



**AGENDA**  
**REGULAR MEETING OF THE CITY COUNCIL OF**  
**THE CITY OF WHITE BEAR LAKE, MINNESOTA**  
**TUESDAY, JULY 23, 2019**  
**7:00 P.M. IN THE COUNCIL CHAMBERS**

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

PLEDGE OF ALLEGIANCE

**2. APPROVAL OF MINUTES**

Minutes of the Regular City Council Meeting on July 9, 2019

**3. APPROVAL OF THE AGENDA**

**4. VISITORS AND PRESENTATIONS**

A. White Bear Lake Lions Club – All Abilities Park Donation

B. Manitou Days 2019 Report – Dale Grambush

**5. PUBLIC HEARINGS**

Nothing scheduled

**6. LAND USE**

Nothing scheduled

**7. UNFINISHED BUSINESS**

Nothing scheduled

**8. ORDINANCES**

A. First reading of an ordinance revision to the gambling regulatory tax of 2% charged to licensed gambling premises organizations

**9. NEW BUSINESS**

A. Resolution authorizing the Mayor and City Manager to execute refuse and recycling contracts

**10. CONSENT**

A. Resolution authorizing a temporary liquor license for Saint Mary of the Lake's Annual Concert

- B. Resolution authorizing a single event liquor license extension for Carbone's 3<sup>rd</sup> Annual Tent Party
- C. Resolution accepting White Bear Lions Club donation for an All Abilities Park
- D. Resolution authorizing Ladies of the Lake use of Rail Road Park Pavilion for Commerce
- E. Resolution authorizing repayment of gambling tax contributions
- F. Resolution authorizing on-sale and Sunday liquor licenses for The Brickhouse LLC
- G. Resolution authorizing on-sale 3.2 and Sunday liquor licenses for The Meet Market
- H. Resolution authorizing the Mayor and City Manager to execute a professional service agreement with Northwest Youth and Family Services for a mental health case worker

## **11. DISCUSSION**

- A. Auditor Services

## **12. COMMUNICATIONS FROM THE CITY MANAGER**

- Night to Unite – first Tuesday in August (August 6, 2019)

- 13. CLOSED SESSION** - Under Minnesota Statutes, Section 13D.05, Subdivision 3(c)(3), to develop an offer for the possible purchase of real estate identified with PID #143022140072

## **14. ADJOURNMENT**



**MINUTES  
REGULAR MEETING OF THE CITY COUNCIL  
OF THE CITY OF WHITE BEAR LAKE, MINNESOTA  
TUESDAY, JULY 9, 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, Kevin Edberg, Steven Engstran, Dan Jones and Bill Walsh were present. Staff members present were City Manager Ellen Hiniker, Assistant Manager Rick Juba, 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 June 25, 2019

It was moved by Councilmember **Biehn** seconded by Councilmember **Walsh**, to approve the Minutes of the Regular City Council Meeting on June 25, 2019.

Motion carried. Councilmember Jones abstained.

**3. APPROVAL OF THE AGENDA**

It was moved by Councilmember **Walsh** seconded by Councilmember **Engstran**, to approve the Agenda as presented.

Motion carried unanimously.

**4. VISITORS AND PRESENTATIONS**

A. Swearing in of Fire Department staff

Chief Peterson introduced members of the Fire Department, the City Clerk administered the oath and badges were pinned for each of the following:

- District Chief and Paramedic, Jeremy Andert a part-time member for 14 years
- Captain and Paramedic Brian Fischer a part-time member for nine years
- Firefighter Paramedic Jeremy Hall a full-time member for five months
- Firefighter Paramedic John Hines a full-time member for 13 years and recently back home from deployment in the middle-east.
- Firefighter Paramedic Amy Kriegshauser a full-time member for four years
- Captain EMT Dave Peterson a part-time member for nine years
- Firefighter Paramedic Ricky Vasquez a part-time member for five years

B. Retirement recognition of Fire Department staff – Paul Munns, Rob Ehlert, Mike Barnard and Mike Turnbull

Chief Peterson introduced the following retiring Fire Department members and thanked them for their service:

- Mike Barnard served 26 years as a Paramedic and Firefighter
- Rob Ehlert served for 24 years as Firefighter
- Paul Munns served for 28 years as a Firefighter
- Mike Turnbull served 43 years as a Paramedic Firefighter (also recently retired from the department as a full-time Fire Inspector position)

Mayor Emerson thanked the members on behalf of the Council and the City for their many years of dedicated service and gave each new retiree a bear plaque.

## 5. PUBLIC HEARINGS

Nothing scheduled

## 6. LAND USE

### A. Consent

1. Consideration of a Planning Commission recommendation regarding a request by Kim Koeppen for a setback variance (Case No. 19-4-V). **Resolution No. 12417**

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

Motion carried unanimously.

### B. Non-Consent

1. Consideration of a Planning Commission recommendation regarding a request by Richard Farrell for two setback variances and a conditional use permit for three curb cuts (Case No. 19-2-PUD)

Community Development Director Kane reported the subject site is 4763 Lake Avenue, which fronts on three streets: Lake Avenue, 4<sup>th</sup> Street and Johnson Avenue. It is zoned R-2 – Single Family Residential and S. Shoreland Overlay. Ms. Kane stated the site is very large due to the riparian rights on the south side of Lake Avenue. She noted the property currently contains a one and half story bungalow that was built in 1915, a one car detached garage and a small shed.

Ms. Kane explained that since Lake Avenue side is defined as the front, the north side of the property is the rear. The north property line has a very large off-set of 60 feet. The 60-foot jog in the property line coupled with a 40 foot setback makes the buildable area an odd L-shape. In order to make the buildable area a more practical shape the new owner, Richard Farrell, is requesting a 25 foot variance from the 40 foot rear yard setback, a 7.2 foot variance from the 35 foot setback from a side abutting a public right-of-way and a Conditional Use Permit for three curb cuts.

Ms. Kane added, the amended setbacks could facilitate the construction of a two-story residence with a two car attached garage. She stated the proposed home is a charming craftsman style with large dormers and bonus room above the three car attached

garage and relayed staff's support for the proposed setback variance conditioned upon removal of the bonus room over the garage and a maximum garage height of 22 feet to better preserve views of lake by neighboring residents.

Ms. Kane reported that in addition to the driveway leading into the garage, the applicant requested two additional curb cuts – one on Lake Avenue and one on 4th Street. She relayed that staff found three curb cuts for one property unnecessary, unsafe and uncharacteristic of the neighborhood and recommended denial of the Conditional Use Permit for the front driveway.

Ms. Kane forwarded a 4:1 Planning Commission recommendation of the variances, with reduction of the garage to 22 feet maximum to the peak, as well as denial of the Conditional Use Permit for the second and third curb-cuts.

In response to Councilmember Jones, Ms. Kane relayed that there are other properties several decades old situated further west of this location that have circular drives and two curb cuts. She stated that north toward Memorial Park and West Park, there are a number of homes, mid-block that have no access to the street. Ms. Kane added that the applicant agreed to withdraw this request once it was noted that the property enjoys close proximity to public parking.

Mayor Emerson opened the public hearing at 7:18 p.m. There being no public comment, the Mayor closed the public hearing.

In response to Councilmember Biehn, Ms. Kane confirmed the one-car detached garage will be removed and the shed will be cleaned and restored.

It was moved by Councilmember **Walsh** seconded by Councilmember **Biehn** to adopt **Resolution No. 12418** approving a request by Richard Farrell for two setback variances and a conditional use permit for three curb cuts (Case No. 19-2-PUD).

Motion carried unanimously.

It was moved by Councilmember **Jones** seconded by Councilmember **Walsh** to adopt **Resolution No. 12419** approving a denial of a conditional use permit for 4763 Lake Avenue North.

Motion carried unanimously.

## 7. UNFINISHED BUSINESS

Nothing scheduled

## 8. ORDINANCES

- A. First Reading of a request by Paul Bruggeman to rezone the portion of the property north of County Road D at 2687 County Road D to R-6 – Medium Density Residential (Case No. 19-2-Z)

Community Development Director Kane reported this is the first reading of a request for rezoning from R-3 to R-6 Medium Density Residential. She stated the Planning Commission conducted a public hearing on June 24, 2019. She relayed this is a split

property that has been subdivided by alignment of County Road D, and this request is for the northern, undeveloped portion of land.

Ms. Kane reported this portion of land had been guided for multi-family in the 2020, 2030 and 2040 Comprehensive Plans. She relayed concerns expressed by neighbors for the multi-family designation, such as loss of vegetation, proximity to wetlands, site buildability and traffic. She stated there are 3-story residential apartment buildings to the west, with duplexes and some single-family homes directly to the east.

Ms. Kane stated that setbacks for anything more than a duplex would require a 15 foot property line setback. She added that the White Bear Commons directly to the east was approved through a Planned Unit Development (PUD) process with an underlying R-3 Single-Family zoning designation. It was approved as a 14-unit townhome project in 2001 with a 15 foot setback variance along the west property line.

Councilmember Edberg asked if the current setbacks are honored, what kind of development is suitable for building on a parcel of this size. Ms. Kane relayed one developer is considering a multi-family development that would front along County Road D in which there is 70 feet of buildable area from east to west, with about 20-22 foot townhome that would allow for a 3-plex townhome to be built.

Councilmember Edberg asked what type of units could be built without a rezoning. Ms. Kane stated that under the R-3 zoning, single family are all permitted uses. She stated that a PUD could be approved for senior citizen housing. He inquired as to the public purpose for this approval. Ms. Kane stated, that this land use request is consistent with surrounding developments and consistent with Council adopted Comprehensive Plans.

Councilmember Edberg asked about the requirements for initiating a rezoning request. Ms. Kane explained that a Land Use Request application would be submitted by someone who has a property under contract and can show a financial obligation to follow through. She clarified that they would not need to the owner, but a contract purchaser contingent upon City Council approval of a rezoning request.

Mayor Emerson noted that second reading will occur on August 13, 2019.

## **9. NEW BUSINESS**

- A. Resolution authorizing release of Request for Proposals for Space Needs Study and Site Master Planning for Police Garage and Fire Apparatus Bay

City Manager Hiniker highlighted recent City Council discussions about the need to provide parking of police vehicles and a larger fire apparatus bay at the North Fire Station. She noted the Council affirmed its interest in defining the scope and cost of these projects at its regular meeting on June 25, 2019.

As such, Ms. Hiniker forwarded a Request for Proposals seeking architectural and professional services to define the scope of a project to provide for indoor parking for police squads and storage of fire apparatus for Council's consideration. Once the scope and cost for this project is determined, Ms. Hiniker mentioned her intention to discuss further with the City Council how this best fits in with the long-range Capital Improvement Plan.

It was moved by Councilmember **Jones**, seconded by Councilmember **Engstran**, to approve **Resolution No. 12420** authorizing release of Request for Proposals for Space Needs Study and Site Master Planning for Police Garage and Fire Apparatus Bay.

Motion carried unanimously.

## 10. CONSENT

- A. Acceptance of Minutes of May Park Commission Meeting; May Environmental Advisory Commission Meeting; May White Bear Lake Conservation District; June Planning Commission Meeting
- B. Resolution authorizing assessment agreements. **Resolution No. 12421**
- C. Resolution authorizing massage therapist establishment and therapist license. **Resolution No. 12422**
- D. Resolution accepting White Bear Lake Baseball Association to help pay for infield restoration project costs at Weyerhauser Park. **Resolution No. 12423**

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

## 11. DISCUSSION

Nothing scheduled

## 12. COMMUNICATIONS FROM THE CITY MANAGER

- Many great comments about the Fourth of July Fireworks celebration and thanks to volunteers and staff who helped coordinate the event.
- Refuse and recycling contracts will be coming at the next meeting.
- National Night Out is scheduled for August 6<sup>th</sup>.
- Monday, August 12 at 6:00 p.m. in the Expansion Room is the Budget Work Session
- Updates from Public Works Director / City Engineer – Paul Kauppi
  - Street reconstruction is going well with base course complete and the contractor is completing boulevard and driveway restoration. Pipe work is being completed in the Garden Lane area, with curb, gutter and paving to follow.
  - Xcel finished its gas main replacement so curb and gutter will follow and mill and overlay work should be complete by the end of July.
- Updates from Community Development Director – Anne Kane
  - Kickoff meeting for Housing Needs Assessment next Tuesday at 6:00 p.m. in the 2<sup>nd</sup> floor conference room at City Hall.
- Mayor Emerson
  - Red Cross is in need of blood
  - Support your local lemonade stand to encourage entrepreneurialism.

### 13. ADJOURNMENT

There being no further business before the Council, it was moved by Councilmember **Walsh** seconded by Councilmember **Biehn** to adjourn the regular meeting at 7:48 p.m.

Motion carried unanimously.

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Jo Emerson, Mayor

**ATTEST:**

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Kara Coustry, City Clerk





City of White Bear Lake  
Finance Department

## MEMORANDUM

**To:** Ellen Hiniker, City Manager

**From:** Kerri Kindsvater, Finance Director

**Date:** July 15, 2019

**Subject:** **FIRST READING of an Ordinance Revision for Alcohol Beverages, Section 1002.200, subdivision 8 related to Charitable Gambling**

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### BACKGROUND

Minnesota Statutes, section 349.213, subdivision 3, allows local units of government to impose a lawful gambling regulatory tax of up to 3% of gross receipts on licensed lawful gambling organizations within the City's jurisdiction as reimbursement for regulatory expenditures incurred during the year. In addition to the regulatory tax, Subdivision 1, Paragraph (f)(2) of the Statute also allows a city to pass an ordinance to require a lawful gambling organization to contribute up to 10% per year of their net profits to a fund the city administers to use for qualifying charitable contribution expenditures as allowed by Statute. A city can choose to implement one or both of the Statute provisions since they each serve a separate purpose.

On December 9, 1986, the City Council passed an ordinance based on this statute to collect a 2% fee on net receipts to cover the costs incurred by the City to regulate lawful gambling. In 1994, the Council amended the ordinance to provide the City flexibility to consider taxing up to 3% of net proceeds through annual consideration of the rate as established by resolution. However, the Council never raised the rate above 3%.

The authorizing statute referenced in the City's ordinance mandates the taxes collected will only be to recover regulation costs incurred by the city. Regulating lawful gambling includes conducting site inspections, compliance reviews of lawful gambling sites and issue orders of corrective actions. In 2017, the Gambling Control Board revamped their reporting requirements for local governments and improved their auditing process. These changes now require cities to submit reports detailing taxes collected, actual expenditures, and refund excess taxes collected back to the charities. The City may not retain the excess funds to offset future regulatory costs.

### SUMMARY

Though the City incurred expenditures for the financial oversight of gambling licensing and the regulatory taxes received in 2017 and 2018, the expenditures were much lower than the taxes collected. The previous Finance Director was working with the Gambling Control Board to determine if the City needed to refund the excess funds for 2017 and 2018. Since the status of

the refund was unknown as of December 31, 2018, the excess funds were recorded as 'Deposits Payable' in the Park Improvement Fund until an outcome was determined.

In working with the Gambling Control Board and reviewing the Statutes in recent months, it is evident that the City needs to refund the excess taxes collected to the charitable organizations to comply with regulations based on the authorizing statute referenced in the City's existing ordinance, as passed in 1986.

The City Council has three options to address the issue moving forward:

- 1) Reduce the gambling regulatory tax to an amount that will cover the current level of regulatory expenditures experienced by the City
- 2) Increase regulation activities by Police Officers so that expenditures for the activity equal the current tax collected
- 3) Change the current ordinance from the gambling regulatory tax to the contribution requirement allowed by Statute

If the City Council would like to continue collecting funds from local gambling organizations for the opportunity to operate within our jurisdiction, the ordinance must change to require a contribution of up to 10% of the organizations net profits to a fund administered by the city for use on qualifying charitable contribution expenditures as defined by Statutes. These funds are distinctly different from the regulatory tax, though the collection percentage can be the same. Some qualifying expenditures include activities and facilities for youth under age 21, equipment for police and fire departments, police officer or firefighter training, and DNR approved projects that benefit the public-at-large, such as trail maintenance. Without the change, the City will continue to refund excess collections in future years unless the City expands regulation activities.

Many communities have been discontinuing their gambling regulatory tax due to the recent reporting changes and are passing the ordinance to implement the contribution requirement in its place. Though some cities require the maximum contribution of 10% in their new ordinance, others use a contribution rate closer to the regulatory tax previously charged.

### **RECOMMENDATION**

Attached is a draft ordinance amending Section 1002.200 regulating gambling devices on licensed premises that replaces reference to the gambling regulatory tax with reference to Minnesota Statute 349.12, which provides for a 2% contribution toward qualifying expenditures. The ordinance is presented to Council for first reading at its July 23, 2019 meeting and will be scheduled for second reading at its August 27<sup>th</sup> meeting. A resolution to refund the excess tax amounts held in the Deposits Payable account of the Park Improvement Fund can found under the Consent Agenda.

### **ATTACHMENTS**

Proposed ordinance amending Section 1002.200 regulating gambling devices on licensed premises.

**City of White Bear Lake**

ORDINANCE No.

**AN ORDINANCE AMENDING SECTION 1002.200 OF THE MUNICIPAL CODE  
OF THE CITY OF WHITE BEAR LAKE REGARDING INTOXICATING LIQUOR:  
GAMBLING DEVICES ON LICENSED PREMISES**

THE CITY COUNCIL OF THE CITY OF WHITE BEAR LAKE, MINNESOTA DOES ORDAIN THE FOLLOWING:

ARTICLE I. Section 1002.200, subdivision 8 of the Municipal Code of the City of White Bear Lake is hereby amended as follows:

8. Any qualified charitable organization selling and/or operating gambling devices in on-sale liquor establishments shall remit quarterly to the City of White Bear Lake an amount equal to two (2) percent up to three (3) percent of its net receipts (gross receipt less prizes equals net receipts) from the sale or operation of gambling devices. ~~Said amount shall be set by resolution of the City Council and reviewed annually.~~ The City shall ~~use funds to cover the costs incurred by the City to regulate lawful gambling~~ disburse the funds for charitable contribution lawful purpose expenditures as defined by Minnesota Statutes, Section 349.12, subdivision 7a. (Ref. Ord. 736, 12/9/86; 912, 6/28/94)

ARTICLE II: This ordinance becomes effective after approval and shall take effect and be in force following its passage and publication.

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

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

ATTEST:

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

Date of First Reading:

Date of First Publication:

Date of Second Reading:

Date of Final Publication:



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

## *MEMORANDUM*

**To:** Mayor and City Council

**From:** Ellen Hiniker, City Manager

**Date:** July 23, 2019

**Subject:** **Contract Extensions for Refuse/Recycling Hauling and Recycling Processing**

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### **SUMMARY / BACKGROUND**

The current contracts for refuse and recycling collection (Republic Services) and Recycling Processing (Eureka Recycling) both expire August 30, 2019. Staff has been working with both Republic Services and Eureka Recycling on terms for an extension since December, 2018. Staff and the City Council discussed the rates that had been negotiated with Republic Services at regular meeting on March 21, 2019. Based on favorable feedback from the City Council, Staff has come to terms with both Republic Services and Eureka Recycling for seven (7) year contract extensions.

### **Refuse and Recycling Hauling**

In spring of 2014, the City received bids for refuse and recycling hauling services from six (6) haulers and ultimately awarded a five-year contract to the lowest bidder, Troje's Trash, effective September 1, 2014. The decision to request bids for service in 2014 was based on dissatisfaction with the previous hauler. The City had not otherwise gone out for bids since 1996.

Unfortunately, as the Council is aware, Troje's Trash encountered significant financial issues that led to its bankruptcy. Troje's contract was ultimately purchased by Republic Services through the bankruptcy proceedings; the original rates and terms of the contract remained in place. While advantageous to the City, Troje's rates were lower than industry standards and resulted in losses for Republic. Furthermore, since assuming the contract in the fall of 2016, Republic's rates have been increased only once, which was a 2% increase. Because Republic is a national company with a significant presence, it has been able to absorb these losses for the short term. However, a more significant adjustment is needed in order for Republic to continue providing service.

Staff has spent significant time working with representatives from Republic and gathering data from other communities to ensure that the rates proposed by Republic for a contract extension are the best they can offer. While the rates reflect an increase that would result in a 7.5% increase in residential rates in 2020, staff believes they are very competitive, as further demonstrated below. Republic has provided excellent service and has been very responsive to any issues that arise. Staff also has confidence in Republic's ability to sustain its service levels, as it is a financially sound national hauler.

Staff reported to Council at its meeting in January that it would be recommending the City go out for bids if the rates proposed by Republic could not be further refined. While the rates as proposed earlier this year seemed reasonable relative to the market, the increase from current rates was too significant to justify without requesting additional proposals. Since then, Republic has further reduced its proposed rates and staff is satisfied that they are as low as Republic will go. Furthermore, based on recent experiences in two other metro communities, there is a risk that bid rates would actually be higher than what is currently being proposed by Republic.

To maximize its pro forma, Republic is requesting a 7-year contract. An abbreviated term would adversely impact the proposed rates. Seven to ten year contracts are becoming more common in the industry.

The current proposal would reflect a 2% increase in 2019, as budgeted, an overall 10% increase in 2020 (changing to a flat hauler rate), 4% increase in 2020, and a 2% increase for the remaining years. These rates would result in a residential rate increase of 7.5% in 2020, assuming a 3% increase in tipping fees. A 3% residential rate increase would then be needed in 2021 to support the hauler's 4% rate increase in 2021:

#### Proposed Hauler Rates

	Proposed 2019 2% as budgeted	Proposed 2020 Approx. 10% overall	Proposed 2021 4% increase
Senior	8.32	10.62	11.04
30	8.32	10.62	11.04
60	9.36	10.62	11.04
90	12.23	10.62	11.04

#### Proposed Residential Rates

	2019 Residential no change	Proposed 2020 7.5% increase	Proposed 2021 3% increase
Senior	10.55	11.34	11.68
30	10.80	11.61	11.96
60	15.90	17.09	17.61
90	21.65	23.27	23.97

	Proposal	
2020	10.62	10%
2021	11.04	4%
2022	11.27	2%
2023	11.49	2%
2024	11.72	2%
2025	11.96	2%
2026	12.19	2%

To further evaluate Republic's proposal, staff compared proposed rates against those that were bid in 2014, assuming a 2% annual increase to the 2014 rates:

	Hauler A	Hauler B	Hauler C	Hauler D	Hauler E	Proposed rates
2014	\$ 9.90	\$ 10.40	\$ 11.03	\$ 9.85	\$ 12.98	
2015	\$ 10.10	\$ 10.61	\$ 11.25	\$ 10.05	\$ 13.24	
2016	\$ 10.30	\$ 10.82	\$ 11.48	\$ 10.25	\$ 13.50	
2017	\$ 10.51	\$ 11.04	\$ 11.71	\$ 10.45	\$ 13.77	
2018	\$ 10.72	\$ 11.26	\$ 11.94	\$ 10.66	\$ 14.05	
2019	\$ 10.93	\$ 11.48	\$ 12.18	\$ 10.88	\$ 14.33	
2020	\$ 11.15	\$ 11.71	\$ 12.42	\$ 11.09	\$ 14.62	\$ 10.62

As shown, if rates proposed by competing haulers in 2014, (Troje's notwithstanding), had increased by 2% each year, all rates would have been greater than those currently being proposed by Republic.

Staff also looked at the rates in other communities with organized collection:

#### 2018 QUARTERLY RATES (from December, 2018)

	White Bear Lake (weekly recycling)	Forest Lake (bi-weekly)	North St. Paul (bi-weekly)	St. Louis Park* (bi-weekly)	<i>White Bear Lake in 2020, reflecting proposed rates</i>
30	29.10	38.40	48.90	39.50	34.83
60	42.75	46.50	52.77	67.50	51.27
90	58.20	53.10	60.06	99.00	69.81

\* St. Louis Park's contract includes unlimited yard waste collection.

It is difficult to compare rates to other communities as each contract is nuanced slightly differently. However, the above comparisons demonstrate that White Bear Lake has remained very competitive. Staff will, however, want to evaluate the differences in rates within the tier-rate system as it considers future rate adjustments.

Also, under a new contract with Republic, the manner in which refuse and recycling is broken out would change. Currently, the recycling base collection fee is approximately 20 – 25% percent of the total collection fee, depending on the service level. Under a new contract, the split would be 50/50, which would result in lower bills for residents due to the county and state tax on refuse. Because recyclables are processed under a separate contract and trash disposal is paid for directly by the City, the City's hauling contract is purely for collection services. With weekly recycling collection, costs related to the collection of refuse and recycling are the same. All residential refuse in Ramsey County is taxed at a rate of 37.75%, so shifting more of the total collection costs onto recycling will reduce the burden to homeowners, as shown here:

		2019			2020		
senior	refuse	\$ 8.45	38%	\$ 11.64	\$ 6.03	38%	\$ 8.31
	recycling	\$ 2.10		\$ 2.10	\$ 5.31		\$ 5.31
	total	\$ 10.55		\$ 13.74	\$ 11.34		\$ 13.62
30	refuse	\$ 8.65	38%	\$ 11.92	\$ 6.30	38%	\$ 8.68
	recycling	\$ 2.15		\$ 2.15	\$ 5.31		\$ 5.31
	total	\$ 10.80		\$ 14.07	\$ 11.61		\$ 13.99
60	refuse	\$ 12.70	38%	\$ 17.49	\$ 11.78	38%	\$ 16.23
	recycling	\$ 3.20		\$ 3.20	\$ 5.31		\$ 5.31
	total	\$ 15.90		\$ 20.69	\$ 17.09		\$ 21.54
90	refuse	\$ 17.30	38%	\$ 23.83	\$ 17.96	38%	\$ 24.75
	recycling	\$ 4.35		\$ 4.35	\$ 5.31		\$ 5.31
	total	\$ 21.65		\$ 28.18	\$ 23.37		\$ 30.06

The above table illustrates how a homeowners bill would be affected by the rate increase. While the base increase is 7.5%, the actual amount billed goes down for those who have 30 and 60 gallon service. This rate structure will need to be reevaluated to ensure that the margin between rates does not get too great, while still encouraging waste reduction.

In addition to the proposed hauling rates, Republic and Staff have agreed to an increase in the yard waste collection price bringing from \$75/annually to \$80/annually and from \$30/seasonally to \$50/seasonally. The proposed rates are competitive with comparable communities who do not include yard waste in their standard hauling and disposal services, and White Bear Lake is one of only a few that provide seasonal service.

### Recycling Processing

The City has contracted with Eureka Recycling since 2006 and staff remains confident in its operations. Eureka is a non-profit recycling processing center that has always relied on local markets to ensure that the materials are managed responsibly. Its relationships with local markets have served Eureka well in recent months as many overseas market options have closed. Nevertheless, the recycling market is very challenged. Eureka has been able to maintain its local markets, but sale revenues are less than the cost of processing. Since the market downturn, the City has been paying between \$3 - \$5K per month, as opposed to typical monthly revenue receipts of approximately \$2 - \$3K per month.

Eureka, like all recycling processing facilities, is also challenged by the increase in contaminated materials resulting from single sort. While White Bear Lake's residual (contamination) is less than most, at approximately 7%, Eureka has needed to respond with additional investment in its equipment and warehouse staffing.

The existing contract was entered into in 2014 and includes a flat processing fee of \$74/ton. To account for the increased costs of processing, the proposed contract includes a flat processing fee of \$80/ton with annual increases of 2% or CPI, whichever is greater. With the current market

conditions this increase in the processing fee will raise the City's monthly recycling processing to a range of \$3,250 - \$5,400/month. The revenue sharing formula is proposed to remain the same at 100%, meaning the City receives all revenues received minus the processing costs. This formula has been beneficial to the City in the past and would be in the future should markets for recyclable materials rebound.

Kate Davenport, Co-President of Eureka Recycling will be at the July 23<sup>rd</sup> Council meeting to further describe the market conditions and processing challenges.

#### **RECOMMENDATION**

Staff recommends the City Council approve both of the attached resolutions authorizing the Mayor and City Manager to execute seven (7) year extensions of the refuse and recycling hauling contract with Republic Services and the recycling processing contract with Eureka Recycling.

#### **ATTACHMENTS**

Resolution authorizing the Mayor and City Manager to execute 7 year contract extensions with Republic Services.

Resolution authorizing the Mayor and City Manager to execute 7 year contract extensions with Eureka Recycling.



**RESOLUTION NO.**

**RESOLUTION AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE  
A CONTRACT WITH EUREKA RECYCLING FOR PROCESSING SERVICES**

**WHEREAS**, the City supports curbside collection of recycling materials and desires that it be made available to its residents; and

**WHEREAS**, The City had a 5-year contract recycling processing contract with Eureka Recycling, which expires on August 30, 2019; and

**WHEREAS**, The City agreed to a seven-year extension of its refuse and recycling collection contract with Republic Services Inc. expiring August 30, 2026; and

**WHEREAS**, Republic Services Inc. collects city-wide recycling and delivers the materials to Eureka Recycling according to the specifications of that agreement; and

**WHEREAS**, City of White Bear Lake desires to enter into a seven-year contract extension for the processing of recycling with Eureka to coincide with the contract term of Republic Services Inc.; and

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of White Bear Lake that the Mayor and City Manager are hereby authorized to execute a 7-year Recycling Processing contract with Eureka Recycling for the term of September 1, 2019 through August 30, 2026.

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 Country, City Clerk

**RESOLUTION NO.**

**RESOLUTION AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE  
A CONTRACT WITH REPUBLIC SERVICES INC. FOR COMPREHENSIVE SOLID  
WASTE AND RECYCLING COLLECTION SERVICES**

**WHEREAS**, pursuant Municipal Code 501 regulating garbage collection, the City of White Bear Lake enters into contracts for organized collection of refuse and recycling from residences and other stated localities; and

**WHEREAS**, in 2014 the City of White Bear Lake entered into a five-year contract with Troje's Trash Pick-Up Services, however, that company underwent bankruptcy and Republic Services assumed the remainder of the contract which expires on August 30, 2019; and

**WHEREAS**, the City of White Bear Lake negotiated a seven-year term extension of the contract for city-wide solid waste and recycling collections with Republic Services Inc.; and

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of White Bear Lake that the Mayor and City Manager are hereby authorized to execute a 7-year Solid Waste and Recycling Collection contract with Republic Services Inc. for the term of September 1, 2019 through August 30, 2026.

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:** Kara Coustry, City Clerk  
**Date:** July 15, 2019  
**Subject:** Temporary on-sale liquor license for St Mary of the Lake – Outdoor Concert

---

### BACKGROUND

Minnesota Statute section 340A.404, Subd. 10 states that municipalities may issue temporary on-sale liquor licenses to nonprofit organizations in existence for at least three (3) years. The license may not exceed more than four consecutive days. City Code requires proof of liquor liability insurance.

### SUMMARY

The City received an application from St. Mary of the Lake for a temporary liquor license. St. Mary of the Lake is a non-profit organization that plans to sell beer and wine during their outdoor summer concert to be held at St. Mary of the Lake Parish Life Center on Saturday, August 17, 2019, between the hours of 5:00 pm – 10:00 pm. The outdoor festival is an annual event and the applicant is aware that the music must end no later than 10:00. The applicant meets State regulations for temporary liquor licenses and has secured the liquor liability insurance required by City Code.

### RECOMMENDED COUNCIL ACTION

Staff recommends the City Council adopt the attached resolution approving a temporary liquor license to St. Mary of the Lake

### ATTACHMENTS

Resolution

**RESOLUTION NO.**

**A RESOLUTION APPROVING A TEMPORARY ON-SALE LIQUOR LICENSE  
FOR SAINT MARY OF THE LAKE OUTDOOR CONCERT**

WHEREAS an application for a Temporary On-Sale Liquor License has been made by St. Mary of the Lake; and

WHEREAS St. Mary of the Lake is a nonprofit organization that is sponsoring their event on the premises of St. Mary of the Lake Parish Life Center on August 17, 2019; and

WHEREAS the organization has provided the required liquor liability insurance as required by City Code; and

NOW THEREFORE, BE IT RESOLVED that the White Bear Lake City Council under authority of Minnesota Statute section 340A.404 Subd. 10, approves the Temporary On-Sale Liquor License for the following organization for the date and location indicated

St. Mary of the Lake  
August 17, 2019  
on the premises of  
St. Mary of the Lake Parish Life Center  
4690 Bald Eagle Avenue  
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:** Kara Coustry, City Clerk

**Date:** July 15, 2019

**Subject:** **Third Annual Carbone's Pizzeria & Pub – Single Event Extension License**

---

### **BACKGROUND / SUMMARY**

The owners of Carbone's, Liz and Steve Boleen, are planning a 3rd Annual Tent Party celebration on September 14, 2019. They have permission from the owner of the parking lot, Clear Choice Properties, to place a tent for additional external seating and for a band. As the tent is greater than 400 sq feet, the applicants are also working with the Fire Departments to obtain a tent permit. The Boleen's have also talked to their neighbors in the complex. Most are closed in the evening, but those that will remain open are agreeable to the event.

Carbone's has asked permission for the band to continue playing outdoors until 11:00 p.m., which extends one hour beyond the City's noise ordinance. Given the restaurant's location and the fact that there were no calls of concerns related to this event last year, staff is willing to consider this special request with the caveat that if a complaint call is received after 10:00 p.m. the band will be asked to conclude its performance.

Alcohol extension license service outside of the designated restaurant area requires Council's approval. Carbone's is seeking approval for a single event extension to their on-sale liquor license as follows:

Boleen Enterprises  
Parking lot, inside the confines of fenced area  
1350 Highway 96, Suite 7  
White Bear Lake, MN 55110  
3:00 p.m. – midnight  
September 14, 2019

### **RECOMMENDED COUNCIL ACTION**

Staff recommends Council adopt the resolution as presented.

### **ATTACHMENTS**

Resolution

**RESOLUTION NO.**

**A RESOLUTION APPROVING A SINGLE EVENT EXTENSION  
TO AN ON-SALE LIQUOR LICENSE AND OUTDOOR MUSIC UNTIL 11:00 P.M.  
FOR CARBONE'S PIZZERIA & PUB**

WHEREAS, an application for a Single Event Extension to an On-Sale Liquor License to the premises but outside the building has been made by Carbone's Pizzeria & Pub (Carbone's), and;

WHEREAS, Carbone's is hosting a 3<sup>rd</sup> Annual Tent Party on September 14, 2019 on the parking lot at the premises of 1350 Highway 96, and;

NOW THEREFORE, BE IT RESOLVED that the White Bear Lake City Council approves a Single Event Extension to an On-Sale Liquor License to the premises but outside the building of Carbone's on 1350 Highway 96 subject to the following conditions:

1. Written approval from the owner of the parking lot.
2. Music performance concludes at 11:00 p.m. but any calls of concern after 10:00 p.m. will result in immediate commencement of outdoor music.
3. Erection of approved fencing in a location approved by City staff, said fence must restrict the space in which liquor may be consumed.
4. An approved tent permit.
5. Security will be assigned to entrance and wristbands provided to those of legal age to consume alcohol.
6. Proof of general and liquor liability insurance naming the City as an additional insured up to municipal liability limits;

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:** Kara Coustry, City Clerk  
**Date:** July 15, 2019  
**Subject:** **Donation from the White Bear Lions Club – All Abilities Park**

---

## **BACKGROUND / SUMMARY**

The White Bear Lake Lion's Club, through its gambling proceeds, has donated \$25,000.00 to the City of White Bear Lake's Park Improvement Fund. This donation is designated toward the establishment of an All Abilities Park.

The Park Advisory Commission and members of the Lions Club will work together to identify the best park within the City Park System to upgrade and how best to apply this funding toward establishment of an All Abilities Park.

## **RECOMMENDED COUNCIL ACTION**

Staff recommends the Council adopt the attached resolution to formally recognize the White Bear Lake Lions Club donation of funds to the Park Improvement Fund for the construction of an All Abilities Park.

## **ATTACHMENTS**

Resolution

**RESOLUTION NO.**

**A RESOLUTION ACCEPTING A DONATION FROM THE WHITE BEAR LAKE  
LION'S CLUB TO THE CITY OF WHITE BEAR LAKE**

**WHEREAS**, the City of White Bear Lake is generally authorized to accept donations of real and personal property pursuant to Minnesota Statutes Section 465.03 for the benefit of its citizens, and is specifically authorized to accept gifts; and,

**WHEREAS**, the White Bear Lions Club contributed \$25,000 to the City of White Bear Lake Park Improvement Fund to go toward the construction of an All Abilities Park; and,

**WHEREAS**, all such donations have been contributed to the city for the benefit of its citizens, as allowed by law; and

**WHEREAS**, the City Council finds that it is appropriate to accept the donation offered.

**NOW THEREFORE, BE IT RESOLVED** by the City Council of the City of White Bear Lake that the donation described above is accepted and shall be used for exercise equipment for firefighters at the south station.

The foregoing resolution, offered by Councilmember \_\_\_\_\_, and supported by Councilmember \_\_\_\_\_, was declared and 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:** Kara Coustry, City Clerk  
**Date:** July 19, 2018  
**Subject:** Ladies of the Lake – Use of Railroad Park

---

## **BACKGROUND**

The City allows for special events in public spaces including City Parks. Special event permits are typically approved by staff. On occasion the City receives an application that involves the sale of alcohol by a licensed vendor, or as in this case, the use of a public space for commerce.

The Ladies of the Lake hosted their first open air market in Railroad Park in September, 2016 and has continued this practice every year thereafter.

## **SUMMARY**

Ladies of the Lake includes the following seven (6) similar downtown merchants: Truly, The Hub Home Accents, White Bear Lake Mercantile, Missy's Boutique & Consignment, Antiques White Bear, Inc. and Farmer's Daughter. This group is joining to host a sales event under 10 x 10 tents in Railroad Park on Saturday, September 21, 2019 from 10:00 a.m. to 4:00 p.m. Guitar music will be offered in the gazebo. No alcohol sales are being proposed in conjunction with the event at this time.

Staff has no objection to the application, provided tents are sandbagged, rather than staked. Driving on the premises is prohibited due to irrigation systems and turf concerns. Because this proposed event involves commercial use of a public space, staff is seeking the approval of the City Council for this event. As in past years, the residential rental fee for Podvin Park will be charged to this group.

## **RECOMMENDED COUNCIL ACTION**

Staff recommends Council adopt the resolution as presented.

## **ATTACHMENTS**

Resolution

**RESOLUTION NO.**

**A RESOLUTION APPROVING A SINGLE EVENT  
FOR COMMERCE AT RAILROAD PARK**

WHEREAS, an application has been submitted by Ladies of the Lake to host an event at Railroad Park where items will be sold; and

WHEREAS, Ladies of the Lake includes seven different merchants from downtown; and

WHEREAS, no alcohol will be sold at the event.

NOW THEREFORE, BE IT RESOLVED that the White Bear Lake City Council approves the use of Railroad Park by Ladies of the Lake on Saturday, September 21, 2019 subject to the following conditions:

1. No tent stakes are permitted to be placed into the ground.
2. No vehicles are permitted on park grounds.
3. The applicant must coordinate appropriate sanitation and refuse collection with City staff.
4. Park rental at the same rate as Podvin Park resident fee: \$125.00

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:** Kara Coustry, City Clerk

**Date:** July 16, 2019

**Subject:** Resolution approving issuance of Sunday and On-sale liquor licenses

---

### BACKGROUND/SUMMARY

The Brickhouse LLC has been renovating the building at 4746 Washington Square in White Bear Lake and anticipates opening The Brickhouse Food & Drink Restaurant, Bar and Rooftop this fall.

Timothy and Elizabeth Lawin, the applicants on behalf of The Brickhouse LLC, applied for full on-sale intoxicating and Sunday liquor licenses at the Brickhouse Food & Drink. The Police Department conducted a background check and found nothing that precludes the issuance of liquor licenses to the applicants. The applicants have also secured the appropriate liquor liability insurance.

### RECOMMENDED COUNCIL ACTION

Staff recommends the City Council adopt the attached resolution approving the on-sale intoxicating and Sunday liquor licenses for Timothy and Elizabeth Lawin of The Brickhouse LLC, dba The Brickhouse Food & Drink.

### ATTACHMENTS

Police Department Memo  
Resolution



City of White Bear Lake  
Police Department

## MEMORANDUM

**To:** Ellen Hiniker, City Manager  
**From:** Julie Swanson, Chief of Police  
**Date:** July 16, 2019  
**Subject:** **Brickhouse Food and Drink**

---

### BACKGROUND

The White Bear Lake Police Department conducts background investigations on Liquor/Tobacco License applicants to provide the City Council with objective data regarding any concerns with the applicant. These elements have been shown to contribute significantly to the successful and legal operation of our community business establishments.

### SUMMARY

On 07-16-2019, staff completed a background investigation on Timothy Lawin and Elizabeth Lawin, who are listed as owners of the Brickhouse Food and Drink, located at 4746 Washington Square. Ms. Lawin is also listed as the operator and manager of the establishment. The Brickhouse Food and Drink will have two floors of seating and a rooftop, outside patio.

Mr. Lawin owns and operates several well established businesses in the White Bear Lake area, and has a valid and current liquor license at one of these establishments. Both applicants provided the appropriate background and financial documents, and there are no areas of concern.

Staff found no disqualifying information throughout the background investigation. Mr. and Ms. Lawin appear to be long time, sound and well established business owners and would be an asset to the White Bear Lake community.

### RECOMMENDED COUNCIL ACTION

Staff recommends approval of the liquor license for the applicants.

**RESOLUTION NO.**

**RESOLUTION AUTHORIZING ON-SALE INTOXICATING AND SUNDAY LIQUOR LICENSES AT THE BRICKHOUSE LLC DBA BRICKHOUSE FOOD & DRINK**

WHEREAS, the City of White Bear Lake City received an application from Timothy and Elizabeth Lawin on behalf of The Brickhouse LLC dba The Brickhouse Food & Drink for on-sale intoxicating and Sunday liquor licenses at 4746 Washington Square, White Bear Lake, MN; and

WHEREAS, upon completion of the applicants' background checks, the White Bear Lake Police Department found nothing to preclude issuance of these liquor licenses; and

WHEREAS, the city clerk has reviewed all submittals and found the application to be in conformance with the criteria for issuing an on-sale intoxicating and Sunday liquor licenses; and

WHEREAS, approved licenses would be valid 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 full on-sale intoxicating and Sunday liquor licenses for the following:

Timothy and Elizabeth Lawin  
The Brickhouse LLC, dba The Brickhouse Food & Drink  
4746 Washington Square  
White Bear Lake, MN 55110

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

Ayes:  
Nays:  
Absent:  
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:** Kara Coustry, City Clerk

**Date:** July 16, 2019

**Subject:** **Resolution approving issuance of Sunday and 3.2 On-sale liquor licenses**

---

## **BACKGROUND/SUMMARY**

Cossville, LLC has applied to assume 3.2 on-sale and Sunday liquor licenses at The Meet Market located at 1971 Whitaker Street in White Bear Lake.

Alan Landerville and David Cossack, the applicants on behalf of Cossville LLC, submitted a complete application and the required liquor liability insurance. They intend to lease The Meet Market premises through a term expiring December 31, 2024. The Police Department conducted a background check and found nothing that precludes the issuance of liquor licenses to the applicants.

## **RECOMMENDED COUNCIL ACTION**

Staff recommends the City Council adopt the attached resolution approving 3.2 on-sale and Sunday liquor licenses for Cossville, LLC, dba The Meet Market.

## **ATTACHMENTS**

Police Department Memo  
Resolution



City of White Bear Lake  
Police Department

## *MEMORANDUM*

**To:** Ellen Hiniker, City Manager  
**From:** Julie Swanson, Chief of Police  
**Date:** July 17, 2019  
**Subject:** **The Meet Market**

---

### **BACKGROUND**

The White Bear Lake Police Department conducts background investigations on Liquor/Tobacco License applicants to provide the City Council with objective data regarding any concerns with the applicant. These elements have been shown to contribute significantly to the successful and legal operation of our community business establishments.

### **SUMMARY**

On 07-16-2019, staff completed a background investigation on Alan Landerville and David Cossack, who are leasing The Meet Market, located at 1971 Whitaker Street in White Bear Lake through a term of December 31, 2024. Both applicants provided the appropriate background and financial documents, and there are no areas of concern.

Staff found no disqualifying information throughout the background investigation.

### **RECOMMENDED COUNCIL ACTION**

Staff recommends approval of the liquor licenses for the applicants.

### **ATTACHMENTS**

Resolution

**RESOLUTION NO.**

**RESOLUTION AUTHORIZING 3.2 ON-SALE AND SUNDAY LIQUOR LICENSES FOR COSSVILLE, LLC DBA THE MEET MARKET**

WHEREAS, the City of White Bear Lake City received an application from Alan Landerville and David Cossack on behalf of Cossville, LLC dba The Meet Market for 3.2 on- and Sunday liquor licenses at 1971 Whitaker Street, White Bear Lake, MN; and

WHEREAS, upon completion of the applicants' background checks, the White Bear Lake Police Department found nothing to preclude issuance of these liquor licenses; and

WHEREAS, the city clerk has reviewed all submittals and found the application to be in conformance with the criteria for issuing 3.2 on-sale and Sunday liquor licenses; and

WHEREAS, approved licenses would be valid 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 full on-sale intoxicating and Sunday liquor licenses for the following:

Allan Landerville and David Cossack  
Cossville, LLC, dba The Meet Market  
1971 Whitaker Street  
White Bear Lake, MN 55110

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

Ayes:  
Nays:  
Absent:  
Passed:

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

ATTEST:

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





City of White Bear Lake  
City Manager's Office

## MEMORANDUM

**To:** Mayor and Council  
**From:** Ellen Hiniker, City Manager  
**Date:** July 16, 2019  
**Subject:** Grant funded Mental Health Coordinator

---

### BACKGROUND/SUMMARY

As reported at the April 23 City Council meeting, an agreement was reached with the cities of Roseville, North St. Paul, Mounds View and Shoreview fund a shared mental health social work position. Each participating city would provide \$15,000 toward funding the salary of this shared position, which would be housed by Northeast Youth and Family Services. In anticipation of this opportunity, the funding was included in the 2019 budget as approved by Council.

The social worker can manage up to 25 cases at one time, with each participating city equally allotted five (5). The Police Department will refer individuals with mental health challenges, many of whom already have frequent interactions with our officers.

The position has just recently been filled and participating cities are now finalizing their written agreements for service with Northeast Youth and Family Services.

### RECOMMENDED COUNCIL ACTION

Staff recommends the City Council adopt the attached resolution authorizing the Mayor and City Manager to execute the case worker agreement with Northeast Youth and Family Services.

### ATTACHMENTS

Resolution

**RESOLUTION NO.**

**RESOLUTION APPROVING AN AGREEMENT FOR PROFESSIONAL SERVICES WITH NORTHEAST YOUTH AND FAMILY SERVICES FOR A MENTAL HEALTH CASE WORKER**

WHEREAS, the City of White Bear Lake Police Department budgeted \$15,000 toward securing a case worker to assist with those in need of mental health services and who have had frequent contacts with the Police Department; and

WHEREAS, the salary of a case worker would be funded through \$15,000 allocations from each of five participating cities including Roseville, North St. Paul, Mounds View, Shoreview and White Bear Lake; and

WHEREAS, one case worker can handle approximately 25 cases in total, and is expected to service five cases within each participating city while being housed at Northeast Youth and Family Services; and

WHEREAS, by addressing the mental health needs of those requiring frequent police assistance, it is hoped the Police Department can focus more attention toward ensuring safety and security in White Bear Lake.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of White Bear Lake that the Mayor and City Manager are hereby authorized to execute the professional services agreement with Northeast Youth and Family Services for a mental health case worker.

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

Ayes:  
Nays:  
Passed:

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

ATTEST:

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



City of White Bear Lake  
Finance Department

## MEMORANDUM

**To:** Ellen Hiniker, City Manager  
**From:** Kerri Kindsvater, Finance Director  
**Date:** July 15, 2019  
**Subject:** Refund Excess Gambling Regulatory Taxes Collected

---

### BACKGROUND

Minnesota Statutes, section 349.213, subdivision 3, allows local units of government to impose a lawful gambling regulatory tax of up to 3% of gross receipts on licensed lawful gambling organizations within the City's jurisdiction as reimbursement for regulatory expenditures incurred during the year.

On December 9, 1986, the City Council passed an ordinance based on this statute to collect a 2% fee on net receipts to cover the costs incurred by the City to regulate lawful gambling. In 1994, the Council amended the ordinance to provide the City flexibility to consider taxing up to 3% of net proceeds through annual consideration of the rate established by resolution. The Council never exercised that authority after the ordinance was amended.

The authorizing statute referenced in the City's ordinance mandates the taxes collected will only be to recover regulation costs incurred by the city. Regulating lawful gambling includes conducting site inspections, compliance reviews of lawful gambling sites and issue orders of corrective actions. In 2017, the Gambling Control Board revamped their reporting requirements for local governments and improved their auditing process. These changes now require cities to submit reports detailing taxes collected, actual expenditures, and refund excess taxes collected back to the charities. The City may not retain the excess funds to offset future regulatory costs.

### SUMMARY

Though the City incurred expenditures for the financial oversight of gambling licensing in 2017 and 2018, the expenditures were much lower than the taxes collected. The previous Finance Director was working with the Gambling Control Board to determine if the City needed to refund the excess funds for 2017 and 2018. Since the status of the refund was unknown as of December 31, 2018, the excess funds were recorded as Deposits Payable in the Park Improvement Fund until an outcome was determined.

After several months of work on behalf of the previous Finance Director, and staff's review of the governing statutes, it is evident that the City needs to refund the excess taxes collected to the charitable organizations to comply with regulations based on the ordinance passed in 1986.

As stated, the funds have been held in a Deposits Payable account within the Park Improvement Fund during the course of this review period and are available for release. As the Council is aware, the local charitable organizations earning the largest net proceeds continue to donate generously to the City, as has been most recently evidenced by the \$25,000 Lions Club donation.

Total taxes collected in 2017	\$56,450.00
Total regulatory expenditures 2017	(5,510.00)
Total taxes collected in 2018	64,943.72
Total regulatory expenditures 2018	(6,258.10)
Excess regulatory taxes to be funded	<u>\$109,625.62</u>

**RECOMMENDATION**

Staff recommends the City Council adopt the attached resolution to allow payment of the excess gambling regulatory taxes collected by the City from licensed gambling organizations.

**ATTACHMENTS**

Resolution

**RESOLUTION NO.**

**RESOLUTION AUTHORIZING THE REFUND OF EXCESS REVENUES BACK TO THE CHARITIES FROM WHICH THEY WERE COLLECTED**

**WHEREAS**, Minnesota Statutes §349.213, Subdivision 3, allows the City to impose a lawful gambling regulatory tax of up to 3% of gross receipts on licensed lawful gambling organizations within the City's jurisdiction to reimburse regulatory expenditures incurred during the year; and

**WHEREAS**, the City of White Bear Lake has been collecting 2% of gross receipts to reimburse regulatory expenditures; and

**WHEREAS**, following an audit by the Legislative Auditors Office, the Gambling Control Board now requires all cities to submit documentation related to specific regulatory activities to the Minnesota Gambling Control Board within 30 days of the work and an annual reporting form is due by March 15 of each year; and

**WHEREAS**, in review of the City's documentation for 2017 and 2018 regulatory tax collection, it was determined that the City collected excess gambling regulatory taxes from various licensed gambling organizations in the amount of \$109,625.62, which must be reimbursed; and

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of White Bear Lake, Minnesota, hereby authorizes payment of \$109,625.62 from the Park Improvement Fund in reimbursement to each of the various charitable gambling associations from which excess gambling regulatory taxes were collected.

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  
*MEMORANDUM*

**To:** Ellen Hiniker, City Manager  
**From:** Kerri Kindsvater, Finance Director  
**Date:** July 18, 2019  
**Subject:** Auditor Services

---

**BACKGROUND/SUMMARY**

The City Charter (Section 4.11) and State Statute (471.697) require the City Council to hire an professional audit firm to complete an annual audit of the City's financial records.

The City Council can chose to either appoint a qualified audit firm to perform the audit without seeking competitive analysis or conduct a Request for Proposals (RFP) process to compare services and costs provided from multiple audit firms. In the past, the City Council has periodically completed an RFP process for auditing services to verify the City is receiving quality service at a reasonable and competitive cost. There has not been a set schedule for the City's RFP process, though many of the agreements with audit firms have been for three-year periods. The Government Finance Officers Association (GFOA) best practice procedures recommend multi-year audit agreements of at least five years to maintain greater continuity and minimizing potential for disruption due to constant change over.

The City last conducted an RFP process for auditing services in 2016. The RFP stated an option for the chosen firm to audit the financial statements for each of the three subsequent years, 2019, 2020 and 2021. At the September 13, 2016 City Council meeting, the City awarded the contract to the audit firm of Abdo, Eick & Meyers (AEM) for the three-year period 2016-2018. During discussion of the auditing agreement at the meeting, Finance Director Rambow said the City Council could extend the auditing services beyond 2018 and that typical increases are approximately 3%.

Through the years, Abdo, Eick & Meyers has served the City well with their audit service work as the audit procedures have significantly changed due to numerous new pronouncements and statements issued by the Government Accounting Standard Board (GASB). These statements have increased audit preparation time, complexity, and costs.

In addition to external audit firm costs, the City also experiences internal costs for staff time associated with preparing for the audit and producing the Comprehensive Annual Financial Statement each year. The City's 2016 RFP for professional audit services included an invitation for firms to provide alternative methods for City staff to improve efficiency in drafting the financial statements and final report preparation to help reduce internal annual costs.

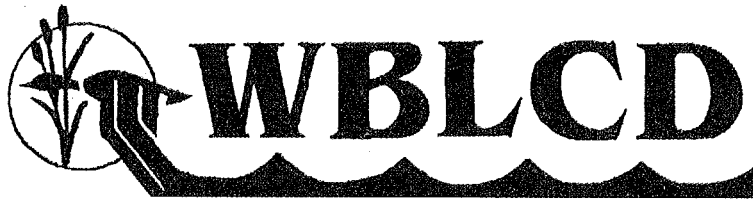
Abdo, Eick & Meyers's 2016 proposal included options for the City to meet both of the requests. City staff began working with AEM staff during the 2016 audit on a multi-year software implementation anticipated to save audit time and costs incurred by the City. The project efforts provided additional benefits each year as staff worked towards finalizing the implementation during the 2018 audit. The increased efficiency in audit and financial statement preparation through the software allowed the City to maintain the scheduled audit work during staff transitions at the beginning of 2019.

Each year, Abdo, Eick & Meyers completes a thorough review of the financial activities identifying areas of concern and educating City staff on the best practices for proper reporting according to the Government Accountings Standards Board.

Abdo, Eick & Meyers offers the City a solid choice in a professional audit services because it offers the City the ability to recognize the full effect of the software implementation, the financial statement preparation improvements, their critical review of financial activities, and the constancy of operations through staff transitions in both the Finance Director and Assistant Finance Director positions.

#### **RECOMMENDATION**

Staff is seeking direction from the City Council to retain Abdo, Eick & Meyer auditing services for the December 31, 2019 audit with the potential for renewal for the 2020 and 2021 audit period.



White Bear Lake Conservation District, 4701 Highway 61, White Bear Lake, MN 55110  
Telephone: (651) 429-8520 Email: wblcd@msn.com Web: www.wblcd.org

July 10, 2019

Ellen Hiniker  
City of White Bear Lake  
4701 Hwy 61  
White Bear Lake, MN 55110

RE: WBLCD 2020 Budget

Please find enclosed a copy of our finalized 2020 budget, which includes the amount to be assessed to each lake community in the 2020 year.

If you have any questions please feel free to contact Diane Longville our WBLCD Board Secretary/Treasurer at 651-429-8520.

Regards,



Kim Johnson  
Executive Assistant



WBLCD 2020 BUDGET PLANNING

	2017 actual Revenue	Actual Expenditures	2018 Actual Revenue	Actual Expenditures	2019 Budget Revenue	Estimate Expenditures	2020 Budget Revenue	Estimate Expenditures	Notes from 2018/2019 planning
4010 - City of Birchwood	\$ 1,924.40				\$ 1,788.15		\$ 1,710.34		
4020 - City of Dellwood	\$ 4,827.96				\$ 4,886.63		\$ 4,283.46		
4030 - City of Mahitomeedi	\$ 15,092.41				\$ 14,541.43		\$ 12,826.22		
4040 - City of White Bear Lake	\$ 34,776.61				\$ 36,580.55		\$ 33,954.43		
4050 - White Bear Township	\$ 19,081.62				\$ 19,383.24		\$ 17,725.55		
<b>Community Assessments total</b>	<b>\$ 75,703.00</b>				<b>\$ 77,180.00</b>		<b>\$ 70,500.00</b>		2018 Yr. waived assessments
4150 - License Application Fees	\$ 2,000.00		\$ 500.00		\$ 1,500.00		\$ 1,500.00		
4151- License Unit Fees	\$ 24,860.00		\$ 19,550.00		\$ 21,000.00		\$ 32,000.00		
4200 - Interest Income	\$ 0.05		\$ 15.60		\$ 50.00		\$ 50.00		
4300 - Misc. Income			\$ 49.00						
4303 - USGSstudy cost income									
4304 - EMM Treatment OR Water Level									
4334 - EMM Control/Treatment income									
4335 - EMM Cost-Share income									
4337 - EMM General Costs income									
4460 - Gen. Lake Mgmt Misc Income									
4500 - Enforcement Fines									
4501 - Insurance Refunds	\$ 145.00		\$ 54.00						
4502 - Office rent sublease income									
4700 - misc Refunds	\$ 65.00								
6010 - Water Patrol Costs		\$ 4,551.00		\$ 4,920.00		\$ 7,000.00		\$ 7,100.00	
6020 - Water Quality Test/Analysis				\$ -					
6030 - EMM Program Mgmt Expenses									
6031 - EMM Program Administration									
6034 - EMM Treatment/Control		\$ 22,188.87		\$ 44,296.84		\$ 36,000.00		\$ 38,000.00	
6035 - EMM Cost Share									
6036 - EMM Plant Survey		\$ 3,100.00		\$ 3,100.00		\$ 3,200.00		\$ 3,300.00	
6036a - EMM buoys and control costs				\$ 568.00					
6037 - EMM General costs				\$ -					
6039 - EMM Public Information Costs									
6040 - EMM Watershed Nutrient Control									
6041 - EWEM Legal Expense									
6042 - Marsh Management Project									
6045 - Other Aquatic Plant Mgmt Cost				\$ -					
6050 - General Public Infol Education		\$ 664.14		\$ 14,409.80		\$ 2,500.00		\$ 2,500.00	
6060 - Lake mgmt misc		\$ 792.00		\$ 250.00		\$ 800.00		\$ 800.00	
6060a - Swimmer's fch		\$ 653.00		\$ 224.00		\$ 500.00		\$ 500.00	
6081 - USGS study cost				\$ -					
6062 - Lake Level Resolution Cmt									
6070 - Lake Mgmt									
6071 - Lake Use Study, Special Projs									
6110 - Administrative Services		\$ 23,944.70		\$ 20,752.86		\$ 30,003.00		\$ 31,000.00	
6111-MN Unempl. Compensation		\$ 54.51		\$ 18.00		\$ 100.00		\$ 100.00	
6112 - MN Commissioner of Revenue									
6113 - US IRS		\$ 3,282.35		\$ 1,341.62		\$ 1,300.00		\$ 1,300.00	FICA
6115 - Engineering Fees									
6120 - Legal Svcs		\$ 10,000.00		\$ 9,450.00		\$ 10,000.00		\$ 12,000.00	

WBLCD 2020 BUDGET PLANNING

	2017 actual Revenue	Actual Expenditures	2018 Actual Revenue	Actual Expenditures	2019 Budget Revenue	Estimate Expenditures	2020 Budget Revenue	Estimate Expenditures	Notes from 2018/2019 planning
6120a - Ord #15 hearing & enforcement									
6121 - Enforcement Expenses									
6130 - Insurance Premiums		\$ 1,149.00		\$ 1,167.00		\$ 1,100.00		\$ 1,100.00	
6140 - Misc Prof Svcs									
6150 - App fee refunds		\$ 2,144.12		\$ 2,512.87		\$ 550.00		\$ 550.00	
6151 - Unife fee refunds									
6210 - Office rent		\$ 1,200.00		\$ 1,200.00		\$ 1,200.00		\$ 1,200.00	
6310 - Info system svcs									
6320 - Info systems software		\$ 321.32				\$ 500.00		\$ 500.00	
6330 - Info systems hardware				\$ 246.95					
6410 - Office supplies		\$ 146.73		\$ 236.61		\$ 500.00		\$ 500.00	
6420 - Stationary supplies		\$ 374.00							
6440 - Copy costs		\$ 306.62				\$ 200.00		\$ 200.00	
6450 - Postage costs		\$ 584.40		\$ 240.32		\$ 300.00		\$ 300.00	
6460 - Telephone costs		\$ 804.15		\$ 746.39		\$ 800.00		\$ 800.00	67.30/month
6470 - Office furniture									
6480 - Office equipment and repairs				\$ 846.76					
6510 - Membership / seminars/subscript		\$ 1,860.00		\$ 1,978.00		\$ 1,600.00		\$ 1,600.00	
6520 - Misc Op Exp		\$ 305.06		\$ 30.70		\$ 100.00		\$ 100.00	
6521 - Surety escrow funds									
6530 - Mig cablecast		\$ 836.06		\$ 550.00		\$ 600.00		\$ 600.00	
6900 - Account short and over									
8999 - Voids									
<b>Sub-Totals</b>	\$ 25,070.05	\$ 79,262.03	\$ 20,168.60	\$ 109,086.72	\$ 99,730.00	\$ 98,853.00	\$ 104,050.00	\$ 104,050.00	
<b>BALANCE</b>		\$ (54,191.98)		\$ (88,918.12)		\$ 877.00		\$ -	

A fund balance is being retained for the following reasons:  
 possible emergencies such as lake level, EWM treatment and zebra mussels  
 starry wart and phragmites.

# 2020 COMMUNITY ASSESSMENTS FOR WBLCD BUDGET

TOTAL 2020 ASSESSMENT **\$70,500.00**

CITY	2019 TAX CAPACITY	% OF TOTAL TAX CAPACITY	2020 COMMUNITY ASSESSMENT	No new numbers avail based on 2017 POPULATION	% OF TOTAL POPULATION	ASSESSED COST PER RESIDENT BASED ON 2017 NUMBERS
Birchwood	\$1,581,781.00	2.43%	\$1,710.34	873	1.88%	\$1.96
Dellwood	\$3,961,487.00	6.08%	\$4,283.46	1,113	2.39%	\$3.85
Mahtomedi	\$11,862,117.00	18.19%	\$12,826.22	8,085	17.37%	\$1.59
White Bear Lake	\$31,402,196.00	48.16%	\$33,954.43	25,512	54.82%	\$1.33
White Bear Township	\$16,393,181.00	25.14%	\$17,725.55	10,951	23.53%	\$1.62
<b>TOTAL</b>	<b>\$65,200,762.00</b>	<b>100%</b>	<b>\$70,500.00</b>	<b>46,534</b>	<b>100.00%</b>	

**NOTE:** Population statistics are presented for information purposes only. Population estimates for 2017 were obtained from Met Council data center <http://www.metrocouncil.org>  
 Also note: Population for City of White Bear Lake is obtained from both Ramsey and Washington Counties' lists (small number in Wash. Co.)

**Source**  
 Tax capacity amounts payable in 2020 WBL and WBT obtained from Ramsey County (WBL total includes small portion in Washington County) <http://www.co.ramsey.mn.us>  
 BW, DW and Maht obtained from Wash. Co  
 Note: For consistency and fairness from year to year, Tax Capacity figures used are Gross for the latest year available before any fiscal or tiff deducti