



**MINUTES
REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF WHITE BEAR LAKE, MINNESOTA
TUESDAY, JULY 9, 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, Kevin Edberg, Steven Engstran, Dan Jones and Bill Walsh were present. Staff members present were City Manager Ellen Hiniker, Assistant Manager Rick Juba, 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 June 25, 2019

It was moved by Councilmember **Biehn** seconded by Councilmember **Walsh**, to approve the Minutes of the Regular City Council Meeting on June 25, 2019.

Motion carried. Councilmember Jones abstained.

3. APPROVAL OF THE AGENDA

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

Motion carried unanimously.

4. VISITORS AND PRESENTATIONS

A. Swearing in of Fire Department staff

Chief Peterson introduced members of the Fire Department, the City Clerk administered the oath and badges were pinned for each of the following:

- District Chief Jeremy Andert a part-time member for 14 years
- Captain and Paramedic Brian Fischer a part-time member for nine years
- Firefighter Paramedic Jeremy Hall a full-time member for five months
- Firefighter Paramedic Jon Heintz a full-time member for 13 years and recently back home from deployment in the middle-east.
- Firefighter Paramedic Amy Kriegshauser a full-time member for four years
- Captain EMT Dave Peterson a part-time member for nine years
- Firefighter Paramedic Ricky Vasquez a part-time member for five years

B. Retirement recognition of Fire Department staff – Paul Munns, Rob Ehlert, Mike Barnard and Mike Turnbull

Chief Peterson introduced the following retiring Fire Department members and thanked them for their service:

- Mike Barnard served 26 years as a Paramedic and Firefighter
- Rob Ehlert served for 24 years as Firefighter
- Paul Munns served for 28 years as a Firefighter
- Mike Turnbull served 43 years as a Paramedic Firefighter (also recently retired from the department as a full-time Fire Inspector position)

Mayor Emerson thanked the members on behalf of the Council and the City for their many years of dedicated service and gave each new retiree a bear plaque.

5. PUBLIC HEARINGS

Nothing scheduled

6. LAND USE

A. Consent

1. Consideration of a Planning Commission recommendation regarding a request by Kim Koeppen for a setback variance (Case No. 19-4-V). **Resolution No. 12417**

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

Motion carried unanimously.

B. Non-Consent

1. Consideration of a Planning Commission recommendation regarding a request by Richard Farrell for two setback variances and a conditional use permit for three curb cuts (Case No. 19-2-PUD)

Community Development Director Kane reported the subject site is 4763 Lake Avenue, which fronts on three streets: Lake Avenue, 4th Street and Johnson Avenue. It is zoned R-2 – Single Family Residential and S. Shoreland Overlay. Ms. Kane stated the site is very large due to the riparian rights on the south side of Lake Avenue. She noted the property currently contains a one and half story bungalow that was built in 1915, a one car detached garage and a small shed.

Ms. Kane explained that since Lake Avenue side is defined as the front, the north side of the property is the rear. The north property line has a very large off-set of 60 feet. The 60-foot jog in the property line coupled with a 40 foot setback makes the buildable area an odd L-shape. In order to make the buildable area a more practical shape the new owner, Richard Farrell, is requesting a 25 foot variance from the 40 foot rear yard setback, a 7.2 foot variance from the 35 foot setback from a side abutting a public right-of-way and a Conditional Use Permit for three curb cuts.

Ms. Kane added, the amended setbacks could facilitate the construction of a two-story residence with a two car attached garage. She stated the proposed home is a charming craftsman style with large dormers and bonus room above the three car attached

garage and relayed staff's support for the proposed setback variance conditioned upon removal of the bonus room over the garage and a maximum garage height of 22 feet to better preserve views of lake by neighboring residents.

Ms. Kane reported that in addition to the driveway leading into the garage, the applicant requested two additional curb cuts – one on Lake Avenue and one on 4th Street. She relayed that staff found three curb cuts for one property unnecessary, unsafe and uncharacteristic of the neighborhood and recommended denial of the Conditional Use Permit for the front driveway.

Ms. Kane forwarded a 4:1 Planning Commission recommendation of the variances, with reduction of the garage to 22 feet maximum to the peak, as well as denial of the Conditional Use Permit for the second and third curb-cuts.

In response to Councilmember Jones, Ms. Kane relayed that there are other properties several decades old situated further west of this location that have circular drives and two curb cuts. She stated that north toward Memorial Park and West Park, there are a number of homes, mid-block that have no access to the street. Ms. Kane added that the applicant agreed to withdraw this request once it was noted that the property enjoys close proximity to public parking.

Mayor Emerson opened the public hearing at 7:18 p.m. There being no public comment, the Mayor closed the public hearing.

In response to Councilmember Biehn, Ms. Kane confirmed the one-car detached garage will be removed and the shed will be cleaned and restored.

It was moved by Councilmember **Walsh** seconded by Councilmember **Biehn** to adopt **Resolution No. 12418** approving a request by Richard Farrell for two setback variances and a conditional use permit for three curb cuts (Case No. 19-2-PUD).

Motion carried unanimously.

It was moved by Councilmember **Jones** seconded by Councilmember **Walsh** to adopt **Resolution No. 12419** approving a denial of a conditional use permit for 4763 Lake Avenue North.

Motion carried unanimously.

7. UNFINISHED BUSINESS

Nothing scheduled

8. ORDINANCES

- A. First Reading of a request by Paul Bruggeman to rezone the portion of the property north of County Road D at 2687 County Road D to R-6 – Medium Density Residential (Case No. 19-2-Z)

Community Development Director Kane reported this is the first reading of a request for rezoning from R-3 to R-6 Medium Density Residential. She stated the Planning Commission conducted a public hearing on June 24, 2019. She relayed this is a split

property that has been subdivided by alignment of County Road D, and this request is for the northern, undeveloped portion of land.

Ms. Kane reported this portion of land had been guided for multi-family in the 2020, 2030 and 2040 Comprehensive Plans. She relayed concerns expressed by neighbors for the multi-family designation, such as loss of vegetation, proximity to wetlands, site buildability and traffic. She stated there are 3-story residential apartment buildings to the west, with duplexes and some single-family homes directly to the east.

Ms. Kane stated that setbacks for anything more than a duplex would require a 15 foot property line setback. She added that the White Bear Commons directly to the east was approved through a Planned Unit Development (PUD) process with an underlying R-3 Single-Family zoning designation. It was approved as a 14-unit townhome project in 2001 with a 15 foot setback variance along the west property line.

Councilmember Edberg asked if the current setbacks are honored, what kind of development is suitable for building on a parcel of this size. Ms. Kane relayed one developer is considering a multi-family development that would front along County Road D in which there is 70 feet of buildable area from east to west, with about 20-22 foot townhome that would allow for a 3-plex townhome to be built.

Councilmember Edberg asked what type of units could be built without a rezoning. Ms. Kane stated that under the R-3 zoning, single family are all permitted uses. She stated that a PUD could be approved for senior citizen housing. He inquired as to the public purpose for this approval. Ms. Kane stated, that this land use request is consistent with surrounding developments and consistent with Council adopted Comprehensive Plans.

Councilmember Edberg asked about the requirements for initiating a rezoning request. Ms. Kane explained that a Land Use Request application would be submitted by someone who has a property under contract and can show a financial obligation to follow through. She clarified that they would not need to the owner, but a contract purchaser contingent upon City Council approval of a rezoning request.

Mayor Emerson noted that second reading will occur on August 13, 2019.

9. NEW BUSINESS

A. Resolution authorizing release of Request for Proposals for Space Needs Study and Site Master Planning for Police Garage and Fire Apparatus Bay

City Manager Hiniker highlighted recent City Council discussions about the need to provide parking of police vehicles and a larger fire apparatus bay at the North Fire Station. She noted the Council affirmed its interest in defining the scope and cost of these projects at its regular meeting on June 25, 2019.

As such, Ms. Hiniker forwarded a Request for Proposals seeking architectural and professional services to define the scope of a project to provide for indoor parking for police squads and storage of fire apparatus for Council's consideration. Once the scope and cost for this project is determined, Ms. Hiniker mentioned her intention to discuss further with the City Council how this best fits in with the long-range Capital Improvement Plan.

It was moved by Councilmember **Jones**, seconded by Councilmember **Engstran**, to approve **Resolution No. 12420** authorizing release of Request for Proposals for Space Needs Study and Site Master Planning for Police Garage and Fire Apparatus Bay.

Motion carried unanimously.

10. CONSENT

- A. Acceptance of Minutes of May Park Commission Meeting; May Environmental Advisory Commission Meeting; May White Bear Lake Conservation District; June Planning Commission Meeting
- B. Resolution authorizing assessment agreements. **Resolution No. 12421**
- C. Resolution authorizing massage therapist establishment and therapist license. **Resolution No. 12422**
- D. Resolution accepting White Bear Lake Baseball Association to help pay for infield restoration project costs at Weyerhauser Park. **Resolution No. 12423**

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

11. DISCUSSION

Nothing scheduled

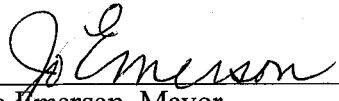
12. COMMUNICATIONS FROM THE CITY MANAGER

- Many great comments about the Fourth of July Fireworks celebration and thanks to volunteers and staff who helped coordinate the event.
- Refuse and recycling contracts will be coming at the next meeting.
- National Night Out is scheduled for August 6th.
- Monday, August 12 at 6:00 p.m. in the Expansion Room is the Budget Work Session
- Updates from Public Works Director / City Engineer – Paul Kauppi
 - Street reconstruction is going well with base course complete and the contractor is completing boulevard and driveway restoration. Pipe work is being completed in the Garden Lane area, with curb, gutter and paving to follow.
 - Xcel finished its gas main replacement so curb and gutter will follow and mill and overlay work should be complete by the end of July.
- Updates from Community Development Director – Anne Kane
 - Kickoff meeting for Housing Needs Assessment next Tuesday at 6:00 p.m. in the 2nd floor conference room at City Hall.
- Mayor Emerson
 - Red Cross is in need of blood
 - Support your local lemonade stand to encourage entrepreneurialism.

13. ADJOURNMENT

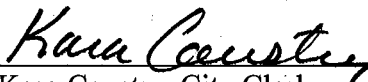
There being no further business before the Council, it was moved by Councilmember **Walsh** seconded by Councilmember **Biehn** to adjourn the regular meeting at 7:48 p.m.

Motion carried unanimously.



Jo Emerson, Mayor

ATTEST:



Kara Coustry, City Clerk