



**MINUTES
REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF WHITE BEAR LAKE, MINNESOTA
TUESDAY, APRIL 24, 2018
7:00 P.M. IN THE COUNCIL CHAMBERS**

1. CALL TO ORDER AND ROLL CALL

Mayor Jo Emerson called the meeting to order at 7:03 p.m. Councilmembers Doug Biehn, Kevin Edberg, Steven Engstran, Dan Jones and Bill Walsh in attendance. Staff members present were City Manager Ellen Richter, Finance Director Don Rambow, City Engineer Mark Burch, Assistant City Engineer Jesse Farrell, Environmental Specialist Connie Taillon, Community Development Director Anne Kane, City Clerk Kara Coustry and City Attorney Andy Pratt.

PLEDGE OF ALLEGIANCE

2. APPROVAL OF MINUTES

It was moved by Councilmember **Walsh** seconded by Councilmember **Biehn**, to approve the Minutes of the Regular City Council Meeting on April 10, 2018.

Motion carried unanimously.

It was moved by Councilmember **Edberg** seconded by Councilmember **Engstran**, to approve the Minutes of the Closed City Council Meeting on April 10, 2018.

Motion carried unanimously.

3. APPROVAL OF THE AGENDA

City Manager Richter moved 9C to be considered directly after 5D.

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

Motion carried unanimously.

4. VISITORS AND PRESENTATIONS

A. Manitou Days - John Lupo

John Lupo thanked the City Council for last year's assistance with the 50th Manitou Day's celebration, which was a huge success. He reported that in recognition of the railroad coming to White Bear Lake 150 years ago, this year's theme for Manitou Days is, "All Aboard Bears". Mr. Lupo described some of the events being planned and encouraged residents to get out with family and friends to experience this wonderful community and all White Bear Lake has to offer.

B. Proclamation for White Bear Center for Arts 50th Anniversary

Mayor Emerson read the proclamation declaring May 16th, 2018 as White Bear Center for the Arts Day in the City of White Bear Lake in recognition of its 50th Anniversary.

5. PUBLIC HEARINGS

A. Annual public meeting and 2017 Annual Report on the City's Storm Water Pollution Prevention Program

City Engineer Burch explained that the goal of the EPA-mandated Storm Water Pollution Prevention Program is to improve the quality of storm water runoff. The City educates the public through its website, newsletter, the White Bear Press, Facebook and through participation in outreach activities such as the annual Water Symposium and the Environmental Resources Expo.

Mr. Burch highlighted ways the public can help keep stormwater clean by clearing trash, pet waste, fertilizer, leaves and grass clippings from the streets, reporting illicit discharges such as chemicals and soap, and planting raingardens. He reported on the City's street sweeping activities and efforts to keep salt off the roads. Mr. Burch shared 2018 goals for planting pollinator friendly raingardens, feasibility studies to remove phosphorus from the Birch Lake Subwatershed, and Goose Lake, and adopt a storm drain and stenciling programs.

Councilmember Jones asked for recommendations when sweeping after seal coating. Mr. Burch explained that the loose rock can be broom-raked back into the gutter so that it can be picked up with a street sweeper.

Mayor Emerson opened the public hearing at 7:28 p.m.

As no one came forward to speak, Mayor Emerson closed the public hearing at 7:28 p.m.

Mayor Emerson called on the public to do their part to keep debris and pet waste out of the City's stormdrains.

B. Public hearing to identify a qualified user of the White Bear Lake Sports Center

Mr. Rambow reported that the White Bear Hockey Association used more than 20% of the Sports Center's prime ice time. Due to significant rental income derived from the White Bear Hockey Association, which is a 501(c)(3) nonprofit entity, the bonds will be issued as "qualified 501(c)(3) bonds". The purpose of this public hearing is to notify the public of the principal amount of the bonds (\$3,345,000) and the name of the 501(c)(3) user (White Bear Hockey Association) and to provide the public with an opportunity to be heard related to this matter.

Mayor Emerson opened the public hearing at 7:29 p.m.

As no one came forward to speak, Mayor Emerson closed the public hearing at 7:29 p.m.

C. Public hearing to consider a proposed property tax abatement

Finance Director Rambow explained this public hearing is to consider the sale of \$3.4 million in abatement bonds to finance the Sports Center Renovation Project. Abatement bonds designate certain properties for the repayment of the debt. Mr. Rambow stated that these are 20-year bonds to be repaid by the White Bear Hockey Association with

the City will be responsible for the full debt obligation if the Hockey Association cannot meet its obligation. He explained the refrigeration system will be financed separately as “equipment certificates or bonds”.

Mayor Emerson opened the public hearing at 7:31p.m.

As no one came forward to speak, Mayor Emerson closed the public hearing at 7:31 p.m.

It was moved by Councilmember **Jones**, seconded by Councilmember **Biehn**, to adopt **Resolution No. 12215** approving property tax abatement related to Public Infrastructure Improvements in the City of White Bear Lake.

Motion carried unanimously.

- D. Public hearing on proposed improvements to Centerville Road and Resolution ordering improvements, approving plans and specifications and authorizing advertisement for bids for Centerville Road Street and Traffic Signal Improvement Project, City Project No. 18-16

City Engineer Burch explained that the purpose of this public hearing is to get feedback from the public related to proposed improvements on Centerville Road. This is a cooperative effort with Ramsey County, White Bear Township, the City of White Bear Lake and private development partners. Mr. Burch reported this a County Road, but the City of White Bear Lake is taking the lead for its ability to move the project along more quickly. This public improvement hearing is also being held because at the end of summer, the Council will be asked to consider special assessments for properties that benefit from the project.

Steve Weser, P.E. with Alliant Engineering reviewed proposed improvements to Centerville Road. He explained the need to accommodate future traffic from Tower Crossings and address traffic back-ups and safety issues. Mr. Weser stated the benefits of the project include additional lane capacity and optimized signal timing, installation of a median to reduce conflicts and improve safety, a signalized pedestrian crossing at Cub Foods/Tower Crossings to improve pedestrian safety and there will be safer access to traffic turning south from the east side of Centerville road.

Mr. Weser stated that cross-access agreements are being coordinated with east side properties to provide access to the signal through the Lunds & Byerlys' parking lot. There will be minor storm sewer and water quality work along with a sidewalk added to the east side in front of the grocery store. Ramsey County will be adding mill and overlay to complete the pavement surface. There will also be minor utility adjustments in the area.

Mr. Weser reported that the Tires Plus, a lower traffic volume property, is the only property that will have just one access point onto Centerville Road. Traffic from that site will need to use the U-Turn movement to head south. Traffic accessing Tires Plus from the north could use the traffic signal at Lunds & Byerlys and use the shared driveway between Walgreens and McDonalds.

Mr. Weser estimated construction costs at \$960,000 including \$150,000 for additional Centerville Road mill and overlay requested by Ramsey County. Total estimated project costs are \$1.3 million including engineering, construction, administration, inspection and materials testing costs. He stated that the City and Township are currently investigating special assessments to benefiting properties, while Ramsey County anticipates use of

State Aid funds to pay for a portion of the median costs, and wheelage tax funds to pay for the mill and overlay. The remaining amount will be funded by the private development work on the east side.

Mr. Weser explained that a Public Information meeting was held at City Hall on April 4th. Both the City and Township are working on appraisal reports. The bid letting is scheduled for April 27th and the Council could consider bids as soon as May 8th with construction beginning as early as May 21st. Substantial completion of the project is set for mid-September with final restoration and clean-up complete by the end of September. Mr. Weser stated the intent is to maintain two-way traffic and access to the properties throughout the project.

Mayor Emerson opened the public hearing at 7:44 p.m.
As no one came forward to speak, Mayor Emerson closed the public hearing at 7:44 p.m.

Councilmember Walsh asked for a characterization of the April 4th public meeting. Ms. Richter stated there were quite a few people present including representatives from Cub Foods and the developers of Lunds & Byerlys. Mr. Moriarty with Tires Plus was also present and expressed concern with his inability to take a left turn onto Centerville Road.

Ms. Kane reported residents were concerned with cut-through traffic on side streets, as was experienced during re-construction of the Highway 96 bridge, although concern dissipated when residents learned that two lanes of traffic would be maintained throughout the project. Ms. Kane reiterated with Tires Plus the need to establish a baseline of current numbers and sales volume for a time when the Council might revisit potential modifications. She also pointed out the increase in visitors to the area could be beneficial to their business. Ms. Kane shared that McDonalds and Walgreens did not relay similar concerns.

It was moved by Councilmember **Jones**, seconded by Councilmember **Walsh**, to adopt **Resolution No. 12216** approving property tax abatement related to Public Infrastructure Improvements in the City of White Bear Lake.

Motion carried unanimously.

6. LAND USE

Nothing scheduled

7. UNFINISHED BUSINESS

Nothing scheduled

8. ORDINANCES

Nothing scheduled

9. NEW BUSINESS

A. Resolution to approve the sale of bonds for the Sports Center Renovation Project

Finance Director Rambow explained this is the last step to authorize issuance of 1.3

million in bonds for the Sports Center Renovation Project, with the exception of the refrigeration system. He stated the bonds themselves would be funded by the tax levy, a contribution from marina slip rentals and an annual contribution from the Hockey Association. The total project cost is 3.7 million dollars, less \$500,000 from the Hockey Association means that \$3.2 million would be funded through the sale of bonds. These bonds would be repaid over a period of 20 years and it is not anticipated that additional taxes would be needed in order to make this happen.

Councilmember Edberg inquired as to the interest rate range for these bonds. Mr. Rambow stated that the financial advisors at Ehler's projects 3.45% interest. Councilmember Edberg concluded that this is still a relatively low interest rate with regard to public debt. Mr. Rambow considers this a very reasonable interest rate for 2018.

Councilmember Walsh inquired as to fundraising activities of the White Bear Hockey Association. City Manager Richter shared that after meeting with McFarlane, the Hockey Association has been focusing more on reaching the largest contributors first. Relative to the debt service repayment, Ms. Richter stated that staff feels confident in its repayment after reviewing proceeds from their gambling association.

City Attorney Pratt asked for both 9A and 9B resolution headings to state that bid amounts are approximate. In his experience, if the bids are good enough, sometimes the principle amount is lowered on the day of the sale and this would provide some flexibility.

It was moved by Councilmember **Walsh**, seconded by Councilmember **Engstran**, to adopt **Resolution No. 12217** approving the sale of bonds for the Sports Center Renovation Project with the addition of the word "approximate" in the title.

Motion carried unanimously.

B. Resolution to approve the sale of bonds for 2018 Street Improvement Projects

Finance Director Rambow reported that funding for the 2018 Street Improvement Projects will come from a tax levy of approximately \$220,000, special assessments to property owners of \$60,000 and through the sale of bonds. He stated that the new refrigeration system at the Sports Center would be covered by slip rental revenues.

It was moved by Councilmember **Engstran**, seconded by Councilmember **Biehn**, to adopt **Resolution No. 12218** approving the sale of bonds for 2018 Street Improvement Projects with the addition of the word "approximate" in the title.

Motion carried unanimously.

Mr. Rambow added that the amounts provided to Council tonight are pre-sale amounts. He is hopeful that the interest rate would be slightly less than what if presented by the time the sale happens.

C. Resolution accepting bids and awarding contact for the 2018 Crack Sealing Program, City Project No. 18-03

City Engineer Burch reported that bids were received on April 18, 2018 for the 2018 Crack Sealing Project. Staff recommends the Council award the contract to the 2nd lowest bidder, which is Northwest Asphalt & Maintenance of Thief River Falls, MN in the amount of \$64,900. This contract amount is well within our 2018 Crack Sealing budget

of \$105,000. This recommendation is due to a withdrawal request by the lowest bidder, Astech Asphalt Surface Technologies, who made an error in their bid calculation.

Councilmember Edberg questioned the low bid compared to the budget and asked for staff's experience with them. Mr. Burch reported that they are using the product specified in the bid and that the Engineering staff provides supervision related to routing and application of the crack sealing material. Mr. Burch said they are qualified and the City should be happy with their work.

It was moved by Councilmember **Biehn**, seconded by Councilmember **Edberg**, to adopt **Resolution No. 12219** accepting bids and awarding contact for the 2018 Crack Sealing Program, City Project No. 18-03.

Motion carried unanimously.

10. CONSENT

- A. Resolution approving a single event extension license for El Pariente Mexican Grill for Cinco de Mayo. **Resolution No. 12220**
- B. Resolution approving a single event for commerce at Rail Road Park. **Resolution No. 12221**
- C. Resolution approving off-sale Lund Beverages, LLC dba Lunds & Byerlys Wines & Spirits. **Resolution No. 12222**
- D. Resolution approving on-sale wine, strong beer and Sunday and Extension licenses at Lunds Inc. dba Lunds & Byerlys. **Resolution No. 12223**
- E. Resolution approving massage therapist licenses. **Resolution No. 12224**
- F. Resolution approving a no parking agreement on Centerville Road. **Resolution No. 12225**

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

Motion carried unanimously.

11. DISCUSSION

- A. Parking of recreational vehicles (RVs)

City Manager Richter recapped that about a year ago Councilmember Jones had brought forward concerns expressed in his ward over the ability to park recreational vehicles at residences within the City. Code enforcement reports there is roughly about one (1) call per month related to commercial vehicles making it difficult to discern whether its related to an RV or other vehicle. She shared other city's zoning codes, ranging from nothing to requirements for screening and side and rear yard paving.

Councilmember Jones explained that two separate residents contacted him related to RVs parked in driveways. He would not appreciate one of these parked in his neighbor's driveway and pointed out there are tougher zoning requirements in the City

for yard sheds and chicken coops. Given dimensions ranging 21-45 feet (30 foot average), 8 feet wide and 8.5 feet tall, Councilmember Jones stated RVs can be parked right up to the property line, with no restriction under the City's current code. Councilmember Jones cited restrictions of other communities such as setback requirements and parking on pavement. He did not think it unreasonable to require these house-size vehicles to pay for storage somewhere else.

Councilmember Biehn agreed with Councilmember Jones. He stated there should be a time limit for parking recreational vehicles in the driveway. Councilmember Jones said Oakdale, Mahtomedi and Hugo have time limits for how long a recreational vehicle can remain parked at a residence.

Community Development Director Kane mentioned the calls received are not necessarily complaints, but inquiries that come in about once per month. She stated that RVs cannot be parked in front of the living space of a home, but can be parked on the driveway, or in a side yard or back yard.

Mayor Emerson stated that a car could not park up to the property line under the City's code, but an RV can park right up to the property line. Ms. Kane confirmed this and surmised that passenger vehicles would come and go more frequently than a recreational vehicle. Mayor Emerson questioned the lack of a setback requirement for large recreational vehicles.

Councilmember Walsh explained that he has not heard any complaints about the parking of recreational vehicles and does not see the need to change the code at this time.

Councilmember Edberg has not heard a complaint in eight years on the Council. He concluded that the ordinance is either clear enough, or accepted enough, or there is an understanding among neighbors. He stated that RVs are parked on private property and postulated the larger consideration is; to what extent the Council should regulate what people do on their own property.

Mayor Emerson concluded that there was not sufficient desire by the Council to advance this topic at this time. Councilmember Jones thanked the Council for their time in deliberating.

City Manager Richter stated there are two processes for code amendments, one being at the direction of Council/staff, and the other being initiated by a resident through a text amendment process.

B. Sports Center sign

Ms. Kane explained that two non-conforming signs along Highway 96 will be replaced with a ground monument sign containing dynamic display. Ms. Kane explained there is not sufficient space from the property line for a sign to meet the 10-foot required setback, so this item will be brought before the Planning Commission for a variance.

Ms. Kane displayed an image of the current proposed sign and explained that it meets the current code. She noted this is a significant investment, that will be in place for a long time, and wondered if there should be more consideration given to branding and incorporation of other sign elements throughout the city. Ms. Kane suggested

redesigning the sign for more consistency with fieldstone, or the brick base signs along Highway 61 and asked for Council's direction.

Councilmember Jones said branding is extremely important and he believes the City should have a brand for consistency across park signs, street signs, building signs, monument signs and even letters and memos. He thought it should be easy to pick a font and stick with it. He suggested a temporary sign would be more appropriate until the brand is established.

Councilmember Edberg inquired as to whether there is a design guide currently. Ms. Kane confirmed there is not. He stated this is a core principle of communication for placement and consistency purposes. Councilmember Edberg said he wants this sign to be as big as the code will allow. He wants it to be prominent to drive business in the community and expressed desired for civic engagement messages to be displayed dynamically.

Mayor Emerson expressed desire for a stone monument bear similar to the downtown monument on Highway 61. She thinks it would be nice to carry that theme over to Highway 96. Ms. Kane agreed this was the intention, only scaled down and with a dynamic display lasting five (5) minutes between messages. Ms. Kane added that a representative of Ramsey County Parks and Recreation agreed to forward their recent RFP for wayfinding and signage.

Councilmember Jones agreed with the Mayor about carrying over the theme. He stated he did not want to increase the size of the dynamic display, but would like the lettering for the Sports Center to be as prominent as possible. He pointed out the Sports Center building sits back and is not a prominent structure along Highway 96, so the letters need to stand out. As he questioned five (5) inch letters, Ms. Kane stated she has an alternate design with seven (7) inch letters, although there would no longer be room for the white bear on the sign.

Ms. Kane recapped that what she heard from the Council is not to expend money on the current proposed sign design, which is not consistent with other signs in the City. Rather, staff should explore options for themed designs in keeping with a broader brand and wayfinding program. In response to Councilmember Edberg, Ms. Kane confirmed the sign is two-sided.

C. Sports Center - Girl's High School Hockey

City Manager Richter reported that the City, the White Bear Hockey Association and the Girl's Hockey Coach from White Bear High Schools have worked out an ice time schedule for games and practices to accommodate both groups at the Sports Center, in addition to the Skate School. Given recent Sports Center capital improvements, Ms. Richter explained, it was important to come up with a long-term lease agreement with the School District such that they also contribute toward the significant capital investment in the Sports Center.

Finance Director Rambow added that the Hockey Association encouraged the Girl's High School Hockey program coming back to the Sports Center as they felt it would continue to grow youth hockey. To accommodate the Skate School, the High School agreed to condense its ice time slightly and hold one practice per week at the Hippodrome. Although not finalized, Mr. Rambow suggested a long-term lease with the School District for the same 20-year period of the bonds. He added that for equity, the

School District could contribute toward the capital improvements based on the percentage of ice time used during the season.

Councilmember Edberg believes there is a value for having a fund for unplanned maintenance, however, he prefers users contribute toward the current capital improvements on an equitable basis.

Councilmember Jones agreed with Councilmember Edberg. He questioned whether this arrangement would require any additional design modifications, such as to the locker rooms so the girls have equitable accommodations.

City Manager Richter responded that there have been no discussions related to additional renovation requests to accommodate the Girl's High School Hockey program, although she knows it is the school's intent to meet Title 9 requirements. She agreed that additional changes, such as to locker rooms, would need to be at the expense of the School District.

Ms. Richter added that with a team using the facility as its home, there are more practices and games scheduled which will positively affect Sports Center revenues.

Councilmember Walsh agreed with Councilmember Jones and Councilmember Edberg, stating that he does not wish for School District's capital contributions to be set aside for the future, but rather used to repay the bonds more expediently. He suggested signage or a banner on the building to denote the Sports Center is home of High School Girl's Hockey to show pride in this tenant.

D. Update on E & Bellaire intersection

Ms. Kane reported that a developer who is constructing a market-rate apartment building in Mahtomedi approached the City regarding the four corners located at the intersection of E and Bellaire. He has three of the properties under contract, contingent on City's approval for necessary zoning entitlements.

Ms. Kane shared, he is proposing to redevelop all four corners of E and Bellaire with mixed-use, multi-family apartments with a first floor commercial component. Each of the street corners would have a quasi-public use containing, for example a coffee shop, a retail space, a fitness facility and a management office. They propose these buildings to be three stories tall, with one of them containing a rooftop deck. They also anticipate TIF assistance as the sites are blighted and one of the lots has been vacant for 15 years.

Ms. Kane reported that the developer would not be interested in this project unless he could obtain the 4th corner owned by the City currently. Ms. Kane anticipates a formal proposal next month and added that staff felt this would be an excellent candidate for Metropolitan Council's Livable Communities Demonstration Account Funding. As such, the City submitted a concept plan last week for Metropolitan Council design review and will be meeting with them tomorrow.

Ms. Kane explained this is extremely preliminary at this time, but the developer is anxious to know if the City has an interest in a four corner redevelopment of the site and generally supportive of TIF. They are looking at an \$18-20 million dollar investment with \$2-4 million in TIF assistance.

Mayor Emerson thought it was an interesting proposal.

Councilmember Edberg is supportive of four corners and TIF, but was explicit there should be clear public input from residents before the City Council votes on a well-formed proposal. He wanted to know if there would be any other public improvements needed as a result, such as traffic lights, or other public utilities.

Ms. Kane added that the developer has already initiated efforts to acquire a list of surrounding property owners and a list of the people who participated in the Economic Development Corporation's efforts for County Road E. Ms. Kane anticipates a neighborhood meeting as early as the second week in May.

Councilmember Biehn was curious as to whether there would be any public amenities with this project. Ms. Kane stated that public amenities at this time would simply be enhancements to the street and beautification of the public realm at that location. Ms. Kane explained that the cost for building these apartments and the rents they will command will likely require gap financing to build the market-rate apartments. The developer is considering 20% incorporation of affordable units of the same quality as well. Councilmember Biehn was supported of more market-rate apartments in the City.

Councilmember Jones inquired as to height. Ms. Kane stated it will be three stories with parking underneath the building and surface parking where available, as well as parallel parking on the street, like downtown. Councilmember Jones was supportive of the project and of TIF, but asked to see a 3-D design and its shadow study impact on the neighborhood in the earlier stages of the project.

Councilmember Edberg clarified that three stories meant, one story of retail with two stories of housing on top. Ms. Kane confirmed this, explaining that each of the four corners would consist of a commercial component, but there will be some first story residents with front porches as the buildings extend away from the intersection. He stated that an ice cream shop would be the perfect public amenity.

12. COMMUNICATIONS FROM THE CITY MANAGER

- Public Art will be unveiled at the Boatworks Commons on May 16, 2018. The event starts at 5:00 p.m. in the Community Room, with the unveiling at 5:30 p.m.
- Engineering Updates – Mark Burch
 - Street reconstruction will start next week on 10th and 11th Streets.
 - The Sports Center is moving along. The rink is removed now and the walls for the new refrigeration room have been poured and returned to grade.
 - Arbor Day is Saturday, May 5th and trees will be planted at Rotary Park from 8:00 am – 10:00 am.
- Community Development Updates – Anne Kane
 - Lunds & Byerlys development on Centerville is popping up.
 - White Bear Animal Hospital on County Road E is nearing completion in addition to the market-grade apartment complex next to Aldi in Mahtomedi, which is keeping the Building Department busy.
 - Festival Foods along County Road E is updating their exterior with a new façade, which they intend to extend to other multi-tenant buildings as well.
- Councilmember Jones shared that today, the Senate confirmed a White Bear High

School Graduate of 1982 to be the head of the NSA and Cyber Agency – General Paul Nakasone. Mayor Emerson ran into him and had learned that when he officed in the Pentagon, General Nakasone had his White Bear Lake proclamation hanging next to a picture of the Cup N’ Cone.

13. ADJOURNMENT

There being no further business before the Council, it was moved by Councilmember **Edberg** seconded by Councilmember **Biehn** to adjourn the regular meeting at 9:30 p.m.



Jo Emerson, Mayor

ATTEST:



Kara Coustry, City Clerk