



**AGENDA**  
**REGULAR MEETING OF THE CITY COUNCIL OF**  
**THE CITY OF WHITE BEAR LAKE, MINNESOTA**  
**TUESDAY, JULY 14, 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 June 23, 2020

**3. APPROVAL OF THE AGENDA**

**4. VISITORS AND PRESENTATIONS**

A. Children's Performing Arts, Development Director Marlene Peterson

**5. PUBLIC HEARINGS**

Nothing scheduled

**6. LAND USE**

A. Consent

1. Consideration of a Planning Commission recommendation for approval of a request by Paula Frost for a special home occupation permit at 1904 4th Street. (Case No. 20-2-SHOP)
2. Consideration of a Planning Commission recommendation for approval of a request by Husnik Homes on behalf of Dave and Jane Linden for a variance at 4796 Bald Eagle Avenue. (Case No. 20-10-V)
3. Consideration of a Planning Commission recommendation for approval of a request by White Bear Area ISD 624 for a conditional use permit at 3551 McKnight Road. (Case No. 20-5-CUP)

B. Non-Consent

1. Consideration of a Planning Commission recommendation for approval of a request by White Bear Center for the Arts for a planned unit development at 4971 Long Avenue and 4953, 4962, 4970 & 4980 Division Avenue. (Case No. 20-1-PUD)

**7. UNFINISHED BUSINESS**

Nothing scheduled

**8. ORDINANCES**

Nothing scheduled

**9. NEW BUSINESS**

- A. Resolution regarding Goose Lake Access Agreement with VLWMO
- B. Resolution authorizing the City Manager to order repairs and maintenance to the Armory elevator

**10. CONSENT**

- A. Acceptance of Minutes: May Park Advisory Commission, May Environmental Advisory Commission, June Planning Commission

**11. DISCUSSION**

- A. Racial equity discussion – public engagement
- B. Use of masks in indoor settings

**12. COMMUNICATIONS FROM THE CITY MANAGER**

**13. ADJOURNMENT**



**MINUTES  
REGULAR MEETING OF THE CITY COUNCIL  
OF THE CITY OF WHITE BEAR LAKE, MINNESOTA  
TUESDAY, JUNE 23, 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 7:00 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 for Councilmembers: Doug Biehn, Kevin Edberg, Steven Engstran, Dan Jones and Bill Walsh. Staff in attendance were Assistant City Manager Rick Juba, Community Development Director Anne Kane, Public Works Director/City Engineer Paul Kauppi, Finance Director Kerri Kindsvater, City Clerk Kara Coustry and City Attorney Troy Gilchrist.

**2. APPROVAL OF MINUTES**

A. Minutes of the Regular City Council Meeting on June 9, 2020

It was moved by Councilmember **Biehn** seconded by Councilmember **Jones**, to approve the Minutes of the Regular City Council Meeting on June 9, 2020.

- Walsh Aye
- Biehn Aye
- Jones Aye
- Edberg Aye
- Engstran Aye

Motion carried unanimously.

**3. APPROVAL OF THE AGENDA**

Assistant City Manager Juba added 9D, a resolution suspending solicitor’s permits for door-to-door sales.

It was moved by Councilmember **Edberg** seconded by Councilmember **Jones**, to approve the Agenda as amended.

- Walsh Aye
- Biehn Aye
- Jones Aye
- Edberg Aye
- Engstran Aye

Motion carried unanimously.

**4. VISITORS AND PRESENTATIONS**

Nothing scheduled

**5. PUBLIC HEARINGS**

Nothing scheduled

**6. LAND USE**

Nothing scheduled

**7. UNFINISHED BUSINESS**

Nothing scheduled

**8. ORDINANCES**

Nothing scheduled

**9. NEW BUSINESS**

A. Resolution accepting White Bear Lions Club donation for an All Abilities Park

Assistant City Manager Juba reported that the White Bear Lions Club donated \$25,000 toward an All Abilities Park. He added, they had donated \$25,000 in 2019, so this is the second donation for a total of \$50,000. Mr. Juba said the All Abilities Park is being planned at Lakewood Hills Park for an estimated cost of \$200,000 to \$300,000. He mentioned that staff, the Parks Commission and the White Bear Lions Club continue to seek funding and grant opportunities for this project.

Councilmember Edberg expressed gratitude for the gift but asked how Lakewood Hills was selected as a tentative location for the All Abilities Park. City Engineer Kauppi said the initial thought was this site contains ample parking with the ability to stripe more handicapped stalls. Parking is also close to an open area large enough to hold specialize playground equipment and next to an existing playground area, so children can play together.

Mayor Emerson expressed support for the All Abilities Park and thanked the White Bear Lions Club for their donation.

It was moved by Councilmember **Engstran**, seconded by Councilmember **Edberg** to adopt **Resolution No. 12600** accepting White Bear Lions Club donation for an All Abilities Park.

Walsh Aye  
Biehn Aye  
Jones Aye  
Edberg Aye

Engstran Aye

Motion carried unanimously.

B. Resolution accepting bids and awarding contract for the 2020 Miscellaneous Concrete Project, City Project No. 20-05

Public Works Director/City Engineer Kauppi forwarded the Engineering Department's recommendation to fix miscellaneous concrete repairs such as sidewalks, pedestrian ramps, snowplow damage, freeze/thaw damage, curb repairs, areas holding water, etc. Mr. Kauppi noted repairs to the concrete apron at Fire Station 2 and its adjacent sidewalk will be charged to the Municipal Building fund. He reported, five quotes were received on June 17, 2020 for the 2020 Miscellaneous Concrete Project, with L'Allier Concrete Inc. of Hugo, MN submitting the lowest quote of \$58,744.00.

It was moved by Councilmember **Jones**, seconded by Councilmember **Edberg** to adopt **Resolution No. 12601** accepting bids and awarding contract for the 2020 Miscellaneous Concrete Project, City Project No. 20-05.

Walsh Aye  
Biehn Aye  
Jones Aye  
Edberg Aye  
Engstran Aye

Motion carried unanimously.

C. Resolution approving a General Obligation Bond Sale

Finance Director Kindsvater provided the following report:

City Council approved the sale of \$4,880,000 at the May 12, 2020 Council meeting, to finance the 2020 Street Improvement Projects, the improvements to the north water tower, a ladder truck purchase for the fire department and a Public Works dump truck purchase.

Staff has been working through the bond sale process with Ehlers and Associates. During this process, S&P Global Ratings affirmed the City's bond rating at AA+ for the current issue and all outstanding bond issues based on their review of the City's budget, annual financial report, long range planning document and the capital improvement plan.

These strong ratings are attributable to the City Council's accomplishments in implementing long-range plans through the Financial Management Plan and the Capital Improvement Plan in recent years.

S&P also stated they believe the city maintains sufficient reserves to mitigate immediate pressures associated with the uncertainty of the pandemic and subsequent recession due

to consecutive years of surplus operating results. The positive operating results are due to the commitment to strong financial policies and conservative budgeting.

The AA+ rating is one-step below AAA, the highest rating available. In order to achieve an AAA rating from S&P, the City would need to add tax capacity and increase their reserve balances.

Five investment firms bid on the City's bond sale today, with the top three bids being competitive within .0140% variance between true interest costs. The lowest bid came from BAIRD in Milwaukee, Wisconsin with a true interest cost of 1.4007%. This rate is 96 basis points lower than original financial projections created by Ehlers and Associates. Incidentally, BAIRD is the firm who purchased our 2019 issue.

The bid included a premium component in which the City could choose to retain the original \$4.880 million sale, or reduce the bond issue by the premium amount to keep the true interest cost lower. Staff chose to reduce the bond sale issue by the premium to make the new issue \$4,440 million. This bond reduction decreased the total principal and interest amount due over the life of the bond by \$598,135, which in turn reduces the average annual levy requirement.

The timing of our bond sale worked well with where the market is right now. The volatility in the stock market has investors seeking general obligation municipal bonds. Our good bond rating paired with the high demand for municipal bonds and low volume of bond sales this week really helped us receive a competitive bid.

Councilmember Biehn received clarification from Ms. Kindsvater that 97 basis points less than projected amounted to about 1%.

It was moved by Councilmember **Biehn** seconded by Councilmember **Jones** to adopt **Resolution No. 12602** approving a General Obligation Bond Sale.

Walsh Aye  
Biehn Aye  
Jones Aye  
Edberg Aye  
Engstran Aye

Motion carried unanimously.

D. Resolution suspending door-to-door solicitor's permits

Assistant City Manager Juba reported that staff received an application for door to door solicitation, which is an activity that requires a city-issued permit. He explained it was unclear from the governor's order whether door to door sales is allowed. Mr. Juba relayed staff's concern over a poor perception of city-issued door to door sales permits during a pandemic. He mentioned other cities have suspended this activity during their local emergency and forwarded staff's recommendation to temporarily suspend issuance of door to door sales permits.

Councilmember Edberg stated there is an aspect of personal responsibility and those who do not wish to receive solicitors do not have to open their doors. He mentioned being home when one of the last solicitors came by and noted they were respectful and maintained proper distance.

Councilmember Walsh agreed, mentioning that as a political consultant assisting with thousands of door knocks in June, he reported overwhelmingly receptive people who were ready to talk and very few people who were unwilling to talk. He did not support the resolution and took issue with staff's suggestion that door to door solicitors can telework when their job is to knock on doors.

Councilmember Jones stated he sees both sides and expressed concern that his parents would open the door. He clarified that the purpose for this proposed suspension is out of respect, not fear.

Councilmember Biehn was conflicted, but added that during a recent door to door encounter, the solicitor was respectful and did step back from the door.

Mayor Emerson does not answer the door, but relayed that some of her neighbors have been extremely uncomfortable with this and do not want strangers on their doorsteps at this time.

City Attorney Gilchrist mentioned the City's Ordinance does provide that if a 'no solicitor's sign is posted at the residence, solicitors are not permitted to knock.

No action was taken by the Council.

## 10. CONSENT

- A. Acceptance of April Minutes of the White Bear Lake Conservation District
- B. Resolution accepting the 2019 Comprehensive Annual Finance Report (CAFR). **Resolution No. 12603**
- C. Resolution accepting work and authorizing final payment to Forest Lake Contracting, Inc. for the completion of the 2018 Street Reconstruction Project, City Project No; 17-04, 18-01 & 18-06. **Resolution No. 12604**

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

## 11. DISCUSSION

### A. Manitou Days

Assistant City Manager Juba explained that summer events are starting to be cancelled despite the work of many dedicated people putting forth great effort organizing them. He said Marketfest announced it was cancelling and the Manitou Days Parade has also been cancelled after first attempting to restructure it as a stationary drive-by parade. The Fireworks Committee announced postponement of the fireworks to August 21<sup>st</sup>.

Mr. Juba attributed these decisions to several factors including concern over COVID-19, the need for social distancing and permitted crowd sizes at any given point in time, civil unrest and the availability of City resources. He explained there will still be some virtual Manitou Days events, as well as the medallion hunt and kids fishing contest.

Councilmember Walsh questioned why reliance on City resources was a factor in decisions by these volunteer committees to cancel events. Mr. Juba explained that throughout the pandemic, there continues to be an emphasis for Police and Fire operations to maintain, when possible, separation from people in an effort to avoid a rapid spread. He added, if someone were to become sick in these small departments, it would quickly disable limited staff resources in public safety. He noted the importance of keeping public safety staff healthy so they can continue to perform their core functions.

Councilmember Jones said he would cancel the fireworks too, noting that public safety staff are out in the community exposing themselves already and there is no need to create more reasons for increasing their exposure. He appreciated all the efforts that volunteers have given toward planning these events to date, but these are burning staff time at this point.

Mayor Emerson appreciated the work done by these committees, but noted that public safety and public works are stretched thin already and should not be going out into the community unnecessarily. She mentioned other cities have cancelled their festivals and we can look forward to these events next year.

## 12. COMMUNICATIONS FROM THE CITY MANAGER

### ➤ License Bureau Services

Regarding ongoing challenges with the economics of continuing to provide driver's license services, appointments have been limited to reduce the losses incurred for providing these services. There continues to be a large demand for these services because most area DMV's are accepting limited in-person services for driver's license transactions in order to mitigate losses.

Staff does not recommend going to a limited driver's license service model at this time. Once more profitable dealer work returns, more driver's license services can be provided as the costs would be offset. The breakeven for driver's license services amounts to \$19.00/transaction compared to state reimbursement of \$8.00/transaction. Prior to mid-March the City was processing 100 driver's license transactions per day, but now has limited the number of these appointments to 10-20/day.

There was discussion about notifying the legislators of this issue.

## 13. ADJOURNMENT

There being no further business before the Council, it was moved by Councilmember **Walsh** seconded by Councilmember **Jones** to adjourn the regular meeting at 7:56 p.m.



Walsh Aye  
Biehn Aye  
Jones Aye  
Edberg Aye  
Engstran Aye

Motion carried unanimously

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Jo Emerson, Mayor

**ATTEST:**

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Kara Coustry, City Clerk



**City of White Bear Lake**  
Community Development Department

***MEMORANDUM***

**To:** Ellen Hiniker, City Manager

**From:** The Planning Commission

**Through:** Ashton Miller, Planning Technician

**Date:** July 8, 2020 for the July 14, 2020 City Council Meeting

**Subject:** **Frost Special Home Occupation Permit – 1904 4<sup>th</sup> Street  
Case No. 20-2-SHOP**

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**REQUEST**

Special Home Occupation Permit to operate a massage therapy business out of a single-family residence.

**SUMMARY**

No one other than the applicant spoke. On a 5-0 vote, the Planning Commission recommended approval as requested by the applicant.

**RECOMMENDED COUNCIL ACTION**

Approval of the attached resolution.

**ATTACHMENT**

Resolution of Approval

**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION APPROVING  
A SPECIAL HOME OCCUPATION PERMIT FOR PAULA FROST  
AT 1904 4<sup>th</sup> STREET  
WITHIN THE CITY OF WHITE BEAR LAKE, MINNESOTA**

**WHEREAS**, a proposal (20-2-SHOP) has been submitted by Paula Frost to the City Council requesting a Special Home Occupation Permit of the City of White Bear Lake for the following location:

**LOCATION:** 1904 4<sup>th</sup> Street

**LEGAL DESCRIPTION:** The north 139 feet of Lot 50 except the east 90 feet thereof and except the west 30 feet thereof for Wood Avenue, Oakhurst Acres. (PID # 143022310030)

**WHEREAS, THE APPLICANT SEEKS THE FOLLOWING RELIEF:** A Special Home Occupation Permit to allow a massage therapy business out of a single-family home, per Code Section 1302.120, Subd.4; and

**WHEREAS**, the Planning Commission has held a public hearing as required by the city Zoning Code on June 29, 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.
7. That the special conditions attached in the form of a conditional use permit are hereby approved.

**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 1302.120, Subd.3, if within one (1) year after granting the Home Occupation Permit, the use as allowed by the permit is not established, 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 permit is issued for a one-year period with the expiration date being **June 29, 2021**, before which the permit may be renewed, in accordance with the procedural requirement of the initial home occupation.
4. The applicant shall not have the vested right to a permit by reason of having obtained a previous permit. In applying for and accepting a permit, the permit holder agrees that her monetary investment in the home occupation will be fully amortized over the life of the permit and that a permit renewal will not be needed to amortize the investment. Each application for the renewal of a permit will be considered *de novo* without taking into consideration that a previous permit has been granted. The previous granting of renewal of a permit shall not constitute a precedent or basis for the renewal of a permit.
5. Permits shall not run with the land and shall not be transferable.
6. The business shall comply with all provisions of the Home Occupation Section of the Zoning Code (Section 1302.125).
7. The applicant shall comply with applicable building, fire and health department codes and regulations.
8. The applicant shall maintain a Massage Therapist License and Massage Therapy Establishment License with the City for the duration of the home occupation.

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

Ayes:  
Nays:  
Passed:

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Jo Emerson, Mayor

**ATTEST:**

\_\_\_\_\_  
Kara Coustry, City Clerk

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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.

\_\_\_\_\_  
Paula Frost

\_\_\_\_\_  
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:** July 8, 2020 for the July 14, 2020 City Council Meeting

**Subject:** **Husnik/Linden Variance – 4796 Bald Eagle Avenue, Case No. 20-10-V**

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**REQUEST**

A five foot variance from the 25 foot setback required along a side abutting a public right-of-way in order to construct a new single-family residence.

**SUMMARY**

No one from the public spoke. On a 5-0 vote, the Planning Commission recommended approval as requested by the applicant.

**RECOMMENDED COUNCIL ACTION**

Approval of the attached resolution.

**ATTACHMENT**

Resolution

**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION GRANTING A SETBACK VARIANCE  
FOR 4796 BALD EAGLE AVENUE  
WITHIN THE CITY OF WHITE BEAR LAKE, MINNESOTA**

**WHEREAS**, a proposal (20-10-V) has been submitted by Dave and Jane Linden 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:** 4796 Bald Eagle Avenue

**LEGAL DESCRIPTION:** Lot 1, Block 4, Murray's Addition, Ramsey County, Minnesota (PID: 143022420012)

**WHEREAS, THE APPLICANT SEEKS THE FOLLOWING:** A 5-foot variance from the 25-foot setback required along a side abutting a public right-of-way, per Code Section 1303.060, Subd.5.c.2, in order to construct a new single-family residence; and

**WHEREAS**, the Planning Commission held a public hearing as required by the Zoning Code on June 29, 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.

Prior to the issuance of a building permit, the applicant shall:

5. Submit tree preservation calculations and a replacement plan, subject to staff approval.

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.



Dave Linden / Jane Linden

Date

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**City of White Bear Lake**  
Community Development Department

# *MEMORANDUM*

**To:** Ellen Hiniker, City Manager

**From:** The Planning Commission

**Through:** Anne Kane, Community Development Director

**Date:** July 9, 2020 for the July 14, 2020 City Council Meeting

**Subject:** **Case No. 20-5-CUP: White Bear Area ISD 624/Gymnasium Addition to South Campus at 3551 McKnight Road**

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## **REQUEST**

A Conditional Use Permit to allow an approximately 19,200 square foot gymnasium addition to the South Campus of White Bear Lake High School.

## **SUMMARY**

No one from the public spoke to the matter during the Public Hearing. Two neighbors expressed concern with the need for the facility and financing the project via e-mail in advance of the meeting. The Commission clarified that the project will be funded through the voter-approved school bond referendum. On a 5-0 vote, the Planning Commission recommended approval of the conditional use permit.

## **RECOMMENDED COUNCIL ACTION**

Approval of the attached resolution.

## **ATTACHMENT**

Resolution

**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION APPROVING A CONDITIONAL USE PERMIT  
FOR WHITE BEAR LAKE SOUTH CAMPUS HIGH SCHOOL  
WITHIN THE CITY OF WHITE BEAR LAKE, MINNESOTA**

**WHEREAS**, a proposal (20-5-CUP) has been submitted by The White Bear Lake Area Public School District #624 to the City Council requesting approval of a conditional use permit for the following location:

**LOCATION:** 3551 McKnight Road

**LEGAL DESCRIPTION:** [to be inserted]

**WHEREAS, THE APPLICANT SEEKS THE FOLLOWING PERMIT:** A conditional use permit, per Code Section 1303.245, Subd.2.c.4, to allow a 19,400 square foot gymnasium addition on the northwest corner of the existing building; and

**WHEREAS**, the Planning Commission has held a public hearing as required by the city Zoning Code on June 29, 2020; and

**WHEREAS**, the City Council has considered the advice and recommendations of the Planning Commission regarding 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. The traffic generation will be within the capabilities of the streets serving the site.
7. The special conditions attached in the form of conditional use permits are hereby approved.

**FURTHER, BE IT RESOLVED**, that the City Council of the City of White Bear Lake hereby approves the conditional use permit, 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.
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.
4. The applicant shall obtain any necessary building permits prior to beginning any work.

Prior to the issuance of a building permit, the applicant shall:

5. Provide additional information and calculations as required by the Engineering Department, detailed in the attached memo dated June 15, 2020.
6. Provide additional information and details as required by the Fire Marshal, detailed in the attached memo dated May 20, 2020.
7. Ensure plans comply with the 2020 Minnesota State Building Code.
8. Provide evidence of project approval from the Ramsey-Washington Metro Watershed District.
9. Provide a SAC determination from the Metropolitan Council.
10. Submit a landscaping plan, including details on the plantings proposed for the infiltration basin, for staff review and approval.
11. A separate sign permit for exterior signage will be required.
12. Submit lighting details and a photometric plan for staff review and approval. All new or relocated lights shall be shielded so that the light source is not visible from surrounding residences.

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

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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.

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Title



**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:** July 8, 2020 for the July 14, 2020 City Council Meeting

**Subject:** **White Bear Center for the Arts - Case No. 20-1-PUD  
4953, 4962, 4970 & 4980 Division Avenue and 4971 Long Avenue**

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**REQUEST**

Both General Concept Stage and Development Stage approval of a Planned Unit Development to expand the existing community center and parking lot.

**SUMMARY**

No one from the public spoke. On a 5-0 vote, the Planning Commission recommended approval of the request with the removal of one condition and modification of another. Since the Planning Commission meeting, White Bear Center for the Arts (WBCA) submitted the attached letter.

**RECOMMENDED COUNCIL ACTION**

Approval of the attached resolution.

**ATTACHMENTS**

Revised Resolution  
WBCA Letter

**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION APPROVING  
PLANNED UNIT DEVELOPMENT FOR  
4952, 4962, 4970, 4980 DIVISION AVENUE  
AND 4971 LONG AVENUE  
WITHIN THE CITY OF WHITE BEAR LAKE, MINNESOTA**

**WHEREAS**, a proposal (20-1-PUD) has been submitted by The White Bear Center for the Arts to the City Council requesting approval of a Planned Unit Development for the following location:

**LOCATION:** 4952, 4962, 4970 & 4980 Division Avenue and 4971 Long Avenue,  
and 4971 Long Avenue

**LEGAL DESCRIPTION:** Attached as Exhibit A

**WHEREAS, THE APPLICANT SEEKS THE FOLLOWING:** Both General Concept Stage and Development Stage approval of a Planned Unit Development to allow the expansion of the existing community center and parking lot in a residential zoning district, per Code Section 1301.070; and

**WHEREAS**, the Planning Commission has held a public hearing as required by the city Zoning Code on June 29, 2020; and

**WHEREAS**, the City Council has considered the advice and recommendations of the Planning Commission regarding the effect of the proposed Planned Unity Development (PUD) 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.
7. The special conditions attached in the form of a PUD are hereby approved.

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

1. All application materials, maps, drawings, and descriptive information submitted with this application shall become part of the permit – including items which were not attached to the Planning Commission and City Council packets.
2. Per Section 1301.050, Subd.4, if within one (1) year after granting the Planned Unit Development, 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 submitted in writing at least one month prior to the expiration date.
3. This Planned Unit Development 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 parcels are to be considered a part of the site and may not be sold separately from the WBCA without prior approval from the City.
5. ~~The applicant agrees to work with the City to identify opportunities to restore the four lost residential units on the property. If an opportunity to restore residential units on the property is identified that the applicant determines is reasonable and does not interfere with its facility, it agrees to participate in implementing the option.~~
6. The emergency vehicle access shall be maintained free of snow and other obstacles year round. Plowing should be limited to construction hours as much as possible (7:00 am to 10:00 pm), and street sweeping should be conducted only between 8:00 am to 9:00 pm.
7. The existing wells shall be properly abandoned, and the sewer and water capped.
8. No outdoor storage or supplies or materials is requested or approved.
9. The City and the applicant shall monitor the parking situation. Should problems arise from too much on-street parking generated by the Center, the applicant agrees to ~~adjust class times, the number of classes, the number of students per class, work with neighboring properties to share parking~~ **make programmatic adjustments**, or other mitigating measures as necessary to correct the situation **to the satisfaction of the City**. ~~If the solution involves sharing parking with Lakeshore Players, a portion of the existing fence along the south property line shall be removed and an accessible sidewalk installed to create a pedestrian connection between the two lots.~~
10. Trees planted in area of Phase II building addition shall be relocated/transplanted within the property limits prior to the issuance of a building permit for phase II.



11. All trash receptacles and mechanical equipment, either roof or ground mount, shall be screened from view.
12. The applicant shall obtain any necessary permits prior to construction. Erosion control and tree protection to be installed and inspected prior to construction.

Prior to the issuance of a construction permit, the applicant shall:

13. Either the Watershed District boundaries will be reconfigured, the building plan revised to meet the requirements of a building that crosses a lot line, or some other solution acceptable to City Staff.
14. Final plans shall comply with Engineering Memo dated June 11, 2020, subject to review and approval by the City Engineer,
15. Provide a final site plan including:
  - a. Identify the location of a bike rack which can hold at least 4 bicycles and provide a spec sheet for the type of rack proposed.
  - b. The 6 foot privacy fence along the south property line shall end or drop down to 4 feet in height even with the front building wall of the adjacent residence to the south. subject to staff approval.
16. Provide a final landscape plan including:
  - a. Trees transplanted from 4791 Long site may not be counted towards replacement inches until it can be verified that excess inches were planted with the original project.
  - b. Existing trees impacted by grading may not be counted as preserved.
  - c. If tree planting is intended to be a “multi-phased approach” a phasing plan is required.
  - d. Provide required parking lot screening shrubs.  
revised plan subject to staff approval.
17. Tree protection fencing shall be installed and inspected prior to issuance of a permit.
18. Provide a final lighting plan with photometric and fixture details, subject to staff review and approval. The concrete base for the light poles shall be minimized to 6 inches in height or otherwise camouflaged. Maximum height for the light fixture on the poles shall be 20 feet. Kelvin shall not exceed 3,500. Fixtures shall be low glare. The use of up-lighting is discouraged and subject to staff approval. Except for security lighting, lights shall be turned off within an hour after close.
19. Extend a letter of credit consisting of 125% of the outside improvements, which renews automatically every 6 months, as a surety for the installation of the proposed exterior

improvements. Amount of letter to be approved by city staff, based on a cost estimate provided by the applicant, prior to the issuance of the letter of credit.

- 20. Provide proof of project approval from the appropriate Watershed District.
- 21. Provide a SAC determination letter from the Metropolitan Council

Prior to the release of the letter of credit:

- 22. Provide an as-built plan consistent with the City’s 2019 record drawing requirements.
- 23. Enter into a Stormwater Operation and Maintenance Agreement with the City.
- 24. All exterior improvements must be installed.
- 25. All landscaping must have survived at least one full year.
- 26. The applicant shall provide proof (ie: a receipt) of having recorded the following documents with the County Recorder’s office:
  - a. The Stormwater Operation and Maintenance Agreement
  - b. The Certified copy of the Resolution of Approval.

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.

---

Suzi Hudson, Executive Director

Date

**EXHIBIT A**  
**LEGAL DESCRIPTION**

The South 100 feet of Lot 3, Block 3, except the East 355.05 feet thereof, Auditor's Subdivision No. 48, Ramsey County Minnesota. (PID NO. 143022110052)

Lot 4, Block 3, Auditor's Subdivision No. 48, Ramsey County, Minnesota. (PID NO. 143022110076)

The North 50 feet of Lot 12, as measured along the west line of said Block 3, Auditor's Subdivision No. 48. (PID NO. 143022110049)

Lot 13, Block 3, Auditor's Subdivision No. 48, Ramsey County, Minnesota. (PID NO. 143022110050)

Lot 14, Block 3, Auditor's Subdivision No. 48, Ramsey County, Minnesota. (PID NO. 143022110051)

**From:** Suzi Hudson <[suzi@whitebeararts.org](mailto:suzi@whitebeararts.org)>  
**Date:** July 8, 2020 at 2:23:39 PM CDT  
**To:** mayor <[mayor@whitebearlake.org](mailto:mayor@whitebearlake.org)>  
**Subject:** WBCA's PUD Application

Dear Honorable Mayor Emerson,

The White Bear Center for the Arts (WBCA) is thrilled with the decision of the Planning Commission on June 29, 2020, recommending the approval of our recent PUD application. This PUD will go before the City Council for consideration on July 14<sup>th</sup>.

On behalf of the Board of Directors and members of our community, we believe deeply in the vision and goals of a thriving Arts District in our City. Our strategic plan calls for the expansion of arts education and access thereto and this expansion will operate to achieve that goal for the community. We are especially grateful for the tremendous generosity and investment of local donors who have committed funding for this project and are investing in the cultural future of the community.

Along with an expanded parking lot, the plans include an addition to WBCA's current building. The addition includes a new gallery, spacious atrium / community space, administrative offices and a ceramic clay department with two, large classroom studios. Since moving into our building in 2013, WBCA's clay programs have grown over 500%. The current clay studio has reached capacity for the growing clay program and will be repurposed as a multi-use studio classroom.

WBCA's strong partnership with the White Bear Area School District has built important opportunities and programs for youth. This project will remodel the current gallery to a large classroom and a space that will better serve school children who frequently make field trips to WBCA.

The campus will provide beautiful park-like grounds for outdoor programs and events. The grounds are designed with areas for quiet, contemplative walks as well as outdoor classes and community events. Public art and an accessible labyrinth are key features. The campus will add to the overall opportunities of the Arts District to serve the public.

WBCA values our long-term partnership with the City of White Bear Lake. We are confident the Arts District will continue to bring important economic vitality to the City. Most importantly, the arts increase the quality of life in a community. They help build pride and strengthen the bonds of community by connecting people, building understanding and nurturing imagination. These values are core to our mission and are so important to families and creative businesses looking to invest in our community. Through this planned expansion, WBCA looks forward to building on the positive social, economic and cultural opportunities for the community.

Thank you for all you do for the City of White Bear Lake. If you have any concerns or questions regarding WBCA's PUD application, please call Suzi Hudson, WBCA's Executive Director at 651-263-6177.

It is WBCA's honor to bring this project to our community.

Sincerely yours,

Alan Kantrud, WBCA Board Chair  
Karen Kepple, WBCA Board Vice-Chair, Facilities Committee Chair  
Suzi Hudson, WBCA Executive Director



City of White Bear Lake  
City Engineer's Office

## MEMORANDUM

**To:** Ellen Hiniker, City Manager

**From:** Connie Taillon, Environmental Specialist/Water Resources Engineer

**Date:** July 8, 2020

**Subject:** **Resolution Approving a Memorandum of Agreement for the Construction, Operation, and Maintenance of a Boat Launch Access on East Goose Lake**

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### SUMMARY

The City of White Bear Lake and Vadnais Lake Area Water Management Organization (VLAWMO) would like to enter into a Memorandum of Agreement for the construction, operation, and maintenance of a limited access boat launch on City owned right-of-way adjacent to East Goose Lake at Highland Avenue. The two entities share water quality and ecological goals for East Goose Lake and wish to facilitate access for VLAWMO to conduct its necessary partnership-based water quality management activities.

The property will require grading and construction of a boat launch to allow for reasonable lake access. City staff has been working with VLAWMO in drafting the Memorandum of Agreement, which grants VLAWMO and its contractors the right to occupy the right-of-way to complete the necessary construction and to operate and maintain the boat launch. VLAWMO will be responsible for all work related to design, construction, operation, and maintenance of the boat launch. The City has offered to assist with tree removal and hauling and disposal of excess materials during construction.

### RECOMMENDED COUNCIL ACTION

Staff recommends that the City Council adopt the attached Resolution approving the Memorandum of Agreement for the East Goose Lake boat launch access.

### ATTACHMENTS

Resolution

**RESOLUTION NO.:**

**RESOLUTION APPROVING THE MEMORANDUM OF AGREEMENT WITH  
VADNAIS LAKE AREA WATER MANAGEMENT ORGANIZATION FOR EAST  
GOOSE LAKE BOAT LAUNCH ACCESS**

WHEREAS, East Goose Lake has poor water quality and is listed for nutrient impairment on the State’s Impaired Waters list; and

WHEREAS, Water quality improvement activities for East Goose Lake are identified as a priority in both the Vadnais Lake Area Water Management Organization (VLAWMO) Watershed Management Plan and the City’s Local Surface Water Management Plan and MS4 permit; and

WHEREAS, the City and VLAWMO wish to facilitate access to East Goose Lake for VLAWMO to conduct its necessary partnership-based water quality management activities; and

WHEREAS, the City owns the right-of-way (ROW) adjacent to East Goose Lake at Highland Avenue; and

WHEREAS, the City is willing to grant VLAWMO and its contractors a license over the ROW to construct and operate a boat launch access in accordance with the terms and conditions of the Memorandum of Agreement; and

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

1. The Council hereby approves the Memorandum of Agreement with Vadnais Lake Area Water Management Organization for East Goose Lake Boat Launch Access at Highland Avenue.

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 Manager's Office

## MEMORANDUM

**To:** Ellen Hiniker, City Manager  
**From:** Rick Juba, Assistant City Manager  
**Date:** July 9, 2020  
**Subject:** Armory Elevator Corrections

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### SUMMARY

The State of Minnesota Department of Labor and Industry does periodic compliance inspections on elevators in both public and private buildings. Maintenance and safety of elevators are regulated by the Minnesota State Building Code. On June 18, an inspector from the Minnesota Department of Labor and Industry performed an inspection on the elevator at the Armory. He issued a correction notice for several items and a sixty day window to have the corrections done. The elevator is allowed to stay in operation between the orders being issued and the repairs taking place, indicating that none of the issues are imminent safety threats which would take the elevator out of service.

The City does retain a contractor to inspect the elevators in all City facilities twice per year. Staff is currently looking into the gap between the contractor's annual inspections and the state's compliance requirements. The City's contractor reviewed the compliance order and quoted the City \$11,924 for the required corrections. They also suggested that because of the extensive work that the state is requiring, that the City take the opportunity to replace the main cable which is not required but will need to be done in the near future. This brings the total repairs to \$17,797.

This is being brought to the City Council because it is an unbudgeted expense. Armory revenues have been limited this year due to the pandemic. If the Armory fund balance falls short, this expense would be assigned to the Municipal Building fund.

### RECOMMENDED COUNCIL ACTION

Staff recommends approval of the attached resolution authorizing the City's contractor to make the necessary elevator repairs totaling \$17,797.

### ATTACHMENTS

Resolution

**RESOLUTION NO.**

**RESOLUTION AUTHORIZING THE CITY MANAGER TO ORDER  
REPAIRS AND MAINTENANCE TO THE ARMORY ELEVATOR**

**WHEREAS**, the State of Minnesota Department of Labor and Industry inspected the elevator at the Armory on June 18, 2020 for safety and maintenance compliance; and

**WHEREAS**, the City of White Bear Lake owns and operates the Armory and is responsible for compliance with the State Building Code related to elevators; and

**WHEREAS**, the total repairs mandated by the State of Minnesota and suggested by the City's contracted elevator repair and maintenance company will cost \$17,797.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of White Bear Lake hereby authorizes the City Manager authorize the City's elevator maintenance and repair company to complete all repairs mandated by the state and recommended by the City's contractor for a total of \$17,797.

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: May 20, 2020	Time: 6:30pm	Location: WBL City Hall
COMMISSION MEMBERS PRESENT	Sheryl Bolstad, Chris Greene, Bonnie Greenleaf, Rick Johnston, Gary Schroeher (Chair), Robert Winkler	
COMMISSION MEMBERS ABSENT		
STAFF PRESENT	Connie Taillon, Environmental Specialist	
VISITORS	Beth Markhart, Lawns to Legumes Coach	
NOTETAKER	Connie Taillon	

### 1. CALL TO ORDER

The meeting was called to order at 6:39 pm.

### 2. APPROVAL OF AGENDA

The commission members reviewed the agenda and had no changes. Commissioner Bolstad moved, seconded by Commissioner Greene, to approve the agenda as presented.

#### Roll call vote:

Bolstad: Aye  
Greene: Aye  
Greenleaf: Aye  
Johnston: Absent  
Schroeher: Aye  
Winkler: Aye

Motion carried.

### 3. APPROVAL OF MINUTES

#### a) April 15, 2020 regular meeting

The commission members reviewed the April 15, 2020 draft minutes, and Rick Johnston in an email added language to item 7f. Yard Waste to state that the trash hauler call center "said they didn't know and to hold the yard waste and they would eventually pick it all up. He reported that a neighbor had recently called them and had been told to throw the yard waste in the trash". Commissioner Bolstad moved, seconded by Chair Schroeher, to approve the April 15, 2020 minutes as amended.

#### Roll call vote:

Bolstad: Aye  
Greene: Aye  
Greenleaf: Aye  
Johnston: Absent  
Schroeher: Aye  
Winkler: Aye

Motion carried.

*Commissioner joined the meeting*

#### 4. VISITORS & PRESENTATIONS

Beth Markhart – Lawns to Legumes program. Beth introduced herself and described the Lawns to Legumes Program. The program is a state initiative that funds individual and community level grants to convert lawns to pollinator friendly native plant gardens, bee lawns, native woodlands, or prairies. The program is funded through this year, and the program hopes to provide funding into next year. Beth lives in the City of White Bear Lake and she was asked to be a Lawns to Legumes coach. In this role, she provides support for grant recipients and helps to guide their project and answer questions. Commission members asked what the EAC can do, and if they can apply for a grant. Beth stated that the EAC can help market the program and also identify a neighborhood that might want to apply for a community grant. The next round of community grant funds will be available this fall. A 25% grant match is required. Beth offered to support the City through the community grant process. Chair Schroeher mentioned that he would like to see a pollinator demonstration project in the City. Commissioner Greenleaf suggested the fire station at County Road E as one possible location. She also suggested that staff discuss this program with the Parks Commission.

#### 5. UNFINISHED BUSINESS

##### a) Environmental Resources Expo – July 30th

Staff stated that the Marketfest coordinator set aside the July 30<sup>th</sup> Marketfest for the Environmental Resource Expo. Commission members discussed whether or not to hold the Expo at Marketfest this year due to Covid-19 risks to exhibitors and the public. Commissioner Greene requested that staff ask the organizer if the Expo space will be useful for other vendors. Commissioner Greenleaf moved, seconded by Commissioner Johnston, to delay the Expo until 2021 and to direct staff to contact the Marketfest coordinator.

##### Roll call vote:

Bolstad: Aye

Greene: Aye

Greenleaf: Aye

Johnston: Aye

Schroeher: Aye

Winkler: Abstain

##### Motion carried.

Commission members discussed contacting last year's exhibitors about the cancellation and to invite them to the 2021 Expo. In lieu of the Expo, a regular monthly meeting will be scheduled on July 15<sup>th</sup> at 6:30pm.

##### b) Work plan high priority goals

- Expo exhibit upgrades: tent weights, banner, battery powered lawn equipment displays

The commission members discussed exhibit upgrades for the 2021 Expo, and decided to revisit this goal in the fall.

- Downtown area recycling containers

Staff has an email in to the County asking if they still offer a public space recycling container grant.

- Pollinator plantings on City property

Staff reported that budget discussions will begin in the next month for 2021. Staff will consider adding a restoration project to the 2021 budget for discussion. Earlier this spring, Parks staff identified Lakewood Park as a priority area for a woodland and prairie restoration.

- Zero waste City events

Staff reported that with no City events planned for this year, compostable products have not been ordered yet.

**6. NEW BUSINESS**

None

**7. DISCUSSION**

a) Staff updates

- Pollinator pathways map

Staff reported that the pollinator pathway survey is on the website. The survey allows White Bear Lake property owners to add information about their pollinator gardens. The survey will be linked to an interactive map showing the location of the gardens. A link to the map will be added to the website in the next couple of weeks. Staff also reported that VLAWMO scheduled a resilient yards workshop on June 11<sup>th</sup>, and will email a link to the event.

- Raingarden program

Staff stated that three properties are moving forward with a curb cut raingarden as part of the 2020 street rehabilitation projects. 16 properties were interested in a raingarden, but only three were a good fit.

b) Commission member updates

Commission member Bolstad reported that Cub and Festival have temporarily postponed their plastic bag recycling program. Kowalski's still accepts plastic bags for recycling.

Commissioner Bolstad stated that she hasn't heard back from the High School Environmental Club about a student delegate. She will reach out to club again to see if there is still interest.

c) Do-outs

New do-out items for May 20, 2020 include:

- Staff to contact Park Commission liaison to discuss the Lawns to Legumes program
- Staff to contact Marketfest coordinator to cancel the Expo for 2020 and ask if this provides more space for Marketfest vendors
- Commission members and staff to contact respective Expo exhibitors to let them know about cancellation and to welcome them to consider exhibiting in 2021
- Schedule a July EAC meeting
- Staff to schedule meeting with Public Works to discuss downtown recycling containers
- Staff to purchase compostable products for City events
- Staff to email link to VLAWMO's resilient yards workshop

d) June agenda

The next meeting will be held via Webex on Wednesday, June 17, 2020 at 6:30pm.

**8. ADJOURNMENT**

Commissioner Johnston moved, seconded by Commissioner Bolstad, to adjourn the meeting at 8:13 pm.

Roll call vote:

Bolstad: Aye

Greene: Aye

Greenleaf: Aye

Johnston: Aye

Schroeder: Aye

Winkler: Aye

Motion carried.

# Park Advisory Commission Meeting Minutes

MAY 21, 2020

6:30 P.M.

WEBEX

MEMBERS PRESENT	Bill Ganzlin, Bryan Belisle, Victoria Biehn, Mark Cermak, Anastacia Davis, Ginny Davis, Mike Shepard
MEMBERS ABSENT	
STAFF PRESENT	Paul Kauppi and Andy Wietecki
VISITORS	
NOTE TAKER	Andy Wietecki

## 1. CALL TO ORDER

The meeting was called to order at 6:30 pm via Webex.

## 2. APPROVAL OF MINUTES

Approval of the minutes from April 16, 2020 was moved by Mark Cermak and seconded by Ginny Davis.

## 3. APPROVAL OF AGENDA

Approval of the May 21, 2020 agenda was moved by Mark Cermak and seconded by Mike Shepard.

## 4. UNFINISHED BUSINESS

None.

## 5. NEW BUSINESS

### a) Park Commission Reports of Park Inspections

All of the Park Advisory Commission members visited a park or two between the May and June meeting and reported to the Commission the areas that are in need of some improvement. The goal of the park inspections is to shed light on some items in the park that need maintenance.

Bill Ganzlin visited Hidden Hollow Park and Bossard Park. At Hidden Hollow Park, he found an illegal compost dumping in the woods on the southeast side of the park. There was also Oak Wilt in the woods. Bill also reported that there are some bike jumps in the woods. After consulting the Ramsey County GIS website, the jumps are all on private property. It appears that the City only owns 16' off the trails' edge and the jumps are past that. Bill spoke to a child using the playground and that child would like to see a zip line and some bigger equipment for older children.

At Bossard Park, Bill found garlic mustard growing along the wetlands and roughly 5 trees that need to be removed. Bill also noticed some graffiti on the

south side of the restrooms. The ball fields are overgrown and do not look like they have had much use in recent years.

Mike Shepard visited West Park, Matoska Park and Railroad Park. There are some tables that need to be replaced and a couple grill posts that need to be removed at West Park. At Matoska Park, Mike found the rain garden by the wooden bridge overgrown as well as wood benches that have started to rot. Railroad Park was in great shape. He did not spot anything that needed maintenance.

Victoria Biehn visited Stellmacher Park, McCarty Park and Willow Marsh Preserve. Stellmacher Park had a lot of trash in the park. She also noticed that the stumps from trees removed over the winter had not been removed yet. Andy reported that the stumps were removed last week ahead of the Tree Trust tree planting. Victoria noted that the play equipment was in great shape. McCarty Park was well maintained and did not need any maintenance. Lastly, Victoria visited Willow Marsh Preserve and reported that it felt like she was going through someone's backyard.

Bryan Belisle visited Lakewood Hills Park, Varney Lake Park and Cottage Park Preserve. Bryan reported fallen trees in the wooded disc golf area along with some trash being collected in the fireplace. Bryan noticed that most of the disc golfers were practicing social distancing. At Varney Lake Park, he noted that it had recently been mowed and looked great. Bryan also visited Cottage Park Preserve which was hard to find. Bryan suggested that the City install a bench and a small sign. Paul responded that due to an agreement that was signed when the City purchased the land, it is meant to be kept a preserve and not a heavily used park. The preserve is meant to be kept a natural habitat for animals to live. Paul reported that they City recently had some residents neighboring the preserve move items that were encroaching onto Park property like fire pits and wood stacks.

Ginny Davis visited Podvin Park, Rotary Park and Lakeview Park. Ginny reported that trash was blown up against the lacrosse fields fences at Podvin Park. She witnessed kids using the skate park that were practicing social distancing. At Rotary Park, everything looked great and the boardwalk was solid. Ginny did notice some graffiti that has since been removed by Parks Department employees. Lastly, Ginny visited Lakeview Park and asked about installing a park sign. She noted that there were no trash cans and there was some trash laying around from park users. Andy responded that there was a trash can there previously, but it was rarely used so it was removed. A trash can be reinstalled but a concrete pad needs to be poured first.

Anastacia Davis visited Lions Park, Veterans Park and Spruce Park. At Lions Park, she noted that the smaller shelter and split rail fence were falling apart. Andy Wietecki advised the group that White Bear Lake Lions Club donated money to replace the fence last fall and the City plans on installing a new fence this summer. Anastacia asked about the privacy screens and Andy reported that they were installed for an Eagle Scout Project but fell apart over the winter. The City will be removing them and doing something more aesthetically pleasing in that spot. At Veterans Park, Anastacia reported that the new sidewalk looks great and that the woods on the north side look really good since cutting trees

out and planting new plants in the area. She did notice that the area needed more benches. The benches were refinished over winter and are ready to go out. According to Anastacia, Spruce Park looks much better than the last time she visited it.

Mark Cermak visited Jack Yost Park, Ramaley Park and Ebba Park. Mark noticed that the park amenities like the trash can and benches in the wooded area at Jack Yost Park were falling apart. Andy Wieteki reported that the City is aware of the issues in the wood area. The City plans on replacing them with new composite boards to get more life out of them. The price per garbage can is \$265 in lumber and the benches cost \$800 per bench to re-wood. At Ebba Park, Mark noticed a hole where a tree was but Andy reported that it has since been filled in with dirt and grass seed. Mark also noticed someone dumping on the hill. Andy believes that area is not park property but will double check.

## **6. OTHER STAFF REPORTS**

### **a) Restroom Closures**

Andy Wieteki updated the Park Advisory Commission members that the park restrooms will be opening on Friday, May 22<sup>nd</sup>. The bathrooms were not opened until the City had all the proper PPE to ensure the safety of City employees for cleaning the restrooms.

### **b) Financial Update**

Paul Kauppi updated the Commission members about some of the financial struggles that are looming in the future for the Parks Capital Improvement Fund. He stated that he will have more updates for the Commission later this year after the ongoing workshops with the City Council.

## **7. COMMISSION REPORTS**

None.

## **8. OTHER BUSINESS**

The Park Advisory Commission will hold its next meeting at Lakewood Hills Park on Thursday, June 18<sup>th</sup> at 6:30 p.m. They will be walking through the disc golf course to take an in-dept look at some of the safety hazards the forest possesses.

## **9. ADJOURNMENT**

The next meeting will be held on June 18, 2020 at 6:30 p.m. at Lakewood Hills Park.

There being no further business to come before the Park Commission, the meeting was adjourned. Moved by Bryan Belisle and seconded by Mark Cermak.

**MINUTES  
PLANNING COMMISSION MEETING  
CITY OF WHITE BEAR LAKE  
JUNE 29, 2020**

The regular monthly meeting of the White Bear Lake Planning Commission was called to order on Monday, June 29, 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, Pamela Enz, Mark Lynch, and Peter Reis.

MEMBERS EXCUSED: Erich Reinhardt.

MEMBERS UNEXCUSED: None.

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

OTHERS PRESENT: Paula Frost, Susan Husnik, Dan Roeser, Jim Engh, Sean Wagner, Suzi Hudson, Judith Benham, Betsy Larey, Todd Heckmann, Trent Anderson, Tim Kuhnmuensch, Jim Kalkes, Tim Wald, Raj Dhital, Kimberly Ford, and Loni Strassman.

**2. APPROVAL OF THE JUNE 29, 2020 AGENDA:**

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

**3. APPROVAL OF THE MAY 18, 2020 PLANNING COMMISSION MEETING MINUTES:**

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

**4. CASE ITEMS:**

A. **Case No. 20-2-SHOP:** A request by **Paula Frost** for a Special Home Occupation, per Code Section 1202.120, in order to operate a massage therapy business out of a single-family residence located at 1904 4<sup>th</sup> Street.

Crosby discussed the case. Staff recommended approval.

Member Baltzer opened the public hearing.

Paula Frost, 1904 4<sup>th</sup> Street, applicant, in response to a question from Member Berry about the barking dogs, stated she was unaware they were barking when she was not home. They now have bark collars.



Member Reis asked whether Ms. Frost had a license to practice massage therapy. She explained that one is not needed when working in a doctor's office in Coon Rapids and she has applied for one in White Bear Lake. She believed it to be an annual license.

As no other attendees wished to speak, Member Baltzer closed the public hearing.

Member Reis moved to recommend approval of Case No. 20-2-SHOP. Member Lynch seconded the motion. The motion passed by a vote of 5-0.

- B. **Case No. 20-10-V:** A request by **Husnik Homes on behalf of Dave and Jane Linden** for a 5 foot variance from the 25 foot setback required along a side abutting a public right-of-way, per Code Section 1303.060, Subd.5.c.2, in order to construct a new single-family residence at the property located at 4796 Bald Eagle Avenue.

Crosby discussed the case. Staff recommended approval.

Member Baltzer opened the public hearing.

As no attendees wished to speak, Member Baltzer closed the public hearing.

Member Enz moved to recommend approval of Case No. 20-10-V. Member Berry seconded the motion. The motion passed by a vote of 5-0.

- C. **Case No. 20-5-CUP:** A request by the **Independent School District #624** for a Conditional Use Permit, per Code Section 1303.245, for a gymnasium addition to the South Campus of White Bear Lake High School located at 3551 McKnight Road.

Kane discussed the case. Staff recommended approval.

Member Reis commented that the funding for this project was included in the referendum that was passed by the people last year, so the Planning Commissioners are only voting on the zoning component of the request.

Member Baltzer opened the public hearing.

As no attendees wished to speak, Member Baltzer closed the public hearing.

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

- D. **Case No. 20-1-PUD:** A request by the **White Bear Center for the Arts** for both General Concept Stage and Development Stage approval of a Planned Unit Development, per Code Section 1301.070, in order to expand the existing community center and associated parking lot for the property located at 4971 Long Avenue.

Crosby discussed the case. Staff recommended approval, noting the first sentence of condition #6 should be deleted.

Member Enz asked about the condition requiring 20 foot light poles when those at Lakeshore Players are only 16 feet tall. Crosby replied that the existing poles at the Arts Center are 25 feet in height, so this is a transition between the two.

Member Baltzer opened the public hearing.

Sean Wagner, Architect, stated that after receiving the staff report and recommendations, the facilities committee and members of the Board, including the Chairman of the Board, met to discuss the staff recommendations. Several issues were raised that the applicants would like the Planning Commission to consider.

The first issue pertains to condition number five, which reads:

*The applicant agrees to work with the City to identify opportunities to restore the four lost residential units on the property. If an opportunity to restore residential units on the property is identified that the applicant determines is reasonable and does not interfere with its facility, it agrees to participate in implementing the option.*

This was not an issue that was agreed to or discussed with the applicant or the Board, and the Board has given direction that the applicant does not consent to condition number five and would request that condition be stricken from the resolution. There are three other issues he would like the Commissioners to consider, but would pause for discussion.

Member Baltzer agreed it would be best to take the issues one at a time. He asked Crosby to respond.

Crosby explained that there is room on the property that could potentially accommodate artists' lofts in the future, which is something she has discussed with the Executive Director, Suzi Hudson over the years. The City does not support the loss of affordable housing and would like to replace it if possible. She wrote the condition as loosely as possible and does not actually require the applicants to do anything. The intent of the condition was to keep communication open should a developer be interested in such a project in the future.

Mr. Wagner replied that he did discuss this with Ms. Crosby on Friday to better understand the intent of the condition. As you can appreciate, there are more than a few attorneys involved with the Board of Directors. The nature of the language might imply or suggest a financial participation or construction of something on the site, which is not something either the donors who purchased the property, or future Board Members, is in a position to make such an obligation. If City staff would like to engage in a different direction or be more specific in the language, we can do that as members of the community instead of a condition of approval of the PUD.

Member Lynch noted that he would like to see the condition remain vague because no one knows what kind of opportunities will arise in the future. The condition is more along the lines of a good faith measure that the City and the Arts Center may be able to work together in the future to develop artists' lofts or other improvements. It allows for flexibility and open dialogue to pursue opportunities that may arise.

Member Reis agreed that the language of the condition is pretty general and does not necessarily require anything of White Bear Center for the Arts.

Suzi Hudson, Executive Director, White Bear Center for the Arts, acknowledged that this is certainly a conversation she and Sam have had over the planning counter for many years about how we envision the development of the Arts District as a regional destination. There will be opportunities down the road to attracting artists to live in the neighborhood, to develop perhaps artists' lofts. There are several funding opportunities that can support these kind of initiatives, however my intent, and apologies to Sam, if our daydreaming eluded to a commitment on this particular property. As we have developed the site with the intent for it to be a programmatic site and outdoor programming, as well as just the impact of the expansion, ensuring that we leave enough green space, ensuring we don't have any further environmental impact. Clearly, we have to accommodate parking for the expansion. But, the whole philosophical approach of the arts center has always been to bring the outdoors in and the indoors out, and that relationship to nature is an inspiration and is behind this entire project. To make any sort of commitment to utilize this particular property for the replacement for further residential use is beyond any commitment that we can make for this project and certainly wouldn't want to have any vague language that could perhaps 10 to 20 years down the road be a catch or be interpreted as a commitment to restore residential use on that property. She expressed that she is completely open and believes the art center in the spirit of working with the City has always been available for envisioning how to enhance WBL as a creative community, how to attract more creatives and creative businesses to the community and believes the development of the arts district will do that. She stated that she does not see housing being an area that the Arts Center would ever commit to, as a nonprofit arts school, that would then potentially become a landlord to any kind of housing. We simply could not have that condition be open to interpretation well beyond any of our understanding of it.

Member Reis replied that he understands Ms. Hudson's response and the sensitivity to the concept of a commitment, but acknowledged that many people are interested in the possibility of artists' lofts if it works out. He suggested keeping just the first sentence, which does not commit the Arts Center beyond working with the City to identify opportunities.

Ms. Hudson responded that she would not at all be comfortable with it being as specific as restoring the four residential units on the property. Member Reis then suggested a rephrasing to be less specific, something along the lines of "agrees to work with the city to identify opportunities for future artist loft residential units".

Ms. Hudson stated that she understands the desire for this, but she would remain uncomfortable with the conditions for this particular project tying us to future action. She believes the actions of the Arts Center in investing this kind of a resource to this community makes it absolutely clear that we intend to continue to be a great partner, as the City has with us, in continuing to develop opportunities for artists, artistic businesses to come to this area. If that means working with housing, she can certainly make that commitment, speaking as the Executive Director. She would love nothing more than to continue to work with the White Bear Lake Economic Development Board. She looks forward to working with the City on identifying those opportunities. However, she doesn't feel like it's appropriate for that kind of future conversation be a condition on a PUD permit. With the implication of this tied to the loss of those residential properties, we request this condition be stricken. She couldn't approve it without the Board weighing in on this.

Member Reis advised that the Arts Center should ensure the revenues from the proposed gift shop do not compromise the organization's 501(c)(3) nonprofit status. Ms. Hudson assured that the organization is aware of the percentage of income that can be generated from the venture, and

that the gift shop would not be dramatically increased from what currently exists and is used to support and sell artists' work.

Member Baltzer asked if City approval would be needed if artists' lofts were proposed in the future, and if so, wondered if condition 5 could be deleted, since the conversation could occur when a proposal is received. Crosby confirmed it would need an amendment to the PUD, but expressed the desire to keep language surrounding the replacement of the lost residential units.

Crosby recommended rephrasing the condition to delete the words tying the condition to this specific property, allowing the residential units to be replaced anywhere.

Mr. Wagner responded that his discussions with the Board have been clear. If condition number five is on there, it is a non-starter for this project. The Board will not pursue it. The donors who donated the property who are the funders of the project will not pursue it and the project is dead.

Member Lynch asked if the condition could simply state that the applicant is encouraged to work with the City in the future. He is not necessarily looking for a requirement, but something that creates a partnership to continue the dialogue on future housing opportunities.

Suzi Hudson stated that as Executive Director of White Bear Center for the Arts, she is held to the mission and committed to upholding the mission, which is to enrich lives by celebrating art, to nourish imagination by inspiring creativity, and to build understanding by connecting to people. To agree to work in ways beyond that which are vague in terms of committing the Arts Center to resolving residential units is beyond the mission that she can commit to for this organization. This does not mean it goes beyond the spirit of what we are trying to create in this community. Replacing residential units is not the mission work of White Bear Center for the Arts. It is the work of the City and we are glad to be a partner in that. But, for a planned unit development addition, it feels like an overreach beyond our project, and as Sean said, this does become a nonstarter for the Board. She hopes that our years of working with the City would provide enough confidence in our partnership that the Commission wouldn't feel it has to be written in a planned unit development as a condition.

Member Berry commented that from his experience as a former board member for Lakeshore Players and working with the donors, some of which are shared with White Bear Center for the Arts, there is a joint feeling in wanting to look at the entire block that the City has guided as the Arts District to keep it a comprehensive district. He believes that keeping condition number five hampers both organizations in developing the programs that are needed to function as a whole. The expansion of these organizations increase the popularity and participation in the programs, which enhances the Arts District. He thinks there is opportunity for the development of artists' lofts in the area without including a condition that requires the organization to become a residential developer. He stated that he is against condition number five.

Member Baltzer agreed with Member Berry.

Judith Benham, Board of Directors Treasurer, White Bear Center for the Arts, she noted that Sean and Suzi have represented the Board's concerns well. They are wary to have any sort of anticipatory commitments to a different type of development on the site, specifically to the primary place and number of residential properties that were purchased for the expansion.

Sean Wagner continued, stating that the Arts Center has engaged with both Vadnais Lake Area Water Management Organization (VLAWMO) and Rice Creek Watershed District (RCWD) in a meeting for consolidation of joinder of the boundaries that separate the watersheds. An agreement has been made between the watershed districts and the White Bear Center for the Arts and it is currently being negotiated, but the applicants are aware that the issue does need to be resolved. They appreciate the City staff's support in that process.

Mr. Wagner then stated that the Board would like to see condition number nine be revised to read, "The City and the applicant shall monitor the parking situation. Should problems arise from too much on-street parking, the applicant is willing to meet and confer with the City on the issue." The dependence of the Arts Center on making decisions on how to address those concerns should be left up to the Director and the Board as they determine whether they would wish to monitor hours, change programs or take a particular match up to see how it may impact the parking situation. We are providing parking in excess of what the number of required was for the property. The collaborative nature of the Arts District and the ongoing conversation with the performing arts center, and how to think of things more holistically is something that is ongoing, so he requests the condition be revised.

Crosby stated that staff would not be agreeable to proposed revision, but there is a potential compromise to be made. The City does not want to lose the phrase, "take measures as necessary to correct the situation," which is a key component of the condition. Meeting and conferring about it is not enough. If there is a problem, the City wants to see a solution. She explained that with the expansion, the ratio of parking stalls to gross square feet of the building increases from 1 stall for every 180 square feet to 1 stall for every 244 square feet. Since the Arts Center has expressed the need for additional parking with the existing ratio, staff is concerned that, although it meets code, the code requirement may be problematically deficient. The same condition has been included in similar requests in the past, so this is not an unusual condition.

Member Baltzer asked Mr. Wagner if he would be agreeable to working with staff to rephrase the condition. Mr. Wagner acknowledged he would, stating that Crosby's suggestion is acceptable in regards to adding wording to allow the applicant to determine the solution.

Mr. Wagner presented the final issue, which pertained to the fence on the south side of the property. He asked the condition 15b be omitted because the adjacent property is owned by Lakeshore Players and is no longer residential in nature.

Crosby replied that the parcel is still zoned residential and could continue to be used as such, regardless of being owned by Lakeshore Players. She clarified that she was only referring to the six foot portion of the fence, not the existing four foot fence along the south side of 4971 Long Avenue.

As no other attendees wished to speak, Member Baltzer closed the public hearing.

Member Enz commented that she agreed with Ms. Hudson that condition five muddies the organization's mission, so she would like to see it removed, with the understanding that the Arts Center has been a good neighbor, and would be willing to have a reasonable conversation with the City if development opportunities arose in the future.

Member Lynch suggested that he would be comfortable taking condition number five out if the Commissioners could direct City staff to take the lead on continued conversations about affordable housing around the Arts District with not only White Bear Center for the Arts, but also Lakeshore Players and other key stakeholders. The condition would not be tied to any specific case or resolution, but would allow for ongoing discussions.

Member Reis moved to recommend approval of Case No. 20-1-PUD with the omission of condition number five and that condition number nine be reworded by City staff, while expressing his dismay that the applicants would present the request as an ultimatum. He knows and respects many on the Board, but did not appreciate being told either condition five is removed or the applicants walk. He agreed with Member Lynch and hopes this does not preclude ongoing discussion between the Arts Center and the City on opportunities for artists' lofts in the future, despite it not being a part of their mission statement, in the spirit of cooperation with the community in which they reside.

Member Berry seconded the motion.

Member Baltzer noted that he agreed with Member Reis. He did not appreciate the applicants threatening the Planning Commission. Member Berry disagreed with the statement.

The motion passed by a vote of 5-0.

- E. **Case No. 94-6-Sa & 20-9-V:** A request by **Birch Lake Animal Hospital** for an amendment to a Conditional Use Permit, per Code Section 1303.225, Subd.6.a, for site plan approval in the Diversified Business Development District, and a variance from the 30% impervious surface maximum to allow 38% impervious, per Code Section 1303.230, Subd.5.a.5, in order to expand the parking lot by six stalls for the property located at 4830 White Bear Parkway.

Crosby discussed the case. Staff recommended approval.

Member Baltzer opened the public hearing.

Betsy Larey, former owner of 1298 Birch Lake Blvd N, she was granted approval to split the lot in two. She explained that due to all the development and addition of asphalt along Birch Lake Blvd, drainage has become a huge issue. There was no drainage plan in place, especially in conjunction with the counseling center that the City owns. Ms. Larey spent a lot of time and money proving that 1298 Birch Lake Blvd was never wet before the development of the area. The expansion of the parking lot at the animal hospital will add to the drainage issues. The runoff will not go to the rain garden. It will end up on the property of the neighbor to the east.

She believes that the only solution is for the City to correct its own drainage problems, since the runoff from that site does not end up in the drainage pond. She is opposed to the proposed use of a raingarden at the animal hospital and believes the only solution is to pipe it to the Lifetime pond. She proposed the case be postponed until she can provide the Commissioners with her findings.

Todd Heckmann, 1290 Birch Lake Blvd N, commented that he had spoken to the Building Official about removing the drainage pipe that encroaches on his property. He is concerned because that is where all the water is running on to his property and wants to know what the City will do with the increase in runoff the parking lot expansion will create.

Trent Anderson, 1298 Birch Lake Blvd N, he confirmed that the drainage pipe is directed at 1290 Birch Lake, which causes the runoff to flow into his own back yard before draining to the Lifetime pond. It gets worse when the snow melts, and there is a small river that would not exist without the pipe. He agrees the drainage issues in the area are worth looking into.

Member Berry asked if the City could do anything in terms of addressing the drainage issue. Crosby responded that the former City Engineer had concluded that it was a civil issue. However, the new City Engineer and the Water Resources Engineer may be able to generate new solutions in dealing with the runoff.

Member Baltzer wondered if the Commissioners should wait for more information before making a decision on the case. Crosby responded that she believes the animal hospital's request should not be held up for something the City is willing to look into and attempt to alleviate. She suggested that condition of some sort could be added if the Commissioners wished to move the case forward.

Member Lynch commented that he did not want to penalize the animal hospital for something that may not be a major culprit of the surrounding drainage issues. However, if adding those parking stalls will negatively affect the drainage, he is open to holding the case back.

Betsy Larey replied that the animal hospital does contribute to the drainage problems, because it drains to the same location as the counseling center and adding more asphalt will increase the runoff.

Tim Kuhnmuensch, Birch Lake Animal Hospital, noted that they are doubling the capacity of the of the rain infiltration to allow for additional overflow. Right now, they are not stopping any of the overflow, so the raingarden is already a solution. Compared to the other developments in the area, the hospital, its parking lot and the proposed addition is smaller in surface area than several of the neighboring properties. There is a problem with drainage, but he does not think it is coming from his property, and if it is, they are accounting for that with their rain garden design.

As no other attendees wished to speak, Member Baltzer closed the public hearing.

Crosby clarified that while the animal hospital is doubling capacity of the rain garden, it is not meeting the full engineering design standards for a commercial property, mainly because it is not triggering the design standards. They are meeting infiltration standards, but not rate control standards.

Member Lynch commented that he thinks the applicant is addressing the needs for their site, and that there is a drainage issue in the area, but he would like the City to look into that aspect. Member Lynch moved to recommend approval of Case No. 94-6-Sa & 20-9-V. There was no second.

Member Reis moved to recommend tabling Case No. 94-6-Sa & 20-9-V for one month in order to obtain more information on the drainage issues. Member Berry seconded the motion. The motion passed by a vote of 5-0.

## **5. DISCUSSION ITEMS:**

A. City Council Meeting Minutes of June 23, 2020.

No discussion

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

Member Berry asked about the progress on the pavilion expansion at West Park. Ms. Kane replied that she did not know the status, but could find out and share with the Commissioners.

6. **ADJOURNMENT:**

Member Berry moved to adjourn, seconded by Member Lynch. The motion passed unanimously (5-0), and the June 29, 2020 Planning Commission meeting was adjourned at 9:03 p.m.

DRAFT





City of White Bear Lake  
City Manager's Office

## MEMORANDUM

**To:** Ellen Hiniker, City Manager  
**From:** Kara Coustry, City Clerk  
**Date:** July 9, 2020  
**Subject:** Children's Performing Arts pop-up performances

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### **BACKGROUND / SUMMARY**

Due to COVID-19 restrictions on large gatherings, staff of Children's Performing Arts, a White Bear based non-profit, have proposed use of Railroad Park for the children to sing. Children's Performing Arts proposes providing free, live entertainment to the downtown public in which kids would sing selections from 15 years of musicals they have performed in the past. Proposed times are 6:00 p.m. – 7:00 p.m. on Thursdays, August 13, 20 and 27, 2020.

As stated in the attached letter, the proposal includes a request that the City provide the sound system. Staff is working with Suburban Community Channels to see if they are able to provide this technical support requested. If not, it is hoped this support can be obtained through sponsorships.

Marlene Petersen, Development Director of Children's Performing Arts, will be at the City Council meeting on July 14<sup>th</sup> to present this proposal.

### **RECOMMENDED COUNCIL ACTION**

Staff recommends approval of the attached resolution allowing use of Railroad Park for the Children's Performing Arts pop up music events in August.

### **ATTACHMENTS**

Resolution

**RESOLUTION NO.**

**A RESOLUTION APPROVING THE CHILDREN'S PERFORMING ARTS FOR  
POP-UP SINGING EVENTS AT RAILROAD PARK**

WHEREAS, a proposal has been submitted by the Children's Performing Arts Center to provide pop-up signing events at Railroad Park; and

WHEREAS, events would be free to the public and are proposed to take place from 6:00 p.m. – 7:00 p.m. on the evenings of August 13, 20 and 27, 2020; and

WHEREAS, Children's Performing Arts would be utilizing Railroad Park, including electricity for each of these events; and

WHEREAS, no alcohol will be sold at the event.

NOW THEREFORE, BE IT RESOLVED that the White Bear Lake City Council approves the use of Railroad Park by the Children's Performing Arts Center to host hour long singing events free to the public, subject to the following conditions:

1. No stakes are permitted to be placed into the ground.
2. No vehicles are permitted on park grounds to protect irrigation systems.
3. Park rental waived to promote free entertainment for the public.

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

Ayes:  
Nays:  
Passed:

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Jo Emerson, Mayor

ATTEST:

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Kara Coustry, City Clerk



July 7, 2020

Dear Mayor, City Council, and City Administrators,

We are Children's Performing Arts, a 501(c)(3) nonprofit, serving youth K-12. We specialize in education programs that promote leadership and community engagement through the performing arts. A big part of our mission involves connecting with our community through free performances at library story time, senior living centers, Manitou Days, Arts in the Park, Marketfest, and Pay-What-You-Can shows at our theater.

This year, with COVID-19 preventing large gatherings, our kids are unable to perform at the Hanifl Performing Arts Center. So our staff began to look for other opportunities where our kids could connect with the community--especially outside. That gave way to the idea of Pop-up Performances.

Our thought is to provide free, live entertainment on a few Thursdays in August in downtown White Bear--either in Washington Square or Matoska Park. The pop-ups would consist of a few kids singing selections from our 15-year history of musicals. Ideally, the kids would sing 15-20 minutes, take a short break, and then repeat the same songs (for a total of 30-45 minutes). We hope to offer families a chance to enjoy live music while strolling through downtown or dining at the new picnic tables.

All the entertainment would be provided free of charge. We would ask you to provide and operate a sound system, including 3-4 mics spread six feet apart for each performer, and an operator to run sound. Unfortunately, with our COVID losses, we don't have the ability to absorb those costs.

The dates and times we were thinking of are:

- 6-7pm, August 13th, 20th, & 27th (we could do all three or just one or two).

If there is another, time, day, or location that works better, we are open to that. The number of kids involved each week may vary but would likely be around 10-15, plus parents and a few CPA staff. We would rotate groups, set up singing schedules, and adhere to social-distance guidelines, including cleaning mics between performers.

Thanks for the opportunity to engage our kids and bring a little love and light to the community.

Best regards,  
Carrie Carlson  
Artistic Director

Marlene Petersen  
Development Director



City of White Bear Lake  
City Manager's Office

## MEMORANDUM

**To:** Mayor and City Council

**From:** Ellen Hiniker, City Manager

**Date:** July 9, 2020

**Subject:** **Community Conversations around Racial Equity and Inclusion**

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At its meeting on June 9<sup>th</sup>, the Mayor and Council had conversation related to public engagement around the topic of racial equity. The Mayor articulated her intent to seek input from the community in an effort to identify the challenges and barriers faced by people of color within all sectors of our community. There was additional conversation among the Council regarding this topic with interest in continuing the discussion at a future meeting.

There have since been multiple conversations within a variety of local White Bear Lake organizations interested in exploring this topic, all of which similarly reflect the desire of many to grow in their understanding of issues related to equity and inclusion.

I, along with others from our staff, had a met with President Millander of Century College to discuss opportunities for collaboration. President Millander presented an important framework for this work, which she believes must start with intentional education and awareness. We will be meeting with her again to continue this conversation. However, we agreed that while there are tremendous opportunities to intersect our work, our institutions have unique and separate characteristics that cannot be comprehensively served under one initiative.

It is my intent to work with a consultant to continue the internal organizational work we began in 2017 through our participation in the League of Minnesota Cities' Racial Equity Cohort. This can be accomplished using budgeted training funds. I believe it would be beneficial to use this consultant to also help define a path for community discussion around racial equity issues.

**For Discussion:** If the City Council is interested in leading a broader community conversation, I would propose that two members of the Council work with staff together to select a consultant to help shape a public engagement process/framework.



**City of White Bear Lake**  
City Manager's Office

# *MEMORANDUM*

**To:** Mayor and City Council

**From:** Ellen Hiniker, City Manager

**Date:** July 9, 2020

**Subject:** Use of Masks in Indoor Spaces

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The Mayor has received several phone calls and emails from residents and/or businesses with concerns about those choosing not to use a mask when indoors, (i.e. retail and grocery stores, indoor gathering areas, salons).

She asked that this item be placed on the agenda for discussion to gauge the interest of Council in an ordinance requiring the use of masks while indoors.

**From:** Jodi Coler <[jcoler@comcast.net](mailto:jcoler@comcast.net)>  
**Date:** June 29, 2020 at 3:03:15 PM CDT  
**To:** [mayor@whitebearlake.org](mailto:mayor@whitebearlake.org)  
**Subject:** masks are not being worn in WBL

Dear Mayor Emerson,

I write as a concerned citizen from the neighboring community of Mahtomedi. For the past decade at least I have prioritized my shopping, grooming, eating, and spending to be in downtown WBL. I appreciate the locally owned businesses and have enjoyed watching the area develop.

Since the pandemic it seemed for a while I saw masks— but for the last several weeks on visits to Kowalskis, for example, I am seeing less than half of the shoppers wearing masks. As I am sure you know, this does not comply with CDC guidelines nor does it help stop a pandemic. Given what I see as careless and ignorant attitudes- I am NOT spending money at my normal hairdresser, dog groomer, bakery, and small shops in downtown WBL. I saw in the local press small business owners complaining the shut down hurt them— they should understand that the lack of masks is continuing to hurt them. I hope every single business can survive; but not unless your citizens manage to get the message to wear masks. It is absolutely a public health issue and not a political issue.

My children attend the Mahtomedi schools— I am hesitant to send them in part because so many folks in White Bear Lake and Mahtomedi have prematurely decided the pandemic is “over” and are making ill-informed choices. Just this week I heard of two new Covid diagnoses in my community— in both cases people had decided it was okay to take a few risks— and they are now ill and other people are quarantined.

Please talk with the city council, faith leaders— anywhere where your leadership can make an impact. No masks means more cases of Covid— more illness, less school, less economic viability. Its a time where local leaders like yourself can have an enormous impact, and I appreciate your leadership at this time.

Sincerely,

Dr. Jodiann Coler  
[jcoler@comcast.net](mailto:jcoler@comcast.net)

**From:** Cindy Peltier <[clpeltier51@gmail.com](mailto:clpeltier51@gmail.com)>

**Date:** June 30, 2020 at 7:59:22 AM CDT

**To:** [mayor@whitebearlake.org](mailto:mayor@whitebearlake.org)

**Subject:** No masks?!?

What is going on in WBL? Barely see a mask at Kowalski's. Saturday deli shoppers crowding store look like the State Fair crowds. No masks. My daughter stopped in for picnic items. She was frightened. Always wears masks in public- she gardens for some local residents.

Outside at Tally's no masks. Many friends commenting to me about this - It doesn't matter if it's outside.

I'm Originally from WBL. I was the first city gardener/ developer of gardens. Grew up on 4th Street.

For many, politics play into this and denial. Edina is requiring masks now. It's serious.

I shop at Kowalski's on Grand Ave. all mask wearing customers and staff. The friendly staff greets and counts customers outside. I feel safe.

It's really quite unbelievable.

Cynthia Peltier.

Sent from my iPhone

**From:** Kim Schoonover <[kimdeons@gmail.com](mailto:kimdeons@gmail.com)>  
**Sent:** Wednesday, July 8, 2020 2:25 PM  
**To:** Sandy Matzdorf <[smatzdorf@gmail.com](mailto:smatzdorf@gmail.com)>  
**Cc:** Ellen Hiniker <[ehiniker@whitebearlake.org](mailto:ehiniker@whitebearlake.org)>; rvanderzee ([rvanderzee@mac.com](mailto:rvanderzee@mac.com)) <[rvanderzee@mac.com](mailto:rvanderzee@mac.com)>; Anne Kane <[akane@whitebearlake.org](mailto:akane@whitebearlake.org)>; Lisa Beecroft <[lisa@beecroftmarketing.com](mailto:lisa@beecroftmarketing.com)>; Shari Wilson ([Shari@whitebearchamber.com](mailto:Shari@whitebearchamber.com)) <[Shari@whitebearchamber.com](mailto:Shari@whitebearchamber.com)>  
**Subject:** Re: meeting

Hi all -

A couple things I'd like to address since we're not having the meeting today.

I'm wondering the status of what the restaurants said about the use of the picnic tables? I'm thinking it would now make sense to get them up onto the Gazebo property. I keep checking at all different times and people just don't seem to be using them - if they do - it's just a couple. The parking for us is still so much better because of the sandwich board signage - thanks.

If we do move the tables, I will arrange for people to come and pick up their planters if necessary.

Probably this is not the group to be addressing this with, but wondering if the City of WBL is thinking about making masks mandatory for people when they are indoors? I'm noticing many of the surrounding towns are doing it. People are getting so confrontational when they come to the salon and we tell them they have to wear a mask to come in (it's mandatory for salons) - seriously it's coming close to screaming arguments sometimes and it's just getting worse. It would be really helpful to have the City behind us on this if possible - but I know there are a lot of things that need to be considered. Just putting a bug in your ear....

Hope everyone is enjoying their time off and staying cool.

Kim

**Kim Schoonover** *Owner*  
**Indulge Salon and Spa**  
2183 3rd Street / White Bear Lake / 55110  
651-797-6440  
[www.indulgesalonwbl.com](http://www.indulgesalonwbl.com)



Nance Olson Skoglund  
301 Shamrock Way  
Mahtomedi, MN 55115  
651.653.7579  
mngordons@comcast.net  
June 27, 2020

The Honorable Jo Emerson  
Mayor  
City of White Bear Lake  
4701 Highway 61  
White Bear Lake, MN 55110

Dear Mayor Emerson:

As a 30-year resident of Mahtomedi and someone who grew up in White Bear Lake, living 30 years in that community as well, I can say with utmost pride that I love the area.

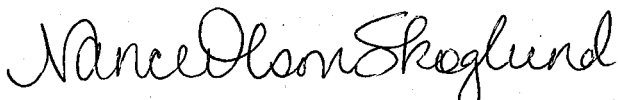
I am writing to the mayors of both of my beloved cities to implore you to require face coverings when entering local businesses. My trips to Aldi, Festival, drug stores and others, are becoming extremely stressful as a large percentage of patrons do not wear masks. It has been proven again and again that the only way we will beat this virus until a vaccine is available, is for everyone to wear a mask to slow the spread. The CDC, Mayo Clinic and Yale Medicine are just a few of the organizations to recommend that everyone wear a mask in public.

My husband and I both recently entered the 60 and over age group. While we are both in relatively good health, we understand the increased risk. Additionally, our mothers are still alive at 94 and 95 years old. They both live in their own homes with assistance from us. My mother has been a resident of White Bear Lake since 1958. The last thing we want is to unknowingly become infected and expose our elderly parents to the virus.

Just the other night, our neighbors had a gathering in their back yard. Because of the terrain of our neighborhood, sound carries. One of their guests said that she did not ever wear a mask (unless in the cities of Minneapolis or St. Paul as it is required) because, as she put it, "I figure if I get it, I get it." She then went on to say that her sister who lives in TX (one of the hotbeds of the current rise in cases) told her it was much safer to not wear a mask. A few of the other guests challenged her, but she is obviously the type of person who enters our local business establishments with blatant disregard for her fellow citizens.

Please, make it mandatory to wear a face covering in White Bear Lake. It is such a small sacrifice to keep our fellow citizens safe. Remember, my mask protects you, and your mask protects me. Everyone should have the assurance that our government is doing everything in its power to protect our residents.

Sincerely,



Nance Olson Skoglund



Dear census friends,

**Mark your calendar for Census Week of Action, July 13–17.** Census teams around the state – and across the country – will work together for five consecutive days to boost census awareness and engagement in the final weeks before enumerators hit the streets in early August.

With over 71% of households having completed the census already, Minnesota has the leading self-response rate in the nation. However, that means nearly 30% of households in our state still haven't been counted. Residents in those non-responsive households are likely part of historically undercounted groups, such as renters, people with low income, young adults, people of color, children under the age of five, new immigrants, and people who do not speak English as their native language. Those are the Minnesotans we are trying to reach next week, and we need your help to do that.

Messaging for Census Week of Action in Minnesota revolves around how a complete and accurate count in the 2020 Census will be critical to recovery and rebuilding efforts as our communities emerge from the current health and economic crises.

Please join us in this coordinated effort to engage and encourage those who have not yet been counted in the 2020 Census.

**Here are 3 ways you can get involved in Census Week of Action:**

1. **Sign up for a shift with [Neighbors Calling Neighbors](#), the virtual census phone bank**, and recruit others in your organization to do the same. We have a goal of 50,000 calls next week, and we need volunteers to make this happen! Remote dialing software allows people to join the phone bank from the safety and comfort of home, no matter where they live, they'll just need a phone and a computer. [Click here to sign up for a shift.](#)

2. **Share digital content.** Our [Facebook](#) and [Twitter](#) feeds will feature fresh content each day next week, and we will make our scheduled posts available to you in advance. Be sure to use the hashtags #WeCountMN and #2020Census
3. **Include census information in your e-newsletter or blog.** We will share customizable copy that organizations can publish via their preferred communication channels.

Watch for additional emails from us in the coming days, we'll be sharing more details soon.

Thanks in advance for joining us for Census Week of Action.

– **The We Count Minnesota team at the State Demographic Center**

**Follow We Count Minnesota efforts on [Facebook](#) and [Twitter](#). Use the hashtag #WeCountMN to spread the word.**

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