

1. CALL TO ORDER

A meeting of the Waite Park City Council was held on Monday, June 21, 2021, beginning at 6:30 PM.

MEMBERS PRESENT

Members present were Mayor Miller, Councilmembers Linquist, Schmitt, Schulz, and Theisen

CITY REPRESENTATIVES PRESENT

City Representatives present or on the call were City Administrator Johnson, City Clerk/Accountant Virnig, Public Works Director Schluenz, Chief of Police Bentrud, Planning and Community Development Director Noerenberg, and City Attorney Storm

OTHERS PRESENT

None

2. PLEDGE OF ALLEGIANCE**3. PUBLIC INPUT**

No public comment was given.

4. COUNCIL AGENDA

Member Linquist moved to approve the agenda as presented, seconded by Member Schulz. Motion carried unanimously.

5. CONSENT AGENDA

- 5.A. Approve 2AM Liquor License for Friends Bar
- 5.B. Approve New Massage Enterprise – Allie at Remedies Therapeutic Massage
- 5.C. Approve Hiring Process for Part-Time Community Service Officer
- 5.D. Approve Hiring Full-Time Police Officer – Application Process Round 2
- 5.E. Approve Performance Measurement Resolution (**RESOLUTION 062121-01**)

Member Theisen moved to approve the consent agenda as presented, seconded by Member Schmitt. Motion carried unanimously.

6. REGULAR AGENDA ITEMS**6.A. CONSIDER SIGNAGE FOR THE LEDGE AMPHITHEATER**

City Staff has been working on a plan to address the signage needs at The Ledge. Staff brought forward some ideas a few months ago to the City Council and determined that more time was needed to be spent on how best to address the signage needs for the site.

Council has a desire to consider an electronic sign on Highway #23 and this is being pursued with a possible location on our pond location across from Luther Honda off Highway #23. Staff is pursuing the possibility of partnering with local businesses on funding this sign. Given the Ledge is set to open in July, Staff is anticipating that this will take additional time to get established and something we hope to have a proposal on this sign in early 2022.

Additional signage that has been reviewed by Staff, includes the main signage for the site. Staff wants the signage on the site to really be a nice finish to the site and know that this will be the first thing that many people see. Staff worked with Scenic Signs and had them view the site to provide us with their recommendations on sign locations and the type of signage that should be on site. Scenic Signs has come up with two sign locations. The largest of the two signs is proposed to be located on the corner of Parkway Drive and 17th Avenue and the smaller monument sign is proposed for the main entrance to the facility along Parkway Drive. Scenic Signs believes these two locations are the best locations for signage. One the large sign, they have some directional signage incorporated on the sign as well to direct patrons to the proper locations. These two signs are proposed to be lighted, but Scenic Signs is not recommending having an electronic option at either of these locations. They agree that the electronic

6.A. CONSIDER SIGNAGE FOR THE LEDGE AMPHITHEATER (Cont.)

option would be served along Highway #23 and not on the actual site. Scenic Sign's proposed signage has some uniformity that can be incorporated with other signage that can be added to the site and ties into the overall character of the site.

The proposal from Scenic Signs was presented for review and consideration. Staff has placed this on the City Council agenda to allow for this to be considered now. If the Council is interested in moving forward and approves the proposed signs, Scenic Signs indicated that they would likely be able to have both signs completed by August 10th, which would be before the first national event on the site.

The proposal estimates a cost for the large sign to be \$55,995.00. This sign is the one proposed for the corner of Parkway Drive and 17th Avenue South. The smaller sign, proposed for the main entrance along Parkway Drive, has two options. One would be for the sign to be single faced with a cost of \$17,995.00 and the second would be for the sign to be double faced with a cost of \$20,195.00. In reviewing this smaller sign and knowing the large sign will be on the corner, Staff would recommend angling the smaller sign and keeping it single faced. There are three flag poles that will be located here along with three evergreens. The sign would fit nicely into that space and still provide a good view for those along Parkway Drive. In addition to this, there will be a cost for the electrical that we are anticipating being approximately \$10,000 total, which includes the electrical needs for both sites. (Power is there on the small sign and will need to be pulled off the light pole on the corner sign).

In reviewing these cost estimates with Finance Director Lindberg to determine how we should proceed, he is recommending that we move forward with installing both signs now. He indicated that there are some additional funds available in the reserve general fund that were not anticipated earlier in the year that we will be able to use these funds to pay for these two signs. With that, the total cost of both signs and the electrical work needed would be \$83,990 for the large sign and a single faced small sign. If we wanted to do the double-faced small sign, the cost including the electrical would be \$86,190.00.

Staff believes these proposed signs better reflect the overall design of the facility and address the signage needs for the facility. Given availability of funds, Staff also recommends moving forward with both signs now.

Mayor Miller asked if the smaller, single faced sign would be visible from both directions. Public Works Director Schluenz clarified that it would be because it would be placed at a 45-degree angle. Public Works Director Schluenz also said the one-sided sign would look more attractive with how the flags and pine trees will be placed behind the sign.

Member Linquist thought that solar power should be looked into. City Administrator Johnson said that she didn't know if that was feasible and if the cost would be any less than what is being proposed. Public Works Director Schluenz said there is already power at the site to light the flags and the lights will be LED so there isn't a lot of cost to run the lights. Public Works Director Schluenz said the biggest cost is off of 17th Avenue because they have to tap into a streetlight for power.

Member Schulz moved to approve the elevated sign with a proposed cost of \$55,995.00, including an additional approximate \$8,000 for electrical and the monument sign (single faced) with a proposed cost of \$17,995.00, including an additional approximate \$2,000 for electrical, to be installed as soon as possible. Motion seconded by Member Schmitt. Motion carried unanimously.

6.B. CONDITIONAL USE PERMIT – NATURE'S VIEW LANDSCAPING

This request has been submitted by Leroy Ludwig and Bob Zabinski to allow for a Conditional Use Permit for a landscaping business in the A-1, Agricultural/Rural Residential District, to be located on the northern portion of what is currently the Zabinski property at 2705 County Road 6.

The request is very similar in nature to the initial request for the project made by Mr. Ludwig for a nearby property in July 2020. Since that time, he has considered other properties and the area and is currently coordinating with Mr. Zabinski for a potential purchase and split of the property, pending Conditional Use Permit approval.

The applicant is pursuing to develop both a home and their landscaping business on the subject property. Development of the home would not require specific approval, but the landscape business component does. The property would be developed as a "shouse" post-frame construction residential/storage building. The applicant has been coordinating with their architect, builder, and City building official on anticipated plans for the property to ensure building code compliance. No building permit could be issued for the property until both the platting of the property occurs and the Conditional Use Permit is approved.

6.B. CONDITIONAL USE PERMIT – NATURE'S VIEW LANDSCAPING (Cont.)

The applicant has submitted a site plan with proposed site configuration (attached) as well as a narrative of the proposed business, which is the same narrative as initially proposed in July 2020. The business functions essentially the same as the previous location nearby, which has posed no issues or concerns for the City during its 15 years there. Nature's View Landscaping would operate 5 days a week in the summer (no holidays or weekends), with summer hours typically 7AM to 5PM. Winter hours are typically 12 hours after a snowfall to accommodate plowing activities.

The structure would have residential space for the applicant and his wife, and an office and storage space on the opposite end. Equipment would also be stored outside, including trucks and trailers, and rock bins for storing of decorative landscape rock and mulch. Pile areas would also be established for brush, black dirt, and boulders. The proposed storage areas are of sufficient distance from the roadway that Staff does not believe there is a need for specific screening unless the applicant so chooses, as long as storage areas adhere to the proposed plan or are otherwise approved by City Staff.

The proposed driveway and parking areas are denoted as gravel. The City Ordinance notes that a Conditional Use Permit would be a trigger for a property to have its parking hard surfaced to be brought up to City standards. However, due to the rural nature of the area, staff would advocate in this case that the property be granted an exemption from the requirement to hard surface at this time. Future need to hard surfacing may be triggered in the future with additional construction or activities requiring additional City review/approval although specific review and consideration would be given to projects proposed at that time.

Platting of the property would be required prior to any commencement of building permit or construction activity. Staff has been coordinating with the applicants and it is expected that a plat process would be pursued pending an approval of the conditional use permit, which is standard for any such project. There is adequate room to plat the parcel and meet the 10-acre minimum for a new parcel as well as the access requirements to public road, in this case County Road 137.

Given recent discussion by Staff and the City Council regarding the possible Southwest Beltway, as currently undergoing review and planning by the APO, Staff would note that this project is in the general vicinity of a possible future alignment for the project. However, as there is no firm plan for the project or allocated funding, Staff would not advocate for holding up or not approving any project in the area at this time. Staff has advised the APO and their consulting team for the project of this potential development so that it can be included as part of their study considerations.

The Planning Commission reviewed the request at their June 8, 2021 meeting and held a public hearing. No comments were received. The Planning Commission recommended approval of the request with conditions as proposed by Staff.

Staff recommends approval of the conditional use permit with the following conditions:

1. Property will need to be platted prior to issuance of any building permit or commencement of any construction activities.
2. Parking areas and access areas are exempted from hard surfacing requirements. Future projects, such as building expansion, new building construction, or platting of property may trigger need to hard surface parking areas at that time.
3. Parking is not allowed on County Road 137.
4. Curb opening/access is subject to review/approval of Stearns County Highway Department.
5. Parking and storage areas shall adhere to plans as reviewed by Planning Commission and/or City Council unless otherwise approved by City Staff.
6. All necessary construction activities shall be completed to satisfaction of City of Waite Park Building Official prior to commencement of any activities in impacted areas.
7. Any new exterior signage shall require a permit prior to installation or fabrication of signage to provide for review and approval.
8. Ground and/or pylon signs shall require a footing inspection prior to construction to confirm compliance with City Code requirements.
9. At time City sewer/water may be made available to the property, the property will be required to connect to them and abandon and seal private septic and well facilities within one year.

Member Linquist asked how many acres. Planning and Community Development Director Noerenberg stated it was about 10 acres.

Member Linquist asked if the property was going from A1 to R1. Planning and Community Development Director Noerenberg stated it was not.

6.B. CONDITIONAL USE PERMIT – NATURE’S VIEW LANDSCAPING (Cont.)

Member Theisen moved to approve the conditional use permit to allow for landscaping business on portion of 2705 County Road 6 property, seconded by Member Schmitt. Motion carried unanimously (RESOLUTION 062121-02)

6.C. VARIANCE – DAYLILY, 715 1ST ST S

We have received a variance request from the owners/operators of Daylily Salon and Spa for variance from City Ordinance Section 52.49.05, Subd. B1 to allow for establishment of a fence in the front yard (beyond the front of the building closest to the road).

Daylily opened recently in a newly constructed building and recently submitted a building permit application for a fence. Permit review by Staff found the fence to be proposed in the established front yard, which is prohibited under the ordinance. Staff reached out to the applicants to inform them of this and was advised that the fence is being pursued in order to provide security and screening for employees and patrons of the business due to trespass issues associated with the neighboring motel property. Staff advised that they would either need to withdraw the building permit, resubmit an updated application that removed the fence from the front yard, or apply for a variance to formally consider the approval of a fence in the front yard.

The fence in question is a traditional six-foot height vinyl privacy fence, common for commercial and residential applications. The request is to take the fencing to the property line closest to the road at 715 1st St S. This would still leave substantial distance from the street/curb due to the right-of-way in the area and would not cause a concern for vehicle/pedestrian visibility.

As the issue creating the need for the fence is being created by a neighboring property and is outside of the applicant’s control and was not self-created on their own accord and given that the intent of the fence is to provide a minimum level of security and screening from the adjacent property purportedly driving the issue, Staff is supportive of the variance request in this instance.

The Planning Commission reviewed the request and held a public hearing at their June 8, 2021 meeting. No concerns were heard, and the Planning Commission recommended approval of the request.

Member Linquist moved to approve the variance request as proposed and adoption of the presented resolution, seconded by Member Schmitt. Motion carried unanimously. (RESOLUTION 062121-03)

6.D. VARIANCE – ROY UNDERSANDER, 8461 OLD HIGHWAY RD N

Staff has received a variance request from Roy Undersander for variance from City Ordinance Section 52.49.03, Section C to allow for establishment of an accessory structure (garage) in the front yard of the property. The property is located at 8461 Old Highway Road North and was previously platted in preparation of eventual development of a residential home upon the property.

Mr. Undersander is in the planning stages of home construction for the property and is proposing to locate a detached garage in the formal front yard of the property and in front of the proposed home. The proposed garage would still be approximately 170’ away from the property line along Old Highway Road North and 60’ away from the northern property boundary. The area is also heavily wooded and would screen nearly all visibility of the structure from the road. The garage is proposed solely for private and personal use and is not associated with any proposed business use.

Staff has reviewed the property on-site with the applicant and believes that there is adequate undue hardship due to the configuration of the property as well as a desire to avoid impacting sloped/graded areas or clear additional old-growth trees, as well as preventing impact to a longstanding family trail that runs through the middle of the property. The applicant has submitted a thorough narrative outlining their rationale for justification of the variance and Staff concurs with the assessments throughout after reviewing the site firsthand.

Staff believes justification exists for the approval of variance and that practical difficulties have been established by the rationale outlined above, and that approval of the variance would not adversely affect neighboring properties.

The Planning Commission reviewed the request and held a public hearing at their June 8, 2021 meeting. Owners of an adjacent neighboring property were in attendance and had questions on the project but were satisfied with the answers. The Planning Commission recommended approval of the request.

6.D. VARIANCE – ROY UNDERSANDER, 8461 OLD HIGHWAY RD N (Cont.)

Member Theisen moved to approve the variance request as proposed and adoption of the presented resolution with the outlined conditions, seconded by Member Schulz. Motion carried unanimously. (RESOLUTION 062121-04)

7. COUNCIL/MAYOR

7.A. REVIEW AND APPROVE BILLS

Member Theisen moved to approve the bills as presented, seconded by Member Schmitt. Motion carried unanimously.

8. ADMINISTRATOR UPDATE

8.A. PENDING LITIGATION


Member Linqvist moved to close the meeting at 7:05 pm, seconded by Member Theisen. Motion carried unanimously.

After the closed part of the meeting, it was then reopened at 7:36 pm.

ADJOURNMENT

Mayor Miller declared the meeting adjourned at 7:37 pm.


Richard E. Miller
Mayor


Karla Virnig
City Clerk/Accountant