



**AGENDA**  
**REGULAR MEETING OF THE CITY COUNCIL OF**  
**THE CITY OF WHITE BEAR LAKE, MINNESOTA**  
**TUESDAY, JUNE 25, 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 June 11, 2019

B. Minutes of the Closed City Council Meeting on June 11, 2019

**3. APPROVAL OF THE AGENDA**

**4. VISITORS AND PRESENTATIONS**

Nothing scheduled

**5. PUBLIC HEARINGS**

**6. LAND USE**

Nothing scheduled

**7. UNFINISHED BUSINESS**

Nothing scheduled

**8. ORDINANCES**

Nothing scheduled

**9. NEW BUSINESS**

A. Resolution approving the general obligation bond sale

B. Resolution approving civil attorney contract

C. Resolution authorizing the Mayor and City Manager to execute a grant agreement with Minnesota Department of Public Safety

**10. HOUSING AND REDEVELOPMENT AUTHORITY**

A. Call to Order / Roll Call

B. Approval of the Agenda

C. Approval of the Minutes

D. Resolution supporting Century Hills Partners' proposal in response to Minnesota Housing's Request for Proposals

E. Resolution approving Housing Needs Assessment proposal

F. Adjournment

**11. CONSENT**

Nothing scheduled

**12. DISCUSSION**

A. Limited Facility Needs Study

**13. COMMUNICATIONS FROM THE CITY MANAGER**

**14. ADJOURNMENT**



**MINUTES  
REGULAR MEETING OF THE CITY COUNCIL  
OF THE CITY OF WHITE BEAR LAKE, MINNESOTA  
TUESDAY, JUNE 11, 2019  
7:00 P.M. IN THE COUNCIL CHAMBERS**

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

Mayor Jo Emerson called the meeting to order at 7:00 p.m. Councilmembers Doug Biehn, Dan Jones, Steven Engstran and Bill Walsh were present. Councilmember Kevin Edberg was an excuse absence. Staff members present were City Manager Ellen Hiniker, Community Development Director Anne Kane, 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 May 28, 2019

It was moved by Councilmember **Jones** seconded by Councilmember **Engstran**, to approve the Minutes of the Regular City Council Meeting on May 28, 2019.

Motion carried. Councilmember Biehn abstained.

**3. VISITORS AND PRESENTATIONS**

A. ClimateSmart Municipalities – German Delegation

City Manager Hiniker provided a brief history of the City joining ClimateSmart Municipalities and its partnership with Lüdenscheid, Germany. She welcomed the German delegation who arrived this week, and relayed pride for hosting them for the week.

Ms. Hiniker noted the group's rigorous schedule and highlighted today's tour of the Metro's wastewater treatment plant in St. Paul. She stated this facility was chosen as one of the highest users of energy in the State and for its innovative energy conservation. She highlighted tomorrow's plan for solar and lighting discussions, as well as a tour of the Trane facility.

Hans-Jürgen Badziura, a biologist who oversees environmental protection and green space, played a short introductory film and showed pictures of their City of Lüdenscheid, Germany – the City of Lights. He brought along a letter of intent co-signed by two Lüdenscheid High Schools who desire ongoing partnerships with White Bear Lake High Schools. Mr. Badziura presented the Mayor and Council with a City of Lüdenscheid pin.

Other delegates included Marcus Müller, deputy head in the department of municipal and regional climate protection at EnergyAgency.North Rhine-Westphalia; Ulrike

Badziura, head of the department of environmental and climate protection at the City of Iserlohn; Ralph Kensmann, CEO of start.light GmbH in Essen.

Mayor Emerson welcomed the delegation and presented each with polar bear figurines.

#### 4. PUBLIC HEARINGS

Nothing scheduled

#### 5. LAND USE

##### A. Consent

1. Consideration of a Planning Commission recommendation for approval of a request by Katy Fick for a three year renewal of a Special Home Occupation Permit at 2333 Mayfair Avenue (Case No. 15-4-SHOPa2). **Resolution No. 12405**
2. Consideration of a Planning Commission recommendation for approval of a request by Marya Voosen for a Special Home Occupation Permit at 5050 Division Avenue (19-1-SHOP). **Resolution No. 12406**

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

Motion carried unanimously.

##### B. Non-Consent

1. Consideration of a Planning Commission recommendation for approval of a request by Schafer Richardson for a development stage Planned Unit Development and Preliminary Plat (19-1-PUD & 19-1-P).

Community Development Director Kane reported the subject site is located at the northwest corner of County Road E and Linden Avenue and is comprised of five parcels: including two vacant lots and three single-family residences. In 2018, Ms. Kane recalled, the site was reguided from “Commercial” to “High Density Residential” and is now in the process of being rezoned from (B-4) General Business and (R-6) Medium Density Residential to (R-7) - High Density Residential. She said the applicant, Schafer Richardson, is requesting development stage approval of a Planned Unit Development (PUD) and Preliminary Plat approval.

Ms. Kane reported, the concept plan differs slightly from what was approved in February, with the most notable difference being the loss of the 3 bedroom units. The number of bedrooms decreased by one, the number of parking stalls increased by 9, and the ratio of stalls per unit increased from 1.45 to 1.47.

Ms. Kane described the traffic study in detail, which resulted in a conclusion that the amount of traffic projected to be generated by this development was not significant enough to effect the current level of service for County Road E or Linden Avenue.

Ms. Kane stated that developers typically provide a monetary contribution to meet

the park dedication requirement, however, this area has a slight gap in public park coverage, so a land dedication is also being sought. She said staff worked out a hybrid deal of \$30,274 for park dedication and 14,800 square feet in land dedication (1/3 acre). Dedicated land will be the northern tip of a property adjacent to the future Bruce Vento Trail extension and will serve as a trailhead.

Ms. Kane noted several conditions of approval related to the landscape plan, especially near Linden Avenue. If the applicant cannot preserve the retaining wall and lilacs near the southeast corner of the property, comparable replacements are to be found. Staff also asked the applicant use Eastern White Pine instead of Skyline Honey Locus and that 80% of perimeter shrubs be evergreens rather than deciduous.

Ms. Kane covered a variety of amenities being planned for both inside and outside the building. She reviewed White Bear Lake rents and low vacancy rates. She stated the proposed apartment building complies with the approved concept plan, zoning code and the City's draft 2040 Comprehensive Plan. For these reasons, she forwarded the Planning Commission's unanimous recommendation to approve the Development Stage PUD Plan and the Preliminary Plat, subject to conditions listed in the resolution and conditioned on Council's approval of rezoning in the next agenda item.

Maureen Michalski of Schafer Richardson in Minneapolis responded to Councilmember Walsh regarding proposed rents. She stated that rents for studios were calculated to be \$1100 - \$1250; 1-bedrooms \$1465 - \$1695; 2-bedrooms from \$1875 - \$2125. She explained these were preliminary rents based on a recent market study that would be reassessed closer to opening. She also clarified the name for these apartments has not yet been finalized.

David Terry of 1771 Linden Cove conveyed his concerns about anticipated increases in traffic as result of this development and its likely potential for gridlock and safety issues resulting from traffic backed-up on County Road E and Linden Avenue. He noted that considering the amount of traffic during rush hour and the timing of traffic on these busy roads just does not add up.

Tom Snell, Executive Director of the 400+ member White Bear Area Chamber of Commerce, spoke on behalf of the 15-member Board of Directors who unanimously support this apartment building project. He stated these apartments will provide opportunity for elders to move out of their homes, and also attract youth to the area who will support the businesses, especially along County Road E.

Wendy Lee of 1771 Linden Cove stated Ramsey County's traffic study was a failure as she only observed them surveying at 10:30 a.m. rather than during rush hour. She cited complaints about this 4-story monstrosity, which goes against the City's own ordinance just like the parking. She expressed concerns with inadequate parking and stated people in Linden would have never purchased their townhomes there if they knew this was coming. She stated that Roseville dropped the PUD process in 2010 because residents felt bad about their surrounding neighborhoods and how changes were being made. She said Shoreview felt the same - residents were not being considered, and that is how she feels here. Ms. Lee said this happened behind the scenes with only 1-2 people knowing. She said many Linden residents are traveling in the winter when these meetings were scheduled.

Councilmember Walsh asked for clarification about the traffic study. Ms. Kane stated an engineering consultant conducted a traffic study by taking vehicle counts over a specified period so they have car counts for all hours of the day.

Councilmember Walsh elaborated that with standards and predications of the behavior of people moving into a building like this, a traffic study is based on past practice and science. Ms. Kane noted the industry science of International Traffic Engineer's Institute, which looks at comparable developments in comparable settings and anticipates where trips come from, how they are generated, and how that works with existing traffic patterns. Ms. Kane also mentioned the likelihood of future bus rapid transit that will service this building and presumably reduce traffic.

Ms. Kane addressed parking at the site as well, noting 284 total stalls and referred to an additional green space being reserved in the event that more parking is needed to accommodate the occupants of this building. Ms. Kane relayed her comfort with the amount of parking provided, but noted the City's ability to trigger the developer to pave this dedicated green space if parking is proven inadequate.

Councilmember Jones asked Ms. Kane to clarify why this 4-story development required no variance. Ms. Kane reported that 4-stories is allowed by the zoning code because the increased setbacks are proportionately raised by 5% for each story over 3-stories. She noted the setbacks for this development were increased sufficient to comply with the zoning code. Mr. Jones clarified, so we are not going against the ordinance with this 4-story development. Ms. Kane confirmed.

Councilmember Jones addressed Ms. Lee's accusations against staff working behind closed doors. He noted there is only one construction season in Minnesota, so much planning occurs in the winter when some residents are gone enjoying their wealth. He was concerned about the parking, but noted the ability to require more parking in the future, if needed and he was satisfied with that safety net.

It was moved by Councilmember **Walsh**, seconded by Councilmember **Biehn**, to approve **Resolution No. 12407** a Development Stage PUD Plan for the White Bear Lake Apartments

Councilmember Engstran stated that he agreed with constituents from Linden. He stated that this apartment complex is in the wrong spot. While the apartment building is beautiful, he believed this location should have been slotted for town houses rather than an apartment complex.

Motion carried 4:1. Councilmember Engstran nay.

It was moved by Councilmember **Biehn**, seconded by Councilmember **Jones**, to approve **Resolution No. 12408** approving a preliminary plat of property located at the northwest corner of Linden Avenue and County Road E.

Motion carried 4:1. Councilmember Engstran nay.

## 6. UNFINISHED BUSINESS

Nothing scheduled

## 7. ORDINANCES

A. Second Reading of a request by Schafer Richardson to rezone five properties at the northwest corner of Linden Avenue and County Road E to R-7 – High Density Residential

Community Development Director Kane stated the subject site is 4.6 acres in size and is comprised of five lots located at the northwest corner of County Road E and Linden Avenue. She said four of the five parcels are currently zoned B-4 – General Business and the fifth, easternmost parcel is split-zoned: B-4 on the south three-fourths of the lot and R-6 – Medium Density Residential on the northern one-fourth.

Ms. Kane reported that Schafer Richardson is proposing to rezone all five parcels to R-7 - High Density Residential for the purpose of constructing a 4-story market-rate apartment building. She said, because the site has already been re-guided to “High Density Residential”, it logically follows to approve a zoning district that corresponds to the future land use designation.

Ms. Kane explained that the subject site is an appropriate location for the higher density, transit-oriented type development due to its access to a roadway designated as a minor expander under Ramsey County’s jurisdiction. And also, she stated, due to its proximity to the future Bruce Vento Regional Trail extension and more importantly, the Rush Line Bus Rapid Transit corridor with a station planned at County Road and Highway 61.

Ms. Kane forwarded a unanimous Planning Commission recommendation for approval of the proposed rezoning. She stated that regardless of the Schafer Richardson proposal, R-7 zoning is the most appropriate zoning district for the subject site until the Transit Oriented Development district regulations are created next year.

Councilmembers Engstran and Walsh questioned the order of business in which the Schafer Richardson apartment complex was already approved. Attorney Gilchrist stated the first approvals were conditioned on this rezoning, but Council would not want to act on this second reading if there was a denial of the underlying motivation for the rezoning.

Mayor Emerson opened the Public Hearing at 8:01 p.m. There being no one coming forward, she closed the public hearing.

It was moved by Councilmember **Walsh**, seconded by Councilmember **Jones**, to approve **Ordinance No. 19-06-2034** Rezoning properties at the northwest corner of Linden Avenue and County Road E to R-7 – High Density Residential.

Motion carried. Councilmember Engstran nay.

## 8. NEW BUSINESS

A. Resolution approving single event liquor extensions, food trucks and road closures for a community-wide music event hosted by Big Wood Brewery

City Manager Hiniker reported that Big Wood Brewery is seeking permission to use the City’s parking lot behind his location for a concert event on Saturday, August 3<sup>rd</sup> from 3 – 10 p.m. She stated the event is estimated to attract 1,000 – 1,500 people to

downtown White Bear Lake, not unlike a Marketfest. Ms. Hiniker also relayed Mainstreet's support of this request.

Ms. Hiniker stated the groups performing will be Cadillac Three, Devon Worley Band and other local acts. To service attendees, Big Wood Brewery is also seeking approval of their extension on-sale brew pub/taproom license and food trucks parked on the City's lot. Ms. Hiniker noted the parking lot would be enclosed with fencing and secured with wristbands and two White Bear Lake Police Officers in addition to the group's own security team of approximately 15 people.

Ms. Hiniker reported the City mailed notice to residents and businesses who would be directly affected by the requested road closures. She mentioned Kathy Kuck, owner of Blue Water Polish Potter on 3<sup>rd</sup> Street, emailed her concern for loss of sales as a result of 3<sup>rd</sup> Street being barricaded beginning at 1:00 p.m. when her store does not close until 3:00 p.m. Ms. Hiniker stated staff recommended the road still be closed at 1:00 for safety of pedestrians entering the venue from 3<sup>rd</sup> Street.

Ms. Hiniker noted that for consistency, use of the parking lot would be for a fee of \$200, and will be accompanied by a \$300 deposit, which would be refunded upon satisfactory clean-up of the event.

Councilmember Biehn stated he sees value in allowing events like these to go until 11:00 p.m. and asked staff about the possibility of surveying residents in the future to see if they would accept an occasional 11:00 p.m. event. Ms. Hiniker agreed there is opportunity to survey people in this area and if this concert is successful, there could be more requests. Ms. Hiniker noted the 10:00 p.m. end time is consistent with the noise ordinance and she also mentioned St. Mary's 10:00 p.m. event once a year often leads to complaints from neighbors.

Councilmember Jones asked Shawn McIntyre with White Bear Productions how this event is being promoted. Mr. McIntyre replied it would primarily be promoted locally and through the internet. He stated the media budget is small, but there would be some radio and social media to provide exposure.

It was moved by Councilmember **Walsh**, seconded by Councilmember **Biehn**, to approve **Resolution No. 12409** approving single event liquor extensions, food trucks and road closures for a community-wide music event hosted by Big Wood Brewery.

Motion carried unanimously.

B. Resolution accepting bids and awarding contract for the 2019 Sanitary Sewer Lining Program, City Project No. 19-07

Public Works Director/City Engineer Kauppi stated the sewer lining program has been in place since 1994 and nearly 20 miles of sewer have been lined to date. He explained that much of the system is clay tile with joints that become compromised by root intrusion and sewer lining is an economical way to rehab the system without disrupting residents.

Mr. Kauppi stated five bids were received and opened on May 29, 2019, with the lowest acceptable bid coming from Visu-Sewer in the amount of \$99,270.50. He



explained this company has completed work in the City in the past and staff recommended awarding this bid to Visu-Sewer.

In response to Councilmember Walsh, Mr. Kauppi stated there are about 85 miles of sanitary sewer, with 20 miles being plastic. He stated the City is about halfway through sewer lining, and with televising capability the City is able to focus on the worst parts of the system first.

It was moved by Councilmember **Walsh**, seconded by Councilmember **Jones**, to approve **Resolution No. 12410** accepting bids and awarding contract for the 2019 Sanitary Sewer Lining Program, City Project No. 19-07.

Motion carried unanimously.

## 9. CONSENT

- A. Acceptance of April Minutes of the Park Advisory Commission and White Bear Lake Conservation District: May Minutes of the Planning Commission
- B. Resolution authorizing Special Team Charities use of Railroad Park for charity collection event. **Resolution No. 12411**
- C. Resolution accepting the 2018 Comprehensive Annual Finance Report. **Resolution No. 12412**
- D. Resolution accepting a donation from the White Bear Lions Club for Fire Department equipment. **Resolution No. 12413**

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

## 10. DISCUSSION

Nothing scheduled

## 11. COMMUNICATIONS FROM THE CITY MANAGER

- Marketfest kicks off Thursday, June 13 and runs through Thursday, July 25, 2019
  - Opportunity to introduce the German delegates who came to White Bear and the other participating cities.
  - Recognition of White Bear Lake High School students for winning the ClimateSmart video contest at 6:30 p.m. on the 3<sup>rd</sup> Street Stage (and 2<sup>nd</sup> place in the St. Paul Saints video contest).
  - Announcement of 22 Bears that Shine at Railroad Park at 7:15 p.m.
- Manitou Days begins Friday, June 14
  - Councilmembers to meet at the Fire Station at 6:00 p.m. for the parade
  - Parade rerouted around construction: down 4<sup>th</sup> Street, Stewart, Lake Avenue
- First ever “Fridays with Firefighters” from 10:00 a.m. – noon at Fire Station 920
- Kids Bike Rodeo at Public Works on Saturday, June 15 at 1:00 p.m.

- Letter of concern for lack of progress with South Shore Blvd Trail. Ramsey County completed the right-of-way study and is now preparing an RFP for engineer consultants to design the project.
- Updates from Public Works Director / City Engineer – Paul Kauppi
  - Water system has been fully flushed, which uncovered a few hydrants needing repair.
  - Mill and Overlay is complete except for the Sumac area, waiting on Xcel to finish work on the new gas main and service installations.
  - Two Trails on Highway 96 and White Bear Parkway look good.
  - Old White Bear Area street reconstruction is also proceeding well, but staff has been waiting for Xcel to complete their work.
  - Curbing will be done by Wednesday or Thursday next week. Base course paving expected to be completed by July 4, two weeks from now.

## 12. CLOSED MEETING

Closed session under Minnesota Statutes, section 13D.05, subdivision 3(c)(3) to develop an offer for the purchase of real estate identified with PID #143022140072

Mayor Emerson asked for a motion to close the meeting pursuant to Minnesota Statutes, section 13D.05, subdivision 3(c)(3) to develop an offer for the possible purchase of real estate identified with PID #143022140072

It was moved by Councilmember **Walsh**, seconded by Councilmember **Jones**, to move into closed session.

## 13. ADJOURNMENT

There being no further business before the Council, it was moved by Councilmember **Biehn** seconded by Councilmember **Jones** to adjourn the regular meeting at 9:06 p.m.

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Jo Emerson, Mayor

**ATTEST:**

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Kara Coustry, City Clerk



**MINUTES  
CLOSED MEETING OF THE CITY COUNCIL OF  
THE CITY OF WHITE BEAR LAKE, MINNESOTA  
TUESDAY, JUNE 11, 2019  
IN CITY HALL**

1. CALL TO ORDER AND ROLL CALL

Mayor Emerson asked for a motion to close the meeting pursuant to Minnesota Statutes, section 13D.05, subdivision 3(c)(3) to develop an offer for the possible purchase of real estate identified with PID #143022140072

It was moved by Councilmember **Walsh**, seconded by Councilmember **Jones**, to move into closed session at 8:29 p.m.

Attendees included Mayor Emerson, Councilmembers Doug Biehn, Kevin Edberg, Steven Engstran, Dan Jones. Councilmember Edberg was an excused absence. Staff present included City Manager Hiniker, Community Development Director Anne Kane, Public Works Director Paul Kauppi and City Clerk Kara Coustry.

2. Discussion focused on whether the City should put in an offer to purchase property with PID #143022140072.

3. Reconvene City Council Meeting

There being no further related business to come before the Council, it was moved by Councilmember **Walsh**, seconded by Councilmember **Biehn**, to reconvene the City Council meeting at 9:06 p.m.

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Jo Emerson, Mayor

ATTEST:

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Kara Coustry, City Clerk



City of White Bear Lake  
*MEMORANDUM*

**To:** Ellen Hiniker, City Manager  
**From:** Kerri Kindsvater, Finance Director  
**Date:** June 19, 2019  
**Subject:** **Bond Sale**

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**BOND RATING**

City staff participated in a bond-rating interview with Shelly Eldridge of Ehlers and Associates and Joe Vodziak of Standard & Poor's on Monday, June 17, 2019 as part of the current bond sale process. Standard & Poor's plans to complete their rating review by noon on Friday, June 21, 2019.

Standard & Poor's upgraded the City's long term bond rating to AA+ during their last review in May 2018. The upgrade was due to the City Council's development and implementation of long-range economic plans and financial policies during recent years.

**BOND SALE**

The City, through its fiscal agent Ehlers and Associates, will receive bids on the bond sale at 10:00am on Tuesday, June 25, 2019. At that time, a report and related resolution will be prepared and distributed for the City Council to consider at its meeting that evening.

**PRELIMINARY OFFICIAL STATEMENT**

Attached for Council's information is the Preliminary Official Statement for the:

\$2,100,000 General Obligation Bonds, Series 2019A



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

# M E M O R A N D U M

**To:** Mayor and City Council

**From:** Ellen Hiniker, City Manager

**Date:** June 20, 2019

**Subject:** Resolution designated City Attorney

## SUMMARY

As the Council will recall, lead counselor from the firm that had formally represented the City did not seek renewal of their contract for 2019 due to personal circumstances. Subsequently, Troy Gilchrist of Kennedy & Graven was appointed on January 8, 2019 for a six-month period to serve as the City's lead counselor. Staff is now recommending that the City Council renew Mr. Gilchrist's contract for an additional six-months.

## BACKGROUND

Since his appointment in January, staff has had many opportunities to work with Mr. Gilchrist and his associates on a variety of projects and has been consistently pleased with the quality of work and response time. Mr. Gilchrist, a shareholder and current President of the company's executive board, also represents the City of Brooklyn Center, City of Crystal, the Minnetonka Water Conservation District, local watershed districts and a variety of other smaller municipalities and townships throughout the state. He has a strong municipal law background and has proven to be a creative problem solver and valuable team member.

Staff consulted with the members of the Council who served on the original selection committee, each of whom have indicated their support of a recommendation to renew Mr. Gilchrist's contract. The terms of the contract remain the same as presented in their original 2017 proposal, which was very competitive among those reviewed.

<i>City Attorney – Counselor</i>	Monthly retainer	Hourly rate	Developer-reimbursed rate
2019 contract costs <i>(Kennedy &amp; Graven)</i>	\$3,000/mo.	\$160/hr.	\$200/hr.
2018 contract costs <i>(former counsel)</i>	\$3,085/mo.	\$155/hr.	\$215/hr.

**RECOMMENDED COUNCIL ACTION**

Staff recommends approval of the attached resolution extending the contract for professional legal services to Kennedy & Graven through the end of 2019, with Troy Gilchrist to serve as lead counselor.

**ATTACHMENTS**

Resolution

Contract for services

**RESOLUTION NO.**

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

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

WHEREAS, Troy Gilchrist from the firm of Kennedy & Graven has been successfully serving as the City's Attorney since January 2019; and

WHEREAS, after careful review and consideration of the City's legal needs, staff recommends extending for an additional seven months the appointment of Troy Gilchrist from the firm Kennedy & Graven as City Attorney with occasional adjunct assistance from other associates he may assign; and

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

BE IT RESOLVED by the City Council of the City of White Bear Lake that pursuant to §4.20 of the White Bear Lake Home Rule Charter, Tony Gilchrist and the firm Kennedy & Graven are hereby appointed City Attorney-Counselor, for a term expiring January 31, 2020, according to the terms, conditions and responsibilities set forth below.

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

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

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

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

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

A. A monthly retainer of \$3,000 shall be paid for the following services:

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

**RESOLUTION NO.**

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

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

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

Attorney:	\$160
Developer Reimbursed Work:	\$200

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

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

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

Ayes:  
Absent: Jones  
Nays:  
Passed:

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

ATTEST:

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



## AGREEMENT FOR CIVIL LEGAL SERVICES

This Agreement for Civil Legal Services (“Agreement”) is entered into by and between the CITY OF WHITE BEAR LAKE, a Minnesota municipal corporation, (“City”) and the law firm of KENNEDY & GRAVEN, CHARTERED (“Law Firm”) effective as of the 1<sup>st</sup> day of July, 2019. In consideration of the mutual promises and conditions contained in this Agreement, the City and the Law Firm agree as follows:

1. Appointment. The City appoints the firm of Kennedy & Graven, Chartered to provide civil legal services to the City. Attorney Troy Gilchrist from the Law Firm shall be designated as the “City Attorney” and shall be responsible for assuring the performance of the Law Firm’s obligations under this Agreement and shall be the initial point of contact for the Mayor, City Council, City Manager, and Department Heads. The parties understand and agree the Law Firm is not responsible for the prosecution and handling of criminal matters for the City.
  
2. Term. This Agreement shall be effective July 1, 2019 to December 31, 2019, and shall continue thereafter until renewed or a different firm is selected as city attorney. During the term of this Agreement, either party may terminate this Agreement upon 60 days’ written notice to the other party.
  
3. Compensation. The City agrees to pay the Law Firm in accordance with the following:
  - (a) General Legal Services. The Law Firm will charge a monthly retainer for general legal services, as hereafter defined, at a rate of \$3,000 per month.
  
  - (b) Specific Legal Services. The Law Firm will charge a per hour rate for specific legal services, which are outside of the monthly retainer charged for general legal services, as follows:

Type of Service	Attorney Hourly Rate
Specific Legal Services (not otherwise specified)	\$160
Litigation, administrative, and condemnation proceedings	\$185
Development, redevelopment, and tax increment matters	\$200
Bond counsel	Customary rates

Support Staff	Hourly Rates
Paralegals	\$110
Law Clerks	\$90

- (c) Expenses. The City will reimburse the Law Firm for actual, necessary, and reasonable costs and expenses incurred by the Law Firm in the performance of legal services under this Agreement. These costs and expenses include, but are not limited to, courier and delivery charges, process server fees, court filing fees, mileage and parking fees related to

providing legal services, online legal research services, postage, printing and photocopying costs, document recording fees, and other actual costs of a similar nature. These fees and expenses are outside of the monthly retainer fee and will be specified on the Law Firm's monthly billing statement sent to the City.

4. Scope and Nature of General Legal Services. The parties agree to the following description of the nature of the comprehensive "general legal services" to be provided by the Law Firm to the City under the retainer fee specified above.
  - (a) Preparation for, travel to, and attendance at regular City Council meetings and, upon request, special council meetings.
  - (b) Provide legal advice and consultation to the City Council, City Manager, Department Heads, and other City staff related to City business.
  - (c) Drafting and revisions to various legal documents, ordinances, resolutions, forms, notices, certificates, correspondence, and regulations.
  - (d) Drafting and revisions to municipal contracts, joint powers agreements, bidding documents, equipment purchase and lease documentation, project plans and specifications, and the like.
  - (e) Review of contractor/vendor bond and insurance documents.
  - (f) Ordinance drafting and review.
  - (g) Research and preparation of legal opinions on municipal or other legal matters as requested by the Mayor, City Council, City Manager, or Department Heads.
  - (h) Other routine legal services that do not constitute specific legal services.
5. Scope and Nature of Specific Legal Services. The parties agree to the following description of the nature of the "specific legal services" to be provided by the Law Firm at the request of the City.
  - (a) Condemnations.
  - (b) Enforcement actions, including of City building, housing and zoning codes, and environmental matters.
  - (c) Drafting and review of development agreements.
  - (d) Attendance at commission meetings and staff meetings.
  - (e) Bonds, tax increment, and other forms of financing.

- (f) Review of or response to data practices requests.
- (g) Real estate matters, including sales and acquisitions.
- (h) Non-routine development of contracts or contract addenda, specifications and contract negotiations.
- (i) Training sessions for City officials or staff.
- (j) Claims not covered by insurance or as the City's insurance carrier's legal representative.
- (k) Special assessment-based issues and public improvement projects
- (l) Easements and right-of-ways, including vacations.
- (m) Recodifications and non-routine ordinance projects.
- (n) Contested case matters.
- (o) Non-routine employment matters.
- (p) Litigation, mediation, and arbitration.
- (q) Specific development projects.

6. Billing.

- (a) Billing Statements. The Law Firm will submit to the City a monthly billing statement for general legal services, specific legal services, and expenses. All services billed outside of the monthly retainer for specific projects will be broken down into categories for ease of review by the City. The statement will include a descriptor for each expense item billed to the City. Time shall be billed in tenths of an hour.
- (b) Billing Cycle. The Law Firm will bill monthly for legal services. Generally, bills will go out approximately 20-30 days after the end of the prior month, and Law Firm personnel will work with the City to timely place bills on the next City Council agenda.
- (c) Payment Expectations. The City will pay the bill of the Law Firm routinely according to its internal payment procedures by forwarding a check to the Law Firm paying for both legal services and expenses shown on the billing statements.
- (d) Disputes. In the event that the City disputes any aspect of the Law Firm's invoice, the appropriate City representative will contact Troy Gilchrist at the Law Firm stating the nature of the dispute.

7. Insurance. The Law Firm shall maintain professional liability (malpractice) insurance at a minimum coverage level of \$1,000,000 per claim, and \$3,000,000 annual aggregate. The Law Firm shall provide a current Certificate of Insurance to the City upon request.
8. Attorney/Client Privilege. The Law Firm is authorized to utilize e-mail without encryption to transmit and receive confidential client information. The City specifically acknowledges that it understands the confidentiality risks associated with inadvertent interception of such information.
9. Conflict of Interest. The Law Firm will notify the City as soon as practicable if the Law Firm represents or has ever represented an opposing party to the City in a legal matter.

IN WITNESS WHEREOF, the parties have caused this agreement to be duly executed by their proper officers and representatives as of the day and year first above written.

**CITY OF WHITE BEAR LAKE,  
MINNESOTA**

**KENNEDY & GRAVEN,  
CHARTERED**

By: \_\_\_\_\_  
Jo Emerson, Mayor

By: \_\_\_\_\_  
Troy Gilchrist  
City Attorney

By: \_\_\_\_\_  
Ellen Hiniker, City Manager

Dated: \_\_\_\_\_, 2019

Dated: \_\_\_\_\_, 2019



City of White Bear Lake  
City Manager's Office

## MEMORANDUM

**To:** Ellen Hiniker, City Manager  
**From:** Kerri Kindsvater, Finance Director  
**Date:** June 19, 2019  
**Subject:** Deputy Registrar Reimbursement Grant

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### BACKGROUND

The State of Minnesota launched new web-based Minnesota Licensing and Registration System (MNLARS) in 2017 to process vehicle registration and ownership transactions. Through the implementation of the new program, the State transferred many duties previously completed by its staff to the local Deputy Registrar offices in order to streamline transaction processing and provide real-time data for the Department of Public Safety and system users. This shift in responsibilities dramatically impacted the License Bureau's operations, as each transaction now requires extra time to complete, resulting in longer customer lines and often a backlog of dealership paperwork needing to be processed. Since then, additional staff has been hired to assist customers and process dealership transaction paperwork.

During the 2019 legislative session, \$13 million was appropriated for reimbursement to the Deputy Registrar offices for expenses incurred as a result of the rollout. Based on a formula defined in the legislation, the City of White Bear Lake will receive \$204,171.25. This one-time payment to the License Bureau Fund will help to support its fund balance, which has decreased approximately \$70,000, or nearly 1/3, since 2017. The remaining funds will be set aside to offset costs associated with either the expansion or relocation of the license bureau in order to improve the customer experience and accommodate the increase in personnel.

In addition to the reimbursement appropriation, a bill was passed to increase filing fees payable to the Deputy Registrar offices by one-dollar (\$1) for motor vehicle transactions related to title transfers, other miscellaneous vehicle transactions and tab renewal transactions, which would result in approximately \$80,000 - \$90,000 annually, all else remaining equal. This will offset more than half of the increase in operational costs, which were a direct result of the new processing requirements.

### RECOMMENDED COUNCIL ACTION

Staff recommends adoption of the attached resolution authorizing the Mayor and City Manager to execute the 2019 grant application and the Deputy Registrar to sign the liability release and submit all forms to the Minnesota Department of Public Safety.

### ATTACHMENTS

Resolution  
Grant memorandum, application and liability release

**RESOLUTION NO.**

**RESOLUTION AUTHORIZING A GRANT AGREEMENT BETWEEN THE CITY OF WHITE BEAR LAKE AND MINNESOTA DEPARTMENT OF PUBLIC SAFETY AND REQUESTING THE MUNICIPAL GRANT FUNDING ALLOCATION**

WHEREAS, in 2017 the Minnesota Department of Public Safety implemented a new computer system and process to all Division of Vehicle Services (DVS) centers statewide; and

WHEREAS, system failures resulted in more immediate staffing challenges and a long-term need for increased staffing; and

WHEREAS, as a result of increased costs incurred by Deputy Registrar Offices state-wide, legislation was passed by the State to provide for \$13 million in reimbursement grants for affected offices, \$204,171.25 of which the City of White Bear Lake is eligible; and

WHEREAS, to acquire these funds, the grant application and liability release form are due to the Minnesota Department of Public Safety on or before June 30, 2019.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of White Bear Lake that the Mayor and City Manager are authorized to execute the Deputy Registrar Reimbursement Grant agreement; and

BE IT FURTHER RESOLVED by the City Council of the City of White Bear Lake that the Deputy Registrar is hereby authorized to sign the liability release and submit all required grant forms to the Department of Public Safety on or before June 30, 2019.

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

Ayes:  
Absent: Jones  
Nays: None  
Passed:

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Jo Emerson, Mayor

ATTEST:

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Kara Coustry, City Clerk



<b>Minnesota Department of Public Safety (“State”)</b> Driver and Vehicle Services 445 Minnesota Street, Suite 195 St. Paul, MN 55101	<b>Grant Program:</b> MN Session Laws- 2019 1 <sup>st</sup> Special Session, Chapter 3, Article 1, Section 6 & Article 2, Section 36
<b>Grantee (Fill in information - Print):</b> Organization Name: Deputy Registrar Name: Deputy Registrar Address:  Remittance Address:  Tax Identification Number: Phone:	<b>Grant Agreement Term:</b>  <b>Effective Date:</b> 6/01/2019 <b>Expiration Date:</b> 7/31/2019
<b>State’s Authorized Representative:</b> Jeffrey Schmitz, <a href="mailto:Jeffrey.schmitz@state.mn.us">Jeffrey.schmitz@state.mn.us</a> , 651-201-7584	<b>Grant Agreement Amount: \$204,171.25</b> <b>Deputy Registrar No.: 127</b>

Under Minn. Stat. § 299A.01, Subd 2 (4) the State is empowered to enter into this grant agreement.

**Term:** Effective date is the date the State obtains all required signatures under Minn. Stat. § 16B.98, subd. 5 and 7. Once this grant agreement is fully executed, the Grantee will receive reimbursement pursuant to the Payment clause of this grant agreement. Per MN Session Laws- 2019 1<sup>st</sup> Special Session, Chapter 3, Article 1, Section 6 & Article 2, Section 36.

**The Grantee Agrees to:**

Comply with all requirements in the request and release agreement. Per MN Session Laws- 2019 1st Special Session, Chapter 3, Article 1, Section 6 & Article 2, Section 36.

**Payment:**

The State will disburse the reimbursement within 30 days of the request and release agreement being returned. No later than July 31, 2019. Per MN Session Laws- 2019 1st Special Session, Chapter 3, Article 1, Section 6 & Article 2, Section 36.

**1. GRANTEE**

*The Grantee certifies that the appropriate person(s) have executed the grant agreement on behalf of the Grantee as required by applicable articles, bylaws, resolutions, or ordinances.*

Signed: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

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

Signed: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

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

**2. STATE AGENCY**

Signed: \_\_\_\_\_

Title: \_\_\_\_\_

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

## Liability Release

This Agreement is made and entered into by and between

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(Deputy Registrar Appointee Printed Full Name "Deputy Registrar")

and the Minnesota Department of Public Safety and the State of Minnesota. The parties enter into this Agreement pursuant to the reimbursement grant authorized by Minnesota Session Laws 2019 1st Special Session, Chapter 3, Article 1, Section 6 & Article 2, Section 36. Therefore in consideration of the foregoing recitals, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. The parties wish to settle differences relating to the development and deployment of the Minnesota Licensing and Registration System ("MNLARS") without further costs to any of them.

2. The creation or payment of reimbursement grants under this section is not: (1) an admission of liability or wrongdoing by the State or its employees for any act or omission arising from the development and deployment of MNLARS; and (2) admissible in a judicial or administrative proceeding to establish liability or a legal duty.

3. In consideration for the payment described above, and in exchange for the promises herein, and other good and valuable consideration, the sufficiency of which is hereby acknowledged, Deputy Registrar agrees to release and hold harmless the State and its employees from any liability or claim arising from the development and deployment of MNLARS including: (i) a claim under Minnesota Statutes, section 3.732, or (ii) any claim or action before a court or administrative agency.

4. Deputy Registrar fully understands that this is a full, final and complete release of all claims against the Department of Public Safety and the State from all claims relating to the development and deployment of MNLARS.

5. This Agreement does not waive or release any rights or claims of any kind that Deputy Registrar may have which arise after they sign this Agreement, or which arise out of acts occurring after they sign this Agreement.

6. This Agreement is to be interpreted and enforced in accordance with the laws of the State of Minnesota. Any action to enforce this Agreement shall be adjudicated in the state courts of Minnesota.



7. Deputy Registrar agrees that they have read this Agreement, knows its contents and has signed it as a free and voluntary act having had adequate opportunity to consider its terms and conditions.

\_\_\_\_\_ Date Signed \_\_\_\_\_  
Signature of the Deputy Registrar Appointee

Subscribed and sworn before me this \_\_\_\_\_, day of \_\_\_\_\_, \_\_\_\_\_.  
My Commission expires \_\_\_\_ / \_\_\_\_ / \_\_\_\_

Notary Public Signature

\_\_\_\_\_

Notary Stamp or Seal  
(Optional)

\_\_\_\_\_ Date Signed \_\_\_\_\_  
Signature of the State Agency



*MINUTES OF THE MEETING OF THE  
HOUSING AND REDEVELOPMENT AUTHORITY  
OF WHITE BEAR LAKE, MINNESOTA  
HELD ON TUESDAY, MAY 28, 2019*

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

HRA Vice Chair Jones convened the meeting of the Housing and Redevelopment Authority at 7:27 p.m.

Members Kevin Edberg, Steven Engstran, Dan Jones and Bill Walsh were present. HRA Chair Doug Biehn was an excused absence.

**2. APPROVAL OF THE AGENDA**

It was moved by Member **Edberg** seconded by Member **Engstran** to approve the Agenda as presented.

Motion carried unanimously.

**3. APPROVAL OF THE MINTUES**

It was moved by Member **Engstran** seconded by Member **Edberg** to approve the Minutes of the May 14, 2019 HRA Meeting.

Motion carried unanimously.

**4. RESOLUTION AUTHORIZING AMENDED LANGUAGE TO THE COUNTY ROAD E REVOLVING LOAN AND GRANT PROGRAM**

Community Development Director Kane reported that in 2017 the Housing and Redevelopment Authority authorized the creation of a County Road E Revolving Loan and Grant Program (RLGP) to encourage redevelopment and investment in commercial properties along the County Road E corridor by small and medium size business. This redevelopment tool was to mirror the Downtown RLGP established in the mid 90's; however, some amendments to the downtown RLGP were not reflected in final adoption of the County Road E RLGP.

Ms. Kane reported that one of the guidelines in the Downtown RLGP provided up to \$3,000 in grants for exterior improvements without utilizing the revolving loan fund provided the work being completed would otherwise be eligible for a grant, whereas County Road E businesses are required to utilize the revolving loan fund to be eligible to receive a façade improvement grant. She explained that grant funds are budgeted on an annual basis and are separate from the revolving loan funds, therefore distribution of grants without accessing revolving loan funds does not negatively impact the long-term viability of the fund.

Ms. Kane forwarded staff's recommendation to fix this inconsistency by amending the language of the County Road E RLGP to mirror that of the Downtown RLGP grant requirements as intended from the onset.

It was moved by Member **Edberg**, seconded by Councilmember **Engstran**, to adopt **HRA Resolution No. 19-03** authorizing amended language to the County Road E Revolving Loan and Grant Program.

Motion carried unanimously.

## 5. ADJOURNMENT

There being no further business before the HRA, it was moved by Member **Walsh**, seconded by Member **Engstran**, to adjourn the HRA Meeting at 7:32 p.m.

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Dan Jones, HRA Vice Chair

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Ellen Hiniker, Executive Director



**City of White Bear Lake**  
Community Development Department

## *MEMORANDUM*

**To:** Ellen Hiniker, City Manager

**From:** Tracy Shimek, Housing & Economic Development Coordinator

**Date:** June 20, 2019 for the June 25, 2019 City Council Meeting

**Subject:** **Century Hills Partners Minnesota Housing Funding Proposal**

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### **BACKGROUND**

Once a year the Minnesota Housing issues a competitive Request for Proposals (“RFPs”) for applicants to request funding for housing development or housing related activities. Funding awarded through this RFP process include sources from Minnesota Housing, Metropolitan Council, Metro Housing and Redevelopment Authority (“Metro HRA”) and federal housing tax credits.

Century Hills Partners has submitted an application requesting funding to facilitate the acquisition and rehabilitation of Century Hills Townhomes. Century Hills Townhomes is a 55-unit multifamily rental development, affordable to persons with incomes at or below 30% of the area median through a Housing Assistance Payment Contract with the Department of Housing and Urban Development. In addition to the acquisition and rehab, they have proposed to extend an existing Housing Assistance Payment Contract for an additional 20 years. In their application, Century Hills Partners have proposed to rehabilitate the property at a cost of approximately \$60,000 per unit.

At the April 9<sup>th</sup> City Council meeting, Council approved the issuance of up to \$6,000,000 in conduit bonding as a means of interim financing for this project. Approval of their request for funding by MHFA will assist Century Hills Partners in securing permanent financing to provide the capital necessary to complete a project of this magnitude.

### **DISCUSSION**

Century Hills Townhomes provides affordable housing to approximately 55 households with incomes at or below 30% of the area median (\$28,300 for a family of four in 2018). According to the 2018 survey of multi-family developments in the City, there are only 89 non-age restricted units which are affordable at 30% area median income (“AMI”) or lower. Century Hills townhomes represents nearly 62% of non-age restricted multi-family rental units affordable at the 30% AMI level in the City of White Bear Lake.

As a part of Minnesota Housing’s review process the agency has solicited comments from the City regarding the proposal. Staff is recommending the Housing and Redevelopment Authority adopt

a resolution of support to share with Minnesota Housing because this project will preserve housing that helps address a critical need in our community in addition to maintaining or improving the quality of life for City of White Bear Lake residents who live in Century Hills Townhomes.

**RECOMMENDED HOUSING AND REDEVELOPMENT AUTHORITY ACTION**

Please forward the attached resolution of support to the Housing and Redevelopment Authority for consideration at its June 25<sup>th</sup> meeting.

**ATTACHMENT**

Resolution of Support

Minnesota Housing Notification of Local Official

**HOUSING AND REDEVELOPMENT AUTHORITY  
IN AND FOR THE CITY OF WHITE BEAR LAKE  
COUNTY OF RAMSEY, STATE OF MINNESOTA  
RESOLUTION NO.**

**RESOLUTION IN SUPPORT OF CENTURY HILLS PARTNERS' PROPOSAL IN  
RESPONSE TO MINNESOTA HOUSING'S REQUEST FOR PROPOSALS**

**WHEREAS**, the City of White Bear Lake has expressed its commitment to encouraging affordable and lifecycle housing through its comprehensive planning process; and

**WHEREAS**, Century Hills Townhomes, a 55-unit multi-family housing development located at 3525 Century Avenue, provides housing for households earning at or below 30% area median income; and

**WHEREAS**, according to the 2018 City of White Bear Lake multi-family rental housing survey Century Hills Townhomes represents more than half of the City's non-age restricted multi-family housing affordable to households earning 30% area median income or less; and

**WHEREAS**, Century Hills Partners has submitted a proposal in response to Minnesota Housing's Request for Proposals; and

**WHEREAS**, Century Hills Partners proposes to acquire, rehabilitate and equip Century Hills Townhomes, including exterior and interior rehab in the amount of approximately \$60,000 per unit through financing secured through Minnesota Housing ; and

**WHEREAS**, Century Hills Partners' proposal includes preserving and extending an existing Housing Assistance Payment contract, housing individuals with incomes at or below 30% of Area Median Income; and

**WHEREAS**, the City of White Bear Lake has previously demonstrated support of this project through the issuance of conduit bonding as a source of interim financing; and

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners ("the Commissioners") of the Housing and Redevelopment Authority in and for the City of White Bear Lake, Minnesota (the "Authority") that:

- 1) The commissioners of the Authority support Century Hills Partners' proposal to Minnesota Housing; and
- 2) The Authority authorizes the Mayor to submit a letter to Minnesota Housing in support of Century Hills Partners' proposal.

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

Ayes:  
Nays:  
Passed:

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Doug Biehn, Chairman

ATTEST:

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Ellen Richter, Executive Director







**City of White Bear Lake**  
Community Development Department

# *MEMORANDUM*

**To:** Ellen Richter, City Manager

**From:** Tracy Shimek, Housing & Economic Development Coordinator

**Date:** June 20, 2019 for the June 25, 2019 City Council Meeting

**Subject:** **Comprehensive Housing Assessment Proposal**

---

## **SUMMARY**

At the May 8<sup>th</sup> Housing and Redevelopment Authority (“HRA”) meeting, staff requested and received input and approval of a request for proposals (“RFP”) for a comprehensive housing needs assessment (“assessment”). Staff distributed the RFP to four research consultants and publicly posted the RFP on the City’s website. One proposal was received from Maxfield Research & Consulting (“Maxfield”). Maxfield proposes to complete the assessment for a cost of \$20,000, with the option to complete a development potential analysis for redevelopment of the properties at the intersection of County Road E and Bellaire Avenue at an additional cost of \$5,000. The timeline to complete a draft report of the assessment is approximately 120 to 140 days.

## **BACKGROUND**

Through the preparation of the 2040 Comprehensive Plan, staff has identified a number of potential housing policies and programs which could be implemented to ensure the City’s housing stock is meeting the needs of current residents in the short-term and attracting new residents in the long-term. Ensuring the city has a healthy and diverse housing stock will contribute to the City’s continued vibrancy and economic vitality. In an effort to focus future policy decisions and staff efforts on the most needed and effective programs, staff believes a comprehensive housing assessment is an important investment for the City.

While receiving multiple bids would have been ideal, staff is pleased Maxfield submitted a proposal and is confident in their ability to create a product that is useful to Council and staff. Maxfield has over 35 years of experience in providing analyses to assist communities in their planning and development efforts. They have completed work at the local, regional and national level and are very familiar with the Twin Cities real estate market having conducted analyses for a number of communities in the region including Roseville, St. Louis Park, Plymouth, Minneapolis Downtown Council, Edina, Scott County and Anoka County. In addition to their work with the public sector, they provide services to both the private and institutional sector to guide their real estate decisions.

Maxfield’s Comprehensive Housing Assessment would:

- Examine demographic and economic factors, and current housing market conditions;

- Determine the potential for developing additional housing products in the City;
- Provide detailed recommendations for the housing types identified as being needed in the short- and long-term including number of units/lots, unit mix and sizes, price/rent; housing features & amenities, etc.; and,
- Provide recommendations for programs and if necessary, incentives, which should be initiated to attract specific housing products.

In the RFP staff requested the assessment include an analysis of the most appropriate redevelopment options for the properties adjacent to the intersection at County Road E and Bellaire Avenue. Maxfield's proposal included an option to include an analysis of the intersection at an additional cost of \$5,000. Since issuance of the RFP last month, staff was notified of a Ramsey County economic development corridor revitalization pilot program aimed at spurring the revitalization of multi-jurisdictional corridors located within low-income census tracts located along existing or planned transit routes or transit ways. This program will help government entities and non-profit organizations fund corridor planning initiatives and redevelopment feasibility or market analyses.

In 2015 staff sought a Smart Growth America Technical Assistance grant in partnership with Vadnais Heights and Ramsey County to prepare a vision and plan for the corridor. While the funding was not received, staff believes that partnership demonstrates the capacity of County Road E communities to collaborate in creating a unified vision to spur further reinvestment and redevelopment of the corridor. Staff has had preliminary conversations with neighboring municipalities and feels partnering to share the costs of a more broadly focused study of the whole corridor with the support of grant funding from Ramsey County would be a better use of funds and foster synergy in revitalization efforts. Staff intends to coordinate with neighboring municipalities to begin the application process in an effort to secure funds from the pilot program. For this reason staff is not recommending to engage in the optional redevelopment analysis proposed by Maxfield at this time.

#### **RECOMMENDED HOUSING AND REDEVELOPMENT AUTHORITY ACTION**

Please forward the attached resolution to the Housing and Redevelopment Authority for consideration at its June 25th meeting, which, if approved, authorizes the Executive Director of the HRA to execute all necessary documents to enter into a contract with Maxfield Research & Consulting to conduct a Comprehensive Housing Needs Assessment. Staff recommends the Authority adopt the resolution as presented.

Additionally, if approved, staff is requesting one or two Commissioners of the HRA participate in the project kickoff meeting to ensure the scope of the project meets Commissioners' goals and objectives.

#### **ATTACHMENT**

1. Draft resolution accepting the proposal and engaging in a contract for services with Maxfield Research & Consulting at an approximate cost of \$20,000

**HOUSING AND REDEVELOPMENT AUTHORITY  
IN AND FOR THE CITY OF WHITE BEAR LAKE  
COUNTY OF RAMSEY, STATE OF MINNESOTA  
RESOLUTION NO.**

**RESOLUTION AWARDING A COMPREHENSIVE HOUSING NEEDS ASSESSMENT  
TO MAXFIELD RESEARCH & CONSULTING**

**WHEREAS**, the City of White Bear Lake is in process of completing its 2040 Comprehensive Plan; and

**WHEREAS**, upon approval of the final 2040 Comprehensive Plan the City will begin implementation of said plan; and

**WHEREAS**, the 2040 Comprehensive Plan includes an element focused on the City of White Bear Lake's housing needs; and

**WHEREAS**, it is in the best interest of the City of White Bear Lake to ensure a implementation of sound housing related policies and programs; and

**WHEREAS**, a comprehensive housing needs assessment will inform future housing policy for the City of White Bear Lake; and

**WHEREAS**, the City distributed a Request for Proposals (RFP) to four research firms as well as publicly posting the RFP on the City's website; and

**WHEREAS**, a total of one proposal was received from Maxfield Research & Consulting; and

**WHEREAS**, Maxfield Research & Consulting has over 35 years of experience providing consultation regarding market conditions to communities to guide their planning and development efforts; and

**WHEREAS**, Maxfield Research & Consulting proposes to conduct a comprehensive housing assessment at a cost of \$20,000; and

**WHEREAS**, Maxfield Research & Consulting anticipates providing a draft report approximately 120 to 140 days after the execution of an agreement accepting their proposal; and

**WHEREAS**, the City recommends the project including a comprehensive housing needs assessment and development potential analysis be awarded to Maxfield Research & Consulting; and

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners ("the Commissioners") of the Housing and Redevelopment Authority in and for the City of White Bear

Lake, Minnesota (the "Authority") that: the Executive Director of the HRA is hereby authorized to execute all necessary documents to enter into a contract with Maxfield Research & Consulting to conduct a Comprehensive Housing Needs Assessment at a total estimated cost of \$20,000.

The foregoing resolution approving the request for proposals and its distribution was offered by Member \_\_\_\_\_, and was supported by Member \_\_\_\_\_, was declared carried on the following vote:

Ayes:  
Nays:  
Passed:

---

Doug Biehn, Chairman

ATTEST:

---

Ellen Richter, Executive Director



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

# *MEMORANDUM*

**To:** Mayor and City Council  
**From:** Ellen Hiniker, City Manager  
**Date:** June 5, 2019  
**Subject:** Targeted Facility Needs Study

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## **SUMMARY**

At the Council work session on May 21, 2019, there was discussion related to the need for a limited Facility Needs Study to evaluate and provide options addressing the need for a police garage, a new fire truck bay at the North Fire Station and expansion or relocation of the License Bureau. The actual construction project is currently included in the 5-year Capital Improvement Plan (CIP) for construction in 2021. The exact cost of the needed improvements is unknown at this time; however, the CIP includes \$10 million as a placeholder.

Before preparing an RFP for consideration at the July 9<sup>th</sup> City Council meeting, staff would like to reaffirm Council direction.