



**AGENDA**  
**REGULAR MEETING OF THE CITY COUNCIL OF**  
**THE CITY OF WHITE BEAR LAKE, MINNESOTA**  
**WEDNESDAY, AUGUST 14, 2024**  
**7 P.M. IN THE COUNCIL CHAMBERS**

*Navigable Agenda*

**1. CALL TO ORDER AND ROLL CALL**

PLEDGE OF ALLEGIANCE

**2. APPROVAL OF MINUTES**

A. Minutes of the Regular City Council Meeting on July 23, 2024

B. Minutes of the City Council Work Session on July 23, 2024

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

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

A. Accept minutes: June Park Advisory Commission, June Environmental Advisory Commission, July Planning Commission

B. Resolution accepting restricted donations

C. Resolution accepting a Pathways to Policing grant from the Minnesota Department of Public Safety

D. Resolution authorizing a state-issued consumption and display permit for Elegance Event Center LLC

E. Resolution authorizing a temporary liquor extension for 4 Deuces Saloon for certain dates

F. Resolution authorizing a temporary liquor extension for Carbone's Pizzeria & Pub

G. Resolution accepting bids and awarding a contract for the City Hall window replacement project

H. Resolution certifying miscellaneous private property assessment for recovery of expenses

I. Resolution approving a MOU for a Birch Lake water quality improvement project at the Sports Center

J. Resolution authorizing Merrick, Inc. to conduct charitable gambling at The Alchemist

K. Resolution granting two setback variances for 48XX Central Avenue

L. Resolution declaring costs to be assessed, ordering preparation of proposed assessment roll, and ordering a public hearing for the 2024 Pavement Rehabilitation Project

M. Resolution adopting a Fair Housing Policy

**5. VISITORS AND PRESENTATIONS**

Nothing scheduled

**6. PUBLIC HEARINGS**

A. Vacation of sections of easements located at 12<sup>th</sup> Street and Bloom Avenue and White Bear Lake Schools Addition Preliminary and Final Plats

B. Second Reading of an ordinance amending the Operation of Cannabis Businesses Interim Moratorium Ordinance

**7. UNFINISHED BUSINESS**

Nothing scheduled

**8. NEW BUSINESS**

- A. First Reading of an ordinance amending the Zoning Code as it relates to off-sale liquor

**9. DISCUSSION**

Nothing scheduled

**10. COMMUNICATIONS FROM THE CITY MANAGER**

**11. ADJOURNMENT**



**MINUTES  
REGULAR MEETING OF THE CITY COUNCIL  
OF THE CITY OF WHITE BEAR LAKE, MINNESOTA  
TUESDAY, JULY 23, 2024  
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, Heidi Hughes, and Andrea West. Councilmembers Steven Engstran and Bill Walsh were excused for the evening. Staff in attendance were City Manager Lindy Crawford, Public Works Director/City Engineer Paul Kauppi, Community Development Director Jason Lindahl, City Clerk Caley Longendyke and City Attorney Dave Anderson.

**PLEDGE OF ALLEGIANCE**

**2. APPROVAL OF MINUTES**

A. Minutes of the Regular City Council Meeting on July 9, 2024

It was moved by Councilmember **West**, seconded by Councilmember **Edberg**, to approve the minutes. Motion carried 3-0.

B. Minutes of the City Council Work Session on July 9, 2024

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

**3. APPROVAL OF THE AGENDA**

Due to two absent councilmembers, Mayor Louismet reported the removal of two *Consent Agenda* items—a resolution accepting restricted donations and a resolution accepting a Pathways to Policing grant as both items require a super-majority vote. The items will appear on the agenda at the August 14 regular Council meeting. It was moved by Councilmember **Edberg**, seconded by Councilmember **West**, to approve the agenda as amended. Motion carried 3-0.

**4. CONSENT AGENDA**

~~A. Resolution accepting restricted donations~~

B. Resolution authorizing the submittal of a letter of concurrence for Rice Creek Watershed District boundary changes **Res. No. 13384**

~~C. Resolution accepting a Pathways to Policing grant from the Minnesota Department of Public Safety~~

It was moved by Councilmember **West**, seconded by Councilmember **Hughes**, to approve the consent agenda. Motion carried 3-0.

**5. VISITORS AND PRESENTATIONS**

A. Vadnais Lake Area Water Management Organization

As a board member of Vadnais Lake Area Water Management Organization (VLAWMO), Councilmember West introduced Administrator Phil Belfiori to present information about the organization. Belfiori provided basic information about watersheds and explained that the City consists of four water organizations. VLAWMO is the only joint powers water management organization, governed by a joint powers agreement and includes six participating cities. He provided more information about the difference between the water management organization and watershed districts. He shared that the water collected in the 24-square-mile outlets to the Saint Paul Regional Water Services and is used as drinking water for 450,000 residents. He shared VLAWMO's mission and areas of focus. He highlighted partnerships for certain projects, including the Rotary Nature Preserve project, the City's 2024 street reconstruction project, and the Oak Knoll Pond spent lime demonstration project. He highlighted other projects involving partnerships, which includes education and outreach. For future partnership opportunities, he talked about the Sports Center feasibility project and parking lot renovation, a stormwater treatment project near Birch Lake, Goose Lake sub-watershed projects, and Whitaker Pond iron-enhanced sand filter feasibility study.

Councilmember Edberg asked Belfiori to identify the sources of the biggest surface water issues. He referenced a priority list developed in their long-term management plan, but he emphasized groundwater conservation. He also mentioned preparation for climate resiliency. Belfiori also answered Councilmember Edberg's question about the spent lime project in Oak Knoll Pond.

#### B. Quarterly Finance Department Report

Finance Director Kindsvater presented the quarterly report for the Finance Department and License Bureau. She said revenues and expenditures are tracking as anticipated at this time of year, with some categories having higher revenues than expected, including fees for plan reviews, heating and A/C permits, electric permits, park and mooring/skid rental fees, and License Bureau transactions. She reminded the Council that the Maplewood DMV office closed in May 2023, resulting in the number of transactions to dramatically increase. Since it's been over a year, the City can start comparing data to last year. As anticipated, the year-to-year comparisons for the services began to level out this quarter. The electronic vehicle title and registration transactions are significantly higher than last year. She talked about new software rolled out by the Driver and Vehicle Services.

Mayor Louismet asked about the general state of the License Bureau, considering the time that has passed since the closure of the Maplewood office and revenues collected from the new fee structure that passed during the 2023 legislative session. Director Kindsvater indicated that the License Bureau is doing better thus far. Councilmember Edberg complimented staff for the quarterly reports and appreciates the layers of analysis.

#### 6. PUBLIC HEARINGS

Nothing scheduled.

#### 7. UNFINISHED BUSINESS

Nothing scheduled.

#### 8. NEW BUSINESS

A. First Reading of an ordinance amending the Operation of Cannabis Businesses Interim Moratorium Ordinance

City Attorney Anderson brought attention to legislative amendments passed during the 2024 session that could potentially create gaps in the City's current moratorium addressing cannabis businesses. The legislative amendments include separation of certain types of businesses from the definition of "cannabis business," creation of a process allowing certain businesses to apply for license preapprovals, and allowing certain businesses to start growing cannabis prior to obtaining a license. City Attorney Anderson recommends an amendment to the City's moratorium to address the legislative changes, creating a clearer message that the moratorium still applies to these types of businesses separated from the definition of "cannabis business," cultivators, and those pursuing the preapproval process.

A second reading and public hearing is scheduled for the August 14 regular Council meeting.

**9. DISCUSSION**

Nothing scheduled.

**10. COMMUNICATIONS FROM THE CITY MANAGER**

City Manager Crawford provided an update about a land use application from Solid Ground, which was reviewed and ultimately tabled by the Council at its May 14 regular meeting. She said the applicant has withdrawn their application. She encouraged the Council and members of the community to attend the last Marketfest for the season and the upcoming Farmers' Market.

**11. ADJOURNMENT**

There being no further business before the Council, it was moved by Councilmember **West**, seconded by Councilmember **Hughes**, to adjourn the regular meeting at 7:32 p.m. Motion carried unanimously.

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Dan Louismet, Mayor

**ATTEST:**

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Caley Longendyke, City Clerk



**MINUTES  
CITY COUNCIL WORK SESSION  
6 P.M., TUESDAY, JULY 23, 2024  
IN THE CITY HALL BOARD ROOM**

Mayor Louismet opened the meeting at 7:50 p.m. Councilmembers in attendance included: Kevin Edberg, Heidi Hughes, and Andrea West. Councilmember Walsh arrived at 8:31 p.m. Councilmember Steve Engstran was excused. Staff members in attendance included: City Manager Lindy Crawford, Community Development Director Jason Lindahl, Patrol Captain Phil Henry, Housing and Economic Development Coordinator Tracy Shimek, City Clerk Caley Longendyke, and City Attorney Dave Anderson.

**1. Development Priorities Update – 2511 County Road E**

Community Development Director Lindahl presented an update on the property located at 2511 County Road E and the adjacent property owned by Northeast Residence/Hammer. He summarized negotiations between the City and the landowners for the potential purchase of the adjacent property. The next step is for staff to work with the city attorney and present a purchase agreement for Council consideration.

**2. Fair Housing Policy Discussion**

At the July 9 work session, staff presented a proposed Fair Housing Policy for Council to review. Housing and Economic Development Coordinator Shimek noted that the purpose of a fair housing policy is to affirm commitment to ensuring that fair housing opportunities are available to all persons in all housing opportunities and development.

Based on Council feedback at the July 9 work session, and after conferring with other communities about their policies, staff revised the proposed fair housing policy for Council to review. Mayor Louismet and Councilmembers shared their support for the revised draft. Council will consider adopting the draft at the August 14 regular Council meeting.

**3. Liquor Ordinance Discussion**

City Manager Crawford provided a summary of previous Council discussions regarding amending the liquor ordinance during work sessions on March 21, 2023, and February 20, 2024. The purpose of the current work session was to discuss a proposal to no longer allow extended liquor sales after 1 a.m., as currently allowed per state statute based on individual city's municipal codes. Similar to the past work sessions involving the liquor ordinance, data on police calls responding to on-sale liquor establishments was provided to accompany the discussion.

Patrol Captain Henry summarized the data, including providing ratios for the number of police calls occurring after 1 a.m. He provided more context for these types of calls, including the need for calling other agencies, the amount of time spent at certain locations, and efforts made to stop impaired driving. Councilmembers reviewed the data and discussed options for potential City action, one of which being to no longer allow liquor sales past 1 a.m. In general, there was discussion about public safety, liquor sale hours of surrounding cities, extra security requirements, and the potential impact to establishments that don't require regular police response.

In conclusion, the Mayor and Council requested direct feedback from liquor-license establishment owners on the potential prohibition of liquor sales after 1 a.m. Staff will follow up with a mailed letter inviting owners to attend the Tuesday, August 27 regular Council meeting to provide feedback to Council. A first reading of the proposed amended liquor ordinance will be scheduled for a later date.

Adjourned 9:30 p.m.



**MINUTES  
PARK ADVISORY COMMISSION  
CITY OF WHITE BEAR LAKE, MINNESOTA  
THURSDAY, JUNE 20, 2024  
6:30 P.M. AT JACK YOST PARK  
AT 1856 FLORENCE STREET**

**1. CALL TO ORDER AND ATTENDANCE**

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

**MEMBERS PRESENT:** Mark Cermak, Anastacia Davis, Bill Ganzlin, and Mike Shepard

**MEMBERS ABSENT:** Bryan Belisle, Victoria Biehn, Ginny Davis,

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

**VISITORS PRESENT:**

**2. APPROVAL OF AGENDA**

It was moved by member **Mark Cermak** seconded by member **Mike Shepard**, to approve the agenda with additional new business items including: dog beach agenda, Marketfest product sales and Marketfest new location.

Motion carried, 4:0.

**3. APPROVAL OF THE MINUTES**

Minutes of May 16, 2024

It was moved by member **Anastacia Davis** seconded by member **Mark Cermak**, to approve the minutes of the May 16, 2024 meeting.

Motion carried, 4:0.

**4. VISITORS AND PRESENTATIONS**

Nothing Scheduled

**5. UNFINISHED BUSINESS**

Nothing Scheduled

**6. NEW BUSINESS**

A. Park Inspection Reports

Due to the absence of 3 Commission members, Andy recommended that inspection reports are put on hold until the park tours are finished for the summer. The Park Advisory Commission will share their park tour findings at the October meeting.



B. Park Tour of West Park (Highlight new trails installed Fall 2023)

The meeting was moved last minute to City Hall due the chance of bad weather. Due to the location change of the meeting, the park tour was not completed.

C. Dog Beach Review

Paul Kauppi asked the Commission to revisit the dog beach to review the enhancements that were made to control where the dogs are able to go. He is asking each Commission member to spend some time between June and Labor Day visiting the park, taking notes that can be brought back to the group and share at the September meeting. Paul wants to make sure the improvements are meeting expectations and determine if there are any additions that need to be made. Andy Wietecki believes the improvements help control that area and his only suggestion would be an additional 50 feet of buoys to extend into the water. Bill Ganzlin asked Andy to send out a message to the group so the absent members know about the assignment.

D. Marketfest Product Sales

Andy Wietecki shared with the Commission that the City is looking for ways to help fund the flower program by seeking donations. There was a flyer mailed with the utility bills requesting donations and so far it has been a successful campaign raising roughly \$5,200 to date. On top of the flyer campaign, the City has stickers and magnets to sell and all of the proceeds will go the flower fund. Andy instructed the group how to complete the transaction for these items that the Park Advisory Commission will be selling at Marketfest.

E. Marketfest New Location

The Park Advisory Commission booth location has changed to booth number W-24 on Washington Avenue in front of Cobblestone restaurant. This will be the location moving forward with the exception of the last week when the Commission tent will be on Fourth Street with all the other city tents. Andy will send out an e-mail regarding the location change.

## 7. DISCUSSION

A. Staff updates.

a. Graffiti/Vandalism Update

Andy updated the Commission that the changes made to lock the restrooms up earlier have helped with the vandalism in the City's park restrooms. The issues aren't completely gone but the amount of vandalism is nothing compared to what the City had been dealing with at the beginning of the season.

B. Commission member updates

None.

## 8. ADJOURNMENT

There being no further business before the Commission, it was moved by member **Mark Cermak** seconded by member **Mike Shepard** to adjourn the meeting at 7:56 pm.

Motion carried, 4:0



**MINUTES  
ENVIRONMENTAL ADVISORY COMMISSION  
OF THE CITY OF WHITE BEAR LAKE, MINNESOTA  
WEDNESDAY, JUNE 12, 2024  
6:30 P.M. IN THE CITY HALL CONFERENCE ROOM**

**1. CALL TO ORDER AND ATTENDANCE**

Chair Schroeher called the meeting to order at 6:36 p.m.

**MEMBERS PRESENT:** Sheryl Bolstad, Chris Frye, Bonnie Greenleaf, Jeff Luxford, Gary Schroeher (Chair)

**MEMBERS ABSENT:** Chris Greene, Rick Johnston (Vice Chair)

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

**VISITORS PRESENT:** None

**2. APPROVAL OF AGENDA**

The commission members reviewed the agenda and had no changes. Taillon stated that Member Luxford will join the meeting around 7pm and that he has changes to the draft meeting minutes. She asked to move the meeting minutes after item 5 to allow time for Member Luxford to arrive. Commission members agreed to the change.

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

Motion carried, 4:0.

**4. VISITORS AND PRESENTATIONS**

None

**5. UNFINISHED BUSINESS**

**A. 2024 Environmental Resources Expo**

The commission members reviewed the exhibitor list. Member Greenleaf will contact Ramsey County Master Gardeners to confirm their attendance. Taillon will contact Member Greene to get an update on the status of the Boy Scout volunteers and electric cars. When asked about the final email to exhibitors, Taillon stated that she will finalize the exhibit map with the Marketfest coordinator and draft email language with instructions to bring their own chair and that a tent and table will be provided.

*Member Luxford arrived at 6:58 pm.*

Commission members agreed to purchase the tabletop prize drop game that was discussed at the previous meeting, and up to 30 native seed packets for prizes. Taillon will count the number of seed packets remaining from last year and order additional

packets to bring the total to 30.

It was moved by member **Bolstad** seconded by member **Greenleaf**, to purchase a table top prize drop game and up to 30 seed packets for a total cost not to exceed \$250 from the Environmental Advisory Commission budget.

Motion carried, 5:0.

B. Electric equipment survey

Commission members discussed questions to include in the survey, and which cities to send the survey. Member Frye stated that the survey questions should provide useful information to City Council. He also asked about a timeline. Chair Schroeher suggested that answers to the survey questions be received prior to the January joint work session with Council. Commission members suggested sending the survey to the Public Works Departments in Roseville, Woodbury, Maplewood, Mahtomedi, Stillwater, St. Louis Park, Minnetonka, Lino Lakes, Plymouth, Shoreview, Arden Hills, Burnsville, and Elk River.

C. Buckthorn removal event

Chair Schroeher noted that the fall buckthorn event is on the Ramsey-Washington Metro Watershed District (RWMWD) agenda. He will work with his contact at RWMWD to set a date for the event, probably sometime in October. Taillon will check with Public Works to see when the restrooms are shut down for the year and to consider this when setting the date. Member Bolstad suggested adding the cost to revegetate and maintain the cleared area to the 2025 budget.

D. Marketfest low/zero waste event subcommittee

Member Bolstad reported that she, Member Greenleaf, and Member Greene met recently to discuss steps toward making Marketfest a zero (or low) waste event. During the meeting they created an outline of points to consider for creating a zero waste plan for Marketfest such as when to start, what should be collected (food waste only or food waste and compostable vendor products), sources of compostable products, who will dispose of the collected material, and who will pay for the disposal. The subcommittee is considering waiting until next year to start compostable collection when the event is shortened to accommodate parking lot renovations. The subcommittee also recommends that volunteers oversee each waste station to reduce contamination. With the current number of waste stations at Marketfest, it was determined that 280 volunteer shifts are needed for all 7 events. There was further discussion about the possibility of limiting the number of waste stations to reduce the need for volunteers and coordination. Member Bolstad will schedule a follow-up meeting with the Marketfest coordinator and provide an update at a future meeting.

## 5.5 APPROVAL OF THE MINUTES

- A. Minutes of the Environmental Advisory Commission meeting on May 15, 2024.  
The commission members reviewed the draft May 15, 2024 meeting minutes and had the following changes: Item 5D, second sentence of paragraph 2, change 'Green' to 'Greene'; Item D, fourth paragraph, change the second and third sentence to 'There was a lot of contamination that resulted in fines so the hauler church stopped offering food scraps pickup at their location. There is not now a sign-up sheet for volunteers to monitor the food scraps bins.'; item 7B, first sentence of paragraph 1, change 'is not running for reappointment' to 'declined reappointment'; Item 7B, last sentence of paragraph 3, change 'Laxford's' to 'Luxford's'; Item 7C, second bullet point, for clarification change 'forbs' to 'flowering plants'.

It was moved by member **Greenleaf** seconded by member **Bolstad**, to approve the minutes of the May 15, 2024 meeting minutes as amended.

Motion carried, 5:0.

## 6. NEW BUSINESS

- A. None

## 7. DISCUSSION

- A. Staff updates
- Oak Knoll Pond spent lime project  
Taillon reported that of May 24<sup>th</sup>, 13 of 22 loads of spent lime have been applied to Oak Knoll Pond. All 8 deep loads and 5 of 14 shallow loads have been applied.
  - Textile collection pilot  
Taillon noted that the City partnered with Ramsey County and Retold Recycling to provide textile recycling at the City's spring cleanup day. This is a pilot program for Ramsey County, with 3 Cities participating. Roseville collected 2,237 pounds and White Bear Lake collected 1,773 pounds of textiles at their cleanup.
  - Curbside mattress collection  
Taillon reported that the City is partnering with Ramsey County and Second Chance Recycling to offer free curbside mattress collection for City residents on Tuesdays and Thursdays during the month of June. The mattresses are collected by Second Chance Recycling, disassembled, and the components recycled. Ramsey County provided funds for this pilot project with the goal of keeping mattresses out of the trash. Two neighboring communities are also participating. For the first June pickup, 40 mattresses were collected in White Bear Lake, 16 mattresses were collected in White Bear Township, and 3 mattresses were collected in Birchwood Village.

- HHW mobile collection

Taillon announced that a Ramsey County Household Hazardous Waste mobile site is at South Campus on Fridays and Saturdays during the month of June.

#### B. Commission member updates

Chair Schroeher mentioned that an article in the Star Tribune stated that by 2032, almost everything purchased will come in ecofriendly packaging.

Member Greenleaf stated she attended the Public Works open house and that it was a great event.

Member Bolstad asked for a status of the joint restoration plan progress with the Park Advisory Commission. Taillon stated that the discussion will continue in the fall after the Park Advisory Commission summer park tours are complete. Member Bolstad asked Taillon to consider a 2025 budget item for a restoration project identified in the plan. Taillon noted that the Rotary Nature Preserve wetland restoration is included in the draft 2025 budget.

Chair Schroeher reported that he attended the Ramsey-Washington Metro Watershed District Waterfest event on June 1<sup>st</sup>. The event is held around Lake Phalen each year and is very well attended. Numerous organizations exhibited at the event, and there were activities including canoe rides, fishing, and a native plant giveaway.

#### C. Do-outs

New do-out items for June 12, 2024 include:

- Taillon to email Member Greene for an update on the car exhibits and Boy Scout volunteers.
- Taillon to order game, and up to 30 seed packets for the Expo.
- Taillon to submit Expo map to Marketfest coordinator.
- Chair Schroeher to finalize a date for the Buckthorn removal with RWMWD.
- Taillon to ask PW when park restrooms are closed down in the fall.

#### D. July agenda

The commission members decided to hold a July meeting prior to the Expo. Chair Schroeher asked each commission member to let Taillon know if they will not be able to attend the July meeting so the meeting can be cancelled if need be.

### 8. ADJOURNMENT

There being no further business before the Commission, it was moved by member **Frye** seconded by member **Greenleaf** to adjourn the meeting at 8:28 p.m.

Motion carried, 5:0



**MINUTES  
PLANNING COMMISSION MEETING  
OF THE CITY OF WHITE BEAR LAKE, MINNESOTA  
MONDAY, JULY 29, 2024  
7:00 P.M. IN THE COUNCIL CHAMBERS**

**1. CALL TO ORDER AND ATTENDANCE**

**MEMBERS PRESENT:** Pam Enz, Ken Baltzer, Jim Berry, Joy Erickson, Mark Lynch  
**MEMBERS ABSENT:** Mike Amundsen, Scott Bill  
**STAFF PRESENT:** Jason Lindahl, Community Development Director; Ashton Miller, City Planner; Shea Lawrence, Planning Technician  
**OTHERS PRESENT:** Hardik Patel, Bryan Longville, Patrick Walsh, Benny Carter, Ron Kuhn, Tim Wald, Eli Rupnow

**2. APPROVAL OF AGENDA**

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

Motion carried 5:0.

**3. APPROVAL OF THE MINUTES**

A. Minutes of the May 20, 2024 Planning Commission Work Session.

It was moved by Member **Berry** and seconded by Member **Baltzer** to approve the minutes of the May 20, 2024 Planning Commission Work Session.

Motion carried 5:0.

**4. CASE ITEMS**

A. **Case No. 24-9-Z & CUP:** The applicant, Hardik Patel, is requesting an amendment to zoning code section 1303.160 to establish liquor stores as a permitted or conditional use in the B-5 Central Business district and a conditional use permit, per the amended code, to allow a liquor store at 2140 3<sup>rd</sup> Street.

Ashton Miller, City Planner discussed the case. Staff recommended approval of a text amendment to allow liquor stores to be a permitted use in the B-5 District with conditions.

Member Lynch expressed his support for allowing the liquor store to move to the proposed new location. He questioned whether it would be possible to cap the number of liquor stores allowed in downtown instead of permitting them with conditions which limit it to only one

possible location. He foresees this could create future issues if the liquor store needed to move again but stay in the area. Miller responded that the City is taking a comprehensive look at the code through the ongoing zoning code update process which could address these issues. She added that there are other potential methods to limit the number of liquor stores. Member Lynch explained he might like to see a number limit on the number of liquor licenses issued in the district or for the use to eventually become a conditional use in the district to avoid issues.

Lindahl explained that the City is also in the process of updating the standards for liquor licensing. Licensing addresses the operations side of the business, whereas zoning addresses the geographical standards. He explained that licensing has time limitations to them, whereas zoning entitlements are perpetual. He explained that the commission should first consider if liquor stores are an acceptable use in the downtown district, and then which of the options presented tonight for allowing them in the B-5 district would be preferable. Member Enz asked what the difference would be for a permitted use with conditions versus a conditional use. Lindahl explained that a permitted use with conditions would be something that staff could administratively approve whereas a conditional use would require Planning Commission and City Council review and approval.

Member Berry expressed his support for the staff recommendation to make liquor stores a permitted use with conditions so staff can administratively approve them yet they are still limited based on the required conditions. Member Erickson agreed with Member Berry and added that the new proposed site would probably be better with the on site parking.

The applicant, Hardik Patel, of 3105 Kennard St in Maplewood explained that the lease at his current location is ending at the end of September and the new location is only 150 feet away. He also explained that he is working with the property owner for a contract deed at the new location.

Member Enz opened the public hearing.

Bryan Longville, 2350 McKinley St NE, Minneapolis, explained that he grew up in White Bear Lake and loves this community. He is planning to open his store, Manitou Makers, this fall in the Getty building where the liquor store is moving from. He has been looking forward to opening his business, but with this proposal to allow a liquor store across the street, he is rethinking that. He added that he does not believe the liquor store meets the standards set forth in the zoning code for the downtown district and it will be an eyesore because there are no proposed exterior changes. He does not think it upholds the integrity of the downtown district.

Eli Rupnow, 8340 140<sup>th</sup> St N, Hugo expressed his support for Mr. Patel and adding that he has operated a good business in downtown. He explained that he is also downtown business owner and wants Mr. Patel to be able to continue operating his business downtown.

The applicant, Hardik Patel, explained that he is planning to make exterior improvements to the building. He also clarified that he mainly sells wine and that the beer and spirits are mainly available for convenience. He provides a clean and organized store.

Member Enz closed the public hearing.

Member Lynch added that he thinks they should do what they can to help this business be able to continue to operate downtown and that it is positive to hear it may become an owner occupied business. He added that he may like to see a number limit for the number of liquor stores allowed in downtown in the new code. Member Enz agreed with Member Lynch.

Member **Lynch** moved to approve Case No. 24-9-Z & CUP, seconded by Member **Baltzer**. Motion carried 5:0.

- B. Case No. 24-10-V:** The applicant, Patrick Walsh, is requesting rear and side yard setback variances, per section 1303.060, subd.5.c, at 48XX Central Avenue to construct a new single family home on the vacant parcel.

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

The applicant, Patrick Walsh 4981 Bald Eagle Ave, introduced himself and explained that he has been a resident of White Bear Lake for 35 years and has been developing real estate for about 15 years. He explained that he has talked to the neighbors and shown them the plans and that they are supportive of the proposal.

Benjamin Carter, 6128 Goodview Trail Cir N, Hugo part owner of the property and the builder for the property. He has been a builder for 26 years. He explained that they have had discussions with the neighbors. He explained that the house will be farm style and the home will be one story with a full basement and that they plan to keep the trees located on the property and remove the chain link fence.

Member Enz opened the public hearing, but as there was no one wishing to speak, she closed the public hearing.

Member **Berry** moved to approve Case No. 24-10-V, seconded by Member **Baltzer**. Motion carried 5:0.

- C. Case No. 24-12-P:** The applicant, White Bear Lake Area Schools, is requesting preliminary and final plat approvals, per sections 1401.020 and 1401.030, as part of the north campus expansion project at 4857 Bloom/5045 Division.

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



Tim Wald, Assistant Superintendent for Finance and Operations for White Bear Lake Area Schools, introduced himself and explained that the surveyors were present and available to answer any technical questions about the plat.

Member Erickson asked if the school district is still looking to buy property in the area. Wald responded that the school is happy with the property they currently have, but they would be willing to discuss buying additional property if someone approached them wanting to sell.

Member Enz opened the public hearing.

Ron Kuhn, a resident of the Wild Marsh Townhomes, asked who will be responsible for maintaining the sidewalks around the school site. Miller responded that historically the City has cleared the sidewalks but is unaware if further conversations have taken place with the school district about this, as the City only clears snow when the snow accumulation reaches 3 inches or more. Wald added that they may need to have further conversations with the City about snow removal. Kuhn also added that he appreciates seeing the connection between the school and White Bear Lake Art Center.

Member **Lynch** moved to approve Case No. 24-12-P, seconded by Member **Erickson**. Motion carried 5:0.

## **5. DISCUSSION ITEMS**

### **A. City Council Update**

Jason Lindahl, Community Development Director, explained that the City Council recently had a held a first reading of an amendment to the cannabis moratorium because the state made a slight change to the definition of cannabis businesses. The amendment would align with the language from the state. He added that the moratorium will be ending at the end of this year, so the City will be working off the model ordinance created by the Office of Cannabis Management to create standards for the City this fall.

### **B. Zoning Code Update**

Jason Lindahl explained that the city is currently in Module 1 of the zoning code update which involves a partial draft of the new zoning code. The Community Advisory Committee (CAC) met the previous week to go over the current draft. The committee discussed the residential standards and will be meeting again to discuss the mixed use and special purpose zones. From there staff and the CAC will move into Modules 2 and 3 this fall. Member Berry explained that the previous meetings brought many ideas together and the draft is a result of those discussions. Now they will get into the details, adding that the new code should be easier to navigate and understand for both staff and developers. Member Lynch asked for clarification on what the current draft entails. Member Berry explained that the draft ordinance covers standards for residential, mixed use and special purpose districts and their uses. Member Enz asked how the Downtown Mobility and Parking Study ties into the zoning code update. Lindahl

responded that the consultant team is working on the final draft of the report for community and council review. Staff and the consultants will work to incorporate the findings of the report into the zoning code.

## 6. ADJOURNMENT

There being no further business before the Commission, it was moved by Member **Baltzer** seconded by Member **Erickson** to adjourn the meeting at 8:06 p.m.

DRAFT



**City of White Bear Lake**  
Finance Department

# MEMORANDUM

**To:** Lindy Crawford, City Manager  
**From:** Kerri Kindsvater, Finance Director  
**Date:** August 14, 2024  
**Subject:** **Accept Various Restricted Donations**

## SUMMARY

The City Council will adopt a resolution accepting various recent restricted donations to the City. The acceptance process occurs on a quarterly basis each year.

## BACKGROUND INFORMATION

Minnesota Statutes Section 465.03 generally authorizes cities to accept donations of real and personal property for the benefit of its citizens, and specifically authorizes the acceptance of gifts.

During the second quarter of 2024, the City began accepting donations for parks projects through the City's online store. Donors have the option to either contribute a specific amount or "round up" their utility bill payment to the nearest dollar.

The City has received the following donations in April through June of 2024:

<b>Donors</b>	<b>Donation Amount</b>	<b>Terms and Conditions or Description of Property</b>
Donations with values less than \$500	\$ 50.00	Fire Department general operations
Front Line Foundation	3,605.00	Police Fitness Equipment
BNSF Railway	500.00	Touch a Truck Event
Duea, Olson & Tiede PLLC	150.00	Touch a Truck Event
Donations with values less than \$500	13.04	Park Improvement
Donations with values less than \$500	200.00	Park downtown flower program

## RECOMMENDATION

Staff recommends the City Council adopt the attached resolution accepting receipt of restricted donations received as required by Minnesota State Statutes.

## ATTACHMENTS

Resolution

**RESOLUTION NO.**

**RESOLUTION ACCEPTING RESTRICTED DONATIONS TO THE CITY OF WHITE BEAR LAKE AS ESTABLISHED BY MINNESOTA STATUTES 465.03**

**WHEREAS**, Minnesota Statutes 465.03 authorizes the City of White Bear Lake to accept donations of real and personal property for the benefit of its citizens, and specifically authorizes the acceptance of gifts; and

**WHEREAS**, the following persons or entities have offered to contribute the cash amounts set forth below to the City, and the terms or conditions of the donations, if any, are as follows:

<b>Donors</b>	<b>Donation Amount</b>	<b>Terms and Conditions or Description of Property</b>
Donations with values less than \$500	\$ 50.00	Fire Department general operations
Front Line Foundation	3,605.00	Police Fitness Equipment
BNSF Railway	500.00	Touch a Truck Event
Duea, Olson & Tiede PLLC	150.00	Touch a Truck Event
Donations with values less than \$500	13.04	Park Improvement
Donations with values less than \$500	200.00	Park downtown flower program

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

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

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

1. The donations described above are hereby accepted and shall be used to establish and / or operate services either alone or in cooperation with others, as allowed by law.
2. The City Clerk is hereby directed to issue receipts to each donor acknowledging the City's receipt of the donor's donation.

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:** August 14, 2024  
**Subject:** DPS Pathways to Policing Reimbursement Grant Amendment

---

## SUMMARY

The City Council will consider adopting a resolution accepting an additional \$25,000 matching grant through the Minnesota Department of Public Safety's (DPS) Pathways to Policing grant program.

## BACKGROUND INFORMATION

Pursuant State Statute 465.03, cities may accept a grant or devise of real or personal property and maintain such property for the benefit of its citizens.

The City recently was awarded, and the City Council accepted on April 23, a \$75,000 matching grant from the Minnesota DPS Pathways to Policing grant program. This program was designed to enable law enforcement departments to attract non-traditional law enforcement cadets and financially assist them by contributing towards their education.

Recently, the DPS announced that additional grant funding was available. Staff applied for and was awarded an additional \$25,000 to support a third cadet. The funds awarded may be used to cover expenses related to wages, benefits, and training at an accredited post-secondary institution that meets the Minnesota POST Board requirements. This additional grant funding has a required local match amount of \$25,000, bringing the City's overall total to \$100,000. This match will be covered, over the next two years, by funding included in the recently allocated Public Safety LGA (\$12,439) as well as in the Police Department's 2024, 2025, and 2026 operating budgets (General Fund).

## RECOMMENDATION

Staff recommends the City Council adopt the attached resolution accepting an additional \$25,000 matching grant through the Minnesota Department of Public Safety's Pathways to Policing grant program and authorizing the Mayor, City Manager, and City Attorney to execute the grant agreement.

## ATTACHMENTS

Resolution

**RESOLUTION NO.**

**RESOLUTION ACCEPTING A GRANT THROUGH THE 2024-2026 PATHWAYS TO POLICING GRANT PROGRAM, ADMINISTERED BY THE MINNESOTA DEPARTMENT OF PUBLIC SAFETY**

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

**WHEREAS**, the City, as well as most law enforcement agencies in Minnesota, are experiencing a low number of applicants for police officer positions; and

**WHEREAS**, the Minnesota Department of Public Safety (DPS) established the Pathways to Policing grant program to assist law enforcement agencies in attracting non-traditional law enforcement cadets and financially assist them by contributing towards their education; and

**WHEREAS**, the City's Police Department has police officer vacancies to fill; and

**WHEREAS**, in an effort to expand the police officer applicant pool, the City applied for, and was awarded \$25,000 in Pathways to Policing grant funding; and

**WHEREAS**, the City Council finds it is appropriate to accept the grant funding offered for the benefit of its citizens.

**NOW THEREFORE, BE IT RESOLVED** by the City Council of White Bear Lake, Minnesota, that \$25,000 in Pathways to Policing grant funding from the Minnesota Department of Public Safety is hereby accepted, and shall be allocated to expenses related to the wages, benefits, and training for non-traditional law enforcement cadets during the period of May 1, 2024 through March 31, 2026.

**BE IT FURTHER RESOLVED** by the City Council that the Mayor, City Manager, and City Attorney are hereby authorized and directed to execute the grant agreement.

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

Ayes:  
Nays:  
Passed:

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Dan Louismet, Mayor

**ATTEST**

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Caley Longendyke, City Clerk



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

# MEMORANDUM

**To:** Lindy Crawford, City Manager  
**From:** Caley Longendyke, City Clerk  
**Date:** August 14, 2024  
**Subject:** Consumption and Display Permit for Elegance Event Center LLC

---

## SUMMARY

The City Council will consider adopting a resolution that would give local consent for the state's Alcohol and Gambling Enforcement Division to issue a consumption and display permit to Elegance Event Center LLC.

## BACKGROUND INFORMATION

Margaret Noubissie, owner of Elegance Event Center LLC, plans to open an event center at 925 Wildwood Road. The event center, called Elegance Venue, will provide a rentable space for various types of events and meetings, and allow visitors to bring or cater in their own food and beverages. Noubissie submitted a state application for a consumption and display permit, which allows guests to bring their own alcoholic beverages onto the premises with the intention of consuming it on site.

A consumption and display permit, which is issued by the state, allows an establishment without an on-sale liquor license to allow the consumption and display of alcoholic beverages, provided by guests of the establishment. Alcoholic beverages brought on site are solely managed and served by the guests themselves and cannot be given to employees of the event center to serve to guests. Alternatively, licensed caterers may serve their own liquor to guests.

Pursuant to Minnesota Statute 340A.414, Subd. 5, a consumption and display permit requires local consent and must be approved by the local governing body. The state issues and manages the permit. The City Council approved this type of license for a business back in 2018, which has since expired and was not renewed. Assuming Ms. Noubissie passes the state's background investigation, they are otherwise qualified under Minnesota Statute 340A.414, Subd. 2 for the permit. The business is subject to inspections by the state.

## RECOMMENDATION

Staff recommends the City Council adopt the attached resolution, which provides local consent for the state-issued consumption and display permit for Elegance Event Center LLC.

## ATTACHMENTS

Resolution

**RESOLUTION NO.**

**RESOLUTION AUTHORIZING MUNICIPAL CONSENT OF STATE-ISSUED CONSUMPTION AND DISPLAY PERMIT FOR ELEGANCE EVENT CENTER LLC**

**WHEREAS**, the owner of Elegance Event Center LLC (“Applicant”) is opening an event center at 925 Wildwood Road and will offer a rentable gathering space for various types of events and meetings, and allow guests to bring or cater their own food and beverages; and

**WHEREAS**, the Applicant submitted an application to obtain a state-issued consumption and display permit, which allows for guests of the establishment to bring in their own alcoholic beverages with the intent to consume it on site; and

**WHEREAS**, pursuant to Minnesota Statutes, section 340A.414, subdivision 5, a consumption and display permit requires approval by the local governing body before the state can issue the permit; and

**WHEREAS**, the Applicant is eligible for this type of permit as set forth in Minnesota Statutes, section 340A.414, subdivision 2, pending a clear background investigation by the state.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of White Bear Lake, Minnesota that it authorizes consent of the state-issued consumption and display permit for the following establishment:

Elegance Event Center LLC d.b.a Elegance Venue  
925 Wildwood Road  
White Bear Lake, MN 55110

**BE IT FURTHER RESOLVED** that this permit does not authorize the sale or distribution of alcohol, and that the Applicant and business operations are subject to the permit regulations outlined in Minnesota Statutes, section 340A.414, and Minnesota Rules, chapter 7515.

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

Ayes:  
Nays:  
Passed:

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

**ATTEST:**

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





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

# MEMORANDUM

**To:** Lindy Crawford, City Manager  
**From:** Caley Longendyke, City Clerk  
**Date:** August 14, 2024  
**Subject:** **Special Event Application for 4 Deuces Saloon – Extended Patio**

---

## SUMMARY

The City Council will consider approving a special event application for 4 Deuces Saloon to extend their patio into the city-owned parking lot for certain dates, with the temporary patio extension including extending the liquor licensed premises and allowing amplified music.

## BACKGROUND INFORMATION

On behalf of 4 Deuces Saloon, Kristin Cranmer submitted a special event application to extend their patio area into the City-owned parking lot on Thursday, August 15 and Friday, September 27 between 4-10 p.m.

In addition to extending their patio area into the parking lot, the request also involves amplified outdoor music and extending liquor service outside the licensed premises. 4 Deuces Saloon will provide its own resources for restrooms, electricity and refuse. Parking will not be impacted in the City parking lot. The event will have outdoor amplified music, scheduled between 6-9 p.m.

In order to host an event with liquor outside the premises, events require approval for a single-event liquor extension. Approval of the liquor extension would be conditioned on a staff-approved alcohol control plan such that people with open containers are confined to the area contiguous to the licensed premises, in addition to receipt of liquor liability insurance covering the consumption area.

## RECOMMENDATION

Staff recommends the City Council adopt the attached resolution authorizing 4 Deuces Saloon to extend their outdoor patio into the City-owned parking lot with liquor extension on August 15 and September 27 between 4-10 p.m.

## ATTACHMENTS

Resolution

**RESOLUTION NO.**

**RESOLUTION AUTHORIZING A TEMPORARY LIQUOR EXTENSION  
FOR 4 DEUCES SALOON IN WHITE BEAR LAKE**

**WHEREAS**, a proposal has been submitted by 4 Deuces Saloon (the Applicant), 2222 4<sup>th</sup> Street, to extend its patio area into the City-owned parking lot on the south end of the building and liquor extension on August 15, 2024 and September 27, 2024 between 4-10 p.m.; and

**WHEREAS**, the request entails using parking lot space, but not impacting individual parking spaces, in the back of the Applicant's building for amplified outdoor music scheduled between 6-9 p.m. and liquor service; and

**WHEREAS**, the Applicant has plans for restrooms, electricity use and refuse; and

**WHEREAS**, the Applicant has requested an on-sale liquor license extension in order to service attendees of the event; and

**WHEREAS**, the Applicant has submitted a plan for a designated area of alcohol consumption that has been reviewed by the White Bear Lake Police Department and has submitted proof of liquor liability for the area.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of White Bear Lake, Minnesota hereby approves amplified music and blocking off portions of the city-owned parking lot behind 2222 4<sup>th</sup> Street and allowing liquor extension for the following dates:

- Thursday, August 15, 2024, 4-10 p.m.
- Friday, September 27, 2024, 4-10 p.m.

**BE IT FURTHER RESOLVED** that event attendees would be permitted to consume alcohol within the controlled area in the parking lot behind 2222 4<sup>th</sup> Street conditioned upon the following:

1. Outdoor amplified music ends no later than 10 p.m., or when directed by police following noise complaints.
2. A plan for control of a designated area of alcohol consumption, which has been approved by the White Bear Lake Police Department.
3. Proof of liquor liability insurance covering the cordoned area.

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

Ayes:

Nays:

Passed:

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Dan Louismet, Mayor

**RESOLUTION NO.**

**ATTEST:**

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Caley Longendyke, City Clerk



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

# MEMORANDUM

**To:** Lindy Crawford, City Manager  
**From:** Caley Longendyke, City Clerk  
**Date:** August 14, 2024  
**Subject:** **Special Event Application for Carbone's Pizzeria & Pub – Annual Outdoor Party**

---

## SUMMARY

The City Council will consider adopting a resolution approving a single event extension to an on-sale liquor license for Carbone's Pizzeria & Pub (Carbone's) for its annual outdoor party.

## BACKGROUND INFORMATION

The owner of Carbone's, Steve Boleen, is planning an annual outdoor celebration on Saturday, September 7, 2024 between 3-11 p.m. Carbone's has requested permission from the owner of the parking lot, Union Park Management, for using a portion of its parking lot for liquor service and music entertainment. Carbone's has also talked to neighboring businesses in the complex, most of which are closed in the evening.

Carbone's is requesting permission for the band to continue playing outdoors until 11 p.m., which extends one hour beyond the City's noise ordinance. This has been an ongoing special request that has been approved in years prior. Last year, there were three documented noise complaints during the event, with two being called in around 10 p.m. and the third regarding the general speaker volume throughout the evening. City staff is no longer supportive of the request to extend music beyond what's outlined in the noise ordinance, and the band will need to conclude its performance at 10 p.m. The noise level of the amplified music may also be subject to general complaints before 10 p.m.

In order to host an event with liquor outside the premises, events require approval for a single-event liquor extension. Approval of the liquor extension would be conditioned on a staff-approved alcohol control plan such that people with open containers are confined to the area contiguous to the licensed premises, in addition to receipt of liquor liability insurance covering the consumption area.

## RECOMMENDATION

Staff recommends the City Council adopt the attached resolution authorizing Carbone's to extend liquor service to the outdoor parking lot on September 7, 2024 between 3-10 p.m., subject to the outlined conditions.

## ATTACHMENTS

Resolution

**RESOLUTION NO.**

**RESOLUTION AUTHORIZING A TEMPORARY LIQUOR EXTENSION FOR  
CARBONE'S PIZZERIA & PUB IN WHITE BEAR LAKE**

**WHEREAS**, a special event application has been submitted by Carbone's Pizzeria & Pub to host their annual outdoor celebration from 3-11 p.m. on Saturday, September 7, 2024 at their location at 1350 Highway 96, Suite 7; and

**WHEREAS**, the request entails extension of the on-sale liquor license to outside the building within a fenced area and amplified music one hour past the City's noise ordinance; and

**WHEREAS**, given the documented noise complaints from the previous year, City staff is not supportive of the special request to extend music to 11 p.m., and the band will need to conclude its performance at 10 p.m.; and

**WHEREAS**, this annual event will be similar to previous years, with the exception to amplified music past 10 p.m., and its past events have not had any issues as it relates to the liquor premises extension.

**NOW THEREFORE, BE IT RESOLVED** that the White Bear Lake City Council approves the special event application to extend the premises of the on-sale liquor license to the parking lot outside the of Carbone's on 1350 Highway 96, Suite 7, on Saturday, September 7, 2024 from 3-10 p.m., subject to the following conditions:

1. Approval from the owner of the parking lot;
2. Music performance concludes at 10 p.m., though any received noise complaints could result in lowering the volume of the amplification system;
3. Erection of approved fencing in a location approved by City staff, said fence must restrict the space in which liquor may be consumed;
4. Security will be assigned to entrance and wristbands provided to those of legal age to consume alcohol, and
5. Proof of general and liquor liability insurance naming the City as an additional insured up to municipal liability limits.

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:** August 14, 2024  
**Subject:** **City Hall Window Replacement Project – award of Contract (City Project No. 24-09)**

---

## SUMMARY

The City Council will consider adopting a resolution awarding a contract for the City Hall Window Replacement Project.

## BACKGROUND INFORMATION

City staff recently sought bids for the upcoming City Hall Window Replacement Project and received two bids. A review of the tabulation sheet demonstrates that we continue to experience very competitive bids on projects in White Bear Lake.

Murphy Window and Door of Princeton, MN submitted the lowest base bid of \$200,000. Staff believes they are qualified to complete this work.

The bid also included four bid alternates. Bid alternate A1 includes replacing the existing windowsills. Bid alternate A2 includes replacing the large triangle windows above the front entrance of City Hall. Bid alternate A6 includes the installation of safety film to all ground level windows. Bid alternate A7 includes replacing the existing window treatments. Staff recommends that the City Council award the contract with bid alternates A1, A2, A6 and A7 included for a total amount of \$256,000.

## Project Funding

The total contract amount is \$256,000, which includes bid alternates A1, A2, A6 and A7. The project was approved in the 2024 Budget and will be funded through a combination of ARPA funds and the Municipal Building Fund. ARPA funds must be exhausted by December 31, 2024, or the City must have entered into a contract and use funds by the end of 2026.

## RECOMMENDATION

Staff recommends that the City Council adopt the attached resolution receiving bids and awarding the contract to Murphy Window and Door, as presented.

## ATTACHMENTS

Resolution

**RESOLUTION NO.**

**RESOLUTION ACCEPTING BIDS AND AWARDING CONTRACT FOR THE CITY HALL WINDOW REPLACEMENT PROJECT, CITY PROJECT NO. 24-09**

**WHEREAS**, the 2024 Budget includes the replacement of exterior windows at City Hall;  
and

**WHEREAS**, bids were received, opened, and tabulated according to law, and the following bids were received complying with the advertisement:

<b>Contractor</b>	<b>Total Base Bid</b>	<b>Alt Bid A1 Solid Surface Windowsills</b>	<b>Alt Bid A2 Large Triangular Windows</b>	<b>Alt Bid A6 Safety Film</b>	<b>Alt Bid A7 Window Treatments</b>
Murphy Window and Door	\$200,000	\$8,000	\$18,000	\$25,000	\$5,000
W. L. Hall Company	\$248,327	\$35,625	\$44,822	\$11,941	\$22,624

**WHEREAS**, Murphy Window and Door appears to be the lowest responsible bidder.

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

1. The Mayor and City Clerk are hereby authorized and directed to enter into contract with Murphy Window and Door, in the amount of \$256,000 which includes the \$200,000 base bid plus Bid Alternates A1, A2, A6 and A7 in the amount of \$56,000 according to the plans and specifications therefor approved by the City Council and on file in the office of the City Engineer.
2. The City Clerk is hereby authorized and directed to return forthwith to all bidders the deposits made with their bids, except that the deposits of the successful bidder and the next lowest bidder shall be retained until a contract has been signed.

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**  
Finance Department

# MEMORANDUM

**To:** Lindy Crawford, City Manager  
**From:** Kerri Kindsvater, Finance Director  
**Date:** August 14, 2024  
**Subject:** **Certification of Private Property Assessment for Recovery of City Expenses**

---

## SUMMARY

The City Council will consider adopting a resolution certifying a voluntary private property assessment to cover expenses incurred by the City for the property located at 2297 5<sup>th</sup> Street.

## BACKGROUND INFORMATION

The property owner at 2297 5<sup>th</sup> Street has a hazardous tree needing removal. Per the City Code, the property owner must pay the fees to remove the tree. The resident asked to have the total repair costs assessed to their property taxes due to a financial hardship in paying the entire amount due at this time. The total project costs are \$13,195.

The City has previously allowed similar assessments to property owners for improvements and approved this assessment based on the following information:

1. Resident agreed to a 10-year assessment.
2. Resident agreed to pay interest at 2% above the City's true interest rate set at the latest bond issue, which is 3.42%. Therefore, the interest rate will be 5.42%
3. Resident waves all rights to a public hearing regarding the final assessment.

## RECOMMENDATION

Staff recommends the City Council adopt the attached resolution authorizing the assessment to cover expenses incurred by the City for the property located at 2297 5<sup>th</sup> Street.

## ATTACHMENTS

Resolution



**RESOLUTION NO.**

**RESOLUTION CERTIFYING MISCELLANEOUS PRIVATE PROPERTY ASSESSMENT FOR RECOVERY OF CITY OF WHITE BEAR LAKE EXPENSES**

**WHEREAS**, Minnesota Statutes §429.101 allows the City to certify special charges associated with servicing property as special assessments with the County Auditor; and

**WHEREAS**, the private property owner located at 2297 5<sup>th</sup> Street in White Bear Lake, MN signed an assessment agreement waiving all rights to a public hearing regarding the assessment for removal of a hazardous tree on the property in the amount of \$13,195.00.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of White Bear Lake, Minnesota, that charges associated with maintaining private property within the City are certified to the County Auditor for collection as special assessments.

**BE IT FURTHER RESOLVED**, by the City Council of the City of White Bear Lake that assessment total listed above shall be payable over ten years at an annual interest rate of 5.42%.

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:** Connie Taillon, Environmental Specialist/Water Resources Engineer  
**Date:** August 14, 2024  
**Subject:** **MOU for a Birch Lake Water Quality Improvement Project at the White Bear Lake Sports Center**

---

## SUMMARY

The City Council will consider adopting a resolution to enter into a Memorandum of Understanding (MOU) between the City, Ramsey County (County), and Vadnais Lake Area Water Management Organization (VLAWMO) for a Birch Lake water quality improvement project at the White Bear Lake Sports Center.

## BACKGROUND INFORMATION

The City approached VLAWMO and the County earlier this spring with a potential partnership project at the White Bear Lake Sports Center as part of the 2024 parking lot rehabilitation project.

Staff from the City, County, and VLAWMO visited the Sports Center site on April 18, 2024, and determined that the existing swale on the west side of the south parking lot appears to be a promising location for a water quality improvement project that would treat stormwater runoff from the parking lot and a portion of South Birch Lake Boulevard before entering Birch Lake. In order to determine the feasibility of the project, additional onsite investigation is needed, which may include soil borings, groundwater depth measurements, and verification of drainage area. The County has Engineering and Technical Assistance (ETA) state funding that can be utilized to hire a consultant for further exploration of this potential project through the completion of study, which requires a local match. City staff and VLAWMO are interested in partnering with County in this study with financial assistance through the local match contribution.

The County agreed to manage the consultant selection process and requested proposals from three engineering firms, with VLAWMO and the City participating in the review of the proposals. Through this process, SRF Consulting Group, Inc. (SRF) was selected to complete the study. The services described in the SRF proposal include a review of existing conditions (surveying site conditions, conducting a geotechnical survey, locating utilities), the completion of a feasibility analysis, the preparation of 90% construction documents and cost estimate, and the preparation of final construction documents and cost estimate.

The proposed MOU defines City, County, and VLAWMO roles in the study process. The County will manage the SRF contract and contribute up to \$18,001 towards the Study. VLAWMO and the City are proposing to split the remaining funds for the study, with VLAWMO's match contribution not to exceed \$15,000 and the City's match contribution not to exceed \$14,000. The City's match contribution for this project was included in the 2024 Storm Water Budget.

If the study determines that the project is feasible, the County will provide bid document preparation and construction oversight, and grant funding sources would be explored for anticipated construction in 2025. The project will be included in the proposed 2025 Storm Water Budget, which Council will review later this fall.

#### **RECOMMENDATION**

Staff recommends City Council adopt the attached resolution approving a Memorandum of Understanding between the City of White Bear Lake, Ramsey County, and Vadnais Lake Area Water Management Organization for a Birch Lake water quality improvement study at the White Bear Lake Sports Center.

#### **ATTACHMENTS**

Resolution

**RESOLUTION NO.**

**RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING FOR A BIRCH LAKE WATER QUALITY IMPROVEMENT PROJECT AT THE WHITE BEAR LAKE SPORTS CENTER**

**WHEREAS**, the City of White Bear Lake (City) has made a commitment to preserve, protect, and improve the water quality of all lakes, wetlands, and streams within the city; and

**WHEREAS**, Birch Lake is a priority waterbody to protect within the City and Vadnais Lake Area Water Management Organization (VLAWMO); and

**WHEREAS**, the City, VLAWMO, and Ramsey County (County) have determined that an existing swale adjacent to the White Bear Lake Sports Center south parking lot is a promising location for a potential water quality improvement project (Project) within the Birch Lake subwatershed; and

**WHEREAS**, SRF Consulting Group, Inc. (SRF) submitted a proposal to the County to conduct a feasibility analysis and prepare final design plans for the Project (Study); and

**WHEREAS**, the City, County, and VLAWMO mutually desire to partner on the proposed Project and desire that the County engage SRF to develop and prepare the Study; and

**WHEREAS**, the County agrees to enter into and manage the SRF contract and contribute up to \$18,001 towards the Study;

**WHEREAS**, VLAWMO agrees to contribute up to \$15,000 towards the Study;

**WHEREAS**, the City agrees to contribute up to \$14,000 towards the Study from its 2024 parking lot and street renovation project budget in the Storm Water Pollution Prevention Fund;

**WHEREAS**, the City desires to enter into a memorandum of understanding (MOU) with the County and VLAWMO to accept participation in the Study and define their respective roles in the development and completion of the Study.

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

1. The City Council enter into a Memorandum of Understanding with Ramsey County and Vadnais Lake Area Water Management Organization.
2. The Mayor and City Manager are authorized to execute the Memorandum of Understanding.

**RESOLUTION NO.**

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

Ayes:

Nays:

Passed:

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Dan Louismet, Mayor

**ATTEST:**

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Caley Longendyke, City Clerk



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

# MEMORANDUM

**To:** Lindy Crawford, City Manager  
**From:** Caley Longendyke, City Clerk  
**Date:** August 14, 2024  
**Subject:** **Charitable Gambling Application from The Alchemist and Merrick, Inc.**

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## **SUMMARY**

The City Council will consider adopting a resolution allowing charitable gambling at The Alchemist, conducted by Merrick, Inc.

## **BACKGROUND INFORMATION**

Charitable gambling in the City of White Bear Lake is authorized by Minnesota Statutes, Chapter 349 and City Code, Chapter 1002.200 and Chapter 1111. City Council approval must be granted before charitable gambling business may be conducted. The City Code also limits charitable organizations to three locations within the City.

The owner of the liquor-licensed establishment The Alchemist, has submitted a Gambling and Raffles Devices Application with all required City and state materials from the licensee and the charitable gambling organization, Merrick, Inc. Merrick, Inc. currently conducts charitable gambling activities at two locations in the City—Manitou Grill & Event Center and the Little Village Pub. The organization is requesting their third location for charitable gambling to be conducted at The Alchemist, located at 2222 4<sup>th</sup> Street.

Upon City Council approval, Merrick, Inc. will submit the appropriate forms to the Minnesota Gambling Control Board (GCB). Gambling activities may begin once the permit is issued by the GCB.

## **RECOMMENDATION**

Staff recommends the City Council adopt the attached resolution authorizing The Alchemist to allow charitable gambling by Merrick, Inc. at its establishment, contingent on a permit issued by the Minnesota Gambling Control Board.

## **ATTACHMENTS**

Resolution

**RESOLUTION NO.**

**RESOLUTION AUTHORIZING MERRICK, INC. TO CONDUCT CHARITABLE GAMBLING AT THE ALCHEMIST IN WHITE BEAR LAKE, MINNESOTA**

**WHEREAS**, charitable gambling in the City of White Bear Lake is authorized by Minnesota Statutes, Chapter 349 and City of White Bear Lake Municipal Code, Chapter 1002.200 and Chapter 1111, by application submitted by the liquor licensee; and

**WHEREAS**, the owner of The Alchemist submitted an application requesting Merrick, Inc. to conduct charitable gambling at their establishment, located at 2222 4<sup>th</sup> Street; and

**WHEREAS**, Merrick, Inc. meets the qualifications set forth in the City Code to conduct charitable gambling within the City; and

**WHEREAS**, the City Code allows a qualified organization to conduct charitable gambling at no more than three establishments in the City; and

**WHEREAS**, Merrick, Inc. currently conducts charitable gambling at Manitou Grill & Event Center and the Little Village Pub, with The Alchemist becoming their third and final location.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of White Bear Lake, Minnesota that the gambling application for Merrick, Inc. to conduct charitable gambling at The Alchemist is hereby approved, contingent on approval from the Gambling Control Board.

**BE IT FURTHER RESOLVED** that the charitable gambling will not begin until the Minnesota Gambling Control Board has issued a permit to Merrick, Inc.

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

Ayes:  
Nays:  
Passed:

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

**ATTEST:**

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



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

# MEMORANDUM

**TO:** Lindy Crawford, City Manager  
**FROM:** Shea Lawrence, Planning Technician  
 Jason Lindahl AICP, Community Development Director  
**DATE:** August 14, 2024  
**SUBJECT:** 48XX Central Avenue Rear & Street Side Yard Variances – Case No. 24-10-V

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## SUMMARY

The applicant, Patrick Walsh is requesting two setback variances to build a new home on the vacant parcel on the northwest corner lot at Central Avenue and 5<sup>th</sup> Street. The applicant is requesting a 20-foot variance from the required 30-foot rear yard setback for the home to be located 10 feet from the rear property line and an 8-foot variance from the required 25-foot setback for a side yard abutting a public right-of-way to construct a porch 17 feet from the property line on 5<sup>th</sup> Street.

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

## GENERAL INFORMATION

Applicant/Owner: Patrick Walsh

Existing Land Use / Zoning: Vacant Lot / Zoned: R-4: Single-Family – Two Family Residential

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

Comprehensive Plan: Low Density Residential

Lot Size & Width: Code: 7,200 square feet; 60 feet wide  
 Site: 7,295 square feet; 67.15 feet wide

60 Day Review Date: August 16, 2024

## BACKGROUND

The subject site is located on the northwest corner of the intersection of Central Avenue and 5<sup>th</sup> Street. The property is located directly north of the Washington Square Apartments. The property was platted in 1924 as part of the Spruce Grove plat. The lot previously was a part of the lot to the north at 4805 Central Avenue, but the property was split in 2003 resulting in the



vacant lot on the south. The proposed house is a single-story home with an attached garage—the house features an open porch on the 5<sup>th</sup> Street side, gabled roof elements, and numerous windows along the street facing walls including on the garage.

Planning Commission Action. The Planning Commission reviewed this item during their July 29, 2024 regular meeting. During the meeting, the commission heard a presentation from staff and held a public hearing where the applicant and owners of the property were the only ones to speak. Co-owners Patrick Walsh and Benjamin Carter introduced themselves and explained that they have talked with the neighbors about the proposal and that the neighbors are supportive of it. After hearing staff’s presentation and some general discussion, the commission voted 5-0 to recommend the City Council approve this request.

### **ANALYSIS**

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

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

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

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

**Finding:** The property is zoned R-4: Single Family – Two Family Residential. The purpose of the R-4 zoning district is “is to provide for low and moderate density one and two unit dwellings and directly related, complementary uses.” The construction of a single family home on the property is in harmony with the purpose and intent of the ordinance and provides an opportunity to create another housing unit in White Bear Lake.

2. Is the variance consistent with the comprehensive plan?

**Finding:** The Future Land Use Map in the 2040 Comprehensive Plan guides the property for “low density residential”, which has a density range of 3 to 9 units per acre. Typical housing

includes single family detached. With the construction of a single family home, the property will be at 6 units per acre. The addition of the proposed single family home will bring the property within the intended density range for the Comprehensive Plan and therefore the proposed variances are consistent with the 2040 Comprehensive Plan. Additionally, one of the guiding principles of the Comprehensive Plan is to reinvest in the housing stock and “expand housing options to meet the needs of people at all life stages.” The addition of a single story home in the community may be attractive to those looking for more accessible one story living.

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

**Finding:** The proposal puts the subject property to use in a reasonable manner. Both the Low Density Residential designation from the 2040 Comprehensive Plan and the purpose and intent of the R-4 zoning district allow for single family dwelling units, so the request to construct a single family home with an attached garage on this lot is reasonable.

Staff also finds the requested rear and side yard abutting a public right-of-way variances are reasonable. Because the property is a corner lot, it has an increased side yard setback along 5<sup>th</sup> Street of 25 feet which limits the buildable area. Therefore staff finds that it is reasonable for the home to encroach into the rear setback and for the porch to encroach into the side yard setback. The side yard setback variance is for the porch to encroach 8 feet—no part of the house would fall within the standard 25-foot setback. Unenclosed porches are allowed to encroach into a front yard by up to 8 feet. Based on how the zoning code defines a front yard the Central Avenue side is the front yard and 5<sup>th</sup> Street is a side yard abutting a public right-of-way. Yet if 5<sup>th</sup> Street were classified as a major road then the 5<sup>th</sup> Street would also be considered a front yard and the 8-foot encroachment would be allowed by right without the need for a variance. Staff finds that the encroachment of a porch by 8 feet into the yard facing 5<sup>th</sup> Street is consistent with the intent of the code and is a reasonable use.

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

**Finding:** There are unique circumstances to the property not created by the landowner. The property is a corner lot which limits the buildable area because a side yard abutting a public right-of-way requires a greater setback. Side yard setbacks for a principal structure in the R-4 district are 10 feet from the property line, but when the side yard abuts a public right-of-way the side yard setback increases to 25 feet from the property line. Further, the rear yard setback on the west lot line, is 30 feet meaning the buildable footprint of the lot is then reduced. Therefore, while the lot just meets the minimum lot size and width requirements, the larger setbacks impact the development of the site.

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

**Finding:** Granting the requested variance will not alter the essential character of the surrounding neighborhood. First, the proposed location of the home is in line with the houses along 5<sup>th</sup> Street and Central Avenue, maintaining sight lines along both directions of the block.

Further, the proposed footprint of the house and attached garage is similar to the corner lot across the street at 4804 Central Avenue where the rear yard setback for the garage appears to be about 10 feet when a 30-foot setback is required. Additionally, various other nearby properties appear to have homes that are located within 30 feet of the rear property line. The proposal is consistent with the development in the neighborhood.

Park Dedication. With any subdivision, the city has the ability to collect park dedication in the form of land and/or a fee-in-lieu. The property was originally platted as part of Spruce Grove Addition in 1924 and then split off as a separate parcel from the property to the north at 4805 Central Avenue in 2003. That 2003 lot split approval required park dedication to be paid at the time a building permit was issued. According to the City Fee Schedule, single family homes shall pay a park dedication fee of \$1,200/unit. As a result, a condition of approval requires payment of the park dedication fee at the time a building permit is issued.

### **RECOMMENDATION**

The Planning Commission and staff recommend the City Council adopt the attached resolution approving the request, subject to the following conditions:

1. All application materials, maps, drawings, and descriptive information submitted in this application shall become part of the permit.
2. Per Section 1301.060, Subd.3, the variance shall become null and void if the project has not been completed or utilized within one (1) calendar year after the approval date, subject to petition for renewal. Such petition shall be requested in writing and shall be submitted at least 30 days prior to expiration.
3. A building permit shall be obtained before any work begins.
4. The applicant shall verify the property line and have the property pins exposed at the time of the inspection.
5. Gutters shall be installed and runoff directed away from adjacent properties.
6. A tree preservation plan shall be submitted for review and approval prior to the issuance of a building permit for new construction.
7. Water and sewer service should connect to the mains on Central Avenue.
8. Water and sewer hook-up fees shall be collected at the time when a building permit is issued.
9. Metropolitan Council SAC (Sewer Availability Charge) and WAC (Water Availability Charge) and City SAC and WAC shall be due at the time of building permit.
10. The park dedication fee shall be collected when a building permit is issued.

### **ATTACHMENTS**

Resolution

Zoning/Location Map

Applicant's Narrative & Plans

**RESOLUTION NO.**

**RESOLUTION GRANTING TWO SETBACK VARIANCES FOR  
48XX CENTRAL AVENUE WITHIN THE CITY OF WHITE BEAR LAKE, MINNESOTA**

**WHEREAS**, Patrick Walsh (24-10-V) has requested a 20-foot variance from the 30-foot rear yard setback and an 8-foot variance from the 25-foot side yard abutting a public right-of-way per code section 1303.060, subd. 5.c at the following location:

LEGAL DESCRIPTION: SPRUCE GROVE, WHITE BEAR, LAKE, EX N 88 FT; LOTS 9  
AND LOT 10 BLK 1. PID 143022130086

**WHEREAS**, the Planning Commission held a public hearing as required by the Zoning Code on July 29, 2024; and

**WHEREAS**, the City Council has considered the advice and recommendations of the Planning Commission regarding the effect of the proposed variance upon the health, safety, and welfare of the community and its Comprehensive Plan, as well as any concerns related to compatibility of uses, traffic, property values, light, air, danger of fire, and risk to public safety in the surrounding areas;

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

1. The requested variance is in harmony with purpose and intent of the ordinance.
2. The requested variance is consistent with the 2040 Comprehensive Plan.
3. Granting the requested variance will allow the property to be used in a reasonable manner.
4. There are not unique circumstances to the property not created by the landowner; however, the historical layout of the building necessitates the setback variance in this location.
5. Granting the requested variance alone will not alter the essential character of the neighborhood.

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

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

**RESOLUTION NO.**

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

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

Ayes:  
Nays:  
Passed:

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

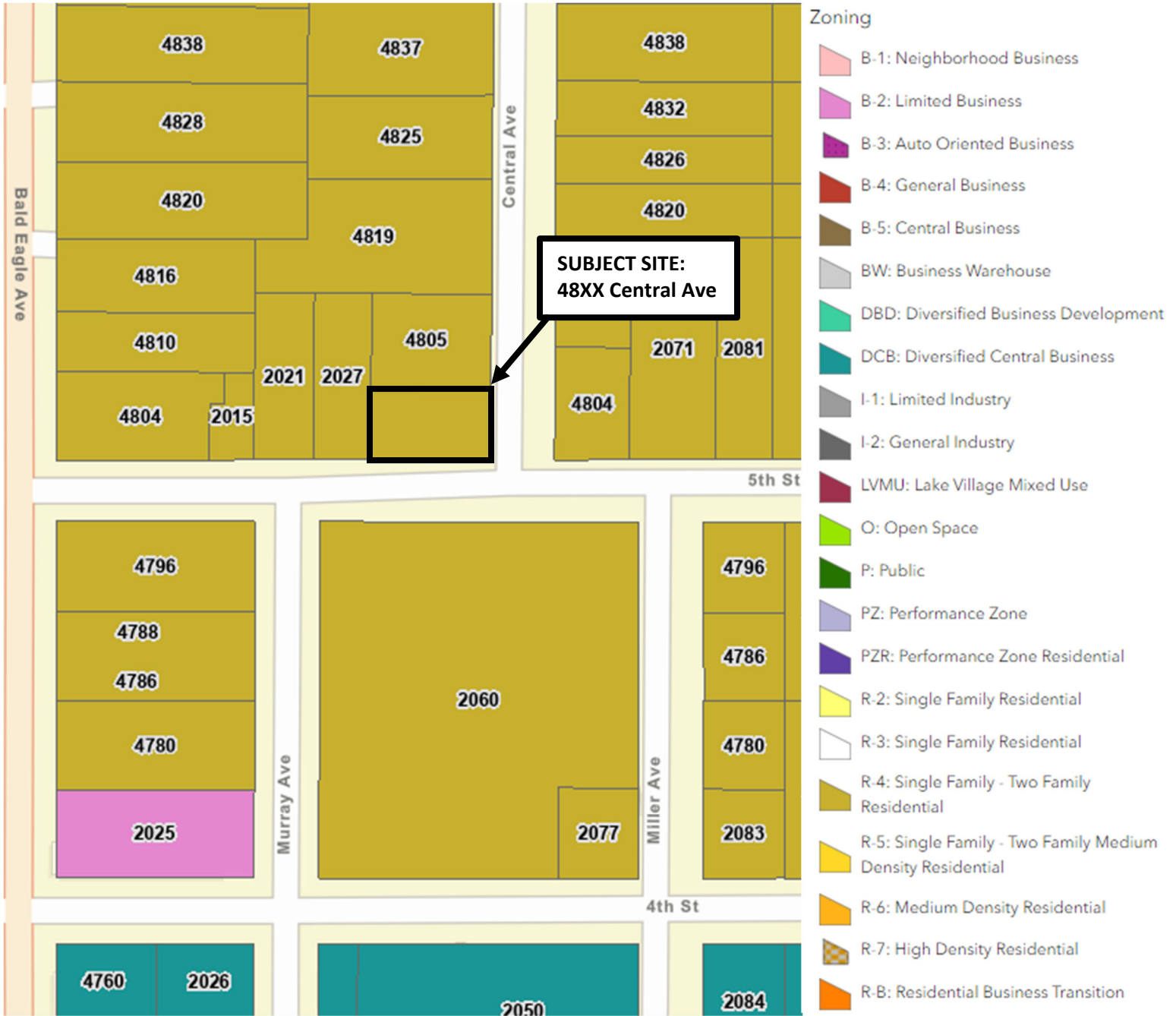
**ATTEST:**


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

\*\*\*\*\*

Approval is contingent upon execution and return of this document to the City Planning Office. I have read and agree to the conditions of this resolution as outlined above.

\_\_\_\_\_  
Applicant's Signature Date



 <p>City of White Bear Lake Planning &amp; Zoning 651-429-8561</p>	<p><b>CASE NO.</b> : <u>24-10-V</u></p>
	<p><b>CASE NAME</b> : <u>48XX Central Ave – Setback Variances</u></p>
	<p><b>DATE</b> : <u>07-29-2024</u></p>

From:

Patrick Walsh

4981 Bald Eagle

White Bear Lake, MN 55110

pjwwalsh@gmail.com

651-216-7688

To:

City Council of White Bear Lake Planning Commission

4701 Highway 61

White Bear Lake, MN 55110

Property address for variance:

48XX Central Ave

White Bear Lake, MN 55110

PIN: 143022130086

Zoning: R4

Dear White Bear Lake Planning Commission,

I am writing to formally request a property variance for my residence located at 48XX Central Ave. I am seeking this variance in order to build a new property on the northwest corner of 5<sup>th</sup> Street and Central Avenue.

The specific variance I am are the following

- 20' rear yard setback variance for the house to be located 10' from the rear lot
- 8' variance from a side yard abutting a public of way in order to construct the porch 17' from the lot line on 5<sup>th</sup> st

. I have thoroughly reviewed the applicable zoning ordinances and believe that this variance is necessary due to the unique property layout for better utilization of space and protection of existing old growth pine trees.

To support my request, I have included the following documentation:

1. A detailed site plan showing the proposed changes.
2. Photographs of the property and surrounding area.
3. Letters of support from adjacent property owners (if applicable).

I believe that granting this variance will not adversely affect the character of the neighborhood, nor will it impair the use or development of adjacent properties. Instead, it will improve property aesthetics and add value to the community of White Bear Lake.

I respectfully ask that you consider my application and grant the requested variance. I am available to discuss this matter further and can provide additional information if necessary. Please feel free to contact me at 651-216-7688 or [pjwwalsh@gmail.com](mailto:pjwwalsh@gmail.com) to arrange a meeting or site visit.

Thank you for your time and consideration. I look forward to your positive response.



Sincerely,

Patrick Walsh





37.2 yds



51.4 yds

DAVID  
J METZ

50.3 yds

TAMATHA  
MINTER

JAMES P  
GALVIN  
TR

KEITH D  
LETOURNEAU

Central Ave

5th St

38.3 yds



30 ft

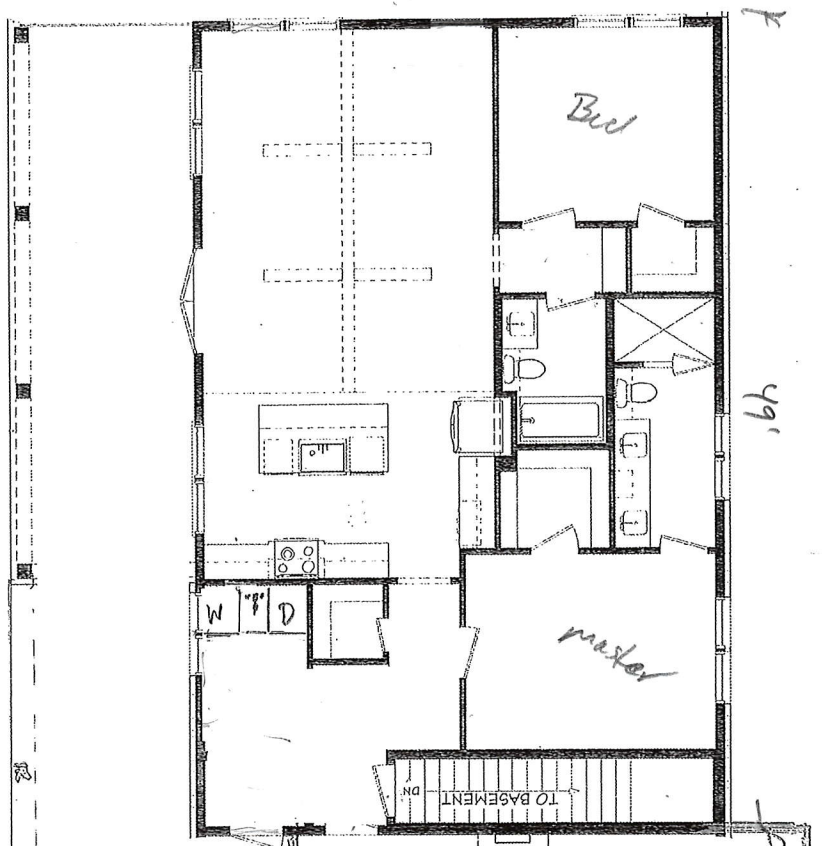




\* Shows materials/style of the design only. \*



Handwritten dimensions: 10', 32', 5' 1



Handwritten dimensions: 49', 73', 10



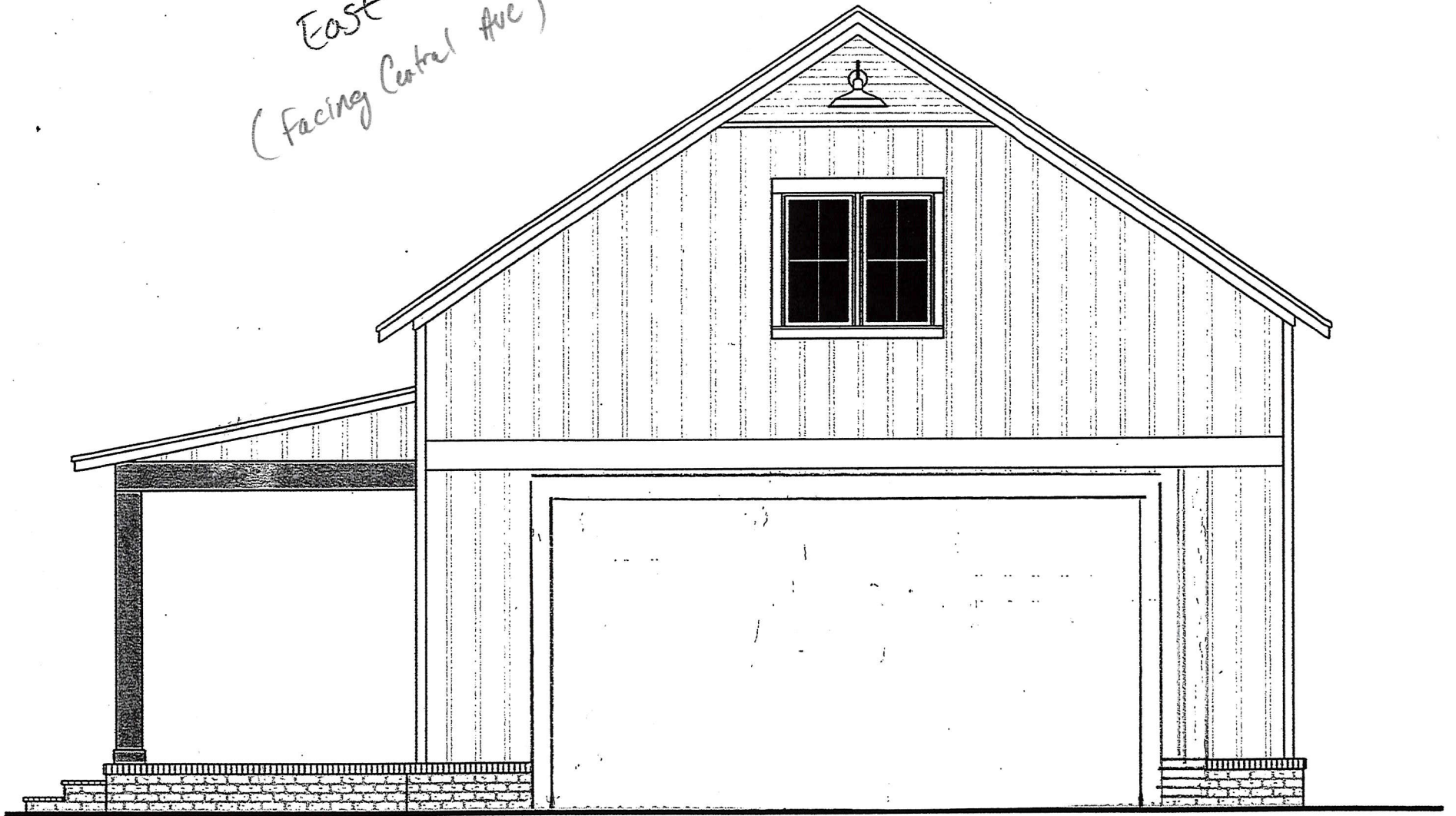
Sidewalk

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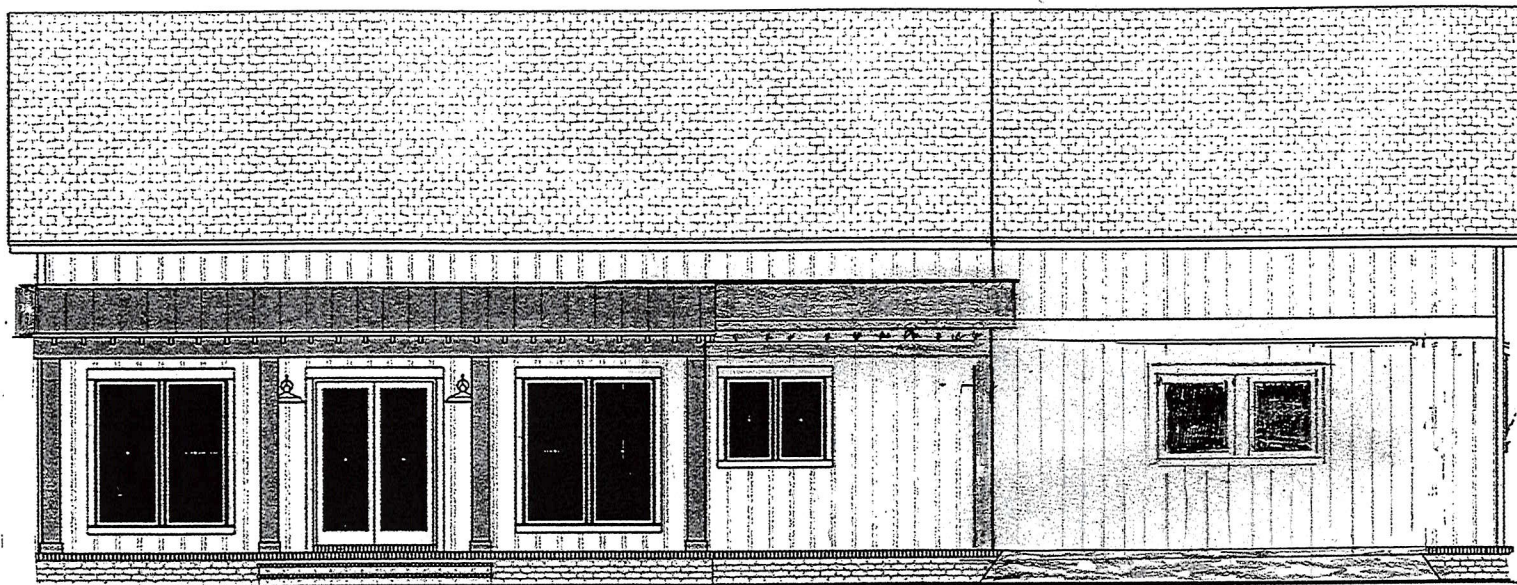
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East  
(Facing Central Ave)

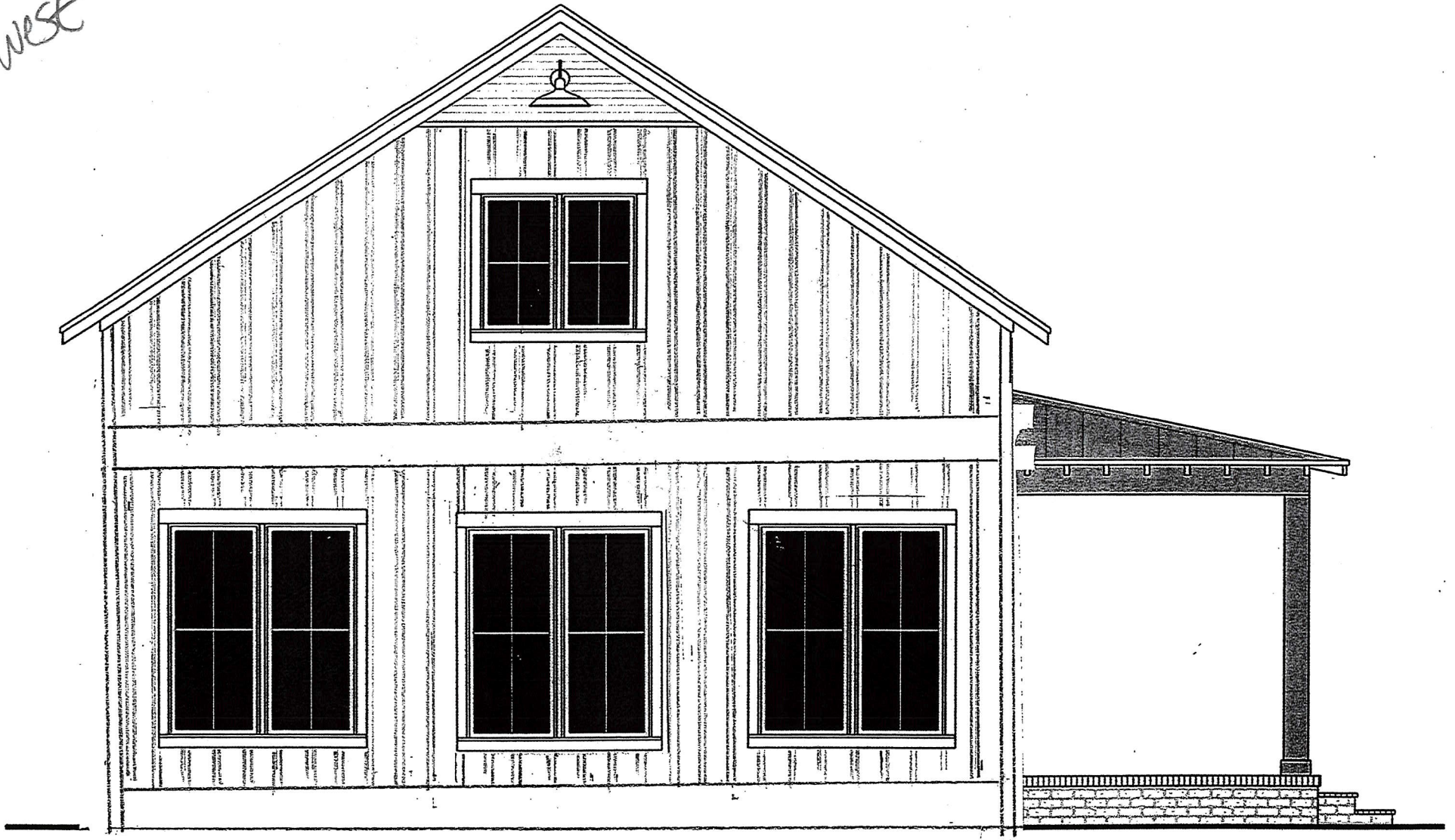


South  
(Facing 5th St)

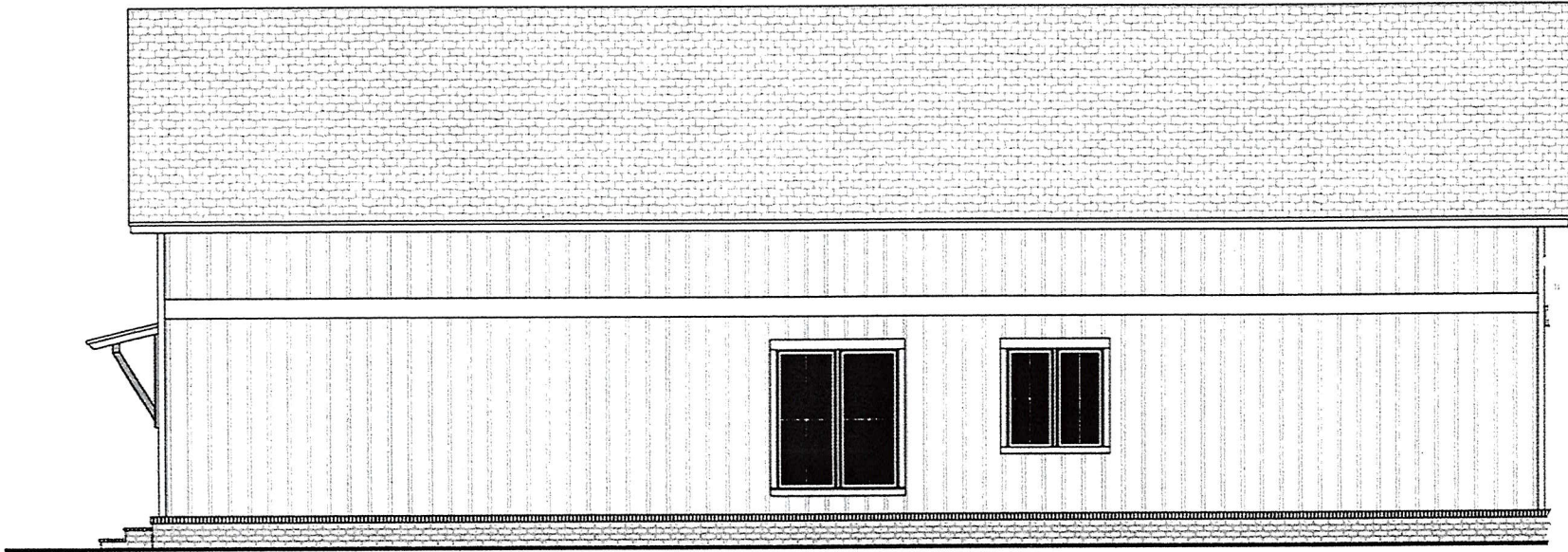




West



North





**City of White Bear Lake**  
Engineering Department

# MEMORANDUM

**To:** Lindy Crawford, City Manager  
**From:** Paul Kauppi, Public Works Director/City Engineer  
**Date:** August 14, 2024  
**Subject:** **Ordering Public Hearing on Proposed Special Assessments for Public Improvements on the 2024 Pavement Rehabilitation Project (City Project Nos. 24-01, 24-08)**

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## SUMMARY

The City Council will consider adopting a resolution ordering a public hearing on proposed special assessments for public improvements on the 2024 Pavement Rehabilitation Project.

## BACKGROUND INFORMATION

The public improvements for the 2024 Pavement Rehabilitation Project are nearly complete.

The Engineering Department is reviewing the project costs and preparing the final assessment roll for City Council consideration.

The resolution, if adopted, will schedule a public hearing on the final assessment roll for Campbell Avenue, Krech Avenue, 2<sup>nd</sup> Street, 3<sup>rd</sup> Street, Wood Avenue, and Sports Center Drive for September 10, 2024. Notice will be given to all affected property owners, who will be invited to the public hearing.

## RECOMMENDATION

Staff recommends the City Council adopt the attached resolution declaring costs to be assessed, preparation of the proposed assessment roll, and setting a public hearing for public improvements on the 2024 Pavement Rehabilitation Project.

## ATTACHMENTS

Resolution

**RESOLUTION NO.**

**RESOLUTION DECLARING COSTS TO BE ASSESSED, ORDERING PREPARATION OF PROPOSED ASSESSMENT ROLL, AND SETTING A PUBLIC HEARING ON THE PROPOSED ASSESSMENT ROLL FOR THE 2024 PAVEMENT REHABILITATION PROJECT, CITY PROJECT NOS. 24-01, 24-08**

**WHEREAS**, a contract has been let and the estimated costs are being determined for the 2024 Pavement Rehabilitation Project, the improvement of:

- Campbell Avenue between Birch Lake Avenue and Fourth Street
- Krech Avenue between Birch Lake Avenue and Fifth Street
- Second Street between West Cul-De-Sac and Wood Avenue
- Third Street between West Cul-De-Sac and Wood Avenue
- Third Street between Campbell Avenue and Bald Eagle Avenue
- Wood Avenue between Birch Lake Avenue and Fourth Street
- Sports Center Drive between Birch Lake Boulevard South and C.S.A.H. 96

and the estimated contract price for such improvement is \$1,824,439.25 and the administrative, engineering and legal expenses incurred or to be incurred in the making of such improvement amount to \$328,399.06, so that the total cost of the improvement will be \$2,152,838.31; and

**WHEREAS**, upon completion of the proposed assessment roll, the City Council desires to hold a public hearing on the proposed improvement.

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

1. The portion of the cost of such improvement to be paid by the City is estimated to be \$1,560,039.11, the portion of the cost to be assessed against benefited property owners is declared to be \$592,799.20.
2. Assessments shall be payable in annual installments extending over a period of fifteen (15) years for residential properties and twenty (20) years for apartments and commercial properties, the first of the installments to be payable with the 2025 Property Taxes, and shall bear interest at the rate of 5.42% per annum from the date of the adoption of the final assessment resolution. To each subsequent installment when amount due shall be added interest for one year on all unpaid installments.
3. The owner of any property so assessed may, at any time prior to certification of the assessment to the County Auditor, pay the whole or a portion of the assessment on such property, to the City of White Bear Lake, except that no interest shall be charged if the entire assessment is paid within thirty (30) days from the adoption of the assessment. An owner may at any time thereafter, pay to the Ramsey County

**RESOLUTION NO.**

Auditor the entire amount of the assessment remaining unpaid, with interest accrued to December 31 of the year in which such payment is made. Such payment must be made before November 15 or interest will be charged through December 31 of the succeeding year.

4. The City Clerk, with the assistance of the City Engineer, shall forthwith calculate the proper amount to be specially assessed for such improvement against every assessable lot, piece or parcel of land within the district affected, without regard to cash valuation, as provided by law, and the City Engineer shall file a copy of such proposed assessment in their office for public inspection.
5. The Clerk, shall upon completion of such proposed assessment, notify the Council thereof.
6. A hearing shall be held at 7:00 p.m. on Tuesday, September 10, 2022 in the White Bear Lake City Hall located at 4701 Highway 61, White Bear Lake, MN 55110 to pass upon such proposed assessment. All persons owning property affected by such improvement will be given an opportunity to be heard with reference to such assessment. Please find detailed meeting information on the City's website at [www.whitebearlake.org/](http://www.whitebearlake.org/) or call the city clerk at 651-429-8508 to learn how to attend the public hearing.
7. The City Engineer is hereby directed to cause a notice of the hearing on the proposed assessment to be published once in the official newspaper at least two weeks prior to the hearing, and the City Engineer shall state in the notice the total cost of the improvement. The City Engineer shall also cause mailed notice to be given to the owner of each parcel described in the assessment roll not less than two weeks prior to the hearing.

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

Ayes:  
Nays:  
Passed:

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

**ATTEST:**

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



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

# MEMORANDUM

**To:** Lindy Crawford, City Manager  
**From:** Tracy Shimek, Housing & Economic Development Coordinator  
 Jason Lindahl AICP, Community Development Director  
**Date:** August 14, 2024  
**Subject:** Fair Housing Policy Adoption

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## SUMMARY

The City Council will consider adopting a resolution establishing a fair housing policy for the City.

## BACKGROUND INFORMATION

Beginning in 2019, the Metropolitan Council began requiring recipients of Livable Communities Act (LCA) grant funding to adopt a fair housing policy. The City has also included this as goal in the 2040 Comprehensive Plan. Recent grant awards for the 2502 County Road E project now necessitate the City to consider adoption of a fair housing policy.

The purpose of a fair housing policy is to (i) memorialize the City's commitment to fair housing opportunities for all residents or prospective residents regardless of protected class status; and (ii) establish administrative practices to implement this policy and further fair housing in the City. To qualify for funding, the Metropolitan Council has the following minimum requirements:

- The policy must contain a purpose statement;
- Procedures for complaint identification and referral;
- A designated fair housing officer; and
- An outline of the internal and external actions the Grantee will undertake to advance fair housing.

## ANALYSIS

Attached for consideration is a draft fair housing policy. When preparing this policy, staff reviewed a sample policy developed by the Met Council and the Housing Justice Center as well existing policies from other communities in the Metro region including New Brighton, Shoreview, Roseville and Oakdale. The fair housing policy identifies a Fair Housing Officer, includes external practices which define the action the City will take to provide fair housing information and referral services and internal practices that focus on fair housing issues in day-to-day City activities. Although this would be a new policy for the City, most of the actions are typical of work already being done by staff in various processes, projects, or in addressing resident inquiries and therefore would not expand staff's responsibilities or workload.

While creating the policy, staff considered goals, policies, strategies and objects from the City's main guiding documents, including the 2040 Comprehensive Plan, the Council's housing policy and program discussions, and the 2024 Strategic Plan. Staff's findings from this analysis generally support the draft policy and are provided below.

#### 2040 Comprehensive Plan

The Comprehensive Plan includes a housing chapter that puts forth guiding principles and goals. The implementation section of the housing chapter includes a goal to adopt a fair housing policy by 2025. Adoption of a policy in the near future would put the City on track to adopt that implementation strategy on time.

#### Housing Policy & Program Priorities

Over the course of 2022 and 2023, the City Council worked to identify which housing policies to prioritize, concluding that the City should take a proactive approach to "expanding housing options to meet the needs of people at all life stages and income levels."

Additionally, through this process the City Council ranked which city-owned opportunity sites to prioritize for development. It is likely that housing will be a component of one or more of these sites. Many of the sites will likely require financial support from a number of sources to bring a project to fruition and staff anticipates LCA grant funds to be a viable source for future projects. Adoption of a fair housing policy would ensure the City meets the eligibility requirement to receive grant funds for projects including housing.

#### 2024 Strategic Plan

##### *A Safe and Welcoming Community*

- Facilitate and encourage community connections between the City as an organization, all residents, business and civic groups.
- Maintain a welcoming presence – all feel welcome and have opportunities to participate in a wide range of community functions.

##### *Engaged Community, Responsive Leadership*

- Utilize relevant communication tools to support two-way communication
- Ensure services are responsive to the wants and needs of citizens at all stages of life, levels of need, and background

##### *Complete Community*

- Establish new and maintain existing high-quality services and amenities.
- Support opportunities to offer a wide range of life-cycle housing

##### *Support Redevelopment to Revitalize Local Economy and Business Districts*

- Work to attract a diverse mix of retail and commercial businesses throughout the community

Adopting a fair housing policy offers residents clear and transparent expectations of the City's

role in addressing issues related to fair housing. Additionally, this action would ensure the City meets the requirement for any LCA grant funds awarded to projects that further the City's housing policy objectives. While adopting a policy is a positive action, operationally it largely amounts to a formal acknowledgement of existing practices, commitments and legal requirements already in place.

**RECOMMENDATION**

Staff recommends the City Council adopt the attached resolution adopting a fair housing policy.

**ATTACHMENTS**

Resolution

Draft Fair Housing Policy



**RESOLUTION NO.**

**RESOLUTION ADOPTING A FAIR HOUSING POLICY FOR  
THE CITY OF WHITE BEAR LAKE, MINNESOTA**

**WHEREAS**, the City of White Bear Lake has been awarded a Tax Based Revitalization Account grant for site clean-up work related to the development of 2502 County Road E; and

**WHEREAS**, a requirement to receive the funding is to adopt a fair housing policy; and

**WHEREAS**, a goal in the housing chapter of the City's 2040 Comprehensive Plan is to adopt a fair housing policy by 2025; and

**WHEREAS**, the adoption of a fair housing policy is consistent with a number of goals identified in the 2024 Strategic Plan; and

**WHEREAS**, adoption of a fair housing policy memorializes the City's commitment to fair housing opportunities regardless of protected class status; and

**WHEREAS**, a fair housing policy establishes administrative practices to implement a fair housing policy and further fair housing in the City.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of White Bear Lake, Minnesota hereby adopts the accompanying policy as the official Fair Housing Policy of the City of White Bear Lake.

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

Ayes:

Nays:

Passed:

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

**ATTEST:**

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

**RESOLUTION NO.**

(Fair Housing Policy to be attached.)

## I. PURPOSE AND POLICY STATEMENT

The City recognizes the importance of fair housing and its longstanding roots in various state and federal laws. This policy is intended to (i) memorialize the City's commitment to fair housing opportunities for all residents or prospective residents regardless of protected class status; and (ii) establish administrative practices to implement this policy and further fair housing in the City. By adopting this policy, the City seeks to reaffirm its commitment to adhere to all applicable laws and otherwise ensure access to fair housing information and referral services to any persons seeking them.

## 2. EXTERNAL PRACTICES

Fair Housing Officer. The Community Development Director is designated as the Fair Housing Officer (FHO) for the City, although the FHO may designate other members of Community Development Department to fulfill the duties of the FHO.

- The FHO is responsible for intake and referral of fair housing complaints in the City, and will monitor and document the date, time, and nature of fair housing complaints, along with information provided to a complainant, in a complaint log.
- The FHO will monitor City activities affecting fair housing, identify issues and concerns related thereto, and assist the City Council should any action be deemed necessary to address such issues and concerns.

City Website. The City website will include information about fair housing and the FHO's contact information. The website will include links to various fair housing resources, such as the Department of Housing and Urban Development, Minnesota Department of Human Rights, Mid-Minnesota Legal Aid, the State of Minnesota's Olmstead Plan, and links to state and federal fair housing complaint forms.

In-Person Information. The City will provide fair housing information to persons requesting such information at City offices. Information provided will include a list of fair housing enforcement agencies, available FAQs of fair housing laws, and applicable fair housing complaint forms.

## 3. INTERNAL PRACTICES

Periodic Housing Analysis. The City will review local housing inventory from time to time to examine affordability of housing and emerging housing needs, which will help inform City actions related to land use planning, housing development, and housing programs.

Periodic Ordinance/Policy Review. The City will review its ordinances and policies related to housing from time to time, including all land use and building controls, to ensure adherence to all state and federal fair housing laws.

Planning/Development Analysis. City planning analysis will appropriately consider fair housing issues to ensure adherence to all state and federal fair housing laws.

Affirmatively Further Fair Housing. The City may receive Community Development Block Grant (CDBG) or other federal funding, and recipients of such funds are obligated to affirmatively further fair housing. For the avoidance of doubt, the City will adhere to any such obligations and will consider, to the extent applicable, any recommendations made by the regional Fair Housing Implementation Council (FHIC).

DRAFT



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

# M E M O R A N D U M

**To:** Lindy Crawford, City Manager  
**From:** Shea Lawrence, Planning Technician  
 Jason Lindahl AICP, Community Development Director  
**Date:** August 14, 2024  
**Subject:** **White Bear Lake Area Schools North Campus - Preliminary & Final Plat**

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## SUMMARY

The applicant, White Bear Lake Area Schools, requests preliminary and final plat approvals for the White Bear Lake Schools Addition. The site includes Central Middle School, White Bear Lake Area High School and numerous residential properties acquired and cleared by the school district to accommodate the expansion of the school district's North Campus. Additionally, the applicant is requesting to vacate the 12<sup>th</sup> Street roadway easement and a portion of Bloom Avenue. This plat application is necessary to consolidate these properties and fulfill the requirements of the original conditional use permit approving the North Campus expansion. Based on the findings made in this report, both the Planning Commission and staff recommend approval of this request.

## GENERAL INFORMATION

**Applicant/Owner:** White Bear Lake Area Schools

**Existing Land Use / Zoning:** Central Middle School and White Bear Lake High School  
P – Public

**Surrounding Land:**  
 North: Residential; Zoned R-3 – Single Family Residential  
 South: Residential; Zoned R-4 – Single Family – Two Family Residential  
 East: Residential; Zoned R-5 – Single Family – Two Family Medium Density Residential; Zoned R-6 – Medium Density Residential; Zoned R-3 – Single Family Residential; Zoned R-4 – Single Family – Two Family Residential  
 West: Residential; Zoned R-3 – Single Family Residential

**Comprehensive Plan:** Public/Semi-Public

**Lot Size & Width:** Code: N/A  
 Proposed: Lot 1: 1,819,225 square feet  
 Lot 2: 1,704,504 square feet

**BACKGROUND INFORMATION**

The subject properties are located between Division and Bald Eagle Avenues, south of the City's corporate limits/Soo Line railroad and generally north of 7<sup>th</sup> Street. The site includes Central Middle School, White Bear Lake Area High School and numerous residential properties acquired and cleared by the school district to accommodate the expansion of the school district's north campus.

In 2019, a referendum was passed to support a \$326 million building bond for district improvements. In 2021, a Conditional Use Permit was approved by the City to allow for an approximately 398,000 square foot building addition to the district's North Campus which would support the consolidation of grades 9 through 12 in one centralized location. Other improvements included in those approvals were new parking lots, internal access roads, storm water management features, athletic fields and stadiums and utility infrastructure to support the expanded high school site. In 2023, the Conditional Use Permit was amended to expand the football stadium's capacity from 1,500 seats to a total of 5,000 seats so that north campus can host the high school football games. Building permits have since been issued for the expansion project and work is nearing completion. It is anticipated that the high school will be operational for the 2024-2025 school year with grades 9-12.

The approvals for the school district's expansion project included a condition that the applicant submit for final plat review and approvals, so this application is a housekeeping item to remain in compliance with their original approvals.

Community Comment. Under state law and the City's zoning regulations, variance applications require a public hearing. Accordingly, the City published notice of this request in the White Bear Press and mailed notice directly to property owners within 350 feet of the subject site. That notice directed all interested parties to send questions or comments to the Planning Department by mail, phone, or email or to attend the public hearing where they could learn about the request, ask questions, and provide feedback. As of the writing of this report, staff has received two phone call from the public asking for clarification on the request. During the public hearing, staff will provide an update if any public comments are received prior to the Planning Commission meeting.

Planning Commission Action. The Planning Commission reviewed this item during their July 29, 2024 regular meeting. During the meeting, the commission heard a presentation from staff and held a public hearing. During the public hearing, Tim Wald, Assistant Superintendent for Finance and Operations for White Bear Lake Area Schools introduced himself and explained that their consultant team was also present to answer any questions.

Run Kuhn of 5140 Wild Marsh Drive in the Wild Marsh Townhome development asked who will be responsible for maintaining the sidewalks around the school. Planner Miller responded that historically the city has cleared most public sidewalks after a 3' snowfall. Mr. Wald stated that the school would maintain their own internal sidewalks and look to coordinate maintenance

responsibilities for abutting public sidewalks with the city. After some general discussion, the commission voted 5-0 to recommend the City Council approve this request.

### **ANALYSIS**

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

Standards for reviewing subdivision requests are outlined in Section 1401 of the City Code. This section of the Code details a two-step preliminary and final plat process for land subdivision. The process for subdivision review includes review by the Planning Commission and action by the City Council. The applicant is seeking preliminary and final plat approvals in order to consolidate the various properties acquired to accommodate the school's expansion project.

As proposed, the plat shows two parcels. Lot 1 generally encompasses the High School while Lot 2 generally contains Central Middle School. The existing track and a stormwater pond both encroach the shared internal lot line between these two parcels. And the vehicle access points and parking are shared by both parcels and overlap the two properties. As a result, staff recommends conditions of approval require the applicant to record both an encroachment agreement and cross access and parking easements to ensure these facilities remain accessible and will continue to serve both parcels in perpetuity.

After reviewing the preliminary and final plats, staff makes the following findings:

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

Engineering Review. The City Engineer has reviewed the plat. Based on that review, the Engineer recommends the following:

- Dedication of all necessary easement as required by the City Engineer.
- Vacation of the right-of-way/easements for 12<sup>th</sup> Street and Bloom Avenue.

Easement Vacation. Per the White Bear Lake City Charter, the City Council must hold a public hearing to review this item. Under the City Charter, approval of easement vacations requires a 4/5 vote of the City Council. No review by the Planning Commission is required.

To approve an easement vacation request, the City Council must find that the easement is no longer necessary and has no public purpose. In this case the applicant is requesting to vacate the 12<sup>th</sup> Street roadway easement, which runs directly through the High School Building and a portion of Bloom Avenue that falls within the bounds of their property. Both Planning and Engineering staff have reviewed this request and find that the existing easements are no longer necessary and have no public purpose as they served the existing parcel.

### **RECOMMENDATION**

The Planning Commission and staff recommend the City Council adopt the attached resolutions:

1. Approval of preliminary and final plats for the White Bear Lake Schools Addition, subject to the following conditions:
  - a. Conformance with all requirements of all other applicable public agencies.
  - b. Conformance with all conditions of the conditional use permit (Resolution 12750).
  - c. The hardshell or other recordable plat, acceptable by the Ramsey County Recorder is required. The applicant shall also provide the city with a final approved reproducible mylar copy of the plat.
  - d. Within 100 days after final approval by the City Council, the applicant must record said documents with the County Land Records Office or Registrar of Deeds or the subdivision shall become null and void.
  - e. Durable iron monuments shall be set at all angle and curve points on the outside boundary lines of the plat and also at all block and lot corners and at all intermediate points on the block and lot lines indicating changes of direction in the lines and witness corners. The plat shall indicate that all monuments have been set or will be set within one year after recording, or sooner as specified by the approving local government unit. A financial guarantee may be required for the placement of monuments.
  - f. Vacation of the right-of-way/easements for 12th Street and Bloom Avenue.
  - g. Dedication of all necessary easements as required by the City Engineer.
  - h. The School District agrees to work with the city, and other applicable public agencies, to identify mutually agreeable pedestrian/bicycle route(s) across the property while maintaining the safety and security of students as a top priority.
  - i. The applicant shall enter into an encroachment agreement for the track and stormwater pond that cross the shared internal property line between Lots 1 and 2.
  - j. The applicant shall record cross access and parking easements for both Lots 1 and 2 in a form acceptable to the City Attorney.
  - k. The applicant shall provide the city with an updated title commitment for the property and conform to any and all requirements of the City Attorney's plat opinion, as it may be amended.
  - l. The applicant shall adhere to the City's recording instructions as it relates to recording the approved plat in conjunction with all other instruments required and/or referenced herein.



- m. The applicant shall reimburse the City for all fees and costs incurred by the City as related to the plat and its associated applications.
  - n. All representations, written and oral, made by the applicant contained in and concerning the application must have been true, complete, and accurate at the time they were made.
  - o. The developer shall remain in compliance at all times with all applicable laws, rules, regulations, and agreements concerning the Property for which this approval is granted.
2. Vacation of the sections of easement for both 12<sup>th</sup> Street and Bloom Avenue as described in Exhibit A and Depicted in Exhibit B and attached to the vacation resolution, subject to the following conditions:
- a. The City hereby declares that the Easements are hereby vacated on condition that (i) all conditions related to the Plat are duly satisfied and the Plat is thereafter released for recording; and (ii) the petitioner reimburse the City for all costs and expenses related to these proceedings.
  - b. Upon the satisfaction of the aforementioned conditions, the City Clerk is directed to prepare a Notice of Completion of Vacation Proceedings. Said instrument shall be recorded in conjunction with the Plat and in accordance with the City's recording instructions.
  - c. City staff is hereby authorized to take any other steps or actions that are deemed necessary or convenient to carry out the intent of this Resolution.

**ATTACHMENTS**

Resolutions

Zoning Map

Applicant Narrative

White Bear Lake Schools Addition Preliminary and Final Plats

**RESOLUTION NO.**

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

**WHEREAS**, White Bear Lake Area Schools (24-12-P) has requested approval of both Preliminary and Final Plat from the Subdivision Code of the City of White Bear Lake for the following location:

EXISTING LEGAL DESCRIPTION: See attached Exhibit A.

PROPOSED LEGAL DESCRIPTION: Lots 1 and 2, Block 1, White Bear Lake Schools Addition.

**WHEREAS, THE APPLICANT SEEKS THE FOLLOWING:** Both Preliminary Plat and Final Plat approval, per Code Section 1402.020, in order to consolidate the numerous properties acquired for the expansion of the White Bear Lake Area School's North Campus; and

**WHEREAS**, the Planning Commission held a public hearing as required by the Zoning Code on July 29, 2024; and

**WHEREAS**, the City Council has considered the advice and recommendations of the Planning Commission regarding the effect of the proposed plat upon the health, safety, and welfare of the community and its Comprehensive Plan, as well as any concerns related to compatibility of uses, traffic, property values, light, air, danger of fire, and risk to public safety in the surrounding areas; and

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

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

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

**BE IT FURTHER RESOLVED**, by the City Council of the City of White Bear Lake accepts and approves the preliminary and final plats subject to the following conditions:

1. Conformance with all requirements of all other applicable public agencies.

**RESOLUTION NO.**

2. Conformance with all conditions of the conditional use permit (Resolution 12750).
1. The hardshell or other recordable plat, acceptable by the Ramsey County Recorder is required. The applicant shall also provide the city with a final approved reproducible mylar copy of the plat.
2. Within 100 days after final approval by the City Council, the applicant must record said documents with the County Land Records Office or Registrar of Deeds or the subdivision shall become null and void.
3. Durable iron monuments shall be set at all angle and curve points on the outside boundary lines of the plat and also at all block and lot corners and at all intermediate points on the block and lot lines indicating changes of direction in the lines and witness corners. The plat shall indicate that all monuments have been set or will be set within one year after recording, or sooner as specified by the approving local government unit. A financial guarantee may be required for the placement of monuments.
4. Vacation of the right-of-way/easements for 12th Street and Bloom Avenue.
5. Dedication of all necessary easements as required by the City Engineer.
6. The School District agrees to work with the city, and other applicable public agencies, to identify mutually agreeable pedestrian/bicycle route(s) across the property while maintaining the safety and security of students as a top priority.
7. The applicant shall enter into an encroachment agreement for the track and stormwater pond that cross the shared internal property line between Lots 1 and 2.
8. The applicant shall record cross access and parking easements for both Lots 1 and 2 in a form acceptable to the City Attorney.
9. The applicant shall provide the city with an updated title commitment for the property and conform to any and all requirements of the City Attorney's plat opinion, as it may be amended.
10. The applicant shall adhere to the City's recording instructions as it relates to recording the approved plat in conjunction with all other instruments required and/or referenced herein.
11. The applicant shall reimburse the City for all fees and costs incurred by the City as related to the plat and its associated applications.
12. All representations, written and oral, made by the applicant contained in and concerning the application must have been true, complete, and accurate at the time they were made.
13. The developer shall remain in compliance at all times with all applicable laws, rules, regulations, and agreements concerning the Property for which this approval is granted.

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

\*\*\*\*\*

Approval is contingent upon execution and return of this document to the City Planning Office.

I have read and agree to the conditions of this resolution as outlined above.

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Date

**RESOLUTION NO.**

**RESOLUTION VACATING CERTAIN PUBLIC EASEMENTS WITHIN  
THE CITY OF WHITE BEAR LAKE, MINNESOTA**

**WHEREAS**, the City Council, pursuant to Minnesota Statutes, section 462.358, subd. 7 and section 8.02 of the City Charter, desires to consider the vacation of the easements described on Exhibit A and depicted on Exhibit B attached hereto (the “Easements”); and

**WHEREAS**, said proceedings were initiated by petition to accommodate a plat tentatively called *White Bear Lake Schools Addition* (herein, the “Plat”); and

**WHEREAS**, City staff published and mailed notice of a public hearing as required by law and a public hearing was held regarding the proposed vacation of the Easements on the 14<sup>th</sup> day of August, 2024; and

**WHEREAS**, the City Engineer reviewed the request and recommends that the Easements be vacated, as requested, because they will no longer be necessary following the recording of the abovementioned Plat and development of the property contained therein; and

**WHEREAS**, after due notice and a public hearing, and in light of the aforementioned, the City Council has determined that, subject to the conditions below, the Easements are no longer needed and therefore vacation of the Easements is in the public interest; and

**WHEREAS**, at least four-fifths of all members of the City Council concur in this resolution.

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

1. The City hereby declares that the Easements are hereby vacated on condition that (i) all conditions related to the Plat are duly satisfied and the Plat is thereafter released for recording; and (ii) the petitioner reimburse the City for all costs and expenses related to these proceedings.
2. Upon the satisfaction of the aforementioned conditions, the City Clerk is directed to prepare a Notice of Completion of Vacation Proceedings. Said instrument shall be recorded in conjunction with the Plat and in accordance with the City’s recording instructions.
3. City staff is hereby authorized to take any other steps or actions that are deemed necessary or convenient 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

**RESOLUTION NO.**

**EXHIBIT A**

**Legal Description of the Easements**

White Bear Avenue (now Bloom Avenue), as dedicated in the plat of Murray's Second Addition, adjoining Lots 1, 2, 3, and 4, Block 8, Ramsey County, Minnesota, lying north of the north line of Eighth Street extended westerly. Together with the west 15.00 feet of said Block 8 as opened per Document numbers 356354 and 356355.

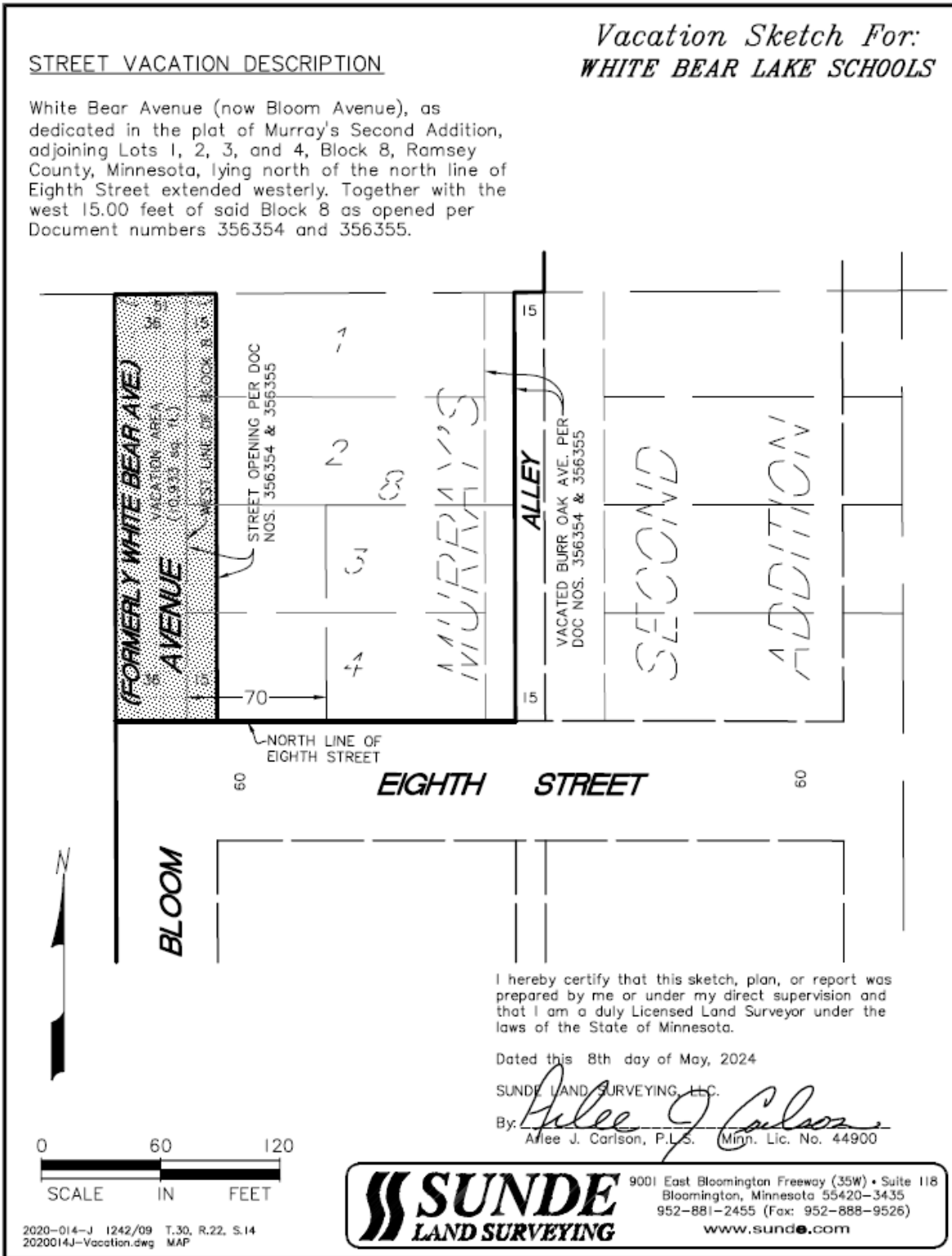
AND

An easement for public roadway on the South 66 feet of the Southwest Quarter of the Southeast Quarter of Section 11, Township 30, Range 22 (as described in Ramsey County Document No. 1498415).

RESOLUTION NO.

EXHIBIT B

Depictions of the Easements

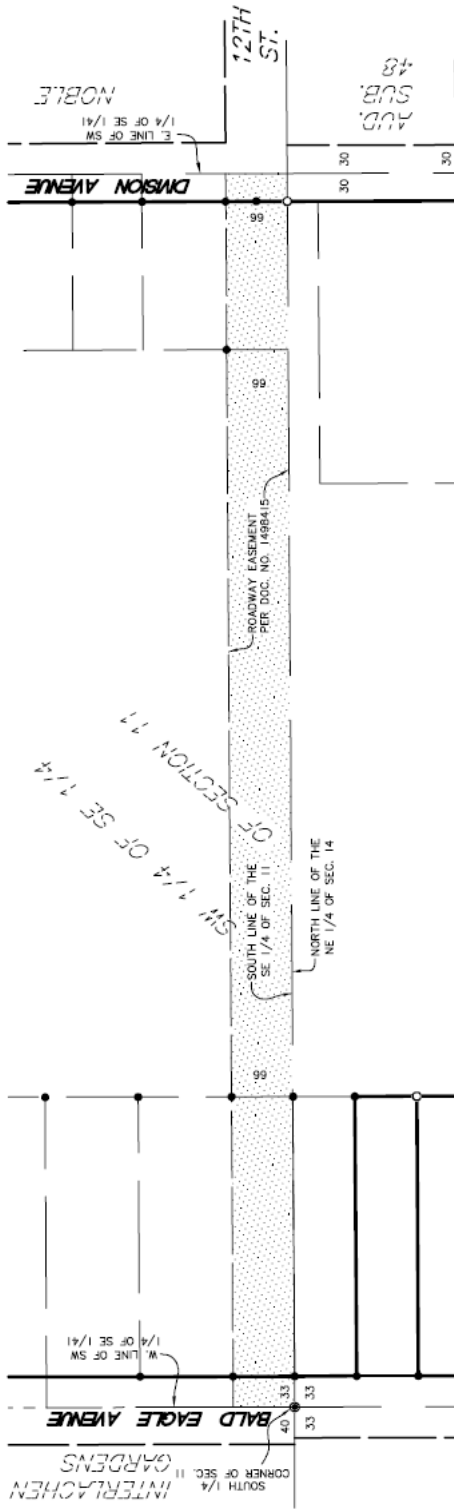




*Vacation Sketch For:*  
**WHITE BEAR LAKE SCHOOLS**

**STREET VACATION DESCRIPTION**

An easement for public roadway on the South 66 feet of the Southwest Quarter of the Southeast Quarter of Section 11, Township 30, Range 22, Washington County, Minnesota.

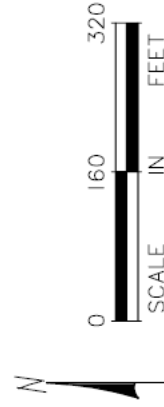


I hereby certify that this sketch, plan, or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Dated this 19th day of July, 2024

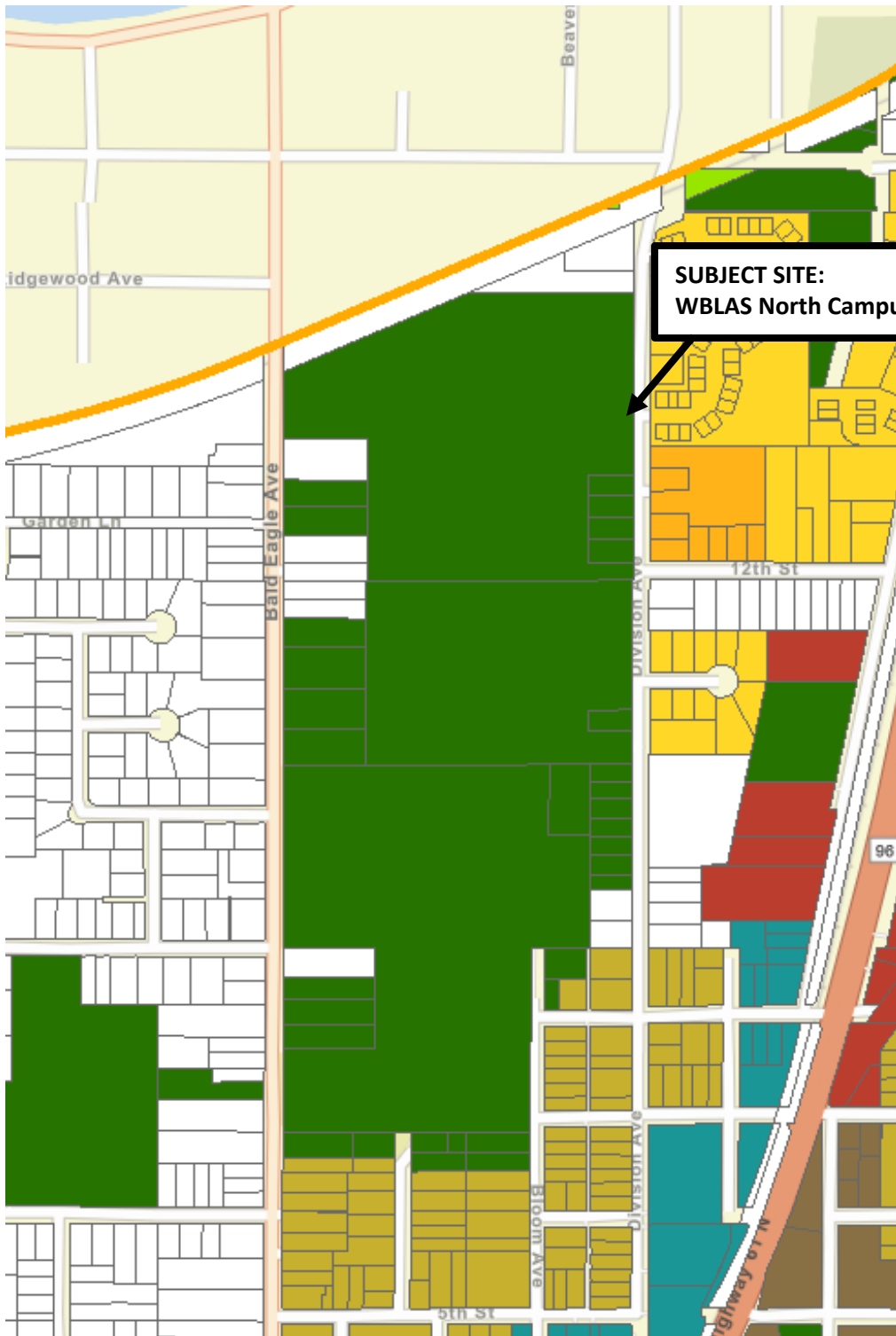
SUNDE LAND SURVEYING, LLC.

By: *Ailee J. Carlson*  
Ailee J. Carlson, P.L.S. Minn. Lic. No. 44900



9001 East Bloomington Freeway (35W) • Suite 118  
Bloomington, Minnesota 55420-3435  
952-881-2455 (Fax: 952-888-9526)

[www.sunde.com](http://www.sunde.com)



**Zoning**

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



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

**CASE NO.** : 24-12-P

**CASE NAME** : WBLAS North Campus Preliminary and Final Plat

**DATE** : 07-29-2024



**To:** Ashton Miller, City of White Bear Lake Community Development Department

**From:** Maria Kennedy | MK

**Date:** June 17, 2024

**Comm. No:** 192236

---

**Subject:** Independent School District #624 – White Bear Lake Area Schools  
Land Use and Variance Application, Re-Plat Application

Summary of Intent: Plat application is being submitted to record the consolidation of various properties surrounding the White Bear Lake Area Schools and Central Middle School site. These properties were previously residential use and as part of the work related to the 2019 bond referendum passed by White Bear Lake Area Schools

The Preliminary Plat Application drawing is attached. Any forthcoming comments from City review will be consolidated into this a Final Plat application included in this application. Preliminary and Final Plat to be processed concurrently, per conversation with City staff Ashton Miller and Jason Lindahl.

The fee payment is attached as well, along with application form.

#### Attachments

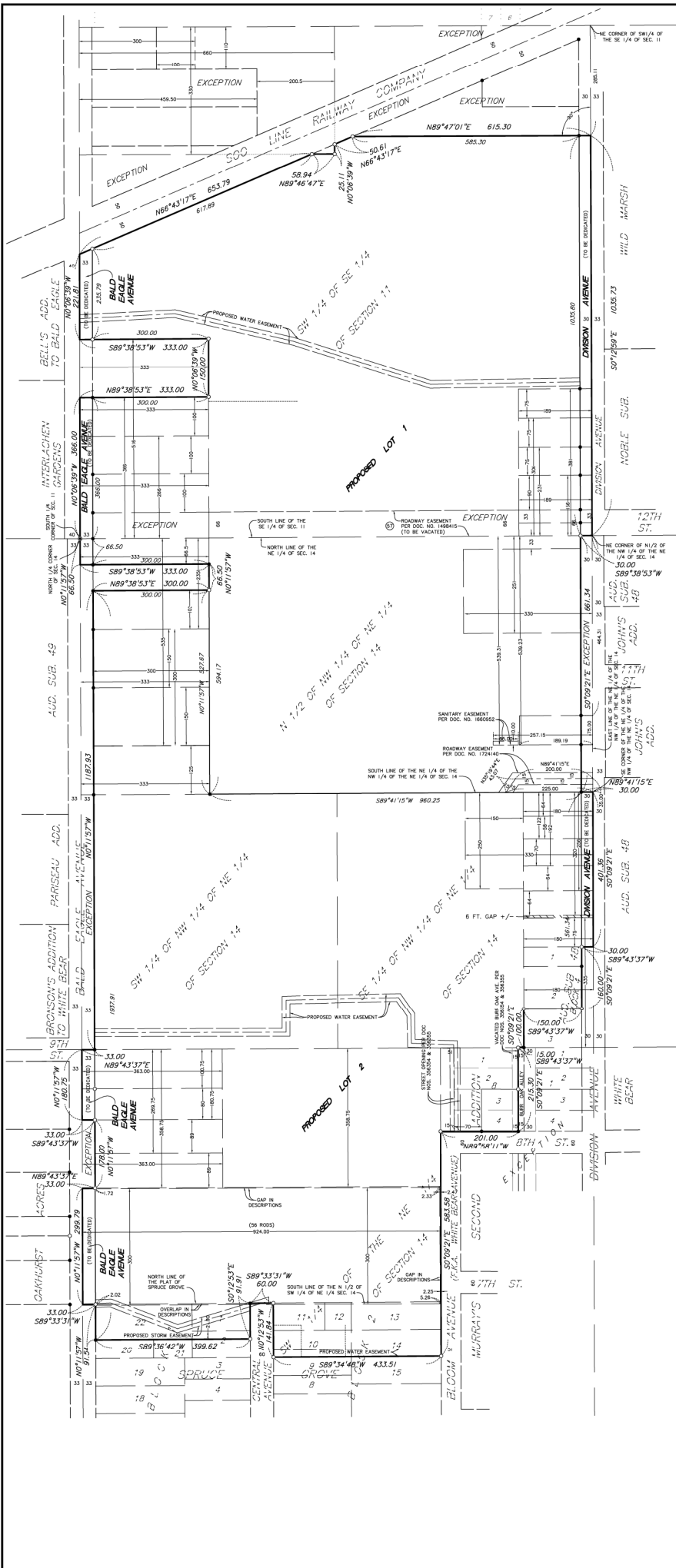
cc: Tim Wald, ISD #624	tim.wald@isd624.org
Wayne Kazmierczak, ISD #624	wayne.kazmierczak@isd624.org
Arlee Carlson, Sunde	arlee@sunde.com
Paul Aplikowski, Wold	paplikowski@woldae.com
Sara Kelzenberg, Wold	skelzenberg@woldae.com

CM/Admin/ISD\_624/192236/crsp/2024.06.17 Memo to Ashton Miller

Wold Architects and Engineers  
332 Minnesota Street, Suite W2000  
Saint Paul, MN 55101  
woldae.com | 651 227 7773

PLANNERS  
ARCHITECTS  
ENGINEERS





**GENERAL NOTES**

- 1) Survey coordinate basis: Ramsey County Coordinate System (NAD83)
- 2) There were no natural delineation markers observed in the process of conducting the fieldwork.

**UTILITY NOTES**

- 1) Utility information from plans and markings was combined with observed evidence of utilities to develop a view of the underground utilities shown hereon. However, lacking excavation, the exact location of underground features cannot be accurately, completely and reliably depicted. In addition, Gopher State One Call locate requests from users may be ignored or result in an incomplete response. Where additional or more detailed information is required, excavation and/or a private utility locate request may be necessary.
- 2) Other underground utilities of which we are unaware may exist. Verify all utilities critical to construction or design.
- 3) Some underground utility locations are shown as marked onsite by those utility companies whose locators responded to our Gopher State One Call. Ticket numbers 200862331, 200862340, 200862347, 200862355, 200862445, 230400655, 230400656, 230400657, 230391671 & 230391695.
- 4) Contact GOPHER STATE ONE CALL at 651-454-0002 (800-252-1166) for precise onsite location of utilities prior to any excavation.
- 5) Private utilities are shown as marked by Hance Locating Services, Inc. on April 9, 2020. Private utilities are those utilities installed for the use of their owner, typically by someone other than a Gopher State One Call registered utility operator.

**BENCHMARKS (BM)**  
(NAVD 88)

- 1) Top of top nut of fire hydrant 120 feet +/- north of door B of High School building. Elevation = 943.06 feet
- 2) Top of top nut of fire hydrant 40 feet +/- northwest of northwest corner of High School building. Elevation = 941.47 feet
- 3) Top of top nut of fire hydrant 50 feet +/- south of door E of High School building. Elevation = 942.55 feet
- 4) Top of top nut of fire hydrant 70 feet +/- south of 11th Street on west side of Division Avenue. Elevation = 939.68 feet
- 5) Top of top nut of fire hydrant 80 feet +/- north of door U of Middle School building. Elevation = 940.64 feet
- 6) Top of top nut of fire hydrant at southwest corner of parking lot south of Middle School building. Elevation = 937.59 feet
- 7) Top of top nut of fire hydrant at southeast corner of parking lot south of Middle School building. Elevation = 938.49 feet
- 8) Top of top nut of fire hydrant 25 feet +/- northeast of northeast corner of Middle School building. Elevation = 939.61 feet

**APPLICANT**

Wald Architects & Engineers  
332 Minnesota St. - Suite W2000  
St. Paul, Minnesota 55101  
Contact Person: Mario Kennedy  
Phone (651) 227-7773

**OWNER**

Independent School District #624  
4855 Bloom Avenue  
White Bear Lake, Minnesota 55110

**AREAS**

Proposed Lot 1 = 1,818,225 square feet or 41,764 acres  
Proposed Lot 2 = 1,704,504 square feet or 39,130 acres  
Dedicated streets = 80,792 square feet or 1.854 acres  
Total area = 3,604,521 square feet or 82,748 acres

**LEGEND**

- Denotes iron monument set marked with P.L.S. No. 44900
- Denotes found iron monument
- Denotes 1.17 inch diameter copper magnetized marker with disc off-set stamped LS-44900 set

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

Dated this 19th day of July, 2024  
SUNDE LAND SURVEYING, LLC  
By: *Allen G. Colson*  
Allen G. Colson, P.L.S. Minn. Lic. No. 44900

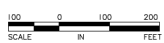
Removed existing and proposed features	MAP 7/19/2024
Revised per comments	MAP 5/18/2024
Checked	SP 5/25/2024

Drawn Title: **PRELIMINARY PLAT**  
OF  
**WHITE BEAR LAKE SCHOOLS ADDITION**

**SUNDE LAND SURVEYING**  
www.sunde.com

Main Office: 401 East Brownstone Traces (284) - Suite 118  
Bloomington, Minnesota 55425-2435  
952-881-2450 (Fax) 952-888-9255

Project: 2020-014-1-1 BL/PL 1/24/24 Date: 5/15/2024  
Drawing: 30 - Stage 22 - Section 1/8-14  
File: 2020014-1-1-1-1.dwg Sheet: 2 of 2



# WHITE BEAR LAKE SCHOOLS ADDITION

**PRELIMINARY  
SUBJECT TO REVISION**

KNOW ALL MEN BY THESE PRESENTS: That Independent School District 624, an independent school district under the laws of Minnesota, owner of the following described property situated in the City of White Bear Lake, County of Ramsey, State of Minnesota:

Lots 12 and 13, Block 2, Spruce Grove, White Bear Lake, Minn., Ramsey County, Minnesota.

AND

Lots 10, 11 and 14, Block 2, Spruce Grove, White Bear Lake, Minn., Ramsey County, Minnesota.

AND

Lot 1 and the North 21 feet of Lot 2 and all of Lot 22, Block 1, Spruce Grove, White Bear Lake, Minn., Ramsey County, Minnesota.

AND

The Southwest 1/4 of the Northwest 1/4 of the Northeast 1/4 of Section 14, Township 30, Range 22, except Bald Eagle Avenue, Ramsey County, Minnesota.

AND

The Southeast 1/4 of the Northwest 1/4 of the Northeast 1/4 of Section 14, Township 30, Range 22, except the Easterly 180 feet, also except the West 150 feet of the East 330 feet of the North 250 feet of the Southeast 1/4 of the Northwest 1/4 of the Northeast 1/4 of Section 14, Township 30, Range 22, Ramsey County, Minnesota.

AND

The West 150 feet of the East 330 feet of the North 250 feet of the Southeast 1/4 of the Northwest 1/4 of the Northeast 1/4 of Section 14, Township 30, Range 22, Ramsey County, Minnesota, Abstract Property. (4857 Bloom Ave)

AND

The North 358.75 feet of the Southwest 1/4 of the Northeast 1/4 of Section 14, Township 30, Range 22, EXCEPT the West 362 feet and EXCEPT Murray's Second Addition, Ramsey County, Minnesota.

AND

The South 300 feet of the North 1/2 of the West 56 rods of the Southwest 1/4 of the Northeast 1/4 of Section 14, Township 30, Range 22, Ramsey County, Minnesota.

AND

The North 251 feet of the East 330 feet of the Northwest 1/4 of the Northeast 1/4, EXCEPT therefrom the North 33 feet and the East 30 feet for Division Avenue in Section 14, Township 30, Range 33, Ramsey County, Minnesota.

AND

The North 1/2 of the Northwest 1/4 of the Northeast 1/4 of Section 14, Township 30, Range 22, except the West 333 feet thereof, and except the part of the North 1/2 of the Northwest 1/4 of the Northeast 1/4 of Section 14, Township 30, Range 22, described as follows: Beginning at a point on the East line of the said North 1/2 of said Quarter Section distant 464.31 feet South of the northeast corner of the North 1/2 of said Quarter Section; thence South along said East line 75 feet, thence West 189.15 feet to a point which is 539.23 feet South of the North line of the North 1/2 of said Quarter Section, thence North 75 feet, thence East 189.15 feet to the place of beginning, excepting part taken for Division Street, as conveyed to Beatrice N. Baer by deed dated June 5, 1947, recorded in Book 1311 Deeds, page 35, in the office of the Register of Deeds for Ramsey County, Minnesota, and except the tract of land described as follows, to-wit: The North 251 feet of the East 330 feet of the Northwest 1/4 of the Northeast 1/4, except therefrom the North 33 feet and the East 30 feet for Division Avenue in Section 14, Township 30, Range 22, Ramsey County, Minnesota.

AND

The South 150 feet of the North 535 feet of the East 300 feet of the West 333 feet of the North 1/2 of the Northwest 1/4 of the Northeast 1/4 of Section 14, Township 30, Range 22, Ramsey County, Minnesota.

AND

The South 64 feet of the North 256 feet of the East 180 feet of the Southeast 1/4 of the Northwest 1/4 of the Northeast 1/4 of Section 14, Township 30, Range 22, Ramsey County, Minnesota.

AND

The South 58 feet of the North 122 feet of the East 180 feet of the Southeast 1/4 of the Northwest 1/4 of the Northeast 1/4 of Section 14, Township 30, Range 22, Ramsey County, Minnesota.

AND

The North 75 feet of the South 335 feet of the East 180 feet of the Southeast 1/4 of the Northwest 1/4 of the Northeast 1/4 of Section 14, Township 30, Range 22, Ramsey County, State of Minnesota.

AND

The North 150 feet of the South 300 feet of the North 535 feet of the East 300 feet of the West 333 feet of the North 1/2 of the Northwest 1/4 of the Northeast 1/4 of Section 14, Township 30, Range 22, Ramsey County, Minnesota.

AND

That part of the North 1/2 of the Northwest 1/4 of the Northeast 1/4 of Section 14, Township 30, Range 22, Ramsey County, Minnesota described as follows: Beginning at a point on the East line of said North 1/2 of said quarter-quarter section, distant 464.31 feet South of the Northeast corner of the North 1/2 of said quarter-quarter section, thence South along said East line a distance of 75 feet, thence West 189.15 feet to a point which is 539.23 feet South of the North line of said North 1/2 of said quarter-quarter section, thence North a distance of 75 feet, thence East a distance of 189.15 feet to the place of beginning, except that part taken for Division Street.

AND

The South 89 feet of the North 269.75 feet of the West 363 feet of the Southwest 1/4 of Northeast 1/4, Section 14, Township 30, Range 22, except Bald Eagle Avenue, Ramsey County, Minnesota.

AND

The North 100 feet of the South 366 feet of the West 333 feet of the Southwest 1/4 of the Southeast 1/4 of Section 11, Township 30, Range 22, Ramsey County, Minnesota.

AND

The North 100 feet of the South 266 feet of the West 333 feet of the Southwest 1/4 of the Southeast 1/4 of Section 11, Township 30, Range 22, Ramsey County, Minnesota.

AND

The South 102 feet of the North 235 feet of the East 300 feet of the West 333 feet of the Northwest 1/4 of the Northeast 1/4 of Section 14, Township 30, Range 22, Ramsey County, Minnesota.

AND

The East 300 feet of the West 333 feet of the South 125 feet of the North 1/2 of the Northwest 1/4 of the Northeast 1/4 of Section 14, Township 30, Range 22, Ramsey County, Minnesota.

AND

The South 80 feet of the North 180.75 feet of the West 363 feet of the Southwest 1/4 of the Northeast 1/4 of Section 14, Township 30, Range 22, Ramsey County, Minnesota.

AND

The South 89 feet of the North 358.75 feet of the West 363 feet of the Southwest 1/4 of the Northeast 1/4 of Section 14, Township 30, Range 22, except Bald Eagle Avenue, Ramsey County, Minnesota.

AND

The North 75 feet of the South 381 feet of the East 189 feet of the Southwest 1/4 of the Southeast 1/4 of Section 11, Township 30, Range 22, Ramsey County, Minnesota.

AND

The North 75 feet of the South 306 feet of the East 189 feet of the Southwest 1/4 of the Southeast 1/4 of Section 11, Township 30, Range 22, Ramsey County, Minnesota.

AND

The North 75 feet of the South 231 feet of the East 189 feet of the Southwest 1/4 of the Southeast 1/4 of Section 11, Township 30, Range 22, Ramsey County, Minnesota.

AND

The North 90 feet of the South 156 feet of the East 189 feet of the Southwest 1/4 of the Southeast 1/4 of Section 11, Township 30, Range 22, Ramsey County, Minnesota.

AND

The North 64 feet of the East 180 feet of the Southeast 1/4 of the Northwest 1/4 of the Northeast 1/4 of Section 14, Township 30, Range 22, Ramsey County, Minnesota.

AND

The South 70 feet of the North 192 feet of the East 180 feet of the Southeast 1/4 of the Northwest 1/4 of the Northeast 1/4 of Section 14, Township 30, Range 22, Ramsey County, Minnesota.

AND

Lot 1, Block 4, Auditor's Subdivision No. 48, Ramsey County, Minnesota.

AND

Lot 2, Block 4, Auditor's Subdivision No. 48, Ramsey County, Minnesota.

AND

Lots 1 and 2, Block 8, Murray's Second Addition to White Bear Lake, Ramsey Co. Minn.

AND

The West 70 feet of Lots 3 and 4, Block 8, Murray's Second Addition to White Bear Lake, Ramsey County, Minnesota.

AND

The South 64 feet of the North 320 feet of the East 180 feet of the Southeast 1/4 of the Northwest 1/4 of the Northeast 1/4 of Section 14, Township 30, Range 22, Ramsey County, Minnesota.

AND

The North 100 feet of the South 166 feet of the West 333 feet of the Southwest 1/4 of the Southeast 1/4 of Section 11, Township 30, Range 22, subject to Bald Eagle Avenue, Ramsey County, Minnesota.

AND

The North 100.75 feet of the West 363 feet of the Southwest 1/4 of the Northeast 1/4 of Section 14, Township 30, Range 22, Ramsey County, Minnesota.

AND

The North 66.5 feet of the West 333 feet of the Northwest 1/4 of the Northeast 1/4 of Section 14, Township 30, Range 22, Ramsey County, Minnesota.

AND

Lots 3 and 4, except the West 70 feet thereof, Block 8, Murray's Second Addition to White Bear Lake, Ramsey County, Minnesota.

AND

White Bear Avenue (now Bloom Avenue), as dedicated in the plat of Murray's Second Addition, adjoining Lots 1, 2, 3 and 4, Block 8, Ramsey County, Minnesota, lying north of the north line of Eighth Street extended westerly. Together with the west 15.00 feet of said Block 8 as opened per Document Numbers 356354 and 356355.

AND

The Southwest 1/4 of the Southeast 1/4 of Section 11, Township 30, Range 22, Ramsey County, Minnesota, EXCEPT North 330 feet of the West 660 feet, and EXCEPT the right-of-way of the Minneapolis, St. Paul and Sault Ste. Marie Railroad, also, EXCEPT the following:

A. Commencing at the intersection of the Minneapolis, St. Paul and Sault Ste. Marie Railroad right-of-way and the East line of Bald Eagle Avenue, thence North along said East line of said Bald Eagle Avenue, 160 feet more or less, thence East 41.0 feet more or less, to the right-of-way of the Minneapolis, St. Paul and Sault Ste. Marie railway, thence Southwesterly along said right-of-way to place of beginning, being part of the Southwest 1/4 of the Southeast 1/4 of Section 11, Township 30, Range 22.

B. The tract of land lying South of Lots 6 and 7, Block 16, Town of Bald Eagle, to the North line of the Minneapolis, St. Paul and Sault Ste. Marie Railway company right-of-way, being in the Southwest 1/4 of the Southeast 1/4 of Section 11, Township 30, Range 22.

C. The South 66 feet of said Southwest 1/4 of the Southeast 1/4 of Section 11, Township 30, Range 22, Ramsey County, Minnesota.

D. The North 150 feet of the South 516 feet of the West 333 feet of the Southwest 1/4 of the Southeast 1/4 of Section 11, Township 30, Range 22.

E. Commencing at a point on the East line of said Southwest 1/4 of the Southeast 1/4 of Section 11, Township 30, Range 22, 285.11 feet South of the Northeast corner thereof, thence West at an angle of 90 degrees 30 feet to the place of beginning of the land to be described, thence continue West 578.00 feet to the Southern line of right-of-way of the Minneapolis, St. Paul and Sault Ste. Marie Railway, thence Northerly on said Southerly line 629.80 feet to a point 30 feet West of the East line of said Southwest 1/4 of the Southeast 1/4 of Section 11, thence South 2500.00 feet to the place of beginning.

ALSO EXCEPT THE FOLLOWING 8 PARCELS:

The North 100 feet of the South 366 feet of the West 333 feet of the Southwest 1/4 of the Southeast 1/4 of Section 11, Township 30, Range 22, Ramsey County, Minnesota.

The North 100 feet of the South 266 feet of the West 333 feet of the Southwest 1/4 of the Southeast 1/4 of Section 11, Township 30, Range 22, Ramsey County, Minnesota.

The North 75 feet of the South 381 feet of the East 189 feet of the Southwest 1/4 of the Southeast 1/4 of Section 11, Township 30, Range 22, Ramsey County, Minnesota.

The North 75 feet of the South 306 feet of the East 189 feet of the Southwest 1/4 of the Southeast 1/4 of Section 11, Township 30, Range 22, Ramsey County, Minnesota.

The North 75 feet of the South 231 feet of the East 189 feet of the Southwest 1/4 of the Southeast 1/4 of Section 11, Township 30, Range 22, Ramsey County, Minnesota.

The North 90 feet of the South 156 feet of the East 189 feet of the Southwest 1/4 of the Southeast 1/4 of Section 11, Township 30, Range 22, Ramsey County, Minnesota.

The North 100 feet of the South 166 feet of the West 333 feet of the Southwest 1/4 of the Southeast 1/4 of Section 11, Township 30, Range 22, subject to Bald Eagle Avenue, Ramsey County, Minnesota.

That part of the Southwest 1/4 of the Southeast 1/4 of Section 11, Township 30, Range 22, lying North of the Minneapolis, St. Paul and Sault Ste. Marie Railroad right-of-way, except the West 600 feet thereof and except the part thereof East of the extended west line of Lot 7, Block 16, Bald Eagle, Ramsey County, Minnesota.

Has caused the same to be surveyed and platted as WHITE BEAR LAKE SCHOOLS ADDITION and does hereby dedicate to the public for public use the public way and the drainage and utility easements as shown on this plat.

In witness whereof said Independent School District 624, an independent school district under the laws of Minnesota, has caused these presents to be signed by its proper officers this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Signed: Independent School District 624

\_\_\_\_\_  
XXX

\_\_\_\_\_  
XXX

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

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by \_\_\_\_\_, xxx and by \_\_\_\_\_, xxx, on behalf of said district.

I, Arlee J. Carlson, do hereby certify that I have surveyed or directly supervised the survey of the property described on this plat, prepared this plat or directly supervised the preparation of this plat; that this plat is a correct representation of the boundary survey, that all mathematical data and labels are correctly designated on this plat; that all monuments depicted on this plat have been correctly set; that all water boundaries and wet lands, as defined in Minnesota Statutes, Section 505.01, Subd. 3, as of the date of the surveyor's certification are shown and labeled on this plat; and all public ways are shown and labeled on this plat.

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

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

The foregoing Surveyor's Certificate was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by Arlee J. Carlson, a Professional Land Surveyor.

CITY OF WHITE BEAR LAKE, MINNESOTA

We do hereby certify that on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ the City Council of the City of White Bear Lake, Minnesota, approved this plat. Also, the conditions of Minnesota Statutes, Section 305.03, Subd. 2, have been fulfilled.

Signed: \_\_\_\_\_ Mayor

Signed: \_\_\_\_\_ Manager

PROPERTY TAX, RECORDS AND ELECTION SERVICES DEPARTMENT

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

Heather L. Bestler, Ramsey County Auditor/Treasurer

By \_\_\_\_\_ Deputy

COUNTY SURVEYOR

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

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

COUNTY RECORDER

COUNTY OF RAMSEY, STATE OF MINNESOTA

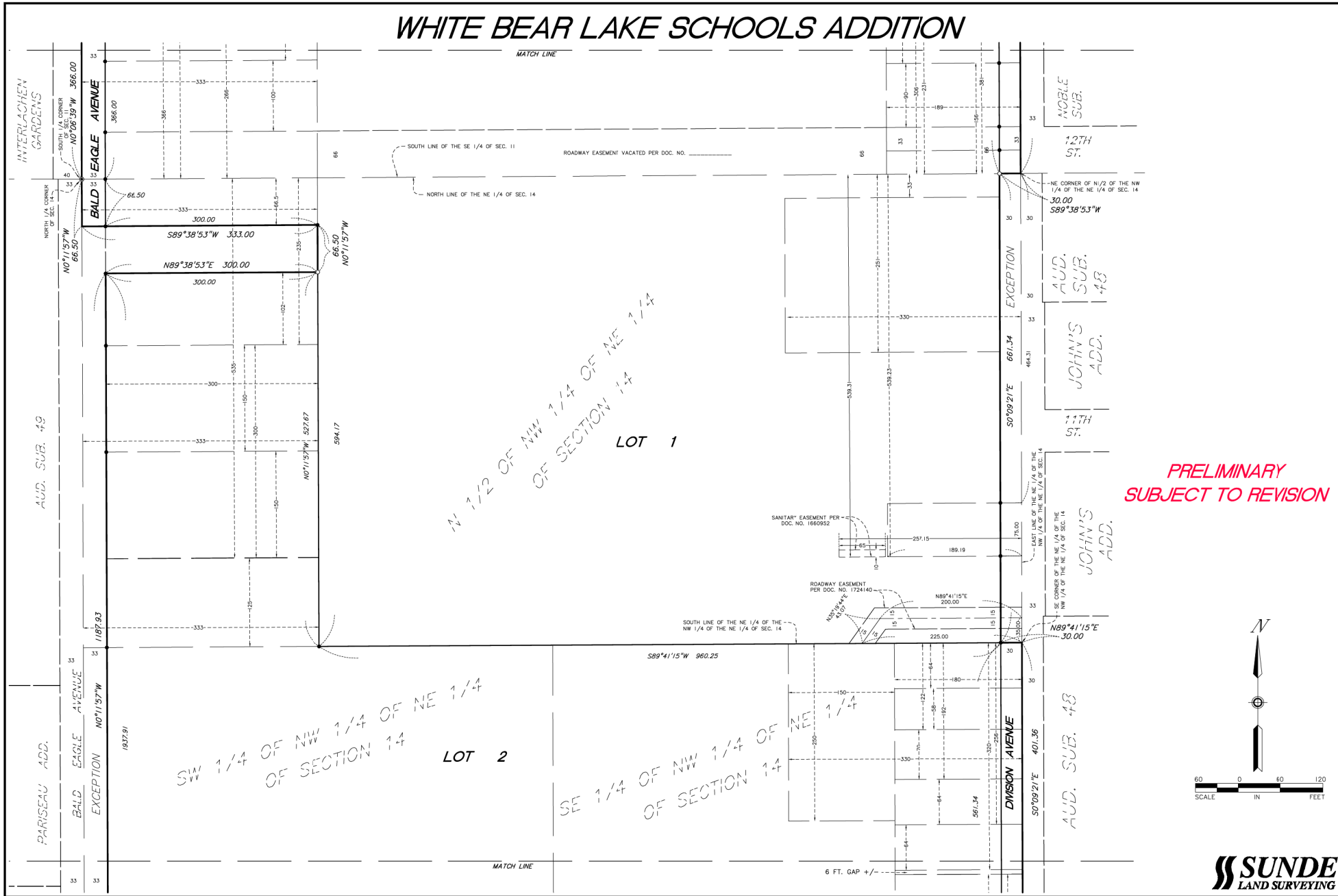
I hereby certify that this plat of WHITE BEAR LAKE SCHOOLS ADDITION was filed in the office of the County Recorder for public record on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_\_M., and was duly filed in Book \_\_\_\_\_ of Plats, Page \_\_\_\_\_, as Document Number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

\_\_\_\_\_  
Deputy County Recorder

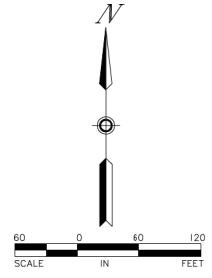




# WHITE BEAR LAKE SCHOOLS ADDITION



**PRELIMINARY  
SUBJECT TO REVISION**







Kennedy

&amp;

Graven

CHARTERED

David T. Anderson  
 150 South Fifth Street  
 Suite 700  
 Minneapolis MN 55402  
 (612) 337-9300 telephone  
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## MEMORANDUM

To: Honorable Mayor and City Council  
 Lindy Crawford, City Manager

From: Dave Anderson, City Attorney

Date: July 17, 2024 (for July 23, 2024 and August 14, 2024 Council Meetings)

Re: Recommended Amendment/Clarification to Cannabis Business Moratorium

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In 2023, the City enacted a moratorium on the operation and establishment of cannabis businesses until January 1, 2025 under the authority granted by the Legislature in the Cannabis Act. That authority is generally based on the statutory definition of “cannabis business,” which originally referred to 14 specific types of businesses “licensed under [chapter 342]”.

In 2024, the Legislature amended the Cannabis Act, which resulted in, among other things, the following:

- (i) the removal of three types of medical cannabis businesses (“Medical Cannabis Businesses”) from the definition of “cannabis business”;
- (ii) the creation of a process where certain cannabis businesses can apply for license preapprovals, which would allow such businesses to begin operations that do not include cannabis (e.g., obtain financing, enter into a lease, etc.) (“License Preapprovals”); and
- (iii) the ability for such License Preapprovals meeting certain conditions to start growing cannabis prior to obtaining a license (“Early Cultivation”).

Although the City has a very strong argument that its current moratorium applies to Medical Cannabis Businesses, License Preapprovals, and Early Cultivation, I recommend an amendment explicitly stating such pursuant to the City’s general authority to enact moratoria under the Municipal Planning Act, i.e. Minn. Stat. 462.355, subd. 4. Such an amendment would place the City in the strongest possible position should one of the aforementioned businesses argue otherwise while the Office of Cannabis Management (“OCM”) continues to establish the framework of cannabis regulations in Minnesota. Adoption of the amendment would also send a

## 6.B

clearer message to businesses who might wrongfully assume that the original moratorium does not apply to Medical Cannabis Businesses, License Preapprovals, and Early Cultivation.

A public hearing is recommended prior to adopting the ordinance. In terms of timing, OCM indicates that the first lottery for License Preapprovals will occur in the fall of 2024. Because the exact date is not yet known, I recommend amending the moratorium as soon as possible. Therefore, staff is asking the City Council to hold its introductory (first) reading of the proposed ordinance amending the moratorium on July 23, and then subsequently hold a public hearing and consider approval (second reading) of the ordinance on August 14. That will allow staff to publish adequate notice of said hearing in the City's official newspaper, which was not feasible prior to the July 23 meeting due to timing constraints.

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

**AN INTERIM ORDINANCE AMENDING ORDINANCE NO. 23-07-2063 REGARDING  
CANNABIS-RELATED BUSINESSES WITHIN THE CITY OF WHITE BEAR LAKE**

**WHEREAS**, on July 25, 2023, the city of White Bear Lake (the “City”) adopted Ordinance No. 23-07-2063 (the “Interim Ordinance”), an interim ordinance authorizing a study and imposing a moratorium on the operation of cannabis businesses; and

**WHEREAS**, on May 24, 2024, the Governor signed HF 4757 (the “2024 Amendment”), which amended the Act, as defined in the Interim Ordinance. The 2024 Amendment includes two amendments to the Act, one of which creates license preapproval process for certain businesses and authorizes such businesses to begin certain activities without a cannabis business license issued under the Act (“License Preapproval”), including in some instances allowing such businesses to begin cultivation without a license under the Act (“Early Cultivation”), and another which removes medical cannabis business, medical cannabis processor, and medical cannabis retailer (collectively, “Medical Cannabis Businesses”) from the definition of “cannabis business” in the Act; and

**WHEREAS**, the 2024 Amendment does not preclude the City from adopting a moratorium on businesses related to cannabis that will be subject to city zoning and operational regulations and which are cannabis businesses; Medical Cannabis Businesses; businesses with a License Preapproval, including those seeking to perform Early Cultivation; or other businesses that must confirm compliance with city land use regulations; and

**WHEREAS**, in an effort to provide clear direction to cannabis-related businesses seeking to operate within the City, the City Council desires to amend the Interim Ordinance to explicitly list and include License Preapproval, Early Cultivation, and Medical Cannabis Businesses in the business types that are subject to the Interim Ordinance; and

**WHEREAS**, the amendments to the Interim Ordinance memorialized herein and adopted following a duly noticed public hearing are merely intended to supplement and clarify the Interim Ordinance to confirm that if a court of competent jurisdiction finds that License Preapproval, Early Cultivation, or Medical Cannabis Businesses are not subject to the authority granted to units of local government in Minnesota Statutes, section 342.13(e), that such amendments invoke the authority granted under Minnesota Statutes, section 462.355, subdivision 4(a) “to regulate, restrict, or prohibit any use ... within the jurisdiction or a portion thereof for a period not to exceed one year from the date it is effective” by enacting an interim ordinance.

**NOW, THEREFORE**, the city council of the city of White Bear Lake does ordain:

**SECTION 1.** ARTICLE II of the Interim Ordinance, entitled “Definitions”, is hereby amended by adding the double-underlined language and deleting the ~~stricken~~ language as follows:

**ARTICLE II.** Definitions. For purposes of this Ordinance, the following terms shall have the meaning given them in this section.

- (a) “2024 Amendment” refers to 2024 Minnesota Session Laws, Chapter 121 (H.F. 4757).

- 100). ~~(a)~~(b) \_\_\_\_\_ “Act” means 2023 Minnesota Session Laws, Chapter 63 (H.F. No.
- ~~(b)~~(c) \_\_\_\_\_ “Cannabis Business” has the meaning given the term in Minnesota Statutes, section 342.01, subdivision 14. Cannabis Business also includes Medical Cannabis Businesses, Early Cultivators, and License Preapprovals.
- ~~(c)~~(d) \_\_\_\_\_ “City” means the City of White Bear Lake.
- (e) “Early Cultivator” means a business authorized to begin cultivating/growing cannabis prior to receiving a license as provided under the 2024 Amendment.
- ~~(d)~~(f) \_\_\_\_\_ “Edible Cannabinoid Product” has the meaning given the term in Minnesota Statutes, section 151.72, subdivision 1(f).
- (g) “License Preapproval” means a business authorized to begin certain business operations related to cannabis and prior to licensure under the 2024 Amendment.
- (h) “Medical Cannabis Business” means a medical cannabis business, as defined in the Act, or any business requiring a license or endorsement to be a medical cannabis processor or medical cannabis retailer under Minnesota Statutes, chapter 342.
- ~~(e)~~(i) \_\_\_\_\_ “OCM” means the Office of Cannabis Management, established as set forth in Minnesota Statutes, section 342.02, subd. 1.
- ~~(f)~~(j) \_\_\_\_\_ “Ordinance” means this interim ordinance, which is adopted pursuant to Minnesota Statutes, section 342.13(e) and Minnesota Statutes, section 462.355, subdivision 4(a).

**SECTION 2.** ARTICLE IV of the Interim Ordinance, entitled “Moratorium”, is hereby amended by adding the double-underlined language as follows:

**ARTICLE IV. Moratorium.** A moratorium is hereby imposed on the establishment and operation of a Cannabis Business within the City. During the term of this Ordinance, no business, person, or entity may establish or operate a Cannabis Business within the jurisdictional boundaries of the City. The City shall not accept, process, or act on any application, site plan, building permit, zoning request, or other approval, including any requested confirmation, certification, approval, or other request from the OCM or other governmental entity requesting the City to review an application or proposal for a business proposing to engage in the operation of a Cannabis Business. For the avoidance of doubt, the moratorium also includes Early Cultivators, License Preapprovals, and Medical Cannabis Businesses.

The foregoing ordinance 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

First Reading: July 23, 2024  
Second Reading: August 14, 2024  
Council Adoption: \_\_\_\_\_  
Publication: \_\_\_\_\_  
Effective: \_\_\_\_\_

**RESOLUTION NO.**

**A RESOLUTION AUTHORIZING SUMMARY  
PUBLICATION OF ORDINANCE \_\_\_\_**

**WHEREAS**, the City of White Bear Lake City Council adopted Ordinance No. \_\_\_\_ “An Interim Ordinance Amending Ordinance No. 23-07-2063 Regarding Cannabis-Related Businesses within the City of White Bear Lake” (“Ordinance”) at its August 14, 2024 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; and

**WHEREAS**, the following summary clearly informs the public of the intent and effect of the ordinance.

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

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

**AN INTERIM ORDINANCE AMENDING ORDINANCE NO. 23-07-2063 REGARDING  
CANNABIS-RELATED BUSINESSES WITHIN THE CITY OF WHITE BEAR LAKE**

The City Council of the City of White Bear Lake has adopted Ordinance \_\_\_\_, titled “AN INTERIM ORDINANCE AMENDING ORDINANCE NO. 23-07-2063 REGARDING CANNABIS-RELATED BUSINESSES WITHIN THE CITY OF WHITE BEAR LAKE.” The ordinance invokes the City’s authority to enact a moratorium under Minnesota Statutes, section 462.355, subdivision 4 and is intended to clarify that Ordinance No. 06-2023 (“Cannabis Business Moratorium”) applies to license preapprovals, early cultivation, and medical cannabis businesses notwithstanding recent legislative amendments. The intent of the ordinance is to supplement the Cannabis Business Moratorium and provide clarity to businesses and to ensure the City’s planning process is protected while the Office of Cannabis Management continues to develop the regulatory framework around cannabis in Minnesota. The full text of the ordinance is available for inspection at White Bear Lake city hall during regular business hours and has been posted to the City’s website.

**BE IT 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;

**RESOLUTION NO.**

4. Obtain an affidavit of publication of the title and summary from the official newspaper and place it in the City's ordinance book together with the Ordinance and a copy of this Resolution;
5. Post this Ordinance on the City's website.

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

Ayes:  
Nays:  
Passed:

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

**ATTEST:**

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

Published on time in the White Bear Press on \_\_\_\_\_, 2024.





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

# MEMORANDUM

**TO:** Lindy Crawford, City Manager  
**FROM:** Ashton Miller, City Planner  
Jason Lindahl AICP, Community Development Director  
**DATE:** August 14, 2024  
**SUBJECT:** B-5 Zoning District Text Amendment – Case No. 24-9-Z

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**SUMMARY**

The applicant, Hardik Patel, is requesting a zoning text amendment to allow off-sale liquor (liquor stores) in the B-5: Central Business zoning district. Should the City determine off-sale liquor is an appropriate use in the downtown district, this use could be established as a permitted, permitted with conditions, or conditional use. In anticipation that the city may conclude that off-sale liquor should be a conditional use, the applicant has also submitted a conditional use permit application. If the city approves the zoning text amendment request, it would allow the existing liquor store at 2148 3<sup>rd</sup> Street to relocate across the street to the recently vacated property at 2140 3<sup>rd</sup> Street (former Frazer Auto).

This memo provides background information on this request, analyzes each of the three options to establish this use in the Downtown district and ultimately recommends the City allow this use in the Downtown district as a permitted use with certain conditions. After hearing the options at the July 29<sup>th</sup> Planning Commission meeting, the commissioners recommended the code be amended to allow off-sale liquor (liquor stores) as a permitted use in the B-5 district with conditions as proposed by staff. During the City Council meeting, staff recommends the Council conduct the first reading of the zoning ordinance text amendment and direct staff to bring this item back to the City Council on August 27<sup>th</sup> for a second reading and action by the City Council.

**GENERAL INFORMATION**

Applicant/Owner: Hardik Patel

Existing Land Use / Zoning: Vacant (former auto repair shop); zoned B-5: Central Business

Surrounding Land Use / Zoning: North: Green Space; zoned P  
South: Commercial Mixed Use; zoned B-5  
East: Commercial Mixed Use; zoned B-5

West: Commercial Mixed Use (Across Hwy 61); zoned DCB: Diversified Central Business

Comprehensive Plan: Downtown

Lot Size & Width: Code: None  
Site: 9,268 square feet; 128 feet wide

60 Day Review Date: August 6, 2024; Extended 60 days October 6, 2024

### **BACKGROUND INFORMATION**

The applicant, Hardik Patel, is the current owner of Cotroneo's Liquor, which is located in the Getty Building at the southeast corner of Clark Avenue and 3<sup>rd</sup> Street with an address of 2148 3<sup>rd</sup> Street. The corner store has operated as a liquor store since at least the 1970's, when it was known as Ciresi's. According to Mr. Patel, he began looking for a new location nearby to relocate his business due to changing lease terms at his current location. The property directly across the street at 2140 3<sup>rd</sup> Street recently became available after the previous business, Frazer Automotive, closed earlier this year.

Both parcels are zoned B-5: Central Business, which allows for a number of commercial activities as permitted use including: banks without drive-thru facilities, food service, hotels, bed and breakfast inns, printing process/supply, clubs and lodges, home improvement showrooms and studios, upholstery shops, restaurants without drive-thru facilities, indoor recreation, retail shops, grocery stores, and art, music and dance studios, and personal service establishments.

It should be noted that the Zoning Code specifically states that when a use is not expressly permitted or prohibited in a zoning district, it is considered prohibited. Therefore, liquor stores are currently not a permitted use in the downtown zoning district. Due to the fact that Cotroneo's operated as a liquor before the adoption of the current zoning code, it is considered a legal non-conforming use, but only in its existing location. In order for the liquor store to move to the new location across the street, a text amendment would need to be granted to establish off-sale liquor either as a permitted or conditional use.

Planning Commission Action. The Planning Commission reviewed this item during their July 29, 2024 regular meeting. During the meeting, the commission heard a presentation from staff and held a public hearing where the applicant, Hardik Patel, spoke about his desire to keep his business in the downtown at the new location, and that he is working with the property owner on a contract for deed. He mentioned that he would make improvements to the façade of the building including the addition of glass windows similar to those at his current store. Two other members of the public spoke. Eli Rupnow spoke in favor of the request, stating he has known the applicant for a few years and he runs his business well. He would like to see the applicant remain downtown. Bryan Longville spoke against the proposed text amendment, stating that it did not conform to the purpose and intent of the B-5 zoning district. In addition to the public hearing comments, it should be noted that the city received two email comments supporting

the request from Lori Hughes of 4984 Stewart and Glen Lacher of 12648 Fondant Trail in Hugo (see attached).

After the public hearing was closed, the Planning Commission discussed whether a liquor store was an appropriate use in the district, ultimately concurring that it did fit in downtown, but should be regulated in some manner. Weighing the pros and cons of the different options to amend the code laid out by staff, the commissioners generally agreed that the option recommended by staff was appropriate. At the end of their discussion, the Planning Commission voted 5-0 to recommend the City Council approve the request to permit off-sale liquor in the B-5 zoning district with conditions.

### **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.

As noted above, should the City determine off-sale liquor is an appropriate use in the downtown district, this use could be established as a permitted, permitted with conditions, or conditional use. Each of these three options are described below. Of these three, staff recommends establishing off-sale liquor as a permitted use with conditions, as it would both allow this longstanding business to relocate within downtown, while limiting the general allowance of this use throughout the downtown zone.

1. Permitted Use –Establishing off-sale liquor as a permitted would mean that liquor stores would be allowed by right at any property within the B-5 zoning district subject to an administrative building permit process. This approach represents a wholesale change from the current zoning policy to prohibit these uses in downtown.
2. Permitted Use with Conditions – Similar to Option 1 above, establishing off-sale liquor as a permitted use with conditions would also allow liquor stores by right, but in limited locations within the downtown district subject to an administrative building permit process. This option is closest to the “status quo” in that it would allow this longstanding business to relocate within downtown while limiting the general allowance of this use throughout the downtown zone. Staff recommends approval of this option, subject to the following conditions:
  - a. The property is along Highway 61; and
  - b. The property is along 3rd Street or 4th Street; and
  - c. The parcel does not exceed 0.2 acres or 8,712 square feet in size.
3. Conditional Use – As a conditional use, off-sale liquor would be regulated in the same manner as described in the permitted with conditions option above; however, each request would be reviewed using the conditional use permit criteria as laid out in zoning code Section 1301.050. Conditional use permit application requires a public hearing before the Planning Commission and formal approval by the City Council. In anticipation

that the city could select this option, the applicant applied for both the zoning text amendment and a conditional use permit and staff has reviewed the application against the conditional use permit standards.

The procedure and criteria used to evaluate zoning amendment applications (either text changes or rezoning of individual properties) are found in City Code Section 1301.040 – Amendments. Review of this type of application is considered a legislative action. When considering legislative actions, cities have discretion to set the public policy or development standards they decide are appropriate for their community.

By comparison, review authority for conditional use permit applications is considered a Quasi-Judicial action. This means the city acts like a judge in evaluating the facts against the applicable review standards. The city's role is limited to applying the review standards to the facts presented by the application. Generally, if the application meets the review standards, it should be approved. The standards for reviewing CUPs are detailed in city code Section 1301.050 and are the same criteria used to evaluate proposed amendments. As such, staff has reviewed both requests concurrently below. Based on these findings, staff recommends approval of the text amendment and, if required, the associated conditional use permit. These standards and staff findings for each are detailed below.

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:** Other than the city-owned parking lots, all the parcels zoned B-5: Central Business, including the proposed location for the new liquor store, 2140 3<sup>rd</sup> Street, are guided downtown on the Future Land Use Map in the 2040 Comprehensive Plan. The Downtown designation does not mention liquor stores specifically, but 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. As a commercial use, liquor stores could be considered consistent with the guiding of the downtown land use category.

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

**Finding:** Permitting liquor stores in the B-5 zoning district is generally compatible with the present and future land uses of the area. The purpose and intent of the B-5 zoning district is to sustain the economic viability of the district by preserving its historic character and allowing for compatible redevelopment. It is intended that the mixed-use, small-scale, and pedestrian-oriented character associated with the district will be strengthened through improvements to existing properties and new infill development that is consistent with its distinct historic scale, architecture, and landscape architecture. The desired mix of uses shall consist of retail, service, and limited office establishments on the ground floor with office and residential above the ground floors. Development shall be carefully controlled to protect neighboring residential

properties from impact while at the same time permitting needed revitalization and redevelopment.

Staff finds that permitting the use with the conditions outlined above particularly achieves the goal of protecting residential properties from impact, since it limits the use to properties nearest Highway 61 and away from where the neighborhood transitions to residential.

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

**Finding:** As either a permitted or conditional use within the B-5 zoning district, liquor stores would be required to conform with all the performance standards listed in the district. The proposed liquor store at 2140 3<sup>rd</sup> Street would move into an existing building that was previously used as an auto repair shop, a use that is expressly prohibited in the B-5 zoning district. There are currently no changes proposed to the exterior of the building, which meets, or is grandfathered into, the setback, height, and building design requirements. The applicant has been working with the Building Department to make the necessary improvements inside to meet the state building code requirements triggered by the change in use. This includes making the site ADA (Americans with Disabilities Act) compliant.

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

**Finding:** The proposed use is similar to other commercial uses in the B-5 zoning district, so it is reasonable that the area will not be depreciated. There is no indication that the existing liquor store is depreciating the area. Rather, the applicant is making an investment in the building across the street at 2140 3<sup>rd</sup> Street that will improve the site.

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

**Finding:** The properties in the B-5 zoning district, including 2140 3<sup>rd</sup> Street, are all served by city sewer and water and would be able to accommodate the demands generated by a liquor store. The applicant will need to submit a sewer availability charge (SAC) determination application to the Metropolitan Council and pay any associated SAC and WAC (water availability charge) fees generated by the change in use.

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

**Finding:** Highway 61, a minor arterial road, runs along the western edge of the B-5 zoning district, providing a number of ingress and egress locations for visitors to access downtown. Traffic generated by a liquor store is generally consistent with other retail uses and the streets in downtown would be able to accommodate those trips.

2140 3<sup>rd</sup> Street can be accessed from both Highway 61 and Clark Avenue. The existing liquor store is also along Clark, so the number of vehicles using the street should remain consistent with current usage levels. Parking is not required for this site, but it has over 5,000 square feet

of hard space that encompasses most of the lot and could be used for employee and customer parking.

**RECOMMENDATION**

Conduct the first reading of an ordinance amending the zoning code to allow off-sale liquor as a permitted use within the B-5: Central Business zoning district with conditions. The second reading is scheduled for the August 27 regular City Council meeting.

Both the Planning Commission and staff recommend approval of the ordinance allowing off-sale liquor as a permitted use within the B-5 Central Business zoning district with conditions after the second reading. However, should the City Council determine that off-sale liquor should be a conditional use, staff recommends approval of the associated conditional use permit.

**ATTACHMENT**

Draft Ordinance

Zoning Location Map

Applicant Narrative

Neighbor Comments – 4984 Stewart Avenue, 12648 Fondant Trail North

**ORDINANCE NO.**

**AN ORDINANCE AMENDING THE CITY OF WHITE BEAR LAKE ZONING CODE  
AT SECTION 1303.160, "B-5, CENTRAL BUSINESS DISTRICT"  
AS IT RELATES TO OFF-SALE LIQUOR (CASE NO. 24-9-Z)**

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

ARTICLE I. Amendments. The Municipal Code of the City of White Bear Lake is hereby amended at Section 1303.160 as follows:

Subd. 3. Permitted Uses. Any proposed exterior structural change, or exterior remodeling exceeding twenty-five hundred (\$2,500.00) dollars in value shall require the unanimous approval of the City Engineer, City Building Official, City Planner, and Zoning Administrator. The following are permitted uses in the B-5, Central Business District: (Ref. Ord. 10-1-1063, 1/12/10)

a. Commercial uses. Commercial uses are limited to the following: banks (without drive-thru facilities), food services, hotels, bed and breakfast inns, printing process/supply, clubs and lodges, home improvement showrooms and studios, upholstery shops, restaurants (without drive-in or drive-thru facilities), indoor recreation, retail shops, grocery stores, and art, music and dance studios and personal service establishments.

b. Liquor stores, provided that:

1. The property is along Highway 61; and
2. The property is along 3<sup>rd</sup> Street or 4<sup>th</sup> Street; and
3. The parcel does not exceed 0.2 acres or 8,712 square feet in size.

~~b. c.~~ c. Civic/institutional and transportation uses. Community centers, education/ academic facilities, libraries, museum art/galleries, indoor and outdoor public parks/open space, post offices, customer service facilities, public studios and performance theaters and time transfer and transit stations.

~~c. d.~~ d. Offices, professional uses, located above the ground floor.

~~d. e.~~ e. Offices, professional uses located at ground floor level, limited to no more than 30% of both the gross floor area and linear street frontage on any parcel in the B-5 District. Upper story offices shall be permitted uses and will not be included in determining this percentage. (Ref. Ord. 12-03-1012, 12/9/03).

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

Adopted by the City Council of the City of White Bear Lake, Minnesota on the \_\_\_ day of \_\_\_\_\_ 2024.

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Dan Louismet, Mayor

ATTEST:

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Caley Longendyke, City Clerk

~~Stricken~~ material is deleted and double underlined material is added.

First Reading: August 14, 2024

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

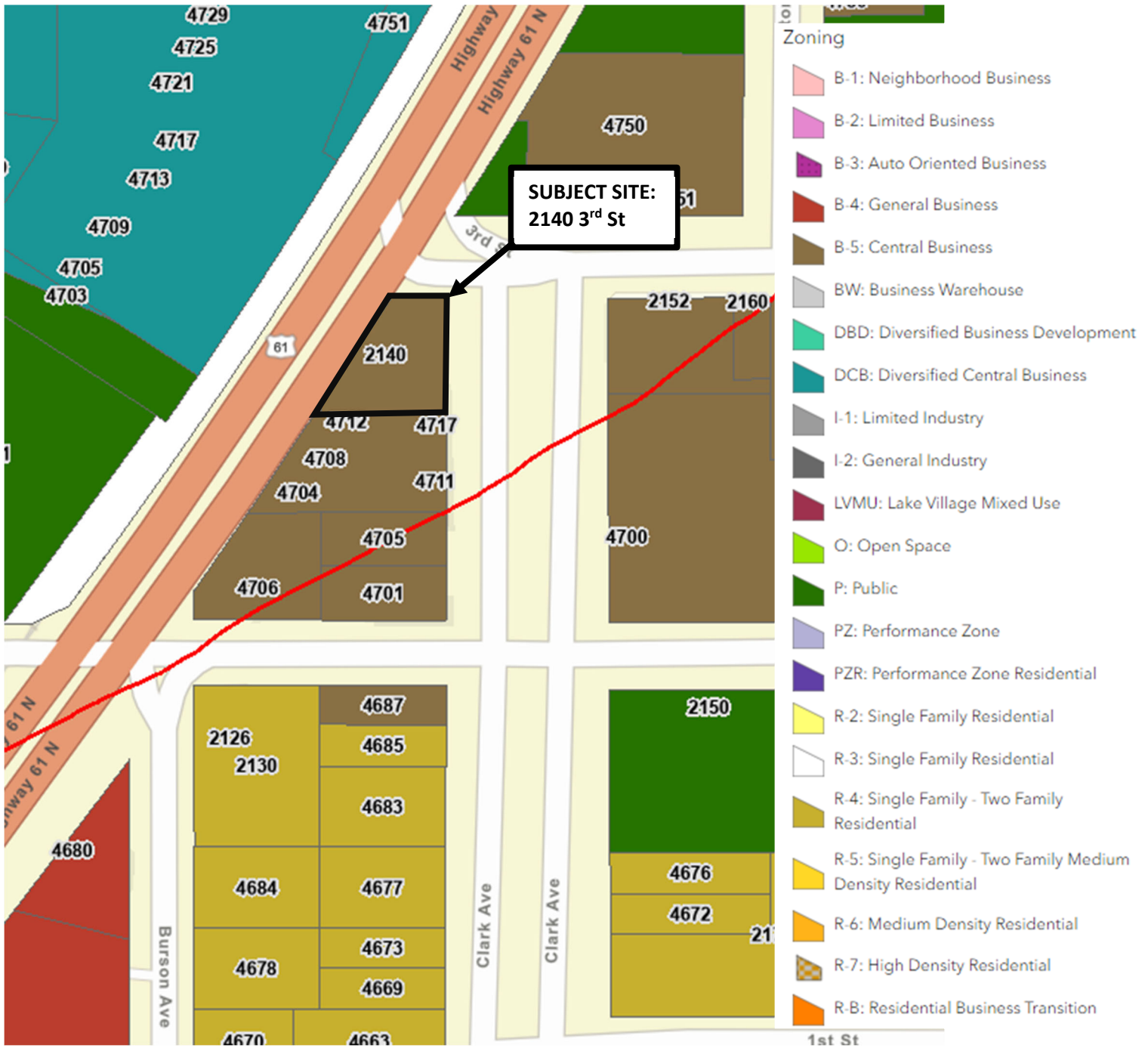
Second Reading: \_\_\_\_\_


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

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

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





 <p>City of White Bear Lake Planning &amp; Zoning 651-429-8561</p>	<b>CASE NO.</b> : <u>24-9-Z &amp; CUP</u>
	<b>CASE NAME</b> : <u>B-5 District Text Amendment and CUP</u>
	<b>DATE</b> : <u>07-29-2024</u>

**DESCRIPTION OF REQUEST:** We're getting strongarmed by landlord to empty out the store. The landlord is not willing to attend our lease and asking also asking unrealistic amount of rent. The liquor store is part of the community

for 70 years +. It is part of history in downtown White Bear Lake. Our ask is to please allow us to do business in White Bear Lake & continue the history at 2140 3<sup>rd</sup> St. White Bear Lake. I am requesting Text Amendment for the BS zoning district to allow liquor store. Since our business is already established in downtown we're asking for temporary amendment so we can move 150ft to new building.

**From:** [Lori Hughes](#)  
**To:** [Community Development](#)  
**Subject:** potential liquor store at 2140 3rd St  
**Date:** Wednesday, July 24, 2024 2:01:27 PM

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Hello, Planning Commission.

Re the request to allow a liquor store at 2140 3rd St, I would be happy to see that the liquor store that has been at the corner of 3rd and Clark for many decades (Ciresi's, then Controneo's) could find a new home that is still within downtown WBL business area. Adapting the zoning to allow the store to move directly across Clark from its current location seems quite reasonable.

Thank you.

Lori Hughes  
4984 Stewart Ave  
WBL

## Ashton Miller

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**From:** lacher.glen <lacher.glen@gmail.com>  
**Sent:** Sunday, July 28, 2024 2:04 PM  
**To:** Community Development  
**Subject:** Amendment to zoning code section 1303.160

I am writing in support of the application by Hardin Patel to amend zoning code section 1303.160.

I am a customer of Mr. Patel's and enjoy the friendly personal service he and his staff provide. His is the type of business that attracts and retains a regular and loyal customer base.

Glen Lacher  
952-239-9833

12648 Fondant Trail N  
Hugo, MN 55038