



AGENDA
REGULAR MEETING OF THE CITY COUNCIL OF
THE CITY OF WHITE BEAR LAKE, MINNESOTA
TUESDAY, APRIL 13, 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 March 23, 2021

B. Minutes of the Work Session on March 30, 2021

3. APPROVAL OF THE AGENDA

4. VISITORS AND PRESENTATIONS

A. Jeff Hafner with Rainbow Tree Care – Emerald Ash Borer

B. Arbor Day Proclamation

5. PUBLIC HEARINGS

Nothing scheduled

6. LAND USE

A. Consent

1. Consideration of a Planning Commission recommendation for approval of a request by the City of White Bear Lake for review and acceptance of the Findings of Fact and Conclusions of the Environmental Assessment Worksheet (EAW) for the proposed North Campus High School Expansion project located at 5045 Division Avenue. (Case No. 21-1-EAW)
2. Consideration of a Planning Commission recommendation for approval of a request by Jack Tamble for a variance at 4860 Stewart Avenue. (Case No. 21-6-V)

B. Non-Consent

1. Consideration of a Planning Commission recommendation for approval of a request by White Bear Lake ISD#624 for a Conditional Use Permit for the North Campus High School expansion located at 5045 Division Avenue. (Case No. 21-3-CUP)
2. Consideration of a Planning Commission recommendation for approval of a request by Jacob & Chandler Ommen for a Conditional Use Permit and five variances at 4320 Cottage Park Road. (Case No. 21-4-CUP & 21-5-V)

7. UNFINISHED BUSINESS

Nothing scheduled

8. ORDINANCES

Nothing scheduled

9. NEW BUSINESS

- A. Resolution accepting quotes and awarding contract for the 2021 Gazebo Restoration Project, City Project No. 21-08
- B. Resolution accepting bids and awarding contract for the 2021 Pavement Rehabilitation Project, City Project Nos.: 21-01, 21-04, 21-06 & 21-13
- C. Resolution to approve the sale of General Obligation Bonds

10. CONSENT

- A. Acceptance of Minutes: January Park Advisory Commission, February Environmental Advisory Commission, February White Bear Lake Conservation District, March Planning Advisory Commission
- B. Resolution ordering project, approving specifications and authorizing advertisement for bids for the 2021 Bituminous Seal Coating Project, City Project No: 21-02
- C. Resolution ordering project, approving specifications and authorizing advertisement for bids for the 2021 Crack Sealing Project, City Project No: 12-03
- D. Resolution ordering project, approving plans and authorizing advertisement for bids for the 2021 Sanitary Sewer Lining Program, City Project 21-07
- E. Resolution authorizing use of Railroad Park for Sunrise Park Middle School on April 24, 2021
- F. Resolution of support for Accessible Space, Inc.'s application for Ramsey County Community Development Block Grant (CDBG) program funds
- G. Resolution authorizing City's participation in Manitou Days and Marketfest community events
- H. Resolution authorizing food truck operations on public property for St. Mary's 140th Anniversary

11. DISCUSSION

- A. Proposed modifications to Article II Administration of the Municipal Code

12. COMMUNICATIONS FROM THE CITY MANAGER

13. ADJOURNMENT



**MINUTES
REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF WHITE BEAR LAKE, MINNESOTA
TUESDAY, MARCH 24, 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 7:01 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, Assistant City Manager Rick Juba, Community Development Director Anne Kane, Public Works Director/City Engineer Paul Kauppi, City Clerk Kara Coustry and City Attorney Troy Gilchrist.

2. APPROVAL OF MINUTES

A. Minutes of the Regular City Council Meeting on March 9, 2021

It was moved by Councilmember **Jones** seconded by Councilmember **Edberg**, to approve the Minutes of the March 9, 2021 as presented.

Biehn Aye
Edberg Aye
Jones Aye
Walsh Aye

Motion carried.

3. APPROVAL OF THE AGENDA

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

Biehn Aye
Edberg Aye
Jones Aye
Walsh Aye

Motion carried.

4. VISITORS AND PRESENTATIONS

A. Marketfest and Manitou Days Presentations

5. PUBLIC HEARINGS

Nothing scheduled

6. LAND USE

Nothing scheduled

7. UNFINISHED BUSINESS

Nothing scheduled

8. ORDINANCES

A. Second reading of an ordinance adopting a Cable Franchise Agreement with Comcast

City Manager Hiniker gave a brief summary of the franchise renewal process, which was reviewed in greater detail during the March 9, 2021 City Council meeting. She explained the City, along with eight area municipalities, are members of a Joint Powers agreement with Ramsey Washington Suburban Cable Communications (SCC) as a means for management of the cable franchise. Ms. Hiniker reported that as a result of negotiations between SCC and Comcast, a ten-year franchise agreement has been agreed upon and is recommended for approval.

Mayor Emerson opened the public hearing at 7:36 p.m. There being no comment by the public, Mayor closed the public hearing at 7:37 p.m.

It was moved by Councilmember **Walsh** seconded by Councilmember **Jones**, to adopt Ordinance **21-3-2047** establishing a Cable Franchise with Comcast.

Biehn Aye
Edberg Aye
Engstran Aye
Jones Aye
Walsh Aye

Motion carried unanimously.

It was moved by Councilmember **Walsh** seconded by Councilmember **Biehn**, to approve **Resolution No. 12739**, establishing the Title and Summary Approval of Ordinance 21-3-2047.

Biehn Aye
Edberg Aye
Engstran Aye
Jones Aye
Walsh Aye

Motion carried unanimously.

B. First reading of an ordinance adopting Critical Water Deficiency provisions

Public Works Director/City Engineer Kauppi explained that the Critical Water Deficiency Ordinance is a required component of the City's Water Supply Plan. As a requirement of state statute 103G.291, the City must update its Water Supply Plan every ten years, which focuses on demand reduction and water conservation. Mr. Kauppi explained, the Water Supply Plan would

take effect upon executive order of the governor in the event he/she determined there to be a critical water deficiency.

Councilmember Biehn asked if the restrictions were mandated, to which Mr. Kauppi explained the state defined restriction is on all non-essential water. Essential meaning necessary for life sustaining needs such as sanitation, drinking and cooking, opposed to non-essential water for gardens and washing cars.

City Manager Hiniker added that discussions about water restrictions related to the DNR lawsuit are separate and unrelated to this Ordinance, and still yet to come.

Mayor Emerson mentioned the second hearing will occur at the second meeting in April.

9. NEW BUSINESS

A. Resolution establishing members of a Housing Task Force Committee

As recommended by the consultants, Community Development Director Kane asked the Council to confirm 20 applicants as members of the Housing Task Force Committee. She explained the purpose of this Task Force is to study, inform and provide recommendations to the City Council and the Housing and Redevelopment Authority (HRA) on the formulation of Housing Policy priorities in White Bear Lake. Ms. Kane mentioned there were 44 applications total and members were selected to achieve the most balanced representation.

It was moved by Councilmember **Biehn** seconded by Councilmember **Jones**, to approve **Resolution No. 12740**, establishing members of a Housing Task Force Committee.

Biehn Aye
Edberg Aye
Engstran Aye
Jones Aye
Walsh Aye

Motion carried unanimously.

B. Resolution authorizing extension of Emergency Relief Fund Program; to include update on relief programs

Community Development Director Kane and City Manager Hiniker provided an update on CARES funding as follows:

Relief for Residents

- Direct Resident Relief for Mortgage/Rental Assistance/Utility Bills
- Administered in partnership with CAP-RW
- \$125,000 CARES funds allocated by Council last fall
- Approximately \$108,000 in total grant funds awarded
- Currently scheduled to conclude March 31st - request extension/lifting of deadline to fully expend all funds (likely April or May)
- Rental Relief Program anticipated to be available through the State by end of March
- American Rescue Plan also includes provisions for assistance with Mortgage Relief;

however, details are not clear when and how those funds will be made available

Business Relief

- \$250,000 CARES funds allocated last Fall
- Administered in partnership with SPEDCO
- Approximately \$320,000 in total grant funds awarded
- Results of second Business Survey:
 - Still face considerable challenges and uncertainty
 - Most have successfully navigated federal assistance (PPP)
 - Many reflect some level of cautious optimism

American Rescue Plan Act of 2021

- Local economic support is identified as an acceptable use; however, details are not clear when and how those funds will be made available
- PPP – growing support for extension of approaching deadline
- Restaurant, Bar and Brewery Grant Assistance
- Ability to formulate a program that is more intentional, multi-pronged, and aimed at building resiliency

Ms. Kane asked for authorization to extend the emergency relief fund program for residents in order to utilize the remaining program allocation of approximately \$17,000. Ms. Hiniker added that White Bear Lake will be receiving approximately \$2.5 million from the federal American Rescue Plan and staff will provide additional updates to the City Council as federal Treasury guidelines for use of these funds become available.

In response to Councilmember Walsh, Ms. Kane acknowledged that more work needs to be done to reach out to the small businesses in the City which may not be members of the Chamber.

It was moved by Councilmember **Walsh** seconded by Councilmember **Jones**, to approve **Resolution No. 12741**, authorizing extension of Emergency Relief Fund Program.

Biehn Aye
Edberg Aye
Engstran Aye
Jones Aye
Walsh Aye

Motion carried unanimously.

C. Resolution authorizing regulatory flexibility and use of City property by local businesses

City Manager Hiniker asked Council for administrative flexibility to temporarily relax regulatory restrictions and extend use of public right of way to businesses as they navigate social distancing and other requirements related to the pandemic. She also sought approval to re-establish “Picnic in the Park” with the exception that Washington Square would remain open to parking. Rather than closing Washington Square, she explained, picnic tables would be placed in Railroad Park to allow an outdoor space in downtown White Bear Lake for restaurant customers to sit while eating and drinking takeout obtained from local restaurants.

It was moved by Councilmember **Biehn** seconded by Councilmember **Engstran**, to approve **Resolution No. 12742**, authorizing regulatory flexibility and use of City property by local businesses.

Biehn Aye
Edberg Aye
Engstran Aye
Jones Aye
Walsh Aye

Motion carried unanimously.

D. Receiving Proposals and Authorizing Contract for Consultant Services for amending Part I of the City's Wellhead Protection Plan

Public Works Director/City Engineer Kauppi explained that separate and apart from water restrictions as a result of the DNR court order, state statute requires the City update its Wellhead Protection Plan (WPP) every eight years. He said this plan assesses how much water is used and what degree of well drawdown might lead to contamination. Mr. Kauppi described two phases of the Wellhead Protection Plan amendment, the first involving an assessment of all Wellheads, their drawdown levels and identifying vulnerabilities to be studied further in Phase II.

Mr. Kauppi reported proposals were received from four of two firms in the area, and forwarded staff's recommendation to receive those proposals and authorize a contract for consultant services to WSP USA Inc. for amending Part I of the City's Wellhead Protection Plan, in the lowest bid amount of \$15,237.

It was moved by Councilmember **Edberg** seconded by Councilmember **Jones**, to approve **Resolution No. 12743**, receiving proposals and authorizing contract for consultant services for amending Part I of the City's Wellhead Protection Plan

Biehn Aye
Edberg Aye
Engstran Aye
Jones Aye
Walsh Aye

Motion carried unanimously.

10. CONSENT

- A. Resolution ordering a public hearing for the SWPPP. **Resolution No. 12744**
- B. Resolution correcting the schedule within the adopted revised 2020 budget. **Resolution No. 12745**
- C. Resolution authorizing the City Manager to execute the Washington County Recycling Grant Agreement. **Resolution No. 12746**
- D. Resolution authorizing the Mayor and City Manager to execute an ambulance billing contract. **Resolution No. 12747**

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

Biehn Aye
Edberg Aye
Engstran Aye
Jones Aye
Walsh Aye

Motion carried unanimously.

11. DISCUSSION

Nothing scheduled

12. COMMUNICATIONS FROM THE CITY MANAGER

- Environmental Updates, provided by Connie Taillon in the packet, noted a VLAWMO survey pertaining to management of Goose Lake water quality. The survey will be open until March 31st. East Goose Lake Web Hub provides more information at <http://vlawmo.org/eastgooselakeAM>
- Welcoming & Inclusive Community Task Force (WE) – Mayor Emerson, Councilmembers Jones and Walsh attended the first WE Committee meeting with the City’s newly established WE Task Force. The initial focus is on smaller group community conversations, which are happening virtually and the task force is advising on a community survey.
- Work Session scheduled Tuesday, March 30, 2021 at 6:00 p.m. for an update and status on Fire and Ambulance Services.
- Public Works Director Mr. Kauppi said spring street sweeping activities are underway and aeration at the marina has opened up water around the docks.
- Community Development Director Kane reminded Council that the Conditional Use Permit (CUP) for the North Campus Expansion Project will be before the City Council at the April 13 meeting.

13. ADJOURNMENT

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

Biehn Aye
Edberg Aye
Engstran Aye
Jones Aye
Walsh Aye

Motion carried unanimously.

Jo Emerson, Mayor

ATTEST:

Kara Coustry, City Clerk



**MINUTES
WORK SESSION OF THE CITY COUNCIL
OF THE CITY OF WHITE BEAR LAKE, MINNESOTA
TUESDAY, MARCH 30, 2021
6:00 P.M. VIA ZOOM OR TELEPHONE**

6:06 PM Meeting Opened

In Attendance: Mayor Jo Emerson, Councilmember Bill Walsh, Councilmember Doug Biehn, Councilmember Dan Jones, Councilmember Kevin Edberg, Steven Engstran City Manager Ellen Hiniker, Assistant City Manager Rick Juba, Fire Chief Greg Peterson, Finance Director Kerri Kindsvater and City Engineer/Public Works Director Paul Kauppi

Absent:

City Staff discussed the current status of Fire Department and Ambulance operations.

7:30 PM Meeting Adjourned

706. Diseased or Dying Trees

§706.010 DISEASED OR DYING TREES; PURPOSE. The City Council of the City of White Bear Lake has determined that the health of the trees within the municipal limits are threatened by tree diseases. It is further determined that the loss of the trees growing upon public and private property would substantially depreciate the value of property within the City and impair the safety, good order, general welfare and convenience of the public. It is declared to be the intention of the Council to control and prevent the spread of diseases and this chapter is enacted for that purpose.

It is the intention of the City Council of the City of White Bear Lake to conduct a program of disease control pursuant to the authority granted by Minnesota Statutes section 18.023. This program is directed specifically at the control and elimination of Dutch Elm Disease Fungus, Elm Bark Beetles, Oak Wilt Fungus and any other tree diseases or pests which may be considered public nuisances. (Ref. Ord. Nos. 458, 6/11/68; 571, 4/8/75)

§706.020 DISEASED OR DYING TREES: ADMINISTRATION. It is the duty of the Public Works Department to coordinate all activities of the City relating to the control and prevention of tree diseases covered by this chapter.

§706.030 DISEASED OR DYING TREES: PUBLIC NUISANCE, DEFINED. The following are considered public nuisances whenever they are found within the City of White Bear Lake:

1. Any living or standing elm tree or part thereof infected to any degree with Dutch Elm Disease Fungus Ceratocystis Ulmi (Buisman) Noreau or which harbors any of the Elm Bark Beetles Scioivtus Multistriatus (Eichh.) or Hylurgopinus Rufipes (Marsh).

2. Any dead elm tree or part thereof including logs, branches, stumps, firewood or other elm material, the bark of which has not been removed.

3. Any living or standing oak tree or part thereof infected to any degree with the Oak Wilt Disease Fungus Ceratocyrstris Fagacearum.

4. Any tree, living, dead, or parts thereof, infected to any degree with disease or infestation (bugs, beetles, worms or fungus) or which may be considered a threat to the public welfare.

(Ref. Ord. Nos. 485, 6/11/68; 571, 4/8/75)

§706.040 DISEASED OR DYING TREES; PUBLIC NUISANCE, ABATEMENT AND ASSESSMENT. It is unlawful for any person or persons to permit any public nuisance as defined in this chapter to remain on any premise owned or controlled by him within the City of White Bear Lake. Such nuisances must be abated in the manner prescribed by this chapter.

Pursuant to the authority granted by Minnesota Statutes §18.022, Subd. 6, the City Council by this ordinance authorizes the Director of Public Works and his/her agents to enter and inspect any public or private place which might harbor plant pests.

The City shall give to the owner or controller of the premises, where the public nuisance is described in §706.030 above are found, a written notice of the existing nuisance requiring the removal, burying or burning (if permitted) of same within twenty (20) days following the delivery or sending of such notice. A notice shall also notify the owner or controller of said premises that unless such nuisances are abated in compliance with this chapter within the specified time period, the City will proceed with the removal and abatement of such nuisances and assess all costs₂ authorized by this Chapter, thereon against the said property owner. When the condition of a tree is indeterminable by City Staff an expert tree consultant will be hired to determine the condition of the tree. The cost of said consultant will be paid by the City.

Service of such notice shall be by personal delivery or sent by regular U.S. mail to the person or persons to whom was sent the tax bill for the general taxes for the last preceding year on the property. It shall thereupon become the duty of the owner or owners of said premises to cause such diseased tree or trees or nuisances to be abated.

In the case of removing or treating of trees located on street terraces or boulevards, the owner or controller of abutting property may remove, or have removed, according to specifications established by the Director of Public Works, the subject tree at his or her expense. An alternative treatment regime of fungicide may be authorized the Director of Public Works. Trees which are not removed or treated within the specified time shall be declared a public nuisance and removed or treated by the City which may assess one half (1/2) the total cost, including reasonable administrative expenses, thereof to the property, which expense shall become a lien on the property. (Ref. Ord. Nos. 485, 6/11/68; 571, 4/8/75; 701, 10/8/85)

§706.050 DISEASED OR DYING TREES; PUBLIC NUISANCE ASSESSMENT, DEFERRAL. Pursuant to Minnesota Statutes §435.193 to §535.195, the City Council may, at its discretion, defer payment of a special assessment for the cost of removal of diseased trees.

Subd. 1. Standards and Guidelines. No property shall be considered for deferral of a special assessment for the cost of removal of diseased trees except when all of the following qualifications exist:

1. Affected property is homestead property owned by at least one (1) person who is sixty-five (65) years of age or older.

2. The City orders the abatement of a public nuisance pursuant to this chapter and the applicant, on forms supplied by the City, authorizes the City to abate same within the prescribed time.

3. Payment of special assessments would create a hardship for the applicant. A hardship shall be considered to exist if the household income of the owner does not exceed eighty (80) percent of the most recent published median household income data. Amended 11/9/04

The applicant shall provide the City with such other information as may be required to make a proper determination as to eligibility.

Subd. 2. Procedure. A person seeking a deferment shall make application to the City on forms prescribed by the County Auditor together with such other information as may be required by the City. The application shall be filed with the City Clerk within thirty (30) days from the adoption of the assessment roll. To remain eligible for the term of the deferment, annually, before August thirty-first (31st), the applicant shall file a renewal application with the City Clerk. The City Council shall review each application and either grant or deny the deferment, provided that nothing herein shall be construed to prohibit the determination of hardship on the basis of exceptional and unusual circumstances not covered by the standards and guidelines, where the determination is made in a non-discriminatory manner and does not give the applicant an unreasonable preference or advantage over other applicants. Deferments shall be subject to the terms and conditions of subdivision 3.

Subd. 3. Terms and Conditions. The granting of a deferment shall entitle the property owner to pay the special assessment with interest, if any, accrued to December thirty-first (31st) of the year in which payment is made in a single, installment payable on or before May thirty-first (31st) of the year following the certification of the assessment or in lieu thereof, to pay such assessment with interest, if any, accrued to December thirty-first (31st) of the year in which payment is made in equal installments extending over a period of five (5) years, the first (1st) of the installments to be payable on or before May thirty-first (31st) of the year following certification of the assessment. The property owner may, at any time prior to the certification of the assessment to the County Auditor, pay to the City Treasurer the whole of the assessment with interest accrued, if any, to the date of payment, except that no interest shall be charged if the entire assessment is paid within thirty (30) days from the adoption of the assessment and, the property owner may, at any time thereafter, pay to the County Treasurer the entire amount of the assessment remaining unpaid with interest, if any, accrued to December thirty-first (31st) of the year in which payment is made.

The City Council shall at the time of the adoption of the assessment, determine the interest rate, if any, which shall be charged for deferral.

The option to defer the payment of special assessments in equal annual installments extending over a period of five (5) years shall terminate and all amounts accumulated plus applicable interest shall become due upon the occurrence of any one of the following events:

1. The death of the property owner when there is no spouse who is eligible for deferment;
2. The sale, transfer or subdivision of all or any part of the property;
3. Loss of homestead status on the property;
4. Determination by the City Council for any reason that there would be no hardship to require immediate or partial payment; or,
5. Failure to file a renewal application. (Ref. Ord. No. 607, 3/21/78)

§706.060 DISEASED OR DYING TREES; TRIMMING TREES. It is the responsibility of the property owner or controller to trim any branch or branches (dead or dying) that could be a place for the Elm or Oak Bark Beetles to harbor and propagate. Trees must not be trimmed in the late spring season (sap time, April and May) to prevent the infection of the fungi spores through the fresh wound and infecting any otherwise healthy tree. (Ref. Ord. No. 571, 4/8/75)

§706.070 DISEASED OR DYING TREES; SPRAYING TREES. Whenever the City determines that any tree or part thereof within the City is infected with a disease or insect, it may spray all nearby trees with an effective destroying concentrate. (Ref. Ord. Nos. 458, 6/11/68; 571, 4/8/75)

§706.080 DISEASED OR DYING TREES; TRANSPORTATION OF DISEASED WOOD PROHIBITED. It is unlawful for any person to transport within the City any bark bearing elm or oak wood, known to have Dutch Elm or Oak Wilt diseases or infestation or a suspect of either or both, without having obtained a permit from the City Clerk or his authorized representative who shall grant such permit only when the purposes of this chapter will be served thereby. (Ref. Ord. Nos. 458, 6/11/68; 571, 4/8/75)

§706.090 DISEASED OR DYING TREES; REFORESTATION. Boulevard trees may be replaced on a one for one basis by the City at City expense. The site and the species of the replacement tree will be determined by the City. (Ref. Ord. No. 571, 4/8/75)

Proclamation

Arbor Day
May 20, 2021

WHEREAS, the City of White Bear Lake has historically been committed to maintaining the urban forest in City parks and throughout the City by adding to and replacing its valuable tree stock; and

WHEREAS, the City annually confirms its commitment to the urban forest by promoting public awareness of forestry issues through tree planting projects, tree pruning and maintenance seminars, invasive species control projects and other educational opportunities; and

WHEREAS, the City recognizes Arbor Day as an annual occasion during which the community pauses to recognize the importance of trees and their impact on our environment and daily lives and encourages public awareness of urban forestry issues; and

WHEREAS, trees in our City increase property values, enhance the economic vitality of business areas and beautify our community and park system; and

WHEREAS, trees are a source of joy and spiritual renewal; and

WHEREAS, the Mayor and City Council desire to extend their support for, and recognition of, the importance of trees within our City.

NOW, THEREFORE, I, Jo Emerson, Mayor of the City of White Bear Lake, do hereby proclaim May 20, 2021, as Arbor Day in White Bear Lake and with fellow members of the City Council, the Park Board and City staff do hereby call upon all White Bear Lake residents to participate in the annual Arbor Day observance.

In Witness Whereof, I have hereunto set my hand and caused the Seal of the City of White Bear Lake to be affixed this 13th day of April 2021.

Jo Emerson, Mayor



City of White Bear Lake
Community Development Department

MEMORANDUM

To: Ellen Hiniker, City Manager

From: The Planning Commission

Through: Anne Kane, Community Development Director

Date: April 8, 2021 for the April 13, 2021 City Council Meeting

Subject: **White Bear Lake ISD #624/North Campus High School Expansion
Case No. 21-1-EAW – Environmental Assessment Worksheet**

REQUEST

Review of the Findings of Fact and Conclusions of the Environmental Assessment Worksheet completed to assess the environmental effects of the North Campus High School expansion project.

SUMMARY

No one spoke to the matter and on a 7-0 vote, the Planning Commission recommended acceptance of the Findings of Fact and Conclusions and approval of the Resolution determining there is no need to complete an Environmental Impact Statement (EIS) for the White Bear Lake ISD #624 High School expansion project.

RECOMMENDED COUNCIL ACTION

Approval of the attached resolution.

ATTACHMENT

Resolution of Negative Declaration

RESOLUTION NO.

**RESOLUTION FOR NEGATIVE DECLARATION
ON THE NEED FOR AN ENVIRONMENTAL IMPACT STATEMENT
FOR THE WHITE BEAR SCHOOL DISTRICT (ISD #624)
HIGH SCHOOL EXPANSION PROJECT**

WHEREAS, pursuant to Minnesota Environmental Quality Board (EQB) Rules, Chapter 4410.1000, the City of White Bear Lake as the responsible governmental unit issued an Environmental Assessment Worksheet (EAW) for the proposed expansion of the White Bear North Campus High School; and

WHEREAS, pursuant to Minnesota EQB Rules, Chapter 4410, and as a result of the proposed actions, the project meets the thresholds for an EAW for new or expansion of industrial, commercial, and institutional facilities; and

WHEREAS, copies of the EAW were distributed to all persons and agencies on the official EQB mailing list prior to February 2, 2021; and

WHEREAS, notice of the availability of the EAW for public review for a 30-day comment period was published in the EQB *Monitor* on February 2, 2021 and a media release was provided to the White Bear Press on January 25, 2021 for their consideration; and

WHEREAS, the preparation of the ISD #624 High School Expansion Project EAW and comments received on the EAW have generated information adequate to determine whether the proposed project has the potential for significant environmental impacts; and

WHEREAS, the ISD #624 High School Expansion Project is expected to comply with all the City development standards and review agency permits/regulations; and

WHEREAS, based on the criteria established in Minnesota Rules 4410.1700, the project does not have the potential for significant environmental effects; and

WHEREAS, based on the Findings of Fact and Conclusions, the project does not have the potential for significant environmental impacts.

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

That it should and hereby does make a negative declaration on the need for an Environmental Impact Statement for the White Bear Lake ISD #624 High School Expansion Project.

Resolution No. _____

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

Ayes:

Nays:

Passed:

Jo Emerson, Mayor

ATTEST:

Kara Coustry, City Clerk



City of White Bear Lake
Community Development Department

MEMORANDUM

To: Ellen Hiniker, City Manager
From: The Planning Commission
Through: Samantha Crosby, Planning & Zoning Coordinator
Date: April 7, 2021 for the April 13, 2021 City Council Meeting
Subject: **Tamble Garage Variances – 4860 Stewart Avenue, Case No. 21-6-V**

REQUEST

Two setback variances – one from the alley side and the other from the side abutting a public right-of-way - in order to locate a new two-car detached garage 1 foot from the east property line and 17.3 feet from the north property line (5 ft. and 25 ft. required, respectively).

SUMMARY

No one from the public spoke. On a 7-0 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 TWO VARIANCES FOR
4860 STEWART AVENUE
WITHIN THE CITY OF WHITE BEAR LAKE, MINNESOTA**

WHEREAS, a proposal (21-6-V) has been submitted by Jack Tamble to the City Council requesting approval of two setback variances from the Zoning Code of the City of White Bear Lake for the following location:

LOCATION: 4860 Stewart Avenue

LEGAL DESCRIPTION: Lot 12, Block 35, Auerbach's Rearrangement of Part of White Bear, Ramsey County, Minnesota (PID #133022230083)

WHEREAS, THE APPLICANT SEEKS THE FOLLOWING RELIEF: A 4 foot variance from the 5 foot rear yard setback for a detached garage, per 1303.030, Subd.4.e; and a 7.7 foot variance from the 25 foot setback from a side abutting a public right-of-way, per Code Section 1302.030, Subd.4.d, in order to construct a new 616 square foot garage 1 foot from the east property line and 17.3 feet from the north property line; and

WHEREAS, the Planning Commission has held a public hearing as required by the city Zoning Code on March 29, 2021; and

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

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

1. The requested variances will not:
 - a. Impair an adequate supply of light and air to adjacent property.
 - b. Unreasonably increase the congestion in the public street.
 - c. Increase the danger of fire or endanger the public safety.
 - d. Unreasonably diminish or impair established property values within the neighborhood.
2. The variances are a reasonable use of the land or building.
3. The variances will be in harmony with the general purpose and intent of the City Code.
4. The variances 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 variances.

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

- 1. All application materials, maps, drawings, and descriptive information submitted in this application shall become part of the permit.
- 2. The 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.
- 3. A building permit shall be obtained prior to the construction of the garage.
- 4. The applicant shall verify the property lines and have the property pins exposed at the time of inspection.
- 5. Exterior colors and style of the new garage to match the existing residence.
- 6. Prior to the issuance of the building permit, the applicant shall consult with an arborist to determine which measures, if any, would be prudent to reduce the impact of the project to the tree, increasing the tree’s chances of survival. Proof of having done so shall be provided with the building permit application materials.

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.

Jack Tamble Date



City of White Bear Lake
Community Development Department

MEMORANDUM

To: Ellen Hiniker, City Manager

From: The Planning Commission

Through: Anne Kane, Community Development Director

Date: April 8, 2021 for the April 13, 2021 City Council Meeting

Subject: **White Bear Lake ISD #624/North Campus High School Expansion
Case No. 21-3-CUP**

REQUEST

A Conditional Use Permit to allow an approximately 398,000 square foot additional to the North Campus of White Bear Lake High School located at 5045 Division Avenue. The building and facilities expansion will facilitate the establishment of an integrated high-school encompassing grades 9th through 12th in one centralized location. The existing building is approximately 271,000 square feet and upon completion for the 2024-25 school year, the high school will be approximately 670,000 square feet.

SUMMARY

A handful of surrounding neighbors submitted public input questions or concerns via e-mail in advance of the Public Hearing. In addition, four neighbors spoke to the matter seeking clarification on specifics of the proposal during the Planning Commission meeting. The majority of comments focused on traffic impacts, suggested roadway improvements, desire for improved pedestrian and bicycle connections, and concerns regarding off-campus parking and speeding through the neighborhood. As noted in Staff's cover memo, these are the areas which have demanded the bulk of attention of the Project Team and will continue to be addressed as infrastructure improvements in and around the high school campus are solidified.

On a 7-0 vote, the Planning Commission recommended approval with no modifications to the conditions recommended by staff.

RECOMMENDED COUNCIL ACTION

Approval of the attached resolution.

ATTACHMENTS

Planning Commission Memo and Attachments
Resolution of Approval

RESOLUTION NO.

**RESOLUTION APPROVING A CONDITIONAL USE PERMIT
FOR WHITE BEAR LAKE AREA ISD #624
SENIOR HIGH SCHOOL CAMPUS AND EXPANSION
WITHIN THE CITY OF WHITE BEAR LAKE, MINNESOTA**

WHEREAS, a proposal (21-3-CUP) has been submitted by The White Bear Lake Area Public School District #624 to the City Council requesting approval of a conditional use permit for the following location:

LOCATION: 5045 Division Avenue

LEGAL DESCRIPTION: [to be inserted]

WHEREAS, THE APPLICANT SEEKS THE FOLLOWING PERMIT: A conditional use permit, per Code Section 1303.245, Subd.2.c.4, to allow a 398,000 square foot building addition; and

WHEREAS, the Planning Commission has held a public hearing as required by the city Zoning Code on March 29, 2021; and

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

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

1. The proposal is consistent with the city's Comprehensive Plan.
2. The proposal is consistent with existing and future land uses in the area.
3. The proposal conforms to the Zoning Code requirements.
4. The proposal will not depreciate values in the area.
5. The proposal will not overburden the existing public services nor the capacity of the City to service the area.
6. The traffic generation will be within the capabilities of the streets serving the site.
7. The special conditions attached in the form of conditional use permits are hereby approved.

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

1. All application materials, maps, drawings, and descriptive information submitted with this application shall become part of the permit.
2. Per Section 1301.050, Subd.4, if within five (5) years after granting the conditional use permit, the use as allowed by the permit shall not have been completed or utilized, the permit shall become null and void unless a petition for an extension of time in which to complete or utilize the use has been granted by the City Council.
3. This conditional use permit shall become effective upon the applicant tendering proof (i.e. a receipt) to the City of having filed a certified copy of this permit with the County Recorder pursuant to Minnesota State Statute 462.3595 to ensure the compliance of the herein-stated conditions.
4. The applicant shall obtain any necessary building permits prior to beginning any work.

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

5. Provide additional information and calculations as required by the Engineering Department, detailed in the attached memo dated March 15, 2021.
6. Provide additional information and details as required by the Fire Marshal, detailed in the attached memo dated March 2, 2021.
7. A Construction Staging and Management Plan will be required prior to any site work begins.
8. Provide a SAC determination from the Metropolitan Council.
9. Revise the landscape plan to:
 - a) provide interior landscape calculations for each individual parking lot;
 - b) revise proposed screening on the outside perimeter of the parking lots to provide a minimum 50% evergreen trees (maximum 25' OC) to comply with year round screening requirement;
 - c) provide details on screening proposed for parking lots and revise to ensure majority of shrubs are evergreen to provide year-round screening; and
 - d) relocate some of the trees proposed along north edge of campus to more central and effective locations throughout the site.
10. Revise the Tree Preservation Plan to:
 - a) provide totals to the bottom of each column on Sheet L1.014;
 - b) include a key for the tree abbreviations;
 - c) highlight the boulevard trees in table on Sheet L1.014;

- d) highlight the non-significant trees retained and counted towards replacement inches in table on Sheet L1.014;
 - e) includes a Tree Protection Fencing Plan overlaid of the Grading Plan that encompasses all non-significant trees proposed to be retained and applied towards replacement inches; and,
 - f) resolve the discrepancy in Tree Replacement Calculation to demonstrate compliance with 2,227 required replacement inches.
11. Separate sign permits for exterior signage shall be secured prior to installation of any permanent exterior signage.
 12. Combine the two photometric plans into one comprehensive plan which incorporates the perimeter of the campus for staff review and approval. All new or relocated lights shall be shielded so that the light source is not visible from surrounding residences.
 13. Provide details and specifications on all lighting proposed for the athletic facilities (Musco Lighting Plans set).

Prior to the issuance of a Certificate of Occupancy, the applicant shall:

14. Enter into a Development Agreement for all off-site improvements.
15. Work to identify optimal locations and alignments for east-west cross-campus non-motorized connections on-site.
16. Submit a final plat for review and approval.
17. Any additional stadium bleacher capacity at this campus in the future shall require an amendment to this CUP.

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

Ayes:
Nays:
Passed:

Jo Emerson, Mayor

ATTEST:

Kara Coustry, City Clerk

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

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

Applicant's Signature

Date

Print Name

Title



City of White Bear Lake
Community Development Department

MEMORANDUM

To: Planning Commission

From: Anne Kane, Community Development Director

Date: March 25th for the March 29, 2021 Planning Commission Meeting

Subject: **Case No. 21-3-CUP: White Bear Area ISD #624/North Campus Expansion and Renovation Project**

REQUEST

The White Bear Area Public School District 624 is requesting a Conditional Use Permit to allow an approximately 398,000 square foot addition to the North Campus of White Bear Lake High School located at 5045 Division Avenue. The building expansion will facilitate the establishment of an integrated senior high school encompassing grades 9 through 12th in one centralized location. See applicant's narrative, attached.

SITE CHARACTERISTICS

The overall campus is approximately 90 acres in size and currently houses both the North Campus High School and Central Middle School buildings, as well as the District's Administrative Offices. The uniquely designed high school building is comprised of three circular "pods" and sits primarily on the northern half of the site and is bound by athletic fields to the north, existing residential buildings and parking lots along Division Avenue to the east, athletic facilities, parking lots and existing residential building along Bald Eagle Avenue to the west and Central Middle School to the south. Over the past year, the District has purchased a number of adjacent residential properties which have, or will be, demolished to accommodate the proposed campus expansion. The existing school building is approximately 271,000 square feet and upon completion for the 2024-25 school year, the high school will be nearly 670,000 square feet.

ZONING

The campus is zoned P – Public and the Zoning Code provides for the automatic rezoning to P – Public as additional parcels are acquired for use as a public school campus. Other surrounding properties are zoned some intensity of residential use, ranging from single-family (R-3 and R-4) to medium density (R-5 and R-6) and are improved with existing single family homes and multi-family townhomes developments. In the Public zoning district, all lot requirements, setbacks and other requirements such as parking and landscaping are to be comparable to other similar uses that are allowed in other districts. This provision provides some flexibility when reviewing development proposals.

BACKGROUND

The existing building school was originally constructed in 1963 to serve as the newly expanded White Bear High School. The school has remained generally consistent with the original design with a building expansion in 1994 to accommodate a growing student population.

PROJECT OVERVIEW

The school district is proposing to construct a 398,000 square foot building expansion that will create three additional building components:

- A three-story classroom addition around the exiting two-story classroom wing;
- A two-level performing arts wing and new 845 seat auditorium; and
- A five-court fieldhouse with auxiliary gymnasium and athletic training facilities.

Other planned improvements to the campus include new internal access roads, parking lots, sidewalks, stormwater management features, athletic/activity fields and stadiums, and utility infrastructure to support the expanded high school. The project will also include extensive renovation throughout the existing building which will result in 123 individual classrooms clustered into learning studios, laboratories, and workshops designed to accommodate student learning in a wide variety of flexible environments.

As indicated in the applicant's materials, White Bear Lake ISD #624 conducted a comprehensive review of the District's existing facilities and future needs following a Strategic Plan process completed in 2017. A primary recommendation of the facilities review and planning process was to create a unified high school building which has been split between two campuses since 1983. In the fall of 2019, District voters supported a \$326 million building bond referendum to provide the funding to undertake the comprehensive capital improvement plan throughout the District. The CIP includes the construction of a high school that will accommodate all 9th- 12th grade students enrolled in the District on the North Campus.

North Campus' location within the School District, being near Downtown White Bear Lake, adjacent to the emerging Arts District, and its proximity to existing and planned transportation networks, make it a highly desirable location to locate a centralized high school. The conversion of this campus back to a full 9-12 grade high school represents a tremendous opportunity and a significant investment for the broader community, but is not without some challenges and potential impacts on the surrounding neighborhoods.

The District's leadership, consultant team, and staff from the city, township, county and state have met to identify issues and opportunities, explore options and alternatives, and formulate plans to mitigate negative impacts from the increased intensity of the school campus. Throughout this collaborative process the Project Team has sought the optimal balance between creating a high-quality school campus with modern amenities and first-rate athletic facilities while configuring the campus to help distribute traffic on the surrounding roadway network, providing appropriate screening and visual buffers from the adjacent residences, and minimizing negative impacts of campus improvements on the surrounding neighborhood.

In addition to designing the campus to distribute traffic generated by the school throughout the existing roadway network, a number of off-site improvements have been identified which will help alleviate traffic congestion in the area around the school. The increased traffic levels for the area

will be mitigated by making improvements to the local roadway network including safety and capacity improvements, traffic control modifications, access/roadway modifications, and enhancements for pedestrian/bicycle connections. While many of the elements have been identified (e.g. traffic signal at Highway 61 & 8th Street intersection, improved capacity and sidewalk along 8th Street, dedicated turn lanes on both Division and Bald Eagle Avenues, and pedestrian/bicycle extensions north of the campus) the specific plans have not been finalized.

Securing the land use entitlements for the high school campus will also serve as a catalyst to finalize plans for regional investments including the Bruce Vento Trail extension, Rush Line BRT, and other improvements needed to improve access to and around the school. For example, it is widely agreed among the Project Team that pedestrian and bicycle improvements are needed along both Division and Bald Eagle Avenues, however the final alignment of the Bruce Vento Trail plays a significant role in the timing, design and exact configuration of both these extensions. The City recognizes that additional public engagement will be needed as those off-site projects are refined and implementation. Although the timeline and forum for this engagement is not yet specified, all agencies will ensure adequate opportunity for public input as the various off-site components are finalized. Close collaboration among all agencies and effective communication with the surrounding community will be essential as the high school campus gets underway and off-site improvements under various jurisdictions are implemented. The City anticipates off-site improvements to City streets will mirror the same public engagement process used for all road improvement projects elsewhere through the community.

ZONING ANALYSIS

The City's Zoning Code identifies public and private schools, including trade schools, as an allowable Conditional Use within both the P – Public district as well as *all* residential districts (R-1 through R-7). There are specific design criteria that must be met to promote land use compatibility for schools within residential districts: increased yard setbacks, appropriate screening from abutting uses, and adequate off-street parking and loading facilities. The plans for the high school campus comply with these additional criteria in addition to the standard findings for Conditional Use Permits, which are provided at the end of Staff's memo for the Planning Commission's consideration.

Site Plan

The architectural design of the school expansion builds upon the original circular design constructed in 1963 and the wings encase the existing components. The location of the new structure builds off the existing building footprint situated on the northern portion of the site with active uses to the south and more passive areas of the campus located north of the school itself. The building placement nearer the center of the campus (east to west) helps mitigate the massing of the new structures and provides appropriate transition to the existing residential properties abutting the school campus. A new athletic field house will extend south from the existing building and will be recessed below grade to help conceal the scale of the structure. Active athletic fields, tennis courts, practice facilities, and a track and field/soccer stadium are situated on the southern portion of the campus.

The expanded campus has been intentionally designed to restrict cross-campus vehicular travel to ensure the desired dispersal of trips to/from the campus rather than concentrating all the traffic to one side or the other. School bus circulation for student drop-off/pick-up will utilize new access points along Bald Eagle Avenue and will serve both the high school and middle school due to

staggered school start and dismissal times. There are two primary drop-off/pick up areas, one on either side of the campus, to distribute trips to/from the campus throughout the surrounding street network. Similarly, parking lots for students, faculty and visitors will be situated along both edges of the campus.

New internal sidewalks connect the various components of the campus including improved north/south pedestrian circulation, however, the campus presently disrupts the broader pedestrian and bicycle network of the neighborhood, particularly east-west travel. The campus expansion project presents an opportunity to facilitate a more cohesive network for non-motorized travel throughout the neighborhood and improved connections north of the campus. As plans are finalized for transportation networks around the campus, the Project Team will identify optimal locations and alignments for these critical cross-campus connections.

Setbacks and Increased Building Height

While there is no explicit building setbacks or height restrictions in the P – Public zoning, the Code building requirements to be comparable to other similar uses allowed in other districts. Staff has traditionally applied the B-4 General Business regulation to guide institutional/educational uses abutting residential. The existing school building maintains an 82 foot setback from the eastern property line and over 240 feet from its western property line. With the acquisition of surrounding residential parcels, the building addition is able to provide similar if not increased setbacks from the new campus boundaries.

However a portion of the three story classroom wing is proposed to be 58 feet tall to accommodate the rooftop mechanical equipment abuts three residential properties that will remain along Bald Eagle Avenue. Similarly, the new auditorium building includes a theater fly which is 52 feet in height. The comparable zoning district restricts building height to 3 stories or 36 feet, whichever is less, but Section 1032.040 of the Zoning Code allows building heights in excess of those permitted within the district provisions of the code may be permitted provided that:

1. The site is capable of accommodating the increased intensity of use.

In staff's opinion, no additional intensity is created by the additional building height. The classroom wing is three stories but is 42 feet in height given newer building methods and increased ceiling heights for each level. The rooftop mechanical enclosure will allow the interior space to be conditioned for the comfort of the building occupants, not intensify the use of the building or site. The fly is used to facilitate the changing of backdrops between scenes. The height does not provide seating or other accessory function that could increase the intensity of the auditorium. Therefore, staff finds that the campus is capable of accommodating the increased building height.

2. The increased intensity of the use does not cause an increase in traffic volumes beyond the capacity of the surrounding streets.

As no increase in intensity is created by the additional building height, no increase in traffic volume results.

3. Public Utilities and services are adequate.

Existing and proposed utility connections have been designed to accommodate the expanded school building.

4. For each additional story over 3, or for each additional 10 feet above 40 feet, front and side yard setback requirements shall be increased by 5%.

The mechanical enclosure will be 58 feet tall, which is 18 feet above 40, requiring a 10% increase in the setbacks. The building is required to be set back 30 feet from the front and 50 feet from the side abutting residential. Therefore, the new setback requirements after adjusting for building height are 55 from the sides and 33 from the front. The proposed school building meets these increased setbacks.

5. The increased height is not in conflict with airport zoning regulations.

The proposed building is not within an airport zone and therefore it is not in conflict with such regulations.

6. The provisions of Section 1301.050, Subd.2.e are considered and satisfactorily met.

Staff has reviewed the standards of the CUP section of the code has determined that they have been met. Draft findings are presented in the Summary of this memo for the Planning Commission's consideration.

Building Elevations

As described in more detail in the responses to the Design Principles, the design of the school building is inspired from the many natural amenities and built features found throughout the District's boundaries – lakes, wooded forests, and townscapes – are reflected in the proposed elevations. The continuation of the circular design adds interest and incorporates a variety of materials including extensive use of brick and large expanses of glass and windows throughout. The fieldhouse design uses brick detail elements to tie the building to the remainder of the campus. Similar materials and designs are reflected in a number of outbuildings throughout the campus that provide storage and support for the exterior athletic facilities.

Parking

The Zoning Code requires senior high schools to provide one parking space for each 3 students based on design capacity plus one for every 3 classrooms. With a design capacity for a student population of 3,200, and 123 classrooms, the school is required to provide 1,108 parking stalls with 1,130 spaces proposed. The District is able to manage on-site parking through permits and assignment of designated areas for students, faculty and visitor parking. Additionally, the District is exploring shared parking arrangement with the Hanifl Performing Arts Center, which has off-setting parking demand that complements the school's peak periods. If necessary, the City will be able to manage off-site school parking that may encroach into the surrounding neighborhoods through parking restrictions on the public streets and/or a residential parking permit program similar to that presently in place around South Campus.

Landscaping and Tree Preservation

The Landscape Plan depicts that the required tree replacements will be distributed throughout the site and designed to reestablish the tree canopy around the campus. Extensive plantings along internal roads and walkways will soften the landscape and provide desirable shade. Required interior landscaping and perimeter screening is provided in and around the parking lots. While tree removal is extensive given the former use of the residential properties, staff is very pleased with the District's efforts to restore the urban canopy around and within the school campus.

Signage

A preliminary sign package has been developed for the high school campus. As allowed by the City's Sign Code, the preliminary plans depict two monument signs with digital display elements – one at each primary entrance on Division and Bald Eagle Avenues, building entry signage, wall signage which reflects the District's bear paw logo, directional and way-finding signage, and ancillary signage associated with the campuses athletic facilities and support buildings. Additional information on the sign package's details, materials, colors, illumination, dimensions and installation will be submitted and reviewed prior to permitting and installation.

Exterior Lighting

Lighting specifications and details, as well as a photometric plan, is required prior to the issuance of a building permit. Shields will be incorporated in the poles so that the light is cast downward and the light source is not visible from surrounding residences.

Other

Public input letters were received from six surrounding neighbors in advance of the Public Hearing on the District's land use application. The majority of comments focused on traffic impacts, suggested road improvements, desire for improved pedestrian and bicycle connections, and parking and speeding concerns. As previously noted, these are the areas which have demanded the bulk of attention of the Project Team and continue to be addressed as planned improvements in and around the high school campus are solidified.

The current bus garage located on the campus near northeast corner of the Central Middle School site will be relocated to a new transportation and maintenance facility located in the City of Hugo off of Highway 61. This will reduce the number of school bus trips to/from the current campus.

While a 1,500 seat sports stadium is proposed for this campus, District leadership has indicated that varsity football games will continue to be played at the South Campus stadium which has a 4,500 spectator seating capacity. The addition of more stadium bleacher capacity at this campus in the future would require an amendment to this CUP.

As noted, the District has acquired a number of additional properties to accommodate the high school campus expansion. Prior to the issuance of a Final Certificate of Occupancy for the project, the District will be required to submit a final plat for review and approval.

SUMMARY

The City's discretion in reviewing a conditional use permit is limited to whether or not the proposed land use meets the standards outlined in the Zoning Ordinance. Staff has reviewed the development proposal for the high school expansion and renovation and finds that the standards will be satisfied. Staff offers the following findings of fact for the Planning Commission's consideration:

1. The proposed action has been considered in relation to the specific policies and provisions of and has been found to be consistent with the official City Comprehensive Lane Use Plan and all other plans and controls.

The campus is guided “Public/Semi-Public” in the 2040 Comprehensive Plan. This designation is for properties which are owned by a public or non-profit entity and used for public services and uses other than parks and open space. It is also intended for semi-public uses such as recreation centers, public schools, churches, and cemeteries. The proposed use is compatible with the Comprehensive Plan and other plans and controls.

2. The proposed use is or will be compatible with present and future land uses of the area.

The site has operated as a high school for several decades. The campus improvements incorporate specific design standards that help promote land use compatibility for schools within residential districts: increased yard setbacks, appropriate screening from abutting uses, and adequate off-street parking and loading facilities.

3. The proposed use conforms with all the performance standards contained herein.

A mandatory Environmental Assessment Worksheet (EAW) of the high school expansion project analyzed the proposal and documented that the use will comply with all applicable performance standards of the Zoning Code.

4. The proposed use will not tend to or actually depreciate the area in which is it proposed.

High quality school districts play a large role in the vibrancy and appeal of the local community and the unified high school campus will enhance and contribute positively to the general vicinity.

5. The proposed use can be accommodated with existing public services and will not overburden the City’s service capacity.

Existing and proposed utility connections have been designed to accommodate the expanded school building. Additional water connection will provide improved benefits of looping and redundancy in the system and the City’s existing sanitary sewer system has the capacity to accommodate the increased flow projections. An alternative design to connect directly to the Metropolitan Council’s trunk sewer line to the north of the campus is also being explored.

6. Traffic generation by the proposed use is within capabilities of streets serving the property.

The new campus configuration increases the amount of parking available on site and distributes parking and drop-off locations to both east and west sides of the site to separate traffic flows and help reduce the burden on the surround street network. Increased traffic levels for the area will be mitigated by making improvements to the local roadway network including safety and capacity improvements, traffic control modifications, access/roadway modifications, and enhancements for pedestrian/bicycle connections.

RECOMMENDATION

Staff recommends approval of the conditional use permit, subject to the following conditions:

1. All application materials, maps, drawings, and descriptive information submitted with this application shall become part of the permit.
2. Per Section 1301.050, Subd.4, if within five (5) years after granting the conditional use permit, the use as allowed by the permit shall not have been completed or utilized, the permit shall become null and void unless a petition for an extension of time in which to complete or utilize the use has been granted by the City Council.
3. This conditional use permit shall become effective upon the applicant tendering proof (i.e. a receipt) to the City of having filed a certified copy of this permit with the County Recorder pursuant to Minnesota State Statute 462.3595 to ensure the compliance of the herein-stated conditions.
4. The applicant shall obtain any necessary building permits prior to beginning any work.

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

5. Provide additional information and calculations as required by the Engineering Department, detailed in the attached memo dated March 15, 2021.
6. Provide additional information and details as required by the Fire Marshal, detailed in the attached memo dated March 2, 2021.
7. A Construction Staging and Management Plan will be required prior to any site work begins.
8. Provide a SAC determination from the Metropolitan Council.
9. Revise the landscape plan to:
 - a) provide interior landscape calculations for each individual parking lot;
 - b) revise proposed screening on the outside perimeter of the parking lots to provide a minimum 50% evergreen trees (maximum 25' OC) to comply with year round screening requirement;
 - c) provide details on screening proposed for parking lots and revise to ensure majority of shrubs are evergreen to provide year-round screening; and
 - d) relocate some of the trees proposed along north edge of campus to more central and effective locations throughout the site.
10. Revise the Tree Preservation Plan to:
 - a) provide totals to the bottom of each column on Sheet L1.014;
 - b) include a key for the tree abbreviations;
 - c) highlight the boulevard trees in table on Sheet L1.014;
 - d) highlight the non-significant trees retained and counted towards replacement inches in table on Sheet L1.014;

- e) includes a Tree Protection Fencing Plan overlaid of the Grading Plan that encompasses all non-significant trees proposed to be retained and applied towards replacement inches; and,
 - f) resolve the discrepancy in Tree Replacement Calculation to demonstrate compliance with 2,227 required replacement inches.
11. Separate sign permits for exterior signage shall be secured prior to installation of any permanent exterior signage.
 12. Combine the two photometric plans into one comprehensive plan which incorporates the perimeter of the campus for staff review and approval. All new or relocated lights shall be shielded so that the light source is not visible from surrounding residences.
 13. Provide details and specifications on all lighting proposed for the athletic facilities (Musco Lighting Plans set).

Prior to the issuance of a Certificate of Occupancy, the applicant shall:

14. Enter into a Development Agreement for all off-site improvements.
15. Work to identify optimal locations and alignments for east-west cross-campus non-motorized connections on-site.
16. Submit a final plat for review and approval.
17. Any additional stadium bleacher capacity at this campus in the future shall require an amendment to this CUP.

ATTACHMENTS

1. Draft Resolution of Approval
2. Location/Zoning Map
3. Applicant's Narrative and Site Plan Review Responses
4. WBL ISD #624 High School Expansion Project CUP Presentation Packets
5. Engineering Department Review Memo, dated March 15, 2021
6. Fire Department Review Memo, dated March 2, 2021
7. Neighbor Comments via e-mail



City of White Bear Lake
Engineering Department

MEMORANDUM

TO: Anne Kane, Community Development Director

FROM: Nathan Christensen, P.E., Civil Engineer
Connie Taillon, P.E., Environmental Specialist/Water Resources Engineer

DATE: March 15, 2021

SUBJECT: WBLAHS Additions and Renovations Engineering Review Comments

The Engineering Department reviewed the site survey dated January 18, 2021, and stormwater calculations, civil plan sheets, and landscape plan sheets dated February 15, 2021 and received February 19, 2021 for the above referenced project, and have the following comments:

The following outstanding items must be addressed prior to issuance of a Building Permit

General

- 1) When available, please submit the soil boring report for review to determine the feasibility of the proposed infiltration BMPs. Provide at least one soil boring at the location of each proposed infiltration BMP to determine if the soils are conducive to infiltration. The soil borings shall include the elevation of the seasonally high-water table. The infiltration basins shall be designed to provide a minimum of three feet of separation from the seasonal high-water table.
- 2) For low floor and low entry freeboard requirements, refer to the RCWD rules. Additional City freeboard requirements with respect to groundwater, the existing wetland, and all stormwater features include:
 - The low floor elevations of the new buildings shall be at least 2 feet above the historic high groundwater elevation for the area.
 - Low opening elevations shall be at least 2 feet above the 100-year high water elevations. Adequate emergency overflow routes must be provided.
 - Low openings shall be 1 foot above emergency overflow elevations.Please ensure that these requirements are being met.
- 3) Infiltration basins 1P and 5P shall meet freeboard requirements of the existing structures on the adjacent private properties. Please provide low opening elevations for review.
- 4) Submit wetland buffer calculations for review to show that the average 30-foot wetland buffer requirement is met.

- 5) Monuments shall be provided along the wetland buffer at locations specified in the City's Engineering Design Standards for Stormwater Management. The design of the monument shall be in accordance with the attached Wetland Buffer Monument Detail. Show the monument locations and detail on the appropriate plans. Monuments shall be installed prior to issuance of the building permit. Contact Sam Crosby at 651-429-8534 or scrosby@whitebearlake.org to inspect the buffer monuments after installation.
- 6) Please note that tree protection fence must be installed prior to issuance of any permits. Contact Sam Crosby at 651-429-8534 or scrosby@whitebearlake.org to inspect the tree fencing after installation.
- 7) Permits are required from Rice Creek Watershed District and MPCA (Construction Stormwater Permit). Provide a copy of these permits for our records when available.
- 8) Include a SWPPP in the plan that meets the requirements of the MPCA Construction Stormwater Permit.
- 9) Please submit a phasing plan for review.
- 10) The City would like to record utility easements for the following locations:
 - Existing City watermain along the north end of the property between Bald Eagle Boulevard and Division Avenue.
 - Existing Storm sewer between Bald Eagle Boulevard and Central Avenue at the north end of Central Avenue.
 - Existing watermain between Central Avenue and Bloom Avenue at the north end of Central Avenue.
 - Existing watermain between Bald Eagle Avenue and Bloom Avenue at the north end of Bloom Avenue.

The City will assist in locating these utilities to ensure an accurate survey.

- 11) Since the district has purchased and demolished numerous properties along Bald Eagle Avenue and Division Avenue, please verify that all properties in need of sewer and water disconnections have been added to the plan.

Stormwater Calculations

- 12) In addition to the model output summaries for each storm event that was provided in this submittal, please also provide a printed copy of the model input parameters for the next submittal. Because of the size of the model, a printout of the existing and proposed input parameters for only one storm event is sufficient.
- 13) As per the City's Engineering Design Standards for Stormwater Management, existing flow rates shall also be maintained for the 100-year, 10-day snowmelt with a 7.0" snowmelt depth. Please provide this calculation for review.
- 14) Summary of Stormwater Runoff: in the proposed conditions narrative, also include the existing wetlands as receiving discharge from the infiltration basins.

- 15) Based on the volume control calculations in the Summary of Stormwater Runoff report, 115,143 sf of new/reconstructed impervious is not being treated by the infiltration basins and underground system. Provide treatment for runoff from all new/reconstructed impervious surfaces to the maximum extent practicable.
- 16) As per our email on March 15, 2021, treating runoff from an equivalent area of the existing building can be used in lieu of treating runoff from the proposed turn lanes on Bald Eagle and Division. Please include a narrative describing this substitution in the Summary of Stormwater Runoff report.
- 17) In the Summary of Stormwater Runoff report, some infiltration basins are oversized for the amount of new/reconstructed impervious surfaces flowing to them (and one is undersized). Size the infiltration basins for the appropriate amount of new/reconstructed impervious surfaces to minimize the depth of the water quality volume for 1) safety reasons; 2) to minimize compaction of the soils; and 3) to improve plant survivability (very few plants can survive inundation over 1 foot for an extended duration). As per the Minnesota stormwater manual, the maximum water quality ponding depth for a drawdown time of 48 hours is 18" for HSG A and SM (HSG B) soils; 14.4" for loam, silt loam and MH (HSG B) soils, and 9.6" for HSG C soils.
- 18) Calculate the draw down time of the infiltration basins and underground system, and include this information in the Summary of Stormwater Runoff report.
- 19) Based on the utility plan, it appears that the existing and proposed drainage areas that are currently routed to Central Avenue in the model, flows to the existing storm sewer that discharges to Division. Please clarify.
- 20) The existing conditions routing map shows 4R being routed to the northeast wetland (6P); however, under proposed conditions 4R is not routed to the northeast wetland (13P). Please revise for consistency.
- 21) Based on the utility plan, it appears that the northern half of proposed subcatchment D9 flows directly to the wetland (12P). Please clarify.
- 22) Based on the utility plan, it appears that proposed subcatchment D8 flows to pond 1P. Please clarify.
- 23) Based on the utility plan, it appears that some or all of proposed subcatchment D1 flows to pond 14P. Please clarify.
- 24) Based on the grading plan, it appears that proposed subcatchment I is either part of proposed subcatchment Q, or proposed subcatchment Q1. Please clarify.
- 25) Based on the grading plan, it does not appear that all of proposed subcatchment F flows to pond 2P. Please clarify.
- 26) It is not clear on the utility plan how proposed subcatchment D5 flows to pond 2P. Please clarify.

- 27) It is not clear from the utility plan how proposed subcatchment D3 flows to pond 7P. Please clarify.
- 28) Does proposed pond 14P have a subcatchment area? Label pond 14P and show its subcatchment area on the proposed HydroCAD areas map and model.
- 29) Is the proposed triangular space surrounded by D2 and D9 accounted for in the model?
- 30) For consistency, why isn't the under turf area in proposed subcatchment A not modeled as a pond, similar to pond 15P in subcatchment B?
- 31) Label proposed pond 15P on the proposed HydroCAD areas map.
- 32) Route runoff from the impervious areas in proposed subcatchment Q and G2 to an infiltration basin if feasible.

Grading Plan (C300, 301, 302)

- 33) Include an emergency overflow (EOF) location and elevation for all ponding areas.
- 34) Ponding area EOFs shall not discharge onto adjacent private property. Relocate the EOF for infiltration basin 1P (sheet C300) towards the road or wetland, not onto the adjacent private property.
- 35) Include the high water level (HWL) for the wetland just north of infiltration basin 2P on sheet C300.
- 36) The HWL for pond 2P does not appear to be contained within the basin. Please clarify.

Erosion Control Plan (C400, C401, C402)

- 37) Extend the erosion control blanket hatch to include the bottom of all infiltration basins for consistency with the infiltration basin cross section detail on sheet C602.
- 38) For Pond 1P, include a note to extend the riprap at the pipe inlets to minimize potential erosion of the opposite bank.

Utility Plan (C501, C502, C503)

- 39) Please provide calculations showing that the inlet grates and storm sewer along the access roads to Division and Bald Eagle have the capacity to capture and convey runoff from the 100-year storm event (i.e. ensure that runoff from storms up to and including the 100-year storm event remains on the school property site).
- 40) Provide pretreatment prior to discharge into all infiltration BMPs. For example, there does not appear to be pretreatment provided for runoff into pond 4P.
- 41) Insulation may be needed at utility crossings. Check all water and sewer crossings for separation.

Details (C600, C601, C602, C603, C604)

- 42) Include a detail of the underground infiltration system.
- 43) Include a detail of the pond 2P outlet manhole (and any other similar structures).
- 44) Infiltration basin detail (detail 1/C602): expand the decompaction note to state that soil shall be loosened to the depth necessary to alleviate compaction.
- 45) Include a detail for B618 curb. B618 curb shall be used on all City streets.

Landscape Layout Plan (L1.003-L1.010)

- 46) Show the wetland buffer on the plan. The buffer line shall be consistent with the buffer shown on the grading plan.
- 47) The wetland buffer shall be restored with native vegetation. Provide this information on the plan.
- 48) Any trees and shrubs planted in the wetland buffer shall be native species only.
- 49) Turf grass is not allowed within the wetland buffer.
- 50) Show the locations of the buffer monuments (see comment 5)
- 51) Please include the following at the end of note 4: Topsoil is not allowed in the infiltration basins; see detail 1 on sheet C601 for the allowable pre-mixed infiltration basin planting medium.
- 52) Please keep shrubs and trees out of infiltration basin ponding areas as much as possible and avoid trees near the infiltration basins to avoid increased maintenance issues. Trees will shade out the native prairie vegetation, and the topsoil surrounding the trees may erode into the basins and reduce infiltration capacity.
- 53) Please provide a hatch legend on the plans.

Landscape Details, Notes, and Schedules (L1.012, L1.013, L1.014)

- 54) Note 17, sheet L1.012: please include language stating that the infiltration basins and wetland buffer areas shall not be irrigated.
- 55) Note 30, sheet L1.012: please add language to state that this note does not apply to the infiltration areas, and reference the appropriate civil sheet(s) for infiltration basin details.
- 56) Sheet L1.013, native seed mix language
 - a) Replace seed mix Type A (MNDOT #35-231) with MNDOT #33-261 to be consistent with the civil plans.
 - b) Please remove the word topsoil when referring to the infiltration basins, and replace with premixed planting medium to be consistent with the infiltration detail on sheet C602.
 - c) For consistency with the civil plans, please replace the term 'storm basin' with 'infiltration basin'.

- 57) Sheet L1.013, native seed installation method: state in these notes that heavy equipment is not allowed in the infiltration basins to keep the soils from getting compacted. If any compaction occurs due to seeding operations, the soils must be uncompacted.
- 58) Sheet L1.013, native seed required maintenance: This information shall also be included in the Stormwater Operations and Maintenance agreement (see comment ii below).

The following items must be addressed prior to issuance of a Certificate of Occupancy

- i) An as-built record drawing of this project shall be submitted for review. Please see attached for a list of record drawing requirements. Include an as-built survey of the underground storage system and associated inlet and outlet pipes, which should be surveyed prior to backfill. The as-built record drawing will need to identify the ownership of the utility, whether public or private.
- ii) A Stormwater Operations and Maintenance Agreement (SOMA) is required for this project. The SOMA shall also include native plant initial establishment and long-term plant maintenance requirements for the buffer and infiltration basins. For your convenience, we have attached our standard SOMA template for your use.

While the following items are not required for issuance of a permit, we would like to take this opportunity to raise these points:

- A) As a requirement of the MPCA Construction Stormwater Permit (section 11), the permittee must ensure a trained person will inspect the entire construction site at least once every seven (7) days during active construction and within 24 hours after a rainfall event greater than 1/2 inch in 24 hours. It is highly recommended that this individual also be familiar with the permanent stormwater infiltration features for this project and to be on site while these features are being constructed to ensure that they are constructed (and will function) as designed.
- B) To ensure the success of the native seeding, we highly recommend contracting with a native plant restoration company to maintain the native seed areas for the three-year establishment period. After the three-year establishment period, we encourage the school district to continue to contract with the company for yearly maintenance of the native wetland buffer and infiltration basin plantings to control invasive plants and other weeds. Whether this maintenance is performed by a native plant restoration company or by school district staff, the maintenance must be completed as a requirement of the Stormwater Operations and Maintenance Agreement (SOMA).
- C) Consider connecting the wetland buffer areas on the north end of the property to increase wildlife habitat, minimize mowing maintenance, and reduce irrigation needs (if irrigation is proposed in this area).

- D) Infiltration basins should be last resort for snow storage (i.e. only for very large snow events as “emergency overflow”), as the debris from plowing may clog the basin and the weight of the snow pile may compact the soils (when soft in the spring) both of which shorten the life (functionality) of the basins. This will result in a need for dredging and other significant maintenance sooner than otherwise. However, plowing snow into the stormwater areas is not currently prohibited, therefore it may be done at the property owner’s own risk.
- E) The City and VLAWMO are interested in partnering with the school district to explore other possible water quality practices such as stormwater reuse for irrigation that go above and beyond current stormwater standards.

Note:

For the next plan review submittal please provide (in addition to the revised plans):

- A response to each review comment in this memo
- Revised stormwater calculations (see also comments 12 and 13)

Contact Information

For questions regarding comments 10, 11, 41 and 45, contact Nathan Christensen at: 651-762-4812 or nchristensen@whitebearlake.org

For questions regarding all other comments, contact Connie Taillon at: 651- 429-8587 or ctailon@whitebearlake.org



White Bear Lake Fire Department
4701 Hwy 61
White Bear Lake, MN 55110
Tel. (651) 429-8568 Fax. (651) 429-8501

March 2, 2021

Wold Architects and Engineers
332 Minnesota Street STE W2000
St Paul, MN 55101

RE: General Building Site Plan Review

Project: WBLAHS North Campus
5045 Division Ave

The plans for the above project have been reviewed. Please review the comments listed below and let me know if you have any questions.

Specific Comments

- For all Fire related questions or inspections, please call (651) 762-4842.



White Bear Lake Fire Department
4701 Hwy 61
White Bear Lake, MN 55110
Tel. (651) 429-8568 Fax. (651) 429-8501

General Comments

1. A fire access road shall be extended to within 300 feet of all portions of the facility and all portions of the exterior walls of the first story of the building measured by an approved route around the exterior.
2. All roads and drive lane shall meet the White Bear Lake Fire Department requirements and 2020 MSFC for widths, turning radiuses, and imposed loads of 75,000 pounds. Provide layout showing White Bear Lake Fire Apparatus turning radius overlay on drive lanes.
3. Traffic gates shall only be used in approved areas. The current locations have been approved.
4. Address number shall be plainly visible from the street fronting the property and shall contrasting color from the background.
5. Fire hydrant locations provided are in approved locations.
6. The fire sprinkler system shall be installed compliant with provisions of 2016 NFPA Standard 13, Installation of Sprinkler Systems. City permit required **prior** to initiation of work.
7. The fire alarm system, shall be installed compliant with provisions of 2016 NFPA Standard 72, National Fire Alarm Code. City permit required **prior** to initiation of work.

Codes and Standards Used for this Review

- ❖ This review is based on the following codes and standards as adopted and in effect in the State of Minnesota at the time of plan submittal.
 - 2020 Minnesota State Fire Code
 - NFPA 72, 2016 edition
 - NFPA 13, 2016 edition

Thank You,

Kurt Frison
Assistant Fire Chief / Fire Marshal
(651) 762-4842

Anne Kane

From: Ashton Miller
Sent: Monday, March 15, 2021 10:34 AM
To: Anne Kane; Samantha Crosby
Subject: FW: North Campus Expansion

From: jer olson <jmolson1975@gmail.com>
Sent: Friday, March 12, 2021 5:24 PM
To: Ashton Miller <amiller@whitebearlake.org>
Subject: North Campus Expansion

I have a suggestion for changes to the 10th street and Bald Eagle Ave intersection: close off 10th Street at Bald Eagle, making 10th Street a dead end from Walnut to Bald Eagle Ave. There is already a high volume of traffic and parking on 10th street from the ball fields and tennis courts during sporting events. I can only imagine this intersection will get more congested with more traffic and people.

I also suspect there will be no parking signs during school hours on 10th and Walnut as well as other streets near the school to keep the students from plugging up the neighborhood streets, which I support. Most of the streets in my neighborhood are without sidewalks, and the elementary kids who attend Lincoln Elementary are walkers. If the high school students are parking on these streets, there will be less places for the kids to walk and cars to drive safely.

Jeremy Olson
1990 10th St
WBL MN, 55110

Anne Kane

From: Ashton Miller
Sent: Monday, March 15, 2021 10:35 AM
To: Anne Kane; Samantha Crosby
Subject: FW: Planning Commission Public Hearing for School District #624

From: patrick collins <patrickcollins900@gmail.com>
Sent: Sunday, March 14, 2021 9:59 AM
To: Ashton Miller <amiller@whitebearlake.org>
Subject: Planning Commission Public Hearing for School District #624

Dear Planning Commission,

Given that this new school expansion is going to have major traffic impact on the surrounding north side of WBL. What are the plans for providing safe foot and bicycle paths along Division and Bald Eagle streets as well as other streets near the school? I am especially interested in the north side of the school because there are no walks or trails on that side going all the way to Bald Eagle Lake. I realize this is part city of WBL and a Township question, but it is all School District #624 issue.

Thank You,
Patrick Collins
5172 Wild Marsh Drive
White Bear Lake
651-270-8748

--
Pat Collins
651-270-8748

Anne Kane

From: Ashton Miller
Sent: Monday, March 22, 2021 11:31 AM
To: Anne Kane
Cc: Samantha Crosby
Subject: FW: Planning commission public hearing

From: Kelli Welch <kellivoss@gmail.com>
Sent: Monday, March 22, 2021 11:16 AM
To: Ashton Miller <amiller@whitebearlake.org>
Subject: Planning commission public hearing

Hello,

I have a few questions for the upcoming public hearing on the High school plans.

1. On what street/ intersection will the main entrance be located? Where will all other street entrances to the campus be located?
2. Have traffic studies been done on how this will impact the surrounding neighborhoods? Will there be stoplight intersections needed?
3. Right now there is not a direct route to campus from hwy 61. Will there be an easily accessible route connecting hwy 61 to the highschool campus?

Thank you,
Kelli Welch

Anne Kane

From: Ashton Miller
Sent: Monday, March 22, 2021 2:10 PM
To: Anne Kane
Cc: Samantha Crosby
Subject: FW: CUP- ISD #624 expansion

From: E McDermott <the.starving.artisan@outlook.com>
Sent: Monday, March 22, 2021 2:02 PM
To: Ashton Miller <amiller@whitebearlake.org>
Subject: CUP- ISD #624 expansion

Hello,

I am a resident living off of Bloom Ave, and I am wondering with this expansion if residents will lose the ability to park on the street in front of our houses, or will there be signs posted along our street prohibiting street parking like there are along Emerald Drive by the south campus of the high school? We only have a one car garage, so we do not have the ability to park our second vehicle anywhere else. Will this expansion add enough parking for all students, or will some be parking along the residential streets adjacent to the school? What is the anticipated increase in traffic for the residential streets surrounding the school?

Also, there is presently a speeding issue along Bloom despite it being a dead end. With numerous young children living on this block, will school zone or speed limit signs be placed along Bloom? I am concerned because I have 3 young children, and I have seen several close calls with the neighbor children almost being hit by speeding parents, and people who are on their way to the arena for hockey. If there are no signs planned, can the City have a speed study done, as there are frequently drivers exceeding residential speed limits?

Thank you,
Erin McDermott

Sent from my Verizon, Samsung Galaxy smartphone
Get [Outlook for Android](#)

Anne Kane

From: Ashton Miller
Sent: Tuesday, March 23, 2021 2:03 PM
To: Anne Kane
Cc: Samantha Crosby
Subject: FW: Case No. 21-3-CUP

From: DEBORAH Larsen <dlee.larsen@comcast.net>
Sent: Tuesday, March 23, 2021 1:56 PM
To: Ashton Miller <amiller@whitebearlake.org>
Subject: Case No. 21-3-CUP

Hello, I live on Bald Eagle at 9th street and have 2 questions for the meeting 3/29/21:

1. How will this project affect traffic on Bald Eagle Ave; are people able to access parking lots; school entrance from Bald Eagle Ave?
2. Is the district interested in purchasing home that are on the west side of Bald Eagle at some point?

Thanks, Deb Larsen

Anne Kane

From: Ashton Miller
Sent: Wednesday, March 24, 2021 8:45 AM
To: Anne Kane
Cc: Samantha Crosby
Subject: FW: 3/22 Planning Commission Meeting

FYI - I emailed her explaining the public hearing process (and confirmed the meeting date is 3/29.)

From: Valerie Hanson <valerieh731@gmail.com>
Sent: Tuesday, March 23, 2021 8:59 PM
To: Ashton Miller <amiller@whitebearlake.org>
Subject: 3/22 Planning Commission Meeting

Ashton, I will be attending the virtual Planning Commission Meeting on 3/22 and would like a minute, at the appropriate time, to advocate for sidewalks to be extended along the west side of Division Ave.

I also would like to know if Division Ave will be improved as a part of the school project or a separate project. And then the timing of the street paving.

I will be speaking on behalf of Wild Marsh Townhomes.

Thank you,
Valerie Hanson
5118
608-799-4284

Anne Kane

From: Ashton Miller
Sent: Wednesday, March 24, 2021 3:15 PM
To: Anne Kane
Cc: Samantha Crosby
Subject: FW: school

From: patrick collins <patrickcollins900@gmail.com>
Sent: Wednesday, March 24, 2021 2:58 PM
To: Ashton Miller <amiller@whitebearlake.org>
Subject: school

RE: March 29th Planning Commission Public Hearing

Dear White Bear Lake Planning Commission,

Regarding the future development of the North Campus High School, I realize that the voters have approved this new development based of approvals from the City and other government agencies such as Ramsey County, Railroad, State Highway, MDOT and others. Based on the last school board update that I'm aware of, there was some talk about the traffic volume increase both for cars and buses as well as pedestrian and bikes. As I recall someone stated that a "feasibility study" was going to be completed for each of these traffic issues. My questions are:

1. Has a study been completed?
2. What were the results?
3. Have the agencies listed above approved any proposed changes?
4. What changes have and have not been approved?
5. Has further validation been done regarding the "Streetlight" volumes which estimate traffic flow and volumes? If not, how comfortable are you with what was projected? In this pandemic area how can this be validated?

I live along Division avenue and realize that traffic will have a substantial increase. While that is something that can't be helped with a project like this, it is extremely important than all safety concerns be addressed prior to any construction efforts. In this part of town there are very limited trails or sidewalks that can protect pedestrian traffic and there will obviously be much more of that once the school is expanded.

I ask you to consider any approval of building permits, etc. be subject to all people movement concerns. We not only need a quality education facility but more importantly we need a safe environment in and around this new campus.

Patrick Collins
5172 Wild Marsh Drive
White Bear Lake
651-270-8748

--
Pat Collins



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: April 7, 2021 for the April 13, 2021 City Council Meeting

Subject: **Ommen Accessory Dwelling Unit – 4320 Cottage Park Road
Case No. 21-4-CUP & 21-5-V**

REQUEST

A Conditional Use Permit and five variances in order to locate an accessory dwelling unit above an attached garage.

SUMMARY

A nearby property owner raised some concerns regarding the number of variances that have been granted to this property over the years. Member Berry expressed concern about enforcement of conditions by the City. On a 5-1 vote, the Planning Commission recommended approval as proposed by staff (Baltzer recused).

RECOMMENDED COUNCIL ACTION

Approval of the attached resolution.

ATTACHMENT

Resolution of Approval

RESOLUTION NO.

**RESOLUTION GRANTING
A CONDITIONAL USE PERMIT AND FIVE VARIANCES
FOR 4320 COTTAGE PARK ROAD
WITHIN THE CITY OF WHITE BEAR LAKE, MINNESOTA**

WHEREAS, a proposal (21-4-CUP & 21-5-V) has been submitted by Rehkamp Larson Architects, Inc, on behalf of Jacob Ommen, to the City Council requesting approval of a Conditional Use Permit and five Variances from the City of White Bear Lake Zoning Code for the following location:

LOCATION: 4320 Cottage Park Road

LEGAL DESCRIPTION: Attached as Exhibit A (PID # 233022420030)

WHEREAS, THE APPLICANT SEEKS THE FOLLOWING PERMIT: A Conditional Use Permit for a 782 gross square foot Home Accessory Apartment, per Code Section 1302.125; in order to construct an accessory dwelling unit above the garage; and

WHEREAS, THE APPLICANT SEEKS THE FOLLOWING RELIEF:

- A 13 foot variance from the 35 foot front yard (street side) setback for the principal structure, per Code Section 1303.040, Subd.5.c.1, in order to expand an existing line of non-conformity for a mudroom addition;
- A 2.7 foot variance from the 20 foot front yard (street side) setback for an accessory structure, per 1302.030, Subd.4.d;
- A one-story variance from the one-story maximum for an attached accessory structure, per 1302.030, Subd.4.i.1.a;
- A 321 square foot variance from the 1,000 gross square foot maximum size for an attached accessory structure, per 1302.030, Subd.4.i.1.a;
- A 71 square foot variance from the 1,250 square foot maximum for all accessory structures combined, per 1302.030, Subd.4.i.2.b; and

WHEREAS, the Planning Commission has held a public hearing as required by the city Zoning Code on March 29, 2021; and

WHEREAS, the City Council has considered the advice and recommendations of the Planning Commission regarding the effect of the proposed requests 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, in relation to the Conditional Use Permit, the City Council accepts and adopts the following findings of the Planning Commission:

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

FUTHER, BE IT RESOLVED, by the City Council of the City of White Bear Lake that, in relation to the Variances, the City Council adopts the following findings of the Planning Commission:

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

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

1. All application materials, maps, drawings, and descriptive information submitted in this application shall become part of the permit, including all the architectural details of the exterior building elevations.
2. Per Section 1301.060, Subd.3, the variances and conditional use permit shall become null and void if the project has not been completed or utilized within one (1) calendar year after the approval date, subject to petition for renewal. Such petition shall be requested in writing and shall be submitted at least 30 days prior to expiration.
3. The conditional use permit shall become effective upon the applicant tendering proof (ie: a receipt) to the City of having filed a certified copy of this permit with the County Recorder pursuant to Minnesota State Statute 462.3595 to ensure the compliance of the herein-stated conditions. Proof of such shall be provided prior to final certificate of

occupancy.

4. The right to rent the accessory apartment ceases upon transfer of title unless reissued by the City Council.
5. Per Section 1302.125, Subd.4.a, the owner of the single family structure shall reside in the principal structure. The permit becomes null and void if the owner ceases to reside in the residence. The accessory apartment shall remain owned by the occupant of the principal structure; there shall be no separate ownership of the accessory rental apartment.
6. The number of vehicles associated with the principal residence and accessory unit together shall not exceed that which can fit in the garage and on the driveway.
7. The number of occupants of the accessory apartment shall not exceed two (2).
8. The owner shall obtain a rental license prior to renting out the unit to anyone who is not related.
9. The applicant shall verify the property lines and have the property pins exposed at the time of inspection.
10. A building permit shall be obtained before any work begins.

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

Ayes:
 Nays:
 Passed:

 Jo Emerson, Mayor

ATTEST:

 Kara Coustry, City Clerk

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

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

 Jacob Ommen Date

Exhibit A
Legal Description

Those parts of Lots 14 and 15, lying Southwesterly of a line running from a point on the Northwesterly line of and 10 feet from the Southwesterly corner of Lot 14, through a point on the Southwesterly line of and 57 feet from the Southwesterly corner of Lot 14 extended to the lakeshore of White Bear Lake, AND those parts of Lots 16 and 17, lying Northeasterly of a line running from a point on the Westerly line of and 5.5 feet Northerly from the Southwesterly corner of Lot 16, through a point on the Southerly line of and 69.2 feet from the Southwesterly corner of Lot 16, extended to the lakeshore of White Bear Lake, all in Block 2, COTTAGE PARK, Ramsey County, Minnesota.



City of White Bear Lake
City Engineer's Office

MEMORANDUM

To: Ellen Hiniker, City Manager

From: Paul Kauppi, Public Works Director/City Engineer

Date: April 13, 2021

Subject: **Awarding Contract for the 2021 Gazebo Restoration Project
City Project 21-08**

BACKGROUND / SUMMARY

Earlier this year the Mayor appointed a task force to evaluate the condition of the Matoska Park Gazebo. The task force is comprised of six community members, including the Executive Director for the White Bear Lake Area Historical Society and Councilmember Jones, serving as the Council liaison. The group was charged with determining the best way to retain the historic nature of the structure while utilizing strong and durable materials that will stand the test of time and retain the overall look of the structure.

Ultimately, it was determined that the existing roof structure and upper columns could be saved and reused to preserve the final remaining components of the original structure. The project would then require complete reconstruction of the upper floor, railings, decorative panels, and lower columns, as well as complete rehabilitation of the stairway. The materials will generally consist of aluminum, stainless steel and synthetic materials that will be strong and durable and require minimal maintenance.

Request for quotes were sent to three interested qualified contractors. Quotes were received on April 2, 2021 with one contractor submitting a quote and the remaining two stating that they did not have the capacity to complete the work in the desired timeframe. Pelco Construction, LLC submitted the lowest quote of \$167,414.00.

The total cost of the project is anticipated to be \$180,000 including construction costs, architect fees for plan and specification preparation and minor anticipated change orders. A \$150,000 donation was received for the project. It is proposed that the remaining \$30,000 be funded from the Parks Fund as there are several projects that are anticipated to come in under budget for the year.

RECOMMENDED COUNCIL ACTION

Staff recommends that Council adopt the attached resolution awarding a contract to Pelco Construction, LLC in the amount of \$167,414.00 for the 2021 Gazebo Restoration Project. Staff further recommends that Council authorize the use of \$30,000 for the project from the Parks Fund.

ATTACHMENTS

Resolution

RESOLUTION NO.:

**RESOLUTION ACCEPTING QUOTES AND AWARDING CONTRACT
FOR THE 2021 GAZEBO RESTORATION PROJECT
CITY PROJECT NO. 21-08**

WHEREAS, plans and specifications were prepared for the 2021 Gazebo Restoration Project;
and

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

CONTRACTOR	QUOTE
Pelco Construction, LLC	\$167,414.00

WHEREAS, it appears that Pelco Construction, LLC is the lowest responsible respondent.

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

1. The Mayor and City Clerk are hereby authorized and directed to enter into contract with Pelco Construction, LLC in the amount of \$167,414.00 as approved by the City Council and on file in the office of the City Engineer.
2. The City Clerk is hereby authorized and directed to return forthwith to all respondents the deposits made with their quotes, except that the deposits of the successful respondent and the next lowest respondent shall be retained until a contract has been signed.

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

Member _____ was declared carried on the following vote:

Ayes:
Nays:
Passed:

Jo Emerson, Mayor

ATTEST:

Kara Coustry, City Clerk



City of White Bear Lake
City Engineer's Office

MEMORANDUM

To: Ellen Hiniker, City Manager

From: Paul Kauppi, Public Works Director/City Engineer

Date: April 13, 2021

Subject: **Award of Contract for the 2021 Pavement Rehabilitation Project**
City Project Nos.: 21-01, 21-04, 21-06 and 21-13

SUMMARY

At the bid opening on March 25, 2021, eight (8) bids were received for the 2021 Pavement Rehabilitation Project with T.A. Schifsky & Sons, Inc. of North Saint Paul, Minnesota submitting the lowest base bid of \$837,659.74. Based on our past experience with T.A. Schifsky & Sons, Inc., they are qualified to complete this work.

The bid also included unit prices for private driveway work which will be at the discretion of individual property owners who will pay separately for that work. Private driveway work will be offered only to properties affected by alley reconstruction. Bid alternates A1, A2, and A3 provide unit prices for the extra driveway work and bid totals based on estimated quantities. We recommend that the Council award the contract with these driveway bid alternates included for a total amount of \$17,000.00.

This bid also included prices for parking lot repaving at Lakewood Hills Park and Matoska Park. Bid alternates 2 and 3 provided unit prices for the extra parking lot work. We recommend that the Council award the contract with these parking lot alternates included for a total amount of \$415,359.22.

A review of the tabulation sheet demonstrates that we continue to experience very competitive bids on projects here in White Bear Lake.

FINANCING

The total contract amount of \$1,270,019. The related legal and administrative costs will be financed through a combination of bond issue proceeds, \$483,103 in special assessments to benefiting property owners and the annual transfer of \$113,000 from the Community Reinvestment Fund's street improvement endowment.

RECOMMENDED COUNCIL ACTION

Staff recommends that the Council receive the bids and award a contract to T.A Schifsky & Sons, Inc. for the base bid amount of \$837,659.74 plus Bid Alternates A1, A2, and A3 in the amount of \$17,000.00 and Bid Alternates 2 and 3 in the amount of \$415,359.22 for a total contract of \$1,270,018.96.

ATTACHMENTS

Resolution

RESOLUTION NO.:

**RESOLUTION ACCEPTING BIDS AND AWARDING CONTRACT
FOR THE 2021 PAVEMENT REHABILITATION PROJECT
CITY PROJECT NOs. 21-01, 21-04, 21-06 & 21-13**

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

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

Contractor	Total Base Bid	Alt Bid A1 Driveway 2" Bituminous	Alt Bid A2 Driveway 6" Concrete	Alt Bid A3 Sod Type A (Handwork)	Alt Bid 2 Lakewood Hills Park Parking Lot	Alt Bid 3 Matoksa Park Parking Lot
T.A. Schifsky & Sons, Inc.	\$837,659.74	\$6,000.00	\$10,000.00	\$1,000.00	\$286,758.87	\$128,600.35
North Valley, Inc.	\$916,537.42	\$3,650.00	\$6,980.00	\$580.00	\$350,768.87	\$179,643.68
Asphalt Surface Technologies Corp	\$1,010,420.68	\$5,500.00	\$13,200.00	\$4,400.00	\$327,899.22	\$180,834.37
Valley Paving, Inc.	\$1,020,389.30	\$2,500.00	\$7,000.00	\$1,200.00	\$349,601.40	\$166,199.30
Park Construction Company	\$1,025,398.90	\$2,800.00	\$6,850.00	\$550.00	\$347,063.40	\$187,838.40
Bituminous Roadways, Inc.	\$1,063,639.50	\$1,800.00	\$10,500.00	\$620.00	\$371,538.00	\$208,794.50
Northwest	\$1,137,006.11	\$6,550.00	\$8,500.00	\$1,000.00	\$319,822.41	\$173,730.97
Forest Lake Contracting, Inc.	\$1,223,291.46	\$4,500.00	\$11,000.00	\$4,600.00	\$405,233.40	\$215,481.00

WHEREAS, it appears that T.A. Schifsky & Sons, Inc. is the lowest responsible bidder.

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

1. The Mayor and City Clerk are hereby authorized and directed to enter into contract with T.A. Schifsky & Sons, Inc., in the amount of \$1,270,018.96 which includes the \$837,659.74 total base bid plus Bid Alternates A1, A2 and A3 in the amount of \$17,000 and Bid Alternates 2 and 3 in the amount of \$415,359.22 as approved by the City Council and on file in the office of the City Engineer.
2. The City Clerk is hereby authorized and directed to return forthwith to all bidders the deposits made with their bids, except that the deposits of the successful bidder and the next lowest bidder shall be retained until a contract has been signed.

RESOLUTION NO.:

**RESOLUTION ACCEPTING BIDS AND AWARDING CONTRACT
FOR THE 2021 PAVEMENT REHABILITATION PROJECT
CITY PROJECT NOS. 21-01, 21-04, 21-06 & 21-13**

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
Finance Department

MEMORANDUM

To: Ellen Hiniker, City Manager

From: Kerri Kindsvater, Finance Director

Date: April 8, 2021

Subject: **Authorizing approximately \$4.5 Million General Obligation Bond Sale – 2021A**

BACKGROUND

In recent months, the City Council has been actively approving projects and purchases provided for in the 2021 Budget that require bond sale proceeds to complete.

The authorizations began on January 12, 2021, with the City Council approving a resolution to purchase equipment items with a value greater than \$100,000 in the 2021 Capital Improvement Plan. As part of that approval, the financing plan included issuing Equipment Certificates for the purchase of a multi-use garbage truck, a tandem axle dump truck and a John Deere loader for the Public Works Department. On January 26, 2021, the City Council approved advertising for public bids for the residential water-meter replacement project and on February 23, 2021, a resolution passed to approve ordering the 2021 pavement rehabilitation project and authorizing advertisement for public bids. Based on these actions, City staff has been working with Ehlers, Inc. to identify the most appropriate bond structure to fund the purchases and projects.

FINANCING OBLIGATION

To eliminate duplication of issuance costs, the Equipment Certificates, Water Revenue Bonds and Improvements Bonds will be rolled into one issuance of \$4,495,000 General Obligation Bonds, Series 2021A. The following schedule summarizes the bond details from the attached pre-sale report prepared by Ehlers, Inc.:

Bond Type	Amount	Term	Annual debt service payment
Equipment Certificates	\$ 510,000	10 Years	\$57,900 - \$62,400
Water Revenue Bonds	2,575,000	15 Years	\$190,000 - \$194,800
Street Improvement Bonds	1,410,000	11 Years	\$96,400 - \$149,000
	<u>4,495,000</u>		

The Street Improvement Bonds include special assessments to benefiting property owners. Special assessments for residential properties within the mill and overlay project have a 10-year term. The bond information anticipates collection of \$483,403 in assessments, which will used to pay the annual debt service payment due.

The terms for the three bond types align with the asset life and project cost of each item financed with the bonds. The Street Improvement Bond life is shorter than previous years as this year's project involves mill and overlay work and does not include the extensive reconstruction of the road surface and adjacent infrastructure.

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

Bond Type	Annual tax levy range	Annual pledged revenue range
Equipment Certificates	\$60,800 - \$65,500	
Water Revenue Bonds		\$199,500 - \$204,600
Street Improvement Bonds	\$98,200 - \$103,200	

Any shortfall in the payment projections would require an increase in City's commitment to ensure the debt obligation is satisfied. Funds collected through the tax levy will pay for the equipment certificates and street improvement bonds, while water utility infrastructure fees will pay for the water revenue bonds.

RECOMMENDED COUNCIL ACTION

Staff recommends the Council adopt the resolution authorizing Ehlers to assist in the bond sale, establishing May 11, 2021 as the meeting for considering the bond sale proposal, setting May 11, 2021 as the date for awarding the bond sale, and authorizing Ehlers and City staff to participate in preparation of an official statement for the bonds.

ATTACHMENTS

Resolution providing for the sale of \$4,495,000 General Obligation Bonds, Series 2021A
Pre-sale report for \$4,495,000 General Obligation Bonds, Series 2021A

RESOLUTION NO.

**RESOLUTION PROVIDING FOR THE SALE OF
APPROXIMATELY \$4,495,000 GENERAL OBLIGATION BONDS, SERIES 2021A**

WHEREAS, the City Council of the City of White Bear Lake, Minnesota has heretofore determined that it is necessary and expedient to issue \$4,495,000 General Obligation Bonds, Series 2021A (the "Bonds"), to finance Capital Equipment, the 2021 Street Improvement Projects and Residential Water Meter Improvements in the City; and

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

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

1. Authorization; Findings. The City Council hereby authorizes Ehlers to assist the City for the sale of the Bonds.
2. Meeting; Proposal Opening. The City Council shall meet at 7:00 P.M. on May 11, 2021, for the purpose of considering proposals for and awarding the sale of the Bonds.
3. Official Statement. In connection with said sale, the officers or employees of the City are hereby authorized to cooperate with Ehlers and participate in the preparation of an official statement for the Bonds and to execute and deliver it on behalf of the City upon its completion.

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

Ayes:
Nays:
Passed:

Jo Emerson, Mayor

ATTEST:

Kara Coustry, City Clerk

April 13, 2021
Pre-Sale Report for

City of White Bear Lake, Minnesota

\$4,495,000 General Obligation Bonds,
Series 2021A



Prepared by:

Ehlers
3060 Centre Pointe Drive
Roseville, MN 55113

Advisors:

Shelly Eldridge, Senior Municipal Advisor
Stacie Kvilvang, Senior Municipal Advisor

BUILDING COMMUNITIES. IT'S WHAT WE DO.

EXECUTIVE SUMMARY OF PROPOSED DEBT

Proposed Issue:

\$4,495,000 General Obligation Bonds, Series 2021A

Purposes:

The proposed issue includes financing for the 2021 Street Improvement Projects and Water Meter Replacement in the City and Capital Equipment.

- \$1,410,000 Street Improvement portion of the bonds will be paid from a combination of special assessments and property taxes. The street mill and overly #21-13 portion will be assessed for a 10-year term. The property tax levy will be collected from 2022 to 2032. Capitalized interest will be included to provide for interim interest payment due prior to collection of the pledged revenues.
- \$2,757,000 Water Revenue portion of the bonds will be paid from the system's net utility revenues over a 15 year period.
- \$510,000 Equipment Certificate portion of the bond will be paid from ad valorem property taxes over a 10 year term. The property tax levy will be collected from 2022 to 2030. Capitalized interest will be included to provide for interim interest payment due prior to collection of the 2022 property taxes.

Authority:

The Bonds will be general obligations of the City for which its full faith, credit and taxing powers are pledged. The Bonds are being issued pursuant to Minnesota Statutes, Chapters:

- M.S. 475 - General bonding authority.
- M.S. 429 - Street Improvement Portion (special assessment pledge). As the City is assessing at least 20% of the bonded street improvement project costs, this portion of the Bonds can be a general obligation without a referendum and will not count against the City's debt limit.
- M.S. 444 - Water Meter Replacement Portion (Utility Revenue pledge). Utility revenue bonding authority allows cities to issue debt without limitation as long as debt service is expected to be paid from water and sewer revenues.
- M.S. 412.301 - Equipment Certificates have a limit if the amount of equipment certificates that are issued is more than .25% of the EMV the City, a resolution stating the Council's determination to issue the capital notes must be published and the issuance is subject to a 10-day reverse referendum period from the date of publication. The 2020/P2021 EMV of the City is \$3,108,858,300. The limit for the equipment certificate, without publication is \$7,772,146, so therefore the resolution does not need to be published.

The Equipment Certificate portion of the Bonds count against the Net Debt Limit of 3% of the estimated market value of taxable property in the City which is \$90,415,749 (EMV 2020/2021 is 3,108,858,300 X 3% = \$93,265,749 less outstanding equipment certificates of \$2,850,000 = \$90,415,749 available.)

Term/Call Feature:

The Bonds are being issued for a term of 16 years. Principal on the Bonds will be due on February 1 in the years 2023 through 2037. Interest is payable every six months beginning February 1, 2022.

The Bonds will be subject to prepayment at the discretion of the City on February 1, 2030 or any date thereafter.

Bank Qualification:

Because the City is expecting to issue no more than \$10,000,000 in tax exempt debt during the calendar year, the City will be able to designate the Bonds as “bank qualified” obligations. Bank qualified status broadens the market for the Bonds, which can result in lower interest rates.

Rating:

The City’s most recent bond issues were rated by S&P Global Ratings. The current ratings on those bonds are “AA+”. The City will request a new rating for the Bonds.

If the winning bidder on the Bonds elects to purchase bond insurance, the rating for the issue may be higher than the City’s bond rating in the event that the bond rating of the insurer is higher than that of the City.

Basis for Recommendation:

Based on the City’s objectives, our advisory relationship and characteristics of various municipal financing options, we are recommending the issuance of General Obligation Bonds as a suitable option to finance the city’s 2021 street project, water meter replacement project and capital equipment debt based on:

- The issuance is consistent with the City’s practices for financing its capital needs.
- General Obligation pledge can result in lower interest rates than most other financing options.
- The expectation this form of financing will meet the City’s objectives for term, prepayment flexibility and structure of repayment.
- The method of sale process identified complies with City policy as well as best practices endorsed by the Government Finance Officers Association (GFOA).

Method of Sale/Placement:

We will solicit competitive bids for the purchase of the Bonds from underwriters and banks.

We will include an allowance for discount bidding in the terms of the issue. The discount is treated as an interest item and provides the underwriter with all or a portion of their compensation in the transaction.

If the Bonds are purchased at a price greater than the minimum bid amount (maximum discount), the unused allowance may be used to reduce your borrowing amount.

Premium Pricing:

In some cases, investors in municipal bonds prefer “premium” pricing structures. A premium is achieved when the coupon for any maturity (the interest rate paid by the issuer) exceeds the yield to the investor, resulting in a price paid that is greater than the face value of the bonds. The sum of the amounts paid in excess of face value is considered “reoffering premium.” The underwriter of the bonds will retain a portion of this reoffering premium as their compensation (or “discount”) but will pay the remainder of the premium to the City.

For these Bonds we have been directed to use the net premium to reduce the size of the issue. The resulting adjustments may slightly change the true interest cost of the issue, either up or down.

Review of Existing Debt:

We have reviewed all outstanding indebtedness for the City and find that there are no refunding opportunities at this time. We will continue to monitor the market and the call dates for the City’s outstanding debt and will alert you to any future refunding opportunities.

Continuing Disclosure:

Because the City has more than \$10,000,000 in outstanding debt (including this issue) and this issue is over \$1,000,000, the City will be agreeing to provide certain updated Annual Financial Information and its Audited Financial Statement annually, as well as providing notices of the occurrence of certain reportable events to the Municipal Securities Rulemaking Board (the “MSRB”), as required by rules of the Securities and Exchange Commission (SEC). The City is already obligated to provide such reports for its existing bonds and has contracted with Ehlers to prepare and file the reports.

Arbitrage Monitoring:

The City must ensure compliance with certain sections of the Internal Revenue Code and Treasury Regulations (“Arbitrage Rules”) throughout the life of the issue to maintain the tax-exempt status of the Bonds. These Arbitrage Rules apply to amounts held in construction, escrow, reserve, debt service account(s), etc., along with related investment income on each fund/account.

IRS audits will verify compliance with rebate, yield restriction and records retention requirements within the Arbitrage Rules. The City’s specific arbitrage responsibilities will be

detailed in the Tax Certificate (the “Tax Compliance Document”) prepared by your Bond Attorney and provided at closing.

The Bonds may qualify for one or more exception(s) to the Arbitrage Rules by meeting 1) small issuer exception, 2) spend down requirements, 3) bona fide debt service fund limits, 4) reasonable reserve requirements, 5) expenditure within an available period limitations, 6) investments yield restrictions, 7) de minimis rules, or; 8) borrower limited requirements.

You have retained Ehlers to assist you in complying with these rules.

Investment of Bond Proceeds:

Ehlers can assist the City in developing a strategy to invest your Bond proceeds until the funds are needed to pay project costs.

Risk Factors:

Special Assessments: We have assumed 15% of special assessments will be prepaid and available to pay for construction costs and that the remaining assessments will be levied as projected. If the City receives a significant increase in pre-paid assessments or reduces its assessments, it may need to utilize other funds or increase the levy portion of the debt service to make up for lower assessment revenues.

Other Service Providers:

This debt issuance will require the engagement of other public finance service providers. This section identifies those other service providers, so Ehlers can coordinate their engagement on your behalf. Where you have previously used a particular firm to provide a service, we have assumed that you will continue that relationship. For services you have not previously required, we have identified a service provider. Fees charged by these service providers will be paid from proceeds of the obligation, unless you notify us that you wish to pay them from other sources. Our pre-sale bond sizing includes a good faith estimate of these fees, but the final fees may vary. If you have any questions pertaining to the identified service providers or their role, or if you would like to use a different service provider for any of the listed services please contact us.

Bond Counsel: Kennedy & Graven, Chartered

Paying Agent: Bond Trust Services Corporation

Rating Agency: S&P Global Ratings (S&P)

Summary:

The decisions to be made by the City Council are as follows:

- Accept or modify the finance assumptions described in this report
- Adopt the resolution attached to this report.

This presale report summarizes our understanding of the City’s objectives for the structure and terms of this financing as of this date. As additional facts become known or capital markets conditions change, we may need to modify the structure and/or terms of this financing to achieve results consistent with the City’s objectives.

PROPOSED DEBT ISSUANCE SCHEDULE

Pre-Sale Review by City Council:	April 13, 2021
Due Diligence Call to review Official Statement:	Week of April 26, 2021
Distribute Official Statement:	April 29, 2021
Conference with Rating Agency:	Week of April 26, 2021
City Council Meeting to Award Sale of the Bonds:	May 11, 2021
Estimated Closing Date:	June 3, 2021

Attachments

- Estimated Sources and Uses of Funds
- Estimated Proposed Debt Service Schedule
- Bond Buyer Index
- Resolution Authorizing Ehlers to Proceed with Bonds Sale

EHLERS' CONTACTS

Shelly Eldridge, Senior Municipal Advisor	(651) 697-8504
Stacie Kvilvang, Senior Municipal Advisor	(651) 697-8506
Silvia Johnson, Public Finance Analyst	(651) 697-8580
Alicia Gage, Senior Financial Analyst	(651) 697-8551

The Preliminary Official Statement for this financing will be sent to the City Council at their home or email address for review prior to the sale date.

City of White Bear Lake, Minnesota

\$4,495,000 General Obligation Bonds, Series 2021A

Issue Summary

Assumes Current Market BQ AA+ Rates plus 15bps

Total Issue Sources And Uses

Dated 06/03/2021 | Delivered 06/03/2021

	Improvement	Water Revenue	Equipment	Issue Summary
Sources Of Funds				
Par Amount of Bonds	\$1,410,000.00	\$2,575,000.00	\$510,000.00	\$4,495,000.00
Prepaid Assessments	72,034.00	-	-	72,034.00
MSA Cash Contribution	113,000.00	-	-	113,000.00
Total Sources	\$1,595,034.00	\$2,575,000.00	\$510,000.00	\$4,680,034.00
Uses Of Funds				
Total Underwriter's Discount (1.200%)	16,920.00	30,900.00	6,120.00	53,940.00
Costs of Issuance	24,937.71	45,542.27	9,020.02	79,500.00
Deposit to Capitalized Interest (CIF) Fund	9,224.15	-	3,074.17	12,298.32
Deposit to Project Construction Fund	1,541,213.00	2,500,000.00	493,000.00	4,534,213.00
Rounding Amount	2,739.14	(1,442.27)	(1,214.19)	82.68
Total Uses	\$1,595,034.00	\$2,575,000.00	\$510,000.00	\$4,680,034.00

City of White Bear Lake, Minnesota

\$4,495,000 General Obligation Bonds, Series 2021A

Issue Summary

Assumes Current Market BQ AA+ Rates plus 15bps

Debt Service Schedule

Date	Principal	Coupon	Interest	Total P+I	CIF	Net New D/S	105% of Total	Assessments	Water Revenue	Levy/ (Surplus)
02/01/2022	-	-	33,012.58	33,012.58	(12,298.32)	20,714.26	21,749.97	-	21,749.97	-
02/01/2023	350,000.00	0.350%	49,935.00	399,935.00	-	399,935.00	419,931.75	54,493.77	200,899.13	164,538.86
02/01/2024	350,000.00	0.450%	48,710.00	398,710.00	-	398,710.00	418,645.50	53,126.32	200,311.13	165,208.06
02/01/2025	345,000.00	0.650%	47,135.00	392,135.00	-	392,135.00	411,741.75	51,758.88	199,555.13	160,427.75
02/01/2026	350,000.00	0.750%	44,892.50	394,892.50	-	394,892.50	414,637.13	50,391.42	203,713.13	160,532.58
02/01/2027	350,000.00	0.950%	42,267.50	392,267.50	-	392,267.50	411,880.88	49,023.98	202,413.75	160,443.15
02/01/2028	350,000.00	1.050%	38,942.50	388,942.50	-	388,942.50	408,389.63	47,656.54	200,767.88	159,965.21
02/01/2029	360,000.00	1.200%	35,267.50	395,267.50	-	395,267.50	415,030.88	46,289.08	204,198.75	164,543.05
02/01/2030	360,000.00	1.300%	30,947.50	390,947.50	-	390,947.50	410,494.88	44,921.64	202,056.75	163,516.49
02/01/2031	360,000.00	1.400%	26,267.50	386,267.50	-	386,267.50	405,580.88	43,554.20	199,736.25	162,290.43
02/01/2032	310,000.00	1.450%	21,227.50	331,227.50	-	331,227.50	347,788.88	42,186.74	202,487.25	103,114.89
02/01/2033	270,000.00	1.500%	16,732.50	286,732.50	-	286,732.50	301,069.13	-	199,822.88	101,246.25
02/01/2034	180,000.00	1.600%	12,682.50	192,682.50	-	192,682.50	202,316.63	-	202,316.63	-
02/01/2035	185,000.00	1.700%	9,802.50	194,802.50	-	194,802.50	204,542.63	-	204,542.63	-
02/01/2036	185,000.00	1.750%	6,657.50	191,657.50	-	191,657.50	201,240.38	-	201,240.38	-
02/01/2037	190,000.00	1.800%	3,420.00	193,420.00	-	193,420.00	203,091.00	-	203,091.00	-
Total	\$4,495,000.00	-	\$467,900.08	\$4,962,900.08	(12,298.32)	\$4,950,601.76	\$5,198,131.85	\$483,402.57	\$3,048,902.60	\$1,665,826.68

Significant Dates

Dated	6/03/2021
First Coupon Date	2/01/2022

Yield Statistics

Bond Year Dollars	\$35,021.69
Average Life	7.791 Years
Average Coupon	1.3360292%
Net Interest Cost (NIC)	1.4900481%
True Interest Cost (TIC)	1.4922278%
Bond Yield for Arbitrage Purposes	1.3271708%
All Inclusive Cost (AIC)	1.7405547%

City of White Bear Lake, Minnesota

\$1,410,000 General Obligation Bonds, Series 2021A
Improvement

Debt Service Schedule

Date	Principal	Coupon	Interest	Total P+I	CIF	Net New D/S	105% of Total	Assessments	Levy/(Surplus)
02/01/2022	-	-	9,224.15	9,224.15	(9,224.15)	-	-	-	-
02/01/2023	135,000.00	0.350%	13,952.50	148,952.50	-	148,952.50	156,400.13	54,493.77	101,906.36
02/01/2024	135,000.00	0.450%	13,480.00	148,480.00	-	148,480.00	155,904.00	53,126.32	102,777.68
02/01/2025	130,000.00	0.650%	12,872.50	142,872.50	-	142,872.50	150,016.13	51,758.88	98,257.25
02/01/2026	130,000.00	0.750%	12,027.50	142,027.50	-	142,027.50	149,128.88	50,391.42	98,737.46
02/01/2027	130,000.00	0.950%	11,052.50	141,052.50	-	141,052.50	148,105.13	49,023.98	99,081.15
02/01/2028	130,000.00	1.050%	9,817.50	139,817.50	-	139,817.50	146,808.38	47,656.54	99,151.84
02/01/2029	130,000.00	1.200%	8,452.50	138,452.50	-	138,452.50	145,375.13	46,289.08	99,086.05
02/01/2030	130,000.00	1.300%	6,892.50	136,892.50	-	136,892.50	143,737.13	44,921.64	98,815.49
02/01/2031	130,000.00	1.400%	5,202.50	135,202.50	-	135,202.50	141,962.63	43,554.20	98,408.43
02/01/2032	135,000.00	1.450%	3,382.50	138,382.50	-	138,382.50	145,301.63	42,186.74	103,114.89
02/01/2033	95,000.00	1.500%	1,425.00	96,425.00	-	96,425.00	101,246.25	-	101,246.25
Total	\$1,410,000.00	-	\$107,781.65	\$1,517,781.65	(9,224.15)	\$1,508,557.50	\$1,583,985.38	\$483,402.57	\$1,100,582.81

Significant Dates

Dated	6/03/2021
First Coupon Date	2/01/2022

Yield Statistics

Bond Year Dollars	\$9,192.17
Average Life	6.519 Years
Average Coupon	1.1725380%
Net Interest Cost (NIC)	1.3566078%
True Interest Cost (TIC)	1.3614682%
Bond Yield for Arbitrage Purposes	1.3271708%
All Inclusive Cost (AIC)	1.6532318%

City of White Bear Lake, Minnesota

\$408,193 General Obligation Bonds, Series 2021A

Assessments - 10 Years

2% over TIC - Equal Principal

Assessments

Date	Principal	Coupon	Interest	Total P+I
12/31/2022	40,819.30	3.350%	13,674.47	54,493.77
12/31/2023	40,819.30	3.350%	12,307.02	53,126.32
12/31/2024	40,819.30	3.350%	10,939.58	51,758.88
12/31/2025	40,819.30	3.350%	9,572.12	50,391.42
12/31/2026	40,819.30	3.350%	8,204.68	49,023.98
12/31/2027	40,819.30	3.350%	6,837.24	47,656.54
12/31/2028	40,819.30	3.350%	5,469.78	46,289.08
12/31/2029	40,819.30	3.350%	4,102.34	44,921.64
12/31/2030	40,819.30	3.350%	2,734.90	43,554.20
12/31/2031	40,819.30	3.350%	1,367.44	42,186.74
Total	\$408,193.00	-	\$75,209.57	\$483,402.57

Significant Dates

Filing Date	1/01/2022
First Payment Date	12/31/2022

City of White Bear Lake, Minnesota

\$2,575,000 General Obligation Bonds, Series 2021A

Water Revenue

Debt Service Schedule

Date	Principal	Coupon	Interest	Total P+I	Water Revenue 105% Overlevy
02/01/2022	-	-	20,714.26	20,714.26	21,749.97
02/01/2023	160,000.00	0.350%	31,332.50	191,332.50	200,899.13
02/01/2024	160,000.00	0.450%	30,772.50	190,772.50	200,311.13
02/01/2025	160,000.00	0.650%	30,052.50	190,052.50	199,555.13
02/01/2026	165,000.00	0.750%	29,012.50	194,012.50	203,713.13
02/01/2027	165,000.00	0.950%	27,775.00	192,775.00	202,413.75
02/01/2028	165,000.00	1.050%	26,207.50	191,207.50	200,767.88
02/01/2029	170,000.00	1.200%	24,475.00	194,475.00	204,198.75
02/01/2030	170,000.00	1.300%	22,435.00	192,435.00	202,056.75
02/01/2031	170,000.00	1.400%	20,225.00	190,225.00	199,736.25
02/01/2032	175,000.00	1.450%	17,845.00	192,845.00	202,487.25
02/01/2033	175,000.00	1.500%	15,307.50	190,307.50	199,822.88
02/01/2034	180,000.00	1.600%	12,682.50	192,682.50	202,316.63
02/01/2035	185,000.00	1.700%	9,802.50	194,802.50	204,542.63
02/01/2036	185,000.00	1.750%	6,657.50	191,657.50	201,240.38
02/01/2037	190,000.00	1.800%	3,420.00	193,420.00	203,091.00
Total	\$2,575,000.00	-	\$328,716.76	\$2,903,716.76	\$3,048,902.60

Significant Dates

Dated	6/03/2021
First Coupon Date	2/01/2022

Yield Statistics

Bond Year Dollars	\$22,897.36
Average Life	8.892 Years
Average Coupon	1.4356098%
Net Interest Cost (NIC)	1.5705598%
True Interest Cost (TIC)	1.5729828%
Bond Yield for Arbitrage Purposes	1.3271708%
All Inclusive Cost (AIC)	1.7932888%

IRS Form 8038

Net Interest Cost	1.4356098%
Weighted Average Maturity	8.892 Years

City of White Bear Lake, Minnesota

\$510,000 General Obligation Bonds, Series 2021A Equipment

Debt Service Schedule

Date	Principal	Coupon	Interest	Total P+I	CIF	Net New D/S	105% of Total
02/01/2022	-	-	3,074.17	3,074.17	(3,074.17)	-	-
02/01/2023	55,000.00	0.350%	4,650.00	59,650.00	-	59,650.00	62,632.50
02/01/2024	55,000.00	0.450%	4,457.50	59,457.50	-	59,457.50	62,430.38
02/01/2025	55,000.00	0.650%	4,210.00	59,210.00	-	59,210.00	62,170.50
02/01/2026	55,000.00	0.750%	3,852.50	58,852.50	-	58,852.50	61,795.13
02/01/2027	55,000.00	0.950%	3,440.00	58,440.00	-	58,440.00	61,362.00
02/01/2028	55,000.00	1.050%	2,917.50	57,917.50	-	57,917.50	60,813.38
02/01/2029	60,000.00	1.200%	2,340.00	62,340.00	-	62,340.00	65,457.00
02/01/2030	60,000.00	1.300%	1,620.00	61,620.00	-	61,620.00	64,701.00
02/01/2031	60,000.00	1.400%	840.00	60,840.00	-	60,840.00	63,882.00
Total	\$510,000.00	-	\$31,401.67	\$541,401.67	(3,074.17)	\$538,327.50	\$565,243.88

Significant Dates

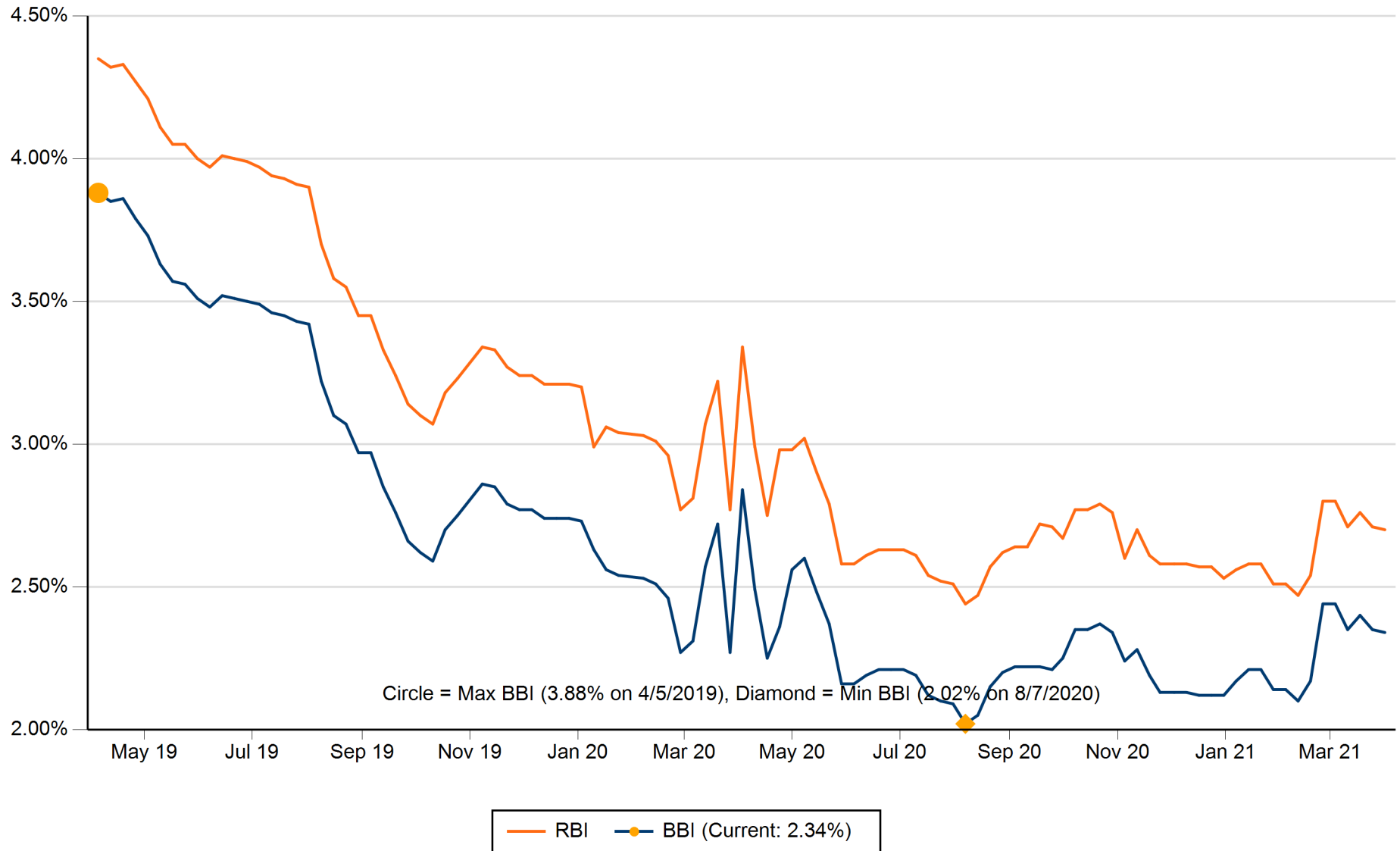
Dated	6/03/2021
First Coupon Date	2/01/2022

Yield Statistics

Bond Year Dollars	\$2,932.17
Average Life	5.749 Years
Average Coupon	1.0709374%
Net Interest Cost (NIC)	1.2796568%
True Interest Cost (TIC)	1.2852327%
Bond Yield for Arbitrage Purposes	1.3271708%
All Inclusive Cost (AIC)	1.6129871%

2 YEAR TREND IN MUNICIPAL BOND INDICES

Weekly Rates April, 2019 - April, 2021



The Bond Buyer “20 Bond Index” (BBI) shows average yields on a group of municipal bonds that mature in 20 years and have an average rating equivalent to Moody’s Aa2 and S&P’s AA.

The Revenue Bond Index (RBI) shows the average yield on a group of revenue bonds that mature in 30 years and have an average rating equivalent to Moody’s A1 and S&P’s A+.

Source: The Bond Buyer

RESOLUTION NO. _____

**RESOLUTION PROVIDING FOR THE SALE OF
APPROXIMATELY \$4,495,000 GENERAL OBLIGATION BONDS, SERIES 2021A**

WHEREAS, the City Council of the City of White Bear Lake, Minnesota has heretofore determined that it is necessary and expedient to issue City's \$4,495,000 General Obligation Bonds, Series 2021A (the "Bonds"), to finance Capital Equipment, the 2021 Street Improvement Projects and the Water Meter Replacement Project in the City; and

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

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

1. Authorization; Findings. The City Council hereby authorizes Ehlers to assist the City for the sale of the Bonds.
2. Meeting; Proposal Opening. The City Council shall meet at 7:00 P.M. on May 11, 2021, for the purpose of considering proposals for and awarding the sale of the Bonds.
3. Official Statement. In connection with said sale, the officers or employees of the City are hereby authorized to cooperate with Ehlers and participate in the preparation of an official statement for the Bonds and to execute and deliver it on behalf of the City upon its completion.

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

Ayes:
Absent:
Nays:
Passed:

Jo Emerson, Mayor

ATTEST:

Kara Coustry, City Clerk

**MINUTES
PLANNING COMMISSION MEETING
CITY OF WHITE BEAR LAKE
MARCH 29, 2021**

The regular monthly meeting of the White Bear Lake Planning Commission was called to order on Monday, March 29, 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 (7:11 p.m.), Pamela Enz, Mark Lynch, Erich Reinhardt, and Peter Reis.

MEMBERS EXCUSED: None.

MEMBERS UNEXCUSED: None.

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

OTHERS PRESENT: Scott Mareck, Jacob & Chandler Ommen, Bob Rogers, Chad Jorgenson, Chris Hiniker, Eric Meyer, Mark Larson, Tim Wald, Ben Beery, Chris Ganzlin, Cozy Hannula, Daniel Roeser, Deb Larsen, Jim & Barb Engh, Rodney & Nancy Oakes, Joseph Kimball, Kathleen Freiderich, Maggie Briggs, Mike Plumb, Peg Vadnais, Sara Nephew, Shannon Moore, Valerie Hanson, Pat Collins, Carrol Knutson, Tracy Shimek, and Ben Eggan.

2. APPROVAL OF THE MARCH 29, 2021 AGENDA:

Member Reis moved for approval of the agenda. Member Lynch seconded the motion, and the agenda was approved (6-0).

3. APPROVAL OF THE FEBRUARY 22, 2021 PLANNING COMMISSION MEETING MINUTES:

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

4. CASE ITEMS:

A. **Case No. 21-1-EAW:** A request by the **City of White Bear Lake** for review and acceptance of the Findings of Fact and Conclusions of the Environmental Assessment Worksheet (EAW) prepared for the North Campus High School Expansion Project at the property located at 5045 Division Avenue.

Kane discussed the case. Staff recommended acceptance of the Findings of Fact and Conclusions and the determination that an Environmental Impact Statement (EIS) is not needed.

Member Reis asked if the analysis looked at mildew or asbestos since Central Middle School is over 100 years old.

Tim Wald, School District, Assistant Superintendent for Finance and Operations, replied that the building has been renovated in recent years, so the asbestos has been addressed.

Dan Roeser, School District, Director of Building Operations, confirmed that the building is asbestos free. Anything that was in there has already been abated. The roof has been replaced and the building structure is sound.

Member Reis noted that 14.5 acres of hard space will be added to the property, which is a huge increase in impervious surface. He wondered if the school had looked at using pervious paving.

Ben Beery, Wold Architects, stated that they looked at the option, but found that pervious material does not hold up in school settings because of the heavy maintenance and use the surfaces get. The proposed plan to treat the stormwater through a stormwater infiltration basin will be a better long-term solution. The project will meet all watershed requirements.

Eric Meyer, Larson Engineering, added that the durability of pervious pavers is not there. They would need to be replaced often.

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

Member Reis moved to recommend acceptance of the Findings of Fact and Conclusions and the determination that an Environmental Impact Statement (EIS) is not needed in Case No. 21-1-EAW. Member Enz seconded the motion. The motion passed by a vote of 7-0.

- B. **Case No. 21-3-CUP:** A request by **Independent School District #624** for a Conditional Use Permit, per Code Section 1303.245, to allow expansion of the existing North Campus public high school located in the P – Public zoning district at the property located at 5045 Division Avenue.

Kane introduced the case, noting tonight's request is for the land use entitlements for the school campus itself. Staff acknowledged that North Campus' location within the School District, being near Downtown White Bear Lake, adjacent to the emerging Arts District, and its proximity to existing and planned transportation networks make it a highly desirable location to locate a centralized high school. The conversion of this campus back to a full 9-12 grade high school represents a tremendous opportunity and a significant investment for the broader community – but recognizes it not without some challenges and potential impact on the surrounding neighborhoods.

Kane described a detailed planning process involving School District leadership, consultant team, staff from the city, township, county and state met on numerous occasions to identify issues and opportunities, explore options and alternatives, and formulate plans to mitigate negative impacts from the increased intensity of the campus. Throughout this collaborative process the Project Team has sought to find the optimal balance between creating a high-quality school campus with modern amenities and first rate facilities, while configuring the campus to help distribute traffic on the surrounding roadway network, provide appropriate setbacks and buffers from the adjacent residences, and minimizing the negative impacts of the planned campus improvements on the surrounding neighborhood.

Kane explained that in addition to designing the campus to distribute trip generation throughout the existing roadway network, a number of off-site improvements have been identified which will

help alleviate traffic congestion around the campus including safety and capacity improvements, traffic control changes, access/roadway modifications, and enhanced pedestrian/bicycle connections. She noted that while many of the elements have been identified, the specific plans have not yet been finalized for off-site improvements that have been identified:

- Traffic signal at 8th St & Highway 61 intersection;
- Improved capacity and sidewalk along 8th Street b/w 61 and the campus;
- Dedicated turn lanes at entrances on both Division and Bald Eagle; and,
- Pedestrian and bicycle extending north on the campus.

Kane noted that securing the Land Use Entitlements for the high school campus will also serve as a catalyst to finalize plans for other regional investments envisioned for the community – including the Bruce Vento Trail extension and the Rush Line transit corridor. For example, she acknowledged until the final alignment of BVT is known, its difficult to determine the best configuration of sidewalk/trail extensions north along the campus. Staff recognizes that additional public engagement will be needed as these off-site components are finalized and anticipates that process will mirror the same public engagement process used for all road improvement projects throughout the City.

Kane then summarized the redevelopment proposal including the campus layout, building design, parking and circulation, athletic facilities and practice field locations, landscape replacement plan, campus signage, and addressed public comments received from neighbors in advance of tonight's Public Hearing. She noted that new internal sidewalks connect the various components of the campus including improved north/south pedestrian circulation, however, the campus presently disrupts the broader pedestrian and bicycle network of the neighborhood, particularly east-west travel. The campus expansion project presents an opportunity to facilitate a more cohesive network for non-motorized travel throughout the neighborhood and improved connections north of the campus. As plans are finalized for transportation networks around the campus, the Project Team will identify optimal locations and alignments for these critical cross-campus connections and addressed in a Development Agreement between the City and School District. Staff recommended approval subject to a number of conditions listed in the report.

Member Lynch asked if the campus sidewalks would be open during school hours and whether the trails would utilize the campus' internal road system. Kane replied that the desire is for the trails to be separate from the internal roads and not go through parking lots. She stated that it will be a very open campus, so she is not sure about access, but it would be hard to restrict. She deferred to the school district to address.

Member Lynch wondered if the project is meeting all the zoning code requirements and if that is why a Planned Unit Development (PUD) is not being requested.

Kane stated that the use as a school has already been identified as appropriate in all residential districts, so it is fairly simple and straightforward. If there were multiple principal buildings, a PUD would likely be the best approach, however, the proposal is one principal structure with multiple accessory buildings. The project did not require a lot of flexibility, so the proposal is meeting code. The height of the building varies, but it is meeting the increased setback required by code. She stated that the City will hold the school to the allowable signage requirements, which will required additional detailed prior to permitting and installation.

Member Reis commented that there will be a lot of concrete added to the north side of the campus, north of the three existing round buildings. The concrete will run up to newly installed AstroTurf. It is a very wet site and he wondered if the elevation would need to be raised to make it a useable practice field and if the runoff would drain to the wetland.

Eric Meyer, Larson Engineering, explained that with an increase in the number of students, gym classes and sports teams need more space, so the area will be converted to synthetic turf to ensure the fields are useable year round. The surrounding sidewalks will be ADA accessible. There will be some fill added to raise the area above water elevation, but it will not be raised to the level of the school. Water will be able to seep through the turf and be filtered by layers of rock and sand before draining to wetlands on the east and west where it currently flows.

Member Reis asked what will become of the existing auditorium that is currently part of the junior high school.

Tim Wald, School District, replied that it will continue to be used as a smaller performance space. It holds about 375 people, while the larger one will hold just under 800 people.

Member Baltzer opened the public hearing.

Valerie Hanson, 5118 Wild Marsh Drive, stated that she is excited to see the sidewalks connect to the north. She expressed concern over the increased runoff and drainage. She asked when Division Avenue will be paved and whether it would be a city or school project.

Kane stated that the resurfacing of Division Avenue is part of the City's routine capital improvement plan. It is slated for 2024 or 2025. The City will need to coordinate with the school on timing and will need to negotiate a formula for shared payment of the project.

Deb Larsen, 4917 Bald Eagle Avenue, asked if the school district is looking to buy more homes on the west side of Bald Eagle Avenue.

Tim Wald, School District, stated that it is unlikely that the School District will buy more houses on the west side.

Peg Vadnais, Bald Eagle Avenue, asked if the school had an estimate for how much bus traffic there would be for Bald Eagle Avenue. She stated they are not used to buses on the road and this will be a big change.

Tim Wald, School District, confirmed that currently every bus for the high school and middle school uses Division Avenue. He stated that there will be more buses using Bald Eagle Avenue. The bulk of the parent drop off/pick up will be on Division Avenue. Between the high school and middle school, the number of buses will be in the low twenties.

Chris Hiniker, SEH, added that the plan now is to direct the majority of buses to Bald Eagle Avenue and away from Division Avenue to reduce the amount of traffic on Division. The high school and middle school will utilize the same bus pick up and drop off lot.

Joe Kimball, 4930 Walnut Avenue, asked for clarification of what is being represented on the Site Plan south of the student parking along Bald Eagle.

Tim Wald explained that there are ten tennis courts and they will also be striped for pickle ball. Below that is a multi-use synthetic field.

There being no further questions or comments from the public, Chairman Baltzer closed the public hearing.

Member Reis moved to recommend approval of Case No. 21-3-CUP. Member Lynch seconded the motion. The motion passed by a vote of 7-0.

C. **Case No. 21-4-CUP & 21-5-V:** A request by **Jacob & Chandler Ommen** for a Conditional Use Permit for a home accessory apartment, per Code Section 1302.125, and the following five variances,

- A 13 foot variance from the 35 foot front yard setback from the principal structure, per Code Section 1303.040, Subd.5.c.1, in order to expand an existing line of non-conformity for a mudroom addition;
- A 2.7 foot variance from the 20 foot front yard setback for an accessory structure, per 1302.030, Subd.4.d;
- A one-story variance from the one-story maximum for an attached accessory structure, per 1302.030, Subd.4.i.1.a;
- A 321 square foot variance from the 1,000 gross square foot maximum size for an attached accessory structure, per 1302.030, Subd.4.i.1.a;
- A 71 square foot variance from the 1,250 square foot maximum for all accessory structures combined, per 1302.030, Subd.4.i.2.b;

All in order to construct a new attached garage with an accessory dwelling unit (ADU) above at the property located at 4320 Cottage Park Road.

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

Member Lynch voiced his support for ADUs. He wondered if more variances associated with ADUs above garages will be requested in the future and whether the City should consider looking into changing the Zoning Code.

Member Berry sought confirmation that the living space is not accessible from the house and whether the unit will be rented or for family. He asked how the City would be able to enforce the limit of two people and the number of vehicles associated with the ADU. He asked why the City has such conditions if it cannot hold them accountable.

Crosby answered that access is from the back stairway and that the unit can be rented, but so far the applicants have stated it will be used for family. She stated that this is a conditional use for an ADU, so if they cannot meet the conditions, then maybe it cannot be used for a period of time.

Kane stated that if they cannot meet the conditions, then the City will proceed with a revocation of the CUP and bring the matter in front of the City Council.

Member Lynch asked if ADUs need to be accessible from the outside. Crosby confirmed that was not a requirement.

Member Baltzer opened the public hearing.

Mike Plumb, 4350 Cottage Park Road, detailed the number of variances that were granted for the lot split and new home construction. All the variances are interrelated and is an over use of what the regulations allow. He pointed to a question raised by Member Lynch when the lot was split about how new homeowners would know about the stipulations. Mr. Plumb stated that the code only allows ADUs in existing structures and this is a new structure. He also believes that the impervious surface calculations are not correct. Based on his calculations, there is over 30% impervious surface on the lot and he is concerned about runoff.

Member Baltzer closed the public hearing.

Member Lynch stated that he understands Mr. Plumb's concerns. He looks at each variance with fresh eyes and is supportive of this request because it will make the property more conforming by pushing the garage further back from the side and front property lines. He is a proponent of ADUs and appreciates that the property will not exceed 30 percent impervious.

Member Amundsen moved to recommend approval of Case No. 21-4-CUP & 21-5-V. Member Reis seconded the motion. The motion passed by a vote of 5-1. Baltzer abstained. Berry voted no.

- D. **Case No. 21-6-V:** A request by **Jack Tamble** for a four foot variance from the five foot rear yard setback for a detached garage, per Code Section 1303.030, Subd.4.e., and a 7.7 foot variance from the 25 foot setback from a side abutting a public right-of-way, per Code Section 1302.030, Subd.4.d, in order to construct a new two-car garage one foot from the east property line at the property located at 4860 Stewart Avenue.

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

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

Member Reinhardt moved to recommend approval of Case No. 21-6-V. Member Berry seconded the motion. The motion passed by a vote of 7-0.

5. **DISCUSSION ITEMS:**

- A. City Council Meeting Summary of March 9, 2021.

No Discussion.

- B. Park Advisory Commission Meeting Minutes of March 18, 2021 – Not Available.

No Discussion.

6. **ADJOURNMENT:**

Member Amundsen moved to adjourn, seconded by Member Lynch. The motion passed unanimously (7-0), and the March 29, 2021 Planning Commission meeting was adjourned at 9:16 p.m.

Park Advisory Commission Meeting Minutes

JANUARY 21, 2021

6:30 P.M.

WEBEX MEETING

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

1. CALL TO ORDER

The meeting was called to order at 6:32 pm.

2. APPROVAL OF MINUTES

Approval of the minutes from November 19, 2020 was moved by Victoria Biehn and seconded by Ginny Davis.

3. APPROVAL OF AGENDA

Approval of the January 21, 2021 agenda was moved by Mark Cermak and seconded by Brian Belisle.

4. UNFINISHED BUSINESS

None.

5. NEW BUSINESS

a) Update on Matoska Gazebo

Andy Wietecki explained that a committee was formed of 7 people to assess the current conditions of the Matoska Park (Geist Gazebo) Gazebo. The main objective is to bring a recommendation to the City Council in the near future on whether it makes sense to restore the current structure or to build a new structure in its place. Brian Belisle reported that there is an anonymous family that has generously donated \$150,000 to help with the Gazebo project. The family would like to see the project completed before Manitou Days begins.

The main goal of the committee meeting next week is determine whether to restore the current structure or build a new structure in its place. If the committee decides to build a new structure, the new shelter would take about 16 weeks from order date to arrive. The structure would then need to be constructed onsite along with concrete work and landscaping.

Paul Kauppi explained to the Park Advisory Commission that there is no historical significance to the Gazebo since it has been rebuilt and modified many times over the years. The Gazebo no long has all of the original components.

The City's building department will ensure that all ADA requirements are followed before approving a design plan.

If the \$150,000 donation doesn't cover the entire cost of the Gazebo, there are other funding sources that can be identified. There may be leftover funds in the retaining wall project that can be used towards the Gazebo project, if needed. The City Council is also very excited to see this project move forward and may also have some funds available to use. The first step, however, is for the committee to decide if replacement or rebuilding is the best option and then identify costs.

b) Yost Park Tree Removal

Andy Wieteki reported to the Parks Advisory Commission on Yost Park tree removal that happened earlier this fall. On the east side of Yost Park, the Parks Department removed a total of ninety-seven trees that were at the end of their life or were dead, dying or diseased. The trees needed to be removed for the safety of the park users. Of the 97 trees, thirty-five were Ash trees that were not treated for Emerald Ash Borer (because of the planned removal). A few trees will be planted as part of the Arbor Day Celebration this year on the east side of Yost Park. However, the deforesting of the east side of the park will hopefully lead to more utilization by park goers.

c) Parks Capital Improvement Projects for 2021

Andy Wieteck explained the Parks Capital Improvement Budget in detail for this coming year. He explained that there will not be as many projects as normal because the City is planning to build the retaining wall at Memorial Beach this summer. The cost of the retaining wall project is not known at this time. If there is money allocated to the retaining wall project but is not used, it will be put towards a project scheduled for 2022 or could be applied to the Gazebo Restoration Project.

6. OTHER STAFF REPORTS

Andy Wieteki reported on the north side of 4th Street next to the downtown information kiosk there was a metal sculpture of an escrow sailboat that totally rotted apart and had to be removed from its post. The sculpture is a replica of an award for the sailboat races on White Bear Lake in the past. They are currently getting pricing from a few different metal shops on rebuilding this sculpture and will hopefully be able to replace it in the next few months.

Andy reported that he reached out to MN/WI Playground for a design concept for the All Abilities Playground at Lakewood Hills Park. A design concept for all ability types was finalized and will accompany a link on the White Bear Lake Lion's Club website for the playground's fundraising efforts. Paul Kauppi reported that the City has plans to resurface the parking lot at Lakewood Hills this year. The resurfacing will incorporate handicap parking stalls nearest the playground.

Brian Belisle updated the Commission and then Andy Wietecky continued on the topic of Bear'ly Open, a fundraiser for the White Bear Area Emergency Food Shelf, that is happening on February 5th and 6th.

7. COMMISSION REPORTS

None.

8. OTHER BUSINESS

None.

9. ADJOURNMENT

The next meeting will be held on February 18, 2021 at 6:30 p.m.

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

City of White Bear Lake Environmental Advisory Commission

MINUTES

Date: February 17, 2021	Time: 6:30pm	Location: WBL City Hall
COMMISSION MEMBERS PRESENT	Sheryl Bolstad, Chris Greene, Bonnie Greenleaf, Rick Johnston, Gary Schroeber (Chair), Robert Winkler	
COMMISSION MEMBERS ABSENT	Valeria Diaz, Sage Durdle	
STAFF PRESENT	Connie Taillon, Environmental Specialist	
VISITORS	Paul Bolstad, Professor UMN, Depts of Forest Resources and Geography Keely Cervantes, Conservation Minnesota	
NOTETAKER	Connie Taillon	

1. CALL TO ORDER

The meeting was called to order at 6:32pm.

2. APPROVAL OF AGENDA

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

Roll call vote:

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

Motion carried.

3. APPROVAL OF MINUTES

a) January 20, 2021 regular meeting

The commission members reviewed the January 20, 2021 draft minutes and had no changes. Commissioner Johnston moved, seconded by Commissioner Greenleaf, to approve the minutes of the January 21, 2021 meeting as presented.

Roll call vote:

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

Motion carried.

4. VISITORS & PRESENTATIONS

Paul Bolstad from the UMN Depts of Forest Resources and Geography was in attendance to discuss air quality monitoring. Mr. Bolstad presented information about the hazards of poor air quality, noting that deaths due to poor air quality are far greater than realized, with up to 200,000 deaths per year in the U.S. He stated that fine particulate matter is attributed to poor air quality, with diesel exhaust being the largest source.

Mr. Bolstad asked the commission members if they would consider increasing awareness of fine particulate pollution and installing air sensors in the White Bear Lake area, specifically near freeways where the exposure to fine particulates is higher. He explained that up to five sensors are available to install at no cost. The hockey-puck sized sensors should be placed under an eave and require a power source and a Wi-Fi connection, as these sensors are connected to a worldwide web-based network. Mr. Bolstad offered to work with the Environmental Advisory Commission to install the sensors. Commission members discussed possible locations on City buildings near highways, such as City Hall, Public Works, and the Sports Center. Taillon will investigate these options and report back at the March meeting. Chair Schroeher and Commissioner Greenleaf offered to install sensors on their own homes.

Keeley Cervantes from Conservation Minnesota was in attendance to announce that the rulemaking process for clean car standards concludes in the middle of March. She stated that the general public can comment on the rule making process, and asked if the Environmental Advisory Commission would be interested in writing an op-ed in the White Bear Press and also signing on with a letter of support. The commission members stated that they will read over the information that Keeler provided, but most likely the support will come from individual members instead of the commission.

5. UNFINISHED BUSINESS

a) 2021 Work Plan

- Downtown area recycling

Taillon introduced a rendering of the proposed trash and recycling containers for the downtown area. Taillon noted that she plans to submit the renderings to the County for a review of the recycling logos and to ask about possible grant funding. She will provide an update at the March meeting. Commission members discussed recycling labeling and stated that the labels should be simple with clear instructions, and to limit the types of recycling to bottles and cans only.

- Plastic bag ban

Commissioner Greenleaf presented her research on plastic bag bans in Minnesota and provided examples of feedback from businesses on the proposed bans. She mentioned that the first step in the process may be to talk with the local businesses. She also plans to talk with the City of Minneapolis about their process. Chair Schroeher volunteered to contact the county to get their thoughts. Commission members discussed creating a display for the Environmental Resources expo that would show how many bags a family of 4 uses every year.

b) 2021 budget

Taillon stated that the feather flags will be ordered soon, leaving approximately \$200 left in the budget for 2021.

6. NEW BUSINESS

a) 2021 Marketfest exhibitors

Tabled until the March 17, 2020 meeting

b) EAC website description

Commission members reviewed the draft Environmental Advisory Commission website description that was drafted by Commissioner Johnston and had no changes. Commissioner Greenleaf moved, seconded by Commissioner Greene, to accept the language crafted by Commissioner Johnston and to have staff add the language on the Environmental Advisory Commission page of the City's website.

Roll call vote:

Bolstad: Aye

Greene: Aye

Greenleaf: Aye

Johnston: Aye

Schroehler: Aye

Winkler: Aye

Diaz: Absent

Durdle: Absent

Motion carried.

7. DISCUSSION

a) Staff updates

- Adopt-a-Drain annual report for WBL

Staff presented the 2020 adopt a drain annual report for White Bear Lake. There are 69 participants, with 24 new participants in 2020. Chair Schroehler stated that he would like to see more participants.

b) Commission member updates

Commissioner Johnston noted that Chair Schroehler presented the Zero Waste Policy to City Council, and that the Policy was approved. He and Commissioner Greenleaf were also in attendance.

Taillon noted that Commissioner Winkler was showcased on the VLAWMO website. Commissioner Winkler mentioned that Nick from VLAWMO interviewed him about the adopt a drain program. Taillon will email the commission members a link to the article.

c) Do-outs

New do-out items for February 17, 2021 include:

- Staff to research installing air sensor on City Hall, Sports Center or Public Works
- Staff to forward recycling container design to Ramsey County for review
- Staff to email VLAWMO link which showcases Commissioner Winkler to all commission members
- Commission members to read information from Keely and consider signing on to letter of support for cleaner car standards
- Commission members to consider creating a plastic bag display for the Expo showing how many plastic bags a family of 4 uses per year.

d) March agenda

Include plastic bag ban, Environmental Resource Expo, and downtown area recycling on the March agenda.

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

Schroeder: Aye

Winkler: Aye

Diaz: Absent

Durdle: Absent

Motion carried.

REGULAR MEETING OF THE WHITE BEAR LAKE CONSERVATION DISTRICT

7:00 pm Zoom meeting

Minutes of February 16, 2021

APPROVAL DATE: Approved March 2021

1. **CALL TO ORDER** the February 16, 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, Directors: Scott Costello, Mike Parenteau, Cameron Sigecan, and Meredith Walburg. Absent were Sec/Tres Diane Longville, Directors Susie Mahoney, and Scott O'Connor A quorum was present.
3. **AGENDA** – Chair DeSmet asked for any changes none. Motion to approve (DeSmet/second) roll call vote all aye passed
4. **APPROVAL OF MINUTES OF** – January 19, 2021 board meeting. Motion (DeSmet/Second) to approve all aye passed.
5. **PUBLIC COMMENT TIME** – None
6. **NEW BUSINESS** – Welcome new board member Meredith Walburg taking the position of Marty Rathmanner
7. **UNFINISHED BUSINESS** –
 - Election of Officers asked if any more nominations, none Motion to pass the slate of officers DeSmet/second as Bryan DeSmet Chair, Mark Ganz Vice Chair, Diane Longville Sec/Tres. Roll call vote all aye passed
8. **REPORTS/ACTION ITEMS**

Executive Committee – No meeting
9. **Lake Quality Committee – Mike Parenteau**

Will request bids for lake survey in March. Discussion in regards to salt runoff into lake from winter and the impact. Ramsey County does water checks each year, cities are required to get permits and have many requirements in the amounts of salt used and stringent rules to follow.
10. **Lake Utilization Committee – LUC reviewed the following and submitted to the board**
 - Tally's – tabled requested new engineer drawing with both properties as one. New compliance letter and DNR permit with addition of Lake Ave Properties purchased.
 - Docks of White Bear – Tabled requested updated compliance letter from City WBL and continued discussion of total slips to be approved
 - City of White Bear Lake – Marine & Matoska tabled need updated fee page completed sent in. Vet's Pier approved
 - VFW tabled until next month

In the fall bring back for discussion to possibly add to the ordinance to require those with docks left in the water over winter that there are markings to avoid any future snowmobile etc. accidents.
11. **Lake Education – Scott Costello**

Lake clean up March 6th
12. **Treasurer's Report** – Motion (DeSmet/Second) approval of January 31, 2021 Treasurer's report and payment of check numbers 4680-4683 and February 2021 Treasurer Report and payment of checks 4684-4686 . All Aye passed.

2020 Year End Financials will be sent to cities vote all aye approved

13. Board Counsel – Alan Kantrud

Slow with Covid, few ice fishing citations, nothing to report

14. Announcements – None

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

Meeting adjourned

ATTEST:

Kim Johnson: *Kim Johnson*

Executive Administrative Secretary

Date: 3/16/2021

Bryan: DeSmet: *Bryan DeSmet*

Board Chair

Date: 3/16/2021



City of White Bear Lake
City Engineer's Office

MEMORANDUM

To: Ellen Hiniker, City Manager

From: Paul Kauppi, Public Works Director/City Engineer

Date: April 13, 2021

Subject: **Ordering 2021 Bituminous Seal Coating Project
City Project 21-02**

BACKGROUND / SUMMARY

The Engineering and Public Works Departments are preparing for the 2021 Bituminous Seal Coating Project by patching streets, contracting for joint and crack sealing and preparing specifications for seal coating. The City undertakes seal coating projects on a regular basis to maintain the wearing surface of the streets, seal small cracks to prevent water penetration and improve the overall appearance of the roadway.

SUMMARY

In 2021, we are proposing to perform seal coating of City streets in various locations throughout the city. Some of these streets were last seal coated in 2014. Other streets are those which were reconstructed or milled & overlaid in 2015 and are now showing signs of wear. It is important to seal the surface of these streets before they degrade to a point where more extensive maintenance needs to be performed.

All proposed streets will be seal coated using a trap rock as the cover aggregate. The trap rock is a durable, hard, crushed rock which will provide a double surface with a nice appearance. The 2021 Bituminous Seal Coating Project will be completed in late July and August.

Various streets have been identified as candidates for seal coating in 2021. However, the Engineering and Public Works Departments will reevaluate all city streets in the next several weeks to determine if they remain good candidates for seal coating this year, or if additional streets need to be added. The streets which are proposed for rehabilitation (either reconstruction or mill & overlay) within the next five years have been excluded due to their planned improvements.

The seal coating project is proposed to be funded from the Construction fund which provides \$200,000 in the 2021 budget. We anticipate continuing seal coating projects annually. These projects have been programmed into the Capital Improvement Plan.

RECOMMENDED COUNCIL ACTION

Our recommendation is that the Council adopt the resolution ordering the 2021 Bituminous Seal

Coating Project and authorizing advertisement for bids.

ATTACHMENTS

Resolution

RESOLUTION NO.:

**RESOLUTION ORDERING PROJECT, APPROVING SPECIFICATIONS
AND AUTHORIZING ADVERTISEMENT FOR BIDS
FOR THE 2021 BITUMINOUS SEAL COATING PROJECT
CITY PROJECT NO: 21-02**

WHEREAS, the City Engineer has prepared specifications for the 2021 Bituminous Seal Coating Project – City Project No.: 21-02, and has presented such specifications to the City Council for approval.

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

1. The City Engineer is hereby designated as the Engineer for this improvement and has prepared specifications for the making of such improvements.
2. The specifications are hereby approved.
3. The 2021 Bituminous Seal Coating Project is hereby ordered.
4. The Public Works Director/City Engineer shall prepare and solicit an advertisement for bids upon the making of such improvement under such approved plans and specifications. The advertisement shall be published for 10 days, shall specify the work to be done, and shall state that bids will be received by the Public Works Director/City Engineer. Bids will be opened by the City Engineer and City Clerk, will then be tabulated and will be considered by the Council.

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

Ayes:
Nays:
Passed:

Jo Emerson, Mayor

ATTEST:

Kara Coustry, City Clerk



City of White Bear Lake
City Engineer's Office

MEMORANDUM

To: Ellen Hiniker, City Manager

From: Paul Kauppi, Public Works Director/City Engineer

Date: April 13, 2021

Subject: **Ordering 2021 Crack Sealing Project
City Project 21-03**

BACKGROUND / SUMMARY

As part of the City's ongoing Pavement Management Program, the Engineering Department is preparing for the 2021 Crack Sealing Project. The City undertakes crack sealing projects on a regular basis to maintain the wearing surface of the streets and seal cracks to prevent water penetration into the base and subbase where it weakens the street and causes failures. It is important to seal the cracks in these streets before the surface degrades to a point where more extensive maintenance needs to be performed.

SUMMARY

The crack sealing project involves cleaning of random cracks in bituminous street pavements with a router and then filling the cracks with a hot, liquid, rubberized sealant. The crack sealing process is accomplished ahead of the sealcoating operation so that the smaller random cracks not sealed by the crack sealing contractor are sealed by the seal coat emulsion. On streets that are 5 years old or have been resurfaced in the last 5 years, we are also evaluating the edge of the pavement along the lip of the concrete gutter. With any street, gaps can form along this joint over time. By sealing these gaps, water is prevented from penetrating into the base of the street.

Various streets have been identified as candidates for crack sealing in 2021. However, the Engineering and Public Works Departments will reevaluate all city streets in the next several weeks to determine if they remain good candidates for crack sealing this year, or if additional streets need to be added. The crack sealing project is proposed to be funded from the Construction Fund which provides \$100,000 in the 2021 budget. We anticipate crack sealing projects annually. These projects have been programmed into the Capital Improvement Plan.

RECOMMENDED COUNCIL ACTION

Our recommendation is that the Council adopt the resolution ordering the 2021 Crack Sealing Project and authorizing advertisement for bids.

ATTACHMENTS

Resolution

RESOLUTION NO.:

**RESOLUTION ORDERING PROJECT, APPROVING SPECIFICATIONS
AND AUTHORIZING ADVERTISEMENT FOR BIDS
FOR THE 2021 CRACK SEALING PROJECT
CITY PROJECT NO: 21-03**

WHEREAS, the City Engineer has prepared specifications for the 2021 Crack Sealing Project – City Project No. 21-03, and has presented such specifications to the City Council for approval.

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

1. The City Engineer is hereby designated as the Engineer for this improvement and has prepared specifications for the making of such improvements.
2. The specifications are hereby approved.
3. The 2021 Crack Sealing Project is hereby ordered.
4. The Public Works Director/City Engineer shall prepare and solicit an advertisement for bids upon the making of such improvement under such approved plans and specifications. The advertisement shall be published for 10 days, shall specify the work to be done, and shall state that bids will be received by the Public Works Director/City Engineer. Bids will be opened by the City Engineer and City Clerk, will then be tabulated and will be considered by the Council.

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

Ayes:
Nays:
Passed:

Jo Emerson, Mayor

ATTEST:

Kara Coustry, City Clerk



City of White Bear Lake
Engineering Department

MEMORANDUM

To: Ellen Hiniker, City Manager
From: Paul Kauppi, Public Works Director/City Engineer
Date: April 13, 2021
Subject: **2021 Sanitary Sewer Lining Program, City Project No. 21-07**

BACKGROUND

Since 1994, the City has been installing liners in sanitary sewer mains which are difficult to maintain due to access constraints, root intrusion problems, frequent backup problems and/or pipe failures. Liners also seal pipe joints, preventing groundwater from entering the sewer main (known as “infiltration”). Installing liners rather than new pipe minimizes the cost because the liners do not require excavation of the roadway or easement area, disturbance of existing water, storm sewer or other private utilities or the disruption of service to customers.

SUMMARY

The Engineering Department has prepared specifications for the 2021 Sanitary Sewer Lining Program (City Project No. 21-07). Various sewer mains have been identified as candidates for the 2021 Sanitary Sewer Lining Program. However, the Engineering and Public Works Departments will reevaluate sewer mains in the next several weeks in order to prioritize the best candidates for lining. All of the sanitary sewer mains recommended for lining in the 2021 Program are prone to root intrusion problems, have cracks in the pipe, misaligned joints or pipe failures which create flow restrictions or prevent routine maintenance operations.

The project is proposed to be funded from the Sewer Improvement Fund which provides \$125,000 in the 2021 Budget. Since 1994, the City has invested over \$2.0 million in sanitary sewer lining projects. These improvements have been a major factor (along with regular cleaning and inspection by the Public Works Department) in the reduction of sanitary sewer main backups. The liners prevent roots from entering the main through joints, cracks or broken pipes and improve flow by providing a smooth interior surface for the pipe. The liners also seal the sewer main in areas with high groundwater conditions which reduces the City’s sanitary sewer flow and thus billing from the Metropolitan Council Environmental Services.

RECOMMENDED COUNCIL ACTION

Staff recommends that the Council approve the resolution ordering the 2021 Sanitary Sewer Lining Program and authorizing the project be advertised for bids.

ATTACHMENTS

Resolution

RESOLUTION NO.:

**RESOLUTION ORDERING PROJECT, APPROVING PLANS AND AUTHORIZING
ADVERTISEMENT FOR BIDS FOR THE 2021 SANITARY SEWER LINING PROGRAM
CITY PROJECT NO. 21-07**

WHEREAS, the City Engineer has prepared plans and specifications for the 2021 Sanitary Sewer Lining Program – City Project 21-07, and has presented such plans and specifications to the City Council for approval.

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

1. The City Engineer is hereby designated as the Engineer for this improvement and has prepared plans and specifications for the making of such improvements.
2. The plans and specifications are hereby approved.
3. The 2021 Sanitary Sewer Lining Program is hereby ordered.
4. The Public Works Director/City Engineer shall prepare and solicit an advertisement for bids upon the making of such improvement under such approved plans and specifications. The advertisement shall be published for 10 days, shall specify the work to be done, and shall state that bids will be received by the Public Works Director/City Engineer. Bids will be opened by the City Engineer and City Clerk, will then be tabulated and will be considered by the Council.

The foregoing resolution, offered by Councilmember _____, and supported by

Councilmember _____, was declared and 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 29, 2020
Subject: **Sunrise Park Middle School Poetry Reading at Railroad Park**

BACKGROUND / SUMMARY

The City received a special event request to utilize Railroad Park for a poetry reading by approximately ten (10) Sixth Grade Students of Sunrise Park Middle School. The Special Event application was completed by Sunrise Park Middle School teacher, Carla Triggs. The request mentions that parents of students will be invited to listen to these readings and will be encouraged to eat at a local restaurants upon its conclusion, estimated to last from 10:30 a.m. – 11:00 a.m.

RECOMMENDED COUNCIL ACTION

Staff recommends approval of the attached resolution allowing use of Railroad Park for the poetry reading on April 24, 2021.

ATTACHMENTS

Resolution

RESOLUTION NO.

**A RESOLUTION APPROVING USE OF RAILROAD PARK BY SUNRISE PARK
MIDDLE SCHOOL FOR A POETRY READING**

WHEREAS, a special event application has been submitted by Sunrise Park Middle School Teacher Carla Triggs; and

WHEREAS, she proposes utilizing Railroad Park for a poetry reading by Sixth Grade students of the school on Saturday, April 24th, 2021 from 10:30 a.m. – 11:30 a.m.; and

WHEREAS, Parents of students are encouraged to attend the event; and

WHEREAS, no alcohol will be sold at the event.

NOW THEREFORE, BE IT RESOLVED that the White Bear Lake City Council approves the use of Railroad Park by Sunrise Park Middle School on Saturday, April 24, 2021 from 10:30 a.m. for approximately one hour for purposes of a poetry reading by Sixth Grade Students:

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

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

Ayes:
Nays:
Passed:

Jo Emerson, Mayor

ATTEST:

Kara Coustry, City Clerk



City of White Bear Lake
Community Development Department

M E M O R A N D U M

To: Ellen Hiniker, City Manager

From: Tracy Shimek, Housing & Economic Development Coordinator

Date: April 8, 2021 for April 13, 2021 City Council Meeting

Subject: **Support for Accessible Space, Inc.’s application for 2021 Ramsey County Community Development Block Grant Funds**

SUMMARY

Accessible Space, Inc. (ASI) is a Minnesota-based, tax-exempt, 501 (c)(3) nonprofit organization incorporated in 1978. The mission of ASI is to provide accessible, affordable, assisted/supportive and independent living opportunities for persons with physical disabilities and brain injuries, as well as seniors.

ASI has submitted to Ramsey County for 2021 Community Development Block Grant Funds (CDBG) for renovations at two of their sites and is requesting a resolution of support from the City of White Bear Lake. They have received conditional approval from Ramsey County for funds, pending receipt of a resolutions of support from the communities in which they would use the funds, including White Bear Lake.

BACKGROUND

This project they have requested funds for includes the renovation of two affiliated sites of Accessible Space, Inc. (“ASI”) in suburban Ramsey County; this is Phase III of the project. The sites include Cedar Home, a rent-subsidized shared home with supportive services in White Bear Lake for adults with traumatic brain injuries. The renovations are intended to make the properties more efficient, more attractive, and safer for the residents and the communities.

Cedar Home experiences significant wear and tear due to the heavy wheelchairs used by the residents, necessitating the replacement of flooring, doors and walls. Additionally, the kitchen cabinets, counters, and windows are in need of replacement as well. The City has previously approved resolutions of support for earlier phases of the renovation.

Cedar Home Scope of Work	Estimated Cost
Kitchen Cabinet/Counter top replacement	\$19,000
Main floor window replacement	\$23,000
Main floor interior doors replacement	\$9,800
Unit flooring	\$4,800
Main bath remodel	\$9,400
Wall repair painting	\$2,800
Total Improvements	\$68,800

RECOMMENDED COUNCIL ACTION

Staff recommends approval of the attached resolution of support for ASI's application to Ramsey County for 2021 Community Development Block Grant funds.

ATTACHMENT

Resolution of Support

RESOLUTION NO.

**RESOLUTION OF SUPPORT FOR ACCESSIBLE SPACE, INC.'S
APPLICATION FOR 2021 RAMSEY COUNTY
COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM FUNDS**

WHEREAS, Accessible Space, Inc. (ASI) is a Minnesota-based, tax-exempt, 501 (c)(3) nonprofit organization whose mission is to provide accessible, affordable, assisted/supportive and independent living opportunities for persons with physical disabilities and brain injuries, as well as seniors; and

WHEREAS, ASI submitted an application for 2021 Ramsey County Community Development Block Grant (CDBG) program funds, which requires a resolution of support from the applicable Ramsey County Municipality; and

WHEREAS, ASI proposes renovations at Cedar Home, a rent-subsidized shared home with supportive services in White Bear Lake for adults with traumatic brain injuries; and

WHEREAS, the Community Development Block Grant Program works to provide services to the most vulnerable in our communities and monies from this project would assist with renovations intended to make the property more efficient, more attractive and safer.

BE IT RESOLVED, by the City Council of the City of White Bear Lake supports ASI's application for funding through the 2021 Ramsey County Community Development Block Grant Program and authorizes ASI's submittal of the proposal to Ramsey County.

Cedar Home Scope of Work	Estimated Cost
Kitchen Cabinet/Counter top replacement	\$19,000
Main floor window replacement	\$23,000
Main floor interior doors replacement	\$9,800
Unit flooring	\$4,800
Main bath remodel	\$9,400
Wall repair painting	\$2,800
Total Improvements	\$68,800

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

Ayes:
Nays:
Passed:

Jo Emerson, Mayor

ATTEST:

Kara Coustry, City Clerk



City of White Bear Lake
City Manager's Office

MEMORANDUM

To: Ellen Hiniker, City Manager
From: Rick Juba, Assistant City Manager
Date: April 6, 2021
Subject: Marketfest and Manitou Days 2021

BACKGROUND

The City has been contributing to Marketfest each year since 1998, after Main Street assumed its operation from the Economic Development Corporation. Because these events provide an economic and social benefit to the City, its residents and its businesses, past assistance has been provided through the non-tax supported Economic Development Fund.

City staff also contribute time and public resources to the City's annual Manitou Days festival.

SUMMARY

This year marks the 31st year for this family-oriented festival. Held in downtown White Bear Lake from 6:00 p.m. – 9:00 p.m., this year's event commences on July 1st and runs six consecutive Thursdays ending on August 5th.

The budget for 2020 contains a \$7,000 appropriation for financial support of Marketfest, which assists with electrical, safety, insurance and related operational costs. In addition to this financial contribution, staff will contribute time and public resources to both Manitou Days and Marketfest events.

RECOMMENDED COUNCIL ACTION

Staff recommends Council adopt the resolution authorizing financial participation in the year's Marketfest.

ATTACHMENTS

Resolution

RESOLUTION NO.

**RESOLUTION AUTHORIZING FINANCIAL AND STAFF PARTICIPATION
IN MARKETFEST AND STAFF PARTICIPATION IN MANITOU DAYS – 2021**

WHEREAS, Main Street, Inc. through its Marketfest division, has requested and received permission from the City Council to conduct an economic promotion and community celebratory event on six consecutive Thursdays between July 1 – August 5, 2021, in downtown White Bear Lake including entertainment, art exhibits and sales, food sales and commercial promoters; and

WHEREAS, the White Bear Events Committee also plans Manitou Days, which will run from July 1 through July 11; and

WHEREAS, the City Council has determined these events provide an economic and social benefit to the City, its residents and its businesses; and

WHEREAS, the City Council has determined that said benefit warrants financial participation by the City to defray a portion of the cost of Marketfest, as well as approve the use of City resources to provide space and logistical support related to both events.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of White Bear Lake, that the City Manager is authorized and hereby directed to arrange for payment from the City's Economic Development Fund an amount not to exceed \$7,000 for the payment of expenses associated with insurance, safety, electrical repairs and entertainment for Marketfest in 2021; and

BE IT RESOLVED by the City Council of the City of White Bear Lake, that the City shall provide staff and physical resources in support of both Marketfest and Manitou Days.

The foregoing resolution offered by Councilmember **X** and supported by Councilmember **X**, 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: April 6, 2021

Subject: **Street closure and request for food truck operations on public property**

BACKGROUND / SUMMARY

Mary Scherping, on behalf of St. Mary of the Lake, submitted an application for a special event celebrating 140 years of the parish with an outdoor festival on Sunday, August 15 from noon – 3:00 p.m. The Church site at 4741 Bald Eagle Avenue is planning to host the outdoor festival, amplified music, games and socializing. At this time alcohol service is not being planned as part of this event, but if this changes, St. Mary's will apply for their temporary liquor license as they have done in the past.

A part of this request involves a road closure of Bald Eagle between 3rd and 4th Streets during the event. This request is to facilitate church access, to allow for more outdoor games and for food trucks to park and service the festival. Public Safety felt the request was reasonable and obtained a contact in the event that noise complaints of loud music are called in and need to be addressed.

RECOMMENDED COUNCIL ACTION

Staff recommends approval of the attached resolution authorizing a road closure and food truck operations on Bald Eagle between 3rd and 4th Streets.

ATTACHMENTS

Resolution

RESOLUTION NO.

A RESOLUTION AUTHORIZING A ROAD CLOSURE AND FOOD TRUCK OPERATIONS ON BALD EAGLE BETWEEN 3RD AND 4TH STREETS

WHEREAS, in place of the fall festival, St. Mary of the Lake is hosting their 140th anniversary celebration of the parish; and

WHEREAS, the parish festival is scheduled from noon until 3:00 p.m. on Sunday, August 15, 2021, with 400 attendees expected, and outdoor music will be amplified; and

WHEREAS, to facilitate access and to allow for food trucks in attendance at the event, St. Mary's has asked for a temporary closure of Bald Eagle between 3rd and 4th Streets; and

WHEREAS, Public Safety and staff felt this request to be reasonable given the time and day of the week; 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 that a road closure of Bald Eagle between 3rd and 4th Streets be permitted on Sunday, August 15, 2021 to accommodate the parish festival as provided below; and

BE IT RESOLVED by the City Council of the City of White Bear Lake that permission is granted to allow permitted food truck operations on public property as follows:

Bald Eagle between 3rd and 4th Streets
White Bear Lake, MN 55110
Sunday, August 15, 2021
Event from noon – 3:00 p.m.

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

Ayes:
Nays:
Passed:

ATTEST:

Jo Emerson, Mayor

Kara Coustry, City Clerk



City of White Bear Lake
City Manager's Office

M E M O R A N D U M

To: Ellen Hiniker, City Manager

From: Kara Coustry, City Clerk

Date: April 6, 2021

Subject: **Proposed revisions to Article II of the Municipal Code**

BACKGROUND & SUMMARY

The City has undertaken a full review and update of its Municipal Code. The code attorney for Municode provided a first draft mark-up of the City's Municipal Code at the end of 2020 and staff has begun notating suggested content changes and in some cases, writing missing portions of code altogether for consistency. For example, both the Park and Planning Advisory Commission are designated, but there is no mention of an Environmental Advisory Commission.

Staff will continue to bring forward revisions to the code in sections for review. This will allow for public access throughout the process, as well as provide an opportunity for Council to weigh in along the way, rather than consider all revisions in their entirety at the end of this process. Acceptance of these revisions does not finalize review of this Article. Rather, formal adoption will be part of a public review and hearing process once all proposed revisions have been completed.

***NOTE: Review at this time is for content only.** Municode will fix all numbering / lettering, punctuation and standardize capitalization of certain terms throughout the document.*

For Discussion: Administrative Offense Ordinance

There is a notable content change in Section 205 of this Article. In 2019, the Charter Commission recommended an amendment to the City Charter to allow for the assessment of unpaid administrative fines. The City Council approved this amendment. There are recommended edits attached in Article II which lay out the new procedures regarding administrative fines, including assessment of unpaid fines.

Attached please find Article II. Administration, of the City's Municipal Code. Changes in red represent modifications by the codification attorney, changes in blue represent changes requested by staff and the City Attorney, either to the original code, or the Municode attorney's suggested modifications.

ATTACHMENTS

Article II (revised) - Administration
Background on Administrative Offense Ordinance

~~THE~~ ARTICLE II. ADMINISTRATION

II. ~~MUNICIPAL~~ ADMINISTRATION

~~201.~~ ~~Data Privacy~~

~~201.010 DATA PRIVACY; DEFINITIONS.~~

The following definitions shall apply in the interpretation and enforcement of this chapter.

Subd. 1. ~~Applicant Seeking Employment. Every individual submitting an application for employment to perform services for compensation as directed by the employer.~~

Subd. 2. ~~Confidential Data on Individuals. Data which is not public but is (a) expressly made confidential by law as to the individual subject of that data; (b) collected by a civil or criminal investigation undertaken for the purpose of the commencement of a legal action, provided that the burden of proof as to whether such investigation is active or in anticipation of a legal action is upon the agency; (c) data which supplies the basis for the diagnosis of the medical or psychiatric condition of an individual as determined by a licensed physician.~~

Subd. 3. ~~Data on Individuals. All records, files and processes which contain any data in which an individual is or can be identified and which is kept on a permanent or temporary basis. It includes that which is collected, stored and disseminated by manual, mechanical, electronic or any other means. Data on individuals includes data classified as public, private or confidential.~~

Subd. 4. ~~Employer. The city of White Bear Lake, Minnesota.~~

Subd. 5. ~~Individual. A natural person. In the case of a minor individual under the age of 18, "individual" shall mean a parent or guardian acting in a representative capacity, except where such minor individual indicates otherwise.~~

Subd. 6. ~~Records Repository. Every agency retaining and storing data on individuals as "responsible authority" as defined in Minnesota Statutes, Section 15.162, Subdivision 6 and Title 28 of the Code of Federal Regulations.~~

~~(Code 1984, § 201.010; Ref. Ord. No. 629, 4/10/79)~~

¹ I recommend that all employee related provisions be removed from the code and placed in a separate employee policy manual.

~~§201.020 DATA PRIVACY; INVESTIGATION OF DATA.~~

~~Every individual hereinafter seeking employment by submitting an application for employment to the city of White Bear Lake, Minnesota, will be subject to investigation by the employer of data collected and stored in a legally established records repository. All data on individuals defined as confidential or private, collected to determine suitability for employment, will be retained by the employer and disseminated only as provided by the Minnesota Government Data Practices Act.~~

~~(Code 1984, § 201.020; Ref. Ord. No. 629, 4/10/79)~~

~~§201.030 DATA PRIVACY; PENAL PROVISION.~~

~~Any individual who willfully violates the provisions governing collection, storing and dissemination of data on individuals as defined in Minnesota Statutes, Section 15.167 is guilty of a misdemeanor. Willful violation of Minnesota Statutes, Sections 15.1611 to 15.1698 by any public employee constitutes just cause for suspension without pay, or dismissal of the public employee.~~

~~(Code 1984, § 201.030; Ref. Ord. No. 629, 4/10/79)~~

202. Elections

§202.010 ~~ELECTIONS~~; REGISTRATION SYSTEM ADOPTED BY REFERENCE.

The system for the permanent registration of voters provided for by ~~MCL ch.~~ [Minnesota Statutes, Chapter 201](#) is hereby adopted. No person shall be permitted to vote at any election held in the city unless he shall have registered as provided in said chapter.

(Ref. §203.010, Code 1966; Code 1984, § 202.010)

²§202.020 ~~ELECTIONS~~; PRIMARY ELECTIONS.

There is hereby established in the city a primary election pursuant to ~~MCL ch.~~ [Minnesota Statutes, Chapter 205](#). The primary election shall be held ~~14 days before the regular city election on the second Tuesday of August when a seat is contested.~~

(Ref. §203.020, Code 1966; Code 1984, § 202.020)

§202.030 ~~PRIMARY~~ ELECTIONS; AFFIDAVIT OF CANDIDACY.

Any person desiring to have ~~his~~ ~~their~~ name placed on the primary election ballot as a candidate for office shall file ~~his~~ ~~their~~ affidavit of candidacy not more than six nor less than four weeks before the primary election, and the affidavit shall be accompanied by a filing fee of five \$5.00. ~~Upon receipt,~~ ~~the~~ city clerk shall ~~forward all affidavit of candidacy filings to Ramsey County Elections for placement on thereupon place the name of such candidate upon~~ the primary election ballot without partisan designation.

(Ref. §203.030, Code 1966; Code 1984, § 202.030)

§202.040 ~~PRIMARY~~ ELECTIONS; CONDUCT OF ELECTION.

² The charter provides for a primary on the second Tuesday of August where a seat is contested. M.S.A. § 205.065 provides for the primary to be held on the second Tuesday in August.

The city primary election shall be conducted and the returns made in the manner provided for the state primary election so far as practicable. The city council shall canvass the returns of the primary election and the two candidates for each office who receive the highest number of votes, or a number of candidates equal to twice the number of persons to be elected to the office who receive the highest number of votes, shall be the nominees for the office named. Their names shall be certified to the city clerk who shall ~~place them~~ [relay them to Ramsey County Elections for placement](#) on the regular municipal election ballot without partisan designation and without payment of an additional fee.
(Ref. §203.040, Code 1966; Code 1984, § 202.040)

§202.050 [PRIMARY ELECTIONS; FILLING OF VACANCIES.](#)

When a vacancy occurs in a nomination made at a City primary election, the vacancy shall be filled in the manner provided for filling vacancies after the state primary election.
(Ref. §203.050, Code 1966; Code 1984, § 202.050)

[§202.060 GENERAL ELECTIONS](#)

[The city's general elections are held on the first Tuesday after the first Monday in November of odd-numbered years and are conducted in accordance with the general laws of the state of Minnesota and Chapter II of the White Bear Lake City Charter.](#)

~~§203.~~ [Retirement of Employees](#)

~~§203.010 RETIREMENT OF EMPLOYEES; SCOPE.~~

~~This chapter shall apply to full-time employees of the city or any of its departments or agencies.
(Ref. §204.010, Code 1966; Code 1984, § 203.010)~~

~~§203.020 RETIREMENT OF EMPLOYEES; RETIREMENT AGE.~~

~~Except as otherwise provided by law, it is compulsory that employees subject to this chapter shall be retired when they attain the age of seventy (70); provided, however, that upon reaching the age of seventy (70), any such employee can apply for continuous employment by making an application to the city council and submitting to the city council a satisfactory report of physical fitness by a physician approved or designated by the city Manager. The report shall show the physical and mental ability of the employee to perform the duties of his position. The application shall show the financial condition present and expected of such employee and shall contain any other information necessary or required by the city council or the employee going to the merits of the matter.
(Ref. §204.020, Code 1966; Code 1984, § 203.020)~~

~~§203.030 RETIREMENT OF EMPLOYEES; CONTINUED EMPLOYMENT.~~

³ I recommend that personnel provisions be omitted from the code and grouped in a separate employee policy manual.

In the event the city council determines that the employee shall be allowed to continue his employment, the city council shall include in its decision the number of days, months or years such employee shall be allowed to continue his employment; provided, however, that such period shall not exceed two years.

(Ref. §204.030, Code 1966; Code 1984, § 203.030)

~~§203.040 RETIREMENT OF EMPLOYEES; EXPIRATION OF CONTINUED EMPLOYMENT.~~

Upon the expiration of any time limit set by the city council for any such employee who is allowed to continue employment after the age of seventy (70), such employee may make application again to the city council in the same manner as provided in Section 203.030.

(Ref. §204.040, Code 1966; Code 1984, § 203.040)

~~§203.050 RETIREMENT OF EMPLOYEES; EMPLOYMENT OF PERSONS OVER SEVENTY.~~

In the event the city desires to employ any person over the age of seventy (70), such proposed employee shall make application to the city council as provided in section 203.030.

(Ref. §204.050, Code 1966; Code 1984, § 203.050)

204. Compensation

§204.010 COMPENSATION; MAYOR AND COUNCIL.

The salary of the mayor ~~is hereby fixed at \$800.00 per month~~ and the salary of each member of the city council ~~is hereby fixed at \$625.00 per month. Such salaries shall be in effect from and after January 1, 2016. shall be reviewed by the city council during the first quarter of every odd-numbered year. Any adjustments to compensation shall be made by ordinance and shall become effective January 1st of the following year.~~

(Code 1984, § 204.010; Ref. Ord. No. 597, 2/28/77; Ord. No. 686, 2/12/85, 755, 12/8/87; 939, 1/14/97; Ord. No. 1098, 4/28/15)

§205 ADMINISTRATIVE OFFENSES.

205.10 PURPOSE.

Administrative offense procedures established pursuant to this chapter are intended to provide the public and the city with an informal, cost effective, and expeditious alternative to traditional criminal charges for violations of ordinance provisions. Section 8.05 of the White Bear Lake City Charter specifically authorizes the imposition of an administrative penalty for any violation of the Code. ~~The procedures are intended to be voluntary on the part of those who have been charged with administrative offenses. At any time prior to the payment of the administrative penalty as is provided for hereafter, the individual may withdraw from participation in the procedures in which event the city may bring criminal charges in accordance with the law. Likewise, †The city, in its discretion, may choose not to initiate an administrative offense and may bring criminal charges~~ or seek any other remedy available to the City under law in the first instance. In the event a party issued a notice of violation does not pay the applicable monetary penalty, the City will seek to collect costs of the administrative offense procedures by special assessment as authorized by Section 8.11

~~of the White Bear Lake City Charter or any other method available under law. participates in the administrative offense procedures but does not pay the monetary penalty which may be imposed, the city will seek to collect costs of the administrative offense procedures as part of a subsequent criminal sentence in the event the party is charged and is adjudicated guilty of the criminal violation.~~

(Code 1984, § 205.010)

205.020 ADMINISTRATIVE OFFENSE DEFINED.

An administrative offense is a violation of a provision of this code and is subject to the administrative penalties set forth in the schedule of offenses and penalties referred to in Section 205.090. An administrative offense may be subject to a civil penalty not to exceed the maximum penalty for a misdemeanor violation under state law. Alcohol and tobacco license violations are not subject to administrative citation under this chapter, but are subject to civil penalties as established by the city council.

(Code 1984, § 205.020)

205.030 NOTICE.

Any officer of the city police department, or any other person employed by the city, authorized in writing by the city manager, and having authority to enforce this code, shall, upon determining that there has been a violation, notify the violator, or in the case of a vehicular violation, attach to the vehicle a notice of the violation. The notice shall set forth the nature, date and time of the violation, the name of the official issuing the notice, and the amount of the scheduled penalty.

(Code 1984, § 205.030)

205.040 PAYMENT.

Once such notice is given, the alleged violator may, within seven (7) days of the time of issuance of the notice, pay the amount set forth on the schedule of penalties for the violation, or may request a hearing in writing, as is provided for hereafter. The penalty may be paid in person or by mail, and payment shall be deemed to be an admission of the violation.

(Code 1984, § 205.040)

205.050 HEARING.

Any person contesting an administrative offense pursuant to this chapter may, within (7) seven days of the time of issuance of the notice of violation, request a hearing by a hearing officer who shall forthwith conduct an informal hearing to determine if a violation has occurred. The City shall mail notice of the hearing to the violator at least ten (10) days before the date of the hearing. The notice shall identify the date, time and place of the hearing, the name of the hearing officer, and the violation to which it relates. A request to reschedule the hearing must be made to the City at least five (5) days prior to the scheduled hearing date. The City may reschedule the hearing at the request of the violator or the city staff member only for good cause shown and for no more than ten (10) days from the originally assigned date. Failure to attend the hearing constitutes a waiver of the violator's rights to an administrative hearing and constitutes an admission of the violation. The hearing shall be recorded and the hearing officer shall allow the parties to provide testimony

~~and exhibits.~~ The hearing officer shall ~~have issue a written decision and has the~~ authority to dismiss the violation, ~~or~~ reduce or waive the penalty ~~or sustain the violation.~~ ~~A copy of the written decision shall be provided to the violator and shall constitute a final decision of the City on the matter, subject to judicial review as provided by law.~~ If the violation is sustained ~~by the hearing officer,~~ the violator shall pay the penalty imposed within thirty (30) days of the date of the hearing officer's decision.

(Code 1984, § 205.050)

205.060 HEARING OFFICER.

~~A city employee designated in writing by the city Manager shall be the hearing officer for all administrative offenses except speeding. For speeding offenses,~~ ~~the hearing officer who conducts the hearing on an administrative offense~~ shall be an impartial, qualified individual appointed by the city council who has experience in ~~law,~~ ~~or~~ ~~and~~ court proceedings. The hearing officer is authorized to hear and determine any controversy relating to administrative offenses provided for in this chapter.

(Code 1984, § 205.060; Ref. Ord. 962, 8/11/98)

205.070 FAILURE TO PAY.

In the event a party is charged with an administrative offense fails to pay the civil penalty, ~~a misdemeanor or petty misdemeanor charge may be brought against the alleged violator in accordance with applicable statutes. If the penalty is paid or if an individual is found to not have committed the administrative offense by the hearing officer, no such charge may be brought by the city for the same violation and all applicable charges and late fees within the allotted time, the City may specially assess the unpaid amount on the property to which the violation relates or, if the violation does not relate to a specific property, on any property owned by the violator within the City. The City shall provide the violator, and, if different, the property owner listed on the official tax records, at least thirty (30) days written notice of its intent to specially assess the unpaid amount and provide an opportunity to be heard before the City Council regarding the assessment. If the unpaid amount is not paid in full within thirty (30) days of the City Council acting to approve the assessment, the unpaid amount shall be certified to the county for collection on the taxes of the identified property. Nothing in this chapter precludes the City from pursuing any other method available to it under law to collect the unpaid amount including, but not limited to, placing a lien on the property under Minnesota Statutes, Section 514.67.~~

(Code 1984, § 205.070)

205.080 DISPOSITION OF PENALTIES.

All penalties collected pursuant to this chapter shall be paid to the city's ~~finance director~~ and may be deposited in the city's general fund.

(Code 1984, § 205.080)

205.090 OFFENSES AND PENALTIES.

~~Offenses which~~ Any violation of this code may be charged as administrative offenses and the penalties for such offenses shall be set by the City Council ~~may be established by resolution of the city council from time to time in the fee schedule and available in the City Manager's office.~~ ~~Copies of such resolutions shall be maintained in the office of the city~~

~~manager.~~

(Code 1984, § 205.090)

205.100 SUBSEQUENT OFFENSES.

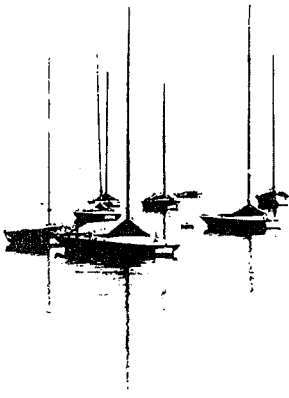
In the event a party is charged with a subsequent administrative offense (except speeding) within a 12 month period of paying an administrative penalty for the same or substantially similar offense, the subsequent administrative penalty shall be increased by 25 percent above the previous penalty except as otherwise provided ~~by resolution in the schedule of administrative offenses in the fee schedule.~~

(Code 1984, § 205.100; Ref. Ord. 929, 2/13/96)

205.110 COMPLIANCE WITH MINNESOTA STATUTES.

All administrative citations for traffic offenses shall be issued in compliance with ~~M.S.A. §~~ Minnesota Statutes, Section 169.999.

(Code 1984, § 205.110; Ref. Ord. No. 1066; 1/12/10).



City of White Bear Lake

4701 Highway 61 • White Bear Lake, Minnesota 55110
Phone (651) 429-8526 • Fax (651) 429-8500
www.whitebearlake.org

November 27, 2019

Honorable Mayor and City Council
City of White Bear Lake
4701 Highway 61
White Bear Lake, MN 55110

Dear Mayor Emerson and City Council Members:

At its regular annual meeting of September 11, 2019, the White Bear Lake Charter Commission considered a City staff recommendation proposing a City Charter Amendment to allow special assessment of unpaid administrative fines against the related subject property.

For context, lower level municipal code violations may be enforced by issuing an administrative citation rather than citation heard in District Court. This less formal process allows alleged violators to correct conditions in response to the violation or offer an explanation or objection to an independent third party Hearing Officer appointed by the City Council.

While most individuals take action to resolve the alleged violation when notified, approximately 1-2% ignore the correction order, which is then forwarded to the District Court. This is an expensive action, which is not often enforced by District Court Judges. This proposed Charter Amendment would allow the City Council, following findings by the Hearing Officer, to levy unpaid fines against the subject's property.

At its meeting on November 13, 2019, following review and discussion, the Charter Commission voted unanimously to adopt Resolution 19-01 proposing an amendment of Section 8.05 and addition of Section 8.11 of the City Charter pertaining to administrative penalties and the collection of fees and penalties.

In closing, the Charter Commission requests City Council consideration of the proposed Charter amendment to Section 8.05 and addition of Section 8.11 and request that it direct preparation of an ordinance perfecting the amendment pursuant to State Statutes, following public hearing and opportunity for reverse referendum action by citizens.

Respectfully,

Timothy Geck, Chair
White Bear Lake Charter Commission



City of White Bear Lake City Manager's Office

To: Members of the Charter Commission

From: Rick Juba, Asst. City Manager, on behalf of Code Enforcement Review Committee

Date: August 21, 2019
Revised October 14, 2019

Subject: **Assessment of Administrative Fines**

This memorandum has been revised in response to the discussion at the September 11, 2019 Charter Commission meeting. Please note that the City already performs code enforcement and has the ability to issue administrative fines. The requested amendment to the charter is not to change the present authority by the city to impose and to enforce the correction of current code violations but it provides an additional compliance remedy allowing the city to assess the related property for the collection of related fines and penalties. This process would keep those in violation out of a criminal process, speed up proceedings and ultimately result in compliance rather than jail time or fines.

The City of White Bear Lake performs both proactive and complaint based enforcement of City Codes on residential and commercial properties throughout the City. Common code compliance issues include long grass, junk vehicles, exterior storage, and unmaintained conditions (paint peeling, missing shingles, etc.) The City Code containing these rules was developed to protect property values, protect the environment, and provide a baseline of standards that residents can expect their neighbors to live by and the City to uphold. **When averaged over a three-year period, the City responded to 210 citizen complaints and proactively pursued 500 nuisance code violations each year.** It should be noted that the number of nuisance complaints received each year continues to grow, similar to upward trending calls for service in the Police and Fire Departments.

Violation totals from January 2016 - August 15, 2019

- Ward 1: 678
- Ward 2: 641
- Ward 3: 488
- Ward 4: 396
- Ward 5: 572

2,775 (since Jan. 2016)

More than twice as many violations are identified through proactive enforcement, with the others being complaint-based. Once a city code violation is confirmed, City staff sends the property owner a letter explaining the violation and required corrective action. On most occasions, the property owner takes timely, corrective action, or works with staff to correct the violation within a mutually agreed upon

period. Deadlines are regularly extended for property owners who do not have the means to comply or have a special circumstance.

However, for some, gaining compliance can take several weeks, which frustrates neighbors and consumes excessive staff time. In the past, when a stalemate had been reached with a property owner, the property owner was issued a Ramsey County citation, a misdemeanor, which required an appearance in court. If the person did not appear in court, a bench warrant would be issued. In recent years, however, district court judges have not had the necessary resources to deal with these lower profile cases. Consequently, judges typically extend, dismiss or issue a small fine, all of which do not typically result in compliance. Warrants are no longer issued for these types of offenses.

The City's municipal code currently provides staff the authority to issue administrative citations in place of County citations. Approval of the Building Official and the Patrol Captain is required before a nuisance violation citation can be issued. The City has an established administrative hearing process to provide property owners an opportunity to appeal their citation to a neutral, third-party administrative judge appointed by the City Council. An appeal must be filed within seven (7) days of receiving the citation, a hearing would then be scheduled within seven (7) days of the appeal. The administrative hearing judge has the authority to sustain the appeal or dismiss, reduce or waive the penalty. If sustained, the penalty must be paid within seven (7) days of the ruling.

Currently, if the ticket is upheld by the administrative judge and still is not paid, it becomes a County citation. However, as described, the County citations are no longer effective. Subsequently, code enforcement staff does not have an effective enforcement tool to gain compliance in difficult situations. In order to provide an effective code enforcement tool, the Code Enforcement Review Committee is requesting the Charter Commission to consider a charter amendment that would provide the City Council the authority to develop an assessment procedure for administrative code enforcement fines through the adoption of an ordinance.

There is an appeal process in place for property owners with unpaid utility bills before assessing them to their property taxes, which provides property owners an opportunity to appeal their case to the City Council. The same process would be in place for consideration of assessing administrative penalties. Notice of a public hearing in front of the City Council would be sent out each September to property owners with unpaid administrative fines. Affected property owners would then have an opportunity to appeal to the City Council at the hearing. If the City Council upheld the assessment, that property owner could file a dispute to the City Council in writing, then follow that with an appeal in district court.

The authority to assess fines for code violations, however, is unique to Charter cities. If the charter were amended to provide the City Council authority to adopt an ordinance, there could be a process whereby unpaid code enforcement citations are assessed in the same fashion as unpaid utility fees. This would be a compliance tool, not a revenue generator. On average, administrative citations, including parking and speeding, only generate about \$1,000 in revenue.

The Cities of Minnetonka, Crystal and Coon Rapids are the only other cities found to have adopted an authorizing charter amendment. Staff is aware of at least one other community in the greater metro area that assesses unpaid fines for code violations to property taxes, but has not adopted corresponding authorizing language. Instead, it references the Chapter 429 process, which is state authorizing language related to municipal infrastructure assessments. The language used by Coon Rapids is broad and does

not specifically address administrative or civil penalties. Staff would advise that the City clarify its authority to assess code enforcement fines through a Charter amendment, as was done in Minnetonka and Crystal. Below is the language adopted by all three cities:

Minnetonka Charter Language:

Section 8.03. Fees and Civil Penalties.

The council may provide by ordinance that fees, civil penalties, and late payment penalties imposed by the city may be assessed against (a) property that was the subject matter, or related to the subject matter, of the fees and penalties, or (b) property that was the location of an activity, proposed use, city service, or other circumstance that resulted in the fees and penalties. The ordinance must require the city to attempt to obtain voluntary payment of the fees and penalties before imposing the assessments. The ordinance must require the city to give notice and an opportunity to be heard to the property owner listed on the official tax records before imposing the assessments. The assessments will be collected like special assessments.

Crystal Charter Language:

Section 12.09. Fines and Penalties. Subd. 2.

The city council may provide by ordinance that unpaid administrative penalties be collected as a special assessment against property which was the subject matter, or related to the subject matter, of the penalty or against the property which was the location of an activity, proposed use, delivery of city service, or other circumstances that resulted in the penalty. The ordinance must provide that the city will first attempt to obtain voluntary payment of the penalty. The ordinance must also provide that notice and an opportunity to be heard will be given to the property owner listed on the official tax records before the penalty is assessed. (Added, Ord. No. 2002-07, August 5, 2002)

Coon Rapids Charter Language:

1-802 - Assessments for Services.

The Council may provide, by ordinance, that the costs of any special services to public or private property may be assessed against the property benefited and collected in like manner as are special assessments.

A draft ordinance is attached for review and consideration by the Charter Commission. In addition to the draft language enabling the assessment of fines, language has been proposed to clarify the City's authority to issue administrative penalties. While opinions do differ on the need for this clarifying language, the City Attorney advised that this would be an ideal opportunity to consider adding it.

ATTACHMENTS: Examples of three properties with long-standing issues
Proposed Charter Amendment

**MINUTES OF THE
WHITE BEAR LAKE CHARTER COMMISSION
NOVEMBER 13, 2019**

1. CALL TO ORDER AND ROLL CALL

A meeting of the White Bear Lake Charter Commission was called to order by Chairman Tim Geck at 7:00 p.m. in the second floor conference room at City Hall. The following members were present: Marc Aune, James Patrick Barone, James Berry, Scott Bill, Scott Costello, Tim Geck, Karen Hogen, Dan Louismet, Mark Sather, and Ray Smith. Members Dale Grambush and Robert Hafdahl were excused pursuant to bylaws. A quorum was declared.

Also present was Assistant City Manager, Rick Juba

2. APPROVAL OF THE MINUTES

It was moved by **Member Barone**, seconded by **Member Louismet**, to approve the minutes of the meeting held September 11, 2019 as presented.

The motion carried unanimously.

3. APPROVAL OF THE AGENDA

It was moved by **Member Berry**, seconded by **Member Smith** to approve the agenda as presented.

The motion carried unanimously.

4. OLD BUSINESS

- A. Proposed Amendment of Section 8.05 and addition of section 8.11 of the City Charter pertaining to administrative penalties and the collection of fines and penalties

Chair Geck initiated discussion by explaining this proposal was presented at the request of the City at the Charter Commission meeting of September 11, 2019. Following discussion at that time the matter was continued to this date with the request that the City provide additional information regarding whether other home rule cities in Minnesota had similar provisions in their charter and for additional examples of code enforcement cases where the proposed amendment would apply. He called upon Assistant City Manager, Rick Juba, to respond to the Commission's requests.

Mr. Juba replied that for approximately the past 15 years the City has conducted code enforcement through both criminal and administrative procedures. In the case of minor code violations, individuals deemed responsible for the violation were provided correction notices and a period of time to correct the condition or behavior.

If correction is not achieved, a second notice is typically given if the condition allows. Subsequent failure to comply resulted in issuance of an administrative citation which carries a fine established by ordinance. Violations considered more serious resulted in a District Court violation. He explained that most violations are corrected following the first or second notice and they typically involve long grass or weeds, junk automobiles, outdoor storage and accumulation of materials in violation of the Municipal Code, unmaintained structures and animal waste. Compliance prior to issuance of a citation avoids a fine. Failure to comply results in issuance of either an administrative or District Court violation.

Administrative violations may be resolved by correction and compliance as well as payment of the assigned fine. The alleged violator may also appeal the finding and citation to an independent hearing officer appointed by the City Council. The hearing officer may sustain, adjust or dismiss the fine. If the alleged violator fails to pay or appeal the fine, a District Court citation may be issued by the City and the alleged violator may pay the District Court fine or appeal to the court.

Administrative citations ignored by the alleged violator but issued for violations not usually considered serious by District Court Judges (i.e. barking dogs, junk accumulation, unmaintained property, junk cars, illegal home occupations, etc.) are the intended subject of the proposed amendment. If approved, fines for unpaid administrative citations may be assessed to the subject property.

Mr. Juba further explained that the number of nuisance code violations for January 2016 through August 2019 was almost 2,800. Over 96 percent of violations are corrected within the allowed time. He also explained that those not corrected often are the cause of considerable concern from area residents and property owners. The proposed amendment is expected to allow the City to achieve compliance without resorting to the lengthy and costly District Court option. It will allow the City Council to assess the administrative fine to the property similar to unpaid utility charges or safety and sanitation abatement costs.

Member Costello pointed out that the proposed amendment is similar to a Charter provision in the City of Crystal, MN which has been in place for more than 15 years and is apparently working. Member Louismet questioned whether the City of Crystal provision was considered successful. Mr. Juba stated the City reported it was satisfied with application of the assessment authority but he was unaware if the measurement was fine receipt or compliance.

Following considerable discussion of examples of cases where administrative citations had allowed the City to achieve compliance with the Municipal Code and example of appeals to the hearing officer that resulted in positive solutions it was moved by **Member Barone**, seconded by **Member Berry** to adopt **Resolution No. 19-01** proposing an amendment to Section 8.05 and additional of Section 8.11 of the City Charter pertaining to administrative penalties and the collection of fees and penalties.

Member Costello stated this proposed action is the first step toward a charter amendment. The proposed must be forwarded to the City Council, be heard in a public hearing, receive a unanimous vote of the City Council, and is subject to a 60-day remonstrance period during which a petition could be submitted requiring the question to be brought before the voters in a referendum.

In response to a question from Member Louismet, Chair Geck and Mr. Juba described the appeal procedure afforded to an individual receiving an administrative citation including a hearing before the Council appointed Hearing Officer and a District Court Judge on the subject of the alleged violations and subject fine as well as an appeal of an assessment to District Court.

Members Aune, Hogen and Smith spoke in favor of the motion stating that based on examples presented, it appears that failure to comply and pay the fine appears to be based more on willingness than means.

There being no further discussion, the Chair called for the vote and the motion passed unanimously.

5. NEW BUSINESS

Nothing scheduled.

6. OPEN DISCUSSION

No further discussion.

7. ADJOURNMENT

There being no further business to come before the Commission, it was moved by **Member Aune**, seconded by **Member Hogen**, to adjourn the meeting at 7:40 p.m.

The motion carried unanimously.

Tim Geck, Chair

ATTEST:

Mark Sather, Secretary

RESOLUTION NO. 19-01

A RESOLUTION OF THE WHITE BEAR LAKE CHARTER COMMISSION PROPOSING AN AMENDMENT OF SECTION 8.05 AND ADDITION OF SECTION 8.11 OF THE CITY CHARTER PERTAINING TO ADMINISTRATIVE PENALTIES AND THE COLLECTION OF FEES AND PENALTIES

WHEREAS, City of White Bear Lake staff requested that the City Charter be reviewed by the Charter Commission with regard to administrative penalties and the collection of fees and penalties; and

WHEREAS, the Commission has reviewed modifications to Section 8.05 regarding punishment for offenses and the addition of Section 8.11 regarding fees and penalties; and

WHEREAS, the Commission has concluded that in order to provide for effective code enforcement the City of White Bear Lake requires the authority to assess unpaid fines for code violations to the property.

NOW, THEREFORE, BE IT RESOLVED by the Charter Commission of the City of White Bear Lake that the following amendment to Section 8.05 and addition of Section 8.11 of the City Charter is hereby proposed to the City Council for enactment pursuant to Minnesota Statutes Section 410.12, Subd. 7.

Sect. 8.05. Punishment for Offense. Every act or omission to act under this Charter or the ordinances and regulations of the City which is made subject to punishment shall be, if the punishment is not otherwise prescribed, punishable as a misdemeanor. The Council may establish by ordinance a procedure for imposing an administrative penalty for any violation of the City code or a City ordinance. The procedure must provide that any person charged with an administrative penalty will receive notice of the violation and an opportunity to be heard by a neutral party. The procedure may authorize the City to use the services of a non-City employee to decide whether an administrative penalty should be imposed.

Sect. 8.11. Fees and Penalties. The Council may provide by ordinance that unpaid fees, charges, administrative penalties, and late payment penalties imposed by the City may be imposed and collected as a special assessment against property that was the subject matter, or related to the subject matter, of the fee, charge, or penalty, or against the property that was

the location of an activity, proposed use, delivery of City service, or other circumstances that resulted in the fee, charge, or penalty. The ordinance must provide that the City will first attempt to obtain voluntary payment of the fee, charge, or penalty. The ordinance must also provide that notice and an opportunity to be heard will be given to the property owner listed on the official tax records before the penalty is assessed.

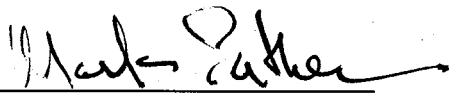
The foregoing resolution, offered by Commission member Barone and supported by Commission member Berry, was declared carried on the following vote:

Ayes: 10
Absent: 0
Nays: 0
Passed: unanimously



Tim Geck, Chair

ATTEST:



Mark Sather, Secretary

FYI

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

Dear Tree City USA Supporter,

On behalf of the Arbor Day Foundation, I write to congratulate White Bear Lake on earning recognition as a 2020 Tree City USA. Residents of White Bear Lake should be proud to live in a community that makes the planting and care of trees a priority.

White Bear Lake is one of more than 3,600 Tree City USA communities, with a combined population of 155 million. The Tree City USA program is sponsored by the Arbor Day Foundation in partnership with the U.S. Forest Service and the National Association of State Foresters.

If ever there was a time for trees, now is that time. Communities worldwide are facing issues with air quality, water resources, personal health and well-being, and energy use. White Bear Lake is stepping up to do its part. As a result of your commitment to effective urban forest management, you are helping to provide a solution to these challenges.

We hope you are excited to share this accomplishment. Enclosed in this packet is a press release for your convenience as you prepare to contact local media and the public.

State foresters coordinate the presentation of the Tree City USA recognition materials. We will forward information about your awards to your state forester's office to facilitate presentation. It would be especially appropriate to make the Tree City USA award a part of your community's Arbor Day ceremony.

Again, we celebrate your commitment to the people and trees of White Bear Lake and thank you for helping to create a healthier planet for all of us.

Best Regards,



Dan Lambe
President

cc: Andy Wieteki

enclosure

FOR IMMEDIATE RELEASE:

Arbor Day Foundation Names White Bear Lake Tree City USA®

Lincoln, Neb. (March 11, 2021) White Bear Lake, Minnesota, was named a 2020 Tree City USA® by the Arbor Day Foundation in honor of its commitment to effective urban forest management.

White Bear Lake achieved Tree City USA recognition by meeting the program's four requirements: a tree board or department, a tree care ordinance, an annual community forestry budget of at least \$2 per capita and an Arbor Day observance and proclamation.

"Tree City USA communities see the impact an urban forest has in a community first hand," said Dan Lambe, president of the Arbor Day Foundation. "The trees being planted and cared for by White Bear Lake are ensuring that generations to come will enjoy to a better quality of life. Additionally, participation in this program brings residents together and creates a sense of civic pride, whether it's through volunteer engagement or public education."

If ever there was a time for trees, now is that time. Communities worldwide are facing issues with air quality, water resources, personal health and well-being, energy use, and protection from extreme heat and flooding. The Arbor Day Foundation recently launched the *Time for Trees* initiative to address these issues, with unprecedented goals of planting 100 million trees in forests and communities and inspiring 5 million tree planters by 2022. With Tree City USA recognition, White Bear Lake has demonstrated a commitment to effective urban forest management and doing its part to help address these challenges for White Bear Lake residents now and in the future.

More information on the program is available at arborday.org/TreeCityUSA.

About the Arbor Day Foundation: The Arbor Day Foundation is a million member nonprofit conservation and education organization with the mission to inspire people to plant, nurture, and celebrate trees. More information is available at arborday.org.

SUMMARY OF PERMITS	MONTHLY			YEARLY		
	THIS MONTH	LAST YEAR THIS MONTH	CHANGE IN NUMBERS	THIS YEAR TO DATE	LAST YEAR TO DATE	CHANGE IN NUMBERS

**MARCH 2021
MAHTOMEDI**

PERMIT TOTALS:

Comm./Ind. (New)	0	0	0	0	0	0
Comm./Ind. (Alt)	0	0	0	0	3	-3
S.F. Dwelling (New)	0	0	0	0	3	-3
S.F. Dwelling (Alt)	20	22	-2	51	43	8
Garage Only	0	1	-1	1	2	-1
Other Building Permits	3	0	3	4	1	3
Demolition	0	0	0	0	0	0
Electrical (Quarterly)	41	60	-19	41	60	-19
All Other Permit Types	23	26	-3	74	87	-13
ALL PERMIT TYPE TOTALS:	87	109	-22	171	199	-28

PERMIT VALUATION:

Comm./Ind. (New)	\$0	\$0	\$0	\$0	\$0	\$0
Comm./Ind. (Alt)	\$0	\$0	\$0	\$0	\$775,000	-\$775,000
S.F. Dwelling (New)	\$0	\$0	\$0	\$0	\$2,360,000	-\$2,360,000
S.F. Dwelling (Alt)	\$338,190	\$451,653	-\$113,463	\$891,574	\$1,361,678	-\$470,104
Garage Only	\$0	\$1,000	-\$1,000	\$1,340	\$2,200	-\$860
Fire Suppression	\$0	\$1,300	-\$1,300	\$0	\$71,650	-\$71,650
Heating (HVAC)	\$124,122	\$142,105	-\$17,983	\$356,587	\$697,253	-\$340,666
Other Building Permits:	\$108,000	\$0	\$108,000	\$132,160	\$8,458	\$123,702
VALUATION TOTALS:	\$570,312	\$596,058	-\$25,746	\$1,381,661	\$5,276,239	-\$3,894,578

PERMIT FEES:

Comm./Ind. (New)	\$0	\$0	\$0	\$0	\$0	\$0
Comm./Ind. (Alt)	\$0	\$0	\$0	\$0	\$5,654	-\$5,654
S.F. Dwelling(New)	\$0	\$0	\$0	\$0	\$16,019	-\$16,019
S.F. Dwelling (Alt)	\$5,232	\$5,346	-\$114	\$13,518	\$14,907	-\$1,389
Garage Only	\$0	\$80	-\$80	\$80	\$160	-\$80
Other Building Permits	\$425	\$0	\$425	\$765	\$175	\$590
Demolition	\$0	\$0	\$0	\$0	\$0	\$0
Electrical (Quarterly)	\$5,541	\$5,690	-\$149	\$5,541	\$5,690	-\$149
All Other Permit Types	\$2,358	\$2,974	-\$616	\$7,582	\$15,707	-\$8,125
PERMIT FEE TOTALS:	\$13,556	\$14,090	-\$534	\$27,486	\$58,312	-\$30,826
PLAN FEES:	\$0	\$1,178	-\$1,178	\$1,670	\$16,014	-\$14,344
TOTAL PERMIT & PLAN FEES:	\$13,556	\$15,268	-\$1,712	\$29,157	\$74,326	-\$45,169

Park Fees	\$0	\$0	\$0	\$0	\$0	\$0
SAC Fees	\$0	\$0	\$0	\$0	\$7,455	-\$7,455

WHITE BEAR LAKE & MAHTOMEDI COMPARISON OF PERMITS FOR

MONTHLY COMPARISONS <i>MARCH 2021</i>	2021	2021	2021	2020	2020	2020	WBL	WBL	WBL & MA	WBL & MA	MA
	WBL	MA	WBL & MA	WBL	MA	WBL & MA	CHANGE IN	% CHANGE	CHANGE IN	% CHANGE	% OF TOTAL
	YTD	YTD	YTD	YTD	YTD	YTD	NUMBERS		NUMBERS		ACTIVITY

PERMIT TOTALS:

Comm./Ind. (New)	0	0	0	1	0	1	-1	-100%	-1	-100%	#DIV/0!
Comm./Ind. (Alt)	17	0	17	16	3	19	1	6%	-2	-11%	0%
S.F. Dwelling (New)	1	0	1	1	3	4	0	0%	-3	-75%	0%
S.F. Dwelling (Alt)	147	51	198	107	43	150	40	37%	48	32%	26%
Garage Only	2	1	3	1	2	3	1	100%	0	0%	33%
Other Building Permits	5	4	9	6	1	7	-1	-17%	2	29%	44%
Demolition	3	0	3	3	0	3	0	0%	0	0%	0%
Electrical	121	41	162	96	60	156	25	26%	6	4%	25%
All Other Permit Types	235	74	309	197	87	284	38	19%	25	9%	24%
ALL PERMIT TYPE TOTALS:	531	171	702	428	199	627	103	24%	75	12%	24%

PERMIT VALUATION:

Comm./Ind. (New)	\$0	\$0	\$0	\$8,600,000	\$0	\$8,600,000	-\$8,600,000	-100%	-\$8,600,000	-100%	#DIV/0!
Comm./Ind. (Alt)	\$4,242,960	\$0	\$4,242,960	\$2,849,848	\$775,000	\$3,624,848	\$1,393,112	49%	\$618,112	17%	0%
S.F. Dwelling (New)	\$1,500,000	\$0	\$1,500,000	\$2,673,363	\$2,360,000	\$5,033,363	-\$1,173,363	-44%	-\$3,533,363	-70%	0%
S.F. Dwelling (Alt)	\$2,687,172	\$891,574	\$3,578,746	\$1,492,923	\$1,361,678	\$2,854,601	\$1,194,249	80%	\$724,145	25%	25%
Garage Only	\$49,500	\$1,340	\$50,840	\$18,500	\$2,200	\$20,700	\$31,000	168%	\$30,140	146%	3%
Fire Suppression	\$216,209	\$0	\$216,209	\$419,377	\$71,650	\$491,027	-\$203,168	-48%	-\$274,818	-56%	0%
Heating (HVAC)	\$2,396,733	\$356,587	\$2,753,320	\$665,102	\$697,253	\$1,362,355	\$1,731,631	260%	\$1,390,965	102%	13%
Other Building Permits	\$43,550	\$132,160	\$175,710	\$76,637	\$8,458	\$85,095	-\$33,087	-43%	\$90,615	106%	75%
VALUATION TOTALS:	\$11,136,124	\$1,381,661	\$12,517,785	\$16,795,750	\$5,276,239	\$22,071,989	-\$5,659,626	-34%	-\$9,554,204	-43%	11%

PERMIT FEES:

Comm./Ind. (New)	\$0	\$0	\$0	\$46,312	\$0	\$46,312	-\$46,312	-100%	-\$46,312	-100%	#DIV/0!
Comm./Ind. (Alt)	\$23,390	\$0	\$23,390	\$21,798	\$5,654	\$27,452	\$1,592	7%	-\$4,062	-15%	0%
S.F. Dwelling(New)	\$8,672	\$0	\$8,672	\$6,412	\$16,019	\$22,431	\$2,260	35%	-\$13,759	-61%	0%
S.F. Dwelling (Alt)	\$36,140	\$13,518	\$49,658	\$35,406	\$14,908	\$50,314	\$734	2%	-\$656	-1%	27%
Garage Only	\$861	\$80	\$941	\$356	\$160	\$516	\$505	142%	\$425	82%	9%
Other Building Permits	\$1,109	\$765	\$1,874	\$1,641	\$175	\$1,816	-\$532	-32%	\$58	3%	41%
Demolition	\$13,800	\$0	\$13,800	\$485	\$0	\$485	\$13,315	2745%	\$13,315	2745%	0%
Electrical	\$11,579	\$5,541	\$17,120	\$8,754	\$5,690	\$14,444	\$2,825	32%	\$2,676	19%	32%
All Other Permit Types	\$41,237	\$7,582	\$48,819	\$22,531	\$15,707	\$38,238	\$18,706	83%	\$10,581	28%	16%
PERMIT FEE TOTALS:	\$136,788	\$27,486	\$164,274	\$143,695	\$58,313	\$202,008	-\$6,907	-5%	-\$37,734	-19%	17%
PLAN FEES:	\$25,246	\$1,670	\$26,916	\$44,911	\$16,014	\$60,925	-\$19,665	-44%	-\$34,009	-56%	6%
TOTAL PERMIT & PLAN FEES:	\$162,034	\$29,156	\$191,190	\$188,606	\$74,327	\$262,933	-\$26,572	-14%	-\$71,743	-27%	15%
Park Fees	\$0	\$0	\$0	\$1,200	\$0	\$1,200	-\$1,200	-100%	-\$1,200	-100%	#DIV/0!
SAC Fees	\$27,335	\$0	\$27,335	\$42,245	\$7,455	\$49,700	-\$14,910	-35%	-\$22,365	-45%	0%

SUMMARY OF PERMITS MARCH 2021 WHITE BEAR LAKE	MONTHLY			YEARLY		
	THIS MONTH	LAST YEAR THIS MONTH	CHANGE IN NUMBERS	THIS YEAR TO DATE	LAST YEAR TO DATE	CHANGE IN NUMBERS

PERMIT TOTALS:

Comm./Ind. (New)	0	0	0	0	1	-1
Comm./Ind. (Alt)	6	6	0	17	16	1
S.F. Dwelling (New)	0	0	0	1	1	0
S.F. Dwelling (Alt)	71	56	15	147	107	40
Garage Only	2	0	2	2	1	1
Other Building Permits	1	1	0	5	6	-1
Demolition	2	1	1	3	3	0
Electrical (Quarterly)	51	27	24	121	96	25
All Other Permit Types	103	51	52	235	197	38
ALL PERMIT TYPE TOTALS:	236	142	94	531	428	103

PERMIT VALUATION:

Comm./Ind. (New)	\$0	\$0	\$0	\$0	\$8,600,000	-\$8,600,000
Comm./Ind. (Alt)	\$54,100	\$126,500	-\$72,400	\$4,242,960	\$2,849,848	\$1,393,112
S.F. Dwelling (New)	\$0	\$0	\$0	\$1,500,000	\$700,000	\$800,000
S.F. Dwelling (Alt)	\$1,537,000	\$1,101,180	\$435,820	\$2,687,172	\$3,466,286	-\$779,114
Garage Only	\$49,500	\$0	\$49,500	\$49,500	\$18,500	\$31,000
Fire Suppression	\$71,681	\$1,850	\$69,831	\$216,209	\$419,377	-\$203,168
Heating (HVAC)	\$154,838	\$189,632	-\$34,794	\$2,396,733	\$665,102	\$1,731,631
Other Building Permits:	\$0	\$27,500	-\$27,500	\$43,550	\$76,637	-\$33,087
VALUATION TOTALS:	\$1,867,119	\$1,446,662	\$420,457	\$11,136,124	\$16,795,750	-\$5,659,626

PERMIT FEES:

Comm./Ind. (New)	\$0	\$0	\$0	\$0	\$46,312	-\$46,312
Comm./Ind. (Alt)	\$1,138	\$2,700	-\$1,562	\$23,390	\$21,798	\$1,592
S.F. Dwelling(New)	\$0	\$0	\$0	\$8,672	\$6,412	\$2,260
S.F. Dwelling (Alt)	\$18,625	\$13,827	\$4,798	\$36,140	\$35,406	\$734
Garage Only	\$861	\$0	\$861	\$861	\$356	\$505
Other Building Permits	\$90	\$488	-\$398	\$1,109	\$1,641	-\$532
Demolition	\$400	\$200	\$200	\$13,800	\$485	\$13,315
Electrical (Quarterly)	\$5,882	\$2,940	\$2,942	\$11,579	\$8,754	\$2,825
All Other Permit Types	\$9,969	\$6,037	\$3,932	\$41,237	\$22,531	\$18,706
PERMIT FEE TOTALS:	\$36,966	\$26,192	\$10,774	\$136,788	\$143,695	-\$6,907
PLAN FEES:	\$4,701	\$3,737	\$964	\$25,246	\$44,912	-\$19,666
TOTAL PERMIT & PLAN FEES:	\$41,667	\$29,929	\$11,738	\$162,034	\$188,607	-\$26,573

Park Fees	\$0	\$0	\$0	\$0	\$1,200	-\$1,200
SAC Fees	\$7,455	\$0	\$7,455	\$27,335	\$42,245	-\$14,910

CITY OF WHITE BEAR LAKE SUMMARY OF ZONING ACTIVITY

MARCH 2021

SIGN PERMITS	05
ZONING PERMITS	20
OTHER PERMITS	20
ZONING LETTERS ¹	01
ZONING CALLS ²	01
ADMINISTRATIVE VARIANCES	02
LAND USE CASES	03
MISCELLANEOUS INQUIRIES	97A
MEETINGS	21
SITE INSPECTIONS	02
ENFORCEMENT LETTERS	02
OTHER / MISC	00
<hr/>	
TOTAL	172

A. Inquiries may be slightly inflated due to helping out with answering the building line.

TOTAL YEAR TO DATE 2021

SIGN PERMITS	07
ZONING PERMITS	21
OTHER PERMITS	30
ZONING LETTERS ¹	03
ZONING CALLS ²	01
ADMINISTRATIVE VARIANCES	03
LAND USE CASES [*]	07
MISCELLANEOUS INQUIRIES	188
MEETINGS	50
SITE INSPECTIONS	05
ENFORCEMENT LETTERS	00
OTHER / MISC [^]	02
<hr/>	
TOTAL	317

1. A zoning letter indicates that a commercial property is being sold or refinanced.
2. A zoning call indicates that a residential property is being sold or refinanced.

* Tamble Variance, Ommen CUP & Variance, and North Campus CUP

^ --

MARCH 2020**CODE ENFORCEMENT**

Ward	1	2	3	4	5	Total
Refuse / Exterior Storage	4	5	4	3	6	22
Inoperable Vehicle(s)	0	1	1	1	1	4
Parking (including on grass)	1	4	2	1	0	8
Weeds	0	0	0	0	0	0
Miscellaneous	3	8	2	2	1	16
Structure Maintenance	3	0	0	0	0	3
Complaints	7	8	5	5	5	30
Proactive / City Initiated	4	10	4	2	3	23

Ward	1	2	3	4	5	Total
# of Cases Open	5	5	7	4	5	26
# of Cases Closed	6	13	2	3	3	27

Ward	1	2	3	4	5	Total
County Citations						0