



**MINUTES
REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF WHITE BEAR LAKE, MINNESOTA
TUESDAY, AUGUST 24, 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 7:02 p.m. The clerk took attendance for Councilmembers Doug Biehn, Steven Engstran, and Bill Walsh. Councilmembers Dan Jones and Kevin Edberg were excused. Staff in attendance were City Manager Ellen Hiniker, Community Development Director Anne Kane, Public Works Director/City Engineer Paul Kauppi, Finance Director Kerri Kindsvater and City Clerk Kara Coustry. City Attorney Troy Gilchrist attended via electronic format.

PLEDGE OF ALLEGIENCE

2. APPROVAL OF MINUTES

A. Minutes of the Regular City Council Meeting on August 10, 2021

It was moved by Councilmember **Engstran** seconded by Councilmember **Walsh**, to approve the Minutes of the August 10, 2021 City Council meeting as presented.

Motion carried unanimously.

B. Minutes of the Budget Work Session on August 17, 2021

It was moved by Councilmember **Biehn** seconded by Councilmember **Engstran**, to approve the Minutes of the August 17, 2021 City Council meeting as presented

Motion carried unanimously.

3. APPROVAL OF THE AGENDA

City Manager Hiniker replaced 4B with a presentation from the Rotary Club.

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

Motion carried unanimously.

4. VISITORS AND PRESENTATIONS

A. Rotary Club of White Bear Lake

John Channon with the White Bear Lake Rotary Club described a peace pole project proposed by the Rotary Club's Community Service Committee. He explained that the Rotary Club would

like to sponsor the purchase of two peace poles with hopes of placing one near the new Saputo Shelter at Bellaire Beach in White Bear Township, and the other in a park within the City of White Bear Lake. He described the pole as eight feet tall and containing the words, "May Peace Prevail On Earth", written in eight different languages. He stated that the Rotary has selected the languages of English, Spanish, Hmong, Russian, Mandarin Chinese, Korean, Ojibway and Oromo and indicated that Rotary Clubs around the world have already sponsored over 200,000 peace poles, the first being erected in Japan many years ago.

Mayor Emerson stated that Ramsey County is on Dakota land and thought the Dakota language would be important to include.

Public Works Director / City Engineer Kauppi stated that in consultation with the Park Foreman, Railroad Park contains locations suitable for placement of a peace pole that is away from underground utilities and could still easily be maintained.

Mr. Channon thanked Council for their consideration of this request. Mayor Emerson expressed gratitude for the work of the Rotary group.

B. Kyle Axtell, Rice Creek Watershed District Project Manager - Priebe Lake Outlet Structure Replacement Project Update

Environmental Specialist Connie Taillon introduced Kyle Axtell with the Rice Creek Watershed District, who gave a presentation on the Priebe Lake Outlet Structure Replacement Project. She expressed appreciation for the City's partnership with the Rice Creek Watershed District and for the work that Mr. Axtell has done on this project and many others.

Kyle Axtell provided a history of the outlet structure located at the northeast end of Priebe Lake, which was constructed to address routine flooding of homes around the lake as a result of a single-family development built on farmland in 1960. The outlet structure collects run-off from Priebe Lake, directs it through Mahtomedi, Hall's Marsh and Birchwood Village where it ultimately discharges into White Bear Lake.

Mr. Axtell reported that the Rice Creek Watershed District (RCWD) was established in 1972. In 1976 White Bear Lake and Birchwood Village petitioned the RCWD to design and construct an outlet for Priebe Lake. The outlet was constructed in 1979-80 costing \$600,000 (\$2 million in today's dollars) and was assessed to benefitting properties: \$400 - \$600 (lakefront \$1,200 - \$1,500). The pipe runs through three cities, two counties and parts are 40 feet below ground. He explained that except for some occasional maintenance done by the City of White Bear Lake, little has been done to maintain this structure to date but recent failures have led RCWD to complete a full-system condition assessment in 2020.

Mr. Axtell stated that RCWD has added the Priebe Lake Outlet structure to its watershed management plan as its own facility. He explained that the pipes are in good shape for their age, but the outlet structure needs to be replaced. With a relatively low cost of repair anticipated at \$80,000, the RCWD has decided to fund this repair without initiating a special assessment in this case. Mr. Axtell reported that active construction requires hard frozen conditions, expected to occur over two weeks in January or February 2022, with restoration of disturbed land in the spring. The site will be accessed between the homes at 2710 and 2716 Riviera N., and Mr. Axtell said the homeowners are agreeable to the work.

RCWD held a public meeting on July 14, 2021, for the purpose of funding repair of an

established capital project via a different statute than its original construction (103D vs. 103B). Public comments related mostly to water quality issues of Priebe Lake. Mr. Axtell described project benefits including reduction in structure failure, reduction in debris leaving Priebe Lake and a new ability to actively manage lake levels. This will allow for winter draw down of Priebe Lake, which will in turn kill off rough fish that contribute to poor water quality as well as provide access to consolidate organic sediments, improve the native plant community and disrupt the internal nutrient cycle in hopes of reducing algae blooms and improving water quality.

Mr. Axtell reported that a coffer dam will be constructed with a routine DNR public waters work permit. This will allow for dewatering in the immediate area of the construction without draining the entire lake.

5. PUBLIC HEARINGS

Nothing scheduled

6. LAND USE

A. Consent

Nothing scheduled

B. Non-Consent

1. Consideration of a Planning Commission recommendation for approval of a request by Bree, LLC for an Interim Use Permit for first floor office space at 4701 Banning Avenue (Case No. 21-1-IUP).

Community Development Director Kane explained that now with the ordinance in place creating the ability for interim uses, the owners of 4701 Banning Avenue are requesting an Interim Use Permit (IUP) to allow first floor office space in the downtown business district location of 4701 Banning Avenue. Ms. Kane explained that the tenant had moved in on June 2021 and the City Council, through creation of this interim permit process, found a solution to allow a non-retail business to remain in this location temporarily.

Ms. Kane explained this was a 5:1 vote of the Planning Commission with dissention expressed from a downtown business owner regarding the widespread application of an IUP. Ms. Kane stated there have been no additional inquiries into the IUP and condition #2 of this particular permit satisfies Councilmember Edberg's intent that this arrangement be temporary as the IUP expires on June 1, 2023.

For the comfort of colleague Councilmember Edberg, and for his own comfort, Councilmember Walsh restated that this is a unique situation and intended to be strictly temporary in nature.

It was moved by Councilmember **Biehn** seconded by Councilmember **Engstran**, to adopt **Resolution No. 12834** approving an Interim Use Permit for first floor office space at 4701 Banning Avenue.

Motion carried unanimously.

7. UNFINISHED BUSINESS

Nothing scheduled

8. ORDINANCES

Nothing scheduled

9. NEW BUSINESS

- A. Resolution declaring cost to be assessed and ordering preparation of proposed assessment roll and setting hearing on a proposed assessment roll for the 2021 Pavement Rehabilitation Project, City Project Nos. 21-01, 21-06 & 21-13

Public Works Director / City Engineer Kauppi stated that the next step in the public improvement process for the 2021 Pavement Rehabilitation Project is to order a public hearing for Council to consider the assessment rolls and to allow homeowners an opportunity to appeal their assessments. Mr. Kauppi stated that the residential pavement rehabilitation portion of this project is complete, with the next areas of the project being the Matoska boat launch parking lot and the Lakewood Hills Park parking lot – both of which are funded by the City.

It was moved by Councilmember **Engstran** seconded by Councilmember **Walsh**, to adopt **Resolution No. 12835** declaring cost to be assessed and ordering preparation of proposed assessment roll and setting hearing on a proposed assessment roll for the 2021 Pavement Rehabilitation Project, City Project Nos. 21-01, 21-06 & 21-13.

Motion carried unanimously.

10. CONSENT

- A. Resolution approving Change Order No. 1 to the Sanitary Sewer Lining Project to revise the scope of the project, City Project No. 21-07. **Resolution No. 12836**
- B. Resolution certifying private property assessment for recovery of city expenses. **Resolution No. 12837**

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

Motion carried unanimously.

11. DISCUSSION

- A. Reinstatement of utility bill late payments

City Manager Hiniker reported that as part of Covid-19 relief efforts, the City suspended late fees for utility bill late payments in 2020. She explained this was meant to be a temporary arrangement and asked for Council's appetite to reinstate late fees on utility bills. Ms. Hiniker noted that there were fewer late paying accounts in 2021 than had existed in 2018.

Councilmember Walsh inquired as to the status of City's CARES funding. Ms. Hiniker stated that there are still some CARES funding reserves remaining in the Economic Development Fund dollars which could be used for designated for relief efforts if the Council chooses.

In response to Councilmember Walsh, Ms. Hiniker stated that staff recommends reinstating utility bill late fees. She noted resident needing assistance with utility bills would still be referred to assistance programs available through the County.

There being general consensus from the Council, Ms. Hiniker indicated that formal approval to reinstate utility bill late fees will be brought forward at the next Council meeting.

B. Vacation of 5th Avenue between north side of Clarence Street south to north side of Whitaker Street

Community Development Director Kane explained that the heirs of Rose Tice are interested in developing the Tice property located at 1788 Highway 96, directly adjacent to Columbia Park in the Township and east of previously vacated 5th Avenue (a north/south right-of-way). While investigating this, staff discovered an error 44 years in the making in County recorded data.

Ms. Kane explained that in 1977 the residents abutting the 5th Avenue right-of-way petitioned the City Council to vacate the eastern part of that right-of-way. The Council at that time approved vacation of the northern portion of 5th Avenue between Highway 96 to the north side of Clarence Street, but not the southern portion of 5th Avenue between the north line of Clarence Street to the north line of Whitaker Street. Ms. Kane said the County recorded both vacations in error, but the southern vacation was quickly nullified on August 31, 1977, once the mistake was discovered. She explained that County and City maps from late 1990's and early 2000's showed the correct configuration, but at some point in the past 10-15 years, this recording error was somehow recreated and the full length of 5th Avenue was shown to have been vacated.

Ms. Kane stated that what staff and the Tice family are seeking today is to retain public right-of-way at the end of Clarence Street and the end of Park Street along 5th Avenue, but to go ahead and vacate the remaining southern portion of 5th Avenue. Ms. Kane explained this would allow for public access to the Tice parcel as well as to City owned property further south. This action, she explained, would trigger a public hearing and for that reason staff seeks Council's direction. She said many of the neighbors along Clarence have called the City with questions and concerns for a change in what they perceive to be open space, which has been owned and paid for in taxes by the Tice family through the years.

Councilmember Walsh received clarification that those property owners east of 5th Avenue have believed that land to be their land and if the City were to go ahead and vacate the southern portion, those property owners would indeed assume that land. At the same time, Ms. Kane explained, that the property owners at the intersections of Clarence and Park will likely be opposed to this action as they would not be retaining land they had thought was theirs all these years.

Councilmember Engstran asked why the City wouldn't take the same action at the most southern intersection at Hinckley Street, providing humor in an example that Councilmember Walsh might decide to sell the City owned property someday. Ms. Kane mentioned this land is swamp land and currently unbuildable, but with declining water tables in the region that could change in the future. She agreed to further consider the merits of this action.

There was general consensus by the Council for staff to schedule the public hearing on this matter.


12. COMMUNICATIONS FROM THE CITY MANAGER

- Metropolitan Council provided a summary of Census data on White Bear Lake population statistics in which the number of households and population has increased, however the persons per household has dropped. A more detailed presentation will be provided to Council at a later date.
- The ClimateSmart Municipalities delegation, including representatives from the School District and Councilmembers Biehn and Edberg, will be traveling to Lüdenscheid, Germany on September 11, 2021, to represent the City of White Bear Lake in its role as a partner in the ClimateSmart Municipalities program coordinated by the University of Minnesota and funded through a grant provided by the Federal Republic of Germany.
- Whitaker Street End —MnDOT completed the layout and design work for the pedestrian improvements and signalized intersection at Whitaker Street. Because this work will involve permanent closure of driveway access that comes off of Highway 61 north of the intersection into Alleycat's, state statute requires the presiding municipality to hold a public hearing for this improvement on MnDOT right-of-way. This will occur on September 28th due to statutory timing requirements, so prepare for a long meeting as this will also be the evening for the Truth in Taxation Hearing.
- Updates by Community Development Director Anne Kane
 - As a result of eight meetings with the Housing Task Force, staff will be distributing a packet with draft recommendations to the Task Force and City Council by the end of this week.
 - The Housing Task Force will meet next week to review those recommendations prior to the next Community Forum on Housing, Part 2 (in-person) on September 9th and at the White Bear Lake Area School District Center, and September 20th (online).
 - Community-wide surveys will follow in order to gain feedback from the broader sector of the community.
 - A review of those recommendations will be presented to the Council in October and a final report is expected in November, which will be the springboard for development of programs, policies and additional efforts.
 - Efforts will then be focused on initiating planning efforts for the County Road E Corridor with neighboring jurisdictions, in which Ramsey County provided a \$25,000 grant to study.
 - ACE Study – Arts, Culture and Education Study findings will also be brought to the Council this fall.
- Updates by Public Works Director / City Engineer Paul Kauppi
 - Drought conditions are still in place and the DNR has asked the City to continue to educate residents to refrain from outdoor use of water for pools and sprinkling. He referenced the City's website which contains links to the DNR for water conservation information.
- Mayor Emerson referenced the recent ribbon cutting ceremony and thanked Mr. Kauppi for the work done by the committee on the Erd-Geist Gazebo.

13. ADJOURNMENT


There being no further business before the Council, it was moved by Councilmember **Walsh** seconded by Councilmember **Engstran** to adjourn the regular meeting at 7:57 p.m.

Motion carried unanimously.



Jo Emerson, Mayor

ATTEST:



Kara Coustry, City Clerk