

WAITE PARK CITY COUNCIL MEETING**JULY 17, 2017**

A meeting of the Waite Park City Council was held at Waite Park City Hall on Monday, July 17, 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 Benrud, Public Works Director Schluenz, Planning and Community Development Director Noerenberg, Attorney Hansmeier, SEH Engineer Wotzka

OTHERS PRESENT

Kevin Freihammer, Peg Imholte, Frank Imholte, JW Norrell, Sr., Tim Gunther, Brian Catton, Paula Fitzgerald

OPEN FORUM

Mayor Miller invited anyone wishing to speak during the open forum to step forward, but no one came forth.

COUNCIL AGENDA

Motion by Member Theisen, second by Member Linquist, to approve the 7/17/17 Council Agenda as presented. The motion carried unanimously.

1. CONSENT AGENDA

Motion by Member Schneider, second by Member Schulz, to approve the following 7/17/17 Consent Agenda items:

- 1.A. Approved Council Minutes of June 26, 2017
- 1.B. Approved On Sale Liquor License, Sunday Liquor License and 2 AM License for new owner of Friend's Bar – 236 2nd Avenue South
- 1.C. (Pulled for discussion – regarding Appointment of Utility Operator)

The motion carried unanimously.

1.C. APPOINTMENT OF UTILITY OPERATOR

Motion by Member Schneider, second by Member Schulz, to approve the appointment of Tim Gunther to the Utility Operator position starting at Grade 6, Step 3 with a 6-month probation period. The motion carried unanimously.

2. CONDITIONAL USE PERMIT – NOVEL SOLAR FIVE LLP AND FRANK AND MARGARET IMHOLTE TRUST – 8158 COUNTY ROAD 138

A request has been submitted by Novel Solar Five LLP on behalf and with permission of Frank B. & Margaret Imholte Trust (property owners) to allow for a 1MW standalone solar array in an A-1, Agricultural/Rural Residential District. The proposed use would be located on the northern portion of property owned by the Imholtes and located at 8158 County Road 138, on the northern side of the road and to the north of their home.

Per the A-1, Agricultural/Rural Residential District standards, Staff has made the previous determination that standalone solar arrays are considered a conditional use within the district, under the broader classification of "essential services, governmental and public utility buildings and structures".

The proposed solar array is intended to serve as a "community solar garden" as per an Xcel Energy program approved and supported by the State of Minnesota to provide for renewable energy supplies. The intent of such a community solar garden is to offer subscription-based solar power options to homes and businesses which are unable to install solar facilities upon their own property. This

2. CONDITIONAL USE PERMIT – NOVEL SOLAR FIVE LLP AND FRANK AND MARGARET IMHOLTE TRUST – 8158 COUNTY ROAD 138 (Cont'd.)

proposed site would generate 1MW of power and the land would continue to be owned by the Imholtes, with a lease to Novel Solar Five LLP for the project duration of 25 years. The intent would be to remove the solar components and all associated equipment at the end of the 25-year period.

The total proposed array was outlined on the presented site plan. The array would consist of 4,680 total solar panels, with 9 rows with 30-foot row-to-row spacing. The racking system and panels are of a static (non-moving) design and do not track or follow the sun. They have an average overall height of 9 ½ feet, although some may be up to a maximum of 15 feet in height depending on grade in their location. The proposed layout is subject to engineering and final Xcel program approval and may change slightly prior to construction, but would be subject to review/approval by both City of Waite Park and the Sauk River Watershed due to its proximity to the Sauk River.

The proposed array would be located approximately 450 feet from County Road 138 and approximately 150 feet from the adjacent Donovan property. The adjacent property to the east is farmed land and would be an approximate 325 foot setback. Transformers and related equipment would be placed on a 16' x 23' concrete slab adjacent to the array. The site would have gated access (with provision for emergency response personnel) and a security fence around the perimeter. If approved, construction is proposed for late summer or fall of 2017.

An access road would be constructed to the array, for construction and periodic maintenance use, sharing existing entrance to the Imholte property off of CR 138.

The ground area underneath the array is proposed to have vegetation with low maintenance turf or similar seed mix, with pollinator plantings and/or native grasses per the presented landscaping plan. Periodic site maintenance would be utilized throughout the life of the array to control vegetation growth.

In reviewing the proposal with other City departments during a standard review meeting, it was noted that the City has interest in maintaining an easement for a future bicycle trail connection through the Imholte property, as has been identified as part of the parks and trail planning. At this time it has not been determined whether the trail should or will run either along the Sauk River on the northern side or adjacent to County Road 138 on the southern side of the property. The configuration of the solar array seems to be such that it would not restrict a possible future trail from locating along it should that option be pursued, but it is possible that some of the proposed trees noted as part of the landscape plan could be impacted.

Due to the uncertain timelines associated with trail development, Staff would recommend making it a condition of approval that the property owners be willing participants to future easement, to be determined at a future date as necessary and subject to further discussion and agreements between all parties.

The Planning Commission held a public hearing and reviewed the request at their July 11th meeting and recommended approval of the request. Aside from a brief presentation by the applicants and reading of a written statement submitted by the property owners in favor of the request, no public comments or testimony was received. Staff has not received any questions or comments regarding the proposal from the public as of Thursday, July 13th.

Staff recommends approval of the Conditional Use Permit to allow a 1MW solar array in an A-1, Agricultural/Rural Residential District with the following conditions:

1. The property owners or their heirs/successors shall be willing participants in dedication of a future trail easement upon the property, to be determined at a future date. Trail easement may require removal and/or relocation of landscaping.
2. Landscape plan shall be implemented as submitted and reviewed unless otherwise approved by the City of Waite Park Planning & Community Development Director. Use of pollinator blend for site is encouraged.
3. Site layout shall adhere to proposed configuration submitted unless specific approval is provided by the City of Waite Park. Major modifications may require review by the Planning Commission and City Council.
4. All necessary building, land disturbance, and electrical permits shall be obtained prior to project commencement.
5. Approval of Sauk River Watershed District for finalized project configuration shall be submitted at time of building permit application.

2. CONDITIONAL USE PERMIT – NOVEL SOLAR FIVE LLP AND FRANK AND MARGARET IMHOLTE TRUST – 8158 COUNTY ROAD 138 (Cont'd.)

6. The project shall be decommissioned and the site returned to pre-construction conditions by the end of 2044.

The location of this property and the flood plain were discussed. Attorney Hansmeier stated it should be noted with recommendation #1 that the agreement to give an easement shall be a recordable document, which will need to be recorded before the CUP.

Motion by Member Schulz, second by Member Theisen, to approve the Conditional Use Permit to allow a 1MW solar array in an A-1, Agricultural/Rural Residential District with the following conditions:

1. The property owners or their heirs/successors shall be willing participants in dedication of a future trail easement upon the property, to be determined at a future date. Trail easement may require removal and/or relocation of landscaping. This agreement to give an easement shall be a recordable document, which will be recorded before the CUP.
2. Landscape plan shall be implemented as submitted and reviewed unless otherwise approved by the City of Waite Park Planning & Community Development Director. Use of pollinator blend for site is encouraged.
3. Site layout shall adhere to proposed configuration submitted unless specific approval is provided by the City of Waite Park. Major modifications may require review by the Planning Commission and City Council.
4. All necessary building, land disturbance, and electrical permits shall be obtained prior to project commencement.
5. Approval of Sauk River Watershed District for finalized project configuration shall be submitted at time of building permit application.
6. The project shall be decommissioned and the site returned to pre-construction conditions by the end of 2044.

The motion carried unanimously. Discussion was held on the future description of the easement and extension of the CUP in the future, which would need to be requested and approved by the City Council at a future date.

3. AWARD 2017 WELL #6 IMPROVEMENT PROJECT

This project was bid in two contracts, the Well construction (Contract A), and the piping, site and electrical work (Contract B). The Bid Tabulations and Letters of Recommendation of award were presented to the City Council. Because both contracts were over the engineer's estimate, Staff has incorporated some design changes to reduce project costs. One of the items explained that brought the project costs over the estimate was that a temporary portable treatment unit will need to be brought to the site to clean up the water and then discharge it. This is to develop the well, pump it and test it to make sure it has sufficient capacity. Discussion was held on the proposed changes to the project to save some costs. As such, Staff is concurrently recommending Change Orders to both contracts.

Staff recommends the following approvals:

Approve award of Contract A: Well #6 Improvements to Traut Wells in the amount of \$228,235.00

Approve award of Contract B: Well # 6 Improvements to Magney Construction in the amount of \$379,069.00

Approve Change Order # 1 to Contract A: Well #6 Improvements for a total price reduction of \$9430.00.

Approve Change Order # 1 to Contract B: Well # 6 Improvements for a total price reduction of \$90,205.00.

Motion by Member Schulz, second by Member Theisen, to award and approve the following:

Award of Contract A: Well #6 Improvements to Traut Wells in the amount of \$228,235.00

Award of Contract B: Well # 6 Improvements to Magney Construction in the amount of \$379,069.00

Approve Change Order # 1 to Contract A: Well #6 Improvements for a total price reduction of \$9430.00.

Approve Change Order # 1 to Contract B: Well # 6 Improvements for a total price reduction of \$90,205.00.

3. AWARD 2017 WELL #6 IMPROVEMENT PROJECT (Cont'd.)

Member Theisen was concerned about where the extra money will come from, especially being the cost is coming from an enterprise fund.

Ayes: Mayor Miller, Members Linquist, Schneider, Schulz

Nays: Member Theisen

Abstained: None

The motion carried.

4. AWARD 2017 CLOUD PARK AND 6TH AVENUE IMPROVEMENT PROJECT

Presented were a Bid Tabulation and Letter of Award Recommendation regarding the 2017 Cloud Park and 6th Avenue Improvement Project. There were two Alternates that were bid as part of this project. Alternate 1 was to edge mill and pave the block of 6th Avenue from Division Street to First Street South (adjacent to the new hotels), Alternate 2 was to reclaim (grind up) the pavement on Old TH 23, which is by the Anderson property, east of Bel Clair Drive. After discussion with Public Works staff, Staff's recommendation is to accept Alternate 2, and not Alternate 1. In addition, Public Works is recommending that a bituminous surface be added to the Old TH 23 segment of the project. Depending on the thickness, this would add between \$66,000 and \$88,000 to the project cost. Either alternate still keeps the City within the budgeted CIP improvements. A Change Order for this work will be presented at a future meeting.

City Staff feels that Graniteview Road from 2nd Avenue South to the roundabouts is another road that needs improvements. Based on this, they would also like to bring Graniteview Road improvements into discussion for approval. The Graniteview Road improvements right now are estimated to cost between \$120,000 to \$130,000. This exceeds 25% of the base bid, so therefore cannot be approved as a change order. It would have to be bid separately.

Discussion was held on the alternatives. It was determined that 6th Avenue from Division Street to First Street South has been improved somewhat with patching and paving with the hotel project and is not one of the major improvements that need to be made at this time. Staff has discussed Old TH 23 with representatives from the Anderson property who would sooner have it stay the same condition versus reclaiming it. They are willing to wait on improvements on this road until the City is ready to pave it. Discussion was also held on approving plans and specs for Graniteview Road and going out for bids and seeing where it comes in at.

Motion by Member Schneider, second by Member Theisen, to award the 2017 Cloud Park and 6th Avenue Improvement project, Base Bid to Hardrives, Inc. The motion carried unanimously.

Motion by Mayor Miller, second by Member Theisen, to approve going out for bids on Graniteview Road from 2nd Avenue South to the new roundabouts. The motion carried unanimously.

5. IMPLEMENTATION OF BODY WORN CAMERA SYSTEM

The City of Waite Park has been considering the body worn camera system for the Police Department. The City has held the necessary public input sessions required prior to implementation, as well as for policy considerations. Staff has received and presented information from Axon Enterprise that details the cost of implementation including the annual cost for the next 5 years. The cost to implement cameras this year will be \$18,711.00.

Also presented was the draft Portable Recording Systems Policy. The City Council is not required to approve this policy at this Council meeting. Staff provided it to be able to show how the implementation of body worn cameras is proposed to be handled per policy. If the Council chooses to move forward with implementation, Staff will order the cameras and will work with Axon on how the cameras will work. They will then make any modifications to the policy that may be needed once they get a better understanding of the operation of the camera system. The plan would then be to finalize the policy after the City gets the cameras but before cameras are implemented to department personnel.

All necessary statutory requirements have been met for the City to consider the implementation of body worn cameras.

Motion by Member Linquist, second by Member Schulz, to approve the implementation of the body worn camera system as presented. The motion carried unanimously.

6. COUNCIL/MAYOR

6.A. REVIEW AND APPROVE BILLS

Motion by Member Theisen, second by Member Schulz, to authorize payment of the accounts payable list (0617D2, 0717D1). The motion carried unanimously.

7. ADMINISTRATOR

7.A. UPDATE

City Administrator Johnson reviewed the following:

- The Coalition of MN Cities Conference is being held in August and Member Schulz will be attending.
- Kwik Trip on 10th Avenue North will have their Grand Opening on August 2, 2017 at 2 p.m.
- Member Linqvist brought up an issue with parking at Quarry Park. Staff is addressing this issue.

ADJOURNMENT

Mayor Miller declared the meeting adjourned at 7:25 p.m.



Richard E. Miller
Mayor



Shaunna Johnson
City Administrator