



**MINUTES
REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF WHITE BEAR LAKE, MINNESOTA
TUESDAY, JULY 13, 2021
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. The clerk took roll call attendance for Councilmembers Doug Biehn (remote attendance*), Kevin Edberg, Steven Engstran, and Bill Walsh. Councilmember Dan Jones was excused. 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.

*Due to a family member’s competition, Councilmember Biehn attended remotely via electronic means from a public lobby at Kalahari Resorts & Conventions, 1305 Kalahari Drive, Wisconsin Dells, WI 53965.

PLEDGE OF ALLEGIENCE

2. APPROVAL OF MINUTES

A. Minutes of the Regular City Council Meeting on June 22, 2021

It was moved by Councilmember **Edberg** seconded by Councilmember **Engstran**, to approve the Minutes of the June 22, 2021 City Council meeting as presented.

Roll call vote:
Biehn Aye
Edberg Aye
Engstran Aye
Walsh Aye

Motion carried unanimously.

3. APPROVAL OF THE AGENDA

City Manager Hiniker added 9C – a resolution authorizing a letter of consent to the City of Vadnais Heights regarding a comprehensive plan amendment.

It was moved by Councilmember **Walsh** seconded by Councilmember **Edberg**, to approve the Agenda as amended.

Roll call vote:
Biehn Aye
Edberg Aye
Engstran Aye
Walsh Aye

Motion carried unanimously.

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 Pamela Preisler for a Special Home Occupation Permit extension at 3862 Crestwood Place. (Case No. 15-2-SHOPa). **Resolution No. 12804**
2. Consideration of a Planning Commission recommendation for approval of a request by James Trusten for two setback variances for a new detached garage at 1783 Eugene Street. (Case No. 21-14-V). **Resolution No. 12805**
3. Consideration of a Planning Commission recommendation for approval of a request by Independent School District #624 for a Conditional Use Permit Amendment for two building additions to South Campus located at 3551 McKnight Road. (Case No. 21-6-CUP). **Resolution No. 12806**

It was moved by Councilmember **Edberg** seconded by Councilmember **Walsh**, to approve the Land Use Consent Agenda as presented.

Roll call vote:

Biehn Aye

Edberg Aye

Engstran Aye

Walsh Aye

Motion carried unanimously.

B. Non-Consent

1. Consideration of a Planning Commission recommendation for denial of a request by Brooke & Garrett Boesch for a fence variance at 2514 Oak Court. (Case No. 21-15-V)

Community Development Director Kane explained that the property owners would like to install a 6 foot tall privacy fence along the west property line, however, code requires that the fence either be four (4) feet tall or be set back 12 feet. Consequently, the Boesch's have requested a two (2) foot variance from the four (4) foot height limitation for a fence along a side abutting a public right-of-way.

Ms. Kane forwarded staff's recommendation for denial of the fence variance. City Attorney

Gilchrist made a correction to the resolution under the “now therefore” clause, changing the words “accepts and adopts” to read “hereby denies the request, based on” the following findings.

It was moved by Councilmember **Walsh** seconded by Councilmember **Engstran**, to approve **Resolution No. 12807** to deny a request for a fence variance at 2514 Oak Court.

Roll call vote:
Biehn Aye
Edberg Aye
Engstran Aye
Walsh Aye

Motion carried unanimously.

2. Consideration of a Planning Commission recommendation for denial of a request by Joe Morris for a fence variance at 4926 Johnson Avenue. (Case No. 21-16-V)

Community Development Director Kane explained that the property owners would like to install a 6 foot tall privacy fence along the west property line, however, code requires that the fence either be 4 feet tall or be set back 12 feet. Consequently, the Morris’s have requested a two (2) foot variance from the four (4) foot height limitation for a fence.

It was moved by Councilmember **Walsh** seconded by Councilmember **Engstran**, to approve **Resolution No. 12808** to deny a request for a fence variance at 4926 Johnson Avenue.

Roll call vote:
Biehn Aye
Edberg Aye
Engstran Aye
Walsh Aye

Motion carried unanimously.

3. Consideration of a Planning Commission recommendation for approval of a request by Paula & Mike Lobinsky for four setback variances at 4372 Cottage Park Road. (Case No. 21-11-V)

Community Development Director Kane reported that the property owners would like to demolish the existing residence and construct a new residence with a four (4) car attached garage. To do so, they requested four (4) setback variances:

- A 10.5’ variance from the 15’ side yard setback on the south side;
- A 10’ variance from the 15’ side yard setback on the north side;
- A 29’ variance from the 35’ street side setback for the attached garage and living area above; and
- A 3’ variance from the 53’ average lakeside setback for the deck.

Ms. Kane explained that, while the lot does not meet current code for size or width, it is not

a small lot. All the setbacks could be met and still have a 1,785 square foot building envelope for a home.

Ms. Kane forwarded staff's recommendation to approve three out of four variance requests with design modifications to reduce the height of the home. Only along the south side staff recommended denial of the applicant's request but approval of a lesser variance by 5 feet.

Mayor Emerson opened a public hearing at 7:20 p.m.

The applicant, Paula Lobinsky of 1407 Mound Trail in Centerville, stated the roof height had already been reduced since the original drawings and was amendable to the other variance suggestions, except one. She asked the Council to consider splitting the six foot reduction to the home such that the 22 foot garage is not too far out of balance with the recommended 16 foot house.

There being no other comments from the public, Mayor Emerson closed the public hearing at 7:24 p.m.

Ms. Kane agreed to work with the applicants and their designer in order to balance out the house to the garage under the variances as presented by the Planning Commission.

It was moved by Councilmember **Walsh** seconded by Councilmember **Engstran**, to approve **Resolution No. 12809** authorizing four setback variances at 4372 Cottage Park Road.

Roll call vote:

Biehn Aye

Edberg Aye

Engstran Aye

Walsh Aye

Motion carried unanimously.

7. UNFINISHED BUSINESS

Nothing scheduled

8. ORDINANCES

- A. First reading of a City initiated text amendment to Zoning Code Section 1303.160 to allow interim use permits in the B-5 zoning district

Community Development Director Kane recalled the recent variance at 4701 Banning Avenue, in which the new owners had re-tenanted a former pilates space with Vertical Realty. She stated the new owners did not realize there was a 30% limitation on retail within the ground floor area of downtown businesses, which is in place for increased foot traffic to support downtown retail. In Council's desire for a compromise, an interim use permit is now being sought in the B-5 district such that the current realty tenant could remain temporarily.

In response to a communication by Dale Grambush, Councilmember Edberg clarified his desire to retain retail space downtown. He also did not wish to lose businesses during a pandemic,

which is why this interim use has been sought in order to temporarily accommodate a situation that occurred whereby the property owner was not diligent researching permitted uses prior to leasing space to a non-conforming tenant. Councilmember Edberg expressed concern over the lack a defined time limitation in the text amendment. He is only willing to allow this one-time accommodation for which he will not permit further extensions.

Attorney Gilchrist said that the nature of interim use permits, as provided by statute, must identify an event or a point in time for the interim use to end. He pointed to paragraph A of the text amendment, which provides language from the statute pertaining to the termination of an interim use permit. Mr. Gilchrist stated that as part of the process for securing an interim use permit, the termination would be defined. He added that applicants have the ability to apply for an extension, however, the Council is not required to approve an extension.

In response to Councilmember Edberg’s concern about a future council granting a longer interim use period, Attorney Gilchrist stated that language could be added to the text amendment which defines a period of time for any potential extension.

Mayor Emerson noted that the second reading will occur on August 10, 2021.

9. NEW BUSINESS

A. Resolution accepting quotes and awarding contract for the Memorial Beach Retaining Wall Project

Public Works Director / City Engineer Kauppi explained that the construction of a retaining wall at Memorial Beach was a project that was recommended by the Park Advisory Commission for 2021. Mr. Kauppi explained that the a three-tiered retaining wall is proposed along the steep slope down to Memorial Beach, which in its current condition is difficult for people to traverse and for mowing crews. He stated this will also maximize a flattened area at the top for people to sit on chairs.

Mr. Kauppi explained that work would be completed by a retaining wall contractor and a concrete contractor. The concrete contractor would anchor the steps along the hillside and also support the pipe handrail of the steps. He forwarded staff’s recommendation to adopt the resolution awarding the retaining wall project to DreamScapes Landscaping and Design, Inc. in the amount of \$94,361.38, and the concrete work and railings work to Lallier Concrete in the amount of \$23,710.00.

It was moved by Councilmember **Walsh** seconded by Councilmember **Engstran**, to adopt **Resolution No. 12810** accepting quotes and awarding contract for the Memorial Beach Retaining Wall Project.

Roll call vote:
Biehn Aye
Edberg Aye
Engstran Aye
Walsh Aye

Motion carried unanimously.

B. Resolution setting a 25 mile speed limit on certain residential streets

Public Works Director / City Engineer Kauppi reported that in 2019, cities were granted additional leeway to change speed limits down to 25 miles per hour (mph) for residential streets and lower with additional speed studies. He explained that through an automated vehicle (AV) study, it was discovered the National Highway Traffic Safety Administration's (NHTSA) requires the posted speed limit be no greater than 10 mph differential between the posted speed limit and the traveling speed of the AV (15 mph).

Because the proposed AV route is on collector streets, an engineering study was required prior to reducing the speed limit. Mr. Kauppi stated AECOM and staff conducted a speed study, which revealed 85% registering mid-30's and a segment as high as 46 mph in a 30 mph signed area. He noted that reducing the speed limit to 25 mph on this route will be a good test pilot project not only for the AV project, but also for understanding the impact on behavior when lower speed limits are posted on residential streets.

Mr. Kauppi forwarded staff's recommendation to adopt the resolution authorizing staff to reduce the speed limit to 25 mph and erect signs designating the lower speed on Linden Avenue from County Road E to Willow Avenue, Willow Avenue from Linden Avenue to Orchard Lane and Orchard Lane from Willow Avenue to McKnight Road.

Councilmember Edberg supported this request, but inquired as to the ability to extend the lower speed limits on Orchard, east of McKnight and up to Bellaire, noting complaints about youth speeders near the high school. City Manager Hiniker explained that a speed study would need to be conducted along that particular additional segment of road before it could be reduced.

Mr. Kauppi confirmed that another engineering study would be needed. He noted that in response to calls of concern about speeders, the city has been able to place speed tubes on various roads to collect speed rates so that problem areas can be identified for additional action. Mr. Kauppi explained that assuming this resolution passes, speed signs will be posted tomorrow and speed tubes will be placed to measure the effect. He stated that Council could conduct a city-wide speed study and after a year's time post citywide speeds at 25 mph, or as posted.

Councilmember Edberg added that summer is not necessarily the best time to collect data in the area close to south campus. He also relayed that issues of speed are one of the most persistent quality of life infractions, but that the city does not currently have resources sufficient to address the issue satisfactorily.

Mr. Kauppi noted recent success with pedestrian street crossing signs in the middle of the street. He added that flashing radar speed indicators would be installed on McKnight near south campus was a location that registered 45 mph (posted 30 mph).

Councilmember Engstran mentioned that new speed signs might lead to people to cut through on Dell and Elm Streets, and to watch for increased traffic on those streets as a result.

It was moved by Councilmember **Edberg** seconded by Councilmember **Engstran**, to adopt **Resolution No. 12811** setting a 25 mile speed limit on certain residential streets.

Roll call vote:
 Biehn Aye
 Edberg Aye

Engstran Aye
Walsh Aye

Motion carried unanimously.

- C. Resolution approving a letter of consent to the City of Vadnais Heights regarding a comprehensive plan amendment.

Community Development Director Kane reported that the City of Vadnais Heights has requested approval of a comprehensive plan amendment, which requires review and comment or acknowledgement of receipt and no comment. She explained they are looking to re-guide a nice (9) acre site at the northeast quadrant of I35E and County Road E from industrial use to city-center.

Ms. Kane reported that Saturday Properties proposed to construct a five (5) story property with a 230 unit apartment building on the site. Ms. Kane explained that this will add activity to the County Road E corridor. She believed this property will provide an increase in diversity of housing stock, give area employers an advantage in the competition for workforce in a tight labor market, and serve as an overall economic benefit to businesses in White Bear Lake. She had no negative impacts to convey related to the request to re-guide this location and forwarded staff's recommendation

Councilmember Edberg inquired as to who was being served with this new housing complex, and who is not being served and asked for staff awareness of area housing options as they inform/impact the city's own housing policies.

It was moved by Councilmember **Edberg** seconded by Councilmember **Engstran**, to adopt **Resolution No. 12812** approving a letter of consent to the City of Vadnais Heights regarding a comprehensive plan amendment.

Roll call vote:
Biehn Aye
Edberg Aye
Engstran Aye
Walsh Aye

Motion carried unanimously.

10. CONSENT

- A. Acceptance of Minutes: May Environmental Advisory Commission, May Park Advisory Commission, June Planning Commission.
- B. Resolution authorizing the use of Railroad Park Gazebo by the Ramsey County Library. **Resolution No. 12813**
- C. Resolution approving change order to the Water Meter Replacement Project. **Resolution No. 12814**

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

Roll call vote:

Biehn Aye

Edberg Aye

Engstran Aye

Walsh Aye

Motion carried unanimously.

11. DISCUSSION

Nothing scheduled

12. COMMUNICATIONS FROM THE CITY MANAGER

- Thanks for all who helped organize Marketfest, which was reportedly the largest attendance yet. Fireworks and Manitou Days were also successful. Marketfest goes through August 5th and the city has a booth for the Welcoming & Inclusive Task Force and the Housing Task Force. This week is Public Safety week in which the ladder truck and other public safety equipment will be present.
- July 20, 2021 Work Session at 6:00 p.m. in the Expansion Room of City Hall to discuss the License Bureau operations and return of Passport services in the future. Councilmember Edberg inquired as to the legislative agenda submitted by the City, requesting an increase in license bureau fees. Ms. Hiniker relayed that this session had other priorities, but for the next session, she recommended the City Council submit its legislative agenda earlier (by the end of this year). Councilmember Walsh suggested holding a work session to discuss the legislative session with representatives. South Shore Blvd and the Sports Center will also be discussed during the work session.
- August 17th will be the Budget Work Session
- Mayor Emerson mentioned a Bruce Vento Trail meeting tomorrow and staff agreed to send the appointment information to the Council.
- Staff have been working in cooperation with Lake Links Trail Organization, White Bear Township, Ramsey County, MN DOT, to discuss right-of-way issues, which will be a discussion item during the next City Council meeting.
- City Engineer / Public Works updates by Director Paul Kauppi
 - Road rehabilitation is nearly complete, with the exception of Lakewood Hills and Matoska boat launch, which will happen later this year when the traffic in those areas diminishes.
 - Gazebo ribbon cutting was postponed due to the wrong size column covers, and will happen mid-August. Invites to come soon.
- Community Development updates by Director Anne Kane
 - City businesses have tapped into CARES Relief Funding, and the Small Business Administration (SBA) offered a restaurant relief program in which six restaurants in White Bear Lake received nearly \$1 million in federal funds through a competitive grant. Ms. Kane relayed her understanding that no restaurants were lost in White Bear Lake as a result of the

economic impacts of COVID. She attributed this, in part, to the efforts of the Economic Development Corporation (EDC), MainStreet, ReGrow, and the restaurant delivery program.

13. ADJOURNMENT

There being no further business before the Council, it was moved by Councilmember **Edberg** seconded by Councilmember **Walsh** to adjourn the regular meeting at 8:24 p.m.

Roll call vote:

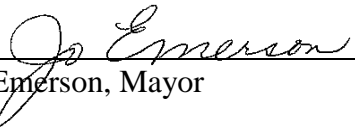
Biehn Aye

Edberg Aye

Engstran Aye

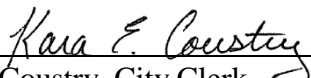
Walsh Aye

Motion carried unanimously.



Jo Emerson, Mayor

ATTEST:



Kara Coustry, City Clerk