



AGENDA
REGULAR MEETING OF THE CITY COUNCIL OF
THE CITY OF WHITE BEAR LAKE, MINNESOTA
TUESDAY, JULY 12, 2022
7:00 P.M. IN THE COUNCIL CHAMBERS

1. CALL TO ORDER AND ROLL CALL

PLEDGE OF ALLEGIANCE

2. APPROVAL OF MINUTES

- A. Minutes of the City Council Work Session on June 21, 2022
- B. Minutes of the Regular City Council Meeting on June 28, 2022
- C. Minutes of the City Council Work Session on June 28, 2022

3. ADOPT THE AGENDA *(No item of business shall be considered unless it appears on the agenda for the meeting. The Mayor or Councilmembers may add items to the agenda prior to adoption of the agenda.)*

4. CONSENT AGENDA *(Those items listed under Consent Agenda are considered routine by the City Council and will be acted upon by one motion under this agenda item. There will be no separate discussion of these items, unless the Mayor or a Councilmember so requests, in which event, the item will be removed from the consent agenda and considered under New Business.)*

- A. Acceptance of Minutes: April & May Environmental Advisory Commission, May White Bear Lake Conservation District, June Planning Commission, May Park Advisory Commission
- B. Resolution approving a request by Kris and Kasey Birch for four variances at 4324 Cottage Park Rd
- C. Resolution approving a request by Rollo Strand for a minor subdivision and variance at 1986 Webber St
- D. Resolution accepting bids and awarding a contract for the 2022 Crack Sealing Project 22-03
- E. Resolution accepting bids and awarding a contract for the 2022 Bituminous Seal Coating Project 22-02
- F. Resolution approving a tobacco license for MNJ Tobacco Inc at 4074 White Bear Ave.
- G. City Manager Performance Evaluation Summary

5. VISITORS AND PRESENTATIONS

- A. Quarterly Community Development Report

6. PUBLIC HEARINGS

- A. Vacation of a Portion of 5th Avenue

7. UNFINISHED BUSINESS

Nothing scheduled

8. NEW BUSINESS

Nothing scheduled

9. DISCUSSION

Nothing schedule

10. COMMUNICATIONS FROM THE CITY MANAGER

- A. 4th of July Fireworks Recap

11. ADJOURNMENT



**MINUTES
WORK SESSION OF THE CITY COUNCIL
OF THE CITY OF WHITE BEAR LAKE, MINNESOTA
TUESDAY, JUNE 21, 2022
6:00 PM IN THE 2ND FLOOR BOARD ROOM
CITY HALL**

Work Session Opened: 6:08 PM

In Attendance: Mayor Louismet, Councilmembers Walsh, Hughes, Jones, Edberg, and Engstran. City Manager, Crawford, Community Development Director, Lindahl and Housing and Economic Development Coordinator Shimek.

The Council and staff discussed the Housing Task Force Report (the Report) recommendations and role of the Housing and Redevelopment Authority (HRA). Discussion was had regarding the existing types of housing offered in the community and the need to create additional stock for improved life-cycle housing in city limits.

The Council agreed with staff's recommendation of delegating the following: prioritizing policies and programs and investing in housing to the HRA; guiding future development to the Planning Commission; determining development priorities (projects) to the City Council. A consensus was made that the City needed a more defined and transparent development review process which should include a concept / pre-application process.

Councilmember Engstran excused himself at 7:41 PM. The Council suggested prioritizing the policies and programs outlined in the Report at a future work session.

Work Session Adjourned: 8:38 PM



**MINUTES
REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF WHITE BEAR LAKE, MINNESOTA
TUESDAY, JUNE 28, 2022
7:00 P.M. IN THE COUNCIL CHAMBERS**

1. CALL TO ORDER AND ROLL CALL

Mayor Dan Louismet called the meeting to order at 7:00 p.m. The Assistant City Manager took attendance for Councilmembers Kevin Edberg, Steven Engstran, Heidi Hughes, Dan Jones and Bill Walsh. Staff in attendance were City Manager Lindy Crawford, Assistant City Manager Rick Juba, Public Works Director / City Engineer Paul Kauppi, and City Attorney Troy Gilchrist.

PLEDGE OF ALLEGIANCE

2. APPROVAL OF MINUTES

A. Minutes of the Regular City Council Meeting on June 14, 2022

It was moved by Councilmember **Walsh** seconded by Councilmember **Jones**, to approve the Minutes of the June 14, 2022 City Council meeting as presented. Motion carried unanimously.

B. Minutes of the City Council Work Session on June 14, 2022

It was moved by Councilmember **Hughes** seconded by Councilmember **Walsh**, to approve the Minutes of the June 14, 2022 City Council Work Session as presented. Motion carried unanimously.

3. APPROVAL OF THE AGENDA

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

4. CONSENT AGENDA

- A. Resolution renewing a Lease Addendum for the White Bear Lake Area School district at the Sports Center
- B. Resolution extending a Lease Agreement for Northeast Youth & Family Services
- C. Resolution increasing the 2022 travel reimbursement amount
- D. Resolution approving a Massage Therapist License for Taylor Jean Heitkamp

It was moved by Councilmember **Hughes** seconded by Councilmember **Engstran**, to approve the Consent Agenda as presented. Motion carried unanimously.

5. VISITORS AND PRESENTATIONS

Nothing scheduled

6. PUBLIC HEARINGS

Nothing scheduled

7. UNFINISHED BUSINESS

Nothing scheduled

8. NEW BUSINESS

Nothing scheduled

9. DISCUSSION

Nothing schedule

10. COMMUNICATIONS FROM THE CITY MANAGER

City Manager Crawford informed the City Council that a Work Session will be held on July 19 at 6:00 p.m. to discuss the City's compensation and classification study and continue discussions about housing goals and polies.

11. CLOSED SESSION

Mayor Louismet announced that the City Council was entering into closed session to evaluate the performance of the City Manager and that the conclusion of this meeting would not be video recorded.

It was moved by Councilmember **Walsh** and seconded by Councilmember **Hughes** to go into closed session at 7:02 p.m. to evaluate the performance of the City Manager as permitted by Minnesota Statutes, section 13D.05, subdivision 3(a). Motion carried unanimously.

It was moved by Councilmember **Edberg**, and seconded by Councilmember **Jones** to re-open the regular City Council meeting at 7:31 p.m. Motion carried unanimously.

12. ADJOURNMENT

There being no further business before the Council, it was moved by Councilmember **Engstran** seconded by Councilmember **Jones** to adjourn the regular meeting at 7:32 p.m. Motion carried unanimously.

Dan Louismet, Mayor

ATTEST:

Lindy Crawford, City Manager



**MINUTES
WORK SESSION OF THE CITY COUNCIL
OF THE CITY OF WHITE BEAR LAKE, MINNESOTA
TUESDAY, JUNE 28, 2022
IMMEDIATELY FOLLOWING THE REGULAR
CITY COUNCIL MEETING
IN THE 2ND FLOOR BOARD ROOM CITY HALL**

Work Session Opened: 7:35 PM

In Attendance: Mayor Louismet, Councilmembers Walsh, Hughes, Jones, Edberg, and Engstran. City Manager Crawford and Public Works Director / City Engineer Kauppi.

Craig Lamothe, Metropolitan Council, Liz Jones, Metropolitan Council, Colin Owens, Metropolitan Council, Susan Vento, Metropolitan Council, and Michael Rogers, Ramsey County.

Lamothe presented Purple Line BRT route modifications to the Council. Modifications included potential truncate routes to Maplewood Mall Transit Center, County Road E between Highway 61 and Interstate 35E, or ending the BRT line at Century College. All modifications would include a "Purple Line Connector" between Maplewood Mall and downtown White Bear Lake.

While no decisions were made at the work session, the consensus of the Mayor and Council was that:

1. White Bear Lake Resolution 12949, dated March 8, 2022, should not be amended.
2. The proposed BRT bridge crossing over I-694 into White Bear Lake to Buerkle Road heading west would be acceptable.
3. Ending the BRT line at Century College would be acceptable if the route followed I-694 heading east and turning north onto East County Line Rd.
4. Connector buses running between Maplewood Mall and downtown White Bear Lake would be acceptable.

Work Session Adjourned: 9:02 PM



**MINUTES
ENVIRONMENTAL ADVISORY COMMISSION
OF THE CITY OF WHITE BEAR LAKE, MINNESOTA
WEDNESDAY, April 20, 2022
6:30 P.M. IN THE CITY HALL CONFERENCE ROOM**

1. CALL TO ORDER AND ATTENDANCE

Member Sheryl Bolstad called the meeting to order at 6:49 p.m.

MEMBERS PRESENT: Sheryl Bolstad, Chris Greene, Bonnie Greenleaf

MEMBERS ABSENT: Gary Schroeber (Chair), Rick Johnston

STAFF PRESENT: Connie Taillon, Environmental Specialist

VISITORS PRESENT: None

2. APPROVAL OF AGENDA

The commission members reviewed the agenda and had no changes.

It was moved by member **Greenleaf** seconded by member **Greene**, to approve the agenda as presented.

Motion carried 3:0.

3. APPROVAL OF THE MINUTES

A. Minutes of April 16, 2022

The commission members reviewed the March 16, 2022 meeting minutes and had the following changes: Add John Anderson, Conservation Minnesota to item 1, Visitors Presentations. Change the month in the header from February to March.

It was moved by member **Greene** seconded by member **Greenleaf**, to approve the minutes of the April 16, 2022 meeting as amended.

Motion carried, 3:0.

4. VISITORS AND PRESENTATIONS

None

5. UNFINISHED BUSINESS

A. Draft presentation to Council

Commission members reviewed each slide of the draft presentation to Council and made revisions. Taillon stated that she will add current photos to the presentation slides and move the presentation to the new City template. Commission members asked that the draft presentation to council be added to the May agenda. The changes to the presentation will be shown to Chair Schroeber at the May meeting and finalized.

B. Draft 2022 Work Plan

Commission members tabled the 2022 work plan discussion until the May meeting.

C. Environmental Resources Expo

The Commission members reviewed the 2021 Expo exhibitors. Member Greenleaf stated that the old editions of Northern Gardener magazines were not popular last year so she chose not to give them away in 2022. Member Greenleaf will invite Ramsey County Master Gardeners, Member Bolstad will invite Tamarack Nature Center, Member Greene will invite the electric vehicle owners and the Scouts to help with setup and takedown, and Taillon will invite Pollinator Friendly Alliance, NE Metro Climate Action, VLAWMO, and the U of M Turfgrass Research Group. Taillon will email the invite language and exhibitor contact information to the commission members.

6. NEW BUSINESS

Nothing scheduled

7. DISCUSSION

A. Staff updates

- German delegation to White Bear Lake, May 4-5
Taillon noted that the German Delegation will be in Minnesota the week of May 1st. The City will host the German delegation from Ludenscheid on May 4th and 5th.
- RWMWD grant for Lakewood Hills Raingarden
For the sake of time, Taillon stated that she will provide an update on the RWMWD grant at the May meeting.
- VLAWMO grant for Rotary Park planting
For the sake of time, Taillon stated that she will provide an update on the VLAWMO grant at the May meeting.
- SWPPP presentation to Council, April 26th
Taillon mentioned that she will be presenting on the City's 2021 SWPPP activities at the City Council meeting on April 26th. Environmental Advisory Commission Members are invited to attend.

B. Commission member updates

- Recycling container observations
Member Bolstad stated that she is frustrated about not seeing recycling containers at Ramsey County Beach and City parks. She will provide a more detailed update at the May meeting.

C. Do-outs

New do-out items for April 16, 2022 include:

- Taillon to add photos to presentation and move the presentation to the new template
- Taillon to email Expo spreadsheet and invite language to commission members
- Commission members and Taillon to email invites to Expo vendors

D. May agenda

Include City Manager and Prairie City USA under visitors; draft presentation, 2022 work plan and Expo spreadsheet under old business; RWMWD grant for Lakewood Hills Raingarden and VLAWMO grant for Rotary Park planting under staff updates, and recycling container observations under commission member updates.

8. ADJOURNMENT

There being no further business before the Commission, it was moved by member **Greene** seconded by member **Greenleaf** to adjourn the meeting at 8:44 p.m.

Motion carried, 3:0



**MINUTES
ENVIRONMENTAL ADVISORY COMMISSION
OF THE CITY OF WHITE BEAR LAKE, MINNESOTA
WEDNESDAY, MAY 18, 2022
6:30 P.M. IN THE CITY HALL CONFERENCE ROOM**

1. CALL TO ORDER AND ATTENDANCE

Chair Gary Schroeher called the meeting to order at 6:34 p.m.

MEMBERS PRESENT: Bonnie Greenleaf, Gary Schroeher (Chair), Rick Johnston

MEMBERS ABSENT: Sheryl Bolstad, Chris Greene

STAFF PRESENT: Connie Taillon, Environmental Specialist

VISITORS PRESENT: None

2. APPROVAL OF AGENDA

The commission members reviewed the agenda and had no changes.

It was moved by member **Greenleaf** seconded by member **Johnston**, to approve the agenda as presented.

Motion carried 3:0.

3. APPROVAL OF THE MINUTES

A. Minutes of April 20, 2022

The commission members discussed waiting to approve the April meeting minutes until the June meeting, when all members from the April meeting plan to be in attendance.

4. VISITORS AND PRESENTATIONS

None

5. UNFINISHED BUSINESS

A. Draft presentation to Council

The commission members discussed the changes that were made to each slide at the April meeting. Taillon will email the latest PowerPoint to Chair Schroeher and a pdf to the other members. Chair Schroeher will fill in missing details on some of the slides and present the revised presentation at the June meeting. The commission members expressed interest in inviting the Parks Foreman to a future meeting to discuss pollinator initiatives in the parks. Taillon will extend an invite to the Parks Foreman.

B. Draft 2022 Work Plan

The commission members discussed next steps towards finalizing the 2022 work plan. It was decided that all commission members should finish adding information for their assigned draft work plan goal in the Google Document for discussion at the June

meeting. The information needed for the goal(s) assigned to each member includes a problem statement, listing possible results, and defining steps to achieve the goal.

C. Environmental Resources Expo

The commission members reviewed the latest Expo exhibitor spreadsheet. Taillon stated that NE Metro Climate Action will be in attendance, and is waiting to hear back from Pollinator Friendly Alliance and VLAWMO. She mentioned that Ramsey County is interested in exhibiting at the Expo to gather input on the future Otter Lake Road project. The members questioned the environmental benefit, and Taillon clarified that the County requested to be next to VLAWMO so they can help promote the VLAWMO cost share grant for residents who live along Otter Lake Road. The members are okay with inviting the County as long as there is an environmental theme and an interactive display. The commission members will continue to invite their respective exhibitors. Chair Schroeher offered to bring the recycling display again this year for the EAC table. The commission members discussed how they should give away the native plant seed packets, and they will continue the discussion at the June meeting. Taillon stated that she will buy additional canopy tents and email the updated Expo spreadsheet to all commission members after the meeting.

6. NEW BUSINESS

Nothing scheduled

7. DISCUSSION

A. Staff updates

- RWMWD grant for Lakewood Hills Raingarden
Taillon stated that she will provide an update on the RWMWD grant at the June meeting.
- VLAWMO grant for Rotary Park planting
Taillon stated that she will provide an update on the VLAWMO grant at the June meeting.

B. Commission member updates

Chair Schroeher stated that he worked with the Ramsey County solid waste group along with other volunteer recycling ambassadors to conduct a food waste audit. The purpose of the audit was to determine the amount of contamination and uneaten food contained in several of the County's food scrap dumpsters from Summit Hill and Highland Park. They found approximately 6.5% by weight of uneaten food and 0.8% by weight of contamination, such as plastic bags and other non-compostable items.

Chair Schroeher noted that the City of Redwing hosted Earth Week this spring, which included activities, programs, and challenges throughout the week.

C. Do-outs

New do-out items for May 18, 2022 include:

- Taillon to invite Parks Foreman to future meeting
- Taillon to email revised presentation to Chair Schroeher and pdf to other members
- Taillon to email Expo spreadsheet to members
- Taillon to purchase tents for Expo
- Chair Schroeher to add text to the presentation slides
- Commission members to enter work plan information into Google document
- Chair Schroeher to bring recycling display to Expo
- Members to invite exhibitors to Expo

D. June agenda

Include City Manager and Prairie City USA under visitors; draft presentation, 2022 work plan and Expo spreadsheet under old business; RWMWD grant for Lakewood Hills Raingarden and VLAWMO grant for Rotary Park planting under staff updates.

8. ADJOURNMENT

There being no further business before the Commission, it was moved by member **Greenleaf** seconded by member **Johnston** to adjourn the meeting at 8:00 p.m.

Motion carried, 3:0

REGULAR MEETING OF THE WHITE BEAR LAKE CONSERVATION DISTRICT

7:00PM WHITE BEAR LAKE CITY COUNCIL CHAMBERS

Minutes of the May 17, 2022 Meeting

Approved Minutes

1. Call To Order of the May 17, 2022 meeting of the White Bear Lake Conservation District was made by Bryan DeSmet at 7:00pm.

2. ROLL CALL-Present: Chair Bryan DeSmet, Chris Churchill, Meredith Walberg, Scott Costello, Mark Ganz, Mike Parenteau, Scott O'Connor, Darren DeYoung and council Alan Kantrud. Absent Diane Longville, Susie Mahoney.

3. APPROVAL OF AGENDA-Add Budget Worksheet to Treasurer's Report and City of WBL barge to LUC Report. Motion by DeSmet to accept agenda and changes, seconded by Walberg and passed.

4. APPROVAL OF PRIOR BOARD MEETING MINUTES- Motion by Ganz, seconded by DeYoung and passed.

5. PUBLIC COMMENT-None.

6. NEW BUSINESS-Payment of the Water Patrol for 2021 will be paid tonight. 2022 Water Patrol Agreement for 240 hours at \$41 per hour. Motion by DeSmet to approve Water Patrol for 2022, seconded by Ganz and passed. Sheriff to come next month to hear our concerns. WBL Fireworks donation letter requesting funds for this years show. Motion by Parenteau to donate \$100.00, seconded by DeSmet and passed.

7. UNFINISHED BUSINESS-Wake boat study letter with concerns written by DeSmet to be sent to the study group for a response. Motion by Ganz to send this letter, seconded by Walberg and passed. Administrative Assistant Position was decided after interviewing three of six applicants. The decision to hire Cheri Howe was made. Motion by DeSmet to hire Cheri Howe as our administrative assistant at \$24 per hour at 16 to 20 hours a week with 6 to 8 hours in the office with no paid sick leave or paid vacation and no PERA, seconded by Parenteau and passed. She can start soon. Rice Creek Watershed District coordination and support, DeSmet reach out to them and has had no response.

8. REPORTS/ACTION ITEMS- Executive Committee met and discussed admin. Position.

Lake Quality Committee-Swimmer itch letter to go out the communities to pay for first treatment.

Treatment Bid Motion by Parenteau to use Lake Management for our EWM treatment this summer using their products, seconded by Ganz and passed.

Lake level today is 924.16

Lake temperature is 62 degrees

Lake Utilization Committee-NPQD Rentals still need to get their insurance so the Motion by Ganz to approve the permit but not issue the permit until the insurance is in place naming the Conservation District, seconded by DeYoung and passed.

Hollywood Pyrotechnics Motion by Ganz to permit a fireworks display at a home on the lake, seconded by DeYoung and passed.

WBL Fireworks- Motion by Ganz to approve the 4th of July Fireworks on WB Lake without a fee, seconded by Walberg and passed.

City of WB barge-Motion by Ganz that the City barge is OK as long as the boat count at the City dock stays at 160, seconded by DeYoung and passed.

FYI the marina docks need to have submitted by the 4th of July a survey showing their docks comply with our ordinance measuring 300 feet from OHW.

Lake Education-Adopt-A-Drain is increasing in number of drains adopted and we would really like to double the number drains recorded in March by October. Wayne and Duane are doing fine.

Meredith reported we are getting 3000 hits a week in social media. Topics for Meredith to post were discussed. Things like the fireworks display and EWM treatment date, jet skis need to be off the lake one hour before sunset.

Treasurer's Report-Motion by Parenteau to approve and pay checks #4758 thru #4763, seconded by Ganz and passed.



QuickBooks Support-Charisse Ent. Sent us proposal for bookkeeping. Motion by DeSmet to use Charisse Ent. For our monthly bookwork and help with the audit by increasing the amount committed by \$1500.00 there by adding to the \$1000.00 already committed for a total of \$2500.00 for bookkeeping, seconded by Ganz and passed. We will need to find some QuickBooks training for Cheri Howe.

Budget Worksheet- The worksheet was gone through and discussed resulting in some additions. Please review the worksheet for the June meeting and approval. Also, decide how much we want to deficit spend from our reserves, if any.

Board Council Report-Alan will reach out to Ramsey County and Washington County along with the DNR to come to the June meeting to discuss what they do for us.

9.ANNOUNCEMENTS-Ganz thanked board members for their help during this transition period to a new hire.

10.ADJOURNMENT Motion by Ganz to adjourn, seconded by DeYoung and passed.

Attested: Bryan DeSmet, Chair  Date 6-21-2022
Mark Ganz, Vice Chair  Date 6-21-2022



**MINUTES
PLANNING COMMISSION MEETING
OF THE CITY OF WHITE BEAR LAKE, MINNESOTA
MONDAY, JUNE 27, 2022
7:00 P.M. IN THE COUNCIL CHAMBERS**

1. CALL TO ORDER AND ATTENDANCE

Chair Jim Berry called the meeting to order at 7:00 p.m.

MEMBERS PRESENT: Mike Amundsen, Ken Baltzer, Jim Berry, Pamela Enz, Mark Lynch, Erich Reinhardt, and Andrea West.

MEMBERS ABSENT: None.

STAFF PRESENT: Jason Lindahl, Community Development Director, Samantha Crosby, Planning & Zoning Coordinator, Tracy Shimek, Housing & Economic Development Coordinator, Ashton Miller, Planning Technician and Troy Gilchrist, City Attorney.

OTHERS PRESENT: Rollo Strand, Kris and Kasey Birch.

2. APPROVAL OF AGENDA

It was moved by Member **Lynch** seconded by Member **Enz**, to approve the agenda as presented.

Motion carried, 7:0

3. APPROVAL OF THE MINUTES

A. Minutes of May 23, 2022

It was moved by Member **Baltzer** seconded by Member **Amundsen**, to approve the minutes of the May 23, 2022 meeting as presented.

Motion carried, 7:0.

4. CASE ITEMS

A. Case No. 22-12-V: A request by **Kris & Kasey Birch** for the following four variances: a 2.2 foot variance from the 15 foot side yard setback, per Code Section 1303.040, Subd.5.c.2, a 10 foot variance from the 20 foot street side setback for the garage, per Section 1302.030, Subd.4; a 15.2 foot variance from the 35 foot street side setback for the principal structure, per Section 1303.040, Subd.5.c.1; and a 14.5 foot variance from the 74.8 foot average lake side setback, per Section 1302.040, Subd.4.c; all in order to demolish the existing single-family home and construct a new single-family home at the property located at 4324 Cottage Park Road.

Crosby discussed the case. Staff recommended approval of the request with a number of conditions as presented in the report.

Member Baltzer recused himself since he is a neighbor to the applicant.

Member Amundsen wondered if the existing shed could remain on the property, noting that on past requests for variances on all four sides, it has been a condition to remove them.

Ms. Crosby replied that the shed is nonconforming in its location, so if torn down, could not be replaced. The applicants altered and reduced the size of the attached garage in order to retain the shed, so staff felt comfortable agreeing to let it to stay.

Member Berry opened the public hearing.

Kris Birch, 4324 Cottage Park Road, applicant, he thanked Ms. Crosby for the guidance throughout the process and the Commissioners for volunteering their time. Member Berry asked if the applicant is ok with the conditions proposed by staff. Mr. Birch confirmed that they were. He stated that there are a few things left to figure out in terms of the raingarden.

Member Berry closed the public hearing.

Member Lynch stated that he normally would be hesitant to support a five foot setback, but in this case, it is so close to what currently exists that he feels more comfortable recommending approval.

Member Enz thanked Mr. & Mrs. Birch for having such a complete application.

It was moved by Member **Amundsen** to recommend approval of Case No. 22-12-V, seconded by Member **Enz**.

Motion carried, 6:0. Member Baltzer abstained.

- B. Case No. 22-3-LS & 22-13-V:** A request by **Rollo Strand** for a minor subdivision, per Code Section 1407.030, to untie two historic lots of record and a 1.3 foot variance from the 10 foot side yard setback, per Code Section 1303.060, Subd.5.c.2, at the property located at 1986 Webber Street

Miller discussed the case. Staff recommended approval of the request as proposed.

Member Berry opened the public hearing.

Rollo Strand, 1986 Webber Street, applicant, he explained that the property has been in his family for the last thirty years. It was his father's wish to split the lot. He does not have exact plans yet for the new lot. They may build a home for their son or they may sell. They are just starting the process.

Member Berry closed the public hearing.

It was moved by Member **Baltzer** to recommend approval of Case No. 22-3-LS & 22-13-V, seconded by Member **Lynch**.

Motion carried, 7:0.

5. DISCUSSION ITEMS

A. Legal Training – Presented by City Attorney

Troy Gilchrist, City Attorney, touched on a number of topics as they related to the Planning Commission. He discussed the zoning authority granted to cities and the limitations on that authority. He informed the Commissioners that they are not bound to past decisions.

Mr. Gilchrist explained the role of the Planning Commission as an advisory board to the City Council. The Planning Commission plays a vital role in due process. In response to a question from Member Lynch, Mr. Gilchrist confirmed that a planning agency is required.

Mr. Gilchrist continued with the fiduciary duty of the Commissioners. Member Enz sought advice regarding a situation where she was speaking with someone who did not know she was on the Planning Commission and they shared information counter to what was presented to the City. Mr. Gilchrist explained that he does not believe the Commissioners have an affirmative duty to report things they may see or hear. The breach of duty would apply more in legal matters.

Member Amundsen asked if it worthwhile to attend the City Council meetings in order to provide the Councilmembers more context to the Planning Commission's decisions. Mr. Gilchrist did not think that was necessary since the Commissioners' voice is presented through staff.

Member Lynch commented that he has attended a City Council meeting, but came in his own capacity as a resident of White Bear Lake.

Mr. Lindahl stated that it is the role of staff to carry forward the recommendations of the Planning Commission. He urged the Commissioners to let staff know if they ever feel their views are not being appropriately articulated.

Mr. Gilchrist explained the aspects of planning and zoning, including the Comprehensive Plan and different types of permits, such as conditional use permits (CUP) and interim use permits (IUP). Member Lynch asked if special home occupation permits are considered IUPs. Ms. Crosby replied that they could be considered a type, since they do not transfer to new property owners. Mr. Gilchrist explained that conditional use permits typically are not meant to have time limits since they run with the land. They can be revoked, however, which generally goes through the Planning Commission and City Council. He spoke about variances and the legal standards used to review requests, which requires a practical difficulty be established.

Mr. Lindahl added that the Commissioners will start to see the variance criteria listed in the staff reports.

Mr. Gilchrist explained the type of zoning decisions, providing a distinction between legislative and quasi-judicial decisions. Legislative decisions involve the weighing of policy and should be made using a rational basis. In quasi-judicial decisions, the policymaking is essentially done since the standards for approval are laid out. He ran through the rules of procedure, noting it is important that the Commissioners voice their opinions. Mr. Lindahl concurred, stating that it helps direct staff.

Member Baltzer asked how much responsibility the Commissioners have in designing the request and if the decision should be based solely on what is presented at the meeting. Mr. Gilchrist stated it is not really the job of the Planning Commission to design the plan, however sometimes a few tweaks are okay. He stated that Commissioners should be neutral decision-makers and keep their minds open when hearing cases.

Member Lynch asked if staff would change the report before it goes to the City Council if the Planning Commission were to disagree with staff's findings of fact. Mr. Lindahl stated that staff would make a distinction between staff's recommendation and the recommendation put forth by the Planning Commission. They would present all the information for the Council to make a determination.

Mr. Gilchrist explained open meeting laws and required notices. The open meeting law prohibits members from meeting outside among a quorum of the body to discuss business. In response to a question from Member Enz regarding a phone call she received from an applicant, Mr. Gilchrist commented that a good response would be to direct the applicant to the public hearing.

Mr. Gilchrist described different conflicts of interest and suggested that if a Commissioner sees something on the agenda that may pose a conflict of interest, to discuss with staff and err on the side of caution. Member Lynch asked if a reason needed to be given when a member abstains from a vote. Mr. Gilchrist replied it is not necessary, but helpful, and that when a member does abstain, he or she should sit in the audience for the duration of the case.

Member Amundsen asked how the Commission keeps up with changing times and trends in the planning and zoning world. Mr. Gilchrist responded that the Planning Commission is relying on staff. He reiterated that the Planning Commission is not held to past decisions. Mr. Lindahl added that the Planning Commissioners bring their life experiences and unique perspectives to cases, which may differ from those who served 15 years ago. It is important for members to apply their perspectives to cases while working within the standards laid out for variances, CUPs, etc. Staff's job to stay up to date with trends and bring forward what is important to the community to the Planning Commission for consideration.

Member Baltzer asked about the phrase of "setting precedent". Mr. Gilchrist replied that it may be helpful to look at how a decision will affect the greater community, but precedent does not mean a decision needs to be made one way or the other.

B. City Council Summary Minutes of June 14, 2022.

In reference to the Schafer-Richardson case, Member Amundsen commented that the height of the building seemed to be a focus, which did not come up during the Planning Commission meeting. He was unsure whether the concept phase was an appropriate time to discuss the design of the building.

Mr. Lindahl explained that the Planning Commission can discuss any aspect of the proposal, including height, parking, building materials, etc. The City Council focused on different things and height was one aspect that several members held strong opinions on. Member Amundsen asked when the next stage will come before the Commission. Crosby stated that the applicant has indicated that they will submit by the July 18th deadline to be on the August 29th Planning Commission meeting.

C. Park Advisory Commission Minutes of April 21, 2022.

No Discussion.

6. ADJOURNMENT

There being no further business before the Commission, it was moved by Member **Baltzer**, seconded by Member **West** to adjourn the meeting at 9:15 p.m.

Motion carried, 7:0



**MINUTES
PARK ADVISORY COMMISSION
OF THE CITY OF WHITE BEAR LAKE, MINNESOTA
THURSDAY, MAY 19, 2022
6:30 P.M. IN THE CITY HALL CONFERENCE ROOM**

1. CALL TO ORDER AND ATTENDANCE

Chair Bill Ganzlin called the meeting to order at 6:30 p.m.

MEMBERS PRESENT: Victoria Biehn, Mark Cermak, Ginny Davis, Bill Ganzlin, Mike Shepard

MEMBERS ABSENT: Bryan Belisle, Anastacia Davis

STAFF PRESENT: Andy WietECKi, Parks Working Foreman and Paul Kauppi, Public Works Director/City Engineer

VISITORS PRESENT:

2. APPROVAL OF AGENDA

It was moved by member **Mark Cermak** seconded by member **Mike Shepard**, to approve the agenda as presented.

Motion carried 5:0.

3. APPROVAL OF THE MINUTES

Minutes of April 21, 2022

It was moved by member **Ginny Davis** seconded by member **Victoria Biehn**, to approve the minutes of the April 21, 2022 meeting as presented.

Motion carried, 5:0.

4. VISITORS AND PRESENTATIONS

5. UNFINISHED BUSINESS

A. Boatworks Commons Community Room Report

Andy WietECKi reported to the Commission that he hasn't received the reports showing usage or who is renting the Boatworks Commons Community room facility. Andy will work on gathering the information for an upcoming meeting. Paul Kauppi mentioned that the City Council looks at the fee schedules yearly and that the Council plans to look more in depth at their next review along with other rentals in the City.

6. NEW BUSINESS

A. Park Inspection Reports

The Park Advisory Commission members were tasked with doing an inspection of a few parks and then reporting back with what was found during their adventures. Some of the items that they were looking for:

- how park is being used;
- number of users;
- condition of infrastructure – buildings, playgrounds, picnic tables, benches, garbage cans, grills, fences, basketball nets & poles, bike racks, drinking fountains, yard lights, boardwalks, signage, etc.
- overall condition and appearance;
- improvements needed at the park (long term and short term); and
- park challenges.

Attached to the minutes are the site visit summaries from the Commission members. The issues were discussed at the meeting and will be addressed over the next couple of weeks.

B. 2022 Arbor Day Tree Planting

This year the Park Advisory Commission planted 8 new trees at Weyerhaeuser Park. The Commission planted a couple interesting styles that grow in more of a pillar style than the traditional canopy style tree. They planted 4 – Prairie Sentinel Hackberry's and 4 – Crimson Spire Oaks. Last year, the City removed a couple of dead trees from the ballfields.

Andy educated the Commission on the proper process of planting a tree and each Commission member did their part in helping with the planting process. The holes were pre-dug but each root ball needed to be box cut. The Commission planted the tree at the proper depth to cover the roots with dirt, placed mulch over the ground to help retain moisture and ended by watering each tree.

C. Park Tour – Weyerhaeuser Park

Due to planting taking longer than expected, the Commission did not walk the grounds but did talk about the newly restored dugouts from last year.

The schedule for this summer's park tours is as follows:

June – Lions Park

July – Podvin Park

August – Hidden Hollow Park

September – Lakewood Hills Park

7. DISCUSSION

A. Staff updates

Marketfest

Andy will be sending out the schedule and details about the Marketfest booth over the next couple of weeks. There will be an in-depth discussion at the next Park Advisory Commission meeting in June about duties and process.

8. ADJOURNMENT

There being no further business before the Commission, it was moved by member **Mark Cermak** seconded by member **Victoria Biehn** to adjourn the meeting.

Motion carried, 5:0

West Park & Memorial Beach (Anastacia Davis)

Time/Date - Weekday visit in the afternoon

- Play equipment looked good
- Few areas of playground might need a refresh of sand
- Warm day with swimmers at the beach
- Park patron loves the retaining wall and easy access to stairs
- Park patron would love more seating down below the main patio area.
- Beach needed a bit of cleaning
- There should be a crosswalk between stairs and park. Kids see the road as not very busy and linger.

Ebba Park (Bill Ganzlin)

- Play equipment is in good condition
- Shelter is in excellent condition
- Ash trees on park grounds look healthy – no signs of EAB infection
- 5 trees planted by the Park Commission a few years back – three are in good condition. 1 River Birch has some damaged bark and branches. One of the skinny Genes Oak trees has fall over and is dead.

Lakewood Hills Park (Bill Ganzlin)

- Play equipment is in excellent condition
- Bathrooms are clean with no graffiti
- Pavilion is in good condition
- Disc golf course is in good condition with only minor maintenance issues
 - Branch near hole #1 needs to be removed
 - Large branch near hole #13 needs to be cleared about 10' from hole
- Disc golf course was very busy. Park patron comments were favorable.
- West side shelter has picnic table was moved outside of shelter. Picnic table needs to be moved back under shelter.
- Shelters #2 and #3 require maintenance on the trim and edge of roofline
- South of shelter #3 on edge of the park, remnants of a homeless camp. Lots of abandoned clothing and trash – far too much for one garbage bag.
- Trail around Handlo's Pond in good condition with minimal trash
- Shelter adjacent to the playground needs trim repair
- Consider spading out some of the trees planted along northern border
- Canoe/kayak rack on the north end of Handlo's Pond might be good addition.

Podvin Park (Bryan Belisle)

Amenities include:

- (2-3) Lacrosse Fields
- Skating Rink
- Skateboard Pad and elements
- (2) Basketball Courts
- Pavilion
- Restrooms

Report:

- Men's restroom is clean and in good condition
- Women's restroom was closed
- Pavilion doors needs to be repainted. It looks like areas were painted white to cover up graffiti.
- Bench on north side of playground needs to be repaired. Appears it was damaged by vandals.
- Picked up trash in park and parking lot

Weyerhauser Park (Bryan Belisle)

Amenities include:

- (3) Baseball Fields
- (2) Batting Cages

Report:

- Restrooms were closed
- Graffiti on trash can and utility box
- Picked up trash on east side of the parking lot (mixed in with snow piles)

Rotary Park (Bryan Belisle)

- Restroom and shelters are clean and in good condition
- Boardwalk is in good condition
- Osprey nest pole is titled with no apparent nest
- Rotary club members cut buckthorn in preparation of pollinator garden and picked up trash

Hidden Hollow Park (Mark Cermak)

Time/Date - Visited in the morning at 9:45 am

- Trash along path on Jay Lane

- Main asphalt path leading into park is slowly being washed away with lots of ruts. It could be safety issue if someone steps wrong.
- Asphalt is also starting to crack and wash away
- Spoke with park patron and she reported no problems in the park.
- Patron mentioned a kids' fort constructed in woods northeast of the main entrance. There is a lot of trash around the fort.
- Small birch tree blown down on one of the paths along the east side of the park
- A few of the houses on Floral Drive that abut the park seem to be leaving a lot of junk in the woods
- Encountered another park patron who said she brings a trash bag sometimes to collect trash

Bossard Park (Mark Cermak)

Time/Date - Visited in the morning at 10:40 am

- Found no trash
- Overall the park looked great
- No graffiti on the restroom building
- Play equipment look clean
- Spoke with a resident walking her dog and she said there are never any problems with kids hanging around causing trouble

McCarty Park (Mike Shepard)

- Encountered two groups of kids sharing the basketball court
- Little Free Library

Stellmacher Park (Mike Shepard)

- Encountered two families playing on the play equipment and a guy walking his dog
- Volleyball net looked to be in good shape
- Water Fountain had too much water pressure and shot water about 20 feet

Veterans Memorial Park (Mike Shepard)

- Bike rack was being used
- Water fountain wasn't in service

Spruce Park (Victoria Biehn)

Time/Date – Tuesday at 5:00 pm

- Encountered two youth baseball practices and parents/small kids at the playground. Chalk art on the basketball court. Park was very busy.

- Garbage can by the playground was missing a top
- Large branch down on Spruce Street by baseball field
- Restroom was in good shape

Lakeview Park (Victoria Biehn)

Time/Date – Tuesday at 6:00 pm

- Large brush pile to the right of the park
- Benches and a picnic table but no garbage can
- Park sign is very small. Something bigger identifying the park might be helpful for residents to know about park. Victoria has lived here for 35 years and did not know the park existed.
- Does the canoe/kayak rack get used/rented?
- Shoreline is mucky
- Two benches are wooden. Is there any plan to update?

Lions Park (Victoria Biehn)

Time/Date – Tuesday at 6:30 pm

- Restroom was in good shape
- Park patrons were fishing off pier and walking their dogs
- Little Free Library is located near parking lot
- Tree roots by the fishing pier have heaved some pavement. Victoria tripped when walking.
- 1 wooden bench by lake in bad shape
- Wooden picnic table by Admiral D's. Will that be converted?
- Large dirt pile by new bench on White Bear Avenue path
- Large unused area over by the restrooms. Might want to consider a couple of benches for patrons who want solitude.

Railroad Park (Ginny Davis)

Time/Date – Saturday May 7th and Monday May 9th in the afternoon

- Park was quiet with a few people around.
- The park patrons were 4 teenage girls and 1 woman walking
- On the second visit, the park patron was a veteran protesting the war
- Is there a City sign for this park?

Ramaley Park (Ginny Davis)

Time/Date - Saturday May 7th and Monday May 9th in the afternoon

- Restrooms were clean and looking good.
- Park was quiet with a few people around.

- The park patrons were 2 young girls having a picnic and on the play equipment. The 2 young girls only complaint were the bugs at the park. The parents enjoy riding their bikes to Ramaley Park.

Yost Park (Ginny Davis)

Time/Date - Saturday May 7th and Monday May 9th in the afternoon

- Restrooms were clean and looking good.
- Park was quiet with a few people around.
- Drinking fountain has a leaky spout
- The park patrons included a family with 4 boys on the play equipment and a couple of people walking their dogs through the park.



City of White Bear Lake
Community Development Department

M E M O R A N D U M

TO: Lindy Crawford, City Manager
FROM: Jason Lindahl, Community Development Director
DATE: July 12, 2022
SUBJECT: Birch Residence Variances / 4324 Cottage Park Road / Case No. 22-12-V

SUMMARY

Kris and Kasey Birch are requesting four setback variances in order to demolish the existing single-family residence and construct a new single-family residence located at 4324 Cottage Park Road.

The subject property is located on the east side of Cottage Park Road, near the intersection with Circle Drive. The applicants are proposing to replace the existing 3,590 square foot house and 2-car garage with a 3,871 square foot house with a 3-car garage. Based on the findings made in this report, staff finds the applicant has demonstrated a practical difficulty with meeting the City's zoning regulations as required by Minnesota Statute 462.357, Subd.6 and recommends approval of this request.

Planning Commission Action

The Planning Commission reviewed this item during their June 27, 2022 regular meeting. Commissioner Baltzer recused himself from this item, citing that he lived across the street from the applicants. The commission heard a presentation from staff and held a public hearing. There were no public comments. During the presentation, staff noted that the Rice Creek Watershed District had reviewed the project and would not require a permit. After a brief discussion, the commission voted 6-0 to recommend approval of the request.

BACKGROUND INFORMATION

Applicant/Owner: Kris & Kasey Birch

Existing Land Use / Zoning: Single Family;
R-2, Single Family Residential and S, Shoreland Overlay

Surrounding Land Use / Zoning: All Directions - Single Family
Zoned R-2 & S to the north and south, and R-3 & S to the west

Comprehensive Plan: Low Density Residential

Lot Size & Width: Code: 15,000 sq. ft.; 100 feet (single family) / Site: 9,301 sq. ft.; 60.7 feet

Site Characteristics

The land was platted in 1884 and Ramsey County indicates that the existing residence was constructed in 1919. The current owners purchased the property in April of this year. The applicants wish to demolish the existing residence because they would like to correct some grading and structural issues as well as increase energy efficiency by building to current code standards, see applicant's narrative.

As detailed in the applicant's narrative, the existing home has a footprint of 1,924 square feet in size and the proposed home would be 1,979 square feet – just 55 square feet larger. See staff's footprint overlay graphic, attached. The existing impervious area is 33.9% and the proposed impervious would be 31.3% - a 2.6% reduction. The request is for variances from three of the four sides: one from the lake side, one from the south side and two from the street side. See staff's color-coded graphic, attached. The substandard size and width of the lot, coupled with the larger setbacks required by the R-2 zoning district, are the characteristics which make construction of a new residence on the lot difficult without variance from the code.

The applicant's analysis illustrates that, if all setbacks are adhered to, only 590 square feet of the property is buildable (see sheet SP2 of project plan set attached). The building pad width is roughly 38 feet and the building pad depth is approximately 13 feet. A minimum house width of 22 feet is required by the minimum housing code. Consequently, granting some amount of variance is reasonable in order to preserve the value of the property.

Staff advised the applicant to design a house that gets closer to code than the existing conditions and, if expansion was desired, to expand upward rather than outward. While the proposal does not appear to be closer to code than the existing situation, it also is not much further from it.

Variance Review

City review authority for variance applications is considered a Quasi-Judicial action. This means the city acts like a judge in evaluating the facts against the legal standard. The city's role is limited to applying the legal standard of practical difficulties to the facts presented by the application. Generally, if the application meets the review standards, the variance should be approved. The standards for reviewing variances are detailed in Minnesota State Statute 462.357, Subdivision 6. In summary, variances may be granted when the applicant establishes there are "practical difficulties" in complying with the zoning regulations.

A practical difficulty is defined by the five questions listed below. Economic considerations alone do not constitute a practical difficulty. In addition, under the statute the City may choose to add conditions of approval that are directly related to and bear a rough proportionality on the impact created by the variance. Staff has reviewed the variance request against the standards detailed in Minnesota State Statute 62.357, Subd.6 and staff's findings for each are provided below.

1. Are the variances in harmony with purposes and intent of the ordinance?

Finding: The proposed variances are in harmony with the purpose and intent of the zoning regulations. The subject property is zoned R-2 and S; according to the Zoning Ordinance, the purpose of the R-2 district is to "provide for urban density single-family detached residential dwelling units

and directly related, complementary uses.” The applicant has tried to tie the size of the requested variances to the substandard size and width of the lot. While the side yard variance is directly proportional to the substandard lot width, the street and lake side variances are out of proportion - proposing a 64% deviation versus a 38% nonconformity. Nevertheless, the proposed variances will allow the applicant to reconstruct an expanded residence generally consistent with the surrounding historic development pattern of the Cottage Park neighborhood.

2. Are the variances consistent with the comprehensive plan?

Finding: The proposed variances are not inconsistent with the 2040 Comprehensive Plan. The Plan’s Future Land Use Map guides the subject property as “Low Density Residential”, which is characterized by single-family attached and detached dwellings with a density range of 3 to 9 units per acre. The density of the proposed detached single-family residence is 4.7 units per acre.

3. Does the proposal put the property to use in a reasonable manner?

Finding: Past Council approvals indicate that the proposal puts the subject property to use in a reasonable manner. When comparing the existing conditions, except for a slight encroachment towards the street, the proposed side yard setbacks are commensurate with the existing side yard setbacks and the proposed lakeside setback, while taller and longer is 1.7 feet further from the Ordinary High-Water Level. More extreme variances than the ones currently proposed have been granted in the recent past in this neighborhood, therefore the proposed variances are reasonable.

4. Are there unique circumstances to the property not created by the landowner?

Finding: There are unique circumstances to the property that were not created by the landowner. The subject property is legal non-conforming (grandfathered-in) for lot size and lot width. Coupled with the larger setback requirements of the district, these circumstances result in a site that could not reasonably accommodate current development standards.

5. Will the variances, if granted, alter the essential character of the locality?

Finding: Granting the requested variances alone will not alter the essential character of the surrounding neighborhood. The construction of lots that area generally smaller than the minimum size and width standards of the R-2 district and the additional requirements of the shoreland Overlay district make redevelopment challenging within the Cottage Park Road portion of the R-2 district. However, the proposed variances are generally consistent with both the established development pattern and past Council approvals.

RECOMMENDATIONS

The Planning Commission and Staff recommend approval of the requested variances based on the findings of fact made in this report, and detailed in the attached resolution. The recommendation is subject to the following conditions:

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

3. Porous pavers, rain gardens or other mitigative features used to off-set impervious area shall be maintained by homeowner according to manufacturer's specifications or to preserve design function and capacity.
4. A building permit shall be obtained before any work begins.
5. The portion of fence that perpendicularly crosses the City's property (the public lake access) shall be removed with the demolition of the existing residence.

Prior to the issuance of a building permit:

6. The applicant shall verify the property lines and have the property pins exposed at the time of inspection.
7. If grading extends closer than 50 feet to the OHWL, a grading plan must be submitted to the Rice Creek Watershed District for review and approval.
8. All impervious area above 30% shall be mitigated according to the zoning code; design and infiltration calculations shall be approved by the Stormwater Engineer.

Attachments

Resolution

Project Plan Set

Footprint Overlay Graphic

Variance Color Coded Graphic

RESOLUTION NO.

**RESOLUTION GRANTING FOUR SETBACK VARIANCES FOR 4324 COTTAGE PARK ROAD
WITHIN THE CITY OF WHITE BEAR LAKE, MINNESOTA**

WHEREAS, a proposal (22-12-V) has been submitted by the Kris and Kasey Birch, to the City Council requesting approval of four setback variances from the Zoning Code of the City of White Bear Lake for the following location:

LOCATION: 4324 Cottage Park Road

LEGAL DESCRIPTION: Attached as Exhibit A

WHEREAS, the applicant seeks four variances in order to demolish the existing single-family residence and construct a new single-family residence: a 2.2 foot variance from the 15 foot side yard setback, per Code Section 1303.040, Subd.5.c.2; a 10 foot variance from the 20 foot street side setback for the garage, per Section 1302.030, Subd.4; a 15.2 foot variance from the 35 foot street side setback for the principal structure, per Section 1303.040, Subd.5.c.1; and a 14.5 foot variance from the 74.8 foot average lake side setback, per Section 1302.040, Subd.4.; and

WHEREAS, the Planning Commission held a public hearing as required by the Zoning Code on June 27, 2022; 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, Minnesota that the City Council accepts and adopts the following findings of the Planning Commission:

1. The requested variances are in harmony with purposes and intent of the ordinance.
2. The requested variances are consistent with the 2040 Comprehensive Plan.
3. Granting the requested variances will allow the property to be used in a reasonable manner.
4. There are unique circumstances to the property not created by the landowner.
5. Granting the requested variances alone will not alter the essential character of the neighborhood.

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

RESOLUTION NO.

1. All application materials, maps, drawings, and descriptive information submitted in this application shall become part of the permit.
2. Per Section 1301.060, Subd.3, the variance shall become null and void if the project has not been completed or utilized within one (1) calendar year after the approval date, subject to petition for renewal. Such petition shall be requested in writing and shall be submitted at least 30 days prior to expiration.
3. Porous pavers, rain gardens or other mitigative features used to off-set impervious area shall be maintained by homeowner according to manufacturer's specifications or to preserve design function and capacity.
4. A building permit shall be obtained before any work begins.
5. The portion of fence that perpendicularly crosses the City's property (the public lake access) shall be removed with the demolition of the existing residence.

Prior to the issuance of a building permit:

6. The applicant shall verify the property lines and have the property pins exposed at the time of inspection.
7. If grading extends closer than 50 feet to the OHWL, a grading plan must be submitted to the Rice Creek Watershed District for review and approval.
8. All impervious area above 30% shall be mitigated according to the zoning code; design and infiltration calculations shall be approved by the Stormwater Engineer.

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

Ayes:
Nays:
Passed:

Dan Louismet, Mayor

ATTEST:

Lindy Crawford, City Manager

RESOLUTION NO.

**EXHIBIT A
LEGAL DESCRIPTION**

Those parts of Lots 13, 14 and 15, Block 2, COTTAGE PARK, Ramsey County, Minnesota described as follows:

That part of Lot 13 described as follows: Beginning as the southwest corner of said Lot 13; thence northerly along the west line of said lot 24.3; thence easterly a distance of 107.6 feet to a point that is 23.6 feet distant from the south line of said Lot 13; thence easterly along the same line to White Bear Lake; thence southerly along the line of White Bear Lake to the south line of said Lot 13; thence westerly to the point of beginning; All of Lot 14, Block 2, COTTAGE PARK, excepting that part of said Lot 14 lying southwesterly of a line running from a point on the northwesterly line of said Lot 14 distant 10 feet northeasterly of the most westerly corner thereof to a point on the southwest line of said Lot 14 distant 57 feet southeasterly of said most westerly corner of said Lot 14; and that part of Lot 15, Block 2, COTTAGE PARK lying northeasterly of the southeasterly prolongation to the shore line of White Bear Lake (as located in the plat of COTTAGE PARK) of a line running from a point on the northwesterly line of said Lot 14 distant 10 feet northeasterly of the most westerly corner thereof to a point on the southwesterly line of said Lot 14 distant 57 feet southeasterly of said most westerly point of said Lot 14.

6/16/2022

Applicant:

Kris & Kasey Birch

Property: 4324 Cottage Park Rd White Bear Lake MN 55110

White Bear Lake Land Use Variance
Narrative Description

Decision for demolition instead of remodel:

1. Negative grade from street into garage (see exhibit 1.0)
2. Structural issues on main floor and lower level (see exhibit 2.0)
3. Energy impact from outdated windows, doors, and insulation
4. Low ceiling clearance in stairwell and landing pad from garage. (See exhibit 3.0)

We are working with Better Futures MN – ReUse Warehouse to deconstruct the existing house so that almost 90% of the materials will be reused or recycled instead of going to a landfill.

Practical Difficulty

1. Nonconforming lot size – 15,000 SF
 - a. Lot SF 9,301
 - b. 38% smaller
2. Nonconforming lot width – 100 LF
 - a. Street side Lot width 60.75'
 - b. Average Lot width 73.92';
 - c. 26.08' narrower then zoning code standard
3. Wide Boulevard size
 - a. Longer curb to property line distance, typically is around 15'.
 - b. 20.6' (37% longer) at northern corner
 - c. 23.4 (56% longer) at southern corner.

Variances Requested

1. House southside setback variance request from 15' zoning code to proposed 12.8'
 - a. Existing home is located 6.5' from southside property line
 - b. Requesting a 2.2' variance from zoning code
 - c. A 15% adjustment from code due to the 38% nonconforming lot size and 100' minimum lot width versus the 60.75'; 39.25' narrower lot width.
2. Garage street side setback from 20' required in zoning code to proposed 10'.
 - a. Existing garage is located 15.1' from streetside property line

- b. Requesting a 10' variance from zoning code.
 - c. Garage distance from street curb is 30.9'.
 - d. A 50% adjustment from code due to the 38% nonconforming lot size and 39.25' narrower lot width.
3. House streetside setback variance from 35' in zoning code to proposed 19.8'.
 - a. Existing home is located 16.6' from street side property line
 - b. Requesting a 15.2' variance from zoning code.
 - c. House distance from street curb is 42.6'/45.8' at Main Level and 36.6' at upper level over garage.
 - d. A 44% adjustment from code due to the 38% nonconforming lot size and 39.25' narrower lot width.
4. House lakeside setback variance from O.H.W. 74.8'* in zoning code to proposed 60.3'.
 - a. Existing home sits 62.0' from lakeside O.H.W.
 - b. Requesting a 14.5' variance from zoning code.
 - c. A 20% adjustment from code due to the 38% nonconforming lot size and 39.25' narrower lot width.

Standard Zoning Code for R2 Zone

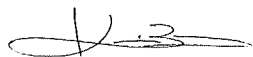
- 15' side setback
- Lot Area 15,000 SF
- Lot width 100'

Overall considerations to current property and variance requests:

1. Foundation: Proposed home foundation 1,981 SF. Current home foundation 1,924 SF equaling only a 57 SF increase (3% increase)
2. Impervious area reduction from 33.9% current home to 31.3% proposed home combined with permeable driveway or raingarden will reach 30% per zoning code equaling 3.9% reduction.
3. Perceivably other variances in neighborhood due to nonconforming lots. (see exhibits 4.0-5.0)

In summary we are requesting these variances due to the nonconforming lot total area square footage at 38% smaller, the average length at 24% shorter and average width at 27% shorter from the standard lot dimensions per zoning code. Although our variance requests do not commensurate with the exact percentage of requests, we believe these are the best solution related to the current home location and a priority to preserve and maximize the lake views and setbacks.

Sincerely,



Kris & Kasey Birch

CERTIFICATE OF SURVEY

~for~ KRIS BIRCH
 ~of~ 4324 COTTAGE PARK ROAD
 WHITE BEAR LAKE, MN 55110

BIRCH RESIDENCE SITE PLAN OVERLAY



JOHNSON & ASSOCIATES, ARCHITECTS
 8469 224TH STREET No.
 FOREST LAKE, MINNESOTA 55025
 PHONE 651.248.1342
 E-MAIL TJJARCH@COMCAST.NET

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PROPERTY DESCRIPTION

(PER WARRANTY DEED, DOCUMENT NO. 3127708)

Those parts of Lots 13, 14 and 15, Block 2, COTTAGE PARK, Ramsey County, Minnesota described as follows:

That part of Lot 13 described as follows: Beginning as the southwest corner of said Lot 13; thence northerly along the west line of said Lot 24.3; thence easterly a distance of 107.6 feet to a point that is 23.6 feet distant from the south line of said Lot 13; thence easterly along the same line to White Bear Lake; thence southerly along the line of White Bear Lake to the south line of said Lot 13; thence westerly to the point of beginning; All of Lot 14, Block 2, COTTAGE PARK, excepting that part of said Lot 14 lying southwesterly of a line running from a point on the northwesterly line of said Lot 14 distant 10 feet northeasterly of the most westerly corner thereof to a point on the southwest line of said Lot 14 distant 57 feet southeasterly of said most westerly corner of said Lot 14; and that part of Lot 15, Block 2, COTTAGE PARK lying northeasterly of the southeasterly prolongation to the shore line of White Bear Lake (as located in the plat of COTTAGE PARK) of a line running from a point on the northwesterly line of said Lot 14 distant 10 feet northeasterly of the most westerly corner thereof to a point on the southwesterly line of said Lot 14 distant 57 feet southeasterly of said most westerly point of said Lot 14.

NOTES

- Field survey was completed by E.G. Rud and Sons, Inc. on 3/28/2022.
- Bearings shown are on Ramsey County datum.
- Parcel ID Number: 23-30-22-13-0001.
- Curb shots are taken at the top and back of curb.
- This survey was prepared without the benefit of title work. Additional easements, restrictions and/or encumbrances may exist other than those shown hereon. Survey subject to revision upon receipt of a current title commitment or an attorney's title opinion.

LEGEND

- DENOTES IRON MONUMENT FOUND AS LABELED
- DENOTES IRON MONUMENT SET, MARKED RLS# 41578
- DENOTES CATCH BASIN MANHOLE
- DENOTES GUY WIRE
- DENOTES POWER POLE
- DENOTES SANITARY SEWER MANHOLE
- DENOTES TELEPHONE PEDESTAL
- DENOTES AIR CONDITIONING UNIT
- DENOTES ELECTRIC METER
- DENOTES GAS METER
- DENOTES EXISTING SPOT ELEVATION
- DENOTES EXISTING CONTOURS
- DENOTES FENCE
- DENOTES RETAINING WALL
- DENOTES BITUMINOUS SURFACE
- DENOTES CONCRETE SURFACE
- DENOTES PAVER SURFACE
- DENOTES ADJACENT PARCEL OWNER INFORMATION (PER RAMSEY COUNTY TAX INFORMATION)

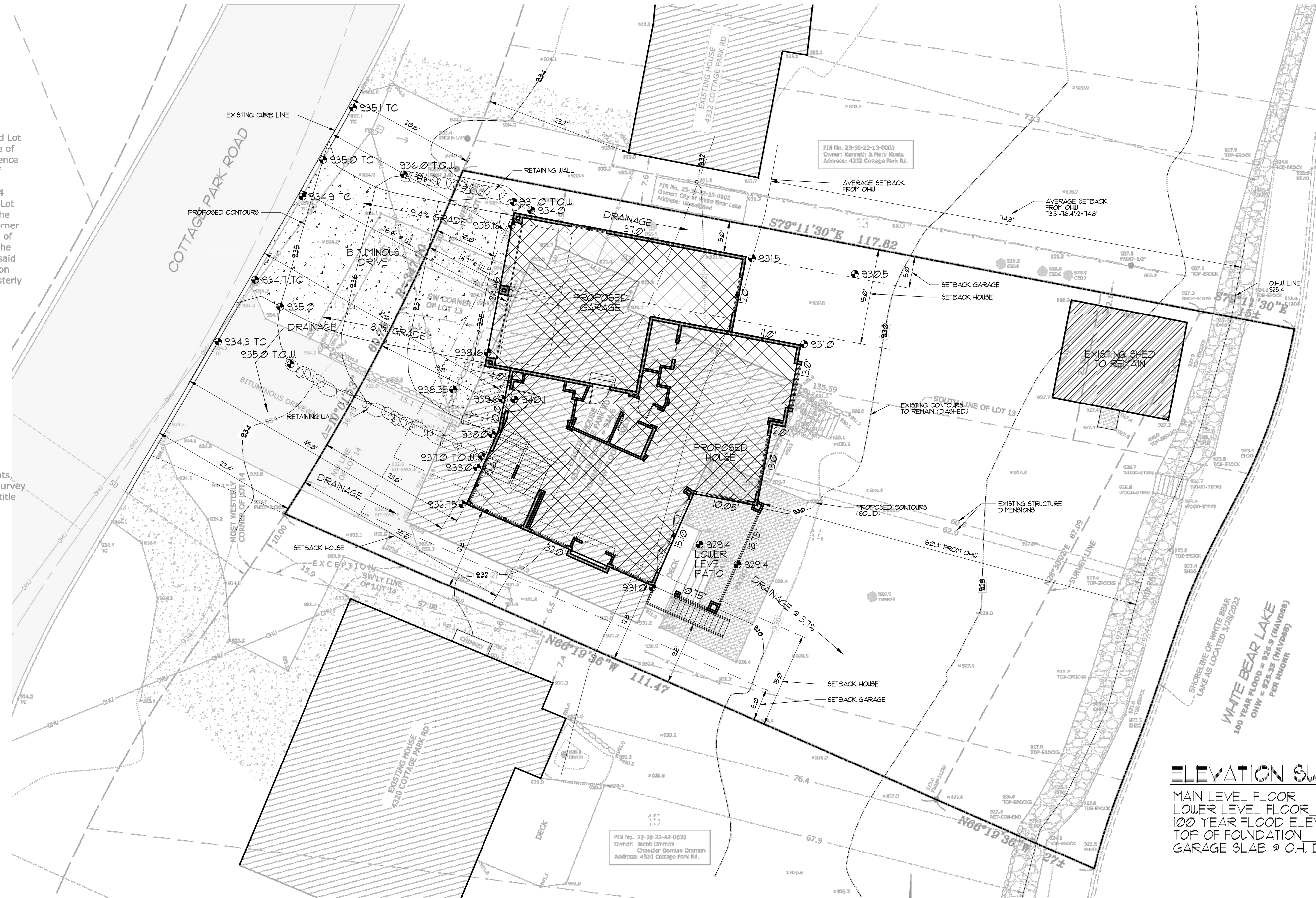
TREE DETAIL

- DENOTES ELEVATION
- DENOTES TREE QUANTITY
- DENOTES TREE SIZE IN INCHES
- DENOTES TREE TYPE

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

Jason E. Rud
 JASON E. RUD

Date: 4/5/2022 License No. 41578

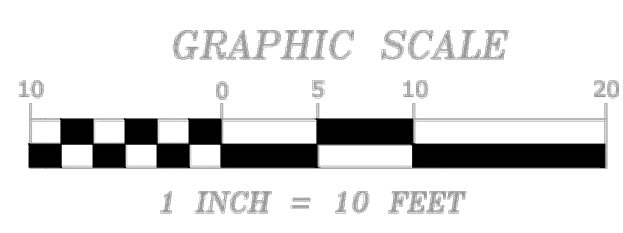


ELEVATION SUMMARY:

MAIN LEVEL FLOOR	934.0
LOWER LEVEL FLOOR	929.9
100 YEAR FLOOD ELEV	926.9
TOP OF FOUNDATION	938.42
GARAGE SLAB @ O.H. DOOR	938.16

EXISTING STRUCTURE IMPERVIOUS SURFACE

LOT AREA ABOVE OHWL = 9,301 SF
 EXISTING HOUSE FOUNDATION = 1,924 SF
 EXISTING SHED = 288 SF
 EXISTING DRIVEWAY = 336 SF
 PAVER PATIO = 367 SF
 PAVER SHED PAD = 9 SF
 ALL CONCRETE SIDEWALKS AND STEPS = 232 ST
 TOTAL IMPERVIOUS AREA = 3,156 SF (33.9%)



Birch - Impervious Surface Calculations

Item	Area (S.F.)	Percentage
Lot Area	9301 S.F.	100.0%
Proposed House	1269 S.F.	13.6%
Proposed Garage	710 S.F.	7.6%
Existing Shed	288 S.F.	3.1%
Drive	315 S.F.	3.4%
Walks	42.5 S.F.	0.5%
Stoop	58 S.F.	0.6%
Patio	185 S.F.	2.0%
Retaining Walls	40 S.F.	0.4%
Proposed Impervious Surface	2907.5 S.F.	31.3%

BENCHMARK

RAMSEY COUNTY BENCHMARK NO. 9093
 ELEVATION = 928.12 (NAVD 88 DATUM)

DRAWN BY: BAB	JOB NO: 220268BT	DATE: 3/30/2022	
CHECK BY: JER	FIELD CREW: JH/CB		
1			
2			
3			
NO.	DATE	DESCRIPTION	BY

E.G. RUD & SONS, INC.
 Professional Land Surveyors
 6776 Lake Drive NE, Suite 110
 Lino Lakes, MN 55014
 Tel. (651) 361-8200 Fax (651) 361-8701

PROJECT: NEW RESIDENCE
 OWNER: KRIS & KASEY BIRCH
 4324 COTTAGE PARK ROAD
 WHITE BEAR LAKE, MINNESOTA 55110

I HEREBY CERTIFY THAT THIS PLAN, REPORT, OR SPECIFICATION WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY REGISTERED ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA

DATE	REG. NO.
COMMISSION NUMBER: 2022489	
DRAWN BY: t.j.	
CHECKED BY: t.j.	
DOCUMENT DATE: 6/12/22	
ISSUED FOR: DATE:	
VARIANCE REQUEST: 5/16/22	
WINDOW SIZE 4 R.O.: 6/2/22	
REVISION:	DATE:
RAISE LOWEST FLOOR	6/15/22

SHEET NO.

 SHEET TITLE:
 SITE PLAN

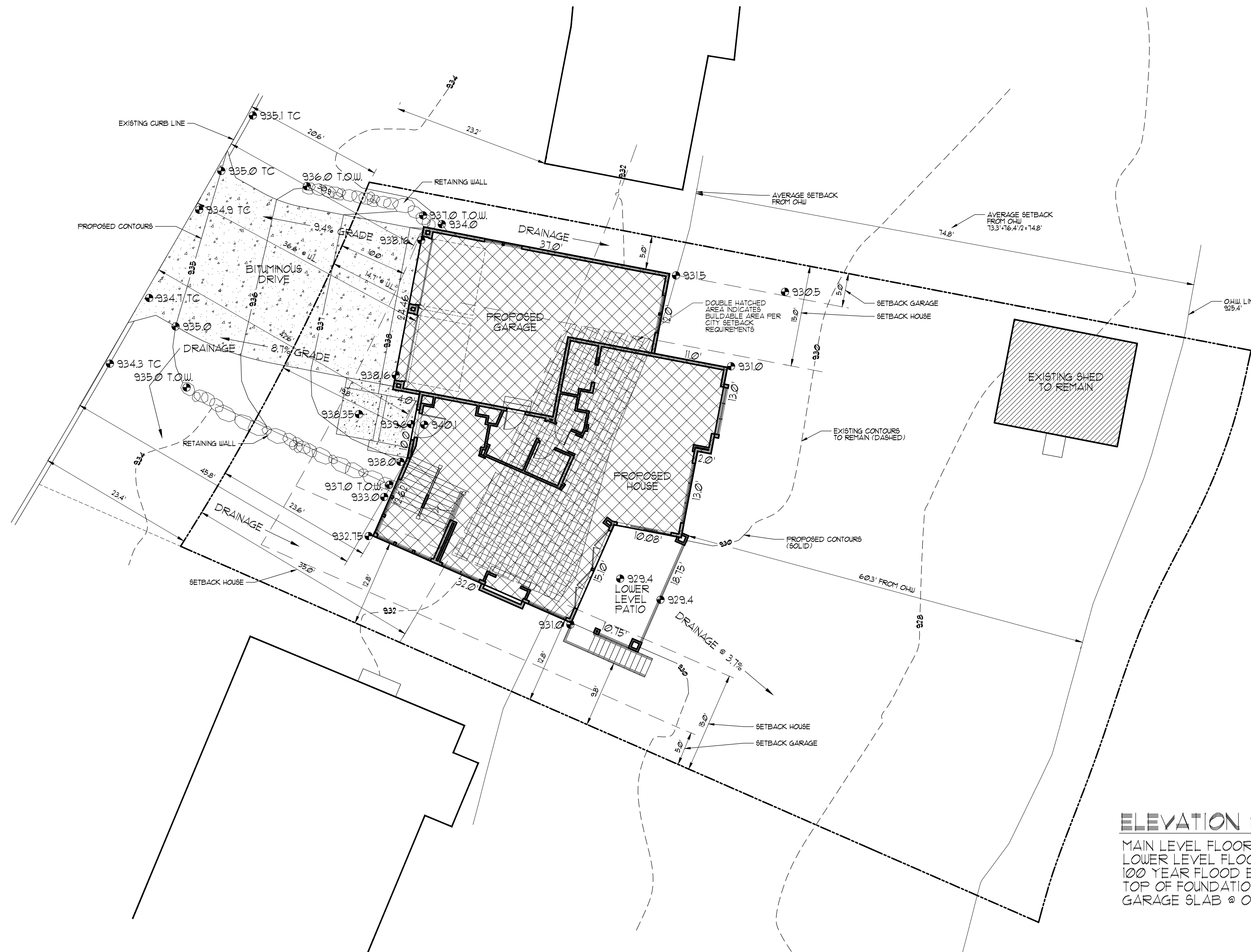
BIRCH RESIDENCE



JOHNSON & ASSOCIATES, ARCHITECTS

8469 224TH STREET NO.
FOREST LAKE, MINNESOTA 55025
PHONE 651.248.1342
E-MAIL TJJARCH@COMCAST.NET

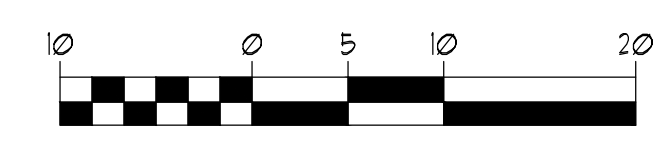
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ELEVATION SUMMARY:

MAIN LEVEL FLOOR	934.1
LOWER LEVEL FLOOR	929.9
100 YEAR FLOOD ELEV	926.9
TOP OF FOUNDATION	938.42
GARAGE SLAB @ O.H. DOOR	938.16

1
SP2 PROPOSED SITE PLAN
SCALE: 1" = 10'-0"



Birch - Impervious Surface Calculations

Item	Area (S.F.)	Percentage
Lot Area	9301 S.F.	100.0%
Proposed House	1269 S.F.	13.6%
Proposed Garage	710 S.F.	7.6%
Existing Shed	288 S.F.	3.1%
Drive	315 S.F.	3.4%
Walks	42.5 S.F.	0.5%
Stoop	58 S.F.	0.6%
Patio	185 S.F.	2.0%
Retaining Walls	40 S.F.	0.4%
Proposed Impervious Surface	2907.5 S.F.	31.3%

PROJECT: **NEW RESIDENCE**
OWNER: **KRIS & KASEY BIRCH**
4324 COTTAGE PARK ROAD
WHITE BEAR LAKE, MINNESOTA 55110

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DATE	REG. NO.
COMMISSION NUMBER: 2022489	
DRAWN BY: tj	
CHECKED BY: tj	
DOCUMENT DATE: 6/12/22	
ISSUED FOR: VARIANCE REQUEST	DATE: 5/16/22
WINDOW SIZE & R.O.	DATE: 6/2/22
REVISION:	DATE:
RAISE LOWEST FLOOR	6/15/22

SHEET NO.
SP2
SHEET TITLE:
SITE PLAN

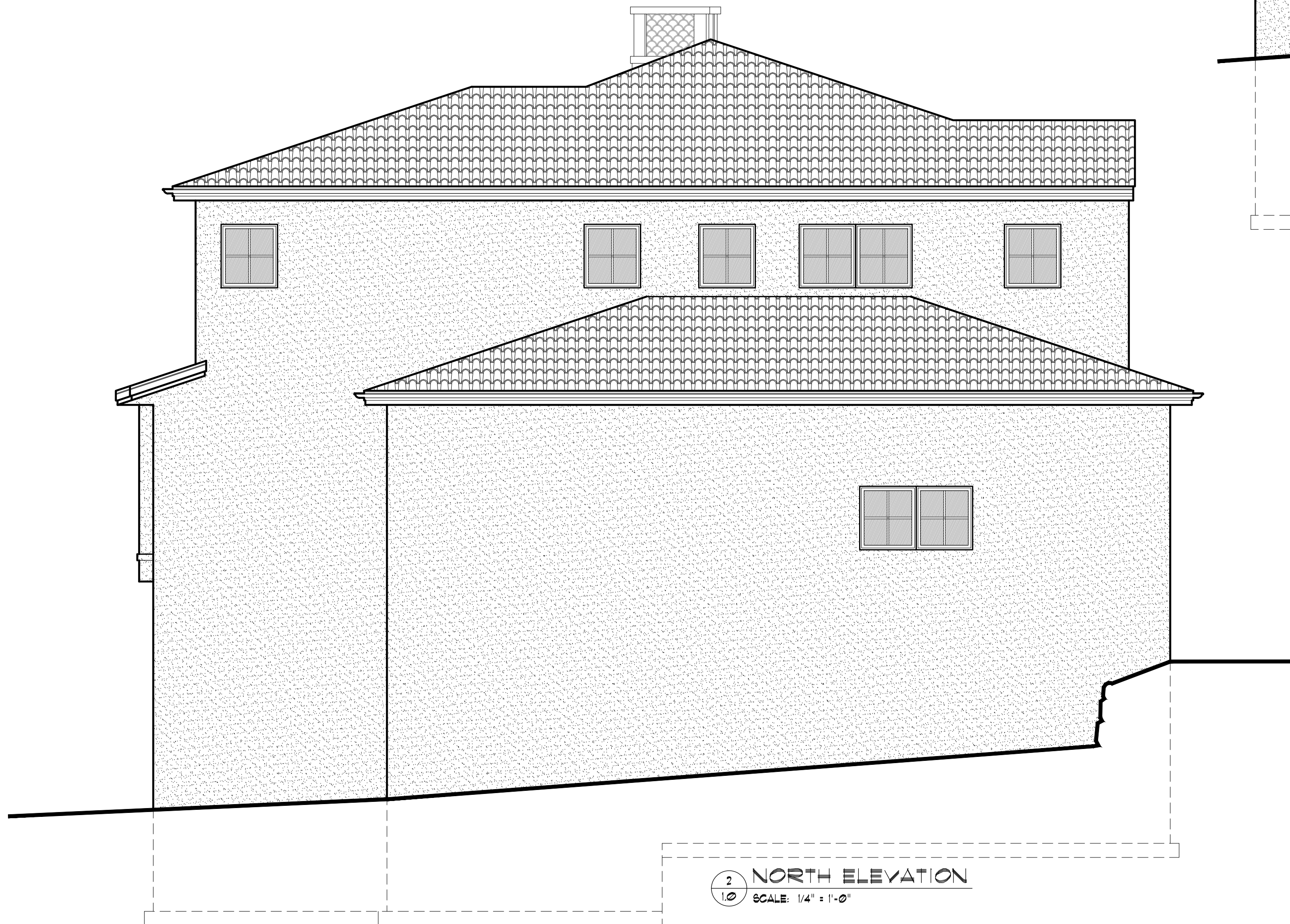
BIRCH RESIDENCE



JOHNSON &
ASSOCIATES,
ARCHITECTS

8469 224TH STREET NO.
FOREST LAKE, MINNESOTA 55025
PHONE 651.248.1342
E-MAIL TJARCH@COMCAST.NET

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PROJECT: **NEW RESIDENCE**
OWNER: **KRIS & KASEY BIRCH**
4324 COTTAGE PARK ROAD
WHITE BEAR LAKE, MINNESOTA 55110

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COMMISSION NUMBER: **2022489**

DRAWN BY: **tj**

CHECKED BY: **tj**

DOCUMENT DATE: **6/12/22**

ISSUED FOR: _____ DATE: _____

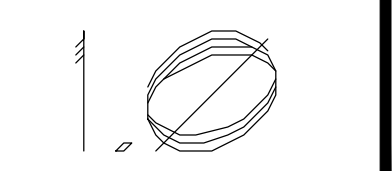
VARIANCE REQUEST **5/16/22**

WINDOW SIZE & R.O. **6/2/22**

REVISION: _____ DATE: _____

RAISE LOWEST FLOOR **6/15/22**

SHEET NO. _____



SHEET TITLE:
EXTERIOR ELEVATION



1 SOUTH ELEVATION
SCALE: 1/4" = 1'-0"

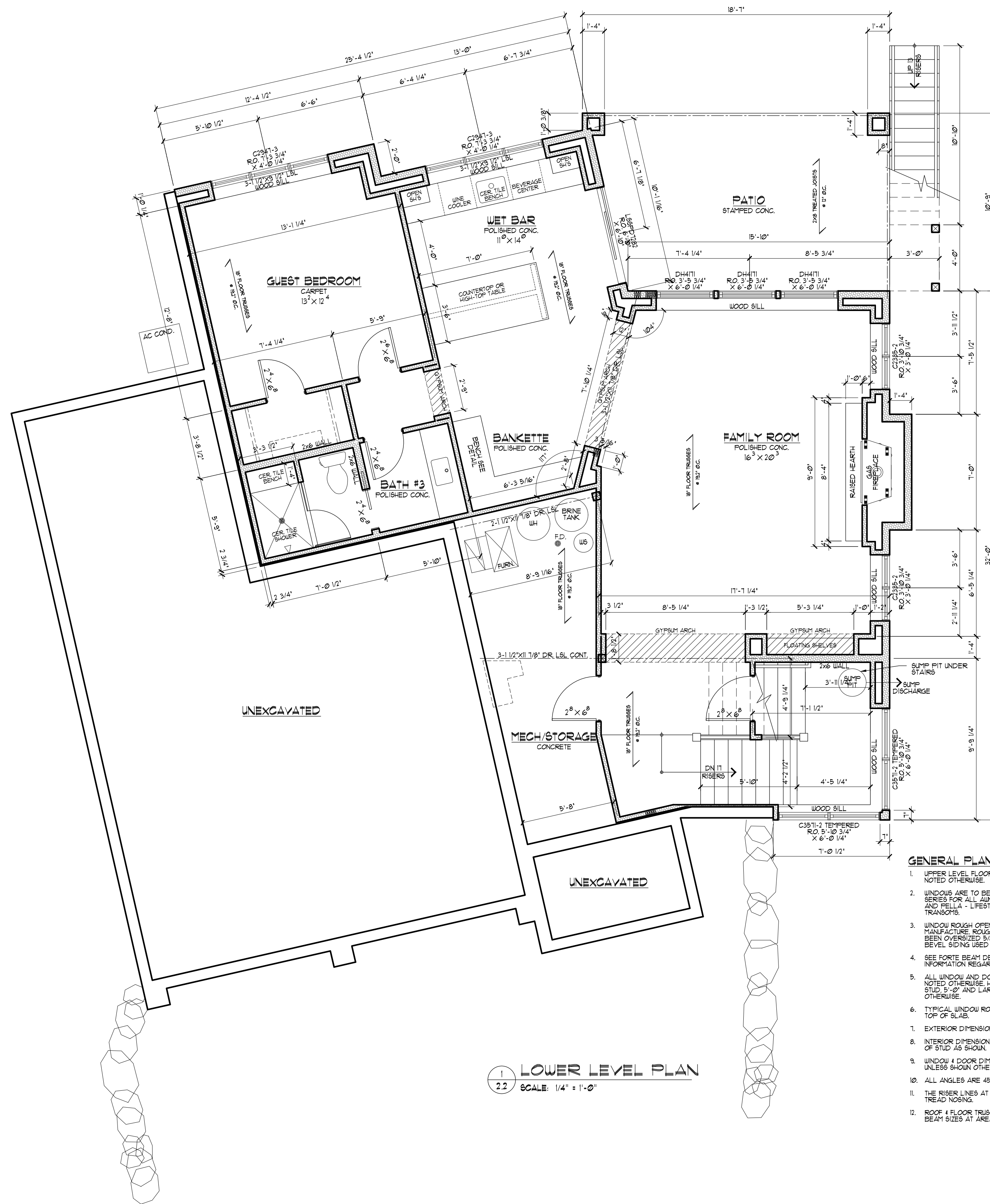


2 LAKESIDE ELEVATION
SCALE: 1/4" = 1'-0"

PROJECT: **NEW RESIDENCE**
OWNER: **KRIS & KASEY BIRCH**
4324 COTTAGE PARK ROAD
WHITE BEAR LAKE, MINNESOTA 55110

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DRAWN BY: t.j.	
CHECKED BY: t.j.	
DOCUMENT DATE: 6/12/22	
ISSUED FOR: VARIANCE REQUEST	DATE: 5/16/22
WINDOW SIZE & R.O.	6/2/22
REVISION:	DATE:
RAISE LOWEST FLOOR	6/15/22



1 LOWER LEVEL PLAN
SCALE: 1/4" = 1'-0"

GENERAL PLAN NOTES:

1. UPPER LEVEL FLOOR PLATE HEIGHT TO BE 8'-0", UNLESS NOTED OTHERWISE.
2. WINDOWS ARE TO BE PELLA - RESERVE CONTEMPORARY SERIES FOR ALL AWKING, CASEMENT, AND PICTURE WINDOWS AND PELLA - LIFESTYLES FOR DOUBLE HUNG AND ADJACENT TRANSOMS.
3. WINDOW ROUGH OPENINGS TO BE VERIFIED WITH WINDOW MANUFACTURE ROUGH OPENINGS DEFINED ON THIS PLAN HAVE BEEN OVERSIZED 5/8" VERTICALLY TO ALLOW FOR REGULAR BEVEL SIDING USED AT SILL FOR PITCH TO THE EXTERIOR.
4. SEE FORTE BEAM DESIGN SPECIFICATIONS FOR ADDITIONAL INFORMATION REGARDING BEAM AND HEADER DESIGNS.
5. ALL WINDOW AND DOOR HEADERS ARE TO BE 2-2X6'S UNLESS NOTED OTHERWISE. HEADER SPANS UP TO 4'-11" TRIMMER STUD 5'-0" AND LARGER 1/2 TRIMMER STUDS UNLESS NOTED OTHERWISE.
6. TYPICAL WINDOW ROUGH OPENINGS ARE TO BE 1'-8 1/4" ABOVE TOP OF SILL.
7. EXTERIOR DIMENSIONS ARE TO OUTSIDE FACE OF STUD.
8. INTERIOR DIMENSIONS ARE TO CENTER LINE OF STUD OR FACE OF STUD AS SHOWN.
9. WINDOW & DOOR DIMENSIONS ARE TO THE CENTERLINE OF UNIT UNLESS SHOWN OTHERWISE.
10. ALL ANGLES ARE 45 DEGREES UNLESS NOTED OTHERWISE.
11. THE RISER LINES AT STAIRS REPRESENT THE FRONT OF THE TREAD NOSING.
12. ROOF & FLOOR TRUSS FABRICATOR TO VERIFY HEADER AND BEAM SIZES AT AREAS SUBJECT TO GROSS TRUSS LOADS.

PROJECT:

NEW RESIDENCE

OWNER:
KRIS & KASEY BIRCH
4324 COTTAGE PARK ROAD
WHITE BEAR LAKE, MINNESOTA 55110

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DATE REG. NO.

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DRAWN BY: t.j.

CHECKED BY: t.j.

DOCUMENT DATE: 6/12/22

ISSUED FOR: DATE:

VARIANCE REQUEST 5/16/22

WINDOW SIZE 4 R.O. 6/2/22

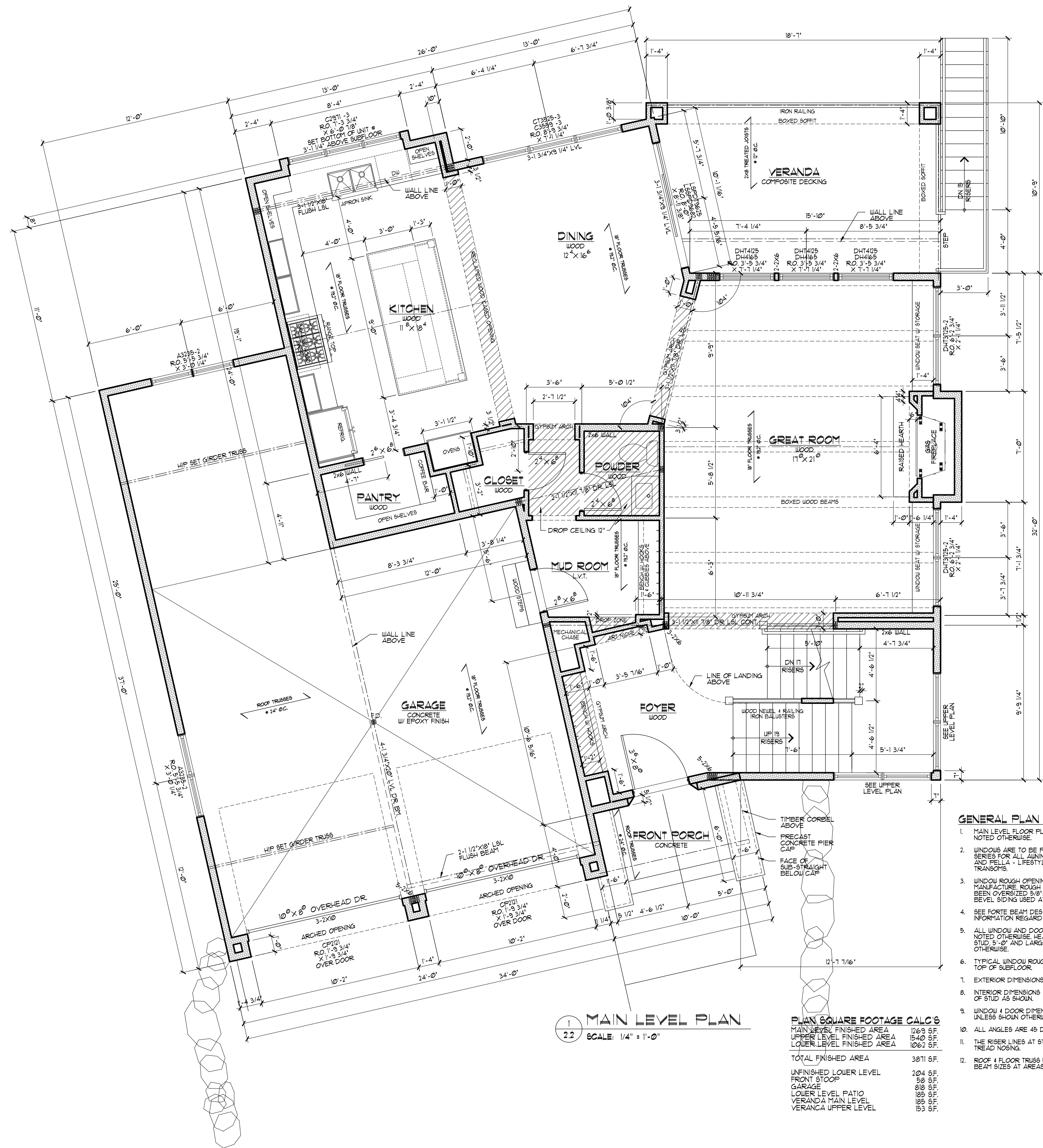
REVISION: DATE:

RAISE LOWEST FLOOR 6/15/22

SHEET NO.

21

SHEET TITLE:
LOWER LEVEL PLAN



- GENERAL PLAN NOTES:**
- MAIN LEVEL FLOOR PLATE HEIGHT TO BE 10'-1 1/8", UNLESS NOTED OTHERWISE.
 - WINDOWS ARE TO BE PELLA - RESERVE CONTEMPORARY SERIES FOR ALL AWNING, CASEMENT AND PICTURE WINDOWS AND PELLA - LIFESTYLES FOR DOUBLE HUNG AND ADJACENT TRANSOMS.
 - WINDOW ROUGH OPENINGS TO BE VERIFIED WITH WINDOW MANUFACTURE ROUGH OPENINGS DEFINED ON THIS PLAN HAVE BEEN OVERSIZED 5/8" VERTICALLY TO ALLOW FOR SILLAR BEVEL SIDING USED AT SILL FOR PITCH TO THE EXTERIOR.
 - SEE FORTÉ BEAM DESIGN SPECIFICATIONS FOR ADDITIONAL INFORMATION REGARDING BEAM AND HEADER DESIGNS.
 - ALL WINDOW AND DOOR HEADERS ARE TO BE 2-2X10'S UNLESS NOTED OTHERWISE. HEADER SPANS UP TO 4'-11" TRIMMER STUD 5'-0" AND LARGER 12 TRIMMER STUDS UNLESS NOTED OTHERWISE.
 - TYPICAL WINDOW ROUGH OPENINGS ARE TO BE 8'-11 3/8" ABOVE TOP OF SUBFLOOR.
 - EXTERIOR DIMENSIONS ARE TO OUTSIDE FACE OF STUD.
 - INTERIOR DIMENSIONS ARE TO CENTER LINE OF STUD OR FACE OF STUD AS SHOWN.
 - WINDOW & DOOR DIMENSIONS ARE TO THE CENTERLINE OF UNIT UNLESS SHOWN OTHERWISE.
 - ALL ANGLES ARE 45 DEGREES UNLESS NOTED OTHERWISE.
 - THE RISER LINES AT STAIRS REPRESENT THE FRONT OF THE TREAD NOSING.
 - ROOF & FLOOR TRUSS FABRICATOR TO VERIFY HEADER AND BEAM SIZES AT AREAS SUBJECT TO GROSS TRUSS LOADS.

PROJECT: **NEW RESIDENCE**
OWNER: **KRIS & KASEY BIRCH**
4324 COTTAGE PARK ROAD
WHITE BEAR LAKE, MINNESOTA 55110

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ISSUED FOR:	DATE:
VARIANCE REQUEST	5/16/22
WINDOW SIZE 4 R.O.	6/2/22
REVISION:	DATE:
RAISE LOWEST FLOOR	6/15/22



1 UPPER LEVEL PLAN
SCALE: 1/4" = 1'-0"

GENERAL PLAN NOTES:

- UPPER LEVEL FLOOR PLATE HEIGHT TO BE 8'-1 1/8", UNLESS NOTED OTHERWISE.
- WINDOWS ARE TO BE PELLA - RESERVE CONTEMPORARY SERIES FOR ALL AWNING, CASEMENT, AND PICTURE WINDOWS AND PELLA - LIFESTYLES FOR DOUBLE HUNG AND ADJACENT TRANSOMS.
- WINDOW ROUGH OPENINGS TO BE VERIFIED WITH WINDOW MANUFACTURE ROUGH OPENINGS DEFINED ON THIS PLAN HAVE BEEN OVERSIZED 5/8" VERTICALLY TO ALLOW FOR REGULAR BEVEL SIDING USED AT SILL FOR PITCH TO THE EXTERIOR.
- SEE FORTÉ BEAM DESIGN SPECIFICATIONS FOR ADDITIONAL INFORMATION REGARDING BEAM AND HEADER DESIGNS.
- ALL WINDOW AND DOOR HEADERS ARE TO BE 2"x8"s UNLESS NOTED OTHERWISE. HEADER SPANS UP TO 4'-11" TRIMMER STUD 5'-0" AND LARGER 12" TRIMMER STUDS UNLESS NOTED OTHERWISE.
- TYPICAL WINDOW ROUGH OPENINGS ARE TO BE 6'-11 3/8" ABOVE TOP OF SUBFLOOR.
- EXTERIOR DIMENSIONS ARE TO OUTSIDE FACE OF STUD.
- INTERIOR DIMENSIONS ARE TO CENTER LINE OF STUD OR FACE OF STUD AS SHOWN.
- WINDOW & DOOR DIMENSIONS ARE TO THE CENTERLINE OF UNIT UNLESS SHOWN OTHERWISE.
- ALL ANGLES ARE 45 DEGREES UNLESS NOTED OTHERWISE.
- THE RISER LINES AT STAIRS REPRESENT THE FRONT OF THE TREAD NOSING.
- ROOF & FLOOR TRUSS FABRICATOR TO VERIFY HEADER AND BEAM SIZES AT AREAS SUBJECT TO GIRDER TRUSS LOADS.

PROJECT:

NEW RESIDENCE

OWNER:
KRIS & KASEY BIRCH
4324 COTTAGE PARK ROAD
WHITE BEAR LAKE, MINNESOTA 55110

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DATE: _____ REG. NO. _____

COMMISSION NUMBER: **2022489**

DRAWN BY: **l.j.**

CHECKED BY: **l.j.**

DOCUMENT DATE: **6/12/22**

ISSUED FOR: _____ DATE: _____

VARIANCE REQUEST 5/16/22

WINDOW SIZE & R.O. 6/2/22

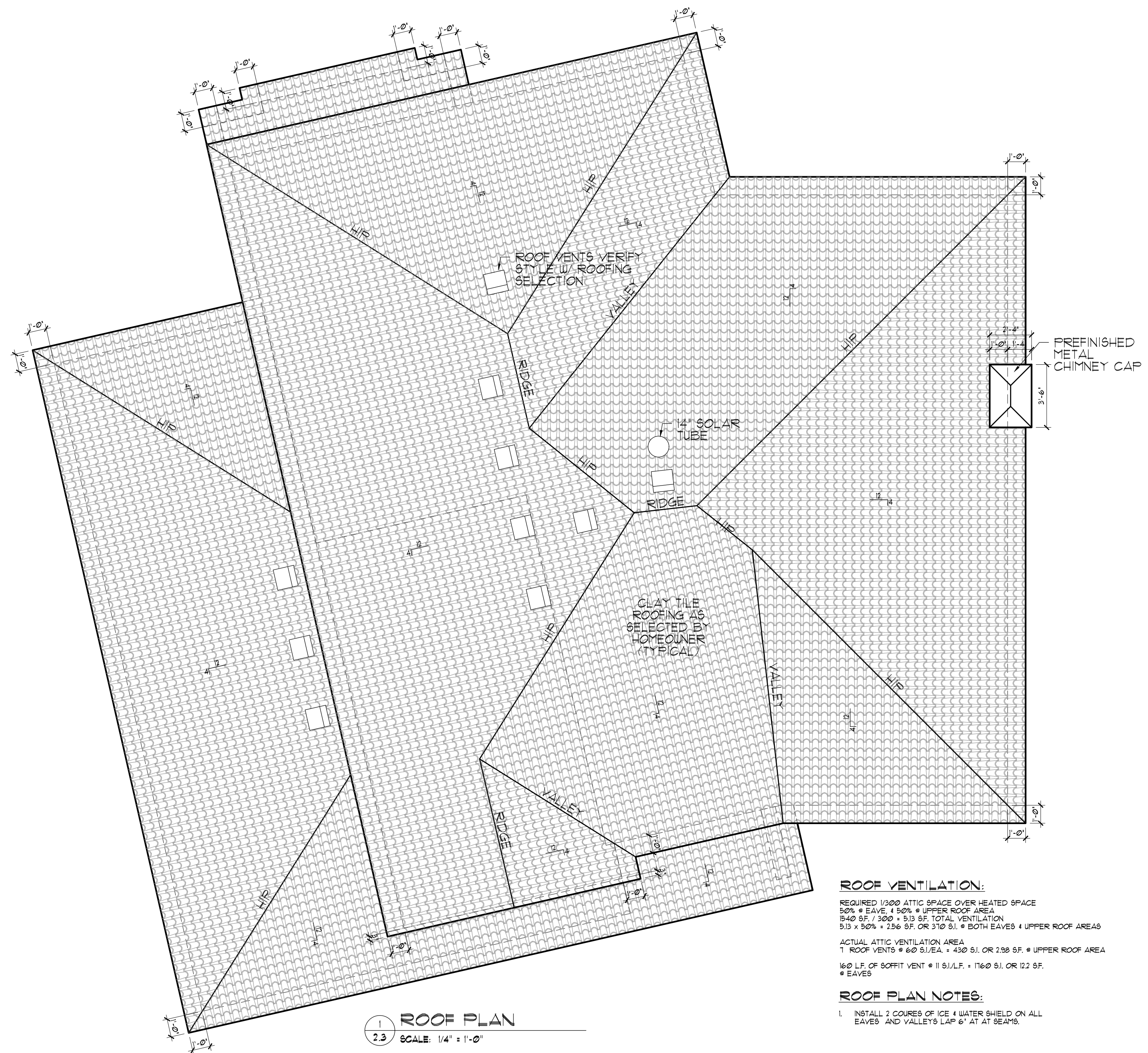
REVISION: _____ DATE: _____

RAISE LOWEST FLOOR 6/15/22

SHEET NO.

23

SHEET TITLE:
UPPER LEVEL PLAN



ROOF VENTILATION:
 REQUIRED 1/300 ATTIC SPACE OVER HEATED SPACE
 50% @ EAVE & 50% @ UPPER ROOF AREA
 1940 SF / 3000 = 6.47 SF TOTAL VENTILATION
 5.13 x 50% = 2.56 SF. OR 3.10 SF. @ BOTH EAVES & UPPER ROOF AREAS

 ACTUAL ATTIC VENTILATION AREA
 1 ROOF VENTS @ 60 SF/EA. = 430 SF. OR 2.98 SF. @ UPPER ROOF AREA
 160 LF. OF SOFFIT VENT @ 11 SF/L.F. = 1760 SF. OR 122 SF.
 @ EAVES

ROOF PLAN NOTES:
 1. INSTALL 2 COURSES OF ICE & WATER SHIELD ON ALL EAVES AND VALLEYS LAP 6" AT SEAMS.

1 ROOF PLAN
 2.3 SCALE: 1/4" = 1'-0"

PROJECT: **NEW RESIDENCE**
 OWNER: **KRIS & KASEY BIRCH**
 4324 COTTAGE PARK ROAD
 WHITE BEAR LAKE, MINNESOTA 55110

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REVISION:	DATE:
RAISE LOWEST FLOOR	6/15/22

PIN No. 23-30-22-13-4
Owner: Kenneth & Mary Koetz
Address: 4332 Cottage Park Rd.

AVERAGE SETBACK FROM OHU
 $133' + 16.4' / 2 = 14.8'$

PIN No. 23-30-22-13-0002
Owner: City of White Bear Lake
Address: Unassigned

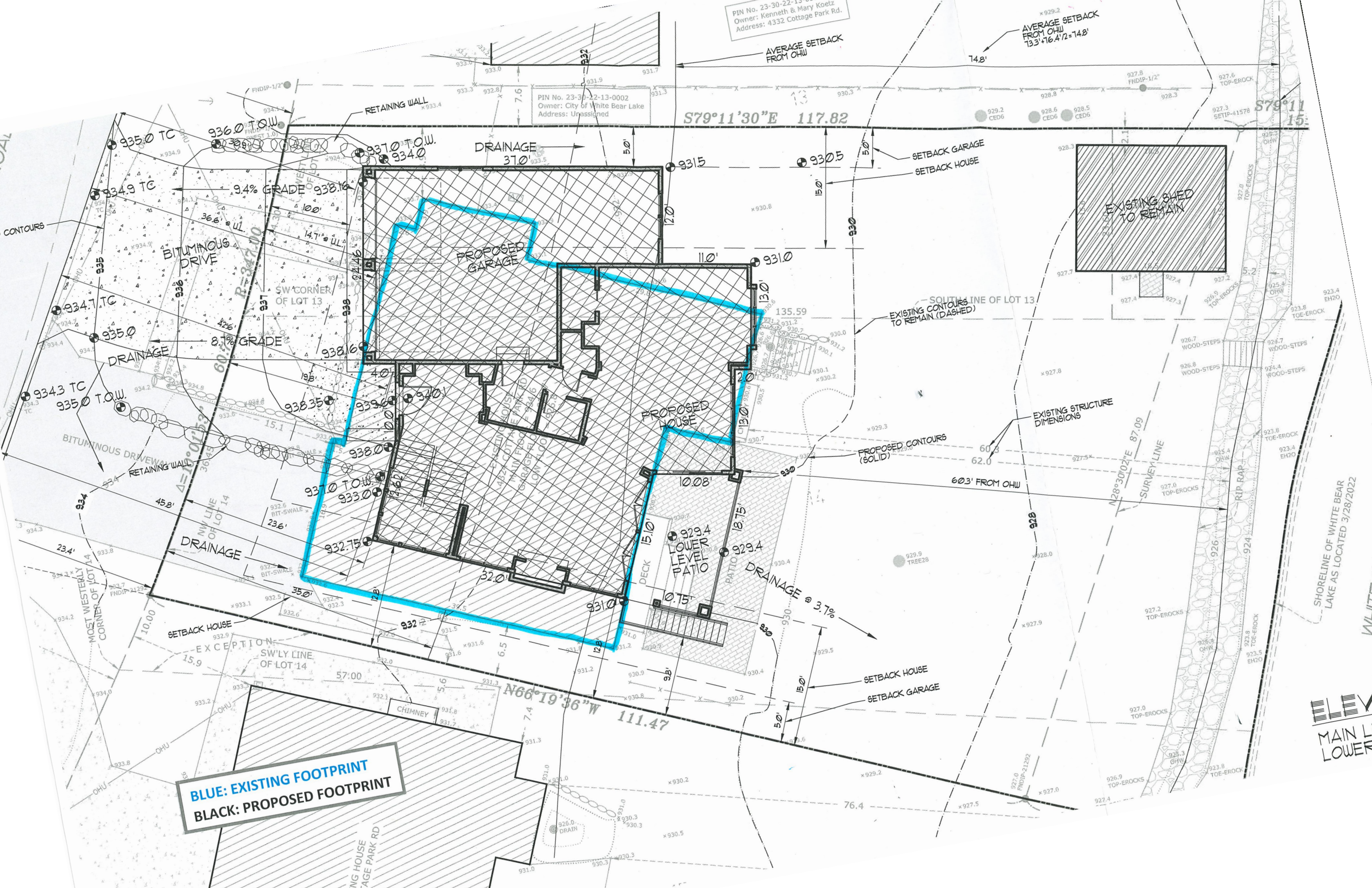
AVERAGE SETBACK FROM OHU

$S79^{\circ}11'30''E$ 117.82

$S79^{\circ}11'15''E$

BLUE: EXISTING FOOTPRINT
BLACK: PROPOSED FOOTPRINT

ELEV
MAIN L
LOWER

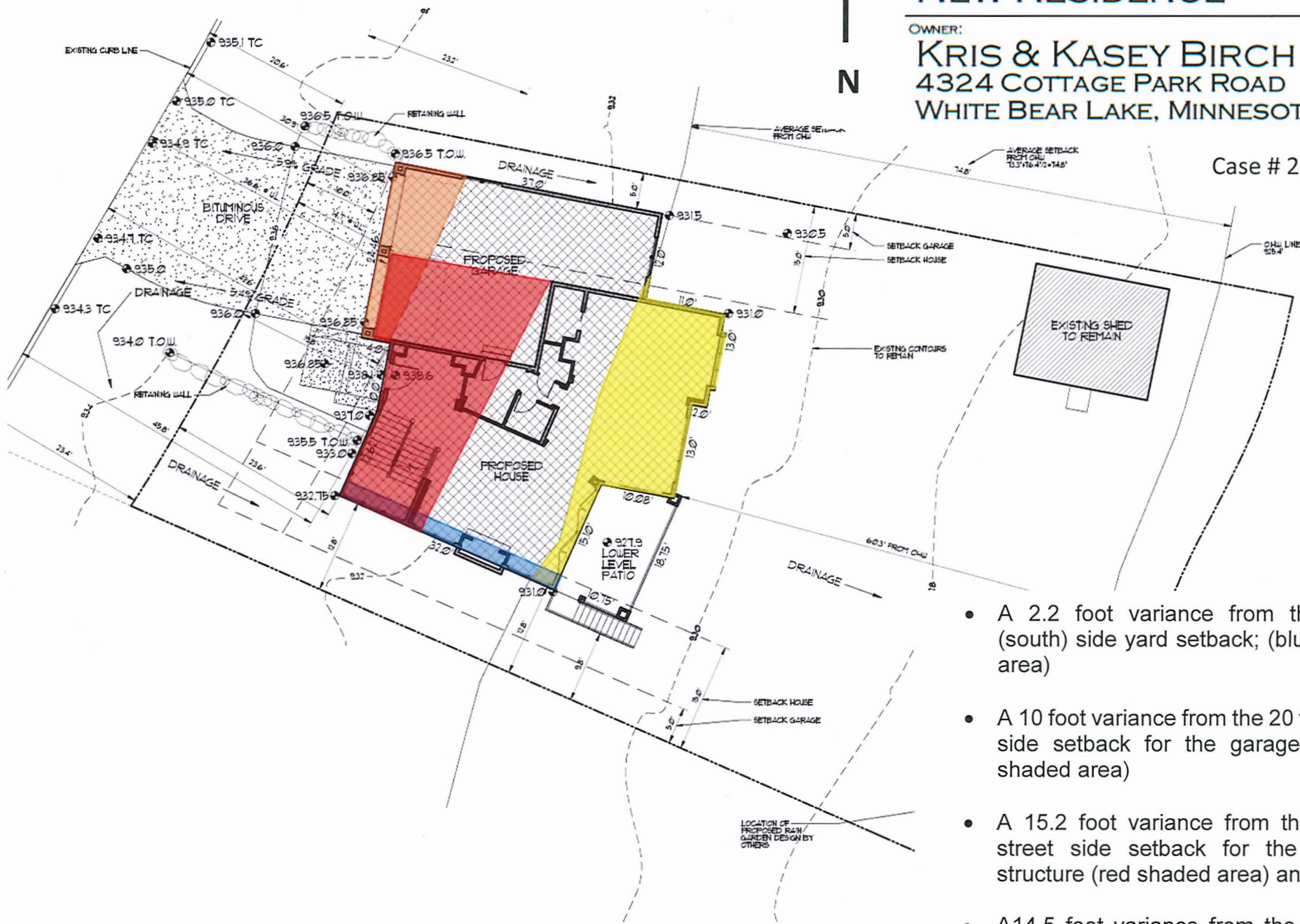


NEW RESIDENCE

OWNER:

KRIS & KASEY BIRCH
 4324 COTTAGE PARK ROAD
 WHITE BEAR LAKE, MINNESOTA 55110

Case # 22-12-V



- A 2.2 foot variance from the 15 foot (south) side yard setback; (blue shaded area)
- A 10 foot variance from the 20 foot street side setback for the garage; (orange shaded area)
- A 15.2 foot variance from the 35 foot street side setback for the principal structure (red shaded area) and
- A 14.5 foot variance from the 74.8 foot average lake side setback, (yellow shaded area)

1
 SP2 **PROPOSED SITE PLAN**
 SCALE: 1" = 10'-0"



City of White Bear Lake
Community Development Department

MEMORANDUM

TO: Lindy Crawford, City Manager
FROM: Jason Lindahl, Community Development Director
DATE: July 12, 2022
SUBJECT: **Strand Minor Subdivision & Variance, 1986 Webber Street – Case No. 22-3-LS & 22-13-V**

SUMMARY

The applicant, Rollo Strand, is requesting a minor subdivision in order to untie two historic lots of record and a 1.3-foot variance from the 10-foot side yard setback to allow the existing home to sit 8.7 feet from the property line. Based on the findings made in this report, both the Planning Commission and staff have reviewed the request for compliance with the subdivision regulations and the zoning code and find that the applicable requirements have been met. Staff and the Planning Commission further find that the applicant has demonstrated a practical difficulty with meeting the City's zoning regulations as required by Minnesota Statute 462.357, Subd.6 and recommend approval of this request.

Planning Commission Action

The Planning Commission reviewed this item during the June 27, 2022 regular meeting. During the meeting, the commission heard a presentation by staff and held a public hearing where only the applicant spoke to the matter. After hearing staff's presentation and the applicant's comments, the commission voted 7-0 to recommend the City Council approve the request.

BACKGROUND INFORMATION

Applicant/Owner: Rollo Strand

Existing Land Use / Zoning: Single Family; zoned R-4: Single Family – Two Family Residential

Surrounding Land Use / Zoning: All Directions: Single Family; zoned R-4: Single Family – Two Family Residential

Comprehensive Plan: Low Density Residential

Lot Size & Width: Code: 7,200 sq. ft.; 60 feet
Site: 13,465 sq. ft.; 100 feet

The subject site is located on the south side of Webber Street and west of Bald Eagle Avenue.

The two historic lots of record were platted in 1883 in the Ramaley's Park subdivision. It is unknown when the lots were combined, but according to Ramsey County, the existing single family home was constructed in 1918.

Minor Subdivision

Subdivision approvals are considered quasi-judicial actions. As such, the City is acting as a judge to determine if the regulations within the Comprehensive Plan, Zoning Ordinance and Subdivision Ordinance are being followed. Generally, if the application meets these requirements, the subdivision application should be approved. The City also has the authority to add conditions to an approval that are directly related to the application.

Standards for reviewing subdivision requests are outlined in Section 1407.030 of the City Code. The standards for review and staff's findings for each are provided below.

1. The request shall not result in three (3) or less parcels.
2. Located in an area already served by public streets and utilities.
3. The request shall not cause any resulting property to be in violation of subdivision or zoning regulations.

The seventy percent rule allows two historic lots of record to be "untied" when they meet seventy percent of current size and width standards. The table below denotes the lot requirements for the R-4 Zoning District, seventy percent of that, and the proposed lot sizes. As shown, the two properties will be greater than seventy percent in both size and width, so can be untied and utilized as residential lots.

	R-4 Zoning District Requirements	Seventy Percent Rule	Proposed Lots
Size	7,200 sq. ft.	5,040 sq. ft.	6,730 & 6,735 sq. ft.
Width	60 feet	42 feet	50 feet

Further, the surrounding properties are generally 50-foot-wide lots and similar in size, so the proposed subdivision will not be out of character with the neighborhood. In fact, when originally platted, all the lots in this neighborhood were 50 feet wide.

The properties have access to City sewer and water. Park dedication in the amount of \$1,200 will be due prior to construction on the new lot (parcel B).

Variance Review

City review authority for variance applications is considered a Quasi-Judicial action. This means the city acts like a judge in evaluating the facts against the legal standard. The city's role is limited to applying the legal standard of practical difficulties to the facts presented by the application. Generally, if the application meets the review standards, the variance should be approved. The standards for reviewing variances are detailed in Minnesota State Statute 462.357, Subdivision 6. In Summary, variances may be granted when the applicant establishes there are "practical difficulties" in complying with the zoning regulations. A practical difficulty is

defined by the five questions listed below. Economic considerations alone do not constitute a practical difficulty. In addition, under the statute the City may choose to add conditions of approval that are directly related to and bear a rough proportionality on the impact created by the variance.

Staff has reviewed the variance request against the standards detailed in Minnesota State Statute 462.357, Subdivision 6 and finds the applicant has demonstrated a practical difficulty. The standards for reviewing a variance application and staff's findings for each are provided below.

1. Is the variance in harmony with purposes and intent of the ordinance?

Finding: The proposed variance is in harmony with the purpose and intent of the zoning regulations. The subject property is zoned R-4, Single and Two-Family Residential. The Zoning Code states the purpose of the R-4 district is to "provide for low and moderate density one and two unit dwellings and directly related, complementary uses." The proposed variance will allow the applicant to retain the single family home.

2. Is the variance consistent with the comprehensive plan?

Finding: The proposed variance is consistent with the 2040 Comprehensive Plan. The 2040 Comprehensive Plan Future Land Use Map guides the subject property as Low Density Residential, which allows a density range of 3 to 9 units per acre. Granting the requested variance will allow the property to be at a density of 6.67 units per acre, consistent with the comprehensive plan.

3. Does the proposal put the property to use in a reasonable manner?

Finding: The proposal would put the subject property to use in a reasonable manner. Single-family homes are supported by both the zoning code and comprehensive plan. The proposed variance would allow the existing single-family home to remain with minimal variance from the zoning regulations.

4. Are there unique circumstances to the property not created by the landowner?

Finding: There are unique circumstances to the property that were not created by the landowner, namely the location of the existing home in relation to the property line of the historic lots of record. If the lot line were to be moved to meet the required setback, the lots would not be able to be "untied" and would then need both size and width variances granted. Further, the home was constructed prior to the adoption of the first zoning code, so the ten foot required setback was not applicable.

5. Will the variance, if granted, alter the essential character of the locality?

Finding: Granting the requested variance will not alter the essential character of the surrounding neighborhood. The majority of lots in this neighborhood are narrow and a number of the nearby homes encroach into the required setback. Staff conducted a quick analysis of the neighborhood, and of the eleven other houses on the block, at least six encroach into the side yard setback.

Rear Yard Cover

After the subdivision, Parcel A will have a rear yard coverage of 52.5%. The maximum allowed is 35% by right and up to 42% through an administrative variance. The applicant is proposing to remove the shed, which does not meet setback requirements, and a sizable amount of the driveway/sidewalk to meet the 35% limitation. If it is not reduced all the way down to 35%, the applicant will need to obtain an administrative variance.

There are no plans for construction of a home on parcel B at this time, but the buildable area of the lot is sufficient in size to support a home with no variances required.

RECOMMENDATION

The Planning Commission and staff recommend approval of 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. Within 6 months after the approval of the survey by the City, the applicant shall record the survey, along with the instruments of conveyance with the County Land Records Office, or the subdivision shall become null and void.
3. The resolution of approval shall be recorded against both properties and notice of these conditions shall be provided as condition of the sale of any lot.
4. The applicant shall provide the City with proof of recording (receipt) as evidence of compliance with conditions #2 and #3. Within 120 days after the date of recording, the applicant shall provide the City Planner with a final recorded copy of the Certificate of Survey.
5. The applicant shall agree to reapportion any pending or actual assessments on the original parcel or lot of recording in accordance with the original assessment formula on the newly approved parcels, as per the City of White Bear Lake finance office schedules.
6. Durable iron monuments shall be set at the intersection points of the new lot lines with existing lot lines. The applicant shall have one year from the date of Council approval in which to set the monuments.
7. The park dedication fee shall be collected for Parcel B at the time when a building permit is issued.
8. Metropolitan Council SAC (Sewer Availability Charge) and WAC (Water Availability Charge) and City SAC and WAC shall be due at the time of building permit for Parcel B.
9. Water and sewer hook-up fees shall be collected at the time when a building permit is issued for Parcel B.
10. A tree preservation plan shall be submitted for review and approval prior to the issuance of a building permit for Parcel B.
11. The shed and excess hard surface on parcel A shall be removed to conform to rear yard cover limitations prior to the City's issuance of the signed resolution.

Attachments:

Resolution
Survey

RESOLUTION NO.

**RESOLUTION GRANTING A MINOR SUBDIVISION AND A VARIANCE
FOR 1986 WEBBER STREET WITHIN THE CITY OF WHITE BEAR LAKE, MINNESOTA**

WHEREAS, Rollo Strand has requested a minor subdivision, per Subdivision Code 1407.060, to untie two historic lots of record, and a 1.3 foot variance from the 10 foot side yard setback, per Zoning Code Section 1303.060, Subd.5.c.2, to allow the existing home to sit 8.7 feet from the property line at the following location:

LOCATION: 1986 Webber Street

EXISTING LEGAL DESCRIPTION: Lots 13 & 14, Block 10, RAMALEYS PARK, Ramsey County, Minnesota. (PID #: 143022340045)

PROPOSED LEGAL DESCRIPTIONS:

(Parcel A) Lot 13, Block 10, RAMALEYS PARK, Ramsey County, Minnesota.

(Parcel B) Lot 14, Block 10, RAMALEYS PARK, Ramsey County, Minnesota.

WHEREAS, the Planning Commission held a public hearing as required by the Zoning Code on June 27, 2022; and

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

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

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

RESOLUTION NO.

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

BE IT FURTHER 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. Within 6 months after the approval of the survey by the City, the applicant shall record the survey, along with the instruments of conveyance with the County Land Records Office, or the subdivision shall become null and void.
3. The resolution of approval shall be recorded against both properties and notice of these conditions shall be provided as condition of the sale of any lot.
4. The applicant shall provide the City with proof of recording (receipt) as evidence of compliance with conditions #2 and #3. Within 120 days after the date of recording, the applicant shall provide the City Planner with a final recorded copy of the Certificate of Survey.
5. The applicant shall agree to reapportion any pending or actual assessments on the original parcel or lot of recording in accordance with the original assessment formula on the newly approved parcels, as per the City of White Bear Lake finance office schedules.
6. Durable iron monuments shall be set at the intersection points of the new lot lines with existing lot lines. The applicant shall have one year from the date of Council approval in which to set the monuments.
7. The park dedication fee shall be collected for Parcel B at the time when a building permit is issued.
8. Metropolitan Council SAC (Sewer Availability Charge) and WAC (Water Availability Charge) and City SAC and WAC shall be due at the time of building permit for Parcel B.
9. Water and sewer hook-up fees shall be collected at the time when a building permit is issued for Parcel B.
10. A tree preservation plan shall be submitted for review and approval prior to the issuance of a building permit for Parcel B.
11. The shed and excess hard surface on parcel A shall be removed to conform to rear yard cover limitations prior to the City's issuance of the signed resolution.

RESOLUTION NO.

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

Ayes:

Nays:

Passed:

Dan Louismet, Mayor

ATTEST:

Lindy Crawford, City Manager

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

CERTIFICATE OF SURVEY

~for~ ROLLO STRAND
 ~of~ 1986 WEBBER STREET
 WHITE BEAR LAKE, MINNESOTA

REAR YARD AREA CALCULATIONS LOT 13 & 14
 TOTAL LOT AREA 13,465 SQ. FT.
 REAR YARD AREA 7,471 SQ. FT.

EXISTING GARAGE IN REAR YARD 614 SQ. FT.
 EXISTING DRIVEWAY IN REAR YARD 969 SQ. FT.
 EXISTING SHED IN REAR YARD 98 SQ. FT.
 EXISTING CONCRETE IN REAR YARD 288 SQ. FT.
 TOTAL REAR YARD COVER 1,969 SQ. FT.
 PERCENT IMPERVIOUS 26.4%

REAR YARD AREA CALCULATIONS LOT 14
 TOTAL LOT AREA 6,735 SQ. FT.
 REAR YARD AREA 3,724 SQ. FT.

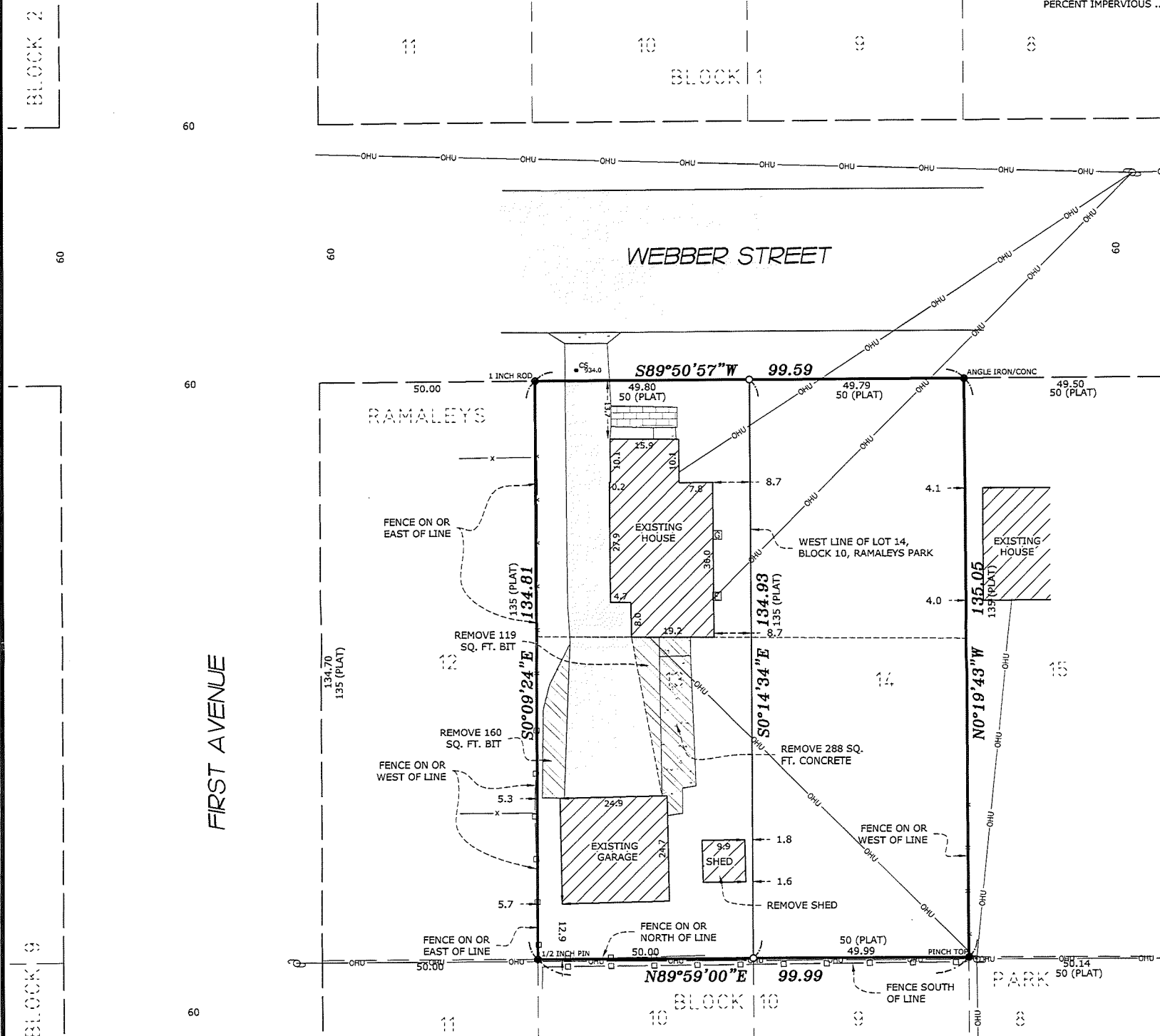
EXISTING GARAGE IN REAR YARD 0 SQ. FT.
 EXISTING DRIVEWAY IN REAR YARD 0 SQ. FT.
 EXISTING SHED IN REAR YARD 0 SQ. FT.
 EXISTING CONCRETE IN REAR YARD 0 SQ. FT.
 TOTAL REAR YARD COVER 0 SQ. FT.
 PERCENT IMPERVIOUS 0%

REAR YARD AREA CALCULATIONS LOT 13
 TOTAL LOT AREA 6,730 SQ. FT.
 REAR YARD AREA 3,747 SQ. FT.

EXISTING GARAGE IN REAR YARD 614 SQ. FT.
 EXISTING DRIVEWAY IN REAR YARD 969 SQ. FT.
 EXISTING SHED IN REAR YARD 98 SQ. FT.
 EXISTING CONCRETE IN REAR YARD 288 SQ. FT.
 TOTAL REAR YARD COVER 1,969 SQ. FT.
 PERCENT IMPERVIOUS 52.5%

**REAR YARD AREA CALCULATIONS LOT 13
 AFTER REMOVALS**

TOTAL LOT AREA 6,730 SQ. FT.
 REAR YARD AREA 3,747 SQ. FT.
 EXISTING GARAGE IN REAR YARD 614 SQ. FT.
 REMAINING DRIVEWAY IN REAR YARD 690 SQ. FT.
 EXISTING SHED IN REAR YARD 0 SQ. FT.
 EXISTING CONCRETE IN REAR YARD 0 SQ. FT.
 TOTAL REAR YARD COVER 1,304 SQ. FT.
 PERCENT IMPERVIOUS 34.8%



NOTES

- Field survey was completed by E.G. Rud and Sons, Inc. on 02/08/22.
- Bearings shown are on an assumed datum.
- Parcel ID Number: 14-30-22-34-0045.
- Curb shots are taken at the top and back of curb.
- No improvements outside of fencing found on Lot 14.
- This survey was prepared without the benefit of title work. Additional easements, restrictions and/or encumbrances may exist other than those shown hereon. Survey subject to revision upon receipt of a current title commitment or an attorney's title opinion.
- Due to field work being completed during the winter season there may be improvements in addition to those shown that were not visible due to snow and ice conditions characteristic of Minnesota winters.

LEGEND

- DENOTES IRON MONUMENT FOUND AS LABELED
- DENOTES IRON MONUMENT SET, MARKED RLS# 52140
- DENOTES CURB STOP
- DENOTES ELECTRICAL BOX
- DENOTES GAS METER
- DENOTES POWER POLE
- DENOTES FENCE
- DENOTES WOOD FENCE
- DENOTES OVERHEAD UTILITY
- DENOTES BITUMINOUS SURFACE
- DENOTES CONCRETE SURFACE
- DENOTES PAVER SURFACE

EXISTING PROPERTY DESCRIPTION:

Lot 13 and Lot 14, Block 10, RAMALEYS PARK, Ramsey County, Minnesota.

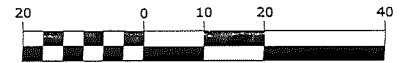
PROPOSED PROPERTY DESCRIPTION:

PARCEL A
 Lot 13, Block 10, RAMALEYS PARK, Ramsey County, Minnesota.

PARCEL B
 Lot 14, Block 10, RAMALEYS PARK, Ramsey County, Minnesota.

NORTH

GRAPHIC SCALE



1 INCH = 20 FEET

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

D. S. Hanson
 DANIEL S. HANSON

Date: 06/14/2022 License No. 52140

DRAWN BY:	DSH	JOB NO:	22.0045LS	DATE:	02/15/2022
CHECK BY:	KCM	FIELD CREW:	DT/CT		
NO.	DATE	DESCRIPTION	BY		
1	05/10/22	REAR YARD AREA CALCULATIONS	DSH		
2	06/14/22	REAR YARD REMOVALS 35%	DSH		
3					



E. G. RUD & SONS, INC.
 EST. 1977
 Professional Land Surveyors
 6776 Lake Drive NE, Suite 110
 Lino Lakes, MN 55014
 Tel. (651) 361-8200 Fax (651) 361-8701

PROPOSED PROPERTY DESCRIPTION:
PARCEL A
 Lot 13, Block 10, RAMALEYS PARK, Ramsey County, Minnesota.
PARCEL B
 Lot 14, Block 10, RAMALEYS PARK, Ramsey County, Minnesota.



City of White Bear Lake
Engineering Department

MEMORANDUM

To: Lindy Crawford, City Manager
From: Paul Kauppi, Public Works Director/City Engineer
Date: July 12, 2022
Subject: Awarding Contract for the 2022 Crack Sealing Project City Project 22-03

SUMMARY

The City Council will consider adopting a resolution accepting bids and awarding a contract for the 2022 Crack Sealing Project.

BACKGROUND INFORMATION

On Wednesday, June 29, 2022, the City received bids for the 2022 Crack Sealing Project. Two bids were received with Northwest Asphalt & Maintenance of Thief River Falls, MN submitting the lowest bid of \$74,090.00. This contract amount is well within the 2022 Crack Sealing budget.

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

RECOMMENDATION

Staff recommends that the City Council adopt the attached resolution accepting the bids and awarding a contract to Northwest Asphalt & Maintenance for \$74,090.00 for the 2022 Crack Sealing Project.

ATTACHMENTS

Resolution

RESOLUTION NO.

**RESOLUTION ACCEPTING BIDS AND AWARDING CONTRACT
FOR THE 2022 CRACK SEALING PROJECT
CITY PROJECT NO: 22-03**

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

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

CONTRACTOR	TOTAL BASE BID
Northwest Asphalt & Maintenance	\$74,090.00
Fahrner Asphalt Sealers, LLC	\$125,550.00

WHEREAS, it appears that Northwest Asphalt & Maintenance 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 Northwest Asphalt & Maintenance in the amount of \$74,090.00 as approved by the City Council and on file in the office of the City Engineer.
2. The City Clerk is hereby authorized and directed to return forthwith to all bidders the deposits made with their bids, except that the deposits of the successful bidder and the next lowest bidder shall be retained until a contract has been signed.

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

Ayes:
Nays:
Passed:

Dan Louismet, Mayor

ATTEST:

Lindy Crawford, City Manager



City of White Bear Lake
Engineering Department

MEMORANDUM

To: Lindy Crawford, City Manager
From: Paul Kauppi, Public Works Director/City Engineer
Date: July 12, 2022
Subject: **Awarding Contract for the 2022 Bituminous Seal Coating Project
City Project 22-02**

SUMMARY

The City Council will consider adopting a resolution accepting bids and awarding a contract for the 2022 Bituminous Seal Coating Project.

BACKGROUND INFORMATION

On Wednesday, June 29, 2022, the City received bids for the 2022 Bituminous Seal Coating Project. Two bids were submitted, with Pearson Bros, Inc. of Hanover, MN submitting the lowest base bid of \$285,056.60. This contract amount is well within the 2022 Seal Coating budget.

The City performs seal coating of bituminous streets to prevent water from entering the pavement and gravel base, to renew the wearing surface of the roadway and to improve the appearance of the street. In 2022, 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 2016. Other streets are those which were reconstructed or milled & overlaid in 2016 and are now showing signs of wear. It is important to seal the surface of these streets before they degrade to a point where more extensive maintenance needs to be performed. All proposed streets will be seal coated using a trap rock as the cover aggregate. The trap rock is a hard, crushed rock which will provide a durable surface with a nice appearance.

RECOMMENDATION

Staff recommends that the City Council adopt the attached resolution accepting the bids and awarding a contract to Pearson Bros, Inc. for the 2022 Bituminous Seal Coating Project.

ATTACHMENTS

Resolution

RESOLUTION NO.

**RESOLUTION ACCEPTING BIDS AND AWARDING CONTRACT
FOR THE 2022 BITUMINOUS SEAL COATING PROJECT
CITY PROJECT NO: 22-02**

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

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

CONTRACTOR	TOTAL BASE BID
Pearson Bros, Inc.	\$285,056.60
Allied Blacktop Company	\$286,241.10

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

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

1. The Mayor and City Manager are hereby authorized and directed to enter into a contract with Pearson Bros, Inc. in the amount of \$285,056.60 for said 2022 Bituminous Seal Coating Project.
2. The City Clerk is hereby authorized and directed to return forthwith to all bidders the deposits made with their bids, except that the deposits of the successful bidder and the next lowest bidder shall be retained until a contract has been signed.

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

Ayes:
Nays:
Passed:

Dan Louismet, Mayor

ATTEST:

Lindy Crawford, City Manager



City of White Bear Lake
City Manager's Office

MEMORANDUM

To: Mayor and City Council
From: Lindy Crawford, City Manager
Date: July 12, 2022
Subject: MNJ Tobacco Inc. – Tobacco License

SUMMARY

The City Council will consider adopting a resolution approving a tobacco license for MNJ Tobacco Inc. at 4074 White Bear Ave in White Bear Lake.

BACKGROUND INFORMATION

The City received an application from Maan Abdulmuhsin Abbas Altamimi for a tobacco license for the purpose of opening a business, MNJ Tobacco Inc., located at 4074 White Bear Ave in White Bear Lake.

The Police Department conducts background investigations on Tobacco License applicants to provide the City Council with objective data regarding any concerns with the applicant. When comparing the results of the background investigation against applicable City Code sections, the applicant qualifies to receive the tobacco license in which he applied for.

RECOMMENDATIONS

Staff recommends the City Council adopt the attached resolution approving a tobacco license for MNJ Tobacco Inc. at 4074 White Bear Ave in White Bear Lake.

ATTACHMENTS

Resolution

RESOLUTION NO.

**RESOLUTION APPROVING ISSUANCE OF A TOBACCO RETAIL
SALES LICENSE TO MNJ TOBACCO INC.**

WHEREAS, Maan Abulmuhsin Abbas Altamimi submitted an application for a tobacco retail sales license for his business MNJ Tobacco Inc to be located at 4074 White Bear Ave; and

WHEREAS, the White Bear Lake Police Department has completed a background investigation of the applicant; and

WHEREAS, when comparing the results of the background investigation against applicable City Code sections, the applicant qualifies to receive the tobacco license in which he applied for.

NOW, THEREFORE, BE IT RESOLVED by the City Council for the City of White Bear Lake, Minnesota, that it hereby approves the following for a Tobacco License:

MNJ Tobacco Inc.
4074 White Bear Avenue
White Bear Lake, MN 55110

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

Ayes:
Nays:
Passed:

Dan Louismet, Mayor

ATTEST:

Lindy Crawford, City Manager



City of White Bear Lake
Mayor Dan Louismet

MEMORANDUM

To: City Council
From: Dan Louismet, Mayor
Date: July 12, 2022
Subject: Summary of the City Manager's Performance Evaluation

SUMMARY

The City Council will consider adopting a resolution authorizing a salary increase for the City Manager per Ms. Crawford's employment agreement.

BACKGROUND INFORMATION

There was a closed session at the June 28th City Council meeting to discuss the performance of the City Manager. The consensus of the City Council was that Ms. Crawford has satisfactorily performed the duties of the city manager position over the past six months, and in some areas has exceeded expectations of the City Council.

Based on discussions at that closed session and terms of Crawford's employment agreement, attached you will find a resolution authorizing a salary increase. I strongly encourage the City Council to adopt the resolution as presented at tonight's meeting.

RECOMMENDATIONS

I recommend the City Council adopt the attached resolution, as presented, authorizing a salary increase for the city manager per Ms. Crawford's employment agreement.

ATTACHMENTS

Resolution

RESOLUTION NO.

**RESOLUTION AUTHORIZING A SALARY INCREASE FOR THE CITY MANAGER
OF THE CITY OF WHITE BEAR LAKE**

WHEREAS, the Mayor and City Council appointed Lindy Crawford to the position of City Manager in December 2021; and

WHEREAS, it is routine for the Mayor and City Council to evaluate the performance of the City Manager; and

WHEREAS, the Mayor and City Council held a closed session with Crawford on June 28, 2022 pursuant to Minn. Stat. § 13D.05 Subd. 3 (a) to evaluate her performance; and

WHEREAS, the Mayor and City Council found her performance to be satisfactory, and in some areas exceeded expectations and wishes to grant a salary increase as outlined in Crawford's employment agreement.

NOW, THEREFORE, BE IT RESOLVED by the City Council for the City of White Bear Lake, Minnesota, that it hereby authorizes a salary increase for the City Manager per the agreed upon employment agreement.

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

Ayes:
Nays:
Passed:

Dan Louismet, Mayor

ATTEST:

Lindy Crawford, City Manager



City of White Bear Lake
Community Development Department

MEMORANDUM

To: Lindy Crawford, City Manager
From: Jason Lindahl, Community Development Director
Date: July 12, 2022
Subject: Community Development Department 2nd Quarter Report

SUMMARY

Attached please find the Community Development Department 2nd Quarter Report. This report summarizes activity in the Department for the second quarter of 2022 (April, May and June). It includes three tables with specific data for land uses cases, building permits and code enforcement violations. Staff will present this information during the meeting and take questions or comments from the City Council.

RECOMMENDATION

This item is for review and discussion. No action by the City Council necessary.

ATTACHMENTS

2022 Second Quarter Report

CITY OF WHITE BEAR LAKE SUMMARY OF ZONING ACTIVITY SECOND QUARTER 2022

	APRIL	MAY	JUNE	SUM 1 st Q	SUM 2 nd Q	YTD (6/30/22)
SIGN PERMITS	2	2	2	11	6	17
ZONING PERMITS	22	35	53	3	110	113
OTHER PERMITS	13	12	6	15	31	46
ZONING LETTERS ¹	1	2	2	2	5	7
ZONING CALLS ²	2	0	1	0	3	3
ADMINISTRATIVE VARIANCES	1	3	2	1	6	7
LAND USE CASES*	4	6	3	11	13	24
QUESTIONS / INQUIRIES	80	72	66	153	218	371
MEETINGS	25	14	14	69	53	122
SITE INSPECTIONS	4	0	0	4	4	8
ENFORCEMENT LETTERS	0	0	0	1	0	1
OTHER / MISC [^]	0	1	0	4	1	5
TOTAL	154	147	149	274	450	724

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.

APRIL LAND USE CASES

Beartown CUP & Variances
Tommy Car Wash CUP & Variances
Carpenter CUP & Variance
Rodrique 2nd Curb Cut CUP

OTHER MISCELLANEOUS

April: --
May: German Visit
June: --

MAY LAND USE CASES

Fox Variances
Carlson CUP & Variances
Pacheco SHOP
Prelude Recombination Subdivision
Taco Bell PUD & Prelim Plat
Schafer Richardson PUD

JUNE LAND USE CASES

Strand Lot Split
Birch Residential Variances
Lobinsky Time Extension

WHITE BEAR LAKE**2nd QUARTER BUILDING PERMIT DATA**

April - June, 2022	2022	2021	Change	% Change
PERMIT TOTALS:				
Comm./Ind. (New)	0	0	0	#DIV/0!
Comm./Ind. (Alt)	10	15	-5	-33%
S.F. Dwelling (New)	0	3	-3	-100%
S.F. Dwelling (Alt)	346	293	53	18%
Garage Only	5	5	0	0%
Other Building Permits	4	3	1	33%
Demolition	9	5	4	80%
Electrical	179	148	31	21%
All Other Permit Types	351	353	-2	-1%
ALL PERMIT TYPE TOTALS:	904	825	79	10%

PERMIT VALUATION:

Comm./Ind. (New)	\$0	\$0	\$0	#DIV/0!
Comm./Ind. (Alt)	\$932,755	\$1,462,750	-\$529,995	-36%
S.F. Dwelling (New)	\$0	\$1,317,960	-\$1,317,960	-100%
S.F. Dwelling (Alt)	\$5,101,008	\$4,122,513	\$978,495	24%
Garage Only	\$103,860	\$54,480	\$49,380	91%
Fire Suppression	\$54,558	\$68,050	-\$13,492	-20%
Heating (HVAC)	\$2,180,690	\$1,395,880	\$784,810	56%
Other Building Permits	\$64,280	\$253,000	-\$188,720	-75%
VALUATION TOTALS:	\$8,437,151	\$8,674,633	-\$237,482	-3%

PERMIT FEES:

Comm./Ind. (New)	\$0	\$0	\$0	#DIV/0!
Comm./Ind. (Alt)	\$9,661	\$14,571	-\$4,910	-34%
S.F. Dwelling(New)	\$0	\$11,097	-\$11,097	-100%
S.F. Dwelling (Alt)	\$65,180	\$58,409	\$6,771	12%
Garage Only	\$1,916	\$1,153	\$763	66%
Other Building Permits	\$1,200	\$1,948	-\$748	-38%
Demolition	\$1,950	\$2,220	-\$270	-12%
Electrical	\$15,176	\$23,351	-\$8,175	-35%
All Other Permit Types	\$39,200	\$35,249	\$3,951	11%
PERMIT FEE TOTALS:	\$134,283	\$147,998	-\$13,714	-9%
PLAN FEES:	\$13,088	\$17,867	-\$4,779	-27%
TOTAL PERMIT & PLAN FEES:	\$147,371	\$165,865	-\$18,494	-11%

Park Fees	\$0	\$1,000	-\$1,000	-100%
SAC Fees	\$7,455	\$9,940	-\$2,485	-25%

WHITE BEAR LAKE 2nd QUARTER CODE ENFORCEMENT VIOLATIONS BY**WARD** April 1st - June 30th, 2022

	Ward 1	Ward 2	Ward 3	Ward 4	Ward 5	Total
--	--------	--------	--------	--------	--------	-------

TOTAL CASES SUMMARY

Complaints	14	19	30	17	24	104
Proactive / City Initiated	23	16	15	7	5	66
TOTALS:	37	35	45	24	29	170

DETAILED CASE SUMMARY

Refuse / Exterior Storage	19	6	11	6	4	46
Parking	5	9	11	6	12	43
Weeds	4	3	8	4	4	23
Motor Vehicle	2	1	3	1	3	10
Structure Maintenance	1	1	4	1	0	7
Miscellaneous	6	15	8	6	6	41
TOTALS:	37	35	45	24	29	170

CASE STATUS SUMMARY

Number of Open Cases	7	9	11	8	2	37
Number of Closed Cases	30	26	34	16	27	133
TOTALS:	37	35	45	24	29	170



City of White Bear Lake
Community Development Department

MEMORANDUM

To: Lindy Crawford, City Manager
From: Jason Lindahl, Community Development Director
Date: July 12, 2022
Subject: 5th Avenue Vacation – Public Hearing Case No. 21-1-VAC

SUMMARY

The City Council will consider vacating portions of 5th Avenue between the north side of Clarence and the north side of Whitaker, including:

- From the south of Clarence Street to the north of Park Street
- From the south of Park Street to the north of Hinckley Street
- From the south of Hinckley Street to the north of Whitaker Street

Both City staff and the City Attorney have reviewed the proposed vacation and find it is in the best interests of the public to vacate most, but not all, of the southern portion of the 5th Street right-of-way. The City should retain the street ends of Clarence, Park and Hinkley Streets to allow continued public access and on-going maintenance.

BACKGROUND INFORMATION

During review of the Rose's Park View Addition preliminary plat, some neighbors raised concerns about the status of the unused 5th Avenue right-of-way and access to the proposed subdivision. The City Attorney research this issue and reported to the Council on December 14, 2021 (see attached memo). The City Attorney found that the City continues to hold a right-of-way easement over the Southern Portion of 5th Avenue (as defined in the attached City Attorney Memo) and has the authority to vacate it with the option to retain (not vacate) the street ends of Clarence, Park and Hinkley Streets.

There are utilities which extend through both Clarence Street and Park Street, and access is needed for maintenance. Also, there is a public benefit to having pedestrian access to the nature area west of Park Street. The land is City owned and is not anticipated for development, but vehicular access would also be useful for maintenance purposes such as wetland and snow plowing.

The proposed vacation would leave the vacated portions of 5th Avenue to the adjacent property owners while retaining public access to the properties to the west through Clarence, Park and Hinkley Streets.

Community Comment

Under state law and the City Charter, right-of-way vacation requires the City Council to hold a public hearing. Staff followed the public hearing notification process as advised by the City Attorney. That process included publishing notice of the public hearing in the White Bear Press on both June 29th and July 6th. In addition, notice was mailed directly to abutting property owners on June 29th. As of the writing of this staff report, the city had received no comments on this item. Staff will update the City Council and any additional comments during the public hearing.

RECOMMENDATION

Staff recommends the City Council adopt the attached resolution reaffirming the denial of the 5th Avenue vacation between the north side of Clarence and the north side of Whitaker in 1977 and vacating the three portions of the same 5th Avenue right-of-way.

ATTACHMENTS

Resolution

City Attorney Memo Dated December 2, 2021 (for December 14, 2021 Council Meeting)

RESOLUTION NO.

**RESOLUTION REAFFIRMING THE DENIAL OF THE 5th AVENUE VACATION BETWEEN
NORTH SIDE OF CLARENCE AND NORTH SIDE OF WHITAKER IN 1977
AND VACATING THREE PORTIONS OF THE SAME 5th AVENUE RIGHT-OF-WAY
WITHIN THE CITY OF WHITE BEAR LAKE, MINNESOTA**

WHEREAS, Case No. 21-1-SAV has been initiated by the City, for the vacation of three parts of the 5th Avenue right-of-way, described as:

5th Avenue as dedicated in 1883 by the Ramaley's Park plat, from the south of Clarence Street to the north of Park Street, from the south of Park Street to the north of Hinckley Street, and from the south of Hinckley Street to the north of Whitaker Street.

(collectively, the "Vacated Portions"); and

WHEREAS, the portions of 5th Avenue proposed for vacation, and identified in this Resolution as the "Vacated Portions", are shown on the map attached hereto as Exhibit A; and

WHEREAS, the City Council finds and determines as follows:

- a. The City obtained a right-of-way easement for 5th Avenue upon the recording of the plat of Ramaley's Park in 1883;
- b. In 1977, the City received two petitions requesting the vacation of different portions of 5th Ave. The first proposed the vacation of the portion from the southern boundary of Lot 8, Block 24 north to Hwy 96 ("Northern Portion") and other requested the vacation of the portion from the southern boundary of Lot 8, Block 24 south to Whitaker Street ("Southern Portion");
- c. On June 14, 1977, the City Council considered the request to vacate the Northern Portion and adopted Resolution 3408 approving the vacation;
- d. At the same meeting, the City Council considered the vacation of the Southern Portion and the minutes from the meeting indicate "no action was taken on this item because a majority of abutting property owners had not signed the petition as required by ordinance";
- e. On June 27, 1977, the City mistakenly recorded as Doc # 1969239 an unnumbered resolution ("Unnumbered Resolution") that purports to vacate the Southern Portion despite the City Council not having acted on that vacation;
- f. On July 12, 1977, the City Council considered the request to vacate the Southern Portion. The minutes from that meeting indicate "no action was taken on this resolution as it was recommended by the staff and the Council that the vacation be denied";
- g. On August 30, 1977, the City Attorney recorded an affidavit ("Affidavit") (Doc # 1976415) indicating the City Council did not vacate the Southern Portion and that the Unnumbered Resolution recorded in error;
- h. The sequence of events in 1977, including the recording of the resolution vacating the Southern Portion before the City Council even formally heard the petition, make it clear

the Unnumbered Resolution was mistakenly recorded in the place of the approved Resolution 3408 vacating the Northern Portion;

- i. The City Attorney's office has reviewed the property records related to the properties and found no indication that any part of the Southern Portion was added to their properties. Some of the title histories showed the Unnumbered Resolution, but the Affidavit is shown as well. Therefore, an owner cannot claim reliance on the Unnumbered Resolution when they have actual or constructive knowledge that the vacation did not actually occur and that the Unnumbered Resolution was recorded in error;
- j. Allowing access to the properties from existing streets across the Southern Portion is reasonable and appropriate as the City understands an additional access from Hwy 96 is not possible and the only other means of access would be to build new section of street through the middle of Columbia Park;
- k. The City is authorized by Minnesota Statutes, section 412.851 and Section 8.02 of the City Charter to vacate streets dedicated to the public by plat;
- l. The City Council has considered the status of 5th Avenue and the City Council finds it in the best interest of the public to vacate most, but not all, of the Southern Portion;
- m. The City Council desires to preserve the portions of Southern Portion at the ends of Clarence Street, Park Street, and Hinckley Street; and
- n. This Resolution also serves the purpose of helping to clarify the history of the Southern Portion and, as a result of the action taken herein, to make clear the City is preserving for itself and public those parts of the Southern Portion needed to extend the existing streets to the west to provide access the Tice and City properties, while vacating the remainder of the Southern Portion as shown in Exhibit A.

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

1. The City's denial of the requested vacation of the Southern Portion at its July 12, 1977 meeting, as noted in the minutes of the meeting and the Affidavit, is hereby reaffirmed and ratified. The requested vacation did not occur and the City continues to retain the right-of-way for the Southern Portion as originally dedicated.
2. The City Council hereby vacates the Vacated Portions as described above and shown on the map attached hereto as Exhibit A.
3. The City Clerk is authorized and directed to take all actions necessary to complete the vacation of the Vacated Portions including, but not limited to, preparing a notice of completion, presenting it to the County Auditor, and recording it with the County Recorder.

The foregoing resolution, offered by Councilmember _____ and supported by Councilmember _____, was declared carried on at least a four-fifths vote as follows:

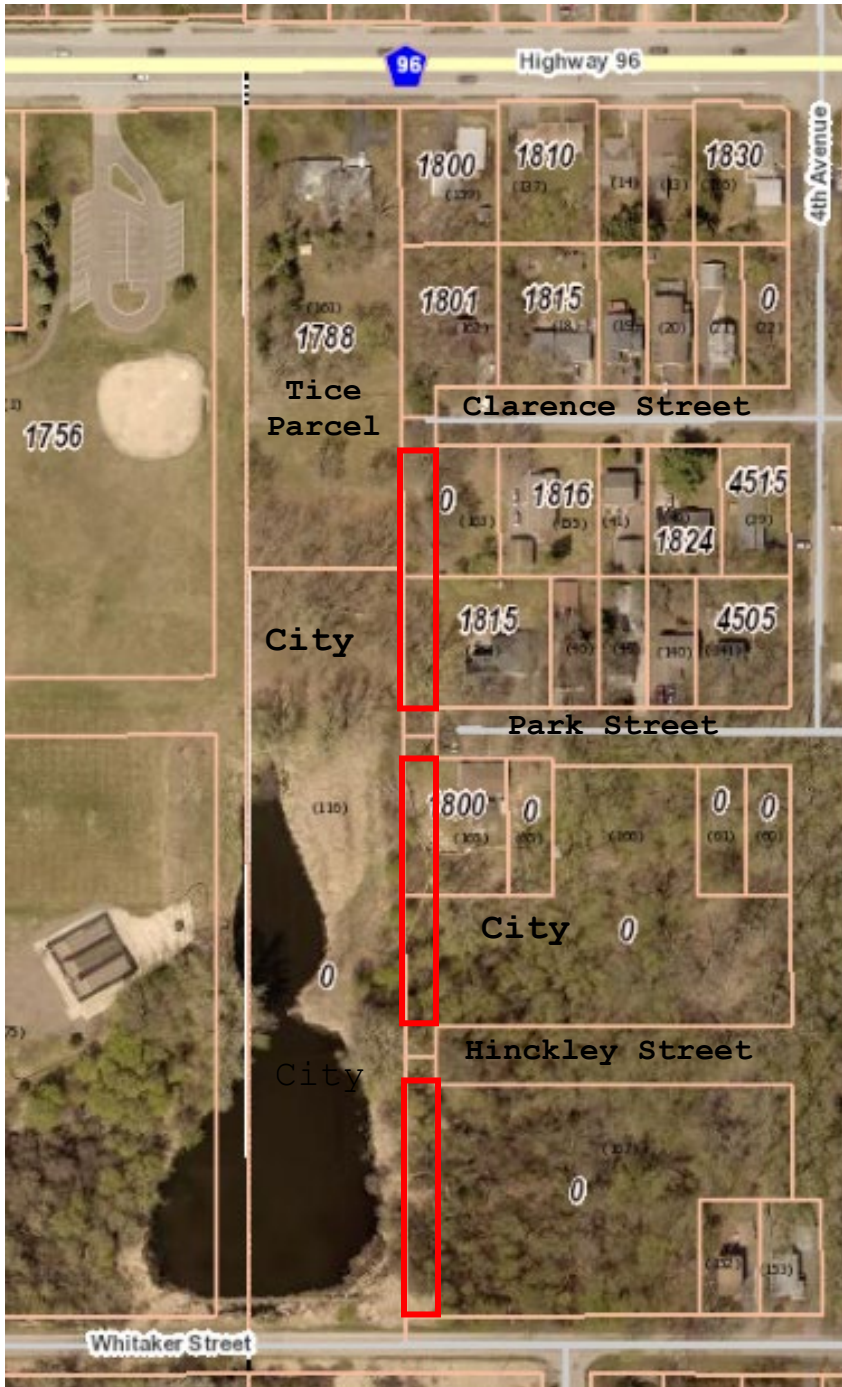
Ayes:
Nays:
Passed:

Dan Louismet, Mayor

ATTEST:

Lindy Crawford, City Manager

EXHIBIT A
Map of Vacated Portions



Red areas
between
each Street
to be vacated
back to
adjacent
property.

Kennedy

&

Graven

CHARTERED

Troy J. Gilchrist
150 South Fifth Street
Suite 700
Minneapolis MN 55402
(612) 337-9214 telephone
(612) 337-9310 fax
tgilchrist@kennedy-graven.com
<http://www.kennedy-graven.com>

Also: St. Cloud Office
501 W. Germain Street, Suite 304
St. Cloud, MN 56301
(320) 240-8200 telephone

MEMORANDUM

To: White Bear Lake City Council

From: Troy Gilchrist, City Attorney

Date: December 2, 2021 (for December 14, 2021 Council Meeting)

Re: Vacation of a Portion of 5th Avenue

The Council is aware of the proposal to subdivide the Tice parcel located at 1788 Hwy 96 (“**Property**”) into six lots to be platted as Rose’s Park View Addition (“**Development**”). As the City worked to process the applications for the Development, questions arose regarding the status of 5th Avenue (“**Street**”). The Street is located to the east of the Property and the proposed access to the Property is from Clarence Street across a small portion of the Street. The City has received a variety of objections to the Development, including that the portion of the Street proposed to be crossed was vacated in 1977 and so cannot serve as access to the Property. I previously provided the Council a copy of the letter I wrote in response to one of the property owner’s objections and I promised the Council I would follow up with a memo discussing the legal status of the Street more generally.

Brief History

- The Street was dedicated to the public in 1883 as part of the Ramaley’s Park plat.
- The City received the easements for all of the streets and alleys shown on the plat upon its recording with the County.
- In 1977, the Council was presented two petitions requesting the vacation of different portions of the Street. One petition sought the vacation of the portion of the Street from the southern boundary of Lot 8, Block 24 north to Hwy 96 (“**Northern Portion**”)(shown in blue on the attached map) and other sought the vacation of the portion of the Street

from the southern boundary of Lot 8, Block 24 south to Whitaker Street (“**Southern Portion**”)(shown in red on the attached map).

- At its June 14, 1977 meeting, the Council adopted Resolution 3408 approving the vacation of the Northern Portion. At the same meeting, the Council discussed the vacation of the Southern Portion, but took no action as it noted the petition was not signed by a majority of the adjacent owners.
- On June 27, 1977, the City mistakenly recorded an unnumbered resolution (“**Unnumbered Resolution**”) purporting to vacate the Southern Portion. However, the Council had not actually acted to vacate the Southern Portion. It is clear the City had intended to record Resolution 3408 vacating the Northern Portion as it had specifically delayed consideration of the vacation of the Southern Portion until the petition was complete.
- At its July 12, 1977 meeting, the petition presumably having been made complete, the Council discussed the vacation of the Southern Portion and the minutes indicate it decided not to approve the vacation.
- On August 30, 1977, the City recorded Resolution 3408 vacating the Northern Portion.
- On September 1, 1977, the City Attorney recorded an affidavit (“**Affidavit**”) indicating the Council did not vacate the Southern Portion and that the Unnumbered Resolution was recorded in error.
- On October 25, 2021, the Planning Commission conducted a public hearing regarding the requested Development. Some of the neighboring property owners opposed the Development and questioned the proposed access across what they claimed was their property due to the vacation referenced in the Unnumbered Resolution. The Planning Commission continued the hearing twice and is scheduled to take the matter up at its January 31, 2022 meeting.
- On November 9, 2021, the Council conducted a public hearing, after notice having been provided, on the proposed vacation of portions of the Southern Portion. The City proposes to vacate all of the Southern Portion except those portions at the end of Clarence Street, Park Street, and Hinckley Street to allow access to the properties to the west (shown in yellow boxes on the map). In light of the issues raised regarding the status of the Southern Portion, the Council continued the matter to its December 14, 2021 meeting to allow time for the City Attorney to review the matter and advise the Council.

Timing

- Development: The applicant has waived the 60-day rule and so there is no particular deadline by which a final decision must be made on the applications for the Development. The Planning Commission is scheduled to resume its hearing on the matter and make its recommendation at its January 31, 2022 meeting. The matter is

anticipated to come before the Council for review and a final decision at its February 8, 2022 meeting. While there is no particular deadline due to the waiver, the City still needs to act in a reasonably timely manner on whether to issue the requested approvals for the Development.

- Vacation: There is no set timeline for acting on the vacation, but this is a matter that needs to be clarified and so I do not recommend the Council delay in acting on the vacation. If the Council acts at its December 14, 2021 meeting to adopt the vacation resolution, which requires at least a four-fifths vote, my office will prepare a notice of completion for the Clerk and work to get it recorded with the County.

Findings

Those owners claiming an interest in the Southern Portion are doing so based solely on the mistakenly recorded Unnumbered Resolution. They ignore, or attempt to disregard, the Affidavit making it clear the Council never actually vacated the Southern Portion and that the resolution was recorded in error. All of the owners in the plat have an interest in the streets dedicated as part of the plat and the owners adjacent to the Street cannot claim the City's easement no longer exists based on a vacation that never actually occurred. In fact, the City acted almost immediately upon discovering the mistake to record an Affidavit to correct the record so no one would rely on the Unnumbered Resolution.

While the City has not improved the Southern Portion, it has continually relied on the portion adjacent to Clarence Street since before 1977 for City utilities that run across the Property and through the Southern Portion to serve the properties along Clarence Street. The fact utilities ran through the Southern Portion helps to explain why the Council refused to vacate it.

The owners also point to the County's online map that no longer shows the Street as proof it was vacated. However, the "Lot Info" layer of the map shows the Southern Portion and references "VAC DOC #1969239", which is a reference to document recording number for the Unnumbered Resolution. Thus, it appears someone at the County adjusted the map based on the Unnumbered Resolution, but missed the Affidavit recorded shortly thereafter. Regardless, a County's GIS map error does not serve to convey real property and cannot be relied upon for determining property ownership. In fact, the notice a user must click through to access the map states in all caps: "THE COUNTY DOES NOT REPRESENT OR WARRANT THE ACCURACY OF THIS DATA." The notice goes on to further disclaim liability for any damages the viewer may incur based on any reliance on the information.

Finally, the owners claim they have been paying taxes on the property that is under the Southern Portion. I did not attempt to search tax records or contact the County regarding the tax history of these properties. The City has no control over how the County determines the area of a property subject to taxation or how it applies property taxes, it simply certifies its levy to the County for collection.

A real estate paralegal in my office researched the titles of the properties along the Southern Portion and found nothing to support a claim their title includes any claimed vacation of the

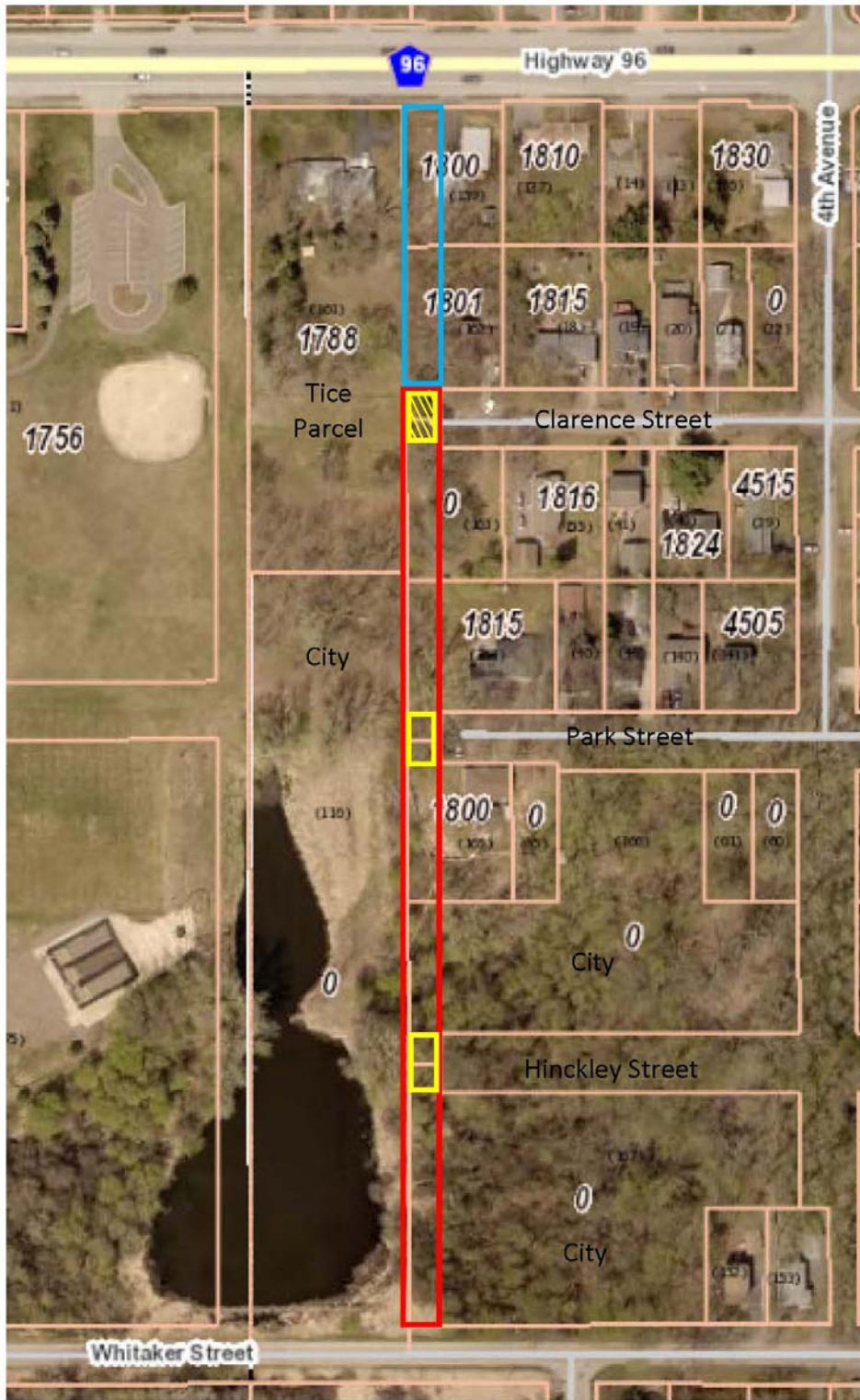
Southern Portion. There is one general reference in the Doyle deed indicated the property included “any part of vacated street accruing to said lot by reason of vacation thereof”, but that reference was only added immediately prior to her acquisition of the Property (both deeds were recorded on the same date) and is reasonably limited to the vacation of the Northern Portion that is adjacent to that property. Here is a summary of the findings.

Owner	Address	PID	Comments
Karin M. Doyle	1801 Clarence St	23-30-22-22-0162	My letter to the owner’s attorney dated November 9, 2021 sets out why she cannot claim to be a bona fide purchaser who took the property free of the right-of-way easement over the Southern Portion.
Judy Murray & Eleanor Clagherty	0 Clarence St	23-30-22-22-0163	The archived tract search page shows both the Unnumbered Resolution and Affidavit. The vesting quit claim deed does not reference vacated Street.
Brian Mann	1815 Park St	23-30-22-22-0164	The archived tract search does not show the Unnumbered Resolution or Affidavit. The Torrens certificate for the property does not include reference to the vacation of the Street.
Patrick & Mary Kenny	1800 Park St	23-30-22-22-0165	The archived tract search page shows both the Unnumbered Resolution and Affidavit. The legal description in vesting deed and Torrens certificate include references to the vacation of a portion of Park St, but not 5 th Ave.

Opinion and Recommendations

It is my opinion the City continues to hold a right-of-way easement over the Southern Portion. Therefore, the City has the authority to vacate the Southern Portion and has the option to retain (not vacate) the street ends as shown on the attached map and as proposed in the vacation resolution. It is clear from the comments made at the public hearings the issue regarding the status of the Street is being raised primarily to stop the Development. However, I encourage the Council to view the proposed vacation separately from the approvals requested for the Development. Cleaning up the confusion around the status of the Southern Portion is in everyone’s best interests. If approved, the vacation will actually vacate the vast majority of the Southern Portion, leaving only the small portions at the ends of Clarence, Park, and Hinckley to allow access from those streets to the west.

As I mentioned in my November 9, 2021 letter, the owners who have concerns regarding what they had understood to be the vacated Southern Portion will need to raise those issues with their title insurers and the County.



5th Avenue ROW

- Northern Portion
- Southern Portion
- Tice Parcel Access Area
- Park Str. & Hinckley Str. Access Areas

- 1801 Clarence:
Karin M. Doyle
- 0 Clarence:
Judy E. Murray &
Eleanor L. Clagherty
- 1815 Park:
Brian M. Mann
- 1800 Park:
Patrick & Mary Kenny