

**MINUTES  
REGULAR MEETING OF THE CITY COUNCIL  
OF THE CITY OF WHITE BEAR LAKE, MINNESOTA  
TUESDAY, JUNE 11, 2019  
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, Dan Jones, Steven Engstran and Bill Walsh were present. Councilmember Kevin Edberg was an excuse absence. Staff members present were City Manager Ellen Hiniker, Community Development Director Anne Kane, City Engineer Paul Kauppi, City Clerk Kara Coustry and City Attorney Troy Gilchrist.

PLEDGE OF ALLEGIANCE

**2. APPROVAL OF MINUTES**

**A. Minutes of the Regular City Council Meeting on May 28, 2019**

It was moved by Councilmember **Jones** seconded by Councilmember **Engstran**, to approve the Minutes of the Regular City Council Meeting on May 28, 2019.

Motion carried. Councilmember Biehn abstained.

**3. VISITORS AND PRESENTATIONS**

**A. ClimateSmart Municipalities – German Delegation**

City Manager Hiniker provided a brief history of the City joining ClimateSmart Municipalities and its partnership with Lüdenscheid, Germany. She welcomed the German delegation who arrived this week, and relayed pride for hosting them for the week.

Ms. Hiniker noted the group's rigorous schedule and highlighted today's tour of the Metro's wastewater treatment plant in St. Paul. She stated this facility was chosen as one of the highest users of energy in the State and for its innovative energy conservation. She highlighted tomorrow's plan for solar and lighting discussions, as well as a tour of the Trane facility.

Hans-Jürgen Badziura, a biologist who oversees environmental protection and green space, played a short introductory film and showed pictures of their City of Lüdenscheid, Germany – the City of Lights. He brought along a letter of intent co-signed by two Lüdenscheid High Schools who desire ongoing partnerships with White Bear Lake High Schools. Mr. Badziura presented the Mayor and Council with a City of Lüdenscheid pin.

Other delegates included Marcus Müller, deputy head in the department of municipal and regional climate protection at EnergyAgency.North Rhine-Westphalia; Ulrike

Badziura, head of the department of environmental and climate protection at the City of Iserlohn; Ralph Kensmann, CEO of start.light GmbH in Essen.

Mayor Emerson welcomed the delegation and presented each with polar bear figurines.

#### 4. PUBLIC HEARINGS

Nothing scheduled

#### 5. LAND USE

##### A. Consent

1. Consideration of a Planning Commission recommendation for approval of a request by Katy Fick for a three year renewal of a Special Home Occupation Permit at 2333 Mayfair Avenue (Case No. 15-4-SHOPa2). **Resolution No. 12405**
2. Consideration of a Planning Commission recommendation for approval of a request by Marya Voosen for a Special Home Occupation Permit at 5050 Division Avenue (19-1-SHOP). **Resolution No. 12406**

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

Motion carried unanimously.

##### B. Non-Consent

1. Consideration of a Planning Commission recommendation for approval of a request by Schafer Richardson for a development stage Planned Unit Development and Preliminary Plat (19-1-PUD & 19-1-P).

Community Development Director Kane reported the subject site is located at the northwest corner of County Road E and Linden Avenue and is comprised of five parcels: including two vacant lots and three single-family residences. In 2018, Ms. Kane recalled, the site was reguided from "Commercial" to "High Density Residential" and is now in the process of being rezoned from (B-4) General Business and (R-6) Medium Density Residential to (R-7) - High Density Residential. She said the applicant, Schafer Richardson, is requesting development stage approval of a Planned Unit Development (PUD) and Preliminary Plat approval.

Ms. Kane reported, the concept plan differs slightly from what was approved in February, with the most notable difference being the loss of the 3 bedroom units. The number of bedrooms decreased by one, the number of parking stalls increased by 9, and the ratio of stalls per unit increased from 1.45 to 1.47.

Ms. Kane described the traffic study in detail, which resulted in a conclusion that the amount of traffic projected to be generated by this development was not significant enough to effect the current level of service for County Road E or Linden Avenue.

Ms. Kane stated that developers typically provide a monetary contribution to meet

the park dedication requirement, however, this area has a slight gap in public park coverage, so a land dedication is also being sought. She said staff worked out a hybrid deal of \$30,274 for park dedication and 14,800 square feet in land dedication (1/3 acre). Dedicated land will be the northern tip of a property adjacent to the future Bruce Vento Trail extension and will serve as a trailhead.

Ms. Kane noted several conditions of approval related to the landscape plan, especially near Linden Avenue. If the applicant cannot preserve the retaining wall and lilacs near the southeast corner of the property, comparable replacements are to be found. Staff also asked the applicant use Eastern White Pine instead of Skyline Honey Locus and that 80% of perimeter shrubs be evergreens rather than deciduous.

Ms. Kane covered a variety of amenities being planned for both inside and outside the building. She reviewed White Bear Lake rents and low vacancy rates. She stated the proposed apartment building complies with the approved concept plan, zoning code and the City's draft 2040 Comprehensive Plan. For these reasons, she forwarded the Planning Commission's unanimous recommendation to approve the Development Stage PUD Plan and the Preliminary Plat, subject to conditions listed in the resolution and conditioned on Council's approval of rezoning in the next agenda item.

Maureen Michalski of Schafer Richardson in Minneapolis responded to Councilmember Walsh regarding proposed rents. She stated that rents for studios were calculated to be \$1100 - \$1250; 1-bedrooms \$1465 - \$1695; 2-bedrooms from \$1875 - \$2125. She explained these were preliminary rents based on a recent market study that would be reassessed closer to opening. She also clarified the name for these apartments has not yet been finalized.

David Terry of 1771 Linden Cove conveyed his concerns about anticipated increases in traffic as result of this development and its likely potential for gridlock and safety issues resulting from traffic backed-up on County Road E and Linden Avenue. He noted that considering the amount of traffic during rush hour and the timing of traffic on these busy roads just does not add up.

Tom Snell, Executive Director of the 400+ member White Bear Area Chamber of Commerce, spoke on behalf of the 15-member Board of Directors who unanimously support this apartment building project. He stated these apartments will provide opportunity for elders to move out of their homes, and also attract youth to the area who will support the businesses, especially along County Road E.

Wendy Lee of 1771 Linden Cove stated Ramsey County's traffic study was a failure as she only observed them surveying at 10:30 a.m. rather than during rush hour. She cited complaints about this 4-story monstrosity, which goes against the City's own ordinance just like the parking. She expressed concerns with inadequate parking and stated people in Linden would have never purchased their townhomes there if they knew this was coming. She stated that Roseville dropped the PUD process in 2010 because residents felt bad about their surrounding neighborhoods and how changes were being made. She said Shoreview felt the same - residents were not being considered, and that is how she feels here. Ms. Lee said this happened behind the scenes with only 1-2 people knowing. She said many Linden residents are traveling in the winter when these meetings were scheduled.

Councilmember Walsh asked for clarification about the traffic study. Ms. Kane stated an engineering consultant conducted a traffic study by taking vehicle counts over a specified period so they have car counts for all hours of the day. Councilmember Walsh elaborated that with standards and predications of the behavior of people moving into a building like this, a traffic study is based on past practice and science. Ms. Kane noted the industry science of International Traffic Engineer's Institute, which looks at comparable developments in comparable settings and anticipates where trips come from, how they are generated, and how that works with existing traffic patterns. Ms. Kane also mentioned the likelihood of future bus rapid transit that will service this building and presumably reduce traffic.

Ms. Kane addressed parking at the site as well, noting 284 total stalls and referred to an additional green space being reserved in the event that more parking is needed to accommodate the occupants of this building. Ms. Kane relayed her comfort with the amount of parking provided, but noted the City's ability to trigger the developer to pave this dedicated green space if parking is proven inadequate.

Councilmember Jones asked Ms. Kane to clarify why this 4-story development required no variance. Ms. Kane reported that 4-stories is allowed by the zoning code because the increased setbacks are proportionately raised by 5% for each story over 3-stories. She noted the setbacks for this development were increased sufficient to comply with the zoning code. Mr. Jones clarified, so we are not going against the ordinance with this 4-story development. Ms. Kane confirmed.

Councilmember Jones addressed Ms. Lee's accusations against staff working behind closed doors. He noted there is only one construction season in Minnesota, so much planning occurs in the winter when some residents are gone enjoying their wealth. He was concerned about the parking, but noted the ability to require more parking in the future, if needed and he was satisfied with that safety net.

It was moved by Councilmember **Walsh**, seconded by Councilmember **Biehn**, to approve **Resolution No. 12407** a Development Stage PUD Plan for the White Bear Lake Apartments

Councilmember Engstran stated that he agreed with constituents from Linden. He stated that this apartment complex is in the wrong spot. While the apartment building is beautiful, he believed this location should have been slotted for town houses rather than an apartment complex.

Motion carried 3:1. Councilmember Engstran nay.

It was moved by Councilmember **Biehn**, seconded by Councilmember **Jones**, to approve **Resolution No. 12408** approving a preliminary plat of property located at the northwest corner of Linden Avenue and County Road E.

Motion carried 3:1. Councilmember Engstran nay.

## 6. UNFINISHED BUSINESS

Nothing scheduled

## 7. ORDINANCES

A. Second Reading of a request by Schafer Richardson to rezone five properties at the northwest corner of Linden Avenue and County Road E to R-7 – High Density Residential

Community Development Director Kane stated the subject site is 4.6 acres in size and is comprised of five lots located at the northwest corner of County Road E and Linden Avenue. She said four of the five parcels are currently zoned B-4 – General Business and the fifth, easternmost parcel is split-zoned: B-4 on the south three-fourths of the lot and R-6 – Medium Density Residential on the northern one-fourth.

Ms. Kane reported that Schafer Richardson is proposing to rezone all five parcels to R-7 - High Density Residential for the purpose of constructing a 4-story market-rate apartment building. She said, because the site has already been reguided to “High Density Residential”, it logically follows to approve a zoning district that corresponds to the future land use designation.

Ms. Kane explained that the subject site is an appropriate location for the higher density, transit-oriented type development due to its access to a roadway designated as a minor expander under Ramsey County’s jurisdiction. And also, she stated, due to its proximity to the future Bruce Vento Regional Trail extension and more importantly, the Rush Line Bus Rapid Transit corridor with a station planned at County Road and Highway 61.

Ms. Kane forwarded a unanimous Planning Commission recommendation for approval of the proposed rezoning. She stated that regardless of the Schafer Richardson proposal, R-7 zoning is the most appropriate zoning district for the subject site until the Transit Oriented Development district regulations are created next year.

Councilmembers Engstran and Walsh questioned the order of business in which the Schafer Richardson apartment complex was already approved. Attorney Gilchrist stated the first approvals were conditioned on this rezoning, but Council would not want to act on this second reading if there was a denial of the underlying motivation for the rezoning.

Mayor Emerson opened the Public Hearing at 8:01 p.m. There being no one coming forward, she closed the public hearing.

It was moved by Councilmember **Walsh**, seconded by Councilmember **Jones**, to approve **Ordinance No. 19-06-2034** Rezoning properties at the northwest corner of Linden Avenue and County Road E to R-7 – High Density Residential.

Motion carried. Councilmember Engstran nay.

**8. NEW BUSINESS**

A. Resolution approving single event liquor extensions, food trucks and road closures for a community-wide music event hosted by Big Wood Brewery

City Manager Hiniker reported that Big Wood Brewery is seeking permission to use the City’s parking lot behind his location for a concert event on Saturday, August 3<sup>rd</sup> from 3 – 10 p.m. She stated the event is estimated to attract 1,000 – 1,500 people to

downtown White Bear Lake, not unlike a Marketfest. Ms. Hiniker also relayed Mainstreet's support of this request.

Ms. Hiniker stated the groups performing will be Cadillac Three, Devon Worley Band and other local acts. To service attendees, Big Wood Brewery is also seeking approval of their extension on-sale brew pub/taproom license and food trucks parked on the City's lot. Ms. Hiniker noted the parking lot would be enclosed with fencing and secured with wristbands and two White Bear Lake Police Officers in addition to the group's own security team of approximately 15 people.

Ms. Hiniker reported the City mailed notice to residents and businesses who would be directly affected by the requested road closures. She mentioned Kathy Kuck, owner of Blue Water Polish Potter on 3<sup>rd</sup> Street, emailed her concern for loss of sales as a result of 3<sup>rd</sup> Street being barricaded beginning at 1:00 p.m. when her store does not close until 3:00 p.m. Ms. Hiniker stated staff recommended the road still be closed at 1:00 for safety of pedestrians entering the venue from 3<sup>rd</sup> Street.

Ms. Hiniker noted that for consistency, use of the parking lot would be for a fee of \$200, and will be accompanied by a \$300 deposit, which would be refunded upon satisfactory clean-up of the event.

Councilmember Biehn stated he sees value in allowing events like these to go until 11:00 p.m. and asked staff about the possibility of surveying residents in the future to see if they would accept an occasional 11:00 p.m. event. Ms. Hiniker agreed there is opportunity to survey people in this area and if this concert is successful, there could be more requests. Ms. Hiniker noted the 10:00 p.m. end time is consistent with the noise ordinance and she also mentioned St. Mary's 10:00 p.m. event once a year often leads to complaints from neighbors.

Councilmember Jones asked Shawn McIntyre with White Bear Productions how this event is being promoted. Mr. McIntyre replied it would primarily be promoted locally and through the internet. He stated the media budget is small, but there would be some radio and social media to provide exposure.

It was moved by Councilmember **Walsh**, seconded by Councilmember **Biehn**, to approve **Resolution No. 12409** approving single event liquor extensions, food trucks and road closures for a community-wide music event hosted by Big Wood Brewery.

Motion carried unanimously.

B. Resolution accepting bids and awarding contract for the 2019 Sanitary Sewer Lining Program, City Project No. 19-07

Public Works Director/City Engineer Kauppi stated the sewer lining program has been in place since 1994 and nearly 20 miles of sewer have been lined to date. He explained that much of the system is clay tile with joints that become compromised by root intrusion and sewer lining is an economical way to rehab the system without disrupting residents.

Mr. Kauppi stated five bids were received and opened on May 29, 2019, with the lowest acceptable bid coming from Visu-Sewer in the amount of \$99,270.50. He

explained this company has completed work in the City in the past and staff recommended awarding this bid to Visu-Sewer.

In response to Councilmember Walsh, Mr. Kauppi stated there are about 85 miles of sanitary sewer, with 20 miles being plastic. He stated the City is about halfway through sewer lining, and with televising capability the City is able to focus on the worst parts of the system first.

It was moved by Councilmember **Walsh**, seconded by Councilmember **Jones**, to approve **Resolution No. 12410** accepting bids and awarding contract for the 2019 Sanitary Sewer Lining Program, City Project No. 19-07.

Motion carried unanimously.

## 9. CONSENT

- A. Acceptance of April Minutes of the Park Advisory Commission and White Bear Lake Conservation District: May Minutes of the Planning Commission
- B. Resolution authorizing Special Team Charities use of Railroad Park for charity collection event. **Resolution No. 12411**
- C. Resolution accepting the 2018 Comprehensive Annual Finance Report. **Resolution No. 12412**
- D. Resolution accepting a donation from the White Bear Lions Club for Fire Department equipment. **Resolution No. 12413**

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

## 10. DISCUSSION

Nothing scheduled

## 11. COMMUNICATIONS FROM THE CITY MANAGER

- Marketfest kicks off Thursday, June 13 and runs through Thursday, July 25, 2019
  - Opportunity to introduce the German delegates who came to White Bear and the other participating cities.
  - Recognition of White Bear Lake High School students for winning the ClimateSmart video contest at 6:30 p.m. on the 3<sup>rd</sup> Street Stage (and 2<sup>nd</sup> place in the St. Paul Saints video contest).
  - Announcement of 22 Bears that Shine at Railroad Park at 7:15 p.m.
- Manitou Days begins Friday, June 14
  - Councilmembers to meet at the Fire Station at 6:00 p.m. for the parade
  - Parade rerouted around construction: down 4<sup>th</sup> Street, Stewart, Lake Avenue
- First ever "Fridays with Firefighters" from 10:00 a.m. – noon at Fire Station 920
- Kids Bike Rodeo at Public Works on Saturday, June 15 at 1:00 p.m.

- Letter of concern for lack of progress with South Shore Blvd Trail. Ramsey County completed the right-of-way study and is now preparing an RFP for engineer consultants to design the project.
- Updates from Public Works Director / City Engineer – Paul Kauppi
  - Water system has been fully flushed, which uncovered a few hydrants needing repair.
  - Mill and Overlay is complete accept for the Sumac area, waiting on Xcel to finish work on the new gas main and service installations.
  - Two Trails on Highway 96 and White Bear Parkway look good.
  - Old White Bear Area street reconstruction is also proceeding well, but staff has been waiting for Xcel to complete their work.
  - Curbing will be done by Wednesday or Thursday next week. Base course paving expected to be completed by July 4, two weeks from now.

## 12. CLOSED MEETING


Closed session under Minnesota Statutes, section 13D.05, subdivision 3(c)(3) to develop an offer for the purchase of real estate identified with PID #143022140072

Mayor Emerson asked for a motion to close the meeting pursuant to Minnesota Statutes, section 13D.05, subdivision 3(c)(3) to develop an offer for the possible purchase of real estate identified with PID #143022140072

It was moved by Councilmember **Walsh**, seconded by Councilmember **Jones**, to move into closed session.

## 13. ADJOURNMENT

There being no further business before the Council, it was moved by Councilmember **Biehn** seconded by Councilmember **Jones** to adjourn the regular meeting at 9:06 p.m.

  
\_\_\_\_\_  
Jo Emerson

ATTEST:

  
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Kara Coustry, City Clerk