



**AGENDA**  
**REGULAR MEETING OF THE CITY COUNCIL OF**  
**THE CITY OF WHITE BEAR LAKE, MINNESOTA**  
**TUESDAY, AUGUST 8, 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 July 25, 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 Park Advisory Commission, June White Bear Lake Conservation District, June Environmental Advisory Committee, July Planning Commission
- B. Resolution approving polling places for the 2024 Presidential Primary Election
- C. Resolution authorizing renewal of Building and Rental Housing Inspection Services Agreement with the City of Mahtomedi
- D. Resolution authorizing renewal of Code Enforcement Services Agreement with the City of Mahtomedi
- E. Resolution granting preliminary and final plat approvals for the White Bear Lake Civic Campus addition
- F. Resolution granting a setback variance for 4041 Highway 61
- G. Resolution granting a height variance for 1876 5<sup>th</sup> Street
- H. Resolution authorizing renewal of Fire Department Clinical Site Agreement with Century College
- I. Resolution approving a temporary liquor license for Church of St. Mary of the Lake

**5. VISITORS AND PRESENTATIONS**

- A. Employee Recognition / Swear-in Police Officer
- B. Public Safety Employee Recognition
- C. Legislative Update – Senator Gustafson

**6. PUBLIC HEARINGS**

- A. First reading of an ordinance amending Chapter 1104 – Tobacco and Related Products
- B. First reading of an ordinance requiring licensing and imposing regulations on the sale of edible cannabinoid products

**7. UNFINISHED BUSINESS**

None

**8. NEW BUSINESS**

- A. First reading of an ordinance amending zoning regulations regarding tobacco and cannabis uses
- B. Review of Burger Bar liquor license violation

**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, JULY 25, 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, Police Chief Julie Swanson, Community Development Director Jason Lindahl, 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 Regular City Council Meeting on July 11, 2023

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

B. Minutes of the City Council Work Session on July 11, 2023

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

**3. APPROVAL OF THE AGENDA**

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

**4. CONSENT AGENDA**

A. Resolution approving an agreement with WBLA Schools for School Resource Officers

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

**5. VISITORS AND PRESENTATIONS**

A. Finance Department Quarterly Report

Finance Director Kindsvater presented the quarterly report for the Finance Department. She said there wasn't anything exceptional to share for the finance report and reported that the City is on budget. In previous updates, she's shared about refuse funds and how the sale of the recyclables may or may not cover the costs of processing them. She was optimistic that the market appears it will be improving, therefore not having property owners bear additional costs. She said the License Bureau is very busy and said there are about 3,000 more transactions compared to the

same time last year. She said revenues increased in the months of May and June, which were due to a typical influx of transactions at the beginning of summer, as well as more customers due to the abrupt closure of the Maplewood Deputy Registrar. She said there is a line most days, but moves relatively quickly. Staff are processing transactions as fast as they can and will direct customers who are renewing tabs to a tab-only line, as those transactions are generally quicker. Customers filling out pre-registration paperwork also helps with efficient processing. She said there has been an increase in driver's license and dealership transactions. In general, she explained that there have been more transactions per hour.

Kindsvater talked about the transition in staffing structure. A recent full-time vacancy was posted as multiple part-time positions, which allows for better staff coverage and creates a more stable financial situation. She said the License Bureau will see impacts from legislative fee increases passed during the last session. Effective October 1, driver license filing fees will increase and the City will retain \$3 more for each renewal and \$8 for each new license. Current fees weren't covering costs of staff, so the increases are much needed. We will also receive an additional \$1 for motor vehicle tabs. Starting January 1, 2024, there will be \$1 surcharge for motor vehicle tab and title transactions, which will be retained by the License Bureau.

Councilmember Edberg asked if Kindsvater has a projection for net income for the year. She responded that she doesn't yet have a projection for additional revenue, but it appears the City is on track to have a balanced budget, which means the City is appropriately taxing its property owners just enough to cover its operations.

## **6. PUBLIC HEARINGS**

### **A. Ramsey County Emergency Management and Homeland Security Grant for Unmanned Aerial Vehicles and Corresponding Use Policy**

Police Chief Swanson provided a summary of a grant that was awarded to Ramsey County from the Urban Areas Security Initiative (UASI) grant program. The funds are intended to provide financial assistance to communities in urban areas, using a whole-community approach. Chief Swanson explained that the funds would help support the purchase of unmanned aerial vehicles (drones). In 2022, 98 police agencies in Minnesota reported using drones for 3,076 deployments. Of these deployments, 2,868 instances fell into the four primary reason codes. These reasons include training or public relations purposes, during or in the aftermath of an emergency that involves the risk of death or bodily harm to a person, to collect information from a public area where there is reasonable suspicion of criminal activity, or to collect information for crash reconstruction purposes after a serious or deadly collision. Several agencies within the metro area have implemented drones in the past few years, including the Ramsey County Sheriff's Department, Maplewood, New Brighton and North Saint Paul police departments.

Chief Swanson explained that drones would have been helpful in multiple incidents for the City's Police Department, and while it can request the use of a drone from another agency, it might not be available or there's a delayed response. The drones that the City would purchase would include thermal imaging technology, which she explained would be invaluable to search for missing adults or children. She said the City was selected to receive \$14,000 in grant funds, which will cover the costs of two drones and the necessary training and readiness for legal operation. A matching contribution would provide \$30,600 to the City over the next five years.

These funds include a portion of costs for equipment, software, licenses and training. The City's use of the drones will be guided by Minnesota State Statutes, Section 626.19, which governs the legal use of drones by law enforcement. She explained that the drones will belong to the Police Department, pursuant to State Statutes, but will be deployed when police are responding to emergencies alongside the Fire Department. Chief Swanson presented additional information about the use of drones and their capabilities, legal use of the drones, requirements and oversight, and costs. The initial costs will include the purchase of the two drone kits, training, five pilot licenses to cover each police shift, plus one sergeant, and the drone license. The first-year total is approximately \$19,764, with \$14,000 of that being covered by the grant. Ongoing costs are expected to be \$6,200 annually, which will be covered for almost five years with the matching contribution funds, then the City will use an alternative funding source, such as forfeiture funds or local government aid.

Mayor Louismet opened the public hearing at 7:29 p.m. There being no comment, the public hearing was closed. Mayor Louismet asked Chief Swanson about the need for two drones, instead of one. She contacted cities who have been using drones and said cities who started with one immediately purchased a second one to cover more ground. For example, one drone can search an area while the other drone can hover over one spot. A second drone can also be used as backup during maintenance. Mayor Louismet asked about the seemingly high costs for initial implementation and ongoing expenses. Chief Swanson broke down the costs and said training is more extensive for law enforcement compared to an average citizen obtaining a drone pilot license. She also talked about annual costs of data storage. Councilmember Edberg sought clarification whether the Fire Department could utilize the drones. Chief Swanson explained the State Statute and UASI provisions limit use of drones to the Police Department, but they assist the Fire Department and would operate the drone as needed. There was discussion on what happens if the drone catches criminal activity unrelated to the original objective of using the drones. Councilmember Walsh sought clarification on a provision that would allow other entities to use the drones. Chief Swanson explained other entities would involve Ramsey County Emergency Management and response to natural disaster events or other broad emergency response.

It was moved by Councilmember **Walsh**, seconded by Councilmember **Jones**, to approve **Res. No. 13215** accepting the Ramsey County Emergency Management and Homeland Security 2022 Urban Areas Security Initiative Grant. Motion carried unanimously.

**B. Second Reading of an Interim Moratorium Ordinance – Operation of Cannabis Businesses**

City Manager Crawford presented a second reading of an interim moratorium ordinance as it relates to cannabis businesses. The moratorium would prohibit the establishment of operation of cannabis businesses and authorize City staff to conduct the study outlined above for purposes of protecting the planning process and the health, safety and welfare of its citizens. The moratorium would be effective immediately and until January 1, 2025 or until repealed by the City Council. She summarized Chapter 63-HF 100, which is comprehensive legislation relating to cannabis. The legislation outlines several areas of authority for local units of government, including adopting an interim ordinance. Since the time of the first reading of the ordinance on July 11, 2023, language was added to Article VI. (Exceptions) to address the City's active moratorium prohibiting the sale of cannabis products that was approved September 27, 2022.

Mayor Louismet opened the public hearing at 7:47 p.m. Solomon Hailes, business owner at 2000 County Road E East, shared frustration that he has to turn away customers to neighboring cities, who are allowing the sale of THC products, and wondered if the City staff are thinking about the impact it has on business owners. There being no other comments, Mayor Louismet closed the public hearing at 7:48 p.m. Mayor Louismet shared his displeasure with the State Legislature for passing a broad law while leaving no time for regulatory authorities to develop its local ordinances. Therefore, he shared his support for the moratorium in order to provide staff more time to prepare ordinances responding to the new law. Councilmember Walsh referenced the City's current, active moratorium prohibiting the sale of edible cannabinoid products and asked if businesses will be able to sell these products soon. Crawford confirmed there is a licensing structure being proposed in the next month for edible cannabinoid products. To provide clear understanding, she clarified that the current moratorium set to expire on September 27, 2023 is prohibiting the sale of edible cannabinoid products, or lower-potency hemp products, and the new moratorium will be prohibiting the establishment of cannabis retailers, such as dispensaries. Councilmember Jones made general comments about the legislation, zoning and the foreseen difficulty of managing it all.

It was moved by Councilmember **Walsh**, seconded by Councilmember **Jones**, to approve **Interim Ordinance No. 23-07-2063** authorizing a study and imposing a moratorium on the operation of cannabis businesses. Motion carried unanimously.

It was moved by Councilmember **Engstran**, seconded by Councilmember **Jones**, to approve **Res. No. 13216** approving summary publication of an interim ordinance authorizing a study and imposing a moratorium on the operation of cannabis businesses. Motion carried unanimously.

Councilmember Walsh asked about plans for an ordinance relating to public use. City Attorney Gilchrist explained it could be a standalone ordinance and reflect the same parameters as alcohol and tobacco use in a public park. Mayor Louismet, Councilmember Edberg and Councilmember Jones shared comments supporting staff to develop an ordinance regulating public use of cannabis products.

## 7. UNFINISHED BUSINESS

- A. Second Reading of an Ordinance Rezoning property located at 2687 County Road D, Planned Unit Development and Preliminary and Final Plat

At the July 11, 2023 City Council meeting, Community Development Director Lindahl presented a first reading of rezoning and Planned Unit Development for an undeveloped property located at 2687 County Road D. The proposal involves developing a 14-unit nursing home and would require a subdivision, a Planned Unit Development (PUD) and rezoning from B-2: Limited Business to R-B: Residential Business Transition. The proposal has been part of the Concept Plan Review Process, with the Concept Plan Review being presented to Council on April 11, 2023. Lindahl summarized the information once more for the second reading. He mentioned the northern parcel has been designated as an outlot to the southern parcel. Councilmember Edberg requested clarification on the two lots. Lindahl said that because the parcels have been separated with two separate owners, the northern parcel has been designated as an outlot as to not receive the same approvals or entitlements as the southern parcel. Any proposed

development for the northern parcel will have to go through City processes to plat it for a specific project.

It was moved by Councilmember **Edberg**, seconded by Councilmember **Walsh**, to approve **Ord. No. 23-07-2064** rezoning the property at 2687 County Road D with PID 363022440312 from B-2, Limited Business to R-B, Residential Business Transition. Motion carried unanimously. Councilmember Walsh made an additional comment supporting the project.

It was moved by Councilmember **Jones**, seconded by Councilmember **Engstran**, to approve **Res. No. 13217** granting preliminary and final plat approvals for Dignisuites. Motion carried unanimously.

It was moved by Councilmember **Edberg**, seconded by Councilmember **Engstran**, to approve **Res. No. 13218** granting general and development stage planned unit development approvals for the property located at 2687 County Road D. Motion carried unanimously.

B. Second Reading of an Ordinance Rezoning property located at 2502 County Road E, Planned Unit Development and Preliminary and Final Plat

Community Development Lindahl presented the first reading of an ordinance rezoning the property located at 2502 County Road E and PUD. At the March 14, 2023 City Council meeting, Lindahl presented a concept plan review involving the rezoning and redevelopment of the lot, transforming the abandoned gas station into a 15-unit apartment complex with three townhomes. At the May 9, 2023 City Council meeting, the first reading to rezone the lot from B-3 Auto-Oriented Business to R-6 Medium Density Residential was presented and the motion failed due to a lack of supermajority vote. The applicant resubmitted plans to develop townhomes with an application for rezoning to R-5 Single Family-Two Family Medium Density Residential. Lindahl presented a first reading at the July 11, 2023 regular meeting with information about the nine for-sale townhome development. He summarized the information again for the second reading. Mayor Louismet thanked the applicant for following the review process and taking community and Council feedback into consideration. Councilmember Edberg shared his support for the project and acknowledged the difficulty in working with this site. He shared appreciation for various components of the project.

It was moved by Councilmember **Edberg**, seconded by Councilmember **Engstran**, to approve **Ord. No. 23-07-2065** rezoning the property at 2502 County Road E with PID 36.30.22.12.0027 from B-3, Auto Oriented Business to R-5, Single Family – Two Family Medium Density Residential, subject to conditions. Motion carried unanimously.

It was moved by Councilmember **Walsh**, seconded by Councilmember **Engstran**, to approve **Res. No. 13219** granting preliminary and final plat approvals for the Wildwood Rowhomes addition. Motion carried unanimously.

It was moved by Councilmember **Edberg**, seconded by Councilmember **Engstran**, to approve **Res. No. 13220** granting general and development stage planned unit development approvals for the property located at 2502 County Road E. Motion carried unanimously.

**8. NEW BUSINESS**

Nothing scheduled.

**9. DISCUSSION****A. Planning & Land Use Regulations Working Group**

Community Development Director Lindahl presented information on the upcoming formation of a steering committee that will help guide staff in its zoning update process, and asked the City Council to provide feedback and to designate one of its members to be a part of the group. The group will provide feedback to staff and the consultant team throughout the review process of drafting the regulations. The process will include broader public engagement, including public open houses, focus groups and regular updates to both the Planning Commission and City Council. Lindahl shared the various representatives needed for its membership. He said the group will target issues that are critical in developing a zoning code while maintaining the character and design of the current community and thinking about future aspects that should be included as growth occurs.

Mayor Louismet nominated Councilmember Walsh to represent the City Council. Councilmember Jones recommended having two City Council representatives. Councilmember Edberg volunteered himself as a second representative. Councilmember Jones recalled there being value in having more than one City Council viewpoint during previous City initiatives. For other members, City Attorney Troy Gilchrist recommended that staff develops a list of recommended representatives for each of the categories and the Mayor approves the nominations. Staff will take next steps to develop a list for the Mayor to review.

**10. COMMUNICATIONS FROM THE CITY MANAGER**

City Manager Crawford shared event information for Marketfest, Night to Unite, a ribbon cutting for the Lakewood Hills All-Abilities Park and Safety Camp. She shared information about the Downtown Mobility and Parking Study and said members of the public can learn more at an informational booth at Marketfest and an upcoming open house at City Hall. She said the exterior walls of the new Public Safety Building have been erected and the construction has been on schedule thus far. Mayor Louismet asked when the Downtown Mobility and Parking Study Committee will convene. Director Kauppi responded they will start meeting in mid- to late-August.

**11. ADJOURNMENT**

There being no further business before the Council, it was moved by Councilmember **Engstran**, seconded by Councilmember **Walsh**, to adjourn the regular meeting at 8:41 p.m. Motion carried unanimously.

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Dan Louismet, Mayor

**ATTEST:**

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Caley Longendyke, City Clerk





**MINUTES  
PARK ADVISORY COMMISSION  
CITY OF WHITE BEAR LAKE, MINNESOTA  
THURSDAY, MAY 18, 2023  
6:30 P.M. AT EBBA PARK AT 3450 EBBA STREET**

**1. CALL TO ORDER AND ATTENDANCE**

Chair Mike Shepard called the meeting to order at 6:33 p.m.

**MEMBERS PRESENT:** Bryan Belisle, Victoria Biehn, Anastacia Davis, Ginny Davis and Bill Ganzlin,

**MEMBERS ABSENT:** Mark Cermak and Mike Shepard

**STAFF PRESENT:** Andy Wieteki, Parks Working Foreman and Paul Kauppi, Public Works Director/City Engineer

**VISITORS PRESENT:** Bob Gehrke, Pastor at South Shore Trinity Church

**2. APPROVAL OF AGENDA**

It was moved by member **Ginny Davis** seconded by member **Bryan Belisle**, to approve the agenda as presented.

Motion carried 5:0.

**3. APPROVAL OF THE MINUTES**

Minutes of April 20, 2023

It was moved by member **Anastacia Davis** seconded by member **Victoria Biehn**, to approve the minutes of the April 20, 2023 meeting.

Motion carried, 5:0.

**4. VISITORS AND PRESENTATIONS**

Bob Gehrke, pastor at South Shore Trinity Church, joined the Parks Advisory Commission meeting to discuss the changes the church wishes to make with the City's easement that runs through their property. Bob explained that the trail, Maccallum Street easement, runs through the center of their parking lot. The church would like to relocate and realign it to the far west side of their property. South Shore Trinity Church would like to separate the trail users from the middle of their parking lot which at times cars are parking over. Paul Kauppi explained there is an in-depth process the church needs to go through to make these changes. The Commission seemed okay with the proposals but it is too early in the process to make any recommendations.

**5. UNFINISHED BUSINESS**

Nothing scheduled

**6. NEW BUSINESS**

A. Commission Park Inspection Report Summary

With the wet spring, the Park Advisory Commission decided to move park inspections to July to allow more time and nicer weather to inspect the parks. This year the Commission is also completing their inspections with the Environmental Advisory Commission to evaluate the natural areas in the parks to see where new natural gardens could be installed.

**B. Arbor Day Tree Planting**

The 2023 Arbor Day Celebration took place at Ebba Park. Andy Wieteki reviewed with the Commission how to properly plant a tree. The trees planted include a lilac tree, Crimson Spire Oak and Aspen tree. The Commission also planted some understory shrubs which include 3 Honey Suckle shrubs and 2 Red Twigged Dog Wood shrubs. These plants will fill in the area where we removed the invasive Buckthorn last summer. The Commission had a successful tree planting event again this year with planting, mulching and watering the new trees.

**7. DISCUSSION**

**A. Staff updates**

**a. All Abilities Playground Update**

The site excavation is complete. The playground installers will be onsite the week of May 29<sup>th</sup> drilling the holes for the footings. The community build is scheduled for June 3<sup>rd</sup> and 4<sup>th</sup>. Following the build, the pour-in-place safety surfacing will be installed with a ribbon cutting ceremony to follow.

**B. Commission member updates**

The Environmental Advisory Commission will be reaching out directly to the Parks Advisory Commission for the scheduling the joint park tours.

**8. ADJOURNMENT**

There being no further business before the Commission, it was moved by member **Bryan Belisle** seconded by member **Ginny Davis** to adjourn the meeting.

Motion carried, 5:0



**MINUTES  
ENVIRONMENTAL ADVISORY COMMISSION  
OF THE CITY OF WHITE BEAR LAKE, MINNESOTA  
WEDNESDAY, JUNE 21, 2023  
6:30 P.M. IN THE CITY HALL CONFERENCE ROOM**

**1. CALL TO ORDER AND ATTENDANCE**

Vice Chair Johnston called the meeting to order at 6:34 p.m.

**MEMBERS PRESENT:** Sheryl Bolstad, Chris Frye, Bonnie Greenleaf, Rick Johnston (Vice Chair), Jeff Luxford

**MEMBERS ABSENT:** Gary Schroeher (Chair), Chris Greene

**STAFF PRESENT:** Connie Taillon, Environmental Specialist

**VISITORS PRESENT:** Katie Piel, resident

**2. APPROVAL OF AGENDA**

The commission members reviewed the agenda and had the following changes: add Katie Piel to item 4. Visitors and Presentations, and add polo shirts to item 6. New Business.

It was moved by member **Greenleaf** seconded by member **Frye**, to approve the agenda as amended.

Motion carried 5:0.

**3. APPROVAL OF THE MINUTES**

A. Minutes of the Environmental Advisory Commission meeting on May 17, 2023.

The commission members reviewed the draft May 17, 2023 meeting minutes and had no changes.

It was moved by member **Luxford** seconded by member **Greenleaf**, to approve the minutes of the April 19, 2023 meeting as presented.

Motion carried, 4:0. Vice Chair Johnston abstained.

**4. VISITORS AND PRESENTATIONS**

Katie Piel introduced herself as a White Bear Lake resident with a background in environmental studies. She expressed interest in supporting climate initiatives of the Environmental Advisory Commission. The commission members introduced themselves. They invited her to attend future meetings, and will contact her with any volunteer opportunities.

## 5. UNFINISHED BUSINESS

### A. 2023 work plan

Member Bolstad reported that she visited Matoska and Lions Park with Parks Commission Member Shepard to brainstorm areas to add pollinator plantings. She asked Taillon how to best report on her findings. Taillon stated that she envisions a report that includes photos, a description of what was seen during the visit, and a map that shows recommended areas of invasive species removal and possible restoration sites. Taillon will email the aerial photos of the parks maps which can be used to circle areas of invasive species and potential future restoration. Member Frye asked what fund the invasive species removal and restoration maintenance costs would draw from. He mentioned that it could be considered a parks budget if it becomes a staff task similar to lawn mowing. Taillon responded that we currently contract restoration maintenance because Parks staff does not have the time or plant identification expertise to maintain this projects. This service is currently budgeted in the Stormwater Pollution Prevention (SWPP) Fund. Vice Chair Johnston reported that he visited West Park. In addition to identifying pollinator planting areas, he is interested in a discussion of pairing recycling with trash containers in the parks. He asked Taillon if a City policy existing regarding recycling in public spaces. She is not aware of a public space recycling policy but will review the policies and report back at a future meeting.

Member Bolstad noted that she has not yet received an invite for the downtown mobility study work group, and she is wondering if they have already met. Taillon stated that the consultant and City are currently working on traffic counts so she thinks the work group will meet sometime after the counts are completed. She will check with staff involved in the study and report back at the July meeting. Commission members recapped their priorities for the downtown project, which includes tree planting, pairing recycling with trash, EV charging stations, and stormwater management using tree trenches.

### B. Environmental Resources Expo

The commission members reviewed the latest exhibitor list. Taillon reported that Wild Ones-Oak Savanna Chapter and MPCA 'get the lead out campaign' will be in attendance.

Member Greene reported via email that he is has one EV and working on an additional 3 EVs to display. He is currently taking signups from the boy scouts for setup and takedown.

Vice Chair Johnston stated that Chair Schroeher would like to have a sign-up sheet at the Expo for people who are interested in volunteering to remove buckthorn. Vice Chair Johnston will contact Chair Schroeher to have him create the sign-up sheet.

The commission members reviewed the electric lawn equipment banner that member Greene created and everyone approved of the design. Vice Chair Johnston will ask member Greene to find a print company and Taillon will place the order.

Commission members discussed ideas for games. Member Luxford suggested having a

bin of items and quiz participants on which items are recyclable. Vice Chair Johnston offered to create the game. Member Luxford also suggested creating a list of film recycling locations. Commission members agreed to have Taillon order native seed as a prize for playing the game. Member Greenleaf suggested ordering only flowering plant seed this year, because the grass seed was not as popular.

Member Greenleaf discussed the possibility of volunteering for a half shift at the Expo. There was a consensus that members could sign up for half of a shift.

The commission members agreed to meet in July to finalize the Expo. At the request of the members, the only order of business on the July agenda will be the Expo.

## **6. NEW BUSINESS**

### **A. Polo shirts**

Vice Chair Johnston stated that he would like the commission to consider ordering polo shirts with the City logo similar to the Parks Commission shirts, and if possible have them ready for the Expo on July 27<sup>th</sup>. The commission members like the idea and asked Taillon next steps. Taillon stated that the City orders shirts out of a catalog and has a local business embroider the logos. She will research what shirts the Parks Commission ordered and how they were funded. The shirts most likely will not be ready in time for the Expo.

## **7. DISCUSSION**

### **A. No Mow May Alternatives**

The commission members discussed website links from the U of M extension and AP News that Member Luxford shared about different takes on the No Mow May movement, including potential stress to lawns and increases in pesticide use. Member Greenleaf stated that she read the articles and that the No Mow May movement seems controversial. The commission members discussed promoting higher mower heights, bee lawns, and native plantings in lieu of No Mow May. Member Luxford likes the visibility of the City parks for pollinator plantings. Vice Chair Johnston suggested adding an article in the spring newsletter about No Mow May alternatives. Visitor Katie Piel mentioned that a new slogan could be 'Milkweed May'.

### **B. Staff reports**

#### **- Reappointments**

Taillon stated that Chair Schroeder's and Member Greene's terms expired on June 30<sup>th</sup> and that both have been reappointed for another 3 year term.

### **C. Commission member updates**

Vice Chair Johnston noted that the DNR NE Metro Groundwater Management discussion will be held at Boatworks Commons on Tuesday from 9:30am to noon. The agenda and groundwater management plan are found on the DNR website at: [dnr.state.mn.us/gwmp/area-NE.html](http://dnr.state.mn.us/gwmp/area-NE.html).

D. Do-outs

New do-out items for June 21, 2023 include:

Environmental Resources Expo

- Chair Schroeder to create sign-up sheet for buckthorn removal volunteers
- Vice Chair Johnston to create recycling game
- Member Greene to continue recruiting EVs
- Taillon to purchase native seeds
- Taillon to print electric lawn equipment sign
- Taillon to create exhibitor map and email to Marketfest coordinator for review
- Taillon to email detailed exhibitor instructions to EAC
- Taillon to research polo shirts

Other

- Members to create a report that includes photos, a description of the park, and areas that may be good candidates for invasive species removal and/or restoration. Circle these locations on the parks maps that Taillon will provide.
- Taillon to email park maps to each commission member
- Taillon to research if the City has a policy regarding recycling in public spaces
- Taillon to report on the status of the DT mobility study subcommittee
- Taillon to research polo shirts

E. July agenda

Commission members discussed the July agenda and asked Taillon to only include the Environmental Resources Expo on the agenda.

**8. ADJOURNMENT**

There being no further business before the Commission, it was moved by member **Greenleaf** seconded by member **Frye** to adjourn the meeting at 8:35 p.m.

Motion carried, 5:0



## White Bear Lake Conservation District

### Regular Board Meeting – Approved Minutes

Jun 20, 2023, 7:00 p.m., White Bear Lake City Hall Council

Chambers (6:00 pm LUC meeting)

1. **Roll Call/Quorum** – Present: Chair Bryan DeSmet, Vice Chair Meredith Walburg, Treasurer Mike Parenteau, Chris Churchill, Scott Costello, Darren DeYoung, Mark Ganz, Diane Longville, Susie Mahoney, Mark Wisniewski, and Alan Kantrud. A quorum was present.
2. **Call to Order** – The meeting was called to order at 7:07 pm by Bryan DeSmet.
3. **Approval of Agenda** – Motion to approve the agenda was made by Mark Wisniewski, seconded and passed.
4. **Approval of Previous Board Meeting minutes** – Motion to approve the May 2023 Board meeting minutes was made by Darren DeYoung, seconded, and passed.
5. **Public Comments** – none
6. **New Business**
  - Introduction DNR conservation officer Matthew Paavola – Matt Paavola is the new DNR conservation officer for northern Ramsey, and southern Anoka counties. The main issue on the lake is watercraft registration violations. The public can contact him by calling the DNR Information Center (651-296-6157) about non-emergency issues public water complaints and active violations (i.e.-fish take is over limit).
  - Bylaw amendment – Audit Frequency – Motion to approve the bylaw change was made by Mike Parenteau, seconded and passed.
  - Lake Use Study – volunteers for scope of work collaboration – The last lake use study was conducted in 2005, and a new lake use study was added to the 2024 budget. A group, including Meredith Walburg, Mark Wisniewski, and Alexander Schwartz (LUC), will review the District's lake studies from the last 25 years, determine what should be in the next lake study, and develop a draft scope of work to bring to the Board for review and approval. Request for bids will go out in October.
  - St. Germain signage – Mike Parenteau is waiting to hear back from property owners regarding permission to install a St. Germain Bay sign in Dellwood. Discussion on the sign has been in the works for a while to honor George St. Germain, who served on the WBLCD Board for 40 years, and whose family has a long history on White Bear Lake. Motion to approve up to \$500 to order the St. Germain Bay sign, once installation is approved, was made by Mike Parenteau, seconded and passed.
7. **Unfinished Business**
  - **Commercial Bay**
    - VFW Expansion-Environmental Assessment Worksheet (EAW) – The Board received the EAW to review as the Responsible Government Unit (RGU). The Executive Committee will do the initial review, and bring a report to the July Board meeting for approval. It's unlikely the expansion would take place this year. If the EAW is acceptable to the Board, the DNR will be notified regarding the VFW's revised permit, and the VFW would submit

an amended permit application for approval. It's possible, but not probable, that the Board could determine that an Environmental Impact Study (EIS) needs to be conducted.

- Luke Michaud, on behalf of the VFW, noted that transient slips have been included on the VFW expansion diagram.
- Docks of White Bear Lake and City of White Bear Lake-Lions Park ADUA Boundary agreement – The City of WBL and Docks of WBL have come to an agreement on the placement of the ADUA line between Lion's Park and Docks of WBL, starting in 2024.
- **EG Rud and Sons survey services**
  - ADUA marker locations – EG Rud monumented the OHWL with an updated survey and notations on how they marked them.
  - ADUA/dock length compliance check survey – On June 8, all dock lengths in Commercial Bay were surveyed for compliance with District ordinances. All marinas, except Docks of WBL, are compliant with dock lengths of 300 ft or less from the OHWL. A second marker to help site the 2024 Docks of WBL/City of WBL ADUA line couldn't be done as there was no room. The surveyors can come out next year to assist with the site boundary.  
The DNR was notified of the results of the survey.
  - Addition of Lions Park-Docks of WB ADUA for 2024 to survey – The 2024 ADUA information has been added to the surveys.
  - GPS coordinates – Cheri will send the converted survey file to Board members that can be uploaded into Google Earth to show GPS coordinates.
  - Approval of last payment - initial contract (\$1,000) – The final payment for contracted services is being paid. Cheri will ask for a final bill of the additional services (up to \$2,000) that they performed in addition to the contracted services.
- **2024 Draft Application Form 5/watercraft storage fees update**
  - Form 5 – It is still being looked at, and will be brought to the Board in July.
  - Watercraft storage Issue – Fees for watercraft on storage racks, whether situated in the water or on land, may not be necessary, but knowing where and how many watercraft are on storage racks is valuable information, and was included on the last lake use study. Form 5, for multi-user docks, should have an area where applicants can record this information. We can reach out to other places, such as municipalities, to gather information.

## 8. Reports/Action Items

- **Executive Committee** – The committee discussed agenda items and: putting together a map that marks where the district places shallow water buoys and 'no wake' buoys; reviewing ordinances with a group made up of Meredith Walburg, Mark Wisniewski, Scott Bohnen, and Darren DeYoung; using a credit card with a cashback option); the St. Germain Bay sign; and asking the DNR to allow the Conservation District to define what the acceptable dock configuration(s) are in low water situations (below 922ft).

The committee also discussed businesses operating on WBL and that if it is a commercial enterprise on the lake, a permit application needs to be submitted. The City notified the WBLCD that a watercraft rental business was seen operating on the lake without a WBLCD permit and was also launching out of Matoska Park which violates City code. Cheri will contact the city about their business licensing procedures. The issue was tabled until next year after WBLCD ordinances have been reviewed, and a better approach is developed.

- **Lake Quality Committee**
  - Lake level – The lake level is 923.18 ft.
  - Lake temperature – The lake temperature is 77 °F
  - Approval of Eurasian Watermilfoil (EWM) Management Proposal – Lake Mgmt Inc. – There's not much EWM visible right now. The survey will be done next week, and other



members are welcome to join. The survey will go to the DNR, and then to the applicator for treatment. The bid for treatment includes two chemical options (liquid Triclopyr and ProcellaCor EC). ProcellaCor is a higher cost chemical, but is good for large areas and is guaranteed to control EWM for 3 years. Mike Parenteau has a call into the DNR to see if there are any other chemical agents that could be used. Once the areas are defined, the use of which chemicals will be decided. Funds for treatment include \$25,000 that was budgeted for 2023, and a \$6,750 DNR grant. Motion to approve the cost of EWM treatment up to \$31,750 was made by Mike Parenteau, seconded and passed.

- **Lake Utilization Committee – Mark Ganz**

- Docks of White Bear Lake – amended 2023 application – The LUC recommended approval of the Docks of WBL amended permit application of 250 boats and less than 300 ft docks as configured on the submitted diagram. Mark Ganz stated that much progress has been made in Commercial Bay with the City and Docks of WBL moving to an agreed upon change in the ADUA boundary with Lions Park in 2024, and Tally's and Docks working together to propose abutting their docks at the Whitaker St. ADUA boundary for better boat navigation, and Whitaker ADUA alignment. A motion to approve the application was made by Mark Ganz, and seconded.

In the discussion, it was noted that the application was for 250 boats, and the DNR's permit allows for 260, while the Board has approved permits for 240 boats for the last three years. A question was raised about permitting authority and Alan Kantrud reminded the Board that the DNR permit sets a limit of what is allowed. And, although the WBLCD cannot approve anything that exceeds the limit, it has authority to set lower limits than the DNR permit. It was noted that, from the summary of marina boat counts for the last three years that was requested from the District, the DNR is revising its 2024 permit to the Docks of WBL for 240 boats. Chris Churchill noted that all marinas should get their DNR permits up-to-date with what the WBLCD has approved, like the City of WBL did earlier this year.

Mark Wisniewski observed that boats would need to be situated at the end of the docks if the dock lengths are reduced to 300 ft or less, which would still be out of compliance. Bryan DeSmet added that in 2022, Docks of WBL was approved for 240 docks but drone photos show at least 260 boats docked at the marina. He also cited Ordinance 5, Part IV, Subd. 2. I. regarding the penalty for boat slip overage and stated that if we are to enforce the ordinances, then the District could only approve up to 220 boats. Wisniewski followed up with a question about how compliance would be checked and enforced and on what timeline, should the application be approved. Ganz stated that the water patrol will do random boat counts twice a month, and a drone can scan all the commercial bay marinas.

Churchill stated that the District needs to make sure it enforces its ordinances with all marinas. It was suggested that the letter sent to commercial operators with the approved permit certificate should include language that details the consequences if they don't abide by the ordinances.

Meredith Walburg noted that the last lake study advised against increasing boat counts, and the District has kept dock association boat counts the same for many years. Walburg suggested that the RSCO boat counts be reviewed in October to make decisions on the enforcement of any boat count overages before permit applications are reviewed for approval.

DeSmet made a friendly amendment to adjust slips to 240, and Ganz rescinded his motion. Then, a motion to approve the permit application for 250 boats and all docks

under 300 ft was made by Chris Churchill, and seconded.

In the discussion, Wisniewski stated it is time to move onto some type of enforcement action, and DeSmet said that they have been without a permit all season, and we will ask the RCSO to enforce our provision.

It was noted that there was no time frame decided in which Docks of WBL needed to shorten the dock lengths. Mike McGoldrick, partner/manager, Docks of WBL, spoke and stated he would start the work immediately, but he didn't know how long it would take. He also stated that the 250-boat request came from working with many parties, not wanting to disrupt the community, and wanting to meet in the middle to work toward resolving the permitting issue.

Wisniewski proposed that to amend the motion to add a 45-day grace period on enforcement to bring the docks into compliance with the permit application.

The vote was called to approve the permit application of 250 boats and docks under 300 ft with a 45-day grace period before enforcing compliance of the permit. The motion failed with Chris Churchill, Diane Longville, Mark Ganz, and Mark Wisniewski voting in favor, and Scott Costello, Bryan DeSmet, Meredith Walburg, Mike Parenteau, Susie Mahoney, and Darren DeYoung opposed.

It was noted, after the vote, that the proposed Tally's shared ADUA/dock placement agreement was contingent on the approval of the Docks of WBL application, and so that will not happen. Docks of WBL was advised to come back with an application for 240 slips. Motion to send a letter to Docks of White Bear Lake letting them know that a permit application of 240 slips, and docks within 300 ft is something the Board can approve was made by Bryan DeSmet, seconded, and passed with Chris Churchill opposing.

- o Tally's Dockside – amended diagram (shared ADUA/dock placement) – Due to the lack of approval of the Docks of WBL permit application, the proposed ADUA/shared dock placement at Whitaker St. between Tally's and Docks of WBL was tabled.
- o 4955 Lake Ave. – debris issue – A letter will be sent giving the resident 7-10 days to remove the wood debris that is floating from their property to the Memorial Beach area. The letter will also state that a criminal citation will be processed for failure to abide by the order of the WBLCD Board. Mark, Alan, and Cheri will work on the letter and send to the resident.
- o 479 and 483 Lake Ave. - ADUA issue – Darren DeYoung spoke to both parties, and the issue is the definition of what is “unreasonably and unnecessarily entering the ADUA.” Susie Mahoney, 479 Lake Ave., stated that, while the neighbors are in compliance with a past order that their dock be centered in the middle of their property, it does not allow enough space for them to maneuver without always entering into Mahoney's ADUA. Chris Churchill stated that he viewed the site, the county lake surveys, photos and diagrams, and that there is enough navigable water for the neighbor's pontoon to get in and out. Bryan DeSmet suggested having an LUC member meet them on the site. Darren DeYoung stated that he could meet and had met with the other party, but there's still the definition of what is ‘unreasonable and unnecessary’ to enter someone else's ADUA that he can't define. What one person may see as reasonable, another might not. When asked what she expected the Board to do, Mahoney said she wants the other party to move their dock further south. It was brought up that that would then cause a problem on the other side of their dock. DeYoung provided documentation from a 2017 dispute that ordered 483 Lake Ave. to place their dock in the middle of their property. Larry Mahoney spoke that the center dock placement is fine, it's the platform at the end of the dock that has them entering and exiting toward the Mahoney's dock.

- DeSmet asked the LUC to look at the issue and bring it back to the July meeting.
- o Jensen-Rindelaub - dock issue – This issue was brought up by the Browns who are north of the easement in question. Jensen had a survey done, and the easement dock does veer off a little from the 5 ft straight-into-the-lake easement. Rindelaub will talk to the Jensen and come up with a solution as to where it should be, and the Browns will be informed after that. The LUC will reach out to the parties.
- o Properties with five (5) boats on their dock – It was brought up at the LUC meeting that there are properties with five boats at their docks. Mark will write a letter to inform them of our ordinances and that they have 7-10 days to remove one boat.

- **Lake Education Committee**

- o Educational outreach update –
  - o Scott Costello reported on the WBLCD’s work with the White Bear Press and that we’re pleased with the results. We should be receiving an invoice, and information about its distribution. The LEC provided material for the 2<sup>nd</sup> edition regarding what citizens can do to maintain the water quality of WBL. The committee will need to come up with more material for the next two issues.
  - o Marketfest – We won’t be at Marketfest this year, but possibly next year. We will need to come up with something that pulls people to the booth.
- o Social media update – Meredith Walburg reported that she’s starting to develop one page of content for the Aug. 11 Laker issue. If there are any ideas that should be addressed, email someone on the LEC. Social media posts this month will include something about the Marsh, lake level and temperature, lake survey, and a link to the Laker material that will be coming out before July 4.

**9. Treasurer Reports**

- Approval of June Treasurer’s Report – Motion to approve June Treasurer’s Report, debit card #7, and checks #4866 to #4874 was made by Mike Parenteau, seconded and passed.
- 2024 Final Budget – Motion to approve the 2024 budget was made by Mike Parenteau, seconded and passed. The budget and community apportionments for 2024 will be sent out to the municipalities. Mark Wisniewski noted that we’re going to run a deficit and wanted to know how the reserve cash balance was calculated. Mike Parenteau stated that the ideal cash balance is 1½ times the annual budget. Cheri will send the Board the resolution regarding its fund reserve policy. It was noted that we should explain our fund reserve policy to the municipalities.

**10. Board Council Report** – Alan Kantrud reported that the DNR has been issuing fishing and registration warnings, and the Ramsey County water patrol has encountered speeding issues.



The photo session is postponed for tonight and will reschedule for July.

**11. Announcements**

- The next Board meeting will be held on July 18.

**12. Adjournment** – Motion to adjourn at 9:29 pm was made by Darren DeYoung, seconded and passed.

ATTEST:

Bryan DeSmet, Chair  Date 7-18-2023  
 Cheri Howe, Administrator  Date 7/18/2023



**MINUTES  
PLANNING COMMISSION MEETING  
OF THE CITY OF WHITE BEAR LAKE, MINNESOTA  
MONDAY, JULY 31, 2023  
7:00 P.M. IN THE COUNCIL CHAMBERS**

**1. CALL TO ORDER AND ATTENDANCE**

**MEMBERS PRESENT:** Jim Berry, Pamela Enz, Andrea West, Ken Baltzer  
**MEMBERS ABSENT:** Mike Amundsen, Mark Lynch  
**STAFF PRESENT:** Jason Lindahl, Community Developer Director; Lindy Crawford, City Manager; Ashton Miller, City Planner; Shea Lawrence, Planning Technician  
**OTHERS PRESENT:** Dan Peltier, Cindy Peltier

**2. APPROVAL OF AGENDA**

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

Motion carried, 4:0.

**3. APPROVAL OF THE MINUTES**

**A. Minutes of June 26, 2023**

It was moved by Member **Enz** and seconded by Member **West** to approve the minutes of June 26, 2023

Motion carried, 4:0.

**4. CASE ITEMS**

**A. Case No. 23-24-Z:** A City initiated text amendment to the City Code, Article XIII – Zoning Code concerning tobacco and cannabis related uses.

Jason Lindahl, Community Development Director, discussed the case. Staff recommended approval of the case as proposed.

Member Enz asked if the tobacco shop downtown would be affected by this if they are also selling THC. Lindahl answered that the property is in the downtown zone and that they aren't permitted to sell THC. City Manager Lindy Crawford added that there is a moratorium on the sale of THC products in White Bear Lake which they have violated in

the past. Crawford added that the property would be grandfathered in to sell tobacco, but would not be permitted to become a cannabis retailer.

Member Berry asked if other tobacco shops have violated the THC moratorium. Crawford responded that there were violations by other shops, but they have since come into compliance. Berry asked for clarification on the grandfathered in status. Crawford confirmed the existing tobacco shops will be grandfathered in to sell tobacco products, not cannabis products.

Crawford explained that cities will be required to allow for at least 1 cannabis retailer per 12,500 residents, meaning White Bear Lake will be required to allow two. Therefore, the City has to outline locations where these retailers could be permitted. She added that the City will not be licensing for cannabis—that will remain at the state level through the Office of Cannabis Management (OCM). Once OCM receives an application they will reach out to the city for confirmation that the retailer would adhere to the City's zoning requirements before issuing the license.

Member Baltzer asked for clarification on the locations of the B-4 district. Crawford explained that Highway 96 and Century Avenue both have B-4 zones. Lindahl referred to the zoning map in the packet to highlight B-4 locations, noting that many of the B-4 sites are currently occupied by other uses.

Member Enz noted the proximity of some of the locations to the hockey arena. Crawford responded that the State did not provide definitions for public parks and public spaces. Once OCM comes out with further guidelines or definitions, Crawford explained that the zoning ordinance may need to be amended. Crawford emphasized the importance of adopting this ordinance now, so that the City can ensure future cannabis retailers are located in the appropriate zone. Lindahl added that adopting these minimum standards will help the City cover the gap before the State can establish the Office of Cannabis Management.

Member West asked if the B-4 district is also the district used for alcohol retailers. Lindahl responded that liquor sales are permitted starting in the B-2 district but because the zoning code cascades, it is also permitted in B-4. Off-sale liquor is prohibited starting in the B-5 district. Member West asked if the existing tobacco retailers that are not located in the B-4 district could eventually become cannabis retailers. Crawford explained they will be grandfathered in as tobacco retailers, so they would not be allowed to sell cannabis. Crawford clarified that the existing shops are not being rezoned to B-4, but the shops will be permitted to continue as tobacco retailers.

Member Baltzer asked if an existing business in the B-4 district could sell their property to a cannabis retailer. Crawford responded yes.

Crawford explained that changes may need to be made to the zoning code or municipal code as new information becomes available from the State.

Member Berry opened the public hearing.

Member Berry closed the public hearing.

It was moved by Member **Enz** to recommend approval of Case No. 23-24-Z, seconded by Member **Baltzer**.

Motion carried, 4:0.

Lindahl explained the case will go before City Council two times, on August 8<sup>th</sup> and August 22<sup>nd</sup>, because it is a text amendment.

- B. Case No. 23-22-V:** A request by **Saputo Cheese USA** for a 22.4 foot variance from the 30 foot minimum setback in the front yard, per code section 1303.190, Subd.5.c.1 in order to expand the boiler room located at 4041 Highway 61.

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

Member West, asked if the site meets fire code. Miller responded that the building is sprinkled and that the Fire Department requested that the access be maintained. Miller added that the applicant redesigned as to not impact the access and maintain the 16 feet drive lane.

Member Berry opened the public hearing.

Member Berry closed the public hearing.

It was moved by Member **Baltzer** to recommend approval of Case No. 23-22-V, seconded by Member **West**.

Motion carried, 4:0.

- C. Case No. 23-23-V:** A request by **Kaia Kroll** for a variance from the 11 foot maximum height per code section 1302.030, subd.4.i.1.b in order to reconstruct a garage that is taller than the house located at 1876 5th Street.

Shea Lawrence, Planning Technician discussed the case. Staff recommended approval of the case as proposed.

Member Berry opened the public hearing.

Member Berry closed the public hearing.

It was moved by Member **Enz** to recommend approval of Case No.23-23-V, seconded by Member **West**.

Motion carried, 4:0.

## 5. DISCUSSION ITEMS

### A. City Council Meeting Overview

Lindahl explained that the redevelopment proposal for 9 townhomes at 2502 County Rd E was approved by Council. The proposal for the property 2687 County Rd D for a 14 unit Memory Care Facility was approved. City Council also approved the fence height variance at 3944 Hoffman Road and the conditional use permit for an accessory dwelling unit at 4008 White Bear Ave.

## 6. ADJOURNMENT

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



**City of White Bear Lake**  
City Manager's Office

# MEMORANDUM

**To:** Lindy Crawford, City Manager  
**From:** Caley Longendyke, City Clerk  
**Date:** August 8, 2023  
**Subject:** Polling Places for March 5, 2024 Presidential Primary

## SUMMARY

The City Council will consider adopting a resolution approving the polling places for the March 5, 2024 Presidential Primary.

## BACKGROUND INFORMATION

In 2017, the legislature enacted a new provision, 204B.16 Polling Places; Designation, that requires all municipalities to designate their polling place locations for an upcoming election year by December 31 of the previous year. If the authorized polling place becomes unavailable for use, the new law does permit changing polling place locations in the year of the election.

City staff were recently informed that school buildings in ISD 624 White Bear Lake Area Schools (WBLAS) will not be available as polling places for the March 5, 2024 Presidential Primary. Polling places designated for Wards 3, 4 and 5 are located in WBLAS schools, therefore City staff were directed to work with Ramsey County Elections to identify alternative polling places for these wards the 2024 Presidential Primary.

The following polling places are recommended for the March 5, 2024 Presidential Primary:

Ward 1	White Bear Lake City Hall – Council Chambers 4701 Highway 61, White Bear Lake, MN 55110
Ward 2	White Bear Lake Library 2150 2nd Street, White Bear Lake, MN 55110
Ward 3	Normandy Park Education Center 2482 County Road F East, White Bear Lake, MN 55110
Ward 4, Precinct 1	Redeemer Lutheran Church 3770 Bellaire Ave, White Bear Lake, MN 55110
Ward 4, Precinct 2	Redeemer Lutheran Church 3770 Bellaire Ave, White Bear Lake, MN 55110
Ward 5	White Bear Area YMCA 2100 Orchard Lane, White Bear Lake, MN 55110



For the 2024 General Election, it is the intent of City staff to return polling places back to locations similarly designated for 2023 elections: City Hall (Ward 1), White Bear Lake Library (Ward 2), WBLAS Sunrise Middle School (Ward 3), WBLAS Area Learning Center (Ward 4) and WBLAS South Campus, to become Mariner Middle School (Ward 5).

**RECOMMENDATION**

Staff recommends the City Council adopt the attached resolution approving the polling places to be used only for the March 5, 2024 Presidential Primary.

**ATTACHMENTS**

Resolution

**RESOLUTION NO.**

**RESOLUTION APPROVING POLLING PLACES FOR THE 2024 PRESIDENTIAL PRIMARY ELECTION  
FOR THE CITY OF WHITE BEAR LAKE, MINNESOTA**

**WHEREAS**, Minnesota Statutes 204B.16 requires the City Council to designate polling places for the upcoming year by resolution; and

**WHEREAS**, changes to polling place locations may be made at least 90 days before the next election if one or more of the authorized polling places becomes unavailable for use; and

**WHEREAS**, changes to the polling place locations may be made in the case of an emergency when it is necessary to ensure a safe and secure location for voting; and

**WHEREAS**, polling places to be designated for 2024 elections were going to remain unchanged from 2023 elections, but White Bear Lake Area Schools (three of five polling locations in 2023) will not be available for the March 5, 2024 Presidential Primary; and

**WHEREAS**, Ramsey County and City staff identified Normandy Park Education Center for Ward 3, Redeemer Lutheran Church for Ward 4, and the YMCA for Ward 5 as polling places only for the March 5, 2024 Presidential Primary; and

**WHEREAS**, it is the intent of City staff to return polling places back to the locations similarly designated for 2023 elections following the March 5, 2024 Presidential Primary for the remainder of 2024 elections.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of White Bear Lake, Minnesota hereby approves the polling places for the 2024 Presidential Primary, scheduled for Tuesday, March 5:

Ward 1	White Bear Lake City Hall – Council Chambers 4701 Highway 61, White Bear Lake, MN 55110
Ward 2	White Bear Lake Library 2150 2nd Street, White Bear Lake, MN 55110
Ward 3	Normandy Park Education Center 2482 County Road F East, White Bear Lake, MN 55110
Ward 4, Precinct 1	Redeemer Lutheran Church 3770 Bellaire Ave, White Bear Lake, MN 55110
Ward 4, Precinct 2	Redeemer Lutheran Church 3770 Bellaire Ave, White Bear Lake, MN 55110
Ward 5	White Bear Area YMCA 2100 Orchard Lane, White Bear Lake, MN 55110

**RESOLUTION NO.**

**BE IT FURTHER RESOLVED** that the City Clerk is hereby authorized to designate a polling place replacement that meets the requirements of the Minnesota Election Law for any of the designated polling places in this resolution that becomes unavailable for use by the City; and

**BE IT FURTHER RESOLVED** that the City Clerk is hereby authorized to designate an emergency replacement polling place meeting the requirements of the Minnesota Election Law for any polling place designated in this resolution when necessary to ensure a safe and secure location for voting; and

**BE IT FURTHER RESOLVED** that the City Clerk is directed to send a copy of this resolution and any subsequent polling place designations to the Ramsey County Elections Office.

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



**City of White Bear Lake**  
City Manager's Office

# MEMORANDUM

**To:** Mayor and City Council  
**From:** Lindy Crawford, City Manager  
**Date:** August 8, 2023  
**Subject:** **Building and Rental Housing Inspection Services Agreement Renewal – City of Mahtomedi**

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## SUMMARY

The City Council will consider adopting a resolution authorizing the renewal of the Building and Rental Housing Inspection Services Agreement with the City of Mahtomedi.

## BACKGROUND INFORMATION

Since 1998, through a service agreement, the City of White Bear Lake has provided building and rental housing inspection services to the City of Mahtomedi. Administration from both cities met earlier this year to discuss the existing contract and agreed an updated agreement is warranted to better reflect services which are currently being provided. The City of White Bear Lake prepared an updated agreement, the City of Mahtomedi has agreed to the terms. Terms of the agreement are nearly identical to the existing agreement but are clearly defined and include:

- White Bear Lake serves as an independent contractor and provides building, plumbing, heating, ventilation, and air conditioning inspections pursuant to the MN Building Code and rental housing inspections pursuant to Mahtomedi City Code.
- Mahtomedi delegates their Building Official authority and inspections to White Bear Lake. Fire inspection services are not provided in this agreement.
- Mahtomedi establishes and adopts building and related fees and charges for work in their fee schedule and is responsible for fee collection.
- White Bear Lake will invoice Mahtomedi for the actual costs to provide the building inspection services. Actual costs are calculated off the Building Department's annual operating budget, Building Department personnel, capital expenditures, depreciation, and administrative fees. Actual costs are multiplied by the percentage of revenue for each month. The percentage of revenue is equal to building and mechanical permit fees plus plan review fees for White Bear Lake and Mahtomedi per month.
- White Bear Lake will invoice Mahtomedi for the actual costs to provide rental housing inspection services. Actual costs are calculated off the Rental Housing Inspection annual operating budget, Rental Housing Inspection personnel, capital expenditures, depreciation, and administrative fees multiplied by hours spent on Mahtomedi rental

housing activity as a total of hours worked per month on White Bear Lake and Mahtomedi activity combined.

- Agreement is in effect for five (5) years and will automatically renew for successive five (5) year terms until terminated. Termination notice is required by August 1 for a termination effective date of December 31.

**RECOMMENDATION**

Staff recommends the City Council adopt the attached resolution authorizing the renewal of the Building and Rental Housing Inspection Services Agreement with the City of Mahtomedi.

**ATTACHMENTS**

Resolution

**RESOLUTION NO.**

**RESOLUTION AUTHORIZING RENEWAL OF THE BUILDING AND RENTAL HOUSING  
INSPECTION SERVICES AGREEMENT WITH THE CITY OF MAHTOMEDI**

**WHEREAS**, the City of White Bear Lake has provided Building and Rental Housing Inspection Services (Services) to the City of Mahtomedi for several years; and

**WHEREAS**, the City of White Bear Lake and the City of Mahtomedi have an agreement outlining the terms of Services dated February 13, 1998; and

**WHEREAS**, both parties have found the agreement mutually beneficial; and

**WHEREAS**, the City of Mahtomedi has requested an updated agreement be drafted to continue the Services and the City of White Bear Lake has drafted said agreement.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of White Bear Lake, Minnesota that the Mayor and City Manager are hereby authorized to renew the Building and Rental Housing Inspection Services Agreement with the City of Mahtomedi by executing said agreement.

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



**City of White Bear Lake**  
City Manager's Office

# MEMORANDUM

**To:** Mayor and City Council  
**From:** Lindy Crawford, City Manager  
**Date:** August 8, 2023  
**Subject:** Code Enforcement Services Agreement Renewal – City of Mahtomedi

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## SUMMARY

The City Council will consider adopting a resolution authorizing the renewal of the Code Enforcement Services Agreement with the City of Mahtomedi.

## BACKGROUND INFORMATION

Since 1998, through a service agreement, the City of White Bear Lake has provided code enforcement services to the City of Mahtomedi. Administration from both cities met earlier this year to discuss the existing contract and agreed an updated agreement is warranted to better reflect services which are currently being provided. The City of White Bear Lake prepared an updated agreement, the City of Mahtomedi has agreed to the terms. Terms of the agreement are nearly identical to the existing agreement but are now more clearly defined and include:

- White Bear Lake serves as an independent contractor and provides duties and functions customarily rendered by a city code enforcement officer. On a monthly basis White Bear Lake will perform a drive through of Mahtomedi and respond accordingly in addition to responding on an as need basis.
- Mahtomedi delegates their Code Enforcement Officer authority to White Bear Lake.
- Mahtomedi establishes and adopts related fees and charges for work in their fee schedule and is responsible for fee collection.
- White Bear Lake will invoice Mahtomedi monthly for services performed which includes actual hours worked providing the services, direct labor costs, and identify any other applicable charges. Hourly and overtime rates and administrative and capital fees will be evaluated annually by October 1.
- Agreement is in effect for five (5) years and will automatically renew for successive five (5) year terms until terminated. Termination notice is required by August 1 for a termination effective date of December 31.

## RECOMMENDATION

Staff recommends the City Council adopt the attached resolution authorizing the renewal of the Code Enforcement Services Agreement with the City of Mahtomedi.

## ATTACHMENTS

Resolution

**RESOLUTION NO.**

**RESOLUTION AUTHORIZING RENEWAL OF THE CODE ENFORCEMENT SERVICES AGREEMENT  
WITH THE CITY OF MAHTOMEDI**

**WHEREAS**, the City of White Bear Lake has provided Code Enforcement Services (Services) to the City of Mahtomedi for several years; and

**WHEREAS**, the City of White Bear Lake and the City of Mahtomedi have an agreement outlining the terms of Services dated February 13, 1998; and

**WHEREAS**, both parties have found the agreement mutually beneficial; and

**WHEREAS**, the City of Mahtomedi has requested an updated agreement be drafted to continue the Services and the City of White Bear Lake has drafted said agreement.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of White Bear Lake, Minnesota that the Mayor and City Manager are hereby authorized to renew the Code Enforcement Services Agreement with the City of Mahtomedi by executing said agreement.

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





**City of White Bear Lake**  
Community Development Department

# MEMORANDUM

**To:** Lindy Crawford, City Manager  
**From:** Jason Lindahl, AICP Community Development Director  
**Date:** August 8, 2023  
**Subject:** 4701 Highway 61 – White Bear Lake Civic Campus Preliminary & Final Plat

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## SUMMARY

The applicant, the City of White Bear Lake, requests preliminary and final plat approvals for the White Bear Lake Civic Campus Addition. This approval is necessary as a “Housekeeping” item to combined several city-owned parcels into one property for City Hall and the Public Safety Building. Based on the findings detailed in this report, staff recommends approval of the request.

## GENERAL INFORMATION

Applicant/Owner: City of White Bear Lake

Existing Land Use / Zoning: Public Safety Building & City Hall;  
P – Public Facilities District

Surrounding Land Use / Zoning: North: Single Family Residential & Commercial; Zoned DCB – Diversified Central Business District  
South: Commercial; Zoned DCB – Diversified Central Business District  
East: Commercial; Zoned B-5, Central Business District  
West: Single Family Residential; Zoned DCB – Diversified Central Business

Comprehensive Plan: Public/Semi-Public

Lot Size & Width: Code: N/A

## BACKGROUND INFORMATION

The subject properties are located in the northwest corner of 2<sup>nd</sup> Street and Highway 61. The site includes the Public Safety Building located at 4700 Highway 61 which was constructed in 1962, City Hall located at 4701 Highway 61 which was constructed in 1988 and several surrounding city-owned properties.

**ANALYSIS**

Subdivision Review. Subdivision review 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.

Standards for reviewing subdivision requests are outlined in Section 1401 of the City Code. This section of the Code details a two-step preliminary and final plat process for land subdivision. The typical process for subdivision review includes review by the Planning Commission and action by the City Council. However, the Subdivision regulations also include an Exception process which allows for a streamline review by the City Council when the purpose of the proposed subdivision is to add or combine existing parcels together.

In this case, staff recommends use of the exceptions process based on the findings that the applicant is only combining parcels; the resulting property is consistent with the goals and policies of the 2040 Comprehensive Plan and applicable zoning and subdivision regulations; and the community, Planning Commission and City Council all had the opportunity to review and comment on the overall proposal through separate review processes.

**RECOMMENDATION**

Staff recommends approval of the preliminary and final plats for the White Bear Lake Civic Campus Addition.

Findings:

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

Conditions:

1. Conformance with all requirements of all other applicable public agencies.
1. The hardshell or other recordable plat, acceptable by the Ramsey County Recorder is required. The applicant shall also provide the city with a final approved reproducible mylar copy of the plat.
2. Within 100 days after final approval by the City Council, the applicant must record said documents with the County Land Records Office or Registrar of Deeds or the subdivision shall become null and void.
3. Durable iron monuments shall be set at all angle and curve points on the outside boundary lines of the plat and also at all block and lot corners and at all intermediate points on the

block and lot lines indicating changes of direction in the lines and witness corners. The plat shall indicate that all monuments have been set or will be set within one year after recording, or sooner as specified by the approving local government unit. A financial guarantee may be required for the placement of monuments.

**ATTACHMENTS**

Resolution

White Bear Lake Civic Campus Preliminary Plat & Final Plat

**RESOLUTION NO.**

**RESOLUTION GRANTING PRELIMINARY AND FINAL PLAT APPROVALS FOR  
THE WHITE BEAR LAKE CIVIC CAMPUS ADDITION WITHIN THE CITY OF  
WHITE BEAR LAKE, MINNESOTA**

**WHEREAS**, a proposal has been submitted by the City of White Bear Lake to the City Council requesting preliminary and final plat approval in accordance with the Subdivision Code at the following site:

LOCATION: 4701 Highway 61

EXISTING LEGAL DESCRIPTION: See Exhibit A, attached

PROPOSED LEGAL DESCRIPTION: Lot 1, Block 1, White Bear Lake Civic Campus Addition, Ramsey County, Minnesota

**WHEREAS**, the applicant seeks preliminary and final plat approvals under the Exception process per Section 1401.01, Subdivision 8 of the City Code to combine the parcels in Exhibit A into White Bear Lake Civic Campus Addition, Ramsey County, Minnesota; and

**WHEREAS**, the City Council finds that the preliminary plat abides by the intent of the city's ordinances, codes, and the Comprehensive Plan, and that the developer has petitioned for or will construct all necessary improvements required by the Code; and

**WHEREAS**, the City Council of the City of White Bear Lake finds the final plat is consistent with the approved preliminary plat; and

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of White Bear Lake accepts and adopts the following findings:

1. The proposal is consistent with the City's Comprehensive Plan.
2. The proposal is consistent with existing and future land uses in the area.
3. The proposal will not depreciate values in the area.
4. The proposal will not overburden the existing public services nor the capacity of the City to service the area.
5. 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 accepts and approves the preliminary and final plats for the White Bear Lake Civic Campus Addition, subject to the following conditions:

1. Conformance with all requirements of all other applicable public agencies.
1. The hardshell or other recordable plat, acceptable by the Ramsey County Recorder is required. The applicant shall also provide the city with a final approved reproducible mylar copy of the plat.

**RESOLUTION NO.**

2. Within 100 days after final approval by the City Council, the applicant must record said documents with the County Land Records Office or Registrar of Deeds or the subdivision shall become null and void.
3. Durable iron monuments shall be set at all angle and curve points on the outside boundary lines of the plat and also at all block and lot corners and at all intermediate points on the block and lot lines indicating changes of direction in the lines and witness corners. The plat shall indicate that all monuments have been set or will be set within one year after recording, or sooner as specified by the approving local government unit. A financial guarantee may be required for the placement of monuments.

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

**RESOLUTION NO.**

**Exhibit A – Existing Legal Description**

Lot 1, Block 8 and that part of Lot 3, Block 8, MURRAY'S ADDITION TO WHITE BEAR, Ramsey County, Minnesota, lying northerly of the South 100.00 feet thereof;

AND

Lot 1, Block 9, MURRAY'S ADDITION TO WHITE BEAR, Ramsey County, Minnesota;

AND

Lot 8, Block 9, MURRAY'S ADDITION TO WHITE BEAR, Ramsey County, Minnesota;

AND

Together with that all that part of Miller Avenue as dedicated on the recorded plat of MURRAY'S ADDITION TO WHITE BEAR, Ramsey County, Minnesota, which lies between the Southerly right of way line of 3rd Street and the Northerly right of way line of 2nd Street accrued thereto by reason of vacation thereof as completed by Document Number T02722078 and A04929341, EXCEPT the East half of vacated Miller Avenue as dedicated in the plat of Murray's Addition, lying between the Northerly right-of-way line of 2nd Street and the Westerly extension of the North line of the South 100 feet of Lot 3, Block 8, Murray's Addition.

AND

That part of the Northwest Quarter of the Southeast Quarter, Section 14, Township 30 North, Range 22 West, commencing at the Southwest corner of Block 8, MURRAY'S ADDITION TO WHITE BEAR, according to the plat thereof on file and of record in the office of the County Recorder in and for Ramsey County, Minnesota; thence Easterly along the South line of said Block a distance of 24.75 feet to a point in the former Northwesterly line of the Northern Pacific Railway Company's St. Paul to Duluth line right of way, being the point of beginning; thence continuing along an Easterly extension of the South line of said Block 8 a distance of 125.25 feet to a point; thence Northerly along a Southerly extension of the East line of Lot 2, said Block 8, a distance of 193.7 feet to a point in said former Northwesterly right of way line; thence Southwesterly along said former Northwesterly right of way line a distance of 230.89 feet to the point of beginning;

AND

Lot 2, Block 8, Murray's Addition, Ramsey County, Minnesota;

AND

The South 100 feet of Lot 3, Block B, Murray's Addition, Ramsey County, Minnesota, Together with the East half of vacated Miller Avenue as dedicated in the plat of Murray's Addition, lying betw-.reen the Northerly right-of-way line of 2nd Street and the Westerly

**RESOLUTION NO.**

extension of the North line of the South 1.00 feet of Lot 3, Block B, Murray's Addition;

AND

That part of the Southeast Quarter of Section 14, Township 30, Range 22, Ramsey County, Minnesota, described as commencing at the Northwest corner of said Southeast Quarter; thence on an assumed bearing of South 89 degrees 59 minutes 35 seconds East, along the North line thereof 636.50 feet; thence on a bearing of South and parallel with the West line of said Southeast Quarter 809.00 feet to the Northwest corner of Block 8, MURRAY'S ADDITION TO WHITE BEAR, according to the recorded plat thereof; thence South 89 degrees 59 minutes 35 seconds East along the North line of said Block 8 a distance of 218.54 feet to the former Northwesterly right-of-way line of the Burlington Northern Railroad; thence North 32 degrees 57 minutes 11 seconds East along said former right-of-way line 14.14 feet to the point of beginning of the property to be described; thence South 57 degrees 02 minutes 49 seconds East 226.35 feet; thence Southwesterly 166.40 feet along a non-tangential curve concave to the Northwest having a central angle of 1 degree 40 minutes 15 seconds, a radius of 5706.25 feet, and a chord bearing South 34 degrees 45 minutes 03 seconds West; thence South 36 degrees 25 minutes 18 seconds West and tangent to the last described curve 66.39 feet to the Easterly extension of the South line of said Block 8, MURRAY'S ADDITION TO WHITE BEAR; thence North 89 degrees 59 minutes 35 seconds West along said Easterly extension of the South line of Block 8 a distance of 129.92 feet to the Southerly extension of the East line of Lot 2, said Block 8; thence on a bearing of North along said Southerly extension 194.25 feet to said former Northwesterly right-of-way line; thence North 32 degrees 57 minutes 11 seconds East along said former right-of-way line 140.15 feet to the point of beginning;

AND

Lot 6, Block 1, MAINSTREET CROSSING SECOND ADDITION, Ramsey County, Minnesota;

PRELIMINARY PLAT OF:

# WHITE BEAR LAKE CIVIC CAMPUS

PROPERTY OWNER/DEVELOPER  
THE CITY OF WHITE BEAR LAKE

## LEGAL DESCRIPTIONS:

(PER TITLE COMMITMENT NO. 673912)

Lots 1, 2, and 3, Block 8, Murray's Addition to White Bear, Ramsey County, Minnesota.

AND

That part of the Northwest Quarter of the Southeast Quarter, Section 14, Township 30 North, Range 22 West, commencing at the Southwest corner of Block 8, Murray's Addition to White Bear, thence Easterly along the South line of said Block a distance of 24.75 feet to a point in the Northwesterly line of the Northern Pacific Railway Company's St. Paul to Duluth line right of way, being the point of beginning; thence continuing along an Easterly extension of the South line of said Block 8 a distance of 125.25 feet to a point; thence Northerly along a Southerly extension of the East line of Lot 2, said Block 8, a distance of 193.7 feet to a point in said Northwesterly right of way line, thence Southwesterly along said Northwesterly right of way line a distance of 230.89 feet to the point of beginning, according to the plat thereof on file and of record in the office of the Register of Deeds in and for Ramsey County, Minnesota.

AND

Lot 2, Block 8, Murray's Addition, Ramsey County, Minnesota.

AND

The South 100 feet of Lot 3, Block 8, Murray's Addition, Ramsey County, Minnesota.

AND

Lot 8, Block 9, Murray's Addition to White Bear Lake, Ramsey County, Minnesota.

AND

Lot 1, Block 9, Murray's Addition to White Bear, Ramsey County, Minnesota.

AND

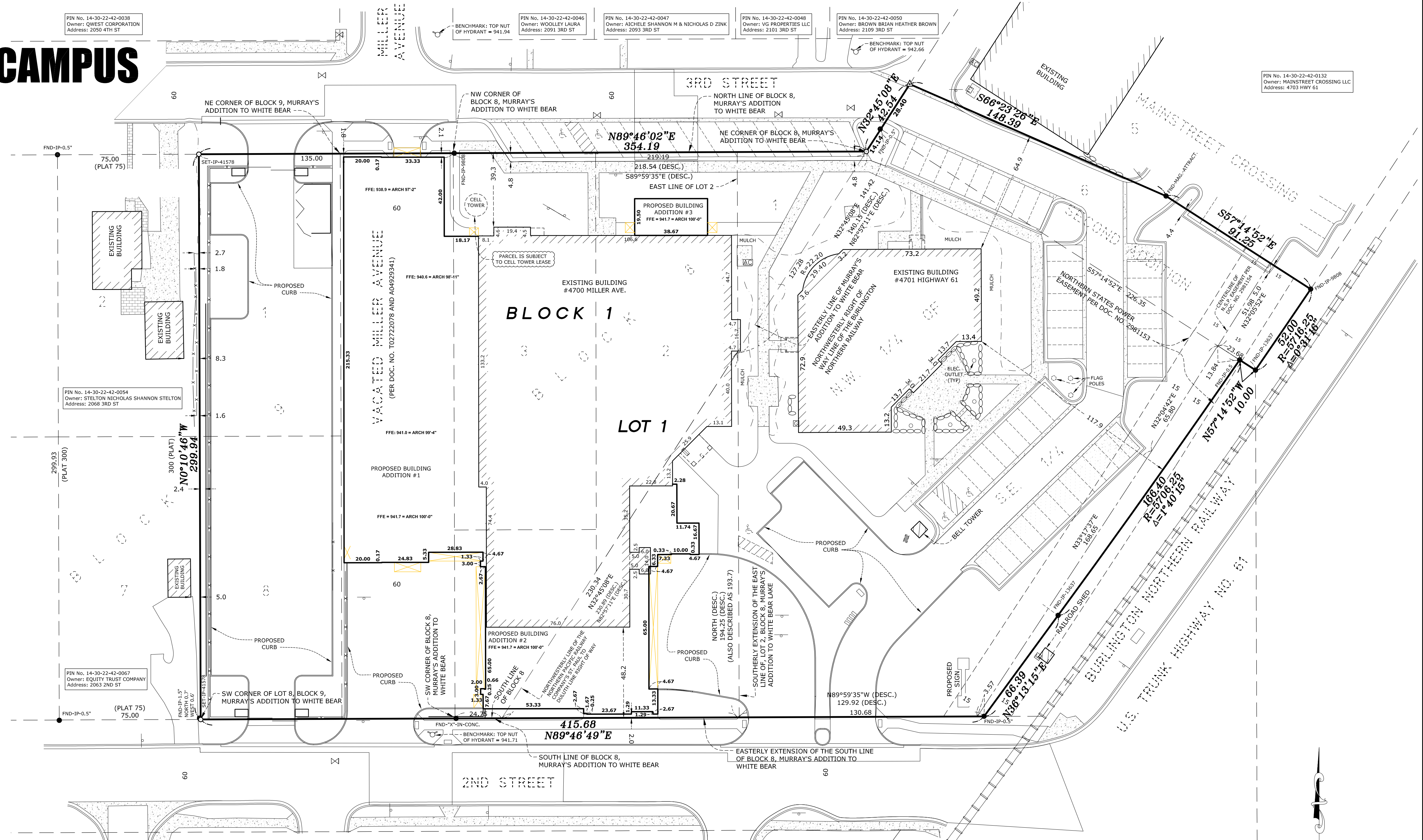
That part of the Southeast Quarter of Section 14, Township 30, Range 22, Ramsey County, Minnesota, described as commencing at the Northwest corner of said Southeast Quarter; thence on an assumed bearing of South 89 degrees 59 minutes 35 seconds East, along the North line thereof 636.50 feet; thence on a bearing of South and parallel with the West line of said Southeast Quarter 809.00 feet to the Northwest corner of Block 8, Murray's Addition to White Bear, according to the recorded plat thereof; thence South 89 degrees 59 minutes 35 seconds East along the North line of said Block 8 a distance of 218.54 feet to the Northwesterly right-of-way line of the Burlington Northern Railroad; thence North 32 degrees 57 minutes 11 seconds East along said right-of-way line 14.14 feet to the point of beginning of the property to be described; thence South 57 degrees 02 minutes 49 seconds East 226.35 feet; thence Southwesterly 166.40 feet along a non-tangential curve concave to the Northwest having a central angle of 1 degree 40 minutes 15 seconds, a radius of 5706.25 feet, and a chord bearing South 34 degrees 45 minutes 03 seconds West; thence South 36 degrees 25 minutes 18 seconds West and tangent to the last described curve 66.39 feet to the Easterly extension of the South line of said Block 8, Murray's Addition to White Bear; thence North 89 degrees 59 minutes 35 seconds West along said Easterly extension of the South line of Block 8 a distance of 129.92 feet to the Southerly extension of the East line of Lot 2, said Block 8; thence on a bearing of North along said Southerly extension 194.25 feet to said Northwesterly right-of-way line; thence North 32 degrees 57 minutes 11 seconds East along said right-of-way line 140.15 feet to the point of beginning.

AND

Lot 6, Block 1, Mainstreet Crossing Second Addition, Ramsey County, Minnesota.

AND

Together with that all that part of Miller Avenue as dedicated on the recorded plat of Murray's Addition to White Bear, Ramsey County, Minnesota, which lies between the Southerly right of way line of 3rd Street and the Northerly right of way line of 2nd Street accrued thereto by reason of vacation thereof as completed by Document Number T02722078 and A04929341.

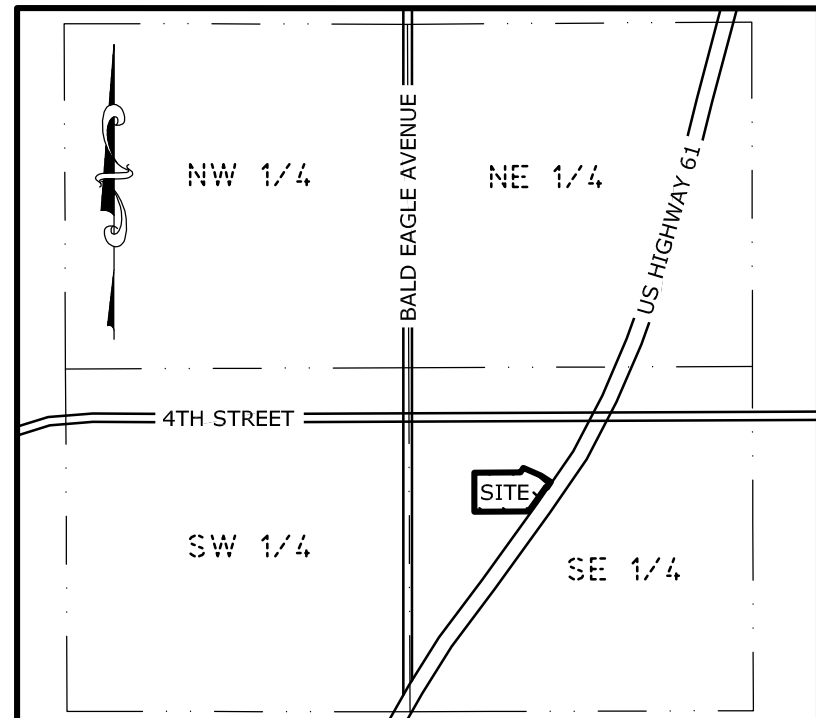


## LEGEND

- DENOTES IRON MONUMENT FOUND AS LABELED
- DENOTES IRON MONUMENT SET, MARKED RLS# 41578
- ☒ DENOTES AIR CONDITIONING UNIT
- DENOTES BOLLARD
- DENOTES CATCH BASIN
- DENOTES ELECTRICAL BOX
- DENOTES FIBER OPTIC BOX
- DENOTES GUY WIRE
- DENOTES HYDRANT
- ☆ DENOTES LIGHT POLE
- DENOTES MAILBOX
- DENOTES POWER POLE
- DENOTES SANITARY SEWER MANHOLE
- DENOTES SIGN
- DENOTES STORM SEWER MANHOLE
- DENOTES TELEPHONE PEDESTAL
- DENOTES WATER VALVE
- DENOTES EDGE OF LANDSCAPING/MULCH
- DENOTES FENCE
- DENOTES CONCRETE SURFACE
- DENOTES PAVER SURFACE
- DENOTES ADJACENT PARCEL OWNER INFORMATION (PER RAMSEY COUNTY TAX INFORMATION)

## VICINITY MAP

SEC. 14, TWP. 30, RNG. 22



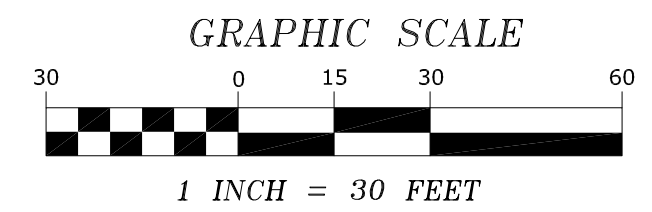
RAMSEY COUNTY, MINNESOTA  
(NO SCALE)

## NOTES

- Field survey was completed by E.G. Rud and Sons, Inc. on 06/28/21 and 06/30/21.
- 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.
- Location of utilities existing on or serving the surveyed property determined by:
  - Observed evidence collected pursuant to Section 5.E.iv.
  - Markings requested by E.G. Rud Land Surveying per Gopher State One Call Ticket No. 211744343.
  - Utility mapping furnished by The City of White Bear Lake Engineering Department.
  - Underground markings provided by Zone One Locating (specific to on-site private utilities).
- Excavations were not made during the process of this survey to locate underground utilities and/or structures. The location of underground utilities and/or structures may vary from locations shown hereon and additional underground utilities and/or structures may be encountered. Contact Gopher State One Call Notification Center at (651) 454-0002 for verification of utility type and field location, prior to excavation.
- Parcel I.D. Numbers:
  - 4709 MILLER AVE - 14-30-22-42-0053
  - 4701 MILLER AVE - 14-30-22-42-0068
  - 4701 HIGHWAY 61 - 14-30-22-42-0094
  - 3RD STREET - 14-30-22-42-0123
- Total parcel area = 154,050 square feet (3.53 acres)
- Surveyed premises shown on this survey map is in Flood Zone X (Areas determined to be outside the 0.2% annual chance floodplain.), according to Flood Insurance Rate Map Community No. 27123C Panel No. 0035 Suffix G by the Federal Emergency Management Agency, effective date June 4, 2010.
- Proposed building additions and parking provided by Wold Architects and Engineers.

## BENCHMARK

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



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*  
JASON E. RUD

Date: 03/22/2023 License No. 41578

**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

DRAWN BY: BCD	JOB NO: 210777B	DATE: 03/22/23	
PROJ. MAN. JER	FIELD CREW: DT/CT		
1			
2			
3			
NO.	DATE	DESCRIPTION	BY



# WHITE BEAR LAKE CIVIC CAMPUS

KNOW ALL MEN BY THESE PRESENTS: That the City of White Bear Lake, a Minnesota municipal corporation, fee owner of the following described property situated in the City of White Bear Lake, County of Ramsey, State of Minnesota:

Lot 1, Block 8 and that part of Lot 3, Block 8, MURRAY'S ADDITION TO WHITE BEAR, Ramsey County, Minnesota, lying northerly of the South 100.00 feet thereof;

AND

Lot 1, Block 9, MURRAY'S ADDITION TO WHITE BEAR, Ramsey County, Minnesota;

AND

Lot 8, Block 9, MURRAY'S ADDITION TO WHITE BEAR, Ramsey County, Minnesota;

AND

Together with that all that part of Miller Avenue as dedicated on the recorded plat of MURRAY'S ADDITION TO WHITE BEAR, Ramsey County, Minnesota, which lies between the Southerly right of way line of 3rd Street and the Northerly right of way line of 2nd Street accrued thereto by reason of vacation thereof as completed by Document Number T02722078 and A04929341, EXCEPT the East half of vacated Miller Avenue as dedicated in the plat of Murray's Addition, lying between the Northerly right-of-way line of 2nd Street and the Westerly extension of the North line of the South 100 feet of Lot 3, Block 8, Murray's Addition.

AND

That part of the Northwest Quarter of the Southeast Quarter, Section 14, Township 30 North, Range 22 West, commencing at the Southwest corner of Block 8, MURRAY'S ADDITION TO WHITE BEAR, according to the plat thereof on file and of record in the office of the County Recorder in and for Ramsey County, Minnesota; thence Easterly along the South line of said Block a distance of 24.75 feet to a point in the former Northwesterly line of the Burlington Northern Railroad; thence North 32 degrees 57 minutes 11 seconds East along said former right-of-way line 14.14 feet to the point of beginning of the property to be described; thence South 57 degrees 02 minutes 49 seconds East 226.35 feet; thence Southwesterly 166.40 feet along a non-tangential curve concave to the Northwest having a central angle of 1 degree 40 minutes 15 seconds, a radius of 5706.25 feet, and a chord bearing South 34 degrees 45 minutes 03 seconds West; thence South 36 degrees 25 minutes 11 seconds West and tangent to the last described curve 66.39 feet to the Easterly extension of the South line of said Block 8, MURRAY'S ADDITION TO WHITE BEAR; thence North 89 degrees 59 minutes 35 seconds West along said Easterly extension of the South line of Block 8 a distance of 129.92 feet to the Southerly extension of the East line of Lot 2, said Block 8, a distance of 193.7 feet to a point in said former Northwesterly right of way line; thence Southwesterly along said former Northwesterly right of way line a distance of 230.89 feet to the point of beginning;

AND

Lot 2, Block 8, Murray's Addition, Ramsey County, Minnesota;

AND

The South 100 feet of Lot 3, Block 8, Murray's Addition, Ramsey County, Minnesota,

Together with the East half of vacated Miller Avenue as dedicated in the plat of Murray's Addition, lying between the Northerly right-of-way line of 2nd Street and the Westerly extension of the North line of the South 100 feet of Lot 3, Block 8, Murray's Addition;

AND

That part of the Southeast Quarter of Section 14, Township 30, Range 22, Ramsey County, Minnesota, described as commencing at the Northwest corner of said Southeast Quarter; thence on an assumed bearing of South 89 degrees 59 minutes 35 seconds East, along the North line thereof 636.50 feet; thence on a bearing of South and parallel with the West line of said Southeast Quarter 809.00 feet to the Northwest corner of Block 8, MURRAY'S ADDITION TO WHITE BEAR, according to the recorded plat thereof; thence South 89 degrees 59 minutes 35 seconds East along the North line of said Block 8 a distance of 218.54 feet to the former Northwesterly right-of-way line of the Burlington Northern Railroad; thence North 32 degrees 57 minutes 11 seconds East along said former right-of-way line 14.14 feet to the point of beginning of the property to be described; thence South 57 degrees 02 minutes 49 seconds East 226.35 feet; thence Southwesterly 166.40 feet along a non-tangential curve concave to the Northwest having a central angle of 1 degree 40 minutes 15 seconds, a radius of 5706.25 feet, and a chord bearing South 34 degrees 45 minutes 03 seconds West; thence South 36 degrees 25 minutes 11 seconds West and tangent to the last described curve 66.39 feet to the Easterly extension of the South line of said Block 8, MURRAY'S ADDITION TO WHITE BEAR; thence North 89 degrees 59 minutes 35 seconds West along said Easterly extension of the South line of Block 8 a distance of 129.92 feet to the Southerly extension of the East line of Lot 2, said Block 8; thence on a bearing of North along said Southerly extension 194.25 feet to said former Northwesterly right-of-way line; thence North 32 degrees 57 minutes 11 seconds East along said former right-of-way line 140.15 feet to the point of beginning;

AND

Lot 6, Block 1, MAINSTREET CROSSING SECOND ADDITION, Ramsey County, Minnesota;

Has caused the same to be surveyed and platted as WHITE BEAR LAKE CIVIC CAMPUS.

In witness whereof said the City of White Bear Lake, a Minnesota municipal corporation, has caused these presents to be signed by its proper officers this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Signed: THE CITY OF WHITE BEAR LAKE

STATE OF \_\_\_\_\_ Mayor \_\_\_\_\_ Clerk \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, by \_\_\_\_\_, as Mayor, and \_\_\_\_\_, as City Clerk of the City of White Bear Lake, a Minnesota municipal corporation, under the laws of the State of Minnesota, on behalf of the corporation.

Notary Public, \_\_\_\_\_ County, \_\_\_\_\_  
My commission expires \_\_\_\_\_

I, Jason E. Rud, do hereby certify that I have surveyed or directly supervised the survey of the property described on this plat; that this plat was prepared by me or under my direct supervision; that I am a duly Licensed Land Surveyor in the State of Minnesota; that this plat is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on this plat; that all monuments depicted on this plat have been correctly set; that all water boundaries and wet lands as defined in Minnesota Statutes, Section 505.01, Subd. 3, as of the date of this certification are shown and labeled on this plat; and that all public ways are shown and labeled on this plat.

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Jason E. Rud, Licensed Land Surveyor  
Minnesota License No. 41578

STATE OF MINNESOTA  
COUNTY OF \_\_\_\_\_

This instrument was acknowledged before me on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, by Jason E. Rud.

(Signed) \_\_\_\_\_  
(Printed) \_\_\_\_\_  
Notary Public, \_\_\_\_\_ County, Minnesota  
My commission expires \_\_\_\_\_

CITY COUNCIL, CITY OF WHITE BEAR LAKE

We do hereby certify that on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, the City Council of the City of White Bear Lake, Minnesota, approved this plat.

Mayor \_\_\_\_\_ Clerk \_\_\_\_\_

PROPERTY TAX, RECORDS AND ELECTION SERVICES DEPARTMENT

Pursuant to Minnesota Statutes, Section 505.021, Subd. 9, taxes payable in the year 20\_\_ on the land hereinbefore described have been paid. Also, pursuant to Minnesota Statutes, Section 272.12, there are no delinquent taxes and transfers entered this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_, Ramsey County Auditor/Treasurer

By: \_\_\_\_\_, Deputy

COUNTY SURVEYOR

Pursuant to Minnesota Statutes, Section 383A.42, this plat is approved this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Daniel D. Baar, L.S.  
Ramsey County Surveyor

COUNTY RECORDER, COUNTY OF RAMSEY, STATE OF MINNESOTA

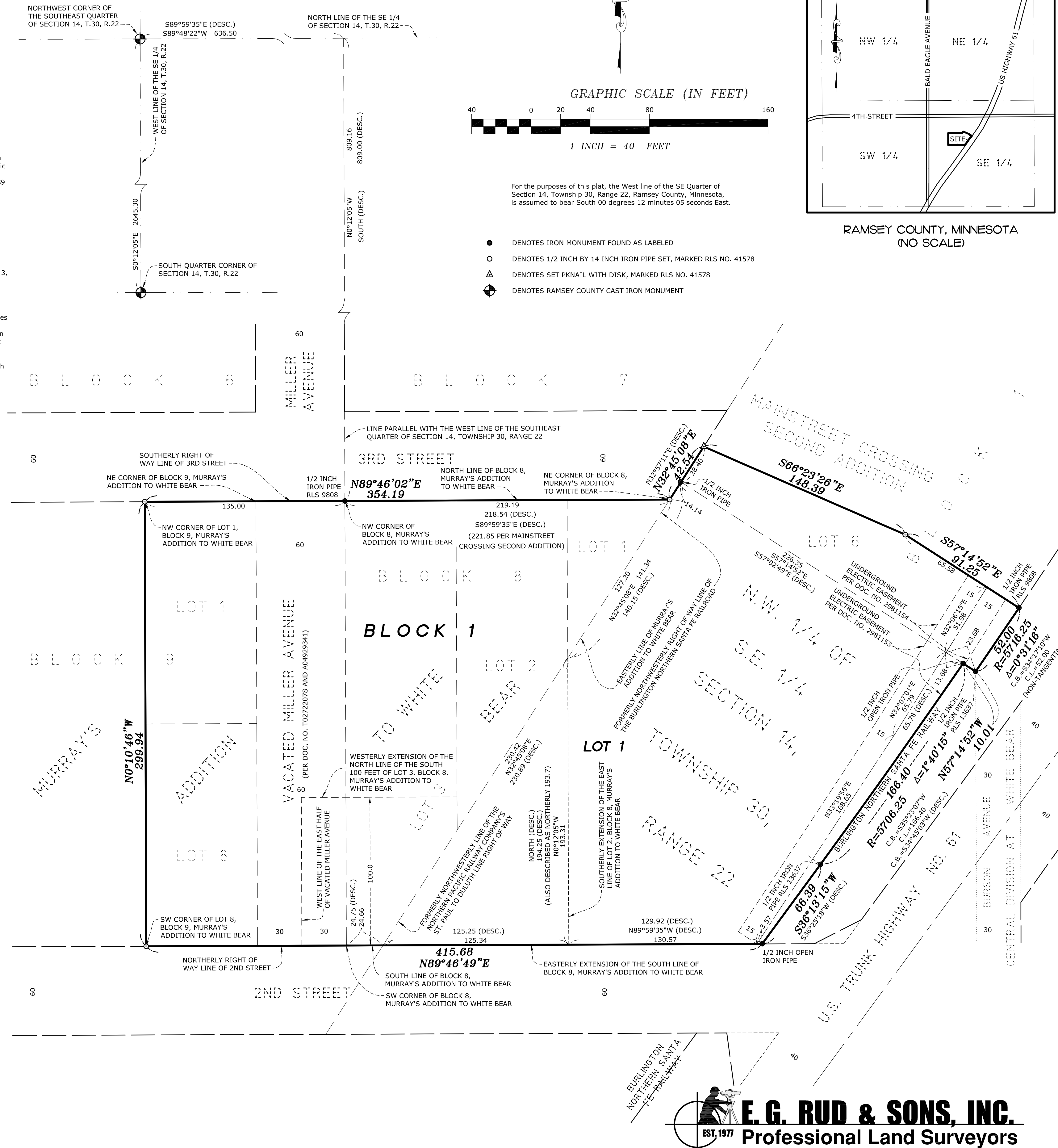
I hereby certify that this plat of WHITE BEAR LAKE CIVIC CAMPUS was filed in the office of the County Recorder for public record on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, at \_\_\_\_ o'clock \_\_\_\_M. and was duly filed in Book \_\_\_\_ of Plats, Page \_\_\_\_ as Document Number \_\_\_\_\_.

Deputy County Recorder

REGISTRAR OF TITLES, COUNTY OF RAMSEY, STATE OF MINNESOTA

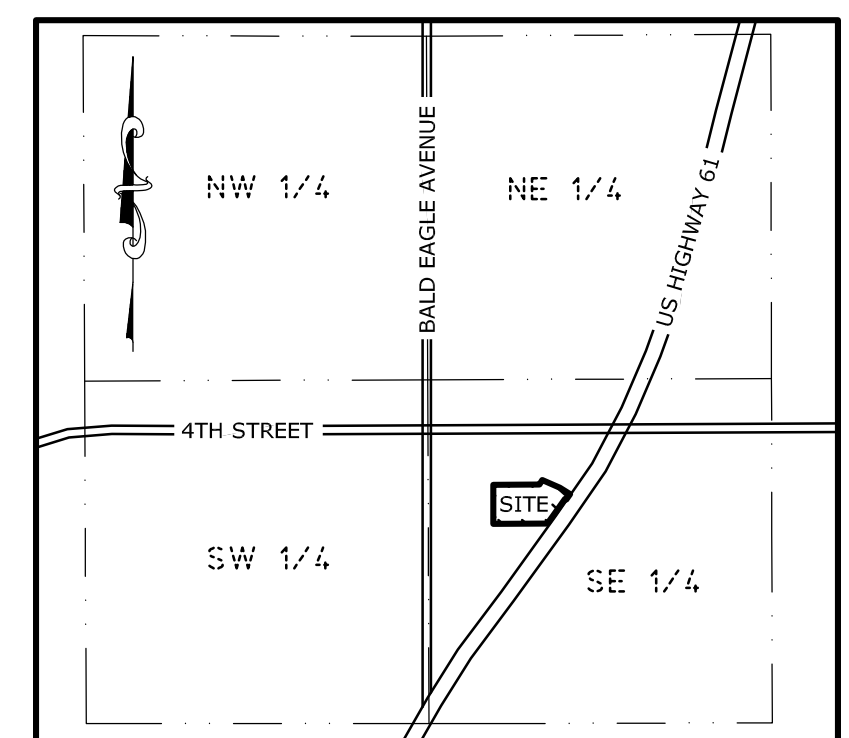
I hereby certify that this plat of WHITE BEAR LAKE CIVIC CAMPUS was filed in the office of the Registrar of Titles for public record on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, at \_\_\_\_ o'clock \_\_\_\_M. and was duly filed in Book \_\_\_\_ of Plats, Page \_\_\_\_ as Document Number \_\_\_\_\_.

Deputy Registrar of Titles

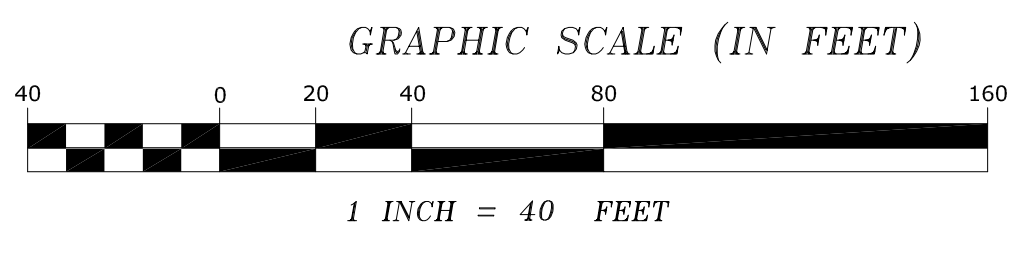


## VICINITY MAP

SEC. 14, TWP. 30, RNG. 22



RAMSEY COUNTY, MINNESOTA  
(NO SCALE)



For the purposes of this plat, the West line of the SE Quarter of Section 14, Township 30, Range 22, Ramsey County, Minnesota, is assumed to bear South 00 degrees 12 minutes 05 seconds East.

- DENOTES IRON MONUMENT FOUND AS LABELED
- DENOTES 1/2 INCH BY 14 INCH IRON PIPE SET, MARKED RLS NO. 41578
- ▲ DENOTES SET PKNAIL WITH DISK, MARKED RLS NO. 41578
- ◻ DENOTES RAMSEY COUNTY CAST IRON MONUMENT

**E. G. RUD & SONS, INC.**  
EST. 1977 Professional Land Surveyors



**City of White Bear Lake**  
Community Development Department

# MEMORANDUM

**TO:** Lindy Crawford, City Manager  
**FROM:** Jason Lindahl AICP, Community Development Director  
 Ashton Miller, City Planner  
**DATE:** August 8, 2023  
**SUBJECT:** Saputo Variance – 4041 Highway 61 – Case No. 23-22-V

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## SUMMARY

The applicant, Pelco Construction LLC, on behalf of Saputo, is requesting a 22.4 foot variance from the 30 foot minimum setback in the front yard, in order to expand the boiler room at the property located at 4041 Highway 61. The 144 square foot addition will allow Saputo to install a larger boiler to increase capacity at the site. Based on the findings made in this report, both staff and the Planning Commission find that the applicant has demonstrated a practical difficulty with meeting the City's zoning regulations as required by Minnesota Statute 462.357, Subd.6 and recommends approval of this request.

## GENERAL INFORMATION

Applicant/Owner: Pelco Construction LLC / Saputo

Existing Land Use / Zoning: Food & Drink Processing Plant; zoned I-1: Limited Industry

Surrounding Land Use / Zoning: North: Warehouses; zoned I-1: Limited Industry  
 Drive-Thru Restaurant; zoned B-3: Auto-Oriented Business  
 South: Public Works Facility; zoned P: Public  
 East: Church; zoned R-7: High Density Residential  
 West: Single Family Homes; zoned RO: Low Density Residential (Gem Lake)

Comprehensive Plan: Industrial

Lot Size & Width: Code: 20,000 square feet; 100 feet wide  
 Site: 434,293 square feet; 520 feet wide

60 Day Review Date: August 11, 2023

## BACKGROUND INFORMATION

The subject site fronts three streets – Highway 61 on the east, County Road F on the north, and Hoffman Road on the west. City records indicate the building, owned by Kohler Ice Cream Mix, was first constructed in 1961. A warehouse was added in 1964 and office space, storage and a cooler were added in 1967. Major additions were subsequently constructed in 1974, 1977, 1978, 1982, 1985, 1988, 1990, 1991, 1995, 2001, 2003, 2005, and 2009. Setback variances were granted for a number of these additions:

- 1974 – a 10 foot and an 8 foot variance from the 30 foot setback for an addition and garage along Highway 61;
- 1978 – a 22 foot variance to allow silos to sit 8 feet from the Highway 61 property line;
- 1980 – a 4 foot variance from the 10 foot setback from an interior lot line for an addition;
- 2000 – a 27.7 foot variance from the 30 foot setback for a loading bay addition along Highway 61 (expired without being constructed);
- 2000 – a 23.1 foot variance from the 30 foot setback for a silo along Highway 61;
- 2003 – a 15 foot variance from the 30 foot setback for an addition;
- 2005 – an 18.8 foot variance from the rear property line for an addition, a 20.8 foot variance for the construction of the boiler room and a 22.1 foot variance for an incubator room on the Highway 61 side of the site.

The site was originally zoned GB: General Business. In 1983, the zoning code was updated and the GB zoning district became the B-3: Auto-Oriented Business zoning district. In 1985, the business was rezoned from B-3 to I-1: Limited Industry and a conditional use permit was granted for major truck repair.

There is an existing fire lane along the east side of the property between the building and Highway 61. A portion of the fire lane extends into the Minnesota Department of Transportation (MnDOT) Highway 61 right-of-way. When the past four variances went through the approval process, staff acknowledged that the encroachment existed and noted that the drive lane would remain 16 feet in width, the minimum required. The Fire Department has reviewed this proposal and similarly finds it acceptable since the width of the drive lane will not be reduced any more than what currently exists (review memo attached).

Planning Commission Action. The Planning Commission reviewed this item during their July 31, 2023 regular meeting. During the meeting, the commission heard a presentation from staff and held a public hearing where no one spoke. After hearing staff's presentation and comments from the applicant, the commission voted 4-0 to recommend the City Council approve this request.

## 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 purpose of the I-1: Limited Industry zoning district is to provide for the establishment of warehousing and light industrial development. The overall character of the I-1 district is intended to be transitional in nature, thus industrial uses allowed in this District shall be limited to those which can compatibly exist adjacent to the B-W: Business-Warehouse District or commercial uses, but require isolation from residential uses.

The variance is in harmony with the purpose and intent of this ordinance. The building is used for warehousing and light industry and the variance to allow an expansion of the boiler will not change the use. The expansion is proposed on the Highway 61 side of the site, isolated from the residential properties to the west, and consistent with the purpose of the district.

2. Is the variance consistent with the comprehensive plan?

**Finding:** The Future Land Use Map in the 2040 Comprehensive Plan guides the property as Industrial. According to the Comprehensive Plan, this designation is meant for properties with uses such as manufacturing, warehousing, office/warehouse, shipping, and research and development. Limited outdoor storage or processing may occur with these types of uses. The facility is used as a manufacturing and warehousing plant. The expansion of the boiler does not change the use of the facility, so is consistent with the comprehensive plan's Future Land Use Map.

The proposal is also consistent with several of the guiding principles in the economic competitiveness section of the comprehensive plan. One guiding principle is to, "support the development of a strong, vibrant, livable community that attracts jobs, population, and investment" and another is to, "promote employment opportunities within the City for persons in all educational levels and career phases." The increased production capacity of the new boiler promotes continued investment by the company into the city, job retention of a variety of job types, and growth in product exported from the city.

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. The proposed boiler expansion will allow increased capacity of the facility to process their products consistent with the industrial nature of the zoning district. There are relatively few industrially zoned properties in the city, meaning it would be difficult to find and relocate to another site that would meet the expanding needs of the business. It is reasonable then for the business to utilize the space it has in this location for light industry and warehousing.

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

**Finding:** There are not unique circumstances to the property not created by the landowner, however the historical layout of the building necessitates the setback variance in this location. The boiler was constructed in 2005 in this location based on the layout of the facility. The old boiler and the new boiler shared certain components so it was logical to place them in close proximity. Because the boiler from 2005 already encroaches into the setback, unless the system was completely relocated, any sort of expansion would also encroach and thus need a variance.

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. As demonstrated in the above list of previous variances granted for the site, there are multiple points where the building or a piece of equipment encroaches at the same distance or even closer to the property line than what is currently being requested. The proposed expansion will not impede sight lines since the edge of the pavement of Highway 61 is over 50 feet from the property line and the area is screened with trees.

#### **RECOMMENDATION**

The Planning Commission and staff recommend approval of the request, subject to the following conditions:

1. All application materials, maps, drawings, and descriptive information submitted in this application shall become part of the permit.
2. Per Section 1301.060, Subd.3, the variance shall become null and void if the project has not been completed or utilized within one (1) calendar year after the approval date, subject to petition for renewal. Such petition shall be requested in writing and shall be submitted at least 30 days prior to expiration.
3. A building permit shall be obtained before any work begins.
4. The applicant shall verify the property line and have the property pins exposed at the time of the inspection.

#### **ATTACHMENTS**

Resolution

Zoning/Location Map

Fire Department Memo – Dated 7/25/23

Staff Graphic

Previous Variance Site Plan – Dated 01/24/05

Applicant's Narrative & Plans (4 Pages)

**RESOLUTION NO.**

**RESOLUTION GRANTING A SETBACK VARIANCE FOR  
4041 HIGHWAY 61 WITHIN THE CITY OF WHITE BEAR LAKE, MINNESOTA**

**WHEREAS**, Saputo has requested a 22.4 foot variance from the 30 foot minimum setback in the front yard, per code section 1303.190, Subd.5.c.1 in order to expand the boiler room at the following location:

LEGAL DESCRIPTION: Part of Lots 8 & 9, Block 4, REARRANGEMENT OF WHITE BEAR PARK, according to the recorded plat thereof, Ramsey County, Minnesota.  
PID 273022110034

**WHEREAS**, the Planning Commission held a public hearing as required by the Zoning Code on July 31, 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 not unique circumstances to the property not created by the landowner; however, the historical layout of the building necessitates the setback variance in this location.
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 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.

**RESOLUTION NO.**

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

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

Ayes:  
Nays:  
Passed:

\_\_\_\_\_  
Dan Louismet, Mayor

**ATTEST:**

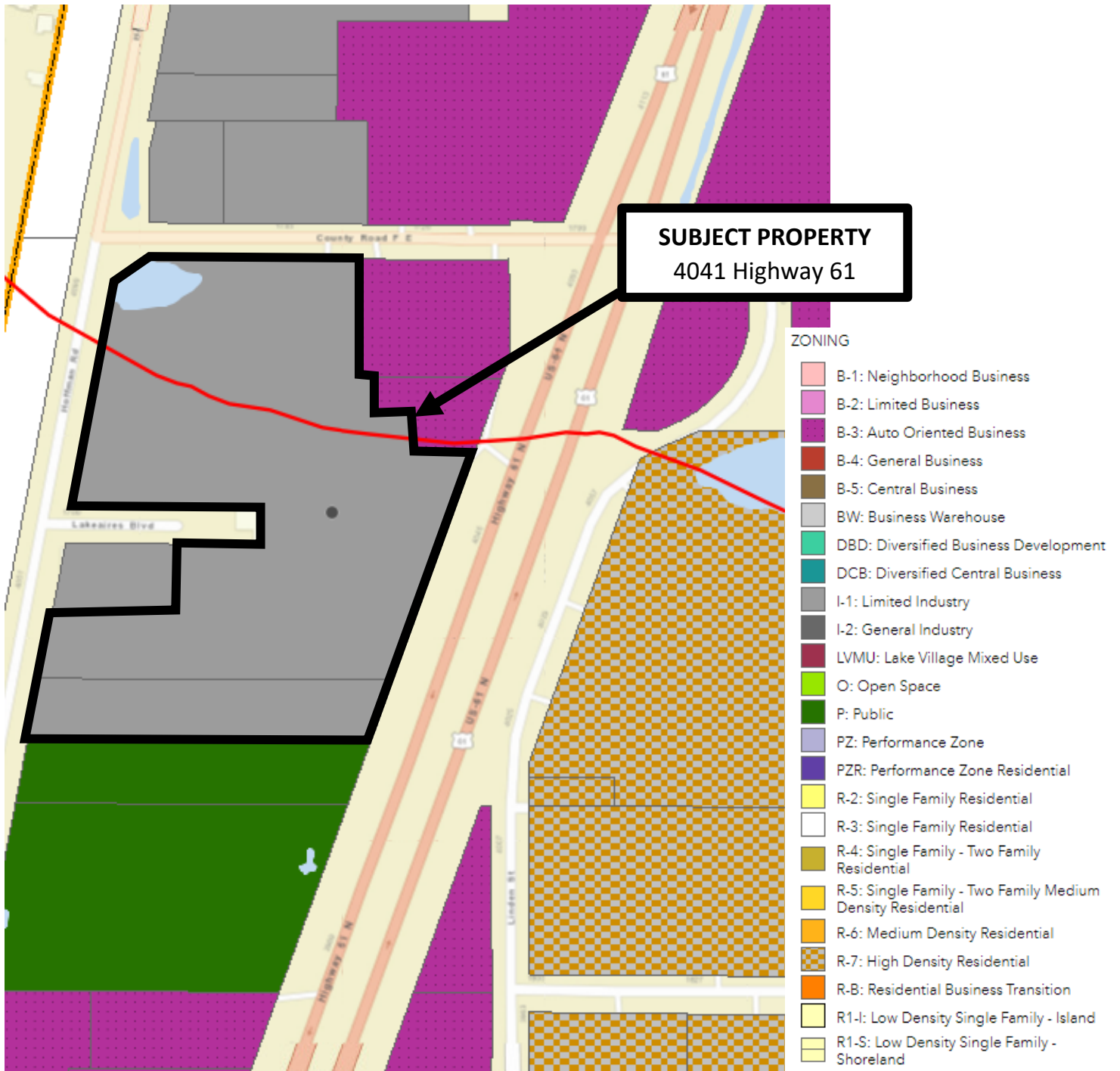
\_\_\_\_\_  
Caley Longendyke, City Clerk

\*\*\*\*\*

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



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

**CASE NO.** : 23-22-V

**CASE NAME** : 4041 Highway 61 – Saputo Variance

**DATE** : 7-31-2023





## City of White Bear Lake Fire Department

4701 Highway 61 N.  
White Bear Lake, Minnesota 55110  
651-429-8568 | [www.whitebearlake.org](http://www.whitebearlake.org)



July 25, 2023

Saputo Dairy Foods  
4041 Highway 61  
White Bear Lake, MN 55110

Dear Saputo Dairy Foods:

Thank you for submitting documents for Fire Department review. The plans for the above project located at 4041 Highway 61 have been evaluated. Please review the comments within this document.

Please let me know if I can assist you further.

Sincerely,

Kurt Frison  
Assistant Fire Chief / Fire Marshal  
651-762-4842

Encl.



## City of White Bear Lake Fire Department

4701 Highway 61 N.  
White Bear Lake, Minnesota 55110  
651-429-8568 | [www.whitebearlake.org](http://www.whitebearlake.org)



### **General Comments**

1. Fire Access Road

The MSFC 2020 states fire access roads shall be a minimum of 20' wide. These lanes may be reduced if the building is fully protected by a fire sprinkler system. It is recommended that the existing fire access road parallel to Highway 61 remain 15'11" wide to match the existing narrowest distance from the building to the fence. This is also the dimensions that was accepted in the 2000 variance process. All fire access roads shall have 13'6" of clear height.

2. Fire Sprinkler System

The fire sprinkler system shall be installed compliant with provisions of 2016 NFPA Standard 13, Installation of Sprinkler Systems. The proper coverage shall be provided by the fire sprinkler system. A city permit required prior to initiation of work. The sprinkler system shall be current on annual inspection and testing. Any deficiencies noted during those reports shall be corrected.

3. Construction

The required fire-resistance rating of rated construction shall be maintained. Openings through rated construction for the passage of wiring, sleeves, conduit, piping, etc. shall be protected by repair with approved materials which maintains the rating of the construction damaged, altered, breeched or penetrated.

4. Signage

Rooms containing controls for air-conditioning systems, sprinkler risers and valves, or other fire detection, suppression or control elements shall be identified for the use of the fire department. Approved signs required to identify fire protection equipment and equipment location, shall be constructed of durable materials, permanently installed and readily visible.

### **Codes and Standards Used for this Review**

This review is based on the following codes and standards as adopted and in effect in the State of Minnesota at the time of plan submittal.

- 2020 Minnesota State Fire Code
- NFPA 72, 2016 edition
- NFPA 13, 2016 edition



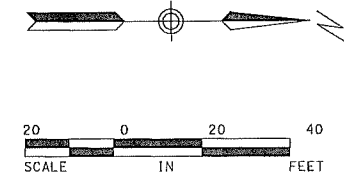
PROPOSED ADDITION

# Previous Variance Approvals - 2005

SCALE FOR:  
**KOHLER MIX SPECIALTIES**

- NOTES**
- 1.) This survey is not a partial boundary survey only. The right of way for Highway 61 is established by description contained in Document No. 1635179.
  - 2.) This survey does not purport to show underground utilities. Contact Gopher State One Call at 651-454-0002 for precise onsite location of utilities prior to any excavation.
  - 3.) This survey was prepared without the benefit of current title work. Easements, appurtenances, and encumbrances may exist in addition to those shown hereon. This survey is subject to revision upon receipt of a current title insurance commitment or attorney's title opinion.

**LOCATION OF PROPERTY SURVEYED**  
 Part of Lots 5 & 9, Block 4, REARRANGEMENT OF WHITE BEAR PARK, according to the recorded plat thereof, Ramsey County, Minnesota.



**LEGEND**

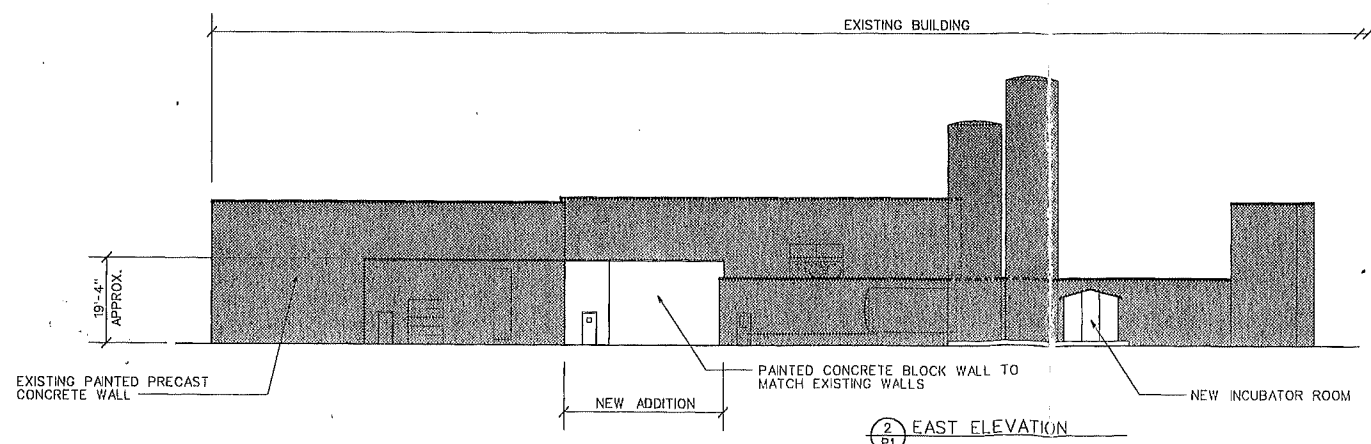
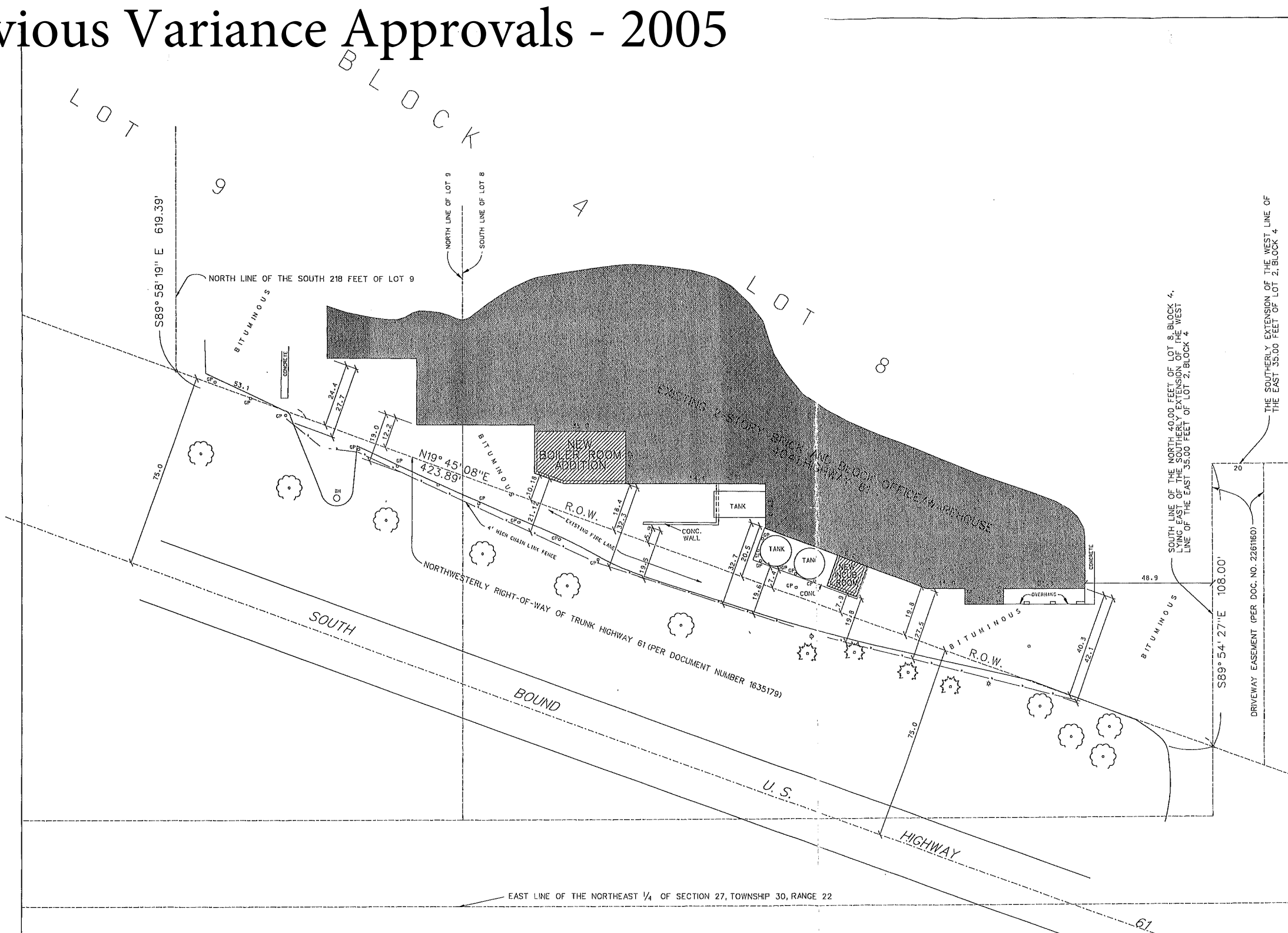
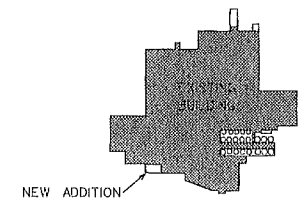
ASH	DENOTES ASH TREE
SPCG	DENOTES SPRUCE TREE
TREE	DENOTES TREE UNKNOWN VARIETY
MPL	DENOTES MAPLE TREE
EMH	DENOTES ELECTRIC MANHOLE
MH	DENOTES MANHOLE
SANC	DENOTES SANITARY SEWER CLEAN OUT
WV	DENOTES WATER VALVE
SAN S	DENOTES SANITARY SEWER
ST S	DENOTES STORM SEWER
R.C.P.	DENOTES REINFORCED CONCRETE PIPE
BH	DENOTES BEEHIVE CATCH BASIN
RD	DENOTES ROOF DRAIN
PP	DENOTES POWER POLE
CBOX	DENOTES CONTROL BOX
OHE	DENOTES OVERHEAD ELECTRIC
COL.	DENOTES COLUMN
CONC.	DENOTES CONCRETE
GP	DENOTES GUARD POST
HYD	DENOTES FIRE HYDRANT
TRANS	DENOTES ELECTRIC TRANSFORMER
VP	DENOTES VENT PIPE
GW	DENOTES GUY WIRE
GRDL	DENOTES GROUND LIGHT

**GENERAL NOTES:**

1. PREPARATION OF THIS SITE PLAN WERE TAKEN FROM A CERTIFICATE OF SURVEY BY SUNDE LAND SURVEYING, LLC. (JULY 14, 2000 REVISED ON DECEMBER 29, 2004 AND JANUARY 3, 2005) AND THE OWNER.

1 SITE PLAN

**KEY PLAN**



EVANS FREIMUTH ARCHITECTS, LLC  
 11000 ROAD  
 I HEREBY CERTIFY THAT THIS PLAN WAS SURVEYED AND THAT I AM A LICENSED SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.  
 PRINT NAME: JAMES M. EVANS  
 SIGNATURE: \_\_\_\_\_  
 DATE: \_\_\_\_\_

Evans  
 Freimuth  
 Architects, LLC

1/24/05

SITE PLAN & EAST ELEVATION  
 BOILER ROOM ADDITION FOR:  
**KOHLER MIX SPECIALTIES**  
 WHITE BEAR LAKE  
 MINNESOTA

0434  
 P1

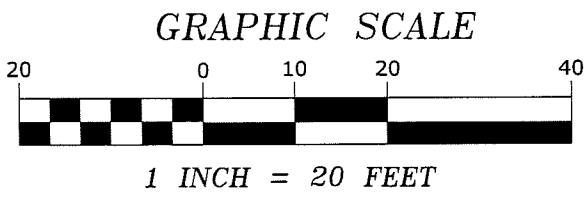
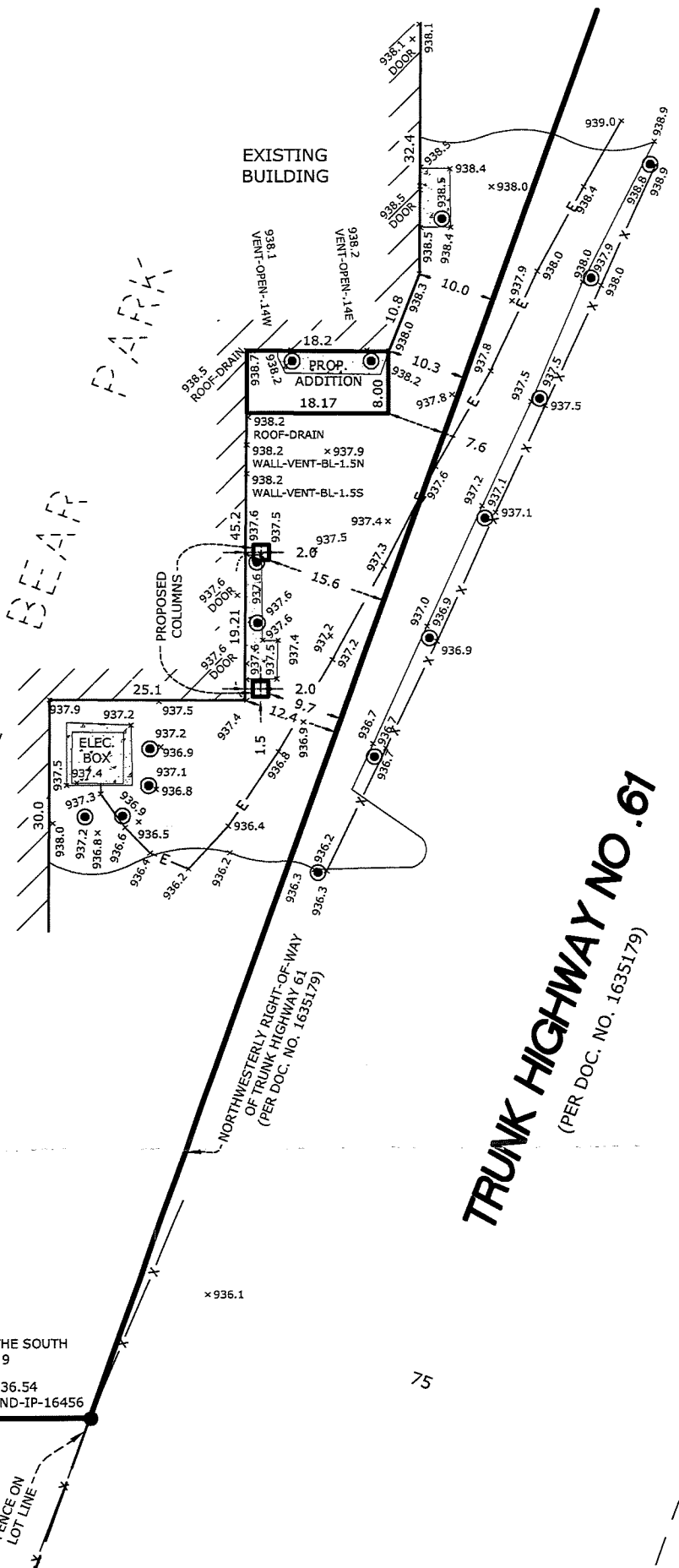
## Narrative

1. The property is zoned limited industry which is to provide for the establishment of warehouse and light industrial development. We feel that if the variance is granted that there is isolation from any residential property.
2. The code requires a 30' setback from the east property line. The addition would not meet that setback requirement. Therefore, a variance is necessary.
3. We have a unique circumstance to this property because of the location of the existing boiler room. Saputo is upgrading their boiler capacity to increase production in the plant. The new boiler is designed to increase production capacity of the plant it is approximately 5' longer than the existing boiler. Which requires us to add an 8' x 18' addition on the south side of the existing boiler room.
4. If this variance is granted, it will not alter the character of the building or site.
5. The variance that we are asking for is consistent with the comprehensive plan, the comprehensive plan guides the property (industrial) which is described as clustered in areas and with access to important freight routes and the interstate highway system.

# PARTIAL SURVEY/SITE PLAN

~for~ PELCO CONSTRUCTION, LLC  
 ~of~ 4041 HIGHWAY 61  
 WHITE BEAR LAKE

REARRANGEMENT OF  
 WHITE BEAR PARK



TRUNK HIGHWAY NO. 61  
 (PER DOC. NO. 1635179)

NORTHWESTERLY RIGHT-OF-WAY  
 OF TRUNK HIGHWAY 61  
 (PER DOC. NO. 1635179)

### LEGEND

- DENOTES IRON MONUMENT FOUND
- x 1011.2 DENOTES EXISTING ELEVATION
- DENOTES BOLLARD
- E — DENOTES UNDERGROUND ELECTRIC LINE
- X — DENOTES FENCE
- [ ] DENOTES BITUMINOUS SURFACE
- [ ] DENOTES CONCRETE SURFACE

### NOTES

- Field survey was completed by E.G. Rud and Sons, Inc. on 06/06/23.
- Bearings shown are on Ramsey County datum.
- Parcel ID Number: 27-30-22-11-0034.
- 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.

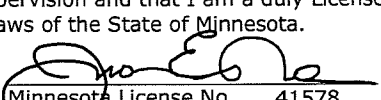
### BENCHMARK

MNDOT GSID #95084  
 STATION NAME: CHURCH  
 ELEVATION: 935.02  
 DATUM: NAVD 88

### LEGAL DESCRIPTION

Part of Lots 8 & 9, Block 4, REARRANGEMENT OF WHITE BEAR PARK, according to the recorded plat thereof, Ramsey County, Minnesota.

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

By:   
 Minnesota License No. 41578

Dated 9th day of June 2023.

REVISIONS			
NO.	DATE	DESCRIPTION	BY
1			
2			

FIELD CREW: JH/JR

BEARING DATUM: Ramsey

JOB NO. 200356LS

DRAWN BY: BCD

DATE: 06-09-23

SCALE: 1" = 20'

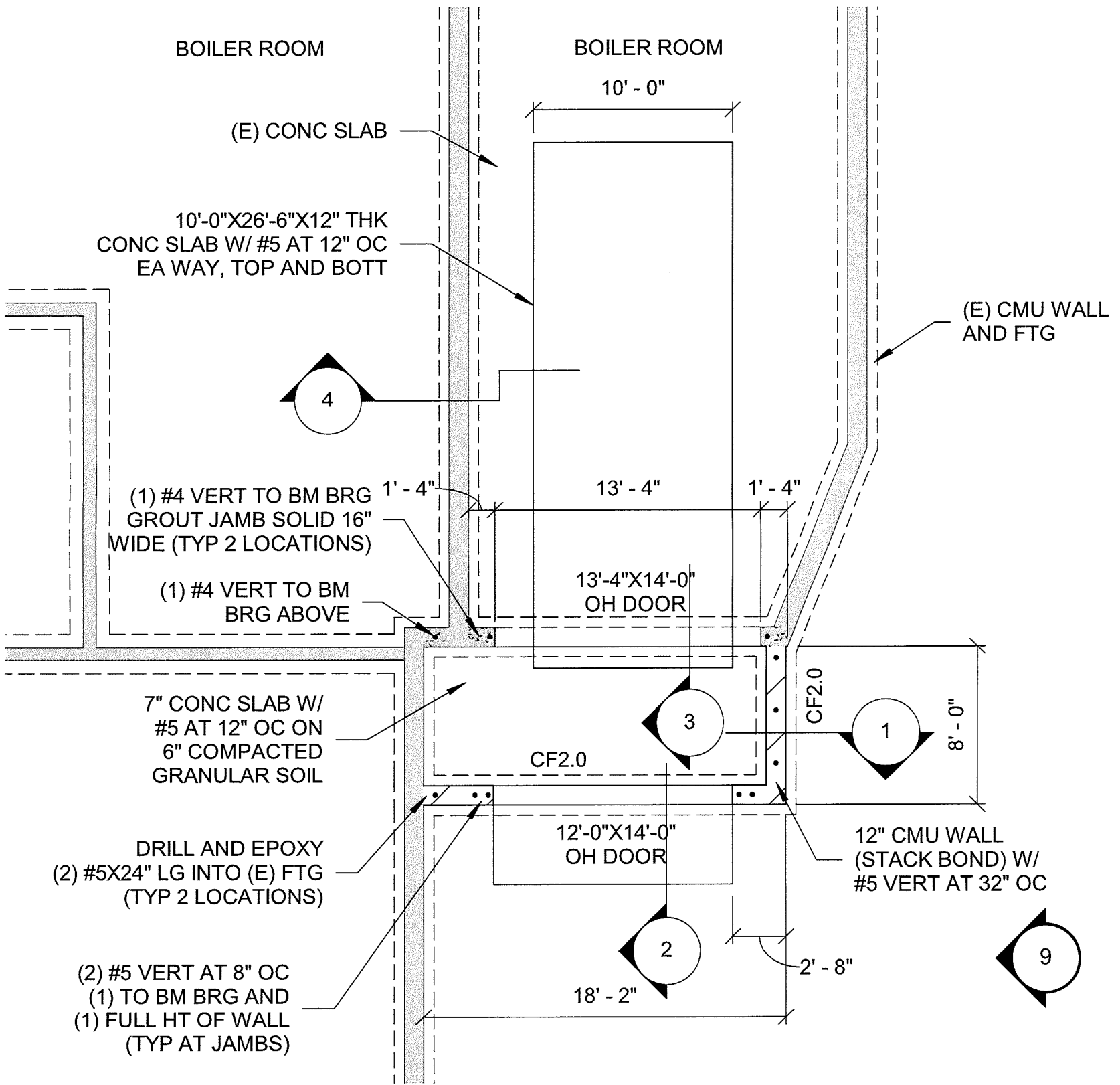


**E. G. RUD & SONS, INC.**  
 Professional Land Surveyors  
 6776 Lake Drive NE, Suite 110  
 Lino Lakes, MN 55014  
 Tel. (651) 361-8200 Fax (651) 361-8701  
 www.egrud.com

**Larson Engineering, Inc.**  
 3524 Labore Road  
 White Bear Lake, MN 55110-5100  
 651.481.9120 Fax: 651.481.9201  
 www.larsonengr.com

SUBJECT: Boiler Room Addition  
 Partial Plans & Sections

SHEET NO. S1  
 PROJECT NO. 11220889  
 BY: DRH DATE: 05/22/2023



**P1 PARTIAL PLAN - FOUNDATION**  
 1/8" = 1'-0"



Larson Engineering, Inc.

3524 Labore Road  
White Bear Lake, MN 55110-5100  
651.481.9120 Fax: 651.481.9201  
www.larsonengr.com



SUBJECT:

Boiler Room Addition  
Partial Plans & Sections

SHEET NO.

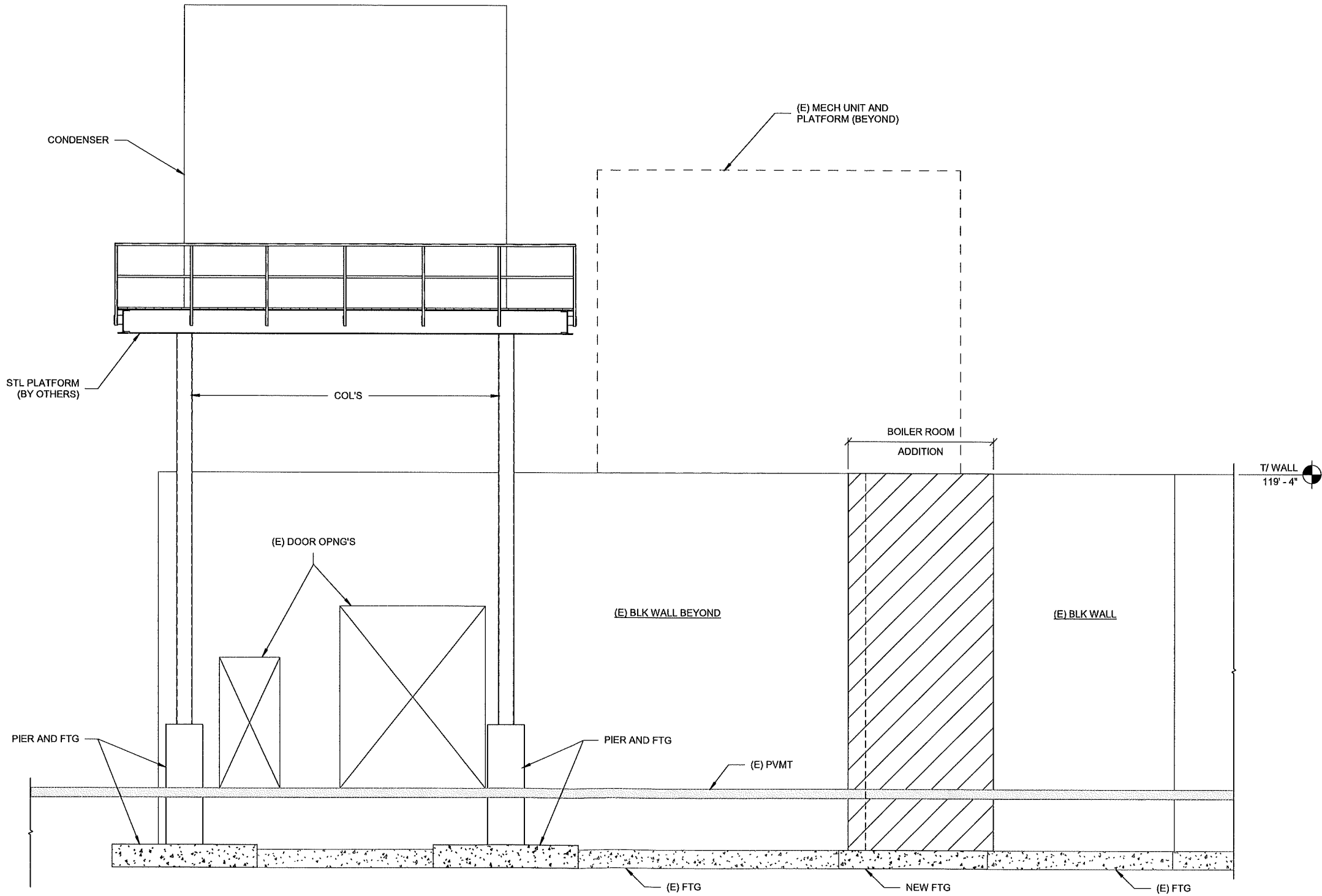
S11

PROJECT NO.

11220889

BY: DRH

DATE: 05/22/2023



9

# EAST ELEVATION

3/8" = 1'-0"





**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:** August 8, 2023  
**SUBJECT:** 1876 5<sup>th</sup> Street Variance – Case No. 23-23-V

---

## SUMMARY

The applicant, Kaia Kroll, is requesting 4 foot variance from the 11 foot maximum height for accessory buildings and structures per code section 1302.030, subd.4.i.1.b in order to reconstruct a garage that is taller than the house located at 1876 5<sup>th</sup> Street.

Based on the findings made in this report, both the Planning Commission and staff finds that the applicant has demonstrated a practical difficulty with meeting the City's zoning regulations as required by Minnesota Statute 462.357, Subd.6 and recommends approval of this request.

## GENERAL INFORMATION

Applicant/Owner: Kaia Kroll  
 Existing Land Use / Zoning: Two Unit Dwelling; Zoned: R-3: Single-Family Residential  
 Zoning:

Surrounding Land: All directions: R-3: Single Family Residential  
 Comprehensive Plan: Low Density Residential  
 Lot Size & Width: Code: 10,500 square feet; 80 feet wide  
 Site: 12,750 square feet; 75 feet wide  
 60 Day Review Date: August 10, 2023

## BACKGROUND

The subject site is located at 1876 5<sup>th</sup> Street which is on the south side of 5<sup>th</sup> Street between Krech Avenue and Wood Avenue. The property contains a single story side by side duplex. The property was platted in 1914 as part of the W.F. Krech's Addition to White Bear. According to Ramsey County GIS, the house was originally constructed in 1957.

The property contains a one-story, side-by-side duplex and is located in the R-3, Single Family Residential district and duplexes are not a permitted use in this district. However, the City has record of the property being used as a duplex back to 1975 making the property non-forming or "Grandfathered." Any non-conforming use is governed under Minnesota Statute 462.357,

Subdivision 1e. This law states legal non-conformities generally have a statutory right to continue through repair, replacement, restoration, maintenance, or improvement but not through expansion. These rights run with the land and are not limited to a particular landowner. If the benefited property is sold, the new owner will have the same rights as the previous owner. However, it should be noted that by statute, the City may prohibit any non-conformity that cease for a period of more than one year.

The existing garage is located within the 5 foot side yard setback required for accessory structures. The proposed garage will be slightly relocated to comply with the required setback. The code limits the height of a detached garage to 15 feet or the height of the house, whichever is more restrictive. The single story house is approximately 11 feet in height, technically limiting the garage to the same 11 feet. The variance requested is to allow the garage to be constructed at the 15 foot height limitation.

Planning Commission Action. The Planning Commission reviewed this item during their July 31, 2023 regular meeting. During the meeting, the commission heard a presentation from staff and held a public hearing at which no one spoke. After hearing staff's presentation and having some general discussion, the commission voted 4-0 to recommend the City Council approve this request.

#### **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 purpose of the general building and performance standards is to "assure compatibility of uses; to prevent urban blight, deterioration and decay; and to enhance the health, safety and general welfare of the residents of the community." Approving a height

variance for the garage is compatible with the neighborhood as nearby properties would be allowed a fifteen foot garage where the houses are at least 15 feet tall. The requested height variance for a garage will result in a new construction garage which is an improvement that will aid in the prevention of urban blight, deterioration and decay. Additionally the new garage will be brought more into compliance, as the garage currently sits within the required 5 foot side yard setback. The new garage will be located at least 5 feet from the side lot line.

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 which is characterized by single family homes. Garages are complementary uses to residential properties. According to the Comprehensive Plan this category allows densities of 3 to 9 units per acre. With the duplex located at this site, the property is at a density of 6.8 units per acre, which falls within the density range for Low Density Residential. Reconstructing the garage on site will not impact the density of the property or the surrounding neighborhood, 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. A fifteen foot tall detached garage is permitted on other properties in the R-3 district where the principal structure is 15 feet or taller. Further the code requires two parking stalls per unit, one of which must be fully enclosed. This proposal provides the required parking stalls for the subject property.

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

**Finding:** The height of the principal structure on site is 11 feet tall as measured to the mean of the roofline. Because of this, the garage is limited to 11 feet in height as well. If the principal structure were 4 feet taller or had another story the proposed garage would not need a variance. The height of the house creates a restraint for the homeowner and is not practical under modern accessory building needs, therefore staff finds that a 4 foot height variance is reasonable.

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

**Finding:** The proposed variance will not alter the essential character of the locality. Garages are required for residential properties in White Bear Lake and other properties in the neighborhood have detached garages of a similar height. The neighboring property located at 1882 5<sup>th</sup> Street was granted a 1.5 foot height variance to construct a 16.5 foot tall garage.

#### **RECOMMENDATION**

The Planning Commission and staff recommend approval of the request, subject to the following conditions:

1. All application materials, maps, drawings, and descriptive information submitted in this application shall become part of the permit.
2. Per Section 1301.060, Subd.3, the variance shall become null and void if the project has not been completed or utilized within one (1) calendar year after the approval date, subject to petition for renewal. Such petition shall be requested in writing and shall be submitted at least 30 days prior to expiration.
3. A building permit shall be obtained before any work begins.
4. The applicant shall verify the property line and have the property pins exposed at the time of the inspection.
5. Exterior building color, design, and material of the garage shall be compatible with the principal structure.

**ATTACHMENTS**

Resolution

Zoning/Location Map

Applicant's Narrative and Plans

**RESOLUTION NO.**

**RESOLUTION GRANTING A HEIGHT VARIANCE FOR  
1876 5<sup>TH</sup> STREET WITHIN THE CITY OF WHITE BEAR LAKE, MINNESOTA**

**WHEREAS**, Kaia Kroll, has requested a 4 foot variance from the 11 foot maximum height per code section 1302.030, subd.4.i.1.b in order to reconstruct a garage that is taller than the house located at the following location:

LEGAL DESCRIPTION: W. F. KRECH'S ADD. TO, WHITE BE N 1/2 OF FOL; EX E 90 FT; LOT 2 & EX W 75 FT; LOT 3 BLK 1. PID 143022320006.

**WHEREAS**, the Planning Commission held a public hearing as required by the Zoning Code on July 31, 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 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. Exterior building color, design, and material of the garage shall be compatible with the principal structure.





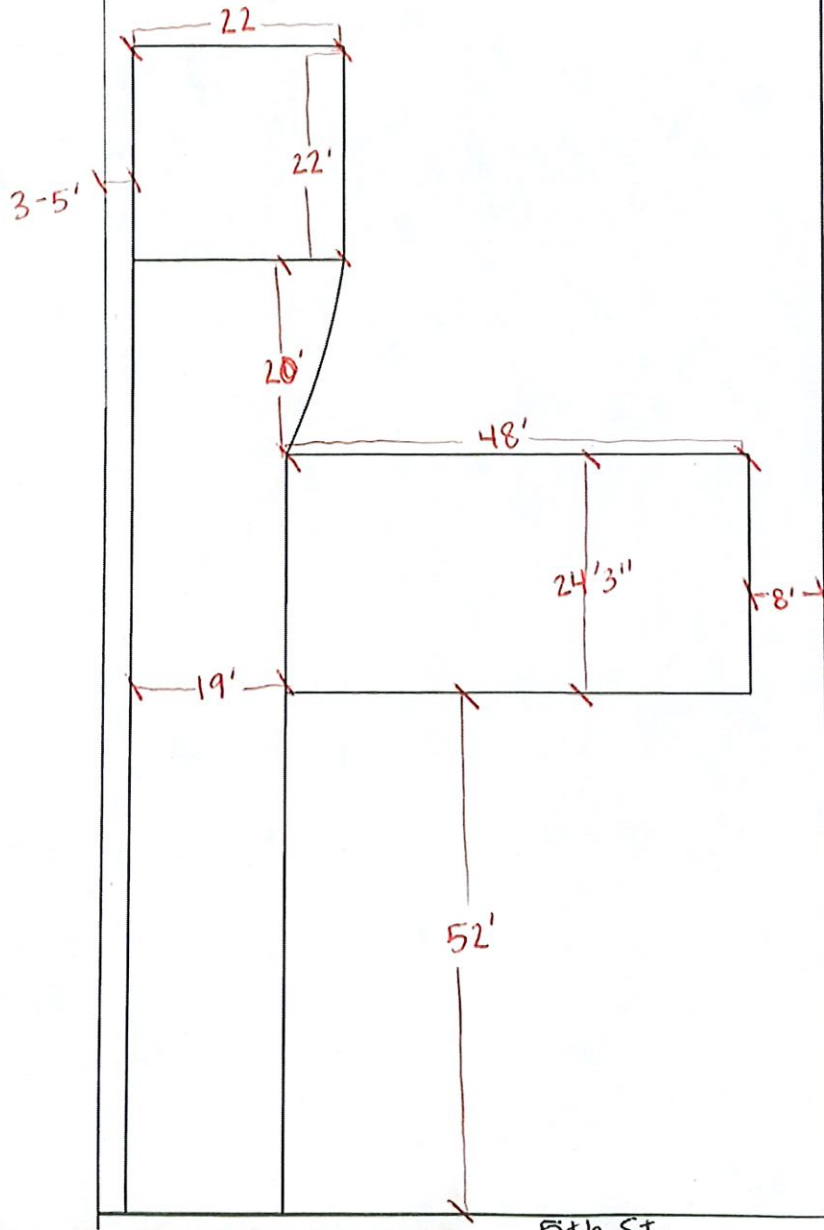
 <p>City of White Bear Lake Planning &amp; Zoning 651-429-8561</p>	<p><b>CASE NO.</b> : <u>23-23-V</u></p>
	<p><b>CASE NAME</b> : <u>1876 5<sup>th</sup> St – Garage Height</u></p>
	<p><b>DATE</b> : <u>7-31-2023</u></p>

I am asking for a four foot height variance to construct a new garage up to 15 feet in height. A 15 foot tall garage (mean roof height) is in line with other garages in the area, including my next door neighbor's. However, a 15 foot tall garage would require a variance because the primary structure is only 11 feet tall, which is the shortest on the block. A 15 foot tall garage would provide storage for the two small 500 square foot living units and would also allow for the installation of 10 foot garage doors for a future RV or work van. The new garage will follow the sideyard setback code of 5 feet.



# Current Site

75'



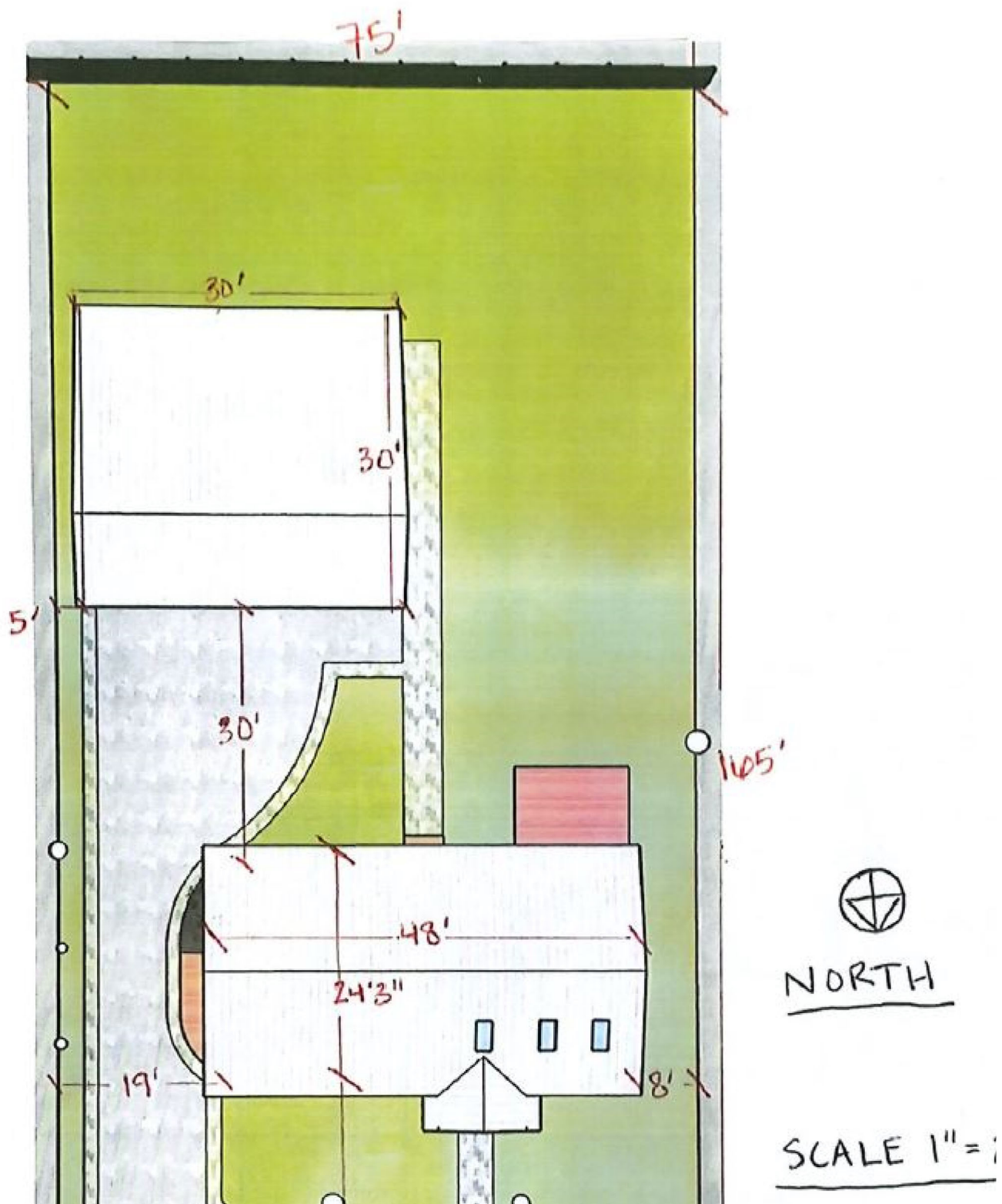
105'

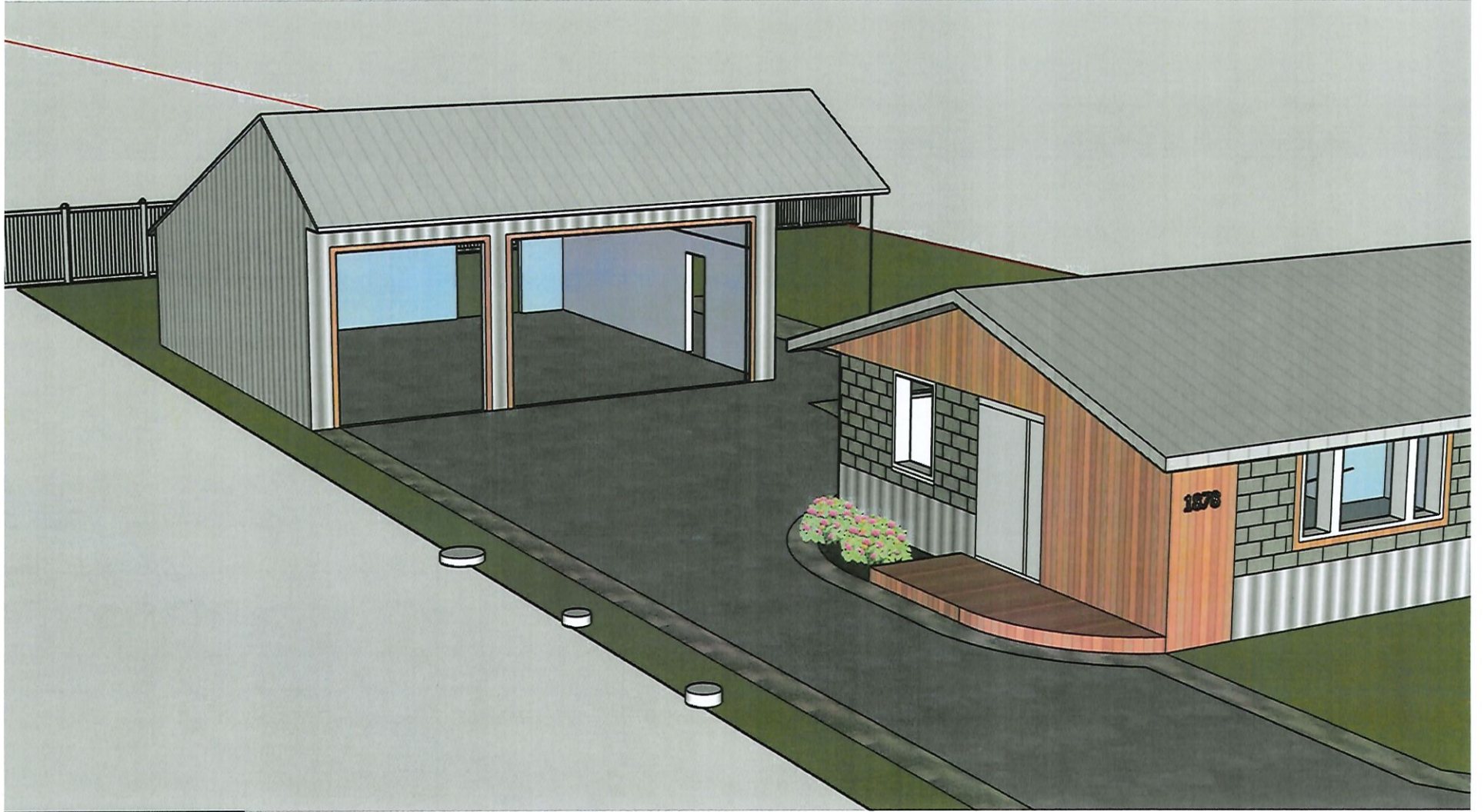


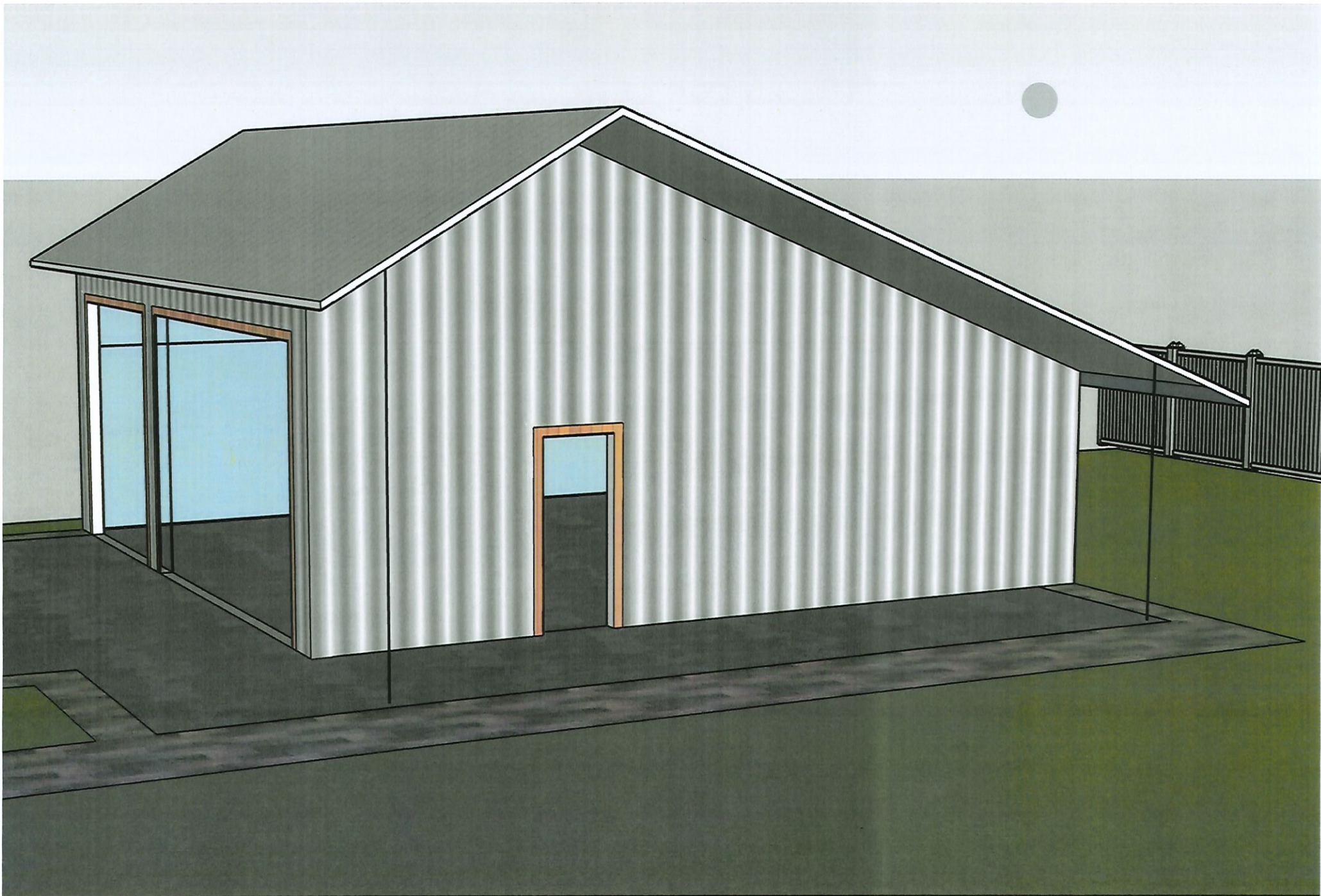
NORTH

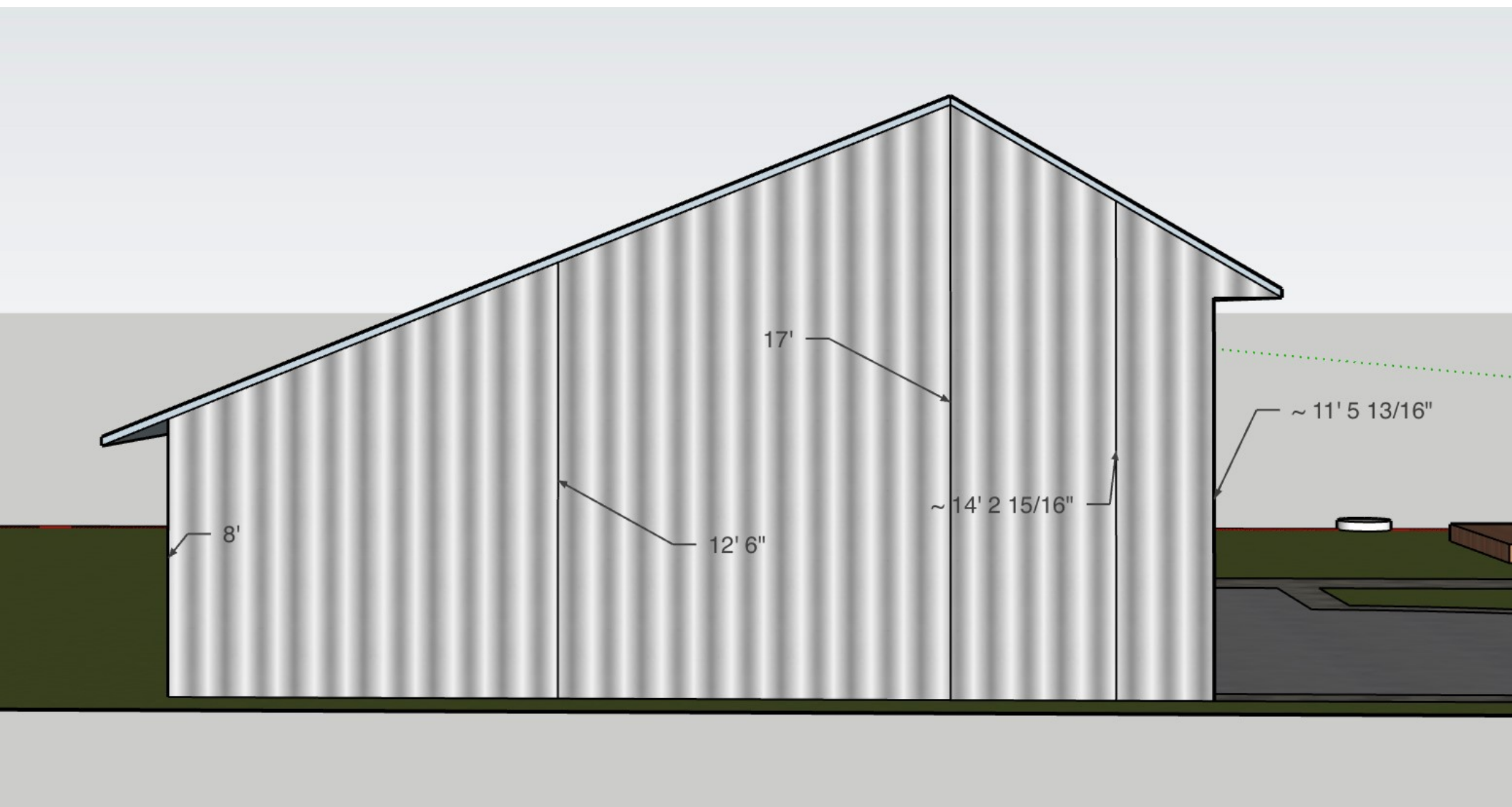
SCALE 1"=20

# Proposed Site Plan











**City of White Bear Lake**  
Fire Department

# MEMORANDUM

**To:** Lindy Crawford, City Manager  
**From:** Greg Peterson, Fire Chief  
**Date:** August 8, 2023  
**Subject:** Century College Student Clinical Site Agreement

---

## **SUMMARY**

The City Council will consider adopting a resolution authorizing the renewal of a Student Clinical Site Agreement with Century College through September 30, 2028.

## **BACKGROUND INFORMATION**

The Fire Department has a long history of supporting Century College, specifically by providing a clinical site for EMT and paramedic students to gain knowledge and experience while riding along with Fire crews. This is authorized through an agreement which specifies the expectations and responsibilities of both parties, including but limited to liability and insurance coverage.

Century College has requested, and the Fire Department would concur, to extend this program through 2028 which requires the authorization of an updated agreement. The proposed agreement covers the timeframe of October 1, 2023 – September 30, 2028 with the same terms as outlined above.

## **RECOMMENDATION**

Staff recommends the City Council adopt the attached resolution authorizing the renewal of a Student Clinical Site Agreement with Century College through September 30, 2028.

## **ATTACHMENTS**

Resolution

**RESOLUTION NO.**

**RESOLUTION AUTHORIZING RENEWAL OF THE CENTURY COLLEGE STUDENT CLINICAL SITE AGREEMENT WITH THE WHITE BEAR LAKE FIRE DEPARTMENT**

**WHEREAS**, the Fire Department has traditionally worked with Century College to provide a clinical site for EMT and Paramedic Students to gain knowledge and experience while riding along with Fire crews; and

**WHEREAS**, the City of White Bear Lake and Century College have an agreement outlining the terms of the clinical site program which expires September 30, 2023; and

**WHEREAS**, Century College has requested a renewal of the agreement to continue this program; and

**WHEREAS**, the agreement extends the program from October 1, 2023 through September 30, 2028; and

**WHEREAS**, The Fire Department finds this program mutually beneficial to the students and the department.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of White Bear Lake, Minnesota that the Mayor and City Manager are hereby authorized to renew the agreement with Century College to provide a clinical site for EMT and Paramedic students by executing said agreement.

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



**City of White Bear Lake**  
City Manager's Office

# MEMORANDUM

**To:** Lindy Crawford, City Manager  
**From:** Caley Longendyke, City Clerk  
**Date:** August 8, 2023  
**Subject:** Temporary On-Sale Liquor License for Church of St. Mary of the Lake

---

## SUMMARY

The City Council will consider approving a temporary liquor license for Church of St. Mary of the Lake to serve alcohol at their Fall Festival at St. Mary of the Lake Parish Life Center on September 17, 2023.

## BACKGROUND INFORMATION

Minnesota Statute section 340A.404, Subd. 10 states that municipalities may issue temporary on-sale liquor licenses to non-profit organizations in existence for at least three years. The license may not exceed more than four consecutive days and cannot total more than 12 days in one year.

Church of St. Mary of the Lake is a religious organization that has applied to sell alcoholic beverages for a fall festival scheduled for September 17, 2023 outside of St. Mary of the Lake Parish Life Center. The applicant meets State regulations for temporary liquor licenses and has secured liquor liability insurance required by City Code.

## RECOMMENDATION

Staff recommends the City Council adopt the attached resolution approving a temporary liquor license for Church of St. Mary of the Lake for September 17, 2023.

## ATTACHMENTS

Resolution



**RESOLUTION NO.**

**RESOLUTION APPROVING A TEMPORARY LIQUOR LICENSE FOR  
CHURCH OF ST. MARY OF THE LAKE**

**WHEREAS**, Church of St. Mary of the Lake (the Applicant) has submitted an application to serve alcohol at their Fall Festival scheduled for September 17, 2023 at St. Mary of the Lake Parish Life Center; and

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

**WHEREAS**, the Applicant has provided the necessary proof of liquor liability insurance; and

**WHEREAS**, the Applicant has controls in place for responsible consumption and for serving adults 21 years of age and older.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of White Bear Lake, Minnesota, under authority of Minnesota Statute section 340A.404 Subd. 10, approves the temporary on-sale liquor license for the Applicant for the date and location indicated:

Church of St. Mary of the Lake  
September 17, 2023  
The Parish Life Center  
4690 Bald Eagle Avenue  
White Bear Lake, MN 55110

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

Ayes:  
Nays:  
Absent:  
Passed:

\_\_\_\_\_  
Dan Louismet, Mayor

**ATTEST:**

\_\_\_\_\_  
Caley Longendyke, City Clerk



**City of White Bear Lake**  
City Manager's Office

# MEMORANDUM

**To:** Mayor and City Council  
**From:** Lindy Crawford, City Manager  
**Date:** August 8, 2023  
**Subject:** **Employee Recognition + Swear-In of Police Officer**

---

**SUMMARY**

The City Council and Chief Swanson will recognize recently retired Community Service Officer (CSO) Jim Kvitrud and present him with a gift from the City of White Bear Lake.

The City Clerk will administer the oath of office to our newest police officer Lorin Edmond. A pinning ceremony will conclude the presentation.



**City of White Bear Lake**  
City Manager's Office

# MEMORANDUM

**To:** Mayor and City Council  
**From:** Lindy Crawford, City Manager  
**Date:** August 8, 2023  
**Subject:** **Public Safety Employee Recognition**

---

## **SUMMARY**

The Mayor, City Council and Staff will recognize Police and Fire Department employees for their courageous acts while responding to a difficult call for service on January 24, 2023.



City of White Bear Lake  
City Manager's Office

# MEMORANDUM

**To:** Mayor and City Council  
**From:** Lindy Crawford, City Manager  
**Date:** August 8, 2023  
**Subject:** Legislative Update – Senator Gustafson

**SUMMARY**

Senator Heather Gustafson will attend the City Council meeting to provide an update on the 2023 Legislative Session.

**BACKGROUND INFORMATION**

At the January 24 regular meeting, the City Council adopted a resolution which set forth the 2023 Legislative Priorities Agenda for the City. Those priorities and their outcomes of this past legislative session are outlined below.

- 1. **Legislative Priority:** Increase the Deputy Register filing fees that reimburse offices for costs to provide customer services.

OUTCOME: The City received \$60,000 as a one-time distribution of aid based on the 2022 motor vehicle transactions compared to all other deputy registrars. Filing fee increases effective October 1, 2023 will result in the City receiving \$3 more for each driver’s license renewal and \$8 more for each new application. The City will also receive \$1 for each motor vehicle tab and title. Effective January 1, 2024, there will be a motor vehicle tab and title surcharge of \$1 and expanded service offerings to provide accident reports with \$10 filing fee.

Transaction Type	Rates	Rates	Rates	Rates
	1/1/2014	8/1/2019	10/1/2023	1/1/2024
Drivers Licenses New Applications	\$ 8.00	\$ 8.00	\$ 16.00	\$ 16.00
Drivers Licenses Renewals	8.00	8.00	11.00	11.00
Motor Vehicle Title Changes	10.00	11.00	12.00	12.00
Motor Vehicle Tab Renewals	6.00	7.00	8.00	8.00
Motor Vehicle Surcharge	-	-	-	1.00
Accident Reports	-	-	-	10.00

DVS was not granted the authority to provide driver’s license renewals online for every other cycle term, though they were directed to study and report to the legislature by January 1, 2025 on deputy registrar operations. They will make recommendations regarding financial support (including filing fee rates), general efficiencies, and

outstanding recommendations which were not enacted this session.

2. **Legislative Priority:** Seek legislative relief for cities impacted by the District Court’s order for a residential watering ban and legislative assistance to allow the City of White Bear Lake to continue to operate under its current approved Water Supply Plan and Comprehensive Plan through their approval periods.

OUTCOME: The Environment Omnibus Bill included language from [HF 2304](#) which gives \$2M to Metropolitan Council for a White Bear Lake Area Water-Use Work Group to “develop a comprehensive plan to ensure communities in the White Bear Lake area have access to sufficient safe drinking water to allow for municipal growth while simultaneously ensuring the sustainability of surface and groundwater resources to supply the needs of future generations.” The plan must be submitted to the state by June 30, 2027.

Representatives of the group will include: Department of Natural Resources, Department of Health, Minnesota Pollution Control Agency, Metro Area Water Supply Advisory Committee, St. Paul Regional Water Services, White Bear Township, and the cities of Stillwater, Mahtomedi, Hugo, Lake Elmo, Lino Lakes, North St. Paul, North Oaks, Oakdale, Vadnais Heights, Shoreview, Woodbury, New Brighton, and White Bear Lake. The plan requires several components. Please see HF 2304 (click above) for specific details.

3. **Legislative Priority:** Maintain local control for municipalities regarding potential statewide THC / legal cannabis regulations and the ability to license and zone related businesses.

OUTCOME: A bill legalizing adult use cannabis was passed and went into effect on August 1. Other parts of the bill will go into effect in 2025. Although cities were not granted the ability to license cannabis-related businesses, cities are allowed to zone them and retain minimal local control.

In addition, Senator Gustafson’s bill granting public safety aid was adopted. The Tax Omnibus Bill included \$300 million dollars in public safety aid, distributed to every city, county, and Tribal nation in Minnesota. The City will receive \$1,096,939 that can be used for recruitment, retention, and equipment costs for police and fire (i.e. an ambulance). The City Council will review a proposal from staff regarding the desired utilization of the funds later this year.

#### **RECOMMENDATION**

No action is requested.

#### **ATTACHMENTS**

None



**City of White Bear Lake**  
City Manager's Office

# MEMORANDUM

**To:** Mayor and City Council  
**From:** Lindy Crawford, City Manager  
 Troy Gilchrist, City Attorney  
**Date:** August 8, 2023  
**Subject:** **First Reading of an Ordinance Amending Chapter 1104 – Tobacco and Related Products**

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## SUMMARY

The City Council will conduct a first reading and hold a public hearing for an ordinance amending Chapter 1104 of the City Code as it relates to tobacco and related products. The second reading of the ordinance is scheduled for the August 22 regular City Council meeting.

## BACKGROUND INFORMATION

The City currently does not expressly regulate tobacco shops as a separate use. The City has experienced businesses that have started as retail businesses but have become tobacco shops, even though that use is not recognized as a permitted use in the City's zoning regulations. In addition, the City's regulations for tobacco products need to be updated to keep pace with recent changes in both federal and state laws. To address these areas, the City Council adopted an interim ordinance on September 27, 2022 to authorize a study and impose a moratorium on the establishment or expansion of tobacco shops in city limits.

During the period of the moratorium, staff and the City Attorney have been studying current City regulations and have prepared amended ordinance language for tobacco licensure for review and public comment. Attached is the draft ordinance. Highlights of the ordinance include:

1. Updated definitions and a new definition for Tobacco Products Shop.
2. As it relates to exclusive tobacco shops, a limit of ten (10) tobacco licenses in any given year in city limits.
3. Updated regulations to align with recent changes in both federal and state laws.
4. Granting Council authority to impose administrative penalties for violating state laws or local ordinances.

Chapter 1104 of the City Code and this ordinance amendment do not discuss zoning. A separate proposed ordinance will be presented at this same meeting to discuss zoning of Tobacco Product Shops.

**RECOMMENDATIONS**

Staff recommends the City Council conduct the first reading and hold a public hearing for the proposed ordinance amendment regarding tobacco and related products.

The second reading and potential adoption of the ordinance amendment is scheduled for the August 22 regular City Council meeting.

**ATTACHMENTS**

Draft Ordinance

CITY OF WHITE BEAR LAKE  
ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE  
CITY OF WHITE BEAR LAKE REGARDING TOBACCO AND RELATED PRODUCTS

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

**ARTICLE I. Tobacco and Related Products.** Chapter 1104 of the Municipal Code of the City of White Bear Lake is hereby amended as follows:

1104. TOBACCO AND RELATED PRODUCTS

§1104.010 PURPOSE.

The City recognizes the public health hazards of exposure of individuals to secondhand smoke. This ordinance chapter is intended to regulate the sale, possession, and use of tobacco, tobacco products, and electronic and non-electronic delivery devices for the purpose of enforcing and furthering existing laws, to protect ~~minors~~ persons under the age of 21 and others against the serious effects associated with the use of tobacco, tobacco products, and related devices, to protect individuals from the hazards of secondhand smoke, and to further the official public policy of the State of Minnesota as stated in Minn. Stat. Sections 144.391 and 144.412.

§1104.020 DEFINITIONS.

1. ~~*Minor Underage Person.*~~ Means any natural person who has not yet reached the age of 18 21 years.
2. ~~*Smoking.*~~ Means inhaling and/or exhaling smoke from any lighted or heated cigar, cigarette, pipe, or any other non-electronic delivery device or product. This also includes holding the same, intended for inhalation.
3. ~~*Tobacco or Tobacco Products. Any substance, item, product or formulation of matter - including but not limited to cigars, cigarettes, pipe tobacco, chewing tobacco, sheesha, snuff, snus, gum and dissolvable packets - containing tobacco, that is manufactured, sold, offered for sale, or otherwise distributed with the expectation that the product or matter will be introduced into the human body, but does not include any cessation product approved by the United States Food and Drug Administration for use as a medical treatment to reduce and eliminate nicotine or tobacco dependence that is being marketed and sold solely for such an approved purpose or lobelia dietary supplements as sold by a health food establishment that does not carry any other Nicotine or Tobacco Products or Delivery Devices.*~~ Means cigarettes and any product containing, made, or derived from tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or



any component, part, or accessory of a tobacco product including but not limited to cigars; cheroots; stogies; perique; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff; snuff flour; cavendish; plug and twist tobacco; fine cut and other chewing tobaccos; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco; and other kinds and forms of tobacco. Tobacco excludes any tobacco product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for such an approved purpose.

4. *Tobacco-Related Devices. Non-Electronic Delivery Device.*— Any substance, item, or product including ~~but not limited to pipes, rolling papers and cigarettes~~ that is designed or intended to be used in a manner which delivers, or enables the intake of tobacco into the human body. Means cigarette papers or pipes for smoking or other devices intentionally designed or intended to be used in a manner which enables the chewing, sniffing, smoking, or inhalation of aerosol or vapor of tobacco or tobacco products. Tobacco-related devices include components of tobacco-related devices which may be marketed or sold separately.
  
5. *Electronic Delivery Device.* Means Any product containing or delivering nicotine, lobelia, or any other substance, whether natural or synthetic, intended for human consumption that can be used by a person to simulate smoking through the inhalation of vapor from the product, including, without limitation, e-cigarettes through inhalation of aerosol or vapor from the product. The term includes, but is not limited to, devices manufactured, marketed, or sold as electronic cigarettes, electronic cigars, electronic pipe, vape pens, modes, tank systems, or under any other product name or descriptor. The term also includes ~~Electronic Delivery Device shall include any component part of such a product whether or not marketed or sold separately. Electronic Delivery Device shall not include any product that has been approved or otherwise certified by the United States Food and Drug Administration for legal sales for use in tobacco cessation treatment or other medical purposes, and is being marketed and sold solely for that approved purpose. The term does not include drugs, devices, or combination products, as those terms are defined in the Federal Food, Drug, and Cosmetic Act, that are authorized for sale by the United States Food and Drug Administration.~~
  
6. *Loosies.* Means single cigarettes, cigars, and any other licensed products that have been removed from their original retail packaging and offered for sale. The term does not include premium cigars that are hand-constructed, have a wrapper made entirely from whole tobacco leaf, and have a filler and binder made entirely of tobacco, except for adhesives or other materials used to maintain size, texture, or flavor.

7. Tobacco Products Shop. Means an existing or proposed retail establishment that:

- (a) Has an entrance door opening directly to the outside;
- (b) Prohibits persons under the age of 21 years from entering the establishment at any time; and
- (c) Derives more than 90 percent of its gross revenue from the sale of tobacco, tobacco-related devices, electronic delivery devices, edible cannabinoid products under Minnesota Statutes, section 151.72, or any product requiring a license to sell at retail from the Office of Cannabis Management under Minnesota Statutes, chapter 342, and in which the sale of other products is merely incidental.

The term does not include a tobacco department or section of any individual business establishment with any type of liquor, food, or restaurant license.

**§1104.030 LICENSE REQUIRED.**

1. *Generally.*

- a. *Required.* No person may directly or indirectly or by means of any device keep for retail sale, sell at retail, offer to sell or otherwise dispose of any tobacco products, tobacco-related devices, or electronic delivery devices at any place in the eCity without first having obtained a license from the City to do so.
- b. *Limit.* The maximum number of licenses issued by the City in any year to a retail establishing qualifying as a tobacco products shop under this chapter is limited to ten (10), except that any tobacco products shop holding a valid license as of July 1, 2023 is permitted to retain and renew said license. If the maximum number of licenses has already been issued, a licensee that allows its license to expire or has its license revoked shall not be eligible for a new license. Persons desiring to apply for a license may be placed on a waiting list and be eligible to apply on a first-come, first-serve basis once the number of issued licenses falls below the maximum number allowed. Notwithstanding the maximum number of allowed licenses, an applicant who purchases a tobacco products shop holding a current license shall be allowed to apply for and obtain, if eligible, a new license for the business location provided it is obtained within the same license year as the current license.

2. *Specifically.*

- a. *Application.* An application for a license to sell tobacco products, tobacco-related devices, or electronic and delivery devices shall be made on a form provided by the eCity. The application shall contain the full name of the applicant, the applicant's residential and business addresses, and telephone numbers, the name of the business for which the license is sought, and any

additional information the eCity deems necessary. Upon receipt of a completed application, the City Clerk shall forward the application to the City Council for consideration. If the City Clerk determines that the application is incomplete, the eCity Clerk shall provide the applicant with notice of the information necessary to make the application complete.

- b. *Action.* Upon receipt of a completed application, the City Clerk shall forward the application to the police department for investigation. The police department shall conduct an investigation of the applicant and application, the results of which shall be provided to the City Council. The City Council may either approve or deny the license, or it may delay action for such reasonable period of time as necessary to complete any further investigation it may deem necessary. If the City Council approves the license, the City Clerk shall issue the license to the applicant.
- c. *Term.* All licenses issued under this ordinance chapter shall expire on March 31 of each calendar year, unless sooner revoked, suspended or forfeited.
- d. *Fees.* No license shall be issued under this ordinance chapter until the appropriate license fee has been paid in full. The fee(s) for a license under this ordinance chapter shall be established by the City Council as amended from time to time.
- e. *Smoking.* Smoking shall not be permitted in and no person shall smoke in a public place as defined by Minn. Stat. Section 144.413, Subd.2, at a public meeting, in a place of employment, or in public transportation, except as provided in Minn. Stat. Sections 144.414 and 144.4167, including sampling within a tTobacco pProduct sShop, as defined in Minn. Stat. Section 144.4167, provided that:
  - i. The business does not have any tables, seating or wait staff.
  - ii. The sampling is limited to free samples of products.
  - iii. The sampling is incidental to the selling of the products and is not the primary activity on site.
  - iv. There are no external signs on site promoting the sampling.
- f. *Sanctions for violation.* Violators of this ordinance chapter shall be guilty of a misdemeanor.
- g. *Transfers.* All licenses issued under this ordinance chapter shall be valid only on the premises for which the license was issued and only for the person to whom the license was issued. No transfer of any license to another location or person shall be valid.
- h. *Display.* All licenses shall be posted and displayed in plain view of the general public on the licensed premises.

- i. *Responsibility.* All licensees under this ordinance chapter shall be responsible for the actions of their employees in regard to the sale of tobacco products, tobacco-related devices, or electronic and delivery devices on the licensed premises, and the sale of such an item by an employee shall be considered a sale by the license holder.
- j. *Renewals.* The renewal of a license issued under this article shall be handled in the same manner as the original application. The request for a renewal shall be made at least 30 days prior to the expiration of the current license. The license holder is not entitled to an automatic renewal of the license.
- k. *Revocation or Suspension.* Any license issued under this ordinance chapter may be revoked or suspended by the City Council for a violation of federal or state tobacco laws, any provision of this chapter, or a provision of this Code related to the licensee's business operations, provided if the licensee has been given a reasonable notice and an opportunity to be heard. The City Council may establish and impose administrative penalties for violating applicable state laws or provisions of this chapter, provided such penalties are not less than the minimums required by Minnesota Statutes, Section 461.12.

§1104.040 BASIS FOR DENIAL OF A LICENSE. The following shall be grounds for denying the issuance of or renewal of a license under this Section. The following list is not exhaustive or exclusive:

1. The applicant is ~~a minor~~ under the age of 21.
2. The applicant has been convicted within the past five years of any violation of a federal, state, or local law, ordinance provision, or other regulation relating to tobacco products, tobacco-related devices, or electronic delivery devices.
3. The applicant has had a license to sell tobacco products, tobacco-related devices, or electronic delivery devices revoked within the preceding 12 months of the date of application.
4. The applicant provides false or misleading information.
5. The applicant or license holder has been found by the City Council to have violated this Code within the previous 12 months, or has outstanding fines, penalties, charges or property taxes owed to the City.
6. The applicant is prohibited by federal or state law, local ordinance, or other regulation, from holding such a license.
7. If a license is mistakenly issued or renewed to a person, it shall be revoked upon the discovery that the person was ineligible for the license under this article.

§1104.050 PROHIBITED SALES. It shall be a violation of this article for any person to give away, dispense, sell or offer to sell any tobacco product or delivery device:

1. To an ~~an~~ minor underage person.
2. By a vending machine.
3. By self-service, or in open displays which are accessible to the public without the assistance or intervention of a store employee.
4. As a single or individually packaged item, such as cigarillos, or anything for less than \$2.00 before tax. Packs or Cartons or other packaging containing more than 3 items and individual cigars with a retail price, before sales tax, of more than \$2.00, shall not be considered individually packaged.
5. By a mobile business, including but not limited to motorized vehicles, moveable sales kiosks or trailers. Licenses shall be issued to fixed location businesses only.
6. If the tobacco products, tobacco-related devices, or electronic delivery devices contain opium, morphine, jimson weed, belladonna, strychnos, cocaine, marijuana, cannabinoid, tetrahydrocannabinol, or other delirious, hallucinogenic, toxic, or controlled substances except nicotine.
7. To any other person, in any other manner or form prohibited by federal or state law or regulation, or by local ordinance.
8. As a loosie.

**§1104.060 COMPLIANCE CHECKS AND INSPECTIONS.** All licensed premises shall be open to inspection by the eCity police or other authorized eCity official during regular business hours. From time to time, but at least once per year, an unannounced compliance check, involving the use of ~~minors~~ persons who are at least 17 years of age but not yet 21 years of age, with written parental consent for persons under the age of 18, shall be conducted at each licensed retail establishment, subject to police department protocols.

**§1104.080 EXCEPTIONS AND DEFENSES.** Nothing in this ~~ordinance~~ chapter shall prevent the providing of a tobacco product, tobacco-related devices, or electronic delivery device, to an ~~minor underage person~~ as part of a lawfully recognized religious, spiritual, or cultural ceremony. It shall be an affirmative defense to the violation of this ~~ordinance~~ chapter for a person to have reasonably relied upon proof of age.

**§1104.090 SIGNAGE AND AGE VERIFICATION REQUIRED:**

1. Signage. At each location where tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products are sold, the licensee shall display a sign in plain view to provide public notice that selling any of these products to any person under the age of 21 is illegal and subject to penalties. The notice shall be placed in a conspicuous location in the licensed establishment and shall be readily visible to any person who is purchasing or attempting to purchase these products. The sign shall provide notice that all persons responsible for selling these products must verify, by means of photographic identification containing the bearer's date of birth, the age of any person under 30 years of age.

2. Age verification. At each location where tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products are sold, the licensee shall verify, by means of government-issued photographic identification containing the bearer's date of birth, that the purchaser or person attempting to make the purchase is at least 21 years of age. Verification is not required if the purchaser or person attempting to make the purchase is 30 years of age or older. It shall not constitute a defense to a violation of this subdivision that the person appeared to be 30 years of age or older.

**ARTICLE II.** Underaged Possession of Tobacco. Section 704.050 of the Municipal Code of the City of White Bear Lake is hereby amended as follows:

§704.050 MINORS UNDERAGE PERSONS, POSSESSION OF TOBACCO. (Ref: Ord. 905, 1/11/94)

Subd. 1. Definitions. For the purposes of this section, the following terms shall have the meanings respectively ascribed to them in this section.

- Aa) "Tobacco" means cigarettes; cigars; cheroots; stogies; perique; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff; snuff flour; cavendish; plug and twist tobacco; fine cut and other chewing tobaccos; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco; and other kinds and forms of tobacco, prepared in such manner as to be suitable for chewing or smoking in a pipe or other tobacco-related devices.
- b) "Tobacco-related devices" means cigarette papers or pipes for smoking.

Subd. 2. Possession by ~~Minors~~ Persons Under 21 Prohibited. Whoever uses, purchases, attempts to purchase, or possesses tobacco or tobacco related devices and is under the age of ~~eighteen (18)~~ twenty-one (21) years is guilty of a petty misdemeanor. This subdivision does not apply to a person under the age of ~~eighteen (18)~~ twenty-one (21) years who purchases, attempts to purchase, or possesses tobacco or tobacco related devices while under the direct supervision of a responsible adult for training, education, research or enforcement purposes. This subdivision does not apply to the employee of a licensee who is 18 years of age or older when handling tobacco or tobacco related devices as part of a sale to an individual who is 21 years of age or older.

**ARTICLE III.** Consistency in References. When incorporating the amendments made by this Ordinance into the Municipal Code, City staff shall change all references to "Council" to "City Council" to make them consistent throughout the Chapter.

**ARTICLE IV.** Severability. If any section or portion of this ordinance shall be found unconstitutional or otherwise invalid or unenforceable by a court of competent jurisdiction, that finding shall not serve as invalidation or affect the validity and enforceability of any other section or provision of this ordinance.

**ARTICLE V.** Effective Date. This ordinance shall become effective on the first day of publication after adoption.

Adopted by the City Council of the City of White Bear Lake, Minnesota on the \_\_\_ day of \_\_\_\_\_ 2023.

\_\_\_\_\_  
Dan Louismet, Mayor

ATTEST:

\_\_\_\_\_  
Caley Longendyke, City Clerk

(~~Strikeout~~ indicates matter to be deleted, double underline indicates new matter.)

First Reading: \_\_\_\_\_

Initial Publication: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Final Publication: \_\_\_\_\_

Codified: \_\_\_\_\_

Posted on web: \_\_\_\_\_



**City of White Bear Lake**  
City Manager's Office

# MEMORANDUM

**To:** Mayor and City Council  
**From:** Lindy Crawford, City Manager  
**Date:** August 8, 2023  
**Subject:** **First Reading of an Ordinance Requiring Licensing and Imposing Regulations on the Sale of Edible Cannabinoid Products**

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## SUMMARY

The City Council will conduct a first reading and hold a public hearing for an ordinance requiring licensing and imposing regulations on the sale of edible cannabinoid products. The second reading of the ordinance is scheduled for the August 22 regular City Council meeting.

## BACKGROUND INFORMATION

On July 1, 2022, it became legal for businesses to sell certain products containing delta-9 tetrahydrocannabinol (THC) in Minnesota. The 2022 Legislation outlined requirements for legal sale of these products, including a maximum of 5 milligrams of THC per dose and a maximum of 50 milligrams of THC per container. The authorizing legislation didn't address local regulation on the sale and there was uncertainty of local governments' scope of authority and whether additional local regulations needed consideration. Therefore, the City Council approved an interim ordinance authorizing a study and imposing a moratorium on the sale of cannabis products. The moratorium became effective on September 27, 2022 with a 12-month term, or until repealed by the City Council or until the effective date of an ordinance amending the City Code which addresses the sale of cannabis products.

During the 2023 legislative session, the Minnesota Legislature enacted Chapter 63—HF 100, which is comprehensive legislation relating to cannabis, including, but not limited to, the establishment of the Office of Cannabis Management (OCM), legalizing and limiting the possession and use of cannabis and certain hemp products by adults, providing for the licensing, inspection, and regulation of cannabis businesses and hemp businesses, taxing the sale of cannabis flower, cannabis products, and certain hemp products, establishing grant and loan programs, amending criminal penalties, providing for expungement of certain convictions, and providing for the temporary regulation of certain edible cannabinoid products.

Once the OCM is established, they will be the regulatory authority for the licensing of cannabis businesses and the sale of all cannabinoid products, defined as cannabis products, hemp-derived consumer products, or lower-potency hemp edibles. The City's moratorium is approaching the end of its 12-month term and until the OCM starts licensing the sale of lower-



potency edibles, there will not be any regulatory authority overseeing the sale of edible cannabinoid products in the City. Therefore, a short-term issue requiring City consideration is whether or not to establish a licensing system for the sale of edible cannabinoid products (or lower-potency hemp edibles) which can be sold by businesses who do not fall under the definition of a cannabis business and don't need a cannabis business license, under Minnesota Statutes, Chapter 342.

At the direction of City Council during a work session on June 13, 2023, the City Attorney and staff prepared an ordinance establishing a licensing structure for edible cannabinoid businesses and regulating the sale of edible cannabinoid products or lower-potency hemp edible products until OCM takes over licensing of these products. Highlights of the ordinance include:

- Applicable definitions, eligible and ineligible license qualifications, application procedure
- Products must be stored in areas not freely accessible to customers and general public.
- Application period is consistent with all other business licenses – April 1- March 31.
- Sales are only allowed to persons 21 years or older.
- Allows for compliance checks, revocation and suspension.
- Licensing decisions rest with the City Council.
- Terminates and will no longer be effective once edible cannabinoid products (or lower-potency hemp edibles) are licensed through OCM.

**RECOMMENDATION**

Staff recommends the City Council conduct the first reading and hold a public hearing for the proposed ordinance relating to the sale and regulation of edible cannabinoid products.

The second reading and potential adoption of the ordinance amendment is scheduled for the August 22 regular City Council meeting.

**ATTACHMENTS**

Draft Ordinance

**CITY OF WHITE BEAR LAKE  
ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE REQUIRING A LICENSE AND IMPOSING REGULATIONS  
ON THE RETAIL SALE OF EDIBLE CANNABINOID PRODUCTS**

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

**Section 1. Purpose.** The purpose of this ordinance is to establish licensing and sale regulations for the retail sale of edible cannabinoid products derived from hemp as provided in Minnesota Statutes, section 151.72.

**Section 2. Legislative Findings.** The City Council hereby finds and determines as follows:

- (a) In 2022, the Minnesota Legislature’s amended Minnesota Statutes, section 151.72 to expressly allow the sale of edible products that contain tetrahydrocannabinol (“THC”) without any associated licensing requirements.
- (b) The unexpected change in the law, the lack of licensing and other regulatory standards, and the concerns regarding the potential impacts of the sale of edible cannabinoid products resulted in the City Council acting on September 27, 2022 to enact a one-year moratorium on the sale of THC Products.
- (c) Since that time, the City has studied the issue and anticipated the Legislature would provide additional guidance and regulation during the 2023 session on the sale of such products. While the Legislature did adopt a 321-page cannabis bill, it essentially maintained the status quo regarding the sale of edible cannabinoid products under Minnesota Statutes, section 151.72 until the newly established Office of Cannabis Management begins licensing cannabis businesses.
- (d) Because the Office of Cannabis Management is not likely to begin issuing licenses to sell lower-potency hemp products until early 2025, and faced with continuing uncertainties associated with the sale of edible cannabinoid products, the City Council determines it is in the best interests of the City to require a license to sell such products and to impose related regulations until the Office of Cannabis Management assumes the licensing of cannabis businesses.

**Section 3. Definitions.** For the purposes of this ordinance, the following terms shall have the meanings given them in this section. If a term is not defined herein, it shall have the meaning given it in Minnesota Statutes, section 151.72 or, if not defined therein, the definition given the term in the municipal code.

Subd. 1. City. The City of White Bear Lake, Minnesota.

Subd. 2. Compliance Checks. The system the City uses to investigate and ensure that those authorized to sell edible cannabinoid products are following and complying with the requirements of this ordinance and state laws. Compliance checks involve the use of compliance check minors, as authorized by this ordinance, who purchase or attempt to purchase edible cannabinoid products. Compliance checks may also be conducted by the City or other units of government for educational, research, and training purposes or for investigating or enforcing federal, state, or local laws and regulations relating to edible cannabinoid products.

Subd. 3. Delivery Sales. The sale of any edible cannabinoid product to any person for personal consumption and not for resale when the sale is conducted by any means other than an in-person, over-the-counter sales transaction in a retail establishment. Delivery sales include, but are not limited to, the sale of any edible cannabinoid products when the sale is conducted by telephone, other voice transmission, mail, the internet, or app-based service. Delivery sales include delivery by licensees or third parties by any means, including curbside pick-up.

Subd. 4. Edible Cannabinoid Product. Any product containing nonintoxicating cannabinoids extracted from hemp that meets the requirements to be sold for human or animal consumption under Minnesota Statutes, section 151.72. The term includes edible cannabinoid products as defined in Minnesota Statutes, section 151.72, subdivision 1(f). The term does not include medical cannabis as defined in Minnesota Statutes, section 152.22, subdivision 6.

Subd. 5. Eligible Business. A business located within the City that has a current tobacco license to sell tobacco or tobacco products at retail issued by the City under Article X, Chapter 1104 of the municipal code, or that has a current on-sale or off-sale liquor license to sell intoxicating liquor issued by the City under Article IX of the municipal code.

Subd. 6. Hemp or Industrial Hemp. Has the same meaning given the term in Minnesota Statutes, section 18K.02, subdivision 3, as it may be amended.

Subd. 7. Label. Has the same meaning given the term in Minnesota Statutes, section 151.01, subdivision 18, as it may be amended.

Subd. 8. Labeling. Has the meaning given the term in Minnesota Statutes, section 151.72, subdivision 1(i).

Subd. 9. Licensee. The entity issued a license under their ordinance to sell edible cannabinoid product at retail.

Subd. 10. Moveable Place of Business. Any form of business operated out of a kiosk, truck, van, automobile, or other type of vehicle or transportable shelter and not a fixed address storefront or other permanent type of structure authorized for sales transactions.

Subd. 11. Municipal Code. The most current version of the Municipal Code of City of White Bear Lake, Minnesota.

Subd. 12. Ordinance. This ordinance requiring a license and imposing regulations on the retail sale of edible cannabinoid products.

Subd. 13. Product Label. Has the same meaning given the term “label” in Minnesota Statutes, section 151.72, subdivision 1(h).

Subd. 14. THC. Means tetrahydrocannabinol.

Subd. 15. Self-Service Merchandising. Open displays of edible cannabinoid products in any manner where any person has access to the edible cannabinoid products without the assistance or intervention of the licensee or the licensee's employee. Assistance or intervention

means the actual physical exchange of the edible cannabinoid product between the customer and the licensee or employee.

Subd. 16. Vending Machine. Any mechanical, electric, or electronic, or other type of device that dispenses edible cannabinoid products upon the insertion of money, tokens, or other form of payment directly into the machine by the person seeking to purchase the edible cannabinoid product.

**Section 4. License.**

Subd. 1. Required. No person may directly or indirectly, or by means of any device, keep for retail sale, sell at retail, offer to sell, or otherwise dispose of any edible cannabinoid product at retail at any place in the City without first having obtained a license from the City issued in accordance with the provisions of this ordinance.

Subd. 2. Eligibility. The City shall only issue a license to sell edible cannabinoid products to an eligible business that qualifies to receive a license under the requirements of this ordinance.

Subd. 3. Manufacturing Exception. No license is required under this ordinance for the manufacturing of edible cannabinoid products or the sale by a manufacturer of its products to resellers, provided the manufacturer does not sell edible cannabinoid products directly to the public.

**Section 5. Ineligible Places and Operations.** The City shall not issue or renew a license under this ordinance to sell edible cannabinoid products to:

- (a) A business or operation that does not qualify as an eligible business under this ordinance;
- (b) A business providing delivery sales of any edible cannabinoid products;
- (c) A moveable place of business;
- (d) A business utilizing a vending machine to sell edible cannabinoid products;
- (e) A business located at a premise on which taxes, assessments, or other financial claims of the City are delinquent and unpaid. If an action has been commenced pursuant to the provisions of Minnesota Statutes, ordinance 278, questioning the amount or validity of taxes, the City Council may, on application by the licensee, waive strict compliance with this provision; no waiver may be granted, however, for taxes, or any portion thereof, which remain unpaid for a period exceeding one year after becoming due unless such one-year period is extended through no fault of the licensee; or
- (f) A business that is in violation of one or more provisions of the municipal code related to its operations as an eligible business.

**Section 6. Application Procedure.** An application for a license shall be submitted and processed in accordance with this section.

Subd. 1. License Application. An application for a new or renewed license to sell edible cannabinoid products shall be made on a form provided by the City and filed, along with all required fees, with the City Clerk. The application shall contain the full name of the applicant, the applicant's residential and business addresses, and telephone numbers, the name of the business for which the license is sought, information to establish the business qualifies as an eligible business, a site plan for the business, and any additional information the City deems necessary. If the City Clerk determines an application is incomplete, the City Clerk shall provide the applicant notice of the information necessary to make the application complete. The City shall not process an application until it is made complete. Upon receipt of a completed application, the City Clerk shall forward the application to the Police Department to conduct a background investigation.

Subd. 2. Fees. No license shall be processed or issued under this ordinance until the appropriate fees have been paid in full. The fees for a license under this ordinance shall be established by City Council resolution.

Subd. 3. Manager or Agent. If the applicant is a firm, association, partnership, corporation, limited liability company, or joint venture, the application must include the name of the natural person who will serve as the manager or agent of the licensed premises. Such manager or agent must, by the terms of their written consent, (1) take full responsibility for the conduct of the licensed premises, and (2) serve as agent for service of notices and other process relating to the license. The manager or agent must reside within 75 miles of city hall. The required residency must be established by the time the license is issued and must be maintained throughout the existence of the license and all renewals. The time for establishing residency may be extended, for good cause, by the City Council. A licensee must notify the City in writing within 15 days of any change in such manager or agent indicating the name and address of the new manager or agent and the effective date of such change.

Subd. 4. License Decision. The City Council may grant or deny a license application. The City Council may also continue its consideration of a license if it determines it needs additional information before making its decision. Any of the following are grounds for denial or nonrenewal of a license.

- (a) The business does not qualify as an eligible business or is an ineligible business or operation under section 5 of this ordinance.
- (b) The applicant is under the age of 21 years old.
- (c) The applicant has been convicted within the past five years of any violation of a federal, state, or local law, ordinance provision, or other regulation relating to edible cannabinoid products or the operation of the eligible business.
- (d) The applicant has had a license to sell edible cannabinoid products, tobacco products, or liquor suspended or revoked during the 12 months preceding the date of application, or the applicant has or had an interest in another premises authorized to sell edible cannabinoid products, whether in the City or in another jurisdiction, that has had a license to sell edible cannabinoid products suspended or revoked during the same time period, provided the applicant had an interest in the premises at the time of the revocation or suspension, or at the time of the

violation that led to the revocation or suspension.

- (e) The applicant is the spouse, parent, stepparent, grandparent, brother, or sister, by blood or marriage, of a person ineligible for a license under this ordinance who the City Council determines is not the real party in interest or is not the beneficial owner of the business to be operated under the license.
- (f) The applicant is a business that does not have an operating manager or agent who is eligible pursuant to the provisions of this ordinance.
- (g) The applicant provides false or misleading information. Any false statement on an application, or any willful omission of any information called for on such application form, shall cause an automatic refusal of license, or if already issued, shall render any license issued pursuant thereto void and of no effect upon written notice of the City.
- (h) The proposed location does not meet all applicable zoning requirements or requirements of this ordinance.
- (i) The applicant is prohibited by federal or state law, local ordinance, or other regulation, from holding such a license.
- (j) The applicant failed to provide information required by the application or provided false or misleading information.

Subd. 5. Term. All licenses issued under this ordinance shall expire on March 31 of each calendar year, unless it is revoked, suspended, or forfeited prior to that date.

Subd. 6. Renewal. An application to renew a license must be submitted at least 60 days prior to the expiration of the current license. The issuance of a license issued under this ordinance is a privilege and does not entitle the license holder to automatic renewal of the license.

Subd. 7. Non-Transferable. All licenses issued under this ordinance shall be valid only on the premises for which the license was issued and only for the person or business to whom the license was issued. The transfer of any license to another location, business, or person is prohibited.

## **Section 7. Operational Requirements.**

Subd. 1. License Display. All licenses shall be posted and displayed in plain view of the general public on the licensed premises.

Subd. 2. Responsibility. All licensees under this ordinance shall be responsible for the actions of their employees in regard to the sale of edible cannabinoid products on the licensed premises, and the sale of such an item by an employee shall be considered a sale by the licensee.

Subd. 3. Product Compliance. All edible cannabinoid products shall comply with the requirements of Minnesota Statutes, section 151.72 including, but not limited to, that they do

not contain more than 0.3 percent of any tetrahydrocannabinol, more than five milligrams of any tetrahydrocannabinol in a single serving, or more than a total of 50 milligrams of any tetrahydrocannabinol per package.

Subd. 4. Product Display. All edible cannabinoid products shall be stored either: (a) behind a counter or other area not freely accessible to customers; or (b) in a case or other storage unit not left open and accessible to the general public.

Subd. 5. Age Posting. Notice of the legal sales age and age verification requirement must be posted prominently and in plain view at all times at each location where edible cannabinoid products are offered for sale. The required signage must be posted in a manner that is clearly visible to anyone who is or is considering making a purchase.

Subd. 6. Age Verification. A licensee's employees shall verify by means of government issued photographic identification that any purchaser of an edible cannabinoid product is at least 21 years of age.

Subd. 7. Sales. Edible cannabinoid products may only be sold in a direct face-to-face exchange between the licensee's employee and the consumer. The licensee's employees selling edible cannabinoid products must be at least 21 years old. It shall be a violation of this ordinance for a licensee to give away, dispense, sell, or offer to sell any edible cannabinoid product in a manner that violates any of the following:

- (a) To a person under the age of 21 years old. It shall be an affirmative defense to the violation of this section for a person to have reasonably relied upon proof of age;
- (b) Through the use of a vending machine or similar automated dispensing device;
- (c) In a manner that does not comply with the requirements of Minnesota Statutes, section 151.72 including, but not limited to, the packaging, labeling, and other requirements provided by that section;
- (d) At any location outside of the licensed premises;
- (e) By self-service, or in open displays which are accessible to the public without the assistance or intervention of a store employee;
- (f) By a mobile business, including but not limited to motorized vehicles, moveable sales kiosks, or trailers. Licenses shall be issued to fixed location businesses only;
- (g) By delivery sales;
- (h) By any employee under the age of 21 years;
- (i) To a visibly intoxicated person;
- (j) By the means of providing samples of any edible cannabinoid product free of charge or at a nominal cost; or

- (k) To any other person, in any other manner or form prohibited by federal or state law or regulation, or by local ordinance.

Subd. 8. Inspections. The premises licensed under this ordinance must be open to inspection by any authorized representative of the City during regular business hours for purposes of ensuring compliance with this ordinance.

Subd. 9. Revocation or Suspension. Any license issued under this ordinance may be revoked or suspended by the City Council for a violation of any provision of this ordinance as provided herein.

**Section 8. Other Prohibited Acts.**

Subd. 1. Non-Compliant Products. No person shall sell or offer for sale a product containing THC, including edible cannabinoid products, that does not meet all the applicable requirements in Minnesota Statutes, section 151.72.

Subd. 2. Presumptions. Edible cannabinoid products shall comply with the labeling requirements in Minnesota Statutes, section 151.72, subdivision 5 and all other applicable labeling requirements. The City may presume, for the purposes of enforcing this ordinance, a edible cannabinoid product being offered for sale or that is sold by a licensee has been tested by an independent lab as required in Minnesota Statutes, section 151.72, subdivision 4 and that the information contained on the product label is accurate.

Subd. 3. Pricing and Discounts. No person shall accept or redeem any coupon, price promotion, or the instrument or mechanism, whether in paper, digital, electronic, mobile, or any other form, that provides any edible cannabinoid product to a consumer at no cost or at a price that is less than the non-discounted standard price listed by a retailer on the item or on any relates shelving, posting, advertising, or display at the location where the item is sold or offered for sale, including all applicable taxes.

Subd. 4. Purchase for Others. It is a misdemeanor violation of this ordinance for any person 21 years of age or older to purchase or otherwise obtain any edible cannabinoid product on behalf of a person under the age of 21.

Subd. 5. Under Aged Persons. It is a petty misdemeanor for any person under the age of 21 to do any of the following:

- (a) To attempt to disguise their true age by the use of a false form of identification, whether the identification is that of another person has been modified or tampered with to represent an age older than the actual age of the person using that identification;
- (b) To attempt to purchase edible cannabinoid products; or
- (c) To possess edible cannabinoid products. This prohibition does not apply to a licensee's employee who is handling edible cannabinoid products.

**Section 9. Compliance Checks.** The City may from time-to-time conduct unannounced compliance checks of licensed establishments. No person used in compliance checks may



attempt to use a form of identification that misrepresents the person’s age. All persons lawfully engaged in a compliance check shall answer all questions about their age asked by the licensee or their employee, and produce any identification, if any exists, for which they are asked. The City will conduct a compliance check that involves the participation of a person at least 18 years of age, but under the age of 21 to enter the licensed premises to attempt to purchase the edible cannabinoid products. Persons used for the purpose of compliance checks shall be supervised by law enforcement or other designated personnel. Nothing in this ordinance shall prohibit compliance checks authorized by state or federal laws for businesses manufacturing, storing, or selling edible cannabinoid products under any applicable federal or state law. The compliance checks authorized by this ordinance are in addition to any other compliance checks that may be performed related to the tobacco or liquor license held by an eligible business.

**Section 10. License Actions.**

Subd. 1. Basis for Action. The City may suspend, revoke, or nonrenew a license issued under this ordinance for any of the following reasons:

- (a) The applicant has been convicted within the past five years of any violation of a federal, state, or local law, ordinance provision, or other regulation relating to the licensed activity, or has had a license to sell edible cannabinoid products, tobacco, or liquor revoked or suspended within the past five years;
- (b) Fraud, misrepresentation, bribery, or incorrect statement contained in the application for license, or made in carrying on the licensed activity;
- (c) Actions that are unauthorized or otherwise beyond the scope of the license granted;
- (d) Violation of any federal, state, or local regulation or provision;
- (e) Failure to continuously comply with all conditions required as part of the license;
- (f) Failure to comply with the applicable zoning code; or
- (g) Failure to pay an administrative penalty imposed by the City Council.
- (h) The City discovers the license was mistakenly issued or renewed to a person, it shall be revoked upon the discovery that the person was ineligible for the license under this ordinance.

Subd. 2. Process. The City will provide a licensee at least 10 days written notice of a hearing to be held before the City Council on the potential suspension, revocation, or nonrenewal of its license. The licensee shall be provided an opportunity to be heard at the hearing. If the City Council acts to suspend, revoke, or not renew the license, the City will provide the licensee a written notice of the period of suspension, or of the revocation or nonrenewal. All sales of edible cannabinoid products must cease during a suspension period or permanently upon revocation or nonrenewal of the license.

**Section 11. Violation.** Unless expressly indicated otherwise, a violation of this ordinance is a misdemeanor. The City may also impose administrative penalties on a licensee for violation of

this ordinance. Any administrative penalties may be imposed by the City Council, or by administrative citation, and shall be collected in accordance with the municipal code. Nothing in this section shall prohibit the City from seeking prosecution as a misdemeanor for any alleged violation of this ordinance.

**Section 12. Severability and Savings.** If any section or portion of this ordinance is found unconstitutional or otherwise invalid or unenforceable by a court of competent jurisdiction, that finding shall not serve as invalidation or affect the validity and enforceability of any other section or provision of this ordinance.

**Section 13. Effective Date and Term.** This ordinance shall become effective on the first day of publication after adoption. This ordinance shall terminate and no longer be effective once the sale of edible cannabinoid products is no longer allowed except upon the issuance of a license to sell lower-potency hemp edibles by the Office of Cannabis Management under Minnesota Statutes, chapter 342.

**Section 14. Incorporation.** This ordinance incorporates by reference the sections or provisions of the municipal code as may be needed to give effect to the provisions of this ordinance and to otherwise carry out its intent.

**Section 15. Not Codified.** Because this ordinance has a limited duration, it will not be codified into the municipal code.

Adopted by the City Council of the City of White Bear Lake, Minnesota on the \_\_\_ day of \_\_\_\_\_ 2023.

\_\_\_\_\_  
Dan Louismet, Mayor

ATTEST:

\_\_\_\_\_  
Caley Longendyke, City Clerk

First Reading: \_\_\_\_\_

Initial Publication: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Final Publication: \_\_\_\_\_

Codified: \_\_\_\_\_

Posted on web: \_\_\_\_\_



**City of White Bear Lake**  
Community Development Department

# MEMORANDUM

**To:** Lindy Crawford, City Manager  
**From:** Jason Lindahl, AICP Community Development Director  
**Date:** August 8, 2023  
**Subject:** **Zoning Ordinance Text Amendment Related to Certain Tobacco & Cannabis Related Uses**

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## SUMMARY

The City Council will consider a zoning ordinance text amendment related to certain tobacco and cannabis related uses. Specifically, the proposed zoning ordinance text amendment would create tobacco product shop and cannabis business uses and assign these uses to certain zoning districts. During the City Council meeting, staff recommends the Council conduct the first reading of the zoning ordinance text amendment and direct staff to bring this item back to the City Council on August 22<sup>nd</sup> for a second reading and action by the City Council. The public hearing for this ordinance was held at the July 31<sup>st</sup> Planning Commission meeting.

## BACKGROUND

In September of 2022, the City adopted separate interim ordinances authorizing the study and imposing moratoriums on (1) the establishment or expansion of tobacco shops and (2) the sale of cannabis products within the City of White Bear Lake. These items were initiated by staff to address historically undefined standards for tobacco shops, to establish initial zoning regulations associated with businesses selling edible cannabinoid products at retail under Minnesota Statutes, Section 151.72, and in anticipation of the eventual retail sales of cannabis products by cannabis businesses under Minnesota Statutes, chapter 342.

Tobacco Shops. The City currently does not expressly regulate tobacco product shops as a separate use. The City has experienced businesses who started as a retail business but became a tobacco product shop even though that use is not recognized as a permitted use in the City's zoning regulations. In addition, the City's tobacco regulations should be updated to keep pace with recent changes in both federal and state laws.

As a result, the city now has 6 existing tobacco shop uses. The location of these uses is shown on the attached map. Of the 6 existing tobacco shops, 2 are located in the B-2, Limited Business District 1 is located in B-4, General Business, 1 is located in the B-5, Central Business, 1 is located in the DCB, Diversified Central Business, and 1 is located in the LVMU, Lake Village Mixed Use districts.

Sale of Cannabis Products. Beginning on July 1, 2022, it became legal to sell certain edible

cannabinoid products containing tetrahydrocannabinol (THC) (“Cannabis Products”) in Minnesota. The authorizing legislation allowed Cannabis Products to be sold if certain requirements were met, including that there are not more than 5mg of THC per dose and 50mg of THC per container, the purchaser is at least 21 years old, and the products are not marketed toward children. The authorizing legislation did not address local regulations on the sale of such products which left local governments uncertain as to their scope of authority and needing to study whether to adopt local regulations.

In 2023, the Minnesota Legislature enacted, and the Governor signed, Minnesota Session Laws, Chapter 63 – H.F. No. 100 (the Act), which is comprehensive legislation relating to cannabis, including, but not limited to, the establishment of the Office of Cannabis Management (OCM), legalizing and limiting the possession and use of cannabis and certain hemp products by adults, providing for the licensing, inspection, and regulation of cannabis businesses and hemp businesses, taxing the sale of cannabis flower, cannabis products, and certain hemp products, establishing grant and loan programs, amending criminal penalties, providing for expungement of certain convictions, and providing for the temporary regulation of certain edible cannabinoid products.

The Act provides local units of government certain authority related to cannabis businesses, including the authority to:

1. Require local registration of certain cannabis businesses operating retail establishments.
2. Adopt reasonable restrictions on the time, place, and manner of the operation of cannabis businesses, provided that such restrictions do not prohibit the establishment or operation of a cannabis businesses.
3. Limit the number of certain cannabis businesses based on the population of the community.
4. Prohibit the operation of a cannabis business within 1,000 feet of a school or 500 feet of a day care, residential treatment facility, or an attraction within a public park that is regularly used by minors, including a playground or athletic field. A map illustrating how these buffers apply to the City of White Bear Lake is attached for your reference.

The City is expressly authorized by Minnesota Statutes, Section 342.13(c) to adopt reasonable time, place, and matter restrictions on the operation of cannabis businesses. The OCM will be developing sample regulations for local governments to consider when adopting or amending its regulations relating to the sale of cannabis products. It is not clear when these guidance documents will be available and so the proposed ordinance is intended to apply to cannabis businesses licensed under Minnesota Statutes, chapter 342 in case the guidance documents are not available in time to update these regulations before January 1, 2025. The City anticipates being able to update these regulations before that date, but if that is not reasonably possible the City Council does not want to leave a gap in the zoning regulations applicable to state licensed cannabis businesses.

Planning Commission Review. The Planning Commission reviewed this item during their July 31, 2023 regular meeting. During the meeting, the Commission heard a presentation from staff, held the required public hearing that produced no comments and had general discussion of the

item. As of the writing of this report, the city had received no comments or questions regarding this application. Staff will provide an update on any public comments during the City Council Meeting. After some discussion, the Commission voted 4-0 to recommend the City Council approve this item.

Detailed minutes of the Planning Commission meeting are provided in the consent agenda portion of the City Council packet. Generally, the Commission asked questions about which zoning districts would allow these uses, if non-conforming tobacco product shops could continue operation, if existing tobacco product shops would be allowed to also sell cannabis and/or low potency hemp products, and should the City's Sports Center be included in the parks buffer for cannabis businesses?

Since the Planning Commission meeting, staff and the City Attorney have reconsidered the proposed zoning ordinance text amendment in light of the Planning Commission's questions. That review determined that the City's Sports Center *should* be included under the proposed definition of parks and staff has updated the attached Tobacco Shops & Cannabis Businesses Buffer map to reflect this change.

This analysis also clarified that the original ordinance presented to the Planning Commission *would not* allow existing tobacco product shops to sell cannabis nor low potency hemp products. As a result, staff has prepared an alternate version of the proposed ordinance. Attached for Council consideration is 1) the original ordinance presented to the Planning Commission and 2) an alternative version that would allow edible cannabinoid businesses (low potency hemp products) as a separate permitted use within any commercial district, provided the business also has a current tobacco license or a current on-sale or off-sale intoxicating liquor license.

## **ANALYSIS**

City Code Section 1301.040 outlines the process for amendments to the zoning code. It requires the Planning Commission to hold a public hearing to review the proposed amendment and then make a recommendation to the City Council. The City Council must then review the recommendation from the Planning Commission and hold two readings of the proposed ordinance before it can be published and put into effect. A draft of the proposed zoning ordinance text amendment is attached for your reference.

Section 130.040, Subdivision 1 outlines six (6) criteria for the Planning Commission and City Council to weigh when considering a zoning amendment. These criteria and staff's finding for each are outlined below. Based on these findings, staff recommends approval of the proposed ordinance.

1. The proposed action has been considered in relation to the specific policies and provisions of and has been found to be consistent with the official City Comprehensive Plan.

**Finding:** The 2040 Comprehensive plan does not specifically address either tobacco product shops or cannabis businesses. However, it does include several land use categories

intended to guide future commercial activities. A description of these future land use categories and the various zoning districts associated with these land use categories is provided below. Based on this information, staff believes the B-4, General Business district within the commercial future land use category would be the most consistent with the general guidance of the 2040 Comprehensive Plan.

Commercial. Includes a wide range of general commercial uses, such as retail, office, automobile-oriented businesses, and personal service establishments. May also include public facilities as deemed appropriate. Associated zoning districts may include B-1, Neighborhood Business, B-2, Limited Business, B-3, Auto Oriented Business or B-4, General Business.

Downtown. Downtown encompasses a broad range of uses and intensities, including residential, commercial, and institutional. It is intended that development contribute to the pedestrian-scale, walkable environment that is already present in Downtown. The mix in Downtown is anticipated to be approximately 70% commercial, 20% residential, and 10% institutional. Residential densities are anticipated to range 12 to 50 units per acre. Associated zoning districts may include the B-5, Central Business or the DCB, Diversified Central Business.

Lake Village. Lake Village is intended as a mixed-use district with a mix of commercial, office, civic/institutional, and residential uses. Development is to be guided by the Lake Village Master Plan. The mix may occur vertically within the same structure or horizontally with multiple structures on the same site. When mixed vertically it is intended that commercial or civic/institutional uses would occupy the first floor and residential or office the upper floors. It is anticipated that approximately 50% of uses would be non-residential and 50% would be residential with residential densities of 25 to 60 units per acre. Guiding documents include the Lake Village Master Plan and associated zoning includes the Lake Village Mixed Use District.

2. The proposed use is or will be compatible with present and future land uses of the area.

**Finding:** Assigning tobacco product shops and cannabis business to the B-4, General Business District would position these uses in the most compatible locations throughout the community. The purpose of the B-4, General Business District is to provide for the establishment of commercial and service activities which draw from and serve customers from the entire community or region and are located in areas which are well served by collector or arterial street facilities outside the Central Business District. This would allow these uses to locate around other commercial areas and generally away from lower density residential neighborhood, schools or parks.

3. The proposed use conforms with all performance standards contained herein.

**Finding:** Since the proposed draft ordinance creates new uses and assigns them to a particular zoning district and does not identify a specific proposal or parcel, staff cannot

analyze weather either of these proposed uses conforms with all of the performance standards of the B-4, General Business District. However, assigning them to the B-4 district will require them to meet all of the associated performance standards of this district.

4. The proposed use will not tend to or actually depreciate the area in which it is proposed.

**Finding:** The proposed uses are similar in operation to other commercial uses allowed in the B-4, General Business District. Therefore, it is reasonable to conclude these uses will be compatible and not tend to or actually depreciate the area in which they are proposed.

5. The proposed use can be accommodated with existing public services and will not overburden the City's service capacity.

**Finding:** All of the B-4, General Business District areas within White Bear Lake have access to municipal public services. The specific service needs of a particular use and site will be evaluated through the application review process and applicants will be required to address any deficiencies prior to issuance of a permit.

6. Traffic generation by the proposed use is within capabilities of streets serving the property.

**Finding:** The purpose statement of the B-4, General Business District specifically notes properties within this zone are located in areas which are well served by collector or arterial street facilities outside the Central Business District. As a result, traffic generated by either a tobacco product shops or a cannabis business should be within the capabilities of the streets serving these properties.

Potential Non-Conformities. As with any zoning amendment, this change has the potential to create non-conformities. In this case, the six existing tobacco product shops came into existence prior to the proposed zoning standards to regulate this type of use. The recommended zoning standards would limit these uses to the B-4, General Business District and make all six of the existing sites non-conforming. Any non-conforming use is governed under Minnesota Statute 462.357, Subdivision 1e. This law states legal non-conformities generally have a statutory right to continue through repair, replacement, restoration, maintenance, or improvement but not through expansion. These rights run with the land and are not limited to a particular landowner. If the benefited property is sold, the new owner will have the same rights as the previous owner. However, it should be noted that by statute, the City may prohibit any non-conformity that ceases for a period of more than one year.

## **RECOMMENDATION**

Staff recommends the City Council conduct the first reading of the zoning ordinance text amendment and provide comment and direction back to staff regarding the two ordinance options.

A second reading for the desired ordinance and potential adoption will be conducted at the August 22<sup>nd</sup> City Council meeting.

**ATTACHMENTS**

Ordinance Presented to the Planning Commission – dated 7/27/23

Ordinance Alternative – dated 8/1/23

Map



CITY OF WHITE BEAR LAKE  
ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING THE ZONING REGULATIONS IN THE  
MUNICIPAL CODE OF THE CITY OF WHITE BEAR LAKE REGARDING  
TOBACCO PRODUCT SHOPS AND CANNABIS RETAILERS**

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

**ARTICLE I. Tobacco Products Shop.** Chapter 1302 of the Municipal Code of the City of White Bear Lake is hereby amended by adding a new Section 1302.160 as follows:

§1302.160 TOBACCO PRODUCTS SHOP

Subd. 1. Purpose. The purpose of this section is to allow tobacco products shops in certain zoning districts within the City, subject to certain regulations.

Subd. 2. Definitions. For the purposes of this section, the following terms shall have the meanings given them in this subdivision.

- a) Day Care. “Day care” has the meaning given the term in Section 1302.170, subd. 2 of this Code.
- b) Public Park. “Public park” has the meaning given the term in Section 1302.170, subd. 2 of this Code.
- c) Residential Treatment Facility. “Residential treatment facility” has the meaning given the term in Section 1302.170, subd. 2 of this Code.
- d) School. “School” has the meaning given the term in Section 1302.170, subd. 2 of this Code.
- e) Tobacco Products Shop. A retail establishment with a current tobacco license issued by the City that:
  - 1) Has an entrance door opening directly to the outside;
  - 2) Prohibits persons under the age of 21 years from entering the establishment at any time;
  - 3) Is in compliance with all applicable provisions of this Code; and

- 4) Derives more than 90 percent of its gross revenue from the sale of tobacco, tobacco-related devices, and electronic delivery devices, as defined in Minnesota Statutes, section 609.685, and in which the sale of other products is merely incidental.

The term does not include a tobacco department or section of any individual business establishment with any type of liquor, food, or restaurant license.

Subd. 3. Allowed Use. A tobacco products shop is a permitted use within the following zoning districts:

- a) B-4, General Business District

Subd. 4. Separation Buffer. A tobacco products shop shall not be located within 1,000 feet of a school and shall not be located within 500 feet of a day care, residential treatment facility, or a public park.

Subd. 5. Performance Standards. Tobacco products shops shall comply with all of the performance standards for the district in which the use is located.

**ARTICLE II. Cannabis Businesses.** Chapter 1302 of the Municipal Code of the City of White Bear Lake is hereby amended by adding a new Section 1302.170 as follows:

§1302.170 CANNABIS BUSINESS

Subd. 1. Purpose. The purpose of this section is to initially establish zoning regulations associated with businesses selling edible cannabinoid products at retail under Minnesota Statutes, section 151.72, and in anticipation of the eventual retail sales of cannabis products by cannabis businesses under Minnesota Statutes, chapter 342. The City is expressly authorized by Minnesota Statutes, section 342.13(c) to adopt reasonable time, place, and matter restrictions on the operation of cannabis businesses. The City has adopted a moratorium on cannabis business, which does not apply to businesses selling edible cannabinoid products at retail under Minnesota Statutes, section 151.72, and anticipates updating these regulations before the moratorium expires no later than January 1, 2025. The Office of Cannabis Management will be developing sample regulations for local governments to consider when adopting or amending its regulations. It is not clear when these guidance documents will be available and so these regulations are intended to apply to cannabis businesses licensed under Minnesota Statutes, chapter 342 in case the guidance documents are not available in time to update these regulations before January 1, 2025. The City anticipates being able to update these regulations before that date, but if that is not reasonably possible the City Council does not want to leave a gap in the zoning regulations applicable to state licensed cannabis businesses.

Subd. 2. Definitions. For the purposes of this section, the following terms shall have the meanings given them in this subdivision. If a term is not defined herein, it shall have the meaning

given the term in Section 1301.030 of this Code and, if not defined therein, it shall have the meaning given it in Minnesota Statutes, section 151.72 or Minnesota Statutes, section 342.01.

- a) Cannabis Business. “Cannabis business” means any business offering for sale or selling at retail an edible cannabinoid product, as defined in Minnesota Statutes, section 151.72, subdivision 1(f), to the public or any business included in the definition of cannabis business in Minnesota Statutes, section 342.01, subdivision 14.
- b) Day Care. “Day care” means a facility that is licensed by the Minnesota Department of Human Services as any of the following: (1) an adult day care licensed under Minnesota Rules, parts 9555.9600 to 9555.9730; (2) a residential or nonresidential day care program required to be licensed under Minnesota Statutes, section 245A.03; (3) a family day care or group family day care facility required to be licensed under Minnesota Rules, parts 9502.0315 to 9502.0445; or (4) any other day care facility required to be licensed by the state to provide day care services.
- c) School. “School” means a public or private facility that provides educational programs to 10 or more persons that are under the age of 21 in a classroom setting. The term includes, but is not limited to, any school operated by an independent school district or a charter school operating under Minnesota Statutes, chapter 124E.
- d) Residential Treatment Facility. “Residential treatment facility” means a facility providing mental health, alcohol, or drug treatment services established or operated in accordance with Minnesota Rules, chapter 2960, or Minnesota Statutes, chapters 245G or 260C.
- e) Public Park. “Public park” means an open space, playground, athletic field, or other facility owned by the City, a school district, the county, or other public entity that is open to, and regularly used by, those under the age of 21.

Subd. 3. Allowed Use. A cannabis business is a permitted use within the following zoning districts:

B-4, General Business District

Subd. 4. Separation Buffer. A cannabis business shall not be located within 1,000 feet of a school and shall not be located within 500 feet of a day care, residential treatment facility, or a public park.

Subd. 5. Performance Standards. Cannabis businesses shall comply with all of the performance standards for the district in which the use is located.

**ARTICLE III.** Severability. If any section or portion of this ordinance shall be found unconstitutional or otherwise invalid or unenforceable by a court of competent jurisdiction, that finding shall not serve as invalidation or affect the validity and enforceability of any other section

or provision of this ordinance.

**ARTICLE IV. Effective Date.** This ordinance shall become effective on the first day of publication after adoption.

Adopted by the City Council of the City of White Bear Lake, Minnesota on the \_\_ day of \_\_\_\_\_ 2023.

\_\_\_\_\_  
Dan Louismet, Mayor

ATTEST:

\_\_\_\_\_  
Caley Longendyke, City Clerk

(~~Strikeout~~ indicates matter to be deleted, double underline indicates new matter.)

First Reading:            August 8, 2023  
Initial Publication:        \_\_\_\_\_  
Second Reading:         August 22, 2023  
Final Publication:        \_\_\_\_\_  
Codified:                    \_\_\_\_\_  
Posted on web:            \_\_\_\_\_

CITY OF WHITE BEAR LAKE  
ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING THE ZONING REGULATIONS IN THE  
MUNICIPAL CODE OF THE CITY OF WHITE BEAR LAKE REGARDING  
TOBACCO PRODUCT SHOPS AND CANNABIS RETAILERS

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§1302.160 TOBACCO PRODUCTS SHOP

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Subd. 2. Definitions. For the purposes of this section, the following terms shall have the meanings given them in this subdivision.

- a) Day Care. “Day care” has the meaning given the term in Section 1302.170, subd. 2 of this Code.
- b) Public Park. “Public park” has the meaning given the term in Section 1302.170, subd. 2 of this Code.
- c) Residential Treatment Facility. “Residential treatment facility” has the meaning given the term in Section 1302.170, subd. 2 of this Code.
- d) School. “School” has the meaning given the term in Section 1302.170, subd. 2 of this Code.
- e) Tobacco Products Shop. A retail establishment with a current tobacco license issued by the City that:
  - 1) Has an entrance door opening directly to the outside;
  - 2) Prohibits persons under the age of 21 years from entering the establishment at any time;
  - 3) Is in compliance with all applicable provisions of this Code; and
  - 4) Derives more than 90 percent of its gross revenue from the sale of tobacco, tobacco-related devices, and electronic delivery devices, as defined in Minnesota Statutes, section 609.685, and in which the sale of other products is merely incidental.

The term does not include a tobacco department or section of any individual business establishment with any type of liquor, food, or restaurant license.

Subd. 3. Allowed Use. A tobacco products shop is a permitted use within the B-4, General Business District.

Subd. 4. Separation Buffer. A tobacco products shop shall not be located within 1,000 feet of a school and shall not be located within 500 feet of a day care, residential treatment facility, or a public park.

**ARTICLE II. Cannabis Businesses.** Chapter 1302 of the Municipal Code of the City of White Bear Lake is hereby amended by adding a new Section 1302.170 as follows:

§1302.170 CANNABIS BUSINESS

Subd. 1. Purpose. The purpose of this section is to initially establish zoning regulations associated with businesses selling edible cannabinoid products at retail under Minnesota Statutes, section 151.72, and in anticipation of the eventual retail sales of cannabis products by cannabis businesses under Minnesota Statutes, chapter 342. The City is expressly authorized by Minnesota Statutes, section 342.13(c) to adopt reasonable time, place, and matter restrictions on the operation of cannabis businesses. The City has adopted a moratorium on cannabis businesses, which does not apply to businesses selling edible cannabinoid products at retail under Minnesota Statutes, section 151.72, and anticipates updating these regulations before the moratorium expires no later than January 1, 2025. The Office of Cannabis Management will be developing sample regulations for local governments to consider when adopting or amending its regulations. It is not clear when these guidance documents will be available and so these regulations are intended to apply to cannabis businesses licensed under Minnesota Statutes, chapter 342 in case the guidance documents are not available in time to update these regulations before January 1, 2025. The City anticipates being able to update these regulations before that date, but if that is not reasonably possible the City Council does not want to leave a gap in the zoning regulations applicable to state licensed cannabis businesses.

Subd. 2. Definitions. For the purposes of this section, the following terms shall have the meanings given them in this subdivision. If a term is not defined herein, it shall have the meaning given the term in Section 1301.030 of this Code and, if not defined therein, it shall have the meaning given it in Minnesota Statutes, section 151.72 or Minnesota Statutes, section 342.01.

- a) Cannabis Business. “Cannabis business” means any business included in the definition of cannabis business in Minnesota Statutes, section 342.01, subdivision 14. The term does not include an edible cannabinoid business as defined in this subdivision.
- b) Edible Cannabinoid Business. “Edible cannabinoid business” means any business offering for sale or selling at retail an edible cannabinoid product, as defined in Minnesota Statutes, section 151.72, subdivision 1(f), or a lower-potency hemp edible product, as defined in Minnesota Statutes, section 342.01, subdivision 50, to the public. The term does not include any business that also sells any other product containing tetrahydrocannabinol that requires a license to sell under Minnesota Statutes, section 342.
- c) Day Care. “Day care” means a facility that is licensed by the Minnesota Department of Human Services as any of the following: (1) an adult day care licensed under Minnesota Rules, parts 9555.9600 to 9555.9730; (2) a residential or nonresidential day care program

required to be licensed under Minnesota Statutes, section 245A.03; (3) a family day care or group family day care facility required to be licensed under Minnesota Rules, parts 9502.0315 to 9502.0445; or (4) any other day care facility required to be licensed by the state to provide day care services.

- d) School. “School” means a public or private facility that provides educational programs to 10 or more persons that are under the age of 21 in a classroom setting. The term includes, but is not limited to, any school operated by an independent school district or a charter school operating under Minnesota Statutes, chapter 124E.
- e) Residential Treatment Facility. “Residential treatment facility” means a facility providing mental health, alcohol, or drug treatment services established or operated in accordance with Minnesota Rules, chapter 2960, or Minnesota Statutes, chapters 245G or 260C.
- f) Public Park. “Public park” means an open space, playground, athletic field, or other facility owned by the City, a school district, the county, or other public entity that is open to, and regularly used by, those under the age of 21.

Subd. 3. Edible Cannabinoid Business. An edible cannabinoid business is a permitted use within any of the commercial districts identified in Section 1303.010, Subd. 1(b) of this Code, provided the business also has a current tobacco license or a current on-sale or off-sale intoxicating liquor license.

Subd. 4. Cannabis Business.

- a) Allowed Use. A cannabis business is a permitted use within the B-4, General Business District.
- b) Separation Buffer. A cannabis business shall not be located within 1,000 feet of a school and shall not be located within 500 feet of a day care, residential treatment facility, or a public park.

**ARTICLE III. Severability**. If any section or portion of this ordinance shall be found unconstitutional or otherwise invalid or unenforceable by a court of competent jurisdiction, that finding shall not serve as invalidation or affect the validity and enforceability of any other section or provision of this ordinance.

**ARTICLE IV. Effective Date**. This ordinance shall become effective on the first day of publication after adoption.

Adopted by the City Council of the City of White Bear Lake, Minnesota on the \_\_\_ day of \_\_\_\_\_ 2023.

\_\_\_\_\_  
Dan Louismet, Mayor

ATTEST:

\_\_\_\_\_  
Caley Longendyke, City Clerk

First Reading: \_\_\_\_\_

Initial Publication: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Final Publication: \_\_\_\_\_

Codified: \_\_\_\_\_

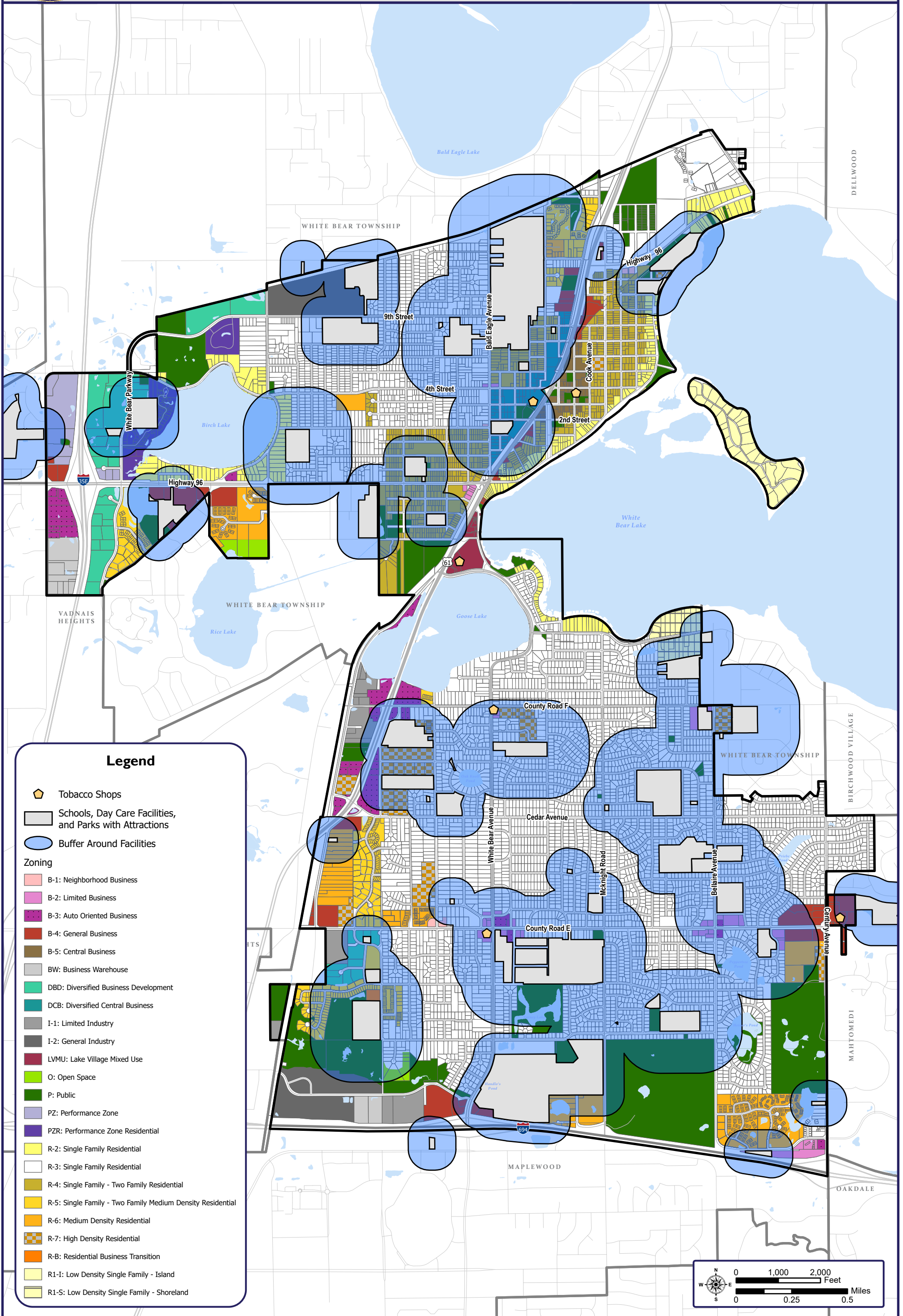
Posted on web: \_\_\_\_\_





# Tobacco Shops & Cannabis Businesses Buffer

## City of White Bear Lake





**City of White Bear Lake**  
City Manager's Office

# MEMORANDUM

**To:** Lindy Crawford, City Manager  
**From:** Caley Longendyke, City Clerk  
**Date:** August 8, 2023  
**Subject:** **Burger Bar Liquor License Violation Discussion**

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## SUMMARY

The City Council will consider what, if any, action should be taken against the liquor license for Burger Bar, which failed two alcohol compliance checks within a 12-month period.

## BACKGROUND INFORMATION

The Police Department conducts alcohol compliance checks each year at all licensed business establishments to ensure that alcohol is not being sold to or consumed by minors. Burger Bar failed two compliance checks on August 18, 2022 and June 21, 2023 due to serving alcoholic beverages to underage buyers. The second failed compliance check also involved an underage employee serving the alcohol to the underage buyer. Pursuant to Minnesota Statutes, Section 340A.503, Subd. 2(1), it is unlawful for any person to sell alcoholic beverages to a person under 21 years of age, and pursuant to Minnesota Statutes, Section 340A.412, Subd. 10, no person under 18 years of age may serve or sell intoxicating liquor. The business was issued two administrative citations for the failed compliance checks, both of which have been paid and the two criminal cases are complete and closed.

It has been the practice of the City Council to review the establishment's business license when there are two failed compliance checks within a 12-month period to consider what, if any, action should be taken against its license.

A letter was mailed to Burger Bar and the corporate business office of The Good Table Restaurant Group II, LLC, informing them of the possible action against their license and inviting them for an opportunity to speak to the City Council regarding the matter. The Council's authority ranges between the following options:

1. No action against the liquor license.
2. Suspension of the liquor license for a specified number of days determined by the Council.
3. Revocation of the liquor license.

Past Council practice in response to two failed alcohol compliance checks has involved temporary suspension of an establishment's license for a specified period of time. Should the Council want to take the same action against the liquor license as the last occurrence of two failed alcohol compliance checks (Lifetime Fitness in 2013), staff has prepared a resolution for Council consideration reflecting the same parameters. This includes a 7-day suspension with an effective start date 12 days after City Council approval.

The owners of The Good Table Restaurant Group II met with the City Manager's Office to share their corrective course of action and prevention for both their establishments, Burger Bar and Ingredients Cafe, which is outlined in the attached letter. Representatives will also attend the meeting to discuss the matter with the Council.

**RECOMMENDATION**

Staff recommends the City Council consider what, if any, action should be taken against its license.

If it is the desire of the Council to take consistent action as the last occurrence of two failed alcohol compliance checks at a different establishment, they may consider approving the prepared resolution outlining the same action, or amend the resolution as desired.

**ATTACHMENTS**

Resolution

Letter from The Good Table Restaurant Group II

**RESOLUTION NO.**

**RESOLUTION AUTHORIZING A 7-DAY SUSPENSION OF 3.2 ON-SALE, WINE ON-SALE AND SUNDAY LIQUOR LICENSES ISSUED TO BURGER BAR**

**WHEREAS**, The Good Table Restaurant Group II, LLC holds a 3.2 on-sale, wine on-sale and Sunday liquor licenses issued by the City of White Bear Lake for their establishment, Burger Bar, located at 2125 4<sup>th</sup> St, White Bear Lake, MN 55110; and

**WHEREAS**, pursuant to Minnesota Statutes, Section 340A.503, Subd. 2(1), it is unlawful for any person to sell alcoholic beverages to a person under 21 years of age; and

**WHEREAS**, the City of White Bear Lake Police Department conducts alcohol compliance checks each year at all licensed establishments to ensure that alcohol is not being sold or consumed by minors on site; and

**WHEREAS**, Burger Bar failed alcohol compliance checks on August 18, 2022 and June 21, 2023 for selling alcohol to persons under the age of 21 years-old; and

**WHEREAS**, the second failed compliance check also involved the employee who sold the alcohol being under the age of 18 years, an unlawful act pursuant to Minnesota Statutes, Section 340A.412, Subd. 10, Employment of Minors; and

**WHEREAS**, it has been the practice of the City Council to review the establishment's business licenses when there are two failed compliance checks within a 12-month period to consider what, if any, further action should be taken against its license; and

**WHEREAS**, the City Clerk sent notifications to the establishment and corporation business address regarding the proposed action against their liquor licenses and offered an opportunity for The Good Table Restaurant Group II, LLC or a representative to speak at the City Council meeting for consideration of corrective action.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of White Bear Lake, Minnesota that all liquor licenses issued to The Good Table Restaurant Group II, LLC, d.b.a. Burger Bar, located at 2125 4<sup>th</sup> Street, shall be temporarily suspended for a 7-day period beginning August 20, 2023 through August 26, 2023.

**BE IT FURTHER RESOLVED** that no alcohol shall be served at the Burger Bar during the suspension period.

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

Ayes:

**RESOLUTION NO.**

Nays:  
Passed:

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Dan Louismet, Mayor

**ATTEST:**

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Caley Longendyke, City Clerk

DRAFT

8/2/2023

Honorable Mayor and Members of the City Council,

Ben Pratt (co-owner) and I (Leonard Pratt) write this letter to acknowledge the two failed alcohol compliance checks for the Burger Bar in White Bear Lake. We completely understand the seriousness of his matter and wish to demonstrate the steps we've undertaken to remedy the matter. Enclosed please find the five components to our updated 2023 Burger Bar Serving Alcohol Policy and Procedures exhibits. As 18 years owners of White Bear Lake's, Ingredients Cafe and now five years owner of White Bear's Burger Bar we have employed hundreds of front-of-house employees serving thousands of meals, many with alcoholic beverages. We ask that you see fit to treat this as the exception again and not the rule, and give us the chance to implement our 2023 (and beyond) Serving Alcohol Policy and Procedures.

Respectfully,



Len and Ben Pratt

Cc: Lindy Crawford, City Manager  
Julie Swanson, Chief of Police

# Serving Alcohol Policy

## Good Table Restaurant Group

### Burger Bar

- Steps we have taken to rectify the 2 failed underage alcohol service tests.
- Signed employee forms stating that moving forward they will be carding anyone prior to the service of alcoholic drinks
- Mandatory Alcohol Awareness training by Robert Pomplum of Serving Alcohol Inc.
- Scheduled to be done August 5th at 9:00am
- Each participant receives a certification certificate
- Mandatory ongoing training on safe alcohol service
- Ordered Id Books- Drivers License Guide (image attached)

### ● Serving Alcohol Policy

- Anyone serving alcohol in our establishments must be 18yrs of age or older
- Updated company policy which requires each employee to sign a serving alcohol form that will require each new customer to be carded prior to the service of an alcoholic beverage (copy attached)
- Mandatory Alcohol Awareness training by Robert Pomplum of Serving Alcohol Inc. Each participant will receive a certification certificate
- The session is Scheduled for August 5th at 9:00am
- Any new hires must take complete and pass the online certification prior to being allowed to be on the floor with guests
- Front-of-the-house managers answerable to Ben Pratt will be responsible for Administering the Serving Alcohol Policy moving forward<sup>1</sup>

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<sup>1</sup> 8/1/2023

## Good Table Restaurant Group Alcohol Service Policy

- I will card each new customer when serving alcohol- if I am uncertain whether it's a new customer I will card them
- I know when carding what are acceptable forms of Valid Identification
  - State-issued valid Identification Cards from any US state and Canadian Providence
    - Make sure to be touching the card and checking the back of the cards to make sure they are not fake
  - Valid Military Id or Government Issued ID.
    - Dates appear on these cards as Day/ Month/ Year
      - Checking the back of the card to check for possible fraud
  - Valid United States Passport or Valid Forgin National Passport
    - No Passport cards will be accepted; Passport books only
  - Valid Travel Id's given by the Department of International Affairs
  - Valid Provinal ID- this is the only legal form that states under 21 ID
- If at any time any Identification form of ID does not seem valid or possibly fake I will use the words "This form of ID is not satisfactory" and I will not be serving you.

If I do not follow these actions or I serve alcohol to a minor this may be cause for write-ups and possible termination.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date



# Mandatory Alcohol Awareness Training

By: Robert Pomplun with  **Serving Alcohol Inc.**  
Selling and Serving Safely

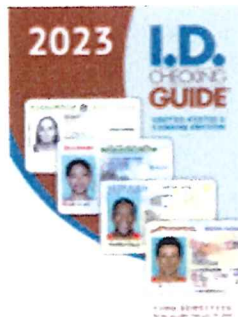
Saturday, August 5th, at 9:00am- Noon  
at: Ingredients Cafe

Dear Staff, it has come to our attention that we need to do some training on safe alcohol service. We are stepping up <sup>(x)</sup> and setting this mandatory training of all front of house personal, at the end of training you will receive a certification. If you are not in attendance online certification will be required. Again this is mandatory for all front of house Ingredients Cafe and Burger Bar employees.

Thank you:

# PLACE ORDER

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