

**MINUTES
REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF WHITE BEAR LAKE, MINNESOTA
TUESDAY, AUGUST 13, 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, Community Development Director Anne Kane, City Engineer Paul Kauppi, Finance Director Kerri Kindsvater, City Clerk Kara Coustry and City Attorney Ronald Batty.

PLEDGE OF ALLEGIANCE

2. APPROVAL OF MINUTES

A. Minutes of the Regular City Council Meeting on July 23, 2019

It was moved by Councilmember **Biehn** seconded by Councilmember **Jones**, to approve the Minutes of the Regular City Council Meeting on July 23, 2019.

Motion carried unanimously.

B. Minutes of the Closed City Council Meeting on July 23, 2019

It was moved by Councilmember **Walsh** seconded by Councilmember **Biehn**, to approve the Minutes of the Closed City Council Meeting on July 23, 2019.

Motion carried unanimously.

3. APPROVAL OF THE AGENDA

City Manager Hiniker added 9C Water Efficiency Grant Application to Metropolitan Council.

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

Motion carried unanimously.

4. VISITORS AND PRESENTATIONS

A. Recognition of retiring Environmental Advisory Commission Member June Sinnett

Environmental Specialist, Connie Taillon, reported that June Sinnett was retiring from the Environmental Advisory Commission after ten (10) years of volunteer service. Ms. Taillon noted the following key contributions, among many:

- Inspiration for “Random Acts of Environmental Kindness” program
- Photo shoot of the Environmental Advisory Commission cleaning out storm drains, which have been used for many different events over the years.
- Event coordinator in the annual Environmental Resource Expo Fair at Marketfest.
- Very active participant in community events and the Commission

Ms. Taillon also called out Tom Sinnett, her husband, who also participated in many of the same events.

Mayor Emerson presented Mrs. Sinnett with a bear plaque in honor of her years of service on the Environmental Advisory Commission.

Mrs. Sinnett expressed her gratitude for the experience and opportunity to serve the community.

5. PUBLIC HEARINGS

Nothing scheduled

6. LAND USE

Nothing scheduled

7. UNFINISHED BUSINESS

Nothing scheduled

8. ORDINANCES

- A. Second 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 the subject site located at 2687 County Road D is a 1.24 acre parcel that is divided by County Road D. She clarified the request is to rezone the portion of property north of County Road D from R-3 Single Family Residential to R-6 Medium Density Residential, and this is the second reading.

Ms. Kane noted the properties directly west of this parcel are also zoned R-6 Medium Density Residential. She said the Comprehensive Plan adopted in 2008 and 2018 both identify this parcel as Medium Density Residential. Ms. Kane showed an aerial view of the property, which showed 14-unit townhome and duplex properties directly to the east in the Hidden Lake Point subdivision. She also stated the residents of Hidden Lake Point spoke in opposition to this rezoning request during the June Planning Commission meeting, citing concerns with loss of trees, wildlife habitat and wetland impacts.

Ms. Kane clarified that if this site is developed with a single-family or duplex residence, the front yard and rear yard setbacks would be 30 feet and side yards setbacks would be 10 feet. She said, if it is developed for higher density, such as a tri-plex or quad-plex, the side yard setback would increase to 15 feet.

Ms. Kane forwarded the Planning Commission's unanimous recommendation for approval.

In response to Councilmember Edberg, Ms. Kane stated the front yard is defined as that which abuts the public right of way, which is County Road D in this case. She stated the 30 foot front yard setback would begin at the property line, which is where the right-of-way ends (approximately 15 feet north of the curb line). Councilmember Edberg noted Ms. Kane's mention of a quad on this property. Ms. Kane did not believe a quad would be feasible given challenges with buildable space, driveways and utility connections.

Councilmember Biehn asked what was west of this property. Ms. Kane replied the Glen Oaks Apartments lay just beyond an unbuildable wetland.

Mayor Emerson opened a Public Hearing at 7:10 p.m.

Gary Schultz, 3151 Hidden Lake Point Drive and Chairman of the Townhome Association to the east, stated he thought zoning was created to keep the neighborhood looking the same. He said, this proposed change to zoning is being made to change a part this neighborhood to look different. He said it doesn't make sense to him that this rezoning is being applied to one tiny piece of land, only 100 feet. He noted the west side is high density, but this little property is on the east side.

Council Biehn clarified with Ms. Kane that the Hidden Lake Point Drive subdivision to the east should have been limited to single-family under current R-3 zoning. However, when built in the 1990s as a senior complex through a Planned Unit Development, special approval was granted to build duplexes and townhomes. They later sought to lift the age restriction of residents in the senior complex, leaving duplexes in an R-3 zoned subdivision.

Councilmember Walsh summarized that the current land use of the subdivision is consistent with this rezoning request.

Councilmember Edberg supported the motion to rezone as the character of the existing neighborhoods on both sides is consistent with R-6 medium density zoning. He noted the guidance provided by the Comprehensive Plans suggested the City move in this direction. He mentioned that requests for variances would be a different discussion moving forward.

It was moved by Councilmember **Jones** seconded by Councilmember **Biehn**, to approve **Ordinance No. 19-08-2035** rezoning 2687 County Road D from R-3 Single Family Residential to R-6 Medium Density Residential.

Motion carried 4:1. Councilmember Engstran nay.

9. NEW BUSINESS

A. Resolution establishing fees collectable from charitable gambling associations

Finance Director Kindsvater reported the Minnesota Gambling Control Board revamped reporting and auditing processes in 2017, which required the City to review regulatory tax charges imposed on lawful gambling organizations. She explained that the City had been collecting more regulatory tax than expended on this activity and per

state statute, taxes collected in excess of expenditures shall be refunded to the gambling organization.

Ms. Kindsvater recapped options presented at the July 23rd City Council meeting and following Council's recommendation forwarded a resolution authorizing a reduction in the tax collection rate from 2% down to 0.2% to be more in line with actual regulatory expenses incurred by the City.

Councilmember Edberg expressed concern over possible shortfalls in taxes collected in the event there is a special audit or regulatory activity the City might undertake in the future. In response to his inquiry about mechanisms for capturing excess expenses, Ms. Kindsvater stated that the taxes received directly correlate with actual staff time and does not anticipate addition work.

It was moved by Councilmember **Biehn** seconded by Councilmember **Jones**, to approve **Resolution No. 12435** establishing fees collectable from charitable gambling associations.

Councilmember Edberg added that current gambling associations in the City have allocated resources appropriately, but should there be a concentration in charities, where the money goes and a potential for future improprieties, it would be wise to revisit this discussion if conditions change.

Motion carried unanimously.

- B. Resolution authorizing the Mayor and City Manager to execute a contract extension for auditing services with Abdo, Eick and Meyers

Finance Director Kindsvater noted Council's discussion at the July 23, 2019 City Council meeting in which staff was directed to negotiate rates for two more years of auditing services with Abdo, Eick and Meyers and seek proposals for 2021.

Ms. Kindsvater forwarded staff's recommendation for a two-year extension of the auditing services contract with Abdo, Eick and Meyers with a 2% increase each year. Ms. Kindsvater pointed out that any change to Governmental Accounting Standards Board (GASB) reporting or if a special audit was required, those services would fall outside of the scope of this proposal.

It was moved by Councilmember **Edberg** seconded by Councilmember **Engstran**, to approve **Resolution No. 12436** authorizing the Mayor and City Manager to execute a contract extension for auditing services with Abdo, Eick and Meyers

Motion carried unanimously.

- C. Resolution authorizing submission of a Water Efficiency Grant application to Metropolitan Council

City Manager Hiniker highlighted the City's participation with the Water Efficiency Grant from 2016 and 2017 in which an estimated 5.9 million gallons of water was conserved from replacing existing fixtures with water saving fixtures. She reported that the Metropolitan Council, through funding from the Clean Water Land and Legacy Amendment, is again extending this Water Efficiency Grant opportunity to

municipalities.

Ms. Hiniker relayed that residents still call the City regarding this rebate. She explained that staff is seeking authorization to submit a grant application for \$49,500 in funding from the Metropolitan Council, which requires a 25% City match of \$16,500. She stated that for ease in administration and the highest return on water savings, the City would offer rebates only for WaterSense toilets this time around.

It was moved by Councilmember **Walsh** seconded by Councilmember **Engstran**, to approve **Resolution No. 12437** authorizing submission of a Water Efficiency Grant application to Metropolitan Council.

Motion carried unanimously.

10. CONSENT

- A. Resolution approving 3.2 off sale, tobacco and gasoline pump licenses for Applegreen Midwest, LLC. **Resolution No. 12438**
- B. Resolution authorizing a caterer at Railroad Park for the Special Teams Charities, Beyond the Yellow Ribbon care packages donation collect event. **Resolution No. 12439**

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

11. DISCUSSION

Nothing scheduled

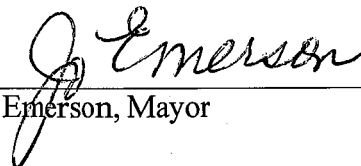
12. COMMUNICATIONS FROM THE CITY MANAGER

- The Police Department held a successful Safety Camp attended by 80 kids this year.
- Night to Unite was another great success this year, with 48 registered parties.

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 7:39 p.m.

Motion carried unanimously.



Jo Emerson, Mayor

ATTEST:



Kara Coustry, City Clerk