



**MINUTES
REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF WHITE BEAR LAKE, MINNESOTA
TUESDAY, SEPTEMBER 14, 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 attendance for Councilmembers Dan Jones, Steven Engstran, and Bill Walsh. Councilmembers Doug Biehn, 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 City Clerk Kara Coustry and City Attorney Troy Gilchrist.

PLEDGE OF ALLEGIENCE

2. APPROVAL OF MINUTES

A. Minutes of the Regular City Council Meeting on August 24, 2021

It was moved by Councilmember **Walsh** seconded by Councilmember **Engstran**, to approve the Minutes of the August 24, 2021 City Council meeting as presented.

Motion carried 2:0. Councilmember Jones abstained.

3. APPROVAL OF THE AGENDA

City Manager Hiniker pulled an item from the Consent Agenda and moved it to 9D.

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

Motion carried 3:0.

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 Level Up Academy for a Conditional Use Permit at 2600 County Road E (Case No. 21-7-CUP).
Resolution No. 12838

2. Consideration of a Planning Commission recommendation for approval of a request by Barbara McIntyre for a Special Home Occupation Permit at 3696 Glen Oaks Avenue (Case No. 21-1-SHOP). **Resolution No. 12839**
3. Consideration of a Planning Commission recommendation for approval of a request by Dan Louismet for a variance at 1980 3rd Street (Case No. 21-17-V). **Resolution No. 12840**

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

Motion carried 3:0.

B. Non-Consent

1. Consideration of a Planning Commission recommendation for approval of a request by Dang Properties for a conditional use permit at 921 Wildwood Road. (Case No. 21-9-CUP).

Community Development Director Kane explained that the property owner installed a chain link fence as a storage area behind the retail building at 921 Wildwood Road, without a permit and is consequently requesting a Conditional Use Permit (CUP) for open and outdoor storage as an accessory use. Because there is a fire connection located on the back wall in the area of the enclosure, staff recommended that the length of the enclosure be reduced to ensure visibility and access to that connection.

Ms. Kane explained that the code requires storage areas that abut residential property be screened with a planting strip or a fence up to 8 feet in height. She relayed staff's recommendation that the neighbor-facing portion of the enclosure (the north side) be removed entirely and replaced with a wood composite material or other neutral colored material such as PVC, which would provide a cleaner look and weather better than metal materials that dent and rust. The owner suggested removing the southwest corner of the enclosure, providing a 9 foot wide access opening for the fire department. Although not ideal, the Fire Department agreed with a condition that an illuminated sign be installed near the top of the building to help first responders find their connections.

Ms. Kane forwarded a 4:1 recommendation by the Planning Commission to approve a CUP at 921 Wildwood Road to allow open and outdoor storage as an accessory land use on the property.

At 7:18 p.m. Mayor Emerson opened the Land Use item for public comment. There being no comment, the public hearing was closed.

It was moved by Councilmember **Jones** seconded by Councilmember **Walsh**, to adopt **Resolution No. 12841** approving a conditional use permit at 921 Wildwood Road. (Case No. 21-9-CUP).

Motion carried 3:0.

7. UNFINISHED BUSINESS

Nothing scheduled

8. ORDINANCES

- A. Second Reading – Rezoning of two parcels: 35XX Rolling View Drive (PID #363022110026) from B-2 to R-3, and 35XX Rolling View Drive (PID # 363022110025) from R-B to R-3. (Case No. 21-3-Z)

Community Development Director Kane explained this is the second reading of a request to rezone two parcels for Level Up Academy. She reported that the subject site is comprised of four (4) parcels with three (3) different zoning districts, and the requested R-3 zoning district is compatible with the land use designations set forth in the 2040 Comprehensive Plan.

Ms. Kane forwarded a Planning Commission recommendation to rezone two parcels which front Rolling View Drive from B-2 (Limited Business) and R-B (residential business transition) to R-3 Residential, which will facilitate the combination of these parcels with the main parcel. She said that the Planning Commission supports the request as R-3 zoning is more compatible with the future land use designation than existing zoning designations.

In response to Councilmember Walsh, Ms. Kane explained that Level Up Academy has acquired a Conditional Use Permit to expand the building which houses this Charter School. She explained they will be adding several classrooms, modify parking lots to facilitate bus circulation and parking, and add a 5,800 square foot gymnasium.

It was moved by Councilmember **Walsh** seconded by Councilmember **Engstran**, to adopt **Ordinance No. 21-9-2050** rezoning two parcels: 35XX Rolling View Drive (PID #363022110026) from B-2 to R-3, and 35XX Rolling View Drive (PID # 363022110025) from R-B to R-3. (Case No. 21-3-Z)

Motion carried 3:0.

- B. First Reading – A City-Initiated text amendment to Zoning Code Section 1302.120, Subd.3.e, to allow special home occupations to be renewed through the administrative variance process. (Case No. 21-4-Z).

Community Development Director Kane explained that staff initiated this text amendment to the home occupation section of the code to allow special home occupations to be renewed through an administrative process. Doing so would allow neighbor and staff approval for these permit renewals beyond year one, rather than holding a formal public hearing process in front of the Planning Commission. Ms. Kane stated that in her 10 year tenure, there has only been one issue with a home occupancy permit in White Bear Lake.

After Councilmember Jones received confirmation that group homes do not fall under this type of permitting, Mayor Emerson noted this item will return for second reading on October 12, 2021.

9. NEW BUSINESS

A. Resolution approving an amendment to Addendum #1 of the Marina Management Contract

City Manager Hiniker explained that the City has a contract with White Bear Boatworks for operation of its marina. As part of that contract, Addendum A provides for storage of boats at the former Public Works site. Ms. Hiniker explained that through recent acquisition of land next to the newer Public Works facility, some of the City's equipment was able to be relocated, freeing additional storage space at the former Public Works site. Ms. Hiniker forwarded staff recommendation to approve an amendment to Addendum 1 of the Marina Contract in which White Bear Boatworks agreed to rent the additional land at a fee adjusted proportionate to the additional rental storage space.

It was moved by Councilmember **Jones** seconded by Councilmember **Engstran**, to adopt **Resolution No. 12842** approving an amendment to Addendum #1 of the Marina Management Contract.

Motion carried 3:0.

B. Resolution approving a Raingarden Construction Contract with Sandstrom Land Management, LLC

Public Works Director / City Engineer Kauppi explained that this item showcases a program available during street projects to construct homeowner maintained raingardens, which assist with water quality. He explained there was limited opportunity this year due to very little curb replacement, however, one homeowner expressed desire to obtain and maintain a stormwater raingarden.

Mr. Kauppi explained that the City acts as a conduit for a Raingarden Contract with 10% reimbursement by the homeowner and 90% reimbursement by Vadnais Lake Area Water Management Organization (VLAWMO) and Ramsey County Soil and Water Conservation District. He also noted that contained within this contract, the City assumed 50% of a raingarden repair expense, with the other 50% of the repair paid by the Rice Creek Watershed District. Mr. Kauppi thanked homeowners who participate in the raingarden program.

It was moved by Councilmember **Engstran** seconded by Councilmember **Jones**, to adopt **Resolution No. 12843** approving a Raingarden Construction Contract with Sandstrom Land Management, LLC.

Motion carried 3:0.

C. Resolution reinstating utility bill late fees

City Manager Hiniker noted discussion with Council during the last meeting about reinstating the 10% late fee assessed to delinquent utility accounts, which were waived by Council in the wake of COVID and the resulting economic impacts of the pandemic. She noted in a report by Finance that the number of delinquent utility accounts is fewer than those experienced in 2018. Citing this trend as encouraging for the local economy, Ms. Hiniker forwarded staff's recommendation to reinstate the 10% penalty on delinquent utility accounts.

It was moved by Councilmember **Walsh** seconded by Councilmember **Jones**, to adopt **Resolution No. 12844** reinstating utility bill late fees.

Motion carried 3:0.

D. Resolution authorizing live music on the outside patio of Beartown Bar & Grill.

Ms. Hiniker had asked to pull this item from the Consent Agenda in order to revise the date of approval, which was originally established for September 18, 2021, but no longer works. She explained that Beartown Bar and Grill would like to try outdoor live music one time this year to see the response from neighbors in anticipation of doing more live music events outdoor next year.

Councilmember Engstran, clarified the wording on the revised resolution would state that outdoor live music would be approved for (1) one Saturday, this fall.

It was moved by Councilmember **Walsh** seconded by Councilmember **Jones**, to adopt revised **Resolution No. 12848** authorizing live music on the outside patio of Beartown Bar & Grill, one Saturday, this fall.

Motion carried 3:0.

10. CONSENT

- A. Acceptance of Minutes: July Park Advisory Commission, July White Bear Lake Conservation District, August Planning Commission
- B. Resolution authorizing termination of a lease with Garden of Hope Montessori. **Resolution No. 12845**
- C. Resolution approving budgeted distribution to the White Bear Area Historical Society. **Resolution No. 12846**
- D. Resolution authorizing food truck for profit on public property in the Armory parking lot. **Resolution No. 12847**

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

Motion carried unanimously.

11. DISCUSSION

Nothing scheduled.

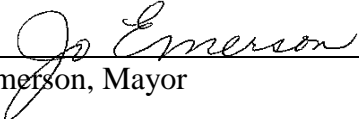
12. COMMUNICATIONS FROM THE CITY MANAGER

- Reminder: Ramsey County is hosting a virtual open house for the South Shore Boulevard Trail Design (Lake Links Trail) on September 30, 2021 at 7:00 p.m. The City Council will consider final design plans during the second meeting in October.
- Reminder: Work Session next Tuesday, September 21, 2021 at 6:00 p.m. to continue discussing the preliminary tax levy (budget) and review the Public Safety Building Renovation Project.
- Reminder: David Drown and Associates are in the process of putting together a calendar for review of City Manager candidates and asked Council to please keep October 20, 2021 available.
- Updates by Public Works Director / City Engineer Kauppi
The Water Meter Replacement Project is going well and Ferguson added another installer to assist with this work. He thanked residents for working with Public Works and Ferguson especially with regard to those requiring water to be shut-off. He encouraged folks to call and schedule their meter replacements when they receive the notice to do so.
- Updates by Community Development Director Kane
Approximately 25 people attended last week's in-person Housing Forum, which resulted in good conversation and input over recommendations set forth by the Housing Task Force. The virtual Housing Forum is next Thursday at 7:00 p.m. Prior to finalizing a report for Council to consider in November, the Task Force will continue to fine-tune the draft Housing Policy recommendations with additional public input planned in October.
- Annually, the Metropolitan Chambers of Commerce (eight in total) gather to recognize cities, projects and Elected Officials of Note. This year, Mayor Jo Emerson was selected by the group as the Elected Official of Note. In recognition of this honor, there will be a hybrid virtual/in-person luncheon on Thursday, September 23, 2021 at 11:30 a.m. in which Mayor Emerson will give a speech.

13. ADJOURNMENT

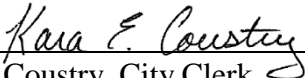
There being no further business before the Council, it was moved by Councilmember **Walsh** seconded by Councilmember **Jones** to adjourn the regular meeting at **7:39** p.m.

Motion carried unanimously.



Jo Emerson, Mayor

ATTEST:



Kara Coustry, City Clerk