MINUTES
REGULAR MEETING OF THE
CITY COUNCIL OF
THE CITY OF WHITE BEAR LAKE, MINNESOTA
TUESDAY, MARCH 12, 2013
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 Bryan Belisle, Kevin Edberg, Dan Jones and Renee Tessier were present. Councilmember Biehn had an excused absence. Staff members present were City Manager Mark Sather, Assistant to the City Manager Ellen Richter, City Engineer Mark Burch, Community Development Director Anne Kane, City Attorney Roger Jensen and City Clerk Diane Krinkie.

PLEDGE OF ALLEGIANCE

2. APPROVAL OF MINUTES

A. Minutes of the Regular City Council Meeting on February 26, 2013

It was moved by Councilmember Belisle, seconded by Councilmember Jones, to approve the minutes as presented.

The motion carried 4/0.

B. Minutes from Special Council Meeting on March 4, 2013

It was moved by Councilmember Tessier, seconded by Councilmember Jones, to approve the minutes as presented.

The motion carried 4/0.

3. APPROVAL OF THE AGENDA

It was moved by Councilmember Belisle, seconded by Councilmember Tessier, to approve the agenda as presented.

The motion carried 4/0.

4. VISITORS AND PRESENTATIONS

A. Proclamation – Proclaim May 4, 2013 as Arbor Day in the City of White Bear Lake

Mayor Emerson read the Arbor Day Proclamation.

City Engineer Burch stated that White Bear Lake would celebrate Arbor Day on May 4 this year. He gave a brief presentation on the various activities planned in the community that day, including a tree planting project.
5. PUBLIC HEARINGS

A. Consideration of a request by **Vicky Huert**h for a conditional use permit for a second curb cut for the property located at 3647 Dennis Lane.

Community Development Director Anne Kane explained that Vicky Huert of 3647 Dennis Lane was requesting a conditional use permit to create a second curb cut. The current driveway access is from Spruce Street and the proposed extension would access Spruce as well, with a distance of approximately 42 feet between the two. The driveway associated with the second curb cut would connect to the existing driveway to allow a pass-through or “U” shape traffic pattern.

Ms. Kane stated in staff’s opinion, the proposed driveway does not pose any conflicts and will not impede sight vision or vehicular movements. The zoning code requires a setback of 15 feet from the curb or pavement edge of the intersection and a 5-foot setback from the west property line. Both the existing and the proposed driveway/curb cuts exceed the setback requirements.

Ms. Kane stated that the City’s discretion to approve or deny a conditional use permit is limited to consideration of whether or not the changes meet the standards outlined in the Zoning Ordinance. Staff reviewed the proposed request against the standards and found that they have been met. The additional parking provided by the driveway would not be in front of the home’s living area; furthermore, the applicant has been using this turn-around area for quite some time with no known adverse impacts.

Mayor Emerson opened the public hearing.

As no one came forward to speak, Mayor Emerson closed the Public Hearing and brought it back to the Council for discussion.

It was moved by Councilmember **Belisle**, seconded by Councilmember **Tessier**, to approve Resolution No. 11180 (A Resolution Approving a Conditional Use Permit for 3647 Dennis Lane Within the City of White Bear Lake, Minnesota).

The motion carried 4/0.

B. Proposed Resolution Ordering Project/Approving Plans and Specs/Authorizing Ad for Bids (13-01/13-04) – 2013 Residential Street and Utility Reconstruction

City Engineer Mark Burch explained the City Council ordered a public hearing to consider the improvements proposed under the 2013 Street Reconstruction Project. The streets proposed for improvements in 2013 are Dennis Lane (County Road E to Cedar Avenue), Dorothy Avenue (Hazel Street to McKnight Road), Howard Avenue (Spruce Place to Cedar Avenue), Kenny Lane (County Road E to Cedar Avenue), Spruce Place (150’ east of Hazel Street to McKnight Road), Belland Avenue (Midland Ave. to White Bear Ave.), Jerry Court (Monn Avenue to S. Cul-De-Sac), Midland Avenue (Orchard Lane to South End), Monn Avenue (Midland Ave. to White Bear Ave.) Monn Court (Midland Ave. to W. Cul-De-Sac), and White Bear Court (White Bear Ave. to W. Cul-De-Sac). The Engineering Department has prepared plans, cost estimates, assessment rolls, and a feasibility report which was presented to the City Council at the February 12th meeting. The Engineering Department also followed the required public hearing notification procedures for informing property owners affected by the proposed improvements and those who are included in the proposed assessments. An informational meeting was held on October 22, 2012 to discuss the improvements with residents and the City’s assessment policy for improvements.
Mr. Burch explained the proposed assessment amounts were determined by using the City's Assessment Policy and reviewed by the City's appraisal consultant. The assessment amounts provided to property owners were calculated using the formulas in the Assessment Policy. A copy of the appraisal report is available for public review in the Engineering Department at City Hall. The assessment rates used on the projects are $35.00 per assessable foot for residential properties, $45.97 per assessable foot for apartments and $55.78 per assessable foot for commercial properties; these rates are the same as in 2010, which the Council has been holding constant. The total estimated cost of the proposed improvements in the 2013 Street Reconstruction Project as presented in the Feasibility Report is $2,942,891. This includes watermain, sanitary sewer, storm sewer, stormwater treatment, street and sidewalk improvements.

The street reconstruction plans prepared by the Engineering Department include removal of existing deteriorated pavements and improvements to water and sanitary sewer mains, storm sewer lines and storm water treatment facilities, new bituminous street pavements with concrete curb and gutter, as well as sidewalks. Mr. Burch explained, if the Council desires to proceed with the projects, the process would continue with final plan preparation and advertisement of bids. Anticipated bid date is April 4th with presentation of bids to Council at the April 9th City Council meeting. Final public hearing to consider adoption of the assessment rolls would be in September 2013. During the special assessment hearing in September the Council will levy the assessments on the properties which would be payable in 2014.

Mr. Burch explained the design considerations and stated due to low traffic volumes and existing topography, street widths would remain very close to their existing width. Dennis Lane from County Road E to Spruce Place will be constructed at 28 feet wide. All other streets in the 13-01 project area will be reconstructed to 30' wide. Parking will continue to be allowed on both sides of all streets in this project area. All streets in the 13-04 project area will be reconstructed to 30' wide. As part of the 2012 reconstruction project, a sidewalk was added to the west side of Hazel Street from Cedar Avenue to Spruce Place. It was anticipated in 2012 that two additional segments of sidewalk would be incorporated into the 2013 Street Reconstruction Project: north side of Spruce Place from Hazel Street to McKnight Road and east side of Dennis Lane from Spruce Place to County Road E. These segments are included in this year's project.

Mr. Burch stated the configuration of the intersection of Dennis Lane and Spruce Place is unique and creates confusing and unsafe conditions for motorists. The proposed design will realign the intersection to create two (2) T-intersections, creating safer sight conditions for vehicular and pedestrian traffic and reducing the hard-surfaced stormwater runoff area. Mr. Burch explained that a large underground infiltration system will be constructed in Spruce Park. The system is estimated to cost $270,000, 70% of which will be funded from a variety of City funds and 30% from special assessments to property owners.

Mayor Emerson opened the public hearing.

Greg Dunsmore 3822 Dennis Lane asked Mr. Burch if homeowners would be assessed if sidewalks were constructed on Dennis Lane.

Mr. Burch confirmed there would not be a sidewalk constructed on his block; however, there would be a sidewalk constructed on the east side of Dennis Lane from Spruce Place to County Road E. Mr. Burch explained the City has a sidewalk fund which supports sidewalk projects and residents are not assessed for this portion of the project.

BJ Reiter 3743 Dennis Lane asked Mr. Burch if it would be possible to have parking permitted on the east side of Dennis Lane from County Road E to Spruce Place. She explained the road is currently 28 feet wide; parking on both sides of the street make it impassable for two cars. Ms. Reiter also questioned the City's height restriction of hedges. She believes the hedges on Dorothy between Howard and Kenny are a safety hazard.
Mr. Burch stated the City will review parking accommodations on Dennis Lane from County Road E to Spruce and make any necessary changes. The City will also work with the property owners on Dorothy to ensure the hedges are at the appropriate height in consideration of motorist and pedestrian safety.

Lynn Amon 2154 Spruce Place asked if there were plans to remove the stop sign on the corner of Spruce Place and Dennis Lane. Ms. Amon also asked if the footage would change with the proposed curb line and stated she was concerned about a large tree on her property. She also asked if the raingarden program was available.

Mr. Burch confirmed the stop sign would not be removed from the corner of Spruce Place and Dennis Lane. He stated the City will work with property owners to save as many trees as possible. Mr. Burch explained if property owners are interested in raingardens, they should contact staff in the Engineering Department for assistance in completing the appropriate application.

Josh Wiggins 3644 Dennis Lane stated he too had safety concerns on Dennis Lane and Spruce Place and asked Mr. Burch if the City would have direct communication with the property owners if there were changes that affect their property.

Mr. Burch confirmed that City staff will work directly with property owners regarding any changes affecting their property and property owners would receive regular updates via email and regular mail from the Engineering Department.

Shelly Lopez 3668 Dennis Lane stated there are many safety concerns for children around the area of Dennis Lane and Spruce Place. Ms. Lopez asked how she would go about having a street light installed in the middle of the block on Dennis Lane to help with safety.

Mr. Burch stated staff will review the stop sign issue on Dennis Lane and Spruce Place. The City has a streetlight policy for the placement of streetlights throughout the City. Typically the City would not install streetlights mid-block unless the block was unusually long. Mr. Burch encouraged Ms. Lopez to contact Xcel Energy regarding the "Night Watch Program".

As no one further came forward to speak, Mayor Emerson closed the Public Hearing and brought it back to the Council for discussion.

Councilmember Jones asked if the cross-walk to South Campus could be improved.

City Manager Sather explained staff could put together a proposal to the County describing its uniqueness. There would be an expense to the City for installing a signaled cross-walk. However, use of a solar powered LED sign with pedestrian activation, along with pavement striping, would enhance the safety.

It was moved by Councilmember Belisle, seconded by Councilmember Edberg, to approve a Resolution No. 11181 (A Resolution Ordering Improvements, Approving Plans and Specifications and Authorizing Advertisement for Bids for 2013 Street Reconstruction Project on Dennis Lane/Dorothy Avenue/Howard Avenue/Kenny Lane/Monn Avenue/Monn Court/White Bear Court (City Project Nos.: 13-01 and 13-04).

The motion carried 4/0.
6. LAND USE
   A. Consent

   1. Consideration of a Planning Commission recommendation regarding a request by the City of White Bear Lake for the property located at 4495 Lake Avenue for a 50-foot variance from the 50-foot setback required from the Ordinary High Water Level (OHWL) of White Bear Lake, and a variance to allow more than one recreational accessory structure in order to locate two pavilions at the OHWL.

   It was moved by Councilmember Jones, seconded by Councilmember Tessier, to approve a Resolution No. 11182 (A Resolution Granting a Variance for 4495 Lake Avenue within the City of White Bear Lake, Minnesota).

   The motion carried 4/0.

7. UNFINISHED BUSINESS
   No Items Scheduled

8. ORDINANCES

   A. Second Reading of Proposed Ordinance Prohibiting the Intentional Feeding of Deer

   City Manager Sather explained there have been a number of residents expressing concern about the growing concentration of deer in the area of Otter Lake Road between North Birch Lake Blvd. and White Bear Parkway.

   Ms. Richter stated at the January 22nd City Council meeting staff was directed to draft an ordinance prohibiting the feeding of deer as one of several strategies recommended by the Department of Natural Resources to assist with urban deer population management. The first reading of the ordinance was held at the February 12th City Council meeting. Staff has received communication from residents on both sides of the issue.

   Ramsey County completed the 2013 aerial deer county study in mid-February, which included areas of the City of White Bear Lake as requested. The study shows there are somewhat significant populations in the Birch Lake/Rotary Park area and further east near the former Public Works site. John Moriarty, former Ramsey County Natural Resource Manager in charge of the deer management program, believes that the densities would merit a controlled bowhunt if the City was interested in pursuing this option. Mr. Moriarty indicated that a decision to conduct a controlled bow hunt, however, is entirely dependent upon a community’s tolerance for deer. Ramsey County will be conducting a bowhunt in the Tamarack Nature Center this year, which will help to reduce the deer population in the surrounding areas.

   Ms. Richter explained that while some enjoy the interaction with deer through recreational feeding, this activity can increase population densities, which lead to nuisance issues for some homeowners and is linked to the spread of chronic waste disease among deer. Some argue that it also increases the risk of Lyme’s disease, although the science on this is not conclusive. The proposed ordinance is similar to that which has been adopted by many suburban communities in the metropolitan area.

   Jerry Stevens 4833 Otter Lake Road stated there is an extreme deer problem in his neighborhood. There was recently a dead deer on his neighbor’s property and there is no apparent means to dispose of the deer, which he believes should be the City’s responsibility. Mr. Stevens expressed his concern regarding Lyme’s disease and the destruction of gardens and yards due to recreational deer feeding; he believes the Council should approve the feeding ordinance.
Councilmember Tessier stated she is in favor of the ordinance. She believes it is fair, and would help to improve safety for vehicles and allow homeowners to enjoy their property.

It was moved by Councilmember Tessier, seconded by Councilmember Jones, to approve Ordinance No. 13-3-1084 (An Ordinance Prohibiting the Intentional Feeding of Deer within the City of White Bear Lake, Minnesota).

The motion carried 4/0.

9. NEW BUSINESS

A. Amendment to the T-Mobile Agreement for Telecommunications Equipment on the Monopole on Miller Avenue

City Engineer Mark Burch explained that the City of White Bear Lake and T-Mobile have an agreement which provides for installation of T-Mobile equipment on the monopole behind the Police Building on Miller Avenue. T-Mobile has requested an amendment to the agreement which would allow them to add new equipment onto the site to improve their service. The City has negotiated a lease amendment which provides additional rent ($4,800 per year) for the proposed equipment. Staff recommends adoption of the resolution approving the amendment and authorizing the City Manager to execute the agreement.

It was moved by Councilmember Edberg, seconded by Councilmember Tessier, to approve a Resolution No. 11184 (A Resolution Approving Lease Amendments with T-Mobile for Telecommunications Equipment Installations at the City’s Miller Avenue Site).

The motion carried 4/0.

B. Proposed Resolution Seeking Authorization for Reinstatement of the White Bear Lake Fire Relief Death Benefit for Retired Members and Beneficiaries

City Manager Sather explained the White Bear Lake Fire Relief Board of Trustees held a special meeting on Monday, March 11 to consider the proposed special legislation regarding reinstatement of funeral benefits for retirees receiving an annuity pension. In 2009, the legislature removed the ability for the Fire Relief Association to pay a funeral benefit to former department members out of the “special fund”. This legislative action resulted in an actual benefit reduction for long serving retired members. While some beneficiaries received the funeral benefit, there are twenty-three members who would have been eligible for the benefit had the statute not been amended.

Mr. Sather concluded, the retirees requested special legislation to correct this benefit reduction to a specific defined group. The proposed benefit would only be available to retired fire department members who served the community for at least 20 years, are receiving a monthly pension and retired before January 1, 2009. The White Bear Lake Fire Relief Board of Trustees voted to support the legislation modifications and requests the City Council support this action by adopting the resolution.

It was moved by Councilmember Tessier, seconded by Councilmember Jones, to approve a Resolution No. 11185 (A Resolution Seeking Authorization for Reinstatement of the White Bear Lake Fire Relief Association Death Benefit for Certain Retired Members and Beneficiaries).

The motion carried 4/0.

Mayor Emerson recessed the meeting of the City Council at 8:13 p.m.
10. ACTION TO BE TAKEN BY THE HOUSING AND REDEVELOPMENT AUTHORITY

HRA Chair Belisle called the Housing and Redevelopment Authority to order at 8:14 p.m. (please refer to the minutes of the Housing and Redevelopment Authority for action taken, including the following items).

1. Call to Order
2. Approval of the minutes from the March 4, 2013 meeting
3. Resolution Declaring the HRA’s Intent to Reimburse Certain Expenditures related to the BoatWorks Commons Redevelopment project.

Mayor Emerson reconvened the City Council meeting at 8:17 p.m.

11. CONSENT

A. Resolution No. 11183 Declaring the City’s Intent to Reimburse Certain Expenditures related to the BoatWorks Commons Redevelopment project.


It was moved by Councilmember Tessier, seconded by Councilmember Jones, to approve the Consent Agenda as presented.

The motion carried 4/0.

12. DISCUSSION

No Items Scheduled

13. COMMUNICATIONS FROM THE CITY MANAGER

➢ Status Report – Refuse Contract Extension
   City Manager Sather explained at the last Council meeting there was discussion to extend the current refuse collection contract for one year. Staff has been working with the Environmental Advisory Commission to review major changes in recycling. Staff and the Commission are aware that many communities are converting to single sort recycling to include all plastics 1 through 7. However, Eureka Recycling, the City’s designated processing facility has not made this conversion yet; there continue to be concerns with what is happening to some of the plastics collected and questions remain about the effectiveness of single sort recycling. Mr. Sather stated extending the current contract for one year would allow the City time to further evaluate the pros and cons of this conversion. Negotiations have been reached with the City’s current refuse hauler and the contract will be presented to the Council for approval at the next meeting.

➢ Ramsey County League of Local Governments will be holding a meeting to discuss “Emergency Management in Ramsey County” on Thursday, March 21, 2013 from 7:00 – 8:30 p.m. with presenter Judson Freed, Director of Management and Homeland Security. All Councilmembers are welcome and encouraged to attend.

➢ City Staff will work to develop a procedure for picking up dead deer on private property within the City.
With the melting and freezing cycles this time of year, the City receives several complaints from residents regarding icy sidewalks. The clearing of sidewalks has improved with use of new snow removal equipment; however, the melting and freezing cycles do create ice problems, which are most effectively addressed with salting. The City is not currently salting residential sidewalks, but will monitor the sidewalks in an effort to keep them clear and safe.

The BoatWorks Commons Development Agreement is near completion. Staff continues to monitor the BoatWorks site to prevent vandalism and ensure safety for residents and local establishments.

13. ADJOURNMENT

There being no further business before the Council, it was moved by Councilmember Edberg, seconded by Councilmember Belisle to adjourn the regular meeting at 8:37 p.m.

Jo Emerson, Mayor

ATTEST:

Diane Krinkie, City Clerk