employed by duly qualified persons utilizing their commercially reasonable efforts in the performance of comparable work in accordance with City ordinances and regulations and in accordance with the generally accepted practice appropriate to the activities undertaken. It is the understanding of the Parties that the City will engage a third party construction administrator to oversee the construction of the Public Improvements. Inspection and acceptance of Public Improvements will be in accordance with applicable City ordinances and regulations.

4. Special Assessments. The City will proceed in good faith and with all reasonable diligence to impose special assessments on parcels located within the City that will benefit from the Public Improvements, and will follow the procedures required for imposition of special assessments in Minnesota Statutes, Chapter 429, as amended.

5. Release of Escrowed Funds. The authorization of the Escrow Agent to disburse all or a portion of the Escrowed Funds to the City shall be subject to the condition precedent that Escrow Agent shall have received on or before the date of disbursing any advance of Escrowed Funds all of the following, unless waived by both D25 and City:

- a. A copy of a Public Improvement project construction statement furnished by the City identifying total Project cost and application of Escrowed Funds payments previously made, if any;
- b. A copy of a draw request in a form and containing such content as mutually agreed upon between D25 and the City;
- c. With respect to all hard costs and soft costs, a copy of an invoice from such contractor performing such work;
- d. With respect to any costs previously paid by City for which City is seeking reimbursement, copies of all invoices as well as paid receipts and cancelled checks evidencing payment of such costs; and

- e. No more than two draw requests shall be made in any month during the term of this Agreement.

Upon receipt of the above, Escrow Agent is authorized to disburse to City such amount owing as evidenced in the draw request submitted by the City until the Escrow Funds and all earnings thereon have been disbursed in full. Once City has been paid in full, any remaining Escrowed Funds and earnings thereon shall be returned to the D25. The Parties understand and acknowledge the City is in privity of contract with the construction contractor for the Project, and therefore time is of the essence for the City to receive timely distributions of the Escrowed Funds. Escrow Agent will therefore disburse Escrowed Funds to the City within five business days after receipt of the items required by this Section. The City will provide adequate wiring instructions or other funding instructions to Escrow Agent immediately upon execution of this Agreement.

6. Holding and Release of Escrowed Funds. The Escrow Agent shall hold such Escrowed Funds and release the same only in compliance with the terms of this Agreement unless Escrow Agent has received specific written instructions signed by both D25 and City authorizing such release. If any dispute arises with respect to the disbursement of Escrowed Funds, Escrow Agent may continue to hold the same or commence an action in interpleader and in connection therewith remit the disputed funds to a court of competent jurisdiction in Ramsey County, Minnesota pending resolution of such dispute, and the Parties hereto agree to indemnify and hold harmless the Escrow Agent from any action taken by it in good faith in the execution of its duties hereunder. The Escrow Agent shall within two (2) business days of any such deposit, give written notice to D25 and City of such deposit of Escrowed Funds. All costs of court proceedings initiated to determine the distribution of the Escrowed Funds, together with all reasonable attorney fees and costs incurred by the Escrow Agent and the successful Party or Parties in connection therewith shall be borne by the unsuccessful Party to such proceeding. Upon deposit of the Escrowed Funds to a court of competent jurisdiction in Ramsey County, Minnesota, the Escrow Agent shall be relieved and discharged of all further obligations and responsibilities hereunder, as such obligations and responsibilities apply to such portion of the Escrowed Funds.

7. Fee. For its services hereunder, the Escrow Agent shall be paid a fee in the amount of Three Hundred and no/100 Dollars (\$300.00) for each draw request, which fee shall be paid by D25 and an advance payment towards these fees shall be paid upon deposit of the Escrowed Funds in the amount of One Thousand Five Hundred and no/100 Dollars (\$1,500.00).

8. Cost Overrun. It is the intent of the D25 and City that the deposit of Escrowed Funds by the D25 shall constitute D25's full and complete contribution towards payment of the Public Improvements. An amount equal to ten percent (10%) of the final Project cost amount has been added to the Escrowed Funds amount for this purpose. Provided, however, in the event the City acting in good faith and without expanding the scope or breadth of the Project beyond the approved plans and specifications, shall incur reasonable cost overruns, upon notification to D25 and within ten (10) business days of such notification, D25 shall deposit with Escrow Agent the amount equal to the cost overruns incurred by the City.

9. Return of Escrowed Funds to D25. Notwithstanding the forgoing, upon the adoption, commitment or documentation of the circumstances identified below, the City will

authorize the return of portions of the Escrowed Funds to D25 corresponding dollar for dollar with such amounts adopted, committed or documented:

- (i) Design cost of the Public Improvements paid directly by D25;
- (ii) Adoption or commitment of the County Contribution by the County;
- (iii) Cost of the Public Improvements assessed to other benefited parcels; and
- (iv) Any other sources of third-party funding committed towards payment of the Public Improvements.

Within thirty (30) days of the occurrence of any of the above circumstances, City will authorize Escrow Agent to release from the Escrowed Funds the corresponding amount to D25.

10. Obligations Limited. None of the City or any of its elected or appointed officials or any of its officers, employees, consultants or representatives shall incur any liability hereunder to the D25 or any other party in their individual capacity by reason of this Agreement or their acts or omissions under this Agreement.

11. Binding Agreement. Notwithstanding any other provision of this Agreement, the Parties agree that this Agreement constitutes a legal, valid and binding agreement of the Parties.

12. Notices. All demands, notices, communications and reports provided for in this Agreement will be in writing and will be sent by facsimile with confirmation to the number specified below, personally delivered or sent by reputable overnight courier service (delivery charges prepaid) to the address specified below, or at such address as the recipient party has specified by prior written notice to the sending party pursuant to the provisions of this Section.

If to D25:

Division 25 White Bear, LLC
Attention: John J. Johansson
4350 Baker Road #400
Minnetonka, Minnesota 55343
Facsimile: 952-842-7760

If to City:

City of White Bear Lake
Attention: City Engineer
4701 Highway 61
White Bear Lake, Minnesota 55110
Facsimile: 651-429-8500

If to Escrow Agent:

Commercial Partners Title, LLC
Attention: Ashley Kemplin-Gamm
200 South Sixth Street, Suite 1300
Minneapolis, Minnesota 55402
Fax: (612) 337-2471

Any such demand, notice, communication or report will be deemed to have been given pursuant to this Agreement when delivered personally, when confirmed if by facsimile or on the second day after deposit with a reputable overnight courier service, as the case may be.

13. Counterparts. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

14. Pdf Signatures. In order to expedite the transaction contemplated herein, signatures sent by .pdf via e-mail may be used in place of original signatures on this Agreement or any other document or agreement in this transaction, other than those to be recorded in the public records. D25, City and Escrow Agent intend to be bound by the signatures on each .pdf document, are aware that the other Party will rely on the .pdf signatures, and hereby waive any defenses to the enforcement of the terms of this Agreement or any other such document based on the form of signature. In the event .pdf signatures are used in any instance, ink-signed originals of such document shall also promptly be exchanged by the Parties.

15. Governing Laws. The Parties hereby agree that this Agreement has been executed in the State of Minnesota and shall be governed by the laws of said state.

16. Third Party Beneficiaries. Nothing in this Agreement is intended to or shall be construed to confer upon any person or entity other than the City, the D25, the Escrow Agent and its successors and assigns any right under or by reason of this Agreement. All provisions of this Agreement shall be the sole and exclusive benefit of the City, the D25, the Escrow Agent and its successors and assigns.

IN WITNESS WHEREOF, D25, City and Escrow Agent have executed this Agreement as of the date first written above.

D25:

DIVISION 25 WHITE BEAR, LLC,
a Minnesota limited liability company

By: _____

Name: _____

Its: _____

1764889v3

CITY:

**THE CITY OF WHITE BEAR LAKE,
MINNESOTA**

By: _____

Name: _____

Its: Mayor

By: _____

Name: _____

Its: City Manager

1764889v3

ESCROW AGENT:

**COMMERCIAL PARTNERS TITLE,
LLC, a Minnesota limited liability company**

By: _____

Name: _____

Its: _____

1764889v3

EXHIBIT A

**ALLIANT ENGINEERING PLANS
FOR CONSTRUCTION OF PUBLIC IMPROVEMENTS**

RESOLUTION NO.

**RESOLUTION APPROVING A
PUBLIC IMPROVEMENT ESCROW AND DISBURSING AGREEMENT FOR
THE CENTERVILLE ROAD IMPROVEMENT PROJECT**

WHEREAS, Ramsey County has requested City assistance with facilitating certain street and traffic signal improvements on Centerville Road in the area north of County Road 96 and south of the Canadian Pacific Railroad right-of-way, and

WHEREAS, due to the fast track schedule of the project the developer is providing a financial guarantee to ensure funding of the construction contract, and

WHEREAS, the Public Improvement Escrow and Disbursing Agreement is hereby approved, and

WHEREAS, the City Council desires to facilitate the construction of the street and traffic signal improvements on Centerville Road.

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

1. The Council hereby approves the Public Improvement Escrow and Disbursing Agreement to fund the construction of the Centerville Road Improvement Project.
2. The Council hereby authorizes the Mayor and City Manager to execute the Public Improvement Escrow and Disbursing Agreement.

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
Engineering Department

MEMORANDUM

To: Ellen Richter, City Manager

From: Mark Burch, Public Works Director/City Engineer

Date: May 3, 2018

Subject: Award of Contract for the Centerville Road Improvement Project
City Project No.: 18-16

SUMMARY

We received two (2) bids for construction of the Centerville Road Improvement Project on April 27, 2018 with Forest Lake Contracting, Inc. of Forest Lake, Minnesota submitting the lowest base bid of \$894,359.47. The City is assisting Ramsey County with administration of the Centerville Road Improvement Project to accommodate the fast track schedule proposed by the developers of the Lunds/Byerlys site. The project will be funded by Ramsey County, Division 25 White Bear, LLC (the developer), White Bear Township and White Bear Lake. Funding provided by the Township and the City is proposed to be generated by special assessments to adjoining properties benefiting from the traffic flow improvements as a result of the project. The total amount of the Township and City funding is yet to be determined and will be considered separately by each community. Ramsey County funding for its portion of the project will be considered by the Ramsey County Board at its meeting in May. In order to keep the project moving forward to meet the fall 2018 completion date, Division 25 White Bear, LLC is providing the necessary funding guarantee through escrowed funds to finance the entire project until County, Township and City funds are approved. The "Public Improvement Escrow and Disbursement Agreement" will be presented to the City Council for consideration separately prior to its review of the bids and award of the contract so that the necessary funding source is in place. If the City Council approves the Public Improvement Escrow and Disbursement Agreement then we recommend that a contract be awarded for construction of the street and traffic signal improvements.

We believe Forest Lake Contracting, Inc. is qualified to complete this work. We recommend that the City Council accept their bid and award them the Centerville Road Improvement Project.

RECOMMENDED COUNCIL ACTION

Our recommendation is that the Council receive the bids and award a contract to Forest Lake Contracting, Inc. for the base bid amount of \$894,359.47.

ATTACHMENTS

Resolution

RESOLUTION NO.:

**RESOLUTION ACCEPTING BIDS AND AWARDING CONTRACT
FOR THE CENTERVILLE ROAD IMPROVEMENT PROJECT
CITY PROJECT NO. 18-16**

WHEREAS, pursuant to resolutions of the City Council, specifications were drawn and advertisement for bids were made; and

WHEREAS, the following bids complying with the advertisement and specifications were received, opened, and tabulated according to law:

Contractor	Total Base Bid
Forest Lake Contracting	894,359.47
TA Schifsky & Sons, Inc.	964,838.05

WHEREAS, it appears that Forest Lake Contracting, Inc. is the lowest responsible bidder.

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

1. The Mayor and City Manager are hereby authorized and directed to enter into contract with Forest Lake Contracting, Inc., in the amount of \$894,359.47 as approved by the City Council and on file in the office of the City Engineer.
2. The City Clerk is hereby authorized and directed to return forthwith to all bidders the deposits made with their bids, except that the deposits of the successful bidder and the next lowest bidder shall be retained until a contract has been signed.

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: April 18, 2018
Subject: **Awarding Contract for 2018 Bituminous Seal Coating Project
City Project 18-02**

BACKGROUND / SUMMARY

On Wednesday, April 18, 2018, the City received bids for the 2018 Bituminous Seal Coating Project. Three bids were submitted at the letting, with Pearson Bros., Inc. of Hanover, MN submitting the lowest base bid of \$210,555.08. A copy of the bid tabulation sheet is attached for comparison of the bids.

The City performs seal coating of bituminous streets to prevent water from entering the pavement and gravel base, to renew the wearing surface of the roadway and to improve the appearance of the street.

In 2018, we are proposing to perform seal coating of City streets in various locations throughout the city. Some of these streets were last seal coated in 2011. Other streets are those which were reconstructed or milled & overlaid in 2012 and are now showing signs of wear. It is important to seal the surface of these streets before they degrade to a point where more extensive maintenance needs to be performed.

The main arterial streets will be seal coated using a grey trap rock as the cover aggregate and the lower volume residential streets will be seal coated using a pea gravel stone as the cover aggregate.

RECOMMENDED COUNCIL ACTION

Our recommendation is that the Council receive the bids and award a contract to Pearson Bros., Inc. for \$210,555.08 for the 2018 Bituminous Seal Coating Project.

ATTACHMENTS

Resolution

RESOLUTION NO.:

**RESOLUTION ACCEPTING BIDS AND AWARDING CONTRACT
FOR THE 2018 BITUMINOUS SEAL COATING PROJECT
CITY PROJECT NO. 18-02**

WHEREAS, pursuant to resolutions of the City Council, specifications were drawn and advertisement for bids were made; and

WHEREAS, the following bids complying with the advertisement and specifications were received, opened, and tabulated according to law:

CONTRACTOR	TOTAL BID ITEMS	BID ALTERNATE NO. 1
Pearson Bros., Inc.	\$210,555.08	\$75,917.28
Allied Blacktop Co.	\$213,783.23	\$74,335.67
Astech Corp.	\$258,360.45	\$126,528.80

WHEREAS, it appears that Pearson Bros., Inc. is the lowest responsible bidder:

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

1. The Mayor and City Manager are hereby authorized and directed to enter into a contract with Pearson Bros., Inc. in the amount of \$210,555.08 for said 2018 Bituminous Seal Coating Project.
2. The City Clerk is hereby authorized and directed to return forthwith to all bidders the deposits made with their bids, except that the deposits of the successful bidder and the next lowest bidder shall be retained until a contract has been signed.

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: City Councilmembers
From: Jo Emerson, Mayor
Date: March 8, 2018
Subject: City Manager's Compensation

BACKGROUND

A review of the City Manager's performance and compensation was recently completed. The review indicated that the City Manager continues to be highly involved in the community, actively responds to the community's needs, and has engaged the Council and community in numerous policy discussions and decision development processes. The City Manager has thoughtfully developed a process to inform the City Council of upcoming decisions, which affords members time to analyze and comprehend the issue as well as be more informed and deliberative when considering City Council agenda items.

SUMMARY

Based upon performance, it is proposed that the City Manager's compensation be adjusted 2.75%, which adheres to the City's 2018 compensation plan. It is recommended that the City Manager's vehicle allowance be adjusted approximately \$10 per month, and a performance achievement bi-weekly stipend of \$27.75.

RECOMMENDED COUNCIL ACTION

It is recommended the City Council adopt the attached resolution establishing the City Manger's 2018 compensation.

ATTACHMENTS

Resolution

RESOLUTION NO.

**RESOLUTION ESTABLISHING
THE CITY MANAGER'S SALARY EFFECTIVE JANUARY 1, 2018**

WHEREAS, the City of White Bear Lake desires to provide fair, reasonable, and competitive compensation for all its employees; and

WHEREAS, the Mayor and City Council are responsible for determining the compensation for the position of City Manager; and

WHEREAS, the Mayor and City Council have had opportunity to observe the job performance of the City Manager, and monitor the City's progress toward meeting its goals.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of White Bear Lake, Minnesota, that the City Manager's bi-weekly compensation be established at \$5,468.00 effective January 1, 2018; and

BE IT FURTHER RESOLVED by the City Council of the City of White Bear Lake, Minnesota, that the City Manager be authorized a monthly vehicle allowance of \$316.70, to be provided to the Manager effective January 1, 2018; and

BE IT FURTHER RESOLVED by the City Council of the City of White Bear Lake, Minnesota, that based on its consideration of the City Manager's performance, participation and achievement toward the City's goals and objectives, the City Council directs a bi-weekly stipend of \$27.75 be provided to the City Manager effective January 1, 2018; and

BE IT FURTHER RESOLVED that the City Manager is entitled to the benefits afforded by the City to its other exempt (non-bargaining) employees and that this compensation shall continue until changed by action of the City Council or discontinuation of the City Manager's employment.

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

Park Advisory Commission Meeting Minutes

MARCH 15, 2018

6:30 P.M.

CITY HALL

MEMBERS PRESENT	Bill Ganzlin, Bryan Belisle, Dan Louismet, Don Torgerson
MEMBERS ABSENT	Anastacia Davis, Mike Shepard, Joann Toth
STAFF PRESENT	Mark Burch, Jesse Farrell, Anne Kane and Samantha Crosby
VISITORS	
NOTE TAKER	Mark Burch

AGENDA TOPICS

1. CALL TO ORDER

Bill Ganzlin called the meeting to order at 6:30 pm.

2. APPROVAL OF MINUTES

Approval of the minutes from February 15, 2018 was moved by Brian Belisle and seconded by Dan Louismet. Motion carried.

3. APPROVAL OF AGENDA

Approval of the March 15, 2018 agenda was moved by Bryan Belisle and seconded by Mike Shepard with the addition of 6.d Dog Beach. Motion carried.

4. COMMITTEE REPORTS

None.

5. UNFINISHED BUSINESS

None.

6. NEW BUSINESS

a) Arbor Day Activities – May 5, 2018

Park Advisory Commission discussed activities for the 2018 Arbor Day event on May 5th. After discussion of multiple projects, the Commission decided to promote projects at Rotary Park, Podvin Park, Matoska Park and possibly Lakewood Hills.

b) Comprehensive Plan – Parks & Recreation

Samantha Crosby and Anne Kane reviewed the Parks Section of the Comprehensive plan. The Park Advisory Commission members discussed aspects of the plan and offered some

additions to the maps. The Planning Department will continue with the Comprehensive Plan process and will include any further comments from the Commission for the near future.

c) Gazebo Renovation

Mark Burch noted that the structural analysis report for the Matoska Park Gazebo was included in the Park Advisory Commission packet for informational purposes. This item will need significant discussion and public input as the City decides what to do with the gazebo.

d) Dog Beach

Mark Burch informed the Park Commission that the City Council will be discussing the dog beach at Matoska Park at its April 10th meeting. The Commission reviewed its past recommendations. Most Park Advisory Commission members present reaffirmed their recommendation for closing the dog beach but there was some support for keeping it open.

7. OTHER STAFF REPORTS

a) Ash Tree Inventory

Mark Burch updated the City Council on the City's progress in dealing with the Emerald Ash Borer issue. The City has engaged Rainbow Tree Service to perform an ash tree inventory and has an expert from the University of Minnesota scheduled to provide an informational presentation on the topic at the March 27th City Council meeting.

8. COMMISSION REPORTS

None.

9. OTHER BUSINESS

None.

10. ADJOURNMENT

The next meeting will be held on April 19, 2018 at 6:30 p.m. at City Hall.

There being no further business to come before the Park Commission, the meeting was adjourned. Moved by Dan Louismet and seconded by Bryan Belisle.



REGULAR MEETING OF THE WHITE BEAR LAKE CONSERVATION DISTRICT
7:00 P.M. WHITE BEAR CITY HALL
MINUTES OF **March 20, 2018**

APPROVAL DATE: **APPROVED With Corrections 4/17/18**

1. CALL TO ORDER The March 20, 2018 meeting of the White Bear Lake Conservation District was called to order by Chair Bryan DeSmet at 7:00 pm in the White Bear Lake City Hall Council Chambers.

2. ROLL CALL Present were: Chair Bryan DeSmet, Vice Chair Mark Ganz; Directors: Mike Parenteau, Scott Costello, Susie Mahoney and Barton Winter; absent were Secretary/Treasurer Diane Longville, Directors Brady Ramsay, Marty Rathmanner and Geoff Ratte A quorum was present.

3. APPROVAL OF AGENDA -Chairperson DeSmet asked for any changes to tonight's agenda None - motion/second passed.

4. APPROVAL OF MINUTES OF – February 20, 2018 Board Meeting
Motion (Ganz/Costello) Moved to approve with corrections all aye passed.

5. PUBLIC COMMENT TIME

Bryan McGoldrick 36 Moonlight Bay provided information on current legislation in regards to White Bear Lake.

Susan Mahoney 479 Lake Ave, questioning the validity of the document submitted by the Harrod's and feels it is not what the board requested of them. She moves that the Harrod's not be able to put their dock in until the board receives a certified copy of the document requested. Chair Bryan DeSmet tabled the discussion and asked to have it added to next month's agenda.

6. NEW BUSINESS

None

7. UNFINISHED BUSINESS

Chair Bryan DeSmet has appointed new committee chairs. Will provide Kim a listing of each Chair and committee members.

8. REPORTS/ACTION ITEMS

Executive Committee

- ~~Assessment amounts to the 5 lake communities was reviewed after receiving letters from City of White Bear Lake and City of Birchwood asking the board to review the fund balance as it was in excess of the Board Policy. After review Motion by Chair Bryan DeSmet second Mike Parenteau to resend all assessments for the 2018 year only in order to get the fund balance in compliance with the~~

~~written policy and guidelines. All assessments will resume 2019. Vote all aye Passed.~~ REVISED:

Last year the board passed a policy to identify what would be an acceptable fund balance. After all bills had been paid at the end of 2017 we realized we had an excess amount of the policy set of 150%-200% of our budget as a fund balance and therefore, needed to get in compliance with our set policy. Motion (Parenteau/Ganz) to bring the fund balance in compliance with our policy by rescinding the 5 community's allocation of assessments for the 2018 year only. All assessments will resume 2019. Vote all aye Passed.

- Attorney compensation – Executive Committee discussed increase. Motion (DeSmet/Ganz) to change attorney fee effective April 1, 2018 to a retainer basis of \$1,000 per month. Vote all aye Passed.

9. Lake Level Resolution Committee

Inactive

10. Lake Quality Committee – Mike Parenteau

- Time to look at invasive species asking applicators or bids.

11. Lake Utilization Committee – Mark Ganz & George St. Germain reviewed applications at Lake Utilization meeting.

- Multiple Docks License (all below motioned Ganz, seconded and passed)
 - Docks of White Bear– Approved
 - Tally's - Approved
 - Black Bear Yacht Racing Assoc. – Approved
 - White Bear Yacht Club - Approved

12. Lake Education – Scott Costello

- Clean up program with Boy Scouts went very well.
- Traffic down on website visits but updating and adding Facebook should help increase traffic.

13. Treasurer's Report

Motion (DeSmet/Parenteau) approval of March 2018 Treasurer's report and payment of check numbers 4477- 4481. All aye passed.

14. Board Counsel

Nothing to report. Keeping an eye on bill and law suit on lake.

15. CONSENT AGENDA

Motion (DeSmet/Parenteau) Move to accept the consent agenda All Aye. Passed

16. ANNOUNCEMENTS

None

17. ADJOURNMENT

Motion (DeSmet/Ganz) MOVE TO ADJOURN all aye passed.

Meeting Adjourned at 7:50 pm

ATTEST:

Kim Johnson _____
Administrative Secretary, WBLCD

3/20/18
Date

APPROVED:

Bryan DeSmet _____
Board Chairperson

3/20/18
Date



City of White Bear Lake
City Manager's Office

MEMORANDUM

To: Ellen Richter, City Manager

From: Kara Coustry, City Clerk

Date: April 27, 2018

Subject: **Resolution approving issuance of an off-sale liquor license for A and Y Inc., dba Birch Lake Liquor**

BACKGROUND/SUMMARY

The current owner of Birch Lake Liquor, True Yang, is selling the business to new owners A and Y Inc. The city received a completed application from Yong Thao on behalf of A and Y Inc. dba Birch Lake Liquor for off-sale liquor license at:

A and Y Inc. dba Birch Lake Liquor
1350 Highway 96 E
White Bear Lake, MN 55110

The Police Department completed a background investigation and found nothing that would preclude issuance of an off-sale liquor license. The full application is on file in the Manager's office.

RECOMMENDED COUNCIL ACTION

Staff recommends the City Council adopt the attached resolution approving an off-sale liquor license for A and Y Inc.

ATTACHMENTS

Resolution

RESOLUTION NO.

**RESOLUTION APPROVING AN OFF-SALE LIQUOR LICENSE FOR
A AND Y INC, DBA BIRCH LAKE LIQUOR**

WHEREAS an application for an off-sale liquor license has been made by Yong Thao on behalf of A and Y Inc, dba Birch Lake Liquor; and

WHEREAS the establishment of the off-sale liquor license is located at 1350 Highway 96 E, White Bear Lake, MN; and

WHEREAS the Police Department completed a background investigation and found nothing adverse that would preclude issuance of an off-sale liquor license; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of White Bear Lake approves an off-sale liquor license effective through the business cycle ending March 31, 2019 for the following:

A and Y Inc. dba Birch Lake Liquor
1350 Highway 96 E
White Bear Lake, MN 55110

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

Ayes:
Nays:
Passed:

Jo Emerson, Mayor

ATTEST:

Kara Coustry, City Clerk