



**MINUTES
REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF WHITE BEAR LAKE, MINNESOTA
TUESDAY, MARCH 9, 2021
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, Planning and Zoning Coordinator Sam Crosby, City Clerk Kara Coustry and City Attorney Troy Gilchrist.

2. APPROVAL OF MINUTES

A. Minutes of the Regular City Council Meeting on February 23, 2021

It was moved by Councilmember **Biehn** seconded by Councilmember **Engstran**, to approve the Minutes of the February 23, 2021 as presented.

Biehn Aye
Edberg Aye
Engstran Aye
Jones Aye
Walsh Aye

Motion carried unanimously.

3. APPROVAL OF THE AGENDA

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

Biehn Aye
Edberg Aye
Engstran Aye
Jones Aye
Walsh Aye

Motion carried unanimously.

4. VISITORS AND PRESENTATIONS

A. White Bear Lake Police Chief Julie Swanson – Police Department Update

Police Chief Swanson described a challenging year due to COVID and relayed the department's disappointment in an inability to participate in community events. She provided statistics from 2020 as follows:

- 24,000 calls for service – down from the previous year
- 4,600 traffic stops resulting in 2,800 warnings and 1,800 citations
- 175 domestic calls – down by ten from the previous year
- 400 disturbance/disorderly – consistent from previous years
- 200 theft from auto (164 calls in 2019), with 23 being catalytic convertors
- Increase in overdoses, with 11 overdose deaths and 36 incidents where Narcan was administered

Chief Swanson noted that there were 23 catalytic convertors stolen in 2020, up from 5 in 2019; there have already been 29 stolen in 2021. A group of three were recently caught in the act. She expressed support of legislation making it illegal to provide money for catalytic convertors to thwart this activity.

With regard to calls related to mental health crisis or concerns, there were roughly 150 incidents, similar to the past two years. Chief Swanson expressed appreciation for a mental health case worker provided through a partnership with Northeast Youth and Family Services.

Chief Swanson thanked the Council for their support of the department and expressed pride in continuous training of White Bear Lake Police Officers. She added that all training emphasizes de-escalation strategies and mental health awareness. Chief Swanson reported that policing policies are being reviewed internally in preparation for a review by a Community Policy Committee.

Mayor Emerson and Councilmembers expressed gratitude for the work of the White Bear Lake Police Department.

5. PUBLIC HEARINGS

Nothing scheduled

6. LAND USE

A. Consent

1. Consideration of a Planning Commission recommendation for approval of a request by Brent & Melissa Peacock for a Conditional Use Permit at 2532 Manitou Island. (Case No. 21-1-CUP). **Resolution No. 12731**
2. Consideration of a Planning Commission recommendation for approval of a request by Dave & Stephanie Herington for a variance at 2216 2nd Street. (Case No. 21-2-V). **Resolution No. 12732**

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

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 a request by Heartland TC Gun Club for a Conditional Use Permit and variance at 4350 Centerville Road. (Case No. 21-2-CUP & 21-4-V)

Planning and Zoning Coordinator Sam Crosby explained that Heartland TC Gun Club has applied for a Conditional Use Permit (CUP) to allow enclosed retail sales in the BW zoning district for the ability to sell sporting goods, including firearms, out of the permitted indoor commercial recreation facility located at 4350 Centerville Road. Ms. Crosby reported, of lesser significance (because of a grading differential adjacent I-35), is a 10 foot variance from the 15 foot setback in order to locate parking five feet from the east property line.

Mayor Emerson opened the public hearing at 7:42 p.m.

Mark Smith, property owner of 4444 Centerville Road, expressed concern with Gun Club customers parking in his neighboring business lot. He stated that customers will be loading and unloading guns from vehicles, which could be unsettling to his business tenants. He added that a six-foot drop between property lines is unsafe to those traveling between properties with a gun and suggested a fence as a solution to this issue.

Mayor Emerson closed the public hearing at 7:49 p.m.

Councilmember **Walsh** moved the **Resolution No. 12733**, seconded by Councilmember **Jones** for purposes of discussion. The City Council discussed Mr. Smith's concern related to parking, and options available should this prove to be an issue with the new neighbor's customers.

Councilmember **Biehn** amended the motion, seconded by Councilmember **Edberg**, to add a condition to **Resolution No. 12733**, crafted by the city attorney that the applicant be responsible to ensure parking remains on the premises, otherwise the addition of signage and/or a fence may be required.

Biehn Aye
Edberg Aye
Engstran Aye
Jones Aye
Walsh Aye

Motion carried unanimously.

The City Clerk took a roll call vote on amended **Resolution No. 12733** as follows:

Biehn Aye
Edberg Aye
Engstran Aye
Jones Aye
Walsh Aye

Motion carried unanimously.

7. UNFINISHED BUSINESS

Nothing scheduled

8. ORDINANCES

A. First reading of an Ordinance adopting a ten year cable franchise agreement with Comcast

City Manager Hiniker introduced this item and noted this agreement does not relate to the City's Joint Powers Agreement with Ramsey/Washington Counties Suburban Cable Communications Commission II (RWSCC), which will continue to be assessed.

Tim Finnerty, RWSCC Director introduced League of Minnesota Cities enlisted Green-Espel Attorney John Baker, who provided a presentation covering the topic of a non-exclusive, ten-year cable franchise agreement between White Bear Lake and Comcast. Mr. Baker highlighted the following key points reached through mediation:

- Cities are required by law to have franchise agreements for the use of public right of way
- 2019 FCC Order 621 meant fewer discounted or free services for cities (under appeal)
- Franchised fees are capped at 5% of gross revenues
- Gross revenues are better defined with regards to bundled services
- Upgrades to SCC cable systems are consistent with other area systems in our counties
- PEG Channels will be in HD and simulcast in HD
- Phased decline of PEG funding, but still higher than other entities
- Customers will pay 57% less in PEG funding than in previous years
- I-Net will be free for the next two years, then it will be charged at \$330 per site/mth
- If FCC law becomes more favorable, SCC has the ability to renegotiate terms
- SCC will no longer be housed under Comcast's rental agreement with White Bear Lake

Councilmember Edberg noted favorable franchise terms compared to those obtained by other cable commissions and other communities, including former RWSCC member cities. With FCC Order 621 currently under appeal, he inquired regarding a change to the laws. Mr. Baker explained that contract language was written to adjust terms up and down accordingly as laws might become more/less favorable under a new FCC Chair and appointees over the next ten years.

Mayor Emerson thanked Mr. Baker and RWSCC for their work and mentioned this item will be brought for vote at the March 23, 2021 City Council meeting.

9. NEW BUSINESS

A. Resolution approving annual business license renewals

City Manager Hiniker stated this is the time of year to renew annual business licenses. She stated that the White Bear Lake Police Department conduct tobacco compliance checks twice per year, noting there were two failures in spring but no failures in the fall after corrective measures.

It was moved by Councilmember **Walsh** seconded by Councilmember **Biehn**, to approve **Resolution No. 12734**, approving annual business license renewals.

Biehn Aye
Edberg Aye
Engstran Aye
Jones Aye
Walsh Aye

Motion carried unanimously.

B. Resolution approving annual liquor license renewals

City Manager Hiniker explained there were very few calls for service this past year due to COVID. She highlighted a good working relationship between the Police Department and bars/restaurants with training opportunities provided to help minimize incidents.

It was moved by Councilmember **Jones** seconded by Councilmember **Biehn**, to approve **Resolution No. 12735**, approving annual liquor license renewals.

Biehn Aye
Edberg Aye
Engstran Aye
Jones Aye
Walsh Aye

Motion carried unanimously.

C. Resolution authorizing a road closure and approving a community event at Railroad Park

City Manager Hiniker reported that an event endorsed by the Main Street Board is being planned in Railroad Park for Saturday, April 3, 2021. The applicants propose to close off Washington Square and bring in a large screen to watch the MN State High School Hockey tournaments. Similar to last year's Picnic in the Park concept, people would be permitted to bring their own alcohol into the controlled area for consumption. She added that there were no issues with this use last year, no store owners have raised concerns, and the group will have volunteers monitoring movement in and out of the venue.

It was moved by Councilmember **Biehn** seconded by Councilmember **Engstran**, to approve **Resolution No. 12736**, authorizing a road closure and approving a community event at Railroad Park.

Biehn Aye
Edberg Aye
Engstran Aye
Jones Aye
Walsh Aye

Motion carried unanimously.

D. Resolution accepting a donation for renovation of Geist Gazebo

City Manager Hiniker reported that an anonymous donation of \$150,000 was given through a donor-advised fund administered by the Greater White Bear Lake Community Foundation (The Foundation) to be used toward the rehabilitation of the Geist Gazebo located in Matoska Park. She explained that as the City is handling this project, the City should pass a resolution accepting this donation. With preservation of the Gazebo as a goal, quotes are anticipated to come in around \$150,000, but Ms. Hiniker explained any shortfall is expected to be covered in through the City's Park Fund.

Councilmember Edberg asked for and received clarification that The Foundation is forwarding the full amount of the money to be controlled on the City's books as a reserved donation for the express purposes of rehabilitating the Gazebo. City Attorney Gilchrist stated that was his understanding of the arrangement.

It was moved by Councilmember **Jones** seconded by Councilmember **Engstran**, to approve **Resolution No. 12737**, accepting a donation for renovation of Geist Gazebo and seeking quotes for this project.

Biehn Aye
Edberg Aye
Engstran Aye
Jones Aye
Walsh Aye

Motion carried unanimously.

Mayor Emerson thanked the donors for this wonderful gift to restore the Gazebo which is near and dear to White Bear Lake, and thanked Councilmember Jones for serving on the committee.

10. CONSENT

- A. Acceptance of Minutes: February Planning Advisory Commission; January Environmental Advisory Commission; January White Bear Lake Conservation District
- B. Resolution authorizing food truck operations on public property at the Sports Center. **Resolution No. 12738**

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

Biehn Aye
Edberg Aye
Engstran Aye
Jones Aye
Walsh Aye

Motion carried unanimously.

11. DISCUSSION

- A. Housing Policy Initiative, expand scope to capture community discussion around more recent housing development proposals

City Manager Hiniker reported on the status of the Housing Policy Initiative, the application period having recently concluded and a roster to be approved at the March 23, 2021 City Council meeting. Ms. Hiniker sought and received approval to pursue options with consultants on an expansion of the scope to include review of more recent development proposals and related engagement processes. The hope is to gather additional insight to inform future processes.

12. COMMUNICATIONS FROM THE CITY MANAGER

- Plans for reopening

Walk-in service has resumed at City Hall. Many of the staff will continue to alternate work from home to minimize numbers of employees in building at one time. All but Driver's License services are available in the License Bureau for walk-in service. Driver's License appointments must still be scheduled. Simple renewals that do not require change of name or address can be accomplished online.

Councilmember Biehn received confirmation that Dropbox Services will remain available 24-7, even beyond COVID.

- Main Street businesses are still struggling with COVID restrictions and staff intends to request the flexibility from Council at the next meeting to provide administrative approval for flexible outdoor use of public right-of-way and a continuation of Picnic in the Park.
- Automated Vehicle (AV) Pilot Project final contract will be between MN DOT and AECOM as project manager, which removes the City from administration. AECOM will be invited back to provide an overview of the AV Pilot Project
- The annual Deer Survey is conducted by Ramsey County Parks and Recreation and is a program the City continues to participate in to assess deer counts in White Bear Lake. As indicated on the overall map, White Bear Lake has very low numbers of deer again this year.

13. ADJOURNMENT

There being no further business before the Council, it was moved by Councilmember **Walsh** seconded by Councilmember **Jones** to adjourn the regular meeting at 9:17 p.m.

Biehn Aye
Edberg Aye
Engstran Aye
Jones Aye
Walsh Aye

Motion carried unanimously.



Jo Emerson, Mayor

ATTEST:



Kara Coustry, City Clerk