



**MINUTES
REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF WHITE BEAR LAKE, MINNESOTA
TUESDAY, OCTOBER 11, 2022
7 P.M. IN THE COUNCIL CHAMBERS**

1. CALL TO ORDER AND ROLL CALL

Stepping in for Mayor Louismet, who was excused from the meeting, Councilmember Kevin Edberg acted as Chair. He called the meeting to order at 7 p.m. The City Clerk took attendance for Councilmembers Kevin Edberg, Steven Engstran, Heidi Hughes, Dan Jones and Bill Walsh. Staff in attendance were City Manager Lindy Crawford, Community Development Director Jason Lindahl, 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 September 27, 2022

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

3. APPROVAL OF THE AGENDA

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

4. CONSENT AGENDA

- A. Accept Minutes: White Bear Lake Conservation District, Environmental Advisory Commission, Park Advisory Commission, Planning Commission
- B. Resolution approving the preliminary plat for Willow Ridge 2nd Addition, Schafer Richardson **Res. No. 13062 and Res. No. 13063**
- C. Resolution establishing 2023 employee benefit options for January 1, 2023 - December 31, 2023 **Res. No. 13064**
- D. Resolution authorizing establishment of a new recipient VEBA and Employee Tax Identification Number for the VEBA **Res. No. 13065**
- E. Resolution granting a Conditional Use Permit amendment and two Variances for 4465 White Bear Parkway, AALFA Clinic **Res. No. 13066**
- F. Resolution approving a 10-year commitment for the LOGIS ERP and utility billing software applications **Res. No. 13067**
- ~~G. Resolution approving a 5-year Fire Services agreement with contracting jurisdictions~~
- H. Resolution approving a special event application for Big Wood Brewery **Res. No. 13068**

Chair Edberg moved the resolution approving a 5-year Fire Services agreement with contracting jurisdictions to New Business to allow for more discussion. It was moved by Councilmember **Hughes**, seconded by Councilmember **Jones**, to approve the amended consent agenda as presented. Motion carried unanimously.

5. VISITORS AND PRESENTATIONS

Nothing scheduled

6. PUBLIC HEARINGS

Nothing scheduled

7. UNFINISHED BUSINESS

Nothing scheduled

8. NEW BUSINESS

A. 1525 Birch Lake Blvd. N. Variance Request, Huston/Jacobs

Community Development Director Lindahl presented the variance request for 1525 Birch Lake Blvd. N. The applicants, Rick Huston and Tracy Jacobs, were requesting a 10.5-foot variance from the front yard average setback, in order to construct an addition to the front of the home. The Planning Commission reviewed this item during their September 26, 2022 regular meeting. During the meeting, the Commission heard a presentation from staff and held a public hearing where the applicants and one neighbor spoke. Lindahl said after hearing staff's presentation and comments from the public, commissioners discussed whether a practical difficulty existed and if there were alternative designs available to the applicants. The Commission voted 4-3 to recommend the City Council deny this request. Lindahl provided information on how a setback is established, which involves an average of adjacent neighbors. The average setback around 1525 Birch Lake Blvd. N. is 80.5 feet and the variance request is for 70 feet. Lindahl provided an overview of the variance findings as it relates to Minnesota Statute 462.357. The variance request is not in harmony with other land use controls, is not consistent with the Comprehensive Plan, is not necessary for reasonable use of the land, is not pertaining to a property that has unique physical characteristics creating practical difficulty and would alter the essential character of the locality.

Councilmembers discussed the variance and asked clarifying questions. City Attorney Gilchrist clarified that the applicant carries the burden to prove practical difficulty based on state statute; the City Council doesn't have to disprove the existence of practical difficulty. Chair Edberg invited the homeowners to provide comment at 7:27 p.m. Ms. Jacobs mentioned a couple other factors she felt should be mentioned, including the lack of access to sunlight for solar energy systems which is practical difficulty in statute and that it would be more expensive and destructive to get equipment to the back of the lot for construction. She observed that many homes in the same area have made substantial improvements. Mr. Huston recommended an explanation of the variance process be provided to homeowners in the future. Comment from the homeowners and councilmember questions to the homeowners closed at 7:37 p.m. Councilmember Hughes commented she didn't see any clear reason to deny the request. Councilmember Jones said there seems to be other options for the homeowners. Councilmember Walsh didn't think a case for practical difficulty was proven.

It was moved by Councilmember **Jones**, seconded by Councilmember **Engstran**, to approve the **Res. No. 13069** denying the setback variance for 1525 Birch Lake Blvd. N. Motion carried with four councilmembers approving the resolution and Hughes voting against the resolution.

B. Resolution approving a 5-year Fire Services agreement with contracting jurisdictions

Chair Edberg explained why he moved the resolution approving a 5-year Fire Services Agreement with contracting jurisdictions from the Consent Agenda. He wanted to allow for more discussion regarding services the City provides to other jurisdictions. He expressed interest in discussing the advantages and the downsides to providing services outside of the city. He pointed out that it was mentioned in earlier discussions that emergency calls have increased, there is a need for more public safety staff and the City is going to levy for the new public safety building. He wondered if the City can fully serve its own residents while providing services nearby.

City Manager Crawford shared that the City provides more than just emergency services, including wholesale water to the City of Birchwood Village, building inspection and code enforcement services to the City of Mahtomedi and police services to the City of Gem Lake. She said any time there is a partnership between communities, it is beneficial. One advantage is an additional revenue source to fund staff and equipment that the city would be needing anyway for its own city limits. She recognized that the workload can be difficult at times. She said the police and fire chiefs join her in meetings with administration in contracting jurisdictions to maintain productive relationships.

Councilmember Walsh recognized this is an opportunity to be entrepreneurial in a collaborative and appropriate way. Councilmember Jones cautioned City staff to ensure contracting jurisdictions abide to the terms of the agreement. He recognized the benefit of working with neighboring cities, but also said it takes a lot of effort and funds to build up the City's own staff and services. He wondered what other services could be contracted out. Crawford shared there isn't current staff capacity to provide additional services to others. She also shared information about the County Road E Corridor Project and how the cities have been working together on that project.

It was moved by Councilmember **Walsh**, seconded by Councilmember **Jones**, to approve **Res. No. 13070** authorizing the Mayor or City Manager to execute the Fire Services agreement with contracting jurisdictions. Edberg made comments about the importance of relationships with other cities, as well as the school district, and the benefit of understanding each other's challenges and how to collaborate to help one another. Motion carried unanimously.

9. DISCUSSION

Nothing scheduled

10. COMMUNICATIONS FROM THE CITY MANAGER

Crawford shared information on the County Road E Corridor Study Community Meeting Workshop scheduled for October 12 and two ribbon cuttings at Adorned Homes on October 13 and Frontline Industries on October 18. She shared an update on visiting an establishment who scheduled a meeting to discuss cannabinoid products.

11. ADJOURNMENT

There being no further business before the Council, it was moved by Councilmember **Engstran**,

seconded by Councilmember **Hughes**, to adjourn the regular meeting at 8:01 p.m. Motion carried unanimously.



Dan Louismet, Mayor

ATTEST:



Caley Longendyke, City Clerk