



**MINUTES
REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF WHITE BEAR LAKE, MINNESOTA
TUESDAY, OCTOBER 8, 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, City Engineer Paul Kauppi, Planning Technician Ashton Miller and City Attorney Troy Gilchrist.

PLEDGE OF ALLEGIANCE

2. APPROVAL OF MINUTES

A. Minutes of the Regular City Council Meeting on September 10, 2019

It was moved by Councilmember **Edberg**, seconded by Councilmember **Jones**, to approve the Minutes of the Regular City Council Meeting on September 10, 2019.

Motion carried unanimously.

3. APPROVAL OF THE AGENDA

City Manager Hiniker asked to remove 6.A.2 for consideration at the next City Council meeting. She asked to remove 9.A per the applicant's request.

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

Motion carried unanimously.

4. VISITORS AND PRESENTATIONS

A. Marvin Reed – Retiring Planning Commission member

Hiniker summarized Marvin Reed's accomplishments during nine years of service on the Planning Commission, including the Boatworks Commons, the Comprehensive Plan and the recent Schafer Richardson project. Mayor Emerson presented a bear plaque in recognition of his service to the City. Member Reed shared his positive experience and urged others to become involved in civic society.

B. Toastmasters Proclamation

Mayor Emerson read a proclamation declaring October as Toastmasters' month.

C. White Bear Lake Area Public Schools ISD 624

Superintendent Wayne Kazmierczak presented information on the School District's bond referendum. Driving factors included facilities at capacity, safety concerns and aging infrastructure. He discussed the unique opportunity the district has to reimagine the high school experience in White Bear Lake. Should the referendum be approved, residents' tax levy would continue to be lower than average for neighboring districts.

In response to a question from Councilmember Walsh, Mr. Kazmierczak explained that residential growth is district-wide with new housing growth concentrated in the north and housing stock turnover in the south resulting in more families enrolling kindergarteners than predicted by County birth records.

Councilmember Edberg stated he was on the School Board 35 years ago when the current model was approved, which was due to budget constraints rather than what was best for the students academically. During that time, he noted declining population and enrollment trends. Today, he explained, the current growth trends provide the School District with flexibility and economic capacity. He stated the bond, while large, is reasonable and he commended the School District on their community engagement and transparency.

Councilmember Jones stated the practice of children transiting twice through High School for the last 30 years needs to end and he supported recombining the High School Campuses. He asked how long the \$23/month is expected to last. Mr. Kazmierczak stated the bond would be for a period of 24 years and as growth increases the tax base, the cost is expected to trend downward over time as a result.

Mayor Emerson added the Senior Center is crammed to capacity, and will only continue to grow. She noted the School District's proposal is addressing a wide population from early childhood development to the growing senior population. Mayor Emerson encouraged residents to vote.

5. PUBLIC HEARINGS

A. Resolution adopting an assessment roll for 2019 Mill and Overlay Project (City Project Nos: 19-04 & 19-13)

City Engineer Kauppi stated a public hearing is required for consideration of assessment rolls for the 2019 Mill and Overlay Project as the last step in outlined in State Statute 429 related to City assessment of property. Official notice was placed in the newspaper and mailed to benefitting properties affected by these assessments.

Mr. Kauppi explained, residents can object to the assessment by written statement tonight and if Council adopts the assessment roll as presented, residents wishing to appeal, must file in District Court within 30 days of adoption of the assessment. Mr. Kauppi noted, assessments were done based on the City's Assessment policy and were confirmed by an independent property appraiser. He reported the interest rate set by the Finance Department is 4.41%, which for residential properties is assessed over a period of 10 years and 15 years for commercial or apartment properties. Mr. Kauppi stated that senior and hardship cases may contact the Engineering Department for deferred assessment paperwork.

Mayor Emerson opened the public hearing at 7:39 p.m.

Peggy Pohto, 1925 10th Street, brought up issues surrounding premature deterioration of her road due to construction in the neighborhood. She would prefer to wait until other projects are complete before working on the roads. Engineer Kauppi responded that the short construction season makes it difficult to coordinate multiple contractors and too many constraints on a project drive up the costs. He stated he was not aware of the issue but he would take a look at this area, which may be on a punch list for the project.

Valerie Riley, 2637 Aspen Court, Lakewood Village II, wondered why Lakewood Village II assessments are more than Lakewood Village I, considering they all share the roads. She added that Lakewood Village I residents cannot reach their roads without driving on Lakewood Village II roads. She believed standing water will continue to be a problem as restoration was not leveled out properly. Mr. Kauppi clarified that assessments are based on frontage and that fewer units with more front footage have higher assessments. He acknowledged that while pavement was preserved, stormwater management may not have been completely addressed in this mill and overlay project, although those areas with standing water are still on the punch list.

Mayor Emerson closed the public hearing at 7:51 p.m.

It was moved by Councilmember **Walsh**, seconded by Councilmember **Jones** to adopt **Resolution No. 12454** the assessment roll for 2019 Mill and Overlay Project (City Project Nos: 19-04 & 19-13).

Motion carried unanimously.

B. Assessment roll for 2019 Street Reconstruction Project (City Project Nos: 19-01 & 19-06)

City Engineer Kauppi reviewed the assessment process covered under item 5A. He acknowledged receipt of written objections to the alley assessment from property owners at 4860 Johnson Avenue and 4830 Johnson Avenue. He asked Council to open the public hearing, but also continue the public hearing to the next City Council meeting to assure proper notice due to a couple of incorrect notices.

Mayor Emerson asked Mr. Kauppi to clarify the alley assessment policy. Mr. Kauppi stated the benefit is not to the current or existing use, but to the available use to the property. He relayed, Community Development Director Anne Kane's assertion from last year that redevelopment requires use of the alley for access to the property, with a 20 foot setback. He stated a review of the properties in this case indicate all would be required to redevelop the alley for access.

Mayor Emerson opened the public hearing at 8:00 p.m.

Will Green, 2326 7th Street, questioned how alleys are assessed as it appears to be a flat fee. He provided square foot estimates for pavement and questioned why the City's square foot charge is higher. Mr. Kauppi noted the cost variability could be in the thickness of the application, subgrade excavation and restoration costs of the project. He explained that the alley assessment policy was established last year and was applied consistently this year with equal division among benefiting property owners.

Sue and Fred Paul, 2299 6th Street, questioned the water service assessment charge, asserting they were already up to code with copper piping to the main and the dual main consolidation work that was done in the street, was not on their property. They also noted a neighboring property that was not charged for the same thing. Mr. Kauppi stated that water service lines at 2291 and 2299 were connected together, which is not up to code. He reported the two water services were separated for each to have its own shut-off per code and mentioned 2291 was part of the clerical error and reason for another public hearing at the next Council meeting. Ms. Hiniker encouraged the Paul's to file their objection, but also stated both property owners and staff should discuss this further.

Montgomery and Suzann Mouw, 4860 Johnson Avenue, submitted a written objection to the alley assessment prior to the meeting. He questioned whether the 20 foot setback applies to garages, which is something they were looking to redevelop. City Manager Hiniker encouraged the Mouw's to contact the Planning Department for answers to questions related to their property specifically. She noted there were two specific properties last year that had unique orientation and required additional review. She reiterated the objection has been filed and staff will review application of the assessment policy to each objecting property.

Mayor Emerson closed the public hearing at 8:13 p.m.

Councilmember Edberg questioned whether the new assessment policy for alleys is correct. Councilmember Jones commented that he is not a proponent of the alley policy and wished White Bear Lake did not repair the alleys like St. Paul and Minneapolis who let the residents maintain their own alleyways. Councilmember Jones noted the City stepped in to maintain the alleys for emergency purposes, but there has been nothing but backlash from residents as a result.

City Manager Hiniker reminded the Council, they set the alley policy last year in advance of the City's first alley project and that several properties have already been assessed in accordance with the established policy. She noted there was considerable discussion and multiple scenarios conducted by Engineering to create a reasonable and uniform alley assessment policy.

City Attorney Gilchrist clarified this public hearing will be continued to the next City Council meeting and residents will still have time to state objections to these assessments on during the next public hearing on October 22, 2019.

Regarding dual access to the main, Councilmember Biehn noted that if something is changed for one individual it would need to be applied to all. He also supported making these types of fixes during street reconstruction to get things right. Regarding the alleys, Councilmember Biehn desired City's continued approach to maintaining them for emergency vehicle access.

6. LAND USE

A. Consent

1. Consideration of a Planning Commission recommendation regarding a request by Gary Christenson for a Variance (Case No. 19-7-V). **Resolution No. 12455**

2. Consideration of a Planning Commission recommendation regarding a request by Dan and Kathy Wachtler for a Variance (Case No. 19-8-V). **Resolution No. 12456**
3. Consideration of a Planning Commission recommendation regarding a request by Honsa Family Funeral Home for a Conditional Use Permit Amendment (Case No. 93-15-Sa2). **Resolution No. 12457**
4. Consideration of a Planning Commission recommendation regarding a request by Sheet Metal Union #10 for a Conditional Use Permit Amendment (Case No. 02-9-Sa2). **Resolution No. 12458**

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

Motion carried unanimously.

7. UNFINISHED BUSINESS

Nothing scheduled

8. ORDINANCES

- A. Second reading of a request to rezone property from B-3: Auto Oriented Business to I-1 – Limited Industry and P-Public (PIDs 273022110038, 273022110036, 273022110039 and 273022110010) (Case No. 19-3-Z)

City Manager Hiniker stated the City is requesting a preliminary and final plat to rearrange four parcels into two, and a rezoning of the northern parcel from B-3 – Auto-oriented business to I-1 – Limited Industry (for Saputo) and the southern parcel (connected to Public Works) from B-3 – Auto-oriented business to P-Public. She reported the four parcels would then be split with the northern portion to be purchased by Saputo for future facility expansion and the southern portion to serve Public Works.

Mayor Emerson opened the public hearing at 8:25 p.m., but as no one came forward to speak, she closed the public hearing.

It was moved by Councilmember **Walsh** seconded by Councilmember **Biehn** to approve Ordinance No. as presented.

Motion carried unanimously.

- B. First reading of a request by Mike Belz to rezone the property at 2105 1st Street from B-4: General Business to R-4: Single Family – Two Family Residential (Case No. 19-5-Z)

City Manager Hiniker stated this parcel is across from City Hall and has a house on it that was built in 1904. She reported the applicant is seeking approval of a minor subdivision (lot split) to create a new residential parking lot and noted the property is being reguided as Single Family Residential in the Comprehensive Plan, consistent with this rezoning request.

Ms. Hiniker stated this is first reading, with second reading on November 12, 2019.

9. NEW BUSINESS

A. Resolution authorizing employee insurance renewal

City Manager Hiniker reported that all employees are eligible to receive group health and life insurance coverage. She stated, each year the employee health insurance committee provides recommendations regarding the insurance plan and coverage. New this year was a narrow network option through Medica at a reduced cost. She explained that overall rates increased 7.3% across all three plans on average, but the City's cost share portion has yet to be negotiated with bargaining and non-bargaining groups.

Ms. Hiniker clarified, Council's consideration this evening is whether to renew the employee insurance plan. She acknowledged receipt of alternative insurance plans for smaller communities that Councilmember Biehn forwarded, and stated that information will be considered next year as this year was part of a two-year proposal.

It was moved by Councilmember **Biehn**, seconded by Councilmember **Jones** to approve **Resolution No. 12459** authorizing the employee insurance renewal.

Motion carried unanimously.

B. Resolution accepting a proposal from Wold Architects for site master planning for a police garage and fire apparatus bay

City Engineer Kauppi reported that a request for proposals was distributed to select architects with experience in public safety work. He said that based on submittals, four firms were interviewed. He noted in addition to experience with space needs study, the group focused on finding a firm that had experience working in a residential neighborhood. Mr. Kauppi stated that Wold Architects was the unanimous choice by all committee members.

Mr. Kauppi noted a representative for Wold Architects is available for questions. He said, if approved by the Council, a kickoff meeting would occur on October 23rd to move forward with the space needs study and site master planning for a police garage and fire apparatus bay expansions.

It was moved by Councilmember **Jones**, seconded by Councilmember **Walsh** to adopt **Resolution No. 12460** awarding a space needs study and site master planning to Wold Architects.

Motion carried unanimously.

10. CONSENT

- A. Acceptance of Minutes: August Environmental Advisory Commission, August Park Advisory Commission, August White Bear Lake Conservation District, September Planning Commission

- B. Resolution accepting DWI Grant from the Minnesota Department of Public Safety to fund second year of the DWI enforcement officer. **Resolution No. 12461**

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

Motion carried unanimously.

11. DISCUSSION

A. Vadnais Lake Watershed Management Organization – Goose Lake

Ms. Hiniker reported on the history of VLAWMO, which was formed in 1983 to protect the Vadnais Lake watershed area in northern Ramsey County and a small portion of Anoka County. VLAWMO covers approximately 25 square miles in the northeast metropolitan area. The watershed is a Joint Powers organization that encompasses the City of North Oaks, and portions of the cities of White Bear Lake, Gem Lake, Vadnais Heights, Lino Lakes and the Town of White Bear.

She added that East Goose Lake lies within VLAWMO's watershed area and is the watershed's most impaired lake. East and West Goose Lakes are connected via culverts which run beneath the highway. Both are considered the headwaters of Lambert Creek, and eventually drain into East Vadnais Lake, the drinking water reservoir for Saint Paul Regional Water Service customers.

Ms. Hiniker stated that VLAWMO has been pursuing methods to mitigate Goose Lake's impaired condition for several years, including but not limited to drainage work and bullhead harvesting. In recent years, VLAWMO has been working with Barr Engineering to study the potential impact of an alum treatment. After considerable deliberation, VLAWMO has proposed an alum treatment for Goose Lake at an estimated cost of \$170,000 to be paid for primarily through grand funds, with \$35,000 in matching funds to come from the City.

As outlined in the attached memorandum from VLAWMO, Ms. Hiniker reported, they are recommending motorized boating be restricted for at least the first three years after the initial alum treatment. She explained, the City would need to adopt an ordinance in order to affect these restrictions, but as Council is aware, homeowner's on Goose Lake have voiced opposition to this recommendation. Ms. Hiniker reported that a first reading of an ordinance restricting motorized boating on East Goose Lake would be presented at the October 22nd City Council meeting and residents would then be invited to participate in a public hearing at the November 26th City Council meeting.

Councilmember Biehn mentioned he would like to know the effect of inaction or delay and would that effect transfer into other waterbodies. He would like to know the desires of Goose Lake residents, but would need to balance that information with any potential negative effects on others. Councilmember Edberg concurred, noting external considerations would need to outweigh internal consequences.

Councilmember Walsh indicated he would not vote to restrict boating on Goose Lake. He believed VLAWMO is doing their job, but he was not convinced that the benefit of an alum treatment outweighed the negative impact to Goose Lake homeowners. He

noted the alum treatment is a temporary solution that may not even work, or might require reapplication and additional years of restricted motorized boating. He mentioned Goose Lake residents are willing to clean up the lake through other means.

Councilmember Jones noted that VLAWMO is doing their job to fix impaired waterways and has identified Goose Lake in its water improvement plan during the past five years. He stated that alum is the only treatment if a clean lake is desired, which may last 7-10 years. He said the risk of not treating the lake is blue-green algae bloom, but mentioned if people do not want a clean lake, Goose Lake has been filthy for many years as it was once used as the City's sanitary waste receptacle. He said those who test the lake have stated they would not let their children swim there. Lastly he noted it would be impossible to police a wake restriction, but he would appreciate the Council moving forward with the ordinance process regardless of the outcome.

After considerable process discussion, Mayor Emerson stated the ordinance first reading will occur on October 22 with a presentation by VLAWMO and public comment taken at that time. An official public hearing would be noticed and scheduled to occur on November 26th for the ordinance second reading.

12. COMMUNICATIONS FROM THE CITY MANAGER

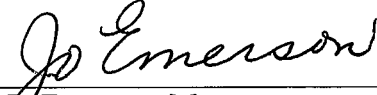
- Climate Smart Municipalities exchange update presentation to be scheduled for October 22nd City Council meeting
- Upcoming Council work session, October 15 at 6:00 p.m. in the Expansion Room
- November 19th work session, non-general fund budget discussions (capital budgets and enterprise funds)
- Mayor Emerson reported that today is the 100 Year Anniversary of the American Legion Post in White Bear Lake and congratulated them.
- Engineering Department Updates by Paul Kauppi PW Director/City Engineer
 - 2020 Proposed Street Reconstruction projects include Cottage Park and Bellaire Avenue, including sidewalk completion along Bellaire. Per the comprehensive plan, sidewalk would also be added along the north side of Elm Street. Downtown parking lots were removed from the project to allow more time for input from businesses and will be included as part of more wide-scale downtown street improvements in 2021.
 - The City continues to work with Ramsey County regarding turnbacks for Long Avenue, South Shore Blvd and Hoffman Road among others.
 - Tally's is moving their fuel tank temporarily to allow staff the ability to replace timbers in the retaining wall. Tally's will be working toward compliance upgrades with fuel system operations prior to returning the fuel tank.
 - Staff is seeking professional services from Short Elliott Hendrickson (SEH) for painting of the Water Tower on Centerville Road, which was originally planned in 2019 but was pushed back to the 2020 Capital Improvement Plan due to significant coordination required with carriers on the tower and Ramsey County who has an antennae up there.

- The 2019 Sewer Lining projects are beginning and work is planned along Highway 61, south of Highway 96 will require lane shifts or lane closures. Calls may come in about smells as a result.

13. ADJOURNMENT

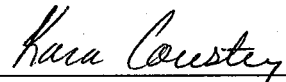
There being no further business before the Council, it was moved by Councilmember **Walsh**, seconded by Councilmember **Biehn** to adjourn the regular meeting at 9:28 p.m.

Motion carried unanimously.



Jo Emerson, Mayor

ATTEST:



Kara Coustry, City Clerk