



AGENDA
REGULAR MEETING OF THE CITY COUNCIL OF
THE CITY OF WHITE BEAR LAKE, MINNESOTA
TUESDAY, JULY 10, 2018
7:00 P.M. IN THE COUNCIL CHAMBERS

1. CALL TO ORDER AND ROLL CALL

PLEDGE OF ALLEGIANCE

2. APPROVAL OF MINUTES

Minutes of the Regular City Council Meeting on June 26, 2018

3. APPROVAL OF THE AGENDA

4. VISITORS AND PRESENTATIONS

A. Time capsule from Clark Avenue Flagpole – Sara Hanson

B. Body camera demonstration

5. PUBLIC HEARINGS

6. LAND USE

A. Non-Consent

Nothing scheduled

B. Consent

1. Consideration of Planning Commission recommendation regarding a request by Festival Foods for a sign variance (Case No. 18-6-V)

2. Consideration of Planning Commission recommendation regarding a request by Gillespie for a variance (Case No. 18-7-V)

7. UNFINISHED BUSINESS

Nothing scheduled

8. ORDINANCES

Nothing scheduled

9. NEW BUSINESS

A. Resolution authorizing final payment to Northwest Asphalt & Maintenance for completion of the 2018 Crack Sealing Program (City Project No. 18-03)

B. Resolution authorizing extension of a rental agreement with Comcast

10. CONSENT

A. Acceptance of minutes from May White Bear Lake Conservation District; May Environmental Advisory Commission; June Planning Commission

11. DISCUSSION

A. Public Safety update

- Dispatch conversion
- Duty crews

B. Charitable Gambling

12. COMMUNICATIONS FROM THE CITY MANAGER

13. ADJOURNMENT



**MINUTES
REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF WHITE BEAR LAKE, MINNESOTA
TUESDAY, JUNE 26, 2018
7:00 P.M. IN THE COUNCIL CHAMBERS**

1. CALL TO ORDER AND ROLL CALL

Mayor Jo Emerson called the meeting to order at 7:05 p.m. Councilmembers Doug Biehn, Kevin Edberg, Steven Engstran, Dan Jones and Bill Walsh in attendance. Staff members present were City Manager Ellen Richter, City Engineer Mark Burch, Assistant City Engineer Jesse Farrell, Community Development Director Anne Kane, Finance Director Don Rambow, City Clerk Kara Coustry and City Attorney Andy Pratt.

PLEDGE OF ALLEGIANCE

2. APPROVAL OF MINUTES

Mayor Emerson noted there were two corrections to the first page to a Councilmember's name and a date.

It was moved by Councilmember **Edberg** seconded by Councilmember **Biehn**, to approve the Minutes of the Regular City Council Meeting on June 12, 2018 as amended.

Motion carried. Councilmember Jones abstained.

3. APPROVAL OF THE AGENDA

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

Motion carried unanimously.

4. VISITORS AND PRESENTATIONS

A. Don Torgerson – Retiring Park Advisory Commission Member

City Engineer Burch gathered Don Torgerson, his wife Sue, the Mayor and two fellow Park Advisory Commission members, Chair Bill Ganzlin and Bryan Belisle, to recognize Don's 16 years of service on the Park Advisory Commission. Park Advisory Commission Chair Ganzlin recognized Don's contributions to the commission. Mayor Emerson presented Don with a bear plaque and thanked him and his wife for many years of service on the Park Advisory Commission.

5. PUBLIC HEARINGS

Nothing scheduled

6. LAND USE

Nothing scheduled

7. UNFINISHED BUSINESS

Nothing scheduled

8. ORDINANCES

Nothing scheduled

9. NEW BUSINESS

A. Resolution authorizing financial support for NewTrax's Lake Area Senior Bus Loop

City Manager Richter reminded Council of a recent presentation by NewTrax reporting on the successful pilot of a circular bus loop in the southern portion of town since it began last fall. NewTrax is now looking to provide a northern bus loop on Thursdays between 10:00 a.m. – 1:00 p.m. Ms. Richter reported that the full annual cost of the Lake Area Senior Bus Loop program is estimated to be \$27,000, which includes both the south and north bus loops. NewTrax provides in-kind contributions of approximately \$6,300 and is requesting a \$7,500 contribution from the cities of White Bear Lake and Vadnais Heights, with the remaining balance divided between Gem Lake and Mahtomedi.

Mike Greenbaum of NewTrax explained that the intent of NewTrax is to spread out the cost of the Lake Area Senior Bus Loop to all of the supported cities and local businesses, like Kowalski's and Lake Area Bank. He asked Scott Olson, the Community Transportation Coordinator for NewTrax, to explain more about what is included in the north loop.

Mr. Olson explained that the southern loop has touched the lives of approximately 30-35 different seniors to date. On an average Thursday, there are about 15-18 riders, which will only increase with more marketing. Mr. Olson stated that as requests from assisted living facilities increase, so does the sustainability of this program, which is also funded by its riders.

Mr. Olson indicated the south loop will intersect with the north loop at White Bear Senior Center, which will give riders on the south side an opportunity to travel to the north and vice versa. This also gives the opportunity for those waiting to enjoy a cup of coffee and learn about some of the programs available at the White Bear Senior Center. He explained that NewTrax has connected with the YMCA who is also seeking programs for seniors to connect with during this time frame. Initially through this program, about 17 senior facilities will be affected, ranging from low income, to assisted living, to independent living. As time progresses, NewTrax will be looking at extending services to others experiencing transportation gaps.

Councilmember Edberg sought clarification that requested funds would support both the northern and southern loops, which was confirmed. He expressed appreciation for the relationships and synergy created through partnerships and value-added connections described.

Councilmember Jones echoed Councilmember Edberg's sentiment and was thankful for the diversified support from private, non-profits and municipalities of all affected communities. He appreciated NewTrax's efforts to fill the gap in transportation services

that were once provided through the Lion Mobile and Lake Area Transit. He declared that the success of this program speaks to the need for this service.

Mayor Emerson mentioned past conceptual conversations with Mike Greenbaum about a transportation program like this and complimented NewTrax for taking this idea and turning it into reality. This transportation option prevents isolation by providing a piece of independence for seniors that is very important and Mayor Emerson thanked them for their achievements.

It was moved by Councilmember **Jones**, seconded by Councilmember **Engstran**, to adopt **Resolution No. 12252** authorizing financial support for NewTrax's Lake Area Senior Bus Loop.

In response to Councilmember Walsh who asked where the money comes from, Ms. Richter explained that this money will come from budgeted expenses this year which will not be utilized. Next year the budget will reflect this contribution.

Motion carried unanimously.

B. Resolution suspending massage therapy establishment and massage therapist licenses at Jade Massage

City Manager Richter explained that there is an active investigation by the FBI and BCA for which a warrant was issued to Jade Massage. She also referenced a memorandum from the Chief of Police, which further described evidence of improper behavior occurring at the massage parlor. This item was placed under new business to afford the owner of Jade Massage the opportunity to contest staff's recommendation for suspension. Jade Massage has been notified of this meeting, but no one from that business came before the City Council to state their case.

Councilmember Walsh wanted the public to know that the City conducts extensive background investigations on these applicants for which if there were any past violations uncovered, no license would have been issued.

City Manager Richter explained that being a relatively new ordinance adopted by the City, there are additional modifications that are being explored. She stated that the Council will be seeing recommendations for amending the City's massage ordinance to help remedy some of the concerns staff has currently.

Councilmember Jones inquired as to actions taken by the state to regulate massage. Ms. Richter responded that the state has not taken any action to regulate massage to date.

It was moved by Councilmember **Engstran**, seconded by Councilmember **Biehn**, to adopt **Resolution No. 12253** suspending massage therapy establishment and massage therapist licenses at Jade Massage.

Motion carried unanimously.

C. Resolution authorizing the purchase of a fire truck and ambulance

City Manager Richter reported that a replacement fire truck and ambulance were included in the 2018 budget. The requested fire engine will replace a fire engine from 1998 and the ambulance will replace a 2004 ambulance. Within the CIP, staff has outlined a vehicle

replacement schedule for most all major purchases. The City Council will have an opportunity to re-examine what is planned for replacement during the 2019 budget process.

Chief Peterson stated that industry standard replacement for fire engines is about every 15 to 20 years. An ambulance is replaced about five to seven years because of the continuous change in technology and safety standards. The old ambulance had a manual cot while the replacement ambulance will have a power-load system for lifting the cot. Chief Peterson explained that this technology could save back injuries. The new ambulance will also contain restraint belts for attendants and other safety features.

City Manager Richter reported that one fire engine is being removed from the fleet altogether. Chief Peterson added that other vehicles being removed from service without replacement include two pick-up trucks, a jeep and a Tahoe. Chief Peterson mentioned a reserve engine was not being used and rather than paying for annual maintenance, pump testing and other costs, the City's insurance adjuster advised that half a point saved was not worth the maintenance costs to keep the engine in the fleet.

Councilmember Jones fully supports these replacements and questioned how far these two current vehicles were out of date. Chief Peterson likened it to the difference between a 20 year old car compared to today. For example, one of the ambulances had a monitor strapped in with a couple of screws just because the ambulance was not built to accommodate computers. Chief Peterson explained that new safety standards are issued every five years.

It was moved by Councilmember **Walsh**, seconded by Councilmember **Jones**, to adopt **Resolution No. 12254** authorizing the purchase of a fire truck and ambulance.

Motion carried. Councilmember Engstran abstained.

D. Resolutions authorizing two actuarial studies of the Fire Relief Association's pension fund

Finance Director Rambow explained that the White Bear Fire Relief Association is required to conduct an annual audit, which includes an actuarial study pursuant Government Accounting Standards Board (GASB) requirements. The Fire Relief Board is requesting two actuarial studies to assess possible pension increases and the feasibility of merging with the statewide volunteer plan administered by PERA.

Mr. Rambow explained that merging with PERA would alleviate administrative work of the Fire Relief Association but would not release them of responsibility for pension increases, nor would the City be released of its responsibility to cover any shortfalls. The Fire Relief Board is asking for the City's support to conduct these two actuarial studies in the event that merging with the PERA becomes an option. The Mayor, Finance Director and Fire Chief serve as Ex Officio members of the Fire Relief Board.

In response to Councilmember Edberg, Mr. Rambow stated that the cost of each actuarial study is \$3,000 - \$5,000, which is paid by the pension fund of the Fire Relief Association.

Councilmember Edberg stated he is not opposed to actuarial studies as they provide appropriate information. He inquired as to when the last pension increase occurred, for which Mr. Rambow replied 2007.

Mr. Rambow provided additional history related to the 2007 pension increase. After pension increases, the fund was comfortable at 105% until the 2008 crash after which the fund fell to 87% of funding. At that time, an actuarial study said the City would need to contribute approximately \$100,000 - \$120,000 annually for the next three years to cover the shortfall. By 2009, the fund had regained itself. Through special legislation, the Fire Relief Association was allowed to conduct an interim actuarial study, which proved there was sufficient funding and consequently halted the State Auditor's mandate that the City supplement the fund.

Mr. Rambow stated that the fund has taken ten years to recover itself to a level that is more than sufficient for another pension increase. The actuarial study will analyze how much the fund can afford to give in pension increases and still maintain its viability. While the Relief Board can make recommendations, the City Council ultimately makes the decision because the City of White Bear Lake would be responsible for shortfalls.

Councilmember Edberg noted his support for the actuarial studies. He stated that the discussion about pension increases should be fully documented and all the City's implications considered. Not many pension funds increase their payouts and he did not want there to be any assumptions there will be another increase.

It was moved by Councilmember **Biehn**, seconded by Councilmember **Jones**, to adopt **Resolution No. 12255** authorizing two actuarial studies of the Fire Relief Association's pension fund.

Motion carried. Councilmember Engstran abstained.

E. Resolution accepting bids and awarding contract for roof replacement at the Water Treatment Plant

City Engineer Burch reported that the existing roof on the Water Treatment Plant is in need of replacement. The existing roof system is 25 years old and can no longer be reliably patched. Proposals from two local roofing contractors were received with the lowest bid by SELA Roofing and Remodeling, Inc. from White Bear Lake. Staff recommends Council receive the bids and award the roof replacement contract to SELA Roofing and Remodeling, Inc. for the base amount of \$129,300 plus \$12,500 for the vapor barrier, for a total project cost of \$141,800.

It was moved by Councilmember **Jones**, seconded by Councilmember **Engstran**, to adopt **Resolution No. 12256** accepting bids and awarding contract for roof replacement at the Water Treatment Plant.

Motion carried unanimously.

Mr. Rambow explained the next two resolutions provide the City with the option to finance the roof replacement project through bonding in 2019, otherwise financing would come from the general reserve.

It was moved by Councilmember **Jones**, seconded by Councilmember **Biehn**, to adopt **Resolution No. 12257** authorizing interfund loan for advance of funds for payment of costs related to improvements to the municipal water plant.

Motion carried unanimously.

City Manager Richter clarified this a formality by which the City Council reserves the right to finance this repair through bonding if it chooses to do so next year. There will be additional discussion during the budgeting process.

It was moved by Councilmember **Engstran**, seconded by Councilmember **Edberg**, to adopt **Resolution No. 12258** declaring the official intent of the City of White Bear Lake to reimburse certain expenditures from the proceeds of bonds to be issued by the City.

Motion carried unanimously.

- F. Resolution authorizing use of Lions Park on Sunday, July 1, 2018 for a bean bag toss tournament; Admiral Ds

City Manager Richter reported that Mr. McGoldrick would like to host an event on July 1, 2018 by Budweiser through K102 and invited him to relay the details.

Brian McGoldrick of 36 Moonlight Bay in Stillwater explained he was approached by Budweiser through K102 to host a “Sunday Fun Day” consisting of a band and biehnbag toss. He stated that although he has not worked with Budweiser before, over the past five years Admiral Ds has been able to manage these types of events successfully. He was not sure if Lions Park would be used for this event, but he wanted to secure its use in case it should be needed.

Mr. McGoldrick informed the Council that no alcohol would be permitted outside his licensed premises at Admiral Ds. He clarified that use of Lions Park would extend just to the canoe racks. There would be no interference with people using the trail, nor any road closures. His stated goal is to make a new venue available to the community in hopes of bringing people into the area that may not otherwise come.

Mayor Emerson questioned the location of the beanbag toss, and Mr. McGoldrick replied, it would be on the sand setback in front of the trail at Admiral Ds unless the event becomes too large to handle, in which case it would be migrate over to Lions Park.

It was moved by Councilmember **Walsh**, seconded by Councilmember **Biehn**, to adopt **Resolution No. 12259** authorizing use of Lions Park by Admiral Ds on Sunday, July 1, 2018 for a bean bag toss tournament.

Councilmember Biehn inquired as to the location of the band. Mr. McGoldrick explained that the band would be on the patio of Admiral Ds where power is available. The time would be from 2:00 p.m. to 5:00 p.m. on Sunday.

Mr. Jones supported the event for the marketing value of mentioning White Bear Lake on the radio.

Motion carried unanimously.

10. CONSENT

- A. Resolution authorization the Building Official to enter a Municipal Delegation Agreement with the State of Minnesota. **Resolution No. 11260**
- B. Resolution authorizing support of Twin Cities Habitat for Humanity project. **Resolution No. 11261**

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

Motion carried unanimously.

11. DISCUSSION

A. Whitaker Street End Lease – status update

City Manager Richter described the history of the Whitaker Street End Lease. When Dehnerts first acquired Tally's in 1990, it contained a gas tank which was removed at the time of purchase and replaced it with a new 500 gallon above ground gas tank. In 1994, the City gave permission to have the tank repositioned, utilizing Whitaker Street end, for which no formal lease was constructed. In 1999, the Whitaker Street End lease agreement was formalized to allow for parking of passenger cars and storage of marina equipment, for a monthly fee of \$100. This same year, the City approved a new conditional use permit to allow for the operation of a 42-slip marina.

Ms. Richter went on to report that the following year, Tally's requested use of a small strip of land (100 x 15 feet) for patio and landscaping improvements, which was added to the original lease. In 2004, the City then approved placement of a new, larger 2,000 gallon gas tank on the street end.

Ms. Richter reported that the City obtained an appraisal on the value of the Whitaker Street end in 2005, which concluded a value between \$330 - \$400 per month. At that time, the City Council approved an addendum to the lease for an amount of \$375.00/month and increased insurance coverage requirements. In 2006, the City Council then reduced the lease amount back to \$100/month in consideration of rates for surrounding city-leased properties.

Ms. Richter explained that last fall the City engaged the services of an appraiser to perform a fee simple appraisal of the Whitaker Street end property. The appraisal demonstrated a lease value of \$483 per month. However, as a fee simple appraisal, it did not include income generated from use of the City's property. Ms. Richter recommended that the appraisal be expanded to include income generated by the fuel business at Tally's. She does not, however, recommend the appraisal include income generated from the 42-slip marina.

Ms. Richter explained that public records reflect discussion about the correlation between access to the 50 linear feet of shoreline through the Whitaker Street end and approval by the White Bear Lake Conservation District for a 42-slip arena. However, through conversations with the Chair of the Lake Utilization Committee, it is her understanding that the Conservation District would continue to allow the 42-slip marina, as it has been in place for nearly 20 years and provides slips that are in demand. She further explained that the marina would continue to be an allowed use by the City without the 50 feet of shoreline provided through the lease. She indicated that the current Lake Village Mixed Use District (LVMU) regulations, which require four (4) feet of shoreline for every one (1) slip, were adopted in 2003; therefore, Tally's marina is a grandfathered use, not unlike the City's 160-slip marina.

Ms. Richter conveyed her understanding of Council's desire that the restrooms and gas tank no longer impede the view to the lake. She shared the results of a recent quote of \$90,000 to bury the gas tank below ground and incorporate related improvements. With regard to the restrooms, she clarified that with its increased seating capacity, the state plumbing code requires Tally's to construct permanent restroom facilities, one for women and one for men.

Councilmember Walsh would like to see gas service on the lake remain available. He expressed frustration with the length of time this item has taken to be resolved. Councilmember Walsh supports the appraisal based on income from gas service but questioned why the value of the marina operations is not being included in the appraisal.

City Manager Richter explained that she is basing her recommendation on an understanding that the 42-slip marina would be allowed even if Tally's no longer had access to the Whitaker Street end property.

Councilmember Biehn agrees that gas on the lake is important. He asked for a more definitive conclusion from the White Bear Lake Conservation regarding the possibility of the City could utilizing the 50 feet of shoreline for additional slips. He supports the gas tank going underground but questioned who would pay for its relocation.

Mayor Emerson agrees there needs to be gas, but the tank needs to be underground and the restrooms should be removed for an open view to the lake. She also agrees there should be an increase in the lease payment.

Councilmember Jones suggested the City could take on the gas service and hire someone to manage it. Councilmember Jones expressed concern over multiple aspects of the lease. The 1500 square feet of patio space is not being counted and there are no SAC and WAC fees either. He apologized to the public for the lack of fiduciary responsibility represented by a \$1200/year lease for this space. He expressed dismay over two out-houses by the lake.

Councilmember Jones recalled Mr. Dehnert stating he refilled the gas tank 4-5 times per week. Mr. Jones quantified this as \$25,000 in yearly profit given what he charges for gas. He pointed out that the City has assumed liability for this gas tank for only \$1200 per year. Finally, Councilmember Jones stated that this lease is given to Tally's with no opportunity for others to bid on the lease. What if Admiral Ds, who has the parking, wanted to lease this property and add more slips to his marina operations.

Councilmember Edberg does not feel it is the City's responsibility to provide land for gas on the lake. He stated that someone else will provide the land, or folks will start bringing their own gas. He explained that the lakefront area has changed significantly since twenty years ago when their predecessors first developed this agreement, noting unintended consequences. Councilmember Edberg was pleased that the State Plumbing Code requires Tally's to provide permanent bathrooms. He is open to simply converting the leased property into green space for an open view of the lake.

If the City's 50 feet of property is to be leased, Councilmember Edberg would like a term-driven contract with an appropriate economic return. With regard to burying the tank, which would not even be an issue if the City did not allow a tank, Councilmember Edberg did not feel it was a cost effective option for the City given an unreasonable rate of return.

Councilmember Engstran liked the idea of this land being a green space. He agreed there should be gas made available on the lake, but it does not have to be on the City's property. He suggested the tank be moved to Ramsey Beach where it would not be seen. He would like to see the income derived from Tally's slip rentals included in the appraisal.

Councilmember Jones added that green space is an option from his perspective.

Councilmember Walsh inquired as to the time frame for Council to vote on a lease agreement as he was not seeing much in the way of negotiations. Ms. Richter appreciates his frustration, but feels it important to define the slip rental piece with the Conservation District. She noted that Councilmembers have in the past articulated different views on an approach to use of this property and expressed a desire to provide the Council with a complete picture for an informed decision.

Councilmember Jones indicated a desire to hear from residents about the importance of providing gas on the lake.

To Councilmember Edberg's question, Ms. Richter explained that the current lease is ongoing, but there is a 60-day notice of termination clause. In speaking to concerns about lengthy negotiations, Councilmember Edberg indicated a desire to get through the summer without disrupting gas service but asked for something by the end of this year – December 31st.

Councilmember Biehn suggested an immediate rent increase to \$483/month. Mayor Emerson did not disagree with an immediate increase; however, she noted this could not take effect until September 1st at the earliest. Her preference was to keep the process clean by waiting until all the changes to the lease are established.

12. COMMUNICATIONS FROM THE CITY MANAGER

- Clark Avenue Flagpole Time Capsule – Mayor Emerson described the contents revealed at Marketfest including four different newspapers, an 8 x 10 picture of the Mayor in 1940, and a picture of newspaper editor Stickley in his military uniform – the driving force behind the flagpole. She paraphrased Mr. Stickley from May 1940 - Hitler is on the move in Europe...what will the world look like when this capsule is opened.

Ms. Richter reported that Sara Hanson of the Historical Society will give a time capsule presentation and review the contents of the box at the July 10th City Council meeting.

- Mayor Emerson passed on the baton as president of the League of Minnesota Cities but will continue serving on the League Board as the past-president.

Councilmember Edberg observed the Mayor's highly visible leadership role in the community. He views this transition as an invitation for Council to seek more opportunities for enlightenment, engagement and leadership as representatives of White Bear Lake. He welcomed future conversations related to self-improvement and potential leadership opportunities the Council might seek to undertake.

- Summer Festivals – The parade was spectacular and one of the best parades logistically. Music from the Shoreview Band will perform at Memorial Park on the Fourth of July beginning at 8:00 p.m.

- Budget Work Session – August 21st in the Expansion Room at City Hall to discuss the 2019 Budget.
- Public Safety Update– At the July 10th City Council meeting, there will be a body camera demonstration, an update on dispatch and an update on duty crews.
- Engineering Updates – Mark Burch
 - Mill and overlay is complete with street reconstruction progressing rapidly. All the old utilities have been replaced. Old White Bear Avenue is done and the trail was paved on Saturday. Decorative lighting will be placed in July. Crack sealing is complete.
 - Sports Center is being put back together with paint, lighting and tile work.
 - Flagpole project on Clark Avenue is underway. The old footing was removed and the new footing was poured for the flagpole. Masonry work will follow and the old stone will be tuck-pointed.
- Community Development Updates – Anne Kane
 - Two Planning items will be on the consent agenda at the next meeting.
 - Five applications will be coming from the old White Bear neighborhood area for new construction or additions, which indicates a possible need to revisit the zoning regulations more carefully in the built environment where homes are closer together. It is great to see investment throughout the community.

13. ADJOURNMENT

There being no further business before the Council, it was moved by Councilmember **Edberg** seconded by Councilmember **Jones** to adjourn the regular meeting at **8:47 p.m.**

Jo Emerson, Mayor

ATTEST:

Kara Coustry, City Clerk



City of White Bear Lake
Community Development Department

MEMORANDUM

To: Ellen Richter, City Manager
From: The Planning Commission
Through: Anne Kane, Community Development Director
Date: July 5, 2018 for the July 10, 2018 City Council Meeting
Subject: **FESTIVAL FOODS – Sign Variance**
2671 County Road E – Case No. 18-6-V

REQUEST

A sign variance an additional 320 square feet of signage or a total of 782 square feet when the Sign Code allows 200 square feet for a single tenant store of this size.

SUMMARY

Other than the applicant, no one spoke to the matter. Commissioner Divine was unable to attend the Planning Commission meeting due to a family obligation, but did indicate in an e-mail that she would not be in favor of the sign variance as requested.

RECOMMENDED COUNCIL ACTION

On a 6-0 vote, the Planning Commission recommended approval of the variance as requested.

ATTACHMENTS

Resolution of Approval
E-Mail Correspondence from Commission Divine

RESOLUTION NO. _____

**RESOLUTION GRANTING A SIGN VARIANCE FOR
FESTIVAL FOODS LOCATED AT 2671 COUNTY ROAD E
WITHIN THE CITY OF WHITE BEAR LAKE, MINNESOTA**

WHEREAS, a proposal (18-6-V) has been submitted by Festival Foods to the City Council requesting approval of a variance from the Sign Code of the City of White Bear Lake for the following location:

LOCATION: 2671 County Road E

LEGAL DESCRIPTION: Lot 1, Block 1, White Bear Hills Shopping Center.
(PID #: 253022440084)

WHEREAS, THE APPLICANT SEEKS THE FOLLOWING RELIEF: A 320 sq. ft. variance from the 200 sq. ft. limit per Code Section 1202,140, Subd.2 in order to retain the existing 462 square feet of signage, in addition to inclusion of five illuminated display areas (“mural images”) that consist of 64 square foot images of food resulting in a total of 782 square feet when the Sign Code allows 200 square feet for a single tenant store of this size; and

WHEREAS, the Planning Commission has held a public hearing as required by the city Zoning Code on June 25, 2018; and

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

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

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

FURTHER, BE IT RESOLVED, that the City Council of the City of White Bear Lake hereby

approves the requests, 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. There shall be no copy, text, or commercial brands incorporated into the images.
4. Images shall be maintained in a high-quality condition, including replacement of faded images.
5. Per the Sign Code, permanent window signs count towards wall signage. The allowed wall signage has been maximized with the approved variances, therefore, no permanent window signs are allowed. Prior city approval shall be obtained before displaying any temporary signage.

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

Ayes:
Nays:
Passed:

Jo Emerson, Mayor

ATTEST:

Kara Coustry, City Clerk

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

Applicant's Signature

Date

Print Name & Title

From: [Mary Divine](#)
To: [Anne Kane](#); [Samantha Crosby](#)
Subject: Planning Commission tonight
Date: Monday, June 25, 2018 3:08:41 PM

Hi Anne and Sam,

I'm not sure who I'm supposed to send an email about not being able to attend tonight. My daughter has a class she can't miss and my son-in-law has to work late, so she's begging me to babysit.

For what it's worth, if I was there I would vote no on the Festival signs. They are already well over the allotted signage and I don't think a lighted plastic vegetable qualifies as a mural. Even with no writing, it's still a sign. So in my mind they are getting an additional five lighted signs. They certainly don't have a need for additional visibility or identity.

Sorry I can't make it.

Mary Alice Divine

4819 Wood Ave.

White Bear Lake, MN 55110

651-426-5646

madivine@comcast.net



City of White Bear Lake
Community Development Department

MEMORANDUM

To: Ellen Richter, City Manager
From: The Planning Commission
Through: Samantha Crosby, Planning & Zoning Coordinator
Date: July 3, 2018 for the July 10, 2018 City Council Meeting
Subject: **GILLESPIE – Variance**
4916 Morehead Avenue, Case No. 18-7-V

REQUEST

A 10 foot variance from the 20 foot rear yard setback requirement for a garage with a door facing an alley, in order to construct a two-car detached garage to serve the existing duplex.

SUMMARY

Other than the applicant, no one spoke to the matter.

RECOMMENDED COUNCIL ACTION

On a 6-0 vote, the Planning Commission recommended approval of the variance as requested.

ATTACHMENTS

Resolution of Approval

RESOLUTION NO. _____

**RESOLUTION GRANTING A SETBACK VARIANCE
FOR 4916 MOREHEAD AVE
WITHIN THE CITY OF WHITE BEAR LAKE, MINNESOTA**

WHEREAS, a proposal (18-7-V) has been submitted by Dawn Gillespie to the City Council requesting approval of a variance from the Zoning Code of the City of White Bear Lake for the following location:

LOCATION: 4914/4916 Morehead Ave

LEGAL DESCRIPTION: Lot 10, Block 20, Auerbach's Rearrangement of Part of White Bear, Ramsey County, MN (PID #133022230015)

WHEREAS, THE APPLICANT SEEKS THE FOLLOWING a 10 foot variance from the 20 foot setback required for a garage with the door facing an alley, per Code Section 1302.030, Subd.4.h.2, in order to construct a two-car detached garage to serve the existing duplex and maintain some rear yard area for the tenants.

WHEREAS, the Planning Commission held a public hearing as required by the Zoning Code on June 25, 2018; and

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

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

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

FURTHER, BE IT 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.
2. Per Section 1301.060, Subd.3, the variance shall become null and void if the project has not been completed or utilized within one (1) calendar year after the approval date, subject to petition for renewal. Such petition shall be requested in writing and shall be submitted at least 30 days prior to expiration.
3. The applicant shall verify the property lines and have the property pins exposed at the time of inspection.
4. The exterior materials of the garage shall match the residence in type and color within 2 years.
5. A building permit shall be obtained before any work begins.

Prior to the issuance of building permits:

6. Impervious area mitigation plan shall be submitted, subject to engineering department approval.

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

Ayes:
 Nays:
 Passed:

 Jo Emerson, Mayor

ATTEST:

 Kara Coustry, City Clerk

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

 Dawn Gillespie Date



City of White Bear Lake
Engineering Department

MEMORANDUM

To: Ellen Richter, City Manager

From: Mark Burch, P.E., Public Works Director/City Engineer

Date: June 25, 2018

Subject: **Final Payment to Northwest Asphalt & Maintenance for completion of the 2018 Crack Sealing Program – City Project No. 18-03**

BACKGROUND/SUMMARY

Northwest Asphalt has completed all work specified in their contract for the 2018 Crack Sealing Program. The work has been inspected by the Engineering Department. We recommend that the City Council accept the work and authorize final payment in the amount of \$64,664.00. The original contract amount for this project was \$64,900.00 and the difference is due to the unit price nature of this contract. The quantity of sealant applied was slightly less than anticipated.

RECOMMENDED COUNCIL ACTION

Staff recommends the Council adopt the resolution authorizing final payment in the amount of \$64,664.00 for completion of the 2018 Crack Sealing Program.

ATTACHMENTS

Resolution

RESOLUTION NO.: _____

**RESOLUTION ACCEPTING WORK AND AUTHORIZING FINAL PAYMENT
TO PRECISION SEALCOATING, INC. FOR THE 2018 CRACK SEALING PROGRAM
CITY PROJECT NO.: 18-03**

WHEREAS, pursuant to a written contract in the amount of \$64,900.00, signed with the City of White Bear Lake, Northwest Asphalt & Maintenance of Thief River Falls, Minnesota, has satisfactorily completed the 2018 Crack Sealing Program, in accordance with such contract.

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

BE IT FURTHER RESOLVED that the City Clerk and Mayor are hereby directed to issue final payment in the amount of \$64,664.00 for the 2018 Crack Sealing Project.

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

Ayes:
Nays:
Passed:

Jo Emerson, Mayor

ATTEST

Kara Coustry, City Clerk



City of White Bear Lake
Finance Department

MEMORANDUM

To: Ellen Richter, City Manager
From: Don Rambow, Finance Director
Date: July 5, 2018
Subject: **Bellaire Center – Comcast Rental Agreement**

BACKGROUND

Four tenants currently utilize the Bellaire Center located at 2446 County Road F E. The tenant leases all expired in June 2018. Last month, three lease agreements were renewed for a two-year period. The Comcast/Ramsey Washington Suburban Cable Commission (RWSCC) lease remained open; however, the parties indicated that their desire to continue facility utilization.

RWSCC utilizes approximately 85% or 13,216 of square feet while Comcast utilizes approximately 15% or 2,000 square feet of the lease space. Comcast, RWSCC, and member-communities have been working on franchise renewal. The current franchise agreement was recently extended until March 31, 2019 in order to provide sufficient time to complete informal renewal negotiations.

The current lease for use of the space is between Comcast and the City. RWSCC then sub-leases space from Comcast. This provision, however, is being reviewed within the context of current franchise renewal negotiations. It is therefore proposed that the lease be extended for a one year period (6/1/18 – 5/31/19), which would line up with the Comcast's franchise agreement renewal schedule.

SUMMARY

Based upon discussion, a one-year lease extension (June 1, 2018 – May 31, 2019) of the current lease agreement is proposed. This extension increases base rent by 2.0% (\$10.17 per square feet) with all operating costs (\$3.45 per square feet) paid by the leaseholder.

RECOMMENDATION

Staff recommends the City Council approve a one-year (June 1, 2018 – May 31, 2019) lease extension with Comcast which increases base rent by 2.0% and recovers the facility's operating expense. It also recognizes Comcast's desire to enter into a long-term lease beyond May 31, 2019.

ATTACHMENTS

Resolution

RESOLUTION NO. _____

RESOLUTION ESTABLISHING RENTAL RATES FOR COMCAST CABLE

WHEREAS, the City has rented space at 2446 County Road F to Comcast Cable; and

WHEREAS, Comcast Cable and the City have determined it is mutually beneficial to extend the lease.

NOW, THEREFORE, BE IT RESOLVED, be it resolved, that the City Council of the City of White Bear Lake, that a lease between Comcast Cable and the City of White Bear Lake shall be extended with the following changes made to the present lease:

Term: 1 year – June 1, 2018 – May 31, 2019

Effective Date: June 1, 2018

Base Rent: June 1, 2018 base rent at \$10.17 per square foot.

Operating Rent June 1, 2018 operating rent established at \$3.45 per square foot.

BE IT FURTHER RESOLVED that the City recognizes that a upon completion of a franchise agreement between Comcast Cable and Ramsey Washington Suburban Cable Commission, on behalf of the City of White Bear Lake, that it is Comcast Cable’s desire to enter into a long-term lease for the facility; and

BE IT FURTHER RESOLVED, that the Mayor and City Manager are authorized and hereby directed to execute said lease on behalf of the City.

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

Ayes:

Nays:

Passed:

Jo Emerson, Mayor

ATTEST:

Kara Coustry, City Clerk



REGULAR MEETING OF THE WHITE BEAR LAKE CONSERVATION DISTRICT
7:00 P.M. WHITE BEAR CITY HALL
MINUTES OF **May 15, 2018**

APPROVAL DATE: ~~Not Approved~~ *June 19, 2018*

1. CALL TO ORDER The May 15, 2018 meeting of the White Bear Lake Conservation District was called to order by Chair Bryan DeSmet at 7:00 pm in the White Bear Lake City Hall Council Chambers.

2. ROLL CALL Present were: Chair Bryan DeSmet, Vice Chair Mark Ganz; Secretary/Treasurer Diane Longville, Directors: Mike Parenteau, Scott Costello, Susie Mahoney, Geoff Ratte, Barton Winter; Brady Ramsay and Marty Rathmanner. A quorum was present.

3. APPROVAL OF AGENDA -Chairperson DeSmet asked for any changes to tonight's agenda
None

4. APPROVAL OF MINUTES OF – April 17, 2018 Board Meeting
Motion (DeSmet/Second) Moved to approve with corrections all aye passed.

5. PUBLIC COMMENT TIME – None

6. NEW BUSINESS
None

7. UNFINISHED BUSINESS – Director Mahoney inquired as to the items that were requested to be changed on the February board meeting minutes, how she could verify the corrections were made if she does not receive a copy. Explained that when corrections are to be made to minutes the revised version is filed in our office as well as the copy posted on our website will have the revisions. We also post the video version of each meeting on our website which also validates what was actually said at each meeting.

8. REPORTS/ACTION ITEMS
Executive Committee – None

9. Lake Level Resolution Committee – None

10. Lake Quality Committee – Mike Parenteau

- Lake Level – 923.35 last year on the 17th 923.20
- Lake water temperature – 56 degrees last year 58 degrees
- EWM approved survey will be done 1st week of June. Requesting approval for treatment this year expanding our search will go deeper this year 8 ft. and will double the dosage/strength of the product. Will treat the usual 62 acres and also looking to see if there if there are any additional areas that need treatment. Will try a few different products and

mixtures to see if they work better on some of the small areas. Our budget is \$36,000, the extra treatment of acres and use of some new products could make the cost increase, therefore, making a motion requesting an additional expenditure up to \$46,000 not to exceed \$46,000 be allowed for the summer of 2018 treatment.
(Motion Parenteau/Second) all aye passed.

Treatment should be ready to start the second week of June depending on the weather.

11. Lake Utilization Committee – Mark Ganz

- Multiple Docks License (all below motioned Ganz, seconded and passed)
 - Andrew Kruse - Approved
 - White Bear Lake Fireworks Committee – Approved Fee waived.
 - Noise Complaints – Have received noise complaints loud music from commercial boat. Will have a talk with the owner. Also complaints in regards to night fishing bright lights disturbing homeowners. Will check into this to see what can be done. If receive complaints direct them to call Ramsey County Water Patrol.

12. Lake Education – Scott Costello

Website redesign in process. Looking for White Bear Lake pictures all seasons and events.

13. Treasurer’s Report

Motion (Longville/Second) approval of May 2018 Treasurer’s report and payment of check numbers 4489-4494 All aye passed.

Budget 2019 Planning – reviewed by line item amounts to be budgeted for 2019. Some changes were made and will be updated on the spreadsheet for next month’s meeting and approval.

Approval to purchase new office computer – Kim Johnson requested the purchase of a new computer for the office to bring it up to current standards, increase speed and storage. Cost being approximately \$640. Motion (DeSmet/Second) to expense purchase of new computer for the office out of the fund balance. All aye passed.

14. Board Counsel – Alan Kantrud

Legislative bill and legal suit updates.

15. CONSENT AGENDA

Motion (Longville/Second) Move to accept the consent agenda All Aye. Passed

16. ANNOUNCEMENTS

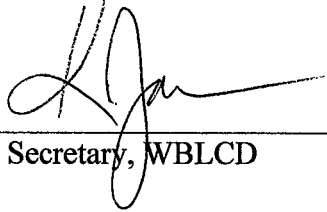
Director Rathmanner received a request from the organization H2O for a grant of \$10,000. After discussion the board has asked Director Rathmanner to invite H2O to attend our next meeting and show us what the grant is for and how it will be spent. Is this a 1 time grant or a yearly commitment?

17. ADJOURNMENT

Motion (DeSmet/Second) MOVE TO ADJOURN all aye passed.
Meeting Adjourned at 7:50 pm

ATTEST:

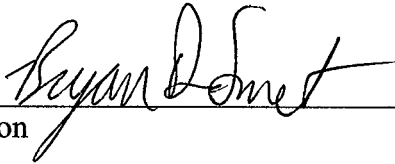
Kim Johnson
Administrative Secretary, WBLCD



6/19/18
Date

APPROVED:

Bryan DeSmet
Board Chairperson



6-19-18
Date

City of White Bear Lake Environmental Advisory Commission

MINUTES

Date: May 16, 2018	Time: 6:30pm	Location: WBL City Hall
COMMISSION MEMBERS PRESENT	Sheryl Bolstad, Chris Greene, Bonnie Greenleaf, Gary Schroeher (Chair), June Sinnett	
COMMISSION MEMBERS ABSENT	None	
STAFF PRESENT	Connie Taillon	
VISITORS	None	
NOTETAKER	Connie Taillon	

1. CALL TO ORDER

The meeting was called to order at 6:38 pm.

2. APPROVAL OF AGENDA

The commission members reviewed the agenda and added the 4 Square Flats proposed development project and open house to item 7, commission member updates. Commissioner Bolstad moved, seconded by Commissioner Greene, to approve the agenda as amended. Motion carried, vote 5/0.

3. APPROVAL OF MINUTES

a) March 21, 2018 meeting

The commission members reviewed the March 21, 2018 draft minutes and had the following change: item 5a, paragraph eight, change Gosse to Goose. Commissioner Sinnett moved, seconded by Commissioner Greene, to approve the minutes of the March 21, 2018 meeting as amended. Motion carried, vote 5/0.

b) April 18, 2018 meeting

Commissioner Greene submitted language revisions for Item 4. Visitors and Presentations via email prior to the meeting. The commission members reviewed the revised April 18, 2018 draft minutes and had no additional changes. Commissioner Bolstad moved, seconded by Commissioner Sinnett, to approve the minutes of the April 18, 2018 meeting as amended. Motion carried, vote 5/0.

4. VISITORS & PRESENTATIONS

Nick Voss, Educational Coordinator with the Vadnais Lake Area Water Management Organization (VLAWMO), gave an overview of his new storm drain stenciling and adopt a storm drain programs that he started last year.

Groups such as scout troops can schedule a storm drain stenciling event. Interested participants rent a stenciling kit for free that includes a stencil, spray paint, safety vest, gloves, safety glasses, dust mask, garbage bag, traffic cones, broom, dustpan, brochures, instructions, and a stencil tracking sheet. Nick also created a storm drain stenciling training video that is posted on VLAWMO's website. Nick will choose stenciling locations based on priority areas such as the Goose Lake watershed; however, groups can request other areas as well. Nick maintains a current GIS map of all storm drains that are stenciled. Painted stencils last only 1 to 2 years. Scout troops redo the same drains each year so the paint stays fresh. As an option to painted stencils, a medal medallion can be secured to the top of curb using sticky tape. The medallions are easier to install and cleaner looking but the cost is higher than paint stenciling. A set of 20 medallions cost \$80.00. Commissioner Schroeher noticed medallions on Cedar and McKnight and said they are very visible.

Landowners can register with VLAWMO to adopt a stormdrain near their property. Participants receive an instruction packet and medallion to place on the curb above their adopted stormdrain. Throughout the season, participants clean up grass clippings and other debris near the drain and report to VLAWMO on how much debris was collected each year. Nick recently attended a watershed partners meeting through Hamline University and they just rolled out a metro-wide adopt a stormdrain program. The website is now live but the program will not be accessible until July or August. There will be three options for the level of participation (tier 1, tier 2, and tier 3). Tier 1 is the basic level where residents sign up and have the option of purchasing a packet and yard sign. With tier 2, the City/Watershed District pays a fee for the participant and there is access to promotional materials. Tier 3 includes custom signs/door hangers and an option where the City/Watershed District can choose specific subwatersheds to target. Nick suggested that we meet with all of our Watershed Districts to determine what tier they have chosen.

5. UNFINISHED BUSINESS

a) Environmental Resource Expo

Commissioner Greene reported that the boy scouts would be able to help set up and take down again this year. Commission members mentioned that we would need at least five scouts to help. Commissioner Bolstad reported that Tamarack Nature Center confirmed attendance. She has not heard from the tiny house or Alliance for Sustainability. Commissioner Sinnett volunteered to contact Metro Transit. Staff will contact Good Things to ask if they need to use the City’s chairs for their annual sale.

b) Downtown area recycling

No discussion

c) Review last month’s do-outs

Commissioner Greenleaf dropped off the storm sewer map at City Hall last week. Commissioner Schroeder asked to keep the CERT invite on the current do-out list. Commission members will ask other communities about recycling in public spaces at a future Metro Environmental Commission Conference.

6. NEW BUSINESS

a) Comprehensive Plan – Sustainability Section

The commission members reviewed the draft sustainability section of the Comprehensive Plan. Commissioner Greenleaf mentioned that we must already be close to our goal of reducing land disposal of solid waste to 1% because of the trash to energy program. She also asked what community garden we are referring to in the second paragraph of the Healthy Living/Food Access section. Staff stated that there is a community garden at a local church north of Stellmacher Park. Commissioner Bolstad asked if the statement “The City has lowered its carbon footprint by 80%” under the Vision for 2040 section is for the entire City or just City operations. Staff stated that it is most likely for City operations only and will revise the wording to state that the carbon footprint for City operations was been lowered by 80%.

b) New do-outs

Commission Members

- Continue to contact exhibitors for the Environmental Resource Expo
- Research metro wide adopt a stormdrain program and report at the June meeting. Think about next steps for storm drain stenciling/adopt a stormdrain program

Staff

- Email link for SWPPP presentation to Commissioners
- Forward solar email from Julie Drennen, Conservation MN

- Add the Metro Environmental Commission Conference on the June meeting agenda
- Contact Good Things re: chairs at the Armory

7. DISCUSSION

• Staff Updates

- Staff passed around a copy of the annual SWPPP meeting PowerPoint presentation that Mark Burch, City Engineer, presented to City Council on April 24th. Mark Burch summarized the City's 2017 stormwater activities for education and outreach, public participation and involvement, illicit discharge detection and elimination, construction site stormwater runoff control, post construction stormwater management, and pollution prevention/good housekeeping for municipal operations.

• Commission Member Updates

- Commissioner Greene gave an update on the 4 Square Flats community meeting that he attended. His environmental concerns for the project include the impervious surface ratio, potential increase in traffic at the intersection of County Road E and Bellaire, the amount of business waste generated, and where the waste will be stored. Staff stated that the City would require rate control and water quality treatment for the impervious surfaces.

• June Agenda

Metro Environmental Commission Conference discussion.

8. ADJOURNMENT

The next meeting will be held on June 20, 2018, 6:30pm at City Hall. Commissioner Sinnett moved, seconded by Commissioner Greene, to adjourn the meeting at 8:49 pm. Motion carried, vote 5/0.

MINUTES
PLANNING COMMISSION MEETING
CITY OF WHITE BEAR LAKE
June 25, 2018

The regular monthly meeting of the White Bear Lake Planning Commission was called to order on Monday, June 25, 2018, beginning at 7:00 p.m. in the White Bear Lake City Hall Council Chambers, 4701 Highway 61, White Bear Lake, Minnesota by Chair Jim Berry.

1. CALL TO ORDER/ROLL CALL:

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

MEMBERS EXCUSED: Mary Alice Divine.

MEMBERS UNEXCUSED: None.

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

OTHERS PRESENT: Gary Gillespie, Dawn Gillespie and Jason Herfel.

2. APPROVAL OF THE MONTH JUNE 25, 2018 AGENDA:

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

3. APPROVAL OF THE MONTH MAY 29, 2018 PLANNING COMMISSION MEETING MINUTES:

Member Baltzer moved for approval of the minutes. Member Reis seconded the motion, and the minutes were approved unanimously (6-0).

4. CASE ITEMS:

A. Case No. 18-5-V: An application by **Leah Nicholson** for an 8 foot variance from the 30 foot rear yard setback requirement, per Code Section 1303.050, Subd.5.c.3; a 5 foot 3 inch variance from the 30 foot setback requirement required along a side abutting a public right-of-way, per Code Section 1303.230, Subd.5.a.4; and a 1 foot variance from the 2 foot maximum encroachment for an eave, per Code Section 1302.040, Subd.4.a.1; all in order to construct a 733 square foot attached garage with a second floor addition above for the property located at 2309 10th Street. (Continued at the request of the applicant.)

Crosby requested the Commission continue this item to the July Planning Commission meeting at the request of the applicant.

The Planning Commission agreed to continue the item to the July 30, 2018 Planning Commission meeting.

- B. Case No. 18-6-V:** An application by **Festival Foods** for a variance to add exterior signage to the existing store front; 192 square feet to the east elevation and 129 square feet to the south elevation, per Code Section 1202.040, Subd.2.A.1, in order to install a total of 320 square feet of “mural signs” in addition to the 462 square feet of existing signage located at 2671 County Road E.

Kane discussed the case. She pointed out the condition that there be no copy, text, logo or brand images in the graphics. Also, staff received an email from Commissioner Divine today, which noted that she opposes the proposed exterior signage. Staff recommended approval of the variance.

Lynch asked if the proposed signage would be similar to those used at a movie theater. Kane stated this was correct. Lynch indicated the proposed signage does not match the definition of a “mural” in his mind but stated he could support the request.

Baltzer commented he liked the way the signs would break up the expanse of the building frontage.

Berry opened the public hearing.

Jason Herfel, Festival Foods representative at 2671 East County Road E, thanked the Commission for their consideration and reported Festival Foods celebrated their 42nd Anniversary in White Bear Lake on June 7th. He stated Festival Foods has enjoyed being in the community and noted these images were being proposed to warm the exterior of the building.

Reis asked if the exterior graphics would be changing periodically. Mr. Herfel reported this would be the case. He anticipated the graphics would be changed seasonally.

Lynch stated he appreciated the fact that the signage would have some variety. Mr. Herfel commented he would work to keep the signage current and relevant.

As no one else came forward, Berry closed the public hearing.

Reinhardt asked what would happen if the applicant were not in compliance with the City’s conditions of approval. Kane reported the variance could be revoked.

Member Reis moved to recommend approval of Case No. 18-6-V. Member Reed seconded the motion. The motion passed by a vote of 6-0.

Berry explained that this matter would be addressed by the City Council on July 10, 2018.

- C. Case No. 18-7-V:** An application by **Dawn and Gary Gillespie** for a 10-foot variance from the 20-foot setback required for a detached garage with the door facing an alley, per Code Section 1302.030, Subd.4.h.2, in order to construct a two-car detached garage to serve the existing duplex at 4916 Morehead Avenue.

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

Lynch inquired about the trench drain. Crosby commented that it is a stormwater mitigation technique similar to a French drain, but horizontal, like a trench.

Berry opened the public hearing.

Gary Gillespie, 4916 Morehead Avenue, explained he was proposing to center the garage on the property so neither of the neighbors have to cross each other to access the garage.

Berry thanked Mr. Gillespie for coming forward with a good proposal.

As no one else came forward, Berry closed the public hearing.

Member Reinhardt moved to recommend approval of Case No. 18-7-V. Member Lynch seconded the motion. The motion passed by a vote of 6-0.

Berry explained that this matter would be addressed by the City Council on July 10, 2018.

5. DISCUSSION ITEMS:

- A.** City Council Meeting Minutes of June 12, 2018.
- B.** Park Advisory Commission Meeting Minutes of June 21, 2018 – not available.
- C.** Staff Update

Kane provided the Commission with an update on the Four Square Flats redevelopment which the developer has decided not to pursue. She discussed the new staff members that had been hired. She reported the City Council would be holding a work session meeting on June 26th.

6. ADJOURNMENT:

Member Baltzer moved to adjourn, seconded by Member Reis. The motion passed unanimously (6-0), and the June 25, 2018 Planning Commission meeting was adjourned at 7:40 p.m.



City of White Bear Lake
City Manager's Office

MEMORANDUM

To: Mayor and Council
From: Ellen Richter, City Manager
Date: July 5, 2018
Subject: **Public Safety updates**

DISPATCH CONVERSION

The City converted to Ramsey County Dispatch services on May 1, 2018. Since the conversion, the lobby of the Public Safety building has remained open from 8:00 a.m. – 10:00 p.m., M-F. A phone that rings directly to non-emergency dispatch was placed in the lobby of the Public Safety Building to provide a mechanism to reach someone in the event staff is unavailable.

Chief Julie Swanson will provide an update and answer Council's questions regarding the transition of dispatch services to Ramsey County.

DUTY CREWS

The Fire Department implemented duty crews on May 1st to coincide with the dispatch conversion to Ramsey County. Duty crews establish designated shifts, which ensures more consistent, reliable service to the community.

Chief Greg Peterson will provide an update on duty crews and answer the Council's questions regarding the implementation of this scheduling model.



City of White Bear Lake
City Manager's Office

MEMORANDUM

To: Ellen Richter, City Manager
From: Kara Coustry, City Clerk
Date: July 5, 2018
Subject: Charitable Gambling

BACKGROUND

Staff has had conversations over the past few months with representatives from the Hockey Association regarding the limit on the number of establishments at which a charitable gambling organization can operate. The Hockey Association has requested the limit be increased from three (3) to four (4) in order to operate at Manitou Grill and Event Center. There has been, however, opposition to increasing the limit expressed by another local charitable gambling organization.

Increasing the limit would require an amendment to the existing ordinance. Below is a brief history of charitable gambling and some general information regarding current gambling operations in White Bear Lake.

History of Charitable Gambling

Prior to passage of the 1945 Bingo Law, all forms of gambling in the state of Minnesota were illegal. The new law allowed nonprofit organizations to conduct bingo unless otherwise prohibited by local units of government. While limited in its scope, the bingo law embodied principles of regulation still in effect today. It established that bingo was to be played only as a noncommercial fundraising activity, limiting bingo to nonprofit organizations, prohibiting private use of profits, and limiting compensation to workers.

In 1976, the legislature substantially extended the scope of bingo regulation with the intent to “regulate the conduct of bingo and prevent its commercialization”. There were a variety of legislative amendments that followed through 1981, leading up to the 1984 Charitable Gambling Law which transferred regulation from local governments to a newly created state Charitable Gambling Control Board.

Charitable Gambling regulation, taxation, auditing, and enforcement is now divided among three state agencies: Gambling Control Board, Alcohol and Gambling Enforcement Division of Public Safety, and the Department of Revenue. The only types of gambling that may be conducted by nonprofit organizations are pull-tabs, bingo, paddlewheels, tipboards and raffles. Organizations are issued a license through the state Gambling Control Board, and are required to obtain a separate premises permit for each location where gambling will be conducted.

Local Authority, as defined by state statute

Even though the legislature abolished sole authority for local licensing of gambling activity in 1984, the law still allows for extensive local authority in licensing and regulation. Each premises permit must be approved by the city or county having jurisdiction over the location in advance of board consideration; county has jurisdiction if a city chooses not to regulate. A city also has the authority to adopt more stringent regulations, including the complete prohibition of gambling within its jurisdiction.

If a city allows charitable gambling, it can require that all or part of lawful purpose expenditures raised from gambling within its jurisdiction be spent on activities within its trade area; the trade area is defined by the city. Furthermore, a city can require an organization to contribute up to 10 percent of its net gambling profits for “lawful purpose expenditures” specified by the city. It may also levy a tax up to 3 percent of an organization’s net gambling receipts, as long as the revenues are used for gambling regulation (law enforcement, licensing, et al).

Local Gambling Regulations

White Bear Lake first passed an ordinance in 1966, which has since undergone five (5) amendments, the most recent adopted in 2000 to amend a section related to coin operated devices. Most of what is included in the ordinance, as attached, are definitions provided in state statute.

As noted above, the City has authority to determine the percentage of profits a charitable organization must spend within the defined trade area, allowing for up to 100%. White Bear Lake requires that 50% be spent within the trade area. State law also provides cities the authority to limit the number of establishments at which any given organization can operate. White Bear Lake limits this to three (3). Surrounding communities vary in their approach to charitable gambling, with some deferring to the County to regulate. Mahtomedi permits one establishment per organization, Vadnais Heights two (2), Roseville three (3), and Maplewood four (4). Hugo does not exercise its local authority to regulate charitable gambling, and White Bear Township, as a Township form of government, does not have local authority.

In 2017, \$2.7 million in net receipts from gambling proceeds were reported, (net receipts are dollars realized after prizes are paid out); there were considerable related allowable expenses paid out from these receipts. Each charitable organization reports on its monthly activities, records for which the City keep. Included among allowable expenses are rent, wages, taxes, and donations to local activities. The net receipts, less these monthly allowable expenses, result in net profits, which are generally saved for larger projects and/or initiatives.

Bars and restaurants that host a charitable gambling organization are permitted to charge “rent” of up to 10% of net receipts, (maximum of \$1,750 for pull-tabs), which ranges from \$1,400 - \$4,800 monthly, depending upon the establishment. Total net gambling receipts reported in 2017 were divided among organizations licensed within the City of White Bear Lake as follows:

- Hockey Association (three locations): 54%
- Lions Club (three locations): 20%
- American Legion (one location): 6%
- VFW (one location): 14%
- Basketball Association (one location): 3%
- Ski Otters (two locations): 3%

SUMMARY

The Hockey Association is requesting the City to consider an amendment to its ordinance regulating Charitable Gambling to increase the limit on the number of establishments at which an organization can operate, from three (3) to four (4). Staff is asking Council whether or not they would like to pursue such an amendment, and would be glad to follow up with additional information for consideration, if so requested.

ATTACHMENT

Gambling Ordinance

1111. Raffles and Gambling Devices

§1111.010 RAFFLES AND GAMBLING DEVICES; DEFINITIONS. For the purposes of this chapter, certain words and terms are defined as follows:

Subd. 1. Active Member. A member who has paid all his dues to the organization and has been a member of the organization for at least six (6) months.

Subd. 2. Gambling Devices. Those gambling devices known as paddle wheels; "tip boards", pull-tabs (or ticket jars) or apparatus used in conducting raffles.

Subd. 3. Lawful Purpose. One or more of the following:

- (a) Benefiting persons by enhancing their opportunity for religious or educational advancement, by relieving or protecting them from disease, suffering or distress, by contributing to their physical well-being, by assisting them in establishing themselves in life as worthy and useful citizens, or by increasing their comprehension of and devotion to the principles upon which this nation was founded;
- (b) Initiating, performing or fostering worthy public works or enabling or furthering the erection or maintenance of public structures;
- (c) Lessening the burdens borne by government or voluntarily supporting, augmenting or supplementing services which government would normally render to the people; or,
- (d) The improving, expanding, maintaining or repairing real property owned or leased by an organization.

"Lawful purpose" does not include the erection or acquisition of any real property, unless the local unit of government specifically authorizes the expenditures after finding that the property will be used exclusively for one or more of the purposes specified in this clause.

Subd. 4. Paddle Wheel. A wheel marked off into sections containing one (1) or more numbers, and which, after being turned or spun, uses a pointer or marker to indicate winning chances.

Subd. 5. Net Profit. The gross receipts from the operation of gambling devices and the conduct of raffles, less reasonable sums expended for prizes, local licensing fees, taxes and maintenance costs for the devices. (Ref. Ord. 912, 6/28/94)

Subd. 6. Pull-Tabs or Ticket Jars. A single folded or banded ticket or a card, the face of which is initially covered, or otherwise hidden from view, to conceal a number or set of symbols out of every set of pull-tabs (or ticket jars) will have been designated in advance and at random as prize winners. A participant pays a consideration to an operator for the opportunity to obtain a folded or banded ticket or a card, view the numbers or symbols on it and possibly obtain a prize winning pull-tab (or ticket jar).

Revised

Subd. 7. Raffle. A game in which a participant buys a ticket for a chance at a prize, the winner determined by a random drawing to take place at a location and date printed upon the ticket.

Subd. 8. Tipboard. A board, placard, or other device measuring at least twelve (12) inches square, marked off in a grid or columns, in which each section contains a hidden number or numbers, or other symbol, which determines the winning chances. (Ref.Ord. No. 644, 11/12/80)

§1111.020 RAFFLES AND GAMBLING DEVICES; EXCEPTIONS. Nothing in this chapter shall be construed to authorize any use, possession or operation of:

1. Any gambling device which is activated by the insertion of a coin or token; or

2. Any gambling game or device in which the winning numbers, tickets or chances are in any way determined by the outcome of any athletic contest or sporting event. (Ref. Ord. No. 644, 11/12/80)

§1111.030 RAFFLES AND GAMBLING DEVICES; LICENSE REQUIRED LIMITATION, APPLICATION. No person shall directly operate a gambling device or conduct a raffle except as authorized by statute and this Code and unless a license from the State of Minnesota to do so has first been obtained. Licenses for the conduct or operation of raffles or gambling devices shall be issued only to religious, fraternal, veterans or other non-profit organizations not organized for pecuniary profit and duly existing under the laws of the State of Minnesota; provided that the proceeds therefrom are not to inure to the profit of any individual; provided further, that said organization shall have been in existence for at least three (3) years, shall have at least thirty (30) active members and shall comply with Minnesota Statutes Chapter 349. (Ref. Ord. 736, 12/9/86)

Application for a license to conduct raffles or to operate gambling devices shall be made to the Minnesota Charitable Gambling Board with notice given to the City thirty (30) days prior to action by the State to approve or deny. (Ref. Ord. No.644, 11/12/80; 736, 12/9/86).

§1111.040 Deleted (Ref. Ord. 736, 12/9/86)

§1111.050 Deleted (Ref. Ord. 736, 12/9/86)

§1111.060 Deleted (Ref. Ord. 736, 12/9/86)

§1111.070 RAFFLES AND GAMBLING DEVICES OPERATIONAL REQUIREMENTS.

Subd. 1. Prize Limits. Total prizes from the operation of paddle wheels, tipboards and pull-tabs or ticket jars shall not exceed limits established by the State of Minnesota.

Subd. 2. Premises. Gambling devices shall be operated and raffles conducted by a licensed organization only upon premises which it owns or leases except that tickets for raffles conducted in accordance with this chapter may be sold off the premises. Leases shall be for a period of not less than one (1) year and shall be in writing. The City Council may authorize raffles to be conducted by a licensed organization on the premises not owned or leased by the organization. Copies of all leases shall be provided to the City Clerk at the time of application.

Subd. 3. Records and Reports. All qualified charitable organizations selling or operating gambling devices in White Bear Lake shall keep monthly financial records as required by Minnesota Statutes Chapter 349 and shall submit copies of said records no later than January 30, April 30, July 30 and October 30 for the three (3) prior calendar months. Additionally, the qualified charitable organization shall report on or before the dates above the exact purpose and location of contributions made from the gambling proceeds. (Ref. Ord. 736, 12/9/86; 912, 6/28/94)

Subd. 4. Profits. Profits from the operation of gambling devices or the conduct of raffles shall be used solely for lawful purposes as defined in Minnesota Statutes No. 349.12 and as authorized at a regular meeting of the organization. Not less than fifty (50) percent of the profits from the operation of gambling or the conduct of raffles earned by charitable organizations other than veteran's clubs shall be used for lawful purposes conducted or located within the City's trade area as defined as City of White Bear Lake, White Bear Township, Gem Lake, Vadnais Heights, Birchwood, Mahtomedi and Hugo. (Ref. Ord. 736, 12/9/86; 912, 6/28/94)

Subd. 5. Fidelity Bond. (Section deleted in its entirety.)

Subd. 6. Gambling Manager. A gambling manager for a single licensed organization shall not act as a gambling manager for any other licensed organization. (Ref. Ord. No. 644, 11/12/80)

The City may at any time conduct investigations or audits of gambling managers sufficient to ensure legal compliance and reporting.

Subd. 7. Other Requirements. In addition to satisfying the qualifications set forth in Minnesota Statutes, Chapter 349, the following requirements and qualifications must be complied with by all licensed organizations:

- A. May not have a gambling license in more than three establishments in the City of White Bear Lake.
- B. Shall register with the State Gambling Board all equipment and supplies used in a licensed "on-sale" liquor establishment.
- C. Shall be open to inspection by the White Bear Lake Police Department at any reasonable time without notice or warrant on all records including accounting and other bank records.

§1111.070

BUSINESS REGULATIONS

§1111.070

- D. Shall submit all addresses of on and off site locations of storage of records and materials.
- E. Upon renewal of the organization's gambling license, the following will be submitted: Names and addresses of all officers, directors and employees directly related to the conduct of gambling; a copy of written procedures and/or criteria of distribution of funds; a copy of internal control procedures.
- F. Shall notify the City in writing within ten (10) days of any changes in its officers, directors, or employees directly related to the conduct of gambling. (Ref. Ord. 912, 6/28/94; 977, 3/14/00)

THIS PAGE LEFT BLANK INTENTIONALLY.

MAY BE USED FOR FUTURE EXPANSION.

THIS PAGE LEFT BLANK INTENTIONALLY
MAY BE USED FOR FUTURE EXPANSION.

