

WAITE PARK CITY COUNCIL MEETING**JUNE 4, 2018****1. CALL TO ORDER**

A meeting of the Waite Park City Council was held at Waite Park City Hall on Monday, June 4, 2018 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, Chief of Police Benrud, Public Works Director Schluenz, Planning and Community Development Director Noerenberg, Attorney Hansmeier, SEH Engineer Wotzka

OTHERS PRESENT

Richard Sperl, Jim Aleshire, Jason Urzi, Shawn Thompson, Sonia Eizenhoefer

2. PLEDGE OF ALLEGIANCE**3. OPEN FORUM**

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

4. COUNCIL AGENDA

Motion by Member Linquist, second by Member Theisen, to approve the 6/4/18 Council Agenda as amended.

6.D. (Add) Sale of Old Public Works Property

The motion carried unanimously.

5. CONSENT AGENDA

Motion by Member Schulz, second by Member Theisen, to approve the following 6/4/18 Consent Agenda items:

- 5.A. Approved Election Judge List for 2018 Primary Election
- 5.B. Approved Landscaping Coordinator Contractor
- 5.C. (Pulled for discussion – regarding Patrol Officer Appointment)
- 5.D. Approved City Garage Sale and disposal of items
- 5.E. Approved Shawn Blackburn to Planning Commission

The motion carried unanimously.

5.C. PATROL OFFICER APPOINTMENT

Motion by Member Schneider, second by Member Schulz, to approve Shane Dalton to the Patrol Officer position at a Grade 7, Step 1, contingent on all background checks coming back clear.

The motion carried unanimously.

6.A. ASSESSMENT OF UNPAID CITY CHARGES

Presented was a property with unpaid city charges. An invoice regarding the charges was mailed to the property owner. A statement with interest was also mailed to the property owner after the invoices was past due. The statement indicated if payment in full was not received within 30 days, any outstanding balance shall be considered delinquent and may be certified against the property served. On

6.A. ASSESSMENT OF UNPAID CITY CHARGES (Cont'd.)

5/15/18, another statement with interest was mailed to the property owner also giving notice of the public hearing on 6/4/18 regarding certifying the amount owed.

The following is the current proposed certified assessment:

98.60665.0400 – 2330 County Road 137, Waite Park, MN 56387 in the amount of \$628.23 for Fire Department False Alarms

Mayor Miller began by reading the Public Hearing Notice regarding unpaid city charges. The public hearing opened at 6:30 p.m. Mayor Miller stated if there was anyone wishing to speak to come forward, but no one came forth.

Motion by Member Theisen, second by Member Schulz, to close the Public Hearing at 6:34 p.m. The motion carried unanimously.

Motion by Member Schulz, second by Member Theisen, to approve the resolution and assessment of unpaid city charges in the amount of \$628.23 as presented. The motion carried unanimously. **(RESOLUTION NO. 060418-01)**

6.B. CONDITIONAL USE PERMIT – JUMP CITY LOCATED AT 79 3RD ST NE

This request has been submitted by Jump City, Inc. with permission of the property owner/landlord at 79 3rd Street NE. The proposal is to operate a jump/bounce commercial recreation facility, oriented for children, in the former tenant space area once occupied by Bounce Adventure which closed last year. This use is considered as a conditional use in the B-2, General/Commercial zoning district in which the property is located in. The previous business, Bounce Adventure, moved into the tenant space and began operations without obtaining the necessary City approvals, including conditional use permit and building inspections. Multiple attempts to contact and speak with the owner/operator of the business were not successful and City staff was preparing to take legal action against the business when it abruptly ceased operations and closed, after a sign was posted on their door noting that they were “undergoing renovations”. The applicant is a different entity which is in the same business area and has purchased some of the Bounce Adventure’s assets, although they advised that many were in poor condition and are viewed as unusable. Jump City is a father/son business that operates existing locations in Otsego and Baxter. Staff reached out to both city planning departments to see if they had experience any issues – staff did not hear back from Otsego as of 5/3/18 and Baxter staff noted they had not experienced any concerns related to Jump City. The applicants have submitted a basic narrative outlining business operations and proposed floor plan for the business. There are several jumping areas, as well as a toddler area for younger/smaller children and associated equipment. There are also three birthday party rooms and a game/arcade room. Customers enter into a waiting area with coat racks and lockers for customer storage while they play, and this leads to the front desk. There are several bathrooms noted. The applicants have been advised that they will need to coordinate with building inspections staff on necessary building permits for some elements which may need them, such as wall demolition or installation, and any plumbing or electrical work.

Discussions with the applicant noted that the initial proposed hours of operation are as follows: Monday-Tuesday – 9AM – 1PM Wednesday – 3PM – 7PM Thursday – Sunday – 9AM – 7PM. The applicant has advised that the days/hours of operation may be subject to change depending on customer interest and as they learn the market and are able to determine their times of most demand. They have noted that weekday business is typically lesser in the summer when kids are able to be outside, but busier on weekends in general. One to four employees would be on-site at any given time depending on expected customer demand (i.e. additional employees would be scheduled for times known to be busier or for party events). An issue that was brought up by the applicants during the signage planning was window coverings. The windows in this tenant space are expansive and the applicant would like to apply window film over the entirety of them to prevent visibility from the outside in, for the sake of privacy of children and other customers. City ordinance limits window appliques to maximum 20% of the window area, although since permits are not required for these some businesses exceed this amount and staff typically checks on these issues periodically. Given that the issue of window film application is not a height/setback/density issue it is not grounds for a variance, but staff believes it can be addressed through the review of the Conditional Use Permit process. Given the intent behind the window film application, staff is supportive of the request for 100% film coverage, provided that no more than 20% of the window area is utilized for advertising space and the remainder is used as privacy screen. There will

6.B. CONDITIONAL USE PERMIT – JUMP CITY LOCATED AT 79 3RD ST NE

(Cont'd.)

be no on-site food preparation, although prepackaged snacks and beverages will be available. The applicants noted that for birthday parties or other events pizza or other food may be brought in by customers or delivered, but that on-site preparation or reheating is unavailable. The parking demand of the proposed use, with 8,400 sq. ft. approximate floor area and four employees is 30 stalls (calculated at "other business" classification of 1 stall per 250 sq. ft. floor area). Parking for the property was extensively reviewed during the previous request to locate Granite City Bingo in an adjacent tenant space in early 2017. Staff's review of the parking for the property indicates a total of 151 stalls available. Given the sizes of the two buildings, current parking requirement for the property would be 228 stalls.

At the time of the previous review, a significant concern was that the parking demand added by Granite City Bingo and the unaccounted-for former Bounce Adventure would have placed an excessive parking demand on the property, and that the property could essentially support one of those businesses but not both. However, with Granite City Bingo no longer a consideration for parking demand, staff believes there is adequate parking to support the proposed Jump City as well as additional retail-type uses of other vacant tenant space(s), although restaurant or other assembly-type use options may be limited due to their higher parking demand. Jump City creates essentially the same demand as the previous Bounce Adventure and the parking at that time seemed able to support the shared demand of the businesses. A listing of the known hours of the other businesses in the center from the previous 2017 request is enclosed for reference. While the property was built prior to the current standards, it is sensible to make reasonable accommodations for parking to allow it to be used to the best of its ability. City parking ordinance allows variation from the parking requirements in a shared parking arrangement for multi-tenant buildings such as this, when it is found by the City Council that the times of major parking demand of the tenants is unlikely to overlap much. However, it would be prudent to incorporate a condition of approval allowing the parking to be revisited if the parking demand attributed to the proposed use is found to be exceeding the available stalls and creating a nuisance for the other tenants. Notices of this application and supporting documentation were sent to surrounding property owners as well as adjacent tenants. No concerns were received or expressed during the Planning Commission meeting on May 8th. The Planning Commission recommended approval of the request with conditions as proposed by staff.

Staff recommends approval of the Conditional Use Permit to allow for a jump/bounce commercial recreation facility in a B-2, General/Commercial Zoning District at 79 3rd Street NE with the following conditions:

1. In the event that parking demand attributed to Jump City, Inc. exceeds available parking supply upon the property, as determined by City staff, Jump City Inc. shall submit an alternative parking plan providing additional necessary parking within 300 feet (maximum allowed by City Ordinance) of the subject property. Any alternative parking plan is subject to review and approval of Planning and Community Development Director.
2. Exterior signage shall be of a permanent nature and no banners or other temporary-type signs shall be utilized in place of permanent signage. New signage shall require a sign permit from the City of Waite Park prior to fabrication or installation.
3. Window film applique may be utilized on 100% of exterior window area for purpose of customer/child privacy, but maximum 20% of window film may consist of advertising (text/logos/designs). Window film applique requires review/approval of Community Development Director prior to purchase or installation.
4. Interior remodeling, including but not limited to new bathroom and emergency exits, shall be subject to building permits as may be necessary. All work shall be performed to the satisfaction of the Building Official.
5. A Certificate of Occupancy shall be issued by the City of Waite Park prior to opening for business.

6.B. CONDITIONAL USE PERMIT – JUMP CITY LOCATED AT 79 3RD ST NE
(Cont'd.)

6. Serving of alcohol/liquor is prohibited.
7. Food service, including sales of prepackaged food and beverages, is subject to review/approval of Stearns County Environmental Services/Health Dept. staff.
8. Revisions to plans or expansion of proposed facilities are subject to review by City staff and may require additional review/approval by Planning Commission and/or City Council prior to commencement of work.

Motion by Member Theisen, second by Member Schulz, to approve the Conditional Use Permit as presented with the following conditions:

1. In the event that parking demand attributed to Jump City, Inc. exceeds available parking supply upon the property, as determined by City staff, Jump City Inc. shall submit an alternative parking plan providing additional necessary parking within 300 feet (maximum allowed by City Ordinance) of the subject property. Any alternative parking plan is subject to review and approval of Planning and Community Development Director.
2. Exterior signage shall be of a permanent nature and no banners or other temporary-type signs shall be utilized in place of permanent signage. New signage shall require a sign permit from the City of Waite Park prior to fabrication or installation.
3. Window film applique may be utilized on 100% of exterior window area for purpose of customer/child privacy, but maximum 20% of window film may consist of advertising (text/logos/designs). Window film applique requires review/approval of Community Development Director prior to purchase or installation.
4. Interior remodeling, including but not limited to new bathroom and emergency exits, shall be subject to building permits as may be necessary. All work shall be performed to the satisfaction of the Building Official.
5. A Certificate of Occupancy shall be issued by the City of Waite Park prior to opening for business.
6. Serving of alcohol/liquor is prohibited.
7. Food service, including sales of prepackaged food and beverages, is subject to review/approval of Stearns County Environmental Services/Health Dept. staff.
8. Revisions to plans or expansion of proposed facilities are subject to review by City staff and may require additional review/approval by Planning Commission and/or City Council prior to commencement of work.

The motion carried unanimously.

6.C. PUBLIC HEARING – APPENDIX B FEE SCHEUDLE RE: UTILITY RATES

Mayor Miller began by reading the Public Hearing Notice regarding proposed utility rates. The public hearing opened at 6:41 p.m. Mayor Miller stated if there was anyone wishing to speak to come forward, but no one came forth.

Staff is recommending changing the rate structure of Water and Sewer rates. The new software in place, we now have the ability to revise the structure of utility rates.

6.C. PUBLIC HEARING – APPENDIX B FEE SCHEUDLE RE: UTILITY RATES

(Cont'd.)

The DNR regulates our water usage. They are demanding, that public water suppliers institute water conservation methods. One of the methods is to have a tiered rate structure. The more water you use the more you may pay per gallon. Tiered rates will work well with our new software.

The old method of charging a minimum per quarter for 9,000 gallons did not promote conservation. It also was not fair to the utility user that used under the 9,000 gallons per quarter.

The new tiered rates(s) proposed is as such:

	<u>Water</u>
Service Fee/Quarter	\$42.00
Tier 1 (0-9,000 gallons) / 1,000 gallons	\$ 1.96
Tier 2 (9,001-36,000 gallons) / 1,000 gallons	\$ 6.62
Tier 3 (over 36,001 gallons / 1,000 gallons	\$ 6.79

	<u>Sewer</u>
Service Fee/Quarter	\$48.00
Tier 1 (0-9,000 gallons) / 1,000 gallons	\$ 1.91
Tier 2 (9,0001-36,000 gallons) / 1,000 gallons	\$ 7.55

Staff has done detailed calculations comparing new rates to old rates. Staff kept the minimum user that used 9,000 gallons per quarter overall ill the same as old rate structure to the new tiered rate structure – within a few cents difference. User's that used very little water will see a fairly significant drop in their overall utility ill. While large users will see a bit larger bill as they will or may be in the upper tiers.

Motion by Member Theisen, second by Member Schneider, to close the Public Hearing at 6:48 p.m. The motion carried unanimously.

Motion by Member Linquist, second by Member Schulz, to approve the revision to the water and sewer rates and rate structure as presented. The motion carried unanimously. **(ORDINANCE NO. 2018-04)**

6.D. SALE OF OLD PUBLIC WORKS PROPERTY

The Council authorized advertising and accepting bids on the sale of the building and property located at 51 11th Avenue South. The city received two bids. See table below for bid results.

Bid #1 Greg Ramthun-Paul's Auto	\$100.00 received	Bid \$15,015.00
Bid #2 Brandon Linquist	\$100.00 received	Bid \$ 450.00

Staff recommends approving selling the building and property located at 51 11th Avenue South to Greg Ramthun for \$15,015.00

Motion by Member Linquist, second by Member Theisen, to approve the sale of the building and property located at 51 11th Avenue South, Waite Park to Greg Ramthun – Paul's Auto for \$15,015.00. The motion carried unanimously.

7. COUNCIL/MAYOR

Motion by Member Linquist, second by Member Theisen, to authorize payment of the accounts payable list (0418M1, 0418M2, 0518D1). The motion carried unanimously.

Mayor Miller reviewed the following:

- A thank you card was received from Wacosa for the donation received from the City.
- Thanked Staff for the successful open house at the New Public Works Facility.
- The Governor has signed the bonding bill, which includes the \$5,000,000 requested for the City's proposed amphitheater. Staff was thanked for all of the work put into this.

8. ADMINISTRATOR UPDATE

City Administrator Johnson reviewed the following:

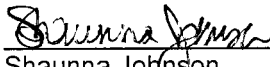
- The next City Council meeting will be on June 25, 2018.
- The League of Minnesota Cities Annual Conference will be held June 21-23, 2018 in St. Cloud.
- The City will be having a garage sale as part of the citywide garage sales during Waite Park Family Fun Fest Week. The garage sale will be held on June 14, 2017 at the old Public Works Facility located at 602 3rd Street South in Waite Park. The parade will also be held on June 14, 2018.

ADJOURNMENT

Mayor Miller declared the meeting adjourned at 6:52 p.m.



Richard E. Miller
Mayor



Shaunna Johnson
City Administrator