



**MINUTES  
REGULAR MEETING OF THE CITY COUNCIL  
OF THE CITY OF WHITE BEAR LAKE, MINNESOTA  
TUESDAY, APRIL 12, 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 Kevin Edberg, Steven Engstran, Heidi Hughes, Dan Jones and Bill Walsh. Staff in attendance were City Manager Lindy Crawford, Public Works Director / City Engineer Paul Kauppi, Finance Director Kindsvater, Planning and Zoning Coordinator Sam Crosby, Housing and Economic Development Coordinator Tracy Shimek, Environmental Specialist / Water Resources Engineer Connie Taillon, City Clerk Kara Coustry and City Attorney Troy Gilchrist.

**PLEDGE OF ALLEGIANCE**

**2. APPROVAL OF MINUTES**

A. Minutes of the Regular City Council Meeting on March 22, 2022

It was moved by Councilmember **Walsh** seconded by Councilmember **Hughes**, to approve the Minutes of the March 22, 2022 City Council meeting as presented.

Motion carried. Councilmember Engstran abstained.

**3. APPROVAL OF THE AGENDA**

Mayor Louismet corrected titles on Consent Agenda items 4G, 4H, 4I and added 8E.

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

Motion carried unanimously.

**4. CONSENT AGENDA**

- A. Acceptance of Minutes: January & February White Bear Lake Conservation District, February Environmental Advisory Commission, March Planning Commission
- B. Resolution approving use of Railroad Park Gazebo for a free concert by the 204th Army Band.  
**Resolution No. 12959**
- C. Resolution approving a temporary liquor license for a Church of St. Pius X fundraiser event.  
**Resolution No. 12960**
- D. Resolution approving transfer of off-sale liquor and tobacco licenses for Say, Inc. dba Summit Liquor. **Resolution No. 12961**
- E. Resolution approving a request by Jim & Lynn Dierking for a setback variance at 4743 Lake Avenue. **Resolution No. 12962**
- F. Resolution approving a request by James Sanchez for a minor subdivision at 5008 Stewart Avenue. **Resolution No. 12963**

- G. Resolution ~~accepting bids and awarding contract~~ authorizing advertisement for bids for the 2022 Bituminous Seal Coating Project, City Project No. 22-02. **Resolution No. 12964**
- H. Resolution ~~accepting bids and awarding contract~~ authorizing advertisement for bids for the 2022 Crack Sealing Project, City Project No. 22-03. **Resolution No. 12965**
- I. Resolution ~~accepting bids and awarding contract~~ authorizing advertisement for bids for the 2022 Sanitary Sewer Lining Program, City Project No. 22-04. **Resolution No. 12966**
- J. Resolution authorizing a municipal safety grant agreement between the City of White Bear Lake and Minnesota Department of Labor and Industry and requesting the safety grant allocation. **Resolution No. 12967**
- K. Resolution authorizing proposed master partnership contract between the City of White Bear Lake and Minnesota Department of Transportation. **Resolution No. 12968**

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. Law Enforcement Memorial Proclamation

Mayor Louismet declared May 11-17, 2022 as Police Week in the City of White Bear Lake and publically saluted enforcement officers in the community and across the nation. Mayor Louismet presented the proclamation to Chief Julie Swanson who relayed the importance of this recognition and added that Washington DC has an impressive memorial service in which one of her son's is participating in this year. Lastly, Chief Swanson called out the Ramsey County Memorial on May 19 at 10:00 a.m. in Roseville this year.

### B. Arbor Day Proclamation

Mayor Louismet proclaimed May 19, 2022 as Arbor Day in the City of White Bear Lake and called upon all White Bear Lake residents to participate in Arbor Day observance.

Public Works Director / City Engineer Kauppi reported on activities being planned by the Park Advisory Commission in observance of Arbor Day including a tree planting event at Weyerhaeuser Park to replace dead/diseased trees that were removed. He added that the Rotary Club has undertaken a Restoration project at Rotary Park to remove non-native, invasive trees and replace them with native trees.

### C. Recognition of departing Environmental Advisory Commission member – Robert Winkler

Environmental Specialist / Water Resources Engineer Taillon introduced Robert Winkler who served on the Environmental Advisory Commission since first being appointed in 2018. She relayed that in addition to numerous projects, Mr. Winkler helped plan the annual Environmental Resources Expo and was instrumental in coordinating the Metro Transit hybrid bus and the White Bear Seed Library exhibits. Mr. Winkler's environmental work has been showcased in the City's newsletter and VLAWMO blog. Ms. Taillon relayed her thanks and appreciation from the Environmental Advisory Commission.

Councilmember Jones was pleased to recognize Mr. Winkler for his year-round efforts to better the environment, in which his actions spoke louder than words. Councilmember Jones thanked Mr. Winkler for his service and relayed that the City is lucky to have him as a role model.

Mayor Louismet thanked Mr. Winkler for his volunteer service on behalf of the City Council and the citizens of White Bear Lake, noting the bear plaque is on its way.

## 6. PUBLIC HEARINGS

Nothing scheduled

## 7. UNFINISHED BUSINESS

- A. Resolution approving a request by the Pitlick's for a setback variance at 4264 Cottage Park Road

Planning and Zoning Coordinator Crosby recapped the Pitlick's request, noting that the applicant, at the request of Council, revised plans with an additional two foot setback. She updated their request as a 29.5 foot variance from the 35 foot setback along a side abutting a public right-of-way, in order to expand the residence northward by 24 feet. The revised plans were provided in the packet and at this time staff forwarded for Council's consideration the Pitlick's variance request with an additional two foot setback.

It was moved by Councilmember **Jones** seconded by Councilmember **Walsh**, to adopt **Resolution No. 12969** approving a request by the Pitlick's for a 29.5 foot setback variance at 4264 Cottage Park Road.

Councilmember Walsh stated this is a recognition that the plan could be adjusted further north. He added that Cottage Park is a unique neighborhood in which many homes are close to the curb and all the neighbors support each other, noting there was no opposition to either plan.

Motion carried unanimously.

## 8. NEW BUSINESS

- A. Resolution approving a request by Jeff McDonnell / Tice Estate for a preliminary plat at 1788 Highway 96 E

Having scrapped the initial PUD request, Planning and Zoning Coordinator Crosby reported that this new proposal is to build two twin homes and two single-family residences, without an HOA, consequently the applicant is requesting a preliminary plat to subdivide one lot into five lots. She explained that all of the lots meet the code for size, width and setbacks. She reported, the homes would tap into existing sewer and water mains, and stormwater would be directed to two new infiltration basins located on the west side of the property. Ms. Crosby stated that these basins will be maintained by the City and for this reason, there will be a curb cut for vehicular access at the end of the cul-de-sac, which will double as a pedestrian easement to access the Township park to the west.

Ms. Crosby reported that, during the public hearing, the applicant requested the pedestrian connection between the cul-de-sac and the Township park be paved, and asked to be alleviated

of the requirement to count Black Locust in the tree replacement calculation as they are listed as "restricted noxious weeds" by the MN Department of Agriculture. In response, the Planning Commission forwarded a unanimous recommendation which accommodated both of the applicant's requested changes.

Councilmember Hughes received clarification from Ms. Crosby that the developer would pay to pave the sidewalk. Councilmember Hughes also received clarification that, absent a PUD, the only housing constraints would be height and setback requirements, which could result in as many as 15 bedrooms within four lots and no control over the number of vehicles parking on the street or in driveways.

It was moved by Councilmember **Jones** seconded by Councilmember **Hughes**, to adopt **Resolution No. 12970** approving a request by Jeff McDonnell / Tice Estate for a preliminary plat at 1788 Highway 96 E.

Regarding tree removal to the east, Councilmember Walsh stated they provide a good buffer to the rest of the neighborhood and encouraged those trees not be removed if at all possible. He also would not have paved the sidewalk to the Township park, which Mr. Kauppi explained maintenance of that sidewalk would need to be coordinated by the City and the Township.

Councilmember Walsh asked for the vacation of the right-of-way south of Clarence be placed on a future agenda.

Motion carried unanimously.

B. Resolution approving a request by McNeely Music center for five variances at 4910 Highway 61

Planning and Zoning Coordinator Crosby reported, the applicant would like to demolish the existing building, which does not meet setbacks and parking stall requirements, and construct a new two story music center on generally the same footprint. Consequently, the applicant's plan would require issuance of five variances as follows:

- A 5 foot variance from the 10 foot east side-yard setback.
- A 6 foot variance from the 30 foot west side-abutting a public right-of-way.
- A 6 foot variance from the 30 foot front-yard (south) setback.
- A parking variance to allow 18 parking stalls.
- Exterior material variance to allow more than 50% of the aggregate wall area to be a metal panel in which the proposed building would be 100% metal on the south, east and southeast elevations. Combined with 45% north façade and 41% west façade, an overall total of 69% would be metal, cost contingent.

Ms. Crosby explained that the new facility would house a 4-room recording studio in the basement, four (4) teaching studios and a lounge/reception area on the main level, and five (5) teaching studios and a meeting room on the second floor. Further, the applicant's narrative states that recitals would only be scheduled when lessons are not occurring.

Regarding the exterior material variance, Ms. Crosby explained that because of the corrugated profile, it is difficult to differentiate the proposed material from generic sheet metal and there is no practical difficulty as to why the proposal cannot comply with code. Therefore, staff recommended denial of this particular variance, however, the Planning Commission recommended approval of the applicant's request. Ms. Crosby added that Bill Foussard, the owner of the White Bear Country Inn, provided a statement of support for this project. Since one of the five variances was added after the public notice was issued, staff recommended the Council open the floor to allow public an opportunity to speak on this item.

Mayor Louismet provided an opportunity for members of the public to speak on this item at 7:35 p.m. to which no one provided additional comment.

With regard to parking, Councilmember Jones mentioned that the City's parking lot, adjacent to the east, could provide over-flow parking if needed. Councilmember Walsh added that he was relieved to see the hotel provide support as they would be the ones most affected by use of the City's parking lot. Councilmember Edberg inquired as to the potential for other uses of this facility, which might exceed parking resources, to which Ms. Crosby explained that use of the facility drives the demand for parking and the applicant has a duty to adjust the facility use to alleviate parking issues as they arise.

Supporting this project, Councilmember Jones said this is a good addition to the Arts District and he appreciated this opportunity. Mayor Louismet agreed, noting that a modern state-of-the-art music center in White Bear Lake will be beneficial to the community.

It was moved by Councilmember **Walsh** seconded by Councilmember **Jones**, to adopt **Resolution No. 12971** approving a request by McNeely Music center for five variances at 4910 Highway 61

Motion carried unanimously.

- C. Resolution accepting bids and awarding contract for the 2022 Pavement Rehabilitation Project, City Project No. 22-01

City Engineer / Public Works Director Kauppi briefly recapped the scope of 2022 Pavement Rehabilitation Projects located west of Hwy 61 and north of Hwy 96, with 2 miles of mill and overlay and .9 miles of full reconstruction.

Mr. Kauppi reported that five bids were received for the 2022 Pavement Rehabilitation Project with Park Construction Company of Minneapolis submitting the lowest base bid at \$2,435,304.31. He said, bids also included alternates A1, A2, and A3 providing unit prices for private driveway work, should residents wish to pay for this work. He stated that if approved, construction would begin when road restrictions lift, approximately mid-May.

Mr. Kauppi forwarded staff's recommendation to adopt the resolution accepting the bids and awarding the contract to Park Construction Company for the base bid amount of \$2,435,304.31 plus Bid Alternates A1, A2 and A3 in the amount of \$92,650 for a total contract of \$2,527,954.31.

It was moved by Councilmember **Engstran** seconded by Councilmember **Jones**, to adopt **Resolution No. 12972** accepting bids and awarding contract for the 2022 Pavement Rehabilitation Project, City Project No. 22-01

Motion carried unanimously.

D. Resolution approving the sale of General Obligation Bonds for 2022 Street Improvement Projects

Finance Director Kindsvater stated that the 2022 Budget includes issuance of \$3,025,000 in improvement bonds, with a 15-year term to finance 2022 street projects. Ms. Kindsvater explained, the preliminary debt schedules prepared by Ehlers use the market rate for issuers with AA+ bond ratings as of April 12, plus an additional 25 bases points for potential interest rate fluctuations. She said, based on these criteria, the true interest cost for this bond issue is 3.126%, which is the actual cost of borrowing the funds.

Ms. Kindsvater reported that the annual debt service payment is estimated to be between \$237,000 and \$267,000 for the 15 year bond. She stated repayment comes from a combination of tax levy and assessments to benefiting properties, and after subtracting the assessment portion, annual tax levy repayment will amount to \$199,000 – \$203,000 over the 15-year period.

Ms. Kindsvater forwarded staff's recommendation to adopt the resolution authorizing Ehlers to assist in the bond sale, establishing May 10, 2022 as the meeting to consider the bond proposal and award of the bond sale, and authorizing Ehlers and staff to participate in preparation of the official statement for issuance of these bonds.

It was moved by Councilmember **Jones** seconded by Councilmember **Engstran**, to adopt **Resolution No. 12973** approving the sale of General Obligation Bonds for 2022 Street Improvement Projects

Motion carried unanimously.

E. Resolution authorizing Big Wood Brewery use of the public parking lot for a Special Event

City Manager Crawford reported that Big Wood Brewery requested to use part of the public parking lot behind their establishment, sufficient to place six picnic tables in a compact and contiguous manner for a special event on Saturday, April 23, 2022 from noon until 10:00 p.m. She explained this type of request has been approved in the past for a one-time, special event.

It was moved by Councilmember **Walsh** seconded by Councilmember **Jones**, to adopt **Resolution No. 12974** authorizing Big Wood Brewery use of the public parking lot for a Special Event.

Motion carried unanimously.

## 9. DISCUSSION

### A. Seating in public right-of-way

Housing and Economic Development Coordinator Shimek reported that during the onset of the pandemic the City worked in conjunction with local businesses, the Economic Development Corporation (EDC) and others to come up with creative ways to support local businesses. Due to restrictions specific to the restaurant industry, there were multiple ways the City tried to provide expanded spaces for people to safely dine outdoors including "Picnic in the Park" and an expedited administrative review process for considering requests to use public right of way (ROW) and private property to expand existing patios.

Ms. Shimek explained that the City continues to receive requests from businesses to use outdoor parking and public sidewalks. With COVID restrictions lifted, staff is seeking further guidance from the Council on how to respond to such requests as there is no codified review process in place.

Ms. Shimek reviewed examples of past approaches for approving use of outdoor seating in the public right of way in the City, one of them including a three-person review committee consisting of a staff person, the Main Street President and the Ward 2 Councilmember. Ms. Shimek clarified that staff would not recommend consideration of continued use of public parking spaces for outdoor seating, but if Council is amenable to request for use of ROW, staff would recommend codifying a review process.

Having spoken with the Main Street president, Ms. Shimek relayed that in the absence of indoor seating restrictions due to the pandemic, Main Street was not in support of expanded outdoor seating using public parking, but noted they would be amendable to a conversation regarding use of other ROW, and agreed to assist in whatever process the Council puts into place with regard to such requests.

Mayor Louismet relayed that all businesses will best be served with a consistent, fair and transparent review process regarding approved use of outdoor space. He encouraged a formalized, objective and evaluative process for fairness in consideration of future requests.

Councilmember Jones supports Main Street's stance that parking shall not be used for outdoor seating. He agreed that these approvals should be a formalized and regulated. He called into question free use of the City's sidewalk versus other businesses who spend significant money fixing outside patios.

Mayor Louismet added that sidewalk real estate may be a driving factor in this discussion as well.

Councilmember Walsh was onboard with a formal process, but stated that perhaps restaurants with large sidewalks would pay more in property tax due to higher valuation.

Councilmember Edberg stated he did not agree with continued use of parking for private use. He explained that a blanket process for the entire City may not be appropriate, given that different areas of the City have a very different functional use and feel. He favored a staff-

driven evaluative process as more transparent. Councilmember Edberg was not keen of fees for use of the sidewalk, however, a useful standard of pedestrian access should be maintained.

Councilmember Hughes agreed that a staff driven approach and more research would be helpful. She was open to fees as businesses would be adding square footage, which should not be given away for free.

Councilmember Jones added, restaurants are subject to SAC and WAC, and the City limits the number of tables and chairs in relation to parking.

Councilmember Edberg would like to know how the Metropolitan Council's SAC and WAC fees would apply in these cases, adding that seasonal considerations exist as well. He stated that the value of a property is related to the dollars generated, and he assumed that this would get capitalized into the business and subject that property to a higher valuation / tax rate.

Mayor Louismet agreed with Councilmembers Walsh and Edberg, assuming that a more desirable location would be valued more and result in higher property taxes. He recapped that staff should research this further for the ability of Council to set a policy of reviewing these types of requests.

#### 10. COMMUNICATIONS FROM THE CITY MANAGER

##### A. Quarterly Community Development Reports

In the absence of a Community Development Director, Ms. Crawford stated this year has been record setting for the Community Development, with meetings and large projects amounting to \$22 million for the total valuation in the first quarter 2022.

B. Ramsey County Bruce Vento Regional Trail community meeting in White Bear Lake City Hall on April 21, 2022 at 5:00 p.m.

C. Ground breaking for the Rooney Farm/Eco woods on April 21, 2022 at 1:00 at 1800 County Road E.

#### 11. 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 8:20 p.m.

Motion carried unanimously.

  
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Dan Louismet, Mayor

ATTEST:

  
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Kara Coustry, City Clerk