



**MINUTES
REGULAR MEETING OF THE CITY COUNCIL OF
THE CITY OF WHITE BEAR LAKE, MINNESOTA
TUESDAY, OCTOBER 10, 2017
7:00 P.M. IN THE COUNCIL CHAMBERS**

1. CALL TO ORDER AND ROLL CALL

Mayor Emerson called the meeting to order at 7:00 p.m. Councilmembers Doug Biehn, Kevin Edberg, Steven Engstran and Dan Jones were present. Councilmember Bill Walsh arrived at 7:03 p.m. Staff members present were City Manager Ellen Richter, Community Development Director Anne Kane, City Engineer Mark Burch, City Clerk Kara Coustry and City Attorney Andy Pratt.

PLEDGE OF ALLEGIANCE

2. APPROVAL OF MINUTES

Minutes of the Regular City Council Meeting on September 26, 2017.

It was moved by Councilmember **Biehn** seconded by Councilmember **Jones**, to approve the Minutes of September 26, 2017.

Motion carried unanimously.

3. APPROVAL OF THE AGENDA

City Manager Richter requested that discussion regarding Whitaker Street end lease and Tally's Dockside be included in Agenda Item 6B.1 - Non-Consent - Case No. 17-3-CUPe1.

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

Motion carried unanimously.

4. VISITORS AND PRESENTATIONS

A. Toastmasters Proclamation

Mayor Emerson read a Proclamation declaring October 2017 as Toastmasters Month in the City of White Bear Lake, honoring Toastmasters International, the world's leading organization devoted to the development of leadership and communication skills. She added Toastmasters International, founded in 1924, has 353,000 members in 141 countries, with 16,500 clubs worldwide.

Mayor Emerson urged citizens to join her in congratulating Toastmasters International for the inspiring role they play in people's lives. She presented the proclamation to a member of Toastmasters International in the audience.

B. White Bear Lake Area Schools – Dr. Wayne Kazmierczak and Tim Wald Assistant Superintendent for Finance and Operations

City Manager Richter welcomed Dr. Wayne Kazmierczak, the Superintendent of the White Bear Lake School District, and invited him to address the City Council.

Dr. Kazmierczak provided an overview of the existing White Bear Lake School District Operating Levy, renewal of which will be a question on the November 7, 2017, ballot. He presented a map of the School District, depicting locations of schools and facilities, and stressed that enrollment growth has increased dramatically in the past few years, and this trend is predicted to continue.

Dr. Kazmierczak stated enrollment on October 1, 2017, is expected to be approximately 8,400 students. He added a study is planned to collect accurate data regarding the impact of future residential developments which are not included in current estimates. He noted an increase in enrollment is good news for the School District.

Dr. Kazmierczak stated a survey conducted in the spring of 2017 indicated that 83% of White Bear Lake School District area residents gave the District a letter grade of A or B. He added this is higher than the national benchmark, and it is an indicator that the community feels good about White Bear Lake Schools. He noted only 28-30% of respondents had children attending public schools, but 69% said they will support the levy. This percentage increased to over 80% when residents were given specific information regarding the proposed use of levy funding.

Dr. Kazmierczak stated a 10-year levy renewal is being sought, which, if passed, will result in a number of increased opportunities for students, including 42 college credits that will be available; Career Pathways programs; advancement and support for students; world language; orchestra; gifted programs. He added the White Bear Lake District's graduation rate is consistently around 90%, while the average graduation rate in the State of Minnesota is around 82%.

Dr. Kazmierczak stated partnerships are formed with various organizations at every school that benefit both teachers and students. He added the strategic planning process identified these unique partnerships as an important part of the School District's identity. He noted the survey indicated that residents believe the School District can be trusted to properly manage additional local tax revenue.

Dr. Kazmierczak stated a new Strategic Plan is currently being formulated, after which a comprehensive facilities planning process will begin, which will include public participation. He added City Manager Richter took part in a 30-member strategic planning team meeting a few weeks ago, at which mission statements and strategies were developed. He noted 8 action teams are being created to move the strategies forward towards achievement. Further information is available on the School District website under "Strategic Planning."

Councilmember Edberg stated residents are being asked to consider becoming involved in the strategic planning process. He asked what institutional roles will be determined to aid in the planning and development of policies that will affect communities served by the School District. He added he is glad City Manager Richter is actively involved, but the engagement of policy-makers in general is a missing piece, in his opinion.

Dr. Kazmierczak stated the strategic plan meeting involved 30 civic representatives from White Bear and Hugo.

Councilmember Edberg stated there are many areas of focus that will have a direct impact on students that are going to be enrolled in White Bear Lake Schools. He added, in his eight years on the City Council, he does not feel that there has been specific engagement on how to identify and achieve goals and strategies that will benefit students

Dr. Kazmierczak stated the School District and its representatives are open to dialogue with the City of White Bear Lake. He added administrative staff have taken steps to hold quarterly information sessions, but could go a step further.

Councilmember Edberg reiterated the importance of engaging policy makers in this discussion. He added this is a great opportunity and it is time to elevate its importance.

City Manager Richter stated she has spoken with Dr. Kazmierczak about getting the City Council and School Board together, but the timing of the strategic planning process has made it difficult.

Dr. Kazmierczak agreed that is a good idea, as civic organizations can affect each other and these issues. He agreed to take this message back to the School Board. He added a key component of the strategic planning process is to foster community engagement and develop partnerships, so Councilmember Edberg's suggestion aligns with this area of focus.

Councilmember Walsh echoed Councilmember Edberg's comments, adding he and Councilmember Jones met recently with mental health professionals and the addition of School District representatives would be beneficial to that conversation.

Councilmember Walsh asked what the School District is doing to solve the achievement gap.

Dr. Kazmierczak stated the conversation has shifted from the concept of an achievement gap to one of an opportunity gap. He added more college courses are available to students, and the District is committed to ensuring that all students can take advantage of that opportunity.

Mayor Emerson thanked Dr. Kazmierczak for his presentation.

5. PUBLIC HEARINGS

Nothing scheduled

6. LAND USE

A. Consent

1. Case No. 16-10-CUP, 17-20-V and 17-21-V: A request by McNamara Companies for a Conditional Use Permit and two variances in order to construct a building addition and reconfigured parking lot for the property located at 1330 Highway 96. **Resolution No. 12099**

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

Motion carried unanimously.

B. Non-Consent

1. Case No. 17-3-CUPe1: A request by Tally's for a time extension to a Temporary Conditional Use Permit Amendment for the property located at 4441 Lake Avenue South, and discussion of the Whitaker Street End lease and lease for the use of the Public Works Parks Lot by Tally's Dockside.

City Manager Richter stated a temporary Conditional Use Permit (CUP) has been in place for the Whitaker Street end lease, and City Staff is requesting the City Council's review and direction. The Planning Commission reviewed a request for time extension for a temporary CUP for Tally's Dockside, and discussed possible outcomes related to the White Bear Lake Conservation District.

City Manager Richter stated City Staff is requesting City Council discussion of the Whitaker Street end lease, for which a Staff recommendation is not yet prepared. She added two separate actions would be required on these issues.

Community Development Director Kane reported that in June 2017 the City Council approved 125 temporary seats at Tally's Dockside on music nights, with the condition that this arrangement would expire on September 4, 2017. She added the original approval was contingent upon the provision of off-site parking and shuttle service. She noted the applicant, Tally's Dockside, is requesting that this temporary CUP for 125 seats on Music Nights be continued in future seasons, on Wednesday, Friday and Saturday nights between Memorial Day and Labor Day.

Community Development Director Kane reviewed some history of Tally's, from 1992 when a permit for 16 boat rentals was granted with no parking required, to a 42-slip marina approved in 1999 with 10 required parking stalls. She added, in 2005, a CUP was approved for an ice cream shop with seating for 12 and 5 off-site parking stalls. She noted the applicant has modified the facility since Spring 2017 as requested by the City Council: the entrance size was reduced and signage installed prohibiting alcoholic beverages from leaving the premises; an in-house sound system was installed which allows for more volume control over the deck area; benches were removed from the perimeter; and, decking added for improved accessibility.

Community Development Director Kane reported that staff and University of Minnesota students monitored and made observations throughout the summer, and noted that the parking arrangement made a positive impact in the Marina Triangle and Tally's was in compliance with the allowable seating. She added the off-site parking and shuttle were not heavily used, but the creation of additional stalls was necessary to accommodate increased seating on Music Nights.

Community Development Director Kane stated regarding parking, 20 stalls are available in the ramp, nine spaces on site at C.J. Hooks, and two spaces in the Whitaker Street end. She added a public hearing was held at the Planning Commission's September 25, 2017, meeting, and one resident spoke in favor of the CUP. She noted two separate resolutions are recommended by the Planning Commission for City Council consideration, as permanent approval for 63 seats was never granted.

City Manager Richter stated there is a provision in the CUP related to the Whitaker Street end lease that accounts for the potential loss of parking spaces. She added it is necessary to clarify whether the area to the south of Tally's facility is actually on the Whitaker Street end property. She noted the end lease was approved in 1999 for 15x100 square feet, but current documentation references 14x100 square feet. The lease of \$100 per month was for site improvements, a lakeside retaining wall, boardwalk, decking garden, and perimeter hedges, and the City Council at the time saw these improvements as revenue-generating.

City Manager Richter stated the lease was increased to \$375 per month after an appraisal was completed by Dwyer, but was reduced back to \$100 per month due to consideration of this arrangement in relation to other local businesses. She added the Dehnerts, owners of Tally's, have requested consideration of a longer-term arrangement for use of the land so they can complete advance long-term planning.

City Manager Richter stated the on-site gas tank was removed from its underground location, replaced with a larger tank and installed on a concrete slab on the Whitaker Street end, with assistance from the City. She added there has been considerable discussion over the years regarding code and safety requirements related to the gas tank. City Staff maintains the position that the current tank is safe. She noted the tank was moved again in 2005 when the White Bear Lake Shopping Center determined that the tank was 3 feet over their property line.

City Engineer Richter stated the City contracted with an appraiser, Wendy Walker, to undertake a property valuation. She added incomplete information was given to Ms. Walker, so the property valuation has inaccuracies that must be reviewed and corrected before it can be reviewed by the City Council.

Councilmember Walsh requested clarification regarding the amount of square footage that is being leased, and whether the lease only applies to the 50-foot length of the Whitaker Street end.

City Manager Richter stated the original Tally's structure encroached on the Lake Avenue right of way, like many buildings on Lake Avenue. She added that was an existing condition that was discovered during construction of the lakeside trail, so the lease applies to the Whitaker Street end and another 100 feet.

Councilmember Jones asked whether that runs along the patio and abuts the trail. City Manager Richter confirmed this, adding site improvements completed in 2000 included the patio that was built on the leased property.

Councilmember Walsh asked whether there is a slip rental from the 100 feet of leased property. City Manager Richter stated that is the issue that is being reviewed, and more research and discussion is required.

Councilmember Jones asked how many times the gas tank is refilled. Keith Dehnert, owner of Tally's Dockside, stated the 500-gallon tank was filled 2-3 times per weekend. He added the 2,500-gallon tank is currently maintained by Cenex, and refilled approximately twice per week depending upon weather conditions.

Councilmember Walsh stated the City Council had originally agreed to the temporary CUP due to citizen comments and feedback about parking and traffic in the Marina

Triangle. He added there does not appear to be much testimony now that the summer trial period is over. He asked whether other businesses have indicated whether the trial was satisfactory for them, and whether there is further information regarding parking checks and parking in the ramp.

City Manager Richter stated University of Minnesota students were hired to monitor parking at the site and provide calculations, and they provided a report but most of it was observational. She added, staff observed that there were times when the ramp was full, especially on busy weekends like the Fourth of July. She noted there were available parking spaces in the ramp on music nights, but that should not be taken as an indication that there is no parking issue.

Councilmember Walsh asked whether there has been any feedback regarding signage in the ramp designating parking spaces for specific businesses. City Manager Richter stated she does not believe signs were installed.

Councilmember Jones stated, based on parking observations at Tally's, he is satisfied with the CUP although he voted against it. He added he supports focusing on finding other parking solutions, such as angled parking on old White Bear Avenue.

Councilmember Jones stated the City Council reviewed amended the City sign ordinance, to limit the use of temporary signs. He expressed concern that Tally's is using sandwich board signs to direct people to remote parking, but that type of signage is not allowed in the sign ordinance, and using them could encourage other businesses to do it. He added the position of the fence and benches on the Lake Avenue encroachment is another cause for concern, as setbacks have been required by other businesses. He noted the encroachment issue is part of the overall CUP and it seems wrong to him.

Councilmember Jones asked whether there is an official lease for the remote parking at the Public Works facility. City Manager Richter stated she has suggestions regarding a parking agreement, and she had planned to raise the issue during tonight's Discussion agenda item. She added an agreement with the Dehnerts provides a guideline for use of the parking lot relative to insurance and indemnity.

Councilmember Jones stated he does not believe the signs are helping. He added he is glad the temporary CUP has been successful. He noted he will support the CUP for 3 nights of music per week.

Councilmember Walsh asked whether the 7-year term is a standard length of time, as it seems like a big jump to go from one year to seven years.

Community Development Director Kane stated CUPs usually run with the land with no term, although there is a one-year implementation period. She added the 7-year period is recommended because the CUP is reliant upon remote parking on City property.

City Manager Richter stated there is City-owned land near Whitaker Street Crossing where there is potential to do additional parking, and encourage people to find alternative places to park.

Councilmember Edberg requested an update regarding concerns about alcohol,

questionable legal activities, and the movement of alcohol outside of Tally's establishment.

Community Development Director Kane stated the entryway at Tally's was narrowed, and City Staff have observed Mr. Dehnert at the door, greeting patrons. She added there have been no complaints and no movement of alcohol, outside of the enclosed area.

Councilmember Edberg stated visitors to Marina District use the shopping center parking lot, and something should be done to discourage that practice. He asked whether the City can make a long-term commitment or extension for parking at the Public Works facility, with the shuttle service to accommodate that. City Manager Richter stated she is unsure.

Councilmember Jones stated he would support a condition that Tally's must obtain City Council approval to rent out additional recreational equipment, above the 16 boats approved through the 1992 amendment.

Councilmember Jones requested clarification regarding signage and placement. Councilmember Walsh stated he feels the signage is appropriate as it indicates to visitors that there are events going on.

Councilmember Edberg stated the need for signage might diminish in coming years as patterns are established. Mayor Emerson agreed.

Councilmember Edberg stated the language related to signage should indicate that signage can be removed when it is no longer necessary. He added the language in condition #6 seems to go one way, and it should also go the other way.

City Attorney Pratt stated he has not seen the signs. He added his recommendation would be to add a sentence indicating signage can be removed, as indicated by Councilmember Edberg. He noted this will give the City the ability to amend the signage plan and prevent applicants from completing the process twice.

Councilmember **Walsh** moved, seconded by Councilmember **Edberg** to approve **Resolution No. 12100** approving a conditional use permit for 4441 Lake Avenue South within the City of White Bear Lake.

Motion carried unanimously.

Councilmember **Walsh** moved, seconded by Councilmember **Biehn** to approve **Resolution No. 12101** approving a request for a temporary conditional use permit for 4441 Lake Avenue South within the City of White Bear Lake with the following additional requirements to be added by City Staff:

- Tally's will be required to obtain City Council approval of any additional rentals (Condition #5)
- signage requirement will be amended to include signage removal at the City's discretion (Condition #6).

Motion carried unanimously.

2. Case No. 17-1-O: A request by the City of White Bear Lake for a Site Plan approval of proposed capital improvements to the White Bear Lake Sports Center located at 1328 Highway 96.

Community Development Director Kane stated the City's zoning code requires Planning Commission site plan approval for any facility capital improvement. She added a public hearing was held at the September 25, 2017, meeting regarding planned improvements to the Sports Center, as the project is a renovation of the existing sports facility. She noted a new ice plant addition will go onto southeast corner of the facility, with significant interior enhancements to accommodate the new ammonia system and exhaust system.

City Engineer Burch stated there will be mechanicals on top of the refrigeration room, but they will be fully enclosed.

Community Development Director Kane stated two Birch Lake Boulevard residents have expressed concerns regarding noise and activity levels, as well as visibility of equipment and parking. She added she has reached out to them, and indicated there is no plan for parking in the future. She noted the Planning Commission forwarded a unanimous recommendation for approval for zoning entitlements.

Councilmember Edberg requested that the height and appearance of the rooftop mechanicals are addressed so there is not a situation similar to the YMCA.

City Engineer Burch stated the refrigeration company will complete a sound analysis at the property line to measure current noise levels. He added they have indicated they have indicated the noise levels will be less than they are today.

Councilmember **Walsh** moved, seconded by Councilmember **Jones** to approve **Resolution No. 12102** approving capital improvement plans for the White Bear Lake Sports Center Renovation Project.

Motion carried unanimously.

7. UNFINISHED BUSINESS

Nothing scheduled

8. ORDINANCES

Nothing scheduled

9. NEW BUSINESS

- A. Resolution approving replacement of the Supervisory Control and Data Acquisition System (SCADA) for the water and sewer systems

City Engineer Burch stated the City's Supervisory Control and Data Acquisition (SCADA) system, which controls the City's water wells treatment plant and reservoirs as well as sanitary sewer lift stations via remote control, has been in place for many years and is now obsolete. The SCADA System is critical to the operation of the City's water and sewer systems and needs to be replaced. For example, the Whitaker Lift Station is of concern, as

the necessary response time is only 20 minutes. He noted City Staff has tried for years to refine a design and secure funding for a new system.

City Engineer Burch stated combined funding will be available from the 2017 and 2018 budgets. He added City employees will complete some of the installation this winter, so the new system will run side-by-side with the old system until the spring.

It was moved by Councilmember **Edberg**, seconded by Councilmember **Biehn**, to adopt **Resolution No. 12103** approving replacement of the Supervisory Control and Data Acquisition System (SCADA) for the water and sewer systems.

Motion carried unanimously

City Manager Richter expressed her appreciation for the hard work and efforts of the Public Works Department, whose creative cost-savings measures resulted in hundreds of thousands of dollars in reduced costs.

10. CONSENT

- A. Resolution approving the Joint Powers Agreement of the Ramsey County Violent Crime Enforcement Team. **Resolution No. 12104**
- B. Acceptance of June Minutes of the Environmental Advisory Commission and Park Advisory Commission; August Minutes of the White Bear Lake Conservation District; September Minutes of the Planning Commission

It was moved by Councilmember **Biehn**, seconded by Councilmember **Walsh**, to approve the consent agenda as presented.

Motion carried unanimously.

11. DISCUSSION

12. COMMUNICATIONS FROM THE CITY MANAGER

- City Manager Richter reminded residents that November 7, 2017, is Voting Day. She added absentee ballots are currently available online or in person at the Ramsey County Offices on Plato Boulevard. She noted early voting will be available at several locations, including the White Bear Lake Public Library, beginning on October 31, 2017.
- City Manager Richter stated the Public Works Superintendent indicated that river rock is being put into the Highway 96 median and should be completed soon.
- City Manager Richter stated a City Council Work Meeting is scheduled for October 23, 2017. She added that meeting is no longer necessary as 2018 Strategic Planning will be addressed at the November 2017 Work Meeting. She added a long-range financial planning discussion involving the Capital Improvement Plan is planned for January 2018.
- City Engineer Burch stated several softball fields at Podvin Park are being converted to Lacrosse fields, with significant financial support from the White Bear Lake Lacrosse Association.

- City Engineer Burch reported that proposed 2018 street improvements in the northeast area are being reviewed, including older utilities that will need to be replaced. He added City Staff is obtaining information from residents of this area to determine the scope of the underground utilities work, which will be necessary. He noted a public information meeting will be held in November 2017.
- City Engineer Burch stated City Staff held a public information meeting with Birch Lake South and White Bear Avenue residents regarding 2018 street improvement projects, trails projects, and utilities projects. He added the meeting was well-attended, and there was good discussion. He noted the White Bear Avenue neighbors are meeting as a group on Thursday October 12, 2017.
- City Engineer Burch stated street projects are complete, with the exception of striping on Second Avenue and some sod work, but paving is complete.
- Community Development Director Kane stated the Planning Commission is delving into the Comprehensive Plan, which must be wrapped up by June 2018, for submission to other municipalities and the School District. She added the Planning Commission will be reviewing an application for a non-conforming parking situation at the Oak Ridge Office Building.

13. ADJOURNMENT

There being no further business before the Council, it was moved by Councilmember **Walsh** seconded by Councilmember **Biehn** to adjourn the regular meeting at 8:54 p.m.



Jo Emerson, Mayor

ATTEST:



Kara Coustry, City Clerk