



**MINUTES**  
**REGULAR MEETING OF THE CITY COUNCIL OF**  
**THE CITY OF WHITE BEAR LAKE, MINNESOTA**  
**TUESDAY, AUGUST 8, 2017**  
**7:00 P.M. IN THE COUNCIL CHAMBERS**

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

Mayor Jo Emerson called the meeting to order at 7:00 p.m. Councilmembers Doug Biehn, Kevin Edberg, Steven Engstran and Dan Jones were present. Member Bill Walsh was excused absence. Staff members present were City Manager Ellen Richter, City Engineer Mark Burch, Community Development Director Anne Kane, City Clerk Kara Coustry and City Attorney Roger Jensen.

PLEDGE OF ALLEGIANCE

**2. APPROVAL OF MINUTES**

It was moved by Councilmember **Jones** seconded by Councilmember **Biehn**, to approve the Minutes of July 25, 2017, as presented.

The motion carried unanimously.

**3. APPROVAL OF THE AGENDA**

Councilmember Edberg requested the addition of Agenda: Item 12A - Geese Control.

City Manager Richter requested the addition of Agenda Item 12B - Regulation of Temporary Signs.

It was moved by Councilmember **Biehn** seconded by Councilmember **Edberg**, to approve the Agenda as amended.

The motion carried unanimously.

**4. VISITORS AND PRESENTATIONS**

**A. Retirement Recognition – Roger Jensen, City Attorney**

Mayor Emerson recognized City Attorney Roger Jensen, who has served the City for many years, on the occasion of his retirement.

City Manager Richter noted that staff learned a tremendous amount from Mr. Jensen, and thanked him for his service to the City of White Bear Lake.

City Manager Richter stated Mr. Jensen began his tenure as City Attorney for White Bear Lake in 1978. She noted an important legacy is Mr. Jensen's involvement in an injunction regarding property near Lions Park, which led to a significant Supreme Court decision related to the Conditional Use Permit process.

City Manager Richter stated Mr. Jensen was instrumental in crafting the ordinance for prohibition of sales of cigarettes in vending machines in the City of White Bear Lake in 1978. She added the City attracted national attention as the first City in the United States to enact this legislation.

City Manager Richter stated Mr. Jensen was instrumental in assisting the City with undertaking significant projects over the years, including the purchase and development of the Marina Triangle property; the Landy property; the Goins family swampland; and Cottage Park lakeshore property. She added Mr. Jensen's support has been vital during the lake level litigation that has spanned several years.

City Manager Richter thanked Mr. Jensen for his knowledge and expertise, and thanked him on behalf of staff for his guidance, professionalism, and compassion. She added she hopes he enjoys his retirement with his wife, Sarah, and the rest of his family.

Mayor Emerson added her thanks and gratitude. She noted Mr. Jensen helped the City become the first community in the State of Minnesota to restrict the use of coal tar sealants. She presented Mr. Jensen with a White Bear Lake bear plaque to commemorate his service to the City over the years.

Mr. Jensen thanked City Manager Richter and Mayor Emerson for their kind words and good wishes. He stated it has been an honor and a privilege to represent the City of White Bear Lake. He added the work has been fascinating and challenging, and the City's exceptional staff have been wonderful to work with. He thanked his wife, Sarah, for her support.

B. White Bear Lake Lions Club contribution to the Clark Avenue flagpole monument restoration

Mayor Emerson welcomed Jim Francis and Lynn Farley of the White Bear Lake Lions Club, and invited them to address the City Council.

Mr. Farley stated representatives of the Lions Club met recently with staff to discuss potential projects for consideration by the Lions Club for their support and sponsorship. He added the Lions Club has chosen the restoration of the flagpole near Premier Bank, originally constructed in 1939 for a total of \$349.72, with financial assistance from local businesses and residents and work completed by the Federal Works Progress Administration (WPA). He noted the restoration project will cost approximately \$65,000.

Mr. Farley noted several historic aspects of the flag pole, including stone at the base from Stillwater State Prison; a "WPA" plaque; and a possible document box or time capsule buried under the base. He added the original builders may have inserted a memento inside the ball at the top of the flagpole, as was traditionally done. He noted the original flagpole was dedicated to American soldiers of all wars, and the Lions Club is pleased to sponsor the restoration of this important piece of the City of White Bear Lake's history.

Mr. Francis stated the Lions Club has a dedicated project fund, and hopes to reach out to residents for donations, as well as applying for a community grant. He presented a check to Mayor Emerson for \$15,000, to get the project started. He thanked staff for their

assistance, as well as the Lions sites at Carbone's Pizzeria and Pub, Bear Town, and the Historic 617 Lounge, and their patrons.

Mayor Emerson thanked Mr. Francis, Mr. Farley and the Lions Club for their generosity, and for undertaking this important project. She expressed gratitude for the White Bear Lake Lions Club.

## 5. PUBLIC HEARINGS

### A. Public Hearing on the reissuance of Educational Facilities Refunding Revenue Note, Series 2011

Community Development Director Kane explained the City Council approved resolutions in 2013 and 2014, and again on June 27, 2017, to modify a Loan Agreement with St. Mary of the Lake. She stated the original Loan Agreement was executed by St. Mary of the Lake, and this public hearing relates to approval of a resolution transferring the original Note to Frassati Catholic Academy, as the two schools have merged. She added that staff recommends City Council authorization of the re-issuance and transfer of the Revenue Note.

Mayor Emerson opened public hearing 7:19 p.m.

As no one came forward, Mayor Emerson closed the public hearing.

It was moved by Councilmember **Jones** seconded by Councilmember **Biehn**, to approve **Resolution No. 12070** authorizing the reissuance of Educational Facilities Refunding Revenue Note, Series 2011.

The motion carried unanimously.

## 6. LAND USE

### A. Consent

1. Consideration of a Planning Commission recommendation for approval of a request by Joel Moline for three variances for the property located at 2521 Manitou Island. (17-17-V). **Resolution No. 12071**

It was moved by Councilmember **Biehn** seconded by Councilmember **Jones**, to approve the Consent Agenda as presented.  
The motion carried unanimously.

### B. Non-Consent

1. Consideration of a Planning Commission recommendation for denial of a request by Admiral D's for a Conditional Use Permit Amendment and a variance for the property located at 4424 Lake Avenue South. (08-3-Sa and 17-13-V) **Continued per the request of the applicant.**

## 7. UNFINISHED BUSINESS

Nothing scheduled

## 8. ORDINANCES

Nothing scheduled

## 9. NEW BUSINESS

### A. Resolution designating City Attorney – Counselor for Remainder of 2017

City Manager Richter explained a selection committee was formed to review potential candidates for the City Attorney position. She invited Councilmember Edberg to address the City Council on behalf of the selection committee.

Councilmember Edberg stated the City Council is empowered by the City Charter to approve the retention of legal counsel for the City of White Bear Lake. He added a committee was formed to assist with this process, comprised of Mayor Emerson, City Manager Richter, and other members of staff, as well as Councilmembers Walsh. He noted proposals were screened, and four candidates were recently interviewed by the committee.

Councilmember Edberg stated the committee unanimously recommended that the City retain the services of Andy Pratt of the Stillwater law firm of Eckberg Lammers.

It was moved by Councilmember **Edberg** seconded by Councilmember **Biehn**, to adopt **Resolution No. 12072** designating City Attorney – Counselor for the remainder of 2017.

The motion carried unanimously.

Mayor Emerson welcomed Mr. Pratt and invited him to address the City Council.

Mr. Pratt introduced himself, stating he is pleased to be before the City Council tonight and for many upcoming meetings. He added the trust the City Council has placed in him and his firm is well-received. He noted he is excited to work closely with the City Council, and he looks forward to representing the City of White Bear Lake.

### B. Resolution supporting the Rice Creek Watershed District Master Water Stewards Program

City Engineer Burch reviewed the Rice Creek Watershed District (RCWD) Master Water Stewards Program, which encourages residents to get involved in educational opportunities and supports citizen volunteers through training courses and certification. He added RCWD is seeking City Council support to identify a White Bear Lake community member to be sponsored by RWCD throughout the training process, and serve as the City's Master Water Steward. He added the Master Water Steward would be available within the community to support the City's water conservation efforts.

Staff recommends the City Council's approval of support for the RWCD's Master Water Stewards Program and recruitment of a Master Water Steward training candidate.

It was moved by Councilmember **Biehn** seconded by Councilmember **Jones**, to adopt **Resolution No. 12073** supporting the Rice Creek Watershed District Master Water Stewards Program.

The motion carried unanimously.

- C. Resolution supporting a VLAWMO grant application for the 4<sup>th</sup> and Otter Wetland Retrofit Project

City Engineer Burch stated Vadnais Lake Area Water Management Organization (VLAWMO) is requesting the City Council's support for a funding grant application for a water quality project at the northeast corner of Otter Lake Road and 4<sup>th</sup> Street. He added VLAWMO has completed preliminary testing on possible ways to treat water entering the area from nearby neighborhoods, releasing phosphorus into Birch Lake and surrounding wetlands. He noted a simple filtration system is proposed, and staff recommends City Council support for this funding application.

It was moved by Councilmember **Biehn** seconded by Councilmember **Jones**, to adopt **Resolution No. 12074** supporting a VLAWMO grant application for the 4<sup>th</sup> and Otter Wetland Retrofit Project.

The motion carried unanimously.

## 10. HOUSING AND REDEVELOPMENT AUTHORITY

HRA Acting Chair Doug Biehn called the Housing and Redevelopment Authority to order at 7:26 p.m. (please refer to the minutes of the Housing and Redevelopment Authority for action taken that included the following items):

1. Call to order
2. Roll call
3. Approval of the agenda
4. Approval of the July 25, 2017 Minutes
5. Resolution approving execution of cross access easement between the HRA and Muellner Family LLLP
6. Resolution approving execution of a termination of assessment agreement between the HRA and the Muellner Family LLLP
7. Adjournment

Mayor Emerson reconvened the City Council meeting at 7:30 p.m.

## 11. CONSENT

- A. Resolution approving Ladies of the Lake open market event – September 23. **Resolution No. 12075**
- B. Resolution approving a massage therapist license. **Resolution No. 12076**
- C. Acceptance of May White Bear Lake Conservation District Minutes, June Park Advisory Commission Minutes, July Planning Commission Minutes

It was moved by Councilmember **Jones** seconded by Councilmember **Biehn**, to approve the Consent Agenda as presented.

The motion carried unanimously.

## 12. DISCUSSION

### A. Geese Control

Councilmember Edberg explained that he has been contacted by a resident of Ward 4 regarding geese control around a small pond that functions as part of the City's stormwater management system. He added these small ponds throughout the City create wildlife habitats for a variety of species. He noted the individual was aware that control of geese can only be undertaken by City Ordinance.

Councilmember Edberg stated he has requested the assistance of Assistant City Manager Rick Juba in researching this topic in preparation for a review of a potential draft Ordinance for control of geese on public property. He added input is being sought from the School District as this issue might involve some of their facilities, and the City's environmental and parks committees are also being consulted. He added a review of this issue would probably take place in the fall or winter of 2017.

Councilmember Edberg stated further questions or information should be directed to Assistant City Manager Juba, as staff moves forward with this process.

### B. Regulation of Temporary Signs

Community Development Director Kane explained that Councilmembers expressed concern about provisions for temporary signs when the Sign Code was adopted earlier this year. She added that staff did not want to change regulations due to the circumstances by which the Sign Code was adopted. She assured the City Council that staff intends to work with the local business community to increase awareness of temporary sign regulations.

Community Development Director Kane stated that staff drafted a letter to go out to all businesses in the City, focusing on temporary window signs, which must be registered and tracked, as well as banners and sandwich board or A-frame signs, which must be professionally painted. She reviewed temporary signage restrictions related to size and length of time that they can be displayed.

Community Development Director Kane stated temporary signage must be located on private property, except in the downtown area, where they are allowed on public sidewalks and are, in fact, a welcome feature for wayfinding and to attract consumers. She noted a provision in the Code restricts changeable copy area on temporary signs, of which there are many in the downtown area, including chalkboard signs.

Community Development Director Kane stated that staff is seeking direction from the City Council related to whether downtown sidewalk chalkboard signs are acceptable, even though they are not professionally painted and contain more than 70% changeable copy. She added many signs simply require better enforcement.

Mayor Emerson stated she likes the chalkboard signs, which can be very nice when they are done with flowers and artwork.

Councilmember Jones asked where the 70% changeable copy area requirement came from. He added he has no problem with chalkboard signs, and some other signs are not offensive. Community Development Director Kane stated she believes the requirement was to prohibit older generation mobile signs that were 100% changeable copy, used for special promotions or events.

Councilmember Edberg stated he does not have an issue with the signs being presented. He added he does not find them worthy of higher levels of regulation.

Councilmember Biehn agreed, adding if a sign is bad it will detract from business, and a business owner would have no interest in putting up a bad looking sign.

Councilmember Jones stated these types of signs in the downtown area are allowed on the public right of way, but in the rest of the City, they are not permitted, but are there anyway. He expressed concern about the temporary nature of these signs and lack of regulation. He noted the City has a process in place for regulating big permanent signs and yet temporary signs are proliferating and no regulations are enforced. He asked about regulations regarding real estate signs and other small temporary signs in the public right of way.

Councilmember Edberg stated he too was curious about real estate and garage sale signs, that are only up for a day or two.

Community Development Director Kane those types of signs are not permitted in the right of way. Councilmember Edberg stated they are popular and prevalent, even though they are not permitted.

Councilmember Jones stated if temporary signs can be prohibited in the public right of way, but realty open house signs are allowed, there should be some delineation and enforcement. He added this might be for temporary signs for physical businesses, although the City Council should not attempt to regulate temporary signage if it cannot be enforced.

City Manager Richter stated the Planning Department has drafted a letter to local businesses regarding temporary signage, defining what is allowed and not allowed. She added that staff would like direction from the City Council about temporary sandwich board signs before the letter goes out. She noted garage sale signs are problematic, although reminders can be placed in the newsletter and other media.

City Manager Richter stated, regarding enforcement, the Rental Inspections Program is being consolidated into the Community Development Department to provide greater capacity for enforcement of regulations related to rental properties. Subsequent shifts in utilization of FTE has provided capacity for additional Code Enforcement capacity.

Councilmember Biehn asked whether this is something that residents feel strongly about, and whether other cities regulate temporary signage. He added it could reflect badly on the City to start enforcing temporary signs like garage sale and real estate signs. He noted he has never received a complaint from a constituent.

City Manager Richter stressed the importance of remaining content neutral in terms of how the ordinance is constructed.

Community Development Director Kane agreed to provide more research and information for the City Council's review on this issue, especially related to temporary signage in resident's yards. She added this agenda item was mainly to discuss sandwich boards with changeable copy for area businesses.

Councilmember Jones stated he has received complaints about temporary signage in the boulevard. He added the City has spent time and effort on beautification of its corridors, especially Highway 61, and there are temporary signs all over the place in the public right of way. He noted existing businesses are not held to the same standards as new businesses.

Councilmember Jones requested clarification regarding banner signs, and asked whether banners can be placed temporarily over monument signs.

Community Development Director Kane stated she would review the definitions, because banner signs are defined and can only be displayed for up to 120 days.

Councilmember Edberg stated he is concerned about realty signs in the public right of way, as they have a commercial attribute, and many corners look cluttered. He added they are able to use the signs over and over because of the way they are made. He noted this is different than a garage sale sign in someone's front yard.

Jones agreed, adding he is concerned about content and wants that to be clarified. He thanked staff for their work on this issue.

Community Development Director Kane stated that staff will continue to review and research this issue, and update the new Code Enforcement Officer.

### **13. COMMUNICATIONS FROM THE CITY MANAGER**

- City Manager Richter reviewed a summary of the Metropolitan Council's 2017 Water Efficiency Rebate Program, which has been administered by City Clerk Kara Coustry. She added allocations included installation of 282 water efficient toilets, 120 Energy Star-certified washing machines, and 6 irrigation control systems. She noted a total of \$65,000 in grant funds were received and expended on behalf of the Metropolitan Council's Rebate Program, and the City will save almost 6 million gallons of water because of these appliance retrofits.

In response to Councilmember Edberg, City Engineer Burch stated the City pumps approximately 3.5 million gallons per day, this time of year.

- City Manager Richter stated a City Council Budget Work Session is scheduled for August 21, 2017, at 5:30 p.m. She added a Work Session is also planned for October 23, 2017, at which Council will review the City's long-range financial planning.



- Mayor Emerson expressed her appreciation to staff of the White Bear Lake City Hall License Bureau, who have worked hard and stayed positive under extremely difficult conditions over the past few weeks.

City Manager Richter also thanked to License Bureau staff, who experienced back-ups and problems due to a State-wide Department of Motor Vehicles (DMV) system upgrade. She added the upgrade affected approximately 140 license bureaus around the State, and most issues have since been resolved.

- City Engineer Burch gave an update on the 2017 Street Reconstruction Project, including pavement that will be completed this week. He added a trail from the south side of Birch Lake to White Bear Lake Parkway was recently cleared and is now available for pedestrian access. He noted that staff continues to move forward with the Sports Center project, including a conference call that day with architects and engineers.
- City Engineer Burch stated, regarding the former gas station site at the intersection of County Road E and Bellaire Avenue, staff is removing temporary fencing and mowing the property, in the hopes of establishing turf to improve its appearance.
- Community Development Director Kane stated, regarding the Comprehensive Plan process, City Staff were present at the last two Marketfest events and were pleased with the feedback received from the community. She added another event was held at Home Town Laundry on August 7, 2017, although minimal feedback was received. She noted another meeting is planned for August 14, 2017, at Tumble Fresh Laundry, in connection with their Customer Appreciation Day, which will feature a tent, special treats and half-price laundromat.
- Community Development Director Kane stated the City's planning intern, Elizabeth Showalter, has accepted a full-time position with the Minnehaha Watershed District. She added Ms. Showalter gave a Comprehensive Plan Update at the City Council's last meeting. She noted that staff will solicit applicants for another internship shortly.
- Mayor Emerson again thanked Mr. Jensen again for his service to the City of White Bear Lake.

#### 14. ADJOURNMENT

There being no further business before the Council, it was moved by Councilmember **Edberg** seconded by Councilmember **Jones** to adjourn the regular meeting at 8:07 p.m.

  
Jo Emerson, Mayor

ATTEST:

  
Kara Coustry, City Clerk