

**WAITE PARK CITY COUNCIL MEETING****January 7, 2019****1. CALL TO ORDER**

A meeting of the Waite Park City Council was held at Waite Park City Hall on Monday, January 7, 2019, beginning at 6:30 PM.

**MEMBERS PRESENT**

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

**CITY REPRESENTATIVES PRESENT**

City Representatives present were City Administrator Johnson, Deputy Clerk-Treasurer Virnig, Chief of Police Bentrud, Planning and Community Development Director Noerenberg, Attorney Storm, SEH Engineer Wotzka

**OTHERS PRESENT**

There were no signatures on an attendance sheet.

**2. PLEDGE OF ALLEGIANCE****2.A OATH OF OFFICE**

City Administrator Johnson administered the Oath of Office to Rick Miller (Mayor), Vic Schulz and Frank Theisen (Councilmembers).

**3. OPEN FORUM**

Peter Wilson, Sartell, spoke regarding the election complaint he had brought up late last year. Mr. Wilson went to the County Attorney to make a formal complaint. Mr. Wilson was concerned with how the terminology and policies are intertwined between municipalities and the United Nations.

Gary Morgenroth, Waite Park, recognized the impact Chuck Schneider had on the City of Waite Park. Mr. Morgenroth stated that prior to the election, he sat down with City Staff regarding the green steps program and sustainability goals of Stearns County. Mr. Morgenroth stated he has a binder full of questions to ask the Council and hopes the Council is willing to answer those questions. Mayor Miller stated he should submit his questions to the City.

**4. COUNCIL AGENDA**

Motion by Member Schulz, second by Member Theisen, to approve the 1/7/19 Council Agenda as amended.

7.B. (Add) Legacy Funds

The motion carried unanimously by those members present.

**5. CONSENT AGENDA**

Motion by Member Theisen, second by Member Schulz, to approve the following 1/7/19 Consent Agenda items:

5.A. Approved 11-13-18 City County Minutes

5.B. (Pulled for discussion – regarding 2019 Appointments)

The motion carried unanimously by those members present.

**5.B. 2019 APPOINTMENTS**

Mayor Miller stated the acting mayor will need to be filled.

Motion made by Member Theisen, second by Member Schulz to approve appointing Member Linquist as the Acting Mayor. The motion carried unanimously by those members present.

**5.B. 2019 APPOINTMENTS (Cont'd.)**

Motion by Mayor Miller, second by Member Schulz to approve appointing Member Theisen as an alternate for the APO Board. The motion carried unanimously by those members present.

**6.A. PUBLIC HEARING-VACATION OF DRAINAGE AND UTILITY EASEMENTS, PRELIMINARY AND FINAL PLAT-MOLITOR INDUSTRIAL PARK PLAT 2**

The request has been submitted by Ed & Brenda Molitor and Rock On Properties, LLC (both property owners) for review of preliminary and final plat of Molitor Industrial Park Plat 2. The proposed subdivision is a three-lot, single block subdivision and partial replat of Molitor Industrial Park Plat at the Molitor and Rock On Truck properties on 7<sup>th</sup> Street South and 28<sup>th</sup> Ave South.

The reason for the request is a pending arrangement for the Molitors to buy a small portion of property from Rock On Properties, LLC, located on the eastern side of the Rock On parcel. The Rock On property has not been previously platted, and the proposed sale parcel is too small to perform via an administrative lot split, and as such a plat would be required to convey the property.

The proposed plat/replat will create a 3-lot subdivision with a total area of 14.22 acres. There is no specific development or construction proposed with the plat at this time. Access to the properties will remain the same.

During the survey, an issue with the easements was identified. As a result, the easements are being proposed for vacation and then rededication with the final plat. During review, Staff had recommended that the new drainage and utility easement that runs north/south between Lot 1 and Lots 2 and 3 be expanded to a total 30-foot width, 15 feet on either side of the property lines to allow additional area for drainage.

Additionally, since a portion of the property had not previously been platted, it should be determined whether parkland dedication fees should be required. Based on the established value of the unplatted Rock On land (not including buildings), and 5% of that value as established by ordinance, the amount of the parkland dedication would be \$14,710.00. The Park Board has submitted their consensus that they agree with this amount.

Mayor Miller opened the public hearing at 6:42 PM.

No one present wished to speak at the public hearing.

Motion by Member Theisen, second by Schulz to close the public hearing at 6:43 PM. The motion carried unanimously by those members present.

Motion by Member Linquist, second by Member Theisen to approve the vacation of drainage and utility easements as presented. The motion carried unanimously by those members present.

Motion by Member Theisen, second by Member Schulz to approve the preliminary and final plat of Molitor Industrial Park Plat 2 with the following conditions:

1. Property is subject to requirement for payment-in-lieu of parkland dedication in the amount of \$14,710.00. This fee must be paid prior to affixing of City signatures upon the plat.
2. The proposed drainage and utility easement running north/south between Lot 1 and Lots 2 and 3 shall be expanded to 30-foot total width (15 feet either side of property boundary).
3. Rededication of vacated utility easements performed under separate Council action shall be reflected on final plat.

The motion was carried unanimously by those members present.

**6.B. ORDINANCE AMENDMENTS-SECTION 52.11 A-1 AGRICULTURAL/RURAL RESIDENTIAL DISTRICT; CUP AND IUP PERMIT, AND ESTABLISHMENT OF ORDINANCE 52.56 ZONING-SOLAR AND WIND ELECTRIC-GENERATING FACILITIES REGULATION**

Due to numerous requests for large-scale solar generating facilities within the City of Waite Park, a moratorium was established for a period of 12 months in February of 2018, to allow Staff time to review options for additional regulation on such facilities. Staff's opinion is that the existing ordinance does not perform adequately for review/consideration of such facilities as it was created before such facilities were being built and utilized within the region.

In the last several years, the City has had four large-scale solar facilities take shape within City limits, one of which was approved while the land was still governed by St. Joseph Township. There is

**6.B. ORDINANCE AMENDMENTS-SECTION 52.11 A-1 AGRICULTURAL/RURAL RESIDENTIAL DISTRICT; CUP AND IUP PERMIT, AND ESTABLISHMENT OF ORDINANCE 52.56 ZONING-SOLAR AND WIND ELECTRIC-GENERATING FACILITIES REGULATION (Cont'd.)**

significant concern among City Staff and the City Council that the development of these facilities is jeopardizing developable land and may impair the long-term growth opportunities of the City, as well as impacting quality-of-life of residents in the areas adjacent to the facilities.

Recently, Staff has reviewed several options and existing ordinances for elements that could benefit from inclusion in an updated ordinance, including provisions overseeing development of wind-driven facilities which have not seen any interest within the City. The proposal is to incorporate the new ordinance section and reference it with minor updates to the A-1, Agricultural/Rural Residential District standards, which would establish wind facilities as a Conditional Use Permit, and solar facilities as a proper Interim Use Permit.

The proposed ordinance sets a significant distance requirement between facilities, including existing facilities, which will create a limit as to how many facilities can be located throughout the City. Additional requirements guide development of such facilities to lowland/wetland areas that are not prime agricultural or potential development land, as may be allowed per Wetland Conservation Act standards and overseen by Stearns County. Specific regulations regarding decommissioning and a minimum bond or other financial security amount of \$500,000 (and higher and may be deemed appropriate) is set via the proposed ordinance to ensure removal of the project at end of Interim Use Permit or abandonment of the project. Staff is supportive of the proposed ordinance updates and establishment of new solar/wind facility ordinance.

The Planning Commission reviewed and discussed the request at their December 11, 2018 meeting. No public comments were heard at the meeting. The Planning Commission recommended approval of the request, with the notation that the standards may be reviewed at some point in the future.

Member Schulz addressed the two letters received from Novell & US Solar and how they feel they are being restricted and they would not be able to construct a solar facility within the City. Planning and Community Development Director Noerenberg stated that there are four facilities within City limits already and there is a concern of tying up any potential future developments for the next 25 years.

Member Linnquist asked if the financial security amount can be increased from the \$500,000.00. Planning and Community Development Director Noerenberg stated that amount can be increased if the City deems appropriate at that time.

Motion made by Mayor Miller, second by Member Linnquist to approve the ordinance updates as submitted and proposed by staff.

Ayes: Mayor Miller, Members Linnquist

Nays: Member Schulz, Theisen

Abstained: None

The motion failed. General consensus of the Council is to have the ordinance amendments come back for discussion at the January 22, 2019 City Council meeting.

**6.C. COUNCILMEMBER VACANCY, APPOINTMENT PROCESS, AND APPLICATION**

A resolution was presented that declares a vacancy on the City Council. The vacancy is a result of the untimely death of Chuck Schneider. The recommendation is to approve the resolution as presented. Once the resolution is approved, the City Council will have the opportunity to appoint a person to fill the remaining term of Councilmember Schneider that expires December 31, 2020.

A draft councilmember vacancy process and the draft councilmember application that Staff had prepared for the City Council to consider was also presented. It would open the application process up on Tuesday, January 7th, 2019 and would allow the City to accept applications through Friday, January 18th by 3 PM. Applications would then be forwarded on to the City Council to review. The City Council could then discuss applications and the next steps for selection at the Tuesday, January 22nd City Council meeting that will be held at 6:30 PM. The City Council could consider appointing an eligible candidate at the meeting on January 22nd, could take additional time to further review applications, or could also choose to set up interviews and make a selection at a future meeting. Those decisions can be made by the City Council at the January 22, 2019 meeting.

**6.C. COUNCILMEMBER VACANCY, APPOINTMENT PROCESS, AND APPLICATION (Cont'd.)**

Motion by Member Linquist, second by Member Schulz to approve **Resolution No. 010719-01** Declaring the Councilmember Vacancy. The motion was carried unanimously by those members present.

Motion by Member Linquist, second by Member Theisen to approve the Councilmember Vacancy Process and Application with the only change of having the age requirement at 21 rather than 18 as required by law. The motion was carried unanimously by those members present.

**7. COUNCIL/MAYOR**

**7.A. REVIEW AND APPROVE BILLS**

Motion by Member Theisen, second by Member Schulz to approve the 8-1-18, 8-23-18, 9-1-18, 9-15-18, 9-26-18, and 12-1-18 to 12-31-18 bills as presented. The motion carried unanimously by those members present.

**7.B. LEGACY FUNDS**

Member Linquist was advised by several Senators to take advantage of any available Legacy Funds. Planning and Community Development Director Noerenberg stated he is looking into the requirements and what funds are available.

**8. ADMINISTRATOR UPDATE**

No update.

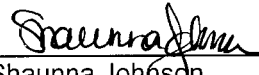
**OTHER BUSINESS:** Engineer Wotzka presented the Council with playing cards in memory of Chuck Schneider with a picture of the water tower that Member Schneider had been an integral part of.

**ADJOURNMENT**

Mayor Miller declared the meeting adjourned at 7:15 p.m.



Richard E. Miller  
Mayor



Shaunna Johnson  
City Administrator