



**MINUTES  
REGULAR MEETING OF THE CITY COUNCIL  
OF THE CITY OF WHITE BEAR LAKE, MINNESOTA  
TUESDAY, APRIL 13, 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, Assistant City Manager Rick Juba, Community Development Director Anne Kane, Public Works Director/City Engineer Paul Kauppi, Finance Director Kerri Kindsvater, City Clerk Kara Coustry and City Attorney Troy Gilchrist.

Before beginning, Mayor Emerson acknowledged the pain and anger felt by the community related to the recent tragic officer shooting dead of Daunte Wright in Brooklyn Center, and recent racially charged social media posts.

**2. APPROVAL OF MINUTES**

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

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

Biehn Aye  
Edberg Aye  
Engstran Aye  
Jones Aye  
Walsh Aye

Motion carried unanimously.

**B. Minutes of the Council Work Session on March 30, 2021**

It was moved by Councilmember **Jones** seconded by Councilmember **Biehn**, to approve the Minutes of the March 30, 2021 Council Work Session as presented.

Biehn Aye  
Edberg Aye  
Engstran Aye  
Jones Aye  
Walsh Aye

Motion carried unanimously.

### 3. APPROVAL OF THE AGENDA

Councilmember Biehn added a discussion item on the topic of moving back to in-person meetings.

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

Biehn Aye  
 Edberg Aye  
 Engstran Aye  
 Jones Aye  
 Walsh Aye

Motion carried unanimously.

### 4. VISITORS AND PRESENTATIONS

#### A. Jeff Hafner with Rainbow Tree Care – Emerald Ash Borer

City Engineer/Public Works Director Kauppi recapped that since 2018, the City has been working with Rainbow Tree Care on an Ash Tree strategy for treating and removing those infected by the Emerald Ash Borer (EAB) beetle. He noted the City’s Dying and Dead Tree Ordinance was provided in Council’s packets for further discussion during the April 20, 2021, 6:00 p.m. Council Work Session.

Jeff Hafner with Rainbow Tree Care provided an update on Ash Tree care in White Bear Lake. In 2020, 695 Ash Trees were protected, amounting to an annual benefit of an avoidance of 769,310 pounds of atmospheric CO2 and an interception of 1.68 million gallons of stormwater. He provided three years of treated Ash Tree data as follows and explained that treatments are good for two years.

	2018	2019	2020
Public	316	326	298
Private	342	105	397
<b>Annual Total</b>	<b>658</b>	<b>431</b>	<b>695</b>

Mr. Hafner supported a continuation of this partnership to address EAB and mentioned that Ash Trees, which are not already protected, are running out of time for treatment to be effective. In 2021, Rainbow Tree Care will be expanding its EAB content library of articles, videos and social media posts, art, etc. online as a resource for residents.

In response to Councilmembers’ questions, Mr. Hafner confirmed that Rainbow Tree Care will continue to partner with the City and its residents for as long as the City is willing. He explained that unless a cold snap kills 90% or more larvae each year, the beetle is so prolific it will continue to spread and kills trees.

## B. Arbor Day Proclamation

Mayor Emerson mentioned that White Bear Lake has been a Tree City for at least 25 years. She read the Arbor Day Proclamation declaring May 20, 2021 as Arbor Day in White Bear Lake. Mayor Emerson called upon all White Bear Lake residents to participate in the annual Arbor Day observance.

Parks and Facilities Foreman Andy Wieteki reported that the Park Advisory Commission plans to hold their Park Commission meeting on May 20, 2021 at Ebba Park where the group intends to plant a row of trees as a buffer to the water treatment plant. A pollinator garden is also being planted at Lakewood Hills Park, overlooking the softball field. Finally, a new row of arborvitae will be planted to replace the dead arborvitae that was removed between Railroad Park and U.S. bank.

Councilmember Edberg encouraged staff to address invasive buck thorn, which is growing all over within the City.

## 5. PUBLIC HEARINGS

Nothing scheduled

## 6. LAND USE

### A. Consent

1. Consideration of a Planning Commission recommendation for approval of a request by the City of White Bear Lake for review and acceptance of the Findings of Fact and Conclusions of the Environmental Assessment Worksheet (EAW) for the proposed North Campus High School Expansion project located at 5045 Division Avenue. (Case No. 21-1-EAW). **Resolution No. 12748**
2. Consideration of a Planning Commission recommendation for approval of a request by Jack Tamble for a variance at 4860 Stewart Avenue. (Case No. 21-6-V). **Resolution No. 12749**

It was moved by Councilmember **Jones** 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 White Bear Lake ISD#624 for a Conditional Use Permit for the North Campus High School expansion located at 5045 Division Avenue. (Case No. 21-3-CUP)

Community Development Director Kane explained that the Planning Commission voted unanimously to forward a recommendation for approval of a Conditional Use Permit for the 398,000 square foot building addition and campus expansion for the White Bear Lake ISD #624 Senior High School. She reviewed the scope of the North Campus High School expansion project. She noted the conversion of the campus back to a full 9-12 grade high school represents a tremendous opportunity and a significant investment for the broader community, but is not without some challenges and potential impact on the surrounding neighborhoods. Throughout a collaborative process the Project Team sought to find the optimal balance between creating a high-quality school campus with modern amenities and first rate facilities, while configuring the campus to help distribute traffic on the surrounding roadway network, provide appropriate setbacks and buffers from the adjacent residences, and minimize the negative impacts on the surrounding neighborhood.

In addition to the campus design and layout, Ms. Kane stated a number of off-site improvements have been identified to help alleviate traffic congestion, The land use entitlements for the campus will serve as a catalyst to finalize plans for other regional investments envisioned for the community and will require additional public engagement as the off-site improvements are finalized and will be subject to a Development Agreement.

Ms. Kane highlighted the following other considerations related to this project:

- Neighbor comments and concern mostly related to traffic and parking
- Development Agreements for various off-site improvements
- Exterior Lighting
- 1,500 seat stadium not to be used for Varsity Games
- Relocation of the bus garage from Division Avenue into Hugo
- Final Platting

Mayor Emerson opened the public hearing at 7:56 p.m. There being no comments by public, Mayor closed the public hearing.

In response to Councilmember Biehn, Ms. Kane explained that the tennis courts (10) will be relocated along Bald Eagle Avenue and also striped for pickleball.

Councilmember Walsh explained this is a big project and but that if problems are identified after its establishment, modifications can always be made to make this work.

In response to Councilmember Jones on timing, Tim Wald stated they look forward to the South campus gymnasium completion this fall, then Sunrise Middle School will move into the South Campus, which will occur the same year the High School unites at the North Campus. Lastly, the Sunrise Park Middle School will be renovated during the 2024-25 school year to be the new District Center Offices, Senior Center and Early Childhood Learning Center.

It was moved by Councilmember **Jones** seconded by Councilmember **Engstran**, to approve **Resolution No. 12750** the Conditional Use Permit for the North Campus High School expansion located at 5045 Division 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 Jacob & Chandler Ommen for a Conditional Use Permit and five variances at 4320 Cottage Park Road. (Case No. 21-4-CUP & 21-5-V)

Community Development Director Kane reported the applicants would like to demolish the existing two car detached garage and construct a new two car attached garage with an Accessory Dwelling Unit (ADU) above it. Consequently, they requested:

- A Conditional Use Permit (CUP) for a Home Accessory Apartment (ADU) above an attached garage, which otherwise meets all zoning requirements;
- A 13 foot variance from the 35 foot street side setback for the principal structure, in order to expand an existing line of non-conformity for a mudroom addition;
- A 2.7 foot variance from the 20 foot street side setback for an accessory structure;
- A one-story variance from the one-story maximum for an attached accessory structure;
- A 321 square foot variance from the 1,000 gross square foot maximum size for a first accessory structure; and
- A 71 square foot variance from the 1,250 square foot maximum for all accessory structures combined

Ms. Kane reported that one neighbor cited three concerns at the public hearing as follows:

- Over use of variances in the Cottage Park area
- ADU's allowed in existing structures only
- Impervious area/run-off area was understated

Ms. Kane forwarded staff's recommendation along with 5-1 support by the Planning Commission, noting one opposed to operation of ADU's within residential neighborhoods. Ms. Kane confirmed that cars are to fit on the driveway/garage of the residents.

Councilmember Jones pointed out that the City has the ability to enforce parking through this CUP, if it becomes an issue. Ms. Kane added, that the Council is granting this land use to the property owner is a privilege not a right.

Mayor Emerson opened the public hearing at 8:16 p.m.

The applicant Jacob Ommen expressed pride working to restore some of the original architectural elements in the 1886 Cass Gilbert designed home.

Mayor Emerson closed the public hearing at 8:19 p.m.

It was moved by Councilmember **Walsh** seconded by Councilmember **Biehn**, to approve **Resolution No. 12751** the Conditional Use Permit and five variances at 4320 Cottage Park Road.

Biehn Aye  
Edberg Aye  
Engstran Aye  
Jones Aye  
Walsh Aye

Motion carried unanimously.

## 7. UNFINISHED BUSINESS

Nothing scheduled

## 8. ORDINANCES

Nothing scheduled

## 9. NEW BUSINESS

- A. Resolution accepting quotes and awarding contract for the 2021 Gazebo Restoration Project, City Project No. 21-08

Public Works Director / City Engineer Kauppi reported that the Mayor appointed Gazebo Restoration Committee met to discuss the gazebo restoration and reconstruction project, with a goal to preserve of the as much of the original structure as reasonable. He explained that the upper roof structure and second story columns of the original gazebo will be saved, with replacements to deteriorated items put in place during the previous restoration project. Mr. Kauppi noted this renovation will consist of more durable materials that should be long lasting and low maintenance.

Mr. Kauppi forwarded a recommendation to accept the bid and award the Gazebo Restoration Project to Pelco Construction, LLC in the amount of \$167,414.00. He mentioned this quote exceeds the generous \$150,000 donation and proposed use of \$30,000 from the Park Improvement Fund to cover professional services and possible change orders to this project. Although there have been recent supply chain issues, he hoped this project to be completed in time for Manitou Days.

Councilmember Jones thanked the members of the Gazebo Committee, Bryan Belisle, Sara Hanson, Paul Kauppi, Andy Wietecki and gave special recognition to the diligent work of Brian Hanson and his knowledge of building materials.

It was moved by Councilmember **Engstran** seconded by Councilmember **Biehn**, to approve **Resolution No. 12752**, accepting quotes and awarding contract for the 2021 Gazebo Restoration Project, City Project No. 21-08.

Biehn Aye  
Edberg Aye  
Engstran Aye  
Jones Aye  
Walsh Aye

Motion carried unanimously.

Mayor Emerson thanked the Committee and the generosity of the donor who made this project possible.

B. Resolution accepting bids and awarding contract for the 2021 Pavement Rehabilitation Project, City Project Nos.: 21-01, 21-04, 21-06 & 21-13

Public Works Director / City Engineer Kauppi reported that eight (8) bids were received and opened on March 25, 2021, for the 2021 Pavement Rehabilitation Project. T.A. Schifsky & Sons, Inc. of North Saint Paul, Minnesota submitted the lowest base bid of \$837,659.74. Bid alternates 1 (private driveways) 2 and 3 to repave Lakewood Hills Park and Matoska Park parking lots amounted to \$415,359.22. Mr. Kauppi forwarded a recommendation that Council award the contract with the parking lot alternates included at \$415,359.22 for a total contract amount of \$1,270,019.00. He added that road load restrictions were lifted yesterday, and this work can begin as soon as contracts are signed.

It was moved by Councilmember **Biehn** seconded by Councilmember **Engstran**, to approve **Resolution No. 12753**, accepting bids and awarding contract for the 2021 Pavement Rehabilitation Project, City Project Nos.: 21-01, 21-04, 21-06 & 21-13.

Biehn Aye  
Edberg Aye  
Engstran Aye  
Jones Aye  
Walsh Aye

Motion carried unanimously.

C. Resolution to approve the sale of General Obligation Bonds

Finance Director Kindsvater stated the 2021 Budget incorporates financing for the street improvement projects, water revenue bonds for the residential water meter replacement program, and equipment certificates to purchase three large vehicles at Public Works (multi-use dump truck, tandem axel dump truck, and a loader). Ms. Kindsvater relayed Ehlers Inc.'s recommendation that the City roll all three issues into one General Obligation bond in the amount of \$4,495,000. Doing so reduces administration fees, debt maintenance costs and disclosure requirements from three separate issues.

Ms. Kindsvater said, an annual tax levy will provide payment for the equipment certificates and a portion of the street improvement bonds. In addition to the tax levy, the City will collected special assessments from the benefiting property owners of street improvement projects to pay that debt. Ms. Kindsvater explained that the water revenue bonds will be paid with the water infrastructure fees and utility rates from customers.

Ms. Kindsvater recommended the Council adopt the resolution authorizing Ehlers to assist in the bond sale, establishing May 11, 2021 as the meeting for considering the bond sale proposal, setting May 11, 2021 as the date for awarding the bond sale, and authorizing Ehlers and City staff to participate in preparation of an official statement for the bonds.

Councilmember Edberg inquired and Stacie Kvilvang with Ehlers Inc. confirmed a 1.5 % interest rate, slightly higher than a month ago, yet but to borrow under 2% results in significant savings. Councilmember Edberg had no issue with the low rate, especially given the long period of time for which it was set.

It was moved by Councilmember **Edberg** seconded by Councilmember **Jones**, to approve **Resolution No. 12754**, approve the sale of General Obligation Bonds.

Biehn Aye  
Edberg Aye  
Engstran Aye  
Jones Aye  
Walsh Aye

Motion carried unanimously.

## 10. CONSENT

- A. Acceptance of Minutes: January Park Advisory Commission, February Environmental Advisory Commission, February White Bear Lake Conservation District, March Planning Advisory Commission
- B. Resolution ordering project, approving specifications and authorizing advertisement for bids for the 2021 Bituminous Seal Coating Project, City Project No: 21-02. **Resolution No. 12755**
- C. Resolution ordering project, approving specifications and authorizing advertisement for bids for the 2021 Crack Sealing Project, City Project No: 12-03. **Resolution No. 12756**
- D. Resolution ordering project, approving plans and authorizing advertisement for bids for the 2021 Sanitary Sewer Lining Program, City Project 21-07. **Resolution No. 12757**
- E. Resolution authorizing use of Railroad Park for Sunrise Park Middle School on April 24, 2021. **Resolution No. 12758**
- F. Resolution of support for Accessible Space, Inc.'s application for Ramsey County Community Development Block Grant (CDBG) program funds. **Resolution No. 12759**
- G. Resolution authorizing City's participation in Manitou Days and Marketfest community events. **Resolution No. 12760**
- H. Resolution authorizing food truck operations on public property for St. Mary's 140<sup>th</sup> Anniversary. **Resolution No. 12761**



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

Biehn Aye  
Edberg Aye  
Engstran Aye  
Jones Aye  
Walsh Aye

Motion carried unanimously.

## 11. DISCUSSION

### A. Proposed modifications to Article II Administration of the Municipal Code

City Manager Hiniker explained that the City has undertaken re-codification, through which each Article of the City's Code will have been reviewed by the Municode Code Attorney, staff, and the City Attorney prior to reaching Council's consideration. Ms. Hiniker reminded the Council that a full code adoption of all 14 Articles will occur at the end of this review period, but as each Article is completed, it will be placed on the Council's agenda for review and comment at a more digestible pace. She explained this allows for the Council review and discussion along the way, and at the conclusion, staff will provide a summary of any significant policy changes prior to final adoption of a Code.

Ms. Hiniker explained that Article II has one notable change to the Administrative Offense Ordinance (Section 205), as a result of a 2019 City Charter Amendment establishing the ability to assess unpaid administrative fines. She explained that the edits define new procedures including appeal of administrative tickets and assessment of unpaid fines. Ms. Hiniker stated this Article will not actively be brought back to the Council unless requested, however, the Administrative Offense Ordinance will be called out among others when the revised municipal code is ready for final adoption to provide the public an opportunity for review and comment.

### B. Return to in-person meetings in the Council Chambers

Councilmember Biehn expressed desire to return to in-person City Council meetings, with the ability for in-person and zoom meetings combined so that others have the flexibility to attend. He relayed hearing positive feedback that remote participants feel more at ease speaking from home.

Council directed staff to review mixed media capability and mask protocols in preparation for a transition to in-person meetings.

## 12. COMMUNICATIONS FROM THE CITY MANAGER


- Work Session, Tuesday, April 20, 2021 at 6:00 p.m. regarding work of the Department of Natural Resources and also on the topic of Emerald Ash Borer and Boulevard Trees.
- Cerenity Senior Care has again requested permission for outdoor music as a result of the pandemic and staff intend to support that request unless they hear otherwise from the Council.
- Public Works Director / City Engineer Kauppi reported on the water meter bid opening next Tuesday and hopeful award of this project on an upcoming Council meeting.

### 13. ADJOURNMENT

There being no further business before the Council, it was moved by Councilmember **Walsh** seconded by Councilmember **Biehn** to adjourn the regular meeting at 8:55 p.m.

Biehn Aye  
Edberg Aye  
Engstran Aye  
Jones Aye  
Walsh Aye

Motion carried unanimously.

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

**ATTEST:**

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