

**MINUTES
REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF WHITE BEAR LAKE, MINNESOTA
TUESDAY, OCTOBER 9, 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 7:00 p.m. Councilmembers Doug Biehn, Kevin Edberg, Steven Engstran, Dan Jones and Bill Walsh in attendance. Staff members present were City Manager Ellen Hiniker, Community Development Director Anne Kane, Assistant City Engineer Jesse Farrell, Assistant Finance Director Kerri Kindsvater, City Clerk Kara Coustry and City Attorney Pat Sweeney.

PLEDGE OF ALLEGIANCE

2. APPROVAL OF MINUTES

It was moved by Councilmember **Edberg** seconded by Councilmember **Jones**, to approve the Minutes of the Regular City Council Meeting on September 25, 2018.

Motion carried unanimously.

3. APPROVAL OF THE AGENDA

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

Motion carried unanimously.

4. VISITORS AND PRESENTATIONS

A. Toastmasters Proclamation

Mayor Emerson proclaimed October 2018 as Toastmasters Month and presented a proclamation, which was accepted by Mary Torno. Ms. Torno serves as the secretary to Toastmasters. She thanked the Mayor and Council and cast out an invitation to join their meetings on Monday evenings in City Hall.

B. Greater White Bear Lake Community Foundation

Bill Foussard, Chair of the Greater White Bear Lake Community Foundation reported that within three years the organization has raised \$1,000,000 to support the local community. He relayed the importance of listening to the needs of the community, briefly mentioned the grant program, the Leadership Tomorrow program and the foundation's focus on legacy to ensure continued success into the future.

Jackie Reis, the Executive Director for the Greater White Bear Lake Community Foundation, mentioned the foundation started by listening to 8-9 human service organizations to get their ideas of the needs in the area. She reported, in 2017 the foundation raised \$32,000 and announced its first community grant program called the

Community Partners Fund. The group listened to the community through grant submittals, which amounted to 30 requests totaling \$140,000. The foundation gave away \$32,200 to 20 different organizations around the lake last October that service seniors, people in need, provide educational opportunities, help the environment and support arts and cultural activities.

Ms. Reis reported the foundation raised another \$45,000 this year for which a second round of grant is now being considered by their grant committee. She recapped that their goal is to listen to the needs of the community and award grants that align with the organizations' mission of inspiring philanthropy and enriching the lives of those living in the greater White Bear Lake community: Birchwood, Dellwood, Mahtomedi, White Bear Lake, White Bear Township, Willernie and Grant.

Foundation Board member Craig Drake is the Chair of the Steering Committee for the organization's Leadership Tomorrow program. He explained the program is a cooperative effort with the White Bear Rotary Club, the White Bear Area Chamber of Commerce and the AWL Group, with the goal of preparing tomorrow's leaders. The group has been meeting monthly since January at various locations depending on the topic of discussion, and a new cohort will begin in January 2019.

Board member Bob Schneeweis spoke on the topic of legacy and reiterated the importance of keeping funds local to assist people and organizations to do things that help the local community. He stated the foundation gives annually, but also manages investments to ensure perpetual giving for a long time to come.

5. PUBLIC HEARINGS

Nothing scheduled

6. LAND USE

A. Non-Consent

1. Consideration of a Planning Commission recommendation regarding a request by Matthew Park for an amendment to a Conditional Use Permit at 2180 7th Street (Case No. 85-11-Sa).

Community Development Director Kane stated that although this item was voted unanimously for approval by the Planning Commission and there were no concerns by neighbors, staff neglected to properly post notice on-site for the Planning Commission's Public Hearing, which is why this item is on non-consent. The sign was subsequently posted on the property in advance of tonight's City Council meeting. If neighbors saw the notice, they would still have an opportunity to speak tonight.

Ms. Kane described the subject site, 2180 7th Street, located on the southwest corner of 7th Street and Highway 61. She recapped that in 1985, the City approved a conditional use permit to establish an automatic full-service indoor car wash. In 1989, the City rezoned the property to DCB, a district, which prohibits car washes. Consequently, the property became a legal non-conforming use and as such, the use is not be extended or intensified.

Ms. Kane reported that the new owner of the business is proposing to install an automatic indoor motorcycle wash in addition to the existing car wash equipment. Consequently, the applicant is requesting a conditional use permit amendment to include an automatic indoor motorcycle wash.

Ms. Kane pointed out there would be no external changes to the building or site. A second overhead door will be converted from a feeder lane into a designated motorcycle lane. Considerable analysis was conducted, and tracking put into place to demonstrate that the addition of a motorcycle wash still fits within current water use, and does not represent an intensification of use.

Ms. Kane noted staff's concern about idling noise from motorcycles led to a recommendation for signage that cycles be turned off while waiting and by walked forward as the line advances. The hours of operation were also capped with end times of 8:30 p.m., Monday – Saturday and 6:00 p.m. on Sundays.

Councilmember Biehn commented that one of his constituents reached out to him to express support for this concept and appreciation for the new owners of the facility.

Mayor Emerson opened up to the public at 7:22 p.m. There being no one who came forward to speak, Mayor Emerson closed public comment.

It was moved by Councilmember **Walsh**, seconded by Councilmember **Engstran** to adopt **Resolution No. 12274** approving a conditional use permit amendment for 2180 7th Street.

Motion carried unanimously.

B. Consent

1. Consideration of a Planning Commission recommendation regarding a request by John Manship for a variance at 4766 Peggy Lane (Case No. 18-14-V). **Resolution No. 12275**
2. Consideration of a Planning Commission recommendation regarding a request by Alexa Adams for a setback variance at 1880 4th Street (Case No. 18-15-V). **Resolution No. 12276**
3. Consideration of a Planning Commission recommendation regarding a request by Michael McHugh for a setback variance at 2262 11th Street (Case No. 18-16-V). **Resolution No. 12277**

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

Motion carried unanimously.

7. UNFINISHED BUSINESS

Nothing scheduled

8. ORDINANCES

- A. Ordinance adopting the 2018 International Property Maintenance Code and deletion of White Bear Lake City Ordinance, Chapter 804 related to smoke detector requirements.

Community Development Director Kane recapped that first reading occurred in August and second reading six weeks later on September 25th. At that time, Council provided an additional two weeks to address concerns raised by a local property owner as well as the Executive Director of the White Bear Area Chamber of Commerce.

Ms. Kane relayed a report by Tom Snell who outreached to the Woodbury Chamber of Commerce and learned there were no concerns expressed in their community over their recent adoption of the IPMC. Staff also received feedback from Mr. Grambush, who was pleased with the renumbering. He had suggested a 20-day appeal process and staff compromised with a change from 5 business days to 10 business days for consistency with other appeal processes in the code. Mr. Grambush also questioned the titling of the last section, whether it should be Life Safety or Rental Dwelling Units, which is a nuance.

It was moved by Councilmember **Jones**, seconded by Councilmember **Edberg** to adopt **Ordinance 18-10-2032** the adoption of 2018 International Property Maintenance Code and deletion of White Bear Lake City Ordinance, Chapter 804 related to smoke detector requirements.

It was moved by Councilmember **Biehn**, seconded by Councilmember **Engstran** to adopt **Resolution No. 12278** establishing the title and summary approval of **Ordinance 18-10-2032** the adoption of 2018 International Property Maintenance Code and deletion of White Bear Lake City Ordinance, Chapter 804 related to smoke detector requirements.

Motion carried unanimously.

9. NEW BUSINESS

- A. Resolution adopting revised assessment roll for 2018 Street Reconstruction Projects (City Project No. 18-01)

Assistant City Engineer Farrell reported that the assessment roll for the 2018 Street Reconstruction Project was incorrect for 4921 Johnson Avenue. This property was not notified about a sanitary sewer wye replacement, but the owner did agree to pay half of the sewer wye assessment. The assessment roll has been corrected to reflect a change to this property's assessment. Mr. Farrell forwarded staff's recommendation that the Council adopt the revised assessment roll.

Councilmember Edberg mentioned there were a number of folks who filed assessment appeals this year and asked for an update on that process. Mr. Farrell explained that most of the assessments inquiries pertained to the alley. He reported that one of those items was clarified last week and the other outstanding item relates to a property owner who does not use the alley. He stated staff needs to have a conversation with her explaining the assessment is to the benefit of the property rather than its current use.

City Manager Hiniker clarified that staff researched and affirmed that the Code does indeed encourage use of alleyway rather than the street. This was confirmed with the

property owner, who was satisfied with that explanation. Ms. Hiniker assured Councilmember Edberg that the City is comfortable that consistent information is available in our records such that this will not happen again.

It was moved by Councilmember **Jones**, seconded by Councilmember **Edberg** to adopt **Resolution No. 12279** adopting revised assessment roll for 2018 Street Reconstruction Projects (City Project No. 18-01).

Motion carried unanimously.

- B. Resolution approving a deferred special assessment for properties at 4958 Stewart Avenue and 4926 Johnson Avenue

Assistant City Engineer Farrell stated this is typically an item on the consent agenda; however, these are opportunities for senior deferments under the City's Assessment Policy. He forwarded staff's recommendation that Council adopt the resolution that defers these special assessments for these properties.

It was moved by Councilmember **Biehn**, seconded by Councilmember **Edberg** to adopt **Resolution No. 12280** approving a deferred special assessment for properties at 4958 Stewart Avenue and 4926 Johnson Avenue.

Motion carried unanimously.

- C. Resolution accepting work and approving final payment to Park Construction Company for 2017 Mill and Overlay Project (City Project Nos. 17-01, 17-04, 17-10 & 17-13)

Assistant City Engineer Farrell clarified this is for the 2017 Mill and Overlay Project to the same contractor that has already been paid for the 2018 Mill and Overlay Project. He explained there were outstanding items from 2017 and the City withholds a certain amount of the payment until items are completely satisfied. Staff has determined that all 2017 work has been completed satisfactorily and Mr. Farrell forwarded a recommendation to accept the work and approve final payment to Park Construction Company in the remaining amount of \$11,217.83.

It was moved by Councilmember **Biehn**, seconded by Councilmember **Jones** to adopt **Resolution No. 12281** accepting work and approving final payment to Park Construction Company for 2017 Mill and Overlay Project (City Project Nos. 17-01, 17-04, 17-10 & 17-13).

Motion carried unanimously.

10. CONSENT

- A. Acceptance of minutes from August Park Advisory Commission; August Environmental Advisory Commission; August White Bear Lake Conservation, August Planning Commission
- B. Resolution certifying water service repairs / replacement assessing those charges to 1900 Hinkley Street. **Resolution No. 12282**

It was moved by Councilmember **Jones** seconded by Councilmember **Engstran**, to

approve the consent agenda as presented.

Motion carried unanimously.


11. DISCUSSION

12. COMMUNICATIONS FROM THE CITY MANAGER

- Winter Parking Control – A new post card communication will be distributed this year for improved notice about winter parking during snow events. Commercial and residential properties in downtown also receive mailed reminders of the City’s snow removal policy. Councilmember Edberg asked if there was a way to educate property owners and renters. Ms. Hiniker agreed this is an opportunity and also mentioned City’s planned use of social media to spread the word.
- MICAH Affordable Housing Tour – St. Andrews at 11:15 a.m. on Oct. 16.
- Lakewood Hills Park - playground equipment improvement project is complete.
- Veterans’ Memorial Flagpole – ceremony on Veteran’s Day, Nov. 11 at 11:00 a.m.
- Bruce Vento – Both Anne Kane and Jesse Farrell attended the first open house on Oct. 4. The next meeting is on Oct. 25.
- State Historical Review Hearing – Consideration of the Armory for the National Register of Historic Places
- Cable-caster leaving – Ms. Hiniker thanked Kyle Swenson, the City’s Cable-caster of seven years of very dependable service.
- Engineering Updates – Jesse Farrell, Assistant City Engineer
 - Continues monitoring drainage and sod patching related to 2018 Street Reconstruction Projects.
 - Centerville Road Project is substantially complete with an operable traffic signal.
 - Miscellaneous concrete work is being finished around town.
 - First neighborhood meeting will be held early in November for the 2019 Street Reconstruction Project. He mentioned addressing the alley assessment more heavily in the front end to answer questions.
- Community Development Updates – Anne Kane, Director
 - White Bear Mitsubishi three-month lease extension will likely be on the Consent Agenda at the next meeting.
 - Create Space will be relocating to the former Lulu and Luigi on 3rd Street.

13. ADJOURNMENT

There being no further business before the Council, it was moved by Councilmember **Biehn** seconded by Councilmember **Edberg** to adjourn the regular meeting at **7:50 p.m.**



Jo Emerson, Mayor

ATTEST:



Kara Coustry, City Clerk