



**MINUTES
REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF WHITE BEAR LAKE, MINNESOTA
TUESDAY, SEPTEMBER 26, 2023
7 P.M. IN THE COUNCIL CHAMBERS**

1. CALL TO ORDER AND ROLL CALL

Mayor Dan Louismet called the meeting to order at 7 p.m. The City Clerk took attendance for Councilmembers Kevin Edberg, Steve Engstran, Heidi Hughes, Dan Jones and Bill Walsh. Staff in attendance were City Manager Lindy Crawford, Fire Chief Greg Peterson, Police Chief Dale Hager, Community Development Director Jason Lindahl, Public Works Director/City Engineer Paul Kauppi, Finance Director Kerri Kindsvater, Housing and Economic Development Coordinator Tracy Shimek, City Clerk Caley Longendyke, and City Attorney Rachel Tierney, who sat in for City Attorney Troy Gilchrist.

PLEDGE OF ALLEGIANCE

2. APPROVAL OF MINUTES

A. Minutes of the Regular City Council Meeting on September 12, 2023

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

3. APPROVAL OF THE AGENDA

The resolution suspending the School Resource Officer Agreement with White Bear Lake Area Schools was moved on the agenda from *New Business* to *Visitors and Presentations*. It was moved by Councilmember **Engstran**, seconded by Councilmember **Jones**, to approve the agenda as amended. Motion carried unanimously.

4. CONSENT AGENDA

- A. Resolution authorizing exclusive use of Podvin Park ice rink for White Bear Lake Area Hockey Association annual tournament **Res. No. 13247**
- B. Resolution granting massage establishment license for Massage by Couture LLC **Res. No. 13248**
- C. Resolution approving jurisdictional transfer agreement from MNDOT for a portion of Country Road D **Res. No. 13249**

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

5. VISITORS AND PRESENTATIONS

- A. Firefighter Appreciation Month Proclamation and Swear-in Firefighters

Mayor Louismet read a proclamation declaring the month of October 2023 as Firefighter Appreciation Month in White Bear Lake. Four new firefighter / paramedics were given the Oath of Service and were sworn in.

B. Fire Department Bi-annual Report

Fire Chief Peterson presented the Fire Department's bi-annual update. He shared that call volume has increased steadily over time, but he anticipates the number of calls this year will be relative to the total amount in 2022. He explained that the calls should remain steady, instead of increasing, due to not regularly sending out the last ambulance out of the service area and decrease in repeat callers. The categorical breakdown of calls continues to be around an 80-20 ratio for medical- and fire-related calls, respectively, a ratio that is a national trend. Chief Peterson reported data for Fire Mutual Aid and said the Department was called 20 times to emergencies, and the department called for aid 16 times. For EMS Mutual Aid, the Department was called our 275 times, and the department called others 57 times. Almost identical to last year, the top five types of calls, in order, are the following: sick person, fall, breathing problem, unconscious and psychiatric. For patient disposition, 66% are treated and transported, 16% are evaluated with no treatment and transported, and 18% are transported by other means or the call was cancelled. Chief Peterson gave a staffing update, stating there are 16 full-time firefighter/paramedics and 21 part-time employees. The goal is to continue adding full-time positions, which would help achieve proper coverage, increase service level, reduce employee stress and injuries, and help with employee retention.

Mayor Louismet asked about the status of the Department's new boat. Chief Peterson is hopeful that it will arrive in November. When asked about the typical involvement of the Fire Department following a damaging storm, Chief Peterson explained that responders may help move branches, but more importantly will tape off areas where there are downed power lines, and inform nearby residents. Councilmember Walsh asked about full-time staff that work for multiple cities, and Chief Peterson explained that they may be on-call with other cities. Part-time firefighters could have multiple part-time positions with various cities. Councilmember Edberg asked if increased opportunities for full-time positions increases retention. Chief Peterson believed that having more full-time positions is appealing for retaining employees as they share coverage. Councilmember Edberg asked about the proportionality of giving and receiving services, and Chief Peterson said this is common throughout the EMS and fire industry. Councilmember Jones and Councilmember Edberg asked clarifying questions about the services provided outside the City.

C. Resolution suspending School Resource Officer Agreement with White Bear Lake Area Schools

City Manager Crawford introduced the resolution suspending a School Resource Officer (SRO) agreement with White Bear Lake Area Schools. Earlier in the year, the Minnesota Legislature included multiple provisions in the education bill that impacts SROs and other officers providing contracted services to public schools. Since then, there continues to be ongoing updates and interpretations of the language. Since the publishing of the City Council meeting packet, the Attorney General's Office issued another statement about the controversial provisions. Until the statement is interpreted, City administration changed their recommendation of the resolution,

and asked that the City Council table it until the October 10, 2023 regular meeting. The goal is to allow more time to seek additional clarification in hopes that the City can continue its services and partnership with the school district.

Chief Hager summarized information about the legislative changes and how they could negatively impact police officers. While City administration wants to continue providing services in schools, they have pulled SROs out of school buildings until clarification can be made on the legislative language. If no additional information becomes available, City staff will present the resolution for vote at the October 10 City Council meeting. Councilmember Edberg sought clarification on the City's authority to suspend the agreement. City Attorney Tierney explained that the City is within its rights, since the request doesn't involve termination.

It was moved by Councilmember **Engstran**, seconded by Councilmember **Jones**, to table the resolution until the October 10, 2023 regular meeting. Motion carried unanimously.

6. PUBLIC HEARINGS

A. Special Service District Renewal – Downtown Service District

Housing and Economic Development Coordinator Shimek presented a resolution authorizing the 2024 and 2025 Special Service District (SSD) Levy for Downtown White Bear Lake. The SSD allows the City to establish an annual levy, which is collected by Ramsey County with real estate taxes from business properties in the district. The funds raised are specific to the promotion and beautification efforts that go above and beyond customary municipal services and help ensure that downtown White Bear Lake remains an appealing and exciting commercial destination for the larger Twin Cities metropolitan area.

The Main Street Board of Directors approved a petition seeking renewal of the special tax levy totaling not more than \$45,000 a year for a two-year period, and submitted to the City a petition in favor of the levy for 2024 and 2025, signed by owners representing 34% of the land area, 33% of the total tax capacity and of the owners, individuals, businesses or organizations subject to 33% of the special levy requesting renewal of the special service district for 2024 and 2025. Main Street Inc. President Lisa Beecroft and Vice President Kristin Cranmer shared how the funds help the organization promote and market the downtown area. Some of the promotion areas include sending out mass email notifications, maintaining the website, updating the reader board display on Highway 61, coordinating annual events, launching advertising campaigns, staying active on social media and more. No one spoke during the public hearing.

It was moved by Councilmember **Engstran**, seconded by Councilmember **Walsh**, to approve **Res. No. 13250** establishing and imposing special assessment for the years 2024 and 2025 with no interest on taxable property within Special Services District No. 1 for special services pursuant to Ordinance No. 92-10-879. Motion carried unanimously.

B. Special Service District Renewal – Birch Lake Improvement District

Finance Director Kindsvater presented a resolution to certify the Birch Lake Improvement District (BLID) service charge of \$22,511 to the tax roll of benefiting properties to support BLID's

budget expenditures of \$27,000 for fiscal year 2024. She explained that BLID began in 2006 pursuant to state statutes and a petition from the lakeshore property owners. The mission of the service district is to develop, finance and implement activities that improve and protect the quality of Birch Lake. Property owners pay an equal amount of the annual service charge, which will be \$363.08 per property for 2024.

Mayor Louismet opened the public hearing at 7:57 p.m. Scott Samuelson, resident of 1291 Hedman Way, explained that he does not live on Birch Lake and is being assessed the service charge. He is looking for resolution on not being included in BLID. Director Kindsvater said she will work to get him in touch with the BLID president. Being no further persons wishing to speak, Mayor Louismet closed the public hearing at 8:03 p.m.

Councilmember Edberg is interested in learning more about the financial performance and by-laws for local entities like BLID, and the involvement of the City.

It was moved by Councilmember **Walsh**, seconded by Councilmember **Engstran**, to approve **Res. No. 13251** imposing a service charge for the year 2024 with no interest on the properties within the Birch Lake Improvement District. Motion carried unanimously.

7. UNFINISHED BUSINESS

- A. Second reading of an ordinance amending zoning regulations regarding tobacco and cannabis uses

At the August 8 City Council meeting, Community Development Director Lindahl presented the first reading of an ordinance that would amend zoning regulations as it relates to tobacco and cannabis uses. The zoning code text amendment, which was initiated by staff at the direction of Council, would create two new uses, Tobacco Products Shops and Cannabis Retailers. A second reading was conducted at the September 12 regular meeting. There being no consensus among Councilmembers on the two options, the Council voted 3-2 to table the proposed ordinance options to the September 26 regular meeting.

Director Lindahl summarized the information presented at the first and second readings. He summarized the analysis of the zoning text amendment as it relates to the 2040 Comprehensive Plan, present and future land uses, and zoning standards. Following staff analysis, City staff concluded that B-4, General Business District, is the most appropriate district to locate the two new uses. Buffers would be applied so that the businesses are not within 1,000 feet of a school or 500 feet of a daycare, residential treatment facility or a public park with amenities regularly used by minors. The existing six Tobacco Products Shops are currently not in the B-4 zoning district, so they would become legal non-conforming uses, or "grandfathered." Presented at the August 8 and September 12 meetings, there have been two options for the Council to consider. The first option restricts all cannabis-related businesses to the B-4 zoning district. The second option separates edible cannabinoid products, or lower-potency hemp edibles, from cannabis retailers and the products could be sold in any zoning district from an establishment that is licensed to sell liquor and tobacco products. Director Lindahl displayed maps of the zoning districts, buffers and locations of establishments with liquor and tobacco licenses. He explained that additional maps were created in response to Councilmember Edberg's request, specifically

highlighting what properties would be eligible for a cannabis retailer (i.e., dispensary). Councilmember Edberg pointed out that the number of properties is limited, and he was concerned that the restrictive buffers could have a negative impact on business opportunities.

There were clarifying questions on where cannabis retailers could operate. Since there is an active moratorium that prohibits the establishment and operation of cannabis retailers, there was general consensus to delay decision-making in zoning these businesses, and to focus on the zoning of tobacco products shops and edible cannabinoid retailers. As a last comment to zoning cannabis retailers, Councilmember Jones argued that it doesn't make sense that cannabis dispensaries will be zoned out of areas where there are bars, liquor stores and tobacco shops, specifically referencing a potential site at the southwest corner of County Road E and White Bear Avenue. Councilmember Edberg agreed that the Council should just take action on tobacco products shops and edible cannabinoid sales. He requested that staff and Council, while considering a future zoning proposal for cannabis retailers, should evaluate the role and impact of buffering, and whether it's a useful construct. There was discussion on the outcome of limiting the number of properties for cannabis businesses and the market value impact.

Councilmember Walsh asked clarifying questions and made general comments. He recognized the Council doesn't have much control in restricting the sale of edible cannabinoid products. He appreciated staff's explanation for choosing B-4, General Business District, for cannabis businesses, instead of neighborhood areas. He pointed out that if the City considers limiting the number of cannabis businesses, there will need to be discussion on how many, and also understanding that Ramsey County could meet the limit before the City meets their limit. He doesn't foresee the Office of Cannabis Management to reveal new information that isn't already addressed in law. He said he is more interested in the policy discussions around the availability of cannabis products than the business factors and the competitive market for limited properties for cannabis retailer. Councilmember Jones commented that if the Council moves forward with voting on cannabis retailer zoning, then he would not vote in support of the ordinance, unless there was a change to allow a cannabis business in the strip mall located at the intersection of White Bear Avenue and County Road E. Mayor Louismet invited Solomon Haile, businessowner of Summit Liquor at 2000 County Road E, to speak. Mr. Haile wondered why there couldn't be a cannabis business in the same building where he sells liquor, and eventually edible cannabinoid products, and said a cannabis business would be more secure than a liquor store as it relates to legal sales.

It was determined that the Council would move forward with zoning tobacco products shops and edible cannabinoid products, but delay discussion about zoning cannabis businesses. There was a motion to adopt the second ordinance option, removing Subdivision 4 regarding zoning cannabis businesses. Councilmember Edberg stated he would request that staff and the Council address zoning for cannabis businesses in an appropriate timeline.

It was moved by Councilmember **Jones**, seconded by Councilmember **Edberg**, to approve **Ord. No. 23-09-2070**, an ordinance amending the zoning regulations in the Municipal Code regarding tobacco product shops and edible cannabis businesses, as amended with Subdivision 4 removed. Motion carried unanimously.

It was moved by Councilmember **Edberg**, seconded by Councilmember **Engstran**, to approve **Res. No. 13252** approving summary publication of an ordinance amending the zoning regulations in the Municipal Code regarding tobacco products shops and edible cannabis businesses. Motion carried unanimously.

8. NEW BUSINESS

A. County Road E Ramsey County Critical Corridor Grant & Request for Proposals

Housing and Economic Development Coordinator Shimek presented a resolution authorizing the acceptance of a Critical Corridors - Commercial Corridor Initiative Grant from Ramsey County and authorizing the issuance of a request for proposals ("RFP") to carry out the services for which the grant was awarded. Coordinator Shimek talked about the County Road E Corridor Action Plan, created in partnership with the cities of Gem Lake and Vadnais Heights, and how goals for the corridor included safety, connectivity and fostering a sense of place and purpose. City representatives from the three partnering cities worked together to apply for the Ramsey County Critical Commercial Corridor Initiative Grant. Among the grant eligible activities, staff believed "district-wide marketing, branding, and promotion initiatives" and "design and implementation of wayfinding, signage, street furniture or other public realm enhancements" were largely aligned with recommendations focused on the Corridor Action Plan goal of fostering a sense of place and purpose. A \$30,000 grant was awarded to fund professional services to establish a brand identity and create marketing and placemaking strategies for the County Road E Corridor. The three cities will work together to put forward a request for proposals for the services.

It was moved by Councilmember **Engstran**, seconded by Councilmember **Edberg**, to approve **Res. No. 13253** accepting Critical Corridor Funds from Ramsey County, authorizing the City manager to enter into grant agreements, and City staff to issue a request for proposals for professional services for branding, marketing and placemaking strategies for the County Road E Corridor. Motion carried unanimously.

B. Otter Lake Road Cooperative Agreement for Right-of-Way Acquisition

Public Works Director / City Engineer Kauppi presented a resolution approving a Cooperative Agreement with Ramsey County for right-of-way (ROW) acquisition for Otter Lake Road improvements. Director Kauppi explained that Ramsey County roadway projects involve a cost participation policy with the city where the roadway is located, helping pay for urbanization components. The improvement to Otter Lake Road is long-awaited by the City and is slated for 2024 in Ramsey County's transportation plan. The project, which involved public input, includes replacing aging pavement and adding a trail from Highway 96 to 4th Street, connecting to other networks of sidewalks. The City's cost participation for this portion of the project is estimated to be \$263,818.95, an equal amount to Ramsey County's cost participation. Once the plans are complete, a construction cooperative agreement will be presented to the Council at a future meeting. Councilmember Walsh asked about the acquisition as it relates to residential property owners. Director Kauppi explained that all the easements acquired will be temporary, with exception to one permanent easement. He estimates about 25 property owners will be temporarily impacted. Councilmember Jones asked about the road improvements and shared

his concern about the County taking precautions with protecting Birch Lake. Director Kauppi shared the increased stormwater treatment will meet or exceed current standards and will increase protection of Birch Lake from what it is currently.

It was moved by Councilmember **Walsh**, seconded by Councilmember **Engstran**, to approve **Res. No. 13254** approving a cooperative agreement between Ramsey County and the City for right-of-way acquisition for improvements of Otter Lake Road between Highway 96 and 4th Street. Motion carried unanimously.

- C. ~~Resolution suspending School Resource Officer Agreement with White Bear Lake Area Schools Presented during Visitors and Presentations.~~

9. DISCUSSION

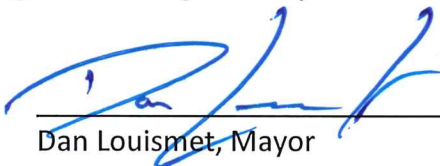
Nothing scheduled.

10. COMMUNICATIONS FROM THE CITY MANAGER

City Manager Crawford reported that the taskforce for the Planning & Land Use Regulations (Zoning Code) Update convened for their first meeting. She shared information on the upcoming Fire Department Open House and the White Bear Lake Area Schools' homecoming parade and fireworks after the football game. She recognized Assistant City Manager Rick Juba and Human Resources Specialist Sandy Tauer for their hard work, as the City celebrates Human Resources Professional's Day.

11. 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 9:06 p.m. Motion carried unanimously.



Dan Louismet, Mayor

ATTEST:



Caley Longendyke, City Clerk