



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

1. CALL TO ORDER AND ROLL CALL

Mayor Dan Louismet called the meeting to order at 7:03 p.m. The City Clerk took attendance for Councilmembers Kevin Edberg, Steven Engstran, Heidi Hughes, Bill Walsh, and Andrea West. Staff in attendance were City Manager Lindy Crawford, Public Works Director/City Engineer Paul Kauppi, 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 January 23, 2024

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

B. Minutes of the City Council Work Session on January 23, 2024

Mayor Louismet corrected the noted location of the meeting from Boatworks Commons to the City Council Chambers. It was moved by Councilmember **Engstran**, seconded by Councilmember **West**, to approve the minutes. Motion carried unanimously.

C. Minutes of the City Council/Staff Strategic Planning Session on January 31, 2024

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

3. APPROVAL OF THE AGENDA

Mayor Louismet reported a request to move Consent Agenda item 4I regarding setback variances for 4556 Highway 61 to New Business. It was moved by Councilmember **Engstran**, seconded by Councilmember **Hughes**, to approve the agenda as amended. Councilmember Walsh commented on item Consent Agenda 4C, the 2024 Pay Equity Report. He suggested it as a potential item to address with the legislature, stating that this requirement is unnecessary and requires staff time. Motion carried unanimously to approve the Consent Agenda as amended.

4. CONSENT AGENDA

A. Accept minutes: November White Bear Lake Conservation District, December Environmental Advisory Commission, January Planning Commission

- B. Resolution approving edible cannabinoid products license for Dockside Water Ski Company **Res. No. 13313**
- C. Resolution adopting the 2024 Pay Equity Report **Res. No. 13314**
- D. Resolution transferring a lease agreement for 2125 4th Street from the Good Table Restaurant Group II LLC to S & Y Foods LLC **Res. No. 13315**
- E. Resolution approving professional services agreement for Fire Inspection Services with Inspectron, Inc. **Res. No. 13316**
- F. Resolution accepting feasibility report, ordering preparation of plans and specifications and ordering public hearing for the 2024 Pavement Rehabilitation Project **Res. No. 13317**
- G. Resolution approving a memorandum of understanding with VLAWMO to update the Birch Lake Shoreland Restoration Project Maintenance Agreement **Res. No. 13318**
- H. Resolution granting a setback variance for 2563 Elm Drive **Res. No. 13319**
- I. ~~Resolution granting two setback variances for 4556 Highway 61~~ *Moved to New Business*
- J. Resolution authorizing the city manager to negotiate and enter into a professional services agreement with CivicBrand to create a branding, marketing and placemaking strategy **Res. No. 13320**

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

5. VISITORS AND PRESENTATIONS

A. Community Development Biannual Report

Community Development Director Lindahl presented the Community Development Department biannual report. He reviewed the primary duties of the department, and summarized completed, current, and future projects. He reviewed specific duties of the Building Division. In 2023, the Building Division issued 4,830 permits for projects totaling a value of over \$200 million. Over \$1.9 million in permit fees were generated. In general, there was a steady increase in building permit activity over the last 10 years and it has recently experienced a decrease after 2022. Director Lindahl attributes the increasing trend to the high-value investments by the school district and WBL Lochner LLC, located at 3600 and 3646 Hoffman Road. He expects the downward trend will level out to what it was previously. In code enforcement, there were 443 cases, mostly involving motor vehicles, refuse/exterior storage, and parking. He explained the difference between proactive inspections and reactive activity to complaints. Director Lindahl reviewed the various areas of zoning activities, including zoning permits, building permits, signs, administrative variances, and meetings/inspections. He said activity was relatively steady throughout the entire year.

B. Sports Center Annual Report

City Manager Crawford presented the Sports Center annual report. She highlighted the scheduled activities at the facility, including hockey tournaments, high school hockey games, a figure skating competition, skate shows, and youth games. She shared pictures of facility improvements and summarized other updates made throughout the Sports Center. She recognized Charlie Holeman, maintenance technician, who retired after 22 years of service. City Manager Crawford reported that ice rental and revenue have remained steady, with

LiveBarn continuing to be a source of revenue, though a reduced amount compared to during the pandemic. She noted that supplemented funding from the ARPA fund allocation discontinued after 2022.

6. PUBLIC HEARINGS

None

7. UNFINISHED BUSINESS

None

8. NEW BUSINESS

A. Conditional Use Permit for 2505 Lake Avenue

Community Development Director Lindahl presented a conditional use permit (CUP) request for 2505 Lake Avenue. The request is for a third curb cut on the residential lot. The Planning Commission and staff recommend denial of the application. In June 2022, the applicant sought approval for variances and a CUP for an addition to the home and an accessory dwelling unit (ADU). The additions included a two-car attached garage to the principal structure and an additional parking space and ADU to the detached garage. Building permits were issued, but didn't include a garage door or driveway for the ADU. The applicant is requesting an additional curb cut for the lot, but has already cut the curb without City review or approval. The applicant's narrative explained the additional driveway would provide additional parking and access for the ADU, but the Zoning Code doesn't allow additional curb cuts for ADUs. Director Lindahl reviewed each of the CUP criteria and findings, none of which met the requirements to support the request.

Mayor Louismet invited the applicant, Dustin Carlson, to offer comments. Mr. Carlson, stated he wasn't aware of the Zoning Code restrictions and brought attention to the size of his lot, challenging the applicability of restrictions to his ADU. He referenced neighboring properties with multiple curb cuts. He asked for Council's support for his request. City Attorney Gilchrist explained the Council's discretion to approve or deny a CUP, which challenges specific language in the Municipal Code. Mayor Louismet acknowledged the difficulty in land use applications, balancing accommodations of homeowners while not setting any precedents and creating inconsistencies. Councilmember Hughes challenged the applicant's statements saying he stopped working on it when given a stop work order by the City. She elaborated on why it makes sense for ADUs to not have their own driveways, supporting the idea that ADUs are secondary to the primary household, otherwise it's essentially another single-family home on the same lot. She cautioned setting precedent of allowing second homes on large lots. Councilmember Edberg referenced the community advisory committee that is currently reviewing the Zoning Code and suggested that ADUs should be part of that conversation. He expressed curiosity as to whether the conversation would result in any changes. Councilmember West shared similar wonderings, and asked if this request has happened before. Director Lindahl said there have been no requests for curb cuts for ADUs in recent years to the best of his knowledge. Councilmember West addressed the applicant and said it makes it difficult for the Council to make decisions when the project has already been started without the partnership of the City. Councilmember Walsh reiterated Councilmember Hughes'

comments about an ADU being an accessory, and wanted to honor what's outlined in the Zoning Code.

It was moved by Councilmember **Walsh**, seconded by Councilmember **Engstran**, to approve **Res. No. 13321** denying a conditional use permit for a third curb cut at 2505 Lake Avenue. Councilmember Edberg shared support for further conversation as part of the Zoning Code review. Councilmember Hughes asked if a third curb cut would be allowed if it was a pull-through garage. Director Lindahl said a third curb cut for a garage would still undergo the same CUP process, but reminded Council that the structure is already an ADU and wouldn't be considered a garage, even if uninhabited. Motion carried unanimously.

B. Resolution granting two setback variances for 4556 Highway 61

Community Development Director Lindahl presented a request for two side-yard setback variances for a residential lot located at 4556 Highway 61. The Planning Commission and staff recommend approval. Director Lindahl presented images of the lot and said the specific variances requested by the applicant include an 11.64-foot variance from the required 15-foot side yard setback on the west side and a 9-foot variance from the 15-foot setback on the east side. He noted that nearby houses on comparable lots are similarly situated. One concern addressed by staff was rain water runoff, which was resolved with a stormwater mitigation plan. He explained to Council that the current setbacks in the Zoning Code wouldn't allow a house to be built that met the minimum the lot width requirements. Director Lindahl reviewed each of the variance criteria, which are outlined in state statutes. Chad Lemmons, an attorney representing homeowners living at 4552 Highway 61, made comments opposing the variance request. City Attorney Gilchrist referenced the Zoning Code while addressing some of the comments made by Mr. Lemmons.

It was moved by Councilmember **Walsh**, seconded by Councilmember **Hughes**, to approve **Res. No. 13322** granting two setback variances for 4556 Highway 61. Motion carried unanimously.

9. DISCUSSION

None

10. COMMUNICATIONS FROM THE CITY MANAGER

City Manager Crawford provided a progress update on the buildout of the Fire Department's new rescue boat, which is expected to be complete in the next month. In January, City Council approved annual appointments, including their own appointments to various organization boards. Crawford shared that the board terms of the Northeast Youth and Family Services (NYFS) don't align with the Council's appointment terms, so Councilmember Hughes will finish her term through June and Councilmember West will begin her term in July.

Public Works Director/City Engineer Kauppi provided a brief update on the Downtown Parking and Mobility Study and announced opportunities for the public input. An update and proposal will be provided to the Council later in the spring. Crawford clarified that everything presented thus far related to the parking and mobility study have been in draft form. Mayor Louismet affirmed Crawford's statement and encouraged the public to take advantage of the input opportunities.

11. CLOSED SESSION

Mayor Louismet announced that the City Council was entering into closed session to evaluate the performance of the City Manager and that the conclusion of this meeting would not be video recorded.

It was moved by Councilmember **Hughes** and seconded by Councilmember **Walsh** to go into closed session at 8:22 p.m. to evaluate the performance of the City Manager as permitted by Minnesota Statutes, section 13D.05, subdivision 3(a). Motion carried unanimously.

It was moved by Councilmember **West**, and seconded by Councilmember **Hughes** to re-open the regular City Council meeting at 9:10 p.m. Motion carried unanimously

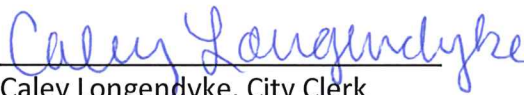
12. ADJOURNMENT

There being no further business before the Council, it was moved by Councilmember **Hughes**, seconded by Councilmember **Engstran**, to adjourn the regular meeting at 9:11 p.m. Motion carried unanimously.



Dan Louismet, Mayor

ATTEST:



Caley Longendyke, City Clerk