



AGENDA
REGULAR MEETING OF THE CITY COUNCIL OF
THE CITY OF WHITE BEAR LAKE, MINNESOTA
TUESDAY, JANUARY 28, 2020
7:00 PM IN THE COUNCIL CHAMBERS

1. CALL TO ORDER AND ROLL CALL: *PLEDGE OF ALLEGIANCE*
2. APPROVAL OF AGENDA
3. APPROVAL OF THE MINUTES
 - A. [Minutes of the Regular City Council Meeting on January 14, 2020](#)
4. VISITORS AND PRESENTATIONS
 - A. [Draft Comprehensive Housing Market Analysis Presentation by Maxfield Research & Consulting](#)
5. PUBLIC HEARINGS
6. LAND USE
 - A. Consent
 - B. Non-Consent
7. UNFINISHED BUSINESS
8. ORDINANCES
9. NEW BUSINESS
 - A. [Receiving Feasibility Reports and Ordering Public Hearings for the Proposed 2020 Street Reconstruction Project and 2020 Mill & Overlay Project; City Project Nos. 20-01, 20-06 & 20-13](#)
10. CONSENT
11. DISCUSSION
12. COMMUNICATIONS FROM THE CITY MANAGER
 - A. ClimateSmart Municipalities

- B. County Road E Corridor Study**
- C. Snow plow events - snow birds**
- D. Federal Tobacco 21 Law**
- E. Award of CBDG funds for Pioneer Manor**
- F. Water Efficiency Rebate Program**
- G. [FYIs](#)**

13. ADJOURNMENT

All Council meetings are broadcast live on Channel 16 and streamed live online at www.whitebearlake.org/mayorandcitycouncil.

If you require special accommodations, please contact the manager's office at least 96 hours in advance of the meeting: clerk@whitebearlake.org, or (651) 429-8508. Assisted Listening Devices are available for check-out in the Council Chambers.



**MINUTES
REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF WHITE BEAR LAKE, MINNESOTA
TUESDAY, JANUARY 14, 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 City Manager Rick Juba; City Engineer Paul Kauppi, Community Development Director Anne Kane and City Attorney Troy Gilchrist

PLEDGE OF ALLEGIANCE

2. APPROVAL OF MINUTES

A. Minutes of the Regular City Council Meeting on December 10, 2019

It was moved by Councilmember **Edberg**, seconded by Councilmember **Engstran**, to approve the Minutes of the Regular City Council Meeting on December 10, 2019.

Motion carried unanimously.

City Manager Hiniker administered the Oath of Office to:

Councilmember Bill Walsh – Ward 1
Councilmember Dan Jones – Ward 3
Councilmember Steven Engstran – Ward 5

3. APPROVAL OF THE AGENDA

It was moved by Councilmember **Engstran** seconded by Councilmember **Biehn**, to approve the agenda with the additions of items 9A1 Election of Council Chair and 9H authorizing release of bids for the water tower project.

Motion carried. Councilmember Walsh was not present for this vote.

4. VISITORS AND PRESENTATIONS

Nothing scheduled

5. PUBLIC HEARINGS

Nothing scheduled

6. LAND USE

Nothing scheduled

7. UNFINISHED BUSINESS

Nothing scheduled

8. ORDINANCES

- A. Second reading of a Charter Commission recommendation to amend the City Charter pertaining to assessment of code enforcement penalties and fines

In accordance with State Statute, the City Council may enact a charter amendment upon the recommendation of the Charter Commission. On November 13, 2019, the Charter Commission voted unanimously to adopt resolution 19-1, amending Section 8.05 and adding Section 8.11 of the City Charter pertaining to administrative penalties and the collection of fees and penalties.

City Manager Hiniker stated City Council held first reading of the ordinance to amend the City Charter at its December 10, 2019 meeting. Notice of the public hearing scheduled for this evening was published in the December 25, 2019 edition of the White Bear Press. This amendment would provide the City Council the authority to assess fines for code enforcement violations. She noted the City Council would still need to enact an Ordinance to amend the Municipal Code in order to affect this change. If approved, the ordinance amending the Charter would not become active until 90 days after passage and publication to provide opportunity for residents to submit a petition requesting a referendum.

Mayor Emerson opened a public hearing at 7:08 p.m. There being no comments from the public, Mayor Emerson closed the public hearing.

It was moved by Councilmember **Jones** seconded by Councilmember **Biehn**, to adopt **Ordinance No. 20-1-2042** the City Charter pertaining to assessment of code enforcement penalties and fines.

Motion carried unanimously.

It was moved by Councilmember **Edberg** seconded by Councilmember **Engstran**, to adopt Summary **Resolution No. 12506** establishing title and summary approval of Ordinance No. 20-1-2042.

Motion carried unanimously.

- B. Second reading of a City-initiated request to amend the Zoning Code to clarify that only one stairway to a waterbody is permitted per property (19-9-Z)

Community Development Director Kane recalled first reading was held on December 10, 2019 and explained this amendment was initiated by staff in response an issue in a neighboring community in which lakefront owners were selling access easements. Ms. Kane explained the construction of additional staircases in these instances would change the landscape along the lake.

Ms. Kane stated the Planning Commission received no public comment at its meeting November and forwarded a recommendation for approval. Ms. Kane clarified that all commercial properties are required to obtain Conditional Use Permits for docks, for

which many do have more than one staircase, including the City's Boatworks property.

Mayor Emerson opened a public hearing at 7:11 p.m. There being no comments from the public, Mayor Emerson closed the public hearing.

It was moved by Councilmember **Biehn** seconded by Councilmember **Walsh**, to adopt **Ordinance No. 20-1-2043** to clarify that only one stairway to a waterbody is permitted per property (19-9-Z).

Motion carried unanimously.

It was moved by Councilmember **Edberg** seconded by Councilmember **Jones**, to adopt Summary **Resolution No. 12507** establishing title and summary approval of Ordinance No. 20-1-2043.

Motion carried unanimously.

9. NEW BUSINESS

- A. Resolution appointing City representatives to Ramsey County League of Local Governments, Ramsey County Dispatch Policy Committee, Vadnais Lake Area Water Management Organization, Rush Line Task Force and Northeast Youth and Family Services

It was moved by Councilmember **Biehn**, seconded by Councilmember **Jones** to adopt **Resolution No. 12508** appointing City representatives to Ramsey County League of Local Governments, Ramsey County Dispatch Policy Committee, Vadnais Lake Area Water Management Organization, Rush Line Task Force and Northeast Youth and Family Services

Motion carried unanimously.

- A.1. Resolution appointing City Council Chair

It was moved by Councilmember **Walsh**, seconded by Councilmember **Jones** to adopt **Resolution No. 12509** appointing Councilmember Edberg as Chair of the City Council.

Councilmember Jones suggested moving this election to the odd years rather than the even years so that an experienced Council is voting on this item.

Councilmember Edberg added the Council should be more intentional in planning for leadership succession in general.

Motion carried unanimously.

- B. Resolution authorizing purchase of a ladder truck for the Fire Department

City Manager Hiniker noted that a ladder truck was included in the budget to replace existing ladder truck 914. She reported that in anticipation of this purchase, Fire Department staff researched and recommended the truck be built by Pierce Manufacturing at a cost of \$1,020,096. Ms. Hiniker stated this purchase will take

approximately ten months to build and by ordering prior to February, a discount is provided.

In response to Councilmember Biehn, City Manager Hiniker stated the current ladder truck will be sold for an anticipated fee of \$20,000.

Councilmember Walsh asked about the ladder's height. Fire Chief Peterson said the current ladder reached 75 feet, while this new ladder will reach 107 feet.

Councilmember Walsh received clarification that the taller ladder will be able to service the height of the City's buildings in the future without the need to call in mutual aid.

Councilmember Edberg stated he was supportive of the purchase. He asked, as the City amortizes the depreciated cost for assignment to contracting cities, is the City at risk of not covering equipment costs purchased to serve cities that may pull out of service contracts early? City Manager Hiniker confirmed this is a risk, in addition to the impact on operational revenues. Councilmember Edberg suggested structuring service agreements for recuperation of capital equipment purchased on behalf of service to others.

It was moved by Councilmember **Edberg**, seconded by Councilmember **Biehn** to adopt **Resolution No. 12510** authorizing purchase of a ladder truck for the Fire Department.

Motion carried unanimously.

C. Resolution naming the official newspaper to perform official publications

City Manager Hiniker explained that State Statute requires the City to designate its official newspaper for publications. She forwarded a recommendation for the White Bear Press, a local newspaper, as the City's official newspaper noting an 8% increase in the cost of legal publications in order to cover employee health care costs.

It was moved by Councilmember **Jones**, seconded by Councilmember **Engstran** to adopt **Resolution No. 12511** naming the White Bear Press as the official newspaper for publishing legal publications.

Motion carried unanimously.

D. Resolution establishing regular meeting nights of the City Council of the City of White Bear Lake

City Manager Hiniker noted that official meeting dates are proposed to be on the second and fourth Tuesdays each month with the exception of Caucus Day on February 25th and the Primary Election on August 11th. She explained that on these two days with election activities, the City Council meeting will be scheduled for the following Wednesday, February 26 and August 12, 2020.

Councilmember Jones mentioned that February 26th is a Vadnais Lake Area Management Watershed Organization meeting. Councilmember Edberg suggested adopting this schedule for now and returning with staff's recommendation for an alternate second February meeting date.

It was moved by Councilmember **Biehn**, seconded by Councilmember **Walsh** to adopt **Resolution No. 12512** establishing regular meeting nights of the City Council of the City of White Bear Lake.

Motion carried unanimously.

E. Resolution designating City Attorney – Prosecutor and Counselor for 2020

City Manager Hiniker provided a strong staff recommendation to reappoint Kennedy and Graven with Troy Gilchrist as lead Counselor at an increase of 2.25%.

It was moved by Councilmember **Jones**, seconded by Councilmember **Edberg** to adopt **Resolution No. 12513** designating City Attorney – Counselor for 2020.

Motion carried unanimously.

Ms. Hiniker noted the City has worked with GDO Law for many years, and although representation has changed over that time, staff is very pleased with the performance and recommends reappointment of Robb Olson for the next three years at a rate increase just under 3% over each consecutive years.

It was moved by Councilmember **Engstran**, seconded by Councilmember **Jones** to adopt **Resolution No. 12514** designating City Attorney – Prosecutor for 2020.

Motion carried unanimously.

F. Resolution authorizing bid advertisement for window replacement project at Pioneer Manor

Community Development Director Kane reported that staff is requesting authorization to advertise and accept bids for the replacement of all windows at Pioneer Manor. She stated that the rental inspector identified windows difficult to operate and that replacement of them would enhance the lives of residents as well as extend the life of the facility. Ms. Kane stated staff was hopeful to receive funding estimated at \$325,000 from the Ramsey County Community Development Block Grant (CDBG) to cover most if not all of the cost of window replacement at the facility.

Ms. Kane expressed confidence in the approval of CDBG funds for this project, which will be considered by the County Board on January 21st. With deadlines fast approaching, she said, staff initiated publication contingent upon receipt of funds with the right to cancel in the event CDBG funds are not granted. Ms. Kane stated that City staff have been working with Walker Methodist, the management company, who will oversee this project. If authorized, Ms. Kane said, sealed bids would be opened February 5th and a recommendation to award the contract presented to the City Council on February 11th.

It was moved by Councilmember **Walsh**, seconded by Councilmember **Biehn** to adopt **Resolution No. 12515** authorizing bid advertisement for window replacement project at Pioneer Manor.

Motion carried unanimously.

- G. Resolution authorizing the City Manager and Mayor to execute an agreement for Social Services with Northwest Youth and Family Services.

City Manager Hiniker described the relationship with Northwest Youth and Family Services (NYFS), which started in 2012 when the White Bear Lake Community Counseling Center merged with NYFS. She relayed staff support for the City's ongoing partnership with NYFS and mentioned that the director, Jerry Hromatka, will provide a presentation to the Council at a future City Council meeting at which time perhaps more will be relayed regarding Mr. Hromatka's retirement and transition plan for the organization.

Councilmember Walsh spoke in support of this funding as revenues from other sources are down. He mentioned a special meeting to review ideas such as repurposing, merging, growing or shrinking to deal with the revenue shortfalls. Councilmember Walsh mentioned that if anyone is in need of mental health services with insurance pay, NYFS is a great resource.

City Manager Hiniker added that NYFS is not only a resource for youth, but for all ages.

Councilmember Edberg holds this organization in high esteem. He would like to see more community funding of the organization because early intervention and mental health services benefit the community greatly both through the individual payoff and the community cost avoidance payoff.

Councilmember Walsh agreed and mentioned laying the groundwork for more funding from all of the surrounding community members in the future. All of the cities are partners in this organization and the organization could grow its presence in the school districts with more support and integration of services.

It was moved by Councilmember **Walsh**, seconded by Councilmember **Biehn** to adopt **Resolution No. 12516** the City Manager and Mayor to execute an agreement for Social Services with Northwest Youth and Family Services.

Motion carried unanimously.

- H. Resolution approving plans and specifications and authorizing advertisement for bids for the Centerville Road Water Reservoir Painting Project.

City Engineer Kauppi stated the Centerville Road, a one-million gallon water reservoir, is in need of painting. He reported it was constructed in 1985 and still has its original coating with the exception of some exterior touch-up painting. Mr. Kauppi stated that inspections reveal the need to paint both the interior and exterior of the tower for preservation. He noted the City's Capital Improvement Plan and budget estimate this project will cost \$1.3 million.

Mr. Kauppi explained that Short Elliott and Hendricks (SEH) prepared plans and specifications for sandblasting and recoating of the water tower. He asked for the Council's approval to advertise the bid and set bid opening on February 4 with a recommendation for award of contract in February.

Councilmember Biehn asked how the City will get along without a water tower and for how long. Mr. Kauppi stated that the City has excess well capacity, reserve capacity in

the water treatment plant, and emergency inter-connections with adjacent communities sufficient for this project expected to take roughly three months depending on the contractor.

It was moved by Councilmember **Jones**, seconded by Councilmember **Walsh** to adopt **Resolution No. 12517** approving plans and specifications and authorizing advertisement for bids for the Centerville Road Water Reservoir Painting Project.

Motion carried unanimously.

Mayor Emerson recessed the City Council meeting at 7:52 p.m.

10. HOUSING AND REDEVELOPMENT AUTHORITY

Refer to the HRA Minutes for an account of the following:

- A. Call to Order / Roll Call
- B. Approval of the December 10, 2019 HRA Meeting Minutes
- C. Approval of the Agenda
- D. Election of a Chair and Vice Chair of HRA
- E. Adjournment

Mayor Emerson reconvened the City Council meeting at 7:55 p.m.

11. CONSENT

- A. Resolution authorizing City Manager to invest and transfer funds for the City, designation of bank depository and depositing for investments. **Resolution No. 12518**
- B. Resolution fixing surety bonds for various City Officials and providing for approval of the same. **Resolution No. 12519**
- C. Resolution authorizing the City Manager to pay claims made against the City. **Resolution No. 12520**
- D. Resolution authorizing 2020 travel reimbursement amounts. **Resolution No. 12521**
- E. Resolution approving gas station and tobacco license to White Bear Express, Inc. **Resolution No. 12522**
- F. Resolution approving massage establishment licenses. **Resolution No. 12523**
- G. Resolution approving temporary liquor licenses for various qualifying non-profit groups. **Resolution No. 12524**
- H. Resolution accepting work and authorizing final payment to T.A. Schifsky & Sons, Inc. for the completion of the 2019 Mill and Overlay Project, City Project Nos.: 19-04 & 19-13. **Resolution No. 12525**
- I. Resolution appointing an administrative hearing officer through January 2021. **Resolution No. 12526**

- J. Resolution authorizing a food truck at Lakewood Hills Park pavilion for Redeemer Lutheran Church. **Resolution No. 12527**

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

Motion carried unanimously.

12. DISCUSSION

Nothing scheduled

13. COMMUNICATIONS FROM THE CITY MANAGER

- Work Plan for 2020: City Manager Hiniker reported on projects planned for 2020 including, but not limited to, participation with planning for the school district facility build-out, finalizing the Public Safety facility study, Housing Study, the downtown street reconstruction planning process, work with Trane on energy assessment and planning, utility rate study, recodification
- Mayor Emerson remembered Donald Strange who served on the White Bear Lake City Council from 1962-69 and 1972-78. She announced his passing and funeral this week and expressed sympathies to the family.
- Councilmember Edberg requested that Council review Mayor and Council compensation in 2020, proposing that any increases be set for two years out.
- Mr. Kauppi reminded residents to remove vehicles from the streets during plow events.
- Ms. Kane announced that the consultant will present a summary of the City's Comprehensive Housing Study at the next City Council meeting.

14. ADJOURNMENT

There being no further business before the Council, it was moved by Councilmember **Engstran**, seconded by Councilmember **Edberg** to adjourn the regular meeting at 8:05 p.m.

Motion carried unanimously.

Jo Emerson, Mayor

ATTEST:

Kara Coustry, City Clerk



City of White Bear Lake
Community Development Department

MEMORANDUM

To: Mayor and City Council

Through: Ellen Hiniker, City Manager

From: Tracy Shimek, Housing & Economic Development Coordinator

Date: January 23, 2020 for the January 28, 2020 City Council Meeting

Subject: **Draft Comprehensive Housing Market Analysis Presentation by Maxfield Research & Consulting**

BACKGROUND

In an effort to gather data and identify future trends regarding the City's housing stock, the Housing and Redevelopment Authority ("HRA") authorized the services of an outside consultant to conduct a housing needs assessment for the City. At its May 14, 2019 HRA meeting, the HRA approved a resolution to seek proposals for a comprehensive housing needs assessment. The HRA subsequently approved the proposal for a housing needs assessment from Maxfield Research and Consulting ("Maxfield") at its June 25, 2019 meeting.

SUMMARY

Following a kick-off meeting with staff and elected officials in July, Maxfield gathered and analyzed information including demographic, economic, building permit, and housing stock data in addition to modeling future demographic trends to guide future policy decisions regarding housing related development and programs. Following staff's review and comments on the preliminary draft Maxfield has incorporated the feedback into a revised draft. The revised draft will be distributed to Council at the January 28, 2020 Council Meeting.

At the January 28, 2020 Council Meeting Maxfield staff will provide an overview of the analysis, and will be prepared to address any initial questions from Council members. Additionally, Maxfield staff will attend the February 18, 2020 Council workshop on housing to provide the opportunity for greater in depth discussion. Following the January 28, 2020 Council meeting, Maxfield will finalize the housing analysis and City staff will present it for acceptance by the Housing and Redevelopment Authority at a later date.

RECOMMENDED COUNCIL ACTION

No formal action required.

ATTACHMENTS

None



City of White Bear Lake
Engineering Department

MEMORANDUM

To: Mayor and City Council

Through: Ellen Hiniker, City Manager

From: Paul Kauppi, Public Works Director/City Engineer

Date: January 23, 2020

Subject: **Receiving Feasibility Reports and Ordering Public Hearings for the Proposed 2020 Street Reconstruction Project and 2020 Mill & Overlay Project**
City Project Nos. 20-01, 20-06 & 20-13

BACKGROUND

The City of White Bear Lake owns and maintains a large network of public infrastructure including pavement, underground utilities, a water treatment plant and storage reservoirs, decorative street lighting, municipal buildings, parks grounds, and much more. Like everything, public infrastructure facilities have a limited life cycle. Specific life spans for each type of infrastructure system is influenced by design and technology standards, construction methods, materials, amount and type of use, and environmental impacts. Of all of the infrastructure systems, street pavement has the shortest life cycle. This is primarily due to the extreme physical abuse and exposure to harsh environmental elements.

As with all infrastructure, bituminous pavement requires periodic maintenance and repair. Inspection and minor routine maintenance will minimize problems when they occur and when damage is noted, timely repairs will prevent the damage from deteriorating into more severe problems that will be more expensive to replace. Relatively small scale expenditures on periodic maintenance will actually save money in the long run.

From the moment streets are built they begin to deteriorate. This occurs through a combination of oxidation, temperature changes, water intrusion, freeze/thaw cycles, subgrade failures, and traffic loading. In an effort to prolong the life of a street, both “routine maintenance” and “major maintenance” (rehabilitation), must be performed.

“Routine” maintenance is performed annually on city streets. Routine maintenance includes crack repair, filling potholes, patching, and temporary thin overlays. New streets typically receive minimal routine maintenance; however, as the roadway ages and becomes more distressed, the required maintenance becomes more frequent and expensive.

A typical asphalt pavement preservation strategy includes seal coating at 5-7 years, again at 12-14 years, then mill & overlay at 20-25 years.

A mill and overlay project consists of milling (grinding) off the top surface of asphalt. Then a new layer of asphalt is applied creating a smooth even driving surface which extends the overall life of the roadway. This type of project extends the length of time required between street reconstruction. The City will need to increase the use of this pavement rehabilitation practice in order to maintain the serviceability of its pavement infrastructure.

A street reconstruction project consists of removing the bituminous surface, replacing the subgrade material, adding an engineered section, (which includes gravel and 2 layers of bituminous) and adding concrete curb and gutters.

SUMMARY

The Engineering Department has prepared a Feasibility Report for a proposed 2020 Street Reconstruction Project. The streets included in the Feasibility Report for 2020 Street Reconstruction are:

- **Cottage Park Road** (from Lakeview Avenue to Old White Bear Avenue)
- **Circle Drive** (from Cottage Park Road to Cottage Park Road)
- **Lakeview Avenue** (from South Shore Boulevard to Old White Bear Avenue)
- **Bellaire Avenue** (from Orchard Lane to County Road E)

The Feasibility Report describes the current condition of the pavements, the improvements proposed for each street (watermain, sanitary sewer, storm sewer, stormwater treatment, concrete curb and gutter, sidewalks and bituminous pavement), the estimated cost of the various improvements and the resources necessary to fund the projects. The report concludes that the improvements are necessary and feasible from an engineering perspective.

The Engineering Department has also prepared a Feasibility Report for a proposed 2020 Mill & Overlay Project. These streets included in the Mill & Overlay Project have deteriorating asphalt wear courses but the base course and gravel base are in good condition. The streets can be improved by replacing the asphalt wearing course. The streets included in the 2020 Mill & Overlay Project include:

- **Dillon Street** (from Fifth Street to Seventh Street)
- **Fifth Street** (from Karen Place to Wood Avenue)
- **Woodcrest Road** (from Seventh Street to Ninth Street)
- **Auger Avenue** (from Elm Street to County Road E)
- **Dell Street** (from Willow Avenue to 140' west of Midland Avenue)
- **Dell Court North** (from Dell Street to end cul-de-sac)
- **Dell Court South** (from Dell Street to end cul-de-sac)
- **Elm Street** (from Willow Avenue to White Bear Avenue)
- **Highland Avenue** (from Elm Street to County Road E)
- **Midland Court** (from Elm Street to end cul-de-sac)
- **Rooney Place** (from Dell Street to end cul-de-sac)
- **Sunrise Court** (from Highland Avenue to end cul-de-sac)
- **Willow Court East** (from Willow Avenue to Willow Court)

- **Willow Court** (from South limits to Elm Street)
- **Jensen Avenue** (from Bellaire Avenue to Glen Oaks Avenue)
- **Glen Oaks Avenue** (from Elm Drive to end cul-de-sac)
- **Glen Oaks Court** (from Glen Oaks Avenue to end cul-de-sac)
- **Rolling View Court** (from Rolling View Drive to end cul-de-sac)
- **Rolling View Drive** (from Glen Oaks Avenue to County Road E)
- **Oak Court** (from Bellaire Avenue to end cul-de-sac)
- **Orchard Circle** (from Orchard Lane to end cul-de-sac)

All streets included in this report have deteriorated to a point where rehabilitation is necessary. The proposed project will consist of milling off the existing pavement surface along with spot repairs of concrete curb and gutter.

The Feasibility Report also includes the proposed assessment rolls which have been prepared for these projects. The proposed assessment rolls prepared for these projects follow the guidelines of the City Assessment Policy and recommendations from our appraisal consultant Dahlen, Dwyer, Foley & Tinker, Inc. Special considerations provided for in the policy for irregular shaped lots, large lots, corner lots and cul-de-sac lots have been followed. Other large and commercial lots are under review.

The assessment rates are based upon the City's historical practice of funding 33% of the improvement cost through assessments to property owners and the remaining 67% of the cost by the City.

Based on current improvement cost estimates, the proposed street reconstruction assessment rates would be \$40.52 per assessable foot for residential properties, \$53.29 per assessable foot for apartments and \$64.66 per assessable foot for commercial properties. The corresponding mill and overlay assessment rates would be \$14.20 per assessable foot for residential properties, \$18.58 per assessable foot for apartments and \$22.62 per assessable foot for commercial properties. The corresponding total pavement replacement assessment rates would be \$28.41 per assessable foot for residential properties, \$36.93 per assessable foot for apartments and \$45.46 per assessable foot for commercial properties. These rates are 3% higher than the rates used in 2019 to account for increases in construction prices. Funding for the proposed 2020 street improvement projects is detailed in the feasibility report (Appendix J and Appendix D) and is further explained in a memorandum from Finance Director which will be forwarded to the City Council.

PUBLIC IMPROVEMENT PROCESS

The preparation of a Feasibility Report on the proposed 2020 Street Reconstruction Project and 2020 Mill & Overlay Project is part of the formal process that the City Council must follow (in accordance with MN Statute 429) when proceeding with public improvements that include special assessments to property owners as part of the funding source. If the Council desires to proceed with the improvement process, the next step would be to hold a public hearing for property owners to discuss the project directly with the City Council. At a public hearing, the Engineering Department would present an overview of the proposed improvements, the estimated costs and the proposed funding sources. Property owners would have the opportunity to ask questions regarding the proposed improvements and assessments or express concerns about any aspect of the proposed project. Following the public hearing the Council would consider whether or not to proceed with the project and would order the project advertised for bids if it desired to proceed. Once bids are

received, the Council would be asked to consider the award of a contract prior to construction starting in the summer.

RECOMMENDED COUNCIL ACTION

We recommend the City Council formally receive the Feasibility Reports for the 2020 Street Reconstruction Project and the 2020 Mill and Overlay Project and order public hearings on such improvements at the regular City Council meeting on Wednesday, February 26, 2020.

ATTACHMENTS

Resolution

Feasibility Reports online on the Engineering Department page.

Reconstruction Feasibility Report

https://www.whitebearlake.org/sites/default/files/fileattachments/engineering/page/7365/feasibility_report_proj_no._20-01.pdf

Mill & Overlay Report

https://www.whitebearlake.org/sites/default/files/fileattachments/engineering/page/7365/feasibility_report_proj_no._20-13.pdf

Note: Please notify the City Clerk if you would like a hard copy of these Feasibility Reports

RESOLUTION NO.

**A RESOLUTION RECEIVING FEASIBILITY REPORTS
AND ORDERING A PUBLIC HEARING FOR
2020 STREET RECONSTRUCTION PROJECT /
2020 MILL AND OVERLAY PROJECT
CITY PROJECT NOS. 20-01, 20-06 & 20-13**

WHEREAS, PURSUANT TO City Council direction on December 10, 2019, Feasibility Reports have been prepared by the Engineering Department with reference to the 2020 Street Reconstruction Project and the 2020 Mill and Overlay Project, City Project Nos. 20-01, 20-06 & 20-13 – and these reports were received by the City Council on January 28, 2020.

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

1. The City Council accepts the Feasibility Reports for the 2020 Street Reconstruction Project and 2020 Mill and Overlay Project.
2. The City Council will consider the improvement of such Street Reconstruction on **Cottage Park Road** (Lakeview Avenue to Old White Bear Avenue), **Circle Drive** (Cottage Park Road to Cottage Park Road), **Lakeview Avenue** (South Shore Boulevard to Old White Bear Avenue), and **Bellaire Avenue** (Orchard Lane to County Road E), in accordance with the report and the assessment of abutting property for all or a portion of the cost of the improvement pursuant to Minnesota Statutes, Chapter 429.
3. The City Council will consider the improvement of such Mill and Overlay on **Dillon Street** (Fifth Street to Seventh Street), **Fifth Street** (Karen Place to Wood Avenue), **Woodcrest Road** (Seventh Street to Ninth Street), **Auger Avenue** (Elm Street to County Road E), **Dell Street** (Willow Avenue to 140' west of Midland Avenue), **Dell Court North** (Dell Street to end cul-de-sac), **Dell Court South** (Dell Street to end cul-de-sac), **Elm Street** (Willow Avenue to White Bear Avenue), **Highland Avenue** (Elm Street to County Road E), **Midland Court** (Elm Street to end cul-de-sac), **Rooney Place** (Dell Street to end cul-de-sac), **Sunrise Court** (Highland Avenue to end cul-de-sac), **Willow Court East** (Willow Avenue to Willow Court), **Willow Court** (South limits to Elm Street), **Jansen Avenue** (Bellaire Avenue to Glen Oaks Avenue), **Glen Oaks Avenue** (Elm Drive to end cul-de-sac), **Glen Oaks Court** (Glen Oaks Avenue to end cul-de-sac), **Rolling View Court** (Rolling View Drive to end cul-de-sac), **Rolling View Drive** (Glen Oaks Avenue to County Road E), **Oak Court** (Bellaire Avenue to end cul-de-sac), and **Orchard Circle** (Orchard Lane to end cul-de-sac) in accordance with the report and the assessment of abutting property for all or a portion of the cost of the improvement pursuant to Minnesota Statutes, Chapter 429.

4. A public hearing shall be held on such proposed improvements on the 26th day of February, 2020, in the City Council Chambers of the City Hall at 7:00 p.m., and the Engineering Department shall give mailed and published notice of such hearing and improvement as required by State Statute 429.

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

Ayes:
Nays:
Passed:

Jo Emerson, Mayor

ATTEST:

Kara Coustry, City Clerk

New E-cigarette Policy Leaves Thousands of Flavored E-cigarettes on the Market

The policy only restricts flavors in some types of e-cigarettes. It only restricts flavors (except for tobacco and menthol flavors) in some prefilled products, leaving countless flavored e-cigarette products widely available.

1. Disposable flavored e-cigarettes will remain widely available



The e-cigarette industry has already introduced the next new fad – cheap, disposable e-cigarettes in flavors such as strawberry, grape and mango.¹ These devices are appealing to youth due to their high nicotine levels, wide range of flavors, ease of use, and concealability.

2. 15,000+ flavored e-liquids will remain widely available



There are well over 15,000 flavored e-liquids available on the market today. These flavors often mimic candy, sweets and fruits and come in varying nicotine strengths, sometimes even higher than in Juul (a 5% Juul pod delivers the equivalent nicotine of a pack of cigarettes). Also, purchasing e-liquid by the bottle is often cheaper than purchasing Juul pods, making them even more appealing to price-sensitive youth.

3. Popular open systems will remain widely available, including refillable Juul-compatible pods



After Juul, Smok and Suorin are the most popular e-cigarette devices among high school students. More than one out of ten high school e-cigarette users report that their preferred brand is Smok or Suorin (7.8% for Smok and 3.1% reported for Suorin).² These devices are sold empty and can be filled with any of the thousands of flavored e-liquids, and various nicotine strengths, that will remain on the market. In addition, empty Juul-compatible pods are already being sold and can be filled with any of the thousands of e-liquids that will remain on the market.

4. Juul and other menthol-flavored pods will remain widely available



The tobacco industry has known for decades that menthol appeals to youth, since half of youth who have ever tried smoking started with menthol flavored cigarettes. There is no reason to believe that menthol e-cigarettes will not be equally appealing to kids – especially if they are the only available flavor for pod products. The Wall Street Journal even reported in September that JUUL was considering rebranding their best-selling mint flavor as menthol to keep it on the market,³ and other brands are sure to follow suit given the loopholes in the guidance.

5. Flavored e-cigarettes will remain widely accessible

Between gas stations, convenience stores and vape shops, there are well over a hundred thousand access points where youth can get these products and devices. Kids will be enticed by a wide range of options: flavored disposable e-cigarettes; sleek, open systems with unlimited flavor options; or menthol pods.

¹ Williams, R, "The Rise of Disposable E-cigarettes," Tobacco Control, doi:10.1136/tobaccocontrol-2019-055379, October 31, 2019

² Cullen, KA, et al., "e-Cigarette Use Among Youth in the United States, 2019" JAMA, November 5, 2019

³ Maloney, J, "Juul Debates Pushing Back on E-Cigarette Ban," Wall Street Journal, September 12, 2019, <https://www.wsj.com/articles/juul-debates-pushing-back-on-e-cigarette-ban-11568327978>

2020 Key Legislative Issues

LOCAL AND REGIONAL ISSUES

PRESERVE PRIVATE SECTOR EMPLOYERS' BENEFITS (PRE-EMPTION)

- **Support statewide pre-emption of local mandates.** Minnesota employers are nationally recognized for providing the best places to work. In today's tight labor market, they provide competitive benefits that help attract and retain talent, tailored to the unique needs of their industries and workforce. Local governments are right to impose certain requirements on public sector workplaces and local government employees, but enacting employee wage, benefit and scheduling mandates on private employers is outside city authority. We will aggressively pursue opportunities to advance statewide pre-emption of local mandates. We will advance and protect employer efforts to develop their own distinctive approaches to competitive employee benefits. We oppose attempts by state policymakers to implement mandates at the state level without including reasonable exceptions for the variety and nuances of the many workplaces across Minnesota.

We support broadly sharing employers' best practices so all businesses in the state are aware of voluntary approaches to compete for and retain the best employees and maintain progressive workplaces. State and local policymakers should be encouraging this trend and not imposing one-size-fits-all mandates that don't work for employers or workers.

- **Support law reform to the new Wage Theft Law that addresses the severe penalties to employers.** Currently, the provision greatly increases fines for wage theft and does not make a distinction between deliberate wage theft and honest mistakes. As stated under the bill, even a mistake is criminal and has created a 'guilty until proven innocent' situation that would in many cases be very costly to fight in court.

LAKE LINKS

- **Support securing regional and statewide funding in the amount of \$4 million to complete the Dellwood section for the Lake Links Trail.** In communities where regional bike trails have been created, there has been an increase in business traffic and economic development. Community based bike trails are business friendly because pedestrians and cyclists can take the time to shop at local retail outlets and venture into local eating establishments. Additionally, young adult families are attracted to communities that offer hiking and bike trails.

White Bear Lake & Water Issues

- **Support a northeast metropolitan regional approach to water usage that recognizes the need for conservation while not impeding business expansion and economic development.**

Local Transportation issues

- **Bus Transit – Support expansion of bus services in the Northeast Metro.** The Rush Line is expected to be complete in 2025, but the need for busing is now for the Northeast Metro. The White Bear Area Chamber supports all efforts to add and expand on daily bus services throughout the area. The local businesses and schools are currently in need of transportation for their employees, customers and students. We strongly support a partnership between area employers and schools and either a public or private transit provider.
- **Autonomous Vehicles – Support the autonomous vehicle pilot project in White Bear Lake.** The first session with MINDOT will take place in mid-August. Soon afterwards we will request funding for our project. The route will run on Orchard Ave. to the YMCA. There will be an educational component that will engage students to learn aspects of working with this new transportation innovation. The Chamber, University of Minnesota, WBL School District Newtrax are partners in this initiative. They have picked a transportation consultant AECOM.
- **35E & County Road J Highway Construction Project - Support the \$1.5 million in funding for an engineering study at the intersections on and around County Road J and 35E traveling from all directions.** Senator Chamberlain and Representative Wazlawik are both in support and have authored the bonding request. Both Ramsey and Anoka Counties have applied for federal funding. If it should proceed through the federal level, we will work with our State Congress leaders to get their support.

WORKFORCE SOLUTIONS

- **Support the acceleration of private sector solutions to help Minnesota employers attract and retain the skilled workers needed to compete.** We will work to continue to build and deploy programs through the Center for Workforce Solutions in partnership with our Business Education Networks (BEN). Legislative solutions should focus on ensuring existing funding and programs meet the needs of Minnesota employers and diversity of industries in our state.

STATEWIDE ISSUES

FULL DEDICATION OF TRANSPORTATION RELATED REVENUES

- **Support full dedication of the auto parts sales tax to transportation.** The 2017 legislature passed the largest transportation funding bill in nearly a decade. Nearly \$2 billion of transportation related sales taxes will be captured and directed to the state's transportation system over the next 10 years. This includes 100% of the revenues generated from the sales tax on rental cars and approximately 60% of revenues generated from the sales tax on auto parts. The Minnesota Chamber has been a strong advocate for the investment of these transportation related General Fund resources in transportation infrastructure and services. This dedication can be achieved statutorily through the biennial budget process.

If necessary to address concerns about predictability of General Fund investments in transportation, the state should consider asking Minnesota voters to constitutionally dedicate these revenues to transportation purposes. The Minnesota Chamber generally opposes dedicating funds because the process lacks scrutiny. However, in the case of dedication of transportation related revenues, funds will be used for long-term infrastructure projects. Also, the expenditure of the funds requires biennial approval as part of the budget process, and the revenues have a clear relationship to the proposed uses.

HEALTH CARE

- **Support access to quality, affordable health care in the commercial market by reducing health care taxes and mandates;** expanding product and coverage options for employers and individuals; increasing market competition and stability; encouraging outcome-based payment and delivery reform; and improving consumer engagement and transparency of cost and quality.

ENHANCE MINNESOTA'S TAX COMPETITIVENESS

- **Support a pro-growth tax system that improves competitiveness, reduces complexity, improves predictability and stability, and increases accountability.** Minnesota's state and local tax systems should be changed to ensure they cultivate innovation, attract investment and foster job growth and retention. Minnesota must enact a more competitive, pro-growth, simplified tax system and lower tax rates so Minnesota is no longer in the top ten states for high taxes.

Key Priorities:

- Return any state revenue gains realized from federal tax conformity by enacting state tax reform that improves Minnesota's tax competitiveness.
- Reduce corporate and individual income tax rates so Minnesota is no longer in top ten highest tax rate states.
- Enact tax relief for pass-through entities by reducing rates for business income and adopt federal conformity with expensing rules.
- Implement federal estate tax conformity.
- Protect research-and-development tax credit.
- Reduce state property tax levy so Minnesota businesses no longer have property tax burdens that are among the nation's ten most burdensome.
- Improve taxpayer procedural protections and administration.

CC packet
1-28-2020

FYI

- 1) **Alternative Landscape Equipment Grant.** The City was recently awarded a \$1,525 grant from the Minnesota Pollution Control Agency to cover half the cost of replacing 2-cycle gasoline-powered equipment with electric-powered equipment. The grant will replace a gas powered pole saw, string trimmer, handheld leaf blower, and chain saw.

- 2) **Public Works LED Lighting Upgrade.** LED lights were installed in the Public Works maintenance shop, garage area, and wash bay this fall. The City worked with the One-Stop Efficiency Shop program that is funded through Xcel Energy and administered by Center for Energy and Environment (CEE). Participants in the program are offered cash rebates for qualifying energy efficient lighting upgrades in existing buildings. Through this program, the City received an \$11,162.95 rebate for the Public Works LED upgrade.

Public Works LED Lighting Upgrade Project Summary

Total install cost	\$35,222.06
Xcel rebate	\$11,162.95
Final cost after rebate	\$24,059.11
Estimated annual savings	\$6,539.26
Estimated payback	3.7 years

Estimated energy savings	52,641 kWh/yr
Estimated electric demand savings	20.192 kW/yr
Estimated annual CO ₂ reduction	89,489 lbs/yr

- 3) **Minnesota Department of Natural Resources Conservation Partners Legacy Grant.** VLAWMO was recently awarded a Minnesota Department of Natural Resources Conservation Partners Legacy Grant to purchase a native woodland seed mix for the City owned property at 4th and Otter. The total grant amount is \$7,900, with VLAWMO covering a \$790 match. VLAWMO and volunteers removed buckthorn on the property this fall, and the grant funds will help cover the cost to restore the woodland with native understory shrubs and perennial plants. Seeding will likely occur yet this winter. The City is partnering on this project and will provide staff time to help establish the understory plants, and to remove invasive plants as needed.