



AGENDA
REGULAR MEETING OF THE CITY COUNCIL OF
THE CITY OF WHITE BEAR LAKE, MINNESOTA
TUESDAY, SEPTEMBER 26, 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 September 12, 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. Resolution authorizing exclusive use of Podvin Park ice rink for White Bear Lake Area Hockey Association annual tournament

B. Resolution granting massage establishment license for Massage by Couture LLC

C. Resolution approving jurisdictional transfer agreement from MNDOT for a portion of Country Road D

5. VISITORS AND PRESENTATIONS

A. Firefighter Appreciation Month Proclamation and Swear-in Firefighters

B. Fire Department Bi-annual Report

6. PUBLIC HEARINGS

A. Special Service District Renewal – Downtown Service District

B. Special Service District Renewal – Birch Lake Improvement District

7. UNFINISHED BUSINESS

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

8. NEW BUSINESS

A. County Road E Ramsey County Critical Corridor Grant & Request for Proposals

B. Otter Lake Road Cooperative Agreement for Right-of-Way Acquisition

C. Resolution suspending School Resource Officer Agreement with White Bear Lake Area Schools

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, SEPTEMBER 12, 2023
7 P.M. IN THE COUNCIL CHAMBERS**

1. CALL TO ORDER AND ROLL CALL

Mayor Dan Louismet called the meeting to order at 7 p.m. The City Clerk took attendance for Councilmembers Kevin Edberg, Steve Engstran, Heidi Hughes, Dan Jones and Bill Walsh. Staff in attendance were City Manager Lindy Crawford, Assistant City Manager Rick Juba, Police Chief Dale Hager, Community Development Director Jason Lindahl, 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 22, 2023

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

3. APPROVAL OF THE AGENDA

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

4. CONSENT AGENDA

- A. 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 **Res. No. 13240**
- C. Resolution approving a special event application for White Bear Lake Main Street Inc.'s Fall Festival **Res. No. 13241**
- D. Resolution granting a variance at 4669 Lake Ave **Res. No. 13242**
- E. Resolution granting a variance for 2175 Gardenette Ave **Res. No. 13243**
- F. Resolution authorizing a site visit confirmation agreement with Mark and LuAnn Peterson **Res. No. 13244**

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

5. VISITORS AND PRESENTATIONS

A. Swear-in of Chief of Police

City Manager Crawford introduced Dale Hager, former administrative police captain, who was promoted to chief of police on August 28, 2023. Chief Hager was sworn in and given the Oath of

Service. He gave a speech following his swearing in and thanked the Mayor and Council for the opportunity to serve as White Bear Lake's next chief of police.

B. Constitution Week Proclamation

Mayor Louismet read a proclamation declaring September 18-22, 2023 as Constitution Week.

6. PUBLIC HEARINGS

A. Second reading of an ordinance prohibiting the use of cannabis products in public places

At the August 22, 2023 City Council meeting, City Manager Crawford explained that local units of government may adopt an ordinance prohibiting the use of cannabis in public spaces, pursuant to Minnesota State Statutes 152.0263, Subd. 5. 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, which includes any park, right-of-way and city-owned parking lot.

Councilmember Edberg was supportive of the prohibition of cannabis in public places, but asked how it compared to use of tobacco products in public places. City Attorney Gilchrist pointed out that the cannabis prohibition in public places is more aligned with liquor, because of the intoxicating effects and the unlawful act of carrying an open container in public places. He also clarified that the proposed ordinance is more lenient compared to what the City could've defined as a public place, based on Minnesota State Statutes, Section 152.0263, Subd. 5.

Mayor Louismet opened up the public hearing at 7:20 p.m. There being no comment, the public hearing was closed. Councilmember Edberg encouraged more discussion about the City creating consistent policies between tobacco, liquor and cannabis. Mayor Louismet recognized the intoxicating effects between liquor and cannabis, but was not opposed to better aligning consistent practices. Councilmember Walsh is in favor of how the proposed ordinance is presented, and also likened the intoxicating effects of cannabis to alcohol. He noted that cannabis legislation is new in Minnesota, and it would be best to start slow. He thought the proposed ordinance would be a useful tool for police officers, and is a good start. Councilmember Jones was in favor of the proposed ordinance and said any discussion about tobacco in public places needs to be a separate conversation. Councilmember Hughes was in agreement that use of cannabis in public places should be more aligned with liquor policies.

It was moved by Councilmember **Jones**, seconded by Councilmember **Walsh**, to approve **Ord. No. 23-09-2068**, an ordinance amending the Municipal Code to prohibit the use of cannabis products in public places. Motion carried unanimously.

It was moved by Councilmember **Engstran**, seconded by Councilmember **Hughes**, to approve **Res. No. 13245** approving summary publication of an ordinance amending the Municipal Code to prohibit the use of cannabis products in public places. Motion carried unanimously.

B. Second reading of an ordinance amending the Fee Schedule

At the August 22, 2023 regular meeting, the Council approved Ordinance No. 23-08-2067, an ordinance requiring licensing and imposing regulations on the retail sale of edible cannabinoid products. Following the approval, City Manager Crawford presented a first reading of an ordinance amending the Fee Schedule to include associated fees of the approved ordinance. The fees include application, background investigation, and administrative offenses. City Manager Crawford conducted the second reading of the ordinance. She noted an additional administrative offense fee for cannabis use in a public place, directly in response to the Council just passing Ord. No. 23-09-2068, an ordinance amending the Municipal Code to prohibit the use of cannabis products in public places. Mayor Louismet asked how the fees are determined and City Manager Crawford explained they are comparative to tobacco-related fees and would cover a reasonable amount of time for staff to process the applications and offenses. She reminded Council that they also have an annual opportunity to amend the Fee Schedule if they believe something should be adjusted.

It was moved by Councilmember **Engstran**, seconded by Councilmember **Jones**, to approve **Ord. No. 23-09-2069**, an ordinance amending the 2023 Fee Schedule to add fees relating to edible cannabinoid products. Motion carried unanimously.

7. UNFINISHED BUSINESS

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

At the August 8 City Council meeting, Community Development Director Lindahl presented the first reading of an ordinance that would amend zoning regulations as it relates to tobacco and cannabis uses. The zoning code text amendment, which was initiated by staff at the direction of Council, would create two new uses, Tobacco Products Shops and Cannabis Retailers. He summarized the analysis of the zoning text amendment as it relates to the 2040 Comprehensive Plan, present and future land uses, and zoning standards. City staff concluded that B-4, General Business District, is the most appropriate district to locate these uses. Buffers would be applied so that the businesses are not within 1,000 feet of a school or 500 feet of a daycare, residential treatment facility or a public park with amenities regularly used by minors. The existing six Tobacco Products Shops are currently not in the B-4 zoning district, so they would become legal non-conforming uses, or “grandfathered.” Sales of lower-potency hemp products at these businesses will also be allowed.

Two ordinance amendment options were presented, with “Option A” restricting tobacco product shops, cannabis businesses, including businesses selling lower-potency hemp products, to the B-4, General Business District. “Option B” proposes an additional land use for edible cannabinoid businesses, in other words businesses selling lower-potency hemp products. This option separates the sale of lower-potency hemp products from the definition of cannabis business and provides more flexibility on where businesses can sell these products.

Councilmember Jones questioned the more restrictive zoning on where cannabis could be sold (B-4), compared to where intoxicating liquor can be sold in liquor stores (B-2, B-3, B-4). Director Lindahl summarized the different zoning districts and how these types of businesses best fit, but

also referenced State Statutes where it outlines buffer zones around schools, day cares and other facilities. City Attorney Gilchrist clarified that cities aren't required to implement those buffers. Councilmember Walsh showed support for restricting cannabis businesses to B-4. For lower-potency hemp products, he shared some concern for how widespread they would be with Option B. Councilmember Edberg questioned why cannabis is compared to liquor based on the intoxicating effects, but for zoning, it is aligned with tobacco. He encouraged more consistency for policies and procedures. He pointed out that there would be limited location options for a businessperson to choose. Councilmember Jones and Councilmember Edberg wondered about daycares opening within buffers of cannabis businesses or businesses selling lower-potency hemp edibles after the business has already opened. Director Lindahl clarified that a daycare can open within the buffer zone after the cannabis business is established. Councilmember Jones posed the question about the City opening up and operating a cannabis business, which would create a revenue source.

In regards to taking timely action, City Attorney Gilchrist advised the Council to differentiate between cannabis businesses (dispensaries) and businesses selling lower-potency hemp products (edibles), because the City's moratorium prohibiting the sale of edible cannabinoid products ends September 27, 2023, and they need to establish zoning. Councilmember Walsh acknowledged that there are inconsistencies between zoning for liquor and cannabis, because cannabis is new and liquor has been long established. He proposed Option B with an amendment striking the eligibility requirement that the business needs a tobacco license, in other words the products could only be sold in establishments with off-sale and on-sale liquor licenses. City Attorney Gilchrist reminded Council that they approved a licensing structure ordinance for businesses who have an off-sale liquor, on-sale liquor or a tobacco license. Councilmember Jones referred to an earlier comparison of lower-potency hemp products being like 3.2 malt liquor, where it's available more widespread in convenience stores and gas stations because of its lower intoxicating effects. He was supportive of the product being available at similar locations, and reminded Council that it is a legal product. There was further discussion among the Council on comparing lower-potency hemp products and 3.2 malt liquor. Mayor Louismet reminded Council how difficult it was to determine exactly how much THC was in a package of THC gummies when they were determining if a business was in violation of the moratorium. He was in favor of being more restrictive with where the products can be sold, and would be ok with amending the licensing ordinance to limit license eligibility to just liquor license holders. Councilmember Edberg expressed concern for making a decision when there is still a lot of conversation to be had.

City Attorney Gilchrist provided options for Council on how to move forward, but shared City Manager Crawford's recommendation to at least take action on zoning for tobacco. Councilmember Hughes pointed out that the Council approved an amended tobacco ordinance, which allows tobacco products shops to sell edible cannabinoid products. Councilmember Walsh explained that he thought Option A was too restrictive, because on-sale liquor license establishments should be able to sell THC beverages, but also felt Option B was too flexible. He shared his thoughts about cannabis in general and is not in favor of the products being sold in the city. He conveyed that he wants to restrict it as much as possible, as allowable under law, for the sake of public safety and health. Councilmember Edberg said it should be a matter of personal choice for a legal product and said limiting the sale of the products won't prevent

people from getting the products in neighboring cities. He agreed with the direction of the city attorney to delay the decision in zoning cannabis businesses, and focus on zoning of businesses selling lower-potency hemp products. Councilmember Walsh put emphasis on Council making decisions for the City they represent, as they're allowed to do as the local authority, and deciding what types of products are made available.

Councilmember Jones made a motion to adopt Option B, but removing Article II to postpone the discussion on zoning for cannabis-related businesses, therefore only passing zoning for tobacco products shops. He shared his thoughts that it's hypocritical to prohibit a cannabis business from a strip mall where a liquor store and tobacco products shop presently exist. There was discussion among the Council on what action, if any, should be taken. City Attorney Gilchrist clarified that the Council can't table only a portion of an ordinance. Councilmember Jones rescinded his motion. After more discussion on next steps, it was determined to table the entire ordinance to continue the discussion at the next meeting on September 26, and be able to adopt it in whole, and in time for the expiration of the moratorium prohibiting the sale of edible cannabinoid products. Councilmember Jones added a note that he will show support for allowing more flexibility to offer edible cannabinoid products. He acknowledged the concern of the accuracy of testing products but mentioned the state's authority for that responsibility.

It was moved by Councilmember **Walsh**, seconded by Councilmember **Jones**, to table the proposed ordinance to the September 26 regular Council meeting. Motion carried 3-2, with Councilmembers Edberg, Jones and Walsh voting in support, and Councilmembers Engstran and Hughes voting in opposition. City Manager Crawford noted that there was no clear consensus from Council on changes to the ordinance, therefore, staff will bring back the ordinance options as currently proposed for its third reading.

8. NEW BUSINESS

A. 2024 Preliminary Budget and Tax Levy

City Manager Crawford introduced the 2024 preliminary budget and tax levy. She opened the presentation by explaining what it takes to build a budget, likening the process to building a sailboat, where each part of the boat (or department of the City) has its own importance and is needed to keep the boat whole. Each budget cycle allows for maintenance of each part to keep the boat operating. She reviewed information on the 2023 revised budget, which was balanced by using funds from higher year-to-date revenues and multiple position vacancies, instead of the need for unrestricted surplus cash as originally planned. She said the preliminary revised budget projects a surplus of over \$55,000. City Manager Crawford explained that federal aid during the COVID pandemic was relied upon to keep property taxes low, but the conclusion of the aid shifts the burden to tax and non-tax revenues. In general, expenditures are increasing faster than revenues, due to increased equipment and supplies costs, growing the Fire Department, and personnel costs. She emphasized that future budgets will not be able to rely on surplus cash and that the Council either needs to increase property taxes, reduce services, or find a way to generate additional non-tax revenues.

For the 2024 preliminary budget presentation, City Manager Crawford reviewed a list of significant revenue and expenditure changes to the budget. When sharing about local

government aid (LGA) and the City's allocation, she explained the importance of recognizing that it may not be a guaranteed revenue source. She reported that the City will receive a one-time payment of approximately \$1 million from the state for Public Safety LGA. She shared a proposal which will assign \$948,500 of the funds for operating and capital expenditures and recommends holding \$148,439 until further analysis of needs. She reviewed a list of the expenditures that would be covered by the LGA funds.

City Manager Crawford stated the preliminary tax levy reflects an increase to the General Fund of approximately \$1.7 million, or 17.02%, and an increase of \$551,000, or 5.53%, to the Public Safety Facility Project Debt Service, for a total levy increase of approximately \$2.2 million, or 22.55%. The use of LGA funds will offset the tax levy increase and the tax capacity rate related to this levy is 27.755%. The City will maintain a fund balance that is within the balance range recommended by City Council policy. She said the median-value home of \$312,100 would pay City taxes in the amount of \$840.70, and she shared a breakdown of the funded areas, including police and fire services, and maintenance of parks, streets, and lighting. Compared to similar-sized metropolitan cities, White Bear Lake continues to have a significantly smaller tax levy than most. The Council will hold the required truth-in-taxation hearing and adopt the final tax levy and budget at the December 12 regular meeting.

Councilmember Walsh addressed the \$670,000 unrestricted surplus cash that would've been used to balance the 2023 budget, if not for the unfilled vacancies and higher year-to-date revenues. When asked what happens to the surplus cash, City Manager Crawford explained that the City keeps those funds in the fund balance. She explained it is not a sustainable budget practice to rely on fund balances as an available revenue source year after year. She noted that the preliminary budget for 2024 is balanced without the use of fund balance. She recapped a summary of the August Council work session, explaining that staff proposed using more LGA towards capital expenditures and less towards the General Fund, but it was the consensus of those present to use more LGA, while it's still available from the state, towards the General Fund and less towards capital expenditures. She said staff revised the budget in response to Council's direction. Between the two options, the tax levy would not be impacted.

Regarding Public Safety LGA, Councilmember Walsh asked if the LGA funds would go towards new expenditures that the City wouldn't otherwise have been able to afford, or if the funds would supplant existing expenditures. City Manager Crawford pointed out the new one-time expenditures that the funds will cover and some that are necessary with or without LGA funds, like one of the additional firefighter/paramedic positions. LGA funds will mostly be used to offset existing expenditures. Any ongoing expenditures, like the additional firefighter/paramedic, will have to be worked into the General Fund budget starting in 2025. Councilmember Jones shared his understanding that some Fire Department expenditures were supplemented by federal aid during the pandemic, but have now shifted to the general fund. City Manager Crawford confirmed and also noted that those expenditures are growing. Councilmember Edberg provided clarification to an earlier comment about using the fund balance as a revenue source, emphasizing the importance of maintaining a healthy fund balance, relative to an increasing budget, and the need for more revenue to cover increasing expenditures as state and federal aid depletes, and how that will eventually impact tax payers.

Councilmember Walsh asked for clarification on the Ambulance Fund. Finance Director Kindsvater shared that the fund needs assistance, noting that 75% of patients are covered by Medicare / Medicaid or other assistance programs, which limits fund collections. She said the goal is to recoup costs to support the operational and capital expenditures of the ambulance service. She reported that the revenues coming in, approximately \$2.3 million, weren't covering the expenditures totaling \$3 million. Additional revenue sources to help balance the difference include \$159,000 of projected fund balance for 2024 and federal aid. City Manager Crawford answered questions about the expenses associated with emerald ash borer treatment, a \$3 million expenditure that will be spread out over an eight-year period. The City is applying for multiple state grants totaling \$500,000 dollars.

Councilmember Jones shared his experience being on the Council and going through the budget process. He referenced the increasing Fire Department costs over time, such as infrastructure and expenditures for full-time staff instead of paid on-call staff, and affirmed that City taxes didn't keep pace. There was thorough discussion on interest revenue that the City used to receive in abundance which has decreased over time. Councilmember Edberg encouraged more conversation about the long-lasting value and better-quality services provided to the community instead of focusing on cost; for example, there has been a decrease in sewer line breaks due to improved repair resources. Councilmember Walsh recommended that the Council, while still acknowledging past history, focus on the future and how to budget for increasing costs and monitor its debt service fund. Councilmember Jones made comment about prioritizing City needs and, like Councilmember Walsh, is open to hearing from constituents on what services they don't want, indicating that there isn't room in the budget to cut.

It was moved by Councilmember **Jones**, seconded by Councilmember **Edberg**, to approve **Res. No. 13246** approving the Preliminary 2023 Tax Levy Collectible in 2024. Motion carried unanimously.

9. DISCUSSION

Nothing scheduled.

10. COMMUNICATIONS FROM THE CITY MANAGER

There were no announcements.

11. ADJOURNMENT

There being no further business before the Council, it was moved by Councilmember **Engstran**, seconded by Councilmember **Hughes**, to adjourn the regular meeting at 10:06 p.m. Motion carried unanimously.

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 26, 2023
Subject: **Exclusive Use of Podvin Park for White Bear Lake Area Hockey Association
2024 Annual Tournament**

SUMMARY

The City Council will consider approving a resolution allowing White Bear Lake Area Hockey Association to exclusively use Podvin Park facilities and ice rink for a three-day period for its annual Mite/8U Winter Blast hockey tournament.

BACKGROUND INFORMATION

The White Bear Lake Area Hockey Association submitted a request for exclusive use of Podvin Park pavilion and ice rink for three days in February 2024 for its annual Mite/8U Winter Blast hockey tournaments. The tournaments are scheduled on February 2-4, 2023 There is expected to be 1,000 attendees, which include staff, teammates and spectators, throughout the duration of the event.

The Association will maintain the rink before, during and following the event, and any excess refuse collection would be paid for by the group at event conclusion. To service attendees, food trucks will be arranged by the group to assume operations in the parking lot of Podvin Park. Association representatives will submit a burn permit to the Fire Department on use of fire pits in the park. This application is similar to that submitted and approved by Council in previous years.

Pursuant to City Ordinance §905.050, permits shall be required for the exclusive use of all or portions of City parks for special events. Furthermore, tournaments can only take place with permission from City administration, pursuant to City Ordinance §905.290.

RECOMMENDATION

Staff recommends the City Council adopt the attached resolution allowing exclusive use of Podvin Park for February 2-4, 2024 for White Bear Lake Area Hockey Association tournaments.

ATTACHMENTS

Resolution

RESOLUTION NO.

RESOLUTION AUTHORIZING EXCLUSIVE USE OF PODVIN PARK ICE RINK FOR WHITE BEAR LAKE AREA HOCKEY ASSOCIATION ANNUAL TOURNAMENT IN WHITE BEAR LAKE, MINNESOTA

WHEREAS, an application was submitted by the White Bear Lake Area Hockey Association to host hockey youth tournaments at Podvin Park ice rink over the weekend of February 2-4, 2023, and is requesting exclusive use of the facilities; and

WHEREAS, City Code §905.050 requires a permit for the exclusive use of all or portions of specific areas, buildings and other system facilities for special events; and

WHEREAS, there will be an estimated 1,000 attendees over the duration of the weekend that will use the park's designated parking lot, pavilion, restrooms, and ice rink; and

WHEREAS, the Hockey Association would assume full rink maintenance and pavilion clean-up for the requested weekend.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of White Bear Lake, Minnesota that exclusive use of Podvin Park pavilion, restrooms and ice rink for outdoor hockey tournaments between February 2-4, 2024 is hereby authorized, subject to the following conditions:

1. The Hockey Association maintains Podvin Park ice rink, pavilion and restroom for the duration of the event, and will cover any additional incurred costs of trash collection by Republic Services upon event conclusion.
2. The Hockey Association has submitted a burn permit to the Fire Department for use of fire pits in Podvin Park.
3. General liability insurance covering the entire event is submitted.

BE IT FURTHER RESOLVED that food truck operations are authorized in the Podvin Park parking lot in order to service this event.

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 26, 2023
Subject: **Massage Establishment License for Massage by Couture LLC**

SUMMARY

The City Council will consider approving a massage establishment license to Jennifer Couture at Massage by Couture LLC.

BACKGROUND INFORMATION

Since 2016 and pursuant City Ordinance Chapter 1127, the City regulates massage businesses and practitioner's licenses to ensure they meet minimum qualifications and basic insurance coverages. A 2019 revision to the Massage Ordinance permitted the City Manager to issue Massage Therapist licenses, however, the City Council approves all Massage Establishment licenses before they may be issued.

Jennifer Couture submitted an application for a massage establishment, Massage by Couture LLC, to be located at 1895 County Road E East, Suite 213. The property is zoned B-1 Neighborhood Business and massage is a permitted use at this location. Couture, who will be the sole practitioner at her new business, already has an active massage therapist license with the City, and has been working at Blue Balance Wellness and Wildwood Chiropractic Center. For her establishment license application, she submitted the required proof of education and professional liability insurance. The building lease will be fully executed once the applicant can prove they can obtain the required license from the City to operate the massage business. The license will be issued upon a copy of the fully executed lease.

The Police Department completed a background investigation in May 2023 and found nothing to preclude issuance of massage licenses to the applicant. A cleared background check is good for one year.

RECOMMENDATIONS

Staff recommends the City Council adopt the attached resolution authorizing a massage establishment license to be issued to Jennifer Couture for Massage by Couture located at 1895 County Road E East. Issuance of the license is contingent upon final execution of the lease for the location.

ATTACHMENTS

Resolution

RESOLUTION NO.

**RESOLUTION APPROVING ISSUANCE OF A MASSAGE THERAPY ESTABLISHMENT LICENSE
TO JENNIFER COUTURE AT MASSAGE BY COUTURE**

WHEREAS, Jennifer Couture (Applicant) submitted an application for a massage establishment license for Massage by Couture LLC d.b.a Massage by Couture, located at 1895 County Road E East, Suite 213, White Bear Lake; and

WHEREAS, the property at is zoned B-1 Neighborhood Business and massage is a permitted use at this location; and

WHEREAS, the Applicant already has an active massage therapist license issued by the City, and satisfies the education and insurance requirements for a licensed massage establishment in the City of White Bear Lake; and

WHEREAS, the White Bear Lake Police Department performed a background check in May 2023 for the issuance of her massage therapist license, which remains in good standing for one year, and found nothing in the background investigation to preclude the issuance of massage-related licenses to the Applicant.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of White Bear Lake, Minnesota, that upon final execution of the lease for this location, it hereby issues a massage establishment license as follows:

Jennifer Couture
Massage by Couture
1895 County Road E East, Suite 213
White Bear Lake, MN 55110

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
Engineering Department

MEMORANDUM

To: Lindy Crawford, City Manager
From: Paul Kauppi, Public Works Director / City Engineer
Date: September 26, 2023
Subject: **Jurisdictional Transfer Agreement Trunk Highway 694 North Frontage Road (County Road D)**

SUMMARY

The City Council will consider adopting a resolution approving a Jurisdictional Transfer Agreement with the State of Minnesota, Department of Transportation (MnDOT) for a segment of Trunk Highway 694 North Frontage Road (County Road D) from Trunk Highway 120 to 1150 feet west Trunk Highway 120.

BACKGROUND INFORMATION

MnDOT is currently working on gathering background information for an upcoming design project on Highway 120 (Century Avenue) north of Interstate 694. As a review of the right-of-way was being completed, it was determined that a segment of County Road D right-of-way had not been turned back to the City. The other portion of County Road D, west of this segment, was turned back to the City in November of 1995 and has since been under the City's jurisdiction. The transfer of the remaining roadway segment is a housekeeping item in order for the City to have full control along its entire length.

RECOMMENDATION

Staff recommends the City Council adopt the attached resolution approving a Jurisdictional Transfer Agreement with the State of Minnesota, Department of Transportation for a segment of Trunk Highway 694 North Frontage Road (County Road D) from Trunk Highway 120 (Century Avenue) to 1150 feet west of Trunk Highway 120 (Century Avenue).

ATTACHMENTS

Resolution
Exhibit A

RESOLUTION NO.

**RESOLUTION APPROVING JURISDICTIONAL TRANSFER AGREEMENT NO. 1054379
WITH THE STATE OF MINNESOTA, DEPARTMENT OF TRANSPORTATION
FOR A PORTION OF TRUNK HIGHWAY 694 – NORTH FRONTAGE ROAD (COUNTRY ROAD D)
BETWEEN TRUNK HIGHWAY 120 AND 1150 FEET WEST OF TRUNK HIGHWAY 120**

WHEREAS, the State of Minnesota, Department of Transportation currently has jurisdiction of Trunk Highway 694 – North Frontage Road (County Road D) within the City limits between Trunk Highway 120 and 1150 feet west of Trunk Highway 120 (Roadway Segment); and

WHEREAS, in November 1995, the City accepted jurisdiction of County Road D to the west of this roadway segment and has been maintaining the entire length since that time; and

WHEREAS, the State of Minnesota, Department of Transportation has determined that this roadway segment is no longer needed for trunk highway purposes.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of White Bear Lake, Minnesota that:

1. The City enter into Jurisdictional Transfer Agreement No. 1054379 with the State of Minnesota, Department of Transportation which provides for the transfer of a portion of Trunk Highway 694 – North Frontage Road (County Road D) to the City of White Bear Lake within the City limits between Trunk Highway 120 (Century Ave) and 1150 feet west of Trunk Highway 120.
2. The Mayor and City Manager are authorized to execute the Agreement on the City's behalf.

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

EXHIBIT A

MnDOT Contract #1054379

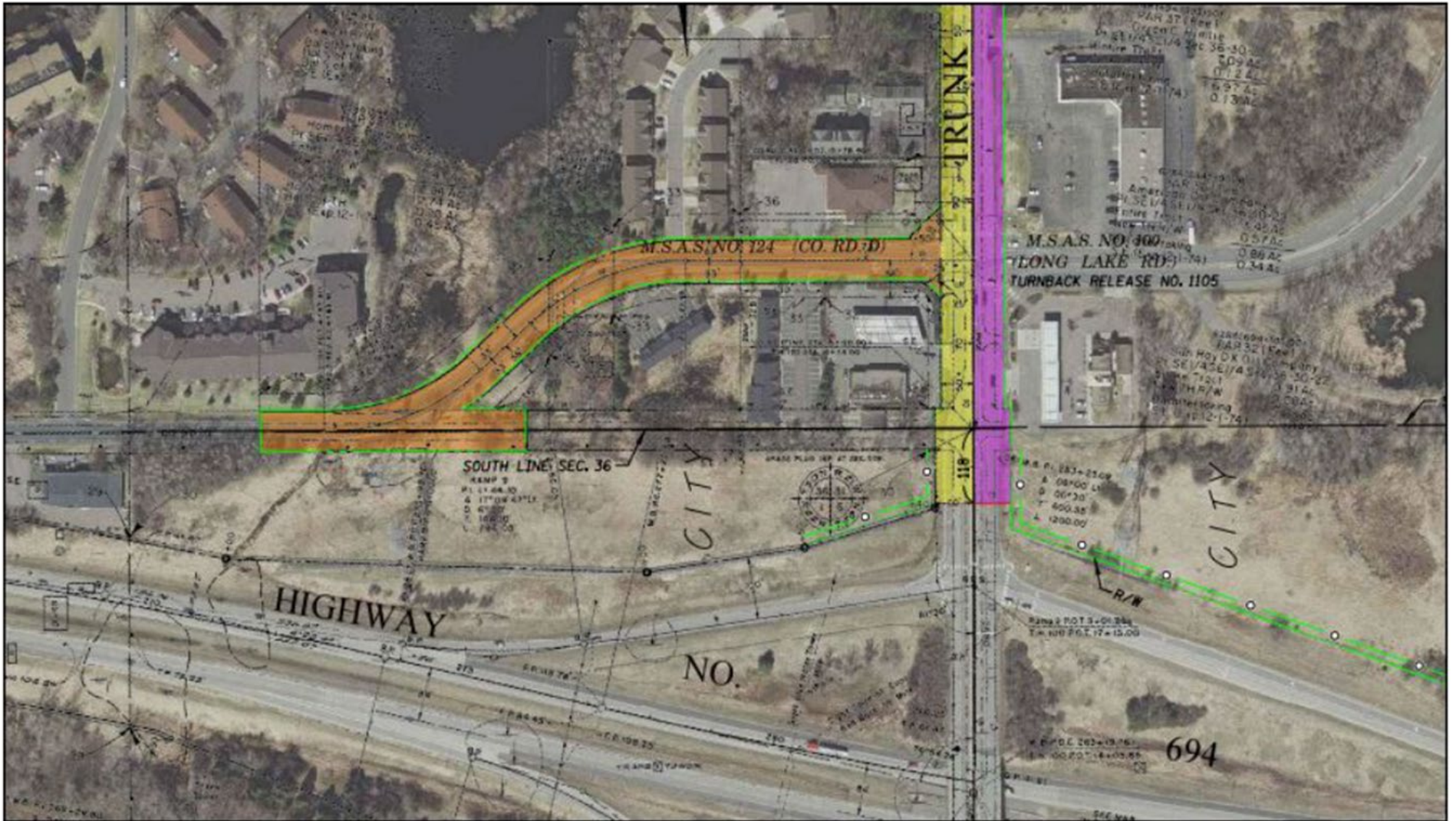


Exhibit A – Change of Roadway Jurisdiction - County Road D (orange area only)



City of White Bear Lake
City Manager's Office

MEMORANDUM

To: Mayor and Council
From: Lindy Crawford, City Manager
Date: September 26, 2023
Subject: Proclamation for Firefighter Appreciation Month + Swear In Firefighters

SUMMARY

The Mayor will read a proclamation, proclaiming October as Firefighter Appreciation Month.

Following the proclamation, the City Clerk will administer the oath of service to our newest firefighters. A pinning ceremony will conclude the presentation.

ATTACHMENTS

None



City of White Bear Lake
Fire Department

MEMORANDUM

To: Lindy Crawford, City Manager
From: Greg Peterson, Fire Chief
Date: September 26, 2023
Subject: **Fire Department Bi-annual Update**

SUMMARY

Chief Peterson will be providing a bi-annual update on the fire department.

BACKGROUND INFORMATION

It has been another busy year for the fire department. We had to relocate our operations while the public safety building is under construction. We have adapted well and continue to provide excellent service.

We have experienced some turnover in our full-time staff and are fortunate to have gained some new employees who have been a great addition to our department. All of them have quality previous experience, which has made our service delivery even stronger.

The department has dealt with a number of tragic events this year, which will be highlighted in the presentation. On each occasion the staff has performed at a high level giving our citizens the best chance to survive.

The department continues to seek ways to support our community. We are exploring partnerships with other organizations to provide additional benefits to those we serve. An overview of what we have in mind will be presented at the meeting.

RECOMMENDATIONS

None – Information sharing only.

ATTACHMENTS

None



City of White Bear Lake
Community Development Department

MEMORANDUM

To: Lindy Crawford, City Manager
From: Tracy Shimek, Housing & Economic Development Coordinator
Date: September 26, 2023
Subject: **Downtown Special Service District Petition in Favor of 2024 & 2025 Levy**

SUMMARY

The City Council will consider approval of a resolution authorizing the 2024 and 2025 Special Service District Levy for Downtown White Bear Lake.

BACKGROUND INFORMATION

In 1992, following the completion of the first McComb Group Downtown Market Analysis, the City helped create the Main Street, Inc. organization as well as establish the downtown special service district (SSD). The special service district allows the City to establish an annual levy, which is collected by Ramsey County with real estate taxes from all business properties in the district. The initial levy was set at \$30,000 per year which was increased to \$40,000 in 1998 and later to \$45,000 per year where it remains. White Bear Lake's Special Service District was one of the first established within the state of Minnesota and has been renewed 15 times since its initial establishment based upon the affirmative support of those property owners who petition to have this special levy imposed upon their collective properties.

The SSD funds are used for marketing and promotion of the downtown area, as well as for beautification. The goal of the district is to promote downtown White Bear Lake as an authentic commercial and regional destination for retail, restaurants, services and entertainment. The funds raised are specific to the promotion and beautification efforts that go above and beyond customary municipal services and help ensure that downtown White Bear Lake remains an appealing and exciting commercial destination for the larger Twin Cities metropolitan area.

On June 6, 2023, the Main Street Board of Directors approved a petition seeking renewal of the special tax levy totaling not more than \$45,000 a year to promote and beautify the downtown district for a two year period. On August 28, 2023 the Main Street Board submitted to the City a Petition in Favor of the Levy for 2024 and 2025 signed by owners representing 34% of the land area, 33% of the total tax capacity and of the owners, individuals, businesses or organizations subject to 33% of the special levy requesting renewal of the special service district for 2024 and 2025. State Statute requires owners of 25% or more of the land area subject to the services charges and either: (1) owners of 25% of the net tax capacity, or (2) owners, individuals and businesses of 25% or more of the square footage subject to the levy file a petition in favor of

the levy in order for the petition, then a public hearing to consider the proposed action will be scheduled. Notice of the public hearing has been published twice in the White Bear Press on September 6 and September 20, as well as individual notices mailed to each property owner with the anticipated annual levy projected for their specific property.

The levy formula for 2024 and 2025 is the same as the formula used in establishing the current SSD assessment. The formula is based on the gross square footage of each business with the multiplier for the first floor of 0.09432/s.f. (just over 9 cents per square foot) and all other non-residential upper levels assessed at 0.01960/s.f. (less than 2 cents per square foot). A minimum charge of \$135 and a maximum change of \$1,600 per property are once again proposed. Also as in previous years, an exception is made for second floor owner-occupied condominiums in the Avalon Mall at 2179 4th Street. If the minimum tax were charged to the units, it would result in an unfair taxation of \$6.00+ per square foot, substantially more than an identical multi-tenant, non-condominium building (such as the Key's building at Banning and 4th). These second floor units, therefore, pay the levy based on the formula with no minimum \$135 per year threshold.

State statute provides for a veto or over-ride petition. The statutory provision allows a petition of owners representing at least 35% of the building square footage in the district to over-ride the resolution. At this time, there has been no filing of a negative petition. Opponents, however, have 45 days from adoption of the attached resolution to file a petition to invalidate the resolution. If no over-ride is achieved, the resolution becomes effective on November 10, 2023.

The funds are distributed to the City and forwarded to Main Street, Inc. for eligible expenses.

RECOMMENDATIONS

Staff recommends the City Council adopt the attached resolution authorizing the 2024 and 2025 Downtown Special Service District Levy as presented.

ATTACHMENTS

Resolution
Downtown Special Service District Map
Special Service District Income Statement
Listing of Assessment Properties

RESOLUTION NO.

RESOLUTION ESTABLISHING AND IMPOSING SPECIAL ASSESSMENT FOR THE YEARS 2024 AND 2025 WITH NO INTEREST ON TAXABLE PROPERTY WITHIN SPECIAL SERVICES DISTRICT NO. 1 FOR SPECIAL SERVICES PURSUANT TO ORDINANCE NO. 92-10-879

WHEREAS, after published and mailed notice of a public hearing concerning the adoption of Ordinance No. 92-10-879 and completion of the public hearing, the Council did adopt such an ordinance establishing Special Service District No. 1; and

WHEREAS, published and mailed notice of a public hearing on this resolution has been given and a public hearing has been held on September 26, 2023; and

WHEREAS, the City Council of the City of White Bear Lake determines that it is necessary and appropriate to establish and impose a special assessment for the years 2024 and 2025 with no interest upon property within Special Services District No. 1 to defray the expense of administration, promotional, marketing services, and beautification of the district with no interest; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of White Bear Lake, Minnesota as follows:

Subd. 1. Definitions: As used in this resolution, the following terms shall have the definitions set forth herein:

“District” means Special Services District No. 1 as established and identified in Section 510 of the City Code of the City of White Bear Lake.

“Parcel” means a Tax I.D. Parcel as identified and designated in the real estate tax records of the Ramsey County Recorder.

“Service Charge” or “Services Charges” means ad valorem taxes imposed upon a parcel of property, which amount shall be separately certified to and separately reflected upon the rolls of and on tax statements issued by the County Treasurer.

Subd. 2. Exempt Properties: The following types of property shall be exempt from the tax imposed under this resolution:

- A. Property exempted from taxation by Minn Stat. 272.02;
- B. Homesteaded property;
- C. Property used solely for residential purposes; and
- D. Property owned or operated by any federal, state or local governmental agency or subdivision and used for public purposes.

RESOLUTION NO.

Subd. 3. Duration of Service Charges: Service charges imposed pursuant to this resolution will be for real estate taxes due and payable in the calendar years 2022 and 2023 and shall be for the purpose of paying for the special services within the district including promotional, marketing services and beautification of the district.

Subd. 4. Amount and Increases in Service Charges: there is hereby imposed a service charge on each parcel of property within the district subject to the levy as set forth below:

- A. Each parcel in the district, subject to the service charge, shall pay an amount equal to the building's gross first floor square footage multiplied times a rate of 0.09432 and other floors (non-residential) and certain warehouse square footage multiplied times a rate of 0.01960 with a minimum charge set at \$135 and a maximum charge set at \$1,600. The total of all service charges in calendar year 2022 and 2023 shall not exceed \$45,000 for each year.
- B. Subsequent years' service charges and any increase shall only be implemented after Council adopts the increase by resolution after receiving a qualifying petition pursuant to the Laws of Minnesota, Chapter 428A, and after holding a public hearing.
- C. Service charges levied upon property within the district shall be collected and paid over as any special assessment, but shall be spread out only upon the parcels of property made subject thereto in Section 510 of the City Code and this resolution.

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

Ayes:
Nays:
Passed:




Dan Louismet, Mayor

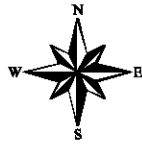
ATTEST:

Caley Longendyke, City Clerk

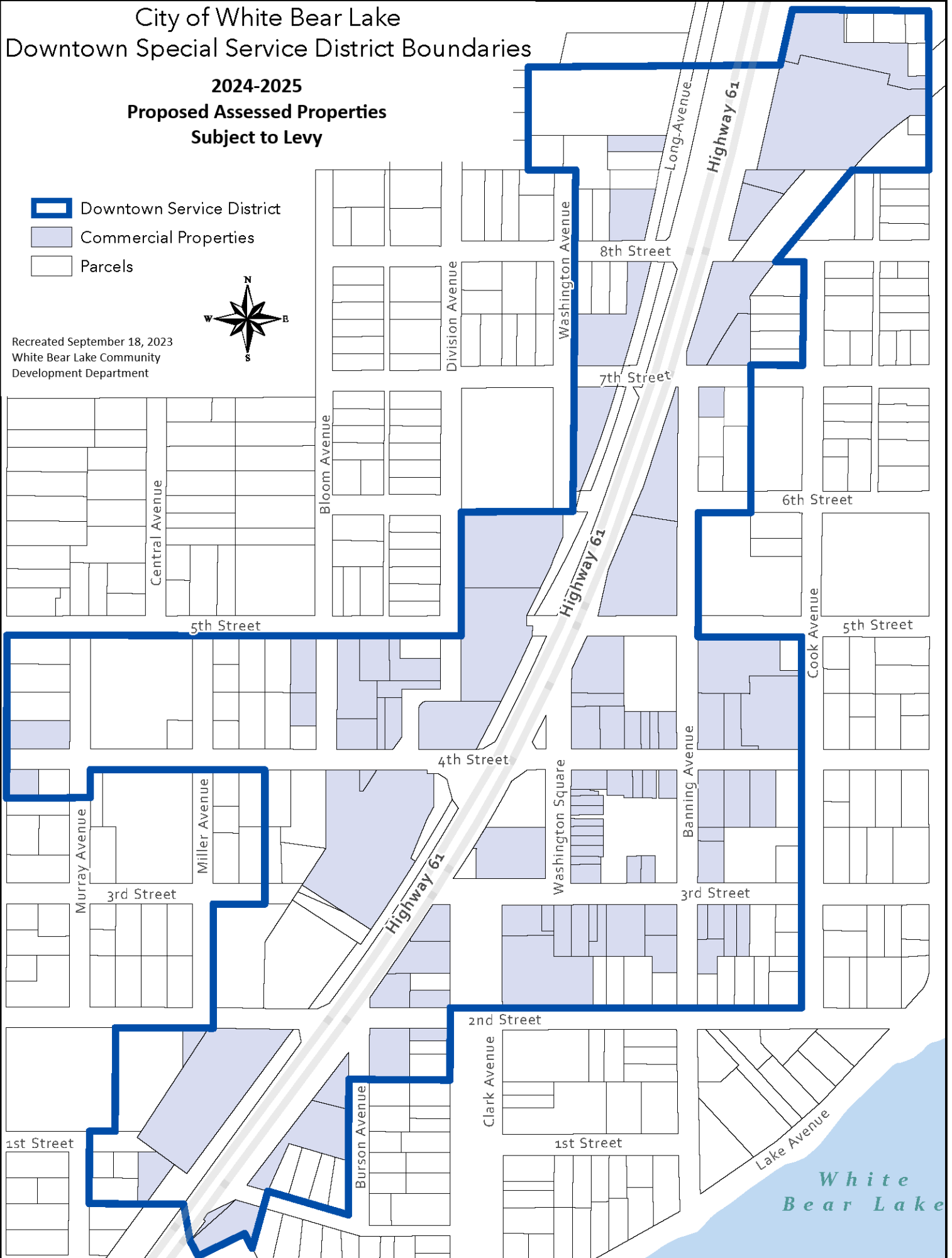
City of White Bear Lake Downtown Special Service District Boundaries

2024-2025
Proposed Assessed Properties
Subject to Levy

-  Downtown Service District
-  Commercial Properties
-  Parcels



Recreated September 18, 2023
White Bear Lake Community
Development Department



White Bear Lake Main Street, Inc.

Income Statement Summarized

Actual Versus Budget and Variance - Favorable (Unfavorable)

For The 8 Periods Ending August 31, 2023

	CURRENT PERIOD			YEAR-TO-DATE			Previous	Previous	ANNUAL
	Actual	Budget	Variance	Actual	Budget	Variance	YTD Actual	YE Actual	BUDGET
Income									
Assessments to District	\$ -	\$ -	\$ -	\$ -	\$ 22,412.00	\$ (22,412.00)	\$ 21,150	\$ 45,500	\$ 44,825
Reader Board Fees	150.00	250.00	(100.00)	2,100.00	2,000.00	100.00	1,275	3,155	3,000
Marketfest Contribution	-	-	-	-	-	-	1,000	3,155	1,000
Total Income	\$ 150.00	\$ 250.00	\$ (100.00)	\$ 2,100.00	\$ 24,412.00	\$ (22,312.00)	\$ 23,425	\$ 51,810	\$ 48,825
Reader Board Costs									
Reader Board Contract Service	\$ 160.00	\$ 183.00	\$ 23.00	\$ 1,400.00	\$ 1,464.00	\$ 64.00	\$ 1,240	\$ 2,240	\$ 2,200
Reader Board/Kiosk Repairs/Mtn	-	-	-	355.00	300.00	(55.00)	135	355	300
General Image Promotions									
Advertising - General Image - Press Pub	\$ -	\$ 250.00	\$ 250.00	\$ 149.90	\$ 2,000.00	\$ 1,850.10	\$ 2,356	\$ 1,061	\$ 3,000
Event Schedules	-	-	-	-	-	-	600	-	-
Digital Marketing	-	83.00	83.00	-	664.00	664.00	-	-	1,000
Advertising - Handouts/Flyers	-	50.00	50.00	-	400.00	400.00	-	-	600
Bearly Open	-	-	-	350.00	500.00	150.00	500	350	500
City Maps	-	-	-	360.00	600.00	240.00	-	360	1,000
Manitou Days - Press Publications	-	-	-	689.00	1,500.00	811.00	1,423	689	1,500
Swag/Giveaways	-	42.00	42.00	-	336.00	336.00	725	-	500
Social Media Marketing	500.00	500.00	-	3,750.00	4,000.00	250.00	22	4,750	6,000
Website\Email Contact	69.00	83.00	14.00	563.31	668.00	104.69	316	824	1,000
Total Marketing - General Image Promoti	\$ 569.00	\$ 1,008.00	\$ 439.00	\$ 5,862.21	\$ 10,668.00	\$ 4,805.79	\$ 5,941	\$ 8,034	\$ 15,100
Promotions - Events									
Christmas and Winterfest									
Advertising - Press Publications	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 6,454	\$ 6,500
Carriage/Sleigh Rides/Music/Santa	-	-	-	-	-	-	200	10,375	2,000
Elf Hunt	-	-	-	-	-	-	-	-	500
Holiday Open	-	-	-	-	-	-	60	603	700
Radio and TV Advertising	-	-	-	-	-	-	-	-	8,000
Customer Appreciation Day	48.33	300.00	251.67	48.33	300.00	251.67	305	48	300
Fall Fest	-	-	-	-	-	-	10	2,032	3,500
Galentine's Day	-	-	-	305.28	600.00	294.72	515	305	600
Holiday Open House/November	-	-	-	-	-	-	-	600	-
Ladies Night Out #1	-	-	-	-	-	-	-	100	-
Midsummer Night's Dream	-	-	-	-	-	-	1,497	-	-
Spring Fling	-	-	-	715.42	1,750.00	1,034.58	1,979	715	1,750
Total Promotions - Events	48.33	300.00	251.67	1,069.03	2,650.00	1,580.97	\$ 4,567	\$ 21,233	\$ 23,850
Total Program Costs	\$ 617.33	\$ 1,308.00	\$ 690.67	\$ 6,931.24	\$ 13,318.00	\$ 6,386.76	\$ 13,257	\$ 31,507	\$ 38,950
Overhead Expenses									
Accounting and Tax Prep Services	\$ -	\$ -	\$ -	\$ -	\$ 1,800.00	\$ 1,800.00	\$ -	\$ 1,273	\$ 1,800
Bank Service Charges	-	3.00	3.00	8.85	20.00	11.15	-	9	30
Branding Project	-	-	-	-	-	-	-	-	-
Depreciation	-	-	-	-	-	-	-	279	-
Dues and Subscriptions	-	-	-	-	1,000.00	1,000.00	-	-	1,000
Insurance	1,040.50	-	(1,040.50)	1,329.50	900.00	(429.50)	-	1,330	900
Office Supplies	-	8.00	8.00	-	64.00	64.00	-	-	100
Outreach	-	167.00	167.00	-	1,336.00	1,336.00	-	-	2,000
Post Office Box/Postage	46.20	17.00	(29.20)	46.20	136.00	89.80	-	53	200
Meetings Expense/Townhalls	-	-	-	-	500.00	500.00	-	-	500
Volunteer Appreciation	-	42.00	42.00	103.76	336.00	232.24	-	104	500
Total Overhead	\$ 1,086.70	\$ 237.00	\$ (849.70)	\$ 1,488.31	\$ 6,092.00	\$ 4,603.69	\$ -	\$ 3,048	\$ 7,030
Other Income									
Interest Income	\$ -	\$ -	\$ -	\$ 15.96	\$ -	\$ 15.96	\$ -	\$ 20	\$ -
Net Income (Loss)	\$ (1,714.03)	\$ (1,478.00)	\$ 36.03	\$ (8,058.59)	\$ 3,538.00	\$ (11,596.59)	\$ 8,928	\$ 15,035	\$ 345

CITY OF WHITE BEAR LAKE
SPECIAL SERVICE DISTRICT LEVY
SPECIAL SERVICE DISTRICT #1 (DOWNTOWN) LEVY 2023 LEVY FOR COLLECTION IN 2024 & 2025
ASSESSMENT # 932023
RESOLUTION #

PARCEL ID	SITE ADDRESS	ASSESSMENT AMOUNT (PER YEAR)
143022110041	4923 LONG AVE	\$ 135.00
143022110056	4950 HIGHWAY 61	361.23
143022110057	4940 HIGHWAY 61	1,600.00
143022140007	4916 HIGHWAY 61	135.00
143022140008	4910 HIGHWAY 61	246.07
143022140047	4860 BANNING AVE	527.17
143022140061	4901 LONG AVE	701.80
143022140075	4875 HIGHWAY 61	378.39
143022140086	2180 7TH ST	1,338.71
143022140109	4874 HIGHWAY 61	238.52
143022140110	4886 HIGHWAY 61	768.38
143022140121	4852 HIGHWAY 61	226.36
143022140142	4800 HIGHWAY 61	981.96
143022140149	4801 HIGHWAY 61	1,308.90
143022410013	2195 4TH ST	377.72
143022410014	2193 4TH ST	219.28
143022410015	2191 4TH ST	262.38
143022410016	2187 4TH ST	579.22
143022410017	2179 4TH ST UNIT 1A	135.00
143022410018	2179 4TH ST UNIT 1B	135.00
143022410019	2179 4TH ST UNIT 1C	135.00
143022410020	2179 4TH ST UNIT 1D	135.00
143022410021	2179 4TH ST UNIT 1E	135.00
143022410022	2179 4TH ST UNIT 1F	135.00
143022410023	2179 4TH ST UNIT 1G	135.00
143022410024	2179 4TH ST UNIT 2A	11.17
143022410025	2179 4TH ST UNIT 2B	11.17
143022410026	2179 4TH ST UNIT 2C	11.39
143022410027	2179 4TH ST UNIT 2D	18.13
143022410028	2179 4TH ST UNIT 2E	16.27
143022410029	2179 4TH ST UNIT 2F	5.27
143022410030	2179 4TH ST UNIT 2G	17.23
143022410031	2179 4TH ST UNIT 2H	14.07
143022410032	2179 4TH ST UNIT 2I	7.53
143022410033	2179 4TH ST UNIT 3A	22.15
143022410034	2179 4TH ST UNIT 3B	10.07
143022410035	2171 4TH ST	644.00

SPECIAL SERVICE DISTRICT LEVY

SPECIAL SERVICE DISTRICT #1 (DOWNTOWN) LEVY 2023 LEVY FOR COLLECTION IN 2024 & 2025

ASSESSMENT # 932023

RESOLUTION #

PARCEL ID	SITE ADDRESS	ASSESSMENT AMOUNT (PER YEAR)
143022410036	4782 WASHINGTON AVE	264.75
143022410053	2224 4TH ST	262.56
143022410054	2218 4TH ST	135.00
143022410055	2208 4TH ST	1,355.24
143022410056	2200 4TH ST	181.08
143022410057	2188 4TH ST	228.05
143022410058	2186 4TH ST	205.98
143022410059	2184 4TH ST	474.88
143022410060	2182 4TH ST	684.73
143022410061	4758 WASHINGTON SQ	135.00
143022410062	4754 WASHINGTON SQ	240.31
143022410063	4750 WASHINGTON SQ	265.59
143022410064	4748 WASHINGTON SQ	188.82
143022410065	4746 WASHINGTON SQ	231.73
143022410066	4744 WASHINGTON SQ	229.19
143022410067	4742 WASHINGTON SQ	202.68
143022410068	4734 WASHINGTON SQ	156.94
143022410069	0 WASHINGTON SQ	274.17
143022410071	2151 3RD ST	1,027.29
143022410073	2185 3RD ST	325.59
143022410074	2183 3RD ST	206.55
143022410075	4746 BANNING AVE	135.00
143022410076	2207 3RD ST	607.36
143022410091	2218 3RD ST	135.00
143022410092	2216 3RD ST	135.00
143022410093	2210 3RD ST	277.29
143022410094	2208 3RD ST	158.45
143022410095	4706 BANNING AVE	219.25
143022410096	2200 3RD ST	679.07
143022410097	4701 BANNING AVE	404.80
143022410099	2180 3RD ST	135.00
143022410100	2182 3RD ST	135.81
143022410101	2170 3RD ST	167.25
143022410102	2168 3RD ST	243.24
143022410103	2160 3RD ST	135.00
143022410104	2154 3RD ST	783.17
143022410105	4700 CLARK AVE	866.27

CITY OF WHITE BEAR LAKE
SPECIAL SERVICE DISTRICT LEVY
SPECIAL SERVICE DISTRICT #1 (DOWNTOWN) LEVY 2023 LEVY FOR COLLECTION IN 2024 & 2025
ASSESSMENT # 932023
RESOLUTION #

PARCEL ID	SITE ADDRESS	ASSESSMENT AMOUNT (PER YEAR)
143022410133	2202 5TH ST UNIT 25	135.00
143022410134	2202 5TH ST UNIT 24	135.00
143022410135	2202 5TH ST UNIT 22	135.00
143022410136	2202 5TH ST SUITE 21	135.00
143022410137	2202 5TH ST UNIT 20	135.00
143022410138	2202 5TH ST UNIT 6	28.15
143022410139	2202 5TH ST UNIT 7	25.68
143022410140	2202 5TH ST UNIT 8	28.83
143022410141	2214 5TH ST UNIT 1	135.00
143022410142	2214 5TH ST UNIT 2	135.00
143022410143	2214 5TH ST UNIT 3	135.00
143022410144	2214 5TH ST UNIT 4	135.00
143022410145	2214 5TH ST UNIT 5	135.00
143022410146	2214 5TH ST UNIT 6	135.00
143022410147	2214 5TH ST UNIT 7	135.00
143022410148	2214 5TH ST UNIT 8	352.27
143022410149	2226 5TH ST UNIT 11	135.00
143022410150	2226 5TH ST UNIT 10	135.00
143022410153	2223 4TH ST	1,559.40
143022410157	2137 4TH ST	1,600.00
143022410159	2186 3RD ST UNIT 101	184.67
143022410160	2186 3RD ST UNIT 102	167.41
143022410161	2186 3RD ST UNIT 103	135.00
143022410162	2186 3RD ST UNIT 104	135.00
143022410163	2186 3RD ST UNIT 105	135.00
143022410164	2186 3RD ST UNIT 106	135.00
143022410165	2186 3RD ST UNIT 107	135.00
143022410166	2186 3RD ST UNIT 108	135.00
143022410167	2186 3RD ST UNIT 109	135.00
143022410168	2186 3RD ST UNIT 110	135.00
143022410169	2186 3RD ST UNIT 111	135.00
143022410170	2186 3RD ST UNIT 112	135.00
143022410171	2186 3RD ST UNIT 113	135.00
143022410172	2186 3RD ST UNIT 114	140.34
143022410173	2186 3RD ST UNIT 115	135.00
143022410179	4782 BANNING AVE	471.20
143022410180	4796 WASHINGTON AVE	1,600.00

CITY OF WHITE BEAR LAKE
SPECIAL SERVICE DISTRICT LEVY
SPECIAL SERVICE DISTRICT #1 (DOWNTOWN) LEVY 2023 LEVY FOR COLLECTION IN 2024 & 2025
ASSESSMENT # 932023
RESOLUTION #

PARCEL ID	SITE ADDRESS	ASSESSMENT AMOUNT (PER YEAR)
143022420003	2126 5TH ST	193.16
143022420026	2125 4TH ST	144.68
143022420030	2126 4TH ST	135.00
143022420080	2140 3RD ST	164.11
143022420084	4706 HIGHWAY 61	536.93
143022420086	4687 CLARK AVE	135.00
143022420089	2130 2ND ST	450.72
143022420090	4701 CLARK AVE	124.50
143022420091	2129 2ND ST	224.53
143022420092	4711 CLARK AVE	1,129.99
143022420115	2135 4TH ST	316.71
143022420126	4760 BALD EAGLE AVE	420.17
143022420128	4779 BLOOM AVE	589.94
143022420132	4703 HWY 61	1,279.19
143022420132	4703 HWY 61	795.26
143022420132	4703 HWY 61	350.85
143022420133	2025 4TH ST	449.51
143022430013	4680 HIGHWAY 61	237.67
143022430014	4660 HIGHWAY 61	489.87
143022430068	2078 1ST ST	174.82
143022430087	4648 HIGHWAY 61	145.72
143022430095	4661 HIGHWAY 61	1,320.04
		44,088.93



City of White Bear Lake
Finance Department

MEMORANDUM

To: Lindy Crawford, City Manager
From: Kerri Kindsvater, Finance Director
Date: September 26, 2023
Subject: Birch Lake Improvement District Service Charge

SUMMARY

The City Council will hold a public hearing and consider adopting a resolution to certify the Birch Lake Improvement District (BLID) service charge of \$22,511 to the tax roll of benefiting properties to support BLID's budget expenditures of \$27,000 for fiscal year 2024.

BACKGROUND INFORMATION

The Birch Lake Improvement District (BLID) began in 2006 pursuant to state statutes and a petition from the lakeshore property owners. BLID's mission is to develop, finance and implement activities that improve and protect the quality of Birch Lake. The originating documents authorize BLID's Board of Directors to approve an annual service charge not to exceed \$25,000.

BLID held its annual meeting on Wednesday, August 16, 2023 to set the 2024 Budget.

BLID requests the City Council approve a special service charge of \$22,511 for certification in 2023, collectible in 2024 for revenues to support activities. Property owners pay an equal amount of the annual service charge, which will be \$363.08 per property for 2024.

The following chart provides a summary of expenditures in the 2024 Budget:

Expenditures:	
Administrative and Aerator Operation Costs	\$ 2,500
Aquatic Vegetation Management	18,500
Special Projects	<u>6,000</u>
Total Expenditures	<u><u>27,000</u></u>
 Annual Surplus (Deficit)	 <u><u>(4,489)</u></u>

The 2024 expenditures remain consistent with previous years' budgets and continue to focus on the residents' desire for special projects related to studies, restoration and chloride monitoring. BLID's treasurer states there are sufficient reserves to cover the additional work.

The City mailed a copy of the public notice to affected property owners on September 6, 2023 and published the notice in the White Bear Press on September 13, 2023.

RECOMMENDATIONS

Following a public hearing on the proposed service charge, staff recommends the City Council adopt the attached resolution to certifying the Birch Lake Improvement District service charge of \$22,511 to support the budget expenditures of \$27,000 for the fiscal year 2024.

ATTACHMENTS

Resolution

Listing of Properties

BLID Budget

RESOLUTION NO.

RESOLUTION IMPOSING A SERVICE CHARGE FOR THE YEAR 2024 WITH NO INTEREST ON THE PROPERTIES WITHIN THE BIRCH LAKE IMPROVEMENT DISTRICT

WHEREAS, the City of White Bear Lake acted on June 13, 2006 to adopt an order (“Order”) establishing the Birch Lake Improvement District (“District”), located in White Bear Lake, Minnesota, pursuant to its authority under Minnesota Statutes, sections 459.20 and 103B.501 to 103B.581; and

WHEREAS, the Board of Directors of the District held an annual meeting of the District on August 16, 2023, at which the membership approved an operating budget for 2024 with revenues in the amount of \$22,511; and

WHEREAS, the Board of Directors forwarded the budget to the City and requested that the amount be imposed and collected on the properties within the District; and

WHEREAS, the City is authorized by Minnesota Statutes, section 10B.555 to impose a service charge on the properties within the District to fund the projects and services of the District; and

WHEREAS, the City Council, after providing the affected property owners at least 10 days written notice, conducted a public hearing on September 26, 2023 regarding the proposed service charge; and

WHEREAS, the City Council determines it is necessary and appropriate to impose a service charge on the District in the amount requested by the Board of Directors, to be divided equally among the properties in the District, in order to fund the projects and services of the District.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of White Bear Lake as follows:

1. A service charge of \$22,511 is hereby imposed on the properties within the District for collection in 2024.
2. The service charge shall be divided equally among the properties in the District, resulting in a service charge of \$363.08 per parcel as identified in the attached property listing, which is incorporated herein by reference.
3. City staff is hereby authorized and directed to certify to the County Auditor the service charge amount for collection against the properties identified in the property listing in 2024, without interest accrued, and is further authorized to take such other actions as may be needed to carry out the intent of this Resolution.

RESOLUTION NO.

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
SPECIAL SERVICE DISTRICT LEVY
BIRCH LAKE IMPROVEMENT - 2023 LEVY FOR COLLECTION IN 2024
ASSESSMENT # 93202309
RESOLUTION #

	PARCEL ID	SITE ADDRESS	ASSESSMENT AMOUNT
1	153022230010	1411 BIRCH LAKE BLVD N	\$ 363.08
2	153022240013	1435 BIRCH LAKE BLVD N	363.08
3	153022240014	1445 BIRCH LAKE BLVD N	363.08
4	153022240015	1453 BIRCH LAKE BLVD N	363.08
5	153022240025	4852 BIRCH LAKE CIR	363.08
6	153022310005	1531 BIRCH LAKE BLVD N	363.08
7	153022310006	1525 BIRCH LAKE BLVD N	363.08
8	153022310007	1515 BIRCH LAKE BLVD N	363.08
9	153022310008	1497 BIRCH LAKE BLVD N	363.08
10	153022310010	1481 BIRCH LAKE BLVD N	363.08
11	153022310011	1469 BIRCH LAKE BLVD N	363.08
12	153022310012	0 BIRCH LAKE BLVD N	363.08
13	153022310013	1493 BIRCH LAKE BLVD N	363.08
14	153022320003	1340 BIRCH LAKE BLVD N	363.08
15	153022320015	0 BIRCH LAKE BLVD N	363.08
16	153022320058	0 UNASSIGNED	363.08
17	153022320062	0 UNASSIGNED	363.08
18	153022320070	0 UNASSIGNED	363.08
19	153022330003	1405 HIGHWAY 96 E	363.08
20	153022330004	1397 HIGHWAY 96	363.08
21	153022330007	1353 HEDMAN WAY	363.08
22	153022330008	1339 HEDMAN WAY	363.08
23	153022330009	1337 HEDMAN WAY	363.08
24	153022330010	1323 HEDMAN WAY	363.08
25	153022330011	1311 HEDMAN WAY	363.08
26	153022330012	1303 HEDMAN WAY	363.08
27	153022330023	1387 HIGHWAY 96	363.08
28	153022330026	1367 HEDMAN WAY	363.08
29	153022330028	1417 HIGHWAY 96	363.08
30	153022330029	1411 HIGHWAY 96	363.08
31	153022330030	1361 HEDMAN WAY	363.08
32	153022340001	0 BIRCH LAKE BLVD S	363.08
33	153022340002	0 BIRCH LAKE BLVD S	363.08
34	153022340009	1455 BIRCH LAKE BLVD S	363.08
35	153022340010	1437 BIRCH LAKE BLVD S	363.08
36	153022340011	1425 BIRCH LAKE BLVD S	363.08
37	153022340014	1512 BIRCH LAKE BLVD S	363.08
38	153022340030	1474 BIRCH LAKE BLVD S	363.08
39	153022340031	1494 BIRCH LAKE BLVD S	363.08
40	153022340032	1484 BIRCH LAKE BLVD S	363.08
41	153022340033	1504 BIRCH LAKE BLVD S	363.08
42	153022340039	1520 BIRCH LAKE BLVD S	363.08
43	153022340040	1528 BIRCH LAKE BLVD S	363.08

CITY OF WHITE BEAR LAKE
 SPECIAL SERVICE DISTRICT LEVY
 BIRCH LAKE IMPROVEMENT - 2023 LEVY FOR COLLECTION IN 2024
 ASSESSMENT # 93202309
 RESOLUTION #

PARCEL ID	SITE ADDRESS	ASSESSMENT AMOUNT
44 153022420088	4696 OTTER LAKE RD	363.08
45 153022420089	4700 OTTER LAKE RD	363.08
46 153022420095	4686 OTTER LAKE RD	363.08
47 153022420097	4742 OTTER LAKE RD	363.08
48 153022420099	4710 OTTER LAKE RD	363.08
49 153022420101	4730 OTTER LAKE RD	363.08
50 153022420102	4720 OTTER LAKE RD	363.08
51 153022430044	4680 OTTER LAKE RD	363.08
52 153022430045	4660 OTTER LAKE RD	363.08
53 153022430046	4652 OTTER LAKE RD	363.08
54 153022430047	4644 OTTER LAKE RD	363.08
56 153022430049	4630 OTTER LAKE RD	363.08
57 163022440005	1295 HEDMAN WAY	363.08
58 163022440006	1291 HEDMAN WAY	363.08
59 163022440010	0 HEDMAN WAY	363.08
60 163022440036	0 WHITE BEAR PKWY	363.08
61 163022440040	0 WHITE BEAR PKWY	363.08
62 163022440049	4600 WHITE BEAR PKY	363.08
63 163022440067	0 WHITE BEAR PKWY	363.08
		22,510.96

Approved Birch Lake Improvement Budget January 1 - December 31, 2024

Expenses	
Fixed Costs	\$ 2,500
<ul style="list-style-type: none"> Aerator Operations Administration Newsletter Insurance Memberships 	
Aquatic Vegetation Management	\$ 18,500
<ul style="list-style-type: none"> Harvester Permit Weed Harvest Contract Lake Aeration 	
Special Projects	\$ 6,000
<ul style="list-style-type: none"> Special Studies Restoration Site Chloride Monitoring 	
Total Costs	\$ 27,000
Income	
Total Levy Amount	\$ 22,511
Total Income	\$ 22,511
Surplus (Deficit)	\$ (4,489)
No. of Properties	62
Assessment per Property	\$ 363.08



City of White Bear Lake
Community Development Department

MEMORANDUM

To: Lindy Crawford, City Manager
From: Jason Lindahl, AICP Community Development Director
Date: September 26, 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 8th, the City Council conducted the first reading of this ordinance and directed staff to bring this item back for a second reading on September 12th. During the September 12th second reading, the City Council could not reach a consensus on this item and direct staff to bring it back on September 26th for further review and discussion.

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 City 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).

As part of the City Council review of this item, tobacco and liquor store owner Solomon Haile has submitted two comments. His first comment was distributed to the City Council during the September 12th meeting and requested his property at 2008 County Road E be allowed to have a cannabis business (full dispensary). His second comment adds to his original request and asks the city to reduce the school buffer from 1000 feet to 500 feet. It should be noted that Mr. Haile's property would still be within the school buffer if the city agreed to reduce it to 500 feet. Both comments are attached for your reference.

Staff recommends the City Council continue 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 continue the second reading and adopt 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

Resolution

Comments from Solomon Haile

Maps – (1) Zoning with Cannabis Buffer, (2) Locations of Businesses with Liquor and Tobacco Licenses

List of Businesses with Liquor and Tobacco Licenses

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: _____

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.

From: [solomon haile](#)
To: [Jason Lindahl](#)
Subject: Dispensary business zoning
Date: Tuesday, September 19, 2023 4:28:03 PM

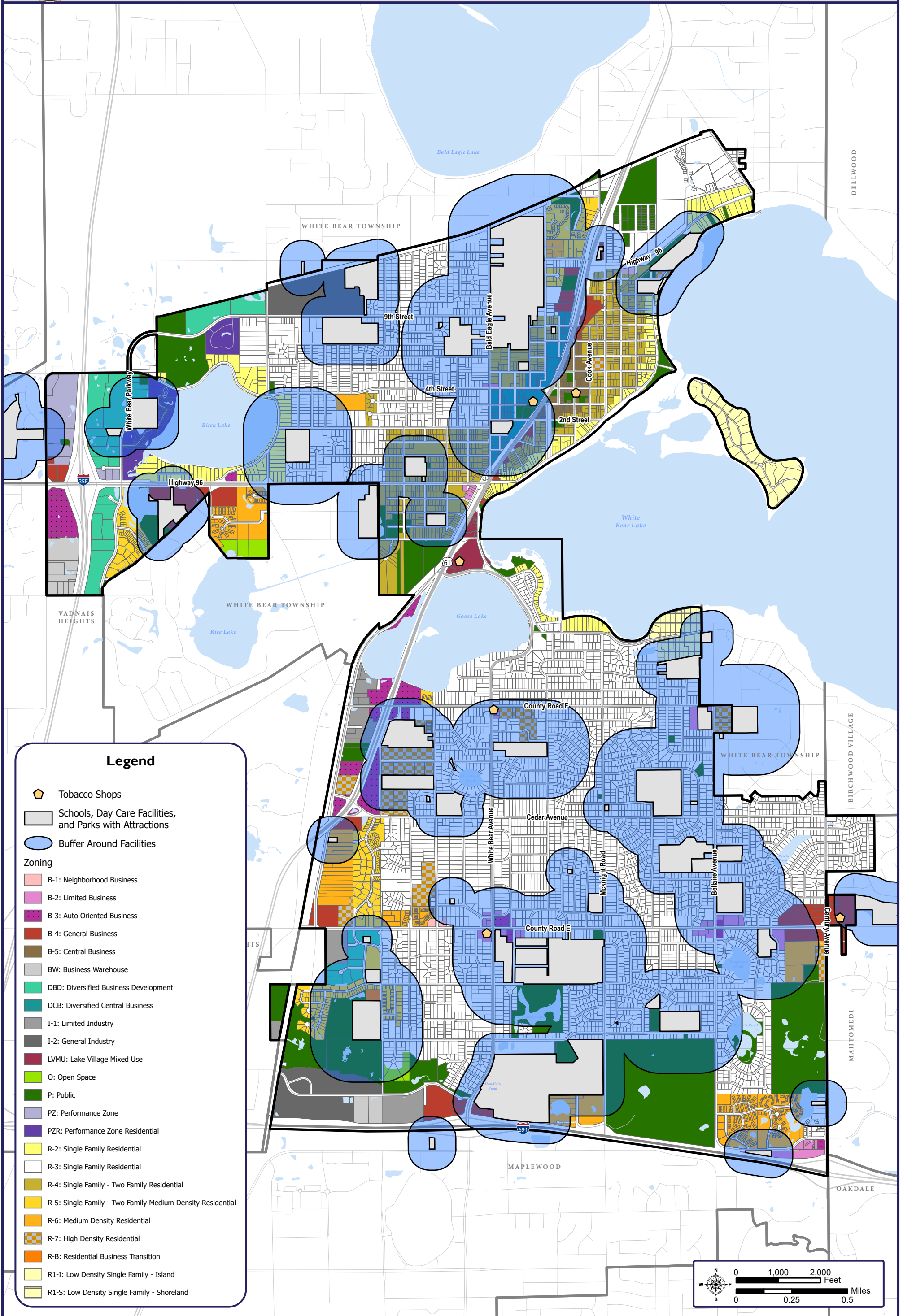
Hello Mr Jason, thank you for taking the time to talk to me yesterday, as our conversation I do want to comment if I can on the next council meeting to see if the city drop the 1000 ft distance from the school to 500ft from the school appreciate it.

Kindest regards
Solomon Haile



Tobacco Shops & Cannabis Businesses Buffer

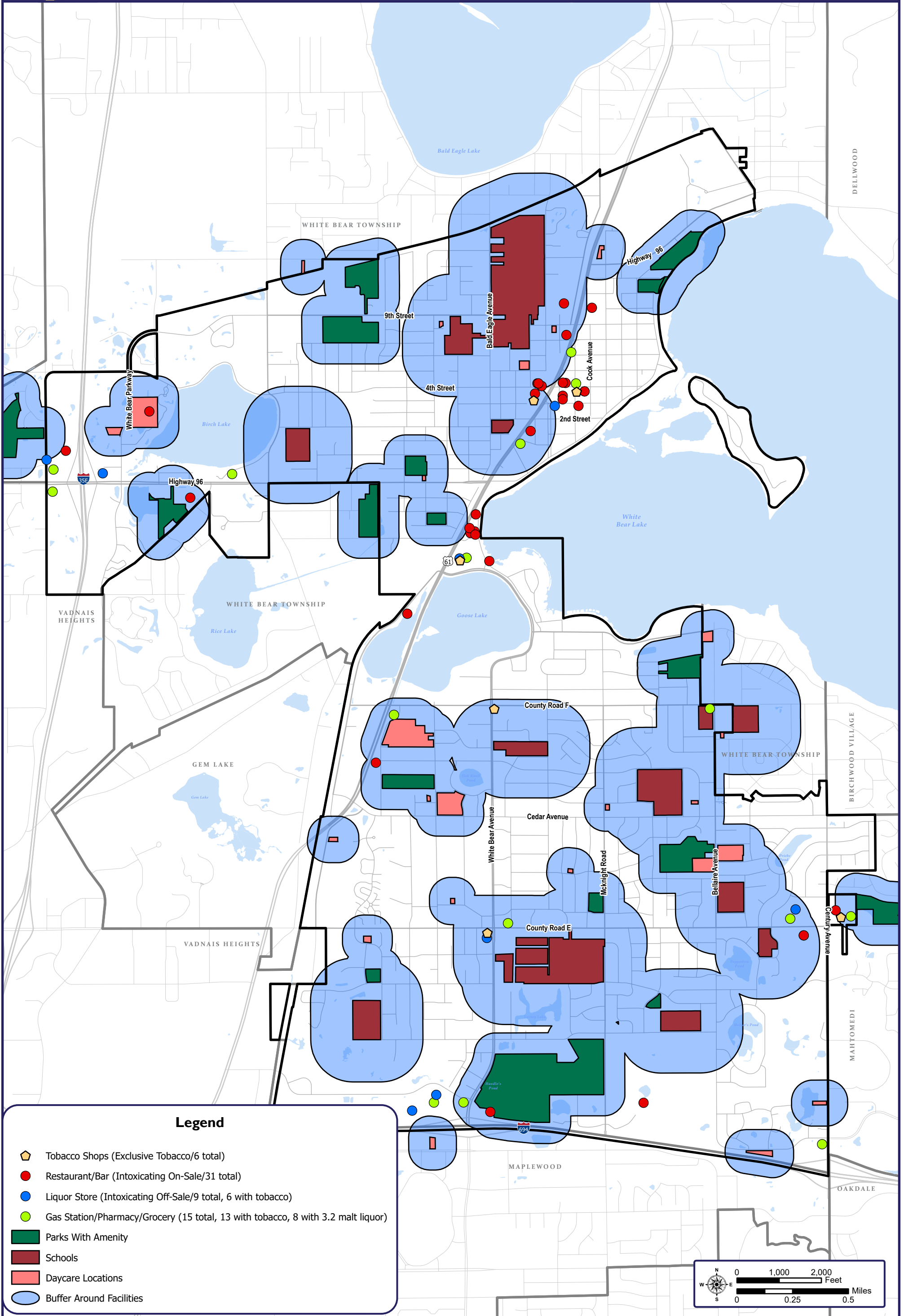
City of White Bear Lake





Liquor & Tobacco Licenses with Cannabis Buffer

City of White Bear Lake



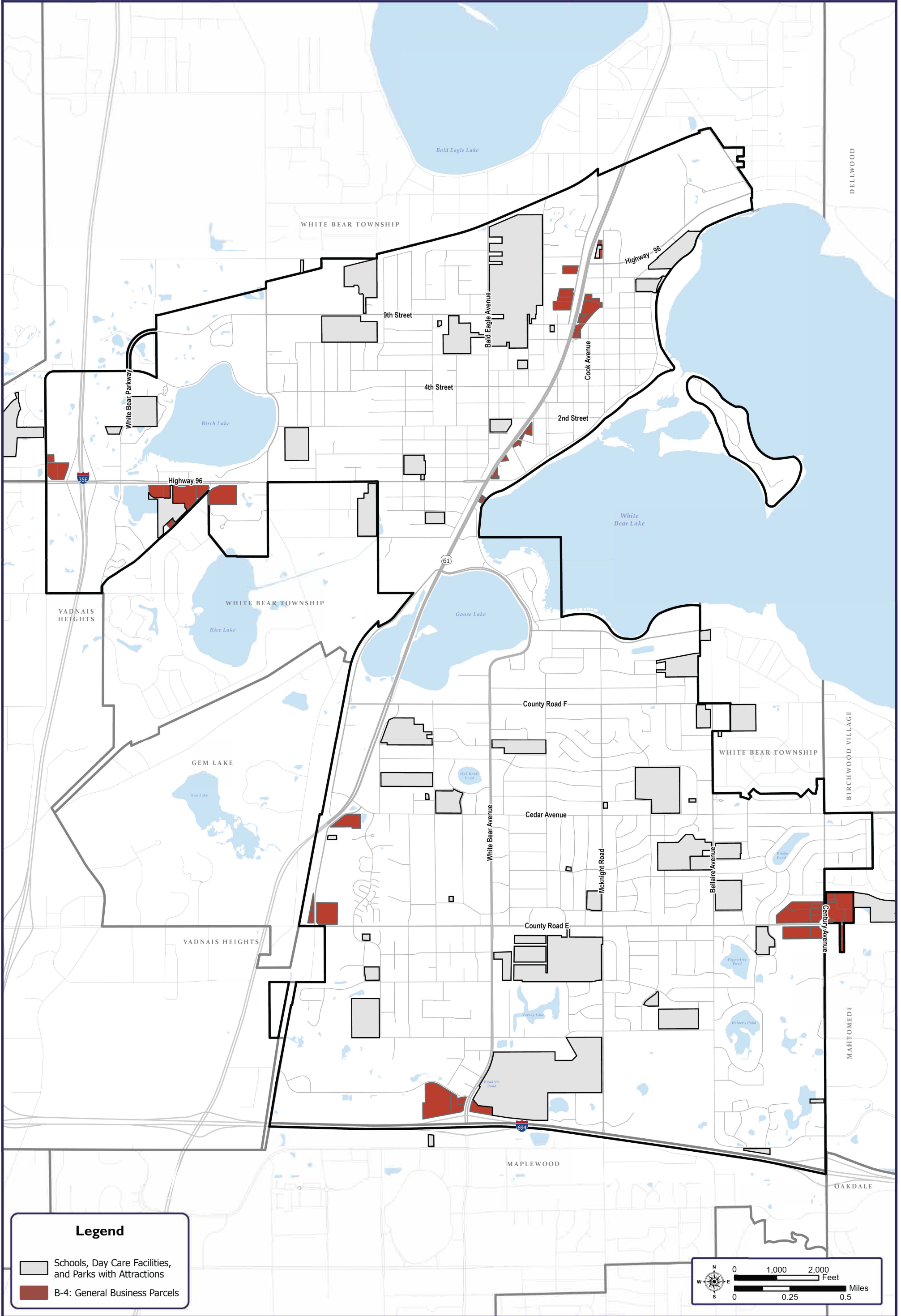
Liquor & Tobacco Licenses - List of Businesses
September 2023

Business	License Type	Address
617 Lounge	Restaurant/Bar - Intoxicating On-Sale	2185 4th St
Acqua Restaurant and Wine Bar	Restaurant/Bar - Intoxicating On-Sale	4453 Lake Ave S
Admiral D's	Restaurant/Bar - Intoxicating On-Sale	4424 Lake Ave
Alleycat's Gourmet Sandwiches	Restaurant/Bar - Intoxicating On-Sale	1971 Whitaker St
American Legion #168	Restaurant/Bar - Intoxicating On-Sale	2210 3rd St
Bear Town Bar & Grill	Restaurant/Bar - Intoxicating On-Sale	4875 Highway 61
Big Wood Brewery	Restaurant/Bar - Intoxicating On-Sale	2222 4th St
Brickhouse Food & Drink	Restaurant/Bar - Intoxicating On-Sale	4746 Washington Square
Burger Bar	Restaurant/Bar - Intoxicating On-Sale	2125 4th St
Cabin 61	Restaurant/Bar - Intoxicating On-Sale	4150 Hoffman Rd
Carbone's Pizza	Restaurant/Bar - Intoxicating On-Sale	1350 Highway 96
Doc's Landing	Restaurant/Bar - Intoxicating On-Sale	3200 White Bear Ave
Don Julio	Restaurant/Bar - Intoxicating On-Sale	4660 Highway 61
Donatelli's	Restaurant/Bar - Intoxicating On-Sale	2692 County Rd E E
El Pariente Mexican Grill	Restaurant/Bar - Intoxicating On-Sale	961 Wildwood Rd
Ingredients Cafe	Restaurant/Bar - Intoxicating On-Sale	4725 Highway 61
King City Restaurant	Restaurant/Bar - Intoxicating On-Sale	3959 Linden Ave
Lakeshore Players Theatre	Restaurant/Bar - Intoxicating On-Sale	4941 Long Ave
Life Time Fitness	Restaurant/Bar - Intoxicating On-Sale	4800 White Bear Parkway
Little Village	Restaurant/Bar - Intoxicating On-Sale	2670 County Rd E E
Lunds & Byerlys White Bear Lake	Restaurant/Bar - Intoxicating On-Sale	4630 Centerville Rd
Manitou Grill & Event Center	Restaurant/Bar - Intoxicating On-Sale	2171 4th St
Manitou Ridge Golf Course	Restaurant/Bar - Intoxicating On-Sale	3200 McKnight Road
Mizu Japanese	Restaurant/Bar - Intoxicating On-Sale	4475 Lake Ave S
Pizzeria Pezzo	Restaurant/Bar - Intoxicating On-Sale	2143 4th St
Rudys Redeye Grill	Restaurant/Bar - Intoxicating On-Sale	4940 N. Highway 61
Tally's Dockside	Restaurant/Bar - Intoxicating On-Sale	4441 Lake Ave S
The Alchemist & Kellerman's Event Center	Restaurant/Bar - Intoxicating On-Sale	2222 4th St
VFW Post 1782	Restaurant/Bar - Intoxicating On-Sale	4496 Lake Ave S
Washington Square Bar & Grill	Restaurant/Bar - Intoxicating On-Sale	4736 Washington Square
White Bear Bar	Restaurant/Bar - Intoxicating On-Sale	2135 4th St
Cotroneo's Wine and Spirits	Liquor Store - Intoxicating Off-Sale & Tobacco	2148 3rd St
Cub Wine and Spirits	Liquor Store - Intoxicating Off-Sale & Tobacco	1910 Buerkle Rd
Elevated Beer Wine & Spirits	Liquor Store - Intoxicating Off-Sale & Tobacco	2141 4th St
Haskell's	Liquor Store - Intoxicating Off-Sale & Tobacco	1219 Gun Club Road
MGM Liquor Warehouse	Liquor Store - Intoxicating Off-Sale & Tobacco	4444 Highway 61
Summit Liquor	Liquor Store - Intoxicating Off-Sale & Tobacco	2000 County Rd E E
Cellars Wines and Spirits	Liquor Store - Intoxicating Off-Sale	2675 County Rd E E
Sams Club #6309	Liquor Store - Intoxicating Off-Sale	1850 Buerkle Rd
Lunds & Byerlys Wines & Sprits	Liquor Store - Intoxicating Off-Sale	4620 Centerville Rd
Convenience and Tobacco	Tobacco Products Shop - Tobacco	2004 County Rd E E
E-Cig Smoke Shop	Tobacco Products Shop - Tobacco	4711 Highway 61
FireHouse ECig Shop	Tobacco Products Shop - Tobacco	4438 Highway 61
MNJ Tobacco	Tobacco Products Shop - Tobacco	4074 White Bear Ave
Smoke Shop	Tobacco Products Shop - Tobacco	929 Wildwood Rd
Nothing But Hemp	Tobacco Products Shop - Tobacco	4762 Banning Ave
Cub Foods	Gas Station/Pharmacy/Grocery - 3.2 Off-Sale & Tobacco	1920 Buerkle Rd
Freedom Valu #33	Gas Station/Pharmacy/Grocery - 3.2 Off-Sale & Tobacco	4852 Highway 61
Speedway #4317	Gas Station/Pharmacy/Grocery - 3.2 Off-Sale & Tobacco	3155 Century Ave N
Speedway #4340	Gas Station/Pharmacy/Grocery - 3.2 Off-Sale & Tobacco	3235 White Bear Ave
Speedway #4357	Gas Station/Pharmacy/Grocery - 3.2 Off-Sale & Tobacco	1447 Highway 96
Speedway #52	Gas Station/Pharmacy/Grocery - 3.2 Off-Sale & Tobacco	2055 County Rd E E
Festival Foods	Gas Station/Pharmacy/Grocery - 3.2 Off-Sale	2671 County Rd E E
Kowalskis White Bear Lake Market	Gas Station/Pharmacy/Grocery - 3.2 Off-Sale	4391 Lake Ave S
Holiday Stationstores #215	Gas Station/Pharmacy/Grocery - Tobacco	1800 County Rd F E
North Oaks Holiday	Gas Station/Pharmacy/Grocery - Tobacco	4540 Centerville Road
Nothing But Hemp	Gas Station/Pharmacy/Grocery - Tobacco	4762 Banning Ave
Walgreens #02769	Gas Station/Pharmacy/Grocery - Tobacco	915 Wildwood Rd
Walgreens #3187	Gas Station/Pharmacy/Grocery - Tobacco	1075 Highway 96 E
White Bear Bait	Gas Station/Pharmacy/Grocery - Tobacco	4648 Highway 61
White Bear Express	Gas Station/Pharmacy/Grocery - Tobacco	2490 County Rd F E



B-4 Zoning District

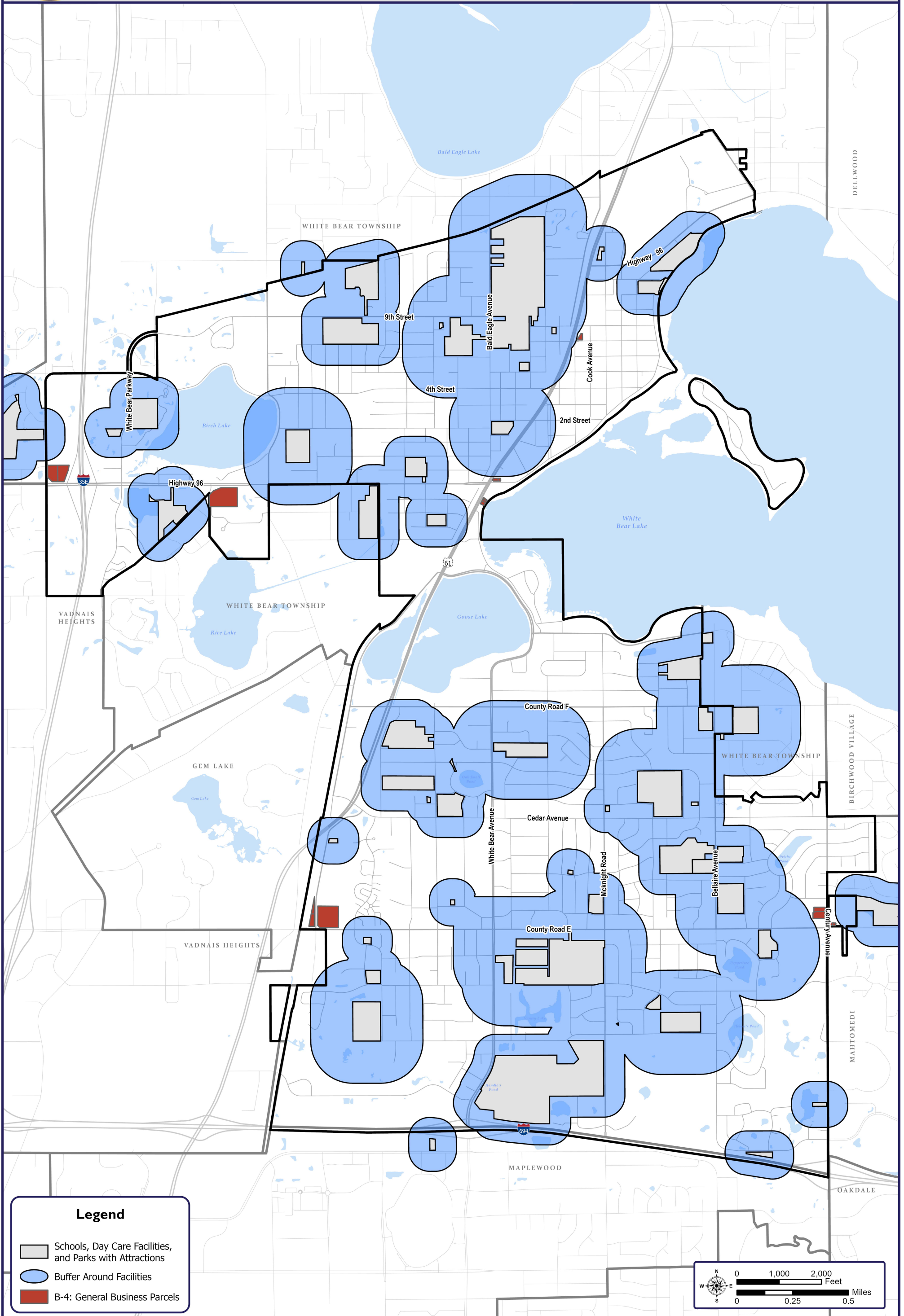
City of White Bear Lake





B-4 Outside the Cannabis Businesses Buffer

City of White Bear Lake





City of White Bear Lake
Community Development Department

MEMORANDUM

To: Lindy Crawford, City Manager
From: Tracy Shimek, Housing & Economic Development Coordinator
Date: September 26, 2023
Subject: County Road E Ramsey County Critical Corridor Grant & Request for Proposals

SUMMARY

The City Council will consider adopting a resolution authorizing the acceptance of a Critical Corridors - Commercial Corridor Initiative Grant from Ramsey County and authorizing the issuance of a request for proposals ("RFP") to carry out the services for which the grant was awarded.

BACKGROUND INFORMATION

In an ongoing effort to promote the economic vitality of the County Road E corridor the City partnered with Gem Lake and Vadnais Heights, with support from Ramsey County, to create the County Road E Corridor Action Plan in 2022.

The Action Plan put forth a number of recommendations to plan for the future of the corridor including near, mid and long term recommendations. In addition to a focus on development sites, specific recommendations largely fell into three categories:

- Fostering a sense of place and purpose
- Safety
- Connectivity

In an effort to leverage the collective sense of momentum generated by the action plan, staff worked in partnership with representatives from Gem Lake and Vadnais Heights to apply for a Ramsey County Critical Corridor Commercial Corridor Initiative grant. Among the grant eligible activities, staff believed "district-wide marketing, branding, and promotion initiatives;" and "design and implementation of wayfinding, signage, street furniture or other public realm enhancements" were largely aligned with recommendations focused on "fostering a sense of place and purpose" in the Corridor Action Plan.

A grant application was submitted and awarded to the partners to fund professional services to establish a brand identity and create marketing and placemaking strategies for the County Road E Corridor. Staff considers those activities to be "low hanging fruit" in that they are achievable in the near term and will create a solid foundation to continue a collective effort focused on the corridor. The grant award is in the amount of \$30,000 and does not require a match from the

participating cities.

Should the City Council accept of the grant and authorize the distribution of an RFP for services, staff anticipates work will begin this winter and conclude in summer 2024.

RECOMMENDATIONS

Staff recommends the City Council adopt the attached resolution authorizing the Mayor and City Manager to enter into an agreement with Ramsey County for a Critical Corridors grant and authorizing staff to issue a RFP for branding, marketing and placemaking strategies for the County Road E corridor.

ATTACHMENTS

Resolution

RESOLUTION NO.

RESOLUTION ACCEPTING CRITICAL CORRIDOR FUNDS FROM RAMSEY COUNTY, AUTHORIZING THE CITY MANAGER TO ENTER INTO GRANT AGREEMENTS, AND CITY STAFF TO ISSUE A REQUEST FOR PROPOSALS FOR PROFESSIONAL SERVICES FOR BRANDING, MARKETING AND PLACEMAKING STRATEGIES FOR THE COUNTY ROAD E CORRIDOR

WHEREAS, County Road E, located in the cities of White Bear Lake, Vadnais Heights, and Gem Lake, is a commercial and residential corridor that has significant impact on the vitality of the community; and

WHEREAS, the City of White Bear Lake has invested significant resources into the corridor by securing a key development site, creating the County Road E Revolving Loan and Grant program, engaging the community about future investment and development along the corridor, and time spent responding to potential development proposals; and

WHEREAS, in 2022 the City in partnership with Gem Lake and Vadnais Heights engaged with the public to create the County Road E Corridor Action Plan; and

WHEREAS, the County Road E Corridor Action Plan included a recommendations focused on “fostering a sense of place and purpose;” and

WHEREAS, the City of White Bear Lake, in partnership with Gem Lake and Vadnais Heights, applied for and was awarded a Ramsey County Critical Corridor grant in the amount of \$30,000 to secure professional services for the purposes of establishing a brand identity and creating marketing and placemaking strategies for the County Road E Corridor; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of White Bear Lake, Minnesota that the City accepts the grant from Ramsey County for the County’s Critical Corridor funding program.

BE IT FURTHER RESOLVED, that the City Council of the City of White Bear Lake, Minnesota hereby authorizes the City Manager and Mayor to enter into the grant agreement with Ramsey County; and staff to issue a request for proposals to carry out the services for which the grant was awarded.

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



City of White Bear Lake
Engineering Department

MEMORANDUM

To: Lindy Crawford, City Manager
From: Paul Kauppi, Public Works Director/City Engineer
Date: September 26, 2023
Subject: Ramsey County Cooperative Agreement for Right of Way Acquisition for the Reconstruction of Otter Lake Road - City Project No. 24-06

SUMMARY

The City Council will consider adopting a resolution approving a Cooperative Agreement with Ramsey County for right-of-way (ROW) acquisition for Otter Lake Road improvements.

BACKGROUND INFORMATION

The City of White Bear Lake is working in cooperation with Ramsey County to complete the long awaited trail segment around Birch Lake and reconstruct Otter Lake Road between Highway 96 and 4th Street. Construction will be led by Ramsey County and is expected to occur in 2024.

The proposed cooperative agreement outlines City cost participation for right-of-way (ROW) acquisition. Under this agreement, the City will participate in accordance with the County's cost partition policy, which splits ROW acquisition costs equally between the City and County. Once Ramsey County completes their final construction estimate and plans, staff will present a separate cooperative and maintenance agreement to City Council for consideration.

The City's cost participation for this portion of the project is estimated to be \$263,818.95, an equal amount to Ramsey County's cost participation. The project will be financed through the Pavement Management Fund which includes \$370,000 for this project in the 2024 budget. The City will submit for reimbursement from Municipal State Aide System funding upon completion of the project.

RECOMMENDATIONS

Staff recommends the City Council adopt the attached resolution approving a Cooperative Agreement for right-of-way acquisition for Otter Lake Road improvements between Highway 96 and 4th Street.

ATTACHMENTS

Resolution

RESOLUTION NO.

RESOLUTION APPROVING A COOPERATIVE AGREEMENT BETWEEN RAMSEY COUNTY AND THE CITY OF WHITE BEAR LAKE FOR RIGHT-OF-WAY ACQUISITION FOR IMPROVEMENTS OF OTTER LAKE ROAD (CSAH 60) BETWEEN HIGHWAY 96 (CSAH 96) AND FOURTH STREET

WHEREAS, Otter Lake Road is a Ramsey County Road located within the City of White Bear Lake that connects Highway 96 and Fourth Street; and

WHEREAS, Otter Lake Road is utilized by residents and the general public in a wide variety of transportation modes (vehicles, towing trailers, bicycles, pedestrians, etc.), and the pavement condition of Otter Lake Road has been rated as “very poor”; and

WHEREAS, Ramsey County will be awarding a contract for the rehabilitation of Otter Lake Road which includes the addition of a bicycle / pedestrian trail during the 2024 construction year; and

WHEREAS, Otter Lake Road improvements require right-of-way (ROW) acquisition; and

WHEREAS, the City cost participation for ROW acquisition on the project is estimated to be \$263,818.95 as outlined in the Cooperative Agreement.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of White Bear Lake, Minnesota hereby authorizes the Mayor and City Manager to enter into a Cooperative Agreement (Agreement PUBW2023-01R) between Ramsey County and the City of White Bear Lake for right-of-way acquisition for improvements to Otter Lake Road (CSAH 60) between Highway 96 (CSAH 96) and Fourth Street.

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
Police Department

MEMORANDUM

To: Lindy Crawford, City Manager
From: Dale Hager, Chief of Police
Date: September 26, 2023
Subject: **Suspension of School Resource Officer Agreement with White Bear Lake Area Schools**

SUMMARY

The City Council will consider adopting a resolution suspending the School Resource Officer (SRO) Agreement with White Bear Lake Area Schools, and authorizing the City Manager and Chief of Police to reinstate the agreement if changes are made to State law during the 2023-2024 school year.

BACKGROUND INFORMATION

The Police Department has a long and successful history of working collaboratively with White Bear Lake Area Schools to uphold a safe environment for students, teachers, staff, parents and other stakeholders in our community by contractually providing school resource officer (SRO) services and special event policing services. In addition, City Administration and the City Council have traditionally fully supported having officers in our schools. The City Council authorized a renewal of our SRO agreement at the July 25 meeting. The existing contract includes the 2023-2024 school year.

Minnesota Statutes Chapter 121A governs student rights, responsibilities, and behavior. Earlier this year, the Minnesota Legislature included multiple provisions in the education bill that affect SROs and other officers providing contracted services to public schools, such as working at a football game. The legislative changes affect when use of force may be used in situations involving student restraint or preventing bodily harm or death to the student or another.

Various interpretations of the law have emerged from different associations and entities, as well as the Minnesota Attorney General's Office. Despite the iterations that have resulted, there remains confusion which I will elaborate on at the meeting. Unfortunately, this present confusion, serves as a barrier for the Police Department to continue the same relationship with the District effectively and has placed SROs in an untenable situation. Therefore, after serious consideration, the City Manager and I made the decision to suspend our existing agreement

and discontinue providing SRO services on September 19 until the matter is resolved. This decision was not taken lightly, and was one I hoped we wouldn't have to make.

As previously stated, we've had a long and successful working relationship with the District and, as Chief of Police, I believe it is critical we maintain this relationship in addition to upholding as safe of an environment as possible in our schools. Therefore, during school hours, police officers will respond for District related calls and will be encouraged to conduct regular walk-throughs at schools on a daily basis, as often as our call-load permits for the duration of the agreement suspension.

Additionally, for the remainder of this football season, we will continue to provide police officers at home football games. These specialty police officers will not be contracted agents of the District, rather they will be provided at the expense of the City.

Since we are not fulfilling the obligations of the agreement, the City Council must formally suspend the agreement. I believe we will be able to reinstate our agreement someday, perhaps in the near future. Therefore, as to ensure we can send SROs back as soon as feasibly possible, the City Manager and I are asking the City Council to grant the us the authority to reinstate the agreement if changes are made to the law during the 2023-2024 school year.

The City Manager and I have been in contact with our area Legislators, League of Minnesota Cities (LMC), Minnesota Chiefs of Police Association (MCPA), Minnesota Peace and Police Officer's Association (MPPOA), Ramsey County Attorney's Office and our respective colleagues regarding this matter. We remain committed to being part of the solution to get this resolved as quickly as possible.

RECOMMENDATIONS

Staff recommends the City Council adopt the attached resolution suspending the School Resource Officer Agreement with White Bear Lake Area Schools, and authorizing the City Manager and Chief of Police to reinstate the agreement if changes are made to State law during the 2023-2024 school year.

ATTACHMENTS

Resolution

RESOLUTION NO.

**RESOLUTION SUSPENDING THE SCHOOL RESOURCE OFFICER AGREEMENT
WITH WHITE BEAR LAKE AREA SCHOOLS**

WHEREAS; Since the mid-1990's the City of White Bear Lake and the White Bear Lake Area Schools have partnered to provide to dedicated School Resource Officers (SRO) to the School District; and

WHEREAS; the mission of the SRO program is to "support and foster the safe and healthy development of all students in the District [or at the School] through strategic and appropriate use of law enforcement resources and with the mutual understanding that school participation and completion is indispensable to achieving positive outcomes for youth and public safety"; and

WHEREAS, on July 25, 2023 the City Council adopted Resolution 13214 approving an agreement with White Bear Lake Area Schools for two SROs for the 2023-2024 school year; and

WHEREAS, Minnesota Statutes Chapter 121A governs student rights; and

WHEREAS, in 2023, the Minnesota Legislature included multiple provisions in the Education Bill that affect SROs and other officers providing contracted services to public schools, such as working at a football game; and

WHEREAS, the statutory changes affect when use of force may be used in situations involving student restraint or preventing bodily harm or death of the student or another; and

WHEREAS, various interpretations have emerged from different associations and entities, as well as the Minnesota Attorney General's Office. Despite the iterations that have resulted, there remains confusion; and

WHEREAS, this confusion has placed SROs in an untenable situation which resulted in the City Manager and Chief of Police immediately suspending SRO services on September 19, 2023.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of White Bear Lake hereby suspends the existing School Resource Office Agreement with White Bear Lake Area Schools effective immediately.

BE IT FURTHER RESOLVED, that the City Manager and Chief of Police, with input from the City Attorney, are authorized to re-enter into the Agreement if changes are made to the State law during the 2023-2024 school year that provide the necessary clarity and comfort to re-enter into the agreement at the discretion of those individuals in their professional opinions.

RESOLUTION NO.

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