



AGENDA
REGULAR MEETING OF THE CITY COUNCIL OF
THE CITY OF WHITE BEAR LAKE, MINNESOTA
TUESDAY, JUNE 13, 2023
7 P.M. IN THE COUNCIL CHAMBERS

Navigable Agenda

1. CALL TO ORDER AND ROLL CALL

PLEDGE OF ALLEGIANCE

2. APPROVAL OF MINUTES

A. Minutes of the Regular City Council Meeting on May 23, 2023

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. Accept minutes: May Planning Commission

B. Resolution granting a minor subdivision for 2241 8th Street

C. Resolution granting a setback variance for 18xx Clarence Street

5. VISITORS AND PRESENTATIONS

None

6. PUBLIC HEARINGS

A. First Reading of an Ordinance Amending the City Charter

7. UNFINISHED BUSINESS

None

8. NEW BUSINESS

None

9. DISCUSSION

None

10. COMMUNICATIONS FROM THE CITY MANAGER

11. ADJOURNMENT



**MINUTES
REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF WHITE BEAR LAKE, MINNESOTA
TUESDAY, MAY 23, 2023
7 P.M. IN THE COUNCIL CHAMBERS**

1. CALL TO ORDER AND ROLL CALL

Mayor Dan Louismet called the meeting to order at 7 p.m. The City Clerk took attendance for Councilmembers Kevin Edberg, Steve Engstran, Heidi Hughes, Dan Jones and Bill Walsh. Staff in attendance were City Manager Lindy Crawford, Public Works Director/City Engineer Paul Kauppi, Finance Director Kerri Kindsvater, City Clerk Caley Longendyke, and City Attorney Troy Gilchrist.

PLEDGE OF ALLEGIANCE

2. APPROVAL OF MINUTES

- A. Minutes of the City Council Meeting on May 9, 2023

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

3. APPROVAL OF THE AGENDA

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

4. CONSENT AGENDA

- A. Accept minutes: April White Bear Lake Conservation District
B. Resolution authorizing a massage therapy establishment license for Wildwood Chiropractic Center **Res. No. 131201**

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

5. VISITORS AND PRESENTATIONS

- A. Public Works Week Proclamation

Mayor Louismet read a proclamation recognizing the dedication and service of public works professionals in the community and the observation of Public Works Week in White Bear Lake from May 21-27, 2023. He shared his appreciation to staff for their hard work. Public Works Director/City Engineer Paul Kauppi and Public Works Superintendent Mark Meyer accepted the proclamation on behalf of the White Bear Lake Public Works Department.

- B. 2022 Financial Audit

Finance Director Kerri Kindsvater introduced Justin Nilson, senior manager of Abdo, to present the results of the 2022 annual financial audit. Abdo, the City's auditing firm, issued a clean,

unmodified audit opinion with no findings noted. There were no legal compliance findings under Minnesota Legal Compliance guides and no compliance issues from the Single Audit. He provided an overview of the General Fund and fund balance, and noted that the fund balance is keeping up with the increasing budget expenditures, remaining steady at about 51%. He compared budgeted to actual amounts for the general fund and said there was overall good fiscal management with most areas being under budget. General fund revenues and expenditures both increased but remained balanced. Nilson reviewed the special revenue fund balances and noted the largest variance was a decrease of \$291,000 in the Economic Development Fund, which was anticipated in the budget. He noted the zero-balance for American Rescue Plan Fund, but explained there is \$900,000 that is not listed as it is accounted for and is to be spent in 2023 and 2024. He commented on the Capital Project Fund balances, saying they were strong with reserves for the future. He said the fund balance for Municipal Building Fund increased \$5.8 million, related to unspent proceeds, but noted those funds will be spent on the public safety facility renovation project, then it will return to its previous balance.

Nilson presented an overview of the Enterprise Funds, including the operating receipts and disbursements, debt payments, and cash balances. He said most funds (Water, Sewer, Refuse, Ambulance, and Pioneer Manor) showed positive, consistent results and are meeting or exceeding targeted fund balances. For the License Bureau Fund, operating disbursements exceed receipts and the unrestricted cash has been experiencing a decreasing trend. He said the Internal Service Fund also has a positive trend. He shared a graph to show cash and investment balances and noted again that there appears to be a significant increase in cash balances, but they're attributed to unspent proceeds that will be used for projects underway. Lastly, he shared graphs comparing the City of White Bear Lake to the averages of cities categorized as Class 2 (populations 20,000-100,000), cities with populations ranging between 20,000-30,000 and cities in Ramsey County. He said the City's tax rate and property taxes per capita is much lower than other cities. Debt service expenditures as a percent of current expenditures showed consistent results among the City of White Bear Lake and others. He said the City compares favorably to current expenditures per capita. Mayor Louismet complimented Director Kindsvater and the Finance Department for their work.

It was moved by Councilmember **Engstran**, seconded by Councilmember **Jones**, to approve **Res. No. 13202** accepting the 2022 Annual Comprehensive Financial Report.

6. PUBLIC HEARINGS

Nothing scheduled

7. UNFINISHED BUSINESS

Nothing scheduled

8. NEW BUSINESS

Nothing scheduled

9. DISCUSSION

Nothing scheduled

10. COMMUNICATIONS FROM THE CITY MANAGER

City Manager Crawford shared that City staff are preparing the hiring process for a new police chief, following Chief Swanson's announcement that she will be retiring on August 25. City administration is working with the Civil Service Commission and Police Department staff as they prepare for the recruitment process. Councilmember Jones thanked staff from the Fire and Police departments for organizing a recreation of a 1933 photograph by parking the newest fire truck next to an original fire truck in front of the building on Clark Avenue and 2nd Street, where the old fire station was located.

12. ADJOURNMENT

There being no further business before the Council, it was moved by Councilmember **Engstran** seconded by Councilmember **Hughes** to adjourn the regular meeting at 7:22 p.m. Motion carried unanimously.

Dan Louismet, Mayor

ATTEST:

Caley Longendyke, City Clerk



**PLANNING COMMISSION MEETING
OF THE CITY OF WHITE BEAR LAKE, MINNESOTA
MONDAY, MAY 22, 2023
7:00 P.M. IN THE COUNCIL CHAMBERS**

1. CALL TO ORDER AND ATTENDANCE

MEMBERS PRESENT: Mike Amundsen, Ken Baltzer, Erich Reinhardt, Andrea West
MEMBERS ABSENT: Jim Berry, Pam Enz, Mark Lynch
STAFF PRESENT: Jason Lindahl, Community Development Director; Ashton Miller, City Planner
OTHERS PRESENT: Dean Hansen, Louise Daniels, Kris Daniels, Emily Cox

2. APPROVAL OF AGENDA

It was moved by Member **Baltzer** and seconded by Member **Reinhardt** to approve the agenda as presented.

Motion carried, 4:0.

3. APPROVAL OF THE MINUTES

A. Minutes of April 24, 2023

It was moved by Member **West** and seconded by Member **Baltzer** to approve the minutes of March 27, 2023.

Motion carried, 4:0.

4. CASE ITEMS

A. Case No. 23-15-V: A request by Bunker Investments LLC for a seven foot variance from the 25 foot setback required along a side abutting a public right-of-way, per code section 1303.060 Subd.5.c.2 in order to construct a single family home 18 feet from the eastern lot line at the property located at 18XX Clarence Street.

Ashton Miller, City Planner discussed the case. Staff recommended approval of the case as proposed.

Member Amundsen opened the public hearing.

Dean Hansen, one of the owners for Bunker Investments, explained that he is agreeable

to have the 10 feet easement located entirely on his property, but did mention he believes the neighbor appeared to be willing to locate part of it on his property. He noted that if the 10 foot easement were to be located entirely on his property, the overhang of the house would encroach into the easement and that they would not be able to move the house any further to the east.

Member Amundsen closed the public hearing.

It was moved by Member **Reinhardt** to recommend approval of Case No. 23-15-V, seconded by Member **Baltzer**.

Motion carried 4:0.

5. DISCUSSION ITEMS

- A. **Case No. 23-16-LS:** A request by Cox Contracting for a minor subdivision, per code section 1407.030, in order to split one lot into two at the property located at 2241 8th Street.

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

Member West asked for clarification on the configuration of the lot split. Miller responded that the applicant split the lot so that one lot meets the minimum lot size for a single unit dwelling and one lot meets the minimum requirements for a two unit dwelling, while also maximizing the buildable area.

Member Baltzer noted that there can be a lot of on street parking on 8th St. Emily Cox, an owner of Cox Contracting, added she knows that is a part of living in the downtown area and that they intend to have off street parking for the units.

It was moved by Member **Baltzer** to recommend approval of Case No. 23-16-LS, seconded by Member **West**.

Motion carried, 4:0.

- B. **Case No. 23-18-C:** A request by Scooter's Coffee for a concept plan review, per code section 1301.100, for a proposed stand-alone drive-thru coffee shop at the property located at 1350 highway 96.

Miller discussed the case.

Member Amundsen invited the public to provide comments on the proposal.

Kris Daniels, the applicant, explained that he likes the proposed site for his business and

the prospect of locating a Scooter's Coffee in White Bear Lake.

Member Amundsen asked if Scooter's Coffee requires all Scooter's Coffee locations to look uniform. Daniels answered he believes they do want them to look somewhat uniform but that there is probably some degree of flexibility.

Member Amundsen asked about storm water and if they have they been in talks with the owner of the site about a different orientation to address storm water issues. Daniels answered that he hasn't yet, but that he has had internal conversations about it.

Member Baltzer explained that he wasn't sure that this site is a good location for the proposed coffee shop. He added that traffic flow on Highway 96 is not great.

Member West explained that she has similar concerns. She added that she is concerned about locating the building on top of the sewer line in the case of necessary repairs. She added that there may be concerns about access to other utilities. She explained that she is hopeful there is another location option for the building.

Member Reinhardt explained that he likes the design of the building. He explained that the issues raised about the location may also have an impact on the business, noting that if people don't believe they can easily exit the parking lot onto Highway 96, they are not going to want to patronize the business. He added that he believes they may be able to find another spot in White Bear Lake that could work for them.

Daniels added that they like being near a high traffic area but understand the concerns brought up about it.

Lindahl explained that Daniels has been in communication with City staff since the fall about bringing a Scooter's Coffee to the City. Staff had discussed with Daniels that if he could find a location in the right zone, then he could go through the Conditional Use Permit process, but because the proposed site would have multiple buildings on the lot the PUD process is required, which is a more discretionary process for the City. Staff believes that generally, this business could be a good infill project in the City, even at this site, but there are some challenges with the current selected location. Lindahl added that the Engineering department did some preliminary storm water management review, although at this stage the applicant does not need those plans.

Member Reinhardt asked about the process for reviewing traffic, and the possibility of adding a traffic light to the intersection. Miller responded that Highway 96 is a Ramsey County road, which would require the County's involvement. Lindahl added that the City's Engineering department would connect with the County's Engineering department to determine the traffic needs and whether a light would be needed at the intersection.

C. City Council Meeting Overview

Lindahl provided an overview of the May 9th City Council Meeting. Lindahl explained that the Council approved the lot split and variances for the Shady Lane property. City Council also approved the City to enter into negotiations with Bolton and Menk Consultants to work with the City on the zoning code update. The next steps would be for the Council to set up an advisory group to guide that process. The City Council also considered the redevelopment proposal for the County Rd E and Bellaire site. The motion to approve the proposal failed, so the City Attorney recommended staff come back with a resolution for denial. Lindahl added that since City Council, the applicant has decided to withdraw that application and resubmit a new proposal. Lindahl explained that they will likely submit to rezone the lot to R-5 with the intent to develop townhomes. The applicant will still need to go through a PUD and they will need to subdivide the property.

Member West asked what the height restrictions are for townhomes. Lindahl responded that the height restriction is 35 feet in all residential districts and 36 feet in the commercial zone.

Member Amundsen asked if the contract will be in place for the zoning code update by the next planning commission meeting. Lindahl explained that he hopes the contract will be finalized within the next 30 days and then officially starting the process in August or September.

6. ADJOURNMENT

There being no further business before the Commission, it was moved by Member **Baltzer**, seconded by Member **West** to adjourn the meeting at 7:49 p.m.



City of White Bear Lake
Community Development Department

MEMORANDUM

TO: Lindy Crawford, City Manager
FROM: Jason Lindahl AICP, Community Development Director
 Shea Lawrence, Planning Technician
DATE: June 13, 2023
SUBJECT: Cox Contracting Minor Subdivision, 2241 8th Street, Case No. 23-16-LS

SUMMARY

The applicant, Cox Contracting, is requesting a minor subdivision, per code section 1407.030, in order to split one lot into two at the property located at 2241 8th Street. Should the City approve the lot split as proposed, the applicant intends to market Lot A for a duplex and Lot B for a single unit dwelling. Based on the findings made in this report, both the Planning Commission and staff find that the request meets the City's subdivision regulations and recommend approval of this request.

GENERAL INFORMATION

Applicant / Owner:	Cox Contracting
Existing Land Use / Zoning:	Vacant R-4: Single Family – Two Family Residential
Surrounding Land Use / Zoning:	North and West: B-4 General Business East and South: R-4 Single Family Two Family Residential
Comprehensive Plan:	Medium Density Residential
Lot Size & Width:	Code: R-4 Single Family: 7,000 sq. ft., 60 ft. wide Code: R-4 Two Family: 5,000 sq. ft. per unit, 80 ft. wide Existing Site: 18,213 sq. ft., 180.07 ft. wide Proposed Site A: 10,048 sq. ft., 120.01 ft. wide Proposed Site B: 8,165 sq. ft., 60.06 ft. wide
60 Day Review Date:	June 26, 2023

BACKGROUND INFORMATION

The property consists of two historic lots of record that were platted in 1886 as part of Auerbach's rearrangement of part of White Bear. The lot used to contain a single unit home prior to its demolition in 2015.

As part of their narrative, the applicants expressed their intent to develop one of the lots with a single unit dwelling and one of the lots with a two-unit dwelling.

Planning Commission Action. The Planning Commission reviewed this item during their May 22, 2023 regular meeting. During the meeting, the commission heard a presentation from staff. No public hearing was required for the minor subdivision. The applicant Emily Cox was available for questions. After hearing staff's presentation, the commission voted 4-0 to recommend the City Council approve this request.

ANALYSIS

City review authority for subdivision applications is considered a Quasi-Judicial action. As such, the City is acting as a judge to determine if the regulations within the Comprehensive Plan, Zoning Ordinance and Subdivision Ordinance are being followed. Generally, if the application meets these requirements, the subdivision application should be approved. The City also has the authority to add conditions to an approval that are directly related to the application.

Minor Subdivision Review. The standards for reviewing subdivision requests are detailed in Subdivision Code Section 1407 of the City Code. Section 1407.030 includes the following standards in order for a property to qualify for a minor subdivision and be exempt from the more formal platting requirements. Staff finds the proposal is consistent with these standards:

- The subdivision results in fewer than three lots;
- Public utilities and street right-of-ways serve the parcel;
- The new legal description does not rely on metes and bounds and is not overly complicated; and
- The newly created property lines will not cause any resulting lot to be in violation of these regulations or the Zoning Code.

Staff also reviewed the lot split request against the standards utilized for other land use requests and provided responses to each as outlined below.

1. Is the proposal consistent with the City's Comprehensive Plan?

Finding: The Future Land Use Map in the 2040 Comprehensive Plan guides the property as Medium Density Residential which is characterized by a density range of 8-14 units per acre. Typical housing types includes multi-unit townhomes, four-plexes, and smaller-scale apartment and senior living facilities. By splitting the lot and constructing a duplex on site A and a single unit home site B, the density would be at 7.2 units/acre. This would put the density below the medium density range of 8-14 units/acre. The use of this lot for a single unit home, results in a density of 2.4 units/acre on the site. Adding three residential units to the currently vacant lot will move the property closer to the goal in the 2040 comprehensive plan.

2. Is the proposal consistent with the existing and future land uses in the area?

Finding: The proposal is consistent with the existing and future land uses in the area. The existing uses of the surrounding properties varies. To the south and to the east of the site, the

properties are single unit homes and zoned R-4. To the north and west of the site the properties are zoned B-4 General Business including a city owned parking lot and a hotel and restaurant. Constructing a duplex on the proposed west lot and a single unit home on the proposed east lot would be consistent with the existing use. The duplex would serve as a transition between the commercial lots to the single unit homes in the neighborhood. In the 2040 Comprehensive Plan, the abutting properties to the north and west are guided as Downtown Residential is a characteristic of the Downtown district so constructing a duplex on the neighboring property would be consistent with the area. The properties to the south and east are guided medium density residential and move towards low density residential.

3. Does the proposal conform to the Zoning Code requirements?

Finding: The proposed subdivision meets the zoning code requirements of the R-4 district.

Use: The R-4 district permits single and two unit dwellings. The proposal is consistent with the R-4 district.

Lot Width: The R-4 district requires a minimum lot wide of 60 feet for a single unit residence and a minimum of 80 feet for a two unit dwelling. Proposed Site A where the applicant intends to construct a duplex is 120.01 feet wide. Proposed Site B where the applicant intends to build a single unit dwelling is 60.06 feet wide. Both proposed lots meet the minimum requirement.

Lot Size: The R-4 district requires a minimum lot size of 7,200 square feet for a single unit lot and 5,000 square feet per unit for a two unit lot. Proposed Site A, intended for the duplex is 10,048 sq. ft. Proposed Site B, intended for the single unit dwelling, is 8,165 sq. ft. Both the proposed lots meet the minimum lot size requirements.

Setbacks: The resulting properties will provide a large enough buildable area to meet the required setbacks without a variance. The setbacks in the R-4 district are as follows:

Front: Average or 25 feet
Side: 10 feet
Rear: 30 feet

Parking: A two car garage is required for the single unit lot. One fully enclosed and one unenclosed parking space per unit for the duplex lot is required. The applicant will be required to meet these standards for the building permit process.

The proposed lots meet the above criteria; therefore can be subdivided through the minor subdivision process.

4. Will the proposal depreciate values in the area?

Finding: The proposal is not anticipated to depreciate values in the area. Recent infill projects of single unit and two unit dwellings throughout the city have not resulted in depreciation of the surrounding neighborhood, and staff finds that trend should continue in this neighborhood.

5. Will the proposal overburden the existing public services or the capacity of the service area?

Finding: The property is served by city water and sewer and the utilities have the capacity to serve the two lots. The newly created parcels will need to connect to services when the site is developed. At that time, the developer will also need to pay Metropolitan Council and City SAC (Sewer Availability Charge) and WAC (Water Availability Charge) fees.

6. Will traffic generation be within the capabilities of the streets serving the site?

Finding: Traffic generation will be within the capabilities of the street serving the site. The number of trips generated by three additional households is minimal and not anticipated to negatively impact the traffic.

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. Within 6 months after the approval of the survey by the City, the applicant shall record the survey, along with the instruments of conveyance with the County Land Records Office, or the subdivision shall become null and void.
3. The resolution of approval shall be recorded against both properties and notice of these conditions shall be provided as condition of the sale of any lot.
4. The applicant shall provide the City with proof of recording (receipt) as evidence of compliance with conditions #2 and #3. Within 120 days after the date of recording, the applicant shall provide the City Planner with a final recorded copy of the Certificate of Survey.
5. The applicant shall agree to reapportion any pending or actual assessments on the original parcel or lot of recording in accordance with the original assessment formula on the newly approved parcels, as per the City of White Bear Lake finance office schedules.
6. Durable iron monuments shall be set at the intersection points of the new lot lines with existing lot lines. The applicant shall have one year from the date of Council approval in which to set the monuments.
7. The park dedication fee shall be collected for Parcel A at the time when a building permit is issued.
8. Metropolitan Council SAC (Sewer Availability Charge) and WAC (Water Availability Charge) and City SAC and WAC shall be due at the time of building permit for Parcel A.
9. Water and sewer hook-up fees shall be collected at the time when a building permit is issued for Parcel A.
10. A tree preservation plan shall be submitted for review and approval prior to the issuance of a building permit for new construction on either parcel.

ATTACHMENTS

Resolution

Zoning/Location Map
Applicant's Narrative & Plans

RESOLUTION NO.

**RESOLUTION GRANTING A MINOR SUBDIVISION FOR
2241 8TH STREET (PID 143022140006) WITHIN THE CITY OF WHITE BEAR LAKE, MINNESOTA**

WHEREAS, Cox Contracting has requested a minor subdivision, per section 1407.030, in order to split one lot into tow at the following location:

LEGAL DESCRIPTION: Attached as Exhibit A. PID 143022140006.

WHEREAS, the Planning Commission held a public hearing as required by the Zoning Code on May 22, 2023; and

WHEREAS, the City Council has considered the advice and recommendations of the Planning Commission regarding the effect of the proposed subdivision 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, in relation to the minor subdivision, the City Council accepts and adopts the following findings of the Planning Commission:

1. The proposal is consistent with the City's Comprehensive Plan.
2. The proposal is consistent with the existing and future land uses in the area.
3. The proposal conforms to the Zoning Code requirements.
4. The proposal will not depreciate values in the area.
5. The proposal will not overburden the existing public services nor the capacity of the City to service the area.
6. Traffic generation will be within the capabilities of the streets serving the site.

BE IT FURTHER RESOLVED, that the City Council of the City of White Bear Lake hereby approves the requested subdivision and 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. Within 6 months after the approval of the survey by the City, the applicant shall record the survey, along with the instruments of conveyance with the County Land Records Office, or the subdivision shall become null and void.
3. The resolution of approval shall be recorded against both properties and notice of these conditions shall be provided as condition of the sale of any lot.
4. The applicant shall provide the City with proof of recording (receipt) as evidence of compliance with conditions #2 and #3. Within 120 days after the date of recording, the applicant shall provide the City Planner with a final recorded copy of the Certificate of Survey.
5. The applicant shall agree to reapportion any pending or actual assessments on the

RESOLUTION NO.

- original parcel or lot of recording in accordance with the original assessment formula on the newly approved parcels, as per the City of White Bear Lake finance office schedules.
6. Durable iron monuments shall be set at the intersection points of the new lot lines with existing lot lines. The applicant shall have one year from the date of Council approval in which to set the monuments.
 7. The park dedication fee shall be collected for Parcel A at the time when a building permit is issued.
 8. Metropolitan Council SAC (Sewer Availability Charge) and WAC (Water Availability Charge) and City SAC and WAC shall be due at the time of building permit for Parcel A.
 9. Water and sewer hook-up fees shall be collected at the time when a building permit is issued for Parcel A.
 10. A tree preservation plan shall be submitted for review and approval prior to the issuance of a building permit for new construction on either parcel.

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

Ayes:

Nays:

Passed:

Dan Louismet, Mayor

ATTEST:

Caley Longendyke, City Clerk

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

RESOLUTION NO.

EXHIBIT A

EXISTING LEGAL DESCRIPTION

Lot 7, Block 22, Auerbach's Rearrangement of part of White Bear, Ramsey County, Minnesota, except the East 4 feet thereof. -----

Lot 8, Block 22, Auerbach's Rearrangement of part of White Bear, Ramsey County, Minnesota, together with that portion of the adjacent vacated Cook Avenue that accrued thereto by reason of the vacation thereof. -----

AND

That part of Lot 1, Block 23, White Bear, Ramsey County, Minnesota, which lies southeasterly of the Stillwater and St. Paul Railroad right of way, together with that portion of the adjacent vacated Cook Avenue that accrued thereto by reason of the vacation thereof.

PROPOSED LEGAL DESCRIPTIONS

LOT 1

Parcel A

That part of the following described property:

Lot 7, Block 22, Auerbach's Rearrangement of part of White Bear, Ramsey County, Minnesota, except the East 4 feet thereof.

Lot 8, Block 22, Auerbach's Rearrangement of part of White Bear, Ramsey County, Minnesota, together with that portion of the adjacent vacated Cook Avenue that accrued thereto by reason of the vacation thereof.

AND

That part of Lot 1, Block 23, White Bear, Ramsey County, Minnesota, which lies southeasterly of the Stillwater and St. Paul Railroad right of way, together with that portion of the adjacent vacated Cook Avenue that accrued thereto by reason of the vacation thereof.

Which lies westerly, northwesterly, and northerly of the following described line and its southerly and easterly extensions:

Commencing at the Southwest corner of said East 4.00 feet of Lot 7, Block 22; thence South 89 degrees 47 minutes 44 seconds West, assumed bearing, along the South line of said Lots 7 and 8, Block 22, a distance of 60.06 feet to the point of beginning of said line to be described; thence North 00 degrees 02 minutes 22 seconds West, a distance of 99.35 feet; thence North 38 degrees 52 minutes 13 seconds East, a distance of 85.50 feet; thence North 89 degrees 47 minutes 44 seconds East, a distance of 6.28 feet to the West line of said East 4.00 feet of Lot 7, Block 22 and said line there terminating.

RESOLUTION NO.

LOT 2

Parcel B

That part of the following described property:

Lot 7, Block 22, Auerbach's Rearrangement of part of White Bear, Ramsey County, Minnesota, except the East 4 feet thereof.

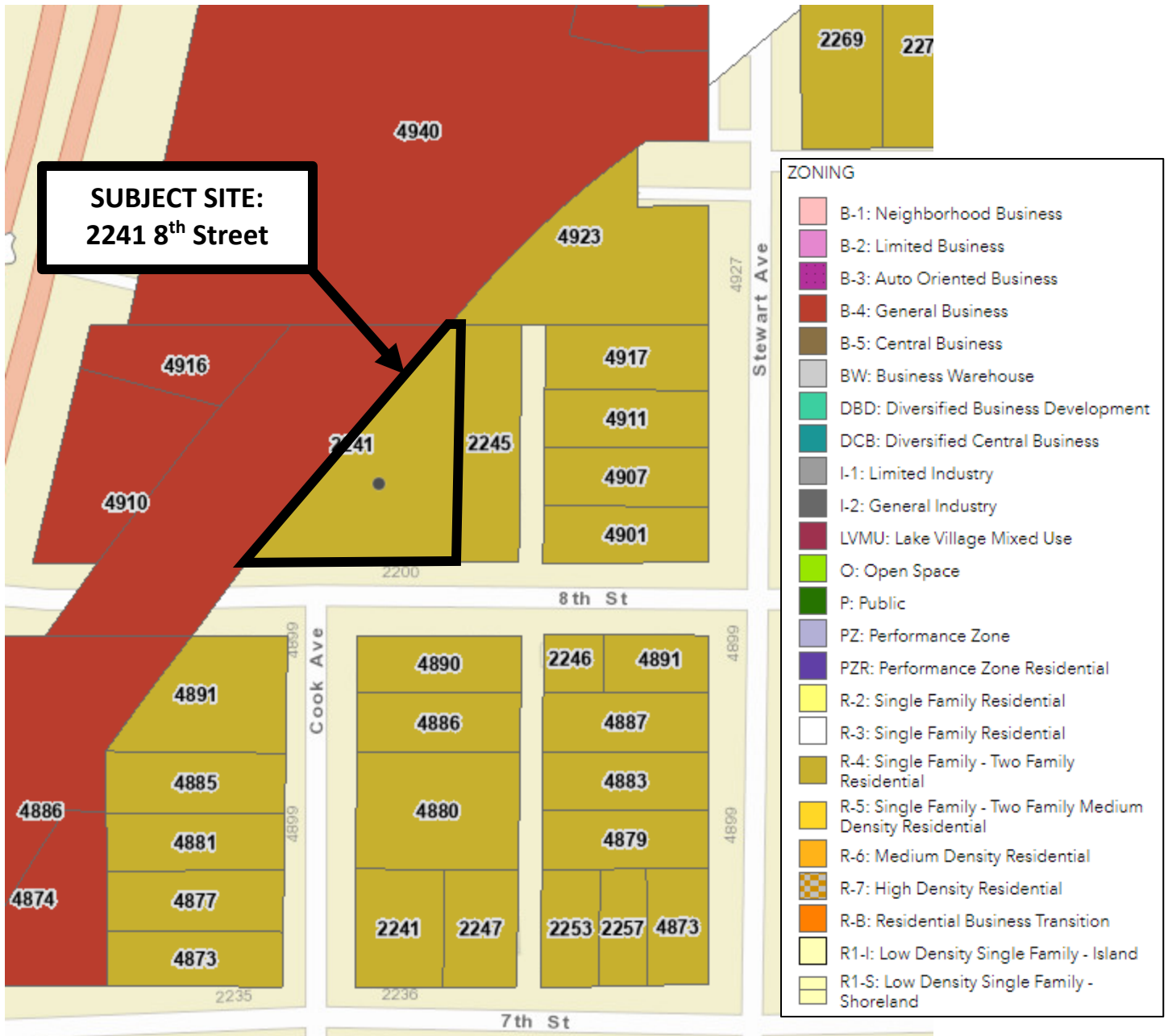
Lot 8, Block 22, Auerbach's Rearrangement of part of White Bear, Ramsey County, Minnesota, together with that portion of the adjacent vacated Cook Avenue that accrued thereto by reason of the vacation thereof.


AND

That part of Lot 1, Block 23, White Bear, Ramsey County, Minnesota, which lies southeasterly of the Stillwater and St. Paul Railroad right of way, together with that portion of the adjacent vacated Cook Avenue that accrued thereto by reason of the vacation thereof.

Which lies easterly, southeasterly, and southerly of the following described line and its southerly and easterly extensions:

Commencing at the Southwest corner of said East 4.00 feet of Lot 7, Block 22; thence South 89 degrees 47 minutes 44 seconds West, assumed bearing, along the South line of said Lots 7 and 8, Block 22, a distance of 60.06 feet to the point of beginning of said line to be described; thence North 00 degrees 02 minutes 22 seconds West, a distance of 99.35 feet; thence North 38 degrees 52 minutes 13 seconds East, a distance of 85.50 feet; thence North 89 degrees 47 minutes 44 seconds East, a distance of 6.28 feet to the West line of said East 4.00 feet of Lot 7, Block 22 and said line there terminating.



 <p>City of White Bear Lake Planning & Zoning 651-429-8561</p>	<p>CASE NO. : <u>23-16-LS</u></p>
	<p>CASE NAME : <u>8th Street Lot Split</u></p>
	<p>DATE : <u>5-22-2023</u></p>

April 13, 2023

City of WBL Planning Commission

Dear Planning Commission,

Our company, Cox Contracting, has made an offer to purchase the property at 2241 8th St. White Bear Lake MN. We have been conducting business in the White Bear Lake area since 1995. We have bought, sold, remodeled and built many houses in the area, particularly in the "triangle" area. We have been working with the current owners to split the lot in question to make the mini sub-division in order to build one single family home and have one larger lot for a future twin-home/duplex (as per acceptable code already). Please consider this minor lot subdivision and we can build and add to the housing market that is so tight in White Bear Lake.

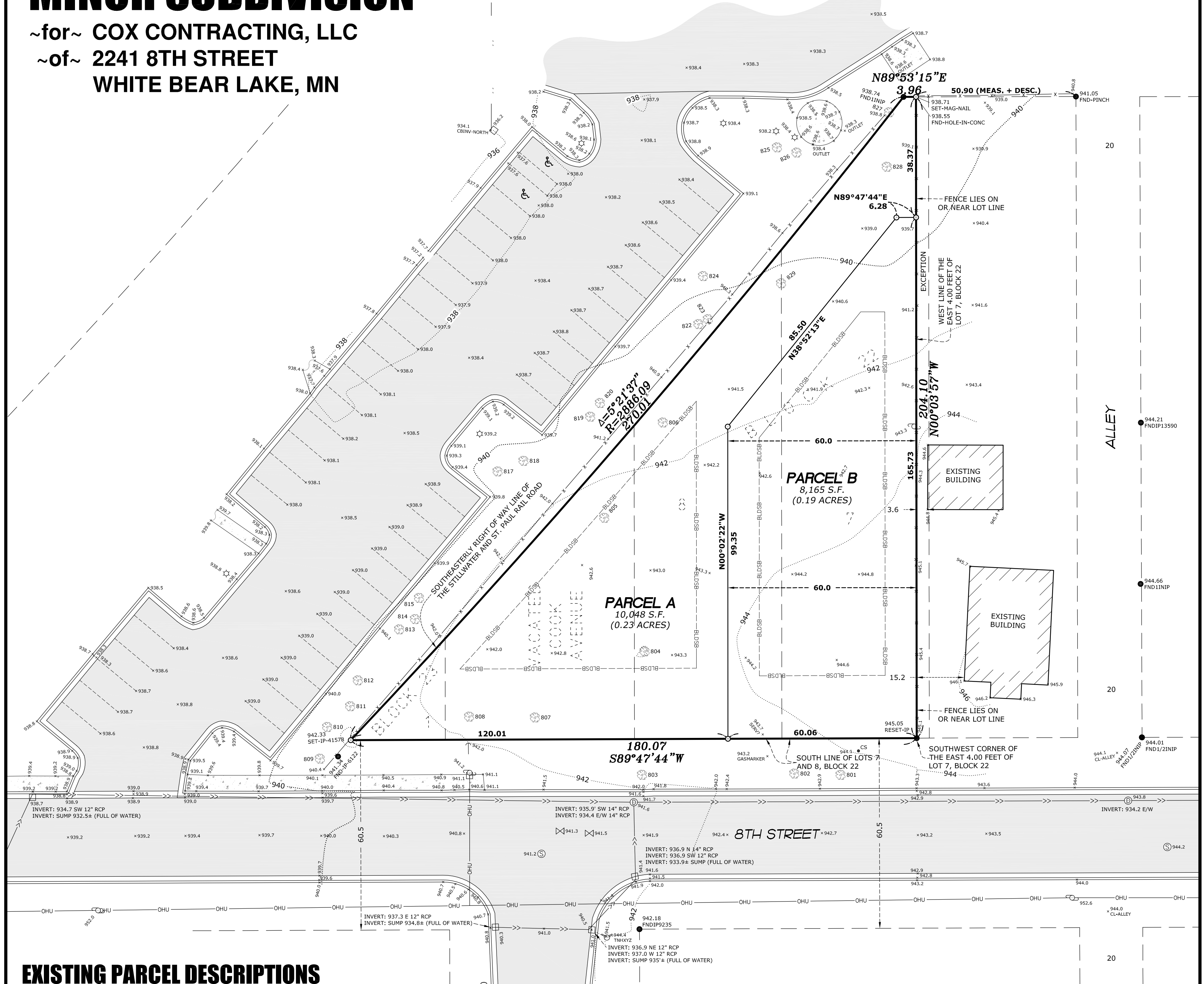
Sincerely,

Handwritten signatures of Ed and Emily Cox in cursive script.

Ed and Emily Cox
Cox Contracting LLC
651-653-7744

MINOR SUBDIVISION

~for~ COX CONTRACTING, LLC
 ~of~ 2241 8TH STREET
 WHITE BEAR LAKE, MN



EXISTING PARCEL DESCRIPTIONS

Lot 7, Block 22, Auerbach's Rearrangement of part of White Bear, Ramsey County, Minnesota, except the East 4 feet thereof.

Lot 8, Block 22, Auerbach's Rearrangement of part of White Bear, Ramsey County, Minnesota, together with that portion of the adjacent vacated Cook Avenue that accrued thereto by reason of the vacation thereof.

AND

That part of Lot 1, Block 23, White Bear, Ramsey County, Minnesota, which lies southeasterly of the Stillwater and St. Paul Railroad right of way, together with that portion of the adjacent vacated Cook Avenue that accrued thereto by reason of the vacation thereof.

PROPOSED PARCEL A DESCRIPTION

That part of the following described property:

Lot 7, Block 22, Auerbach's Rearrangement of part of White Bear, Ramsey County, Minnesota, except the East 4 feet thereof.

Lot 8, Block 22, Auerbach's Rearrangement of part of White Bear, Ramsey County, Minnesota, together with that portion of the adjacent vacated Cook Avenue that accrued thereto by reason of the vacation thereof.

AND

That part of Lot 1, Block 23, White Bear, Ramsey County, Minnesota, which lies southeasterly of the Stillwater and St. Paul Railroad right of way, together with that portion of the adjacent vacated Cook Avenue that accrued thereto by reason of the vacation thereof.

Which lies westerly, northwesterly, and northerly of the following described line and its southerly and easterly extensions:

Commencing at the Southwest corner of said East 4.00 feet of Lot 7, Block 22; thence South 89 degrees 47 minutes 44 seconds West, assumed bearing, along the South line of said Lots 7 and 8, Block 22, a distance of 60.06 feet to the point of beginning of said line to be described; thence North 00 degrees 02 minutes 22 seconds West, a distance of 99.35 feet; thence North 38 degrees 52 minutes 13 seconds East, a distance of 85.50 feet; thence North 89 degrees 47 minutes 44 seconds East, a distance of 6.28 feet to the West line of said East 4.00 feet of Lot 7, Block 22 and said line there terminating.

PROPOSED PARCEL B DESCRIPTION

That part of the following described property:

Lot 7, Block 22, Auerbach's Rearrangement of part of White Bear, Ramsey County, Minnesota, except the East 4 feet thereof.

Lot 8, Block 22, Auerbach's Rearrangement of part of White Bear, Ramsey County, Minnesota, together with that portion of the adjacent vacated Cook Avenue that accrued thereto by reason of the vacation thereof.

AND

That part of Lot 1, Block 23, White Bear, Ramsey County, Minnesota, which lies southeasterly of the Stillwater and St. Paul Railroad right of way, together with that portion of the adjacent vacated Cook Avenue that accrued thereto by reason of the vacation thereof.

Which lies easterly, southeasterly, and southerly of the following described line and its southerly and easterly extensions:

Commencing at the Southwest corner of said East 4.00 feet of Lot 7, Block 22; thence South 89 degrees 47 minutes 44 seconds West, assumed bearing, along the South line of said Lots 7 and 8, Block 22, a distance of 60.06 feet to the point of beginning of said line to be described; thence North 00 degrees 02 minutes 22 seconds West, a distance of 99.35 feet; thence North 38 degrees 52 minutes 13 seconds East, a distance of 85.50 feet; thence North 89 degrees 47 minutes 44 seconds East, a distance of 6.28 feet to the West line of said East 4.00 feet of Lot 7, Block 22 and said line there terminating.

LEGEND

- DENOTES IRON MONUMENT FOUND AS LABELED
- DENOTES IRON MONUMENT SET, MARKED RLS# 41578
- DENOTES CATCH BASIN
- CS DENOTES CURB STOP
- 850 DENOTES TREE WITH TAG NUMBER
- x 952.36 DENOTES EXISTING SPOT ELEVATION
- ⊙ DENOTES HYDRANT
- ⊙ DENOTES LIGHT POLE
- ⊙ DENOTES STORM SEWER MANHOLE
- ⊙ DENOTES POWER POLE
- ⊙ DENOTES SANITARY SEWER MANHOLE
- ⊙ DENOTES TELEPHONE PEDESTAL
- ⊙ DENOTES WATER VALVE
- ⊙ DENOTES FENCE
- ⊙ DENOTES EXISTING CONTOURS
- ⊙ DENOTES EXISTING SANITARY SEWER
- ⊙ DENOTES EXISTING STORM SEWER
- OHU DENOTES OVERHEAD UTILITY
- ⊙ DENOTES BITUMINOUS SURFACE
- ⊙ DENOTES CONCRETE SURFACE

PARCEL A

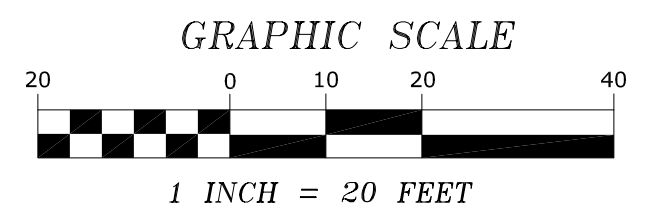
PROPOSED SETBACK DATA:

- FRONT: 22.5 FEET
- SIDE: 10 FEET
- REAR: 30 FEET
- MAXIMUM 30% IMPERVIOUS COVERAGE

PARCEL B

PROPOSED SETBACK DATA:

- FRONT: 20 FEET
- SIDE: 10 FEET
- REAR: 30 FEET
- MAXIMUM 30% IMPERVIOUS COVERAGE



BENCHMARK:

RAMSEY COUNTY BENCHMARK # 9076
 EAST OF INTERSECTION OF BALD EAGLE
 BLVD. AND 9TH STREET.
 ELEVATION: 935.91 (NAVD 88)

NOTES

- Field survey was completed by E.G. Rud and Sons, Inc. on 10/04/21.
- Bearings shown are on Ramsey County datum.
- Curb shots are taken at the top and back of curb.
- This survey was prepared without the benefit of title work. Additional easements, restrictions and/or encumbrances may exist other than those shown hereon. Survey subject to revision upon receipt of a current title commitment or an attorney's title opinion.
- Total parcel area = 18,213 s.f. (0.42 Acres)

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

JASON E. RUD

Date: 4/27/2023 License No. 41578

TAG NUMBER	TREE TYPE	CALIPER
801	ELM	42.00
802	ELM	26.00
803	ELM	26.00
804	ELM	32.00
805	OAK	46.00
806	CEDAR	15.00
807	ELM	20.00
808	ELM	16.00
809	ASH	10.00
810	PINE	9.00
811	PINE	6.00
812	PINE	8.00
813	ELM	12.00
814	ELM	9.00
815	ELM	16.00
816	PINE	8.00
817	OAK	10.00
818	OAK	18.00
819	ASH	8.00
820	ASH	15.00
821	OAK	11.00
822	ELM	12.00
823	ELM	6-6
824	ASH	11.00
825	ASH	16.00
826	OAK	20.00
827	OAK	36.00
828	ELM	11.00
829	ELM	10.00

DRAWN BY: BCD	JOB NO: 230197PP	DATE: 04/26/23	
CHECK BY: JER	FIELD CREW: JR		
1			
2			
3			
NO.	DATE	DESCRIPTION	BY



E.G. RUD & SONS, INC.
 Professional Land Surveyors
 6776 Lake Drive NE, Suite 110
 Lino Lakes, MN 55014
 Tel. (651) 361-8200 Fax (651) 361-8701



City of White Bear Lake
Community Development Department

MEMORANDUM

TO: Lindy Crawford, City Manager
FROM: Jason Lindahl AICP, Community Development Director
 Shea Lawrence, Planning Technician
DATE: May 22, 2023
SUBJECT: Clarence St Variance – 18XX Clarence St (PID 233022220022) – Case No. 23-15-V

SUMMARY

The applicant, Bunker Investments LLC is requesting a seven-foot variance from the 25-foot setback required along a side abutting a public right-of-way, per code section 1303.060 Subd.5.c.2 in order to construct a single family home 18 feet from the eastern lot line on the property located at 18XX Clarence Street.

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 recommend approval of this request.

GENERAL INFORMATION

Applicant/Owner: Bunker Investments LLC

Existing Land Use / Zoning: Vacant; zoned R-4: Single Family – Two Family Residential

Surrounding Land: All directions: R-4: Single Family – Two Family Residential

Comprehensive Plan: Low Density Residential

Lot Size & Width: Code: 7,200 square feet; 60 feet wide
 Site: 7,384 square feet; 50.04 feet wide

60 Day Review Date: May, 27 2023

60 Day Extension: July 26, 2023

BACKGROUND

The subject site is located on the northwest corner of Clarence Street and 4th Avenue. The property is currently vacant with a dense number of trees on the lot. The property was platted

in 1883 as part of the Ramaley's Park Subdivision. The property was granted the same variance in 2021 however the home was never constructed and approvals have since expired. Per code section 1301.060 Subd. 3 if within one year of granting a variance, it has not been utilized the variance becomes null and void. The applicant has the right to apply for an extension through writing at least 30 days before the expiration of the original variance, however this was never done, so the variance approvals lapsed.

Planning Commission Action. The Planning Commission reviewed this item during their May 22, 2023 regular meeting. During the meeting, the commission heard a presentation from staff and held a public hearing where the applicant spoke. The applicant explained that he is agreeable to placing an easement on the west side of his property and that based on conversations with the neighbor, he believes the neighbor would agree to part of the easement being placed on their property. After hearing staff's presentation and comments from the applicant the commission voted 4-0 to recommend the City Council approve this request.

Since the Planning Commission meeting, the applicant has provided staff with documentation from the neighbor at 1831 Clarence St., demonstrating the neighbor agrees to an easement on the east side of their property line (see attached).

ANALYSIS

Review Authority. 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.

Variance Review. 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 the purposes and intent of the ordinance?

Finding: The property is zoned R-4: Single Family – Two Family Residential. The purpose of the R-4 zoning district is to “provide for low and moderate density one and two unit dwellings and directly related, complementary uses.” Numerous nearby lots are the same size with the same lot dimensions and have single family homes on them. Some of these lots have principal

structures setback from 6 ft. to 10 ft. from the side property lines. This corner lot has a larger setback requirement because the side yard abuts a public right-of-way. Granting this variance for the construction of a single family house to meet the minimum 22-foot width requirement listed in section 1303.060 Subd 6.b. of the Zoning Code, would be in harmony with the purpose and intent of the zoning district.

Sewer and water is available on the site, however there is no storm sewer in the neighborhood. The Engineering department recommends a 10-foot easement be established on the west side of the property, either fully in the subject site's lot, or 5 feet on the 1831 Clarence St property and 5 feet on the subject site, in anticipation of the installation of a storm sewer sometime in the next 5-10 years. Additionally, a neighbor informed staff in April 2023 of drainage issues on the site. The neighbor explained that water tends to pool in the lot. Staff visited the site and observed the pooling water on the lot.

2. Is the variance consistent with the comprehensive plan?

Finding: The Future Land Use Map in the 2040 Comprehensive Plan guides the property as Low Density Residential. According to the Comprehensive Plan this category allows densities of 3 to 9 units per acre. Typical housing includes single family detached. The property is at a density of 5.9 units per acre which falls within the density range. Constructing a single family home on this lot will not significantly change the neighborhood's density. Therefore the proposed variance is not inconsistent with the 2040 Comprehensive Plan.

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

Finding: This proposal puts the subject property to use in a reasonable manner. Both the R-4 zoning district and the Comprehensive Plan's Low Density Residential Future Land Use category allow for single unit dwelling units, so the request to construct a single unit dwelling on the lot is reasonable.

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

Finding: There are unique circumstances to the property not created by the landowner. The property is only 50.04 feet wide. The setback on the east side of the lot, abutting the right-of-way is 25 feet from the property line. The setback on the west side of the lot is 10 feet from the property line. This leaves only 15.04 feet of buildable area. The minimum width for a home required by code is 22 feet wide, therefore a seven-foot variance is needed to meet this requirement. Additionally, the minimum width of a lot in the R-4 district is 60 feet wide, so this is a substandard lot, given that that the lot is 50.04 feet in width. Due to the constraints of the lot, staff finds that the request for a seven-foot variance is reasonable.

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. When the Ramaley's Park neighborhood was platted, almost every

lot was 50 feet wide. Properties have been combined and subdivided over time, but 5 other lots within the same city block, including the 3 properties just to the west of the subject property, are the same size with the same substandard width. These lots all contain single family homes.

RECOMMENDATION

The Planning Commission and staff recommend approval of the requested variance, 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.
4. The applicant shall verify the property line and have the property pins exposed at the time of the inspection.
5. Gutters shall be installed and runoff directed away from adjacent properties.
6. A tree preservation plan shall be submitted for review and approval prior to the issuance of a building permit for new construction.
7. Water and sewer hook-up fees shall be collected at the time when a building permit is issued.
8. Metropolitan Council SAC (Sewer Availability Charge) and WAC (Water Availability Charge) and City SAC and WAC shall be due at the time of building permit.
9. The park dedication fee shall be collected when a building permit is issued.

ATTACHMENTS

Resolution

Zoning/Location Map

Applicant's Narrative & Plans

1831 Clarence St. Neighbor Consent

RESOLUTION NO.

**RESOLUTION GRANTING A SETBACK VARIANCE FOR
18XX CLARENCE STREET (PID 233022220022) WITHIN THE CITY OF WHITE BEAR LAKE,
MINNESOTA**

WHEREAS, Bunker Investments LLC has requested a seven-foot variance from the required 25-foot setback along a side abutting a public right-of-way, per code section 1303.060 Subd.5.c.2 in order to construct a single family home 18 feet from the eastern lot line at the property located at the following location:

LEGAL DESCRIPTION: Lot 14, Block 24, RAMALEY’S PARK, Ramsey County, Minnesota. PID 233022220022.

WHEREAS, the Planning Commission held a public hearing as required by the Zoning Code on May 22, 2023; and

WHEREAS, the City Council has considered the advice and recommendations of the Planning Commission regarding the effect of the proposed variance 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 variance is in harmony with purposes and intent of the ordinance.
2. The requested variance is consistent with the 2040 Comprehensive Plan.
3. Granting the requested variance 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 variance 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 building permit shall be obtained before any work begins.

RESOLUTION NO.

4. The applicant shall verify the property line and have the property pins exposed at the time of the inspection.
5. Gutters shall be installed and runoff directed away from adjacent properties.
6. A tree preservation plan shall be submitted for review and approval prior to the issuance of a building permit for new construction.
7. Water and sewer hook-up fees shall be collected at the time when a building permit is issued.
8. Metropolitan Council SAC (Sewer Availability Charge) and WAC (Water Availability Charge) and City SAC and WAC shall be due at the time of building permit.
9. The park dedication fee shall be collected when a building permit is issued.

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

Ayes:
Nays:
Passed:

Dan Louismet, Mayor

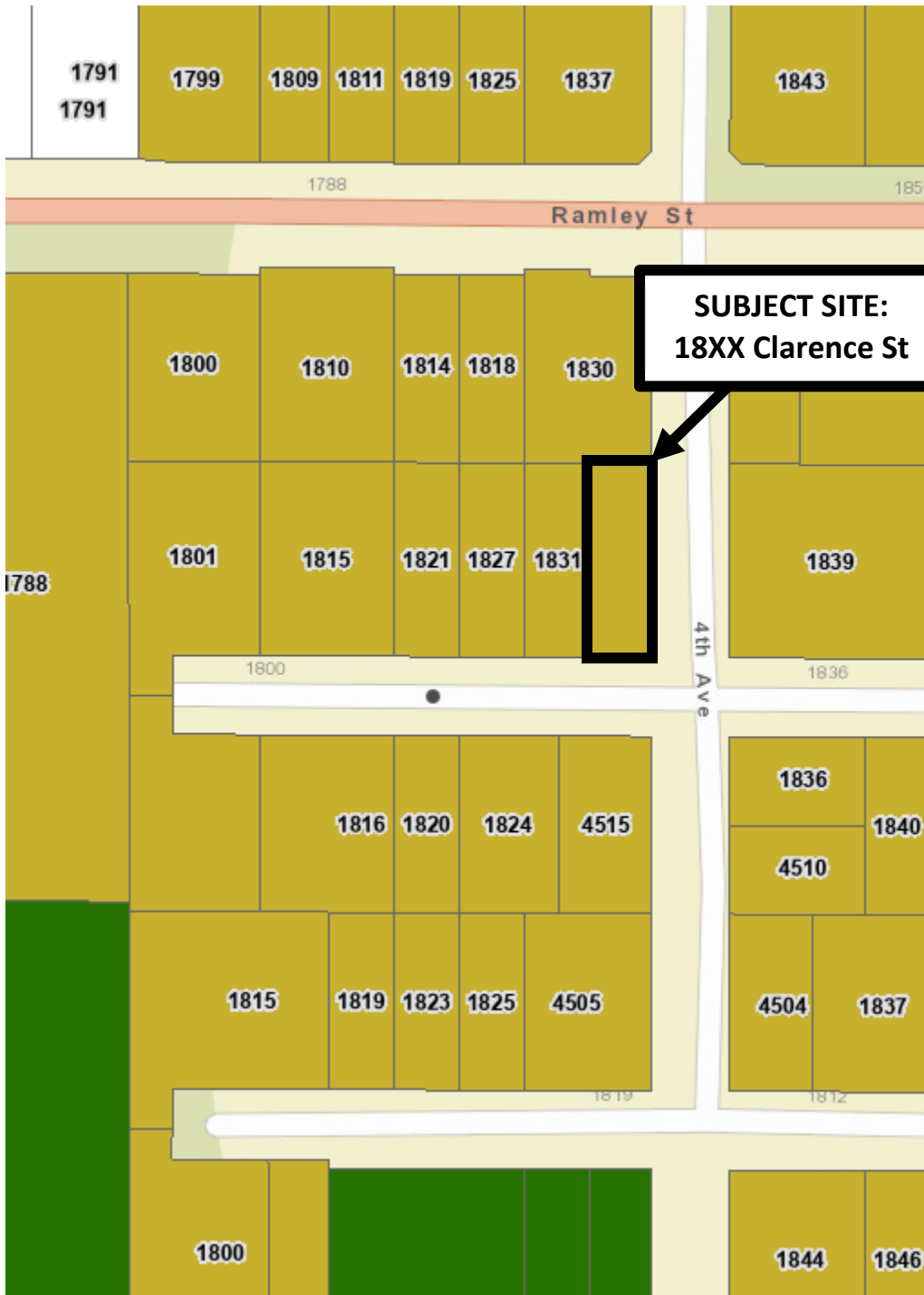
ATTEST:

Caley Longendyke, City Clerk

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



ZONING

- B-1: Neighborhood Business
- B-2: Limited Business
- B-3: Auto Oriented Business
- B-4: General Business
- B-5: Central Business
- BW: Business Warehouse
- DBD: Diversified Business Development
- DCB: Diversified Central Business
- I-1: Limited Industry
- I-2: General Industry
- LVMU: Lake Village Mixed Use
- O: Open Space
- P: Public
- PZ: Performance Zone
- PZR: Performance Zone Residential
- R-2: Single Family Residential
- R-3: Single Family Residential
- R-4: Single Family - Two Family Residential
- R-5: Single Family - Two Family Medium Density Residential
- R-6: Medium Density Residential
- R-7: High Density Residential
- R-B: Residential Business Transition
- R1-I: Low Density Single Family - Island
- R1-S: Low Density Single Family - Shoreland



City of
White Bear Lake
Planning & Zoning
651-429-8561

CASE NO. : 23-15-V

CASE NAME : Clarence Street Setback Variance

DATE : 5-22-2023

Variance Request

To the City and Planning authorities of White Bear Lake.

Hanson Builders has a single-family lot under contract located at 18XX Clarence St and 4th Avenue (lot 14, Block 24, Ramaley's Park)r. In order to build a single family home on this lot, a variance on the street side setback against 4th Avenue will be necessary. Recently a variance for the street side set-back on this lot the was granted (the variance given by the city was 18 feet for the side sent back from 4th Avenue), but it has expired prior to a home being built. It will be necessary to receive a renewal of the 18 foot variance in order to get a permit to build a house on this lot.

The lot is zoned for single-family low density, and the proposed two-story home (finished square footage, 2540 ft.²) fits that designation. The proposed new home will fit nicely in with the existing neighborhood homes, both in style and in size.

It should also be noted that the lot is very flat, and potentially a full basement home could have some water issues. As a result, the home that we will be building on that site will be built as a slab on grade foundation. This type of construction will eliminate any potential basement water issues.

Thank you for your consideration.

Sincerely,
Dean Hanson
Hanson Builders, Inc.



CERTIFICATE OF SURVEY

~for~ HANSON BUILDERS
 ~of~ 18XX CLARENCE STREET
 WHITE BEAR LAKE, MN 55110

PROPERTY DESCRIPTION

Lot 14, Block 24, RAMALEY'S PARK, Ramsey County, Minnesota.

NOTES

- Field survey was completed by E.G. Rud and Sons, Inc. on 1/10/2022.
- Bearings shown are on Ramsey County datum.
- Parcel ID Number: 23.30.22.22.0022.
- This survey was prepared without the benefit of title work. Additional easements, restrictions and/or encumbrances may exist other than those shown hereon. Survey subject to revision upon receipt of a current title commitment or an attorney's title opinion.
- Due to field work being completed during the winter season there may be improvements in addition to those shown that were not visible due to snow and ice conditions characteristic of Minnesota winters.
- Builder to verify house dimensions, sewer depth and foundation depth.
- Driveways are shown for graphic purposes only. Final driveway design and location to be determined by contractor.
- Finished grade adjacent to home shall be 0.5 feet below top of block except at driveway and patio.

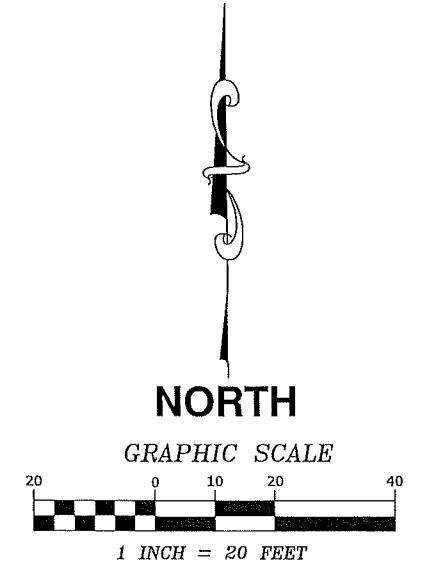
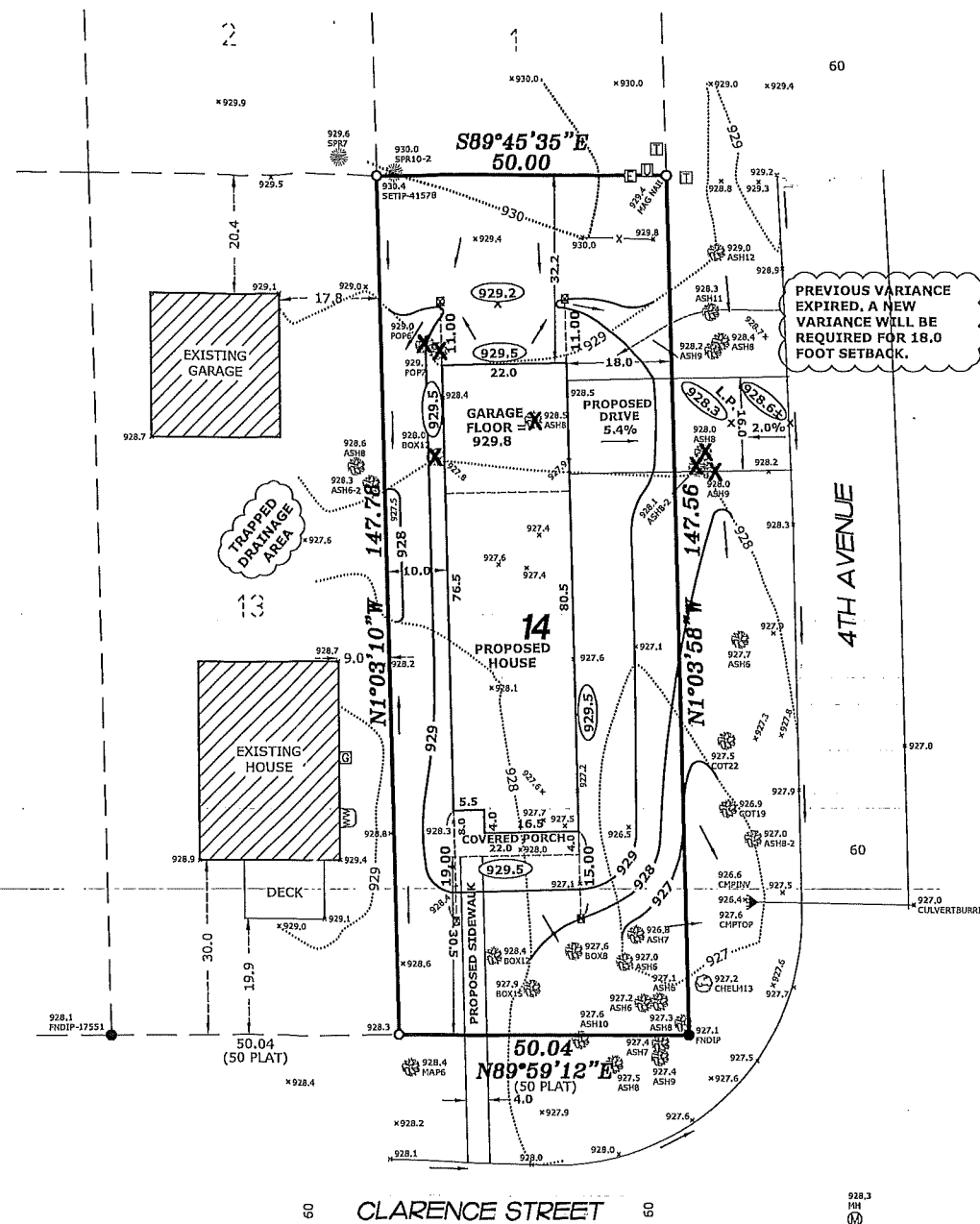
LEGEND

- DENOTES IRON MONUMENT FOUND AS LABELED
- DENOTES MONUMENT SET, AS LABELED FROM PREVIOUS SURVEY WORK BY E.G. RUD & SONS, INC.
- DENOTES ELECTRICAL BOX
- DENOTES TELEPHONE PEDESTAL
- DENOTES GAS METER
- DENOTES UTILITY BOX
- DENOTES MISCELLANEOUS MANHOLE
- DENOTES EXISTING SPOT ELEVATION
- DENOTES PROPOSED SPOT ELEVATION
- DENOTES EXISTING CONTOURS
- DENOTES PROPOSED CONTOURS
- DENOTES FENCE
- DENOTES BITUMINOUS SURFACE
- DENOTES DRAINAGE ARROW
- ⊗ DENOTES HUB/SPIKE AT OFFSET NOTED

TREE DETAIL

- DENOTES ELEVATION
- DENOTES TREE QUANTITY
- DENOTES TREE SIZE IN INCHES
- DENOTES TREE TYPE
- DENOTES TREE TO BE REMOVED

E. G. RUD & SONS, INC.
 EST. 1977
 Professional Land Surveyors
 6776 Lake Drive NE, Suite 110
 Lino Lakes, MN 55014
 Tel. (651) 361-8200 Fax (651) 361-8701



PROPOSED ELEVATIONS

(SLAB ON GRADE)

TOP OF WALL = 930.2
 GARAGE FLOOR = 929.8
 HOUSE SLAB = 930.2

DIAGONAL: 22.00 X 106.50 = 108.75

IMPERVIOUS SURFACE

TOTAL LOT AREA = 7,384 SF

PROPOSED HOUSE,
 GARAGE & PORCH = 1,859 SF
 PROPOSED DRIVEWAY = 288 SF
 PROPOSED SIDEWALK = 122 SF

TOTAL IMPERVIOUS AREA = 2,269 SF (30.7%)

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

PRELIMINARY

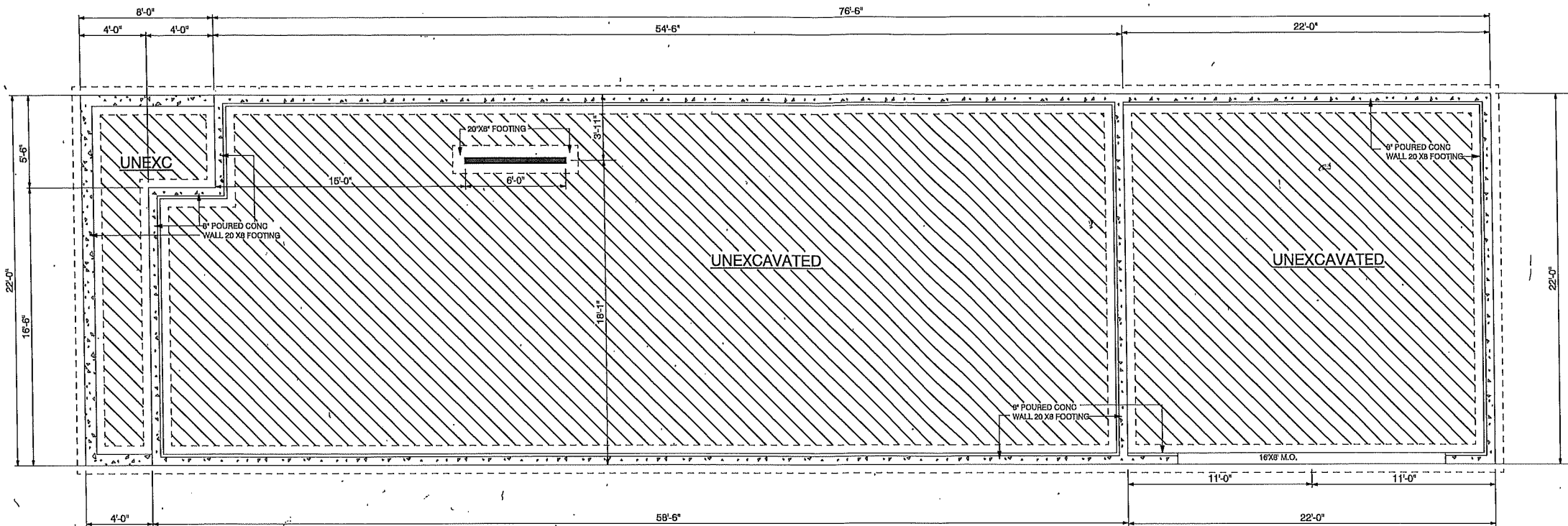
JAMES E. NAPIER

Date: 3/27/2022 License No. 25343

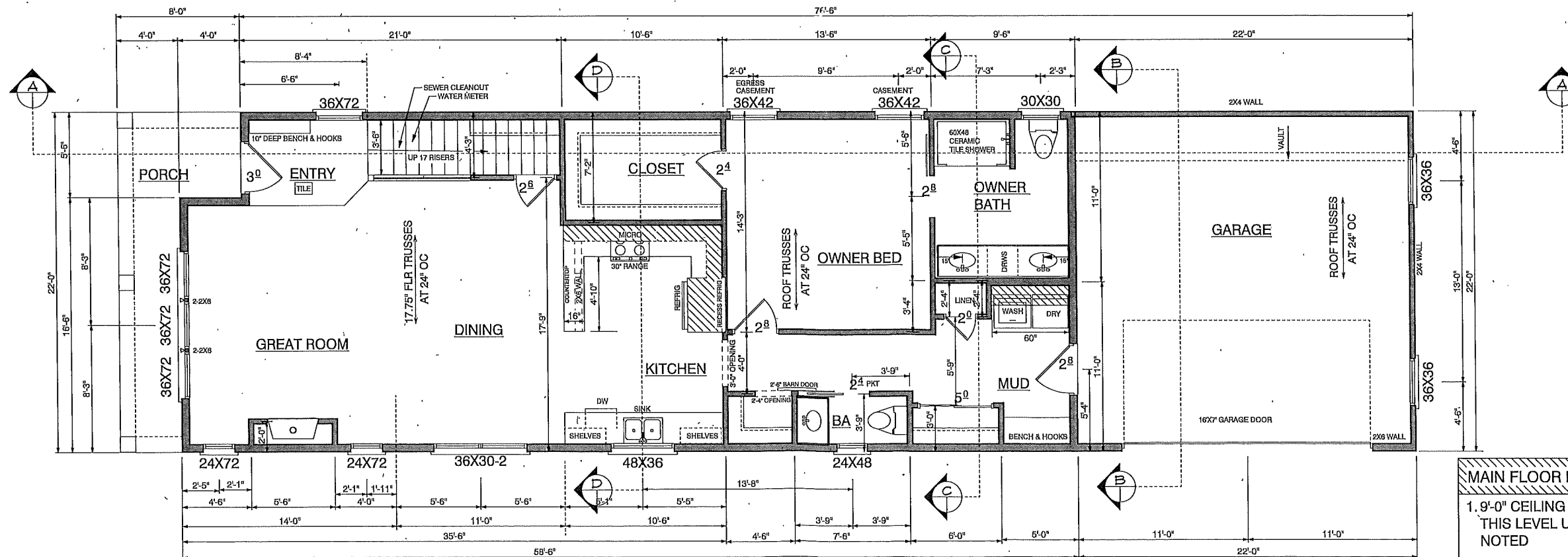
BENCHMARK

MNDOT CONTROL POINT: NAPA
 ELEVATION = 941.86
 DATUM = NAVD 88

DRAWN BY: BAB	JOB NO: 230163HS	DATE: 1/12/2022	
CHECK BY: JER	FIELD CREW: DT/CT		
1	2/3/22	ADD HOUSE STAKING INFO	BAB
2	3/23/23	DIFFERENT HOUSE AND CLIENT	JEN
3	3/27/23	REV. TREES	JEN
NO.	DATE	DESCRIPTION	BY



FOUNDATION 1/4" = 1'-0"



1265 SQ FT MAIN FLOOR

MAIN FLOOR 1/4" = 1'-0"

MAIN FLOOR PLAN NOTES

1. 9'-0" CEILING HGT. AT THIS LEVEL UNLESS NOTED
2. CABINET DIMS. ARE FROM FACE-FACE OF CABINETS

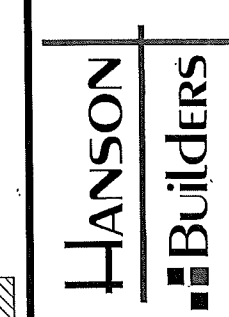
PRELIM DATE	3/28/2023
REVISIONS	

PRELIM. REVISIONS	
REVISIONS	

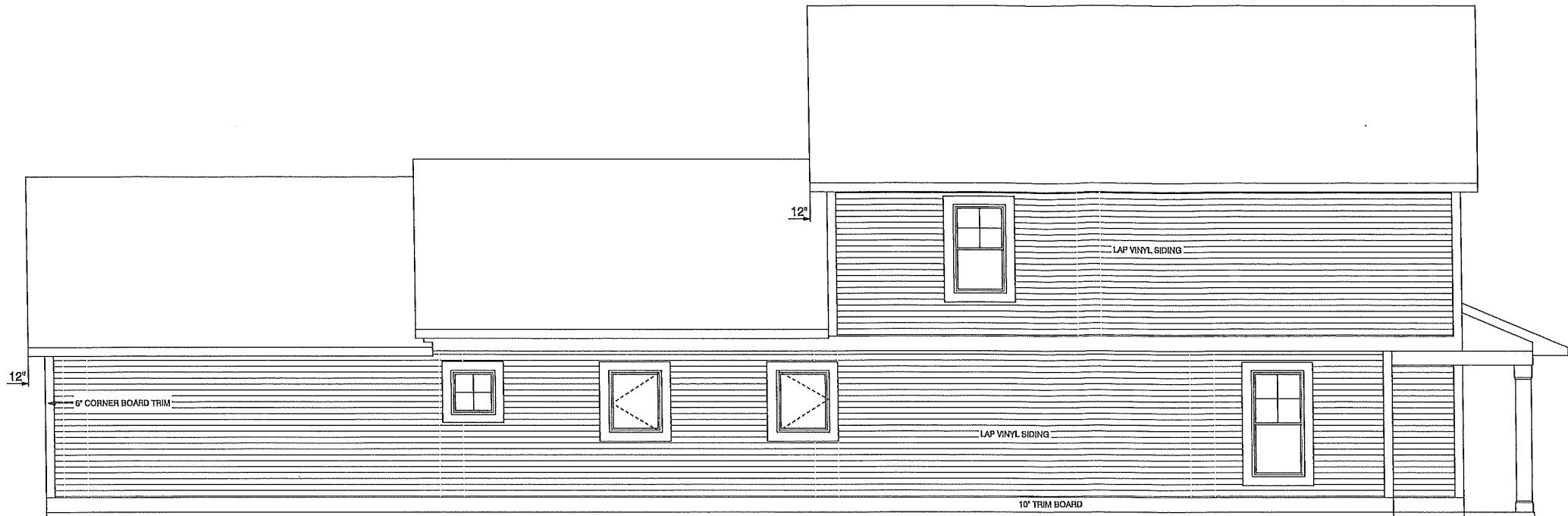
ALL MEASUREMENTS AND LOCATIONS OF ALL OBJECTS HAVE BEEN PLACED AS ACCURATELY AS POSSIBLE. SOME ADJUSTMENTS MAY BE NECESSARY IN THE ACTUAL CONSTRUCTION DUE TO STRUCTURAL FRAMING AND OTHER FIELD CONSIDERATIONS.

COPYRIGHT NOTICE
THE FLOOR PLANS AND ELEVATIONS OF ALL HANSON BUILDERS, INC. HOMES ARE COPYRIGHTED. OUR COPYRIGHTS HAVE BEEN ENFORCED AND WILL CONTINUE TO BE ENFORCED. THESE PLANS MAY NOT BE GIVEN TO OR USED BY ANY OTHER PERSON OR COMPANY WITHOUT WRITTEN PERMISSION.

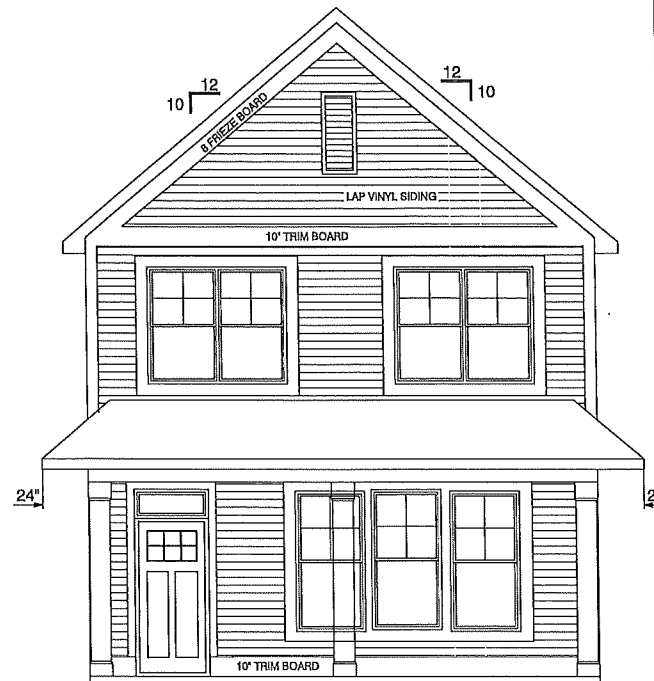
RESIDENCE FOR:
ADDRESS
NARROW HOUSE



13432 HANSON BLVD.
ANDOVER, MN 55304
763-421-5435
LIC. # BC004568



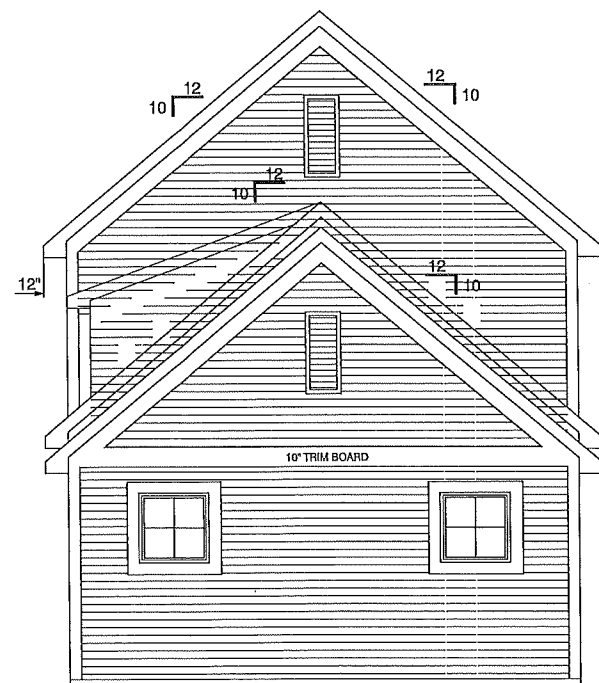
SIDE ELEVATION 1/4" = 1'-0"



FRONT ELEVATION

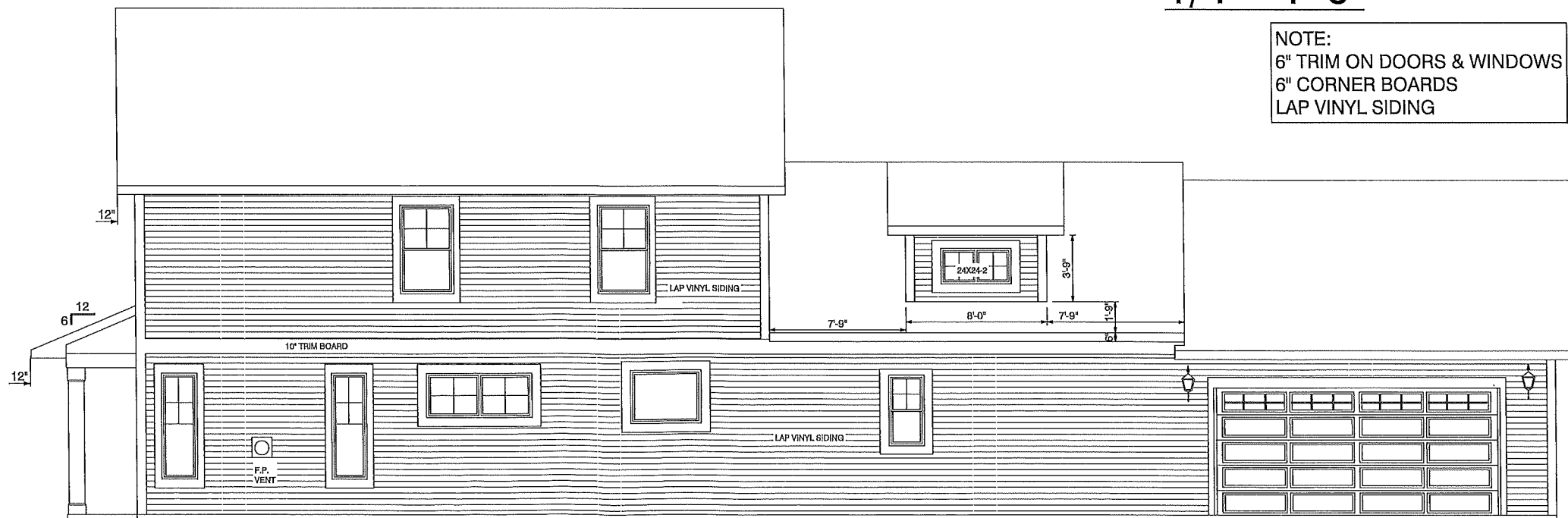
1/4" = 1'-0"

NOTE:
6" TRIM ON DOORS & WINDOWS
6" CORNER BOARDS
LAP VINYL SIDING



REAR ELEVATION

1/4" = 1'-0"



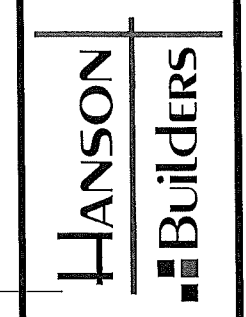
SIDE ELEVATION 1/4" = 1'-0"

PRELIM DATE	3/28/2023
PRELIM. REVISIONS	REVISIONS

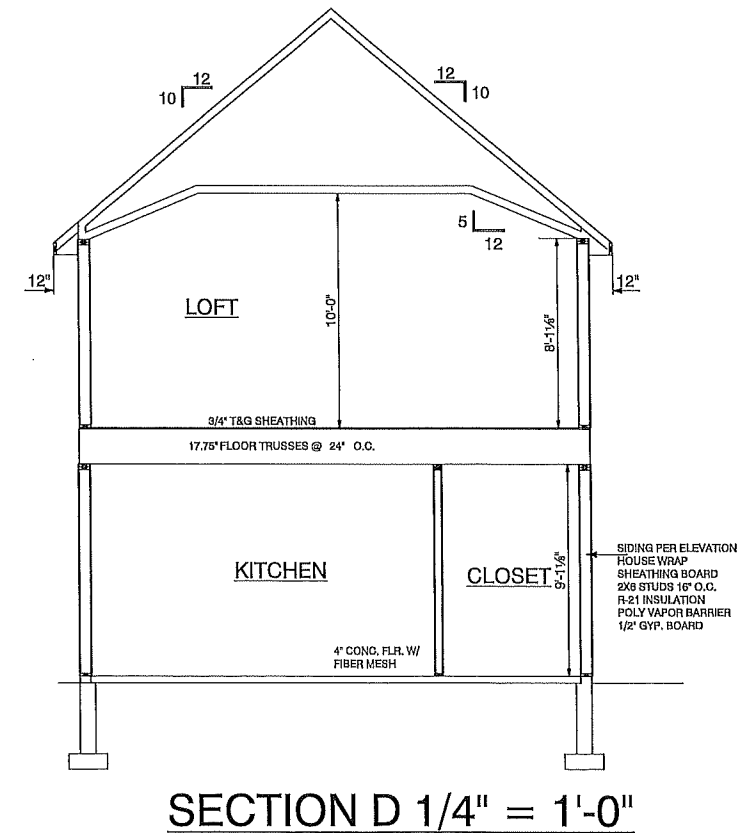
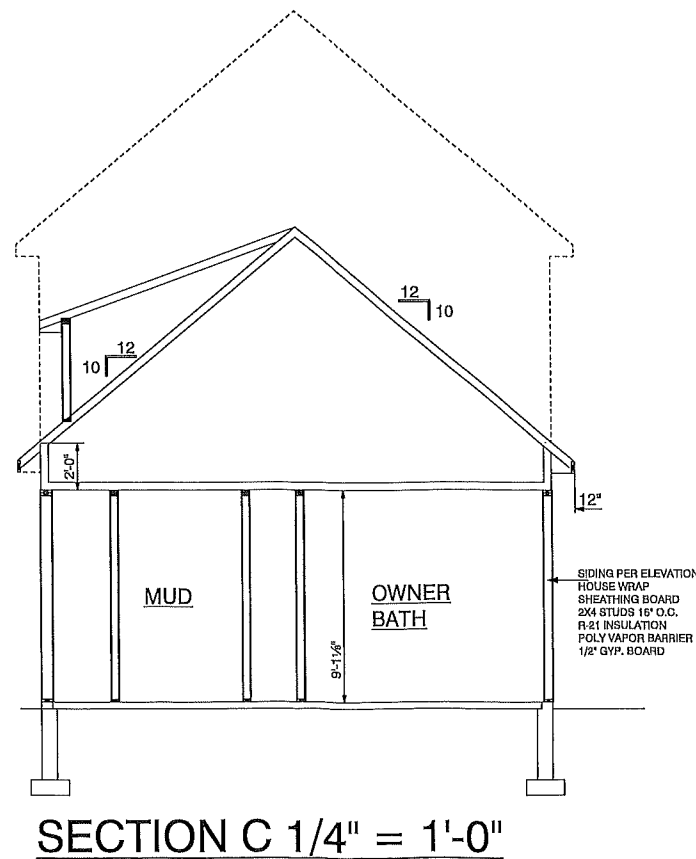
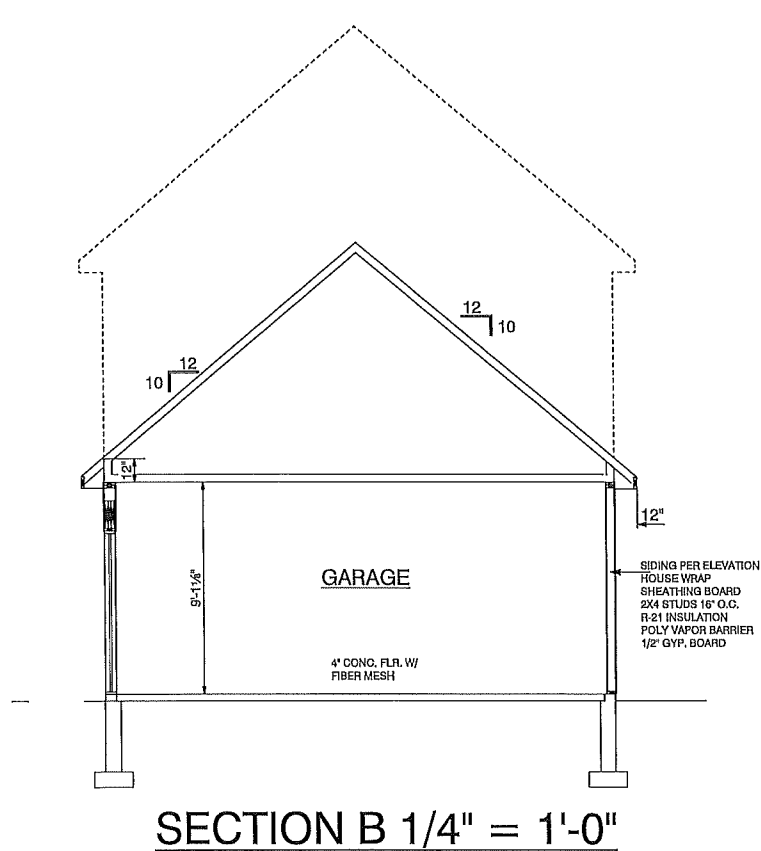
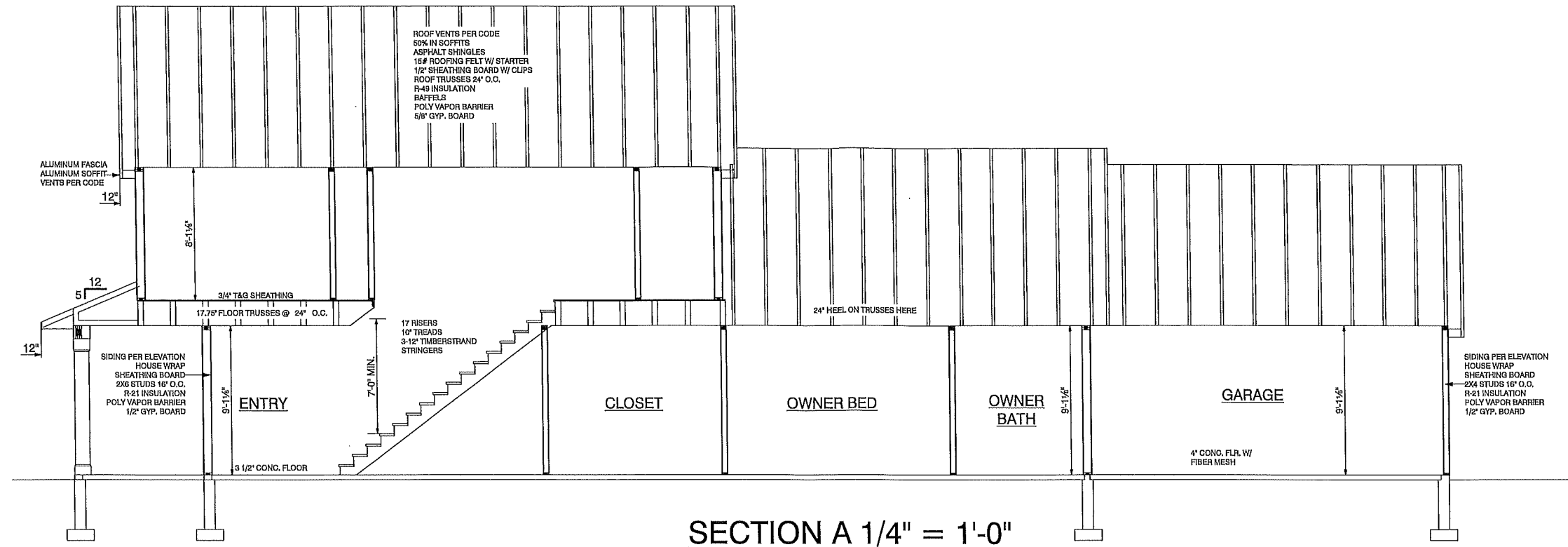
ALL MEASUREMENTS AND LOCATIONS OF ALL OBJECTS HAVE BEEN PLACED AS ACCURATELY AS POSSIBLE. SOME ADJUSTMENTS MAY BE NECESSARY IN THE ACTUAL CONSTRUCTION DUE TO STRUCTURAL FRAMING AND OTHER FIELD CONSIDERATIONS.

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RESIDENCE FOR:
ADDRESS
NARROW HOUSE



13432 HANSON BLVD.
ANDOVER, MN 55304
763-421-5435
LIC. # BC004568



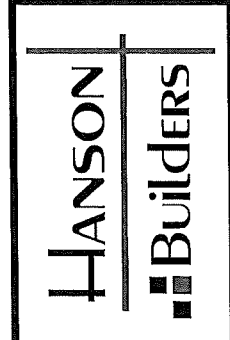
PLOT DATE	3/28/2023
PRELIM DATE	

REVISIONS	
PRELIM. REVISIONS	

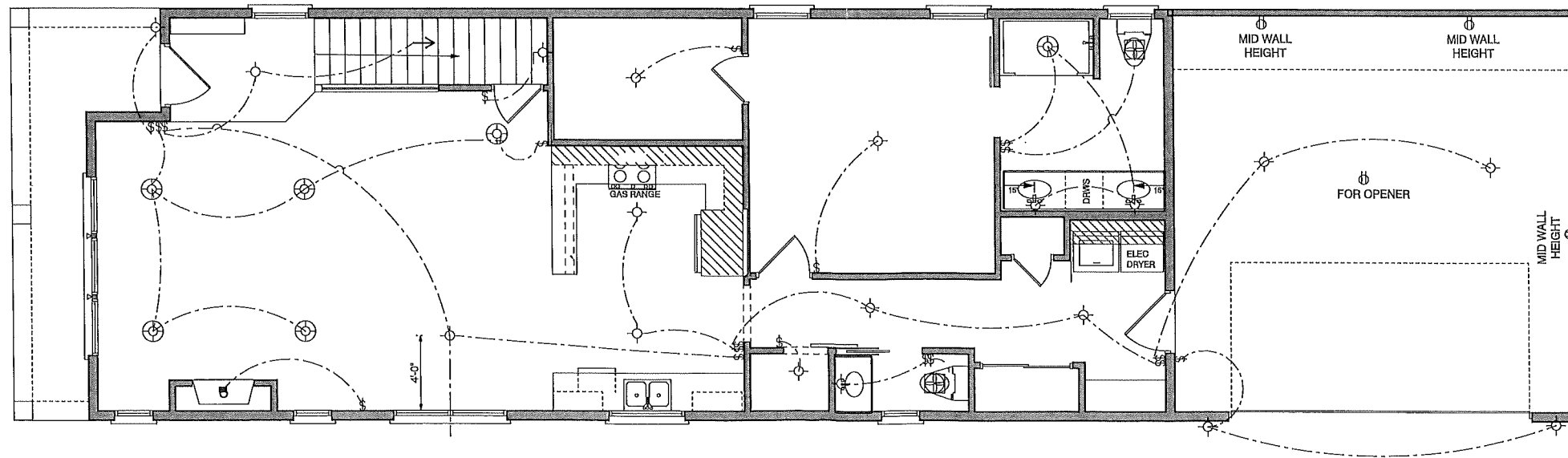
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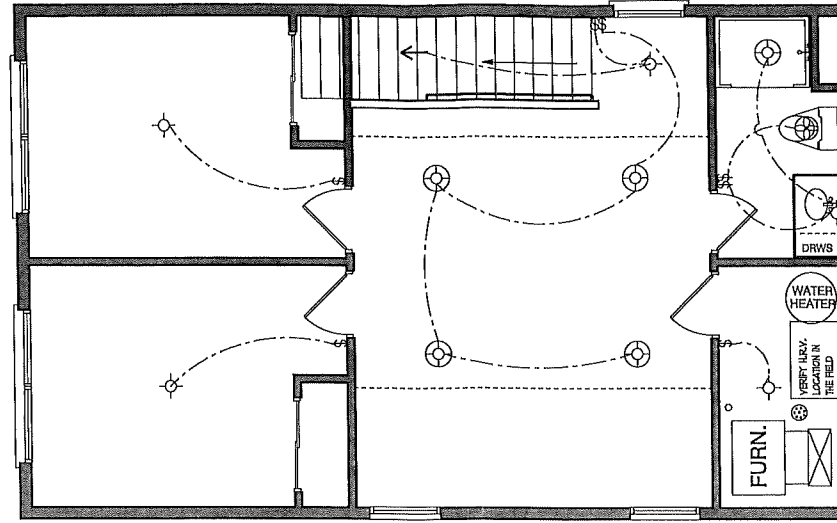
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MAIN ELECTRIC 1/4" = 1'-0"



UPPER ELECTRIC 1/4" = 1'-0"

Symbol Legend	
	Bath Fan
	Light
	LED Disc Light
	Outlet
	Fan
	Switch

RESIDENCE FOR:
ADDRESS
NARROW HOUSE



13432 HANSON BLVD.
ANDOVER, MN 55304
763-421-5435
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5 SHEET OF 5

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PRELIM DATE	PRELIM. REVISIONS

PLOT DATE	REVISIONS
3/28/2023	

May 24, 2023

City of White Bear Lake
Planning Commission
4701 Highway 61 N
White Bear Lake, MN 55110

RE: 18XX Clarence

Dear Members of the Planning Commission:

I am the owner of the property located at 1831 Clarence Street (Lot 13, Block 24, Ramaley's Park, Ramsey County, MN), directly west of the lot located on the corner of 4th and Clarence.

I agree to allow an easement on the east side of my property line.

Thank you,



Aaron Eldred
1831 Clarence St
White Bear Lake, MN 55110



City of White Bear Lake
City Manager's Office

MEMORANDUM

To: Mayor and Council
From: Lindy Crawford, City Manager
Date: June 13, 2023
Subject: First Reading of an Ordinance Amending the City Charter

SUMMARY

The City Council will conduct the first reading of an ordinance amending the City Charter as it pertains to correcting references to municipal elections, removal of gender-specific references and amending the term length of city attorney appointments.

BACKGROUND INFORMATION

At the City Council meeting on January 25, 2022, the Charter Commission presented a first reading of proposed edits to the City Charter correcting election- and gender-related terminology. In response to additional suggested edits by the City Attorney, the Charter Commission incorporated the proposed changes and approved the final amendments at its annual meeting on September 14, 2022. Due to a request to consider an amendment to *Section 4.20 City Attorney*, initiated by City administration, the Commission delayed presenting the final terminology amendments to the City Council.

At the Charter Commission meeting on May 3, 2023, members considered the recommendation to amend the Charter to allow the City Council to appoint attorneys for multiple-year terms. The Charter currently allows the Council to appoint an attorney for one year. City staff explained that multi-year contracts for legal representation is often financially beneficial to the City and its taxpayers and is common practice in municipal government. The Charter Commission voted 9-2 to adopt Resolution 23-2 proposing an amendment to City Charter, *Section 4.20 City Attorney* that would authorize the Council to appoint attorneys for up to five years.

The Charter Commission requests the City Council consider the proposed Charter amendments relating to election- and gender-related terminology in multiple sections and to *Section 4.20 City Attorney* relating to appointed term length, and request that the Council direct preparation of an ordinance perfecting the amendment pursuant to State Statutes, following a public hearing and opportunity for reverse referendum action by citizens.

Pursuant to Minnesota Statutes, Section 410.12, Subd. 7, the City Council may enact a Charter amendment upon the recommendation of the Charter Commission and adhere to strict

timelines for amending a Charter, including publication of a public hearing within one month of a recommendation made by the Charter Commission, a scheduled public hearing within 2-4 weeks of the publication and a final vote within one month of the public hearing.

The City Council must vote on the proposed ordinance, and an affirmative vote of all members of the Council is required for approval. If approved, an ordinance amending the Charter does not become active until 90 days after passage and publication to provide opportunity for residents to submit a petition requesting a referendum.

RECOMMENDATIONS

Staff recommends the City Council conduct a first reading tonight and a second reading at its June 25, 2023 regular meeting. Assuming all Councilmembers are in attendance for the second reading, it is recommended that the City Council vote on the proposed amendment at that time.

ATTACHMENTS

Ordinance

Letter to the Mayor from Charter Commission Vice President

Charter Commission Resolution 23-1

Charter Commission Resolution 23-2

ORDINANCE NO.

AN ORDINANCE AMENDING THE CITY CHARTER OF THE CITY OF WHITE BEAR LAKE, MN AS IT RELATES TO MUNICIPAL ELECTIONS, GENDER-SPECIFIC TERMINOLOGY, CITY ATTORNEY APPOINTMENT TERM LENGTH, AND STATE STATUTE REFERENCES

THE CITY COUNCIL OF THE CITY OF WHITE BEAR LAKE, MINNESOTA DOES ORDAIN THE FOLLOWING:

ARTICLE I. Legislative Findings.

1. The City of White Bear Lake ("City") is governed by home rule charter adopted pursuant to the Constitution of the State of Minnesota and Minnesota Statutes, Chapter 410.
2. The City Charter of the City of White Bear Lake, Minnesota ("Charter") was originally adopted by its citizens at the 1921 referendum election.
3. The White Bear Lake Charter Commission ("Commission") determined it was necessary to update terminology related to municipal elections to align with Minnesota Statutes and accepted an additional amendment proposal from staff relating to city attorney terms.
4. The Commission reviewed proposed amendments to the Charter and reached consensus on the proposed amendments.
5. Minnesota Statutes, Section 410.12, Subd. 7 allows the City Council to amend the Charter by ordinance after recommendation from the Commission. Such an ordinance may only be adopted upon an affirmative vote of all members of the City Council.
6. The Commission acted at its May 3, 2023 meeting to forward the proposed Charter amendments to the City Council with a recommendation that they be adopted by ordinance.
7. The City provided a public hearing notice at least 10 days prior to the hearing and held a public hearing on June 13, 2023 regarding the proposed Charter amendments.

ARTICLE II. Adoption of Amendments.

Section 1. Upon recommendation of the Charter Commission, and pursuant to the authority in Minnesota Statutes, Section 410.12, Subd. 7, the City Charter of the City of White Bear Lake, Minnesota is hereby amended by deleting the ~~stricken~~ material and adding the double underlined material as shown on Appendix A, which is incorporated in and made part of this ordinance.

Section 2. The City Clerk is authorized and directed to work with the City Attorney to insert into the City Charter the appropriate references to the amended sections, correct any typographical errors and make any other non-substantive corrections as may be needed to

ORDINANCE NO.

place the Charter into final form, and to keep and post on the City’s website an official copy of the revised City Charter.

ARTICLE III. Effective Date.

Section 1. This ordinance shall become effective after adoption and upon ninety (90) days following its legal publication, except that if within sixty (60) days after publication a petition requesting a referendum on this ordinance, signed by the number of registered voters of the City required by Minnesota Statutes, Section 410.12, Subd. 7 is filed with the City Clerk, this ordinance will not be effective until approved by a majority of the voters voting on the question of its adoption at the special election called by the City Council for that purpose.

Section 2. On the effective date of this ordinance, the City Clerk is authorized and directed to file copies of the amendment with the Secretary of State of the State of Minnesota, the Ramsey County Recorder, and the City Clerk's office together with the certificate required by Minnesota Statutes, Section 410.11.

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

Ayes:

Nays:

Passed:

Dan Louismet, Mayor

ATTEST:

City Clerk, City Clerk

First Reading: June 13, 2023

Second Reading: _____

Council Adoption: _____

Publication: _____

Effective: _____

ORDINANCE NO.

APPENDIX A

Proposed amendments to City Charter Sections 2.02, 4.04, 4.12, 4.13, 4.14, 4.17, 4.20, 4.26 and 5.16 as it relates to municipal elections, gender-specific terms, city attorney appointment terms and state statute references, as follows (deleted text is ~~stricken~~ and added text is underlined):

Sect. 2.02. Municipal Elections. The Uniform Municipal Election Day Law, ~~205-07 (2010)~~, set forth in Chapter 205 of Minnesota Statutes, is hereby adopted by reference and made a part of the City Charter of the City of White Bear Lake. The Uniform Municipal Election Day shall be the first Tuesday after the first Monday in November in odd numbered years. Officials elected on that date shall take office on the first business Monday of January succeeding the election for the term which is provided by law. In the event that more than two individuals file for the position of Mayor or City Council for the same ward, a primary election shall be held on the second Tuesday of August of the year the election is scheduled. (Revised by Ord. 90-09-820, 9/25/90; 12-11-1082A, 2/25/13)

Pursuant to Ordinance No. 90-09-820, the Offices of Mayor and City Council members for Ward 2 and 4 shall be held in November, 1993 and every four (4) years thereafter and the individual elected to said offices shall assume office the following January, as provided by this Charter or State Law, for a term of four years. The election for the offices of City Council members for Wards 1, 3 and 5 shall be held in November, 1995 and every four years thereafter and the individuals elected shall assume office as provided above for a term of four (4) years.

Sect. 4.04. Mayor -- Vacancy of Office. When the office of Mayor becomes vacant, the Council shall appoint, by majority vote, a qualified person as Mayor if the remaining term of office is less than six (6) months. Notice of the vacancy shall be published by the City Clerk in the official newspaper one week prior to the meeting for the appointment. The appointed Mayor shall exercise all the powers and perform all the duties of Mayor until a Mayor is elected at the next ~~annual~~ municipal general election. The office of Mayoral vacancy shall be filled by a special municipal election when the remaining term of office is six (6) months or greater. The City Clerk shall, within fifteen (15) days of the vacancy, give legal notice in the official newspaper of the vacancy with dates for filing and the date(s) of the special municipal election(s). The period for filing for the vacancy shall be ten (10) calendar days from (including) the date of the legal notice. The special municipal election shall occur within fifteen (15) to twenty (20) days after the close of filing. If more than two (2) candidates have filed for the vacancy, the first election date shall be considered the primary municipal election with the general municipal election date occurring fourteen (14) days later. When two (2) or fewer candidates have filed for the vacancy, the general municipal election shall occur on the first election date. (Ref. Ord. 898, 8/24/93)

Sect. 4.12. Council -- Meetings and Procedures. The Council shall make its rules of procedure and shall be the judge of the qualifications and election of its members and of the grounds for forfeiture of their offices, and for this purpose shall have the power to subpoena witnesses, administer oaths, and require the production of evidence. A member charged with conduct constituting grounds for forfeiture of office shall be entitled to a public hearing on demand, and notice of such hearing shall be published in the official newspaper at least one week in advance

ORDINANCE NO.

of the hearing. Decisions made by the Council under this section shall be subject to review by the courts.

Council vacancies shall be filled by appointment when the remaining term of office is less than six (6) months. The appointment shall be by majority vote of the Council. Notice of the vacancy shall be published by the City Clerk in the official newspaper one week prior to the meeting for the appointment.

Council vacancies shall be filled by special municipal election when the remaining term of office is six (6) months or greater. The City Clerk shall, within fifteen (15) days of the vacancy, give legal notice in the official newspaper of the vacancy, with dates for filing and the date(s) of the special municipal election(s). The period for filing for the vacancy shall be ten (10) calendar days from (including) the date of the legal notice. The special municipal election shall occur within fifteen (15) to twenty (20) days after the close of filing. If more than two (2) candidates have filed for the vacancy, the first election date shall be considered the primary municipal election with the general municipal election date occurring fourteen (14) days later. When two (2) or fewer candidates have filed for the vacancy, the general municipal election shall occur on the first election date.

The Council at its first regular meeting in January, ~~following the annual municipal election~~ shall set the ~~day~~ dates of its regular ~~monthly~~ meetings for the year. Special meetings may be called by the Mayor or by the Chair of the Council at any time. Reasonable public notice shall be given for all special Council meetings through the media. (Ref. Ord. 898, 8/24/93)

Three (3) members shall constitute a quorum for the transaction of business, but a lesser number may adjourn from time to time. The Council shall have the power to compel the attendance of its members at regular and special meetings. The absence of a member from three (3) consecutive regular meetings shall be deemed as sufficient cause for removal from office.

Sect. 4.13. Chair of the Council -- Acting Mayor. At the first regular meeting of the Council in January following the ~~annual~~ municipal general election, the Council shall elect one of its members as Chair of the Council. The Chair of the Council shall appoint all committees of the Council. The Chair shall preside over the meetings of the Council only in the absence of the Mayor and shall maintain the right and authority to vote on all motions, resolutions and ordinances considered by City Council. (Rev. by Ord. 90-09-819, 9/25/90; Ord. 16-12-2021, 12/13/16)

The Chair shall, under the title of Acting Mayor, assume, exercise, and perform all the powers and duties of the Mayor during the Mayor's temporary absence or disability, and the acts of such Chair, as Acting Mayor, shall have the same force and validity as though performed by the Mayor except the Acting Mayor shall not have veto authority on any action on which the Acting Mayor has voted which continues to be the prerogative of the Mayor. (Rev. by Ord. No. 90-09-819, 9/25/90; Ord. 16-12-2021, 12/13/16)

Sect. 4.14. Ordinances and Resolutions. All legislation shall be by ordinance, except as otherwise provided in this Charter. Every proposed ordinance shall be submitted in writing and a full reading

ORDINANCE NO.

or summary thereof shall be made at the meeting at which it is introduced. A copy of every proposed ordinance shall be made available to each Councilmember and there shall be on file a reasonable number of copies in the office of the City Clerk, City Hall, and the local Public Library, for public inspections. Notice that such ordinance is to be considered shall be published in the official newspaper prior to its adoption. Such notice need only include the title of the ordinance. No ordinance, except an emergency ordinance, shall be passed at the meeting at which it is introduced.

All other Council action shall be by resolution or motion. Every proposed resolution shall be submitted in writing and a full reading or a summary thereof shall be made at the meeting at which it is introduced. A copy of every resolution shall be made available to each Councilmember and a copy shall be posted at the City Hall.

An affirmative vote of a majority of all members of the Council shall be required for the passage of all ordinances, motions and resolutions, except as otherwise provided in this Charter. Every vote thereon shall be by ayes and nays, which shall be duly recorded.

Any ordinance or resolution passed by the Council shall within five (5) days be presented to the Mayor for approval. The Mayor shall approve and sign such measure or veto and return it with objections to the City Clerk within ten (10) days after receiving the same. Should the Mayor fail to return said measure to the City Clerk within ten (10) days of the date of receiving same, it shall become effective as though signed by the Mayor.

Any ordinance or resolution vetoed by the Mayor may be reconsidered by the Council, but only at its next regular meeting that takes place more than seven (7) days after the measure is vetoed and returned. If after such reconsideration it shall be passed by a four-fifths vote of all the members, it shall become as effective as though signed by the Mayor. (Rev. Ord. 16-08-2016, 8/26/16)

Every ordinance or resolution passed by the Council shall, before taking effect (except as herein provided), be signed by the Mayor and attested to by the City Clerk, who shall endorse thereon the date of its passage.

Except for emergency ordinances as hereinafter defined, no ordinance shall become effective until after one publication in the official city newspaper. An affidavit of such publication shall be made by the ~~foreman~~ or publisher of the newspaper, which affidavit shall be filed in the office of the City Clerk.

Every ordinance or resolution shall after enactment be fully recorded by the City Clerk in a book kept for that purpose, which book shall constitute a public record.

Sect. 4.17. Ordinances -- Codification. Notwithstanding the provisions of Sections 4.14 and 4.16, the Council may codify the ordinances of the City, and enact such code of Ordinances as a single comprehensive ordinance, repealing and replacing all prior ordinances (except as may be specifically retained by particular reference in the Code). Such Code, when duly enacted by the

ORDINANCE NO.

Council in accordance with the provisions of this Charter, need not be published in the official newspaper of the City, but shall be effective at whatever date the Code may prescribe, provided that: (1) notice of adoption of said Code shall have been published for at least one week in the official newspaper of the City, which publication shall be proved by the affidavit of the ~~foreman~~ ~~or~~ publisher of such paper, and (2) copies of said Code shall have been available at the City offices for distribution to the public at a reasonable price for at least one week prior to said effective date, which fact shall be proved by affidavit of the City Clerk on file with the Code in the office of the City Clerk.

After the adoption of a Code of Ordinances, subsequent ordinances may be incorporated into the Code from time to time at the direction of the Council without any further publication of said ordinances. In so doing the form of said ordinances may be changed to conform to the form of the Code, but no change in the substantive meaning of any ordinance shall be made upon its incorporation into the Code.

Sect. 4.20. City Attorney. The City Council shall have the power to appoint a City Attorney or Attorneys and fix the compensation to be paid said City Attorney or Attorneys, who shall be a member or members of the bar of the State of Minnesota. Such attorney or attorneys may be appointed for ~~one year~~ terms up to five years, but shall be removable at the pleasure of the Council.

Sect. 4.26. Official Publications. The Council shall at its first regular meeting in ~~the~~ January following the annual municipal election, or as soon thereafter as practicable, designate, in accordance with Minnesota Statutes, the official newspaper of the City for publication of all notices required by this Charter. In all other cases, the City Council may designate the manner of publication of notices. (Ref. Ord. 898, 8/24/93)

Sect. 5.16. Equipment -- Certificates. The City Council may by four-fifths vote finance the purchase of the fire, police, ambulance, street construction and street maintenance equipment, through the use of certificates of indebtedness as provided for in Minnesota Statutes. ~~Section 412.301.~~



City of White Bear Lake

4701 Highway 61 N.
White Bear Lake, Minnesota 55110
651-429-8526 | www.whitebearlake.org

May 9, 2023

Mayor Dan Louismet
City of White Bear Lake
4701 Highway 61 N
White Bear Lake, MN 55110

Dear Mayor Louismet,

At the City Council meeting on January 25, 2022, the Charter Commission presented a first reading of proposed minor edits to the City Charter relating to election- and gender-related terminology. In response to additional suggested edits by the City Attorney, the Charter Commission revised the proposed changes and approved the final amendments at its annual meeting on September 14, 2022. Due to a request to consider an amendment to Section 4.20, *City Attorney*, initiated by City administration, the Commission delayed presenting the final terminology amendments to the City Council.

At the Charter Commission meeting on May 3, 2023, members considered the recommendation by City administration to amend the Charter to allow the City Council to appoint attorneys for multiple-year terms. The Charter currently allows the Council to appoint an attorney for one year. City administration explained that multi-year contracts for legal representation is often financially beneficial to the City and its taxpayers and is common practice in municipal government.

The Charter Commission voted 9-2 to adopt Resolution 23-2, as amended, proposing an amendment to City Charter, Section 4.20 *City Attorney* that would authorize the Council to appoint attorneys for up to five years.

In closing, the Charter Commission requests City Council consider the proposed Charter amendments relating to election- and gender-related terminology in multiple sections and to Section 4.20 *City Attorney* relating to appointed term length, and request that the Council directs preparation of an ordinance perfecting the amendment pursuant to State Statutes, following public hearing and opportunity for reverse referendum action by citizens.

Sincerely,

Marc Aune, Vice President
White Bear Lake Charter Commission

c.c. White Bear Lake City Council
Lindy Crawford, City Manager
Caley Longendyke, City Clerk

**CHARTER COMMISSION
RESOLUTION NO. 23-1**

**RESOLUTION OF THE WHITE BEAR LAKE CHARTER COMMISSION
SUPERSEDING RESOLUTION 22-2 PROPOSING AN AMENDMENT OF SECTIONS
2.02, 4.04, 4.12, 4.13, 4.14, 4.17, 4.26 AND 5.16 OF THE CITY CHARTER**

WHEREAS, in 1990, City Charter Section 2.02 Municipal Elections was amended to reflect a decision that municipal elections be held in odd years, opposed to annually; and

WHEREAS, during review of the City Charter document, it was discovered that several other Sections still refer to municipal elections as being conducted annually; and

WHEREAS, during said review certain dispensable gender-specific terms were found which may be deleted without a material change in meaning; and

WHEREAS, during said review certain specific references to state statutes were found and considered prone to cause confusion in the event of state statute amendments but for which a general reference may be made without change in context.

NOW, THEREFORE, BE IT RESOLVED by the Charter Commission of the City of White Bear Lake that the following amendments of the City Charter are hereby proposed to the City Council for enactment pursuant to Minnesota Statutes Section 410.12, Subd. 7.

Sect. 2.02. Municipal Elections. The Uniform Municipal Election Day Law, ~~205.07 (2010)~~, set forth in Chapter 205 of Minnesota Statutes, is hereby adopted by reference and made a part of the City Charter of the City of White Bear Lake. The Uniform Municipal Election Day shall be the first Tuesday after the first Monday in November in odd numbered years. Officials elected on that date shall take office on the first business Monday of January succeeding the election for the term which is provided by law. In the event that more than two individuals file for the position of Mayor or City Council for the same ward, a primary election shall be held on the second Tuesday of August of the year the election is scheduled. (Revised by Ord. 90-09-820, 9/25/90; 12-11-1082A, 2/25/13)

Pursuant to Ordinance No. 90-09-820, the Offices of Mayor and City Council members for Ward 2 and 4 shall be held in November, 1993 and every four (4) years thereafter and the individual elected to said offices shall assume office the following January, as provided by this Charter or State Law, for a term of four years. The election for the offices of City Council members for Wards 1, 3 and 5 shall be held in November, 1995 and every four years thereafter and the individuals elected shall assume office as provided above for a term of

**CHARTER COMMISSION
RESOLUTION NO. 23-1**

four (4) years.

Sect. 4.04. Mayor -- Vacancy of Office. When the office of Mayor becomes vacant, the Council shall appoint, by majority vote, a qualified person as Mayor if the remaining term of office is less than six (6) months. Notice of the vacancy shall be published by the City Clerk in the official newspaper one week prior to the meeting for the appointment. The appointed Mayor shall exercise all the powers and perform all the duties of Mayor until a Mayor is elected at the next ~~annual~~ municipal general election. The office of Mayoral vacancy shall be filled by a special municipal election when the remaining term of office is six (6) months or greater. The City Clerk shall, within fifteen (15) days of the vacancy, give legal notice in the official newspaper of the vacancy with dates for filing and the date(s) of the special municipal election(s). The period for filing for the vacancy shall be ten (10) calendar days from (including) the date of the legal notice. The special municipal election shall occur within fifteen (15) to twenty (20) days after the close of filing. If more than two (2) candidates have filed for the vacancy, the first election date shall be considered the primary municipal election with the general municipal election date occurring fourteen (14) days later. When two (2) or fewer candidates have filed for the vacancy, the general municipal election shall occur on the first election date. (Ref. Ord. 898, 8/24/93)

Sect. 4.12. Council -- Meetings and Procedures. The Council shall make its rules of procedure and shall be the judge of the qualifications and election of its members and of the grounds for forfeiture of their offices, and for this purpose shall have the power to subpoena witnesses, administer oaths, and require the production of evidence. A member charged with conduct constituting grounds for forfeiture of office shall be entitled to a public hearing on demand, and notice of such hearing shall be published in the official newspaper at least one week in advance of the hearing. Decisions made by the Council under this section shall be subject to review by the courts.

Council vacancies shall be filled by appointment when the remaining term of office is less than six (6) months. The appointment shall be by majority vote of the Council. Notice of the vacancy shall be published by the City Clerk in the official newspaper one week prior to the meeting for the appointment.

Council vacancies shall be filled by special municipal election when the remaining term of office is six (6) months or greater. The City Clerk shall, within fifteen (15) days of the vacancy, give legal notice in the official newspaper of the vacancy, with dates for filing and the date(s) of the special municipal election(s). The period for filing for the vacancy shall be ten (10) calendar days from (including) the date of the legal notice. The special municipal election shall occur within fifteen (15) to twenty (20) days after the close of filing. If more than two (2) candidates have filed for the vacancy, the first election date shall be considered the primary municipal election with the general municipal election date

**CHARTER COMMISSION
RESOLUTION NO. 23-1**

occurring fourteen (14) days later. When two (2) or fewer candidates have filed for the vacancy, the general municipal election shall occur on the first election date.

The Council at its first regular meeting in January, ~~following the annual municipal election~~ shall set the day dates of its regular ~~monthly~~ meetings for the year. Special meetings may be called by the Mayor or by the Chair of the Council at any time. Reasonable public notice shall be given for all special Council meetings through the media. (Ref. Ord. 898, 8/24/93)

Three (3) members shall constitute a quorum for the transaction of business, but a lesser number may adjourn from time to time. The Council shall have the power to compel the attendance of its members at regular and special meetings. The absence of a member from three (3) consecutive regular meetings shall be deemed as sufficient cause for removal from office.

Sect. 4.13. Chair of the Council -- Acting Mayor. At the first regular meeting of the Council in January following the ~~annual~~ municipal general election, the Council shall elect one of its members as Chair of the Council. The Chair of the Council shall appoint all committees of the Council. The Chair shall preside over the meetings of the Council only in the absence of the Mayor and shall maintain the right and authority to vote on all motions, resolutions and ordinances considered by City Council. (Rev. by Ord. 90-09-819, 9/25/90; Ord. 16-12-2021, 12/13/16)

The Chair shall, under the title of Acting Mayor, assume, exercise, and perform all the powers and duties of the Mayor during the Mayor's temporary absence or disability, and the acts of such Chair, as Acting Mayor, shall have the same force and validity as though performed by the Mayor except the Acting Mayor shall not have veto authority on any action on which the Acting Mayor has voted which continues to be the prerogative of the Mayor. (Rev. by Ord. No. 90-09-819, 9/25/90; Ord. 16-12-2021, 12/13/16)

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All other Council action shall be by resolution or motion. Every proposed resolution shall be submitted in writing and a full reading or a summary thereof shall be made at the

**CHARTER COMMISSION
RESOLUTION NO. 23-1**

meeting at which it is introduced. A copy of every resolution shall be made available to each Councilmember and a copy shall be posted at the City Hall.

An affirmative vote of a majority of all members of the Council shall be required for the passage of all ordinances, motions and resolutions, except as otherwise provided in this Charter. Every vote thereon shall be by ayes and nays, which shall be duly recorded.

Any ordinance or resolution passed by the Council shall within five (5) days be presented to the Mayor for approval. The Mayor shall approve and sign such measure or veto and return it with objections to the City Clerk within ten (10) days after receiving the same. Should the Mayor fail to return said measure to the City Clerk within ten (10) days of the date of receiving same, it shall become effective as though signed by the Mayor.

Any ordinance or resolution vetoed by the Mayor may be reconsidered by the Council, but only at its next regular meeting that takes place more than seven (7) days after the measure is vetoed and returned. If after such reconsideration it shall be passed by a four-fifths vote of all the members, it shall become as effective as though signed by the Mayor. (Rev. Ord. 16-08-2016, 8/26/16)

Every ordinance or resolution passed by the Council shall, before taking effect (except as herein provided), be signed by the Mayor and attested to by the City Clerk, who shall endorse thereon the date of its passage.

Except for emergency ordinances as hereinafter defined, no ordinance shall become effective until after one publication in the official city newspaper. An affidavit of such publication shall be made by the ~~foreman~~ or publisher of the newspaper, which affidavit shall be filed in the office of the City Clerk.

Every ordinance or resolution shall after enactment be fully recorded by the City Clerk in a book kept for that purpose, which book shall constitute a public record.

Sect. 4.17. Ordinances -- Codification. Notwithstanding the provisions of Sections 4.14 and 4.16, the Council may codify the ordinances of the City, and enact such code of Ordinances as a single comprehensive ordinance, repealing and replacing all prior ordinances (except as may be specifically retained by particular reference in the Code). Such Code, when duly enacted by the Council in accordance with the provisions of this Charter, need not be published in the official newspaper of the City, but shall be effective at whatever date the Code may prescribe, provided that: (1) notice of adoption of said Code shall have been published for at least one week in the official newspaper of the City, which publication shall be proved by the affidavit of the ~~foreman~~ or publisher of such paper, and (2) copies of said Code shall have been available at the City offices for distribution to the public at a reasonable price

**CHARTER COMMISSION
RESOLUTION NO. 23-1**

for at least one week prior to said effective date, which fact shall be proved by affidavit of the City Clerk on file with the Code in the office of the City Clerk.

After the adoption of a Code of Ordinances, subsequent ordinances may be incorporated into the Code from time to time at the direction of the Council without any further publication of said ordinances. In so doing the form of said ordinances may be changed to conform to the form of the Code, but no change in the substantive meaning of any ordinance shall be made upon its incorporation into the Code.

Sect. 4.26. Official Publications. The Council shall at its first regular meeting in ~~the~~ January ~~following the annual municipal election~~, or as soon thereafter as practicable, designate, in accordance with Minnesota Statutes, the official newspaper of the City for publication of all notices required by this Charter. In all other cases, the City Council may designate the manner of publication of notices. (Ref. Ord. 898, 8/24/93)

Sect. 5.16. Equipment -- Certificates. The City Council may by four-fifths vote finance the purchase of the fire, police, ambulance, street construction and street maintenance equipment, through the use of certificates of indebtedness as provided for in Minnesota Statutes Section ~~412.301~~.

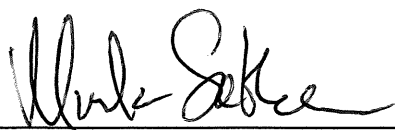
The foregoing resolution, offered by Commission Member Amundsen and supported by Commission Member Berry, was declared carried on the following vote:

Ayes: Amundsen, Aune, Barone, Berry, Biehn, Boyd, Costello, Jones, Lang,
LeMire, Sather
Nays: None
Absent: Bill, Emerson, Geck, Grambush
Passed: May 3, 2023



Marc Aune, Vice President

ATTEST:



Mark Sather, Secretary

**CHARTER COMMISSION
RESOLUTION NO. 23-2**

**A RESOLUTION OF THE WHITE BEAR LAKE CHARTER COMMISSION PROPOSING AN
AMENDMENT OF SECTION 4.20 OF THE CITY CHARTER**

WHEREAS, City Charter Section 4.20 City Attorney authorizes the City Council to appoint city attorneys for one-year terms; and

WHEREAS, City administration is requesting to amend the City Charter to allow the City Council the ability to appoint city attorneys for terms up to five years.

NOW, THEREFORE, BE IT RESOLVED by the Charter Commission of the City of White Bear Lake that the following amendments of the City Charter are hereby proposed to the City Council for enactment pursuant to Minnesota Statutes Section 410.12, Subd. 7:

Sect. 4.20. City Attorney. The City Council shall have the power to appoint a City Attorney or Attorneys and fix the compensation to be paid said City Attorney or Attorneys, who shall be a member or members of the bar of the State of Minnesota. Such attorney or attorneys may be appointed for ~~one year~~ terms up to five years, but shall be removable at the pleasure of the Council.

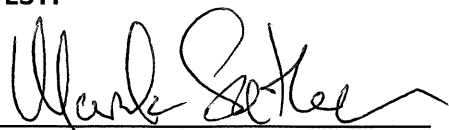
The foregoing resolution, offered by Commission Member Barone and supported by Commission Member Jones, was declared carried on the following vote:

Ayes: Amundsen, Aune, Barone, Berry, Biehn, Boyd, Costello, Jones, LeMire
Nays: Lang, Sather
Absent: Bill, Emerson, Geck, Grambush
Passed: May 3, 2023



Marc Aune, Vice President

ATTEST:



Mark Sather, Secretary