



**MINUTES
REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF WHITE BEAR LAKE, MINNESOTA
TUESDAY, JULY 11, 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, Steve Engstran, Heidi Hughes, Dan Jones and Bill Walsh. Staff in attendance were City Manager Lindy Crawford, Fire Chief Greg Peterson, Community Development Director Jason Lindahl, Public Works Director/City Engineer Paul Kauppi, City Clerk Caley Longendyke, and City Attorney Troy Gilchrist.

PLEDGE OF ALLEGIANCE

2. APPROVAL OF MINUTES

A. Minutes of the Regular City Council Meeting on June 27, 2023

It was moved by Councilmember **Engstran**, seconded by Councilmember **Hughes**, to approve the minutes. Motion carried unanimously.

B. Minutes of the City Council Work Session on June 27, 2023

It was moved by Councilmember **Engstran**, seconded by Councilmember **Walsh**, to approve the minutes. Motion carried unanimously.

3. APPROVAL OF THE AGENDA

It was moved by Councilmember **Edberg**, seconded by Councilmember **Engstran**, to approve the agenda. Motion carried unanimously.

4. CONSENT AGENDA

- A. Accept minutes: May Park Commission, May Environmental Advisory Commission, May Planning Commission, May White Bear Lake Conservation District, June Planning Commission
- B. Resolution approving a conditional use permit for an accessory dwelling unit at 4008 White Bear Ave **Res. No. 13210**
- C. Resolution approving a variance for fence height at 3944 Hoffman Road **Res. No. 13211**
- D. Resolution accepting a quote for Oak Knoll Pond Spent Lime Application Project **Res. No. 13212**

It was moved by Councilmember **Walsh**, seconded by Councilmember **Jones**, to approve the consent agenda. Motion carried unanimously.

5. VISITORS AND PRESENTATIONS

A. White Bear Lake Conservation District 2024 Budget

White Bear Lake Conservation District (WBLCD) Board Treasurer Mike Parenteau and Board

Director Scott Costello, who serve as representatives for the City of White Bear Lake, presented the 2024 budget for the organization. The budget is prepared by the board's treasurer, committee chairs and staff. He provided a history of the various studies and analyses conducted between 1999-2006, and said WBLCD is planning to do a complete lake study in 2024. The data generated from the study will be used to compare data from the earlier studies. Parenteau referenced a map provided to Councilmembers of the Eurasian watermilfoil survey conducted on June 27 and summarized the process for surveying the aquatic plants. He applied for a grant from the Department of Natural Resources for Eurasian watermilfoil treatment and was awarded \$6,750. This will cover some expenses for the treatment, which is expected to cost approximately \$31,000 to treat 47 acres. Mayor Louismet sought clarification that the treatment will be done again if it doesn't work the first time and Parenteau confirmed.

Mayor Louismet asked Parenteau if he believes WBLCD has the financial resources to fulfill its mission for the lake. Parenteau said WBLCD is comfortable with their budget and shared information about their reserves. Councilmember Edberg requested a balance sheet and income statement with future budget reports. Councilmember Edberg thanked Parenteau and Costello for their service. Costello, who also serves as the chair of the Lake Education Committee, talked about the committee working with Press Publications on providing information in *The Laker*, a publication for lakeshore residents. Councilmember Jones thanked Parenteau and Costello for their work. He felt that *The Laker* is specifically targeting lakeshore residents and fishers and believes the important information should be shared more broadly.

Councilmember Walsh referenced a WBLCD board vote taken at their May 16, 2023 regular board meeting regarding an ADUA boundary next to Lions Park. He asked why Parenteau and Costello, as representatives of White Bear Lake, abstained from the vote. Parenteau explained that WBLCD's counsel recommended the two city representatives abstain from the vote to prevent a perceived conflict of interest. Mayor Louismet, Councilmember Walsh and Councilmember Edberg expressed their displeasure with the recommendation made by the WBLCD's counsel for them to abstain. Parenteau provided more information about the topic and the board action. Mayor Louismet thanked Parenteau and Costello for their work.

6. PUBLIC HEARINGS

Nothing scheduled.

7. UNFINISHED BUSINESS

Nothing schedule.

8. NEW BUSINESS

A. Replacement of Fire Rescue Truck #923

Fire Chief Greg Peterson presented a resolution to approve a purchase of a fire rescue truck. The new rescue truck would replace an existing one, which was built in 2003. It is outlined in the Capital Improvement Plan and Financial Management Plan that the Fire Department replaces major pieces of apparatus every 20 years in order to maintain the evolving technology and address wear and tear on the vehicles. Chief Peterson reported that the prices of trucks have increased significantly. He said a different vehicle purchased five years ago that cost approximately \$500,000 now costs \$944,000. Each year, prices continue to increase, as well as

manufacturing delays, which have increased from less than a year to 24-36 months. The delays in getting new trucks results in old trucks extending their use beyond 20 years, thus incurring costly repairs. The new truck will be purchased through MacQueen of Pierce Manufacturing, Inc., a vendor through the Houston-Galveston cooperative. It is similar to the last-purchased engine and will fulfill the needs of the Fire Department. City Manager Crawford clarified that the truck is slated to be replaced in 2025, but staff would like to lock in a price and get in the queue to allow time for manufacturing delays. She said the funds wouldn't be expended until 2025 and the cooperative would purchase back the current rescue truck from the City for not less than \$60,000. In addition, the Fire Department's contracted communities for fire service will also contribute to the purchase of the new truck through the conditions of the Fire Protection Service Agreements.

Mayor Louismet asked about the trade-in value. Chief Peterson said the last engine was sold for \$12,000, so he believes the buy-back amount of not less than \$60,000 is fair. MacQueen is the only vendor that can guarantee this amount. Mayor Louismet shared his support for the purchase in order to maintain equipment and provide necessary services to the City. Councilmember Edberg asked Chief Peterson for talking points to share with taxpayers who question the purchase. Chief Peterson explained that fire engines will run 70,000-80,000 miles over a 20-year period but that is increasing due to the engines responding to some medical calls, and attends to almost 1,000 calls a year.

Councilmember Walsh asked if City staff have accounted costs for training or if that is provided by the manufacturer. Chief Peterson said a local vendor representative will train staff, and the training will be recorded for new staff. He said the new rescue engine is similar to the current ladder truck, which will help with efficient training—an advantage gained by using the same manufacturer. In response to Mayor Louismet's questions about the warranty, Chief Peterson explained the types of coverage and where a truck would typically be repaired.

It was moved by Councilmember **Walsh**, seconded by Councilmember **Edberg**, to approve **Res. No. 13213** authorizing the purchase of a fire rescue truck for the Fire Department. Motion carried unanimously.

- B. First Reading of an Ordinance Rezoning property located at 2687 County Road D, Planned Unit Development and Preliminary and Final Plat

At the April 11, 2023 City Council meeting, Community Development Director Jason Lindahl presented a concept plan review for an undeveloped property located at 2687 County Road D. The concept plan involves developing a 14-unit nursing home. The proposal includes a subdivision, a Planned Unit Development (PUD) and rezoning from B-2: Limited Business to R-B: Residential Business Transition. There have been no comments in opposition from the public or Planning Commission members. Director Lindahl presented the information for the first reading of the ordinance and shared additional information about the PUD application. He said the most notable deviation was reducing a setback variance from 15 feet to 10 feet. He shared images of the building's elevation and exterior materials, which will be consistent with nearby commercial suites. Director Lindahl summarized the analysis of the rezoning request and said it meets the criteria of the City's Comprehensive Plan, land uses and zoning code requirements. The deviations will be allowed through the PUD in exchange for increased amount of

landscaping, enhanced exterior materials and enhanced stormwater treatment. Councilmember Edberg sought confirmation that the proposal is only concerning the parcel south of County Road D and would not affect the north parcel. Director Lindahl confirmed.

A second reading and City Council vote of the ordinance is scheduled for the July 25 regular meeting.

A. First Reading of an Ordinance Rezoning property located at 2502 County Road E, Planned Unit Development and Preliminary and Final Plat

Community Development Jason Lindahl presented the first reading of an ordinance rezoning the property located at 2502 County Road E and PUD. At the March 14, 2023 City Council meeting, Director Lindahl presented a concept plan review involving the rezoning and redevelopment of the lot, transforming the abandoned gas station into a 15-unit apartment complex with three townhomes. At the May 9, 2023 City Council meeting, the first reading to rezone the lot from B-3 Auto-Oriented Business to R-6 Medium Density Residential was presented and the motion failed due to a lack of supermajority vote. Following the vote, the applicant indicated they were interested in amending the plan for a development that would meet the criteria for rezoning to R-5 Single Family-Two Family Medium Density Residential. Director Lindahl provided additional detail and a timeline of how the developer's proposal has evolved, including respective neighborhood meetings and Planning Commission meetings.

For this first reading, Director Lindahl summarized the proposal that would redevelop the lot into nine for-sale townhomes, each to be subdivided into its own lot and two outlots. He shared how the design has changed based on feedback. Changes include reduced density, for-sale units instead of rentals, reduced height, additional parking stalls, higher-quality exterior materials, increased landscaping, added sidewalk, and added stormwater retention. Director Lindahl shared images of the building's elevation and exterior materials. He said the proposal meets the City's various standards for rezoning, which he elaborated in more detail. Setback deviations involve the townhomes being positioned closer to the street sides. He explained more about the subdivisions and plats. Public Works Director/City Engineer Paul Kauppi shared information about stormwater management and drainage areas, and explained the location of the new treatment pond, which will act as a filtration basin to filter out pollutants prior to the water discharging into Peppertree Pond. Director Kauppi explained the review process and requirements for stormwater management.

Director Lindahl summarized the PUD necessary to decrease street-facing setbacks and reducing townhome minimum lot size. In exchange for these modifications, the developer is maximizing setbacks from the adjacent neighborhood, enhancing landscaping, creating an outdoor courtyard amenity next to the intersection, enhancing exterior materials and more. The applicant, Ryan McKilligan of Element Design-Build, shared more about the townhome amenities, townhome layout and landscaping. Mayor Louismet shared his support for the plan. Councilmember Jones addressed a comment that was made earlier about the development being a nice residential buffer, but pointed out that if not for the developer, the property would not be residential and the zoning would remain B-3, which could be developed into a business generating more traffic. He shared his support for the proposal.

The height of the peak's midpoint is 31' 9", but Councilmember Edberg wanted to know the total height to the peak. McKilligan said he will get back with the exact height measurement. He responded to Councilmember Edberg's inquiry about the utilization and security of the shared patio space and community room. Regarding the east side of the property that borders a residential lot, the developer will install new fencing to create a barrier. Councilmember Edberg asked about stormwater retention and Director Kauppi explained that the filtration basin will hold one-inch of rainfall, which accounts for 90% of storms every year, from the impervious surface. McKilligan answered Councilmember Edberg's questions about the establishment and membership of the homeowners association. Councilmember Jones brought attention to the improvement that will be made to the area with stormwater management.

A second reading and City Council vote of the ordinance is scheduled for the July 25 regular meeting.

B. First Reading of an Interim Moratorium Ordinance – Operation of Cannabis Businesses

City Manager Lindy Crawford presented a proposed interim moratorium ordinance as it relates to cannabis businesses. For background, she explained that the Minnesota Legislature enacted Chapter 63—HF 100, which is comprehensive legislation relating to cannabis. She outlined areas of authority for local units of government, including requiring local registration of cannabis businesses, adopting reasonable restrictions of time, place and manner of the operation of cannabis businesses, limiting the number of cannabis businesses based on population, and prohibiting the operation of cannabis businesses within certain distances of schools, day cares and other similar facilities. She explained that the legislation allows a local unit of government to adopt an interim ordinance to regulate, restrict or prohibit the operation of cannabis businesses while a study is conducted for purposes of considering the adoption or amendment of reasonable restrictions on the time, place, and manner of the operation of cannabis businesses, as well as other potential local regulations allowed under the new legislation. The proposed moratorium would prohibit the establishment or operation of cannabis businesses and authorize City staff to conduct the study outlined above for purposes of protecting the planning process and the health, safety and welfare of its citizens. The moratorium would be effective until January 1, 2025 or until repealed by the City Council.

Councilmember Jones requested that staff clarify how distance will be measured between cannabis businesses and other facilities, such as measuring from property corner to property corner, or measuring the distance between the center points of the properties. City Attorney Gilchrist affirmed that a study during a moratorium would allow staff to clarify those details in its future ordinance relating to cannabis.

A second reading, public hearing and City Council vote of the ordinance is scheduled for the July 25 regular meeting.

9. DISCUSSION

Nothing scheduled

10. COMMUNICATIONS FROM THE CITY MANAGER

City Manager Crawford shared event information for Floats with the Fuzz, Marketfest and Fridays with Firefighters. She recognized and thanked those who helped with the July 4 fireworks event and summarized a typical timeline, which starts in January, for planning the annual event.

11. ADJOURNMENT

There being no further business before the Council, it was moved by Councilmember **Engstran**, seconded by Councilmember **Jones**, to adjourn the regular meeting at 8:44 p.m. Motion carried unanimously.

Dan Louismet, Mayor

ATTEST:

Caley Longendyke, City Clerk