



AGENDA
REGULAR MEETING OF THE CITY COUNCIL OF
THE CITY OF WHITE BEAR LAKE, MINNESOTA
TUESDAY, APRIL 23, 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 April 9, 2019

3. APPROVAL OF THE AGENDA

4. VISITORS AND PRESENTATIONS

A. Special Olympics recognition of the White Bear Lake Police Department

B. Jason Brown – White Bear Boat Works

5. PUBLIC HEARINGS

A. Annual public meeting and 2018 Annual Report on the City's Storm Water Pollution Prevention Program

6. LAND USE

A. Consideration of a Planning Commission recommendation of approval of the DRAFT 2040 Comprehensive Plan and authorize distribution to affected jurisdictions for review. (Case No. 17-1-CP)

7. UNFINISHED BUSINESS

Nothing scheduled

8. ORDINANCES

Nothing scheduled

9. NEW BUSINESS

A. Resolution extending the Cable Commission Franchise

B. Resolution accepting bids and awarding contract for the 2019 Bituminous Seal Coating Project, City Project No. 19-02

C. Resolution accepting bids and awarding contract for the 2019 crack sealing program, City Project No. 18-03

10. CONSENT

- A. Acceptance of Minutes of the White Bear Lake Conservation District; Environmental Advisory Committee
- B. Resolution authorizing wine, 3.2 and Sunday liquor licenses for Waters Senior Living Management
- C. Resolution authorizing extension of a rental agreement with Comcast
- D. Resolution denying massage business establishment license

11. DISCUSSION

- A. Bruce Vento Trail update

12. COMMUNICATIONS FROM THE CITY MANAGER

13. ADJOURNMENT



**MINUTES
REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF WHITE BEAR LAKE, MINNESOTA
TUESDAY, APRIL 9, 2019
7:00 P.M. IN THE COUNCIL CHAMBERS**

1. CALL TO ORDER AND ROLL CALL

Mayor Emerson called the meeting to order at 7:01 p.m. Councilmembers Doug Biehn, Dan Jones, Steven Engstran and Bill Walsh were present. Councilmember Kevin Edberg was excused absence. Staff members present were City Manager Ellen Hiniker, Community Development Director Kane, Finance Director Kerri Kindsvater, City Engineer 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 March 26, 2019

It was moved by Councilmember **Biehn** seconded by Councilmember **Jones**, to approve the Minutes of the Regular City Council Meeting on March 26, 2019.

Motion carried unanimously.

3. APPROVAL OF THE AGENDA

It was moved by Councilmember **Engstran** seconded by Councilmember **Jones**, to approve the agenda as presented.

Motion carried unanimously.

4. VISITORS AND PRESENTATIONS

Nothing scheduled

5. PUBLIC HEARINGS

A. Resolution approving multifamily housing Revenue Note (Century Hills Project), Series 2019 conduit debt

Community Development Director Kane reported that Century Hills Partners is requesting final authorization to proceed with the issuance of \$6 million in tax-exempt conduit revenue bonds. Century Hills will use proceeds to acquire, rehabilitate and equip an existing 55-unit affordable multi-family rental property located at 3525 Century Avenue.

Ms. Kane reported that notice was published on March 20th and draft documents have been on file with the City Clerk for public review. The public hearing is intended to provide the opportunity for interested individuals to express their views on the Project and

the proposed issuance of bonds for the purpose of acquiring, rehabilitating and equipping of the existing multi-family property.

Ms. Kane reiterated the note will not constitute a general or moral obligation of the City, will not be secured or payable from any property or assets of the City and will not be secured by any taxing power of the City. The City is merely serving as the conduit issuer for Century Hills to borrow funds at a low interest rate and to designate the note as a “qualified tax-exempt obligation.”

Ms. Kane reported the owners intend to renew their Housing Assistance Payment contract with the Department of Housing and Urban Development when it expires in 2020, which will maintain affordability of 100% of the units at the property for an additional 20 years. Staff believes the rehabilitation of Century Hills will retain quality affordable housing in White Bear Lake, which is consistent with local and regional plans to preserve and expand affordable housing opportunities within the community.

Ms. Kane forwarded staff’s recommendation that Council adopt the attached resolution authorizing the Mayor and City Manager to execute the revenue note for the benefit of Century Hills Partners. She pointed out that Gina Fiorini with Kennedy and Graven is also available to answer any questions of Bond Council.

Mayor Emerson 7:05 p.m. opened the public. As no one came forward, Mayor Emerson closed the public hearing.

It was moved by Councilmember **Jones**, seconded by Councilmember **Biehn**, to adopt **Resolution No. 12375** approving multifamily housing Revenue Note (Century Hills Project), Series 2019 conduit debt.

6. LAND USE

A. Consent

Nothing scheduled

B. Non-Consent

1. Consideration of a Planning Commission recommendation of approval of a request by Honsa Family Funeral Home for an Amendment to an existing Conditional Use Permit to allow a building addition at 2460 County Road E (93-15-Sa)

Ms. Kane stated the subject site is located on the south side of County Road E just west of Bellaire Avenue and is zoned B-2, Limited Business. The property is just over an acre in area and contains a 5,000 square foot funeral home with a 56-stall parking lot. The owner, Terry Honsa, would like to construct a 1,000 square foot addition on the east side of the building. Consequently, she is requesting an amendment to the existing conditional use permit for 1,020 square foot building addition and to replace every other tree along the south side of the parking lot.

Ms. Kane reported that the building addition would be used for office and casket display. The former casket display area will be remodeled for use as a larger family lounge area, which provides families a place for privacy during a service.

The building addition is designed to match the existing building and it complies with all setback requirements. There is a new door on the south side of the addition, but it is for employees only. The ground slopes towards the building on one side, so a drainage plan will be required to insure that run-off is addressed properly.

Ms. Kane explained that the approved landscape plan requires 21 evergreens along the entire length of the south property line. The area was overplanted, and there are 24 evergreens in this area. To alleviate a neighbor's concern, the Planning Commission recommended a condition that if any tree dies, it shall be replaced by a similar type evergreen at least 6 feet in height.

Ms. Kane forwarded the Planning Commission recommendation for approval of the amendments to the Conditional Use Permit, subject to the conditions listed in the draft resolution.

The applicant, Terry Honsa of 2522 Cedar Avenue, clarified the tree line runs east-west along the southern border of their parking lot. She stated the shade from these trees makes it difficult to clear snow. She also spoke with neighbors who would be impacted by smaller 3-foot trees rather than 6-foot trees and stated there were fine with a smaller tree size.

Councilmember Biehn inquired as the 6-foot tree requirement versus the applicant's request to plant 3-foot trees. Ms. Kane stated that for commercial properties, the code for evergreens requires six feet in height.

Councilmember Jones further questioned the 6-foot tree requirement. City Attorney Gilchrist explained that the tree size is a matter of policy. He pointed out that the only way an applicant could deviate from that City Code requirement would be through the variance process. Mr. Gilchrist mentioned the City Council could look at amending its code in the future.

Councilmember Walsh mentioned that he assumes the 6-foot requirement stems from survivability. Ms. Kane added it is also for screening and mentioned that a 6-foot requirement is an industry standard. He stated he is satisfied with the Planning Commission recommendation.

It was moved by Councilmember **Walsh**, seconded by Councilmember **Biehn**, to adopt **Resolution No. 12376** approving a request by Honsa Family Funeral Home for an Amendment to an existing Conditional Use Permit to allow a building addition at 2460 County Road E.

Motion carried unanimously.

7. UNFINISHED BUSINESS

Nothing scheduled

8. ORDINANCES

Nothing scheduled

9. NEW BUSINESS

A. Resolution approving adoption of the Ramsey County Multi-Hazard Mitigation Plan

City Manager Hiniker stated that Bryan Mayer with Ramsey County Emergency Management was present to answer any questions about the report. She reported that Captain Hager has been involved with the construction of the White Bear Lake portion of the Ramsey County Multi-Hazard Mitigation Plan for a few years. Ms. Hiniker stated that Ramsey County's plan has been approved by the Federal Government and it is now incumbent upon the City to adopt the plan so it can be implemented.

Ms. Hiniker explained that the plan defines different processes the City could implement and improve upon in order to minimize the effects of bad weather. Bryan Mayer added that items called out in the plan are provided to ensure they would be covered under different funding streams that may become available in an emergency.

It was moved by Councilmember **Biehn**, seconded by Councilmember **Jones**, to adopt **Resolution No. 12377** approving adoption of the Ramsey County Multi-Hazard Mitigation Plan.

B. Resolution accepting bids and awarding contract for the 2019 Street Reconstruction Project, City Project No. 19-01 & 19-06

City Engineer Kauppi reported that the Engineering Department received four (4) bids for the 2019 Street Reconstruction Project on April 3, 2019 with Forest Lake Contracting, Inc. submitting the lowest base bid of \$2,150,327.05. The low bid was 17% under the Engineer's estimate without the contingency. Mr. Kauppi stated that Forest Lake did an excellent job last year and are qualified to complete the work proposed.

Mr. Kauppi forwarded a recommendation that Council receive the bids and award a contract to Forest Lake Contracting, Inc. for the total base bid amount of \$2,150,327.05 plus Bid Alternates A1, A2, A3, A4 and A5 in the amount of \$121,930 for residential driveways and Bid Alternate 2 in the amount of \$9,000 for early completion in September, for a total contract of \$2,281,257.05.

It was moved by Councilmember **Biehn**, seconded by Councilmember **Engstran**, to adopt **Resolution No. 12378** accepting bids and awarding contract for the 2019 Street Reconstruction Project, City Project No. 19-01 & 19-06.

C. Resolution accepting bids and awarding contract for the 2019 Mill and Overlay Project, City Project No. 19-04 & 19-13

City Engineer Kauppi reported that seven (7) bids were received for the 2019 Mill and Overlay Project with T.A. Schifsky & Sons, Inc. of North St. Paul, Minnesota submitting the lowest base bid of \$713,619.85. The low bid was 13% under our Engineer's estimate without the contingency. T.A. Schifsky & Sons, Inc. is qualified to complete this work.

Mr. Kauppi forwarded a recommendation that the City Council accept the bid and award the 2019 Mill and Overlay Project to T.A. Schifsky & Sons, Inc

It was moved by Councilmember **Engstran**, seconded by Councilmember **Jones**, to adopt **Resolution No. 12379** accepting bids and awarding contract for the 2019 Mill and Overlay Project, City Project No. 19-04 & 19-13.

- D. Resolution ordering project, approving plans and authorizing advertisement for bids for the 2019 Sanitary Sewer Lining Program, City Project No. 19-07

City Engineer Kauppi reported since 1994 a total of 13 miles of sewer lining has been installed. There is a total of 120 miles of sanitary sewer lines in the system, with 20 miles comprised of more modern materials (PVC pipe). The remaining 100 miles of sanitary sewer pipe is clay tile of which approximately 70% has been televised.

Mr. Kauppi reported that each year the City focuses on mitigation in areas with reported cracks, offset joints and root intrusion. Each year because of ongoing maintenance efforts, the City experiences fewer sanitary sewer back-ups, with a little as a couple per year. Mr. Kauppi stated that \$125,000 was allocated in the budget for this maintenance project. He stated the City would like to line more sewers this year and asked Council to adopt the resolution authorizing advertisement for bids for the 2019 Sanitary Sewer Lining Program.

It was moved by Councilmember **Engstran**, seconded by Councilmember **Jones**, to adopt **Resolution No. 12380** ordering project, approving plans and authorizing advertisement for bids for the 2019 Sanitary Sewer Lining Program, City Project No. 19-07.

10. CONSENT

- A. Acceptance of White Bear Lake Conservation District Minutes, February Park Commission Minutes, February Environmental Advisory Commission Minutes March Planning Commission Minutes
- B. Resolution Accepting a Donation of \$2,453.38 from the White Bear Lake Fire Relief Association for the purchase of a set of struts. **Resolution No. 12381**
- C. Resolution authorizing the City Manager to execute the Washington County Recycling Grant Agreement. **Resolution No. 12382**
- D. Resolution approving a temporary liquor license for the Church of St. Pius X. **Resolution No. 12383**

It was moved by Councilmember **Biehn**, seconded by Councilmember **Jones**, to adopt the consent agenda as presented.

Motion carried unanimously.

11. DISCUSSION

- A. Summary presentation of Land Use section of the Comprehensive Plan

Community Development Director Kane explained that the Metropolitan Council requires municipalities to update its Comprehensive Plan every ten years. Land Use is just one of six required sections of the plan. Ms. Kane reported the City is expected to

add over 1,500 residents, 500 jobs and an additional 1,200 households between 2020 and 2040. To accommodate this anticipated growth in a fully built environment, there are limited opportunities for future development. Ms. Kane identified the following parcels in the Comprehensive Plan for their potential to support redevelopment to accommodate future anticipated growth.

Property	Current Land Use	Future Land Use
Kyle Property	Park, Rec & Open Space	Medium Density Residential
Book Farm Parcel	Medium Density Residential	Same Use: Future Opportunity Site
Long Avenue	Commercial	Arts & Cultural Mixed Use
Former Public Works Site	Public/Semi-Public	Transit Oriented Development
Marina Triangle Phase II	Lake Village Mixed Use	Same Use: Future Opportunity Site
Auto Dealers	Commercial	Transit Oriented Development
Auto Dealers II	Commercial	Transit Oriented Development
New Public Works Site	Commercial	Public/Semi-Public & Industrial
E County Rd E & Linden Ave	Commercial	Transit Oriented Development
Wildwood Mall	Commercial	Neighborhood Mixed Use
County Rd E & Bellaire Ave.	Commercial	Neighborhood Mixed Use
Rolling View Drive	Commercial	Public/Semi-Public & Low Density Res.
Rooney's Farm	Low Density Residential	Same Use: Future Opportunity Site
Former Bellaire Clinic	Medium Density Residential	Same Use: Future Opportunity Site
Karth Road Properties	High Density Residential	Same Use: Future Opportunity Site
Various Downtown Sites		Potential Future Opportunities

Ms. Kane reported that the Planning Commission approved the Draft 2040 Comprehensive Plan Update after holding two public hearings. The draft plan will be brought forward for Council consideration on April 23, 2019.

12. COMMUNICATIONS FROM THE CITY MANAGER

- Jason Brown has been working to chop up the ice near the docks in an effort to head off anticipated high winds that threaten to push ice into the docks. Lights may be shining on the lake in the middle of the night.
- Staff continues to work on action plans to support the strategic plan and will bring it back to the Council in May.
- Laptops will be made available to Council for use in the Council Chambers through funding from Ramsey Washington Suburban Cable Commission.
- Mayor Emerson reported hearing a report from the Commissioner of Labor at Specialty Manufacturing in the Township in which he highlighted Serenity and Century College for nursing and food service training. The School District highlighted a summer program offered to students in which they pick four out of eight manufacturing plants to visit and learn about.
- City Engineer Kauppi asked people not to park on the streets for the street sweeping activities today and snow removal anticipated on Thursday. He reported that sidewalks will not be plowed during this snow event due to soft ground that would be destroyed in the process and anticipated fast melting.
- Councilmember Walsh provided an invitation to the annual Northeast Youth and Family Services Leadership Lunch on May 1, 2019. He said they always have a great speaker and encouraged people to register and join the who's who in Ramsey County.

13. ADJOURNMENT

There being no further business before the Council, it was moved by Councilmember **Jones** seconded by Councilmember **Biehn** to adjourn the regular meeting at 8:01 p.m.

Jo Emerson, Mayor

ATTEST:

Kara Coustry, City Clerk



City of White Bear Lake
Engineering Department

MEMORANDUM

To: Ellen Hiniker, City Manager

From: Connie Taillon, P.E., Environmental Specialist

Date: April 16, 2019

Subject: **Annual Public Meeting on the City's Storm Water Pollution Prevention Program (SWPPP)**

BACKGROUND

An MS4 (Municipal Separate Storm Sewer System) is a system of conveyances (pipes, catch basins, curb/gutter, ditches, etc.) owned or operated by a public body that discharges to public waters. All agencies/entities which have an MS4 must comply with certain regulations established by the MPCA called an MS4 General Permit. The City of White Bear Lake has created a SWPPP (Storm Water Pollution Prevention Program) to comply with the requirements of this permit.

The purpose of the MS4 General Permit and the City's SWPPP is to promote, preserve and enhance the natural resources within the City and to protect them from activities that would have an adverse and potentially irreversible impact on water quality. The SWPPP describes how the City will protect and improve water quality through implementation of a variety of practices that are required by the MS4 General Permit.

SUMMARY

The City of White Bear Lake's Storm Water Pollution Prevention Program (SWPPP) was prepared to meet the requirements of the Federal National Pollutant Discharge Elimination System (NPDES) Phase II Storm Water regulations issued by the United States Environmental Pollution Agency (USEPA). The Minnesota Pollution Control Agency (MPCA) administers this program through its General Storm Water Permit for Small Municipal Storm Sewer Systems (MS4s). The goal of the City of White Bear Lake's SWPPP is to improve the quality of the storm water runoff discharged from the City's storm sewer system. The SWPPP describes how the City proposes to accomplish improved storm water quality through implementation of six Minimum Control Measures (MCMs) that are required by the MPCA.

The six MCMs included in the City's program are:

1. Public education and outreach
2. Public participation and involvement
3. Illicit discharge detection and elimination
4. Construction site storm water runoff control
5. Post construction stormwater management in new development and redevelopment
6. Pollution prevention/good housekeeping for municipal operations

The City is implementing Best Management Practices (BMP) to support each of the MCMs and will annually review the plan and the BMPs employed to ensure compliance with the MPCA requirements.

Public Meeting

The City Council has ordered a public meeting to be held on April 23, 2019 to present an overview of the City's SWPPP activities that were accomplished in 2018 which support the six MCMs listed above. The meeting will include opportunity for public comment on the appropriateness of the program. Written and oral comments received before or during the meeting will be considered as the Engineering Department prepares its Annual Report to the MPCA on its SWPPP. An annual public meeting is no longer a specific requirement of the MS4 Permit; however, we feel it is still a valuable forum for staff to educate the City Council and the public about our SWPPP and to allow feedback on it.

Conclusion

The City continues to encourage the public to share opinions on the City's program to manage stormwater. At the same time, the City encourages residents to educate themselves on simple changes they can make to reduce stormwater pollution and improve the quality of their local water bodies. A wealth of information is available through the City, local watershed districts, conservation districts, and many other agencies.

RECOMMENDED COUNCIL ACTION

The Engineering Department will briefly review the evolution of MS4 regulations and provide an overview of the City's 2018 activities for each of the six (6) required MCMs outlined above. Staff recommends that the City Council conduct a public hearing at the April 23, 2019 Council meeting to receive public comments on the City's program.



City of White Bear Lake
Community Development Department

MEMORANDUM

To: Ellen Richter, City Manager

From: The Planning Commission

Through: Anne Kane, Community Development Director

Date: April 18th for the April 23, 2019 City Council Meeting

Subject: **Draft 2040 Comprehensive Plan – Case No. 17-1-CP
Distribution for Formal Review**

REQUEST

Acceptance of the draft 2040 Comprehensive Plan and authorize its distribution to affected jurisdictions for review. The entire draft plan may be found at www.whitebearlake.org under News and Events.

SUMMARY

State Statute requires all cities, townships and counties in the seven-county metropolitan area update their Comprehensive Plans at least every ten years. Local Plans must align with the Metropolitan Council's regional system plans related to highways, transit, airports, wastewater services, parks and open space. The Metropolitan Council approved the City's request for an extension and an updated plan must be submitted for Metropolitan Council review by December 31, 2019.

The City initiated the comprehensive planning process in early 2017 with a concerted effort to solicit input from community stakeholders through a variety of venues. City planning and engineering staff held four open houses, business outreach meetings, prepared an online survey, and conducted pop-up meetings at Marketfest, YMCA, library, and area businesses to connect with residents as they went about their daily activities.

In late 2017 and early 2018, planning and engineering staff presented detailed outlines and overviews of the various plan elements to the Planning Commission, Parks Advisory Commission, Environmental Advisory Commission and the WBL Economic Development Corporation for feedback and guidance from the advisory boards and commissions. Last Fall, the City Council authorized a contract with Hoisington Koegler Group Inc. to provide consulting services to pull together the required elements of the draft plan:

- Land Use
- Economic Competitiveness
- Housing
- Transportation
- Parks & Recreation
- Natural Resources & Sustainability
- Public Facilities
- Implementation

At the February 25th Planning Commission meeting, the Public Hearing on the Draft 2040 Comprehensive Plan was opened and staff provided an overview of the planning document, with particular focus on the Land Use chapter and discussion of properties which have been guided for redevelopment over the next two decades. The Public Hearing was continued to the March Planning Commission meeting to allow additional time for residents, property owners and interested parties to review and comment on the draft document.

As the City Council may recall, White Bear Lake is projected to add 1,500 residents, 500 jobs, and 1,200 additional households between 2020 and 2040. As a nearly fully built-out community, to accommodate our share of the anticipated regional growth, there are limited opportunities for development and the Comprehensive Plan is the community's opportunity to identify where such growth is appropriate and desirable.

Copies of the draft 2040 Comprehensive Plan were distributed to the City Council in February. Hard copies of the draft plan have been available for public review at City Hall and the draft plan has been posted on the City's website for the past two months. The White Bear Press has also provided considerable coverage of the long-range planning document and there was considerable public participation in the Public Hearing.

On a 7-0 vote, the Planning Commission recommended adoption of the DRAFT 2040 Comprehensive Plan. Upon adoption of the draft Plan by the City Council, the process requires that affected jurisdictions be provided up to six months to review and comment before submission of the planning document to the Metropolitan Council. Presuming the draft plan is distributed for review by the end of June, Staff does not anticipate any issues meeting the extended submittal deadline of December 31, 2019.

Staff plans to provide an overview of the Housing element at the April 23rd City Council meeting similar to the Future Land Use overview that was provided at the last Council meeting.

RECOMMENDED COUNCIL ACTION

Accept the Planning Commission's recommendation for approval and authorize staff to distribute the draft 2040 Comprehensive Plan Update to affected jurisdictions for review.

(Actual adoption of the Comprehensive Plan Update will require a 4/5 majority vote by the City Council. It is anticipated this action will be considered by the City Council after the formal review period has ended and the Plan has been submitted to the Metropolitan Council for review and accepted, which is anticipated to occur in late 2019/early 2020.)

ATTACHMENTS

Resolution of Approval

Excerpt of February 25th Planning Commission meeting minutes

Excerpt of March 25th Planning Commission meeting minutes

RESOLUTION NO.

**A RESOLUTION ACCEPTING
THE DRAFT 2040 COMPREHENSIVE PLAN
AND AUTHORIZING ITS DISTRIBUTION TO
AFFECTED JURISDICTIONS FOR REVIEW**

WHEREAS, Minnesota Statutes, section 473.864, requires local governmental units to review and, if necessary, amend their entire comprehensive plan and their fiscal devices and official control at least once every ten years to ensure comprehensive plans confirm with metropolitan system plans and ensure fiscal devices and official controls do not conflict with comprehensive plans or permit activities that conflict with metropolitan system plans; and,

WHEREAS, the City Council, Planning Commission, staff and planning consultants have prepared a draft Comprehensive Plan intended to meet the requirements of the Metropolitan Planning Act and Metropolitan Council guidelines and procedures; and,

WHEREAS, pursuant to Minnesota Statutes section 473.585. the draft Comprehensive Plan is required to be submitted to adjacent governmental units and affected special districts and school districts for review and comments for a statutory six-month review and comment period; and,

WHEREAS, the Planning Commission conducted a Public Hearing on February 25, 2019 and continued the Public Hearing to March 25, 2019 relative to the approval of the draft Comprehensive Plan; and,

WHEREAS, the Planning Commission has considered the draft Comprehensive Plan and all public comments, and thereafter submitted its recommendation to the City Council and,

WHEREAS, the City Council finds it is appropriate to accept the recommendation of the Planning Commission regarding the draft Comprehensive Plan; and,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of White Bear Lake, Minnesota that the Community Development Director is authorized to submit the draft 2040 Comprehensive Plan to affected jurisdictions for review and comment:

Jurisdiction Type	Jurisdiction Name
Adjacent Community	Birchwood Village
Adjacent Community	Gem Lake
Adjacent Community	Mahtomedi
Adjacent Community	Maplewood
Adjacent Community	North St. Paul; Source Water related
Adjacent Community	Oakdale
Adjacent Community	Vadnais Heights
Adjacent Community	White Bear Twp.

RESOLUTION NO.

Adjacent Community	Ramsey County
Adjacent Community	Washington County
Regional Park Implementing Agency	Ramsey County
Regional Park Implementing Agency	Washington County
School District	622; North St. Paul-Maplewood
School District	624; White Bear Lake
School District	832; Mahtomedi
State Agency	MnDOT
State Agency	MnDNR
Watershed Management Organization	Ramsey Washington Metro Watershed District
Watershed Management Organization	Rice Creek Watershed District
Watershed Management Organization	Vadnais Lake Area Watershed Management Organization
Watershed Management Organization	Valley Branch Watershed District

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

Crosby discussed the case. Staff recommended approval of the conditional use permits and 11 of the 12 variances, subject to a number of conditions outlined in the staff report. Crosby reported that a compromise was reached on the bear sign location, deeming one variance request moot.

Member Reed asked how long the negotiations between staff and the applicants lasted before a compromise was made on the location of the bear sign. Crosby replied that, overall, this has been a fairly quick process and the bear sign has not received as much attention as the issues relating to storm water management and site review.

Member Lynch sought clarification on whether the foundation plantings are required to be in the ground or in planter boxes. Crosby stated that either would be sufficient. In response to his inquiries regarding the underprovided number of shrubs, Crosby confirmed that either contributions to the Arbor Day fund and/or the extra-large trees on site would offset the deficiency. He wondered about the 20 percent minimum, as it seems to push developers to build bigger structures. Crosby explained the intent of the code is to ensure buildings are scaled appropriately for the parcel size. Lastly, Member Lynch mentioned that the sidewalk extension was a good addition to the project.

Member Berry spoke of the proposed filtration system, noting that the iron will need to be replaced or maintained. Crosby explained how the iron-enhanced sand filtration system works to pull phosphorus from the storm water before it drains into Goose Lake. She reiterated that a condition of approval is that maintenance be done by a restoration company for the first three years to establish the system. Member Berry commented that it is good they are reusing the bear sign.

Berry opened the public hearing.


Jack Grotkin, R.J. Ryan Construction, Applicant. He informed the Commissioners that they would prefer to use planter boxes at the front entrance, and that if they choose to reduce the building size, they would like to rotate the new car intake garage to face away from Highway 61 towards the north, reducing the amount of green space on the property.

Member Reed asked if the applicants are okay with the conditions. Mr. Grotkin replied that they have been working closely with staff and find the conditions agreeable.

Member Lynch thought it would be a neat experience if the applicants could somehow advertise taking down the bear. Mr. Grotkin affirmed that they could notify staff of the event.

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

Member Reed moved to recommend approval of Case No. 19-1-CUP & 19-1-V with conditions laid out by Staff and excluding the twelfth variance relating to the bear sign. Member Baltzer seconded the motion. The motion passed by a vote of 4-0.

-  B. **Case No. 17-1-CP:** Review of final draft of comprehensive plan and recommendation of final approval.

Kane reminded the Planning Commission that the City is in the process of updating the City's current Comprehensive Plan, which was last updated in 2008. The White Bear Lake 2040 Comprehensive Plan is a long-range planning document that will help define and guide future growth and redevelopment in the community. The Comprehensive Plan includes guiding principles and calculations of land use needs for the City based upon growth projections for population, households, and employment. She noted the City is expected to add 1,500 residents, 500 jobs, and 1,200 additional households between 2020 and 2040.

Kane summarized that the current update kicked off in early 2017 with a concerted effort to solicit input from community stakeholders through a variety of venues. City planning staff held open houses, business outreach meetings, prepared an online survey, and conducted pop-up meetings at Marketfest, YMCA, library, and area businesses to connect with residents as they went about their daily activities.

Kane indicated that following the extensive community outreach phase, the preparation of the draft document itself got underway in late 2017 and early 2018. Staff presented detailed outlines of the various elements: Land Use, Housing, Economic Competitiveness, Transportation, Parks & Recreation, Natural Resources & Sustainability, Public Facilities & Services, and Implementation before the Planning, Parks, and Environmental Advisory commissions, as well as the WBL Economic Development Corporation for feedback and direction from these advisory boards and commissions.

Kane noted that tonight's Public Hearing kicks off the third and final Comp Plan preparation process. It opens the public review and comments period and asked that the Public Hearing be continued to the March 25th meeting to allow property owners, residents and interested parties adequate time to review the draft plan. Notices for tonight's Public Hearing were sent to over 400 properties – include the owners of the 20-25 parcels proposed to be re-guided, as well as all neighboring property owners within 350 feet of such parcels.

Kane pointed out that each time the City has updated the Comprehensive Plan, it is the Land Use element that typically generates the greatest interest and inquiries, so she intended to provide an overview of the Land Use chapter this evening to provide the framework for the community to understand what it means to be re-guided; noting that she will focus on sites and parcels identified for re-guiding to a land use different than what it was guided for in the 2030 Plan or is likely or suitable to develop or re-develop over the next 20 years. Kane explained when a property is re-guided it may remain in its current state for as long as the current or future owners wish; however, when an owner chooses to sell or change the use of their property, the new land use designation will guide how the property will develop in the future.

She then provided a high-level over view of the parcels. In regards to the mixed-use categories, she explained that the split between commercial and residential uses would be district wide, not on a site by site basis.

Member Lynch thanked staff for all the work done on the comprehensive plan update.



Berry opened the public hearing.

Sandy Werling, 2516 Sumac Ridge, asked what would be allowed at 3220 Bellaire Avenue at high density residential as opposed to medium density, and if the current building would come down for something new. Kane explained that the building could potentially be removed, but there are no current plans and that, although the map shows the parcel to be guided for high density, she suggested to the Planning Commission that the parcel be medium density residential to mirror the surrounding neighborhood. This designation could include senior cottages or similarly styled homes.

Pat Collins, 5172 Wild Marsh Drive, applauded the City's effort to be pedestrian and bike friendly. In reference to the Arts and Culture Mixed Use District, he asked if there would be vehicle access to Division Street. Kane replied no, only emergency access. Mr. Collins described how there are no sidewalks along Division, which, with transit coming to the area, may become problematic. There is going to be more traffic, so the City should consider a sidewalk going north of the high school.

Elizabeth Balko, 2451 Lake Avenue, wants the property owner of the Kyle parcel to decide the re-guiding rather than the government. Objectively, it is not compatible with medium density housing. It is in a flood plain and a wetland that is connected to the lake. She does not believe that type of development to be feasible on this site.

Val Hanson, 5118 Wild Marsh Drive, is interested in connecting the 39 townhomes to the rest of the neighborhood by sidewalk. As a bike rider, she questioned how the Bruce Vento trail could be connected to Hugo. Member Berry mentioned they have run into some difficulty, but the City is looking into it. Kane added that the community wants it to stay along Highway 61, so there are plans to extend the trail along the railroad, but it is tight.

Wendie Schuster, 1903 Whitaker Street, described how in maybe 2005 a sewer system was put in around the old public works site. There is a lot of water that runs off Highway 96 into the area. She does not think anybody could afford to build on the site and wondered what would happen to the food shelf. She thinks a nature center here would be great. Kane replied that the food shelf would stay or be relocated, but not lost. She noted the potential for a three way stop at Whitaker and the addition of a crosswalk and sidewalks in the area to accommodate increased foot traffic.

Al Rivard, 3590 Glen Oaks, reported that when the development of County Road E and Bellaire was proposed, there was great opposition to it. He believes the proposed density is too high, and will create too many parking and safety issues. This is a bus route, so townhomes would be a good choice. He would rather see the parcels be designated for no more than townhomes, because once more is allowed, developers take advantage of that. Kane stated that townhomes would be allowed, and that there is no proposal to develop right now. This designation is to allow flexibility.

Steve Eiter, 5103 Wild Marsh Drive, echoed the need for a sidewalk north of the high school. The road is very narrow and dangerous. Member Berry asked if it would be best on the east side going north or along the soccer fields. Mr. Eiter replied that he envisioned it continuing along the west. Kane mentioned that there are drainage issues in the area that make adding a sidewalk difficult.

Member Lynch asked what the City can do to address the calls for sidewalks, especially since there is talk that work on the road will occur in 2021. Kane replied that staff will work with the engineering department to figure out the details of the project and will have more information for next month's meeting.

Marvis Peter, Real Estate Agent for 3577 Bellaire Avenue and 2490 East County Road E, asked what would be allowed to move in to those two properties in the neighborhood mixed-use. Kane replied that car lots would not be allowed, but offices, hair salons, and the like would.

Ledung Quach, 2608 Rolling View Drive, wondered if more detail could be provided on the proposed change in her neighborhood. Kane explained that right now, the two Rolling View Drive properties are guided for commercial use, which the City does not find appropriate. The parcel with the parking lot will be guided public, while the other will be guided low density residential to match the surrounding area.

As no one else came forward, Berry continued the public hearing to March 25, 2019.

5. DISCUSSION ITEMS:

A. City Council Meeting Minutes of February 12, 2019.

No discussion

B. Park Advisory Commission Meeting Minutes of January 17, 2019.

No discussion

6. ADJOURNMENT:

Member Reed moved to adjourn, seconded by Member Lynch. The motion passed unanimously (4-0), and the February 25, 2019 Planning Commission meeting was adjourned at 8:23 p.m.

she objected to the applicant being able to replace the trees with three-foot trees when six foot was minimum per code. She feared a precedent would be set if the Commission were to allow this to pass. She recommended that the trees be replaced with six-foot trees and not seedlings in order to provide adequate screening for the neighbors.

Dale Ek-Pangel, 2465 Jansen Avenue, stated he had no issues with the building addition. He explained he was concerned with the landscaping and recommended no changes be made to the trees. He reported the neighbors would be impacted by additional road noise if the trees were removed. For this reason, he recommended the lot not be de-forested.

As no one else came forward, Berry closed the public hearing at 7:25 p.m.

Reis asked if City Code required six-foot replacement trees. Crosby confirmed this was the case for evergreen trees.


Divine questioned if staff could hold further discussions with the applicant regarding the trees. She would like to see a middle ground reached without having every other tree replaced.

Berry commented there was no hardship which would cause the need to remove the trees along the south lot line. He recommended the applicant be required to meet City Code and that any trees that are removed be replaced with six-foot trees.

Lynch indicated there were two separate issues being addressed. The first was the building addition and the second was the tree removal/replacement. He stated he supported the building addition. He encouraged staff to work with the applicant to find a creative solution for the parking lot situation without needing to remove and replace the trees.

Reis stated he supported the request but recommended Condition 7 be deleted and that Condition 8 be amended to require the applicant to plant six-foot trees per City Code. Member Reis moved to recommend approval of Case No. 93-15-Sa with these modifications. Member Reed seconded the motion. The motion passed by a vote of 7-0.

Berry explained that this matter would be addressed by the City Council on April 9, 2019.

 **B. Case No. 17-1-CP:** Review of final draft of comprehensive plan and recommendation of final approval.

Kane discussed the case. Staff recommended final approval of the comprehensive plan noting the plan would be reviewed by the City Council on April 23, 2019.

Lynch requested further information regarding the uses that would be allowed within the Arts District. Kane reviewed the process that would be followed for future uses within the Arts District noting some would be allowed by right and others would require a Conditional Use Permit.

Reis commented on a non-profit called Art Space and encouraged staff to contact this company noting they would be a good resource for staff in creating an artist in resident program.

Reis questioned if wetlands have a designated water level. Kane explained there was a designated setback required from the edge of a wetland and noted the water levels within a wetland related to flooding concerns. She noted wetlands were challenging to develop.

Lynch asked if other suburbs in the metro area have Arts Districts. Kane commented she was not familiar with other Arts Districts but anticipated Minneapolis may have one. She reported this may be a good model for the City to review when drafting code for its own Arts District. She commented Bloomington has a great art space, but noted this was located on City Hall property.

Lynch requested information from staff regarding the former Public Works site. Kane commented the Council both past and present have provided direction for the redevelopment of this site. She anticipated in the future this site would have transit-oriented housing. She provided further comment on the marina and auto dealer redevelopment potential. She reported the Council has purchased the land between the new Public Works building and Saputo, noting the land was designated half Public/half Industrial.

Kane commented on the plans for the Wildwood Shopping Center, noting the City was proposing to regrade the property from Commercial to Neighborhood Mixed Use. It was noted the Rolling View Drive lots have been regraded from Commercial to Public/Low Density Residential.

Divine asked what the zoning was for the blocks at 4th Street and Bald Eagle. Kane reviewed the zoning map and noted the zoning for these lots had changed. She noted the zoning would be DCB to accommodate intensification along 4th Street similar to Grand Avenue.

Reis questioned how the City was planning to address future parking concerns as the downtown area continues to develop. Kane commented that any loss of parking would be concerning. She reviewed the location of the City's current parking lots and explained surrounding uses could be intensified downtown so long as there was no net loss of parking. She indicated another option would be to construct underground parking.

Lynch discussed the transportation section of the Comprehensive Plan and noted parking was not addressed. He encouraged staff to mention parking in this section of the document describing how parking would be addressed providing both midterm and long-term solutions. Poor employee parking practices is a significant contributor to the problem. Kane agreed and noted midterm solutions were a concern for the City. She reported parking was addressed more thoroughly in the Economic Development portion of the Comprehensive Plan.

Reis asked if there were any discussions about monitoring parking times and inquired how the Rush Line would impact the community. Kane anticipated that the majority of commuters with access to a vehicle would use an express bus on 35E, rather than the Rush Line BRT. She understood the Police Department may need to enforce parking time limits by



ticketing violators. She indicated the local business owners could also communicate better with their customers to ensure the parking spaces were turning over in a timely manner.

Reis echoed how important it was to keep those front and center parking stalls open for customers, rather than being used all day by employees.

Lynch stated in Chapter 1 where population was discussed he noted the numbers do not add up. Kane indicated this could be due to the various data resources included in the Comprehensive Plan.

Lynch requested the Comprehensive Plan include a reference to Generation X given the fact Millennials and Baby Boomers were discussed. In reference to the Solar Resources Map, he commented that it seemed weird to add solar panels all over the school grounds and suggested staff name other potential solar locations in the City. He explained he supported housing preservation efforts. He commented there were some areas in the City that did not need sidewalks.

Lynch asked for clarification about 4D Tax Incentives. Shimek explained it is a reduced rate tax classification granted to low income multi-family rental properties that have an affordability restriction recorded against the property under terms of financing from a unit of government. Typically the restriction is in exchange for receiving federal or state subsidy, but can be secured through local units of government as well.

Lynch pointed out that the Healthy Food Access map was misleading. It implies we have a problem, but we're food rich.

Lynch requested the RBTN (Regional Bicycle Transportation Network) map be better explained. He asked if Highway 61 was a State or Federal roadway. Kane stated she would investigate this and report back to the Commission.

Berry opened the public hearing.

Mary Wiley, 2525 Sumac Circle, asked about the former Entira "Bellaire" Clinic, stating she understood this property was to be regraded to Medium Density. She questioned if a four-story building could locate on this property noting this would be extremely intrusive. She also expressed concern about sufficient parking.

Kane reported a four-story building could locate on this property but noted surrounding uses would have to be taken into consideration and surrounding homeowners would be notified if a request were brought to the City.

Pat Collins, 5172 Wild Marsh Drive, thanked the City Council, Planning Commission and its staff for drafting a great document. He stated he appreciated the consideration that was taken regarding pedestrian safety. He expressed a desire for a sidewalk on Division Avenue.

Laura Engen, 324 Shamrock Way, explained she has lived in her home for the past 27 years. She stated she appreciated the fact she could walk from her home to nearby amenities. She

noted the senior residents from the Lodge were also walking to and from their units to the nearby amenities. She believed that having commercial on all four corners was a real advantage for the community and therefore has reservations about regarding the Wildwood Shopping Center to Neighborhood Mixed Use.

Karen Sisterman, 2557 Manitou Lane, stated she believed BRT was not worth doing. She encouraged the City to work to fill up its vacant store fronts. She expressed concern with the future E & Bellaire apartment complex parking on City streets instead of within their development.

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

Reis thanked staff for all of their hard work on the Comprehensive Plan.

Member Baltzer moved to recommend approval of Case No. 17-1-CP. Member Reis seconded the motion. The motion passed by a vote of 7-0.

Berry explained that this matter would be addressed by the City Council on April 23, 2019.

5. DISCUSSION ITEMS:

A. Chair and Vice-Chair Election.

Member Divine moved to appoint Marvin Reed Chair of the Planning Commission for 2019. Member Reis seconded the motion. The motion passed by a vote of 7-0.

Member Divine moved to appoint Ken Baltzer Vice-Chair of the Planning Commission for 2019. Member Reed seconded the motion. The motion passed by a vote of 6-1.

B. City Council Meeting Minutes of March 12, 2019. No Comments.

C. Park Advisory Commission Meeting Minutes of January 17, 2019. No Comments.

6. ADJOURNMENT:

Member Baltzer moved to adjourn, seconded by Member Reed. The motion passed unanimously (7-0), and the March 25, 2019 Planning Commission meeting was adjourned at 8:52 p.m.



City of White Bear Lake
City Manager's Office

MEMORANDUM

To: Mayor and City Council

From: Ellen Hiniker, City Manager

Date: April 16, 2019

Subject: **Cable Commission extension of Franchise Agreement with Comcast**

BACKGROUND/SUMMARY

The City's Cable Commission has been negotiating terms for franchise renewal with Comcast since September 2017. At Comcast's request, the Cable Commission agreed once again to extend the expiration date of the current Franchise Agreement. To date, the following extensions have been approved by the City Council:

City Council Approval Date	Deadline Extension
January 23, 2018	November 1, 2018
June 12, 2018	March 31, 2019
November 27, 2018	August 31, 2019

The Cable Commission is again recommending that the City Council approve another extension agreement with Comcast. This would push the expiration date of the current Franchise from August 31, 2019 to February 28, 2020, which would allow additional time for informal negotiations between Comcast and the Cable Commission.

The Executive Director of Ramsey Washington Suburban Cable Commission, Tim Finnerty will be present to answer any questions Council may have related to the extension or the Cable Commission.

RECOMMENDED COUNCIL ACTION

Staff recommends the City Council approve the extension to allow more time for informal franchise renewal negotiations with Comcast.

ATTACHMENTS

Resolution
Timeline for Franchise Renewal

RESOLUTION NO.

**AUTHORIZING AN AGREEMENT TO EXTEND THE CABLE FRANCHISE
AGREEMENT WITH COMCAST**

WHEREAS, The City of White Bear Lake, through its Cable Commission, periodically negotiate the terms of its cable franchise with Comcast; and

WHEREAS, The current cable franchise agreement with Comcast is set to expire on August 31, 2019; and

WHEREAS, Comcast has asked for an extension of the current franchise agreement of February 28, 2020, to allow additional time for informal negotiations; and

WHEREAS, the Cable Commission has agreed this extension is reasonable, and has a back-up plan for a formal hearing process in case informal negotiations are unsuccessful.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of White Bear Lake that the Mayor is authorized and hereby directed to execute an extension to the Ramsey Washington Suburban Cable Commission Franchise Agreement with Comcast, which pushes the expiration date from August 31, 2019 to February 28, 2020.

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

Ayes:

Nays:

Passed:

Jo Emerson, Mayor

ATTEST:

Kara Coustry, City Clerk

EXTENSION AGREEMENT BETWEEN AND AMONG THE MEMBERS OF THE RAMSEY WASHINGTON SUBURBAN CABLE COMMISSION AND COMCAST OF MINNESOTA

WHEREAS, Comcast of Minnesota, Inc., (“Franchisee”) operates a cable television system (the “System”) in communities which are members of the Ramsey/Washington Suburban Cable Commission (RWSCC) pursuant to a franchise scheduled to expire on November 1, 2018, to which the City of Birchwood Village, the City of Dellwood, the City of Grant, the City of Lake Elmo, the City of Mahtomedi, the City of North St. Paul, the City of Oakdale, the City of Vadnais Heights, the City of White Bear Lake, White Bear Township and the City of Willernie, Minnesota, are parties (each community is a “Franchisor”); a March 9, 1995 Memorandum of Understanding; and the April 10, 2014 Settlement Agreement, as amended by Section 2 of that certain 2015 Transfer Agreement Between and Among The Members of the Ramsey Washington Suburban Cable Commission, Comcast of Minnesota, Inc. and Midwest Cable, Inc. (collectively, the Franchise and these documents are the “Franchise Documents”); and

WHEREAS, the parties previously agreed to extend the expiration date of the Franchise, and of obligations in the Settlement Agreement, through August 31, 2019; and

WHEREAS, the parties wish to extend certain time periods provided under the Franchise Documents to provide time for the parties to work together to attempt to resolve renewal issues,

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

Section 1. The Franchise is extended through and including February 28, 2020.

Section 2. Paragraph 10 of the “Settlement Agreement Regarding PEG Capacity” is amended so that the reference to August 31, 2019 is changed to February 28, 2020.

Section 3. Otherwise, the Franchise Documents shall remain in full force and effect in accordance with their terms.

Section 4. Both parties agree that the further extension will not require recommencement of the renewal process under state or federal law, or require either party to re-conduct any studies or proceedings that may have been or are being conducted.

Section 5. This Extension Agreement does not confer upon the Franchisee any additional rights under Section 626 of the Cable Act.

Section 6. By entering into this Extension Agreement, the parties do not otherwise waive their rights to rely upon the rights, procedures, protections and recourses granted to them pursuant to applicable Federal, state, or local rule, regulation, law or precedent.

Section 7. This Agreement may be executed in counterparts, each of which shall be deemed to be an original, but all of which, taken together, shall constitute one and the same agreement

IN WITNESS WHEREOF, the Parties have caused this Extension Agreement to be executed by duly authorized representatives of each Party on the dates written below.

COMCAST OF MINNESOTA, INC.

By: John D. Keller
John D. Keller
Title: Regional Vice President

Date: 4/11/19

CITY OF BIRCHWOOD VILLAGE

By: _____

Title:

Date:
CITY OF DELLWOOD

By: _____

Title:

Date:
CITY OF GRANT

By: _____

Title:

Date:
CITY OF LAKE ELMO

By: _____

Title:

Date:
WHITE BEAR TOWNSHIP

By: _____

Title:

Date:

CITY OF MAHTOMEDI

By: _____

Title:

Date:

CITY OF NORTH ST. PAUL

By: _____

Title:

Date:
CITY OF OAKDALE

By: _____

Title:

Date:
CITY OF VADNAIS HEIGHTS

By: _____

Title:

Date:
CITY OF WHITE BEAR LAKE

By: _____

Title:

Date:
CITY OF WILLERNIE

By: _____

Title:

Date:



City of White Bear Lake
City Engineer's Office

MEMORANDUM

To: Ellen Hiniker, City Manager

From: Paul Kauppi, Public Works Director/City Engineer

Date: April 17, 2019

Subject: Awarding Contract for 2019 Bituminous Seal Coating Project
City Project 19-02

BACKGROUND / SUMMARY

On Wednesday, April 17, 2019, the City received bids for the 2019 Bituminous Seal Coating Project. Three bids were submitted, with Allied Blacktop Company of Maple Grove, MN submitting the lowest base bid of \$98,883.73. This contract amount is well within the 2019 Seal Coating budget of \$190,000.00.

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

In 2019, we are proposing to perform seal coating of City streets in various locations throughout the city. Some of these streets were last seal coated in 2012. Other streets are those which were reconstructed or milled & overlaid in 2013 and are now showing signs of wear. It is important to seal the surface of these streets before they degrade to a point where more extensive maintenance needs to be performed.

All proposed streets will be seal coated using a trap rock as the cover aggregate. The trap rock is a hard, crushed rock which will provide a durable surface with a nice appearance.

RECOMMENDED COUNCIL ACTION

Our recommendation is that the Council receive the bids and award a contract to Allied Blacktop Company for \$98,883.73 for the 2019 Bituminous Seal Coating Project.

ATTACHMENTS

Resolution

RESOLUTION NO.:

**RESOLUTION ACCEPTING BIDS AND AWARDING CONTRACT
FOR THE 2019 BITUMINOUS SEAL COATING PROJECT
CITY PROJECT NO. 19-02**

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

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

CONTRACTOR	TOTAL BASE BID
Allied Blacktop Company	\$98,883.73
ASTECH Corp.	\$109,374.81
Pearson Bros., Inc.	\$107,431.97

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

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

1. The Mayor and Manager are hereby authorized and directed to enter into a contract with Allied Blacktop Company in the amount of \$98,883.73 for said 2019 Bituminous Seal Coating Project.
2. The City Clerk is hereby authorized and directed to return forthwith to all bidders the deposits made with their bids, except that the deposits of the successful bidder and the next lowest bidder shall be retained until a contract has been signed.

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

Ayes:
Nays:
Passed:

Jo Emerson, Mayor

ATTEST:

Kara Coustry, City Clerk



City of White Bear Lake
City Engineer's Office

MEMORANDUM

To: Ellen Hiniker, City Manager
From: Paul Kauppi, Public Works Director/City Engineer
Date: April 17, 2019
Subject: **Awarding Contract for the 2019 Crack Sealing Project
City Project 19-03**

BACKGROUND / SUMMARY

Bids were received on April 17, 2019 for the 2019 Crack Sealing Project. The crack sealing contract includes cleaning of cracks in bituminous street pavements with a router and then filling the cracks with a hot, liquid, rubberized sealant. The crack sealing process prevents water from penetrating through the street pavement and entering the gravel base where it weakens the street and causes failures. The crack sealing process is accomplished ahead of the sealcoating operation so that the smaller cracks not sealed by the crack sealing contractor are sealed by the seal coat emulsion.

Five bids were received with MP Asphalt Maintenance LLC of Clear Lake, MN submitting the lowest bid of \$35,400. This contract amount is well within the 2019 Crack Sealing budget of \$150,000.

RECOMMENDED COUNCIL ACTION

Our recommendation is that the City Council receive the bids and award a contract to MP Asphalt Maintenance LLC for \$35,400.00 for the 2019 Crack Sealing Project.

ATTACHMENTS

Resolution

RESOLUTION NO.

**RESOLUTION ACCEPTING BIDS AND AWARDING CONTRACT
FOR THE 2019 CRACK SEALING PROGRAM
CITY PROJECT NO. 19-03**

WHEREAS, the Engineering Department prepared specifications for construction of the 2019 Crack Sealing Project; and

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

CONTRACTOR	TOTAL BASE BID
Allied Blacktop Company	\$63,900.00
Fahrner Asphalt Sealers LLC	\$69,000.00
ASTECH Corp.	\$47,400.00
SealTech, Inc.	\$48,000.00
MP Asphalt Maintenance LLC	\$35,400.00

WHEREAS, it appears that MP Asphalt Maintenance LLC is the lowest responsible bidder.

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

1. The Mayor and City Clerk are hereby authorized and directed to enter into contract with MP Asphalt Maintenance LLC in the amount of \$35,400.00 as approved by the City Council and on file in the office of the City Engineer.
2. The City Clerk is hereby authorized and directed to return forthwith to all bidders the deposits made with their bids, except that the deposits of the successful bidder and the next lowest bidder shall be retained until a contract has been signed.

The foregoing resolution offered by Council Member _____ and supported by Council

Member _____ was declared carried on the following vote:

Ayes:
Nays:
Passed:

Jo Emerson, Mayor

ATTEST:

Kara Coustry, City Clerk

REGULAR MEETING OF THE WHITE BEAR LAKE CONSERVATION DISTRICT
7:00 pm White Bear Lake City Hall
Minutes of February 19, 2019

APPROVAL DATE: March 16, 2019 with corrections

1. **CALL TO ORDER** the February 19, 2019 meeting of the White Bear Lake Conservation District was called to order by Chair Bryan DeSmet at 7:00 pm in the White Bear Lake City Hall Council Chambers.
2. **ROLL CALL** Present were: Chair Bryan DeSmet, Vice Chair Mark Ganz, Directors: Scott Costello, Mike Parenteau, Marty Rathmanner, Cameron Sigecan absent were Directors Geoff Ratte and Susie Mahoney A quorum was present.
3. **AGENDA** - Chair DeSmet asked for any changes to agenda Motion/Second move 1st item from Executive Committee to New Business. Add under LUC Applications from City of White Bear 3 applications, Hickory Street, Fletcher Driscoll, & McCartney Estates. Add under Lake Education anti-plastic campaign.
4. **APPROVAL OF MINUTES OF** – November 2018 board meeting Motion (DeSmet/Second) Moved to approve all aye passed. Minutes from Special meeting in January will be included with the March board meeting packet.
5. **PUBLIC COMMENT TIME** – None
6. **NEW BUSINESS** – Introduction and welcome to new board member Cameron Sigecan from Birchwood.
7. **UNFINISHED BUSINESS** – None
8. **REPORTS/ACTION ITEMS**
Executive Committee – The executive committee met with commercial bay owners. Brian McGoldrick and City of White Bear attended. Discussed consideration of increase in fees, penalties, and possible ordinance changes. Discussed changes to application to include that each place of business also attach a copy of their DNR Water Use Permit as this will indicate the maximum number of boats they are allowed to have and if they request more boats they will have to go back to the DNR to request the increase. Discussed that dock layouts are going back to how they were prior to low lake level adjustments.
Action item – Nominations are open for Chair, Vice Chair & Secretary/Treasurer Mike Parenteau nominates Bryan DeSmet for Chair, Mark Ganz for Vice Chair and Diane Longville for Sec/Treas. Any nominations can be reported to Kim or Alan, final vote at the March meeting.
9. **Lake Quality Committee – Mike Parenteau**
 - Ice Over Date – totally frozen was November 28, 2018
 - Request for bids have been sent out for treatment and survey in addition this year we requested a bid to include treatment and or survey of phragmites which is done in the fall and the treatment and or survey of starry stonewort
10. **Lake Utilization Committee – Mark Ganz**
A letter was sent out to all commercial bay owners informing them of the new requirement of the DNR Water Use Permit to be included with their application. Kim will make the necessary changes to the application.

- White Bear Lake – Manitou no changes from last year 1 abstain Bryan DeSmet 6 remaining aye passed
- White Bear Lake – Municipal Marina all aye passed
- White Bear Lake – Vet Park No changes only pay application fee just a fishing dock no boats. All aye passed
- Fletcher Driscoll all aye passed
- Hickory St. tabled missing diagram
- McCartney Estates – Changed bought new dock approved neighbors were not notified so waiting to see if anyone has any issues or questions, if not then will approve.

11. Lake Education – Scott Costello

The lake clean-up project is March 9th 10 am Bellaire beach, VFW will serve lunch to volunteers. Anti-plastics campaign would like feedback from board on taking this on as our yearly project To have signs made up showing how bad plastic is for our lake then ask marinas, boat launch Areas, and dock owners, businesses around lake to post signs. All agreed a great project to Proceed.

12. Treasurer’s Report – Motion (DeSmet/Second) approval of February 2019 Treasurer’s report and payment of check numbers 4548-4554 All Aye passed.

13. Board Counsel

Nothing new to report

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

15. Announcements – None

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: _____

REGULAR MEETING OF THE WHITE BEAR LAKE CONSERVATION DISTRICT
7:00 pm White Bear Lake City Hall
Minutes of March 19, 2019

APPROVAL DATE: April 16, 2019

1. **CALL TO ORDER** the March 19, 2019 meeting of the White Bear Lake Conservation District was called to order by Chair Bryan DeSmet at 7:00 pm in the White Bear Lake City Hall Council Chambers.
2. **ROLL CALL** Present were: Chair Bryan DeSmet, Vice Chair Mark Ganz, Directors: Scott Costello, Mike Parenteau, Susie Mahoney, Cameron Sigecan absent was Sec/Tres Diane Longville Directors Geoff Ratte and Marty Rathmanner. A quorum was present.
3. **AGENDA** - Chair DeSmet asked for any changes to the agenda. Motion/second to add under LUC Change City of Mahtomedi to East Shore Dock Assoc and McCartney Estates carryover from last month
4. **APPROVAL OF MINUTES OF** – February 2019 board meeting with corrections Motion (DeSmet/Second) Moved to approve all aye passed.
5. **PUBLIC COMMENT TIME** – None
6. **NEW BUSINESS** – received thank you note from H2O and post card from a Cody Olson asking that in future decisions we take into account the inclusion of those with disabilities.
7. **UNFINISHED BUSINESS** – None
8. **REPORTS/ACTION ITEMS**
Executive Committee – None
Action item – Nominations are open for Chair, Vice Chair & Secretary/Treasurer Mike Parenteau nominated Bryan DeSmet for Chair, Mark Ganz for Vice Chair and Diane Longville for Sec/Treas. No additional nominations were received, Chair Bryan DeSmet opened the floor three additional times for any further nominations none received. Nomination process closed. Motion/second to accept the nominations and that Bryan DeSmet will continue to serve as Chair, Mark Ganz as Vice Chair, and Diane Longville as Secretary/Treasurer all aye vote passed.
9. **Lake Quality Committee – Mike Parenteau**
 - Received bid from Blue Science Water for survey cost of \$3,100 plus \$200 additional for surveying the potential of milfoil and starry stonewort at boat launches. Will do same as last year early in the year around June and going deeper we got good results last year with this approach. Motion/second to approve \$3,100 from the budget and \$200 from general fund. All aye passed.
 - Received applicators bid Lake Management. Asking the board to review as Mike would like to have further discussions with Steve McComas and do some product research as a few products have changed this year being offered. Will vote next month.
10. **Lake Utilization Committee – Mark Ganz review of multi Dock applications**
 - White Bear Yacht Racing – same as prior years asked that they coordinate racing schedules with Black Bear Racing done. Approved
 - Black Bear Racing – Approved
 - White Bear Yacht Club – Approved

- ESDA – same as prior years vote Ganz abstained 5 vote aye passed
- McCartney Estates – carryover from last month bought new dock needed neighbors notified letter sent two week notice given – Approved

11. Lake Education – Scott Costello

March 9th was lake clean up day had record number of volunteers. Found some unusual items. Thank you to the Boy Scouts and the VFW for lunch. Pictures are on the website and were in the White Bear Press. Next years event will be March 7, 2020.

Continuing to work on anti-plastics campaign Mn Dot will make the signs for us highway grade for \$20 each. Will present sample of sign and cover letter to board next month. Discussion of also having trash receptacles near signs most of not all areas have them.

Also on the website information on how people can become a certified invasive species spotter being trained by U of M.

12. Treasurer's Report – Motion (DeSmet/Second) approval of March 2019 Treasurer's report and payment of check numbers 4555 – 4561 with 4559 being voided All Aye passed.

13. Board Counsel

Nothing new to report. Brought St. Thomas 1 st year law student with to observe as part of a mentoring program Alan participates in.

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

15. Announcements – None

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

Meeting adjourned

ATTEST:

Kim Johnson: *Kim Johnson*

Executive Administrative Secretary

Date: April 16, 2019

Mark Ganz *Mark Ganz*

Board Vice Chair

Date: April 16, 2019

City of White Bear Lake Environmental Advisory Commission

MINUTES

Date: March 20, 2019	Time: 6:30pm	Location: WBL City Hall
COMMISSION MEMBERS PRESENT	Sheryl Bolstad, Chris Greene, Bonnie Greenleaf, Rick Johnston, June Sinnett, Robert Winkler	
COMMISSION MEMBERS ABSENT	Gary Schroeher	
STAFF PRESENT	Connie Taillon, Environmental Specialist	
VISITORS	None	
NOTETAKER	Connie Taillon	

1. CALL TO ORDER

The meeting was called to order at 6:33 pm.

2. APPROVAL OF AGENDA

The commission members reviewed the agenda and had no changes. Staff added Climate Smart Municipalities to item 7b Staff Updates. Commissioner Greenleaf moved, seconded by Commissioner Johnston, to approve the agenda as amended. Motion carried, vote 5/0.

Commission member arrived at 6:35pm

3. APPROVAL OF MINUTES

a) February 20, 2019 regular meeting

The commission members reviewed the February 20, 2019 draft minutes and had no changes.

Commissioner Sinnett moved, seconded by Commissioner Greene, to approve the minutes of the February 20, 2019 meeting as presented. Motion carried, vote 6/0.

4. VISITORS & PRESENTATIONS

Nate Christensen from the City's Engineering Department discussed the upcoming 2019 street reconstruction projects. The project locations include Garden Lane and streets to the east of Stewart Avenue, south of 7th Street (including 7th), and west of Lake Avenue. An infiltration trench is proposed on the south side of Garden Lane to provide stormwater treatment. Due to high groundwater, underground stormwater treatment will not be included as part of the downtown area reconstruction project. The City is spending some of its volume reduction credits through Rice Creek Watershed District to satisfy the water quality requirement in this area. These credits were banked from past stormwater projects. The Rice Creek Watershed District and City are partnering again to offer a raingarden cost share program for residents within the reconstruction area. Approximately thirteen residents have expressed interest in the program. Nate briefly discussed the proposed 2020 reconstruction project locations, including three City parking lots in the Downtown Area, Cottage Park Road, a residential area surrounding Elm Street in the southwest corner of the City, and a residential area surrounding Glen Oaks Avenue in the southeast corner of the City.

5. UNFINISHED BUSINESS

a) Adopt a Drain program

Staff updated the commission on the metro-wide Adopt a Drain Program. The Adopt a Drain website became live this week. Any resident can go on the website and adopt a drain. VLAWMO is interested in collaborating with the City to provide targeted educational materials about the program within the Goose Lake subwatershed.

b) Downtown area recycling

Commission members discussed strategies for incorporating recycling in the downtown area. The recycling subcommittee will create a map showing the location of all recycling and trash containers in the downtown area and research options for new combined trash and recycling containers. The next step will be to determine locations for the new trash and recycling containers and if any of the existing trash containers can be removed. Staff will provide a base map of the downtown area.

c) Pollinator plantings in parks

Commissioner Schroeder provided an email update summarizing his meeting with the Parks Commission on February 21, 2019. The Parks Commission seemed very receptive to planting more pollinator plants but had concerns about maintenance obligations, attracting ticks, and determining the types of plants to plant. They also discussed possibly planting pollinator plants instead of trees at the Arbor Day event in May. Staff will include pollinator plantings on the April Environmental Advisory Commission agenda to discuss possible next steps.

d) 2019 Environmental Resources Expo

The commissioners discussed changes to the exhibitor list. Staff will update the contact information for Conservation Minnesota. Commissioner Bolstad will not be contacting the Honor Society this year because there was a good turnout of Boy Scouts last year to help with setup and takedown. Commissioner Winkler will contact Rainbow Tree Care to invite them to the event. Commissioner Bolstad will email the commission members sample invite language. Invites should be emailed out by the April meeting. Staff mentioned that Ramsey County has phone holders that can be given away at the event.

6. NEW BUSINESS

None

Commission member left at 8:00pm

7. DISCUSSION

a) Subcommittee updates

None

b) Staff updates

- Volunteer cleanup event

Staff reported that there is a volunteer opportunity to clean storm drains and hang Adopt-a-Drain door hangers in the Goose Lake subwatershed. Staff will provide more information at the April meeting.

- Environmental Commission Conference – April 13

The statewide Environmental Commission Conference is scheduled for Saturday, April 13, 2019 from 9am to 2pm at Hennepin United Methodist Church.

- Climate Smart Municipalities

Staff updated the commission on the Climate Smart Municipalities exchange program with Germany. A German exchange student was selected to help the City this summer with energy related projects such as EV charging infrastructure, electrifying fleet vehicles, and education. The intern will start on April 7th.

c) Commission member updates

Commissioner Greene provided an update on the Water Gremlin TCE meeting. The main question he still has that was not addressed at the meeting is which equipment failed and how could it have been in failure mode without it being detected. He stated that there is a bill in the legislature to ban TCE.

d) Do-outs

Commission members and staff discussed items on the current do-out list and added the following:

- Commissioner Bolstad will email example invitation language for expo participants.
- Commissioner Bolstad will research options for trash and recycling containers in the downtown area.
- Commissioners and staff will email an invite to respective Expo participant contacts.
- Commissioner Johnston will create a location map of downtown area trash and recycling containers.
- Staff will provide a map of the downtown area to Commissioner Johnston.
- Staff will email an Adopt a Drain link to commission members.
- Staff will add contact information for the new Conservation MN East metro representative.
- Staff will order phone holders (Pop Sockets) from Ramsey County to give away at the Expo.

e) April agenda

Include pollinator plantings, volunteer cleanup event, Adopt a Drain program, Environmental Resource Expo, Conservation MN guest, and U of M speaker on the April agenda. Commissioner Winkler plans to attend the April meeting. Commissioner's Bolstad and Johnston are not able to attend.

8. ADJOURNMENT

The next meeting will be held at City Hall on April 17, 2019 at 6:30pm. Commissioner Sinnett moved, seconded by Commissioner Greenleaf, to adjourn the meeting at 8:18 pm. Motion carried, vote 5/0.



City of White Bear Lake
City Manager's Office

MEMORANDUM

To: Ellen Richter, City Manager

From: Kara Coustry, City Clerk

Date: April 18, 2019

Subject: **On-sale wine, 3.2 and Sunday liquor licenses at The Waters Senior Living Management, LLC**

BACKGROUND/SUMMARY

The Waters of White Bear Lake will be changing ownership effective May 1, 2019. The facility is currently licensed for wine, 3.2, Sunday and Extension liquor licenses. The new owners would like to retain these licenses.

The City received an application from Lynn Carlson Schell, President on behalf of The Waters Senior Living Management, LLC dba The Waters of White Bear Lake for on-sale wine, 3.2, Sunday and extension liquor license on the premises located at 3820 Hoffman Road, White Bear Lake, MN. The Police Department completed a financial and criminal background check related to the application and found nothing that precludes approval of the requested liquor licenses. The required liquor liability insurance certificate has been submitted and the full application is on file for review.

RECOMMENDED COUNCIL ACTION

Staff recommends approval of the attached resolution for on-sale wine, 3.2, Sunday and extension liquor licenses as no concerns were identified through the application process, and all license requirements have been met.

ATTACHMENTS

Resolution

RESOLUTION NO.

RESOLUTION AUTHORIZING ON-SALE 3.2, WINE, EXTENSION AND SUNDAY LIQUOR LICENSES FOR THE WATERS SENIOR LIVING MANAGEMENT, LLC DBA THE WATERS OF WHITE BEAR LAKE

WHEREAS, the City of White Bear Lake received an application from Lynn Carlson for On-Sale 3.2, Wine, Extension and Sunday liquor licenses for The Waters Senior Living Management, LLC dba The Waters of White Bear Lake (Application); and

WHEREAS, The Applicant submitted the required insurance and satisfied the financial and criminal background investigation for which the Police Department found nothing adverse that would preclude approval of these licenses; and

WHEREAS, the approval of any liquor licenses would be valid effective May 1, 2019 through the end of the business cycle on March 31, 2020.

NOW, THEREFORE, BE IT RESOLVED that the White Bear Lake City Council approves the issuance of On-Sale 3.2, Wine, Extension and Sunday liquor licenses as follows:

The Waters Senior Living Management, LLC
The Waters of White Bear Lake
White Bear Lake, MN 55110

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

Ayes:
Nays:
Passed:

Jo Emerson, Mayor

ATTEST:

Kara Coustry, City Clerk



City of White Bear Lake
City Manager's Office

MEMORANDUM

To: Ellen Hiniker, City Manager
From: Rick Juba, Assistant City Manager
Date: April 18, 2019
Subject: **Bellaire Center – Comcast Rental Agreement**

BACKGROUND

The Comcast lease in the City's Bellaire Center was last renewed June 1, 2018 – May 31, 2019.

SUMMARY

The terms of the lease are intended to coincide with the cable franchise renewal process. Consistent with staff's recommendation to approve an extension of the franchise agreement, it is recommended that the lease with Comcast be extended through February 28, 2020. The lease maintains the existing base rent of \$10.17 per square foot, with all operating costs paid by the leaseholder.

RECOMMENDATION

Staff recommends the City Council approve a lease extension with Comcast under current terms through February 28, 2020.

ATTACHMENTS

Resolution

RESOLUTION NO.

RESOLUTION ESTABLISHING RENTAL RATES FOR COMCAST CABLE

WHEREAS, the City has rented space at 2446 County Road F to Comcast Cable; and

WHEREAS, Comcast Cable and the City have determined it is mutually beneficial to extend the lease.

NOW, THEREFORE, BE IT RESOLVED, be it resolved, that the City Council of the City of White Bear Lake, that a lease between Comcast Cable and the City of White Bear Lake shall be extended with the following changes made to the present lease:

Term: June 1, 2019 – February 28, 2020

Effective Date: June 1, 2019

Base Rent: \$10.17 per square foot.

Operating Rent Operating rent established at \$3.45 per square foot.

BE IT FURTHER RESOLVED that the City recognizes that a upon completion of a franchise agreement between Comcast Cable and Ramsey Washington Suburban Cable Commission, on behalf of the City of White Bear Lake, that it is Comcast Cable's desire to enter into a long-term lease for the facility; and

BE IT FURTHER RESOLVED, that the Mayor and City Manager are authorized and hereby directed to execute said lease on behalf of the City.

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

Ayes:

Nays:

Passed:

Mayor Jo Emerson

ATTEST:

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: April 11, 2019

Subject: **Massage Therapist Establishment License – Recommendation for denial**

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 demonstrating they have received the appropriate training and insurance. A criminal history check and financial review are also conducted.

SUMMARY

The City received a complete massage therapist establishment application from Craig Zorn on February 28, 2019. Mr. Zorn seeks a license to operate a massage establishment at the location of 2033 County Road EE, called Meridian Care Massage.

Mr. Zorn listed two massage therapist practitioners on the application that he intended to employ at the location: Lya Liurong and Yuanfen Liu. To date, the City only received an application from Yuanfen Liu, Mr. Zorn's wife, whose schooling was determined not to be accredited. Consequently, the City has not been able to complete the background check investigation on Ms. Liu for a license determination. A letter was mailed to Yuanfen Liu on March 4, 2019, that notified the applicant of the City's inability to continue to process her massage therapist application due to her non-accredited schooling.

The background investigation on Craig Zorn revealed several items of concern related to the applicant, outlined below.

Residence listed on application is a business: Mr. Zorn listed his home address of 2723 E. Blvd. Plaza, Wichita, KS 67211, which is actually an address to one of his businesses called Beijing Massage. It was determined through the credit history report, that Mr. Zorn has used an apartment address in Stillwater, MN since 2012. Mr. Zorn has a current Kansas Driver's License, as well as an expired license out of Wisconsin using a Menomonie, WI address in 2012-2017.

Businesses listed, one not confirmed as named: Mr. Zorn listed on his application that he has a massage establishment license for Daily Massage at 5311 E. Central Ave., Wichita, KS. The business licensing agent for the City of Wichita confirmed by letter they have no record of a

Massage Therapist Business by the name of Daily Massage operating in the City of Wichita, however, at the same address, the City of Wichita confirmed Mr. Zorn's business is licensed as Beijing Massage through 10/3/19.

Wichita Police Report: At Beijing Massage, 2723 E Boulevard Plaza, KS, it was discovered a police report was filed on September 4, 2018. Police responded to a report of a young girl in the business. They made contact with Mr. Zorn who showed them around his business. Police encountered a man putting on his trousers who claimed to have just gotten a massage. When Police asked Mr. Zorn where the massage therapist was who just provided the massage, Mr. Zorn stated she was someone he picked up from another place but he did not know where she was and she must have left. The police ultimately located a bare-footed woman hiding behind the business who confirmed she was providing massage at Mr. Zorn's business – Beijing Massage. The woman was found not to have a valid license to practice massage and was consequently arrested and charged for operating without a license. Mr. Zorn was not charged with allowing an unlicensed therapist to operate in his business.

RECOMMENDATION

Based on these background check findings, especially deception related to Mr. Zorn's massage business establishment and practices at Beijing Massage, staff does recommend a massage business license in the City of White Bear Lake.

The applicant indicated they would attend the Council meeting for this license determination. If the applicant appeared and wishes to speak, staff would ask that this item be removed from consent and added to New Business for consideration. Legal counsel is prepared to speak to this matter if needed.

ATTACHMENTS

Resolution of Denial

Police Chief Memo and Report

City of Wichita Letter dated 2/22/19

Wichita Police Report

Email from Craig Zorn

RESOLUTION NO. _____

**RESOLUTION DENYING A
MASSAGE THERAPIST BUSINESS LICENSE**

WHEREAS, Chapter 1127 of the Municipal Code of the City of White Bear Lake (“City Code”) requires anyone desiring to establish a massage therapist business to obtain a massage therapist business license (“Business License”);

WHEREAS, Craig Arthur Zorn (“Applicant”) applied for a Business License to operate a massage establishment at 2033 Co. Rd. E. within the City of White Bear Lake (“City”) in the name of Meridian Care Massage (“Proposed Business”);

WHEREAS, the Applicant identified Yuanfen Liu, his wife, and Lyu Liurong as the massage therapists he intends to employ at the Proposed Business, but Lyu Liurong did not submit a massage therapist license application to the City and the application submitted by Yuanfen Liu could not be processed as it failed to contain a certification or proof of graduation from an accredited educational institution as required under City Code, Section 1127.050, subdivision 3;

WHEREAS, the City Council considered the applications at its April 23, 2019 meeting and hereby finds and determines as follows:

- a. The amendments to City Code, Chapter 1127 adopted by the City Council went into effect on April 5, 2019 and consideration of this application was made pursuant to that amended Chapter;
- b. The Applicant indicated he has owned three massage businesses in the last five years, two in Wichita, Kansas and one in Lake Elmo, Minnesota. Staff within the City of Wichita confirmed that one of the establishments the Applicant identified, Daily Massage, has not been licensed by the city. Instead, its records show the Applicant has licenses for two establishments called Beijing Massage in the City of Wichita. The Applicant indicated he did not renew his license for Nirvana Massage & Spa, his massage business in Lake Elmo;
- c. The Applicant lists the address of one of the massage establishments in Wichita as his home address, but the building is clearly in a commercial area and is not a residential structure. The Applicant did not list a residence in Minnesota;
- d. The Applicant submitted the required proof of insurance;
- e. The Applicant indicated he was “improperly and illegally” told he could not open one of his establishments because of charges brought against an employee (Yuanfen Liu). He did not indicate to which business he was referring, but said he lost his business as a result. The Applicant indicated that his employee was ultimately found not guilty by a jury and stated he does not allow illegal behavior on his property;

- f. The City discovered a Wichita City Police Department report (which is incorporated herein by reference) concerning an incident that occurred on September 4, 2018 related to one of the Beijing Massage establishments. The report indicates that when the officers responded to a welfare check concerning a young girl at the business, a passerby reported seeing a woman leave the back of the establishment and hide behind a dumpster in the alley. The person reported that she then saw the woman run across the street and hide behind another business. When the police communicated with the woman that had been hiding she indicated that she was from Beijing Massage. The officers were able to confirm that she had been giving a customer a massage at the establishment when the police arrived and she admitted to not having a massage therapist license. The woman was cited for providing massages without a license. The business was not cited, but the fact an unlicensed person was allowed to conduct massages at the establishment is contrary to the statement the Applicant made in the application about not allowing “illegal behavior” to occur at his establishments;
- g. The staff memo regarding the license requests submitted to the City Council are incorporated in and made part of this Resolution by reference (collectively, the “Staff Reports”);
- h. City Code, Section 1127.110, subdivision 1 indicates that an applicant with a history of violations of law or ordinance that apply to public health, safety, and morals constitutes sufficient grounds to deny an application;
- i. The Applicant asserts that because his business was not issued a citation related to the unlicensed person providing massages at his establishment means the incident reflects no wrongdoing on his part. He referred to the person that called to express concern regarding a young girl observed at the business as a religious zealot that made a false complaint. He also referred to the person that admitted to providing massage without a license, and who was charged for that violation, as a prospective employee that was interviewing for a job;
- j. The City Council finds the Applicant’s explanation and excuses related to the incident at the Wichita establishment to not be credible. The Applicant was present when the unlicensed person was providing massage services at his establishment and the fact the officers did not issue the business a citation for the violation does not excuse or absolve the Applicant from the incident. Regardless of the claimed motivation of the person who called in a concern regarding the establishment, the resulting response revealed a violation. The unlicensed person was clearly aware she was committing a violation as she attempted to run and hide when the police arrived. Additionally, claiming the unlicensed person was a prospective employee does not excuse the violation. Furthermore, the police report indicates the Applicant admitted the person comes over periodically from another massage establishment to provide extra help;
- k. The application form for a Business License requires the applicant to disclose whether the person has “ever operated a massage therapy establishment, been licensed as a massage therapist, or practiced massage professionally”;

- l. The application form for a Business License also contains a statement signed by the person making the application certifying that all of the information provided on the form is “accurate and complete”;
- m. City Code, Section 1127.110, subdivision 6 indicates that a license may be denied if an applicant provides “false information in its application materials” or “fails to disclose information required on the application form”;
- n. The Applicant misidentified the name of one of his massage establishments in the City of Wichita. The City requires an applicant to list the massage establishments for which they were licensed in the previous five years to facilitate the background check the City conducts to determine if the applicant is eligible for a license in the City of White Bear Lake. Providing false or incomplete information on an application form frustrates that purpose and is, alone, a sufficient basis on which to deny an application;
- o. The Applicant identifying a Wichita business address as his home address constitutes providing false information in violation of the certification in the application and City Code, Section 1127.110, subdivision 6;
- p. Failing to identify a residence in Minnesota raises concerns regarding the Applicant’s ability to manage the Proposed Business to ensure it is conducted in accordance with state and local laws;
- q. Massage therapy is a legitimate business and the City has licensed several such businesses within the City. However, the nature of the business, the potential for such businesses to be used as a front for illegal activities, and the difficulties related to identifying and enforcing violations occurring at massage therapy establishments compels the City Council to carefully scrutinize applications for massage therapist business licenses and massage therapist licenses;
- r. The City has previously been required to act to close massage therapist businesses not operating in accordance with law and is aware of the costs associated with having to take such enforcement actions;
- s. The City Council is charged with protecting public health, safety, and welfare, including from the activities of businesses licensed by the City;
- t. Cities necessarily have broad authority to consider the circumstances surrounding a license application as part of deciding whether to approve a license;
- u. Pursuant to City Code, Section 1127.050, subdivision 8, the City Manager is to report to the City Council on the eligibility of the Applicant for a Business License. The City Manager, in the Staff Reports, recommended that the Applicant’s application be denied;

- v. The City sent the Applicant a letter dated April 2, 2019 informing him that staff is recommending the City Council deny the requested Business License;
- w. The history of a criminal violation issued to an unlicensed person providing massage services at the Application's massage business in Wichita, which reflects on how the Applicant operated his business, misidentifying the name of a massage business in Wichita, and listing the address of one of the massage businesses in Wichita as the Applicant's home address constitute a violation of the certification made as part of the application and is a violation of City Code, Section 1127.110, subdivisions 1 and 6. These violations are sufficient grounds on which to deny the application and the City Council determines that denying the application is appropriate in order to the protect public health, safety, and welfare; and
- x. Under City Code, Section 1127.050, subdivision 8, a City Council decision to deny an application constitutes a final decision that is not subject to appeal within the City.

NOW, THEREFORE, the City Council of the City of White Bear Lake, based on the application materials, the Staff Reports, the findings and determinations contained herein, and the record of this matter, hereby resolves as follows:

1. The application submitted by Craig Arthur Zorn for a massage therapy business license for the Proposed Business is hereby denied.
2. Pursuant to City Code, Section 1127.115, subdivision 5, the Applicant is not eligible to reapply for a Business License for one year from the date of this Resolution.
3. The City Clerk is hereby authorized and directed to provide the Applicant a copy of this Resolution to serve as notice of the denial.

The foregoing resolution offered by Councilmember _____ and supported by Councilmember _____ carried on April 23, 2019 on the following vote:

Ayes:
Nays:
Passed:

Jo Emerson, Mayor

ATTEST:

Kara Coustry, City Clerk



City of White Bear Lake
Police Department

MEMORANDUM

To: Ellen Hiniker, City Manager
From: Julie Swanson, Chief of Police
Date: April 12, 2019
Subject: Meridan Care Massage – 2033 County Road E

On March 4, 2019 police department staff conducted a background investigation on applicant, Craig Arthur Zorn, related to his business application for a massage establishment license. The business Mr. Zorn is seeking to license is Meridan Care Massage located at 2033 County Road E, White Bear Lake. The applicant provided a lease agreement with Sunrise Center. LLC for the space.

The applicant provided a home address in Wichita, Kansas. However, a check of the address shows that it is actually the address for Beijing Massage, which the applicant owns. The applicant never provided a home address. In his application, the applicant also lists three massage businesses that he claims to own. They include Beijing Massage and Daily Massage located in Wichita, Kansas and Nirvana Massage in Lake Elmo, MN. Staff communicated with the Business Licensing Manager for the City of Wichita who confirmed that the applicant is the owner for both establishments; however, they are both licensed as Beijing Massage. The applicant does not have a business called Daily Massage.

The applicant does not have a criminal history in Minnesota, and staff is unable to run a national criminal history check under state guidelines. Staff obtained a police report from the Wichita Police Department involving the applicant and one of his establishments. A complainant reported seeing a young female in the window, and later heard screaming from inside the business. Upon police arrival, the applicant denied having any young women in the establishment, and stated the only other person at the business was a male who was getting dressed after his massage. While there, a bystander reported to police that they observed a young woman flee the business just prior to police arrival, and that she was hiding behind a dumpster in the back of the business. Officers located the female walking away from the business, with no shoes on and no personal belongings. Officers learned she was working in the business as a therapist and she did not have the required license.

A check of the applicant's credit history also shows several negative listings related to accounts in collection. Due to the inconsistencies with the applicant's home address and business listings, the police contact in Wichita, KS and the concerns with his credit obligations, staff recommends denial of the applicants request for a massage business license in the City of White Bear Lake.

pd. #25 2/1/19

19002743



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

City Clerk
clerk@whitebearlake.org
(651) 429-8508

Massage Therapist Establishment License Application

Instructions: The owner of the establishment must complete this form and include the following supporting documents with your application. Return completed form to the business license agent at the City of White Bear Lake. License required for all places of business where massage therapy services are provided to the public for a fee. This includes businesses which rent/lease space to an individual licensed massage therapist.

rec'd

- 1. Copy of a valid driver's license or other valid government issued identification.
- 2. Names of massage therapists you employ or intend to employ at this time. All massage therapists must apply for an individual practitioner's license through the City of White Bear Lake.
- 3. Proof of professional liability insurance with coverage of up to \$1,000,000 per occurrence.
- 4. Proof of superior possessory interest in the premises at the location being licensed (lease).
- 5. Initial \$25.00 application/background check fee (fee waived if owner is applying for his/her own massage therapist license).
- 6. Annual license fee \$25.00. Credit cards are not accepted. Please pay cash or make check payable to: City of White Bear Lake.

will provide soon.
Rec'd 2/28

Rec'd

- 1. Federal Tax ID number
- 2. State Tax ID number
- 3. Business name (Please Print) Meridian Care Massage
- 4. Business address 2033 County Rd. E East White Bear Lake MN 55110
(Street) (City) (State) (Zip)
- 5. Business telephone 715-505-0088
- 6. Email address
- 7. Company website address
- 8. Please provide the full names of each massage therapist you intend to employ at your business:
 - Yuanfen Liu
 - Lyu Liurong - DO NOT HAVE APPLICATION FOR SUBJECT!

Business owner's information:

9. Full legal name (Print): Zorn Craig Arthur
(Last) (First) (Middle)

10. Home address 2723 E. Blvd Plaza Wichita Kansas 67211
(Street) (City) (State) (Zip)

11. Daytime telephone 715-505-0088 11. Date of birth [REDACTED]
(mm/dd/yyyy)

12. Email address [REDACTED]

13. Driver's License Number [REDACTED] State of Issuance Kansas

14. Have you ever used or been known by any name other than the legal name given in number 9?
 No

Yes - If yes, list each full name along with dates and places where used:

15. As the owner, have you ever held a massage therapist establishment license? If yes, please list all current and past businesses within five years and the status of each license (current, suspended, revoked, or not renewed).

No

Yes (list the past five years below, attach an additional form if needed)

Name of Business	City/State of Business	Status of License
<u>Beijing Massage</u>	<u>Wichita Kansas</u>	<u>Current</u>
<u>Daily Massage</u>	<u>Wichita Kansas</u>	<u>Current</u>
<u>Nirvana Massage & Spa</u>	<u>Lake Elmo MN</u>	<u>Not renewed</u>
<u>Name of Business</u>	<u>City/State of Business</u>	<u>Status of License</u>
<u>Name of Business</u>	<u>City/State of Business</u>	<u>Status of License</u>

10. If you answered yes to number 9 above, for suspended or revoked licenses, please explain:

We were improperly and illegally told that we couldn't open due to therapist charges. 1. No was no legal investigation done properly. 2. I was not cited in any legal action in the county as the owner.

3. The employee, Yuanfen Liu took this case to a jury trial and was acquitted. Still, I lost my business and was not allowed due process and my status as an owner was ended improperly. The legal outcome acquitted my employee but my business was still destroyed. I do not allow illegal behavior on my premises.

**Background Check Authorization
and Consent for Release of Consumer Credit Information**

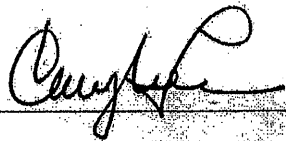
The information that you are asked to provide on the application is classified by State law as either public, private or confidential. All data, with the exceptions of driver's license numbers, will constitute public record if and when the license is granted. Our intended use of the information is to perform the background check procedures required prior to license issuance. If you refuse to supply the information, the license application may not be processed.

You may sign up for "Notify Me" on the City's website at www.whitebearlake.org to receive email notifications anytime the City posts a Public Notice. Public Notices may contain information relating to Ordinance revisions or updates, which could potentially modify business license fees and requirements.

The undersigned applicant makes this application pursuant to all laws of the State of Minnesota and regulation as the Council of the City of White Bear Lake may from time to time prescribe, including Minnesota Statute #176.182. In addition, the applicant acknowledges that they are responsible for reviewing the background and work history of their employees, including those that have received a massage therapist license from the City.

By signing below, you certify that the above information is accurate and complete; you authorize the City of White Bear Lake to verify the accuracy and completeness of this information; you further authorize the City of White Bear Lake Police Department to conduct a background check and request a copy of your consumer credit report for the purpose of conducting a license background investigation.

Signature _____



Date 10/18/2019

Please Note: Background checks may take up to 30 days to complete. Once completed, the item is scheduled for approval by the City Council, which can take an additional two weeks depending on timing. City Council meetings are conducted in the evenings of the 2nd and 4th Tuesday's every month except December.



DEPARTMENT OF FINANCE
CITY LICENSE
CITY HALL-1st FL.
455 N MAIN
WICHITA, KS 67202-1678
(316) 268-4553

February 22, 2019

White Bear Lake Police Department
Attn: Angie Stewart
4701 Highway 61
White Bear Lake, MN 55110

Re. KORA Request made on February 13, 2019

Yuanfen Liu is currently licensed with the City of Wichita to be a Massage Therapist through 08/15/2020. Please note that being licensed as a Massage Therapist with the City of Wichita is not dependent upon any testing given by the City of Wichita.

Craig A Zorn is not, nor has ever been, licensed with the City of Wichita to be a Massage Therapist.

Beijing Massage located at 2723 E. Boulevard Plz. is currently licensed as a Massage Therapy Business through 07/28/2020 with the City of Wichita. The owner shown for this business is Craig A. Zorn. Another business, also called Beijing Massage, located at 5311 E. Central Ave. is also currently licensed as a Massage Therapy Business through 10/03/2019 with the City of Wichita. The owner shown for this business is also Craig A. Zorn. We have no record of a Massage Therapy Business by the name of Daily Massage operating in the City of Wichita.

We cannot say if the businesses are still open, only that they are still licensed. The owner has not notified our office that the businesses are no longer operating, so we presume

they are until otherwise informed.

Sincerely,

Steva Bossemeyer
Business License Manager
License Section

Incident Report - 18C057923

Date: 02/13/2019 11:10

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Incident Narrative

Supplemental Reporting REBEKAH JABARA - WPD, ID # 2303 2 09/10/2018 06:03

Supplemental Information Report

Case #: 18C057923

Location: 2723 E Boulevard Plaza

Case Heading: O1: Yuanfen Liu, [REDACTED] a/f, W: Beijing Massage, 2723 E Boulevard Plaza, Wichita, KS

Synopsis: See Original Report

On 9-04-18, at approximately 1125 hours, while riding 34 beat, I was dispatched to check the welfare of a citizen at Beijing Massage at 2723 E Boulevard Plaza, Wichita, KS, 67211. While enroute, dispatch advised that [REDACTED] was calling. She told dispatch that she has been calling EMCU and Sheriff, who told her to call 911. She said there was a post made last night that said they had pulled up to a massage parlor of "Beijing Massage" and saw a small girl looking through the window. The little girl looked scared and shook her head no. The woman confronted an older man inside and he denied there was a child there. The women then left, and heard a child screaming inside the building. The Facebook messages were saying that the older man who says he is the owner lives at a residence across the street on the northeast corner. The caller also said that reading this story of Facebook that someone went inside pretending to want a massage and the child is still in the business but employees are acting like they don't speak English. This man said the child is acting really weird. He claimed this happened about 1110 hours today and people are trying to do their own "investigating."

While sitting nearby waiting for my back up to arrive, I observed an female get into the passenger side of a Ford Escape. They pulled into a parking spot across the street on Boulevard Plaza in front of Needlenook Fabrics. After a few minutes they drove away.

Upon arrival, I observed the cameras in the front and a doorbell for the front door. The front door was locked, and I rang the doorbell and knocked on the door. I saw a small hand move the blinds to see out, about 5 feet from the ground. After some time, a man finally came to the door and I asked if we could come inside and speak with him. He allowed us inside, and identified himself as Craig Zorn. He said he is the owner of the business with his wife, Yuanfen Liu. Their licenses were sitting out in front by the desk. Officer Shelton and I explained to him why we were called, and he said he has no idea why someone would say that, and wondered if it might be a different massage place calling something like this in. We told him we'd need to make sure there is no child and he agreed and showed us around the business. When looking though, I opened a door and a male was putting his pants on while sitting on a massage bed. He immediately said when he saw me, "I was just done getting a massage is there a problem?"

Also was a room with a small cot with pillows and blankets. Women's clothing were hanging behind the bed including a strage outfit. There was several pairs of women's shoes and cut fish in a bowl on the counter next to a small crockpot. I also saw a light pink jacket hanging. Other food items were on the counter.

We asked him where the person giving the massage to the man was, and he said a lady that he picked up from another place, but she is not here. When we asked him where she was, He asked us to repeat the question twice, and finally said "she may have left." He said he didn't know where she was but that she comes over periodically for extra help but is from a shop on Harry street.

As I was walking out, a woman pulled up and said that she saw an Asian female hiding behind the dumpster in the alleyway of this building. The woman was coming out of the Dollar General when she saw this. She said the woman then ran across the street when we went inside and hid behind another building. She described her wearing a red skirt and black shirt with no shoes. We then checked the area, and found her walking on Estelle just north of Lincoln. She spoke almost no English, but when I showed her the Beijing Massage business card that Craig Zorn had just given me, she pointed and nodded her head yes. We motioned her to come with us and pointed that way. She motioned if she could sit with us and I drove her back to the business.

Once we got back to the business, We asked for ID and she nodded, and retrieved her Immigration employment card which identified her [REDACTED] Xiong, 1/11/74 from China. We asked where her license was, and Craig said he assumed it must be at the other place and he did not know. Craig says that they call [REDACTED] Panda. [REDACTED] went to the room with the cot and put on flip-flops, a pink jacket and pants, all which fit her perfectly well. She also

Incident Report - 18C057923

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began eating the bowl of fish I saw earlier when we walked through. We explained to Craig and he used google translator to ask if she had a license for massage. She said no. Through google, it was then explained to her that she would have to be booked for failure to have a license. She was taken to ADJ by Officer Shelton.

While walking [redacted] Xiong out towards our vehicle, a woman pulled up and told me she was Panda's friend. I asked her to translate a couple things for me and she said her English was not very good. She had pulled up in a white Nissan Pathfinder with tag [redacted]. The woman was Asian, and appeared to be in her 50's or 60's. After translating, she went inside the business and stayed there until we left. I recognized this car as I have seen it parked in this parking lot numerous times. The tag is registered to [redacted] at this address.

Axon available,

This is all the information I have to report on this case at this time.

Name & ID: R A Jabara #2303

Bureau/Shift: East/2nd

Date: 9-04-18, 2100 hrs

<input checked="" type="checkbox"/> INITIAL <input type="checkbox"/> MODIFY		<input type="checkbox"/> DELETE <input type="checkbox"/> ADD		KANSAS STANDARD OFFENSE REPORT FRONT PAGE OPEN PUBLIC RECORD				PAGE 1 OF 1																
<input type="checkbox"/> ON VIEW <input type="checkbox"/> CITIZEN		<input checked="" type="checkbox"/> DISPATCHED <input type="checkbox"/> DICTATED		NAME OF AGENCY WICHITA POLICE DEPARTMENT		KS AGENCY ORJ NUMBER KS0870300		CASE NUMBER 18C057923																
INCIDENT	DATE OF REPORT (MMDDCCYY) 9/4/18		TIME REPORTED 1220		DATE OFFENSE STARTED (MMDDCCYY) 9/4/18		TIME 1220		DATE OFFENSE ENDED (MMDDCCYY) 9/4/18		TIME 1220													
	EXCEPTIONAL CLEARANCE DATE (MMDDCCYY)				EXCEPTIONAL CLEARANCE <input type="checkbox"/> A DEATH OF OFFENDER <input type="checkbox"/> B PROSECUTION DENIED <input type="checkbox"/> C EXTRADITION DENIED <input checked="" type="checkbox"/> D VICTIM REFUSES TO TESTIFY <input type="checkbox"/> E JUVENILE-NO CUSTODY <input checked="" type="checkbox"/> F NOT APPLICABLE																			
OFFENSE #	LOCATION OF OFFENSE 2723 E BLVD PLZ				REPORT AREA 32		ADDITIONAL OFFICER		CONNECTING CASES															
	CHAPTER 2723		SECTION E		SUB1 BLVD		SUB2 PLZ		<input type="checkbox"/> ATTEMPTED <input checked="" type="checkbox"/> COMPLETED		<input type="checkbox"/> AID / ARET <input type="checkbox"/> CONSPIRACY <input type="checkbox"/> SOLICITATION													
DESCRIPTION Other Miss. OFFENSE																								
PREMISE 22		# OF PREM 1		HATE / BIAS 88		CAMPUS CODE 00		METHOD OF ENTRY <input type="checkbox"/> F FORCE <input type="checkbox"/> N NO FORCE		METHOD OF ENTRY <input type="checkbox"/> F FORCE <input type="checkbox"/> N NO FORCE														
TYPE OF THEFT M <input type="checkbox"/> COIN MACHINE B <input type="checkbox"/> FROM BUILDING A <input type="checkbox"/> M V PARTS & ACC. L <input type="checkbox"/> SHOPLIFTING P <input type="checkbox"/> POCKET-PICKING S <input type="checkbox"/> PURSE SNATCHING				E <input type="checkbox"/> EMBEZZLEMENT T <input type="checkbox"/> POSS. STOLEN PROP V <input type="checkbox"/> MOTOR VEHICLE F <input type="checkbox"/> THEFT FROM M V O <input type="checkbox"/> ALL OTHER N <input checked="" type="checkbox"/> NOT APPLICABLE				TYPE OF FORCE / WEAPON 11. <input type="checkbox"/> FIREARM <input type="checkbox"/> AUTO 12. <input type="checkbox"/> HANDGUN <input type="checkbox"/> AUTO 13. <input type="checkbox"/> RIFLE <input type="checkbox"/> AUTO 14. <input type="checkbox"/> SHOTGUN <input type="checkbox"/> AUTO 15. <input type="checkbox"/> OTHER FIREARM <input type="checkbox"/> AUTO				TYPE OF FORCE / WEAPON 11. <input type="checkbox"/> FIREARM <input type="checkbox"/> AUTO 12. <input type="checkbox"/> HANDGUN <input type="checkbox"/> AUTO 13. <input type="checkbox"/> RIFLE <input type="checkbox"/> AUTO 14. <input type="checkbox"/> SHOTGUN <input type="checkbox"/> AUTO 15. <input type="checkbox"/> OTHER FIREARM <input type="checkbox"/> AUTO												
OFFENDER SUSPECTED OF USING (SELECT UP TO 3) A <input type="checkbox"/> ALCOHOL C <input type="checkbox"/> COMPUTER EQUIP. N <input checked="" type="checkbox"/> NOT APPLICABLE				D <input type="checkbox"/> DRUGS / NARC. N <input type="checkbox"/> NOT APPLICABLE				OFFENDER SUSPECTED OF USING (SELECT UP TO 3) A <input type="checkbox"/> ALCOHOL C <input type="checkbox"/> COMPUTER EQUIP. N <input checked="" type="checkbox"/> NOT APPLICABLE				D <input type="checkbox"/> DRUGS / NARC. N <input type="checkbox"/> NOT APPLICABLE												
TYPE OF CRIMINAL ACTIVITY (SELECT UP TO 3) B <input type="checkbox"/> BUYING / RECEIVING C <input type="checkbox"/> CULT / MANU / PUBL D <input type="checkbox"/> DIST / SELLING E <input type="checkbox"/> EXPLOIT. CHILDREN O <input type="checkbox"/> OPER / PROMOTE / ASSIST P <input type="checkbox"/> POSSESS / CONCEAL				T <input type="checkbox"/> TRANS / TRANSMIT / IMPORT U <input type="checkbox"/> USING / CONSUMING J <input type="checkbox"/> JUVENILE GANG G <input type="checkbox"/> OTHER GANG N <input checked="" type="checkbox"/> NO GANG INVOLVEMENT				TYPE OF CRIMINAL ACTIVITY (SELECT UP TO 3) B <input type="checkbox"/> BUYING / RECEIVING C <input type="checkbox"/> CULT / MANU / PUBL D <input type="checkbox"/> DIST / SELLING E <input type="checkbox"/> EXPLOIT. CHILDREN O <input type="checkbox"/> OPER / PROMOTE / ASSIST P <input type="checkbox"/> POSSESS / CONCEAL				T <input type="checkbox"/> TRANS / TRANSMIT / IMPORT U <input type="checkbox"/> USING / CONSUMING J <input type="checkbox"/> JUVENILE GANG G <input type="checkbox"/> OTHER GANG N <input checked="" type="checkbox"/> NO GANG INVOLVEMENT												
LOCAL CODE (CLASSIFICATION) 2699																								
VICTIM #	TYPE OF VICTIM I <input type="checkbox"/> INDIVIDUAL S <input type="checkbox"/> SOCIETY / PUBLIC R <input type="checkbox"/> RELIGIOUS ORGANIZATION O <input type="checkbox"/> OTHER B <input type="checkbox"/> BUSINESS F <input type="checkbox"/> FINANCIAL INSTITUTION G <input type="checkbox"/> GOVERNMENT U <input type="checkbox"/> UNKNOWN																							
	NAME LAST FIRST MIDDLE																							
	ADDRESS STREET CITY STATE ZIP																							
	TELEPHONE NUMBER (HOME)		RACE		SEX		ETHNICITY		RES. RES.		AGE		DATE OF BIRTH (MMDDCCYY)		HEIGHT		WEIGHT		HAIR		EYES			
	DRIVERS LICENSE NUMBER		DL STATE		E-MAIL ADDRESS				EMPLOYER/SCHOOL															
	TELEPHONE NUMBER (WORK / SCHOOL)		ADDRESS STREET		CITY		STATE		ZIP															
CIRCUM. AGG ASLT/BATTERY (MAX 2)											VICTIMS RELATIONSHIP TO CORRESPONDING SUSPECT NUMBER (INDICATE ALL SUSPECTS) 1. 2. 3. 4. 5. 6. 7. 8. 9. 10.					TYPE OF INJURY (MAX 5) 1. 2. 3. 4. 5.								
REF / V/O	NAME LAST FIRST MIDDLE ZORN CRAIG																							
	ADDRESS STREET CITY STATE ZIP 2723 E BLVD PLZ WICHITA, KS																							
TELEPHONE NUMBER (HOME)		RACE		SEX		ETHNICITY		RES. RES.		AGE		DATE OF BIRTH (MMDDCCYY)		HEIGHT		WEIGHT		HAIR		EYES				
EMPLOYER/SCHOOL		ADDRESS STREET		CITY		STATE		ZIP		TELEPHONE NUMBER (WORK/SCHOOL)														
BEIJING MESSAGE																								
PROP. DESCRIPTION	TYPE PROPERTY LOSS: 1-NONE 2-BURNED 3-COUNTERFEIT/FORGERY 4-DESTROYED/DAMAGED/VANDALIZED 5-RECOVERED 6-SEIZED 7-STOLEN 8-UNKNOWN																							
	TYPE LOSS		PROPERTY DRUG CODE		DESCRIPTION / SUSPECTED DRUG TYPE										ESTIMATED QUANTITY		FRACTION		TYPE DRUG MEASURE		VALUE		RECOVERY DATE	
REPORTING OFFICER B. Shelton				BADGE / ID 1997				DATE 9/4/18				COPIES TO VICE				PROPERTY TOTAL								

889217

CRIMINAL INVESTIGATION RECORD / NOT AN OPEN PUBLIC RECORD

AGENCY ORI NUMBER: **KS0870300** CASE NUMBER: **18C057923** DATE OF REPORT (MMDDCCYY): **9/4/18** PAGE **1** OF **1**

METHOD OF OPERATION:
 INSTRUMENT USED FOR ENTRY:
 1. KEY 5. BOLT CUTTER 9. THROWN OBJECT
 2. PRY TOOL 6. SHOPPING TOOL 10. OTHER
 3. SAW/DRILL 7. VISE GRIPS 11. NOT APPLICABLE
 4. HAMMER 8. PHYSICAL FORCE
 POINT OF ENTRY:
 1. NOT APPLICABLE
 2. FRONT 3. SIDE
 4. REAR 5. NOOF
 POINT OF EXIT:
 1. NOT APPLICABLE
 2. REAR 3. SIDE 4. ROOF
 PREMISE NEIGHBORHOOD:
 R. RURAL / FARM / AGRICULTURE
 S. SUBURBAN / RESIDENCE
 D. URBAN / BUSINESS / COMMERCIAL
 U. UNINHABITED

SAFE ENTERED:
 1. VRS 2. NO 3. ATTEMPTED 4. REMOVED
 5. PRELUD 6. EXPLODED 7. COMBINATION KNOWN 8. NOT APPLICABLE
INCIDENT ACTIVITY:
 C. DOMESTIC VIOLENCE CHILDREN PRESENT 1. CAR JACKING
 D. DOMESTIC VIOLENCE 2. NOT APPLICABLE

SUSPECT #1:
 NAME: **(A1) XIONG** FIRST: [REDACTED] MIDDLE: [REDACTED]
 ADDRESS: [REDACTED] STREET: [REDACTED] CITY: [REDACTED] STATE: [REDACTED] ZIP: [REDACTED]

TELEPHONE NUMBER (HOME): [REDACTED] RACE: **A** SEX: **F** ETHNICITY: **N** RES/N-RES: **R** AGE: [REDACTED] HEIGHT: [REDACTED] WEIGHT: [REDACTED] HAIR: [REDACTED] EYES: [REDACTED]
 SOCIAL SECURITY NUMBER: [REDACTED] EMPLOYER / SCHOOL: [REDACTED] ADDRESS: [REDACTED] TELEPHONE NUMBER (WORK/SCHOOL): [REDACTED]

MONIKERS / ALIAS: [REDACTED]
 ADDITIONAL SUSPECT DESCRIPTORS: [REDACTED]

VEHICLE: IMPOUNDED TARGET STOLEN EMBEZZLED RECOVERED SUSPECT ASSOCIATED OTHER HOLD FOR

MAKE: [REDACTED] YEAR: [REDACTED] MODEL: [REDACTED] COLOR: [REDACTED] VEHICLE STYLE: [REDACTED]
 LICENSE NUMBER: [REDACTED] YEAR: [REDACTED] STATE: [REDACTED] VEHICLE IDENTIFICATION NUMBER: [REDACTED] OTHER: [REDACTED]

SUSPECT #2:
 NAME: [REDACTED] LAST: [REDACTED] FIRST: [REDACTED] MIDDLE: [REDACTED]
 ADDRESS: [REDACTED] STREET: [REDACTED] CITY: [REDACTED] STATE: [REDACTED] ZIP: [REDACTED]

TELEPHONE NUMBER (HOME): [REDACTED] RACE: [REDACTED] SEX: [REDACTED] ETHNICITY: [REDACTED] RES/N-RES: [REDACTED] AGE: [REDACTED] DATE OF BIRTH (MMDDCCYY): [REDACTED] HEIGHT: [REDACTED] WEIGHT: [REDACTED] HAIR: [REDACTED] EYES: [REDACTED]
 SOCIAL SECURITY NUMBER: [REDACTED] EMPLOYER / SCHOOL: [REDACTED] ADDRESS: [REDACTED] TELEPHONE NUMBER (WORK/SCHOOL): [REDACTED]

MONIKERS / ALIAS: [REDACTED]
 ADDITIONAL SUSPECT DESCRIPTORS: [REDACTED]

VEHICLE: IMPOUNDED TARGET STOLEN EMBEZZLED RECOVERED SUSPECT ASSOCIATED OTHER HOLD FOR

MAKE: [REDACTED] YEAR: [REDACTED] MODEL: [REDACTED] COLOR: [REDACTED] VEHICLE STYLE: [REDACTED]
 LICENSE NUMBER: [REDACTED] YEAR: [REDACTED] STATE: [REDACTED] VEHICLE IDENTIFICATION NUMBER: [REDACTED] OTHER: [REDACTED]

EVIDENCE INFORMATION: NONE SUBMITTED RETAINED BY VICTIM RETAINED BY OFFICER RETAINED BY INVESTIGATIVE AGENCY

EVIDENCE OBTAINED: LATENT PRINTS WEAPONS / TOOLS SEXUAL ASSAULT KIT STAINS SEMEN DRUGS OTHER PRINTS PHOTOS
 HAIR BLOOD DOCUMENTS ALCOHOL OTHER

SSN OF VICTIM: [REDACTED] SSN OF RPAWD: [REDACTED]

SYNOPSIS: **(A1)** booked an operating w/o a license. Sgt. Oblinger contacted.

NARRATIVE: On 9/4/18 I responded to 2723 E Blvd Plz in a checks welfare call. Upon arriving we contacted the owner **(A1)** Craig at Beijing Massage. We told Craig we got a call of a young girl being in the business and he agreed to let us check. We did not locate a young girl but did see one customer who stated when we knocked on the door the A/E that was giving him a massage took. We were flagged down outside the business by a citizen stating that an A/E ran out the back of the business. We located the A/E identified as **(B1)** [REDACTED]. We took [REDACTED] back to the business where she had a suitcase with her I.D. [REDACTED] does not possess any kind of license to be a massage. Craig did have his licenses to operate his business. [REDACTED] was [REDACTED] booked and advised Sgt. Oblinger.

SIGNATURE: [REDACTED] 1992

<input checked="" type="checkbox"/> INITIAL <input type="checkbox"/> ADD <input type="checkbox"/> MODIFY <input type="checkbox"/> DELETE		KANSAS STANDARD ARREST REPORT		PAGE 1 OF 1	
<input checked="" type="checkbox"/> ADULT		<input type="checkbox"/> JUVENILE		<input type="checkbox"/> DOMESTIC VIOLENCE	
<input type="checkbox"/> RUNAWAY		NAME OF AGENCY WICHITA POLICE DEPARTMENT		KS AGENCY ORI NUMBER KS0870300	CASE NUMBER 18C057923
ARREST TRANSACTION NUMBER		KBI NUMBER	MUG NUMBER / CHECKED BY	DATE AND TIME OF ARREST 9-4-18 / 1220	
TYPE OF ARREST: <input checked="" type="checkbox"/> NON-VIEW <input type="checkbox"/> TAKEN INTO CUSTODY		DISPOSITION OF JUVENILE ARREST OR RUNAWAY:		NEW RETAKE <input type="checkbox"/> REGULARS <input type="checkbox"/> CAMPUS CODE 08	
<input type="checkbox"/> SUMMONED/CITED - NOT TAKEN INTO CUSTODY <input type="checkbox"/> RUNAWAY		<input type="checkbox"/> HANDLED IN DEPARTMENT <input type="checkbox"/> REFERRED TO OTHER AUTHORITIES		MOD MAJ <input type="checkbox"/> MAJORS <input type="checkbox"/>	
ARREST / CONTACT LOCATION: 2723 E. BLVD PLZ		WARRANT NUMBER:		DATE:	
ARRESTER / RUNAWAY NAME XIONG,		LAST		MIDDLE	
ALIASES/MONIKERS					
ADDRESS STREET		CITY	STATE	ZIP	TELEPHONE NUMBER (HOME)
2723 E. BLVD PLZ					
HEIGHT	WEIGHT	HAIR	EYES	RACE	SEX
59	140	BRN	BRN	WA	F
ETHNICITY	RES / NON-RES	AGE	PLACE OF BIRTH (STATE / COUNTRY)		
R	R		CHINA		
HAIR LENGTH	HAIR STYLE	FACIAL HAIR	GLASSES	TEETH	EYE APPEARANCE
					LT.
SCARS-MARKS-TATTOOS		BUILD		R - L HANDED	
		SM			
SCARS-MARKS-TATTOOS*					
DRIVERS LICENSE NUMBER		DL STATE	SOCIAL SECURITY NUMBER		EMPLOYER / SCHOOL
					BEIJING MESSAGE
TELEPHONE NUMBER (WORK / SCHOOL)		ADDRESS: NUMBER	STREET	CITY	STATE ZIP
ARRESTEE INJURIES		MIRANDA DATE / TIME	BY:	ARREST APPROVED BY	
				SGT. ORLINGER	
ARRESTEE ARMED WITH: (MAX. 2)		LETHAL CUTTING INST.		ARRESTEE BEHAVIOR (ALL THAT ARE APPLICABLE):	
<input type="checkbox"/> HANDGUN <input type="checkbox"/> AUTO <input type="checkbox"/> SHOTGUN <input type="checkbox"/> AUTO		<input type="checkbox"/> CLUB/BLACKJACK/KNUCKS.		<input type="checkbox"/> DRUNK <input type="checkbox"/> RESISTED	
<input type="checkbox"/> RIFLE <input type="checkbox"/> AUTO <input type="checkbox"/> OTHER <input type="checkbox"/> AUTO		<input type="checkbox"/> UNARMED		<input type="checkbox"/> BIZARRE BEHAVIOR <input type="checkbox"/> SUICIDAL REMARKS	
				<input type="checkbox"/> INJURED <input type="checkbox"/> LOUD <input type="checkbox"/> COOPERATIVE <input type="checkbox"/> OTHER	
CASE NUMBER 18C057923		DATE OF INCIDENT 9/4/18		STATE STATUTE VIOLATION	
DESCRIPTION OPERATE W/O License		LOCAL CODE (ordinance) 3.55.060		OFFENSE WAS: <input checked="" type="checkbox"/> ATTEMPTED <input checked="" type="checkbox"/> COMPLETED	
TYPE OF THEFT: V <input type="checkbox"/> MOTOR VEHICLE L <input type="checkbox"/> SHOPLIFTING M <input type="checkbox"/> COIN MACHINE F <input type="checkbox"/> THEFT FROM MV A <input type="checkbox"/> MV PARTS & ACC P <input type="checkbox"/> POCKET-PICKING O <input type="checkbox"/> ALL OTHER T <input type="checkbox"/> POSS STOLEN PROP B <input type="checkbox"/> FROM BUILDING S <input type="checkbox"/> PURSE SNATCHING E <input type="checkbox"/> EMBEZZLEMENT		Additional Charges (UCCV, CITY OR WRT #) 10099476		BOND AMOUNT: <input type="checkbox"/> AID/ABET <input type="checkbox"/> CONSPIRACY <input type="checkbox"/> SOLICITATION	
CASE NUMBER		DATE OF INCIDENT		STATE STATUTE VIOLATION	
DESCRIPTION		LOCAL CODE (ordinance)		OFFENSE WAS: <input type="checkbox"/> ATTEMPTED <input type="checkbox"/> COMPLETED	
TYPE OF THEFT: V <input type="checkbox"/> MOTOR VEHICLE L <input type="checkbox"/> SHOPLIFTING M <input type="checkbox"/> COIN MACHINE F <input type="checkbox"/> THEFT FROM MV A <input type="checkbox"/> MV PARTS & ACC P <input type="checkbox"/> POCKET-PICKING O <input type="checkbox"/> ALL OTHER T <input type="checkbox"/> POSS STOLEN PROP B <input type="checkbox"/> FROM BUILDING S <input type="checkbox"/> PURSE SNATCHING E <input type="checkbox"/> EMBEZZLEMENT		Additional Charges (UCCV, CITY OR WRT #)		BOND AMOUNT: <input type="checkbox"/> AID/ABET <input type="checkbox"/> CONSPIRACY <input type="checkbox"/> SOLICITATION	
CASE NUMBER		DATE OF INCIDENT		STATE STATUTE VIOLATION	
DESCRIPTION		LOCAL CODE (ordinance)		OFFENSE WAS: <input type="checkbox"/> ATTEMPTED <input type="checkbox"/> COMPLETED	
TYPE OF THEFT: V <input type="checkbox"/> MOTOR VEHICLE L <input type="checkbox"/> SHOPLIFTING M <input type="checkbox"/> COIN MACHINE F <input type="checkbox"/> THEFT FROM MV A <input type="checkbox"/> MV PARTS & ACC P <input type="checkbox"/> POCKET-PICKING O <input type="checkbox"/> ALL OTHER T <input type="checkbox"/> POSS STOLEN PROP B <input type="checkbox"/> FROM BUILDING S <input type="checkbox"/> PURSE SNATCHING E <input type="checkbox"/> EMBEZZLEMENT		Additional Charges (UCCV, CITY OR WRT #)		BOND AMOUNT: <input type="checkbox"/> AID/ABET <input type="checkbox"/> CONSPIRACY <input type="checkbox"/> SOLICITATION	
CASE NUMBER		DATE OF INCIDENT		STATE STATUTE VIOLATION	
DESCRIPTION		LOCAL CODE (ordinance)		OFFENSE WAS: <input type="checkbox"/> ATTEMPTED <input type="checkbox"/> COMPLETED	
TYPE OF THEFT: V <input type="checkbox"/> MOTOR VEHICLE L <input type="checkbox"/> SHOPLIFTING M <input type="checkbox"/> COIN MACHINE F <input type="checkbox"/> THEFT FROM MV A <input type="checkbox"/> MV PARTS & ACC P <input type="checkbox"/> POCKET-PICKING O <input type="checkbox"/> ALL OTHER T <input type="checkbox"/> POSS STOLEN PROP B <input type="checkbox"/> FROM BUILDING S <input type="checkbox"/> PURSE SNATCHING E <input type="checkbox"/> EMBEZZLEMENT		Additional Charges (UCCV, CITY OR WRT #)		BOND AMOUNT: <input type="checkbox"/> AID/ABET <input type="checkbox"/> CONSPIRACY <input type="checkbox"/> SOLICITATION	
REPORTING OFFICER B. Shelton		IN: 1997	DATE: 9-4-18	COPIES TO: SIB	SUPERVISOR: [Signature]

ARREST

ARRESTEE #

ADDITIONAL INCIDENTS / CHARGES

CASE NUMBER 18C057923 KANSAS STANDARD ARREST REPORT PAGE 1 OF 1

PARENT / GUARDIAN	PARENT / GUARDIAN NAME	ADDRESS (HOME)	CITY	ST	ZIP
	EMPLOYER	ADDRESS (EMPLOYER)	CITY	ST	ZIP
	TELEPHONE NUMBER (HOME)	TELEPHONE NUMBER (WORK)	TELEPHONE NUMBER (OTHER)		
	PARENT / GUARDIAN NAME	ADDRESS (HOME)	CITY	ST	ZIP
	EMPLOYER	ADDRESS (EMPLOYER)	CITY	ST	ZIP
	TELEPHONE NUMBER (HOME)	TELEPHONE NUMBER (WORK)	TELEPHONE NUMBER (OTHER)		

State of Kansas; Sedgwick county, ss:

I, B. J. H97 of lawful age, after first being duly sworn on oath, on information and belief states:

On 9-4-18 I contacted [redacted] Xiong at 2723 E. Blvd Plaza in Sedgwick county, Wichita, KS. Mingxia ran out the back door of the Beijing Massage parlor. It was learned that [redacted] was an employee of the business and giving massages without a license. [redacted] was booked into county for operating without a license authority, Sgt. Oblinger.

I VERIFY UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed 4 Day Of Sep 2018 x [Signature] /1997 (Signature)

OTHER

EVIDENCE:

<input type="checkbox"/> LATENT PRINTS	<input type="checkbox"/> STAINS	<input type="checkbox"/> WEAPONS - TOOLS	<input type="checkbox"/> DRUGS	<input type="checkbox"/> SEXUAL ASSAULT KIT
<input type="checkbox"/> OTHER PRINTS	<input type="checkbox"/> BLOOD	<input type="checkbox"/> DOCUMENTS	<input type="checkbox"/> ALCOHOL	<input type="checkbox"/> NONE
<input type="checkbox"/> HAIR	<input type="checkbox"/> SEMEN	<input type="checkbox"/> PHOTOS	<input type="checkbox"/> DNA	<input type="checkbox"/> OTHER (LIST)

SUPPORTING DOCUMENTS:

<input type="checkbox"/> COMMITMENT ORDER	<input type="checkbox"/> MEDICAL RELEASE	<input type="checkbox"/> CUSTODY SLIP	<input type="checkbox"/> INCIDENT REPORT	<input type="checkbox"/> NONE
<input type="checkbox"/> COPY OF BOND	<input type="checkbox"/> POLICE NOTES	<input type="checkbox"/> SIX-HOUR HOLD	<input type="checkbox"/> EVIDENCE STORED	<input type="checkbox"/> OTHER (LIST)
	<input type="checkbox"/> BODY RECEIPT	<input type="checkbox"/> NTA'S	<input type="checkbox"/> PRINTS / PHOTO TAKEN	

RELEASE

TYPE OF RELEASE:

<input type="checkbox"/> PAROLE	<input type="checkbox"/> BOND	<input type="checkbox"/> COURT ORDER	<input type="checkbox"/> NOTICE TO APPEAR	<input type="checkbox"/> NO CHARGE FILED	<input type="checkbox"/> OTHER (LIST)
---------------------------------	-------------------------------	--------------------------------------	---	--	---------------------------------------

RELEASING OFFICIAL / AUTHORITY

BAIL BOND AGENT

BOND AMOUNT POSTED

DATE AND TIME OF RELEASE

AUTHORITY

PRISONER INJURED YES NO NATURE OF INJURIES:

MEDICAL RELEASE: At the time of examination, the patient does not appear to have an illness or injury that would endanger future health by being detained in the Sedgwick County Adult Detention Facility.

Hospital:

Physician:

Date/Time:

SEP 18 2018

IN THE MUNICIPAL COURT OF THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS

THE CITY OF WICHITA, KANSAS

Plaintiff,

vs.

[Redacted] Xiong Defendant.

NOTICE: Beginning April 1, 2016, fees for Discovery Orders in Municipal Court will be raised to \$40.00 (Forty Dollars) when a video is requested, including BAT Van videos. If no video is requested, the fee is \$15.00 (Fifteen Dollars). Checks or Money Orders are to be made payable to Wichita Police Department. Additional fees may be required for downloads requiring more than one disc/CD.

18C057903

CASE NO. 18CM20205

DUI: YES NO (Circle One)

Video Requested:

YES NO (Circle One)

MOTION AND ORDER FOR THE PRODUCTION OF RECORDS AND ASSOCIATED VIDEOS

COMES NOW the Defendant and moves the Court for an order allowing the copying of Police Department records and videos contained in the file under the case number set out above. In support of said motion, the undersigned certifies to the Court that he/she is the Defendant or the attorney for the Defendant in the misdemeanor action pending in Municipal Court. If the undersigned is an attorney, he/she further represents to the plaintiff and to the Court that he/she has entered his/her appearance in this case with the Clerk of the Municipal Court, and appears as the attorney of record in the same.

THEREUPON the Court, after listening to the statements of counsel, orders that copies of the police reports and associated videos in this case be made available to the Defendant. This order shall cover only these records that reference the requesting Defendant. Costs of these copies shall be at the Defendant's expense. All costs must be paid prior to the requested records being released.

IT IS SO ORDERED ON this 18th day of September, 2018.

[Signature] MUNICIPAL COURT JUDGE

BY: [Signature] Defendant

[Signature] #002424 Attorney for the Defendant Michael S. Phillips 26802 Attorney for City of Wichita

PROSECUTOR OFFICE USE ONLY Video Available: Yes No

POLICE RECORDS USE ONLY Amount Collected: \$40 \$15

I HEREBY CERTIFY THIS TO BE A TRUE AND CORRECT COPY OF THE RECORDS OF THIS OFFICE IN THE ABOVE ENTITLED CASE. [Signature] Court Clerk, Wichita Municipal Court

From: [Craig Zorn](#)
To: [Kara Coustry](#)
Subject: License denial
Date: Thursday, April 11, 2019 10:05:48 AM

Dear Ms Coustry:

I received your denial for a massage enterprise license today. Stated in the denial said it was based on a charge for an employee working without a license. I was never charged with that. Whatever reads in that incident should not have any reflection of wrongdoing on my part. I will investigate further and you can be assured of legal action on that. What occurred there was that a "prospective" employee was interviewing for a job when a religious zealot called a false complaint that had no basis in fact whatsoever. Besides, why call a complaint on a business only engaged in medical massage. Are you going to deny a dentist a license when they do acupuncture before giving Novocain? I strongly object to this decision and will be contacting my lawyer regarding this. This kind of thing is typical of government nowadays. You aren't railroading a racial minority that isn't afraid to fight. Your decision took months. You again destroyed opportunity for yet another law abiding citizen, a citizen who was born in the Twin Cities area. I am not proud of that fact anymore.

Craig Zorn



MAY 4TH, 2019

FIRE DEPARTMENT ANNUAL BANQUET

Please Join Us!

You and a guest are invited to join us at the annual banquet. It will be a fun filled night of recognition and socialization. You must RSVP Connie Anderson by April 26th, 2019 if you plan on attending. You can contact her by phone at 651-429-8568 or via email at canderson@whitebearlake.org.

We hope to see you there!

Social Hour - 5 PM

Dinner – 6 PM

Slide Show

Awards &
Recognition

DJ & Dancing!

LOCATION

Manitou Grill & Event Center
2171 4th St
White Bear Lake, MN 55110

