



AGENDA
REGULAR MEETING OF THE CITY COUNCIL OF
THE CITY OF WHITE BEAR LAKE, MINNESOTA
TUESDAY, JULY 13, 2021
7:00 P.M. IN THE COUNCIL CHAMBERS

1. CALL TO ORDER AND ROLL CALL

2. PLEDGE OF ALLEGIANCE

3. APPROVAL OF MINUTES

A. Minutes of the Regular City Council Meeting on June 22, 2021

4. APPROVAL OF THE AGENDA

5. VISITORS AND PRESENTATIONS

Nothing scheduled

6. PUBLIC HEARINGS

Nothing scheduled

7. LAND USE

A. Consent

1. Consideration of a Planning Commission recommendation for approval of a request by Pamela Preisler for a Special Home Occupation Permit extension at 3862 Crestwood Place. (Case No. 15-2-SHOPa)
2. Consideration of a Planning Commission recommendation for approval of a request by James Trusten for two setback variances for a new detached garage at 1783 Eugene Street. (Case No. 21-14-V)
3. Consideration of a Planning Commission recommendation for approval of a request by Independent School District #624 for a Conditional Use Permit Amendment for two building additions to South Campus located at 3551 McKnight Road. (Case No. 21-6-CUP)

B. Non-Consent

1. Consideration of a Planning Commission recommendation for denial of a request by Brooke & Garrett Boesch for a fence variance at 2514 Oak Court. (Case No. 21-15-V)
2. Consideration of a Planning Commission recommendation for denial of a request by Joe Morris for a fence variance at 4926 Johnson Avenue. (Case No. 21-16-V)
3. Consideration of a Planning Commission recommendation for approval of a request by Paula &

Mike Lobinsky for four setback variances at 4372 Cottage Park Road. (Case No. 21-11-V)

8. UNFINISHED BUSINESS

Nothing scheduled

9. ORDINANCES

- A. First reading of a City initiated text amendment to Zoning Code Section 1303.160 to allow interim use permits in the B-5 zoning district

10. NEW BUSINESS

- A. Resolution accepting quotes and awarding contract for the Memorial Beach Retaining Wall Project
- B. Resolution setting a 25 mile speed limit on certain residential streets

11. CONSENT

- A. Acceptance of Minutes: May Environmental Advisory Commission, May Park Advisory Commission, June Planning Commission
- B. Resolution authorizing the use of Railroad Park Gazebo by the Ramsey County Library
- C. Resolution approving change order to the Water Meter Replacement Project

12. DISCUSSION

Nothing Scheduled

13. COMMUNICATIONS FROM THE CITY MANAGER

14. ADJOURNMENT



**MINUTES
REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF WHITE BEAR LAKE, MINNESOTA
TUESDAY, JUNE 22, 2021
7:00 P.M. IN THE COUNCIL CHAMBERS**

1. CALL TO ORDER AND ROLL CALL

Mayor Jo Emerson called the meeting to order at 7:02 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 City Manager Hiniker, Community Development Director Anne Kane, Public Works Director/City Engineer Paul Kauppi, City Clerk Kara Coustry and City Attorney Troy Gilchrist.

2. APPROVAL OF MINUTES

A. Minutes of the Regular City Council Meeting on June 8, 2021

It was moved by Councilmember **Jones** seconded by Councilmember **Edberg**, to approve the Minutes of the June 8, 2021 City Council meeting as presented.

Biehn Aye
Edberg Aye
Engstran Aye
Jones Aye
Walsh Aye

Motion carried unanimously.

B. Minutes of the Work Session on June 15, 2021

It was moved by Councilmember **Edberg** seconded by Councilmember **Biehn**, to approve the Minutes of the June 15, 2021 City Council Work Session as presented.

Biehn Aye
Edberg Aye
Engstran Aye
Jones Aye
Walsh Aye

Motion carried unanimously.

3. APPROVAL OF THE AGENDA

City Manager Hiniker added 9C – a resolution to apply for the Coronavirus Local Fiscal Recovery Fund established under the American Rescue Plan Act.

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

Biehn Aye
Edberg Aye
Engstran Aye
Jones Aye
Walsh Aye

Motion carried unanimously.

4. VISITORS AND PRESENTATIONS

A. Police Officer swearing in Connor Dillon

Police Chief Swanson introduced Connor Dillon who has been waiting for an officer vacancy in White Bear Lake for over a year. He joined the White Bear Lake Police Reserve Unit about 5 years ago, and has since donated 4,489 volunteer hours to the program – the title holder for most volunteer hours worked.

Chief Swanson said Connor was eventually hired as a Community Service Officer with White Bear Lake in 2018 and he has since worked in that role, while still volunteering with the Police Reserve Unit. He is one of the first to volunteer for any community engagement event or special assignment, which has provided more experience in preparation for his new role. Connor is joined by his family and his mom, Therese Dillon, pinned his badge.

The City Clerk administered the oath of office.

B. Ramsey County Economic Development Initiative Presentation, Kari Collins – Ramsey County Community Development Director

Ramsey County Community Development Director Kari Collins gave a presentation outlining the County's economic development work over the past year, shifting to a more proactive approach. She touched on recent programs, "Open to Business" and "Corridor Revitalization" efforts, and the creation of RamseyCountyMeansBusiness.com as a way to market its communities and connect the workforce. During COVID, this website pivoted to meet the needs of small businesses, and Ms. Collins mentioned 131 White Bear Lake businesses were served by approximately \$1.5 million relief dollars.

Ms. Collins highlighted the County's Economic Competitiveness and Inclusion Plan (www.ramseycounty.us/economicinclusion) for strengthening the region through the identification of goals, specific strategies and desired outcomes. She explained that a Housing and Redevelopment Association (HRA) levy is planned for Ramsey County in 2022, which would raise up to \$11.6 million a year to fund affordable housing and redevelopment projects. With this levy, four HRA program areas would focus on providing funds for housing infrastructure, environmental clean-up support, redevelopment planning and assistance, and flexible dollars to support housing innovations.

Councilmember Edberg supported the County's proposed levy for capital to address affordable housing shortages, but noted the public policy practice of using tax credits requires continuous capital in order to buy down housing only for it to end up on being unaffordable in 20 years

when covenants expire. Rather than budgeting for this endless cycle just to maintain existing affordable housing stock, he encouraged the use of tools such as land trusts, cooperative ownership and limited equity financing.

In response to Councilmember Edberg's question regarding income building, Ms. Collins acknowledged a significant disparity between income and home values / rents. She mentioned a proactive bookend approach to the housing continuum with pathways to homeownership as a way to build equity, and also ensuring preservation of wealth equity in the community through programs like mortgage assistance such that struggling homeowners do not forfeit their equity in foreclosure.

Councilmember inquired as to the County's strategy to address those with extreme wealth who park money in equity funds that flip distressed housing and control the supply and price of its availability. He noted this concentrated ownership does not serve the interests of communities. Ms. Collins mentioned that the County's HRA programs are still being defined with feedback from communities on how to best gain site control and amplify, accelerate and compliment what cities are already doing.

With regard to wealth building, Commission Reinhardt said for example, with new AARP funds the County enlisted assistance from partners like Workforce Solutions to get that money out for development of training programs and internships. She mentioned the talent attraction and retention program and noted the County's desire to continue partnering in order to build wealth in Ramsey County communities.

Mayor Emerson received confirmation that levy dollars will be divided equitably, with 50% going to St. Paul and the other 50% being divided among other participating Ramsey County cities (North St. Paul exercised their option to decline as their HRA existed prior to 1971). Ms. Collins explained that use of project funding would require consent of City Councils beforehand.

Councilmember Jones was supportive of establishing paths to ownership, especially for single family homes. He expressed concern for lack of control in reinvestment of properties after 20 years. He said that affordable housing does not get maintained as well. With regard to HRA staffing, Ms. Collins said the goal is to keep staffing costs below 10% of the levy. In response to Councilmember Jones, Ms. Collins stated the county cannot distribute these funds better than cities, rather, it takes all of these entities working together to defray costs as a partnership.

Mayor Emerson thanked Ramsey County for their presentation.

5. PUBLIC HEARINGS

A. Public hearing for vacation of Miller Street between 2nd and 3rd Streets

City Engineer / Public Works Director Kauppi explained that to facilitate renovation of the Public Safety Building, Miller Street between 2nd and 3rd will need to be vacated. The vacated street will become part of an enclosed garage intended to house the police vehicle fleet.

Mayor Emerson opened the public hearing at 8:00 p.m. There being no comments from the public, Mayor closed the public hearing.

It was moved by Councilmember **Edberg** seconded by Councilmember **Biehn**, to adopt **Resolution No. 12799** authorizing vacation of Miller Street between 2nd and 3rd Streets.

Biehn Aye
Edberg Aye
Engstran Aye
Jones Aye
Walsh Aye

Motion carried unanimously.

6. LAND USE

Nothing scheduled

7. UNFINISHED BUSINESS

Nothing scheduled

8. ORDINANCES

Nothing scheduled

9. NEW BUSINESS

A. Resolution authorizing the execution of a consultant contract with David Drown Associates

City Manager Hiniker announced her intention to resign from city management at the end of this year. As discussed in work session, she recommended enlisting the assistance of an outside consultant for an executive search to replace the city manager position and has identified a Minnesota firm, David Drone Associates (DDA). She explained they have a robust process and are highly regarded in this field of work.

Mayor Emerson added that Mark Casey would lead the recruitment process. She relayed respect for him as the former city manager of St. Anthony who also served with her on the League of Minnesota Cities Board for three years. Mayor Emerson noted tight competition with several twin cities communities who have recently hired, are currently looking, or expected to hire city managers this year. She recommended use of a consultant to do the ground work, and added that the Council will make the final decision in the end.

Councilmember Jones expressed support for the use of a consultant and echoed Councilmember Edberg's comments from the work session, that this is an investment at a critical time.

It was moved by Councilmember **Jones** seconded by Councilmember **Biehn**, to adopt **Resolution No. 12800** authorizing the execution of a consultant contract with David Drown Associates.

Councilmember Walsh relayed that White Bear Lake is a well-run city with a great staff, reputation and structure in place. He did not think it necessary to hire a consultant, which will cost 15% - 18% of the position's salary.

City Manager Hiniker mentioned this firm has a guarantee behind their process in that if the chosen candidate does not stay for two years, they would undergo another recruitment process.

While he also believed White Bear Lake to be a fine community, Councilmember Edberg highlighted the risk management aspect with regard to due diligence and the potential downside risk of hiring the wrong candidate, which can be even more devastating/costly.

In response to Councilmember Walsh, City Manager Hiniker described Human Resource functions as being split among several people within the organization, with the Assistant City Manager doing the bulk.

Roll call vote:

Biehn Aye

Edberg Aye

Engstran Aye

Jones Aye

Walsh Nay

Motion carried 4:1.

- B. Resolution approving the cooperative agreement for the Minnesota Statewide All-hazards Incident Management Organization

City Manager Hiniker explained that Chief Peterson contributes significantly to Minnesota Statewide All-hazards Incident Management Team – a roll that he carried over upon being hired by White Bear Lake. She explained this is extra time he contributes, which is also of value to the City.

It was moved by Councilmember **Walsh** seconded by Councilmember **Jones**, to adopt **Resolution No. 12801** approving the cooperative agreement for the Minnesota Statewide All-hazards Incident Management Organization.

Biehn Aye

Edberg Aye

Engstran Aye

Jones Aye

Walsh Aye

Motion carried unanimously.

- C. Resolution to apply for the Coronavirus Local Fiscal Recovery Fund established under the American Rescue Plan Act

City Manager Hiniker explained that the League of Minnesota Cities has recommended that government agencies adopt a resolution authorizing staff to apply for the City's fair share of allocated funds under the American Rescue Plan Act. She noted a similar resolution will be adopted when the second portion of funds arrive next year. She said the total amount awarded to White Bear Lake is \$2.7 million, with the ability to apply for the first apportionment within one month.

It was moved by Councilmember **Biehn** seconded by Councilmember **Edberg**, to adopt **Resolution No. 12802** approving an application for the Coronavirus Local Fiscal Recovery Fund established under the American Rescue Plan Act.

Biehn Aye
Edberg Aye
Engstran Aye
Jones Aye
Walsh Aye

Motion carried unanimously.

10. CONSENT

- A. Resolution authorizing an agreement for Temporary Building Inspection and Plan Review services with Inspectron, Inc. **Resolution No. 12803**

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

Biehn Aye
Edberg Aye
Engstran Aye
Jones Aye
Walsh Aye

Motion carried unanimously.

11. DISCUSSION

Nothing scheduled

12. COMMUNICATIONS FROM THE CITY MANAGER

- Manitou Days Parade is Friday, July 2nd and the La France will be available for the Mayor and Councilmembers to ride.
- Marketfest runs six weeks from July 1st through August 5th and the City of White Bear Lake has a booth to promote the work of both the Welcoming and Inclusive Committee as well as the Housing Task Force Committee, and solicit community input.
- Upcoming Community Conversations on Race will be hosted by the Humanity Center and Many Faces of White Bear Lake. This is a partnership including the City, the Town of White Bear Lake and Vadnais Heights.
- City Engineer / Public Works updates by Director Paul Kauppi
 - Sailboat sculpture has been rebuilt and is back in place on Highway 61 at 4th Street. Jason Brown provided the mast and donated hardware for the project.
 - Erd-Geist Gazebo lower column sleeves have shipped. The ribbon cutting is still slotted for Saturday, July 10, however, invitations will not be mailed until staff is sure there will not be a supply chain issue.
 - The water meter replacement project will begin after July 4th with initial notifications going out the first week of July for people to make their appointments for replacement.

- Community Development updates by Director Anne Kane
 - The Building Official reported no activity at the North Campus as expected based on the first demolition permit that was issued. Tree preservation, stormwater management and silt fencing are in place. She thanked Council for approving the item on consent to facilitate plan review as this project is expected to keep the Building Official and his new Assistant busy for the next four – five years.
 - Ms. Kane is writing a report for South Campus involving a 15,000 square foot addition and Planning and Zoning Coordinator Crosby met with Wold Architects for two more elementary school projects.

13. ADJOURNMENT

There being no further business before the Council, it was moved by Councilmember **Jones** seconded by Councilmember **Engstran** to adjourn the regular meeting at 8:12 p.m.

Biehn Aye
Edberg Aye
Engstran Aye
Jones Aye
Walsh Aye

Motion carried unanimously.

Jo Emerson, Mayor

ATTEST:

Kara Coustry, City Clerk



City of White Bear Lake
Community Development Department

MEMORANDUM

To: Ellen Hiniker, City Manager

From: The Planning Commission

Through: Ashton Miller, Planning Technician

Date: July 6, 2021 for the July 13, 2021 City Council Meeting

Subject: **Preisler Special Home Occupation Permit – 3862 Crestwood Place – Case No. 15-2-SHOPa**

REQUEST

A six-year extension to a Special Home Occupation Permit to allow a beauty salon in a single-family residence.

SUMMARY

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

RECOMMENDED COUNCIL ACTION

Approval of the attached resolution.

ATTACHMENT

Resolution of Approval

RESOLUTION NO. _____

**RESOLUTION APPROVING
A SPECIAL HOME OCCUPATION PERMIT FOR PAMELA PREISLER
AT 3862 CRESTWOOD PLACE
WITHIN THE CITY OF WHITE BEAR LAKE, MINNESOTA**

WHEREAS, a proposal (15-2-SHOPa) has been submitted by Pamela Preisler to the City Council requesting a Special Home Occupation Permit of the City of White Bear Lake for the following location:

LOCATION: 3862 Crestwood Place

LEGAL DESCRIPTION: Lot 8, Block 5, Lakewood Hills, Ramsey Co. Minn.
(PID #263022240061)

WHEREAS, THE APPLICANT SEEKS THE FOLLOWING: A six year Special Home Occupation Permit extension to allow a beauty salon business out of a 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 28, 2021; 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. This permit is issued for a six-year period with the expiration date being July 13, 2027, before which the permit may be renewed, in accordance with the procedural requirement of the initial home occupation.
3. The business shall comply with all provisions of the Home Occupation Section of the Zoning Code (Section 1302.125).
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 applicant shall comply with applicable building, fire and health department codes and regulations.

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.

Pamela Preisler

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 6, 2021 for the July 13, 2021 City Council Meeting

Subject: **Trusten Variance – 1783 Eugene Street – Case No. 21-14-V**

REQUEST

A 25.5 foot variance from the 30.5 foot front yard average setback and a 2.5 foot variance from the five foot side yard setback in order to construct a garage in front of the home.

SUMMARY

No one from the public spoke. On a 6-0 vote, the Planning Commission recommended approval with an amendment to condition #6, permitting the shed to remain in the easement as long as the homeowner signed an acknowledgement of risk to be recorded against the property.

RECOMMENDED COUNCIL ACTION

Approval of the attached resolution.

ATTACHMENT

Amended Resolution of Approval

RESOLUTION NO. _____

**RESOLUTION GRANTING TWO VARIANCES
FOR 1783 EUGENE STREET
WITHIN THE CITY OF WHITE BEAR LAKE, MINNESOTA**

WHEREAS, a proposal (21-14-V) has been submitted by James Trusten 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: 1783 Eugene Street

LEGAL DESCRIPTION: The West 90 feet of the Southwest Quarter of the Southwest Quarter of Section 14, Township 30 North, Range 22 West, Ramsey County, Minnesota except the North 828 feet and except the South 353.76 feet thereof; subject to sewer easement over the west 33 feet thereof. (PID: 143022330083)

WHEREAS, THE APPLICANT SEEKS THE FOLLOWING: A 25.5 foot front yard variance from the 30.5 foot front yard setback, per Code Section 1302.030, Subd.4.d, and a 2.5 foot variance from the five foot side yard setback, per Code Section 1302.030, Subd.4.e, in order to construct a two-car garage; and

WHEREAS, the Planning Commission held a public hearing as required by the Zoning Code on June 28, 2021; 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. A building permit shall be obtained before any work begins.
- 4. The applicant shall verify the property lines and have the property pins exposed at the time of inspection.
- 5. The east side of the garage shall be guttered and water directed towards the driveway/road.
- 6. A zoning permit shall be obtained for the shed and an acknowledgement shall be signed by the homeowner accepting liability for moving the shed should the City need to do work in the 33-foot wide easement that runs along the western property line.

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.

Applicant's Signature

Date

Print Name



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 8, 2021 for the July 13, 2021 City Council Meeting

Subject: **Case No. 21-6-CUPa: White Bear Area ISD 624/Building Additions to South Campus at 3551 McKnight Road**

REQUEST

A Conditional Use Permit amendment to allow two building additions approximately 16,500 square foot in area to provide a new secure main entrance with administrative offices and an eight (8) classroom addition to the existing South Campus of White Bear Lake High School. In line with the voter- approved referendum in 2019, South Campus will be converted from an 11-12th grade high school to a middle school for the 2024-25 academic school year.

SUMMARY

No one from the public spoke to the matter during the Public Hearing. On a 6-0 vote, the Planning Commission recommended approval of the conditional use permit amendment.

RECOMMENDED COUNCIL ACTION

Approval of the attached resolution.

ATTACHMENT

Draft Resolution of Approval

RESOLUTION NO.

**RESOLUTION APPROVING A
CONDITIONAL USE PERMIT AMENDMENT
FOR ISD #624 WHITE BEAR LAKE SOUTH CAMPUS
WITHIN THE CITY OF WHITE BEAR LAKE, MINNESOTA**

WHEREAS, a proposal (21-6-CUPa) 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 amendment, per Code Section 1303.245, Subd.2.c.4, for two building additions along the eastern façade of the existing school:

- A 14,500 square foot classroom addition; and,
- A 2,000 square foot office addition with a new secure entry vestibule.

WHEREAS, the Planning Commission has held a public hearing as required by the city Zoning Code on June 28, 2021; 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 details as required by the Fire Marshal, detailed in the attached memo dated June 3, 2021.
6. Ensure plans comply with the 2020 Minnesota State Building Code.
7. Provide evidence of project approval from the Ramsey-Washington Metro Watershed District.
8. Provide a SAC determination from the Metropolitan Council.
9. Submit a landscaping plan with a detailed tree preservation chart, including details on the plantings proposed for the infiltration basin, for staff review and approval.
10. A separate sign permit for exterior signage will be required.
11. 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.
12. Engineering/Stormwater Conditions:
 - a. On-site utilities, including hydrants, will be private utilities owned and maintained by the School District, not part of the City's public system;
 - b. Ramsey County Permit will be required for excavation in McKnight Road ROW;
 - c. Stormwater calculation/report to be submitted; final engineering design subject to review & approval.



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 7, 2021 for the July 13, 2021 City Council Meeting

Subject: **Boesch Fence Variance – 2514 Oak Court, Case No. 21-15-V**

REQUEST

A two foot variance from the 4 foot height limitation for a fence along a side abutting a public right-of-way in order to construct a 6 foot tall fence along the west property line.

SUMMARY

No one from the public spoke. On a 6-0 vote, the Planning Commission recommended denial as recommended by staff.

RECOMMENDED COUNCIL ACTION

Approval of the attached resolution of denial.

ATTACHMENT

Resolution of Denial

RESOLUTION NO.

**RESOLUTION DENYING A FENCE VARIANCE
FOR 2514 OAK COURT
WITHIN THE CITY OF WHITE BEAR LAKE, MINNESOTA**

WHEREAS, a proposal (21-15-V) has been submitted to the City Council requesting approval of a fence height variance from the Zoning Code of the City of White Bear Lake for the following location:

LOCATION: 2514 Oak Court

LEGAL DESCRIPTION: Lot 9 Block 1 of Lakewood North Second Addition, Ramsey County, MN (PID: 363022120064)

WHEREAS, THE APPLICANT SEEKS THE FOLLOWING RELIEF: A two foot variance from the four foot height limit for a fence along a side abutting a right-of-way, per Zoning Code Section 1302.030. Subd.6.h.4; and

WHEREAS, the Planning Commission held a public hearing, as required by the city Zoning Code, on June 28, 2021; 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:

1. The variance as requested is not necessary for the reasonable use of the land or buildings; other design options exist, such as landscaping.
2. There are no unique physical characteristics to the lot which create a practical difficulty for the applicant.
3. The granting of the variance is contrary to the intent of the zoning code.
4. The ‘walled-off’ appearance of a tall privacy fence is not the existing nor the desired character of the neighborhood.
5. Deviation from the code without reasonable justification will slowly alter the City’s essential character.

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

Ayes:
Nays:
Passed:

Jo Emerson, Mayor

ATTEST:

Kara Coustry, City Clerk



City of White Bear Lake
Community Development Department

MEMORANDUM

To: Ellen Hiniker, City Manager

From: The Planning Commission

Through: Samantha Crosby, Planning & Zoning Coordinator

Date: July 7, 2021 for the July 13, 2021 City Council Meeting

Subject: **Morris Fence Variance – 4926 Johnson Avenue, Case No. 21-16-V**

REQUEST

A two foot variance from the 4 foot height limitation for a fence along a side abutting a public right-of-way in order to construct a 6 foot tall fence along the west property line.

SUMMARY

No one from the public spoke. On a 6-0 vote, the Planning Commission recommended denial as recommended by staff. The applicant verbally asked for a refund of the application fee if the variance request is denied. He was informed that such a request would need to be made in writing. To date, staff has not received anything.

RECOMMENDED COUNCIL ACTION

Approval of the attached resolution of denial.

ATTACHMENT

Resolution of Denial

RESOLUTION NO.

**RESOLUTION DENYING A FENCE VARIANCE
FROM THE CITY OF WHITE BEAR LAKE ZONING CODE FOR
4926 JOHNSON AVENUE**

WHEREAS, a proposal (21-16-V) has been submitted by Joe Morris to the City Council requesting approval of a fence variance from the Zoning Code of the City of White Bear Lake for the following location:

LOCATION: 4926 Johnson Avenue

LEGAL DESCRIPTION: Lot 10 and the West half of Lot 11, block 19, Auerbach's Rearrangement of part of White Bear, Ramsey County, Minnesota, together with that portion of vacated 9th Street lying within 10 feet North of the North boundary of said Lot 10 and West half of said Lot 11 and bounded on the East by the East line of said West half of Lot 11 extended on the West by the West line of said Lot 10 extended. (PID #:133022220085)

WHEREAS, THE APPLICANT SEEKS THE FOLLOWING RELIEF: A 2 foot variance from the 4 foot maximum height limit, per Code Section 1302.030, Subd.6.h.3, in order to construct a 6 foot tall fence along the west property line; and

WHEREAS, the Planning Commission has held a public hearing as required by the city Zoning Code on June 28, 2021; 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 hereby denies the request, based upon the following findings:

1. The variance as requested is not necessary for the reasonable use of the land or buildings; other design options exist, such as landscaping.
2. The variance requested is not the minimum necessary to alleviate a practical difficulty or unique physical condition.
3. The granting of the variance is contrary to the intent of the zoning code.
4. The 'walled-off' appearance of a tall privacy fence is not the existing nor the desired character of the neighborhood.

5. Deviation from the code without reasonable justification will slowly alter the City's essential character.

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

Ayes:

Nays:

Passed:

Jo Emerson, Mayor

ATTEST:

Kara Coustry, City Clerk



City of White Bear Lake
Community Development Department

MEMORANDUM

To: Ellen Hiniker, City Manager

From: The Planning Commission

Through: Samantha Crosby, Planning & Zoning Coordinator

Date: July 7, 2021 for the July 11, 2021 City Council Meeting

Subject: **Lobinsky Variances – 4372 Cottage Park Road, Case No. 21-11-V**

REQUEST

Four setback variances - all in order to demolish an existing residence and detached two-car garage and construct a new residence with an attached four-car garage. Staff recommended denial of one of the four variances, but approval of a lesser variance, and design modifications to the height of the home.

SUMMARY

One neighbor spoke in support of the request. On a 5-0-1 vote, with one abstention, the Planning Commission supported staff's recommendation, with the caveat that should additional variances arise from the re-design of the residence as required by the approval, the one year waiting period for reapplication should be waived. This language was added to the attached resolution.

RECOMMENDED COUNCIL ACTION

Approval of the attached resolution.

ATTACHMENT

Resolution of Approval

RESOLUTION NO.

**RESOLUTION DENYING ONE VARIANCE AND
APPROVING FOUR VARIANCES WITH CONDITIONS FOR
4372 COTTAGE PARK ROAD
WITHIN THE CITY OF WHITE BEAR LAKE, MINNESOTA**

WHEREAS, a proposal (21-11-V) has been submitted by Paula Lobinsky to the City Council requesting approval of four variances from the Zoning Code of the City of White Bear Lake for the following location:

LOCATION: 4372 Cottage Park Road

LEGAL DESCRIPTION: Lot 1, Block 2, of South Shore Rearrangement of part of Blocks 1, 2, 3, and 4 of Cottage Park White Bear Lake, Ramsey County, Minnesota. Also a strip of land along the Northerly side of Lot 3 of Block 2 of the same, described as follows: Beginning at a point which is at the Northwest corner of Lot 3; thence running Southerly along the West line of said Lot 3, a distance of 6.5 feet to a point; thence in an easterly direction a distance of 129.65 feet to a point; thence North a distance of 1.5 feet to a point on the North line of Lot 3; thence West on the North line of Lot 3 a distance of 129.8 feet to the point of beginning. (PID # 233022130010)

WHEREAS, THE APPLICANT SEEKS THE FOLLOWING RELIEF: a 10.5 foot variance from the 15 foot side yard setback on the south side and a 10 foot variance from the same on the north side, both per Code Section 1303.040, Subd.5.c; a 29 foot variance from the 35 foot street side setback for an attached garage and living area above it per Code Section 1303.040, Subd.5.c.1, and a 3 foot variance from the 53 foot average lakeside setback for a deck, per Code Section 1302.040, Subd.4.c, all in order to demolish the existing home and reconstruct a new single family residence

WHEREAS, the Planning Commission has held a public hearing as required by the city Zoning Code on June 28, 2021; and

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

WHEREAS, the City Council finds that some aspects of the project are reasonable with certain design modifications;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of White Bear Lake that the City Council hereby denies the 10.5 foot variance from the 15 foot side yard setback along the south side, based upon the following findings:

1. The variance as requested is not necessary for the reasonable use of the land or buildings; other design options exist.
2. The variance requested is not the minimum necessary to alleviate a practical difficulty or unique physical condition. The City herewith approves of a lesser variance.
3. The granting of the variance is contrary to the intent of the zoning code.
4. The mass of structure resulting from the accumulation of the requested variances is not in harmony with the desired character of the neighborhood.
5. Deviation from the code without reasonable justification will slowly alter the City's essential character.

NOW, THEREFORE, BE IT FURTHER RESOLVED by the City Council of the City of White Bear Lake that the City Council hereby approves the three other requested variances along with a 5 foot variance from the 15 foot side yard setback along the south side subject to the following conditions:

1. All application materials, maps, drawings, and descriptive information submitted in this application shall become part of the permit.
2. Per Section 1301.060, Subd.3, the variances shall become null and void if the project has not been completed or utilized within one (1) calendar year after the approval date, subject to petition for renewal. Such petition shall be requested in writing and shall be submitted at least 30 days prior to expiration.
3. Porous pavers, rain gardens or other mitigative features used to off-set impervious area shall be maintained by homeowner according to manufacturer's specifications or to preserve design function and capacity.
4. Should additional variances arise from the re-design of the residence as required by this approval, the 1 year waiting period (Section 13012.060, Subd.2.b.7) shall be waived.
5. A building permit shall be obtained before any work begins.

Prior to the issuance of a building permit:

6. The plan shall be revised to provide a 10 foot side yard setback from the south side property line.
7. The height to the peak of the highest gable shall be reduced to 30 feet as measured from the street side grade.

8. The roof over the garage portion of the home shall be a hip-style design with the peak at least 4 feet shorter than the highest gable.
9. All impervious area above 30% shall be mitigated according to the zoning code; design and infiltration calculations shall be approved by the Stormwater Engineer.
10. The patio under the deck shall be added to the impervious area calculations or removed from the architectural plans.
11. The plans submitted for building permit shall comply with the Engineering Comments dated 6-8-21.
12. If grading extends closer than 50 feet to the OHWL, a grading plan must be submitted to the Rice Creek Watershed District for review and approval.
13. The applicant shall verify their property lines and have the property pins exposed at the time of inspection.

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

Ayes:
Nays:
Passed:

Jo Emerson, Mayor

ATTEST:

Kara Coustry, City Clerk



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 8, 2021 for the July 13, 2021 City Council Meeting

Subject: **FIRST READING – Zoning Code Amendment to allow Interim Use Permits in the B-5 Central Business District**

REQUEST

A text amendment to the City's Zoning Code to allow Interim Use Permits to allow "professional uses" to exceed the 30% rule for linear and percent of first floor square footage in the B-5 district on a temporary basis with a specified end date of termination. The first reading is not a public hearing.

SUMMARY

Staff received input via e-mail from Dale Grambush in advance of the Public Hearing which was shared with the Planning Commission. On a 5-1 vote, the Planning Commission recommended approval of the text amendment.

RECOMMENDED COUNCIL ACTION

No formal action is required for the first reading; the second reading is scheduled for August 10th City Council meeting.

ATTACHMENTS

1. Draft Ordinance
2. E-Mail Correspondence from Dale Grambush, dated June 28, 2021

**CITY OF WHITE BEAR LAKE
ORDINANCE NO. _____**

**AN ORDINANCE AMENDING THE MUNICIPAL CODE
OF THE CITY OF WHITE BEAR LAKE TO ALLOW INTERIM
USE PERMITS IN THE B-5 CENTRAL BUSINESS DISTRICT**

The Council of the City of White Bear Lake does ordain as follows:

ARTICLE I. Central Business District Interim Use Permits. Section 1303.160 of the Municipal Code of the City of White Bear Lake is hereby amended by adding a new subdivision 6 regarding interim use permits and renumbering the remaining subdivisions as follows:

Subd. 6. Interim Use. The City Council may issue an interim use permit to temporarily allow a professional use to exceed the percentage of floor area and linear street frontage on a parcel in the B-5 Central Business district. A request for an interim use permit shall be submitted and processed in accordance with Section 1301.050 of this Code and the following.

- a) The interim use permit must identify the specific date or event that can be identified with certainty on which the interim use permit will terminate.
- b) The City Council may impose any conditions on an interim use permit which it deems necessary or expedient to protect the public health, safety or welfare or to assure that permission for the interim use will not impose additional costs on the public if it is necessary or expedient to take the property in the future.
- c) The interim use permit is not valid unless the applicant agrees to the conditions imposed on the permit by the City Council. The applicant shall either expressly agree in writing to the conditions imposed on the interim use permit or shall be deemed to have agreed to all such conditions without exception or reservation if the applicant undertakes the use allowed by the permit.
- d) The issuance of an interim use permit does not entitle the applicant or any subsequent owner to the issuance of any additional interim use permits for the use or property. Upon the termination of an interim use permit, the use must be brought into full compliance with this Code.
- e) The use must otherwise comply with the requirements of this Code.

ARTICLE II. Incorporation. The City Clerk shall renumber the remaining subdivisions in the amended section, and make such other non-substantive edits, as may be needed to incorporate the new subdivision 6 into the section.

ARTICLE III. Effective Date. This ordinance shall become effective on the first day of publication after adoption.

Adopted by the City Council of the City of White Bear Lake, Minnesota on the ___ day of _____ 2021.

Jo Emerson, Mayor

ATTEST:

Kara Coustry, City Clerk

(~~Strikeout~~ indicates matter to be deleted, double underline indicates new matter.)

First Reading: _____

Initial Publication: _____

Second Reading: _____

Final Publication: _____

Codified: _____

Posted on web: _____

From: [Dale Grambush](#)
To: [Anne Kane](#)
Cc: kenbaltzer@gmail.com
Subject: Planning Commission Materials
Date: Monday, June 28, 2021 3:00:13 PM

Hi Anne,

Sorry but I will not be able to make the meeting tonight. I did talk with Ken Baltzer so I have added him to this email.

Some quick thoughts on the City Initiated text amendment for Interim Use,

There is no easy answer here for me;

First, I'm not sure I have this correct but it looks like the council is looking for a way to help out a new landlord because they purchased a building that was non-conforming and have now rented what was retail space as office space making the building even more non-conforming. And now the fix is to allow any building (with sprinklers) in the downtown an interim permit to allow professional uses where we want retail space. Not good at all so it doesn't help me support the text amendment.

Next, the new owners should have done their due diligence, reasonable research before they purchase the property. From the listing for 2218 3rd Street, "Great opportunity in desirable downtown White Bear Lake. Have your own business while being able to live in the same building! This building can be a great income generator with the lower-level apartment. Detached, newer 2-car oversized garage as well as a shed on the property. Buyer should contact city for zoning or allowable use questions." New owners should have done the research, owners of property before the 2003 should only be given this permit.

Last, location, location, location, if we were going to allow an interim use this would be one of the building to allow it. Would the council consider expanding the B-5 to include 2171-2191 2nd street, rezoning from Residential to Commercial – my guess and hope is no. This building could always be at the edge of downtown. Let the council make the decision on current code – no text amendment.

Anne, your take on this is going to be better than mine, what is your thought on wide spread use of the permit? If wide spread use is not going to be a problem then change the code, if you think it could be used often then I'm not in favor of the text change.

There is no need to email me back on the wide spread use of the permit.

Thanks

Dale Grambush



City of White Bear Lake
City Engineer's Office

MEMORANDUM

To: Ellen Hiniker, City Manager

From: Paul Kauppi, Public Works Director/City Engineer

Date: May 13, 2021

Subject: **Award of Contract for the Memorial Beach Retaining Wall Project**

BACKGROUND

The City maintains a Park Improvement Plan as part of its 5-year comprehensive Capital Improvement Program. Members of the Park Advisory Commission meet monthly to discuss park conditions and evaluate the merits of potential maintenance, replacement and/or new park projects. Each year the City takes on a more significant park project, as recommended by the Park Advisory Commission and reviewed annually by the City Council. These major park projects are financed through the City's Park Improvement Fund. Installation of a retaining wall at Memorial Beach is one such project that has been discussed for several years by the Parks Commission and identified in the Park Improvement Plan for construction in 2021.

SUMMARY

The installation of a retaining wall at memorial beach between the upper and lower trails has been in the Parks Capital Improvement Plan for a number of years. This project is necessary to improve safety for both maintenance staff as well as users of the beach. The slope between the trails is rather steep and is difficult to mow safely. In addition many beach users try to walk straight down the steep slope to the beach.

The proposed project would include the construction of a 3-tiered boulder wall which matches the other walls already in the park along with a set of stone steps with concrete edging and handrails. The area between the wall tiers will be mulched with a variety of plantings. This design will eliminate the need to mow the slope, provide a safe short cut down for beach users and also maximize the flat area off the upper trail to allow for areas to sit and look over the lake.

Staff received quotes for both the boulder wall construction as well as concrete work necessary for the stair edging and railings. The low quote for the retaining wall was received from DreamScapes Landscaping and Design, Inc. in the amount of \$94,361.38. The low quote for the concrete work and railings was received from Lallier Concrete in the amount of \$23,710.00. The remainder of the work will be completed by the Parks staff.

FINANCING

The total project cost is estimated at \$136,657.38 and will be funded from the Parks Improvement

Fund. Below is the project cost summary:

Boulder Retaining Wall	\$ 94,361.38
Concrete Stair Edging and Railings	\$ 23,710.00
Plantings	\$ 5,000.00
Mulch	\$ 3,500.00
Contingency	<u>\$ 10,000.00</u>
Total	\$136,657.38

RECOMMENDED COUNCIL ACTION

Staff recommends that the Council receive the quotes from DreamScapes Landscaping and Design, Inc. in the amount of \$94,361.38 and Lallier Concrete in the amount of \$23,710.00 and authorize staff to complete the project as budgeted.

ATTACHMENTS

Resolution

RESOLUTION NO.:

**RESOLUTION ACCEPTING QUOTES AND AWARDING CONTRACTS
FOR THE MEMORIAL BEACH RETAINING WALL PROJECT**

WHEREAS, plans were drawn and quotes were solicited in according to law; and

WHEREAS, DreamScapes Landscaping and Design, Inc. submitted a quote in the amount of \$94,361.38 for the construction of the boulder retaining wall; and

WHEREAS, Lallier Concrete submitted a quote in the amount of \$23,710.00 for the construction of the concrete stair edging and handrails;

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

1. The Mayor and City Clerk are hereby authorized and directed to enter into contract with DreamScapes Landscaping and Design, Inc. in the amount of \$94,361.38 for the construction of the boulder retaining wall.
2. The Mayor and City Clerk are hereby authorized and directed to enter into contract with Lallier Concrete in the amount of \$23,710.00 for the construction of the concrete stair edging and handrails.

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

Ayes:
Nays:
Passed:

Jo Emerson, Mayor

ATTEST:

Kara Coustry, City Clerk



City of White Bear Lake
City Engineer's Office

MEMORANDUM

To: Ellen Hiniker, City Manager

From: Paul Kauppi, Public Works Director/City Engineer

Date: April 13, 2021

Subject: **Adoption of a 25 mph speed limit for Certain Residential Roadways**

BACKGROUND / SUMMARY

In early 2019, a committee of representatives from local non-profits, state and local schools and local businesses began working on a concept to introduce emerging automated vehicle (AV) technology to the White Bear Lake community. A proposal was submitted to the Minnesota Department of Transportation (MnDOT) for an Automated Vehicle Pilot Project grant program and was accepted.

The proposed route for this pilot project lies between Phoenix Alternatives on Linden Avenue and the YMCA on Orchard Lane. A certified attendant employed by Newtrax would be on the vehicle at all times, which would travel at speeds of approximately 15 MPH. The proposed route would provide a connection for clients of Phoenix Alternatives, residents of the senior apartments along the route, and the public to access programming at the YMCA. The purpose of this pilot would be to evaluate the benefits and challenges of automated vehicles, and more specifically, the potential for automated vehicles to provide future transportation options for persons with disabilities and the aging populations.

As the consultant and AV vendors have been working through the details of the pilot project, it was discovered that there cannot be more than a 10mph differential between the posted speed limit and the travel speed of the AV which is 15mph as required by the National Highway Traffic Safety Administration's (NHTSA) requirements. The easiest solution to this issue would be to lower the existing 30mph speed limit to 25mph. This would be allowed under Minnesota Statute 169.14 which allows a road authority to adopt a lower speed limit for a roadway.

A speed study was completed as required and recommends the lowering of the speed limit along the proposed route from 30mph to 25mph. As part of this study, speed counts were conducted along these segments of roadways. Speed counts will also be conducted after the roadways are re-signed to 25mph to determine what affect the lower signed speed limit has. This will allow this to be a test case before the City pursues lowering speed limits on all or additional roadways as now allowed by state statute.

It is further proposed for this change to sunset on December 31, 2022 which will allow for the AV

pilot project to move forward but not make any long term commitments on the lower speed limit for these roadways. Staff will have a check in with council prior to the expiration to see if they want to take action to retain the lower speed limits and return them back to 30mph.

RECOMMENDED COUNCIL ACTION

Staff recommends that Council adopt the attached resolution establishing a 25 mile per hour speed limit for the following residential roadways and direct staff to sign them as such: Linden Avenue from County Road E to Willow Avenue, Willow Avenue from Linden Avenue to Orchard Lane and Orchard Lane from Willow Avenue to McKnight Road.

ATTACHMENTS

Resolution

RESOLUTION NO.:

ESTABLISHING A 25 MILE PER HOUR SPEED LIMIT FOR THE FOLLOWING RESIDENTIAL ROADWAYS AND DIRECT STAFF TO SIGN THEM AS SUCH: LINDEN AVENUE FROM COUNTY ROAD E TO WILLOW AVENUE, WILLOW AVENUE FROM LINDEN AVENUE TO ORCHARD LANE AND ORCHARD LANE FROM WILLOW AVENUE TO MCKNIGHT ROAD

WHEREAS, a speed study was performed for these segments of roadway and supports the reduction to 25 miles per hour; and

WHEREAS, Minnesota State Statute 169.14 allows for this reduction following an safety, engineering and traffic study; and

WHEREAS, it is the best interest to have reasonable and safe speeds posted on City streets; and

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

1. The City hereby declares a 25 mile per hour speed limit on the following roadways: Linden Avenue from County Road E to Willow Avenue, Willow Avenue from Linden Avenue to Orchard Lane and Orchard Lane from Willow Avenue to McKnight Road.
2. Staff is hereby authorized to erect the appropriate signs designating the speed of 25 miles per hour on Linden Avenue from County Road E to Willow Avenue, Willow Avenue from Linden Avenue to Orchard Lane and Orchard Lane from Willow Avenue to McKnight Road.
3. This speed limit change will expire on December 31, 2022 unless further action is taken by the City Council and the roadways will be changed back to 30 miles per hour.

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 19, 2021	Time: 6:30pm	Location: WBL City Hall
COMMISSION MEMBERS PRESENT	Sheryl Bolstad, Chris Greene, Bonnie Greenleaf, Gary Schroeber (Chair); Robert Winkler	
COMMISSION MEMBERS ABSENT	Rick Johnston Valeria Diaz, Sage Durdle	
STAFF PRESENT	Connie Taillon, Environmental Specialist	
VISITORS	Ashley Kennedy and Kim Haroldson, Zero Waste Advocates	
NOTETAKER	Connie Taillon	

1. CALL TO ORDER

The meeting was called to order at 6:34pm.

2. APPROVAL OF AGENDA

The commission members reviewed the agenda and added 'No Mow 'May' presentation by representatives of Zero Waste Advocates under item 4. Visitors and Presentations. Commissioner Greenleaf moved, seconded by Commissioner Bolstad, to approve the agenda as amended.

Roll call vote:

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

Motion carried.

3. APPROVAL OF MINUTES

a) April 21, 2021 regular meeting

The commission members reviewed the April 21, 2021 draft minutes and no changes. Commissioner Greene moved, seconded by Commissioner Winkler, to approve the minutes of the April 21, 2021 meeting as presented.

Roll call vote:

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

Motion carried.

4. VISITORS & PRESENTATIONS

Ashley Kennedy and Kim Haroldson from Zero Waste Advocates were in attendance to present on the 'No Mow May' campaign that was started in the UK in 2010. No Mow May is a voluntary program that asks land owners to not mow their lawns in the month of May. The purpose of the campaign is to bring awareness to protecting pollinators by providing habitat and reducing pesticide use. Appleton Wisconsin was the first U.S. City to adopt No Mow May in 2020. Since then, 9 additional Wisconsin Cities and 2 Minnesota Cities (Rochester and West St. Paul) have adopted No Mow May. Ashley suggested as a next step to consider revising the City's current weed ordinance to state that lawns should be mowed starting June 1st instead of May 15th, or adopting a policy that supports promoting No Mow May to residents and businesses. She stated that West St. Paul has No Mow May signs on their website that property owners can print, or the City could consider providing signs for interested land owners.

Commissioner Bolstad mentioned that she did not mow for a few weeks this spring and some areas of her lawn were so thick that it couldn't be mowed with their electric lawn mower. Commissioner Winkler stated that he opted in to the No Mow May campaign this spring for his back yard only. He will report back on how tall the grass grew in that month. Commissioner Greene stated that this is a great idea and that the EAC should promote this campaign at the Environmental Expo.

5. UNFINISHED BUSINESS

a) 2021 budget

Taillon noted that she will order the two feather flags and a rain barrel for the Expo.

b) 2021 Work Plan

- Plastic bag ban

Bonnie stated that she will draft a statement of need for discussion at the June EAC meeting.

- Downtown area recycling

Taillon reported that she is waiting to hear back from the County regarding a grant application.

Commissioners asked about upcoming pollinator initiatives. Taillon reported that staff will be looking at a potential shoreline restoration at Matoska Park in 2022 and will hopefully be constructing a curb cut raingarden as part of the Lakewood Hills parking lot rehabilitation project this fall that will include pollinator plantings. Other future restoration/pollinator habitat is being considered in the woodland areas.

c) 2021 Expo exhibitors

Taillon stated that a local funeral home contacted her about exhibiting at the Environmental Resources Expo to promote green cremation. While supportive of the concept, the commission members agreed to continue only inviting non-profit organizations to exhibit at the Expo. Staff will contact the funeral home to let them know the commission members decision. Commission members discussed continuing to invite exhibitors to the Expo. Commission members decided to replace the August meeting with the Expo, similar to past years. Taillon will add this change to the work plan.

6. NEW BUSINESS

None

7. DISCUSSION

a) Staff updates

- Matoska Park riprap project

Taillon noted that the Matoska Park riprap project is now complete and the dog beach will open back up once the grass becomes established.

- Curb cut raingarden program
Taillon stated that the street renovation raingarden program is being offered again this year, but only one potential site was found to be suitable for a curb cut raingarden.
- Surface Water Management Plan
Taillon announced that the Surface Water Management Plan will be brought to Council for adoption at their May 25th meeting. She will email the commission members a link to the plan.
- Pollinator planting at Lakewood Hills Park
Taillon stated that she reported on future Lakewood Hills Park pollinator plantings as part of the 2021 work plan discussion.

b) Commission member updates

Chair Schroeher and Commissioner Bolstad provided an update on the East Goose Lake City Council presentation and stated that Barr did a great job presenting. Chair Schroeher noted that no decisions were being proposed at the meeting and that the presentation was just for educational purposes. Taillon mentioned that the PowerPoint and presentation video can be found on the East Goose web hub. She will email the commission members a link to the web hub.

c) Do-outs

New do-out items for May 19, 2021 include:

- Staff to consider revising the ordinance or EAC to draft a policy for 'No Mow May'
- Staff to contact funeral home re: Environmental Expo
- Staff to revise the workplan to show the Expo, and no scheduled meeting in August
- Commissioners and staff to continue inviting exhibitors to the Expo
- Staff to email Surface Water Management Plan and Goose Lake web hub links to commissioners

d) June agenda

Include single use bag fee and Environmental Resource Expo on the June agenda.

8. ADJOURNMENT

Commissioner Bolstad moved, seconded by Commissioner Greenleaf to adjourn the meeting at 8:02 pm.

Roll call vote:

Bolstad: Aye
Greene: Aye
Greenleaf: Aye
Johnston: Absent
Schroeher: Aye
Winkler: Aye
Diaz: Absent
Durdle: Absent
Motion carried.

Park Advisory Commission Meeting Minutes

MAY 20, 2021

6:30 P.M.

EBBA PARK

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

1. CALL TO ORDER

The meeting was called to order at 6:33 pm.

2. APPROVAL OF MINUTES

Approval of the minutes from April 15, 2021 was moved by Mark Cermak and seconded by Bryan Belisle.

3. APPROVAL OF AGENDA

Approval of the May 20, 2021 agenda was moved by Bryan Belisle and seconded by Victoria Biehn with the addition of Boatworks Green Space.

4. UNFINISHED BUSINESS

None.

5. NEW BUSINESS

a) Arbor Day Tree Planting

Tonight was the official celebration for Arbor Day in the City of White Bear Lake and the task was planting 5 trees (3-Birch Dakota Pinnacle and 2-Oak Crimson Spires) along the fence line between the Water Treatment Facility and Ebba Park. Andy demonstrated to the Parks Advisory Commission how to properly plant a tree, including finding the main or tap root and removing any extra dirt on the top of the root ball so that the main root is only planted within an inch of the surface of the existing ground. Andy Wietecki reported to the Commission members that one of the biggest mistakes when planting trees is they are planted too deep which then affects the way the roots grow. Andy also demonstrated how to properly box cut the sides of container trees so the roots don't become root bound which is when the roots grow in a circular direction following how they grew in the container. If the roots aren't corrected, the tree will not be stable in the wind and will not live to be a mature tree. All of the Commission got their hands dirty and planted the trees. Once the trees were in the ground, the Commission top dressed them with a mulched ring around the tree to help hold moisture in the ground.

b) Park Tour – Ebba Park

The Park Advisory Commission toured Ebba Park. Andy Wietecki explained that there is a storm water filtration system under the outfield of the baseball area, the shelter was replaced roughly 10-15 years ago and the playground is in really good condition. The project to be completed this year at Ebba Park is having the shelter ceiling cleaned and stained. Nothing has been done to the ceiling since it was installed 10-15 years ago and now it's moldy and dirty. The City has incorporated into the budget funds to stain the ceiling shortly after new shelters are installed to avoid deterioration.

c) BoatWorks Green Space

Bryan Belisle would like to add something to the BoatWorks Green Space for residents to use and add signage as well as stating it is public park property. Bryan suggested some cement pads with picnic tables, a couple of benches along the border of the sidewalk or something along this nature. The Park Advisory Commission members are in agreement that something is needed in this space. Both Paul Kauppi and Andy Wietecki reminded the Commission that there is a storm water filtration system under the green space that collects storm water from this location. The water goes into the tanks under the grass and then the irrigation system uses that water for this property. The other complication with improving this area is that the Fire Department needs to be able to pull a fire truck into this area in case of an emergency. Andy will meet with the Fire Department to see if there are options for installing benches or tables that won't interfere with their operations.

Bryan also mentioned that the green space grass looks unsightly. The green space always has yellow spots due to the animals that live in the apartments. The spots are not usually fixed until late into the season. Paul responded that Andy Wietecki could reach out to the manager of At Homes Apartments and request the spots be fixed earlier in the season. Brian suggested that the dogs not be allowed to use the park as a bathroom. However, Paul responded that the dogs' use of the green space was negotiated during the construction of the building. The green space is the only place the dogs have to use. The alternative would be to have the dogs use Veterans Memorial Park and that is not appropriate since there is such a strong meaning behind the park. The At Home Apartments now DNA tests the dogs that live there and if they find a fresh mound of feces, they send it in for testing. If it comes back to a dog that lives there, they are fined twice before they are forced to move out. The DNA testing was put into effect last year.

6. OTHER STAFF REPORTS**a) Dog Beach Lakeshore Restoration Project**

Andy and Paul reported to the Park Advisory Commission that the Dog Beach Lakeshore Restoration Project has been finished. The City was able to regain roughly five feet of shoreline washed away with the high water last spring. There are multiple areas that were built like steps going down to the water's edge for people and dogs to easily navigate. The Parks Advisory Commission will be having a tour of Matoska Park in July to see the newly restored Erd-Geist Gazebo and the Dog Beach Lakeshore Restoration.

b) Parks CIP Budget

Paul Kauppi suggested that the Parks Advisory Commission should review the Parks Capital Improvement Budget to confirm the projects listed over the next few years are important to our City parks and to confirm that the Commission wants to move forward with them. Paul is also requesting a representative from the Commission attend an upcoming City Council meeting to talk about the budget and projects.

c) Earth Day Cleanups

Andy Wietecki reported that there was an overwhelming response to Earth Day clean-ups this year. In addition to the City's Arbor Day project, the White Bear Lake Lions Club cleaned up Lakewood Hills Park and along White Bear Avenue by the park, the White Bear Lake Rotary club cleaned up along White Bear Lake in front of Kowalski's and along Goose Lake, Yoga Devotion cleaned up the beach and West Park, and a neighborhood group cleaned up the areas around Highway 96 and White Bear Parkway. Andy also reported that the City's Adopt-A-Park program now has 5 parks that have been adopted. Signs have been made and will be installed at the parks with the name(s) of the people and organizations that have adopted the park to show recognition for their service and dedication to our parks.

7. COMMISSION REPORTS

None.

8. OTHER BUSINESS

None.

9. ADJOURNMENT

The next meeting will be held on June 17, 2021 at 6:30 p.m.

There being no further business to come before the Park Commission, the meeting was adjourned. Moved by Mike Shepard and seconded by Ginny Davis.

**MINUTES
PLANNING COMMISSION MEETING
CITY OF WHITE BEAR LAKE
JUNE 28, 2021**

The regular monthly meeting of the White Bear Lake Planning Commission was called to order on Monday, June 28, 2021, beginning at 7:00 p.m. in the White Bear Lake City Hall Council Chambers, 4701 Highway 61, White Bear Lake, Minnesota by Chair Ken Baltzer.

1. CALL TO ORDER/ROLL CALL:

MEMBERS PRESENT: Michael Amundsen, 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: Richard Nirdsard, Arlene Ryan, Marcia & John Faurneelee, Ann Duke, Dee Engebretson, Donna Huisenga, Al Mensureem, Brooke & Garrett Boesch, Paula Lobinsky, John Stickney, Gretchen Peterson, Allison Besser, Rick & Sharon Prokosch, John Johannson, Chris Simmons, Jim Trusten, Pam Preiser, Joe Morris, Tim Wald, and Paul Aplikowski .

2. APPROVAL OF THE JUNE 28, 2021 AGENDA:

Kane proposed to add approval of an interim use permit to item 4.H of the agenda. Member Berry moved for approval of the agenda, as amended. Member Lynch seconded the motion, and the agenda was approved (6-0).

3. APPROVAL OF THE MAY 24, 2021 PLANNING COMMISSION MEETING MINUTES:

Member Reis moved for approval of the minutes. Member Enz seconded the motion, and the minutes were approved (6-0).

4. CASE ITEMS:

A. **Case No. 15-2-SHOPa:** A request by Pam Preisler for a six year extension to an existing Special Home Occupation Permit, per Code Section 1302.120, in order to operate a beauty salon out of her residence at the property located at 3862 Crestwood Place.

Miller discussed the case. Staff recommended approval.

Member Berry asked if any comments were submitted by the public regarding the business. Miller confirmed there were two letters written in support.

Member Baltzer opened the public hearing. As no one spoke to the matter, Member Baltzer closed the public hearing.

Member Reis moved to recommend approval of Case No. 15-2-SHOPa. Member Lynch seconded the motion. The motion passed by a vote of 6-0.

- B. **Case No. 21-14-V:** A request by **James Trusten** for a 25.5 foot variance from the 30.5 foot front yard average setback, per Code Section 1302.030, Subd.4.d, and a 2.5 foot variance from the five foot side yard setback, per Code Section 1302.030, Subd.4.e, in order to construct a garage in front of the home at 1783 Eugene Street.

Miller discussed the case. Staff recommended approval subject to the conditions listed in the report.

Member Baltzer opened the public hearing. As no one spoke to the matter, Member Baltzer closed the public hearing.

Member Lynch clarified the options for the shed; either it is moved now or sometime in the future if work in the utility easement is required. He stated that he would support allowing the shed to remain if the homeowner signs an agreement acknowledging the shed may need to be removed if the City ever needs to access the easement. Member Enz suggested that the condition be recorded against the property so that future owners know.

Member Lynch moved to recommend approval with the change to condition #6 as recommended by Member Enz of Case No. 21-14-V. Member Reis seconded the motion. The motion passed by a vote of 6-0.

- C. **Case No. 21-15-V:** A request by **Brooke & Garrett Boesch** for a two foot variance from the four foot height limit, per Code Section 1302.030, Subd.6.4.3, in order to construct a six foot tall fence along the west property line of the property located at 2514 Oak Court.

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

Member Baltzer opened the public hearing.

Brooke and Garrett Boesch, 2514 Oak Court, applicants, explained that the lilac bushes will be on the outside of the fence, which will provide camouflage, softening the look of the fence and the 30 foot setback from the road will prevent the “gated community” feel. They are concerned that traffic will increase in the area considering they are close to the County Road E and Bellaire Avenue intersection and the six-foot fence will grant more privacy and safety for their children without taking away a portion of their yard.

Member Amundsen stated that he drove along Bellaire Avenue and only saw one privacy fence along the way. He asked if the applicants could expand upon the need for a six-foot fence, because a four-foot fence would be just as capable as a six-foot fence at keeping children in the yard.

Garrett Boesch reiterated that the taller fence would provide more privacy from the vehicle traffic along Bellaire Avenue. Moving the fence back twelve feet would not be aesthetically pleasing.

Member Baltzer closed the public hearing.

Member Enz agreed that a four-foot fence would be sufficient in keeping children safe within the yard.

Member Reis explained that he visited the area during the noon hour of the day and there was not much traffic on the road.

Member Reis moved to recommend denial of Case No. 21-15-V. Member Enz seconded the motion. The motion passed by a vote of 6-0.

- D. **Case No. 21-16-V:** A request by **Joe Morris** for a two-foot variance from the four foot height limit, per Code Section 1302.030, Subd.6.4.3, in order to construct a six-foot tall fence along the west property line of the property located at 4926 Johnson Avenue.

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

Member Reis referenced one of the neighbor's comments that implied danger of pulling out of the alley onto Johnson Avenue. He tested it out and agreed that the six-foot tall fence would impair the sight lines of exiting vehicles.

Member Baltzer opened the public hearing.

Joe Morris, 4926 Johnson Avenue, applicant, stated that he is a new community member having purchased the home recently. His wife is a lifelong White Bear Lake resident. The taller fence was proposed in order to block traffic and offer a little more privacy. He did not know that the fence request would create a skirmish in the neighborhood. He stated that he will not argue against the denial, but asked for his money back. He feels duped by the process. He was told that when he submitted the variance application, there was a 90% chance that the variance would not pass. He did not understand it meant he had no real opportunity to plead his case.

Mr. Morris described how they elected not to tear down the home and have been extremely thoughtful throughout the renovation process. He is not opposing the recommendation, but would like his money back.

Member Baltzer closed the public hearing.

Member Baltzer asked staff if there was a procedure for the refunding of fees.

Kane suggested that something be put in writing to present to the City Council for consideration. She noted that there have been notices published in the newspaper and sent to residents as well as staff time that has been put towards working on the report and permit application.

Member Reis asked how much a variance costs and how much staff time is put towards each case. Kane replied that it is \$310 for the residential variance and address list and that there is a significant amount of staff time dedicated to each request.

Member Reis moved to recommend denial of Case No. 21-16-V. Member Amundsen seconded the motion. The motion passed by a vote of 6-0.

- E. **Case No. 21-11-V:** A request by **Paula & Mike Lobinsky** for four variances: a 10.5 foot variance from the 15 foot side yard setback on the south side and a 10 foot variance from the same on the

north side, both per Code Section 1303.040, Subd.5.c; a 29 foot variance from the 35 foot street side setback for an attached garage and living area above it, per Code Section 1313.040, Subd.5.c.1; and a three foot variance from the 53 foot average lakeside setback for a deck, per Code Section 1302.040, Subd.4.c, all in order to demolish the existing home and reconstruct a new single family residence on the property located at 4372 Cottage Park Road.

Member Baltzer recused himself and Member Lynch chaired the case.

Crosby discussed the case. Staff recommended approval of a lesser variance on the south side, approval of the north and street side variances with design modifications, and approval of the lakeside variance as requested only when subjected to the conditions listed in the report.

Member Lynch asked if it would be better suited to wait for a different design to be submitted by the applicant that is less likely to be recommended for denial. Crosby replied that the applicants have gone through several design changes already and at this point, she believes they are looking for direction.

Member Lynch opened the public hearing.

Paula Lobinsky, applicant, stated that originally they wanted to renovate the home, but found that the foundation is unusable. The next plan was to rebuild what is there plus a little larger to accommodate their family needs. The four stall garage is proposed because they want to alleviate the parking on the street and accommodate the need for storage.

Ms. Lobinsky clarified that the current house on the site is actually 22 feet to the peak as opposed to the 15 feet stated in staff's report. She acknowledged that they are flexible on the height and plan on modifying the design.

Ms. Lobinsky explained that the wider staircase is part of their plan to be able to age in place. She thinks they will be able to pull it back a little to accommodate staff's recommended reduced setback variance.

Member Berry asked how the applicant felt about staff's recommendations. Ms. Lobinsky replied that, in general, they mostly make sense. She stated that the variance being recommended for denial is tough because the neighbor's home is on the other side of the lot, and right now there is access to the lake on both sides of the property. They designed the home to have a larger access on one side as opposed to smaller access everywhere.

Ms. Lobinsky acknowledged that the hip roof is not necessarily the style the applicants want, but is confident she can come up with an alternative style.

Crosby explained that if design modifications other than a hip style roof that met the intent of the code were proposed, the changes could be approved administratively.

Ms. Lobinsky stated that they are conscious of the impervious surface, which is why the tandem garage style is proposed rather than a side-loading garage.

Sharon Prokosch, 4376 Cottage Park Road. She expressed enthusiasm for the proposal, stating that she thinks the view of the lake will be improved since the new home will be pulled back from

the lake. She believes that the applicants have been thoughtful in their design and have proposed something that will blend with the surrounding neighborhood.

Member Baltzer closed the public hearing.

Member Enz stated that she is worried that at its current height, the new residence will tower over the rest of the neighborhood, especially since the road is narrower than other streets. She appreciates the desired design, but thinks there are many other solutions that would make the home less obstructive and be more in line with the other homes in the neighborhood.

Member Amundsen stated that he is supportive of the variances as long as the height is reduced and the hip style is adopted on the front. He can relate to the amount of stuff having kids and recreating on the lake generates, so he thinks that the size of the garage is reasonable, especially considering there is no other shed or storage space.

Member Lynch expressed support of staff's recommendations.

Member Amundsen asked if it made sense to approve or table the request until other designs are submitted.

Crosby explained that they are not approving the layout of the home, just the parameters and conditions of the variance, which provides for flexibility.

Kane added that, if desired, the Commissioners could include a condition allowing flexibility should a new variance pop out during the redesign that waives the six-month waiting period after a variance is denied.

Member Amundsen moved to recommend approval of Case No. 21-11-V as recommended by staff and including a condition that waives the six-month waiting period after a variance has been denied. Member Berry seconded the motion. The motion passed by a vote of 5-0, with one abstention.

- F. **Case No. 21-6-CUP:** A request by **Independent School District #624** for a Conditional Use Permit Amendment, per Code Section 1303.245, to allow two building additions to the existing South Campus building to facilitate conversion of the existing high school to a middle school at 3551 McKnight Road.

Kane discussed the case. Staff recommended approval of the request with the conditions in the staff report.

Member Baltzer opened the public hearing.

Member Lynch sought clarification on the black dots that appeared on the site plan.

Paul Aplikowski, Architect, explained the dots are how they count teaching stations and have no bearing on the design of the project.

Member Enz asked about the restrooms because there did not appear to be doors on the plans. Mr. Aplikowski replied that the design is newer and similar to what has been approved on other school district projects. The school district is interested in providing privacy toilets, which are

not required to be designated as either male or female. The State building code does not explicitly allow this, stating that the bathrooms must be signed for boys and girls, so as a part of the exception to allow it to happen, more supervision of the sink area is required. This is why there are not doors on the front area. The doors are located on the stalls themselves.

Kane added that the Building Official has been working with the State Building Code Official on the “exceptional review” that the restroom area requires.

Member Amundsen asked if the eight new classrooms are based on the projected number of future students and which door is considered the main entrance.

Mr. Aplikowski stated that they are projecting 1,350 students in this middle school, so the additional classrooms are needed to accommodate that growth. At the time of construction of the original building, it was not a priority to have a “main entrance” and the offices were located in the center of the school. In the age of more security in schools, the south is designated as the main entrance. This proposal will cure any issues and security will be able to be handled in the main office.

Tim Wald, Assistant Superintendent, reiterated that the atrium will now provide for a secure entrance that was not a concern when the school was initially built.

Member Baltzer closed the public hearing.

Member Berry commented that he appreciates the new traffic pattern.

Member Lynch moved to recommend approval of Case No. 21-6-CUP. Member Enz seconded the motion. The motion passed by a vote of 6-0.

- G. **Case No. 21-2-Z & 21-5-CUP:** A request by **Division 25, LLC** for a text amendment to the Sign Code Section 1202.040, Subd.2, to allow billboards; and a Conditional Use Permit, per the amended code, to allow installation of a two sided V-shaped dynamic billboard at the property located at 4650 Centerville Road.

Kane discussed the case. Kane explained that staff is looking for direction from the Commissioners on the text amendment itself. The Conditional Use Permit for the billboard will not be considered at this meeting. She gave an overview of the previous ordinance that regulated billboards and highlighted a number of proposed regulations that staff would like the Planning Commission to provide feedback on.

Member Lynch asked if the amendment would allow for billboards on Highway 96. He thinks it would be appropriate to focus only on the interstate highways. Kane confirmed that what is being proposed reads ten feet from a trunk highway, which would include Highway 61 and 96 and raises a little bit of concern.

Member Lynch concurred with staff’s recommendation that there should be some language regarding a buffer to prevent billboards over buildings or parking areas.

Kane touched on the message duration explaining that the proposal is quite different from what was previously allowed in the code. A study was completed and found that twenty minute

durations were very safe. The applicants are proposing eight seconds. When dynamic display was proposed for other signs within the City, a compromise of five minutes was agreed upon.

Member Enz wondered what other communities have adopted and if the safety studies are available. Kane stated that the neighboring communities have adopted the eight second duration and that she can provide that information for the Commissioners at the next meeting.

Member Lynch opined that the five minutes may be too long and the eight seconds may be too short, although he could be convinced of other time lengths.

Member Amundsen asked what communities in other parts of the Twin Cities have adopted. He suggested the Metropolitan Council may have guidance on billboard regulations. Kane offered to look into it and provide that information before the next meeting.

Member Berry summarized that the balance is between safety and profit in terms of number of messages shown.

Kane explained the maximum brightness is something that the neighboring residents are concerned with. The applicants have provided a more detailed plan that demonstrates what a 0.3 footcandle projection looks like.

Member Enz asked if the brightness is measured in the day or evening. Kane replied that it changes based on time of day through the use of an automatic dimmer.

Member Lynch wondered if there are things that can be attached to shield the billboard lighting away from neighboring properties, like parking lot lights. Kane was not sure if anything like that existed.

Kane agreed to provide the information Member Berry requested regarding the billboard in White Bear Township.

Kane described the linear spacing of billboards. In 2007, the minimum spacing was required to be no more than 2,600 linear feet to the nearest billboard or 1,300 feet to any residentially zoned property. She measured distances to the existing billboards in the area. The billboard in the Township is 1,600 feet from the proposed location and the static billboard to the south is 3,300 feet.

In response to an inquiry from Member Lynch, Crosby speculated that there are possibly six or seven billboards currently in the City.

Member Amundsen asked if the proposed 750 foot spacing would allow more signs to fill between the current signs. Kane explained that there is a proposed maximum number of billboards to limit that infill. The language would encourage moving and updating current billboards to more appropriate locations.

Member Lynch asked if current billboards that did not meet the standards wanted to upgrade would be considered grandfathered in. Kane responded no, there will be a difference between static and dynamic signs and each will be conditional use permits.

Member Lynch asked if the code could say “X number of feet within the City” because he thinks it may become problematic if other cities adopt codes that are different from White Bear Lake. Kane agreed that a clarification that the code only applies within corporate limits is appropriate.

Member Amundsen asked about the proposed size increase. Kane explained that surrounding communities have a 700 square foot limit. She was cautious about creating language so unique to White Bear Lake that billboard companies do not want to work in the City.

Kane requested that the Commission continue the case to next month to give staff time to work with the applicants on the specifics of the proposed billboard.

Member Baltzer opened the public hearing.

John Johannson, Division 25 LLC, applicant, explained that they started the billboard process eight years ago. They have been patient. They did not know what they were stepping into when they purchased the property, but they have cleaned up the environmental issues, closed wells, and paid for the road and traffic control improvements in the area.

He stated that City staff originally asked that residential be constructed first. The commercial came second and they are lucky to have local grocer in that space. The billboard has been contemplated since day one. There is a reciprocal easement between his company, the senior residence facility, and the City, which has a future sign built in. He thinks that they will be able to meet the residents’ concerns regarding the sign.

Mr. Johannson continued that electronic billboards are a tremendous improvement over the static billboards. The static signs had gooseneck lights that shine back, hitting the sign and bouncing the light everywhere. The new billboards have innovative technology, are internally lit with dimming technology. If there is a malfunction, the camera will shut the billboard down. The proposed billboard has 0.3 footcandle, which is very low. For reference, one footcandle is needed to create a shadow. He explained that a cutoff feature is generally not needed because the cone of the light is so minimal. After 0.3 footcandles, the cone reduces quickly to zero. There is more light emanating from Lunds & Byerly’s.

Mr. Johannson explained that the industry standard billboard is 14 feet by 40 feet. The signs can be bigger, but legibility is lost if they are smaller. The eight second flip is the standard time change. If there is a longer duration, the dynamic sign probably will not be built because it is not economically viable. Drive time on the freeway means a person will probably only see one sign before driving past, so will not be distracting.

He noted that generally, five hours a month are given to community hours, which equates to 2000 flips and dispersed throughout the day.

Member Lynch suggested that the residents of the apartment may be more concerned with the changing of the sign every eight seconds as opposed to the light.

Mr. Johannson stated that he will work to educate the residents about the sign to eliminate any worries they may have. The pole will be decorative. The boards will be oriented toward the highway, not the residential building. The images will not move, the message will be static and changes will be immediate, with no dynamics in between.

He stated that initially the text amendment would allow no new signs, only move or upgrade what is existing. He thinks the signs should be limited to 35 E and 694, but that it would be okay if a sign is visible from a trunk highway. He described other billboards that he has worked on, including a recent one in Vadnais Heights that is 60 feet tall. They build attractive, decorative signs and this one will be no different.

Member Baltzer closed the public hearing.

Member Lynch moved to continue Case No. 21-2-Z & 21-5-CUP. Member Amundsen seconded the motion. The motion passed by a vote of 6-0.

H. **Case No. 21-1-Z & 21-1-IUP: A City-Initiated** text amendment to Zoning Code Section 1303.160 to allow interim use permits in the B-5 zoning district.

Kane discussed the case. The City Council has expressed the desire to allow for interim use permits, but specified that it should be limited to the B-5 Central Business District and only to exceed the 30% square footage limit for non-retail uses. Staff recommended approval of the text amendment and of a subsequent interim use permit for 4701 Banning Avenue.

Member Baltzer asked if the IUP would be specific to the downtown area. He believes there may be a loophole that would allow other businesses to receive an IUP and then two years later be allowed to stay because the business is so well established.

Kane stated that the ordinance is so narrowly tailored to apply only to the downtown, so it is not a great concern that it will be used often.

Member Lynch asked if a business would be able to apply for a variance or extension of the IUP. He wonders if this ends up being a really strict conditional use permit.

Member Berry added that this is just a first step at getting what the business ultimately wants. He thinks that the comments submitted by Dale Grambush are valid. He does not think the City should change what makes the downtown area unique. It was hard to bring retail back after it died in the 1970s and this proposed text amendment moves away from retail.

Member Lynch compared the situation to a gazebo being built before a permit is obtained. The question becomes “do we make them tear the gazebo down, as temporary as it may be”? He asked if the IUP can be applied only to this parcel because he does not want to make a habit of granting interim use permits.

Member Enz concurred, noting that it feels like do now, ask for forgiveness later, which does not work out for the residents.

Member Baltzer wondered if the code can be changed temporarily.

Kane replied that through the recodification process that the City is undergoing, this text amendment could be rescinded. She reiterated that the change in occupancy would trigger a sprinkler requirement. For example, the owner of the building next door may want to turn the eye clinic to a real estate office, but would need to sprinkle the building, which is not without a great cost. She does not think it will be used often because of the significant investment needed for a two-year lease.

Member Baltzer suggested that the text amendment be reconsidered in two years if the Commissioners do not like how IUPs are being used.

Member Baltzer opened the public hearing.

Gretchen Peterson, Bree LLC, applicant, expressed her support for the amendment. She stated that they recognize that it is a short-term agreement and the tenants are aware as well. She thinks this provides for flexibility, especially when faced with unique circumstances, such as the Covid-19 pandemic. She commented that the current tenants are bringing many people into the area, are very lively, and are a great addition to the downtown area. The amendment allows for a mix in use as we learn what the next phase of retail will look like.

Member Baltzer closed the public hearing.

In response to a question from Member Lynch, Kane stated that the code update will be worked on over the winter.

Member Amundsen moved to recommend approval of Case No. 21-1-Z. Member Enz seconded the motion. The motion passed by a vote of 5-1, Member Berry opposed.

Member Amundsen moved to recommend approval of 21-1-IUP. Member Lynch seconded the motion. The motion passed by a vote of 5-1, Member Berry opposed.

5. DISCUSSION ITEMS:

A. City Council Meeting Summary of June 8, 2021.

Referencing the comments concerning the conservation of water, Member Amundsen wondered how close the City came to implementing stricter watering bans. Kane was unsure, but noted the ban on watering between 10 am and 5 pm every day. Member Baltzer provided a history on why the City moved away from odd/even watering days.

Member Enz asked how Boatworks Commons is permitted to water the courtyard every day. Kane explained that system uses the stormwater that is captured on site.

B. Park Advisory Commission Meeting Minutes of April 15, 2021.

Member Enz asked for an update on the gazebo. Kane answered that the project will not be complete in time for Fourth of July, but it will be done this year.

Member Enz appreciated that the Park Commissioners visited each of the parks.

Member Berry stated that he is concerned that the erosion at McCarty Park was not addressed. He also thinks a recycle bin should be provided. Kane replied that the comments will be forwarded to the Parks Commission.

Member Baltzer was pleased to see Lions Park lot was recently striped.

6. ADJOURNMENT:

Member Enz moved to adjourn, seconded by Member Reis. The motion passed unanimously (6-0), and the June 28, 2021 Planning Commission meeting was adjourned at 9:44 p.m.

DRAFT



City of White Bear Lake
City Manager's Office

MEMORANDUM

To: Ellen Hiniker, City Manager
From: Kara Coustry, City Clerk
Date: June 21, 2021
Subject: Kids reading books to dogs for Dog Days at Railroad Park

BACKGROUND / SUMMARY

The City received a special event request from Kim Schoonover to utilize Railroad Park so that kids may read Ramsey County library books to dogs under the gazebo. This is part of Dog Days, an annual event in White Bear Lake. No city services have been requested other than exclusive use of the gazebo for this event. The event has been scheduled on Saturday, July 24th from 10:00 a.m. through 1:00 p.m.

RECOMMENDED COUNCIL ACTION

Staff recommends approval of the attached resolution allowing the use of Railroad Park on Saturday, July 24th, 2021 so kids may read books to dogs for Dog Days.

ATTACHMENTS

Resolution

RESOLUTION NO.

**A RESOLUTION APPROVING USE OF RAILROAD PARK GAZEBO
BY THE RAMSEY COUNTY LIBRARY FOR DOG DAYS**

WHEREAS, a special event request was submitted by Kim Schoonover for the use of a Railroad Park on Saturday, July 24, from 10:00 a.m. through 1:00 p.m.; and

WHEREAS, use of the gazebo is intended for kids to read library books to dogs as part of Dog Days, an annual White Bear Lake event; and

WHEREAS, no city services have been requested.

NOW THEREFORE, BE IT RESOLVED that the White Bear Lake City Council approves the use of Railroad Park on Saturday, July 24 from 10:00 a.m. through 1:00 p.m. so that kids may read books to dogs in the park.

BE IT FURTHER RESOLVED that the following conditions apply to the use of Railroad Park for this event:

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 _____ and supported by Councilmember _____, was declared carried on the following vote:

Ayes:
Nays:
Passed:

Jo Emerson, Mayor

ATTEST:

Kara Coustry, City Clerk



City of White Bear Lake
City Engineer's Office

M E M O R A N D U M

To: Ellen Hiniker, City Manager

From: Paul Kauppi, Public Works Director/City Engineer

Date: July 13, 2021

Subject: **Change Order No. 1 for the Water Meter Replacement Project, City Project 21-09**

BACKGROUND / SUMMARY

The City entered into a contract with Ferguson Waterworks for the Water Meter Replacement Project, which only included residential water meters. Since the original bid was significantly lower than estimated, staff explored options to also replace the remaining commercial water meters. As previously discussed, City Council decided to take advantage of the low interest rates and issue bonds for the anticipated additional work. While the details will be outlined in the resolution, the cost per meter and estimated quantities are as follows:

Water Meter Size	Price per Meter	Estimated Quantity	Total Cost
1 inch Commercial Meter	\$445.00	128	\$56,960.00
1.5 inch Commercial Meter	\$1,060.00	158	\$167,480.00
2 inch Commercial Meter	\$1,220.00	49	\$59,780.00
3 inch Commercial Meter	\$3,236.25	24	\$77,670.00
4 inch Commercial Meter	\$3,975.00	4	\$15,900.00
6 inch Commercial Meter	\$6,605.00	8	\$52,840.00
Total Change Order			\$430,630.00

The total change order will result in an increased cost of \$430,630.00. The original amount of the contracts was \$1,741,211. The final contract amount including Change Order #1 will be \$2,171,841.00.

FINANCING

The total contract amount of \$2,171,841.00 and the related legal and administrative costs will be financed through the Water Revenue bond issue proceeds received in June 2021.

RECOMMENDED COUNCIL ACTION

Staff recommends that the Council approve Change Order No. 1 for \$430,630.00 for the Water Meter Replacement Project.

ATTACHMENTS

Resolution

RESOLUTION NO.:

**RESOLUTION APPROVING CHANGE ORDER NO. 1 TO THE
WATER METER REPLACEMENT PROJECT TO
REVISE THE SCOPE OF THE PROJECT**

CITY PROJECT NO.: 21-09

WHEREAS, the City desires to revise the contract with Ferguson Waterworks for the Water Meter Replacement Project; and

WHEREAS, the City Council, on April 27, 2021, awarded the contract for the Water Meter Replacement Project in the amount of \$1,741,211 to Ferguson Waterworks, and

WHEREAS, it has now become desirable to modify the original contract with the addition of replacing commercial water meters.

Description of Change Order No. 1:

ADDITION:

128 each – 1 inch Commercial Water Meter	\$ 56,960.00
158 each – 1.5 inch Commercial Water Meter	\$ 167,480.00
49 each – 2 inch Commercial Water Meter	\$ 59,780.00
24 each – 3 inch Commercial Water Meter	\$ 77,670.00
4 each – 4 inch Commercial Water Meter	\$ 15,900.00
8 each – 6 inch Commercial Water Meter	\$ 52,840.00

TOTAL ADDITIONS: \$ **430,630.00**

DEDUCTION:

None \$ 0

TOTAL DEDUCTIONS: \$ 0

TOTAL CHANGE ORDER \$ **430,630.00**

Amount of original contract \$ 1,741,211.00

Additions approved to date (No. _____) \$ 0

Deductions approved to date (No. _____) \$ 0

Contract amount to date \$ 1,741,211.00

Amount of this change order (addition) No. 1 \$ 430,630.00

Revised Contract Amount \$ **2,174,840.00**

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

1. Change Order No. 1 in the amount of \$430,630.00 for the Water Meter Replacement Project is hereby approved.

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

Ayes:
Nays:
Passed:

Jo Emerson, Mayor

ATTEST:

Kara Coustry, City Clerk