



**AGENDA**  
**REGULAR MEETING OF THE CITY COUNCIL OF**  
**THE CITY OF WHITE BEAR LAKE, MINNESOTA**  
**TUESDAY, FEBRUARY 26, 2019**  
**7:00 P.M. IN THE COUNCIL CHAMBERS**

**1. CALL TO ORDER AND ROLL CALL**

PLEDGE OF ALLEGIANCE

**2. APPROVAL OF MINUTES**

A. Minutes of the Regular City Council Meeting on February 12, 2019

**3. APPROVAL OF THE AGENDA**

**4. VISITORS AND PRESENTATIONS**

A. Marketfest Presentation – Lisa Beecroft

**5. PUBLIC HEARINGS**

Nothing scheduled

**6. LAND USE**

Nothing scheduled

**7. UNFINISHED BUSINESS**

Nothing scheduled

**8. ORDINANCES**

A. Massage Therapist Ordinance – Second Reading

**9. NEW BUSINESS**

A. Resolution establishing Rush Line BRT Stations in White Bear Lake

**10. CONSENT**

A. Acceptance of minutes from the November White Bear Lake Conservation District; January Environmental Advisory Commission Minutes

B. Resolution authorizing financial participation in Marketfest 2019

C. Resolution approving massage therapist licenses

**11. DISCUSSION**

**12. COMMUNICATIONS FROM THE CITY MANAGER**

**13. ADJOURNMENT**



**MINUTES  
REGULAR MEETING OF THE CITY COUNCIL  
OF THE CITY OF WHITE BEAR LAKE, MINNESOTA  
TUESDAY, FEBRUARY 12, 2019  
7:00 P.M. IN THE COUNCIL CHAMBERS**

**1. CALL TO ORDER AND ROLL CALL**

Mayor Emerson called the meeting to order at 7:05 p.m. Councilmembers Doug Biehn, Dan Jones, Kevin Edberg, Steven Engstran and Bill Walsh were present. Staff members present were City Manager Ellen Hiniker, Assistant City Manager Rick Juba, Finance Director Don Rambow, Assistant Finance Director Kerri Kindsvater, Community Development Director Anne Kane, City Engineer/PW Director Paul Kauppi, City Clerk Kara Coustry and City Attorney Troy Gilchrist.

PLEDGE OF ALLEGIANCE

**2. APPROVAL OF MINUTES**

A. Minutes of the Regular City Council Meeting on January 22, 2019

It was moved by Councilmember **Walsh** seconded by Councilmember **Biehn**, to approve the Minutes of the Regular City Council Meeting on January 22, 2019.

Motion carried. Councilmember Engstran abstained.

B. Minutes of the Closed City Council Meeting on January 22, 2019

It was moved by Councilmember **Biehn** seconded by Councilmember **Jones**, to approve the Minutes of the Closed City Council Meeting on January 22, 2019.

Motion carried. Councilmember Engstran abstained.

**3. APPROVAL OF THE AGENDA**

Councilmember Walsh asked for Item D, under the Consent Agenda be moved to 9G under New Business.

It was moved by Councilmember **Walsh** seconded by Councilmember **Biehn**, to approve the agenda as amended.

Motion carried unanimously.

**4. VISITORS AND PRESENTATIONS**

A. Emergency response recognition – The Waters of White Bear Lake

Fire Chief Greg Peterson relayed the events of a fire call on Dec. 29, 2018 at the Waters of White Bear Lake in which an 88-year-old man who was confined to his burning bed was rescued by Justin Ullrich, Undrea Bell, Jade Parnell and Cheryl

Hunter.

Fire Chief Peterson presented merit awards to Justin, Jade and Cheryl (Undrea was unable to attend) in recognition of their efforts to pull the man from his smoke filled room, which saved his life.

**B. Don Rambow's retirement recognition**

City Manager Hiniker recognized Don Rambow for nearly 25 years of service as the City's Finance Director. She highlighted the City's recently upgraded bond rating of AA+ and Don's success in merging the Fire Relief Association Pension with PERA. Mayor Emerson thanked Don for his hard work and dedication to the City and presented him with the bear plaque.

Shelly Eldridge from Ehlers (formally with Ramsey County) presented Don with a framed "Departing Bond", recognizing nearly 40 years of public service and wished him, "Bond Voyage".

Don recognized the people who support him including his finance team, members of Ramsey County and Ehlers. He expressed appreciation working for the community, and a City that supports the practice of sound, conservative financing. Don explained it has been an honor and privilege to serve this community, the Council and the City Manager.

**5. PUBLIC HEARINGS**

Nothing scheduled

**6. LAND USE**

**A. Consent**

Nothing scheduled

**B. Non-Consent**

1. Consideration of a Planning Commission recommendation regarding a request by Schafer Richardson for a concept plan Planned Unit Development (Case No. 19-1-PUD)

Community Development Director Kane reported that the subject site is located at the northwest corner of County Road E and Linden Avenue. The site is comprised of five parcels totaling 4.61 acres in size: including two vacant lots and three single-family residences. She stated that White Bear Lake's current rental vacancy rate is 1% compared to a healthy vacancy rate of 5-7% for the rental housing market. This low rate is a significant contributing factor to the recent drastic increase in rental rates.

Ms. Kane explained the City recently approved the reguiding of the subject site from a "Commercial" land use category to "High Density Residential" land use category, allowing the opportunity for a multi-family apartment building proposal. In response, Schafer Richardson, a property acquisition and development company in the upper Midwest, is proposing to construct a new market rate, four-story apartment building with 189 units and 275 parking spaces.

As a result, Ms. Kane stated, Schafer Richardson is requesting General Concept Plan approval of a Planned Unit Development (PUD). The proposed PUD deviates from current zoning regulations with regard to number of units, number of parking stalls, and amount of open space. The first two deviations are planned changes to either the comprehensive plan or the zoning code, and the third deviation related to open space, is the only significant part of the request. Ms. Kane explained, the zoning code allows four-stories with an additional 5% setback, and pointed to the site design, which provides a minimum 10% increase in setback.

Ms. Kane reported the subject site is an appropriate location for the proposal due to its access to a roadway designated as a minor expander under County jurisdiction, and its proximity to the future Bruce Vento Regional Trail extension and the Rush Line Bus Rapid Transit line. For these reasons, this area was identified as appropriate for higher-density, transit-oriented type development. Ms. Kane explained that these properties are proposed as “Mixed Use Transit Oriented Development” in the 2040 Comprehensive Plan Update. The Draft 2040 Comprehensive Plan designates the subject site for 25 to 50 dwelling units per acre. She explained this project is a timely example of the type of development intended in a new Transit-Oriented Development (TOD) land use category.

Ms. Kane revealed the code requires two parking stalls per unit, half of which are fully enclosed, however, this proposal provides 1.45 stalls per unit, half of which are fully enclosed. Taking into consideration the size of the units, Ms. Kane stated, a more refined requirement would correlate with the number of bedrooms per unit. Based on local industry standards staff recommends: 1 stall per studio, 1.5 stalls per 1 bedroom, 2 stalls per 2 bedroom, and 3 stalls per 3 bedroom. At those rates, 297 stalls would be required and 275 stalls are planned, still 22 short.

Ms. Kane reported that an open space area in the northeast corner of the site can accommodate an additional 41 stalls. Staff recommends that a proof of parking agreement be established, which would ensure that, should the parking on site become an issue in the future, the City can require construction of additional parking.

Ms. Kane relayed that multi-family housing, requires 500 square feet of useable open space per unit, according to the zoning code. Including the outdoor area, the pet park, the pool/patio/front entry green, and setbacks around the perimeter, the developer estimates 436 square feet per unit; a 13% deviation from code. Staff believes that the main open space area, which is 20,000 square feet (almost half an acre) in size will provide this.

Ms. Kane reported that in addition to open space, Park Dedication is also required when platting. Developers typically provide a monetary contribution to meet the park dedication requirement. She stated, the current mix of units would result in roughly \$100,000 in dedication; however, the subject site is in an area where there is a slight gap in public park coverage, so staff and the developer have discussed the possibility of a land dedication. At the rate of 10% of the parcel size, the project could dedicate almost half an acre, or some combination of land and monetary dedication.

Ms. Kane mentioned the subject site has the same owners as the Stadium Bar and Grill, which is helpful because the Bruce Vento Regional Trail extension is planned to run along the west side of the Stadium’s triangular parking lot located on the west side

of Hoffman Road. The northern portion of the triangular lot could be dedicated to serve as a trailhead. The planned trail alignment encroaches slightly into this area and at minimum, the County will need a small easement. City staff have been in contact with the County's Parks and Recreation Department who indicated support of a trailhead at this location. Ms. Kane explained that the details of ownership, design, construction and long-term maintenance still need to be negotiated between the City and the County, but the general concept is supported.

Ms. Kane reported the site is proposing two access points, one from County Road E and one from Linden Avenue. A traffic study calls for an adjustment of signal timing at Linden, deliveries and truck activity outside of peak hours, inside and outside bicycle parking and marked pavement designating the crossing in the southeast corner. Other features of the proposed complex reported by Ms. Kane include a tree trench for stormwater infiltration near the front entry, a buffer between the Stadium Bar & Grill to the west and the townhome development to the east.

Ms. Kane relayed that the Ramsey County Property Appraiser's office indicated this development would have no effect on the assessed values of the adjacent townhomes. She reported the current properties have a taxable value of less than one million, while this development is a 30 million dollar investment that will provide a boost to the local tax base in addition to housing. The increase in residential households from 2 to 189 will have a significant positive economic impact in the immediate area and the improvement of these properties will help attract and retain businesses, stimulating opportunities for the enhancement of the County Road E corridor.

Ms. Kane stated the proposed apartment building complies with the City's draft 2040 Comprehensive Plan and is supported by goals and objectives from both the current Comp Plan and the City's Strategic Plan. She forwarded the Planning Commission's unanimous recommendation for approval of the Concept Plan, subject to the conditions listed in the staff report.

In response to Councilmember Walsh, Ms. Kane clarified that during the concept plan, staff would work with the engineer to identify the accommodation of 22 parking spaces through a proof of parking agreement. Then, the development agreement outlines a procedure for addressing parking in the event that parking on the street becomes an issue.

Councilmember Walsh stated that Council has learned that development projects such as these require four-stories to make the financing of them work. He asked if this project needs to be four-stories to make enough units to make the bank loan work. Ms. Kane agreed that the increased density of this project is needed for viability in the face of high construction costs.

Councilmember Edberg asked for clarification related to the calculation of green space being used to double as a parking space. Ms. Kane reviewed a scenario under which the Park Advisory Commission and the City Council could consider a parkland dedication in conjunction with some financial consideration, in the event the proof of parking moves forward. Ms. Kane explained, that would be at the City's choosing and at the expense of the developer.

While not keen about this subsidy, Councilmember Edberg expressed greatest concern for parking and the traffic implications of this project. In response to the parking

requirement, Ms. Kane explained that the City's zoning code reflects a 1990's standard of multi-residential living that is no longer applicable today. For example, White Bear Woods conforms to the two-stalls per unit code, but much of their parking is underutilized. Ms. Kane stated she felt comfortable with the variance, and pointed out the developers will have a difficult time renting units if the parking is insufficient.

Councilmember Edberg addressed the curb cut and the entrance, including ingress and egress on County Road E. Ms. Kane clarified the worst case scenario, right in, right out, would be west bound direction in, and west bound departing only. Ms. Kane expressed hope that since the driveway was shifted west of Linden, that the County might allow greater access, including a left in.

Councilmember Edberg referenced a condition in the resolution in which evidence of approval from Ramsey County traffic engineering for access via County Road E and asked what happens if approval is not reached. Ms. Kane explained that if Ramsey County prohibits access through County Road E, the project would be returned to the drawing board.

In future discussions, Councilmember Edberg expressed an interest in knowing how the height of this development compares to Hoffman Place (looking north and south).

Mayor Emerson noted that the people who signed up to speak had presented during the Planning Commission Public Hearing and the Council received those comments. At the request of Councilmember Jones, the developer was called up to speak.

Maureen Michalski, Vice President of Development with Shafer Richardson introduced Trevor Martinez, Project Manager for Shafer Richardson and stated their business address is 900 N. 3rd Street in Minneapolis. In response to Councilmember Jones, the development being proposed would not make financial sense to build if it were less than four-stories tall.

Karen Bushee of 3614 Linden Avenue stated there are two main reasons against Linden as the main entrance. She explained the first driveway on Linden from County Road E is only 48 feet in (school buses are 45 feet long), and she has been lucky not to have been rear-ended here. Also, there is no right turn lane, or room for a right turn lane onto County Road E.

Laura Kunde of 3692 Linden Place wanted to ensure that the homeowners abutting the open space are also provided with a privacy barrier of some kind. She also mentioned the desire for contact information related to tree removal that may affect the Linden Townhomes.

In response to both comments, Ms. Kane stated these are the kinds of details that will arise in the development phase analysis of this project.

Noah Young of 3744 Linden Avenue inquired as to whether the green space of this development would be accessible to the general public. Ms. Kane explained that if the green space is on the development, it would be private, but if the green space is incorporated into a trailhead, that would be considered a public park.

Councilmember Jones stated that not every project is perfect and not everyone will agree a project is perfect, but he trusts staff and the recommendation of the Planning

Commission who are also residents of White Bear Lake. He believes that apartments are an extremely important component to City's housing stock and the other apartment complexes in town are over 30 years old.

Mayor Emerson acknowledged that change is scary and stated that at one point, everyone in the room has likely been a renter. She stated this looks like a good development for market rate apartments.

Councilmember Walsh stated the most compelling argument for him is an assessment of the City as a whole – there are no other parcels for a development of this type available within the City.

It was moved by Councilmember **Walsh**, seconded by Councilmember **Jones**, to adopt **Resolution No. 12341** a request by Schafer Richardson for a concept plan Planned Unit Development (Case No. 19-1-PUD).

In response to Councilmember Biehn and Councilmember Edberg, Ms. Kane confirmed the issues expressed with regard to access and traffic patterns would be addressed during the general development phase of this project. Ms. Kane mentioned working with the Engineers and Ramsey County to assess the built environment further in relation to the traffic study. She stated that consideration would be given to a turn lane on westbound County Road E, potentially a deceleration lane upon approach to the driveway, and potentially a right turn lane on southbound Linden Avenue.

Councilmember Edberg expressed his desire for researching all options to address expressed concerns related to traffic, parking, and the privacy of existing neighbors.

Councilmember Engstran stated he is not against apartment complexes, but he thinks this location should be slotted for townhouses instead. He mentioned the north side of Buerkle Road as a location for this apartment complex as there are many warehouse districts that are empty. He believed that townhouses would generate tax revenues of \$100,000 – \$150,000 compared to \$75,000 in taxes from the apartment complex.

Motion carried 4:1, Councilmember Engstran nay.

2. Consideration of a Planning Commission recommendation regarding a request by Lisa Stonehouse for a Planned Unit Development (Case No. 19-2-PUD)

Ms. Kane reported the subject site is located east of Centerville Road and south of Highway 96. Zoned B-3: Auto-Oriented Business as it was first constructed as a car wash with a caretaker's apartment on the second floor. The apartment was approved by the City through a special use permit in 1983 (83-21-S). In 2014, the building was remodeled to accommodate a furniture resale store, while maintaining the rental unit above.

Ms. Kane relayed, the applicant wishes to set up a catering company on the first floor and add another rental unit to the building. Subsequently, the applicant, Lisa Stonehouse, is requesting both general concept phase and development stage approval of a PUD to allow for a mixed-use development, in order to establish a catering company and two residential units at 4466 Centerville Road.

Ms. Kane explained that the proposed catering company is a permitted use in the B-3 zoning district. The first floor improvements include only those that are needed to operate a commercial kitchen, while there are hopes for expansion of the business, none of those improvements are proposed now. Modifications, such as seating, that would intensify the business will require future Council approvals.

Ms. Kane reported the site currently offers four parking stalls for the two proposed residential units, and ten for staff and visitors to the site. She said the applicant is asking for PUD flexibility from City parking standards in the following two ways. First, the site provides four required stalls for the residential units, but not the requirement that two of them be enclosed. Requiring enclosed spaces would increase the cost of the project, which could increase the cost of rent for tenants. Further, unenclosed parking stalls are not out of character with the commercial district. Second, based on square footage of the retail space, Ms. Kane stated that 13 stalls are required for employees and customers – three more than what exists on site. Considering there are currently four employees and that generally, large numbers of customers will not be visiting the site; staff finds that the number of parking stalls adequately serves the proposed use.

Ms. Kane reported that the applicant is requesting a second residential unit on the commercial property. Both units will be two-bedroom and approximately 1,000 square feet – the rest of the upstairs will be meeting space. Ms. Kane stated an easement runs adjacent to the south side of the property. To alleviate concerns of cluttering the easement, a condition was added to the PUD that visitors not park vehicles along the access road and snow not be piled there.

Ms. Kane forwarded a Planning Commission recommendation for approval of the request, subject to the conditions listed in the staff report.

It was moved by Councilmember **Walsh**, seconded by Councilmember **Biehn**, to adopt **Resolution No. 12342** a request by Lisa Stonehouse for a Planned Unit Development (Case No. 19-2-PUD).

Motion carried unanimously.

## 7. UNFINISHED BUSINESS

Nothing scheduled

## 8. ORDINANCES

### A. First Reading of a revision to the Massage Ordinance

City Manager Hiniker stated that these proposed revisions to the Massage Ordinance will mitigate time spent administratively to process and approve an applicant. In the event an applicant is denied, an appeal process has been established as a mechanism for due process. She explained some provisions were tightened up in the hopes of being weeded out as license denials before they become license revocations. Ms. Hiniker stated that second reading is proposed for the next meeting in February. Typically, the City allows a month between readings, however, licensees were notified of the proposed timeline as it fits in with business license renewals process ending in March.



Councilmember Jones encouraged Council to forward this resolution to the state legislature for state license action. He does not believe the City should be the entity regulating this and suggested the state give up their license fees for cutting hair and nail technology.

Councilmember Edberg noted a number economic development organizations nationwide are addressing over-reaching regulation for small business, particularly service businesses. The issue being that unneeded regulation serves to protect incumbents while impeding competition. He stated there is a strand of conversation that says the state should have fewer regulations.

Councilmember Walsh agreed with Councilmember Edberg and relayed a personal employment experience with licensing that involved completion of a form, payment of a license fee and some continuing education. Regarding the ordinance, Councilmember Walsh noted that the Council (and therefore the people) would surrender power to the City Manager. He suggested provisional administrative approval, with final approval by the Council.

Mayor Emerson expressed concern for property owners who do not adequately research tenants and end up renting to dubious people. Councilmember Jones was intrigued by this and inquired whether there is a fine that could be imposed on a property owner who rents to these people.

Councilmember Edberg liked the idea of being faster and of delegating power to the City Manager and suggested rather than looking at provisional approval, look at how the Council could hold the City Manager accountable with that power.

## 9. NEW BUSINESS

### A. Resolution authorizing the purchase of a new ambulance

City Manager Hiniker stated that a replacement ambulance was anticipated in the 2019 budget. The unit being replaced was purchased in 2010 and has had repetitive expensive repairs over the years. This ambulance replacement will cost \$235,000, which is under budget by \$15,000.

It was moved by Councilmember **Biehn**, seconded by Councilmember **Jones**, to adopt **Resolution No. 12343** authorizing the purchase of a new ambulance.

Motion carried unanimously.

### B. Approval of a special event for Tally's Dockside to have music on Thursday night, July 4, 2019

City Manager Hiniker stated that special event applications are generally approved administratively; however, events with outdoor music have typically been approved by the City Council. Tally's has requested the ability to host live music on Thursday, July 4<sup>th</sup> from noon until 10:00 p.m. Staff notified Daron Close, the owner of Acqua who has been impacted in the past by similar events, but he did not express any concerns. A notice was also mailed to Ron Trach, the owner of the shopping center whose parking has been impacted by past events. Ms. Hiniker forwarded staff's recommendation for approval with a condition that Tally's provide shuttle service to mitigate parking.

In response to Councilmember Edberg's inquiry regarding a similar request by other enterprises, Ms. Hiniker explained that the VFW is the only entity that does not provide music currently. She stated that staff would coordinate, track and work with additional applicants as they are received

It was moved by Councilmember **Edberg**, seconded by Councilmember **Biehn**, to adopt **Resolution No. 12344** a special event for Tally's Dockside to have music on Thursday night, July 4, 2019.

Motion carried unanimously.

- C. Resolution receiving feasibility report and ordering a public hearing for 2019 Street Reconstruction Project / 2019 Mill and Overlay Project, City Project Nos. 19-01, 19-04, 19-06, 19-13

Public Works Director/City Engineer Kauppi reported that feasibility studies for the 2019 Street Reconstruction Project and the 2019 Mill and Overlay Project were prepared. He reviewed the reconstruct area that will be getting curb, gutter, storm sewer facilities, utility repairs and new pavement. Water service lines are also reviewed for replacement of any galvanized steel or lead piping with cooper piping.

Mr. Kauppi explained that a new Sewer Y Replacement Program will provide residents with the ability to upgrade inadequate sanitary sewer services before becoming a bigger problem. Each resident may review footage of their sewer service lines and are provided with staff recommendations for replacement if needed. Xcel Energy will also be conducting gas main replacements at this time.

Mr. Kauppi explained that the Mill and Overlay Project is less invasive. Curb and utility repairs will be done as needed, along with a mill of the top layer and road resurfacing to extend the life of the road another 20-25 years. Mr. Kauppi mentioned a cooperative project with Ramsey County for two trail rehabilitation projects; one along White Bear Avenue from Highway 61 to S. Shore Blvd and one on Highway 96 from White Bear Parkway to Birch Lake Blvd.

Mr. Kauppi asked for Council's input based on staff's recommendation to construct sidewalk as part of the comprehensive plan. He provided a recommendation for sidewalk on the east side of Morehead Avenue, south of 7<sup>th</sup>, which would help complete the sidewalk grid since adding sidewalk to 9<sup>th</sup> and 11<sup>th</sup> Streets last year. Another proposed sidewalk under review is in the Garden Lane/Lemire area. A comprehensive engineering review revealed that Garden Lane only has 40 feet of right-of-way, with overhead power lines, fire hydrants and other utilities crammed in on a flat profile road that already experiences drainage issues. Mr. Kauppi stated a sidewalk in this area is a huge engineering challenge and based on low volumes on the roadway, he did not recommend adding this sidewalk. He pointed instead to Bald Eagle and other alternatives to fill trail and sidewalk gaps in a more planful way in the future.

Mr. Kauppi asked that Council receive the feasibility studies and order the public hearing for March 12, 2019.

City Manager Hiniker added that these overall project costs will be about 5.5 million dollars in which assessments will cover approximately 1.2 million. The Construction

Fund will cover the majority of this expense; however, staff will likely recommend a 1.5 million dollar bond sale to finance the costs of these improvements. Staff and Council will have an opportunity to further discuss this during the CIP work session.

Councilmember Edberg inquired as to whether property owners have commented regarding the sidewalk on Morehead. Mr. Kauppi stated there was no reaction to the sidewalks during the neighborhood meeting but if that changes after meeting with individual property owners, staff may forward a different recommendation during the public hearing meeting.

It was moved by Councilmember **Edberg**, seconded by Councilmember **Walsh**, to adopt **Resolution No. 12345** receiving feasibility report and ordering a public hearing for 2019 Street Reconstruction Project / 2019 Mill and Overlay Project, City Project Nos. 19-01, 19-04, 19-06, 19-13.

Motion carried unanimously.

D. Resolution approving change orders for the Sports Center Renovation Project, City Project No. 18-09

Mr. Kauppi reported that retired Mark Burch continued to work through and finalize the Sports Center renovation project. As with any construction project, unforeseen issues are resulting in change orders, which is common. He forwarded change orders totaling \$192,000 for the Sports Center Renovation Project.

Councilmember Walsh inquired as to whether this amount was accounted for within the contingency fund, for which Mr. Kauppi confirmed.

Ms. Hiniker also pointed out that after a thorough review by Finance Director Rambow, revised resolutions were placed at the Council's dais for adoption.

It was moved by Councilmember **Walsh**, seconded by Councilmember **Engstran**, to adopt **Resolution No. 12346** approving change orders for the Sports Center Renovation Project, City Project No. 18-09.

Motion carried unanimously.

E./F. Resolution accepting work and authorizing final payment for the White Bear Lake Sports Center Renovation, City Project No. 18-09 and Resolution accepting work and authorizing final payment to Kraus-Anderson Construction Company for the Sports Center Renovation Project, City Project No.: 18-09

Mr. Kauppi stated this item is to close out 24 contracts for the Sports Center Renovation Project by issuing final payment, included those noted in the previous change order.

Ms. Hiniker also pointed to 9F as part of the closeout process for which another revised resolution was placed at the Council's dais for consideration. She relayed terrific feedback regarding the renovated Sports Center, stating it was remarkable what was achieved on a budget of 5.3 million. Ms. Hiniker thanked Mark Burch for his work on this project and noted it was completed under budget.

In response to Councilmember Walsh, Ms. Hiniker stated that staff was confident in the ability of the White Bear Hockey Association to meet its funding obligations of this project (\$84,000 annually) given the revenues they have historically earned through charitable gambling activities.

It was moved by Councilmember **Walsh**, seconded by Councilmember **Biehn**, to adopt **Resolution No. 12347** accepting work and authorizing final payment for the White Bear Lake Sports Center Renovation, City Project No. 18-09 and **Resolution No. 12348** accepting work and authorizing final payment to Kraus-Anderson Construction Company for the Sports Center Renovation Project, City Project No.: 18-09.

Motion carried unanimously.

G. Resolution amending the Loan Agreement with Lakeside East, LLC (d/b/a MIZU Japanese Restaurant).

Ms. Kane stated that in 2016, the City authorized an economic development loan for the MIZU Restaurant in order to attract them to the Boatworks Commons location. Staff was notified in December 2018, of a change in the partnership of Lakeside Eats, LLC. Ms. Kane stated that one of the personal guarantors of the loan, John Malistski (J.J) was replaced by another personal guarantor. Ms. Kane stated that the business is up to date on the loan repayment.

In response to Councilmember Walsh, Ms. Kane confirmed this was short-term, 10-year loan.

It was moved by Councilmember **Walsh**, seconded by Councilmember **Edberg**, to adopt **Resolution No. 12349** amending the Loan Agreement with Lakeside East, LLC (d/b/a MIZU Japanese Restaurant).

## 10. CONSENT

- A. Acceptance of minutes of the January Planning Commission Meeting
- B. Approval of temporary liquor license for Frassati Catholic Academy. **Resolution No. 12350**
- C. Resolution amending the Boatworks Commons Declaration of Cross Easements and Restrictive Covenants. **Resolution No. 12351**

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

Motion carried unanimously.

## 11. DISCUSSION

- A. Rush Line Station Area Planning Update – Survey Summary of Public Input

Andy Gitzlaf with the Ramsey County Regional Rail Authority provided an overview of the Rush Line project and revealed results of a community survey and open house

comments received regarding the downtown station location in White Bear Lake.

Mr. Gitzlaf displayed six downtown station options being evaluated, which is just one stop among five in the City and, one among 21 on the entire Rush Line BRT route.

- A. 7<sup>th</sup> Street and Washington Avenue
- B. 4<sup>th</sup> Street and Division Avenue (4<sup>th</sup> Street or 7<sup>th</sup> Street routing)
- C. 4<sup>th</sup> Street and Highway 61 (In line platform)
- D. 2<sup>nd</sup> Street and Clark Avenue
- E. Banning Avenue and Highway 61
- F. Arrive at 4<sup>th</sup> Street & Highway 61; depart from 7<sup>th</sup> Street & Washington Ave

Mr. Gitzlaf reviewed the public engagement process, which consisted of the following:

- January 4: Pop-up at the White Bear Lake Library
- January 8: Pop-up at the White Bear Area YMCA
- January 10: Open House at White Bear Lake City Hall
- January 9-31: Online Survey

Mr. Gitzlaf reviewed the results of station location option preferences based on feedback from the public engagement process described above. He reported that 75 people completed the survey during the open house while 365 responded to the online survey. Mr. Gitzlaf pointed to station option “A” located at 7<sup>th</sup> Street and Washington Avenue as a front-runner. He stated that 80% of respondents chose a station location, while only 20% voted against any station location at all.

Mr. Gitzlaf described the next step is to obtain a recommendation from the City Council for a preferred downtown station location, which is scheduled for vote during the February 26, 2019 City Council meeting. He referenced [www.rushline.org](http://www.rushline.org) as a resource for the public to continue to provide comment on the project.

Councilmember Edberg asked for the process that is followed in cases where private property will be required. Mr. Gitzlaf stated there are multiple steps to this process, the first being identification of potential impacts compared to the public benefit – this occurring during the environmental analysis. If there are impacts with property owners, there are processes for seeking appraisals and second appraisals, which takes two years from start to finish.

Councilmember Edberg asked if there were other station locations in the City that have potential facility or land use acquisition issues. Mr. Gitzlaf mentioned the need to fit a two-lane road on Buerkle Road in which a strip of land may be needed.

Cindy Bloom of 1838 Spruce Court stated that the survey was essentially flawed as it did not provide an option for people to select, that they do not like any of these. She stated they had to write that in, if that was the case.

Mr. Gitzlaf stated there was an option for people to write in, for which many took advantage. He mentioned a few people had trouble with the online survey, but they were able to assist those who called for help.

## 12. COMMUNICATIONS FROM THE CITY MANAGER

- General Fund – Year End Report

Finance Director acknowledged the work of Kerri Kindsvater in pulling together a lot of information in a short time. He stated that the Council received a preliminary snapshot of the General Fund ending 2018. He mentioned the City runs a tight budget and was proud of estimated General Fund revenues being only over by \$34,000, attributed to revenue from building and heating permits.

Mr. Rambow stated the General Fund expenditures were \$132,000 under budget, putting the City at 98.7% of budgeted expenditures. While the City remains within its 2018 budget, he highlighted accounts that were over budget as follows:

- City Hall was over by \$18,000 due to a miscalculation of transferred IT salary
- Elections was over by \$1,200 due to additional equipment maintenance charges from Ramsey County.
- Police was \$30,000 over budget related to overtime to cover officers on workers compensation and family medical leave.
- The Building Department is over by \$3,000 related to electrical inspections.
- Streets are \$500 over budget due to snow removal salaries not being utilized.

Mr. Rambow stated that bond raters look at how cities budget and levy to meet expenditures. The State Auditor's Office recommends a budget of 30 - 50% of expenditures, while this budget will come in at 35.7% of expenditures. He stated the City remains conservative at the low end. Finally, enterprise operations look good. Ambulance operations are below expenditures, due to a lag in revenue collections.

➤ Water Gremlin/MPCA update

City Manager Hiniker relayed that the MPCA had not yet set a new meeting date, but staff will disseminate that information when new dates are established. Ms. Hiniker stated that the production line in question has been taken off service. The MPCA will be mailing meeting notices to all residents in the area of concern.

➤ 2019 Legislative Session Activity

Ms. Hiniker reported that legislation has been introduced for additional funding of the Lake Links Trail, more specifically to the north side of the trail. A White Bear Lake apportionment of \$380,000 is slated for a portion of the trail on Highway 96, and an equal amount for White Bear Township along Highway 96 north of the lake. A significant portion of this funding will go toward Dellwood's section of trail, which is very complicated.

Ms. Hiniker stated that all DVS's have joined in requesting reimbursement for expenses incurred by the rollout of MNLars. Ms. Hiniker reported that a comparison of License Bureau costs post MNLars indicates increased costs of \$110,000 directly related to increased need for staffing. MNLars has shifted much of the data entry to frontline DVS staff for completion.

Ms. Hiniker mentioned the City of White Bear Lake was one of four DVSs asked to participate in a test of a fix that will allow for the transfer of special plates. The test was a success and has now been rolled out statewide. Ms. Hiniker expressed pride in being considered as a test site and spoke the efficiencies and competencies of an incredible License Bureau staff under the supervision of Miken Binman and Kerri Kindsvater.

Ms. Hiniker mentioned there was a request for funding through the Metropolitan Council to address the need for a transit connection to Century College.

Councilmember Edberg and Mayor Emerson mentioned the cities and counties are rallying together for local government aid (LGA) funding.

➤ Autonomous Vehicles Pilot Project

Ms. Hiniker mentioned that Tom Snell, the Chamber of Commerce Director, has been promoting the idea of partnering with the University of Minnesota – Humphrey Institute to submit a grant to pilot an autonomous vehicle project. A committee has been formed with members from City, School District, Chamber of Commerce and NewTrax to explore the possibility. Ms. Hiniker invited Mr. Snell to present more information on this topic at a Council meeting in March.

➤ Refuse/Recycling contract extension update

Ms. Hiniker stated that staff continues to negotiate with Republic Services toward a possible extension to the refuse and recycling contract.

➤ Donatelli's lunch provided by 5<sup>th</sup> Graders from Willow School occurs on Tuesdays in February, ending on March 5<sup>th</sup>.

➤ City Attorney Troy Gilchrist stated an agreement has been reached on the price for the purchase of property north of Public Works. Sarah Sonsalla from Kennedy Graven drafted a purchase agreement for the seller who has engaged an attorney for its review. He stated a title commitment was also ordered, which uncovered some issues that the seller will need to work through. If everything goes according to plan, Mr. Gilchrist believed a purchase agreement would be ready for the Council's consideration during the February 26, 2019 City Council meeting.

➤ City Engineer/Public Works Director Kauppi mentioned that crews have been working diligently to clear streets and reminded folks to remove cars from roads that have not been cleared from curb to curb. He also explained that sidewalks may be delayed a day or two as crews attend to snow removal on streets. He also mentioned there were nine water main breaks in January and three so far in February.

➤ Mayor and Council acknowledged the work of all City staff in these extreme cold temperatures and recent snowfalls.

➤ Community Development Director Kane stated that a Public Hearing will be held on February 25, 2019, at the Planning Commission meeting on a draft of the Comprehensive Plan. In addition to notice in the newspaper and website, staff mailed notices to all property owners within 350 square feet of any parcel that has a proposed change in Future Land Use designation. Lastly, Ramsey County held two open houses last fall in White Bear Lake to discuss extension of the Bruce Vento Trail north of Highway 96. Based on public input and strong opinion, there was interest in following the Highway 61 corridor through downtown, Ramsey County prepared a concept plan which revealed impacts on private property that have not been well received. As such, Ramsey County plans to meet with the railroad to see about the possibility of obtaining an easement.

**13. ADJOURNMENT**

There being no further business before the Council, it was moved by Councilmember **Walsh** seconded by Councilmember **Biehn** to adjourn the regular meeting at 10:07 p.m.

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Jo Emerson, Mayor

**ATTEST:**

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Kara Coustry, City Clerk





**City of White Bear Lake**  
City Manager's Office

# *MEMORANDUM*

**To:** Ellen Hiniker, City Manager  
**From:** Kara Coustry, City Clerk  
**Date:** February 21, 2019  
**Subject:** **Second reading for revision of the Massage Ordinance 1127**

---

## **BACKGROUND / SUMMARY**

The City Council held first reading for the Massage Ordinance revision on February 12, 2019. There have been two modifications since first reading. In response to concerns expressed by Council regarding the administrative approval provision, the proposed amended ordinance maintains the requirement that all business establishment licenses be approved by the City Council; however, the language providing for administrative approval of individual therapist licenses, allowing businesses to fill vacancies in a more timely fashion, remains in the proposed ordinance amendment. Once an establishment has been approved by the City Council, individual practitioners' license determinations would fall to the City Manager, or designee. Administrative license determinations would continue to be made based on the Police background check report as it applies to the City's Ordinance. Accountability for an adverse license determination made administratively is checked through the appeal process that was added to this Ordinance.

The second modification since first reading of the proposed ordinance resulted from a recommendation made by the Police Department and City's Prosecuting Attorney. An addition to the Unlawful Acts section of the ordinance makes it a misdemeanor for "failure to disclose information required on the application form". While the general intent is not to press charges in these cases, making "failure to disclose" a crime elevates the background checking ability of the Police Department to expand their records search nationwide.

## **RECOMMENDED COUNCIL ACTION**

- 1) Take public comment into consideration toward the adoption of the Revised Massage Ordinance, Chapter 1127
- 2) Adopt the Summary Resolution to facilitate publication.

## **ATTACHMENTS**

Staff memo from Feb 12, 2019  
Ordinance revisions  
Summary resolution

CITY OF WHITE BEAR LAKE  
Ordinance No. \_\_\_\_\_

AN ORDINANCE AMENDING SECTION 1127 OF THE MUNICIPAL  
CODE OF THE CITY OF WHITE BEAR LAKE REGARDING  
MESSAGE THERAPISTS AND MESSAGE THERAPIST BUSINESSES

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

**ARTICLE I.** Section 1127.010 of the Municipal Code of White Bear Lake is hereby amended as follows:

§1127.010 FINDINGS AND PURPOSE. The purpose of this ordinance ~~chapter~~ is to protect the public health, safety and welfare by regulating massage businesses and massage practitioners.

**ARTICLE II.** Section 1127.020 of the Municipal Code of White Bear Lake is hereby amended as follows:

§1127.020 DEFINITIONS. The following words, terms, and phrases, when used in this ordinance ~~chapter~~, shall have the meanings ascribed to them in this chapter, except where the context clearly indicates a different meaning:

1. Massage Therapist. Any person who practices or administers any massage services for a fee.
2. Massage Services. ~~, which is defined as any~~ Any method of applying pressure on, or friction against, or rubbing, stroking, kneading, tapping or rolling of the external parts of the human body with the hands or with the aid of any mechanical or electrical apparatus, appliance or device with or without such supplemental aids as rubbing (isopropyl) alcohol, liniment, antiseptic oil, powder, cream, lotion, ointment or other similar preparation. ~~The practice of massage and bodywork~~ This term shall not include, and is distinct from, the practice of medicine, surgery, osteopathy, chiropractic, physical therapy, or podiatry. This term includes, but is not limited to, ~~many~~ manual therapies, such as massage therapy, Asian bodywork therapies, ~~or~~ and movement therapies. While these are recognized as separate disciplines, all are considered massage services and are subject to the massage therapists/massage therapist-businesses ordinance requirements of this chapter.
23. Massage Therapist Business. A place of business where massage ~~therapy~~ services are provided to the public for a fee. This term includes businesses which rent/lease space to an independent licensed massage therapist.

ARTICLE III. Section 1127.030 of the Municipal Code of White Bear Lake is hereby amended as follows:

§1127.030 LICENSES REQUIRED.

1. No person shall perform as a massage therapist without having first secured a license as provided for in this chapter.
2. No person, firm or corporation shall ~~engage, own or~~ operate a massage therapist business without having first secured a license as provided for in this chapter.

ARTICLE IV. Section 1127.050 of the Municipal Code of White Bear Lake is hereby amended as follows:

§1127.050 LICENSE REQUIREMENTS.

Subd. 1. Fee. ~~The annual license fee shall be established by the City Council.~~ There shall be ~~a one-time~~ an initial application background check fee in addition to the annual license fee as established by the City Council in its fee schedule. No license shall be issued or renewed unless all fees associated with the requested license have been paid in full.

Subd. 2. Expiration. Licenses under this chapter shall expire on March 31st of each year, after which the licensee may apply for a renewal through the City's established business license renewal process. ~~The license shall be non-transferrable.~~

Subd. 3. Transfer. Licenses are not transferable to another person. A licensed massage therapist may work at another licensed ~~location~~ massage therapist business, or transfer from one licensed massage therapist business to another licensed business, provided the licensee provides advance notice to the City's licensing agent.

Subd. ~~3~~4. Massage Therapists. All persons providing massage services must have proof of professional liability insurance with coverage of up to \$1,000,000 per occurrence, and at least one of the following:

- A. Certification from National Certification Board for Therapeutic Massage and Bodywork; ~~or~~
- B. Membership with the one of the following accredited professional associations:

- a. American Massage Therapy Association; or
  - b. Associated Bodywork and Massage Professionals; or
- C. ~~Or, a~~ A certificate of graduation from an educational institution which is either registered with the MN Higher Education Office or accredited by a federally recognized accrediting agency ~~requiring completion of a resident course of study of at least 500 hours to obtain certificate.~~

~~Persons who have practiced massage for at least one (1) year within the city limits prior to the effective date of this ordinance, have professional liability insurance as defined above, and who meet the requirements set forth in this subsection within three (3) years of its effective date, may practice at a licensed establishment.~~

Subd. 45. Massage Therapist ~~Business~~Businesses. An applicant for a massage therapist business must show proof of each of the following:

- A. Applicant has superior possessory interest in the premises at the location approved to be licensed;
- B. All massage therapists at licensed location are duly licensed by the City; and
- C. Proof of workers' compensation insurance.

Subd. 56. Application. The initial application for a license shall be made only upon forms furnished by the City of White Bear Lake licensing ~~official~~ agent and when completed by the applicant, shall be filed with the licensing ~~official~~ agent, and a record of the same made therein.

Subd. 67. Application ~~Review~~. Such application shall be reviewed by such departments of the ~~City~~ as shall be deemed necessary by the City Manager. A criminal and financial background check will be performed by the Police Department. ~~Final approval must be granted by the City Council. License eligibility shall be determined, and licenses issued, administratively by the City Manager or designee.~~

Subd. 8. Issuance of Business Licenses. The City Manager shall report to the City Council on the eligibility of an applicant for a massage therapist business license. The City Council shall determine eligibility and act on whether to issue the requested massage therapist business license. If the City Council denies the application, such decision is final and is not subject to appeal within the City.

Subd. 9. Issuance of Therapist Licenses. The City Manager, or the City Manager's designee, is authorized to determine eligibility of an applicant and to

act administratively on whether to issue the requested massage therapist license. If the City Manager or designee denies the application, such decision is subject to appeal to the City Council as provided in Section 1127.115, subdivision 4.

Subd. 8.10. Letter of Employability. A person seeking employment as a massage therapist, but who is not currently employed at a licensed massage business, may request a background check from the City to confirm the person's eligibility to receive a massage therapist license. The person shall submit an application to the City for the background check together with the required fee. If the person passes the background check, the City Manager or designee will issue the person a letter of employability, which shall be valid through March 31<sup>st</sup>. A letter of employability does not authorize the person to perform services as a massage therapist. If the person becomes employed at a licensed massage therapist business, the person shall not provide any massage services until the person obtains a massage therapist license by submitting payment for the license to the City. Upon the receipt of such payment, the City Manager or designee shall issue the person a massage therapist license.

ARTICLE V. The Municipal Code of White Bear Lake is hereby amended by adding a new Section 1127.076 as follows:

§1127.076 LIST OF SERVICES. The operator of the massage therapist business, or responsible employee, shall post or provide to the client a list of services available and the cost of each. No massage therapist shall offer or perform any massage services other than those posted or listed.

ARTICLE VI. Section 1127.080 of the Municipal Code of White Bear Lake is hereby amended as follows:

§1127.080 INSPECTION BY CITY OFFICERS OFFICIALS AND IDENTIFICATION OF EMPLOYEES. During any hours in which any person is present on the licensed premises, all massage therapist businesses shall be open to inspection by fire, zoning, building inspectors, police officers and any other appropriate city official. Additionally, during the inspection the massage therapist business and massage therapist shall provide the information required in this section.

Subd. 1. Upon demand by any city ~~officer~~ official, any person engaged in providing massage services in ~~any licensed premises~~ shall identify himself/herself giving his/her true legal name and his/her correct address.

Subd. 2. Employment records, including copies of documents used to determine that the minimum standards for each message therapist are met as set forth in Section 1127.050, Subd. ~~34~~, and that each employee employed by the ~~establishment~~ massage therapist business is (18) eighteen years of age or older, shall be kept by the massage therapist business at the licensed premises and made available for immediate review upon request of a city ~~officer~~ official.

Subd. 3. Provide a copy of the massage therapist license issued under this chapter for each massage therapist on the licensed premises of the massage therapy business for immediate review upon request of a city official.

ARTICLE VII. Section 1127.090 of the Municipal Code of White Bear Lake is hereby amended as follows:

§1127.090 VIOLATIONS AND PENALTIES. Every person violating any provision of this chapter is guilty of a misdemeanor and upon conviction shall be punished not more than the maximum penalty for a misdemeanor as prescribed by Minnesota state law. Additionally;

~~Subd. 1. Any violation of this chapter shall be a basis for an adverse license action regarding the suspension or revocation of any license granted hereunder. Adverse license actions shall be taken in accordance with Section 1127.115. In the event that the City Council proposes to revoke or suspend the license, the licensee shall be notified in writing of the basis for such proposed revocation or suspension. The Council shall hold a hearing for the purpose of determining whether to revoke or suspend the license, which hearing shall be within 30 days of notice.~~

~~Subd. 2. The City Council shall determine whether to suspend or revoke a licensee within 30 days after the close of the hearing or within 60 days of the date of the notice, whichever is sooner, and shall notify the licensee of its decision within that period.~~

ARTICLE VIII. Section 1127.100 of the Municipal Code of White Bear Lake is hereby amended as follows:

§1127.100 UNLAWFUL ACTS. It shall be unlawful for:

Subd. 1. Any person to engage in or conduct massage therapy without a valid license issued pursuant to this chapter.

Subd. 2. Any person in a massage therapy business practicing as a massage therapist to place his or her hands upon, or to touch with any part of his or her body, or to fondle in any manner, the genital area of any other person, or breasts of any female person, whether or not the area is clothed.

Subd. 3. Any person in a massage therapy business practicing as a massage therapist to expose her female breasts, his or her genital area or any portion thereof to any other person, or to expose the genital area or any portion thereof of any other person.

Subd. 4. Any person, while in the presence of any other person ~~in a~~ ~~massage therapy business practicing as a massage therapist~~, to fail to conceal with a fully opaque covering the genital area of his or her body or her female breasts.

Subd. 5. Any person to depict, place, publish, distribute or cause to be depicted, placed, published or distributed any advertising matter that suggests to prospective clients that any services are available by a licensee that would constitute a violation of federal, state, or local laws, or a violation of this Chapter.

Subd. 56-6. Any person to provide false information in its application materials, fail to disclose information required on the application form, or to give false information to a city official during an inspection.

Subd. 57. Any person to employ any person under the age of eighteen (18) years of age to work in any massage therapy business as an employee, agent or independent contractor.

Subd. ~~67-68.~~ Any person owning, operating or managing a massage therapy business knowingly to cause, allow, suffer or permit in or about such massage and bodywork establishment any agent, employee, independent contractor or any other person under his or her control or supervision to perform or allow such acts prohibited in ~~subsections~~ subdivisions (21) through ~~(6768)~~ of this section.

ARTICLE IX. Section 1127.110 of the Municipal Code of White Bear Lake is hereby amended as follows:

§1127.110 ADVERSE LICENSE ACTION; GROUNDS. ~~It shall be~~ Any of the following shall constitute sufficient grounds for the denial, revocation, nonrenewal, or suspension of a license, or any other appropriate adverse license sanction if: action.

Subd. 1. The applicant or licensee is not complying with, or has a history of violations of, the laws and ordinances that apply to public health, safety and morals.

Subd. 2. The applicant or licensee is convicted of any violation, reasonably related to the licensed activity and/or occurring on the licensed premises, of any city ordinance or federal or state statute.

Subd. 3. The applicant or licensee has evidenced in the past willful disregard for health codes and regulations.

Subd. 4. The applicant fails to provide all the information and certificates required by this chapter.

Subd. 5. The licensee refuses to permit any authorized police officers or city official to inspect the premises or the operations.

Subd. 6. The applicant or licensee provides false information in its application materials, fails to disclose information required on the application form, or provides false information to a city official during an inspection.

Subd. 7. The massage therapy business or massage therapist is operating on property on which taxes, assessments or any financial claims of the State, County, or City are unpaid or delinquent. The City Manager may elect not to take action under this provision if the licensee provides sufficient proof of having commenced a suit under Minnesota Statutes, sections 278.01 through 278.03 to challenge the amount of taxes due.

Subd. ~~67-68~~. The licensee is found to ~~be violating~~ have violated any provisions of this chapter.

ARTICLE X. The Municipal Code of White Bear Lake is hereby amended by adding a new Section 1127.115 as follows:

§1127.115 ADVERSE LICENSE DECISION; PROCESS AND APPEAL.

Subd. 1. The City Manager is authorized to take an adverse license action against a massage therapy business or a massage therapist who violates any provision of this chapter. The City Manager may delegate all or part of the authority provided the City Manager under this chapter to another city official. Adverse license actions include, but are not limited to, the suspension, revocation, denial, or nonrenewal of a license.

Subd. 2. In the event that the City Manager proposes an adverse license action, the City shall provide the licensee a written notice of noncompliance that identifies the items of noncompliance, what must be done to come into compliance, a date by which the required actions must be completed, and the proposed adverse license action. If the licensee fails to come into compliance as indicated in the notice, the City Manager shall provide the licensee a written notice of the adverse license action. The adverse license action shall be effective ten (10) days from the date of the written notice unless the licensee files a written notice of appeal within that time as provided in this section.

Subd. 3. The City Manager may immediately suspend a license issued under this chapter for up to ten (10) days upon the occurrence of any of the unlawful acts identified in Section 1127.100. Any adverse license action resulting



from the violation shall be processed, and is subject to appeal, as provided in this section.

Subd. 4 ~~An applicant or~~ licensee may appeal an adverse license action by filling a written statement of appeal with the City within ten (10) days from the date of the written notice of noncompliance. The City Council shall, upon the timely filling of a written statement of appeal, conduct a public hearing on the appeal within thirty (30) days. The City shall provide the licensee at least ten (10) days written notice of the date, time, and place of the public hearing. At the public hearing, the City Council shall provide the licensee an opportunity to be heard and shall determine whether to uphold, modify, or overturn the adverse license action. The City shall provide the licensee written notice of its decision, which shall be effective immediately unless a later effective date is provided in the notice of decision.

Subd. 5. An applicant who has had a license denied, revoked, or not renewed is not eligible to reapply for the same license for one (1) year from the date of the adverse license determination or, if appealed, from the date of the City Council’s notice of decision.

**ARTICLE XI.** This ordinance shall become effective after adoption and upon thirty days following its legal publication.

Adopted this \_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Mayor

Attest: \_\_\_\_\_  
City Clerk

Date of Publication \_\_\_\_\_

Effective Date \_\_\_\_\_

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

Document comparison by Workshare Compare on Wednesday, February 20, 2019 1:03:19 PM

Input:	
Document 1 ID	PowerDocs://DOCSOPEN/552014/4
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Document 2 ID	PowerDocs://DOCSOPEN/552014/5
Description	DOCSOPEN-#552014-v5-Ordinance_Amending_Section_1127_re_Message_Esta
Rendering set	Standard

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Deleted cell	
Moved cell	
Split/Merged cell	
Padding cell	

Statistics:	
	Count
Insertions	17
Deletions	12
Moved from	1
Moved to	1
Style change	0
Format changed	0
Total changes	31



**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION APPROVING PUBLICATION OF ORDINANCE  
NO. 19-02-2033 REGARDING MASSAGE THERAPISTS/MASSAGE  
THERAPIST BUSINESSES BY TITLE AND SUMMARY**

**FOR PUBLISHED NOTICE**

WHEREAS, the City of White Bear Lake City Council adopted Ordinance No. 19-02-2033 “An Ordinance Amending Section 1127 of the Municipal Code of the City of White Bear Lake Regarding Massage Therapists and Massage Therapist Businesses” (“Ordinance”) at its February 26, 2019 meeting; and

WHEREAS, the City Council may, pursuant to Ordinance No. 83-6-666, City Charter Section 4.14, and Minnesota Statutes, section 412.191, subdivision 4, adopt a title and summary of an ordinance for publication in lieu of publishing the entire text of a lengthy ordinance.

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

**CITY OF WHITE BEAR LAKE  
Ordinance No. 19-02-2033**

**AN ORDINANCE AMENDING SECTION 1127 OF THE MUNICIPAL  
CODE OF THE CITY OF WHITE BEAR LAKE REGARDING  
MASSAGE THERAPISTS AND MASSAGE THERAPIST BUSINESSES**

On February 26, 2019, the City of White Bear Lake City Council adopted the above-referenced ordinance to make various amendments to the massage licensing provisions, including establishing administrative license determinations, a mechanism to transfer licenses between establishments, a process to obtain a letter of employability, require the posting of a list of services, requiring massage therapist licenses to be made available during inspections, set out adverse license procedures, and outline the process for appeal of license determinations. The ordinance shall be in effect 30 days from this publication. A copy of the ordinance is available for review in the office of the City Clerk and on the City’s website.

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

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

5. Incorporate the text of the Ordinance into the Municipal Code of the City of White Bear Lake; and
6. Post this Ordinance and a copy of the updated Municipal Code on the City's website.

The foregoing resolution offered by Councilmember \_\_\_\_\_ and supported by Councilmember \_\_\_\_\_ carried on February 26, 2019 on the following vote:

Ayes:  
Nays:  
Passed:

\_\_\_\_\_  
Jo Emerson, Mayor

ATTEST:

\_\_\_\_\_  
Kara Coustry, City Clerk

Published on time in the White Bear Press on March 6, 2019.



**City of White Bear Lake**  
City Manager's Office

## *MEMORANDUM*

**To:** Ellen Hiniker, City Manager

**From:** Kara Coustry, City Clerk/Administrative Assistant

**Date:** February 5, 2019

**Subject:** **First reading for revision of the Massage Ordinance 1127**

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### **BACKGROUND**

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

On December 18<sup>th</sup>, staff mailed a tracked changes copy of the proposed, revised ordinance to all licensed massage establishments in the City, asking for feedback, and providing Council timeline for review, public hearing and adoption. On January 30<sup>th</sup>, staff mailed the massage license renewal notices to all licensed businesses and practitioners, providing instructions for finding proposed revisions to the massage ordinance in the Public Notice field on the website, instructions for feedback, and the Council's timeline for review.

### **SUMMARY**

The Massage Ordinance has been in effect for three years in the City of White Bear Lake. Through administration of this ordinance, staff have encountered a variety of massage licensing scenarios which were not anticipated at the time this ordinance was first drafted.

Highlights of proposed changes and reasoning are provided below.

- Administrative license determination provides the City the ability to streamline issuance of the licensing. Currently, applicants passing the background check must wait additional time for final license approval by the City Council before they may begin practicing massage. The full process can take a month, which is problematic for local spa businesses who are accustomed to hiring employees that can begin work immediately. The revised ordinance provides the City Manager the authority to approve a license that has met the qualifications.

The revised administrative license determination provision also provides the City Manager authority to immediately suspend a license suspension upon the occurrence of

any unlawful acts. Any final revocation, however, must be taken by the City Council. Lastly, the revised ordinance provides the City Manager to deny a license based on a background check, with a provision for the right to appeal to the Council.

- Adverse License Decision, Process and Appeal was added to provide due process for applicants and licensees who disagree with the administrative license determination. In these cases, a timeline and procedure for appeal are set forth, and the City Council shall determine whether to uphold, modify, or overturn the administrative decision for an adverse license action.
- Transfer. This provision allows a licensed therapist to transfer between licensed locations in the City provided the business licensing agent has been notified in advance.
- Letter of Employability. Staff encountered a massage practitioner who was new to town, and to facilitate employment, asked to be licensed as a massage therapist before finding employment. This provision outlines the terms of that arrangement going forward.
- Complementary and alternative health care client bill of rights was added in order to secure the identity of those seeking services and the List of Services was added to tighten the provisions of the ordinance.
- Added to unlawful acts is a restriction on sexually suggestive advertising of services that would violate the law. The federal government recently seized backpage, a website used to advertise adult erotic services. There are similar websites administered from other countries being utilized for the same types of advertising.

Other proposed changes include housekeeping items such as removal of a grandfather clause (now obsolete), the need for workers compensation insurance, and full payment of financial claims (taxes, utilities, etc.) prior to license issuance.

#### **RECOMMENDED COUNCIL ACTION**

No action required. Due to the City's licensing period ending on March 31, and to allow massage business and practitioners time to decide whether they wish to renew their business licenses under new terms, staff suggests holding second reading on February 26, 2019.

Subsequent publication would occur on March 6, 2019 at which time the ordinance would become effective. Business license renewals for business cycle 4/1/19 – 3/31-20 are expected to be approved by the City Council on March 12, 2019 to allow time for staff to generate and mail new licenses to approved businesses before April 1<sup>st</sup>.

**ATTACHMENTS** - Proposed Ordinance Revision



**City of White Bear Lake**  
City Manager's Office

## *MEMORANDUM*

**To:** Mayor and Councilmembers  
**From:** Ellen Hiniker, City Manager  
**Date:** February 21, 2019  
**Subject:** **Rush Line Station Locations**

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### **SUMMARY**

The Ramsey County Rail Authority continues to work through the environmental analysis phase of its overall transitway development process for the future Rush Line Bus Rapid Transit Corridor; the overall process is expected to extend another 4-5 years before construction begins. The environmental analysis phase, which began spring of 2018, is a two-year process. Ramsey County Regional Railroad Authority is the lead local agency for this phase. The project will later be handed off to the Metropolitan Council as it enters the project development phase of the Federal Transit Administration's Capital Investment Grants program.

At its meeting on February 26<sup>th</sup>, the City Council will be asked to make a recommendation for a station location in the downtown area. The Council's recommendation will then be forwarded to the Rush Line Policy Advisory Committee for its consideration at its February 26<sup>th</sup> meeting.

Once selected, the Rush Line project team will undertake a comprehensive environmental analysis to more closely examine traffic, land use and parking impacts, among other things, of all stations along the corridor, and identify means to mitigate these impacts.

### **Rush Line Corridor**

The Rush Line Corridor is a transportation corridor extending 80 miles from Hinckley to the north, to Union Depot in downtown St. Paul to the south, roughly following Interstates 35 and 35E and Trunk Highway (TH) 61. This corridor has been identified by the Metropolitan Council/Metro Transit, the Minnesota Department of Transportation (MnDOT), the Rush Line Corridor Task Force, and the corridor counties for transportation improvements based on current and future population, employment and travel demand.

Based on the findings and recommendations of the 2001 Rush Line Transit Study and the 2009 Rush Line Corridor Alternatives Analysis, a Pre-Project Development (PPD) Study was conducted to focus on analyzing bus and rail alternatives within the 30-mile study area between Forest Lake and Union Depot. The 2009 Rush Line Corridor Alternatives Analysis identified two promising transit corridors within Interstate 35E/35 and the Ramsey County Regional Railroad Authority right-of-way. Additional alternatives were developed and evaluated as part of the PPD Study.



The key outcome of the Pre-Project Development Study was the locally preferred alternative, which includes the route, general station locations and type of transit. The locally preferred alternative is dedicated bus rapid transit (BRT) on a 14-mile route between Saint Paul and White Bear Lake. The locally preferred alternative best meets the project goals and is the most cost-effective solution.

The Ramsey County Regional Rail Authority has made available, on-line and by request, data gathered, transit modelling results, community input/feedback and resolutions of support offered by affected jurisdictions and community organizations that ultimately lead to the locally preferred alternate. A representative from the its staff will be available at the City Council meeting to answer any additional questions regarding the Pre-Project Development Study the Council may have.

### **Environmental Analysis Phase & Station Area Planning**

The past 10-12 months of the environmental analysis phase have focused on the selection of station platform locations. Months 12 to 18 will focus on technical analysis and documentation for the environmental review and conceptual engineering plans.

A critical component of the environmental analysis phase has been the identification of potential sites for station platforms along the corridor, some of which would include a parking component. There will be twenty-one (21) locations along the corridor, four of which will be located within the City of White Bear Lake: Buerkle Road, Cedar Avenue, White Bear Avenue/Whitaker area and the downtown area, with the downtown serving as the corridor's turn-around.

To help evaluate the potential for site options in these selected areas, staff worked with the City Council to select a committee of twelve, both residents and business owners, to serve on the Station Area Planning Working Group. This group met three times over the summer to evaluate options and were asked to consider the following criteria:

- Connectivity
- Future Development
- Potential Circulation/access
- Land acquisition
- Adequate Parcel Size
- Good pedestrian access
- Easy access for buses and autos
- Integrated station and parking
- Site Availability

Of the seven site areas considered in the downtown, three (3) were considered to best fit the above-referenced criteria: the post-office site, the site on the northeast corner of 4<sup>th</sup> Street and Bloom Avenue, and Clark Avenue north of 2<sup>nd</sup> Street. The Clark Avenue site was ultimately selected as the preferred alternative by the group.

After the Station Area Planning Work Group's findings were released, the Rush Line planning staff held two (2) listening sessions on October 11<sup>th</sup> and 12<sup>th</sup> to solicit community feedback. A comment portal was also made available through the Rush Line website. Through a variety of means, there was considerable opposition expressed regarding the Clark Avenue location, which included but was not limited to concerns over its impact on the character of the historical downtown and the availability of on-street parking. Following discussion at the October 23<sup>rd</sup> City Council meeting, the Rush Line Project Team was asked to develop alternative options for a downtown station platform location.

Six (6) alternatives were developed over the next few months and brought back to the community for input. In addition to two pop-up sessions and an open house held in January, the County developed an on-line survey to broaden the opportunity for community feedback. The survey was open through the end of January and the results were presented to Council at its meeting on February 12<sup>th</sup>. While not a statistically valid representation of the community, the results are informative as the Council deliberates its selection of a preferred site location. The description of the six downtown station location options and summary of the survey results is attached.

### Issues of Concern

There has been considerable community engagement throughout this planning process, out of which many questions regarding the impact of bus rapid transit on the downtown area have been raised. The most common of the questions posed by those who have raised concerns are related to impacts on traffic, safety, parking, crime and the character of the historic downtown. Others have challenged the need and/or cost of bus rapid transit (BRT).

- **Traffic and Safety:** The buses serving Rush Line will run one every 15 minutes most of the day, and 10 minutes during peak periods. This will result in approximately 90 buses daily. The current average daily traffic on Hwy 61 between County Highway 96 and State Trunk Highway 96 ranges between 27,000 – 33,000 vehicles, depending upon the section of corridor. The added bus traffic would add less than 0.3% to existing traffic and is not expected to impact traffic flow.

Localized traffic impacts, depending upon the location selected, will be more closely examined through the environmental analysis phase and mitigated by additional traffic controls and pedestrian safety improvements.

- **Parking:** Although further study is needed, as will be done during the next phase, the Rush Line project team anticipates the need for approximately 10-15 parking spaces to accommodate riders using the downtown location. The City will need to work closely with the Rush Line project team to ensure that local residents and businesses are not adversely impacted by additional parking demands.

The parking impacts will vary, depending upon which location is selected. The Clark Avenue location between 2<sup>nd</sup> and 3<sup>rd</sup> Streets on the east side of Highway 61 has the most significant parking impact, with the anticipated removal of 30 existing on-street parking spaces required to accommodate the platform. Selection of this site would require more significant parking mitigation.

- **Crime:** Chief Swanson has had discussions with representatives from Maplewood, St. Paul and Apple Valley regarding the impact of transit on crime. The Minnesota Valley Transit Authority (MVTA) operates the Red Line between Apple Valley and the Mall of America. Over a 4-year period (2015 – 2019), there were 5 calls of concern at the park and ride facility in Apple Valley. The calls of concern represented four disorderly conduct calls and one narcotics call.

The “A Line”, which runs from the Roseville Transit Center down Snelling to Ford Parkway and into Minneapolis travels through more densely built environments which

may be more representative of the downtown area. The stop on Ford Parkway in the Highland Park business district of St. Paul has had 19 calls of concern over the same 4-year period. Of these calls, 8 were for intoxication, 7 for disorderly conduct, 3 for domestics and 1 for a threat.

Maplewood Mall serves as a significant transit hub for northeast Ramsey County. Over the same 4-year period, they reported having 86 calls of concern.

Metro Transit has a full-time police department with approximately 120 FT officers and 60 PT officers that serve the system. While the White Bear Lake Police Department does not anticipate a measurable impact on crime resulting from transit, it has expressed confidence in a partnership with Metro Transit Police to address any issues that might arise.

Lastly, all station platforms along the Rush Line Corridor will be equipped with multiple security cameras.

- **Impact on character of the historic downtown:** City staff will work closely with the Rush Line project team to ensure that the station platform and related amenities, wherever located, are designed to reflect the character of the surrounding area; continued public engagement in that process will remain essential.
- **Ridership/Costs:** Transit modelling conducted during the Pre-Project Development Study estimated ridership along the corridor to be between 5,700 – 9,600 riders daily. These estimations and more station location specific estimations will continue to be refined as the Rush Line project team moves through the planning process in coordination with the Federal Transit Administration. At the time the Pre-Project Development Study was completed in 2017, capital cost estimates for the construction of the Rush Line Corridor, of which approximately 85% - 90% would be dedicated guideway, were estimated to be \$420 million. If successful in receiving federal funding for the project, 50% of the costs would be federally funded with the remaining costs borne by the Ramsey County Regional Rail Authority.

### **Options for Station Locations in the Downtown Area**

Six options for location of the downtown station were presented in early January with opportunity for public feedback to follow, as summarized on the attachment. Since that time, further review by the technical advisory committee comprised of Rush Line, MnDOT and Metro Transit representatives led to the elimination of the following three options due to either traffic, public park impact, operational and/or safety concerns:

- The site east of Hwy 61 at Banning Avenue between 5<sup>th</sup> and 7<sup>th</sup> Streets
- The in-line option with stops at Hwy 61 and 4<sup>th</sup> with north and southbound platforms
- The split station option with a northbound stop at 4<sup>th</sup> Street and southbound stop at 7<sup>th</sup> Street.

The remaining technically viable options for consideration by the City Council include:

- 7<sup>th</sup> and Washington, west of Hwy 61
- 4<sup>th</sup> and Division, west of Hwy 61
- Clark Avenue between 2<sup>nd</sup> and 3<sup>rd</sup> Streets, east of Hwy 61

The Council was provided a summary of the strengths and challenges of each of these locations at its meeting on February 12<sup>th</sup>. A representative from the Ramsey County Regional Rail Authority will provide an overview of these options again at the upcoming Council meeting.

### **Next Steps**

The City Council will be asked to recommend a preferred station location for the downtown area that would be forwarded to the Rush Line Policy Advisory Committee (PAC) for final consideration at its February 26<sup>th</sup> meeting. Once approved by the PAC, the Rush Line project team will conduct an environmental analysis following Federal Transit Administration guidelines, which is expected to be a 12-to18 month process.

### **Recommendation**

Staff concurs with the findings of the technical advisory team and would not recommend further consideration of the options they advised be eliminated, as described above. Each of the remaining three options described have unique strengths and challenges.

The site on Clark Avenue provides the most direct access to the core of the downtown and is operationally superior, but has raised considerable opposition from the community and poses unique parking challenges in an already strained parking environment due to the removal of 30 on-street parking spaces.

The site near Division and 4<sup>th</sup> Street faces more traffic challenges, which could be partially mitigated with additional traffic control and enhanced pedestrian facilities.

The site near 7<sup>th</sup> and Washington is on the outer edges of the walkability range, but offers convenient access to regional destinations, Hanifl and Center for the Arts, and is near the District Center, Central and North Campus. Similar to the 4<sup>th</sup>/Division location, the 7<sup>th</sup>/Washington Street location could serve as a catalyst for further development of downtown west of Hwy 61.

Because all three of the remaining options for station platform locations are viable and offer unique opportunities to each of their surrounding areas, a strong recommendation for any of the three is difficult. However, in consideration of the analysis provided by the technical advisory team, public feedback, and opportunities for further development on the west side of downtown, staff favors the 7<sup>th</sup>/Washington Street location.

# DOWNTOWN WHITE BEAR LAKE

STATION LOCATION INPUT SUMMARY – FEBRUARY 21, 2019



## DOWNTOWN WHITE BEAR LAKE STATION

In response to community interest in the planned Downtown White Bear Lake station for the Rush Line BRT Project, project staff have facilitated a variety of public engagement efforts to obtain feedback on several station location options. These efforts include:

- Pop-up events at the White Bear Lake library (January 4) and YMCA (January 8).
- An online survey released on January 9.
- An open house held on January 10 at White Bear Lake City Hall.

## INPUT RECEIVED

More than 120 people attended the open house. Of these attendees, 79 filled out comment sheets, and 365 responses to the online survey were submitted from January 9 to January 31.

- Comments from residents in favor of the project reflect the following beliefs:
  - Rush Line BRT would bring additional residents and businesses to White Bear Lake.
  - Rush Line BRT would be helpful to families for shopping and other daily errands.
  - A station location close to downtown would yield the best access to jobs and retail.
  - Rush Line BRT would increase access between White Bear Lake and other communities along the route.
- Comments from residents with concern about the Downtown White Bear Lake station reflect the following beliefs:
  - A BRT station would negatively impact the character of downtown.
  - Buses will impact safety (e.g. concern that transit will lead to an increase in crime; buses present a risk to pedestrians).
  - There is generally not a need for better transit in White Bear Lake and Metro Transit should try adding buses to existing routes first.
  - Preference for locations away from downtown White Bear Lake.
- Station option comments:



Station location options under consideration

Survey results are based on input received at the open house and the online survey. While the project received a robust response, the results are reflective of a self-selected group rather than a statistically valid random sample.

- **A – 7th Street and Washington Avenue:** Often selected by residents whose top priority is safety or compatibility with existing downtown character. These residents cite reasons for their selection including the location outside the core of downtown White Bear Lake and minimization of impacts on parking and/or the character of downtown.
- **B – 4th Street and Division Avenue (4th Street or 7th Street routing):** Often selected by residents who value access to activity and employment centers and/or compatibility with existing downtown character. Many residents who selected B note that its location is convenient for walking to downtown, though it requires crossing Highway 61.
- **C – 4th Street and Highway 61 (In line platform):** Often selected for its limited impact on parking, businesses and residences, as well as its close proximity to downtown. The top priority of people who rated Option C as their first choice is access to activity and employment centers. Comments note that Option C could also allow for an extension north to a terminal location in Hugo. A noted drawback is that Highway 61 is not safe for pedestrians and potential impacts to Railroad Park.
- **D – 2nd Street and Clark Avenue:** Often selected by residents whose top priority is access to activity and employment centers or safety. Reasons for selecting this option include its proximity to the center of downtown, the good transit access it would provide to residents who live close to downtown and its proximity to Highway 61. The loss of parking on Clark Avenue is a concern for some.
- **E – Banning Avenue and Highway 61:** Often selected because of its distance from the center of downtown and the perception that it would minimize impacts to the character of downtown. The top priority of people who preferred this option is safety.
- **F – Arrive at 4th Street and Highway 61; depart from 7th Street and Washington Avenue:** Comments note that Option F would require bus riders to cross Highway 61 to head south, which can be unpleasant and unsafe for pedestrians. Very few commenters were in favor of this option.

## SURVEY RESPONSES

Among survey respondents and open house attendants, the most popular station location option was Option A with 107 people indicating it as their first-choice preference, as shown in Figure 1. “Other” was a close second with 105 people indicating it as their top preference, though the number of people who chose one of the six defined station location options outnumbered those who chose “Other” by approximately four to one; Options B, C and D were approximately equally popular as a first-choice preference; Options E and F were the least popular first choice, though Option E received the most votes of all options as a second-choice preference. Total votes for each location option are shown in Figure 2. Suggestions for a different location are shown in Figure 3. (Note: While the survey received a robust response at the open house and online, the results are reflective of a self-selected group rather than a statistically valid random sample.)

Figure 1: Station location option first- and second-choice preferences

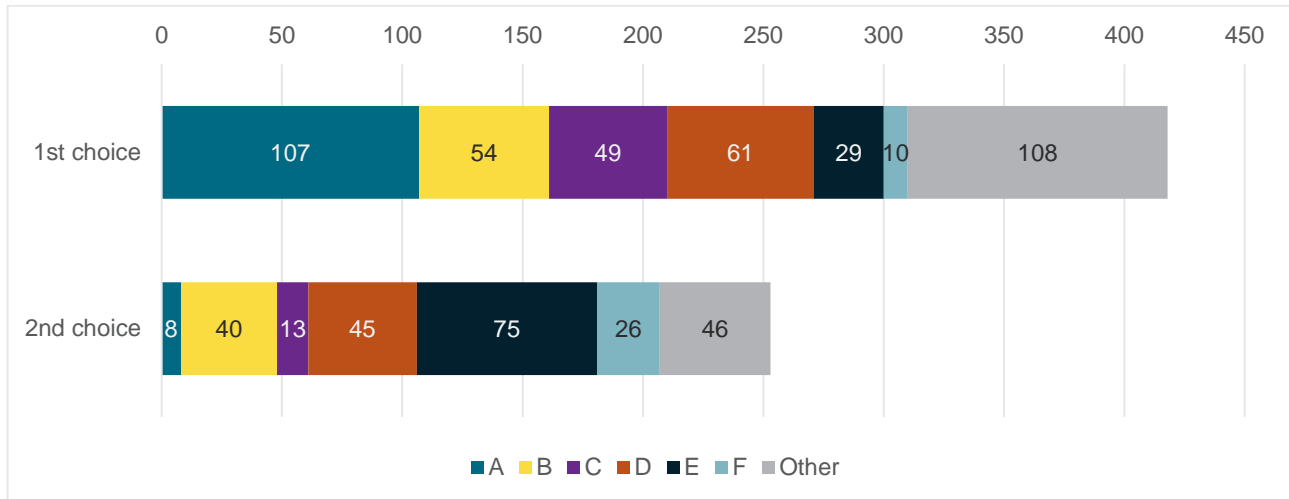


Figure 2: First- and second-choice preferences, combined

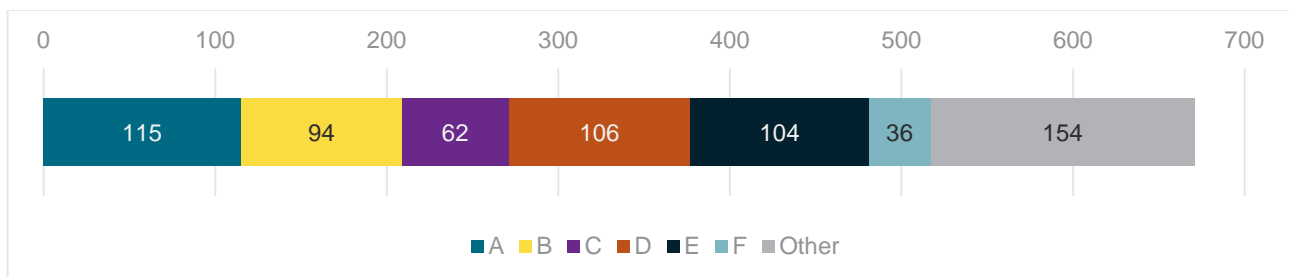
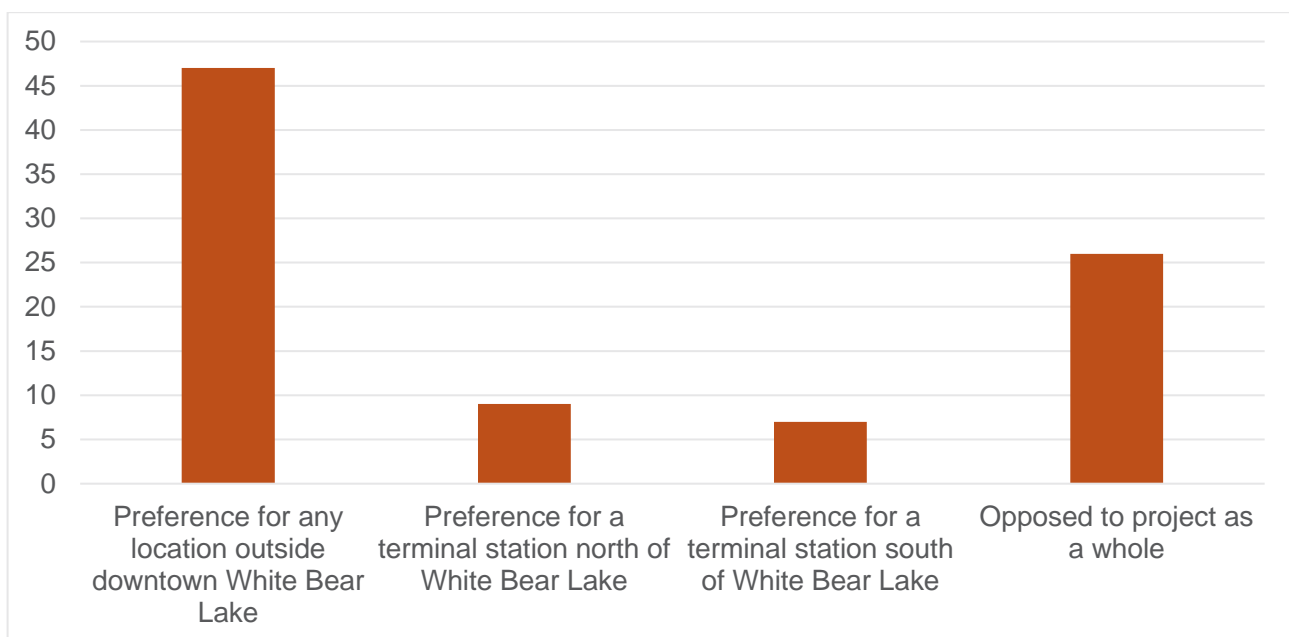


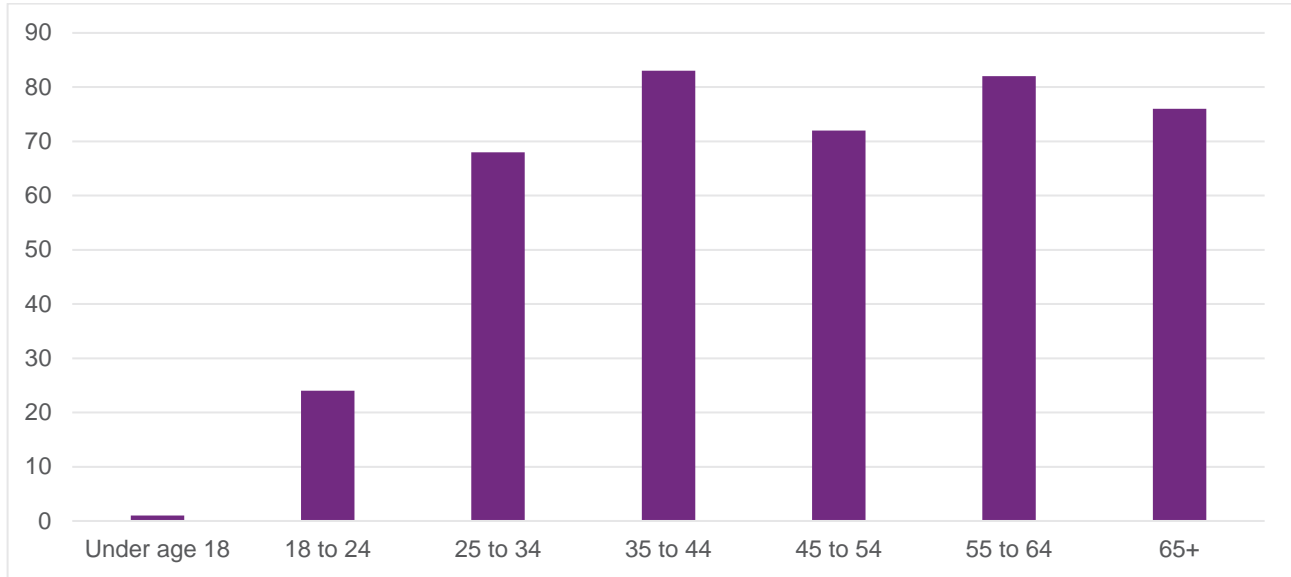
Figure 3: Station location preference - suggestions for "other" location



Survey results are based on input received at the open house and the online survey. While the project received a robust response, the results are reflective of a self-selected group rather than a statistically valid random sample.

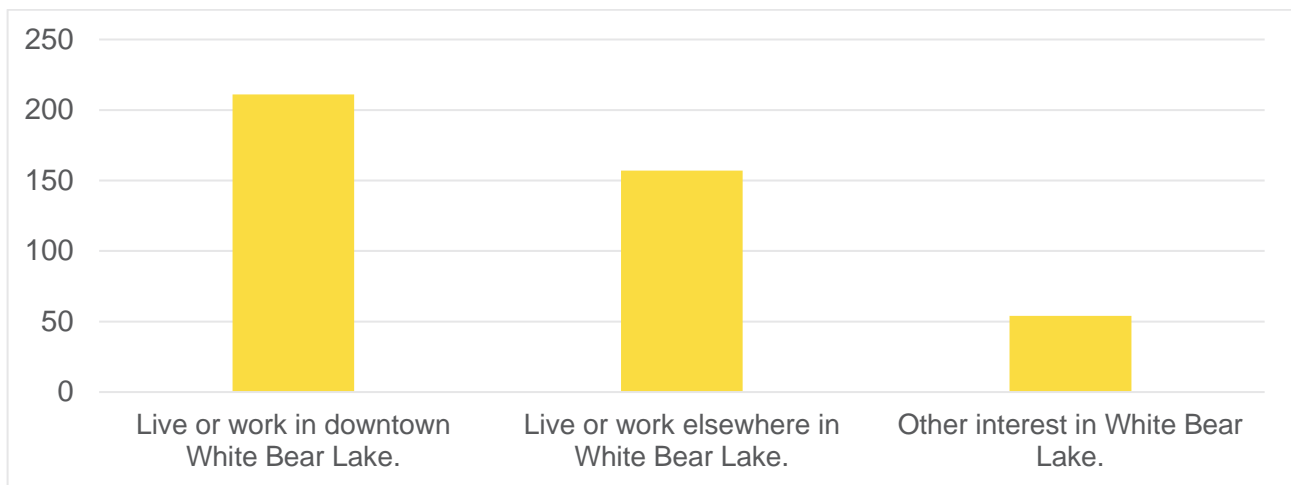
The age of survey respondents and open house attendees was approximately equally distributed among people age 35 to 44 (83 people), age 45 to 54 (72 people), age 55 to 64 (82 people) and age 65 and older (76 people), as seen in Figure 4. There were slightly fewer respondents in the 25 to 34 age range (68 people) and just 25 survey respondents and open house attendees under age 25.

Figure 4: Age of survey respondents and open house attendees



The majority of all survey respondents and open house attendees either work or live in White Bear Lake and approximately half live or work in downtown White Bear Lake specifically, while only about one eighth of respondents and attendees have an interest in White Bear Lake unrelated to home or work, as seen in Figure 5.

Figure 5: Survey respondents' and open house attendees' connection to White Bear Lake



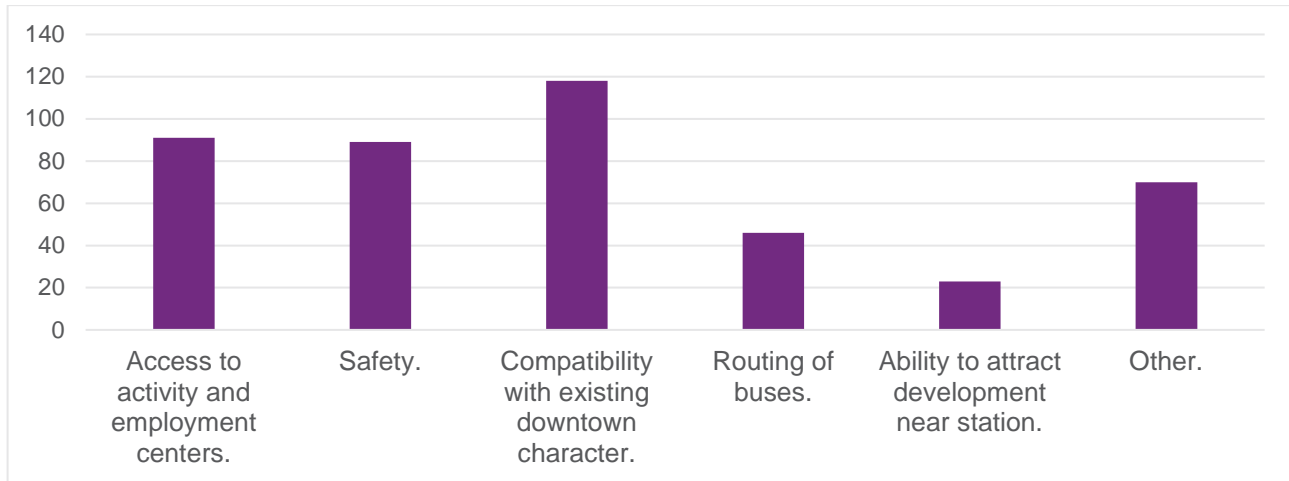
The station location option survey included a question that asked which two elements the project team should weight the most when selecting a station location. The top priority for open house attendees and

Survey results are based on input received at the open house and the online survey. While the project received a robust response, the results are reflective of a self-selected group rather than a statistically valid random sample.



survey respondents was compatibility with existing downtown character, closely followed by safety and access to activity and employment centers, as seen in Figure 6.

Figure 6: Top elements to consider in selecting a station location

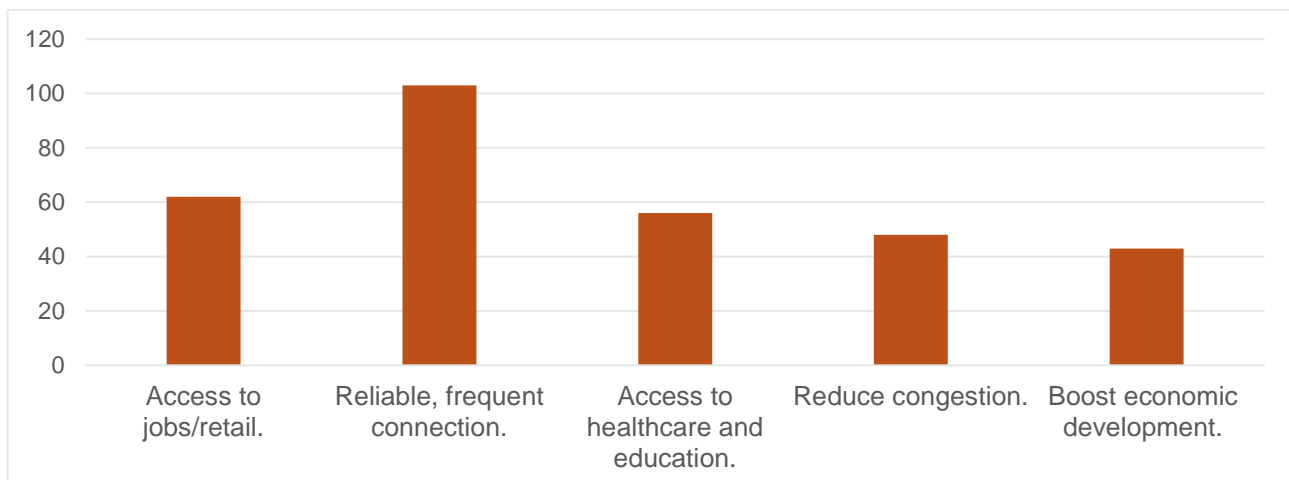


The survey asked how Rush Line BRT could help downtown White Bear Lake, allowing respondents to select all benefits they believed it would bring from the following list:

- Provide access to jobs and retail.
- Provide a reliable and frequent connection to the larger Twin Cities transit network.
- Enable residents to access healthcare and educational services.
- Reduce congestion and parking demand.
- Boost economic development.

The top expected benefit identified was providing a reliable, frequent connection to the larger Twin Cities transit network, followed by access to jobs/retail and to healthcare and education, as shown in Figure 7.

Figure 7: Expected benefits of Rush Line BRT



Survey results are based on input received at the open house and the online survey. While the project received a robust response, the results are reflective of a self-selected group rather than a statistically valid random sample.

February 21, 2019

Mayor and City Council  
City of White Bear Lake  
4701 Highway 61  
White Bear Lake, MN 55110

Re: Support for Rush Line Bus Rapid Transit

Dear Mayor and City Council:

As chair of the Environmental Advisory Commission, I want to forward to Council a recommendation that was made on the behalf of the Commission in support of the proposed Rush Line Bus Rapid Transit in the City of White Bear Lake.

The motion was made and approved at the February 20, 2019 Environmental Advisory Commission meeting as follows:

Commissioner Greenleaf moved, seconded by Commissioner Green, to support the concept of bus rapid transit in the City of White Bear Lake. Bus rapid transit advances our sustainability goals by reducing congestion, consumption of fossil fuels, and air emissions. Motion carried, vote 5/0.

We appreciate your leadership on this project.

Sincerely,

A handwritten signature in cursive script that reads "Gary Schroeder".

Gary Schroeder, Chair  
Environmental Advisory Commission

## Frequently Asked Question

### Will the Rush Line BRT Project Affect Crime Rates?

The information included here is summarized from multiple research reports, which are linked below. In general, research shows that people tend to commit crimes near where they live. It is not common for a person to travel far from a familiar area to commit a crime since they will have less information about potential escape routes or hiding locations. It is also not common for people who commit crimes to use transit during an escape.

Wherever there are higher concentrations of people, crimes of opportunity may occur, however. With this in mind, Metro Transit designs its transit stations following best practices for safety. Rush Line BRT stations would have wide platforms, with video monitoring, good lighting, and emergency call buttons. Metro Transit park and rides also use similar safety features.

Metro Transit has its own licensed police force committed to the safety of its customers and employees. Transit Police officers patrol buses, trains and station areas. Transit Police officers also inspect fares and would do so on the Rush Line as well.

Interested in reading more about this topic? Visit these links for examples of recent research on the relationship between transit and crime:

Metro Transit - Transit Police Website

<https://www.metrotransit.org/police>

A Profile of Public Transportation Passenger Demographics and Travel Characteristics

[https://www.apta.com/resources/statistics/Documents/transit\\_passenger\\_characteristics\\_text\\_5\\_29\\_2007.pdf](https://www.apta.com/resources/statistics/Documents/transit_passenger_characteristics_text_5_29_2007.pdf)

The Incidence and Fear of Transit Crime: A Review of the Literature

[https://www.ufv.ca/media/assets/ccjr/reports-and-publications/Transit\\_Crime\\_2011.pdf?utm\\_source=Feb+FAQs+crime+and+more&utm\\_campaign=feb+10+email&utm\\_medium=email](https://www.ufv.ca/media/assets/ccjr/reports-and-publications/Transit_Crime_2011.pdf?utm_source=Feb+FAQs+crime+and+more&utm_campaign=feb+10+email&utm_medium=email)

Hot Spots of Bus Stop Crime: The Importance of Environmental Attributes

<https://pdfs.semanticscholar.org/8355/3f23f27d4de79eda60a9e2f201f358893f44.pdf>

Thefts of and From Cars in Parking Facilities

[http://www.popcenter.org/problems/parking\\_garage\\_theft/?utm\\_source=Feb+FAQs+crime+and+more&utm\\_campaign=feb+10+email&utm\\_medium=email](http://www.popcenter.org/problems/parking_garage_theft/?utm_source=Feb+FAQs+crime+and+more&utm_campaign=feb+10+email&utm_medium=email)

The Geography of Transit Crime

<https://escholarship.org/uc/item/6631x3cc>



*White Bear Lake*

Economic  
Development  
Corporation

February 20, 2019

To: Mayor Emerson and White Bear Lake City Council Members  
White Bear Lake City Manager, Ellen Hiniker

CC: Ramsey County Regional Rail Authority  
Rush Line BRT Project Staff  
Rush Line Policy Advisory Committee  
Ramsey County Commissioner Victoria Reinhardt

From: White Bear Lake Economic Development Corporation Board

RE: Rush Line BRT Proposal

At the February 14<sup>th</sup> White Bear Lake Economic Development Corporation Board meeting, the following motion was passed regarding the Rush Line BRT proposals being brought before the City Council on February 26<sup>th</sup> and subsequent meetings to follow.

“In recognition of the historical and ongoing parking concerns impacting the economic development of White Bear Lake, the White Bear Lake Economic Development Corporation supports a station stop in downtown White Bear Lake so long as adequate Rush Line user parking is provided north of Hwy. 96(E) or south of Hwy. 96(W), which is not presently addressed in the current concept plan.”

Thank you for your consideration of the board’s action.

REGULAR MEETING OF THE WHITE BEAR LAKE CONSERVATION DISTRICT  
7:00 pm White Bear Lake City Hall  
Minutes of November 20, 2018

APPROVAL DATE: Not approved

1. **CALL TO ORDER** the November 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, Secretary/Treasurer Diane Longville, Directors: Brady Ramsay, Scott Costello, Mike Parenteau, Marty Rathmanner, Brady Ramsay, Barton Winter absent were Directors Geoff Ratte and Susie Mahoney A quorum was present.
3. **AGENDA** - Chair DeSmet asked for any changes to agenda, Diane Longville made a motion to add the Estimated Treasurer's report for December 2018. (Motion/Second) all aye passed
4. **APPROVAL OF MINUTES OF** – October 2018 board meeting Motion (DeSmet/Second) Moved to approve all aye passed.
5. **PUBLIC COMMENT TIME** – None
6. **NEW BUSINESS** - None
7. **UNFINISHED BUSINESS** – Steve McComas presented report of survey and lake treatments for 2018.
8. **REPORTS/ACTION ITEMS**  
**Executive Committee** – The executive committee did not meet this month.
9. **Lake Quality Committee – Mike Parenteau**
  - **Lake Level** – as of today 923.98 1 foot lower than last year and same as last month
  - **Lake water temperature** – 36 degrees lake is partially frozen
  - Have submitted a request to Ramsey County for financial assistance in treating pharamities
10. **Lake Utilization Committee – Mark Ganz**
  - Tally's application – Has been tabled missing required documents
  - Snyder Bay – Motion/Second vote 6 aye 1 abstain Scott Costello passed
  - Alicia Heights – Motion/Second all aye passed
  - Scott Bonin – page 3 missing from application tabled until complete
  - Forest Heights – Motion/Second all aye passed
  - Birchwood Village – Motion/Second all aye passed
  - Wildwood Beach Manor – missing drawings incomplete tabled
  - Polar Bear Plunge – Motion/Second all aye passed
  - Chatuquet – two drawings do not match tabled for questions
11. **Lake Education – Scott Costello**  
The ordinances page has now been cleaned up and updated.
12. **Treasurer's Report** – Motion (Longville/Second) approval of November 2018 Treasurer's report and payment of check numbers 4532-4537 All Aye passed. Motion/Second to accept estimated December 2018 Treasurer's Report all aye passed

**13. Board Counsel**

Have gone through the Tally's file and the only DNR permit called Protected Waters Permit from 1999 is in their file. This permit states they will have permission to have a total of 42 boats. We need to request the most current copy from all commercial bay dock owners Mark will request. Alan will work with Kim on updating application form to include this each year.

**14. Consent Agenda** – Motion (Longville/Second) Move to accept the consent agenda. All Aye Passed.

**15. Announcements** – Bryan is requesting that the board report ice covered date for tracking Scott will provide. Thank you to Barton & Brady for their service on the board.

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

**Meeting adjourned**

ATTEST:

Kim Johnson \_\_\_\_\_  
Executive Administrative Secretary

Date: \_\_\_\_\_

Bryan DeSmet \_\_\_\_\_  
Board Chair

Date: \_\_\_\_\_

# City of White Bear Lake Environmental Advisory Commission

## MINUTES

Date: January 16, 2019	Time: 6:30pm	Location: WBL City Hall
COMMISSION MEMBERS PRESENT	Sheryl Bolstad, Chris Greene, Bonnie Greenleaf, Gary Schroeder (Chair), June Sinnott	
COMMISSION MEMBERS ABSENT	Rick Johnston, Robert Winkler	
STAFF PRESENT	Connie Taillon, Environmental Specialist	
VISITORS	None	
NOTETAKER	Connie Taillon	

### 1. CALL TO ORDER

The meeting was called to order at 6:43 pm.

### 2. APPROVAL OF AGENDA

The commission members reviewed the agenda and had no changes. Commissioner Greenleaf moved, seconded by Commissioner Bolstad, to approve the agenda as presented. Motion carried, vote 5/0.

### 3. APPROVAL OF MINUTES

#### a) December 19, 2018 regular meeting

The commission members reviewed the December 19, 2018 draft minutes and had no changes. Commissioner Greenleaf moved, seconded by Commissioner Green, to approve the minutes of the December 19, 2018 meeting as presented. Motion carried, vote 5/0.

### 4. VISITORS & PRESENTATIONS

None

### 5. UNFINISHED BUSINESS

#### a) Adopt a Drain program

Staff recapped the discussion from last month regarding a possible collaboration with VLAWMO to pilot the Watershed Partners Adopt a Stormdrain in the Goose Lake subwatershed. To participate in the program, the City must join Watershed Partners and pay a yearly membership fee of approximately \$1,800. Commissioners asked why the City must sign up with Watershed Partners to participate in the program being VLAWMO is already a partner, and what do we get for this fee. Staff stated that each organization must have their own membership to participate in the Adopt a stormdrain program. The fee helps to cover the cost of maintaining metro wide Adopt a Stormdrain website and educational materials and allows the City to take part in monthly partner meetings. As a partner, the City can participate in other Watershed Partner initiatives as well.

### 6. NEW BUSINESS

None

### 7. DISCUSSION

#### a) Pollinator plantings in parks

The stormwater & pollinator subcommittee met to discuss potential projects aimed at increasing pollinator plantings in City parks. The subcommittee is proposing projects specifically targeting the replacement of maintained turf grass with pollinator plantings. Chair Schroeder is interested in meeting with the Parks

Commission in February to discuss potential projects and to gather feedback. Staff will work with the Parks Commission liaison to add pollinator plantings to the February Parks Commission agenda. Chair Schroeder will draft an email to the Parks Commission staff liaison requesting to attend the February Parks Commission and briefly describing the goal of increasing pollinator plantings in City parks.

b) Subcommittee updates

See item 7a.

c) Staff updates

- MPCA Site Review

Staff reported the results of the first round of soil-vapor sampling for VOC's at the intersection of County Road E and Bellaire. Property to the North, East, and West of the intersection are below screening levels. To verify the results during the non-heating season, another round of testing will be completed after April 1st. Elevated VOC's were detected in the SW quadrant of the intersection. More investigation is needed to define the southern boundary.

- Rooftop solar

Staff reported that the rooftop solar agenda item is anticipated to go before City Council sometime this winter.

- Environmental Resources Expo

Staff recently contacted the Marketfest coordinator and confirmed that the 2019 Environmental Resources Expo is scheduled for the last Marketfest on Thursday, July 25<sup>th</sup>.

d) Commission member updates

Commissioner Sinnott recapped the Goose Lake stakeholder meeting she attended on January 16th. She stated that VLAWMO staff presented information on the proposed Goose Lake alum treatment project and related revegetation plan. The Oak Knoll Pond spent lime pilot project was also discussed. Staff will email the commission members a link to the VLAWMO presentation and shallow lakes video.

e) Do-outs

Commission members and staff discussed items on the current do-out list and removed completed tasks. The following items were added to the list:

- Chair Schroeder will draft an email to the Parks Commission staff liaison requesting to attend the February Parks Commission; describing the goal of increasing pollinator plantings in City parks; and listing preliminary ideas to help reach the goal.
- Staff will email Metropolitan Council contact information to Commissioner Greenleaf.
- Staff will email a link to the VLAWMO Goose Lake presentation and shallow lakes video posted on the VLAWMO website.
- Staff will continue to research the Adopt a Drain Program and report back at the February meeting.

f) February agenda

Include the Adopt a Drain program, Environmental Resources Expo, and 2019 street reconstruction projects on the February agenda.

**8. ADJOURNMENT**

The next meeting will be held at City Hall on February 20, 2019 at 6:30pm. Commissioner Bolstad moved, seconded by Commissioner Sinnott, to adjourn the meeting at 8:06 pm. Motion carried, vote 5/0.





City of White Bear Lake  
City Manager's Office

## *MEMORANDUM*

**To:** Ellen Hiniker, City Manager  
**From:** Kara Coustry, City Clerk  
**Date:** February 13, 2019  
**Subject:** **Marketfest 2019**

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### **BACKGROUND**

The City has been contributing to Marketfest each year since 1998, after Main Street assumed its operation from the Economic Development Corporation. Because these events provide an economic and social benefit to the City, its residents and its businesses, past assistance has been provided through the non-tax supported Economic Development Fund.

### **SUMMARY**

This year marks the 29<sup>th</sup> year for this family-oriented festival. Held in downtown White Bear Lake from 6:00 p.m. – 9:00 p.m., this year's event commences on June 13<sup>th</sup> and runs seven consecutive Thursdays ending on July 25<sup>th</sup>. Approximately 4500 – 5000 people attend weekly to enjoy music and over 130 vendors for food, arts and crafts, merchandise and services.

The budget for 2019 contains a \$7,000 appropriation for financial support of Marketfest, which assists with electrical, safety, insurance and related operational costs.

### **RECOMMENDED COUNCIL ACTION**

Staff recommends Council adopt the resolution authorizing financial participation in the year's Marketfest.

### **ATTACHMENTS**

Resolution

**RESOLUTION NO.**

**RESOLUTION AUTHORIZING FINANCIAL PARTICIPATION  
IN MARKETFEST - 2019**

**WHEREAS**, Main Street, Inc. through its Marketfest division, has requested and received permission from the City Council to conduct an economic promotion and community celebratory event on seven consecutive Thursdays between June 13 – July 25, 2019, in downtown White Bear Lake including entertainment, art exhibits and sales, food sales and commercial promoters; and

**WHEREAS**, the City Council has determined these events provide an economic and social benefit to the City, its residents and its businesses; and

**WHEREAS**, the City council determined that said benefit warrants financial participation by the City to defray a portion of the cost of Marketfest.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of White Bear Lake, that the City Manager is authorized and hereby directed to arrange for payment from the City's Economic Development Fund an amount not to exceed \$7,000 for the payment of expenses associated with insurance, safety, electrical repairs and entertainment for Marketfest in 2019.

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

Ayes:

Nays:

Passed:

\_\_\_\_\_  
Jo Emerson, Mayor

**ATTEST:**

\_\_\_\_\_  
Kara Coustry, City Clerk



City of White Bear Lake  
City Manager's Office

## MEMORANDUM

**To:** Ellen Richter, City Manager  
**From:** Kara Coustry, City Clerk  
**Date:** February 21, 2019  
**Subject:** **Massage Therapist Licenses – Sun Bear Spa**

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### BACKGROUND

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

### SUMMARY

The City received completed massage therapist license applications from Sunbear Medical Spa and Salon, located at 2207 3<sup>rd</sup> Street, White Bear Lake, MN. The applicants' names are:

- Kayla Hampshire
- Danielle Watters
- Alissa Wilharber

The White Bear Lake Police Department verified the applicants' training credentials, insurance coverage, finances and criminal history reports and found nothing to preclude issuance of the massage therapist licenses for these applicants.

### RECOMMENDED COUNCIL ACTION

Staff recommends the City Council adopt the attached resolution approving issuance of massage therapist licenses for Sunbear Medical Spa and Salon.

### ATTACHMENTS

Resolution

**RESOLUTION NO.**

**RESOLUTION APPROVING MASSAGE THERAPIST LICENSES  
FOR THE BUSINESS CYCLE ENDING MARCH 31, 2019**

**BE IT RESOLVED** by the City Council of the City of White Bear Lake that the following massage related licenses be approved for the business cycle ending March 31, 2019.

**Massage Therapist Licenses**

Kayla Hampshire Danielle Watters Allisa Wilharber	Sunbear Medical Spa and Salon 2207 3 <sup>rd</sup> Street White Bear Lake, MN 55110
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The foregoing resolution, offered by Councilmember \_\_\_\_\_ and supported by Councilmember \_\_\_\_\_, was declared carried on the following vote:

Ayes:

Nays:

Passed:

\_\_\_\_\_  
Jo Emerson, Mayor

**ATTEST:**

\_\_\_\_\_  
Kara Coustry, City Clerk

## Information about Trichloroethylene (TCE) Exposures in Air and the Water Gremlin, Inc. Site

The Minnesota Pollution Control Agency (MPCA) and the Minnesota Department of Health (MDH) are investigating possible community exposures to TCE used by a manufacturer in White Bear Township. Water Gremlin, Inc. at 4400 Otter Lake Road, operates under an air quality permit from the Minnesota Pollution Control Agency to control air emissions from its production process.

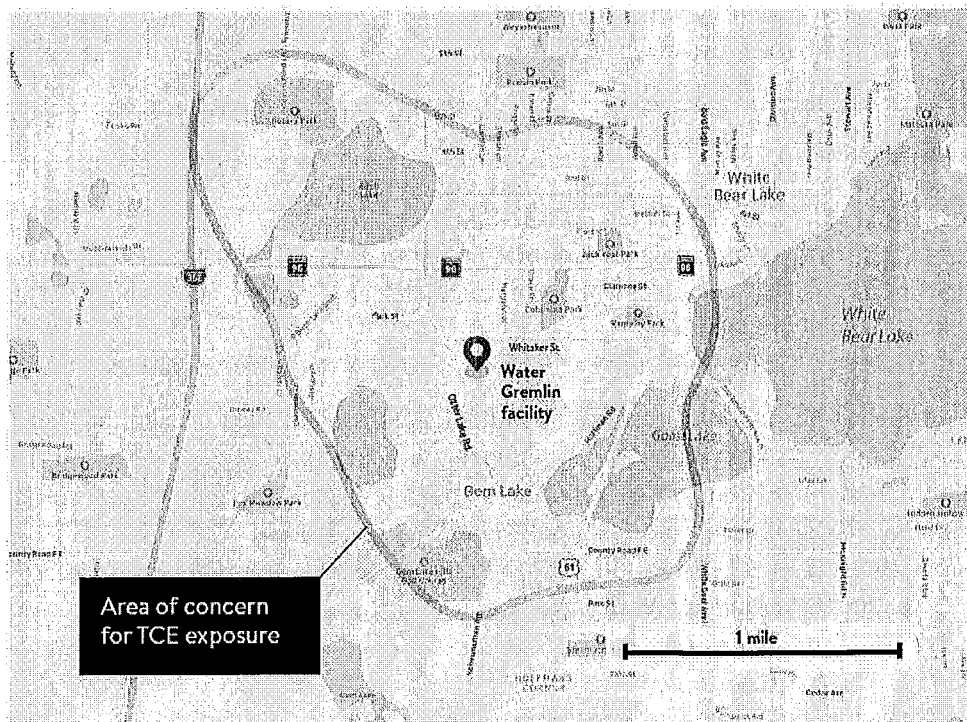
TCE is an industrial solvent that is still commonly used in some industries. Because it is volatile, it can be released to the air during normal operations if not properly controlled. It can also be found in some consumer products, including adhesives, paint and stain removers, and parts cleaners.

The MPCA oversees the permitting of air emissions from industrial facilities. MDH helps provide information about potential exposures and health risks to chemicals in air. The MPCA requested on Jan. 14 that Water Gremlin voluntarily shut down part of their process. The request came after it was discovered that the company was emitting TCE into the air above allowable levels. The company complied with the request on the same day.

The MPCA and MDH are working jointly to assess to what extent exposures may have occurred in the community from the emissions, what the health risks from those exposures are, and if any specific advice is needed for area residents and workers at the facility.

MPCA has modeled the area where TCE levels may have been above the MDH health-based guidance value. The map below shows this area outlined in orange.

Water Gremlin / trichloroethylene (TCE) area of concern



## About TCE health risks

Concentrations of TCE that are typically encountered in outdoor (ambient) air are far below levels where health effects have been demonstrated in people.

The MDH Health-Based Values (HBVs) are action values developed by MDH using available toxicity guidance. The MDH HBV for TCE in ambient air is 2 µg/m<sup>3</sup>. The health-based values are intentionally very protective and are used to set limits on facility emissions to protect the surrounding community. The HBVs are also much lower than the occupational standards for workplaces where the chemicals are used.

Animal studies show developmental effects, such as increases in heart defects and effects on the developing immune system, may occur with TCE exposures. Animal studies also indicate that exposure to TCE can result in effects to immune system and to the kidneys and liver. . Because of the potential for developmental effects, MDH often recommends quick action to reduce or eliminate potential TCE exposures to pregnant women and young children when exposures above the HBV are occurring. Nevertheless, there is no conclusive evidence from epidemiologic studies that TCE exposure causes developmental effects in humans.

Exposures to TCE may also increase the risk of certain types of cancers (kidney, possibly non-Hodgkin's lymphoma, and liver) based on high concentrations in occupational and animal studies (tens to hundreds of thousands of times higher than typical community exposures from air).

## What to know about environmental exposures and health

- In most scenarios where TCE was released into a community in the past, a lack of environmental measurements and other exposure information makes it very difficult to assess individual health risks. Amounts of TCE that people actually breathed over time are unknown and impossible to estimate accurately due to mobility – people coming and going throughout the day.
- MDH and MPCA take a public health approach to protect populations from environmental exposures and prevent health impacts. MDH believes it is important to notify people about potential exposures and encourages the reduction of TCE exposures out of an abundance of caution.

## Information for you and your health care provider

- There is currently no recommendation for any additional medical testing to confirm exposure. TCE does not remain in the body for more than a few days. Other medical tests should only be done at the discretion of a physician, with the intention of monitoring and promoting overall health.
- Additional recommendations if a woman is pregnant:
  - The risk of fetal heart defects from TCE exposure is theoretical and is presumed to be highest in the first 8 weeks of pregnancy.
  - There is no need for fetal echocardiography for potential TCE exposures.
  - No alterations in regular prenatal care are required.
  - The best thing pregnant women can do for the health of their baby is to focus on increasing good fetal health outcomes through active living, healthy food choices, smoking cessation, abstaining from alcohol and drugs, and attending regular prenatal care

## Resources

- For information about TCE and health, contact the MDH Site Assessment and Consultation Unit at 651-201-4897 or [health.hazard@state.mn.us](mailto:health.hazard@state.mn.us) or visit the MDH website at [www.health.state.mn.us/](http://www.health.state.mn.us/)
- For site-specific information, visit the MPCA webpage: [Water Gremlin: trichloroethylene \(TCE\) area of concern at www.pca.state.mn.us/air/water-gremlin-trichloroethylene-tce-area-concern](http://www.pca.state.mn.us/air/water-gremlin-trichloroethylene-tce-area-concern)
- For general information about TCE and Health, view the Agency for Toxic Substances and Disease Registry (ATSDR) TCE webpage - [www.atsdr.cdc.gov/substances/toxsubstance.asp?toxid=30](http://www.atsdr.cdc.gov/substances/toxsubstance.asp?toxid=30)

## Investigation into past TCE emissions from Water Gremlin, Inc.

Water Gremlin is a manufacturer of fabricated metal products made from lead. Battery terminal posts are the primary products, and account for the majority of production at the facility. The Water Gremlin campus includes a manufacturing facility at 4400 Otter Lake Road in White Bear Township, Minn.

The facility operates under an air quality permit issued by the Minnesota Pollution Control Agency, and uses a solvent called trichloroethylene (TCE) in its manufacturing process. TCE is highly volatile, and during manufacture it is released into the air. The resulting TCE emissions are captured by vent hoods, which route the emissions to pollution control equipment designed to capture the TCE and scrub it from the gas stream before being exhausted from the building. The control equipment is designed to condense the majority of the TCE in the gas stream into liquid form, where it is captured and disposed of according to hazardous waste regulations.

When the equipment is working as designed, it can remove up to 95% of the TCE that comes off the manufacturing process. The remaining amount is small enough that it can be safely emitted from the building. While there are not federal or state standards for TCE emissions, the allowable level of TCE in outdoor air is set by the Minnesota Department of Health using a "health benchmark." The total amount of TCE Water Gremlin is allowed to emit is limited by the permit in order to ensure that levels in outdoor air are well within the MDH benchmark.

However, in the summer of 2018 the MPCA learned that the control equipment was not functioning as it was supposed to. The agency then began an exchange of information with the company that resulted in the discovery on January 11, 2019 that TCE may in fact have been emitted from the facility at levels well in excess of the MDH health benchmark. The TCE production line was shut down on January 14, 2019.

### What is TCE and what are its effects?

Trichloroethylene (TCE) is used as a solvent for degreasing metal parts during the manufacture of a variety of products. It can be found in consumer products, including some wood finishes, adhesives, paint removers, and stain removers. TCE can also be used in the manufacture of other chemicals.

Exposure can result in effects to the immune and reproductive systems, liver, kidneys, central nervous system, and may affect fetal development during pregnancy. Long-term exposures to TCE can increase the risk for certain types of cancer.

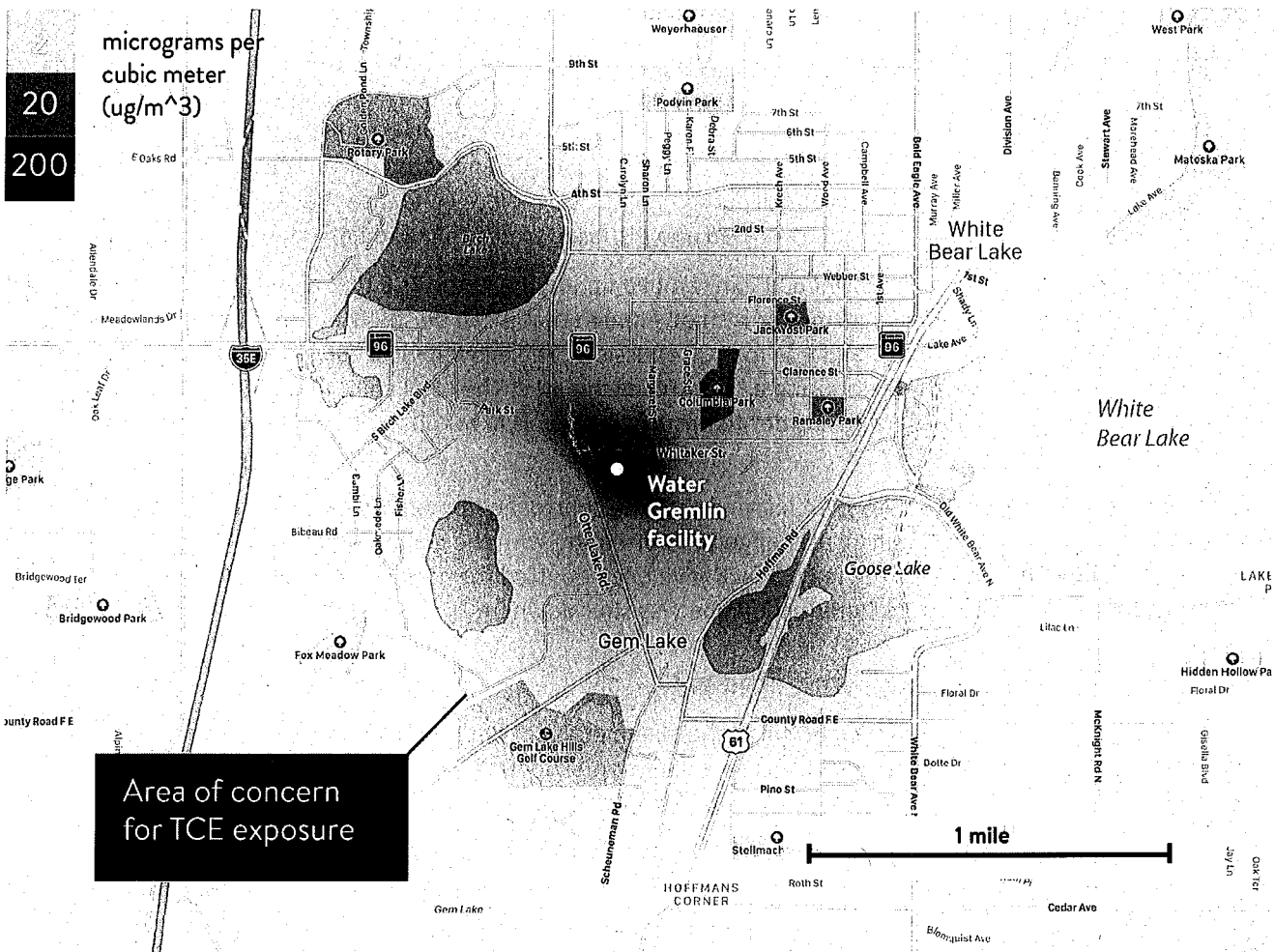
Since the shutdown at Water Gremlin, TCE is no longer being released into the air. Because it is not commonly measured in outdoor air, there is little information about what the actual public exposures may have been. This makes it very difficult to assess individual health risks. The potential for a person to actually experience a health effect depends on the amount of a chemical that a person is exposed to and the length of the exposure. Exposures to chemicals for most people are likely to be at low levels for part of a day, or part of a year, etc., and according to the Minnesota Health Department these types of exposures are unlikely to be associated with health effects.

## How is the area of concern defined?

The MPCA has records from the company going back to 2009 of how much TCE the company used and how much was collected as liquid from the control equipment. Comparing these amounts provides an estimate of TCE emitted into outdoor air. Using this information, along with what is known about how TCE disperses in the air and historical data on meteorology (wind, temperature, etc.), the agencies were able to roughly map an area within which people may have been exposed to TCE above the MDH recommended health benchmark.

Note that the map is based on 2018 data, the year the facility reported the most TCE used, so represents a worst-case scenario. In other years the amount of TCE emitted may have been lower.

## Water Gremlin / trichloroethylene (TCE) area of concern



*The map shows the area of concern for TCE emissions from Water Gremlin. 2 micrograms per cubic centimeter of air is the MDH health benchmark for TCE in outdoor air.*

## What will happen moving forward?

The production line that emitted TCE is shut down and will remain so until the agency is assured that the company can fully comply with all of the health standards, as well as enhanced reporting and air monitoring requirements. The company has agreed to replace TCE with an alternative product that is safer, and is also replacing the pollution control equipment. If an agreement is reached between the MPCA and company, it will be detailed in a legally binding document, which will include the enhanced reporting and monitoring



requirements as well as conditions for operations. The document will also likely include penalties for past non-compliance with the air permit. A timeline for the facility to resume production is not yet determined.

The MPCA will also be re-issuing the air quality permit in the near future. The community will be notified and will have opportunities to review and comment on the draft permit prior to issuance.

## For more information

The MPCA and MDH both have websites with information about this situation.

- MPCA: <https://www.pca.state.mn.us/featured/state-investigating-chemical-exposure-white-bear-township>
- MDH: <https://www.health.state.mn.us/communities/environment/hazardous/sites/watergremlininc.html>

If you'd like to speak with staff at either agency, you can call 651-201-4897 (leave a message for a call-back) or email [health.hazard@state.mn.us](mailto:health.hazard@state.mn.us).

You can also subscribe to an email list that MDH and MPCA will use to communicate about Water Gremlin. To subscribe, visit [https://public.govdelivery.com/accounts/MNPCA/subscriber/new?topic\\_id=MNPCA\\_357](https://public.govdelivery.com/accounts/MNPCA/subscriber/new?topic_id=MNPCA_357)

## Frequently Asked Questions

### **WATER GREMLIN, INC. TCE EMISSIONS**

#### **TCE emissions**

#### **What is TCE and how does Water Gremlin use it?**

Trichloroethylene (TCE) is a man-made chemical that can be a liquid or gas. It is mainly used as a solvent in manufacturing to degrease metal parts. It can also be used in the production of other industrial chemicals. A variety of home products may contain TCE, including wood finishes, glues and adhesives, paint or paint removers, spot cleaners, and metal cleaners. Breathing TCE, especially at high levels or over long periods of time, can cause negative health effects. Water Gremlin has used TCE to clean and coat the battery terminal posts prior to battery assembly at other facilities.

#### **Where is Water Gremlin located?**

Water Gremlin makes fishing sinkers and battery terminals, and is located at 4400 Otter Lake Road in White Bear Township.

#### **How are the Water Gremlin facility's TCE emissions controlled?**

The facility has a current air emissions permit that requires the use of control equipment to reduce emissions of VOCs (volatile organic compounds, TCE is a VOC). The facility's pollution control system for TCE uses a carbon "adsorber." Exhaust from the TCE process is vented through the adsorber, where the TCE is condensed out and collected for proper disposal.

Water Gremlin's MPCA-issued air quality permit contains emission limits for TCE and specifies how the control equipment should be operated and what kinds of monitoring and reporting they are required to do.

#### **How did TCE escape from the facility?**

The pollution control equipment that was supposed to capture the TCE emissions was not working properly. It appears that Water Gremlin's pollution control device lost efficiency quicker than expected, to the point where it was functioning at various levels of control, including barely functioning. This allowed TCE to be vented from the building at levels that may have been much higher than allowed.

#### **How long have these emissions been occurring?**

Based on our investigation, MPCA has found that elevated TCE emissions have been occurring since 2009, with 2018 seeing the highest level of emissions. We are working to determine if increased TCE emissions occurred prior to 2009.

## How far did they travel?

MPCA staff have run computer models that suggest the area of concern for TCE emissions is roughly 1 to 1 ½ miles from the facility. This is a conservative estimate, meaning the reality could be less.

## Has the MPCA measured TCE in the air near the facility?

There have been no historical measurements of TCE in outdoor air at the property boundaries. Data the MPCA has about TCE emissions is based on computer modeling using information such as amounts of TCE used at the facility, historical weather, and other factors.

## Why wasn't this caught sooner?

The facility is required to operate the pollution control equipment any time they are coating with TCE, and to operate it in a way that maintains 95% control of TCE emissions. We now know the device was not achieving that level of control. The MPCA inspected the facility several times over the years while the equipment was operating, but the fact it wasn't achieving the required control was not reported by the company nor apparent to the inspectors.

## Why are they still operating if they did this?

The MPCA has authority to order a shutdown if public health may be endangered. We requested Water Gremlin to shut down the TCE line on January 14, 2019 and they did so the same day. That production line remains shut down. They can continue to operate their other processes that do not involve TCE.

The TCE line will remain shut down until the MPCA and MDH are confident that public health will be protected.

## Did MPCA inspect the Water Gremlin facility?

MPCA inspectors visited the facility several times over the years. The last inspection was in 2017, and no violations were identified.

## Are they going to be penalized?

The MPCA has an open enforcement case regarding the TCE emissions that could result in penalties or other legal actions.

## Health effects

### What are the health effects of TCE?

With most environmental contaminants, the risk to a person is generally determined by the amount of exposure, duration of exposure, and the toxicity of the substance.

Elevated levels of TCE exposure may increase the risk of certain types of cancers (kidney, possibly non-Hodgkin's lymphoma, and liver) over a lifetime.

While there is no conclusive evidence from epidemiologic studies that TCE exposure causes developmental effects in humans, animal studies show exposure to elevated levels of TCE may be associated with developmental effects such as increases in heart defects and effects on the developing immune system. Animal studies also indicate that TCE can cause thymus and kidney changes.

## What does MDH do when there is concern about TCE exposure?

Concentrations of TCE that are typically encountered in outdoor air are very low. The State of Minnesota and its partners work to prevent exposures at levels that might cause illness.

As a part of that effort, MDH develops and publishes Health-Based Values (HBVs) – concentration of a chemical that is likely to pose little or no risk to human health. These HBVs are developed by MDH using available toxicity guidance from the body of available scientific evidence. They are intentionally very protective and can be used to set limits on facility emissions to protect the surrounding community. The HBVs are also much lower than the occupational standards for workplaces where the chemicals are used.

Because of the potential for health effects, MDH often recommends quick action to reduce or eliminate potential TCE exposures to pregnant women and young children when exposures above the HBV are occurring.

## How significant were the exposures in the affected community?

While levels of TCE in the air near the facility appear to have been higher than the MDH HBVs, perhaps over several years, the HBVs incorporate multiple safety factors intended to protect against human health impacts. The HBVs are based on the assumption that one is breathing the air 24 hours a day, 7 days a week, for up to a lifetime. Actual exposures tend to be less due to the mobility of the population and changes in weather/wind direction.

## What do the exposures mean for people who live near the facility?

The level of exposure to TCE in the community is not expected to present any immediate health risk. However, people with concerns about long-term health impacts may wish to discuss the issue with their health-care providers.

## What about workers at the facility?

Exposures for workers inside the facility may not have been the same as for people who lived in the area. Workplace safety is regulated by the Occupational Safety and Health Administration, and workers at the facility who have concerns are encouraged to contact OSHA at 651-284-5050 or [www.dli.mn.gov/about-department/our-areas-service/minnesota-osa-compliance](http://www.dli.mn.gov/about-department/our-areas-service/minnesota-osa-compliance).

## What should I do if I believe I or my family was exposed?

MDH has provided information about this issue to doctors, clinics and other health care providers in the area. If you are concerned that you or a family member may have health effects as a result of TCE exposure, please contact your health care provider to discuss your concerns.

## **How can I find out more about this situation?**

MDH and MPCA have information on their websites about this situation, at <http://www.health.state.mn.us/divs/eh/hazardous/sites/ramsey/watergremlininc.html> and <https://www.pca.state.mn.us/air/water-gremlin-trichloroethylene-tce-area-concern> where we will post latest information. There you can sign up for an email list to stay informed on this situation. You can also contact either the MPCA or MDH at 651-201-4897 (leave a message for a call-back) or [health.hazard@state.mn.us](mailto:health.hazard@state.mn.us).



# Water Gremlin Company

4400 OTTER LAKE ROAD., WHITE BEAR TOWNSHIP, MINNESOTA 55110, USA

February 7, 2019

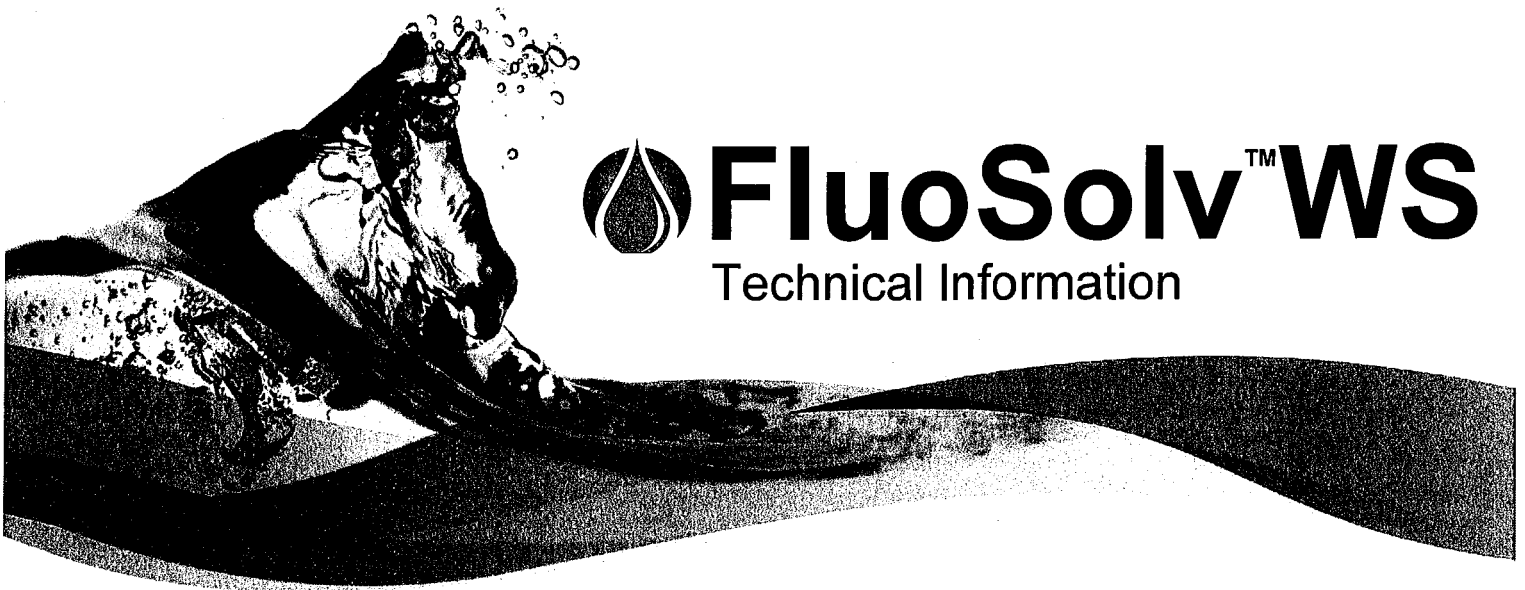
## **Information about alternative solvent**

Water Gremlin will no longer use trichloroethylene (TCE). We have removed all TCE from the premises.

The company has submitted an application to restart coating operations with an alternate solvent (FluoSolv) that is not a hazardous air pollutant.

We will not restart operations until we are in full compliance with MPCA requirements.

Attached is additional information about FluoSolv.



# FluoSolv™ WS

## Technical Information

### *Heavy Duty Ultrasonic Liquid Immersion Solvent*

#### Introduction

FluoSolv® WS is a proprietary blend of non-flammable hydrofluoroethers (HFEs) and trans-1,2-dichloroethylene (t-DCE) designed for degreasing of metal parts.

FluoSolv® WS is ideally suited for heavy-duty metal cleaning application in liquid-immersion ultrasonic machines to remove high-viscosity oils, greases and paraffin wax.

FluoSolv® WS is a drop-in replacement for TCE, n-propyl bromide (nPB) and similar aggressive heavy duty chlorinated solvents.

FluoSolv® WS solvent blending technology leverages the chemical solvency of the fluid as well as its physical properties such as high density, low surface tension and low viscosity for optimal cleaning performance. It also provides excellent chemical solvency for polymeric gels, lubricants etc. and can be used as a convenient carrier fluid.

FluoSolv® WS is very effective as an aerosol cleaner where tough to remove soils require aerosolized delivery of solvent.

#### User Benefits

NuGenTec FluoSolv® WS is ideally balanced to deliver performance, worker safety and desirable environmental properties.

- Non-ozone depleting chemical (ODC)
- Drop-in replacement for PERC, TCE & n-PB
- Low global warming potential (GWP)
- Low toxicity; high allowable exposure limit (AEL);
- Non-Flammable; Non-Hazardous
- Chemically stable; will not go acid

#### Material Compatibility

FluoSolv® WS is compatible with all metals, ceramic and other non-conducting materials. Most elastomeric materials are compatible except fluoroelastomers such as Viton & Kalrez which tend to swell. It is recommended that all materials be tested prior to use.

