



AGENDA
REGULAR MEETING OF THE CITY COUNCIL OF
THE CITY OF WHITE BEAR LAKE, MINNESOTA
TUESDAY, MARCH 9, 2021
7:00 P.M. VIA TELEPHONE OR ZOOM MEETING

1. CALL TO ORDER AND ROLL CALL

2. APPROVAL OF MINUTES

A. Minutes of the Regular City Council Meeting on February 23, 2021

3. APPROVAL OF THE AGENDA

4. VISITORS AND PRESENTATIONS

A. Chief Julie Swanson – Police Department Update

5. PUBLIC HEARINGS

Nothing scheduled

6. LAND USE

A. Consent

1. Consideration of a Planning Commission recommendation for approval of a request by Brent & Melissa Peacock for a Conditional Use Permit at 2532 Manitou Island. (Case No. 21-1-CUP)
2. Consideration of a Planning Commission recommendation for approval of a request by Dave & Stephanie Herington for a variance at 2216 2nd Street. (Case No. 21-2-V)

B. Non-Consent

1. Consideration of a Planning Commission recommendation for approval of a request by Heartland TC Gun Club for a Conditional Use Permit and variance at 4350 Centerville Road. (Case No. 21-2-CUP & 21-4-V)

7. UNFINISHED BUSINESS

Nothing scheduled

8. ORDINANCES

A. First reading of an Ordinance adopting a ten year cable franchise agreement with Comcast

9. NEW BUSINESS

- A. Resolution approving annual business license renewals
- B. Resolution approving annual liquor license renewals
- C. Resolution authorizing a road closure and approving a community event at Railroad Park
- D. Resolution accepting a donation for renovation of Geist Gazebo

10. CONSENT

- A. Acceptance of Minutes: February Planning Advisory Commission; January Environmental Advisory Commission; January White Bear Lake Conservation District
- B. Resolution authorizing food truck operations on public property at the Sports Center

11. DISCUSSION

- A. Housing Policy Initiative, expand scope to capture community discussion around more recent housing development proposals

12. COMMUNICATIONS FROM THE CITY MANAGER

- Plans for reopening walk-in service at License Bureau/City Hall – March 22, 2021
- Deer Survey

13. ADJOURNMENT



**MINUTES
REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF WHITE BEAR LAKE, MINNESOTA
TUESDAY, FEBRUARY 23, 2021
7:00 P.M. VIA ZOOM OR TELEPHONE**

1. CALL TO ORDER AND ROLL CALL

Mayor Jo Emerson called the meeting to order at 7:00 p.m. under MN Statute Section 13D.021, in which the City Council will be conducting its meetings during this emergency by electronic means until further notice. The clerk took roll call attendance for Councilmembers: Doug Biehn, Kevin Edberg, Steven Engstran, Dan Jones and Bill Walsh. Staff in attendance were City Manager Ellen Hiniker, Community Development Director Anne Kane, Public Works Director/City Engineer Paul Kauppi, Environmental Specialist Connie Taillon, Finance Director Kerri Kindsvater, City Clerk Kara Coustry and City Attorney Troy Gilchrist.

2. APPROVAL OF MINUTES

A. Minutes of the Closed City Council Meeting on February 9, 2021

It was moved by Councilmember **Walsh** seconded by Councilmember **Jones**, to approve the Minutes of the Closed City Council Meeting on February 9, 2021.

Biehn Abstain
Edberg Aye
Engstran Aye
Jones Aye
Walsh Aye

Motion carried.

B. Minutes of the Regular City Council Meeting on February 9, 2021

It was moved by Councilmember **Jones** seconded by Councilmember **Walsh**, to approve the Minutes of the Regular City Council Meeting on February 9, 2021.

Biehn Abstain
Edberg Aye
Engstran Aye
Jones Aye
Walsh Aye

Motion carried unanimously.

3. APPROVAL OF THE AGENDA

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

Biehn Aye
Edberg Aye
Engstran Aye
Jones Aye
Walsh Aye

Motion carried unanimously.

4. VISITORS AND PRESENTATIONS

A. Surface Water Management Plan – Connie Taillon

Environmental Specialist Taillon provided a chapter-by-chapter overview of the City’s draft Surface Water Management Plan, noting statutory requirements for content, which must also be consistent with the City’s four Watershed Management Organizations (WMOs). Last updated in 1997 as a stand-alone document, the Surface Water Management Plan is now a component of the City’s Comprehensive Plan.

Ms. Taillon invited public and the Council to review the draft Surface Water Management Plan and submit questions or comments to her by March 26, 2021.

5. PUBLIC HEARINGS

A. Resolution ordering improvements, approving plans and specifications and authorizing advertisement for bids for the 2021 Pavement Rehabilitation Projects, City Project No 21-01, 21-04, 21-06 and 21-13

Public Works Director/City Engineer Kauppi provided an overview of the 2021 Pavement Rehabilitation Projects as they fit within the five (5) year Street Reconstruction Plan. He added that this year’s projects consist primarily of mill and overlay, with full pavement replacement and storm sewer work on an alley in the downtown.

Mr. Kauppi reported the estimated total cost of these improvements is \$2.2 million, with \$480,000 to be funded through assessments to benefitting property owners. He explained these assessments are payable on 2022 taxes with a 10-year assessment period at an interest rate that is 2% over the City’s bond rate. In 2020 that interest rate was 3.46% and expect something similar in 2021. He covered the project timeline and recommended Council hold the public hearing and adopt the resolution ordering the improvements, approving plans and authorizing advertisement for bids.

Mayor Emerson opened the Public Hearing at 7:33 p.m.

Clair Starzynski at 1759 Elm Street inquired as the assessments to the townhomes. Mr. Kauppi responded, townhomes are in the \$700 - \$800 range, with 1759 Elm Street amounting to \$733 as the total cost of improvements.

In response to Paul Molitor of 1807 Birch Lake Avenue, Mr. Kauppi explained that once Council finalizes an assessment roll, property owners are provided 30 days to pay the full assessment without any interest, otherwise, the amount is assessed over a 10-year period, with a constant

principal meaning the first payments are higher and reduce year after year. Mr. Kauppi clarified that with pavement management, street life is roughly 30-50 years. After 25 years of street life, the road is milled and overlaid, or replaced, which adds another 25 years before a full reconstruction. Mr. Kauppi noted other routine street maintenance, such as crack sealing and seal coating, are not assessed to property owners.

There being no other public wishing to comment, Mayor Emerson closed the public hearing at 7:37 p.m.

It was moved by Councilmember **Biehn** seconded by Councilmember **Walsh**, to approve **Resolution No. 12728**, ordering improvements, approving plans and specifications and authorizing advertisement for bids for the 2021 Pavement Rehabilitation Projects, City Project No 21-01, 21-04, 21-06 and 21-13.

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 approving a rental agreement with Comcast Cable

City Manager Hiniker recommended extension of the rental agreement with Comcast Cable for another six months to allow sufficient time to approve a franchise agreement. She relayed reports from Tim Finnerty, Executive Director of the Ramsey Washington Counties Suburban Cable Communications Commission (SCC), that a mediated settlement has been reached. Noting crunched timing for an April 1st approval, she stated both first and second readings of the adopting Cable Franchise Ordinance will be scheduled in March.

During the first reading, Mr. Finnerty and Council will provide an outline of the agreement. Noting questions about the City's membership in the Joint Powers Agreement with SCC, Ms. Hiniker reminded Council of its decision to follow through with the franchise negotiation process and as a result, noted a more favorable agreement related to the City's technology

initiatives. She mentioned that after adoption of this franchise, staff will undergo a review of the Joint Powers Agreement with SCC.

It was moved by Councilmember **Edberg** seconded by Councilmember **Engstran**, to approve **Resolution No. 12729**, approving a rental agreement with Comcast Cable.

Biehn Aye
Edberg Aye
Engstran Aye
Jones Aye
Walsh Aye

Motion carried unanimously.

B. Resolution approving the carryover of expenditures from the 2020 budget to the 2021 budget

Finance Director Kindsvater noted a few projects and capital purchases included in the 2020 revised budget were not completed by December 31, 2020. Explaining the reasons for incompleteness on time delays or vendor delivery delays, she asked for Council’s approval to carry forward the budgeted expenditures into the 2021 Budget. The fund balance in the each fund will finance the carryforward expenditures since the budgeted appropriations not spent in 2020 increased the fund balance at year-end. Ms. Kindsvater noted that this practice of carrying over prior year approvals began with the 2019 revised budget carryover into 2020, and planned to continue this as an annual practice.

It was moved by Councilmember **Jones** seconded by Councilmember **Edberg**, to approve **Resolution No. 12730**, approving the carryover of expenditures from the 2020 budget to the 2021 budget.

Biehn Aye
Edberg Aye
Engstran Aye
Jones Aye
Walsh Aye

Motion carried unanimously.

10. CONSENT

Nothing scheduled

11. DISCUSSION

A. Recodification process - acceptance of proposed modifications to Article 1 General Provisions of the Municipal Code

City Manager Hiniker reported that staff has undertaken a full review and update of the City’s Municipal Code. The Municode Code Attorney has provided a first draft mark-up of the code, from which staff, and ultimately the City Attorney, are editing. As Articles of the Code are reviewed, proposed changes will be brought before the Council for consideration and comment, especially

related to policy. She explained, the end goal will be adoption of the full recodification by Council.

12. COMMUNICATIONS FROM THE CITY MANAGER

- 2021 Work Session dates (Third Tuesdays at 6:00 PM)
 - March 30, 2021 (exception - this is the fifth Tuesday)
 - April 20, 2021
 - May 18, 2021
 - June 15, 2021
 - NO JULY work session
 - August 17, 2021
 - September 21, 2021
 - October 19, 2021
 - November 16, 2021

- Welcoming and Inclusive Community Initiative - a task force has been established and the first meeting will be on March 17, 2021.

- Community Development Updates - Director Anne Kane
 - The Housing Initiative has been launched with a 4-minute video summarizing the key findings of the Maxfield Housing study from 2019, a housing survey aimed at residents and businesses alike, and an application to serve on the Housing Task Force. She encouraged those at home and Council to take the survey and reach out to others. The deadline for the survey and applications is March 1, 2021 and the information is located on the website: whitebearlake.org/housing
 - From the most recent Planning Commission, scheduled for the next City Council meeting, there will be two land use consent items and one on non-consent.

- Engineering/Public Works Updates - Director Paul Kauppi
 - Water main breaks have been occurring with the warmer temperatures. Please direct callers to Public Works or to Engineering.
 - The Gazebo Committee, attended by Councilmember Jones, has determined the upper portion is structurally sound, but the lower structure (25 years old) is in poor condition and will need to be replaced. Detailed cost estimates will be coming soon and it was decided the City will serve as the agent to accept donations, bids and coordinate construction contracts with attorney assistance. It is hoped this project will be wrapped up in June in time for Manitou Days.

13. ADJOURNMENT

There being no further business before the Council, it was moved by Councilmember **Walsh** seconded by Councilmember **Engstran** to adjourn the regular meeting at 8:04 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: March 2, 2021 for the March 9, 2021 City Council Meeting

Subject: **Peacock Conditional Use Permit – 2532 Manitou Island, Case No. 21-1-CUP**

REQUEST

A Conditional Use Permit for a second curb cut in order to construct a u-shaped driveway in front of the home.

SUMMARY

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

RECOMMENDED COUNCIL ACTION

Approval of the attached resolution.

ATTACHMENT

Resolution of Approval

RESOLUTION NO.

**RESOLUTION APPROVING A CONDITIONAL USE PERMIT
FOR 2532 MANITOU ISLAND
WITHIN THE CITY OF WHITE BEAR LAKE, MINNESOTA**

WHEREAS, a proposal (21-1-CUP) has been submitted by Brent & Melissa Peacock to the City Council requesting approval of a conditional use permit for the following location:

LOCATION: 2532 Manitou Island

LEGAL DESCRIPTION: Attached hereto as Exhibit A (PID #133022430023)

WHEREAS, THE APPLICANT SEEKS THE FOLLOWING PERMIT: A conditional use permit for two curb cuts, per Code Section 1302.050, Subd.4.h.9; and

WHEREAS, the Planning Commission has held a public hearing as required by the city Zoning Code on February 22, 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:

EXHIBIT A
Legal Description

That part of Lots 24 and 25, Map of Manitou Island, White Bear Lake, Minnesota lying Southeasterly of a line drawn parallel with and 193 feet Northwesterly from the longest straight line common to Lots 25 and 26 when measured at right angles thereto, including those portions of Park Avenue vacated lying between the two lines aforesaid together with that portion of Lot 25 sometimes referred to as Boat Lot 25, also Lot 26 (including that portion sometimes referred to as Boat Lot 26) and that portion of vacated Park Avenue South adjacent to Lot 26, which lies Westerly of premises conveyed to Harriet E. McMillan by the Manitou Island Land & Improvement Company by deed dated September 1, 1905, and recorded in the office of the Register of Deeds for Ramsey County, Minnesota, on the 19th day of October 1905, in Book 503 of Deeds on page 94 AND

Lots 58 and 59, Map of Manitou Island, White Bear Lake, Minnesota, except those parts lying Easterly of Shady Lane and Easterly of the present Park Drive established by the changing and widening at said Shady Lane (Sometimes referred to as Boat Lots 58 & 59).

EXCEPT

That part of Lots 24 and 25 Map of Manitou Island, White Bear Lake, Minnesota, lying northwesterly of a line parallel with and 118 feet northwesterly from the longest straight line common to Lots 25 and 26 when measured at right angles thereto and lying southeasterly of a line parallel with and 193 feet northwesterly from the longest straight line common to Lots 25 and 26 when measured at right angles thereto. Together with vacated road, according to the recorded plat thereof, and situated in Ramsey County, Minnesota.



City of White Bear Lake
Community Development Department

MEMORANDUM

To: Ellen Hiniker, City Manager
From: The Planning Commission
Through: Ashton Miller, Planning Technician
Date: March 2, 2021 for the March 9, 2021 City Council Meeting
Subject: **Herington Variance – 2216 2nd Street, Case No. 21-2-V**

REQUEST

An 11 foot variance from the 15 foot setback from a side property line in order to construct a living room addition 4 feet from the east property line.

SUMMARY

No one other than the applicant spoke. On a 6-0 vote, the Planning Commission recommended approval as recommended by staff.

RECOMMENDED COUNCIL ACTION

Approval of the attached resolution.

ATTACHMENT

Resolution of Approval

RESOLUTION NO.

**RESOLUTION GRANTING A SETBACK VARIANCE
FOR 2216 2nd STREET
WITHIN THE CITY OF WHITE BEAR LAKE, MINNESOTA**

WHEREAS, a proposal (21-2-V) has been submitted by Dave & Stephanie Herington 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: 2216 2nd Street

LEGAL DESCRIPTION: Part of lots 6 and 7 lying SWLY of the extended NELY line of the SWLY 65 feet of lot 7 and lying NW of a line run NE at R.A. with SWLY line of lot 7 and from point thereon 18.5' NWLY from the most SLY corner of lot 7. Also, part of lot 7 lying W of a line run S at R.A. from point on N line of lot 7 and 32.3 feet E from N.E. corner of first described part of lots 6 and 7, Oaklawn Addition. (PID: 143022410122)

WHEREAS, THE APPLICANT SEEKS THE FOLLOWING: An 11-foot variance from the 15-foot setback from a side property line, per Code Section 1303.040, Subd.5.c.2, in order to construct a living room addition 4 feet from the east property line; and

WHEREAS, the Planning Commission held a public hearing as required by the Zoning Code on February 22, 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.



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: March 3, 2021 for the March 9, 2021 City Council Meeting

Subject: **Heartland TC Gun Club & Range – 4350 Centerville Road
Case No. 21-2-CUP & 21-4-V**

REQUEST

A Conditional Use Permit for 2,200 square feet of enclosed retail sales in the BW zoning district, in order to sell sporting goods out of the proposed indoor commercial recreation facility, and a 10 foot variance from the 15 foot hard surface setback required from a street right-of-way, in order to locate parking 5 feet from the east property line.

SUMMARY

The neighboring property owner raised some concerns regarding access and parking. On a 6-0 vote, the Planning Commission recommended approval as recommended by staff.

RECOMMENDED COUNCIL ACTION

Approval of the attached resolution.

ATTACHMENT

Resolution of Approval

RESOLUTION NO.

**RESOLUTION GRANTING A
CONDITIONAL USE PERMIT AND VARIANCE
FOR 4350 CENTERVILLE ROAD
WITHIN THE CITY OF WHITE BEAR LAKE, MINNESOTA**

WHEREAS, a proposal (21-2-CUP & 21-4-V) has been submitted by Heartland Twin Cities Gun Club and Range, on behalf of Brian Kroonblawd, to the City Council requesting approval of a conditional use permit and a variance from the Zoning Code of the City of White Bear Lake for the following location:

LOCATION: 4350 Centerville Road

LEGAL DESCRIPTION: Lot 3, Block 1, New Bedford Addition (PID # 213022130027);

WHEREAS, THE APPLICANT SEEKS THE FOLLOWING: A Conditional Use Permit for 2,200 square feet of enclosed retail sales in the BW zoning district, per Code Section 1303.180, Subd.4.c, in order to sell sporting goods out of the proposed indoor commercial recreation facility, and a 10 foot variance from the 15 foot hard surface setback required from a street right-of-way, per Code Section 1302.050, Subd.4.h.17.c, in order to locate parking 5 feet from the east property line,

WHEREAS, the Planning Commission has held a public hearing as required by the city Zoning Code on February 22, 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. Because of the topographic changes in grade just beyond the east property line, the variance is a reasonable use of the land or building.

3. The variance will be in harmony with the general purpose and intent of the City Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
4. Because the regional pond encroaches upon the subject site, the variance is the minimum necessary to alleviate the resulting practical difficulties, and the special conditions or circumstances are not the result of actions of the applicant or previous owners.
5. The non-conforming uses of neighboring lands, structures, and buildings in the same district are not the sole grounds for issuance of the variance.

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

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

FURTHER, BE IT RESOLVED, that the City Council of the City of White Bear Lake hereby approves the requested conditional use permit and 10 foot setback variance, subject to on-going compliance with all of the following conditions:

1. All application materials, maps, drawings, and descriptive information submitted with this application shall become part of the permit, unless revised to comply with conditions listed below.
2. Per Section 1301.050, Subd.4, if within one (1) year after approving the Conditional Use Permit, the use as allowed by the permit shall not have been completed or utilized, the CUP shall become null and void unless a petition for an extension of time in which to complete or utilize the use has been granted by the City Council. Such petition shall be requested in writing and shall be submitted at least 30 days prior to expiration.
3. Per Section 1301.060, Subd.3, the variance shall become null and void if the project has not been completed within one (1) calendar year after the approval date, subject to petition for renewal. Such petition shall be requested in writing and shall be submitted at least 30 days prior to expiration.
4. This Conditional Use Permit shall become effective upon the applicant tendering proof (ie: a receipt) to the City of having filed a certified copy of the signed resolution of approval with the County Recorder pursuant to Minnesota State Statute 462.3595 to ensure the compliance of the herein-stated conditions.

5. The size of the retail area shall not exceed 2,200 square feet.
6. The hours of operation for retail sales shall be limited to 9 a.m. to 9 p.m.
7. The location of the parking lot within the existing drainage and utility easement is with the City's permission and is at the applicant's own risk. In the event the City, in its sole discretion, requires use of or access to the easement for any reason, the City may utilize any part of the easement for the purposes for which it was established. The City may require the applicant to, at its own cost, remove all or part of its improvements located within the easement area as needed to facilitate the use of the easement. Thereafter, the applicant must not interfere with the City's use of the easement.
8. The applicant shall obtain a building permit prior to beginning any work.
9. Prior to the issuance of a building permit, all plans shall be revised to comply with all applicable building and zoning code requirements. Any deviations from code reflected in the plan set submitted to the City are not approved, except for the hard-surface setback from the east property line, and must be revised as needed to comply and resubmitted before construction may begin.
10. The uses within the building shall not be changed without approval from the City. The Zoning Administrator will determine if a proposed change in use can be approved administratively or if it requires Council approval.
11. The applicant shall obtain sign permits prior to the installation of any signage. The size and amount of signage is limited to what is permitted by the City's Sign Code.
12. Extend a letter of credit consisting of 125% of the exterior improvements, which renews automatically every six months. The amount of the letter shall be based on a cost estimate of the exterior improvements, to be approved by the City prior to the issuance of the letter of credit.
13. Provide a SAC (Sewer Availability Charge) determination letter from the Metropolitan Council.
14. Obtain permits as necessary from relevant agencies (such as MnDOT, Ramsey County, Vadnais Heights) and provide a copy of each to the City.
15. Enter into a Stormwater Operation and Maintenance Agreement for the new on-site stormwater features.

Prior to the release of the letter of credit, the applicant shall:

16. Provide an as-built plan that complies with the City's Record Drawing Requirements.

- 17. All exterior improvements must be installed.
- 18. All landscaping must have survived at least one full growing season.
- 19. The applicant shall provide proof of having recorded the Resolution of Approval and the Stormwater Operation and Maintenance Agreement with the County Recorder's Office.

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.

Property Owner / Applicant

Date



City of White Bear Lake
City Manager's Office

M E M O R A N D U M

To: Mayor and Council

From: Ellen Hiniker, City Manager

Date: March 9, 2021

Subject: **First reading of an ordinance repealing and replacing the cable franchise with Comcast**

BACKGROUND / SUMMARY

Ramsey/Washington Counties Suburban Cable Communications Commission II (SCC) is a Joint Powers Cooperative organized pursuant to Minnesota Statutes §§ 238.08 and 471.59, as amended, and includes the following nine (9) municipalities: Birchwood Village, Dellwood, Grant, Lake Elmo, Mahtomedi, Oakdale, White Bear Lake, White Bear Lake Township, and Willernie. In 1999, the member cities enacted separate ordinances and entered into individual franchise agreements authorizing MediaOne of St. Paul, Inc. to provide cable service.

In the early 2000's the existing franchise was transferred to Comcast of Minnesota, Inc. (Comcast). The initial term of the franchise has been extended multiple times by agreement of Comcast, SCC and member cities. As franchise administrator on behalf of member cities, SCC has undertaken the following process in order to renew the cable franchise with Comcast:

- 2017 – 2019, Community Cable Needs Assessment (identify future needs/interests)
- 2019, SCC issued Request for Renewal Proposal (RFRP) and Comcast responded
- After informal negotiations, formal renewal proceedings began in late 2019
- June – August 2020, exchange of three rounds of pre-filed testimony regarding the issues between SCC and Comcast
- October – December 2020, mediation occurred
- January 2021, negotiations on major issues were captured on a term sheet
- January – February 2021, both SCC and Comcast come to agreement on this proposed franchise document

The Proposed Cable Franchise in its entirety (70 pages) is posted on the City's website with copies available upon request: <https://www.whitebearlake.org/bc-rwsc>

RECOMMENDED COUNCIL ACTION

First reading of the proposed ordinance and Council discussion. A presentation outlining key points of the franchise agreement will be provided during the Council meeting. *Second reading will be held at the March 23 City Council meeting for consideration of final approval.*

ATTACHMENT

PowerPoint Presentation summarizing franchise agreement

A decorative graphic consisting of multiple horizontal, wavy lines in black and white, creating a sense of motion and depth. The lines are more densely packed in the center and become sparser towards the top and bottom.

COMCAST FRANCHISE RENEWAL

A solid, horizontal blue bar that spans the width of the page, positioned below the main text.

WHAT ARE WE HERE TO CONSIDER?

- **Whether to adopt a proposed draft cable franchise ordinance**
 - The Ramsey Washington Suburban Cable Communications Commission has negotiated with Comcast regarding the terms of a proposed franchise to recommend to its member cities
 - Each of the member cities will consider the franchise at a council meeting
 - Goal: fully approved franchise ordinances by its April 1, 2021 effective date.

TIMELINE: HOW DID WE GET HERE?

- 1995: A Memorandum of Understanding (“MOU”) with Comcast’s predecessor is reached.
- 1999: The last franchise is granted.
- 2017 to 2019: The Commission and its consultants assess its member cities’ future cable-related needs/interests.
- 2019: Commission issues an RFRP, and Comcast submits a proposal in response.
 - Informal renewal proceedings begin.
- Late 2019: Formal renewal proceedings begin.
- June - August 2020: Exchange of three rounds of pre-filed testimony re: issues between the parties.
- October 2020: Mediation begins, extending into December 2020.
- January 2021: Negotiations are completed on major issues (embodied in a term sheet).
- January - February 2021: Both sides negotiate the proposed franchise document.

MEANWHILE, THE FCC CHANGES THE GROUND RULES FOR CABLE FRANCHISING

- The Federal Communications Commission has rulemaking authority over, among other things, cable communications regulation.
- The FCC had been urged by cable companies and their organizations to re-interpret the 35-year-old Cable Act in ways beneficial to those companies.
- In August 2, 2019, the FCC issued "the 621 Order."
 - The Cable Act imposes a cap on the franchise fees that local governments can charge companies in exchange for issuance of a cable franchise.
 - Under earlier orders, local governments had important powers to require cable companies to perform certain non-monetary acts, without having to pay them for it.
 - Funding and maintaining an I-Net, usually connecting public buildings
 - Free or discounted cable service to public buildings and schools
 - Maintenance and use for "PEG transport"

FCC CHANGES THE GROUND RULES (CONT'D)

- In the 621 Order, the FCC ruled that cable companies can recoup the “fair market value” of satisfying many of those kinds of conditions, by off-setting its franchise fee obligations by the value of those services.
- The practical effect: Cities are forced to choose between (a) getting fewer discounted or free services and (b) compelling those services but getting smaller franchise fee checks when the value of those services is offset.
- An appeal was filed from this ruling, but:
 - The 621 Order went into effect anyway.
 - The appeal is still pending.
- With the change in administrations we expect a new FCC commissioner, and potentially a different view of offsets—but at this point the 621 Order governs.

KEY TERMS OF NEW FRANCHISE: *FRANCHISE FEES*

- 10-year term – expiring April 2031
- A franchise fee = 5% of “Gross Revenues”
 - 2020 Northern Dakota County Cable Communications Commission (NDC₄) franchise’s definition of gross revenues is generally used
 - By strengthening the definition of “Gross Revenues” it should increase the base of company revenues from which the 5% fee is calculated
- Plus: A “most favored nations” provision (§ 1.21)
 - *Comcast must use the same methodology for calculating franchise fees that it uses for all other Twin Cities Region franchising authorities*
 - *For the allocation of revenues among cable and non-cable services, Comcast must give RWSCC the most favorable treatment Comcast provides to any Twin Cities Region franchising authority*
- Comparison: Vadnais Heights, Maplewood, Burnsville, North St. Paul, and NDC₄ Comcast franchises (all adopted in 2019 or 2020) do not include this provision
- Plus: Preserving ability to challenge the applicability of GAAP during the franchise

KEY TERMS OF NEW FRANCHISE: *SYSTEM UPGRADES*

- Under § 5.3(e), the RWSCC cable system will be upgraded:
 - Consistent with future system upgrades performed in other Comcast Twin Cities systems
 - When any other Comcast system in Ramsey County or Washington County receives a system upgrade
- Comparison: This commitment is not in Vadnais Heights, Maplewood, Burnsville, North St. Paul, or NDC₄ Comcast franchises

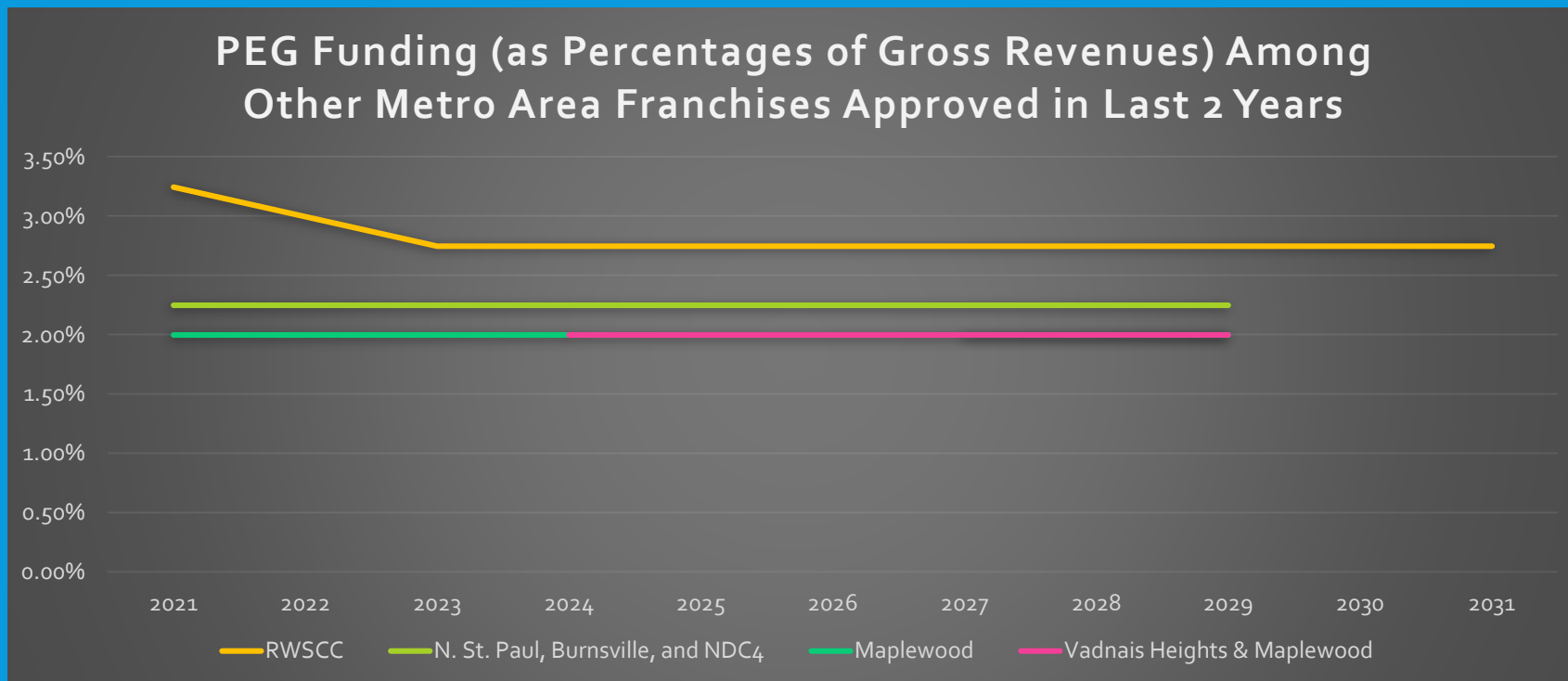
KEY TERMS OF NEW FRANCHISE: *HD PEG CHANNELS*

- By April 1, 2022: Comcast guarantees **4** PEG channels, **all in HD** and simulcasted in SD. (§§ 7.1(a) and 7.2(a)).
 - This is in addition to Channel 6.
 - This increases the HD PEG channels from 2 to 4.
- Comparison:
 - The North St. Paul and Burnsville franchises guarantee **1** HD PEG channel
 - The Vadnais Heights and Maplewood franchises guarantee up to **2** HD PEG channels
 - The NDC₄ franchise guarantees **2** HD PEG channels in 2021, **3** HD PEG channels in 2022
- RWSCC may require additional PEG channels if these channels are in use during 80 percent of the weekdays, Monday through Friday, for 80 percent of the time during a consecutive three-hour period for six weeks running, and there is a demand for use of an additional channel for the same purpose.

KEY TERMS OF NEW FRANCHISE: *PEG FUNDING (§ 7.13)*

Beginning April 1, 2021 (effective date of renewed franchise)	3.25% of gross revenue
Beginning April 1, 2022	3% of gross revenue
Beginning April 1, 2023, through remaining term of franchise, which will end on April 1, 2031	2.75% of gross revenue

KEY TERMS OF NEW FRANCHISE: *PEG FUNDING (CONT'D)*



KEY TERMS OF NEW FRANCHISE: *PEG FUNDING (CONT'D)*

- To be clear, PEG funding (and PEG fees paid by cable subscribers in your cities) will still dramatically drop from its recent levels.
 - Since 1995, PEG funding for RWSCC member cities has been provided through grants originally negotiated by a predecessor-in-interest to Comcast, under a Memorandum of Understanding that resolved a rate regulation dispute.
 - Under the MOU, the Commission has received some of the highest PEG funding in the nation.
 - Comcast made it clear years ago that, at the franchise renewal stage, would refuse to agree to PEG funding levels for RWSCC that were so far above similar franchises in this area.
 - This is a “win” for those who prefer lower PEG fees on subscribers’ bills over a continuation of past levels of PEG support.
 - The Commission is preparing to adjust its operations and budget accordingly.

KEY TERMS OF NEW FRANCHISE: *ADDITIONAL MOU PAYMENT IN 2021*

- Comcast had contended that it had no obligation to pay the operating-cost portions of the MOU's quarterly grants to the Commission, and began in 2020 to withhold those amounts.
- During the negotiations, Comcast agreed to make those payments through the end of 2020 but refused to go past January 1, 2021.
- To bridge a gap in the economics of this franchise, Comcast proposed (and the Commission accepted) a proposal to make one further full payment under the MOU for the first quarter of 2021.

KEY TERMS OF NEW FRANCHISE: *EXTENDING LINES TO UNSERVED RESIDENTIAL AREAS*

- A four-part compromise was reached
- **First**, a more favorable formula for triggering Comcast's duty to extend service based on residential density, in two situations:
 - Where there are **25** dwelling units per mile if the extension is to be constructed using existing *aerial* plant; and
 - Where there are **30** dwelling units per mile if the extension is to be constructed using *underground* plant. (§6.6).
 - Comcast "shall, where possible in the case of above ground lines, make use of existing poles and other facilities available to" Comcast. (§3.3).
- Comparison:
 - Comcast originally proposed 28 units per mile (aerial) and 36 units per mile (underground).
 - That is the standard in the Vadnais Heights, Maplewood, North St. Paul, Burnsville, and NDC4 franchises.

KEY TERMS OF NEW FRANCHISE: *EXTENDING LINES TO UNSERVED RESIDENTIAL AREAS (CONT'D)*

- **Second**, for unserved areas that do not meet the 25 (aerial) – 30 (underground) residential density, a cost-sharing formula is included in the franchise to allocate the non-customer-premises-cost of the buildout between Comcast and the subscriber and any contributions from third parties. (§6.6(a)).
- Comcast is committing to provide a construction credit of \$250,000, allocated entirely in the Commission's discretion, but it must be used within 5 years of April 1, 2021, or it is forfeited. (§6.6 (b)).
- **Third**, for a set of new subdivisions in unserved areas (all either in Lake Elmo or Grant), Exhibit A sets deadlines for installation of service, 12 months from April 1 (for 16 subdivisions) and 36 months from April 1 (for two subdivisions). (§6.6 (c)).
- **Fourth**, Exhibit A describes a process for identifying and working to serve a buildout area within the City of Grant, involving a Comcast contribution of up to \$2,600 per house passed and potential use of the \$250,000 construction credit.

SPECIAL LINES: LABELS AND EXAMPLES

- **Dark fiber connections**

- Example: Sharing IT and telephone support between member cities (currently through an I-Net connecting 16 public buildings and Metro I-Net)

- **PEG return lines**

- Example: The route of city council live proceedings back to RWSCC (so that RWSCC can transmit them to Comcast and Comcast can show them)

- **Complimentary accounts**

- Example: Cable service to public school buildings, required in the past as a condition of the franchise and facilitating the “E” in PEG support

- **PRISMA lines**

- Example: Links between different PEG providers that allow hockey games in Oakdale with Hastings High to be transmitted by RWSCC so Hastings area viewers can watch (and vice versa)

KEY TERMS OF NEW FRANCHISE: *DARK FIBER I-NET CHANGES*

- The 621 Order dramatically changed the economics for franchising authorities (including member cities) of continuing to use I-Nets, by giving cable companies the ability to offset the fair market value of I-Nets against franchise fee payments.
- In Exhibit G, paragraph (e), Comcast is agreeing to continue to make those dark fiber connections that are now available to the Commission and its member cities, and to repair and maintain those connections' fiber.
 - For the next 24 months there will be no charge for the connections
 - After the next 24 months, Comcast will charge \$330 per site per month
- The Commission and any member city may:
 - Terminate their use of the dark fiber at any time, or
 - Enter into a different arrangement for dark fiber or for managed services.

KEY TERMS OF NEW FRANCHISE: *COMPLEMENTARY ACCOUNT CHANGES*

- Where Comcast presently provides complimentary services and equipment, it will continue to provide the outlets, equipment, and remote controls, and upon request it will provide basic cable service to those locations (in Exhibit B).
- However, upon 60 days notice from Comcast, the communities or the locations will pay the service rate for each location, which is:
 - \$24.60 (for Business Basic Cable Pricing)
 - \$42.65 (for Business Select Cable Pricing)
 - \$9.95 per piece of equipment
- The recipients can decline or drop service and avoid these charges. (Ex B para c.)
- If the law becomes more favorable and such drops are no longer viewed as franchise fees, then the cities or commission can take advantage of it by requiring it at an adjusted rate or a complementary rate if future applicable law so provides.

KEY TERMS OF NEW FRANCHISE: *PEG RETURN LINES*

- There are currently 9 sites – mainly city halls - with permanent fiber connections that allow real-time PEG to be “transported” to the Commission’s playback facility. (Exhibit D).
- Under the new franchise the Commission may continue to transmit PEG signals through those connections “without additional charge or offsets from” Comcast. (§ 7.9(a)).
 - Comcast’s maintenance charges for this are capped at \$10,000 per year. (§ 7.9(b)).
- Plus, for 60 sites (listed in Exhibit E) that are currently served by a coax I-NET connection, all “*may* be served by a portable cable modem solution for transport of PEG programming,” using Comcast’s business class internet service, with the Commission renting the modems from Comcast. (§ 7.9(c)).
- “PEG transport, however provided, shall be reliable and permit continuous programming of a quality such that the Commission may deliver to Comcast signals equivalent or better in quality to the PEG signals that Comcast may be required to deliver to subscribers.” (§7.9(c)).

KEY TERMS OF NEW FRANCHISE: *CRAN/PRISMA SYSTEM*

- Comcast will continue to make the metro area PRISMA Ring available to member cities, without charge, *so long as it remains serviceable*. (§ 7.10).
 - However, both sides anticipate the PRISMA ring will become unserviceable soon.
- Comcast agrees to continue to provide, without charge or offsets, use of its Converged Regional Area Network (known as “CRAN”) to deliver live and recorded programming to and from these entities (listed on Exhibit F):
 - St. Paul SPNN
 - Town Square Television
 - Coon Rapids
 - Central St. Croix Valley Access
 - South Washington – WSC-TV
 - Hastings - HCTV

KEY TERMS OF NEW FRANCHISE: *OTHER PROVISIONS*

- The franchise requires a local office for customer service that is reasonably accessible to cable service subscribers.
 - The current locations (Woodbury and Vadnais Heights, or reasonably accessible alternative locations) are deemed to satisfy this requirement. (§ 14.4).
- Comcast commits that in 2021 it will provide its technicians with a training update on system maintenance standards and practices. (§3.6(d)).
- PEG programming will be accessible on interactive programming guides, including a path for the Commission to provide, and Comcast to include in the guides, more sophisticated PEG- program-specific information. (§7.6).
- After December 31, 2021:
 - Comcast is no longer responsible for the Commission's space.
 - Commission is responsible for its lease for the studio. (§7.13(d)).

THE ACTION REQUIRED

- If the Council concurs, it should adopt the following action: “Approve Ordinance [number of ordinance], an ordinance granting a cable franchise to Comcast of Minnesota, Inc.”

QUESTIONS?

-



City of White Bear Lake
City Manager's Office

MEMORANDUM

To: Ellen Hiniker, City Manager
From: Kara Coustry, City Clerk
Date: March 2, 2021
Subject: Annual business license renewals

BACKGROUND

The City's Municipal Code requires that certain business activities in the City be licensed and comply with the ordinance or terms of the license. These licenses have a one-year term, expiring on March 31st.

SUMMARY

Each year the Police Department conducts tobacco compliance checks. The Council is notified if a business has two consecutive failures with consideration then given to a temporary suspension of its license. Tobacco compliance checks were conducted at all 24 licensed establishments in the spring and the fall. Two establishments failed the first round of the 2020 compliance checks, but all passed the second round in the fall.

Refuse hauling licenses reflect a new applicant, Gorilla Dumpster Bag, for which an application and liability insurance have been provided as required by ordinance. Advanced Disposal has been removed from this list of license holders as they were acquired by Waste Management MN.

The attached resolution is categorized by license type, under which each business applicant for the 2021-2022 business cycle is listed. No licenses will be issued until all required paperwork has been submitted including insurance, fees, taxes paid and inspection corrections implemented.

RECOMMENDED COUNCIL ACTION

Staff recommends approval of the 2021-2022 business licenses listed on the attached resolution.

ATTACHMENTS

Resolution

RESOLUTION NO.

RESOLUTION APROVING BUSINESS LICENSES FOR THE LICENSE YEAR BEGINNING APRIL 1, 2021 AND ENDING MARCH 31, 2022

BE IT RESOLVED by the City Council of the City of White Bear Lake that the following business licenses be renewed and approved for the year beginning April 1, 2021 and ending March 31, 2022 subject to receipt of all related documentation, applicable taxes, insurance, fines and fees.

Refuse Hauling Licenses

Company Name	DBA
Ace Solid Waste, Inc.	Ace Solid Waste
Aspen Waste Systems, Inc.	Aspen Waste Systems
Genes Disposal Service	Gene's Disposal
Gorilla Dumpster Bag	Gorilla Dumpster Bag
Nitti Sanitation Inc.	Nitti Sanitation
Ray Anderson & Sons	Anderson's Dumpster Box Service
Republic Services	Republic Services
Walter's Recycling & Refuse, Inc.	Walters Recycling & Refuse
Waste Management of MN, Inc.	Waste Management

Tobacco Licenses

Company Name	DBA	Street Address
Applegreen Midwest, LLC	Freedom Valu Center #33	4852 Hwy 61
Applegreen Midwest, LLC	Super America #52	2055 Co Rd E
C&C Wine & Spirits LLC	MGM Liquor Warehouse	4444 Hwy 61
City Club, Inc	Hollihan's Pub	2160 3 rd Street
Classic Auto Restoration & Sales	White Bear Amstar	4061 Hwy 61
ECig Smoke Shop, Inc.	ECig Smoke Shop	4438 Hwy 61
Haskell's, Inc.	Haskell's	1219 Gun Club Road
Holiday Stationstores Inc.	Holiday Station Store	1800 Co Rd F
Mahmood Enterprises, LLC	White Bear Bait	4648 Highway 61
North Oaks Holiday	North Oaks Holiday	4540 Centerville
Northern Tier Retail LLC	Speedway #4357	1447 Hwy 96
Northern Tier Retail LLC	Speedway #4317	3155 Century Ave N
Northern Tier Retail LLC	Speedway #4340	3235 White Bear Ave
Nothing But Hemp	Nothing But Hemp	4762 Banning Avenue
Obtainworld, LLC	Cotroneo's Wine and Spirits	2148 3 rd Street
S&S Liquor Store LLC	Summit Liquors	2000 County Rd E E
Sams West Inc.	Sams Club	1850 Buerkle Road
Smoke Shop II	Convenience and Tobacco	2004 County Rd E E
Smoke Shop II	Smoke Shop	929 Wildwood Rd
Supervalu, Inc.	Cub Foods	1920 Buerkle Rd
T & S Inc.	Birch Lake Liquor	1350 Hwy 96 E
Walgreen Company	Walgreens #3187	1075 Hwy 96 E
Walgreen Company	Walgreens #02769	915 Wildwood Rd
WBL Smoke Shop Inc.	WBL Smoke Shop	4711 Highway 61
White Bear Brewing Company LLC	Elevated Beer, Wine and Spirits	2141 4 th Street
White Bear Express Inc	White Bear Express	2490 County Rd F E

RESOLUTION NO.

Massage Establishment and Massage Therapist Licenses

Establishment Licenses	Address	Therapist Licenses
A Little TLC	1310 Hwy 96, 104D	Kelly Cadmus
BeKIND Salon & Spa	2479 County Rd E E	Christian Isaac
Blue Balance Wellness, LLC	2033 County Road E E	Jen Stack Tracey Ann Porter Lynn Seppala Yan Liu
Body & Spirit	2333 Mayfair Ave	Katy Fick
Center for Therapeutic Massage dba Back Rubs Etc.	4860 Banning Ave	Ramona Barry Ronald Plante
Christine Daniel Massage Therapy	4399 Lake Avenue S.	Christine Daniel
Danabri Day Spa	4754 Banning Ave	Emily Ruth Stigney
DW's Therapeutic Massage	4066 White Bear Ave #2	Dauna Zaudtke Rachael Wright Brandon Vernig Jessica Esko
Elevated Massage and Bodywork	1310 Highway 96	Adrienne Lind
Family First Chiropractic & Wellness	1247 Gun Club Road	Curtis James Cirhan
Fresh Face Loftique	2179 4 th Street	Cynthia Lalley Nan Brooks
Got a Pain.com LLC	4744 Washington Square	Therese Faison
Indulge LLC dba Indulge Salon & Spa	2183 3 rd Street	Mary Jo Lohn Amanda Mars
LTF Club Operations Company, Inc. dba Life Spa	4800 White Bear Parkway	Margaret Netko Simone Overskei-Wahl Nicole Hallan Sommar Watson Scott James Bye Chanel Littleton Nelson Dufresne Feleshia Hall-Casper Shelley Tschida
Lux Family Chiropractic	1310 Highway 96	Stephanie Tennessen
Manos de Luz (Waters of White Bear Lake)	2830 Hoffman Road	Gigi Ortiz
Panda Massage	1350 Highway 96 E	Xiangjuan Wei Chongli Tang
Rehab Massage Specialists	1904 4 th Street	Paula Frost
Relax Lounge, LLC	4711 Clark Avenue	Guiping Hu
Reverie Acupuncture	2025 4 th Street	Jessica Gustafson
Sky Thai Massage Therapy	3634 White Bear Avenue	Natnapha Phoosam Ratirose Vasquez
Sun Bear Salon and Medical Spa	2207 3 rd Street	Danielle Pearson Mica Nordquist Verna Grindle Danielle Watters Jeanne Peterson Monica Fulton Jasie Barbour
The Carlson Clinic	4717 Clark Ave	
The Mane Tease Salon	4780 Washington Square	Kelly Cadmus
Therese Picha (home business)	3390 Auger Avenue	Therese Picha
Vita Day Spa, LLC	1979 Whitaker Street	Pusya Wang- Anderson Hui Peng

RESOLUTION NO.

Charitable Gambling Premises Licenses

Company Name	DBA	*Charitable Gambling Organization
American Legion #168	White Bear American Legion Club	White Bear American Legion Club
Boleen Enterprises	Carbone's Pizzeria & Pub	White Bear Lions Club
MKM 617, LLC	617 Lounge	White Bear Lions Club
Sanger LLC	Beartown Lounge & Restaurant	White Bear Lions Club
Cabin 61, LLC	Cabin 61	Midwest Ski Otters
City Club, Inc.	Hollihans	Midwest Ski Otters
Doc's Landing Inc.	Doc's Landing	WBL Hockey and Skating Assn
T.R. Inc.	White Bear Bar	WBL Hockey and Skating Assn
The Stadium LLC	Stadium Sports Bar & Grill	WBL Hockey and Skating Assn
New Train LLC	Manitou Grill & Event Center	Merrick Inc.

* Chartable gambling organizations are permitted up to three premises in White Bear Lake.

Miscellaneous Business Licenses

Company Name	DBA	License
Birch Lake Animal Hospital	Birch Lake Animal Hospital 4830 White Bear Parkway	Dog Kennel
US Bench Corporation	US Bench Corporation	Bench Renewal (27)

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

Ayes:

Nays:

Passed:

Jo Emerson, Mayor

ATTEST:

Kara Coustry, City Clerk



City of White Bear Lake
City Manager's Office

MEMORANDUM

To: Ellen Hiniker, City Manager
From: Kara Coustry, City Clerk
Date: March 1, 2021
Subject: **Annual liquor license renewals**

BACKGROUND

The City's Ordinance Code requires that certain business activities in the city be licensed and comply with the ordinance or terms of the license. All city liquor licenses have a one-year term, which expires on March 31st.

SUMMARY

License modifications

A & Y Inc. has been working to transition ownership of Birch Lake Liquor located at 1350 Hwy 96 E to T & S Inc. T & S Inc. submitted an application for an off-sale liquor license and are working through the City's background process with an effective date of April 1, 2021.

Located at 1971 Whitaker Street, Cossville LLC has changed the DBA of Meet Market to Alleycat's Gourmet Sandwiches.

Calls for Service

Over the years the Police Department has emphasized to bar owners the importance of calling if they have any concerns. It has been the department's experience that owners have followed this direction despite the fact that all calls for service are recorded against their establishment. The Chief reports that working relationships between our liquor serving establishments and the police department remain strong. The department have actively sought opportunities to train our local servers, which builds upon those relationships. COVID presented a number of challenges for the service industry. With restrictions on capacity and operating hours, there were very few calls for service to any of the establishments.

Compliance Checks

The Police Department conducted two alcohol compliance checks at all licensed establishments in 2020, with seven establishments failing in the spring. These failures are provided in the attached documentation. The Department will continue to schedule compliance checks each spring and fall. It has been the Council's practice to consider action against an establishment if they have a second failure within a twelve-month period.

Fire Department Inspections

The Fire Marshal conducted initial fire and life safety inspections on all liquor license applicants/renewals with the exception of two properties, which are seasonal (Tally's and Admirals D's). The Assistant Fire Chief, Kurt Frison, is working with a few of the businesses on safety modifications and will conduct follow-up inspections to ensure compliance with the State Fire Code (adopted by the City) prior to license issuance. All issuance of licenses will be contingent upon final inspection/successful correction of noted violations upon re-inspection. Inspection sheets are on file at the Fire Department.

RECOMMENDED COUNCIL ACTION

Staff recommends approval of the attached 2021-22 liquor licenses contingent upon receipt of all required paperwork and payment arrangements for outstanding fees and taxes.

ATTACHMENTS

Resolution

Police Compliance Report

RESOLUTION NO.

RESOLUTION APPROVING LIQUOR AND RELATED LICENSES FOR THE LICENSE YEAR BEGINNING APRIL 1, 2021 AND ENDING MARCH 31, 2022

BE IT RESOLVED by the City Council of the City of White Bear Lake that the following liquor and related licenses be renewed and approved for the year beginning April 1, 2021 and ending March 31, 2022 subject to receipt of all related documentation, applicable taxes, insurance, fines and fees.

3.2 Off-Sale

Company Name	DBA	Liquor License(s)
Applegreen Midwest, Inc.	Freedom Valu, 4852 Hwy 61	3.2 Off-Sale
Applegreen Midwest, Inc.	SuperAmerica, 2055 County Rd E	3.2 Off-Sale
Knowlan's Super Markets Inc.	Festival Foods, 2671 County Rd EE	3.2 Off Sale
Kowalski's White Bear Lake Market, Inc.	Kowalski's, 4391 Lake Avenue S.	3.2 Off Sale
Northern Tier Retail, LLC	Speedway, 3235 White Bear Ave.	3.2 Off-Sale
Northern Tier Retail, LLC	Speedway, 3155 Century Ave N	3.2 Off-Sale
Northern Tier Retail, LLC	Speedway, 1447 Highway 96	3.2 Off-Sale
Supervalu, Inc.	Cub Foods, 1920 Buerkle Rd	3.2 Off-Sale

Liquor Off-Sale

Company Name	DBA	Liquor License(s)
T and S, Inc.	Birch Lake Liquor, 1350 Hwy 96E	Liquor Off-Sale
Big Wood Brewery, LLC	Big Wood Brewery, 2222 4 th Street	Brewer Off-Sale
C & C Wine & Spirits, LLC	MGM Liquor Warehouse, 4444 Hwy 61	Liquor Off-Sale
Cellars WHL Inc.	The Cellars Wine & Spirits, 2675 County Road EE	Liquor Off-Sale
Haskells, Inc.	Haskell's, 1219 Gun Club Road	Liquor Off-Sale
Lunds Beverage, LLC	Lunds & Byerlyes Wines & Spirits, 4620 Centerville Road	Liquor Off-Sale
Obtainworld	Cotroneo's Wine and Spirits 2148 3 rd Street	Liquor Off-Sale
S & S Liquor Store, LLC	Summit Liquors, 2000 County Rd EE	Liquor Off-Sale
Sam's West, Inc.	Sam's Club, 1850 Buerkle Rd	Liquor Off-Sale
Supervalu, Inc.	Cub Wine and Spirits, 1910 Buerkle Rd	Liquor Off-Sale
White Bear Brewing Company	Elevated Beer Wine & Spirits, 2141 4th	Liquor Off-Sale

Club

Company Name	DBA	Liquor License
American Legion #168	White Bear American Legion Club 2210 3 rd Street	Club On-Sale Sunday Extension

RESOLUTION NO.**On-Sale**

Company Name	DBA	Liquor License(s)
Banquetes El Pariente Mexican Grill	El Pariente Mexican Grill 961 Wildwood Road	On-Sale Sunday
Big Wood Brewery, LLC	Big Wood Brewery 2222 4 th Street	Sunday On-Sale Brew Pub / Taproom Extension
Boleen Enterprises	Carbone's Pizza 1350 Highway 96	On-Sale Sunday Extension
Cabin 61 LLC	Cabin 61 4150 Hoffman Road	On-Sale Sunday Extension
City Club, Inc	Hollihan's Pub 2160 3 rd Street	On-Sale Sunday Extension
DC Restaurant Group Inc	Acqua Restaurant and Wine Bar 4453 Lake Avenue S.	On-Sale Sunday Extension
Dockside Water Ski Co.	Tally's Dockside 4441 Lake Avenue S.	On-Sale Sunday Extension
Doc's Landing, Inc.	Doc's Landing 3200 White Bear Avenue	On-Sale Sunday Extension
Don Julio White Bear, Inc.	Don Julio 4660 Highway 61	On-Sale Sunday Extension
Golf Services, Corp	Manitou Ridge 3200 McKnight Road	On-Sale Sunday Extension
JJs Bierstube Inc.	JJs Bierstube 2670 County Road E E	On-Sale Sunday Extension
Keep Zimmer Post 1782	VFW Post 1782 4496 Lake Avenue S.	On-Sale Sunday
Lakeside Eats, LLC	Mizu Japanese 4495 Lake Avenue S.	On-Sale Sunday
McGoldrick, Inc	Admiral D's 4424 Lake Avenue	On-Sale Sunday Extension
MKM 617, LLC	617 Lounge 2185 4 th Street	On-Sale Sunday
New Train, LLC	Manitou Grill & Event Center 2171 4 th Street	On-Sale Sunday Extension

RESOLUTION NO.**On-Sale Continued**

Pendulum Industries, LLC	Washington Square Bar & Grill 4736 Washington Square	On-Sale Sunday Extension
Pezzo Per Pezzo White Bear Lake LLC	Pizzeria Pezzo 2143 4 th Street	On-Sale Sunday Extension
Sanger, Inc.	Beartown Lounge & Restaurant 4875 Highway 61	On-Sale Sunday Extension
T.R., Inc.	White Bear Bar 2135 4 th Street	On-Sale Sunday Extension
The Alchemist, Inc.	The Alchemist & Kellerman's Event Center 2222 4 th Street	On-Sale Sunday
The Brickhouse LLC	Brickhouse Food & Drink, 4746 Washington Square	On-Sale Sunday
The Good Table Restaurant Group, LLC	Ingredients Café	On-Sale Sunday Extension
The Stadium, LLC	Stadium Sports Bar & Grill 3600 Hoffman Road	On-Sale Sunday Extension
White Bear Restaurant Company	Rudy's Redeye Grille 4940 Highway 61 N	On-Sale Sunday Extension

Wine/3.2 On-Sale

Company Name	DBA	Liquor License(s)
Cossville, LLC	Alley Cat's Gourmet Sandwiches 1971 Whitaker Street	Wine On-Sale 3.2 On-Sale Sunday
Kelly USA, Inc.	Pagoda Restaurant 2037 County Road E	Wine On-Sale 3.2 On-Sale
Lakeshore Players Inc.	Lakeshore Players Inc. 4941 Long Avenue	Wine On-Sale 3.2 On-Sale Sunday
LTF Cub Operations Company, Inc.	Life Time Fitness 4800 White Bear Parkway	Wine On-Sale 3.2 On-Sale Sunday
Lund Food Holdings, Inc.	Lunds & Byerlys 4630 Centerville Road	Wine On-Sale 3.2 On-Sale Sunday Extension

RESOLUTION NO.

Wine / 3.2 On-Sale Continued

Stevo of White Bear Lake, Inc.	Donatelli's Bros. Restaurant 2692 County Road E E	Wine On-Sale 3.2 On-Sale Sunday
The Good Table Restaurant Group II, LLC	Burger Bar 2125 4 th Street	Wine On-Sale 3.2 On-Sale Sunday Extension
The Waters Senior Living Management, LLC	The Waters of White Bear Lake	The Waters Senior Living Management, LLC

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
Police Department

MEMORANDUM

To: Ellen Hiniker, City Manager

From: Julie Swanson, Chief of Police

Date: February 2, 2021

Subject: **2020 Police Department Alcohol Report**

Calls for concern are those calls in which a person or persons experience behavioral changes due to alcohol consumption. These calls include disorderly conduct, lewd behavior, fights, intoxication leading to medical responses and intoxicated driving incidents, particularly when the recorded alcohol content is .16 or greater. Calls for concern may prompt a visit by a Sergeant in an attempt to educate management on the incident and to limit similar incidents in the future. These calls of concern to bars are becoming less frequent as bar owners are vastly improved their procedures in recent years. Typically calls are initiated by bar staff to help with unruly or intoxicated customers in an effort to ensure there are not problems with other customers.

In 2020, a White Bear Lake Police Sergeant offered Alcohol & Gambling Enforcement Division (AGED) server training to license holders and staff. He provided the training to staff at Tally's as they opened for business in June. Several other businesses reported they have hired an outside company to provide similar training for their staff. In 2020, bar staff routinely denied service to patrons who arrived at the bar already intoxicated. The calls for service and calls for concern dropped significantly in 2020 due to COVID restrictions allowing less people inside establishments and earlier closing times.

Compliance Checks

Compliance checks occurred in February and September. An officer used underage decoys to enter licensed liquor establishments to attempt to purchase alcohol. There were seven establishments that failed in 2020. Each establishment was issued a City administrative citation. Follow up was conducted with each license holder to ensure a procedure is in place for verifying the age of purchasers, and to educate the business on the potential consequences for a failed compliance check. These failures all occurred during the February compliance checks and included the following establishments:

- Summit Liquor - 2000 County Road E
- Carbones Pizza – 1350 Highway 96
- Cellars Wine and Spirits – 2675 County Road E
- MGM Liquor – 4444 Highway 61
- 617 Bar – 2185 4th Street
- Cabin 61 – 4150 Hoffman Road
- Controneos – 2148 3rd Street



City of White Bear Lake
City Manager's Office

MEMORANDUM

To: Ellen Hiniker, City Manager

From: Kara Coustry, City Clerk

Date: March 4, 2021

Subject: **Use of Railroad Park and Washington Square road closure for a community event planned by Main Street**

BACKGROUND / SUMMARY

Corey Roberts, on behalf of Main Street, submitted an application for a special event in downtown White Bear Lake over the weekend of April 2-4, 2021. Main Street is planning some fun activities to promote business and build enthusiasm for the coming spring in downtown. They are calling the event "The Bear Paw Thaw" (see attached save-the-date notice).

The scope of this event is still being formulated, but Main Street has asked for permission to close Washington Square between 3rd and 4th Streets to allow for a block party with outdoor music and a mobile TV screen for viewing the state high school hockey tournament championship games. The area would extend into Railroad Park and power to the gazebo would be turned on for use by the group. Main Street is also requesting that alcohol consumption be allowed in this designated area during the event, as was allowed last summer during "Picnic in the Park". If permitted by Council, volunteers will be assigned to monitor the perimeter so that alcohol is not taken beyond the designated park area.

Business owners along Washington Square have approved the event and road closure request, and are generally excited for the opportunity.

RECOMMENDED COUNCIL ACTION

Staff recommends approval of the attached resolution authorizing use of Railroad Park and Washington Square road closure for a Main Street event.

ATTACHMENTS

Resolution
Supporting Save the Date notification

RESOLUTION NO.

A RESOLUTION APPROVING THE USE OF RAILROAD PARK AND CLOSURE OF WASHINGTON SQUARE FOR A MAIN STREET EVENT

WHEREAS, a proposal has been submitted by Main Street to host a neighborhood block party on Washington Square and Railroad Park on Saturday, April 3, 2021; and

WHEREAS, event would be free to the public and is proposed to take place from noon through 10:00 p.m.; and

WHEREAS, no alcohol will be sold at the event, however, Main Street is requesting permission for people to bring closed containers into a controlled area for consumption.

NOW THEREFORE, BE IT RESOLVED that the White Bear Lake City Council approves closure of Washington Square and the use of Railroad Park in order to host a community event.

BE IT FURTHER RESOLVED that the event attendees would be permitted to consume alcohol in Railroad Park and within the controlled area between 3rd and 4th Streets on Washington Square conditioned upon the following:

1. No stakes are permitted to be placed into park grounds.
2. No vehicles are permitted on park grounds to protect irrigation systems.
3. A plan for control of a designated area of alcohol consumption, which has been approved by the White Bear Lake Police Department.
4. Park rental waived to promote free entertainment for the public.
5. Staff approved Covid-19 preparedness plan.

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

[View this email in your browser](#)



Upcoming Event: BEAR PAW THAW

Save-the-Dates: April 2nd, 3rd & 4th

Downtown White Bear Lake Businesses,
The Downtown White Bear Lake Main Street Event Committee is planning an event to kick off Spring!

The intent of this email is to give you a "heads up" for the upcoming event so that you may begin planning for it within your business. We are still in the planning stages and details are subject to change as they are developed.

SAVE-THE-DATES

- **Event Name:** Bear Paw Thaw
- **Dates:** April 2nd, 3rd, and 4th
- **Goal:** Bring visitors to Downtown White Bear Lake and encourage them to shop, dine, relax and stay in DWBL.
- **How:** Highlight and promo various events/happenings in DWBL during April 2-4th, packaging them together under the umbrella event of Bear Paw Thaw...Think onset of Spring (winter thaw) ... Think MN State Hockey Championships... Think Easter. Below are ideas of mini-events/happenings for this weekend.

FRIDAY, APRIL 2nd:

Event kicks off by highlighting happenings in bars/restaurants:

- Live Music
- Bingo
- Outdoor Patios
- Food/Drink Specials

- Scavenger Hunt throughout downtown (details to come)
- MN State [Hockey Championship viewing party](#) in Railroad park (begins at 1pm)
- Might see the Easter Bunny hopping around town.

SUNDAY, APRIL 4th:

Easter Sunday:

- Promo of [Easter Brunches](#)



What we would like from you:

1. **Restaurants/Bars:** Begin to plan for specials you may wish to offer this weekend. Email us with any live music, food specials (maybe specials have fun names pertaining to bears/paws/claws/thaw/etc.), outdoor patios plans, bingo, etc. so we can highlight. Reservations required?
2. **Restaurants:** Email us with any Easter brunches you'd like us to promo within this event. Reservations required?
3. **All Businesses:** Each business participating in the Scavenger Hunt is asked to donate a prize/gift. Start planning for this along with any specials/sales you may wish to offer.
4. **All Businesses:** Do you have any other events you'd like to hold this weekend that would fit with the theme? Let us know! Example: Bear Stretch Yoga Class
5. **Volunteers:** We may need volunteers to help watch over fire pits in Railroad park on Saturday afternoon/early evening (during the hockey viewing party). We will reach out separately for that request.

Email your Specials/Happenings Here



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City of White Bear Lake
City Manager's Office

MEMORANDUM

To: Mayor and Council

From: Ellen Hiniker, City Manager

Date: March 9, 2021

Subject: **Resolution accepting donation for rehabilitation of Geist Gazebo in Matoska Park and authorizing staff to seek quotes for this work**

BACKGROUND / SUMMARY

The Greater White Bear Lake Community Foundation is in receipt of \$150,000 through the incredible generosity of a local donor to be used toward the rehabilitation of the Geist Gazebo located in Matoska Park.

A committee appointed by Mayor Jo Emerson has been working to develop plans to rehabilitate the Geist Gazebo while retaining as much of the original structure as possible. The portions of the gazebo that needs to be replaced will be done so in such a way to respect the look and feel of the original structure, while utilizing modern materials that are durable and require minimal maintenance. The initial estimates for design and construction range from \$140,000 - \$150,000.

The next step in this process is to complete architectural plans and specifications to secure quotes. Once quotes are received, staff will bring to Council a recommendation to award a contract. If final estimates exceed the donation amount, staff will be recommending use of Park Fund reserves to fund the gap.

RECOMMENDED COUNCIL ACTION

Staff recommends the Council approve the attached resolution accepting the donation toward the Geist Gazebo Rehabilitation Project and authorizing staff to seek project quotes.

ATTACHMENTS

Resolution

RESOLUTION NO.

**A RESOLUTION ACCEPTING DONATION FOR REHABILITATION OF GEIST
GAZEBO LOCATED IN MATOSKA PARK AND AUTHORIZING STAFF
TO SEEK QUOTES FOR PROJECT**

WHEREAS, the City of White Bear Lake is generally authorized to accept donations of real and personal property pursuant to Minnesota Statutes Section 465.03 for the benefit of its citizens, and is specifically authorized to accept gifts; and

WHEREAS, the Greater White Bear Lake Community Foundation has accepted a donation to help fund repairs to the Geist Gazebo in the City of White Bear Lake; and

WHEREAS, the Greater White Bear Lake Community Foundation desires to contribute up to \$150,000 through reimbursements to complete the Geist Gazebo Rehabilitation Project; and

WHEREAS, all such donations have been contributed to the City for the benefit of its citizens, as allowed by law; and

WHEREAS, the City Council finds that it is appropriate to accept the donation offered.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of White Bear Lake that the donation of up to \$150,000 is accepted and shall be allocated to the Geist Gazebo Rehabilitation Project.

BE IT FURTHER RESOLVED, by the City Council of the City of White Bear Lake authorize staff to seek quotes for the work related to rehabilitation of the Geist Gazebo.

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

**MINUTES
PLANNING COMMISSION MEETING
CITY OF WHITE BEAR LAKE
FEBRUARY 22, 2021**

The regular monthly meeting of the White Bear Lake Planning Commission was called to order on Monday, February 22, 2021, beginning at 7:00 p.m. via WebEx, pursuant to a statement issued by the Mayor under Minnesota Statutes, section 13D.021 as a result of the COVID-19 pandemic, by Chair Ken Baltzer.

1. CALL TO ORDER/ROLL CALL:

MEMBERS PRESENT: Michael Amundsen, Ken Baltzer, Jim Berry (7:05 pm), Pamela Enz, Mark Lynch, and Erich Reinhardt.

MEMBERS EXCUSED: Peter Reis.

MEMBERS UNEXCUSED: None.

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

OTHERS PRESENT: Stephanie & Dave Herington, Melissa & Brent Peacock, Troy Kampa, Pat Egan, Greg Moore, Brian Kroonblawd, Kathy Morri, Jason Asmus, Bill Walsh, J. Ritter, John Shardlow, and Mark Smith.

2. APPROVAL OF THE FEBRUARY 22, 2021 AGENDA:

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

3. APPROVAL OF THE JANUARY 25, 2021 PLANNING COMMISSION MEETING MINUTES:

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

4. CASE ITEMS:

A. **Case No. 21-1-CUP:** A request by **Brent & Melissa Peacock** for a Conditional Use Permit for a second curb cut, per Code Section 1302.050, Subd.4.h.9, in order to install a u-shaped driveway in front of the home at the property located at 2532 Manitou Island.

Miller discussed the case. Staff recommended approval.

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

Member Enz moved to recommend approval of Case No. 21-1-CUP. Member Amundsen seconded the motion. The motion passed by a vote of 6-0 (Berry arrived at 7:05 pm).

- B. **Case No. 21-2-V:** A request by **Dave & Stephanie Herington** for an eleven foot variance from the 15 foot setback from a side property line, per Code Section 1303.040, Subd.5.c.2, in order to construct a living room addition four feet from the east property line at the property located at 2216 2nd Street.

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

Member Amundsen wondered if the back portion of the addition would be used as recreational space since the elevations showed a railing and if that would require further variances. Kane replied as long as it is clear what is being proposed, the Planning Commission could approve the variance as requested.

Member Baltzer opened the public hearing.

Stephanie Herington, 2216 2nd Street, Applicant, confirmed that the flat roof would be used as a deck. Her neighbors are aware of the request and have signaled support for the design. In response to a question from Kane, Ms. Herington stated that they are still deciding on how to access the roof, but it will not be on the eastern side.

Member Baltzer closed the public hearing.

Member Amundsen moved to recommend approval of Case No. 21-2-V. Member Berry seconded the motion. The motion passed by a vote of 6-0.

- C. **Case No. 21-2-CUP & 21-4-V:** A request by **Heartland TC Gun Club & Range** for a Conditional Use Permit for 2,200 square feet of enclosed retail sales in the BW zoning district, per Code Section 1303.180, Subd.4.c, in order to sell sporting goods out of the proposed indoor commercial recreation facility, and a ten foot variance from the 15 foot setback required from a street right-of-way, per Code Section 1302.050, Subd.4.h.17.c, in order to locate parking five feet from the east property line at the property located at 4350 Centerville Road.

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

Member Baltzer opened the public hearing.

Pat Egan, 4350 Centerville Rd, Applicant, expressed appreciation for the Commissioners time and the efforts of staff. He stated that he believes they are proposing an attractive building that will draw many people to the area. The applicants agree with the conditions that have been proposed. He noted that he just learned of an issue with the neighbor to the north concerning an easement over the driveway.

Mark Smith, 4444 Centerville Rd, stated that he has been the owner of the property directly north of the subject site for the last fifteen years and he has kept the area looking nice through the years. He raised several concerns regarding the proposal, which he finds incomplete. His first concern was the six to seven foot retaining wall, which does not fit and is not allowed by code.

Member Baltzer asked staff about the retaining wall. Crosby explained there is at least one proposed retaining wall on the east side of the property because the grades are so steep in the area. She confirmed that retaining walls are limited to four feet in height and that as of right now, the applicants are proposing a six foot wall. She stated that they have the option of putting two 3 foot tall retaining walls in to meet code.

Mr. Smith interjected that two retaining walls would not fit because the applicants are requesting a five foot variance for parking. The variance should not be granted because the applicants cannot do what they are showing on the plan.

Member Enz requested feedback from staff on the retaining wall. Crosby agreed that they may not be able to fit the wall, but suspects that the applicants erred on the side of caution when making the variance request. In response to Mr. Smith, Crosby pointed out that there are many changes that will need to be made before a permit is issued and the City will ensure code is met.

Mr. Smith's second concern pertained to parking and access. He is afraid that patrons of the gun club will use his parking lot, which is closer to the entrance than most of parking stalls on the subject site. He does not want the tenants in his building to see people in the lot pulling guns out of their cars. He continued that there is an easement on the property that requires the owner of the subject site to maintain and remove snow from the access. The current owner is aware of the easement, yet has never taken care of the easement area. Lastly, he asked if there will be garage doors on the storage area, which may impact parking.

Member Lynch sought clarification on the easement. Crosby confirmed that there is an access easement. There is a curb cut at 4444 Centerville Road to the easement area, which is the entrance delivery trucks use, so it is an important easement agreement.

Member Berry asked if there is some way to verify that the owner neglected care. Mr. Smith stated he has receipts showing he has spent \$30,000 on maintenance.

Crosby explained that maintenance of the easement issue is a civil matter that the property owners would need to work out in a court of law.

Mr. Egan, applicant, responded that if needed, they will put signs up to inform customers not to park in the neighboring lot and will make sure their guests are informed on where to park. He stated that if the easement agreement says they need to do x, y and z, then they will comply. In response to a question from Member Lynch, Mr. Egan confirmed that there are two entrances to the building, one on the southwest side and one on the east. Mr. Egan explained that the overhead doors facing south will be for deliveries. The west to east doors will not have traffic coming through them like in the past, so parking will not be impacted.

Mr. Smith asked what recourse the City has if the retail portion of the business exceeds 2,200 square feet. He is doubtful that the business requires 4,000 square feet of office space. Kane replied that the retail is limited to the highlighted area on the submitted plans. If they want to expand, the applicants would need to seek an amendment to the Conditional Use Permit. If they expanded without going through the proper channels, the City could terminate the CUP.

Member Baltzer closed the public hearing.

Member Lynch summarized the two requests – the retail CUP and the variance. He believes that this is an appropriate location and as long as the proposal is revised to meet the building code, he is okay with the variance.

Member Enz stated that she is excited for the jobs the new business will bring to the city and finds the aesthetic of the building attractive.

Member Reinhardt asked the applicants what the capacity of the shooting range will be. Mr. Egan replied that typically there are 1 to 2 people per stall. He anticipates roughly 20 people at any given time on the weekends.

Member Lynch moved to recommend approval of Case No. 21-2-CUP & 21-4-V with all of staff's recommendations. Member Berry seconded the motion. The motion passed by a vote of 6-0.

5. DISCUSSION ITEMS:

A. City Council Meeting Summary of February 9, 2021.

Member Amundsen asked about the proposed project at 3rd Street and Cook Avenue. Kane provided a brief overview, stating that the developer recently hosted a neighborhood meeting where residents voiced concerns regarding the design and impacts on parking. The City has not received an application as of yet.

B. Park Advisory Commission Meeting Minutes of February 18, 2021 – Meeting Canceled.

No Discussion.

6. ADJOURNMENT:

Member Enz moved to adjourn, seconded by Member Lynch. The motion passed unanimously (6-0), and the February 22, 2021 Planning Commission meeting was adjourned at 8:04 p.m.

City of White Bear Lake Environmental Advisory Commission

MINUTES

Date: January 20, 2021	Time: 6:30pm	Location: WBL City Hall
COMMISSION MEMBERS PRESENT	Sheryl Bolstad, Chris Greene, Bonnie Greenleaf, Rick Johnston, Gary Schroeher (Chair), Robert Winkler, Valeria Diaz	
COMMISSION MEMBERS ABSENT	Sage Durdle	
STAFF PRESENT	Connie Taillon, Environmental Specialist	
VISITORS	Phil Belfiori, VLAWMO Administrator; Dawn Tanner, VLAWMO Program Development Coordinator; Nick Voss, VLAWMO Education & Outreach Coordinator	
NOTETAKER	Connie Taillon	

1. CALL TO ORDER

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

2. APPROVAL OF AGENDA

The commission members reviewed the agenda and had no changes. Taillon added Zero Waste Policy to Item 7a) Staff updates. Commissioner Greenleaf moved, seconded by Commissioner Johnston, to approve the agenda as amended.

Roll call vote:

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

Motion carried.

3. APPROVAL OF MINUTES

a) December 16, 2020 regular meeting

The commission members reviewed the December 16, 2020 draft minutes and had the following changes: page 1, change Diaz to Absent; page 2, remove the word 'have' in paragraph 2, 5th line from the bottom; and page 2, add the reasons why Goose Lake is impaired in paragraph 2, line 6. Commissioner Johnston moved, seconded by Commissioner Bolstad, to approve the minutes of the December 16, 2020 meeting as amended.

Roll call vote:

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

Motion carried.

4. VISITORS & PRESENTATIONS

VLAWMO members of the East Goose Lake team, Phil Belfiori, VLAWMO Administrator; Dawn Tanner, VLAWMO Program Development Coordinator; and Nick Voss, VLAWMO Education & Outreach Coordinator were in attendance to participate in the discussion for items 5a through 5c.

5. UNFINISHED BUSINESS

a) East Goose Lake community survey – *Action item*

The East Goose Lake team introduced the revised draft survey. The draft survey incorporated comments received from commission members by the January 8, 2021 deadline discussed at the January Environmental Advisory Commission meeting. The commission members reviewed the survey and did not have any additional changes. Commission members suggested adding an end date for completing the survey. In response to a question regarding tracking public survey responses for follow-up, the East Goose Lake team stated that the survey is anonymous, and therefore survey participants will not be tracked. Commissioner Greenleaf moved, seconded by Commissioner Bolstad, to approve the East Goose Lake Community Survey as presented.

Roll call vote:

Bolstad: Aye

Greene: Aye

Greenleaf: Aye

Johnston: Aye

Schroeder: Aye

Winkler: Aye

Diaz: Aye

Durdle: Absent

Motion carried.

b) East Goose Lake community survey announcement – *Action item*

Ms. Taillon stated that in response to the commission members support in collaborating in the East Goose Lake Adaptive Management process at the January Environmental Advisory Commission meeting, the East Goose Lake team is requesting that commission members consider drafting a short announcement that would introduce and promote the community survey in the White Bear Press. The team presented a draft announcement for the commission members to use as a template. The commission members reviewed the draft language and made a few changes, including adding language as to why the lake is impaired. Commissioner Johnston moved, seconded by Commissioner Greene, to approve the East Goose Lake community survey announcement as amended.

Roll call vote:

Bolstad: Aye

Greene: Aye

Greenleaf: Aye

Johnston: Aye

Schroeder: Aye

Winkler: Aye

Diaz: Aye

Durdle: Absent

Motion carried.

c) East Goose Lake survey support roles – *Action item*

Ms. Taillon introduced the draft list of possible East Goose Lake public engagement collaboration opportunities between the East Goose Lake team and Environmental Advisory Commission. The list

includes reviewing and providing feedback on materials generated by the East Goose Lake team in addition to numerous community survey support roles. In response to Chair Schroeher's question regarding a timeline for the process, Mr. Belfiori stated that the team doesn't plan to put a specific timeline on the adaptive lake management process. The foundation of the adaptive lake management process is a thorough public engagement process. The team wants to make sure there is enough time to allow the community to have a voice in the process. After the public engagement process is closed, the results will be compiled and presented to City Council and the VLAWMO Board. The Council and Board will then make a decision as to whether they want to move forward to the next step, which is creating a management plan that will identify projects, costs, and maintenance responsibilities. Commissioner Johnston moved, seconded by Commissioner Greenleaf, to approve the East Goose Lake community survey support roles list as presented.

Roll call vote:

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

Motion carried.

Mr. Belfiori thanked the commission members for their leadership.

VLAWMO Goose Lake Team left the meeting.

d) 2021 draft work plan – *Action item*

Commission members reviewed the results of the top priorities for 2021. The top four priorities based on commission member votes are: plastic bag ordinance (4 votes), zero waste events (3 votes), and downtown area recycling (2 votes). Commission members directed staff to include the top four priorities in the High Priority Goals list in the work plan, and to also include the other goals that received fewer votes in the work plan to consider for 2021 if time allows. Commissioner Bolstad moved, seconded by Commissioner Greene, to approve the 2021 work plan as amended.

Roll call vote:

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

Motion carried.

e) 2021 budget – *Action item*

Ms. Taillon noted that the 2021 budget is \$500, and if the commission members are still interested in purchasing an additional two feather flags for the Environmental Expo, staff can go ahead with the purchase this winter. Commissioner Greenleaf moved, seconded by Chair Schroeher, to direct staff to purchase two feather flags for the Environmental Expo from the \$500 2021 Environmental Advisory

Commission budget.

Roll call vote:

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

Motion carried.

6, NEW BUSINESS

a) Climate justice education bill

Commission members discussed the email from a representative of YEA! MN, a statewide organization made up of youth who work for climate justice. The representative contacted the Environmental Advisory Commission to ask if there is interest in partnering with them to support a bill that would integrate climate justice education in all core subjects throughout all grade levels, especially in Senator Chamberlain's district.

Commissioner Bolstad stated that she is in support of climate justice, but she thinks the bill would create a lot of work. She noted that she would want to hear from teachers if they are supportive of this bill. She also stated that there are other subjects that are also very important to add to the curriculum.

Commissioner Johnston mentioned that he is in favor of climate justice, but not the bill.

Commissioner Greene stated that this bill is large in scope to add to every subject, and that it might be more appropriate to add to one class only. He would want more information before he could support the bill.

Commissioner Greenleaf suggested emailing the Commission member questions to the representative from YEA!MN and invite them to a future commission meeting.

Commission members decided to respond to the email as to why the commission is not comfortable in supporting the bill at this time. Chair Schroeher volunteered to draft the email and send it to the commission members for review and comment.

7. DISCUSSION

a) Staff updates

- Reissued MS4 General Permit

Taillon stated that the MS4 Permit was reissued on November 16, 2020. There were changes to the permit including requirements to address winter salt use and dog waste. Staff is currently working on the application which is due in April.

- Zero Waste Policy

Taillon noted stated that the Zero Waste Policy will be presented to the Mayor and Council at the February 9, 2021 City Council meeting. Chair Schroeher volunteered to introduce the policy at the meeting.

b) Commission member updates

None

c) Do-outs

New do-out items for January 20, 2021 include:

- Commission members to take the E. Goose Lake survey, and email Taillon how long it took to complete by Friday, January 22, 2021.
- Commission members to review draft EAC duties write-up for discussion at the February meeting.
- Chair Schroeher to respond to YEA!MN regarding the climate justice education bill.
- Chair Schroeher to attend the February 9, 2021 Council meeting to introduce the Zero Waste Policy.
- Commissioner Greenleaf to propose a plan of action for a bag ordinance at the February meeting.
- Commission members to create salt and lawn clipping educational materials for the Environmental Expo.
- Taillon to order 2 feather flags from the 2021 EAC budget.
- Taillon to email draft EAC duties write-up to all commission members.
- Taillon to forward Survey announcement to the White Bear Press.

d) February agenda

Include Paul Bolstad as a visitor, EAC duties write-up discussion, and plastic bag ban discussion.

8. ADJOURNMENT

Commissioner Johnston moved, seconded by Commissioner Bolstad to adjourn the meeting at 8:43 pm.

Roll call vote:

Bolstad: Aye

Greene: Aye

Greenleaf: Aye

Johnston: Aye

Schroeher: Aye

Winkler: Aye

Diaz: Aye

Durdle: Absent

Motion carried.

REGULAR MEETING OF THE WHITE BEAR LAKE CONSERVATION DISTRICT

7:00 pm Zoom meeting

Minutes of January 19, 2021

APPROVAL DATE: Approved February 2021

1. **CALL TO ORDER** the January 19, 2021 meeting of the White Bear Lake Conservation District was called to order by Chair Bryan DeSmet at 7:00 pm by Zoom meeting.
2. **ROLL CALL** Present were: Chair Bryan DeSmet, Vice Chair Mark Ganz, Sec/Treas Diane Longville, Directors: Scott Costello, Mike Parenteau, Susie Mahoney, Marty Rathmanner, Cameron Sigecan, and Scott O'Connor. A quorum was present.
3. **AGENDA** – Chair DeSmet asked for any changes , add Board officer elections to New Business
4. **APPROVAL OF MINUTES OF** – November 2020 board meeting. Motion (DeSmet/Second) to approve all aye passed.
5. **PUBLIC COMMENT TIME** – None
6. **NEW BUSINESS** –
 - White Bear Township sewer reinforcement project. The Township was checking to see if they needed to obtain any permits and to keep us informed of their project. Manholes east of Bellaire beach area have erosion and are in need of some repair. We do not permit these types of projects out of our expertise and jurisdiction. We have no ordinance referring to this.
 - Wake Boat Discussion – This is becoming an issue on several lakes so want to keep the topic on our radar and to keep the discussion open. We have already donated \$2,000 to the U of M for a study that includes the wake boat as well as other things to see what the impact is to our lakes and shorelines. We will keep gathering information and will bring back to future meetings if needed.
 - Election of 2021 Executive Board Officers – Mike Parenteau nominated Bryan DeSmet for Chair, Mark Ganz Vice Chair and Diane Longville Sec/Tres. If any other nominations after this meeting please let Kim know and she will add them to our list. Final Vote next month
7. **UNFINISHED BUSINESS** –
 - St. Germain sign update. Mark Ganz is continuing the process with the City of Dellwood, in the process of a sign design and will file application this month.
 - Continued Commercial Bay study discussion – Still in discussion what we are looking for in a study, water information, condition of water, water quality. Not looking for boat counts or how many should be allowed. We will review past study's and see if we can come up with any new questions or concerns or more detail of what we want to find from a new study and what would its relevance be. Check website for past studies.
8. **REPORTS/ACTION ITEMS**
Executive Committee – No meeting
9. **Lake Quality Committee – Mike Parenteau**
 - As of December 25, 2020 lake was completely frozen
10. **Lake Utilization Committee – LUC reviewed the following and submitted to the board for approval Motion (Ganz/Second) all aye approved**

- Polar Plunge – approved fee waived
- VFW Horseshoe Fundraiser approved fee waived
- Bearly Open approved fee waived
- Art photo event Magic Minnesota – approved fee waived

Next Month we will be reviewing Commercial Bay applications for permits.

11. Lake Education – Scott Costello

Lake Cleanup will be March 6th this year. Things will be different due to Covid there will be no gathering, no lunch provided. We are asking all individuals to choose a point of the lake and clean that area. No trash bags will be provided by WBLCD this year must use your own. When completed clean up email Jim Schuster of the Boy Scouts how much was collected

Wake Boats – we will put some information on the website reminding boaters to be kind to their neighbors be aware of the wakes they are making, noise etc. Possibly make handouts that could be given out a boat launches or by Water Patrol during stops and boat checks.

12. Treasurer’s Report – Motion (Longville/Second) approval of December 31, 2020 Treasurer’s report and payment of check numbers 4676-4679 January bank statement not available at time of meeting will be included next month. All Aye passed.

13. Board Counsel – Alan Kantrud, nothing to report

14. Announcements – Kim Johnson, nothing to report

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

Meeting adjourned

ATTEST:

Kim Johnson: *Kim Johnson*
Executive Administrative Secretary
Date: 2/2021

Bryan: DeSmet: *Bryan DeSmet*
Board Chair
Date: 2/2021



City of White Bear Lake
City Manager's Office

MEMORANDUM

To: Ellen Hiniker, City Manager
From: Kara Coustry, City Clerk
Date: March 2, 2021
Subject: **Authorization of food truck operations on public property**

SUMMARY / BACKGROUND

The White Bear Lake Hockey Association is hosting Girls Hockey Day at the White Bear Lake Sports Center on March 20, 2021. As with all events at the Sports Center, participants are required to comply with the facility's COVID-19 Preparedness Plan.

The Girls Hockey Day Committee has submitted a request to allow food truck vendors to service players and guests throughout the full day event, 8:00 a.m. – 8:00 p.m. Rather than serving concessions indoors, the hope is to maximize social distancing and safe space opportunities for the event.

As with similar requests of this nature, staff seeks Council approval to allow a temporary merchant to operate on public property.

RECOMMENDED COUNCIL ACTION

Staff recommends Council adopt the attached resolution authorizing food truck operations on the parking lot of the White Bear Lake Sports Center for Girls Hockey Day on March, 20, 2021.

ATTACHMENT

Resolution

RESOLUTION NO.

A RESOLUTION AUTHORIZING FOOD TRUCK OPERATIONS ON PUBLIC PROPERTY AT THE WHITE BEAR LAKE SPORTS CENTER

WHEREAS, The White Bear Lake Hockey Association is sponsoring Girls Hockey Day on March 20, 2021 at the White Bear Lake Sports Center; and

WHEREAS, The Girl's Hockey Day Committee has requested authorization to allow food truck operations in the parking lot of the Sports Center rather than serving concessions indoors; and

WHEREAS, The intent of this request is to allow maximum social distancing and safe space for participating teams; and

WHEREAS, Sports Center Manager, Bruce Bates, was supportive of the request for food truck operations in the Sports Center parking lot for the event; and

WHEREAS, As with all Sports Center activities during this time, attendees are required to comply with the Sports Center's COVID-19 Preparedness Plan; and

WHEREAS, all food trucks servicing this event shall have secured a solicitor's permit from the White Bear Lake Police Department in order to operate as a temporary merchant in the city.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of White Bear Lake hereby authorizes food truck operations on public property as follows:

White Bear Lake Sports Center
1328 Highway 96 E
White Bear Lake, MN 55110
March 20, 2021
Event to conclude by 9:00 p.m.

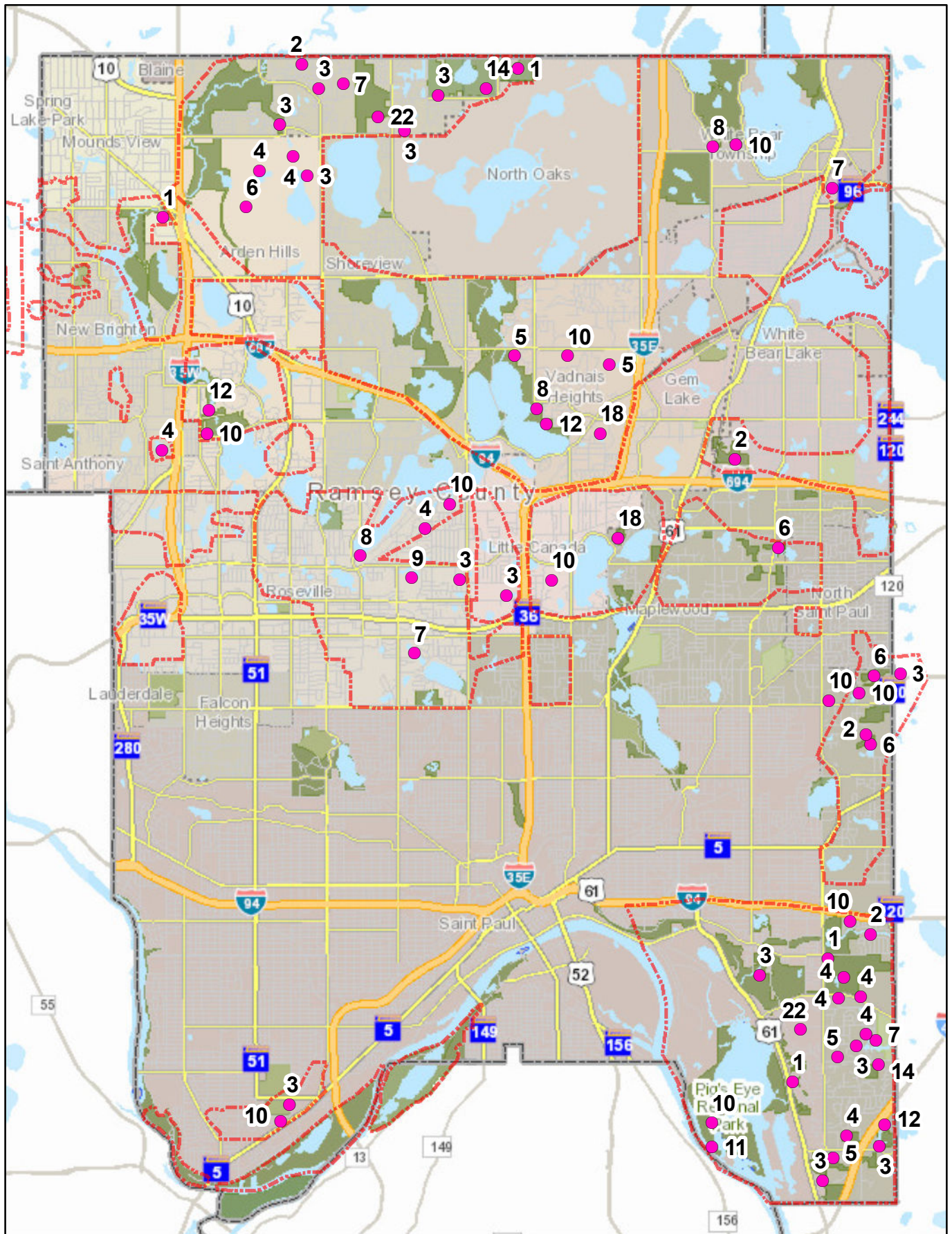
The foregoing resolution, offered by Councilmember ____ and supported by Councilmember _____, was declared carried on the following vote:

Ayes:
Nays:
Passed:

Jo Emerson, Mayor

ATTEST:

Kara Coustry, City Clerk



Ramsey County Deer Survey 2021
 447 deer total in survey areas
 2/22 - 2/23

● Deer 2021
 Survey Areas 2021

