



**MINUTES  
REGULAR MEETING OF THE CITY COUNCIL  
OF THE CITY OF WHITE BEAR LAKE, MINNESOTA  
TUESDAY, NOVEMBER 10, 2020  
7:00 P.M. VIA ZOOM OR TELEPHONE**

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

Mayor Jo Emerson called the meeting to order at 7:00 p.m. under MN Statute Section 13D.021, in which the City Council will be conducting its meetings during this emergency by electronic means until further notice. The clerk took roll call attendance for Councilmembers: Doug Biehn, Kevin Edberg, Steven Engstran, Dan Jones and Bill Walsh. Staff in attendance were City Manager Ellen Hiniker, Assistant City Manager Rick Juba, Community Development Director Anne Kane, Public Works Director/City Engineer Paul Kauppi, City Clerk Kara Coustry and City Attorney Troy Gilchrist.

**2. APPROVAL OF MINUTES**

A. Minutes of the Regular City Council Meeting on October 27, 2020

It was moved by Councilmember **Biehn** seconded by Councilmember **Jones**, to approve the Minutes of the Regular City Council Meeting on October 27, 2020.

Biehn Aye  
Edberg Aye  
Engstran Aye  
Jones Aye  
Walsh Aye

Motion carried unanimously.

**3. APPROVAL OF THE AGENDA**

**4. VISITORS AND PRESENTATIONS**

Nothing scheduled

**5. PUBLIC HEARINGS**

Nothing scheduled

**6. LAND USE**

A. Consent

1. Consideration of a Planning Commission recommendation for approval of a request by Independent School District #624 for a Conditional Use Permit Amendment at Matoska Elementary at 2530 Spruce Place. (Case No. 12-5-Sa). **Resolution No. 12662**
2. Consideration of a Planning Commission recommendation for approval of a request by Independent School District #624 for a Conditional Use Permit at Lincoln Elementary at 1961 6<sup>th</sup> Street. (Case No. 20-9-CUP). **Resolution No. 12663**
3. Consideration of a Planning Commission recommendation for approval of a request by Tousley Ford for a Conditional Use Permit at 1755 Buerkle Road. (20-8-CUP). **Resolution No. 12664**
4. Consideration of a Planning Commission recommendation for approval of a request by Grant Raykowski for a variance at 2503 Manitou Island. (Case No. 20-18-V). **Resolution No. 12665**

It was moved by Councilmember **Jones** seconded by Councilmember **Biehn**, to approve the Land Use Consent Agenda.

Biehn Aye  
Edberg Aye  
Engstran Aye  
Jones Aye  
Walsh Aye

Motion carried unanimously.

#### B. Non-Consent

1. Consideration of a Planning Commission recommendation for approval of one variance request and denial of one variance request by Steve Bucher for two variances at 4820 Stewart Avenue. (Case No. 20-17-V)

Community Development Director Kane reported that according to Ramsey County, 4820 Stewart Avenue was the site of White Bear Lake's first Baptist Church - constructed in 1889. Further reporting its use was converted into a theater in 1970, and operated as such until Lakeshore Players moved into the Arts District in 2018. She said the applicants bought the property this year and while remodeling into a single-family home, they desired an enclosed porch on the rear (east) side of the building.

Ms. Kane explained that the screened porch would require a 13 foot 4.5 inch variance from the 30 foot setback along the rear property line and a 14.5 foot variance from the 25 foot setback along the side abutting a public right-of-way. While the Planning Commission had voted to deny the backyard variance, she noted a resolution approving both variances was also prepared for Council's consideration in this case.

Mayor Emerson opened the public hearing at 7:10 p.m.

Applicant, Steve Bucher spoke on behalf of his request, adding an additional consideration

since the Planning Commission includes the discovery of water intrusion in the basement for which a porch would help to address.

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

Councilmember Biehn agreed with Mr. Bucher that the backside of the building is an eyesore and this improvement will greatly enhance the building, and supported approval of all the requested variances as did other Councilmembers and the Mayor.

It was moved by Councilmember **Engstran** seconded by Councilmember **Biehn**, to approve **Resolution No. 12666** a Planning Commission recommendation for approval of requests by Steve Bucher for two variances at 4820 Stewart Avenue.

Biehn Aye  
Edberg Aye  
Engstran Aye  
Jones Aye  
Walsh Aye

Motion carried unanimously.

2. Consideration of a Planning Commission recommendation for approval of a request by Melissa and Brent Peacock for a variance at 2532 Manitou Island, postponed to Nov. 24, 2020 (Case No. 20-16-V)

Community Development Director Kane reported that at the request of the applicants, this item will be postponed to the November 24, 2020 City Council meeting.

## 7. UNFINISHED BUSINESS

- A. Resolution reallocating remaining Non-profit relief grant funds and extension of Emergency Assistance grant funds.

City Manager Hiniker recapped the last Council meeting in which action was taken to transfer \$106,000 into the Ambulance fund and apply remaining Cares funds to Public Safety Payroll. She explained this action expensed remaining Cares funds thereby simplifying report and audit requirements. Then by encumbering these same funds in the Economic Development fund, she noted, the City could continue to provide supportive community grants well past the Nov. 15<sup>th</sup> Cares funding expense deadline.

Ms. Hiniker asked for an extension of \$250,000 in the Emergency Assistance Grant program through March 30, 2021 to assist with anticipated housing expenses, and sought authorization to redirect \$45,000 in unspent non-profit relief funds as follows:

- Newtrax Meal Delivery Program (\$10,000)
- Newtrax.org (\$10,000)
- YMCA (\$10,000)
- Early Childhood Screening Program (\$5,000)

Councilmember Walsh expressed desire to utilize unexpended funds that have been proposed for non-profits to offset the upcoming tax levy.

Councilmember Jones stated the intention of these funds was to get it to people in need of assistance. He preferred to see his individual annual tax savings go toward assisting those in need in the community, but if the City were to keep this funding, he thought it best used as capital improvement funding.

After considerable discussion regarding allocation of non-profit relief funds to other programs, Council tabled this item for discussion at another work session, with recommendation for action at a future Council meeting.

It was moved by Councilmember **Walsh** seconded by Councilmember **Edberg**, to approve amended **Resolution No. 12667** an extension of \$125,000 in Emergency Assistance grant funds.

Biehn Aye  
Edberg Aye  
Engstran Aye  
Jones Aye  
Walsh Aye

Motion carried unanimously.

## 8. ORDINANCES

- A. Second reading of a City-Initiated text amendment to Zoning Code at Section 1303.120, Subd.3 “Permitted Accessory Uses” to clarify that the intent of line (a) is permitting accessory buildings, not a specific use within the building. (Case No. 20-1-Z)

Community Development Director Kane explained that this ordinance clarifies that the language allows for the structure and not the use within the structure, eliminating potential conflict with district regulations which list the allowed uses in each district respectively.

Mayor Emerson opened a public hearing at 7:07 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. 20-1-2044** to clarify that the intent of line (a) is permitting accessory buildings, not a specific use within the building.

Biehn Aye  
Edberg Aye  
Engstran Aye  
Jones Aye  
Walsh Aye

Motion carried unanimously.

It was moved by Councilmember **Jones** seconded by Councilmember **Biehn**, to adopt Summary

**Resolution No. 12668** establishing title and summary approval of Ordinance No. 20-1-2044.

Biehn Aye  
Edberg Aye  
Engstran Aye  
Jones Aye  
Walsh Aye

Motion carried unanimously.

B. Second reading of adoption of the Minnesota State Fire Code by reference

Assistant City Manager Juba explained that consistent with how the City adopts the State Building Code, this ordinance adopts the Minnesota State Fire Code by reference so that subsequent changes to the State Fire Code are reflected in the City's Code.

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 **Engstran** seconded by Councilmember **Jones**, to adopt **Ordinance No. 20-1-2045** adoption of the Minnesota State Fire Code by reference.

Biehn Aye  
Edberg Aye  
Engstran Aye  
Jones Aye  
Walsh Aye

Motion carried unanimously.

It was moved by Councilmember **Biehn** seconded by Councilmember **Engstran**, to adopt Summary **Resolution No. 12669** establishing title and summary approval of Ordinance No. 20-1-2045.

Biehn Aye  
Edberg Aye  
Engstran Aye  
Jones Aye  
Walsh Aye

Motion carried unanimously.

**9. NEW BUSINESS**

A. Resolution approving 2021 MNPEA Patrol Officers Union Contract

Assistant City Manager Juba reported that all four of the city's union contracts have been negotiated and each contain the following proposed provisions, if approved by the Council:

- 1 year term

- comp time is cashed out by the end of the year to conform with tax laws
- 3% insurance contribution
- 2% wage increase
- vacation cap 200 moved up to 240 because people are not taking vacations
- implementation of standard 10 days of parental leave

It was moved by Councilmember **Biehn** seconded by Councilmember **Edberg**, to approve **Resolution No. 12670**, approving 2021 MNPEA Patrol Officers Union Contract.

Biehn Aye  
Edberg Aye  
Engstran Aye  
Jones Aye  
Walsh Aye

Motion carried unanimously.

B. Resolution approving 2021 LELS Sergeants Union Contract

Assistant City Manager Juba reported the same contract terms would apply as for LELS, except that the annual uniform allowance for Sergeants is proposed to match that of LELS at \$750 (\$40 increase). He proposed eliminating performance pay, as was done in Public Works, citing organizational leaders address performance issues immediately rather than waiting for an end of the year pay consideration.

It was moved by Councilmember **Biehn** seconded by Councilmember **Engstran**, to approve **Resolution No. 12671**, approving 2021 LELS Sergeants Union Contract.

Biehn Aye  
Edberg Aye  
Engstran Aye  
Jones Aye  
Walsh Aye

Motion carried unanimously.

C. Resolution accepting the City's DRAFT Surface Water Management Plan and authorizing distribution to water management organizations and counties for technical review

Community Development Director Kane asked to Council to accept the draft Surface Water Management Plan and authorize its distribution to four affected water management organizations and two counties for technical review. She explained this is a required element for completion of the City's 2040 Comprehensive Plan and staff intends to conduct this technical advisory review and peer review prior to a public hearing and Council's formal adoption, anticipated in spring.

It was moved by Councilmember **Jones** seconded by Councilmember **Engstran**, to approve **Resolution No. 12672**, accepting the City's DRAFT Surface Water Management Plan and authorizing distribution to water management organizations and counties for technical review.

Biehn Aye  
Edberg Aye  
Engstran Aye  
Jones Aye  
Walsh Aye

Motion carried unanimously.

D. Resolution authorizing Livable Communities Act re-enrollment for 2021-2030

Community Development Director Kane noted a revised resolution corrected the City's life-cycle housing goal calculation at 525. She stated participation in the Metropolitan Council's Livable Communities Act program requires that the City's 2040 Comprehensive Plan is deemed complete and consistent with Metropolitan Council policies for the City to be eligible. Ms. Kane explained that in order to participate in the Metropolitan Council's Livable Communities Demonstration Account, the City is required to adopt by resolution its affordable and life-cycle housing goals for 2021-2030.

In response to Councilmember Walsh, Ms. Kane explained that while there are no guarantees for funding this would make the City eligible to apply for cleanup grants, such as used for The Waters redevelopment and the Boatworks redevelopment project. She stated that over the past ten years, the City received about \$2 million on just those two projects. Philosophically, Councilmember Walsh did not agree with another entity declaring the City's housing goals, although he agreed with the goal. Ms. Kane believed the goals of both entities align and she viewed Metropolitan Council as a resource toward achieving the community's goals for housing.

As Chair of Livable Communities, Mayor Emerson noted that \$8.5 million in grant funding was awarded last week to various communities.

Councilmember Jones noted the Council should continue to consider any form of housing and he did not feel restricted to these numbers, but does want the ability to apply for grant funds. He mentioned a desire to ask the legislature for money for the ice rink.

Councilmember Edberg received confirmation from Ms. Kane that accessory dwelling units and Habitat for Humanity projects are considered life-cycle housing. He noted that housing considerations would also be driven by the parcel and the neighborhood. He asked how to access this money, noting a desire for stormwater improvements for Goose Lake.

Ms. Kane highlighted primary programs including, the Department of Employment and Economic Development (DEED), which is more focused on job creation and has been used to fund site cleanup. Under the Livable Communities Account, she said, there are pre-development funds for those with control of the property and a vision for it. LCA Development funds are used to bridge the gap in valuation of a project to account for additional public components.

It was moved by Councilmember **Jones** seconded by Councilmember **Edberg**, to approve **Resolution No. 12673**, authorizing Livable Communities Act re-enrollment for 2021-2030.

Biehn Aye  
Edberg Aye

Engstran Aye  
Jones Aye  
Walsh Nay

Motion carried 4:1.

## 10. CONSENT

- A. Acceptance of Minutes; September Environmental Advisory Commission; September White Bear Lake Conservation District; October Planning Commission.
- B. Resolution authorizing execution of a contract with Sandstrom Land Management LLC for construction of rain gardens on the properties of landowners. **Resolution No. 12674**
- C. Resolution authorizing a transfer of liquor licenses for Lunds Inc. to Lunds Food Holdings, Inc. **Resolution No. 12675**
- D. Resolution authorizing Score Grant funding allocation and application. **Resolution No. 12676**

It was moved by Councilmember **Biehn** seconded by Councilmember **Jones**, to approve the Consent Agenda as presented.

Biehn Aye  
Edberg Aye  
Engstran Aye  
Jones Aye  
Walsh Aye

Motion carried unanimously.

## 11. DISCUSSION

Nothing scheduled

## 12. COMMUNICATIONS FROM THE CITY MANAGER

- The License Bureau (LB) will begin implementing MNDrives tomorrow, the replacement for MNLars. The LB was chosen to pilot this program because of the good work they do. MNDrives will be live on November 16, 2020. Also, the LB earned another dealership account.
- City Council Work Session on Tuesday, November 17, 2020 at 6:00 via Zoom to work through CARES funding and the budget.
- Governor Walz dialed back on late night entertainment as COVID-19 cases have risen. Staff will evaluate new guidance as it pertains to the Sports Center and Armory facilities.
- Staff is working on ideas for a traffic committee and will revisit this with Council soon.



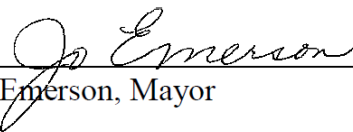
- Bearly Open event has been cancelled but fundraising for the Food Shelf will continue online.
- Downtown cancelled Winterfest this year but are still holding their Open House.
- City Engineer/Public Works Director Kauppi
  - \$500,000 was awarded as part of the 2020 bonding bill to complete the segment of the Lake Links Trail from Ramsey County beach to the southern limits. White Bear Township received the same, and Dellwood received \$2.6 million for their segment.
- Community Development Director Kane
  - School District meeting Thursday evening via Zoom for which staff will report back regarding the North Campus expansion
  - Small area planning has been taking place to include the visions of the School District, Art Center, Rush Line and Bruce Vento Trail projects to maximize pedestrian and bicycle connections to Downtown White Bear Lake. Councilmember Jones and Biehn were asked and accepted an invitation to participate in a meeting with consultant to discuss the area.
- Mayor Emerson recognized all active and military veterans for their service to the County and honored military staff read off the names and positions of all military staff working for the City.

### 13. ADJOURNMENT

There being no further business before the Council, it was moved by Councilmember **Jones** seconded by Councilmember **Walsh** to adjourn the regular meeting at 8:56 p.m.

Biehn Aye  
Edberg Aye  
Engstran Aye  
Jones Aye  
Walsh Nay

Motion carried unanimously.

  
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Jo Emerson, Mayor

**ATTEST:**

  
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Kara Coustry, City Clerk