

# MINUTES REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF WHITE BEAR LAKE, MINNESOTA TUESDAY, NOVEMBER 12, 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 7:03 p.m. Councilmembers Kevin Edberg, Steven Engstran, Dan Jones and Bill Walsh were present. Councilmember Doug Biehn was excused. Staff members present were City Manager Ellen Hiniker, Assistant City Manager Rick Juba, City Engineer Paul Kauppi, Community Development Director Anne Kane, Finance Director Kerri Kindsvater, City Clerk Kara Coustry and City Attorney Josh Devaney

PLEDGE OF ALLEGIANCE

## 2. APPROVAL OF MINUTES

A. Minutes of the Regular City Council Meeting on October 22, 2019

It was moved by Councilmember **Jones**, seconded by Councilmember **Engstran**, to approve the Minutes of the Regular City Council Meeting on October 22, 2019.

Motion carried unanimously.

# 3. APPROVAL OF THE AGENDA

City Manager Hiniker requested that 9B be removed, a resolution authorizing in-kind contribution and letter of support to the FTA for a transit-oriented planning grant for the Rush Line BRT, indicating that Ramsey County voted earlier to provide the full local match, therefore a City match as originally requested was no longer necessary.

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

Motion carried unanimously.

# 4. VISITORS AND PRESENTATIONS

Nothing scheduled

# 5. PUBLIC HEARINGS

Nothing schedule

## 6. LAND USE

A. Consent

- 1. Consideration of a Planning Commission recommendation regarding a request by Mike Belz for a Recombination Subdivision and 4 variances (Case. No. 19-1-LS & 19-10-V). **Resolution No. 12468**
- 2. Consideration of a Planning Commission recommendation regarding a request by the Lightfoot and Larrive families for a Recombination Subdivision (19-2-LS). **Resolution No. 12469**

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

Motion carried unanimously.

#### B. Non-Consent

1. Consideration of a Planning Commission recommendation regarding a request by Bruggeman Builders for a variance to reduce the side yard setback (19-9-V)

Community Development Director Kane reported the subject site is 2687 County Road D. She said the applicant has requested a five foot variance from the fifteen foot side yard setback requirement in order to construct a triplex ten feet from the west property line. The full 15-foot setback would be provided along the east property line where the site abuts the Hidden Lake Pointe Townhomes. Ms. Kane stated that a number of neighbors expressed concern about the impact of this variance during the Planning Commission public hearing. One of the Commissioners noted that a neighboring association could have purchased the subject property if they wanted to maintain it as open space and preserve the trees. Ms. Kane forwarded a Planning Commission recommendation to approve the requested variance.

Gary Schulz, Chairman of the White Bear Township Townhouse Association, lives at 3151 Hidden Lake Point Drive. He stated the association did not have money to purchase this property and did not feel this was their responsibility. He stated this parcel is too small to build a triplex without a variance. He said this will hurt the association's property values more than the value added by this development, even more so as rental properties. Mr. Schulz asserted the loss of trees will affect the beauty of this property and hurt the City. He also stated this development looks like it belongs on the west side of the lake with the other higher density housing rather than on the east side by single and twin homes.

Paul Bruggeman, the applicant, clarified that he never made any claims about the money this development would bring to the City. He stated that he could put a duplex on this property without a variance, which would require only a 10 foot setback from the backside of the Hidden Point community. He noted the association would actually be gaining another five feet of setback with a triplex development. He also pointed out that the overall density of his site is less than the overall density of the association community, which required variances to build. Mr. Bruggeman said he did not believe his development would have any effect on their townhomes.

Councilmember Jones confirmed with Mr. Bruggeman these would be rental properties.

Councilmember Edberg expressed esteem for the quality of Bruggeman construction. He suggested the City Council revisit homeownership and rentals mix after the Maxfield study is received later this year. He asked Mr. Bruggeman why he purchased the property for a development that would require a variance in order to construct. Mr. Bruggeman stated that when he originally looked at this parcel, he was looking at a ten foot setback and when the project turned into a triplex, the sideyard setbacks increase to 15 feet.

Councilmember Jones asked what Mr. Bruggeman could develop on this site if the variance is not approved. Ms. Kane stated he could explore a narrower unit, or entrances on both end units, keeping the middle unit width. She explained he could put a 70-foot wide triplex and meet the 15 foot setbacks on both sides.

In response to Councilmember Jones, Mr. Bruggeman said if he does not get this variance, he could build multi-family stacked units with higher density without a variance at this location. Mr. Bruggeman pointed to substantial variances awarded to the neighboring Hidden Point Association, which were far greater than his request for five feet.

Councilmember Walsh was not convinced that property values would decline as a result of a new triplex rental property and supported the variance.

It was moved by Councilmember **Walsh**, seconded by Councilmember **Jones**, to adopt **Resolution No. 12470** approving a Planning Commission recommendation regarding a request by Bruggeman Builders for a variance (19-9-V)

Motion carried 3:1. Councilmember Engstran nay.

2. Consideration of a request by Lotus Recovery to amend the Municipal Code as it relates to group care facilities with seven or more individuals (19-6-Z)

Community Development Director Kane reported the subject site, 3561 White Bear Avenue, is located on the west side of White Bear Avenue, just south of County Road E. She said the request before Council is whether to amend the code to allow group homes to be increased from six residents per home in State Statute to up to 16 residents through a conditional use permit (CUP) process.

Ms. Kane stated this location was approved for nine developmentally challenged residents in 1992 as a conditional use permit. She reported that Lotus Recovery would like to renovate the home to accommodate 16 residents in a group home for recovery.

Based on input from neighbors and other concerns from Planning Commission members, Ms. Kane forwarded the Planning Commission's unanimous denial of the applicant's request for consideration of a text amendment to allow group homes to exceed six, but no more than 16, with a conditional use permit, and if the text amendment is approved, a conditional use permit for a 16-person home at the subject site.

In response to Councilmember Edberg, Ms. Kane explained that staff originally forwarded recommendation for approval of this request to the Planning Commission based on the applicant's submittal, the size of the home, the addition of housing

opportunities, a lack of service calls to other similar group homes, and knowing there would be a public hearing process. She said a well-managed facility seems appropriate at this location.

City Manager Hiniker added that land use applications are reviewed by various departments, which found the proposed use did not cause staff concern regarding service calls, parking impacts and the external environment. She said from that perspective, staff felt it appropriate to move an amendment forward for consideration the public hearing process.

Councilmember Edberg asked for the next largest approved use in the City. Ms. Kane confirmed that with the exception of Northeast's CUP for nine residents, six is the largest approved group home.

Councilmember Walsh inquired of any non-residential zones in the City that this type of development would work. Ms. Kane noted a location in a commercial zone, but questioned if that is where the City wants people residing. Councilmember Walsh stated, it needs to be zoned residential because people will live there, but that creates a conflict with other single-family residential homeowners. He wants White Bear Lake to be welcoming of these types of facilities and housing opportunities. He stated that based on his experience and understanding of the issues, he has absolutely no concerns about the types of people living in these facilities.

Councilmember Jones also did not have an issue with the use, but felt that 16 plus 24-hour staff was too many people to permit next door to a single-family home.

Mayor Emerson opened up a public hearing at 7:41 p.m.

Ryan Eckdahl from Lotus Recovery stated that in state statutes, this residential treatment center falls under the definition of a "group home". He said, as a treatment center there would be 24-hour, 7-day supervision at this facility with programming from 9:00 a.m. to 8:00 p.m. He said the request for 16 is a surge number and they had tried to reduce the request from 16 to 14 residents after hearing the Planning Commission's concerns, but that request was too late. Mr. Eckdahl explained they expect 10-12 on average with programs running 30-90 days depending on insurance. He also noted that clients attend voluntarily, not as a result of court order. If someone wants to leave, he said they are transported out and to other community partners for housing.

Mr. Eckdahl stated there is considerable net social benefit to providing this type service in White Bear Lake. He noted the property is not in the middle of a residential community, as the parcels north and east are both commercial. To provide background on who he is, Mr. Eckdahl mentioned he founded the Experience of Neshama, the third largest housing provider in Ramsey County for people who have experienced long-term, or chronic homelessness.

In response to Mayor Emerson, Mr. Eckdahl stated there would be between 2-5 staff members on site at any given time. He explained this facility would be renovated to have ten bedrooms, four offices and two kitchens.

Carl Johnson, 3550 Jerry Street, lives behind this proposed facility. He expressed concern over the high number of people proposed and explained that a text

amendment to this number would be applied city-wide. He suggested the Planning Commission set guidelines for these types of facilities in White Bear Lake so that providers know what criteria they must meet. Mr. Johnson said he did not want an apartment of people behind his home and speculated they might all smoke at the same time when a session broke.

In response to Councilmember Edberg, Mrs. Johnson suggested 3-5 people would be more palatable.

Heidi Holtse, Executive Director of Northeast Residence, indicated that the concerns expressed during the Planning Commission meeting were the same as those expressed when Northeast Residence was issued their CUP in 1992. She noted there were many opinions about how people are best served, but she prefers to rely on the expertise of someone who has successfully delivered these services. Ms. Holste stated the property can easily accommodate 16 people given its size.

Ms. Holste stated that since starting at Northeast Residence five years ago, the property has been used as a day facility in which 12-15 people were being serviced on almost a daily basis. She stated that parking was sometimes an issue, but would not be an issue for Lotus Recovery since the clients do not drive while in recovery. She explained that they have reduced their price to facilitate sale of this large vacant building as they do not have the means to improve the property.

Carlton Johnson has been in recovery five years now and spoke to how the group home program changed his life. He stated that recovery works and the program is like a family in which people help one another stay clean and become productive members of society. Mr. Johnson stated that Ryan is trying to help people in a world where opioid addiction is taking over.

Mayor Emerson closed the public hearing at 8:02 p.m.

Councilmember Jones stated that although this house is large, he would support nine residents as was approved in its current use under Northeast Residence. He noted this is a business and he does not support 16 residence plus staff at this location.

It was moved by Councilmember **Jones**, seconded by Councilmember **Engstran**, to adopt **Resolution No. 12471** approving a Planning Commission recommendation to deny by Lotus Recovery to amend the Municipal Code as it relates to group care facilities with seven or more individuals (19-6-Z).

Motion carried 3:1. Councilmember Walsh nay.

Motion carried.

Mayor Emerson and the Council agreed that this issue should be further explored for the ability to place a facility like this in the City.

# 7. UNFINISHED BUSINESS

Nothing scheduled

#### 8. ORDINANCES

A Second 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 (19-5-Z)

Community Development Director Kane reported, this commercially zoned property located at 2105 1<sup>st</sup> Street has served as a residence since being constructed in the late 1800's or early 1900's. She explained, the applicant is seeking a residential rezoning of the property in order to split the lot and build another single-family home. Ms. Kane noted this rezoning is consistent with the other properties next to it and forwarded a unanimous recommendation by the Planning Commission for Council's consideration.

Mayor Emerson opened the public hearing at 8:15 pm. There being no one, Mayor Emerson closed the public hearing.

It was moved by Councilmember **Jones**, seconded by Councilmember **Edberg**, to adopt **Ordinance 19-11-2037** a rezoning of the property at 2105 1st Street from B-4: General Business to R-4: Single Family – Two Family Residential (19-5-Z).

Motion carried unanimously.

B First reading of a City-Initiated request to amend the Sign Code to allow Drive-Thru signs to utilize dynamic display style sign faces (19-7-Z)

Community Development Director Kane recalled a sign code revision allowing dynamic display signs in 2016 for monument signs or principal wall signs only. She relayed a local fast food operator's claim that the City of White Bear Lake is the last community in the metro area that does not allow dynamic display drive-thru and menu boards and gas station pricing.

Ms. Kane stated that a downtown business representative commented during the Planning Commission meeting a desire to get an electronic sign for the Main Street sign at 4<sup>th</sup> and Highway 61. Ms. Kane noted a menu board is different because it is designed to be viewed while on the site.

C. First reading of an amendment to the Winter Parking Ordinance

City Manager Hiniker reported the current ordinance states that all towed vehicles shall be stored in White Bear Lake. She noted at times in the winter, more cars need to be towed than there is capacity to store within city limits. Ms. Hiniker explained that Vadnais Towing merged with Twin Cities Towing in 2018 and there more lot space is available, but outside of city limits.

Ms. Hiniker explained this text amendment would provide increased capacity to tow vehicles in violation of the ordinance. She said that in advance of a snowstorm, Twin Cities Towing has agreed to do their best to clear the local storage lot for local residents.

Councilmember Jones stated his support for the ordinance, however, he feels it would be best to close down the local lot altogether so that all cars are towed to the same location with sufficient capacity.

Councilmember Edberg inquired whether the city owns property that could be made available for towing for the ability to increase local capacity and acquire a fee split.

D. First reading of adoption of the 2020 annual fee and utility rate schedule

City Manager Hiniker noted a work session with the City Council on November 19<sup>th</sup> in which staff will report on non-general fund balances in more detail. Ms. Hiniker said a subsequent rate discussion will be scheduled on the November 26, 2019 Council agenda with final consideration of adoption of a fee schedule at the December 10, 2019 Council meeting.

Ms. Hiniker stated, ambulance rate increases are modest. She added, staff will provide a comprehensive review at a work session next year of the fire/ambulance service now that the new model has been in place for a full-calendar year. She noted expenditures that while expenditures appear to be on track, revenues continue to come in under estimates, noting that others providers have been experiencing the same as insurance deductibles continue to increase, more bills are going to collections.

# 9. NEW BUSINESS

A. Resolution approving special event request by the Hockey Association for use of Podvin Park ice rink

City Manager Hiniker reported the Hockey Association requested use of the Podvin park pavilion and hockey rink on the weekend of January 10-12, 2020. The Hockey Association's Outdoor Jamboree is a fundraiser to support their Mites program in which players third grade or younger participate. Ms. Hiniker added that approval to serve beer at Podvin Park is also being requested, and if approved by Council would require a security plan approved by the Police Department.

It was moved by Councilmember Walsh, seconded by Councilmember Engstran to adopt Resolution No. 12472

Motion carried unanimously.

B. Resolution approving construction of a food scraps recycling (organics recycling) dumpster at Public Works

City Manager Hiniker reported on an opportunity through Ramsey County to place an organics collection dumpster in White Bear Lake that the County would service. She stated the chosen site at Public Works has 24-hour access.

In response to Councilmember Edberg, Ms. Hiniker said the County will pay a commercial provider to collect the organic waste once per week. While not certain, she believes the material is taken to a compost facility in Rosemount.

It was moved by Councilmember **Edberg**, seconded by Councilmember **Jones** to adopt **Resolution No. 12473** 

Motion carried unanimously.

# C. Resolution approving professional services contract for electrical inspections

City Manager Hiniker reported the City's current electrical inspections contractor announced his retirement. Ms. Hiniker noted that Tolke Inspections provides electrical inspections for surrounding communities and asks for 80% of the fees proposed in the fee schedule for this service. Councilmember Edberg asked whether a 20% margin covers liability and staff effort. Ms. Hiniker explained that the Building Department reviewed the proposed rates and did not have a recommendation for change.

It was moved by Councilmember **Edberg**, seconded by Councilmember **Engstran** to adopt **Resolution No. 12474** 

Motion carried unanimously.

# D. Resolution canvassing election results

City Manager Hiniker explained it is the responsibility of the City Council to canvass the election results. She reported that Bill Walsh was elected as Ward 1, Councilmember, Dan Jones was elected as Ward 3 Councilmember, and Steven Engstran was elected to Ward 5.

It was moved by Councilmember Jones, seconded by Councilmember Engstran to adopt Resolution No. 12475

Motion carried unanimously.

## 10. CONSENT

- A. Acceptance of minutes; September Environmental Advisory Commission; September Parks Advisory Commission; September White Bear Lake Conservation; October Planning Commission
- B. Resolution authorizing Score Grant funding allocation and application. **Resolution**No. 12476
- C. Resolution accepting donation of a pontoon. Resolution No. 12477
- D. Resolution approving special assessment. Resolution No. 12478

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

Motion carried unanimously.

# 11. DISCUSSION

Nothing scheduled

# 12. COMMUNICATIONS FROM THE CITY MANAGER

➤ Work Session at 6:00 p.m. on November 19<sup>th</sup> in the Expansion Room

- Truth in Taxation Hearing on November 26<sup>th</sup> with final budget adoption on December 10<sup>th</sup>.
- ➤ City Engineer and Public Works Director Kauppi reminded folks to visit the website for the City's winter parking restrictions in the event there is snow.

# 13. ADJOURNMENT

There being no further business before the Council, it was moved by Councilmember **Walsh**, seconded by Councilmember **Jones** to adjourn the regular meeting at 8:49 p.m.

Motion carried unanimously.

Jo Emerson, Mayor

ATTEST: