



AGENDA
REGULAR MEETING OF THE CITY COUNCIL OF
THE CITY OF WHITE BEAR LAKE, MINNESOTA
TUESDAY, JUNE 13, 2017
7:00 P.M. IN THE COUNCIL CHAMBERS

1. CALL TO ORDER AND ROLL CALL

PLEDGE OF ALLEGIANCE

2. APPROVAL OF MINUTES

Minutes of the Regular City Council Meeting on May 23, 2017

3. APPROVAL OF THE AGENDA

4. VISITORS AND PRESENTATIONS

A. Swearing in Officer Ryan Sheak

5. PUBLIC HEARINGS

A. First reading of a request by Spade Landscaping to amend the text of the B-3 zoning district to allow contractor's yards as a conditional use. (17-3-Z)

6. LAND USE

A. Consent

1. Consideration of a Planning Commission recommendation for approval of a request by Therese Picha for a Special Home Occupation Permit for the property located at 3390 Auger Avenue. (17-2-SHOP)
2. Consideration of a Planning Commission recommendation for approval of a request by Cox Contracting on behalf of David & Lynn Howe for a setback variance in order to construct a new single family residence for the property located at 4935 Johnson Avenue. (17-12-V)

B. Non-Consent

1. Consideration of a Planning Commission recommendation for approval of a request by Meghan Master for a Special Home Occupation Permit for the property located at 2268 Sierra Drive. (17-1-SHOP)
2. Consideration of a Planning Commission recommendation for approval of a request by Tally's Dockside for a Conditional Use Permit Amendment to expand the restaurant seating to the east side of the road, with a maximum of 125 seats on "Music by the Water" nights: Wednesdays, Fridays and Saturdays, Memorial Day through Labor Day for the property located at 4441 Lake Avenue South. (17-3-CUP)

7. UNFINISHED BUSINESS

Nothing scheduled

8. ORDINANCES

Nothing scheduled

9. NEW BUSINESS

- A. Resolution accepting work and authorizing final payment to MINNCOR Industries for dock system at the White Bear Lake Municipal Maria (City Project No. 16-08)

10. CONSENT

- A. Resolution approving business licenses through business cycle ending March 31, 2018
- B. Resolution approving the Mayor and City Manager to execute the NYFS contract
- C. Resolution approving use of Railroad Park for Special Team Charities “Fed and Wed” event
- D. Acceptance of April Park Advisory Commission Minutes; April Environmental Advisory Commission Minutes; May Planning Commission Minutes

11. DISCUSSION

- A. White Bear Lake Conservation District Budget

12. COMMUNICATIONS FROM THE CITY MANAGER

- Attorney RFP
- Dog Beach update
- Sports Center update

13. ADJOURNMENT



MINUTES
REGULAR MEETING OF THE CITY COUNCIL OF
THE CITY OF WHITE BEAR LAKE, MINNESOTA
TUESDAY, MAY 23, 2017
7:00 P.M. IN THE COUNCIL CHAMBERS

1. CALL TO ORDER AND ROLL CALL

Mayor Jo Emerson called the meeting to order at 7:00 p.m. Councilmembers Kevin Edberg, Steven Engstran, Dan Jones and Bill Walsh were present. Councilmember Biehn was absent - excused. Staff members present were City Manager Ellen Richter, City Engineer Mark Burch, Finance Director Don Rambow, City Clerk Kara Coustry and City Attorney Roger Jensen.

PLEDGE OF ALLEGIANCE

2. APPROVAL OF MINUTES

It was moved by Councilmember **Jones** seconded by Councilmember **Engstran**, to approve the Minutes of May 9, 2017, as presented.

The motion carried unanimously.

3. APPROVAL OF THE AGENDA

Mayor Emerson requested the following Agenda addition:

Agenda Item 4A. Presentation - VFW Monument in Veteran's Park

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

The motion carried unanimously.

4. VISITORS AND PRESENTATIONS

A. Presentation – VFW Monument in Veteran's Park

Mayor Emerson introduced Commander of VFW Post 1782, Rick Gwynn, and invited him to address the City Council. Mr. Gwynn stated plans are underway to fund and erect a Veteran's Memorial in Veteran's Park, that will feature images from the five branches of service as well as a poem dedicated to all veterans. He added a walkway near the memorial will be set with pavers that can be purchased and dedicated to veterans. He noted this will fund the memorial project.

Mr. Gwynn stated the project kick-off date is Memorial Day, May 29, 2017, and the dedication is planned for Veteran's Day, November 11, 2017. He added \$4,000 has been raised so far, and grants have been received from Wal-Mart and a local car dealership, as well as a commander's widow who donated \$1,000 in her husband's memory.

Mr. Gwynn stated the back of the monument will be inscribed with the words “Veteran’s Memorial Park, City of White Bear Lake, Monument installed by VFW”. He added there will be no additional signage in the Memorial Park. He noted the VFW Post 1782 website will have additional information.

Councilmember Edberg asked what the fundraising goal is for this project. Mr. Gwynn stated the project will cost approximately \$25,000. He added 200 pavers will need to be sold. He noted there will be 2 sizes available: 4x8-inch pavers will be sold for \$100, and 8x8-inch pavers will be sold for \$200.

Mayor Emerson thanked Mr. Gwynn for his efforts and dedication to this important memorial project.

5. PUBLIC HEARINGS

Nothing scheduled

6. LAND USE

Nothing scheduled

7. UNFINISHED BUSINESS

Nothing scheduled

8. ORDINANCES

Nothing scheduled

9. NEW BUSINESS

- A. Resolution accepting bids and awarding contract for consulting services for design and construction management services for the White Bear Lake Sports Center Renovation (Project No. 18-09)

City Engineer Burch reviewed the staff report, and explained that the City Council, in cooperation with the White Bear Lake skating community, represented by the White Bear Lake Hockey Association, has been considering renovations to White Bear Lake Sports Center.

The White Bear Lake Hockey Association is representing the entire White Bear Lake skating community in this project and, as a partner with the City, has pledged a 50% financial commitment to a maximum of \$2 million.

At its April 25, 2017 meeting, the City Council authorized the Engineering Department to request proposals from consulting firms for design and construction management services for this project. Bids were requested from 6 firms with expertise in ice arena design and construction.

City Staff recommends that the contract for design and construction management services for this project be awarded to Kraus-Anderson and JLG Architects. The total contract amount of \$448,868 is based on a \$4 million total construction cost.

A proposal for authorization and preparation of advertising for bids for the final phase will be brought before the City Council at its July 25, 2017, Regular Meeting. The final design plan contract will be bid out in September, with bids presented to the City Council for their review at their December 12, 2017, Regular Meeting.

It is anticipated that construction will commence on April 1, 2018, and the project will be completed by November 1, 2018.

City Manager Richter introduced Lisa Beecroft, White Bear Lake Skate School, and Kevin McFarlane, White Bear Lake Hockey Association.

Ms. Beecroft stated a group called Friends of the White Bear Sports Center has been convened to engage potential donors and begin a fundraising campaign to supplement the money raised by the Hockey Association to date. She added the Friends group hopes to raise sufficient funds to look beyond Phase 1 and the 1-rink solution.

Mr. McFarlane stated the White Bear Lake skating community is excited to have the opportunity to partner with the City in the Sports Center renovation. He added their bank has indicated that, with the backing of gambling efforts, they will be able to service the debt on a \$2 million loan, if that becomes necessary.

Mr. McFarlane presented a check for \$34,694 to the City of White Bear Lake, for 50% of the cost of Phase 1. He added funding for Phase 2 will be presented to the City Council in July 2017.

Mayor Emerson thanked the Skating Association representatives, adding the City Council appreciates their partnership.

Councilmember Edberg referred to a memo from the City Attorney that indicated that there were some missing aspects of the contract that should be added. He asked whether performance bonds are a part of the contract with Kraus-Anderson. City Engineer Burch stated performance bonds will be a part of the construction documents. He added this contract is for engineering and construction management services.

Edberg asked whether the funding partners will be engaged in the design process and beyond, and what the relationship will entail.

City Engineer Burch stated the proposals received by the City were reviewed with the Hockey Association, and they will also be involved in the design process and throughout the project until construction is complete.

Councilmember Walsh asked how the contractor makes their money and manages the project.

City Engineer Burch explained the contract includes \$69,388 for preliminary design and \$80,680 for final design and plan preparation. He added the contractor's construction

management fee is 7.37% based on the \$4 million total project cost.

Councilmember Walsh asked where the City's share of funding will come from. City Finance Director Rambow stated the City Council had discussed a variety of potential financing options, including the reallocation or restructuring of an internal loan that was originally set up for the YMCA. He added this internal loan is currently being repaid by the original tax levy assessed for construction of the Sports Center. He noted an internal loan would not impact future tax levies. Finance Director Rambow stated the internal loan is being paid back through excess from rental of marina slips.

It was moved by Councilmember **Engstran**, seconded by Councilmember **Walsh**, to adopt **Resolution No. 12033** accepting bids and awarding contract for consulting services for design and construction management services for the White Bear Lake Sports Center Renovation.

The motion carried unanimously.

B. Resolution approving ambulance rate adjustment

City Manager Richter reviewed the staff report and explained that the City's ambulance service is a self-supporting municipal enterprise operation, and City Staff conducts an annual rate review. An increase in rates for the service is currently necessary to meet operational costs, and to the extent possible, capital costs.

In 2014, the City added daytime ambulance service shifts to relieve pressure on paid on-call staff and reduce dependence on mutual aid from neighboring communities.

The addition of full-time staff has proven successful, with a significant reduction in fractal response times for daytime calls. Fractal response time measurement refers to a percentage of calls that are reached in less than 10 minutes and 59 seconds.

City Staff is proposing the addition of two hourly paid staff positions, or "duty shifts", during the non-working hours of the City's south and north end crews. All paid on-call staff would be eligible for duty shifts, with a limited number of hours per month. There would be an estimated annual cost increase for the service of \$95,000.

It was moved by Councilmember **Jones**, seconded by Councilmember **Walsh**, to adopt **Resolution No. 12034** approving ambulance rate adjustment. Councilmember Engstran abstained. The motion carried.

10. HOUSING AND REDEVELOPMENT AUTHORITY

HRA Acting Chair Dan Jones called the Housing and Redevelopment Authority to order at 7:35 p.m. (please refer to the minutes of the Housing and Redevelopment Authority for action taken that included the following items):

1. Call to order
2. Roll call
3. Approval of the agenda
4. Approval of the January 10, 2017 Minutes

5. Resolution approving purchase of tax forfeit property at 3695 St. Regis for affordable housing homeownership opportunity (Twin Cities Habitat for Humanity)
6. Adjournment

Mayor Emerson reconvened the City Council meeting at 7:38 p.m.

11. CONSENT

- A. Resolution approving on-sale liquor licenses for Mizu Japanese Restaurant. **Resolution No. 12035**
- B. Resolution approving on-sale liquor licenses for Lakeshore Players. **Resolution No. 12036**
- C. Resolution approving dispatcher's health insurance benefits. **Resolution No. 12037**
- D. Resolution authorizing approval of gambling manager at American Legion. **Resolution No. 12038**
- E. Resolution approving Master Partnership Contract with the State of Minnesota. **Resolution No. 12039**
- F. Resolution approving massage therapist licenses. **Resolution No. 12040**

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

The motion carried unanimously.

12. DISCUSSION

Nothing scheduled

13. COMMUNICATIONS FROM THE CITY MANAGER

City Manager Richter stated City Staff are reviewing 11 responses to the Request for Proposals (RFP) for City Attorney Jensen's replacement. She stated City Staff hopes to interview finalist candidates prior to the City Council's June 27, 2017, Regular Meeting.

City Manager Richter stated new banners have been designed and created by Sail La Vie, a White Bear Lake sail repair and sailcloth creation company. She added some of the new banners are up and they look great.

City Manager Richter stated the week of May 28, 2017 is Emergency Medical Services (EMS) Week. She added there has been a lot of activity at Regions Hospital, honoring EMS staff and technicians for their dedication. She noted the City of White Bear Lake annually recognizes EMS service providers within the community, and publicly acknowledges their important work.

City Manager Richter stated the City has discussed the possibility of purchasing body cameras

for the Police Department. She added three Officers will be wearing body cameras as part of a demonstration, in accordance with a policy established by the Bureau of Criminal Apprehension (BCA) and League of Minnesota Cities. She noted the policy was adopted for these types of demonstrations. The City will also create its own policy before cameras are considered for purchase.

City Manager Richter stated the Police Department's recent bike sale raised \$2,100 raised from the sale of bikes that had been confiscated, lost or never reclaimed. The City's portion of the funds will be put towards the Police Department-sponsored Bike Rodeo on June 17, 2017.

City Manager Richter stated signage has been installed at the dog beach as a result of restrictions put in place earlier this spring. She added City staff have visited and observed the area, and notes and observations are being logged by City Clerk Kara Coustry. She encouraged the City Council to visit the area and send an email, or any residents' emails they receive, to Ms. Coustry to keep track of tangible evidence and observations in preparation for a review in the fall.

City Manager Richter stated Julie Yoho, White Bear Lake Conservation District, has accepted a position with the City of Afton. She discussed the interim plans with a representative from the Birch Lake Improvement District while a replacement is sought, as Ms. Yoho also did some work for them. She noted Mary Harrington, who worked for the District for many years, is filling in at the White Bear Lake Conservation District in the interim.

City Manager Richter recently discussed preliminary budget issues with the White Bear Lake Conservation District representatives. She added a detailed budget summary will be emailed to the City Council for their review and discussion at the next Regular Meeting. She recommended that the City Council send a formal letter to the Conservation District before the budget is finalized.

City Manager Richter stated the traditional Memorial Day Parade will begin at City Hall, and proceed Union Cemetery. She added the parade line-up will begin at 9:00 a.m. to be followed by the parade at 9:30 a.m. Further details are available on the City website. A Memorial Day ceremony will be held at the VFW at 2:00 p.m.

City Engineer Burch stated City street construction projects are progressing, City Staff have been satisfied with the contractor's performance. He added concrete and sanitary sewer work are being completed, and milling will begin on Wednesday May 31, 2017, on Birch Lake Boulevard, White Bear Parkway South, and in the street reconstruction area.

City Engineer Burch stated planters in front of City Hall are currently being renovated.

City Engineer Burch stated the lake level is way up, almost six inches in the past week. He added the marina slips are all rented, canoe racks are full, and there is a lot of activity at the boat ramp. He noted it will be a busy summer, and residents are looking forward to spending time on the water.

14. ADJOURNMENT

There being no further business before the Council, it was moved by Councilmember **Engberg** seconded by Councilmember **Jones** to adjourn the regular meeting at 7:49 p.m.

Jo Emerson, Mayor

ATTEST:

Kara Coustry, City Clerk



City of White Bear Lake
Community Development Department

MEMORANDUM

To: Ellen Richter, City Manager
From: The Planning Commission
Through: Elizabeth Showalter, Planning Intern
Date: June 6, 2017 for June 13, 2017 City Council Meeting
Subject: **Therese Picha, 3390 Auger Avenue – Case No. 17-2-SHOP**

REQUEST

A Special Home Occupation Permit to operate a single operator massage therapy business from her residence.

SUMMARY

No one from the public spoke to the request.

RECOMMENDED COUNCIL ACTION

On a 7-0 vote, the Planning Commission recommended approval of the Special Home Occupation Permit as presented by staff.

ATTACHMENT

Resolution of Approval

RESOLUTION NO.

**RESOLUTION APPROVING
A SPECIAL HOME OCCUPATION PERMIT FOR THERESE PICHA
AT 3390 AUGER AVENUE
WITHIN THE CITY OF WHITE BEAR LAKE, MINNESOTA**

WHEREAS, a proposal (17-2-SHOP) has been submitted by Therese Picha to the City Council requesting a Special Home Occupation permit from the City of White Bear Lake at the following site:

ADDRESS: 3390 Auger Avenue

LEGAL DESCRIPTION: Lot 2, Block 1, Beesley Addition (PID: 353022230084)

WHEREAS, THE APPLICANT SEEKS THE FOLLOWING: Approval of a special home occupation permit to allow a single-operator massage therapy out of a single-family residence, per Code Section 1302.120, Subd.4;

WHEREAS, the Planning Commission has held a public hearing as required by the city Zoning Code on May 22, 2017;

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

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

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

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

1. All application materials, maps, drawings, and descriptive information submitted with this application shall become part of the permit.
2. If within one (1) year after granting the permit, the use as permitted shall not have been initiated, then such permit shall become null and void unless a petition for extension of time in which to complete the work has been granted by the City Council. Such extension shall be requested in writing and files with the Zoning Administrator at least thirty (30) days before the expiration of the original permit. There shall be no charge for the filing of such petition. The request for extension shall state facts showing a good faith attempt to initiate the use.
3. This permit is issued for a period of one (1) year, to expire on **June 13, 2018**, after which the permit may be reissued. The renewal shall be processed in accordance with the procedural requirements of the initial home occupation.
4. The business shall comply with all provisions of the Home Occupation Section of the Zoning Code (Section 1302.125).
5. The applicant shall not have the vested right to a permit by reason of having obtained a previous permit. In applying for and accepting a permit, the permit holder agrees that his monetary investment in the home occupation will be fully amortized over the life of the permit and that a permit renewal will not be needed to amortize the investment. Each application for the renewal of a permit will be considered de novo without taking into consideration that a previous permit has been granted. The previous granting of renewal of a permit shall not constitute a precedent or basis for the renewal of a permit.
6. Permits shall not run with the land and shall not be transferable.
7. Sign permit required prior to the installation of any signs.
8. The applicant shall comply with applicable zoning, building, fire and health department codes and regulations. This includes the installation of a smoke and carbon monoxide detector in the basement utility room.
9. The applicant shall maintain a Massage Therapist License and Massage Therapy Establishment License with the City for the duration of the home occupation.



City of White Bear Lake
Community Development Department

MEMORANDUM

To: Ellen Richter, City Manager
From: The Planning Commission
Through: Elizabeth Showalter, Planning Intern
Date: June 7, 2017 for June 13, 2017 City Council Meeting
Subject: **David Howe, 4935 Johnson Avenue– Case No. 17-12-V**

REQUEST

A 5-foot variance from the 30-foot setback for the side yard abutting a public right of way.

SUMMARY

No one from the public spoke to the request.

RECOMMENDED COUNCIL ACTION

On a 7-0 vote, the Planning Commission recommended approval of the variance as presented by staff.

ATTACHMENT

Resolution of Approval

RESOLUTION NO. _____

**RESOLUTION GRANTING A SETBACK VARIANCE
FOR 4935 JOHNSON AVENUE
WITHIN THE CITY OF WHITE BEAR LAKE, MINNESOTA**

WHEREAS, a proposal (17-12-V) has been submitted by Emily Cox, on behalf of the property owner, David Howe, to the City Council requesting approval of a variance from the Zoning Code of the City of White Bear Lake for the following location:

LOCATION: 4935 Johnson Avenue

LEGAL DESCRIPTION: Lot 6 Block 17 of Auerbachs Rearrangement of White Bear and adjacent, northern 10 feet of 9th Street (PID: 133022220062)

WHEREAS, THE APPLICANT SEEKS THE FOLLOWING: A 5-foot variance from the 30-foot side yard setback requirement for yards abutting a public right of way per Code Section 1303.040, Subd.5.c

WHEREAS, the Planning Commission held a public hearing as required by the Zoning Code on May 22, 2017; and

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

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

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

- 5. The non-conforming uses of neighboring lands, structures, or buildings in the same district are not the sole grounds for issuance of the variances.

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

- 1. All application materials, maps, drawings, and descriptive information submitted in this application shall become part of the permit.
- 2. Per Section 1301.060, Subd.3, the variance shall become null and void if the project has not been completed or utilized within one (1) calendar year after the approval date, subject to petition for renewal. Such petition shall be requested in writing and shall be submitted at least 30 days prior to expiration.
- 3. The applicant shall verify the property lines and have the property pins exposed at the time of inspection.
- 4. A building permit shall be obtained before any work begins.

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

- 5. Successfully obtain an administrative variance for the front yard setback.
- 6. Provide a stormwater infiltration system plan for the excess impervious area per Section 1303.230 Subd. 5. Design to be approved by the City Engineer.
- 7. Provide stormwater and grading plans to prevent the flow of water on to neighboring properties. Design to be approved by Staff.

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

Ayes:
Nays:
Passed:

Jo Emerson, Mayor

ATTEST:

Kara Coustry, City Clerk

Approval is contingent upon execution and return of this document to the City Planning Office.
I have read and agree to the conditions of this resolution as outlined above.

David Howe

Date



City of White Bear Lake
Community Development Department

MEMORANDUM

To: Ellen Richter, City Manager
From: The Planning Commission
Through: Elizabeth Showalter, Planning Intern
Date: June 7, 2017 for June 13, 2017 City Council Meeting
Subject: **Meghan Master Salon, 2268 Sierra Drive – Case No. 17-1-SHOP**

REQUEST

A Special Home Occupation Permit to operate a beauty salon in her residence.

SUMMARY

No one from the public spoke to the request during the Planning Commission meeting.

Edward Bullis of 3982 McKnight Rd. submitted a letter to the City Clerk on 6/8/17, strongly opposing the Special Home Occupation Permit (attached).

RECOMMENDED COUNCIL ACTION

On a 7-0 vote, the Planning Commission recommended approval of the Special Home Occupation Permit as presented by staff.

ATTACHMENT

Resolution of Approval
Bullis Letter

RESOLUTION NO.

**RESOLUTION APPROVING
A SPECIAL HOME OCCUPATION PERMIT FOR MEGHAN MASTER
AT 2268 SIERRA DRIVE
WITHIN THE CITY OF WHITE BEAR LAKE, MINNESOTA**

WHEREAS, a proposal (17-1-SHOP) has been submitted by Meghan Master to the City Council requesting a Special Home Occupation permit from the City of White Bear Lake at the following site:

ADDRESS: 2268 Sierra Drive

LEGAL DESCRIPTION: Lot 27, Block 17, Lakeaires No. 5, Ramsey Co. MN.
(PID # 253022220085)

WHEREAS, THE APPLICANT SEEKS THE FOLLOWING: A Special Home Occupation Permit to allow a single-operator beauty salon out of a single-family residence, per Code Section 1302.120, Subd.4;

WHEREAS, the Planning Commission has held a public hearing as required by the city Zoning Code on May 22, 2017;

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

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

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

FURTHER, BE IT RESOLVED, that the City Council of the City of White Bear Lake hereby approves the requested Special Home Occupation Permit 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 1302.120, Subd.3, if within one (1) year after granting the Home Occupation Permit, the use as allowed by the permit is not established, the permit shall become null and void unless a petition for an extension of time in which to complete or utilize the use has been granted by the City Council. Such petition shall be requested in writing and shall be submitted at least 30 days prior to expiration.
3. This permit is issued for a one-year period with the expiration date being **June 13, 2017**, before which the permit may be renewed, in accordance with the procedural requirement of the initial home occupation.
4. The applicant shall not have the vested right to a permit by reason of having obtained a previous permit. In applying for and accepting a permit, the permit holder agrees that her monetary investment in the home occupation will be fully amortized over the life of the permit and that a permit renewal will not be needed to amortize the investment. Each application for the renewal of a permit will be considered de novo without taking into consideration that a previous permit has been granted. The previous granting of renewal of a permit shall not constitute a precedent or basis for the renewal of a permit.
5. This permit shall not run with the land and shall not be transferable.
6. The applicant shall maintain her manager's license as required by state law. Proof of such shall be provided prior to final inspection of the salon conversion.
7. The business shall comply with all provisions of the Home Occupation Section of the Zoning Code (Section 1302.125).
8. The applicant shall comply with applicable building, fire and health department codes and regulations. This includes the installation of a smoke detector in the salon room, a carbon monoxide detector in one of the bedrooms, and smoke detector in the basement.
9. Parking for the hair salon is limited to the applicant's driveway.
10. The property shall not display any signage other than that which is allowed by code; a sign permit is required prior to the installation of any signage.

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

Ayes:
Nays:
Passed:

Jo Emerson, Mayor

ATTEST:

Kara Coustry, City Clerk

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

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

Meghan Master

Date

6-8-2017

RE: Case No. 17-1-SHOP

Council Members,

My name is Edward Bullis and I live at 3982 McKnight Rd (49years at this address) and I strongly oppose the issuing of a Special Home Occupation Permit to 2268 Sierra Drive.

If this is granted does it mean the next person can open a small engine repair shop or car repair out of their garage? Parking, hours of operation and additional traffic are questions that would need to be addressed.

This is a great residential area and should remain so. If they would like to open up a business they have many opportunities in the the White Bear Lake area to open a salon. Businesses should be located in a business area not a residential area.

Again I ask that the permit is NOT granted so the neighborhood can remain a great place to live in.

Respectfully submitted,

Edward Bullis

3982 McKnight Rd.

White Bear Lake.

RESOLUTION NO. _____

**RESOLUTION APPROVING A REQUEST FOR
A TEMPORARY CONDITIONAL USE PERMIT
FOR 4441 LAKE AVENUE SOUTH
WITHIN THE CITY OF WHITE BEAR LAKE, MINNESOTA**

WHEREAS, a proposal (17-3-CUP) has been submitted by Keith L. and Janet R. Dehnert, requesting approval of a temporary Conditional Use Permit from the City of White Bear Lake at the following site:

ADDRESS: 4441 Lake Avenue South

LEGAL DESCRIPTION: The East 70 feet of Lot 12 & the East 70 Feet of Lot 13, Block 3, Rearrangement of Lake Subject to Lake Ave & with Riparian Rights (PID # 233022210088)

THE APPLICANT SEEKS THE FOLLOWING PERMITS: A temporary Conditional Use Permit Amendment for a full-service sit-down restaurant with liquor per Code Section 1303.227, utilizing off-site parking accommodations on a trial basis, to allow 125 seats on music nights (Wednesdays, Fridays and Saturdays from 6:00 p.m. to 9:00 p.m. Memorial Day through Labor Day); to be re-evaluated in Fall 2017; and

WHEREAS, the Planning Commission has held a public hearing as required by the City Zoning Code on May 22, 2017; and

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

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

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

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

1. All application materials, maps, drawings, and descriptive information submitted with this application shall become part of the permit.
2. The applicant shall enter into a joint agreement with Newtrax (or other similar shuttle service provider) and the City of White Bear Lake to provide at least 27 parking stalls, with shuttle transportation to and from, the Former Public Works property, or other mutually agreeable location. The service may run longer, but shall run from at least 4 hours between 5:00 pm and 10:00 pm on music nights. A parking lot attendant shall be provided at all times while the shuttle service is provided. Details to be negotiated through the contract agreement, which shall be finalized prior to June 21, 2017. All staff and any vehicles associated with entertainment are required to use the overflow parking.
3. The total number of seats both inside and out, on both sides of the road, shall not exceed 63 on non-music nights and 125 on music nights. The applicant shall provide a new seating plan to reflect the approved number of seats, prior to the execution of the contract agreement. If present, benches shall count toward seating at the rate of 1 seat for every 22 inches. Excess seating to be stacked and secured away from customer or public access, subject to staff approval. Customers may not bring their own seating onto the premises. No customer seating on the trail, on the docks or on the Whitaker Street end. On non-music nights, the two parking stalls at Whitaker Street end shall only be used by the owner or staff.
4. Private security, or at a minimum a dedicated staff person, shall be devoted to monitoring the use of the entrances, containing the alcohol to the premises, and barring customers from bringing their own chairs onto the premises.
5. Rental boats may only be used for customer seating so long as an equal amount of seating is removed from the patio – total seating count not to exceed 125. Boat renters shall be encouraged to car pool on music nights. Rental boats are still limited to no more than 16, per the 1992 conditional use permit approval (Case # 92-11-S / Reso # 6804).
6. The applicant shall provide a signage plan for temporary signage directing Tally's customers to the overflow parking area on the Former Public Works property on the appropriate evenings. The signage plan shall be reviewed and approved by City staff prior to implementation. Parking signs shall be posted prior to the start of the shuttle service and removed at the end of the service. Information on where to park shall also be prominently provided on the Tally's & CG Hooks' webpages, facebook pages, and other marketing/advertising outlets, including any banners.
7. This temporary approval shall expire on September 4, 2017 and shall be re-evaluated by the Planning Commission on September 25, 2017 and by the City Council on October 10, 2017 at the applicant's expense of a CUP Amendment.
8. Continued operation of the music nights is contingent upon availability of and access to parking sufficient to satisfy condition #3. This trial arrangement does not guarantee additional seating authorization for the 2018 season. Even if continued for subsequent years, this off-



City of White Bear Lake
Community Development Department

MEMORANDUM

To: Ellen Richter, City Manager

From: The Planning Commission

Through: Samantha Crosby, Associate Planner

Date: June 8, 2017 for the June 13, 2017 City Council Meeting

Subject: **Tally's Dockside, 4441 Lake Avenue South – Case No. 17-3-S**

REQUEST

Approval of a Conditional Use Permit Amendment to expand the restaurant seating to the east side of Lake Avenue, and to further expand seating on “Music by the Water” nights.

SUMMARY

There were a number of attendees present at the public hearing held at the May 22nd Planning Commission meeting to lend their support for the continuation of Music by the Water nights. Others were present to express concerns related to equity in parking and leasing arrangements. On a 7-0 vote, the Planning Commission recommended approval of the Conditional Use Permit with a number of changes to the conditions of approval, leaving at least one for further negotiation between staff and the applicants. Since then staff and the applicants have met to both expand upon and refine the conditions of approval. The attached revised resolution was crafted with the applicant's input and their verbal agreement. It is understood by all parties that the provision of off-site parking established to accommodate the crowds generated on music nights will be reviewed again after this summer season.

At the Planning Commission meeting there was considerable discussion regarding allowed use of the applicant's existing liquor license. It has since been clarified with the applicants that a catering permit, which they have received from the state, does not extend permission for service onto the docks. Staff has received conflicting information from the state regarding the City's authority to approve an extension of Tally's existing liquor license to include the docks. Until that has been resolved, the owners have been advised that liquor may not be sold beyond its licensed premises, which includes its outdoor patio. However, this does not prohibit food service to the docks.

The Council has received considerable correspondence regarding this issue. Attached is an additional letter from a neighboring resident dated June 1st with the request that it be added for consideration. Also attached is the memo included in the Planning Commission packet which provides considerable background information. As described, the conditions originally recommended to the Planning Commission have since been amended; however, the background information remains relevant.

RECOMMENDED COUNCIL ACTION

Approve the attached resolutions – the first denying permanent approval, and the second granting temporary approval of the Conditional Use Permit to expand restaurant seating to the east side of Lake Avenue, to be revisited again in September 2017.

ATTACHMENT

Resolution of Denial

Resolution of Temporary Approval

Staff email dated May 18, 2017

Parenteau letter dated June 1, 2017

RESOLUTION NO. _____

**RESOLUTION DENYING A
CONDITIONAL USE PERMIT AMENDMENT
FOR 4441 LAKE AVENUE SOUTH**

WHEREAS, a proposal (17-3-CUP) has been submitted by Keith L. and Janet R. Dehnert, to the City Council requesting approval of a Conditional Use Permit Amendment from the City of White Bear Lake at the following location:

LOCATION: 4441 Lake Avenue South

LEGAL DESCRIPTION: The East 70 feet of Lot 12 & the East 70 Feet of Lot 13, Block 3, Rearrangement of Lake Subject to Lake Ave & with Riparian Rights (PID # 233022210088)

WHEREAS, the applicant seeks approval of additional seating at an existing business, per Code Section 1203.227 and 1302.050; and

WHEREAS, the Planning Commission has held a public hearing as required by the City Zoning Code on May 22, 2017;

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of White Bear Lake that the City Council hereby denies the request, based upon the following findings:

1. The proposed use does not conform with all performance standards of the zoning code, specifically parking; as sufficient off-street parking has not been provided.
2. The proposal will overburden the existing public services or the capacity of the City to service the area.
3. Traffic generation will be beyond the capabilities of the streets and trails serving the site.

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

Ayes:

Nays:

Passed:

Jo Emerson, Mayor

ATTEST:

Kara Coustry, City Clerk

RESOLUTION NO. _____

**RESOLUTION APPROVING A REQUEST FOR
A TEMPORARY CONDITIONAL USE PERMIT
FOR 4441 LAKE AVENUE SOUTH
WITHIN THE CITY OF WHITE BEAR LAKE, MINNESOTA**

WHEREAS, a proposal (17-3-CUP) has been submitted by Keith L. and Janet R. Dehnert, requesting approval of a temporary Conditional Use Permit from the City of White Bear Lake at the following site:

ADDRESS: 4441 Lake Avenue South

LEGAL DESCRIPTION: The East 70 feet of Lot 12 & the East 70 Feet of Lot 13, Block 3, Rearrangement of Lake Subject to Lake Ave & with Riparian Rights (PID # 233022210088)

THE APPLICANT SEEKS THE FOLLOWING PERMITS: A temporary Conditional Use Permit Amendment for a full-service sit-down restaurant with liquor per Code Section 1303.227, utilizing off-site parking accommodations on a trial basis, to allow 125 seats on music nights (Wednesdays, Fridays and Saturdays from 6:00 p.m. to 9:00 p.m. Memorial Day through Labor Day); to be re-evaluated in Fall 2017; and

WHEREAS, the Planning Commission has held a public hearing as required by the City Zoning Code on May 22, 2017; and

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

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

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

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

1. All application materials, maps, drawings, and descriptive information submitted with this application shall become part of the permit.
2. The applicant shall enter into a joint agreement with Newtrax (or other similar shuttle service provider) and the City of White Bear Lake to provide at least 27 parking stalls, with shuttle transportation to and from, the Former Public Works property, or other mutually agreeable location. The service may run longer, but shall run from at least 4 hours between 5:00 pm and 10:00 pm on music nights. A parking lot attendant shall be provided at all times while the shuttle service is provided. Details to be negotiated through the contract agreement, which shall be finalized prior to June 21, 2017. All staff and any vehicles associated with entertainment are required to use the overflow parking.
3. The total number of seats both inside and out, on both sides of the road, shall not exceed 63 on non-music nights and 125 on music nights. The applicant shall provide a new seating plan to reflect the approved number of seats, prior to the execution of the contract agreement. If present, benches shall count toward seating at the rate of 1 seat for every 22 inches. Excess seating to be stacked and secured away from customer or public access, subject to staff approval. Customers may not bring their own seating onto the premises. No customer seating on the trail, on the docks or on the Whitaker Street end. On non-music nights, the two parking stalls at Whitaker Street end shall only be used by the owner or staff.
4. Private security, or at a minimum a dedicated staff person, shall be devoted to monitoring the use of the entrances, containing the alcohol to the premises, and barring customers from bringing their own chairs onto the premises.
5. Rental boats may only be used for customer seating so long as an equal amount of seating is removed from the patio – total seating count not to exceed 125. Boat renters shall be encouraged to car pool on music nights. Rental boats are still limited to no more than 16, per the 1992 conditional use permit approval (Case # 92-11-S / Reso # 6804).
6. The applicant shall provide a signage plan for temporary signage directing Tally's customers to the overflow parking area on the Former Public Works property on the appropriate evenings. The signage plan shall be reviewed and approved by City staff prior to implementation. Parking signs shall be posted prior to the start of the shuttle service and removed at the end of the service. Information on where to park shall also be prominently provided on the Tally's & CG Hooks' webpages, facebook pages, and other marketing/advertising outlets, including any banners.
7. This temporary approval shall expire on September 4, 2017 and shall be re-evaluated by the Planning Commission on September 25, 2017 and by the City Council on October 10, 2017 at the applicant's expense of a CUP Amendment.
8. Continued operation of the music nights is contingent upon availability of and access to parking sufficient to satisfy condition #3. This trial arrangement does not guarantee additional seating authorization for the 2018 season. Even if continued for subsequent years, this off-

site parking arrangement is not a permanent solution. The applicants are responsible for providing and implementing a permanent solution at their own expense.

- 9. Outdoor entertainment shall cease by 9:00 pm unless a special event permit is obtained from the City. Noise levels from outdoor entertainment shall not create a nuisance to area businesses or residents and/or violate the City’s noise ordinance.
- 10. The bar-b-que cooker/smoker in the front yard of CG Hooks may not be heated for any reason. It shall not be used for cooking, smoking, storage or any other purpose other than display.
- 11. The applicants shall submit a SAC (Sewer Availability Charge) determination letter from the Metropolitan Council prior to June 21, 2017.
- 12. No new lighting is proposed or approved.
- 13. All signage must comply with the City’s Sign Ordinance.
- 14. All outdoor storage shall be in compliance with City Code.
- 15. The use shall in no way contribute to water pollution.

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

Ayes:
Nays:
Passed:

Jo Emerson, Mayor

ATTEST:

Kara Coustry, City Clerk

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.

Keith L. Dehnert

Date

Janet R. Dehnert

Date

From: Samantha Crosby

Sent: Thursday, May 18, 2017 2:53 PM

To: Keith Dehnert (keith@cghooks.com) (keith@cghooks.com) <keith@cghooks.com>; Keith Dehnert (keithdehnert@comcast.net) <keithdehnert@comcast.net>

Subject: Staff Report and Draft Resos

Hi Keith & Jan,

Attached is the staff report and draft resolutions for your request. A hard copy with all the attachments and the agenda will also be sent to you by post mail. When you have a moment, read the report, and **review the conditions attached to the approval very carefully**. Once you've had the chance to go through it all, please give me a ring as I think it'd be helpful to discuss the timing of it all in greater detail.

Thanks,

~ Sam

P.S. If you'd like, you may bring us the orange yard sign back to the Planning Commission meeting. Then we'll mail the \$20 deposit back to you within a week or two.

Samantha Crosby

Associate Planner

City of White Bear Lake

Phone: 651-429-8534

Fax: 651-429-8503

4701 Highway 61

White Bear Lake, MN 55110

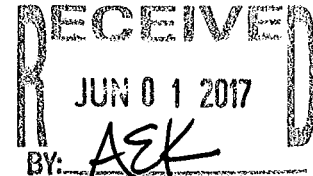
Sam & Keith spoke by phone the next morning. Keith stated he had read the report and resolution thoroughly and while some of the conditions caused him concern, he did not expressly state any specific objections.

Mary Parenteau
4574 Lake Ave
White Bear Lake, MN 55110
651-426-4623
m.parenteau@q.com

June 1, 2017

City Council Members
White Bear Lake, MN

Re: Tallys Variance Request



Dear Council,

I would respectfully request that the White Bear City Council agree to the city staff's recommendation that the music nights at Tallys Dockside be limited to acoustic music and not allow bands to use amplifiers when playing.

Tallys is located on the lake in the middle of neighborhoods where people live and, because of the proximity of this bar/restaurant, are subjected to the music played not only at Tallys, but at Admiral D's and possibly other restaurants, if they choose to have music. Tallys began by having music only on Wednesday nights and, at that time, it seemed not that big of a deal. As the years have gone by, the music nights have increased from one to three nights at Tallys and Admiral D's has added another two nights throughout the summer. The bands that play at these bars are located outside and many of them have huge amplifiers they use on these decks that are, at the most, 30 feet deep. The sound travels throughout the neighborhood and there is no relief from it. At this time, there is not any regulation by the city for these bands as to when they play and the volume. As neighbors, we have to listen to music we didn't ask for and don't necessarily want to hear night after night. We don't have the option of walking away from the venue if we are ready to be done with the music like other people—this is where we live.

White Bear Lake is fortunate to have a dedicated staff committed to finding solutions to problems and they have come up with a reasonable request that, if bars are going to continue to have music, the music be acoustic in nature and not use amplifiers. This is what our city staff has recommended and I ask that you support it.

Sincerely,

Mary Parenteau



City of White Bear Lake
Community Development Department

MEMORANDUM

To: Ellen Richter, City Manager

From: The Planning Commission

Through: Samantha Crosby, Associate Planner

Date: June 8, 2017 for the June 13, 2017 City Council Meeting

Subject: **FIRST READING – Spade Landscaping Case No. 17-3-Z**

REQUEST

A text amendment to the Zoning Code Section 1303.140 (the B-3 zoning district) as it relates to contractor's shops and yards.

SUMMARY

No one from the public spoke to the request. On a 7-0 vote, the Planning Commission recommended approval of the ordinance as proposed. Since the Planning Commission, staff has made a couple of minor revisions to the proposed ordinance.

RECOMMENDED ACTION

No formal action is required for the First Reading of the proposed Ordinance. The second reading is scheduled for July 11, 2017.

ATTACHMENT

Draft Ordinance

ORDINANCE NO.

**AN ORDINANCE AMENDING THE CITY OF WHITE BEAR LAKE ZONING CODE
AT SECTION 1303.140, "B-3 – AUTO-ORIENTED BUSINESS" DISTRICT
AS IT RELATES TO CONTRACTORS SHOPS AND YARDS (CASE NO. 17-3-Z)**

THE CITY COUNCIL OF THE CITY OF WHITE BEAR LAKE, MINNESOTA DOES
ORDAIN THE FOLLOWING:

SECTION 1. The Municipal Code of the City of White Bear Lake is hereby amended at
Section 1303 as follows:

§1303.140 "B-3" AUTO-ORIENTED BUSINESS DISTRICT

Subd.4. Conditional Uses. The following are conditional uses in a "B-3"
District, which require a conditional use permit based upon procedures and provisions set forth in
and regulated by Section 1301.050 of this Code.

a) through i) No proposed amendments.

j) Contractors Shops and Yards subject to the following requirements:

- 1) The site is 150' from residentially zoned or used property.**
- 2) The site must be at least one acre in size but not more than two acres in size.**
- 3) The site may not be located on a corner lot at the intersection of two roadways.**
- 4) The site may not be a riparian lot.**
- 5) The site must have a principal building constructed of at least two different types of building materials on all four elevations, not including concrete block or precast concrete panels. No wall of the building may be without windows.**
- 6) The site must be owner occupied.**
- 7) No outside storage except as allowed in compliance with e) of this subdivision.**
- 8) All conditions pertaining to a specific site are subject to change when the City Council, upon investigation in relation to a formal request, finds that the general welfare and public betterment can be served as well or better by modifying the conditions.**

In addition to other remedies available through the Municipal Code, multiple failures to comply with any standard of this Permit shall constitute sufficient cause for revocation of the Conditional Use Permit, as determined by the City Council following a Public Hearing. (Ref. Ord. XX-X-XXXX, mo/day/year)

SECTION 2: This ordinance becomes effective after approval shall take effect and be in force following its passage and publication (or, on "date").

Passed by the City Council of the City of White Bear Lake, Minnesota.

First Reading: June 13, 2017

Initial Publication: _____

Second Reading: _____

Final Publication: _____

Codified: _____

Posted on web: _____

City Clerk Initials

Jo Emerson, Mayor

ATTEST:

Kara Coustry, City Clerk



City of White Bear Lake
City Engineer's Office

MEMORANDUM

To: Ellen Richter, City Manager

From: Mark Burch, Public Works Director/City Engineer

Date: June 7, 2017

Subject: **Final Payment to MINNCOR Industries for Fabrication and Delivery of a New 160 Dock System for the Municipal Marina - City Project No. 16-08**

BACKGROUND / SUMMARY

MINNCOR Industries has completed all of the work required under their contract to fabricate and deliver a new 160 slip dock system for the City's Municipal Marina. The dock system has been installed and put into service. The quality of the workmanship is very evident and we are receiving many compliments from slip renters.

The original contract amount for this dock project was \$528,797.90 and the final project cost is \$528,798.23. The City processed partial payment No. 1 in January 2017 in the amount of \$72,444.43 so the final payment due is \$456,353.80.

RECOMMENDED COUNCIL ACTION

Staff recommends Council adopt the resolution authorizing final payment in the amount of \$456,353.80 to MINNCOR Industries for the Municipal Marian Dock System.

ATTACHMENTS

Resolution

RESOLUTION NO.:

**RESOLUTION ACCEPTING WORK AND AUTHORIZING
FINAL PAYMENT TO MINNCOR INDUSTRIES
FOR NEW DOCK SYSTEM FOR THE WHITE BEAR LAKE MUNICIPAL MARINA
CITY PROJECT NO.: 16-08**

WHEREAS, pursuant to a written contract in the amount of \$528,797.90, signed with the City of White Bear Lake, MINNCOR Industries of Stillwater, Minnesota, has satisfactorily completed the New Dock System for the White Bear Lake Municipal Marina, in accordance with such contract.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of White Bear Lake, Minnesota that the work completed under said contract is hereby accepted and approved; and

BE IT FURTHER RESOLVED that the City Clerk and Mayor are hereby directed to issue final payment in the amount of \$456,353.80, for a final contract amount of \$528,798.23 for the New Dock System for the White Bear Lake Municipal Marina.

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

Ayes:
Nays:
Passed:

Jo Emerson, Mayor

ATTEST

Kara Coustry, City Clerk



City of White Bear Lake
City Manager's Office

MEMORANDUM

To: Ellen Richter, City Manager
From: Kara Coustry, City Clerk
Date: May 31, 2017
Subject: Business Licenses

BACKGROUND

The City's Ordinance Code requires that certain business activities in the city be licensed and comply with the ordinance or terms of the license. Once approved, city licenses become effective through business cycle ending March 31st each year.

SUMMARY

The city received two applications for retail sales and storage of fireworks. Pursuant to Section 1126 of the City's Municipal Code regulating fireworks sales, an inspection by the Fire Department is required in order to determine compliance with local, state and federal regulations. Sam's Club #6309 located at 1850 Buerkle Rd passed its inspection and has provided the required license payment and certificate of insurance. Renaissance Fireworks located at 4391 South Lake Avenue also passed its inspection, however, their certificate of insurance has not yet been secured

The city received five applications for massage related business licenses. Pursuant to Section 1127 of the City's Municipal Code regulating massage, the licensee is required to submit documentation which demonstrates they have received the appropriate training and insurance. A criminal history check and financial review are also conducted. The White Bear Lake Police Department has verified training credentials, insurance coverage, finances and criminal history reports for each of the applicants.

All license approvals are contingent upon satisfying additional license requirements set forth in the Municipal Code.

RECOMMENDED COUNCIL ACTION

Staff recommends Council adopt the attached resolution approving specified business licenses valid through the city's business cycle ending on March 31, 2018.

ATTACHMENTS

Resolution

RESOLUTION NO.

**RESOLUTION APROVING BUSINESS LICENSES FOR
LICENSE YEAR ENDING MARCH 31, 2018**

BE IT RESOLVED by the City Council of the City of White Bear Lake that the following business licenses be approved for the year beginning June 14, 2017 and ending March 31, 2018 subject to receipt of insurance, inspection, background investigation and payment of all taxes and fees where applicable.

Massage Therapist Licenses

Therapists	Establishment	Address
Nanette Brooks	Fresh Face	2179 4 th Street Suite 2B
Theresa Picha	Home Practice	3390 Auger Avenue
Gigi Ortiz	The Waters of White Bear Lake	3820 Hoffman Road

Massage Therapy Establishment Licenses

Establishment	Therapists	Address
Home Practice – Picha	Therese Picha	3390 Auger Avenue
The Waters of White Bear Lake	Gigi Ortiz	3820 Hoffman Road

Fireworks Sales and Storage Licenses

Establishment	Address
Sam's Club #6309	1820 Buerkle Road
Renaissance Fireworks	4391 South Lake Avenue

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

Ayes:
Nays:
Passed:

Jo Emerson, Mayor

ATTEST:

Kara Coustry, City Clerk



City of White Bear Lake
City Manager's Office

MEMORANDUM

To: Ellen Richter, City Manager

From: Kara Coustry, City Clerk

Date: June 8, 2017

Subject: **Resolution approving lease agreement with Northeast Youth and Family Services**

BACKGROUND AND SUMMARY

Northeast Youth and Family Services (NYFS) is a non-profit social service agency whose mission is to meet the unmet developmental needs of at-risk youth and families within the community through collaboration and coordination with existing community resources.

In mid-2012 the City Council authorized a 'transfer of service' agreement between the City and NYFS to continue most services previously provided by the Community Counseling Center at the White Bear Lake location. The transfer of those services began July 1, 2012 and NYFS is leasing the former Counseling Center site. The initial agreement was for a term of 5 years, expiring on June 30, 2017.

No substantive changes to the lease are being proposed. It provides for another 5-year term, with the same \$500.00 monthly rent, with an option for the landlord and tenant to revisit rent annually, giving due consideration of the volume of usage, non-profit rental rates and other income derived by the tenant at this site.

RECOMMENDED COUNCIL ACTION

Staff recommends the City Council adopt the resolution authorizing execution of the attached lease with Northeast Youth and Family Services.

ATTACHMENTS

Resolution

Lease Agreement

RESOLUTION NO.

**RESOLUTION AUTHORIZING A LEASE AGREEMENT
BETWEEN THE CITY OF WHITE BEAR LAKE AND
NORTHEAST YOUTH AND FAMILY SERVICES**

WHEREAS, the City holds title to the property located at 1280 North Birch Lake Boulevard; and

WHEREAS, Northeast Youth and Family Services (NYFS) has been leasing 1280 North Birch Lake Boulevard from the City since 2012, when it assumed counseling services previously provided by the White Bear Lake Community Council Center; and

WHEREAS, in recognition of an acknowledged public purpose, rent shall be \$500.00 monthly for the 5-year term of the lease; and

NOW, THEREFORE, BE IT RESOLVED by the City Council for the City of White Bear Lake, Minnesota, that it hereby authorizes the execution of the lease agreement with Northeast Youth and Family Services.

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

Ayes:

Nays:

Passed:

Jo Emerson, Mayor

ATTEST:

Kara Coustry, City Clerk

Northeast Youth and Family Services Lease Agreement

This Lease Agreement ("Lease") is made and effective _____, by and between the City of White Bear Lake, a Minnesota municipal corporation, ("Landlord") and Northwest Youth and Family Services, a Minnesota nonprofit corporation ("Tenant").

Landlord is the owner of land and improvements commonly known and numbered as 1280 North Birch Lake Boulevard, White Bear Lake, Minnesota, (the "Leased Premises").

Landlord desires to lease the Leased Premises to Tenant, and Tenant desires to lease the Leased Premises from Landlord for use as a location for the providing of counseling services previously provided by the White Bear Lake Community Counseling Center at the Leased Premises, the term, at the rental rate and upon the covenants, conditions and provisions herein set forth. THEREFORE, in consideration of the mutual promises herein contained and other good and valuable consideration, it is agreed:

1. Term.

- A. Landlord hereby leases the Leased Premises to Tenant, and Tenant hereby leases the same from Landlord for a term of five (5) years (through June 30, 2022) so long as Tenant continues providing counseling services and complies with the terms of this Lease Agreement. Subject to mutual agreement, the Services provide to meet this agreement may be changed.
- B. Tenant may request an additional five (5) year term which shall not be unreasonably denied by landlord.

2. Rent.

Tenant's payment for the Leased Premises shall be five hundred (\$500) per month. Two months prior to the end of each one-year term the landlord and tenant may meet and agree upon the future rent with due consideration of the volume of usage, non-profit rental rates and other income derived by the tenant at this site. Subsequent rent increases shall not be more frequent than annual.

3. Sublease and Assignment.

Tenant shall have the right without Landlord's consent, to assign this Lease to a corporation with which Tenant may merge or consolidate, to any subsidiary of Tenant, to any corporation under common control with Tenant, or to a purchaser of substantially all of Tenant's assets, so long as counseling services continue to be provided. Except as set forth above, Tenant shall not sublease all or any part of the Leased Premises, or assign this Lease in whole or in part without Landlord's consent.

4. Repairs and Maintenance.

During the Lease term, Tenant shall make, at Tenant's expense, all necessary repairs to the Leased Premises. Repairs shall include such items as routine repairs of floors, walls, ceilings, plumbing, electrical changes, and other parts of the Leased Premises damaged or worn through normal occupancy, except for major mechanical systems or the roof, subject to the obligations of the parties otherwise set forth in this Lease. Tenant shall also maintain the leased premises, including its grounds and parking lot, in a manner consistent with other premises in the immediate area of the leased premises.

5. Alterations and Improvements.

Tenant, at Tenant's expense, shall have the right following Landlord's consent to remodel, redecorate, and make additions, improvements and replacements of and to all or any part of the Leased Premises from time to time as Tenant may deem desirable, provided the same are made in a workmanlike manner and utilizing good quality materials. Tenant shall have the right to place and install personal property, trade fixtures, equipment and other temporary installations in and upon the Leased Premises, and fasten the same to the premises. All personal property, equipment, machinery, trade fixtures and temporary installations, whether acquired by Tenant at the commencement of the Lease term or placed or installed on the Leased Premises by Tenant thereafter, shall remain Tenant's property free and clear of any claim by Landlord. Tenant shall have the right to remove the same at any time during the term of this Lease provided that all damage to the Leased Premises caused by such removal shall be repaired by Tenant at Tenant's expense.

6. Property Taxes.

Landlord shall pay, prior to delinquency, all general real estate taxes, if any, and installments of special assessments coming due during the Lease term on the Leased Premises. Tenant shall reimburse landlord any such taxes of special assessments paid by Landlord.

7. Insurance.

- A. If the Leased Premises or any other part of the Building is damaged by fire or other casualty resulting from any act or negligence of Tenant or any of Tenant's agents, employees or invitees, Tenant shall be responsible for the costs of repair not covered by insurance.
- B. Landlord shall maintain fire and extended coverage insurance on the Building and the Leased Premises in such amounts as Landlord shall deem appropriate. Tenant shall be responsible, at its expense, for fire and extended coverage insurance on all of its personal property, including removable trade fixtures, located in the Leased Premises.
- C. Tenant and Landlord shall, each at its own expense, maintain a policy or policies of comprehensive general liability insurance with respect to the respective activities of each in the Building with the premiums thereon fully paid on or before due date, issued by and binding upon some insurance company approved by Landlord, such insurance to afford minimum protection of not less than \$1,000,000 combined single limit coverage of bodily injury, property damage or combination thereof. Landlord shall be listed as an additional insured on Tenant's policy or policies of comprehensive general liability insurance, and Tenant shall provide Landlord with current Certificates of Insurance evidencing Tenant's compliance with this Paragraph. Tenant shall obtain the agreement of Tenant's insurers to notify Landlord that a policy is due to expire at least (10) days prior to such expiration. Landlord shall not be required to maintain insurance against thefts within the Leased Premises or the Building.

8. Utilities.

Tenant shall pay all charges for water, sewer, gas, electricity, telephone and other services and utilities used by Tenant on the Leased Premises during the term of this Lease unless otherwise expressly agreed in writing by Landlord.

9. Signs.

Following Landlord's consent, Tenant shall have the right to place on the Leased Premises, at locations selected by Tenant, any signs which are permitted by applicable zoning ordinances and private restrictions. Tenant shall repair all damage to the Leased Premises resulting from the removal of signs installed by Tenant.

10. **Entry.**

Landlord shall have the right to enter upon the Leased Premises at reasonable hours to inspect the same, provided Landlord shall not thereby unreasonably interfere with Tenant's use of the Leased Premises.

11. **Parking.**

During the term of this Lease, Tenant shall have the exclusive use of the automobile parking areas, driveways, and footways.

12. **Quiet Possession.**

Landlord covenants and warrants that upon performance by Tenant of its obligations hereunder, Landlord will keep and maintain Tenant in exclusive, quiet, peaceable and undisturbed and uninterrupted possession of the Leased Premises during the term of this Lease.

13. **Governing Law.**

This Agreement shall be governed, construed and interpreted by, through and under the Laws of the State of Minnesota.

IN WITNESS WHEREOF, the parties have executed this Lease as of the day and year first above written.

City of White Bear Lake

By: _____
Jo Emerson, Mayor

By: _____
Ellen Richter, City Manager

Northwest Youth and Family Services

By: _____
Jerry Hromatka, President & CEO



City of White Bear Lake
City Manager's Office

MEMORANDUM

To: Ellen Richter, City Manager
From: Kara Coustry, City Clerk
Date: June 6, 2017
Subject: Special Team Charities, "Fed and Wed" Event in Railroad Park

BACKGROUND

The City allows for special events in public spaces including City Parks. Special event permits are typically approved by staff. On occasion the City receives an application that involves the sale of alcohol by a licensed vendor, or as in this case, the use of a public space for a charity collection and wedding event.

SUMMARY

Jeff Loeks, on behalf of Special Team Charities, submitted a Special Event application for use of Railroad Park on September 9, 2017. Mr. Loeks is a former member of the Fire Department who has organized successful charitable events at this location in the past.

Working with the Food Shelf, Special Team Charities intends to collect Kid's Pack items in a Food Shelf Truck parked at the site from 9:00 a.m. – 10:00 p.m. Once the Food Truck is full (or around 6:00 p.m.), Jeff Loeks and Racheal Haasken will get married in the Railroad Park Gazebo. The wedding is not the main event, although it is intended to add excitement and will be marketed as part of the Kid's Pack collection event - coined "Fed and Wed".

A Food Shelf program, each KID Pack contains 2 breakfast, 2 entrée and 4 snack items. KID Packs are distributed to students in White Bear Area Schools who might otherwise go hungry over the weekend when food is scarce.

Staff did express concern with traffic flow related to the collection effort. Mr. Loeks hosted a "Toilet Paper Drive" three years ago at this location, which at times did create back-ups in traffic. At the suggestion of the City's Public Works and Public Safety Departments, and to address traffic flow as people drop items, Mr. Loeks intends to barricade the first couple of slots on Washington Avenue, West of 3rd Street, which will be used for folks to drop items for donation. A Food Shelf cube truck will be parked in a slant stall on Washington Avenue, assuming it doesn't stick out into

traffic. If the Food Shelf cube truck is too large for the slant stall on Washington Avenue, it will be parked on Third Street.

Use of Railroad Park would include electricity. Railroad Park is not a rented park normally, however, past practice has been to charge the same rate as the City charges at Podvin Park. Being this is a local non-profit group, the Podvin Park local non-profit rental rate is \$35.00.

RECOMMENDED COUNCIL ACTION

Staff recommends Council adopt the resolution as presented.

ATTACHMENTS

Resolution

RESOLUTION NO.

**A RESOLUTION APPROVING “FED AND WED” EVENT
AT RAILROAD PARK**

WHEREAS, an application has been submitted by Special Teams Charities to host a “Fed and Wed” event at Railroad Park on September 9, 2017; and

WHEREAS, Special Team Charities plans a Food Shelf Kid’s Pack collection event with the goal that once donations fill the truck, Jeff Loeks and Racheal Haasken will get married in the Railroad Park Gazebo; and

WHEREAS, Special Team Charities would be utilizing Railroad Park, including electricity, from 9:00 a.m. through 10:00 p.m.; and

WHEREAS, no alcohol will be sold at the event.

NOW THEREFORE, BE IT RESOLVED that the White Bear Lake City Council approves the use of Railroad Park by Special Teams Charities to host the “Fed and Wed” event on September 9, 2017 subject to the following conditions:

1. No stakes are permitted to be placed into the ground.
2. No vehicles are permitted on park grounds to protect irrigation systems.
3. Park rental at the same rate as Podvin Park’s local non-profit organization fee.

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

Ayes:
Nays:
Passed:

Jo Emerson, Mayor

ATTEST:

Kara Coustry, City Clerk

City of White Bear Lake Environmental Advisory Commission

MINUTES

Date: April 19, 2017	Time: 6:30pm	Location: WBL City Hall
COMMISSION MEMBERS PRESENT	Sheryl Bolstad, Bonnie Greenleaf, Greg Pariseau, Gary Schroeher, June Sinnett, Eric Wagner (chair)	
COMMISSION MEMBERS ABSENT	None	
STAFF PRESENT	Connie Taillon	
VISITORS	Julie Drennen, Conservation Minnesota; Chris Greene, Resident	
NOTETAKER	Connie Taillon	

1. CALL TO ORDER

The meeting was called to order at 6:40pm.

2. APPROVAL OF AGENDA

Commissioner Wagner added temporary trash fence to new business. Commissioner Greenleaf moved, seconded by Commissioner Pariseau, to approve the agenda as amended. Motion carried, vote 6/0.

3. APPROVAL OF MINUTES

a) March 15, 2017 meeting

The commission members reviewed the March 15, 2017 draft minutes and had no changes. Commissioner Sinnett moved, seconded by Commissioner Pariseau, to approve the minutes of the March 15, 2017 meeting as presented. Motion carried, vote 6/0.

4. VISITORS & PRESENTATIONS

Julie Drennen from Conservation Minnesota provided a legislative update. Common themes appearing in recent legislation include a loosening of environmental standards and limiting the oversight of the DNR and coordinating groups.

Conservation MN sent a letter to senators in March supporting many sections of the Senate Environment and Natural Resources Omnibus Bill, but also expressing concerns with other proposals in the bill. Julie provided more detail for a couple of these concerns. A bill was recently introduced to repeal the new buffer law which will prevent 48,000 miles of buffer from being implemented in the state, eliminating the water quality benefits of these buffers. Also, a bill banning plastic bag regulations would forbid communities from being able to address plastic bag pollution.

Conservation MN also sent a letter to Senators in March expressing concerns about the pollinator protection account and treated seed program being removed from the Senate Agriculture Bills. The pollinator protection account was designed to develop an educational campaign on the use of pesticides that harm pollinators and develop stewardship materials to help guide pollinator friendly practices. The broad-scale use of seeds treated with pesticides such as neonicotinoids is harmful to pollinators and under existing law, agricultural seeds treated with pesticides are not subject to state and federal regulation. A treated seed program would provide researchers and resources to ensure sound use of pesticides based on the best available science and Minnesota specific conditions.

Julie discussed what citizens can do to help support legislators and express concerns. She provided a letter writing guide that includes writing tips, a sample letter, a website link to find your local legislator, and contact information for Senator Wiger and Senator Chamberlain.

5. UNFINISHED BUSINESS

a) Environmental Resource Expo

Commission members have started contacting organizations. Tamarack Nature Center, VLAWMO, and Republic Services will be attending. Other options for electric vehicles and solar companies were also discussed.

A commission member left at 7:55pm.

b) Random Acts of Environmental Kindness

The commission members discussed possible ways to increase the number of coins they hand out this year. Ideas include handing out coins at the compost facility, in neighborhood parks, and at Marketfest. Coins could be given out to kids that play the fishing recycling game at the Environmental Resource Expo. To get the word out about the program, consider advertising in the newspaper and on Facebook.

c) Commission Photo – set a date

The commission photo will be taken at the Environmental Resource Expo on July 27th.

d) Budget Updates/Discussion

The commission members discussed budget items, and directed staff to purchase an additional rain barrel as a give-away at the Environmental Resource Expo.

Staff provided an update on the holiday lights recycling program. Nine hundred pounds of holiday lights and eight pounds of extension cords were brought to the local metal recycling facility in Hugo, for a total of \$93.00 in profit. This money was deposited into the EAC fund. Staff asked the commission if this money could be used to purchase two plastic folding tables for the Environmental Resource Expo.

Commissioner Greenleaf moved, seconded by Commissioner Pariseau, to purchase two folding tables at a cost of \$60 each using the holiday lights recycling income, with an additional \$27.00 to come out of the EAC budget. Motion carried, vote 5/0.

e) Review last month's do-outs

The following do-outs were discussed: staff will invite Republic Services to attend a future meeting, remove 'research document shredding' from list, Lake Links meetings can be found at lakelinks.net.

6. NEW BUSINESS

a) Temporary Trash Fence

Commissioner Wagner observed trash in the wetland north of Buerkle Road and discussed possible options to alleviate the problem. One solution discussed was to install a temporary fence to catch trash. Commissioner Wagner will research this product and provide an update at the May meeting.

b) New Do-Outs

- Continue to invite organizations to table at the Environmental Resource Expo
- Staff to invite Republic Services to a future meeting
- Staff to email details about the Comp Plan Open House, Lake Links info, and SWPPP public hearing at the next Council Meeting.

7. DISCUSSION

• **Staff Updates**

- **Water Symposium Event**

The 1st annual Water Symposium will be held at South High School on June 3rd from 9am to noon. Staff asked if any commission members would like to volunteer to help sell rain barrels at the event from 9am to 11am. Paul Putzier, a hydrologist from the DNR, will be presenting from 11am to 11:30am.

- **Comp Plan Open House**

The last Comprehensive Plan open house will be held at the Public Safety training room on Thursday, April 20th from 6pm to 7:30pm. The topic is resiliency and economic competitiveness.

• **Commission Member Updates**

Commissioner Greenleaf reported that money collected from her local church will be donated to help pollinator efforts.

• **May agenda**

Commission members would like to invite the new Assistant City Engineer to the May meeting.

8. ADJOURNMENT

The next meeting will be held on May 17, 2017 at 6:30pm at City Hall. Commissioner Greenleaf moved, seconded by Commissioner Bolstad, to adjourn the meeting at 8:43 pm. Motion carried, vote 5/0.

**MINUTES
PLANNING COMMISSION MEETING
CITY OF WHITE BEAR LAKE
MAY 22, 2017**

The regular monthly meeting of the White Bear Lake Planning Commission was called to order on Monday, May 22, 2017, beginning at 7:07 p.m. in the White Bear Lake City Hall Council Chambers, 4701 Highway 61, White Bear Lake, Minnesota by Chair Jim Berry.

1. CALL TO ORDER/ROLL CALL:

MEMBERS PRESENT: Chair Jim Berry, Erich Reinhardt, Mary Alice Divine, Marvin Reed, Peter Reis, Ken Baltzer and Mark Lynch.

MEMBERS EXCUSED: None.

MEMBERS UNEXCUSED: None.

STAFF PRESENT: Anne Kane, Community Development Director, Samantha Crosby, Associate Planner, Elizabeth Showalter, Planning Intern and Amy Varani, Recording Secretary.

OTHERS PRESENT: Keith and Jan Dehnert, Robert Cutlip, Sheila Faulkner, J.J. Maleitzlin, Daron Close, Rich and Elaine Anderson, Katie Luceys, Emilie Hofman, Emily Sampair, Brooke Sicard, Caroline Sass, Lexi Cooper, Meghan Master, Jim and Deb Tieparry, Cory Monsoon, Connie and John Winterhalter, Jeff and Mary Voss, Sue Haglund, Bruce Haglund, Cathy and Larry Parker, Jeanenne Rausch, Shelly Leruge, David Olson, Rosetta Mason, Brad Mason, Brent Mason, Scott Neal, Nick and Karen Dirius, Joe and Shelly Pasma, Frank Watson, Linda Patsy, John and Barb Gangl, Clint and Mary Rowles, Don and Helen Petrisson, James and Judith Anderson, Therese and Jim Richa, Renee and Bob Nelson, Cyd Bulger, Judy Smith, Dan Lander, Steve Skolnick, Mike Preston, Rich and Sharon Prokosch, Melanie Smith, Dan Emery, Randy Birkinbree, Mike Gagan, Don McGruder, Paul Soucheray, Jen Soucheray, Pam Butzer, Krista Batckna, Tim Klegin, Patty Hall, Rogen and Mary Kurtz, Margaret Jones, Sandra, Kevin and Mary Wolfley, Julie and Brad Longueville, B. Richard Paten, Peggy Palson, Bob and Patty Dempsey, Carol Patt, Lee Wolfson, Joe Remley, Mike Ramert, Linda Kolb, Rob Schroeder, Melissa Heller, Julie Anderson, Tom Bulger, Melissa Johnson, Marran Brezovec, Gerald Brezovec, Rod Oakes, Nancy Oakes, Laura Bonne, Eric Lindberg, Mike Judy, April Pate, Rob and Sue Hachberg, Debbie Miller, Bev Williams, Dave Holm, Lori Thein, Tara and Reed Vanderzee, Mark Ashby, Danelle McLeod, Bob Elsholtz, Christine Cermak and Raymond Cermak, Marelee Elsholtz, Helen Duritsu, Angela Schneeman, Carol Drieling, Roxanne Wilcox, Erin Wilcox, Mike and Liz Tibbetts, Sheree Ingebritson, Sonya Vaughn-Orton, Jason A. Orton, Tim Geck, David Scheer, Wayne Lilygren, Kate Booth, Shelly Ring, Nick Hall, Pete Sampair, Steve and Patti Breblee, Herb Tousley, Briana Fernandez, Luke Fernandez, Will Gilberg, Lauren Carlson, Dave Ryan, Bryant More, Caryn More, Mike Parenteau, Ray Cermak Jr., Eric

Wiski, Darlene Veiman, Bob McLeod, Patti Brekke, Steve Brekke and Brian McGoldrick.

2. APPROVAL OF THE MAY 22, 2017 AGENDA:

Member Reinhardt made a motion to move Item 4.E to the top of the docket. There was no second, and the motion failed.

Member Baltzer moved for approval of the agenda. Member Lynch seconded the motion, and the agenda was approved (7-0).

3. APPROVAL OF THE APRIL 24, 2017 PLANNING COMMISSION MEETING MINUTES:

Reis asked staff about the approval of the separation of one lot into two lots. One of the added conditions was to have a shared driveway for the two lots. There was talk about it being an alley or a driveway. When does a driveway become an alley? Kane stated that it was referenced as an alley during the public hearing. Staff clarified in the condition that it would be a private shared driveway if the developer chose to put that up along the north side of the lot. Reis recalled that one of the rationales for having it be a shared driveway rather than an alley is that way the City is not in any way involved in snow plowing. Kane confirmed that was correct. Reis asked what if there were seven houses, not three and there was a desire to have it become an alley? Can they appeal to the City? Kane stated that the City's public works department maintains alleys, including snow removal; however, they are not a top priority so it would be after they finish their other routes. They'd have to dedicate the full width of the right-of-way unless they could get their neighbors across the property line who are already served by private driveways to dedicate their half of the alley or incur the entire alley-width in their back yard. It would be giving up quite a lot of land as well for that alley. Reis asked if alley status could be conferred by the plea of the land owners? Kane stated that's why staff clarified that it's a private driveway easement; there's only two benefiting properties and the City has no role in it at all.

Member Reis moved for approval. Member Reed seconded the motion, and the minutes were approved (7-0).

4. CASE ITEMS:

A. Case No. 17-1-SHOP: A request by **Meghan Master** for a Special Home Occupation Permit per Code Section 1302.120, in order to operate a beauty salon in a single-family residence for the property located at 2268 Sierra Drive.

Showalter discussed the case. Staff recommends approval.

Berry opened the public hearing. No one came up to speak. Berry then closed the public hearing.

There were no questions from the Commissioners.

Member Lynch moved to recommend approval of Case No. 17-1-SHOP. Member Reed seconded the motion, and it passed by a vote of 7-0.

- B. Case No. 17-2-SHOP:** A request by **Therese Picha** for a Special Home Occupation Permit per Code Section 1302.120, in order to provide massage therapy in a single-family residence for the property located at 3390 Auger Avenue.

Showalter discussed the case. Staff recommends approval.

Berry opened the public hearing. No one came up to speak, so Berry closed the public hearing.

There were no questions from the Commissioners.

Member Baltzer moved to recommend approval of Case No. 17-2-SHOP with the conditions listed in the staff report. Member Reis seconded the motion, and it passed by a vote of 7-0.

- C. Case No. 17-12-V:** A request by **Cox Contracting on behalf of David & Lynn Howe** for a 5 foot variance from the 30 foot setback for a side abutting a public right-of-way per Code Section 1303.230, Subd. 5.a.4, in order to construct a new single family residence 25 feet from the south property line for the property located at 4935 Johnson Avenue.

Showalter discussed the case. Based on comments received from the neighbor to the north, Condition #7 was added to the resolution. Staff recommends approval.

Lynch asked about the address. Doesn't it get turned to keep the setbacks? Showalter responded the address will still be 4935 Johnson Avenue.

Berry asked if the applicant has been made aware of and agreed to Condition #7. Showalter confirmed that was correct.

Berry opened the public hearing. As no one came up to speak, the public hearing was closed.

Member Reis moved to recommend approval of Case No. 17-12-V with the conditions listed in the staff report. Member Baltzer seconded the motion, and it passed by a vote of 7-0.

- D. Case No. 08-3-Sa and 17-13-V:** A request by **Admiral D's** for a Conditional Use Permit Amendment per Code Section 1303.227, Subd.4 and a 50 foot variance from the 50 foot setback from the Ordinary High Water Level of White Bear Lake per Code Section 1303.227, Subd.7.d.4 in order to construct a 1,012 sq. ft. building addition and provide rooftop seating for the property located at 4424 Lake Avenue South. **TO BE CONTINUED AT APPLICANT'S REQUEST.**

Kane stated that the application is being continued to the July 31st Planning Commission meeting at the applicant's request.

Lynch asked for clarification on when the case would then go to the City Council. Would it go to the August 8th City Council meeting? Kane confirmed that was correct.

- E. Case No. 17-3-CUP:** A request by **Tally's Dockside** for a Conditional Use Permit Amendment to expand the existing restaurant to the east side of the road, per Code Section 1303.227, Subd.4.a, with a maximum of 125 seats on "Music by the Water" nights: Wednesdays, Fridays and Saturdays, Memorial Day through Labor Day for the property located at 4441 Lake Avenue South.

Crosby discussed the case. She gave the history of Conditional Use Permits that were issued over the years. The operations have grown in intensity over the years and there are some aspects of the business that no longer comply with code, primarily seating and parking. Based on the actual parking available to the business, staff recommends that non-music nights not exceed 57 seats. In order to bridge the gap between non-music nights and music nights, an additional 27 parking stalls are needed to service this business. Staff proposes that overflow parking be accommodated on their former public works site. Crosby went over the proposed conditions in the resolution of approval. Due to the lack of parking available, staff must recommend denial of the applicant's request for permanent seating at 85 and 125. However, subject to a temporary arrangement for off-site parking and with the appropriate parameters and controls in place, staff recommends temporary approval of 57 and 125 seats, subject to the conditions listed in the staff report.

Reis asked about the condition that the smoker that sits outside CJ Hooks restaurant not be used for cooking. Is that a food safety issue? Crosby confirmed that was correct. It's for display purposes only.

Reis asked if the Planning staff proposal about a shuttle to the old public works site was communicated to the applicant. Crosby confirmed that was correct. It's a multi-part endeavor. The applicant would need to reach out to the shuttle company and start negotiations with the City and enter into a contract.

Lynch asked Crosby to again show the chart that illustrated the approved amount of seating at Tally's as well as two other area restaurants. Lynch asked if this is the approved amount of seating, not necessarily parking. Crosby confirmed that it was a seating count. It does not delve into what parking is necessary to accommodate the seating.

Berry asked if it's generally 2-1/2 seats per parking stall. Crosby confirmed that was correct.

Berry asked if a letter was sent to the applicant in 2014 that he should amend his Conditional Use Permit. Crosby confirmed that was correct.

Berry opened the public hearing.

Keith Dehnert, 3396 Glen Oaks Avenue, applicant. He is the owner and operator with his wife Jan of Tally's Dockside. He indicated that he served on the Planning Commission a few years ago. He gave the history of the establishment. The music has always been amplified, not acoustic. Tally's has evolved over the years. Their main goal for tonight is to save "Music by the Water" and to continue to operate Tally's Dockside for many years to come. On non-music nights, he's asking for 63 seats, which is 21 car parks versus 19, which are the two that are coming off of the street end. On music nights, adding an additional 62 seats, giving 125, the same number presented by staff. That is being met by overflow parking by using a shuttle to the old public works site. He thanked city staff for coming up with the solution. He feels that the constraints that are being outlined in the resolution seem unreasonable and will make it very hard to continue as a business. He would ask the Commission and staff to allow them to continue to work with staff to come up with solutions to the issues.

Berry stated that Dehnert has been operating way beyond where he should be, based on what was approved on his Conditional Use Permit. Dehnert stated that every time he received a letter about it from staff, it changed. The grandfathered wasn't in, there was winter parking that was there, there were only 10 car parks that were part of the ramp. He was waiting for the tax rolls to show that they had 20 parking spaces in the ramp. With the ramp in place, they have been operating with an additional 20 parking spots that they pay for that are in there. He will not dispute that they might have gone over a touch on seating. However, they will come back into compliance. They will put together a new seating plan to match the approved seating to 63. They have one business. They had to remove the second address and the second business. They now call it the Hooks building and the boat house. It operates under one business and one business name. The liquor license is held by their corporation, Dockside Waterski Company, doing business as Tally's Dockside. They hold it at 4441, which is the Hooks building and then they cater across the street, which allows them the off-premise catering that they use.

Berry asked if he had any objection to the movable, stackable seating for the additional seats for music nights. Dehnert thought that was a workable option. Berry wondered if it included the benches. Kane stated that the benches, if they're going to be there on non-music nights, do have to count towards the seats. Dehnert stated that their plan is to work with staff on direction that they will be putting together the seating plan to come up with 63 on non-music and 125 on music.

Berry asked if Dehnert had a main concern that he wants to work out. Dehnert stated that the boat rental is a major issue. To him that seems like an unreasonable constraint. The dock issue is unreasonable. He doesn't understand why the entrance needs to be moved to the south side. Berry stated that it was to control the open containers coming out of that area. They have to control people bringing in their own chairs, and make sure that the bike and walk path is clear and the street is clear. Dehnert stated that they can provide a staff person to monitor the entry/exit; their proposal is to not relocate the entrance to the south side, but to narrow up the entrance on the existing side so one person can control it and no one is there milling about. The problem with controlling the path is that it's a walking path. People stop and talk.

Lynch was under the impression that the reason for moving the entrance to the south side was not only that but as people mill about to get in or out, that sometimes people are waiting. If people are coming in and out and waiting to get in, he'd rather have them off the path entirely. He thinks that was part of the logic of moving it to the south side. Dehnert stated that it's a public walk way. He doesn't know whose right it is to say they have to go. How do they enforce that? They don't want there to be safety issues. Berry stated that the problem is when people block the path completely.

Berry stated that the main misconception is that this is not an amphitheater, it isn't a public space, and it isn't a public park where an event is happening. It's right in the middle of private businesses. It cannot encroach and impede on the other businesses nor on the public property. Dehnert asked how a private person can control a public area. He doesn't have the right to say "You can't stand there", because it is public property. He also doesn't want to say he's promoting standing there either.

Kane stated that, at least for the first year trial basis, that if they narrowed the entrance to a 36" or 40" opening, that might accommodate things better and then the City will need to monitor it throughout the season. In the past there have been people with drinks and seating in the right-of-way.

Dehnert stated that they don't want a continuance of this case. He wants to get it done. He wants music to continue. He wants people to continue coming down there. He wants people to enjoy the area. The ultimate goal is businesses need to succeed. He doesn't want the whole piece of pie, he just wants a little bit. So much traffic is down there, not just because of his business, not just because of Acqua, or Admiral D's or the VFW. People are going back and forth between the businesses. There can be open containers with people that are walking along there. There are open containers coming out of the marinas, because people have brought their coolers. They have their own beverages. It hasn't been sold by any liquor license holder. Dehnert has added signs and started staffing a person towards the end of last year. They will have one person designated to ensure alcoholic beverages do not leave his business.

Dehnert brought up the port-o-potties. Public restrooms are far away, down at the other end of Boatworks Commons. It's not conducive for the area. The bathrooms were put in for the marina. They didn't get zoned for the liquor permit. They were not told they needed to be zoned. To his knowledge, they followed the process of where they needed to get to where they are today.

Berry asked if, with the bathrooms on the south side, that was proposed in order to accommodate the south entrance and the fact that they're not counting those two parking spaces as actual parking spaces on the leased property there. Kane responded that when the lease was entered into, either in 1999 or 2000, port-o-potties were acceptable and desirable there. The City had just purchased Johnson Boat Works, and was just working through the Marina Triangle plan. The City anticipated that permanent, year-round public restrooms would be a desired

component of whatever came for the future redevelopment of the Johnson Boatworks site.

With what staff previously said about shrinking the entrance at its current location and not relocating it to the south, and the applicants desire to continue to utilize those two parking spaces to count towards their seating, staff still has concerns about vehicles backing in and out. Staff would like to talk with the Dehnert's further on who would be utilizing it and that it would not be customer parking that may come and go throughout the evening. There's a question as to whether it will count. With regards to the port-o-potties, other staff members and elected officials have sought to open up that view for some time. The city engineer has looked at alternate gas tank designs to try to lower that so that the vista from Whitaker Street to the lake could be opened up. Because the public parking and public restrooms have been provided elsewhere, the reasons those were put in there temporarily have been addressed elsewhere in close proximity.

Dehnert stated that, because of the constraint it was outlined that the fence would come down; however, the fence is a screen for the fuel tank. The bollards are around there to protect the fuel tank. The port-o-potties are between the bollards and the fuel tank and are relatively out of sight, behind the fence. Having the port-o-potties removed would be very detrimental.

Dehnert talked about the boat rental. It was put in place to his knowledge for the grandfathered clause. To him, grandfather means it's on-street parking. If they look at the history of that area, the amount of on-street parking that used to be there in the 1990's when they started down there, and what's there today, a lot is gone. A lot has been moved into the public ramp. Whitaker Avenue used to be double-sided parking. The north side is now gone and that property is now leased to Lakeside Shops. The property from them north to the VFW was all drive-in, angled parking. Now with the parking ramp, it doesn't start until well past the new restaurant that's going in there. To the south of them, that was angled parking all towards the Kowalski's parking lot. It has been redone to just a small number of parallel parking spots. A lot of on-street parking has been taken away.

Reinhardt asked Dehnert if they're requesting approval for Wednesday, Friday and Saturday. Dehnert confirmed that. Reinhardt asked how it impacts the neighbors. Dehnert stated that there are letters in the packet. There's a feeling that he's having an impact. That's why they're going to comply with the amount of parking spots they have. They will put the seating plan together that will meet their 63 non-music nights. They have come up with an off-site parking plan, with the help of staff so they can continue. He thinks it's a fabulous idea.

Reinhardt stated that a lot of venues, especially ones that serve alcohol, employ off-duty officers. They would be empowered to help with public safety for the right-of-way. Would that be possible? Kane responded that there was some conversation regarding that, but that presumes that there's enough police staffing to fill those volunteer slots if they sign up. The City Manager had expressed some reservations about the ability to do so with off-duty officers. Dehnert stated that if issues started to arise from that, he'd be one of the first to say they'd want to address that.

Divine asked Dehnert for clarification on the reservations towards boat rental limits. She's assuming he's talking about not renting boats on music nights. Does he currently serve food and alcohol to the boats? Dehnert confirmed that they do. Divine noted that then they'd be serving alcohol off premises. Dehnert stated that it's considered catering. They can cater off-premise. Berry stated that they'd need to make an amendment to their liquor license, and have liability insurance.

Reed stated that for renting boats on music nights, hasn't staff already calculated in the 10 spots that are reserved for their marina to come up with 125 people? Isn't that figured into the calculation for music nights? Crosby indicated that the 10 stalls for the marina are included. The boat rentals do not have any stalls associated with them. They're creating an additional demand for parking that have no provisions for being met.

Reis thanked everyone who was present tonight. It's a great example of why this City works so well.

Reis stated that he hasn't found the amplification of the music oppressive. He stated that heavy rock might be a different thing. Dehnert reiterated that from the very start, the music has been amplified.

Reis asked about the off-site catering provision. He gathers that they cover all appropriate laws with insurance so that it's a non-issue. Dehnert stated that it has to be in place because technically they cater across the street, from CJ Hooks over to Tally's.

Reis asked if staff was comfortable with the shuttle resolving the issue of parking. Kane stated that staff is comfortable with providing it as a potential solution on a trial basis. Some discounts, coupons or an appetizer might entice those who arrive first, at 5:00-6:00 p.m. It will be in Tally's best interest to get the shuttle service to work successfully.

Reis stated that if these music concerts are good revenue-producers for Tally's that they would be the same thing for others in the area. Admiral D's already has musical performances. He could see Acqua and the VFW doing it too. The new restaurant could conceivably do it. The issue of parking is going to be an issue for everyone. There's no reason why the shuttle service couldn't work for other new entrants to this. If the shuttle thing fell through for some reason, isn't there still the opportunity to, on a temporary basis, lease parking spaces from the Trach family that owns the huge parking lot? Dehnert stated that he's tried that. There are other options out there. Stillwater is moving people with a trolley. Reis stated that everybody is talking about collaboration.

Reis also wanted to address the port-o-potties, the fence, the gas tank, and opening up the vista at the foot of Whitaker. There was some talk about a different format gas tank that would be lower, or a different profile. Dehnert stated that he and city engineer Mark Burch talked about it. It can't go below ground. For the gas tank regulations, they require vent tubes to go anywhere from 10-15 feet up in the air.

For the size tank that they need, they could create a shelf and drop it down. However, they weren't gaining enough vista with that alternative. Because of the Boatworks Commons development, they planned on addressing it at another time. He's not against addressing that. That was also at the time that they were addressing why they were not looking at putting a centrally located restroom facility in. They were willing to run the sewer system through their facility. At the time they were starting that, Tally's didn't even have sewer service. Through the redevelopment they did get sewer and water connections installed.

Reis asked if fuel tanks that are within proximity of moving traffic have to have a special kind of tank; a tank within a tank. Dehnert explained what type of tank it is. They worked with the fire marshall in White Bear Lake to put the correct one in at the time. Reis stated that if the different format tank is resolved and the need for the fence to hide the tank comes down and the vista is then opened up, there might still be the need for vents. They would only be 3", 4" or 5", they wouldn't be obstructive.

Reis asked about the port-o-potties. If the fence is down, the port-o-potties would be visible; they're visible all during Manitou Days. Kane stated that staff has not delved into the lease agreement; the City Council has asked them to do so later this year. Staff doesn't have all that information together. It was one of the elected officials who raised the concern with having the port-o-potties there now that public restrooms have been provided elsewhere in the vicinity. Kane stated that staff has not been able to give the Council all the information they want on the leased areas, not only Tally's, but all leased areas in the City. Generally, the Planning Commission has purview over the property in which the land use application is being presented to and not necessarily on leases that the City Council has jurisdiction on outside of that area. Staff really did try to craft conditions that would allow Music by the Water to continue with certain parameters. The Council will always have the authority to change that lease agreement. It's a two-party agreement and they can make that proposal. Reis asked if the issue is the port-o-potties at that particular location. If so, could the port-o-potties be placed somewhere other than the street end? Kane indicated that the leased area covers the street end. She doesn't know where else the port-o-potties could go. They have not been delving into finding that solution because they thought that the solution was permanent, year-round public restrooms. They are 450 feet away, but within the general vicinity. She believes CJ Hooks has a one-person uni-stall as well. Perhaps a permanent solution could be provided within Hooks' building. Reis asked if the port-o-potties, if desired, could be put somewhere else on the property. He asked if they're there only during the music nights. Dehnert stated that they're always there. He would like to ask that they stay. Because they're enclosed, they can be out-of-sight. If the fence is an issue, that can be updated. That can be taken care of. He thinks that the port-o-potties are an integral part of the marina and their facility down there.

Baltzer stated that one possibility with the amplification is using a decibel meter and seeing how loud it is. He addressed the service on the docks. What about the general public that comes up to fill up with gas; what if they ask if they can have food? Crosby stated that as of now, staff's research of the liquor license and their

understanding of the issue is that the liquor license does not extend to the docks, no matter whose boats they are. The business cannot serve liquor to any of the boats on the docks. Baltzer asked about food. Crosby stated that if the City Council extends the liquor license to allow the serving of liquor, the food could go with it. Baltzer asked if the food could go without the liquor. Crosby stated that it is not an approval that he has asked for, or is being considered for at this time. Staff would need to conduct additional research. Kane stated that what they want to try to understand is if it's one more staff person, and the shuttle is working well and employees are parking off-site, she doesn't think they'd have a concern with that. But it wasn't a part of the request and they're trying to get approvals primarily for Music by the Water nights. Baltzer felt that in the process, staff has included a lot of fringe items that kind of rake the applicant over the coals, in his opinion. Kane explained that staff is trying to find ways to allow Music by the Water to continue. The zoning entitlements that Dehnert currently has is for 12 seats in the summertime. They're just trying to apply the zoning regulations in a way that will work.

Dehnert stated that he's in agreement with Baltzer. He came to staff with a request for seats. The conditions that came back are now regulating him well beyond seats. Berry stated that he thought that a lot of the concerns were around the liquor sales to start with. The food catering concern ends up coming up behind that. Dehnert stated that they were asked to clarify their seating, and they brought in a seating plan. It wasn't a service plan, a food plan, or an alcohol plan, but the constraints that came back were no boat rental, no serving, no port-o-potties. He wanted the opportunity to communicate, get the facts together, find out where they're headed so they can come up with an agreeable solution to both them and the City. They recognize why staff wants to do a temporary arrangement with this, but all that means is they get to go through this again in September.

Lynch stated that parking affects everything. It overflows into the boat rental and the liquor license because everything is a little bit interconnected. Regarding the shuttle, it may be both a solution and a problem. He thinks it's a great idea but may also cause a lot of problems. Asking people to park $\frac{1}{4}$ to $\frac{1}{2}$ mile away is something that people aren't going to want to do naturally. It isn't a solution that you yourself can solve; because if you're doing a shuttle, and everybody else isn't, or they don't have something else there, it could be a potential problem both for you and for them. There need to be incentives involved, and need to be some sort of way to get people to do it and change their way of thinking about how they're going to experience the marina area. He would like to see the parking lot next door used as well because it's convenient. Dehnert stated that it's a private lot. Lynch thinks that figuring out some way that everybody can get through this summer to find out whether or not 125 seats work, or whether there's no problem, and everyone is using the shuttle. We need to get through the summer to find out if it works. For him, staff's recommendations are a great starting point. He has a feeling that businesses all along this stretch are going to have to find compromises.

Dehnert stated that there's a financial burden, while not large, that has been put on them for the shuttle service. In addition, it's proposed that he give up his boat rental

and lose his port-o-potties. He feels that some of the conditions are unreasonable; it's not a business decision that a business person would make.

Berry asked how many boats Dehnert has for rent. Dehnert answered that he has 16 boats.

Reed addressed the proposed south end entrance. Dehnert has indicated that he's willing to assign a staff person to monitor that. Can't they do that at the existing entrance? Kane answered that it might be reasonable, especially if it's narrowed up and can be monitored better. Staff would be receptive to that solution.

At this point, Berry opened the public hearing.

James Lessnar, 157 Loretta Lane, Mahtomedi: He has spent tens of thousands of dollars at Acqua, because of a Tally's music night. He's spending money in the whole community because of this event. He used to go to Stillwater, but now he's in White Bear Lake most of the time. He uses the satellites when he's out walking around the lake. It's a public service that they don't charge for. For a small business owner, it seems restrictive that staff comes up with a plan of growth just to be commissioned out of business. It's a negative to the community, our image and to the people involved.

Betsy Larey, 1302 N. Birch Lake Blvd., White Bear Lake: She stated that the City has no idea who is parking where and why they're parking there. She brought up parking issues during Marketfest. She wondered why the City decided to put a restaurant in Boatworks Commons instead of office space. For the City to turn around and not let Tally's rent their boats or let anyone sit on their boats is ludicrous. The parking problem is so big you can't dump it on one person.

Sid Bulger, 2527 Lake Avenue, White Bear Lake: She has lived in White Bear Lake for 20 years. She has been enjoying Music by the Water since it started, enjoying Tally's before that. Many people walk, bike, canoe, kayak and take their boats over to Tally's. There's got to be some way to adjust the need for parking, because it's the one business that you go like that. When she goes to Acqua or Kowalski's, she drives her car. The port-o-potties are a community service. They can't go, they need them.

Debra Wederhold, 4310 Old White Bear Avenue, White Bear Lake: She walks to Tally's. For them, this space by the lake was the main draw for them moving from Shoreview to White Bear Lake. It's a place where people greet and gather and form friendships. They have brought their grandkids to Tally's since they were babies. Her kids drive up from Bloomington on Wednesday nights to enjoy the Music by the Water. Why is the City attacking and harassing them?

Jennifer Koehn Bebel, 1932 5th Street, White Bear Lake: Tally's is a community gathering place. The problems that are coming up tonight are community problems. They're not just problems for Tally's, Acqua, the VFW or Admiral D's. They're problems for Washington Square Grill or any business downtown. We need to work together and take the skills from the community and work with the city planners and

staff in creating an analysis for this parking problem. She volunteers to help with that process. She's certain that there are other people here that would be willing to help. However, the process needs to start in the Fall for the upcoming summer.

Alan Spaulding, 45 Windy Hill Road, Sunfish Lake, MN: He's one of the owners of the Boatworks Commons. He stated that you should always have fun whenever it's not at the expense of somebody else. There's a lot of emotional talk here tonight. The facts are that CJ Hooks has approval for 25 seats and is allocated ten (10) parking spaces in the new parking ramp. They paid \$32,000 through assessments. For Acqua, they paid \$58,000 in assessments and Mizu paid \$141,000 for their allocated parking spaces. The party that uses it by far the most has paid by far the least. They were charged based on having 25 seats. The new restaurant was charged based on having 110 seats. Acqua was charged on having 89 seats. There's a discrepancy. So to get by without paying their share of parking and then expanding that use in comparison to the other businesses, in his opinion, is not fair. The amount of parking that they're providing is not their fair share, and they did not pay for their fair share of the current parking that the City worked incredibly hard to create with the new parking ramp.

Johnathan Gacek, 4311 Cottage Park Road, White Bear Lake: He is friends with Daron and Nicole (Close) and also Jan and Keith (Dehnert). This issue tears him apart. He looked at reviews on-line. There are no negative reviews for any of the surrounding businesses regarding parking or amplified music. There are positive reviews from surrounding businesses that they get to enjoy the neighboring live music. He patronizes both businesses several times a week; sometimes he has dinner at Acqua and then has a drink at Tally's afterwards. He asked whose parking spot is he supposed to park in?

Robert McLeod, 2581 Meehan Drive, White Bear Township: To him, this feels like a contrived analysis that this is about parking spaces. Him and his family bike up to White Bear Lake. He can't believe that's not part of the business analysis. Tally's is two parking spots short or you can't rent boats because they're (the City is) going to ignore that people walk. It's the mainstay of White Bear Lake. He indicated he did not think it was fair for staff to give the applicants the conditions just last Friday. He avoids Highway 61 on Marketfest night.

Scott Neal, 1 Lilly Pond Road, North Oaks: They are patrons of both Acqua and Tally's. If this is really about parking then the solution needs to come from everybody. He believes that a big part of this issue might be the City's. He would encourage staff and the Planning Commission to open up negotiations with the man who owns the White Bear Shopping Center. He went there many times during the summer last year and he never had a problem finding a parking spot.

Nino Nardeckia, 706 Hall Avenue, Birchwood: As an ex-councilmember for Birchwood, he understands the difficult position the Planning Commission is in. He appreciates that they need to act on the best information they are provided. He was a career planner in the military and understands their job from a planning perspective. He noted what Spaulding said about money spent on parking slots and allocations and that Tally's has benefitted disproportionately in getting more benefit

than he (Dehnert) paid for. He believes that was a completely erroneous, unfounded statement. He asked for the proposal to go back to staff for further negotiations with Dehnert.

Clint Rowles, 2127 Birch Street, White Bear Lake: He's lived there since 1984 with his wife. He is one of the musicians that plays at Tally's a couple of times a year. The benefit of amplified music is there's a volume control on it. It can be turned down. He suggested downloading a free app that makes your phone a decibel meter.

Renee Tessier, 2236 South Shore Blvd, White Bear Lake: She served for eight years as the Ward One councilmember in White Bear Lake. She thinks the parking issue can be resolved. Some of the constituents would appreciate it if they would turn the music down or redirect their speakers out towards Whitaker so it doesn't reverberate off the building or across the lake. The drinks have been a concern. She thinks it's time to get rid of the port-o-potties. It would be nice for them to have a real bathroom. She stated that Trach has a right to restrict parking on his private property – it is not his responsibility to provide parking for other area businesses.

Frank Watson, 2296 Floral Drive, White Bear Lake: For the past year and a half he has been taking parking readings at the Boatworks Commons ramp. When he first started counting, there were no cars in it. It went up to 10, 20, and then 50. Then summer started and Tally's started having music. He thought that the ramp was underutilized. Now on music nights, that ramp is almost full a lot of times. There are 114 spots. (The City) built this ramp to bring people down there. He noted that some of the Boatworks Commons tenants were parking in there until the City cracked down on it. The City has 78-85 spots for people to sit down there on the boardwalk. The ramp is underutilized a lot of the time, but on music nights it's a very popular place to park.

Daron Close, 1821 Orchard Lane, White Bear Lake: He owns Acqua restaurant. He's worked in 30 restaurants and currently owns 7 of them. Density and diversity options are absolutely beneficial to restaurants. You want more options so people come down and enjoy the place. Regarding seating capacity, they're over, Admiral D's is over, Tally's is over. Part of them deciding to open Mizu Japanese restaurant is because they're paying for 44 seats. With Yoga they only need 30. It helps the problem; if they don't do it, somebody else could come in and create a bigger problem as well. It's tough to regulate a business that doesn't have walls. There are different entrances. People don't need tables cause it's live music so they're standing up, so seating isn't even the biggest issue. That's why the docks come into play, because adding service to rental boats; essentially you're serving 40 more guests. It's a bad situation. Hopefully we can find a solution. The ramp is full on music nights. There's an empty space at Boatworks Commons, and somebody's got to move in. He believes in the area. There are 25 businesses down there. When he does look back at the initial parking formula, there was no accommodation for music across the street; it was never factored in.

Joe Remley, 4823 Lake Ave. S.: The staff are good friends of his. He is acquainted with some of the people on the Planning Commission. Minnesota has a history of

running businesses out of the state. Wittingly or unwittingly, it happens. He feels that pressure is being applied from somewhere.

Brian McGoldrick, 36 Moonlight Bay, Stillwater: He owns and operates Docks of White Bear Lake and Admiral D's Waterfront Tavern. There was a parking problem early on. He asked Crosby to put up a letter from 1995. It's a letter from Skip Johnson to the White Bear Lake Conservation District (see attached). There was a significant problem back then. McGoldrick does not own the White Bear Shopping Center. He has had a relationship with the Trach family since 1981, as a business partner and friend. They financed him. Before the Dehnerts started their events and got their liquor license, people would party in the parking lot and they'd leave 12-packs all over the place. Ron then hired a person to monitor the parking lot. McGoldrick gave the history and problems associated with the parking lot. He discussed the Tally's gas tank, ownership and leasing of the right-of-way, riparian rights and the redevelopment. The City of White Bear Lake has the most liberal marina parking requirements in the metro area. For every rental boat that you have, you have to have one parking spot. He has an expectation that the City treat everyone fairly and respect property rights.

Daron Close came back up to speak. Serving directly to the rental boats is falling under a caterer's license, and nobody's covered what that actually is. A caterer's permit is an annual permit that they pay \$300 a year for. It's a state-issued permit that requires that you have a full-service liquor license in attachment as your business. If you want to do catering events or off-site weddings, it allows you to serve drinks at those locations in association with food, they say as an incidental part of food service. Serving food, you can have a drink on the side. A caterer's permit is only for off-site events. It's not generally meant as an extension of use or a special event permit. In this case, the caterer's permit is being used as an off-site event across the street and now being piggy-backed onto an off-site event, as it relates to serving to the boats. One thing the state doesn't do is they don't touch on parking. That's because they assume you're doing it at some private residence or a different venue in a park. That's where the gray area relates to the seating on the boats with the additional seats, which requires additional parking.

Shelly Pasma, 5098 Cottage Lane, White Bear Township: She's been a friend of the Dehnert's for a while. Her sons work at Tally's. Their staff has been standing here all night in support of them.

Russell McPherson, 8315 140th Avenue NE, Columbus, MN: He goes to all of these establishments and enjoys them all equally. The planners say they want this and then Keith Dehnert has said well, I agree with some. We don't want to set precedence because he will be the first one at the City Council meetings if all the restrictions are enforced. He will be complaining about amplified music at Admiral D's. He will be complaining about Acqua, about their patio when people are waiting to get reservations or waiting to get in the patio and them blocking the path. All the businesses have some of these issues.

William Ramert, 2356 Lakeridge Drive, White Bear Lake: He's a longtime friend of the Dehnert's; he considers them his parents. People might sit on the shuttle for

two or three minutes, but they're going to end up saving that time with traffic leaving the parking lot. You're going to exit right onto Highway 61. They're responsible business owners; they don't do dollar shots or college night. They want to have a family-friendly environment. The port-o-potties are a necessity because of the boat rentals. People change in those. Everyone uses the restrooms before they go.

Judy Smith, 1501 Park Street, White Bear Lake: She appreciates that the Planning Commission has put up with this crowd of people who love Tally's and love the music. That's why she's there. In the last 10 years she hasn't always gone down and gone in to eat. She's out there on the walk. A lot of people are out there. She tries not to bring her chair anymore.

Reinhardt thanked everyone for showing up. Whether he agrees with their opinions or not, it says something. He comes here every month and volunteers his time. This is not a paid position. They're a citizen's advisory panel. He got the packet on Friday too. They didn't come up with the rules. They're here to decide if, as citizens, these rules are fair, and if we should agree partly or completely with them. There was a lot of redundancy, but a few good points came through. Music on the Water has gone on for 18 years with little to no meddling by the City. The reason why they're here right now is because it's changing to three nights each week or just under half the week. He gets the concerns of everyone involved. He thinks Music by the Water is really cool. You have to see it from both sides. He thanked the staff that are trying to work on this. Let's keep it calm. This is a decision that needs to be beneficial for the whole community.

Divine stated that they need to be fair when it comes to how many parking spaces businesses get. All through the City, it has to be fair. They can't make exceptions for one. She thinks the trial solution of a shuttle is an excellent idea. It would benefit all the businesses down along the lake. It could be advertised and promoted. The other issues to her are not as important. She has concerns about the food and alcohol permits for the marina. She doesn't understand what is legal and what is needed. She doesn't want the City having any liability if something should happen. She wants to make sure that the City Council has an opportunity to discuss this at their next Council meeting.

Reed looked at the conditions. He thought that Condition #4 needs to be expunged because Dehnert cannot control what people do on the trail and the docks. They could be bringing their own alcoholic beverages. It's beyond the scope of his business to police that.

Lynch asked if that is part of what a liquor license would do or not do. Kane indicated that as part of the extension that was approved, there was a map depicting exactly where it would go of what Tally's enclosed area comprised. It was extended in 2011, and that's the area that they have authorization for. It is covered under the liquor license. Reed pointed out that they could modify the language to say "No open containers outside of the premises on the Whitaker Street end".

Reed stated that it sounded like they had reached some sort of an agreement with regard to removing the necessity to move the main entrance to the south side.

There could be a modification to the existing customer entrance. Kane stated that staff was receptive to that. Reed stated that eliminating Condition #5 would be his recommendation. He'd modify Condition #6 so that it says "customer entrance" instead of "staff entrance", if that is what Dehnert has committed to doing. In addition, he'd add "into the premises" onto the end of "barring customers from bringing their own chairs". You can't control people out on the trail if they decide to bring their own chair. Regarding Condition #10, it sounds like Dehnert is not going to be able to bury the tank in its current location. If it's going to be there it's going to need bollards and fencing. He personally thinks the port-o-potties should stay. Regarding Condition #13, he thinks that "The music shall be acoustic only" should be excised.

Lynch stated that for Condition #6 they could take out the word "customer" before "entrance".

Reis stated he's in agreement with his colleagues.

The consensus from Reed and Reis was to leave Condition #8 as is for now.

Baltzer thought that Condition #8 should be pulled out. Baltzer asked if someone rents a boat at 1:00 in the afternoon, does he have to be in by 4:00? Why is he being punished if he wants to go out fishing until 6:00? Kane stated that it was intended for the pontoon boats, as they can have 6-8 guests on them. It was assumed that more cars would be associated with them. It wasn't geared at fishing. Staff would have absolutely no opposition to that. Baltzer has been down there during music nights, and those rental boats generally don't fill up until 6:00 or after. He would put it until 6:00 as opposed to 4:00. Kane asked if they prohibited seating of patrons in the rental boats when they're docked, would that be problematic?

Lynch asked Dehnert how late they rented the boats until. Dehnert stated they have to be in by dusk, with the exception of 4th of July when they can go out and watch the fireworks. Lynch asked if Dehnert could arrange it so that people who are renting pontoon boats must park in the shuttle area. Dehnert stated that he liked that idea. Lynch added that Dehnert could arrange for remote parking. Dehnert stated that he could also offer valet-style parking. He doesn't know the logistics with that yet. They did that a few years ago and it's something that they may want to explore. One potential that might be for the boats as they sit, that they're concerned with people that may be driving there to sit on them. Give them an option to set it up for Boatworks Commons people that have walked over. Give them an option to have bicyclists that have come down to go there. Give them that option that maybe they do have it as let's promote other ways to come to the area. Lynch stated that sometimes he does parking estimates; what they'll often do is figure out a percentage of people who actually do drive. If they expect that 80% of people here drive to, then you'd get a credit for the fact that the other 20% of people walk or bike. There may be some wiggle room in that. He's not going to try and guess what that might be, because his specialty is not marinas. That may be a way to help the numbers work a little bit better. He is not so much concerned about staff bringing food out to boats. If people are getting on their boats and launching them from wherever and boating across the lake, that's kind of like a parking spot, in his

opinion. They would be in the 20% that don't drive, they'd be boating. For food, he's okay with that as long as they have the proper okay for that sort of thing. Even if they don't, if they're parking at the pier and they want a burger, can they walk up the pier and get a to-go box? He thinks that some of these things are important to keep in mind that it's really complicated. He really appreciates them all sticking around for this. Having everybody play by the same set of rules is important. Getting the rules right is worth taking the time. He added that he'd like to keep the noise level condition in the resolution of approval, because he thinks it's important. Regarding port-o-potties, he doesn't mind them staying around but long-term it would probably be good to find a permanent solution other than port-o-potties.

Baltzer gave an analogy of a McDonald's drive-thru. It's in relation to serving food on the boats and counting people on the boats related to the parking. In the drive-thru, do we count the seats in the car as the number of people that we have to – Kane responded no, we just have a stacking requirement for that drive-thru. Baltzer asked if we don't count the people in the car as extra people sitting there, do we count the people on the boat as extra people sitting there if it's not actually on the premises? Kane indicated the distinction is if they came to the marina district and perhaps park in the public ramp to get on those boats, or did they come across the lake? In staff's mind there's a distinction. Baltzer felt that to him it could go either way. He still wants to take Condition #8 out or revise it in some way.

Reinhardt asked Dehnert how much the number of pontoons has changed since last year. Dehnert stated that there's been no change. He has 7 pontoons.

Divine asked whether they, with a catering license, were legally able to sell alcohol and food and serve the food to the boats in the water, off-premise? Kane stated that at present the docks are not included in the extension area of where their liquor license was amended back in 2011. They would need to request that through the proper channels. The Planning staff does not process those requests. They will be in communication with the Departments that do. Not being an expert on liquor licenses, she can't answer the question whether or not a catering license may be extended to service the docks. That's certainly something that they will research and understand better before it's presented to the Council.

At this point, the Planning Commission went through all the conditions in the proposed resolution to discuss what they'd like to change or delete.

Berry asked if the Commissioners were okay with Condition #1 and Condition #2. The consensus was yes.

For Condition #3, the applicant wants 63 seats instead of 57 seats on non-music nights. Berry stated they can make up for everything with the shuttle. Kane pointed out that those spots will not be provided on non-music nights. She asked that the Commission let them continue to work to try to find a way to retain the 6 additional seats that are provided by those 2 spots. They're comfortable with 63 seats, they're just trying to find the safest, best place for those two additional spots.

For Condition #4, it's all part of the liquor license anyway. It was decided to eliminate the condition.

For Condition #5, everyone agreed to scratch the south entrance creation.

For Condition #6, the Commission decided to remove "staff" in front of "entrance". The wording "per Condition #4" should be deleted, as Condition #4 was deleted. In addition, the wording "into the premises" was to be added onto the end of the sentence.

For Condition #7, Reed suggested letting this one stay in until it's time to look back on this after Labor Day and see how they did. Then they can see if there's some kind of engineering alternative.

Regarding Condition #8, Lynch is okay with them serving food to people there as long as all their necessary permits say they can. He'd like to find a way to have the Dehnert's be able to rent boats later. He thinks there's a creative solution there in which they can get them to do that, whether it's valet parking or a shuttle. Maybe there needs to be a discussion between staff and the applicants between now and the City Council meeting. Berry stated that this is a temporary trial to see what works and what doesn't work. They're going to revamp this and save what they can. The thing that Dehnert brought up with people coming in from the apartments or by bike, if they're not driving in, that if he has a way to identify that he could put those patrons in the seats of the pontoons, and therefore it wouldn't affect any parking stall. Lynch stated that a creative solution this summer would go a long ways between getting things approved for next year. Lynch asked them (Dehnert and staff) to please work together to come up with something good.

Crosby pointed out that the property has already, in these approvals that they have before them this evening, been granted a 20% reduction for parking, which is based on that concept of people walking and biking and other things. So that consideration has already been taken into account.

Reinhardt gets staff's reasoning on this whole thing. His thoughts are that if it worked out last year, he doesn't see why it wouldn't work out this year. They didn't have any restrictions on boat rentals last year and they had just as many pontoons. Lynch agreed.

Kane responded to Reinhardt's point that last year may not have been an issue, but Mizu wasn't operating last year and there wasn't a 65-70 seat restaurant in Boatworks Commons. When Frank Watson said earlier that he observed the parking spike in the ramp on music nights last year, that was a great thing. They've had an underutilized public resource in that parking ramp, but they know there were a lot of things that had to fall into place in securing a restaurant operator who was willing to take on a lot of the challenges that the developer created with the design of that two-story building. It took a lot longer than staff would have wanted. She thought back to 2012, when the PUD for the overall Boatworks Commons was approved, a restaurant was a very important component, and that's why staff continued to try and find a creative solution to attract a restaurant to add to the

variety and layering that makes the whole Marina Triangle interesting. It may be better to be more cautious this first year and see how it works out now that Mizu will be opening in June.

Reis stated that they're at an impasse on Condition #8. They can delete it, and ask that the planning staff wordsmith it with the Dehnert's to try and get some resolution, or they can wordsmith it themselves into something that works. Reis' suggestion would be to delete Condition #8 with the understanding that staff will work with Dehnert over the next couple of months to come up with some resolution. There was consensus to do that.

Berry is looking forward to seeing how this whole thing can be accomplished with the off-site parking. It's only going to get bigger. And we're trying to get more people in a confined space without screwing it up. That's what they need to do, try different things and see what works.

For Condition #9, it was decided to leave it alone. Condition #10 they're deleting, the lease negotiations will address those things. Conditions #11 and #12, no changes. For Condition #13, they're taking out "The music shall be acoustic only". There were no changes to Conditions #14 through #19.

Reis stated that a couple of rocks have been thrown at the staff. He feels a strong need to defend them. They're really good at what they do. He's spent 1/3 of a century in corporate America, and he's never met people who are brighter or more hard-working than our planning staff. They have to start from a different posture than any of you (the audience) or the Planning Commission. When we come on the Planning Commission, we get a thick book of codes. The reason there are codes is to defend us, you and me. He gave an example of how zoning is used. The staff has to comply with those zoning requirements. The Planning Commission's job then is to try and interpret them and say "Well, it's only a 1% variance, maybe in this case, to comply with a Tally's or a new garage; maybe we could give them a variance." If people want to come to some Planning Commission meetings, they routinely offer those variances if they don't bust a code too badly. That's an interpretation of what they do as volunteers. They're great staff.

Berry summarized what they did to the conditions.

Member Reis moved to recommend approval of Case No. 17-3-CUP with all the modifications to the conditions as discussed. Member Baltzer seconded the motion.

Crosby clarified that this included denial of a permanent approval, as well as approval of the temporary request.

The motion passed by a vote of 7-0.

- F. **Case No. 17-3-Z:** A request by **Spade Landscaping** to amend the text of the B-3 zoning district to allow contractor's yards as a conditional use.

Kane discussed the case. Staff recommends approval. If it does get through the first and second readings with the City Council, Kane would anticipate they'll have a specific Conditional Use Permit application to review before the summer's end.

Berry asked why Kane would suggest a limit on the size of the lot. Kane doesn't know if they want to encourage 10 acre landscape contractor yards. If any of the auto dealerships redevelop, she hopes they would go to higher, better uses than landscape contractor's yards. Their value is not necessarily in the land. As the Commission and City Council are aware, the City has limited area to grow. As properties redevelop, she thinks it'd be better to have the value increase more than significant large sites. She'd be comfortable up to 3 acres. We don't have a whole lot of those eligible properties.

Lynch would be fine with 2 acres. If somebody comes in and they say "I have 2-1/2 acres, I'd really like to do this" they can do a variance – or they can change the code and say "3 acres is fine".

Lynch pointed out that the applicant has 12-15 employees, but only 11 stalls. Crosby stated that he has his own vehicles that some employees take home with them and then they take to the job site with them; maybe two or three vehicles. Kane stated that they'll iron that out as part of the Conditional Use application. This is just for the text amendment.

Berry opened the public hearing. No one came forward to speak. Berry closed the public hearing.

Berry asked if anyone would like to suggest a maximum size. Lynch suggested a 2 acre maximum size. There was consensus that it sounded good.

Member Reed moved to recommend approval of Case No. 17-3-Z with the modification to a maximum 2 acre size. Member Reis seconded the motion, and it passed by a vote of 7-0.

5. DISCUSSION ITEMS:

A. City Council Meeting Minutes of May 9, 2017.

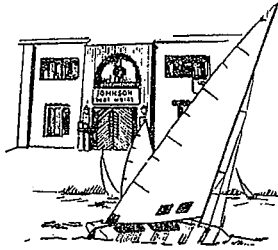
-

B. Park Advisory Commission Meeting Minutes – April 20, 2017.

-

6. ADJOURNMENT:

Member Reed moved to adjourn, seconded by Member Lynch. The motion passed unanimously (7-0), and the May 22, 2017 Planning Commission meeting was adjourned at 11:07 p.m.



JOHNSON BOAT WORKS

4495 Lake Avenue
White Bear Lake, MN 55110-3490
PHONE (612) 429-7221
FAX (612) 429-3248
Since 1896

April 20, 1995

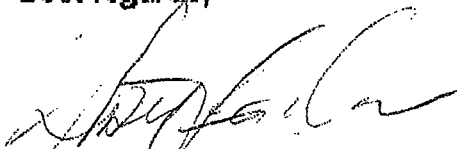
**White Bear Conservation District
4701 Highway 61
White Bear Lake, MN 55110**

ATTENTION: Mary Harrington

In regards to White Bear Docking's request for an amendment to their 1995 license, Johnson Boat Works wants to make sure that this amendment does not result in any increased boat spaces. Parking is of paramount concern in the whole commercial bay area. Any increased need for parking by one party adversely affects everybody else.

We have the new city pier/park going in this summer with no parking, the new fish & Chips restaurant with no parking, and even now in April, the parking is filled up everyday here, and we haven't even started the boating season.

Best regards,



**Skip Johnson
Johnson Boat Works, Inc.**

SJ:mj
Enclosures

CONCEPT

**East Whitaker Public Space
White Bear Lake, MN**

September 13, 2007

North ↑
1" = 10'

EXISTING FUEL
TANK ON SLAB
(FUEL TANK AND SLAB TO BE REMOVED)

EXISTING
WOOD FENCE
(FENCE TO BE REMOVED)

← WHITAKER ST.

FENCE 1.7± SOUTH
OF PROPERTY LINE

CONCRETE SEAT WALL (TYP.) →

66.59

EXISTING WOOD
RETAINING WALL
(WOOD RETAINING WALL
TO BE REMOVED)

WEST LINE
OF TRACT G

EDGE OF
BITUMINOUS

TALLY'S
(APPROXIMATE LOCATION)

WEST
20.00

RED MAPLE

← RED TWIGGED DOGWOOD

← BENCH (TYP.)

← LIMESTONE STEPS

PAVERS →

← PERENNIALS - BLACK EYED
SUSAN

RAILING (TYP.) →

8' HEADER
DOCK

(FUTURE DOCK EXTENTION) →

EX. TREE

LAKE AVENUE SOUTH

WHITE BEAR LAKE

926

301 40 75 5





*Fire Protection Engineering
Suppression • Codes • Alarms*

8860 Jefferson Highway
Osseo, MN 55369-1500

Phone: 763-425-1001
Fax: 763-425-2234
www.ffcdi.com

August 2, 2010

Mr. Ron Trach
White Bear Shopping Center, Inc.
Suite 110
5000 West 36th Street
Minneapolis, MN 55416

Re: Fire Code Research and Site Observation - Docks of White Bear Lake

Dear Mr. Trach:

This letter details requested fire code research relative to the Docks of White Bear Lake and their leased space on your property in White Bear Lake, Minnesota and a neighboring above-ground flammable liquid storage tank. You have asked for assistance with the following limited fire code research as it relates specifically to the location of this tank on or near your property:

- Above-ground tanks located outside.

We are not providing specific fire code information for the following:

- Site Safety
- Process Safety
- Fire Code research outside of the specific fire protection issue indicated above, including:
 - Tank construction
 - Venting
 - Piping
 - Pumps
 - Dispensing
 - Containment
 - Spill control

- o Electrical
- o Ignition source control
- o Labeling

It is necessary to indicate that the provisions referenced here are based upon the Minnesota State Fire Code (MSFC), a minimum standard in terms of the level of protection provided. In many cases, compliance with the minimum adopted standards will not meet a client's goals for life safety, environmental and property protection, and business interruption. You will want to consider additional protection over and above that identified here, should the client's goals, risk tolerance, employee safety needs, and business practices not tolerate the level of safety resulting from compliance with minimum standards.

This final version of the Fire Code Research and Site Observation letter dated August 2, 2010 supersedes and replaces all previous copies of this letter.

MATERIALS USED IN PREPARATION OF THIS LETTER

This letter is based on the following materials available to Futrell Fire Consult and Design (FFCDI):

- Passe Engineering, Inc. Drawing No. C8.1 dated 11-09-07.
- E. G. Rud & Sons Asbuilt Survey Drawing, date not shown.
- Lease Addendum No. 2 – Agreement For Joint Use Of City Right-Of-Way Property - dated October 1, 2005.
- Forty four digital pictures taken by Gerry Voss of FFCDI on 6/16/2010.

It is expected that this letter would need to be modified based on data not included in the above list, should all of the relevant material not be provided.

STANDARDS USED

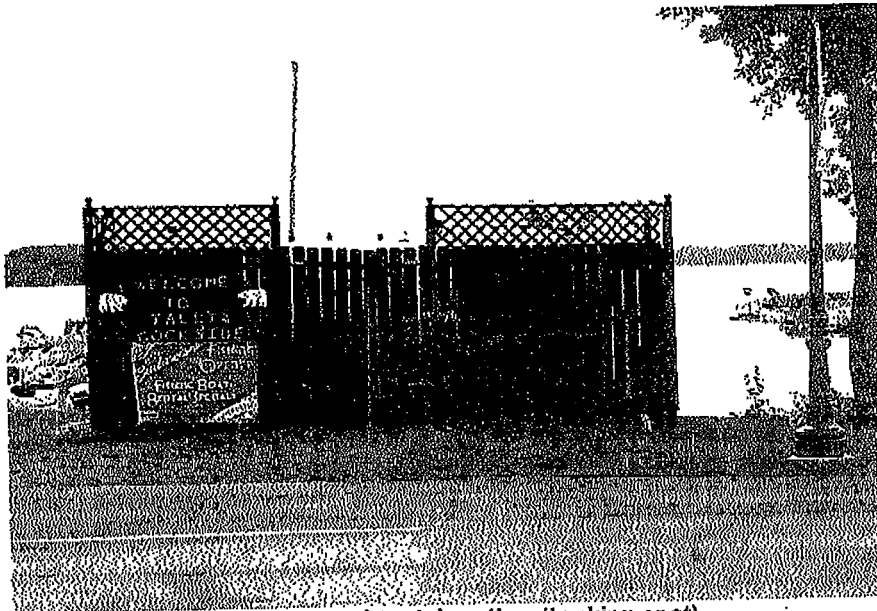
This letter is based on the following standards as adopted in Minnesota, along with other nationally recognized documents:

- 2007 Minnesota State Fire Code (MSFC) comprised of the 2006 *International Fire Code*, plus state amendments.
- 2003 Minnesota State Fire Code (MSFC) comprised of the 2000 *International Fire Code*, plus state amendments.

BACKGROUND INFORMATION

White Bear Shopping Center and Docks of White Bear Lake own and occupy buildings and property in White Bear Lake, Minnesota. The property is located along the west shore of White Bear Lake and between Lake Avenue South on the east, Trunk Highway 61 on the west, and Whitaker Street on the north. An above-ground flammable liquid tank is currently located immediately adjacent to the north property line of this parcel owned by White Bear Shopping Center.

According to available survey documents, the above-ground tank appears to be located several inches over the north lot line of your property. It also appears from the lease agreement and a survey drawing that the tank is located in the public right of way at the east end of the intersection of Whitaker Street with Lake Avenue South. This tank is reportedly owned and operated by others.

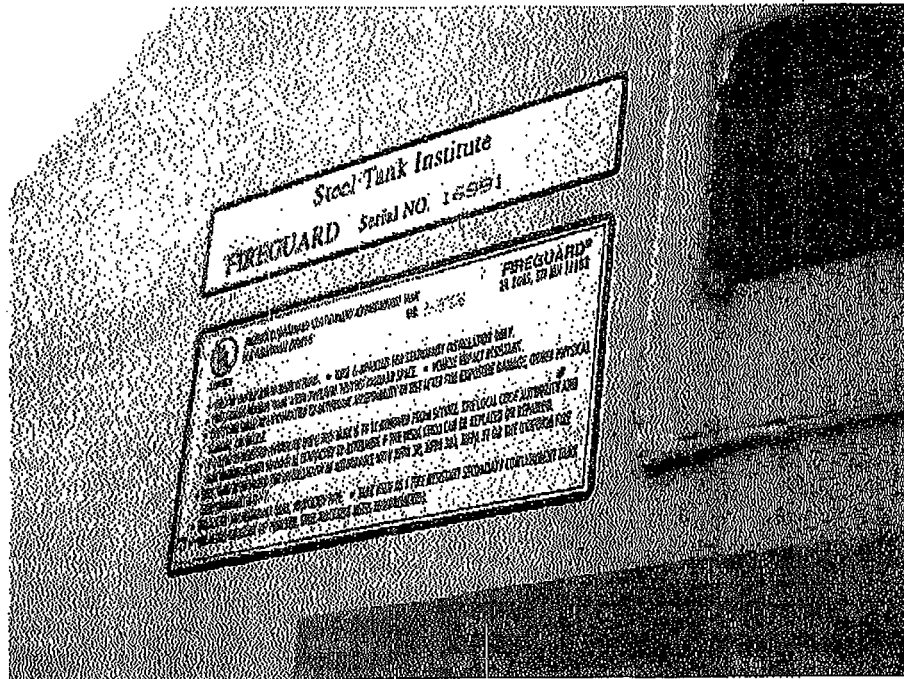


Above-ground tank location (looking east)

The tank is a Fireguard, UL Listed 2085, protected secondary containment above-ground tank for flammable liquids. It appears to be a lightweight double wall steel tank of 2,000 gallon capacity built 8-12-04. This information is based on labeling visible on the tank exterior during a site observation on June 16, 2010. The tank is reported to contain gasoline which is used to fuel boat motors at a neighboring marina. Gasoline is considered a Class I flammable liquid.



Above-ground tank



Above-ground tank label (on south end of tank)

This letter is based on the assumptions stated below and information from the documents referenced above. Should any of these items hold to be incorrect, the conclusions of this letter are no longer valid and require updating:

- Fire is the primary hazard to be considered. No additional scenarios, hazardous material classifications or provisions will be addressed.

- Tank construction, relief venting, secondary containment, spill control, dispensing and electrical have not been reviewed by FFCDI.
- For items not specifically addressed or spelled out in this letter, it is expected that they will be in substantial compliance with the adopted codes in Minnesota and other nationally recognized standards. FFCDI has not conducted a complete detailed fire safety code compliance review, site safety review, or process hazard review, nor should this letter be construed to identify all known hazards or identify all applicable provisions.

FIRE CODE PROVISIONS FOR ABOVE-GROUND TANK LOCATION

Fire code research for this letter is based on the current 2007 MSFC, however we have also considered the 2003 MSFC which would have been in effect for a tank constructed in 2004 and installed thereafter until July 10, 2007 when the current Code took effect.

The MSFC Chapter 27 Hazardous Materials – General Provisions applies, and also refers to the applicable Chapter 34 Flammable and Combustible Liquids (2701.1, 2703.2.4.2). Section 3401.2.1 Nonapplicability indicates Chapter 34 does not apply to flammable liquids in motor fuel-dispensing facilities including marinas, rather specific provisions are in Chapter 22 Motor Fuel-Dispensing Facilities and Repair Garages. Section 2206.2.3 Above-ground tanks located outside, above grade indicates such tanks used for storage of Class I flammable liquids shall be located in accordance with Table 2206.2.3 (MSFC 2007).

The location of the above-ground tank is dependent on the class of liquid stored, the tank type, and the tank capacity. The existing tank appears to be a protected above-ground tank having a capacity of less than 6,000 gallons of Class I flammable liquid. The minimum separation requirements for this tank according to the 2007 and 2003 MSFC is 15 feet distance from the lot line that is or can be built upon, including the opposite side of a public way. Also, 5 feet is the required minimum separation distance from the nearest side of any public way and this tank.

The MSFC also requires vehicle impact protection for this above-ground storage tank (Section 2703.9.3). The location of this tank at the end of a tee intersection and by the lakeshore may be subject to vehicular damage. Guard posts or other approved means of protection shall be provided in accordance with Section 312:

- Constructed of steel and filled with concrete, not less than 4 inches in diameter.
- Set at least 3 feet deep in concrete footings not less than 15 inches in diameter.
- The top of posts are not less than 3 feet aboveground.
- Spacing of no more than 4 feet on center between posts.
- Located not less than 3 feet from the protected above-ground tank.
- Other physical barriers shall be a minimum 36 inches high and resist a force of 12,000 pounds applied 36 inches above the adjacent ground level.

CONCLUSIONS

Based on fire code research, information from materials provided, our discussions and observation of the above-ground tank during a site visit on June 16, 2010, the following conclusions are offered:

- For a protected above-ground tank having a capacity of 6,000 gallons or less of Class I flammable liquid, the minimum separation distance between the tank and the property line is required to be 15 feet.
- A required minimum separation distance between the tank and any public way is 5 feet.
- Vehicle impact protection for this above-ground storage tank shall be provided in accordance with the MSFC.
- FFCDI is not including additional fire code, site safety, and process analysis and safety in our project scope.

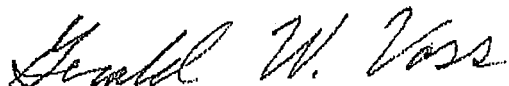
FFCDI and the author of this letter are not considered the engineer of record for this above-ground tank installation and have not been retained to implement the results or any recommendations in this letter, to verify that any such information has been correctly interpreted or that tank construction and flammable liquid dispensing operations are according to any plan or specification. Finally, this letter is based on evaluation with the minimum fire and building codes/standards adopted in Minnesota and does not include assessing bid documents, drawings, insurance requirements, or contracts.

It must be recognized by all parties that this research is limited in scope and is not intended to outline or identify all known hazards, standards, safety provisions or necessary protection for this type of operation. The provisions identified in this letter are intended for compliance with the adopted Fire Code in Minnesota and do not represent the requirements for environmental (MPCA), employee safety (OSHA), health and safety, or insurance company compliance. It is recommended that this operation be in compliance with nationally recognized standards, including those referenced above and including standards for good flammable and combustible liquid practice and operation; employee health and safety; and maintenance, testing and inspection. FFCDI has not inspected any of the fire protection, fire protection systems, process equipment or actual storage methods and tanks for compliance or safety.

If you have any questions or wish to discuss the contents of this letter, please feel free to contact me.

Sincerely,

FUTRELL FIRE CONSULT & DESIGN, INC.



Gerald W. Voss

Registration Number: 47788

Date: August 2, 2010

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the Laws of the State of Minnesota.



CITY OF WHITE BEAR LAKE
COMMUNITY DEVELOPMENT DEPARTMENT

4701 Highway 61
White Bear Lake, MN 55110
Fax: 651-429-8503

Fence Guidelines

FENCES ARE PERMITTED IN ALL YARDS, SUBJECT TO THE FOLLOWING:

1. Solid walls in excess of four (4) feet above adjacent ground grades shall be prohibited. The term "solid wall" refers to retaining walls or above grade walls constructed of stone, boulders, concrete, modular block or other similar materials.
2. Fences shall be at least thirty (30) percent open through the structure to allow for passage of light, air, and wind, or have an approved foundation. Fences that are less than 30% open require a substantial footing to support the fence during windy conditions. A substantial footing shall be a footing with a depth below grade equal to or greater than 50% of the fence height.
3. The finished side of the fence shall face the abutting property.
4. All fences four (4) feet in height and over from the finished grade shall require a site plan and permit. The charge for a flat fee permit is \$30.00.
5. No fences shall be permitted on public right-of-ways.
6. In the case of a corner lot, both yards abutting a street shall be considered a front yard.
7. Fences located within the buildable area of a lot may be up to eight (8) feet in height.
8. Fences may be permitted along property lines and within required non-buildable setback areas, subject to the following:
 - a. Fences may be placed along property lines provided no construction, grading, or drainage damage results to abutting property.
 - b. Fences in commercial and industrial districts may be erected along the side and rear lot lines to a height of eight (8) feet with or without a security arm for barbed wire. In no case shall a fence or security arm extension encroach over the property line. (Ref. Ord. 774, 1/10/89)
 - c. Fences in residential districts may be located on any side or rear lot line to a height of six (6) feet above finished grade, beginning at the front building line of principle structure.
 - d. In residential districts, no fences or wall more than forty-eight (48) inches in height shall be constructed within any required front yard except at the intersection of corner lot lines where a thirty (30) inch height is allowed. (See Section 1302.030, Subd. 8). On corner lots, in residential districts, a fence up to six (6) feet in height may be allowed within a front yard which qualifies as an equivalent side yard abutting a public right-of-way, provided that it is set back at least 17.5 feet from the property line and does not impede safety by obstructing vision for pedestrians or motor vehicle operators.
 - e. The property owner is responsible to provide proof of property line location. Existing survey stakes exposed at grade level with a string pulled between the stakes to define the line is considered acceptable proof of property line. Where property lines are not clearly defined, a certificate of survey may be required by the Zoning Administrator to establish location of the property line.
 - f. In those instances where a boundary line fence exists as an enclosure that restricts access from the front yard, a gate, identifiable, collapsible section, or other such means of recognizable ingress shall be provided for emergency vehicles. Such ingress points

shall be unobstructed and a minimum of ten (10) feet in width. The location of such ingress points shall be positioned at any point paralleling the front lot line, between the side lot property line and the principle structure.

- g. Fences erected within side or rear yards that abut any navigable lake channel or stream shall not exceed forty-eight (48) inches in height.
- h. Chain link fences (without slat screens) used for the enclosure of tennis courts or other such recreational purposes shall not exceed ten (10) feet in height and shall be located in a rear yard only.
- i. Pool safety fencing shall meet the pool safety barrier requirements. Safety barriers around pools shall be of a non-climbable type, at least six (6) feet in height, and no more than four (4) inches above grade and shall completely enclose in-ground pool and above-ground pools. All fence openings or point of entry into the pool area shall be equipped with self-closing and self-latching devices placed no more than one (1) foot from the top of the gate or otherwise inaccessible to small children.
- j. In residential districts, barbed wire fences and electrical fences shall be prohibited.
- k. Every fence shall be constructed in a substantial workmanlike manner and of substantial material reasonably suited for the purpose for which the fence is proposed to be used. Every fence shall be maintained in a condition of reasonable repair and shall not, by reason of age, decay, accident or otherwise, be allowed to become and remain in a state of disrepair to be or tend to be a nuisance to the injury of the public or any abutting property. Any fence that is dangerous due to of its construction or state of disrepair or is otherwise injurious to the public safety, health, or welfare is a nuisance, and any such fence that has become or tends to be a nuisance shall upon order of a competent court be repaired or removed as necessary to abate the nuisance caused.

A FENCE PERMIT IS REQUIRED FOR ANY FENCE FOUR (4) FEET AND OVER IN HEIGHT.

A SITE PLAN (IN DUPLICATE) MUST BE SUBMITTED ALONG WITH THE BUILDING APPLICATION. THE SITE PLAN MUST INCLUDE THE FOLLOWING:

1. Lot lines
2. Location of the principle structure and any other relevant structure
3. Location of proposed fence
4. Dimensions of lot, structures and fence
5. Fence detail - height and type of fence
6. Any other additional information that may be required

Park Advisory Commission Meeting Minutes

APRIL 20, 2017

6:30 P.M.

CITY HALL

MEMBERS PRESENT	Bill Ganzlin, Bryan Belisle, Dan Louismet, Mike Shepard, Don Torgerson,
MEMBERS ABSENT	Anastacia Davis, Joann Toth,
STAFF PRESENT	Mark Burch, Mike Natterstad
VISITORS	
NOTE TAKER	Mark Burch

1. CALL TO ORDER

Bill Ganzlin called the meeting to order at 6:30 pm.

2. APPROVAL OF MINUTES

Approval of the minutes from March 16, 2017 was moved by Dan Louismet and seconded by Don Torgerson. Motion carried.

3. APPROVAL OF AGENDA

Dan Louismet moved to approve the April 20, 2017 agenda, seconded by Bryan Belisle. Motion carried.

4. COMMITTEE REPORTS

None.

5. UNFINISHED BUSINESS

None.

6. NEW BUSINESS

- a) Introduction of new Park Advisory Commission Member, Bryan Belisle. Anastacia Davis will be introduced at the next Park Advisory Commission meeting.
- b) Arbor Day 2017 – Saturday, May 6, 2017 at 8:00 am

The Commission reviewed final plans for Arbor Day activities scheduled for Saturday, May 6th at Podvin Park, Rotary Park, Lakewood Hills Park and Veterans Park. The White Bear Lake Lions Club and Rotary Club are the major participants this year.

c) 2017 Summer Park Tour

The Park Advisory Commission discussed the summer meeting schedule and which parks are going to be visited. Podvin Park, McCarty Park, Matoska Park and the Marina were included in the schedule. The Commission will meet at Podvin Park in May.

2017 Meeting Locations

May	Podvin Park
June	McCarty Park
July	Matoska Park
August	City Marina/Boatworks (Dan's boat)

7. OTHER STAFF REPORTS

a) Potential Clark Avenue Flagpole Memorial Restoration Project

The White Bear Lake Lions Club is working on fundraising for potential summer construction with Veterans Day dedication.

b) Sports Center Update

The City Council and skating community are working toward renovation of the existing area. A second sheet addition could be a future project.

c) Marina Dock Replacement update

The marina dock installation is nearly complete.

d) Bike Sale

A sale of lost bikes recovered by the Police Department is scheduled for Saturday, May 6th.

e) Lakewood Hills Play Equipment

The City and YMCA are investigating a possible joint play equipment project at Lakewood Hills Park.

8. COMMISSION REPORTS

None.

9. OTHER BUSINESS

None.

10. ADJOURNMENT

The next meeting will be held on May 18, 2017 at 6:30 p.m. at Podvin Park.

There being no further business to come before the Park Commission, the meeting was adjourned. Moved by Dan Louismet and seconded by Bryan Belisle. Motion carried.



City of White Bear Lake
City Manager's Office

MEMORANDUM

To: Mayor and City Council

From: Ellen Richter, City Manager

Date: June 8, 2017

Subject: **White Bear Lake Conservation District – 2018 Budget**

At its meeting on May 16th, the White Bear Lake Conservation District discussed its 2018 operating budget, a draft of which is attached. The budget will formally be considered at its next meeting in June. A representative(s) from the WBLCD will be present at the City Council meeting on June 13th to discuss the proposed budget. The representatives will then share the Council's comments with the board for consideration.

Please find attached an email from Scott Costello, along with a draft of the 2018 budget.

Ellen Richter

Subject: FW: Information for Tuesday City Council meeting on WBLCD budget process
Attachments: WBLCD 2018 budget draft as of May 18, 2017.xls; ATT00001.htm

WBLCD Budget outlook as of 5/19/2017:

The process of creating the 2018 WBLCD budget is as follows:

1. The board was given a baseline copy of the current year budget at their April meeting,
2. board members provided input to the administrator to create a draft for the May meeting (held 5/16/17),
3. the board discussed and provided further comments to produce a new draft (attached, dated 5/18/17), and
4. they will discuss and vote on the proposal at their June meeting (6/20/17).

The current draft is of course not approved, but board member Scott Costello explained the two main differences from previous years that are being considered:

1. An increase in the hours and competitive pay of the district's administrator position. The district has already voted to increase the hours from 16 to 28 per week to address gaps in a number of important projects specified by the executive committee, including increased staff support of the website and social media. The district's administrator position is currently vacant, and the amount allows for some flexibility in setting competitive compensation.
2. A decrease in the amount of budget planned for Eurasian Water Milfoil treatment, which is the largest and most variable part of the district's budget. The EWM has been behaving itself well the last 5 years, which has caused the district's funds balance to grow. This year the current proposal is to drop the EWM budget to an amount that is closer to the recent average amount, and the board will use the budget reserve for the unforeseeable contingency of a weedy year, rather than put the padding in the budget itself.

These two items are expected to offset each other and produce an essentially flat budget with an essentially flat assessment to the cities. Again, this is the current situation but could change in the final approved budget.

The board is mindful of their new funds balance policy, which says that the balance at the end of the year is targeted to be between 150% and 200% of the following year's budget to provide for contingencies. There are several contingencies listed in the "whereas" clauses of the funds balance policy resolution, but the two largest are for EWM treatment variation and unforeseen legal costs. Over the dozen years or so, the number of acres of EWM to be treated has varied considerably, at its highest point being large enough that treating it at today's rates would consume the district's entire revenue for a year. We are told the advent of zebra mussels could worsen the EWM problem because ZMs clear the water to allow light to penetrate more deeply. Also, the district has a liability policy with a \$50,000 deductible, which is half of its annual revenue. Considering these and other financial risks, the board set a minimum year-end balance at 150% and the maximum at 200%.

The funds balance policy came about at the insistence of the City's representatives on the board, Mike Parenteau and Scott Costello. Action was deferred until an external audit of the books was completed, and the auditors provided comment on the balance without definitively saying it was too high or what it should

be. The auditors made some generic recommendations but said the approach to the funds balance was up to the board. The City's representatives on the board then worked with the board chair to draft the proposal, and it was subsequently modified to obtain consensus of the full board.

Scott

DRAFT COPY 5/18/2017

WBLCD 2018 Budget PLANNING

	2015 actual		2016 Actual		2017 Budget		2018 Budget		Notes from 2017 planning
	Revenue	Expenditures	Revenue	Expenditures	Revenue	Expenditures	Revenue	Expenditures	
4010 - City of Birchwood	\$ 1,884.15		\$ 1,742.55		\$ 1,924.40				
4020 - City of Dellwood	\$ 5,127.69		\$ 4,802.28		\$ 4,827.96				
4030 - City of Mahtomedi	\$ 14,401.36		\$ 14,403.25		\$ 15,092.41				
4040 - City of White Bear Lake	\$ 35,347.63		\$ 35,204.54		\$ 34,776.61				
4050 - White Bear Township	\$ 18,942.86		\$ 19,550.39		\$ 19,081.62				
Community Assessments total	\$ 75,703.69		\$ 75,703.00		\$ 75,703.00			\$ 75,703.00	
4050 - License Application Fees	\$ 2,250.00		\$ 1,005.00		\$ 1,400.00			\$ 1,400.00	based on dock fees paid in 2013-14 & what we likely will take in with the low water/ many not paying full amount
4151- License Unit Fees	\$ 19,185.00		\$ 21,135.00		\$ 18,000.00			\$ 18,000.00	
4200 - Interest Income	\$ 25.35		\$ 16.94		\$ 50.00			\$ 50.00	
4300 - Misc. Income	\$ 2,500								
4303 - USGS study cost income									
4304 - EWM Treatment OR Water Level									
4334 - EWM Control/Treatment income									
4335 - EWM Cost-Share income	\$ 10,000								
4337 - EWM General Costs income									
4460 - Gen. Lake Mgmt Misc income									
4500 - Enforcement Fines	\$ 80		\$ 15.00						
4501- Insurance Refunds	\$ 299		\$ 568.11						
4502 - Office rent sublease income									
4700 - misc Refunds									
6010 - Water Patrol Costs		\$ 4,844.50		\$ 4,838.00		\$ 9,355.00		\$ 7,000.00	LUC assumes Ramsey Co costs going up - no part time officers
6020 - Water Quality Test/Analysis						\$ 3,200.00			LQC testing, survey
6021 - Lake Trend/Utilization Analysis									LQC 6021 no longer used. Lake trend analysis no longer needed (done by DNR). Account for utilization studies in 6071
6030 - EWM Program Mgmt Expenses									LQC
6031 - EWM Program Administration									LQC
6034 - EWM Treatment/Control		\$ 36,805.00		\$ 24,896.51		\$ 43,000.00		\$ 36,000.00	LQC
6035 - EWM Cost Share									LQC
6036 - EWM Plant Survey		\$ 2,850.00		\$ 3,000.00		\$ 3,000.00		\$ 3,200.00	LQC
6036a - EWM buoys and control costs									LQC
6037 - EWM General costs									LQC
6038 - EWM Public Information Costs		\$ 2,192.00		\$ -					Boat launch inspection
6040 - EWM Watershed Nutrient Control									LQC
6041 - EWEM Legal Expense									LQC
6042 - Marsh Management Project									LQC
6045 - Other Aquatic Plant Mgmt Cost									LQC
6050 - General Public Infor/ Education	\$ 3,438.85		\$ 1,069.24		\$ 2,500.00		\$ 2,500.00	\$ 2,500.00	LEC + website, etc
6060 - Lake night misc	\$ 521.00		\$ 812.00		\$ 800.00		\$ 800.00	\$ 800.00	LUC buoys & placement, etc
6060a - Swimmer's itch	\$ 625.00		\$ 583.00		\$ 500.00		\$ 500.00	\$ 500.00	LQC
6061 - USGS study cost									LQC
6062 - Lake Level Resolution Cmt	\$ 5,526.53		\$ -		\$ 1,000.00		\$ 1,000.00		LIRC
6070 - Lake Mgmt									LQC
6071 - Lake Use Study, Special Projs									LUC 2011 Lake use study due (every 6 yrs - last in 05/06) \$23,800 in '05
8110 - Administrative Services	\$ 16,874.19		\$ 20,300.01		\$ 20,400.00		\$ 20,400.00	\$ 35,000.00	Assumes 112 hrs/month @ 26.00/hr.
8111-MN Unempl. Compensation	\$ 28.00		\$ 34.00		\$ 100.00		\$ 100.00	\$ 100.00	
8112 - MN Commissioner of Revenue									
8113 - US IRS	\$ 1,060.43		\$ 1,459.59		\$ 1,300.00		\$ 1,300.00	\$ 1,300.00	FICA
8115 - Engineering Fees									bridge work budget from past

DRAFT COPY 5/18/2017

WBLCD 2018 Budget PLANNING

	2015 actual		2016 Actual		2017 Budget		2018 Budget		Notes from 2017 planning
	Revenue	Expenditures	Revenue	Expenditures	Revenue	Expenditures	Revenue	Expenditures	
6120 - Legal Svcs		\$ 1,800.00		\$ 5,500.00		\$ 2,700.00		\$ 2,700.00	Alan
6120a - Ord #15 hearing & enforcement									
6121 - Enforcement Expenses									considered in past as part of Ord 15 (hire WBLCD enforcement officer)
6130 - Insurance Premiums		\$ 1,117.00		\$ 1,137.00		\$ 1,100.00		\$ 1,100.00	league of cities 850; Berkley/workers comp 225 for 2013 coverage
6140 - Misc Prof Svcs		\$ 494.12		\$ 5,056.04		\$ 550.00		\$ 550.00	City payroll admin, tax work, etc. (2015 Audit will be done in 2016)
6150 - App fee refunds									
6161 - Unile fee refunds									
6210 - Office rent		\$ 1,300.00		\$ 1,300.00		\$ 1,200.00		\$ 1,200.00	
6310 - Info system svcs									update software
6320 - Info systems software		\$ 54.59							
6330 - Info systems hardware		\$ 505.24		\$ 606.01		\$ 500.00		\$ 500.00	
6410 - Office supplies									
6420 - Stationary supplies									
6440 - Copy costs		\$ 370.66		\$ 129.50		\$ 500.00		\$ 500.00	
6450 - Postage costs		\$ 550.48		\$ 548.24		\$ 550.00		\$ 550.00	
6460 - Telephone costs		\$ 730.16		\$ 758.24		\$ 748.00		\$ 750.00	62.30/month
6470 - Office furniture									
6480 - Office equipment and repairs									printer, laptop
6510 - Membership / seminars/subscript		\$ 1,775.00		\$ 1,842.00		\$ 1,600.00		\$ 1,600.00	includes league of MN cities membership
6520 - Misc Op Exp		\$ 10.50		\$ 106.43		\$ 100.00		\$ 100.00	
6521 - Surety escrow funds									
6530 - Mfg cablecast		\$ 360.00		\$ 446.00		\$ 450.00		\$ 600.00	videographer - increase to \$50
6900 - Account short and over									
6999 - Voids									
Sub-Totals	\$ 110,043.04	\$ 83,833.25	\$ 98,443.05	\$ 74,421.81	\$ 95,153.00	\$ 95,153.00	\$ 95,153.00	\$ 96,550.00	
BALANCE		\$ 26,209.79		\$ 24,021.24	\$ -	\$ -	\$ -	\$ (1,397.00)	

Join us for the 2nd Annual

COMMUNITY ROOTS Garden Party

at the

White Bear Area Emergency
Food Shelf



1884 Whitaker Street, White Bear Lake, MN 55110

**FREE
ADMISSION**

Sunday, June 25th

2:00 – 5:00 pm

Festivities Include: food trucks, cupcakes, a bouncy house, planting activities, yoga, nutritious snacks, games and more!



MANITOU DAYS



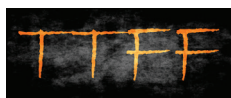
An Official Manitou Days Event



Food – Entertainment – Vendors



BearPower



Tiger Training and Family Fitness



Providing food and support to those in need since 1977, the White Bear Area Emergency Food Shelf works toward increasing access to healthy foods for all our neighbors in the White Bear Area.

www.whitebearfoodshelf.org