



AGENDA
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

PLEDGE OF ALLEGIANCE

2. APPROVAL OF MINUTES

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

3. ADOPT THE AGENDA *(No item of business shall be considered unless it appears on the agenda for the meeting. The Mayor or Councilmembers may add items to the agenda prior to adoption of the agenda.)*

4. CONSENT AGENDA *(Those items listed under Consent Agenda are considered routine by the City Council and will be acted upon by one motion under this agenda item. There will be no separate discussion of these items, unless the Mayor or a Councilmember so requests, in which event, the item will be removed from the consent agenda and considered under New Business.)*

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

5. VISITORS AND PRESENTATIONS

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

B. Prosecution Services Update

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

7. UNFINISHED BUSINESS

Nothing scheduled

8. NEW BUSINESS

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

9. DISCUSSION

Nothing schedule

10. COMMUNICATIONS FROM THE CITY MANAGER

11. ADJOURNMENT



**MINUTES
REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF WHITE BEAR LAKE, MINNESOTA
TUESDAY, JULY 26, 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 7:00 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, Public Works Director / City Engineer Paul Kauppi, and City Attorney Troy Gilchrist.

PLEDGE OF ALLEGIANCE

2. APPROVAL OF MINUTES

A. Minutes of the Regular City Council Meeting on July 12, 2022

It was moved by Councilmember **Jones** seconded by Councilmember **Engstran**, to approve the Minutes of the July 12, 2022 Regular City Council Meeting as presented. Motion carried unanimously.

B. Minutes of the City Council Work Session on July 19, 2022

Mayor Louismet noted a typo in the minutes.

It was moved by Councilmember **Edberg** seconded by Councilmember **Jones**, to approve the Minutes of the July 19, 2022 City Council Work Session as amended. Motion carried unanimously.

3. APPROVAL OF THE AGENDA

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

4. CONSENT AGENDA

- A. Resolution authorizing the transfer of ownership of watermain from White Bear Township to the City
- B. Resolution authorizing a Watermain Interconnection Joint Powers Agreement with White Bear Township
- C. Resolution ordering a public hearing for an amendment to the Wellhead Protection Plan
- D. Resolution authorizing a Statewide Public Works Joint Powers Mutual Aid Agreement
- E. Resolution extending a 25-mph speed limit on Linden Ave, Willow Ave, and Orchard Ave
- F. Resolution authorizing the White Bear Lake Area Hockey Association to conduct charitable gambling at Manitou Grill and Event Center

- G. Resolution authorizing Hockey Day MN 2023 to utilize Podvin Park for parking January 27 – 29, 2023
- H. Resolution authorizing a Fence Consortium Joint Powers Agreement
- I. Resolution consenting to an increase in MN Housing Financing Agency loan amount for Hoffman Place, LLC

It was moved by Councilmember **Engstran** seconded by Councilmember **Jones**, to approve the Consent Agenda as amended. Motion carried unanimously.

5. VISITORS AND PRESENTATIONS

A. Quarterly Finance and License Bureau Reports

Finance Director Kindsvater summarized the quarterly finance and license bureau reports. Building permit income has increased this year as a result of the school district construction projects. Applications processed for drivers' licenses have increased drastically. Business at the license bureau remains steady, long lines are a result of demand and service times here being shorter than many of the neighboring bureaus.

Councilmember Jones asked if the extended hours on Tuesdays and Thursdays are being utilized by customers. Kindsvater indicated that those extended time periods have started off slow, but continues to grow as the new hours are advertised and customers adjust.

Kindsvater responded to a question from Councilmember Edberg confirming that with the current fees paid to the City by the State of Minnesota for processing a driver's license are not enough to cover the City's cost for that transaction. This happens despite staff's efficiency with processing the applications.

Councilmember Edberg expressed concern regarding the City's authority to collect money associated with drug and DUI cases through the forfeiture process.

In response to Councilmember Edberg's question regarding the budget for the American Recovery Act Funds, Kindsvater indicated that the City Council could adjust their plans for the remaining funds during the 2023 budget process.

Councilmember Walsh suggested the City capitalize on the opportunity to advertise events and city services to people waiting in line at the license bureau.

Mayor Louismet reiterated the need for the state to increase reimbursements to deputy registrars for state licensing transactions. Councilmember Jones concurred.

6. PUBLIC HEARINGS

Nothing scheduled

7. UNFINISHED BUSINESS

Nothing scheduled

8. NEW BUSINESS

- A. First 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

City Manager Crawford explained that the State of Minnesota recently passed legislation which now allows the sale of certain products containing THC. There is no required license from the State of Minnesota to sell these products. Given the uncertainty surrounding this new law, the City Council directed staff to draft an interim moratorium ordinance at their July 12, 2022 meeting. An interim moratorium ordinance will allow staff time to study the topic. In addition, staff has determined the need to review the City's ordinance regarding tobacco sales. The draft ordinance for review includes moratorium language on THC sales as well as the establishment or expansion of tobacco shops.

Crawford clarified that existing tobacco license holders/shops would not be affected, other than they would not be allowed to physically expand during the moratorium. No new licenses could be granted during the moratorium. City Attorney Gilchrist stated that the City's zoning code does not currently sufficiently address tobacco shops, which is the reason for the recommended moratorium.

This item will be brought back to the City Council for a second reading and recommended for adoption at an upcoming meeting.

9. DISCUSSION

Nothing scheduled

10. COMMUNICATIONS FROM THE CITY MANAGER

City Manager Crawford highlighted upcoming events including the last Marketfest of the season which is the environmental resource fair, Nite to Unite, the Bear Tracks ribbon cutting and media event, and Safety Camp.

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 7:29 p.m. Motion carried unanimously.

Dan Louismet, Mayor

ATTEST:

Lindy Crawford, City Manager



**MINUTES
PARK ADVISORY COMMISSION
OF THE CITY OF WHITE BEAR LAKE, MINNESOTA
THURSDAY, JUNE 16, 2022
6:30 P.M. AT LIONS PARK**

1. CALL TO ORDER AND ATTENDANCE

Chair Bill Ganzlin called the meeting to order at 6:30 p.m.

MEMBERS PRESENT: Bryan Belisle, Victoria Biehn, Mark Cermak, Bill Ganzlin, Mike Shepard

MEMBERS ABSENT: Anastacia Davis, Ginny Davis,

STAFF PRESENT: Andy Wieteki, Parks Working Foreman

VISITORS PRESENT: Jeanne and Drew Miller

2. APPROVAL OF AGENDA

It was moved by member **Mark Cermak** seconded by member **Victoria Biehn**, to approve the agenda with the addition of Boatworks Green Space to Unfinished Business.

Motion carried 5:0.

3. APPROVAL OF THE MINUTES

Minutes of April 21, 2022

It was moved by member **Mike Shepard** seconded by member **Victoria Biehn**, to approve the minutes of the May 19, 2022 meeting as presented.

Motion carried, 5:0.

4. VISITORS AND PRESENTATIONS

Jeanne and Drew Miller – neighbors of the Lions Park

5. UNFINISHED BUSINESS

A. Boatworks Green Space

Bryan Belisle would like to see the Commission make some decisions on what to install in the Boatworks Green Space to make the area usable for residents. Bryan mentioned one idea for the green space would be to install a picnic shelter similar to the one being installed at Lions Park. Bryan requested some dog waste bags and a park sign be installed in the green space area. Andy reported to the Commission that At Home Apartments has two dog waste bag dispensers with garbage cans for the residents to use. Andy mentioned that the City will be installing a mulch bed in one of the corners of the park for a designated pet relief spot. There is no timeline set for completion but it is expected to

be completed before the end of summer.

As for what can be installed in the open area, the Commission needs to be mindful of the residents that live in the apartments. The City has started some conversations with the property manager at this location to see what types of amenities would fit well with the public and private area. Andy will have additional discussions with At Home Apartments to gather ideas that will work best for both parties.

6. NEW BUSINESS

A. Marketfest Booth Discussion

Andy and the Park Advisory Commission reviewed the materials that will be used at Marketfest. Andy explained to the Commission where to pick up the stuff for the booth, how to tear down the booth, and where to place the items for pickup after the event. Park maps, QR codes, park amenities and the giveaway items were also discussed. The Commission recommended a couple additions to the list of park amenities before the booth's premier at Marketfest.

B. Shelter Placement Discussion for Lions Park

Andy reported to the Commission and guests on the project and upgrades at Lion's Park this year as the guests were very excited to hear about the upgrades. Andy marked the ground exactly where each shelter will be placed. At one time, the Commission had discussions about installing one of the shelters in the more eastern side of the park. However, after much consideration, City staff did not recommend that as the location. It is far off the path and would take up the only open space the park has to offer. The shelters will remain in similar locations as the current shelters reside. The new shelters will be centered and the largest of the three shelters will be turned sideways. A strip of grass will be planted between the shelter and the parking lot to create a buffer between the first parking stall and the shelter. A bike rack will also be installed between the bathrooms and the shelter, just off the trail that runs through the park. The Commission supports the idea of rotating the largest shelter and creating a buffer of grass between the parking lot and shelter.

C. Park Tour – Lions Park

Most of the tour of Lions Park was surrounding the area where the new shelters will be placed. The Commission talked about the green space to the East of the restrooms and that someday the City will incorporate a natural looking climbing structure (similar to something found in a nature preserve). The intent of the green space is primarily to be left open for games and activities. Ms. Miller questioned the amount of people that fish from the shoreline and trample all of the native plants that create a buffer between the lake and park. Andy mentioned that we have designated areas for fishing along the shoreline. The City installed a new fence a couple years ago to curb the amount of people from walking through the native plant areas; but unfortunately there is no way to police this. It has been challenging to keep this shoreline from being trampled on due to its

popularity for fishing.

The Commission also discussed the bike fix it station and the amount it is used. Two new kayak racks were installed recently allowing the City to rent 16 more spots, eliminating about half of the waiting the list.

The schedule for this summer's park tours is as follows:

July – Podvin Park

August – Hidden Hollow Park

September – Lakewood Hills Park

7. DISCUSSION

A. Staff updates

Special Events Kick Off

Andy reported on all of the special events that kick off this week with Marketfest, the parade and beach dance.

8. ADJOURNMENT

There being no further business before the Commission, it was moved by member **Mark Cermak** seconded by member **Mike Shepard** to adjourn the meeting.

Motion carried, 5:0



**MINUTES
PLANNING COMMISSION MEETING
OF THE CITY OF WHITE BEAR LAKE, MINNESOTA
MONDAY, JULY 25, 2022
7:00 P.M. IN THE COUNCIL CHAMBERS**

1. CALL TO ORDER AND ATTENDANCE

Chair Jim Berry called the meeting to order at 7:00 p.m.

MEMBERS PRESENT: Ken Baltzer, Jim Berry, Pamela Enz, Mark Lynch, and Andrea West.

MEMBERS ABSENT: Mike Amundsen and Erich Reinhardt

STAFF PRESENT: Jason Lindahl, Community Development Director, and Ashton Miller, City Planner.

OTHERS PRESENT: Andy Michels, Grant Raykowski, Nancee Bruggeman, and Keith Dehnert

2. APPROVAL OF AGENDA

It was moved by Member **Baltzer** seconded by Member **Lynch**, to approve the agenda as presented.

Motion carried, 5:0

3. APPROVAL OF THE MINUTES

A. Minutes of June 27, 2022

It was moved by Member **Baltzer** seconded by Member **West**, to approve the minutes of the June 27, 2022 meeting as presented.

Motion carried, 5:0.

4. CASE ITEMS

A. **Case No. 22-15-V:** A request by **Michels Homes on behalf of the Finnegan Realty Trust** for a 26.3 foot variance from the 35 foot side yard setback, per code section 1303.030, Subd.5.c.2, and a 5.6 foot variance from the 40 foot street side setback, per section 1303.030, Subd.5.c.1, in order to demolish the existing home and construct a new single-family home at the property located at 2503 Manitou Island.

Miller discussed the case. Staff recommended approval of the request as proposed.

In response to a question from Member Lynch, Miller confirmed that the only changes to the house were the expansion of the mud room, foyer, and height of the garage.

Member Berry sought to clarify that because the house is being replaced on the existing foundation, a variance was not necessarily needed. Miller explained that state statute does allow legal nonconformities to be replaced as is. The change in height of the garage does require a variance.

Lindahl added that it has been the past practice in White Bear Lake to take these types of requests through the variance process to put the variances into the record.

Member Berry opened the public hearing. As no one from the public spoke, Member Berry closed the public hearing.

Member Lynch noted that he appreciates the care the homeowners are taking to minimize the impact the reconstruction will have on the property.

It was moved by Member **Lynch** to recommend approval of Case No. 22-15-V, seconded by Member **Enz**.

Motion carried, 5:0.

- B. Case No. 22-16-V:** A request by **Michels Homes on behalf of Tom and Nancee Bruggeman** for a 1.5 foot variance from the 4 foot height limitation for a solid wall, per code section 1302.030, Subd.6.a, in order to permit two entry monument features at the property located at 2510 Manitou Island.

Miller discussed the case. Staff recommended approval of the request as proposed.

Member Lynch commented that he did not believe a practical difficulty existed, but also did not necessarily think the monuments were walls. He stated that if the intent of the code is to prohibit large solid walls, the Commissioners may want to consider adding a condition that the monuments not be expanded.

Member Enz stated that on the smaller lots typically found throughout the City, the structures would be a wall.

Member Berry asked if there was anything in the code regarding entry monuments as they are commonly used for gates. Miller replied that there is a provision in the code that precludes monuments from the height restrictions, but monuments are not defined, and in this case, the solid wall exceeds four feet in height, so a variance is needed. Lindahl added that it is staff's interpretation that the structures are a wall. Further, staff has interpreted the reference to monuments in the code to apply to features like statues that are a public monument, such as the one found in Veterans Memorial Park.

Member Berry opened the public hearing.

Andy Michels, applicant, in response to a question from Member Berry, stated that a gate will not be attached. The entry monuments are decorative only. They are going to put a cap and a light fixture on it, but that is it.

Member Enz asked if there is going to be a bollard or other feature on the monuments that would increase the height.

Nancee Bruggeman, 2510 Manitou Island, responded that there will be lights on the taller portion of the monuments.

Lindahl clarified that the height would be measured to the tallest point of the actual structure. The light is an incidental capping feature.

Member Berry closed the public hearing.

Member West commented that she was happy to see the features set back far enough to not impede visibility.

It was moved by Member **Baltzer** to recommend approval of Case No. 22-15-V, seconded by Member **West**.

Motion carried, 4:1. Member Lynch opposed.

- C. Case No. 22-11-CUP:** A request by **Tside1LLC** for two conditional use permit amendments, per code section 1303.227, Subd.4.f, to reconfigure the docks and reallocate slips between the two properties located at 4441 Lake Avenue South and 4453 Lake Avenue South

Lindahl discussed the case. Staff recommended approval of the request as proposed.

Member Berry opened the public hearing. No one from the public spoke to the matter. Member Berry closed the public hearing.

It was moved by Member **Baltzer** to recommend approval of Case No. 22-11-CUP, seconded by Member **Enz**.

Motion carried, 5:0.

5. DISCUSSION ITEMS

- A. City Council Summary Minutes of July 12, 2022.

No Discussion.

- B. Park Advisory Commission Minutes of May 19, 2022.

No Discussion.

6. ADJOURNMENT

There being no further business before the Commission, it was moved by Member **Baltzer**, seconded by Member **Lynch** to adjourn the meeting at **7:36** p.m.

Motion carried, 5:0

DRAFT



White Bear Lake Conservation District

Board Meeting Minutes

June 21, 2022, 7:00 p.m., White Bear Lake City Hall Council Chambers

(6 pm LUC meeting cancelled)

Approved July 19, 2022

1. **Call to Order** – The meeting was called to order by Bryan DeSmet at 7:00 pm
2. **Roll Call/Quorum** – Present: Bryan DeSmet, Diane Longville, Mark Ganz, Meredith Walburg, Mike Parenteau, Scott Costello, Scott O'Connor, Susie Mahoney; Board Counsel Alan Kantrud (Absent: Christopher Churchill, Darren DeYoung). A quorum was present.
3. **Approval of Agenda**
 - Move up items related to lake enforcement and water patrol earlier in agenda. Motion by DeSmet to approve amended agenda, seconded by Parenteau and passed.
4. **Approval of May Board Meetings Minutes** Motion by O'Connor to approve, seconded by Ganz, and passed.
5. **Public Comment's** - none
6. **Lake Enforcement Introduction/Ramsey County Water Patrol**
 - Michael Tombaga, Sergeant, Ramsey County Water Patrol thanked the WBLCD for the additional monies that added increased water patrol personnel and hours to policing activity on White Bear Lake, and answered questions regarding Ramsey County water patrols duties.
 - Board members shared issues that the water patrol can be on the lookout for such as bow riding, boats getting too close to tubers; noise complaints, and wildlife harassment. The board thanked the water patrol for their work.
7. **New Business**
 - WBLCD office reopening - New administrative assistant Cheri Howe introduced herself; the physical office is now open to the public on Tuesdays and Thursdays from 10 am to 2 pm; on the 3rd Tuesday of every month, the office is open until 6 pm.
 - Bid to purchase buoys - Motion by Parenteau to purchase 6 shallow water buoys from Rolyan Buoys for \$1,049.74, seconded by Ganz, and passed.
 - Invasive Yellow Iris Infestation Survey
 - Invasive Yellow Iris was recently spotted on land, and in the water by Lion Park, and Docks of WBL. Plants along Lake Ave. were treated in 2021, and there's concern of it spreading from Lake Ave along commercial bay area, and elsewhere.
 - It seems appropriate for the WBLCD to track infestations, but not necessarily treat it. Property owners should be able to do that.
 - Need to get information out to lakeshore owners about this, and who to report it to so that it can be monitored. Lake Education Committee will develop a brochure for lakeshore owners to use this year or next.
 - Plan of action:
 - information on social media, White Bear Press, add language on the Yellow Iris webpage on our website to report its location to the WBLCD office if observed on White Bear Lake lakeshore or water so it can be mapped for continued surveillance, and send lakeshore owners a letter

- Cheri will check to see if lakeshore resident mailing labels in the office are accurate to send out a letter and/or brochure
 - Cheri get information from Meredith (who discovered the infestations this year) to get in touch with the property owners of the 2 reported Yellow Iris infestations to make them aware it was reported on their property.
- University of MN Prop Thrust Study research support
 - Bryan shared a conversation with Jeff Marr regarding the University's research on boat-generated wave and propeller wash data: waves generated from wake boats have wavelengths 2 times longer than wind-generated waves, and therefore more energy; the longer the wavelength, the deeper the wave impact; lakeshore can be armored from wind-generated waves but not necessarily from boat-generated waves; most boats plane across the water, but wake boats try to get deeper to produce a wake; prop wash against the bottom of the lake is more significant from wake boats than regular boats, due to the sharper angle of its prop.
 - They are requesting \$400,000 from the state for research into a variety of factors.
 - Video: Boat wake impacts on MN Lakes-Phase II Research - covered the things mentioned by Jeff
 - Scott Costello reported that the WBLCD contributed \$2,000 to their Phase I research and would like to support Phase II. Motion by Costello to spend \$2,000 from cash reserves to support Phase II research, seconded by Ganz, and passed. A check will go out next month, but can notify them earlier.
 - Meredith would like to see in the study how wind stirs up sediment in the water, while boat activity doesn't seem to cause this.

8. Unfinished Business

- Coordination with Rice Creek Watershed District - Bryan connected with Matt Kocian, Rice Creek Watershed District – they will prepare a summary of WBL water quality data and attend the August 16 board meeting to discuss data, any gaps and observations. The goal is to develop a comprehensive database of WBL water quality data, establish a stronger working relationship with Rice Creek, and determine if additional WBL data would be beneficial (ex-additional water sampling).

9. Reports/Action Items

- Executive Committee – didn't meet
- Lake Quality Committee
 - Swimmer's itch letter was sent out, no reports yet of swimmer's itch. The cycle is usually over by the 4th of July, but water has been cold.
 - Lake level (as of 6/21) – 923.97 ft., 1½" lower than last month.
 - Lake temperature – 74 °F
 - Approve budget and grant money for the treatment of Eurasian Water Milfoil (EWM)
 - Would like to modify original budget of \$12,000, by adding the \$7,500 grant from DNR. We spent \$25,700 treating the lake last year so it didn't explode in growth this year, so would like to add \$5,500 for a total budget of \$25,000 for this year. It's over budget, but we have the funds for it.
 - Motion by Parenteau to approve up to \$25,000 for EWM treatment for this summer, seconded by Mahoney, and passed. If more money is needed, will come back to the board.
 - EMW survey will be done before the 4th of July, treatment will be done after the 4th of July. Walburg would like to join in the water survey process.

- Lake Utilization Committee
 - Birchwood DA-Birch Beach permit amendment approval - Birchwood approved movement of the dock 10 ft. from what was presented in original application, and is now asking WBLCD to approve the changes. Motion by Ganz to approve movement of Birch Beach dock 10 ft. west of its original placement, seconded by O'Connor, and passed. Mark will get documentation to Cheri.
 - Letter sent out to 4711 Lake Ave to remove one of 5 boats from dock; letter to go to owner of wooden dock falling apart near Optimist Beach; letter to go to Tally's about straightening the south dock to meet the drawing that was approved.
 - Susie observed that there is a buoy in Birchwood that is out beyond anyone's ADUA – might be a safety hazard - does it need to be removed? She will contact Washington County water patrol (requires permits for buoys), could also call Ramsey County, to see if it's an approved/permitted buoy
- Lake Education Committee
 - Adopt a drain challenge update – seeing progress, started with 298 in March now up to 417; would like to get to 596.
 - Social media update – Averaging 2,000-4,000 views; will post about yellow iris, Adopt-A-Drain, and milfoil treatment
 - Marketfest presence – July 28 is environmental focus at Marketfest, and groups can reserve a booth for free. Waiting to hear back if there is any space available, and anyone is welcome to join Scott and Meredith at the booth. We would promote Adopt-A-Drain program, and have yellow iris information. Mark has a canopy and plastic table we could borrow.
- Treasurer's report
 - June 2022 report – Motion by Parenteau to approve payment of all debit card purchases and checks #4764 through #4770, seconded by Ganz, and passed.
 - Finalize 2023 Budget
 - Budgeted income is \$83,172: communities will be assessed \$45,841, substantially less than the last four year; and licensing fees will add \$37,331 to the total.
 - We're going to deficit spend \$10,000 as budgeted expenses are \$93,172.
 - The Community Assessments sheet shows what the cost per person is in each of the communities.
 - Motion by Parenteau to approve the 2023 budget, seconded by Ganz, and passed.
- Board Counsel Report
 - Washington County water patrol was invited to attend tonight, but did not get a response back. Alan will pass on any water patrol concerns to Washington County.
 - Prosecuted 1 case in Ramsey County
 - Waiting to hear from DNR if a new conservation officer has been hired.

10. Announcements – none

11. Adjournment - Motion by Costello to adjourn at 8:12 pm, seconded by O'Connor, and passed.

ATTEST:

Bryan DeSmet, Chair



Date:

7-19-2022

Cheri Howe, Administrative Asst.



Date:

7/19/2022



City of White Bear Lake
Community Development Department

MEMORANDUM

TO: Lindy Crawford, City Manager
FROM: Jason Lindahl, Community Development Director
DATE: August 10, 2022
SUBJECT: Raykowski Variance / 2503 Manitou Island / Case No. 22-15-V

SUMMARY

The applicant, Michels Homes, requests a 26.3 foot variance from the 35 foot side setback and a 5.6 foot variance from the 40 foot street side setback in order to demolish the existing home and rebuild on the existing foundation. Based on the findings made in this report, both the Planning Commission and staff find that the applicant has demonstrated a practical difficulty with meeting the City's zoning regulations as required by Minnesota Statute 462.357, Subd.6 and recommends approval of this request.

BACKGROUND INFORMATION

Applicant/Owner: Michels Homes / The Finnegan Realty Trust

Existing Land Use / Zoning: Single Family; zoned R-11: Low Density Single Family – Island & S – Shoreland Overlay District

Surrounding Land Use / Zoning: All Directions: Single Family; zoned R-11: Low Density Single Family – Island & S – Shoreland Overlay District

Comprehensive Plan: Very Low Density Residential

Lot Size & Width: Code: 1 acre; 150 feet
 Site: 1.2 acres; 160 feet

Planning Commission Action

The Planning Commission reviewed this item during their July 25, 2022 regular meeting. During the meeting, the commission heard a presentation from staff and held a public hearing that produced no comments from the public. Staff presentation covered the details of the application and the four public comments received prior to the public hearing (A summary of those comments is provided below). After some general discussion, the commission voted 5-0 to recommend the City Council approve this request.

The Manitou Island Board of Directors raised several points regarding the variances requested, the intensification of a nonconformity through the increase in garage height, and the overall

variance process that allows nonconformities to be reconstructed. State Statute supersedes the municipal code, and according to Minnesota Statute 462.357, Subdivision 1e., legal nonconformities generally have a statutory right to continue through repair, replacement, restoration, maintenance, or improvement but not through expansion. These rights run with the land and are not limited to a particular landowner. If the benefited property is sold, the new owner will have the same rights as the previous owner. Therefore, the applicants have the right to replace what is existing as is. The requested variance, if approved, would allow the increased height of the garage, because it would be granting a formal deviation from city code.

Gordon and Jeri Ommen of 2507 Manitou Island submitted an email to the city expressing concerns about the Raykowski's existing retaining wall encroaching onto their property and with the shared lot line between the two properties. While the retaining wall encroachment is a civil issue between the two property owners, the applicant has indicated a willingness to remove the portion of it that encroaches onto the Ommen property. In addition, as detailed above, existing legal non-conforming setbacks have the right to be repaired, maintained or replaced as proposed by the Raykowskis.

Three other neighbors, one at 2528 Manitou Island, one at 2509 Manitou Island, and one at 2504 Manitou Island submitted comments in support of the project, attached.

Site Characteristics

The subject site is the first residential lot on the island, just south of the bridge. According to Ramsey County, the existing home was constructed in 1941. The Raykowskis purchased the home in 2016, and when they sought variance for the detached garage in 2019, indicated that they would like to preserve the existing home. They have since discovered the structural issues are beyond repair, so the home will need to be torn down and rebuilt. In an effort to minimize the impact on the property, the owners are opting to build the new home on the existing foundation, which does not meet the current street side setback nor the side yard setback. The new home is proposed to differ from the existing structure in several ways. First, the foyer is widening and the mudroom is bumping out 5'8" on the south (street) side of the home. Both features will meet the current 40 foot required street side setback. Second, the attached garage will change from a flat roof to a pitched roof that measures 21.75 feet to the peak. Attached garages are limited to one story in height and the applicants are not proposing any living space above the garage, so are meeting height requirements. The code does require a one foot setback for every foot that the garage exceeds 15 feet to the peak. As proposed, the deviation from the required setback (22 feet) is not greater than the side yard setback variance that has been requested on the east side of the home.

Variance Review

City review authority for variance applications is considered a Quasi-Judicial action. This means the city acts like a judge in evaluating the facts against the legal standard. The city's role is limited to applying the legal standard of practical difficulties to the facts presented by the application. Generally, if the application meets the review standards, the variance should be approved.

The standards for reviewing variances are detailed in Minnesota State Statute 462.357, Subdivision 6. In Summary, variances may be granted when the applicant establishes there are "practical difficulties" in complying with the zoning regulations. A practical difficulty is defined by the five questions listed below. Economic considerations alone do not constitute a practical difficulty. In addition, under the statute the City may choose to add conditions of approval that are directly related to and bear a rough proportionality on the impact created by the variance.

Staff has reviewed the variance request against the standards detailed in Minnesota State Statute 462.357, Subdivision 6 and finds the applicant has demonstrated a practical difficulty. The standards for reviewing a variance application and staff's findings for each are provided below.

1. Is the variance in harmony with purposes and intent of the ordinance?

Finding: The proposed variance is in harmony with the purpose and intent of the zoning regulations. The subject site is zoned R-1I and according to the Zoning Ordinance, the purpose of the R-1I district is to "provide for large lot, low density single family detached residential dwelling units directly related, complementary uses in areas of the City containing highly unique natural features and amenities." The variances will allow the reconstruction of a single-family home while retaining many of the large trees and other features on the lot. Because the existing foundation will stay in place, there will be minimal disturbance to the surrounding land, which lessens any potential impact on the lake.

2. Is the variance consistent with the comprehensive plan?

Finding: The proposed variance is consistent with the 2040 Comprehensive Plan. The 2040 Comprehensive Plan's Future Land Use Map guides the property as "very low density residential", which is characterized by single-family attached and detached dwellings with a density range of 1 unit per 5 acres to 2 units per acre. The property will continue to be at a density of 0.83 units per acre, consistent with the goals and policies of the very low density residential future land use category of the comprehensive plan.

3. Does the proposal put the property to use in a reasonable manner?

Finding: The proposal would put the subject property to use in a reasonable manner. The variances would allow the home to be rebuilt in the same location without fully disturbing the land. The property is intended for single-family use, so it is reasonable to reconstruct a single-family home on the lot.

4. Are there unique circumstances to the property not created by the landowner?

Finding: There are unique circumstances to the property that were not created by the landowner. The existing home was constructed prior to the adoption of current zoning standards, so the encroachments are considered legal nonconforming (grandfathered-in). Building on top of the existing foundation means those encroachments remain.

5. Will the variance, if granted, alter the essential character of the locality?

Finding: Granting the requested variance will not alter the essential character of the surrounding neighborhood. The existing setbacks are being maintained, as are the many shrubs,

trees and patio areas surrounding the home. The high level of architectural design is commensurate to the other homes on the island. The side of the garage that faces the street has a number of decorative features that blends it in with the rest of the home. The cedar shake siding, gabled roof elements, and numerous windows create a charm that fits the surrounding neighborhood.

RECOMMENDATION

The Planning Commission and staff recommend approval of the request, 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. A building permit shall be obtained before any work begins.

Prior to the issuance of a building permit:

4. The applicant shall verify the property lines and have the property pins exposed at the time of inspection.

Attachments:

Resolution

Applicant's Narrative, Survey, & House Plans (5 pages)

Email comments

RESOLUTION NO.

**RESOLUTION GRANTING TWO SETBACK VARIANCES
FOR 2503 MANITOU ISLAND WITHIN THE CITY OF WHITE BEAR LAKE, MINNESOTA**

WHEREAS, the Finnegan Realty Trust has requested a 26.3 foot variance from the 35 foot side yard setback, per Code Section 1303.030, Subd.5.c.2 and a 5.6 foot variance from the 40 foot street side setback, per Section 130.030, Subd.5.c.1; in order to demolish the existing single-family home and construct a new single-family home on the existing foundation at the following location:

LOCATION: 2503 Manitou Island

LEGAL DESCRIPTION: That part of Lot 72 lying westerly of a line measured 39 feet on southwest line of said lot to a point 238.72 feet northeasterly of west COR, and all of lots 73 and 74, Manitou Island, White Bear Lake, Ramsey County, MN. (PID #13.30.22.42.0003)

WHEREAS, the Planning Commission held a public hearing as required by the Zoning Code on July 25, 2022; 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, Minnesota that the City Council accepts and adopts the following findings of the Planning Commission:

1. The requested variances are in harmony with purposes and intent of the ordinance.
2. The requested variances are consistent with the 2040 Comprehensive Plan.
3. Granting the requested variances will allow the property to be used in a reasonable manner.
4. There are unique circumstances to the property not created by the landowner.
5. Granting the requested variances alone will not alter the essential character of the neighborhood.

BE IT FURTHER RESOLVED, that the City Council of the City of White Bear Lake hereby approves the requested variances, subject to the following conditions:

1. All application materials, maps, drawings, and descriptive information submitted in this application shall become part of the permit.

RESOLUTION NO.

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. A building permit shall be obtained before any work begins.

Prior to the issuance of a building permit:

4. The applicant shall verify the property lines and have the property pins exposed at the time of inspection.

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

Ayes:
Nays:
Passed:

Dan Louismet, Mayor

ATTEST:

Lindy Crawford, City Manager

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

June 12th, 2022

2503 Manitou Island

Objective:

We plan to replace the existing home within the same footprint of the existing 82 year old home. We are seeking variance to allow us to keep the home in the same site it currently sits. Side setback (East side) to keep the location at 8.7' vs the new building setback of 35' (26.3' difference) and road setback at 34.4' vs 40' building setback (5.6' difference).

Narrative:

The home is 82 years old and failing beyond repair. Taking the home down to the studs would not allow us to correct the structural issues. The best course of action is to rebuild the home within the current foundation for the follow reasons:

- Keeping the architectural integrity of the home the same and esthetics of the lot is important to the history of Manitou Island.
- Removing the entire foundation will require removing an excessive number of mature trees and destroy root structure of several other mature trees. This would be a devastating loss to the mature landscape cover of the property. (Refer to photos and the survey for the vast amount of large caliper trees as large as 48" trunk diameter that would be affected)
- We have strategized the removal of the home from the driveway, with no soil disruption or runoff damage to the property, throughout the course of the project. This would not be the case in any new home building strategy.
- This strategy allows for less waste being hauled out as we are maintaining the foundation, concrete floor and large patios on the lake side which are all in great condition.
- Replacing the structure of the home on top of the foundation will allow us to upgrade the home to more energy efficient building techniques (2x6 walls vs 2x4), better energy heels, rim joist construction and insulating techniques for a much more sustainable and efficient home to operate for years to come.
- This plan also benefits our neighbors, the community and the lake as it causes the least amount of disruption to our lot and the common island roadways.

Practically speaking, the strategy put forth is the best option for the property.

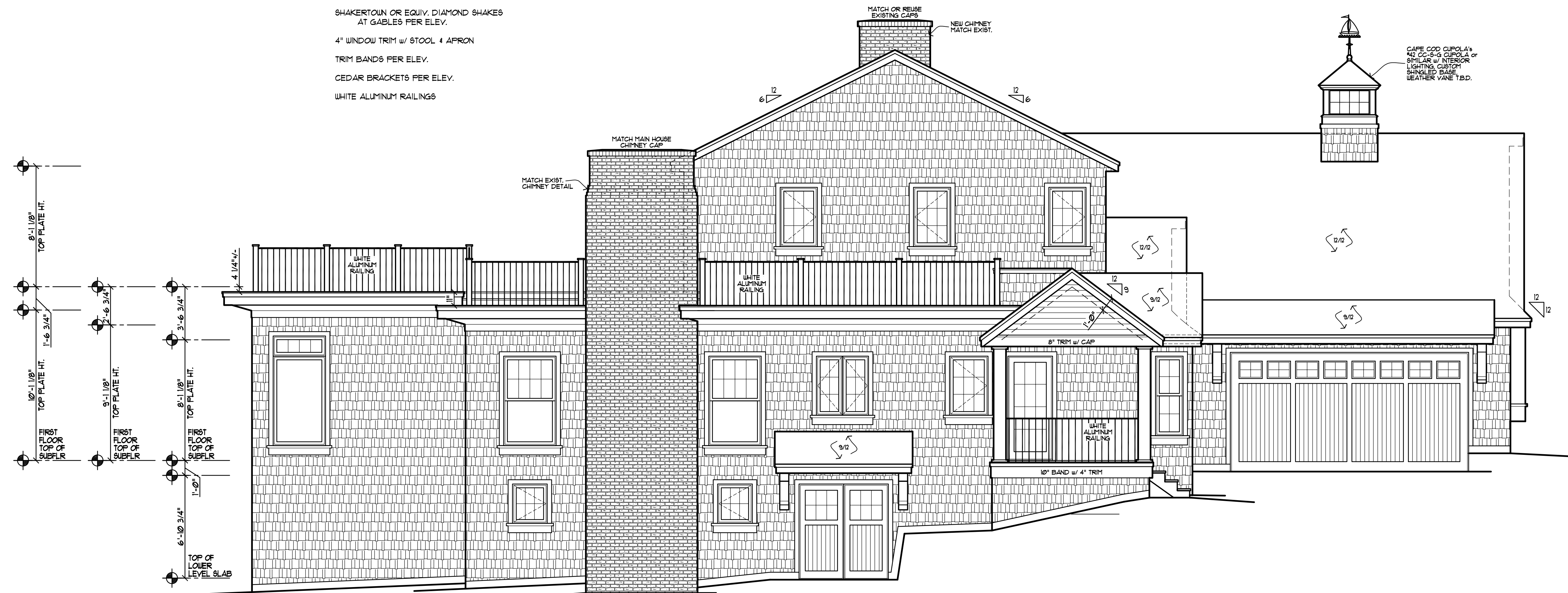
We appreciate your consideration for this project.

Michels Homes & Raykowski Family



1 FRONT ELEVATION
SCALE: 1/4"=1'-0"

- ARCH, ASPHALT SHINGLES TO MATCH NEW AUX. GARAGE
- CEDAR SHAKE SIDING PER ELEV. TO MATCH NEW AUX. GARAGE
- 6" FRIEZE AT FLAT ROOF
- 4" HARDIE LAP SIDING PER ELEV.
- SHAKERTOUN OR EQUIV. DIAMOND SHAKES AT GABLES PER ELEV.
- 4" WINDOW TRIM w/ STOOL & APRON
- TRIM BANDS PER ELEV.
- CEDAR BRACKETS PER ELEV.
- WHITE ALUMINUM RAILINGS



2 RIGHT ELEVATION
SCALE: 1/4"=1'-0"

ISSUE DATE:	1	2	3	4	5	6
ISSUE DATE:	JUNE 2022					
PREVIOUS ISSUE DATES:						
	5/19/2022	5/25/2022	4/16/2021	5/25/2021	6/15/2021	
	3/4/2019	4/16/2019	12/10/2019	1/13/2020		
	3/21/2019	7/10/2019				

DRAWING DESCRIPTION:
EXTERIOR ELEVATIONS

BID SET

RAYKOWSKI RESIDENCE
2503 MANITOU ISLAND
WHITE BEAR LAKE, MN

ISSUE DATE:	1 JUNE 2022
PREVIOUS ISSUE DATES:	5/19/2022 5/25/2022 3/4/2019 3/21/2019 4/8/2019
	4/16/2021 5/25/2021 1/13/2020

DRAWING DESCRIPTION:
EXTERIOR ELEVATIONS

BID SET

RAYKOWSKI RESIDENCE
2503 MANITOU ISLAND
WHITE BEAR LAKE, MN

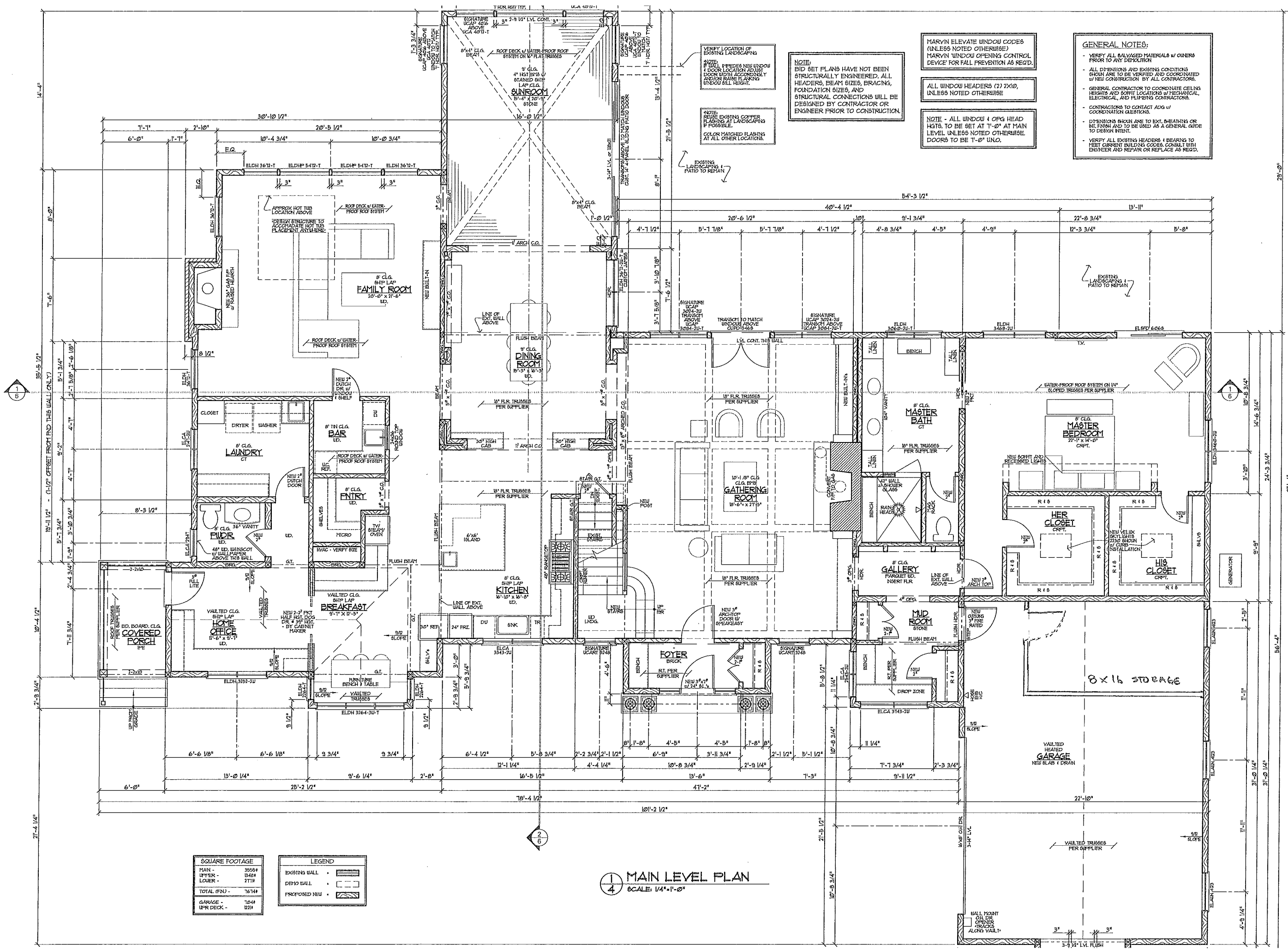


1 REAR ELEVATION
2 SCALE: 1/4"=1'-0"

- ARCH. ASPHALT SHINGLES
TO MATCH NEW AUX. GARAGE
- CEDAR SHAKE SIDING PER ELEV.
TO MATCH NEW AUX. GARAGE
- 6" FRIEZE AT FLAT ROOF
- 4" HARDIE LAP SIDING PER ELEV.
- SHAKERTOWN OR EQUIV. DIAMOND SHAKES
AT GABLES PER ELEV.
- 4" WINDOW TRIM w/ STOOL & APRON
- TRIM BANDS PER ELEV.
- CEDAR BRACKETS PER ELEV.
- WHITE ALUMINUM RAILINGS



2 LEFT ELEVATION
2 SCALE: 1/4"=1'-0"



Gordon & Jeri Ommen

2507 Manitou Island
White Bear Lake, MN 55110
651-328-4704

July 18, 2022

Dear City Council Members &
Department of Planning

Re: Case No. 22-15-V

We hope Mr. & Mrs. Raykowski enjoy their new home. The drawings look very nice.

It is our understanding that the Raykowski's also have an application pending with the City regarding some bulkhead work that was done several years ago. Apparently, without DNR or City approval. This bulkhead extends onto our property. We respectfully request that this matter be addressed, and that the portion of their bulkhead that extends onto our property be removed, before additional applications are considered.

We feel it is important that the Commission be provided with accurate information in the variance application, and if there are conflicts related to this information, that they be disclosed. Accordingly, please note that the drawing in the setback variance application highlights the distance of the current house from the side yard property line to be 8.7'. This drawing does not reference survey monuments. Enclosed please find a copy of a survey referencing the monument pins showing this distance to be 8.0'. A full copy of this survey, bearing the seal of Daniel McGibbon (651-442-9823) is also enclosed. Information related to the discrepancy between the Raykowski's drawing and the McGibbon survey can be found in police report CN21010927, compiled by Detective Ryan George.

There is a nice stand of mature trees along the property line, which provide privacy for both neighbors. In order to protect these trees, and given the large size of the property on which the house is to be built, we would ask the Commission to consider if a side yard setback of a minimum of 10' might be reasonable.

Thank you for your consideration.

Sincerely,



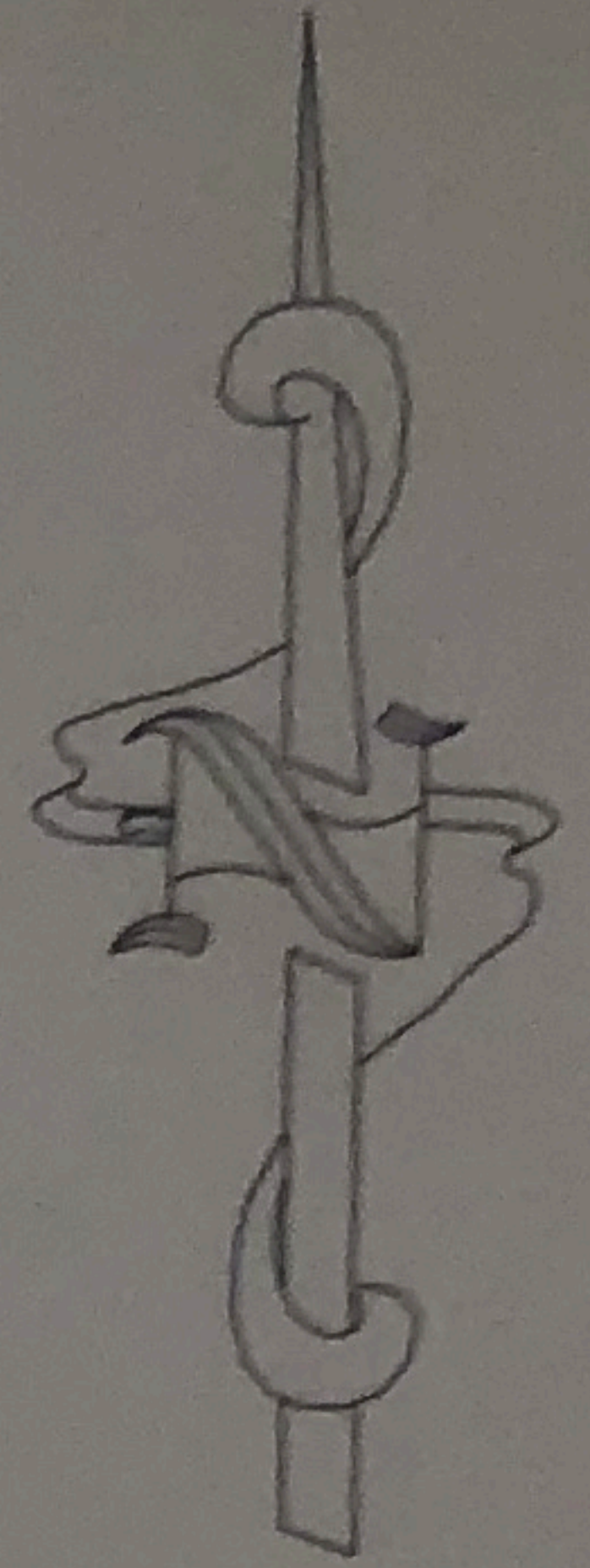
Gordon Ommen

McGibbon Land Surveying

2214 Tower Ct.
Woodbury, MN 55125
(651) 442-9823

Certificate of Survey

WHITE BEAR LAKE



SURVEY OF:
All of Lots 71 and 72, Except that part lying westerly of a line from a point on the westerly line of said Lot 72, a distance of 238.73 feet northeasterly of the southwesterly corner of said Lot 72 to a point on the southerly line of said Lot 72, which said point is 39 feet southeasterly of the southwesterly corner of said Lot 72, all in Map of Manitou Island, according to the plat on file in the office of the County Recorder, Ramsey County, Minnesota.

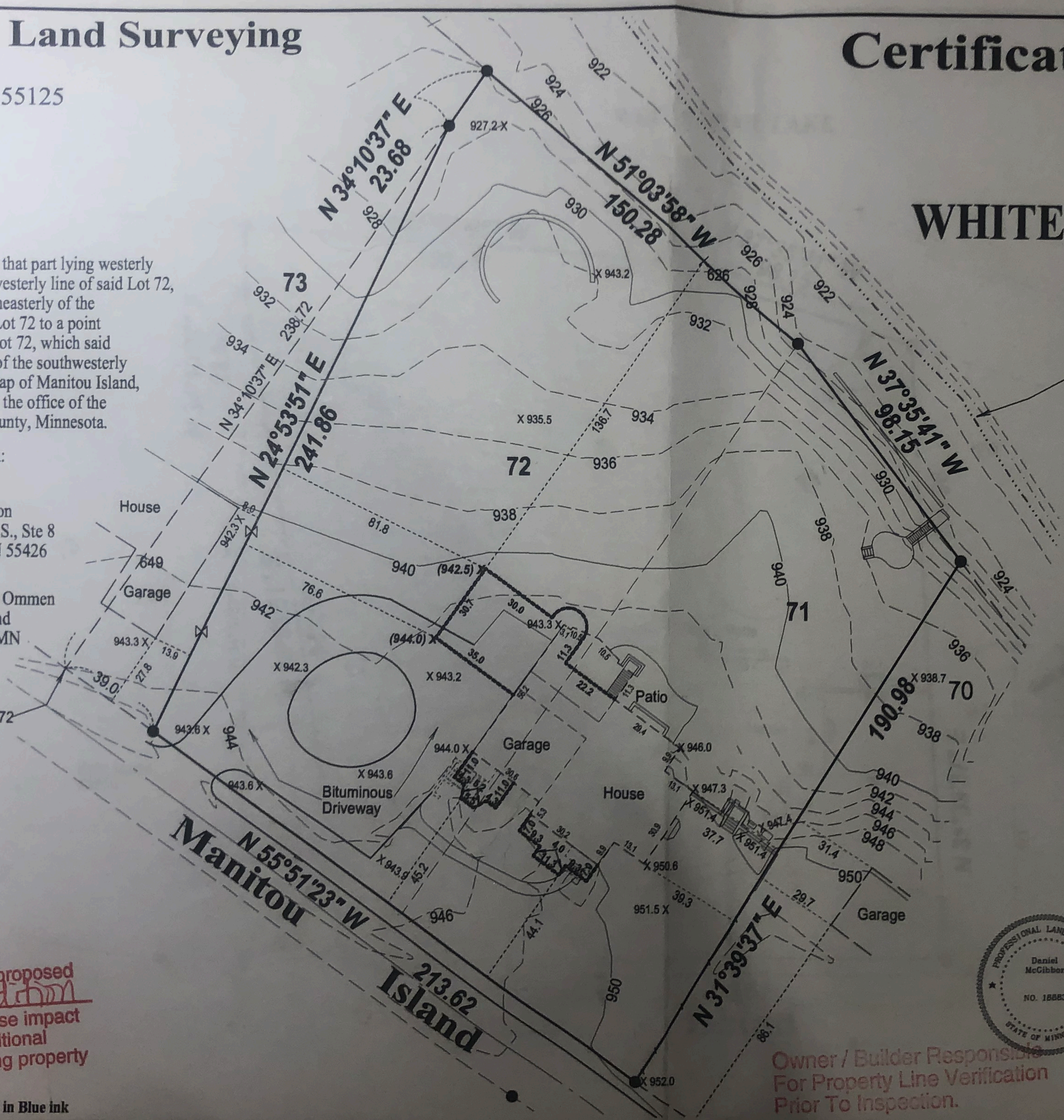
Shore line of White Bear Lake as located December 13, 2007
Elevation on top of ice 921.25 (NGVD 1929)
Highest Known Lake Elevation June 20, 1943 - 926.70 (NGVD 1929)
OHW Elevation = 924.70 (NGVD 1929)

SCALE 1" = 40 FEET

SURVEY FOR:

Builder
OMCO Construction
2246 Nevada Ave. S., Ste 8
St. Louis Park, MN 55426

Owner
Gordon & Jerilynn Ommen
2507 Manitou Island
White Bear Lake, MN



NOTES

- - Denotes Iron monument found
- ⊗ - Denotes nail set
- X 176.4 - Denotes existing elevation
- X (176.0) - Denotes proposed elevation

Existing Lowest Floor = 944.0
Existing Garage Floor = 944.0

BENCH MARK: Top Nut Hydrant
NW Quad 5th St. and Lake Ave
EI = 937.83 (N.G.V.D. 1929)

BEARINGS ARE ASSUMED

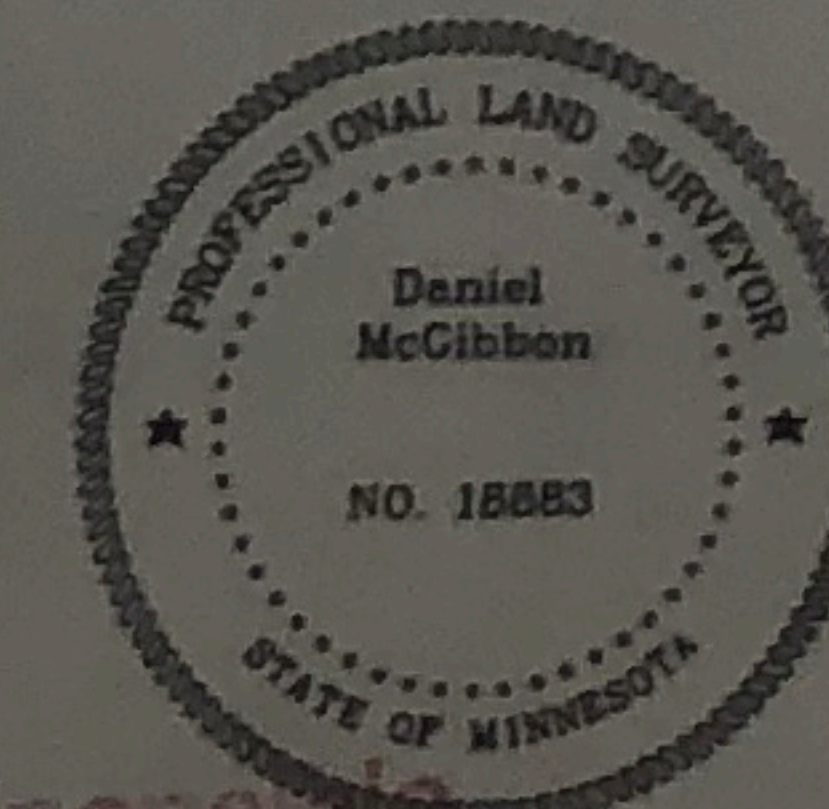
For Adjacent House
Setbacks see SHEET 2.

There was no Title work provided to determine if there are any easements or encumbrances on this property.

I hereby certify that this survey, plan or report was prepared by me under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Daniel R. McGibbon

Daniel R. McGibbon P.L.S.
Minnesota License No. 18883



This 8th Day of Jan, 2008 Project 7026

Owner / Builder Responsible
For Property Line Verification
Prior To Inspection.

SHEET 1 OF 2 SHEETS

Land alteration from proposed building addition may not cause adverse impact upon or result in additional drainage onto abutting property

Official Drawing is signed in Blue ink

Land alteration from proposed **FENCE** may not cause adverse impact upon or result in additional drainage onto abutting property

4 foot max height

WHITE BE

Fences may be placed along property lines provided no construction, encroachment, grading, or drainage damage results to abutting property.

That side of the fence considered to be the face (finished side as opposed to structural supports) shall face abutting property.

N 51°03'58" W
150.28'

FENCE FOOTING TO BE EMBEDDED BELOW GRADE 1/2 THE FENCE HEIGHT

N 34°10'37" E
23.68

Owner / Builder Responsible For Property Line Verification Prior To Inspection.

73

N 34°10'37" E
238.72

N 24°53'51" E

241.86

72

Fence 4" from property line 4" tall

116.4

Exist house #2503

Garage

Garage

Bituminous Driveway

N 55°51'23" W

Manitou

21.3
Isl

Reviewed For Code Compliance

By AM
Date 6/15/21

JOB SITE PLANS

Ashton Miller

From: Greg Frandsen <gfrandsen@industrialnetting.net>
Sent: Thursday, July 21, 2022 8:38 AM
To: Ashton Miller
Subject: 2503 Manitou Is. project

Ashton,

Just wanted to send you a quick note regarding the remodel at 2503 Manitou Island. We are at 2528 Manitou Island and just completed our home with Michel's Construction roughly 18 months ago. Michel's has done a terrific job on our project, not only from a timely basis but also quality and cleanliness of there construction sight. The homeowners like me should be thrilled that this is a Michel's project. As you are aware several other building projects on the Island with other contractors have not gone well.

As another homeowner on the Island, my wife and I completely support this project and endorse Michel's construction. The other homeowners should also endorse projects like this that improve the overall values of the homes on the Island.

Greg Frandsen
Frandsen Corporation

Ashton Miller

From: Denny Trooien <dennis@dennisproperties.com>
Sent: Thursday, July 21, 2022 11:29 AM
To: Ashton Miller
Cc:
Subject: Case No. 22-15-V/Raykowski

Denny Trooien and Sue Ahlcrona
2509 Manitou Island
White Bear Lake, MN 55110

July 21, 2022

Via Email: amiller@whitebearlake.org

Re: Case No. 22-15-V
Raykowski

Dear White Bear Lake Planning Commission Members:

This letter is intended to be a submission of information for the zoning matter 22-15-V that is scheduled for Planning Commission meeting on July 25, 2022.

We have been residents of Manitou Island for over 34 years, having moved into our house in 1988. We are neighbors. This letter is intended to be an expression of **support** for their requested variances. We appreciate that they are substantially keeping the appearance of their existing house, and we fully support the sloped roof on the garage with the architectural element. This new roof will be much more attractive than the existing flat roof.

Very truly yours

/s/ Denny Trooien

/s/ Sue Ahlcrona

Ashton Miller

From: Bruce Lang <BruLan@rigidhitch.com>
Sent: Monday, July 25, 2022 3:21 PM
To: Ashton Miller
Cc:
Subject: Construction at 2503 Manitou Island

Ashton

We are writing to advise you that we have no objections to the proposed plans to rebuild the house at 2503 Manitou Is. We would encourage you to allow the project to move forward.

Sincerely,
Bruce & Muriel Marie Lang
2504 Manitou Island



City of White Bear Lake
City Manager's Office

MEMORANDUM

To: Mayor and Council
From: Rick Juba, Assistant City Manager
Date: August 10, 2022
Subject: Church of St. Mary of the Lake Temporary Liquor License

SUMMARY

The City Council will consider approving a temporary liquor license for the Church of St. Mary of the Lake to serve alcohol at their fall festival event on September 18, 2022.

BACKGROUND INFORMATION

Minnesota Statute section 340A.404, Subd. 10 states that municipalities may issue temporary on-sale liquor licenses to nonprofit organizations in existence for at least three (3) years. The license may not exceed more than four consecutive days.

St. Mary of the Lake is a non-profit organization that has applied to sell beer and wine during their fall festival event to be held at St. Mary of the Lake Parish Life Center on Sunday, September 18, 2022, between 10:00am 3:00pm. This is an annual event and there have been no issues in the past regarding music or alcohol service. The applicant meets State regulations for temporary liquor licenses and has secured the liquor liability insurance required by City Code.

RECOMMENDATION

Staff recommends the City Council adopt the attached resolution approving a temporary liquor license for Church of St. Mary on the Lake for September 18, 2022.

ATTACHMENTS

Resolution

RESOLUTION NO.

**RESOLUTION APPROVING A TEMPORARY LIQUOR LICENSE FOR
THE CHURCH OF ST MARY OF THE LAKE'S FALL FESTIVAL**

WHEREAS, the Church of St. Mary of the Lake (the applicant) has submitted an application to serve alcohol at their fall festival on September 18, 2022 from 10:00am- 3:00pm at their parish life center; and

WHEREAS, the applicant meets the qualifications for a temporary liquor license; and

WHEREAS, the applicant has submitted the necessary proof of liquor liability insurance;
and

WHEREAS, the applicant has successfully hosted similar events in the past.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of White Bear Lake, Minnesota, under authority of Minnesota Statute section 340A.404 Subd. 10, approves the Temporary On-Sale Liquor License for the following organization for the date and location indicated:

St. Mary of the Lake
September 18, 2022 from 10:00am- 3:00pm
on the premises of
St. Mary of the Lake Parish Life Center
4690 Bald Eagle Avenue
White Bear Lake, MN 55110

The foregoing resolution, offered by Councilmember _____ and supported by Councilmember _____, was declared carried August 10, 2022 on the following vote:

Ayes:
Nays:
Passed:

Dan Louismet, Mayor

ATTEST:

Lindy Crawford, City Manager



City of White Bear Lake
City Manager's Office

MEMORANDUM

To: Mayor & City Council
From: Lindy Crawford, City Manager
Date: August 10, 2022
Subject: **White Bear Lions Club Foundation & Lions Club International Foundation
Donation – All Abilities Playground**

SUMMARY

Representatives from the White Bear Lake Lions Club will be at the City Council meeting to present the City with donations for the all-abilities playground. After the presentation, the City Council will adopt a resolution accepting the donations from the White Bear Lake Lions Club Foundation and the Lions Club International Foundation.

BACKGROUND INFORMATION

Pursuant State Statute 465.03 – Gifts to Municipalities, any city may accept a grant or devise of real or personal property and maintain such property for the benefit of its citizens in accordance with the terms prescribed by the donor. Every such acceptance shall be by resolution of the governing body adopted by a two-thirds majority of its members, expressing such terms in full.

Since 2019, the White Bear Lake Lions Club has issued a total of \$375,000 in monetary donations from its gambling proceeds to the City's Park Improvement Fund for an all-abilities playground. The City has received a grant from the Lions Club International Foundation totaling \$100,000 to be used towards safety surfacing and construction of the playground. In addition, the White Bear Lake Lions Club Foundation has given an additional \$5,000 donation from the sale of benches. To date, the City has received a total of \$480,000 in donations towards this project.

Parks Department staff have been meeting with a representative from the Lions Club to develop an equipment and trail layout, which will be located near the existing playground at Lakewood Hills. In 2019, this project was originally estimated to cost \$350,000. Since that time, the White Bear Lake Lions Club has requested to add additional features to the design to appeal to a larger range of users. With these changes, along with recent supply chain shortages and other construction related delays, the project is expected to cost \$600,000.

To capture some savings and take advantage of a grant opportunity, the playground structure

itself was purchased in 2021. The White Bear Lake Lions Club is working on acquiring additional donations to fund the remaining amount needed to complete the overall project.

RECOMMENDATIONS

Staff recommends the City Council adopt the attached resolution accepting the \$105,000 donation from both the White Bear Lake Lions Club Foundation and the Lions Club International Foundation and designating its use to go toward the all-abilities playground.

ATTACHMENTS

Resolution

RESOLUTION NO.

**A RESOLUTION ACCEPTING DONATIONS FROM THE WHITE BEAR LAKE LION'S CLUB
FOUNDATION AND LIONS CLUB INTERNATIONAL FOUNDATION
TO THE CITY OF WHITE BEAR LAKE FOR AN ALL-ABILITIES PLAYGROUND**

WHEREAS, the City of White Bear Lake is generally authorized to accept donations pursuant to Minnesota Statutes Section 465.03 for the benefit of its citizens, and is specifically authorized to accept gifts; and

WHEREAS, the White Bear Lions Club desires to fund an all-abilities playground in the City of White Bear Lake and since 2019 have donated \$375,000 toward that effort; and

WHEREAS, the White Bear Lions Club Foundation and the Lions Club International Foundation together have provided an additional \$105,000 donation toward the all-abilities playground, which is being planned at Lakewood Hills Park in White Bear Lake; and

WHEREAS, all such donations have been contributed to the City for the benefit of its citizens, as allowed by law; and

WHEREAS, the City Council finds that it is appropriate to accept the donations offered.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of White Bear Lake that \$105,000 in donations is accepted and shall be allocated to the all-abilities playground project.

The foregoing resolution, offered by Councilmember _____ and supported by Councilmember _____, was declared carried on August 10, 2022 the following vote:

Ayes:
Nays:
Passed:

Dan Louismet, Mayor

ATTEST:

Lindy Crawford, City Manager



City of White Bear Lake
City Manager's Office

MEMORANDUM

To: Mayor & City Council
From: Lindy Crawford, City Manager
Date: August 10, 2022
Subject: Prosecution Services Update

SUMMARY

The City Council will receive a presentation from Robb Olson and Heather Monnens of GDO Law, the City's prosecuting attorneys. GDO is contractually obligated to provide the City Council an annual update regarding services provided.

RECOMMENDATIONS

Receive the presentation and discuss as necessary. No action by the City Council is necessary.

ATTACHMENTS

None



City of White Bear Lake
City Manager's Office

MEMORANDUM

To: Mayor and City Council
From: Lindy Crawford, City Manager
Date: August 10, 2022
Subject: **Public Hearing and 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**

SUMMARY

The City Council will conduct a public hearing and second reading and consider adopting 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 in city limits.

BACKGROUND INFORMATION

Beginning on July 1, 2022, it became legal to sell certain products containing delta-9 THC ("THC Products") in Minnesota. The Act allows THC Products to be sold if certain requirements are met including that there are not more than 5mg of THC per dose and 50mg of THC per container; the purchaser is at least 21 years old; and the products are not marketed towards children.

The Minnesota Board of Pharmacy ("Board") is the state agency with oversight of THC Products. There is currently no state-level license required in order to sell THC Products and the Board does not test or approve products prior to their sale.

At their July 12, 2022 meeting, the City Council discussed the Act and ultimately decided that given there is a great deal of uncertainty regarding the new Act, it is in the City's best interest to adopt an interim moratorium ordinance to allow staff time to study the topic.

In addition, staff has determined there is a need to study current City regulations regarding retailers with a significant portion of their products and sales being of tobacco-related products. Therefore, staff suggests that the interim moratorium ordinance include tobacco shops.

At their July 26, 2022 meeting, the City Council conducted a first reading of a draft of the interim moratorium ordinance. No changes were suggested to the ordinance. After conducting a public hearing, staff recommends the City Council adopt the attached ordinance and resolution approving the summary publication of said interim ordinance by title and summary.

If adopted, staff intends to share the interim ordinance with current tobacco license holders and CBD establishments as well as seek input regarding research during the moratorium.

RECOMMENDEDATIONS

1. Staff recommends the City Council adopt the attached interim ordinance as presented.
2. Staff recommends the City Council adopt the attached resolution approving the summary publication of said interim ordinance by title and summary.

ATTACHMENTS

Proposed Interim Ordinance
Resolution

ORDINANCE NO.

**AN INTERIM ORDINANCE AUTHORIZING STUDIES AND IMPOSING A
MORATORIUM ON THE SALE OF CANNABIS PRODUCTS AND
ON THE ESTABLISHMENT OR EXPANSION OF TOBACCO SHOPS**

The City Council of the City of White Bear Lake does ordain as follows:

ARTICLE I. Legislative Findings

- (a) There is a great deal of uncertainty regarding the effect of Minnesota Laws 2022, Chapter 98 amending Minnesota Statutes, section 151.72 (“Act”) to allow the sale of edible cannabinoid products (“Cannabis Products”).
- (b) Because the proposal to allow the sale of Cannabis Products received little publicity until the Act went into effect on July 1, 2022, the City of White Bear Lake (“City”) did not have an opportunity to study and consider the potential impacts of the Act on the City. Nor did the City Council have sufficient time to engage in policy discussions regarding the regulations the City Council may elect to impose on the sale of Cannabis Products.
- (c) The Act authorizes the Minnesota Board of Pharmacy to enforce the Act, but the Act does not provide for any licensing of manufacturers or of those who sell Cannabis Products. The Act is also silent regarding the enactment of local regulations related to Cannabis Products.
- (d) The Legislature did not expressly prohibit or limit local regulations, and the regulations established in the Act clearly do not constitute the Legislature having occupied the field of regulation regarding the sale of Cannabis Products.
- (e) The City Council finds the uncertainties associated with sale of Cannabis Products, and the options for local regulation, compels the need for a study to develop information the City Council can rely on as it engages in policy discussions related to potential regulation of Cannabis Products through the adoption of licensing and zoning controls.
- (f) The City Council also determines there is a need to study its regulations regarding retailers with a significant portion of their products and sales being of tobacco-related products (“Tobacco Shops”).
- (g) The City currently does not expressly regulate Tobacco Shops as a separate use. The City has experienced businesses who have started a retail business, but have become a Tobacco Shop even though that use is not recognized as a permitted use in the City’s zoning regulations.

- (h) The City also recognizes a need to update its tobacco regulations to keep pace with recent changes in both federal and state laws.
- (i) The City Council is authorized to adopt an interim ordinance “to regulate, restrict, or prohibit any use . . . within the jurisdiction or a portion thereof for a period not to exceed one year from the date it is effective.” Minnesota Statutes, section 462.355, subdivision 4(a).
- (j) The City Council is also authorized as part of its general police powers to adopt business licensing requirements related to the sale of Cannabis Products and tobacco-related products.
- (k) The Minnesota Supreme Court in *Almquist v. Town of Marshan*, 245 N.W.2d 819 (Minn. 1976) upheld the enactment of a moratorium despite the lack of express statutory authority as being a power inherent in a broad legislative grant of power to municipalities. In most cases, the enactment of business licensing requirements is based on a city’s police powers, which is the broadest grant of power to cities. Inherent in that broad grant of authority is the power to temporarily place a moratorium on a business activity to study and potentially implement licensing regulations on that business activity.
- (l) There are both business licensing and zoning issues associated with the sale of Cannabis Products the City Council determines it needs time to study to consider the development and adoption of appropriate local regulations. In order to protect the planning process and the health, safety, and welfare of the residents while the City conducts its study and the City Council engages in policy discussions regarding possible regulations, the City Council determines it is in the best interests of the City to impose a temporary moratorium on the sale of Cannabis Products.
- (m) In order to protect the planning process and the health, safety, and welfare of the residents while the City conducts a study of Tobacco Shops and the sale of tobacco-related products, the City Council determines it is in the best interests of the City to impose a temporary moratorium on the establishment and expansion of Tobacco Shops to allow the City time to complete its study, determine how such sales and uses should be regulated under the City Code, and to draft and enact such legislative updates as needed.

ARTICLE II. Definitions. For the purposes of this Ordinance, the following words, terms, and phrases shall have the meanings given them in this Article.

- (a) “Act” means 2022 Minnesota Session Laws, Chapter 98 (H.F. No. 4065), amending Minnesota Statutes, section 151.72.

- (b) “Cannabis Products” means Edible Cannabinoid Product and any other product that became lawful to sell for the first time in Minnesota effective July 1, 2022, as a result of the adoption of the Act.
- (c) “City” means the City of White Bear Lake.
- (d) “City Code” means the Municipal Code of White Bear Lake, Minnesota.
- (e) “Edible Cannabinoid Product” has the same meaning given the term in Minnesota Statutes, section 151.72, subdivision 1(c).
- (f) “Electronic Delivery Device” means an electronic product that is designed to use, or that uses, liquids or pre-loaded cartridges to simulate smoking in the delivery of nicotine or any other substance through inhalation of the aerosol or vapor produced from the substance.
- (g) “Expand” means, with respect to a Tobacco Shop, increasing the amount of shelf space or floor area within an existing store used to display or sell Tobacco-Related Products. The term also includes increasing the size of the building or space in which the Tobacco Shop is located.
- (h) “Tobacco” means and includes cigarettes and any product containing, made, or derived from tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any component, part, or accessory of a tobacco product; cigars; cheroots; stogies; perique; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff; snuff flour; cavendish; plug and twist tobacco; fine cut and other chewing tobaccos; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco; and other kinds and forms of tobacco. Tobacco excludes any tobacco product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for such an approved purpose.
- (i) “Tobacco-Related Products” mean Tobacco and related materials and devices used in rolling, smoking, or storing Tobacco. The term includes Electronic Delivery Devices and the substances sold for use by such devices.
- (j) “Tobacco Shop” means a retail establishment with sales, or projected sales, of Tobacco-Related Products constituting at least 40% of the establishment’s total sales in any month.

ARTICLE III. Study. The City Council hereby authorizes and directs the City Manager to have City staff conduct a study on the following matters:

- (a) Cannabis Products. The City shall conduct a study regarding Cannabis Products and provide the City Council a report on the potential regulations of such products. The report shall include the City staff's recommendations on whether the City Council should adopt regulations and, if so, the recommended types of regulations. The study shall consider, but is not limited to, the following:
 - (1) The potential impacts of the sale of Cannabis Products within the City;
 - (2) Licensing the sale of Cannabis Products and related regulations; and
 - (3) Zoning regulations related to the sale, manufacture, and distribution of Cannabis Products as uses within the City.
- (b) Tobacco Shops. The City shall conduct a zoning study regarding Tobacco Shops and the sale of Tobacco-Related Products to determine whether Tobacco Shops should be expressly allowed under the City Code, if so, in which zoning districts, and the types of performance standards and other restrictions that should be enacted to regulate the use.

ARTICLE IV. Moratorium. A moratorium is hereby imposed within the City on the following:

- (a) Cannabis Products. No business, person, or entity may offer for sale or sell Cannabis Products to the public within the jurisdictional boundaries of the City. The City shall not accept, process, or act on any application, site plan, building permit, or other zoning approval for a business proposing to engage in the sale of Cannabis Products; and
- (b) Tobacco Shops. No business, person, or entity shall establish or expand a Tobacco Shop within the City. The City shall not accept, process, or act on any tobacco license application, site plan, building permit, or zoning approval for a new or expanded Tobacco Shop.

ARTICLE V. Violations. During the period of the moratorium, it is a violation of this Ordinance to do any of the following within the City:

- (a) Offer for sale or sell Cannabis Products;
- (b) Establish a new Tobacco Shop; or
- (c) Expand an existing Tobacco Shop.

ARTICLE VI. Exceptions. The moratorium imposed by this Ordinance does not apply to the following:

- (a) The sale of medical cannabis or hemp products that were lawful to sell prior to the effective date of the Act;
- (b) Renewal of a tobacco license for a Tobacco Shop lawfully existing prior to the effective date of this Ordinance; and
- (c) The continued operation of a Tobacco Shop lawfully existing prior to the effective date of this Ordinance.

ARTICLE VII. Enforcement. A violation of this Ordinance shall be a misdemeanor. In addition, the City may enforce this Ordinance by mandamus, injunction, other appropriate civil remedy in any court of competent jurisdiction, or through the City's administrative penalties program under Section 205 of the City Code.

ARTICLE VIII. Effective Date and Term. This Ordinance shall be effective upon the first day of publication after adoption and shall have a term of 12 months. This Ordinance shall remain in effect until the expiration of the 12 month term, until it is expressly repealed by the City Council, or until the effective date of an ordinance amending the City Code to address Cannabis Products and Tobacco Shops, whichever occurs first. The City Council may elect to repeal this Ordinance with respect to either the sale of Cannabis Products or the establishment or expansion of Tobacco Shops without affecting the restrictions imposed by this Ordinance on the other matter.

ARTICLE IX. General Provisions.

- (a) Not Codified. This Ordinance is transitory in nature and shall not be codified into the City Code.
- (b) Severability. Every section, provision, and part of this Ordinance is declared severable from every other article, section, provision, and part thereof. If any article, section, provision, or part of this Ordinance is held to be invalid by a court of competent jurisdiction, such judgment shall not invalidate any other article, section, provision, or part of this Ordinance.

Adopted this ____ day of _____ 2022.

Dan Louismet, Mayor

ATTEST:

City Clerk

Date of Publication: _____

RESOLUTION NO.

A RESOLUTION APPROVING SUMMARY PUBLICATION OF AN INTERIM ORDINANCE IMPOSING A MORATORIUM ON THE SALE OF CANNABIS PRODUCTS AND ON THE ESTABLISHMENT OR EXPANSION OF TOBACCO SHOPS BY TITLE AND SUMMARY

WHEREAS, the City of White Bear Lake City Council adopted Ordinance No. ____ “An Interim Ordinance Authorizing Studies and Imposing a Moratorium on the Sale of Cannabis Products and On the Establishment or Expansion of Tobacco Shops” (“Ordinance”) at its August 10, 2022 meeting; and

WHEREAS, the City Council may, pursuant to Ordinance No. 83-6-666, City Charter Section 4.14, and Minnesota Statutes, section 412.191, subdivision 4, adopt a title and summary of an ordinance for publication in lieu of publishing the entire text of a lengthy ordinance.

NOW, THEREFORE, BE IT RESOLVED, that the City of White Bear Lake City Council hereby approves the following title and summary language for publication of the Ordinance:

**CITY OF WHITE BEAR LAKE
ORDINANCE NO. ____**

AN INTERIM ORDINANCE AUTHORIZING STUDIES AND IMPOSING A MORATORIUM ON THE SALE OF CANNABIS PRODUCTS AND ON THE ESTABLISHMENT OR EXPANSION OF TOBACCO SHOPS

On August 10, 2022, the City Council of the City of White Bear Lake adopted Ordinance No. ____, an ordinance establishing a moratorium on the sale of Cannabis Products, as that term is defined in the ordinance. The interim ordinance declares a moratorium on such sales and authorizes a study to determine if and how the City wishes to regulate sales. Medical cannabis and hemp products that could be sold legally before July 1, 2022 are exempt from the moratorium. The moratorium has a maximum duration of 12 months. The full text of the ordinance is available for inspection at White Bear Lake city hall during regular business hours and has been posted to the City’s website.

BE IT FINALLY RESOLVED, that the City of White Bear Lake City Council hereby directs the City Clerk to do each of the following:

1. Publish the approved summary language once in the City’s official newspaper;
2. Have available for inspection during regular office hours a copy of the entire Ordinance;
3. Place a copy of the entire Ordinance at the White Bear Lake Branch of the Ramsey County Public Library;
4. Obtain an affidavit of publication of the title and summary from the official newspaper and place it in the City’s ordinance book together with the

- Ordinance and a copy of this Resolution;
5. Post this Ordinance on the City's website.

The foregoing resolution offered by Councilmember _____ and supported by Councilmember _____ carried on August 10, 2022 on the following vote:

Ayes:
Nays:
Passed:

Dan Louismet, Mayor

ATTEST:

Lindy Crawford, City Manager

Published on time in the White Bear Press on August ____, 2022.



City of White Bear Lake
Community Development Department

M E M O R A N D U M

TO: Lindy Crawford, City Manager
FROM: Ashton Miller, City Planner
DATE: August 10, 2022
SUBJECT: Bruggeman Variance / 2510 Manitou Island / Case No. 22-16-V

SUMMARY

The applicant, Michels Homes, requests a 1.5 foot variance from the four foot height limit for a solid wall, in order to retain two ten foot long stone monuments that are 66 inches at the highest point. Based on the findings made in this report, both the Planning Commission and staff finds that the applicant has demonstrated a practical difficulty with meeting the City's zoning regulations as required by Minnesota Statute 462.357, Subd.6 and recommends approval of this request.

BACKGROUND INFORMATION

Applicant/Owner: Michels Homes / Tom and Nancee Bruggeman

Existing Land Use / Zoning: Single Family; zoned R-11: Low Density Single Family – Island & S – Shoreland Overlay District

Surrounding Land Use / Zoning: All Directions: Single Family; zoned R-11: Low Density Single Family – Island & S – Shoreland Overlay District

Comprehensive Plan: Very Low Density Residential

Lot Size & Width: Code: 1 acre; 150 feet
 Site: 1.2 acres; 266 feet

Planning Commission Action

The Planning Commission reviewed this item during their July 25, 2022 regular meeting. During the meeting, the commission heard a presentation from staff and held a public hearing that produced comments from the applicant, Andy Michels, and homeowner, Nancee Bruggeman, reiterating the decorative nature of the monuments. After hearing staff's presentation and comments from the applicants, the commission voted 4-1 to recommend the City Council approve this request. Member Lynch voted against the recommendation, citing a lack of practical difficulty.

Staff did not receive any written comments regarding this request.

Site Characteristics

The subject site is located on the northwest portion of Manitou Island, on the south side of the road. The existing home was torn down in early 2021 and the owners are in the midst of constructing their new single family home. As part of the construction, extensive landscaping has occurred throughout the property, including two monuments, one at each entrance of the circle driveway. In the midst of construction, it was discovered that the entry monuments were 66 inches in height when the code limits solid walls to 48 inches in height.

Variance Review

City review authority for variance applications is considered a Quasi-Judicial action. This means the city acts like a judge in evaluating the facts against the legal standard. The city's role is limited to applying the legal standard of practical difficulties to the facts presented by the application. Generally, if the application meets the review standards, the variance should be approved.

The standards for reviewing variances are detailed in Minnesota State Statute 462.357, Subdivision 6. In Summary, variances may be granted when the applicant establishes there are "practical difficulties" in complying with the zoning regulations. A practical difficulty is defined by the five questions listed below. Economic considerations alone do not constitute a practical difficulty. In addition, under the statute the City may choose to add conditions of approval that are directly related to and bear a rough proportionality on the impact created by the variance.

Staff has reviewed the variance request against the standards detailed in Minnesota State Statute 462.357, Subdivision 6 and finds the applicant has demonstrated a practical difficulty. The standards for reviewing a variance application and staff's findings for each are provided below.

1. Is the variance in harmony with purposes and intent of the ordinance?

Finding: The proposed variance is in harmony with the purpose and intent of the zoning regulations. The purpose of the general building and performance requirements section of code is "to establish general development performance standards. These standards are intended and designed to assure compatibility of uses; to prevent urban blight, deterioration and decay; and to enhance the health, safety and general welfare of the residents of the community." The stone monuments do not detract from the unique historical attributes found on the island nor do they pose a health or safety risk to the residents. One monument is set back 8 feet at its closest point and the other is 15 feet from the property line, so neither impede traffic visibility when entering or exiting the driveway.

2. Is the variance consistent with the comprehensive plan?

Finding: The proposed variance is consistent with the 2040 Comprehensive Plan. The 2040 Comprehensive Plan's Future Land Use Map guides the property as "very low density residential", which is characterized by single-family attached and detached dwellings with a density range of 1 unit per 5 acres to 2 units per acre. The density of this property is not

affected by the construction of the monuments and will continue to fall within the allowable range.

3. Does the proposal put the property to use in a reasonable manner?

Finding: The proposal would put the subject property to use in a reasonable manner. The entry monuments are mainly for aesthetic purposes and provide a design that ties into the architecture found throughout Manitou Island landscaping.

4. Are there unique circumstances to the property not created by the landowner?

Finding: The lots on the island are large, the homes generally have greater street side setbacks, and it is somewhat unique for the property to be adjacent to a private road. Due to their location in the yard abutting the road, staff has included a condition that the monuments be kept at least eight feet from the property line.

5. Will the variance, if granted, alter the essential character of the locality?

Finding: Granting the requested variance will not alter the essential character of the surrounding neighborhood. The monuments mimic the columns found at the entrance to the island in terms of style and material and there is a large amount of vegetation around the driveway to provide screening and soften the appearance of the walls. Further, only a small portion of the walls exceed the four foot height limit, so they are not creating a feeling of the property being closed off.

RECOMMENDATION

The Planning Commission and staff recommend approval of the request, 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. A zoning permit shall be obtained for the entry monuments.
4. The monuments shall be set back at least 8 feet from the street side property line.

Attachments:

Resolution

Applicant's Site Plan

RESOLUTION NO.

**RESOLUTION GRANTING A HEIGHT VARIANCE
FOR 2510 MANITOU ISLAND WITHIN THE CITY OF WHITE BEAR LAKE, MINNESOTA**

WHEREAS, Tom and Nancee Bruggeman have requested a 1.5 foot variance from the 4 foot height limit for a solid wall, per Code Section 1303.020, Subd.6.a in order to permit two entry monument features at the following location:

LOCATION: 2510 Manitou Island

LEGAL DESCRIPTION: Lots 16 and 17, Manitou Island, White Bear Lake, Ramsey County, MN. (PID #13.30.22.42.0009)

WHEREAS, the Planning Commission held a public hearing as required by the Zoning Code on July 25, 2022; 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, Minnesota that the City Council accepts and adopts the following findings of the Planning Commission:

1. The requested variances are in harmony with purposes and intent of the ordinance.
2. The requested variances are consistent with the 2040 Comprehensive Plan.
3. Granting the requested variances will allow the property to be used in a reasonable manner.
4. There are unique circumstances to the property not created by the landowner.
5. Granting the requested variances alone will not alter the essential character of the neighborhood.

BE IT FURTHER RESOLVED, that the City Council of the City of White Bear Lake hereby approves the requested variances, 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. A zoning permit shall be obtained for the entry monuments.

RESOLUTION NO.

4. The monuments shall be set back at least eight feet from the street side property line.

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

Ayes:
Nays:
Passed:

Dan Louismet, Mayor

ATTEST:

Lindy Crawford, City Manager

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

