

WAITE PARK CITY COUNCIL MEETING**APRIL 3, 2017**

A meeting of the Waite Park City Council was held at Waite Park City Hall on Monday, April 3, 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 Deputy Clerk-Treasurer Virnig, Chief of Police Benrud, Public Works Director Schluenz, Planning and Community Development Director Noerenberg, Fire Chief Aleshire, Attorney Hansmeier, SEH Engineer Wotzka

OTHERS PRESENT

Robert Eschen, Scott Fuller, Brandon Plautz, Cory Schueler, Tina Lamberts, Patrick Henry, Kevin Brink, Nate Meyer, Matt Duffy, Sharon Richter, John Reed, Jim Schleper, Douglas Boser, Steve Feneis

OPEN FORUM

Robert Eschen, stated he used to live on 10th Ave N in Waite Park. He has been going around asking for donations for Blue and White Cab in regards to the accident that killed a cab driver recently in East St. Cloud. He stated donations are being accepted at the Veteran's Hospital and the American Legion for the Blue and White Cab Fund.

COUNCIL AGENDA

Motion by Member Schulz, second by Member Theisen, to approve the 4/3/17 Council Agenda as presented. The motion carried unanimously.

1. CONSENT AGENDA

Motion by Member Theisen, second by Member Linquist, to approve the following 4/3/17 Consent Agenda items:

- 1.A. Approved Council Minutes of March 6, 2017
- 1.B. (Pulled for voting purposes – regarding Council Minutes of March 22, 2017)
- 1.C. Approved 2017 Property Casualty Insurance Renewal
- 1.D. (Pulled for discussion – regarding Plans and Specifications for 2017 Cloud Park Street Improvement)
- 1.E. Approved Lake Wobegon Trail Extension Plan Resolution (**RESOLUTON NO. 040317-01**)
- 1.F. Approved Massage License for Hai Lan Massage LLC at 125 Waite Avenue North
- 1.G. Approved Joint Powers Agreement Central MN Violent Offender Task Force
- 1.H. Approved Joint Powers Agreement with Sherburne County Crime Analysis Unit
- 1.I. (Pulled for discussion – regarding Purchase of Officer Protective Equipment)
- 1.J. Approved Temporary Liquor License for Waite Park Family Fun Fest
- 1.K. Approved Classification and Sale of Forfeited Lands at 249 34th Avenue South
- 1.L. Approved Landscape Coordinator Contract
- 1.M. Approved Babe Ruth Agreement
- 1.N. Approved CMACC Contract

The motion carried unanimously.

1.B. COUNCIL MINUTES OF MARCH 22, 2017

Member Theisen stated he would like to abstain from voting because he was not at the meeting. Motion by Member Linquist, second by Member Schneider, to approve the Council Minutes of March 22, 2017.

Ayes: Mayor Miller, Members Linquist, Schneider, Schulz

Nays: None

Abstained: Member Theisen

The motion carried.

1.D. 2017 PLANS AND SPECIFICATIONS FOR CLOUD PARK STREET IMPROVEMENT

Member Theisen questioned what the life expectancy is when a street is paved. City Engineer Wotzka stated it is about 20 years.

Motion by Member Theisen, second by Member Schulz, to approve the 2017 Plans and Specifications for Cloud Park Street Improvement. The motion carried unanimously.

1.I. PURCHASE OF OFFICER PROTECTIVE EQUIPMENT

Member Theisen questioned if the equipment would be shared with other cities. Chief of Police Benrud stated that this equipment would just be for Waite Park's police officers.

Motion by Member Theisen, second by Member Schneider, to approve the purchase of officer protective equipment. The motion carried unanimously.

3. PATRICK HENRY – HOMELESS AWARENESS PRESENTATION

Patrick Henry and Tina Lamberts, who serve on the Housing First Taskforce of the Homelessness Community Solutions Team of United Way of Central Minnesota gave a presentation. Mr. Henry stated the perception that people have is that homeless people need to get other things in order first like mental health, addictions, finances, etc. before they are worthy of a home. He then stated the simple point is that what people who are experiencing homelessness need first is a home. Housing First is a policy, a program and even more fundamentally, a mindset that treats as neighbors, not as cases, people who are experiencing homelessness. They are asking the City of Waite Park to start imagining Waite Park as a city that is committed to the simple and revolutionary proposition that what people who are experiencing homelessness need is a home. Housing First has been a national movement for a couple of decades.

Ms. Lamberts then talked about Group Residential Housing (GRH) and how the regulations have changed and is available for single residential housing. GRH can help someone that has unoccupied rental housing to get homeless people in them. People are moved into housing and then get help getting the services they need. The state helps fund this because it saves money in the long run.

The main point of the presentation is that housing is what solves homelessness. They are asking the City Council to look favorably on and perhaps even encourage ventures by realtors and other landlords to find opportunities within Waite Park to establish homes for those experiencing homelessness for which the resources available through GRH can be drawn upon.

3. ORDINANCE AMENDMENTS AND ADDITIONS**3.A. ORDINANCE 94 AMENDMENTS – OPEN BURNING RESTRICTIONS**

Presented was a proposed repeal of Ordinance 94 – Open Burning Restrictions and the re-enactment of Ordinance 94 – Open Burning Restrictions. Staff has been working on revising this ordinance to closer reflect the MN State Fire Code.

The following are the reasons for the changes:

1. 94.2., Subd. 1.1 - Updated to reflect the definitions of Attendance and Fire Extinguishing equipment needed to meet MN State Fire Code.
2. The current ordinance 94.2., Subd. 2 stated clearance from combustibles conflicts with the MN State Fire Code. The ordinance requires 10' of clearance whereas the Fire Code requires 25'.
3. New 94.2., Subd. 2.2 and Subd. 5 were added to clarify the difference between open burning and campfire/recreational fires and the use of outdoor fireplaces.
4. 94.2., Subd.3, Subd.4, and Subd.8 were eliminated because they are covered in the new section 94.4.

3.A. ORDINANCE 94 AMENDMENTS – OPEN BURNING RESTRICTIONS (Cont'd.)

5. 94.3., Subd. 1 was revised to include recreational fires. Subd. 2.2 was revised to meet fire code. Subd.3.3 was eliminated because it was covered in Subd. 2. Subd. 4 was amended to replace fire warden with Fire Chief since the city has no fire warden. Subd.5 was eliminated because it is covered in the new 94.4.
6. Current ordinance 94.4 and 94.5 were eliminated and covered in the new 94.4.
7. Current section 94.7, Subd. 5 was amended to reflect the new online burning permit process.
8. The change in Ordinance Section and Subd. numbers is the result of the elimination of sections of the old ordinance and have been adjusted for numerical order.

A Burning permit zone map and references to MN State open burning statutes will be displayed on the city website along with the burning permit application. Part of this process change is to define where open burning can occur and to make it easier for citizens to get a burning permit by having an on-line application and permit approval process.

Staff's recommendation is to approve the Repeal of Ordinance 94 – Open Burning Restrictions and approve the Re-enactment of Ordinance 94 – Open Burning Restrictions and Summary Publication.

Fire Chief Aleshire addressed questions from the Council. Member Linquist questioned what the timeline would be for getting a permit approved. Fire Chief Aleshire stated a 48-hour approval process will be put in place so that he has time to review and process the request. The Assistant Fire Chief will also be available to approve permits when the Fire Chief is not available.

Motion by Member Schneider, second by Member Schulz, to approve the Repeal of Ordinance 94 – Open Burning Restrictions and approve the Re-enactment of Ordinance 94 – Open Burning Restrictions and Summary Publication as presented. The motion carried unanimously. **(ORDINANCE NO. 2017-01)**

3.B. ORDINANCE 52 AMENDMENTS – ZONING AMENDMENTS

3.C. ORDINANCE 53 AMENDMENTS – SIGN REGULATIONS

This request is being initiated by City staff, upon previous review and discussion with area commercial realty professionals and property/business owners in several of the commercial districts within the community. The suggested amendments being proposed promote highest and best use of remaining areas of potential development and redevelopment areas within the B-3, Second Street South Corridor District, to prepare for future development of outlying corridor areas by decreasing lot area standards, and to allow increase in permanent sign allowances for properties in commercial areas.

A moratorium was placed on consideration of Conditional Use Permits and variance applications within the B-3, Second Street South Corridor District in late 2016, to allow time for staff to evaluate and consider possible updates to the area to ensure that the district standards reflect the current market demand and best uses for this area. Particularly within the area along 1st Street South in the B-3 district, there exist several vacant properties or properties with potential near-term redevelopment opportunities in which the application of the current one-acre minimum lot size may limit their potential.

The commercial real estate market has been recently driven by smaller-scale development, particularly smaller-scale retail opportunities. This has been seen throughout the area communities in the form of smaller restaurants and retailers, in which the purchase of an acre is excessive for their needs and is not economically viable. Likewise, there has been some interest in locating religious and non-profit uses in these areas, which are currently allowed for via the conditional use permit process within the B-3, Second Street South Corridor area. Given that this commercial/retail district was originally established with the intent of promoting retail opportunities that serve the community and Greater St. Cloud area in general, and that there are numerous other areas and zoning districts within the city that can support these uses currently, it is prudent to consider removing them from the allowable uses within this district.

A letter was sent to property owners within the B-3, Second Street South Corridor area, soliciting their input on considered amendments, as several owners had a role in crafting the current ordinance. An open house was held at City Hall in the evening of December 8th, 2016.

One property owner and one business manager attended and were supportive of the proposed changes.

Additionally, with the recent annexation of outlying areas of the city which are now zoned I-94/TH23 Entrance Corridor District (BP/C-2), and future areas that may eventually be zoned as Freeway Business Park/Commercial (BP/C-1), while considering market demands for these areas and their current minimum lot sizes, consideration of reduction of the current three-acre minimum is suggested.

3.B. ORDINANCE 52 AMENDMENTS – ZONING AMENDMENTS (Cont'd.)**3.C. ORDINANCE 53 AMENDMENTS – SIGN REGULATIONS (Cont'd.)**

With the ordinance amendments under consideration, and due to the fact that City Staff prefers not to perform ordinance amendments regularly, it would also appear to be a good time to give consideration to possible signage revisions. Over the past two years, Staff has had frequent contact with property and business owners and sign companies regarding proposed signage, and the Planning Commission and City Council have reviewed and approved several requests for variances for signage to allow either increased height, increased sign face area, or both. Particularly since the areas of new development, such as Parkway Drive and the new Luther Honda location, for example, are in areas with higher traffic speeds which may warrant increased sign area and height, Staff is proposing revisions to the ordinance to allow increases in both. Additionally, Staff is recommending establishment of a ground and wall sign allowance for properties located in the Ag/Rural Residential district (to account for businesses which may locate in these areas per ordinance), as well as creation of distinct categories for the I-2, Sundial Corridor District (which is currently omitted), and the proposed I-3, 28th Avenue Corridor District, the creation of which is being considered separately.

The Planning Commission reviewed the request at their March 21st, 2017 meeting. While some members expressed reservations with the proposed amendments relating to signage after having spent a significant amount of time in the recent past on the current ordinance, they recommended approval of the ordinance amendments as proposed.

Recommendations for revisions are as below. Removed language is denoted in strikethrough. Proposed revised language is underlined.

Section 52.28 – B-3, Second Street South Corridor District

Subd. 2. Permitted Uses. The following uses are permitted within the B-3 District.

- A. Free-standing or integrated retail shopping facilities, professional office buildings, financial institutions/services and health (i.e. medical, dental and optical) services intended to serve the entire St. Cloud Metropolitan region and/or draw from a community larger than the City provided the applicant shall demonstrate to the satisfaction of the City that the proposed land uses, their mix, and location are compatible and complimentary both internally and with adjacent land uses.
- B. Class I and Class II restaurants, including drive-thru establishments provided a pedestrian/vehicular circulation plan is submitted and approved by the City Council.
- ~~C. Theaters and cinemas, except drive-in theaters.~~
- D.C. Hotels and motels.
- ~~E. Public uses.~~

Subd. 3. Conditional Uses. The following uses require a conditional use permit within the B-3 District.

- ~~I. Churches and private schools, including music and dance schools, day care centers, and nurseries when located within a church.~~

Subd. 6. Yard, Height and Area Requirements for the B-3 District.

- A. Minimum lot size: ~~one~~ one-half acre.

Section 52.29 – Freeway Business Park/Commercial (BP/C-1).

Subd. 6. Lot, Yard, Height and Area Requirements for the Freeway Business Park/Commercial District.

- A. Lot Area: Minimum lot size shall be three ~~(3)~~one ~~acres~~ acre. Minimum lot width shall be one hundred (100) feet.

Section 52.30 – I-94/TH23 Entrance Corridor Business Park/Commercial (BP/C-2) District.

Subd. 6. Lot, Yard, Height and Area Requirements for the ~~Freeway Business Park/Commercial~~ Entrance Corridor Business Park/Commercial District.

- A. Lot Area: Minimum lot size shall be three ~~(3)~~ one ~~acres~~ acre. Minimum lot width shall be one hundred (100) feet.

Ordinance 53 – Signs

Proposed sign ordinance revisions were presented. New language is noted as underlined. Removed language is noted as strikethrough. It is proposed to change the sign areas for the B-2 and B-3 districts both at 200 square feet maximum.

3.B. ORDINANCE 52 AMENDMENTS – ZONING AMENDMENTS (Cont'd.)

3.C. ORDINANCE 53 AMENDMENTS – SIGN REGULATIONS (Cont'd.)

The Planning Commission is supportive of the proposed amendments and Staff recommends approval of the ordinance amendments as outlined and proposed.

Motion by Member Linquist, second by Member Theisen, to approve the Amendments and Summary Publication for Ordinance 52.28, 52.29 and 52.30 as presented. The motion carried unanimously. Mayor Miller did state that he does not like the ½ acre lots. **(ORDINANCE 2017-02)**

Motion by Member Schulz to table for further discussion the proposed Amendments to Ordinance 53. He feels the proposed sign size is too big and wants to discuss it further. No one seconded the motion, therefore it failed.

Motion by Member Schneider, second by Member Theisen, to approve the proposed Amendments to Ordinance 53 and Summary Publication as presented.

Ayes: Mayor Miller, Members Linquist, Schneider, Theisen

Nays: Member Schulz

Abstained: None

The motion carried. **(ORDINANCE 2017-03)**

3.D. ESTABLISHMENT OF I-3 28TH AVENUE CORRIDOR DISTRICT AND B-2 COMMERCIAL/GENERAL BUSINESS DISTRICT TO I-3, 28TH AVENUE CORRIDOR DISTRICT

This request is being initiated by City staff upon review and discussion with area commercial realty professionals and building owners in the subject vicinity. The concept of the rezoning of this area to a new “mixed-use” commercial/light industrial district, very similar in nature to the successful I-2 Sundial Corridor District, was also reviewed and discussed previously at a joint Planning Commission and City Council workshop.

The subject area has properties that were developed prior to the annexation of the area into the City, and features a mix of light industrial, commercial, and office-type space. As outlined in the presented exhibit, the area is currently a blend of I-1, Light Industrial District, and B-2 commercial zoning district. This has created unintended legal nonconforming uses, including industrial properties within the commercial district, and commercial uses within the industrial area.

While the legal nonconforming status of these properties poses no issues for their day-to-day operations, it may pose challenges upon marketing of the properties as they come up for sale or as businesses transition to new uses or expand. This is due to the requirements within the ordinance that should a nonconforming use cease; the property can only thereafter be used for a use that is allowable within the applicable zoning district. While normally this is beneficial and the desired intent to gradually transition areas to intended uses is achieved over time, due to the unique blend of properties in this area Staff believes it would be reasonable to establish a new district to account for their current and potential future uses in a mixed-use fashion. The City already has a similar district in place for the Sundial Drive area, which was established under similar circumstances, and this area has been quite successful.

Additionally, it should be noted that the subject area features lots that are substandard in size (typically less than 20,000 square feet) for both the B-2 and I-1 Districts in which they are located, which require lot sizes of 30,000 square feet and one acre, respectively. Subsequently, many of the buildings are also somewhat smaller than are typically utilized for uses classified within our established I-1, Light Industrial District, and thus more desirable for some form of use that may not be accounted for within the I-1 District, such as boutique retail shops, gyms, research/lab space, etc.

Given the success and reception of the I-2, Sundial Corridor District, Staff is recommending that the same standards, save for lot size and dimensional requirements, be established for the proposed I-3, Sundial Corridor District.

Staff believes that the proposed district will serve well for this unique area, particular in the future as properties may come up for sale as ownership gradually transitions. As there have been some questions from impacted owners regarding possible tax impacts, an email from Stearns County staff was presented for review and consideration. Staff received general questions regarding the proposal from several area property owners, and upon discussion and explanation they were supportive of the proposed new district.

3.D. ESTABLISHMENT OF I-3 28TH AVENUE CORRIDOR DISTRICT AND B-2 COMMERCIAL/GENERAL BUSINESS DISTRICT TO I-3, 28TH AVENUE CORRIDOR DISTRICT (Cont'd.)

The Planning Commission, at their March 21st, 2017 meeting, reviewed the proposal and recommended approval of the establishment of the new district and rezoning from the current zoning designations to the newly-proposed district.

Staff recommends establishment of the proposed I-3, 28th Avenue Corridor District and rezoning of the proposed subject area to I-3, 28th Avenue Corridor District.

There are two separate requests being considered at this time, although they work together. The first is the ordinance amendment creating the proposed new I-3, 28th Avenue Corridor District, and the second is the rezoning of properties within the subject area to the new 28th Avenue Corridor District.

Member Theisen questioned whether 28th Avenue would be renamed in the future. It was determined that this could possibly happen, but not in the immediate future.

Motion by Member Schneider, second by Member Schulz, to approve the ordinance amendment establishing the I-3, 28th Avenue Corridor District as presented. The motion carried unanimously. **(ORDINANCE NO. 2017-04)**

Motion by Member Schneider, second by Member Linquist, to approve the rezoning of subject properties from I-1, Light Industrial District and B-2, Commercial/General Business District to I-3, 28th Avenue Corridor District. The motion carried unanimously.

4. PRELIMINARY AND FINAL PLAT FOR ST CLOUD AREA EARLY CHILDHOOD CENTER

The request has been submitted by Design Tree Engineering and Land Surveying on behalf of Independent School District 742, for review of preliminary and final plat of St. Cloud Area Early Childhood Center.

In the fall of 2016, the Planning Commission reviewed the request for a Conditional Use Permit to allow for construction of the new proposed Early Childhood and Community Center Building on the Discovery School property. This request was later approved by the City Council. The project is on track for construction this spring/summer, but as the land has not been previously platted, the platting must be completed prior to construction. The need for platting was outlined in the earlier stages of the process and was included as a condition of approval of the Conditional Use Permit.

The submitted plat denotes a single lot and block arrangement, which is satisfactory for the needs of this particular project. Standard necessary utility easements are depicted and retained, including additional utility easements in the southwest and northwest corners of the property which were already established.

Since the property has not been previously platted, the aspect of parkland dedication, or payment-in-lieu thereof, was brought up with the Park Board. A memo prepared and submitted to the Park Board outlining recommendation and rationale for waiving parkland dedication or payment-in-lieu was presented. The Park Board recommended, on a 3-2 vote, to waive requirement for parkland dedication or payment-in-lieu.

Staff is supportive of the preliminary and final plat as-submitted. The request was reviewed by the Planning Commission at their March 21, 2017 meeting and both the preliminary and final plat were recommended for approval as-presented.

Staff recommends approval of the preliminary plat with the following conditions:

1. Dedication of easements shall be required to City satisfaction prior to submittal of the final plat for affixing of City signatures.
2. Development upon the property may be subject to a Development Agreement with the City, to ensure access to and maintenance of required storm water retention facilities and associated facilities.
3. Property is subject to potential need for payment-in-lieu of Parkland Dedication, as established by City Council. Any required parkland dedication fees must be paid prior to affixing of City signatures upon the plat.

Provided that conditions of the preliminary plat are satisfied, staff recommends approval of the final plat.

4. PRELIMINARY AND FINAL PLAT FOR ST CLOUD AREA EARLY CHILDHOOD CENTER (Cont'd.)

Traffic Flow was discussed. It was determined this was discussed and approved earlier and will be addressed as part of the permitting process.

Motion by Member Schneider, second by Member Theisen, to approve the preliminary and final plat of St. Cloud Area Early Childhood Center, with the following conditions:

1. Dedication of easements shall be required to City satisfaction prior to submittal of the final plat for affixing of City signatures.
2. Development upon the property may be subject to a Development Agreement with the City, to ensure access to and maintenance of required storm water retention facilities and associated facilities.
3. Property is subject to potential need for payment-in-lieu of Parkland Dedication, as established by City Council. Any required parkland dedication fees must be paid prior to affixing of City signatures upon the plat.

SEH Engineer Wotzka questioned if the plats were submitted to the County for review. Planning and Community Development Director Noerenberg did not know the answer to that, but there is still time to incorporate any comments the County has on this.

Ayes: Mayor Miller, Members Schneider, Schulz, Theisen

Nays: Member Linquist

Abstained: None

The motion carried.

5. AMENDMENT TO PLANNED UNIT DEVELOPMENT FOR GROUND/ELEVATED MONUMENT SIGNAGE FOR SILVER LEAF LODGING GROUP LLC

A request has been submitted by Silver Leaf Lodging Group, LLC for an amendment to their Planned Unit Development to allow for variation in location and size of ground/elevated monument signage from what was originally approved.

In early 2015, the Planned Unit Development for the Silver Leaf project, consisting of two hotels and an associated event center, all attached and part of a single redevelopment of the former Tri-County Mobile Home Park, was approved. As part of that approval, permission was granted for two 40-foot elevated signs, with locations as approved in the presented exhibit. The existing billboard upon the property was noted as remaining in place.

The submitted plans also depict wall signage, which is included for reference, but the proposed wall signage has been determined by Staff to be permissible without need for amendment to Planned Unit Development. It is included to give a better idea of the overall signage package for the development, although this request deals specifically with the components of ground signage and utilization of the billboard.

At the time of initial review and approval, there was no consideration or discussion of the actual sign face area, and they would subsequently be limited to what is allowable under ordinance, in this case 250 square feet as a multi-tenant center. Please note that while sign ordinance revisions are being considered as a separate item, no sign area revisions are being proposed for B-3 areas in which the Silver Leaf project is located, and the proposed sign area, at 416 square feet, is larger than any of the proposed revisions under consideration for other zoning districts.

Location and designs of the proposed ground signs were presented. While the initial approval had two 40-foot ground signs, the updated proposal would forego one of the 40-foot signs and replace it with a smaller 12-foot tall monument sign to be located along 6th Avenue South. The 40-foot sign would be moved to the frontage along Division Street adjacent to the entrance/exit area for the development. Staff believes this is a more typical and sensible location than the location which was originally proposed, which had the sign located deeper within the property which would limit its visibility from the road.

In reviewing the proposal, consideration must be given to the potential sightline issues that may arise with adjacent properties should the proposed sign be approved. There is an existing billboard (off-premise sign) located approximately 110 feet away from the proposed sign location, which could have some of its visibility obscured by the construction of the proposed 40-foot ground sign. However, in utilizing Google Street View images and estimating the location and general size of the proposed sign, it

5. AMENDMENT TO PLANNED UNIT DEVELOPMENT FOR GROUND/ELEVATED MONUMENT SIGNAGE FOR SILVER LEAF LODGING GROUP LLC (Cont'd.)

appears that by the time an eastbound driver would draw near enough the billboard to read it, it would largely be visible and the impact of the proposed 40-foot ground sign would be minimal.

As a comparison, the current Burger Time elevated sign, although smaller, is located approximately 150 feet from the billboard and does not seem to pose any visibility issues. While the billboard itself is located upon the Silver Leaf property, the structure is owned and operated by Franklin Outdoor Advertising, and they have been in discussions with Silver Leaf regarding their use of the billboard. There has been discussion regarding a potential conversion of the billboard, or at least one side of it, to a digital display, which may be permissible.

Since the use of the billboard by the applicant would be construed as ground signage by the applicant (i.e. it would not be utilized entirely for off-premise advertising), approval would need to be given for this aspect as well and is being sought as part of this application.

Consideration to the corner lot at 6th Avenue and Division Street, at the northwest corner of the development area, must also be given. Although part of the larger redevelopment effort of the area, this property is not owned by the applicant and development opportunities are being sought by its owner. In utilizing Google Street View to get an idea of the sightlines, Staff does not believe that the proposal would result in significant reduction of visibility to the corner lot. Approximations of signage locations are included for review. It should be noted that due to the greater right-of-way in the vicinity of the corner lot, any signage they may pursue would be set back a bit further from the road than on the adjacent Silver Leaf parcel. The approximate property lines were visible on the presented general location map.

Staff looked to the surrounding area for comparable signage situations to take into consideration. The Hampton Inn & Suites and Homewood Suites Hilton, located adjacent to Highway 15 in St. Cloud, utilize a similar joint ground sign. A photo of the sign was presented. Per the permit files with the City of St. Cloud, this sign has an overall height of 25 feet, and an overall width of 15 feet, 3 inches. The sign face area is just under 300 square feet.

This sign seems a natural comparison and is in fact of a similar general design to what is being proposed by the applicant. When factoring in the inclusion of an event center, possible restaurant and an associated dynamic display, and the larger overall scale of the development compared to the Hampton Inn & Suites and Homewood Suites Hilton, the request for 40-foot elevated ground sign, with 416 square foot sign faces and associated 104 square foot dynamic display is reasonable in Staff's opinion.

Likewise, the proposed 12-foot monument sign located upon the site as per the proposed submitted plans is also reasonable in Staff's opinion given the secondary entrance at this location.

Staff is supportive of the amendment to the Planned Unit Development as proposed, with conditions as outlined. The Planning Commission, at their March 21st, 2017 meeting, recommended approval of the request as proposed with the conditions outlined. One person spoke in support and one person spoke in opposition of the request.

Staff recommends approval of the amendment to Planned Unit Development to allow for variation in ground/elevated monument signage and utilization of existing billboard for on-premise signage with the following conditions:

1. Signage location and areas are limited to those reviewed and approved, including wall signage that did not require review/approval of the Planning Commission or City Council. Any proposed deviations for plans or designs submitted shall be subject to review and approval of the Community Development Director, and, if changes are deemed major, additional review and approval of the Planning Commission and City Council.
2. All proposed signage must have landscaping around bases established per City Code requirements.
3. Sign permits shall be obtained prior to fabrication or installation of any signage to ensure review and approval by City Staff. Engineered structural plans shall be included as part of the permit submittal package.
4. Once sign permits have been issued, inspections shall be scheduled prior to pouring of any footings to ensure proper locating of signs per approved plans.
5. All ground-based signage requires landscaping surrounding bases in compliance with City Code and as approved via submittal and review/approval of plans to the Community Development Director.

5. AMENDMENT TO PLANNED UNIT DEVELOPMENT FOR GROUND/ELEVATED MONUMENT SIGNAGE FOR SILVER LEAF LODGING GROUP LLC (Cont'd.)

6. This amendment shall not be considered as any tacit or inferred approval of other deviations from approved project signage or other elements of construction.
7. Utilization of billboard is subject to agreement between Silver Leaf Lodging, LLC and Franklin Outdoor Advertising. The City of Waite Park assumes no responsibility or liability for any disagreements between the two parties and will not serve as arbitrator or mediate any such disagreements.
8. Conversion of billboard to digital display requires sign permit prior to commencement of work and submittal of engineered structural plans as part of permit submittal.

Member Linquist had concerns with too many signs in one area, given the fact that there is a corner lot right next to the Silver Leaf project that is not developed yet and has a different owner. The issue of possibly sharing a sign for the two properties was also discussed.

Motion by Member Schneider, second by Member Theisen, to approve the amendment to the Planned Unit Development as submitted, with the following additional conditions:

1. Signage location and areas are limited to those reviewed and approved, including wall signage that did not require review/approval of the Planning Commission or City Council. Any proposed deviations for plans or designs submitted shall be subject to review and approval of the Community Development Director, and, if changes are deemed major, additional review and approval of Planning Commission and City Council.
2. All proposed signage must have landscaping around bases established per City Code requirements.
3. Sign permits shall be obtained prior to fabrication or installation of any signage to ensure review and approval by City Staff. Engineered structural plans shall be included as part of permit submittal package.
4. Once sign permits have been issued, inspections shall be scheduled prior to pouring of any footings to ensure proper locating of signs per approved plans.
5. All ground-based signage requires landscaping surrounding bases in compliance with City Code and as approved via submittal and review/approval of plans to the Community Development Director.
6. This amendment shall not be considered as any tacit or inferred approval of other deviations from approved project signage or other elements of construction.
7. Utilization of billboard is subject to agreement between Silver Leaf Lodging, LLC and Franklin Outdoor Advertising. The City of Waite Park assumes no responsibility or liability for any disagreements between the two parties and will not serve as arbitrator or mediate any such disagreements.
8. Conversion of billboard to digital display requires sign permit prior to commencement of work and submittal of engineered structural plans as part of permit submittal.

Ayes: Mayor Miller, Members Schneider, Theisen

Nays: Member Linquist, Schulz

Abstained: None

The motion carried.

6. NUISANCE ABATEMENT HEARING – UTILIZATION OF ANDERSON TRUCKING PROPERTIES BY COPART – OLD HIGHWAY ROAD NORTH

City staff has been coordinating with staff of Copart, Inc., including their legal counsel, on an issue regarding their current use of property owned by Anderson Trucking Service, Inc. and located on Old Highway Road North and Bel Clare Drive. The utilization of the property by Copart has, after review and consideration by Staff and the City Attorney, been determined to be in non-compliance with several aspects of the City Code, including but not limited to the storing of junk motor vehicles upon the property.

Primarily to facilitate the request of Copart to appeal to the City Council determination that the property is not suitable for use by Copart due to their operations as what is classified as a prohibited "auto reduction yard" within City Ordinance, a notice and order was sent by Staff to Copart on March 1st, 2017, advising of the determination and requiring removal of all vehicles and equipment upon the site by March 6th, 2017. The subject items were not removed, as staff expected, and Copart's legal counsel has opted

6. NUISANCE ABATEMENT HEARING – UTILIZATION OF ANDERSON TRUCKING PROPERTIES BY COPART – OLD HIGHWAY ROAD NORTH (Cont'd.)

to pursue an appeal of the removal order and determination with the City Council, which is acting in the capacity as established under the nuisance abatement process outlined by Ordinance 90.

The issue at hand stems from contact between Jon Noerenberg, Planning and Community Development Director, and various Copart staff and the commercial realtor representing the Anderson Trucking property. Staff had been contacted in early December 2016 by Copart regarding their interest in a site nearby Fleet Farm (former SJ Louis property) and Staff evaluated and responded they would not be supportive of the use at that site due to the incompatible zoning and adjacent residential uses. At that time, staff reviewed the submitted "Statement of Operations" submitted by Copart and determined that the use could be considered as outdoor storage, which is permissible in the I-1, Light Industrial District with proper screening per City Code. A copy of the letter provided to Copart at that time in response to their interest in the SJ Louis property was presented. Staff gave consideration to the use as possibly being defined as a junk yard, but upon review of the definition of "junk yard" per Ordinance, as below, Staff determined the use did not fit that classification.

"Junk Yard. Shall mean an area where used, waste, discarded or salvaged material is disassembled, including but not limited to scrap iron and other metal, paper, rags, rubber products, bottles and lumber. Storage of such material in conjunction with a permitted manufacturing process when within an enclosed area of building shall not be included."

Copart staff and their commercial realtor made contact with staff again in early January 2017. Staff reviewed the applicable ordinances and did not believe the use fit into the category of outdoor storage, based upon compliance with the submitted statement of operations, discussions with Copart staff, and provision of an agreed-upon screening plan for the property. A copy of the outdoor storage ordinance for commercial/industrial areas was presented. Staff agreed that due to winter weather conditions of the time the provision of fencing /screening could be delayed but advised verbally and via email to the realtor that a plan would need to be approved prior to commencement of any activity upon the site. Staff prepared and sent a letter outlining the determination for the property to Copart on January 13, 2017, a copy of which was presented.

No further contact occurred regarding the property or with Copart staff until early February 2017, when staff was made aware that vehicles and equipment were being brought into the property. Upon discussions between the Planning and Community Development Director, City Administrator, City Attorney, and Mayor, further review of the use of the property and Copart's operations noted that it is classified as an "auto reduction yard", and not "outdoor storage". Per Ordinance definition, an auto reduction yard is defined as below:

"Automobile Reduction Yard. Shall mean a lot or yard where one or more unlicensed motor vehicles, or the remains thereof, are kept for the purpose of dismantling, wrecking, crushing, sale of parts, sale of scrap, storage or abandonment."

Staff was unaware of the classification of auto reduction yard within the ordinance as it is not listed as either a permitted or conditional use within any established zoning districts, and is subsequently prohibited. Staff noted the error in determination and sent an updated determination letter to Copart on February 9th, 2017, outlining the previous incorrect determination and informing them that continued use of the site would not be permissible and requiring that the use be discontinued and all vehicles and equipment removed by May 1, 2017. A copy of this correspondence was presented.

Copart staff and their legal counsel, after receipt of the updated determination, held meetings with City staff, City Attorney, and Mayor Miller at City Hall and an on-site meeting at their Avon facility to review their operation. Copart disputes that they meet the definition of "auto reduction yard" within the ordinance and has expressed their desire to continue their use and expansion of their operations upon the property, which they are leasing. Staff advised that a determination would be made and that if Copart did not agree with the results, they would have the opportunity to appeal and discuss with the City Council.

After considerable review and discussion, Staff sent the determination letter regarding Copart's use of the property on March 1st, 2017, a copy of which was presented. Review of operations and City Ordinances identified that the use does not comply with the ordinance as it is deemed an "auto reduction yard" due to the storage of unlicensed vehicles (Copart has continually disputed the licensing aspect), and due to the storing or parking of junk motor vehicles, which the vehicles and equipment being stored

6. NUISANCE ABATEMENT HEARING – UTILIZATION OF ANDERSON TRUCKING PROPERTIES BY COPART – OLD HIGHWAY ROAD NORTH (Cont'd.)

by Copart would qualify as. Per Ordinance 61, Section 61.13, "Storing or Parking of Junked Vehicle", which states the following:

"Storing or Parking of Junked Vehicle. No person shall park, store, or leave any junked vehicle, whether attended or unattended, upon any public or private property within the City. No person, as an owner of or an occupant having control of private property within the City, shall permit the parking, storing, or leaving any junked vehicle upon private property, unless the junked vehicle is stored within a building. For purposes of this Ordinance, a junked vehicle shall constitute any vehicle, as defined in this section, which has unlawfully affixed or attached to it an expired State registration or license plate or plates, or the condition of which is wrecked, dismantled, partially dismantled, inoperative, abandoned, or discarded. The presence of a junked vehicle within the City upon private or public property as described by this Ordinance is declared to be a hazard to the public health and safety, and a public nuisance that the City may abate as a nuisance."

The violation of this ordinance is considered a nuisance and utilizes the abatement process outlined in Ordinance 90, "General Public Nuisances, which is described as below:

"Abatement of Nuisance. If, after service of notice, the person served fails to abate the nuisance or make the necessary repairs, alterations or changes in accordance with the order of the Building/Code Enforcement Officer, at the direction of the Building/Code Enforcement Officer, the nuisance will be presented to the City Council at a regular meeting. The Waite Park City Council may, after notice to the owner or occupant and opportunity to be heard, cause such nuisance to be abated at the expense of the City of Waite Park and recover such expenditure by assessing the cost of the enforcement action against the real property upon which the nuisance existed and to certify the same for collection in the same manner as taxes and special assessments are certified and collected. Costs of enforcement shall include administrative costs, including the cost of service and posting."

A response letter from Copart's legal counsel was received on March 7, 2017, disputing the City's determination and order for correction and requesting the review via the City Council. A copy of this correspondence was presented.

Staff advises of the following aspects in which the utilization of the property by Copart for their operations as a storage/auction yard for automobiles does not meet City requirements and should not be considered as a permitted use:

- The utilization of the property for storage/parking of junk motor vehicles is considered a nuisance per Ordinance 61, Section 61.13, "Storing or Parking of Junked Vehicle", and is subject to abatement procedures as outlined in Ordinance 90, "General Public Nuisances". Regardless of licensure, a vehicle which is wrecked, dismantled, partially dismantled, inoperative, abandoned, or discarded qualify as a junk motor vehicle, and the vast majority of vehicles handled by Copart meet this definition.
- The use constitutes an "Automobile Reduction Yard" per City Ordinance. Given the volumes of vehicles and the extensive turnover time (as noted by Copart, longer than outlined in the submitted Statement of Operations), it is not feasible that current licensure is maintained for all damaged vehicles in storage at the facility. Additionally, Copart's location in Avon utilizes signage which notes them as "salvage auto auctions", which aligns with the use as an auto reduction yard.
- The transfer of titles and vehicles also constitutes a sale of the vehicle. Vehicle sales are not listed as either a permitted or conditional use within the I-1, Light Industrial District. City ordinance does not differentiate vehicle sales by level of damage or lack thereof, only by "new" or "used". New and used vehicle dealers typically require an approval of the local zoning administrator by the State of Minnesota and no such approval has been requested nor provided by Copart for this property.

Staff would note the vehicles and equipment were brought into the property and the site began to mobilize for operations prior to the submittal and approval of a screening plan by staff, as discussed earlier on in the process. While the provision of the screening plan would not have corrected the underlying error by staff in the determination of the use as permitted "outdoor storage", it would have provided another level of review and opportunity to have caught the error before commencement of operations upon the site.

6. NUISANCE ABATEMENT HEARING – UTILIZATION OF ANDERSON TRUCKING PROPERTIES BY COPART – OLD HIGHWAY ROAD NORTH (Cont'd.)

While Copart may have an investment in the site in having a lease agreement and having started mobilizing operations upon it, the error was identified relatively early in their utilization of the property and before any capital investments in the form of remodeling/adding buildings, fencing, permanent site equipment, paving, or fencing/screening. Staff and the City Attorney do not believe that such an error constitutes an ongoing allowance for continued use of the site, and proposed expansion, in violation of applicable City ordinance.

Staff would recommend that the City Council make the following determinations:

1. Uphold the determination that the site is in violation of Ordinance 61, Section 61.13, "Storing or Parking of Junked Vehicle" and that the utilization for storage and parking of junk motor vehicles must be discontinued per standards of Ordinance 90, "General Public Nuisances".
2. That the use constitutes a prohibited "Automobile Reduction Yard" per City Ordinance and must be discontinued.
3. That the use constitutes prohibited sale of motor vehicles in an I-1, Light Industrial District and must be discontinued.

Staff recommends setting June 1, 2017 as the deadline for removal of all vehicles/equipment and discontinuance of the site by Copart.

Matt Duffy, representing Copart, feels that Copart is a permitted use within the City's light industrial use district. Copart takes in vehicles that are damaged in floods, hail storms, and from charities and financial institutions, etc. to get them titled so they can be sold. They are then sold through an on-line auction site. There is no selling that goes on on-site, it all goes on through an auction site and money exchanges hands through the internet. People then pick up their merchandise and leave. Mr. Duffy also stated there is no reducing of the vehicle on-site. The only thing removed is the license plates for privacy reasons. They are willing to work with the City to make it a process and an asset like they are in any other community they are located in. He stated there are five factors to determine if a vehicle is junked and Copart does not deal with junked vehicles. Copart is an asset management company. They are asking that the City of Waite Park does not rescind their approval or classify their operation as a nuisance. Other representatives and supporters were present at the meeting in support of Copart. There were also letters submitted from the St. Cloud Chamber of Commerce and the Greater St. Cloud Development Corporation.

Motion by Member Linquist, second by Member Schulz, to table the issue to May 1, 2017 so more review and discussion can take place before a final decision is made.

John Reed, the acquisitions director for Copart, stated they are a 200-facility strong, publicly traded asset management company. They employ 6,000 people and are headquartered in Dallas. They are also overseas in the UK, Canada, Germany, South America, the Middle East and soon to be in India and China. They are a global operation. They sell about \$2.2 million assets a year. He would like to compel the Council to consider the choices that they can be in the community. They can be a driving force for employment and good business practice. They are growing out of their place in Avon, Minneapolis and East Bethel and would like to operate in Waite Park, which is a very strategic location for their business. Any vehicle that they cannot sell over the internet is removed in a timely fashion by a qualified vendor under contract with them. They hold the vehicle on average from 45-90 days. He would like the Council to consider allowing their business in Waite Park.

Ayes: Members Linquist, Schneider, Schulz

Nays: Mayor Miller, Member Theisen

Abstained: None

The motion carried.

7. PUBLIC WORKS ITEMS

7.A. SALT BUILDING

Oertel Architects received 3 quotes for the Salt Building. They are as follows: Greenfield \$78,709.00, Greystone Construction \$79,545.00 and KUE Contractors \$136,783.00. The Engineer Estimate is \$80,000.00.

7. PUBLIC WORKS ITEMS

7.A. SALT BUILDING

There is a \$836 difference between the two low bids. Oertel Architects is recommending awarding the salt building to Greystone Construction, as they know them well and have worked with them on many projects.

Staff is recommending awarding Greystone Construction the salt building project for the Public Works Facility in the amount of \$79,545.00.

Motion by Member Schulz, second by Member Schneider, to awarding Greystone Construction the salt building for Public Works Facility for the cost of \$79,545.00.

Ayes: Mayor Miller, Members Linquist, Schneider, Schulz

Nays: Mayor Theisen

Abstained: None

Member Theisen feels the low bid should be awarded. The motion carried.

7.B. EQUIPMENT PURCHASES FROM BUDGET

The table below shows the items the public works department would like to purchase.

Budgeted	Requested Item in budget	Price	Requested Item to Purchase	Notes
\$13,000.00	City's share of 2 mowers for Babe Ruth	\$11,993.99	60" Exmark Mower with bagger Powerhouse Equipment ** Price is cheaper than State Bid Price by \$57.00**	City will be purchasing this mower in full for Waite Park Babe Ruth. After going over the agreement with Babe Ruth and discussing their equipment and needs, we found out that Babe Ruth spent \$12,000 on a groomer last year and are paying that off themselves. The Mayor and I agreed that the City would purchase this mower and not look for any reimbursement from Babe Ruth, as they have already paid \$12,000 of their money and didn't ask the City for help. We also have found out that any of the mowers we purchase can be traded in /leased every 2-3 years, the same as we do for the city mowers, thus providing we receive mowers that are always under warranty and updated. The cost will be programmed over the next few years into our CIP.
\$45,000.00	3/4 Ton Utility truck w/ utility boxes	\$40,168.96	3/4 Ton Utility Truck and Equipment -Chassis \$27,629.96 includes \$3,000.00 trade and tax and license. - Equipment \$12,539.00 Includes flatbed, tool boxes, inverter, strobe lights and mounting the salvaged crane from 1 ton **All Prices are under State Bid**	This truck will replace or 2000 Dodge 1 Ton Utility truck. We will be trading in the truck with the exception of will be salvaging the crane and reinstalling it on the new truck.
\$38,000.00	Mower	\$20,200.00	Leased trade in for John Deere 1600 Mower ** State Bid Pricing**	This is our very two year trade in / lease program.
\$11,000.00	Gator	\$15,248.00	Bobcat 3400G utility vehicle w/ cab & heater **State Bid Pricing**	My staff researched the Gator to replace the ATV we are using to spray weeds. They found that Bobcat had a better unit and more functional, which gives us the possibility to use in winter months if we find the need, and purchase plows or broom
		\$11,348.00	Bobcat attachment - Planner & 16" all purpose drum ** State Bid Pricing**	-This piece of equipment will allow us to make longer-lasting repairs to shallow potholes. It will also provide us with the ability to make a better transition from large street patches that we do. This piece of equipment will provide flexibility to respond to the different types of damage to the road surface. It will provide better rideability and longer life to our repairs. -Last fall we tried out a planner in Cloud Park to see how it worked along with the quality of the patch holding up over time and winter. It worked great!!
\$107,000.00	Total Budgeted	\$98,958.95	Total Requested for Approval	
		\$8,041.05	Balance under budget proposed to go to New Furnishings for New Public Works Facility	

Public Works Director Schluenz gave details of the pieces of equipment his department would like to purchase. Staff recommends the purchase of an Exmark mower for \$11,993.99, the purchase of a ¾ ton Utility Truck and Equipment for \$40,168.96, a Bobcat 3400G Utility vehicle with cab & heater for \$15,248.00 and a Bobcat attachment Planner and 16" All Purpose Drum for \$11,348.00, with the \$8,041.05 under budget amount going to New Furnishings fund for the New Public Works Facility.

Member Linquist questioned the purchase of a Bobcat 3400G utility vehicle instead of a Gator. He stated then there will be more equipment requested for the Bobcat 3400G in the future. Public Works

7.B. EQUIPMENT PURCHASES FROM BUDGET (Cont'd.)

Director Schluenz stated the Bobcat 3400G will be more functional and has more versatility. He is not asking for any other equipment for the Bobcat at this time.

Motion by Member Schulz, second by Member Schneider, to approve the purchase of an Exmark mower for \$11,993.99, the purchase of a ¾ ton Utility Truck and Equipment for \$40,168.96, the purchase of a Bobcat 3400G Utility vehicle with cab and heater for \$15,248.00 and Bobcat attachment planner, the purchase of a 16" All Purpose Drum for \$11,348.00 and the \$8,041.05 under budget amount going to New Furnishings fund for the New Public Works Facility.

Ayes: Mayor Miller, Members Schneider, Schulz, Theisen

Nays: Mayor Linquist

Abstained: None

The motion carried.

7.C. CHANGE ORDER #2 FOR PUBLIC WORKS FACILITY

Staff has combined several smaller change order items into one larger Change Order #2. There are several items included in this change order, which were presented. The largest item is the Security Doors which was previously approved in February as a separate item. That approval was up to \$12,000.00, the final price came in at \$7,050.00 because the proposal had four door frames included instead of the two that are needed. All the items included in the change order were presented. There are some increases and deducts. The total change order request is \$12,234.00

Staff is recommending approval of Change Order #2 for Public Works Facility.

Motion by Member Theisen, second by Member Schneider, to approve Change Order #2 in the amount of \$12,234.00 for the Public Works Facility. The motion carried unanimously.

8. COUNCIL/MAYOR**8.A. REVIEW AND APPROVE BILLS**

Motion by Member Schneider, second by Member Schulz, to authorize payment of the accounts payable list (0117M1, 0117M2, 0317D1, 0317D2, 0317D3). The motion carried unanimously.

Mayor Miller stated a letter was received stating Mayor and County Recognition Day for National Service is tomorrow, April 4, 2017. The City of Waite Park has five people that volunteer for the Foster Grandparents Program. They are S. Maurita Niedzielski, Kay Heins, David Leslie, Mary Schill and Aggie Steichen.

Mayor Miller stated a thank you letter was received from the Good Samaritan Fund for the donation they received from the City of Waite Park.


Member Schneider stated he received a check in the amount of \$971.22 payable to the City of Waite Park from the funds that were left at Liberty Bank from the Dan Butkowski Memorial Fund. Motion by Member Schneider, second by Member Theisen to accept the funds from the Dan Butkowski Memorial Fund and receipted into the City's Parkland Dedication fund. The motion carried unanimously.


6. ADMINISTRATOR**6.A. UPDATE**

City Administrator Johnson was not present at the meeting, therefore there were no updates given.

ADJOURNMENT

Mayor Miller declared the meeting adjourned at 8:39 p.m.


Richard E. Miller
Mayor


Karla Virnig
Deputy Clerk-Treasurer