



**AGENDA**  
**REGULAR MEETING OF THE CITY COUNCIL OF**  
**THE CITY OF WHITE BEAR LAKE, MINNESOTA**  
**TUESDAY, FEBRUARY 13, 2024**  
**7 P.M. IN THE COUNCIL CHAMBERS**

*Portions of this meeting may be closed pursuant to M.S. 13.05, Subd 3(a)  
to evaluate the performance of the City Manager.*

**1. CALL TO ORDER AND ROLL CALL**

*Navigable Agenda*

PLEDGE OF ALLEGIANCE

**2. APPROVAL OF MINUTES**

- A. Minutes of the Regular City Council Meeting on January 23, 2024
- B. Minutes of the City Council Work Session on January 23, 2024
- C. Minutes of the City Council / Staff Strategic Planning Session on January 31, 2024

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

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

- A. Accept minutes: November White Bear Lake Conservation District, December Environmental Advisory Commission, January Planning Commission
- B. Resolution approving edible cannabinoid products license for Dockside Water Ski Company
- C. Resolution adopting the 2024 Pay Equity Report
- D. Resolution transferring a lease agreement for 2125 4th Street from the Good Table Restaurant Group II LLC to S & Y Foods LLC
- E. Resolution approving professional services agreement for Fire Inspection Services with Inspectron, Inc.
- F. Resolution accepting feasibility report, ordering preparation of plans and specifications and ordering public hearing for the 2024 Pavement Rehabilitation Project
- G. Resolution approving a memorandum of understanding with VLAWMO to update the Birch Lake Shoreland Restoration Project Maintenance Agreement
- H. Resolution granting a setback variance for 2563 Elm Drive
- I. Resolution granting two setback variances for 4556 Highway 61
- J. Resolution authorizing the city manager to negotiate and enter into a professional services agreement with CivicBrand to create a branding, marketing and placemaking strategy

**5. VISITORS AND PRESENTATIONS**

- A. Community Development Biannual Report
- B. Sports Center Annual Report

**6. PUBLIC HEARINGS**

None

**7. UNFINISHED BUSINESS**

None

**8. NEW BUSINESS**

- A. Conditional Use Permit for 2505 Lake Avenue

**9. DISCUSSION**

None

**10. COMMUNICATIONS FROM THE CITY MANAGER**

**11. CLOSED SESSION**

**12. ADJOURNMENT**



**MINUTES  
REGULAR MEETING OF THE CITY COUNCIL  
OF THE CITY OF WHITE BEAR LAKE, MINNESOTA  
TUESDAY, JANUARY 23, 2024  
7 P.M. IN THE COUNCIL CHAMBERS**

**1. CALL TO ORDER AND ROLL CALL**

Mayor Dan Louismet called the meeting to order at 7 p.m. The City Clerk took attendance for Councilmembers Kevin Edberg, Steven Engstran, Heidi Hughes, Bill Walsh, and Andrea West. Staff in attendance were City Manager Lindy Crawford, Finance Director Kerri Kindsvater, Public Works Director/City Engineer Paul Kauppi, Community Development Director Jason Lindahl, Housing and Economic Development Coordinator Tracy Shimek, City Clerk Caley Longendyke, and City Attorney Troy Gilchrist.

**PLEDGE OF ALLEGIANCE**

**2. APPROVAL OF MINUTES**

A. Minutes of the Regular City Council Meeting on January 9, 2024

It was moved by Councilmember **Engstran**, seconded by Councilmember **Hughes**, to approve the minutes. Motion carried unanimously.

B. Minutes of the City Council Work Session on January 16, 2024

It was moved by Councilmember **Hughes**, seconded by Councilmember **West**, to approve the minutes. Motion carried 4-0. Councilmember Engstran abstained.

**3. APPROVAL OF THE AGENDA**

It was moved by Councilmember **Engstran**, seconded by Councilmember **Edberg**, to approve the agenda. Motion carried unanimously.

**4. CONSENT AGENDA**

A. Resolution approving an Authorized Dock Use Area Agreement with Docks of White Bear Lake

**Res. No. 13306**

B. Resolution approving temporary liquor licenses for Church of St. Pius X events **Res. No. 13307**

C. Resolution authorizing a Cooperative Agreement with Ramsey County for pedestrian signal

**Res. No. 13308**

D. Resolution renewing the Dignisuites of White Bear Lake Final Plat **Res. No. 13309**

It was moved by Councilmember **Edberg**, seconded by Councilmember **Engstran**, to approve the consent agenda. Motion carried unanimously.

**5. VISITORS AND PRESENTATIONS**

A. Quarterly Finance Department Report

Finance Director Kindsvater provided the quarterly report for the Finance Department. She noted that the financial statements ending December 31, 2023 are unaudited, and staff are still in the process of recording receivables, paying incoming invoices, recording entries, and allocating interest to funds. Kindsvater said budget trends are still identifiable. She talked about supply chain challenges still being prevalent, which shifts purchases slotted for 2023 to 2024. The budget reflects this as decreased expenditures, even though the purchase will still happen. The City's general fund hasn't received the final property tax payment, which is expected in January. Kindsvater reported that permit revenues are higher than projected in the budget, which she explained as being a trend in the last couple years during the school district's construction projects. Fees for the apartment project near 3600 Hoffman Road also surpassed projected amounts. Additionally, six new homes each valued over \$450,000 generated substantial building permit revenue.

Kindsvater reported that Sports Center revenues are still being recorded and is expected to be close to budget. Kindsvater explained the recycling fund and how the market impacts the revenue amount. She explained the recycling market has been down, meaning the City's residents pay a small fee to offset processing costs. When the market is good, the processing organization makes money off of the City's recyclables and shares revenues back with the City. The market was down in 2023, so a small fee will be added to utility bills, which is reflected in the 2024 Fee Schedule. The License Bureau is very active, Kindsvater reported. She said the increased number of transactions, totaling 85,994 in 2023 compared to 78,575 transactions in 2022, were due to the closing of the DMV in Maplewood, whose staff referred customers to White Bear Lake. The additional transactions and the state's fee increases helped overall revenues.

Mayor Louismet asked if the recycling fee is added to both residential and commercial utility bills. Kindsvater said the fee is just residential, because commercial entities contract with their own hauling services. He asked if the operation costs for the License Bureau have increased with greater customer volume and if it has impacted staffing needs. Kindsvater said it has been good so far. She said lines may be a little longer, but they move through pretty quickly. She shared a reminder that the beginning and end of week are busier. She added that the shift in staffing structure from vacant full-time positions to three part-time positions helps with more coverage. When asked about the state's fee increases implemented in October and whether they would help the License Bureau's budget, Kindsvater confirmed it has helped so far, and there will be better indication after a full year of the increased fees. Councilmember Edberg also referenced the increase in revenues during the last quarter of 2023 and wondered if that increase will be sustained into the future.

## **6. PUBLIC HEARINGS**

None

## **7. UNFINISHED BUSINESS**

- A. Second reading of an ordinance amending the Zoning Code regarding notice and voting requirements



Community Development Director Lindahl presented a second reading of an ordinance that would amend the Zoning Code in relation to notice and voting requirements for zoning amendments and Planned Unit Development (PUD) applications. He said the proposed change will align the Zoning Code with the City Charter and State Statutes. The amendment involves changing the vote of the City Council from super majority (fourth-fifths) vote to a simple majority (three-fifths) vote for zoning amendment changes, rezoning and PUD applications. Per State Statute, applications for rezoning from residential to commercial would still require a super majority vote. The public hearing at the Planning Commission didn't generate any comment. The Council received a first reading at the January 9 regular meeting.

Mayor Louismet asked City Attorney Gilchrist about amending the City Charter and how it needs to align with state statutes. City Attorney Gilchrist said there is some flexibility for requiring a greater vote for PUD applications, but he recommended aligning other voting requirements with state statutes when addressed, such as zoning amendments. Mayor Louismet referenced the discussion at the January 9 Council meeting about interest in amending the City Charter and said he was open for that discussion.

It was moved by Councilmember **Engstran**, seconded by Councilmember **Walsh**, to adopt **Ordinance No. 24-01-2072** amending the Zoning Regulations in the Municipal Code regarding notice and voting requirements. Motion carried unanimously.

It was moved by Councilmember **Walsh**, seconded by Councilmember **Engstran**, to approve **Res. No. 13310** approving the summary publication of the ordinance amending the Zoning Code regarding notice and voting requirements. Motion carried unanimously.

Councilmember Edberg also expressed interested in pursuing an amendment to the City Charter regarding PUD application voting requirements. He asked about next steps for proposing an amendment. Lindahl said the advisory committee for the Zoning Code review process will review the PUD process, so he will ensure the committee reviews and discusses voting requirements. City Attorney Gilchrist and City Manager Crawford provided direction on next steps for communicating to the Charter Commission about a proposed amendment.

## 8. NEW BUSINESS

### A. 2502 County Road E Redevelopment Grant Application on behalf of Element Design-Build

Housing and Economic Development Coordinator Shimek presented a resolution approving a grant application, on behalf of a developer, to the Minnesota Department of Employment and Economic Development's (DEED) Redevelopment Grant Program. The grant program was created by the legislature to help facilitate the redevelopment of old industrial, residential, or commercial properties, and brings blighted sites back into productive use. Eligible applicants must be public agencies (i.e. cities), but they are allowed to apply for a grant on behalf of a private developer. Element Design-Build approached the City and asked staff to apply for the grant on their behalf for their project at 2502 County Road E East. The grant's required 50% local match will be covered by Element Design-Build. With an anticipated redevelopment cost of \$230,000, the grant application would seek approximately \$115,000. Shimek summarized several areas of redevelopment areas to be funded, such as demolition of existing structures

and installation of a biofiltration basin. The resolution will approve the grant application and authorizes the Mayor and City Manager to enter into contracts and execute agreements for the grant on behalf of the developer.

It was moved by Councilmember **Engstran**, seconded by Councilmember **West**, to approve **Res. No. 13311** approving the application to the Minnesota Department of Employment and Economic Development's Redevelopment Grant Program, committing the local match, and authorizing the Mayor and city manager to enter into contracts and execute necessary agreements. Councilmember Edberg added that the improvements are not just for the private property, but will improve some City infrastructure, such as the additional sidewalk, that will serve public purpose. Motion carried unanimously.

## B. 2024 Legislative Priorities

City Manager Crawford presented the 2024 Legislative Priorities Agenda. She said the Council discussed the potential priorities at a January 16 work session and requested that five priorities be brought forward for consideration. The five proposed legislative priorities were presented as follows:

1. Support legislation providing funding assistance for building capacity for urban forest management and meeting the costs of preparing for, and responding to emerald ash borer.
2. Continued funding support for lead water service remediation.
3. Support legislation to allow Chief Law Enforcement Officers the ability to access to the National Criminal History Database.
4. Oppose legislation that would limit or pre-empt local government zoning authority.
5. Clarify laws pertaining to the authority School Resource Officers have in schools.

Crawford noted that the proposed legislative priorities align with current or previous legislative priorities of the League of Minnesota Cities and Metro Cities Association of Metropolitan Municipalities.

It was moved by Councilmember **Walsh**, seconded by Councilmember **Edberg**, to approve **Res. No. 13312** adopting the 2024 Legislative Priorities Agenda. Councilmember Walsh reiterated a comment he made at the January 16 work session, explaining that he was not enthusiastic about the legislative priority opposing legislation that would limit or pre-empt local government zoning authority. He said he felt the legislative priority doesn't apply to the City, which is mostly built out, and explained what the legislation addresses, including material requirements and lot sizes. He also pointed out a supporting bullet point under the legislative priority expressing support for increasing funding for state housing programs, but he noted that program revenue wouldn't necessarily bring down housing costs. Overall, he shared his general support. Motion carried unanimously.

## 9. DISCUSSION

None

**10. COMMUNICATIONS FROM THE CITY MANAGER**

None

**11. ADJOURNMENT**

There being no further business before the Council, it was moved by Councilmember **Engstran**, seconded by Councilmember **Walsh**, to adjourn the regular meeting at 7:34 p.m. Motion carried unanimously.

\_\_\_\_\_  
Dan Louismet, Mayor

**ATTEST:**

\_\_\_\_\_  
Caley Longendyke, City Clerk



**COUNCIL WORK SESSION  
MINUTES  
TUESDAY, JANUARY 23, 2024  
IMMEDIATELY FOLLOWING  
REGULAR COUNCIL MEETING  
CITY COUNCIL CHAMBERS**

Mayor Louismet opened the meeting at 7:49 PM. Councilmembers in attendance included: Bill Walsh, Kevin Edberg, Andrea West, Steven Engstran and Heidi Hughes. Staff members in attendance included City Manager Lindy Crawford, Assistant City Manager Rick Juba, Police Chief Dale Hager, Community Development Director Jason Lindahl and City Engineer/Public Works Director Paul Kauppi.

**1. PUBLIC SAFETY LOCAL GOVERNMENT AID ALLOCATION**

The 2023 State Tax Omnibus Bill included \$300 million dollars in Public Safety LGA, for distribution to every city, county, and tribal nation in Minnesota by December 26, 2023. The City received \$1,096,939, which is restricted to uses for recruitment, retention, and equipment costs for the Police and Fire Departments.

At the September 12, 2023 Council meeting and amid the final 2024 budget adoption, most of the funds (\$948,500) were allocated to various uses approved between the Police and Fire Departments. There remains approximately \$148,000 of unallocated funds, which was intentional have some flexibility for future issues.

In response to the current environment around police officer recruitment, offering hiring and referral incentives has become commonplace in the industry. Until this point, the City has not offered such incentives as we had been receiving applications. While offering such incentives likely won't entirely solve this current issue, it may provide some relief. Therefore, staff recommended the City Council discuss allocating \$36,000 of the remaining Public Safety LGA towards hiring and referral incentives for the Police Department in order to remain competitive in the race to hire quality personnel.

The City Council discussed this recommendation and preferred it be a limited offering since the funding source would come from Public Safety LGA. Staff will work with the Patrol and Sergeant Unions to draft an agreeable Memorandum of Understanding (MOU) setting parameters around the incentives. The City Council will adopt the MOU at an upcoming regular meeting.

**2. DOWNTOWN HISTORY TOUR – WHITE BEAR LAKE AREA HISTORICAL SOCIETY**

Sara Hanson, Executive Director of the White Bear Lake Area Historical Society was present to deliver a virtual historical tour of downtown White Bear Lake. This experience was offered to help build an understanding of the history and evolution of the downtown area. As the Downtown Mobility and Parking Study concludes, having a stronger knowledge of the past will help staff and the Council as future infrastructure decisions are made in the downtown area.

Adjourned 9:46 PM.



**MINUTES  
CITY COUNCIL / STAFF  
STRATEGIC PLANNING SESSION  
WEDNESDAY, JANUARY 31, 2024  
3 P.M., BOATWORKS COMMONS  
COMMUNITY ROOM**

Mayor Louismet opened the session at 3 p.m. Councilmembers in attendance included: Kevin Edberg, Steven Engstran, Heidi Hughes, Bill Walsh and Andrea West. Staff members in attendance included: the City Manager, Assistant City Manager, Department Heads, Assistant Department Heads and the City Clerk.

Facilitator Phil Kern led a strategic planning and goal setting session for the Mayor, City Council and City Leadership Staff. The session included both tabletop and large group exercises that included identifying short- and long-term values, goals, strategies and expectations for the City of White Bear Lake organization and community as a whole.

Kern will work with the City Manager and Assistant City Manager to prepare a final report for the Council to review and adopt at an upcoming regular meeting.

Adjourned 8:15 p.m.



## White Bear Lake Conservation District

### Regular Board Meeting Minutes

Nov. 21, 2023, 7:00 p.m., White Bear Lake City Hall Council Chambers  
(6:00 pm LUC meeting)

1. **Roll Call/Quorum** – Present: Chair Bryan DeSmet, Vice Chair Meredith Walburg, Treasurer Mike Parenteau, Mark Ganz, Chris Churchill, Scott Costello, Susie Mahoney, and Alan Kantrud. Absent: Diane Longville, Darren DeYoung and Mark Wisniewski. A quorum was present.
2. **Call to Order** – The meeting was called to order at 7:02 pm by Bryan DeSmet.
3. **Approval of Agenda** – Administrator salary was added under New Business. Motion to approve the amended agenda was made by Mike Parenteau, seconded and passed.
4. **Approval of Previous Board Meeting minutes** – Motion to approve the Oct. 17, 2023 meeting minutes was made by Mark Ganz, seconded and passed.
5. **Public Comments** - none
6. **New Business**
  - Summary of Eurasian Watermilfoil (EWM) survey and treatment – Steve McComas, Blue Water Science presented information about the survey and treatment of EWM on White Bear Lake this summer.
    - An extensive meander survey was conducted in June and data was collected on areas of light, moderate, and heavy density of EWM. Sixteen areas of moderate and heavy growth were detected, and 47 acres were treated on July 18, 2023. All areas of growth were revisited about a month later to see if the treatment was successful, and if there was additional EWM that went undetected earlier. Most areas showed good control, with a few areas showing partial control.
    - The survey also noted that native plants, such as northern watermilfoil, water star grass, and water celery were abundant in the lake.
    - Survey and treatment trends since 2012 show that a few areas of heavy growth need to be treated annually, and the number of acres treated vary from year to year. Areas of growth in the middle of the western part of the lake, and along the southwestern show are persistent. Low lake levels seem to correlate with higher levels of treatment.
    - 1988 was the first year EWM was detected in the lake, and by 1998 it had spread around the lake, and since then it's been variable.
    - A 2023 point intercept survey, sponsored by the Rice Creek Watershed District (RCWD), aligned with our assessment of EWM, and it also noted if there were zebra mussels attached to plant stems. This benchmark data showed that they are well-distributed around the lake, though less abundant on the western lobe. Though their numbers cannot be reduced, they can be tracked. This survey, which is conducted every 4-5 years, will help track the zebra mussel community.
    - Starry stonewort, an invasive macro algae that looks similar to native *Chara*, called muskgrass, is not present in White Bear Lake, but its presence is expanding in Minnesota. Because it is present at most of the public access sites on lakes where it present, we sampled the three access points on the Lake, and did not find presence of Starry Stonewort. When treatment is needed, copper sulfate is applied 2-3 times a year, and costs about \$1,000 an acre each time.
    - When asked about invasive signal and rusty crawfish, which decimate lakebed plants, McComas said they are not present in the lake.

- There are some hybrid watermilfoils (a cross between native and invasive) in White Bear Lake, and area treated the same as EWM. Some genotypes are resistant to herbicides, but not the ones in White Bear Lake.
- In response to a question by Bryan DeSmet about monitoring other potential issues in the lake, McComas said septic systems are a minor potential issue. Also, in a survey of Lake Sylvia access points, uncombusted petroleum products were not detected and that would probably be the same observation of access points on White Bear Lake and in Commercial Bay. However, in the future there is some concern about the PFAS (per- and polyfluoroalkyl substances). But unless there is a known source, such as runoff from firefighting foam, there is no concern; the EPA is developing some trigger levels for PFAs which will be tracked. It was noted that the toxic chemicals from Water Gremlin have little chance of contaminating the lake, as the groundwater flows from east to west. Finally, while chloride levels in the lake are gradually increasing, it is not impacted and the level is lower than most lakes due to our small watershed.
- When asked what more McComas would like to know about White Bear Lake, he said he'd like to see a trend analysis on chlorides, fish and native plant species, algae species, EWM, lake use, boat traffic, and toxicology (specifically algae).
- Alan Kantrud asked about invasive phragmites, which the District treats, and McComas said the challenge will be the hybridization of invasive phragmites with native phragmites which can take over. At this time, the District is doing a good job of managing it. McComas also said that yellow iris, which is an ornamental invasive, won't take over the lake and doesn't need to be actively monitored like EWM or phragmites.
- MN Law (new) – Earned Sick & Safe Time (ESST) Mike Parenteau explained the new law which provides for options to give employees leave time and goes into effect Jan. 1, 2024. It was decided that the WBLCD will follow the City of White Bear Lake's option which is to pay it as it accrues at one hour of leave for every 30 hours worked.
- Administrator Salary – Bryan DeSmet stated that the 2024 budget included a salary increase for the Administrator. Motion to approve a \$2 increase as of January 1 was made by Bryan DeSmet, seconded and passed.

## 7. Unfinished Business

- VFW-EAW update – Bryan DeSmet reported that an updated EAW was received by the VFW that incorporated comments from a DNR peer review. A section still needs to be completed, and a review received from the State Historic Preservation Office. Let the Administrator know if you have any comments before the next Board meeting.
- Buoy placement and map – Meredith Walburg presented a buoy placement map with dates that the buoys would be placed in the water and removed. Susie Mahoney suggested adding the red and green buoys on the west side of the lake where there is a rock pile. It was suggested that a shallow water buoy could be placed on the rock pile to steer watercraft away from the area. Motion to approve the map and dates, and an additional buoy on the rock pile west of the island, was made by Meredith Walburg. It was noted that, along with the added buoy, an additional buoy was missing on the map that Cheri will add.
- 2024 Lake use study RFP approval – Motion to approve the amended Lake Use Study RFP for public consumption was made by Meredith Walburg, seconded and passed. Mike Parenteau asked if any of the suggestions from Steve McComas could be added, but it was suggested that it would be best to take some time to reflect on that and devise a water quality sampling program, possibly working with the RCWD or DNR.

## 8. Reports/Action Items

- **Executive Committee** – Bryan DeSmet noted that the Executive Committee met and discussed the sick leave policy, buoy placement map, RFP, aeration devices, and the St. Germain Bay sign. A location for the sign is still being researched.
- **Lake Quality Committee**
  - Lake level – The lake level today is 922.15'. In Nov. 2023, it was 922.48'.

- Lake temperature – The lake temperature today is 42°F. On Nov. 15, 2023 it was 33°F and the lake froze on Dec. 6, 2023.
- 2024 DNR AIS Control Grant Program – Mike Parenteau submitted an application for grant funds to help with the costs of treating Eurasian Water Milfoil in 2024.
- **Lake Utilization Committee**
  - Special Olympics MN-Polar Plunge fundraising event permit application for Jan. 27, 2024 – Motion to approve the event permit, and waive the application fee was made by Mark Ganz, seconded and passed.
  - WB Area Food Shelf-Bear'ly Open fundraising event permit application for Feb. 3, 2024 – Motion to approve the event permit, and waive the application fee was made by Ganz, seconded and passed.
  - VFW Post 1782 commercial permit renewal (revised from last year) – The LUC tabled the permit application due to the need for additional paperwork that needs to be processed, and an adjustment of the ADUA line between the City and VFW on the diagram which is not in agreement with the ADUA line surveyed by EG Rudd last year. The City of White Bear Lake and the VFW are also working together on some details.
  - City of WBL:
    - Municipal Marina-commercial permit renewal (revised from last year) – The City asked for an extra slip for the Bear Boating boat, but an arrangement was made with the VFW to keep it in the VFW's ADUA, and therefore there's no need for an additional slip. The VFW also did not allow for the City to moor its fire/rescue boat in the VFW's ADUA, so the slip count is 160, the same as last year. Motion to approve the amended application of 160 slips and to stay within their 300 ft ADUA was made by Ganz, seconded and passed.
    - Matoska Park-commercial permit renewal (same as last year) – Motion to approve the permit for 28 moorings and 29 skids was made by Ganz, seconded and passed.
    - Veteran's Park Memorial Fishing Pier-permanent dock permit renewal (same as last year) – Motion to approve the permit and to waive the permanent dock fee was made by Ganz, seconded and passed. An annual application for the pier will no longer need to be submitted, unless there is intent to make changes to the permitted structure.

In addition, because the ADUA line on the diagram between the pier and the VFW isn't in agreement with the Rudd survey, the LUC will work with the VFW and the City to revise their diagrams.

    - Lion's Park-permanent dock permit (new) – The City was asked to submit an application and documentation on the Lion's Park Pier which was given by the DNR, and managed by the City, as no permit has ever been issued for the pier. Motion to approve the Lion's Park pier, and waive the fees was made by Ganz, seconded and passed.
  - Tally's Dockside-commercial permit renewal (revised from last year) – Tally's requested an additional three slips, and the LUC recommended 64, the same as last year. Tally's will be asked to submit a variance request and reasoning for the additional slips. Motion to approve 58 slips and 6 skids/ramps, and dock placement as diagramed in the application was made by Ganz, seconded and passed. Meredith Walburg questioned why the dock that was shortened last year is now 300 ft. Chris Churchill explained that that dock will now be abutted to the Docks of White Bear Lake northerly dock and, for safety reasons, should be the same length as their neighbor.

It was discussed that if the lake level goes below 922 ft in the spring, that marina operators would need to submit a variance should they want to change their permitted dock lengths.



- Docks of White Bear Lake (WBL)-commercial permit renewal (revised from last year)  
– Motion to approve 250 slips, and that slips and watercraft stay within their 300 ft ADUA was made by Ganz was seconded, and passed with Susie Mahoney opposing. Bryan DeSmet expressed concern that some of the docks appeared to be outside or right on the 300 ft ADUA. Chris Churchill stated that Docks of WBL is aware that any watercraft at the end of the docks must be within the 300 ft ADUA.
- **Lake Education Committee**
  - Educational outreach update – Scott Costello reported that copy is being written for the last issue of *The Laker*. One topic is the use of salt to de-ice roads and walkways in the winter and how it impacts the lake. Meredith Walburg reached out to the Rice Creek Watershed District who put together a graph showing trends of chloride concentration in White Bear Lake. The publication will start up again next year buoys will be the one of the first topics.
  - Social media update – In the next few months, Meredith Walburg will post about the lake temperature and level, the chloride graph, the ice-in date and ice thickness guidelines to remind people about safety ice, the day our office will be closed, and some information from the Steve McComas presentation.

**9. Treasurer Reports**

- Approval of November 2023 Treasurer's Report – Motion to approve debit card 18 and checks 4909 through 4919 was made by Mike Parenteau, seconded and passed. A suggestion was made on numbering debit cards to include the year.
- Approval of December 2023 (estimated) Treasurer's Report – Motion to pay \$5,687.08 minimum for December, and any other expense that comes in December, and in January receive an official December 2023 Treasurer's Report with the actual income and expenses was made by Mike Parenteau, seconded and passed.

**10. Board Council Report**

- Alan Kantrud reported that there were no enforcement issues on the lake reported by Ramsey County or the DNR conservation officer in the last month.
- The Ramsey County Sheriff Office will be speaking at the Board meeting in February about the enforcement year.

**11. Announcements**

- Cheri Howe reported that carpet will be installed in the office on Dec. 4, and needs some help moving furniture on the Friday or Saturday before that
- The dates for the 2024 Board meetings are set and listed in the Board packet, and the first Board meeting of the year will be on Jan. 16, 2024
- The office will be closed on Dec 12.

**12. Adjournment** – Motion to adjourn at 8:39 was made by Bryan DeSmet seconded and passed.

ATTEST:

Mike Parenteau (acting Chair)		Date	<u>1-16-24</u>
Cheri Howe, Administrator		Date	<u>1/16/24</u>



**MINUTES  
ENVIRONMENTAL ADVISORY COMMISSION  
OF THE CITY OF WHITE BEAR LAKE, MINNESOTA  
WEDNESDAY, DECEMBER 20, 2023  
6:30 P.M. IN THE CITY HALL CONFERENCE ROOM**

**1. CALL TO ORDER AND ATTENDANCE**

Chair Schroeher called the meeting to order at 6:51 p.m.

**MEMBERS PRESENT:** Chris Greene, Bonnie Greenleaf, Rick Johnston (Vice Chair), Jeff Luxford, Gary Schroeher (Chair)

**MEMBERS ABSENT:** Chris Frye, Sheryl Bolstad

**STAFF PRESENT:** Connie Taillon, Environmental Specialist

**VISITORS PRESENT:** None

**2. APPROVAL OF AGENDA**

The commission members reviewed the agenda and had no changes.

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

Motion carried, 5:0.

**3. APPROVAL OF THE MINUTES**

A. Minutes of the Environmental Advisory Commission meeting on November 15, 2023. The commission members reviewed the draft November 15, 2023 meeting minutes and had no changes.

It was moved by member **Johnston** seconded by member **Greene**, to approve the minutes of the November 15, 2023 meeting minutes as presented.

Motion carried, 5:0.

**4. VISITORS AND PRESENTATIONS**

None

**5. UNFINISHED BUSINESS**

A. Joint work session presentation, Tuesday, January 16, 2024

Chair Schroeher shared the notes that he created for the joint workshop. The notes include details on current initiatives such as public education, zero waste events, clean water and water conservation, clean air and battery powered lawn equipment, invasive species, and pollinator habitat. Taillon reported that she is drafting a memo to Council that will summarize 2023 commission projects and upcoming 2024 initiatives that were

identified at the November Environmental Advisory Commission meeting. She will complete the memo and send to all commission members for review prior to January 8<sup>th</sup>. Chair Schroeher will organize his talking points to match the memo.

**B. Park maps**

Taillon presented the draft parks maps for the commission members to review. Each map highlights all potential project areas that were identified at the park site visits this past summer. Taillon asked each commission member to review their respective park maps to see if the project locations have been corrected identified. Member Greenleaf asked Taillon to move prairie restoration site SP-PR2 at Stellmacher Park to the east and away from the outfield of the baseball diamond.

In response to Member Luxford's question, Taillon noted that the woodland restoration sites and the invasive species removal sites are the same on the maps. For the current draft, it is assumed that buckthorn removal in wooded areas will be the primary invasive species removal completed at the parks and that restoration will follow buckthorn removal

Member Greene stated that the number of restoration sites seem overwhelming. He suggested brainstorming ideas on how to break up the projects. Commission members discussed various ways to accomplish this, such as completing projects at one park at a time, and possibly prioritizing the parks that have had the fewest upgrades to ensure resources are used in an equitable way; focusing on one specific type of restoration such as raingardens; or prioritizing by the cost of each project.

For buckthorn removal, Chair Schroeher noted that buckthorn removal is not a large cost and that Ramsey-Washington Metro Watershed District is willing to lend out their buckthorn removal tools. He also mentioned that Metro Blooms provided plants for a demo native plant garden at Battle Creek. He suggests that the commission meet with the Parks Department to get their thoughts on adding demonstration gardens in some of the City parks.

**6. NEW BUSINESS**

**A. June 2024 EAC meeting date**

Taillon stated that the June EAC meeting falls on the new Juneteenth holiday in 2024. She requested that the commission come up with an alternative date for this meeting. The consensus among the members was to move the June 19, 2024 meeting to June 12, 2024, a week prior to the regularly scheduled meeting.

**B. 2024 Draft Work Plan**

For the sake of time, Chair Schroeher asked to postpone this item until the January meeting.

## 7. DISCUSSION

### A. Parking lot deicing

Member Johnston showed the commission members a recent photo that he took of a parking lot on County Road E that had large amounts of excess deicing salt. He asked if the City sends letters to commercial properties about the importance of optimizing salt control. Taillon is not aware of any such correspondence. Member Johnston mentioned that Ground FX works with HB Fuller Company to manage salt use on their parking lots. Chair Schroeher noted that Ramsey-Metro Watershed District recently gave Ground FX an award for their smart salting efforts. Member Johnston wondered if the City could cooperatively send smart salting information to these businesses.

### B. Staff updates

None

### C. Commission member updates

Member Greenleaf mentioned that she talked with a resident at the volunteer banquet who reported a City raingarden that is not being maintained. She asked Taillon if she had spoken to him yet. Taillon stated that she talked with him at the event. She noted that all City owned raingardens are maintained by Natural Shore Technologies so the raingarden in question might be on private property. She will find his contact information and follow up.

Commission members discussed expanding the zero waste policy to other community events such as Marketfest. Taillon stated that this would require extensive coordination with Marketfest and its food vendors, so it is unlikely a food waste recycling program could be launched in 2024. Details such as the addition of food waste carts and pickup would need to be determined. Volunteers would need to be at each waste station to educate Marketfest attendees on what items go in the food waste containers. Commission members asked Taillon to determine if the City issues a permit for Marketfest and also the farmers market.

Regarding pollinator plantings and native habitat, Chair Schroeher mentioned that the University of Minnesota encourages the planting of more Oak trees and for farmers to plant buffer strips of native plant habitat.

### D. Do-outs

New do-out items for December 20, 2023 include:

- Taillon to finalize the memo to City Council for the joint workshop and to email the memo to all commission members prior to January 8<sup>th</sup>.
- Chair Schroeher to re-order his talking points to match Taillon's joint workshop memo.
- Taillon to revise prairie restoration site SP-PR2 on the Stellmacher Park restoration map to remove the area from the outfield of the baseball diamond.

E. January agenda

Commission members asked Taillon to add a discussion of the joint work session and the 2024 work plan to the January agenda.

**8. ADJOURNMENT**

There being no further business before the Commission, it was moved by member **Greene** seconded by member **Johnston** to adjourn the meeting at 8:36 p.m.

Motion carried, 5:0



**MINUTES  
PLANNING COMMISSION MEETING  
OF THE CITY OF WHITE BEAR LAKE, MINNESOTA  
MONDAY, JANUARY 29, 2024  
7:00 P.M. IN THE COUNCIL CHAMBERS**

**1. CALL TO ORDER AND ATTENDANCE**

**MEMBERS PRESENT:** Mike Amundsen, Mark Lynch, Ken Baltzer, Jim Berry, Scott Bill

**MEMBERS ABSENT:** Pamela Enz

**STAFF PRESENT:** Jason Lindahl AICP, Community Development Director; Ashton Miller, City Planner; Shea Lawrence, Planning Technician

**OTHERS PRESENT:** Jay Rendall, Chad Lemmons, Steve Anderson, Annie Carlson, Susan Welles, Robert Pepper, Ed Cox, Charles Reese, Rose Miller, Mary Reese, Ken Macdonald, Ann Macdonald, Joe Henderson

**2. APPROVAL OF AGENDA**

It was moved by Member **Bill** and seconded by Member **Baltzer** to approve the agenda as presented.

Motion carried 5:0.

**3. APPROVAL OF THE MINUTES**

**A. Minutes of November 27, 2023**

It was moved by Member **Lynch** and seconded by Member **Amundsen** to approve the minutes of November 27, 2023.

Motion carried, 5:0.

**4. CASE ITEMS**

**A. Case No. 24-1-CUP:** A request by **Dustin and Annie Carlson and Jeff Plaisted** for a conditional use permit for a third curb cut, per code section 1302.050, Subd.4.h.9, at the property located at 2505 Lake Avenue.

Shea Lawrence, Planning Technician, discussed the case. Staff recommend denial of the case.

Member Berry opened the public hearing.

The applicant, Annie Carlson, of 2505 Lake Avenue explained that they intend to make the existing curb cut on Stillwater smaller and want to provide direct access to the accessory

dwelling unit (ADU) with the new driveway. She explained that she understands ADUs do not allow for driveways but thinks this would be useful and add to the property. She added that she believes Highway 96 may not be considered an arterial road as it will be given back to the city.

Member Berry closed the public hearing.

Member Baltzer explained that the property is unique because it is large enough to build four houses that would require four curb cuts. He added that a property down the street has two curb cuts right next to each other. The proposed curb cut is far apart from the existing curb cut on Stillwater and the cut on the south side is quite far away. He does not think this curb cut is consistent with the intent of the ADU standards that were implemented. He does not think the snow plows will be impacted by the new curb cut and would be in favor of approving.

Member Amundson recalled that when the ADU went through the land use approval process the garage door and driveway were not included in the plans. He added that the code seems cut and dry that ADUs cannot have separate curb cuts as it is "expressly prohibited". He thinks the findings in staff's report are strong.

Member Berry explained that this property previously went through the land use approval process and the plans changed after the permits were issued. He added that this may have been a different situation if the applicants had discussed with staff prior to making any changes.

Member **Amundsen** moved to recommend denial of case number 24-1-CUP, Member **Lynch** seconded. The motion carried 4:1. Member Baltzer opposed.

- B. Case No. 24-2-V:** A request by **Dean Hedlund** for a variance from the 120 square foot maximum allowed for a second accessory structure, per section code 1302.030, Subd.4.i.2.b, in order to construct a shed in the rear yard of the property located at 4728 Stewart Avenue.

Shea Lawrence discussed the case. Staff recommended approval of the proposal.

Member Amundsen asked if the existing shed would need to be removed, if the proposed structure would be allowed if it was attached and whether a driveway would lead to the structure. Lawrence replied that the existing shed would need to be removed and that a driveway is not proposed. She confirmed that if the structure were attached it would be permitted because up to 1,250 square feet of combined accessory structure square footage is allowed based on the size of the lot and the home.

Member Lynch asked what size shed could be permitted by right, as the proposed shed is 264 square feet. Lawrence explained sheds up to 120 square feet can be permitted by right.

Member Berry opened the public hearing.

Susan Welles, 3227 26<sup>th</sup> Avenue N, is the architect representing the homeowners. She is very familiar with the lot as she has worked with the applicants since 2019 for their remodel. She explained that after being in the house for a few years they have realized they need more accessory structure space. They originally designed a 14 x 24 structure and have now reduced it to a 12 x 22 and reworked the roof to reduce the height in efforts to appease the neighbors. The structure meets other aspects of the code and it would otherwise be allowed if attached. She noted that the proposal could have been approved through an administrative variance.

Member Berry asked about the interactions the applicant has had with the neighbors. Welles explained that she was not part of those conversations and is not sure how they went. At that time, there was only one neighbor opposed to the proposal.

Member Berry asked if there was any discussion about moving the structure closer to Stewart. Welles stated it would have been quite a bit in front of the rest of the house. The house is a single story rambler, with no basement so storage space is at a premium. Member Berry noted that the structure is quite large, asking what they intend to store in it. Welles responded that they use the attached garage for their one car, but it is only about 11 feet wide so there is not room for much else. Their current storage shed is at capacity and they would like space to store their lawn equipment and patio furniture or potentially a small boat.

Member Lynch asked about the height of the existing shed. Welles explained that she isn't certain but that it is probably around 6.5 feet tall.

Member Berry inquired about the need for the overhead door. Welles explained that it is for ease of access and that the applicants have no intention of adding a driveway. Member Berry asked if they would use it for car storage. Welles responded that she believed it would be for a boat that they would take out of storage once a year and then put back for the offseason, therefore there isn't a need for a driveway. Welles also added that a flat roof wouldn't be architecturally similar to the home and therefore would be inconsistent with the zoning code.

Ed Cox, a contractor who lives down the street at 2258 3<sup>rd</sup> St., explained that he has done a lot of work throughout the city. He added that many people adjust their plans to make a two car garage fit on their lot and stay within setbacks and height requirements. He added that the property to the south that he is currently working on stayed within the confines of the code and didn't need variances. They were considerate of the neighbors, and only clipped maybe 2 feet of the lake view. He thinks this is a unique area of the community and the structure will impact the neighbors' views greatly. He thinks the applicants will use the structure for a car. He added that there are no structures like this in downtown and that he believes the code protects the integrity of downtown and he wouldn't be happy to see this approved. Member Berry asked if he thought anything would work on the site. Cox replied that a 120 square foot shed is plenty large enough and that they could have created a two deep garage when they remodeled in 2019 but that would have affected their view.



Jay Rendall, the neighbor directly to the north of the subject site, 4740 Stewart, provided a point by point history of the neighborhood. He believes the structure would change the essential character of the neighborhood, and it would block the view of the lake. He added that none of the neighbors supported the administrative variance and that no one, not just the abutting residents support this proposal. He was opposed to signing the administrative variance because it would ruin his view of the lake. He added that the Hedlunds seem to only be concerned about their own view and not the neighbors. He told the Hedlunds that if they proposed anything taller than the existing shed, it would be a problem. He has questions about its intended use and the need for that size. He believes a variance cannot be approved if the structure is going to be used as a garage. He doesn't believe there is blight on their property and noted that many properties don't have sheds. He referenced the 2030 Comprehensive Plan stating the need to preserve the character of downtown. He doesn't believe the use of the structure as a garage is a reasonable use. He believes they could have addressed their storage issues when they remodeled the home in 2019. He explained that the neighborhood families have used the backyards in a park-like way, having paths from one yard to another without the barriers of fences. Neighbors are considerate when planting landscaping to ensure views are not impacted but this proposed structure will block neighbors' views and would be intrusive. He is disappointed that the Hedland's would want to do this despite neighbors' objections.

Robert Pepper, a neighbor at 2280 4<sup>th</sup> Street, explained that he will be slightly affected by the proposal. He added that this proposal was sprung on the neighbors 8 or 9 days prior. He believes this proposal will demolish the idea of rear yard storage and could carry on to other nearby properties. He explained there are no privacy fences, only a few small accessory structures with green space in between which has added to the neighborhood charm. A one car garage dropped into the neighborhood would be inconsistent with the neighborhood and stated the height is prohibitive. He added there may be a way forward if they were to relocate the structure closer to the home.

Member Berry closed the public hearing.

Member Amundsen asked if the use of a second accessory structure as a garage was prohibited. Miller responded that the code is prohibitive based on size, not uses or what is stored inside.

Member Lynch asked about administrative variances and notices for 350 feet. Lawrence explained that the properties abutting the affected yard would be required to sign off on the proposal for it to be approved through the administrative process. Member Lynch expressed his appreciation for this process to have the case before the Planning Commission when neighbors disapprove. Member Lynch disagreed with staff on findings four and five. He thinks the applicant could have made design decisions that would have provided more storage space during their prior remodel process. He also disagreed with staff on the idea that the essential character of the locality will not be impacted. He thinks the views of the lake are part of the essential character.

Member Baltzer explained that he sees both sides. He added that people don't have a right to see the lake. The argument that you have always been able to see the lake does not then mean you are entitled to that view and the City Council has seen cases with this premise before and have not been supportive of that argument. On the other hand, he thinks the neighborhood's feelings about the proposal are important. He understands the neighbors' concerns but also recognizes that landowners have a right to build on their property and that White Bear Lake is changing.

Member Bill explained that he struggles with the fact that the residents could have addressed the issue back in 2019 during their remodel, but also recognizes that if you want a view of the lake, you should buy a property directly facing the lake. He also added that he doesn't think staff should regulate the use of the structure. He noted that he thinks the structure would alter the character of the neighborhood.

Member Amundsen considered the five questions used to access a variance request. He explained he has been swayed by the residents' testimony about the structure altering the character of the neighborhood and explained he doesn't agree with finding five in staff's report.

Member Berry stated this would be the biggest shed on the block, physically changing the locality. He believes the proposal is inconsistent with standards four and five for a variance.

Member **Amundsen** moved to recommend denial of case number 24-2-V, Member **Lynch** seconded. The motion carried 5:0.

- C. Case No. 24-3-V:** : A request by **Charles Reese** for a variance from the 5 foot side yard setback per code section 1302.030, Subd.4.e, in order to retain a 120 square foot storage shed at the property located at 2563 Elm Drive.

Miller discussed the case. Staff recommended approval as proposed.

Member Lynch asked to clarify which property line the shed is closest to. Miller responded that the shed is closest to the east lot line and the comment submitted was from the neighbor to the north. Lynch asked to confirm that the shed has been up since the early 2010's and just received the first complaint this past year. Miller responded yes—a neighbor recently put up a shed spurring a property line dispute, so the city inspector went out to verify the property line.

Member Berry opened the public hearing.

The applicant, Charles Reese, explained that when he and his wife purchased the home in 2015 the shed was already there and provided a brief background about the property line and shed dispute with the neighbor and was available to answer any questions from the commissioners.

Member Bill asked if the neighbor at 2555 Elm Dr. has had any issues with the shed. Reese responded they have not expressed any concerns about it, noting that it's a rental property.

Member Berry closed the public hearing.

Member Amundsen asked about the validity of the neighbor's claim that the shed is actually located on the lot line. Miller responded the shed is not on the property line—the applicant hired a surveyor to find the property pins and a city inspector completed a field inspection to confirm the lot line. The numbers on the site plan are accurate.

Member Lynch added that this shed has been around for about 15 years and hasn't bothered anybody in that time, so he thinks it should be able to remain as is.

It was moved by Member **Lynch** to recommend approval for Case No. 24-3-V, seconded by Member **Baltzer**.

Motion carried, 5:0.

- D. Case No. 24-4-V:** A request by **Ken Macdonald** for two variances from the 15 foot side yard setback, per code section 1303.040, Subd.5.c.2, in order to construct a two story home at the property located at 4556 Highway 61.

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

Member Berry opened the public hearing.

The applicant Ken MacDonald of 4556 Highway 61 provided additional photos to the Planning Commissioners of the existing conditions of his home. Macdonald responded to the points laid out in the attorney letter from the neighbor's attorney. He explained that the code allows for non-conforming structures to be expanded and that he was unsuccessful in contacting the neighbors regarding this project so an administrative variance would not have been possible. He explained that the other neighbors have been supportive of the project.

Macdonald addressed the concerns that were brought up by the neighbors when the previous owners of his property went through this process last year. He explained that the home will be brought up to current building and fire code standards and therefore the fire risk will be reduced. The windows, mechanical, electrical and more will all be updated. Macdonald also addressed the neighbors' concerns about water and ice and referenced the engineering report the neighbors had done. Macdonald explained that currently neither of their homes have gutters, and the report recommended that both homes add them—Macdonald explained that they will be adding gutters and a French drain to capture water. Macdonald questioned the sincerity of the neighbor's concern about water, as the Millers have not added gutters themselves despite that recommendation. As far as the structural concerns brought up in the engineering report, Macdonald explained that adding backfill would actually be better for the neighboring structure as it would reduce the load on the wall. He added that they are reducing potential living space in the basement to reduce excavation depth to minimize the risk to the neighbors. Macdonald referenced the wind tunnel that the neighbors are concerned about.

Macdonald stated he was unsure how adding second story would impact the wind and that the neighbors use the side of their house for storage of kayaks and their trash cans, so he is unsure how big of an issue the wind could be. Macdonald concluded that the house is unlivable due to numerous problems including rodents, mold, burst radiators, substandard electrical, and an eroded foundation.

Chad Lemmons, an attorney representing the Millers who own the property at 4552 Highway 61 explained that the house does not need to be expanded in order to be utilized. The owner could fix up the house from its current condition without expanding it. He also believes that the applicants should need to go through the conditional use permit process because this is a non-conforming property, citing a section of city code. He believes the owners have a reasonable use of the property if they rehabilitate the house.

Lemmons explained he has been out to the property and saw the water that drains between the two houses creating icy conditions. He is unsure how a fire fighter could fit through the narrow space between the two houses with all their equipment. Member Berry asked if the Millers garage is also 2 stories, to which Lemmons responded yes. Lemmons also expressed concerns about lateral support when constructing a building so close to another and concerns about the wind tunnel between the two homes. He added that the home is part of the historic nature of the neighborhood.

Macdonald explained that the Miller's house was built in 1921 and would also then be considered a part of the historic nature of the neighborhood yet, they were permitted to build additions in the 1960s and 80s. He added that other neighbors have received variances for their additions. Macdonald noted that of the 5 houses to the north and the 5 houses to the south, 9 of those properties contain 2 story homes so his proposed home fits within the character of the neighborhood. Lemmons added that both the properties are non-conforming but that the Miller's setback has never changed, so the Macdonald's home should stay where it is.

Member Berry closed the public hearing.

Member Berry asked staff if this proposal should go through a CUP process. Lindahl explained that staff processed this application the same way they have for other tear down rebuilds along the lake. He added that state statute related to non-conformity has changed since the City's code was written and therefore a variance would be the appropriate process for this request.

Member Amundsen asked what percentage of the house would align with the existing footprint for the house. Miller responded that the proposed house is typically within a few inches of the existing footprint on the west side and it is proposed to be in line with where the deck once was on the east side.

Member Lynch added that the five standards for the variance have been met, and he is therefore supportive of the request. He explained the house will have similar setbacks and would look consistent with nearby properties and it is reasonable. He added that whatever is

next for this site, will be a vast improvement from what exists on the site. He also explained if there are issues that arise from construction there are processes for the landowners to address that and it's not the Planning Commissions role to assess that.

Member Berry agreed with Member Lynch adding that the applicant is trying to rebuild the house while having the least amount of impact to the neighbors.

Member Amundsen noted that this proposal is very similar to the proposal that was approved by the Planning Commission and City Council last year and that he is looking forward to seeing the property rehabilitated.

Member **Lynch** moved the recommend approval of Case No. 24-4-V, seconded by Member **Amundsen**.

Motion carried, 5:0.

## 5. DISCUSSION ITEMS

### A. Election of Officers

Member Berry opened the nominations for Chairperson. Member **Lynch** moved to nominate Member Amundsen for chair. There being no other nominations for chair, Member **Lynch** moved to close nominations. Member **Amundsen** seconded. Motion carried, 5:0.

Member **Lynch** moved to elect Member Amundsen for Chair, seconded by Member **Berry**. Motion carried, 5:0.

Member Berry opened the nominations for Vice Chair. Member **Lynch** moved to nominate Member Enz for Vice Chair, seconded by Member **Baltzer**. There being no other nominations, Member **Amundsen** moved to close nominations, seconded by **Baltzer**. Motion carried, 5:0.

Member **Lynch** moved to elect Member Enz to Vice Chair, seconded by Member **Baltzer**. Motion carried, 5:0.

### B. City Council Meeting Update

Lindahl provided an update on the last City Council meetings. Lindahl explained that the text amendment case changing the requirement for a supermajority vote from City Council for text amendments, rezonings and PUDs to a simple majority from the November Planning Commission meeting had its first and second readings at City Council and was approved.

### C. Zoning Update – Community Advisory Committee

Lindahl provided an update on the Zoning Code Update process. He explained that at the latest meeting on December 5<sup>th</sup>, the consultants presented a placetypes analysis of the city. He added that a placetypes map will be created to inform zoning map updates. Member Amundsen asked if other studies are being considered throughout this process such as the County Rd E Corridor Study or the ongoing traffic and mobility study. Lindahl explained that yes previous studies like that are being considered but noted that since the traffic and mobility study has not yet been approved by City Council it won't be integrated into the process until it is completed. Lindahl added that the consultants will be presenting a directions report at the next zoning update meeting on February 7th. Member Berry added that it's not going to be an easy task to simplify or shrink down the existing code.

Lindahl informed the commissioners that the next planning commission meeting will likely involve training for the commissioners.

Member Lynch asked about the timeline for filling the open planning commission spot. Lindahl answered that there were four applicants for the position and that the mayor has conducted interviews, so the spot will hopefully be filled soon.

## 6. ADJOURNMENT

There being no further business before the Commission, it was moved by Member **Baltzer** seconded by Member **Amundsen** to adjourn the meeting at 9:25. Motion carried, 5:0.



**City of White Bear Lake**  
City Manager's Office

# MEMORANDUM

**To:** Lindy Crawford, City Manager  
**From:** Caley Longendyke, City Clerk  
**Date:** February 13, 2024  
**Subject:** Edible Cannabinoid Products License application for Dockside Water Ski Company

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## SUMMARY

The City Council will consider adopting a resolution approving an edible cannabinoid products license to Dockside Water Ski Company d.b.a. Tally's Dockside.

## BACKGROUND INFORMATION

During the 2023 legislative session, the Minnesota Legislature enacted Chapter 63—HF 100, which is comprehensive legislation relating to cannabis, including, but not limited to, the establishment of the Office of Cannabis Management (OCM); providing for the licensing, inspection, and regulation of cannabis businesses and hemp businesses; taxing the sale of cannabis flower, cannabis products, and certain hemp products, and providing for the temporary regulation of certain edible cannabinoid products.

Once the OCM is established, estimated in January 2025, they will become the regulatory authority for the licensing of cannabis businesses and the sale of all cannabinoid products, including lower-potency hemp edibles. Since there would be no regulatory authority overseeing the sale of edible cannabinoid products until then, the City Council passed Ordinance No. 23-08-2067 on August 22, 2023, requiring a license and imposing regulations on the retail sale of edible cannabinoid products until the products are licensed through OCM.

Keith Dehnert, owner of Tally's Dockside, currently has an active liquor license and is eligible for an edible cannabinoid products license. An application was submitted and the Police Department found nothing to preclude the issuance of the license following the background investigation. Per request of the applicant, the edible cannabinoid products license will become effective at the start of the new licensing period, beginning April 1, 2024.

## RECOMMENDATION

Staff recommends the City Council adopt the attached resolution authorizing the issuance of an edible cannabinoid products license to Dockside Water Ski Company d.b.a. Tally's Dockside, located at 4441 Lake Ave South.

## ATTACHMENTS

Resolution

**RESOLUTION NO.**

**RESOLUTION APPROVING EDIBLE CANNABINOID PRODUCTS LICENSE FOR  
DOCKSIDE WATER SKI COMPANY D.B.A. TALLY'S DOCKSIDE**

**WHEREAS**, during the 2023 legislative session, the Minnesota Legislature enacted Chapter 63—H.F. 100, which is comprehensive legislation relating to cannabis; and

**WHEREAS**, the legislation establishes the Office of Cannabis Management, which will become the regulatory authority for all cannabis-related licensing expected in January 2025; and

**WHEREAS**, with no regulatory authority until then, on August 22, 2023, the City Council adopted Ordinance No. 23-08-2067, an ordinance requiring a license and imposing regulations on the retail sale of edible cannabinoid products; and

**WHEREAS**, businesses with liquor or tobacco licenses are eligible to apply for an edible cannabinoid products license and the City has received an application from Dockside Water Ski Company d.b.a. Tally's Dockside (Applicant); and

**WHEREAS**, upon completion of the Applicant's background check, the White Bear Lake Police Department found nothing to preclude issuance of the license; and

**WHEREAS**, the approved license would take effect for the new licensing period starting April 1, 2024 and would be valid through the end of the business cycle on March 31, 2025.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of White Bear Lake, Minnesota approves the issuance of an edible cannabinoid products license to the following business:

Dockside Water Ski Company  
d.b.a. Tally's Dockside  
4441 Lake Ave South  
White Bear Lake, MN 55110

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

Ayes:  
Nays:  
Passed:

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Dan Louismet, Mayor

**ATTEST:**

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Caley Longendyke, City Clerk





**City of White Bear Lake**  
City Manager's Office

# MEMORANDUM

**To:** Lindy Crawford, City Manager  
**From:** Rick Juba, Assistant City Manager  
**Date:** Date of Council Meeting  
**Subject:** **2024 Pay Equity Report**

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## SUMMARY

The City Council will consider adopting a resolution approving the 2024 Pay Equity Report.

## BACKGROUND INFORMATION

Since 1984, the City has been required to comply with the Minnesota Local Government Pay Equity Act (also known as Comparable Worth) and every three years it must submit a report in a designated format so the State may confirm compliance. The report is submitted electronically and a printed version is attached for the City Council's review.

The Pay Equity Act requires that when employee classes (or position) which are male-dominated are compared to comparably ranked employee classes which are female-dominated, an equitable compensation relationship must exist. In other words, male and female employees of the City performing comparable work must be paid the same or a reasonable variance.

A system utilized by the City analyzes the jobs performed by city employees, and assigns a point value based on the degree of difficulty of the position's tasks, knowledge or skills required to perform the tasks, the environment in which the tasks are performed, and the consequence of error. By using these common denominators, jobs which are vastly different may be ranked and a proportionate range established to ensure an equitable compensation relationship. For example, a position in the building inspection department may have little in common with one in the license bureau, but the point-factor analysis will allow determination of whether compensation for the two positions is reasonably proportionate. When the gender of the employees is factored, a determination may be made whether female-dominated positions are paid less than comparable male positions. The City's Position Classification and Compensation Plan employs these point values to assign positions to compensation or responsibility levels and also establishes a wage range for each particular level. Due to the proportionality of the wage ranges in the Plan's compensation table, the City essentially ensures pay equity so long as the plan is administered correctly. The Mayor and Council have reviewed this plan and its administration annually for the past 30 years and confirmed compliance.

The attached report confirms that the result of consistent application of the City's Position Classification and Compensation Plan is compliant with the Pay Equity Act. The three tests included in the compliance report confirm that as of December 31, 2023 the City's compensation of its employees complies with the requirements of the Act. The graphic component of the report illustrates a high degree of correlation between current pay and the predicated pay range used in the State's methodology. While the State must confirm the results (a determination usually takes 3 to 4 months) its, compliance report shows that the City falls well within the required ranges.

**RECOMMENDATION**

Staff recommends the City Council adopt the attached resolution approving the City's 2024 Pay Equity Compliance Report.

**ATTACHMENTS**

Resolution  
Pay Equity Report

**RESOLUTION NO.**

**RESOLUTION ADOPTING THE 2024 PAY EQUITY REPORT**

**WHEREAS**, the City of White Bear Lake is required by Minnesota State law to comply with the Minnesota Local Government Pay Equity Act; and

**WHEREAS**, every three years, the City must submit a report to the State of Minnesota to confirm compliance with the Minnesota Local Government Pay Equity Act; and

**WHEREAS**, in 2022, the City updated its Position Classification and Compensation Plan to, in part, ensure an equitable compensation relationship for all employment positions of the City; and

**WHEREAS**, the City Council annually reviews the Position and Classification Plan to confirm that the results of its administration are consistent with the Plan's objective; and

**WHEREAS**, a report has been prepared and presented to the City Council, which applies the City's payroll data as of December 31, 2023 to a State of Minnesota compensation practice analysis which confirms that any deviation from the predicated pay range of the analysis is not gender based.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of White Bear Lake, Minnesota that the City's 2024 Local Government Pay Equity Compliance Report is hereby approved.

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

Ayes:  
Nays:  
Passed:

\_\_\_\_\_  
Dan Louismet, Mayor

**ATTEST:**

\_\_\_\_\_  
Caley Longendyke, City Clerk

# Compliance Report

Jurisdiction: White Bear Lake  
4701 Highway 61

Report Year: 2024  
Case: 1 - 2023 DATA (Submitted)

White Bear Lake, MN 55110

Contact: Rick

Phone: (651) 429-8505

E-Mail: [rjuba@whitebearlake.org](mailto:rjuba@whitebearlake.org)

The statistical analysis, salary range and exceptional service pay test results are shown below. Part I is general information from your pay equity report data. Parts II, III and IV give you the test results.

For more detail on each test, refer to the Guide to Pay Equity Compliance and Computer Reports.

## I. GENERAL JOB CLASS INFORMATION

	Male Classes	Female Classes	Balanced Classes	All Job Classes
# Job Classes	20	32	6	58
# Employees	27	69	39	135
Avg. Max Monthly Pay per employee	7439.74	5117.00		4786.24

## II. STATISTICAL ANALYSIS TEST

### A. Underpayment Ratio = 110 \*

	Male Classes	Female Classes
a. # At or above Predicted Pay	9	16
b. # Below Predicted Pay	11	16
c. TOTAL	20	32
d. % Below Predicted Pay (b divided by c = d)	55.00	50.00

\*(Result is % of male classes below predicted pay divided by % of female classes below predicted pay.)

### B. T-test Results

Degrees of Freedom (DF) = 94	Value of T = 0.779
------------------------------	--------------------

a. Avg. diff. in pay from predicted pay for male jobs = 1

b. Avg. diff. in pay from predicted pay for female jobs = -333

## III. SALARY RANGE TEST = 97.09 (Result is A divided by B)

A. Avg. # of years to max salary for male jobs = 14.20

B. Avg. # of years to max salary for female jobs = 14.63

## IV. EXCEPTIONAL SERVICE PAY TEST = 0.00 (Result is B divided by A)

A. % of male classes receiving ESP = 0.00 \*

B. % of female classes receiving ESP = 0.00

\*(If 20% or less, test result will be 0.00)



**City of White Bear Lake**  
Community Development Department

# MEMORANDUM

**To:** Lindy Crawford, City Manager  
**From:** Tracy Shimek, Housing & Economic Development Coordinator  
 Rick Juba, Assistant City Manager  
**Date:** February 13, 2024  
**Subject:** **2125 4<sup>th</sup> Street Lease Agreement Transfer**

---

## SUMMARY

The City Council will consider adopting a resolution authorizing transfer of the lease agreement for the city owned property at 2125 4<sup>th</sup> Street from The Good Table Restaurant Group II LLC to S & Y Foods LLC.

## BACKGROUND INFORMATION

The City owns commercial property located at 2125 4<sup>th</sup> Street. Since 2017, The Good Table Restaurant Group II LLC (Burger Bar) has leased the space. The initial lease was for a term of five years and six months. In May 2023, Burger Bar exercised the renewal option in the lease for an additional three year term, so the current term ends in May of 2026. Staff has received notice that the Burger Bar will be closing indefinitely on February 18, 2024.

Per the existing lease agreement, the Burger Bar may assign the lease to a transferee with the consent of the City, and such consent shall not be unreasonably withheld or delayed. After careful review, staff believes that transferring the lease is both reasonable and in the interest of the City to keep the space occupied with an operating business.

The new tenant, S & Y Foods LLC (Young's), intends to change the concept, but will maintain its use as a fast-casual restaurant. The new owner and chef, Young Lim has been a chef in the White Bear Lake area for over 17 years. It is anticipated that the new restaurant will open this spring, after improving the space to meet their operational needs.

## RECOMMENDATIONS

Staff recommends the City Council adopt the attached resolution authorizing transfer of the lease agreement for the city owned property at 2125 4<sup>th</sup> Street from The Good Table Restaurant Group II LLC to S & Y Foods LLC.

## ATTACHMENTS

Resolution

**RESOLUTION NO.**

**RESOLUTION TRANSFERRING A LEASE AGREEMENT FOR 2125 4<sup>TH</sup> STREET FROM THE GOOD TABLE RESTAURANT GROUP II LLC TO S & Y FOODS LLC**

**WHEREAS**, the City owns commercial property at 2125 4<sup>th</sup> Street; and

**WHEREAS**, in 2018, in partnership with The Good Table Restaurant Group II LLC, the City invested into the revitalization of the property at 2125 4<sup>th</sup> Street for the purpose of continuing to provide a small and affordable space for a restaurant to operate from; and

**WHEREAS**, the space is currently leased by The Good Table Restaurant Group II LLC through May of 2026; and

**WHEREAS**, The Good Table Restaurant Group II LLC has requested to transfer the lease to S & Y Foods LLC; and

**WHEREAS**, the terms of the lease state the City shall not unreasonably withhold or delay such a transfer; and

**WHEREAS**, the new owner and chef plans to continue to operate a fast casual restaurant from the space which is consistent with the purpose that the City invested in this space in 2018; and

**WHEREAS**, City Staff has found no reason to withhold or delay the transfer of the existing lease to S & Y Foods LLC.

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and City Manager are authorized and hereby directed to execute the transfer of the lease agreement for the city owned property located at 2125 4th Street from The Good Table Restaurant Group II LLC to S & Y Foods LLC.

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

Ayes:  
Nays:  
Absent:  
Passed:

---

Dan Louismet, Mayor

**ATTEST:**

---

Caley Longendyke, City Clerk



**City of White Bear Lake**  
City Manager's Office

# MEMORANDUM

**To:** Mayor and City Council  
**From:** Lindy Crawford, City Manager  
**Date:** February 13, 2024  
**Subject:** **Professional Services Agreement for Fire Inspection Services with Inspectron, Inc.**

---

## **SUMMARY**

The City Council will consider adopting a resolution authorizing the Mayor and City Manager to execute a professional services agreement for fire inspection services with Inspectron, Inc.

## **BACKGROUND**

The City's Fire Marshal conducts fire inspections and fire plan reviews for all projects needing Fire Code review within the City, White Bear Township, Gem Lake and Dellwood. Certain projects, known as "state delegated projects", require staff to hold specific certifications granted by the State of Minnesota. The fire marshal position is currently vacant, which means state delegated projects cannot be reviewed and inspected by existing City staff. Therefore, the City is required to temporarily partner with a qualified fire inspector in order to perform fire inspections on state delegated projects.

The City has contracted with Inspectron, Inc. previously and, based on that successful working relationship, staff recommends utilizing their services again. A professional services agreement has been drafted based on a previous agreement which was drafted by the City Attorney. Services will occur on an as-need basis, at an hourly rate, and the agreement will expire after twelve months. With City Council approval, the Fire and Community Development Departments stand ready to begin work with Inspectron, Inc.

## **RECOMMENDATION**

Staff recommends the City Council adopt the attached resolution authorizing the Mayor and City Manager to execute a professional services agreement with Inspectron, Inc. for fire inspection services.

## **ATTACHMENTS**

Resolution

**RESOLUTION NO.**

**RESOLUTION APPROVING A PROFESSIONAL SERVICES AGREEMENT FOR  
FIRE CODE INSPECTION SERVICES WITH INSPECTRON, INC.**

**WHEREAS**, the White Bear Lake Fire Marshal conducts fire inspections and fire plan reviews for all projects needing State Fire Code review within the City, White Bear Township, Gem Lake and Dellwood; and

**WHEREAS**, the Fire Marshal position is currently vacant, requiring the City to temporarily partner with a qualified fire inspector in order to perform fire inspections and plan reviews on State Fire Code projects; and

**WHEREAS**, the City desires to contract with Inspectron, Inc. to assist it with State Fire Code inspections on an as-needed basis; and

**WHEREAS**, Inspectron, Inc. represents it has sufficient qualified personnel to provide the City the services in accordance with the terms and conditions of the agreement.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of White Bear Lake that the agreement with Inspectron, Inc. for professional services is hereby approved and the Mayor and City Manager are hereby authorized and directed to execute the agreement with Inspectron, Inc.

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

Ayes:

Nays:

Passed:

---

Dan Louismet, Mayor

**ATTEST:**

---

Caley Longendyke, City Clerk





**City of White Bear Lake**  
Engineering Department

# MEMORANDUM

**To:** Lindy Crawford, City Manager  
**From:** Paul Kauppi, Public Works Director/City Engineer  
**Date:** February 13, 2024  
**Subject:** **Accepting Feasibility Report, Ordering Preparation of Plans and Specifications and Ordering Public Hearing for the Proposed 2024 Pavement Rehabilitation Project (City Project Nos. 24-01, 24-08)**

---

## SUMMARY

The City Council will consider adopting a resolution accepting the Feasibility Report (Report) for the 2024 Pavement Rehabilitation Project, ordering the preparation of plans and specifications, and ordering a public hearing on said improvements for March 12, 2024.

## BACKGROUND INFORMATION

The City owns and maintains a large network of public infrastructure including pavement, underground utilities, a water treatment plant and storage reservoirs, decorative street lighting, municipal buildings, parks grounds, and much more. Like everything, public infrastructure facilities have a limited life cycle. Specific life spans for each type of infrastructure system is influenced by design and technology standards, construction methods, materials, amount and type of use, and environmental impacts. Of all of the infrastructure systems, street pavement has the shortest life cycle. This is primarily due to the extreme physical abuse and exposure to harsh environmental elements.

As with all infrastructure, bituminous pavement requires periodic maintenance and repair. Inspection and minor routine maintenance will minimize problems when they occur and when damage is noted, timely repairs will prevent the damage from deteriorating into more severe problems that will be more expensive to replace. Relatively small scale expenditures on routine maintenance are more cost effective in the long run.

From the moment streets are built they begin to deteriorate. This occurs through a combination of oxidation, temperature changes, water intrusion, freeze/thaw cycles, subgrade failures, and traffic loading. In an effort to prolong the life of a street, both routine and major maintenance must be performed.

Routine maintenance is performed annually on city streets and includes seal coat, crack repair, filling potholes, patching, and thin overlays. New streets typically receive minimal routine maintenance; however, as the roadway ages and becomes more distressed, the required

maintenance becomes more frequent and expensive. Once it is no longer practical for routine maintenance there are several types of major rehabilitation techniques that can be performed, such as mill and overlay, total pavement replacement, and reconstruction.

A typical asphalt pavement preservation strategy includes seal coating at 5-7 years, again at 12-14 years, then mill and overlay at 20-25 years. A mill and overlay project consists of milling (grinding) off the upper surface of asphalt. Then a new layer of asphalt is applied creating a smooth even driving surface which extends the overall life of the roadway.

Once asphalt deterioration is too extensive for a mill and overlay, a total pavement replacement project may be necessary. Total pavement replacement consists of removal of the full depth of the existing deteriorated pavement, re-grading the existing gravel base, and a new asphalt pavement surface.

Mill and overlay and total pavement replacement projects extend the length of time required between full street reconstructions. The City will need to increase the use of pavement rehabilitation practices in order to maintain the serviceability of its pavement infrastructure.

Street reconstruction projects consist of removing the bituminous surface, replacing the subgrade material, adding an engineered section, (which includes gravel and two (2) layers of bituminous) and adding/replacing concrete curb and gutter.

A variety of major rehabilitation techniques described above are proposed for the 2024 Pavement Rehabilitation project. The attached map identifies which rehabilitation technique is proposed for each street included in the project.

The Engineering Department has prepared a Feasibility Report (Report) for a proposed 2024 Pavement Rehabilitation Project as ordered by the City Council at its meeting on October 10, 2023. The streets included in the Feasibility Report include:

- **Campbell Avenue** (from Birch Lake Avenue to Fourth Street)
- **Krech Avenue** (from Birch Lake Avenue to Fifth Street)
- **Second Street** (from West Cul-De-Sac to Wood Avenue)
- **Third Street** (from West Cul-De-Sac to Wood Avenue)
- **Third Street** (from Campbell Avenue to Bald Eagle Avenue)
- **Wood Avenue** (from Birch Lake Avenue to Fourth Street)
- **Sports Center Drive** (from Birch Lake Boulevard South to Highway 96)

The feasibility report describes the improvements proposed for each street (watermain, sanitary sewer, storm sewer, stormwater treatment, concrete curb and gutter, sidewalks, and bituminous pavement), the estimated cost of the various improvements and the resources necessary to fund the project. The report concludes that the improvements are necessary, cost effective and feasible from an engineering perspective.

As part of the proposed project, consideration has been given to the replacement of the

existing sidewalk segment on the west side of Wood Avenue from Birch Lake Avenue to Fourth Street. Most of the existing sidewalk is less than four (4) feet wide and does not meet the current ADA minimum width. The City currently requires new sidewalks to be constructed to a minimum of five (5) feet wide, which meets ADA standards but also accommodates the City's snow removal equipment. Staff recommends that the existing sidewalk on Wood Avenue be replaced with a wider, five foot wide as part of this project.

The Report also includes the proposed assessment roll which has been prepared for this project. The proposed assessment roll prepared for this project follow the guidelines of the City Assessment Policy and recommendations from our appraisal consultant BRKW Appraisals Inc. Special considerations provided for in the policy for irregular shaped lots, large lots, corner lots and cul-de-sac lots have been followed. Other large and commercial lots are under further review by the appraiser.

The assessment rates are based upon the City's historical practice of funding approximately one third of the improvement cost through assessments to property owners and the remaining cost funded by the City.

The estimated cost of the proposed improvement is \$2,662,400. The project will be financed through a combination of City funds and special assessments to benefited properties.

The preparation of a Feasibility Report on the proposed 2024 Pavement Rehabilitation Project is part of the formal process that the City must follow (in accordance with MN Statute 429) when proceeding with public improvements that include special assessments to property owners as part of the funding source. If the Council desires to proceed with the improvement process, the next step would be to hold a public hearing for property owners to discuss the project directly with the City Council. At the public hearing, staff will present an overview of the proposed improvements, the estimated costs and the proposed funding sources. Property owners would have the opportunity to ask questions regarding the proposed improvements and assessments or express concerns about any aspect of the proposed project. Following the public hearing the Council would consider whether or not to proceed with the project and would order the project advertised for bids if it desired to proceed. Once bids are received, the Council would be asked to consider the award of a contract prior to construction starting in the summer.

#### **RECOMMENDATIONS**

Staff recommends the City Council adopt the attached resolution accepting the Feasibility Report for the 2024 Pavement Rehabilitation Project, order the preparation of plans and specifications, and order a public hearing on said improvements for March 12, 2024.

#### **ATTACHMENTS**

Resolution  
Project Maps  
Feasibility Report

**RESOLUTION NO.**

**RESOLUTION ACCEPTING FEASIBILITY REPORT, ORDERING PREPARATION OF PLANS AND SPECIFICATIONS AND ORDERING PUBLIC HEARING FOR THE 2024 PAVEMENT REHABILITATION PROJECT CITY PROJECT NO. 24-01, 24-08**

**WHEREAS**, PURSUANT TO City Council direction on October 10, 2023, a Feasibility Report has been prepared by the Engineering Department with reference to the 2024 Pavement Rehabilitation Project, the improvement of: Campbell Avenue (between Birch Lake Avenue and Fourth Street), Krech Avenue (between Birch Lake Avenue and Fifth Street), Second Street (between West Cul-De-Sac and Wood Avenue), Third Street (between West Cul-De-Sac and Wood Avenue), Third Street (between Campbell Avenue and Bald Eagle Avenue), Wood Avenue (between Birch Lake Avenue and Fourth Street), and Sports Center Drive (between Birch Lake Boulevard South and Highway 96); and

**WHEREAS**, the report provides information regarding whether the proposed improvement is necessary, cost-effective, and feasible; whether it should best be made as proposed or in connection with some other improvement; the estimated cost of the improvement as recommended; and a description of the methodology used to calculate individual assessments for affected parcels.

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

1. Such improvement is necessary, cost-effective, and feasible as detailed in the feasibility report.
2. The council will consider the improvement in accordance with the report and the assessment of abutting property for all or a portion of the cost of the improvement pursuant to Minnesota Statutes, Chapter 429 at an estimated cost of the improvement of \$2,662,400.
3. The City Engineer is hereby designated as the engineer for this improvement. The engineer shall prepare plans and specifications for the making of such improvement.
4. Public hearing shall be held on such proposed improvement on the 12th day of March, 2024, in the City Council Chambers of the City Hall at 7:00 p.m., and the Engineering Department shall give mailed and published notice of such hearing and improvement as required by law. Please find detailed meeting information on the City's website at [www.whitebearlake.org/](http://www.whitebearlake.org/) or call the city clerk at 651-762.4821 to learn how to attend the public hearing.

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

Ayes:  
Nays:  
Passed:

**RESOLUTION NO.**

---

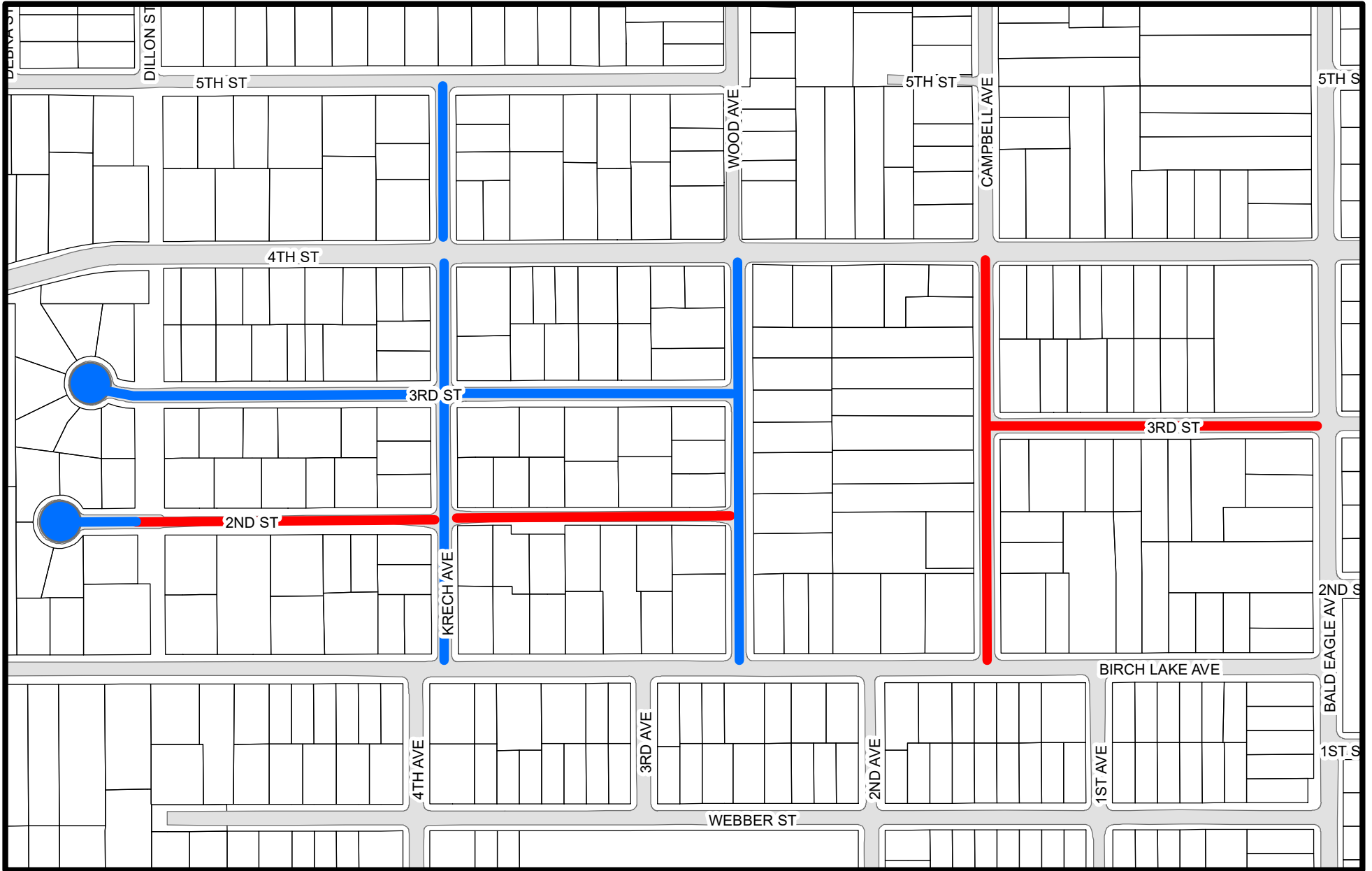
Dan Louismet, Mayor

**ATTEST:**

---

Caley Longendyke, City Clerk

# 2024 Pavement Rehabilitation Project 24-01



**Reconstruction**

**Full Pavement Rehabilitation**

# 2024 Pavement Rehabilitation Project 24-08



 Full Pavement Rehabilitation



**CITY OF WHITE BEAR LAKE**  
ENGINEERING DEPARTMENT

**FEASIBILITY REPORT**  
for the  
**2024 PAVEMENT REHABILITATION PROJECT**

**February 13, 2024**



**CITY PROJECT NOS. 24-01 & 24-08**





# **FEASIBILITY REPORT**

for the

## **2024 PAVEMENT REHABILITATION PROJECT**

### **CITY PROJECT NO. 24-01**

Campbell Avenue / Second Street / Krech Avenue /  
Third Street / Wood Avenue

### **CITY PROJECT NO. 24-08**

Sports Center Drive

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



---

Paul Kauppi, P.E.  
License No. 41291

**February 13, 2024**

---

Date

City of White Bear Lake  
Engineering Department  
4701 Highway 61  
White Bear Lake, MN 55110  
Phone: 651-429-8531  
Fax: 651-429-8500

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## ***APPENDICES***

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Appendix A -	Memo and City Council Resolution No. 13255 Ordering Feasibility Report and Maps
Appendix B -	Public Improvement Process Flow Chart
Appendix C1 -	Chapter 406 (Stormwater) of White Bear Lake Municipal Code
Appendix C2 -	Engineering Design Standards
Appendix C3 -	Stormwater Ordinance 15-05-2000
Appendix D1 -	Residential Sanitary Sewer Wye Replacement Program Information
Appendix D2 -	Letter Regarding Residential Sanitary Sewer Wye Replacement 24-01
Appendix E -	Residential Driveway Replacement Program
Appendix F -	Letter Announcing November 8, 2023 Informational Meeting
Appendix G -	City Project No. 24-01 Public Meeting Outline
Appendix H -	Preliminary Assessment Rolls 24-01 & 24-08
Appendix I -	Project Financing Summary
Appendix J -	Sample Assessment Breakdowns
Appendix K -	Local Improvement Guide (City Assessment Policy)

## ***EXHIBITS***

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Exhibit 1 -	2024 Pavement Condition Map
Exhibits 2 - 3 -	Pavement Rehabilitation Map, City Project 24-01
Exhibit 4 -	Pavement Rehabilitation Map, City Project 24-08
Exhibits 5 - 7 -	Maps of Historical Watermain Breaks, 24-01/08
Exhibits 8 - 10 -	Sanitary Sewer Repair Map
Exhibit 11 -	Watershed District Boundary Map
Exhibit 12 - 14 -	Typical Street Cross Sections, City Project 24-01
Exhibit 14 -	Typical Street Cross Sections, City Project 24-08
Exhibit 15 -	Non-Motorized Transportation Plan

## I. INTRODUCTION

The City of White Bear Lake continues to monitor the condition of its roadway infrastructure through its Pavement Management Program. The City's Pavement Management Program includes regular patching, crack sealing and sealcoating as routine maintenance techniques to preserve City streets. Once the routine techniques are no longer effective, the program looks to more extensive maintenance techniques including mill and overlay, full pavement replacement and reconstruction.

Historically, a major component of this program was to reconstruct streets which were not constructed to a typical urban section with concrete curb and gutter. Since the City initiated its street reconstruction program in the 1980's, over 80 miles (about 95 percent) of the City's streets have been reconstructed to current standards with engineered pavement sections and concrete curb and gutter. However, as these streets age, they need to be maintained through routine maintenance practices, which can be expected to keep the pavements in good condition for approximately 20-25 years if undertaken at appropriate intervals. When a pavement reaches the point where routine maintenance techniques are no longer effective (usually at about the 20-25 year point or after 2 to 3 sealcoat applications and routine crack sealing), a major rehabilitation procedure is necessary. The life of the pavements between major rehabilitations depends largely on traffic types and volumes. Streets which carry larger vehicles with heavy loads and higher daily traffic volumes typically wear out faster than low volume residential streets.

The means of rehabilitating the bituminous pavements could range from milling and overlaying, to full depth reclamation, to complete reconstruction. Mill and overlay involves the removal of the upper layer of asphalt by grinding (or milling) and then replacement of the upper layer of asphalt (wearing course). Full depth reclamation is an in-place recycling method for reconstruction of existing flexible pavements using the existing pavement section material as the base for the new roadway-wearing surface. As streets deteriorate to the point where maintenance is no longer effective, these procedures are the next step in the pavement maintenance process. Once the complete pavement system fails, a complete reconstruction becomes necessary.

The streets proposed for rehabilitation in 2024 have deteriorating bituminous pavements, some poor drainage characteristics, and some public utility facilities which need upgrading. All of the public infrastructure elements proposed for reconstruction, rehabilitation, replacement or upgrading are important to the continuing vitality of the neighborhoods and are necessary improvements to the City's street and utility systems.

The Engineering and Public Works Departments have evaluated the streets proposed in the 2024 Pavement Rehabilitation Project and will recommend in this Feasibility Report that the City Council include all streets described herein and shown on the map in **Exhibit 1**.

The streets proposed for inclusion in the **2024 Pavement Rehabilitation Project**, are shown in **Exhibits 2 - 4**:

- **Campbell Avenue** (from Birch Lake Avenue to Fourth Street)
- **Third Street** (from Campbell Avenue to Bald Eagle Avenue)
- **Second Street** (from West cul-de-sac to Wood Avenue)
- **Third Street** (from West cul-de-sac to Wood Avenue)
- **Krech Avenue** (from Birch Lake Avenue to Fifth Street)
- **Wood Avenue** (from Birch Lake Avenue to Fourth Street)



- **Sports Center Drive** (from North Parking Lot to Highway 96)



On October 10, 2023, the City Council adopted Resolution No. 13255, ordering preparation of this Feasibility Report for the streets listed above. A copy of the memo and resolution are included in **Appendix A**.

If the Council decides to proceed with these utility and street improvements, the next step in the public improvement process (**Appendix B**) would be to conduct a required public improvement hearing. If the City Council were to order a public hearing at its February 13, 2024 meeting, the hearing could be conducted on March 12, 2024.

## **II. PROJECT SCOPE**

The scope of this report is to analyze the proposed streets above and to determine the engineering and fiscal feasibility of providing the necessary improvements. The study will discuss the existing conditions, proposed improvements, estimated construction costs, and overhead costs (i.e. administration, engineering, fiscal, and legal expenses). Current public improvement policies adopted by the White Bear Lake City Council will be used as a guideline to discuss financing methods for the proposed improvements.

## **III. FUTURE PAVEMENT REHABILITATION PLAN**

Overall, if an existing bituminous pavement is in fair condition, milling off the upper wearing course and repaving will provide extended life to the pavement section. In areas of significant pavement distress, the project may include some full-depth asphalt replacement and subgrade repair. All project areas will require individual evaluations to ensure proper techniques are applied.

As reconstructed pavements age, it is anticipated that the City will need to increase the number of mill and overlay projects in order to maintain the serviceability of its pavement infrastructure, likely with a project each year for the foreseeable future. Streets will generally be ready for a mill and overlay about 20-25 years after reconstruction and after 2 to 3 seal coat applications. In addition to streets which will be included in the mill and overlay projects at 20-25 years of age will be streets that have premature pavement failure due to other factors.

## **IV. EXISTING CONDITIONS**

The streets included in the proposed 2024 Pavement Rehabilitation Project are deteriorating and in need of pavement rehabilitation as well as minor curb and gutter, sidewalk and storm sewer repairs. Several segments do not have concrete curb and gutter and are in need of full reconstruction. The current condition of the infrastructure is outlined as follows:

### **A. Watermain**

The watermain in the area west of Campbell Avenue was installed between 1952 and 1980. The watermain from Campbell Avenue to the east was installed prior to 1952. All watermain is either cast iron pipe or ductile iron pipe and are generally in good condition. There have been a total of two (2) watermain breaks in the project area since the Public Works Department began tracking this history in 1991. (Refer to **Exhibits 5 - 7**) This is likely due to the shifting of the soils in the area. Cast iron watermain pipe should have a useful life of 100 to 150 years and while it is more brittle (thus more susceptible to cracking) than ductile iron pipe used today, it is recommended that the existing pipe remain in service and that occasional breaks due to ground movement be repaired as needed.

### **B. Sanitary Sewer**

The sanitary sewer mains in this area of the city were installed between 1929 and 1978. The majority is clay pipe and is in good condition. The City's Public Works Department has performed a television inspection of all of the existing sewer mains and has identified segments where the pipe is cracked, joints are out of alignment or where the pipe has been damaged by tree root intrusion or other factors. The proposed project will repair as needed any areas identified by the television inspection. With these "spot repairs", the sanitary sewer mains will be in good condition. (Refer to **Exhibits 9-11**) In the future the City will also undertake sanitary sewer pipe lining projects under a separate contract to improve the serviceability and life of older sanitary sewer mains.

### **C. Storm Sewer**

The existing storm sewer drainage system is in good to fair condition. Some stormwater conveyance systems will need to be upgraded to address drainage issues. Existing Storm sewer from past street reconstruction projects will be utilized. Stormwater treatment facilities necessary to meet current MPCA, watershed district requirements, and the City's Stormwater Ordinance and Engineering Design Standards (Ordinance No. 15-05-2000, **Appendices C1-3**), will also need to be installed throughout the project area, as determined throughout the engineering design process.

The proposed projects falls entirely within the Vadnais Lake Area Water Management Organization (VLAWMO). Stormwater from project 24-01 flows via storm sewer to Whitaker Pond, where stormwater from project 24-08 flows via storm sewer to Birch Lake.

A map indicating the watershed district boundaries within the city is included in **Exhibit 11**.

**D. Street and Parking Lot Pavements**

The bituminous street pavements in the proposed project have been maintained by the City through a regular patching, crack sealing and seal coating program, but some of the pavements are now at the end of their useful life.

Streets proposed for the 2024 Pavement Rehabilitation Project are shown in **Table 1**. These streets are being recommended due to the deteriorating condition. These streets can no longer be effectively maintained using routine pavement maintenance techniques. Rehabilitation of these streets is a high priority.

The Sports Centers’ parking lots contain 2” of bituminous and a collection of thin patching and seal coats. The pavements have been maintained by the City through a regular patching and seal coating program, but the parking lots pavements are now past its useful life.

The project maps are shown in **Exhibits 2-4**.

**TABLE 1  
 EXISTING STREET ORIGINAL CONSTRUCTION YEAR**

<b>STREET</b>	<b>SEGMENT</b>	<b>CONSTRUCTION YEAR +</b>
Campbell Avenue	Birch Lake Avenue – Fourth Street	1981
Krech Avenue	Birch Lake Avenue – Fifth Street	1979
Second Street	West cul-de-sac – Dillon Street	1980
Second Street	Dillon Street – Krech Avenue	1961*
Second Street	Krech Avenue – Wood Avenue	1963*
Sports Center Drive	North Parking Lot – County Road 96	1989
Third Street	West cul-de-sac – Dillon Street	1980
Third Street	Dillon Street – Wood Avenue	1981
Third Street	Campbell Avenue – Bald Eagle Avenue	1981
Wood Avenue	Birch Lake Avenue – Fourth Street	1981

+ Year built refers to most recent year constructed/reconstructed with a section of gravel, bituminous, and concrete curb and gutter (if applicable)

\* This year is an estimate based on best available information



## **V. PROPOSED IMPROVEMENTS**

### **A. Watermain Improvements**

The majority of existing watermain within the 2024 Pavement Rehabilitation Project area is generally in good condition. These watermains have experienced only a few breaks since their construction due to the freeze-thaw cycles experienced in the winter and spring. Careful consideration has been given to the possible need to replace watermain pipe. The soil borings indicate sand, and sand with silt materials, which should be a reasonable bedding material for watermain, but can experience some movement during temperature fluctuations. After examination of the geotechnical report, it is believed that movement of these soils is the primary cause of breaks, and not poor condition of the pipe.

Due to the occasional movement of the soils in the area, it is unlikely that replacement of the pipe will remedy the problem. Therefore, it is recommended to leave the existing watermain in place. Minor repairs and adjustments to gate valves, hydrants and curb stop valves should be the extent of watermain work necessary at this point in time.

### **B. Private Water Services**

The water service material on City Project 24-01 could vary from either lead or galvanized steel, placed in the 1920s & 1930s to newer copper or plastic (pex) lines that are installed today. The lead and galvanized steel water services are a concern. Lead water services or fittings, present health risks and are always removed. Lead water services should be replaced when encountered within the public right of way. Lead pipe was commonly used for water services until the late 1920's (and again for a short period during World War II) when galvanized steel became the preferred material. Due to corrosion, galvanized water services become brittle and lose their durability. By 1960, with soft copper readily available, galvanized steel became outdated and fell out of use. A typical galvanized steel water service (placed in the 1920s and 1930s) will have become quite brittle and should not be reasonably expected to withstand the conditions associated with construction. In August 2022, the EPA released a requirement that all water suppliers must develop and maintain a service line inventory. Part of that requirement is documenting the material of each water service line. Staff will research past project and property files to determine the material of each service line. Any service with an unknown material type will be excavated and verified as part of the project.

City staff recommends a special assessment rate to assist property owners with replacement of lead or galvanized water services. In response to durability and public health concerns, we propose to replace the lead or galvanized pipe with copper under the road, between the watermain and the curb stop. Property owners are responsible for maintaining their individual sanitary sewer and water service lines from the building to,

and including, the connection to the main. Similar to the prior projects, the City will share the cost of water service upgrades with property owners. Property owners' cost will be capped at \$1,200 for the portion of work from the watermain to the curb stop. At the curb stop, City staff will evaluate the private water service on the other side and if a galvanized or lead water service is observed entering the house, we will encourage the property owner to consider replacing with copper. If other problems are discovered during replacing the water service line, staff will make the property owner aware and encourage repairs.

### **C. Sanitary Sewer Improvements**

The existing sanitary sewer mains along the streets on the 2024 Pavement Rehabilitation Project are generally in good condition. The Public Works Department has performed a television inspection of all of the existing sanitary sewer mains and has identified segments where the pipe is cracked, broken, or out of alignment or has been damaged by tree root intrusion or other factors. These segments will be repaired during construction by removing and replacing the damaged sections with new PVC pipe. The proposed repair locations are shown in **Exhibits 9 & 10**.

The television inspection of the sanitary sewer mains has revealed minor deterioration of the pipe and occasional groundwater infiltration in certain areas. Some repair work in the manholes is needed and castings will be adjusted and replaced as necessary. Additional joint grouting and lining in this area may be proposed, but would be undertaken as a separate project at a later date. Installation of a liner is more cost effective than replacing the entire existing line with new pipe and it eliminates all joints and significantly reduces the risk of root intrusion and groundwater infiltration.

However, through our television inspection of these pipe segments and past history, we have found that lining will only eliminate root intrusion on joints in the sewer main. This does not prevent roots from growing into the main through services. Once a liner is installed, it typically will require only minimal maintenance involving occasional jetting. The presence of roots, however, can require a "root saw" to remove. The root saw is essentially short pieces of steel chain spinning at high velocity to cut the roots. This abrasive technique could damage a lined sewer main and is not recommended. Therefore, it has become more important than ever to encourage property owners to have their sanitary sewer services inspected and repaired if necessary. The City will continue to evaluate new technologies, construction techniques and maintenance procedures to manage root intrusion and service connection issues.

### **D. Private Sanitary Sewer Services**

The television inspection of the city sanitary sewer mains also identified that most private sanitary sewer services have no root intrusion, almost all of the services looked good. The

Engineering Department has notified all property owners of the condition of their connection to sewer main. Of all of the sewer connections on the project, only 1 of the services were sent individual pictures that indicated moderate or severe root intrusion. This is especially important to determine because property owners are responsible for the maintenance of their sewer line from their home until it reaches the sanitary sewer main in the street including the connection “wye”. If root intrusion is discovered at the service connections, the Engineering Department has strongly recommended that the property owner have their service televised to see if there are any additional problems along the entire length of the service.

The City’s Sewer Department has sewer televising equipment that allows staff to feed a camera down a residential sanitary sewer service to investigate problems. The televising allows City personnel to see if the line is blocked with tree roots, collapsed or blocked with some other obstruction and can determine exactly where the blockage is occurring. The ability to televise a sanitary sewer service line has proven invaluable in helping residents determine which corrective action will work best, saving the homeowner and the City time and expense.

City wide, an ongoing concern that has become more prevalent is the presence of tree roots in private sanitary sewer services. In response to this concern, the City Council adopted a policy in 2008 to assist property owners with replacement of failing sanitary sewer service connections which provides a 50/50 cost split to a set maximum for the resident. This Residential Sanitary Sewer Wye Replacement Program provides, that when requested by property owners on the street reconstruction project areas, the City will coordinate sanitary sewer service connection repairs with its contractor. The cost of the repair is split between the homeowner and the City, with a maximum cost to the homeowner set by the City Council.

- City staff recommends a 2024 cap of \$1700 because the actual construction costs will not be known upfront. If the final construction costs for this work are lower than projected, each participating property owner will be refunded the appropriate amount. This amount will continue to be evaluated for future projects.
- Since implementing this program in 2008, over 507 homeowners have participated. It is anticipated that participation in 2024 will be minimal. As stated, most services “look good”. In both street reconstruction projects in these portions of the city, soil conditions are of similar characteristics. Due to the high cost of this work, further changes may be necessary for the program to remain fiscally sound, and not overly burden the City’s Sewer fund. Details on the Residential Sanitary Sewer Wye Replacement Program are included in **Appendices D1-2**.

If problems are discovered during the televising that require repair beyond the sewer wye and clay pipe (typically less than 10 feet) covered under the Residential Sanitary Sewer

Wye Replacement Program, the property owner might have the option to have this work performed by the City's contractor on a time and materials basis, at the property owner's expense.

#### **E. Storm Sewer Drainage Improvements**

The storm sewer drainage improvements proposed for these projects are minor.

The existing storm sewer systems on these projects are adequate from a street drainage and flood control perspective. These systems will remain unchanged to follow existing drainage patterns. Some repairs or replacements of the manholes and catch basins are needed due to deterioration of structures built of concrete block. The mortar between these blocks and around the manhole adjusting rings has deteriorated due to salt intrusion and traffic loads. As part of this project, the mortar, concrete blocks and concrete adjusting rings will be repaired or replaced.

The storm sewer enhancements and repairs will be funded with City funds and storm sewer assessments to property owners.

Storm sewer improvements on this project will include replacing catch basins, stubs and leads on roads without concrete curb & gutter. No storm sewer assessments are proposed for this work.

#### **F. Stormwater Treatment Improvements**

To meet the increasing and continuously evolving stormwater quality standards being adopted by federal, state and local agencies, the City will continue to design and construct systems to improve the quality of stormwater runoff before it enters our water bodies. Since the City is fully developed with existing storm sewer systems in place, the opportunity for the application of certain methods is more limited. Soil conditions, which vary from sandy in the north to silty-clay in the south, will affect the use of certain infiltration methods. Groundwater elevations will also be a factor in determining what types of treatment systems will be successful.

As the City considers options for stormwater treatment systems, it will be wise to look forward to future needs as well as requirements for current projects. Since there are many factors which limit the application of various stormwater treatment techniques, it is in the City's best interest to take a "regional" approach and consider construction of larger treatment systems where and when applicable. Such large systems are beneficial because they can be more effective at treating stormwater and can be maintained more efficiently.

The proposed 2024 Pavement Rehabilitation Project will be constructed in the Vadnais Lake Area Water Management Organization (VLAWMO). Stormwater management for these projects will meet watershed district regulations as well as the City's Stormwater Ordinance (Ordinance No. 15-05-2000, **Appendix C3**).

Stormwater quality treatment comes in the form of a variety of infiltration practices which collect water diverted from the storm sewer systems and allow it to percolate into the ground rather than being transported downstream through the storm drainage system. As stormwater infiltrates into the ground, natural processes in the soil break down contaminants in the runoff and help to recharge the groundwater table, all of this reducing the volume of runoff flowing directly (by means of piping) to downstream water bodies.

The stormwater volume reduction on these projects could be accomplished by construction of the following:

- Voluntary Rain Garden installation on all projects;
- Installation of an infiltration/filtration system in front of St. Mary's Church; or
- Installation of BMPs at other locations in the project areas.

We will continue to encourage property owners to install raingardens where feasible and to coordinate with the watershed districts for design and funding assistance.

## **G. Street & Parking Lot Improvements**

The proposed 2024 Pavement Rehabilitation Project consists of 2 methods of pavement rehabilitation:

1. Total pavement replacement consists of removal of the full depth of the existing deteriorated pavements, excavating existing sand, grading Class 5, construction of new pavements, and spot repair of damaged curb sections. Generally, all roads were originally constructed with a 2% crown to drain water off of the pavement to the gutter along the edge of the road. Through the years, the road settles and the pavement cross section become flatter and can become relatively flat. The project will increase the crown back to a more desirable 2-2.5%. This will reestablish drainage off of the pavement to the gutter. No changes to the curb line are proposed, therefore the street widths will remain unchanged.
2. Reconstruction areas of the proposed project were originally constructed when these portions of the City were newly developed. They were repaved from 1960-1980 (**Table 1**). The pavements have been maintained

by the City through a regular patching and seal coating program, but the pavements are now near the end of their useful life. The proposed projects will replace the bituminous pavement and the gravel base, and correct any sub-grade soil conditions which could affect the performance of the new streets. Concrete curb and gutter is proposed to control drainage and protect the edge of the pavement on the streets. The proposed street reconstruction consists of removal and replacement of the existing deteriorated pavements and placement of new paving, subgrade and concrete curb and gutter. The streets included in the 24-01/08 Pavement Rehabilitation Project are residential in nature and have low volumes and speeds. The proposed new pavements will be constructed to the width as shown in **Table 2**.

Typical street cross sections are shown on **Exhibits 12-14**

**TABLE 2  
 EXISTING AND PROPOSED STREET WIDTHS**

<b>STREET</b>	<b>SEGMENT</b>	<b>EXISTING WIDTH</b>	<b>PROPOSED WIDTH</b>
Campbell Avenue	Birch Lake Avenue – Fourth Street	32 feet	32 feet**
Krech Avenue	Birch Lake Avenue – Fifth Street	32 feet	32 feet*
Second Street	West cul-de-sac – Dillon Street	32 feet	32 feet*
Second Street	Dillon Street – Wood Avenue	20-24 feet	30 feet**
Sports Center Drive	Parking Lot – County Road 96	32 feet	32 feet*
Third Street	West cul-de-sac – Wood Avenue	32 feet	32 feet*
Third Street	Campbell Avenue – Bald Eagle Avenue	32 feet	32 feet**
Wood Avenue	Birch Lake Avenue – Fourth Street	32 feet	32 feet*

\* Existing curb to remain in place on these streets.

\*\* Full reconstruction with the addition of concrete curb and gutter. These streets to not have existing curb.

**H. Current Parking Restrictions**

Parking conditions are currently un-restricted, and are proposed to remain so.

## **I. Sidewalk Improvements**

The City's 2040 Comprehensive Plan contains a map of existing and proposed sidewalks and trails (see **Exhibit 15** – 2040 Comprehensive Plan Map “Non-Motorized Transportation Plan”). The intent of the proposed routes indicated on this map is to connect places of pedestrian activity such as parks and schools. We feel that it is important to build facilities not only for today but for the future of our community.

As part of the 2024 Pavement Rehabilitation Project, consideration has been given to the addition of a mixed use trail through the Dillon Street right of way from Birch Lake Avenue to 5<sup>th</sup> Street. Connections to the existing sidewalks on Birch Lake Avenue and Fourth Street are outside of the 2024 Pavement Rehabilitation Project limits.

Although the proposed trail is indicated on the Comprehensive Plan Map, we recognize that the Plan is a living document and the City Council may generally implement the trail improvement at its discretion. Staff recommends that the proposed trail be constructed as a whole at a later date, rather than one segment at a time.

Consideration has also been given to replacement of the existing sidewalk along the west side of Wood Avenue. Most of the existing sidewalk is less than four (4) feet wide and does not meet the current ADA minimum width. The City currently requires new sidewalks to be constructed to a minimum of five (5) feet wide, which meets ADA standards but also accommodates the City's snow removal equipment. Staff recommends that the existing sidewalk on Wood Avenue is replaced with a wider, five foot wide as part of this project.

## **J. Private Driveway Improvements**

The City will continue the private driveway replacement program which provides property owners with the opportunity to have their driveway reconstructed during the 2024 Pavement Rehabilitation Project. For those property owners who choose, their private driveway would be reconstructed by the City contractor during the construction project. This option is made available as a benefit and potential cost savings due to a single contractor performing a higher volume of work. The City's Driveway Replacement/Reconstruction Program is included in **Appendix E**.

The Engineering Department will evaluate all driveways proposed for reconstruction. If driveways are found to have poor drainage and the new driveway would have a grade of 1% or less, the Engineering Department will recommend replacing the driveway with concrete rather than asphalt to improve the drainage characteristics on these flat surfaces.

**K. Private Utility Improvements**

Significant gas utilities are in need of upgrading on City Project 24-01 and are planned to be replaced by Xcel Energy as part of this project. Other private utilities including electric, cable, and phone are primarily carried on overhead lines and will likely remain unaffected.

**VI. PERMITS**

Several permits will be required prior to construction of the proposed improvements. The Engineering Department has been working closely with the Vadnais Lake Area Water Management Organization (VLAWMO) in determining the feasibility of the proposed stormwater quality improvements. Required permits include, but are not limited to, the following: (See **Table 3**)

**TABLE 3**

AGENCY	PURPOSE
Minnesota Pollution Control Agency (MPCA)	Phase II NPDES – General Stormwater Permit for Construction Activities
Vadnais Lake Area Water Management Organization	Plan Review
Ramsey County	Work in County Rights-of-Way

**VII. PUBLIC INFORMATIONAL MEETING**

The Engineering Department conducted an initial public information meeting regarding the potential project on November 8, 2023. A copy of the letter announcing this meeting and the outline from the meeting are included in **Appendices F & G**. Sixteen (16) people were in attendance. Attendance was low, but expected due to the relatively non-intrusive nature, and short duration of this project. At this meeting, the Engineering Department discussed details of the proposed project, financing methods, special assessment procedures, and answered questions and concerns about the project. The primary concerns for residents at this meeting were the proposed assessments (**Appendix H**). Resident concerns will continue to be heard through the remainder of the Public Involvement process. The next public meeting proposed is the Public Hearing to discuss the project on March 12, 2024.

**VIII. ESTIMATED PROJECT COSTS**

The estimated improvement costs for the proposed improvements are summarized in **Table 4**. The estimated total project cost proposed (including a 10% contingency) is **\$2,662,400**. Based on past experiences on similar projects in the City, the overhead costs have been estimated at 18% of the total construction cost. The overhead costs include engineering, project administration, fiscal and legal costs. The project will be financed through a combination of City funds and special assessments to benefited properties.



**TABLE 4**  
**2024 PAVEMENT REHABILITATION PROJECT COST ESTIMATE**

Street Improvements	\$ 1,350,000
Sanitary Sewer	\$ 150,000
Storm Sewer	\$ 130,000
Watermain Improvements	\$ 200,000
Sports Center Parking Lots	\$ 200,000
Sidewalk	<u>\$ 50,000</u>
<b>Construction Cost</b>	<b>\$ 2,080,000</b>
10% Contingency	\$ 208,000
18% Engineering, Legal, Fiscal	<u>\$ 374,400</u>
<b>Total Project Improvement Cost</b>	<b>\$ 2,662,400</b>

**IX. FINANCING AND ASSESSMENTS**

The improvements discussed in this report for the 2024 Pavement Rehabilitation Project are proposed to be financed through a combination of special assessments to benefited properties (according to the City’s Assessment Policy), City utility funds and pavement management funds. A summary of the total project cost is provided in **Appendix I**, with a spreadsheet indicating how the total costs could be allocated through both City funds and special assessments.

Proposed assessment rates are as follows and may be adjusted once further estimates are complete after the design phase or after bids are received. Assessment rates for full street reconstruction are proposed to be set at \$55.00 per assessable foot for residential properties, \$74.00 for apartment and townhome properties and \$90.00 for commercial properties. Assessment rates for total pavement replacement are proposed to be set at \$45.00 per assessable foot for residential properties, \$60.15 for apartment and townhome properties and \$74.00 for commercial properties.

All of the property owners who would receive benefits from the proposed improvements and who would be assessed for all or a portion of the improvements are listed on the Proposed Assessment Rolls in **Appendix H** of this report. The assessment roll indicates the owner, the

address of the property, the assessable footage of the property and the amount of the proposed assessment.

Based on past practice and projects, it is proposed that the assessment to residential properties included in this project be spread over a 15 year period and that the assessments to commercial and apartment properties are spread over a 20 year period due to the higher cost. A sample breakdown of the annual payments on assessments for several assessment amounts based on an interest rate of five percent (5.0%) is included in **Appendix J**. The actual interest rates charged on assessments will be two percent (2.0%) greater than the interest rate on the bond issue for this year.

The City's Assessment Policy also allows for deferred payment of special assessments for qualified property owners 65 years of age or older. There may be property owners who would like to take advantage of this City policy.

The City Assessment Policy is included in **Appendix K**.

## **X. PROJECT SCHEDULE**

The anticipated project schedule is as follows:

### **PROPOSED 2024 PAVEMENT REHABILITATION PROJECT SCHEDULE**

City Council orders Feasibility Report	October 11, 2023
City Council receives Feasibility Report	February 13, 2024
City Council sets date for Public Improvement Hearing	February 13, 2024
City Council orders Preparation of Plans	February 13, 2024
City Council holds Public Improvement Hearing	March 12, 2024
City Council approves Plans and Specifications and City Council authorizes Advertisement for Bids	March 12, 2024
Bids Opened	April 3, 2024
City Council awards Bid	April 9, 2024
Begin Construction	May 6, 2024
City Council sets date for Assessment Hearing	August 13, 2024
Construction Substantially Complete	September 6, 2024
City Council holds Assessment Hearing	September 10, 2024

## **XI. FEASIBILITY, NECESSITY AND COST-EFFECTIVENESS**

The proposed improvements included in the 2024 Pavement Rehabilitation Project consist of pavement rehabilitation and are feasible from an engineering standpoint, necessary, and cost effective if constructed under a single project/single contract as proposed. These improvements would greatly improve the level of service to the residents of these areas and enhance the safety and appearance of the neighborhoods. The improvements can most effectively and economically be constructed if undertaken through a coordinated contract that would cause the improvements to be installed in the proper sequence.

## **XII. CONCLUSION**

Our recommendation to the City Council is that if the improvements are to be constructed, that the streets be rehabilitated as proposed in this Feasibility Report.

The estimated cost of these improvements, including the proposed assessments, is reasonable and comparable with similar improvements being constructed in other cities in the metropolitan area.

## **APPENDIX A**

### **MEMO and CITY COUNCIL RESOLUTION NO. 13255 ORDERING FEASIBILITY REPORT**



**City of White Bear Lake**  
Engineering Department

# MEMORANDUM

**To:** Lindy Crawford, City Manager  
**From:** Paul Kauppi, Public Works Director/City Engineer  
**Date:** October 10, 2023  
**Subject:** **Feasibility Report for Proposed 2024 Pavement Rehabilitation Project, City Project Nos.: 24-01, 24-08**

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## SUMMARY

The City Council will consider adopting a resolution and order the preparation of Feasibility Reports of the 2024 Pavement Rehabilitation Project.

## BACKGROUND INFORMATION

The City of White Bear Lake has been reconstructing streets since the mid-1980's, replacing deteriorated streets with new engineered gravel bases, concrete curb and gutter and bituminous pavements. Street reconstruction projects also include improvements to the storm sewer system and installation of storm water treatment facilities. The reconstruction program is ongoing and the City has reconstructed over 94% of its streets (80 miles) which leaves just over 5 miles remaining to be improved to an urban design and current engineering standards.

Once streets have been reconstructed to current engineering standards, they can be maintained by routine maintenance techniques such as crack sealing, sealcoating and minor patching. These maintenance techniques should keep bituminous pavements in good condition for approximately 25 years before another major rehabilitation technique such as milling and overlaying is necessary. The life of the pavements between major rehabilitation techniques depends largely on traffic types and volumes. Streets which carry larger vehicles with heavy loads and higher daily volumes of traffic can show signs of wear more than low volume residential streets.

There are streets in the City in which the wearing course (top surface of pavement) is deteriorating to the point where routine patching is no longer able to maintain the street in an acceptable driving condition, making milling and overlaying necessary. Milling and overlaying is a process where the upper 1-1/2 to 2 inches of asphalt is "milled" (removed with a large grinding machine) and then a new bituminous wearing course is placed, creating a new road surface. Use of this pavement maintenance technique is necessary to ensure the preservation of our street pavements. This type of project extends the length of time required between street reconstructions. As reconstructed pavements age, the City will need to increase the number of mill and overlay projects in order to maintain the serviceability of its pavement infrastructure.

The City has reached a point in its pavement management program where the implementation of a mill and overlay program is necessary to preserve the investment it has made in its street infrastructure. The City incorporated a mill and overlay component into its overall Pavement Management Program for the first time in 2011. The mill & overlay program is starting now even though we have not yet completed the street reconstruction program (approximately 6% or 5 miles of streets remain). The City will be challenged as it works to complete the street reconstruction program while undertaking mill and overlay projects at the same time to maintain streets reconstructed 20 – 30 plus years ago. We anticipate that the two programs could overlap for the next 4-6 years before the street reconstruction program is completed as we are continuing to undertake mill and overlay projects.

Each year the City Council selects streets for inclusion in the City’s Street Reconstruction Program. The Council receives recommendations for pavement rehabilitation projects from the Engineering and Public Works Departments based upon pavement conditions among other factors. The proposed 2024 Pavement Rehabilitation Project map is included with this memo. Streets proposed for reconstruction are highlighted in red, which includes one alley. Streets proposed for full pavement replacement are highlighted in blue. The street proposed for mill and overlay is shown in green.

Based upon our analysis, the following are recommended to the City Council for inclusion in a Feasibility Report for the 2024 Pavement Rehabilitation Project:

**2024 Streets being considered:**

**Campbell Avenue**  
(Birch Lake Avenue to Fourth Street)

**Third Street**  
(Campbell Avenue to Bald Eagle Avenue)

**Second Street**  
(West Cul-De-Sac to Wood Avenue)

**Third Street**  
(West Cul-De-Sac to Wood Avenue)

**Wood Avenue**  
(Birch Lake Avenue to Fourth Street)

**Krech Avenue**  
(Birch Lake Avenue to Fifth Street)

**Sports Center Drive**  
(Birch Lake Boulevard South to Highway 96)

In addition to the streets listed above, the City’s parking lots at the Sports Center will also be included in the project. This portion of the project will not be assessed and will be funded by the City.

The next step in the improvement process is the preparation of a Feasibility Report to determine if the projects are advisable from an engineering standpoint and how they could best be constructed and funded.

A portion of the project cost will be assessed to benefitting properties in accordance with the City's Special Assessment Policy. The assessment rates for 2024 will be reviewed in consultation with the City's appraisal consultant to ensure the proposed assessments are fair, uniform, and provide benefit in the amount of the proposed assessments. We have asked the appraiser to specifically look at the large and irregular shaped parcels. A copy of the appraisal report will be provided to the City Council when complete.

**RECOMMENDATION**

Staff recommends the City Council adopt the resolution and order the preparation of Feasibility Reports for the 2024 Pavement Rehabilitation Project

**ATTACHMENTS**

Resolution  
Proposed Street Projects 2024 Maps

**RESOLUTION NO. 13255**

**RESOLUTION ORDERING PREPARATION OF A FEASIBILITY REPORT  
FOR THE 2024 PAVEMENT REHABILITATION PROJECT  
CITY PROJECT NOs. 24-01, 24-08**

**WHEREAS**, the City has made a commitment to improving and preserving its bituminous pavement street system by reconstructing deteriorated streets and undertaking maintenance programs such as patching, crack sealing, sealcoating and milling and overlaying; and

**WHEREAS**, streets which have been reconstructed and maintained with routine maintenance techniques still require periodic major rehabilitation to maintain a smooth driving surface and protect the integrity of the structural components of the road; and

**WHEREAS**, it is proposed to improve Campbell Avenue (from Birch Lake Avenue to Fourth Street), Third Street (from Campbell Avenue to Bald Eagle Avenue), Second Street (from West Cul-De-Sac to Wood Avenue), Third Street (from west Cul-De-Sac to Wood Avenue), Krech Avenue (from Birch Lake Avenue to Fifth Street), Wood Avenue (from Birch Lake Avenue to Fourth Street), and Sports Center Drive (from Birch Lake Boulevard South to Highway 96) by installation of utilities, storm sewer improvements and rehabilitating the bituminous pavement, and to assess the benefited properties for all or a portion of the cost of the improvements, pursuant to Minnesota Statutes, Chapter 429; and

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of White Bear Lake, Minnesota that the proposed improvements be referred to the City Engineer for study.

**BE IT FURTHER RESOLVED**, that the City Engineer is hereby instructed to report to the City Council with all convenient speed advising the Council in a preliminary way as to whether the proposed improvements are necessary, cost-effective, and feasible; whether it should best be made as proposed or in connection with some other improvement; the estimated cost of the improvements as recommended; and a description of the methodology used to calculate individual assessments for affected parcels.

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

Ayes: Edberg, Hughes, Jones, Walsh  
Absent: Engstran  
Nays: None  
Passed: October 10, 2023



Dan Louismet, Mayor

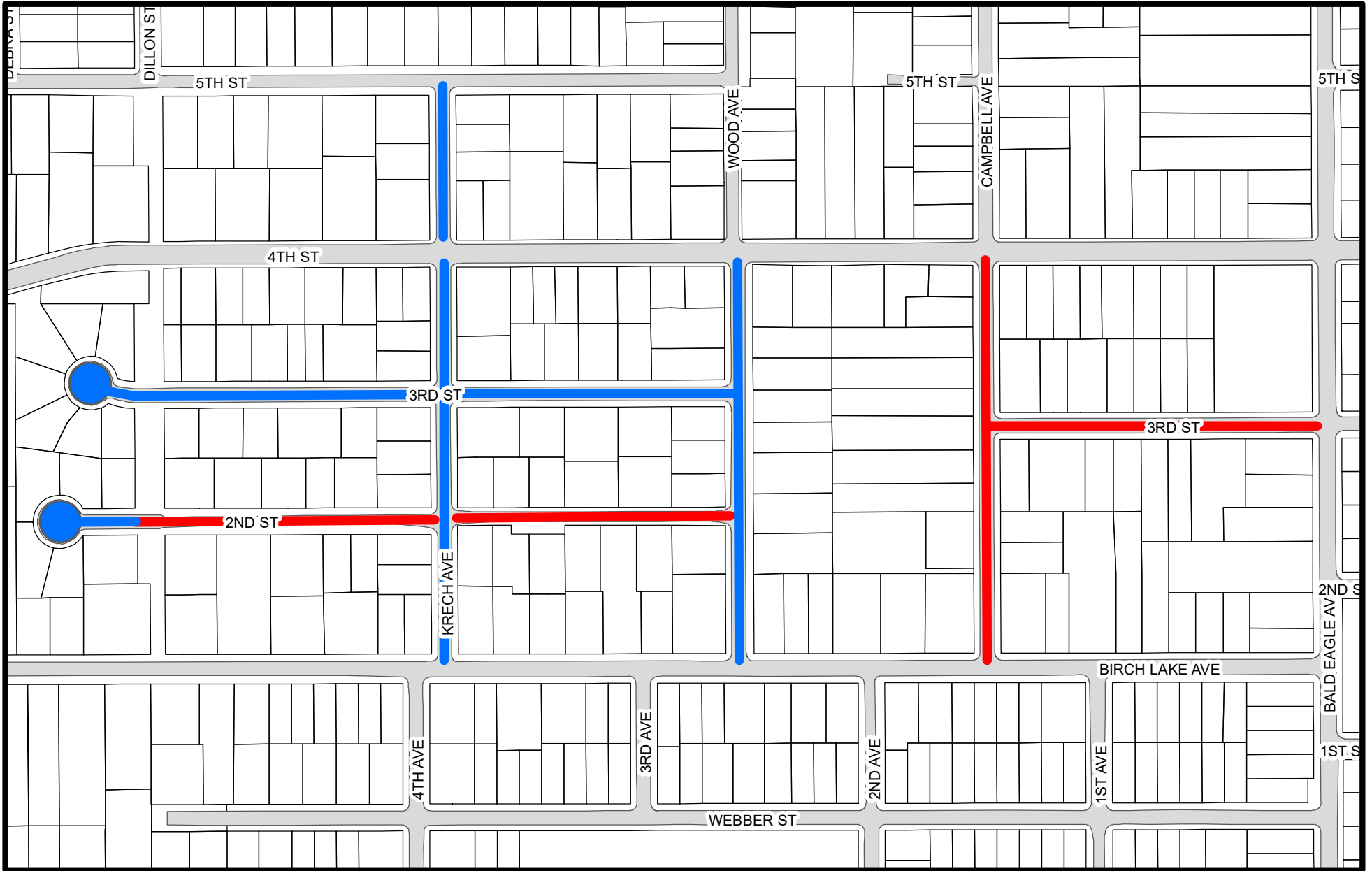
**ATTEST:**



Caley Longendyke, City Clerk



# 2024 Pavement Rehabilitation Project 24-01



-  **Reconstruction**
-  **Full Pavement Rehabilitation**

# 2024 Pavement Rehabilitation Project 24-08

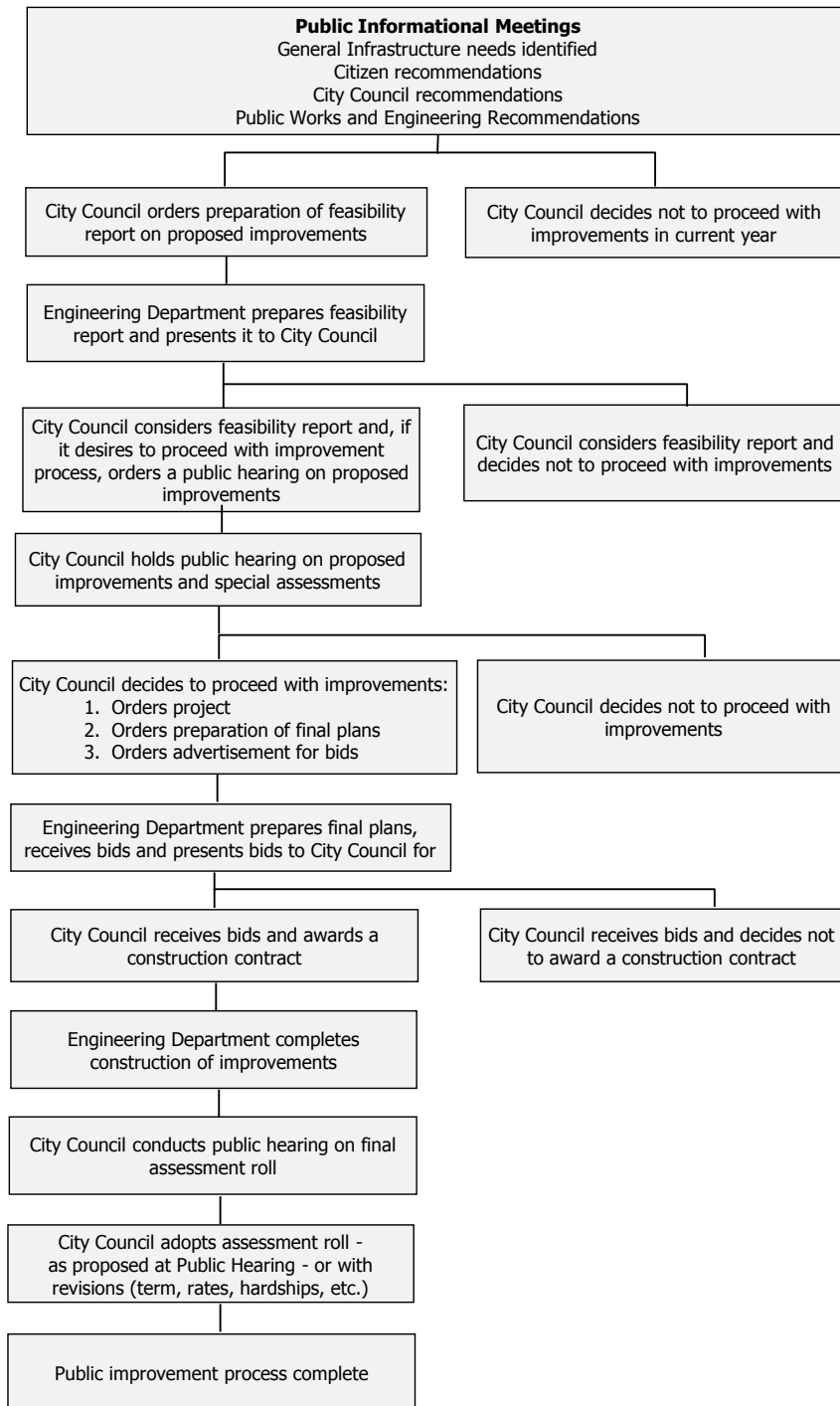


 Full Pavement Rehabilitation

# **APPENDIX B**

## **PUBLIC IMPROVEMENT PROCESS FLOW CHART**

# City of White Bear Lake Public Improvement Process



## **APPENDIX C1**

### **CHAPTER 406 (STORMWATER) OF WHITE BEAR LAKE MUNICIPAL CODE**

## 406. Stormwater

**§406.010 AUTHORIZATION, FINDINGS, PURPOSE AND SCOPE.**

Subd. 1. Statutory Authorization. This ordinance is adopted pursuant to the authorization and policies contained in Minnesota Statutes Chapters 103B and 462, Minnesota Rules, Parts 6120.2500-6120.3900, and Minnesota Rules Chapters 8410, 8420 and 7050.0210, and to be consistent with regional watershed organization rules.

Subd. 2. Findings. The City of White Bear Lake finds that stormwater runoff and erosion from land development and land disturbing activity can have significant adverse impacts upon local and regional water resources diminishing the quality of public health, safety, public and private property and natural resources of the City. Specifically, land development and land disturbing activity can:

- a) Threaten public health, safety, property, and general welfare by increasing runoff volumes and peak flood flows and overburdening storm sewers, drainage ways and other storm drainage systems;
- b) Diminish the capacity of lakes and streams to support fish, aquatic life, recreational and water supply uses by increasing pollutant loadings of sediment, suspended solids, nutrients, heavy metals, bacteria, pathogens and other urban pollutants;
- c) Degrade physical stream habitat by increasing stream bank erosion, increasing stream bed scour, diminishing groundwater recharge, diminishing stream base flows and increasing stream temperatures;
- d) Undermine floodplain management efforts by increasing the incidence and levels of flooding;
- e) Alter wetland communities by changing wetland hydrology and increasing pollutant loading; and
- f) Generate airborne particulate concentrations that are health threatening or may cause other damage to property or the environment.

Subd. 3. Purpose. The purpose of this ordinance is to promote, preserve, and enhance the natural resources within the City and protect them from adverse effects by activities that would have an adverse and potentially irreversible impact on water quality. This ordinance will set forth minimum requirements for stormwater management that will diminish threats to public health, safety, public and private property and natural resources within the City by:

- a) Protecting life and property from dangers associated with flooding;
- b) Protecting public and private property and the natural resources from damage resulting from runoff and erosion;
- c) Ensuring site design minimizes the generation of stormwater runoff and maximizes pervious areas for stormwater treatment;
- d) Promoting regional stormwater management;
- e) Providing a single, consistent set of performance standards that apply to all developments;
- f) Protecting water quality from nutrients, pathogens, toxics, debris, and thermal stress;
- g) Promoting infiltration and groundwater recharge;
- h) Providing vegetated corridors (buffers) to protect water resources from degradation;

- i) Protecting functional values of all types of natural waterbodies (e.g., rivers, streams, wetlands, lakes, seasonal ponds);
- j) Complying with requirements of the Minnesota Pollution Control Agency (MPCA) Municipal Separate Storm Sewer System (MS4) Permit and General Permit for Construction Activities; and
- k) Meeting requirements set forth by the Ramsey-Washington Metro Watershed District (RWMWD), Rice Creek Watershed District (RCWD), Vadnais Lake Area Water Management Organization (VLAWMO), or Valley Branch Watershed District (VBWD) depending on the appropriate boundaries.

Subd. 4. Scope.

- a) The City's Municipal Stormwater Management System consists of lift stations, catch basins and manholes, collection piping, forcemain, ditches, ponds, lakes, structural BMPs (Best Management Practices), and associated appurtenances located within public right-of-way and applicable easements;
- b) No person, firm or corporation shall disturb any land for residential, commercial, industrial, or institutional uses without having provided stormwater management measures as required by the City's Engineering Design Standards. No person, firm or corporation shall connect any drainage system to the municipal stormwater management system or make use of any drainage system extension connected to the municipal stormwater management system except in a manner provided in this chapter.

Subd. 5. Permits.

- a) Persons undertaking land disturbance activity and/or desiring a connection to the municipal stormwater system shall apply to the City for a permit;
- b) The applications shall be accompanied by plans, specifications, and other required information, complying with the City's Zoning Code, Subdivision Code, and Engineering Design Standards, as amended from time to time;
- c) The fee for each permit shall be as determined by the City Council. All costs and expenses associated with the installation and connection shall be borne by the owner and installer. The owner and installer shall indemnify the City for any loss or damage that may, directly or indirectly, be occasioned by the installation of the stormwater system connection, including restoring streets and street surfaces.

Subd. 6. Right of Entry and Inspection.

- a) The issuance of a permit constitutes a right-of-entry for the City or its contractor to enter upon the construction site. The applicant shall allow the City and their authorized representatives, upon presentation of credentials to:
  - 1. Enter upon the permitted site for the purpose of obtaining information, examination of records, conducting investigations or surveys.
  - 2. Bring such equipment upon the permitted site as is necessary to conduct such surveys and investigations.
  - 3. Examine and copy any books, papers, records, or memoranda pertaining to activities or records required to be kept under the terms and conditions of the permitted site.
  - 4. Inspect the stormwater pollution control measures.

- 5. Sample and monitor any items or activities pertaining to stormwater pollution control measures.
- 6. Correcting deficiencies in stormwater and erosion and sediment control measures.

Subd. 6. Severability.

- a) The provisions of this ordinance are severable, and if any provision of this ordinance, or application of any provision of this ordinance to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this ordinance must not be affected thereby.

**§406.020. ILLICIT DISCHARGE DETECTION AND ELIMINATION**

Subd. 1. Findings. The City Council hereby finds that nonstormwater discharges to the City's municipal separate storm sewer system are subject to higher levels of pollutants that enter into receiving water bodies adversely affecting the public health, safety and general welfare by impacting water quality, creating nuisances, impairing other beneficial uses of environmental resources and hindering the ability of the City to provide adequate water, sewage, flood control and other community services.

Subd. 2. Purpose. The purpose of the ordinance is to promote, preserve and enhance the natural resources within the City and protect them from adverse effects occasioned by nonstormwater discharges by regulating discharges that would have an adverse and potentially irreversible impact on water quality and environmentally sensitive land. In addition to requirements relative to the City's sanitary sewer system, this article establishes methods for controlling the introduction of pollutants into the City's municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process and for controlling the introduction. The objectives of this ordinance are:

- a) To regulate the contribution of pollutants to the municipal separate storm sewer system (MS4) by stormwater discharges by any user.
- b) To prohibit illicit connections and discharges to the municipal separate storm sewer system, and
- c) To establish legal authority to carry out all inspection, surveillance, enforcement, and monitoring procedures necessary to ensure compliance with this ordinance.
- d) This Section is adopted pursuant to the authorization and policies contained in Minnesota Statutes Chapters 103B and 462; Minnesota Rules, Parts 6120.2500-6120.3900, Minnesota Rules Chapters 8410, 8420 and 70510.0210.



Subd. 3. Definitions. The following words, terms and phrases, when used in this article shall have the meanings ascribed to them in this section, except when the context clearly indicates a different meaning:

- a) *Best management practice or BMP*. Erosion and sediment control and water quality management practices that are the most effective and practicable means of controlling, preventing, and minimizing degradation of surface water, including construction-phasing, minimizing the length of time soil areas are exposed, prohibitions, and other management practices published by state or designated area-wide planning agencies.
- b) *Discharge*. Adding, introducing, releasing, leaking, spilling, casting, throwing, or emitting any pollutant, or placing any pollutant in a location where it is likely to pollute public waters.
- c) *Erosion*. The process by which ground surface is worn away by action of wind, water, ice, or gravity.
- d) *Groundwater*. Water contained below the surface of the earth in the saturated zone including, without limitation, all waters whether under confined, unconfined, or perched conditions, in near surface unconsolidated sediment or in rock formations deeper underground.
- e) *Hazardous materials*. Any material including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.
- f) *Illicit connection*. Either of the following:
  - 1) Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system (including any nonstormwater discharge) including sewage, process wastewater, and wash water and any connections to the storm drain system from indoor drains and sinks, regardless of whether the drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency; or
  - 2) Any drain or conveyance connected from a residential, commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by the City.
- g) *Illicit discharge*. Any direct or indirect nonstormwater discharge to the storm sewer system, except as exempted in Subd. 7. of this article.
- h) *Industrial activity*. Activities subject to NPDES Industrial Stormwater Permits as defined in 40 CFR, Section 122.26 (b)(14).
- i) *MPCA*. The Minnesota Pollution Control Agency.

- j) *Municipal separate storm sewer system or MS4.* The system of conveyances (including sidewalks, roads with drainage systems, municipal streets, catchbasins, curbs, gutters, ditches, manmade channels, or storm drains) owned and operated by the City and designed or used for collecting or conveying stormwater, and which is not used for collecting or conveying sewage.
- k) *NPDES.* The National Pollutant Discharge Elimination System, which is the program for issuing, modifying, revoking, reissuing, terminating, monitoring, and enforcing permits under the Clean Water Act (Section 301, 318, 402, and 405) and United States Code of Federal Regulations Title 33, Section 1317, 1328, 1342, and 1345 authorizing the discharge of pollutants to water of the United States.
- l) *Person.* Any individual, firm, corporation, partnership, franchise, association, or government entity.
- m) *Pollutant.* Any substance which, when discharged has potential to or does any of the following:
- 1) Interferes with state designated water uses;
  - 2) Obstructs or causes damage to public waters;
  - 3) Changes water color, odor, or usability as a drinking water source through causes not attributable to natural stream processes affecting surface water or subsurface processes affecting groundwater;
  - 4) Adds an unnatural surface film on the water;
  - 5) Adversely changes other chemical, biological, thermal, or physical condition, in any surface water or stream channel;
  - 6) Degrades the quality of ground water; or
  - 7) Harms human life, aquatic life, or terrestrial plant and wildlife.
  - 8) Includes but is not limited to dredged soil, solid waste, incinerator residue, garbage, wastewater sludge, chemical waste, biological materials, radioactive materials, rock, sand, dust, industrial waste, sediment, nutrients, toxic substance, pesticide, herbicide, trace metal, automotive fluid, petroleum-based substance, and oxygen-demanding material.
- n) *Pollute.* To discharge pollutants into public waters.
- o) *Pollution.* The direct or indirect distribution of pollutants into public waters.
- p) *Public waters.* Waters of the state, as defined in Minn. Stat. §103G.055(15).
- q) *Storm sewer system.* A conveyance or system of conveyances that is owned and operated by the City or other entity and designed or used for collecting or conveying stormwater.

- r) *Stormwater*. Defined under Minnesota Rule 7077.0105, subpart 41(b), and means precipitation runoff, stormwater runoff, snow melt runoff and any other surface runoff and drainage.
- s) *Surface waters*. All public waters other than ground waters, which include ponds, lakes, rivers, streams, tidal and nontidal wetlands, public ditches, tax ditches, and public drainage systems except those designed and used to collect, convey, or dispose of sanitary sewage.

Subd. 4. Compatibility with Other Regulations. This ordinance is not intended to modify or repeal any other ordinance, rule, regulation, or other provision of law. The requirements of this ordinance are in addition to the requirements of any other ordinance, rule, regulation, or other provision of law, and where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule, regulation, or other provision of law, whichever provision is more restrictive or

imposes higher protective standards for human health or the environment shall control.

Subd. 5. Illegal Disposal and Dumping.

- a) No person shall throw, deposit, place, leave, maintain, or keep any substance upon any street, alley, sidewalk, storm drain, inlet, catchbasin conduit or drainage structure, business, or upon any public or private land, so that the same might be or become a pollutant, unless the substance is in containers, recycling bags, or any other lawfully established waste disposal device.
- b) No person shall intentionally dispose of grass, leaves, dirt, or landscape material into a water resource, buffer, street, road, alley, catchbasin, culvert, curb, gutter, inlet, ditch, natural watercourse, flood control channel, canal, storm drain or any fabricated natural conveyance.

Subd. 6. Illicit Discharges.

- a) *Provisions.* No person shall cause any illicit discharge to enter the storm sewer system or any surface water.
- b) *Exemptions.* The following discharges are exempt from this section:
- 1) Nonstormwater that is authorized by an NPDES point source permit obtained from the MPCA;
  - 2) Firefighting activities or other activities necessary to protect public health and safety;
  - 3) Dye testing for which the City has been provided a verbal notification prior to the time of the test;
  - 4) Water line flushing or other potable water sources;
  - 5) Landscape irrigation or lawn watering;
  - 6) Diverted stream flows;
  - 7) Rising ground water;
  - 8) Ground water infiltration to storm drains;
  - 9) Uncontaminated pumped ground water;
  - 10) Foundation or footing drains (not including active groundwater dewatering systems);
  - 11) Crawl space pumps;
  - 12) Air conditioning condensation;
  - 13) Natural springs;
  - 14) Noncommercial washing of vehicles;
  - 15) Natural riparian habitat or wetland flows;
  - 16) Dechlorinated swimming pools (for pools to be considered "dechlorinated," water must be allowed to sit seven (7) days without the addition of chlorine to allow for chlorine to evaporate before discharging. **It is recommended that the dechlorinated water be discharged to the ground surface to encourage infiltration, however, it may be discharged in an area where drainage to streets or storm sewer systems occurs**); or
  - 17) Any other water source not containing a pollutant.

Subd. 7. Illicit Connections. No person shall construct, use, or maintain any illicit connection to intentionally convey nonstormwater to the City's storm sewer system. This prohibition expressly includes, without limitation, illicit connections made in the past regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection. A person is considered to be in violation of this article if the person connects a line conveying sewage to the storm sewer system, or allows such a connection to continue.

Subd. 8. General Provisions. All owners or occupants of property shall comply with the following general requirements:

- a) *Septic systems*. No person shall leave, deposit, discharge, dump, or otherwise expose any chemical or septic waste in an area where discharge to streets or storm sewer system may occur. This section shall apply to both actual and potential discharges.
  - 1) Individual septic systems must be maintained to prevent failure, which has the potential to pollute surface water.
  - 2) No part of any individual septic system requiring on-land or in-ground disposal of waste shall be located closer than 150 feet from the ordinary high water level in the case of DNR protected waters, or the wetland boundary in the case of all other water bodies, unless it is proven by the applicant that no effluent will immediately or gradually reach the water bodies because of existing physical characteristics of the site or the system.
  - 3) Recreational vehicle sewage shall be disposed to a proper sanitary waste facility. Waste shall not be discharged in an area where drainage to streets or storm sewer systems may occur.
- b) *Water runoff*. Runoff of water from residential property shall be minimized to the maximum extent practicable. Runoff of water from the washing down of equipment, vehicles, and paved areas in commercial or industrial property shall be conducted in a manner so as to not directly discharge wastewater where drainage to streets or storm sewer system may occur, unless necessary for health or safety purposes and not in violation of any other provisions of the City code.
- c) *Mobile washing businesses*. Business that use significant amounts of water at various locations in the city, such as, but not limited to mobile vehicle washing and carpet cleaning, shall dispose of wastewater into the sanitary sewer at a location permitted by the City. Wastewater must not be discharged where drainage to streets or storm sewer system may occur.
- d) *Motor vehicle repair and maintenance*. Storage of materials, machinery and equipment for motor vehicle repair and maintenance must comply with the following requirements:
  - 1) Motor vehicle parts containing grease, oil or other hazardous substances and unsealed receptacles containing hazardous materials shall not be stored in areas susceptible to runoff.

- 2) Any machinery or equipment that is to be repaired or maintained in areas susceptible to runoff shall be placed in a confined area to contain leaks, spills, or discharges.
- e) *Parking lots and private streets.* Debris such as grass, leaves, dirt, and landscape material shall be removed from impervious surfaces such as parking lots and private streets to the maximum extent practicable and at least twice a year in the spring and fall. Such debris shall be collected and properly disposed.
- f) *Watercourse Protection.* Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse
- g) *Other.* Fuel and chemical residue or other types of potentially harmful material, such as animal waste, garbage or batteries shall be removed as soon as possible and disposed of properly. Household hazardous waste may be disposed of through the county collection program or at any other appropriate disposal site and shall not be placed in a trash container.

Subd. 9. Industrial Activity Discharges. Any person subject to an industrial activity NPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with the permit may be required in a form acceptable to the City prior to the allowing of discharges to the storm sewer system. Any person responsible for a facility that has stormwater discharges associated with industrial activity, who is or may be the source of an illicit discharge, may be required to implement, at the person's expense, additional structural and nonstructural BMPs to prevent the further discharge of pollutants to the storm sewer system. These BMPs shall be part of a stormwater pollution prevention plan as necessary for compliance with requirements of the NPDES permit.

Subd. 10. Notification of Spills. Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into the storm sewer system, or public water the person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials, the person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of nonhazardous materials, the person shall notify the City no later than the next business day.

Subd. 11. Inspection and Sampling. The City shall be permitted to enter and inspect facilities subject to regulation under this ordinance as often as may be necessary to determine compliance with this ordinance.

- a) If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the City.

- b) Facility operators shall allow the City ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an MPCA NPDES Industrial General Permit, and the performance of any additional duties as defined by state and federal law.
- c) The City shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the City to conduct monitoring and/or sampling of the facility's storm water discharge.
- d) The City has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure storm water flow and quality shall be calibrated to ensure their accuracy.
- e) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the City and shall not be replaced. The costs of clearing such access shall be borne by the operator.

Subd. 12. Access. If the City has been refused access to any part of the premises from which stormwater is discharged, and is able to demonstrate probable cause to believe that there may be a violation of this section or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this article or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the City may seek an administrative search warrant from any court of competent jurisdiction.

Subd. 13. Enforcement.

- a) When the City finds that any person has violated, or continues to violate, any provision of this ordinance, or any order issued hereunder and that the violation(s) has (have) caused or contributed to an actual or threatened discharge to the stormwater management system or waters of the state which reasonably appears to present an imminent and substantial endangerment to the environment, or to the health or welfare of persons, the City may issue and order to the violator to immediately cease and desist all violations.
- b) *Suspension due to the detection of illicit discharge*. All persons discharging to the storm sewer system in violation of this article may have their storm sewer system access terminated if such termination serves to abate or reduce an illicit discharge. It is a violation of this section to reinstate storm sewer system access to premises that have been terminated pursuant to this section without the prior approval of the City.
- c) If the violator fails to comply with a suspension order issued, the City may take such steps as deemed necessary to prevent or minimize damage to the stormwater management system or public waters, or to minimize danger to persons. If the violation is not immediately abated, action may be initiated by the City and all

reasonable costs of abatement shall be assessed against the property and collected along with ordinary taxes by the City.

Subd. 14. Notice of Violation.

- a) Whenever the City finds that a person has violated a prohibition or failed to meet a requirement of this ordinance, the City may order compliance by written notice of violation to the responsible person. The Notice of Violation shall contain:
- 1) The nature of the violation and associated fine;
  - 2) The performance of monitoring, analysis, and reporting;
  - 3) The implementation of source control or treatment BMPs;
  - 4) Any other requirement deemed necessary.
- b) In the event the violator fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within 7 days, or such greater period as the City shall deem appropriate, after the City has taken one or more of the actions described above, the City may impose a penalty not to exceed \$1,000 (depending on the severity of the violation) for each day the violation remains unremedied after receipt of the notice of violation.

Subd. 15. Remedies not exclusive. The remedies lists in this ordinance are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the City to seek cumulative remedies.

Subd. 16. Severability. The provisions of this ordinance are hereby declared to be severable. If any provision of this ordinance or application thereof to any person, establishment, or circumstance, is held invalid, such invalidity shall not affect the other provisions or applications of this ordinance. (Ref. Ord. 15-05-2001, 5/12/15).



## **APPENDIX C2**

### **ENGINEERING DESIGN STANDARDS**

## 8. STORMWATER TREATMENT PLAN DESIGN CRITERIA

Proposed Stormwater Management Plans must incorporate Volume Control, Water Quality Control, and Rate Control as the basis for stormwater management in the proposed development plan. The City of White Bear Lake, as a permitted MS4, requires for new development projects to have a no net increase from pre-project conditions of total volume, TSS, and TP; in addition, for redevelopment projects within the city, it is required to have a net reduction from pre-project conditions of total volume, TSS and TP.

### 8.1 Volume Control Requirements

Volume control measures are required on projects to meet the water quality criteria of the White Bear Lake City Code, the MS4 Permit, and NPDES Construction General Permit. Volume control shall be required for proposed new impervious areas greater than 10,000 square feet or redevelopment of impervious areas greater than 10,000 square feet. If an applicant can demonstrate that the volume control standard has been met, then the water quality sizing criteria shall be considered satisfied.

Volume control may be waived by the City for sites with impermeable soil, where the seasonally high groundwater table is less than three feet, bedrock depth is less than three feet, in a stormwater hot spot, or is in an area where groundwater has a high vulnerability for contamination. If the applicant claims that infiltration is not feasible on site, the applicant must provide supporting documentation to the City. If the City agrees that infiltration is not feasible, the applicant shall design alternative stormwater runoff treatment methods meeting the requirements as established in Section 8.3.

### 8.2 Volume Control Calculations

Any applicant for a permit resulting in site disturbance that will require volume control must meet all of the following stormwater performance goals:

- a) *New Development/Redevelopment Volume Control.* For nonlinear developments that create and/or fully reconstruct more than 10,000 square feet of impervious surface on sites, stormwater runoff volumes will be controlled and the post-construction runoff volume shall be retained on site for 1.1 inches of runoff from all impervious surfaces on the site.
- b) *Linear Development Volume Control.* Linear projects on sites that create 10,000 square feet or greater of new and/or fully reconstructed impervious surfaces, shall capture and retain 0.75 inches of runoff from the new and fully reconstructed impervious surfaces on the site.

## Engineering Design Standards

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Mill and overlay and other resurfacing activities are not considered fully reconstructed, and are exempt from the volume control requirements.

The use of infiltration techniques shall be restricted and subject to additional City review where the infiltration BMP will be constructed in any of the following areas:

- Where industrial facilities are not authorized to infiltrate industrial stormwater under and NPDES/SDS Industrial Stormwater Permit issued by the MPCA.
- Where vehicle fueling and maintenance occur.
- With less than three (3) feet of separation distance from the bottom of the infiltration system to the elevation of the seasonally saturated soils or the top of the bedrock.
- Where high levels of contaminant in soil or groundwater will be mobilized by the infiltrating stormwater.
- Soils are predominately Hydrologic Soil Group D (clay) soils.
- Drinking Water Supply Management Areas are present, as defined by Minn. R. 4720.51000, subp. 13, unless precluded by a local unit of government with an MS4 permit.
- Soil infiltration rates are more than 8.3 inches per hour unless soils are amended to flow the infiltration rate below 8.3 inches per hour.

Where the site factors listed above limit the construction of infiltration systems, the project proposer shall provide appropriate documentation to the City regarding the limitations. If the City determines that infiltration is restricted or prohibited onsite, the applicant will follow the flexible treatment options outlined in the Minimal Impact Design Standards (MIDS) sequencing guidance.

For linear projects with lack of right-of-way, easements or other permissions from property owners to install treatments systems that are capable of treating the total water quality volume on site, the project must maximize treatment through other methods or combination of methods before runoff is released to nearby surface waters. Alternative treatment options include: grassed swales, filtration systems, smaller ponds, or grit chambers. In all circumstances, a reasonable attempt must be made to obtain right-of-way during the project planning and all attempts of infeasibility must be recorded.

### **8.3 Water Quality Control**

The water quality control standard shall be considered satisfied if the volume control standard has been satisfied. In the event that it is infeasible to meet the volume control standard due to contaminated soils, site constraints, etc., the proposed STP will need to maintain the TSS and TP loading to satisfy the water quality standards using the MIDS

## **APPENDIX C3**

### **STORMWATER ORDINANCE 15-05-2000**

ORDINANCE NO. 15-05-2000

AN ORDINANCE AMENDING THE CITY OF WHITE BEAR LAKE  
MUNICIPAL ZONING CODE, SECTION 1302,  
AS IT RELATES TO DRAINAGE AND STORMWATER

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 Zoning  
Code Section 1302 "General Provisions" as follows:

§1302.030 GENERAL BUILDING AND PERFORMANCE REQUIREMENTS.

Subd. 5. Drainage.

- a) No land shall be developed and no use shall be permitted that results in additional water runoff, causing flooding or erosion on adjacent properties. Such runoff shall be properly channeled into a storm drain, water course, ponding area, or other public facility. All new developments shall provide for curbs and gutters along public streets. All site plans shall be designed in accordance to the City's Engineering Design Standards and be reviewed and subject to the approval of the City Engineer relative to storm water runoff, based on the following fees:
- i) 1) Review of new grading and/or drainage plans for parcels of a half acre in size or greater shall be subject to an Engineering review fee of two hundred and fifty (\$250) dollars. (Ref. Ord. 08-01-1047, 1/8/08.)
  - ii) 2) Review of amendments to existing grading and/or drainage plans and new grading/drainage plans for parcels less than a half acre in size shall be subject to an Engineering review fee of seventy-five (\$75) dollars. (Ref. Ord. 08-01-1047, 1/8/08)
  - iii) 3) Grading plans for individual single family parcels shall be exempt from Engineering fees. (Ref. Ord. No. 08-01-1047, 1/8/08)
- b) In the case of all residential subdivisions, multiple family, business and industrial developments, the drainage plans shall be submitted to the City Engineer for his review and the final drainage plan shall be subject to his written approval. In the case of such uses, no modification in grade and drainage flow through fill, erection of retaining walls or other such actions shall be permitted until such plans have been reviewed and received written approval from the City Engineer. Approval from a Watershed District may also be required.
- c) Except for written authorization of the City Engineer, the top of the foundation and garage floor of all structures shall be eighteen (18) inches above the grade of the crown of the street.
- d) All new single-family subdivisions greater than 3 lots that rely on common drainage facilities for stormwater management, and all multiple-family residential, commercial, mixed-use and industrial developments that create or re-create 10,000 square feet or more of impervious area shall have stormwater facilities designed and constructed in accordance with the City's Engineering Design Standards, where These stormwater

improvements facilities will requiring future maintenance (as determined by the City Engineer), and as such, these developments shall enter into a Stormwater Operation and Maintenance Agreement (SOMA) with the City in order to insure that the stormwater facilities provided are appropriately maintained. Said agreement shall meet the requirements of the City's Engineering Design Standards and be recorded at the County Recorder's Office for all properties associated with the referenced drainage facilities. (Ref. Ord. 10-1-1062, 1/12/10)

Subd. 6. Fences: no changes

Subd. 7. Required Fencing, Screening, and Landscaping.

- a) Fencing and Screening. Where any business or industrial use (i.e., structure, parking or storage) abuts property zoned for residential use, that business or industry shall provide screening along the boundary of the residential property. Screening shall also be provided where a business or industry is across the street from a residential zone, but not on that side of a business or industry considered to be the front (as determined by the Building Official). All the fencing and screening specifically required by this Code shall be subject to Section 1302.030, Subd. 8 and shall consist of either a fence or a green belt planting strip as provided for below:
- 1) A green belt planting strip shall consist of evergreen trees and/or deciduous trees and plants and shall be of sufficient width and density to provide an effective visual screen. This planting strip shall be designed to provide complete visual screening to a minimum height of six (6) feet. Earth mounding or berms may be used, but shall not be used to achieve more than three (3) feet of the required screen. The planting plan and type of plantings shall require the approval of the City Council.
  - 2) A required screening fence shall be constructed of masonry, brick, wood or metal. Such fence shall provide a solid screening effect six (6) feet in height. The design and materials used in constructing a required screening fence shall be subject to the approval of the City Council. Fences in excess of six (6) feet in height shall require approval of the Zoning Administrator and Building Official.
- b) Landscaping, General Residential. The lot area remaining after providing for off-street parking, off-street loading, sidewalks, driveways, building site and/or other requirements shall be landscaped using ornamental grass, shrubs, trees or other acceptable vegetation or treatment generally used in landscaping within one (1) year following the date of building occupancy. Fences or trees placed upon utility easements are subject to removal if required for the maintenance or improvement of the utility. Landscape treatment within boulevard areas may be required to be removed for public works activities at no expense to the City. The City will not be responsible for damage to landscape treatments resulting from public works activity. (Ref. Ord. 913, 9/14/94, 01-03-983, 3/13/01)
- c) Landscaping, New Residential Subdivisions, Semi-Public and All Income-Producing Property Uses. (Excluding residential structures containing less than four [4] dwelling units). Prior to approval of a building permit, all above referenced uses shall be subject to mandatory landscape plan and specification requirements. Said landscape plan (2 copies) shall include the following information:
1. General: Name and address of developer/owner, name and address of architect/designer, date of plan preparation, date and description of all revisions, name of project or development, scale of plan, north point indication.

2. Site Analysis: Boundary lines of property line with dimensions based upon certified survey, name and alignment of proposed and existing adjacent on-site streets, location of all proposed utility easements and right-of-way, location of existing and proposed buildings, topographic contours at two (2) foot contour intervals, location of parking areas, water bodies, proposed sidewalks, and percent of site not covered by structures.
3. Landscape Data: A planting schedule table shall contain the following information including symbols, quantities, common names, botanical names, size of plant materials, root specifications, and special planting instructions.
4. Typical sections and details of fences, tywalls, planting boxes, retaining walls, totlots, picnic areas, berms and other landscape improvements.
5. Typical sections of landscape islands and planter beds with identification of materials used.
6. Details of planting beds and foundation plantings.
7. Delineation of both sodded and seeded areas indicated in square footage.
8. Where landscape or manmade materials are used to provide required screening from adjacent and neighboring properties, a cross section shall be provided at a legible scale illustrating the prospective of the site from the neighboring property and property line elevation.

d) All landscaping incorporated in said plan shall conform to the following standards and criteria:

1. Minimum Size of Plantings:
  - a. Over story deciduous -- 2-1/2 inch caliper.
  - b. Coniferous -- 6 feet in height.
  - c. Shrubs -- 24 inch (pot)
  - d. Ornamental trees -- 1-1/2 inch caliper.
2. Method of Installation: All deciduous and coniferous trees shall be ball and burlap and staked and guyed per National Nurserymen's Standards. All shrubs and ornamental trees shall be potted. Bare root materials may be used with approval of the City Planner.
3. Sodding and Ground Cover: All areas of any site not occupied by building, parking, or storage, shall be sodded. Exceptions to this are as follows:
  - a. Seeding of future expansion areas as shown on approved plans.
  - b. Undisturbed areas containing existing natural vegetation which can be maintained free to foreign and noxious materials.
  - c. Areas designated as open space for future expansion area properly planted and maintained with grass.
4. Slopes and Berms:

- a. Final slope grade steeper than the ratio of 3:1 will not be permitted without special approval or treatment, such as terracing or retaining walls.
  - b. Berming used to provide required screening of parking lots and other open areas shall not have a slope to exceed 3:1.
5. Use of Landscaping for Screening: Where natural materials, such as trees or hedges are approved in lieu of the required screening by means of walls or fences, density and species of planting shall be such to achieve ninety percent (90%) opaqueness year round.
6. Maintenance Policy: It is the responsibility of the property owner to insure that the landscaping is maintained in an attractive condition. The owner shall replace any damaged or dead trees, shrubs, ground covers, and sodding.
7. Erosion Control: All open disturbed areas of any site shall be seeded/stabilized as an erosion control measure in accordance with the provisions of Section 33.16 the City's Engineering Design Standards. (Ref. Ord. 724, 8/12/86)
8. Spacing:
- a. Plant material shall not be planted to conflict with public plantings, based on the judgement/judgment of the City staff.
  - b. Where plant materials are planted in two or more rows, plantings shall be staggered in rows unless otherwise approved by the City staff.
  - c. Deciduous trees shall be planted not more than forty (40) feet apart.
  - d. Where massing of plants or screening is intended, large deciduous shrubs shall not be planted more than four (4) feet on center, and/or, evergreen shrubs shall not be planted more than three (3) feet on center.
9. Prohibited Trees: It shall be unlawful to plant any of the following trees within the City of White Bear Lake:

<u>Genus</u>	<u>Species</u>	<u>Common Name</u>
Ginkgo	Biloba	Ginkgo (Maidenhair tree female only)
Acer		Negundo Boxelder (ash-leaved maple)
Populus	Deltoides	Eastern Cottonwood
Populus	Nigra Italica	Lombardy Poplar

10. Design Standards:
- a. The landscape plan must show some form of designed site amenities (i.e., composition of plant materials, and/or creative grading, decorative lighting, exterior sculpture, etc., which are largely intended for aesthetic purposes).
  - b. All areas within the property lines (or beyond, if site grading extends beyond) shall be treated. All exterior areas not paved or designated as roads, parking, or storage must be planted into ornamental vegetation (lawns, ground covers, or shrubs) unless otherwise approved by the Zoning Administrator.



- c. All ground areas under the building roof overhang must be treated with a decorative mulch and/or foundation planting.
- d. All buildings must have an exterior water spigot to insure that landscape maintenance can be accomplished.

11. Landscape Guarantee:

- a. The City Planner/Zoning Administrator may require a surety bond, irrevocable letter of credit, cash escrow, certificate of deposit, securities, or cash deposit prior to approval of the landscaping plan or initiation of work on the proposed improvement or development. Said security shall guarantee conformance and compliance with the provisions of this section, and where applicable, the conditions of the Conditional Use Permit.
- b. The security shall be in an amount to be determined by the Zoning Administrator, but no less than one hundred twenty-five (125) percent of the cost of construction and materials to guarantee the completion of the required landscaping and to insure proper planting and growth.

12. Existing Trees: With respect to existing trees in new developments, trees on the site shall be preserved and replaced in accordance to §1302.075 of this code. (Ref. Ord. 724, 8/12/86; 876, 8-92)

**§1302.070 LAND ALTERATION AND MINING** (Ref. Ord. 778, 4/10/89)

Subd. 1. Land Alteration Purpose. The purpose of this ordinance is to promote, preserve, and enhance the natural resources within the City and protect them from adverse effects by activities that would have an adverse and potentially irreversible impact on water quality.

Subd. 2. Definitions.

- a) Land alteration, shall be interpreted as ~~the grading or depositing of fill on the same property from which it was excavated or importation of fill on any lands within the City. Land alteration shall be allowed only upon written approval of the City Engineer.~~
- b) Mining. The extraction and removal of sand, gravel, or other material from any lands in the City in an amount exceeding four hundred (400) cubic yards.

Subd. 3. Provisions.

~~The Engineer's approval shall include, as a condition thereof, a finished grade plan which has determined that the alteration will not adversely affect the adjacent land, and as conditions thereof, shall regulate: the type of fill permitted; program for rodent control; program for regulation of vehicular ingress and egress; control of material disbursed from wind or hauling of material; program for erosion control and turf restoration.~~

- a) No development, utility or street construction will be allowed and no permits will be issued unless the development is in full compliance with the requirements of this Ordinance.
- b) All land disturbing activities within the City that will result in more than 6,000 square feet of disturbed area or will result in more than 100 cubic yards of cut or fill are required to follow the Erosion and Sediment Control standards set within the City's Engineering Design

Standards.

c) Projects that meet either of the following criteria are required to develop both a Stormwater Management Plan and Erosion and Sediment Control Plan as specified by the City's Engineering Design Standards and the MPCA Construction General Permit:

- 1) Create  $\pm$  10,000 or more acres square feet of new impervious surface or fully reconstruct  $\pm$  10,000 or more acres square feet of impervious surface.
- 2) Single-family subdivisions greater than 3 lots that rely on common drainage facilities for stormwater management, and all multiple-family residential, commercial, mix-use and industrial developments.

d) The conduct of mining shall be permitted only upon issuance of a conditional use permit. Such permit shall include, as a condition thereof, a plan for a finished grade and land reclamation which will not adversely affect the surrounding land or the development of the site on which the mining is being conducted, and the route of trucks moving to and from the site.

Subd. 4. Inspection. The Permittee must inspect the construction project as detailed in the City's Engineering Design Standards. The City may conduct inspections as needed to ensure that both Erosion and Sediment Control and Stormwater Management measures are properly installed and maintained prior to construction, during construction, and at the completion of the project. The Applicant shall notify the City a minimum of seventy-two (72) hours prior to the following required City inspections:

- a) Initial Inspection - When all Erosion and Sediment Control BMPs are installed. This inspection must be completed before a Building Permit can be issued.
- b) Project Complete Inspection - When the project is complete including, but not limited to, Final Grading, installation of all Stormwater Management Facilities, and Final Stabilization measures are complete.

Subd. 5. Site Maintenance. All site maintenance activities shall be performed to the requirements within the City's Engineering Design Standards.

Subd. 6. Final Stabilization. The Permittee(s) must ensure Final Stabilization of the site after the completion of construction activities and prior to the termination of the permit. Final Stabilization is not complete until all of the requirements within the City's Engineering Design Standards are complete that are intended to prevent discharge of pollutants associated with stormwater discharges from the project.

Subd. 7. Enforcement. Any person, firm or corporation violating any provision of this ordinance shall be fined for each offence, and a separate offence shall be deemed committed on each day during or on which a violation occurs or continues, in accordance with Zoning Code, §1301.090.

- a) Restoration of Lands. Any violator may be required to restore land to its undisturbed condition. In the event that restoration is not undertaken within a reasonable time after notice, the City may take necessary corrective action, the cost of which may, after notice and opportunity for hearing, be specially assessed against the property and collected along with the ordinary taxes by the City.

**§1302.150 PLAN REVIEW**

Subd. 1. Purpose. The purpose of this Section is to establish a formal plan review procedure and provide regulations pertaining to the enforcement of site design and construction standards as agreed to by the contractor through his officially submitted plan documents.

Subd. 2. Plans Required. In addition to other plan requirements outlined in this Code, site and construction plans will be required and shall be submitted to and approved by the Building Official prior to the issuance of any building permit.

Subd. 3. Plan Agreements. All site and construction plans officially submitted to the City shall be treated as a formal agreement between the Building Contractor and the City. Once approved, no changes, modifications, or alterations shall be made to any plan detail, standard or specification without prior submission of a plan modification request to the Building Official for his review and approval.

Subd. 4. Erosion and Sediment Control Plan. Every applicant for a building permit, grading permit, or any other permit that allows land disturbing activities that will result in more than 6,000 square feet of disturbed area or 100 cubic yards of cut or fill must submit an Erosion and Sediment Control Plan in accordance with the City's Engineering Design Standards.

Subd. 5. Stormwater Management Plan. Every applicant for a building permit, grading permit, or any other permit that creates or fully reconstructs one 10,000 or more acres square feet of impervious surface, including all single family subdivisions greater than 3 lots, multiple family residential developments, commercial developments, mixed-use developments, or industrial developments is required to submit a Stormwater Management Plan in accordance with the City's Engineering Design Standards as well as obtain a separate NPDES Construction Site Permit. A copy of the NPDES permit shall be submitted to the City. All projects that require a Stormwater Management Plan shall also submit an Erosion and Sediment Control Plan as outlined in Subd. 4 above.

Subd. 6. Maintenance Agreement. All projects that require permanent stormwater facilities must enter into a Maintenance Agreement with acceptable to the City. The Stormwater Operation and Maintenance Agreement (SOMA) shall be in accordance with the City's Engineering Design Standards.

Subd. 47. Enforcement. The Building Official shall have the authority to order the stopping of any and all site improvement activities, when and where a violation of the provisions of this Section has been officially documented by the Building Official.

(Ref. Ord. 10-1-1062, 1/12/10)

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: April 14, 2015

Initial Publication: April 29, 2015

Second Reading: May 12, 2015

Final Publication: May 27, 2015

Codified: May 2015

Posted on web: June 5, 2015

KC  
City Clerk Initials

Jo Emerson  
Jo Emerson, Mayor

ATTEST:

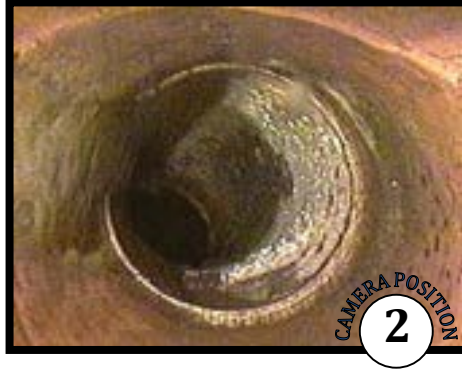
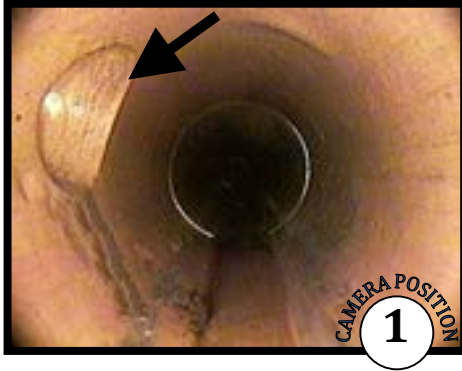
Ellen Richter  
Ellen Richter, City Clerk

## **APPENDIX D1**

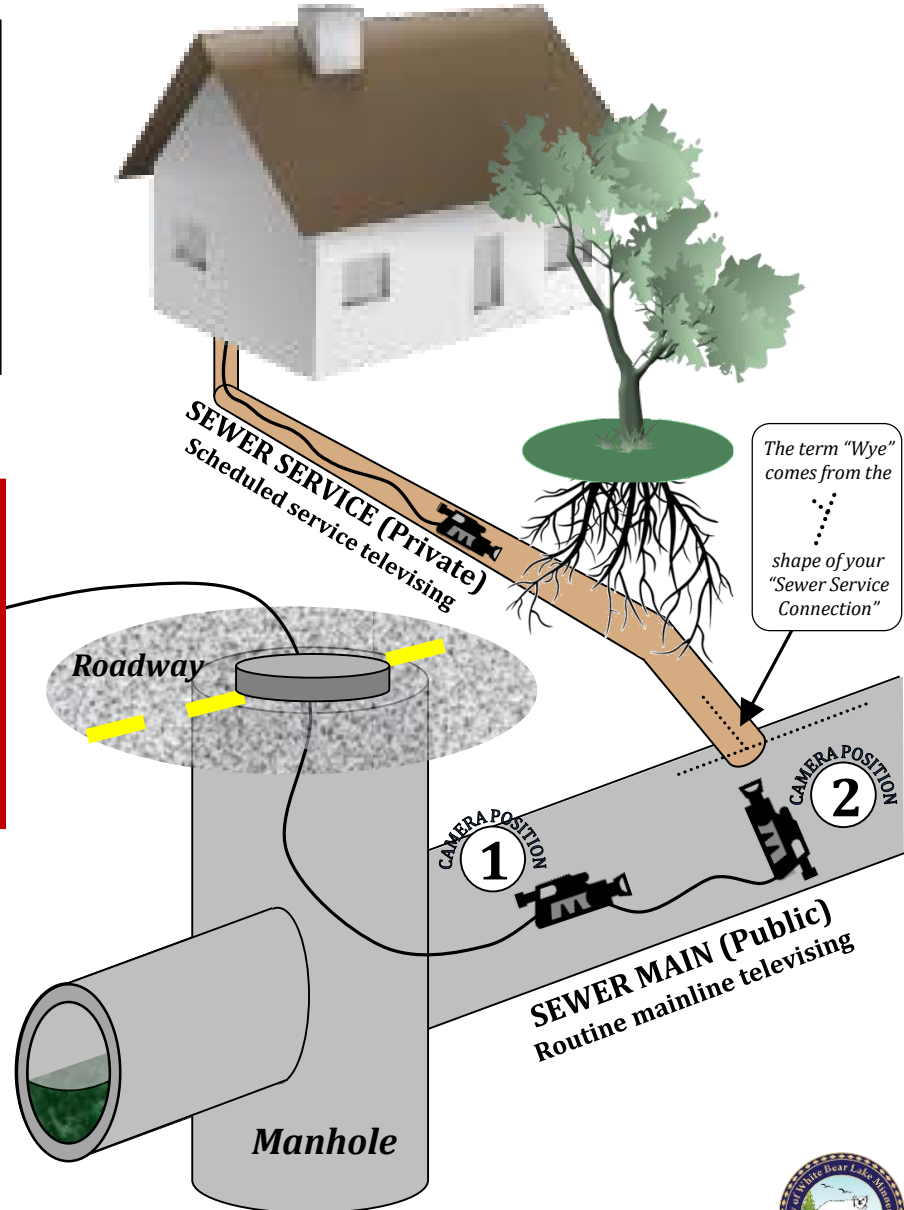
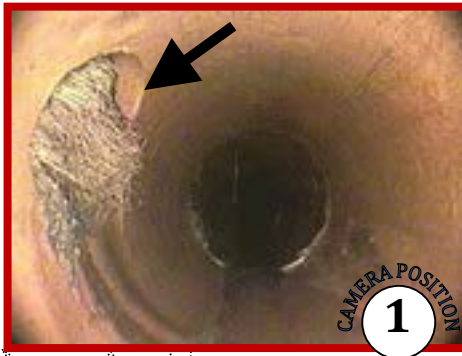
### **RESIDENTIAL SANITARY SEWER WYE REPLACEMENT PROGRAM INFORMATION**

# Sanitary Sewer Televising DIAGRAM

Service "A" None (ideal)



Service "B" Severe roots



**Where does your service rate?**

The severity of roots in your sanitary service is described as either *none*, *light*, *moderate*, or *severe*. These conditions vary from connection to connection. In fact, these two services are located 100 feet apart on the same mainline. Also, having a tree in your front yard doesn't guarantee you will or will not have root damage.





# Residential Sanitary Sewer Wye Replacement Program FLOWCHART

**START: City televises sanitary main and evaluates individual service connections**

Sewer service connection at City's main appears to be in good condition, repair not necessary

Service 'wye' connection at City main appears to have *root intrusion*

**Not recommended!**

**OPTIONAL**

**\$** Homeowner calls City to Schedule televising of service from inside house \$77 (not assessable)

**TAKE NO ACTION:** Higher potential for sewer backup and increased cost of repair



Homeowner *unable* to locate or open cover of *cleanout* (Call a plumber or friendly neighbor for help)

Homeowner *locates and opens* access cover to sewer service *cleanout*



**Video of televising sent to homeowner**

City televises sewer service with homeowner present >

Sewer service appears to be in good condition, repair not necessary

**'Wye' replacement is recommended**

**TAKE NO ACTION:** Higher potential for sewer backup and increased cost of repair



Service 'wye' connection and up to 10 feet of service pipe are replaced during Upcoming construction project

Homeowner calls City to sign up for Sanitary 'Wye' Replacement

**ASSESS:** Submit completed form to have cost assessed along with project assessments

**OR**

**PAY NOW:** Submit check or cash to City by deadline

**Not recommended!**



## **APPENDIX D2**

### **LETTER REGARDING RESIDENTIAL SANITARY SEWER WYE REPLACEMENT 24-01**





# City of White Bear Lake

4701 Highway 61 N.  
White Bear Lake, Minnesota 55110  
651-429-8531 | [www.whitebearlake.org](http://www.whitebearlake.org)

November 8, 2023

RE: City Project No.: 24-01  
**Residential Sanitary Sewer Wye Replacement Program**

Dear White Bear Lake Resident,

As we prepare for the 2024 Pavement Rehabilitation Project, one of the first steps is reviewing and investigating the condition of underground utilities (sanitary sewer, watermain, and storm sewer infrastructure). Prior to each year's Pavement Rehabilitation Project, the City performs a television inspection of all of the existing City sanitary sewer mains on that year's project. That inspection can reveal problems where the pipe is damaged or is experiencing tree root intrusion. For anyone who was able to attend the Public Information Meeting, you may recall hearing about the **Residential Sanitary Sewer Wye Replacement Program** and seeing pictures of this inspection and the problems roots can cause.

As pipes age, they tend to become more brittle and are more susceptible to cracking as the ground shifts around them. In many cases, there are not mechanical fittings holding sections of pipe together, rather it is the soil compacted around these pipes that holds them in place. Minor shifts in soils over time may cause these joints to separate slightly. Both cases of cracking and joint separation can create an opening in a pipe that becomes attractive for tree roots seeking water. It may begin as a hairline root, but these grow and multiply, causing the crack in the pipe to become larger. Soon, a large mass of roots can develop inside a sanitary sewer pipe. The roots grow so tightly together that they can significantly block the flow of water in a pipe, creating the potential for a backup. This can happen in a service pipe as well as a City main and while the City keeps the mains clean and flowing, it is the responsibility of individual property owners to keep their service line clean.

*Do you know what happens to wastewater once it goes down your drain?*

- All of the drain pipes in your house are connected to one central sanitary sewer drain that goes through the foundation and out to the City main in the street.
- The pipe coming out of your house is generally referred to as a "service" and is the responsibility of the property owner from the house to where it connects with a larger "main" under the street.
- Typically the main is the responsibility of the City or Metropolitan Council. The City and Metropolitan Council maintain a vast network of underground sanitary sewer pipes to convey wastewater to regional treatment plants.





# City of White Bear Lake

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## **HOW DO I KNOW IF I HAVE A PROBLEM?**

Problems tend to occur at the point of connection where the individual service meets the main. This connection is commonly referred to as a “wye”. In the past few years, an increasing concern has become the presence of tree roots in private sanitary services. Recognizing this concern, the City developed the **Residential Sanitary Sewer Wye Replacement Program** to assist property owners with replacement of their sanitary sewer wye connections in conjunction with the pavement rehabilitation program.

The **enclosed DIAGRAM** illustrates the televising of the City sanitary sewer mains. During the televising of the sewer mains, the camera is also able to turn to provide a picture of the service connection, but does not allow us to see the whole length of the service all the way to the house. This diagram includes an example of an *ideal* service connection (Service A) and one that contains *severe* roots (Service B). These pictures were captured on the same segment of sewer main, only about 100 feet apart. As we have described previously, roots like those seen in Service B can potentially cause serious problems. **Enclosed with this letter is a picture of YOUR individual service connection.** You can see where your service ranks compared to the examples, with a rating indicated from *none* to *severe*.

\*\* Please note that the Residential Sanitary Sewer Wye Replacement Program is **VOLUNTARY** and you are not required to participate.

## **TELEVISIONING YOUR PRIVATE SERVICE**

**(FOLLOW THE ENCLOSED FLOWCHART)**

1. In order to determine if problems exist beyond this connection point, you may wish to have your entire sanitary sewer service televised. If you have experienced problems in the past or your service has roots (see attached picture), we recommend having your service televised. This televising can be performed by the City’s Public Works Department for \$90, or can be done by a private plumber. You **MUST** have your service televised in order to participate in the **Residential Sanitary Sewer Wye Replacement Program**.



2. If you are interested in having your service televised, contact the Engineering Department to set up an appointment. Prior to this appointment, **you must locate and open the access cover to your sewer service cleanout**. If you are unable to open the cap, a plumber (or friendly neighbor) should be called to assist with this. A picture of what this cleanout might look like can be seen in the enclosed **FLOWCHART**



## City of White Bear Lake

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White Bear Lake, Minnesota 55110  
651-429-8531 | [www.whitebearlake.org](http://www.whitebearlake.org)

3. The Public Works crew will then arrive at your home for the scheduled appointment and televise the service from inside the house out towards the street. They will discuss their observations and recommendations with you on site, and provide you with a video for your records.



### **HOW DO I PARTICIPATE?**

Deadlines for participation in the Sanitary Sewer Wye Replacement Program are below. Requests received after the specific deadlines will not be accepted due to scheduling requirement.

If you are interested in having your sewer service line televised, please contact the Engineering Department at 651-429-8531 or email [cvermeersch@whitebearlake.org](mailto:cvermeersch@whitebearlake.org). Please let us know that you are part of the pavement rehabilitation project. All televising requests need to be made by Friday, December 1, 2023.

**Appointments will be scheduled between 7:30 AM and 3:00 PM, Monday – Friday from December 4 to December 15, 2023.**

**NOTE:** Please notify the City **as soon as possible if you would like your service televised**. This will allow sufficient time for City staff to accommodate televising requests as personnel and resources are also being used on regular City maintenance during this time.

### **REPAIR OF THE WYE**

If repairs to your service pipe and wye are needed, the failing portion of the pipe should be replaced by digging it up.

- ☑ It is highly advantageous to repair damaged sanitary sewer service wye during Street Projects when it can be coordinated with other work thereby reducing the mobilization and restoration cost and disruption of performing such repairs.
- ☑ Having your private sanitary sewer wye replaced during the project allows you to avoid paying the street restoration costs, which can range from \$3,000 - \$5,000 if the repair is done outside of a reconstruction project.
- ☑ After televising the service line, if the City's Engineering department determines that the sewer connection is in good shape, the City will not partner with the home owner in this program.
- ☑ If there is damage beyond the 10 feet, responsibility of these repairs fall completely on the homeowner. You may need to hire your own contractor to do this work.




# City of White Bear Lake

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651-429-8531 | [www.whitebearlake.org](http://www.whitebearlake.org)

Once construction is underway, there is little more you need to do. While working on your service, the contractor will request that you not use any water. This is typically a short duration, usually less than two hours.

## **HOW MUCH DOES IT COST?**

 If your property is within the Pavement Rehabilitation Project area you can have your sanitary sewer service connection and a portion of your sanitary sewer service replaced. The City Council has adopted a policy to assist property owners with replacement of failing sanitary sewer service connections and **up to 10 feet** of service pipe. **The City will assist with funding the individual residential sanitary sewer service connection repairs so that residential property owners pay 50 percent of the cost, in an amount not to exceed \$1,700.** The remaining cost will be paid by the City.

You have two payment options:

### **BY CHECK**

Please make checks payment to:  
City of White Bear Lake  
4701 Highway 61  
White Bear Lake, MN 55110

**\$1,700** payment must be received  
By **FRIDAY, FEBRUARY 16, 2024**

### **BY ASSESSMENT**

You may also have the \$1,700 cost assessed against your property. A letter requesting this assessment must be signed by the same date, **FRIDAY, FEBRUARY 16, 2024.**

The Engineering Department has form letters available for anyone interested in this payment method.

If you have any questions or concerns regarding this letter, please contact the Engineering Department at (651) 429-8531.

Sincerely,

Paul Kauppi, P.E.  
Public Works Director/City Engineer

Attachments

## **APPENDIX E**

### **RESIDENTIAL DRIVEWAY REPLACEMENT PROGRAM**

# Private Driveway Specifications



## Bituminous Driveways

Bituminous driveways will be replaced with MnDOT Bituminous Mix 2360 wear. Thickness after compaction shall be a minimum of 2 inches. Base material shall meet MnDOT Standards for Class 5 aggregate and shall be a minimum of 6 inches thick.



## Concrete Driveways

Concrete driveways will be replaced in accordance with MnDOT Specification 2531 at a minimum thickness of 6 inches. Base material shall be MnDOT Class 5 aggregate and shall be a minimum of 6 inches thick.



All questions regarding the Driveway Replacement Program can be directed to the City of White Bear Lake Engineering Department at 651-429-8531.



# WHITE BEAR LAKE

MINNESOTA

## DRIVEWAY REPLACEMENT PROGRAM

White Bear Lake residents who live on streets scheduled for reconstruction may take advantage of a unique opportunity to replace their driveways during the street construction process.

If your driveway connects with one of the reconstructed streets, you can have it replaced (in bituminous or concrete) as part of the project.

During street reconstruction, a portion of every driveway will be removed and replaced to properly conform to the new construction (shown here). The removal limits (typically 5-15 feet) are based on the grade of your existing driveway, surrounding yard and other factors that vary for each driveway. The City of White Bear Lake pays to replace that portion of your driveway (also referred to as the “City’s portion”).



Property owners will have the opportunity to have their entire driveway replaced during the construction process by the General Contractor responsible for the entire project. **The City will notify all property owners of the driveway reconstruction program schedule with specific deadlines.**

All property owners desiring to replace their driveways must notify the City by the specified deadline. Requests after the specified deadline **will not** be processed.

October 2021



## **PRIVATE DRIVEWAY REPLACEMENT DONE BY CITY CONTRACTOR**

Cost estimates for the optional complete driveway replacement are based on the unit prices for driveway work outlined in the street reconstruction contract. Estimates will be based on either 6-inch thick concrete pavement or 2-inch thick bituminous pavement. Both the standard bituminous and concrete will include 6 inches of compacted aggregate base. The costs available through this program may or may not be a savings from hiring your own contractor. Therefore, if you are considering this program, you are strongly encouraged to seek private competitive bids.

At the property owner's request, the Engineering Department will measure the area of a private driveway to be replaced and provide a written quote based on the contract unit price. This quote will delineate the areas to be paid by the property owner and the areas paid for by the City. Property owners desiring to proceed with construction of a new driveway will be required to return a signed authorization form and payment for the full amount of the driveway improvement to the City's Engineering Department by the specified deadline. Driveway replacement costs cannot be put on your assessment.

**A driveway construction permit will be required for driveways constructed through this program, but there will be no fee charged due to City supervision of construction of the driveway. This permit will be given to you for signature as part of the paperwork you receive.**

***Requests received after the specified deadline will not be processed and will be returned.***

### **Provision for Driveways with Poor Drainage**

The Engineering Department will evaluate all driveways proposed for reconstruction. If driveways are found to have poor drainage and the new driveway would have a grade of 1% or less, the Engineering Department will recommend replacing the driveway with concrete rather than bituminous to improve the drainage characteristics on these flat surfaces. If this situation pertains to you, City staff will discuss options with you on an individual basis.

### **Other Provisions**

Property owners desiring an upgrade of materials for their driveway and/or apron (i.e. bituminous to concrete) will be given credit for the cost differential on the City portion of the driveway. For example, if the entire driveway was upgraded from bituminous to concrete, the City would credit the property owner for the cost of replacing the City portion in bituminous.

## **Other Provisions (con't)**

Property owners desiring to widen their driveway will be billed for 100 percent of all construction beyond what existed prior to the project. There will be no charge to property owners for widening of curb openings of driveways for future expansion if work is coordinated with street curb replacement by calling our office or speaking to a City representative in the field. By City Code, residential curb openings are limited to a maximum width of 24 feet.

## **SOD RESTORATION**

The quoted price **DOES NOT** include restoration of sod disturbed during the driveway reconstruction work. The Contractor makes every effort to minimize the disturbance to the surrounding yard, however it is likely that some restoration may be required. Restoration will vary for each driveway, but averages about 4 feet wide on each side of the driveway. Restoration costs are quoted by the square foot and consist of 4" of graded topsoil and sod placed along the edges of the driveway. Residents can choose to either add this cost to their total estimate or forego this restoration and complete the work on their own.

## **PRIVATE DRIVEWAY REPLACEMENT DONE BY OTHER PRIVATE CONTRACTORS**

If property owners desire to have another contractor replace their driveway, that contractor will need to coordinate the work schedule with the City's contractor. **A driveway replacement permit and fee of \$30.00 will be applicable.** The permit will require that the driveway cannot be removed or replaced until after the new curb has been placed and cured. In addition, the permit will need to be obtained by the same specified deadline as those driveways being reconstructed by the City contractor. No credit will be given for the portion of the driveway that would have otherwise been replaced by the City.

## **PAYMENT FOR PRIVATE DRIVEWAY WORK**

**Payment in full (check or cash only) for requested driveway improvements shall be made to the City of White Bear Lake by the specified deadline. REPLACEMENT OF DRIVEWAYS CANNOT BE PUT ON YOUR ASSESSMENTS.**

## **APPENDIX F**

### **LETTER ANNOUNCING NOVEMBER 8, 2023 INFORMATIONAL MEETING**





# City of White Bear Lake

4701 Highway 61 N.  
White Bear Lake, Minnesota 55110  
651-429-8531 | [www.whitebearlake.org](http://www.whitebearlake.org)

October 17, 2023

RE: Informational Meeting – November 8, 2023 at 6:30 p.m.  
Proposed 2024 Pavement Rehabilitation Project  
City Project Nos. 24-01 and 24-08

Dear Property Owner(s):

During the 2024 construction season, the City of White Bear Lake is considering street rehabilitation projects on:

- Campbell Avenue (from Birch Lake Avenue to Fourth Street)
- Krech Avenue (from Birch Lake Avenue to Fifth Street)
- Second Street (from west cul-de-sac to Wood Avenue)
- Third Street (from west cul-de-sac to Wood Avenue)
- Third Street (from Campbell Avenue to Bald Eagle Avenue)
- Wood Avenue (from Birch Lake Avenue to Fourth Street)
- Sports Center Drive (from Birch Lake Boulevard South to Highway 96)

The project would be undertaken in the summer of 2024, if approved by the City Council. We are conducting an informational meeting on November 8<sup>th</sup> to review the project and answer questions.

The informational meeting on **Wednesday, November 8<sup>th</sup> at 6:30 p.m. in the Council Chambers at City Hall** will provide you with information on the proposed improvements, how they may impact your property, and how street rehabilitation projects are funded and financed in the City. We would like to receive comments regarding the project from residents and will provide further information on construction.

The Pavement Rehabilitation Program emphasizes resurfacing or reconstructing existing roads that are at the end of their useful life, expensive to maintain and are not providing good service. When streets are rehabilitated, other City-owned infrastructure facilities (alleys, watermains, sanitary sewers and storm sewers) are also examined and improved as necessary. Private utilities in the street right-of-way are also reviewed by the appropriate companies (electric, gas, telephone and cable TV) for maintenance activities which can be coordinated with a pavement rehabilitation project.

The City finances pavement rehabilitation projects through a combination of City funding sources and assessments to property owners. The City assesses approximately one-third of the project cost to benefitted property owners. Based on historical data, the typical proposed assessments in 2024 are anticipated to be approximately **\$3,000 per 80-ft lot for total pavement**

**replacement, \$4,000 per 80-foot lot for reconstruction.** Exact amounts will be available at a later date as staff completes the project feasibility study.

Note: Assessments will be based on the City's assessment policy and are based on actual lot size and location. Commercial and Apartment assessments are also being reviewed. Assessment benefit will be confirmed through a review by an independent property appraiser.

As the City prepares for this project, it is a good opportunity for property owners to evaluate their own private driveways, water service and sanitary sewer service. If you are experiencing problems with your water or sanitary sewer services, it will be a good time to have them repaired while the streets are under construction. If you think you might have a problem, call us and we will help you evaluate your particular service.

If you have any questions or comments to share, there are several ways to do this:

- Contact our Engineering Department via phone at (651) 429-8531
- Send an email to [cvermeersch@whitebearlake.org](mailto:cvermeersch@whitebearlake.org)
- Mail written correspondence to City of White Bear Lake, Engineering Department, 4701 Highway 61, White Bear Lake, MN 55110

Following State Statute 429 and the City's Public Improvement Process, the anticipated project schedule is as follows:

- Accept the Feasibility Report Order the Public Improvement Hearing – January, 2024
- Hold the Public Hearing & Authorize Advertisement for Bids – February, 2024
  - At this meeting, City Council can order the proposed improvements and allow the City to advertise for bids for the project. You will receive formal notice of this public hearing.
- City Council awards a construction contract – April, 2024
- Construction – Approximately May until September.
- Public Hearing for Assessments – September 2024
  - At this meeting, City Council can adopt the assessment roll. You will receive formal notice of the public hearing.

The Engineering Department staff are available to answer your questions or meet with you to review any portion of the proposed project. In addition, the information presented at the informational meeting—as well as ongoing project news—will be posted on the City's website for your review ([www.whitebearlake.org](http://www.whitebearlake.org) → click on **"Your Government"** and then **"Engineering"**). Information will be posted as it becomes available so check back frequently.

Sincerely,



Paul Kauppi, P.E.

Director of Public Works/City Engineer

# **APPENDIX G**

## **CITY PROJECT NO 24-01 PUBLIC MEETING OUTLINE**



# City of White Bear Lake

City Project Nos.: 24-01/24-08  
Public Informational Meeting  
for 2024 Pavement Rehabilitation Project



# CITY PROJECT NOS. 24-01/24-08

## I. OVERVIEW

The annual pavement rehabilitation program's purpose is to improve all City streets to a standard which includes concrete curb and gutter, bituminous pavements, stormwater collection and treatment facilities.

The mill and overlay program is a maintenance technique used to help prolong the overall life of the street. This includes replacing small segments of deteriorated curb and gutter, grinding off the top layer of the street, and placing a new layer of bituminous thus creating a new road surface.

- Reconstruct 2-3 miles per year (over 80 miles reconstructed thru 2023 = 94%)
- Mill/Overlay or Partial Reconstruction (over 25 miles between 2011 – 2023 = 28%)

Prioritization by rating system (pavement condition, drainage problems, etc), area, special projects and/or request of property owners.

Process includes public informational meeting, preliminary engineering design and estimates, soil borings, TV inspections of sanitary sewers, evaluation of water and sewer infrastructure, preparation of plans and preliminary assessment rolls.

We anticipate providing a feasibility report to City Council on January 23, 2024. A public improvement hearing could be held by City Council on February 27, 2024 at 7:00 p.m. Notification procedures are adhered to via newspaper, website updates, e-mail notifications, and letters. If project proceeds, the next steps will be final design, plans and specifications, advertisement for bids and award of contract by City Council.

Construction takes place during the summer, followed by a final assessment hearing in the fall of 2024. Assessments will be payable in October 2024 or applied to property taxes for 15 years for residential property and 20 years for commercial property starting in 2025.

### Funding:

Street and Curb & Gutter	Special Assessments, Municipal State Aid (MSA) (the City's share of gas taxes collected by the State) and Bond Sales
Water System Improvements	Water Improvement Fund
Water Service Replacement	Special Assessment / Water Improvement Fund
Storm Sewer Improvements	Surface Water Pollution Prevention Fund Special Assessments (Storm Sewer based on lot area, up to \$0.12/sf)

Sanitary Sewer System Improvements	Sewer Improvement Fund
Sanitary Sewer Service Replacement	Private Property Owners / Sewer Improvement Fund
Rain Gardens	90% from the Vadnais Lakes Area Water Management Organization VLAWMO remaining 10% by Property Owner

- Assessments may be tax deductible (tax law in 2004). Please refer to IRS Publication 530.
- Funding for private utilities (gas, electric, phone, CATV) by utility company.

**Communication:**

- City website at [www.whitebearlake.org](http://www.whitebearlake.org). Click on YOUR GOVERNMENT tab found on the top right of the home page and then click on ENGINEERING under the Departments heading.
- E-mail the Engineering Department at [cvermeersch@whitebearlake.org](mailto:cvermeersch@whitebearlake.org).
- Call the Engineering Department at (651) 429-8531.
- City of White Bear Lake Non-Emergency: (651) 429-8511
- Xcel Energy: (800) 895-2999
- White Bear Lake Post Office: (651) 762-1437

## II. PROPOSED 2024 PAVEMENT REHABILITATION PROJECT

**City Project No. 24-01**

- **Campbell Avenue** (from Birch Lake Avenue to Fourth Street)
- **Krech Avenue** (from Birch Lake Avenue to Fifth Street)
- **Second Street** (from west Cul-De-Sac to Wood Avenue)
- **Third Street** (from west Cul-De-Sac to Wood Avenue)
- **Third Street** (from Campbell Avenue to Bald Eagle Avenue)
- **Wood Avenue** (from Birch Lake Avenue to Fourth Street)

**City Project No. 24-08**

- **Sports Center Drive** (from Parking Lot to Highway 96)

## III. GENERAL INFORMATION

- Reconstruction projects include utility improvements (water, sanitary sewer, storm sewer as well as gas, electric, telephone and CATV), in addition to the street reconstruction.
- Ask property owners if they are aware of any problems (water – frozen lines), sanitary sewer (sewer backups), surface drainage problems, etc.
- Vibration from compactors will translate to shaky walls – make sure hanging items are secure or removed.
- Talk to staff **after meeting** about specific problems regarding:
  - Water service
  - Sanitary sewer service/backups (televise sewer services)
  - Drainage problems



- Tree trimming of branches over streets
- Other utilities
- Specific events (weddings, graduations, etc., garage sales not included)
- Special medical problems/hardships
- Driveway problems (drainage, etc.)

**Property owners responsible for relocating and/or replacing private improvements on public right-of-way (usually within 15 feet from the edge of the road):**

- Landscaping, fences, irrigation systems, invisible dog fences, sump drains, decorative mailboxes, decorative sidewalks, decorative driveways, etc.

Improvements MAY include:

- **Watermain** repair of gate valves and hydrants
- **Water service** repair / replacement.
- **Sanitary sewer** main repair
- **Sanitary sewer** service wye repair
- **Storm sewer** new catch basins and leads, storm water treatment structures as well as sump catch basins
- New concrete **curb and gutter**
- New **street**
- New **sidewalk**
- **Gas** main replacement (Xcel Energy)
- **Electric** line upgrades (Xcel Energy)
- **Telephone** and **CATV** by private utility companies

Construction Scheduling/Staging/Communication

- **Construction** will be staged in segments to minimize impacts to residents and businesses.
- **Communication** includes newsletters, City website, e-mail, telephone, on-site Engineering staff, etc.
- **Construction schedules** are impacted by weather.

**Driveway Replacement Program:**

- Driveway permit fee waived if driveways are reconstructed by City contractor during the project. Permit fee for driveways (concrete or asphalt) reconstructed by non-City contractor or not inspected by Engineering Department during project is \$50.00.
- Driveways will be evaluated by the Engineering Department. If driveways have poor drainage, we might recommend concrete over asphalt to improve drainage characteristics of new driveway.
- The cost of new private driveways **cannot** be put on your assessment. More information will be mailed in April 2024 once a contractor is selected.

**Residential Sanitary Sewer Wye Replacement Program:**

- Sanitary Sewer Main televising reports will be reviewed by the Engineering Department. Pictures of each individual sewer wye connection will be mailed to property owners with an evaluation of its condition.
- If property owners are interested in participating in the program, we require that the entire sewer service be televised from the house out towards the street.

- Property owners can then decide if they wish to participate in the program at a maximum cost of \$1,700.

**Residential Water Service Replacement Program (NEW in 2018):**

- Water services which are not constructed with copper pipe will be replaced. Services installed generally before the 1960's used galvanized pipe which corrodes and becomes brittle increasing risk of leaks and eventual failure.
- City will share cost of water service upgrades with property owners. Property owners cost is estimated to be \$1,200.

**Construction process overview:**

- Brief Power Point Presentation
- Construction sequence
- **Vibration from compactors will translate to shaky walls – make sure hanging items are secure or removed.**

**IV. PROJECT FUNDING/ASSESSMENT POLICY**

- Special Assessment Process Overview
  - Chapter 429 and City Assessment Policy
  - Uniform, fair and benefits the property
  - Appraisal report to verify benefit
- Assessment Policy has special considerations for large lots, irregular shaped lots, corner lots, etc. to keep assessments fair and uniform. Assessment must also benefit the property by amount assessed. Assessment rates for 2023 will be determined by the City Council.
- Once levied, you will have 30 days to pay any portion (0-100%) of the balance to the City.
- The remaining balance will be placed on your property taxes for 15 years with interest (2023 rate was 5.72%)
- Typical assessments for partial reconstruction (2022 rates 80' lot = \$2,400)
- Typical assessments for full reconstruction (2022 rates 80' lot = \$3,500)
- Typical storm sewer assessments \$0.12/sf minus previously paid storm sewer assessment(s) on property (full reconstruction only)
- Senior deferments/hardship circumstances.
- Updated property owner's list (Ramsey County records are used).

**V. CONSTRUCTION PROCESS**

- Private utility work
- Misc. utility and concrete removal and repairs
- Mill Pavement
- Remove Pavement
- City utility work (Sanitary, Storm, Watermain)
- Earthwork (Excavation)
- Grade existing gravel (full/partial reconstruction only)
- New Curb Installation (full reconstruction only)
- Paving 1<sup>st</sup> lift, driveways, base repairs
- Adjust Castings and Valves
- Paving
- Site clean-up and restoration



## VI. ANTICIPATED SCHEDULE

- City Council ordered City Staff to prepare a Feasibility Report on October 10, 2023
- Accept the Feasibility Report and Order the Public Improvement Hearing in January 2024. Notice of the Public Hearing will be mailed to affected property owners and advertised in the White Bear Press
- Public Improvement Hearing in February 2024
- Construction approximately May – September 2024
- City Council could order public hearing and adopt proposed assessment roll as early as September 2024

## VII. COMMENTS

- All information from tonight will be posted on the City website at [www.whitebearlake.org](http://www.whitebearlake.org). Click on YOUR GOVERNMENT tap found on the top right of the home page and then click on CITY PROJECTS. From the list of options, select 2024 PAVEMENT REHABILITATION PROJECT.
  - Design ideas
  - Questions?

## **APPENDIX H**

### **PRELIMINARY ASSESSMENT ROLLS 24-01 & 24-08**

**PROPOSED ASSESSMENT ROLL  
STREET IMPROVEMENTS  
CITY PROJECT NO. 24-01**

**CITY OF WHITE BEAR LAKE  
2024 STREET RECONSTRUCTION PROJECT  
CITY PROJECT NO. 24-01**

CREATED: 8/4/2022  
UPDATED: 1/22/2024

County Data Current 10/2/23

**DRAFT**

**ASSESSMENT CODE 93202401**

	PIN	NO *	PROPERTY ADDRESS	STREET ASSESSMENT CALCULATIONS			LOT AREA	STORM SEWER ASSESSMENT CALCULATIONS		STORM ASSESSMENT	SEWER WYE ASSESSMENT	WATER SERVICE ASSESSMENT	TOTAL ASSESSMENT	
				FRONT FOOTAGE	ASSESSABLE FOOTAGE	STREET ASSESSMENT		ASSESSABLE AREA	PREVIOUS STORM SEWER ASSESSMENT					
1	143022310030	1, 22	1904 4th St	229.00	69.40	\$3,123.00	12,401.92		\$1,448.28	\$0.00			\$3,123.00	1
2	143022310032	22	4754 Wood Ave	70.00	70.00	\$3,150.00	12,088.40		\$1,460.08	\$0.00			\$3,150.00	2
3	143022310033	22	4746 Wood Ave	70.00	70.00	\$3,150.00	12,776.89		\$1,460.08	\$0.00			\$3,150.00	3
4	143022310034	22	4740 Wood Ave	70.00	70.00	\$3,150.00	12,730.46		\$1,460.08	\$0.00			\$3,150.00	4
5	143022310035	22	4732 Wood Ave	70.00	70.00	\$3,150.00	12,029.97		\$1,460.08	\$0.00			\$3,150.00	5
6	143022310036	22	4722 Wood Ave	90.00	90.00	\$4,050.00	16,274.82		\$1,877.24	\$0.00			\$4,050.00	6
7	143022310037	22	4712 Wood Ave	90.00	90.00	\$4,050.00	15,799.59		\$1,877.24	\$0.00			\$4,050.00	7
8	143022310038	22	4702 Wood Ave	90.40	90.40	\$4,068.00	16,070.64		\$1,885.58	\$0.00			\$4,068.00	8
9	143022310039	1, 22	1905 Birch Lake Ave	248.90	79.73	\$3,587.63	11,975.39		\$1,451.15	\$0.00			\$3,587.63	9
10	143022310044	1, 25	1941 Birch Lake Ave	286.90	98.73	\$5,429.88	19,502.52		\$2,315.76	\$0.00			\$5,429.88	10
11	143022310045	11, 25	4701 Campbell Ave	10.00	80.00	\$4,400.00	30,015.06		\$3,282.57	\$0.00			\$4,400.00	11
12	143022310046	3, 25	4709 Campbell Ave	127.80	100.00	\$5,500.00	13,591.68		\$1,599.36	\$0.00			\$5,500.00	12
13	143022310048	25	4739 Campbell Ave	60.00	60.00	\$3,300.00	19,246.58		\$2,197.07	\$0.00			\$3,300.00	13
14	143022310049	25	4731 Campbell Ave	77.80	77.80	\$4,279.00	24,372.73		\$2,848.89	\$0.00			\$4,279.00	14
15	143022310050	25	4745 Campbell Ave	70.00	70.00	\$3,850.00	22,030.04		\$2,750.29	\$0.00			\$3,850.00	15
16	143022310051	25	4753 Campbell Ave	67.80	67.80	\$3,729.00	21,595.60		\$2,482.71	\$0.00			\$3,729.00	16
17	143022310054	25	4759 Campbell Ave	69.20	69.20	\$3,806.00	10,211.28		\$1,202.82	\$0.00			\$3,806.00	17
18	143022310055	1, 25	1944 4th St	169.00	59.50	\$3,272.50	7,037.66		\$799.57	\$0.00			\$3,272.50	18
19	143022310056	1, 25	4760 Campbell Ave	224.75	71.19	\$3,915.45	9,895.49		\$1,145.46	\$0.00			\$3,915.45	19
20	143022310064	1, 25, 28	4741 Bald Eagle Ave	219.50	219.50	\$12,072.50	72,507.95		\$8,380.95	\$0.00			\$12,072.50	20
21	143022310065	25	1999 3rd St	60.00	60.00	\$3,300.00	9,893.70		\$1,145.46	\$0.00			\$3,300.00	21
22	143022310066	25	1991 3rd St	60.00	60.00	\$3,300.00	9,893.70		\$1,145.46	\$0.00			\$3,300.00	22
23	143022310067	25	1985 3rd St	60.00	60.00	\$3,300.00	9,895.24		\$1,145.46	\$0.00			\$3,300.00	23
24	143022310068	25	1979 3rd St	60.00	60.00	\$3,300.00	9,896.61		\$1,145.46	\$0.00			\$3,300.00	24
25	143022310069	25	1973 3rd St	90.00	90.00	\$4,950.00	14,752.29		\$1,718.25	\$0.00			\$4,950.00	25
26	143022310070	25	1967 3rd St	60.00	60.00	\$3,300.00	9,978.39		\$1,145.46	\$0.00			\$3,300.00	26
27	143022310071	1, 25, 28	1961 3rd St	254.75	142.38	\$7,830.90	14,853.51		\$1,718.25	\$0.00			\$7,830.90	27
28	143022310072	1, 25, 28	1960 3rd St	226.10	145.05	\$7,977.75	10,394.77		\$1,165.02	\$0.00			\$7,977.75	28
29	143022310073	3, 25	1966 3rd St	126.00	100.00	\$5,500.00	20,424.66		\$2,366.83	\$0.00			\$5,500.00	29
30	143022310074	25	1974 3rd St	63.00	63.00	\$3,465.00	10,212.32		\$1,183.36	\$0.00			\$3,465.00	30
31	143022310075	25	1980 3rd St	63.00	63.00	\$3,465.00	10,212.32		\$1,183.36	\$0.00			\$3,465.00	31
32	143022310076	25	1986 3rd St	60.00	60.00	\$3,300.00	13,789.89		\$1,597.74	\$0.00			\$3,300.00	32
33	143022310077	25	1992 3rd St	51.00	51.00	\$2,805.00	11,777.32		\$1,358.10	\$0.00			\$2,805.00	33
34	143022310078	3, 25	2000 3rd St	122.50	100.00	\$5,500.00	24,203.14		\$1,930.66	\$0.00			\$5,500.00	34
35	143022310079	1, 25	4729 Bald Eagle Ave	230.10	75.00	\$4,125.00	12,032.52		\$1,392.29	\$0.00			\$4,125.00	35
36	143022310092	1, 25	1961 Birch Lake Ave	278.90	89.45	\$4,919.75	18,065.61		\$2,148.22	\$0.00			\$4,919.75	36
37	143022310093	25	4702 Campbell Ave	70.00	70.00	\$3,850.00	9,720.09		\$1,534.35	\$0.00			\$3,850.00	37
38	143022310094	25	4710 Campbell Ave	67.80	67.80	\$3,729.00	9,673.64		\$1,099.92	\$0.00			\$3,729.00	38
39	143022310101	25	4721 Campbell Ave	75.00	75.00	\$4,125.00	23,601.69		\$1,741.80	\$0.00			\$4,125.00	39
40	143022310102	25	4711 Campbell Ave	62.00	62.00	\$3,410.00	20,011.32		\$1,741.80	\$0.00			\$3,410.00	40
41	143022320009	1, 22	4792 Krech Ave	184.40	60.00	\$2,700.00	7,851.82		\$2,452.31	\$0.00			\$2,700.00	41
42	143022320010	22	4784 Krech Ave	63.00	63.00	\$2,835.00	7,468.66		\$876.05	\$0.00			\$2,835.00	42

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				FRONT FOOTAGE	ASSESSABLE FOOTAGE	STREET ASSESSMENT		ASSESSABLE AREA	PREVIOUS STORM SEWER ASSESSMENT					
43	143022320011	22	4776 Krech Ave	63.00	63.00	\$2,835.00	7,671.78		\$876.05	\$0.00			\$2,835.00	43
44	143022320012	1, 22	1847 4th St	195.00	63.75	\$2,868.75	8,076.67		\$938.62	\$0.00			\$2,868.75	44
45	143022320018	22	1892 4th St	185.91	48.00	\$2,160.00	8,317.89		\$2,393.90	\$0.00			\$2,160.00	45
46	143022320025	1, 22	1848 4th St	274.50	77.25	\$3,476.25	18,501.04		\$2,148.40	\$0.00			\$3,476.25	46
47	143022320026	1, 22	4744 Krech Ave	220.00	120.00	\$5,400.00	12,042.60		\$1,390.55	\$0.00			\$5,400.00	47
48	143022320027	22	1857 3rd St	75.00	75.00	\$3,375.00	9,643.37		\$1,105.60	\$0.00			\$3,375.00	48
49	143022320028	22	1867 3rd St	75.00	75.00	\$3,375.00	9,741.99		\$1,105.95	\$0.00			\$3,375.00	49
50	143022320029	22	1871 3rd St	90.00	90.00	\$4,050.00	11,120.89		\$1,179.65	\$0.00			\$4,050.00	50
51	143022320030	22	1881 3rd St	70.00	70.00	\$3,150.00	9,588.35		\$1,178.74	\$0.00			\$3,150.00	51
52	143022320031	22	4755 Wood Ave	88.90	88.90	\$4,000.50	14,874.48		\$2,652.82	\$0.00			\$4,000.50	52
53	143022320032	1, 22	4747 Wood Ave	239.91	154.96	\$6,973.20	11,690.40		\$2,524.38	\$0.00			\$6,973.20	53
54	143022320033	1, 22	1890 3rd St	194.80	119.80	\$5,391.00	8,971.10		\$1,041.17	\$0.00			\$5,391.00	54
55	143022320034	3, 22	1882 3rd St	120.00	100.00	\$4,500.00	13,439.97		\$1,557.14	\$0.00			\$4,500.00	55
56	143022320036	22	1860 3rd St	100.00	100.00	\$4,500.00	11,340.23		\$1,297.84	\$0.00			\$4,500.00	56
57	143022320037	1, 22	4724 Krech Ave	262.00	140.00	\$6,300.00	15,539.66		\$1,816.98	\$0.00			\$6,300.00	57
58	143022320038	1, 22, 25	4712 Krech Ave	192.50	112.50	\$5,625.00	9,001.25		\$1,041.31	\$0.00			\$5,625.00	58
59	143022320039	25	1855 2nd St	80.00	80.00	\$4,400.00	9,005.98		\$1,041.31	\$0.00			\$4,400.00	59
60	143022320040	25	1861 2nd St	80.00	80.00	\$4,400.00	9,010.68		\$1,041.31	\$0.00			\$4,400.00	60
61	143022320042	3, 25	1883 2nd St	119.94	100.00	\$5,500.00	13,535.61		\$1,566.72	\$0.00			\$5,500.00	61
62	143022320043	22	4725 Wood Ave	75.00	75.00	\$3,375.00	8,958.74		\$1,041.17	\$0.00			\$3,375.00	62
63	143022320044	1, 22, 25	4715 Wood Ave	194.63	119.70	\$5,985.00	8,981.64		\$1,039.48	\$0.00			\$5,985.00	63
64	143022320045	1, 22, 25	4701 Wood Ave	229.70	119.70	\$5,985.00	13,149.38		\$1,525.13	\$0.00			\$5,985.00	64
65	143022320047	25	1862 2nd St	80.00	80.00	\$4,400.00	10,740.21		\$1,244.19	\$0.00			\$4,400.00	65
66	143022320050	1, 22	1847 Birch Lake Ave	229.07	74.54	\$3,354.08	11,884.12		\$1,381.97	\$0.00			\$3,354.08	66
67	143022320055	1, 22	1891 Birch Lake Ave	297.90	89.22	\$4,014.90	21,321.92		\$2,472.04	\$0.00			\$4,014.90	67
68	143022320056	22	4777 Krech Ave	80.00	80.00	\$3,600.00	9,624.04		\$1,112.44	\$0.00			\$3,600.00	68
69	143022320057	1, 22	1836 5th St	227.00	60.00	\$2,700.00	12,995.11		\$1,595.09	\$0.00			\$2,700.00	69
70	143022320067	1, 22	1835 4th St	258.40	69.20	\$3,114.00	16,425.36		\$1,924.52	\$0.00			\$3,114.00	70
71	143022320068	1, 22	1838 4th St	180.00	60.00	\$2,700.00	7,336.10		\$834.33	\$0.00			\$2,700.00	71
72	143022320077	22	1783 3rd St	39.00	39.00	\$1,755.00	4,945.70		\$573.95	\$0.00			\$1,755.00	72
73	143022320078	22	1789 3rd St	77.20	77.20	\$3,474.00	9,880.07		\$1,145.00	\$0.00			\$3,474.00	73
74	143022320079	22	1799 3rd St	80.00	80.00	\$3,600.00	10,159.95		\$1,177.33	\$0.00			\$3,600.00	74
75	143022320080	22	1807 3rd St	80.00	80.00	\$3,600.00	10,160.04		\$1,177.33	\$0.00			\$3,600.00	75
76	143022320081	22	1809 3rd St	40.00	40.00	\$1,800.00	5,080.00		\$588.67	\$0.00			\$1,800.00	76
77	143022320082	22	1813 3rd St	40.00	40.00	\$1,800.00	5,080.01		\$588.67	\$0.00			\$1,800.00	77
78	143022320083	3, 22	1827 3rd St	120.00	100.00	\$4,500.00	15,147.59		\$1,766.00	\$0.00			\$4,500.00	78
79	143022320084	22	4749 Krech Ave	68.50	68.50	\$3,082.50	8,036.08		\$951.01	\$0.00			\$3,082.50	79
80	143022320085	1, 22	1835 3rd St	186.00	120.00	\$5,400.00	8,029.90		\$917.76	\$0.00			\$5,400.00	80
81	143022320086	11, 22	4717 Krech Ave	74.83	74.74	\$3,363.30	8,974.39		\$1,039.32	\$0.00			\$3,363.30	81
82	143022320087	1, 22	4725 Krech Ave	194.83	120.00	\$5,400.00	8,976.05		\$1,039.32	\$0.00			\$5,400.00	82
83	143022320089	3, 22	1818 3rd St	140.00	100.00	\$4,500.00	15,899.01		\$1,816.98	\$0.00			\$4,500.00	83
84	143022320090	22	1800 3rd St	80.00	80.00	\$3,600.00	8,771.75		\$1,038.28	\$0.00			\$3,600.00	84

**PROPOSED ASSESSMENT ROLL  
STREET IMPROVEMENTS  
CITY PROJECT NO. 24-01**

**CITY OF WHITE BEAR LAKE  
2024 STREET RECONSTRUCTION PROJECT  
CITY PROJECT NO. 24-01**

CREATED: 8/4/2022  
UPDATED: 1/22/2024

County Data Current 10/2/23

**DRAFT**

**ASSESSMENT CODE 93202401**

	PIN	NO *	PROPERTY ADDRESS	STREET ASSESSMENT CALCULATIONS			LOT AREA	STORM SEWER ASSESSMENT CALCULATIONS		STORM ASSESSMENT	SEWER WYE ASSESSMENT	WATER SERVICE ASSESSMENT	TOTAL ASSESSMENT	
				FRONT FOOTAGE	ASSESSABLE FOOTAGE	STREET ASSESSMENT		ASSESSABLE AREA	PREVIOUS STORM SEWER ASSESSMENT					
85	143022320091	22	1792 3rd St	99.00	99.00	\$4,455.00	11,057.22		\$1,284.87	\$0.00			\$4,455.00	85
86	143022320092	22	1784 3rd St	77.70	77.70	\$3,496.50	8,700.54		\$1,008.38	\$0.00			\$3,496.50	86
87	143022320093	3, 25	1783 2nd St	113.50	100.00	\$5,500.00	12,463.41		\$1,473.98	\$0.00			\$5,500.00	87
88	143022320094	3, 25	1791 2nd St	104.00	100.00	\$5,500.00	11,933.80		\$1,351.99	\$0.00			\$5,500.00	88
89	143022320095	25	1801 2nd St	99.00	99.00	\$5,445.00	11,104.59		\$1,287.38	\$0.00			\$5,445.00	89
90	143022320096	25	1819 2nd St	66.00	66.00	\$3,630.00	7,217.44		\$858.90	\$0.00			\$3,630.00	90
91	143022320098	1, 22, 25	4709 Krech Ave	194.83	120.00	\$6,000.00	8,977.16		\$1,039.32	\$0.00			\$6,000.00	91
92	143022320099	1, 22, 25	1840 2nd St	187.04	120.00	\$6,000.00	8,042.35		\$932.25	\$0.00			\$6,000.00	92
93	143022320100	22	4693 Krech Ave	67.04	67.04	\$3,016.80	8,042.38		\$932.25	\$0.00			\$3,016.80	93
94	143022320101	22	1841 Birch Lake Ave	194.08	63.52	\$2,858.40	8,085.10		\$933.33	\$0.00			\$2,858.40	94
95	143022320107	3, 25	1784 2nd St	116.50	100.00	\$5,500.00	15,602.69		\$1,805.50	\$0.00			\$5,500.00	95
96	143022320109	3, 25	1873 2nd St	120.00	100.00	\$5,500.00	12,412.22		\$1,245.22	\$0.00			\$5,500.00	96
97	143022320110	3, 22	1872 3rd St	120.00	100.00	\$4,500.00	14,552.69		\$1,877.24	\$0.00			\$4,500.00	97
98	143022320113	3, 25	1808 2nd St	120.00	100.00	\$5,500.00	16,175.88		\$3,083.43	\$0.00			\$5,500.00	98
99	143022320114	25	1825 2nd St	94.00	94.00	\$5,170.00	10,749.53		\$1,394.27	\$0.00			\$5,170.00	99
100	143022320117	1,22,25	4702 Krech Ave	219.07	139.07	\$6,953.50	10,638.10		\$1,711.31	\$0.00			\$6,953.50	100
101	143022320118	25	1856 2nd St	80.00	80.00	\$4,400.00	11,064.66		\$1,283.50	\$0.00			\$4,400.00	101
102	143022320119	22	1830 3rd St	80.00	80.00	\$3,600.00	8,960.00		\$1,039.36	\$0.00			\$3,600.00	102
103	143022320120	25	1824 2nd St	59.95	59.95	\$3,297.25	8,127.09		\$942.74	\$0.00			\$3,297.25	103
104	143022320121	25	1830 2nd St	60.15	60.15	\$3,308.25	7,681.64		\$891.07	\$0.00			\$3,308.25	104
105	143022320122	25	1870 2nd St	78.93	78.90	\$4,339.50	11,716.22		\$1,359.08	\$0.00			\$4,339.50	105
106	143022320123	2, 25	1873 Birch Lake Ave	166.00	61.75	\$3,396.25	23,915.47		\$2,774.19	\$0.00			\$3,396.25	106
107	143022320124	25	1884 2nd St	80.00	80.00	\$4,400.00	11,864.14		\$1,376.24	\$0.00			\$4,400.00	107
108	143022320127	2, 25	1800 2nd St	240.00	90.00	\$4,950.00	32,145.51		\$3,728.88	\$0.00			\$4,950.00	108
109	153022410047	3,11,25	1777 3rd St	114.34	100.00	\$4,500.00	12,131.23		\$1,407.22	\$0.00			\$4,500.00	109
110	153022410048	10, 25	1765 3rd St	42.95	80.00	\$3,600.00	11,149.24		\$1,293.31	\$0.00			\$3,600.00	110
111	153022410050	10, 25	1758 3rd St	47.77	80.00	\$3,600.00	10,687.00		\$1,239.69	\$0.00			\$3,600.00	111
112	153022410053	11, 25	1776 3rd St	78.92	76.96	\$3,463.20	8,708.68		\$1,010.21	\$0.00			\$3,463.20	112
113	153022410054	25	1777 2nd St	75.00	75.00	\$3,375.00	8,402.67		\$974.71	\$0.00			\$3,375.00	113
114	153022410055	3, 11, 25	1767 2nd St	105.28	100.00	\$4,500.00	10,005.90		\$1,160.68	\$0.00			\$4,500.00	114
115	153022410056	3, 11, 25	1755 2nd St	94.05	100.00	\$4,500.00	12,986.45		\$1,506.43	\$0.00			\$4,500.00	115
116	153022410057	10, 25	1756 2nd St	79.46	80.00	\$3,600.00	10,609.44		\$1,230.69	\$0.00			\$3,600.00	116
117	153022410058	10, 25	1760 2nd St	77.62	80.00	\$3,600.00	9,410.20		\$1,091.58	\$0.00			\$3,600.00	117
118	153022410059	3, 25	1778 2nd St	117.00	100.00	\$4,500.00	13,431.00		\$1,558.00	\$0.00			\$4,500.00	118
119	153022410086	10, 25	1760 3rd St	41.32	80.00	\$3,600.00	10,820.90		\$1,255.22	\$0.00			\$3,600.00	119
120	153022410087	10, 25	1766 3rd St	48.96	80.00	\$3,600.00	8,778.47		\$1,018.30	\$0.00			\$3,600.00	120
121	153022410091	10, 25	1761 3rd St	39.88	80.00	\$3,600.00	16,805.31		\$1,949.42	\$0.00			\$3,600.00	121

\$504,157.48

\$504,157.48

Assessments for Commercial Apartments and Church owned parcels being reviewed.  
2024 Proposed Sewer Wye Assessments will be a 50/50 split with the City, capped at \$1,700.00

**PROPOSED ASSESSMENT ROLL  
STREET IMPROVEMENTS  
CITY PROJECT NO. 24-01**

**CITY OF WHITE BEAR LAKE  
2024 STREET RECONSTRUCTION PROJECT  
CITY PROJECT NO. 24-01**

CREATED: 8/4/2022  
UPDATED: 1/22/2024

County Data Current 10/2/23

**DRAFT**

**ASSESSMENT CODE 93202401**

PIN	NO *	PROPERTY ADDRESS	STREET ASSESSMENT CALCULATIONS		STREET ASSESSMENT	LOT AREA	STORM SEWER ASSESSMENT CALCULATIONS		STORM ASSESSMENT	SEWER WYE ASSESSMENT	WATER SERVICE ASSESSMENT	TOTAL ASSESSMENT
			FRONT FOOTAGE	ASSESSABLE FOOTAGE			ASSESSABLE AREA	PREVIOUS STORM SEWER ASSESSMENT				
		Residential street assessment			\$ 55.00							
	1	Corner lot										
	2	Bound by streets on 2, 3, or all sides										
	3	Interior lot 100 ft maximum			\$ 5,500.00							
	4	Maximum residential corner lot assessment			\$ 8,000.00							
	5	1/2 maximum residential corner lot assessment			\$ 4,000.00							
	6	Commercial lot per front foot assessment			\$ 95.00							
	7	Apartment/Townhome per foot assessment			\$ 74.00							
	8	Lot splits in future to be assessed at future rate per front foot										
	9	Lot split in future will be assessed at future rate per sq ft										
	10	Cul de sac lot										
	11	Residential irregular interior lot										
	12	Lot has been assessed maximum storm sewer rate										
	13	Alley Assessment (Each)			\$ 3,100.00							
	14	Residential storm sewer rate			\$ 0.12							
	15	Commercial storm sewer rate			\$ 0.24							
	16	Open Space, Park & Public storm sewer rate			\$ 0.06							
	17	Sanitary sewer service repair			varies on repairs							
	18	Assessment in lieu of charges										
	19	Residential Street Mill & Overlay Rate										
	20	Apartment/Town Home Mill & Overlay Rate										
	21	Commercial Mill and Overlay Rate										
	22	Residential Total Pavement Replacement Rate			\$ 45.00							
	23	Apartment/Townhome Total Pavement Replacement Rate			\$ 60.15							
	24	Commercial Total Pavement Replacement Rate			\$ 74.00							
	25	Residential Street Reconstruction Rate			\$ 55.00							
	26	Apartment/Town Home Reconstruction Rate			\$ 74.00							
	27	Commercial Reconstruction Rate			\$ 90.00							
	28	Appraiser's Opinion										

ASSESSMENT PERIOD - 15 YEARS FOR RESIDENTIAL - 20 YEARS FOR APARTMENTS AND COMMERCIAL  
 INTEREST RATE (2023) - 5.72%  
 RAMSEY COUNTY ADMINISTRATIVE FEE (\$2.50 PER YEAR FOR 15 YEARS = \$37.50)  
 RAMSEY COUNTY ADMINISTRATIVE FEE (\$2.50 PER YEAR FOR 20 YEARS = \$50.00)

**PROPOSED ASSESSMENT ROLL  
STREET IMPROVEMENTS  
CITY PROJECT NO. 24-08**

**CITY OF WHITE BEAR LAKE  
2024 STREET RECONSTRUCTION PROJECT  
CITY PROJECT NO. 24-08**

CREATED:	10/3/2023
UPDATED:	1/22/2024

County Data Current 8/1/23

**ASSESSMENT CODE 93202408**

**DRAFT**

			STREET ASSESSMENT CALCULATIONS		STREET ASSESSMENT		STORM SEWER ASSESSMENT CALCULATIONS		STORM SEWER ASSESSMENT		TOTAL ASSESSMENT	
	PIN	NO *	PROPERTY ADDRESS	FRONT FOOTAGE	ASSESSABLE FOOTAGE	ASSESSMENT	LOT AREA	ASSESSABLE AREA	STORM SEWER ASSESSMENT	STORM ASSESSMENT	TOTAL ASSESSMENT	
1	223022220009	24	1330 HIGHWAY 96	300.00	300.00	\$22,200.00	47896.87	0.00		\$0.00	\$22,200.00	1
2	223022220050	24	1338 HIGHWAY 96	423.50	423.50	\$31,339.00	254174.56	0.00		\$0.00	\$31,339.00	2
3	223022220057	24	1328 HIGHWAY 96	100.00	100.00	\$7,400.00	387292.58	0.00		\$0.00	\$7,400.00	3
						\$60,939.00						

Assessments for Commercial owned parcels being reviewed.



**PROPOSED ASSESSMENT ROLL  
STREET IMPROVEMENTS  
CITY PROJECT NO. 24-08**

**CITY OF WHITE BEAR LAKE  
2024 STREET RECONSTRUCTION PROJECT  
CITY PROJECT NO. 24-08**

CREATED:	10/3/2023
UPDATED:	1/22/2024

County Data Current 8/1/23

**ASSESSMENT CODE 93202408**

**DRAFT**

PIN	NO *	PROPERTY ADDRESS	STREET ASSESSMENT CALCULATIONS		STREET ASSESSMENT	STORM SEWER ASSESSMENT CALCULATIONS			STORM ASSESSMENT	TOTAL ASSESSMENT
			FRONT FOOTAGE	ASSESSABLE FOOTAGE		LOT AREA	ASSESSABLE AREA	PREVIOUS STORM SEWER ASSESSMENT		
		Residential street assessment			\$ 55.00					
	1	Corner lot								
	2	Bound by streets on 2, 3, or all sides								
	3	Interior lot 100 ft maximum			\$ 5,500.00					
	4	Maximum residential corner lot assessment			\$ 8,000.00					
	5	1/2 maximum residential corner lot assessment			\$ 4,000.00					
	6	Commercial lot per front foot assessment			\$ 95.00					
	7	Apartment/Townhome per foot assessment			\$ 74.00					
	8	Lot splits in future to be assessed at future rate per front foot								
	9	Lot split in future will be assessed at future rate per sq ft								
	10	Cul de sac lot								
	11	Residential irregular interior lot								
	12	Lot has been assessed maximum storm sewer rate								
	13	Alley Assessment (Each)			\$ 3,100.00					
	14	Residential storm sewer rate			\$ 0.12					
	15	Commercial storm sewer rate			\$ 0.24					
	16	Open Space, Park & Public storm sewer rate			\$ 0.06					
	17	Sanitary sewer service repair			varies on repairs					
	18	Assessment in lieu of charges								
	19	Residential Street Mill & Overlay Rate								
	20	Apartment/Town Home Mill & Overlay Rate								
	21	Commercial Mill and Overlay Rate								
	22	Residential Total Pavement Replacement Rate			\$ 43.00					
	23	Apartment/Townhome Total Pavement Replacement Rate			\$ 60.15					
	24	Commercial Total Pavement Replacement Rate			\$ 74.00					
	25	Residential Street Reconstruction Rate			\$ 55.00					
	26	Apartment/Town Home Reconstruction Rate			\$ 74.00					
	27	Commercial Reconstruction Rate			\$ 90.00					
	28	Appraiser's Opinion								

ASSESSMENT PERIOD - 15 YEARS FOR RESIDENTIAL - 20 YEARS FOR APARTMENTS AND COMMERCIAL  
 INTEREST RATE (2023) - 5.72%  
 RAMSEY COUNTY ADMINISTRATIVE FEE (\$2.50 PER YEAR FOR 15 YEARS = \$37.50)  
 RAMSEY COUNTY ADMINISTRATIVE FEE (\$2.50 PER YEAR FOR 20 YEARS = \$50.00)



# **APPENDIX I**

## **PROJECT FINANCING SUMMARY**

# 2024 PAVEMENT REHABILITATION PROJECT

## PROJECT FINANCING SUMMARY

### **IMPROVEMENT COSTS:**

	CONSTRUCTION COST
Street Reconstruction/Full Depth Pavement	\$ 1,350,000
Sanitary Sewer	\$ 150,000
Storm Sewer	\$ 130,000
Watermain	\$ 200,000
Sports Center Parking Lots	\$ 200,000
Sidewalk	\$ 50,000
<hr/>	
Construction Cost	\$ <b>2,080,000</b>
10% Contingency	\$ 208,000
18% Engineering, Legal, Fiscal	\$ 374,400
<hr/>	
<b>Total Estimated Improvement Costs:</b>	<b>\$ 2,662,400</b>

### **FUNDING SUMMARY:**

#### **SPECIAL ASSESSMENTS TO PROPERTY OWNERS:**

Street Assessments	\$ 565,000
Estimated Special Assessments	\$ <b>565,000</b>

#### **CITY FUNDS: (Costs Include 18% Engineering, Legal, & Fiscal Costs & 10% Contingency)**

Improvement Bond	\$ 2,097,400
<b>Estimated City Funds:</b>	<b>\$ 2,097,400</b>

### **TOTAL PROJECT FUNDING:**

Estimated Special Assessments	\$ 565,000	(21.2% , 32.7% of Street)
Estimated Other Resources	\$ 2,097,400	(78.8%)
<b>TOTAL</b>	<b>\$ 2,662,400</b>	

## **APPENDIX J**

### **SAMPLE ASSESSMENT BREAKDOWNS**

**SAMPLE Assessment Breakdown**  
 (based on 15 years with an *assumed* interest rate of 5.0%)

<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">ASSESSMENT AMOUNT</td> <td style="text-align: right;"><b>\$2,000.00</b></td> </tr> <tr> <td>COUNTY FEE \$2.50/15YR</td> <td style="text-align: right;"><b>\$37.50</b></td> </tr> <tr> <td>TOTAL ASSESSMENT</td> <td style="text-align: right;"><b>\$2,037.50</b></td> </tr> <tr> <td>PRINCIPAL PER YEAR</td> <td style="text-align: right;">\$135.83</td> </tr> <tr> <td>ASSUMED INTEREST RATE</td> <td style="text-align: right;">5.0%</td> </tr> </table>	ASSESSMENT AMOUNT	<b>\$2,000.00</b>	COUNTY FEE \$2.50/15YR	<b>\$37.50</b>	TOTAL ASSESSMENT	<b>\$2,037.50</b>	PRINCIPAL PER YEAR	\$135.83	ASSUMED INTEREST RATE	5.0%	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">ASSESSMENT AMOUNT</td> <td style="text-align: right;"><b>\$3,000.00</b></td> </tr> <tr> <td>COUNTY FEE \$2.50/15YR</td> <td style="text-align: right;"><b>\$37.50</b></td> </tr> <tr> <td>TOTAL ASSESSMENT</td> <td style="text-align: right;"><b>\$3,037.50</b></td> </tr> <tr> <td>PRINCIPAL PER YEAR</td> <td style="text-align: right;">\$202.50</td> </tr> <tr> <td>ASSUMED INTEREST RATE</td> <td style="text-align: right;">5.0%</td> </tr> </table>	ASSESSMENT AMOUNT	<b>\$3,000.00</b>	COUNTY FEE \$2.50/15YR	<b>\$37.50</b>	TOTAL ASSESSMENT	<b>\$3,037.50</b>	PRINCIPAL PER YEAR	\$202.50	ASSUMED INTEREST RATE	5.0%																																																																																		
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**SAMPLE Assessment Breakdown**  
 (based on 15 years with an *assumed* interest rate of 5.0%)

ASSESSMENT AMOUNT	<b>\$4,500.00</b>	
COUNTY FEE \$2.50/15YR	<b>\$37.50</b>	
TOTAL ASSESSMENT	<b>\$4,537.50</b>	
PRINCIPAL PER YEAR	\$302.50	
ASSUMED INTEREST RATE	5.0%	
	ANNUAL PAYMENT	PRINCIPAL BALANCE
YEAR		
		\$4,537.50
1	\$586.09	\$4,235.00
2	\$514.25	\$3,932.50
3	\$499.13	\$3,630.00
4	\$484.00	\$3,327.50
5	\$468.88	\$3,025.00
6	\$453.75	\$2,722.50
7	\$438.63	\$2,420.00
8	\$423.50	\$2,117.50
9	\$408.38	\$1,815.00
10	\$393.25	\$1,512.50
11	\$378.13	\$1,210.00
12	\$363.00	\$907.50
13	\$347.88	\$605.00
14	\$332.75	\$302.50
15	\$317.63	\$0.00

ASSESSMENT AMOUNT	<b>\$5,000.00</b>	
COUNTY FEE \$2.50/15YR	<b>\$37.50</b>	
TOTAL ASSESSMENT	<b>\$5,037.50</b>	
PRINCIPAL PER YEAR	\$335.83	
ASSUMED INTEREST RATE	5.0%	
	ANNUAL PAYMENT	PRINCIPAL BALANCE
YEAR		
		\$5,037.50
1	\$650.68	\$4,701.67
2	\$570.92	\$4,365.83
3	\$554.13	\$4,030.00
4	\$537.33	\$3,694.17
5	\$520.54	\$3,358.33
6	\$503.75	\$3,022.50
7	\$486.96	\$2,686.67
8	\$470.17	\$2,350.83
9	\$453.38	\$2,015.00
10	\$436.58	\$1,679.17
11	\$419.79	\$1,343.33
12	\$403.00	\$1,007.50
13	\$386.21	\$671.67
14	\$369.42	\$335.83
15	\$352.63	\$0.00

ASSESSMENT AMOUNT	<b>\$6,000.00</b>	
COUNTY FEE \$2.50/15YR	<b>\$25.00</b>	
TOTAL ASSESSMENT	<b>\$6,025.00</b>	
PRINCIPAL PER YEAR	\$401.67	
ASSUMED INTEREST RATE	5.0%	
	ANNUAL PAYMENT	PRINCIPAL BALANCE
YEAR		
		\$6,025.00
1	\$778.23	\$5,623.33
2	\$682.83	\$5,221.67
3	\$662.75	\$4,820.00
4	\$642.67	\$4,418.33
5	\$622.58	\$4,016.67
6	\$602.50	\$3,615.00
7	\$582.42	\$3,213.33
8	\$562.33	\$2,811.67
9	\$542.25	\$2,410.00
10	\$522.17	\$2,008.33
11	\$502.08	\$1,606.67
12	\$482.00	\$1,205.00
13	\$461.92	\$803.33
14	\$441.83	\$401.67
15	\$421.75	\$0.00

ASSESSMENT AMOUNT	<b>\$7,000.00</b>	
COUNTY FEE \$2.50/15YR	<b>\$25.00</b>	
TOTAL ASSESSMENT	<b>\$7,025.00</b>	
PRINCIPAL PER YEAR	\$468.33	
ASSUMED INTEREST RATE	5.0%	
	ANNUAL PAYMENT	PRINCIPAL BALANCE
YEAR		
		\$7,025.00
1	\$907.40	\$6,556.67
2	\$796.17	\$6,088.33
3	\$772.75	\$5,620.00
4	\$749.33	\$5,151.67
5	\$725.92	\$4,683.33
6	\$702.50	\$4,215.00
7	\$679.08	\$3,746.67
8	\$655.67	\$3,278.33
9	\$632.25	\$2,810.00
10	\$608.83	\$2,341.67
11	\$585.42	\$1,873.33
12	\$562.00	\$1,405.00
13	\$538.58	\$936.67
14	\$515.17	\$468.33
15	\$491.75	\$0.00

# **APPENDIX K**

## **LOCAL IMPROVEMENT GUIDE (CITY ASSESSMENT POLICY)**

# City of White Bear Lake

## LOCAL IMPROVEMENT GUIDE

Adopted by the City Council  
April 1983

REVISED  
January 22, 2008

REVISED  
April 26, 2011



# Policies for Public Improvements

## INTRODUCTION

The City Charter of the City of White Bear Lake assigns to the City Council the responsibility for making public improvements. It has been and will continue to be the policy of the City Council of White Bear Lake that when such improvements are made which are of benefit to certain areas, special assessments will be levied not to exceed benefits received. The procedures used by the City are those specified for Minnesota Statutes, Chapter 429, which provide that all, or part, of the cost of improvements may be assessed against benefiting properties in accordance up to the benefits received. The statute, however, provides no statutory guide as to how these benefits are measured or how the costs are to be apportioned. Those actual assessment apportionments must be made in accordance with policies adopted by the City Council. The purpose of this general policy is to establish a consistent standard for the apportionment of special assessments, and to provide the public with basic information on the improvement process and financing procedures. Therefore, it is understood the following shall constitute a statement of the policy of the City Council regarding improvements and assessments. It is also intended that the policies shall be applicable to all land within the City, platted or unplatted, and shall be complimentary to the City Subdivision Regulations, City Code Sections 1101-1105 and Ordinance No. 438, as amended.



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# 1 GENERAL POLICIES

## 1.1 Types of Improvements

This policy shall relate only to those public improvements allowable under Chapter 429, Minnesota Statutes. These public improvements may include the following:

- a) Sanitary sewer utility system improvements
- b) Water utility system improvements
- c) Storm sewer, holding pond and drainage systems
- d) Streets, curb and gutters, grading, graveling
- e) Pedestrian ways
- f) Tree trimming, care and removal
- g) Abatement of nuisances
- h) Public malls, plazas and courtyards
- i) Service charges which are unpaid for the cost of rubbish removal from sidewalks, weed elimination, and the elimination of public health or safety hazards, upon passage of appropriate ordinances (M.S.A. 429.101).

## 1.2 Definitions

*Special Assessment* – A charge against a property which benefits from the existence of a public capital improvement, the amount of which may reach the value of the benefit.

*Project Cost* – The cost of actually constructing the improvement, and to include, but not limited to, the following: Engineering, Legal, Administrative, Land or Easement Acquisition, Fiscal, Capitalized Interest, Data Processing, and Publication Fees.

*Assessable Cost* – Up to the value of the benefit received by properties affected by the improvement, which may or may not equal the project cost.

*Assessment Rate* – A charge per property (or per property dimension) which is determined by dividing the total dollars to be assessed by all properties (or by the sum of a particular property dimension) benefiting from the improvement on a uniform basis.

*Connection Charge* – A lump-sum charge collected at the time a property connects to the sewer or water system, the proceeds of which go to finance system-wide improvements not readily identifiable to particular properties.

*Operating Revenue* – A fee for consumption of the water utility’s product of the sanitary sewer utility’s service paid by the user.

**1.3 Initiation of Public Improvement Project**

The public improvement project may be initiated by petition of affected property owners or by direct action of the City Council. Petitions for public improvement should be received by the City Council until the first day of February each year for action in that year. Petitions for public improvement submitted after that date may be received and acted upon during that year only by special consent of the Council, or may be received and considered the following year. The annual improvement calendar below is incorporated into this policy, and applies to both petitioned and Council initiated improvements.

CONSTRUCTION IMPROVEMENT PROGRAM TIME SCHEDULE

1.	Deadline for Petition Submittal	February 1
2.	Petition Review with the City Council and Council Authorization of Feasibility Report	February Council Meeting
3.	Completion of Engineer’s Feasibility Report	March 1
4.	City Council Receipt of Engineer’s Report and Ordering of Improvement Hearing	March Council Meeting
5.	Preparation for Improvement Hearing	Last two weeks of March and first week of April
6.	Improvement Hearing	April Council Meeting
7.	Preparation of Plans and Specifications, Advertisement for Bids, Taking of Bids	Month of April
8.	Opening of Bids	Late May
9.	Award of Bids	June Council Meeting
10.	Construction Begins and Proceeds	July 1 through August 1 (following year: 14 month construction)
11.	Assessment Hearing Process	August 1 through September 10 (year following initiation of construction)
12.	Certification of Assessment Roll to County	October 10 (year following initiation of construction)

**1.4 Developer’s Agreements**

Private property owners may elect to construct certain public improvements themselves without participation in the City's improvement process. Such improvements shall only be constructed upon execution of a developer's agreement between the City and the private party. This developer's agreement shall be in a form prescribed by the City Attorney, but shall include sections on City review and approval of construction plans, and City inspection and approval of the construction process. The agreement shall also provide for a fee to the private party in the amount of five (5) percent of the estimated construction cost as reimbursement for these services.

## 2 GUIDELINES FOR DETERMINING ASSESSABLE AMOUNT

### 2.1 General Statement

When an improvement is constructed which benefits properties within a definable area, the City Council intends that special assessments be levied against the benefiting properties within that area. The total of all special assessments levied shall not exceed the value of the benefit to all assessed properties. The base for determining the value of benefit received shall be the cost of providing the improvement, namely, the project cost. This base may be adjusted by consideration of other available revenues or a determination that the benefit of the project extends beyond the immediate project area.

### 2.2 Determination of Project Cost

The project cost of an improvement shall be the actual cost of construction plus associated costs as listed below. Associated costs shall be determined either on an actual cost basis or as a percentage of construction cost. As a general rule, the project cost shall be calculated as follows:

1.	Final Construction Contract	\$ _____
2.	Engineering Consultant _____ In-House _____	_____
3.	Project Administration (1% of line 1)	_____
4.	Bonding Cost (Fiscal and Legal)	_____
5.	Land and Easement Acquisition	_____
6.	Legal Cost	_____
7.	Capitalized Interest (1% on bonds)	_____
8.	Miscellaneous Costs	_____
	TOTAL PROJECT COST	\$ _____

### 2.3 Determination of Assessable Cost

The project cost shall form the basis for determining the benefit and then the assessable cost. The value of the benefit received related directly to the cost of providing the benefit, while the benefit may greatly exceed the project costs. However, improvements may occur which provide a benefit to an area extending beyond the immediate project area. In such cases, the City shall pursue other funding options and, where available, the assessable cost shall be reduced below the project cost to a point equaling but not exceeding the benefit received. When other funding options are not available, the City shall determine advisability of constructing the project as originally designed or consult with property owners in the project area as to the value of the benefit they place on the improvement.

The City has available a number of funding options, each of which is limited as to both, and applicability to certain types of improvements and the monies available to participate in project financing. Generally, these options reduce the overall assessable cost, while, as a general rule, increase the benefit to the affected property.

a) General Property Taxation: If an improvement extends a benefit to all property owners in the City, the Council could supplement assessable cost with property taxation. By Chapter 429, the City must assess at least 20 percent of the project cost, leaving a maximum of 80 percent to be otherwise funded. Also, this option would not be allowable for utility system improvements. A tax levy affects all property owners, and not all property owners benefit from these public utilities. This option must be carefully considered because, first, few improvements proved City-wide benefit and, secondly, increasing controls by the State of tax levies may cause a reduction in basic services if this source is used for improvement cost participation.

b) Utility Connection Funds: Connection charges as previously defined are lump sum fees paid by property owners at the time the property connects to the utility system. The purpose of these funds is two-fold: First, to provide funding for improvements which enhance the operation of the entire system "looping"; and, second, to provide a contingency reserve for immediate financing of improvements where non-anticipated or accidental loss of the system has occurred. In the former case, smaller scale improvements are here defined as looping of a utility system, which causes properties to abut a utility system which would not have otherwise abutted the utility system had not the looping proved necessary. In such cases, the utility connection fund would contribute to financing the project cost either in the full amount of the assessments on relevant abutting properties, or in the amount of the incremental increase in project cost necessitated by the looping with all abutting properties being assessed a basic benefit.

c) Utility Operating Revenues: Once individuals are connected to the utility systems, their usage of the water product or sewer service is charged per unit of consumption. These fees are primarily dedicated to meet operational expenditures. The utility system requires certain public improvements to be made which benefit all users of the system, i.e., water towers, treatment plants, sewer lift stations. Minnesota Statutes, Chapter 444, provide the City with the authority to issue bonds for such improvements and use the proceeds of user fee to retire the bonds. Utility operating revenues, therefore, shall not be used to reduce the assessable cost below the project cost for improvements constructed under the Improvement Guide.

d) Minnesota State Aid Road Funds (MSA): The City is eligible for and annually receives funds from the State for the construction of roadways and related systems which are designed to specific standards. The State Aid procedures do not dictate how the City expends its annual appropriation, but rather it approves proposed City expenditures for eligible projects. Therefore, the City has the latitude to define how much MSA funding could be used in a given project. Stated differently, the City has the ability to define a project's assessable cost, and if the assessable cost is below the project cost, fund the difference with MSA monies. This policy shall provide for two standards of defining assessable costs for MSA eligible roadways; one of which is for residential, and one of which is for commercial/industrial roadways. The assessable cost for residential roadways shall be the project cost of providing a 5 ton, 32 feet in width, street surface with associated concrete curb and gutter. The assessable cost for commercial/industrial roadways shall be the project cost of providing a 7 or 9 ton, 36 feet in width, street surface with associated concrete curb and gutter. The project costs for improvements providing more than those basic benefits shall be funded by MSA financing for that portion which is not assessable cost. Properties abutting any road improvements shall be assessed according to the present zoning of property (see Section 3.B.i.). Generally, State Aid funds will reduce the cost on assessable property while increasing and not reducing the benefit to said property.

### 3 METHOD OF ASSESSMENT AND APPORTIONMENT

#### 3.1 Method of Assessment by Type of Improvement

The nature of an improvement lends itself to a particular manner in determining the apportionment of the assessable cost to benefiting properties. Besides the nature of the improvement, consideration of the apportionment of assessable cost must be given to both an equitable treatment of properties and an efficient manner of administration. This policy employs three bases for apportionment of assessable cost to benefiting properties. The front footage basis divides the assessable cost by the total front footage of all benefiting properties at a distance of 30 feet from the public right-of-way to determine the assessment rate. The area basis divides the assessable cost by the total square footage of all benefiting properties to determine the assessment rate. The unit basis divides the assessable cost by the total number of units benefiting, urban lots or urban lot equivalent for unplatted areas, to determine the assessment rate. These methods shall define the standard situation; however, particular cases are defined in Part B of this section. In no case shall benefiting properties be defined as extending beyond the existent jurisdictional limits of the City.

Improvements provided for in this policy, Section 1-A, the following methods of apportionment shall be used:

1. Sanitary sewer utility system improvements:
  - a. New and replacement mains and services – front footage basis or unit basis
2. Main oversizing – area basis
  - a) Water utility system improvements:

- i. New and replacement mains and services – front footage basis or unit basis
  - ii. Main oversizing – area basis
- b) Storm sewer systems – area basis and/or tax district
- c) Street systems:
  - i. Streets – front footage or unit basis
  - ii. Curb and Gutter – front footage or unit basis
- d) Pedestrian ways (sidewalks) – front footage and/or area basis and/or tax district
- e) Tree trimming – unit basis
- f) Abatement of nuisances – unit basis
- g) Public malls, plazas – individual situation
- h) Service charges – unit basis

Certain improvements allow the Council discretion as to the method of apportionment used. Also, in the cases of tree trimming, abatement of nuisances, and service charges, the assessable cost is attributable to individual properties and, therefore, the unit should normally be on an individual parcel.

### **3.2 Apportionment of Non-Standard and Public Parcels**

The character of this City is such that many parcels are of irregular configuration or have particular circumstances. This section establishes a policy for apportionment of assessments to these properties in conjunction with standard parcels.

a) For rectangular corner lots: The “frontage” shall be equal to the dimension of the smaller of the two sides of the lot abutting the improvement. If both sides of the lot are improved, the “frontage” shall be the dimension of the smaller of the two sides of the lot plus one-half of the dimension of the larger of the two sides provided, however, that in no case shall the sum of the two dimensions exceed the long side dimension of the lot. When a corner lot has the abutting streets improved in different years, the total assessable footage is determined and one half (1/2) assessed with each project.

b) For irregular shaped interior lots: (non-cul de sac parcels): The “frontage” shall be equal to the average width of the lot measured in at least two locations preferably along the front lot line and the rear lot line. Cul-de-sac lots shall be assessed 80 feet of assessable footage. For platted interior lots with frontage less than 80 feet and rear lot dimensions greater than 80 feet so that when assessment policy rules are applied for irregular shaped lots the assessable footage would be greater than

80 feet; such lots shall be assessed as standard 80 foot lots for street reconstruction assessments.

c) For irregular shaped corner lots: The “frontage” shall be equal to the average width of the lot as determined in “b” above plus one-half of the average length of the lot as determined in “be” above, provided, however, that the total “frontage” shall not exceed the dimension of the average length of the long side as determined in “b” above.

d) For interior lots less than 220 feet in depth, which abut two parallel improvements: The ‘frontage’ shall be equal to the lot width abutting the street, plus one-half of the lot width abutting the other street. Where the two lot widths are not equal, the full width of the smaller of the two shall be added to one-half of the other width.

e) For end lots less than 220 feet in depth, which abut three improvements: The “frontage” for a given type of surface improvement shall be calculated on the same basis as if such lot were a corner lot abutting the improvement on two sides only.

f) For lots greater than 220 feet in depth, which abut two parallel improvements: The “frontage” for improvements shall be calculated independently for each “frontage” unless other City regulations prohibit the use of the lot for anything but a single-family residence, in which case the average width is the total “frontage”.

g) In the above cases, a, c, e and f, the assessment practices noted in such sections shall apply in the event that improvements do not occur simultaneously. The assessment of a replacement improvement shall be determined using the same dimensions as the original improvement which would be replaced.

h) City properties with the exception of street rights-of-way shall not be considered as part of the project area in cases where the total relevant physical dimension of such properties do not exceed 25 percent of the total project’s relevant physical dimension. In such cases where City properties exceed 25 percent, the City shall participate in calculation of projected area.

i) In cases where the improvement installed is designed to satisfy a particular land use, the assessment shall be based on the current zoning of the property or where a specially permitted use exists at that use.

j) Improvements benefiting unplatted properties where necessary shall be assessed on the basis of equivalent platted lots with minimum lot area as defined by the zoning ordinances.

k) Properties abutting street system improvements shall have a basic benefit for special assessment purposes. Properties having a residential zoning use shall have a basic benefit defined as a 5 ton, 32 feet wide street surface with associated concrete curb and gutter. Properties having a commercial-industrial zoning use shall have a basic benefit defined as a 7 to 9 ton, 36 feet wide street surface with associated concrete curb and gutter.

#### 4 DESIGN STANDARDS



#### **4.1 Surface Improvements**

Surface improvements shall include grading and base construction, sidewalks, curb and gutter, surfacing, resurfacing, and ornamental street lighting in the downtown business district area.

a.) Standards for surface improvements – In all streets prior to street construction and surfacing, or prior to resurfacing, all utilities and utility service lines (including sanitary sewer, water lines, storm sewers, gas and electric service) shall be installed to serve each known or assumed building location. No surface improvements to less than both sides of a full block of street shall be approved except as necessary to finish the improvement of a block which has previously been partially completed. Concrete curbing or curb and gutter shall be installed at the same time as the street surfacing except that where a permanent “rural” street design is approved by the City Council, concrete curb or curb and gutter will not be required. In this instance, no curb or a lesser type curb may be installed for “rural” streets at the City Council direction.

b.) Arterial Streets – shall be of “9 ton” design of adequate width to accommodate projected 20-year traffic volumes. Sidewalks shall be provided on at least one side of all arterial streets unless specifically omitted by the City Council, and the sidewalk shall be at least 5 feet in width unless otherwise approved by the City Council. Arterial streets shall be resurfaced at or near their expected service life depending upon existing conditions.

c.) Collector Streets (including commercial and industrial access streets) – shall be of “7 ton” design based on anticipated usage and traffic, and shall normally be 44 feet in width measured between faces of curbs unless permanent parking restrictions are imposed on the roadway or the roadway is a limited access industrial roadway, in which case the roadway width shall be reduced in width to 36 feet. Sidewalks may be installed when required by the City Council on collector streets and shall be at least 5 feet in width unless otherwise approved by the City Council. Wherever feasible a boulevard at least 5 feet in width shall be provided measured from the street face of curb to the street face of the sidewalk, or the property line. Collector streets shall be resurfaced at or near their expected service life or at such time as the Council determines it is necessary to raise the structure value of the street.

d.) Residential Streets – shall be of “5 ton” design, 32 feet in width measured between faces of curb unless specifically required by the Council. Sidewalks shall not be provided on residential streets. Residential streets shall be resurfaced at or near their expected service life depending upon existing conditions.

e.) Alleys – Residential areas shall be constructed of sufficient design based on the anticipated usage of the alley. Alleys which are surfaced shall be resurfaced at or near their expected service life depending upon existing conditions.

f.) Ornamental Street Lighting – When installed shall be installed in accordance with the most recent standards as established by the Illuminating Engineers Society.

#### **4.2 Subsurface Improvements**

Subsurface improvements shall include water distribution lines, sanitary sewer lines and storm sewer lines.

a.) Standards – Subsurface improvement shall be made to serve current and projected land use based upon current zoning. All installations shall conform to the minimum standards as established by those State or Federal agencies having jurisdiction over the proposed installations. All installations shall also comply, to the maximum extent feasible, to such quasi-official nationally recognized standards as those of the American Insurance Association (formerly National Board of Fire Underwriters). Service lines to every known or assumed location should be installed in conjunction with the construction of the mains and assessed in a manner similar to the mains. This service line construction shall, to the maximum extent feasible, be completed prior to the installation of planned surface improvements. Minimum standard for residential utility main service shall be an 8” main for water and a 9” main for sanitary sewer.

## 5 STORM SEWER ASSESSMENT

Storm sewer improvements present particular problems for assessment in terms of defining project area, drainage coefficients, and contributing drainage area. The particular problem of defining the project area is aggravated by the fact that often times a number of individual project are required to solve one drainage problem.

### 5.1 Project Area

The project area shall be defined as either a specific improvement or a series of improvements coordinated to solve one drainage problem.

### 5.2 Specific Land Use

In recognition of the fact that different land uses contribute separate drainage problems, the assessment rates for specific land uses shall be weighted according to such contributions. The weighting factors to be applied are as follows:

- a.) Commercial, multiple and industrial land uses – 2.0
- b.) Residential uses including property zoned R1, R2, R3, R4, and public property including schools and churches -1.0
- c.) Open space including parks, golf courses and other public open areas -0.5

This weighted area computation shall apply to all properties including platted property and all unplatted parcels according to the current property zoning (see Section 3.B.i.)

## 6 CONDITIONS OF PAYMENT OF ASSESSMENT

Minnesota Statutes, Chapter 429, provide the City with considerable discretion in establishing the terms and conditions of payment of special assessment by property owners. Chapter 429 does establish two precise requirements regarding payment. First, the property owner has 30 days from the date of adoption of the assessment roll to

pay the assessment in full without interest charge (429.061, subd. 3). Second, all assessments shall be payable in equal annual installments extending over a period not exceeding 30 years from the date of adoption of the assessment roll (429.061, subd. 2). The conditions of payment established in this section follow the requirements of Chapter 429 and seek to balance the burden of payment of the property owner with the financing requirements imposed by debt issuance.

### **6.1 Term of Assessment**

The City shall collect payment of special assessments in equal annual installments of principal for the period of years indicated from the year of adoption of the assessment roll by the following types of improvements:

- a) Sanitary sewer system improvements – 10 years\*
- b) Water system improvements – 10 years\*
- c) Storm sewer systems – 10 years\*
- d) Street systems: Street, alley, curb and gutter – 10 years\*
- e) Pedestrian ways – 10 years\*
- f) Tree trimming and removal – 1 year
- g) Abatement of nuisance – 1 year
- h) Public malls, plazas – up to 30 years
- i) Service charges, delinquent utilities – 1 year

\* Or a term coincident with the duration of the debt issued to finance the improvement.

### **6.2 Interest Rate**

The City most often finds itself required to issue debt in order to finance improvements. Such debt requires that the City pay an interest cost to the holders of the debt with such interest cost varying on the timing, bond rating, size and type of bond issue. In addition, the city experiences problems with delinquencies in payment of assessment by property owners or the inability to invest prepayments of assessments at an interest rate sufficient to meet the interest cost of the debt. These situations create immediate cash flow problems in the timing and ability to make scheduled bond payments. Therefore, for all projects financed by debt issuance, the interest rate charged on assessments shall be 2.0 percent greater than the rate allowable on the bond issue as determined by the State Commissioner of Finance (M.S.A. 475.55, Subd. 1 and 4). This interest rate shall be defined as the current rate for all improvements assessed in that year.

The assessment of certain improvements, such as tree trimming and removal, abatement of nuisances, and service charges, to include delinquent utilities, does not

usually require debt issuance. However, the City is making expenditures in one year and not receiving payment until the following year for improvements having a benefit to a specific property owner. In such cases, the City is not able to earn interest on the amount of the expenditures. State Statute provides the interest rate charge on such improvements shall not exceed eight (8) percent

### **6.3 Connection Charge in Lieu of Assessment (Ordinance 638)**

At various times properties request to join the City utility system which have no record of ever being specially assessed for a public improvement abutting the property. The parcel is receiving a benefit from the existence of the improvement. Properties in such cases shall be charged a connection charge in lieu of assessment. The amount of this connection charge shall be the current assessment rate for that type of improvement discounted to allow for depreciation of the improvement. In the case of utility systems, the useful life is defined as 40 years with the discount allowed on a straight-line depreciation method for the years of useful life expended. The term of the assessment here shall be 10 years. The interest rate charged shall be the current rate.

### **6.4 Deferral of Current Payment of Special Assessment**

Deferral of Current Payment of Special Assessment: State law permits property owners to be deferred from the current payment of special assessment in three cases: agricultural uses "green acres", senior citizens, and disabled retired persons. Green acres is administered by the County and is beyond the control of the City. Senior citizen deferments are at the jurisdiction of the City, and this City has adopted such policy in Ordinance 612. Disabled, retired persons are provided deferments under conditions established in Resolution 4131. The City at times has gone beyond State law to grant deferments in other cases. The two present policies regarding deferments shall continue; first, that all existent deferments and any future deferments would be subject to an interest charge payable with the amount of the deferment equal to the current rate on the assessment roll, and that the payment term of deferment plus accumulated interest charges would coincide with the debt service schedule of the original financing. However, in no case would the term exceed 30 years from the date of assessment adoption. Furthermore, with the exception of senior citizen deferments, this policy provides that for any deferment granted after the adoption of this document, the term of such deferment shall not exceed five years.

### **6.5 Assessment of Connection Charges**

Assessment of Connection Charges: The City has adopted a policy (Resolution 3958) which allows the special assessment of the one-time fee for connection to the City sewer and water utilities. To be eligible for such assessment, the property owner must demonstrate a financial hardship in the immediate payment. The following conditions must be met in order for a hardship to exist: one, the applicant must satisfy be a resident of the City and reside at the affected property; two, applicant must satisfy the income requirements for eligibility under the Minnesota Housing Finance Agency guidelines as witnessed by Federal Income Tax return; three, the applicant must agree to the conditions of assessment. Application is made to the City Finance Director. The term of assessment under this provision is two years. State Statute provides that the interest rate shall not exceed eight (8) percent.

## 7 RELATED ISSUES

### 7.1 Connection to Utility System

This policy provides that all properties abutting the City utility system, whether such system is new or a replacement shall connect to such system within one year from date of availability. All such properties not so connecting shall be connected by the City with the costs of such connection being assessed against the property over a one-year term at the current rate. The sole exception to this provision is properties which abut a utility system as a result of system-wide looping requirements, which shall have five years to make such connections.

### 7.2 Payment of Connection Fees

This policy provides that each property connecting to the utility system, whether such system is new or a replacement, shall be charged a connect fee for water and for sewer, if said property has not previously paid such a connection fee or if the improvement replaces a system which has completed its useful life. The useful life of a sewer or water lateral system is here defined as 40 years.

Payment of connection fees shall not be affected by existent or anticipated area assessments for sewer and water utilities. No reduction in the amount charged for these fees shall occur as a result of an area assessment because the present dedicated use of each financing method is independent of the other.

### 7.3 Replacement of Previously Constructed Improvements

The need may arise to rebuild a previously constructed public improvement before the conclusion of its intended service life. If such replacement is caused by actions of a contractor, the City shall make every effort to finance such replacement by actions on the contractor. If financing by the responsible contractor is not found possible, the replacement project shall be treated in a manner similar to any other project with related financing following the policies in the relevant sections of this guide.

## 8 AMENDMENTS

### 8.1 Resolution Updating the City's Special Assessment Policy – January 22, 2008 (see Appendix C)

**APPENDIX A**

Ordinance Allowing Deferment of the Payment of Special Assessments for Local Improvements on Certain Homestead Property

**APPENDIX B**

Resolution Establishing Guidelines for Senior Citizen or Disabled Retiree Hardship Deferral

**APPENDIX C**

Resolution Updating the City's Special Assessment Policy – January 22, 2008

**APPENDIX D**

Resolution Amending the City's Assessment Policy – April 26, 2011

ORDINANCE NO. 612

AN ORDINANCE ALLOWING DEFERMENT OF THE PAYMENT OF SPECIAL ASSESSMENTS FOR LOCAL IMPROVEMENTS ON CERTAIN HOMESTEAD PROPERTY.

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

1. That the Municipal Code of the City of White Bear Lake be and is hereby amended so as to add a new section thereto to read as follows:

Deferred Assessments; Senior Citizens.

Pursuant to the authority granted by Minnesota Statutes, Section 435.193, any person 65 years of age or older owning and homesteading property, which property is subject to the levying of a special assessment after the effective date of this ordinance, and which person meets the qualifications of hardship as defined herein, may apply for and receive deferred payment of special assessments so levied by making application therefor to the Department of Property Taxation, Ramsey County, Minnesota in accordance with Minnesota Statutes, Section 435.194. A hardship shall be deemed to exist when the average annual payment for all assessments levied against the subject property exceeds one percent of the adjusted gross income of the applicant as evidenced by the applicant's most recent Federal Income Tax return.

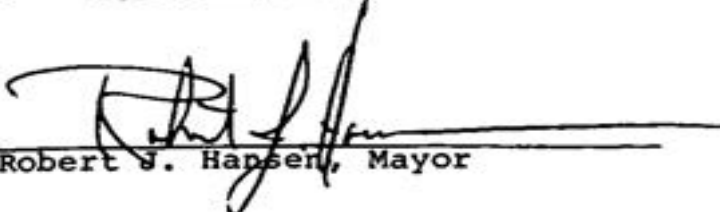
Deferred assessments shall be subject to interest at the rate of 8% per annum on the remaining unpaid balance. The option to defer payment of special assessments shall terminate and all amounts accumulated, including accrued interest, shall become due upon the occurrence of any of the following events:

APPENDIX A

- (a) the death of the owner, provided that the spouse is otherwise not eligible for the benefits hereunder;
- (b) the sale, transfer or subdivision of the property or any part thereof; or
- (c) if the property should for any reason lose its homestead status.

2. This Ordinance shall take effect and be in force after its passage, approval and publication.

Passed by the City Council of the City of White Bear Lake, Minnesota this 13th day of June, 1978.

  
Robert J. Hansen, Mayor

ATTEST:

  
Raymond R. Siebenaler, City Clerk



RESOLUTION ESTABLISHING GUIDELINES FOR SENIOR CITIZEN  
OR DISABLED RETIREE HARDSHIP DEFERRAL

WHEREAS, Minnesota Statutes 435.193 through 435.195 provides that deferment of a special assessment may be granted to a senior citizen or a person retired because of a permanent and total disability;

WHEREAS, the Statutes provide that this privilege of deferment shall be extended only to those for whom it would be a hardship to pay the special assessment;

WHEREAS, it is the responsibility of the City to specify the terms;

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

1. A hardship may be granted only on the homestead property of a person at least 65 years of age or a person retired because of a permanent and total disability.

2. A hardship shall be deemed to exist if at the time of application the sum of all annual installments levied against the homestead property exceeds one percent (1%) of the adjusted gross income of the property owner(s). Evidence of adjusted gross income will be as shown on the most recent Federal or State Income Tax return.

3. Interest shall accrue on the unpaid principal amount deferred from the date of the deferment until December 31st of the year when the deferment shall cease. The interest rate shall be as specified in the resolution originally adopting the assessment.

4. The deferment shall cease when any one of the following occurs:

(a) Death of the property owner provided the spouse is not eligible.

(b) The sale, transfer or subdivision of the property.

(c) If the property should for any reason lose its homestead status.

5. Nothing in this resolution shall be construed to prohibit the determination of hardship on the basis of exceptional and unusual circumstance not covered by the above guidelines.

6. This resolution shall supersede all earlier resolutions or ordinances.

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

Ayes: Auger, Rask, Chesebrough, Ditzrich, McCarty

Nays: None

Passed: October 13, 1981

  
Brad Stanus, Mayor

ATTEST:

  
Raymond R. Siebenaler, City Clerk

APPENDIX B

An owner may appeal an assessment to District Court pursuant to Minnesota Statutes Section 429.081 by serving notice of the appeal upon the Mayor or Clerk of the City within thirty (30) days after the adoption of the assessment and filing such notice with the District Court within ten (10) days after service upon the Mayor or Clerk; however, no appeal may be taken as to the amount of any individual assessment unless a written objection signed by the affected property owner is filed with the City Clerk prior to the assessment hearing or presented to the presiding officer at the hearing.

Pursuant to the authority granted by Minnesota Statutes, Section 435.193, any person 65 years of age or older owning and homesteading property, and which person meets the qualifications of hardship as defined herein, may apply for and receive deferred payment of special assessments so levied by making application therefor to the City of White Bear Lake, Minnesota in accordance with Minnesota Statutes 435.194. A hardship shall be deemed to exist when the average annual payment for all assessments levied against the subject property exceeds one percent of the adjusted gross income of the applicant as evidenced by the applicant's most recent Federal Income Tax return. Deferred assessments shall be subject to interest at the rate of 8.28 percent per annum of the remaining unpaid balance. The option to defer payment of special assessments shall terminate and all amounts accumulated, including accrued interest, shall become due upon the occurrence of any of the following events:

- (a) The death of the owner, provided that the spouse is otherwise not eligible for the benefits hereunder;
- (b) The sale, transfer or subdivision of the property or any part thereof;  
or,
- (c) If the property should for any reason lose its homestead status.

If you have any questions regarding the proposed assessment, please contact Diana Miller, Assessment Clerk at 429-8565 or Steve Duff, Engineering Technician at 429-8531.

Sincerely,

  
Sharon Legg  
Finance Director

SL/el  
Attachments

RESOLUTION NO.: 10261

RESOLUTION UPDATING THE CITY'S SPECIAL ASSESSMENT POLICY

WHEREAS, the City Council desires to use special assessments to fund a portion of certain infrastructure improvement projects as provided for in Minnesota State Statutes; Chapter 429; and

WHEREAS, the City has adopted a Special Assessment Policy which specifies how special assessments are levied against various parcels; and

WHEREAS, the City's Special Assessment Policy was last updated in 1983; and


WHEREAS, the Council desires to formally update the City's Assessment Policy to incorporate revisions which have been made to accommodate non-standard parcels.


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

- 1. The City's Assessment Policy is hereby updated as of January, 2008.

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

Ayes: BELISLE, FRAZER, JOHNSON, JONES, TESSIER  
 Nays: NONE  
 Passed: JANUARY 22, 2008

  
 Paul L. Auger, Mayor

ATTEST:  
  
 Cory L. Vadnais, City Clerk

**RESOLUTION NO.: 10836**

**RESOLUTION AMENDING THE CITY'S SPECIAL ASSESSMENT POLICY**

WHEREAS, the City Council desires to use special assessments to fund a portion of certain infrastructure improvement projects as provided for in Minnesota State Statutes; Chapter 429; and

WHEREAS, the City has adopted a Special Assessment Policy which specifies how special assessments are levied against various parcels; and

WHEREAS, the City's Special Assessment Policy was last updated in 2008; and

WHEREAS, a residential street built to current engineering standards is expected to have a useful life of 25 years before a mill and overlay may be required; and

WHEREAS, the Council desires to maintain a uniform and fair assessment policy for property owners on Mill & Overlay projects and believes the best method for doing such is to adjust the assessment rates for streets which are milled and overlaid at different ages (length of time since total reconstruction); and

WHEREAS, the Council desires to formally amend the City's Assessment Policy to incorporate revisions which have been made regarding assessing mill and overlay projects.

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

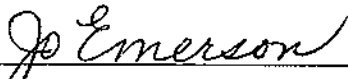
1. The City's Assessment Policy is hereby updated as of April 26, 2011.
2. This resolution is incorporated into the Assessment Policy as Appendix "D".
3. The Mill & Overlay assessment rate is proposed to be based on assessing 33% of the total improvement project cost at the 25 year mark to benefitting properties, with the assessment rate established by the City Council each year.
4. If in the opinion of the City Engineer a street requires milling and overlaying prior to 25 years since its construction to current engineering standards, the assessment rates shall be adjusted based on the following table:

**Mill & Overlay Assessment Adjustment Table**

<u>Pavement Life (Years)</u>	<u>% of Full Mill &amp; Overlay rate assessed</u>
0-9	0%
10	5%
11	11.4%
12	17.8%
13	24.2%
14	30.6%
15	37%
16	43.4%
17	49.8%
18	56.2%
19	62.6%
20	69%
21	75.4%
22	81.8%
23	88.2%
24	94.6%
25	100%

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

Ayes: BELISLE, BIEHN, EDBERG, JONES, TESSIER  
Nays: NONE  
Passed: APRIL 26, 2011

  
Jo Emerson, Mayor

ATTEST:

  
Ellen Richter, City Clerk

## **EXHIBITS**

<b>EXHIBIT 1</b>	<b>2024 PAVEMENT CONDITION MAP</b>
<b>EXHIBIT 2</b>	<b>PAVEMENT REHABILITATION MAP CITY PROJECT NO. 24-01</b>
<b>EXHIBIT 3</b>	<b>PAVEMENT REHABILITATION MAP CITY PROJECT NO. 24-01</b>
<b>EXHIBIT 4</b>	<b>PAVEMENT REHABILITATION MAP CITY PROJECT NO. 24-08</b>
<b>EXHIBIT 5</b>	<b>MAPS OF HISTORICAL WATERMAIN BREAKS</b>
<b>EXHIBIT 6</b>	<b>MAPS OF HISTORICAL WATERMAIN BREAKS</b>
<b>EXHIBIT 7</b>	<b>MAPS OF HISTORICAL WATERMAIN BREAKS</b>
<b>EXHIBIT 8</b>	<b>SANITARY SEWER REPAIR MAP</b>
<b>EXHIBIT 9</b>	<b>SANITARY SEWER REPAIR MAP</b>
<b>EXHIBIT 10</b>	<b>SANITARY SEWER REPAIR MAP</b>
<b>EXHIBIT 11</b>	<b>WATERSHED DISTRICT BOUNDARY MAP</b>

**EXHIBIT 12** **TYPICAL STREET CROSS SECTIONS  
CITY PROJECT NO. 24-01**

**EXHIBIT 13** **TYPICAL STREET CROSS SECTIONS  
CITY PROJECT NO. 24-01**

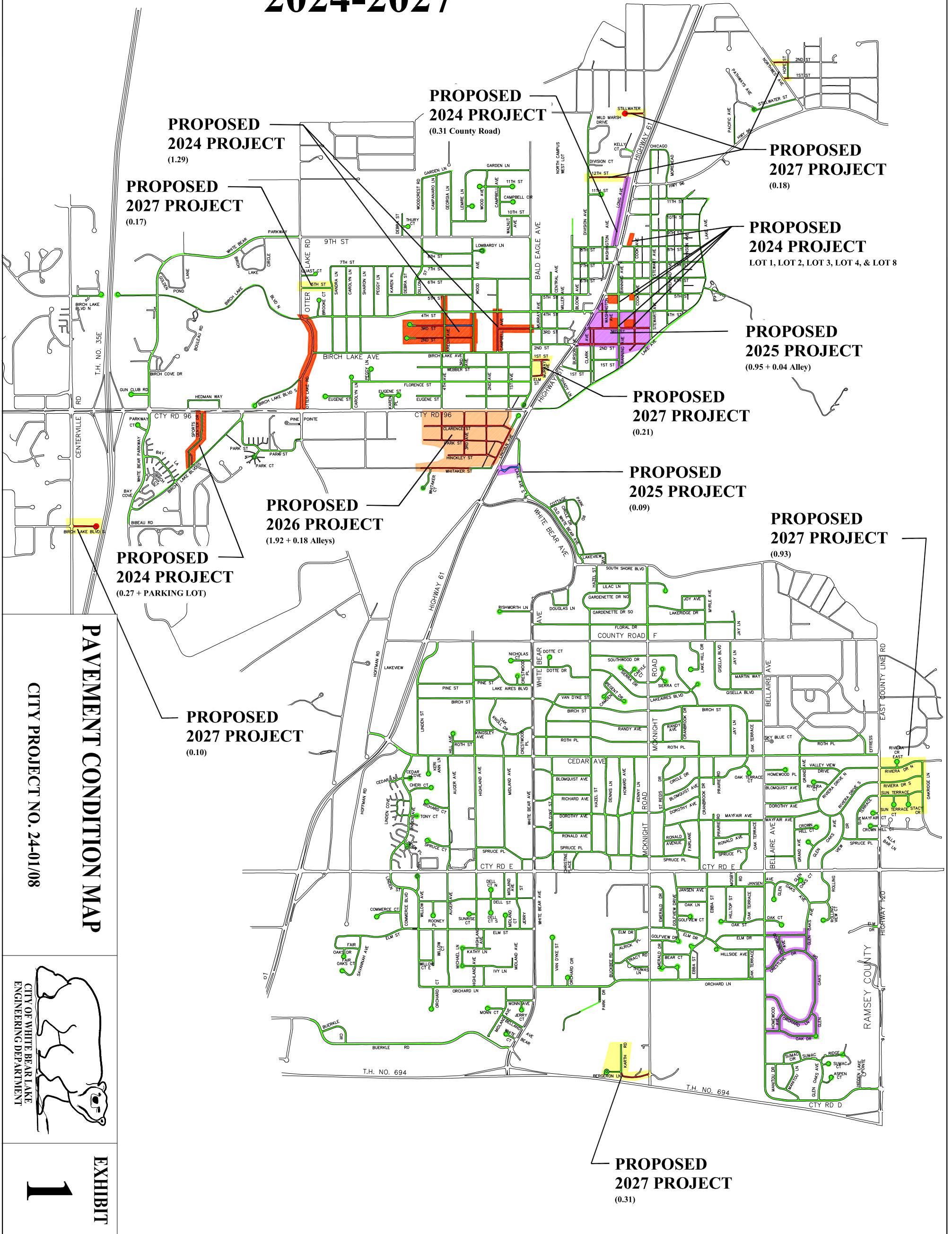
**EXHIBIT 14** **TYPICAL STREET CROSS SECTIONS  
CITY PROJECT NO. 24-01 & 24-08**

**EXHIBIT 15** **NON-MOTORIZED  
TRANSPORTATION PLAN**



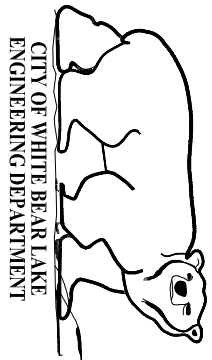
# CITY OF WHITE BEAR LAKE PROPOSED STREET RECONSTRUCTION PROGRAM 2024-2027

- PAVEMENT CONDITION**
- LEVEL 1** █  
(RECONSTRUCTED TO CURRENT ENGINEERING STANDARDS)
  - LEVEL 2** █  
(DEVELOPER-BUILT STREETS WITH CONCRETE CURB & GUTTER)
  - LEVEL 3** █  
(BITUMINOUS STREETS)



**PAVEMENT CONDITION MAP**

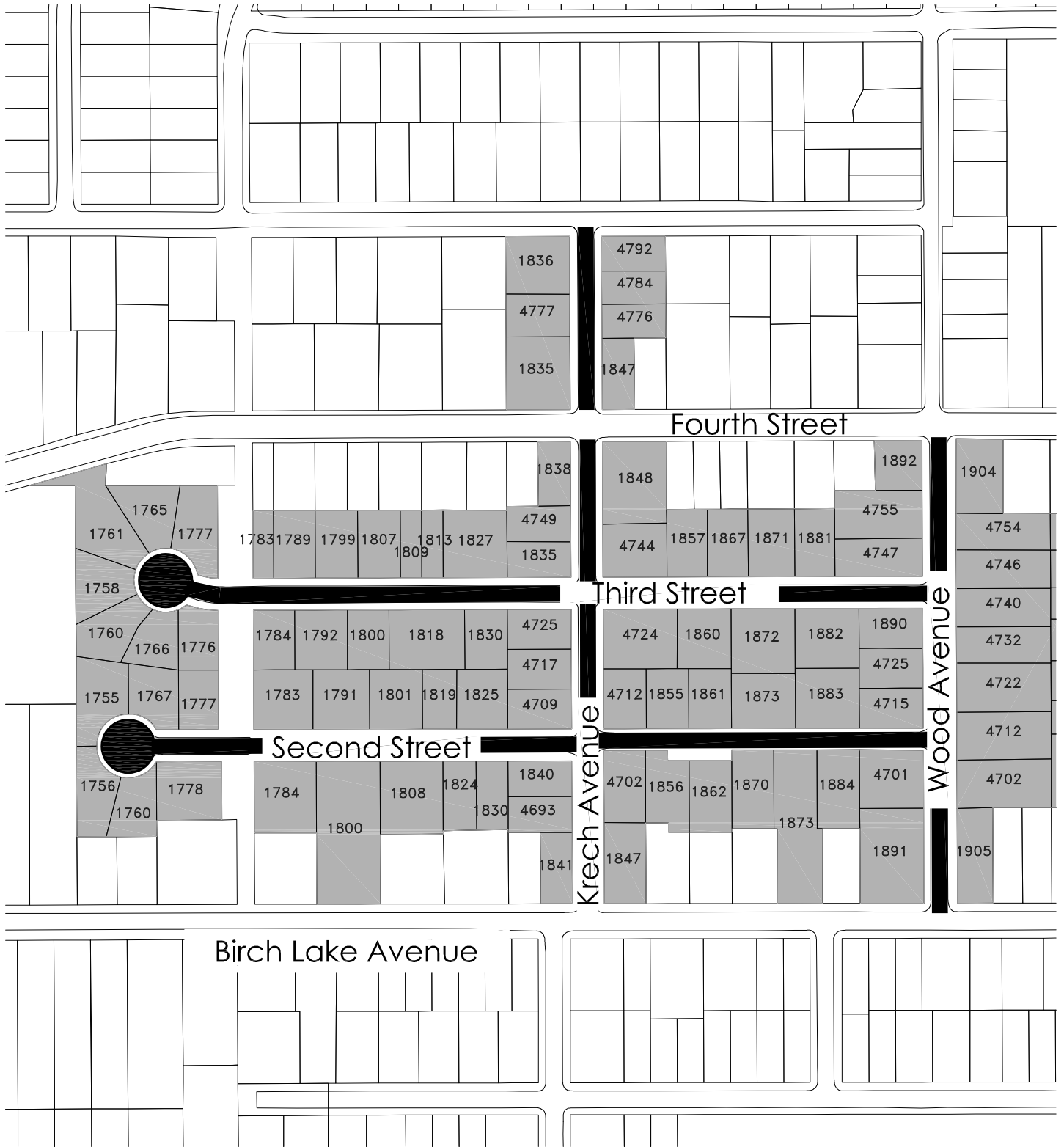
CITY PROJECT NO. 24-01/08



**EXHIBIT 1**



# CITY PROJECT 24-01



PAVEMENT  
REHABILITATION  
PROJECT MAP  
CITY PROJECT NO. 24-01

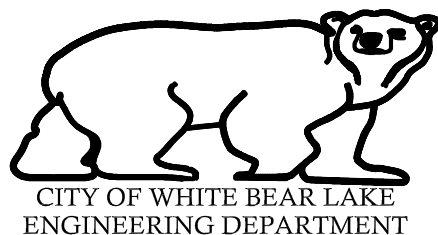


EXHIBIT  
2

# CITY PROJECT 24-01



PAVEMENT  
REHABILITATION  
PROJECT MAP  
CITY PROJECT NO. 24-01

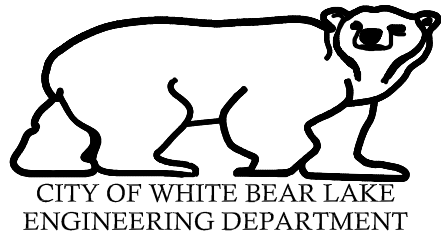
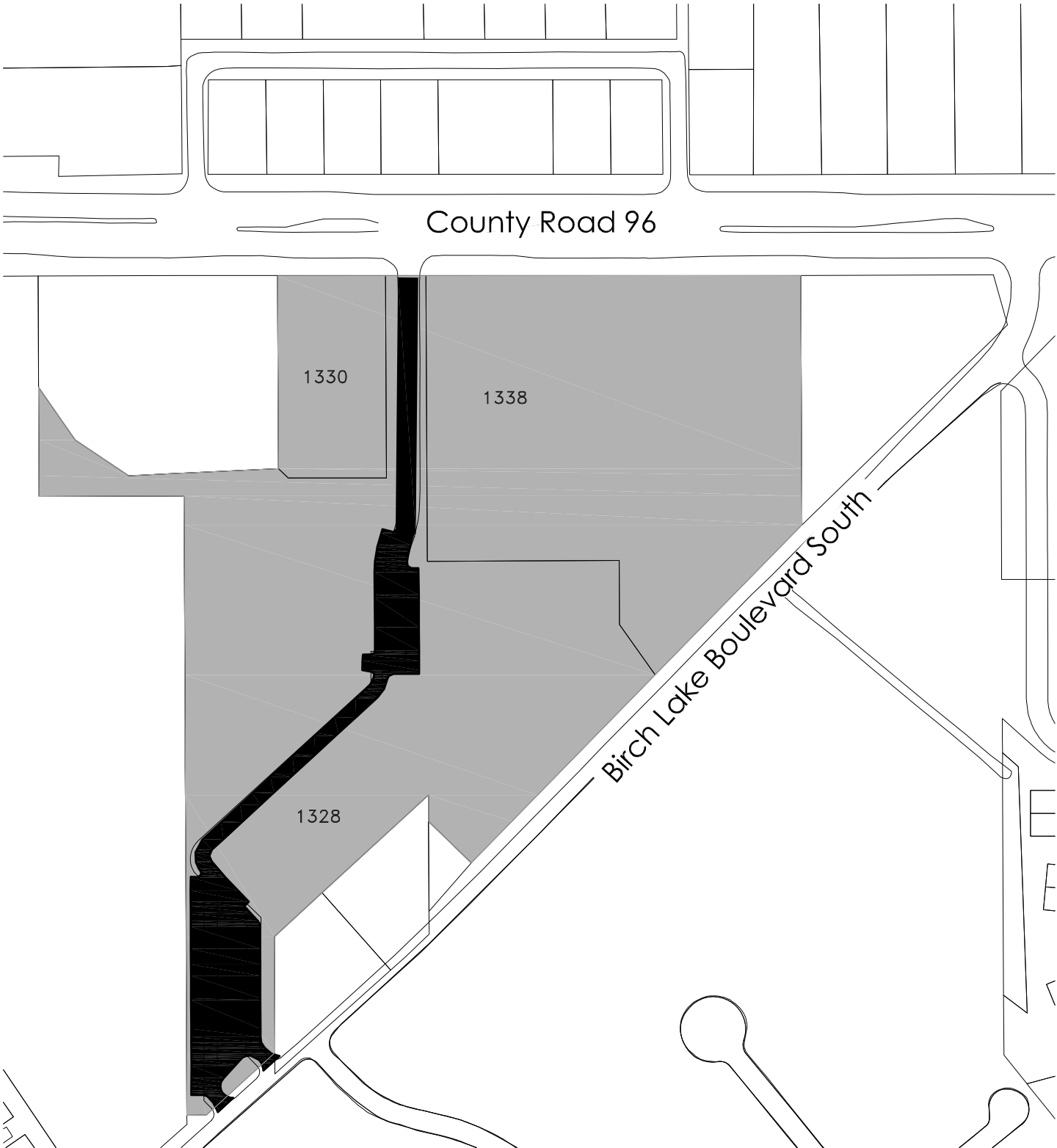
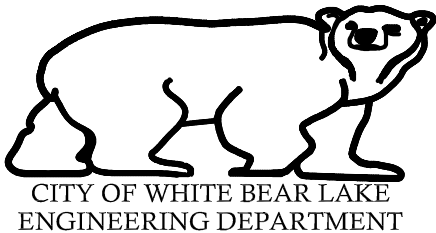


EXHIBIT  
3

# CITY PROJECT 24-08



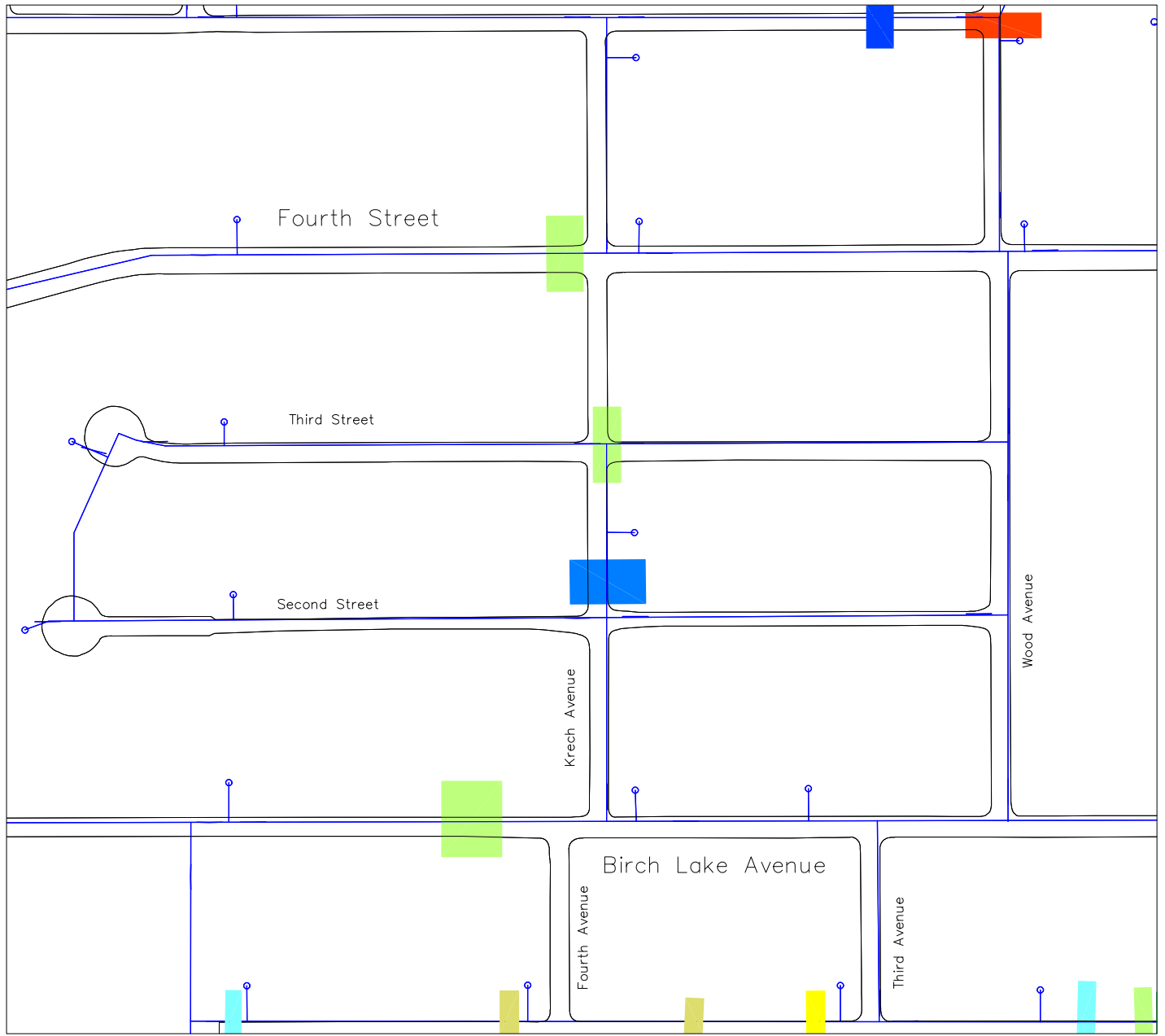
PAVEMENT  
REHABILITATION  
PROJECT MAP  
CITY PROJECT NO. 24-08



EXHIBIT

4

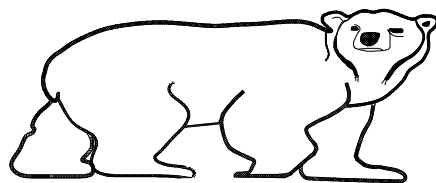
Project Area 24-01



1991-2008 BREAKS		2012 BREAKS		2016 BREAKS		2020 BREAKS	
2009 BREAKS		2013 BREAKS		2017 BREAKS		2021 BREAKS	
2010 BREAKS		2014 BREAKS		2018 BREAKS		2022 BREAKS	
2011 BREAKS		2015 BREAKS		2019 BREAKS		2023 BREAKS	

# HISTORICAL WATERMAIN BREAKS PROJECT MAP

CITY PROJECT NO. 24-01

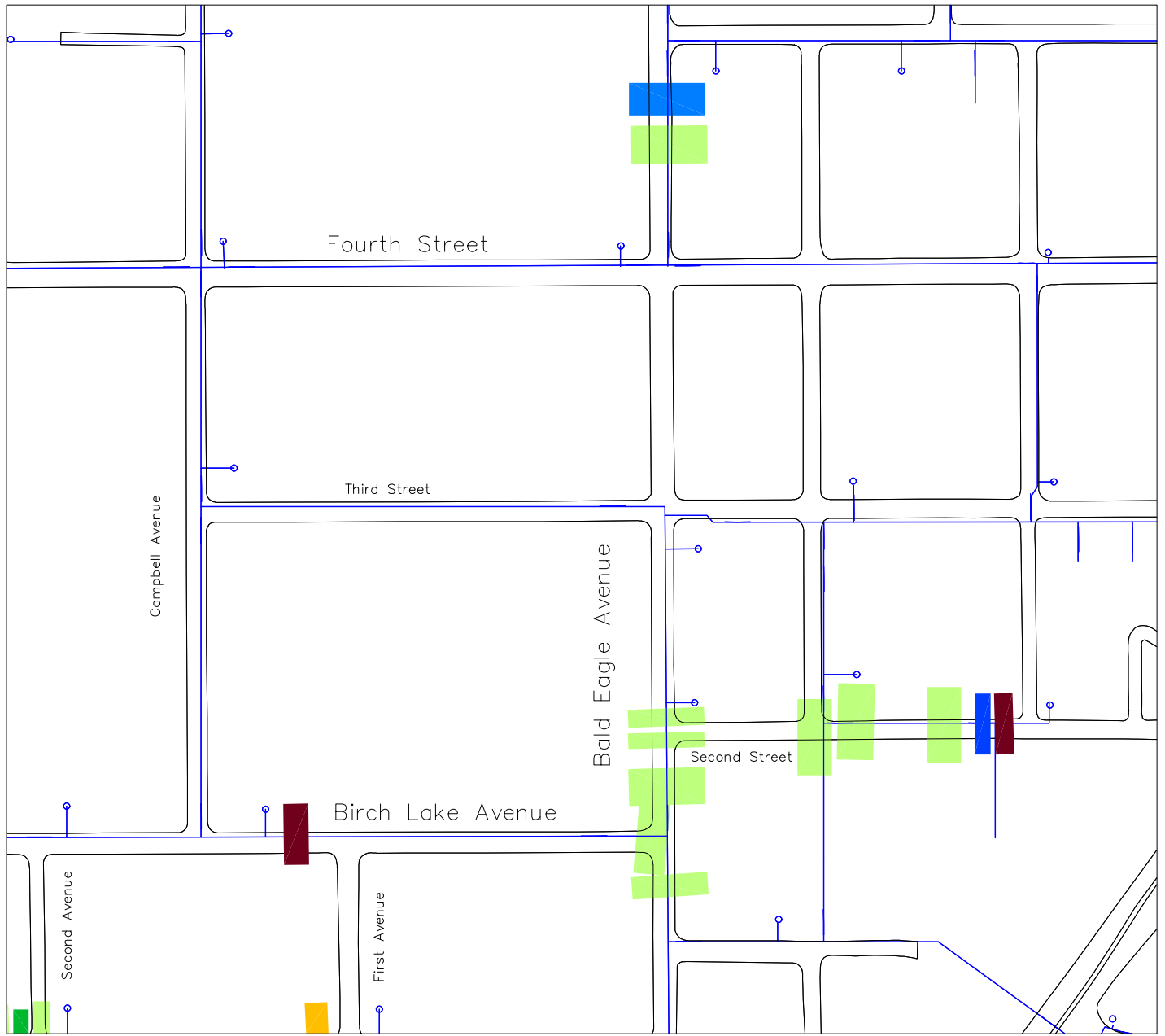


CITY OF WHITE BEAR LAKE  
ENGINEERING DEPARTMENT

EXHIBIT

5

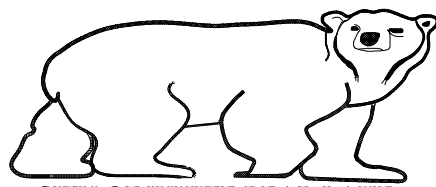
Project Area 24-01



1991-2008 BREAKS		2012 BREAKS		2016 BREAKS		2020 BREAKS	
2009 BREAKS		2013 BREAKS		2017 BREAKS		2021 BREAKS	
2010 BREAKS		2014 BREAKS		2018 BREAKS		2022 BREAKS	
2011 BREAKS		2015 BREAKS		2019 BREAKS		2023 BREAKS	

# HISTORICAL WATERMAIN BREAKS PROJECT MAP

CITY PROJECT NO. 24-01

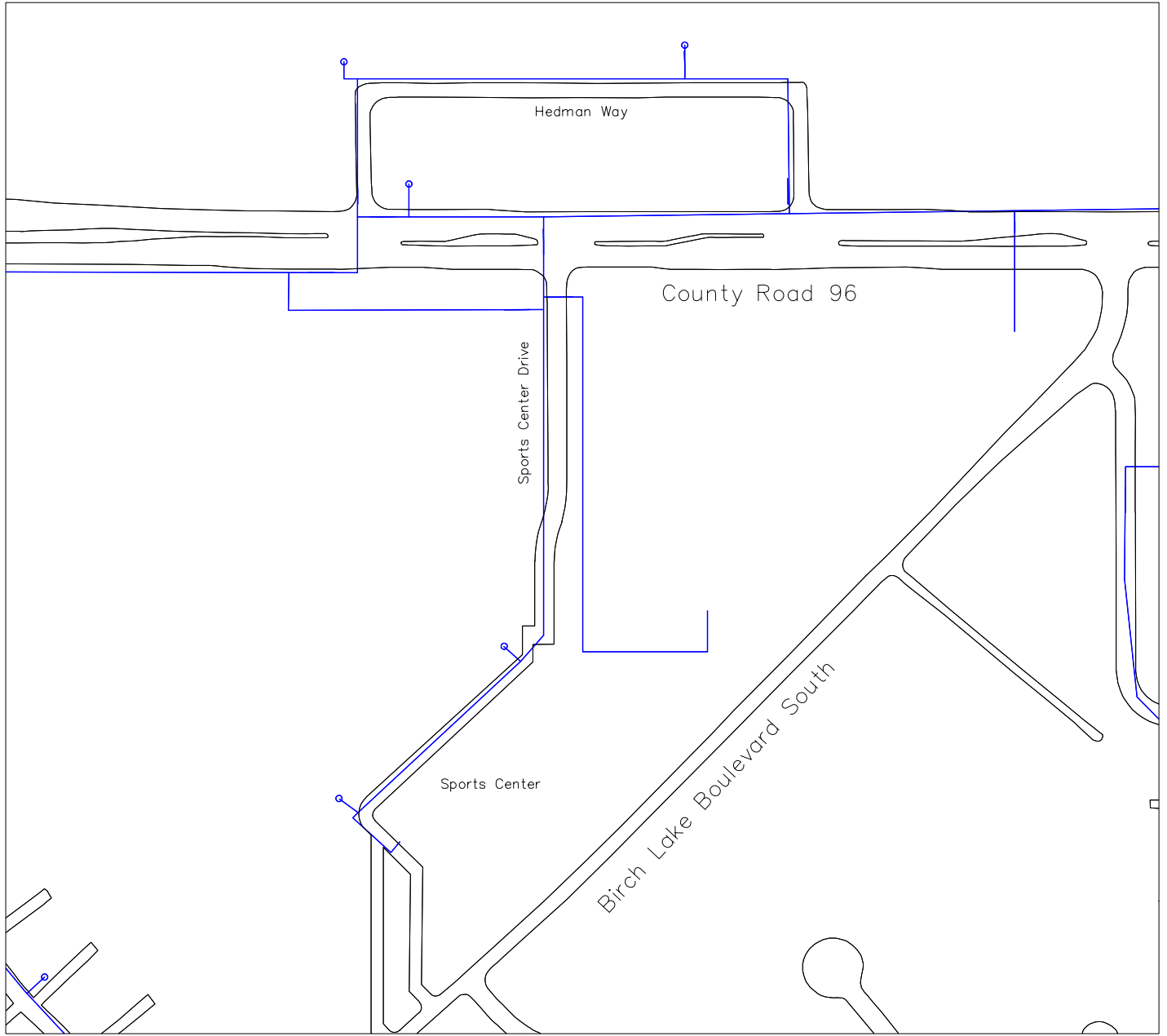


CITY OF WHITE BEAR LAKE  
ENGINEERING DEPARTMENT

EXHIBIT

6

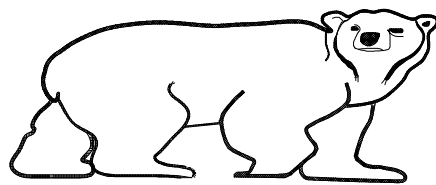
Project Area 24-08



1991-2008 BREAKS		2012 BREAKS		2016 BREAKS		2020 BREAKS	
2009 BREAKS		2013 BREAKS		2017 BREAKS		2021 BREAKS	
2010 BREAKS		2014 BREAKS		2018 BREAKS		2022 BREAKS	
2011 BREAKS		2015 BREAKS		2019 BREAKS		2023 BREAKS	

# HISTORICAL WATERMAIN BREAKS PROJECT MAP

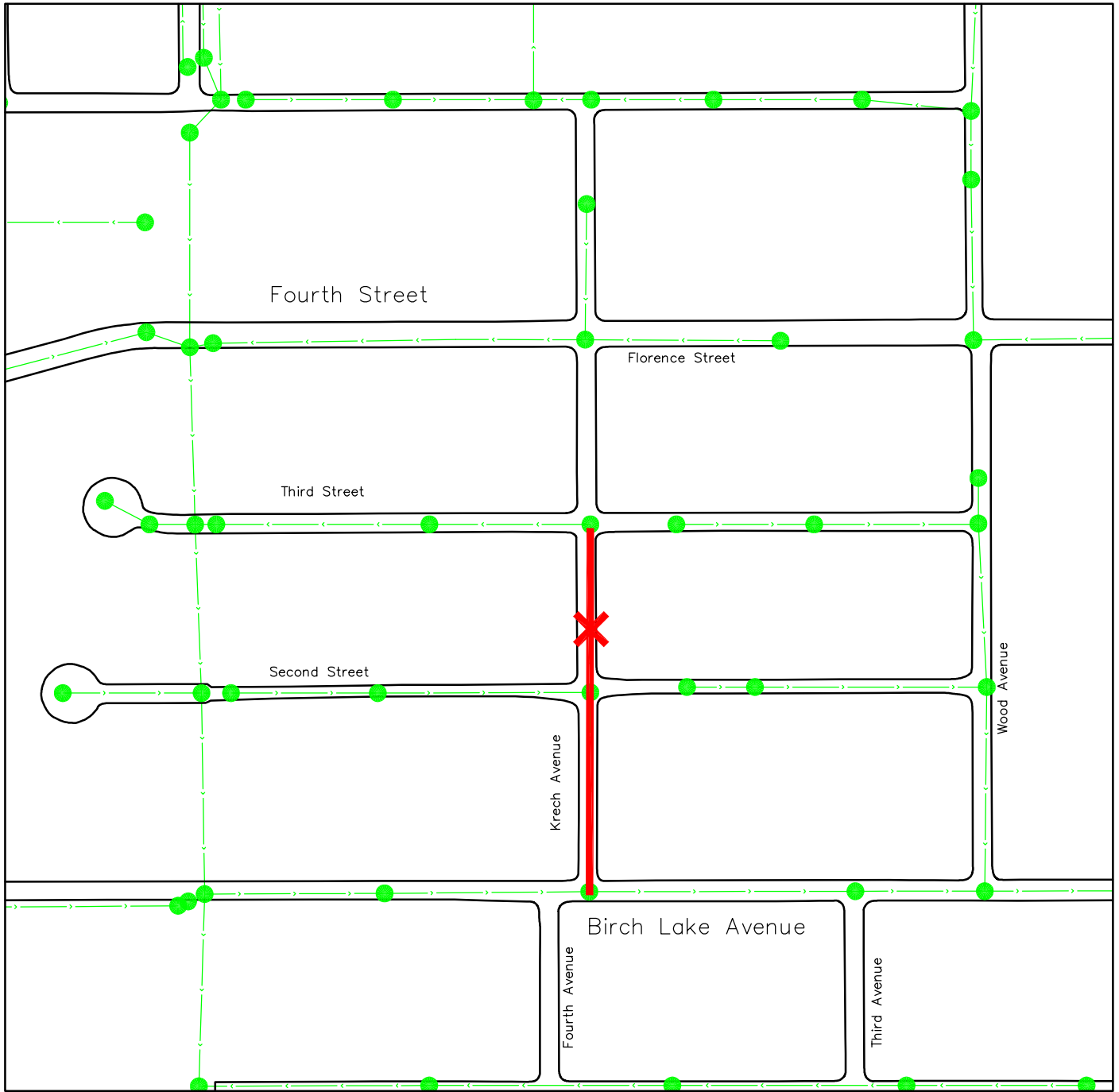
CITY PROJECT NO. 24-08







CITY OF WHITE BEAR LAKE  
ENGINEERING DEPARTMENT

EXHIBIT

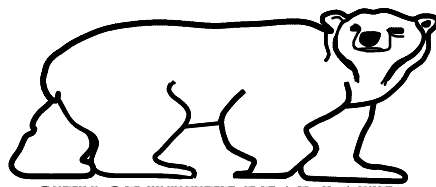
7



CITY SANITARY SEWER   
 MCES SANITARY SEWER   
 PROPOSED REPAIR   
 PROPOSED LINING 

SANITARY SEWER REPAIR  
PROJECT MAP

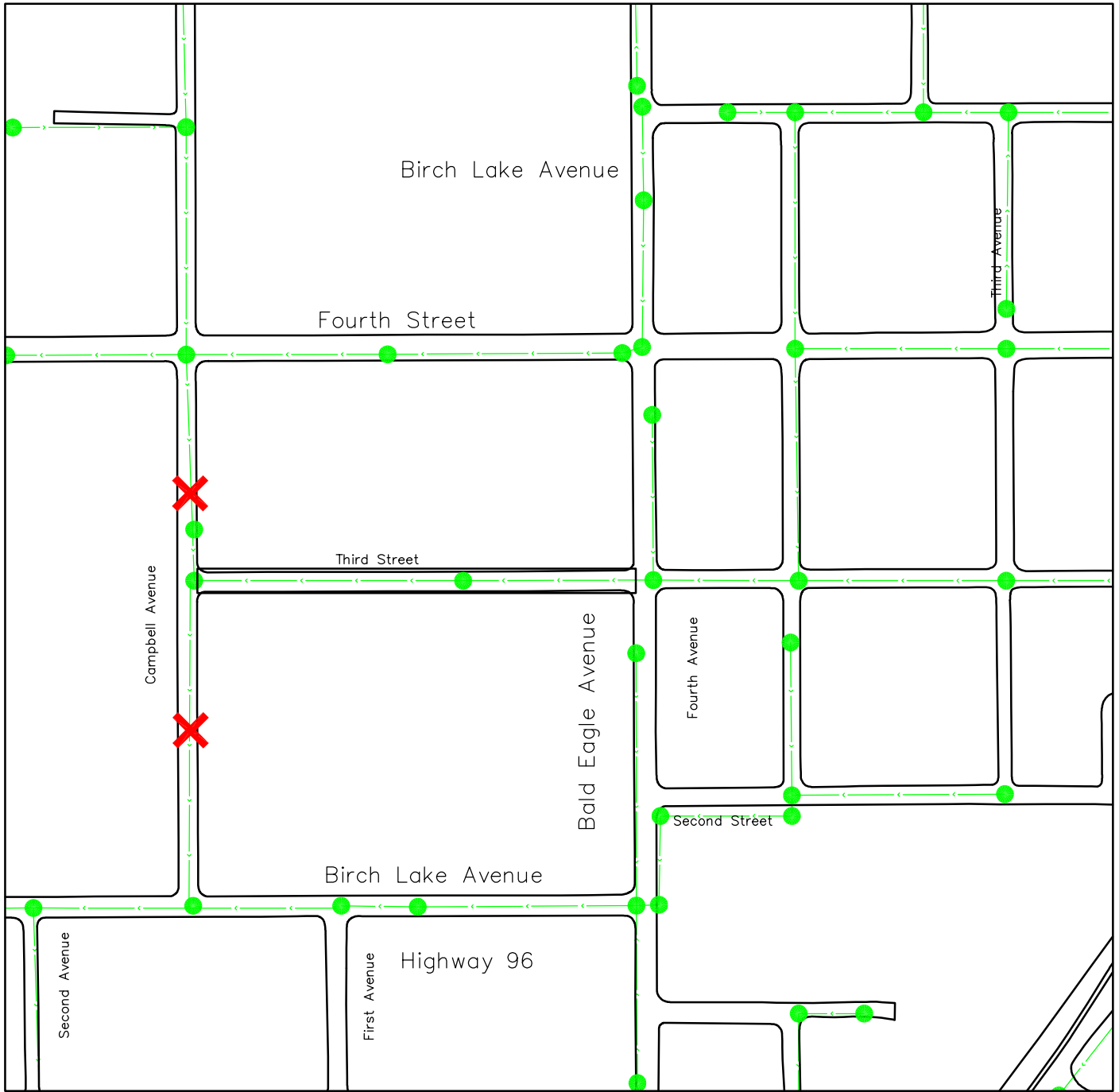
CITY PROJECT NO. 24-01



CITY OF WHITE BEAR LAKE  
ENGINEERING DEPARTMENT

EXHIBIT

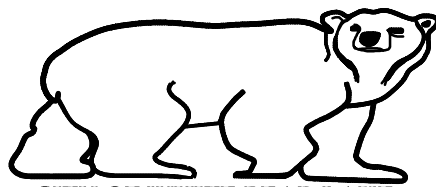
8



- CITY SANITARY SEWER
- MCES SANITARY SEWER
- PROPOSED REPAIR
- PROPOSED LINING

**SANITARY SEWER REPAIR  
PROJECT MAP**

CITY PROJECT NO. 24-01

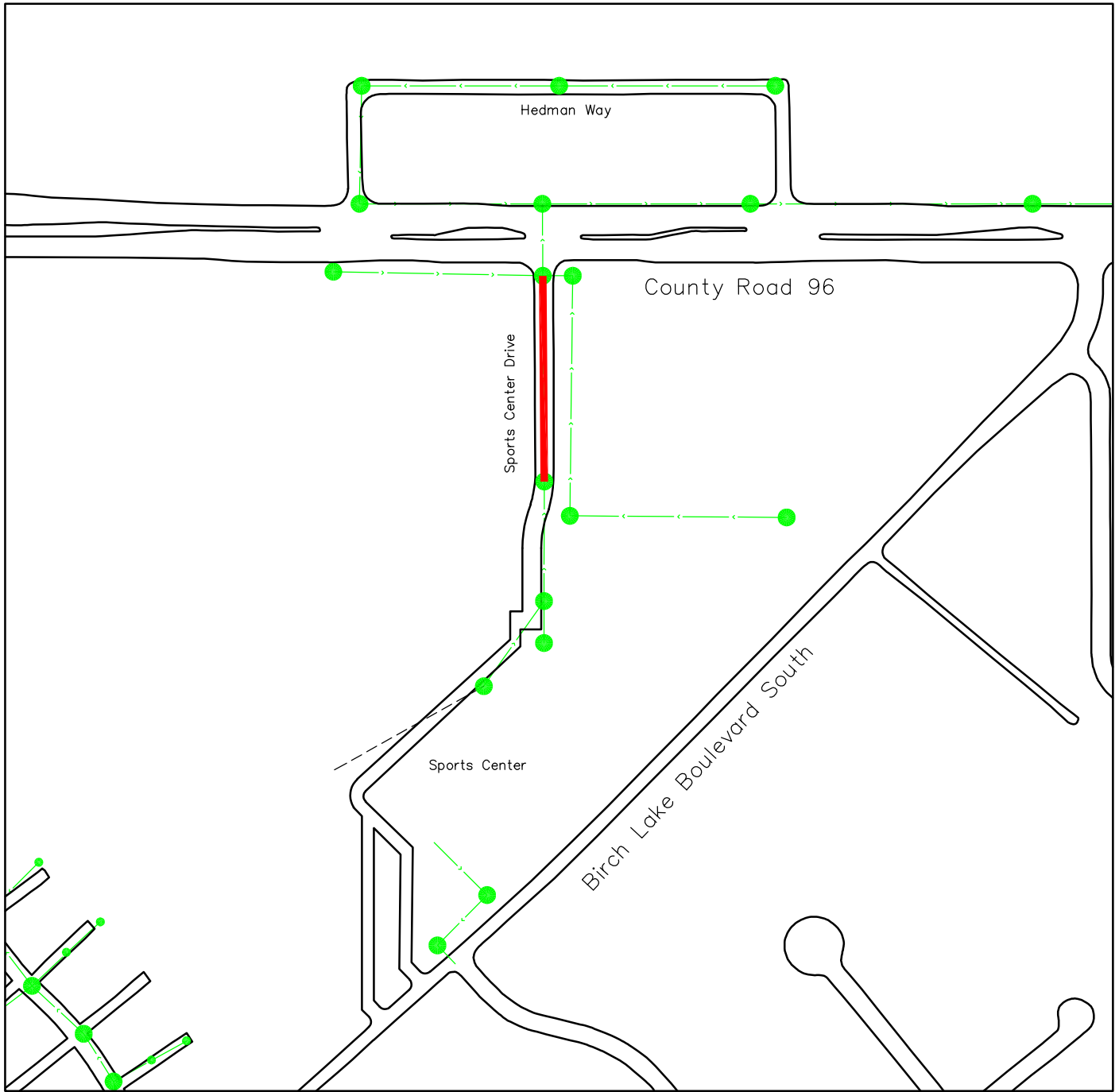


CITY OF WHITE BEAR LAKE  
ENGINEERING DEPARTMENT

EXHIBIT

9

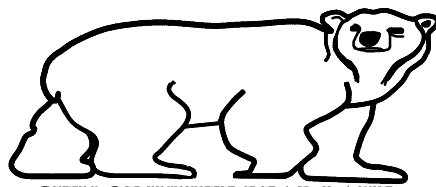




- CITY SANITARY SEWER
- MCES SANITARY SEWER
- PROPOSED REPAIR
- PROPOSED LINING

**SANITARY SEWER REPAIR  
PROJECT MAP**

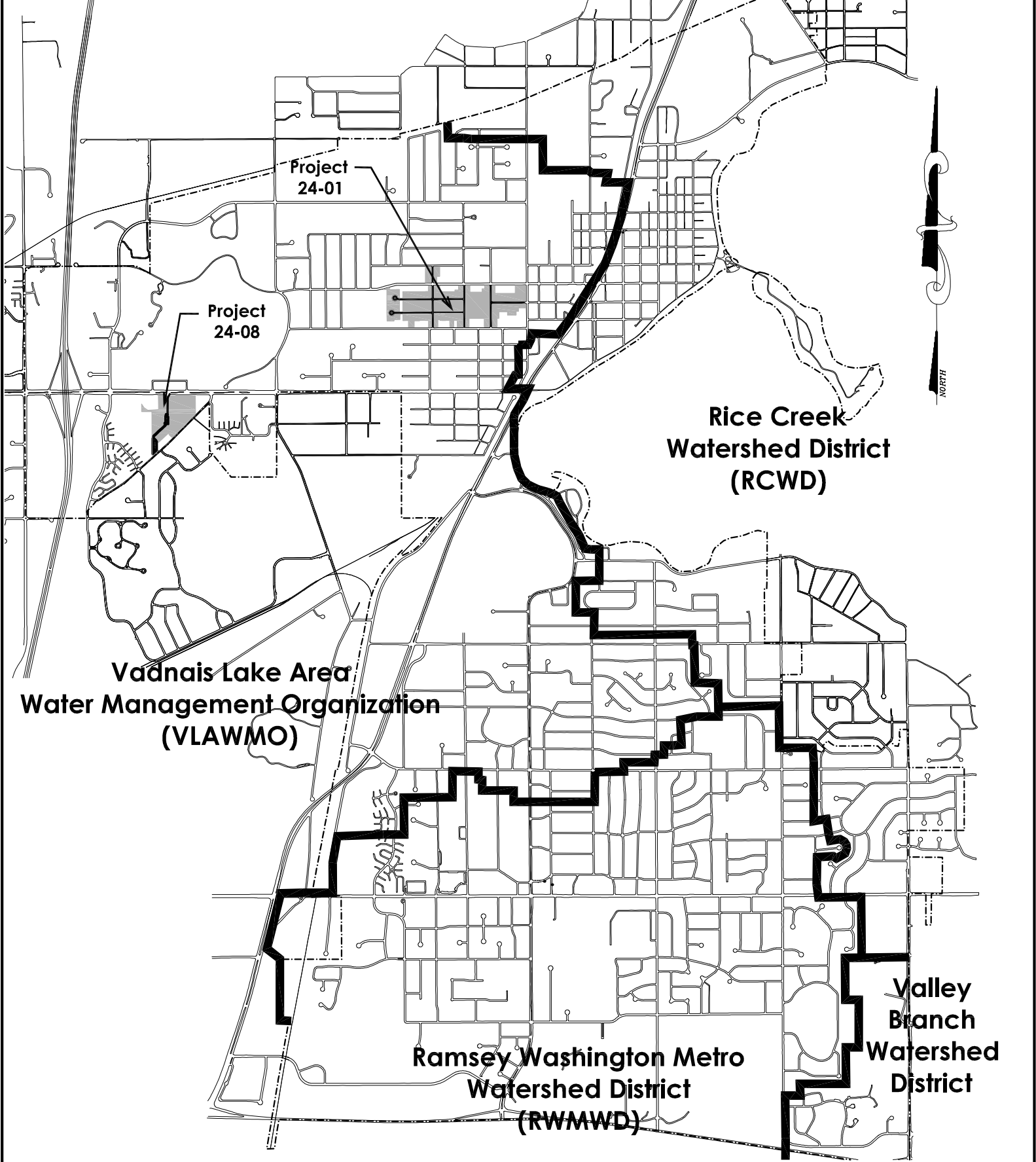
CITY PROJECT NO. 24-08



CITY OF WHITE BEAR LAKE  
ENGINEERING DEPARTMENT

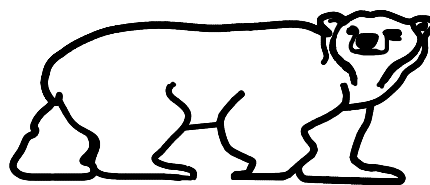
EXHIBIT

**10**



# WATERSHED DISTRICT BOUNDARY MAP

CITY PROJECT NO. 24-01/08



CITY OF WHITE BEAR LAKE  
ENGINEERING DEPARTMENT

EXHIBIT

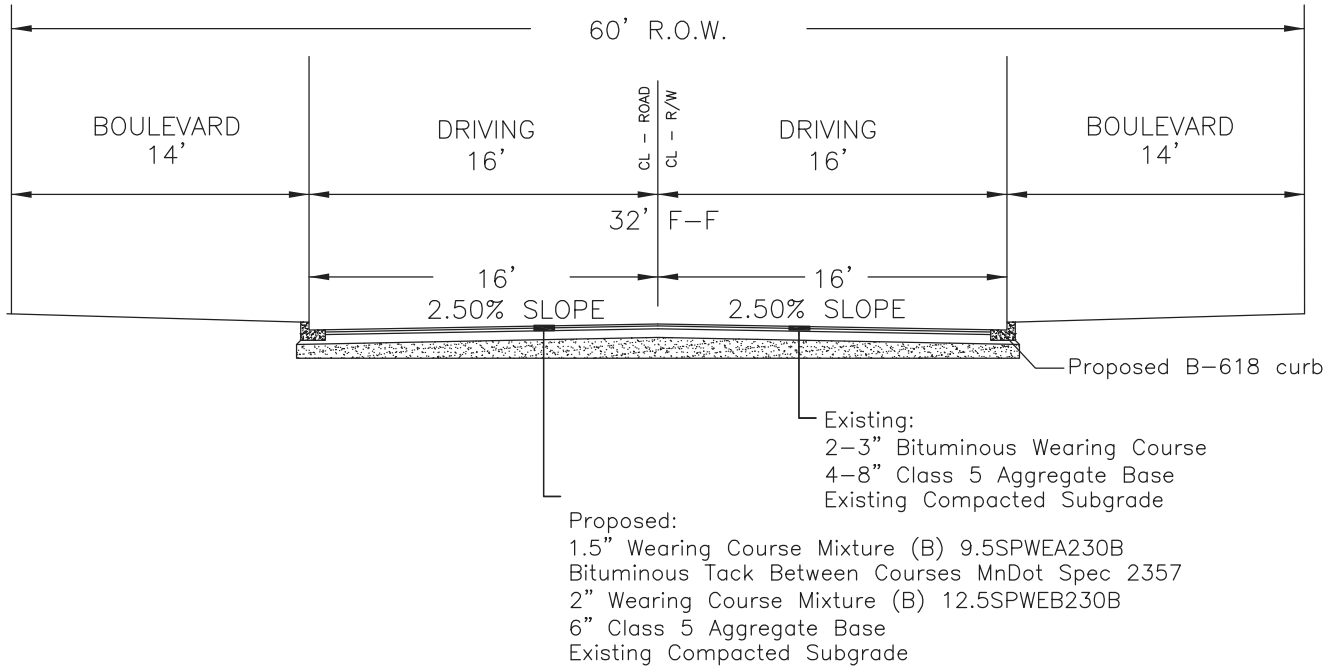
11

# CAMPBELL AVENUE

BIRCH LAKE AVENUE TO FOURTH STREET  
32' FACE TO FACE

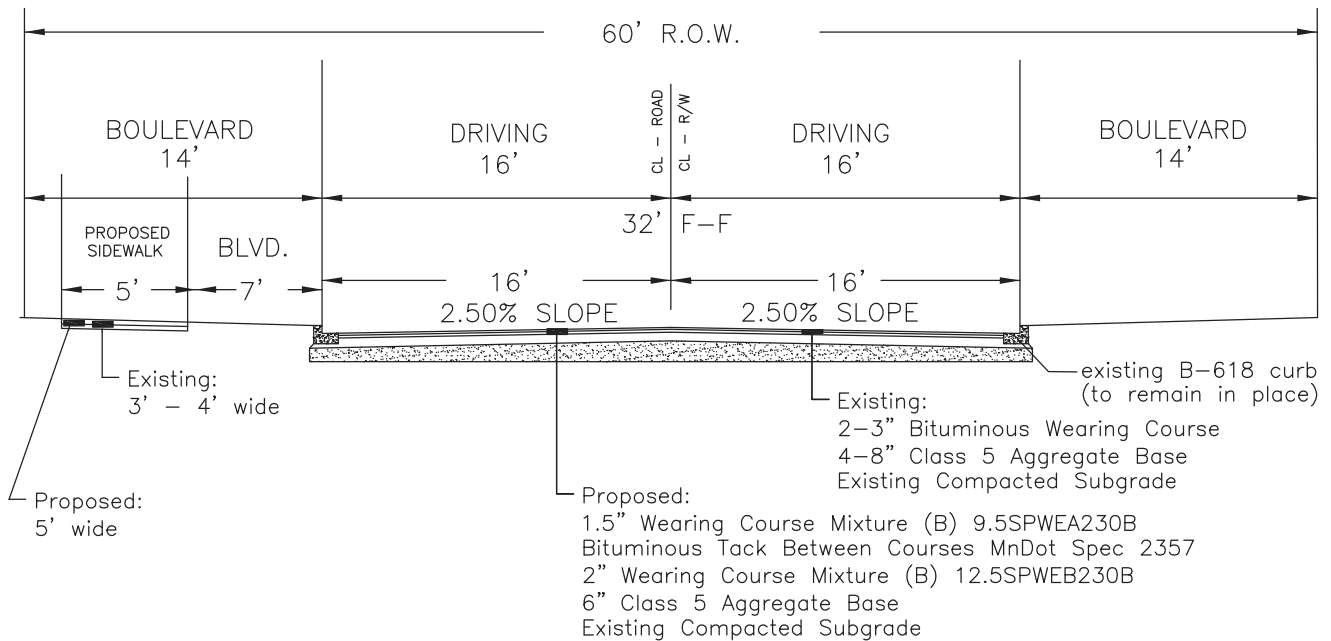
## THIRD STREET

CAMPBELL AVENUE TO BALD EAGLE AVENUE  
32' FACE TO FACE



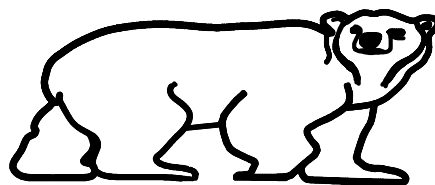
# WOOD AVENUE

BIRCH LAKE AVENUE - FOURTH STREET  
32' FACE TO FACE



TYPICAL STREET  
CROSS SECTIONS

CITY PROJECT NO. 24-01



CITY OF WHITE BEAR LAKE  
ENGINEERING DEPARTMENT

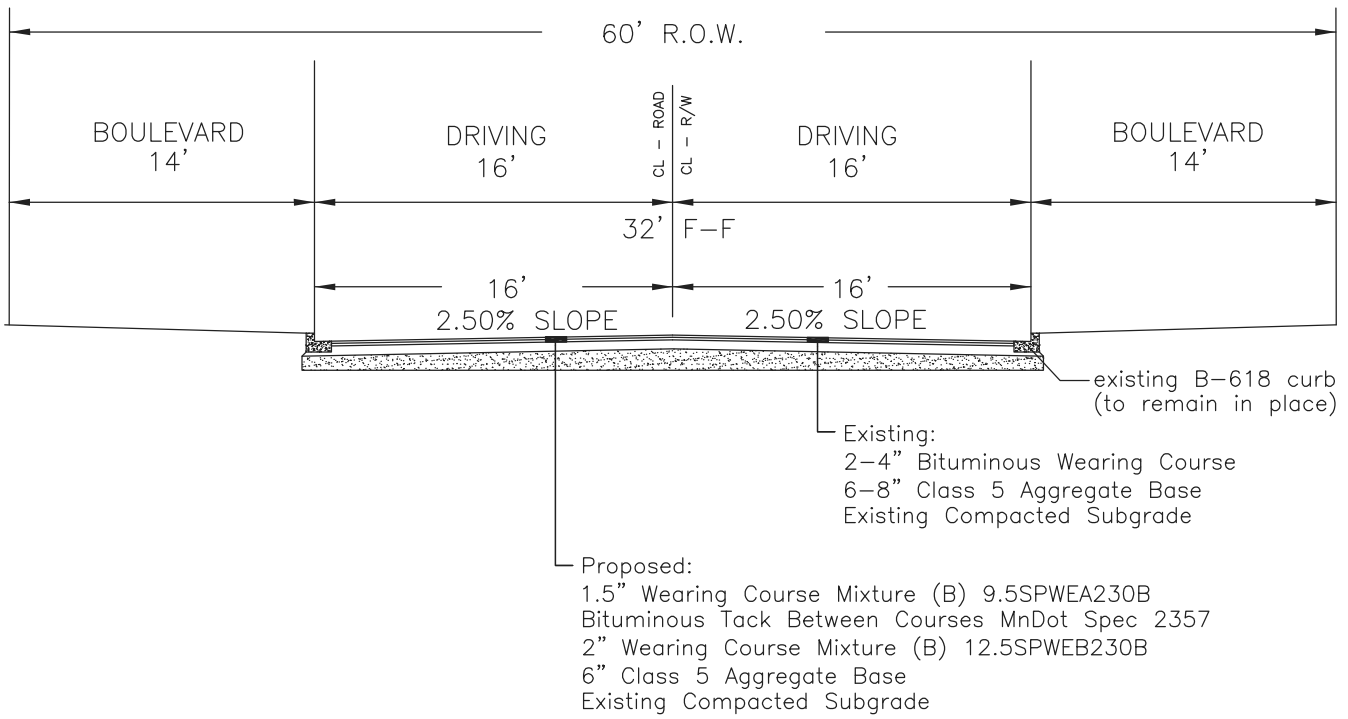
EXHIBIT

12

**KRECH AVENUE**  
*BIRCH LAKE AVENUE TO FIFTH STREET*  
 32' FACE TO FACE

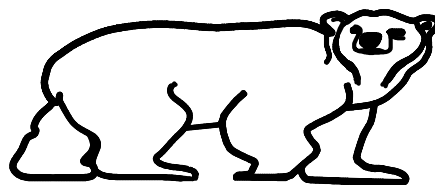
**THIRD STREET**  
*END CUL-DE-SAC TO WOOD AVENUE*  
 32' FACE TO FACE

**SECOND STREET**  
*END CUL-DE-SAC TO DILLON DITCH*  
 32' FACE TO FACE



**TYPICAL STREET  
 CROSS SECTIONS**

CITY PROJECT NO. 24-01



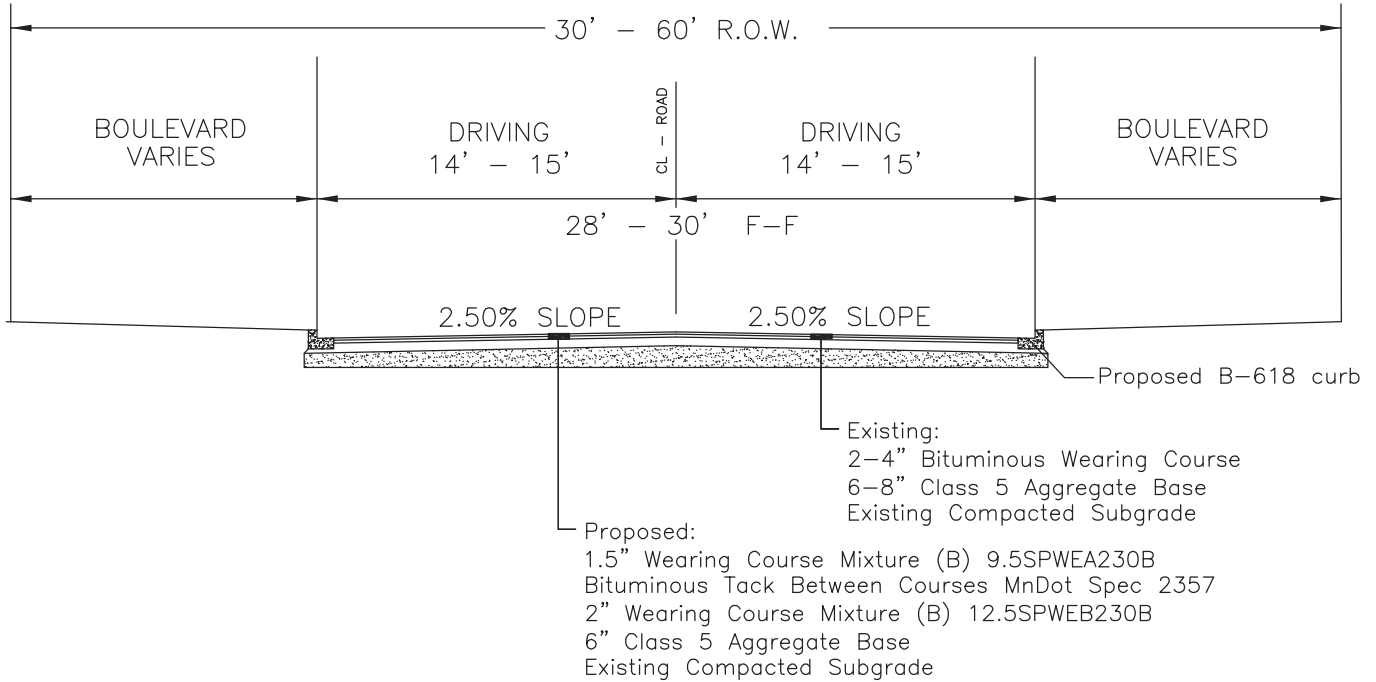
CITY OF WHITE BEAR LAKE  
 ENGINEERING DEPARTMENT

**EXHIBIT**

**13**

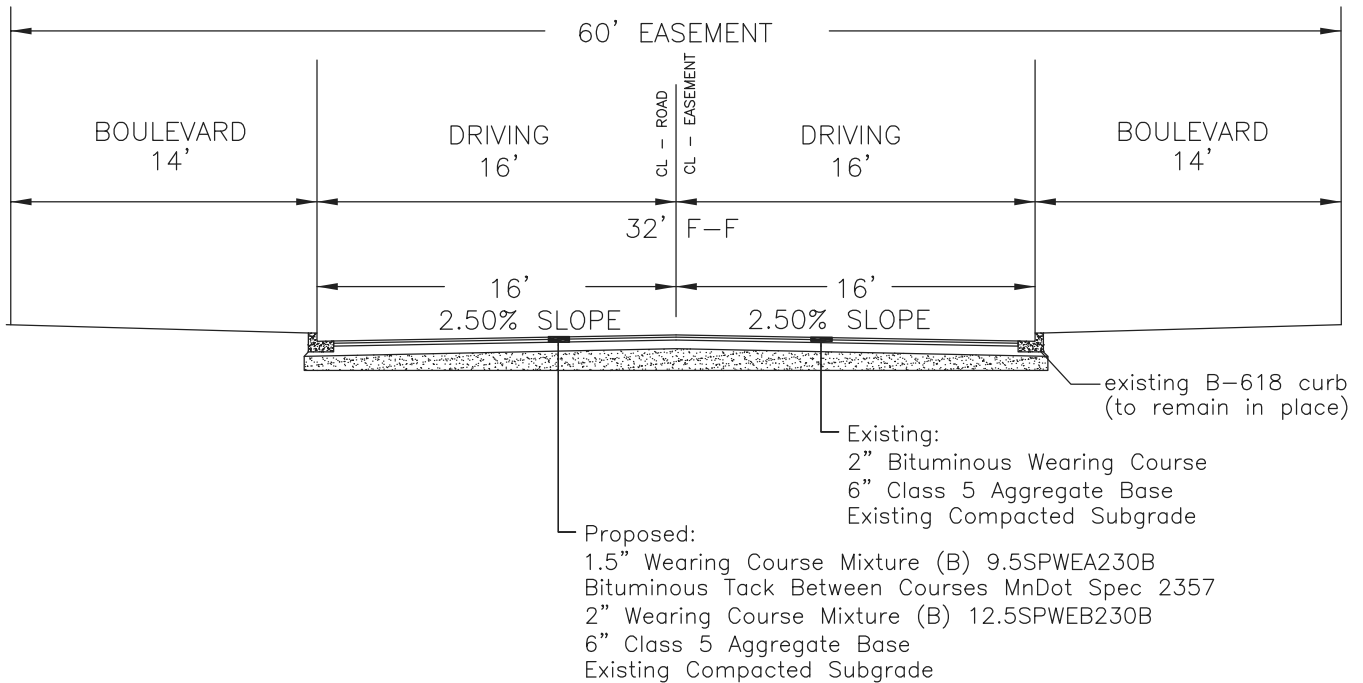
# SECOND STREET

DILLON DITCH TO WOOD AVENUE  
28'-30' FACE TO FACE



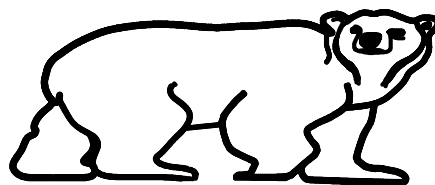
# SPORTS CENTER DRIVE

NORTH PARKING LOT TO COUNTY ROAD 96  
32' FACE TO FACE



TYPICAL STREET  
CROSS SECTIONS

CITY PROJECT NO. 24-01/08



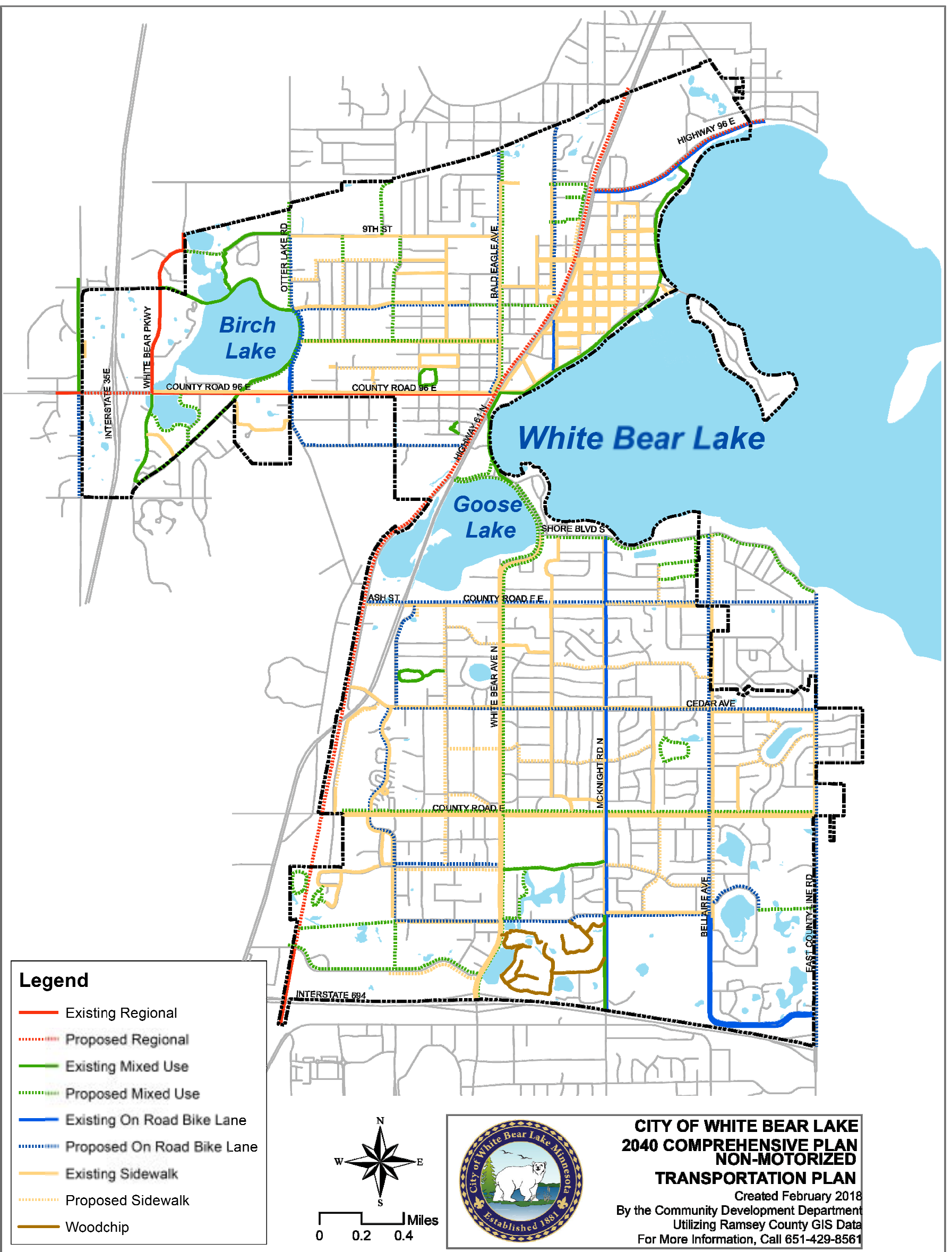
CITY OF WHITE BEAR LAKE  
ENGINEERING DEPARTMENT

EXHIBIT

14

NON-MOTORIZED  
 TRANSPORTATION PLAN

FEASIBILITY REPORT  
 PROJECT MAP  
 CITY PROJECT NOS. 24-01/08





**City of White Bear Lake**  
Engineering Department

# MEMORANDUM

**To:** Lindy Crawford, City Manager  
**From:** Connie Taillon, Environmental Specialist/Water Resources Engineer  
**Date:** February 13, 2024  
**Subject:** **MOU to Update the Birch Lake Shoreline Restoration Project Maintenance Agreement**

---

## SUMMARY

The City Council will consider adopting a resolution to enter into a Memorandum of Understanding (MOU) with Vadnais Lake Area Water Management Organization (VLAWMO) to update the Birch Lake Shoreline Restoration Project Maintenance Agreement.

## BACKGROUND INFORMATION

In the summer of 2010, the City and VLAWMO partnered to restore a 150-foot stretch of shoreline along the north shore of Birch Lake on City property to reduce soil erosion, treat stormwater, and provide wildlife habitat. In 2011-2012, a second phase of the project restored an additional 700 feet of shoreline on either side of the original phase 1 area. The City and VLAWMO entered into a maintenance agreement to maintain the phase 1 and phase 2 shoreline restoration areas that was active from December 13, 2011 through 2021. The City continued to partner with VLAWMO to maintain the project during 2022 and 2023, at a total cost of \$1,500 to \$2,000 per year. The City reimbursed VLAWMO for 50% of this annual maintenance cost.

The MOU updates the original maintenance agreement that was active from December 13, 2011 through 2021 by extending the maintenance agreement through 2034. The MOU defines respective roles in ongoing maintenance of the phase 1 and phase 2 project, including budgeting for ongoing maintenance and reimbursing VLAWMO for 50% of the annual maintenance cost.

## RECOMMENDATION

Staff recommends City Council adopt the attached resolution approving a Memorandum of Understanding between the City and Vadnais Lake Area Water Management Organization to update the Birch Lake Shoreline Restoration Project Maintenance Agreement.

## ATTACHMENTS

Resolution

RESOLUTION NO.

**A RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING WITH VADNAIS LAKE AREA WATER MANAGEMENT ORGANIZATION (VLAWMO) TO UPDATE THE BIRCH LAKE SHORELINE RESTORATION PROJECT MAINTENANCE AGREEMENT**

**WHEREAS**, The City and VLAWMO had a maintenance agreement to maintain the Phase 1 and Phase 2 Shoreline Restoration Project (Project) on City of White Bear Lake property along the north shore of Birch Lake that was active from December 13, 2011 through 2021; and

**WHEREAS**, the City and VLAWMO worked in partnership to maintain this Project during 2022 and 2023; and

**WHEREAS**, the City and VLAWMO mutually desire to continue to support and maintain this Project; and

**WHEREAS**, maintenance of this Project has been achieved at the dollar amounts of: \$2,000 in 2021, \$1,500 in 2022, \$1,500 in 2023, and \$1,500 in 2024, and ongoing minor maintenance is anticipated to be in a similar cost range; and

**WHEREAS**, the City will reimburse VLAWMO 50% of the annual Project maintenance cost; and

**WHEREAS**, the City and VLAWMO included funding for Project maintenance in their approved budgets for 2024 and plan to continue to budget for ongoing maintenance annually; and

**WHEREAS**, both parties wish to enter into a memorandum of understanding (MOU) to clearly define their respective roles in ongoing maintenance of the Project.

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

1. The City Council of the City of White Bear Lake enter into a Memorandum of Understanding with VLAWMO.
2. The Mayor and City Manager are authorized to execute the Memorandum of Understanding on the City's behalf.

The foregoing resolution, offered by Councilmember \_\_\_\_\_ and supported by Councilmember \_\_\_\_\_, was declared carried on \_\_\_\_\_, 2024 the following vote:

Ayes:  
Nays:  
Passed:



RESOLUTION NO.

Dan Louismet, Mayor

**ATTEST:**

---

Caley Longendyke, City Clerk



**City of White Bear Lake**  
Community Development Department

# MEMORANDUM

**TO:** Lindy Crawford, City Manager  
**FROM:** Jason Lindahl AICP, Community Development Director  
 Ashton Miller, City Planner  
**DATE:** February 13, 2024  
**SUBJECT:** Reese Variance – 2563 Elm Drive – Case No. 24-3-V

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## SUMMARY

The applicant, Charles Reese, is requesting a 2 foot 7 inch variance from the required 5 foot side yard setback, in order to retain a 120 square foot storage shed in the rear yard. Based on the findings made in this report, both the Planning Commission and staff find that the applicant has demonstrated a practical difficulty with meeting the City's zoning regulations as required by Minnesota Statute 462.357, Subd.6 and recommends approval of this request.

## GENERAL INFORMATION

Applicant/Owner: Charles Reese

Existing Land Use / Zoning: Single-Family Home; zoned R-3: Single Family Residential & S: Shoreland Overlay

Surrounding Land Use / Zoning: All Directions: Single-Family Homes; zoned R-3 & S

Comprehensive Plan: Low Density Residential

Lot Size & Width: Code: 10,500 square feet; 80 feet wide  
 Site: 15,246 square feet; 95 feet wide

60 Day Review Date: February 26, 2024

## BACKGROUND INFORMATION

The subject site contains a single-family home with attached garage and storage shed in the northwest corner of the lot. The shed, which is 2 feet 5 inches from the side property line, was already in place when the applicant purchased the home in 2015. The shed was constructed without a permit, so based on historic aerials from Ramsey County, staff estimates that the shed was constructed sometime between 2011 and 2014.

In the summer of 2023, city staff was alerted to the possible encroachment of the shed into the setback by a resident. The topography and vegetation in the area made it difficult to locate the property pins, so the applicant hired a surveyor to determine the property lines. During a field inspection, staff verified that the shed did not comply with the required five foot setback.

Planning Commission Action. The Planning Commission reviewed this item during their January 29, 2024 regular meeting. During the meeting, the commission heard a presentation from staff and held a public hearing where the applicant was the only one to speak. Mr. Reese provided a brief history of the shed and responded to questions from the commissioners. He confirmed that he had not heard from the neighbor that lived directly to the west about the reduced setback. After hearing staff's presentation and some general discussion, the commission voted 5-0 to recommend the City Council approve this request.

### **ANALYSIS**

Review Authority. City review authority for variance applications is considered a Quasi-Judicial action. This means the city acts like a judge in evaluating the facts against the legal standard. The city's role is limited to applying the legal standard of practical difficulties to the facts presented by the application. Generally, if the application meets the review standards, the variance should be approved.

Variance Review. The standards for reviewing variances are detailed in Minnesota State Statute 462.357, Subdivision 6. In summary, variances may be granted when the applicant establishes there are "practical difficulties" in complying with the zoning regulations. A practical difficulty is defined by the five questions listed below. Economic considerations alone do not constitute a practical difficulty. In addition, under the statute the City may choose to add conditions of approval that are directly related to and bear a rough proportionality on the impact created by the variance.

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

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

**Finding:** The variance is in harmony with the purpose and intent of this ordinance. The purpose of the general building and performance requirements section of the zoning code, which regulates the size and location of accessory structures is, "to establish general development performance standards... intended and designated to assure compatibility of uses; to prevent urban blight, deterioration and decay; and to enhance the health, safety and general welfare of the residents of the community." The shed is located in a corner of the yard that is at least 50 feet away from the nearest neighboring principal structure, is generally well maintained, and allows the storage of materials that would otherwise clutter the yard. Therefore, the shed is in harmony with the intent of the ordinance.

2. Is the variance consistent with the comprehensive plan?

**Finding:** The Future Land Use Map in the 2040 Comprehensive Plan guides the property as low density residential. The low density residential future land use category allows a density range of 3 to 9 units per acre. The subject site is at a density of 2.86 units per acre, just slightly under the allowable range. The storage shed does not impact the density of the lot, which will continue to be used as a single unit dwelling, therefore the variance is not inconsistent with the comprehensive plan.

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

**Finding:** This proposal puts the subject property to use in a reasonable manner. Accessory uses in the R-3 zoning district include tool houses, shed, and similar buildings for storage of domestic supplies and noncommercial recreational equipment. As stated in the applicant's narrative, the shed is used primarily for tools and equipment that are typically found on residential properties. The purpose of the R-3 zoning district is to provide for single-family detached residential dwelling units along with directly related and complementary uses. A storage shed is a complementary use to the single-family home and is therefore reasonable.

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

**Finding:** There are unique circumstances to the property not created by the landowner. The property slopes precipitously towards Peppertree Pond. There is approximately a 20 foot change in elevation from the edge of the shed to the edge of the water, so the space that is available to place an accessory structure is limited. Moving the shed would require re-grading the property or bringing in fill and potentially removing some trees. Using the information available on Ramsey County GIS, staff finds that the amount of elevation change on the property meets the definition of a steep slope in the zoning code, and per the Minnesota Department of Natural Resources, this means the area is more susceptible to slope erosion and failure in response to development, vegetation removal, or land alterations. Therefore, any alteration to the topography is only permitted if it does not adversely affect adjacent or nearby properties and methods to prevent erosion are employed.

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

**Finding:** Granting the requested variance will not alter the essential character of the surrounding neighborhood. The shed has been in this location for at least 9 years with no known adverse effects on the neighborhood. The architecture of the shed complements the home and landscaping consisting of rocks, shrubs, grasses and trees surround the shed, providing screening from the neighboring properties.

#### **RECOMMENDATION**

The Planning Commission and staff recommend approval of the request, subject to the following conditions:

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

**ATTACHMENTS**

Resolution

Applicant's Narrative & Plans

Neighbor Comments – 2542 Oak Court

**RESOLUTION NO.**

**RESOLUTION GRANTING A SETBACK VARIANCE FOR  
2563 ELM DRIVE WITHIN THE CITY OF WHITE BEAR LAKE, MINNESOTA**

**WHEREAS**, Charles Reese (24-3-V) has requested a 2 foot 7 inch variance from the 5 foot side yard setback, per code section 1302.030, Subd.4.a in order to retain an accessory structure at the following location:

LEGAL DESCRIPTION: Lot 3, Block 4, Lakeview Hills Plat 2, and that part of Lot 6, Block 1, Lakewood North Second Addition described as follows: Beginning at the Southeast corner of said Lot 6 thence North along the East line of said Lot 6 for 51.32 feet to the Northeast corner of said Lot 6; thence Northwesterly along the Northeasterly line of said Lot 6 for 46.73 feet; thence Southerly to a point on the South line of said Lot 6, 50 feet Westerly of the point of beginning; thence Easterly 50 feet to the point of beginning and there terminating, Ramsey County, Minnesota. PID 363022130065

**WHEREAS**, the Planning Commission held a public hearing as required by the Zoning Code on January 29, 2024; and

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

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

1. The requested variance is in harmony with purposes and intent of the ordinance.
2. The requested variance is consistent with the 2040 Comprehensive Plan.
3. Granting the requested variance will allow the property to be used in a reasonable manner.
4. There are not unique circumstances to the property not created by the landowner; however, the historical layout of the building necessitates the setback variance in this location.
5. Granting the requested variance alone will not alter the essential character of the neighborhood.

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

1. All application materials, maps, drawings, and descriptive information submitted in this application shall become part of the permit.

**RESOLUTION NO.**

2. Per Section 1301.060, Subd.3, the variance shall become null and void if the project has not been completed or utilized within one (1) calendar year after the approval date, subject to petition for renewal. Such petition shall be requested in writing and shall be submitted at least 30 days prior to expiration.
3. A zoning permit shall be obtained.
4. The applicant shall verify the property line and have the property pins exposed at the time of the inspection.

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

Ayes:  
Nays:  
Passed:

\_\_\_\_\_  
Dan Louismet, Mayor

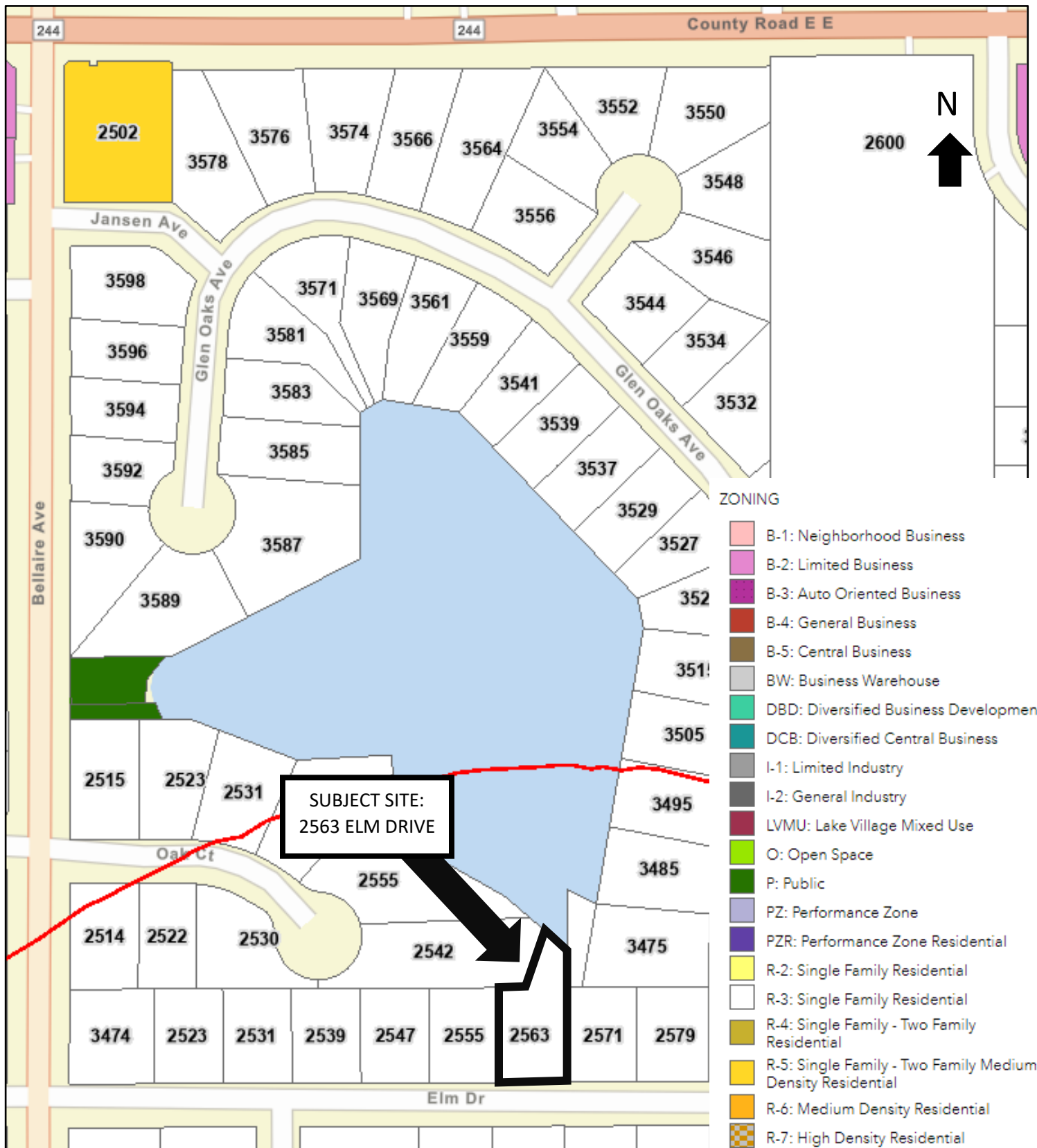
**ATTEST:**

\_\_\_\_\_  
Caley Longendyke, City Clerk

\*\*\*\*\*

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

\_\_\_\_\_  
Applicant's Signature Date



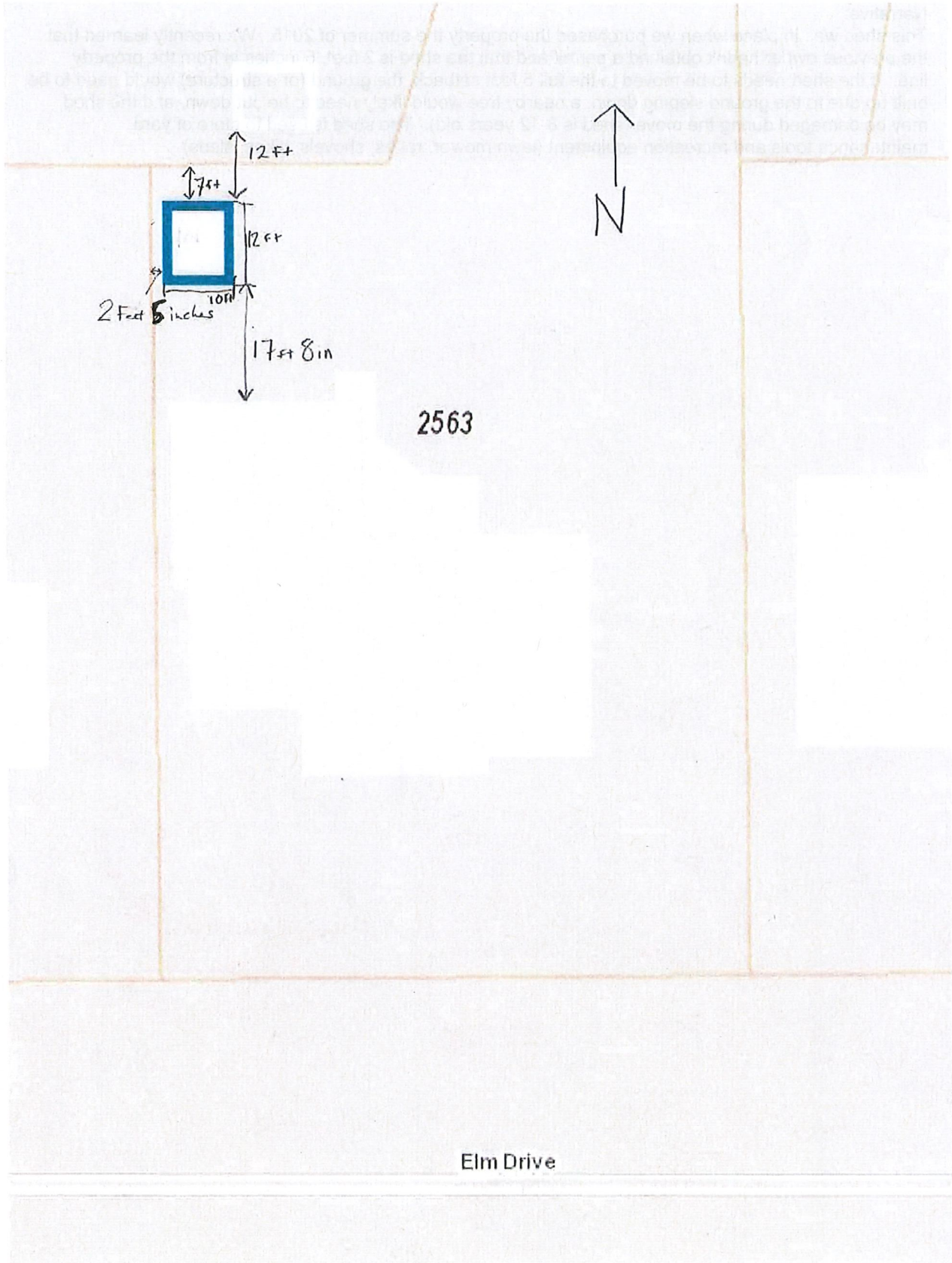
City of  
White Bear Lake  
Planning & Zoning  
651-429-8561

<b>CASE NO.</b>	: <u>24-3-V</u>
<b>CASE NAME</b>	: <u>Reese</u>
<b>DATE</b>	: <u>January 29, 2024</u>



**Narrative:**

This shed was in place when we purchased the property the summer of 2015. We recently learned that the previous owner hadn't obtained a permit and that the shed is 2 feet, 5 inches in from the property line. If the shed needs to be moved to the full 5 foot setback, the ground (or a structure) would need to be built up due to the ground sloping down, a nearby tree would likely need to be cut down, and the shed may be damaged during the move (shed is 8-12 years old). The shed is used to store of yard maintenance tools and recreation equipment (lawn mower, rakes, shovels, bikes, sleds).



2563

Elm Drive













## Ashton Miller

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**From:** wayneleonard@gmail.com  
**Sent:** Wednesday, January 24, 2024 3:20 PM  
**To:** Community Development  
**Cc:** wayneleonard@gmail.com  
**Subject:** FW: Opposition to "Variance" for Charles Reese - 2563 Elm Drive

**Importance:** High

I oppose the variance for the following reasons-

The shed is ON the property line and is required to be a minimum of 5 feet from each property line.

The location of the shed prevents maintenance to powerlines (the main power line for Elm Drive is behind the shed as well as power lines on the southside of my property). EXCEL Energy is unable to access the main powerline which services Elm Drive because they cannot get machinery close enough to the main powerline due to the location of the shed as well as the fence (another code violation – the fence is located 4+ feet on their neighbors property 2555 Elm Drive even though the back property marker is clearly visible...). EXCEL energy is forced to go through my entire yard (400+ feet) to access the main power line for service/repair vs 100 feet from Elm Drive. This has caused major damage to my lawn 2 times in the past 5 years!

There are multiple other loactions on the property for the shed to be relocated to which would be in compliance with the published 5 feet setback code for all property lines.

I was forced to move my shed because Charles Reese complained that he could see the CORNER of my shed out of his office window even though it was not in violation of the 5 foot setback code... I had to pay to have my property surveyed, pay the shed company to move the shed while the property line dispute was in progress, pay to have the shed put back in place (within 6 inches of the original location and not any closer to the property line). The first thing I see everyday is the entire side of their shed out of my bedroom window and is the last thing I see at night. I didn't complain... My shed is in compliance, theirs is not!

Unfortunately, I'm unable to attend the planning meeting on 1/27/2024 due to a previous engagement. Please feel free to reach out prior to the meeting if I can answer any questions and/or provide additional context.

Wayne Leonard  
2542 Oak Court  
612-386-5002





**City of White Bear Lake**  
Community Development Department

# MEMORANDUM

**TO:** Lindy Crawford, City Manager  
**FROM:** Jason Lindahl AICP, Community Development Director  
 Ashton Miller, City Planner  
**DATE:** February 12, 2024  
**SUBJECT:** Macdonald Variance – 4556 Highway 61 – Case No. 24-4-V

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## SUMMARY

The applicant, Ken Macdonald, requests both east and west side yard setback variances to rebuild and add a second story to the single unit dwelling located at 4556 Highway 61. Should the city approve the requested variances, the new house would be located on generally the same footprint as the existing house. Based on the findings made in this report, both the Planning Commission and staff find that the applicant has demonstrated a practical difficulty with meeting the City's zoning regulations as required by Minnesota Statute 462.357, Subd.6 and recommend approval of this request.

## GENERAL INFORMATION

Applicant/Owner: Ken Macdonald

Existing Land Use / Zoning: Single Family; zoned R-2: Single Family Residential & S – Shoreland Overlay District

Surrounding Land East & West: Single Family; zoned R-2 & S  
 North: State Highway 61  
 South: White Bear Lake

Comprehensive Plan: Low Density Residential

Lot Size & Width: Code: 15,000 sq. ft.; 100 feet  
 Site: 11,052 sq. ft.; 38 feet street side; 34 feet lakeside

60 Day Review Date: February 16, 2024

## BACKGROUND INFORMATION

The subject site is located on the east side of Highway 61, just south of where Lake Avenue and Highway 96 intersect with Highway 61. The property abuts White Bear Lake on the southwest. The property contains a single family home with attached single stall garage that was constructed in 1920. The applicant would like to demolish the existing home in order to rebuild

using the same side yard setbacks that currently exist, while adding a second story and extending the home towards the lake. Adding a second story and extending the structure toward the lake are within the zoning standards and do not require variances.

The specific variances requested by the applicant include an 11.64 foot variance from the required 15 foot side yard setback on the west side and a 9 foot variance from the 15 foot setback on the east side. The variances have been requested in order to tear down and rebuild a single unit dwelling 3.36 feet from the west property line and 6 feet from the east property line.

The previous owners applied for the same side yard setback variances in 2023 with the intent to reconstruct the home with a second story. The Planning Commission held a public hearing on January 30, 2023 and unanimously recommended approval to the City Council. The City Council unanimously approved the variances on February 14, 2023.

During the land use application process, the abutting neighbor at 4552 Highway 61 cited a number of concerns with the proposal and eventually filed suit against the applicant and the city. The neighbor provided an engineering report that evaluated the structural condition of her home and documented potential impacts construction could have on the house. In order to resolve the dispute with the adjacent property owner, the previous owners requested that the variances be vacated, so in response, the City Council repealed the variances on April 11, 2023.

Planning Commission Action. The Planning Commission reviewed this item during their January 29, 2024 regular meeting. During the meeting, the commission heard a presentation from staff and held a public hearing that produced comments from the applicant and an attorney representing the abutting property owners. Detailed minutes of this meeting are included in the City Council meeting packet under the Consent agenda section. The applicant, Ken Macdonald outlined the major concerns that were raised last time the variance was requested which included water and drainage concerns, fire and life safety concerns, and general concern that construction would have an adverse impact on the neighboring property. He addressed each issue in turn, supporting his belief that the new build would improve the current conditions and would not negatively impact the neighbor.

Attorney Chad Lemmons, representing Rose and Michael Miller of 4552 Highway 61, stated that the nonconforming house should not be allowed to be expanded and should be used as is. He added that there are still safety concerns with how close the homes are, which would be increased if a two story home were allowed on the subject site. After hearing staff's presentation and some general discussion, the commission voted 5-0 to recommend the City Council approve this request.

## **ANALYSIS**

Review Authority. City review authority for variance applications is considered a Quasi-Judicial action. This means the city acts like a judge in evaluating the facts against the legal standard. The city's role is limited to applying the legal standard of practical difficulties to the facts presented by the application. Generally, if the application meets the review standards, the



variance should be approved.

**Variance Review.** The standards for reviewing variances are detailed in Minnesota State Statute 462.357, Subdivision 6. In Summary, variances may be granted when the applicant establishes there are "practical difficulties" in complying with the zoning regulations. A practical difficulty is defined by the five questions listed below. Economic considerations alone do not constitute a practical difficulty. In addition, under the statute the City may choose to add conditions of approval that are directly related to and bear a rough proportionality on the impact created by the variance.

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

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

**Finding:** The property is zoned R-2: Single Family Residential and S: Shoreland Overlay. The purpose of the R-2 zoning district is "to provide for urban density single family detached residential dwelling units," meaning the property is intended to be used for single-family development. The neighborhood was platted in 1907, before the R-2 zoning district and its standards were established, so even though the lot is substandard in both size and width by current code, as a lot of record, it is entitled to be used for single-family development. The variances make the reconstruction of the single-family home on the lot possible, therefore the proposed home is in harmony with the purpose of the zoning district. In addition, staff has reviewed the proposal against the standards in the zoning code and all other aspects comply.

**Parking.** The proposed home will include a two-car garage. The zoning code requires that new single-family homes have at least a two-car garage, so the expansion is bringing the property into conformity. The garage will meet the side yard and street side setbacks (5 feet and 20 feet, respectively).

**Lake Side Setback.** The required lakeside setback is an average of the two abutting neighbors as measured to the closest point of the Ordinary High Water Level, which for this property, is 145.5 feet. Unenclosed decks on the first floor of the home are allowed to encroach into the setback up to 8 feet, which is what the applicant is proposing.

**Height.** The maximum height allowed in the R-2 zoning district is 35 feet as measured from average ground grade to the mean of the roofline. The elevations provided indicate the house will be 30.5 feet in height. The applicant is not requesting a height variance as part of this application.

**Impervious Surface Coverage.** The property is limited to 30% impervious surface by right. The applicant is proposing to increase the amount of impervious to 33.3%, which under the zoning standards may be mitigated through the use of a trench drain. The final design of the

stormwater mitigation feature will be reviewed and approved by the Engineering Department before issuance of a building permit to ensure compliance with code. A condition of approval also requires the applicant to install gutters and direct runoff away from adjacent properties.

2. Is the variance consistent with the comprehensive plan?

**Finding:** The proposed variances are not inconsistent with the 2040 Comprehensive Plan. The property is guided for “low density residential”, which has a density range of 3 to 9 units per acre. Typical housing includes single family detached. The property is at a density of 4 units per acre, within the allowable density range. Granting the variance to allow the reconstruction of the home is consistent with the goals and policies of the “low density residential” future land use category of the comprehensive plan.

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

**Finding:** The proposal puts the subject property to use in a reasonable manner. Both the Comprehensive Plan and the purpose and intent of the R-2 zoning district allow for single family dwelling units, so the request to reconstruct a single family home on the lot is reasonable.

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

**Finding:** There are unique circumstances not created by the landowner. The property is only 38 feet wide on the street side and 34 feet wide on the lake side at the setback line. The required setbacks are 15 feet from each side, leaving only 4 to 8 feet of buildable space. The code also requires houses to be a minimum of 22 feet wide, meaning a minimum of an 18 foot variance is required to make the lot buildable. Cumulatively, the applicant is asking for 20.64 feet of variance split between the two sides, and although not the minimum, the requested variances are consistent with the setbacks of the existing home. Further, at 24.5 feet in width, the house is only slightly larger than the minimum required by code.

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

**Finding:** Granting the requested variance will not alter the essential character of the surrounding neighborhood. The surrounding properties are similar in width, roughly 40 to 45 feet on the street side, and tapering to 30 feet or less along the lake. Consequently, all of the adjacent homes also encroach into the side yard setbacks at comparable rates. For example, the adjacent home at 4552 Highway 61 is only 3.2 feet from the shared lot line.

Further, several side yard variances have been granted for neighboring properties that are consistent with what is being requested here. The property to the north at 4558 Highway 61 was granted a 12.75 foot side yard variance to expand the home in 1995 and 4542 Highway 61 was granted a 12 foot side yard setback variance in 1998 for a deck.

## **RECOMMENDATION**

The Planning Commission and staff recommends approval of the request, subject to the

following conditions:

1. All application materials, maps, drawings, and descriptive information submitted in this application shall become part of the permit.
2. Per Section 1301.060, Subd.3, the variance shall become null and void if the project has not been completed or utilized within one (1) calendar year after the approval date, subject to petition for renewal. Such petition shall be requested in writing and shall be submitted at least 30 days prior to expiration.
3. A building permit shall be obtained before any work begins.
4. The applicant shall verify the property line and have the property pins exposed at the time of the inspection.
5. Gutters shall be installed and runoff directed away from adjacent properties.
6. All impervious area above 30% shall be mitigated according to the zoning code; design and infiltration calculations shall be approved by the Stormwater Engineer.
7. Porous pavers, rain gardens or other mitigating features used to offset impervious area shall be maintained by homeowner according to manufacturer's specifications or to preserve design function and capacity.
8. If grading extends closer than 50 feet to the OHWL, a grading plan must be submitted to the Rice Creek Watershed District for review and approval.
9. Conformance with all requirements of the city's Building, Engineering, and Fire departments as well as the Rice Creek Watershed district.

#### **ATTACHMENTS**

Resolution

Zoning/Location Map

Applicant's Narrative, Plans and Supplemental Material

Attorney Letter Representing 4552 Highway 61

**RESOLUTION NO.**

**RESOLUTION GRANTING TWO SETBACK VARIANCES  
FOR 4556 HIGHWAY 61 WITHIN THE CITY OF WHITE BEAR LAKE, MINNESOTA**

**WHEREAS**, Ken Macdonald (Case No. 24-4-V) has requested an 11.64 foot variance from the required 15 foot setback along the west side and a 9 foot variance from the 15 foot setback on the east, per code section 1303.040, Subd.5.c.2 in order to construct a single-family home on the property at the following location:

LEGAL DESCRIPTION: Attached as Exhibit A (PID # 23302212008);

**WHEREAS**, the City Planner prepared a memorandum dated January 29, 2024 regarding the requested variances (“Staff Report”) recommending approval of the variances and the Staff Report, together with any updates provided the City Council for its meeting, is incorporated in and made part of this Resolution by reference; and

**WHEREAS**, the Planning Commission held a public hearing, after due notice having been provided, regarding the requested variances on January 29, 2024, at which it provided the applicant and interested members of the public an opportunity to be heard; and

**WHEREAS**, after conducting the hearing and discussing the matter, the Planning Commission voted unanimously to forward the variance requests to the City Council with a recommendation that they be approved with certain conditions; and

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

**WHEREAS**, the City Council hereby finds and determines as follows:

1. The findings contained in the Staff Report are adopted and made part of the City Council’s findings.
2. The City Council is aware of concerns expressed regarding the applicant’s proposed project and the variances the applicant needs to construct the project. The City Council finds as follows regarding those concerns:
  - a. The procedural issues raised do not affect whether practical difficulties exist to authorize the issuance of the requested variances. Posting a sign on the property is part of the effort to provide additional notice to the public, but it is not required by Municipal Planning Act and does not undermine the City Council’s authority to act on the variance requests. Nor does the concern raised regarding the promptness of the City’s response to a data practices act request.
  - b. The fact the current structure on the property is nonconforming does not mean it cannot be replaced, which is expressly allowed by Minn. Stat. 462.357, subd. 1e(a)),

## RESOLUTION NO.

- or that the City is somehow prohibited from granting variances to the property. The lots in this area are narrow and the City Council has granted variances to other properties for building projects that had similarly challenging narrow lots.
- c. As to the concerns regarding safety and potential damage because of the proximity of neighboring structures, those are merely unproven suppositions. There is nothing inherent in the proposed project that creates an unreasonable risk to the neighboring properties. If the applicant's contractor damages a neighbor's property during construction, the neighbor has legal recourse against the contractor.
3. As is further explained in the Staff Report, the City Council determines:
    - a. The requested variances are in harmony with purposes and intent of the ordinance.
    - b. The requested variances are consistent with the 2040 Comprehensive Plan.
    - c. Granting the requested variances will allow the property to be used in a reasonable manner.
    - d. There are unique circumstances to the property not created by the landowner.
    - e. Granting the requested variances alone will not alter the essential character of the neighborhood.
  4. The City Council agrees with the Planning Commission's findings and recommendation.
  5. The City Council determines the applicant is eligible under the Zoning Code and state law for issuance of the requested variances.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of White Bear Lake hereby approves and issues the requested variances, subject to compliance the following conditions:

1. All application materials, maps, drawings, and descriptive information submitted in this application shall become part of the permit.
2. Per Section 1301.060, Subd.3, the variance shall become null and void if the project has not been completed or utilized within one (1) calendar year after the approval date, subject to petition for renewal. Such petition shall be requested in writing and shall be submitted at least 30 days prior to expiration.
3. A building permit shall be obtained before any work begins.
4. The applicant shall verify the property line and have the property pins exposed at the time of the inspection.
5. Gutters shall be installed and runoff directed away from adjacent properties.
6. All impervious area above 30% shall be mitigated according to the zoning code; design and infiltration calculations shall be approved by the Stormwater Engineer.
7. Porous pavers, rain gardens or other mitigating features used to offset impervious area shall be maintained by homeowner according to manufacturer's specifications or to preserve design function and capacity.
8. If grading extends closer than 50 feet to the OHWL, a grading plan must be submitted to the Rice Creek Watershed District for review and approval.
9. Conformance with all requirements of the City's Building, Engineering, and Fire departments as well as the Rice Creek Watershed district.

**RESOLUTION NO.**

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

Ayes:  
Nays:  
Passed:

\_\_\_\_\_  
Dan Louismet, Mayor

**ATTEST:**

\_\_\_\_\_  
Caley Longendyke, City Clerk

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

\_\_\_\_\_  
Applicant's Signature

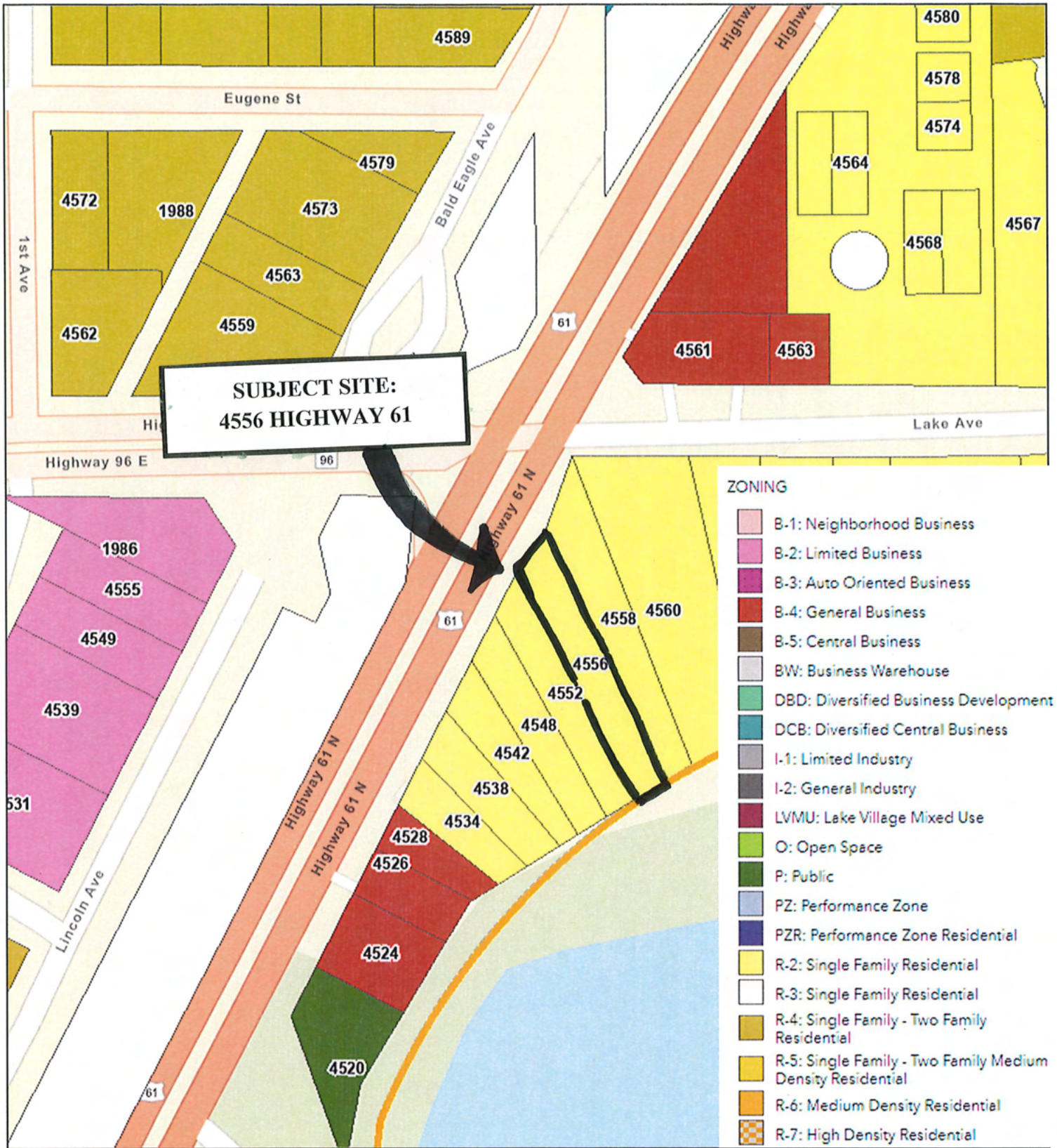
\_\_\_\_\_  
Date

**RESOLUTION NO.**

**EXHIBIT A  
LEGAL DESCRIPTION**

Lot 7, PRICE'S ADDITION TO WHITE BEAR, MINNESOTA, EXCEPT that part described as follows: All that part of Lots 4, 5, 6 and 7, PRICE'S ADDITION TO WHITE BEAR, MINNESOTA, lying Northerly of a line described as follows: Commencing at an iron monument at the Northeast corner of Lot 8 of said Addition, thence on a curve to the right with a radius of 164.15 feet to an iron monument at the intersection with original line of Lake Avenue in Lot 4 of said Addition, said point being 100 feet Easterly from the original angle point of Lot 6 of said Addition, and also EXCEPT all that part of the following described tract: That part of Lot 7, PRICE'S ADDITION TO WHITE BEAR, MINNESOTA, lying Southeasterly of Trunk Highway No. 61 as now located and established, which lies Northwesterly of the following described line: Beginning at the most Westerly corner of the above described tract; thence run northeasterly to the point of intersection of the northeasterly line of said tract with a line run parallel with and distant 5 feet Southeasterly of the northeasterly line of said tract and there terminating. Ramsey County, Minnesota. (PID # 23302212008)





City of  
White Bear Lake  
Planning & Zoning  
651-429-8561

CASE NO. : 24-4-V

CASE NAME : Macdonald

DATE : January 29, 2024



WRITTEN NARATIVE IN SUPPORT OF SIDE YARD SETBACK VARIANCE REQUEST AT 4556 HWY 61

Side yard setback variance of 11.64 foot from the required 15 foot setback along the west side, and a 9 foot variance from the 15 foot setback on the east, per code section 13.03.040, Subd.5.c.2 in order to replace the current home on the property.

The "practical difficulty" that is unique to this property, and not created by the landowner, is the narrow lot size. The lots were platted, and the existing home was built well before the current lot size and setback requirements were established.

The existing home is 3.2 feet from the west lot line, and 7.5 feet from the east lot line. We plan to build within the exact same side yard setbacks, as was previously approved by a recent variance application from the previous owner. The proposed home will be expanded toward the lake in order to get a view that is less obstructed, up to the lakeside setback requirement. And toward the street in order to fit a 2 car garage. The building is well within the streetside setback requirement (proposed 36.3 ft vs a minimum of 20 ft). The proposed home will be higher than the existing house. We are well below the height requirement and are not requesting a variance for height (proposed 30.5 ft vs a max of 35 ft).

If this variance is granted, the essential character of the locality will not be altered. For comparison, the 5 adjacent homes to the west, and the 5 to the east were compared:

- 10 of the 11 are single family homes, including the subject property. One is duplex (4452 Hwy 61). Two of the properties have 2 residences on one parcel.
- 9 of the 11 are 2 story homes or have a portion of the home that is 2 stories. 2 of the 11 are currently single story, (including the subject property).
- None of the 11 would be buildable today without a variance.

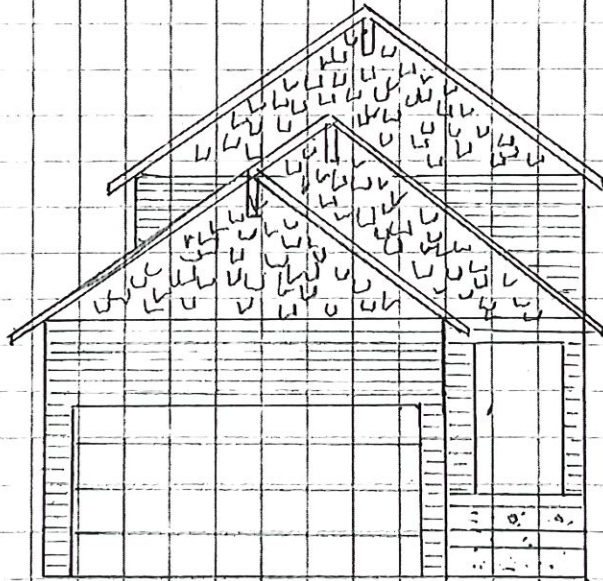
Approving this variance will allow the replacement of a vacant, uninhabitable house with a new home that will be an asset to the community.

4556

HWY 61

STREET

ELEVATION



1" = 10'

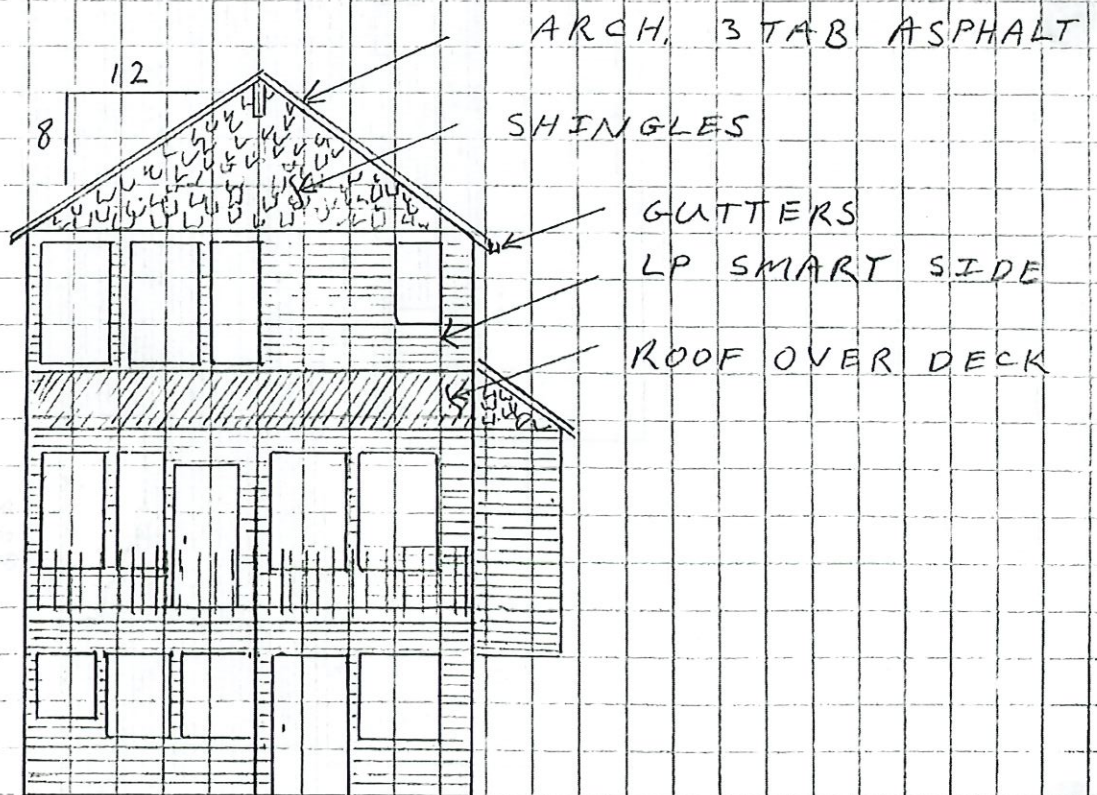


4556

HWY 61

LAKE

ELEVATION

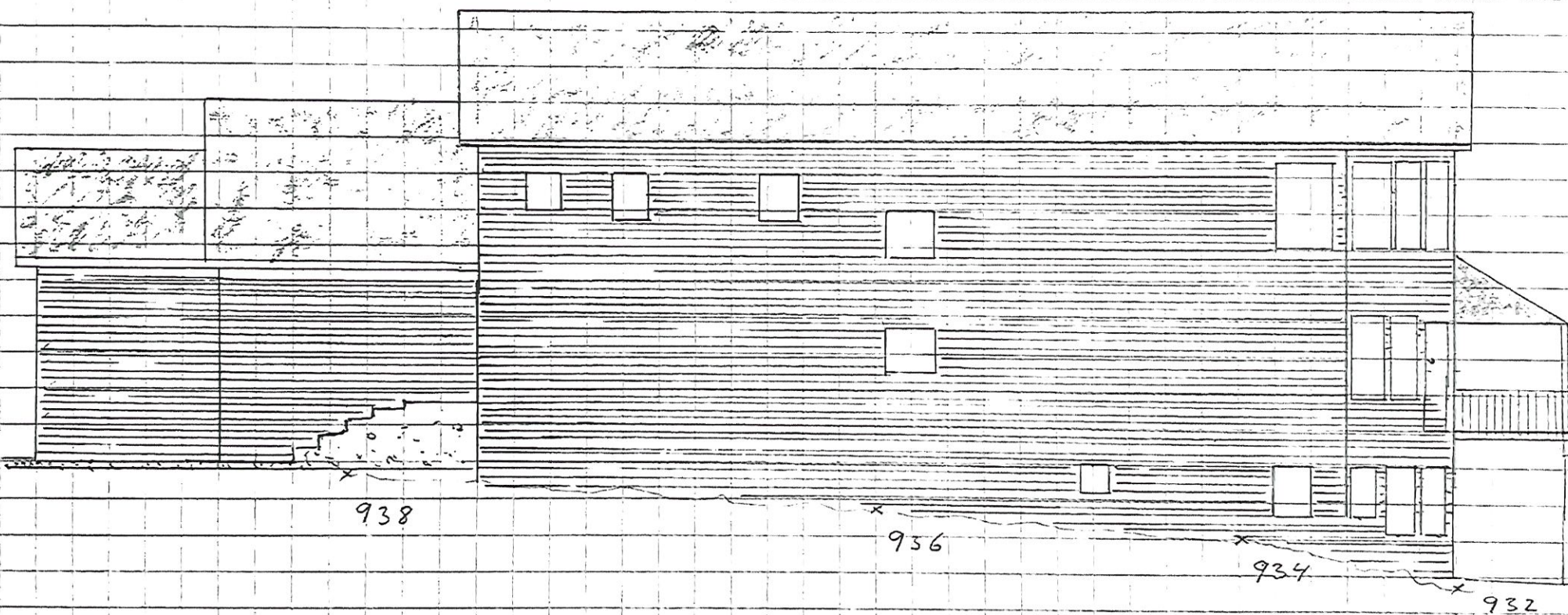


1" = 10'



4556 HWY 61

WEST  
ELEVATION



938

956

934

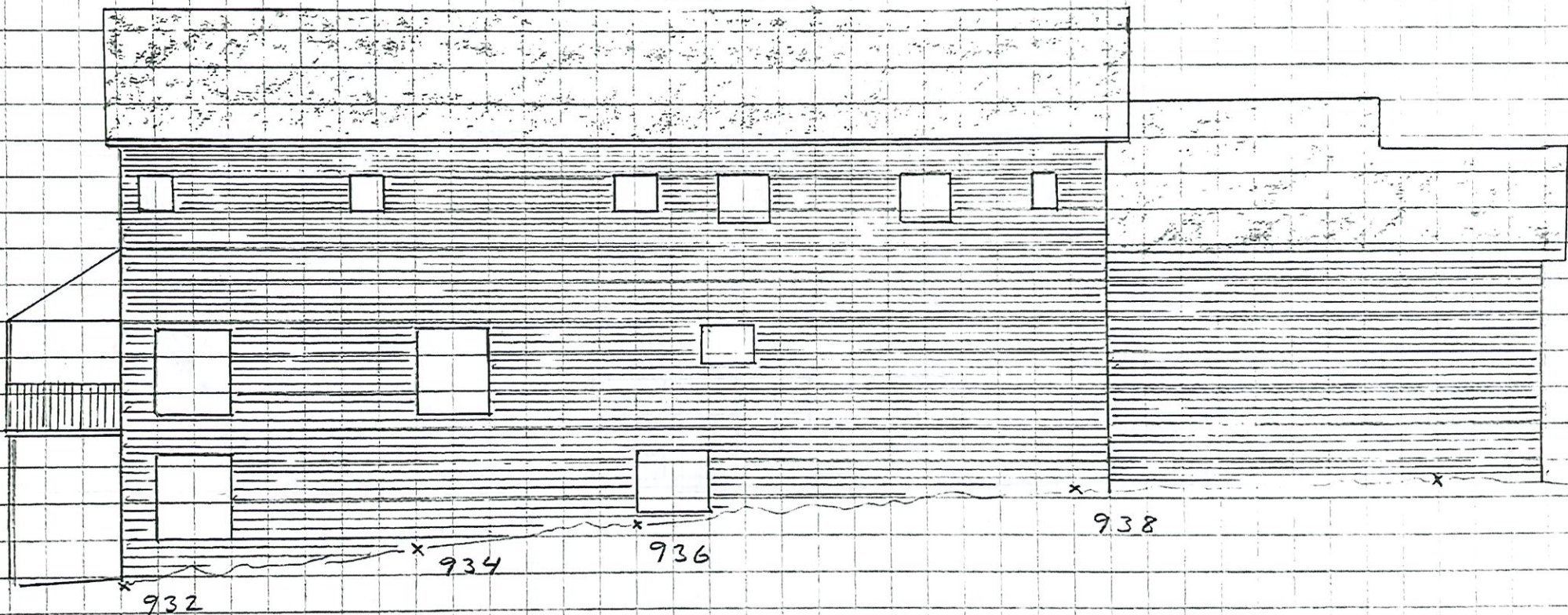
932

1" = 10'



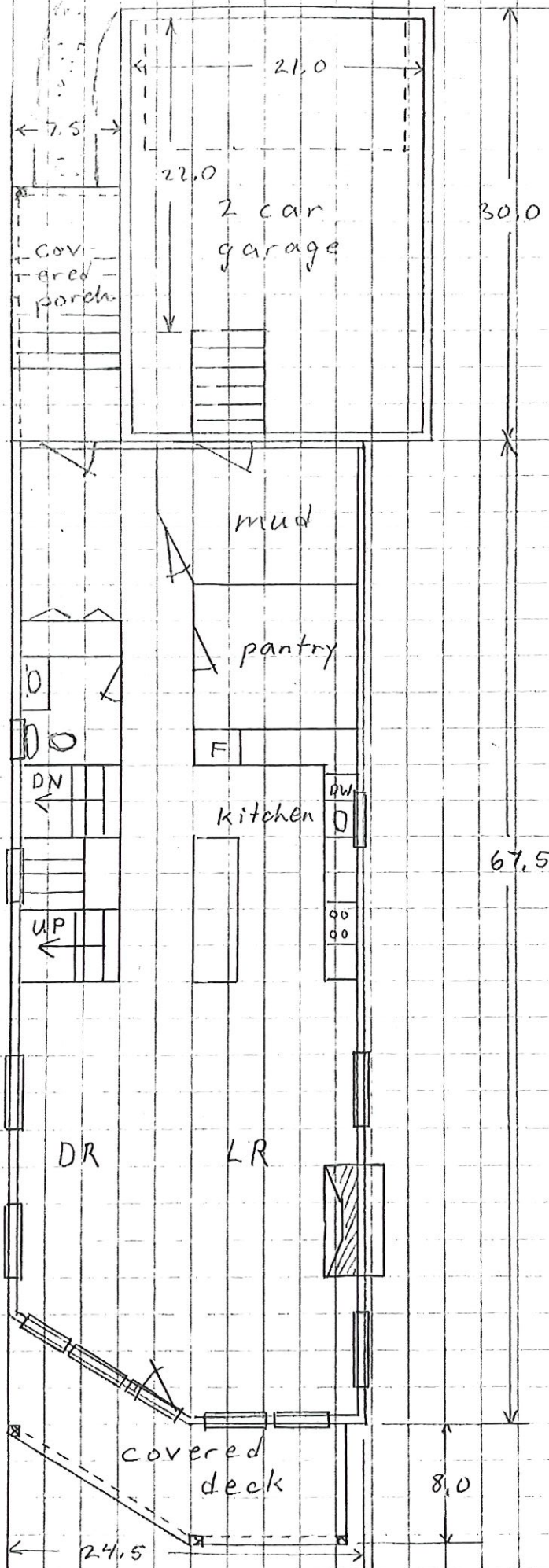
4556 HWY 61

EAST  
ELEVATION



1" = 10'





4556  
 HWY 61  
 MAIN FLOOR

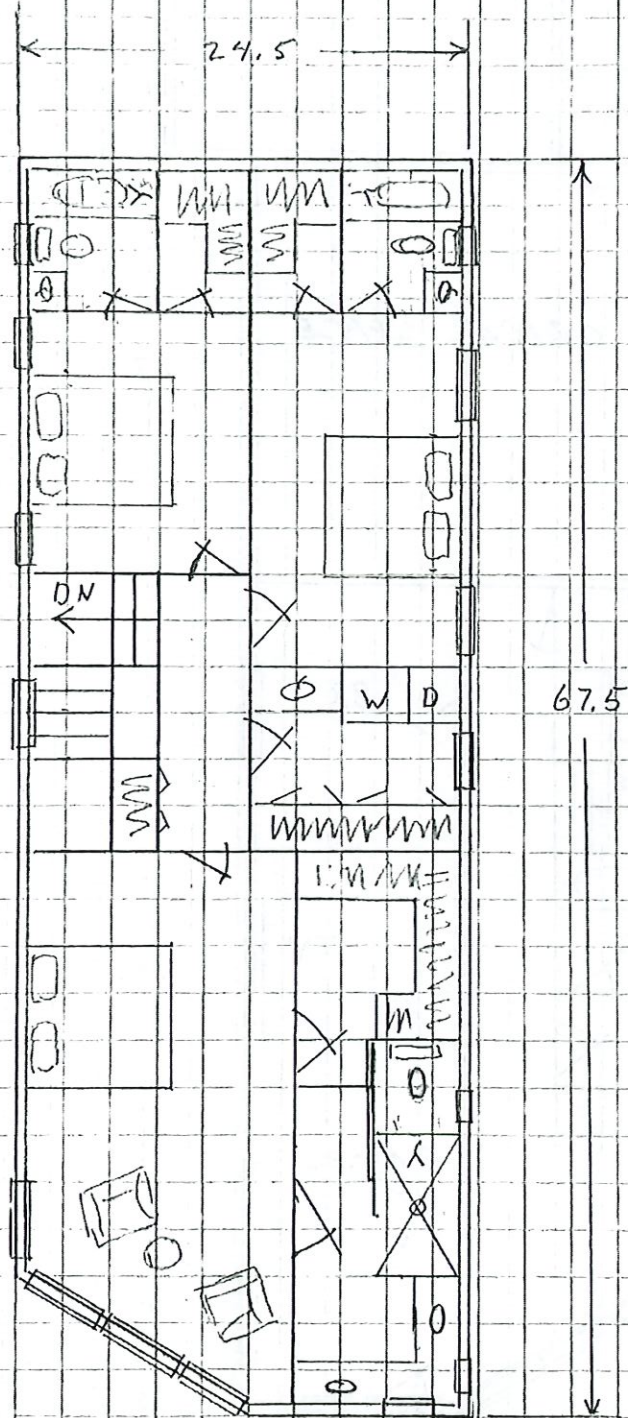
1" = 10'



4556

HWY 61

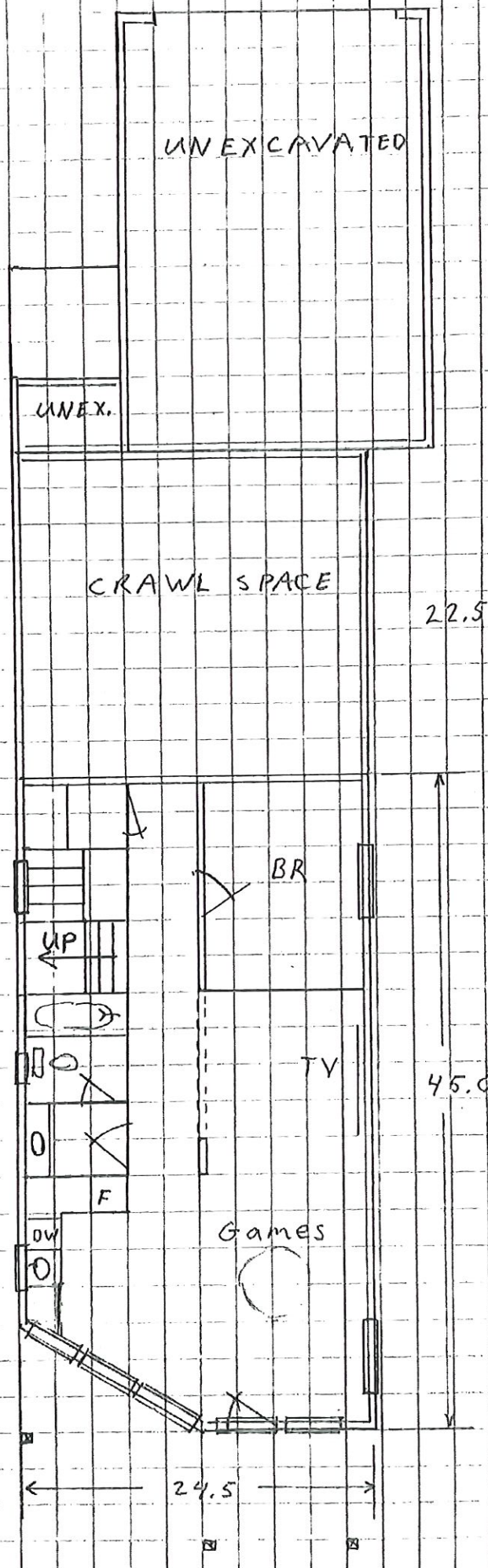
UPPER



1" = 10'



4556  
HWY 61  
BASEMENT



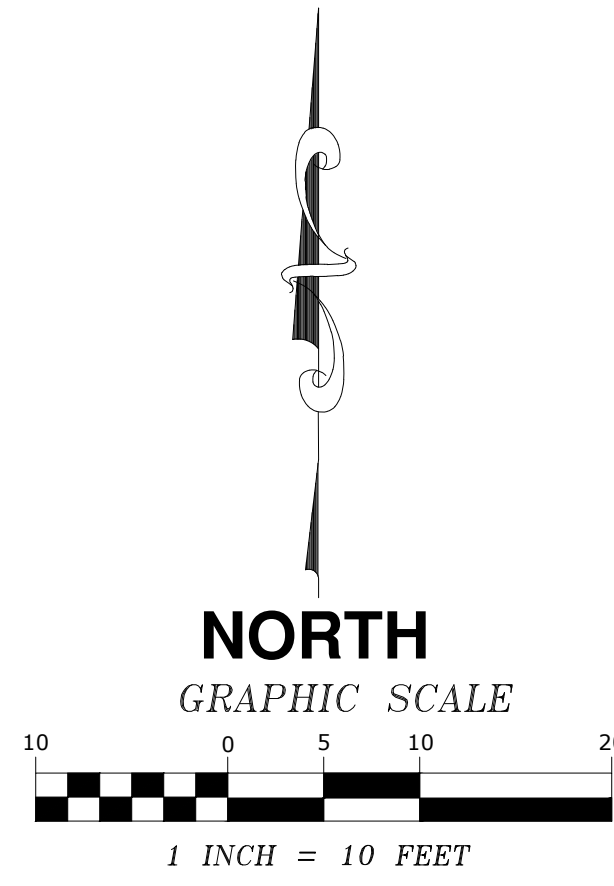


# CERTIFICATE OF SURVEY

~for~ KEN MCDONALD  
 ~of~ 4556 HIGHWAY 61  
 WHITE BEAR LAKE, MN

## NOTES

- Field survey was completed by E.G. Rud and Sons, Inc. on 01/18/2024.
- Bearings shown are on the Ramsey County Coordinate System.
- Parcel ID Number: 23-30-22-12-0008.
- Curb shots are taken at the top and back of curb.
- The proposed building is setback using a calculation of the two adjoining main residents from OHW measurement of 129.8 feet and 160.1 feet for an averaged distance of 145.0 feet from OHW.
- For further boundary information see E.G. Rud and Sons, Inc. Certificate of Survey for Job Number 17682LS signed 9/29/2017.
- This survey was prepared without the benefit of title work. Additional easements, restrictions and/or encumbrances may exist other than those shown hereon. Survey subject to revision upon receipt of a current title commitment or an attorney's title opinion.
- Due to field work being completed during the winter season there may be improvements in addition to those shown that were not visible due to snow and ice conditions characteristic of Minnesota winters.



## LEGEND

- DENOTES IRON MONUMENT FOUND AS LABELED
- DENOTES CURB STOP
- DENOTES ELECTRICAL BOX
- ⊙ DENOTES ELECTRICAL MANHOLE
- x 952.36 DENOTES EXISTING SPOT ELEVATION
- ⊕ DENOTES GAS METER
- ⊖ DENOTES HAND HOLE
- ⊕ DENOTES POWER POLE
- DENOTES RETAINING WALL
- DENOTES OVERHEAD UTILITY
- DENOTES BITUMINOUS SURFACE
- DENOTES CONCRETE SURFACE
- DENOTES PAVER SURFACE

## PROPERTY DESCRIPTION

Lots 7, PRICE'S ADDITION TO WHITE BEAR, Ramsey County, Minnesota.

## BENCHMARK

RAMSEY COUNTY BENCHMARK NO. 9072  
 ELEVATION = 938.303 (NAVD 88)

(9.3' BASEMENT WALKOUT)

## PROPOSED ELEVATIONS

MAIN FLOOR = 942.0  
 TOP OF WALL HOUSE = 941.0  
 TOP OF BLOCK GARAGE (DROP) = 939.3  
 GARAGE FLOOR = 939.0  
 LOWEST FLOOR = 932.0  
 TOP OF FOOTING = 931.7

## IMPERVIOUS SURFACE CALCULATIONS EXISTING

TOTAL LOT AREA ABOVE OHW ..... 11,033 SQ. FT.  
 TOTAL LOT AREA ABOVE OHW, LESS RIGHT OF WAY ..... 10,056 SQ. FT.  
 EXISTING HOUSE AND GARAGE ..... 1,380 SQ. FT.  
 EXISTING BITUMINOUS DRIVEWAY ..... 127 SQ. FT.  
 EXISTING CONCRETE DRIVEWAY ..... 1,185 SQ. FT.  
 TOTAL IMPERVIOUS SURFACE OUTSIDE RIGHT OF WAY ..... 2,692 SQ. FT.  
 PERCENT IMPERVIOUS ..... 26.8%

## IMPERVIOUS SURFACE CALCULATIONS PROPOSED

TOTAL LOT AREA ABOVE OHW ..... 11,033 SQ. FT.  
 TOTAL LOT AREA ABOVE OHW, LESS RIGHT OF WAY ..... 10,056 SQ. FT.  
 PROPOSED HOUSE AND GARAGE ..... 2,295 SQ. FT.  
 PROPOSED COVERED DECK AND PORCH ..... 332 SQ. FT.  
 EXISTING BITUMINOUS DRIVEWAY ..... 127 SQ. FT.  
 EXISTING AND PROPOSED CONCRETE ..... 1,332 SQ. FT.  
 TOTAL IMPERVIOUS SURFACE ..... 4,086 SQ. FT.  
 PERCENT IMPERVIOUS ..... 40.6%

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

*D.S.H.*  
 DANIEL S. HANSON

Date: 01/24/2024 License No. 52140

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

DRAWN BY: DSH	JOB NO: 24.0016HS	DATE: 01/24/2024	
CHECK BY: JER	FIELD CREW: DT/CT		
1	01/24/24	PROPOSED NEW HOME UPDATE	DSH
2			
3			
NO.	DATE	DESCRIPTION	BY

# CERTIFICATE OF SURVEY

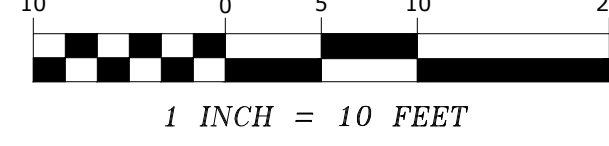
~for~ KEN MCDONALD  
 ~of~ 4556 HIGHWAY 61  
 WHITE BEAR LAKE, MN

## NOTES

- Field survey was completed by E.G. Rud and Sons, Inc. on 01/18/2024.
- Bearings shown are on the Ramsey County Coordinate System.
- Parcel ID Number: 23-30-22-12-0008.
- Curb shots are taken at the top and back of curb.
- For further boundary information see E.G. Rud and Sons, Inc. Certificate of Survey for Job Number 17682LS signed 9/29/2017.
- This survey was prepared without the benefit of title work. Additional easements, restrictions and/or encumbrances may exist other than those shown hereon. Survey subject to revision upon receipt of a current title commitment or an attorney's title opinion.
- Due to field work being completed during the winter season there may be improvements in addition to those shown that were not visible due to snow and ice conditions characteristic of Minnesota winters.

NORTH

GRAPHIC SCALE



## PROPERTY DESCRIPTION

Lots 7, PRICE'S ADDITION TO WHITE BEAR, Ramsey County, Minnesota.

## BENCHMARK

RAMSEY COUNTY BENCHMARK NO. 9072  
 ELEVATION = 938.303 (NAVD 88)

**IMPERVIOUS SURFACE CALCULATIONS EXISTING**  
 TOTAL LOT AREA ABOVE OHW..... 11,033 SQ. FT.  
 TOTAL LOT AREA ABOVE OHW, LESS RIGHT OF WAY ..... 10,056 SQ. FT.  
 EXISTING HOUSE AND GARAGE..... 1,380 SQ. FT.  
 EXISTING BITUMINOUS DRIVEWAY ..... 127 SQ. FT.  
 EXISTING CONCRETE DRIVEWAY ..... 118 SQ. FT.  
 TOTAL IMPERVIOUS SURFACE OUTSIDE RIGHT OF WAY ..... 2,692 SQ. FT.  
 PERCENT IMPERVIOUS ..... 26.8%

## LEGEND

- DENOTES IRON MONUMENT FOUND AS LABELED
- CS DENOTES CURB STOP
- DENOTES ELECTRICAL BOX
- ⊕ DENOTES ELECTRICAL MANHOLE
- x 952.36 DENOTES EXISTING SPOT ELEVATION
- ⊠ DENOTES GAS METER
- ⊞ DENOTES HAND HOLE
- ⊞ DENOTES POWER POLE
- ⊞ DENOTES RETAINING WALL
- OHU DENOTES OVERHEAD UTILITY
- ▨ DENOTES BITUMINOUS SURFACE
- ▨ DENOTES CONCRETE SURFACE
- ▨ DENOTES PAVER SURFACE

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

*Daniel S. Hanson*  
 DANIEL S. HANSON

Date: 01/24/2024 License No. 52140

**E. G. RUD & SONS, INC.**  
 EST. 1977 Professional Land Surveyors  
 6776 Lake Drive NE, Suite 110  
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 Tel. (651) 361-8200 Fax (651) 361-8701  
 www.egrud.com

DRAWN BY: DSH	JOB NO: 24.0016HS	DATE: 01/24/2024	
CHECK BY: JER	FIELD CREW: DT/CT		
1			
2			
3			
NO.	DATE	DESCRIPTION	BY

## RESPONSE TO PUBLIC COMMENT FOR SIDE YARD SETBACK VARIANCE REQUEST AT 4556 HWY 61

As part of the public comment portion for the previously approved variance, the Millers (owners at 4552 Hwy 61), raised several concerns. We have mitigated or addressed those as follows:

### 1) Reduction in Property Value

Based on the review of those adjacent properties, my house is the smallest, and has the lowest tax assessed value, please see *Attachment A – Tax record data for neighboring properties*. The condition of the current house at 4556 Hwy 61 is very poor. From the outside, the paint is peeling, there's a pile of broken concrete next to the front entry, the front stoop has a significant cant toward the house, there are weeds along the city sidewalk, and between the slabs in the driveway. The previous owners were granted an interior demolition permit, which was started. The interior is a bare shell: no cabinets, no fixtures, no plumbing, no insulation, no drywall, no flooring and with several locations where daylight can be seen through the exterior walls. The house has been vacant for over a year. See *Attachment B – Pictures of current condition of 4556*.

The proposed project expands the square footage, increases the number of bedrooms (from 2 to 4), and increases the garage stalls (from 1 to 2). The new house will have new windows, new roof, new siding, new landscaping, new appliances, new flooring, etc.

Given the substantial investment in the property being proposed, I fail to see how this project could possibly reduce the Miller's property value.

### 2) Structural Engineering report of 4552 (12/13/2022) See *Attachment C – Miller's Structural Evaluation of 4552*

#### *Engineer findings:*

- *"Water is the enemy of foundations"*
- *"Condition is good when compared to others of similar age" (Built in 1921)*
- *No "significant" water intrusion issues.*
- *No "significant" cracks or displacement in the foundation. Without **structurally significant** cracks or displacement.*
- *Basement slab **has some cracks noted**.*
- *Joist **deterioration is seen** which contributes to the **uneven floors** above.*
- *Plaster/**sheetrock cracking** is noted at the upper levels.*
- *Floors are slightly **uneven throughout***
- *Concrete slab in garage **has cracks** typical of age*

#### *Engineer recommendations:*

- *Document existing cracks*
- *Additional monitoring should be performed*
- *Add gutters and downspouts with water deposited at least 5-10 feet away.*
- *Remove decorative landscape borders which trap water next to the foundation*
- *Maintain/correct the landscaping and grading at the area surrounding the home to direct surface water, and water from the roof, to flow away from the foundation walls.*

Since this report, over a year ago, the Miller's have not added gutters or changed landscaping or grading. The Miller's cannot legally deposit their water 5-10 feet away from their foundation as recommended, since their house is only 3 feet from the property line. Their current building does not have gutters or downspouts.

My proposed home **will** have gutters and downspouts. The downspouts will be routed to a French drain that will carry the water along the property line toward the lake. This will terminate away from both houses, at an elevation lower than both basements, but above the shore impact zone. The drain will be sized to carry water from both structures, since we don't want the uncontrolled water from 4552 making its way into our basement.

Additionally, the proposed home is designed with a stepped foundation and a smaller finished basement footprint than was previously approved to eliminate the need for deep excavations next to the property line.

### 3) Fire Hazard

The MN state building code has very specific requirements for buildings based on usage, and "fire separation distance" (the distance between buildings). The code addresses when 1, 2, or 4-hour fire rating building construction methods are required, the maximum percentage opening area (windows), and whether or not projections (eaves, decks, balconies) are allowed, or have to be fire rated. This would be reviewed during the building permit process. For single family homes, with a separation of greater than 5 feet, there are no restrictions, and openings are unlimited. The proposed plan has opening sizes, and projections that would still be allowable, even if we were at the next closest fire separation distance (less than 5 ft, but greater than 3 ft). The exact wall construction method will be determined as part of the building permit process with the City. As a possible example of what may be required, see *Attachment D – possible detail for 1 hour fire rated wall*

### 4) Access to Light

The Miller's duplex is 2 stories, and is to the south and west of mine, so increasing the height of my house, will not shade their building. The WBL 2040 Comprehensive Plan discusses the protection and development of access to solar energy. Of the 5 houses to the south and the 5 to the north, there is only 1 other house that is currently only 1 story. Preventing me from building in height to match the neighboring properties, prevents my ability to access the same light and solar energy as currently enjoyed by the neighbors. See *Attachment E – Google Project Sunroof picture of 4556 Hwy 61*. Note that it looks like the Millers are currently enjoying access to light/solar on their garage, which would not be impacted by my project. See *Attachment F – Miller Garage Photo* and *Attachment G shadow angle based on time of day*

### 5) Access to Air

Not quite sure exactly what "access to air" means – except a desire to not build something larger than fits in the character of the neighborhood. See *Attachment A – Tax record data for neighboring properties*. And note that all the dwellings are single family residences except for the Miller's. Also, note if this proposal is approved, 10 of the 11 houses will be at least partially 2 stories. The remaining 1 story at 4542 is on a lot size that is half the size of mine, so the proposed home fits within the existing density of the neighborhood.

#### 6) Wind Tunnel Creation between buildings

By far my most challenging class when getting my Mechanical Engineering degree was Advanced Computation Fluid Dynamics, where we were required to write a computer program to predict the flow of a fluid. I'd love to see the professional engineering report or wind tunnel test that would support the Miller's opinion that increasing the building height would increase the wind velocity between the buildings. I know enough to not make a claim in this area, but I'd guess that not changing the distance between 2 buildings, and increasing the height of the second to match the height of the first, that the creation of any vortices would be reduced, lessening the risk of damaging wind between the buildings.

However, if wind between the buildings becomes an issue, we can install a privacy fence between the 2 buildings to block the wind.

#### 7) Convenience of Access to property

The Millers have paved over a portion of my property, which they use for a turn-around and parking. See *Attachment H – photo of parking encroachment*. There is no easement for this, and no agreement for this use. To mitigate the water runoff, and hard surface area percentage coverage on my property, we are considering removing the existing bitumous that is between our driveway and the property line and instead installing landscaping along the city sidewalk. The Millers will still have access to their property from their city provided curb cut, directly to their driveway, in front of their garage. See *Attachment I – 4552 Curb Cut*. Approval of my project should not be denied because the Miller's want to drive on my property. If the Millers did not apply for a variance to pave the portion of their driveway that is located within their side yard setback, they should do so.

The Millers will likely need to relocate their and their tenants' 5 large garbage containers where they can access them without trespassing.

Both of the Miller's encroachments are existing, and not made worse by the proposed project, since the proposed side yard setback matches the existing setback.

#### 8) Icicles

The existing building has notched 2x4 rafters sitting directly on the top plate of the wall. There is no insulation in the ceiling. Even if there were some added, there is not sufficient space to add the required ventilation and the thickness of insulation to prevent a warm roof and creation of icicles.

Modern building code and practices with a tight vapor barrier, vented attic space, and sufficient ceiling insulation drastically reduce the formation of ice dams and icicles along a building edge. We will be selecting trusses with an "energy heel" (space for insulation on top of the wall), and following the current building code.

The risk of icicles will be drastically reduced by approving this project. However, if icicles are still formed, we will install heat tracing on the roof and gutters as needed.

#### 9) Surface Icing between Properties

The existing house does not have gutters or downspouts, but the proposed house will. Additionally we will have proper grading and a French drain to route water away from the both structures to a safe location in the lake side yard. Since water won't be flowing from 4556 to 4552, then if surface icing on

the Miller's property is an issue, the Millers should follow their engineer's recommendation and correct their grading and install gutters and downspouts on their structure.

10) Erosion from water falling from roofs between properties

The existing house does not have gutters or downspouts, but the proposed home will, so any risk of erosion will be reduced by approving this project. If erosion under the Miller's eaves is an issue from water falling from their 2 story building, then the Millers should follow their engineer's recommendation and install gutters and downspouts on their building.

11) Potential for damage during construction

All care will be taken to prevent damage, but it is still possible for construction accidents to happen. The City of WBL mitigates this by requiring contractors operating in the city to be licensed, bonded and insured.

VARIANCE REQUEST - ATTACHMENTS

Attachment A – Tax record data for neighboring properties

Attachment B – Pictures of current condition of 4556

Attachment C – Miller’s Structural Evaluation of 4552

Attachment D – possible detail for 1 hour fire rated wall

Attachment E – Google Project Sunroof of 4556 Hwy 61

Attachment F – Miller Garage Photo

Attachment G – shadow angle based on time of day

Attachment H – photo of parking encroachment

Attachment I – 4552 Curb Cut

**Attachment A – Tax record data for neighboring properties**

Address	Lot Size (acres)	Tax Assessed Value (\$1,000)	House SF	Garage SF	Land Use	House Height	Property Width x Length
4534 Hwy 61	0.08	883	3530	440	Single Family	2 story	30x120
4538 Hwy 61	0.11	633	2512	528	Single Family	1 1/2 story	30x160
4542 Hwy 61	0.09	630	1635	528	Single Family	1 story	20x190
4548 Hwy 61	0.13	569	1907	200	Single Family	1 1/2 story	30x190
4552 Hwy 61	0.17	603	2491	1080	Duplex (2 family dwelling up/down)	1 1/2 story	30x240
<b>4556 Hwy 61</b>	0.18	541	926	264	Single Family	1 story	30x260
4558 Hwy 61	0.19	709	2090	748	Single Family	1 1/2 story	30x280
4560 Lake	0.40	957	2372	924	2 residences on one parcel	2 story	100x290
4564 Lake	0.19	861	2321	704	Single Family	2 story	30x280
4568 Lake	0.26	1001	2740	720	2 residences on one parcel	2 story	44x260
4570 Lake	0.44	1272	2622	738	Single Family	2 story	80x240



**Attachment B – Pictures of current condition of 4556**

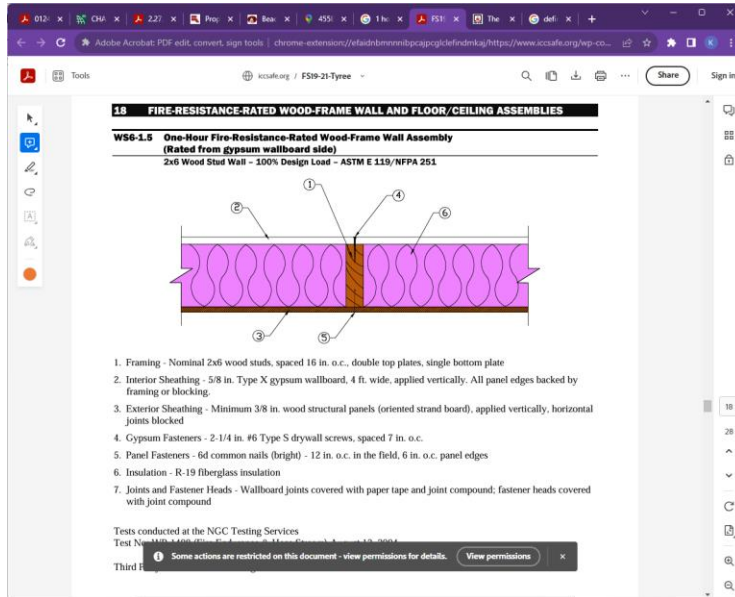






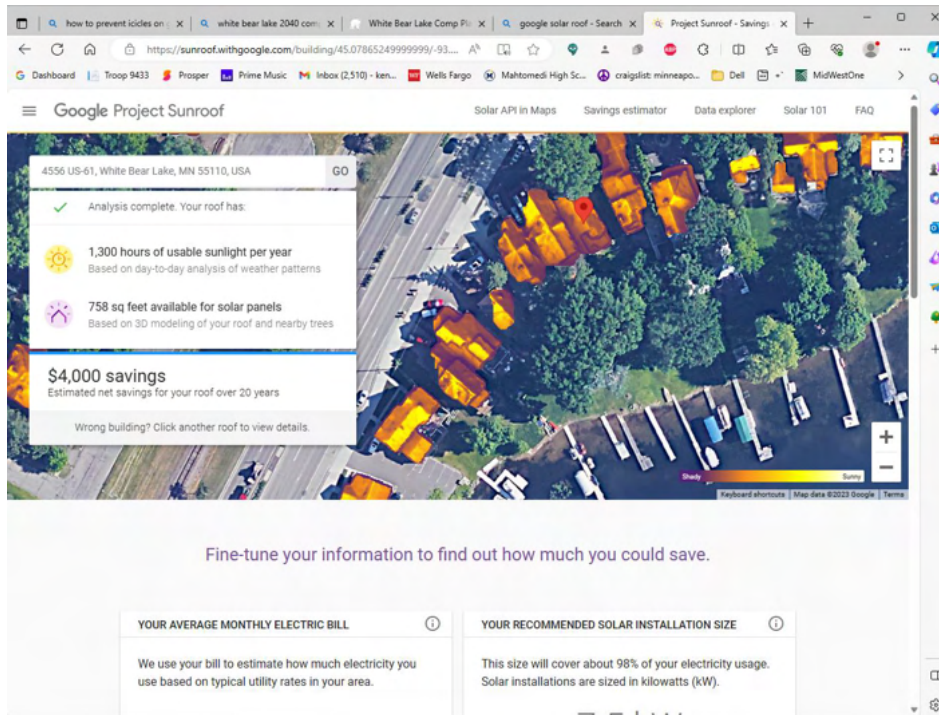
## Attachment C – possible detail for 1 hour fire rated wall

If the building code and/or the City of White Bear Lake requires building construction to meet a certain fire rating, there are proven solutions.



## Attachment D – Google Project Sunroof of 4556 Hwy 61

My home at 4556 is shaded by the neighbors at 4552, and if I were allowed to build a 2 story home, I would have access to sunlight to be able to add solar panels to my roof.



### Attachment E – Miller Garage Photo

4552 currently looks to be enjoying their available light.

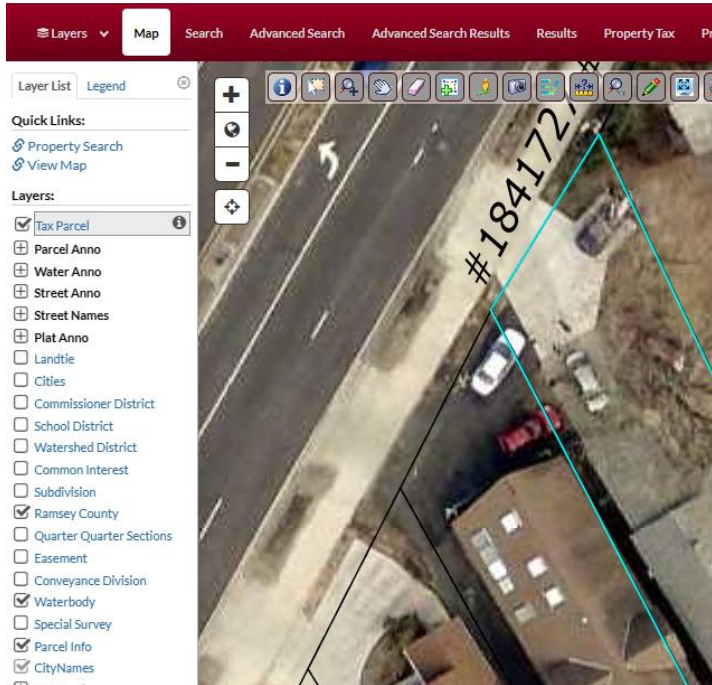


### Attachment F – shadow angle based on time of day

Picture showing the angle to the sun at various times throughout the day. 4556 does not shade 4552. In fact, 4556 is preventing access to light for 4452.

A screenshot of the sunearthtools.com website. The browser address bar shows the URL https://www.sunearthtools.com/dp/... with coordinates 45.0786955, -93.0154411 and 45° 4' 43.304". The page displays a map of a residential area with a yellow sun icon and several black arrows indicating shadow angles at different times of the day, labeled 10, 11, 12, 13, 14, 15, and 16. The map is titled 'Mode: shadow'. The website interface includes a search bar, a 'Donate' button, and a sidebar with various utility links like 'Home', 'Photovoltaic payback', 'Sun Position', etc. The footer contains a Creative Commons license notice.

## Attachment G – photo of parking encroachment



## Attachment H – 4552 Curb Cut

The property at 4552 has plenty of legal access to their property so their convenience should not be adversely impacted.



Exhibit A

Legal Description

The Land is described as follows:

Lot 7, Price's Addition to White Bear, Minnesota, except that part described as follows: All that part of Lots 4, 5, 6, and 7, Price's Addition to White Bear, Minnesota, lying Northerly of a line described as follows:

Commencing at an iron monument at the Northeast corner of Lot 8 of said Addition; thence on a curve to the right with a radius of 164.15 feet to an iron monument at the intersection with original line of Lake Avenue in Lot 4 of said Addition, said point being 100 feet Easterly from the original angle point of lot 6 of said Addition, and also except all that part of the following described tract:

That part of Lot 7, Price's Addition to White Bear, Minnesota, lying Southeasterly of Trunk Highway No. 61 as now located and established, which lies Northwesterly of the following described line: Beginning at the most Westerly corner of the above described tract; thence run Northeasterly to the point of intersection of the Northeasterly line of said tract with a line run parallel with and distant 5 feet Southeasterly of the Northwesterly line of said tract and there terminating, Ramsey County, Minnesota.





December 13, 2022

Rosalie and Michael Miller  
4552 Highway 61 North  
White Bear Lake, MN 55110  
Submitted by email: millerworld@comcast.net

Re: Structural Evaluation  
Project Location: 4552 Highway 61 North, White Bear Lake, Minnesota  
Criterium File No.: 22-6832

Dear Rosalie and Michael:

At your request, an initial pre-construction condition survey of the above property has been completed, as well as a visual review of the site layout and conditions as related to the adjacent property to the north at 4556 Highway 61 North. The report that follows has been prepared based on that inspection. This inspection was performed by Paul Schimnowski, PE.

My work includes the following:

1. Visual observations during a physical walk-through on December 7, 2022.
2. Observe factors influencing the performance of the structure.
3. Provide a written report containing the following:
  - a. Scope of services.
  - b. Observations, site characteristics, and data deemed pertinent by me.
  - c. Discussion of major structural factors influencing the performance of this house.
  - d. Conclusions and any recommendations for further investigation and remedial or preventative measures.
4. This inspection is limited to the visible site elements, house foundation, framing, and the nearby or related structural elements as determined by the engineer. You asked me to pay special attention to the potential impacts to the house as related to demolition and/or construction activities at the adjacent property to the north.

## CONCLUSIONS

The following is a summary of my professional opinions regarding this house and proposed construction on the adjacent property to the north:

1. The structural condition of your house is considered to be good when compared to others of similar age and construction type. No structural repairs are required at this time. recommended. Other items noted and general recommendations have been included as well.
2. Construction activities at the adjacent property to the north could affect the structural performance of your house. Depending on the extent of the work performed, the foundation of your house could be negatively affected. Subsequent and/or other effects of construction activities in close proximity to your house could consist of framing damage and crack/gap development on walls, floors, and ceilings.

Independently Owned and Operated

---

161 Dunbar Way / Mahtomedi, MN 55115  
O: 651.779.7700 / criterium-schimnowski.com





3. More information about the proposed work and construction details on the adjacent property would need to be provided in order for me to elaborate further on potential construction-related damage to your house.
4. Regarding potential site and drainage issues, ensuring that surface water continues to be directed away from your house foundation will be important. You reported that you have not had any significant water intrusion issues in the basement of your house. Maintaining a positive slope away from your foundation and preventing water from the adjacent property being directed towards your house will be important to reduce the chances of future water intrusion.
5. The existing proximity between the two structures varies from approximately 7'-3" to 9'-5". This is less than the current White Bear Lake setback requirement of 10-feet. The City should be consulted to verify this requirement and to inquire about possible exemptions, variances, or "grandfathered" rules. The first zoning code was not established in the City until 1965.
6. It is possible that if the existing foundation at 4556 Highway 61 is fully or partially maintained, a new structure may be allowed to be built on it. The structural engineer for the project will need to determine the feasibility of keeping the foundation.
7. Based on the information you provided, a new 2-car, attached garage is proposed on the west end of the house. This addition would likely require a new foundation which may not be allowed as shown on the drawings due to setback requirements.
8. You requested that I comment on some of your other concerns regarding the close proximity of the proposed structure:
  - a. Fire hazard: Having combustible buildings in close proximity to each other increases the risk of a fire spreading from one structure to another. Contact the City Fire Marshall for more information.
  - b. Winter safety: Reducing the opportunity for icicles to form on the edge of the proposed 2-story overhang will be important for safety reasons. Adequate attic insulation and ventilation, as well as gutters and downspouts, will help to reduce this risk.

## RECOMMENDATIONS

Prior to any construction or demolition activities on the adjacent property to the north, another pre-construction condition survey should be performed. The intent would be to document existing cracks, as well as the lack of damage in areas, at the interior and exterior conditions of your house.

A complete plan of all work to be performed on the adjacent property should be provided for review and comment. This could include details regarding excavation, temporary shoring of earth, proposed foundation repair work, and full construction drawings of the proposed modifications to the existing structure.

## GENERAL RECOMMENDATIONS FOR HOUSES:

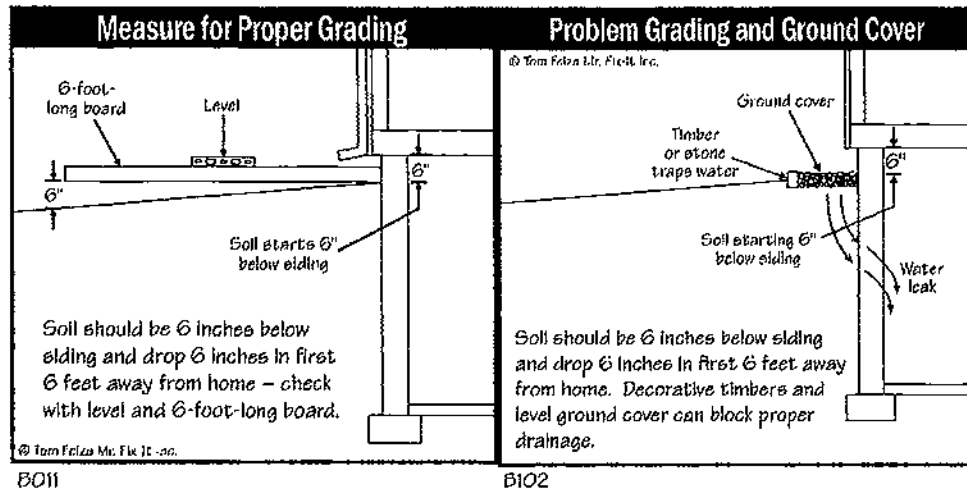
1. Continue to verify that grading adequately directs surface water to flow away from the house. Surface runoff water is the enemy of foundations. Maintain/correct the landscaping and grading at the area surrounding the home to direct surface water, and water from the roof, to flow away from the foundation walls. Consider removing any decorative landscape border which traps water against the foundation walls especially if basement water has been noted.

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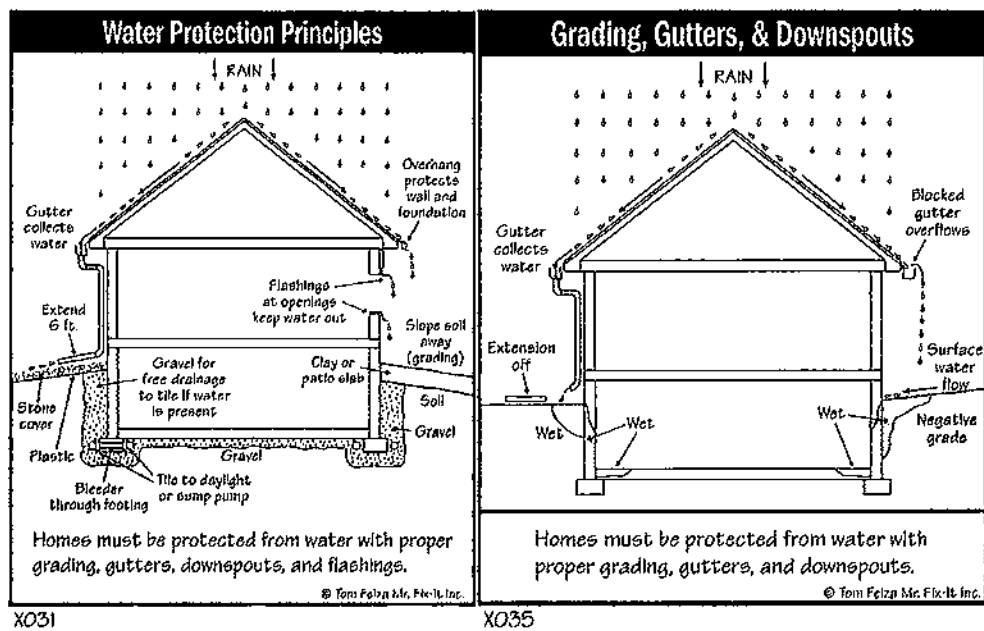
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- Gutter/Downspouts:** Water from the roof damages foundations. Install a gutter/downspout water control system. Ensure that all gutters are unplugged, flowing and all downspouts and leaders are depositing water at least 5 to 10 feet from the home. Gutters with guards, to keep debris from collecting in the gutters, should be considered if not already installed.



- In addition to any specific issues noted, the integrity of the entire building envelope should be maintained to prevent water intrusion into the structure. The house envelope includes such features as roofing, flashing, siding, and trim.

### INSPECTION DETAILS

- Our client, to whom this report is addressed, is the owner.
- The client was present during our site visit.

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- The following areas were inaccessible or not visible, and this limited the extent of our structural inspection:
  - Most of the foundation system and slab (underground and/or concealed due to finished conditions)
  - Wall and floor framing (concealed)

## **DESCRIPTION OF STRUCTURE**

- This building is a two-level single-family home.
- The house has a full basement.
- The original structure was built around 1921 with subsequent additions in the 1960s and 1980s.
- The front of the house faces east toward the lake. The attached garage faces west.

## **DOCUMENT REVIEW**

In conjunction with this investigation, the following documents were provided for review:

- Certificate of Survey prepared by E.G. Rud & Sons dated September 29, 2017.
- Drawings of a proposed home remodel for 4556 Highway 61.
- A partial site survey drawing for 4556 Highway 61 with notes indicating the proposed house footprint and 2-car garage addition.

These documents were considered when rendering our professional opinion regarding the performance of the home's structural system and/or when providing design specifications or repair details.

## **EXTERIOR**

The exterior walls of this house are covered with composite siding. The siding is in overall good condition.

The exterior foundation walls are mostly concealed. At the visible areas, they are in good condition without structurally significant cracks or displacement noted.

## **ROOF**

The roof covering of this home consists of asphalt/fiberglass shingles. The roof is snow covered.

## **GROUNDS**

The grounds are snow covered but appear to be generally adequate to control ground water. The driveways and walkways are adequately sloped to keep water away from the building foundation.

Gutters and downspouts are recommended.

## **BASEMENT**

The basement has a concrete masonry unit (CMU) foundation system. It is accessible and partly finished. Thus, portions of the foundation as well as some areas of framing are not visible. The covered walls have no bulging or displacement to suggest underlying structural issues with the CMU walls. The visible areas of the foundation walls are in good condition without structurally significant cracks or displacement.

The basement floor consists of a concrete slab which is partially visible. The slab is in good condition with some cracks noted. The cracks are typical for this type of construction and do not signify a structural

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problem. There is no evidence at the covered floors to suggest a structural problem with the concrete slab.

The wood beams and wood posts are in overall good condition. The first-floor joists and subfloor are in overall good condition for age and type of construction. Some typical joist deterioration is seen which contributes to uneven floors above. This is not a structural issue and repairs are not required.

## INTERIOR

Some plaster/sheetrock cracking is noted at the upper level(s) which is typical for houses in this climate and due to seasonal temperature and humidity change.

The floors are slightly uneven throughout. This is a common finding in houses of this age and in this climate and due to typical deterioration of joists and subfloor.

## GARAGE

The attached garage has a concrete masonry foundation system with a ground supported slab. The garage is partly finished. Visible areas of the foundation walls are in good condition without structurally significant cracks or displacement.

The concrete slab is in overall good condition and the cracks seen are typical for age and type of construction. No repairs are needed.

There are no indications of structural issues with the garage framing. No bowing or water intrusion is noted at the finished walls/ceiling.

## DESCRIPTION OF TERMS

Terms used in this report to describe the condition of observable components and systems are listed and defined below. It should be noted that a term applied to an overall system does not preclude that a part or a section of the system or component may be in different condition:

- Excellent-** Component or system is in "as new" condition, requiring no rehabilitation, and should perform in full accordance with expected performance.
- Good-** Component or system is sound and performing its function. Although it may show signs of normal wear and tear, some minor rehabilitation work may be required.
- Fair-** Component or system falls into one or more of the following categories: a) Evidence of previous repairs not in compliance with commonly accepted standards, b) Workmanship not in compliance with commonly accepted standards, c) Component or system is obsolete, d) Component or system approaching end of expected performance. Repair or replacement is required to prevent further deterioration or to prolong expected life.
- Poor-** Component or system has either failed or cannot be relied upon to continue performing its original function as a result of having exceeded its expected performance, excessive deferred maintenance, or state of disrepair. Present condition could contribute or cause the deterioration of other adjoining elements or systems. Repair or replacement is required.

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## SCOPE OF SERVICES and LIMITATIONS

The purpose of this inspection and report is to evaluate the current condition of the **structural system** of this building and to determine what, if any, significant maintenance, repairs, and/or replacement to this system might be expected within the next few years.

The report is not to be considered a guarantee of condition and no warranty is implied.

Our evaluation of this structure is based on many indirect observations. Examination of the foundation is completed without excavation; therefore, we cannot be certain of the condition below grade. Additionally, we cannot certify that the footings extend below the frost line. We cannot see most of the framing. We look for cracks, bulges, and other evidence of distress or deterioration to help us evaluate the condition. In addition, often, construction details cannot be known, and we then assess that system with typical construction practices for our area in mind. As with any limited inspection, it is possible that there are structural deficiencies that cannot be known.

This scope of this inspection does not include a comprehensive evaluation for code compliance, governmental regulation compliance, fire safety, or hazardous materials in or around this building. It does not include an inspection of heating, cooling, plumbing and electrical systems or repair designs. Inspecting for mold is not included in the scope of a structural inspection. Our services do not include determining the presence of a virus in this building. Evidence of any moisture-related problems in the home is not always visible. We cannot be responsible for any such conditions that might be discovered later. This report is not a termite inspection, and no responsibility is assumed for any damage caused by wood-destroying organisms.

This report is based on an examination of the structural system and is an opinion about the condition of the structural system of the building. It is based on evidence available during a diligent inspection of all reasonably accessible areas. No surface materials were removed, no destructive testing undertaken, nor furnishings moved. This report is not an exhaustive technical evaluation. Examination of the exterior veneer, exterior siding, interior walls, trim, windows, doors or frames is completed only to see if any signs of differential movement are present and not to render an opinion of the condition of these items. Issues concerning the veneer, siding, trim, windows, doors or frames, or any associated rot, caulking, etc., are not included in the scope of a structural inspection and, if we address any of these items in our report, it is only as a courtesy and should not be considered an opinion of these items or an all-inclusive list of deficiencies.

As Professional Engineers, it is our responsibility to evaluate available evidence relevant to the purpose of this inspection. We are not, however, responsible for conditions that could not be seen or were not within the scope of our service at the time of the inspection. If additional documentation or information is made available for review, I reserve the right to amend or add to the opinions and observations presented in this report.

No building is perfect. As you review this report, pay particular attention to our notes that often our observations and recommendations are typical of many structures we inspect.

## CLOSING

In summary, I consider the structural condition of this house to be good when compared to others of similar age and construction type. Additional documentation and monitoring should be performed prior to and during any construction activity on the adjacent property to the north.

Opinions and recommendations in this report are limited to the scope of work. This report has been prepared in strict confidence with you as our client. Reliance upon our report by other parties is strictly prohibited. If you choose to share our report, you agree to indemnify, defend and hold harmless the

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Engineer from any third-party action. No reproduction or re-use is permitted without express written consent. Further, we will not release this report to anyone without your permission.

If additional documentation or information is made available for review, I reserve the right to amend or add to the opinions and observations presented in this report.

Please call with any additional questions you may have. Thank you for the opportunity to be of assistance to you.

Sincerely,

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Location  
4552 Highway 61,  
White Bear Lake, MN

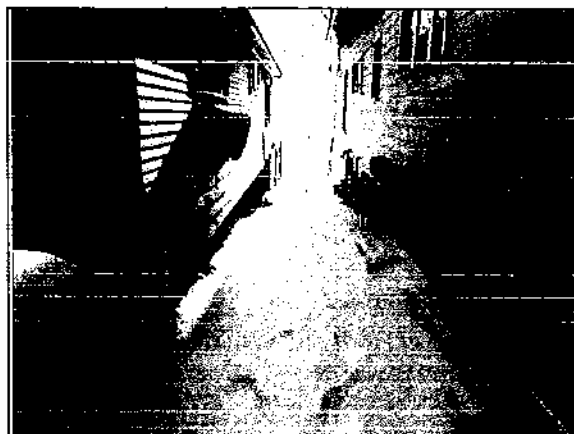
Photos Taken by:  
Paul D Schimnovski, P.E.

Inspection Date:  
December 7, 2022

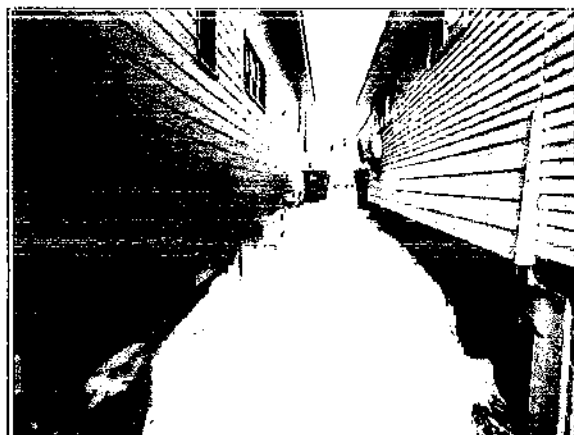
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1 View of area between structures. (4552 Hwy, 61 on right, 4556 Hwy, 61 on left). Approx. 9.5'



2 View between existing structures looking east.



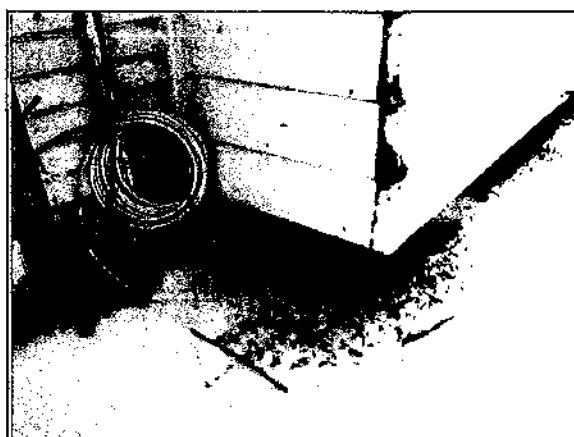
3 View between existing structures looking west.



4 View between existing structures looking east.



5 Existing garage at 4556 Highway 61.



6 Overhang from foundation on existing house at 4556 Highway 61 is approx. 2'-4".



Location  
4552 Highway 61,  
White Bear Lake, MN

Photos Taken by:  
Paul D Schimnowski, P.E.

Inspection Date:  
December 7, 2022

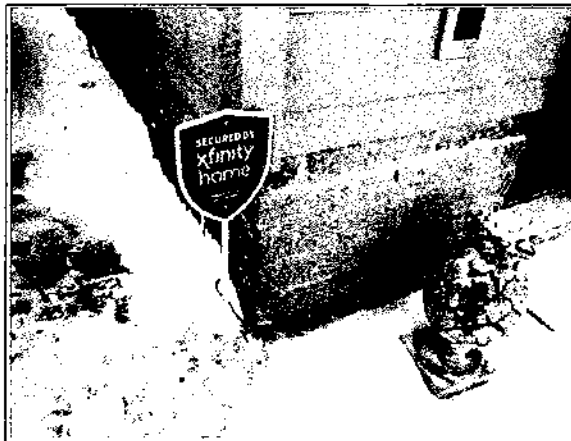
CRITERIUM<sup>®</sup>  
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7 Existing foundation at 4556 Highway 61.



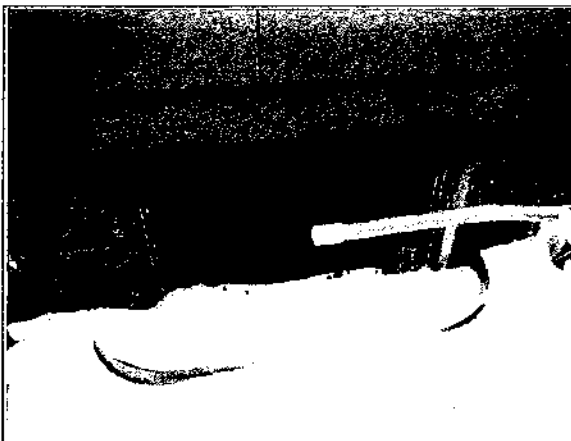
8 Existing foundation at 4556 Highway 61.



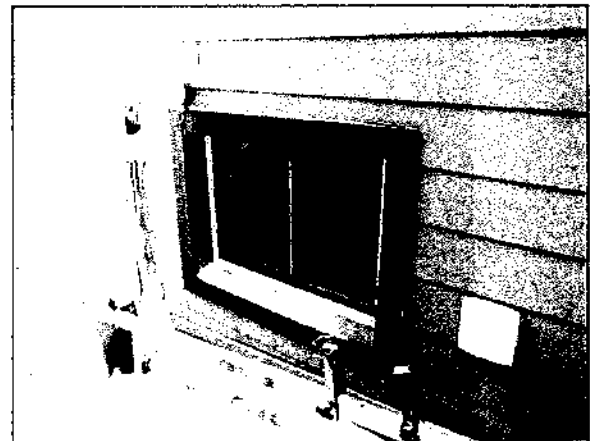
9 Existing garage foundation wall at northwest corner of 4552 Highway 61.



10 Existing garage foundation wall on north side of 4552 Highway 61.



11 Existing north foundation wall at 4552 Highway 61.



12 Existing conditions along north side of 4552 Highway 61.

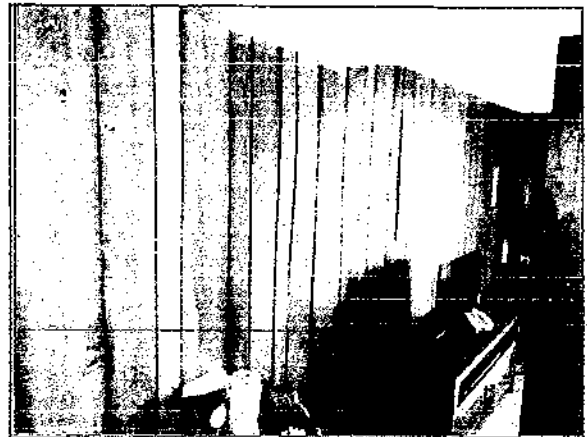
Location  
4552 Highway 61,  
White Bear Lake, MN

Photos Taken by:  
Paul D Schimnowski, P.E.

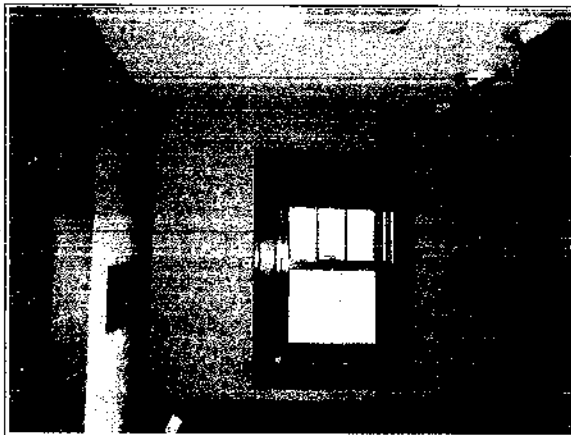
Inspection Date:  
December 7, 2022



13 Existing conditions along north basement wall.  
Foundation concealed



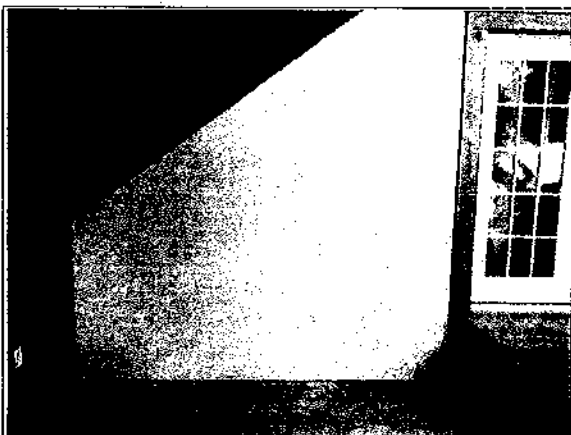
14 Existing conditions along north basement wall.  
Foundation concealed by paneling



15 Existing conditions at main level bathroom on  
north side of house.



16 Existing conditions at main level bedroom on  
north side of house.



17 Existing conditions along north side of upper  
level loft area over garage.



18 Existing conditions along north side of upper  
apartment.

# Kelly & Lemmons, P.A.

A T T O R N E Y S A T L A W

• Chad D. Lemmons  
[chadlemmons@kellyandlemmons.com](mailto:chadlemmons@kellyandlemmons.com)

Real Property Law Specialist, Certified by the Real  
Property Section of the Minnesota State Bar Association

City of White Bear Lake  
Zoning Administrator  
[communitydevelopment@whitebearlake.org](mailto:communitydevelopment@whitebearlake.org)

January 25, 2024

**VIA EMAIL**

**RE: White Bear Lake Case 24-4-V**

Dear Sirs,

We represent Michael and Rosalie Miller, who own and reside at 4552 Highway 61 North, White Bear Lake. Their home and the property located at 4556 Highway 61 share a common boundary line. Being the northerly line of the Miller Property and the southerly line of 4556 Highway 61.

The Millers have a number of concerns regarding the variances requested as well as procedure being followed. First, it should be pointed out that the public notice refers to White Bear Lake Ordinance 1302.040 Subd. 5. That ordinance deals with efficiency apartments and a multiple dwelling unit. It has nothing to do with setbacks between single family homes. Therefore, the notice is incorrect.

Next, White Bear Lake Ordinance 1301.060 subd. 1(b)(3) requires that the applicant post a sign visible from a primary road (Highway 61) informing the public of the upcoming public hearing regarding the requested variances. This sign must be posted at least 10 days prior to the hearing. As of this date, no sign has been posted.

I have another procedural concern. On behalf of the Miller's, I filed a data practice request, requesting all information regarding the property at 4556 Highway 61, including but not limited proposed plans and variance applications. The City acknowledged receipt of my data practice request and sent me a bill for copying costs. On January 5, 2024, I paid that bill. However, I have yet to be provided the copies that I have requested. Without that information it is hard to respond to the variances requested by the applicant.

A single-family dwelling already exists at 4556 Highway 61. The present dwelling is non-conforming due to the fact that it violates the setback requirements adopted by the City of White Bear Lake. According to the provisions of White Bear Lake Ordinance 1302.010 subd. 2(d) the size or volume of an existing non-conforming residential building cannot be increased. If the existing

dwelling is demolished, then the new dwelling must be in full compliance with White Bear Lake Code. Subd. 2(e) does allow for expansion of a single-family home as a conditional use, provided that the non-conformity is not increased. Assuming that the applicant intends to build the same single-family home that was proposed in 2023 by a prior owner of 4556 Highway 61, the code provisions I have just cited will be violated. It is my understanding that the applicant has applied for a variance from that portion of the code which governs the setbacks of single-family homes. According to White Bear Lake Code section 1301.060(b)(2) the City must find that the variances necessary for reasonable use of the land or buildings and that the variances is the minimum variance which will accomplish this purpose. The standards that must be applied are reasonable use, uniqueness, and harmony with the existing comprehensive plan.

As to reasonable use. A single-family home already exists at 4556 Highway 61. The existing dwelling was used and occupied as a single-family home for quite a number of years. Those past occupants found the home more than adequate for their use. The fact that the applicant doesn't find the home quite to their liking doesn't negate the fact that a reasonable use already exists. As to the standard of uniqueness. There is nothing unique about the physical characteristics of the property. The variances being requested represent the personal preference of the applicant. Personal preferences of the applicant are not the basis for finding that unique condition exists justifying granting the variance. When granting a variance a City should take into account public health and safety issues which may arise if the variance is granted.

In this case, the home located at 4552 Highway 61 and the home located at 4556 Highway 61 are only 7 feet 3 inches apart at their closest point. Again, based on the plans that were submitted in 2023 the applicant intends to maintain the same distance. First, this raises a serious fire concern. How can fire personal safely operate in such a confined space if one of the homes were to catch fire. Furthermore, if one home caught fire the flames could easily cross to the adjoining home given the narrow space between the two which the applicant proposes. Another safety issue is surface icing. Water flowing off the roof of either home will fall into this narrow space. Once that water freezes using this narrow space to access the side of either home would be hazardous. The increase flow of surface water which will result if the variance is granted also represents long term damage to the Miller's home. Given the narrowness of the space between the two homes, surface water will flow against the Miller's foundation creating the potential of long-term damage. There is also the issue of erosion of the Miller's backyard.

Constructing a home this near to an existing home also represents the potential for long term damage. Not only is there the possibility that the Miller home may be damaged accidentally during the construction of the applicant's new home. There is also the concern of lack of lateral support. Excavating this close to an existing home could compromise the lateral support that presently exists. Compromising lateral support could weaken the Miller's foundation. Finally, building homes so close together creates a wind tunnel effect. Especially with property located on White Bear Lake. This wind tunnel effect adversely affects the exterior of the Miller's home as well as the applicant's new home.

For the reasons set forth above, the Miller's are requesting that the planning commission deny the variances being request by the applicant.

Respectfully submitted,

**KELLY & LEMMONS, P.A.**

*/s/ Chad D. Lemmons*

Chad D. Lemmons  
CDL/tlb

## Pictures of the current conditions

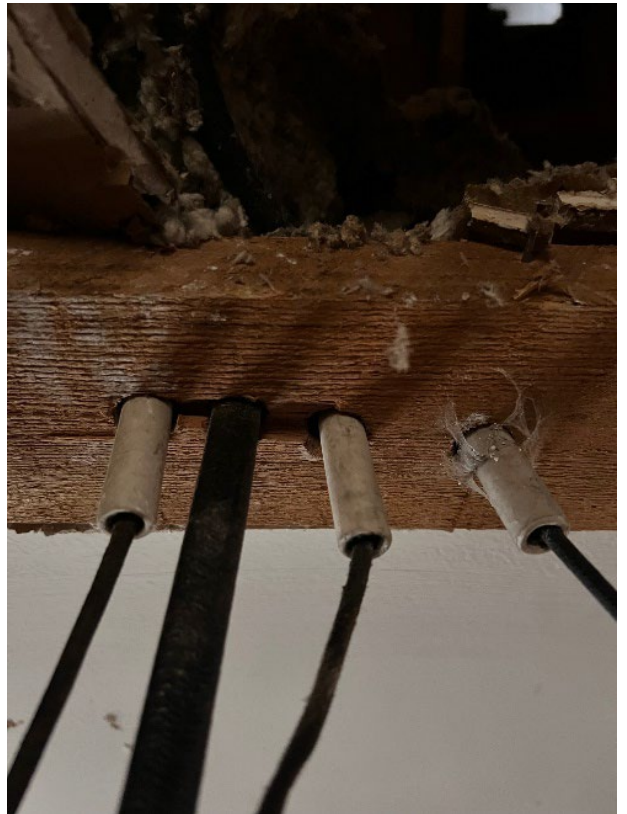
1- Electrical 1- decay of cloth insulation



2- Electrical 2- knob & tube cloth wiring



3- Electrical 3- knob & tube cloth wiring





# Pictures of the current conditions

4- Mouse



5 - Rat



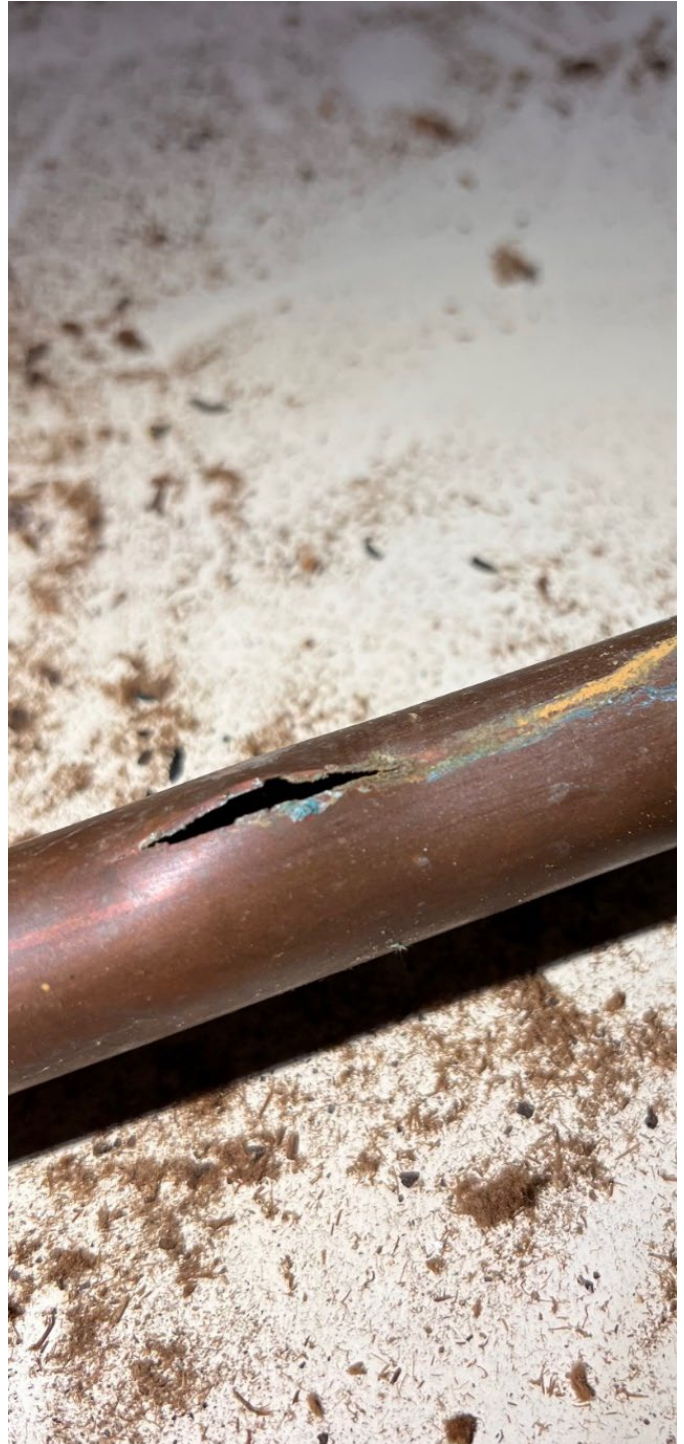


## Pictures of the current conditions

*6- Radiators burst*



*8- Water supply piping burst*



*7- Radiator piping burst*





# Pictures of the current conditions

*9-Icicles at 4556*



*11-More icicles at 4552*



*10-Icicles at 4552*





## Pictures of the current conditions

*12-Interior basement foundation water damage*





## Pictures of the current conditions

### *13-Mold basement ceiling*



## [Understanding Cloth Wiring: Your Comprehensive Guide \(whittinspections.com\)](http://whittinspections.com)

“There are a few reasons that cloth wiring is dangerous, and usually must be replaced if it’s found in a home.

- **Brittleness leads to wear & tear** – One of the problems with cloth insulation is that, over time, it has a tendency to become brittle. It may begin to flake away, exposing the underlying electrical wire. As this abrasion progresses, the likelihood of an electrical arc (electricity that “jumps” from one wire to another) increases. Arcing is a serious fire hazard.
- **Insect/rodent damage** – Compared to other methods of insulating wires, cloth wiring is much more susceptible to insect and rodent damage. The insulator may be chewed through quite easily, particularly if it’s brittle. Again, this leads to a higher risk of exposed wires, and electrical arcing.
- **May not contain heat properly** – Cloth sheathed cable is simply not that effective at insulating wires compared to modern plastic insulators. This, combined with the fact that modern homes require much more power compared to homes built at the turn of the 20th century, means that excessive heat can build up in the wires and in the surrounding areas, creating a fire hazard.
- **Likely ungrounded, lacks modern features** – If your home uses this wiring, it’s probably lacking in many modern safety features. It may not have three-pronged or GFCI outlets, and may lack grounding.

# 2020 Minnesota Residential Code

## CHAPTER 3 BUILDING PLANNING, 2020 Minnesota Residential Code | ICC Digital Codes (iccsafe.org)

**TABLE R302.1(1) EXTERIOR WALLS**

EXTERIOR WALL ELEMENT		MINIMUM FIRE-RESISTANCE RATING	MINIMUM FIRE SEPARATION DISTANCE
Walls	Fire-resistance rated	1 hour—tested in accordance with ASTM E119, UL 263, or Section 703.3 of the <i>International Building Code</i> with exposure from both sides	0 feet
	Not fire-resistance rated	0 hours	≥ 5 feet
Projections	Not allowed	NA	< 2 feet
	Fire-resistance rated	1 hour on the underside, or heavy timber, or fire-retardant-treated wood <sup>a, b, c</sup>	≥ 2 feet to < 5 feet
	Not fire-resistance rated	0 hours	≥ 5 feet
Openings in walls	Not allowed	NA	< 3 feet
	25% maximum of wall area	0 hours	3 feet
	Unlimited	0 hours	5 feet
Penetrations	All	Comply with Section R302.4	< 3 feet
		None required	3 feet

For SI: 1 foot = 304.8 mm.

NA = Not Applicable.

- a. The fire-resistance rating shall be permitted to be reduced to 0 hours on the underside of the eave overhang if fireblocking is provided from the wall top plate to the underside of the roof sheathing.
- b. The fire-resistance rating shall be permitted to be reduced to 0 hours on the underside of the rake overhang where gable vent openings are not installed.
- c. One hour on the underside equates to one layer of 5/8-inch type X gypsum sheathing. Openings are not allowed.

## “1302.010 Nonconforming buildings structures and uses. Subd.2 Provisions

- d) Except as provided in e) below, alterations may be made to a building containing lawful nonconforming residential units when they will improve the livability thereof, provided they will not increase the number of dwelling units or size or volume of the building. A dwelling may not, however, be demolished and a new dwelling constructed unless the new dwelling is in full compliance with this Code.
- e) Nonconforming, single family dwelling units may be expanded to improve livability as a conditional use as regulated by Section 1301.050 of this Code, provided that the nonconformity is not increased.



Subd. 6. Administrative Variance Panel. Pursuant to §1301.060, an Administrative Variance Panel is created to review variances where the variance requested concerns:

- a) a proposed addition to a pre-existing, dimensionally non-conforming structure as per §1302.040, Subd., 4d, of this Code;
- b) a second accessory structure greater than one hundred twenty (120) square feet in area, as per §1302.030, Subd. 4.i.2.b and c of this Code; (Ref. Ord. 16-01-2007; 1/12/16)
- c) certain cases regarding the front yard averaging setback requirements per §1302.040, Subd. 4c;
- d) a hard surface parking space in front of the living area of a home, as per §1302.050, Subd. 6.f of this code;
- e) an increase to the amount of rear yard covered by accessory uses and structures per 1302.030, Subd. 4.i.2.e of this Code, and
- f) ground-mounted solar energy systems on residential properties per §1302.030, Subd. 22. (Ref. Ord. 848, 07/09/91; 916, 1/10/95; 996, 11/12/02, 10-1-1061, 1/12/10, 11-1-1074, 1/11/11, 12-06-1080, 6/12/12; 16-01-2008, 1/12/16; 16-03-2010, 3/8/16)

Subd. 7. Administrative Variance Procedure. An Administrative Variance may be issued by unanimous approval of a staff panel of three (3) individuals appointed by the City Manager. In the event the application for such a variance is not unanimously approved by the staff panel, the applicant may apply for a formal variance to the requirements of this Code as is set forth elsewhere. Before the staff panel may consider such variance application, the applicant shall pay a fee of twenty-five dollars (\$25.00) and shall present written statements from owners of the property or properties contiguous to the affected yard in which the Administrative Variance is requested, specifically noting no objection and consenting to such Administrative Variance. The staff panel shall determine, without an abstract or certificate, the names of such property owners. (Ref. Ord. 02-11-996, 11/12/02; 01-04-1015, 1/13/04)



§1301.060 VARIANCES AND APPEALS (Ref. Ord. 712, 3/12/86; Ord. No. 14-08-1096, 8/26/14)

Subd. 1. General Provisions and Standards.

- a) All applications for zoning variances shall be considered by the Planning Commission as described herein or be processed as an administrative variance as also described.
- b) A variance from the strict application of any of the provisions of Zoning Code shall be granted only if the City Council, acting on the advice of the Planning Commission, finds as follows:
  - 1) That the proposed action 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) That, for reasons which are to be set forth in the findings, the variance is necessary for reasonable use of the land or building and that the variance is a minimum variance which will accomplish this purpose.
  - 3) That granting the variance will be in harmony with the general purpose and intent of this Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
  - 4) That the special condition or circumstance is not the result of actions of the applicant, the property owner or a predecessor in title.
  - 5) That non-conforming use of neighboring lands, structures, or buildings in the same district is not the sole grounds for issuance of the variance.

Variance - Any modification or variation of this Code approved by the Board of Adjustment Appeals where it is determined that, because of physical hardships **unique** to the individual property under consideration, strict enforcement of this Code is impractical and would cause unnecessary hardships. (Ref. Ord. 692, 8/13/85; 915, 12/13/94)

Hardship. A zoning case in which property in question cannot be put to a reasonable use under the conditions allowed by the Zoning Code where the plight of the landowner is due to circumstances **unique** to this property, not created by the landowner. Economic considerations alone shall not constitute a hardship if a reasonable use for the property exists under terms of the official controls.

# Kelly & Lemmons, P.A.

A T T O R N E Y S A T L A W

• Chad D. Lemmons  
[chadlemmons@kellyandlemmons.com](mailto:chadlemmons@kellyandlemmons.com)

Real Property Law Specialist, Certified by the Real  
Property Section of the Minnesota State Bar Association

City of White Bear Lake  
4701 Highway 61  
White Bear Lake, MN 55110

February 12, 2024

**VIA EMAIL**

**RE: February 13, 2024 City Council Meeting**

Dear Sirs,

On behalf of our clients Rosalie and Michael Miller we are hereby objecting to the two set back variances granted to the property owners at 4556 Highway 61, White Bear Lake, Minnesota. It is our position that the resolution granting said variances should be removed from the Consent Agenda and a hearing should be held. The matter now appears as Item 4-I on the February 13, 2023 agenda.

I am also requesting that the report of Criterium Engineers dated February 9, 2024 be added to the file in re Case No. 24-4-V.

Respectfully submitted,

**KELLY & LEMMONS, P.A.**

*/s/ Chad D. Lemmons*

Chad D. Lemmons  
CDL/tlb

February 9, 2024

Rosalie and Michael Miller  
4552 Highway 61 North  
White Bear Lake, MN 55110  
Submitted by email: millerworld@comcast.net

Re: Structural Evaluation  
Project Location: 4552 Highway 61 North, White Bear Lake, Minnesota  
Criterion File No.: 24-7684

Dear Rosalie and Michael:

At your request, an initial pre-construction condition survey of the above property has been completed, as well as a visual review of the site layout and conditions as related to the adjacent property to the north at 4556 Highway 61 North. The report that follows has been prepared based on that inspection. This inspection was performed by Paul Schimnowski, PE.

My work includes the following:

1. Review of my visual observations during an earlier physical walk-through on December 7, 2022, and previous draft report dated December 13, 2022.
2. Review of newly provided information regarding a Land Use and Variance Application for the adjacent property at 4556 Highway 61, White Bear Lake, Minnesota.
3. Observe factors influencing the performance of the structure.
4. Provide a written report containing the following:
  - a. Scope of services.
  - b. Observations, site characteristics, and data deemed pertinent by me.
  - c. Discussion of major structural factors influencing the performance of this house.
  - d. Conclusions and any recommendations for further investigation and remedial or preventative measures.
5. This inspection is limited to the visible site elements, house foundation, framing, and the nearby or related structural elements as determined by the engineer. You asked me to pay special attention to the potential impacts to the house as related to demolition and/or construction activities at the adjacent property to the north.

## **CONCLUSIONS AND RECOMMENDATIONS**

The following is a summary of my professional opinions regarding this house and proposed construction on the adjacent property to the north:

1. Based on my site visit from December 7, 2022, the structural condition of your house is considered to be good when compared to others of similar age and construction type. No structural repairs are required at this time. Other items noted and general recommendations have been included below.
2. Construction activities at the adjacent property to the north could negatively affect the structural condition of your house.

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- a. The foundation of your house is at most risk of potential damage due to the close proximity of the proposed work on the adjacent property. Failure to maintain adequate support for the soils around your foundation could result in short and long-term settlement issues.
  - b. Subsequent and/or other effects of the construction activities and potential foundation damage could consist of framing damage and crack/gap development on walls, floors, and ceilings.
  - c. Temporary shoring of the excavation for the new house will likely be required. Prior to construction, a shoring design prepared or reviewed by a licensed engineer should be provided to the City for approval.
  - d. More information about the proposed work and construction details on the adjacent property would need to be provided in order for me to elaborate further on potential construction-related damage to your house.
3. Regarding potential site and drainage issues, ensuring that surface water continues to be directed away from your house foundation will be important.
- a. A grading plan should be prepared and approved by the City.
  - b. You reported that you have not had any significant water intrusion issues in the basement of your house.
  - c. Maintaining a positive slope away from your foundation and preventing water from the adjacent property being directed towards your house will be important to reduce the chances of future water intrusion.
  - d. Gutters, downspouts, and/or drantile should be considered in the construction of the adjacent house to reduce erosion and seasonal icing between the properties.
4. The existing proximity between the two structures varies from approximately 7'-3" to 9'-5". This is less than the current White Bear Lake setback requirement of 10-feet. The City should verify this requirement and reconsider any previous variance approvals for the subject properties.
5. It is unclear how much, if any, of the existing foundation at the adjacent property will be left in place. Depending on the condition of the foundation, it is possible that some or all of it may be suitable for construction of the new house. The structural engineer for the adjacent project will need to determine the feasibility of keeping the foundation.
6. Based on the information you provided, a new 2-car, attached garage is proposed on the west end of the house. This addition would likely require a new foundation which may not be allowed as shown on the drawings due to setback requirements. The City will need to verify and approve.
7. You requested that I comment on some of your other concerns regarding the close proximity of the proposed structure:
- a. Fire hazard: Having combustible buildings in close proximity to each other increases the risk of a fire spreading from one structure to another. The City will need to verify and approve the house construction details to ensure proper requirements are met.
  - b. Winter safety: Reducing the opportunity for icicles to form on the edge of the proposed 2-story overhang will be important for safety reasons. Adequate attic insulation and ventilation, as well as gutters and downspouts, will help to reduce this risk. The City will need to verify and approve the house construction details to ensure proper requirements are met.

## RECOMMENDATIONS

Prior to any construction or demolition activities on the adjacent property to the north, another pre-construction condition survey should be performed on your house. The intent would be to document

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existing cracks, as well as the lack of damage in areas, at the interior and exterior conditions. Periodic observations should also be performed during construction and demolition activities.

A complete plan of all work to be performed on the adjacent property should be provided for City review and comment. This could include details regarding excavation, temporary shoring of earth, proposed foundation repair work, and full construction drawings of the proposed modifications to the existing structure.

#### GENERAL RECOMMENDATIONS FOR HOUSES (NOT SPECIFIC TO THIS PROPERTY):

1. Continue to verify that grading adequately directs surface water to flow away from the house. Surface runoff water is the enemy of foundations. Maintain/correct the landscaping and grading at the area surrounding the home to direct surface water, and water from the roof, to flow away from the foundation walls. Consider removing any decorative landscape borders which trap water against the foundation walls especially if basement water has been noted.
2. Gutter/Downspouts: Water from the roof damages foundations. Install a gutter/downspout water control system. Ensure that all gutters are unplugged, flowing and all downspouts and leaders are depositing water at least 5 to 10 feet from the home. Gutters with guards, to keep debris from collecting in the gutters, should be considered if not already installed.
3. In addition to any specific issues noted, the integrity of the entire building envelope should be maintained to prevent water intrusion into the structure. The house envelope includes such features as roofing, flashing, siding, and trim.

#### **INSPECTION DETAILS**

- Our client, to whom this report is addressed, is the owner.
- The client was present during our site visit.
- The following areas were inaccessible or not visible, and this limited the extent of our structural inspection:
  - Most of the foundation system and slab (underground and/or concealed due to finished conditions)
  - Wall and floor framing (concealed)

#### **DESCRIPTION OF STRUCTURE**

- This building is a two-level single-family home.
- The house has a full basement.
- The original structure was built around 1921 with subsequent additions in the 1960s and 1980s.
- The front of the house faces east toward the lake. The attached garage faces west.

#### **DOCUMENT REVIEW**

In conjunction with this investigation, the following documents were provided for review:

- Land Use and Variance Application from the City of White Bear Lake dated December 18, 2023 (newly provided).
  - Written Narrative in Support of Side Yard Setback Variance Request at 4556 Hwy 61.
  - Response to Public Comment for Side Yard Setback Variance Request at 4556 Hwy 61 with Attachments.
  - Hand-drawn sketches of a proposed home remodel.

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- Site & Grading Plan prepared by Lake and Land Surveying, Inc. dated September 9, 2022.
- Certificate of Survey prepared by E.G. Rud & Sons dated September 29, 2017 (previously provided).
- Drawings of a proposed home remodel for 4556 Highway 61 (previously provided).
- A partial site survey drawing for 4556 Highway 61 with notes indicating the proposed house footprint and 2-car garage addition (previously provided).

These documents were considered when rendering our professional opinion regarding the performance of the home's structural system and/or when providing design specifications or repair details.

## **EXTERIOR**

The exterior walls of this house are covered with composite siding. The siding is in overall good condition.

The exterior foundation walls are mostly concealed. At the visible areas, they are in good condition without structurally significant cracks or displacement noted.

## **ROOF**

The roof covering of this home consists of asphalt/fiberglass shingles. The roof is snow covered.

## **GROUNDS**

The grounds are snow covered but appear to be generally adequate to control ground water. The driveways and walkways are adequately sloped to keep water away from the building foundation.

Gutters and downspouts are recommended.

## **BASEMENT**

The basement has a concrete masonry unit (CMU) foundation system. It is accessible and partly finished. Thus, portions of the foundation as well as some areas of framing are not visible. The covered walls have no bulging or displacement to suggest underlying structural issues with the CMU walls. The visible areas of the foundation walls are in good condition without structurally significant cracks or displacement.

The basement floor consists of a concrete slab which is partially visible. The slab is in good condition with some cracks noted. The cracks are typical for this type of construction and do not signify a structural problem. There is no evidence at the covered floors to suggest a structural problem with the concrete slab.

The wood beams and wood posts are in overall good condition. The first-floor joists and subfloor are in overall good condition for age and type of construction. Some typical joist deterioration is seen which contributes to uneven floors above. This is not a structural issue and repairs are not required.

## **INTERIOR**

Some plaster/sheetrock cracking is noted at the upper level(s) which is typical for houses in this climate and due to seasonal temperature and humidity change.

The floors are slightly uneven throughout. This is a common finding in houses of this age and in this climate and due to typical deterioration of joists and subfloor.

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## GARAGE

The attached garage has a concrete masonry foundation system with a ground supported slab. The garage is partly finished. Visible areas of the foundation walls are in good condition without structurally significant cracks or displacement.

The concrete slab is in overall good condition and the cracks seen are typical for age and type of construction. No repairs are needed.

There are no indications of structural issues with the garage framing. No bowing or water intrusion is noted at the finished walls/ceiling.

## DESCRIPTION OF TERMS

Terms used in this report to describe the condition of observable components and systems are listed and defined below. It should be noted that a term applied to an overall system does not preclude that a part or a section of the system or component may be in different condition:

- Excellent-** Component or system is in “as new” condition, requiring no rehabilitation, and should perform in full accordance with expected performance.
- Good-** Component or system is sound and performing its function. Although it may show signs of normal wear and tear, some minor rehabilitation work may be required.
- Fair-** Component or system falls into one or more of the following categories: a) Evidence of previous repairs not in compliance with commonly accepted standards, b) Workmanship not in compliance with commonly accepted standards, c) Component or system is obsolete, d) Component or system approaching end of expected performance. Repair or replacement is required to prevent further deterioration or to prolong expected life.
- Poor-** Component or system has either failed or cannot be relied upon to continue performing its original function as a result of having exceeded its expected performance, excessive deferred maintenance, or state of disrepair. Present condition could contribute or cause the deterioration of other adjoining elements or systems. Repair or replacement is required.

## SCOPE OF SERVICES and LIMITATIONS

The purpose of this inspection and report is to evaluate the current condition of the **structural system** of this building and to determine what, if any, significant maintenance, repairs, and/or replacement to this system might be expected within the next few years.

The report is not to be considered a guarantee of condition and no warranty is implied.

Our evaluation of this structure is based on many indirect observations. Examination of the foundation is completed without excavation; therefore, we cannot be certain of the condition below grade. Additionally, we cannot certify that the footings extend below the frost line. We cannot see most of the framing. We look for cracks, bulges, and other evidence of distress or deterioration to help us evaluate the condition. In addition, often, construction details cannot be known, and we then assess that system with typical construction practices for our area in mind. As with any limited inspection, it is possible that there are structural deficiencies that cannot be known.

This scope of this inspection does not include a comprehensive evaluation for code compliance, governmental regulation compliance, fire safety, or hazardous materials in or around this building. It does

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not include an inspection of heating, cooling, plumbing and electrical systems or repair designs. Inspecting for mold is not included in the scope of a structural inspection. Our services do not include determining the presence of a virus in this building. Evidence of any moisture-related problems in the home is not always visible. We cannot be responsible for any such conditions that might be discovered later. This report is not a termite inspection, and no responsibility is assumed for any damage caused by wood-destroying organisms.

This report is based on an examination of the structural system and is an opinion about the condition of the structural system of the building. It is based on evidence available during a diligent inspection of all reasonably accessible areas. No surface materials were removed, no destructive testing undertaken, nor furnishings moved. This report is not an exhaustive technical evaluation. Examination of the exterior veneer, exterior siding, interior walls, trim, windows, doors or frames is completed only to see if any signs of differential movement are present and not to render an opinion of the condition of these items. Issues concerning the veneer, siding, trim, windows, doors or frames, or any associated rot, caulking, etc., are not included in the scope of a structural inspection and, if we address any of these items in our report, it is only as a courtesy and should not be considered an opinion of these items or an all-inclusive list of deficiencies.

As Professional Engineers, it is our responsibility to evaluate available evidence relevant to the purpose of this inspection. We are not, however, responsible for conditions that could not be seen or were not within the scope of our service at the time of the inspection. If additional documentation or information is made available for review, I reserve the right to amend or add to the opinions and observations presented in this report.

No building is perfect. As you review this report, pay particular attention to our notes that often our observations and recommendations are typical of many structures we inspect.

## **CLOSING**

In summary, I consider the structural condition of this house to be good when compared to others of similar age and construction type. Additional documentation and monitoring should be performed prior to and during any construction activity on the adjacent property to the north.

Opinions and recommendations in this report are limited to the scope of work. This report has been prepared in strict confidence with you as our client. Reliance upon our report by other parties is strictly prohibited. If you choose to share our report, you agree to indemnify, defend and hold harmless the Engineer from any third-party action. No reproduction or re-use is permitted without express written consent. Further, we will not release this report to anyone without your permission.

If additional documentation or information is made available for review, I reserve the right to amend or add to the opinions and observations presented in this report.

Please call with any additional questions you may have. Thank you for the opportunity to be of assistance to you.

Sincerely,

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**Location**  
4552 Highway 61,  
White Bear Lake, MN

**Photos Taken by:**  
Paul D Schimnowski, P.E.

**Inspection Date:**  
December 7, 2022



**1** View of area between structures. (4552 Hwy, 61 on right, 4556 Hwy. 61 on left). Approx. 9.5'



**2** View between existing structures looking east.



**3** View between existing structures looking west.



**4** View between existing structures looking east.



**5** Existing garage at 4556 Highway 61.



**6** Overhang from foundation on existing house at 4556 Highway 61 is approx. 2'-4".



**Location**  
4552 Highway 61,  
White Bear Lake, MN

**Photos Taken by:**  
Paul D Schimnowski, P.E.

**Inspection Date:**  
December 7, 2022



**7** Existing foundation at 4556 Highway 61.



**8** Existing foundation at 4556 Highway 61.



**9** Existing garage foundation wall at northwest corner of 4552 Highway 61.



**10** Existing garage foundation wall on north side of 4552 Highway 61.



**11** Existing north foundation wall at 4552 Highway 61.



**12** Existing conditions along north side of 4552 Highway 61.

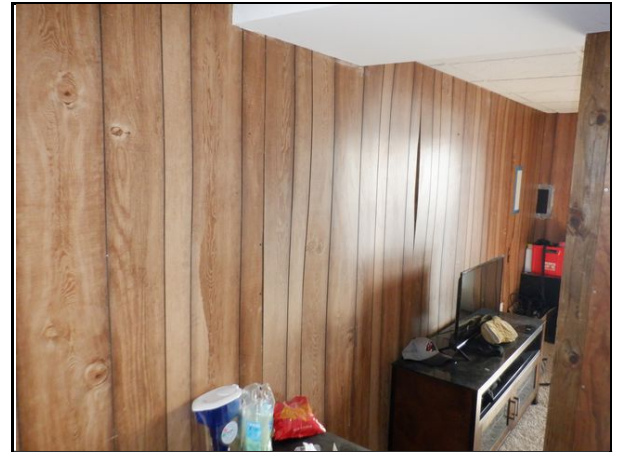
**Location**  
4552 Highway 61,  
White Bear Lake, MN

**Photos Taken by:**  
Paul D Schimnowski, P.E.

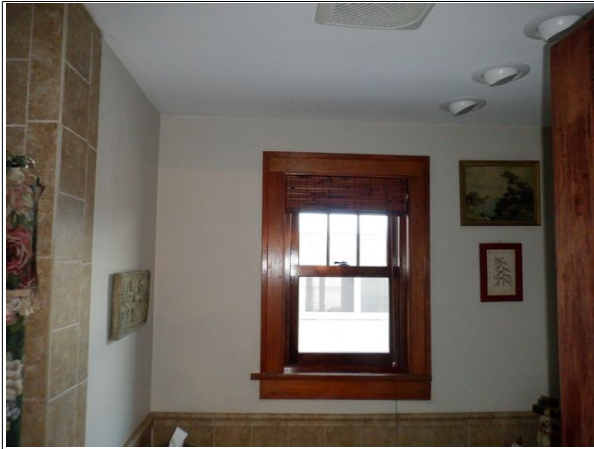
**Inspection Date:**  
December 7, 2022



**13** Existing conditions along north basement wall. Foundation concealed.



**14** Existing conditions along north basement wall. Foundation concealed by paneling.



**15** Existing conditions at main level bathroom on north side of house.



**16** Existing conditions at main level bedroom on north side of house.



**17** Existing conditions along north side of upper level loft area over garage.



**18** Existing conditions along north side of upper apartment.



**City of White Bear Lake**  
Community Development Department

# MEMORANDUM

**To:** Lindy Crawford, City Manager  
**From:** Tracy Shimek, Housing & Economic Development Coordinator  
**Date:** February 13, 2024  
**Subject:** **County Road E Branding, Marketing and Placemaking Strategy Consultant Selection**

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## SUMMARY

The City Council will consider adopting a resolution authorizing the City Manager to negotiate and enter into a professional services agreement with CivicBrand to create a marketing, branding and placemaking strategy for the County Road E corridor.

## BACKGROUND INFORMATION

The County Road E Corridor Action Plan put forth a number of recommended strategies to plan for its future including “fostering a sense of place and purpose.” To capture the momentum of the project, the City partnered with the cities of Vadnais Heights and Gem Lake to apply for a grant from Ramsey County to carry out work related to “fostering a sense of place and purpose.” In summer of 2023 Ramsey County awarded a \$30,000 Commercial Corridor Initiative grant to the project partners to create a branding, marketing and placemaking strategy. On September 26, 2023, the City Council formally accepted the grant and authorized staff to issue a request for proposals (“RFP”) for the project.

The RFP was posted on the City’s website, the American Planning Associate – Minnesota Chapter’s website, and emailed directly to a number of consulting firms. The RFP received 19 responses, which staff worked in partnership with representatives from Vadnais Heights and Gem Lake to evaluate. Of those responses, four were selected to be interviewed. The project partners concluded that CivicBrand and their sub-contractor TC2’s proposed process and past experience with other area communities made them the best suited team for the County Road E project. Staff is therefore recommending the City enter into a professional services agreement with CivicBrand and sub-consultant TC2 to create a branding, marketing and placemaking strategy for the County Road E corridor.

As the lead partner in the grant application process, White Bear Lake is the designated grant recipient on behalf of the three communities. The City will be administering the grant and entering into the professional services agreement with the selected consultant on behalf of the three communities. This arrangement is similar to that which was used for the Corridor Action Plan process.



The consulting project will be fully funded from the grant received by Ramsey County in an amount not to exceed \$30,000. It is anticipated the work will commence this winter and be completed this fall, with the project lasting approximately six months.

**RECOMMENDATIONS**

Staff recommends the City Council adopt the attached resolution authorizing the City Manager to negotiate and enter into a professional services agreement with CivicBrand to create a marketing, branding and placemaking strategy for the County Road E corridor.

**ATTACHMENTS**

Resolution

**RESOLUTION NO.**

**RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH CIVICBRAND TO CREATE A BRANDING, MARKETING AND PLACEMAKING STRATEGY**

**WHEREAS**, County Road E is a commercial and residential corridor, located in the cities of White Bear Lake, Gem Lake, and Vadnais Heights, which has significant impact on the vitality of the community; and

**WHEREAS**, the City of White Bear Lake has invested significant resources into the corridor by securing a key development site, creating the County Road E Revolving Loan and Grant program, engaging the community about future investment and development along the corridor, and time spent responding to potential development proposals; and

**WHEREAS**, in 2022 the City in partnership with the cities of Gem Lake and Vadnais Heights engaged with the public to create the County Road E Corridor Action Plan; and

**WHEREAS**, the County Road E Corridor Action Plan included a recommendations focused on “fostering a sense of place and purpose;” and

**WHEREAS**, the City of White Bear Lake, in partnership with the cities of Gem Lake and Vadnais Heights, applied for and was awarded a Ramsey County Critical Corridor grant in the amount of \$30,000 to secure professional services for the purposes of establishing a brand identity and creating marketing and placemaking strategies for the County Road E Corridor; and

**WHEREAS**, on September 26, 2023 the White Bear Lake City Council adopted a resolution accepting the grant and authorized staff to seek proposals for professional services to carry out the services for which the grant was received; and

**WHEREAS**, based upon staff and other project partner’s review of the proposals and interviews CivicBrand was determined to be the most qualified consultant to complete this project.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of White Bear Lake, Minnesota hereby authorizes the City Manager to negotiate and enter into a professional services agreement with CivicBrand for the purposes of establishing a brand identity and creating marketing and placemaking strategies for the County Road E Corridor in an amount not to exceed \$30,000.

**BE IT FURTHER RESOLVED** that the City of White Bear Lake is the lead partner in the grant acting as the contracting agency on behalf of the partner cities of Gem Lake and Vadnais Heights.

**RESOLUTION NO.**

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

Ayes:

Nays:

Passed:

\_\_\_\_\_  
Dan Louismet, Mayor

**ATTEST:**

\_\_\_\_\_  
Caley Longendyke, City Clerk



**City of White Bear Lake**  
Community Development Department

# MEMORANDUM

**To:** Lindy Crawford, City Manager  
**From:** Jason Lindahl, Community Development Director  
**Date:** February 14, 2023  
**Subject:** **2023 Community Development Biannual Report**

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## **SUMMARY**

This memo summarizes activity in the Community Development Department for both the second half and the entire year of 2023. It is based on specific data from building permits, code enforcement violations and zoning activity. Staff will present this information during the meeting and take questions and comments from the City Council.

## **BACKGROUND INFORMATION**

Building. The building permit data is provided in two tables. The first compares total numbers, total valuation and total fees from permits for 2022 with those same numbers in 2023. These numbers indicate the total number of permits in 2023 were down by 8%; the total valuation of permits were up by 19%; and the total fees were up by 11%. The second table provides more detailed analysis for these same categories for White Bear Lake, Mahtomedi, and both cities combined.

Code Enforcement. Code enforcement data is provided for the entire year for 2023 and 2022 and is broken down by complaints and proactive cases and by case type in each of the five (5) Wards within the City of White Bear Lake. These data show an overall increase in both total number of cases and proactive enforcement. This can be associated with having the code enforcement officer position fully staffed.

Zoning Activity. Zoning activity data is provided for the first and second halves of the year as well as all of 2023 broken down by type. Overall, cases were nearly evenly distributed between the first and second halves of the year by both type and overall cases. This represents more activity in the second half of the year where zoning typically experiences a seasonal slowdown.

## **RECOMMENDATION**

None – information sharing only.

## **ATTACHMENTS**

Biannual Community Development Report

**WHITE BEAR LAKE  
YEAR END BUILDING PERMIT DATA**

January - December	2023	2022	Change	% Change
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**PERMIT TOTALS:**

Comm./Ind. (New)	2	2	0	0%
Comm./Ind. (Alt)	52	37	15	41%
S.F. Dwelling (New)	8	7	1	14%
S.F. Dwelling (Alt)	1425	1786	-361	-20%
Garage Only	25	17	8	47%
Other Building Permits	18	19	-1	-5%
Demolition	10	20	-10	-50%
Electrical	723	665	58	9%
All Other Permit Types	1213	1214	-1	0%
<b>ALL PERMIT TYPE TOTALS:</b>	<b>3476</b>	<b>3767</b>	<b>-291</b>	<b>-8%</b>

**PERMIT VALUATION:**

Comm./Ind. (New)	\$45,385,251	\$8,618,144	\$36,767,107	427%
Comm./Ind. (Alt)	\$60,285,593	\$72,267,223	-\$11,981,630	-17%
S.F. Dwelling (New)	\$4,612,370	\$4,612,025	\$345	0%
S.F. Dwelling (Alt)	\$30,501,588	\$31,249,915	-\$748,327	-2%
Garage Only	\$757,531	\$295,210	\$462,321	157%
Fire Suppression	\$1,519,770	\$2,349,670	-\$829,900	-35%
Heating (HVAC)	\$15,596,953	\$20,574,105	-\$4,977,152	-24%
Other Valuation Permits:	\$9,078,990	\$845,553	\$8,233,437	974%
<b>VALUATION TOTALS:</b>	<b>\$167,738,046</b>	<b>\$140,811,845</b>	<b>\$26,926,201</b>	<b>19%</b>

**PERMIT FEES:**

Comm./Ind. (New)	\$185,585	\$38,580	\$147,005	381%
Comm./Ind. (Alt)	\$294,243	\$310,371	-\$16,128	-5%
S.F. Dwelling(New)	\$44,267	\$33,054	\$11,213	34%
S.F. Dwelling (Alt)	\$305,157	\$364,411	-\$59,254	-16%
Garage Only	\$11,703	\$5,392	\$6,311	117%
Other Building Permits	\$4,271	\$7,689	-\$3,418	-44%
Demolition	\$34,400	\$4,450	\$29,950	673%
Electrical	\$106,713	\$78,714	\$27,999	36%
All Other Permit Types	\$253,015	\$271,960	-\$18,945	-7%
<b>PERMIT FEE TOTALS:</b>	<b>\$1,239,353</b>	<b>\$1,114,621</b>	<b>\$124,732</b>	<b>11%</b>
<b>PLAN FEES:</b>	<b>\$351,385</b>	<b>\$313,329</b>	<b>\$38,056</b>	<b>12%</b>
<b>TOTAL PERMIT &amp; PLAN FEES:</b>	<b>\$1,590,738</b>	<b>\$1,427,950</b>	<b>\$162,788</b>	<b>11%</b>

Park Fees	\$121,256	\$3,600	\$117,656	3268%
SAC Fees	\$730,590	\$126,735	\$603,855	476%

**WHITE BEAR LAKE FULL YEAR CODE ENFORCEMENT VIOLATIONS BY WARD**

January 1- December 31, 2023

	Ward 1	Ward 2	Ward 3	Ward 4	Ward 5	Total
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**TOTAL CASES SUMMARY**

Complaints	42	46	51	54	46	239
Proactive / City Initiated	80	107	103	87	70	447
<b>TOTALS:</b>	<b>122</b>	<b>153</b>	<b>154</b>	<b>141</b>	<b>116</b>	<b>686</b>

**DETAILED CASE SUMMARY**

Refuse / Exterior Storage	26	33	31	33	27	150
Parking	20	21	36	24	19	120
Weeds	5	10	12	17	7	51
Motor Vehicle	30	47	40	29	30	176
Structure Maintenance	7	4	8	6	7	32
Miscellaneous	34	38	27	32	26	157
<b>TOTALS:</b>	<b>122</b>	<b>153</b>	<b>154</b>	<b>141</b>	<b>116</b>	<b>686</b>

**CASE STATUS SUMMARY**

Number of Open Cases	33	41	47	49	44	214
Number of Closed Cases	89	112	107	92	72	472
<b>TOTALS:</b>	<b>122</b>	<b>153</b>	<b>154</b>	<b>141</b>	<b>116</b>	<b>686</b>

**WHITE BEAR LAKE FULL YEAR CODE ENFORCEMENT VIOLATIONS BY WARD**

January 1- December 31, 2022

	Ward 1	Ward 2	Ward 3	Ward 4	Ward 5	Total
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**TOTAL CASES SUMMARY**

Complaints	43	61	49	46	81	280
Proactive / City Initiated	42	45	36	23	17	163
<b>TOTALS:</b>	<b>85</b>	<b>106</b>	<b>85</b>	<b>69</b>	<b>98</b>	<b>443</b>

**DETAILED CASE SUMMARY**

Refuse / Exterior Storage	30	17	17	17	20	101
Parking	8	18	21	9	20	76
Weeds	10	18	20	15	19	82
Motor Vehicle	5	8	6	6	20	45
Structure Maintenance	8	9	7	9	3	36
Miscellaneous	24	36	14	13	16	103
<b>TOTALS:</b>	<b>85</b>	<b>106</b>	<b>85</b>	<b>69</b>	<b>98</b>	<b>443</b>

**CASE STATUS SUMMARY**

Number of Open Cases	17	14	19	18	9	77
Number of Closed Cases	68	92	66	51	89	366
<b>TOTALS:</b>	<b>85</b>	<b>106</b>	<b>85</b>	<b>69</b>	<b>98</b>	<b>443</b>



	1ST HALF 2023 TOTAL	JULY	AUG	SEP	OCT	NOV	DEC	2ND HALF 2023 TOTAL	2023 TOTALS
<b>SIGN PERMITS</b>	11	3	3	5	7	4	2	24	35
<b>ZONING PERMITS</b>	86	29	19	23	17	8	4	100	186
<b>OTHER PERMITS</b>	76	18	18	12	18	10	7	83	159
<b>ZONING LETTERS</b>	6	1	0	0	0	0	1	2	8
<b>ADMINISTRATIVE VARIANCES</b>	13	2	0	3	4	2	0	11	24
<b>LAND USE CASES*</b>	21	3	2	0	1	1	N/A	7	28
<b>QUESTIONS / INQUIRIES</b>	479	98	98	99	85	69	47	496	975
<b>MEETINGS</b>	57	7	12	11	8	12	8	58	115
<b>SITE INSPECTIONS</b>	2	1	1	2	1	0	0	5	7
<b>ENFORCEMENT LETTERS</b>	2	0	0	0	0	0	0	0	2
<b>OTHER / MISC^</b>	6	0	0	2	0	0	1	3	9
<b>TOTAL</b>	759	162	153	157	141	106	70	789	1548

**July Land Use Cases**

Tobacco and Cannabis related Zoning Code Text Amendments  
 Saputo Cheese USA – 4041 Highway 61 Variance  
 Kroll - 1876 5<sup>th</sup> St Variance

**August Land Use Cases**

Chilson - 2175 Gardenette Dr. Variance  
 BCD Homes - 4669 Lake Ave Variance

**October Land Use Cases**

Heartland Gun Club – 4350 Centerville Rd CUP

**November Land Use Cases**

Text Amendment requiring Simple Majority City Council Vote

**Miscellaneous**

September 25 – Zoning Update Kick Off Meeting  
 September 26 – Developer Focus Group  
 December 5 – Zoning Code Update Meeting

**WHITE BEAR LAKE & MAHTOMEDI COMPARISON OF PERMITS**

<b>MONTHLY COMPARISONS DECEMBER 2023</b>	<b>2023 WBL YTD</b>	<b>2023 MA YTD</b>	<b>2023 WBL &amp; MA YTD</b>	<b>2022 WBL YTD</b>	<b>2022 MA YTD</b>	<b>2022 WBL &amp; MA YTD</b>	<b>WBL CHANGE IN NUMBERS</b>	<b>WBL % CHANGE</b>	<b>WBL &amp; MA CHANGE IN NUMBERS</b>	<b>WBL &amp; MA % CHANGE</b>	<b>MA % OF TOTAL ACTIVITY</b>
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**PERMIT TOTALS:**

Comm./Ind. (New)	2	0	2	2	1	3	0	0%	-1	-33%	0%
Comm./Ind. (Alt)	52	7	59	37	11	48	15	41%	11	23%	12%
S.F. Dwelling (New)	8	14	22	7	5	12	1	14%	10	83%	64%
S.F. Dwelling (Alt)	1425	626	2051	1786	1313	3099	-361	-20%	-1048	-34%	31%
Garage Only	25	8	33	17	11	28	8	47%	5	18%	24%
Other Building Permits	18	6	24	19	4	23	-1	-5%	1	4%	25%
Demolition	10	0	10	20	8	28	-10	-50%	-18	-64%	0%
Electrical	723	284	1007	665	221	886	58	9%	121	14%	28%
All Other Permit Types	1213	409	1622	1214	383	1597	-1	0%	25	2%	25%
<b>ALL PERMIT TYPE TOTALS:</b>	<b>3476</b>	<b>1354</b>	<b>4830</b>	<b>3767</b>	<b>1957</b>	<b>5724</b>	<b>-291</b>	<b>-8%</b>	<b>-894</b>	<b>-16%</b>	<b>28%</b>

**PERMIT VALUATION:**

Comm./Ind. (New)	\$45,385,251	\$0	\$45,385,251	\$8,618,144	\$20,064,000	\$28,682,144	\$36,767,107	427%	\$16,703,107	58%	0%
Comm./Ind. (Alt)	\$60,285,593	\$701,580	\$60,987,173	\$72,267,223	\$7,240,230	\$79,507,453	-\$11,981,630	-17%	-\$18,520,280	-23%	1%
S.F. Dwelling (New)	\$4,612,370	\$11,862,712	\$16,475,082	\$4,612,025	\$3,370,000	\$7,982,025	\$345	0%	\$8,493,057	106%	72%
S.F. Dwelling (Alt)	\$30,501,588	\$19,782,540	\$50,284,128	\$31,249,915	\$27,834,616	\$59,084,531	-\$748,327	-2%	-\$8,800,403	-15%	39%
Garage Only	\$757,531	\$368,300	\$1,125,831	\$295,210	\$515,470	\$810,680	\$462,321	157%	\$315,151	39%	33%
Fire Suppression	\$1,519,770	\$76,262	\$1,596,032	\$2,349,670	\$640,392	\$2,990,062	-\$829,900	-35%	-\$1,394,030	-47%	5%
Heating (HVAC)	\$15,596,953	\$1,882,395	\$17,479,348	\$20,574,105	\$6,297,367	\$26,871,472	-\$4,977,152	-24%	-\$9,392,124	-35%	11%
Other Valuation Permits	\$9,078,990	\$226,300	\$9,305,290	\$845,553	\$62,000	\$907,553	\$8,233,437	974%	\$8,397,737	925%	2%
<b>VALUATION TOTALS:</b>	<b>\$167,738,046</b>	<b>\$34,900,089</b>	<b>\$202,638,135</b>	<b>\$140,811,845</b>	<b>\$66,024,075</b>	<b>\$206,835,920</b>	<b>\$26,926,201</b>	<b>19%</b>	<b>-\$4,197,785</b>	<b>-2%</b>	<b>17%</b>

**PERMIT FEES:**

Comm./Ind. (New)	\$185,585	\$0	\$185,585	\$38,579	\$82,248	\$120,827	\$147,006	381%	\$64,758	54%	0%
Comm./Ind. (Alt)	\$294,243	\$6,773	\$301,016	\$310,370	\$15,887	\$326,257	-\$16,127	-5%	-\$25,241	-8%	2%
S.F. Dwelling(New)	\$44,267	\$75,398	\$119,665	\$33,053	\$23,540	\$56,593	\$11,214	34%	\$63,072	111%	63%
S.F. Dwelling (Alt)	\$305,157	\$172,067	\$477,224	\$364,411	\$268,750	\$633,161	-\$59,254	-16%	-\$155,937	-25%	36%
Garage Only	\$11,703	\$4,933	\$16,636	\$5,393	\$6,811	\$12,204	\$6,310	117%	\$4,432	36%	30%
Other Building Permits	\$4,271	\$2,429	\$6,700	\$7,688	\$1,202	\$8,890	-\$3,417	-44%	-\$2,190	-25%	36%
Demolition	\$34,400	\$0	\$34,400	\$4,450	\$1,750	\$6,200	\$29,950	673%	\$28,200	455%	0%
Electrical	\$106,713	\$17,643	\$124,356	\$78,713	\$35,186	\$113,899	\$28,000	36%	\$10,457	9%	14%
All Other Permit Types	\$253,015	\$44,946	\$297,961	\$271,961	\$95,650	\$367,611	-\$18,946	-7%	-\$69,650	-19%	15%
<b>PERMIT FEE TOTALS:</b>	<b>\$1,239,354</b>	<b>\$324,189</b>	<b>\$1,563,543</b>	<b>\$1,114,618</b>	<b>\$531,024</b>	<b>\$1,645,642</b>	<b>\$124,736</b>	<b>11%</b>	<b>-\$82,099</b>	<b>-5%</b>	<b>21%</b>
<b>PLAN FEES:</b>	<b>\$351,385</b>	<b>\$64,370</b>	<b>\$415,755</b>	<b>\$313,329</b>	<b>\$110,593</b>	<b>\$423,922</b>	<b>\$38,056</b>	<b>12%</b>	<b>-\$8,167</b>	<b>-2%</b>	<b>15%</b>
<b>TOTAL PERMIT &amp; PLAN FEES:</b>	<b>\$1,590,739</b>	<b>\$388,559</b>	<b>\$1,979,298</b>	<b>\$1,427,947</b>	<b>\$641,617</b>	<b>\$2,069,564</b>	<b>\$162,792</b>	<b>11%</b>	<b>-\$90,266</b>	<b>-4%</b>	<b>20%</b>

Park Fees	\$121,256		\$121,256	\$3,600	\$0	\$3,600	\$117,656	3268%	\$117,656	3268%	0%
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SAC Fees	\$730,590	\$37,275	\$767,865	\$126,735	\$285,775	\$412,510	\$603,855	476%	\$355,355	86%	5%
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**City of White Bear Lake**  
City Manager's Office

# MEMORANDUM

**To:** Lindy Crawford, City Manager  
**From:** Bruce Bates, Sports Center Manager  
**Date:** February 13, 2024  
**Subject:** **2023 Annual Sports Center Report**

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## SUMMARY

The City Council will receive the 2023 annual report for the Sports Center.

## BACKGROUND INFORMATION

The Sports Center was very busy in 2023 hosting public skating, youth and high school hockey games, figure skating events, learn to skate programming and open skating sessions.

The Sports Center hosted several major events this past year:

- 7 Youth Tournaments
- 13 High School Hockey Games
- 30<sup>th</sup> Annual Holiday Open Figure Skating Competition
- 3 Spring Ice Shows (30<sup>th</sup> Annual)
- Approximately 100 Youth Hockey Games for the White Bear Lake Area Hockey Association (WBLAHA)

The hockey training facility was utilized by WBLAHA and High School teams this past year with a peak of activity occurring this past summer. Teams are also utilizing the facility for team dinners, catering in food the evenings before scheduled games. Many teams have also utilized the lobby meeting room in conjunction with dryland training for reviewing instruction and game video. WBLAHA expanded their programming for the first time to include a girl's summer training program.

The rubber flooring in three locker rooms and hockey player boxes was replaced. Also, four additional security cameras were installed at the facility. Highlighting the upgrades to the facility is the remodeling of the main lobby of the Sports Center and the installation of the Hockey Day Minnesota Puck Dedication Wall in the entry of the Sports Center.

There has been a significant setback with the solar panel mounting framework on the arena roof. The framework of the panels mounted on the roof were found to be defective in the fall. After detailed analysis, including consultation with engineers and the installer, it was determined new anchors were required to safely and securely reattach the framework. A small portion of the overall project was completed before the onset of winter. The remainder of the

work will be completed this spring.

After 22 years with the City at the Sports Center, Maintenance Technician Charlie Holeman retired at the end of December 2023. His position was filled by Chad Jameson, who comes from Drake Arena in St. Paul with 12 years of experience.

We have conducted two safety inspections of the refrigeration room this year and replaced three ammonia sensors within the room.

Two major summer time power outages caused minor damages to the rink light control panel and outside parking lot lights which were repaired.

Ice Time Utilization (in hours)

	<b>2023</b>	<b>2022</b>
Ice Rental/Hockey	1,635	1,650
Skate School	1,282	1,156
Public Skating	881	772

2023 Financial Analysis

Demand for ice was strong again this past year. The attached 2023 annual report is reflective of a typical year. LiveBarn, a live streaming service, remains a good source of revenue but continues to decline after its initial boom during the pandemic. The other significant shift in the Sports Center's finances was the reduction of federal grant funding. The City allocated American Rescue Plan Act (ARPA) funds to the Sports Center to help balance the loss in revenue during the pandemic, and that ended in 2023.

**ATTACHMENTS**

2023 Annual Sports Center Report

**SPORTS CENTER  
ANNUAL REPORT****2023  
REVENUE****2022  
REVENUE****2023 to 2022  
COMPARISON****Ice Rental Usage**

Ice Rental Non-Tax	\$247,399.65	\$192,542.04	\$54,857.61
Ice Rental Tax	\$50,551.77	\$99,747.69	-\$49,195.92
<b>Subtotal Ice Rental</b>	<b>\$297,951.42</b>	<b>\$292,289.73</b>	<b>\$5,661.69</b>

**Skate School**

Skate School /Freestyle	\$232,131.88	\$194,129.61	\$38,002.27
Skate School Drop In	\$0.00	\$0.00	\$0.00
Early Morning Ice	\$0.00	\$0.00	\$0.00
Early Morning Ice Pass	\$0.00	\$0.00	\$0.00
Power	\$0.00	\$0.00	\$0.00
Team Compulsory	\$0.00	\$0.00	\$0.00
Student Teaching	\$0.00	\$0.00	\$0.00
Sleep Over	\$0.00	\$0.00	\$0.00
<b>Subtotal Skate School</b>	<b>\$232,131.88</b>	<b>\$194,129.61</b>	<b>\$38,002.27</b>

**Skate Camp**

Show Registration	\$18,433.34	\$18,605.48	-\$172.14
Show	\$13,160.00	\$10,393.85	\$2,766.15
Competition misc	\$148.00	\$286.00	-\$138.00
Competition Vending	\$1,742.42	\$1,129.59	\$612.83
Competition Registration	\$43,614.40	\$36,674.94	\$6,939.46
<b>Subtotal Skate Camp</b>	<b>\$77,098.16</b>	<b>\$67,089.86</b>	<b>\$10,008.30</b>

**Open Skate**

Open Skate Pass	\$6,605.00	\$5,700.00	\$905.00
Open Skate	\$5,188.00	\$4,872.00	\$316.00
Open Hockey	\$3,951.00	\$6,658.98	-\$2,707.98
Open Hockey Pass	\$5,341.00	\$3,531.00	\$1,810.00
Dead Ice One Hour	\$3,585.00	\$1,033.00	\$2,552.00
Dead Ice Pass	\$0.00	\$42.00	-\$42.00
Broomball	\$0.00	\$0.00	\$0.00
Special Events	\$0.00	\$0.00	\$0.00
<b>Sub Total Open Skate</b>	<b>\$24,670.00</b>	<b>\$21,836.98</b>	<b>\$2,833.02</b>

**Hockey Game Receipts**

<b>\$18,512.00</b>	<b>\$7,694.01</b>	<b>\$10,817.99</b>
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**Rental Income**

Skate Rental	\$363.00	\$264.00	\$99.00
Locker Rental	\$25.00	\$0.00	\$25.00
Meeting Room Rental	\$285.00	\$30.00	\$255.00



Aerobic Room Rental	\$2,085.00	\$2,155.00	-\$70.00
Birthday Party-Ice	\$1,800.00	\$1,728.00	\$72.00
Girls HS Lease Agreement 5201.4975	\$13,200.00	\$12,600.00	\$600.00
Hockey Training Area	\$25,461.30	\$24,720.00	\$741.30
<b>Subtotal Rental Income</b>	<b>\$43,219.30</b>	<b>\$41,497.00</b>	<b>\$1,722.30</b>

<b>Donations</b>	<b>\$552.00</b>	<b>\$475.03</b>	<b>\$76.97</b>
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**Vending Machine Sales**

Vending Canteen	\$0.00	\$0.00	\$0.00
Vending Grand Prix	\$242.59	\$153.82	\$88.77
Vending Jubilee	\$505.00	\$0.00	\$0.00
<b>Vending Machine Subtotal</b>	<b>\$747.59</b>	<b>\$153.82</b>	<b>\$88.77</b>

**Concessions**

Concession Stand Profits/lease	\$2,295.32	\$2,619.99	-\$324.67
Hockey Tape	\$22.33	\$33.60	-\$11.27
Mouthguards	\$5.57	\$5.60	-\$0.03
Skate Laces	\$19.74	\$33.58	-\$13.84
Skate Guards	\$29.64	\$22.35	\$7.29
Gloves	\$33.58	\$39.20	-\$5.62
Fuzzy Gloves	\$0.00	\$0.00	\$0.00
Pins	\$0.00	\$11.20	-\$11.20
Gel Pads	\$0.00	\$0.00	\$0.00
Tights Adult	\$160.00	\$192.00	-\$32.00
Tights Child	\$434.00	\$196.00	\$238.00
Soaker	\$49.16	\$33.54	\$15.62
Show Video	\$0.00	\$0.00	\$0.00
<b>Subtotal Concessions</b>	<b>\$3,049.34</b>	<b>\$3,187.06</b>	<b>-\$137.72</b>

<b>Sk8 Sharp</b>	<b>\$171.00</b>	<b>\$0.00</b>	<b>\$171.00</b>
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<b>Live Barn</b>	<b>\$21,080.97</b>	<b>\$59,366.71</b>	<b>-\$38,285.74</b>
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<b>Reimbursement</b>	<b>\$0.00</b>	<b>\$780.00</b>	<b>-\$780.00</b>
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**Miscellaneous Revenue**

ISI	\$0.00	\$0.00	\$0.00
courts	\$0.00	\$0.00	\$0.00
Bear Store Lease	\$0.00	\$0.00	\$0.00
NSF Fee	\$0.00	\$0.00	\$0.00
Rink Advertising	\$12,450.00	\$15,958.16	-\$3,508.16
Miscellaneous	\$297.00	\$585.83	-\$288.83
R/C CARES FUNDS-SC UNEMP COSTS	-\$56.00	\$0.00	-\$56.00
Federal Grants	\$0.00	\$65,000.00	-\$65,000.00
Federal Operating Grants Apra Rev	\$0.00	\$0.00	\$0.00

2022 Kadrie Ins Advert A/R	\$0.00	\$0.00	\$0.00
INTEREST ALLOCATION 12/31/22	\$0.00	\$1,030.39	-\$1,030.39
<b>Subtotal Miscellaneous</b>	<b>\$12,691.00</b>	<b>\$82,574.38</b>	<b>-\$69,632.99</b>
Over/Short	\$3.50	\$0.80	\$2.70
<b>TOTAL SPORTS CENTER REVENUE</b>	<b>\$731,878.16</b>	<b>\$771,074.99</b>	<b>-\$39,196.83</b>
<b>Boatworks Commons</b>	<b>\$655.00</b>	<b>\$3,475.00</b>	<b>-\$2,820.00</b>



**City of White Bear Lake**  
Community Development Department

# MEMORANDUM

**TO:** Lindy Crawford, City Manager  
**FROM:** Jason Lindahl AICP, Community Development Director  
 Shea Lawrence, Planning Technician  
**DATE:** February 13, 2024  
**SUBJECT:** Case No. 24-1-CUP - Carlson Conditional Use Permit, 3<sup>rd</sup> Curb Cut, 2505 Lake Avenue

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## SUMMARY

The applicants, Annie & Dustin Carlson and Jeff Plaisted are requesting a conditional use permit (CUP) for a third curb cut, per code section 1302.050, Subd. 4.h.9, at the property located at 2505 Lake Avenue. Based on the findings made in this report, both staff and the Planning Commission find the standards for conditional use permits laid out in City Code Section 1302.140 have not been met and recommend denial of the request.

## GENERAL INFORMATION

Applicant / Owner: Annie and Dustin Carlson and Jeff Plaisted  
 Existing Land Use / Zoning: Single Unit Dwelling / R-2: Single Family Residential and Shoreland Overlay  
 Surrounding Land Use / Zoning: North: R-3 Single Family Residential and Shoreland Overlay  
 East and West: R-2 Single Family Residential and Shoreland Overlay  
 South: White Bear Lake  
 Comprehensive Plan: Low Density Residential  
 Lot Size & Width: Code: R-2 Single Family Residential: 15,000 sq. ft., 100 ft. wide  
 Existing Site: 61,000 sq. ft., 220 ft. wide  
 60 Day Review Date: February 25, 2024.

## BACKGROUND

The subject property is a double frontage lot located between Stillwater Street to the north and Lake Avenue to the south. The property is also tied to land on the south side of Lake Avenue that fronts onto White Bear Lake. According to Ramsey County property records, the house was originally built in 1941.

In June of 2022, the homeowners received approvals for several variances and a conditional use

permit. The homeowners received approvals to build an addition to their home including the addition of a two car attached garage and expanding the existing garage from four to five stalls for a total of 7 garage parking spaces on the site. Additionally, the homeowners received approval for a CUP for an accessory dwelling unit to be located above the detached garage.

After receiving land use approvals for the addition, expanded garage and accessory dwelling unit, the applicant applied for a building permit in August 22, 2022. It should be noted that neither the plans submitted for the land use approvals or the building permit included a garage door facing Stillwater or an additional curb cut and driveway. Had the applicant requested the garage door, curb cut and driveway as part of the CUP for the ADU, that would have likely been denied as it is expressly prohibited by the ADU standards. In this case, Zoning Code Section 1302.125 Subd 4.g. states a separate curb cut and driveway for an ADU is not permitted.

The property is considered legal non-conforming with two curb cuts—one curb cut is located off of Stillwater Street and the other off of Lake Avenue/Highway 96. According to Ramsey County GIS aerial photos, the two curb cuts have existed on the property since before 1985 and therefore is legal non-conforming with two curb cuts. The homeowners have since cut a new section of curb on Stillwater Street for an additional driveway before seeking the proper City approvals. The applicants are now seeking approval for a third curb cut located off of Stillwater Street for an additional driveway that directly accesses the detached garage/ADU and provides additional parking for the ADU.

The applicants have submitted a narrative describing their request (see attached). In it they support the need for a third curb cut based on the following:

- Additional parking for the ADU and drive through access for boat trailers
- The large 1.6 acre lot could theoretically be spilt into four separate lots with four curb cuts
- The two curb cuts are further apart than the curb cuts in many neighborhoods that have only 50 foot wide lots
- Two smaller driveways located off Stillwater Street is more aesthetically pleasing than one wide driveway
- Traffic is minimal on Stillwater, so the curb cut won't have a negative impact to traffic
- There is not a high demand for street parking on Stillwater Street, so the curb cut will not negatively impact parking availability

Planning Commission Action. The Planning Commission reviewed this item during their January 29, 2024 regular meeting. During the meeting the commission heard a presentation from staff and held a public hearing. The applicant, Annie Carlson explained their intent to make the existing curb cut on Stillwater smaller and add the proposed curb cut to provide direct access to the ADU. The Planning Commission generally agreed that the proposal should have been included as part of their previous land use request in 2022, and that the code is clear that separate driveways can't be permitted for ADUs. Member Baltzer expressed that this is a

unique lot considering the size and was supportive of the driveway. The commission voted 4-1 to recommend denial of the request to the City Council, with Member Baltzer opposed.

### **ANALYSIS**

Conditional Use Permit Review. City review authority for conditional use permits are considered a Quasi-Judicial action. This means the city acts like a judge in evaluating the facts against the applicable review standards. The city's role is limited to applying the review standards to the facts presented by the application. Generally, if the application meets the review standards, it should be approved. The standards for reviewing conditional use permits are detailed in City Code Section 1301.050.

According to City Code Section 1301.050, the City shall consider possible adverse effects of a proposed conditional use. This review shall be based upon (but not limited to) the factors listed below. Based on the findings made in this review, staff recommends denial of the requested conditional use permit.

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

**Finding:** The proposed third curb cut is inconsistent with the land use and transportation policies and provisions of the Comprehensive Plan.

**Land Use:** The 2040 Comprehensive Plan Future Land Use Map guides the subject property Low Density Residential. The Comprehensive Plan characterizes the Low Density Residential designation with typical housing types being "single family detached and attached when within the density range." The property does contain a single family home on the property and an ADU. While these uses are consistent with the Future Land Use designation in the Comprehensive Plan, a separate curb cut and driveway for the ADU is expressly prohibited and therefore inconsistent with the Comprehensive Plan.

**Transportation.** One of the guiding principles in the Transportation section of the Comprehensive plan states "Roadway improvements will provide a safe, efficient means of moving people and goods through the City by planning and implementing projects that meet the travel demands of all modes of transportation."

As mentioned above, the subject property is a legal non-conforming double frontage lot with two existing curb cuts, one with access to Lake Avenue (Highway 96) and the other with access to Stillwater Street. The Comprehensive Plan designates Lake Avenue as an Arterial Road while Stillwater Street is considered a Local Road. The Comprehensive Plan provides access management recommendations and states the following:

Proper access management is a key component of providing a roadway system that effectively balances mobility and access needs. Access management concerns the number of roadways

and/or driveways that can directly access a given roadway, as well as facility design at the access points. Arterial roadways, which primarily serve a mobility function, can only have limited access to not disrupt the flow of traffic and not create safety concerns. At the other end of the spectrum, the primary function of local streets is to provide access to local land uses, so there are fewer access restrictions on these roadways. However, there are important considerations regarding access on local streets as well. Collector roadways are between arterials and local streets in terms of access allowed, since they serve a relatively even balance of the mobility and access functions.

Numerous studies have demonstrated the safety and operational benefits of managing access in an appropriate manner. The government agency which has jurisdiction over a given roadway determines the applicable access management guidelines for that facility. MnDOT has access management guidelines that apply to Highways, such as TH 96 E (Lake Ave). Similarly, Ramsey County's access management policies apply to County roadways within White Bear Lake. County roadways make up a substantial portion of the arterial roadway network serving the City. Access management is also important for roadways under White Bear Lake's jurisdiction. The City of White Bear Lake does not have access management guidelines for city streets. The City evaluates new and modified accesses to its city streets through a permitting process on a case-by-case basis. In this case, the Engineering Department reviewed this case and does not support a third curb cut access from the subject property to Stillwater Street.

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

**Finding:** The proposed addition of a third curb cut is not compatible with present and future land uses of the area. Per the City's zoning code, single family properties are permitted one curb cut. The subject property currently exceeds that with two curb cuts. The addition of a third would be inconsistent with the single family land use category. Additionally, the property is one of six double frontage properties located between Stillwater Street and Lake Avenue. None of these six properties have more than two curb cuts, therefore approving a third curb cut for this property would be inconsistent with the present and future land uses of the area.

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

**Finding:** The proposed third curb cut does not conform with the performance standards for the R-2 zoning district or the specific standards for accessory dwelling units. The proposed curb cut and driveway leads directly to the ADU. As stated in the applicant's narrative, the intent with the driveway is for parking for those residing in the ADU. Per zoning code section 1302.125 Subd 4.g. "no separate driveway or curb cut shall be permitted for the accessory apartment unit." Adding a curb cut and driveway leading directly to the ADU would be contradictory to the code's intent to keep the ADU accessory in nature. Additionally, the existing driveway already provides access to the garage space intended for the ADU and is sizeable enough for additional parking.

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



**Finding:** Staff finds that the addition of a third curb cut would be uncharacteristic of the neighborhood, therefore the proposed use could tend to depreciate the area. The City has invested in curb and gutter along the street and permitting more and more curb cuts depreciates the overall neighborhood.

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

**Finding:** According to the applicant's plans and a city inspection, the applicant has removed a section of the curb along Stillwater Street and begun to frame-up the proposed third curb cut and driveway without city approval. According to the Engineering department, this change to the curb and road surface within the city right-of-way has the potential to damage the City's snowplowing equipment which could create a burden on the city's snow plowing service capacity.

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

**Finding:** While the addition of third curb cut is not likely to greatly increase the traffic to the property, the addition of a third curb cut creates an additional point of intersection with the city street. Each additional intersection with the street creates potential for safety issues for pedestrians and motorists.

### **RECOMMENDATION**

Staff and the Planning Commission recommend denial of a conditional use permit to allow a third curb cut for the property located at 2505 Lake Avenue based on the following findings and determinations:

1. The applicant has started work to install a third curb cut on the subject property without land use or building department approvals.
2. The proposed third curb cut to the accessory dwelling unit was not part of the approved plans for this site.
3. The proposed third curb cut is inconsistent with the land use and transportation section of the Comprehensive Plan.
4. The proposed third curb cut is incompatible with character of the surrounding present and future land uses.
5. The proposed third curb cut does not conform to the performance standards for access to accessory dwelling units as stated in Zoning Code Section 1302.125, Subd. 4.g. "no separate driveway or curb cut shall be permitted for the accessory apartment unit."
6. The proposed third curb cut could tend to depreciate the surrounding neighborhood.
7. The proposed third curb cut within the city right-of-way has the potential to damage the City's snowplowing equipment which could create a burden on the city's snow plowing service capacity.

**ATTACHMENTS**

Resolution

Zoning/Location Map

Applicant's Narrative & Plans

**RESOLUTION NO.**

**RESOLUTION DENYING A CONDITIONAL USE PERMIT FOR A THIRD CURB CUT AT  
2505 LAKE AVENUE WITHIN THE CITY OF WHITE BEAR LAKE, MINNESOTA**

**WHEREAS**, Annie & Dustin Carlson and Jeff Plaisted have requested a conditional use permit (CUP) for a third curb cut, per code section 1302.050, Subd. 4.h.9, at the property located at following location:

**LOCATION:** 2505 Lake Avenue

**LEGAL DESCRIPTION:** THAT PART OF THE SOUTH HALF OF SECTION 12, TOWNSHIP 30 RANGE 22 DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTH LINE OF STILLWATER STREET IN WHITE BEAR BEACH WHERE THE SAME IS INTERSECTED BY THE CENTERLINE OF CENTRAL AVENUE AS THE SAME EXISTED BEFORE ITS VACATION: THENCE SOUTHEASTERLY ALONG THE CENTERLINE OF CENTRAL AVENUE IN A STRAIGHT LINE TO THE NORTHWESTERLY LINE OF THE BOULEVARD N/K/A TRUNK HIGHWAY 96: THENCE SOUTHWESTERLY ALONG SAID NORTHWESTERLY LINE OF SAID BOULEVARD, A DISTANCE OF 210 FEET; THENCE IN A NORTHERLY DIRECTION TO A POINT ON THE SOUTH LINE OF STILLWATER STREET A DISTANCE OF 220 FEET WEST OF THE POINT WHERE STILLWATER STREET INTERSECTS WITH THE CENTER LINE OF CENTRAL AVENUE AS THE SAME EXISTS BEFORE ITS VACATION; THENCE EASTERLY ALONG THE SOUTH LINE OF STILLWATER STREET TO THE POINT OF BEGINNING. SUBJECT TO EASEMENTS OF RECORD.

**WHEREAS**, the City Planner prepared a memorandum dated January 29, 2024 regarding the requested conditional use permit ("Staff Report") recommending denial of the conditional use permit and the Staff Report, together with any updates provided the City Council for its meeting, is incorporated in and made part of this Resolution by reference; and

**WHEREAS**, the Planning Commission held a public hearing, after due notice having been provided, regarding the requested variances on January 29, 2024, at which it provided the applicants and interested members of the public an opportunity to be heard; and

**WHEREAS**, after conducting the hearing and discussing the matter, the Planning Commission voted to forward the application to the City Council with a recommendation that it be denied; and

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

**WHEREAS**, the City Council hereby finds and determines as follows:

**RESOLUTION NO.**

1. The findings contained in the Staff Report are adopted and made part of the City Council's findings.
2. The applicants have started work to install a third curb cut on the subject property without land use or building department approvals.
3. The proposed third curb cut to the accessory dwelling unit was not part of the approved plans for this site.
4. Zoning Code Section 1302.125 Subd 4.g. for accessory dwelling units states "no separate driveway or curb cut shall be permitted for the accessory apartment unit."
5. The proposed third curb cut is inconsistent with the land use and transportation section of the Comprehensive Plan.
6. The proposed third curb cut is incompatible with character of the surrounding present and future land uses.
7. The proposed third curb cut does not conform to the performance standards for access to accessory dwelling units as stated in Zoning Code Section 1302.125, Subd. 4.g.
8. The proposed third curb cut could tend to depreciate the surrounding neighborhood.
9. The proposed third curb cut within the city right-of-way has the potential to damage the City's snowplowing equipment which could create a burden on the city's snow plowing service capacity.
10. The City Council agrees with the Planning Commission's findings and recommendation.
11. The City Council determines the applicants are not eligible under the Zoning Code for the requested conditional use permit.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of White Bear Lake, Minnesota that, based on the Staff Report, the Planning Commission's recommendation, the findings contained herein, and the record of this matter, the requested conditional use permit is hereby denied.

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

Ayes:  
Nays:  
Passed:

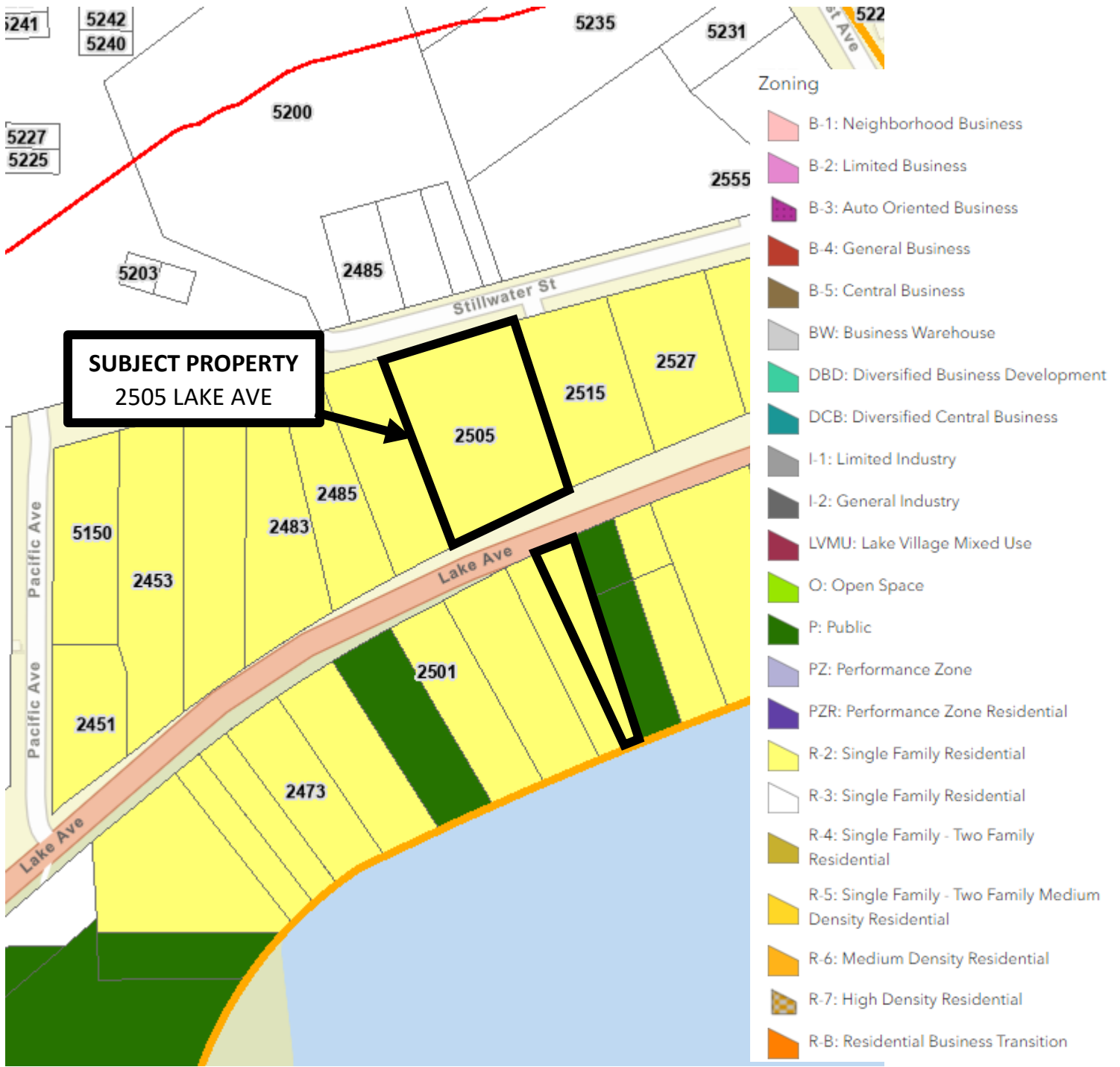
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Dan Louismet, Mayor

**ATTEST:**

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Caley Longendyke, City Clerk



**SUBJECT PROPERTY**  
2505 LAKE AVE



City of  
White Bear Lake  
Planning & Zoning  
651-429-8561

<b>CASE NO.</b>	: <u>24-1-CUP</u>
<b>CASE NAME</b>	: <u>2505 Lake Ave – 3<sup>rd</sup> Curb Cut</u>
<b>DATE</b>	: <u>01-29-2024</u>

January 29th, 2024

Property: 2505 Lake Ave

Land Use Application

Applicants: Dustin and Annie Carlson  
Jeff and Vicki Plaisted

Planning Commission Meeting

Re: Land use application for Conditional Use Permit for a curb cut onto Stillwater St.

We are submitting a land use application for a CUP for an additional curb cut on our property at 2505 Lake Ave. Upon approval last year we built a ADU above a detached garage for the grandparents. Into the building process the way to access the unit changed from the south side to the north. It presented the grandparents their own retreat from the primary driveway.

**Purpose:** The proposed curb cut and driveway will be used for accessing garage parking and drive thru for the ADU and long term will serve as a drive-thru option for boat trailers. The idea for a drive through garage was intended and planned for the future but had not been added onto the original CUP application for the ADU. The decision to add the drive thru garage door on the north side happened during construction and was because of the cost advantage of doing it now instead of later and it added a much needed visual charm to back of the ADU/ garage project.

**Previous Approval of ADU/Variances:** As you are aware the original ADU/variances were approved because of the uniqueness and of the size of the property. We are 61,000 sq. Ft. And 1.6 acres. Per the survey on file, the lot could easily hold 4 single family homes on the property which would have been at least 4 - 24' curb cuts. (See *Example A*). With that in mind, we didn't realize the restrictions of adding an additional curb cut. In addition, the current driveway accesses are on two different streets (Lake Ave and Stillwater St) that are parallel to each other. (*Example B*) This is unique to the property and most properties in White Bear Lake.

**Visual Aesthetics:** In addition to adding the garage door with decorative covered roof facing Stillwater, aesthetically two small driveways will look better than one large driveway. The current driveway is 24' wide and will be reworked this spring to be closer to 16'. The new curb would be no wider than 12'. We are taking 8' from the existing and adding 2-4' to make a new one. There would be 130' between the two



driveways! That's more than just the required minimum lot width in the R2 zoning. This proves true of the uniqueness of the property. Other streets have huge 24' driveways every 50' in a long row. *(Example C)* Because of the size of the lot you cannot even see any of the curb cuts at the same time. *(Example D)* The distance between the driveways, the small size of the driveways and the addition to new landscaping will keep with the charm of White Bear Lake. *(Example E)*

\*We could do 10' on proposed curb/ driveway if negotiations are needed.

**Safety:** There are no negative traffic impacts. Traffic is minimal and slow. The drive through option makes it safer to park and exit the garage. To our knowledge, historically White Bear Lake has not allowed additional curb cuts because it would take away needed off street parking. This is not the case here. There is no need for off street parking. In addition, pedestrian traffic will soon be using the Lake Links Trail along the lake. Currently, the in-laws are parking on the street. We are assuming the snow plow drivers would prefer to have them parking in their driveway/garage.

**Zoning:** The present and future land use of this property does not change with an additional curb cut and will remain single family low density. The physical size and where it is situated between 2 different roads is unique and cannot fit into any single rule or definition.

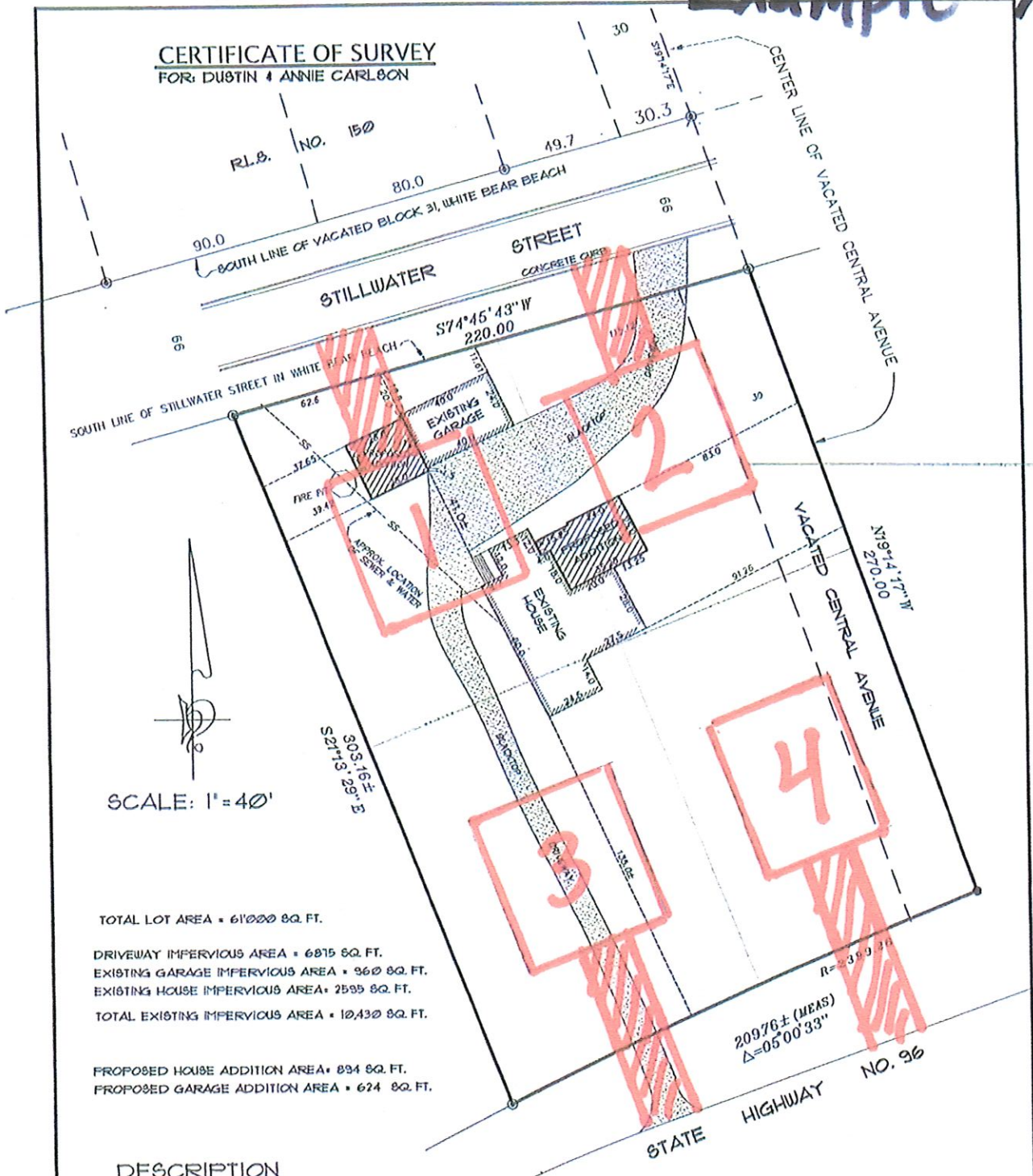
**In conclusion:** if you take into account the large size of the lot, the uniqueness of our property being between streets, the added curb appeal of 2 small driveways vs. one overlarge driveway and there being no negative traffic or pedestrian impacts there should be no reason why we cannot go forward with our request.

Thank you for your time,

Dustin and Annie Carlson  
Jeff and Vicki Plaisted

# Example A

**CERTIFICATE OF SURVEY**  
FOR: DUSTIN & ANNIE CARLSON



4-24' Driveways

SCALE: 1" = 40'

TOTAL LOT AREA = 61,000 SQ. FT.  
 DRIVEWAY IMPERVIOUS AREA = 6,815 SQ. FT.  
 EXISTING GARAGE IMPERVIOUS AREA = 960 SQ. FT.  
 EXISTING HOUSE IMPERVIOUS AREA = 25,335 SQ. FT.  
 TOTAL EXISTING IMPERVIOUS AREA = 10,430 SQ. FT.  
 PROPOSED HOUSE ADDITION AREA = 834 SQ. FT.  
 PROPOSED GARAGE ADDITION AREA = 624 SQ. FT.

**DESCRIPTION**

THAT PART OF THE SOUTH HALF OF SECTION 12 TOWNSHIP 30 RANGE 22 DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTH LINE OF STILLWATER STREET IN WHITE BEAR BEACH WHERE THE SAME IS INTERSECTED BY THE CENTERLINE OF CENTRAL AVENUE AS THE SAME EXISTED BEFORE ITS VACATION; THENCE SOUTHEASTERLY ALONG THE CENTERLINE OF CENTRAL AVENUE IN A STRAIGHT LINE TO THE NORTHWESTERLY LINE OF THE BOULEVARD N/K/A TRUNK HIGHWAY 96; THENCE SOUTHWESTERLY ALONG SAID NORTHWESTERLY LINE OF SAID BOULEVARD, A DISTANCE OF 210 FEET; THENCE IN A NORTHERLY DIRECTION TO A POINT ON THE SOUTH LINE OF STILLWATER STREET A DISTANCE OF 220 FEET WEST OF THE POINT WHERE STILLWATER STREET INTERSECTS WITH THE CENTER LINE OF CENTRAL AVENUE AS THE SAME EXISTS BEFORE ITS VACATION; THENCE EASTERLY ALONG THE SOUTH LINE OF STILLWATER STREET TO THE POINT OF BEGINNING.  
 SUBJECT TO EASEMENTS OF RECORD.

- ⊙ DENOTES IRON MONUMENT FOUND
- ⊙ DENOTES IRON MONUMENT SET
- BEARINGS SHOWN ARE ASSUMED DATUM

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly licensed Land Surveyor under the laws of the State of Minnesota.  
*Robert B. Siskich*  
 ROBERT B SIKICH LS      Date: 1-24-21  
 License No. 14891      Revised:

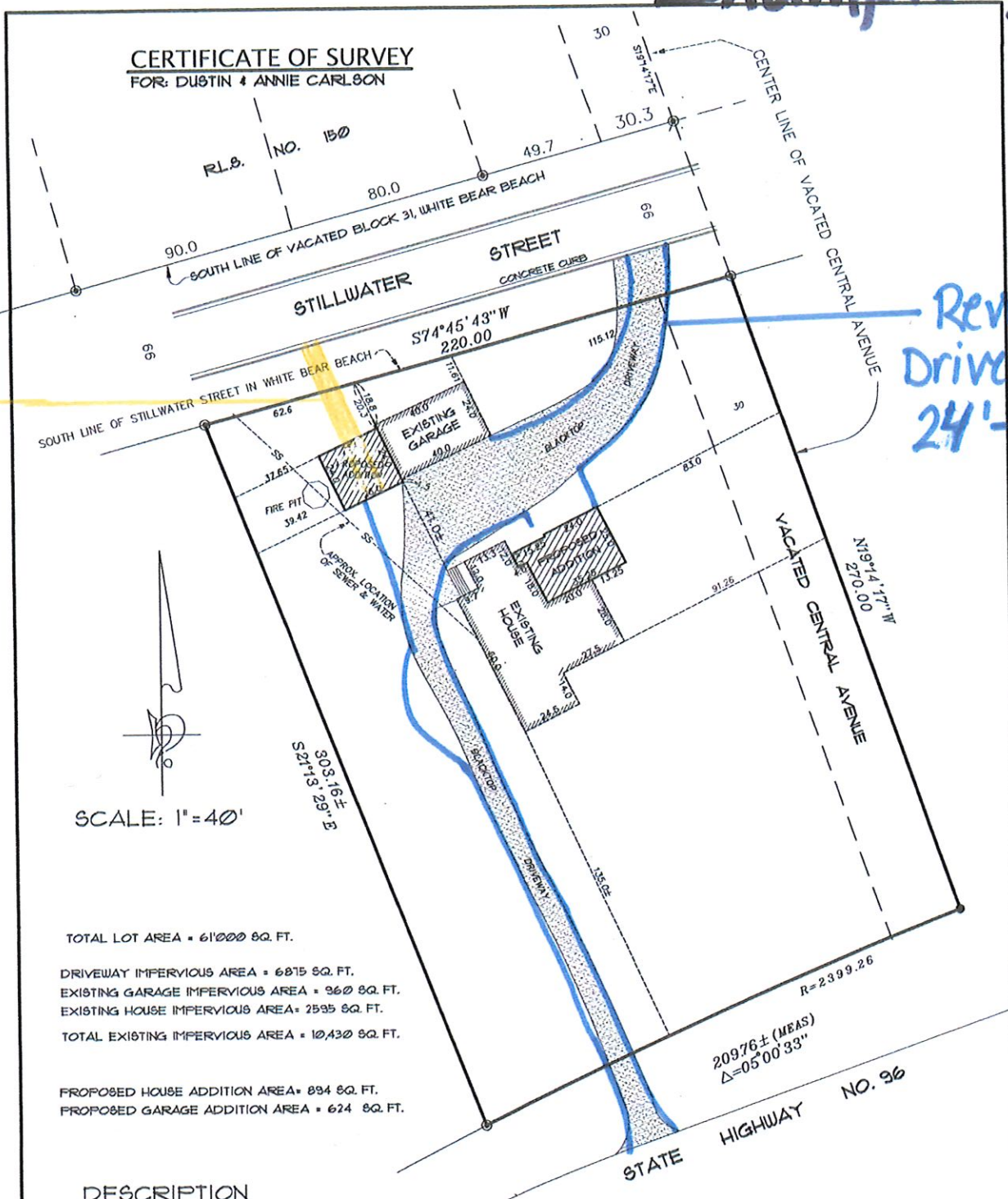


# EXAMPLE B

## CERTIFICATE OF SURVEY FOR: DUSTIN & ANNIE CARLSON

Proposed Driveway

Reworking  
Driveway -  
24' - 16'



SCALE: 1" = 40'

- TOTAL LOT AREA = 61,000 SQ. FT.
- DRIVEWAY IMPERVIOUS AREA = 6,875 SQ. FT.
- EXISTING GARAGE IMPERVIOUS AREA = 960 SQ. FT.
- EXISTING HOUSE IMPERVIOUS AREA = 2,595 SQ. FT.
- TOTAL EXISTING IMPERVIOUS AREA = 10,430 SQ. FT.
- PROPOSED HOUSE ADDITION AREA = 894 SQ. FT.
- PROPOSED GARAGE ADDITION AREA = 624 SQ. FT.

### DESCRIPTION

THAT PART OF THE SOUTH HALF OF SECTION 12 TOWNSHIP 30 RANGE 22 DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTH LINE OF STILLWATER STREET IN WHITE BEAR BEACH WHERE THE SAME IS INTERSECTED BY THE CENTERLINE OF CENTRAL AVENUE AS THE SAME EXISTED BEFORE ITS VACATION; THENCE SOUTHEASTERLY ALONG THE CENTERLINE OF CENTRAL AVENUE IN A STRAIGHT LINE TO THE NORTHWESTERLY LINE OF THE BOULEVARD N/K/A TRUNK HIGHWAY 96; THENCE SOUTHWESTERLY ALONG SAID NORTHWESTERLY LINE OF SAID BOULEVARD, A DISTANCE OF 210 FEET; THENCE IN A NORTHERLY DIRECTION TO A POINT ON THE SOUTH LINE OF STILLWATER STREET A DISTANCE OF 220 FEET WEST OF THE POINT WHERE STILLWATER STREET INTERSECTS WITH THE CENTER LINE OF CENTRAL AVENUE AS THE SAME EXISTS BEFORE ITS VACATION; THENCE EASTERLY ALONG THE SOUTH LINE OF STILLWATER STREET TO THE POINT OF BEGINNING.  
SUBJECT TO EASEMENTS OF RECORD.

- ⊙ DENOTES IRON MONUMENT FOUND
- DENOTES IRON MONUMENT SET
- BEARINGS SHOWN ARE ASSUMED DATUM

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

*Robert B. Siskich*

ROBERT B SIKICH LS Date: 1-24-21  
License. No. 14891 Revised:

## Example C



**Size and number of driveways in single family neighborhood.**

**Driveway spacing for the townhomes down the street from us.**





Example D

Existing Driveway is currently 24' wide- we will narrow to around 16'

Stillwater Street



130' between driveways  
New driveway width 10-12'  
Approx Length 35' to road





# Example E



Plans of ADU/ garage without the added doors and overhang.



After and actual



Adding Landscaping in the spring-

**From:** [Ronnie Ruettimann](#)  
**To:** [Community Development](#)  
**Subject:** Residence at 4701 Highway 61 requesting a third curb cut  
**Date:** Monday, February 12, 2024 4:59:12 PM

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I live at the Hidden Pathways Condo Bldg just around the corner from the above residence where they are requesting the additional driveway. I and many residents do not object to the additional driveway. We hope with this additional access it will stop the owners from parking cars on the south side of Stillwater Street. The opposite side of the street is posted no parking. Stillwater Street is a regular route for walkers, dog walkers, bikers and cars. Spring is fast approaching and the foot and bike traffic will increase greatly. It is dangerous with so many people using the street with cars parked on the street.

Sincerely,

Ronnie Ruettimann  
5200 Pathway Ave. Unit 106  
White Bear Lake, MN 55110