



**MINUTES**  
**REGULAR MEETING OF THE CITY COUNCIL OF**  
**THE CITY OF WHITE BEAR LAKE, MINNESOTA**  
**TUESDAY, JUNE 13, 2017**  
**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. Councilmembers Doug Biehn, Kevin Edberg, Steven Engstran, Dan Jones and Bill Walsh were present. Staff members present were City Manager Ellen Richter, City Engineer Mark Burch, Community Development Director Anne Kane, City Clerk Kara Coustry and City Attorney Roger Jensen.

PLEDGE OF ALLEGIANCE

**2. APPROVAL OF MINUTES**

It was moved by Councilmember **Engstran** seconded by Councilmember **Edberg**, to approve the Minutes of May 23, 2017, as presented.

The motion carried unanimously.

**3. APPROVAL OF THE AGENDA**

It was moved by Councilmember **Jones** seconded by Councilmember **Biehn**, to approve the Agenda as presented.

The motion carried unanimously.

**4. VISITORS AND PRESENTATIONS**

**A. Swearing in Officer Ryan Sheak**

Chief of Police Julie Swanson introduced Ryan Sheak, a graduate of White Bear Lake High School, and the City's newest Police Officer. Ryan joined the City's Police Force in 2015 as a part-time Community Service Officer, with the long-term goal of pursuing his dream of becoming a Police Officer. He returned to college and took a Security position at Woodwinds Hospital.

Police Chief Swanson stated Ryan is extremely positive and always has a smile, and he is a team player as well, which are great attributes for a Police Officer. The Oath of Office was administered by City Clerk Kara Coustry, and observed by Ryan's wife, Amber, and their children, Donovan, Sidney and Weston. Officer Sheak's badge was pinned by his grandfather.

**5. PUBLIC HEARINGS**

**A. First reading of a request by Spade Landscaping to amend the text of the B-3 zoning district to allow contractor's yards as a conditional use. (17-3-Z)**

Community Development Director Kane explained that a text amendment was initiated by Spade Landscaping, a local company looking for a business location within White Bear Lake. Spade

Landscaping has expressed an interest in the commercial site south of the City's Public Works facility. The text amendment specifies that certain parcels within the B3 district may be appropriate as Conditional Uses and subject to the CUP approval process. A condition has been included that such properties must be internal sites and not highly visible locations. The second reading of this Zoning District text amendment is scheduled for the City Council's July 11, 2017, Regular Meeting.

## 6. LAND USE

### A. Consent

1. Consideration of a Planning Commission recommendation for approval of a request by Therese Picha for a Special Home Occupation Permit for the property located at 3390 Auger Avenue. (17-2-SHOP). **Resolution No. 12041**
2. Consideration of a Planning Commission recommendation for approval of a request by Cox Contracting on behalf of David & Lynn Howe for a setback variance to construct a new single-family residence for the property located at 4935 Johnson Avenue. (17-12-V). **Resolution No. 12042**

It was moved by Councilmember **Biehn** seconded by Councilmember **Walsh**, to adopt the Consent Agenda as presented.

The motion carried unanimously.

### B. Non-Consent

1. Consideration of a Planning Commission recommendation for approval of a request by Meghan Master for a Special Home Occupation Permit (SHOP) for the property located at 2268 Sierra Drive. (17-1-SHOP)

Community Development Director Kane explained that this matter was reviewed by the Planning Commission in May 2017. A letter of opposition was received from Ed Bullis, a neighbor. The applicant, Meghan Master, is requesting a Special Home Occupation Permit (SHOP) for an in-home hair salon service at 2268 Sierra Drive, which is zoned R-4, and contains a single-family home with a detached two-car garage. Since this is the first application for this type of permit, a one-year trial period is required, and renewal would require another application and City Council approval.

Ms. Kane explained parking for the salon would be limited to the applicant's driveway. The applicant's clients will be scheduled one at a time. The permit would not run with the land, and is not transferrable.

Councilmember Walsh requested clarification regarding the location of Mr. Bullis' house. Community Development Director Kane stated Mr. Bullis' lives at 3982 McKnight Road.

It was moved by Councilmember **Walsh** seconded by Councilmember **Engstran**, to adopt **Resolution No. 12043** approving of a request by Meghan Master for a Special Home Occupation Permit for the property located at 2268 Sierra Drive.

Mayor Emerson opened the public hearing at 7:14 p.m.

Ed Bullis, 3982 McKnight Road, stated that his property is adjacent to the applicant's property, and it is a residential area. He asked whether the applicant would be allowed to do so in the future. He noted she has stated that she intends to grow her business, and he does not believe that should be allowed to happen in a residential neighborhood. There is a 5-foot fence between their two properties, and the applicant's back door is 40 feet from his back door. He added clients will be entering the applicants' home through the back door and he will not have any privacy in his back yard. He requested that the City Council deny the application for a home business.

Mayor Emerson closed the public hearing at 7:16 p.m.

Councilmember Walsh stated he appreciates Mr. Bullis' comments, and as this is a one-year permit, he asked that the Council receive updates from staff on this application regarding neighborhood traffic and any other issues.

In response to Councilmember Biehn, Community Development Director Kane stated no complaints have been received for similar home occupations. She added a home-based landscape business was reviewed due to neighbor complaints, but the issues were resolved and there have been no further complaints.

Councilmember Biehn asked whether signage could be restricted. Community Development Director Kane stated the newly adopted sign code allows up to 8 square foot signs for all residential properties, so it would not be appropriate to restrict signage in this type of permit application.

Councilmember Edberg stated he is sensitive to the idea that the proposed occupation will interfere with Mr. Bullis' right to privacy in his back yard. He asked whether it would be acceptable to require clients to enter through the front door. Community Development Director Kane agreed.

Councilmember Jones stated he would support a condition that clients must use the front door but cannot support a sign for a business in a residential neighborhood.

Megan Master, 2268 Sierra Drive, stated she has indicated in her business proposal that she is not interested in having a sign, and she would be fine with that condition. She added her business will be by appointment only, and she can inform clients before they come to use the front door.

It was moved by Councilmember **Walsh** seconded by Councilmember **Engstran**, to adopt **Resolution No. 12043** granting a Special Home Occupation Permit for Meghan Master, 2268 Sierra Drive, with the following additional conditions:

- No exterior signage will be allowed for the home occupation for the one-year trial period
- Clients must enter the home occupation through the front entrance

The motion carried unanimously.

2. Consideration of a Planning Commission recommendation for approval of a request by Tally's Dockside for a Conditional Use Permit Amendment to expand the restaurant seating to the east side of the road, with a maximum of 125 seats on "Music by the Water" nights: Wednesdays, Fridays and Saturdays, Memorial Day through Labor Day for the property located at 4441 Lake Avenue South. (17-3-CUP)

Community Development Director Kane reviewed an application from Tally's for a Conditional Use Permit amendment to expand the existing restaurant to the east side of the road with a combined maximum of 85 seats on "non-music nights" and 125 seats on "music by the water" nights.

Ms. Kane provided background, stating that Tally's was first provided a Conditional Use Permit in 1992 to allow for rental of boats and some transient slips for gas. No parking was required for this expansion at the time. In 1999, the CG Hooks side of the property was rezoned from B-4 to B-6 and a CUP was granted to expand the "marina" operation to include 42 seasonal rental slips. This CUP imposed a parking requirement of 10 spaces on the marina use.

In 2003, the City rezoned the property from B-6 to a Lake Village Mixed Use District (LVMU). Sometime between 2003 and 2005, the boat business was converted to an ice-cream shop, which was originally permitted for walk-up service only. The ice cream shop added seats in 2005 and an agreement was entered into with the White Bear Shopping Center for parking. In 2007, the lease with White Bear Shopping Center expired and the applicants expanded their on-site parking by 4 stalls. In 2008, a cooker/smoker was added and the restaurant CG Hooks was established. The establishment of this restaurant required an amendment to the Conditional Use Permit for this property, which allowed 12 outdoor seats in the summer for which parking was accommodated.

In 2013, the business changed from a 3.2 beer license to a Strong Beer/Wine license. The Conditional Use Permit was not amended to reflect the expanded seating that was triggered by this change. In 2014, the business upgraded from a Strong Beer/Wine license to a Full Liquor license; again, a CUP Amendment was not processed to accommodate the expanded seating.

Currently, Tally's/CG Hooks has 31 parking stalls: 9 in the CG Hooks parking lot, 20 in the municipal ramp and 2 at the Whitaker Street end; 10 of those stalls are required for the marina, which leaves 21 for the restaurant/patio seating. After application of the 20% parking reduction allowed for in the LVMU zoning district, 63 seats are accommodated through existing parking.

The Planning Commission reviewed the applicants' request for 85 seats on "non-music nights" and 125 seats on "music by the water" nights at its meeting on May 22, 2017. Based on the actual parking available, staff recommended that seating on non-music nights not exceed 63. In order to bridge the 62-seat gap on music nights, 25 additional parking spaces would be required.

As an interim solution to accommodate the required additional seating, the Planning Commission recommended that at least 25 stalls be provided on the former Public Works site, located across Highway 61. A shuttle bus could be employed to transport customers back and forth between the business and off-site parking. Once the season is over, this would be re-evaluated, and if successful, extended for several years. If it is not utilized, it will be incumbent upon the applicants to secure parking elsewhere or reduce the number of seats to comply with available parking.

Staff had originally recommended a condition restricting rental of boats after 4pm on music nights - that was very concerning to the applicants and the Planning Commission supported continued boat rental availability on those evenings. At a subsequent meeting with the applicants, a consensus was reached that seating on boats would be counted towards the total of 125 seats.

Staff also expressed concern regarding the overflow of patrons coming from Tally's out onto the trail and right of way adjacent to the main entrance. The Planning Commission supported a condition that a dedicated staff person be stationed at the entrance to ensure that alcoholic beverages served by Tally's remain on the premises. The Planning Commission also supported allowing music to be amplified, with the condition that noise levels not create a nuisance to area businesses or residents and/or violate the City's noise ordinance

In early May 2017, staff inspected Tally's, as well as two neighboring restaurants, Acqua and Admiral D's, both of which exceeded allowable seating counts. City Staff indicated that these discrepancies will also be addressed.

Tally's owners, Keith and Jan Dehnert, sought approval for patio improvements, replacing rocks and pavers with a wooden deck, that will provide a more accessible surface. The proper permits have been issued, and work has begun on the deck replacement project.

After a lengthy public hearing, the Planning Commission recommended denial of the applicants' request for 85 permanent additional seats on non-music nights, and 125 seats on music nights. However, the Planning Commission agreed that additional seating can be accommodated through an arrangement for off-site parking, and forwarded unanimous approval of Tally's Conditional Use Permit reflecting this request on an interim basis.

Community Development Director Kane stated the City Council had received detailed minutes of the public hearing. Some public comments related to the applicants' liquor license, which is not addressed under this application, and can be clarified by City Manager Richter.

City Manager Richter stated there was discussion during the Planning Commission meeting regarding Tally's liquor license, and whether alcohol could be served on their boat dock. The Minnesota Department of Public Safety's Office of Alcohol and Gaming Enforcement has since clarified that service of alcohol is not allowed on boat docks used for conveyance, as boats are defined as motor vehicles. Ms. Richter stressed the importance of restricting alcohol consumption to Tally's premises.

City Manager Richter stated White Bear Lake Conservation District (WBLCD) regulates the number of allowable marina slips and dock configuration, but does not directly review parking availability for proposed operations when considering applications. Historically the WBLDC conducts their review process without involvement from the City, but they have agreed, moving forward, that the City will review parking requirements for marinas and related facilities prior to final consideration of permit applications.

Mayor Emerson opened the public hearing 7:41 p.m.

Helen Peterson, 5011 Lake Avenue, stated the restraints related to serving alcohol that the City has put on Tally's should apply to all local businesses. She added that Acqua serves alcohol onto pontoons. She noted it should be fair across the board.

Ms. Peterson stated the parking restrictions that are being put in place will have to be reviewed again when development occurs, and new businesses and restaurants open. She added there will only be more parking problems. She noted the parking shuttle should be available for use by all waterfront businesses, not just Tally's.

Mary Voss, 3415 Bellaire Avenue, stated she has seen many people park at Tally's and go into

Acqua. She noted the City should be very proud that the lakefront it is such a popular place. She asked how to control food that is ordered at Tally's and taken out onto people's boats.

Mayor Emerson stated food service is not an issue that is related to this application and is not prohibited.

Mayor Emerson closed the public hearing at 7:45 p.m.

Councilmember Walsh requested clarification regarding signs for the proposed parking shuttle. Community Development Director Kane stated signs are proposed to be placed in strategic areas to encourage Tally's patrons to park in the remote parking area first. She added the term "overflow parking" will be avoided as that implies patrons would only use it as a last resort. She noted the signs are small, 6-foot square A-frame style signs that can be set up in the right-of-way.

Councilmember Walsh requested clarification regarding the Planning Commission's recommendation related to the porta-potties. Community Development Director Kane stated that was a staff recommendation based on several considerations: the porta-potties were anticipated as a temporary solution until permanent facilities could be built, public restrooms have since been constructed and are within 500 feet. It was suggested at the Planning Commission meeting that a more permanent solution be identified at some point in the future. She noted a porta-potty would not be permitted under the current Building Code.

Councilmember Jones stated the location of restrooms and porta-potties could be a separate issue to be addressed after the season. Councilmember Walsh agreed, but added he hoped to get a sense of the Planning Commission's reasons for striking staff's recommendation regarding that aspect of the application.

Community Development Director Kane stated the Planning Commission did not review issues related to leased areas as that is a consideration for the City Council, and leased areas will be examined in more detail later in 2017.

Councilmember Jones asked whether the proposed parking requirement of 63 spaces on non-music nights includes seating on parked pontoons, as well as kayaks and boat rentals. He added 63 seats seems to be an appropriate number for regular non-music nights.

Community Development Director Kane stated it is her understanding that pontoon seating is incorporated into the total seats requirement on music nights. She added there is a trade-off of patio seating.

City Manager Richter stated City Staff researched the initial CUP in 1992, which refers to the rental of a specific number of boats with no parking requirements. She noted the number under consideration tonight may not mirror that which was initially contemplated in the 1992 CUP. She stated City Staff will be working with the applicants over the summer to determine the impact of parking, and closely monitor the parking situation in advance of the White Bear Lake Conservation District's permitting process for the 2018 season.

Community Development Director Kane stated Condition #5 of the Resolution includes language agreed upon by the applicants, that encourages boat renters to carpool from the remote parking area on music nights. She added patrons who call to make a reservation will be encouraged to use the remote parking area.

Councilmember Edberg asked whether staff has any indication as to whether this experiment in process will produce a solution, and what is staff's perspective regarding the longevity of this agreement. He asked how staff will determine in September whether the interim trial period was a success, or whether there will be a need for further conversation.

Community Development Director Kane stated the conversation will be on-going throughout the summer, not just in September. City Staff will be meeting with the applicants regularly so it can be determined whether or not the interim solution is working. She noted data will include the number of cars using the remote lot, as well as the total daily number of passengers on the shuttle during peak travel times.

Councilmember Jones stated the current CUP allows for 12 seats, which obviously needs to be adjusted. He added he supports this trial period. He noted the CUP does not include music, although he understands the importance of Tally's to the community. He expressed his appreciation of the Planning Commission, which is a group of volunteers, doing the volunteer work that they have been asked to do. He added they put up with a lot of criticism and complaints.

Councilmember Biehn stated he agrees with Councilmember Jones' sentiment that the Planning Commission took a lot of grief on this request. He added he received more correspondence from residents on this issue than on any other issue since he joined the City Council. He noted he appreciates Tally's contribution to White Bear Lake's unique waterfront.

Councilmember Biehn stated he has fielded several complaints about music at Tally's, and he visited nearby residents when there was no music, and conversations at Tally's could be heard. He added he also went to Tally's while there was music, and he could carry on a conversation. He noted this indicates that the music is not too loud.

Councilmember Biehn stated the issue of parking is important to him, as it will have a major impact on other businesses near Tally's. He added while he agrees with proposed plans for a parking shuttle, he strongly encouraged the applicants to give some sort of discount coupon to parking shuttle users. He noted this will limit the number of coupons to the number of shuttle users, and provides a way to get head counts on parking shuttle usage.

Councilmember Walsh stated this temporary parking solution will be a good test for the summer. He added Tally's is an important part of the lakefront community, and it is incumbent upon the applicants to work to resolve the issue. He noted he believes the parking shuttle is a good idea, and he suggests that restaurant staff and the music performers be required to use the parking shuttle.

Councilmember Walsh stated this interim solution must work for all the businesses in the area. He added he will vote to approve the request, on an interim basis for the summer, but the City Council will be watching it closely. He encouraged Tally's patrons and other residents who enjoy the lakefront music and activity to use the parking shuttle.

Councilmember Jones stated, in his opinion, it is too much to go from a CUP that does not include music nights and allows for only 12 seats, to 125 seats 3 nights of the week to accommodate music. He added he has received emails and comments from residents expressing the importance of keeping music, but he does not understand the need to double the seating for music. He added that he is hopeful, yet doubtful, that the parking shuttle will be

effective. He noted he would support an incentive for using the shuttle service.

Councilmember Jones stated music could be limited to one weekday night and one weekend night. He stated going from 12 seats to 125 seats is a significant increase, and he cannot support it. He added he would support 63 seats on non-music nights, with a requirement for a parking shuttle on music nights. He noted it is his understanding that the City's liquor license stipulates that serving liquor to patrons off the premises is not permitted, which would include boaters on the dock who walk up to the bar and back to their boat.

City Manager Richter stated that is correct, although restaurant staff may walk back and forth from CG Hooks to Tally's on either side.

Councilmember Edberg stated some individuals arrive on boats and bring their own liquor. He asked for clarification regarding the appropriate legal behavior in that type of situation.

City Manager Richter stated boaters who have liquor on their boats are not regulated by the City.

In response to Councilmember Edberg, Community Development Director Kane stated that food service is not restricted on the docks. Councilmember Edberg stated these standards should be applied to and upheld by all businesses.

Councilmember Edberg stated he believes that people who are making their way through the streets and along the trail should not be impeded, regardless of whether there is music being played. He asked whether the proposed seating is adequate to ensure that individuals are not congregating in the street or on public trails. City Manager Richter confirmed this.

Councilmember Edberg stated the Planning Commission had discussed removing requirements for amplification, which is not up for review under the CUP. He added loud music, either amplified or not, could violate the City Noise Ordinance. He noted, in his opinion, it is not acceptable for patrons at one restaurant to be subjected to music from another restaurant. He expressed concern that the City's Noise Ordinance should be strictly enforced.

Councilmember Edberg encouraged staff to be proactive and ensure local businesses' compliance with the City's Noise Ordinance.

Councilmember Edberg asked whether it might be possible for the City to assign parking spots to local businesses on certain nights, so that there is confluence between where people are parking in relation to where they are going.

City Manager Richter stated local businesses have expressed an interest in that type of arrangement. She added that staff is working with impacted businesses to potentially designate a limited number of parking spaces in the ramp.

Councilmember Edberg stated if businesses have paid for parking spots for their customers, there should be a mechanism in place to ensure that is enforced.

Councilmember Edberg stated there has been discussion about incentives for people to use the proposed parking shuttle. He added he would support that but would leave it to the business owners to decide what their strategies will be. He stressed the importance of successfully resolving both issues – inappropriate use of existing parking spaces and utilization of remote



parking.

Councilmember Edberg stated he will support the proposal to allow up to 125 seats at Tally's on an interim trial basis to be re-evaluated after the summer season.

Councilmember Walsh asked whether the total available parking includes the two on-street parking spaces near Tally's. Community Development Director Kane confirmed this and stated there was discussion about having Tally's staff or owners park in those spaces so there would not be a high turnover of parking along the busy trail.

Councilmember Walsh requested clarification regarding parking for Tally's customers in the marina. Community Development Director Kane stated Tally's met their parking requirement when the 42-slip marina was approved, and leased the spots from the City when the Boatworks was under-utilized, and now provide for 10 spaces in the shared public ramp.

Councilmember Walsh stated 125 seats are being requested by Tally's for music nights, but available parking is insufficient without the proposed off-site parking and shuttle. He added he supports the use of temporary signs at the shuttle stop locations. He noted he will support the request and will look forward to reviewing the results of the interim parking solution in the fall.

Mayor Emerson stated the City owes it to Tally's to try it and see how it works.

Councilmember Jones asked whether the City Council would make such accommodations for another business. He noted the request does not adequately address the parking issue nor the impact to surrounding businesses.

Councilmember Engstran asked whether Tally's currently has security staff on duty on busy nights to ensure that alcohol does not leave the premises.

City Manager Richter stated it is a condition of approval that Tally's have staff to monitor the entrance, but there is no further detail.

Councilmember Engstran stated he visited Tally's last week, and he saw 15-20 people walking around outside of Tally's with alcoholic beverages that came from Tally's. He added his concerns about the behavior he observed of a Tally's staff member. He asked what will be required of Tally's to ensure that there is designated staff monitoring the door, and how this problem will be fixed.

Keith Dehnert, owner of Tally's, indicated that he and his wife Jan have monitored the entrance for the past few summers.

Councilmember Engstran expressed his concern that their monitoring has not been effective and another employee should be designated for that purpose, perhaps an off-duty officer.

Councilmember Jones stated he would support a condition that that a designated staff person must monitor the entrance on music nights, and other times when Tally's is busy. He added signage could be considered if this continues to be an issue, indicating that alcohol consumption is strictly prohibited outside the premises, on both the road side and the lake side.

Mr. Dehnert stated it is difficult to monitor alcohol that people bring from their boats onto the

dock and boardwalk. He added other lakefront businesses have this same problem, and it is not an issue that Tally's can resolve on its own as part of this application.

Councilmember Biehn stated he has worked off-duty law enforcement, and he does not believe that the size and scope of the venue merits the need for an off-duty law enforcement officer. He added this application has brought a new level of attention to the lakefront area businesses, and will be addressed again if the interim solution is not successful. He noted he believes the interim solution will work, and that Tally's should have an opportunity to grow their business.

Councilmember Biehn stated that designated security staff other than the owners should monitor the entrance. He added it is difficult for them to manage the business while successfully prohibiting patrons from taking their alcoholic drinks off the premises.

Councilmember Edberg stated he supports the interim solution so the Dehnerts have an opportunity to make it work. He added the standards have been set and will be reviewed again at the end of the summer.

Councilmember Jones stated this request, if approved, will set a bad precedent for other businesses. He expressed concern that the applicants are taking three steps instead of one.

Mayor Emerson stated City Staff is addressing these concerns with other lakefront businesses, as these are issues that they face as well, and Tally's is not being singled out.

Councilmember Jones asked the applicant why he wants to double in size. Mr. Dehnert stated the demand is there, and he wants to expand his business. He added there are many patrons who come to Tally's but do not arrive by car and do not require parking.

Councilmember Jones stated the applicants want to increase seats to 125 on 40% of the nights they are open, because they want to make a bigger profit. He noted the City Council has worked with the applicant over the years as Tally's has grown and expanded but believes this reaches too far.

It was moved by Councilmember **Walsh** seconded by Councilmember **Biehn**, to adopt **Resolution No. 12044** denying a Conditional Use Permit amendment for 4441 Lake Avenue South and **Resolution No. 12045** approving a request for a temporary Conditional Use Permit to expand restaurant seating to the east side of Lake Avenue, to be revisited again in September 2017.

Councilmembers Walsh, Biehn and Edberg: aye. Councilmember Jones and Councilmember Engstran: nay. The motion carried 3-2.

**7. UNFINISHED BUSINESS**

Nothing scheduled

**8. ORDINANCES**

Nothing scheduled

**9. NEW BUSINESS**

- A. Resolution accepting work and authorizing final payment to MINNCOR Industries for dock system at the White Bear Lake Municipal Marina (City Project No. 16-08)

City Engineer Burch stated the balance of payment to MINNCOR Industries for the new 160-slip dock system at the Boatworks is due, and requested the City Council's authorization of payment. He added the total project cost was \$528,797, and a partial payment was made of \$72,444 was made in January 2017, leaving a balance of \$456,353.80.

City Manager Richter stated MINNCOR is completing an addition to the 7<sup>th</sup> Street Docks that will be delivered on June 23, 2017. City Engine confirmed this, adding an extension was ordered to replace an old dock section for the swimming beach.

It was moved by Councilmember **Biehn** seconded by Councilmember **Engstran**, to adopt **Resolution No. 12046** accepting work and authorizing final payment to MINNCOR Industries for dock system at the White Bear Lake Municipal Marina, in the amount of \$456,353.80.

The motion carried unanimously.

## 10. CONSENT

- A. Resolution approving business licenses through business cycle ending March 31, 2018. **Resolution No. 12047**
- B. Resolution approving the Mayor and City Manager to execute the NYFS contract **Resolution No. 12048**
- C. Resolution approving use of Railroad Park for Special Team Charities "Fed and Wed" event. **Resolution No. 12049**
- D. Acceptance of April Park Advisory Commission Minutes; April Environmental Advisory Commission Minutes; May Planning Commission Minutes

It was moved by Councilmember **Biehn** seconded by Councilmember **Edberg**, to approve the Consent Agenda.

The motion carried unanimously.

## 11. DISCUSSION

- A. White Bear Lake Conservation District Budget

City Manager Richter stated the City Council expressed an interest in being involved in the White Bear Lake Conservation District (WBLCD) budget discussions prior to budget adoption. She welcomed Mike Parenteau, the City's representative on the WBLCD, and invited him to address the City Council.

Mr. Parenteau stated the WBLCD received draft proposals for discussion at their May 16, 2017, meeting, and the 2018 budget will be adopted at their next meeting in June 2017. He added there has been no increase from last year's budget and assessments will remain consistent. He noted he plans to introduce a 10% reduction in assessments to communities.

Councilmember Edberg stated he appreciates Mr. Parenteau's efforts to reduce the assessment amount. He added he feels that the WBLCD maintains too high a level of reserve funding. He noted a reserve amount of \$100,000 in addition to operating revenues would be sufficient for the WBLCD's seasonal expenditures.

Councilmember Edberg stated he disagreed with a WBLCD Board Member's opinion that the District should maintain reserves to be prepared for the maximum cost that could be incurred in the event of a law suit or other related expenses. He noted he would support open communication with other White Bear Lake communities to determine the issues and concerns that they would like the WBLCD to address. He expressed his appreciation for Mr. Parenteau's efforts on behalf of the City.

Mr. Parenteau stated the lake's water level is currently at 923.5 feet, and outflow was lowered by the Department of Natural Resources from 924.5 feet to 924.3 feet. He added he plans to propose that the outflow be increased to 924.5 feet again, to ensure extra water reserves in the lake.

Councilmember Edberg stated he supports the actions taken by the WBLCD, and Mr. Parenteau's increasing administrative role. He asked whether there is any value in continuing to research lower lake levels, to provide insight into and knowledge of future lake conditions.

Mr. Parenteau stated the long-awaited U.S. Geological Survey (USGS) report will be the last document to be reviewed, but the Department of Natural Resources (DNR) will continue their testing and evaluation. He added the WBLCD requested a meeting with the DNR to receive public comment. He noted White Bear Lake is an important metropolitan recreational area, and as such, it is closely monitored by the DNR.

City Attorney Jenson stated he understood the lake outlet level was lowered due to flooding of residential properties in Cottage Park. City Engineer Burch confirmed this.

Councilmember Jones thanked Mr. Parenteau for his report. He added he serves on the Vadnais Lake Water Management Organization (VLWMO), which is a taxing authority. He expressed the importance of communicating to local communities those projects for which the reserve funds are earmarked. He expressed concern at how much money is being kept in reserve.

Mr. Parenteau stated most of the WBLCD Board Members, who represent local communities, are comfortable with the reserve amount. He added there were plans to purchase a harvester that fell through. He noted some of the reserve fund's growth is due to treatment grants from the DNR, but the last such grant was received over 2 years ago. Councilmember Jones expressed concern again about what the reserve funds are for.

## 12. COMMUNICATIONS FROM THE CITY MANAGER

### ➤ City Attorney RFP

City Manager Richter stated eleven proposals were evaluated and four finalists selected. She added the Selection Committee hopes to have a decision on a finalist for consideration by the City Council.

### ➤ Dog Beach Update

City Manager Richter stated, with regard to the dog beach near Matoska Park, City Staff have received emails from residents who have concerns about the dog beach, and also satisfied residents. She added City Staff is logging comments received and activity that has been observed. She noted

a group of residents has formed that is committed to ensuring the success of the dog beach, and they plan to have informational brochures printed and available at the dog park.

Councilmember Walsh stated he visits the area often, and he has not seen any leashes on dogs that were in the water. He added the signage at the dog beach requires leashes “at all times”, and “including in the water” could be added, although that should be obvious.

City Manager Richter stated City Staff plans to add an additional line to the signage, and “in the water” could be included. She added City Staff hopes to help the resident group in their efforts to ensure that the dog park is a success. She noted Officers are responding when calls are made in an attempt to enforce the leash requirement.

Councilmember Edberg asked Councilmember Walsh if he had any observations about the noise level and running of dogs in the streets and in yards. Councilmember Walsh stated he has not seen that, and he has never seen that, but it would only have to happen once to be a problem. He added there is a grass area along one side of the dog beach which seems to be providing a natural buffer.

Councilmember Walsh stated that he does not feel this is a problem. He added his intent was to point out that he has not seen any leashes on dogs in the water.

Councilmember Jones asked when the signs were installed. City Manager Richter stated the signs were posted about three weeks ago. Councilmember Jones stated that a related issue is the City’s leash laws, which need to be reviewed and updated. He noted the success and growth of local restaurants like Tally’s and the popularity of the dog beach - issues being addressed by the City Council – are indicative that the City of White Bear Lake is a great community.

City Manager Richter stated that the dog beach, as well as the Lake Avenue Trail, are becoming very popular with residents and their pets.

➤ Manitou Days Parade

City Manager Richter stated the Manitou Days Parade will begin at 6:30 p.m. on Friday June 16, 2017. She asked that City Councilmembers who plan to walk in the parade arrive at the Public Safety Building at 6:00 p.m. and wear their City Council shirts. She encouraged City Councilmembers to contact City Staff if they do not intend to walk in the parade.

Councilmember Walsh stated he is running in the 5K, which starts at 5:30 p.m., and he will attempt to reach the parade starting point by 6:30. He requested that the parade should not start early.

- City Manager Richter stated the League of Minnesota Cities’ annual conference is being held June 14-16, 2017. She added Mayor Emerson has been appointed the League’s new President, and she will begin her year of service on Thursday, June 15, 2017. She noted this is a very big honor, and the Minnesota contingency is well-respected nationwide.
- City Engineer Burch stated the Minnesota Department of Transportation (MN/DOT) the Highway 96 bridge over I-35E will be closed June 23-25, 2017, re-opening on Monday morning at 5:00 a.m. Councilmember Engstran asked whether the entrance and exit ramps will be closed as well. City Engineer Burch stated it will only be the bridge.
- City Engineer Burch provided updates on the street reconstruction projects and City Hall façade renovation.

➤ Sports Center Renovation

City Engineer Burch stated, regarding the Sports Center renovation, a consulting firm was hired to assist with design and project management. He added construction should begin by April 1, 2018, to meet the construction schedule for a re-opening in Fall 2018. He noted information will be available for the City Council's review at their July 23, 2017, Regular Meeting, and again in December 2017.

City Engineer Burch stated project alternatives are being considered, such as the location of a potential second sheet of ice on the south side of the building, with a common open space overlooking Birch Lake. He noted another consideration is the potential location of refrigeration equipment for a second sheet of ice, and these and other options will be presented to the City Council for review and comment.

City Manager Richter stated that the potential investment in an expanded refrigeration system is a necessity, as the demand for ice continues to be there and will not be going away any time soon.

Councilmember Edberg stated the City has expressed its firm commitment to the Sports Center renovation and related planning and development. City Manager Richter confirmed this.

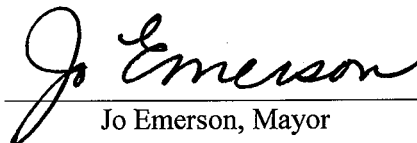
➤ Boatworks Commons

Community Development Director Kane stated she is pleased to announce that Boatworks Commons has been identified as a top project for 2016 by *Finance & Commerce*, a daily newspaper dedicated to Minnesota business reporting. She added there will be an award ceremony in July 2017, projects were judged based on their degree of difficulty, creativity and design, and the Boatworks is unique in terms of innovation, cooperation, construction techniques and its mix of public and private partnerships. She noted the City's relationship with the Boatworks is ongoing as the space becomes fully utilized, and it is nice to be recognized. She recognized developers Lander Group, the At Home Apartments, Pete Keely of Collage Architects, and the City of White Bear Lake for their cooperation and participation.

Mayor Emerson thanked Community Development Director Kane for the significant role she played in Boatworks project, and many other projects, including the Tally's application that was reviewed at this meeting.

**13. ADJOURNMENT**

There being no further business before the Council, it was moved by Councilmember **Jones** seconded by Councilmember **Biehn** to adjourn the regular meeting at 9:15 p.m.

  
Jo Emerson, Mayor

ATTEST:

  
Kara Coustry, City Clerk