

WAITE PARK CITY COUNCIL MEETING**DECEMBER 4, 2017**

A meeting of the Waite Park City Council was held at Waite Park City Hall on Monday, December 4, 2017 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 Erickson, SEH Engineer Wotzka

OTHERS PRESENT

Gary Morgenroth, Chris Hogan, Amy Skaalerud, Roger Burton, Craig Schwartz, Jon Halter

AWARD OF APPRECIATION

Chief of Police Bentrud presented retired Police Officer Kelly Langner with a plaque in recognition of appreciation for his years of service with the City of Waite Park.

OPEN FORUM

Gary Morgenroth, 1125 Cherrywood Court, Waite Park, addressed the council on behalf of Waite Park, St. Cloud and Stearns County residents regarding the refugee resettlement program. Mr. Morgenroth also presented the City Council, City Administrator and City Attorney with information regarding this program.

COUNCIL AGENDA

Motion by Member Linquist, second by Member Schulz, to approve the 12/4/17 Council Agenda as presented. The motion carried unanimously.

1. CONSENT AGENDA

Motion by Member Schneider, second by Member Schulz, to approve the following 12/4/17 Consent Agenda items:

- 1.A. Approved Council Minutes of October 16, 2017
- 1.B. Approved Closed council Meeting Minutes of November 9, 2017
- 1.C. Approved New Off-Sale Liquor License for Northern Tier Retail dba Super America located at 1431 Division Street
- 1.D. Approved New On-Sale Intoxicating Liquor/Sunday/2 AM/Off-Sale and Tobacco License for Peace Rock LLC dba H.R. Pesty's located at 258 4th Avenue North
- 1.E. Approved New On-Sale Strong Beer/Sunday License for TRM3 Inc. dba Sammy's located at 58 Division Street
- 1.F. (Pulled for discussion – regarding New Massage Enterprise License for Oriental Massage located at 125 Waite Avenue North)
- 1.G. Approved Resolution Designating Polling Places for the 2018 State Primary and State General Election (**RESOLUTION NO. 120417-01**)
- 1.H. Approved Electrical Inspector Contract
- 1.I. Approved Change Order #1 for 2017 Graniteview Road Improvements
- 1.J. Approved SEH 2018 Rates
- 1.K. (Pulled for discussion – regarding Hiring of Police Officer and Eligibility List for Police Officer)
- 1.L. (Pulled for discussion – regarding 2018 Liquor, Massage and Tobacco License Renewals)
- 1.M. Approved Resolution Promoting the Use of Intrastate Mutual Aid (**RESOLUTION NO. 120417-02**)

1. CONSENT AGENDA (Cont'd.)

1.N. Approved Computer Software & Services Contract with Civil Systems

The motion carried unanimously.

1.F. NEW MASSAGE ENTERPRISE LICENSE FOR ORIENTAL MASSAGE LOCATED AT 125 WAITE AVENUE NORTH

Member Linquist questioned with Massage Licenses whether there is a civil background check conducted. Chief of Police Bentrud stated yes that the background checks they do include a criminal history background check, credit check, education check as well as contacting various jurisdictions where the person has lived in the past and he feels these are thorough background checks being conducted on the massage enterprises as well as each massage therapist.

Motion by Member Linquist, second by Member Theisen, to approve the New Massage Enterprise License for Oriental Massage located at 125 Waite Avenue North. The motion carried unanimously.

1.K. HIRING OF POLICE OFFICER AND ELIGIBILITY LIST FOR POLICE OFFICER

Member Schneider, second by Member Theisen, to authorize Police Chief Bentrud to extend an employment offer to include background checks to Jaison Merrick and Andrew Lemkuhl for Police Officer positions at Grade 7, Step1 and to extend the eligibility list of the remaining candidates to September 1, 2018. The motion carried unanimously.

1.L. 2018 LIQUOR, MASSAGE AND TOBACCO LICENSE RENEWALS

Member Linquist questioned with Massage Licenses whether there is a civil background check conducted. Chief of Police Bentrud stated yes that the background checks they do include a criminal history background check, credit check, education check as well as contacting various jurisdictions where the person has lived in the past and he feels these are thorough background checks being conducted on the massage enterprises as well as each massage therapist.

Motion by Member Linquist, second by Member Theisen, to approve the 2018 Liquor, Massage and Tobacco License Renewals as presented. The motion carried unanimously.

2. PUBLIC HEARING – UNBANK CURRENCY EXCHANGE

Unbank Company, LLP, located at 147 Division Street, is a currency exchange business and is required to have its license renewed annually by the Minnesota Department of Commerce. Under the Minnesota Statute for that type of business, the Department of Commerce is obligated to send notice of the request for renewal to the municipality where the business is located. The Council is obligated to notice and hold a public hearing for the input of the public, if any, for the proposed renewal. After the public hearing, the City is to give either consent to the renewal or give reasons why the renewal should not take place. The state is obligated to follow the recommendation of the local municipality.

Presented was a Notice of Public Hearing to be read. All pertinent information was received. The Police Department has no complaints/issues at this address.

Mayor Miller began by reading the Public Hearing Notice. The Public Hearing opened at 6:43 p.m. Mayor Miller invited 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 6:44 p.m. The motion carried unanimously.

Motion by Member Schulz, second by Member Theisen, to approve the Unbank Company, LLP 2018 Currency Exchange License Renewal as presented. The motion carried unanimously.

3. VARIANCE TO HEIGHT OF ELEVATED SIGN – DISCOVERY SCHOOL AND QUARRYVIEW EARLY CHILDHOOD CENTER LOCATED AT 700 AND 800 7TH STREET SOUTH

Staff has received an application from ISD #742 for a variance from Waite Park Ordinance Section 53.12, Subd. 5 (signs relating to schools) and Table 53-2 for two monument signs with integrated electronic displays for Discovery School and the Quarryview Center (currently under construction). The project is located at 700/800 7th Street South. The property is zoned R-1, Single-Family Residential

3. VARIANCE TO HEIGHT OF ELEVATED SIGN – DISCOVERY SCHOOL AND QUARRYVIEW EARLY CHILDHOOD CENTER LOCATED AT 700 AND 800 7TH STREET SOUTH (Cont'd.)

District, in which monument signs for schools are limited to 24 square feet in area and 6 feet in height. Electronic displays are also currently prohibited for school signs. The applicable sign ordinance sections were presented.

The proposed sign locations were noted on the presented site plan. Both signs are proposed along 7th Street South, with the proposed new Discovery School sign to be located nearby the previous sign location in front of Discovery School, and the Quarryview sign adjacent to their new driveway approach. The sign locations match what were reviewed and approved during the previous conditional use permit process. However, there was no discussion of the specific sign designs at that time. As permit review of public schools is handled by the State of Minnesota, the issue of signage did not come up until construction of the monument signs was already underway and the contractors on site inquired as to whether the City had approved the signs. At that point, project representatives made contact with City Staff to discuss their plans while work was halted on the signs.

The proposed sign designs were presented. There is an "original" and "revised" plan for each sign. After reviewing the original proposed designs, Staff suggested scaling them down in height to better fit the area as part of a proposed variance request. The sign faces are approximately 55 square feet. The Discovery sign is 6'9" tall and the Quarryview sign is 8 feet tall. Both signs are approximately 15 feet wide, including masonry surround and base.

In Staff's opinion, the size of the proposed signs is consistent with the scale and frontage of the property and the larger size is justifiable. The previous sign for Discovery School appears to have been as large or larger than the proposed signs, although it would have been considered a "grandfathered" sign under the current ordinance requirements. The general size and design of the proposed signage are consistent with other ISD 742 properties as they have been moving towards a unified sign design language.

Additionally, the electronic display components of the sign are consistent with commercial standards. Although they are not allowed for schools in R-1 residential districts per standards, in Staff's opinion their purpose of promoting public information and awareness of school and community activities is in keeping with the intent and spirit of the ordinance. Staff has recommended consideration of neighboring residential properties that could have sightlines of the electronic display by suggested programming options which reduce nighttime concerns (such as avoiding white and blue colors at night and auto-dimming display).

Staff does believe that the applicant has demonstrated practical difficulties, primarily due to the scale of the property with relation to the existing standards. In Staff's opinion, the granting of the variance will not be detrimental to other uses already existing and permitted in the area, and Staff recommends approval of the variance as requested.

The Planning Commission held the public hearing and reviewed the request at their November 14, 2017 meeting and recommended approval of the request. No concerns or feedback was received from the public or neighboring residents during the public hearing.

The City Council's action could be any of the following in regards to the variance:

1. Approval of the variance: as presented — with findings of fact.
2. Approval of variance with dimensions less than requested, but greater than City Code allowances, with findings of fact itemized.
3. Denial of the variance, with findings of fact.
4. The City Council may, at its discretion and with the approval of the applicant, table the matter pending further information from the applicant that will help it render a recommendation to the City Council. An extension of the variance review period (i.e. total of 120 days) may be necessary, as is allowed per State Statutes.

Staff recommends approval of the variance as submitted and proposed.

Discussion was held on the number of signs on the site and also the use of LED lights within the signs.

Motion by Member Theisen, second by Mayor Miller, to approve the variance for 700/800 7th Street South as requested by ISD #742 with the Findings of Fact.

3. VARIANCE TO HEIGHT OF ELEVATED SIGN – DISCOVERY SCHOOL AND QUARRYVIEW EARLY CHILDHOOD CENTER LOCATED AT 700 AND 800 7TH STREET SOUTH (Cont'd.)

Ayes: Mayor Miller, Member Theisen
 Nays: Members Linqvist, Schneider, Schulz
 Abstained: None
 The motion failed.

Motion by Member Schneider, second by Member Linqvist, to approve the monument signs at their present proposed location both with a standard letter sign and lighting to light the sign, but no LED lighting (dynamic display) within the sign.

Ayes: Members Linqvist, Schneider, Schulz
 Nays: Mayor Miller, Member Theisen
 Abstained: None
 The motion carried.

4. PUBLIC HEARING – 2018 BUDGET AND LEVY

Mayor Miller read the following: "The Waite Park City Council will hold a public hearing on its budget and on the amount of property taxes it is proposing to collect to pay for the cost of services the city will provide in 2018.

The proposed 2018 budget is \$7,338,102.
 The proposed budget represents a 7.3% increase from 2017 to 2018.
 The proposed 2018 levy is \$7,416,017.
 The proposed levy represents a 4.81% increase from 2017 to 2018.
 The public is invited to speak."

The public hearing opened at 6:59 p.m. No one came forth to speak.

Motion by Member Theisen, second by Member Linqvist, to close the public hearing at 7:00 p.m. The motion carried unanimously. The 2018 budget and levy will be considered at the December 18, 2017 City Council Meeting.

5. NEW: HOTEL ORDINANCE #105

The City of Waite Park received authorization from the State Legislature that provided the City with the ability to license hotels/motels. The license would not include portions related to health. Those requirements have and will continue to be regulated at the County level. The City has drafted an Ordinance that will establish the requirements for licensure by hotels/motels in Waite Park. A copy of this proposed new Ordinance was presented for review and consideration. The Ordinance would essentially require hotels to annually apply for a license and outlines requirements that have been proposed as part of the licensing requirement. The purpose of this Ordinance is to allow the City the opportunity to proactively work with the hotels/motels in Waite Park on crime prevention. Many hotels/motels can be a place where illegal activity can occur. The purpose of this Ordinance is to look at ways to discourage this type of activity from being a problem and allows the City to address issues through enforcement if necessary.

City Staff has met with our local motel and has also sought input from the Hotel Lodging Association. Staff did receive some feedback from the Hotel Lodging Association that was incorporated into the Ordinance. In Staff's discussions with the local motel owner, Staff provided a copy of the Ordinance to him and encouraged him to contact Staff with any questions or concerns and also encouraged him to attend the council meeting as well.

Discussion was held on the violation period. It was explained the violations calculated in a 12-month period. Discussion was also held on what is considered a violation of the ordinance.

Motion by Member Theisen, second by Member Linqvist, to approve the establishment of Ordinance No. 105, entitled "Regulation of Hotels/Motels/Lodging" and Resolution Authorizing Summary Publication of new Ordinance No. 105 to the City Code entitled "Regulation of Hotels/Motels/Lodging Establishments". The motion carried unanimously. **(ORDINANCE NO. 2017-06 & RESOLUTION NO. 120417-03)**

6. NATIONAL FITNESS COURT APPLICATION

The Park Board has recommended to the council to proceed with applying for a grant to build a fitness court on 3rd Street Trail.

The National Fitness Campaign has approached the Park Board to see if the City would like to put one of their fitness courts in a city park. The fitness court has a number of fitness items that allows people to exercise in a constructive manner outdoors at no cost. It is a 38 by 38 square foot area with exercise items that allow a person to complete a full exercise program in a matter of 15 minutes.

What is special about the National Fitness Campaign is that they have worked with 4,000 communities across the nation to install them for their residents. The end result is a fitness court that has achieved many goals in improving local health.

The fitness court has a price tag of \$90,000. The National Fitness Campaign has a goal to create 100 of these fitness courts at communities across the country. They will put up \$10,000 of the \$90,000 for a community. Extra cost to the City would be, the concrete pad, benches and water fountain, which \$35,000 would need to added to this figure for a grand total of \$125,000.

It is proposed to raise \$60,000 through grants. The grant from the National Fitness Campaign would add \$10,000 to this figure for a total of \$70,000. The balance of \$55,000 would come from the Park Development Fund.

You can go to www.nationalfitnessscampaign.com to learn more about the fitness court. Presented were also pictures for review.

The location for the fitness court is an important part of this project. It needs to be at a park that draws many people or on a trail that has a good number of walkers each day. It seems natural that the fitness trail on Third Street North might be a location. This is a project that would do much to improve the health of our community. The grant application is December 7, 2017.

Staff recommends approval to apply for the National Fitness Campaign grant to build a Fitness Court along the Healthy Living Trail. This grant would be for \$10,000. The City's estimated cost depending on the success of obtaining other grants to fund the entire project, which could be between \$55,000 and \$125,000. The Park Board is recommending the Council proceed with the grant for the Fitness Court with any cost to the City to come out of the Parkland Fund.

Discussion was held on the proposed location of the fitness court and parking.

Motion by Member Schulz, second by Member Schneider, to approve applying for the National Fitness Campaign grant for \$10,000 to build a fitness court along the Healthy Living Trail. Discussion was also held on all he development of the parks/trails on the north side of the City versus developing parks on the south end of the City. The motion carried unanimously.

7. COUNCIL/MAYOR

7.A. REVIEW AND APPROVE BILLS

Motion by Member Schneider, second by Member Theisen, to authorize payment of the accounts payable list (0817M1, 0817M2, 1017D1, 1017D2, 1117D1, 1117D2). The motion carried unanimously.

4. ADMINISTRATOR

4.A. UPDATE

City Administrator Johnson presented a Joint Resolution with the area cities regarding the proposed Legislative Priorities, which includes requesting funding for the amphitheater.


Motion by Member Theisen, second by Member Schneider, to approve the "Joint Resolution Advocating Support for Proposals and Policies of Common Interest to the Central Minnesota". City Administrator Johnson stated that Sartell, St. Joseph and Sauk Rapids City Councils have already taken action on the resolution. The motion carried unanimously. **(RESOLUTION NO. 120417-04)**

City Administrator Johnson reviewed the following:

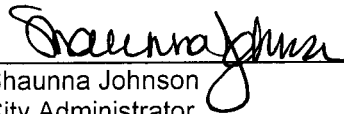
- The last City Council Meeting for 2017 will be on December 18, 2017.

ADJOURNMENT

Mayor Miller declared the meeting adjourned at 7:20 p.m.



Richard E. Miller
Mayor



Shaunna Johnson
City Administrator