

**WAITE PARK CITY COUNCIL MEETING****JULY 16, 2018****1. CALL TO ORDER**

A meeting of the Waite Park City Council was held at Waite Park City Hall on Monday, July 16, 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 Bentrud, Public Works Director Schluenz, Planning and Community Development Director Noerenberg, Attorney Hansmeier, SEH Engineer Wotzka

**OTHERS PRESENT**

Dan Hiemenz, Shawn Blackburn, Jeff & Stacy Blonigen, Brian Catton

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

Mayor Miller read a proclamation declaring July 31, 2018 as Sheila Mockros Day in the City of Waite Park. Ms. Mockros will be retiring after 17 years of service to the City and residents of Waite Park. On behalf of the City, Mayor Miller thanked Ms. Mockros for all of her time.

Herman Bartz, 32 13<sup>th</sup> Avenue North, and another neighbor stated they are concerned about the Community Park south bathrooms being dismantled. They would like to see them kept in use because of the amount of use that they get. Mayor Miller stated the council had just talked about this issue in a work session. Eventually the north bathroom will be expanded in the future and no decision has been made yet on whether the south bathrooms will be kept or not.

Shawn Blackburn, 40 Greenstone Lane, stated he was unable to attend the meeting regarding Lions Park and asked for a summary of what was discussed. City Administrator Johnson stated a letter will be sent to the neighbors in the Lions Park area about opening back up the basketball courts at Lions Park. Mr. Blackburn was also given a pamphlet summarizing the meeting.

**4. COUNCIL AGENDA**

Motion by Member Linquist, second by Member Theisen, to approve the 7/16/18 Council Agenda as presented. The motion carried unanimously.

**5. CONSENT AGENDA**

Motion by Member Theisen, second by Member Schulz, to approve the following 7/16/18 Consent Agenda items:

- 5.A. (Pulled for voting purposes – regarding fencing south lot adjacent to PW Facility)
- 5.B. Approved Resolution Authorizing Acceptance of Bonding Bill Funding for Amphitheater
- 5.C. Approved Donation Request for Waite Park Senior Center
- 5.D. (Pulled for discussion – regarding Appointment of the Administrative Associate (Bldg & Planning) Position)

The motion carried unanimously.

**5.A. FENCING SOUTH LOT ADJACENT TO PW FACILITY**

Motion by Member Schulz, second by Member Schneider, to approve fencing the south lot adjacent to the Public Works Facility and awarding the quote to Boundary Fence for \$22,732.00.

Ayes: Mayor Miller, Members Linquist, Schneider, Schulz

Nays: Member Theisen

Abstained: None

The motion carried.

**5.D. APPOINTMENT OF THE ADMINISTRATIVE ASSOCIATE (BLDG & PLANNING) POSITION**

Motion by Member Schneider, second by Member Schulz, to appoint Kayla Klein to the Administrative Associate (Bldg & Planning) position as a conditional offer at Pay Grade 4, Step 4 and including five days of sick leave. The starting date would be approximately August 6, 2018. Also, the current eligibility list would be extended to January 31, 2019. The motion carried unanimously.

**6.A. AGREEMENT FOR PRIVATE USE OF RIGHT OF WAY – CROOKED PINT ALE HOUSE 58 DIVISION STREET**

During redevelopment of the property at 58 Division Street into the Crooked Pint Ale House, an additional building permit was submitted for an outdoor patio area on the western side of the building, adjacent to 1st Avenue South. Staff review of the permit application noted that a large portion of this area is within City right-of-way, although it has been long-used in association with the property. Department head staff reviewed the proposal and determined that an agreement for encroachment to allow for the use may be allowable, provided that the City is indemnified and that the property and City are insured for any incidents.

Staff presented a proposed agreement. The applicant has already submitted the required insurance documents. Assuming approval of the agreement, the building permit review process will continue and construction will follow thereafter to coincide with upcoming opening of the restaurant.

Staff recommends approval of authorization of City Administrator to enter into agreement to allow private use of public right-of-way for outdoor patio at Crooked Pint Ale House, 58 Division Street.

Discussion was held on the outdoor patio area.

Motion by Member Theisen, second by Member Schneider, to approve allowing the City Administrator to enter into agreement for private use or right-of-way with Crooked Pint Ale House as presented.

Ayes: Mayor Miller, Members Linquist, Schneider, Theisen

Nays: Member Schulz

Abstained: None

The motion carried.

**6.B. REZONING, CUP, AND VARIANCE REQUEST OF JEFF AND STACY BLONIGEN (PROPERTY ADJACENT TO INTERSTATE #94 & EAST OF HIGHWAY #23)**

This request has been submitted by Jeff and Stacy Blonigen to rezone a portion of property from A-1, Agriculture/Rural Residential to BP/C-2, I-94/TH 23 Entrance Corridor Business Park/Commercial, for Conditional Use Permit to allow for three off-premise signs (billboards), and for variance from Waite Park City Ordinance Section 53.20, Subdivision 2 to reduce minimum height of bottom of off-premise signage from 20 feet to 0 feet.

A portion of the property is proposed to be split and rezoned to BP/C-2 commercial classification, in order to promote the area for long-term growth and business development. The area to be rezoned is noted in the attached survey drawing. The area is of sufficient size and configuration to allow for future commercial/office/retail development and potential further subdivision. The proposed rezoned area is well in excess of BP/C-2 minimums, so a variety of future uses could be accommodated when ready.

The area is not being platted at this time; rather, pending City Council approval, the area would be administratively split from the remainder of the parcel. Platting is not required at this time but would be upon any development activity. The split after proposed rezoning is similar in procedure to what was previously done for the solar facility in this area, as it would be unwise for the owners to commit to the parcel split until the rezoning would be approved.

**6.B. REZONING, CUP, AND VARIANCE REQUEST OF JEFF AND STACY  
BLONIGEN (PROPERTY ADJACENT TO INTERSTATE #94 & EAST OF  
HIGHWAY #23 (Cont'd.)**

The proposed BP/C-2 zoning classification is in line with the current land use plan for the area, as well as anticipated future land use plan classifications anticipated with a forthcoming update of the Comprehensive Plan. Staff recommends approval of the rezoning.

The requested Conditional Use Permit would allow for construction of three off-premise signs along the frontage of the Blonigen property adjacent to Interstate 94. The proposed sign locations are reflected on the enclosed survey copy and meet the minimum 1,000 ft. distance between them.

The middle location is proposed to be a digital billboard at size of 10'x36', and the proposed static billboards are noted at size 12'x36'. The 12'x36' size is only for the outside edges of the billboard, and the actual sign faces will be at or below the 400 square foot maximum.

Preliminary details of the sign design are attached. The proposed signs would be owned and operated by the applicants, so they would not be bound to a long-term lease as is typical with billboards. This has the benefit of allowing future flexibility in development without having to work around the locations. The applicants have advised they will be working with a professional billboard designer and construction team.

The variance component is being requested to allow for the bottom of the billboards to be placed at 10' above grade, rather than the established minimum 20', so they can avoid impeding the overhead Xcel lines. Staff noted the variance request to reduce the height to zero feet in case further design considerations and site work led to a lower height being necessary (without having to request further variance), but the intent is to install them at 10' above grade.

Staff believes a practical difficulty is present due to the presence of the overhead Xcel lines, over which the applicants have no control and cannot feasibly work around.

The Planning Commission reviewed the requests at their June 12th, 2018, and recommended approval of the requests without discussion or concern.

Staff recommends approval of the rezoning as proposed. Staff recommends approval of the Conditional Use Permit with conditions as proposed. Staff recommends approval of the variance as submitted.

Staff recommends approval of the conditional use permit to allow three (3) off-premise signs (billboard) in the BP/C-2 Zoning District and within the Off-Premise Sign Corridor with the following conditions:

1. A permit from the City of Waite Park shall be obtained prior to fabrication or installation of the billboard structure. Permit will not be issued unless valid MnDOT Advertising Device Permit is on file with City of Waite Park.
2. Proposed actual sign face dimensions shall not exceed 400 square feet.
3. Total height of the billboard shall not exceed 36 feet above grade.
4. All signage displays, both static and digital, shall adhere to City Ordinance Section 53.20 as well as any applicable MnDOT or other State of MN regulations.
5. Proposed off-premise sign is subject to annual licensing by City and payment of fee as established in Schedule of Fees and updated from time to time.

Staff recommends approval of the variance as requested – reduction of minimum height above grade from 20 feet to 0 feet.

Member Schulz questioned how far the lines are above the sign. Jeff Blonigen, 1650 West St. Germain, St. Cloud, stated Xcel Energy requires at least 40 feet between the sign and their lines. Their plan also has to be approved by Xcel Energy.

Motion by Member Schneider, second by Member Theisen, to approve the rezoning as proposed. The motion carried unanimously.

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

1. A permit from the City of Waite Park shall be obtained prior to fabrication or installation of the billboard structure. Permit will not be issued unless valid MnDOT Advertising Device Permit is on file with City of Waite Park.
2. Proposed actual sign face dimensions shall not exceed 400 square feet.
3. Total height of the billboard shall not exceed 36 feet above grade.

**6.B. REZONING, CUP, AND VARIANCE REQUEST OF JEFF AND STACY BLONIGEN (PROPERTY ADJACENT TO INTERSTATE #94 & EAST OF HIGHWAY #23 (Cont'd.)**

4. All signage displays, both static and digital, shall adhere to City Ordinance Section 53.20 as well as any applicable MnDOT or other State of MN regulations.
5. Proposed off-premise sign is subject to annual licensing by City and payment of fee as established in Schedule of Fees and updated from time to time.

The motion carried unanimously.

Motion by Member Schneider, second by Member Theisen, to approve the variance. The motion carried unanimously.

**6.C. VARIANCE REQUEST OF EDWIN AND BRENDA MOLITOR FOR 635 28<sup>TH</sup> AVENUE**

We have received a request from Scenic Sign, on behalf of Edwin and Brenda Molitor for variances from Waite Park City Ordinance 53.11 and Table 53.1 to increase allowable sign height from 20 feet to 30 feet, and to reduce setback from 10 feet to 0 feet in an I-1, Light Industrial District. The property is legally described as Lot 1, Block 1, Molitor Industrial Park. The property is addressed as 635 28th Ave South.

A general location map of the area is enclosed. The property is located along 28th Ave South, immediately to the north of 7th Street South. As the general location map indicates, there is a significant area of public right-of-way along this section, which came to the attention of the owners and their sign contractor when they were evaluating new signage options. The property does not currently have a ground sign and would like to have one to provide guidance for their customers to their location.

The distance to 28th Ave South from the applicant's property line (measured at the southern corner) is approximately 110 feet. Typically, assuming a standard approximate 10 foot right of way and 10-foot sign setback, a sign installation would be approximately 20 feet from the street. However, the extensive size of the right-of-way in this area, as well as the trees located in the northern portion of the parcel, makes it difficult for a sign of standard 20-foot height to be seen adequately. The applicant has submitted details (enclosed) regarding proposed sign design and height flag tests that demonstrate the visibility at various heights.

Staff discussed the possibility of an allowance for the applicant to locate the sign within the right-of-way, with some form of agreement or indemnification for the City, with other department heads at a standard review meeting. There were concerns with allowing location in the right-of-way and future precedence that could be set, and the request was declined. As an alternative to maximize the sign benefit and account for the difficulties of the area, the applicants have opted to submit for the variance for height increase of 10 feet and reduction of setback from 10 feet to zero feet to place the sign as close to the street as possible while remaining upon their property.

Staff believes that the applicant has demonstrated practical difficulty due to the extensive right-of-way separating their property from the street frontage, which is an atypical situation, as well as the existing tree cover. The request to increase the overall height to 30 feet is not unreasonable, as the 30-foot height is now the standard in most commercial districts. The sign design and size itself meets other applicable requirements of the sign ordinance. Staff is supportive of the variance request as submitted.

The request was reviewed by the Planning Commission at their June 12th, 2018 meeting. No concerns were heard during the public hearing and the Planning Commission recommended approval of the request.

Staff would also remind the City Council that they have the option to recommend the variance at any lesser degree than requested, if review and discussion indicates that they may be supportive of the proposal at a lesser height or greater setback than those requested, but still above the standard ordinance requirements.

### **6.C. VARIANCE REQUEST OF EDWIN AND BRENDA MOLITOR FOR 635 28<sup>TH</sup> AVENUE (Cont'd.)**

Staff recommends approval of the variance for ground sign at a height not to exceed 30 feet and setback of 0 feet from property line as proposed, with the following conditions:

1. The sign shall be limited to height and setback limitations as approved by variance, and other sign elements must conform to applicable sign ordinance.
2. A standard sign permit shall be obtained prior to fabrication or installation of the sign.

Member Linquist questioned if the ordinance should be changed to allow for a height of 30 feet. Planning and Community Development Director Noerenberg stated that may be presented at a later time.

Motion by Member Schneider, second by Member Theisen, to approve the variance for ground sign at a height not to exceed 30 feet and setback of 0 feet from the property line in an I-1, Industrial District to include the following recommendations:

1. The sign shall be limited to height and setback limitations as approved by variance, and other sign elements must conform to applicable sign ordinance.
2. A standard sign permit shall be obtained prior to fabrication or installation of the sign.

The motion carried unanimously.

### **6.D. PLANS AND SPECS FOR RIVERS EDGE PARK PHASE 3 AND AUTHORIZE FOR BIDS**

The City has been working on the additional phases to Rivers Edge Park. As part of this project, we were planning to make improvements to two fields along 3rd Street North, adding a parking lot along 3rd Street North, extend trail, and also look at adding a maintenance building. When reviewing this project, the City chose to receive a quote on this project from the Joint Powers Alliance as this method was believed to be a more affordable option instead of the traditional bidding process. The Joint Powers Alliance has the ability to use state contracting prices on items that tend to save cities money.

In the case of Rivers Edge Park, the costs associated with the phases of construction have come in higher than the Engineer's Estimate. They are as follows:

|           |                                   |
|-----------|-----------------------------------|
| Base Bid: | Joint Powers: \$1,085,836.26      |
|           | Engineer's Estimate: \$850,691.75 |

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|--------------|-----------------------------------|
| Alternate A: | Joint Powers: \$421,614.83        |
|              | Engineer's Estimate: \$344,323.50 |

|              |                                 |
|--------------|---------------------------------|
| Alternate B: | Joint Powers: \$415,410.55      |
|              | Engineer's Estimate: 323,661.75 |

|              |   |
|--------------|---|
| Alternate C: | Joint Powers: \$112,563.28 *excludes electrical |
|              | Engineer's Estimate: \$353,832.00               |

Given the fact that the Joint Powers numbers are much higher than that of the Engineer's Estimate, Staff is recommending that the City go out for bids on this project to see whether the cost could be less given what has been projected by our engineer's estimate. In addition, staff feels that the Joint Powers Alliance has been very slow to respond to getting the information requested and therefore, we feel that it is in our best interest to move forward with the bidding process. If we find the bids are higher, we can always use the Joint Powers numbers and move forward with this too or we can choose to move forward with the bid we receive.

At this time, Staff is only recommending moving forward with the base bid which would be the work that is needed to be completed for the two ball fields. The City has funds to complete this work and funds to complete the bathroom project in Community Park. We do not have the funds available this year to complete any other phases of this project. These projects will be paid out of sales tax reserve funds. The Community Park bathrooms will come at a future meeting as we are waiting on contractors to finalize numbers on this facility.

Attached are representative plan sheets for your review. The project includes the Base Bid work shown on the plan sheets, including construction of the two ball fields, the concrete plaza, the underground utility work, and irrigation. It does not include the other Alternate work shown on the

**6.D. PLANS AND SPECS FOR RIVERS EDGE PARK PHASE 3 AND AUTHORIZE FOR BIDS (Cont'd.)**

Phasing Plan such as the parking lots, trails, lighting, or buildings. The turf establishment will be bid in a separate quote.

It is anticipated that this work will still be able to be completed yet this year with the turf restoration to be completed either late Fall or early Spring dependent upon weather.

Mayor Miller stated his only concern is that with the advertising that will be on the scoreboards, the scoreboards should face 3<sup>rd</sup> Street North.

Motion by Member Theisen, second by Member Schulz, to approve the Plans and Specifications for the Rivers Edge Park Improvements, Phase 3 and authorize advertising for bids. The motion carried unanimously.

**7.A. COUNCIL/MAYOR**

Motion by Member Theisen, second by Member Schulz, to authorize payment of the accounts payable lists from 6-15-18 to 6-27-18. The motion carried unanimously.


**8. ADMINISTRATOR UPDATE**

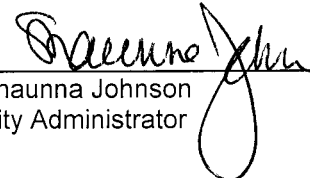
City Administrator Johnson reviewed the following:

- The next City Council Meeting will be on August 6, 2018.
- A Budget Work Session will be scheduled towards the end of August.
- The CGMC Summer Conference is being held July 25-27, 2018. Members Linquist, Schneider and Theisen will be in attendance as well as City Administrator Johnson.
- The City Council Meeting in September is tentatively scheduled for September 10, 2018.

**ADJOURNMENT**

Mayor Miller declared the meeting adjourned at 7:04 p.m.

  
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 Richard E. Miller  
 Mayor

  
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 Shauna Johnson  
 City Administrator