



AGENDA
REGULAR MEETING OF THE CITY COUNCIL OF
THE CITY OF WHITE BEAR LAKE, MINNESOTA
TUESDAY, MAY 12, 2020
7:00 P.M. IN THE COUNCIL CHAMBERS

1. CALL TO ORDER AND ROLL CALL

2. APPROVAL OF MINUTES

A. Minutes of the Regular City Council Meeting on April 28, 2020

3. APPROVAL OF THE AGENDA

4. VISITORS AND PRESENTATIONS

A. Marketfest and Manitou Days Presentation

B. Presentation of Business Survey Results

5. PUBLIC HEARINGS

Nothing scheduled

6. LAND USE

A. Consent

1. Consideration of a Planning Commission recommendation for approval of a request by Mark Olson on behalf of Charles and Ginny Schroeder for a variance at 3790 Cranbrook Drive. (Case No. 20-4-V)
2. Consideration of a Planning Commission recommendation for approval of a request by Ranee Kostron for a variance at 3576 Jerry Street. (20-5-V)
3. Consideration of a Planning Commission recommendation for approval of a request by Lake Area Marina for a conditional use permit at 4453 Lake Avenue. (20-3-CUP)
4. Consideration of a Planning Commission recommendation for approval of a request by John Grant on behalf of Robert Gross and Lydia Najera for a variance at 1885 Orchard Lane. (20-7-V)

B. Non-Consent

1. Consideration of a Planning Commission recommendation for approval of a request by Brett and Emily Witter for a conditional use permit at 2281 Lilac Lane. (20-2-CUP)
2. Consideration of a Planning Commission recommendation for approval of a request by Celine Carlson for a conditional use permit and four variance at 4312 Cottage Park Road. (20-4-CUP & 20-8-V)

7. UNFINISHED BUSINESS

Nothing scheduled

8. ORDINANCES

- A. First Reading of a City-initiated request to amend the Zoning Code to clarify the intent of the language that relates to accessory structures in commercial and industrial districts. (20-1-Z)

9. NEW BUSINESS

- A. Resolution accepting bids and awarding contracts for the 2020 Bituminous Seal Coating Project, City Project No. 20-02
- B. Resolution accepting bids and awarding contract for the 2020 Crack Sealing Program, City Project No. 20-03
- C. Resolution approving the sale of General Obligation Bonds for 2020 Street Improvement Projects
- D. Resolution approving the carryover of expenditures from the 2019 Budget to the 2020 Budget
- E. Resolution authorizing a liquor extension license for Brickhouse Restaurant on City Right of Way
- F. Resolution supporting Ramsey County's placement of no parking signs along Hoffman Road

10. CONSENT

- A. Acceptance of Minutes: February Environmental Advisory Commission, February White Bear Lake Conservation District, April Planning Commission

11. DISCUSSION

12. COMMUNICATIONS FROM THE CITY MANAGER

13. ADJOURNMENT



**MINUTES
REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF WHITE BEAR LAKE, MINNESOTA
TUESDAY, APRIL 28, 2020
7:00 P.M. IN THE COUNCIL CHAMBERS**

1. CALL TO ORDER AND ROLL CALL

Mayor Jo Emerson called the meeting to order at 7:05 p.m. under MN Statute Section 13D.021, in which the City Council will be conducting its meetings during this emergency by electronic means until further notice. The clerk took roll call attendance: Councilmembers Doug Biehn – Aye, Kevin Edberg - Aye, Steven Engstran – Aye, Dan Jones - Aye and Bill Walsh - Aye. Staff members in attendance were City Manager Ellen Hiniker, Assistant City Manager Rick Juba, Community Development Director Anne Kane, Public Works Director/City Engineer Paul Kauppi, Environmental Specialist Connie Taillon, Finance Director Kerri Kindsvater, 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 April 14, 2020

It was moved by Councilmember **Edberg**, seconded by Councilmember **Jones**, to approve the Minutes of the Regular City Council Meeting on April 14, 2020.

Walsh Aye
Biehn Aye
Jones Aye
Edberg Aye
Engstran Absent

Motion carried.

3. APPROVAL OF THE AGENDA

Councilmember Walsh requested 10B be moved to 9B for a question.

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

Walsh Aye
Biehn Aye
Jones Aye
Edberg Aye

Engstran Aye

Motion carried unanimously.

4. VISITORS AND PRESENTATIONS

A. Arbor Day Proclamation

Mayor Emerson read the Arbor Day Proclamation declaring this as a summer long recognition in the City of White Bear Lake.

5. PUBLIC HEARINGS

Nothing scheduled

6. LAND USE

A. Consent

Nothing scheduled

B. Non-Consent

Nothing scheduled

7. UNFINISHED BUSINESS

Nothing scheduled

8. ORDINANCES

Nothing scheduled

9. NEW BUSINESS

A. Resolution Authorizing an Agreement with the City of Vadnais Heights for Building Permit Plan Review and Commercial Inspections Services

Community Development Director Kane reported that Vadnais Heights has been unable to fill a building inspector position and has asked the City of White Bear Lake for assistance. She stated that staff has a busy work load, but could assist with plan review and commercial building inspection services, while the Town of White Bear agreed to provide residential building inspection services for Vadnais Heights. Ms. Kane said the initial term of the agreement is two months, with an option to extend and a 14-day notice of cancellation in the event staff are unable keep up with the demands of White Bear Lake and the City of Mahtomedi.

It was moved by Councilmember **Biehn**, seconded by Councilmember **Jones** to adopt **Resolution No. 12574** authorizing an agreement with the City of Vadnais Heights for Building Permit Plan Review and Commercial Inspections Services

Walsh Aye
Biehn Aye
Jones Aye
Edberg Aye
Engstran Aye

Motion carried unanimously.

- B. Resolution of Support for Ramsey County Parks' Regional Solicitation Application for funding to extend the Bruce Vento Trail. **Resolution No. 12576**

Community Development Director Kane reported this is a request by Ramsey County Parks and Recreation for a letter of support in the solicitation of grant funding to extend the Bruce Vento Trail. She explained the extension would take the Bruce Vento Regional Trail from its current terminus at Buerkle Road, to the intersection of Hoffman Road and Highway 61. Ms. Kane said this grant is for half of the 6-mile portion that would complete the 13-mile corridor, which is designed to extend from downtown St. Paul (Ramsey County) up to Hugo in Washington County.

In response to Councilmember Walsh, this regional solicitation is for funding is from the federal government.

It was moved by Councilmember **Walsh**, seconded by Councilmember **Jones** to adopt **Resolution No. 12576** authorizing a letter of support for the Ramsey County Parks' Regional Solicitation Application for funding to extend the Bruce Vento Trail.

Walsh Aye
Biehn Aye
Jones Aye
Edberg Aye
Engstran Aye

Motion carried unanimously.

10. CONSENT

- A. Resolution authorizing distribution of budgeted funds for the White Bear Lake Area Historical Society. **Resolution No. 12575**

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

Walsh Aye
Biehn Aye

Jones Aye
Edberg Aye
Engstran Aye

Motion carried unanimously.

11. DISCUSSION

A. ClimateSmart Municipalities Action Plan – Level One Objectives

City Manager Hiniker stated the since last fall the ClimateSmart Steering Committee has been setting level one objectives for the community. She explained that City staff and a group of business members have developed level one action plans, which broadly define objectives in five categories as follows:

- Efficient energy use
- Efficient energy production
- Efficient transportation
- Waste reduction
- Natural resources

Ms. Hiniker noted progress has slowed due to the pandemic, but stated that the next steps of the Steering Committee will be to define more specific action items for each of these five objectives.

B. South Shore Boulevard – Lake Links Trail update

Public Works Director/City Engineer Kauppi provided an update on the South Shore Boulevard Trail since the 2018 study for a 1.5 mile segment along White Bear Avenue into the east end of White Bear Township. He explained that one option was for a one-way road and \$2.6 million in legislative funding was awarded to Ramsey County for that segment or roadway.

Mr. Kauppi listed representatives on the project advisory team including White Bear Lake, White Bear Township and Ramsey County with engineering by consultant Kimley-Horn. Mr. Kauppi stated the team has reviewed options for cross sections that make sense along South Shore Blvd. He stated that public input for this segment will occur online in May and once ideas are analyzed, any changes to the design would be brought back to the City Council for approval.

Mr. Kauppi stated that 30% plans are expected by the end of 2020, final plans along with any right-of-way or easement acquisition in 2021 and construction beginning in 2022.

Councilmember Jones expressed frustration with slow progress in connecting the south side of White Bear Lake, noting two years since the money was provided and another two years before construction.

Mr. Kauppi explained that in 2019 the County spent significant time on a right-of-way study, the results of which must then be published in the paper, providing property owners with one year's time to contest findings.

12. COMMUNICATIONS FROM THE CITY MANAGER

- Requests to shut vehicle traffic down on Lake Avenue to facilitate pedestrian and bike traffic could be confusing with 21 different access points to address, and no places to U-turn. Councilmember Jones suggested reducing the speed limit to 20 miles per hour. Councilmember Walsh suggested staff rely on science to educate people regarding duration of contact.
- The food truck operating at County Road E and Bellaire was licensed as a temporary peddler in the City and is permitted to operate by the Governor's order. City Attorney Gilchrist stated that if the Council desired and could find a distinguishing reason that food trucks are less safe than curbside or delivery operations, rather than an economic reason, he recommended action by resolution, opposed to by ordinance, to ban food trucks. Councilmember Biehn suggested that food trucks ought to pay sewer and water connection fees. Councilmember Edberg stated he did not see a basis under the City's current regulatory structure to take action against food trucks.
- Social distancing signs have been a hit and the City is going to pursue selling tshirts and signs to raise money for marketing and promotion of White Bear Lake's business community.
- Housing and Economic Development Coordinator Tracy Shimek developed a business survey, which was distributed through Main Street, Facebook and the White Bear Area Chamber of Commerce. It contained an email opt in for businesses to receive future business related information and surveys Volgistics, handled by Missy Joyce of the Sports Center, is a volunteer software being formatted as a one-stop location to house volunteers for use by the City's nonprofits.
- Food Shelf has been feeding 550 families weekly.
- NewTrax is up to 8,000 delivered meals to YMCA's throughout the area.
- Greater White Bear Lake Community Foundation has raised \$60,000 toward a \$100,000 goal for its Community Reinvestment Fund. This fund will provide grants to nonprofits that support of human services, food and shelter.
- The School District is downsizing its Community Services Division, which could impact senior services. Newtrax, the YMCA, Northeast Youth and Family Services, Greater White Bear Lake Community Foundation and other community members are in conversation about how best to fill identified gaps moving forward.
- Updates from Public Works Director/City Engineer, Kauppi
 - Street reconstruction on Bellaire Avenue has begun, and Cottage Park prep work.
 - Mill and overlay areas are a couple weeks out.
- Updates from Community Development Director Kane
 - Seven planning cases with public comment went very well last night. Only one Cottage Park variance item will be on non-consent at the next City Council meeting
- Reminder, Work Session on Tuesday, May 5, 2020 continuing the CIP and Long Range Financial Plan discussion
- Councilmember Edberg revisited Councilmember Walsh's previous request for an improved mechanism for public meetings. He reported losing wifi and missing part of the meeting. He also noted the meeting was not launched on time or in a professional manner, and there was poor sound quality throughout.

- Councilmember Biehn suggested the clerk send the meeting invite out again prior to the start of the meeting. He said to mute the sound on the application and call in for clear sound.

13. ADJOURNMENT

There being no further business before the Council, it was moved by Councilmember **Jones** seconded by Councilmember **Walsh** to adjourn the regular meeting at 8:21 p.m.

Walsh Aye
Biehn Aye
Jones Aye
Edberg Aye
Engstran Aye

Motion carried unanimously

Jo Emerson, Mayor

ATTEST:

Kara Coustry, City Clerk



City of White Bear Lake
Community Development Department

MEMORANDUM

To: Ellen Hiniker, City Manager

From: Tracy Shimek, Housing & Economic Development Coordinator

Date: May 7, 2020 for the May 12, 2020 City Council Meeting

Subject: **COVID-19 Business Impact Survey**

SUMMARY

In partnership with the White Bear Lake Economic Development Corporation (“EDC”) and with support from many community organizations, staff conducted a survey of local business owners and operators to assess impacts of the pandemic on the White Bear Lake Business community. The survey was distributed through a number of channels including the EDC, White Bear Area Chamber of Commerce, Main Street, Rotary Club of White Bear Lake, Lions Club of White Bear Lake, an advertisement in the White Bear Press and via social media.

To date the survey has received 90 responses, and while a deadline for inclusion in the attached materials was Tuesday May 5, 2020 the survey remains open for responses. Informed by the data in this survey staff intends to work with the EDC, Main Street and individual businesses to engage in collaborative efforts to bolster the local economy and support the local business community. Staff anticipates both short, near and long term actions to result from these collaborations with both easily executed activities and more involved efforts.

Please note the attachments have been updated with minor edits and corrections from materials previously distributed Council.

RECOMMENDED COUNCIL ACTION

No formal action requested.

ATTACHMENTS

- 1) Survey result presentation
- 2) Open ended survey responses

Do you own or operate a business in the City of White Bear Lake?



**WE WANT TO
HEAR FROM YOU!**

whitebearlake.org/businesssurvey

The survey closes at noon on
Monday, May 4.



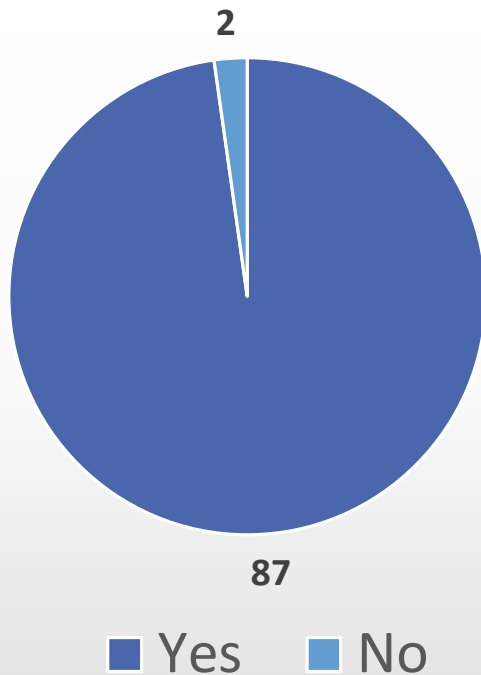
White Bear Lake
Economic
Development
Corporation

COVID-19 Business Impact Survey

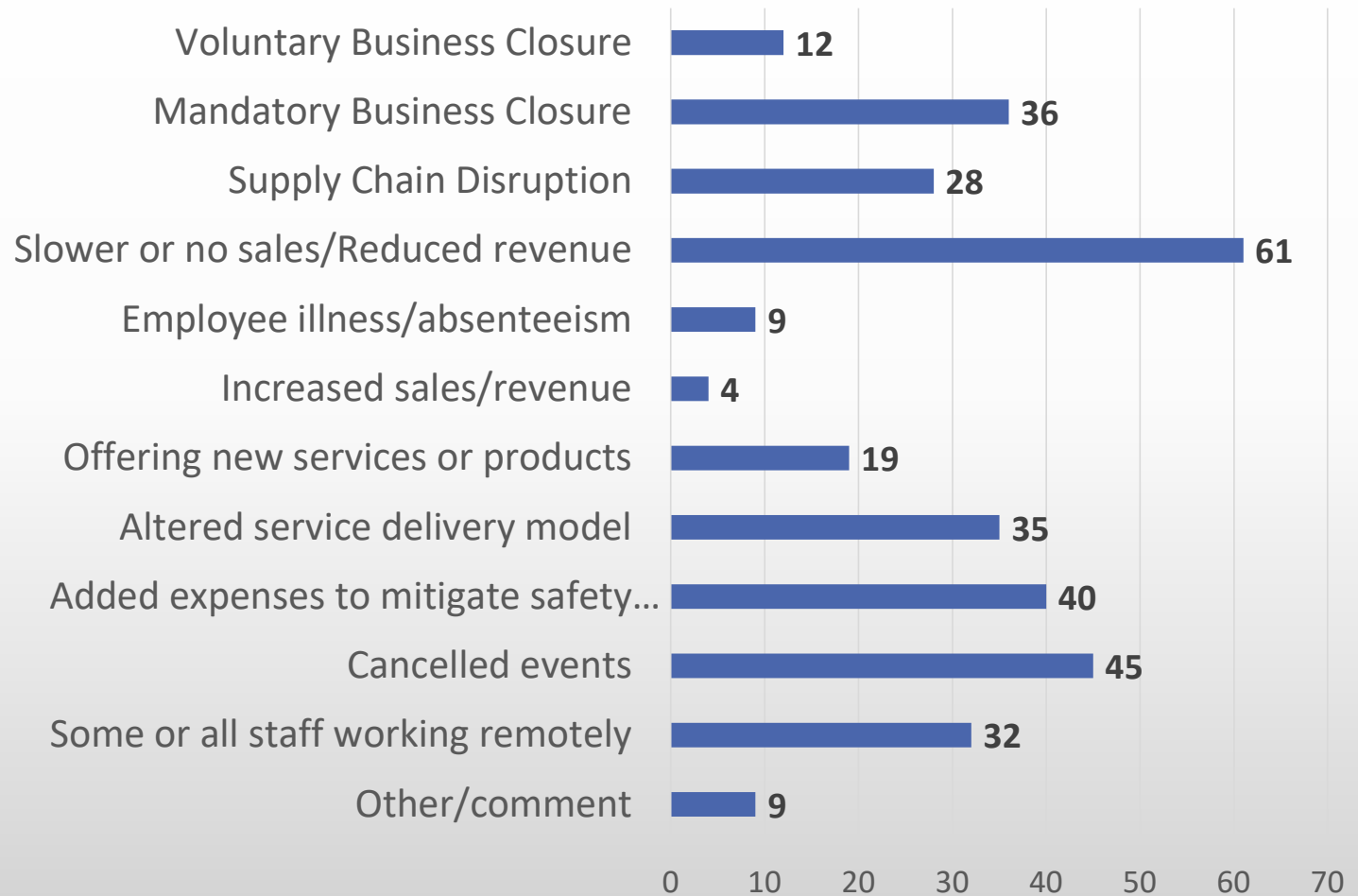
Details

- Distributed via: EDC, WBACC, Main Street, Lions Club, Rotary, Social Media: City & PD, Email to PD Business list, Advertised in WB Press
- Open April 24 to May 5 (although still accepting responses)
- 90 Respondents as of May 5

Has your Business Been Impacted by COVID-19

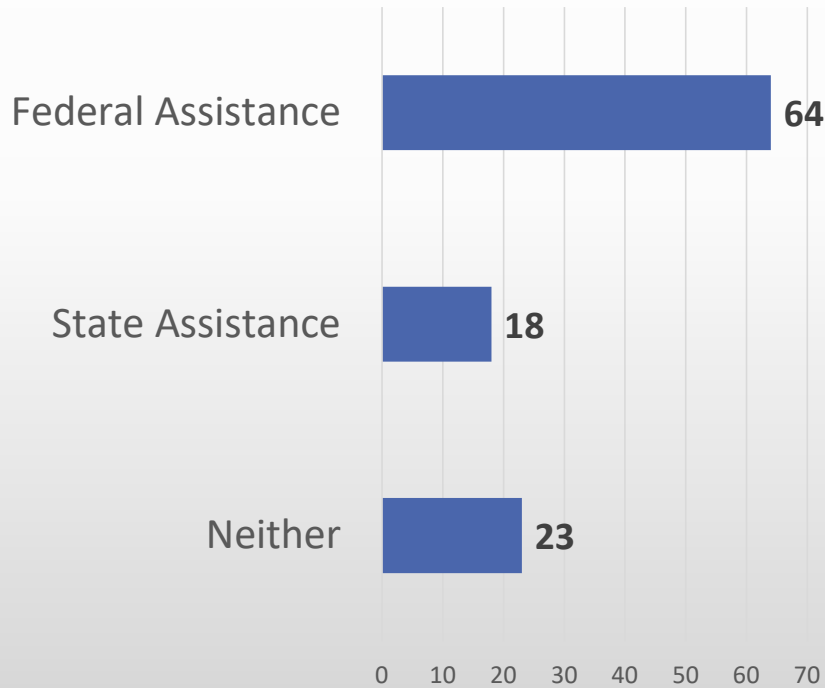


Impact on Your Business

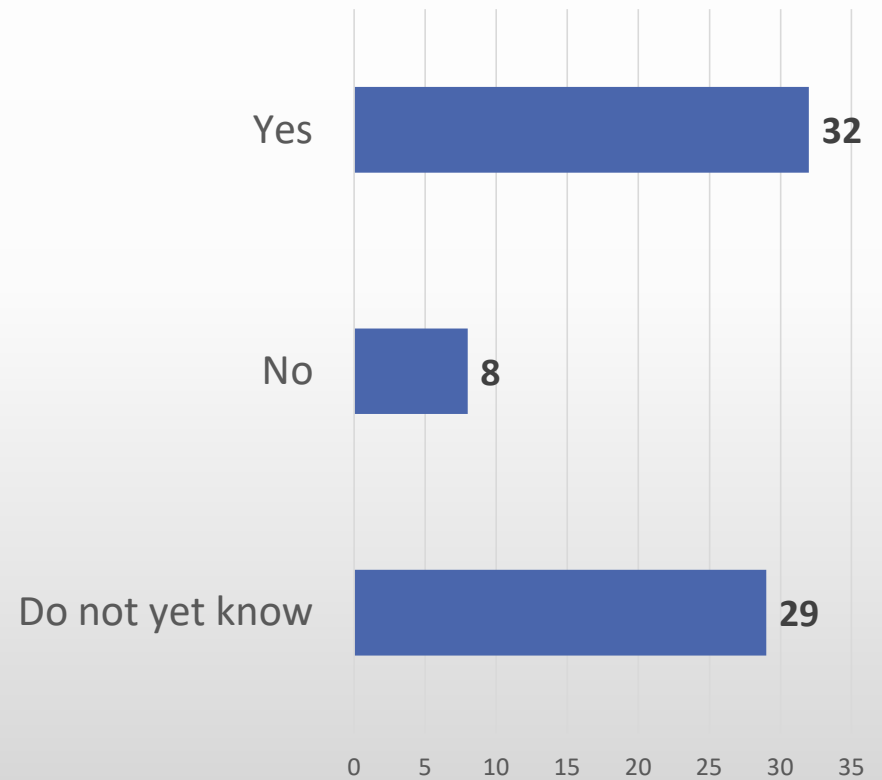


Financial Resources

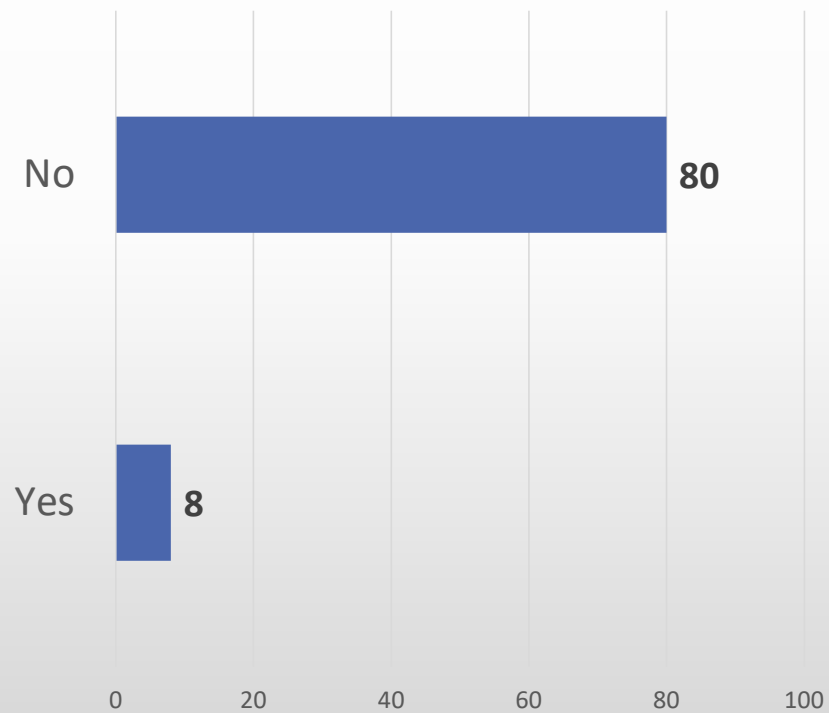
Have you applied for any financial assistance (grants or loans) from either the federal or state government?



If you applied for assistance were you approved for funding?



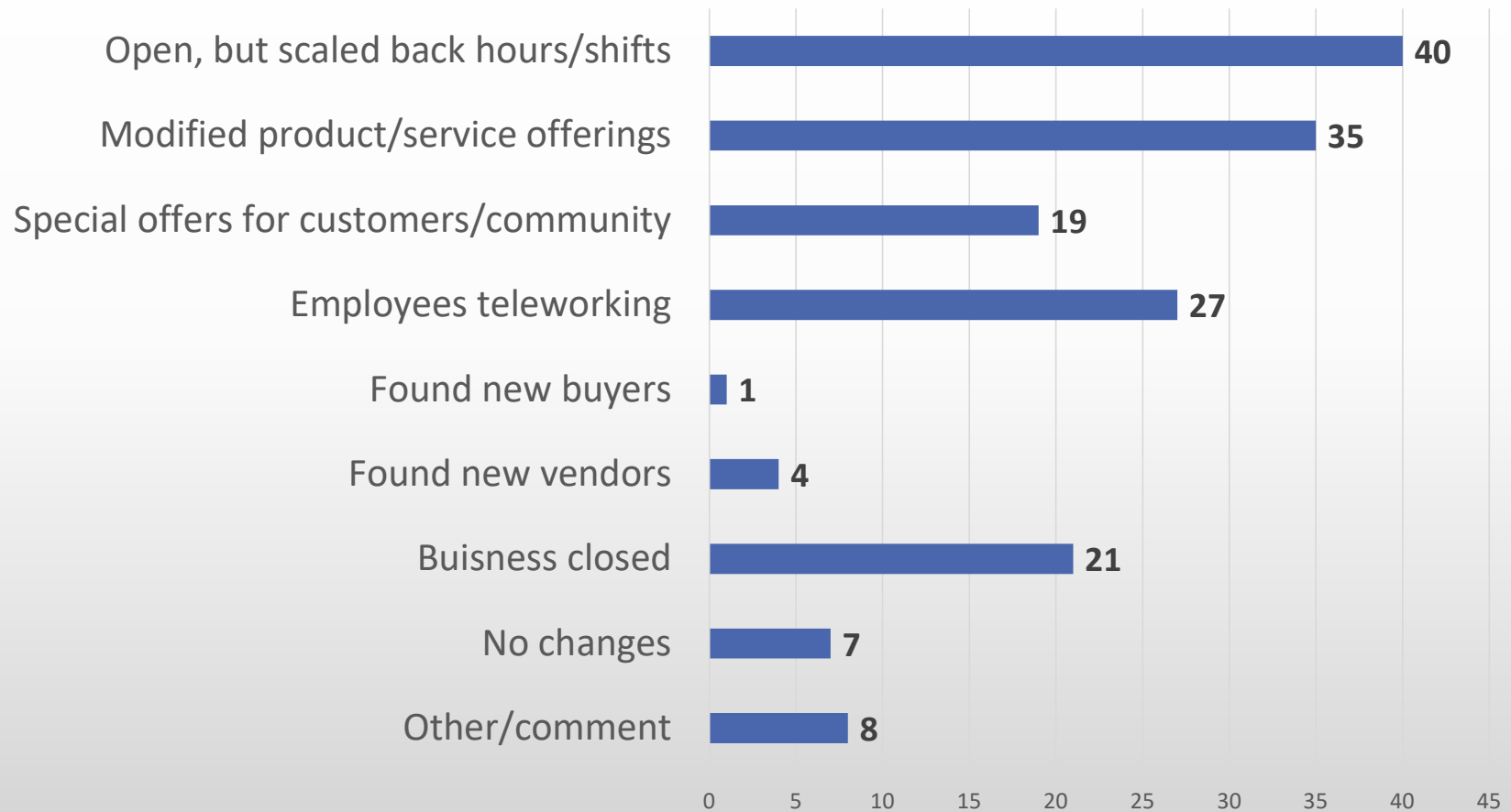
Have you received any additional financial assistance in response to COVID-19?



If so, from what sources?

Responses listed were federal sources of debt capital or relief funds, such as PPP, the \$1200 individual relief payments, SBA loans

What steps has your business taken so far in response to COVID-19? (check all that apply)



Employees

Pre-COVID Employment Levels

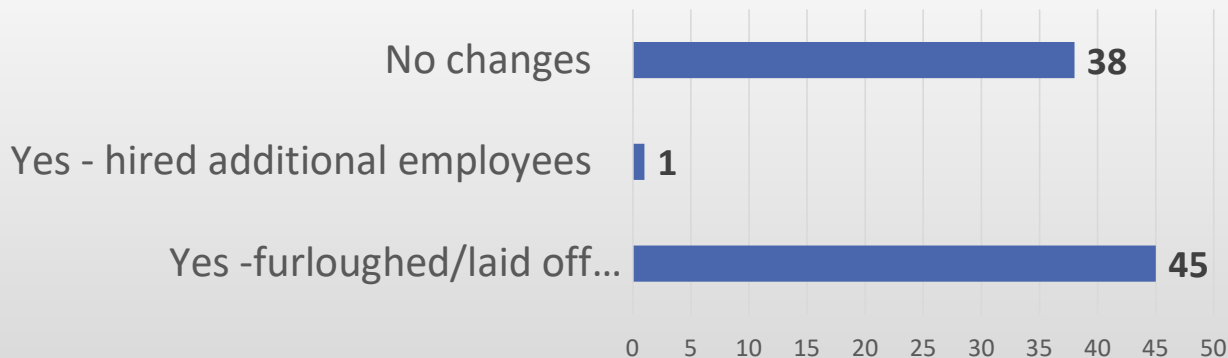
Full Time Employees

- Median: 4
- Average: 10.8
- Range 0 – 100

Part Time Employees

- Median: 4
- Average: 11.5
- Range 0 – 120

Have you made any changes to your number of employees?



If the number of people employed by your company has changed, by how many and is this change permanent, temporary or for an unknown duration of time?

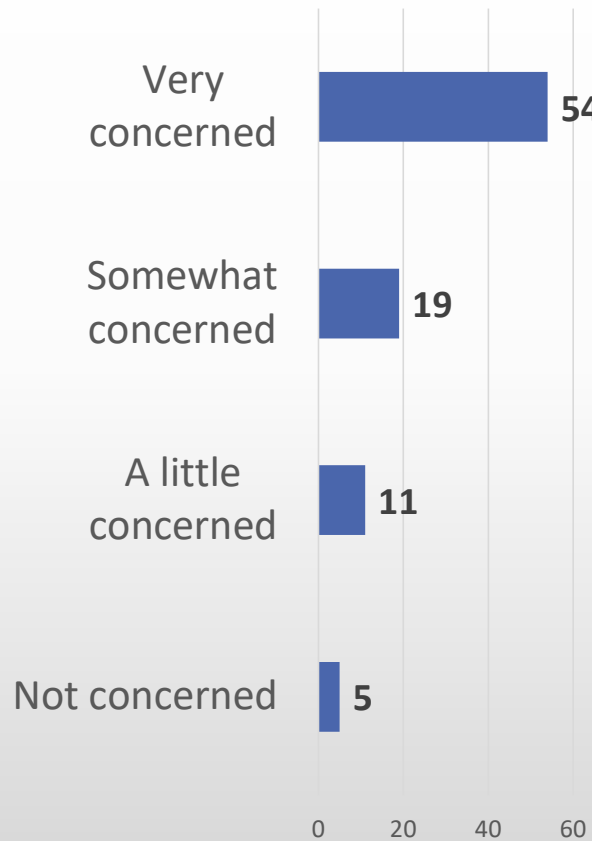
- 2 – Permanent
- 15 -Temporary
- 17 - Unknown

- Average decrease: 16.8
- Median decrease: 3
- Range 0 -135

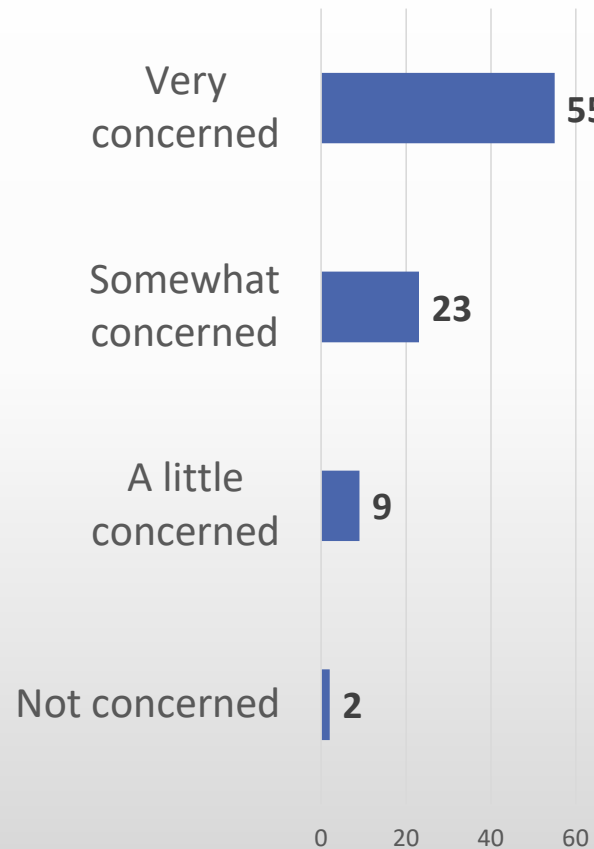
One respondent noted sharing a staff member with another employer

How concerned about the impact to your business?

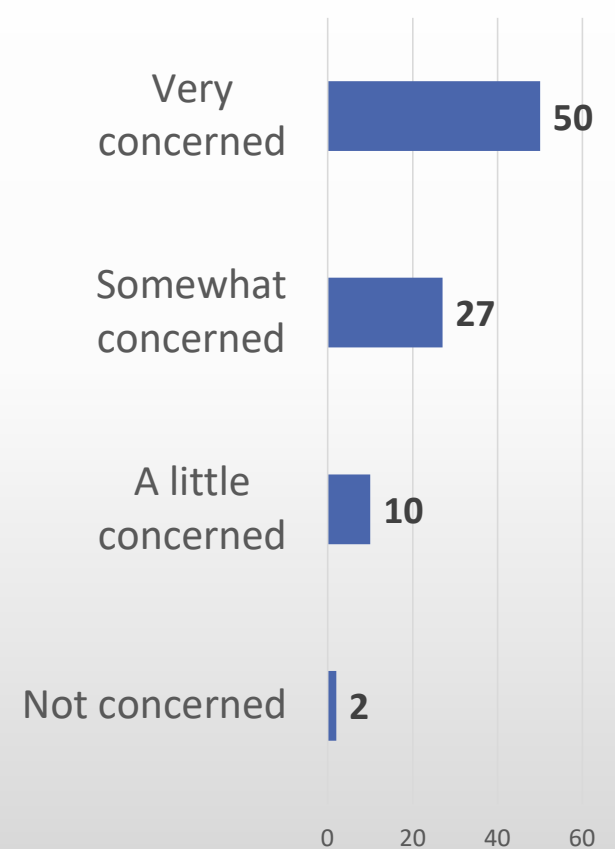
Over the next month



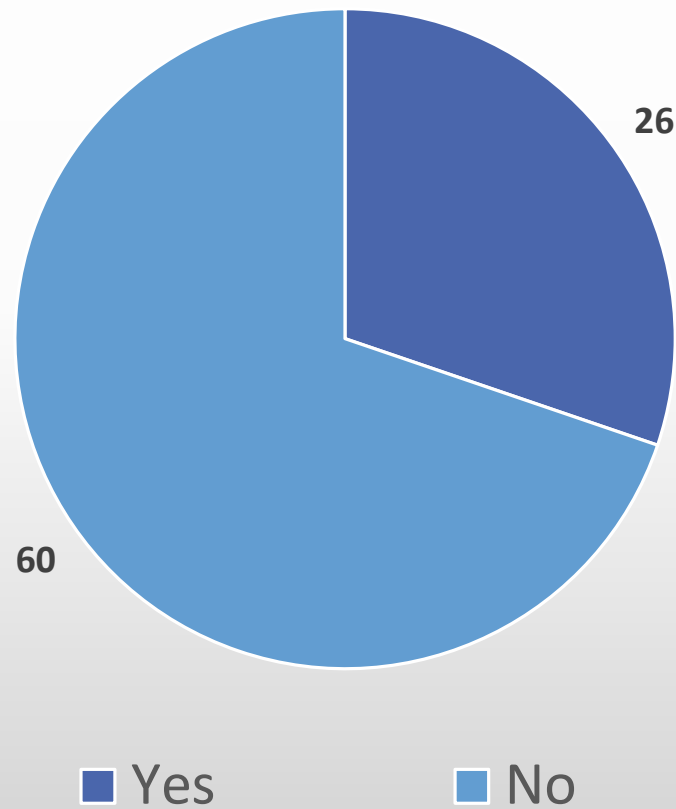
Over the next 3 months



Over the next 6 months

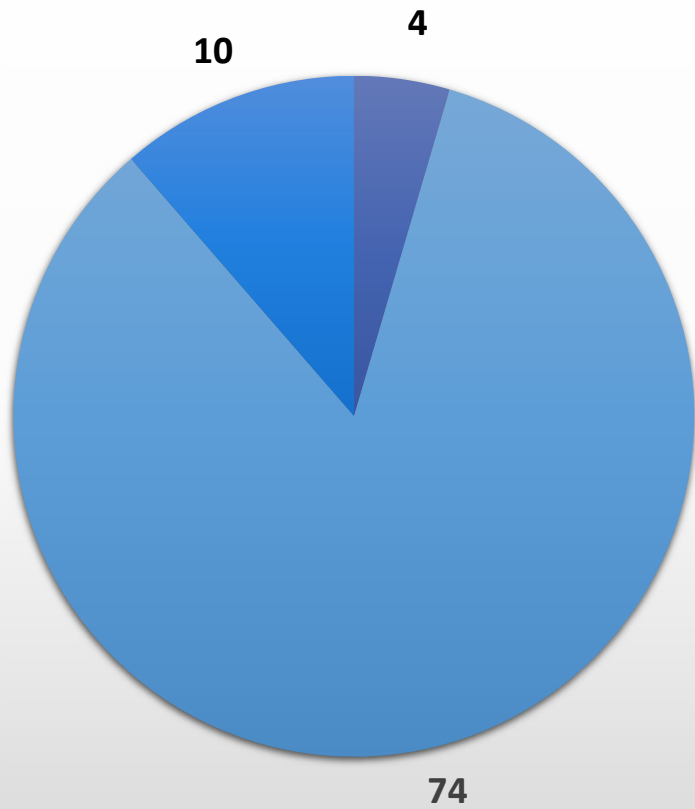


Are you concerned your business may be forced to close permanently within the next few months?



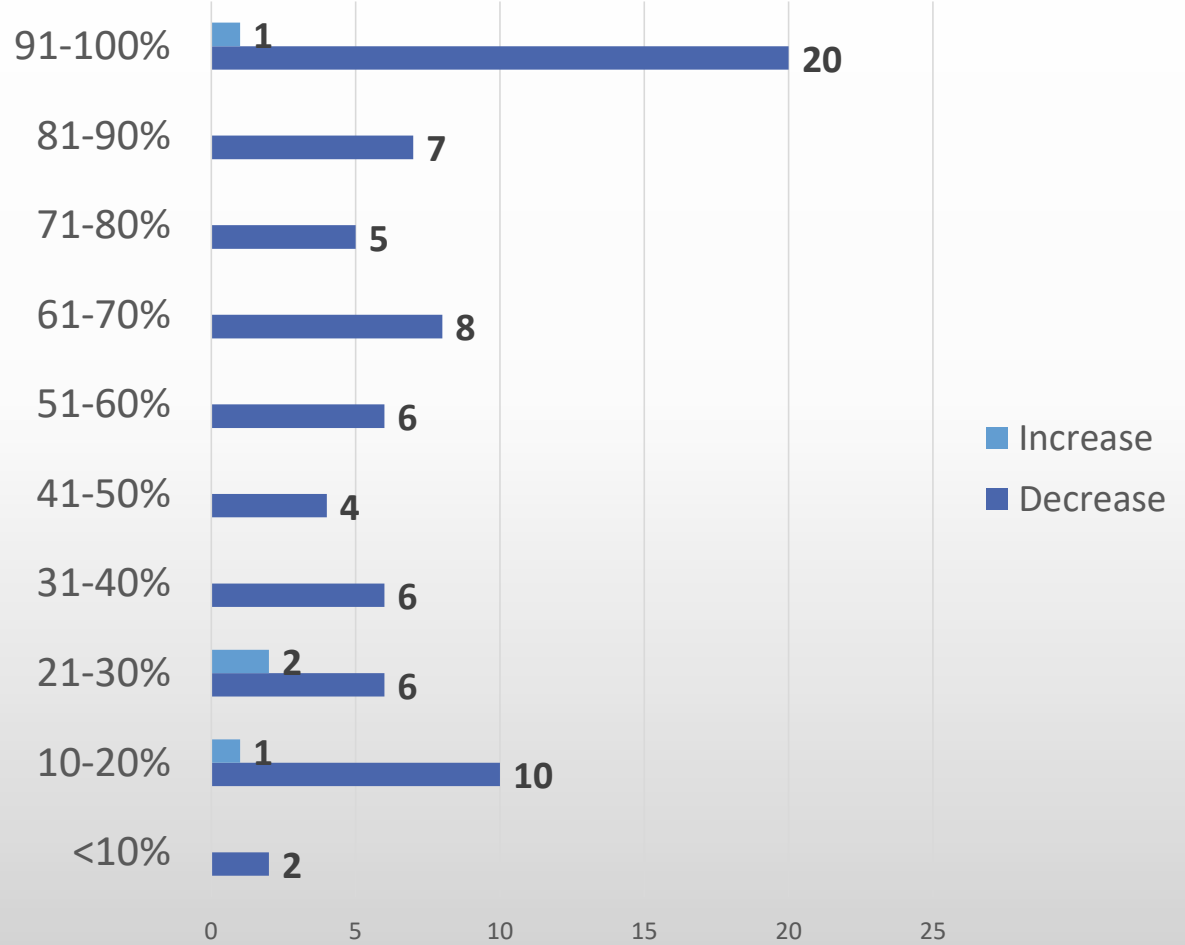
Revenue

Has your revenue changed as a result of COVID-19



■ Increased ■ Decreased
■ Remained the same

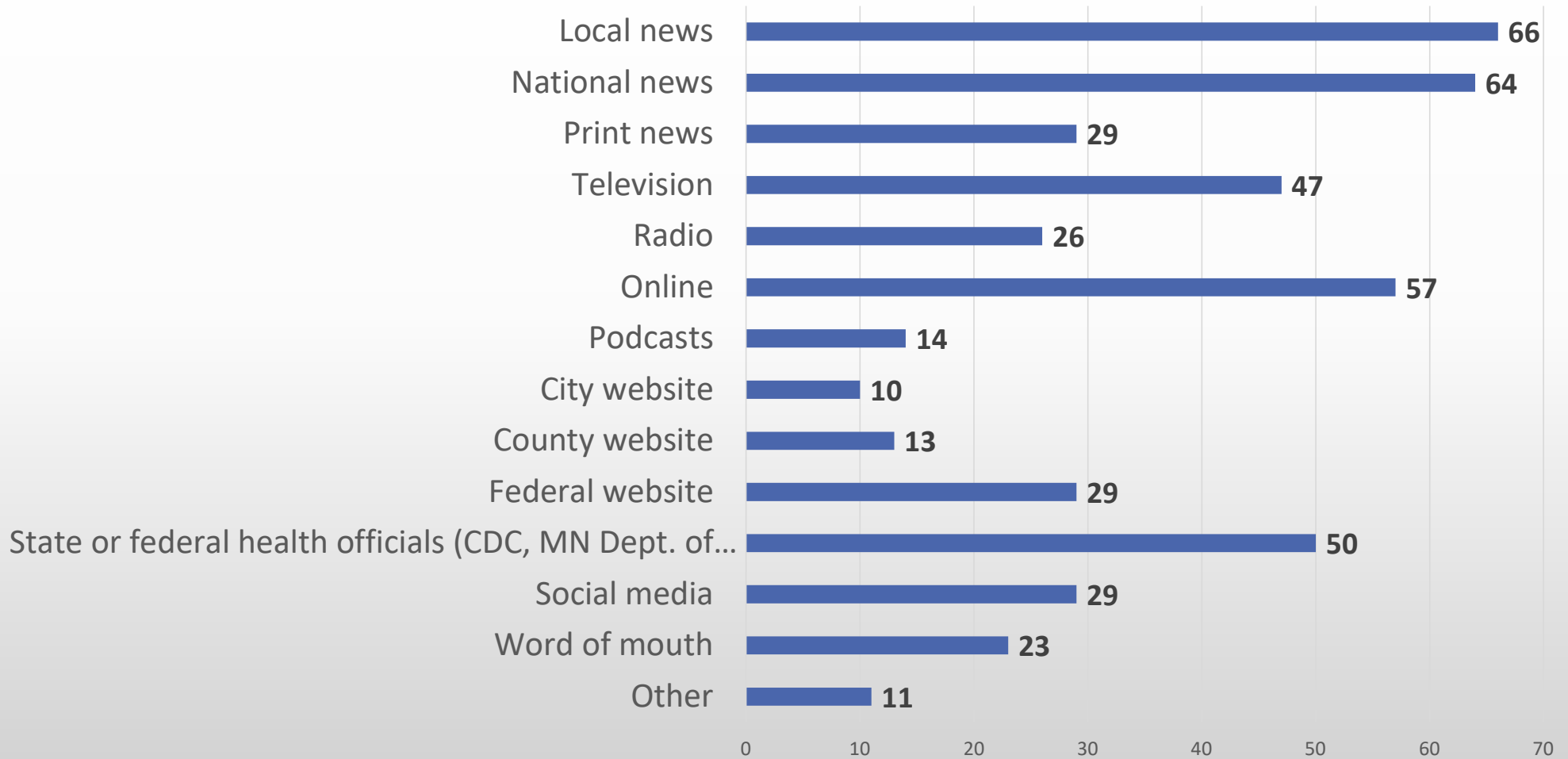
Revenue Change



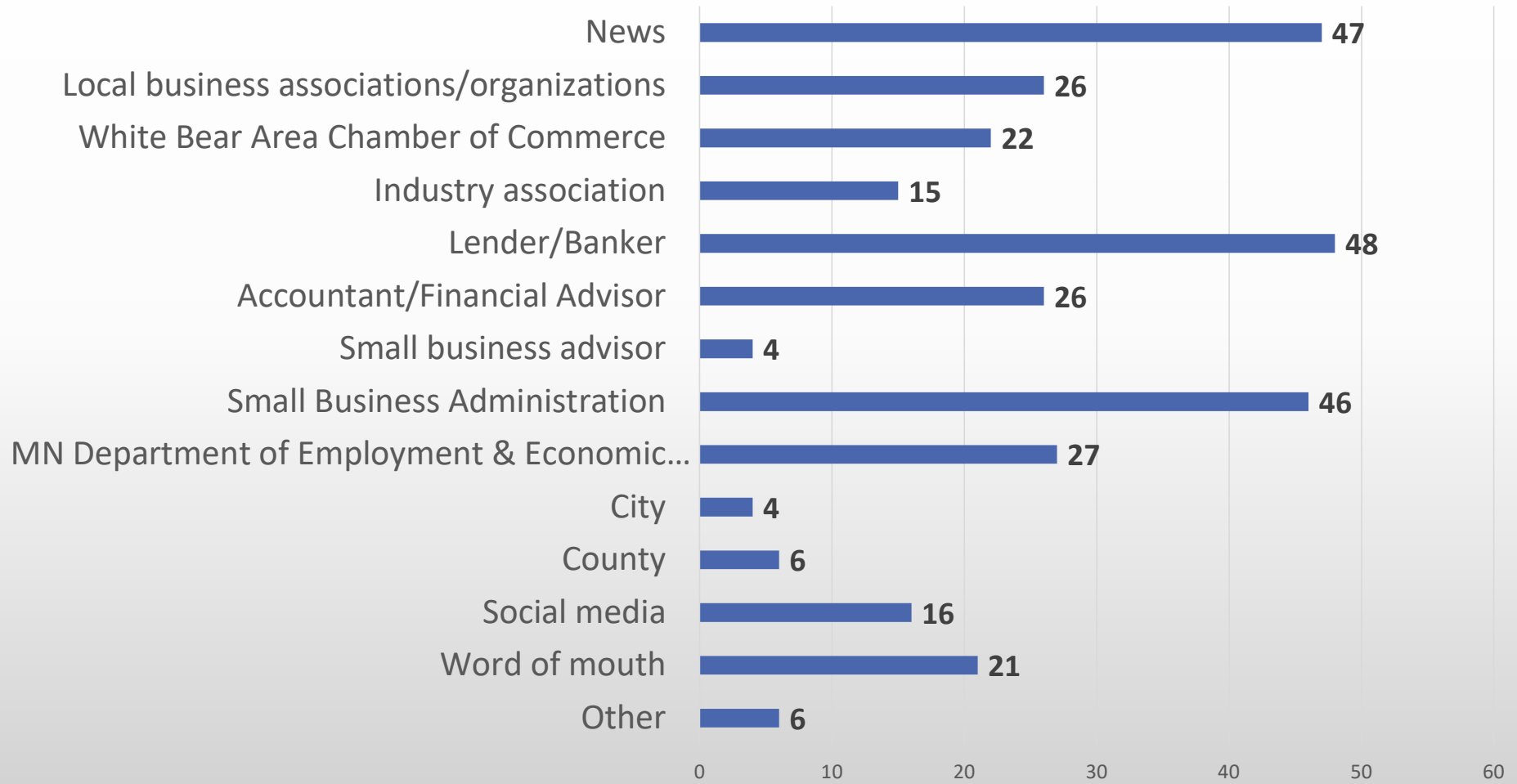
What assistance would be helpful to your business? (check all that apply)



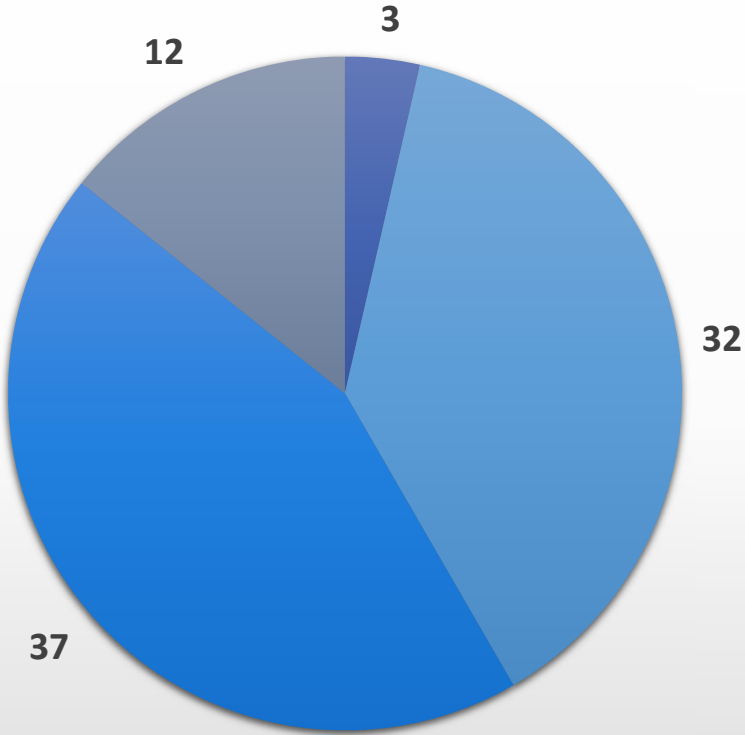
How are you accessing information about the COVID-19 pandemic (check all that apply)



How are you accessing information about business relief programs? (check all that apply)

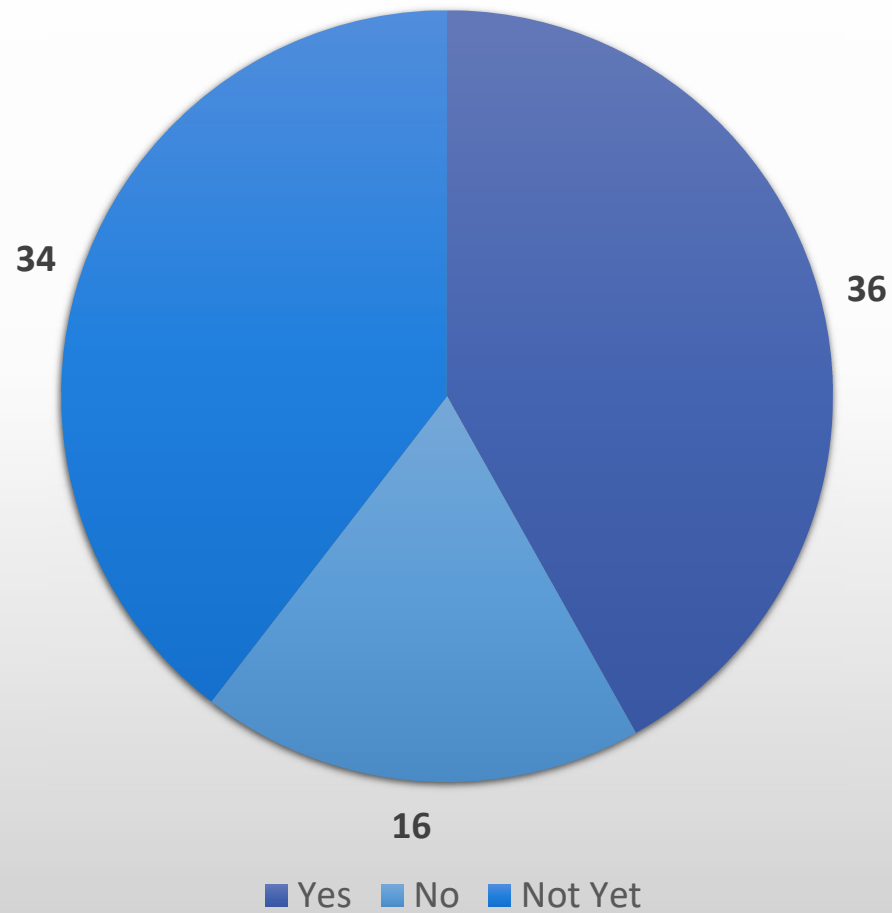


Are your creditors, landlords, lenders, vendors, etc. offering forbearance, debt forgiveness, reduced or waived fees or renegotiated terms?

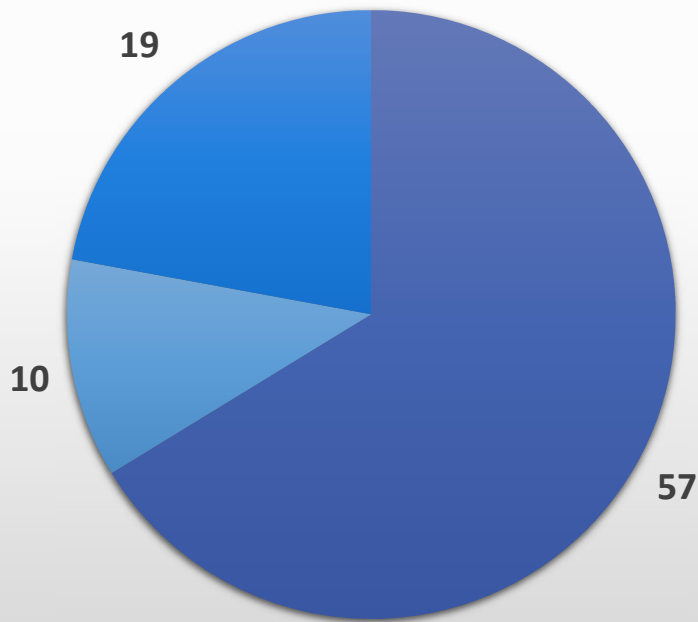


- Yes - all of them
- Yes - some of them
- No - I have not asked
- No - I have asked and they are not able to provide flexibility

When financial relief from government agencies has been exhausted and the economy begins to reopen have you made projections to future revenue/cash flow?

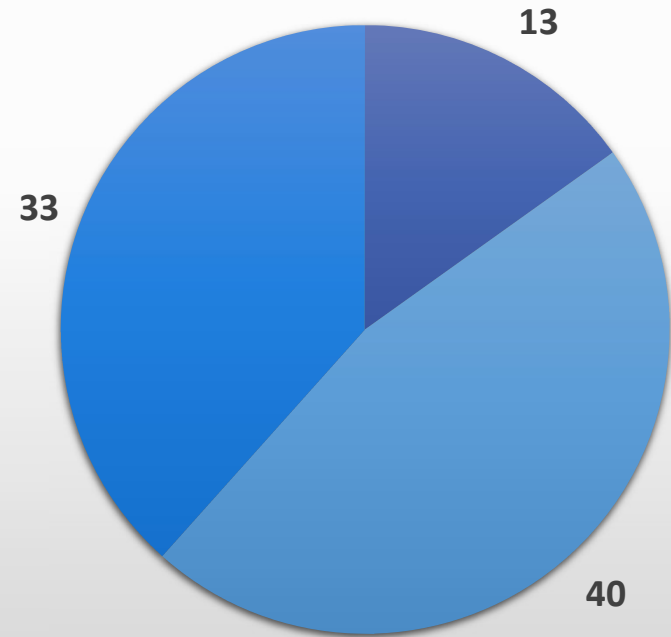


Have you planned for changes to your operations to either generate additional revenue or reduce expenses if there is reduced demand for your products/services from pre-pandemic levels in either the short or long run?



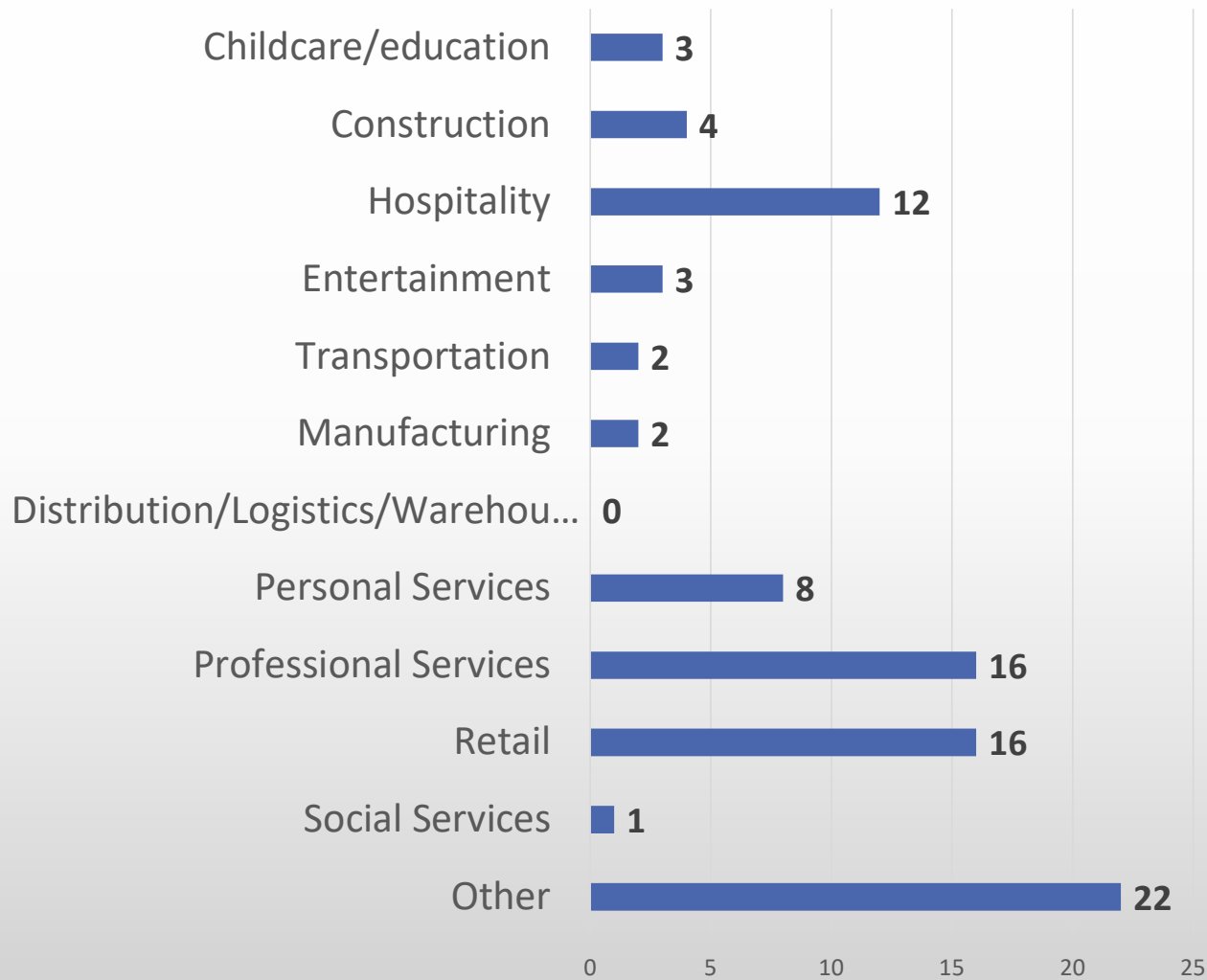
■ Yes ■ No ■ Not yet

Would business advising services be useful to you in making such plans?



■ Yes ■ No ■ Unsure

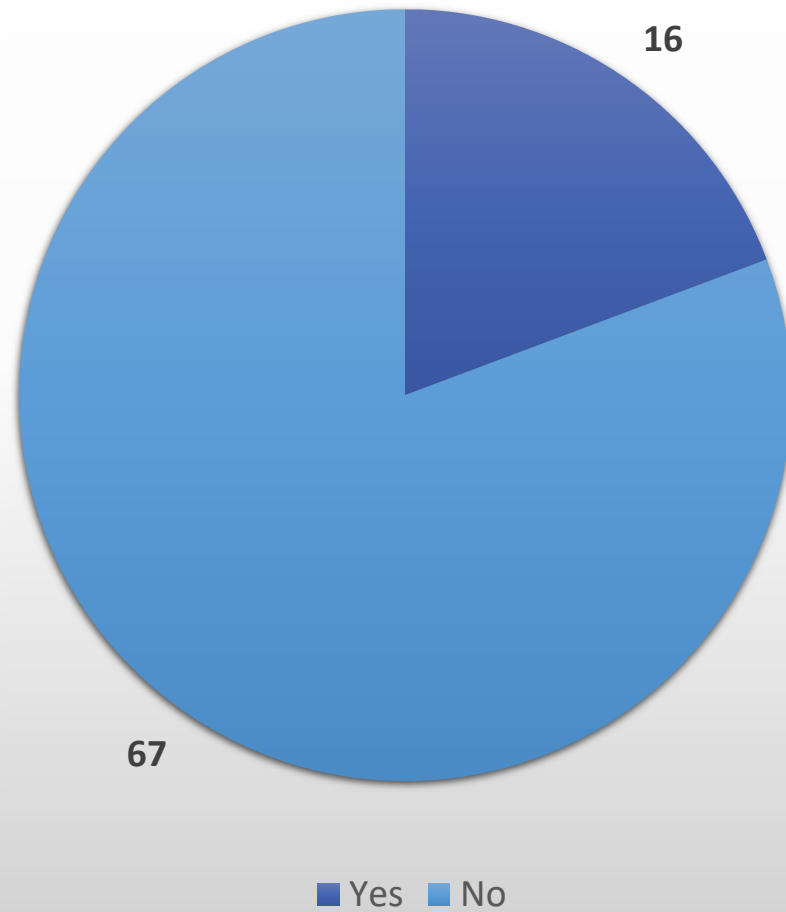
What is your industry?



Other:

- 4 non-profit/advocacy
- 6 healthcare/wellness
- 2 hospitality/event
- 2 retail
- 1 wholesale
- 5 professional services
- 1 childcare/education
- 1 media/publishing

Would you like a representative of the City of White Bear Lake or White Bear Lake Economic Development Corporation to contact you directly?





City of White Bear Lake
Community Development Department

MEMORANDUM

To: Ellen Hiniker, City Manager

From: The Planning Commission

Through: Ashton Miller, Planning Technician

Date: May 6, 2020 for the May 12, 2020 City Council Meeting

Subject: **Schroeder Variance – 3790 Cranbrook Drive, Case No. 20-4-V**

REQUEST

A 15 foot variance from the 30 foot setback required along a side abutting a public right-of-way in order to construct a 306 square foot addition to the back of the home.

SUMMARY

No one from the public spoke. On a 6-0 vote, the Planning Commission recommended approval as presented.

RECOMMENDED COUNCIL ACTION

Approval of the attached resolution.

ATTACHMENTS

Resolution of Approval

RESOLUTION NO. _____

**RESOLUTION GRANTING A SETBACK VARIANCE
FOR 3790 CRANBROOK DRIVE
WITHIN THE CITY OF WHITE BEAR LAKE, MINNESOTA**

WHEREAS, a proposal (20-4-V) has been submitted by Chuck and Ginny Schroeder to the City Council requesting approval of a variance from the Zoning Code of the City of White Bear Lake for the following location:

LOCATION: 3790 Cranbrook Drive

LEGAL DESCRIPTION: Lot 1, Block 17, Bacchus 4th Addition (PID: 253022320006)

WHEREAS, THE APPLICANT SEEKS THE FOLLOWING: A 15-foot variance from the 30-foot setback required along a side abutting a public right-of-way, per Code Section 1303.050, Subd.5.c.3, in order to construct a 306 square foot building addition on the back of the home; and

WHEREAS, the Planning Commission held a public hearing as required by the Zoning Code on April 27, 2020; and

WHEREAS, the City Council has considered the advice and recommendations of the Planning Commission regarding the effect of the proposed variance upon the health, safety, and welfare of the community and its Comprehensive Plan, as well as any concerns related to compatibility of uses, traffic, property values, light, air, danger of fire, and risk to public safety in the surrounding areas;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of White Bear Lake that the City Council accepts and adopts the following findings of the Planning Commission:

1. The requested variance will not:
 - a. Impair an adequate supply of light and air to adjacent property.
 - b. Unreasonably increase the congestion in the public street.
 - c. Increase the danger of fire or endanger the public safety.
 - d. Unreasonably diminish or impair established property values within the neighborhood or in any way be contrary to the intent of this Code.
2. The variance is a reasonable use of the land or building and the variance is the minimum required to accomplish this purpose.
3. The variance will be in harmony with the general purpose and intent of the City Code.
4. The variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

- 5. The non-conforming uses of neighboring lands, structures, or buildings in the same district are not the sole grounds for issuance of the variance.

FURTHER, BE IT RESOLVED, that the City Council of the City of White Bear Lake hereby approves the requested variance, subject to the following conditions:

- 1. All application materials, maps, drawings, and descriptive information submitted in this application shall become part of the permit.
- 2. Per Section 1301.060, Subd.3, the variance shall become null and void if the project has not been completed or utilized within one (1) calendar year after the approval date, subject to petition for renewal. Such petition shall be requested in writing and shall be submitted at least 30 days prior to expiration.
- 3. The applicant shall verify the property lines and have the property pins exposed at the time of inspection.
- 4. A building permit shall be obtained before any work begins.

The foregoing resolution, offered by Councilmember _____ and supported by Councilmember _____, was declared carried on the following vote:

Ayes:
Nays:
Passed:

Jo Emerson, Mayor

ATTEST:

Kara Coustry, City Clerk

Approval is contingent upon execution and return of this document to the City Planning Office.
I have read and agree to the conditions of this resolution as outlined above.

Charles Schroeder / Virginia Schroeder Date



City of White Bear Lake
Community Development Department

MEMORANDUM

To: Ellen Hiniker, City Manager
From: The Planning Commission
Through: Samantha Crosby, Planning & Zoning Coordinator
Date: May 6, 2020 for the May 12, 2020 City Council Meeting
Subject: **Kostron Variance – 3576 Jerry Street, Case No. 20-5-V**

REQUEST

Two fence height variances in order to install a new wood fence at the same height of the existing chain link fence on the neighboring property.

SUMMARY

No one from the public spoke. On a 6-0 vote, the Planning Commission recommended approval as presented.

RECOMMENDED COUNCIL ACTION

Approval of the attached resolution.

ATTACHMENTS

Resolution of Approval

RESOLUTION NO. _____

**RESOLUTION GRANTING A VARIANCE FOR
3576 JERRY STREET
WITHIN THE CITY OF WHITE BEAR LAKE, MINNESOTA**

WHEREAS, a proposal (20-5-V) has been submitted by Rane Kostron to the City Council requesting approval of a fence height variance from the Zoning Code of the City of White Bear Lake for the following location:

LOCATION: 3576 Jerry Street

LEGAL DESCRIPTION: Lot 7, Block 1, Rivard Addition, Ramsey County, MN.
(PID #353022210027)

WHEREAS, THE APPLICANT SEEKS THE FOLLOWING RELIEF: A 3 foot 4 inch variance from the 6 foot height limitation for a fence in the side and rear yard, and a 2 foot variance from the 4 foot height limit for a fence in the front yard, both per Code Section 1302.030, Subd.6, in order to construct a wood fence along the north and east property lines that, at the maximum height is 9 foot 4 inches tall; and

WHEREAS, the Planning Commission has held a public hearing as required by the city Zoning Code on April 27, 2020; and

WHEREAS, the City Council has considered the advice and recommendations of the Planning Commission regarding the effect of the proposed variance upon the health, safety, and welfare of the community and its Comprehensive Plan, as well as any concerns related to compatibility of uses, traffic, property values, light, air, danger of fire, and risk to public safety in the surrounding areas;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of White Bear Lake that the City Council accepts and adopts the following findings of the Planning Commission:

1. The requested variances will not:
 - a. Impair an adequate supply of light and air to adjacent property.
 - b. Unreasonably increase the congestion in the public street.
 - c. Increase the danger of fire or endanger the public safety.
 - d. Unreasonably diminish or impair established property values within the neighborhood or in any way be contrary to the intent of this Code.
2. Because a boundary line demarcation of a similar height has been in place since at least 1991 with no known adverse impacts, the variances are a reasonable use of the land or building.
3. The variances should not be injurious to the neighborhood or otherwise detrimental to the public welfare.

- 4. The special conditions and circumstances are not the result of actions of the owner or a predecessor in title.
- 5. The non-conforming uses of neighboring lands, structures, or buildings in the same district are not the sole grounds for issuance of the variances.

FURTHER, BE IT RESOLVED, that the City Council of the City of White Bear Lake hereby approves the request, subject to the following conditions:

- 1. All application materials, maps, drawings, and descriptive information submitted in this application shall become part of the permit.
- 2. The variances shall become null and void if the project has not been completed within one (1) calendar year after the approval date, subject to petition for renewal. Such petition shall be requested in writing and shall be submitted at least 30 days prior to expiration.
- 3. The applicant shall verify the property lines and have the property pins exposed at the time of inspection.
- 4. A zoning permit shall be obtained before any work begins.

The foregoing resolution, offered by Councilmember _____ and supported by Councilmember _____, was declared carried on the following vote:

Ayes:
Nays:
Passed:

Jo Emerson, Mayor

ATTEST:

Kara Coustry, City Clerk

Approval is contingent upon execution and return of this document to the City Planning Office. I have read and agree to the conditions of this resolution as outlined above.

Ranee Kostron Date



City of White Bear Lake
Community Development Department

MEMORANDUM

To: Ellen Hiniker, City Manager

From: The Planning Commission

Through: Samantha Crosby, Planning & Zoning Coordinator

Date: May 6, 2020 for the May 12, 2020 City Council Meeting

Subject: **Lake Avenue Properties Marina; 4453 lake Avenue South - Case No. 20-3-CUP**

REQUEST

A Conditional Use Permit for an 8 slip marina with 2 transient slips.

SUMMARY

No one from the public spoke. On a 6-0 vote, the Planning Commission recommended approval of the request with a new condition that the proper permits be obtained for the riprap that was installed along the shoreline.

RECOMMENDED COUNCIL ACTION

Approval of the attached resolution.

ATTACHMENTS

Revised Resolution of Approval.

RESOLUTION NO. _____

**RESOLUTION APPROVING
A CONDITIONAL USE PERMIT FOR
LAKE AVENUE PROPERTIES, LLC MARINA
WITHIN THE CITY OF WHITE BEAR LAKE, MINNESOTA**

WHEREAS, a proposal (20-3-CUP) has been submitted by Lake Avenue Properties, LLC to the City Council requesting a Conditional Use Permit from the City of White Bear Lake at the following site:

ADDRESS: 4453 Lake Avenue South.

LEGAL DESCRIPTION: Section 23, Parcel 030-31, T30, R22, Tracts E, F & G, Registered Land Survey #613 (PID #: 233022210108)

WHEREAS, THE APPLICANT SEEKS THE FOLLOWING PERMIT: A Conditional Use Permit in order to bring an existing 8 slip marina with 2 transient slips into compliance with code, per Code Section 1303.227, Subd.4.f; and

WHEREAS, the Planning Commission has held a public hearing as required by the City Zoning Code on April 27, 2020; and

WHEREAS, the City Council has considered the advice and recommendations of the Planning Commission considering the effect of the proposed conditional use permit upon the health, safety, and welfare of the community and its Comprehensive Plan, as well as any concerns related to compatibility of uses, traffic, property values, light, air, danger of fire, and risk to public safety in the surrounding areas;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of White Bear Lake after reviewing the proposal, that the City Council accepts and adopts the following findings of the Planning Commission:

1. The proposal is consistent with the city's Comprehensive Plan.
2. The proposal is consistent with existing and future land uses in the area.
3. The proposal conforms to the Zoning Code requirements.
4. The proposal will not depreciate values in the area.
5. The proposal will not overburden the existing public services nor the capacity of the City to service the area.
6. Traffic generation will be within the capabilities of the streets serving the site.

FURTHER, BE IT RESOLVED, the that the City Council of the City of White Bear Lake hereby approves the requested conditional use permit subject to the following conditions:

1. All application materials, maps, drawings, and descriptive information submitted by the applicant shall become part of the permit.
2. Per Section 1301.050, Subd.4, if within one (1) year after approving the Conditional Use Permit, the use as allowed by the permit shall not have been completed or utilized, the CUP shall become null and void unless a petition for an extension of time in which to complete or utilize the use has been granted by the City Council. Such petition shall be requested in writing and shall be submitted at least 30 days prior to expiration.
3. This conditional use permit shall become effective upon the applicant tendering proof to the City of filing a certified copy of this permit with the County Recorder pursuant to Minnesota State Statute 462.3595 to ensure the compliance of the herein-stated conditions.
4. All portions of the dock shall be contained within lines drawn radially into the lake from the shoreline at the property lines.
5. The property owner shall sign the resolution of approval, return a copy of such to the City and provide proof that the resolution has been filed with the County Recorder’s Office.
6. The subject site and marina operation shall comply with all 17 provisions listed in Section 1303.227, Subd.4.f.
7. The transient slips shall be signed “no overnight parking”.
8. No change to lighting or audio is approved through this conditional use permit.
9. The applicant shall furnish the City with evidence of annual licensing approval by the Lake Conservation District (and the DNR, if required) including any conditions they may wish to impose on the use. Future use of the marina is contingent upon all applicable jurisdictional authorizations.
10. The proper permits shall be obtained for the riprap that was installed along the shoreline.

The foregoing resolution, offered by Councilmember and supported by Councilmember, was declared carried on the following vote:

Ayes:
 Nays:
 Passed:

 Jo Emerson, Mayor

ATTEST:

 Kara Coustry, City Clerk

Approval is contingent upon execution and return of this document to the City Planning Office.

I have read and agree to the conditions of this resolution as outlined above.

George Gregory Saer, Owner

Date



City of White Bear Lake
Community Development Department

MEMORANDUM

To: Ellen Hiniker, City Manager

From: The Planning Commission

Through: Samantha Crosby, Planning & Zoning Coordinator

Date: May 6, 2020 for the May 12, 2020 City Council Meeting

Subject: **Gross/Najera Variance – 1885 Orchard Lane, Case No. 20-7-V**

REQUEST

A 52 square foot variance from the 1,000 square foot maximum size for a garage in order to construct a 236 square foot workshop space onto the back side of the existing 3 car attached garage.

SUMMARY

No one from the public spoke. On a 6-0 vote, the Planning Commission recommended approval as presented.

RECOMMENDED COUNCIL ACTION

Approval of the attached resolution.

ATTACHMENTS

Resolution of Approval

RESOLUTION NO. _____

**RESOLUTION GRANTING A VARIANCE FOR
1885 ORCHARD LANE
WITHIN THE CITY OF WHITE BEAR LAKE, MINNESOTA**

WHEREAS, a proposal (20-7-V) has been submitted by John Grant on behalf of Robert Gross and Lydia Najera, to the City Council requesting approval of a variance from the Zoning Code of the City of White Bear Lake for the following location:

LOCATION: 1885 Orchard Lane

LEGAL DESCRIPTION: Lot 2, Block 1, Delrollman Estates, White Bear Lake, Ramsey County, MN; (PID #)

WHEREAS, THE APPLICANT SEEKS THE FOLLOWING RELIEF: A 52 square foot variance from the 1,000 square foot maximum for a primary accessory structure, per Code Section 1302.030, Subd.4.i.2.b, in order to expand the existing attached garage by 236 square feet; and

WHEREAS, the Planning Commission has held a public hearing as required by the city Zoning Code on April 27, 2020; and

WHEREAS, the City Council has considered the advice and recommendations of the Planning Commission regarding the effect of the proposed variance upon the health, safety, and welfare of the community and its Comprehensive Plan, as well as any concerns related to compatibility of uses, traffic, property values, light, air, danger of fire, and risk to public safety in the surrounding areas;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of White Bear Lake that the City Council accepts and adopts the following findings of the Planning Commission:

1. The requested variance will not:
 - a. Impair an adequate supply of light and air to adjacent property.
 - b. Unreasonably increase the congestion in the public street.
 - c. Increase the danger of fire or endanger the public safety.
 - d. Unreasonably diminish or impair established property values within the neighborhood.
2. Because the additional size will not be visible from the front of the home, the variance is a reasonable use of the land or building.
3. The variance will not be injurious to the neighborhood.
4. The non-conforming uses of neighboring lands, structures, or buildings in the same district are not the sole grounds for issuance of the variance.

FURTHER, BE IT RESOLVED, that the City Council of the City of White Bear Lake hereby approves the requests, subject to the following conditions:

1. All application materials, maps, drawings, and descriptive information submitted in this application shall become part of the permit.
2. The variances shall become null and void if the project has not been completed within one (1) calendar year after the approval date, subject to petition for renewal. Such petition shall be requested in writing and shall be submitted at least 30 days prior to expiration.
3. A building permit shall be obtained prior to construction of the garage.
4. The applicant shall verify their property lines and have the property pins exposed at the time of inspection.
5. The owner shall acquire proper City approvals prior to operating a home occupation or home based business out of the workshop.

The foregoing resolution, offered by Councilmember _____ and supported by Councilmember _____, was declared carried on the following vote:

Ayes:
Nays:
Passed:

Jo Emerson, Mayor

ATTEST:

Kara Coustry, City Clerk

Approval is contingent upon execution and return of this document to the City Planning Office. I have read and agree to the conditions of this resolution as outlined above.

Robert J. Gross

Lydia Najera

Date



City of White Bear Lake
Community Development Department

MEMORANDUM

To: Ellen Hiniker, City Manager

From: The Planning Commission

Through: Ashton Miller, Planning Technician

Date: May 6, 2020 for the May 12, 2020 City Council Meeting

Subject: **Witter Conditional Use Permit– 2281 Lilac Lane, Case No. 20-2-CUP**

REQUEST

A Conditional Use Permit (CUP) to allow for a home accessory apartment in a single-family home.

SUMMARY

One resident expressed concern about the number of occupants in the unit and the availability of off-street parking. On a 6-0 vote, the Planning Commission recommended approval of the request with a modification to condition number seven to allow two tenants.

RECOMMENDED COUNCIL ACTION

Approval of the attached revised resolution.

ATTACHMENTS

Resolution of Approval

RESOLUTION NO. _____

**RESOLUTION GRANTING A CONDITIONAL USE PERMIT FOR
2281 LILAC LANE
WITHIN THE CITY OF WHITE BEAR LAKE, MINNESOTA**

WHEREAS, a proposal (20-2-CUP) has been submitted by Brett and Emily Witter to the City Council requesting approval of a Conditional Use Permit of the City of White Bear Lake for the following location:

LOCATION: 2281 Lilac Lane

LEGAL DESCRIPTION: Lot 4, Block 1, Thome's Lakeridge, Ramsey County, MN (PID # 243022320019)

WHEREAS, THE APPLICANT SEEKS THE FOLLOWING RELIEF: A Conditional Use Permit for a Home Accessory Apartment, per Code Section 1302.125; and

WHEREAS, the Planning Commission has held a public hearing as required by the city Zoning Code on April 27, 2020; and

WHEREAS, the City Council has considered the advice and recommendations of the Planning Commission regarding the effect of the proposed variance upon the health, safety, and welfare of the community and its Comprehensive Plan, as well as any concerns related to compatibility of uses, traffic, property values, light, air, danger of fire, and risk to public safety in the surrounding areas;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of White Bear Lake that the City Council accepts and adopts the following findings of the Planning Commission:

1. The proposal is consistent with the city's Comprehensive Plan.
2. The proposal is consistent with existing and future land uses in the area.
3. The proposal conforms to the Zoning Code requirements.
4. The proposal will not depreciate values in the area.
5. The proposal will not overburden the existing public services nor the capacity of the City to service the area.
6. Traffic generation will be within the capabilities of the streets serving the site.

FUTHER, BE IT RESOLVED, that the City Council of the City of White Bear Lake hereby approved the request, subject to the following conditions:

1. All application materials, maps, drawings, and descriptive information submitted with this application shall become part of the permit.
2. Per Section 1301.050, Subd.4, if within one (1) year after granting the Conditional Use Permit, the use as allowed by the permit shall not have been completed or utilized, the permit shall become null and void unless a petition for an extension of time in which to complete or utilize the use has been granted by the City Council. Such petition shall be requested in writing and shall be submitted at least 30 days prior to expiration.
3. This conditional use permit shall become effective upon the applicant tendering proof (i.e.: a receipt) to the City of having filed a certified copy of this permit with the County Recorder pursuant to Minnesota State Statute 462.3595 to ensure the compliance of the herein-stated conditions. Proof of such shall be provided prior to the issuance of a rental license.
4. The right to rent the accessory apartment ceases upon transfer of title unless reissued by the City Council.
5. Per Section 1302.125, Subd.4.a, the owner of the single-family structure shall reside in the principal structure. The permit becomes null and void if the owner ceases to reside in the residence. The accessory apartment shall remain an accessory rental apartment, owned by the occupant of the principal structure. There shall be no separate ownership of the accessory rental apartment.
6. The number of vehicles associated with the principal residence and accessory unit together shall not exceed that which can fit in the garage and on the driveway.
7. The permanent number of occupants of the accessory apartment shall not exceed two (2) tenants.
8. The owner shall obtain a rental license prior to renting out the unit to anyone who is not related.

The foregoing resolution, offered by Councilmember _____ and supported by Councilmember _____, was declared carried on the following vote:

Ayes:
 Nays:
 Passed:

 Jo Emerson, Mayor

ATTEST:

 Kara Coustry, City Clerk

Approval is contingent upon execution and return of this document to the City Planning Office.

I have read and agree to the conditions of this resolution as outlined above.

Brett Witter

Date

Emily Witter

Date



City of White Bear Lake
Community Development Department

MEMORANDUM

To: Ellen Hiniker, City Manager

From: The Planning Commission

Through: Samantha Crosby, Planning & Zoning Coordinator

Date: May 6, 2020 for the May 12, 2020 City Council Meeting

Subject: **Carlson CUP & Variances – 4312 Cottage Park Road, Case No. 20-4-CUP & 20-8-V**

REQUEST

Three lakeside setback variances for a new residence, one street side setback variance for the attached garage, and a conditional use permit for a second curb cut.

SUMMARY

No one from the public spoke to the matter. On a 4-1 vote, the Planning Commission recommended approval of both the variances and the conditional use permit. After the Planning Commission meeting an additional written statement of support was received from The Hagels at 4300 Cottage Park Road.

RECOMMENDED COUNCIL ACTION

Approval of the attached resolution.

ATTACHMENTS

Resolution of Approval

RESOLUTION NO. _____

**RESOLUTION GRANTING FOUR VARIANCES AND
A CONDITIONAL USE PERMIT FOR
4312 COTTAGE PARK ROAD
WITHIN THE CITY OF WHITE BEAR LAKE, MINNESOTA**

WHEREAS, a proposal (20-4-CUP & 20-8-V) has been submitted by Celine Carlson to the City Council requesting approval of four variances and a conditional use permit from the Zoning Code of the City of White Bear Lake for the following location:

LOCATION: 4312 Cottage Park Road

LEGAL DESCRIPTION: Lot 18 and those parts of Lots 16 and 17, lying Southwesterly of a line running from a point on the Westerly line of and 5.5 feet Northerly from the Southwesterly corner of Lot 16, through a point on the Southerly line of and 69.2 feet from the Southwesterly corner of Lot 16, extended to the lakeshore of White Bear Lake, all in Block 2, Cottage Park, Ramsey County, Minnesota, subject to transportation, drainage and utility easement (PID #233022420031);

WHEREAS, THE APPLICANT SEEKS THE FOLLOWING: Four variances and a conditional use permit:

- A 14 foot variance from the 20 foot street side setback for the garage, per Code Section
- A 3 foot variance from the 77.7 foot average lakeside setback for the home, per Code Section 1303.040, Subd.4.c;
- A 6.5 foot variance from the 69.7 foot lakeside setback for the unenclosed porch, per Code Section 1302.040, Subd.4.a.3;
- A 6.5 foot variance from the 72.7 foot lakeside setback for the second floor balcony, per Code Section 1302.040, Subd.4.a.5; and
- A conditional use permit for a second curb cut, per Code Section 1302.050, Subd.4.h.9;

in order to construct a new 5 bedroom, two-story single family residence with a 995 square foot attached garage; and

WHEREAS, the Planning Commission has held a public hearing as required by the city Zoning Code on April 27, 2020; and

WHEREAS, the City Council has considered the advice and recommendations of the Planning Commission regarding the effect of the proposed variances upon the health, safety, and welfare of the community and its Comprehensive Plan, as well as any concerns related to compatibility of uses, traffic, property values, light, air, danger of fire, and risk to public safety in the surrounding areas;

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of White Bear Lake that the City Council accepts and adopts the following findings of the Planning Commission:

1. Because the variances are in keeping with the surrounding residential development pattern, the requested variances will not:
 - a. Impair an adequate supply of light and air to adjacent property.
 - b. Unreasonably increase the congestion in the public street.
 - c. Increase the danger of fire or endanger the public safety.
 - d. Unreasonably diminish or impair established property values within the neighborhood or in any way be contrary to the intent of this Code.
2. The variances are a reasonable use of the land or building.
3. The variances will be in harmony with the general purpose and intent of the City Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
4. The special conditions or circumstances are not the result of actions of the applicant or previous owners.
5. Although the proposal is consistent with the development pattern of the immediate neighborhood, the non-conforming uses of neighboring lands, structures, and buildings in the same district are not the sole grounds for issuance of the variances.

FURTHER, BE IT RESOLVED by the City Council of the City of White Bear Lake that the City Council accepts and adopts the following findings of the Planning Commission:

1. The proposal is consistent with the city's Comprehensive Plan.
2. The proposal is consistent with existing and future land uses in the area.
3. The proposal conforms to the Zoning Code requirements.
4. The proposal will not depreciate values in the area.
5. The proposal will not overburden the existing public services nor the capacity of the City to service the area.
6. Traffic generation will be within the capabilities of the streets serving the site.

FURTHER, BE IT RESOLVED that the City Council of the City of White Bear Lake hereby approves the request subject to the following conditions:

1. All application materials, maps, drawings, and descriptive information submitted in this application shall become part of the permit.
2. Per Section 1301.060, Subd.3, the variances shall become null and void if the project has not been completed or utilized within one (1) calendar year after the approval date, subject to petition for renewal. Such petition shall be requested in writing and shall be submitted at least 30 days prior to expiration.
3. A building permit shall be obtained before any work begins.

4. Prior to the issuance of a building permit, the applicant shall provide proof (ie: a receipt) to the City of having filed a certified copy of this resolution of approval with the County Recorder to ensure continued compliance of the herein-stated conditions.
5. All impervious area above 30% shall be mitigated according to the zoning code; design and infiltration calculations shall be approved prior to the issuance of a building permit.
6. Porous pavers, rain gardens or other mitigative features used to off-set impervious area shall be maintained by the homeowner according to manufacturer’s specifications or to preserve design function and capacity.
7. Tree Preservation calculations to be provided prior to the issuance of a building permit. Replacement trees to be provided prior to certificate of occupancy.
8. The architectural features of the new house, including exterior materials, shall be consistent with elevations provided to the City with the land use application.
9. If grading extends closer than 50 feet to the OHWL, a grading plan must be submitted to the Rice Creek Watershed District for review and approval.
10. The applicant shall verify their property lines and have the property pins exposed at the time of inspection.

The foregoing resolution, offered by Councilmember _____ and supported by Councilmember _____, was declared carried on the following vote:

Ayes:
 Nays:
 Passed:

 Jo Emerson, Mayor

ATTEST:

 Kara Coustry, City Clerk

Approval is contingent upon execution and return of this document to the City Planning Office. I have read and agree to the conditions of this resolution as outlined above.

Celine Carlson

Date



City of White Bear Lake
Community Development Department

MEMORANDUM

To: Ellen Hiniker, City Manager

From: The Planning Commission

Through: Samantha Crosby, Planning & Zoning Coordinator

Date: May 6, 2020 for the May 12, 2020 City Council Meeting

Subject: **FIRST READING – Zoning Code Amendment Regarding Accessory Structures**

REQUEST

A text amendment to the B-1 – Neighborhood Business zoning district to clarify the intent of the language that relates to accessory structures in commercial and industrial districts. The first reading is not a public hearing.

SUMMARY

No one from the public spoke to the matter. On a 6-0 vote, the Planning Commission recommended approval.

RECOMMENDED COUNCIL ACTION

No formal action is required for the first reading; the second reading is scheduled for June 15.

ATTACHMENT

Draft Ordinance

ORDINANCE NO. _____

**AN ORDINANCE AMENDING THE CITY OF WHITE BEAR LAKE ZONING CODE
AT SECTION 1303.120, "B-1, NEIGHBORHOOD BUSINESS DISTRICT"
AS IT RELATES TO PERMITTED ACCESSORY USES (CASE NO. 20-1-Z)**

THE CITY COUNCIL OF THE CITY OF WHITE BEAR LAKE, MINNESOTA DOES
ORDAIN THE FOLLOWING:

SECTION 1. The Municipal Code of the City of White Bear Lake is hereby amended at
Section 1303.120 as follows:

Subd. 3. Permitted Accessory Uses. The following are permitted accessory uses
in an "B-1" District:

- a) Commercial or business buildings and structures ~~for a use~~ accessory to the principal ~~use~~
building, but ~~such use shall not to~~ exceed thirty (30) percent of the gross floor space of
the principal ~~use~~ **building**.
- b) Off-street parking as regulated by Section 1302.050 of this Code, but not including
semi-trailer trucks.
- c) Off-street loading as regulated by Section 1302.060 of this Code.
- d) Solar energy systems, either roof-mounted or ground-mounted per Code Section
1302.030, Subd. 22. (Ref. Ord. 16-03-2010, 3/8/16)

SECTION 2: This ordinance becomes effective after approval shall take effect and be in
force following its passage and publication (or, on "date").

Passed by the City Council of the City of White Bear Lake, Minnesota.

First Reading: _____

Initial Publication: _____

Second Reading: _____

Final Publication: _____

Codified: _____

Posted on web: _____

City Clerk Initials

Jo Emerson, Mayor

ATTEST:

Kara Coustry, City Clerk



City of White Bear Lake
City Engineer's Office

MEMORANDUM

To: Ellen Hiniker, City Manager

From: Paul Kauppi, Public Works Director/City Engineer

Date: May 12, 2020

Subject: **Awarding Contract for 2020 Bituminous Seal Coating Project
City Project 20-02**

BACKGROUND / SUMMARY

On Wednesday, May 6, 2020, the City received bids for the 2020 Bituminous Seal Coating Project. Three bids were submitted, with Pearson Bros, Inc. of Hanover, MN submitting the lowest base bid of \$119,182.78. This contract amount is well within the 2020 Seal Coating budget of \$200,000.

The City performs seal coating of bituminous streets to prevent water from entering the pavement and gravel base, to renew the wearing surface of the roadway and to improve the appearance of the street.

In 2020, we are proposing to perform seal coating of City streets in various locations throughout the city. Some of these streets were last seal coated in 2013. Other streets are those which were reconstructed or milled & overlaid in 2014 and are now showing signs of wear. It is important to seal the surface of these streets before they degrade to a point where more extensive maintenance needs to be performed.

All proposed streets will be seal coated using a trap rock as the cover aggregate. The trap rock is a hard, crushed rock which will provide a durable surface with a nice appearance.

RECOMMENDED COUNCIL ACTION

Our recommendation is that the Council receive the bids and award a contract to Pearson Bros, Inc. for \$119,182.78 for the 2020 Bituminous Seal Coating Project.

ATTACHMENTS

Resolution

RESOLUTION NO.:

**RESOLUTION ACCEPTING BIDS AND AWARDING CONTRACT
FOR THE 2020 BITUMINOUS SEAL COATING PROJECT
CITY PROJECT NO. 20-02**

WHEREAS, pursuant to resolutions of the City Council, specifications were drawn and advertisement for bids were made; and

WHEREAS, the following bids complying with the advertisement and specifications were received, opened, and tabulated according to law:

CONTRACTOR	TOTAL BASE BID
Pearson Bros, Inc.	\$119,182.78
Allied Blacktop Company	\$123,095.02
Asphalt Surface Technologies Corp	\$147,868.74

WHEREAS, it appears that Pearson Bros., Inc. is the lowest responsible bidder:

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of White Bear Lake, Minnesota that:

1. The Mayor and Manager are hereby authorized and directed to enter into a contract with Allied Blacktop Company in the amount of \$119,182.78 for said 2020 Bituminous Seal Coating Project.
2. The City Clerk is hereby authorized and directed to return forthwith to all bidders the deposits made with their bids, except that the deposits of the successful bidder and the next lowest bidder shall be retained until a contract has been signed.

The foregoing resolution offered by Councilmember _____, and supported by Councilmember _____, was declared carried on the following vote:

Ayes:
Nays:
Passed:

Jo Emerson, Mayor

ATTEST:

Kara Coustry, City Clerk



City of White Bear Lake
City Engineer's Office

MEMORANDUM

To: Ellen Hiniker, City Manager
From: Paul Kauppi, Public Works Director/City Engineer
Date: May 12, 2020
Subject: **Awarding Contract for the 2020 Crack Sealing Project**
City Project 20-03

BACKGROUND / SUMMARY

Bids were received on May 6, 2020 for the 2020 Crack Sealing Project. The crack sealing contract includes cleaning of cracks in bituminous street pavements with a router and then filling the cracks with a hot, liquid, rubberized sealant. The crack sealing process prevents water from penetrating through the street pavement and entering the gravel base where it weakens the street and causes failures. The crack sealing process is accomplished ahead of the sealcoating operation so that the smaller cracks not sealed by the crack sealing contractor are sealed by the seal coat emulsion.

Three bids were received with Allied Blacktop Company of Maple Grove, MN submitting the lowest bid of \$38,800.00. This contract amount is well within the 2020 Crack Sealing budget of \$100,000.

RECOMMENDED COUNCIL ACTION

Our recommendation is that the City Council receive the bids and award a contract to Allied Blacktop Company for \$38,800.00 for the 2020 Crack Sealing Project.

ATTACHMENTS

Resolution

RESOLUTION NO.:_____

**RESOLUTION ACCEPTING BIDS AND AWARDING CONTRACT
FOR THE 2020 CRACK SEALING PROGRAM
CITY PROJECT NO. 20-03**

WHEREAS, the Engineering Department prepared specifications for construction of the 2020 Crack Sealing Project; and

WHEREAS, the following bids complying with the request for proposals and specifications were received, opened, and tabulated according to law:

CONTRACTOR	TOTAL BASE BID
Allied Blacktop Company	\$38,800.00
Asphalt Surface Technologies Corp.	\$40,800.00
Northwest Asphalt Maintenance	\$43,000.00

WHEREAS, it appears that Allied Blacktop Company is the lowest responsible bidder.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of White Bear Lake, Minnesota that:

1. The Mayor and City Clerk are hereby authorized and directed to enter into contract with Allied Blacktop Company in the amount of \$38,800.00 as approved by the City Council and on file in the office of the City Engineer.
2. The City Clerk is hereby authorized and directed to return forthwith to all bidders the deposits made with their bids, except that the deposits of the successful bidder and the next lowest bidder shall be retained until a contract has been signed.

The foregoing resolution offered by Council Member _____ and supported by Council

Member _____ was declared carried on the following vote:

Ayes:
Nays:
Passed:

Jo Emerson, Mayor

ATTEST:

Kara Coustry, City Clerk



City of White Bear Lake
Finance Department

M E M O R A N D U M

To: Ellen Hiniker, City Manager

From: Kerri Kindsvater, Finance Director

Date: May 7, 2020

Subject: **Authorizing approximately \$4.8 Million General Obligation Bond Sale – 2020A**

BACKGROUND

Earlier this year Council approved the purchase of a new ladder truck to replace the Fire Department's 1998 ladder truck, which is the primary response engine at the North Fire Station. Council also authorized staff to enter into contracts for the water tower painting project and annual street reconstruction and maintenance projects. As anticipated in the 2020 budget, the City will be issuing bonds to support costs associated with these projects, as well as the budgeted purchase of a dump truck, a replacement vehicle for Public Works. City staff has been working with Ehlers, Inc. to identify the most appropriate bond structure.

FINANCING OBLIGATION

To eliminate duplication of issuance costs, the Equipment Certificates, Water Revenue Bonds and Improvements Bonds will be rolled into one issuance of \$4,880,000 General Obligation Bonds, Series 2020A. The following schedule summarizes the bond details from the attached pre-sale report prepared by Ehlers, Inc.:

Bond Type	Amount	Term	Annual debt service payment
Equipment Certificates	\$ 1,275,000	10 Years	\$153,200 - \$157,200
Water Revenue Bonds	930,000	20 Years	\$56,400 - \$61,400
Street Improvement Bonds	2,675,000	20 Years	\$108,000 - \$220,010
	<u>4,880,000</u>		

The Street Improvement Bonds include special assessments to benefiting property owners. Special assessments for properties within the street reconstruction project have a 15-year term; while, assessments for properties within the mill and overlay project have a 10-year term. The bond information anticipates collection of \$1,095,937.65 in assessments, which will be used to pay the annual debt service payment due.

The following schedule provides information about the annual revenues allocated to the annual debt service payment:

Bond Type	Annual tax levy range	Annual pledged revenue range
Equipment Certificates	\$160,900 - \$165,100	
Water Revenue Bonds		\$59,200 - \$64,500
Street Improvement Bonds	\$113,400 - \$118,900	

Any shortfall in the payment projections would require an increase in City's commitment to ensure the debt obligation is satisfied. Payment for the equipment certificates and street improvement bonds will be captured through the tax levy, while the water revenue bonds will be reflected in water utility rates.

RECOMMENDED COUNCIL ACTION

Staff recommends the Council adopt the resolution authorizing Ehlers to assist in the bond sale, establishing June 23, 2020 as the meeting for considering the bond sale proposal, setting June 23, 2020 as the date for awarding the bond sale, and authorizing Ehlers and City staff to participate in preparation of an official statement for the bonds.

ATTACHMENTS

Resolution providing for the sale of \$4,880,000 General Obligation Bonds, Series 2020A.
Pre-sale report for \$4,880,000 General Obligation Bonds, Series 2020A.

RESOLUTION NO.

**RESOLUTION PROVIDING FOR THE SALE OF
APPROXIMATELY \$4,880,000 GENERAL OBLIGATION BONDS, SERIES 2020A**

WHEREAS, the City Council of the City of White Bear Lake, Minnesota has heretofore determined that it is necessary and expedient to issue City's \$4,880,000 General Obligation Bonds, Series 2020A (the "Bonds"), to finance Capital Equipment and the 2020 Street Improvement Projects and Water System Improvements in the City; and

WHEREAS, the City has retained Ehlers, Inc., in Roseville, Minnesota ("Ehlers"), as its independent municipal advisor for the Bonds in accordance with Minnesota Statutes, Section 475.60, Subdivision 2(9);

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of White Bear Lake, Minnesota, as follows:

1. Authorization; Findings. The City Council hereby authorizes Ehlers to assist the City for the sale of the Bonds.
2. Meeting; Proposal Opening. The City Council shall meet at 7:00 P.M. on June 23, 2020, for the purpose of considering proposals for and awarding the sale of the Bonds.
3. Official Statement. In connection with said sale, the officers or employees of the City are hereby authorized to cooperate with Ehlers and participate in the preparation of an official statement for the Bonds and to execute and deliver it on behalf of the City upon its completion.

The foregoing resolution, offered by Councilmember _____ and supported by Councilmember _____, was declared carried on the following vote:

Ayes:
Absent:
Nays:
Passed:

Jo Emerson, Mayor

ATTEST:

Kara Coustry, City Clerk



City of White Bear Lake
Finance Department
MEMORANDUM

To: Ellen Hiniker, City Manager
From: Kerri Kindsvater, Finance Director
Date: May 7, 2020
Subject: Carryover of Expenditures from the 2019 Budget to the 2020 Budget

BACKGROUND

The 2019 Revised Budget included funding for purchases not completed before December 31, 2019. While not a requirement, the City's auditors recommend that the Council formally approve any carryovers each year, which are then reflected in the following year's revised budget.

SUMMARY

During 2019, an accident involving a police squad totaled the vehicle. The driver's insurance company adjuster deemed the driver liable and paid the City to replace the squad. The 2019 Revised Equipment Acquisition Fund Budget included the squad purchase as the department ordered the vehicle in June 2019. However, due to vendor delays the vehicle delivery date moved from the end of 2019 to 2020. In addition to the vehicle purchase, the expenditures include the replacement of the in-squad DVR unit damaged in the accident.

RECOMMENDATION

Staff recommends the City Council adopt the attached resolution allowing carryover of the budgeted expenditures to the 2020 Budget year based upon prior approval of the above expenditures in the 2019 Revised Budget.

ATTACHMENTS

Resolution

RESOLUTION NO.

**RESOLUTION APPROVING THE CARRYOVER OF EXPENDITURES FROM THE
2019 BUDGET TO THE 2020 BUDGET**

WHEREAS, the Equipment Acquisition Fund included funds to purchase equipment that were not delivered or completed by the end of 2019;

NOW, THEREFORE, BE IT RESOLVED that the White Bear Lake City Council hereby approves the following 2019 Equipment Acquisition Fund budget carryover.

<u>Department</u>	<u>Item</u>	<u>Code</u>	<u>Amount</u>
Police	Police vehicle	4108.7150	\$40,000
Police	Police vehicle DVR	4108.7140	\$ 5,000

The foregoing resolution, offered by Councilmember _____ and supported by Councilmember _____, was declared carried on the following vote:

Ayes:

Nays:

Passed:

Jo Emerson, Mayor

ATTEST:

Kara Coustry, City Clerk



City of White Bear Lake
Community Development Department

MEMORANDUM

To: Ellen Hiniker, City Manager

From: Anne Kane, Community Development Director

Date: May 7, 2020 for the May 12, 2020 City Council Meeting

Subject: **BRICKHOUSE RESTAURANT/Request for Outdoor Dining Patio**

BACKGROUND

Elizabeth Lawin, on behalf of Brickhouse Restaurant, LLC, (“Brickhouse”) has requested permission to install an outdoor dining patio on the public sidewalk in front of their restaurant and neighboring business (Rust Architects) for the 2020 summer season. In addition to approval for use of the public right-of-way, Brickhouse will also need to apply for a liquor license premise extension to allow service of alcoholic beverages to outdoor patrons.

SUMMARY

As the restaurant prepares to re-open to diners following the COVID-19 closure, safe distancing will result in approximately 50% reduction of interior seating within the restaurant. Therefore, Brickhouse is proposing to install a temporary outdoor dining area on the concrete area between the sidewalk and street, allowing the cobblestone area open to pedestrians. In order to provide adequate spacing between tables, Brickhouse wishes to extend the dining area in front of the adjacent business as well. As depicted on the attached Site Plan, Brickhouse is proposing eight (8) tables that seat up to four (4) diners each, resulting in replacement of 32 seats lost in the interior of the restaurant.

Brickhouse understands that the outdoor seating area would need to be removed to accommodate Marketfest and Farmer’s Market events this summer, if held. A moveable fence will ensure an appropriate barrier for the outdoor dining area. Staff is satisfied that the public proximity of the seating and nature of the dining experience mitigates any safety and security concerns that are considered when reviewing an extension request.

Staff believes this request provides Brickhouse the opportunity to re-open their restaurant in a safe and sustainable manner. We have had similar discussions with EDC and Main Street representatives to encourage all dining establishments to explore similar use of exterior space – whether public or private – to provide replacement of lost interior seating and adequate spacing for both their staff and customers.

As the Council may recall, Olive’s Fresh Pizza previously operated an outdoor dining patio in this same location. A number of other downtown establishments utilize public sidewalk for outdoor seating, including Cobblestone Café, Anchor Coffee, Big Wood Brewery and Eat @ 5th & Banning. These businesses and the patrons they serve add desired vitality to the downtown area.

Due to their temporary nature, and given the extreme economic constraints created by COVID-19 on our local businesses, Staff does not recommend the Council require a formal lease agreement or financial charge for the use of the public right-of-way by Brickhouse or any other local business for the 2020 season. The business community has been a tremendous partner in serving the residents of the greater White Bear area and this simple act will demonstrate the Council's commitment and spirit of cooperation to help local businesses.

RECOMMENDED COUNCIL ACTION

Please forward the attached resolution to the City Council for consideration at its May 12, 2020 meeting, which, if approved, will authorize a premise extension and the use of the public right-of-way for outdoor dining by The Brickhouse Restaurant.

ATTACHMENTS

1. Draft Resolution
2. Letter of Request, Site Plan and Fence Detail



April 30th, 2020

Elizabeth Lawin, Owner
The Brickhouse LLC
4746 Washington Sq.
White Bear Lake MN, 55110

Mayor and City Council Members of White Bear Lake
4701 Highway 61
White Bear Lake, Minn. 55110

REF: Agreement to share sidewalk in front of building at 4744 Washington Sq.

Dear Mayor and City Council Members;

Here at the Brickhouse we are working hard on creating a plan to ensure the safety of our customers and community. Part of our safety plan is spacing out and removing tables in our restaurant, to ensure we have a minimum of 6 feet apart from each table. Due to this we have lost about 50% of our seating in our restaurant. The only place we are able to regain any of those tables lost would be outside. We are hoping to use the patio space in front of our neighbor Bill Rust's building (4744 Washington Sq. White Bear Lake MN). This would allow us to safely space out our tables and lose less seating capacity.

This has been a very difficult year for many businesses in the community. We believe that we are an asset to our community. When we designed The Brickhouse some of our goals were to support White Bear Lake by bringing in additional jobs and supporting other local businesses by using their products. Lastly we were trying to bring people into White Bear Lake for a dining experience to see all the town has to offer.

We hope you will consider letting us space out our patio seating onto our neighbors property. We are only interested in using that patio space for this summer. I attached a drawing that I created of our plan. We will have a moveable fence around the perimeter and 8 tables spaced out between both properties. Each table will be spaced out 6 feet apart or more. The fence, tables and chairs will all be removed for Marketfest and the Farmers Market. I will attach a photo of the moveable fence we plan to use. I also attached a letter from Bill Rust endorsing this request.

Please accept our request in using the patio space in front of 4744 Washington Sq. as a temporary solution to help us stay in business. Thank you for your time.

Sincerely,
Elizabeth Lawin on behalf of The Brickhouse LLC



ARCHITECTS
INTERIORS
CONSTRUCTION
MANAGEMENT

4744 Washington Square
White Bear Lake, MN 55110
Office: (651) 429-1913
Fax: (651) 429-7561
Webb Lake, WI: (715) 259-7991
www.rustarchitects.com

April 29, 2020

Mayor and City Council Members of White Bear Lake
4701 Highway 61
White Bear Lake, Minn. 55110

REF: Agreement to share sidewalk in front of my building at 4744 Washington Sq.

Dear Mayor and City Council Members;

It is my pleasure to write this letter of endorsement of the request by Brickhouse Restaurant to extend/expand their outdoor seating area, along Washington Square in front of my building. It is the understanding that this utilization would be valid for the summer of 2020, and they would maintain and uphold the aesthetic quality of my property.

At this point in time it is paramount that we all work together to benefit our community, so when the final case of Coronavirus has been eliminated we can all stand proud and say we did it together.

Social Distancing has become the new mantra of 2020, and restaurants will require additional space to conform to the Governor's requests, thus I would ask that you give thoughtful consideration and approve the request by the Brickhouse Restaurant for expanding their outdoor dining experience for not only White Bear Lake residents, but all new-comers to the White Bear Lake Area.

Please accept this request by my business as well, Rust Architects, celebrating our 40 years in business June 1, 2020 in Down-Town White Bear Lake.

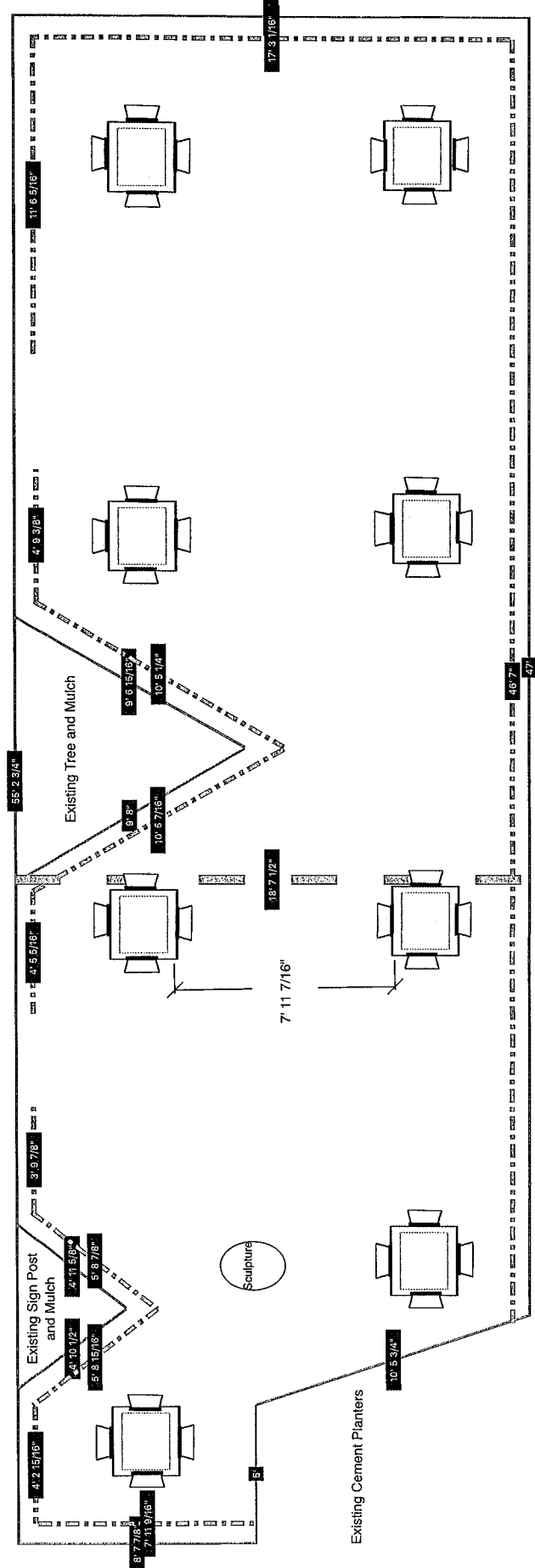
Sincerely,

William E. Rust AIA, building owner

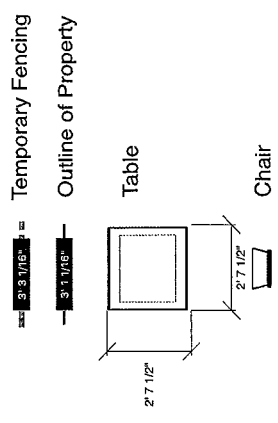
4744 Washington Sq

4746 Washington Sq

Sidewalk

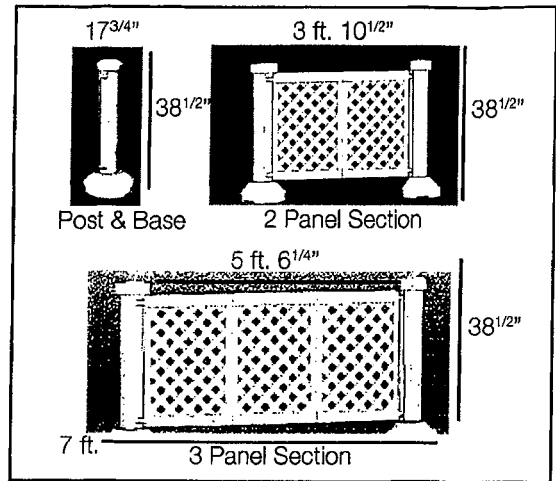


Key





Versatile, Decorative Resin Fence



Product Specifications

Product Description	Reference Number	Color	UPC Code 014306	Weight Each (lbs.)	Master Pack	Master Pack Volume (cu. ft.)
Versatile, Decorative Resin Fence Post & Base	US960117	Black	912721	7.00	1	3.65
	US960423	Brown	912752	7.00	1	3.65
2 Panel Section	US962117	Black	912738	10.56	1	1.76
	US962423	Brown	912769	10.56	1	1.76
3 Panel Section	US963117	Black	912745	14.14	1	2.58
	US963423	Brown	912776	14.14	1	2.58
2 Piece Connector Pk	USSP0235	Black	N/A	1.00	1	0.035
	USSP0236	Brown	N/A	1.00	1	0.035

Manufacture & Benefits Warranty: 3 Yrs.

- Decorative lattice panels can be assembled and fitted to design & define your patio space!
- U.V. stabilized to resist color fading.
- Made of 100% prime resin, a material naturally weather resistant.
- Each post and base interlocks and can be filled with water or sand to 50 lbs. for extra stability.
- Easily removable for storage at the end of the season.
- Can be power-washed for easy cleaning.
- Will not rust or splinter.
- No painting, sanding, or refinishing necessary.



Black



Brown





City of White Bear Lake
City Manager's Office

MEMORANDUM

To: Ellen Hiniker, City Manager

From: Paul Kauppi, Public Works Director/City Engineer

Date: May 12, 2020

Subject: **Resolution supporting parking restrictions on the east side of Hoffman Road (CR 146) along West Goose Lake By Ramsey County**

SUMMARY

Ramsey County wishes to restrict parking along the east side of Hoffman Road (CR 146) for approximately 800 feet along West Goose Lake. The desire to restrict parking along this segment of roadway is primarily due to concerns expressed by motorists and pedestrians that visibility is poor when vehicles are parked on the shoulder. This is due to the curvature of the roadway around the lake. In addition, due to the relatively narrow 4-foot paved shoulders, vehicles are pulling on to the gravel shoulders which is accelerating erosion of the shoreline.

This restriction will be monitored and revisited once the segment of the Bruce Vento Trail is constructed along this segment of Hoffman Road as its construction would further restrict parking on the west side.

RECOMMENDED COUNCIL ACTION

Staff recommends that the City Council adopt the attached Resolution supporting parking restrictions on the east side of Hoffman Road (CR 146) along West Goose Lake by Ramsey County for approximately 800 feet.

ATTACHMENTS

Resolution

RESOLUTION NO.:

**SUPPORTING PARKING RESTRICTIONS BY RAMSEY COUNTY ON THE EAST
SIDE OF HOFFMAN ROAD (CR 146) ALONG WEST GOOSE LAKE FOR
APPROXIMATELY 800 FEET**

WHEREAS, Hoffman Road (CR 146) is a Ramsey County Road; and

WHEREAS, Hoffman Road (CR 146) between Cedar Ave and Highway 61 the existing road facilities generally consists of one travel lane in each direction and a 4 foot wide paved shoulders plus additional graded shoulders; and

WHEREAS, the existing road facilities has a posted speed limit of 45 mph; and

WHEREAS, Ramsey County and the City of White Bear Lake have received concerns from motorists and pedestrians about visibility in this area when vehicles are parked in the northbound direction; and

WHEREAS, vehicles parking along West Goose Lake are accelerating shoreline erosion; and

WHEREAS, there is a mutual desire between the City and County to restrict parking in this area to increase visibility for all roadway users and protect the shoreline of West Goose Lake.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of White Bear Lake, Minnesota that the restriction of parking by Ramsey County at all times on the east side of Hoffman Road along West Goose Lake for approximately 800 feet is hereby approved.

The foregoing resolution offered by Councilmember_____, and supported by Councilmember_____, was declared carried on the following vote:

Ayes:

Nays:

Passed:

Jo Emerson, Mayor

ATTEST:

Kara Coustry, City Clerk

City of White Bear Lake Environmental Advisory Commission

MINUTES

Date: February 19, 2020	Time: 6:30pm	Location: WBL City Hall
COMMISSION MEMBERS PRESENT	Sheryl Bolstad, Chris Greene, Bonnie Greenleaf , Gary Schroeher (Chair), Robert Winkler	
COMMISSION MEMBERS ABSENT	Rick Johnston	
STAFF PRESENT	Connie Taillon, Environmental Specialist	
VISITORS		
NOTETAKER	Connie Taillon	

1. CALL TO ORDER

The meeting was called to order at 6:37 pm.

2. APPROVAL OF AGENDA

The commission members reviewed the agenda and added 7g. Paperless commission packets discussion, and East Metro Meeting under 7d. Commission member updates. Commissioner Greenleaf moved, seconded by Commissioner Winkler, to approve the agenda as amended. Motion carried, vote 5/0.

3. APPROVAL OF MINUTES

a) January 15, 2020 regular meeting

The commission members reviewed the January 15, 2020 draft minutes and had no changes. Commissioner Greenleaf moved, seconded by Commissioner Bolstad, to approve the January 15, 2020 minutes as presented. Motion carried, vote 5/0.

4. VISITORS & PRESENTATIONS

Ashley Osteraas, Zan Associates and Mariah Quick, Health Educator, Ramsey County were in attendance to present the new Ramsey County Recycling Ambassador program and to solicit feedback to help shape the program. Mariah will be in charge of the program. Recycling ambassadors serve as a volunteer resource for recycling and solid waste by engaging with community events, promoting wise waste management, and supporting the county's goals and strategic direction. To become a recycling ambassador, participants will be required to attend classes to learn about topics such as home composting, food scraps recycling, recycling processes, household hazardous waste, repair and reuse, yard waste, and waste reduction. Mariah ask the commission members what other topics might be of interest. Commission members discussed other topics such as what can't be recycled and why, and to include a tour of a recycling facility. Mariah asked what would be the ideal class length and location. Commission members responded that 6, 3-hour sessions would be appropriate, with some flexibility to attend a video class if necessary. Class locations could include community centers or Ramsey County libraries. Consider access to public transportation when choosing a location. When asked what might motivate people to participate in the program, commission members suggested a gift certificate, tee shirt, or recognition at a County Commission meeting. Mariah and Ashley stated that they hope to start offering the program this year, depending on if they can gather enough feedback.

5. UNFINISHED BUSINESS

a) Goose Lake alum treatment

Staff reported that the Goose Lake Alum Treatment grant will be considered for approval at a special meeting of the VLAWMO Board of Managers, with the date of the meeting yet to be determined. The commission members discussed whether or not to provide support for acceptance of the grant.

Commissioner Bolstad moved, seconded by Commissioner Greenleaf, that Commissioner Johnston send a letter in support of VLAWMO accepting the Goose Lake alum treatment grant, addressed to Council Member Jones, and copy Council Member Walsh. Motion carried, vote 5/0.

6. NEW BUSINESS

a) CSM efficient energy use action items

Staff created a draft list of efficient energy use action items for City operations, private sector, and alliances and partnerships. The list was compiled from existing local Climate Action Plans. A technical advisory committee made up of City staff and a representative from Trane reviewed the action items and provided comments. The draft list of action items will be presented to the CSM steering committee for review next month. Staff asked the commission to review the action items and provide comments to staff or Chair Schroeder prior to the March CSM Steering Committee.

Chair Schroeder discussed the Shoreview water tracking app and suggested adding this project to the CSM action item list.

7. DISCUSSION

a) Minneapolis plastic bag ban

Commissioner Greenleaf provided information on the City of Minneapolis plastic bag ban. The City bans retail establishments from providing plastic bags to customers. Paper bags and compostable bags are allowed; however, retail establishments providing bags must charge at least 5 cents per bag. Commissioner Greenleaf would like the City of White Bear Lake to consider a similar ban or fee. She offered to continue researching plastic bag bans and will summarize her findings in a memo.

b) Spring newsletter

Staff asked the commission members for newsletter article ideas. Chair Schroeder wrote an article about pollinator pathways that he would like included in the newsletter. Other ideas discussed include a 'spotlight on sustainability' article showcasing a local sustainable business, and promoting the adopt a drain program.

c) Staff updates

- Watershed Based Implementation Funding grant program

Staff attended a watershed-based funding program meeting as part of the Mississippi East watershed, one of ten Twin Cities major watersheds. As an alternative to competitive grant-based funding, BWSR will allocate funds to each of the ten watersheds. The purpose of the meeting was to create a subcommittee that will meet over the next year to determine how to prioritize projects within the watershed for funding. Two volunteers will represent cities in the decision-making process. White Bear Lake will be an alternate subcommittee member.

- 4th and Otter iron enhanced sand filter project

Staff provided a brief update on the 4th and Otter Iron Enhanced sand filter project. A contractor has been selected and construction is planned for this spring.

d) Commission member updates

- Environmental Commissions Gathering for Ramsey & Anoka County Cities

Commissioner Bolstad reported on the Environmental Commission gathering hosted by Alliance for Sustainability. Representatives from White Bear Lake, Mahtomedi, Shoreview, North Oaks, Stillwater, Eagan, Forest Lake, and others were in attendance. There were breakout sessions on transportation/land use, energy supply, and buildings. One goal of the meeting was to determine opportunities for collaboration.

- Metro Environmental Commission gathering
Chair Schroeher stated that the Metro Environmental Commission gathering will be held on April 18, 2020. He will send out a notice about the event.
- HES Inter-City Contest
The Home Energy Squad is hosting an inter-city contest to see who can sign up the most home energy audits. Commission members are interested participating in the contest and suggested promoting the contest in the spring newsletter.

e) Do-outs

Bonnie reported that refrigerator and freezer coated cardboard packaging and dryer sheets are not compostable and therefore are not accepted at the food scraps collection sites. These items should be thrown in the trash. She also reported that staples are to be removed from tea bags before composting.

New do-out items for February 19, 2020 include:

- Commission member Greenleaf will research Minneapolis bag ban
- Commission members to review energy efficient action items and email any feedback to staff or Chair Schroeher by mid-March
- Staff to include the following articles in the spring newsletter: pollinator write-up from Chair Schroeher, 'spotlight on sustainability' showcasing a local sustainable business, adopt a drain program, and HES contest.
- Staff to add water use tracking app to CSM action items

f) March agenda

The next meeting will be held at City Hall on Wednesday, March 18, 2020 at 6:30pm.

g) Paperless commission packets

Commissioner Bolstad proposed that the Environmental Advisory Commission go paperless, starting with the March meeting packet. She asked staff to send a reminder for commission members to bring a laptop to the March meeting.

8. ADJOURNMENT

Commissioner Green moved, seconded by Commissioner Bolstad, to adjourn the meeting at 8:50 pm. Motion carried, vote 5/0.

REGULAR MEETING OF THE WHITE BEAR LAKE CONSERVATION DISTRICT
7:00 pm White Bear Lake City Hall
Minutes of February 18, 2020

APPROVAL DATE: April 21, 2020

1. **CALL TO ORDER** the February 18, 2020 meeting of the White Bear Lake Conservation District was called to order by Chair Bryan DeSmet at 7:00 pm in the White Bear Lake City Hall Council Chambers.
2. **ROLL CALL** Present were: Chair Bryan DeSmet, Vice Chair Mark Ganz, and Sec/Tres Diane Longville Directors: Scott Costello, Mike Parenteau, Susie Mahoney, and Cameron Sigecan. Absent was Directors Rylan Juran and Marty Rathmanner. A quorum was present.
3. **AGENDA** – Chair DeSmet asked for any changes - None
4. **APPROVAL OF MINUTES OF** – January 21, 2020 board meeting. Motion (DeSmet/Second) to approve all aye passed.
5. **PUBLIC COMMENT TIME** – Brian McGoldrick introduced two Lake specialists a Lake Scientist and Hydrologist to rebut the findings that his permit this year for Docks of White Bear be approved for a lesser amount of slips do to lake quality concerns. Both specialists felt the water quality was in line with all requirements and that there should be no issue in water quality if there was more traffic etc. in the water area in question. When asked by the board if all the data referenced took into account boat usage and gasoline in the water they said it did not. Gary Bowman of Grant MN – requested that the lake be tested for TCE. He felt that there was evidence that Water Gremlin was pumping contaminated water that was ending up draining in to White Bear Lake.
6. **NEW BUSINESS**
City of White Bear Lake Zoning – Sam Crosby from City of White Bear Lake presented new proposed zoning for the City of White Bear Lake in regards to riprap and retaining walls. She is just getting the word out nothing required of WBLCD.
Lorrie Fuith presented a program to remove geese from the White Bear area due to the excess of goose droppings. Water quality and swimming waters are a great concern as well as overpopulation causing our beaches and areas saturated with fecal matter. The estimated cost is \$4,000 a year to be involved in the removal program. Complete details of the program are on file at the WBLCD.
7. **UNFINISHED BUSINESS** –
Motion to approve the summary of Ordinance update 2019-01, 02, 03 (DeSmet/second)
8. **REPORTS/ACTION ITEMS**
Executive Committee –
Final Motion approval of slate all three current Board Executives will stay as is (Parenteau/second Mahoney) Bryan DeSmet Chair, Mark Ganz Vice Chair, Diane Longville Sec/Trea
9. **Lake Quality Committee – Mike Parenteau**
 - o Bryan delivered our grant application to the DNR for invasive special treatment
 - o Our DNR permit was approved

10. Lake Utilization Committee – LUC reviewed the following and submitted to the board for approval Motion (DeSmet/Second)

- Fletcher Driscoll - approved
- Redpath Ski Course - approved
- Swell - approved
- Dragon Boat – approved fee waived
- Manitou Island – approved with buoys only no rope marking off area (vote LUC 1 nay 1 yes)
- Derek Skie – (LUC 1 nay 1 yes) approved with stipulation that all boats using dock must report registration number and owner info to WBLCD
- Scott Bohnen tabled

11. Lake Education – Scott Costello

Lake Cleanup March 7 10:00am Bellaire Beach

12. Treasurer’s Report – Motion (Longville/Second) approval of February 21, 20 Treasurer’s report and payment of check numbers 4624-4628 All Aye passed.

13. Board Counsel – Asked Alan to contact the sheriff’s offices and ask that they send us copies of buoy permits so we have record of who owns them.

14. Announcements – Bryan handed out flyer of free event at the library regarding climate change incase any one is interested

15. Adjournment – Motion (DeSmet/Second) Move to adjourn. All aye Passed.

Meeting adjourned

ATTEST:

Kim Johnson: Kim Johnson

Executive Administrative Secretary

Date: 4/21/20

Bryan: DeSmet: Bryan DeSmet

Board Chair

Date: 4/21/20

**MINUTES
PLANNING COMMISSION MEETING
CITY OF WHITE BEAR LAKE
APRIL 27, 2020**

The regular monthly meeting of the White Bear Lake Planning Commission was called to order on Monday, April 27, 2020, beginning at 7:00 p.m. via WebEx, pursuant to a statement issued by the Mayor under Minnesota Statutes, section 13D.021 as a result of the COVID-19 pandemic, by Chair Ken Baltzer.

1. CALL TO ORDER/ROLL CALL:

MEMBERS PRESENT: Ken Baltzer, Jim Berry (joined at 7:04 p.m.), Pamela Enz, Mark Lynch, Erich Reinhardt and Peter Reis.

MEMBERS EXCUSED: None.

MEMBERS UNEXCUSED: None.

STAFF PRESENT: Anne Kane, Community Development Director, Samantha Crosby, Planning & Zoning Coordinator, and Ashton Miller, Planning Technician.

OTHERS PRESENT: Chuck & Ginny Schroeder, Mark Olson, Brett & Emily Witter, Bernard McCanna, Josh Winchell, Damian & Raneë Kostron, Pat Igo, Robert Gross, Celine Carlson, and Jean Rehkamp Larson.

2. APPROVAL OF THE APRIL 27, 2020 AGENDA:

Member Reis moved for approval of the agenda. Member Lynch seconded the motion, and the agenda was approved (5-0).

3. APPROVAL OF THE FEBRUARY 24, 2020 PLANNING COMMISSION MEETING MINUTES:

Member Enz moved for approval of the minutes. Member Reinhardt seconded the motion, and the minutes were approved (5-0).

4. CASE ITEMS:

A. **Case No. 19-10-Z:** A **City-Initiated** text amendment to Zoning Code at Section 1303.230, Subd.7 "Shoreland Alterations" to reiterate the limitation that retaining walls not exceed four feet in height, restrict retaining walls within the shore impact zone unless determined structurally necessary by the City Engineer, and to clarify that riprap along the shoreline is only appropriate when vegetation alone is not sufficient to curtail an erosion problem.

Crosby proposed that the case be tabled indefinitely.

Member Reis moved to table indefinitely Case No. 19-10-Z. Member Lynch seconded the motion. The motion passed by a vote of 6-0.

- B. **Case No. 20-4-V:** A request by **Mark Olson on behalf of Chuck and Ginny Schroeder** for a 15 foot variance from the 30 foot setback required along a side abutting a public right-of-way, per Code Section 1303.050, Subd.5.c.3, in order to build an addition on the property located at 3790 Cranbrook Drive.

Crosby discussed the case. Staff recommended approval of the request.

Member Baltzer opened the public hearing.

Mark Olson, Applewood Builders, has been working with the homeowners through the variance process.

Member Baltzer closed the public hearing.

Member Lynch moved to recommend approval of Case No. 20-4-V. Member Berry seconded the motion. The motion passed by a vote of 6-0.

- C. **Case No. 20-2-CUP:** A request by **Brett and Emily Witter** for a Conditional Use Permit, per Code Section 1302.125, for a home accessory apartment at the property located at 2281 Lilac Lane.

Crosby discussed the case. Staff recommended approval of the request.

Member Baltzer opened the public hearing.

Brett Witter, 2281 Lilac Lane, applicant, responded to a question from Member Lynch that there is no sidewalk leading to the accessory dwelling unit (ADU) as they were waiting for the results of the request before creating a path.

Member Baltzer asked if the applicants intend to rent the unit. Witter replied that there is no plan to rent the unit at this time and the largest motivating factor for the remodel is to create a second bathroom and this is the easiest place to put it.

Bernard McCanna, 4222 McKnight Road N, he expressed concern with the number of vehicles that will fit in the driveway, since the curb cut is not very wide. He also questioned how many tenants could be in the ADU and wondered if the City could classify it as something short of an efficiency unit, while still allowing the bathroom and a small living space. He asked if the unit required closet space, and whether any was provided.

Witter replied that there is only one vehicle in the home right now, so there is plenty of room for visiting vehicles. He explained that the efficiency unit was designed directly from the general housing section of the City Code, which allows for two occupants in 200 square feet of space. He did not know the exact difference between an efficiency unit and a home accessory apartment, but felt that because the space met the requirements for health and safety as stated in the housing code, two tenants should be allowed. He added there is no closet, but space in the form of an armoire would be provided.

Member Baltzer closed the public hearing.

Member Reis moved to recommend approval of Case No. 20-2-CUP with an amendment to condition seven to allow two tenants in the accessory dwelling unit. Member Enz seconded the motion. The motion passed by a vote of 5-0. Member Reinhardt lost connection.

- D. **Case No. 20-5-V:** A request by **Ranee Kostron** for a 3 foot 4 inch variance from the 6 foot height limit for a fence in the side and rear yard and 2 foot variance from the 4 foot height limit for a fence in a front yard, both per Code Section 1302.030, Subd.6, in order to construct a wooden fence along the east and north property lines that, at the maximum height is 9 feet 4 inches tall, at the property located at 3576 Jerry Street.

Crosby discussed the case. Staff recommended approval of the request.

Member Baltzer opened the public hearing.

Damian Kostron, son of applicant, noted that he and his mother have been trying to work with the owners of the store for years on a solution to the fence and this is the only resolution everyone has agreed to.

Member Baltzer closed the public hearing.

Member Lynch moved to recommend approval of Case No. 20-5-V. Member Berry seconded the motion. The motion passed by a vote of 6-0.

- E. **Case No. 20-3-CUP:** A request by **Lake Avenue Marina** for a Conditional Use Permit for an 8 slip marina with 2 transient slips, per Code Section 1303.227, Subd.4.f at the property located at 4453 Lake Avenue.

Crosby discussed the case. Staff recommended approval of the request.

Member Reis asked if staff knew the number of slips that were previously allowed. Crosby replied that the number changed over the years, but ultimately did not affect the number of required parking stalls. She described that at one point, there were eight slips and four transient slips, but transient slips are not counted towards parking. At another time, there were only six rental slips, but at one parking stall required for every four slips, the number of parking stalls required rounded up to two, so the current request mirrors what has been allowed in the past.

Member Baltzer opened the public hearing.

Pat Igo, in response to a question from Member Baltzer, confirmed he has received permission from both the White Bear Lake Conservation District and the Minnesota Department of Natural Resources (DNR).

Member Baltzer asked if the marina had obtained a permit from the DNR before putting rock down around the shoreline in recent years and whether proof of that permit could be shared with the City. Igo replied that the area hydrologist had stated no permit was needed for the project. The riprap was placed after buckthorn removal to stabilize the shore.

Member Baltzer closed the public hearing.

Member Reis suggested the case be tabled until the applicant provided proof that a permit from the DNR was not necessary.

Member Baltzer commented that it was his understanding that all work along the lakeshore required a permit from the DNR. Crosby added that because a portion of the work was done above the ordinary high water level (OHWL), City approval would have also been required. She was not aware of any such approval, but would check with other staff members.

Member Lynch moved to recommend approval of Case No. 20-3-CUP with the condition that evidence be supplied indicating the DNR did not require a permit for the shoreline work. Member Reis seconded the motion. The motion passed by a vote of 6-0.

- F. **Case No. 20-6-V:** A request by **White Bear Baseball Association** for a 970 square foot variance from the 30 square foot sign limit, per Code Section 1202.040, Subd.3.D.3, in order to allow up to 1,000 square feet of advertisement signage on the batting cages and outfield fence at Weyerhaeuser Park located at 1705 9th Street. **WITHDRAWN BY APPLICANT.**
- G. **Case No. 20-7-V:** A request by **John Grant on behalf of Robert Gross and Lydia Najera** for a 52 square foot variance from the 1,000 square foot maximum size for a primary accessory structure, per Code Section 1302.030, Subd.4.i.2.b, in order to expand the existing attached garage by 236 square feet at the property located at 1885 Orchard Lane.

Crosby discussed the case. Staff recommended approval of the request.

Member Baltzer opened the public hearing.

Robert Gross, 1885 Orchard Lane, applicant, noted that the addition to the garage will match the rest of the exterior, so will blend in well. He thanked the Commissioners for their consideration.

Member Baltzer closed the public hearing.

Member Enz moved to recommend approval of Case No. 20-7-V. Member Reis seconded the motion. The motion passed by a vote of 6-0.

- H. **Case No. 20-4-CUP & 20-8-V:** A request by **Celine Carlson** for a conditional use permit for a second curb cut, per 1302.050, Subd.4.h.9 and the following four variances: A 14 foot variance from the 20 foot setback for an attached garage, per Code Section 1302.030; A 3 foot variance from the 77.7 foot average lakeside setback for the home, per 1302.040, Subd.4.c; A 6.5 foot variance from the 69.7 foot lakeside setback for the unenclosed porch, per 1302.040, Subd.4.a.3; A 6.5 foot variance from the 72.7 foot lakeside setback for the second floor balcony, per 1302.040, Subd.4.a.5, all in order to construct a new single-family residence at the property located at 4312 Cottage Park Road.

Crosby discussed the case. Staff recommended approval of the conditional use permit request and three variances and denial of the garage setback variance.

Member Reis observed that, if approved, this property will have seven variances associated with it, after two variances were approved last year as a part of the lot split request. We have statutes to maintain a quality of life in White Bear Lake and it is up to the Planning Commission to interpret those statutes.

He commented that he is comfortable with the variances requested, except the garage setback variance. As he understands it, the variance is not required for reasonable use of the land as there

are other design options available. He asked staff what those options included. Crosby replied the applicants could reduce the size of the home in order to push the garage back.

Member Reinhardt recused himself due to a connection to parties involved in the case.

Member Enz stated that she appreciates the fact that the garage doors do not face the front, which allows the garage to look more like an extension of the house.

Member Lynch described that many of the houses he observed in the neighborhood did not have garages close to road. Those that did were older houses. He wondered if anything prohibited living space above the garage. Crosby replied that the house has different setbacks than the garage, so in order to put living space above, it would have to be pushed back even further.

Member Lynch concluded that there are a number of creative design options to adhere to the garage setback.

Member Baltzer opened the public hearing.

Celine Carlson, thanked staff and the Planning Commission for their time. She is happy to have been a member of the community for years and particularly loves the Cottage Park neighborhood.

Jean Rehkamp Larson, architect, described some of the challenges of building a home on the lot. Much of the design was based on the proximity of the neighboring homes, which are very close to the lot line. If the proposed garage faced the street, it would add to the already tight neighborhood. Turning the doors to the side allows for three or four cars to be parked off the street, while a front loading garage would only allow for two. She added that building the garage on the south side of the property allows the space to remain more open and airy on the north. She described that the gables were designed to keep with the dimensions of old houses. The gables and porch were designed to be lake-like and match the surrounding properties.

Member Baltzer closed the public hearing.

Member Reis stated that the comments by Member Enz, along with those of the applicants, swayed him to approve the garage setback variance.

Member Reis moved to recommend approval of Case No. 20-4-CUP & 20-8-V. Member Enz seconded the motion. The motion passed by a vote of 4-1. Member Lynch opposed. Member Reinhardt abstained.

- I. **Case No. 20-1-Z:** A **City-Initiated** text amendment to Zoning Code at Section 1303.120, Subd.3 “Permitted Accessory Uses” to clarify that the intent of line (a) is permitting accessory buildings, not a specific use within the building.

Member Lynch stated that he felt comfortable with staff’s recommendation.

Crosby discussed the case. Staff recommended approval of the text amendment.

Member Baltzer opened the public hearing. No one from the public spoke, so Member Baltzer closed the public hearing.

Member Berry moved to recommend approval of Case No. 20-1-Z. Member Reis seconded the motion. The motion passed by a vote of 6-0.

5. DISCUSSION ITEMS:

A. City Council Meeting Minutes of April 14, 2020.

No discussion

B. Park Advisory Commission Meeting Minutes of January 16, 2020.

No discussion

6. ADJOURNMENT:

Member Berry moved to adjourn, seconded by Member Lynch. The motion passed unanimously (6-0), and the April 27, 2020 Planning Commission meeting was adjourned at 8:30 p.m.

DRAFT