



**MINUTES
REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF WHITE BEAR LAKE, MINNESOTA
WEDNESDAY, AUGUST 10, 2022
7:00 P.M. IN THE COUNCIL CHAMBERS**

1. CALL TO ORDER AND ROLL CALL

Mayor Dan Louismet called the meeting to order at 7 p.m. The Assistant City Manager took attendance for Councilmembers Kevin Edberg, Steven Engstran, Heidi Hughes, Dan Jones, and Bill Walsh. Staff in attendance were City Manager Lindy Crawford, Assistant City Manager Rick Juba, Community Development Director Jason Lindahl, City Clerk Caley Longendyke and City Attorney Rachel Tierney.

PLEDGE OF ALLEGIANCE

2. APPROVAL OF MINUTES

A. Minutes of the Regular City Council Meeting on July 26, 2022

It was moved by Councilmember **Engstran**, seconded by Councilmember **Jones**, to approve the regular City Council Meeting Minutes from July 26, 2022. Motion carried unanimously.

3. APPROVAL OF THE AGENDA

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

4. CONSENT AGENDA

- A. Acceptance of Minutes: June Park Board, July Planning Commission, June White Bear Lake Conservation District
- B. Resolution Approving Variances for 2503 Manitou Island, Raykowski
- C. Resolution Approving a Temporary Liquor License for the Church of St. Mary of the Lake

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

5. VISITORS AND PRESENTATIONS

- A. White Bear Lake Lions Club & Lions Club International Foundation Donation – All Abilities Playground

City Manager Crawford introduced the resolution to accept \$105,000 in donations from the White Bear Lake Lions Club and Lions Club International Foundation. The donations will go toward an all-abilities playground to be built at Lakewood Hills Park. The playground, which will be able to serve children of all physical abilities, is expected to cost \$600,000. City Manager Crawford said the amount of donations now totals \$480,000 with the new donations. Mayor Louismet and Councilmember Jones offered their thanks to the organizations for their donations and support of the project.

It was moved by Councilmember **Jones**, seconded by Councilmember **Engstran**, to approve the resolution accepting donations from the Lions Club and Lions Club International Foundation. Motion carried unanimously.

B. Prosecution Services Update

Prosecuting attorneys Heather Monnens and Robb Olson of GDO Law provided its annual update on the prosecution services for the City. Attorney Monnens discussed the evolving ability for processing court cases over the course of the pandemic. Court hearings that would be typically scheduled at the Suburban Courthouse in Maplewood were all shifted to video conferencing during the pandemic, with only the more serious offenses being prioritized by Ramsey County. Court hearings by video conference greatly reduced the amount of hearings and continues to be at a slower pace than pre-pandemic. Attorney Monnens explained that services have slowly returned to in-person, but some services are still mostly or completely through video conference. She explained that between the five-month pause of court hearings in 2020 and the slower rate of processing since then, it has created a massive backlog of cases.

Attorney Monnens shared that in the last two years has been a decriminalization of certain laws. She shared that the Ramsey County Attorney's Office is no longer going to prosecute certain cases due to the current backlog, however the majority of these are felony-level, drug-related cases. She explained that many suburb prosecutors are still interested in handling the cases and collaborating with police chiefs. City prosecution attorneys are taking felony-level cases and prosecuting them as gross misdemeanors. The backlog of cases and taking on cases turned down by the county attorney's office has greatly increased the amount of prosecution they're handling. Attorney Monnens is hopeful that the amount of cases will level out in the next year. She added that the prosecution team will be doing its annual training with the White Bear Lake Police Department, which includes updates on law and testimony training.

Mayor Louismet asked about the timeline for arraignments and petty court trials to return in person. Attorney Monnens said there are no plans to switch to in-person, and she pointed out benefits for online court trials. Mayor Louismet shared his concern regarding capacity of city prosecutors having to handle felony-level criminal cases which otherwise would have been handled by the Ramsey County Attorney's Office. Councilmember Jones asked what's being done to repeat offenders of ordinance violations of residential properties. Attorney Monnens said traffic and ordinance violations have been the lowest priority for the courts because of the backlog, however cases that have been resolved required the residential property owner to get in compliance within 60 days or they will get a probation violation. Councilmember Jones asked for stronger enforcement on this.

Councilmember Walsh asked for clarification on how city prosecutors end up with county-level cases. Attorney Monnens explained that the Ramsey County Attorney's Office will decline a case and send a letter to the city's police department. An investigator assigned to the case will get in touch with the city prosecutor to review the case for charges. The City of White Bear Lake Police Department and the prosecuting attorneys collaborate to move forward with prosecuting drug-related offenses.

6. PUBLIC HEARINGS

A. Second Reading of a Proposed Interim Ordinance Authorizing Studies and Imposing a Moratorium on the Sale of Cannabis Products and on the Establishment or Expansion of Tobacco Shops

At the July 26 City Council meeting, City Manager Crawford presented a first reading of the proposed resolution to adopt a moratorium ordinance on the sale of delta-9 tetrahydrocannabinol (THC) products in the City of White Bear Lake. The purpose of the moratorium would provide City staff more time to conduct research on the products and consider possible licensing procedures.

Mayor Louismet opened the public hearing at 7:35 p.m.

- Eva Droz, co-owner of Nothing But Hemp in downtown White Bear Lake, voiced concern on the proposed moratorium. She explained that House File 3595 provides more consumer safety by limiting the amount of milligrams of THC in products, prohibiting the sale of THC products to buyers under the age of 21 and requiring childproof packaging. She said the moratorium will hurt businesses and foresees consumers shipping in their products from elsewhere.
- Steven Brown, CEO of Nothing But Hemp in downtown White Bear Lake and member of the Minnesota Noxious Weed Advisory Committee, said he is a supporter of House File 3595 and invited City Council members to his business for an informational session to learn more about cannabinoids. Brown reiterated that the moratorium will not stop consumers from getting their products from out-of-state shipments or local deliveries from neighboring cities. He requests that businesses currently selling THC products be grandfathered in if a moratorium is adopted.

Mayor Louismet closed the public hearing at 7:44 p.m.

Mayor Louismet said there is much to be considered regarding the new legislation and what it would look like in White Bear Lake. He said the purpose of the moratorium is provide time for the City Council and City staff to consider procedures and learn more about the variation of products that are now considered legal in the state. The moratorium is proposed for a year, but Mayor Louismet said it doesn't need to last that long. Councilmembers discussed what would be grandfathered in if that was a consideration. It was clarified that there is a proposed moratorium preventing new tobacco shops from opening or current tobacco shops expanding, but current tobacco shops can still do business. There would be no grandfathering of the sale of THC products. The moratorium would stop the sale of THC products altogether, and it was noted that businesses would not be able to continue selling what they previously sold before July 1, because the state legislature is now regulating those items. Councilmember Edberg and Councilmember Jones asked questions specifically to Mr. Brown about his business. Councilmember Edberg encouraged exploring ways to prevent the moratorium to cause any establishment from going out of business.

Mayor Louismet recommended the council votes to table the resolution and allow for more time to do more research. There was discussion on whether councilmembers could vote on one

of the two sections of the moratorium that would temporarily prohibit new tobacco shops from opening or current tobacco shops from expanding. It was decided to table both sections of the proposed resolution.

It was moved by Councilmember Walsh, seconded by Councilmember Jones, to table this item until the second meeting in September. Motion carried unanimously.

7. UNFINISHED BUSINESS

Nothing scheduled

8. NEW BUSINESS

A. Resolution approving a variance for 2510 Manitou Island, Bruggeman

Community Development Director Jason Lindahl summarized the request at 2510 Manitou Island for a 1.5-foot height variance from the 4-foot solid wall height limit. The Planning Commission public hearing produced no comment. He said both the City staff and Planning Commission recommend approving the resolution for a 1.5-foot height variance while maintaining the setback of 8 feet from the street side property line.

It was moved by Councilmember **Edberg**, seconded by Councilmember **Jones**, to approve the variance request for 2510 Manitou Island. Motion carried unanimously.

9. DISCUSSION

Nothing scheduled

10. COMMUNICATIONS FROM THE CITY MANAGER

City Manager Crawford reported on the official launch of the piloted Bear Tracks automated shuttle project. The shuttles provide free rides to passengers along a designated route and the pilot will last through August 2023. Mayor Louismet took the inaugural ride on the automated bus with the Minnesota Department of Transportation commissioner. City Manager Crawford shared upcoming events, including ribbon cuttings at Grease Monkey and Blue Pencil Collective and the last scheduled Fridays with Firefighters. Councilmember Edberg thanked the Police and Fire departments for their work on Nite to Unite. City Manager Crawford also thanked the Police and Fire departments for hosting Safety Camp.

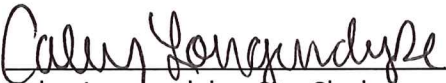
11. ADJOURNMENT

There being no further business before the Council, it was moved by Councilmember **Walsh**, seconded by Councilmember **Jones**, to adjourn the regular meeting at 8:42 p.m. Motion carried unanimously.



Dan Louismet, Mayor

ATTEST:



Caley Longendyke, City Clerk