



**MINUTES
REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF WHITE BEAR LAKE, MINNESOTA
TUESDAY, FEBRUARY 8, 2022
7:00 P.M. IN THE COUNCIL CHAMBERS**

1. CALL TO ORDER AND ROLL CALL

Mayor Dan Louismet called the meeting to order at 7:00 p.m. The City Clerk took attendance for Councilmembers Heidi Hughes, Kevin Edberg, Steven Engstran, Dan Jones and Bill Walsh. Staff in attendance were City Manager Lindy Crawford, Assistant City Manager Rick Juba, Police Chief Julie Swanson, Community Development Director Anne Kane, Housing and Economic Development Coordinator Tracy Shimek, Planning and Zoning Coordinator Sam Crosby, Public Works Director / City Engineer Paul Kauppi, 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 January 25, 2022

It was moved by Councilmember **Walsh** seconded by Councilmember **Engstran**, to approve the Minutes of the January 25, 2022 City Council meeting.

Motion carried unanimously.

3. APPROVAL OF THE AGENDA

It was moved by Councilmember **Walsh** seconded by Councilmember **Engstran**, to approve the Agenda as amended with removal of 4E.

Motion carried unanimously.

4. CONSENT AGENDA

- A. Acceptance of Minutes: November White Bear Lake Conservation District, December Environmental Advisory Commission, January Planning Commission
- B. Resolution approving a request by Keith Hisdahl for a setback variance at 1978 Highway 96 E.
Resolution No. 12933
- C. Resolution approving requests by Steve Anderson for two setback variances at 4881 Johnson Avenue. **Resolution No. 12934**
- D. Resolution approving a request by Cabin 61 for two variances located at 4150 Hoffman Road.
Resolution No. 12935
- E. ~~Resolution approving outdoor music at Beartown Bar and Grill~~

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

Motion carried unanimously.

5. VISITORS AND PRESENTATION

A. Welcoming and Inclusive Community Task Force Report

Housing and Economic Development Coordinator Tracy Shimek and former City Manager Ellen Hiniker introduced the Welcoming and Inclusive Community Initiative which was kicked-off in February 2021 by Mayor Emerson. They described the dedication of this 18-person Task Force and the importance attached to understanding diversity in the community and whether people feel welcomed and included in White Bear Lake.

A culmination of a year's worth of surveys, community conversations and extensive outreach efforts, the Welcoming and Inclusive Task Force presented their Report to the City Council, which demonstrated the City has growing diversity and changing demographics. Among the findings, it was discovered that connecting with residents can be challenging and there are a range of experiences and perspectives on how people feel about whether the community is welcoming and inclusive to them, including some who did not trust government to place value on their input. Contained in the report were recommendations from the Task Force for the City Council to consider in their continued efforts working toward equity and inclusion in the City of White Bear Lake including increased community engagement efforts, organizational and administrative systems and adopting an equity and inclusion lens for policymaking.

Mayor Louismet thanked Task Force members for their extensive work on this project. He views the report as a good snap shot of the City in which there are both pride points as well as room for improvement. With regard to follow-up, he said that the Council will continue conversations on this topic.

There was considerable discussion by Councilmembers in which it was generally agreed that more intentional follow-up by the City Council would be planned for August, especially related to budget and the suggestion of a potential commission on the topic of Equity and Engagement.

6. PUBLIC HEARINGS

Nothing scheduled

7. UNFINISHED BUSINESS

Nothing scheduled

8. NEW BUSINESS

A. Resolution denying a request by Jeff McDonnell / Tice Estate for a preliminary plan and planned unit development at 1788 Highway 96 E.

Community Development Director Kane reported the subject site, 1788 Highway 96, is located on the south side County Highway 96 just east of Columbia Park, and zoned R-4 Single and Two Family Residential. The property is 1.85 acres in size and contains a single-family residence encumbered by a 33 foot wide utility easement that runs north-south along the western property line and 60 foot wide utility easement that runs east-west through the property in line

with Clarence Street. These easements are how sewer and water are provided to the existing homes on Clarence Street.

Ms. Kane said, the owners of the Tice Estate would like to subdivide the site into 6 lots: one lot for the existing single-family residence, one shared lot for stormwater, and four duplex lots for a total of 8 new homes. Consequently, at the October Planning Commission meeting, the applicant requested a preliminary plat to subdivide one lot into six as well as both a Concept Stage and Development Stage approval of a Planned Unit Development (PUD). She explained that the Planning Commission had continued the case to allow the City Council time to make a decision regarding the 5th Avenue right-of-way issue. Since then, the 5th Avenue vacation has been resolved as the City Attorney concluded that the City continues to hold all of the right-of-way south of the north side of Clarence Street and the City Council decided that no further action was necessary. She said, Ramsey County has since corrected their maps.

Ms. Kane reported the applicant has proposed “envelope” lots in which, like a condominium, the units would be independently owned and the common areas - the lawns, the driveway and the stormwater pond – would be collectively owned. Since the October Planning Commission meeting, staff conducted additional research and discovered that without the “envelope” lot design, the site could only support two duplexes and two single-family residences due to the 33-foot wide drainage and utility easement that runs north-south along the west property line. The easement encumbers the property in such a way that, while sufficient square footage exists to support four duplex lots, the buildable area is pushed so far to the east that setbacks cannot be maintained.

Ms. Kane relayed that the majority of the Planning Commission echoed concerns of neighbors that this particular proposal did not fit with the existing character of the neighborhood. She forwarded the Planning Commission recommendation 4:2 to deny the request.

Councilmember Walsh received clarification that the planned unit development accounted for the utility easement in its design. He asked if the single-car garage concept is a market trend. Ms. Kane cited the recent Housing Analysis and Maxfield Housing Study, which identified that 40% of WBL homes are single-person households.

In response to Councilmember Hughes, Ms. Kane explained that in 1967, the City would have compensated the owners of the Tice parcel for acquisition of the utility easement for maintenance of Dillon’s Ditch. Regarding variances in which other homes in this neighborhood require 10 foot setbacks, Ms. Kane explained that although a PUD eliminates the need for a formal variance, it was not recommended for approval as it would require only allow a 5 foot of setback to the abutting residences to the east. Councilmember Hughes received clarification that, short of the fact that they do not have the lot width, the concept otherwise conforms.

Councilmember Jones made the analogy that ten pounds of sand is going into a seven pound sack with this design, noting that people and all of their stuff will be overflowing in this area onto the street.

Ms. Kane called to the Council’s attention that with a PUD and resulting Home Owners Association, provides greater controls to manage the outdoor impact in the neighborhood.

It was moved by Councilmember **Walsh** seconded by Councilmember **Hughes**, to adopt **Resolution No. 12936**, denying the preliminary plat and PUD at 1788 Highway 96 E.

Councilmember Edberg explained that another issue raised by the Planning Commission was the nature of this proposal was out of character with the surrounding neighborhood, in structure, size, density and related to parking. Having looked at the location, he agreed with the Planning Commission and supported their recommendation for denial.

Councilmember Walsh attending one of two Planning Commission meetings on this topic and supported their conclusion as well. Still, he supported development and hoped the developer would return with another concept that better fits the location.

Councilmember Hughes thought that the PUD would fix many of the issues raised by residents. Noting these homes are only 1100 square feet, she did not believe multiple people would live in them, nor that there would be too many vehicles as a result. She explained that all neighborhoods have the same issues raised in this case, but liked the control a PUD and resulting HOA would provide with this proposal. She explained that the builder can abandon the PUD, build two duplexes and two single-family homes, and leave neighbors and the City without any controls available to manage clean-up of the site and on-street parking.

Motion carried 4:1. Councilmember Hughes nay.

- B. Resolution approving a request by Wold Architects and Engineers on behalf of the City of White Bear Lake for site plan approval for the Public Safety Building renovation and expansion at 4701 Highway 61

Community Development Director Kane reported the Public Facilities zoning district requires Planning Commission review and City Council approval of significant capital improvements not including normal maintenance and other routine improvements. Last fall, the City Council authorized preparation of final plans and specifications for City's Public Safety Building, which were presented to the Planning Commission for review and approval in accordance with the City's Zoning Code last month.

To accommodate the planned building expansion, Ms. Kane said, the City purchased two residential lots west of the campus in the 1990's and vacated the Miller Avenue right-of-way between 2nd and 3rd Streets last fall, which extends both to the west and to the south, and a small bump out along the north side of the existing Public Safety Building. Ms. Kane explained that when a property is purchased for the uses allowed in the P- Public District, the parcels are automatically designated P – Public upon acquisition, so a formal rezoning is not required.

A description of the site plan provided by Ms. Kane includes construction of a police squad garage; replacement of the fire apparatus bay (constructed 1961) and incorporation of space to meet federal health and safety standards that prescribe separate zones for contaminated fire gear; addition of dorm room capacity to accommodate the City's new full-time, combination fire/ambulance response model; and a new 20' x 40' storm shelter off the existing Training Facility required by the State Building Code. Additional details are provided below.

New Fire Bay. Sized to accommodate modern equipment and show off the "old". Drive-thru access makes it safer for responders, equipment and general public. Modifications to the

current parking configuration in front the Public Safety building will improve access and provide visitor parking for the Public Safety Building.

Police Garage. The newly constructed Police Garage will provide indoor parking for 34 vehicles, including access to the two existing Sally Ports used for suspect booking. Vehicles will enter at the north (from 3rd St or Miller Ave) and exit using the same shared exit with the Fire Department onto 2nd St (with light at Highway 61). Today's police squads are equipped with technology and tools that need to stay warm in the winter and cool in the summer. With no indoor parking, squads are left idling and rotated through the current available indoor parking spots to keep them from getting too warm or too cold. In addition to indoor parking of squad vehicles, the Police Department has a general need for secure, indoor storage for evidence and equipment.

External. West of the new Police garage will be a new 45 space parking lot surrounded by a 6 foot fence with secured entrances at the north and south ends. The fence will be wrought iron in appearance along the north and south edges of the lot and solid along the western lot line to provide visual screening and buffering for the adjacent residential properties. A relocated trash and recycling enclosure will be included near the northeast corner of this parking lot.

Ms. Kane forwarded a unanimous recommendation from the Planning Commission to approve Wold's site plan proposal.

It was moved by Councilmember **Engstran** seconded by Councilmember **Jones**, to adopt **Resolution No. 12937** approving a request by Wold Architects and Engineers on behalf of the City of White Bear Lake for site plan approval for the Public Safety Building renovation and expansion at 4701 Highway 61

Motion carried unanimously.

C. Resolution accepting feasibility report and ordering public hearing for the 2022 Pavement Rehabilitation Project, City Project No. 22-01

Public Works Director / City Engineer Kauppi reviewed the scope of the 2022 pavement rehabilitation project, consisting of mill and overlay, pavement replacement and full reconstruction north of Highway 96 and west of Highway 61. The project also includes alley reconstruction, curb repair and reconstruction, sidewalk additions and utility work.

Mr. Kauppi described a vast network of sidewalks and trails in the project area and identified sidewalks that would be added to facilitate connections as identified in the Comprehensive Plan. For this project, three proposed segments of sidewalk would be constructed along Florence Street from Carolyn Lane to Fourth Avenue, along Karen Place from County Road 96 to Eugene Street, and along Fourth Avenue from County Road 96 to Birch Lake Avenue.

Mr. Kauppi forwarded a recommendation to adopt the resolution accepting the Feasibility Report and ordering the Public Improvement Hearing on March 8, 2022. Assuming Council orders the project and authorizes staff to receive bids, Council would award the project in April, construction would begin in May, and the Assessment Hearing would occur in fall. Mr. Kauppi

also noted there are approximately a dozen private water lines that may need to be swapped from lead pipe to galvanized pipe, which are the responsibility of the homeowner, but are addressed while the road is under construction.

Councilmember Walsh brought up concerns he has heard related to the sidewalks. He asked whether the sidewalk on Florence Street was on the north side, noting resident concerns that front yards are already close to the street. Mr. Kauppi said that a preliminary engineering scope revealed the north side minimizes tree loss, impacts to utilities, private improvements, topography, etc. Mr. Kauppi added that the sidewalk on Fourth Street is proposed on the east side with Podvin Park and Serenity, and the sidewalk on Karen is proposed on the west side due to topography.

It was moved by Councilmember **Engstran** seconded by Councilmember **Jones**, to adopt **Resolution No. 12938** accepting feasibility report and ordering public hearing for the 2022 Pavement Rehabilitation Project, City Project No. 22-01

Motion carried unanimously.

D. First Reading of a Water Meter Ordinance

Mr. Kauppi stated that these proposed amendments to Water Meter Ordinance 401.020 and 401.030 give authority to the City to charge two fees that were newly established in the 2022 Fee Schedule Ordinance. He recalled the City initiated a water meter replacement program in 2021 as prompted by the City's Water Meter Reading Company going out of business by the end of that year. Through bonding, he explained, 6,500 meters were contracted to be replaced by Ferguson Water Works so that the entire system is modernized to a drive-by radio read system. Such a system can be efficiently read by staff without the need to hire a meter reading company.

Mr. Kauppi added that water meters typically remain reliable for 15-20 years, but the majority of meters in the City are 25, some 30-40 years old. Mr. Kauppi noted that Ferguson Water Works completed replacement of approximately 95% of the system. He said they sent at least four notices and door knockers and there are still roughly 100-200 residents that have ignored the notices to date. He said, a handful of those residents did not want radio reads in their homes.

Mr. Kauppi explained, staff added a \$100/quarter non-compliance fee as a solution to address those unwilling to respond to the City's request to replace meters. The second fee was a \$50/manual read, which would be charged when meters cannot be read by driving by them – they require physically exiting the vehicle and use of special equipment for those reads. Mr. Kauppi explained this amendment would authorize the City to use those fees set forward in the fee schedule and proposed the second reading of this Ordinance for March 8, 2022.

Councilmember Jones stated that, even though we are collecting a fee for manual read cases, this is not a desirable practice.

Councilmember Edberg expressed concern over the last two paragraphs and what the City is requiring its residents to do to take care of their water meters, stating he has never received instructions from the City on meter maintenance. He asked for clarification in the Ordinance for exactly what residents' obligations are and if meters are to be replaced, what is the basis for cost. He was fuzzy on the City's authority and asked for more reasonable language.

9. DISCUSSION

Nothing scheduled

10. COMMUNICATIONS FROM THE CITY MANAGER

- A. Charter Commission withdrew its Charter Amendment until the group can discuss further the consistency of references to elections throughout the City Charter document.
- B. Capital purchases that came in under budget were purchased as follows: a new ambulance, three new picnic shelters for Lion's Park, roof replacement of the South Fire Station.
- C. Councilmember Jones presented the bear plaque to Community Development Director Anne Kane who has been a career planner for 28 years and who has worked to improve White Bear Lake for the past 10 years. On behalf of the Mayor and Council, he sincerely thanked Ms. Kane for her dedicated service to the City of White Bear Lake.

11. ADJOURNMENT

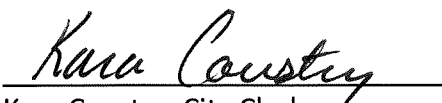
There being no further business before the Council, it was moved by Councilmember **Edberg** seconded by Councilmember **Walsh** to adjourn the regular meeting at 8:38 p.m.

Motion carried unanimously.



Dan Louismet, Mayor

ATTEST:



Kara Coustry, City Clerk