

WAITE PARK CITY COUNCIL MEETING**MAY 2, 2016**

A meeting of the Waite Park City Council was held at Waite Park City Hall on Monday, May 2, 2016 beginning at 6:30 PM.

MEMBERS PRESENT

Members present were Mayor Miller, Councilmembers Linquist, Schneider, Schulz, and Theisen.

CITY REPRESENTATIVES PRESENT

City Representatives present were City Administrator Johnson, Deputy Clerk-Treasurer Virnig, Finance Director Lindberg, Public Works Director Schluenz, Planning and Community Development Director Noerenberg, Attorney Hansmeier, SEH Engineer Wotzka

OTHERS PRESENT

There were no signatures on an attendance sheet.

OPEN FORUM

Mayor Miller invited anyone wishing to speak during the open forum to step forward, but no one came forth.

COUNCIL AGENDA

Motion by Member Theisen, second by Member Schulz, to approve the 5/2/16 Council Agenda as amended:

5.B. (Add) Firefighter Appointments

1. CONSENT AGENDA

Motion by Member Schulz, second by Member Theisen, to approve the following 5/2/16 Consent Agenda items:

- 1.A. Approve Council Minutes for April 4, 2016
- 1.B. Approve Change Order 1 for 2016 Sis Property Demolition Improvement Project
- 1.C. Approve Resolution for 17th Avenue Drainage Easement (**RESOLUTION NO. 050216-01**)
- 1.D. Approve Eligibility List for Maintenance Worker Position
- 1.E. Approve On Sale Liquor License for Anejos Waite Park LLC
- 1.F. Approve Retirement of Gary Curtis from Fire Department

Attorney Hansmeier stated that approval of the On Sales Liquor License for Anejos Waite Park LLC should be contingent on receiving clean background checks as he has not heard that all of the background checks were received yet. Deputy Clerk-Treasurer Virnig confirmed that Staff has not received all background checks back. The Council approved contingent upon receiving clean background checks.

The motion carried unanimously.

2. TAX ABATEMENT BONDS ISSUANCE AND SALE RESOLUTION – TAMMY OMDAL

The City is proposing to issue General Obligation Tax Abatement Bonds to finance the construction of the extension of 17th Street South to County Road 137. Tammy Omdal of Northland Securities presented a resolution approving the sale of \$2,275,000 of General Obligation Tax Abatement Bonds, Series 2016A. She stated on March 7, 2016 she presented a preliminary finance plan to the City Council. The bond sale is still the same at \$2,275,000. The bonds are now bid with a premium of \$100,720 to increase the deposit to the construction fund to be available to pay for construction costs. The final sale will be at 2.56% interest. Finance Director Lindberg agreed with the issuance and sale of this bond.

2. TAX ABATEMENT BONDS ISSUANCE AND SALE RESOLUTION – TAMMY

OMDAL (Cont'd.)

Motion by Member Schneider, second by Member Schulz, to approve Resolution No. 050216-02 providing for the issuance and sale of \$2,275,000 General Obligation Tax Abatement Bonds, Series 2016A. The motion carried unanimously.

3. CIVIL SERVICE ORDINANCE

The City Council approved the creation of the Payroll/Human Resources Clerk and the Utility Billing/Communications Coordinator position. Since these two positions are new they are not covered under the civil service as discussed with the Council previously. As a formality, we have to specifically list these two positions as exempt under our Civil Service Ordinance. A copy of the Civil Service Ordinance was presented that lists these two positions under the exemption.

Motion by Member Theisen, second by Member Linquist, to approve amending the Civil Service Ordinance, Ordinance #22, as presented. The motion carried unanimously. (**ORDINANCE NO. 2016-01**)

4.A. ZONING ORDINANCE AMENDMENT - FENCES

Staff is proposing minor amendments to zoning ordinance pertaining to installation and construction of fences within the City. The current requirement under ordinance is that a survey must be submitted in order to construct the fence up to the property line, but long-standing policy has included the option to locate and mark property corner pins in lieu of a survey. Property corner pins are metal rods buried shallowly at the property corners and often capped with a plastic piece identifying the surveyor that installed them. In most cases they are easily located with a metal detector.

Locating property corner pins is generally a much cheaper option than having a survey completed and is much more appealing to many residents. Verification of property lines through location of corner pins has proven to work well for both homeowners and the City for permitting and inspection purposes and staff is proposing to formalize it within the ordinance, as many people will review the ordinance on their own before contacting the City with questions.

Additionally, it has been long-standing City policy to allow connection of fences between neighbors, with their permission, although this is technically not allowed under the existing ordinance. Allowance for connection minimizes gap areas in between fences which can be problematic for maintenance and can sometimes become overgrown with weeds. The informal allowance for connections has not posed any problems for staff and staff believes it would be beneficial to formalize the allowance within the ordinance in case any questions come up. Written permission would be required and would be kept on file, and any potential disagreements between neighbors, such as the case of change in ownership, would need to be privately resolved without City involvement.

The Planning Commission reviewed the proposed amendment at their April 12th meeting. Discussion and recommendation regarding fences that require maintenance is reflected in the proposed amendments below. As the Planning Commission held the required public hearing (no comments were received), a public hearing by the City Council is not required.

Staff is proposing the following amendments to City Ordinance Section 52.49.05, Subd. B. New text is underlined. Removed text is noted as ~~strikethrough~~.

3. Except as provided in Section 52.49.05 B. 1 and 2, all fence structures may be constructed to lot lines provided a boundary survey, or verification of property corner pins via locating and flagging, is submitted to the City before construction and that the fence does not require maintenance. Fences without accompanying boundary survey or property corner pin verification ~~or fences that require maintenance,~~ must be setback two (2) feet from the lot line. Fences that require maintenance must be setback two (2) feet from property line unless written approval is submitted by adjacent property owners.
5. Fences may be connected with adjacent neighboring fences upon submittal of written permission and agreement between all affected property owners. Any future disagreement between property owners regarding fence location or maintenance must be privately resolved between affected property owners.

Mayor Miller questioned what happens if two property owners connect their fences and then one of the properties is sold and the new owner doesn't like the fences being connected. Planning and Community Development Director Noerenberg stated that record is put on file the fences were connected

4.A. ZONING ORDINANCE AMENDMENT – FENCES (Cont'd.)

and if there were disagreements, it would be up to the property owners to resolve the issue. He also stated he has not seen any issues regarding this.

Motion by Member Schneider, second by Member Schulz, to approve the proposed amendments to City Ordinance Section 52.49.05, Subd. B. The motion carried unanimously. (**ORDINANCE NO. 2016-02**)

4.B. ZONING ORDINANCE – HOME OCCUPATION SIGNAGE

Staff is proposing minor amendments relating to signage allowed in connection with home-based businesses. It was recently identified upon a question that came up from a resident that there is an inconsistency within the ordinances relating to such signage. In the sign ordinance, the signage below is noted as allowable:

Subd. 2. Residential and professional nameplates, not to exceed three (3) square feet in area, indicating the name of the occupant or occupants and the name of a permitted business or home occupation.

However, the Home Occupation ordinance notes the following:

G. The home occupation shall be allowed to have the following signs: one sign not to exceed a total of two (2) square feet. Free standing signs shall not be permitted for a home occupation. Signs shall be further regulated by the City's Sign Ordinance.

Staff is proposing that the square footage allowance within the home occupation ordinance be amended to three (3) square feet in order to align with the sign ordinance, and that the such signage be allowed as either exterior wall-mounted or free standing, or combination, provided total signage does not exceed three square feet. We have had several requests for ground-mount sign allowance for home-based businesses, particularly connected with home-based daycare, and staff believes that at the proposed size of three square feet or less their impact on the surround areas would be nominal.

The Planning Commission reviewed the proposed amendment at their April 12th meeting and recommended approval as presented. As the Planning Commission held the required public hearing (no comments were received), a public hearing by the City Council is not required.

Staff is proposing the following amendments to City Ordinance Section 52.40, Subd. 2 G. New text is underlined. Removed text is noted as ~~strikethrough~~.

G. The home occupation shall be allowed to have the following signs: ~~one sign~~ Signs not to exceed a total of ~~two (2)~~ three (3) square feet. ~~Free standing signs shall not be permitted for a home occupation. Signs may be either free standing, provided they are located on the subject property, wall mounted, or combination thereof.~~ Signs shall be further regulated by the City's Sign Ordinance.

It was questioned whether three square feet was big enough. Planning and Community Development Director Noerenberg stated the Planning Commission did discuss this, but came up to the conclusion that it is. He also stated he has not had any requests to increase the size of the signs, but just to allow for ground-mounted signs.

Motion by Member Schulz, second by Member Schneider, to approve the proposed amendments to City Ordinance Section 52.40, Subd. 2.G. The motion carried unanimously.

5. COUNCIL/MAYOR

5.A. REVIEW AND APPROVE BILLS

Motion by Member Linquist, second by Member Schneider, to authorize payment of the accounts payable list (0216M1, 0216M2, 0416D1, 0416D2). The motion carried unanimously.

5.B. FIREFIGHTER APPOINTMENTS

Motion by Member Schneider, second by Member Theisen, to approve the hiring of Joshua Athmann and Sean Woodley as new firefighters. The motion carried unanimously. Mayor Miller stated if anyone would like to be a firefighter in the City of Waite Park to please apply as the City is still looking for some.

4. ADMINISTRATOR

4.A. UPDATE

City Administrator Johnson reviewed the following:

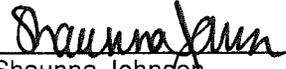
- The Coalition of Minnesota Cities will be hosting another Lobby Day on May 11, 2016.
- City Administrator Johnson will be attending the MCMA Conference this week Wednesday through Friday.
- The City's Board of Appeal and Equalization Meeting will be held on Monday, May 9, 2016 at 6:30 p.m.

ADJOURNMENT

Mayor Miller declared the meeting adjourned at 6:46 p.m.



Richard E. Miller
Mayor



Shaunna Johnson
City Administrator