



AGENDA
REGULAR MEETING OF THE CITY COUNCIL OF
THE CITY OF WHITE BEAR LAKE, MINNESOTA
TUESDAY, SEPTEMBER 12, 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 August 22, 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: July White Bear Lake Conservation District, July Environmental Advisory Commission, July Park Advisory Commission, August Planning Commission
- B. Resolution approving a refuse and recyclables collectors license for USAgain LLC
- C. Resolution approving a special event application for White Bear Lake Main Street Inc.'s Fall Festival
- D. Resolution granting a variance at 4669 Lake Ave
- E. Resolution granting a variance for 2175 Gardenette Ave
- F. Resolution authorizing a site visit confirmation agreement with Mark and LuAnn Peterson

5. VISITORS AND PRESENTATIONS

- A. Swear-in of Chief of Police
- B. Constitution Week Proclamation

6. PUBLIC HEARINGS

- A. Second reading of an ordinance prohibiting the use of cannabis products in public places
- B. Second reading of an ordinance amending the Fee Schedule

7. UNFINISHED BUSINESS

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

8. NEW BUSINESS

- A. 2024 Preliminary Budget and Tax Levy

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, AUGUST 22, 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 Steve Engstran, Heidi Hughes, Dan Jones and Bill Walsh. Councilmember Kevin Edberg was excused for the evening. Staff in attendance were City Manager Lindy Crawford, Assistant City Manager Rick Juba, Police Chief Julie Swanson, Public Works Director/City Engineer Paul Kauppi, 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 August 8, 2023

It was moved by Councilmember **Jones**, seconded by Councilmember **Engstran**, to approve the minutes. Motion carried 4-0.

B. Minutes of the City Council Work Session on August 15, 2023

It was moved by Councilmember **Engstran**, seconded by Councilmember **Hughes**, to approve the minutes. Motion carried 3-0. Councilmember Jones abstained.

3. APPROVAL OF THE AGENDA

It was moved by Councilmember **Walsh**, seconded by Councilmember **Engstran**, to approve the agenda. Motion carried 4-0.

4. CONSENT AGENDA

- A. Resolution authorizing a special event application for Carbone's Pizzeria & Pub **Res. No. 13230**
- B. Resolution approving a ditch repair agreement with Vadnais Lake Area Water Management Organization **Res. No. 13231**
- C. Resolution declaring costs to be assessed, ordering preparation of an assessment roll and setting public hearing on the assessment roll for the 2022 South Shore Boulevard Sanitary Sewer Extension Project **Res. No. 13232**
- D. Resolution renewing a lease agreement with White Bear Dance Center at 2462 County Road F E **Res. No. 13233**
- E. Resolution approving an extension for a conditional use permit and two variances for 4465 White Bear Parkway **Res. No. 13234**
- F. Joint resolution clarifying the legal description of real property to be detached from White Bear Lake and annexed into Mahtomedi **Res. No. 13235**

G. Resolution authorizing issuance of a massage therapy establishment license to Salons By JC **Res. No. 13236**

It was moved by Councilmember **Walsh**, seconded by Councilmember **Engstran**, to approve the consent agenda. Councilmember Walsh disclosed that he is distant relative of the applicant submitting the application for a massage therapy establishment license for Salons By JC. There was no perceived conflict of interest. Motion carried 4-0.

5. VISITORS AND PRESENTATIONS

A. Employee Recognition – Chief of Police

City Manager Crawford gave a speech and presented recognition to Police Chief Swanson for her years of service with the City and Police Department. Minnesota Association of Women Police Board Members Ashlee Lange and Christina Mignone presented Chief Swanson with the Recognition of Heritage Award. Chief Swanson gave a speech sharing her appreciation. Mayor Louismet and the Council shared their appreciation for Chief Swanson’s leadership.

B. Prosecution Services Update

City Prosecutor Heather Monnens of GDO Law presented an annual update of the services provided to the City. She provided an overview of cases between July 2022 and July 2023. She said Ramsey County is still dealing with a back log of cases caused during the pandemic and shared they have been transitioning back to in-person. Monnens provided information on various topics. Mayor Louismet asked brief questions and thanked GDO Law for their work.

C. Community Development Department Bi-annual Report

City Manager Crawford presented the Community Development bi-annual report for January to June 2023. She reported there have been activity increases for all divisions of the Department. She said the Planning Division staff spent significantly more time on community engagement as part of the City’s new Concept Plan Review process. The Building Division experienced a 17% increase in the number of permits issued for the first half of the year, compared to the first half of last year, and resulted in a 97% increase in plan and permit fees. The significant increase was due to the development of The Lochner apartment building and renovations of the White Bear Area Schools’ North Campus. For code enforcement, complaints were steady, but proactive or city-initiated cases have been up compared to 2022, when there was a vacancy in the code enforcement officer position. The types of violations that experienced the most increases were in the areas of parking motor vehicles and miscellaneous (signs, animals, rental violations, etc.). When comparing the first half of 2022 to the first half of 2023, ward 2 had the most increases in violations. Zoning activity increased 5%, as well as a general increase in number of questions and inquiries and a decrease in the number of zoning permits and meetings.

6. PUBLIC HEARINGS

Nothing scheduled.

7. UNFINISHED BUSINESS

A. Second reading of an ordinance amending Chapter 1104 – Tobacco and Related Products

At the August 8 City Council meeting, City Manager Crawford presented the first reading of an ordinance that would amend City Code Chapter 1104, Tobacco and Related Products. She explained that the City currently doesn't expressly regulate tobacco shops as a separate use in the zoning code and current regulations for tobacco products need to be updated to keep pace with recent changes in both federal and state laws. She summarized the information she presented during the first reading.

It was moved by Councilmember **Engstran**, seconded by Councilmember **Jones**, to approve **Ord. No. 23-08-2066**, amending the Municipal Code regarding tobacco and related products. Motion carried 4-0.

It was moved by Councilmember **Engstran**, seconded by Councilmember **Walsh**, to approve **Res. No. 13237** approving summary publication of an ordinance amending the Municipal Code regarding tobacco and related products. Motion carried 4-0.

B. Second reading of an ordinance requiring licensing and imposing regulations on the sale of edible cannabinoid products

At the August 8 City Council meeting, City Manager Crawford presented the first reading of an ordinance that would require licensing and impose regulations on the sale of edible cannabinoid products. She summarized the information presented during the first reading, including the legislation legalizing cannabis and the establishment of the Office of Cannabis Management (OCM). The City's moratorium prohibiting the sale of edible cannabinoid products expires on September 27, 2023. Since the OCM won't start issuing licenses until March 2025, city administration is proposing a licensing structure for the City to regulate the sale of these products during an interim period until OCM takes over. Highlights of the ordinance include definitions, license qualifications, application procedure, product storage requirements, sale restrictions, information on compliance checks and adverse license actions. Mayor Louismet commented that it's good public policy to license and regulate the sale until OCM can take over. Councilmember Walsh thanked staff for their work and acknowledged the work that went into cleaning up the tobacco ordinance and creating the licensing and regulations for the edible cannabinoids.

It was moved by Councilmember **Walsh**, seconded by Councilmember **Jones**, to approve **Ord. No. 23-08-2067**, requiring a license and imposing regulations on the retail sale of edible cannabinoid products. Motion carried 4-0.

It was moved by Councilmember **Engstran**, seconded by Councilmember **Walsh**, to approve **Res. No. 13238** approving summary publication of an ordinance requiring a license and imposing regulations on the retail sale of edible cannabinoid products. Motion carried 4-0.

8. NEW BUSINESS

A. White Bear Area Food Shelf Lease Agreement

Assistant City Manager Juba presented a proposed three-year lease agreement with the White Bear Area Food Shelf (Food Shelf). The Food Shelf is currently located at 1884 Whitaker Street, and they are proposing to open a second location at 2446 County Road F East, which is part of a City-owned building. Juba said other occupants in the building include SCC TV, Comcast and White Bear Dance Center. The new location will be used for an in-person market. Food Shelf Executive Director Perry Petersen said food and support needs in the community continue to grow and the Food Shelf is serving double the number of people in one year compared to four years ago. He said inflation and reduction to SNAP benefits are factors causing this increase. Petersen shared information about plans for the new community market, which will include expanded culturally-connected foods. The location will also have offices for partnered non-profits, who can meet with individual families about other needs, such as rental and utility assistance. The in-person market will complement the existing curbside-pickup and mobile delivery programs.

Mayor Louismet thanked Petersen and the Food Shelf for their commitment and complimented the work of volunteers and staff. Councilmember Walsh asked if the in-person market will help alleviate the curbside pickup line at the Whitaker Street location. Petersen believes so, and shared that the current location has 13 parking spots and the new location has 45 parking spots. The market will also have expanded hours. Councilmember Walsh wondered what is causing the increased need. Petersen explained it's a variety of factors, including families experiencing medical emergencies, loss of a job, an increase in food costs and more. Petersen shared that 40% of distributed food is from local grocery stores that is fresh and would otherwise be wasted.

It was moved by Councilmember **Walsh**, seconded by Councilmember **Jones**, to approve **Res. No. 13239** authorizing a three-year lease agreement with White Bear Area Food Shelf. Motion carried 4-0.

B. First reading of an ordinance amending the Fee Schedule

Based on the approval of Ordinance 23-08-2066, an ordinance requiring licensing and imposing regulations on the retail sale of edible cannabinoid products, City Manager Crawford proposed an amendment to the Fee Schedule to include associated fees. The added fees would include application fee, background fee, and various fees for administrative offenses.

A second reading and City Council vote of the ordinance is scheduled for the September 12 regular meeting.

C. First reading of an ordinance prohibiting the use of cannabis products in public places

Pursuant to Minnesota State Statutes 152.0263, Subd. 5, a local unit of government may adopt an ordinance prohibiting the use of cannabis in public spaces. City Manager Crawford explained that use of cannabis is prohibited where smoking is prohibited under the MN Clean Indoor Air Act, but there is not a general prohibition on use in public spaces. City administration is proposing an ordinance that would prohibit the use of cannabis products in public places. Mayor Louismet clarified that the ordinance will remain in place even after the Office of Cannabis Management takes over the regulation of the retail sale of cannabis. Councilmember Jones is

concerned that there is discrepancy between where people can smoke tobacco and where people can smoke cannabis. He would be open to the possibility of allowing it in public places so the Police Department isn't trying to determine what product is being smoked. Councilmember Hughes related smoking cannabis to drinking alcohol, as it relates to the intoxicating effects, and said the ordinance would be a resource for staff and City prosecutors.

A second reading and City Council vote of the ordinance is scheduled for the September 12 regular meeting.

9. DISCUSSION

Nothing scheduled.

10. COMMUNICATIONS FROM THE CITY MANAGER

City Manager Crawford shared that Senator Heather Gustafson was among 15 senators selected as a League of Minnesota Cities Legislator of Distinction for 2023. She announced that a telephone survey on housing needs is underway by Morris Leatherman Company. Due to a DNR drought warning, Crawford reminded the public that watering lawns is prohibited from 10 a.m.-5 p.m. each day of the week during the months May through September. The 2nd Street entrance to City Hall will be closed for about a month due to construction of the Public Safety Facility, so visitors will need to follow the detour around to 3rd Street.

11. ADJOURNMENT

There being no further business before the Council, it was moved by Councilmember **Engstran**, seconded by Councilmember **Jones**, to adjourn the regular meeting at 8:02 p.m. Motion carried 4-0.

Dan Louismet, Mayor

ATTEST:

Caley Longendyke, City Clerk



White Bear Lake Conservation District

Regular Board Meeting Minutes

July 18, 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 7:01 pm by Bryan DeSmet.
3. **Approval of Agenda** – Motion to approve the agenda was made by Meredith Walburg seconded and passed.
4. **Approval of Previous Board Meeting minutes** – Motion to approve the June 2023 Board meeting minutes was made by Mark Wisniewski, seconded, and passed.
5. **Public Comments** - none
6. **New Business**
 - Enforcement in Commercial Bay –
 - Any person experiencing navigational safety issues at the marinas in Commercial Bay will be advised to call the Ramsey County Sheriff directly or make a non-emergency call to 911 asking for a call for service from the Ramsey County Water Patrol to report the issue and have them visit the site.
 - In discussion regarding Docks of White Bear Lake (WBL) operating without a license, different scenarios of enforcement were debated. A motion for legal counsel to issue one formal compliant each week until the Board saw an acceptable application was made by Bryan DeSmet, and seconded. During discussion, Alan Kantrud noted that the District can pursue criminal charges, involving time and expense, and which may not ultimately solve any issues. It helps the Board and the public to have marinas operating with a permit because consequences for not being in compliance can be enforced in their next year's permit. Scott Costello stated that their permit application reviewed in June for 250 slips was not acceptable because it was over the 240 slips that the Board would approve, and asked if it was possible to approve the permit for 240, and then give them a variance for the other 10 that would give them the 250 slips that they requested. DeSmet stated that there's benefit to the idea of issuing them a permit, and the difficulty he had with their June application was that the proposed shared dock with Tally's would have violated both of the marina's DNR permits. DeSmet asked if the Board was to entertain this proposal, was there any concern about this not being on the agenda, and that parties haven't been notified. Meredith Walburg asked if there was adequate public notice regarding this though there were no complaints from adjacent property owners from last month's application.
 - Alan Kantrud stated that Roberts Rules would allow the vote from last month to be reconsidered, modified accordingly, and a motion made from a Board director who voted against the motion that failed last month. Last month's motion was for 240 slips, 300 ft docks, and a 45-day grace period before enforcing compliance of the permit. Susie Mahoney brought up if they were permitted for 240 slips, but had more than 260, don't they have an overdue balance of fees from 2022. DeSmet stated that was a valid, but separate issue.

- DeSmet withdrew his motion to issue a formal complaint, and Diane Longville, who had made the second, agreed. A new motion to issue a 2023 permit to Docks of WBL for 240 slips, with a variance for 10 additional slips to get them to the 250 slips that was requested in June, and dock lengths under 300 ft with a 30-day grace period before enforcing compliance with the permit was made by DeSmet, seconded and passed with opposing votes from Chris Churchill, Meredith Walburg, and Susie Mahoney. In addition, they will be notified that if they want a variance for more what is permitted, they can apply for a variance to be reviewed at the August Board meeting
- Shallow water buoys — A map showing where WBLCD buoys are located on the lake was presented and Board directors were asked to notify the administrator if they notice any other area that could use a buoy (giving a reasonable location). Meredith Walburg clarified that the purpose of the map was to let the public know where the buoys are located and why. Susie Mahoney brought up that there is a rock pile in Manitou Marsh and that red and green buoys marked the location. Mike Parenteau said residents have put out the buoys for years as part of doing a good service to warn of the rock pile. The WBLCD could relieve the residents by installing buoys which would involve a cost for the buoys and labor for installing. It was suggested that the rock pile could be moved, and if so, the DNR should be contacted to see if a permit is needed. It was decided to leave the markers there for now, and bring it up in the future when there is more buoy discussion.
- Meeting with member communities – Bryan DeSmet requested that all Board directors meet with the City Councils of their appointed municipalities by December to share what the WBLCD is doing and to answer any questions. Scott Costello, and Mike Parenteau recently met with the City of White Bear Lake and discussed the upcoming lake study, invasive species survey and treatment, and the budget; Mark Ganz recently met with the Mahtomedi City Council ahead of his reappointment to the Board.
- Part-time temporary office help – There was discussion about hiring someone temporarily to help the administrator accelerate the work in organizing files and refurbishing the office space. It was suggested that someone could come in up to 4 hours a week at \$20/hr to help with the work. A motion to spend up to \$500/month to hire someone to assist the administrator, at her discretion, was made by Bryan DeSmet, seconded and passed. The administrator will research whether they would be employed with a W2 or contract. If you know of someone who would be interested, have them contact the office. If there is no one available it will be discussed at the August meeting.

7. Unfinished Business

- VFW expansion-EAW – This is a mandatory EAW and the WBLCD is the entity that will submit that EAW. The Executive Committee reviewed the EAW information provided by the applicant, and noted some deficiencies in the information. Board directors who are interested in reviewing that EAW information and noting any other deficiencies are welcome to do so. Bryan DeSmet and the administrator will work to send out the current list of deficiencies to the Board and ask for input to be returned to the administrator in two weeks. A final list of deficiencies will be prepared for the August Board meeting. Once approved, the list will be sent to the applicant with a time limit to get the information back to the administrator so the EAW can be completed and published. Once the information is received, the Board has 30 days to complete and publish the EAW.
- 2024 draft permit application form 5 and license fee schedule – Chris Churchill noted that the forms were reviewed earlier this year by Cheri Howe, Darren DeYoung, Mike Parenteau, and Luke Michaud, and Churchill and Howe went through them again. There are some simple clean up things and had a good discussion at the LUC meeting on how boats and slips are counted commercially and non-commercially. The biggest thing is slips will be counted in Commercial Bay (which will include any longtime mooring of a boat, slides, etc). Verbiage and definitions of that will be sent to you for review. The diagrams that go with the application will need to be detailed and accurate as that will be

used to tell us where everything is. The draft document will continue to be worked on and sent out to Board directors for input. The final documents will be brought to the August Board meeting for approval and use in 2024.

8. Reports/Action Items

- **Executive Committee** – The committee met and discussed: the DNR and updated Commercial Bay permits; enforcement in Commercial Bay; the VFW EAW; the 479 and 483 Lake Ave issue; aeration of the lake for ice control and that copies of those DNR permits should be in our files; notifying dock owners when their docks are going to be on the LUC agenda so they have an opportunity for input; the ordinance review work; providing a formalized letter to marina operators regarding our ordinances and the consequences and enforcement of exceeding the permitted slip limit; and a status update of the St. Germain Bay sign.
- **Lake Quality Committee**
 - Lake level – Mike Parenteau reported that the lake level is 922.61 ft. which is little less than 6" lower than last month.
 - Lake temperature – The lake temperature is 74 °F; last month it was 77 °F.
 - Lake survey and treatment – Today an area of 47.67 acres of the lake was treated for EWM with Triclopyr at a cost of \$31,128.51 which is under the approved budget. It'll take up to two weeks to eradicate or reduce the EWM in the treated areas.
- **Lake Utilization Committee** – Mark Ganz
 - 4955 Lake Ave. debris issue - Mark Ganz and Alan Kantrud will write a letter to the property caretaker regarding the removal of debris in the lake, such as cut logs, or from their old dock, and Chris Churchill will follow up with a call to the caretaker of the property.
 - Jensen/Rindelaub dock issue - Both parties have agreed that the dock can stay where it is this year. Markers were put out today so that the LUC and both parties can figure out where to put the dock next year.
 - 479 and 483 Lake Ave ADUA issue - The LUC determined that the boat from the 483 Lake Ave. dock is not navigating "unreasonably" into the ADUA of 479 Lake Ave. A letter will be sent noting that the 2017 agreement between parties regarding the dock position of 483 Lake Ave. still stands.
 - Residential docks with excess boats – A letter will be going out to four properties who have more than 4 boats/watercraft at their dock giving them a specified time to come into compliance by removing watercraft or applying for a permit.
 - Tally's dock navigation issue – Steve Smith sent an email to the WBLCD with a photo showing three pontoons tied side-by-side at Tally's which hindered navigation, and violates the permit stipulation of tie-ups being only one-boat wide. Going forward, people with safety complaints of this nature will be directed to call 911 non-emergency for a call back for service from the Ramsey County Water Patrol to do a site visit.
 - Commercial Bay boat count process – The Ramsey County Water Patrol will be contacted to see if they've patrolled Commercial Bay and advise them to count slips, not boats. A drone fly over and a slip count by the LUC will be conducted as well.
- **Lake Education Committee**
 - Educational outreach update – Scott Costello shared that they are putting together another one-page of WBLCD information for the third issue of the *Laker*.
 - Social media update – Meredith Walburg reported that this month's information will include lake temperature and level, summer boating rules, Manitou Marsh, and a reminder that pumping water out of the lake is illegal.

9. Treasurer Reports

- The July Treasurer's Report was presented. A motion to approve debit card purchases numbered 8-10, a bank service charge, checks numbered 4875 through 4883, voided check 4884, and check number 4885 was made by Mike Parenteau, seconded and passed.

10. **Board Council Report** – Alan Kantrud reported that it was a busy, but uneventful, month with the water patrol doing safety checks. Slip count information and drone picture information will be available by the August Board meeting. Bryan DeSmet suggested getting a drone shot in July and another one in August. Kantrud stated that when he gets footage, he will send it to the administrator to distribute to the Board.

11. **Announcements**

- The next meeting of the LUC and Board will be on August 15.
- The administrator would like to post Board member individual photos on the website once all Board members have been assigned a WBLCD email address.
- The administrator will be on vacation from August 18 to 28 with limited internet access. There will be no office hours on August 22 or August 24.

12. **Adjournment** – Motion to adjourn at 8:55 pm was made by Chris Churchill, seconded and passed.

ATTEST:

Bryan DeSmet, Chair Bryan DeSmet Date 8-15-2023
Cheri Howe, Administrator Cheri Howe Date 8/15/2023



**MINUTES
ENVIRONMENTAL ADVISORY COMMISSION
OF THE CITY OF WHITE BEAR LAKE, MINNESOTA
WEDNESDAY, JULY 19, 2023
6:30 P.M. IN THE CITY HALL CONFERENCE ROOM**

1. CALL TO ORDER AND ATTENDANCE

Chair Schroeher called the meeting to order at 6:35 p.m.

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

MEMBERS ABSENT: None

STAFF PRESENT: Connie Taillon, Environmental Specialist

VISITORS PRESENT: None

2. APPROVAL OF AGENDA

The commission members reviewed the agenda and had no changes.

It was moved by member **Johnston** seconded by member **Greene**, to approve the agenda as presented.

Motion carried 7:0.

3. APPROVAL OF THE MINUTES

A. Minutes of the Environmental Advisory Commission meeting on June 21, 2023.

The commission members reviewed the draft June 21, 2023 meeting minutes and had no changes.

It was moved by member **Greenleaf** seconded by member **Bolstad**, to approve the minutes of the June 21, 2023 meeting as presented.

Motion carried, 7:0.

4. VISITORS AND PRESENTATIONS

None

5. UNFINISHED BUSINESS

A. Environmental Resources Expo

The members reviewed the exhibitor list. Member Greenleaf stated that the Master Gardeners will be in attendance. Member Bolstad mentioned that she will bring an electric lawn mower, and Chair Schroeher will bring an electric weed whip to display. Member Greene reported that 4 electric cars will be there and currently 1 scout and 2

adults will help with setup and take down. The members discussed sending a reminder email to all exhibitors about the event and what will be provided. Member Johnston stated that he could bring folding chairs. Taillon will draft a reminder email to share with the commission members that includes exhibitor maps and states one 8 foot table, one canopy, and one chair will be provided. If an exhibitor wants more than one chair, they will need to bring their own. Each commission member can forward the reminder email to their respective exhibitor contacts.

Member Johnston asked if the commission members had any comments on the recycling game that he created for the Expo. The commission members stated that the game looked great and didn't have any changes. A seed packet will be given to each person who participates in the game. Taillon offered to laminate the game pieces.

Member Luxford left the meeting at 7:00pm

Chair Schroeher offered to create a sign-up sheet for buckthorn removal volunteers. Taillon will bring a clip board for the sign-up sheet.

Taillon mentioned that a shirt order will not be ready in time for the Expo, but she will bring the clothing catalog to the August meeting.

Member Bolstad suggested that all commission members should visit each exhibit table during the Expo and thank them for attending.

6. NEW BUSINESS

A. None

7. DISCUSSION

A. Staff reports

For the sake of time, Taillon stated that she will hold off on updates until the August meeting.

B. Commission member updates

Member Greenleaf noted that Nick and Lauren from the Vadnais Lake Area water Management Organization gave a presentation at her church about the adopt a drain program, pollinator gardens, and reducing lawns. They brought an aerial photo of the church property to show where the stormwater flows. Twenty eight people were in attendance.

Member Greenleaf reported that she and a Parks Commission member visited Stellmacher Park and Ramaley Park. She will provide a report at the August meeting.

Chair Schroeher stated that he visited Lakewood Hills Park and West Park with a Park Commission member Davis. Member Johnston joined them at West Park. Chair

Schroeher created a 3 page document with photos that summarizes their findings. Included in this report is a summary of Parks Commission member Belisle's site visit to Lakeview, Ebba and Hidden Hollow. Chair Schroeher mentioned that they also looked at the recycling and trash situation at West Park, which is also summarized in the report.

Member Greene reported that he visited Vets Park, Spruce Park, and Bossard Park. He stated that at Bossard Park there are a lot of options to convert weedy areas to prairie, including the access road to the north. He also stated that he did not see trash or recycling containers near the playground at Bossard.

Member Frye stated that he will be visiting his assigned parks tomorrow.

C. Do-outs

New do-out items for July 19, 2023 include:

- Chair Schroeher to bring an electric weed whip to the Expo
- Chair Schroeher to create a volunteer sign-up sheet
- Member Bolstad to bring an electric lawn mower to the Expo
- Members to send reminder emails to Expo exhibitors
- Member Johnston to bring folding chairs to the Expo
- Members to share park visit reports at the August meeting
- Taillon to laminate recycling game pieces
- Taillon to draft Expo reminder email and forward to all members
- Taillon to bring a clip board to the Expo
- Taillon to bring apparel catalog to the August meeting

D. August agenda

Commission members discussed the August agenda and asked Taillon to add Environmental Resources Expo recap, parks visits, and polo shirt discussion to the August agenda.

8. ADJOURNMENT

There being no further business before the Commission, it was moved by member **Bolstad** seconded by member **Greene** to adjourn the meeting at 8:08 p.m.

Motion carried, 6:0



**MINUTES
PARK ADVISORY COMMISSION
CITY OF WHITE BEAR LAKE, MINNESOTA
THURSDAY, JULY 20, 2023
6:30 P.M. AT LIONS PARK AT 4410 LAKE AVENUE SOUTH**

1. CALL TO ORDER AND ATTENDANCE

Vice Chair Mike Shepard called the meeting to order at 6:30 p.m.

MEMBERS PRESENT: Bryan Belisle, Victoria Biehn, Mark Cermak, Anastacia Davis, Ginny Davis and Mike Shepard

MEMBERS ABSENT: Bill Ganzlin

STAFF PRESENT: Paul Kauppi, Public Works Director/City Engineer

VISITORS PRESENT: None

2. APPROVAL OF AGENDA

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

Motion carried 6:0.

3. APPROVAL OF THE MINUTES

Minutes of May 18, 2023

It was moved by member **Anastacia Davis** seconded by member **Mike Shepard**, to approve the minutes of the May 18, 2023 meeting.

Motion carried, 6:0.

4. VISITORS AND PRESENTATIONS

Nothing scheduled

5. UNFINISHED BUSINESS

Nothing scheduled

6. NEW BUSINESS

A. Matoska Handicap Spots/West Park Pavilion Access

Bill Ganzlin was absent from the meeting. It will be added to the next meeting agenda.

B. Park Inspection Reports

C. Park Tour – Newly Remodeled Lions Park

See attached report.

7. DISCUSSION

A. Staff updates

a. All Abilities Playground Update

White Bear Lake Lions Club All Abilities Playground Grand Opening / Ribbon Cutting event will be held on August 3, 2023 at 3:30 pm.

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, 6:0



**MINUTES
PLANNING COMMISSION MEETING
OF THE CITY OF WHITE BEAR LAKE, MINNESOTA
MONDAY, AUGUST 28, 2023
7:00 P.M. IN THE COUNCIL CHAMBERS**

1. CALL TO ORDER AND ATTENDANCE

- MEMBERS PRESENT:** Mike Amundsen, Ken Baltzer, Jim Berry, Scott Bill, Pamela Enz, Mark Lynch, Andrea West
- MEMBERS ABSENT:** n/a
- STAFF PRESENT:** Jason Lindahl, Community Development Director; Ashton Miller, City Planner; Shea Lawrence, Planning Technician
- OTHERS PRESENT:** Mike Chilson

2. APPROVAL OF AGENDA

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

Motion carried, 7:0.

3. APPROVAL OF THE MINUTES

- A. Minutes of July 31, 2023.

It was moved by Member **Baltzer** and seconded by Member **Enz** to approve the minutes of July 31, 2023.

Motion carried, 7:0.

4. CASE ITEMS

- A. **Case No. 23-25-V:** A request by **Michael Chilson** for a variance from the 4 foot maximum height allowed for a fence located in the front yard, per code section 1302.030, subd.6 in order to construct a 6 foot PVC privacy fence along the property line at the property located at 2175 Gardenette Drive.

Shea Lawrence, Planning Technician, discussed the case.

Member Berry opened the public hearing. The applicant, Michael Chilson, introduced himself. Member Berry closed the public hearing.

It was moved by Member **Lynch** to approve Case No. 23-25-V, seconded by Member **West**.

Motion carried, 7:0.

- B. Case No. 23-26-V:** A request by **BCD Homes**, for a variance from the 4 foot maximum height allowed for a solid wall, per code section 1302.030, subd.6 in order to allow two 64 inch stone pillars to remain at the property located at 4669 Lake Avenue.

Ashton Miller, City Planner, discussed the case.

Member Amundsen asked if the pillars were disconnected from the rest of the wall, if this variance would be necessary. Miller responded that the code doesn't specifically reference pillars, so staff has considered pillars like this as solid walls, which are regulated in the fence section of the code.

Member Lynch explained that this is a very expensive home, and that he would think that builders would know to check in with the City. He added that it gives him pause that they did not check prior to constructing the pillars. Member West agreed with Member Lynch. She noted that this is the same situation as a case last year on a Manitou Island property where pillars over 4 feet tall were constructed without first seeking a variance. Member Enz asked if there is a way to communicate with people that they first need to connect with the City about projects like this. Member Bill added that he agrees with the other commissioners and that professional builders should know better. He added that it would be more understandable if it was a home owner who mistakenly constructed the pillars too tall, not a professional builder. Member Berry added that he had a feeling that this was an ask for forgiveness type of situation.

Jason Lindahl, Community Development Director, added that staff share the frustration of the commissioners. He explained that it takes more staff time to address these situations retroactively. He added that there is a mechanism where the City can increase fees for jobs completed before proper permits are obtained. Lindahl also added that when considering the two recent pillar variance cases, that we should ask if the city's process is correct. He explained that there should be a mechanism to permit for structures like these because it seems reasonable for a homeowner to construct on their property. He explained that things like this can be addressed in the zoning code update. Member Berry added that there should be procedures in place to regulate them.

Member Bill agreed with the concept of tacking on additional fees for situations where structures are built without first obtaining proper permits. Member Lynch agreed and explained that he thinks pillars like this should be addressed in the new zoning code. Member Lynch also added that he wasn't implying that there was nefarious intent when the pillars were constructed.

Member Enz noted that she walks past the pillars almost every day and she never noticed how tall they are and that they look nice.

Member Berry opened and closed the public hearing.

It was moved by Member **Enz** to approve Case No. 23-26-V, seconded by Member **Baltzer**.

5. DISCUSSION ITEMS

A. City Council Meeting Overview

Lindahl provided an overview of the previous City Council meeting. He explained that the variance requests for the properties at 4041 Highway 61 and 1875 5th St were both approved. He added that a preliminary and final plat was approved by City Council for the White Bear Lake Civic Campus addition as part of the Public Safety renovation. Lindahl also added that the first reading for the tobacco and cannabis ordinance occurred at the August 8th City Council meeting and that the second reading is scheduled for September 12th. He also explained that the City recently posted an RFP for private development at the vacant City owned site at 1755 Highway 96. Member Lynch asked what the size of the lot was; Lindahl responded it is about 0.8 acres.

Lindahl explained that the September Planning Commission meeting has been cancelled because there are no cases. He added that the first meeting of the Zoning Update Community Advisory Committee will take place on September 25th, 2023. He noted that City Council gave input on who to include on the committee and the mayor sent out invitations. Member Berry and Member Baltzer were offered and accepted invitations to serve on the committee from the Mayor.

Member Enz provided an overview of the August 23rd, Downtown Mobility and Parking Study meeting. She explained that there are many passionate people on the committee. She added that the committee was provided a lot of information about parking and traffic downtown and asked many insightful questions during the meeting. She wondered how the 1,735 downtown parking spots can be marketed in a favorable way and how can we shift peoples expectation about parking directly in front of the businesses they are patronizing. Lindahl added that the consultants gathered a lot of the information that was discussed during the meeting, including through an online survey they created for residents to complete. Member Berry asked about the property at 2229 3rd Street as he noticed the house has been demolished. Lindahl added there aren't currently any plans for development on the lot that the City is aware of.

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 7:44 p.m.



City of White Bear Lake
City Manager's Office

MEMORANDUM

To: Lindy Crawford, City Manager
From: Caley Longendyke, City Clerk
Date: September 12, 2023
Subject: Refuse and Recyclables Collectors License for USAgain LLC

SUMMARY

The City Council will consider a resolution approving a refuse and recyclables collectors license for USAgain LLC.

BACKGROUND INFORMATION

Pursuant to §507 Refuse and Recyclables Collectors, no person, company or corporation shall act as a refuse or recycling contractor without first obtaining the appropriate license issued by the City. Anyone desiring a license to collect refuse or recyclables in the City shall submit a completed license application form along with the license fee and the required certificate of insurance.

USAgain LLC has submitted a refuse and recyclables collectors license application to operate a clothing drop-spot receptacle bin, where people can drop off gently used clothes, shoes, household textiles and more. By definition of the Municipal Code, USAgain LLC would be considered a recycling contractor, which is a person, company or corporation that is in the business of collection, transportation and preparation of recyclables for use or resale. The company is based out of Chicago, Illinois and has clothing drop-spots in several states.

USAgain LLC has an agreement with Brixmor Property Group to place the receptacle bin at White Bear Hill Shopping Center, located at 2671 County Road E East. The receptacle bin is unstaffed, but is monitored daily. USAgain empties the receptacle bin on a regular schedule and brings the contents to the nearest distribution center where items are shipped throughout the nation and world.

RECOMMENDATION

Staff recommends the City Council adopt the attached resolution approving a refuse and recyclables collectors license for USAgain LLC.

ATTACHMENTS

Resolution

RESOLUTION NO.

**RESOLUTION APPROVING A REFUSE AND RECYCLABLES COLLECTORS LICENSE
FOR USAGAIN LLC**

WHEREAS, pursuant to §507 Refuse and Recyclables Collectors, no person, company or corporation shall act as a refuse or recycling contractor without first obtaining the appropriate license issued by the City; and

WHEREAS, USAgain LLC, based out of Chicago, Illinois, has submitted a refuse and recyclables collectors license application to operate a clothing drop-spot receptacle bin, where people can drop off gently used clothes and other specified items; and

WHEREAS, by definition of the Municipal Code, USAgain LLC is considered a recycling contractor, which is a person, company or corporation that is in the business of collection, transportation and preparation of recyclables for use or resale; and

WHEREAS, USAgain LLC has an agreement with Brixmor Property Group to place the receptacle bin at White Bear Hill Shopping Center, located at 2671 County Road E East; and

WHEREAS, the applicant has provided all materials to be eligible for the license.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of White Bear Lake, Minnesota approves the refuse and recyclables collectors license for USAgain LLC, business address at 1555 West Hawthorn Lane, Suite 4W, West Chicago, Illinois 60185, to operate a recycled clothing receptacle in the parking lot of 2671 County Road E East.

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: September 12, 2023
Subject: **Special Event Application for White Bear Lake Main Street, Inc.'s Fall Festival**

SUMMARY

The City Council will consider adopting a resolution approving the free use of Railroad Park by White Bear Lake Main Street, Inc. on September 23, 2023 from 1-4 p.m. for its annual fall festival event.

BACKGROUND INFORMATION

Staff received a special event application from Main Street, Inc. to use Railroad Park for their annual fall festival event in downtown White Bear Lake. They propose use of Railroad Park for the community-wide event, which will include polka music, pumpkin painting and a food truck. It is the City Council's practice to approve use of Railroad Park. They have no other requests for City resources related to the event, with the exception of electricity.

RECOMMENDATION

Staff recommends the City Council adopt the attached resolution approving free use of Railroad Park and electricity by Main Street, Inc. on September 23, 2023 from 1-4 p.m.

ATTACHMENTS

Resolution

RESOLUTION NO.

**RESOLUTION APPROVING A SPECIAL EVENT APPLICATION BY MAIN STREET INC.
FOR THE USE OF RAILROAD PARK**

WHEREAS, a special event application has been submitted by White Bear Lake Main Street, Inc. to utilize Railroad Park for a downtown fall festival event on Saturday, September 23, 2023 from 1-4 p.m.; and

WHEREAS, the City Council reviews application for the use of Railroad Park, where event reservations are limited; and

WHEREAS, use of the Railroad Park gazebo would include the use of electricity for the event; and

WHEREAS, the City Council desires to promote a free, family-friendly community event in downtown White Bear Lake, including polka music, pumpkin painting, and a food vendor.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of White Bear Lake, Minnesota approves the free use of Railroad Park as follows:

White Bear Lake Main Street, Inc.
Fall Festival
1-4 p.m., Saturday, September 23, 2023

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
 Ashton Miller, City Planner
DATE: September 12, 2023
SUBJECT: **4669 Lake Avenue — Case No. 23-26-V BCD Homes Variance**

SUMMARY

The applicant, BCD Homes, is requesting a 1.3-foot variance from the 4-foot maximum height for a solid wall, in order to retain two 5.3-foot-tall stone pillars constructed on the property located at 4669 Lake Avenue. 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 recommend approval of this request.

GENERAL INFORMATION

Applicant/Owner: BCD Homes / John & Shirley Johnson

Existing Land Use / Zoning: Single Family Home; zoned R-2: Single Family Residential & S: Shoreland Overlay

Surrounding Land Use / Zoning: All Directions: Single Family Homes; zoned R-2 & S

Comprehensive Plan: Low Density Residential

Lot Size & Width: Code: 15,000 square feet; 100 feet wide
 Site: 34,848 square feet; 150 feet wide

60 Day Review Date: September 16, 2023

BACKGROUND INFORMATION

The subject site is located on the north side of Lake Avenue, just east of Banning Avenue. A previous home was demolished in early 2021 and a permit for construction of a new single family home and attached garage was issued in September 2021. The plans did not include the pillars along Lake Avenue that were constructed sometime this spring when the builders' focus shifted to landscaping and other exterior improvements (see applicant's narrative). In April of

2023, the Building Official was on site for an inspection of the home and found the pillars to be too tall. Staff then directed the builders to reduce the height of the pillars or submit a variance request.

The pillars are located on either side of a five-foot-wide walkway that extends from the front door of the home to Lake Avenue. The pillars are made of decorative stone that match the façade of the new home, adding to the lakeside cottage aesthetic of the neighborhood. They are constructed in a skillful manner that does not diminish neighboring property values.

The pillars also do not pose a health or safety risk to residents. Lake Avenue is a one way, low speed road, which the subject site does not have vehicular access to, so there is no impact on vehicle sight lines. Further, there is roughly 14 feet between the pillars and the curb of the road, so there is space for vehicles to see any pedestrians crossing the street to access the trail.

Planning Commission Action. The Planning Commission reviewed this item during their August 28, 2023 regular meeting. During the meeting, the commission heard a presentation from staff and held a public hearing where no one spoke. The Planning Commission generally expressed disapproval that the contractor constructed the pillars without a permit, but supported the request. After hearing staff's presentation and some general discussion, the commission voted 7-0 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: Fence standards are part of City Code Section 1302, General Building and Performance Standards. The purpose of this section of the code is, "to establish general development

performance standards. These standards are intended and designed to assure compatibility of uses; to prevent urban blight, deterioration and decay; and to enhance the health, safety and general welfare of the residents of the community.” The fence regulations provide specific standards for the location and height of typical wood framed fence and generally prohibit solid walls in excess of four (4) feet above the grade of the adjacent ground. The pillars are approximately 2.5’ wide and 5.3’ tall and function more as a front yard entry feature or large fence post rather than a fence. The remaining portion of the wall is roughly 2’ tall and would not typically require a permit. The current zoning code does not adequately distinguish between decorative features such as these pillars and boundary fences, which is why the fence standards have been applied in this instance. Staff anticipates this ambiguity to be addressed in the zoning code update.

2. Is the variance consistent with the comprehensive plan?

Finding: The 2040 Comprehensive Plan does not speak directly to fences, pillars, monuments or the like, however the 2040 Future Land Use Map guides the property low density residential, of which typical housing types include single family detached and attached. Fences, landscaping, and other boundary demarcations are common accessory uses to single-family homes, therefore the proposal is not inconsistent with the 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. The pillars are mainly for aesthetic purposes, creating a focal entry point in the front yard. A number of shrubs, grasses, and perennials have been incorporated around the pillars to soften and enhance the landscaping.

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 staff finds that the height of portion of the stone feature that exceeds the 4 foot height limit is relatively minor compared to the whole section of the wall. The pillars are about 2.5 feet wide each and the wall is just under 40 feet in length, so only 12% of the entire wall is above the 4 foot limit. The majority of the wall is roughly 2 feet tall, which does not even require a permit.

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. There are other homes along Lake Avenue that have similar stone features. In 2019, a variance was granted for a seven foot tall stone wall at 4955 Lake Avenue and stone entry pillars can be found in various front yards along Lake Avenue.

One of the reasons that the city limits the height of solid walls is to prevent properties from feeling closed off from the neighborhood. This particular feature is not used as a barrier or

enclosure like a typical fence is, so is not creating a stark wall-like appearance. Rather, the front yard, which is 150 feet wide, generally remains open and the stone pillars blend in with the unique character of the Lake Avenue thoroughfare.

RECOMMENDATION

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

1. All application materials, maps, drawings, and descriptive information submitted in this application shall become part of the permit.
2. Per Section 1301.060, Subd.3, the variance shall become null and void if the project has not been completed or utilized within one (1) calendar year after the approval date, subject to petition for renewal. Such petition shall be requested in writing and shall be submitted at least 30 days prior to expiration.
3. A zoning permit shall be obtained and all inspections passed.
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 & Applicant's Narrative & Plans

Staff Photos

Neighbor Comments – 4563 Banning Avenue

RESOLUTION NO.

**RESOLUTION GRANTING A HEIGHT VARIANCE FOR
4669 LAKE AVENUE WITHIN THE CITY OF WHITE BEAR LAKE, MINNESOTA**

WHEREAS, John and Shirley Johnson (23-26-V) have requested a 1.3-foot variance from the 4 foot maximum height for a solid wall, per code section 1302.030, Subd. 6(a) in order to retain two stone pillars at the following location:

LEGAL DESCRIPTION: Attached as Exhibit A. PID 143022440030

WHEREAS, the Planning Commission held a public hearing as required by the Zoning Code on August 28, 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 zoning permit shall be obtained and all inspections passed.
4. The applicant shall verify the property line and have the property pins exposed at the time of the inspection.

RESOLUTION NO.

EXHIBIT A

Legal Description

Those parts of Lots 2, 3 and 4, AUDITOR'S SUBDIVISION NO. 42, Ramsey County, lying southerly and southeasterly of the following described line:

Commencing at the most westerly corner of Lot 5, AUDITOR'S SUBDIVISION NO. 42; thence southeasterly along the northeasterly line of said Lot 4, 140.92 feet to the point of beginning; thence southwesterly at right angles to said northeasterly line of said Lot 4, a distance of 75.00 feet to a point; thence westerly to a point on the most westerly line of said Lot 2, 154.65 feet South of the westerly end of the North line of said Lot 4;

and lying southwesterly of Line A, described as follows:

Commencing at the most westerly corner of Lot 5, AUDITOR'S SUBDIVISION NO. 42; thence southeasterly along the northeasterly line of said Lot 4, AUDITOR'S SUBDIVISION NO. 42, a distance of 140.92 feet to the point of beginning; thence southwesterly at right angles to said northeasterly line of said Lot 4, a distance of 10.00 feet; thence southeasterly and parallel with the northeasterly line of said Lot 4, a distance of 235.85 feet to a Judicial Landmark on the southeasterly line of said Lot 4 where it intersects Line A, lying 10.00 feet southwesterly of the most easterly corner of said Lot 4

and those parts of Lake Avenue lying southeasterly of, and adjacent to, the southeasterly lines of the above-described portions of said Lots 2, 3 and 4;

and accretions to the above-described portions of said Lots 2, 3 and 4, AUDITOR'S SUBDIVISION NO. 42 lying between said Lake Avenue, the water's edge, and lines described as follows

Commencing at a Judicial Landmark on the southeasterly line of said Lot 4, AUDITOR'S SUBDIVISION NO. 42 where it intersects Line A, lying 10.00 feet southwesterly of the most easterly corner said Lot 4; thence southeasterly along said Line A extended 68.00 feet to a Judicial Landmark; thence continuing southeasterly along said extended Line A to the shoreline of White Bear Lake; thence southwesterly along said shoreline to the intersection with the southwesterly line of said Lot 2, AUDITOR'S SUBDIVISION NO. 42, extended southeasterly from a Judicial Landmark at the most southerly corner of said Lot 2 to the shoreline; thence northwesterly along said extended southwesterly line of said Lot 2 to a Judicial Landmark 63.92 feet southeasterly of the most southerly corner of said Lot 2; thence continuing northwesterly along said extended southwesterly line of said Lot 2, 63.92 feet to said Judicial Landmark at the most southerly corner of said Lot 2; thence northeasterly, along the southeasterly lines of said Lots 2, 3 and 4 to the point of beginning and there terminating

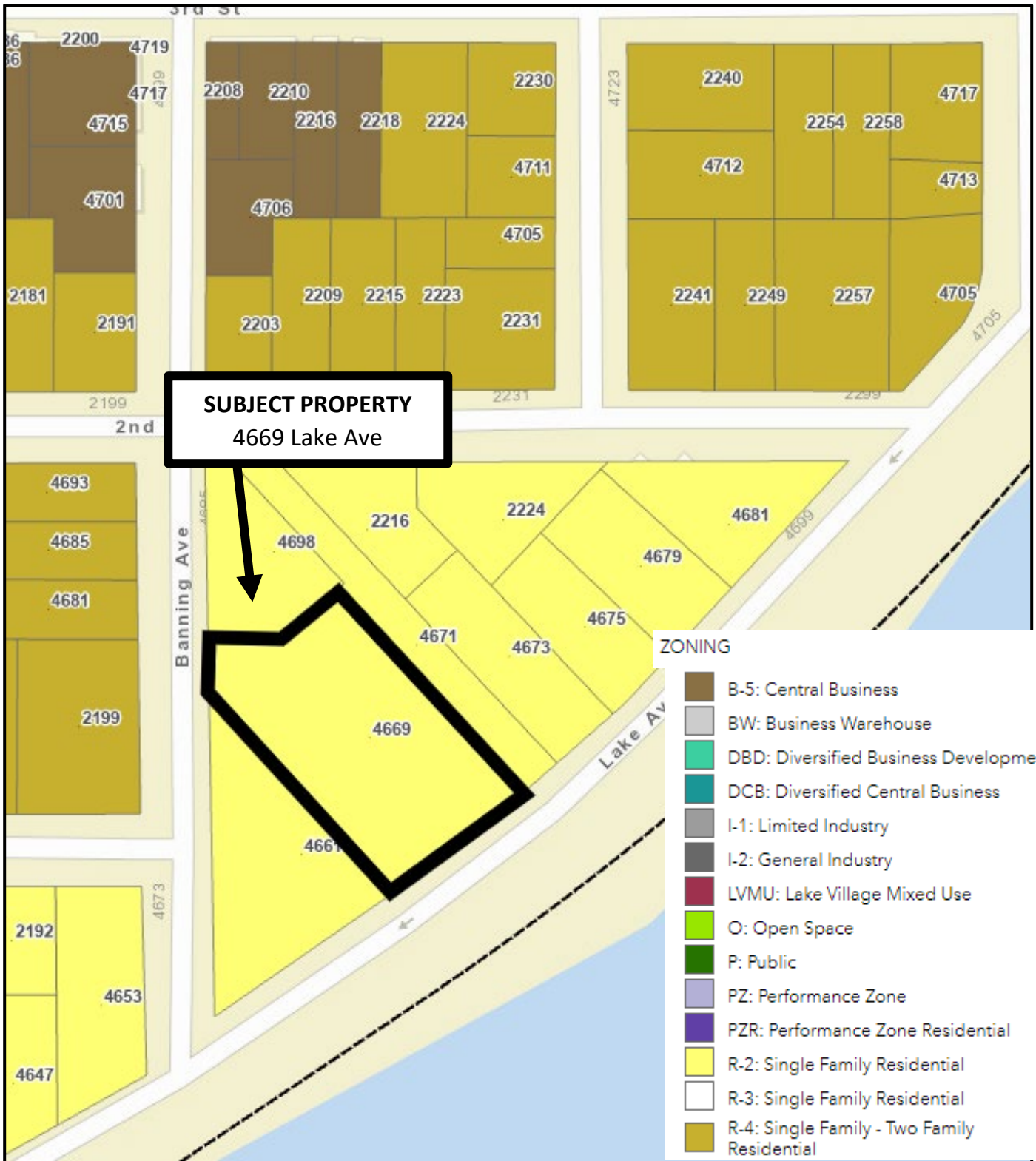
a portion of the boundary lines of which have been judicially determined in Court File

RESOLUTION NO.


C0-04-4882. For the purposes of this registration proceeding, when the shoreline of White Bear Lake recedes below the ordinary high water mark, said extended lines shall not be extended beyond 400 feet.

Subject to the proprietary and sovereign rights of the State of Minnesota in all that portion of the land lying below the natural ordinary high water mark thereof; not intending, however, to deprive the fee owners of the usual riparian rights that attach to the land riparian to a navigable public body of water incident to ownership thereof.

Subject to an easement in favor of the City of White Bear Lake for sidewalk, roadway, utility, and bike path purposes over, under, and across that portion of the property lying parallel with and 45.00 feet southeasterly of the southeasterly lines of the above-described portions of Lots 2, 3, and 4, AUDITOR'S SUBDIVISION NO. 42, as set forth in the instrument dated February 15, 2006, submitted for recording on February 15, 2006 as Document No. 3926467 of Ramsey County Records.



SUBJECT PROPERTY
4669 Lake Ave

 <p>City of White Bear Lake Planning & Zoning 651-429-8561</p>	<p>CASE NO. : <u>23-26-V</u></p>
	<p>CASE NAME : <u>BCD HOMES Wall Height</u></p>
	<p>DATE : <u>8-28-2023</u></p>

BCD Homes

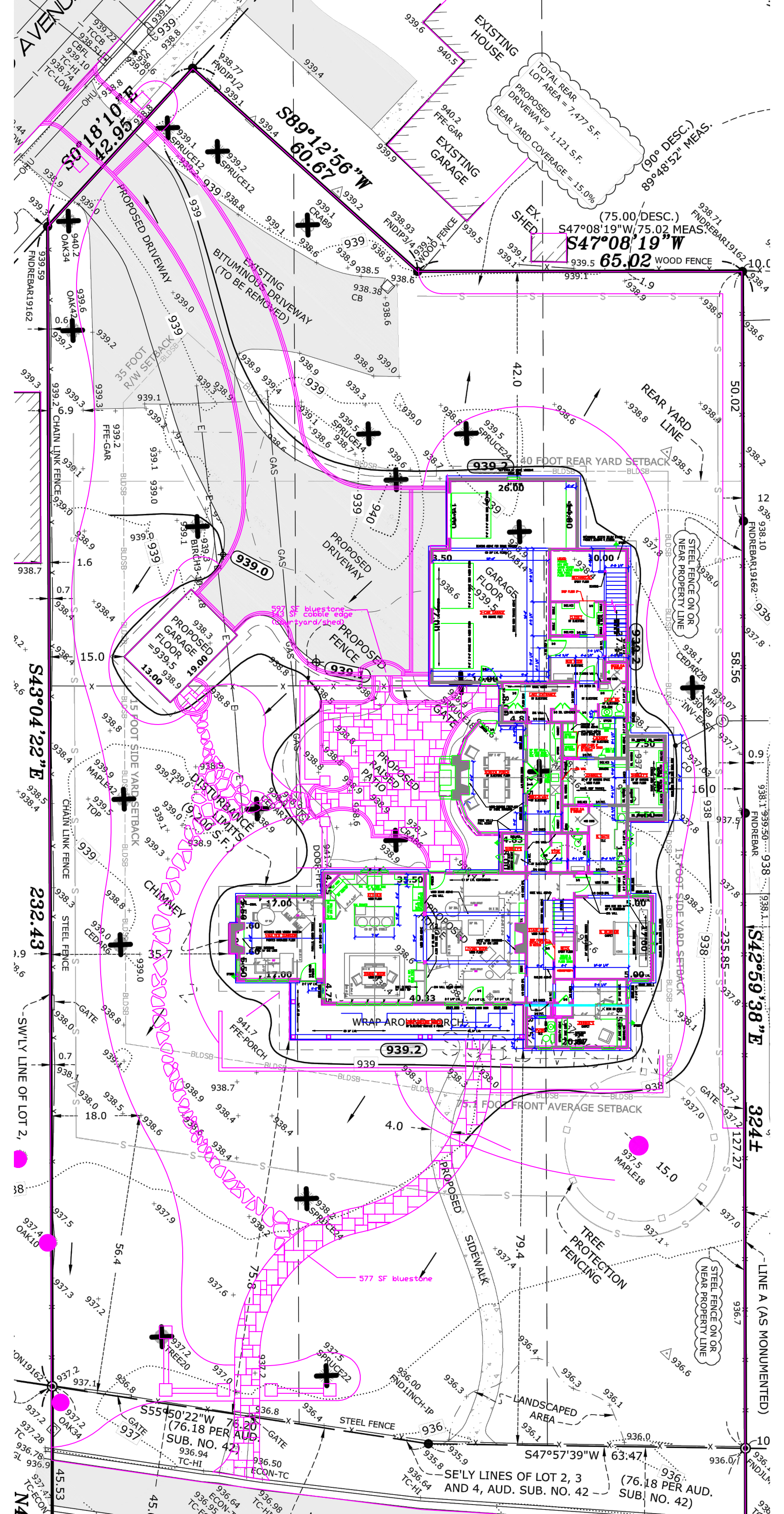
4669 Lake Ave, White Bear Lake

Stone pillar variance

We did a stone wall and pillars along the road at Lake Ave, two of the pillars ended up taller than 4', so we are requesting a variance to leave the pillars at their current height of 64".

When we were doing the block and stone work the grade was not at final height, we set the block work at what I thought was going to be the needed height for the stone, unfortunately we went too high with them. We had tented off and heated the area to do the stonework around the block, by the time I realized how tall they were my Mason was already completed with them. The height is not overly tall and does look appropriate with the structure and landscape design. I am hoping you can approve this variance so we can keep pillars as they are because they really do look good as they are.

Thank You.



589°12'56"W
60.67

S47°08'19"W
75.02 MEAS.
65.02

S43°04'22"E
232.43

S42°59'38"E
324.4

S55°50'22"W
76.20
(76.18 PER AUD. SUB. NO. 42)

S47°57'39"W
63.47

S47°08'19"W
75.02 MEAS.
65.02

S47°08'19"W
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S47°08'19"W
75.02 MEAS.
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S47°08'19"W
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EXISTING HOUSE
EXISTING GARAGE
PROPOSED DRIVEWAY
TOTAL REAR LOT AREA = 7,477 S.F.
REAR YARD COVERAGE = 15.0%

PROPOSED GARAGE FLOOR = 939.5
13.00
19.00

PROPOSED GARAGE FLOOR = 939.5
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EXISTING DRIVEWAY
PROPOSED DRIVEWAY
40 FOOT REAR YARD SETBACK

PROPOSED DRIVEWAY
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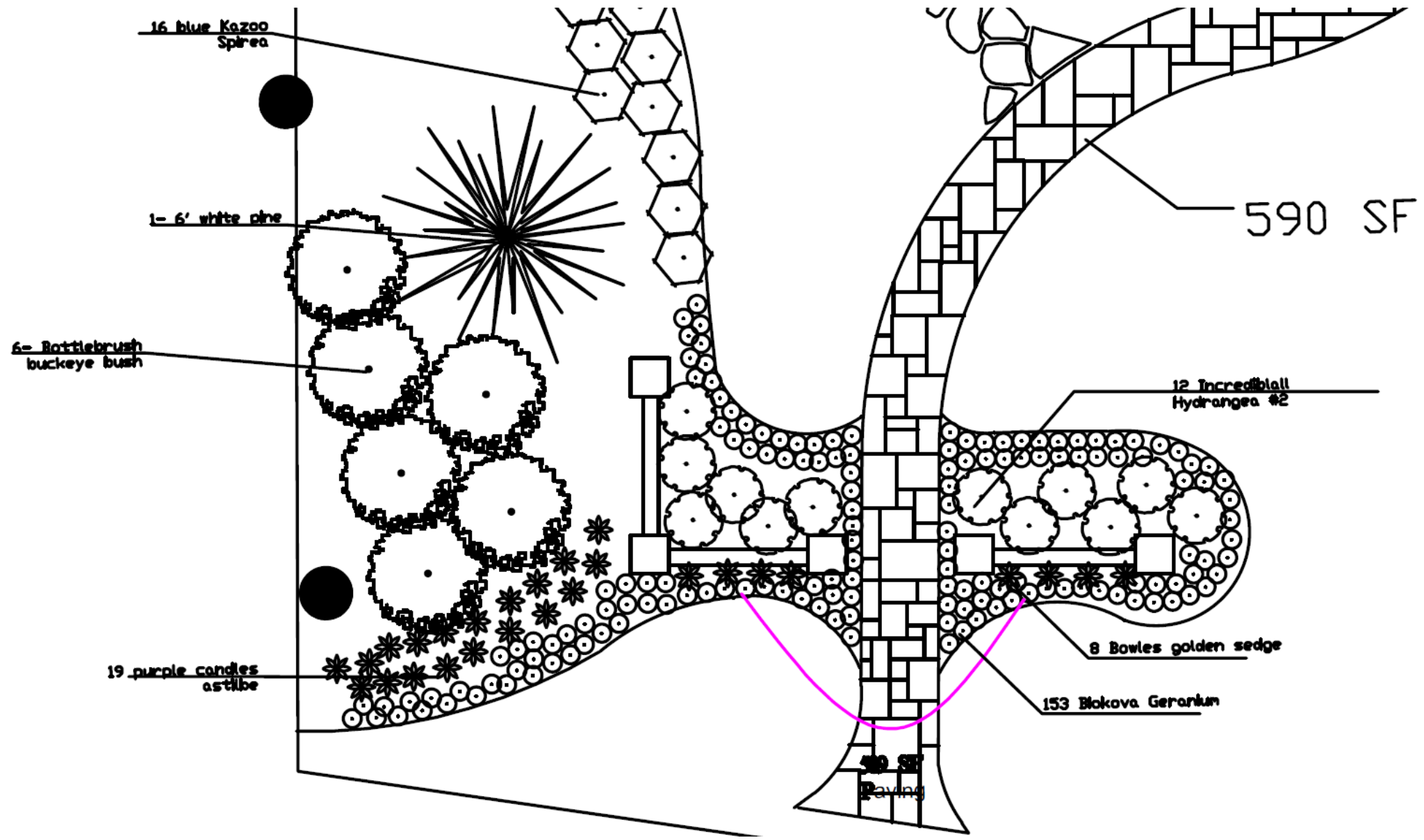
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PROPOSED DRIVEWAY
40 FOOT REAR YARD SETBACK



Landscape Plan





Ashton Miller

From: Mary Kelly <mhkellywbl@gmail.com>
Sent: Friday, August 25, 2023 9:56 AM
To: Community Development
Subject: For Planning Commission hearing on variance request by BCD Homes

To the White Bear Lake Planning Commission:

I live on the corner of Banning and Lake Ave., so there's one house between me and the property at 4669 Lake Ave.

I think the pillars have a classic look, and the height seems reasonable in proportion to the size of the lot and the home. Please let them remain as they are!

There are other tall pillars that add to the character and beauty of Lake Ave. - at the former Hiniker house at 4725 Lake Ave. and the beautiful white pillars at Timothy Geck's home at the corner before Hwy. 61. Let these new ones be among them.

May Kelly
4653 Banning Ave.

>>> Please let me know if the Planning Commission sees this before the meeting on Monday, so that I don't need to attend the meeting to voice my support.

Thank you!



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: September 12, 2023
SUBJECT: 2175 Gardenette Drive North – Case No. 23-25-V

SUMMARY

The applicant, Michael Chilson, is requesting a variance from the 4 foot maximum height allowed for a fence located in the front yard, per code section 1302.030, subd.6 in order to construct a 6 foot fence along the northern property line at the property located at 2175 Gardenette Drive. Based on the findings made in this report, both the Planning Commission and staff find that the applicant has demonstrated a practical difficulty with meeting the City's zoning regulations as required by Minnesota Statute 462.357, Subd.6 and recommend approval of this request.

GENERAL INFORMATION

Applicant/Owner: Michael Chilson

Existing Land Use / Zoning: Single Unit Dwelling; Zoned: R-3: Single-Family Residential and Shoreland Overlay

Surrounding Land: All directions: R-3: Single Family Residential and Shoreland Overlay

Comprehensive Plan: Low Density Residential

Lot Size & Width: Code: 10,500 square feet; 80 feet wide
 Site: 10,833 square feet; 69 feet wide

60 Day Review Date: September 15, 2023

BACKGROUND

The subject site is located at 2175 Gardenette Drive North. The property is a double frontage lot located between Gardenette Dr. N. to the south and Lilac Lane to the north. The property contains a single unit dwelling and attached garage that accesses Gardenette Drive. The property was platted in 1947 as part of the Garden-ette Park subdivision. According to Ramsey

County GIS the home was originally constructed in 1950. The neighboring subdivision South Shore Addition was platted in 1886. The Oak Grove subdivision also neighboring the Gardenette Park subdivision, was platted in 1895. This extended platting period of the area created a disconnected street pattern resulting in the double frontage lots on Gardenette Drive.

On double frontage properties both street lines are considered the front lot line when applying yard and parking regulations according to code. Because of this, both the yard facing Lilac Lane and the yard facing Gardenette Drive are considered front yards and there is no true back yard.

Planning Commission Action. The Planning Commission reviewed this item during their August 28, 2023 regular meeting. During the meeting, the commission heard a presentation from staff and held a public hearing where the applicant was present and introduced himself. After hearing staff's presentation, the commission voted 7-0 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." A fence is a compatible accessory use for a single unit dwelling and investment in the property could aid in the prevention of urban blight. The fence will not be within sight lines of pedestrians or vehicles, so it will not detract from the safety and welfare of the community.

2. Is the variance consistent with the comprehensive plan?

Finding: The Comprehensive Plan provides general goals and polices to guide the future development and does not address specific guidelines for fences. The subject property is guided as Low Density Residential which is characterized by single family homes. According to the Comprehensive Plan this category allows densities of 3 to 9 units per acre. Based on the existing single unit house and the 10,833 sq. ft. lot size, the property is at a density of 4 units per acre, which falls within the density range for Low Density Residential. Constructing a fence will not impact the density of the property or the surrounding neighborhood or alter the character of the 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: The requested variance puts the property to use in a reasonable manner. Fences are a common accessory structure for single unit dwellings. A majority of properties have a yard that is considered a backyard and therefore are permitted to have a 6 foot privacy fence along the lot line. Because of the unique nature of the lot being a double frontage lot, the property has no true rear yard where a 6 foot fence would be permitted by right. On this section of Gardenette Drive, the yards facing the Lilac Lane are treated as the backyard as all the houses face Gardenette, so it would be reasonable to construct a 6 foot fence.

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

Finding: There are unique circumstances to the subject property not created by the homeowner. The lot is located between Lilac Lane and Gardenette Drive, making it a double frontage lot. Because of this, both the yard facing Gardenette Drive N and the yard facing Lilac Lane are considered front yards. This lot does not have true rear yard which allow for a 6 foot fence along the rear property line. Because of this, the only place a 6 foot fence is permitted by right would be on the sides of the house and 30 feet from the northern lot line. Additionally, the right-of-way on Lilac Lane is wider than the typical 60 feet, so there is additional boulevard space in front of the properties on the north side of Lilac Lane which face the subject property's rear yard.

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. The lots on this section of Gardenette Drive are all double frontage lots. The subject property and the neighboring properties treat the yard facing Lilac Lane as the rear yard. Many of the lots have garages, sheds or chain link fences, which are not typically permitted in front yards. Six out of ten homes on this block have garages that sit within a few feet of the north lot line.

RECOMMENDATION

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

1. All application materials, maps, drawings, and descriptive information submitted in this application shall become part of the permit.
2. Per Section 1301.060, Subd.3, the variance shall become null and void if the project has not been completed or utilized within one (1) calendar year after the approval date, subject to petition for renewal. Such petition shall be requested in writing and shall be submitted at least 30 days prior to expiration.
3. A zoning permit shall be obtained 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

Subdivision Map

Applicant's Narrative and Plans

RESOLUTION NO.

**RESOLUTION GRANTING A FENCE HEIGHT VARIANCE FOR
2175 GARDENETTE DRIVE NORTH WITHIN THE CITY OF WHITE BEAR LAKE, MINNESOTA**

WHEREAS, Michael Chilson has requested a variance from the 4-foot maximum height allowed for a fence located in the front yard, per code section 1302.030, Subd. 6 in order to construct a 6-foot fence along the property line at the property located at 2175 Gardenette Drive.

LEGAL DESCRIPTION: GARDEN-ETTE PARK W 37 FT OF LOT 6 AND EX W 48 FT LOT 7 BLK 2. PID 233022440008.

WHEREAS, the Planning Commission held a public hearing as required by the Zoning Code on August 28, 2023; and

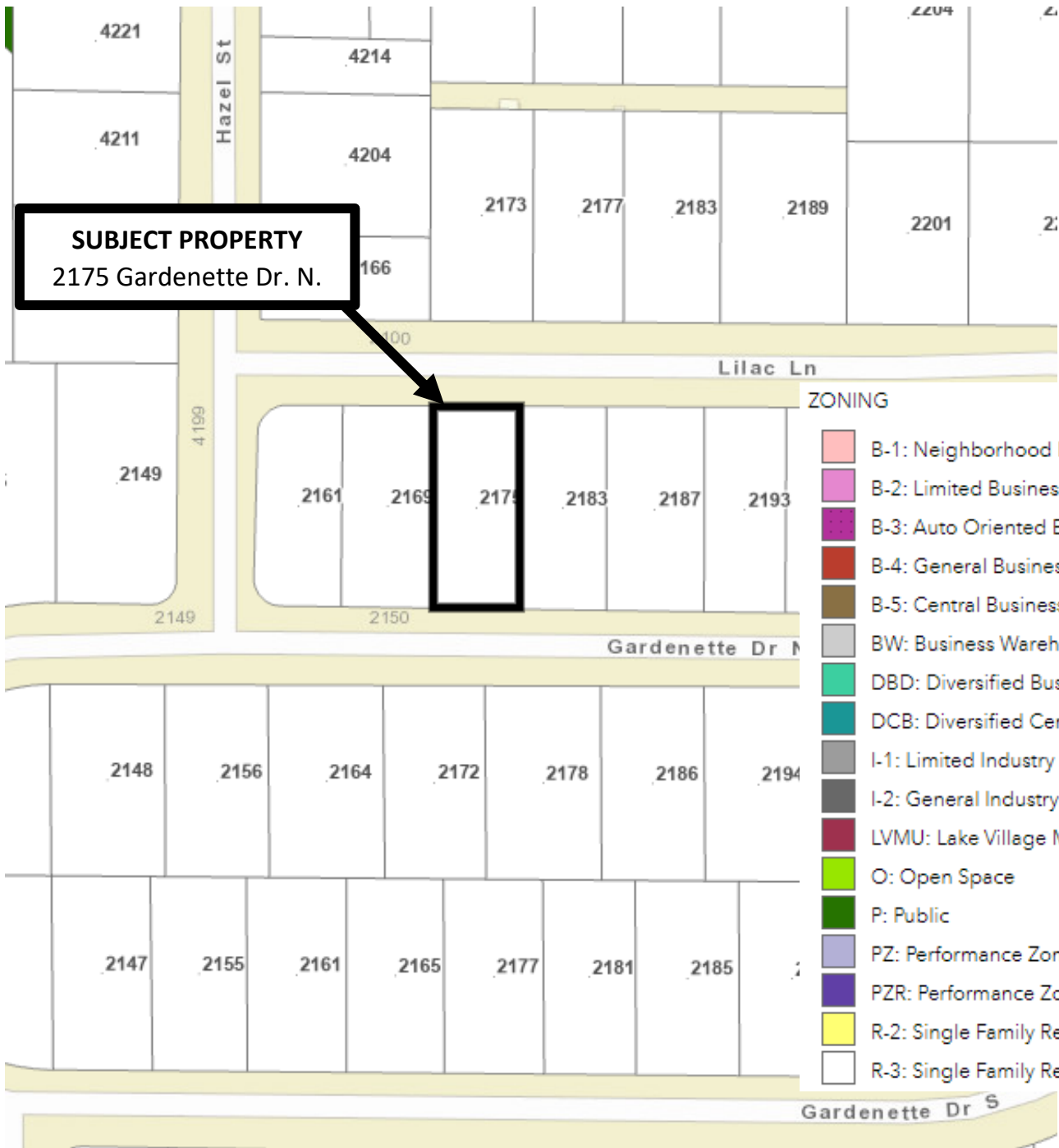
WHEREAS, the City Council has considered the advice and recommendations of the Planning Commission regarding the effect of the proposed variance upon the health, safety, and welfare of the community and its Comprehensive Plan, as well as any concerns related to compatibility of uses, traffic, property 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 zoning 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.

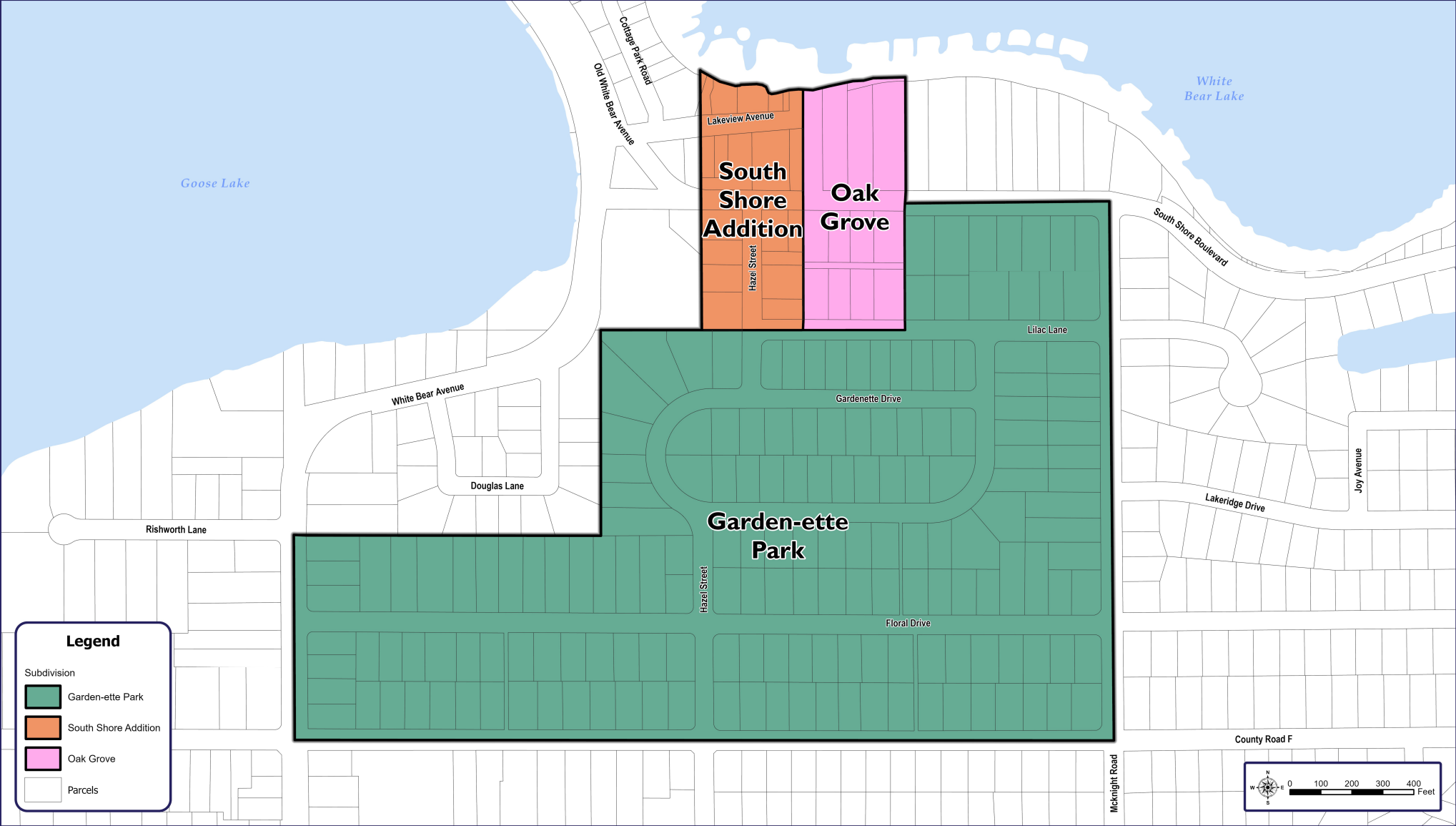


 <p>City of White Bear Lake Planning & Zoning 651-429-8561</p>	<p>CASE NO. : <u>23-25-V</u></p>
	<p>CASE NAME : <u>2175 Gardenette Dr N – Fence Height</u></p>
	<p>DATE : <u>8-28-2023</u></p>



Subdivisions

City of White Bear Lake



Dear friends,

I am writing to seek a fence variance for the backyard of my single family home at 2175 Gardenette Dr N. Current zoning rules say that the fences must be no more than 4 feet tall; I respectfully request a fence that is 6 feet tall.

Current zoning rules allow for a 6 foot tall fence in peoples backyards, but, I have something a little different than most. My backyard goes all the way to the neighboring street, Lilac Lane. The city views this as a "front yard" and would only allow a 4 ft fence.

The reason I want the fence is simply for privacy. From Lilac Lane you can see very clearly into my house as it has multiple windows facing Lilac Lane at street level. At the height of 4 feet I believe it will still be easy to see into the house. I believe having a private backyard / privacy is something everyone should have if they want it.

Thank you so much for your time and consideration.

Sincerely,

Michael Chilson

Gardenette Dr N

House and garage

Neighbors
Fence

Bushes

35'

45'

Powerline Pole

30'

Proposed 6ft fence

Swing gate

Swing gate 8'

30'



Lilac Lane

Fence 15 ft from curb.



City of White Bear Lake
Fire Department

MEMORANDUM

To: Lindy Crawford, City Manager
From: Greg Peterson, Fire Chief
Date: September 7, 2023
Subject: Mark and LuAnn Peterson Site Visit Confirmation Agreement

SUMMARY

The City Council will consider adopting a resolution authorizing the renewal of a site visit confirmation agreement with Mark and LuAnn Peterson for a community engagement event with the Fire Department.

BACKGROUND INFORMATION

Last year the Fire Department hosted a fire safety educational event that included Mark and LuAnn Peterson posing at Santa and Mrs. Claus. The public event was well attended and enjoyed by the families that participated. It also served as an opportunity for the Fire Department to share and educate the attendees on fire safety.

Staff would like to host this event again this year on December 10, 2023. The Petersons are agreeable to this and have provided a site visit confirmation agreement for Council approval. The cost of their service is \$400.00 which fits within the 2023 budget.

RECOMMENDATION

Staff recommends the City Council adopt the attached resolution authorizing the Site Visit Confirmation Agreement with Mark and LuAnn Peterson for their services.

ATTACHMENTS

Resolution

RESOLUTION NO.

RESOLUTION AUTHORIZING A SITE VISIT CONFIRMATION AGREEMENT BETWEEN MARK AND LUANN PETERSON AND THE WHITE BEAR LAKE FIRE DEPARTMENT

WHEREAS, the Fire Department provides ongoing community engagement to share fire safety education; and

WHEREAS, the City of White Bear Lake has previously had a site visit agreement with Mark and LuAnn to pose as Santa & Mrs. Claus while providing fire safety messaging during a community engagement event; and

WHEREAS, The Fire Department finds this public event useful to share fire safety messaging; and

WHEREAS, the Fire Chief has requested a renewal of the agreement to continue this community engagement event; and

WHEREAS, the agreed date of the visit is set for December 10, 2023.

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 execute to the site visit confirmation agreement with Mark and LuAnn Peterson to provide their service of posing as Santa and Mrs. Claus on December 10, 2023.

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: September 12, 2023
Subject: Swear-In of Chief of Police

SUMMARY

The City Clerk will administer the oath of office to our new Chief of Police, Dale Hager. A pinning ceremony will conclude the presentation.



City of White Bear Lake
City Manager's Office

MEMORANDUM

To: Mayor and Council
From: Lindy Crawford, City Manager
Date: September 12, 2023
Subject: Proclamation for Constitution Week

SUMMARY

The Mayor will read a proclamation, honoring September 17-23, 2023 as Constitution Week.

BACKGROUND INFORMATION

The Daughters of the American Revolution started the celebration of the constitution and petitioned Congress in 1955 to set aside September 17-23 annually to be dedicated for the observance of Constitution Week. The resolution was later adopted by the U.S. Congress and signed into public law on August 2, 1956. Constitution Week is celebrated annually during the week of September 17-23 to commemorate its history and how it still serves U.S. citizens today.

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: September 12, 2023
Subject: **Second Reading of an Ordinance Prohibiting the Use of Cannabis in Public Spaces**

SUMMARY

The City Council will hold a public hearing and conduct a second reading of an ordinance prohibiting the use of cannabis in public spaces within city limits.

BACKGROUND INFORMATION

As part of the bill legalizing the use of cannabis, the Legislature did not prohibit the use of cannabis in public spaces. Instead, it gave authority to local units of government the right to do so – “A local unit of government may adopt an ordinance establishing a petty misdemeanor offense for a person who unlawfully uses cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products in a public place” Minn. Stat. § 152.0263, subd. 5. Use of cannabis involving the inhalation of smoke, aerosol, or vapor is prohibited at any location where smoking is prohibited under the Minnesota Clean Indoor Air Act. Minn. Stat. § 342.09, subd. 1(b)(3). There are other specific location prohibitions in the new law (such as public schools), but there is not a general prohibition on use in public places.

At the direction of City Council during the regular Council meeting on July 25, the City Attorney and staff prepared an ordinance prohibiting the use of cannabis in public spaces within city limits, meaning any park, right-of-way, or parking lot. Highlights of the ordinance include:

1. Definitions, including definitions of the public places in which the use of cannabis products is prohibited under the ordinance. The statute excludes certain places from being considered a public place, so the definition of public place expressly excludes those places. The focus is on places owned by governmental entities, not private places such as a store parking lot.
2. The ordinance prohibits the use of cannabis products in a public place.
3. The penalty prescribed by statute for a violation is a petty misdemeanor, but consistent with the Municipal Code the ordinance also states an administrative penalty may be imposed. The amount of administrative penalty is part of the proposed fee schedule amendment.
4. The ordinance is effective on the first day of publication of a summary.

RECOMMENDATIONS

1. Staff recommends the City Council conduct the second reading, then adopt the attached ordinance prohibiting the use of cannabis in public spaces within city limits.
2. Staff recommends the City Council adopt the attached resolution approving the summary publication of said ordinance by title and summary.

ATTACHMENTS

Ordinance

Resolution

CITY OF WHITE BEAR LAKE
ORDINANCE NO. _____

AN ORDINANCE AMENDING THE MUNICIPAL CODE
OF THE CITY OF WHITE BEAR LAKE TO PROHIBIT THE
USE OF CANNABIS PRODUCTS IN PUBLIC PLACES

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

ARTICLE I. Public Use Prohibition. Article VII, Chapter 703 of the Municipal Code of the City of White Bear Lake is hereby amended by adding a new Section 703.160 as follows:

§703.160 MISCELLANEOUS OFFENSES: USE OF CANNABIS PRODUCTS IN PUBLIC PLACES.

Subd. 1. Definitions. For the purposes of this section, the following terms shall have the meanings given them in this subdivision.

- A. Cannabis Product. “Cannabis product” means any of the following: cannabis flower; cannabis products; lower-potency hemp edibles; or hemp-derived consumer products, as each are defined in Minnesota Statutes, section 342.01.
- B. Park. “Park” means any public park, playground, sports field, open space, swimming pool, community center, or other recreational area or facility, including the grounds of any such facility.
- C. Parking Lot. “Parking lot” means any state, county, or city owned parking area that is made available to the public for parking.
- D. Public Place. “Public place” means any park, right-of-way, or parking lot. The term does not include any of the following: a private residence, including the person's curtilage or yard; private property not generally accessible by the public, unless the person is explicitly prohibited from consuming cannabis flower, cannabis products, lower-potency hemp edibles, or hemp-derived consumer products on the property by the owner of the property; or the premises of an establishment or event licensed to permit on-site consumption.
- E. Right-of-Way. “Right-of-way” means the entire area within a public roadway, highway, street, alley, cartway, bicycle lane, trail, or public sidewalk.

Subd. 2. Prohibition. It is unlawful for a person to use a cannabis product in a public place within the city.

Subd. 3. Enforcement. A violation of this section is a petty misdemeanor. A violation of this section is also an administrative offense and is subject to an administrative penalty as provided in Chapter 205 of this Code.

ARTICLE II. 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 September 2023.

Dan Louismet, Mayor

ATTEST:

Caley Longendyke, City Clerk

First Reading: _____

Initial Publication: _____

Second Reading: _____

Final Publication: _____

Codified: _____

Posted on web: _____

RESOLUTION NO.

A RESOLUTION APPROVING SUMMARY PUBLICATION OF AN ORDINANCE AMENDING THE MUNICIPAL CODE TO PROHIBIT THE USE OF CANNABIS PRODUCTS IN PUBLIC PLACES

WHEREAS, the City of White Bear Lake City Council adopted Ordinance No. _____ “An Ordinance Amending the Municipal Code of the City of White Bear Lake to Prohibit the Use of Cannabis Products in Public Places” (“Ordinance”) at its September 12, 2023 meeting; and

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

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

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

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF WHITE BEAR LAKE TO PROHIBIT THE USE OF CANNABIS PRODUCTS IN PUBLIC PLACES

The text amendment adds a section to Chapter 703, Miscellaneous Offenses, to prohibit the use of cannabis products in public places, including definitions, prohibition and enforcement.

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

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

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

Ayes:
Nays:
Passed:

RESOLUTION NO.

Dan Louismet, Mayor

ATTEST:

Caley Longendyke, City Clerk

Published one time in the White Bear Press on _____, 2023.



City of White Bear Lake
City Manager's Office

MEMORANDUM

To: Mayor and City Council
From: Lindy Crawford, City Manager
Date: September 12, 2023
Subject: Second Reading of an Ordinance Amending to 2023 Fee Schedule

SUMMARY

The City Council will hold a public hearing and conduct a second reading of an ordinance amending the 2023 Fee schedule for the addition of associated fees related to edible cannabinoid products.

BACKGROUND INFORMATION

At the August 22 regular meeting, the City Council adopted an ordinance requiring licensing and imposing regulations on the sale of edible cannabinoid products, as defined in Minnesota Statutes, Section 151.72.

The 2023 Fee Schedule, approved by City Council at its December 13, 2022 meeting, doesn't list any fees related to edible cannabinoid products. Proposed additions, to be added under Section II *Business Licenses* and Section VI *Administrative Offenses* are outlined below:

II	BUSINESS LICENSES	FEE	LAST ADJUSTED
	<u>Edible Cannabinoid Products License</u>	<u>\$125.00</u>	<u>September 2023</u>
	<u>Edible Cannabinoid Products Application and Background</u>	<u>\$500.00</u>	<u>September 2023</u>

VI	ADMINISTRATIVE OFFENSES	FEE	LAST ADJUSTED
	<u>I. Penalties for Edible Cannabinoid Sales</u>		
	<u>Underage consumption</u>	<u>\$50.00</u>	<u>September 2023</u>
	<u>Lending ID to underage person</u>	<u>\$100.00</u>	<u>September 2023</u>
	<u>License holder, first offense</u>	<u>\$150.00</u>	<u>September 2023</u>
	<u>License holder, second offense within 12 months</u>	<u>\$275.00</u>	<u>September 2023</u>
	<u>Other edible cannabinoid-related offenses</u>	<u>\$100.00</u>	<u>September 2023</u>

In addition to voting on the amended Fee Schedule, the City Council conducted a first reading of an ordinance prohibiting the use of cannabis in public spaces on August 22. The second

reading for that ordinance is also scheduled for the September 12 meeting. Pending the approval of that ordinance, the following is proposed for associated fees:

VI	ADMINISTRATIVE OFFENSES	FEE	LAST ADJUSTED
	<u>I. Penalties for Edible Cannabinoid Sales</u>		
	<u>Consumption in a public space</u>	<u>\$100.00</u>	<u>September 2023</u>

The drafted ordinance has been revised since the first reading to reflect the additional fee.

RECOMMENDATION

Staff recommends the City Council conduct the second reading and hold a public hearing, then adopt the proposed ordinance amending the 2023 Fee Schedule as it relates to edible cannabinoid products.

ATTACHMENTS

Ordinance

ORDINANCE NO.

AN ORDINANCE AMENDING THE 2023 FEE SCHEDULE OF THE WHITE BEAR LAKE CITY CODE TO ADD FEES RELATING TO EDIBLE CANNABINOID PRODUCTS

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

ARTICLE I. Purpose. The purpose of this ordinance is to incorporate associated fees related to edible cannabinoid products into the 2023 Fee Schedule.

ARTICLE II. Amended Fee Schedule. The 2023 Fee Schedule is hereby amended by adding the following, as shown in double underline:

II	BUSINESS LICENSES	FEE	LAST ADJUSTED
	<u>Edible Cannabinoid Products License</u>	<u>\$125.00</u>	<u>September 2023</u>
	<u>Edible Cannabinoid Products Application and Background</u>	<u>\$500.00</u>	<u>September 2023</u>

VI	ADMINISTRATIVE OFFENSES	FEE	LAST ADJUSTED
	<u>H. Penalties for Edible Cannabinoid Sales</u>		
	<u>Underage consumption</u>	<u>\$50.00</u>	<u>September 2023</u>
	<u>Lending ID to underage person</u>	<u>\$100.00</u>	<u>September 2023</u>
	<u>Consumption in a public space</u>	<u>\$100.00</u>	<u>September 2023</u>
	<u>License holder, first offense</u>	<u>\$150.00</u>	<u>September 2023</u>
	<u>License holder, second offense within 12 months</u>	<u>\$275.00</u>	<u>September 2023</u>
	<u>Other edible cannabinoid-related offenses</u>	<u>\$100.00</u>	<u>September 2023</u>

Article III. Not Codified. This ordinance is transitory in nature and shall not be codified. The added fees established hereby shall be incorporated into the 2023 Fee Schedule, located on the City’s website and available for inspection at the City Hall during usual office hours.

ARTICLE IV. Effective Date. This Ordinance shall become effective upon its passage, after second reading and publication.

ARTICLE V. General Provisions.

- (a) Applications for the retail sale of edible cannabinoid products submitted prior to the passing of this ordinance shall be subject to such fees before the license is issued.
- (b) City staff is authorized to incorporate the amendments approved herein into 2023 Fee Schedule of the City of White Bear Lake and to take such other actions as may be necessary to put the added fees into effect.

ORDINANCE NO.

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

Ayes:
Nays:
Passed:

Dan Louismet, Mayor

ATTEST:

Caley Longendyke, City Clerk

First Reading: _____
Second Reading: _____
Publication: _____
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: September 12, 2023
Subject: **Zoning Ordinance Text Amendment Related to Certain Tobacco & Cannabis Related Uses**

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. On August 8, the City Council conducted the first reading of this ordinance and directed staff to bring this item back for a second reading on September 12.

During the first reading, staff explained this item included two version of the ordinance. As a result, attached for Council consideration is (1) the original ordinance presented to the Planning Commission dated 7/27/23 and (2) an alternative version of the ordinance dated 8/1/23 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. Should the Council approve Option 2, it would allow the sale of edible cannabinoid products at any business with a current tobacco license, on-sale liquor license (bar/restaurant) or off-sale liquor license (liquor store).

During the Council meeting, staff recommends the Council conduct the second reading of the zoning ordinance text amendment and take action to approve Option 2.

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. After some discussion, the Commission voted 4-0 to recommend the City Council approve this item.

As part of their review, the Planning 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 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 regulate these uses similar to off-sale liquor (liquor stores) and position these uses in the most compatible locations throughout the community. Liquor stores are allowed as a permitted use in the B-2 – Limited Business, B-3 – Auto Oriented Business, and B-4 General Business districts. The purpose and intent statements for each of

these zoning districts are provided below. Of these districts, only the B-4 allows for general commercial uses in areas away from lower density residential neighborhood, schools or parks.

B-2 – Limited Business District. The purpose of the "B-2", Limited Business District is to provide for low intensity retail or service outlets which deal directly with the customer for whom the goods or services are furnished. The uses allowed in this district are to provide goods and services on a limited community market scale and are to be located only in areas which are well served by collector or arterial street facilities at the edge of residential districts.

B-3 – Auto Oriented Business District. The purpose of the "B-3, Auto-Oriented Business District is to provide for and limit the establishment of motor vehicle oriented or dependent commercial and service activities. The "B-3" District is intended to provide additional control over high intensity commercial uses which rely on extensive traffic generation, thus the "B-3" District may result in intentional "spot zoning"

B-4 – General Business District. 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.

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 whether 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

1. Staff recommends the City Council conduct the second reading, the adopt ordinance Option 2, dated 8/1/23, allowing 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.
2. Staff recommends the City Council adopt the attached resolution approving the summary publication of said ordinance by title and summary.

ATTACHMENTS

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

Ordinance Alternative – dated 8/1/23

Map

Resolution

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

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 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: _____

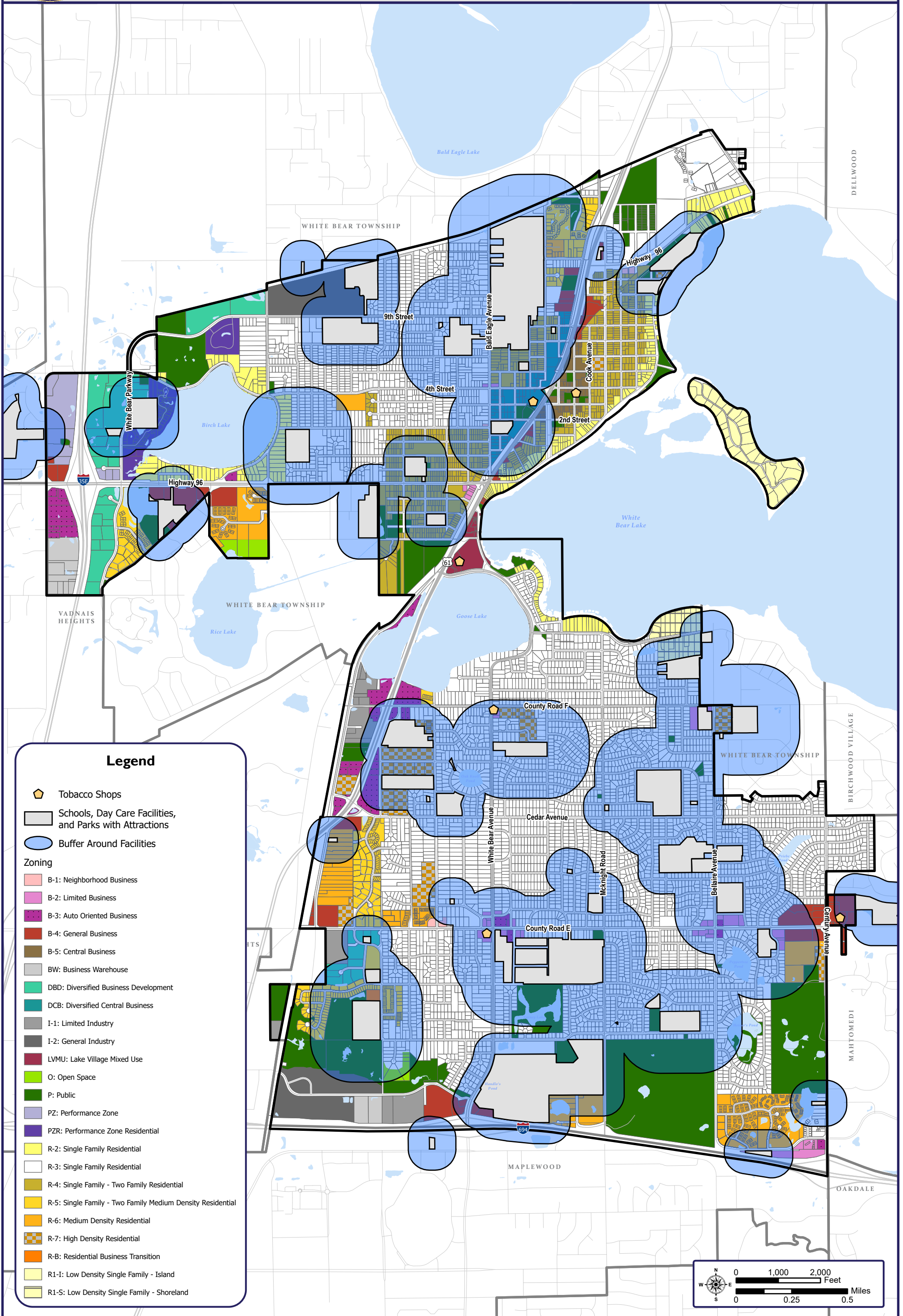
Codified: _____

Posted on web: _____



Tobacco Shops & Cannabis Businesses Buffer

City of White Bear Lake



RESOLUTION NO.

A RESOLUTION APPROVING SUMMARY PUBLICATION OF AN ORDINANCE AMENDING THE MUNICIPAL CODE REGARDING TOBACCO PRODUCT SHOPS AND CANNABIS RETAILERS

WHEREAS, the City of White Bear Lake City Council adopted Ordinance No. _____ “An Ordinance Amending the Municipal Code of the City of White Bear Lake Regarding Tobacco Product Shops and Cannabis Retailers” (“Ordinance”) at its September 12, 2023 meeting; and

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

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

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

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

The text amendment adds a section to Chamber 1302 regarding the zoning of tobacco product shops and cannabis retailers in White Bear Lake city limits.

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

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

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

Ayes:
Nays:
Passed:

RESOLUTION NO.

Dan Louismet, Mayor

ATTEST:

Caley Longendyke, City Clerk

Published one time in the White Bear Press on _____, 2023.

September 7, 2023

White Bear City Council
White Bear Lake City Hall
4701 Highway 61
White Bear Lake, MN 55110

Re: Zoning for Cannabis Dispensary

To Whom It May Concern:

I am writing today in regard to the above-referenced matter due to the recent changes in legalization of Marijuana in the state of Minnesota. In as much, I am looking to open a dispensary located near White Bear Avenue and County Road E. It is my understanding that the city is currently working on the zoning to decide where the cannabis business should be located. Currently, the information that I gathered, the city is suggesting that Zone B4 be the only place they are to have a cannabis business.

Per this letter, I am asking that the council consider the property I have located at 2008 County Road E east, currently sitting in Zone B2 to be considered eligible for cannabis business. As the location sits within the Summit Liquor Mall, the addition of a cannabis shop would not only increase sales at nearby businesses, but also assist with the revitalization of County Road E, which has been in the works for a number of years.

Since the onset of the legalization process within the state, I have worked closely with the members of the City of White Bear Lake to be of assistance in any way needed. With my previous experience outside the state with the legalization of marijuana, I feel my knowledge of the cannabis industry would help the business thrive within the mall. I hope the council will consider this request and allow Zone B2 to have the opportunity to apply for a dispensary license within the state.

Please feel free to contact me with any questions or concerns you may have at (720) 329-5972.

Kindest Regards,

Solomon Haile



City of White Bear Lake
City Manager's Office

MEMORANDUM

To: Mayor and Council
From: Lindy Crawford, City Manager
 Kerri Kindsvater, Finance Director
Date: August 15, 2023
Subject: **2024 Preliminary Budget & Tax Levy**

SUMMARY

The City Council will review and discuss the 2024 preliminary budget and tax levy. The preliminary tax levy may be set at the September 12 Council meeting, but must be set no later than the September 26 meeting.

BACKGROUND INFORMATION

Attached for review and discussion is the 2024 preliminary budget. The proposed preliminary General Fund tax levy reflects a 17.02% or a \$1,694,000 increase for operations and a 5.53% or a \$551,000 increase for debt service related to the public safety facility renovation and expansion project.

Therefore, the total preliminary tax levy reflects a 22.55% or a \$2,245,000 increase over the previous year's levy. This proposed tax levy is possible through the allocation of a portion of Public Safety Local Government Aid for operating purposes and no reduction in the Local Government Aid assigned to the General Fund.

The state auditor recommends that cities keep a minimum of five month's operating costs (42%) on hand and accessible to cover unanticipated costs. The fund balance projected for December 31, 2023, covers 40.28% of the 2024 expenditures. Although the percentage is just below the state auditor's recommended amount, it complies with the Council policy requiring the fund balance to be 35-50% of expenditures anticipated for the following year.

A second analysis tracks the fund balance to ensure funds are available to pay claims in the first half of each year since the City receives its first payments of the two largest revenue sources (tax payments and state aid) in June or July. The anticipated fund balance for December 31, 2023, is 60.35% of the 2024 projected tax and intergovernmental revenue, which provides sufficient funds for the first half of 2024.

The following chart summarizes the proposed 2024 tax levy:

General Fund	\$ 9,927,000
Debt Service	1,055,000
Debt Service - Public Safety Facility	<u>1,218,000</u>
Gross Levy	12,200,000
Less: Fiscal Disparity Distribution	<u>(1,084,295)</u>
Net Levy	<u><u>11,115,705</u></u>

Tax capacity rate related to a \$12,200,000 levy: 27.755%

Levy Impacts

Staff has prepared the attached documents for residential and commercial property owners to illustrate estimated impacts to property taxes for taxes payable in 2024. In addition, the Council has traditionally analyzed market valuations and tax levy impacts for five residential and six commercial properties.

The median value residential unit in the city is \$312,100, which is a 1.96% or \$6,000 increase from the 2022 median value home of 306,100 used in last year's presentation. The 2024 tax burden to this property at a 27.755% tax capacity rate for City taxes is \$840.70, which is \$116.06 increase above the previous year. For this annual tax, this property owner will continue to receive an exceptional quality of life in White Bear Lake with all of the following services –

- 27/7 police response
- 24/7 fire and emergency medical response
- Street maintenance, sweeping, lighting, and snow plowing
- Parks access and recreation activities
- Election activities
- Access to city publications
- Access to all city staff and elected officials

Significant Expenditure changes include –

1. Salary adjustments per the adopted Pay Plan and labor agreements (including benefit factors) and a COLA adjustment of 3%
2. Addition of two full-time firefighters/paramedics – effective January 1, 2024
3. Addition of a facility maintenance position – effective July 1, 2024
4. Emerald Ash Borer (EAB) diseased and dying tree removal program
5. Increase in employee health insurance benefits
6. Zoning Code update project
7. Critical incident appropriations
8. Operating technology costs related to software systems (finance, HR/payroll, utility billing, building permits, GIS, internet, other smaller programs), computer servers and additional IT support for these items

9. Increase in routine city-owned facility cleaning charges and facility maintenance needs

Significant Revenue changes include –

1. Decrease in permit revenues now that most School District permits are complete.
2. Interest revenue estimates for the year are an extrapolation of allocated earnings based on the average cash balance as of 6/30/2023.
3. Reduction of the Pavement Management Fund transfer of support for the Engineering operations previously embedded in the Pavement Management Fund per Council direction. The 2025 Budget will include the final transfer for this item.
4. Receipt of federal COVID aid has expired and is no longer a source of revenue. The City, like others, has relied on this funding over the past three years to offset property tax increases.

As mentioned above and directed by the Council, the 2024 budget holds the Local Government Aid (LGA) assigned to the General Fund at the same level as in 2023. LGA is a program based on a complex formula to equalize a city's ability to provide an average level of service at a reasonable property tax rate. As a city's property values increased in recent years, the formula in place reduced the amount of aid distributed for assistance. White Bear Lake began realizing a reduction in LGA in 2021. The 2023 legislative session produced a funding increase for the LGA program and formula updates to replace antiquated variables with more intuitive factors in order to calculate LGA distribution to cities. As a result, the LGA allotment to the City of White Bear Lake increased from \$827,265 in 2023 to \$1,294,285 in 2024, a change of \$467,020.

City Council feedback from the August 2023 budget work session indicated the desire to hold the LGA allocation to the General Fund at the 2023 level to reduce the property tax increase. This is a deviation from Council's previously discussed plan to reduce reliance on LGA for operating expenditures. This plan provides immediate assistance in tax relief for 2024 by providing additional non-property tax revenues. Staff recognizes, and the Council acknowledges, this funding source, though stable now, may be reduced or eliminated in the future, which will require higher property taxes to support operating and capital expenditures.

Public Safety Local Government Aid

The 2023 State Tax Omnibus Bill included \$300 million dollars in public safety aid, for distribution to cities by December 26, 2023. The City will receive \$1,096,939, which is restricted to uses for recruitment, retention, and equipment costs for the Police and Fire Departments.

The City Manager, Fire Chief and Police Chief have evaluated potential uses for the LGA and propose using \$948,500 for operating and capital expenditures as outlined below. Staff requests leaving the remaining \$148,439 as unallocated until further analysis can be done by the City Manager and new Police Chief.

Priority	Cost	Ongoing Expense (Capital / Operating)
Ambulance	\$ 340,000	Capital
Additional FF/Paramedic (1)	\$ 135,000	O
SCBA Compressor Replacment	\$ 72,000	Capital
Police encrypted radios	\$ 125,000	Capital
Police Policy & Training Software	\$ 30,000	O
Police Admin. vehicle	\$ 25,000	Capital
MASA Consulting	\$ 63,000	O
Police community engagement	\$ 6,100	O
Fire community engagement	\$ 3,100	O
NYFS crisis response contract	\$ 29,000	O
Police officer training	\$ 25,000	O
Fire officer training	\$ 8,300	O
PS Facility gym renovation	\$ 55,000	Capital
Fire Thermal Imagers	\$ 28,000	Capital
Police cell phones	\$ 3,000	O
Fire Training Water Rescue Mannequ	\$ 1,000	O

2023 Revised Budget

The Council adopted the 2023 General Fund budget with a planned deficit of \$670,021; the decision was possible due to the use of the unrestricted surplus cash in the General Fund. The 2023 Revised General Fund eliminates the need to use the surplus as support for operations due to position vacancies in multiple departments and higher year-to-date revenues in some accounts. Given these circumstances, the preliminary revised budget anticipates a surplus of \$55,776 for the year. Though the financial situation appears successful, the reality is that departments, primarily public safety departments, have been operating significantly under staffed, which takes a toll on employees.

Budget Funding Analysis

Receipts of federal aid during the COVID years sustained operations and held property tax levies at a lower level. The federal aid ended, which returns the burden of budget support to both tax and non-tax revenues. A high-level review of the overall budget process the past few years indicates revenues are not rising at the same rate as expenditures in these economic times. In the future, the annual budget process will not be able to rely on fund reserves to balance the budget since the strategy is not sustainable. The Council will need to decide to either increase taxes further, generate additional non-tax revenues or reduce services to support a balanced annual budget as soon as the 2025 budget.

RECOMMENDATIONS

Staff recommends the City Council adopt the attached resolution approving the preliminary tax levy, as presented.

- The 2024 preliminary tax levy must be set no later than the September 26 Council

meeting.

- The Council will hold the required truth-in-taxation (TNT) hearing and adopt the 2024 final tax levy and budget at the December 12 Council meeting.
- If the Council adopts the preliminary tax levy of \$12,200,000, the Council may reduce the levy before final adoption in December, but may not increase it.

ATTACHMENTS

Resolution

General Fund Summaries (Revenues & Expenditures)

Estimate Property Tax Levy Impacts

RESOLUTION NO.

**RESOLUTION APPROVING THE PRELIMINARY 2023 TAX LEVY COLLECTIBLE IN 2024
FOR THE CITY OF WHITE BEAR LAKE, MINNESOTA**

WHEREAS, the City of White Bear Lake, by City Charter and State law, is required to annually approve a resolution setting forth a proposed tax levy to the Ramsey and Washington County Auditors; and

WHEREAS, Minnesota State Statutes require certification of a preliminary tax levy to the Ramsey and Washington County Auditors on or before September 30, 2023; and

WHEREAS, the summary details will be submitted to the City Council upon completion of the budget process by the City Manager as revised.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of White Bear Lake, Ramsey and Washington Counties, Minnesota that the following sums be levied in 2023, collectible in 2024, upon the taxable property in said City of White Bear Lake for the following purposes:

General Fund	\$9,927,000
Debt Service: YMCA/Sports Center	132,000
Debt Service: Street Construction - 2018	220,000
Debt Service: Street Construction - 2019	83,000
Debt Service: Street Construction - 2020	107,000
Debt Service: Equipment Certificates - 2020	151,000
Debt Service: Street Construction - 2021	97,000
Debt Service: Equipment Certificates - 2021	61,000
Debt Service: Street Construction - 2022	204,000
Debt Service: Public Safety Facility - 2022	553,000
Debt Service: Public Safety Facility - 2023	<u>665,000</u>
Gross Levy	12,200,000
Less: Fiscal Disparity Distribution	<u>(1,084,295)</u>
Net Levy	<u><u>11,115,705</u></u>

BE IT FURTHER RESOLVED that the City Council schedule its Truth-In-Taxation hearing for Tuesday, December 12, 2023 at 7:00 p.m. in the City Hall Council Chambers. The meeting will continue until all parties have had an opportunity to speak.

BE IT FURTHER RESOLVED, that provision has also been made for payment of the City's share of Public Employees Retirement Association's (PERA) contributions for the ensuing years; and

RESOLUTION NO.

BE IT FURTHER RESOLVED, that there is a sufficient sum of monies in all the Debt Service Funds of the City which are irrevocably pledged, to pay principal and interest in 2024 on all outstanding bond issues, and the deferred annual tax levies previously certified to the County Auditors are hereby canceled, and replaced by the above debt service tax levy; and

BE IT FURTHER RESOLVED, that adoption of this resolution does not prohibit the City Council from certifying a final levy that will result in a lower final tax levy; and

BE IT FURTHER RESOLVED, that the City Clerk is hereby authorized and directed to transmit a certified copy of this resolution to the County Auditor of Ramsey and Washington Counties, Minnesota, as required by law.

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
General Fund Summary

Annual Budget

Item	2021 Actual	2022 Actual	2023 Budget	2023 Revised	2024 Budget
Revenue					
Property taxes	\$ 6,667,935	\$ 7,174,250	\$ 8,233,000	\$ 8,233,000	\$ 9,927,000
Franchise fees and fines	385,578	404,399	382,000	432,628	422,300
Licenses and permits	1,393,967	1,625,552	1,128,807	1,362,605	892,850
Intergovernmental	2,481,616	2,576,763	2,073,590	2,086,433	2,453,390
Charges for services	730,177	862,424	871,126	883,286	3,578,327
Miscellaneous	54,075	(80,503)	65,750	184,806	207,655
Total Operating Revenue	<u>11,713,348</u>	<u>12,562,885</u>	<u>12,754,273</u>	<u>13,182,758</u>	<u>17,481,522</u>
Transfers In	<u>1,433,072</u>	<u>1,236,210</u>	<u>1,048,600</u>	<u>1,048,600</u>	<u>1,067,520</u>
Total Revenue	<u>13,146,420</u>	<u>13,799,095</u>	<u>13,802,873</u>	<u>14,231,358</u>	<u>18,549,042</u>
Expenditures					
General government	1,999,555	2,034,762	2,298,629	2,327,828	2,613,000
Public safety	7,070,825	7,607,354	8,628,996	8,408,807	12,092,135
Public works	2,515,785	2,964,543	3,300,227	3,351,697	3,762,686
General service and contingency	107,332	110,747	245,042	87,250	80,975
Total operating expenditures	<u>11,693,497</u>	<u>12,717,406</u>	<u>14,472,894</u>	<u>14,175,582</u>	<u>18,548,796</u>
Transfers Out	<u>600,000</u>	<u>323,485</u>	<u>-</u>	<u>-</u>	<u>-</u>
Total expenditures	<u>12,293,497</u>	<u>13,040,891</u>	<u>14,472,894</u>	<u>14,175,582</u>	<u>18,548,796</u>
Revenues over (under) expenditures	<u>852,923</u>	<u>758,204</u>	<u>(670,021)</u>	<u>55,776</u>	<u>246</u>
Fund balance January 1	<u>1,794,657</u>	<u>2,647,580</u>	<u>2,671,166</u>	<u>3,405,784</u>	<u>3,461,559</u>
Fund balance December 31	<u>\$ 2,647,580</u>	<u>\$ 3,405,784</u>	<u>\$ 2,001,145</u>	<u>\$ 3,461,559</u>	<u>\$ 3,461,805</u>
Reserve for operations	<u>4,010,000</u>	<u>4,010,000</u>	<u>4,010,000</u>	<u>4,010,000</u>	<u>4,010,000</u>
Total fund balance and reserve for operations	<u>\$ 6,657,580</u>	<u>\$ 7,415,784</u>	<u>\$ 6,011,145</u>	<u>\$ 7,471,559</u>	<u>\$ 7,471,805</u>

City of White Bear Lake
General Fund Revenues

Annual Budget
Business Unit: 1001

Code	Item	2021 Actual	2022 Actual	2023 Budget	2023 Revised	2024 Budget
General Property Taxes						
4015	Current	\$ 5,867,886	\$ 6,771,058	\$ 7,275,039	\$ 7,275,039	\$ 8,969,039
4040	Fiscal disparities	795,213	397,470	957,961	957,961	957,961
	Total current ad valorem taxes	<u>6,663,099</u>	<u>7,168,528</u>	<u>8,233,000</u>	<u>8,233,000</u>	<u>9,927,000</u>
4025	Delinquent	3,764	1,698	-	-	-
4030	Penalties and interest	1,072	4,024	-	-	-
	Total general property tax	<u>6,667,935</u>	<u>7,174,250</u>	<u>8,233,000</u>	<u>8,233,000</u>	<u>9,927,000</u>
Franchise Fee						
5095	Franchise fee - utilities	<u>307,570</u>	<u>336,014</u>	<u>325,000</u>	<u>371,353</u>	<u>360,000</u>
Licenses and Permits - Business						
4305	Liquor, intoxicating	5,188	93,104	88,300	89,610	88,300
4307	Liquor, nonintoxicating	800	4,378	4,200	4,950	4,950
4309	Cigarette	3,750	4,375	3,600	3,750	3,750
4315	Rental housing fee	47,344	47,171	44,000	24,270	47,000
4317	General contractor	11,020	9,940	10,000	9,000	9,500
4319	Solicitor	3,500	2,090	2,000	2,190	2,000
4323	Other	5,878	4,190	5,000	6,115	5,950
4325	Gambling permits	2,700	2,812	2,400	2,475	2,400
	Total business licenses and permits	<u>80,180</u>	<u>168,060</u>	<u>159,500</u>	<u>142,360</u>	<u>163,850</u>
Non-Business						
4345	Animal	6,592	3,618	3,000	3,035	3,000
4350	Launch	16,000	16,000	16,000	16,000	19,000
4405	Building	727,081	761,454	560,792	660,400	391,000
4406	Building plan reviews	347,017	276,247	217,515	275,510	125,000
4415	Electrical	73,589	88,926	62,000	96,000	70,000
4420	Heating and air conditioning	79,529	247,062	55,000	93,000	55,000
4425	Plumbing	36,406	31,493	35,000	42,275	35,000
4430	Water and sewer	6,200	6,901	5,000	6,300	6,000
4435	Sign	6,418	9,125	5,000	7,275	7,000
4437	Driveway	10,355	8,066	5,000	8,450	8,000
4439	Right of way	4,600	8,600	5,000	12,000	10,000
	Total non-business licenses and permits	<u>1,313,787</u>	<u>1,457,492</u>	<u>969,307</u>	<u>1,220,245</u>	<u>729,000</u>
	Total licenses and permits	<u>1,393,967</u>	<u>1,625,552</u>	<u>1,128,807</u>	<u>1,362,605</u>	<u>892,850</u>
Fines						
4510	County	56,988	57,670	50,000	54,000	55,000
4520	Administrative - City fines	2,100	675	500	775	800
4522	Administrative - City share of State fines	18,920	10,040	6,500	6,500	6,500
	Total Fines	<u>78,008</u>	<u>68,385</u>	<u>57,000</u>	<u>61,275</u>	<u>62,300</u>

City of White Bear Lake
General Fund Revenues

Annual Budget
Business Unit: 1001

Code	Item	2021 Actual	2022 Actual	2023 Budget	2023 Revised	2024 Budget
Intergovernmental						
4604	Federal grants	119,824	149,094	84,000	84,000	167,000
4624	State local government aid	1,202,297	1,233,615	827,265	827,265	827,265
4625	State local government aid Public Safety	-	-	-	-	269,500
4626	State aid street maintenance	375,000	375,000	375,000	375,000	375,000
4630	State police relief aid	274,245	297,154	275,000	290,000	290,000
4632	State fire relief aid	276,820	289,125	289,125	289,125	289,125
4644	State police POST board	31,941	31,459	27,000	27,000	30,000
4646	State aid - other	25,271	12,994	10,000	10,000	13,000
4662	County aid - other	21,218	28,672	21,200	21,200	21,500
4666	Local aid - school district resource officers	155,000	159,650	165,000	162,843	171,000
	Total intergovernmental	2,481,616	2,576,763	2,073,590	2,086,433	2,453,390
Charges for Services						
4807	Customer service taxable	87	308	-	160	-
4809	Customer service non-taxable	30,789	26,719	18,000	24,000	24,000
4832	Fire contract services	465,011	532,946	585,442	585,442	936,611
4833	Ambulance transport revenues	-	-	-	-	2,317,250
4834	Police contract services	85,776	91,186	113,184	113,184	129,466
4835	False alarm services	5,800	4,525	500	2,000	2,000
4836	Public safety services	8,525	14,325	3,000	8,000	8,000
4842	Public works services	599	395	-	-	-
4845	Building inspection services	132,965	190,820	150,000	150,000	160,000
4846	Fire inspection services	625	1,200	1,000	500	1,000
	Total charges for services	730,177	862,424	871,126	883,286	3,578,327
Miscellaneous Revenues						
4955	Interest	(25,701)	(193,573)	-	120,000	150,000
4975	Rental income	50,392	50,266	53,450	41,796	42,655
4990	Donations	1,175	665	-	450	-
5010	Sale of property	3,123	359	-	2,870	-
5318	Gambling regulatory tax	8,301	7,718	6,000	8,000	8,500
5350	Miscellaneous revenues	12,757	30,841	-	505	-
5360	Refunds and reimbursements	4,028	23,221	6,300	11,185	6,500
	Total miscellaneous revenues	54,075	(80,503)	65,750	184,806	207,655
Transfers for Administrative Charges						
5205	Water distribution	108,000	112,000	116,000	116,000	188,000
5205	Water treatment	20,000	21,000	22,000	22,000	49,000
5205	Sewer	120,000	124,000	130,000	130,000	233,000
5205	Refuse	110,000	114,000	119,000	119,000	121,000
5205	Ambulance	140,000	145,000	166,000	166,000	159,000
5205	Pioneer Manor	17,000	18,000	18,500	18,500	21,000
5205	License Bureau	-	50,000	57,000	57,000	62,000
5205	Marina	80,000	85,000	120,100	120,100	111,000
5205	Sports Center	-	-	-	-	3,920
5205	Economic development	87,100	-	-	-	19,600
5205	Pavement management	750,000	567,210	300,000	300,000	100,000
5210	Escrow	972	-	-	-	-
	Total transfers	1,433,072	1,236,210	1,048,600	1,048,600	1,067,520
Total		\$ 13,146,420	\$ 13,799,095	13,802,873	14,231,358	18,549,042

City of White Bear Lake
General Fund Summary of Expenditures by Department and Division

Annual Budget

Code	Item	2021 Actual	2022 Actual	2023 Adopted	2023 Revised	2024 Budget
Department of Administration						
1010	Mayor and council	\$ 138,994	\$ 142,011	\$ 164,768	\$ 161,983	\$ 166,758
1020	City manager	391,934	403,396	451,873	543,133	668,150
1030	Finance	629,949	683,428	746,042	676,957	657,457
1040	Legal counselor	75,005	83,530	72,836	79,736	83,851
1050	City hall	309,442	331,789	258,507	256,153	266,910
1051	Technology	-	-	142,959	139,148	143,235
1060	Elections	79,609	81,871	80,405	79,405	81,062
1070	Planning	374,622	308,737	381,240	391,314	545,578
	Total general government	<u>1,999,555</u>	<u>2,034,762</u>	<u>2,298,629</u>	<u>2,327,828</u>	<u>2,613,000</u>
Department of Public Safety						
1100	Public safety facility	-	135,445	148,755	148,120	176,114
1110	Police	4,865,854	4,959,857	5,651,606	5,523,353	5,847,957
1210	Fire	1,174,663	1,371,181	1,521,176	1,522,993	1,700,657
1250	Ambulance	-	-	-	-	3,020,971
1114	Dispatch	213,953	222,648	251,800	251,800	254,300
1041	Prosecution	153,196	153,092	160,063	137,463	144,623
1118	Animal control	13,533	17,764	27,116	17,167	18,666
1220	Emergency preparedness	9,389	13,550	18,579	14,754	17,513
1080	Building and code enforcement	640,237	733,817	849,900	793,158	911,334
	Total public safety	<u>7,070,825</u>	<u>7,607,354</u>	<u>8,628,996</u>	<u>8,408,807</u>	<u>12,092,135</u>
Department of Public Works						
1300	Public works facility	213,381	230,888	262,181	269,099	296,710
1310	Engineering	599,336	715,089	790,413	778,503	871,609
1320	Garage	162,124	249,805	277,911	290,234	317,323
1410	Streets	544,020	554,018	621,634	635,613	704,406
1420	Snow and ice removal	184,819	258,888	287,458	305,708	310,135
1430	Street lighting and signals	202,681	215,282	244,823	264,395	253,757
1510	Parks	609,424	740,573	815,806	808,145	1,008,746
	Total public works	<u>2,515,785</u>	<u>2,964,543</u>	<u>3,300,227</u>	<u>3,351,697</u>	<u>3,762,686</u>
Non-Departmental						
1610	General services	-	-	147,792	-	-
	Lake Conservation District	42,660	36,007	22,450	22,450	13,175
	Northeast Youth and Family Services	50,916	52,443	57,000	57,000	60,000
	Senior bus	2,345	3,094	7,800	7,800	7,800
	Contingency	11,411	19,203	10,000	-	-
	Total non-departmental	<u>107,332</u>	<u>110,747</u>	<u>245,042</u>	<u>87,250</u>	<u>80,975</u>
	Total operational expenditures	<u>11,693,497</u>	<u>12,717,406</u>	<u>14,472,894</u>	<u>14,175,582</u>	<u>18,548,796</u>
Transfers Out						
	Equipment Acquisition	400,000	-	-	-	-
	Municipal Building	200,000	323,485	-	-	-
	Total transfers out	<u>600,000</u>	<u>323,485</u>	<u>-</u>	<u>-</u>	<u>-</u>
	Total	<u>\$ 12,293,497</u>	<u>\$ 13,040,891</u>	<u>\$ 14,472,894</u>	<u>\$ 14,175,582</u>	<u>\$ 18,548,796</u>

City of White Bear Lake
Actual 2023 to Proposed 2024 Tax Levy
***Estimated* Tax Levy Impact with No Change in Estimated Market Values**

	For Taxes Levied/Payable		Change	
	2022/2023	2023/2024	Amount (\$)	Percent (%)
Taxable Market Value	3,601,334,200	3,794,513,900	193,179,700	5.36%
Total Tax Capacity	41,029,445	43,803,558	2,774,113	6.76%
Less Fiscal Disparity Distribution	(3,689,685)	(3,754,475)	(64,790)	1.76%
Net Tax Capacity	<u>37,339,760</u>	<u>40,049,083</u>	<u>2,709,323</u>	<u>7.26%</u>
Tax Levy by Purpose				
General Fund	8,208,000	9,777,000	1,569,000	19.12%
Emerald Ash Borer	25,000	150,000	125,000	500.00%
Debt Service: YMCA/Sports Center	132,000	132,000	-	0.00%
Debt Service: Street Construction - 2018	220,000	220,000	-	0.00%
Debt Service: Street Construction - 2019	80,000	83,000	3,000	3.75%
Debt Service: Equipment Certificates - 2020	155,000	151,000	(4,000)	-2.58%
Debt Service: Street Construction - 2020	103,000	107,000	4,000	3.88%
Debt Service: Equipment Certificates - 2021	62,000	61,000	(1,000)	-1.61%
Debt Service: Street Construction - 2021	99,000	97,000	(2,000)	-2.02%
Debt Service: Street Construction - 2022A	202,000	204,000	2,000	0.99%
Debt Service: Public Safety Building - 2022B	365,000	553,000	188,000	51.51%
Debt Service: Public Safety Building - 2023A	304,000	665,000	361,000	118.75%
Total Tax Levy	<u>9,955,000</u>	<u>12,200,000</u>	<u>2,245,000</u>	<u>22.55%</u>
City Tax Capacity Rate	<u>24.054%</u>	<u>27.755%</u>		<u>15.39%</u>

Residential Homestead Class Rates	Commercial/Industrial Class Rates
1.00% first \$500,000	1.50% first \$150,000
1.25% over	2.00% over

Estimated Market Value	Payable	Payable	Change	
	2023 City Tax	2024 City Tax	Amount (\$)	Percent (%)
City Tax on Residential Homestead Property (Market Value Homestead Credit not included)				
200,000	481.08	555.10	74.02	15.39%
250,000	601.35	693.88	92.53	15.39%
300,000	721.62	832.65	111.03	15.39%
350,000	841.89	971.43	129.54	15.39%
400,000	962.16	1,110.20	148.04	15.39%
450,000	1,082.43	1,248.98	166.55	15.39%
500,000	1,202.70	1,387.75	185.05	15.39%
550,000	1,353.04	1,561.22	208.18	15.39%
600,000	1,503.38	1,734.69	231.31	15.39%
650,000	1,653.71	1,908.16	254.44	15.39%
700,000	1,804.05	2,081.63	277.58	15.39%
750,000	1,954.39	2,255.09	300.71	15.39%
800,000	2,104.73	2,428.56	323.84	15.39%
850,000	2,255.06	2,602.03	346.97	15.39%
900,000	2,405.40	2,775.50	370.10	15.39%
950,000	2,555.74	2,948.97	393.23	15.39%
1,000,000	2,706.08	3,122.44	416.36	15.39%
City Tax on General Commercial/Industrial Property				
50,000	180.41	208.16	27.76	15.39%
75,000	270.61	312.24	41.64	15.39%
100,000	360.81	416.33	55.52	15.39%
200,000	781.76	902.04	120.28	15.39%
300,000	1,262.84	1,457.14	194.30	15.39%
400,000	1,743.92	2,012.24	268.32	15.39%
500,000	2,225.00	2,567.34	342.34	15.39%
600,000	2,706.08	3,122.44	416.36	15.39%
700,000	3,187.16	3,677.54	490.38	15.39%
800,000	3,668.24	4,232.64	564.40	15.39%
900,000	4,149.32	4,787.74	638.42	15.39%
1,000,000	4,630.40	5,342.84	712.44	15.39%

City of White Bear Lake
Residential
Property Tax Impact of tax levy
2024 Estimated City Property Taxes with Comparison Information from Prior Years

15-30-22-41-0036 4779 Peggy Lane	2018	2019	2020	2021	2022	2023	Est. 2024	Net Chg	% Chg
Market Value	178,000	192,700	224,000	238,100	245,400	273,500	296,800	23,300	8.52%
Taxable Market Value	156,800	172,800	207,000	222,300	230,300	260,900	286,300		
Tax Capacity	1,568	1,728	2,070	2,223	2,303	2,609	2,863		
City Tax Burden	298.82	348.88	426.81	452.49	512.68	627.58	794.63	167.05	26.62%

14-30-22-22-0056 4953 Campanaro	2018	2019	2020	2021	2022	2023	Est. 2024	Net Chg	% Chg
Market Value	191,100	209,300	229,900	236,300	256,300	293,500	302,300	8,800	3.00%
Taxable Market Value	171,100	190,900	213,400	220,300	242,200	282,700	292,300		
Tax Capacity	1,711	1,909	2,134	2,204	2,422	2,827	2,923		
City Tax Burden	326.08	385.43	440.22	448.42	539.17	680.02	811.28	131.26	19.30%

36-30-22-13-0037 2547 Elm Drive	2018	2019	2020	2021	2022	2023	Est. 2024	Net Chg	% Chg
Market Value	212,400	232,100	232,500	232,600	343,300	363,900	390,400	26,500	7.28%
Taxable Market Value	194,300	215,700	216,200	216,300	337,000	359,400	390,400		
Tax Capacity	1,943	2,157	2,162	2,163	3,370	3,594	3,904		
City Tax Burden	370.29	435.50	446.00	440.28	750.53	864.50	1,083.56	219.05	25.34%

35-30-22-24-0056 1970 Ivy Lane	2018	2019	2020	2021	2022	2023	Est. 2024	Net Chg	% Chg
Market Value	378,300	371,200	375,900	416,900	422,700	460,700	471,600	10,900	2.37%
Taxable Market Value	375,100	367,400	372,500	416,900	422,700	460,700	471,600		
Tax Capacity	3,751	3,674	3,725	4,169	4,227	4,607	4,716		
City Tax Burden	714.86	741.78	768.43	848.60	941.40	1,108.16	1,308.93	200.77	18.12%

13-30-22-42-0011 2517 Manitou Island	2018	2019	2020	2021	2022	2023	Est. 2024	Net Chg	% Chg
Market Value	903,000	1,128,900	1,032,800	1,200,000	2,170,000	2,595,000	4,811,800	2,216,800	85.43%
Taxable Market Value	903,000	1,128,900	1,032,800	1,200,000	2,170,000	2,595,000	4,811,800		
Tax Capacity	10,038	12,861	11,660	13,750	25,875	31,188	58,898		
City Tax Burden	1,913.02	2,596.64	2,405.34	2,798.81	5,762.59	7,501.92	16,347.00	8,845.08	117.90%

City of White Bear Lake
Commercial
Property Tax Impact of tax levy
2024 Estimated City Property Taxes with Comparison Information from Prior Years

White Bear Royal Apartments 26.30.22.33.0004 3675 Highland Avenue	2019	2020	2021	2022	2023	Est. 2024	Net Chg	% Chg
Market Value	7,414,000	7,636,400	7,600,000	7,700,000	9,116,800	9,116,800	1,416,800	18.40%
Tax Capacity	92,675	95,455	95,000	96,250	113,960	113,960		
City Tax Burden	18,711.08	19,691.52	19,337.25	21,435.74	27,411.78	31,629.60	10,193.86	47.56%

White Bear Auto Body 14.30.22.41.0054 2218 4th Street	2019	2020	2021	2022	2023	Est. 2024	Net Chg	% Chg
Market Value	499,500	524,500	577,000	580,500	602,600	723,100	142,600	24.57%
Tax Capacity	9,240	9,740	10,790	10,860	11,032	13,712		
Tax Capacity adjusted for Fiscal Disparities	5,935	6,095	7,025	6,648	7,103	8,618		
City Tax Burden	1,198.30	1,249.09	1,432.83	1,463.42	1,708.54	2,391.99	928.57	63.45%

Bellaire Shopping Center 35.30.22.21.0083 2000 County Road E	2019	2020	2021	2022	2023	Est. 2024	Net Chg	% Chg
Market Value	3,055,000	3,055,000	3,132,500	3,025,500	2,982,700	3,416,200	390,700	12.91%
Tax Capacity	60,350	60,350	61,900	59,760	58,904	67,574		
Tax Capacity adjusted for Fiscal Disparities	38,765	37,767	40,303	36,160	37,022	42,471		
City Tax Burden	7,826.59	7,791.05	8,220.28	7,175.90	8,905.22	11,787.96	4,612.05	64.27%

Internaltion Paper 15.30.22.11.0017 1699 9th Street	2019	2020	2021	2022	2023	Est. 2024	Net Chg	% Chg
Market Value	4,365,100	4,000,000	4,488,000	4,532,900	4,736,900	5,826,400	1,293,500	28.54%
Tax Capacity	86,552	79,250	89,010	89,908	93,988	115,778		
Tax Capacity adjusted for Fiscal Disparities	55,595	49,595	57,954	54,402	59,073	72,769		
City Tax Burden	11,224.64	10,163.55	11,820.41	12,115.82	14,209.34	20,196.91	8,081.09	66.70%

City of White Bear Lake
Commercial
Property Tax Impact of tax levy
2024 Estimated City Property Taxes with Comparison Information from Prior Years

Health Parters 22.30.22.21.0002 1430 Highway 96	2019	2020	2021	2022	2023	Est. 2024	Net Chg	% Chg
Market Value	4,293,500	4,508,200	4,508,200	4,300,000	4,226,900	4,353,700	53,700	1.25%
Tax Capacity	85,120	89,414	89,414	85,250	83,788	86,324		
Tax Capacity adjusted for Fiscal Disparities	54,675	55,956	58,217	51,584	52,662	54,256		
City Tax Burden	11,038.93	11,467.11	11,874.07	11,488.22	12,667.24	15,058.80	3,570.58	31.08%

White Bear Hotel 14.30.22.11.0057 4940 Highway 61	2019	2020	2021	2022	2023	Est. 2024	Net Chg	% Chg
Market Value	6,375,600	6,694,400	7,363,800	6,259,200	6,196,600	6,691,700	432,500	6.91%
Tax Capacity	126,762	133,138	146,526	124,434	123,182	133,084		
Tax Capacity adjusted for Fiscal Disparities	81,423	83,319	95,402	75,293	77,422	83,646		
City Tax Burden	16,439.34	17,074.51	19,458.39	16,768.42	18,622.98	23,215.86	6,447.43	38.45%