



**MINUTES
REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF WHITE BEAR LAKE, MINNESOTA
TUESDAY, FEBRUARY 28, 2023
7 P.M. IN THE COUNCIL CHAMBERS**

1. CALL TO ORDER AND ROLL CALL

Mayor Dan Louismet called the meeting to order at 7 p.m. The City Clerk took attendance for Councilmembers Kevin Edberg, Heidi Hughes, Dan Jones and Bill Walsh. Councilmember Steve Engstran was excused. Staff in attendance were City Manager Lindy Crawford, Assistant City Manager Rick Juba, Community Development Director Jason Lindahl, Public Works Director/City Engineer Paul Kauppi, Finance Director Kerri Kindsvater, City Clerk Caley Longendyke, and City Attorney Troy Gilchrist.

PLEDGE OF ALLEGIANCE

2. APPROVAL OF MINUTES

A. Minutes of the City Council Meeting on February 14, 2023

It was moved by Councilmember **Walsh**, seconded by Councilmember **Jones**, to approve the minutes. Motion carried 4-0.

B. Minutes of the City Council Work Session on February 21, 2023

It was moved by Councilmember **Hughes**, seconded by Councilmember **Walsh**, to approve the minutes. Motion carried 4-0.

3. APPROVAL OF THE AGENDA

Mayor Louismet added a consent agenda item (4D) relating to the Downtown Mobility and Parking Study. It was moved by Councilmember **Hughes**, seconded by Councilmember **Jones**, to approve the agenda as amended. Motion carried 4-0.

4. CONSENT AGENDA

- A. Resolution approving a special event application for WBLAS Community Services Bears Night Out **Res. No. 13152**
- B. Resolution approving a charitable gambling application for Lions Club at Big Wood Brewery **Res. No. 13153**
- C. Resolution requesting 2023 Recycling Grant funding through Washington County **Res. No. 13154**
- D. Resolution approving a professional services agreement for the Downtown Mobility and Parking Study **Res. No. 13155**

It was moved by Councilmember **Walsh**, seconded by Councilmember **Hughes**, to approve the consent agenda as amended. Motion carried 4-0.

5. VISITORS AND PRESENTATIONS

A. White Bear Lake Area Chamber of Commerce 100 Year Anniversary Proclamation

Mayor Louismet read a proclamation recognizing the 100-year anniversary of the White Bear Lake Area Chamber of Commerce. Councilmember Jones congratulated the Chamber for their achievements and thanked staff for their work.

B. Bi-annual Fire Department Update + Swear in Firefighters

Fire Chief Peterson presented the Fire Department's bi-annual update. The coverage for fire and medical services spans five communities totaling 35 square miles and over 40,000 people in population. The Fire Department has been in service for 135 years. Chief Peterson reported that the number of calls for 2022 totaled 5,283, a 7% increase from previous years, continuing an upward trend year after year. The categorical breakdown of calls continues to be around an 80-20 ratio for medical- and fire-related calls, respectively. He said the average response time to emergency calls is 6 minutes and 13 seconds, which he says is good considering the large coverage area. He said there were 47 all-call events in 2022, which involves help from various fire departments responding to an emergency.

Chief Peterson reported data for Fire Mutual Aid and said the Department was called 28 times to emergencies, and the department called others for support 18 times. For EMS Mutual Aid, the Department was called 533 times, and the department called others 106 times. He noted that the Department decided in fall 2022 to not send the last ambulance on calls in other communities, as a means to preserve resources for emergencies in the response area. Peterson thanked the City Council for approving two more full-time positions. He said currently there are 15 full-time and 26 part-time firefighters/paramedics, with one full-time position open. Additional employees help achieve proper coverage, increase service level, reduce stress and injuries, and help retention. He was excited to share that the EMS Regulatory Board issued a Certificate of Clinical Excellence to the Department. Chief Peterson provided an overview of the various community events and recent City Council approved purchases.

Mayor Louismet asked if there were particular areas that cause the imbalance of mutual aid. Chief Peterson responded that it's mostly private ambulance agencies, not specific cities. Councilmember Edberg asked if there is any indication of improvement of relief following the department's decision to dedicate its last ambulance to the response area. Chief Peterson estimates a slight improvement, but not by much. When asked about the next strategy to protect the department's resources, Chief Peterson said the department simply needs more staff, because it cannot limit any more mutual aid services. Councilmember Walsh addressed mutual aid and presumed there is financial benefit in providing services outside the response area. Chief Peterson said there is some revenue, but it depends on the criticality of the call and the insurance provider of patients.

The City Clerk administered the Oath of Service for the following recently-hired firefighters/paramedics: Jacob Bogdanovich, Mindy Fiester, Tou Lee, Charlie Penn, Brian St. Claire and Evan Young.

6. PUBLIC HEARINGS

Nothing scheduled.

7. UNFINISHED BUSINESS

A. Second Reading of an Ordinance Adopting New Chapter 1128 to Permit Sidewalk Cafés

Community Development Director Lindahl summarized a timeline of events preceding the second reading of an ordinance pertaining to sidewalk cafés, dating back to spring 2022. He provided a brief overview of the ordinance outline, similar to what was proposed at its first reading on February 14. Since the first reading, he said there were two changes implemented based on feedback from the City Council: implementing an earlier start date to the season, allowing businesses to use their sidewalk cafés starting April 15 instead of May 15, and gives the City Manager authority to adjust the dates as weather conditions warrant, and adjusting the hours of operation start time from 8 a.m. to 7 a.m.

Mayor Louismet stated concerns regarding prohibition of glass and requiring all establishments to have contiguous sidewalk cafés, whether they served alcohol or not. He didn't support requiring business to buy all new plasticware, and preferred allowing businesses to use their glassware and make changes if it becomes a problem. He thought the provision about businesses cleaning around the perimeter of their sidewalk café would address any potential broken glass. He also didn't find a purpose for requiring sidewalk cafés to abut to the building when they're not serving alcohol, and suggested this not be a requirement. Councilmember Edberg requested the Council reconsider the proposed radius around the sidewalk café where business owners would be required to clean. He stated a 100-foot-radius is far beyond what businesses should be responsible for and suggested eliminating or reducing a surrounding cleanup area. Lindahl said the measurement is a common standard in other ordinances, but staff would be open for discussion. Mayor Louismet noted the 100-feet gives staff the ability to enforce cleanup for debris blown away from sidewalk cafés. Councilmember Hughes proposed a 10-foot perimeter. Considering all feedback, Mayor Louismet proposed general language requiring the business to keep the sidewalk café and surrounding public space clean.

It was moved by Councilmember **Walsh**, seconded by **Hughes**, to amend §1128.070, Subd. 5, striking the 100-foot perimeter cleaning requirement, so that it just reads "Permittee shall keep the sidewalk café and the adjacent public space surrounding it clean..." Motion carried 4-0.

Councilmembers discussed the furniture material requirements. Councilmember Hughes noted the list of prohibited materials and questioned what would be allowed. Public Works Director/City Engineer Kauppi said in general the City is requiring materials heavy enough to not be blown by the wind and materials that will not stain or damage the City sidewalks. Councilmember Jones expressed concern about the expense for businesses to change out furniture and requested there be a grace period of at least one year for businesses to purchase new furniture. Councilmember Edberg questioned if one year was enough. Councilmember Walsh made note that the City is going from no regulations to a list of very detailed regulations, so he supported a longer grace period. Mayor Louismet expressed his opposition to forcing businesses to replace their furniture and suggested striking the whole section. Councilmember

Jones noted that he hasn't seen current furniture on sidewalks being blown around by the wind.

It was moved by Councilmember **Jones**, seconded by **Hughes**, to amend §1128.060, Subd. 7, striking "No plastic, unfinished wood, or pressure treated wood furniture is allowed." Motion carried 4-0.

Councilmembers addressed the no-glass provision. It was moved by Councilmember **Jones**, seconded by **Walsh**, to strike §1128.070, Subd. 10(f), regarding the prohibition of glass and breakable items within the sidewalk café. Motion carried 4-0.

Regarding the requirements that sidewalk cafés must be contiguous to the business storefront, the Council expressed desire to allow flexibility for business who don't serve alcohol. Those serving alcohol are required by state law to be compact and contiguous. It was moved by Councilmember **Edberg**, seconded by **Jones**, to amend §1128.060, Subd. 1, striking "directly abut the building in which the eligible business operates and." Motion carried 4-0.

It was moved by Councilmember **Walsh**, seconded by Councilmember **Edberg**, to adopt **Ord. No. 23-01-2061** amending the Municipal Code of the City of White Bear Lake by adopting a new Chapter 1128 to permit sidewalk cafés, with the Council's amendments. Motion carried 4-0.

It was moved by Councilmember **Edberg**, seconded by Councilmember **Walsh**, to approve **Res. No. 13156** approving the summary publication of an ordinance amending the Municipal Code of the adopting new Chapter 1128 to permit sidewalk cafés. Motion carried 4-0.

8. NEW BUSINESS

A. Dog Beach Operations

Public Works Director/City Engineer Kauppi introduced Parks Advisory Commission (PAC) members Bill Ganzlin and Mike Shepard to present a report on the dog beach located at Matoska Park. Ganzlin summarized a timeline of PAC activities of the summer and fall 2022. During this time, PAC members made 70 visits to the dog beach to observe and gather input from dog beach users. He said the feedback was mostly supportive and informed PAC members' recommendation for continued use of the dog beach and helped develop proposed improvements. Ganzlin said the process was initiated by complaints expressed at the July 21st PAC meeting, when the PAC met with a concerned resident who complained about dogs crossing into adjacent private properties, dogs on the swim dock, owners not having control of dogs, dogs off leash, aggressive dogs, and pet waste left in the area. The PAC responded to the concerns by visiting the dog beach as often as possible and reporting their findings at its August meeting. In September, after PAC members reexamined collective findings and input, as well as discussed possible alternative sites, they voted 7-0 in favor of keeping the dog beach open and at its current location and making improvements to the dog beach.

Commissioner Shepard presented the recommended improvements. One improvement was to replace the wordy signs with language that is easier to read and simplified. He described a permanent fence installed between the dog beach and swimming beach that can be adjusted with the lake level. To address dogs that cross Lake Avenue, PAC recommends gates at the

entrances of the beach, located at the top of the stairs. Shepard said a new buoy system would help separate the dog beach and swimming area. He reported that the PAC debated the leash rule and determined it was still necessary. He said the Parks Department would maintain the pet waste bag stations and noted that commissioners didn't observe a high amount of pet waste. The PAC recommended a "No Fishing" sign on the swim dock to prevent injury to dogs and people. Councilmember Hughes asked the PAC about their findings for alternative locations, specifically east of the Matoska Park boat launch. Ganzlin said the lake bottom off the shore is mucky and not amenable to dog owners walking alongside their dogs in the water, something that was desired by dog beach users.

Mayor Louismet decided to open up the meeting for public comment at 8:06 p.m. Sheryl Bolstad, resident at 2303 4th Street, expressed support for the dog beach and said it is a terrific asset to the community. She complimented the proposed improvements. Terry Honsa, resident at 2522 Cedar Avenue, mentioned attending a PAC meeting in the fall and said there was a suggestion to install another fence along the south edge of the dog beach, though she hasn't ever observed a dog running up the hill. She didn't think the gates at the top of the stairs were necessary, but otherwise supported all the proposed improvements. Josh Cermak, resident at 4152 White Bear Avenue, regularly uses the dog beach and said it is a phenomenal area. He said it's a great way to connect community members with each other and provide exercise for dogs. He shared that dog owners monitor one another, reminding each other of the rules. He acknowledged that dogs bark, but they're playing and it is no different than a park with children. Kyle Wiberg, resident at 2619 Cedar Avenue, said he enjoys using the dog beach and has conversed with others who enjoy it too, including non-residents who come to White Bear Lake to use it and potentially bring business to the downtown area. He understands there have been complaints, but believes it's a great asset to the community. There being no other comments, the Mayor closed the public comment portion at 8:11 p.m.

Mayor Louismet noted some of the history of this topic dating back at least six years, when the PAC recommended closing the dog beach in 2017, but the City Council voted to keep it open with rules in place. In 2018, the City Council voted 3-2 to keep the dog beach open. Mayor Louismet acknowledged that most dog owners are responsible and follow the rules at the dog beach, but has received complaints from several home owners around the area and wants to honor their right to enjoy their private property. He is skeptical that the proposed improvements will address the issues. Councilmember Hughes made it known that she is one of the residents who is not supportive of the dog beach and, as a councilmember, speaks on behalf of those who live in her Ward sharing the same concerns. She specifically addressed dogs on the swimming dock and was skeptical that the buoys would prevent dogs from entering the area, who have frightened children and families. She would like to see the beach reserved for swimming and the dog beach relocated to the east side of the boat launch, where it can be fully fenced in and dogs can be off lease. She suggested looking into ways to improve the lake bed to support people and dogs in the water.

Councilmember Jones shared his opposition to shutting down the dog beach. Instead of challenging the dog beach, he argued the swimming beach should be reconsidered because there seems to be more users of the dog beach. He mentioned having to listen to the amplification of the high school stadium's loud speakers and how it's a reality of living within

the community. He generally suggested the City study the use of all City parks to understand the most-used spots. Mayor Louismet responded to Councilmember Jones' comments on likening this matter to shutting down a road because of drivers who speed. He said the City has an enforcement mechanism for speeders, but doesn't have the resources to continuously monitor the dog beach. He talked about the legal argument "coming to the nuisance" for people moving to the area around schools that have been long established, but the dog beach is relatively new and residents moved to that area not knowing a dog beach would be opened. When asked by Councilmember Hughes if the City can remove advertising of the beach, Kauppi said there are some options for removing Google Map markers. Councilmember Walsh recalled previously voting in support of the dog beach only if issues were resolved, and felt he was in the same position, having desire to give it one more shot with the proposed solutions. He summarized the options for City Council—remain status quo with the dog beach, approve the resolution and spend money for improvements or vote to shut down the dog beach under a different resolution.

It was moved by Councilmember **Jones**, seconded by Councilmember **Walsh**, to approve **Res. No. 13157** approving continued operations of the public dog beach located at Matoska Park with improvements. Before the vote took place, Councilmember Hughes asked what would happen if the resolution was voted down, implying interest in seeking steps to close the dog beach. City Attorney Gilchrist advised that if it's the general consensus of the City Council to close the dog beach, there should be a motion to continue the matter to the next meeting with direction for staff to bring back a resolution to close the park. There being no further discussion, motion carried 3-0. Councilmember Hughes did not vote nor abstain from the vote.

Following the approval of the resolution, Councilmember Hughes inquired about redoing the vote and voting to close down the dog beach. When Mayor Louismet said the option to close the dog beach wasn't in front of the City Council, Councilmember Hughes requested a vote to continue the matter to the next meeting with a new resolution. The Mayor called upon City Attorney Gilchrist, who advised there could be a motion to bring back a vote within the same meeting to be reconsidered, then there could be a vote to continue the discussion to the next meeting and allow time for staff to prepare an alternative resolution. Both the original and new resolution would then be presented at the next meeting.

It was moved by Councilmember **Jones**, seconded by Councilmember **Walsh**, to reconsider the vote for **Res. No. 13157**. Motion carried 4-0.

Mayor Louismet and City Attorney Gilchrist discussed parliamentary procedure options to address Councilmember Hughes' desire to take a vote on closing the dog beach, one option being to strike all the language in the proposed resolution and replace it with language about closing the dog beach.

It was moved by Councilmember **Hughes**, seconded by Councilmember **Walsh**, to amend the resolution to strike all language and close the dog beach. Councilmember Jones expressed his displeasure for voting on something that wasn't on the agenda, especially voting to close down a City park when members of the City Council were absent. Councilmember Walsh shared that he would not be voting in support to close the dog beach and expressed his support for keeping

it open with the new improvements, seeing they address the issues, and if not then he would consider closing the dog beach. Councilmember Hughes challenged the decision to give the dog beach another chance, asking at what point is it enough that nearby property owners have to entertain dogs around the park and that swimmers have to swim near dogs they don't own. She compared other dog parks that have secure fencing around the entire area. She said the vote wouldn't be to shut down the whole park, but to get rid of the dog beach portion, and expressed interest in moving it to a different location. Councilmember Jones reiterated his disapproval for voting on an action that wasn't proposed on the agenda. Motion failed 1-3 to amend the resolution that would strike all language and would close the dog beach.

It was moved by Councilmember **Edberg**, seconded by Councilmember **Jones**, to approve **Res. No. 13157** approving continued operations of the public dog beach located at Matoska Park with improvements. Motion carried 4-0.

B. Sale of the 2023A General Obligation Bonds

Finance Director Kindsvater explained that the Council will be voting to authorize the issuance of \$10 million of General Obligation Capital Improvement Bonds, which were approved at the January 10th City Council meeting, to complete the City's funding for the Public Safety Renovation Project. Staff worked with S&P Global Ratings for a bond rating, and they affirmed the City's AA+ bond rating for the current issue and all outstanding bond issues. They reported that the City's financial state is stable, has a strong economy, has strong budgetary performance and has strong management with good financial policies. Kindsvater said the preliminary debt service report presented in January reflected an estimated true interest cost for the bond of 4.489%, which was determined by the market rate at the time and a buffer of 75 basis points. She reported that eight investment firms submitted competitive bids on the bond sale, with Northland Securities, Inc. submitting the lowest interest cost at 3.72%, which is .765 basis points less than the estimated true interest cost. The lower interest rate will reduce the principal and interest owed by \$704,123. The bid included a \$326,692 premium component. City staff chose to keep the premium funds as part of the bond issue to complete the facility monument and roof items, which were previously delayed due to funding, within phase one of project. Kindsvater explained that the pre-sale report presented in January estimated the annual tax levy for the bond's life to be in the range of \$630,017 to \$842,409. She said based on the proposed bond sale, the actual tax levy will be in the range of \$361,283 to \$805,004, with an average annual decrease of approximately \$17,876.

It was moved by Councilmember **Edberg**, seconded by Councilmember **Jones**, to approve **Res. No. 13158** awarding the sale of General Obligation Capital Improvement Plan Bonds, Series 2023A, in the original aggregate principal amount of \$10,000,000; fixing their form and specifications; directing their execution and delivery, and providing for their payment. Motion carried 4-0.

Councilmember Edberg complimented staff on maintaining the City's AA+ long-range financial planning, and said it should bolster the community's confidence in the work of the Finance Department, City Manager and the City's financial advisers.

C. Law Enforcement Labor Services Union Labor Agreement – Police Sergeants

Assistant City Manager Juba provided an overview of the two-year contract for Law Enforcement Labor Services (LELS) Union Labor Agreement for Police Sergeants.

Councilmember Walsh sought clarification on the one hour of overtime pay. Assistant City Manager Juba said it is one hour of overtime pay per shift of field training, which is consistent with other police departments. He confirmed with Mayor Louismet that it is outlined more specifically in the contract.

It was moved by Councilmember **Edberg**, seconded by Councilmember **Walsh**, to approve **Res. No. 13159** approving a labor agreement with Law Enforcement Labor Services for Police Sergeants. Motion carried 4-0.

D. Local 49 Union Labor Agreement – Public Works

Assistant City Manager Juba summarized the three-year contract for Local 49 Union Labor Agreement for Public Works employees.

It was moved by Councilmember **Walsh**, seconded by Councilmember **Edberg**, to approve **Res. No. 13160** approving a labor agreement with Local 49 for Public Works employees. Motion carried 4-0.

9. DISCUSSION

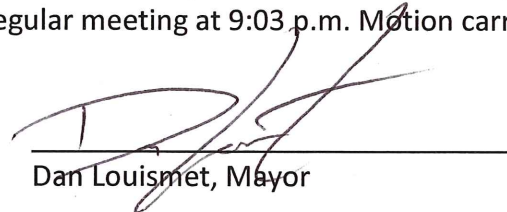
Nothing scheduled.

10. COMMUNICATIONS FROM THE CITY MANAGER

City Manager Crawford addressed Councilmember Edberg's earlier comments on the City's long-term financial planning and also recognized staff. She thanked Assistant City Manager Juba for his work on the union contracts during what she described as an "exceptionally challenging year" due to the implementation of the new class and compensation study. She shared information on an upcoming event for the White Bear Area Chamber of Commerce's legislative reception.

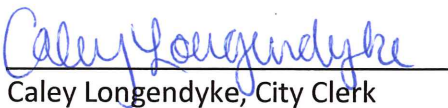
12. ADJOURNMENT

There being no further business before the Council, it was moved by Councilmember **Walsh**, seconded by Councilmember **Jones**, to adjourn the regular meeting at 9:03 p.m. Motion carried 4-0.



Dan Louismet, Mayor

ATTEST:



Caley Longendyke, City Clerk